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PASCO COUNTY, FLORIDA

Office Of The County Attorney

J. Ben Harrill, Esq.
County Attorney

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Roy K. Payne, Esq.

March 26, 1990

Suzanne Cooper
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, FL 33702

Dear Suzanne:

Please find attached a copy of Resolution No. 90-87 by the Pasco County Board of County Commissioners rendering the OMC Development of Regional Impact Development Order null and void. This Resolution was signed by the Chairman upon receipt of FLAWAC's Final Order dated March 16, 1990.

If you have any further questions regarding this matter, please feel free to call me.

Sincerely yours,

Karla A. Stetter
Chief Assistant County Attorney

KAS/jm

Attachment

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA, ACKNOWLEDGING AND APPROVING THE REQUEST FOR ABANDONMENT OF RESOLUTION NO. 89-161 RENDERING A DEVELOPMENT ORDER FOR OMC MARINA AT GULF LANDINGS DEVELOPMENT OF REGIONAL IMPACT.

WHEREAS, Outboard Marine Corporation previously filed with the Pasco County Planning and Zoning staff an application for Development Approval and associated Responses to Request for Additional Information; and

WHEREAS, the Application was received and reviewed in accordance with Section 380.06, Florida Statutes, as amended; and

WHEREAS, upon the culmination of that review, the Pasco County Board of County Commissioners adopted Resolution No. 89-161 approving, with conditions, the OMC Marina at Gulf Landings Development of Regional Impact; and

WHEREAS, the Applicant, Outboard Marine Corporation, now desires to withdraw its Application for Development Approval, abandon its plans for development of the project, and rescind Resolution No. 89-161 rendering a Development Order for OMC Marina at Gulf Landings Development of Regional Impact; and

WHEREAS, since Resolution No. 89-161 was adopted, no construction has occurred and there exist no impacts from the proposed DRI to mitigate; and

WHEREAS, on December 28, 1989, the Division of Administrative Hearings filed a Recommended Order of Dismissal in the appeal of the Development Order by the Developer, Outboard Marine Corporation; and

WHEREAS, on December 29, 1989, the Tampa Bay Regional Planning Council filed a Motion to Dismiss their pending appeal of the same matter.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pasco County, Florida, in regular session duly assembled, that Resolution No. 89-161 adopting a Development Order approving, with conditions, the OMC Marina at Gulf Landings Development of Regional Impact, is hereby rescinded and void.

DONE AND RESOLVED this 13th day of February, 1990.

BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA

(SEAL)

ATTEST:

By Jed Pittman
Jed Pittman, Clerk

By Curtis L. Law
Curtis L. Law, Chairman

By Donalee Schmidt /dc

APPROVED AS TO LEGAL FORM AND CONTENT
Office of the County Attorney

By [Signature]
Attorney

STATE OF FLORIDA
COUNTY OF PASCO
I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL RECORD AS FILED IN MY OFFICE ON 13th day of February, 1990.
JED PITTMAN, CLERK TO THE BOARD
By Donalee Schmidt D.C.



PASCO COUNTY, FLORIDA

DADE CITY (904) 521-4274
NEW PORT RICHEY (813) 847-8132

PLANNING AND ZONING DEPT.
PASCO COUNTY GOVT. COMPLEX
7432 LITTLE ROAD
NEW PORT RICHEY, FL 34654

May 1, 1989

Ms. Suzanne Cooper, DRI Coordinator
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, FL 33702

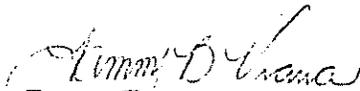
RE: Notification of Board of County Commissioners Approval with Conditions of the
OMC Marina of Gulf Landings Development of Regional Impact Development Order

Dear Ms. Cooper:

The purpose of this letter is to inform you that on April 25, 1989, the Board of County Commissioners approved a Development Order for the OMC Marina at Gulf Landings Development of Regional Impact Development Order. The Development Order and accompanying Notice of Adoption are attached.

Thank you for your cooperation. Please do not hesitate to call if there are further questions.

Sincerely,


Tammy B. Vrana
Planner II

EAE/v042808:wp

Attachment

cc: William G. Munz, Acting Assistant County Administrator (Development Services)
Bipin Parikh, P.E., Code Enforcement Director
Cynthia M. Jolly, P.E., Acting Development Review Manager
Frederick J. Lowndes, Assistant Planning and Zoning Director

BY COMMISSIONER _____

RESOLUTION NO. 89-161

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA, ADOPTING A DEVELOPMENT ORDER DENYING THE PROJECT AS PROPOSED AND APPROVING AN ALTERNATIVE ORDER APPROVING, WITH CONDITIONS, THE OMC MARINA AT GULF LANDINGS DEVELOPMENT OF REGIONAL IMPACT.

WHEREAS, Outboard Marine Corporation has filed with the Pasco County Planning and Zoning staff an Application for Development Approval and associated Responses to Request for Additional Information, the sum total of which shall be referred to as the "Application"; and,

WHEREAS, the Application has been received in accordance with Section 380.06, Florida Statutes, as amended; and,

WHEREAS, the culmination of that review requires the approval, denial, or approval with conditions, of the above-referenced Application; and

WHEREAS, on March 28, 1989 the Board denied the previous Application as proposed.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pasco County, Florida, in regular session, duly assembled, this 25th day of April, 1989, that the previous Application as proposed is denied and an alternate Development Order is conditionally approved for Phase I as described herein. The conditional approval of Phase I is contingent upon satisfaction of Development Order conditions cited herein. It is further ordered that Phase II is hereby denied until such time as all Development Order conditions contained here are satisfied.

DEVELOPMENT ORDER

A. Findings of Fact

The Pasco County Board of County Commissioners makes the following general Findings of Fact:

1. Outboard Marine Corporation, hereinafter referred to as the "Developer", has filed in accordance with Section 380.06, Florida Statutes, as amended, an Application for Development Approval of the OMC Marina at Gulf Landings Development of Regional Impact.

2. The Pasco County Board of County Commissioners is the governing body having jurisdiction over the review and approval of said Development of Regional Impact in accordance with Section 380.06, Florida Statutes, as amended.
3. Both the Pasco County Planning Commission and the Board of County Commissioners have scheduled and held public hearings on the above-referenced Application on March 15, 1989, and March 28, 1989, respectively.
4. Notice of these hearings has been published in a newspaper of general circulation at least sixty (60) days prior to the date set for the Board of County Commissioners' hearing.
5. At said public hearings, all parties were afforded the opportunity to present evidence and argument on all issues and submit rebuttal evidence.
6. Additionally, at said public hearings, any member of the general public requesting to do so was given the opportunity to present written or oral communications.
7. The Board of County Commissioners has received and considered the Tampa Bay Regional Planning Council's Final DRI Report on the above-referenced Application.
8. The Board of County Commissioners has received and considered the recommendation of the Pasco County Planning Commission and various other reports and information including, but not limited to, the recommendation of the Pasco County Planning and Zoning staff and the Development Review Committee.
9. The real property encompassed by this proposed Development of Regional Impact is owned by Outboard Marine Corporation, and a description of said real property is attached hereto as Exhibit "A" and made a part hereof by reference.
10. The nature, type, scope, intensity, density, costs, and general impact of the proposed Development of Regional Impact is that which is summarized in Composite Exhibit "B", the Application for Development Approval, Responses to Request for Additional Information, and associated correspondence; and in attached Exhibit "C", the Specific Findings of Fact contained in Pages 2-10 of the Tampa Bay Regional Planning Council Final DRI Report, the letter from the Florida Game and Fresh Water Fish Commission found on Pages II-2 and II-3 of the Responses to Request for Additional

Information, and in other correspondence from the Florida Department of Environmental Regulation, the Florida Department of Community Affairs, the Florida Department of Natural Resources, the Florida Marine Patrol, the U.S. Coast Guard, the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, and additional correspondence which may be received prior to final adoption of this Development Order. Both Exhibits are incorporated into this Development Order by reference.

11. The proposed Pasco County Future Land Use Map designation for the proposed site subject to the Application is Residential/Office/Retail (ROR) and the site is located immediately adjacent to the Crown Canal and the Robert Crown Wilderness Area, which is an environmentally sensitive estuarine system and wildlife habitat consisting of approximately three hundred forty seven (347) acres which have been donated to the public, and the site is also adjacent to residential areas developed along the Crown Canal and proposed marine basin.

12. Zoning on the property which is subject to the Application is C-2 (General Commercial) as approved in 1986 by the Pasco County Board of County Commissioners.

13. A special exception, required for marina use, was also approved in 1986 by the Pasco County Board of Zoning Adjustment. Said special exception also carries with it a condition of approval that the marina not exceed four hundred (400) boat slips.

14. The proposed marina's access to open navigable Gulf water is a distance of approximately four (4) miles through the Crown Canal and the Flor-A-Mar Canal. These canals are also designated conservation areas, providing buffer zones to the Robert Crown Wilderness Area and water access to the Gulf Harbor and Sea Forest Subdivisions.

15. The Crown Canal is a channel with a depth ranging from -5.0 feet MLW to less than -2.0 feet MLW and runs in a north-south direction from the proposed marina site in a serpentine route of approximately 1.74 miles to its connection with the Flor-A-Mar Canal.

16. The Crown Canal ranges in width from approximately fifty (50) feet at its narrowest point up to approximately one hundred fifty (150) feet or less at its widest point.

17. The Crown Canal is bordered on the west by the unbulkheaded shore of the Robert Crown Wilderness Area and on the east by residential

development consisting primarily of single-family homes, retaining walls and boat docks.

18. The bottom of the Crown Canal is characterized by sandy soils and outcroppings of limestone formations which limit, to a certain extent, navigational capabilities of the canal.

19. Based upon the Applicant's assumption there are approximately two hundred thirty eight (238) existing vessels owned by residents in the Gulf Harbors and Sea Forest Subdivisions utilizing the Crown Canal for access to the open Gulf waters.

20. The residents count approximately one hundred twenty six (126) boats located in the residential area serviced by the Crown Canal.

21. There are at least three (3) curves located through the length of the Crown Canal of such sharpness as to affect adequate views of oncoming boat traffic from either direction.

22. The developer proposes the construction of a marina consisting of up to four hundred (400) boat slips for dry storage and up to fifty (50) day-use wet slips not to exceed a total combination of four hundred (400) boat storage slips, and an additional 20,000 square feet of commercial space for sale of marine-related items and other commercial uses which are similar or compatible to the permitted use.

23. The Developer assumes that one hundred nineteen (119) existing boats, which is fifty percent (50%) of the two hundred thirty eight (238) boats estimated by Developer, currently utilize the Crown Canal on a daily basis, however, based upon the approximate count by residents, the daily usage of the canal would appear to be significantly lower.

24. Verifications of boat launchings with marinas other than those identified in the Application which are in closer proximity to the proposed site indicate that the OMC Marina would generate approximately one hundred twelve (112) launchings on a peak season weekend or holiday, ninety-four (94) launchings on other weekends, and thirty seven (37) to fifty six (56) launchings on a weekday.

25. Due to the presence of wetland habitat provided in the adjacent estuarine systems including the Robert Crown Wilderness Area, a number of avian species feed and reside in the area and potentially migrate to and from the proposed OMC Marina site. Species listed as rare, threatened or endangered which were observed near the site were the Great White Heron,

Reddish Egret, Woodstork, Brown Pelican, Little Blue Heron, Great Egret, Black-Crowned Night Heron, and White Ibis.

26. Additional listed species with potential to occur near the proposed site are Scott's Seaside Sparrow, Roseate Spoonbill, Peregrine Falcon, Southern Bald Eagle, Osprey, Southeastern American Kestrel, Mangrove Cuckoo, Snowy Egret, Tricolored Heron, Yellow-Crowned Night Heron, and the Glossy Ibis.

27. Such avian species may be periodically displaced and their habitat subject to extensive and repeated disruption from activities on the project site and increased boat traffic along the canal system adjacent to the estuaries, including the Robert Crown Wilderness Area.

28. Endangered marine species which occasionally occur in the Crown Canal are the West Indian Manatee and Kemp's Ridley Sea Turtle.

29. The development is proposed to be located upon a site which has been previously legally disturbed as opposed to an initial intrusion into a sensitive natural area, and there are sufficient uplands to accommodate support facilities.

30. Area roadways have the capacity to accommodate traffic generated by the development, but certain improvements will be required to the surface of the adjacent road.

31. The Developer has documented the existence of adequate water and sewage treatment capacity for the marina.

32. Permits for the proposed development have been issued by the Florida Department of Environmental Regulation (permit to construct marina with piers for fifty (50) boat slips), Southwest Florida Water Management District (surface water management permit) and U.S. Army Corp of Engineers (permit to repair eroded shorelines and install channel markers), which include a water quality impact review period.

33. Tidal flushing is expected to improve from once every twenty-four (24) hours to once every twelve and one-half (12.5) hours as a result of the installation of certain additional culverts.

34. Water quality in the marina basin currently does not meet all state standards for Class III waters.

35. The proposed OMC Marina is consistent with the following provisions of the Tampa Bay Regional Planning Council's marina siting study elements in the Future of Tampa Bay: 1A.1, 1.A.2, 1.A.3, 1.A.5, 1.B.1, 1.B.2,

1.B.3, 1.B.4, 1.C.2, 1.C.4, 1.C.5, 1.C.6, 1.C.7, 1.C.8, 1.C.9, 1.D.1, 1.D.3 and 1.D.2 attached hereto as Exhibit "C-1".

36. The development will have the following unfavorable impacts:

a. The potential exists to create an adverse impact on the above-mentioned preservation/conservation areas as a result of:

(1) Water quality degradation from fuel and sewage pump-out spillage.

(2) Oil leakage.

(3) Stormwater runoff; however, with the proposed improvements required, applicable stormwater treatment capacity requirements will be exceeded by one hundred (100%) percent.

(4) Boat rinsing/cleaning; however, this should be alleviated as no detergents will be used to clean boats on site.

b. This area is currently characterized by limited tidal flushing; however, with the proposed culvert additions, the flushing of the marina basin will be improved.

c. The length of the channel to open water poses several concerns:

(1) Repeated habitat disruption for wading birds.

(2) The potential for difficulty in enforcing "idle speed" over such a long distance raises safety concerns.

(3) The potential for increased erosion as a result of the wake created by additional boat traffic at idle speed.

d. While there will be no new dredging of the canal system, there will be a need for maintenance dredging. It is unclear how extensive this maintenance dredging will be, since the Crown Canal is known to contain limestone outcroppings.

e. There is noise associated with a dry storage marina operation.

f. The marina proposal is inconsistent with Policies A.4 and C.1 of the 1984 Tampa Bay Regional Planning Council's Marina Siting Policy from the Future of Tampa Bay, attached as Exhibit "D".

g. The U.S. Environmental Protection Agency's Coastal Marina Assessment Handbook, published in 1985 and attached as Exhibit "E", cites desirable and undesirable site characteristics applicable to this type of project. The project is inconsistent with the following characteristics:

(1) Low tidal range or flow and low flushing rates, such as dead-end channels or canals or the upper reaches of tidal creeks.

(2) In a location with poor water quality, marginally meeting state water quality standards.

(3) Near specially designated fish or wildlife protection areas or near shellfish beds or grassbeds.

(4) The presence of rare, threatened, endangered or otherwise designated unique or outstanding aquatic or terrestrial species or habitats...

37. The Department of Natural Resources, in correspondence dated February 27, 1989, has indicated that its accident and arrest statistics do not indicate that the Canal system is presently unsafe, but further provide as follows:

"This should not, however, be taken to mean that these canals will always be safe, if conditions change. It is entirely possible that the establishment of a major marina development may increase vessel traffic congestion to unsafe levels. Such a development may as easily have no discernible instrumental effect on navigational safety. It is simply not possible to project from the current absence of reported vessel accidents.

38. A similar potential problem was noted by the U.S Coast Guard in its correspondence dated March 3, 1989, wherein the following statements were made:

It is the general observation of personnel on our staff that access to marinas of any significant size, which this appears to be, is usually accomplished through a significantly wider canal than that mentioned in your letter, and thereby creates minimal impact on residential boat docks in local canal systems.

I would suggest that those claiming the increased traffic will not adversely impact close residential boat docks show similar examples of this design scheme working successfully somewhere in the thousands of miles of residential canals in Florida. We have no particular data regarding the frequency of such designs.

It is to be noted that even at no-wake speeds, passing vessels in a narrow canal will move adjoining vessels tied up nearby. Whether this is adverse is not for the Coast Guard to determine.

39. The limited width, depth and maneuverability of the Crown Canal as a result of natural physical features, coupled with the present

utilization of the canal by adjoining residential areas, strongly indicates that the additional boat traffic generated by a 400 slip marina as proposed by the Developer to utilize the Crown Canal system may pose a threat to the safety of the public in this area.

40. There exists a potential for the creation of an adverse impact on the preservation/conservation areas and wildlife habitat areas as a result of water quality degradation from fuel spillage or oil leakage, motor exhaust byproducts, basin and canal bank erosion, stormwater runoff, bilge discharges and boat rinsing and cleaning, bottom paint, dock construction for wet slips and pressure treated wood used for wet slips.

B. Conclusions of Law

Based upon the above Findings of Fact, the Board of County Commissioners hereby makes the following Conclusions of Law:

1. This Development of Regional Impact will not unreasonably interfere with the achievement of the objectives of the State Land Development Plan applicable to the area encompassed by the Application.

2. The development may potentially have unfavorable impacts on the environment, and upon the natural resources of the region; historical resources are not impacted.

3. The development will have a favorable impact on the economy of the region.

4. The development will not unduly burden water, sewer, solid waste disposal, or other necessary public facilities.

5. The development will not affect the ability of people to find adequate housing reasonably accessible to their places of employment.

6. The development will not create substantial additional demand for or increased use of energy.

7. The development is not in an Area of Critical State Concern.

8. The proposed OMC Marina basin, the Crown Canal, and the Flor-A-Mar Canal are conservation areas, as defined by Tampa Bay Regional Planning Council Policy 10.1.2., Future of the Region. Conservation areas are defined in the Future of the Region Plan as:

"Lands and waters within the coastal zone that provide buffer zones for preservation areas, but are not absolutely critical to the regional ecological integrity (except in the wildlife refuges). However,

because of their physical character or present use, these areas require special precautions while being converted to development in order to avoid direct or indirect consequences harmful to the public health, safety and welfare. These areas include . . . Class III waters . . ."

9. The waters within the OMC Marina basin, the Crown Canal, the Flor-A-Mar Canal, and adjacent to the Robert Crown Wilderness Area are classified as Class III waters by the Florida Department of Environmental Regulation.

10. The proposed development is consistent with the special exception granted by the Pasco County Board of Zoning Adjustment in that the number of total boat slips proposed by the Developer does not exceed the maximum four hundred (400) total slip limitation established as a condition of said special exception.

11. The proposed development is consistent with the Final Report of the Tampa Bay Regional Planning Council in that phasing of the project is set forth and sufficient time periods have been established for monitoring environmental impacts.

C. General Development Conditions

1. Phase I of the project is conditionally approved contingent upon satisfaction of Development Order conditions cited herein. Provided, however, that prior to any development under Phase I, the Developer shall submit an environmental study evidencing the lack of adverse environmental impact as a result of Phase I activities and a boating management study indicating that there is no significant threat to the public safety on the Crown and Flor-A-Mar Canal system. Such studies shall be submitted to the Planning Director who shall provide a written report and studies to the Board for approval. The Board hereby reserves the right to retain independent experts to review the data and studies required pursuant to this Development Order. In the event the studies submitted indicate potential adverse impacts as a reasonably attributable result of proposed project development or operational activities, the Board may take any reasonable action it deems necessary to insure compliance with this Development Order.

2. Phase II of the development as proposed is denied. Provided, however, the Developer may proceed with Phase II when the Developer has demonstrated satisfactory compliance with conditions F(1), F(7), F(8), F(9),

F(10), G(3), G(5), H(3), J(1), J(2), O(1), (2), and O(5), not earlier than two (2) years after eighty (80) percent occupancy and operation of Phase I. Satisfactory compliance shall be defined as consistency with applicable State standards and permit conditions, and the conditions of this Development Order based on eight (8) quarterly monitoring reports (2 years) completed after eighty (80) percent occupancy of Phase I of the marina. The Planning Director or his designee shall be responsible for monitoring the terms and conditions of this Development Order and also shall be responsible for determining that the Developer is in satisfactory compliance with the conditions set out above. Prior to the authorization to commence development of Phase II and upon receipt of comments from the agencies (Southwest Florida Water Management District, Department of Environmental Regulation, Department of Natural Resources, Florida Game and Fresh Water Fish Commission, Army Corps of Engineers and Tampa Bay Regional Planning Council) concerning the results of the quarterly monitoring reports, the Planning Director shall provide a written report to the Board for its approval, advising them that the Developer is or is not in satisfactory compliance with the conditions of this Development Order. In the event the Developer is not in satisfactory compliance, the Board may take any action it deems necessary to insure compliance with this Development Order, including termination of any further development.

3. All development and operations on the project subject to this Development Order shall substantially conform to the representations set forth in the Application for Development Approval, unless modified by the provisions of this Development Order. All studies and analyses required by this Development Order must demonstrate that adverse impacts reasonably attributable to the project beyond those projected in the Application will not ensue.

4. The Planning Director or his designee shall be responsible for monitoring the terms and conditions of this Development Order. For purposes of this condition, the Planning Director shall rely upon or utilize information and review comments supplied by the Tampa Bay Regional Planning Council and any local, regional or state department or agency having particular responsibility over the area or subject involved which comments shall be supplied within thirty (30) days of receipt of a complete monitoring report. Within thirty (30) days of receipt of any monitoring report, the Planning

Director shall report to the Board of County Commissioners any findings of alleged deviation from the terms and conditions of this Development Order. The Planning Director shall issue a notice of such alleged non-compliance to the Developer stating therein that the alleged deviation must be corrected within fourteen (14) days from the receipt of notice, or such longer time period deemed appropriate by the Planning Director. If the alleged non-compliance is not so corrected, the Planning Director shall request that the Board of County Commissioners consider the matter at a public meeting to be held within fifteen (15) days after the Planning Director's request pursuant to Section 380.06, Florida Statutes. The Board may take any action it deems necessary to ensure compliance with this Development Order, including termination of any further development, as allowed by Florida law.

5. Excess infrastructure capacity, if constructed to potentially serve expansion of the development, shall be at the Developer's risk and shall not vest subsequent expansion approvals.

6. Development of the area encompassed by the Application shall be governed by the standards and procedural provisions of the adopted Pasco County Comprehensive Plan and the land development regulations of Pasco County in effect at the time of approval of this Development Order and by other current applicable rules and regulations.

a. All conditions of the C-2 (General Commercial) zoning with a special exception for a marina (Pasco County Petition Nos. 3480 and 3481, approved November 25, 1986, and November 26, 1986, respectively), shall remain in effect and are appended as Composite Exhibit "F". If there is a conflict with provision(s) of this Development Order (or other parts thereto incorporated by reference), then the more stringent provision(s) shall prevail unless specifically waived by the Pasco County Board of County Commissioners.

b. All findings of fact and approval conditions of U.S. Army Corps of Engineers Permit 86IPE-20002 dated September 18, 1985, and Permit 86IPE-20105 dated October 6, 1985, the Florida Department of Environmental Regulation Permit No. 511047113, and the Southwest Florida Water Management District Permit No. 401793, including any necessary modifications thereof required by this Development Order shall remain in effect and are attached as Composite Exhibit "G".

c. The requirements and conditions imposed by this Development Order shall further regulate the development of the property described in Exhibit "A" attached hereto. Following the adoption of this Development Order, all plans for development on the referenced property shall be consistent with the conditions and restrictions recited therein. Such regulations and restrictions shall be binding upon all successors in interest to any of the parties hereto.

7. All of the Developer's commitments set forth on Pages 1-3 to 1-8 of the Responses to Request for Additional Information and Pages 26-37 of the Tampa Bay Regional Planning Council Final DRI Report (Exhibit "H") shall be incorporated into this Development Order and shall be honored by the Developer, including specifically the limitation in the hours of operation for the marina. Those commitments which have been superseded by specific terms of this Development Order shall not be subject to this provision.

8. If a revised Master Development Plan is required in order to incorporate revisions mandated by the Board of County Commissioners at its hearing, such a revised plan shall be submitted, within forty-five (45) days of final approval of this Development Order and prior to the first preliminary/site plan submittal, to the Planning and Zoning Department for review and to the Development Review Committee for a determination of compliance with this Development Order.

9. Prior to approval of the preliminary site plan, the Developer shall submit a recent boundary survey of the project to the Pasco County Surveyor which has been certified by a Florida Registered Land Surveyor, is referenced to a minimum of three (3) monuments tied to State plane coordinates by G.P.S. methods, and is approved by the Pasco County Surveyor. Coordinates of the monuments shall be shown on the survey. Moreover, the monuments shall:

a. Comply with the National Geologic Survey Data Base Standards, Chapter 21 HH-6 of the Florida Administrative Code and approved by the Pasco County Surveyor;

b. Be unobstructed and accessible on a twenty-four (24) hour basis, located on public property unless otherwise approved by the County Surveyor; and

c. Be conveyed by the Developer to Pasco County at the time of final plan approvals, or where no plat is required, prior to approval of the final electrical inspection for Phase I of the development.

D. Land Use Conditions

1. Development of the OMC Marina at Gulf Landings shall be limited to dry storage for up to four hundred (400) power boats; twenty thousand (20,000) square feet of commercial space for sale of marine-related items and other uses of the commercial space which are similar or compatible to the permitted use; and up to fifty (50) day use slips. Provided, however, in no event shall the total number of slips, wet and dry storage combined, exceed four hundred (400). The marina shall be constructed in two (2) phases as shown in Table 1. All construction on the marina shall be completed no later than April 1992. The Developer may construct the foundations and floors for the Phase II storage buildings as part of Phase I. However, such construction shall be at the Developer's risk and shall not vest or create any rights relative to the development of Phase II.

TABLE 1

Phasing Schedule

	<u>Phase I</u>	<u>Phase II</u>	<u>Total</u>
Dry Storage	up to 159 boats (2 storage buildings)	up to 193 boats (2 storage buildings)	*400
Wet Slips	up to *48	*0	
Commercial space (square feet)	20,000	0	20,000

* At no time shall there be more than fifty (50) wet slips.

2. The Master Development Plan shall be revised so that the boat storage handling and launching areas, fuel storage and dispensing areas, and sewage pump-out facilities occupy the western one-half of the site. The retail/commercial building(s), and parking areas shall be located toward the eastern end.

3. An earthen berm or masonry wall at least six (6) feet high which may be built in conjunction with the boat storage buildings, shall be constructed across the site to separate the boat storage and handling area from the remainder of the site.

4. Dry storage on-site shall be limited to boats of thirty (30) feet or less in length. Additionally, there shall be no in-water overnight moorage of boats, or any live-aboard mooring.

5. Off-street parking shall be provided in accordance with Section 22.2.B of the Pasco County Zoning Ordinance or in the following ratios, whichever is more restrictive:

Dry storage buildings - 1 space/400 square feet, and;

Retail commercial uses - 1 space/200 square feet, and;

Restaurants - 1 space/50 square feet of public use space, and;

Employee parking - 1 space/employee.

A minimum of ten (10) oversized parking spaces shall be provided to accommodate vehicles pulling boat trailers.

6. The dry storage buildings shall be oriented away from the abutting residential areas and toward a central boat handling area.

7. All flushing of saltwater from boat engine cooling systems shall be performed only by marine personnel and in such a manner as to minimize associated noise.

8. The Developer has agreed that a provision shall be included in each lease that boats stored at the marina shall not be released to persons younger than 18 years old unless accompanied by a boat operator over 18 years old who shall operate the boat within the marina basin and the Crown Canal. Two (2) violations of this provision shall result in termination of the lease for the boat owner.

9. The specific locations of the fuel storage tanks (to be above-ground only) shall be as designated upon the Master Development Plan of the OMC Marina at Gulf Landings. The final design schematic diagrams shall be provided to the Tampa Bay Regional Planning Council, the U.S. Coast Guard, the Southwest Florida Water Management District, the Florida Department of Natural Resources, and the Florida Department of Environmental Regulation for review, and to the Pasco County Fire Marshall for review and approval prior to final site plan approval.

E. Air Quality Conditions

1. The Developer shall implement the measures to reduce erosion, fugitive dust and air emissions referenced on Page 13-2 to the Application, at minimum.

2. Pasco County shall reserve the right to require mitigative measures to alleviate any adverse impacts from the project on ambient air quality.

Adverse impacts shall be defined as a documented violation of State Ambient Air Quality Standards.

F. Water Quality and Drainage Conditions

1. Construction of all culverts and weir improvements shall be commenced prior to construction of any boardwalks and docks, and shall be completed prior to any upland vertical construction of Phase I of the development.

2. All drainage system components shall be constructed in accordance with Southwest Florida Water Management District Surface Water Management District Permit No. 401793 (attached as Composite Exhibit "E"), or any necessary modifications thereof as well as with Chapter 17-25, 40D-4 and 40D-40, Florida Administrative Code, and any other applicable local, state, and federal rules and regulations. The maintenance recommendations for the stormwater system listed in the December 8, 1986, letter from Moffat & Nichol, Engineers, Exhibit 6 of the Responses to Request for Additional Information, shall be utilized by OMC Marina at Gulf Landings, unless superseded by requirements of the appropriate permitting authorities.

3. Design details of containment devices for the above-ground storage tanks and fuel pumps, as well as the U.S. Coast Guard Spill Prevention and Countermeasure Control Plan shall be provided to the Florida Department of Natural Resources, the Florida Department of Environmental Regulation, and the Tampa Bay Regional Planning Council for review, and Pasco County for approval within sixty (60) days of approval of this Development Order. Said plan shall include demonstration of the ability of equipment and qualified personnel necessary to react in the event of accidental spills of contaminants in the surface waters surrounding the proposed marina site of the Robert Crown Wilderness Area.

4. There shall be no major boat or motor repairs (e.g. engine rebuilding, lower unit repair) conducted on-site. Boats requiring major repairs will be transported to other off-site facilities for service. There shall be no boat construction or refinishing (such as hull painting, water-proofing), or preparation for refinishing conducted on-site. No activities requiring the use of toxic chemicals shall be conducted on-site, except for boat engine fueling and lubrication. All boat maintenance and cleaning, as allowed,

shall be accomplished on upland areas. Sewage pump-out and fueling activities shall be conducted only by trained marina personnel.

5. No boat cleaning materials containing phosphates shall be utilized on-site. Rinse water from boat cleaning shall be discharged only into the sanitary sewer system. Construction and operation of this development shall not cause water quality within the OMC Marina basin, and the Crown Canal to fall below State water quality standards for Class III waters as set forth in Rule 17-3.121, Florida Administrative Code. Should water quality fall below State standards as a reasonably attributable result of marina operations, Pasco County shall require restorative/mitigative measures at the marina site acceptable to the Tampa Bay Regional Planning Council and the Florida Department of Environmental Regulation necessary to achieve satisfactory compliance with State water quality standards, which measures shall be immediately conducted by the Developer until such time as the violation ceases.

6. The Developer shall institute and implement a water and sediment quality monitoring program to ensure that there is no degradation of water and sediment quality resulting from the development and operation of the project. The program shall include sediment and turbidity analyses and shall remain in effect during construction of and for three (3) years after eighty (80) percent occupancy of the marina or the duration of this Development Order, whichever is longer. All analytical methods and procedures used shall comply with the United States Environmental Protection Agency/Florida Department of Environmental Regulation Quality Control Standards and Requirements.

a. The water quality monitoring program shall include the following elements.

(1) Water samples will be obtained from six (6) stations, the locations of which are shown on a map attached to this Developer Order as Exhibit "I".

(2) All water samples will be obtained from water column composites taken from the surface, mid-depth, and one (1) foot off the bottom.

(3) All water samples will be analyzed in the laboratory for the following parameters:

- (i) Aluminum.
- (ii) Copper.
- (iii) Lead.

- (iv) Zinc.
- (v) Tin.
- (vi) Oils and greases.
- (vii) Total suspended solids.
- (viii) Chlorophyll - a.
- (ix) Turbidity.

(4) At each station during sample collection, in-situ measurements of dissolved oxygen, salinity, and temperature will be taken at the surface, mid-depth and bottom.

(5) Water samples will be obtained quarterly at each station during slack high and slack low tides. Sampling will be coordinated so that the collection periods coincide with the operating hours of the marina.

(b) The sediment quality monitoring program shall include the following elements.

(1) Sediment samples will be obtained from six (6) stations, the locations of which are shown on attached Exhibit "I".

(2) Sediment samples will be obtained from the surficial one (1) foot of substrate using a sonar grab sampler or comparable core sampler.

(3) All sediment samples will be analyzed in the laboratory for the following parameters:

- (i) Aluminum.
- (ii) Copper.
- (iii) Lead.
- (iv) Zinc.
- (v) Tin.
- (vi) Oils and greases.
- (vii) Total organic solids.
- (viii) Grain size distribution.

(4) Three (3) additional replicate samples will be collected at each station and analyzed for benthic invertebrate abundance and diversity. A Shannon-Weaver or comparable diversity index will be calculated for each station to allow for spatial and temporal comparability.

(5) Sediment samples will be collected at each station annually during the wet season. Results and interpretation thereof shall be submitted to the Florida Department of Environmental Regulation, the

Florida Department of Natural Resources, the Tampa Bay Regional Planning Council, and U.S. Army Corps of Engineers, and to the Florida Game and Fresh Water Fish Commission for review and to Pasco County for approval. Documentation that all required monitoring plans and mitigative measures have been implemented shall be provided to Pasco County as part of each annual report. Pasco County hereby reserves the right to require additional monitoring/analyses should the results obtained from the above-listed program indicate the need for same.

7. Based on review and comments by the Tampa Bay Regional Planning Council, the Florida Game and Fresh Water Fish Commission, the Southwest Florida Water Management District, the Florida Department of Environmental Regulation, and/or the Florida Department of Natural Resources, Pasco County determines that a significant adverse impact to the Robert Crown Wilderness Area and/or the Crown Canal has occurred, or is occurring, due to marina development or operations, or boat traffic directly attributable to OMC Marina, the Planning Director shall issue a notice of such alleged noncompliance to the Developer stating therein that the alleged deviation must be corrected within fourteen (14) days, or such longer time period deemed appropriate by the Planning Director. If the alleged noncompliance is not so corrected, the Planning Director shall request that the Board of County Commissioners consider the matter at a public meeting to be held within fifteen (15) days after the Planning Director's request pursuant to Section 380.06, Florida Statutes. The Board may take any action it deems necessary to secure compliance with this Development Order, as allowed by Florida law, including termination of any further development or requirement of a plan incorporating preventive and restorative measures to be developed specifying the entities responsible for the implementation, the schedule(s) for implementation, and the manner in which the Developer shall participate in its implementation. Any such plan shall be distributed to the above-mentioned agencies within three (3) months of receipt of the written notice from the Board of County Commissioners. The Tampa Bay Regional Planning Council, the Florida Game and Fresh Water Fish Commission, the Florida Department of Environmental Regulation, and the Florida Department of Natural Resources shall review, and Pasco County shall approve the plan prior to its implementation. This Development Order shall be amended to include such mitigation plan.

8. All erodible shoreline along the Crown Canal shall be monitored by the Developer for erosion at least annually during construction of and for three (3) years after eighty (80) percent occupancy of the marina, or for the duration of this Development Order, whichever is longer. The existing bathymetric survey dated February 9, 1989, shall serve as a baseline survey and map of existing conditions. Erosion shall be monitored by placing twenty (20) permanent markers along the western shoreline of the canal, at those points deemed most susceptible to erosion by the Florida Department of Natural Resources. The markers shall be placed at the surveyed mean high water line at each point and the elevation above mean sea level noted. Such markers shall be in place prior to eighty (80) percent occupancy and operation of Phase I. Erosion will be monitored by visually observing changes in shoreline configuration and surveying elevations at each marker, as well as evidence of scouring and/or undercutting, in reference to the permanent markers. Results of the shoreline monitoring and interpretation thereof shall be provided to the Florida Department of Natural Resources, Pasco County, the Florida Game and Fresh Water Fish Commission, and the Tampa Bay Regional Planning Council within one (1) month of the monitoring effort. When one (1) foot or greater erosion is found to occur at any point in the canal, a preventive and restorative plan shall be developed and implemented by the Developer. Pasco County hereby reserves the right to require additional monitoring/analyses should the above-mentioned program indicate the need for same.

9. Post-construction monitoring of water circulation and flushing in the marina basin and Crown Canal shall be provided in the first annual report following construction of the culvert and weir improvements. Post-construction circulation and flushing shall be determined on a one-time basis utilizing a dye/dilution study. A standard concentration of rhodamine dye shall be placed in the remote eastern and western portions of the marina basin on a slack high tide. The study shall be performed under neap tide conditions. Water samples will be obtained from each water quality station identified in Condition F.5(a)(1) on an hourly basis until concentrations of dye are no longer measurable. The dye/dilution study shall be performed over two (2) consecutive semi-diurnal tidal cycles of an amplitude representative of average flow conditions. The results of the study shall be submitted to the U.S. Army Corps of Engineers and the Florida Department of Environmental

Regulation for an as-built certification of circulation/flushing improvement. Pasco County hereby reserves the right to require additional monitoring/analyses should the results obtained from the above-mentioned program indicate the need for same. Said results shall also be provided to the Tampa Bay Regional Planning Council, the Florida Department of Natural Resources, and the Florida Game and Fresh Water Fish Commission for review, and to Pasco County for review and approval.

10. The Developer shall implement best management practices for reducing water quality impacts as recommended by Pasco County and the Southwest Florida Water Management District. These activities shall include but not be limited to, a street cleaning program for driveways and parking areas within the development. Runoff containment and treatment within the specific areas where sewage pump-out, fueling activity, minor boat maintenance, as allowed, and cleaning are conducted shall be required, utilizing appropriate methods for treatment of runoff generated by these activities. This runoff should be pretreated and discharged to the sanitary sewer system. Petroleum products and nutrients generated through OMC Marina activities shall be removed prior to discharge into surface waters.

G. Wetlands Conditions

1. The single on-site wetland area shall be delineated on the Master Development Plan and shown as a conservation area. Maintenance of this wetland area shall be the responsibility of the Developer.

2. A fifteen (15) foot buffer shall be maintained around the on-site wetland.

3. All modifications to the on-site wetland shall be carried out pursuant to applicable local, state, and federal regulations and as permitted by the Florida Department of Environmental Regulation, the Southwest Florida Water Management District, and the United States Army Corps of Engineers, including any special conditions that may be attached to such permits. Documentation that the proposed modifications meet regulatory and permitting criteria shall be reported as part of each annual report. Any variation from these requirements, mandated through the permitting process, shall be documented in the next annual report following issuance of the permit.

4. Use of on-site wetlands for stormwater treatment and disposal of treated wastewater effluent shall be carried out only where permitted by applicable local, state and federal regulations.

5. Annual monitoring of on-site and abutting wetlands shall be performed by the Developer during construction of and for three (3) years after eighty (80) percent occupancy of the marina, or for the duration of this Development Order, whichever is longer. Wetland vegetational changes shall be monitored in three (3), ten (10) foot by ten (10) foot quadrats located in the vicinity of Sediment Quality Station 3, as shown on attached Exhibit "I". On an annual basis, during the wet season, each quadrat will be visually observed for vegetational species composition, abundance, and distribution utilizing standard ecological methods. A report including any significant impacts to wetland vegetation shall be submitted to the Tampa Bay Regional Planning Council, the Florida Department of Environmental Regulation, and the Florida Department of Natural Resources for review, and to Pasco County as part of each annual report. If it can be clearly demonstrated that the monitored wetlands are being stressed as a reasonably attributable result of project development or operational activities, the Planning Director shall report to the Board of County Commissioners any findings of adverse impacts from the above terms and conditions of this subparagraph. The Planning Director shall issue a notice of such alleged violation to the Developer stating therein that the alleged violation must be corrected within fourteen (14) days or such longer time period deemed appropriate by the Planning Director. The Planning Director shall utilize information and review comments supplied by the Tampa Bay Regional Planning Council or any local, regional or State department or agency having particular responsibility over the area or subject involved, which comments shall be supplied within thirty (30) days of receipt of a complete monitoring report. If the violation is not so corrected, the Planning Director shall request that the Board of County Commissioners consider the matter at a public meeting to be held within fifteen (15) days after the Planning Director's request pursuant to Section 380.06, Florida Statutes, and to take any action it deems necessary to ensure compliance with this Development Order, including termination of any further development as allowed by Florida law. Documentation that the monitoring and any required remedial measures have been implemented shall be provided in each annual report. Pasco County hereby reserves the right to

require additional monitoring/analysis should the results of the above-mentioned program indicate the need for same.

H. Flood Plains Conditions

1. There shall be no net loss of hydrologic storage capacity within the twenty-five (25) year floodplain, as defined in all conceptual surface water management permit applications submitted to the Southwest Florida Water Management District.

2. Base floor elevations for all structures shall be at or above the 100-year floodplain elevation. All preliminary/site plan submittals shall show 100-year flood elevations.

3. The Developer shall prepare a hurricane evacuation plan for the project in cooperation with the Pasco County Emergency Services Department and the Tampa Bay Regional Planning Council. The plan shall not only specify evacuation timetables and routes for employees and leaseholders, but also measures to be employed on-site to promote marine safety and to prevent ground and surface contamination from fuel tanks and wastewater/sewage facilities. The Developer agrees that all leases for, as well as any future deeds for sale of land and/or structures within the OMC Marina must be accompanied by a hazard disclosure statement generally describing the property's relative probability of damage from hurricane storm surge.

I. Soils Conditions

1. The Developer shall, at minimum, implement the soil conservation measures referenced on Page 14-4 of the Application for Development Approval, and pages I-11, I-13 and I-21 of the Sufficiency Response.

2. No fill material shall be obtained from dredging activities in the Crown Canal system.

J. Natural Vegetation and Wildlife Conditions

1. The Developer shall conduct an annual avian nesting colony survey along the entire perimeter and accessible (by boat) interior portions of the Robert Crown Wilderness Areas in cooperation with the Florida Game and Fresh Water Fish Commission. The survey shall be conducted utilizing visual census methods. The entire perimeter and accessible interior portions of the wilderness area shall be observed on four (4) separate dates at monthly

intervals between February and May. The occurrence and nesting/roosting/feeding activity of colonial wading birds and other endangered, threatened, and species of special concern shall be observed and recorded. The survey shall be updated annually during construction of and for three (3) years after eighty (80) percent occupancy of the marina or the termination of this Development Order, whichever is longer. Results and interpretation thereof shall be submitted to the Florida Game and Fresh Water Fish Commission for review, and to Pasco County with each annual report. Pasco County hereby reserves the right to require additional monitoring/analyses should the results of the above-mentioned program indicate the need for same.

2. Should any species listed in Sections 39-27.003-.005, Florida Administrative Code, be observed frequenting the vicinity (within $\frac{1}{4}$ mile) of the project for nesting, breeding, or feeding prior to or during development or operation of the project, proper protection mitigation measures shall be developed and implemented in cooperation with and subject to the approval of the Florida Game and Fresh Water Fish Commission. All such actions shall be reported to Pasco County in the annual report.

K. Historical and Archaeological Site Conditions

1. The discovery of any significant historical or archaeological sites shall be reported to the Florida Division of Historical Resources and to Pasco County. The disposition of such sites shall be determined in cooperation with the Division of Historical Resources and Pasco County.

L. Utilities: Water Supply, Wastewater Treatment, and Electric Power Service Conditions

1. Water-saving devices shall be required in the project as mandated by Section 533.14, Florida Statutes, 1985 (the Florida Water Conservation Act).

2. Native vegetation shall be used in landscaping wherever feasible.

3. Irrigation shall be from reuse of treated effluent, where available and as permitted by appropriate regulatory agencies. Responsibility for installation of a dual water supply system shall be in accordance with the appropriate Utility Service Agreement.

4. The permanent sewage pump-out station shall be operational prior to the storage of boats at the OMC Marina, and shall be located on uplands,

discharging into the sanitary sewer system. Leases shall require vessels to be equipped with only U.S. Coast Guard-approved marine sanitation devices.

M. Solid/Hazardous Waste Conditions

1. The collection, transportation, and disposal of solid waste is controlled by County ordinance(s), and shall take place in accordance with the terms of said ordinance(s).

2. The Developer shall be responsible for cleanup of litter in the marina basin and shall participate in the cleanup of litter attributable to marina users in the Crown Canal and along the canal banks.

3. The design of on-site solid/hazardous waste storage and handling areas shall be based on the types and characteristics of waste. These facilities shall be located and constructed in a manner which minimizes negative impacts to the environment in accordance with applicable regulations.

a. The Developer shall provide documentation in each annual report that any hazardous wastes generated or used on-site are being handled pursuant to applicable rules and regulations.

b. Use of on-site collection and transfer facilities shall be limited to on-site generators.

4. A hazardous waste spill contingency plan shall be prepared as required by applicable state and federal rules and regulations and may include training exercises to be conducted at periodic intervals.

N. Energy Conditions

1. The Developer shall implement the energy conservation measures referenced on page 25-2 of the Application for Development Approval.

O. Port Facilities Conditions

1. Annual surveys of boat traffic utilizing the marina shall be conducted by the Developer after eighty (80) percent occupancy of Phase I of the development. Monitoring shall continue annually for three (3) years after eighty (80%) percent occupancy of the marina or the duration of this Development Order, whichever is longer, and will record boat traffic on a daily basis, including peak use times (on average day and on a peak day). Numbers of launches from the project during the reporting period shall also

be included in the survey along with counts of other boats using the marina for fueling or sewage pump-out. Survey results shall be part of the required annual report. If the reported numbers of boat trips and/or launches exceed those projected in the Application, and the jurisdictional agency notifies Pasco County of an adverse impact clearly attributable to the marina, Pasco County may conduct a substantial deviation determination pursuant to Subsection 380.06(19)(b), Florida Statutes, and amend the Development Order to require any necessary operational modifications, or additional improvements to the Crown Canal and other affected waterways.

2. A boat traffic management plan shall be prepared by the Developer and submitted to the Florida Department of Natural Resources, the Tampa Bay Regional Planning Council, and Pasco County for review, and to the Florida Marine Patrol for approval upon eighty (80) percent occupancy of Phase I of the development. The management plan shall consider the distances between the project's in-water structures and the adjacent seawalls, docks and natural shoreline (Robert Crown Wilderness Area), potential and documented boat traffic, turnaround distances required, tides, and an adverse weather safety margin, in relation to existing and projected boat traffic from the marina. The resultant boat traffic management plan shall set forth a mechanism by which the arrivals and departures of vessels using this marina shall be coordinated to minimize safety hazards and environmental impacts. The Developer and/or Pasco County may request a modification to the plan should implementation thereof indicate the need for such revision. Furthermore, prior to any approval of Phase II, such plan and associated study must evidence the capability of the canal to safely accommodate additional boat traffic resulting from Phase II of the project.

3. Cross Bayou shall not be utilized as a navigable channel by project lessees. The Developer shall implement specific measures including, but not limited to, the placement of bollards and the posting of signs to prevent access to Cross Bayou subject to necessary permits and approvals.

4. Any construction dredging of the Crown Canal necessary to accommodate this development, other than maintenance dredging, shall trigger a substantial deviation determination by Pasco County pursuant to Subsection 380.06(19), Florida Statutes.

5. The Developer shall remove hazardous rock outcrops from the Crown Canal in accordance with existing permits and shall perform sufficient

maintenance dredging in perpetuity to ensure a depth of four (4) feet below mean low water throughout the entire length of the canal centerline. A yearly visual inspection of the channel shall also be performed by a registered Professional Engineer utilizing a calibrated sonic depth recorder and the results shall be submitted to Pasco County as part of the annual report to document maintenance of the required depth. The bathymetric survey, dated February 9, 1989, shall serve as a baseline survey.

6. All proposed maintenance dredging and spoil disposal permit applications shall be submitted to the Tampa Bay Regional Planning Council, Pasco County and the Florida Game and Fresh Water Fish Commission for review, and to the Florida Department of Natural Resources, the U.S. Army Corps of Engineers, and the Florida Department of Environmental Regulation for approval prior to actual dredging activity. The dredging and spoil disposal permit applications shall be completed with the cooperation of Pasco County and shall also include:

a. Specification of the disposal site, as well as specification of a backup disposal site in the event of toxic spoil material. Spoil shall be tested for toxic materials/heavy metals prior to disposal to assure its suitability for the intended purpose. The route to the disposal site(s), as well as the manner of transport of spoil, shall be identified.

b. "Best Management Practices" as recommended by Department of Environmental Regulation, including the use of turbidity curtains.

P. Transportation Conditions

1. The Developer shall pay transportation impact fees pursuant to the Pasco County Impact Fee Ordinance, as amended. No impact fee credits will be given for on-site or site-related improvements.

2. The Developer shall donate sufficient right-of-way on the south side of Green Key Road to total thirty (30) feet, as measured from the centerline. Such donation shall occur within one hundred eighty (180) days of approval of this Development Order or at the request of Pasco County, whichever happens first.

3. The Developer shall pave Green Key Road to Florida Department of Transportation's "Green Book Standards" with a minimum lane width of fourteen (14) feet from the end of the existing pavement to the entrance of Green Key Park within two (2) years of commencement of Phase II. Pavement width and

design shall be approved by the Pasco County Engineering Services Department and shall be completed prior to approval of the final electrical inspection for Phase I of the development.

Q. Fire and Police Protection Conditions

1. The development of the OMC Marina at Gulf Landings shall not lower the levels of service of the Pasco County fire, police, and EMS services below acceptable standards. In the event these standards are lowered, Pasco County may conduct a substantial deviation determination and amend the Development Order to require additional mitigation.

2. The Developer agrees to assist the Pasco County Sheriff's Office and the Florida Marine Patrol with enforcement of no wake operating speeds by leaseholders in the Crown Canal by posting no wake signs along the canal and by evicting those marina lessees who are cited twice for speed violations with the canal system pursuant to Pasco County Ordinance No. 82-22, as amended. The Developer agrees to require the marina operator to contact the Sheriff's Office and the Marine Patrol monthly to receive information of violations by marina leaseholders.

3. Fire protection shall be provided in accordance with Pasco County ordinances and other applicable regulations.

R. Duration

1. This Development Order shall take effect on April 25, 1989.

2. The duration of the Development Order shall be a period of seven years, expiring April 25, 1996. The effective period may be extended by the Board of County Commissioners upon a showing of good cause. Application for such extension shall be made at least sixty (60) days prior to the expiration date.

3. If the development does not commence within three (3) years of the date of adoption, Pasco County shall make a substantial deviation determination as to whether the delay is a noncompliance with the Development Order.

4. The approved Development of Regional Impact shall not be subject to downzoning, unit density reduction, or intensity reduction for five (5) years from the date of adoption, unless the County can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred, or that the Development Order was based on substantially

inaccurate information provided by the Developer, or that the change is clearly established by local government to be essential to the public health, safety, or welfare.

S. Monitoring Conditions

1. Monitoring of this development shall be at the time of the annual report submittal and during review of the development approvals, unless stated otherwise. Monitoring the OMC Marina at Gulf Landings Development of Regional Impact shall be carried out by the Pasco County Planning and Zoning Department.

2. The Developer shall provide an annual report on Florida Department of Community Affairs Form BLWM-07-85 to the Pasco County Planning and Zoning Department, the Tampa Bay Regional Planning Council, and the Florida Department of Community Affairs, or their successors agencies, on April 25, the anniversary date, of each year during the term of the Development Order. The annual report shall be the mechanism for documentation that the impacts attributable to the OMC Marina at Gulf Landings are equivalent to or less than those projected in the Application. Should this not be the case, the annual report shall demonstrate that mitigation is being implemented or is programmed pursuant to Pasco County, Florida Department of Community Affairs, and Tampa Bay Regional Planning Council rules and policies. The report shall include, at a minimum, the following information:

- a. An assessment of the Developer's compliance with each Development Order condition applicable at the time the report is filed.
- b. Special studies and reports when applicable and as referenced in the above-referenced development conditions.
- c. Any changes in the proposed plan of development/operation.
- d. Description of the development/operational activities which have occurred over the previous year, including a summary of the number of leaseholder, launches performed, and gallonage of fuel dispensed by month; a listing of retail leaseholders, the number of square feet occupied and goods sold by each.
- e. A description of development/operational activity proposed for the next year.
- f. A statement setting forth names and addresses of major assignees or successors in interest to this Development Order.

g. The first annual report after occupancy of Phase I of the marina shall include a copy of the slip lease agreement containing information regarding, at minimum, sanitation devices, Manatee protection, "no-wake" compliance and hurricane evacuation procedures. Any revised lease agreements shall be provided to Pasco County when drafted.

3. If the annual report is not submitted within thirty (30) days of the due date, Pasco County shall notify the Developer and may initiate a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes.

4. The Planning Director or his designee shall be responsible for monitoring the terms and conditions of this Development Order. The planning Director shall report to the Board of County Commissioners any finding of alleged deviation from the terms and conditions of this Development Order. The Planning Director shall issue a notice of such alleged noncompliance to the Developer stating therein that the alleged deviation must be corrected within fourteen (14) days, or such longer time period deemed appropriate by the Planning Director. If the alleged noncompliance is not so corrected, the Planning Director shall request that the Board of County Commissioners consider the matter at a public meeting to be held within fifteen (15) days after the Planning Director's request pursuant to Section 380.06, Florida Statutes. The Board may take any action it deems necessary to ensure compliance with this Development Order, including termination of any further development, as allowed by Florida law.

5. Should the Developer divest itself of all interest in the OMC Marina at Gulf Landings prior to the expiration of this Development Order, the Developer shall designate the successor entity to be responsible for preparation of the annual report subject to approval by Pasco County.

T. Amendment/Substantial Deviation/Abandonment

1. Proposed or necessary changes to this Development Order must undergo a substantial deviation determination by the Board of County Commissioners. Application for a substantial deviation determination shall be made on Florida Department of Community Affairs Form BRM-08-86 and reviewed pursuant to the provisions of Section 380.06(19), Florida Statutes, as amended, prior to implementation of such changes.

2. Application to amend any provision in this Development Order shall be provided by the Developer to the Tampa Bay Regional Planning Council and the Florida Department of Community Affairs, and to Pasco County. The County shall observe a minimum thirty (30) day review period to permit the Tampa Bay Regional Planning Council and the Florida Department of Community Affairs sufficient time to prepare written comments on the proposed change and to notify the County of any intent to appear at the public hearing, if required.

3. In the event the Developer elects at any time not to proceed with the development as defined herein, the Developer shall give written notice to Pasco County, the Tampa Bay Regional Planning Council, and the Florida Department of Community Affairs of its intention to abandon the Development of Regional Impact. The mechanism for said abandonment shall be in accordance with applicable standards and regulations. Regardless of such notice, any development of the property shall comply with applicable requirements of Pasco County, as well as all applicable state and federal requirements, including but not limited to Section 380, Florida Statutes, and Chapter 28, Florida Administrative Code.

4. All outstanding amounts for initial review by the Tampa Bay Regional Planning Council shall be paid by the Developer within fifteen (15) days of billing.

5. Payment for any future activities of the Tampa Bay Regional Planning Council with regard to this development including but not limited to, monitoring or enforcement actions, shall be paid to the Council by the Developer in accordance with the applicable DRI Fee Schedule.

U. Notice of Adoption

1. This Resolution shall be filed and recorded in the Public Records of Pasco County, Florida, in accordance with Section 380.06(14)(a), Florida Statutes, as amended.

2. The Clerk to the Board of County Commissioners shall return sufficient certified copies of the Notice of Adoption to the Pasco County Planning and Zoning Department to allow a single copy of the Notice to be supplied to the Florida Department of Community Affairs, the Tampa Bay Regional Planning Council, and to attorneys of record in these proceedings. The Planning and Zoning Department shall then send out the documents to the above-mentioned recipients.

V. Severability

If any section, subsection, sentence, clause, or other provision of this Resolution is held invalid, the remainder of the Resolution shall be construed as not having contained said section, subsection, sentence, clause or provision and shall not be affected by such holding.

DONE AND RESOLVED this 25th day of April, 1989.

[SEAL]

ATTEST:

By *Kay Church*
Jed Pitman, Clerk

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

By *Allan G. Safranek, Jr.*
Allan G. Safranek, Jr., Chairman

APPROVED AS TO LEGAL FORM AND CONTENT
Office of the County Attorney

By *[Signature]*
Attorney

187b

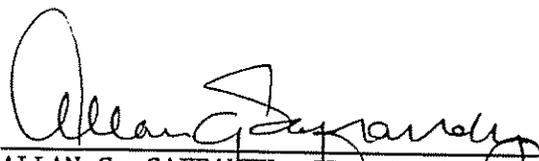
NOTICE OF ADOPTION OF DEVELOPMENT ORDER

NOTICE OF ADOPTION DEVELOPMENT ORDER
FOR THE OMC MARINA AT GULF LANDINGS DEVELOPMENT OF REGIONAL IMPACT

Pursuant to Section 380.06(14)(d), Florida Statutes, notice is hereby given that the Pasco County Board of County Commissioners, by Resolution No. _____, dated April 25, 1989, has adopted a Development Order for the Development of Regional Impact known as the OMC Marina at Gulf Landings. A legal description of the property covered under the Development Order may be examined upon request at the Office of the Clerk to the Board of County Commissioners of Pasco County, Pasco County Courthouse, Dade City, Florida.

The above referenced Development Order constitutes a land development regulation applicable to the property described in Exhibit "A" of the Development Order.

The recording of this Notice shall not constitute a lien, cloud, or encumbrance on the real property described in above-mentioned Exhibit "A" nor actual nor constructive notice of any of the same under the authority of Section 380.06(14)(d), Florida Statutes.


ALLAN G. SAFRANEK, JR., Chairman
Board of County Commissioners

State of Florida)
County of Pasco)

The foregoing Notice of Adoption of Development Order was acknowledged before me this 28 day of April, 1989.


Notary Public
State of Florida at Large
My Commission Expires:

Notary Public, State of Florida
My Commission Expires Feb. 16, 1990
Bonded Thru Troy Fain - Insurance Inc.

APPROVED AS TO LEGAL FORM AND CONTENT
Office of the County Attorney

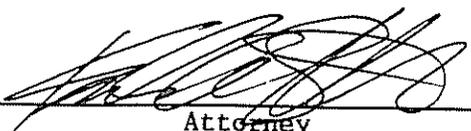

Attorney

EXHIBIT A

Legal Description

A PORTION OF THE SOUTH 1/2 OF SECTION 6, TOWNSHIP 26 SOUTH, RANGE 16 EAST, PASCO COUNTY, FLORIDA, AND A PORTION OF TRACT 39 OF TAMPA AND TARPON SPRINGS LAND COMPANY SUBDIVISION OF SAID SECTION 6, AS SHOWN ON PLAT, AS RECORDED IN PLAT BOOK 1, PAGES 68, 69 AND 70 OF THE PUBLIC RECORDS OF PASCO COUNTY, FLORIDA, AND A PORTION OF CANAL RIGHT-OF-WAY OF GULF HARBORS SEA FOREST UNIT 1-B AS SHOWN ON PLAT, RECORDED IN PLAT BOOK 21, PAGES 128, 129, 130 AND 131 OF THE PUBLIC RECORDS OF PASCO COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 6; THENCE RUN NORTH 89°37'05" WEST, 1649.57 FEET ALONG THE SOUTHERLY BOUNDARY LINE OF SAID SECTION 6; THENCE NORTH 00°08'31" EAST, 2575.20 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF GREEN KEY ROAD (A 100' RIGHT-OF-WAY) AS RECORDED IN O.R. BOOK 428, PAGE 257 OF THE PUBLIC RECORDS OF PASCO COUNTY, FLORIDA; THENCE SOUTH 89°46'58" WEST, 925.00 FEET ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING; THENCE SOUTH 00°13'02" EAST, 132.77 FEET; THENCE SOUTH 59°08'00" WEST, 401.15 FEET ALONG THE NORTHERLY BOUNDARY LINE OF GULF HARBORS SEA FOREST UNIT 1C AS SHOWN ON PLAT, RECORDED IN PLAT BOOK 22, PAGES 97 AND 98 OF THE PUBLIC RECORDS OF PASCO COUNTY, FLORIDA AND ITS EASTERLY AND WESTERLY EXTENSION; THENCE SOUTH 88°00'00" WEST, 235.56 FEET ALONG THE NORTHERLY BOUNDARY LINE OF SAID GULF HARBORS SEA FOREST UNIT 1B; THENCE 199.38 FEET ALONG THE ARC OF A 145.00 FOOT RADIUS CURVE CONCAVED TO THE LEFT, SUBTENDED BY A CHORD DISTANCE OF 184.04 FEET WHICH BEARS SOUTH 48°36'31" WEST; THENCE SOUTH 09°13'02" WEST, 130.83 FEET TO A POINT ON THE NORTHEASTERLY BOUNDARY LINE OF BOY SCOUTS OF AMERICA PARCEL AS RECORDED IN OFFICIAL RECORD BOOK 1403, PAGES 1598 AND 1599 OF THE PUBLIC RECORDS OF PASCO COUNTY, FLORIDA; THENCE THE FOLLOWING 7 COURSES ALONG SAID NORTHEASTERLY BOUNDARY LINE 159.29 FEET ALONG THE ARC OF A 346.31 FOOT RADIUS CURVE CONCAVED TO THE LEFT, SUBTENDED BY A CHORD DISTANCE OF 158.72 FEET, WHICH BEARS NORTH 31°48'12" WEST TO THE POINT OF COMPOUND CURVATURE; THENCE 128.98 FEET ALONG THE ARC OF A 150.00 FOOT RADIUS CURVE, CONCAVED TO THE LEFT SUBTENDED BY A CHORD DISTANCE OF 125.04 FEET, WHICH BEARS NORTH 64°47'20" WEST; THENCE NORTH 89°25'17" WEST, 280.00 FEET; THENCE 240.48 FEET ALONG THE ARC OF A 165.00 FOOT RADIUS CURVE CONCAVED TO THE RIGHT, SUBTENDED BY A CHORD DISTANCE OF 219.76 FEET, WHICH BEARS NORTH 47°40'04" WEST TO THE POINT OF COMPOUND CURVATURE; THENCE 35.89 FEET ALONG THE ARC OF A 75.00 FOOT RADIUS CURVE CONCAVED TO THE RIGHT, SUBTENDED BY A CHORD DISTANCE OF 35.55 FEET WHICH BEARS NORTH 07°47'38" EAST TO THE POINT OF REVERSE CURVATURE; THENCE 85.43 FEET ALONG THE ARC OF A 150.00 FOOT RADIUS CURVE CONCAVED TO THE LEFT, SUBTENDED BY A CHORD DISTANCE OF 84.28 FEET, WHICH BEARS NORTH 05°11'10" EAST; THENCE NORTH 11°07'47" WEST, 135.79 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID GREEN KEY ROAD; THENCE NORTH 89°46'57" EAST, 1391.47 FEET ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.

CONTAINING 11.18 ACRES MORE OR LESS. (8.0 acres of uplands and 3.18 acres of water area)

EXHIBIT B

Application for Development Approval
Responses to Request for Additional Information

(Transmitted under Separate Cover)

EXHIBIT C

Specific Findings of Fact
Pages 2-10 and 38-69 of the TBRPC Final DRI Report
Review comments appended to the TBRPC Final DRI Report
Other correspondence from the Florida Department of
Environmental Regulation,
The Florida Department of Community Affairs,
The Florida Department of Natural Resources,
The Florida Marine Patrol, The U.S. Coast Guard,
The U.S. Army Corps of Engineers,
The U.S. Environmental Protection Agency

PROJECT SUMMARY

TYPE OF DEVELOPMENT: Ports (Marinas), 27F-2.22, F.A.C.
LOCATION: Green Key Road, central western Pasco County

TOTAL DEVELOPMENT AREA: 11.18 Acres
Recreational Marina 7.61 Acres
Streams and Waterways 3.18 Acres
Pine/Cabbage Palm 0.39 Acres

PHASING SCHEDULE: Single, two-year phase

Wet Storage	Dry Storage	Retail/Commercial
48 Slips	376 Slips 45,240 Sq.Ft.	20,000 Sq.Ft.

ESTIMATED BUILD-OUT YEAR: 1991
PRIMARY TRANSPORTATION NETWORK: Green Key Road, U.S. 19

BENEFITS

CONSTRUCTION EXPENDITURES:
Estimated Total Construction Expenditures: \$ 4,550,000
Within Region: \$ 3,501,000 (77 percent)

EMPLOYMENT:
Construction: 25
Non-construction (Permanent): 26

AD VALOREM TAX YIELD:
Estimated Annual Ad Valorem Tax Yield After Build-out: \$ 86,480

NEGATIVE IMPACTS

SEWAGE TREATMENT:

Estimated Average Daily Flow
at Build-out:

3,215 gallons per day (gpd)

WATER SUPPLY:

Estimated Total Average Daily
Water Requirement at Build-out:

Potable

10,438 gpd

Non-potable

10,036 gpd

SOLID WASTE:

Estimated Average Daily
Generation at Build-out:

800 pounds per day

ENERGY:

Projected Average Daily Elec-
trical Requirement at Build-out:

1,400 kilowatt hours

Peak Hour Demand:

700 kilowatts

TRANSPORTATION (Cars):

Average Daily Trips (ADT):

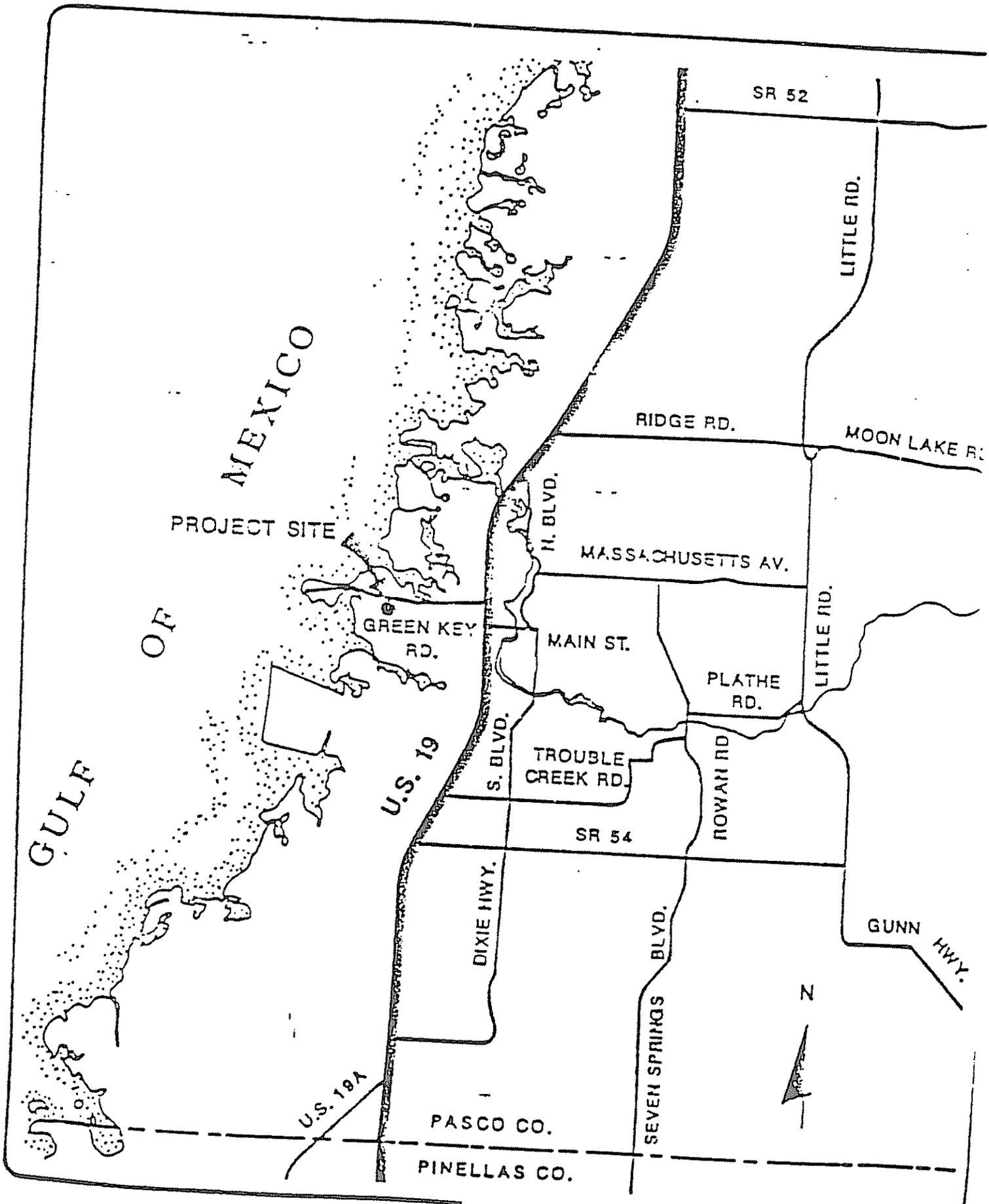
1,566

Peak Hour Trips:

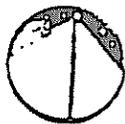
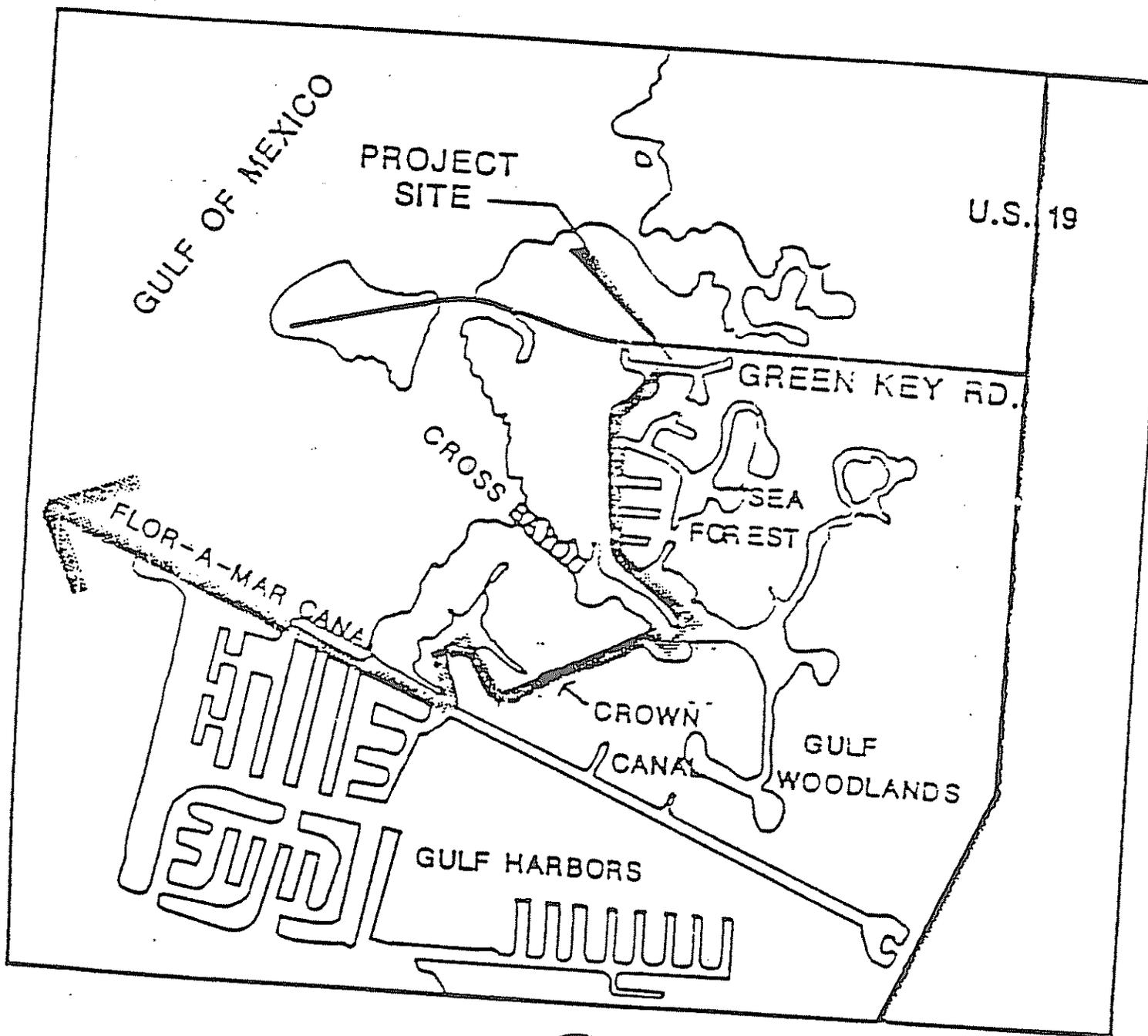
74 (AM)

147 (PM)

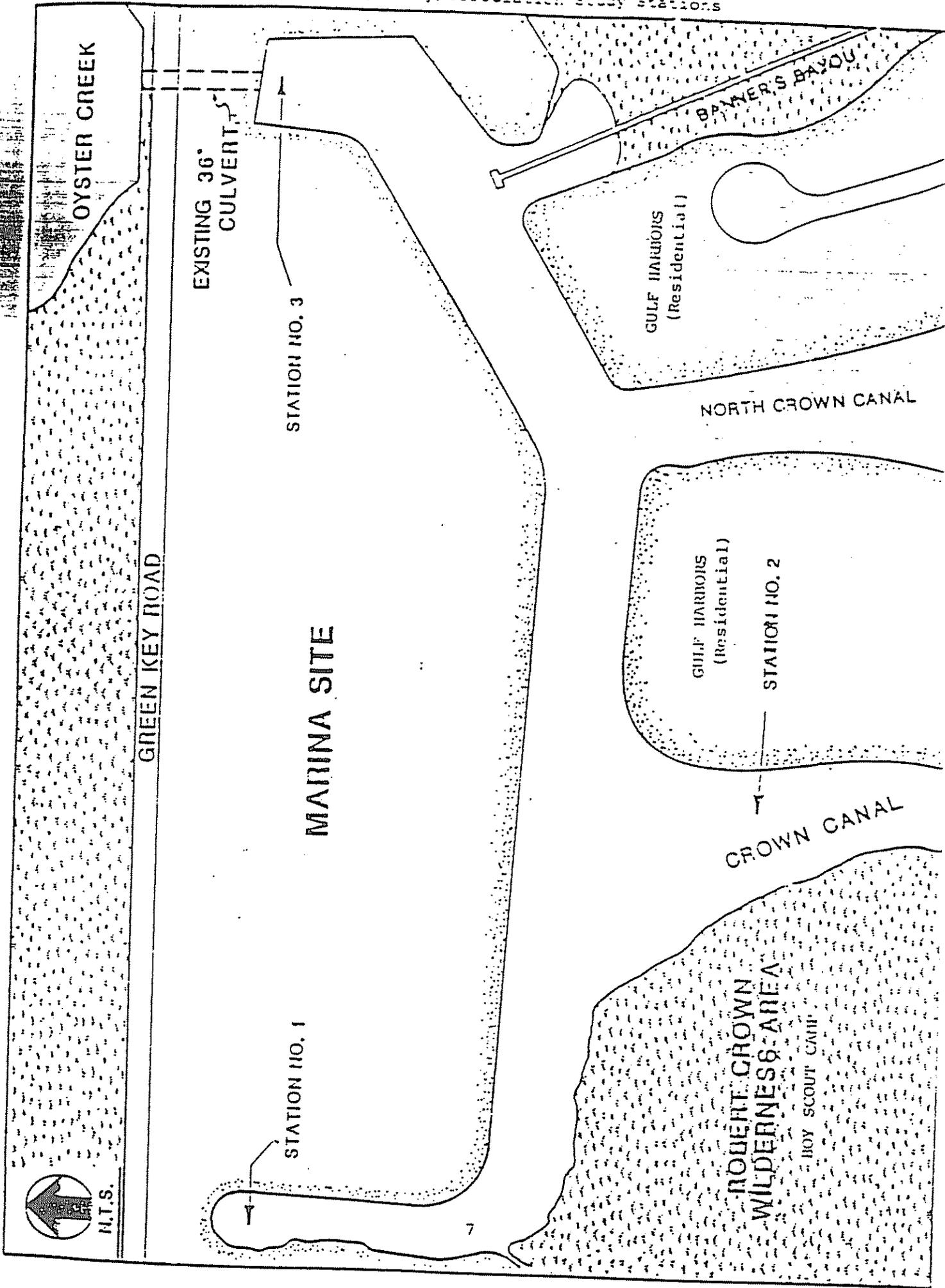
DRI #187
OMC Marina at Gulf Landings
General Location Map



DRI #187
OMC Marina at Gulf Landings
Gulf Harbors Canal System



SCALE: 1"=2,640'-0"



DRI #187 - OMC Marina at Gulf Landings
ENVIRONMENTAL SENSITIVITY INDEX (ESI)
DESIGNATIONS FOR PROJECT AREA



PROJECT DESCRIPTION

Outboard Marine Corporation (OMC) is seeking Development of Regional Impact (DRI) approval for the OMC Marina at Gulf Landings, a dry-storage marina proposed for construction in Pasco County at the northern terminus of the Crown Canal. The proposed parameters of the project are:

- 376 dry storage slips
- 48 day-use wet slips
- Boat launch area
- 20,000 square feet marine retail/commercial
- Fueling and sewage pump-out facilities

Dry storage marinas in Pasco County, and northern Pinellas County, tend to launch approximately ten to fifteen percent of their total slips on weekdays, 25 percent on weekends, and 30 percent on holidays, according to recent information.

The site is bounded by Green Key Road to the north, a vacant parcel zoned for commercial use to the east, the 3,000+ unit Gulf Harbors Sea Forest subdivision to the south and southeast, the Crown Canal to the south, the 347-acre Robert Crown Wilderness Area to the south and southwest, and a Pinellas Area Council of Boy Scouts of America camp to the west and southwest. The marina basin is part of a dredged canal, with access to the Gulf of Mexico (the "Gulf") via man-made access canals: the Crown Canal, which has been dedicated to Pasco County, and the Flor-A-Mar Canal. The distance from the site to areas of unrestricted navigation in the Gulf is approximately three miles. Crown Canal is currently utilized mainly by the residents of the Gulf Harbors Sea Forest subdivision.

The 11.18-acre proposed OMC Marina at Gulf Landings site consists of eight acres of upland area and 3.18 acres of water area within the adjacent marina basin. The project site is currently vacant, and has been substantially altered in the past by the addition of fill material from previous dredging activities in 1972 and 1973. The site contains only one small, naturally vegetated area, of pine/cabbage palm hammock, on the eastern end of the site. A portion of this vegetation will be preserved by the developer.

Rip-rap of varying thickness is located at the base of the existing seawall surrounding the upland area of the site. A marginal dock is proposed along the upland property edge, eight feet wide and located eight feet from the existing seawall. A Department of Environmental Regulation (DER) permit has been issued for this project for the construction of one pier 110 feet long and ten feet wide, and three finger piers 25 feet long and eight feet wide, as well as to fill 1,440 square feet to construct a boat launch area, in addition to a marginal dock, all along the shoreline. It appears, however, that the applicant proposes to have the boat launch area consist of a concrete pad, which

extends approximately 16 feet over the marina basin. Two concrete piers are proposed to extend approximately 25 feet seaward of the boat launch pad, a total of 41 feet over the marina basin. The piers will provide a holding area for boats after initial placement into the water. Day-use boat slips will be provided along the marginal dock, west of the boat launch area. East of the fueling dock, 16 perpendicular day-use slips will be constructed.

The proposed marina facility will feature four dry storage buildings that will accommodate a total of 376 power boats under 30 feet in length, and 48 day-use wet slips to provide staging for the dry storage slips. Boats will be launched and retrieved by a mechanical forklift. No boat ramps will be provided. The day-use boat slips will be used to temporarily store boats while they are moved in and out of the water. No overnight boat moorage or live-aboard moorage will be permitted. There will be no major boat or motor maintenance or repairs on-site. Fifty-percent of the marina's boat slips will be reserved for local residents for a six-month period, as per the purchase agreement for the property. Thereafter, all boat slips will be available on a first-come, first-served basis to the general public.

The proposed development will also include retail commercial buildings that will house marine support and ancillary uses such as the management office, boat sales, a bait and tackle shop and marine supplies. A minimum of 218 parking spaces will be provided on-site to support the dry storage and commercial facilities.

Boats located in the dry storage structures will be transported to the boat launch area and then lowered into the marina basin with a mechanical forklift. The boats will then be moved to a day-use slip by marina staff in preparation for boarding. When returned, boat operators will dock their boats at a day-use slip, and marina staff will move the boats to the boat launch area for removal from the basin and transport to dry storage by mechanical forklift.

Three 6,000-gallon fuel storage tanks will be constructed aboveground on the eastern portion of the site, according to the ADA. However, the exact location of the tanks has not been identified. The applicant has committed to surrounding the fuel storage tanks by a containment structure designed to contain 100 percent of the total volume of the tanks, which will meet all setback regulations required by local code.

The buildings proposed for the marina site would be designed to reflect a traditional style of Florida architecture, circa 1920. To this end, the four dry storage buildings and marine support buildings would be octagonal in shape and would feature a cupola and widow's walk. The four dry storage structures would be constructed of architectural steel with a metal roof and will not exceed a height of 58 feet. The marine support buildings would be constructed of wood and exhibit a rustic, weathered appearance with metal roofs compatible in design and color to the dry storage buildings, not to exceed one story in height.

A promenade, landscaped with native vegetation, is proposed to extend along the waterfront, and will consist of a fixed timber walkway. The marginal wharf is designed to extend over the adjacent marina basin and allow sunlight to reach the water's surface. Low-level lighting would be located along the promenade to accent plantings and to promote safe access for pedestrians.

The applicant proposes that noise impacts of the marina operation would be reduced and buffered by a landscaped screen of native vegetation. This screen would be physically connected to the landscaped promenade proposed for the site. Noise impacts would further be limited by establishing and enforcing hours of marina operation from 8:00 A.M. until dusk.

The marina project is planned to be constructed in one phase during a two-year period, commencing in the spring of 1989. It is anticipated that the GMC Marina at Gulf Landings will be open for business in the latter part of 1989.

SUMMARY OF REGIONAL CONCERNS

Several concerns have been identified during the regional review of this marina proposal. They are summarized as follows:

1. This marina is proposed for construction immediately adjacent to the 347-acre Robert Crown Wilderness Area, a preservation area as defined by Council policy. In addition, this marina's access to open waters, a distance of over three miles, is through the Crown Canal and the Flor-A-Mar Canal, both of which are conservation areas and provide buffer zones to the Robert Crown Wilderness Area.
2. There is a serious potential to create an adverse impact on these preservation/conservation areas as a result of:
 - water quality degradation from fuel and sewage pump-out spillage
 - oil leakage
 - basin and canal bank erosion
 - stormwater runoff
 - boat rinsing/cleaning
3. This area is characterized by poor tidal flushing.
4. The length of the channel to open water, three miles, poses several concerns:
 - extensive and repeated habitat disruption
 - difficulty in enforcing "idle speed" over such a long distance raises safety concerns
 - increase in erosion as a result of the wake created by larger boats at idle speed
5. The exact width and depth of the existing canal network has not been provided. The applicant has represented that the marina basin is five to six feet deep and the Crown Canal averages five feet deep, but has not submitted a bathymetric survey for the overall basin and canal as requested by Council staff, which would verify this representation.
6. While there will be no new dredging of the canal system, there will be a need for maintenance dredging. It is unclear how extensive this maintenance dredging will be, since the Crown Canal is known to contain many limestone outcroppings.

IMPACT ON NATURAL RESOURCES

AIR QUALITY

Environmental regulations to protect the human life and health shall be strictly enforced. (6.12.1, F.R.)

Hazardous and nonhazardous materials and wastes shall be sited where they will be of no danger to the health, safety, and welfare of residential communities and areas. (13.2.9, F.R.)

Existing residential areas shall be protected from the encroachment of incompatible activities; likewise, other land use areas should be protected from the encroachment of incompatible residential activities. (16.5.3, F.R.)

The OMC Marina at Gulf Landings is expected to generate minor emissions of air pollutants from construction activities, increased vehicle and boat traffic, and fuel storage. Land clearing and construction activities will produce fugitive dust, smoke and diesel exhaust. These emissions will be temporary, and limited to the immediate vicinity of the proposed development. Vehicle and boat emissions are likely to include minor amounts of volatile organic compounds (VOC), nitrogen oxides (NO), and carbon monoxide (CO). Fuel storage may contribute VOC emissions. Daily vehicle emissions attributable to the project at build-out, based upon automobile traffic, are projected to be 37.1 pounds per day (ppd) of hydrocarbons, 385.9 ppd of carbon monoxide and 13.6 ppd of nitrogen oxides.

Due to the coastal location of the project, the land-breeze/sea-breeze effect disperses pollutants at dawn and dusk on a daily basis. Pollutants may accumulate locally during calm days, but the low intensity of the project should not contribute significant amounts of gaseous pollutants. The construction and maintenance of the three proposed fuel tanks will comply with Chapter 17-61, F.A.C., which defines the regulatory procedures for stationary fuel tanks, and will minimize VOC emissions from these facilities.

Another air quality concern is noxious fumes resulting from fuel storage, fueling activities and boat operations on-site, adjacent to a residential area. It is recommended, as a Development Order condition, that all fueling activities shall be conducted only by trained marina employees. The developer will comply with all applicable federal, state and local laws regulating the transport, storage and dispensing of gasoline on-site, which should reduce the incidence of spills; however, the design details of containment devices for the aboveground storage tanks and fuel pumps are not yet available. The U.S. Coast Guard Spill Prevention and Countermeasure Control Plan (SPCC) is to be provided by the applicant to the U.S. Coast Guard and the U.S. Environmental Protection Agency, as well as to the Department of Natural Resources (DNR), the Department of Environmental Regulation (DER), TERPC and Pasco County upon completion.

Marina projects are generally not considered to be significant contributors to localized air quality problems, because they generate relatively low numbers of vehicle trips. Furthermore, the vehicle trips they do generate tend to be during off-peak hours. Therefore, a microscale dispersion analysis of indirect CO emissions was not performed by the applicant. The DER concurred that such an analysis was not necessary.

Pasco County has been designated by DER as an attainment area for all measured air pollutants, which means that ambient pollutant concentrations in the county airshed are consistently below those concentrations established as the National Ambient Air Quality Standards (NAAQS) and the State of Florida Ambient Air Quality Standards (FAAQS). Currently, neither DER nor Pasco County operates any air quality monitoring stations in Pasco County. The closest monitoring station is in Tarpon Springs, Pinellas County, which monitors only sulfur dioxide, a parameter which is not relevant to this project.

The following are recommended regional Development Order conditions:

- The measures to reduce erosion, fugitive dust and air emissions referenced on page 13-2 of the ADP, at minimum, shall be implemented.
- Pasco County shall reserve the right to require mitigative measures to alleviate any potential adverse impacts of the project on ambient air quality. Adverse impacts shall be defined as a documented violation of State Ambient Air Quality Standards.
- All fueling activities shall be conducted only by trained marina employees.
- Design details of containment devices for the aboveground storage tanks and fuel pumps, as well as the U.S. Coast Guard

Spill Prevention and Countermeasure Control Plan, shall be provided prior to the issuance of any building permits for the OMC Marina at Gulf Landings.

LAND

In regionally significant development proposals, developers shall assess the cumulative impacts of such activities as dredge and fill, waste disposal, and construction on the health of the natural systems. (8.9.3, F.R.)

New development shall avoid extensive alteration of existing topographic features. (10.8.4, F.R.)

Control measures to abate erosion shall be incorporated into mining, construction, agricultural and development activities. (22.3.1, F.R.)

The majority of the soils on the site are quartzipsumments which are soils that have been reworked to make them more suitable as fill for development. This soil type has not been classified by the applicant for limitations in numerous specific use categories, as it is an altered soil type and properties may vary at different sites. Because the previous alterations were conducted for development purposes, this soil type is not anticipated to limit development on the site. The latest site disturbances occurred during the summer months of 1988, when portions of the retaining seawall were repaired and backfill material was redistributed on the site.

The pine/cabbage palm stand is located upon an area comprised of Aripeka fine sand, a nearly level, somewhat poorly drained soil with a wet season high water table of 1.5 to 2.5 feet, found on low ridges adjacent to saltwater marsh systems. This area exhibits development limitations of wetness, seepage, and flooding. Part of this stand will be preserved on-site. The remainder of the stand will be cleared to accommodate dry boat storage facilities, parking lots, and landscaping.

The applicant has stated that any limitations that are discovered may be overcome with standard engineering and construction practices, such as compaction and dewatering. Soil testing for load bearing and other construction characteristics has been performed, yielding satisfactory results for the proposed uses. The applicant anticipates that only minor amounts of fill material will be needed to bring finished floor elevations up to required flood zone elevation. Clean fill material will be trucked in from off-site, if necessary. Rip-rap of varying thickness is located at the base of the existing seawall surrounding the upland area of the site. The boat launch area will be infilled 16 feet waterward of the existing seawall, and a new seawall constructed. No additional on-site fill material will be generated from dredging activities in the Crown Canal system. No special preparation of the soils is anticipated to be required for the three fuel tanks, which will be constructed above ground on an enclosed concrete pad designed

to contain 100-percent of the tanks' total volume.

Temporary erosion controls will be employed during project construction to minimize wind and water erosion. Temporary measures may include grassing, mulching, or other appropriate measures described in the FDOT Standard Specifications for Road and Bridge Construction. Dust control measures, such as landscaping, will be incorporated into the project at the earliest practicable time. Erosion factors, used to predict the average annual rate of soil loss by sheet and rill erosion, indicate soils upon the proposed OMC Marina site are not particularly susceptible to erosion.

The following are recommended regional Development Order conditions:

- The soil conservation measures referenced on page 14-4 of the ADA and pages I-11, I-13 and I-21 of the Sufficiency Response, as well as the measures to reduce erosion, fugitive dust and air emissions referenced on page 13-2 of the ADA, at minimum, shall be implemented.
- Any fill necessary for the OMC Marina shall be obtained from a site approved by Pasco County, and shall be clean fill. No fill material shall be obtained from dredging activities in the Crown Canal system.

WATER QUALITY AND DRAINAGE

Environmental regulations to protect the human life and health shall be strictly enforced. (6.12.1, F.R.)

Land use planning and development decisions shall consider the impact on surface and groundwater quality. (8.1.4, F.R.)

Whenever environmental or health concerns warrant, treatment facilities shall be required to utilize Best Management Practices and technologies. (8.7.2, F.R.)

In regionally significant development proposals, developers shall assess the cumulative impacts of such activities as dredge and fill, waste disposal, and construction on the health of the natural systems. (8.9.3, F.R.)

The protection of coastal vegetative communities, coastal wildlife habitats, and dune systems from the adverse effects of development shall be required. (9.1.2, F.R.)

Sensitive coastal resources shall be protected from short term and long term degradation and erosion resulting from improper development practices and recreational misuse. (9.2.3, F.R.)

Stabilization projects, preferably utilizing vegetation as

the stabilizing medium, are encouraged. (9.2.5, F.R.)

To protect sensitive marine resources from immediate and near future degradation resulting from improper development practices and recreational misuse, priority shall be given to water dependent uses or other types of shoreline development such as marinas, light industry, ports and shoreline compatible commerce. (9.4.1, F.R.)

Long-term productivity of marine fisheries habitat and other aquatic resources shall be increased and restored through estuary and intertidal protection. (9.5.1, F.R.)

Land and water uses shall be compatible with the protection of sensitive coastal resources. (9.6.1, F.R.)

Protect the habitats and plant communities that tend to be least in abundance and most productive or unique. (10.1.1, F.R.)

Conservation areas, such as coastal marshes, freshwater swamps, and mangrove forests shall be protected from development that would significantly alter their function and character. Once established, at least 1:1 mitigation of these communities shall be required. (10.1.2, F.R.)

Preservation areas, such as marine grass beds, significant sand dune systems, and other vital or critical natural systems, shall be protected from any further development except in cases of overriding public interest. (10.3.1, F.R.)

State parks, preserves and wilderness areas shall be protected and preserved from inappropriate land uses contiguous to these areas. (10.3.5, F.R.)

Identified areas that contain viable populations of, or suitable habitats for, species listed as endangered, threatened, or of special concern by the State and Federal government, shall be classified as environmentally sensitive, preservation, or conservation areas with future development limited to land uses compatible with the listed species. (10.5.2, F.R.)

New development shall be compatible with the recreational use of adjacent areas and, where appropriate and feasible, provide for non-vehicular access. (10.12.3, F.R.)

Hazardous and nonhazardous materials and wastes shall be sited where they will be of no danger to the health, safety, and welfare of residential communities and areas. (13.2.9, F.R.)

Port facilities shall have on hand the necessary equipment to handle first response spills of oil and other environmentally hazardous materials, along with the capability to employ this equipment on short notice. (19.5.9, F.R.)

The Tampa Bay Region will strive to maintain and protect one of its primary economic assets - the environment, including clean air and water, beaches, forests, historic landmarks, and agricultural and natural resources. (21.2.2, F.R.)

The upland portions of the marina site and surrounding upland areas have groundwater levels that are influenced by tidal action in the coastal waterbodies (Gulf Landings canal network, Oyster Creek) which surround the project site. Water table elevations fluctuate regularly with periodic inundation, with excessive fluctuations occurring during spring tides and storm events. Because they are overlain by marine waters, both the water table and Floridan Aquifers contain high concentrations of chlorides (greater than 250 milligrams per liter of chlorides at 0 to 100 feet below land surface). In this coastal portion of Pasco County, no recharge to the Floridan Aquifer occurs, and no potable water resources are contained in the groundwater aquifers.

The marina site is located at the northern terminus of the Crown Canal, a man-made, tidally-influenced waterbody. The Crown Canal is defined by Chapter 17-3, FAC, as a Class III waterbody, for the purpose of "Recreation - Propagation and Maintenance of a Healthy and Balanced Population of Fish and Wildlife". The Crown Canal system is not classified as an Outstanding Florida Water, nor is it contained within the boundaries of an Aquatic Preserve. It is, however, immediately adjacent to the Robert Crown Wilderness Area, a preservation area (Policy 10.3.1, F.R.). The canal is, itself, a conservation area (Policy 10.1.2, F.R.).

The water basin surrounding the marina site maintains a direct connection to the Gulf of Mexico via the Crown Canal to the south. This waterway provides the main hydrological and navigational connection between the marina site and adjacent Gulf of Mexico. The Crown Canal, a waterbody which has been dedicated to the public, extends approximately 1.6 miles from its southerly connection with the Flor-A-Mar Canal to its northerly terminus at the project site. The marina basin also exchanges water with the Oyster Creek tidal system, located immediately north of the marina site and Green Key Road. This connection consists primarily of a 36-inch, functioning culvert lying beneath Green Key Road at the easterly end of the basin. An additional culvert located at the westerly end of the marina basin is currently nonfunctional. This culvert will be repaired to facilitate the exchange/circulation of waters between the marina basin and Oyster Creek.

The tidal amplitude within the marina basin and upper reaches of the

Crown Canal is approximately ± 2.0 feet. Tidal changes primarily occur on a semi-diurnal cycle (two high and two low tides every 24 hours). However, during spring tides (full and new moon phases), the tidal cycle becomes diurnal (one high and one low tide every 24 hours). Tidal amplitude is greatest during spring tides.

Documented surface water quality data for the marina basin and surrounding waters was not available prior to the onset of this study. Analysis of the flushing efficiency of the Gulf Harbors canal system, in which the proposed QMC Marina site is located, was conducted in 1980 to determine the best alternative canal configuration as required by DER Permit Number 51-17644. However, this study addressed flushing dynamics of the entire proposed system and did not include an analysis of specific water quality parameters, nor circulation, within the subject marina basin.

In an effort to obtain the data necessary to assess the existing quality and potential project-specific impacts on surface waters within, and adjacent to, the marina site, a comprehensive, diurnal water quality/circulation study was performed by the applicant's consultant on May 18 through 19, 1986.

Surface water grab samples were obtained from three stations every six hours over a 24-hour diurnal spring tide. Current velocity and direction were measured at the bottom, mid-depth and surface, dependent upon available depth, every three hours. In addition, composite sediment samples were obtained and analyzed for grain size distribution and metals.

The majority of the study results were found to be in compliance with state standards for Class III Waters. It is anticipated that the addition of a culvert to the east of the site and the repair of the existing nonfunctioning culvert to the west of the site will improve those parameters that fell below state standards. It should also be noted that many of the listed, mean pooled values were elevated due to the analysis of surface grab samples collected at Station 3. A dense algal bloom, of apparently natural origin, covered the water's surface at the eastern end of the basin near Green Key Road and was unavoidably collected in each of the station location water samples. It is expected that this temporary condition resulted in a few heightened parameters.

Concentrations of copper and tin were the only parameters which fell below state standards during the May sampling period. Both of these metals are common components of anti-fouling bottom paint for boats. It is expected that the heightened values of copper and tin are the result of the significant numbers of boats which are presently moored at the Oyster Creek, Crown Canal and Flor-A-Mar Canal systems. The introduction of anti-fouling paint into estuarine waters occurs primarily due to the leaching and maintenance of watercraft bottom paint. The construction and operation of the proposed marina is not anticipated to generate additional concentrations of these metals. The

removal and application of bottom paint will not be permitted at the marina site. The high-and-dry boat storage provided at the marina will lessen the need for such maintenance, since fouling organisms will not have adequate time, or conditions, for attachment to boat hulls. The absence of wet storage will not allow the leaching of bottom paint associated with permanently-moored watercraft.

WATER QUALITY SUMMARY AND COMPARISON WITH STATEWIDE
STANDARDS AND AVERAGE VALUES

<u>PARAMETER</u>	<u>MEAN (1) VALUE</u>	<u>STATE (2) STANDARD</u>	<u>STATEWIDE (3) AVERAGE</u>
Dissolved Oxygen	5.7	5.00	7.00
Total Suspended Solids	39.0	NS	28.0
Total Nitrogen	0.92	NS	0.76
Kjeldahl Nitrogen	0.84	NS	0.54
Total Phosphorous	0.46	NS	0.21
Copper	0.04	0.015	NS
Lead	0.007	0.03	NS
Tin	0.30	0.20	NS
Zinc	0.011	0.03	NS
Fecal Coliforms	12.00	800.0*	NS
Total Coliforms	97.00	NS	NS
Biological Oxygen Demand	3.5	NS	1.90
Chlorophyll-A	16.1	NS	8.00
Total Organic Carbon	27.00	NS	10.00
Oil and Grease	0.68	NS	NS
Turbidity	1.90	27.00	10.00

- (1) Present study - all stations pooled.
 (2) As established in Chapter 17-3.121, F.A.C.
 (3) FDER, 1983. Water quality Tech. Ser. Vol. 3, No. 11.
 NS. No statewide standard or average established.
 * Daily (24 hour) average.

Composite sediment samples were collected at each station, during the same water quality/circulation study, with a stainless steel ponar grab device, and then analyzed.

With regard to grain size distribution, the results indicate that Stations 3 and C generally contain bottom sediments consisting primarily of sands with relatively low silt and clay content, while Station 1 exhibited high silt and low sand and clay content. This extreme difference is related to the high flow rates associated with the Green Key Road culvert crossing and the low flow condition which presently exists in the western end of the marina basin. Additional silts were introduced into this end of the basin through erosion of upland fill material prior to repair of the marina seawall. Sedimentation rates within the marina basin and connecting Crown Canal are anticipated to be minimal, due to the predominant limestone

substratum through which the majority of these waterbodies. However, it is recommended that a monitoring program for shoreline erosion be implemented, along with development of a prevention/restoration plan, if erosion beyond five feet is discovered, due to increased boat traffic.

Analysis of carbonate and organic carbon, oils and grease and nine heavy metals contained within bottom sediments typically indicated slightly higher levels in the same low flow section of the marina basin. However, none of the results from any of the sample stations provide an indication of significant pollutant loading. Chromium concentrations fell outside of the 95-percent prediction limits for natural metal concentrations in estuarine sediments at Stations 3 and C, and lead fell outside of these prediction limits at Station C. The Coastal Zone Management Section of DER provided information to the applicant's consultant suggesting that wood piling treatments often contain chromium compounds. Therefore, wood piling supports may be the source of sedimentary chromium levels.

Every three hours during the 24-hour baseline water quality study, tidal current velocity/direction profiles were obtained by the applicant's consultant from Stations 1, 2 and 3 using an ENDECO Model 110 remote reading current meter.

In general, flood tide within the marina area reached the highest velocities at Station 2, where water entered the basin via the Crown Canal. Beyond this point, flow patterns became weak and variable due to the closed circulation potential at Station 1 and a dominant north-to-south hydraulic head pressure at Station 3. This naturally-occurring water surface elevation (head) difference across Green Key Road was studied and then documented by Larsen and Associates, an environmental engineering firm, in a letter to DER, for Permit Number 511047113. Flow vectors at Station 3 consistently show deflection west and northwest during flood tide, due to the influence of the southerly culvert flow created by the head differential between the north and south sides of the culvert.

The most significant flushing activity within the marina basin consistently occurs during the ebb tidal phase. The major contributing factor which creates this high ebb flow is the hydraulic head differential mentioned previously. Mean flow velocities at Station 3 ranged from 0.3 to 1.03 knots under the influence of the Green Key Road culvert connection.

The planned and permitted [DER Permit Number 511047113, U.S. Corps of Engineers (COE) Permit Number 86IPE-20105] installation of an additional culvert pipe at this location will enhance the flushing of the basin during ebb tides. Total benefits to be derived from this culvert installation are described by the applicant's engineering consultants in a letter to DER, dated November 12, 1985. The completed culvert installation is anticipated to:

- Almost double the thru-flow flushing and reduce the accumulation of oxygen-demanding material with the addition of a second 48" culvert. There will be, during each 12.5 hour tidal cycle, culvert flow equivalent to the volume of water in the canal surrounding the marina.
- Increase turbulent flow, which will reduce density stratification caused by warm water or fresh water input to the system. This will result in more uniform dissolved oxygen, top to bottom.
- Increase the physical reaeration rate at the water surface, due to increased turbulence and water movement.
- Benefit the overall area, both north and south of the culverts. The area north of the culverts is very shallow and has thick sea grass covering the bottom. The increased volume of water flowing over this shallow area will result in increased turbulence and physical reaeration.

Ebb flow at Station 1 consistently showed relatively low flow velocities. However, flow vectors were more direct (southerly), as water circulation was not subject to the physical circulation barrier of the western basin terminus, encountered during flood tides.

Additional planned improvements, which should increase tidal flushing and circulation in this section of the basin, include the repair of the existing, nonfunctioning culvert connection between the western end of the basin proper and the Oyster Creek tidal system, located immediately north of Green Key Road.

DER Permit Number 511047113, dated April 17, 1985, approved the marina construction with the following special condition:

"Prior to construction of the marina facility and prior to installation of the additional 48[inch] culvert pipe, the permittee shall provide detailed plans (with installation methods) to construct two fixed weirs both for the existing and proposed 48[inch] culverts (connected to the open waters of Oyster Creek). These structures shall be designed to: (1) resist corrosion, (2) resist vandalism and (3) have fixed weirs with an elevation set 1/3 the distance between [Mean Low Water] and [Mean High Water], above mean low water."

COE Permit Number 86IPE-20105, dated October 6, 1985, as modified November 24, 1986, authorized the marina construction with the following special conditions:

- a. That the conditions imposed by the State water quality certification number 511047113, issued April 17, 1986, as required by Section 401 of the Clean Water Act are hereby incorporated as part of this permit.

- b. That the weirs will be constructed with fixed crest elevations of +.8 foot [Mean Low Water], but with stop log riser capability up to crest elevations of +1.4 feet [Mean Low Water].
- c. That two simultaneous tide readings will be taken at the locations indicated on...the permit drawings over three complete tide cycles. The first reading will be taken before installation of the second culvert or the weirs. The second reading will be taken after installation of the weirs with fixed crest elevations at +.8 foot [Mean Low Water]. The third and last reading will be taken after installation of the log risers to crest elevations of +1.4 feet [Mean Low Water].
- d. That the second and third tide readings will be taken and the data furnished to the Jacksonville District Office...within 90 days of installation of the second culvert and the weirs.
- e. That the permittee agrees to set the crest elevations of the weirs at the height specified by the Corps of Engineers after evaluation of the data outlined in special condition c.

In view of the approval of this proposal by the above-listed agencies without the inclusion of specific water quality monitoring requirements, the suitable water quality of the existing marina basin, and the improvements of water quality to be realized through the planned culvert improvements, the applicant does not anticipate that a water quality monitoring program will be necessary. However, it is a recommended regional Development Order condition that water quality monitoring be conducted by the applicant, in order to determine continuing compliance with state water quality standards.

The proposed project site is presently vacant land, consisting of two soil types: Aripaka Fine Sand and Quartzipsamments. The site has gradually been filled over the years with material containing silts and clays, and recent soil tests show that the soil has no percolation due to these clays and silts. Existing stormwater runoff flows directly to the adjacent tidally-affected canal.

The proposed drainage system is designed to handle the first one inch of runoff for treatment, and provide the capacity for the conveyance of stormwater, in accordance with permits SWM E05400 and MSW 401793 approved by the Southwest Florida Water Management District (SWFWMD) on February 13, 1967. Treatment is to be performed using detention swales, with sand filters and perforated underdrain pipes. This underdrain system is designed according to Chapter 17-25, F.A.C.

A 25-year/24-hour duration design frequency was used to design the stormwater treatment and conveyance system. A ditch bottom inlet is set in the swale with the grate elevation at the treatment volume

level. A skimmer will be used to prevent grease and oil from entering the inlet. Additional stormwater and treated runoff will discharge via pipes into the adjacent canal, according to SWFWMD Permit MSW 401793, "...connected to Cross Bayou, to [the] Gulf". The outfalls will be equipped with flapgates to prevent storm surge high tides from entering into the storm drain system.

The total treatment volume storage required is 0.62 acre-feet. The swale and underdrain filter system have a total storage volume of 0.66 acre-feet. Additional storage for attenuation purposes is not proposed because of the site's direct discharge to the tidally-affected canal. The discharge pipes outfall into the adjacent canal at 13 locations around the perimeter of the site. SWFWMD Permit MSW 401793 states that the Gulf will "not [be] adversely affected by discharge rates of this magnitude".

The on-site drainage system, structures and detention areas will be maintained by the owner.

The project can be interpreted as being inconsistent with Council growth policies 8.1.4, 8.9.3, 9.1.2, 9.2.3, 9.5.1, 9.6.1, 10.1.1, 10.1.2, 10.3.1, 10.6.2 and 10.12.3, for the following reasons:

- Incompatible adjacent land uses, which will be adversely affected by degradation of water quality: the Robert Crown Wilderness Area, and the Sea Forest subdivision.
- Potential water quality, habitat, and endangered species impacts; and
- Long distances by canal to the Gulf of Mexico open waters, adversely affecting dilution of pollutant loadings.
- Low tidal range and flushing rates, due to location at the end of a dead-end channel.
- The water quality within the marina basin marginally meets state water quality standards.
- The coastal marshes of the Robert Crown Wilderness Area are designated by the Department of Community Affairs as highly sensitive to oil spills.

There is a serious potential to create an adverse impact on preservation/conservation areas as a result of water quality degradation from:

- fuel and sewage pump-out spillage
- oil leakage
- basin and canal bank erosion, particularly as a result of the

wake created by larger boats at idle speed

- stormwater runoff
- boat rinsing/cleaning

Potential adverse impacts on surface water quality in the marina basin and connecting waterways will be minimized and/or mitigated by the following applicant commitments:

- Existing and planned culvert connections will be improved and constructed, respectively, in order to enhance the flushing of the marina basin and contiguous canal system.
- A landside sanitary pump-out station will be provided for the removal of domestic sewage from holding tanks in vessels using the marina facility.
- The drainage system has been designed to exceed the stormwater treatment requirements of Chapter 17-25, F.A.C. by 100 percent, thus minimizing the impacts of runoff on water quality. (SWFWMD Permit No. 401793, issued on 2/13/87)
- All boat storage will consist solely of dry-dock facilities. No overnight boat moorage, or live-aboard moorage, will be permitted.
- No major boat or motor repairs will be conducted on-site.
- A fuel sump will be located below the fuel pump decking to collect minor fuel spills, in the event that they should occur.
- During the construction of fueling facilities, the applicant will comply with all provisions of Chapter 17-61, F.A.C., which sets forth rules for the construction, permitting and monitoring of stationary fuel tanks. No underground fuel storage tanks are proposed.

A concern exists regarding possible water quality impacts from fuel storage and fueling facilities, on-site. It is recommended, as a Development Order condition, that fueling facilities shall be operated only by trained marina employees. The developer will comply with all applicable federal, state and local laws regulating the transport, storage and dispensing of gasoline on-site, which should reduce the incidence of spills; however, the design details of containment devices for the aboveground storage tanks and fuel pumps are not yet available. The U.S. Coast Guard Spill Prevention and Countermeasure Control Plan (SPCC) is to be provided to the TBRPC and various reviewing agencies upon completion. The construction and maintenance of the three proposed fuel tanks will comply with Chapter 17-61, F.A.C., which defines the regulatory procedures for stationary fuel tanks.

Development Order conditions addressing potential negative water quality impacts attributable to the proposed OMC Marina at Gulf Landings are included in the "Recommended Regional Development Order Conditions" section of this final report.

WETLANDS

Programs shall be developed at the regional and local levels to identify, protect and conserve the natural character and function of area lakes, streams, estuaries, wetlands, floodplain areas, and upland areas. (8.9.1, F.R.)

In regionally significant development proposals, developers shall assess the cumulative impacts of such activities as dredge and fill, waste disposal, and construction on the health of the natural systems. (8.9.3, F.R.)

The promotion of sound coastal management shall be encouraged to ensure that maximum long-term benefits are attained in the use of the coastal zone by the region's residents. (9.1.1, F.R.)

The protection of coastal vegetative communities, coastal wildlife habitats, and dune systems from the adverse effects of development shall be required. (9.1.2, F.R.)

Sensitive coastal resources shall be protected from short-term and long term degradation and erosion resulting from improper development practices and recreational misuse. (9.2.3, F.R.)

Stabilization projects, preferably utilizing vegetation as the stabilization medium, are encouraged. (9.2.5, F.R.)

Long-term productivity of marine fisheries habitat and other aquatic resources shall be increased and restored through estuary and intertidal protection. (9.5.1, F.R.)

Land and water uses shall be compatible with the protection of sensitive coastal resources. (9.6.1, F.R.)

Conservation areas, such as coastal marshes, freshwater swamps, and mangrove forests shall be protected from development that would significantly alter their function and character. Once established, at least 1:1 mitigation of these communities shall be required. (10.1.2, F.R.)

Preservation areas, such as marine grass beds, significant sand dune systems, and other vital or critical natural systems, shall be protected from any further development

except in cases of overriding public interest. (10.3.1, F.R.)

State parks, preserves and wilderness areas shall be protected and preserved from inappropriate land uses contiguous to these areas. (10.3.5, F.R.)

Identified areas that contain viable populations of, or suitable habitats for, species listed as endangered, threatened, or of special concern by the State and Federal Government, shall be classified as environmentally sensitive, preservation, or conservation areas with future development limited to land uses compatible with the listed species. (10.6.2, F.R.)

Unique and irreplaceable natural resources shall be protected from adverse effects. (16.8.2, F.R.)

Wetlands found within the OMC Marina project site are minimal. The primary wetland area is the marina basin, consisting of the existing dredged open water canal system abutting the south, west, and east sides of the property. This canal was dredged in 1972 and 1973 and does not support a productive vegetated bottom. The water quality and flushing characteristics of this canal are thoroughly described in the Water Quality section of this final report.

The only other wetland on the site is a very small (less than 0.5 acre) depressional area supporting blackrush and marsh fleabane. This depressional area is found within the 1.22-acre pine/cabbage palm area and will be preserved.

The proposed OMC Marina at Gulf Landings will be located within the original Gulf Harbors development tract, deeded to the Marine Bank & Trust Company in 1972 in exchange for lands to be, according to the original deed, "dedicated in perpetuity as a wilderness area, pursuant to the Wilderness System Act, Chapter 258, Florida Statutes, 1972, and with the further understanding that the Trustees will manage said property in such a way as to protect and enhance the basic natural qualities for public enjoyment and utilization as reminders of the natural conditions that preceded man...[t]his conveyance is subject to an automatic reverter [to] the Bank or its successors in title in the event said lands are not dedicated or maintained by the Trustees under the State Wilderness System Act, or are not left substantially intact as a natural preserve". Under this same deed, approximately 9 acres of property were donated to the Pinellas Area Council of Boy Scouts of America, Inc., to hold forever, as long as it will be utilized as a camp and kept in pristine condition. If utilized otherwise, title to the lands will automatically revert to the Trustees. The boundary of the wilderness area, as well as the Boy Scout camp, is the line of mean high water. It is unclear where this project's property line actually lies, because the mean high water line is not at the shoreline of the basin.

The lands to be dedicated as a wilderness area under the 1972 deed, including submerged lands and the water column covering the same, were accepted by the Trustees through a June 17, 1965 resolution, establishing the Robert Crown Wilderness Area as part of the Wilderness System under Section 258.17-258.33, F.S., in perpetuity. The resolution states that "the type of wilderness area created...is biological and scientific, off-limits to incompatible human activity, preserved for its basic natural qualities for public enjoyment and utilization...". The area is managed by the Department of Natural Resources "for the protection of the area from degradation or destruction from other than natural causes or conditions".

The Robert Crown Wilderness Area is a preservation area, as defined by Council Policy 10.3.1, F.R. Preservation areas are defined as:

"Areas that need to be protected from any further development except in extreme cases of overriding public interest. The preservation concept includes consideration of ecologically sensitive flora and fauna, as well as fragile topographic features. Included are...coastal marshes with tidal influence...".

The proposed QMC Marina basin, the Crown Canal, and the Flor-A-Mar Canal are conservation areas, as defined by Council Policy 10.1.2, F.R. Conservation areas are defined in The Future of the Region as:

"Lands and waters within the coastal zone that provide buffer zones for preservation areas, but are not absolutely critical to regional ecological integrity (except in wildlife refuges). However, because of their physical character or present use, these areas require special precautions when being converted to development in order to avoid direct or indirect consequences harmful to the public health, safety and welfare. These areas include...Class III waters...".

FLOOD PLAINS/DISASTER PREPAREDNESS

Public education and information programs shall be designed to enhance the knowledge of the region's citizens of the dangers of natural and manmade disasters that can occur in the Tampa Bay area. (7.5.1, F.R.)

As part of the review of regionally significant development, all large corporate parks, office parks, hotels, ports and employment centers located in hurricane evacuation levels A, B or C must have evacuation plans that are consistent with state, county and city evacuation plans. (7.6.1, F.R.)

Local and regional development review processes shall require that the deeds for sale of land and/or structures in hurricane vulnerable zones (Evacuation levels, A, B, or C) be

accompanied by a hazard disclosure statement generally describing the property's relative probability of damage from hurricane surge. (7.6.6, F.R.)

All coastal local governments in the region shall adopt and strictly enforce all appropriate federal, state and regional coastal construction codes, coastal setback requirements and the State Minimum Building Code recognizing the vulnerability of this region to hurricane hazards. (7.7.1, F.R.)

New infrastructure should not be constructed in hurricane high-risk areas, except as needed to protect the health, welfare and safety of existing residents and/or property owners or as needed to satisfy overriding public interest. (7.9.1, F.R.)

Flood zones in Pasco County have been mapped by the Federal Emergency Management Agency (FEMA). The proposed project site is located within zone A13. This zone is an area of the 100-year floodplain with the base flood elevation and flood hazard factors determined. The ADP illustrates the flood zone on the proposed project site, as depicted on the FEMA Flood Insurance Rate Map Community Panel 120230 0188C.

No empirical data relative to flood elevations is available for the proposed project site. SWFWMD and Pasco County were contacted concerning available flood elevation data including the mean annual and 25-year flood elevations for the site. Both of these entities confirmed the FEMA information as the best available data.

All permanent structures in the development will be constructed to conform to floodplain ordinance requirements.

A confirmation letter from the Pasco County Development Review Division, included in the ADP, confirms that the County participates in the National Flood Insurance Program.

The entire project is located within evacuation zone #3 of Pasco County (Tampa Bay Region, Hurricane Evacuation Study, September, 1988). Evacuation zone #3 is in evacuation level "A", and would require total evacuation from each and every hurricane.

As stated in the Sufficiency Response, the developer has agreed to "hurricane-proof" the site to the greatest extent possible. The boat storage facilities will be designed to have "blow away" ground floor elevations, and will be built to withstand hurricane-force winds, as required by state and local code. In the event of a hurricane, all boats will remain on-site. The fuel tanks will be located in concrete or masonry containment areas, which will be designed to provide protection from a storm surge. The fuel pump will be disconnected from the fuel tanks prior to evacuation from the site.

The following are recommended regional Development Order conditions:

- The developer shall promote awareness of, and shall cooperate with local and regional authorities having jurisdiction to issue hurricane evacuation orders. The developer shall prepare a project-specific plan to ensure the safe and orderly evacuation of visitors and lessees, and those employees who, for security or administrative reasons, are on-site after an evacuation order is issued by ordering all buildings closed for the duration of a hurricane evacuation order; informing all employees, visitors, and lessees of evacuation routes out of the flood prone area and measures to be followed in the event of same; making all efforts to coordinate with and inform appropriate public authorities of building closings, security and safety measures, and evacuation plans; and posting public information and established procedures/plans for marina/boat safety, as well as referencing such information in all boat slip leases. This plan shall be included in the first annual report submitted after occupancy of any portion of the project.
- All leases, as well as any future deeds, for sale of land and/or structures within the OMC Marina must be accompanied by a hazard disclosure statement generally describing the property(ies) relative probability of damage from hurricane surge.
- Elevations for all habitable structures shall be at or above the base flood elevation.

VEGETATION AND WILDLIFE

The protection of coastal vegetative communities, coastal wildlife habitats, and dune systems from the adverse effects of development shall be required. (9.1.2, F.R.)

State parks, preserves and wilderness areas shall be protected and preserved from inappropriate land uses contiguous to these areas. (10.3.5, F.R.)

Identified areas that contain viable populations of, or suitable habitats for, species listed as endangered, threatened, or of special concern by the State and Federal government, shall be classified as environmentally sensitive, preservation, or conservation areas with future development limited to land uses compatible with the listed species. (10.6.2, F.R.)

Public education programs shall be developed by equipped organizations or agencies to inform residents of the Tampa Bay area about species listed as endangered, threatened, or of special concern, their habitats, and value to natural systems and man. (10.7.1, F.R.)

Land use and vegetation on the site as well as the surrounding area have been classified using Level III of the Florida Land Use, Cover and Forms Classification System (FLUCCS, 1985). The eight-acre upland site consists of limited vegetation. Land use and cover designations within the project boundaries are limited natural to streams and waterways, fill areas, and pine/cabbage palm hammock.

The 1.22-acre pine/cabbage palm hammock is the only substantial vegetative community on the property. Cabbage palm and slash pine are the dominant canopy species, although canopy-sized southern red cedar also occurs on-site. Yaupon, live oak, saw palmetto and groundsel tree dominate the understory and ground cover. The hammock is extensively invaded with Brazilian pepper. One small depressional area was found to support blackrush and marsh fleabane. With the exception of the pine/cabbage palm hammock, the upland site is only sparsely vegetated with dog fennel and other pioneer species.

Due to the invasion of Brazilian pepper and the lack of a well-defined and diverse ground cover, the hammock is of low habitat value. However, a portion of this area is proposed for preservation and enhancement by removal of the existing Brazilian pepper and incorporation of the hammock into the project landscaping.

The streams and waterways designation refers to the marina basin, which is approximately five feet deep, and does not support vegetation, or a productive bottom.

Off-site land use and cover include residential, cabbage palm, mangrove swamp, saltwater marsh, and roads and highways.

The natural areas surrounding the fill site, the Robert Crown Wilderness Area and Oyster Creek, are pristine and productive estuarine wetlands, dominated by either black and red mangrove, black rush or smooth cordgrass. Upland islands occur within the estuary and are composed of species noted in the on-site pine/cabbage palm hammock area. There are no rare or endangered plants known, or expected to occur, on the project site.

The identification of wildlife habitats and populations on-site was derived from field investigations of the proposed project site and the upland islands in the surrounding estuary, as well as surveys conducted from boat of the estuary, north and south of the project site. Site investigations were undertaken during May and August of 1988 and included early morning as well as evening observations. A biologist with the Florida Game and Fresh Water Fish Commission (FGFWFC) also surveyed the proposed marina site on two occasions and concurred that the potential for mammal habitation was low, and that habitat suitable for listed mammals and herpetofauna was not present on this site. It was the opinion of the FGFWFC biologist that small mammal and herpetofaunal trapping was unnecessary. No evidence of mammal habitation was noted during any of the field surveys.

Due to the presence of wetland habitat provided in the surrounding estuaries, including the Robert Crown Wilderness Area, a number of avian species feed and reside in the area and could potentially migrate to and from the site. Species listed as rare, threatened or endangered which were observed near the site were the great white heron, reddish egret, woodstork, brown pelican, little blue heron, great egret, black-crowned night heron, and white ibis. Additional listed species with the potential to occur near the proposed marina are Scott's seaside sparrow, roseate spoonbill, peregrine falcon, southern bald eagle, osprey, southeastern American kestrel, mangrove cuckoo, snowy egret, tricolored heron, yellow-crowned night heron, and the glossy ibis. The proposed project site and surrounding areas were surveyed with an FGFWFC biologist for potential avian nesting colonies, with no nesting colonies identified. The FGFWFC eagle coordinator was consulted to identify any nearby bald eagle nests. The closest identified Southern Bald Eagle nest was determined to be located approximately one-and-one-half to two miles north of the proposed GMC Marina site. There will be no loss of potential habitat for avian species on-site due to the proposed development. Avian species may be periodically displaced from the immediate project site and canal due to marina activities.

The project site abuts a waterway with access to the Gulf of Mexico. Consequently, a number of marine fisheries species could potentially be encountered. The Crown Canal is dredged and a hard limestone strata is encountered below the thin surficial sediment horizon. Therefore, the canal is devoid of vegetated bottom habitat. Primarily pelagic fishes, such as mullet or herring, which are not as dependent on the presence of vegetated bottom habitat, are encountered in the canal. Many species could potentially migrate into the Crown Canal, although it is unlikely due to the depth differential and lack of habitat. No significant estuarine nursery areas occur in the canal system.

Endangered marine species which could potentially occur in the Crown Canal are the West Indian manatee, and the Kemp's ridley sea turtle. Although individuals of these species have been sighted in this vicinity of the Gulf of Mexico, neither species are known to occur in significant concentrations in the canal system, probably due to the lack of aquatic vegetation. DNR has not conducted population surveys in this area, however, and data on the number of individuals is not available. Additional rare, endangered or threatened species with the potential to occur near the proposed marina are the green sea turtle, loggerhead sea turtle, and the hawksbill sea turtle. The canal system provides little or no feeding or breeding habitat for these species.

The greatest threat to the survival of the West Indian manatee is injury from power-driven boats. Public education of boaters and the reduction of boat speeds is critical to reducing manatee mortality. In order to mitigate potential impacts to manatees, the applicant has committed to incorporate the following measures into the project:

- Display of manatee warning signs in and around the marina;

- Display of manatee educational exhibits on the marina grounds. These exhibits will contain basic information on manatee ecology, boater information and the DNR "Manatee Hotline" phone numbers;
- The marina envelope and canals will be designated and posted as an idle speed zone [the Crown Canal is currently a "no-wake" zone per local ordinance];
- The DNR will be consulted regarding the appropriate design and placement of educational exhibits and warning signs; and
- The standard DNR construction standards concerning the manatee protection sightings and reporting will be observed.

The standard DNR construction standards concerning the manatee protection sightings and reporting will be incorporated into the project, and are included as developer commitments.

Sea turtles shall also benefit from these same protective measures. Due to the fact that there is no feeding or nesting habitat within the canals, and no loss of habitat resulting from the project, representatives of DNR do not believe the proposed marina will impact sea turtles occurring in the area of the proposed QMC Marina at Gulf Landings.

Development Order Conditions addressing the proposed project's impacts upon wildlife and vegetation, including a biological monitoring program, are listed in the "Recommended Regional Conditions" section of this report.

ECONOMY

The Tampa Bay Region should strive to attract new job-producing industries, corporate headquarters, distribution and service centers, regional offices, research and development facilities, and small business to provide quality employment for its residents. (21.6.1, F.R.)

The Tampa Bay Region supports the promotional efforts of those areas of the region that desire to attract visitors, and encourages the utilization of year-round recreational and tourist sites and activities. (23.2.3, F.R.)

The total development and construction expenditures for the proposed QMC Marina at Gulf Landings are projected to be \$4.55 million over the two-year development phase with 77 percent to be spent within the Tampa Bay region. Construction employment will total 25, with three positions off-site. Labor expenditures are projected to be \$1.5 million, entirely spent within the region. The estimated annual payroll for the projected 26 permanent (nonconstruction) employees, at

build-out, is \$569,000. Permanent employment levels are not expected to fluctuate seasonally. The estimated annual ad valorem tax yield at build-out is \$86,480, and the estimated transportation impact fee would be approximately \$200,000.

Lease rates for dry storage have not yet been determined.

IMPACT ON PUBLIC FACILITIES

WASTEWATER

Sewer lines shall be monitored for leaks and ruptures with faulty lines replaced as quickly as possible to reduce adverse impacts on groundwater (13.8.2, F.R.)

Domestic sewage and industrial discharges shall be required to achieve best practical technological standards and to implement reuse systems to minimize pollution discharge. (13.9.2, F.R.)

Total wastewater flow from the proposed OMC Marina development is projected to average 3,215 gallons per day (gpd) at completion. This figure includes wastes generated from the proposed sewage pump-out facility. Pumped-out sewage will be discharged directly into the main sewer system for the marina. There will be no on-site treatment or disposal of wastewater. Septic tanks shall not be utilized on-site. Treatment will be provided by Lindrick Service Corporation, which states in a letter contained in the ADA, dated September 2, 1988, that capacity is available to serve the OMC Marina wastewater generation. The Lindrick plant, permitted for flows of 1.0 million gallons per day (MGD), is currently receiving 0.47 MGD.

The owner is responsible for maintaining and monitoring all on-site utilities. A maintenance and monitoring schedule for the project's utility lines will be prepared, prior to operation of the marina. The applicant will provide routine inspection and maintenance of the transmission facilities to limit leaks in the system, as required by local code, at a minimum.

The sewage pump-out facility, to be located on-site, will be utilized mainly by the boats stored at the marina. However, the facility will be available for use by the general public. The facility will be operated only by trained marina staff.

The following are recommended regional Development Order conditions:

- The Development Order shall establish a plan and schedule whereby OMC Marina at Gulf Landings on-site sewer lines shall be monitored for leaks and ruptures. The plan shall include a time schedule which outlines dates or frequency of the monitoring program. Faulty lines shall be replaced as quickly as possible.

- The permanent sewage pump-out station shall be operational prior to the storage of boats at the OMC Marina, and shall be located on upland, discharging into the sanitary sewer system. Slip leases shall require vessels to be equipped with only U.S. Coast Guard-approved marine sanitation devices.
- Sewage pump-out and fueling activities shall be conducted by trained marina personnel.

WATER SUPPLY

The policy of the region shall be to encourage the use of the lowest quality water reasonably available and suitable to a given purpose in order to reduce the unnecessary use of potable water. (8.1.1, F.R.)

The permitting of new developments proposing the use of a community water supply shall be compatible with any proposed regional potable water supply and distribution facility. (8.1.3, F.R.)

The average total daily demand for potable water for this project is projected to be 10,348 gallons per day (gpd). The average total daily demand for non-potable water for this project is projected to be 20,036 gpd. Potable water will be supplied by the Lindrick Corporation, which confirms in its letter in the ADA, dated September 2, 1988, that the water supply demand for OMC Marina can be met. The owner will operate and maintain the internal water supply system.

It is recommended, as a Development Order condition, that water-saving devices shall be required in the project as mandated by the Florida Water Conservation Act (Section 533.14, F.S., 1985) and native vegetation shall be used in landscaping to the greatest extent possible.

SOLID WASTE

Recycling of hazardous waste products such as oils, solvents, and paints shall be promoted by local and regional governments. (13.1.1, F.R.)

Hazardous and nonhazardous materials and wastes shall be sited where they will be of no danger to the health, safety, and welfare of residential communities and areas. (13.2.9, F.R.)

Disposal of commercial and industrial hazardous waste into sewer systems shall be eliminated. (13.8.1, F.R.)

The proposed OMC Marina at Gulf Landings is projected to create 0.8

tons/day of commercial solid waste.

There will be 800 pounds per day of solid waste generated from the project, according to the applicant. The application also states that the only hazardous material to be handled on-site will be gasoline, which will be stored in aboveground tanks.

A letter contained in the ADA, dated August 6, 1988, from the Pasco County Public Works and Utilities Department, states that the County has and will have adequate capacity to provide solid waste disposal service to OMC Marina, however the County does not provide hazardous waste service.

The following are recommended regional Development Order conditions:

- The entity and capability to provide, operate and maintain solid waste disposal capacity for the development shall be set forth in the Development Order. Pasco County shall provide assurance of a regular program for litter removal in the Crown Canal.
- The applicant shall provide to all OMC Marina at Gulf Landings boat slip lessees information that indicates the types of materials that are considered to be hazardous and are to be stored or disposed of only in specially-designated containers/areas to be located on-site. Specific details regarding the methods by which the developer shall handle and dispose of hazardous waste generated by OMC Marina at Gulf Landings activities shall be provided to Pasco County and to TRRPC in the first annual report after Development Order approval.

ENERGY

The use of energy alternatives, such as solar energy, resource recovery and waste heat recovery and co-generation, where economically feasible, should be used for all energy users. (12.1.2, F.R.)

The use of landscaping and building orientation to reduce heat gain should be used where feasible. (12.2.4, F.R.)

Average daily electrical demand is projected to be 1,400 kilowatts per day at build-out of the proposed OMC Marina at Gulf Landings development with the peak hour demand of 700 kilowatts. All electrical service will be provided by Florida Power Corporation which has indicated by letter its ability to service the projected energy demand. No on-site electrical generating facilities are planned.

There is no electrical connection proposed for the boat storage facilities except for emergency lighting, if required by code. However, the commercial buildings, parking areas and landscape

promenade will have electrical connections and will be lit at night. Electrical lines will extend underground from the commercial buildings to Green Key Road, where they will connect to an aboveground power line. Additional electrical lines will be distributed underground from the commercial buildings, as needed.

Stored boats will be moved by two gasoline-powered forklifts.

Pursuant to Council Policies 12.4 and 12.5, F.R., it is appropriate, as a Development Order condition, that the OMC Marina at Gulf Landings shall be encouraged to utilize energy conservation measures, as described in the "Recommended Regional Conditions" section of this report.

RECREATION AND OPEN SPACE

Access to park/recreation facilities and services for the elderly, handicapped and economically disadvantaged, shall be required. (10.12.1, F.R.)

The Tampa Bay Region will strive to maintain and protect one of its primary economic assets - the environment, including clean air and water, beaches, forests, historic landmarks and agricultural and natural resources. (21.2.2, F.R.)

The Tampa Bay Region supports the promotional efforts of those areas of the region that desire to attract visitors, and encourages the utilization of year-round recreational and tourist sites and activities. (25.2.3, F.R.)

The proposed OMC Marina at Gulf Landings is a recreation facility. One-half of the boat storage slips will be reserved for Gulf Landings residents during the initial six months of marina operation; the other half of the slips will be open to the public on a "first-come, first-served" basis. An advertisement of the boat slip availability will be posted in the Gulf Landings sales office for the initial six-month period. The entire marina will be open to the public after the first six months of operation, consistent with the TRPC Marina Siting Policy, Section D.3, Economic Considerations, Public Access. In addition to the dry storage facilities, the marina will include a waterfront esplanade and commercial facilities for use by non-boaters as well as boaters. Outboard Marine Corporation will operate and maintain the marina facilities.

The existing site is presently vacant, and, therefore, not being used for recreation purposes. The proposed marina will increase the public's access to the Gulf of Mexico for boating-related activities.

Open space is proposed for 58 percent of the site, or 6.5 acres, at build-out. This acreage includes 3.18 acres of water, 0.39 acres of preserved vegetation and 2.93 acres of greenspace.

The developer has committed to a marina design which will provide handicapped access, as required by the Standard Building Code. All public buildings will be one story, and ramps will be provided throughout the site, as needed, to accommodate handicapped visitors.

The QMC Marina at Gulf Landings is planned as a dry storage marina with accessory uses that will provide boat storage for the general public. The proposed 11.8-acre (eight acres of upland) marina facility will feature four dry storage buildings that will accommodate 376 power boats under 30 feet in length, along with 48 day-use slips. The marina is relatively far from the open waters of the Gulf of Mexico, considering that boats leaving the marina will have to navigate the canal and channel at idle speed.

Negative impacts expected from the project are increased boat traffic through canals that traverse environmentally sensitive lands on one side and residential, waterfront communities on the other.

It is recommended that the entity(ies) responsible for maintenance of all recreation and open space areas within the project shall be identified in the Development Order.

HEALTH CARE

Future development activities should, at a minimum, maintain the level of fire, police, and EMS services currently available in the region. (7.2.1, F.R.)

Police, fire fighting and EMS facilities, equipment, personnel, and training shall be provided in all areas of the region. (7.2.6, F.R.)

Comprehensive Emergency Management plans that have provisions for preparedness, response, recovery and mitigation are required at the regional and county level. (7.4.1, F.R.)

No medical or health care facilities are proposed on the project site.

West Pasco Hospital is located approximately two miles west of the site and HCR Community Hospital is located approximately 2.5 miles southeast of the site in New Port Richey. The project lies within hurricane evacuation zone 3 in Pasco County and evacuation is mandatory for hurricanes of any intensity. The nearest ambulance to the site is 1.5 miles from the site, with an estimated arrival time of four to six minutes.

A letter from the Pasco County Emergency Medical Services Department indicates that three EMS facilities are located within a four-mile radius of the project site.

The proposed project will not negatively impact health care services in the Pasco County service area.

The following are recommended regional Development Order conditions:

- The entity and capability to provide emergency medical service to this development and developer participation in expansion of services shall be set forth in the Development Order.
- The development of OMC Marina at Gulf Landings shall not lower the level of service of the fire, police and EMS services in Pasco County below acceptable standards, as set forth in the Pasco County Comprehensive Plan.

POLICE

Future development activities should, at a minimum, maintain the level of fire, police, and EMS services currently available in the region. (7.2.1, F.R.)

Police, fire fighting and EMS facilities, equipment, personnel, and training shall be provided in all areas of the region. (7.2.6, F.R.)

New developments shall provide land or fees to address the development's impact on public and semi-public facilities through appropriate local policies and ordinances. (17.3.1, F.R.)

Adequate public services, energy, and transportation facilities and services to serve new and existing industries and businesses are encouraged. (21.1.2, F.R.)

The OMC Marina will not provide law enforcement services; however, the marina facility will be attended by private security, 24-hours a day, 7 days a week. The Pasco County Sheriff's Department indicates that it will be able to provide adequate law enforcement services to the project. Emergency and security lighting will be provided in key areas of the marina. The Sheriff's Department will have a key to the facility in case of emergency and boat slips will be provided for the Sheriff's Department and the Florida Marine Patrol.

Below are conditions considered appropriate for inclusion in the Development Order:

- The development of OMC Marina at Gulf Landings shall not lower the level of service of the police services in Pasco County below acceptable standards, as set forth in the Pasco County Comprehensive Plan.
- The entity and capability to provide police protection service to this development and developer participation in expansion of services shall be set forth in the Development

Order.

FIRE

Future development activities should, at a minimum, maintain the level of fire, police, and EMS services currently available in the region. (7.2.1, F.R.)

Police, fire fighting and EMS facilities, equipment, personnel, and training shall be provided in all areas of the region. (7.2.6, F.R.)

The provision of adequate water supplies and pressure for fire fighting activities as defined by federal, state and local requirements shall be required of all new developments. (7.2.7, F.R.)

The use of fire protection measures as defined by federal, state or local requirements shall be required for all new development. (7.2.8, F.R.)

Local governments with large quantity generators located within their jurisdictions shall develop or have ready access to a hazardous materials task force/response team to handle emergency situations (i.e., spills, fires, etc.). If the services of such an emergency response team are provided by another local jurisdiction, the coordination of this agreement shall be specified in the intergovernmental section of the comprehensive plan of each. (13.2.4, F.R.)

Hazardous and nonhazardous materials and wastes shall be sited where they will be of no danger to the health, safety, and welfare of residential communities and areas. (13.2.9, F.R.)

No fire protection services or facilities will be provided on the marina site; however, the marina will provide safety features such as sprinkler systems and fire extinguishers. The site lies within the service area of the Pasco County Fire Department. The nearest fire station can provide a four to six minute response time. The Insurance Service Office (ISO) rating is a six/nine.

An automatic spill alarm for the fuel system and fuel tanks and a containment structure designed to contain 100 percent of the total volume of the fuel tanks are also planned for the project.

Pasco County has access to a hazardous materials emergency squad on a mutual aid basis from the City of New Port Richey, Hillsborough County or Pinellas County.

The following are recommended regional Development Order conditions:

- All buildings shall be required to have sprinkler systems, or other appropriate fire retardant systems, as approved by the Pasco County Fire Marshall. Schematic diagrams of these systems shall be provided to the County Fire Marshall for approval, prior to building permit approval.
- The entities and capability to provide fire service to this development and developer participation in expansion of services shall be set forth in the Development Order.
- The development of OMC Marina at Gulf Landings shall not lower the level of service of fire service in Pasco County below acceptable standards, as set forth in the Pasco County Comprehensive Plan.

SPECIFIC DRI CATEGORIES

PORT FACILITIES

The development and use of innovative and more efficient spoil disposal methods which reduce environmental impacts and financial costs of spoil disposal shall be accomplished. (15.8.6, F.R.)

Port facilities and waterways shall be developed to assure an optimum balance between economic costs and benefits and environmental and social costs. (19.5.2, F.R.)

The OMC Marina is part of a 2500-acre planned development area originally known as Flor-A-Mar, Gulf Harbors. The master development plan was approved in 1958 by Pasco County, and included single family and multi-family residential land uses, as well as commercial land uses, including two marinas, "marina north" and "marina south". The OMC Marina site is the north marina, and has been a part of the Gulf Harbors planned development since its original approval.

The applicant has estimated that approximately 238 private vessels are currently moored within the Crown Canal system, based upon an assumption that 90 percent of the 264 homes abutting the Crown Canal and adjacent finger canals have boats. Validation of this assumption was not provided by the applicant. Some of these boats are greater than 30 feet in length. These vessels all utilize the canal system for access to the Gulf of Mexico. Vessels utilizing the marina facility will be limited to 30 feet in length. Vessels of this dimension are expected to have a draft of approximately one-and-one-half feet or less, according to the applicant, within the mean high and low tide depths of the Crown Canal system, allowing efficient operation of vessels without prop washing of canal bottoms. In addition, research to date indicates that over the past five years, no collisions, or resulting oil spills have been documented by the Florida Marine Patrol or the U.S. Coast Guard in the Flor-A-Mar or Crown Canals. Thus, it is concluded that the existing rock outcrops do not currently pose

operational problems for boaters utilizing the canal system.

The Crown Canal is a "no-wake" zone per local ordinance. It is patrolled by the New Port Richey U.S. Coast Guard Auxilliary Flotilla 11-6, a volunteer organization which has no formal patrol on the area's inland channels, and no authority to cite for violations of ordinances and regulations. The U.S. Coast Guard, itself, does not patrol the Crown Canal. The Auxilliary reports violations to the U.S. Coast Guard, the Florida Marine Patrol and Pasco County Marine Patrol. The New Port Richey Coast Guard Auxilliary patrols the Crown Canal area several times per week, on a non-scheduled basis. The Crown Canal is also patrolled by the Florida Marine Patrol and the Pasco County Marine Patrol, less frequently than by the Auxilliary.

The entities responsible for enforcing the Pasco County "no-wake" ordinance may have difficulty performing this duty due to the long distance, approximately three miles, between the proposed marina site and unrestricted navigation in the Gulf of Mexico. Enforcement of idle speed in the Crown Canal, and the Flor-A-Mar Canal, may not efficiently promote boater safety.

The applicant states that if it is demonstrated in the future that rock outcrops are posing operational problems as a result of increased boat traffic, these areas may need to be maintenance dredged. According to a November 7, 1988 letter from DER, when prior design specification can be produced, maintenance dredging is often exempt from DER permitting, provided the applicant does not exceed the originally-approved design. Permit applications are evaluated as outlined in Section 403.918, Florida Statutes. Long-term maintenance dredging of the Crown Canal, if required, would be the responsibility of Pasco County, due to the public dedication of this waterbody. Maintenance dredging within the project property boundaries will be conducted by the facility owner. Materials removed during previous maintenance dredging activities consisted of sands and limerock (DER Permit Number 511130313).

The exact width and depth of the existing canal network has not been provided. Since no bathymetric survey submitted to TERPC, this report references recommended regional conditions addressing monitoring of erosion and dredging.

The applicant assumes that 119 boats, which is 50 percent of the 238 boats estimated above, currently utilize the Crown Canal system on a daily basis. The OMC Marina is projected, to increase the existing level of boat usage in the canal system by an average of 38 boats on a peak season weekday, and an average of 94 boats on a peak season weekend day. This assumption was based on a review of the cumulative launching records of three dry storage marinas in the Tampa Bay region. The estimate based upon launching records for the Harborage at Bayboro dry storage marina, located in downtown St. Petersburg, yields 15 boat launchings on a peak season weekday, and 68 launchings on a peak season weekend.

Conversations with the operators of Korman's Sunset Landing, in New Port Richey, and Port Tarpon Marina, in Tarpon Springs, both dry storage marinas in the proposed QMC Marina area, produced boat launching rates of approximately 30 percent on peak season weekends and holidays, approximately 25 percent on other weekends, and approximately 10 to 15 percent on weekdays. According to these percentages, the proposed QMC Marina would generate 112 launchings on a peak season weekend or holiday, 94 launchings on other weekends, and 37 to 56 launchings on a weekday. Port Tarpon Marina is open from 7:00 A.M. to 6:00 P.M. daily, and has launched as many as 169 boats on a holiday. The operator of this marina states that retired persons tend to utilize their boats on weekdays, whereas working persons tend to utilize their boats on weekends.

Increased boat traffic within the Crown Canal may have adverse impacts upon adjacent land uses, particularly the Robert Crown Wilderness Area. These impacts include water quality degradation, shoreline erosion and encroachment into the wilderness area, plus other impacts discussed throughout this final report.

Development Order Conditions addressing the impacts of this proposed development are listed in the "Recommended Regional Conditions" section of this report, including a boat traffic management program, minimum boat operating age, "no-wake" speed enforcement, dredging applications and slip-lease information.

IMPACT ON TRANSPORTATION

TRANSPORTATION

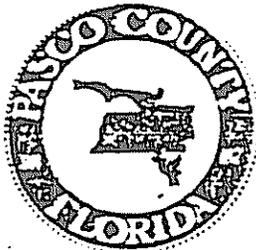
New developments shall provide land or fees to address the development's impact on public and semi-public facilities through appropriate local policies and ordinances. (17.3.1, F.R.)

A transportation system shall be provided that permits safe evacuation in the event of man-made or natural disasters. (19.1.1, F.R.)

The traffic projected to be generated by the QMC Marina at Gulf Landings is below TBRPC's five-percent threshold during the evening peak hour. Therefore, a response to Question 31.C of the ADA, trip generation, was the only requirement made of the applicant, as per the August 29, 1988 Pre-Application Conference.

The QMC Marina is projected to generate 1,566 daily vehicle trips, of which 74 are morning peak hour trips and 147 are peak hour trips. A 90 percent trip capture rate for the commercial use was assumed by the applicant's consultant, resulting in a generation of 645 daily trips on U.S. 19 and 833 daily trips on Green Key Road. Primary transportation impacts will occur on Green Key Road (a local facility) and U.S. 19.

Green Key Road is a two-lane rural roadway, connecting the site to U.S. 19 north of Main Street. The roadway is paved to a point west of existing residential development, but is a limestone road beyond that point, including the frontage area of the proposed marina site. The roadway may require elevating, as there is a problem with flooding during heavy storm events. As a requirement of the rezoning of this property, the developer has agreed to extend the pavement to the western edge of the marina project. The intersection of Green Key Road and U.S. 19 is not signalized. The proposed project does not regionally impact this intersection.



PASCO COUNTY, FLORIDA

DADE CITY (904) 521-4274
NEW PORT RICHEY (813) 847-8132

PLANNING DEPARTMENT
PASCO COUNTY GOVERNMENT CENTER
7530 LITTLE ROAD
NEW PORT RICHEY, FL 34654

October 7, 1988

Ms. Suzanne Cooper
DRI Coordinator
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, FL 33702

RE: Preliminary Assessment of OMC Marina at
Gulf Landings Development of Regional Impact
Application for Development Approval

Dear Ms. Cooper:

Pasco County staff has reviewed the OMC Marina at Gulf Landings Development of Regional Impact Application for Development Approval. Please refer to the attached comments to the applicant.

Do not hesitate to call if there are any further questions.

Sincerely,

Elizabeth A. Eginton
Elizabeth A. Eginton
Senior Planner

EAE/r100701:wp

Attachment

cc: Ed Mullin w/Attachment
William Ockunzai w/Attachment
Gerald A. Figurski w/Attachment
William G. Munz, Acting Assistant County Administrator (Development Services)
Bipin Farikh, P.E., Code Enforcement Director
Samuel P. Steffey, II, Planning Director
Gerald E. Carrigan, P.E., Development Review Manager
Frederick J. Lowndes, Acting Zoning Administrator

PRELIMINARY ASSESSMENT
OMC MARINA ADA

<u>ERI Section No.</u>	<u>Comments</u>
Section 11.D	1. Please add the zoning on the surrounding parcels to M and F.
Section 12.A	1. Please indicate the locations of the fuel storage tanks and the containment structures on Map H.
Section 12.A	2. The proposed floor ratio (.284) is greater than the maximum .23 allowed for nonresidential areas in Residential (RES-1) land use areas as shown on the draft of the Pasco County Comprehensive Plan Land Use Map. The project therefore needs to be scaled down so as to not exceed the maximum allowable floor area ratio.
Section 12.A	3. The proposed parking (218 spaces) is inadequate. The Pasco County Zoning Code requirements are: <ul style="list-style-type: none"> - 20,000 sq. ft. retail/commercial space = 100 spaces - 45,240 square feet dry boat storage = 113 spaces - Twenty-six employees = 26 spaces - Total = 239 spaces
Section 12.A	4. There also seems to be no special area set aside for vehicles pulling boat trailers. Please address this as well.
Section 12.A	5. The commercial portions of the project do not meet the commercial site location criteria of the land use element of the Pasco County Comprehensive Plan--i.e., it is not located at the intersection of two collector streets nor is it adjacent to an existing node.
Section 12.B	1. Table 12.B.1 shows that only 32% of the existing cabbal palm hammock will be preserved. Please discuss why a greater proportion of this "noteworthy" vegetation cannot be saved.
Section 12.B	2. Please add temporary wet boat storage, boat launch and fueling facilities to the list of land uses referenced in the second paragraph on Page 12-3.
Section 12.B	3. Please clarify the second sentence of paragraph 3 on Page 12-3. How was the 100 foot separation between "single-family residences to the southeast and the water canal" determined? Map 5 shows that the closest single-family residence to the site is approximately 80 feet away as measured from the building wall to the property line and that the closest house to the site is approximately 40 feet from the water line.

Section 12.C

1. The discussion of potential impact on surrounding residential areas is inadequate. More specifically, the following areas need to be addressed in greater detail:
 - a. Map H and D/F show the boat and fuel storage and boat launching areas to be directly across from residential area with only vegetational buffering. Impact from noise and potential fuel spills could be severe to these residences. We suggest that either the site plan be modified to move the boat storage and launch areas to the western end of the site or the structural (building or an earthen berm) buffering from the abutting residences be provided. The vegetative buffer proposed between the boat-handling areas and the residences across the canal is inadequate. Limitation of hours of operation to daylight hours will not adequately alleviate the nuisance during weekend daylight hours when the abutters are highly likely to want to enjoy their backyards. Please address these concerns more fully and discuss the feasibility of making the changes to the site plan suggested above.
 - b. The marina is located two miles by water from the Gulf of Mexico. Some of the channel passes through residential areas. How are the noise impacts to these areas from marina boat traffic to be handled? Has the feasibility of creating an alternative access from the north, via Oyster Creek, been considered?
 - c. Access to the site from U.S. 19 is also through residential areas. How does the applicant propose/address the impacts of increased traffic in these areas?

Section 12.C

2. Is the location of the proposed marina consistent with all elements of the Florida Department of Environmental Regulation and Tampa Bay Regional Planning Council Marina Siting Policies? If not, with which policies is the proposed marina inconsistent?

Section 12.C

3. The first paragraph on Page 12-7 states that:

The canals have authorized dimensions of a minimum of 50 feet and a maximum of 150 feet depending on location. . .

Are these the actual dimensions? If not, please indicate the actual dimensions and depths at low tide.

Section 12.C

4. The findings of fact of the Special Exception Request for the marina recommended that:

The area would be better served if the proposed marina would limit its facilities to serve the needs of the

residents in the immediate area rather than providing launching facilities for the general public.

The applicant proposes instead to only reserve half of wet slip for local residences for a six-month period before opening up entirely to the general public. Please address this concern.

- Section 13.A
- Section 13.A
- Section 13.A
- Section 14.B
- Section 14.D
- Section 15.B
- Section 15.C
1. Please provide the requested air quality analysis.
 2. Please document the "favorable meteorological conditions present on the site."
 3. Please document that "marina projects are not considered to be significant contributors because they contribute relatively low numbers of vehicular trips." What are the emissions from boat trips?
 1. How will any limitations on Soil Type 24 (Quartzipsammer) be determined? What "standard engineering and construction practices" will be used to overcome these limitations?
 1. Do the "appropriate measures" referenced in Paragraph 2, Page 144, include the use of hay bale barriers and sediment traps to prevent soil erosion into the surrounding area during construction? What other measures are envisioned?
 1. Please explain the significance of the "published state average" of water quality parameters.
 2. Is limiting the sampling period to a single 24-hour spring tide biasing the results? Since the greatest tide amplitude occurs at this time, flushing will be greater than normal. Sampling during normal tidal cycles would give a truer picture of water quality in the Crown Canal. Please address this concern. Also, the number of sampling locations seems very limited.
 3. Although the tested parameters were within the limits of Class III waters, the mean values are higher than the state standards or statewide averages, except for metals and coliform. Please address these observations.
 4. Please address the potential for repetition of the algal bloom referenced on Page 15-10.
 5. Please document that bottom sediments provide "[no] indication of significant pollutant loading."
 1. Please elaborate on the reasoning behind statement "it was not anticipated that a water-quality monitoring program will be necessary."

- Section 16.D
1. What measures will be taken to prevent domestic sewage from escaping into the surrounding water should the sanitary pump-out station overflow or fail?
- Section 17.A
1. Will the finished floor elevation of structures be raised above the 100-year flood elevation?
- Section 18.C
1. Page 18-3 states that a "displacement of birds from the fringe area of the canal to locations deeper in the estuary is not significant as it is temporary in nature." How can ongoing activity be considered "temporary" as the disturbance will continually recur?
- Section 18.D
1. Who will enforce "idle speed zones"?
- Section 18.D
2. Please describe "the standard FDNR construction standards concerning manatee protection, sitings, and reportings."
- Section 20.K
1. Further improvements to Green Key Road beyond paving to the project's western project boundary may be required as a condition of approval. Is the developer willing to pave Green Key Road west of the project?
- Section 21.A
1. Do the estimated wastewater flows include the quantities generated by the boat pump-out facility? Why is there a discrepancy between the quantities generated by the boat storage facility?
- Section 21.B
1. Please address how sewage from the boat pump-out facility will be handled.
- Section 21.D
1. How does effluent discharge from the Lindrick Wastewater Treatment Plant impact water quality in the canal system?
- Section 22.A
1. Please show the locations of proposed detention swales on Map G.
- Section 22.B
1. Does the site receive any off-site drainage?
- Section 22.B
2. Drainage Basins 8, 11, 14, and 17, as shown in Table 22.B.1, provide less than the required treatment volume. Are these basins interconnected with others that have excess capacity?
- Section 23.B
1. Has the developer considered use of treated wastewater effluent for irrigation?
- Section 24.A
1. Please document that there will be no solid waste generated by the boat storage facilities. Table 24.A.1 shows a generation rate of .01 lbs./100 sq. ft.
- Section 24.C
1. The August 4, 1988, letter (Exhibit 24.C.1) from George Ellsworth, Pasco County Resource Recovery Manager, requested a reply to the state that "the commercial boating
ment

industry typically generates small quantities of hazardous waste." Please address this issue and provide the reply.

Section 25.A

1. Will not the boat storage facility be lighted and provide with necessary outlets?
2. Will any lighting be provided for security purposes? Will this impact the residences across the canal?

Section 25.B

1. Will landscaping be used as an energy conservation measure

Section 29

1. Will boat storage buildings be locked?
2. What specific measures will be employed to control noise and boat traffic levels? Who will enforce the no wake requirements in the marina basin? Does the Marine Patrol have adequate resources to control increased noise and boat traffic impact on the surrounding canal system?

Section 30

1. Will any special provisions be necessary to extinguish fuel fires or fires on board boats?

Section 31.C (1)

1. Please provide the required estimates of person - trips?
2. While the total amount of traffic generated by the marina may be small in proportion to total traffic on the surrounding roadway network at times (e.g. weekend days), the impact could be significant and conditions hazardous for vehicles pulling boat trailers. Please address the possibility of interim signalization of Green Key Road and U.S. 19.

Section 41.A

1. Please provide launch data for the other marinas as well as to provide a more representative picture of boat launchings.

Section 41.B

1. Although the access canals are dedicated to the public and therefore maintained by Pasco County, the developer may be required to contribute to this effort in order to mitigate increased sedimentation rates due to increased boat traffic. Please address this concern.

Section 41.E

1. How will fuel spills be handled in the event of inundation by a hurricane storm surge.

187c

PASCO COUNTY, FLORIDA
INTER-OFFICE MEMORANDUM

TO: Distribution*

DATE: 9/21/88 FILE: PL88-935

Tammy B. Vrana

SUBJECT: OMC Marina at Gulf Landings
Application for Development Ap

FROM: Tammy B. Vrana
Planner I

REFERENCES:

Attached please find the OMC Marina DRI Application for Development Approval (ADA). Please review the material and return any comments on the application by October 5, 1988 in the space provided below or on separate memo. Please check the box if there are no comments.

RECEIVED

Comments:

- 1) Construction of Green Key Road is discussed in ADA only from U.S. 19 to the project entrance. Should this not be extended to Green Key Park? *SEP 23 1988 PASCO COUNTY DEVELOPMENT REVIEW*
- 2) Page 30-1 relative to Fire Protection. Fire protection must be provided pursuant to the County Fire Hydrant Ordinance (which may be NFPA 1231).
- 3) I am curious as to the number of dwellings which abut the public canal which will be directly affected by the Marina. Can this information be requested of the applicant.

TBV/pw

hec
10/6/88

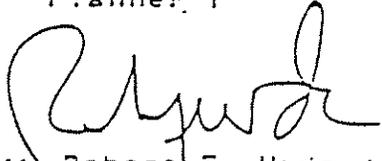
Distribution*

- John J. Gallagher, County Administrator
- Walter J. Jones, Assistant County Administrator
- William G. Munz, Deputy Assistant County Administrator
- Edward C. Brown, Deputy Assistant County Administrator
- Samuel P. Steffey, Planning Director
- Frederick J. Lowndes, Chief Planner
- Henry Baldwin, Acting County Engineer
- Amador Gonzalo, Emergency Services Director
- Bipin Parikh, Code Enforcement Director
- Douglas R. Uden, Transportation Coordinator
- Karla Stetter, Assistant County Attorney
- Gerald Carrigan, Development Review
- Douglas Bramlet, Utilities Manager

PASCO COUNTY, FLORIDA
INTER-OFFICE MEMORANDUM

TO: Tammy B. Vrana
Planner I

DATE: 10/10/88 FILE: ENM88-0043



SUBJECT: CMC Marina at Gulf Landings

FROM: Robert F. Wade (x8389)
Engineer III

REFERENCES: PL88-935

The "existing 36" culvert" under Green Key Road in the northeast corner of the site (figure 15.B.1) is a public hazard which should be corrected. We have an extensive file on it and the vortex that sucked the cute little doggy to its death.

So far no one knows who built it or who is responsible - can we ask for the improvement please?

RFW/bf/ENM88-0043

RECEIVED
OCT 11 1988

OCT 11 1988

PLANNING DEPT.



City of New Port Richey

"The Gateway To Tropical Florida"

320 E. Main Street

New Port Richey, Florida 34052
Phone 513 549-2201

January 24, 1989

Suzanne T. Cooper, AICP
DRI Coordinator
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, Florida 33702

RE: DRI #187-OMC Marina at Gulf Landings, Pasco County

Dear Ms. Cooper:

At its January 17, 1989 regular meeting, New Port Richey City Council reviewed your letter of December 29, 1988, involving the OMC Marina at Gulf Landings. The City Council discussed the project and requested that I provide you with their comments on the project.

The City of New Port Richey does not favor approval of the OMC Marina at Gulf Landings project. The City Council does not support the project because of the environmental hazards and potential negative impact posed by the project. Specifically, the Council is concerned about degradation of the estuary environment and negative impact that the destruction of the environment would have on the wildlife which resides in the area.

The City Council has appreciated the opportunity to comment on the project prior to its final review by your agency. I would appreciate it if you would advise the City of any approval actions taken by Tampa Bay Regional Planning Council on this project.

Sincerely yours,

Gerald J. Seeber
City Manager

GJS:at
CM89-1-48
cc: City Council
City Attorney Richard Williams, Jr.

FLORIDA GAME AND FRESH WATER FISH COMMISSION

C. TOM RAINEY, D.V.M. MRS. GILBERT W. HUMPHREY THOMAS L. HIRES, SR. WILLIAM G. BOSTICK, JR. DON W.
Chairman, Miami Vice-Chairman, Miccosukee Lake Wales Winter Haven Chair

ROBERT M. BRANTLY, Executive Director
ALLAN L. EGBERT, Ph.D., Assistant Executive Director



110 43rd Avenue, S. W.
Vero Beach, Florida 32962
January 19, 1989

Ms. Suzanne Cooper
DRI Coordinator
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, FL 33702-2491

RE: DRI #187, OMC Marina at
Gulf Landings, Pasco
County, Final Review

Dear Ms. Cooper:

The Office of Environmental Services of the Florida Game and Fresh Water Fish Commission has reviewed the additional information submitted for the above-referenced project, and offers the following comments.

Based upon the review of this new information, two issues of concern remain to be resolved relative to the impacts of this project on regionally significant fish and wildlife resources.

As stated in our initial comment letter of 6 October 1988, our primary concern focuses on the potential for degradation of the habitat values and functions of the adjacent Robert L. Crown Wilderness Area (RLCWA) via project-generated contaminants or from increased boat traffic.

Our second issue of concern is the fact that the applicant has not sufficiently addressed the potential impacts of this project on colonial wading bird nesting habitat in the RLCWA.

To mitigate for these anticipated impacts as a result of this project, we recommend the following Development Order Conditions:

- 1) A water quality monitoring plan should be devised and implemented to assess changes in the sediment, biotic (i.e., benthic infauna and plankton diversity indices), and physio-chemical character of waters in the canal system and adjacent RLCWA. Components of this plan should include an appropriate number of sampling locations, selection of biotic parameters which will reflect any changes in the primary trophic structure of the RLCWA detrimental to higher order consumers such as wading birds, selection of abiotic parameters, sampling timing and

Ms. Suzanne Cooper

Page 2

January 19, 1989

frequency necessary to address tidal and seasonal influences, and continued sampling for five years after project completion.

Should this described monitoring plan identify a trend toward declining water or sediment quality or of biotic health and integrity, contingency and/or mitigative measures can then be employed to reverse or ameliorate these adverse impacts. Such measures may include additional monitoring, alterations in marina operation and administration, or reduction in marina use.

2) To avoid intrusion into the RLCWA by unwary or careless boaters, channel markers and signs identifying shallow and sensitive marine habitats should be provided by the applicant in any segment of the canal/RLCWA frontage where a potential exists for a boater (to attempt) to gain more direct access to the Gulf of Mexico (through the RLCWA). An example of where this type of encroachment into the RLCWA could occur is Cross Bayou, however other areas both north and south of Cross Bayou should also be posted and marked.

3) An annual colonial wading bird nesting survey should be conducted within the RLCWA. These surveys should be reported to Pasco County, the Tampa Bay Regional Planning Council, and the Commission, and should include mapped locations of nesting sites and nest counts for each species. Should these surveys identify nests in areas sensitive to disruption from marina activities or operation, contingency measures can then be employed to ameliorate these adverse impacts.

Sincerely,

Brian S. Barnett
Brian S. Barnett
South Florida Section Leader

BSE/RG/rs



Southwest Florida Water Management District

1379 Grand Street, Suite 411, South Brooksville, Florida 34601-2800
Phone (813) 749-7311 or 1-800-423-1476 S.W. CD # 228-4097

Michael Lopez, Jr.
Chairman, Board
Walter M. Farkala
Vice Chairman, Palm Bay
Anne M. Bishop
Secretary, Bartow
Roy G. Harrell, Jr.
Treasurer, St. Petersburg
Robert I. Branson, M.D.
Tampa
William H. Wilcox, Ph.D.
St. Cloud
Mary Ann Hogan
Bradford
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Tampa
Samuel D. Ussie
Tampa
Gary W. Kunt
Executive Director
Peter G. Hubbell
Assistant Executive Director
Daniel P. Fernandez
General Counsel
Mark D. Farrell
Tampa Executive Director
Resource Management
William K. Hennessey
Deputy Executive Director
Community Affairs
Richard V. McLean
Deputy Executive Director
Resource Regulation
Jerry L. Simpson
Deputy Executive Director
Water Conservation

October 5, 1988

Ms. Suzanne Cooper, AICP
DRI Coordinator
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, Florida 33702-2491

Subject: GMC Marina at Gulf Landings, DRI #187
Pasco County
1st Sufficiency

Dear Ms. Cooper:

The staff of the Southwest Florida Water Management District (SWFWMD) has reviewed the Application for Development Approval for the project referenced above. Based on the information provided, the following comments are submitted to the Regional Planning Council.

Land:

In assessing the suitability of locations of impoundments on-site, or for additional soil information, test and foundation holes may have been drilled. Test or foundation holes as defined in Rule 40D-3.021(8), Florida Administrative Code (F.A.C.), shall be drilled by the firm of licensed test or foundation contractor under permit(s) issued by the SWFWMD or by the firm of an appropriately bonded, licensed test or foundation hole contractor. If test holes become inadvertent water wells, as defined by the Rule 40D-3.411(3), then holes shall be properly abandoned in accordance with the rule. Any other well constructed on site shall be drilled by the firm of a licensed water well contractor and constructed in accordance with Rule 17-21, F.A.C. If the well is 2 inches or larger in diameter the well shall be permitted by the SWFWMD, prior to construction, pursuant to Rule 40D-3.041, F.A.C.

Water:

It is recommended that the non-potable demand for the project be supplied to the extent possible (entrance/common area irrigation, central system of non-potable water supply to individual lots) with the lowest quality water available sufficient to meet demand. It is recommended that the applicant investigate the feasibility

Ms. Suzanne Cooper

October 5, 1988

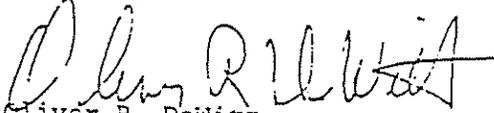
Page 2

of utilizing treated waste-water for irrigation purposes. Should such reuse be planned, it is recommended that a groundwater monitoring network be advised and implemented with which to detect any degradation in groundwater quality.

In areas not sufficient for spray irrigation of treated effluent, the application is strongly encouraged to utilize drought-resistant native plant species and water-conserving landscape techniques (xeriscape) as integral components of the proposed project's landscape design. Xeriscape information is available from the District's Planning Department.

The above comments are opinions and positions of the District staff. These comments do not constitute permit approval under Chapter 373, Florida Statute, nor do they stand in lieu of normal permitting procedures.

Sincerely,



Oliver R. DeWitt

Hydrologist

Conservation Projects Section
Resource Management Projects

ORD:kr

cc:



State of Florida
DEPARTMENT OF NATURAL RESOURCES

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399

TOM GARDNER
Executive Director

October 21, 1988

BOB MARTINE
Governor
JIM SMITH
Secretary of State
ROB BUTTERWORTH
Attorney General
GERALD LEWIS
State Comptroller
BILL GUNTER
State Treasurer
DOYLE CONNER
Commissioner of Agriculture
BETTY CASTO
Commissioner of Education

PLEASE ADDRESS REPLY

Mr. Bill Howell
Department of Natural Resources
Bureau of Scientific & Technical Services
3900 Commonwealth Boulevard
Tallahassee, Florida 32399

RE: Outboard Marine Corporation (OMC)

Dear Mr. Howell:

Pursuant to your request I have reviewed the above captioned project and I am concerned about the following:

1. Area #1 provides for the placement of fill along the existing wetland shoreline at the Northeast corner of the Pinellas Area Council of Boy Scouts. How will this affect the hydrological flow into the wetland? Also, is the activity proposed on privately owned land or land that is titled to the Board of Trustees of the Internal Improvement Trust Fund?
2. Area #2 proposes to dredge and fill a 400 foot strip, that is vegetated with mangroves, in order to place rip-rap and provide protection to the bank. How will the proposed activity affect the existing vegetation? How much of the activity will occur on state-owned land that is part of Robert Crown Wilderness area?

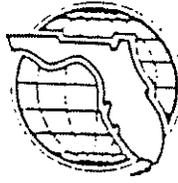
It is my recommendation that a survey be performed that will establish the boundary line that divides the Robert Crown Wilderness Area and the Pinellas Area Council of Boy Scouts from the privately owned land. Once that line has been established and flagged a determination needs to be made as to how much of the activity will encroach onto state-owned land and will require consent from the Board of Trustees.

If you have any questions, do not hesitate to contact me.

Sincerely,

WMT
William M. Torres
Submerged Lands Section
Bureau of State Lands Management
Division of State Lands

WMT/er



STATE OF FLORIDA DEPARTMENT OF COMMERCE

Division of Economic Development

October 5, 1988

Ms. Suzanne Cooper
Tampa Bay Regional Planning Council
9455 Koger Boulevard, Suite 219
St. Petersburg, Florida 33702

Dear Ms. Cooper:

We have reviewed the OMC Marina at Gulf Landing's ADA for dry storage to accommodate 376 power boats and marine support and ancillary facilities. The average construction employment during the two year construction period is estimated to be 21 workers on site and 3 off site. The indirect construction employment is estimated to average 33 workers for the same period. Total construction expenditures to be spent in the region are projected to be \$3.5 million.

The permanent employment is projected to be 26 people at build-out with 24 of them having an annual salary of \$15,000 and over. All the permanent employment is expected to be hired from within the region. Annual ad valorem taxes at build-out are projected to be \$86,480.

This project is consistent with the Department's goals and policies to promote tourism and economic development in Florida. Thank you for the opportunity to comment on this DRI.

Sincerely,

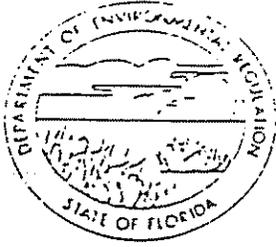
Wynnelle Wilson
Wynnelle Wilson
Economist Supervisor

WW/bsf

COLLINS BUILDING

TALLAHASSEE, FLORIDA 32399-2000

TELEX 510/6002141 FL TRADE TAS



Florida Department of Environmental Regulation

Southwest District • 4520 Oak Fair Boulevard • Tampa, Florida 33610-7547 • 813-621-1111

Bob Martinez, Governor

Dale Twachtman, Secretary

John Shearer, Assistant Sec.
Richard Garrity, Deputy Assistant

copy of original
RC

January 9, 1989

Mr. Frank Garey
Post Office Box 2017
New Port Richey, FL 34656-2017

RE: OMC
File No. 511047113
511470873

Dear Mr. Garey:

Thank you for sharing your views and concerns on the Outboard Marine Corporation permit on November 16th. When we wrapped up the field review that day I promised to review the Department's position on the various permits that have been issued at this site and inform you of the Department's position and actions if any were deemed necessary.

All the members of my staff who dealt with the OMC approvals were brought together to review the original application submittals, field reports, approved plans and permit conditions. Additionally, this group teleconferenced with the hydrographic engineer from Tallahassee to discuss the water quality and flushing aspects. Following this meeting, I met with representatives of Wade-Trim on December 2, 1988 to discuss the status of the permit and any potential action to be taken by the Department.

The following was discussed:

1. Impact of fueling facilities.
2. Navigation.
3. Water quality in general.
4. Riparian rights of residents living adjacent to the marina.
5. Safety issues related to proposed culverts, safe passage of boats, etc.

6. Threats to endangered animal species utilizing the area.
 7. Threat of erosion, scouring on the integrity of the preserve.
- I. The fueling facilities as proposed were designed with safety features similar to those included in other marina projects permitted by DER. These include floating oil booms, absorbent materials available at all times, automatic cut-off valves on all fuel nozzles, emergency cut-off valves, upland fuel storage facilities and anti-syphon devices. These contingencies provide protection against spillage of significant quantities.
 - II. Navigation issues in the area closest to the proposed marina include room for dockage of boats, turning radius from boats leaving the facility and passage of boat traffic into and out of the facility. Design drawings indicate a channel bottom width of approximately 50 feet measured from the outer most piling in the proposed lateral dock to the beginning of the slope on the opposite side of the channel. These dimensions would accommodate boats with a 10' beam to moor at the facility and have a remaining navigable channel width of 40 feet. Should residents build a similar dock arrangement on the opposing shoreline and moor a 10' beamed boat the net maneuverable room would be 30'. While this could be considered a cramped arrangement it does appear that navigational access is provided.
 - III. Water quality in the marina basin is closely related to the flushing capacity or rate of dilution within the basin. The culvert design proposed, provides a volume exchange for the basin on the average of each 12.5 hour tidal cycle. This rate is considered consistent with the maintenance of water quality at the site considering the anticipated loading and marina configuration according to the Department's hydrographic engineer.
 - IV. The riparian rights of adjacent land owners is not considered to be violated since there does seem to be adequate room for a homeowner to develop reasonable water dependent structures, moor boats and have navigational access to and from their property.
 - V. Construction of an additional 48" culvert along with restoration of the existing culvert at the eastern edge of the marina site is considered to be an improvement to the safety conditions. Proposed structures rise well above the water surface in virtually all tidal conditions and thereby

Mr. Frank Garey
RE: OMC, File No. 511047113 & 511470873
Page Three

correct the situation of having a submerged pipe capable of sucking unwarned people or animals underwater. These proposed structures are also provided with weirs that help reduce the scouring effect obvious on the northside of the Green Key Road. The culvert at the western edge of the marina site is not scheduled for restoration due to shallow nature of the adjacent waters on the north side and is not a requirement for the desired flushing at the facility.

Boat traffic does appear to have sufficient room for navigation of the Crown Canal and the safe use of the canal is dependent on boating courtesy and safe speeds.

VI. The threatened or endangered species that utilize this area which could be affected by the facility do include manatees. However, their occurrence in the Crown Canal although documented is considered rare by the Department of Natural Resources staff who track sightings and monitor migration patterns. Utilization of the Robert Crown Wilderness Area by the variety of fish, bird and invertebrate fauna occurring there is not considered to be endangered by the construction and use of the facility because the water quality is not expected to be measurably changed and ingress or egress by boat traffic is not considered in direct conflict with wildlife utilization.

VII. The effects of boat traffic linked to erosion of the shoreline is a factor we feel is addressed by the no wake requirements. Although boat traffic is likely to increase over current usage, the nature of the shoreline observed along the canal does not indicate that erosion is likely to occur. The exposed rock, gentle sloping shoreline and mangrove fringe are adapted to moderate wave energy.

After staff discussion of all of the items listed above, the department has come to the conclusion that no further action is warranted regarding the OMC permit. The criteria for revocation of a dredge and fill permit is identified in 17-4.100 F.A.C. Those specified criteria.

A permit issued pursuant to this Chapter shall not become a vested property right in the permittee. The Department may revoke any permit issued by it if it finds that the permit holder or his agent:

- a. Submitted false or inaccurate information in his application or operational reports.

Mr. Frank Garey
RE: OMC, File No. 511047113 & 511470873
Page Four

- b. Has violated law, Department orders, rules or permit conditions.
- c. Has failed to submit operational reports or other information required by Department rules.
- d. Has refused lawful inspection under Section 403.091, F.S.

Based upon all the information that has been recently presented to the Department for review, there is not sufficient evidence to indicate that any of the criteria for permit revocation has been violated. Therefore, I consider permit number 511047113 original issued in number 511470873 to OMC to remain valid.

Sincerely,

Richard D. Garrity, Ph.D.
Deputy Assistant Secretary
Southwest District

RDG/bsb

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

SOUTHWEST DISTRICT

4520 OAK FAIR BLVD.
TAMPA, FLORIDA 33610-9544

813-623-5561
SunCom-552-7612



JOE MARTINEZ
GOVERNOR

DALE TWAC-THANN
SECRETARY

DR. RICHARD D. GARRITY
DEPUTY ASSISTANT SECRETARY

November 7, 1988

The Honorable Michael Bilirakis
United States
House of Representatives
4743 U.S. Highway 19
New Port Richey, Florida 33552-4055

Dear Representative Bilirakis:

This is in response to your letter requesting an update on DER's involvement in a proposed marina by OMC on Green Key Road. You may already be aware of some of the site history, but I'd like to fill you in on my understanding thus far.

The original master plan for the Gulf Harbors area was approved in 1958 by the Pasco County Board of County Commissioners. The development was to include two marinas, one of which is the proposed OMC site. A settlement agreement in 1968 resolved ownership disputes in which 842 acres of the original site were given to other parties, of which 347 acres were donated to the State Wilderness System that is now known as the Robert Crown Wilderness Area.

The County approved the original dredge and fill permits for the subdivision which included the creation of the eight acre marina site in 1972 and 1973. A list of permits which have been issued by the various agencies is attached. The DER, Army Corps of Engineers, Southwest Florida Water Management District and the County have been involved in various review aspects for this proposed facility.

The DER permit for the marina was issued in 1986 to Lindrick Corporation and has since been transferred to Outboard Marine Corporation. The issue of water quality was specifically considered in the permitting process. A

The Honorable Michael Bilirakis
November 7, 1988
Page Two

hydrographic survey was conducted and actual water quality data was reviewed. We were able neither to substantiate existing water quality violations nor to predict that water quality violations would occur if this project was built. In the review process, our hydrographic engineer suggested modifications to the proposal to increase tidal flushing.

This DER permit allows for the construction of a marginal wharf to be located 8 feet offshore from an existing seawall with a total of four finger piers. A total of 50 boat slips were authorized in the DER permit. A 48 inch culvert under Green Key Road to Oyster Creek is to be constructed as a condition of the permit for the purpose of increasing tidal flushing of the area. Two fixed wiers will also be placed in association with both the existing and proposed culvert which connect to Oyster Creek to approximate tidal conditions that existed prior to installation of the first culvert.

The Crown Wilderness Canal is a manmade canal which provides access to many homesites and serves as the access channel for the marina. It is true that boats will have to travel some distance through the canal to reach the Gulf; however, a review of the region shows that the availability of sites along this portion of the Gulf for which a marina would be permissible is very limited. Maintenance dredging of manmade canal systems is often a permissible option when prior design specification can be produced. Although there are certainly environmental values placed upon both manmade and natural systems, I assure you that each proposal is carefully evaluated as outlined in Section 403.918, Florida Statutes, and according to the required criteria within the Statute. There have been no petitions regarding our permits and they have been issued. I understand that no dredge and fill activities are planned for the site other than those which are already permitted.

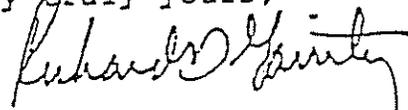
OMC filed their statement of Intent for a Florida Quality Development in June 1988. When neighboring residents learned of the size of the proposed dry storage area, they became very concerned over how the facility will affect them. Several of the residents developed and submitted a report to the reviewing parties for their Florida Quality Development Intent. This report is entitled "A Report in Opposition to the Outboard Marine Corporation's Proposed Marina Project" and contains copies of a petition with many names of citizens who are concerned about the proposed marina.

The Honorable Michael Bilirakis
November 7, 1988
Page Three

On August 29, 1988, a DRI pre-application conference was held at the Tampa Bay Regional Planning Council Office in St. Petersburg. It appears that the developer may choose to go through DRI review also.

Representative Bilirakis, I do not feel that our agency is in a position to prevent the development of this proposed marina as long as they remain in compliance with our agency's requirements. This project has escalated to a point where many interests will have the opportunity to review and provide comment to the project. I plan to visit the site on November 16th. Please feel free to contact me at 813-623-5561 if you would like to discuss further our involvement in this matter.

Very truly yours,



Richard D. Garrity, Ph.D.
Deputy Assistant Secretary

RDG/tpj

Attachment

cc: Bob Stetler



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

2740 CENTERVIEW DRIVE • TALLAHASSEE, FLORIDA 32399

BOB MARTINEZ
Governor

THOMAS C. PELHAM
Secretary

July 29, 1988

Ms. Nancy G. Linnan
Carlton, Fields, Ward, et al
Attorneys at Law
P.O. Drawer 190
Tallahassee, Florida 32302

Dear Ms. Linnan:

Secretary Pelham ask that I respond to your letter of July 11, which addressed the proposed Outboard Marine Corporation (OMC) Florida Quality Development (FQD) and the FQD process in general. It was unfortunate to learn that OMC has decided to withdraw their Pasco County marina project from the FQD process and, instead, submit it as a Development of Regional Impact (DRI). According to the Areawide Policy Implementation (API) Section, the marina as proposed by your client is a very low impact and environmentally sound project located in an area where recreational boating is popular and the demand for marina facilities is great. The API Section was very positive regarding the prospects of the OMC project being the state's first marina FQD. However, we understand your client's hesitation in view of the organized neighborhood opposition to the project.

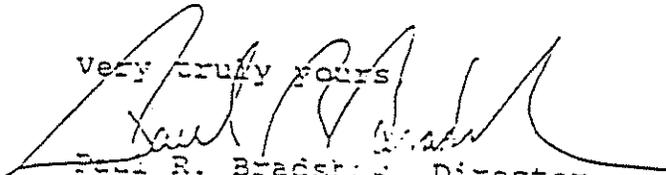
You also indicated in your letter that the FQD process has attendant uncertainties and that agencies are often reluctant to encourage developers to pursue the FQD designation. We are aware of these problems based upon our experience with the four FQD designations which have occurred to date. In an effort to address these two problem areas, Secretary Pelham has reconvened the FQD Advisory Group to assist the Department in the development of a FQD procedural rule. This group was instrumental in drafting the 1988 amendments to Section 320.061, Florida Statutes. Secretary Pelham has invited several additional persons who were involved with the latest two designated FQDs to join the advisory group during the development of the procedural rule. Additionally, the API Section is planning to conduct workshops on the FQD program throughout the state in the upcoming months. These workshops will be used to

Ms Nancy G. Linnan
July 29, 1988
Page Two

explain the FQD program, to discuss the FQD designation process and the various responsibilities of the agencies involved, and to serve as a public forum for questions and answers regarding the FQD program. These workshops will be targeted toward regional planning councils, local governments, state agencies, and the development community. Hopefully with the promulgation of a FQD rule and the workshop series, the FQD program will become a true alternative to the DRI process, and the Department will enhance the program's popularity among the state's development community.

Thank you for your interest in the FQD program. If you would like additional information regarding the Department's FQD Advisory Group or the FQD workshops, please contact Marcus Hepburn at 488-4925.

Very truly yours,



Paul R. Bradshaw, Director
Division of Resource Planning
and Management

cc: Marcus Hepburn



State of Florida
DEPARTMENT OF NATURAL RESOURCES

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399

TOM GARDNER
Executive Director

BOE MARTINE
Governor
JIM SMITH
Secretary of State
BOB BUTTERWORTH
Attorney General
GERALD LEWIS
State Comptroller
BILL GUNTER
State Treasurer
DOYLE CONNER
Commissioner of Agriculture
BETTY CASTO
Commissioner of Education

RECEIVED

December 13, 1988

DEC 16 1988

Ms. Jeri Kidde
Land Planner
201 East Kennedy Boulevard
Suite 334
Tampa, Florida 33602

PLEASE ADDRESS REPLY

Dear Ms. Kidde:

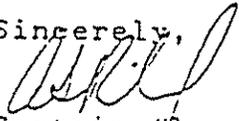
In your telephone conversation with Ms. Lisa Murphy, you requested information concerning the navigable waters of the Crown and Flora-A-Mor Canal System, located west of New Port Richey, Florida. Our records date back to January, 1983, and she researched each year by hand. Our records indicate that no boating collision has ever occurred in these canals. In fact, we have only received two boating accidents concerning these canals since January, 1983. However, these two were not collisions.

On April 23, 1987, a vessel improperly loaded with the weight of crab traps capsized. On September 4, 1988, a vessel's engine stalled and the boat filled with water. Both of these reports were completed by an operator. Therefore this information is confidential and photocopied reports can not be released.

There is nothing in our records that suggests that this canal system is hazardous or in need of specific regulation.

If I can be of any further assistance or can provide any additional information, please do not hesitate to call me at (904) 488-5757.

Sincerely,


Captain Alan S. Richard
Deputy Coordinator
Boating Safety Section
Florida Marine Patrol

ASR/lam

Regulatory Division
North Permits Branch
86IPE-20105

June 27, 1988

Honorable Michael Bilirakis
Representative in Congress
4743 U.S. Highway 19
New Port Richey, Florida 34652-4055

Dear Mr. Bilirakis:

Reference is made to your May 26, 1988, letter regarding correspondence you received from Mr. Frank Garey concerning the construction of a marina by Outboard Marine Corporation (OMC) in the Crown Canal in Section 5, Township 26 South, Range 16 East, New Port Richey, Pasco County, Florida. Your enclosures are being returned as requested.

The permit was issued on October 6, 1986, under U.S. Army Corps of Engineers permit number 86IPE-20105 to Lindrick Corporation of New Port Richey, Florida. The permit was transferred to OMC on March 4, 1988. The Florida Department of Environmental Regulation (DER) permit number 51107113 was issued on April 17, 1986.

During the review and evaluation of the permit application, numerous citizens expressed concerns that the marina would cause water quality problems in the Crown Canal and Oyster Creek. Through extensive studies and coordination, the applicant was able to resolve the water quality problems by installing a 48-inch culvert with weirs under Green Key Road. With the installation of the culvert, the project was issued State water quality certification by DER.

Mr. Garey was also concerned about the number of dry storage slips at the marina. The Corps of Engineers does not regulate dry storage units; however, they are taken into consideration when evaluating a marina.

If you need clarification or additional information, please do not hesitate to contact me.

Sincerely,

SIGNED: William D. Brown

Robert L. Herndon
Colonel, Corps of Engineers
District Engineer

Enclosures

Copy Furnished:

WILLIAM D. BROWN
Lieutenant Colonel, Corps of Engineers
Deputy District Engineer

Ashton/CESAJ-RD-PK
77-2171 6/21 *pm 6/21*

Commander, U.S. Army Corps of Engineers (CECH-02)

Commander, South Atlantic Division (CESAD-CD-02) *Roone/CESAJ-RD-PK*

[Signature] /CESAJ-RD

[Signature] /CESAJ-DX

[Signature] /CESAJ-DD

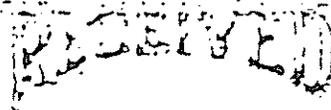
Herndon/CESAJ-DE

MUSE - E-20105

US Department
of Transportation
United States
Coast Guard



Commanding Officer
Seventh Coast Guard District



U.S. Coast Guard
215 20th St. Drive
Tampa, FL 33606-2190
Tel: (813) 228-2190

DEC 10 1988

5720
07 December 1988
FOIA 34-88

Ms. Jeri Kidde
Wade-Trim Inc.
201 E. Kennedy Blvd., Suite 334
Tampa, FL 33602

WADE-TRIM

Re: Your Freedom of Information Act request dated 21 Nov 88
regarding the Flor-A-Mar Canal System

Dear Ms Kidde:

Our Operations Department has researched our logs of Pollution Investigations in the requested area and there are no records of oil spill reports or investigations by our office since 1982 (the limit of records).

Of course our records would only indicate those spill incidents reported to our office and unfortunately many minor oil spills to this day go unreported. Any large number of boats would surely generate periodic oil spills.

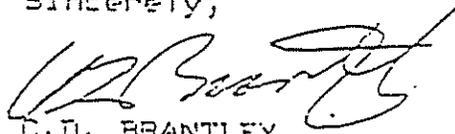
Our office also researched our records for commercial boat collisions in the referenced area and could find no instance of a commercial boat collision having been investigated by our office since 1982 (limit of records). As I mentioned to you by phone the Florida Marine Patrol investigates recreational Boating Accidents and your request in that regard should be directed to them also.

The Coast Guard does not deal with erosions matters and consequently does not have such information/data.

I have forwarded your original request letter along with the Lat/Long of the area of interest to the Commander, Seventh Coast Guard District for action to satisfy your request. If that office finds it appropriate they may forward your request to Commandant, U.S. Coast Guard, Washington, D.C.

An invoice is enclosed for time expended to research your request.

Sincerely,


C.D. BRANTLEY
LT, U. S. Coast Guard
By direction of the
Commanding Officer



State of Florida
DEPARTMENT OF NATURAL RESOURCES

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399

TOM GARDNER
Executive Director

BOB MARTINEZ
Governor

JIM SMITH
Secretary of State

BOB BUTTERWORTH
Attorney General

GERALD LEWIS
State Comptroller

BILL GUNTER
State Treasurer

DOYLE CONNER
Commissioner of Agriculture

BETTY CASTOR
Commissioner of Education

February 10, 1989

PLEASE ADDRESS REPLY TO

Ms. Julia Greene, Executive Director
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, Florida 33702

Dear Ms. Greene:

Thank you for the opportunity to review the OMC Marina Application for Development Approval and the Recommended Regional Conditions. We are particularly interested in the application because the Department of Natural Resources manages the Robert Crown Wilderness Area that is located close to the marina and immediately adjacent to the canal that will be used by the marina.

We have three primary concerns about the potential impact boat traffic generated by the marina will have on the wilderness. First, waves caused by the boats in the canal may erode the wilderness' shoreline. Second, boat noise may disturb wildlife in the wilderness. Third, boats from the marina may leave the canal and enter the wilderness. The recommended regional conditions you propose to impose on the applicant in large part adequately address our concerns. However, we respectfully request that certain modifications be made to the Recommended Regional Conditions as specified below to more fully address our concerns:

1. In addition to the Game and Fresh Water Fish Commission and the Tampa Bay Regional Planning Council, DER should also be involved in establishing the methodology, parameters and schedule for water quality monitoring. Also, please provide that DER and DNR receive the results of such monitoring.

2. According to the Recommended Regional Conditions, certain monitoring activities are required within the "project influence" area. In order to insure that such monitoring takes place in the Crown Wilderness Area, we recommend that "project influence" be defined to include all of the wilderness area.

"Working together to protect Florida's future"

Ms. Julia Greene
February 10, 1989
Page 2

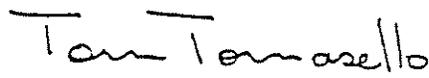
3. The Recommended Regional Conditions specify that the local government will determine which agencies will develop the erosion monitoring plan. We recommend that the regional conditions specifically name DNR as a "responsible entity" to be involved in developing the erosion monitoring plan.

4. We also recommend that an additional condition be added to require that bollards be placed along the Crown Canal in areas identified by DNR to prevent small boats from entering the wilderness area and that certain of these bollards be posted with signs identifying the area as a wilderness.

5. The Recommended Regional Conditions also specify that a responsible entity be required to restore the shoreline in event that more than five feet of erosion has occurred. It is our opinion that five feet of erosion within the Wilderness Area is too much. Moreover, the Recommended Conditions do not identify OMC as a responsible entity. We recommend that OMC be identified as the entity responsible for correcting any erosion to the wilderness.

Your consideration of these recommendations is greatly appreciated. If you have any questions, please feel free to call William Howell, Environmental Specialist, at 904/488-4892.

Sincerely,



Tom Tomasello
Deputy Assistant
Executive Director

TT/jcs



State of Florida
DEPARTMENT OF NATURAL RESOURCES

Attery Stroneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399

TOM GARDNER
Executive Director

BOB MARTINEZ
Governor
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State Comptroller
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State Treasurer

DOYLE CONNER
Commissioner of Agriculture
BETTY CASTOR
Commissioner of Education

PLEASE ADDRESS REPLY TO

February 27, 1989

Ms. Elizabeth A. Eginton
Senior Planner
Planning and Zoning Department
Pasco County Government Complex
7432 Little Road
New Port Richey, Florida 34654

Subject: OMC Marina at Gulf Landings

Dear Ms. Eginton:

This will confirm our conversation of this afternoon. My letter of December 13, 1988, to Ms. Jeri Kidde referenced accidents on the Flor-A-Mar and Crown canals under presently existing conditions. Our accident and arrest statistics do not support the contention that these canals are presently unsafe.

This should not, however, be taken to mean that these canals will always be safe, if conditions change. It is entirely possible that the establishment of a major marina development may increase vessel traffic congestion to unsafe levels. Such a development may as easily have no discernable detrimental effect on navigational safety. It is simply not possible to predict this from the current absence of reported vessel accidents.

We also discussed the procedures that Pasco County must follow in order to lawfully establish an enforceable boating restricted area if the county determines that the increase in vessel traffic warrants such a zone. I have attached our fact sheet on the establishment of boating restricted areas on waters other than the Florida Intracoastal Waterway.

I have also attached a sample Hold Harmless Agreement. Please ask your county attorney to review it. If the county wishes to establish a boating restricted area in conjunction with this project, the county must execute such an agreement. Your attorney may execute the sample, or may draft another agreement more to his liking. I am authorized to accept this language; if

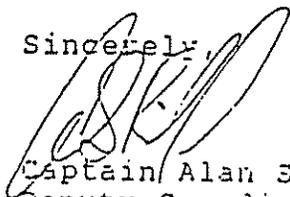
"Working together to protect Florida's future"

Ms. Elizabeth A. Eginton
February 27, 1989
Page 2

other wording is used, our legal department will also have to review it.

If you have any further questions, or if there is any other assistance that I can provide, please do not hesitate to call me at (904) 488-5757 or SUN COM 278-5757.

Sincerely,



Captain Alan S. Richard
Deputy Coordinator
Boating Safety Section
Florida Marine Patrol

ASR/asr

Attachments

U.S. Department
of Transportation
United States
Coast Guard



Commanding Officer U.S. Coast Guard
Marine Safety Office 155 Columbia Drive
Tampa, FL 33606-3598
Tel: (813) 228-2190

16600
3 MARCH 1989

E.A. Eginton, Senior Planner
Pasco Co. Planning and Zoning
7432 Little Road
New Port Richey, FL 34654

Re: Your letter of 21 Feb 89 regarding OMC Marina at Gulf
Landings Development

Dear Ms. Eginton:

The Coast Guard Boating Safety Accident Reporting regulations have been delegated to the State of Florida for investigation and statistical compilation. Those regulations require accidents causing \$200 of damage or significant death or injury to be reported to the Florida Marine Patrol (FMP). FMP should be contacted for statistics in the referenced area.

Our office compiles and investigates accident data involving commercial boating and shipping casualties. These incidents have much different reporting requirements. The absence of past commercial boating accidents has little significance to what the future will bring if boat traffic is significantly increased in an area, which I understand is the case in the referenced project.

The Coast Guard administers a plethora of regulations involving pollution of navigable waterways and the maintenance of safety of the waterways for commercial traffic and general use by the public in Federal waterways.

The maintenance of or the design of residential canal systems, including access to a marina, is not an area of regulation which Congress has issued regulations or delegated to the Coast Guard except in indirect ways.

It is possible that the U.S. Army Corps of Engineers have guidelines, regulations or engineering statistics to answer your questions with statistical validity.

It is the general observation of personnel on our staff that access to marinas of any significant size, which this appears to be, is usually accomplished through significantly wider canals than mentioned in your letter and thereby create minimal impact on residential boat docks in local canal systems.

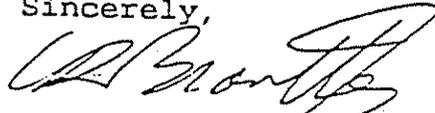
I would suggest that those claiming the increased traffic will not adversely impact close residential boat docks show similar examples of this design scheme working successfully somewhere in the thousands of miles of residential canals in Florida. We have no particular data regarding the frequency of such designs.

It is to be noted that even at no-wake speeds passing vessels in a narrow canal will move adjoining vessels tied up nearby. Whether this is adverse is not for the Coast Guard to determine.

If of course all the residential boat owners use Davit-based systems for their vessels then the increased traffic may have minimal impact.

I would suggest consultation with municipal planners in areas of heavy residential canal development occurring throughout Florida for further investigation of this matter.

Sincerely,



C.D. Brantley
Lieutenant, U.S. Coast Guard
By direction of the
Commanding Officer



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET
ATLANTA, GEORGIA 30365

March 3, 1989

Elizabeth Eginton
Planning and Zoning Department
Pasco County Government Complex
7432 Little Road
New Port Richey, FL 34654

PLANNING DEPT.

Dear Ms. Eginton:

This is in response to your letter of February 14, 1989, requesting a review of information regarding the OMC Marina at Gulf Landings. I have reviewed the Development of Regional Impact (DRI) Application for Development Approval (dated September 16, 1988), the DRI Response to Requests for Additional Information (dated December 2, 1988) and the DRI Final Report (dated February 13, 1989). I have also examined our files regarding the U.S. Army Corps of Engineers permit 86IPE-20105 (issued October 6, 1986) and discussed the project with individuals here in the EPA Region 4 office and the Jacksonville office of the Corps of Engineers.

The EPA Region 4 office did not make any written comments on this particular Corps permit. My review of the information you submitted shows that the applicant has done a thorough evaluation of the potential impacts of the project and has incorporated numerous features into the marina design to mitigate most impacts. Furthermore, the application has undergone a very detailed review by a number of agencies that has identified all other environmental concerns. Thus, virtually every issue described in EPA's Coastal Marinas Assessment Handbook has been addressed in some manner.

However, as you point out in your request, several issues remain to be resolved. Potential impacts to the Robert Crown Wilderness Area would best be assessed by wildlife resource management agencies familiar with the area. The Florida Department of Environmental Regulation has evaluated the potential water quality impacts of the project and has the final authority in the matter. I would encourage a water quality monitoring program for the marina. This would serve to document any changes in water quality that may occur, particularly with respect to the planned hydrological modifications to promote flushing. The potential impacts of the project on navigation in the Crown Canal and to adjacent residential neighborhoods are difficult to assess and will ultimately have to be resolved at the local level.

In summary, both the design and review of this project have given considerable attention to the potential environmental impacts as described in the Handbook. Resolution of the remaining issues will be best handled by those agencies with direct regulatory authority in the matters. I appreciate the opportunity to review this information. If you have any questions or comments, please call me at any time at (404) 347-2126.

Sincerely,



Robert J. Lord
Coastal Programs Unit
Water Quality Management Branch

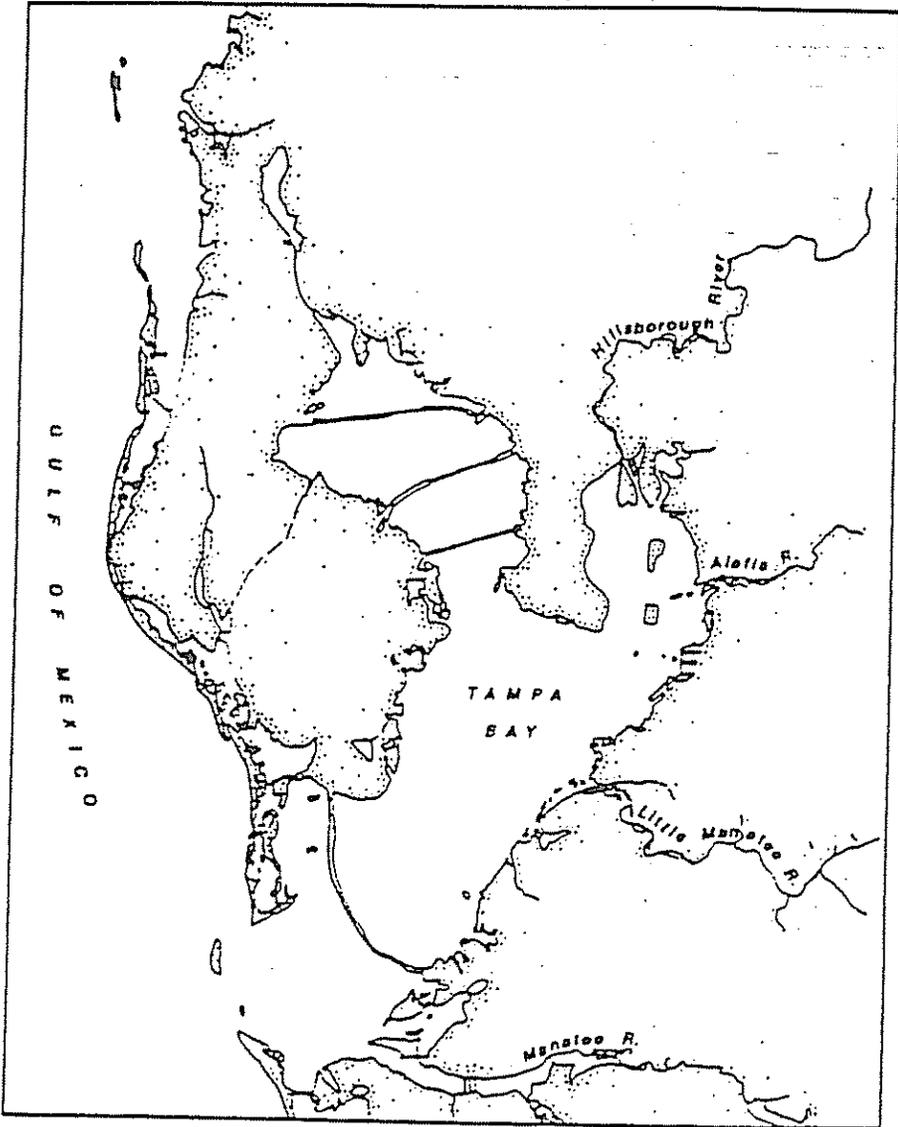
EXHIBIT D

TBRPC Marina Siting Policies

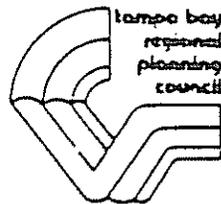
Pages 2-169 to 2-176
The Future of Tampa Bay



The Future of Tampa Bay



A Report to the Florida Legislature and the Tampa Bay Regional Planning Council by the Tampa Bay Management Study Commission



Issue Analysis: Florida's coastline, as well as the shorelines of the state's navigable lakes, rivers and streams represent extremely valuable resources. These resources provide recreational opportunities for the public, and are renewable in many ways. The increasing population of recreational boaters utilizing Florida's coastal and inland waterways is a major component of the state's growth. The coastal environment, however, is limited in its capacity to support competing human activities without some damage to the environment. Determining where marinas should be located requires consideration of numerous, complex resource-related issues, ranging from the destruction of sensitive coastal habitats to the displacement of marinas by non-water dependent uses such as restaurants, hotels, etc.

The Tampa Bay Region is presently one of the most rapidly growing areas throughout the entire State of Florida. With its numerous rivers, bays and barrier islands, the region contains over 750 miles of linear coastline, and 31 of the 43 local governments incorporated within the region are located along the coast. Consequently, the Tampa Bay Region, with its many competing uses of, and demands upon, its diversified shorelines is facing increasing marina siting pressures. This fact is well documented in the City of Clearwater's Marina Facilities Element by statistics which show that, of the 429 private and public slips in the city limits, 100 percent are occupied year round, and waiting lists containing 213 names are maintained.

The provision of new marina facilities, however, especially in Tampa Bay proper, must be carefully balanced with environmentally-sound siting policies. Rapid urban development has radically changed the character and ecology of the Tampa bay estuary over the past three decades. For example, studies have indicated that 44 percent of the original mangroves and marshes have been destroyed, and 81 percent of the original seagrass beds have disappeared (see issue #2). In addition, many of the tidal tributaries entering Tampa Bay have been filled, hardened or channelized. This habitat loss has resulted in declining populations of commercially-valuable fish and shellfish, including a complete collapse of such fisheries as those for scallops and oysters, and major declines for bait shrimp and spotted sea trout (see issue #14). The principle impacts of marina development upon the natural environment of Tampa Bay result from the following:

- Physical destruction of natural marine and estuarine habitats including, grass beds, tidal marshes and tidal mangrove swamps;
- Degraded water quality from heavy metals, nutrients, and oils and greases in association with stormwater runoff from adjacent parking facilities;
- Short-term increases in water turbidity and associated loss of bottom dwelling life when dredging occurs;
- Reduced tidal flushing of waters due to the construction of enclosed basins and underwater obstructions such as pilings, boat hulls, etc.;

- Leaching of toxic contaminants from anti-fouling coatings on boats in the marina;
- Accumulation of surface flotsam and oil slicks from engines in marina basins; and
- Shading of potentially productive bay bottom by docks, pilings and boat hulls.

A survey performed by the Tampa Bay Regional Planning Council in 1964 indicated that relatively few of the 43 local governments contained within the region have adopted specific ordinances or policies related to marina development. In general, local regulations related to marina facilities are limited almost entirely to zoning ordinances and building codes which address upland development only. A more comprehensive and consistent marina siting policy at the state level, or at least the regional level, would help protect the vital aquatic resources of the bay and would lead to a more predictable regulatory framework for prospective developers.

Relevant Laws and Statutes:

Chapter 161, Florida Statutes (Beach and Shore Preservation)
 Chapter 163, Florida Statutes (Intergovernmental Programs)
 Chapter 258, Florida Statutes (Aquatic Preserves)
 Chapter 403, Florida Statutes (Environmental Control)
 Chapter 373, Florida Statutes (Water Management Districts)

Bay Management Objectives:

1. Balance the provision of adequate marina facilities around Tampa bay with the protection of water quality and valuable marine and estuarine habitat.

Bay Management Recommendations:

1. The Department of Natural Resources should develop a comprehensive statewide marina siting policy to be enforced through proper coordination with the Department of Environmental Regulation and, at the local level, the Tampa Port Authority. The comprehensive marina siting should include but not be limited to the following elements:

A. Land Use (Existing/Permitted)

1. Existing Zoning: Marinas should not be sited in areas where local zoning specifically prohibits such uses. This policy should not apply in those instances in which marinas are unintentionally omitted from the list of permitted uses as documented by the applicant.

2. Comprehensive Plans: Marinas facilities should not be located in areas which are designated in a comprehensive plan approved in accordance with Chapter 163, Florida Statutes, for land uses which explicitly exclude marinas. This policy should not apply in those instances in which a comprehensive land use plan has not been approved in accordance with Chapter 163, F.S. Neither should it apply to approved land use plans which do not include marinas in any land use category, or which omit such facilities unintentionally as documented by the applicant.
3. Existing Use: Preference should be given to sites which have been previously disturbed, as opposed to sensitive natural areas. Expansion of existing marina facilities should be encouraged over the development of new facilities.
4. Surrounding Uses/Zoning: Special consideration should be given to sites which would not conflict with the permitted land uses or zoning of properties within a one thousand foot radius of the site.
5. Non Water Dependent Uses: Facilities such as restaurants and bait and tackle shops should be situated on uplands, except where the location of such facilities over public lands is found to be clearly in the public interest, or where sensitive upland natural systems are present.

B. Support Services (Utilities/Public facilities)

1. Adequate Uplands/access: Marinas proposed for state-owned submerged lands should demonstrate that they have sufficient upland area to accommodate all needed utilities and marina support facilities. If insufficient uplands exist, or if significant sensitive natural systems would be damaged by siting of support facilities, adequate access to all needed utilities should be demonstrated. Preference should be given to facilities which provide parking areas which do not generate excessive stormwater pollution.
2. Adequate Traffic Capacity: Applicants should demonstrate that the adjacent area and on-site roadways have the capacity to accommodate the projected number of customers.
3. Sewage Capacity: All new marinas should provide adequate capacity to handle sewage in accordance with state standards, either by means of on-site pump-out and treatment facilities or connection to a treatment plant. Applicants should document the availability and capacity of the above sewage facilities to handle the anticipated volume of wastes. All marinas with fueling facilities should provide pump-out facilities at each fuel dock. Marinas which serve live-aboards or overnight transient traffic should provide shower, restroom and sewage treatment facilities at the dock. Facilities of 50 slips or more should provide permanent pump-out facilities.

4. Spill Containment: All applicants should provide documentation of their capability to respond as rapidly and effectively as possible to contain any spills of petroleum or other hazardous materials within the boundaries of leased area.

C. Resource Constraints (Environmental Considerations)

1. In the following sensitive areas, the applicant should be required to demonstrate that a marina is clearly in the public interest before approval to build is granted:
- Aquatic preserves,
 - Outstanding Florida Waters,
 - Class I waters,
 - Class II waters,
 - Marine Sanctuaries,
 - Estuarine Sanctuaries,
 - Manatee Sanctuaries or Critical Manatee Habitats,
 - Areas approved or conditionally approved by DNR for shellfish harvesting,
 - Other highly productive and/or unique habitats as determined by DNR, based on vegetation and/or wildlife species, and
 - Areas designated on the Department of Community Affairs' Oil Spill Sensitivity Atlases as sensitive to oil spills.
2. Hurricane Evacuation and Protection: Applicants should document sufficient capacity to provide maximum practicable protection of the contents of the proposed premises from damages caused by wind and wave forces resulting from hurricanes. Structures should comply with all applicable coastal construction codes. Applicants should also demonstrate the ability to evacuate persons and vessels by area roadways (by documenting traffic capacities) and by area waterways.
3. Water Quality: A specific lease condition for any new, renewed, or expanded docking facility for 50 or more boats should be that the lessee shall maintain water quality standards as provided by Chapter 403, Florida Statutes. To assure compliance, the lessee should maintain a water quality monitoring program approved by the Department of Environmental Regulation. Water quality data should be periodically reviewed by DER. If it can be determined that the docking facility and/or the riparian uplands are causing water quality

violations, then the lessee should be given written notice to correct the problem within 120 days, then, on failure to do so, the lease should be subject to cancellation by the Board with the resultant removal of the docking facilities.

4. Water Depth: Preference should be given to docking facilities in locations having adequate water depths to accommodate the proposed boat use. A minimum water depth of 4-feet mean low water should be required. Greater depths should be required for those facilities designed for or capable of accommodating boats having greater than a 3-foot draft. These depth requirements shall also apply to the area between the proposed facility and any natural or other navigation channel, inlet or deep water. Where necessary, marking of navigational channels may be required.
5. Access/dredging: Preference should be given to docking facilities which require minimal or no dredging or filling to provide access by canal, channel or road. This restriction should also apply to widening or deepening any existing canal or channel; but not to regular maintenance dredging and filling to meet depth standards of existing canals or channels. Preference should be given to marina sites adjacent to naturally maintained channels.
6. Environmental Restoration: In reviewing applications for new docking facilities, or for renewal of existing leased facilities, an effort should be made to identify ways to improve, mitigate or restore adverse environmental impacts caused by previous activities. This may include shallowing dredged areas, restoring wetlands, or submerged vegetation or making navigable channels. Such mitigation or restoration could be required as a condition of approval for new, renewed or expanded facilities.
7. Cultural Resource Protection: Preference should be given to facilities which demonstrate no adverse impact on archeological or historic properties as defined by the Florida Department of State.
8. Access Markers: Immediate access (ingress and egress) points should be delineated by channel markers, indicating speed limits and any other applicable regulations.
9. Erosion Prevention: On sites with historically erosion-prone shorelines, applicants should ensure that appropriate shoreline protection measures (as determined by DNR and DER) will be taken.

D. Economic Considerations

1. Proximity to Population/Navigable Water Bodies: Preference should be given to facilities which are within reasonable travelling distance of a significant population of marina

users, as determined by DNR's Marina Needs Analysis, by roadway and by waterway. Preference should also be given to facilities which have access to a large navigable water body.

2. Economic Need: Priority should be given to facilities which document significant economic need for the proposed facilities at that site, based on methodology used in "Projections of Marina Need by County", by Dr. Frederick Bell, submitted to the Department of Natural Resources, Tallahassee on April 30, 1984.

3. Public Access: Preference should be given to facilities which will be open to the public on a "first come, first served" basis.

2. The Tampa Bay Regional Planning Council should adopt the above cited marina policy and implement it through its Chapter 163 and 380 statutory responsibilities.

3. The Department of Natural Resources should develop a variable lease fee schedule for marina and other shoreline development on state owned submerged lands. The intent and net result of a variable lease fee would be to strongly discourage marina development in ecologically sensitive or highly productive areas. In order to achieve this result, the lease fee differential should not be tied exclusively to the Aquatic Preserve designation, as was proposed by the Governor's Blue Ribbon Marina Committee. The vast majority of environmentally-sensitive submerged lands in the state are not defined or protected by the aquatic preserve designation. In order to protect such lands from destructive potential or marina development and related activities, it is recommended that the lease fee schedule be applied differentially, based upon an objective assessment of the ecological value and sensitivity of the aquatic environment in question. The variable lease fee might have a ceiling rate of ten times the then-existing base rate, for extremely sensitive areas. If, however, local policies or permitting criteria are more restrictive than the resulting state guidelines, or prohibit marina development outright in certain areas, the local process should take precedence over a state lease fee schedule.

4. Monies derived from submerged land lease fees should be use to help establish an Aquatic Preserve Management Fund within the Department of Natural Resources. Although the DNR has a mandated responsibility to develop and implement management plans for Aquatic Preserves around the state, funding has historically been a problem in implementing this program (see issue #8). The specific appropriation of at least a portion of the funds derived from lease-fees should be seriously considered as a viable alternative to correct this deficiency.

5. The Department of Natural Resources should draft a model marina siting ordinance. As was determined in the TERPC survey of existing local regulations, many local governmental entities have no zoning ordinances or building codes which specifically relate to marina development. As a result of this lack of a regulatory framework, marina siting decisions at the local level are usually made without adequate consideration of the regional impacts involved in marina development.

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To offset the regulatory discrepancies between local governments, it is recommended that a model marina siting ordinance which incorporates many or all of the protective provisions outlined in the above proposed guidelines be prepared. The model ordinance should, however, be flexible enough to allow many of the features of a site specific approach. The drafting of a model ordinance for voluntary inclusion into the regulatory framework of local governments would minimize both the burden on local governments, and the delays in implementation. The development of site specific building codes and special land use plans for each separate coastal area requires expenditures of time and money that many communities are either unable, or unwilling, to bear. Local preparation and passage of such regulations, moreover, would entail lengthy delays, leaving local governments with alternatives of either imposing a moratorium on further marina development, or allowing coastal property to remain unregulated during the interim.

6. In order to effectively establish a variable lease fee and a statewide model marina siting ordinance it may be necessary to create a temporary Marina Siting Commission. The responsibilities of such an entity could be to establish a consistent, statewide basis for the assessment of variable lease fees in environmentally sensitive areas of the state, and to assess the appropriateness of marina development in those areas based upon a rating system developed from the proposed state considerations. The Commission's objective in establishing a variable lease fee schedule would be to develop and incorporate a set of scientifically sound criteria for rating environmentally-sensitive areas in terms of their ecological value. The degree of environmental-sensitivity, and the subsequent appropriate intensity of marina development would thus be reflected in the lease-fee schedule to be implemented locally. A statewide atlas should be prepared which identifies the rated environmentally-sensitive areas, and the resulting variable lease-fee zones. It is suggested that the commission utilize, and model this proposed atlas after, the Department of Community Affairs' Oil-Spill Sensitivity Atlases. If, in localized cases, it was felt that the assessed lease fee had been unreasonably derived, the commission would also serve as an adjudicatory board to handle direct appeals.

In addition, the Marina Siting commission could be assigned the tasks of developing a statewide model marina siting ordinance, and coordinating its site-specific inclusion into the local regulatory framework where it is presently inadequate. It is suggested that, in the preparation of this ordinance, current permitting processes at the state and local level be thoroughly reviewed to ensure consistency with overall marina siting objectives, and to avoid excessive regulatory duplication.

Work Element 37-1: The Legislature should designate a temporary Marina Siting Commission. The above stated responsibilities could possibly be assumed by the existing Marine Fisheries Commission, or delegated to a division of the Department of Natural Resources. The proposed siting commission should include membership from local regulatory agencies having jurisdiction over significant acreage of submerged lands throughout the state. In the Tampa Bay Region, the Tampa Port Authority and the Pinellas County Water and Navigational Control

Long-Term Management Alternatives:

1. Status Quo: The above cited recommendations could be adequately implemented under the present regulatory framework through proper coordination between Department of Natural Resources, the Department of Environmental Regulation, the Legislature and local regulatory agencies.
2. Bay Advisory Committee: A standing bay advisory committee within the Tampa Bay Regional Planning Council could provide effective interagency coordination, as well as detailed review and monitoring of all major marina development proposals around Tampa Bay.
3. Bay Management Authority: A mandated bay management authority could potentially assume part or all regulatory responsibilities for implementing and enforcing the above stated marina siting program in the Tampa Bay region.

EXHIBIT E

Introduction to the
U.S. Environmental Protection Agency's
Coastal Marinas Assessment Handbook

INTRODUCTION

This booklet introduces the **Coastal Marinas Assessment Handbook**, a handbook of information for the development and regulation of coastal marinas in an environmentally sound manner.

The coastal zone supports more than fifty percent of the U.S. population and this percentage is increasing. This is especially true in the Southeast where population growth along the Atlantic and Gulf Coasts continues to increase from utilization of coastal areas for recreation, industrial development and retirement. Increased development along the southeastern coast has brought about a population influx into formerly sparsely populated coastal areas.

For example, the population in North Carolina coastal counties increased by 18 percent between 1970 and 1980, while the number of registered boats in these counties increased by 86 percent between 1973 and 1983.



Population density along major coasts (persons/sq. mile)

This growth has resulted in an ever increasing demand for recreational boating facilities. Coastal marinas are important in meeting the demand for access to coastal waters.

In addition to being highly desirable commercial and recreational resources,

National Research Defense Council, Inc., 1976. *Shoreland Use and Coastal Resource Use*. Office of Coastal Zone Management, Washington, D.C. 31 pp.
 Council on Environmental Quality, 1983. *18th Annual Report of the Council on Environmental Quality*. Washington, D.C. 301 pp.

southern coastal areas provide valuable natural resources. Estuaries along the Atlantic and Gulf coasts support extensive marshes and mangrove wetlands. These wetlands provide important nursery areas for sport and commercial fish and shellfish, most of which spend at least part of their life cycles in these estuaries. These estuaries and wetlands also provide nursery and forage areas for birds and other wildlife and support many protected plants and animals.

Approximately 90 commercial fish species, including seven of the ten most valuable depend on coastal waters at one or more stages in their life cycle.

60 percent of the annual U.S. marine commercial harvest and 64 percent of the marine recreational catch consist of estuarine-dependent species.

Coastal areas are sensitive to impacts because coastal ecosystems are limited in their ability to support development and recreational activities without sustaining detrimental changes in the ecological balance.



Boating for day resulting in Georgia

Steadily increasing recreational and commercial utilization of these coastal areas has heightened the concern for protecting and conserving the natural and aesthetic resources; the very resources that attract people to the coast.

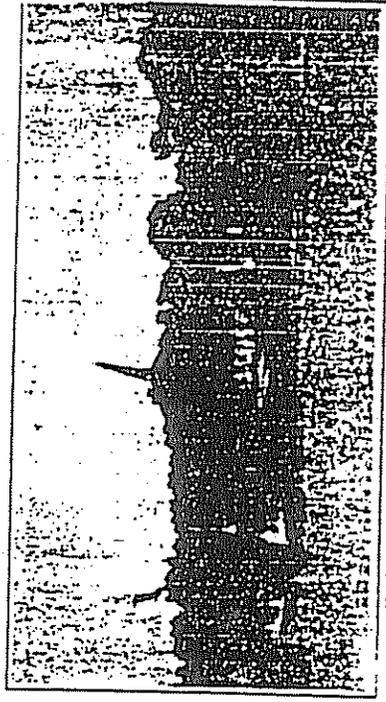
60 percent of America's threatened or endangered species live in the coastal zone.

Each year 2,500 acres of wetland are lost in the Southeastern States due to population growth and urbanization, energy development, industrial development and recreational activities.

Overall increased development throughout the coastal zone in conjunction with increasing demand for recreational marina facilities has led to progressively complex issues that must be resolved by governmental agencies, marina developers and coastal residents. These issues are related to the need to protect the sensitive coastal environment, while preserving or enhancing multiple uses of valuable coastal resources.

Coastal Marinas Assessment Handbook is an up-to-date and comprehensive handbook of information that addresses many of these environmental issues. The Handbook was developed by EPA Region IV to provide guidance to marina developers, and regulatory agencies for the development of coastal marinas in an environmentally sound manner. Although developed specifically for the Region IV States, much of the information in the Coastal Marinas Handbook is applicable nationwide.

The following sections introduce many complex and interrelated issues associated with present-day marina development. For more information the reader is encouraged to obtain a copy of the Handbook and to contact the applicable agencies listed on the last page of this booklet.



Marina expansion/condominium development in South Carolina

EXHIBIT F

C-2 Rezoning Conditions of Approval (#3840)
Special Exception Conditions of Approval (#3481)

[Faint, illegible text, possibly a list of conditions or a table of contents]

ZONING PETITION ON REVIEW REPORT

TO: Pasco County Planning Commission
Kenneth W. Sapiński
 FROM: Kenneth W. Sapiński
 Zoning Administrator
 SUBJECT: Rezoning Request
 APPLICANT: Lindrick Corporation

PETITION #3480
 Commission District #5
 Planning Commission
 Hearing Date: 11/22/88
 Board of County Commissioners Hearing Date: 11/25/88 (NPR)
 Board of Zoning Adjustment Hearing Date: N/A

PETITION SUMMARY

Petition #3480 in the name of Lindrick Corporation has been filed for a change in zoning from C-2 (General Commercial), R-4 (High Density Residential), and A-C (Agricultural) Districts to C-2 (General Commercial) District. The property is located in Southwest Pasco County on the south side of Green Key Road, approximately 1,870 feet west of Bayou Drive (Section 6, Township 26 South, Range 16 East), and contains 11.2 acres, m.c.l. The surrounding zoning districts and land uses are as follows:

	<u>Zoning District</u>	<u>Land Use</u>
North:	A-C (Agricultural)	- Green Key Road; Tidal Marsh
East:	R-4 (High Density Residential) C-1 (Neighborhood Commercial) A-C (Agricultural)	- Undeveloped
South:	R-4 (High Density Residential) A-C (Agricultural)	- Undeveloped; Single Family Homes (Gulf Harbors Subdivision)
West:	A-C (Agricultural)	- Undeveloped

FINDINGS OF FACT

1. Presently, the subject site is undeveloped, and the applicant proposes to develop the property commercially.
2. Access to the property is from Green Key Road, which has 24 feet of limerock and 50 feet of right-of-way.
3. Minimum development standards for this site would require 60 feet of total right-of-way along Green Key Road.
4. The subject property is located in an identified 100-year flood prone area, and development within these areas is subject to all requirements of the Flood Damage Prevention Ordinance 81-18.
5. Soils in this area have not been categorized in the U.S.D.A. Soil Conservation Service's Soil Survey of Pasco County, Florida.
6. The surrounding area is characterized by tidal marsh and canals to the north, east, and west, with Gulf Harbors Subdivision to the south.
7. The applicant has filed a companion special exception request (#3481) for a proposed marina on the subject property. Staff is in agreement with this proposed use. Staff noted the presence of environmentally sensitive land in this area but feels that careful development and management of the subject property can minimize chances of environmental damage.
8. The proposed request is inconsistent with Article XXV, Section 25.2E. of the Pasco County Zoning Ordinance with regard to (g) whether the proposed change will create or excessively increase traffic congestion or otherwise affect traffic safety and (p) development in a flood prone area.
9. The proposed request is inconsistent with the Drainage and Conservation/Coastal Zone Protection Elements of the Pasco County Comprehensive Plan with regard to development in a flood prone area.

10. The owner/developer must comply with all requirements of Anti-XXIII, Section 22.10, of the
 zoning Ordinance with regard to Site and Development Plan and Code XXX of the Subdivision
 Ordinance with regard to Development Review and Legislation.

STAFF RECOMMENDATION

Approval with Conditions

CONDITIONS

1. The owner/developer shall dedicate an additional five feet (5') of right-of-way along the entire north boundary of the subject property to total thirty feet (30') from the existing centerline of Green Key Road.
2. The owner/developer shall improve Green Key Road to County standards from the end of existing pavement on the east to the west boundary of the subject property.
3. Prior to development, the owner/developer shall provide the Development Review Committee with all necessary permits (DER, SWFWMD, etc.) with regard to this site, if applicable.

PLANNING COMMISSION RECOMMENDATION

Approval of Staff Recommendation: 9 Ayes; 1 Nays
Denial of Staff Recommendation: Ayes; Nays

Approval with Amended Conditions:

1. The owner/developer shall dedicate an additional five feet (5') of right-of-way along the entire north boundary of the subject property to total thirty feet (30') from the existing centerline of Green Key Road.
2. Prior to development, the owner/developer shall provide the Development Review Committee with all necessary permits (DER, SWFWMD, etc.) with regard to this site, if applicable.

BOARD OF COUNTY COMMISSIONERS ACTION

Approval with Conditions:

1. The owner/developer shall dedicate an additional five feet (5') of right-of-way along the entire north boundary of the subject property to total thirty feet (30') from the existing centerline of Green Key Road.
2. The owner/developer shall improve Green Key Road to County standards from the end of existing pavement on the east to the west boundary of the subject property.
3. Prior to development, the owner/developer shall provide the Development Review Committee with all necessary permits (DER, SWFWMD, etc.) with regard to this site, if applicable.

ZONING PETITION REVIEW REPORT

TO: Pasco County Planning Commission
Board of Zoning Adjustment
Kenneth W. Beginsy
FROM: Kenneth W. Beginsy
Zoning Administrator

PETITION #3481
Commission District #5
Planning Commission
Hearing Date: 11/12/88
Board of County Commissioners Hearing Date: N/A
Board of Zoning Adjustment Hearing Date: 11/20/88

SUBJECT: Special Exception Request
APPLICANT: Lindrick Corporation

PETITION SUMMARY

Petition #3481 in the name of Lindrick Corporation has been filed for a special exception for a marina in a C-2 (General Commercial) District. The property is located in Southwest Pasco County on the south side of Green Key Road, approximately 1,870 feet west of Bayou Drive (Section 6, Township 26 South, Range 16 East), and contains 11.2 acres, m.o.l. The surrounding zoning districts and land uses are as follows:

	<u>Zoning District</u>	<u>Land Use</u>
North:	A-C (Agricultural)	- Green Key Road; Tidal Marsh
East:	R-4 (High Density Residential) C-1 (Neighborhood Commercial) A-C (Agricultural)	- Undeveloped
South:	R-4 (High Density Residential) A-C (Agricultural)	- Undeveloped; Single Family Homes (Gulf Harbors Subdivision)
West:	A-C (Agricultural)	- Undeveloped

FINDINGS OF FACT

1. Presently, the subject site is undeveloped, and the applicant proposes to develop the property as a marina.
2. Access to the property is from Green Key Road, which has 24 feet of pavement and 50 feet of right-of-way.
3. Minimum development standards for this site would require 60 feet of total right-of-way along Green Key Road.
4. The subject property is located in an identified 100-year flood prone area, and development within these areas is subject to all requirements of the Flood Damage Prevention Ordinance 81-16.
5. Soils in this area have not been categorized in the U.S.D.A. Soil Conservation Service's Soil Survey of Pasco County, Florida.
6. The surrounding area is characterized by tidal marsh and canals to the north, east, and west, with Gulf Harbors Subdivision to the south.
7. A companion application (#3480) to rezone the subject property to C-2 (General Commercial) District will be considered by the Board of County Commissioners on November 25, 1988. Staff is in agreement with the proposed marina on this site. Staff noted the presence of environmentally sensitive land in this area but feels that careful management and development can minimize chances of environmental damage.
8. Staff feels the area would be better served if the proposed marina would limit its facilities to serve the needs of residents in the immediate area rather than provide launching facilities for the general public. The applicant has indicated the proposed facility would be "dry storage only."
9. The proposed request is consistent with Article XXV, Section 25.402, of the Zoning Ordinance.

10. The proposed request is inconsistent with the Drainage and Conservation/Coastal Zone Protection Element of the Polk County Comprehensive Plan regarding development in a flood prone area.

STAFF RECOMMENDATION

Approval with Conditions

CONDITIONS

1. The owner/developer shall dedicate an additional five feet (5') of right-of-way along the entire north boundary of the subject property to total thirty feet (30') from the existing centerline of Green Key Road.
2. The owner/developer shall improve Green Key Road to County standards from the end of the existing pavement on the east to the west boundary of the subject property.
3. The owner/developer must comply with all requirements of Article XXIII, Section 23.10, of the Zoning Ordinance with regard to Site and Development Plan and Article XIII of the Subdivision Ordinance with regard to Development Review and Regulation.
4. Prior to development, the owner/developer shall provide the Development Review Committee with all necessary permits (FDER, SWFWMD, etc.) with regard to this site, if applicable.

PLANNING COMMISSION RECOMMENDATION

Approval of Staff Recommendation: 9 Ayes; 1 Nays

Denial of Staff Recommendation: Ayes; Nays

Approval with Amended Conditions:

1. The owner/developer shall dedicate an additional five feet (5') of right-of-way along the entire north boundary of the subject property to total thirty feet (30') from the existing centerline of Green Key Road.
2. The owner/developer must comply with all requirements of Article XXIII, Section 23.10, of the Zoning Ordinance with regard to Site and Development Plan and Article XIII of the Subdivision Ordinance with regard to Development Review and Regulation.
3. Prior to development, the owner/developer shall provide the Development Review Committee with all necessary permits (FDER, SWFWMD, etc.) with regard to this site, if applicable.
4. There shall be a maximum of four hundred (400) boat slips.

BOARD OF ZONING ADJUSTMENT ACTION

Approval with Amended Conditions

1. The owner/developer shall dedicate an additional five feet (5') of right-of-way along the entire north boundary of the subject property to total thirty feet (30') from the existing centerline of Green Key Road.
2. The owner/developer must comply with all requirements of Article XXIII, Section 23.10, of the Zoning Ordinance with regard to Site and Development Plan and Article XIII of the Subdivision Ordinance with regard to Development Review and Regulation.
3. Prior to development, the owner/developer shall provide the Development Review Committee with all necessary permits (FDER, SWFWMD, etc.) with regard to this site, if applicable.
4. There shall be a maximum of four hundred (400) boat slips.
5. The owner/developer shall improve Green Key Road to County standards from the end of the existing pavement on the east to the west boundary of the subject property.

EXHIBIT G

U.S. Army Corps of Engineers Permit 86IPE-20002
U.S. Army Corps of Engineers Permit 86IPE-20105
Florida Department of Environmental Regulation Permit No. 511047113



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT, CORPS OF ENGINEERS
P. O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019
SEP 18 1985

ARMY TO
ATTENTION OF
Regulatory Division
Permits Branch
861PE-20002

Mr. Rand E. Gentry
Lindrick Corporation
1760 Sea Forest Drive
New Port Richey, Florida 33552-8401

Dear Mr. Gentry:

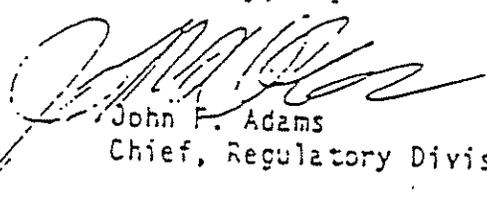
We are pleased to enclose the Department of the Army permit and a Notice of Authorization which should be displayed at the construction site. Work may begin immediately but the appropriate Area Engineer as representative of the District Engineer must be notified of:

- a. The date of commencement of the work (mail enclosed card).
- b. The dates of work suspensions and resumptions if work is suspended over a week, and
- c. The date of final completion.

Area Engineer addresses and telephone numbers are shown on the enclosed map. The area Engineer is responsible for inspections to determine that permit conditions are strictly adhered to. A copy of the permit and drawings must be available at the site of work.

IT IS NOT LAWFUL TO DEVIATE FROM
THE APPROVED PLANS ENCLOSED

Sincerely,


John F. Adams
Chief, Regulatory Division

Enclosures

Copy Furnished (w/pmt and dwgs):

Mr. Steven R. Wasson, P.E.
King Engineering Associates,
Incorporated
2145 U.S. Highway 19 North
Clearwater, Florida 33575-2808

Application No. _____
Name of Applicant: LINDRICK CORPORATION
Effective Date: SEP 18 1985
Expiration Date (if applicable): SEP 15 1991

DEPARTMENT OF THE ARMY
PERMIT

December 3, 1985

Referring to written request dated _____ for a permit to:

- (X) Perform work in or affecting navigable waters of the United States, upon the recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403);
- (X) Discharge dredged or fill material into waters of the United States upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344);
- () Transport dredged material for the purpose of dumping it into ocean waters upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (16 Stat. 1022; P.L. 92-532);

Lindrick Corporation
P.O. Box 1176
New Port Richey, Florida 34291-1176

is hereby authorized by the Secretary of the Army:

to
excavate and discharge the excavated material to repair eroded shorelines,
place riprap and install channel markers

in
a manmade canal

at
Sections 6 and 7, Township 26 South, Range 16 East, New Port Richey, Pasco
County, Florida

in accordance with the plans and drawings attached hereto which are incorporated in and made a part of this permit (on drawings file number or other definite identification mark.)

nine sheets marked 86IPE-20002 sheets 1 through 8 dated February 5, 1986, and
sheet 9 dated August 12, 1985

subject to the following conditions:

I. General Conditions:

a. That all activities identified and authorized herein shall be consistent with the terms and conditions of this permit; and that any activities not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this permit which may result in the modification, suspension or revocation of this permit in whole or in part, as set forth more specifically in General Conditions j or k hereto, and in the institution of such legal proceedings as the United States Government may consider appropriate, whether or not this permit has been previously modified, suspended or revoked in whole or in part.

ENG FORM 1721, Sep 82

EDITION OF 1 JUL 77 IS OBSOLETE

b. That all activities authorized herein shall, if they involve, during its construction or operation, any discharge of pollutants into waters of the United States or Great Waters, be at all times consistent with applicable water quality standards, effluent limitations and standards of performance, prohibitions, treatment standards and management practices established pursuant to the Clean Water Act (33 U.S.C. 1346), the Marine Protection, Research and Sanctuaries Act of 1972 (16 U.S.C. 1402), or pursuant to applicable State and local law.

c. That when the activity authorized herein involves a discharge during its construction or operation of any pollutant (including dredged or fill material), into waters of the United States, the authorized activity shall, if applicable water quality standards are revised or modified during the term of this permit, be modified, if necessary, to conform with such revised or modified water quality standards within 6 months of the effective date of any revision or modification of water quality standards, or as directed by an implementation plan contained in such revised or modified standards, or within such longer period of time as the District Engineer, in consultation with the Regional Administrator of the Environmental Protection Agency, may determine to be reasonable under the circumstances.

d. That the discharge will not destroy a threatened or endangered species as identified under the Endangered Species Act, or endanger the critical habitat of such species.

e. That the permittee agrees to make every reasonable effort to prosecute the construction or operation of the work authorized herein in a manner so as to minimize any adverse impact on fish, wildlife, and natural environmental values.

f. That the permittee agrees that he will prosecute the construction or work authorized herein in a manner so as to minimize any degradation of water quality.

g. That the permittee shall allow the District Engineer or his authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.

h. That the permittee shall maintain the structure or work authorized herein in good condition and in reasonable accordance with the plans and drawings attached hereto.

i. That this permit does not convey any property rights, either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations.

j. That this permit does not obviate the requirement to obtain state or local assent required by law for the activity authorized herein.

k. That this permit may be either modified, suspended or revoked in whole or in part pursuant to the policies and procedures of 33 CFR 325.7.

l. That in issuing this permit, the Government has relied on the information and data which the permittee has provided in connection with his permit application. If, subsequent to the issuance of this permit, such information and data prove to be materially false, materially incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Government may, in addition, institute appropriate legal proceedings.

m. That any modification, suspension or revocation of this permit shall not be the basis for any claim for damages against the United States.

n. That the permittee shall notify the District Engineer at what time the activity authorized herein will be commenced, as far in advance of the time of commencement as the District Engineer may specify, and of any suspension of work, if for a period of more than one week, resumption of work, and its completion.

o. That if the activity authorized herein is not completed on or before _____ day of _____, 19____, ^{five} ~~three~~ years from the date of issuance of this permit unless otherwise specified, this permit, if not previously revoked or specifically extended, shall automatically expire.

p. That this permit does not authorize or approve the construction of particular structures, the authorization or approval of which may require authorization by the Congress or other agencies of the Federal Government.

q. That if and when the permittee desires to abandon the activity authorized herein unless such abandonment is part of a transfer procedure by which the permittee is transferring his interests herein to a third party pursuant to General Condition 1 hereof, he must restore the area to a condition satisfactory to the District Engineer.

r. That if the recording of this permit is possible under applicable State or local law, the permittee shall take such action as may be necessary to record this permit with the Registrar of Deeds or other appropriate official charged with the responsibility for maintaining records of title to and interests in real property.

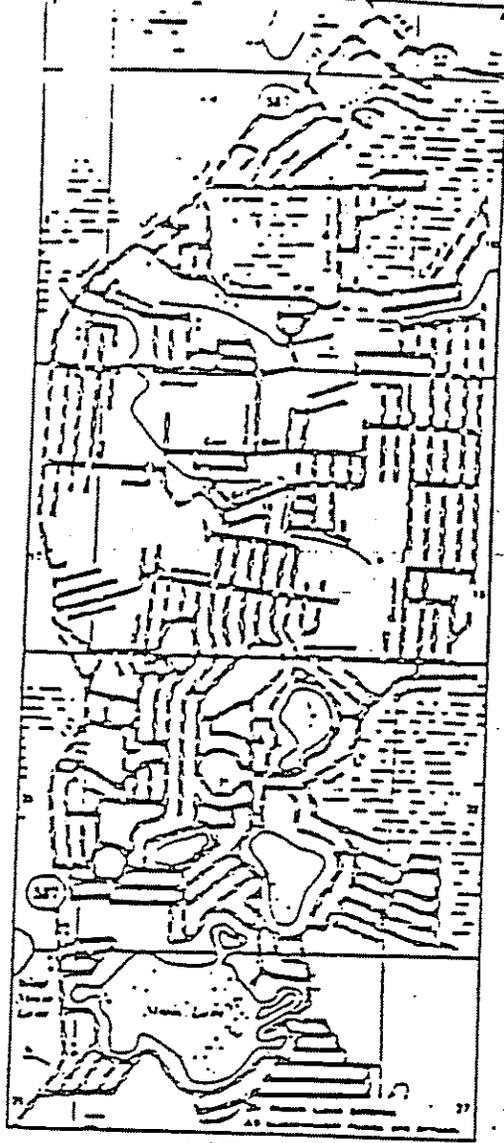
a. That there shall be no other conditions or restrictions on the permittee herein.

k. That this permit may not be transferred to a third party without prior written notice to the District Engineer, either by the transferee's written agreement to comply with all terms and conditions of this permit or by the transferee subscribing to this permit in the space provided below and thereby agreeing to comply with all terms and conditions of this permit. In addition, if the permittee transfers the interests authorized herein by conveyance of realty, the deed shall reference this permit and the terms and conditions specified herein and this permit shall be recorded along with the deed with the Register of Deeds or other appropriate official.

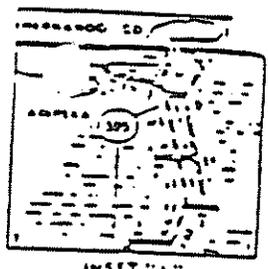
l. That if the permittee during prosecution of the work authorized herein, encounters a previously unidentified archeological or other cultural resource within the area subject to Department of the Army jurisdiction that might be eligible for listing in the National Register of Historic Places, he shall immediately notify the district engineer.

ii. Special Conditions: *Here list conditions relating specifically to the proposed structure or work authorized by this permit:*

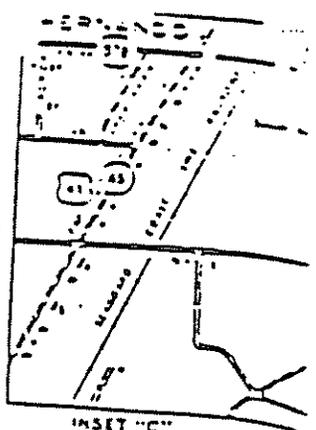
The conditions imposed by the State water quality certification number 511130313, issued March 20, 1986, as required by Section 401 of the Clean Water Act are hereby incorporated as a part of this permit.



INSET "F"
T23-214



INSET "A"
T23-214



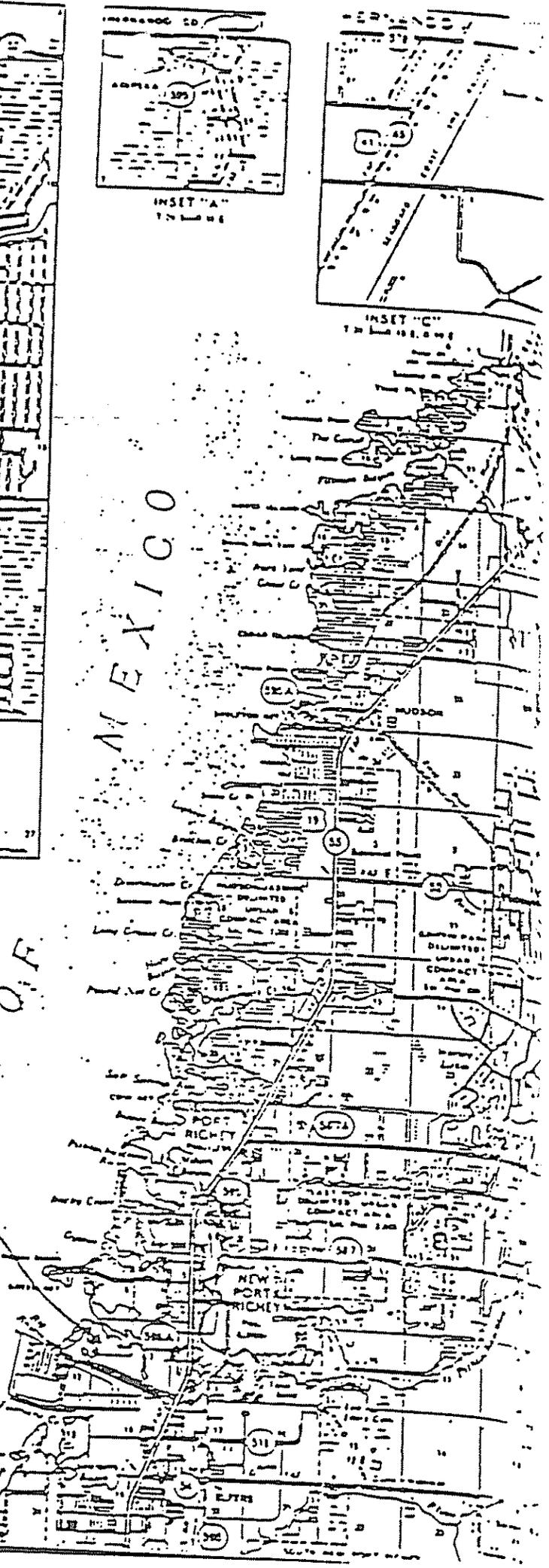
INSET "C"
T23-214

COR# 861PE-2002
Sheet 1 of 9
2/5/86

Project Location

GULF

O.F.

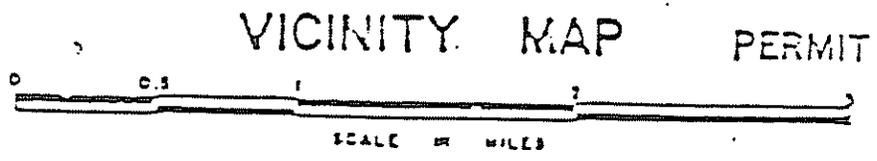
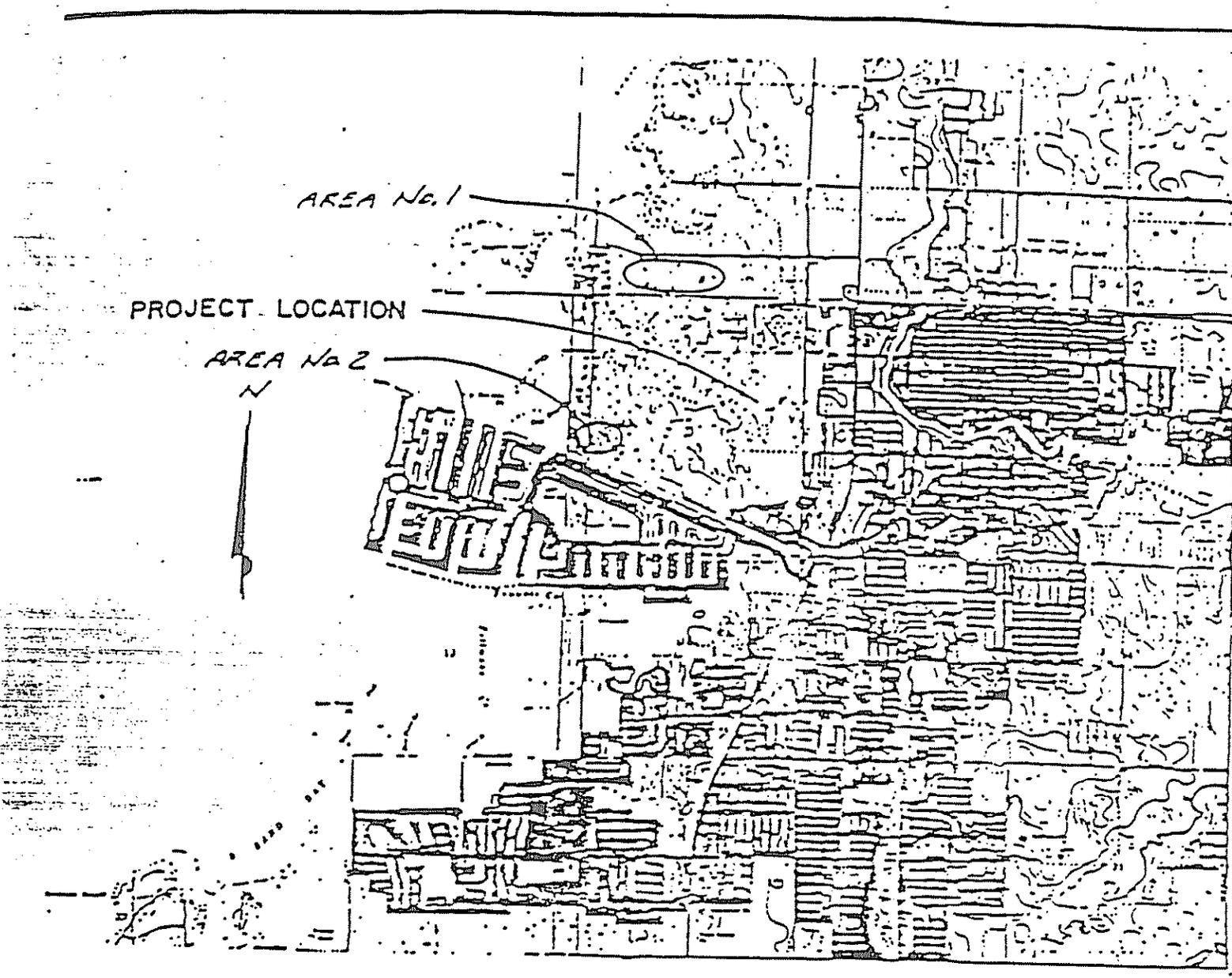


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MEXICO

GULF

O.F.



LOCATION	DREDGE QUANTITY	FILL QUANTITY
LANDWARD OF JURISDICATIONAL LINE	0	0
WATER WARD OF JURISDICATIONAL LINE	1900 CY	1900 CY

PROJECT: GULF HARBOR & COUNTY : PASCO, STATE: FLORIDA
 APPLICATION BY: LINDRICK CORP.
 ADJACENT PROPERTY OWNERS: SEE ATTACHED LIST

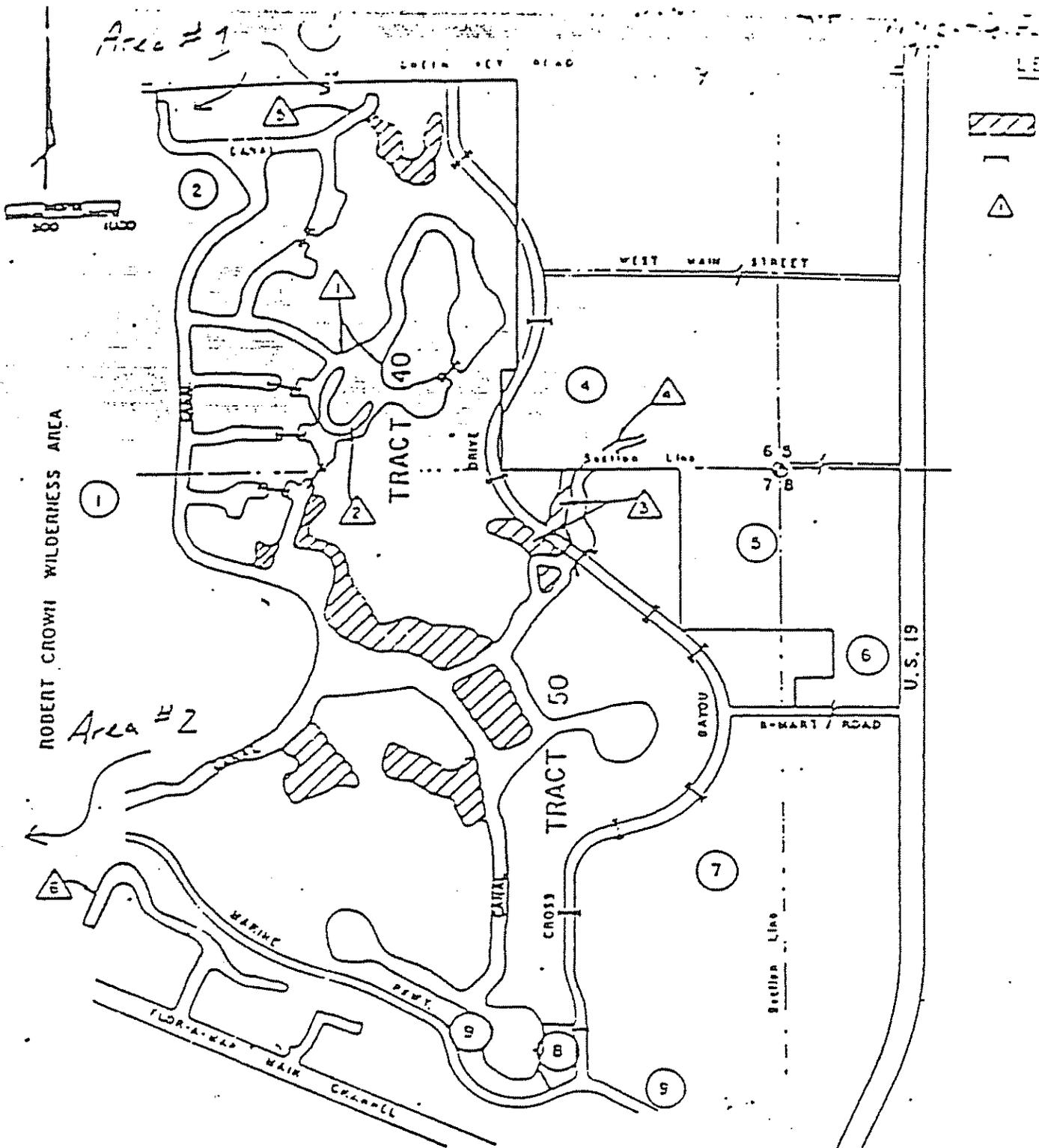
SEC. 6 & 7
 T-26-8
 R-16-E

Steven R. Waszon
 2-5-86

CERTIFIED BY: STEVEN R. WASZON FLA. REG. No. 33916

DATE: 2/5/86

SHEET 2



LOCATION MAP
SEC. 7, TWP. 26 S, RNG. 16 E

AFTER-THE-FACT PERMIT APPLIC

PURPOSE: Bridge, Fish, Sewer Crossing

DATUM: 1100 - Sea Level, U.S.C.S.

ADJACENT PROPERTY OWNERS: See attached list (5)

Kenley H. King
KENLEY H. KING, P.E.
FLORIDA REG. NO. 16082

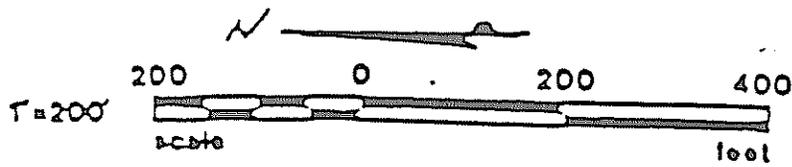
GULF HARBORS - Phase

COUNTY: Pasco / STATE:

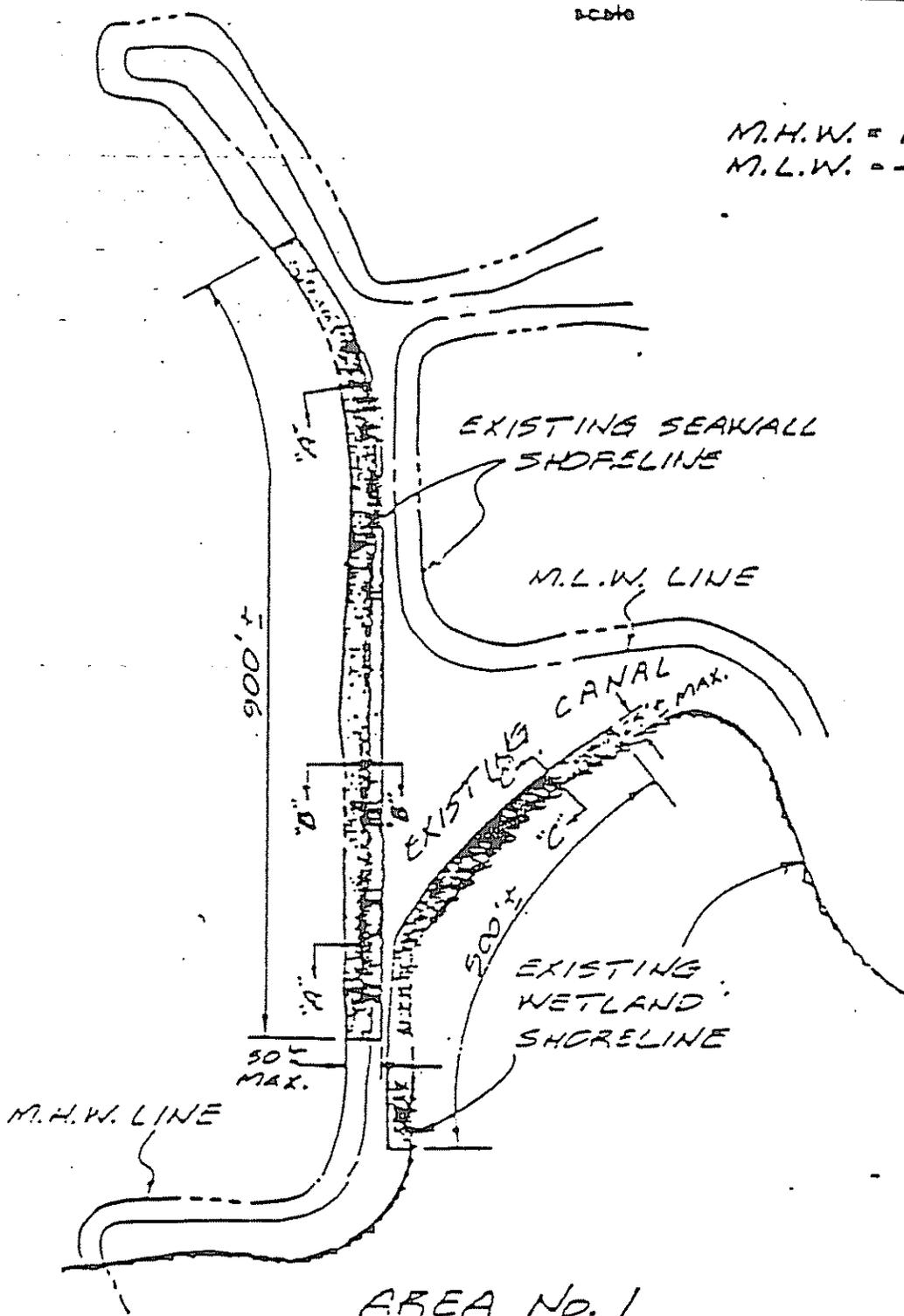
APPLICATION BY: Lindrick

SHEET 3 OF 9 D:

COE # 8614



M.H.W. = 1.4 MSL
 M.L.W. = -0.8 MSL



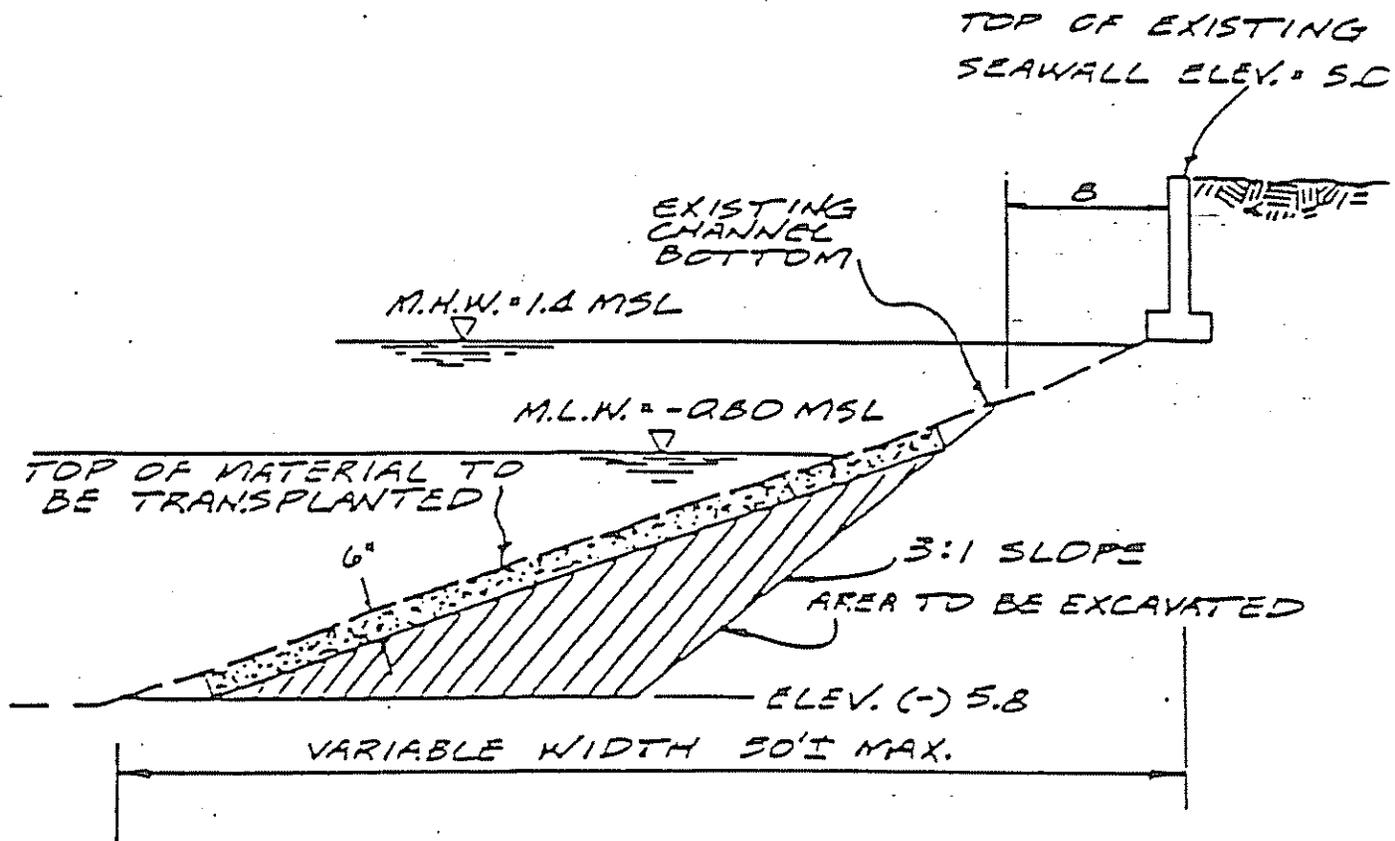
AREA No. 1

Steven R. Wasson
 2-5-86

COE # 86IFE-20

REV. 2-5-86

CERTIFIED BY: STEVEN R. WASSON FLA. REG. No. 33916 DATE 12-3-85 8HEE'



SECTION "A-A"
 SCALE: 1" = 10' HORIZ.
 1" = 4' VERT.

COE # 86IPE-200

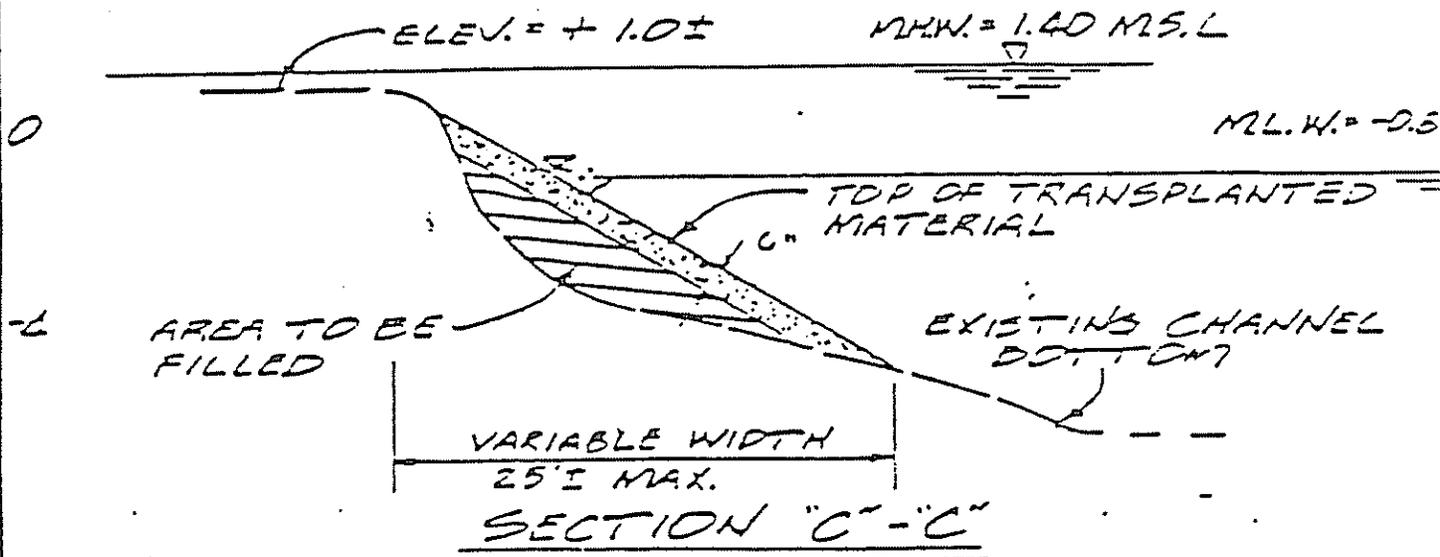
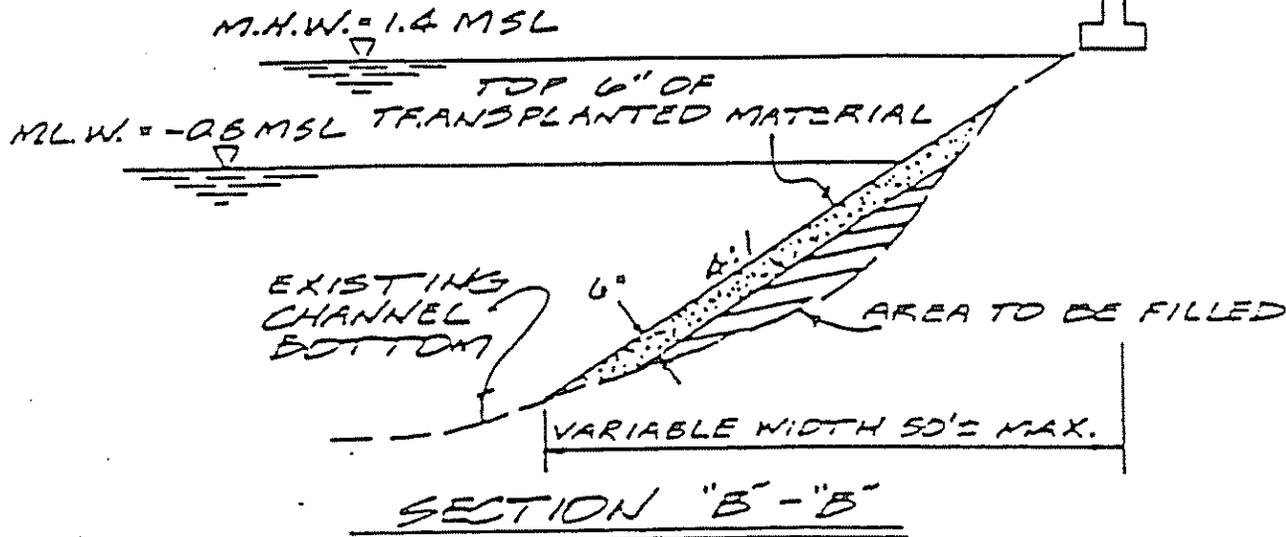
Steven R. Wasson
 2-5-86

REV. 2-3-86

CERTIFIED BY: STEVEN R. WASSON FLA. REG. No. 33916 DATE 12-3-86 SHEET

SCALE: 1" = 10' HORIZ.
1" = 4' VERT.

TOP OF EXISTING
SEAWALL ELEV. = 5.0

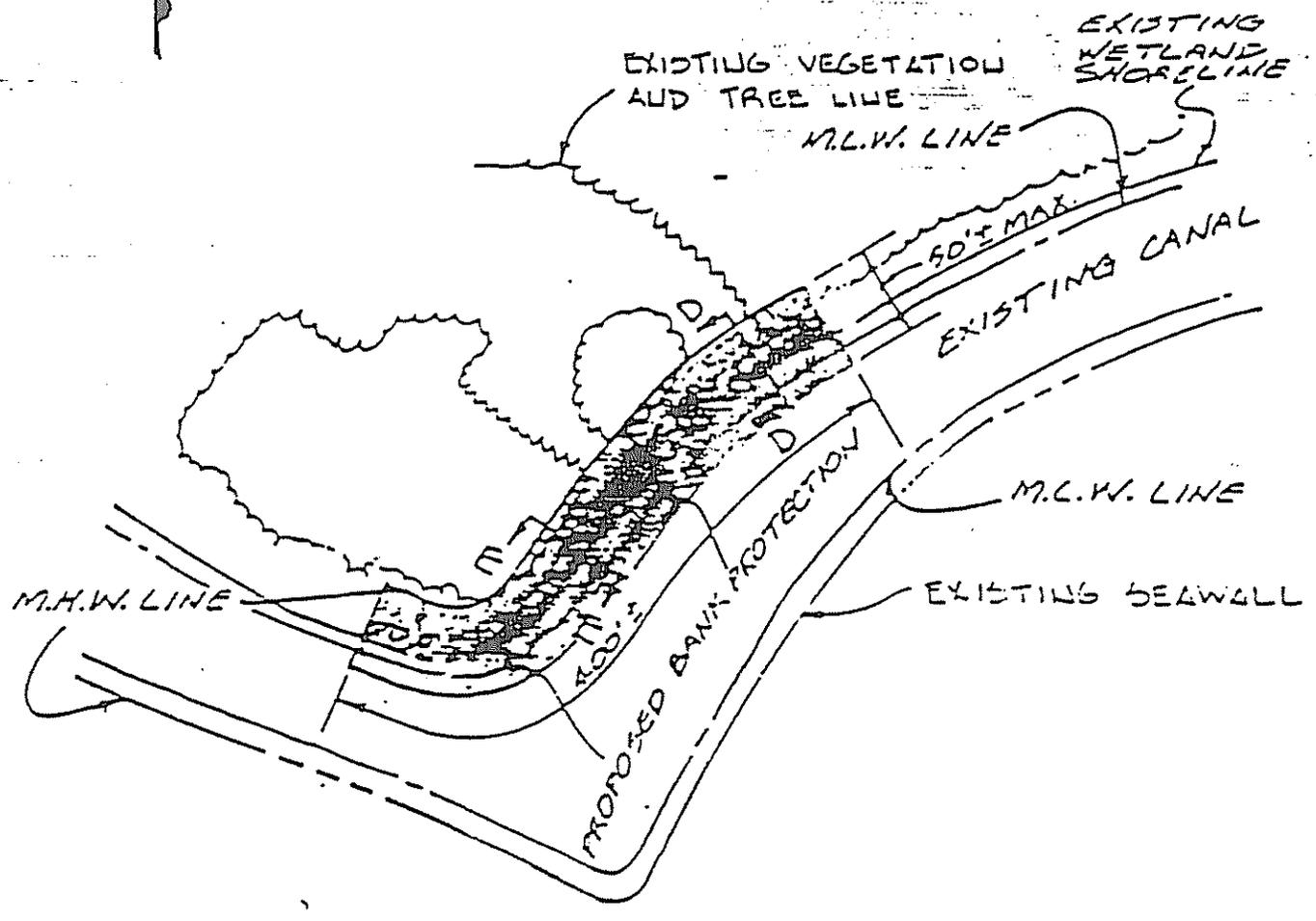
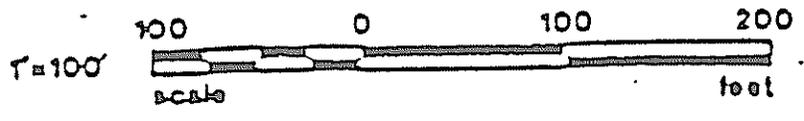


COE # 86195-

Steven R. Wasson
2-5-86

REV. 2-5-86

CERTIFIED BY: STEVEN R. WASSON FLA. REG. No. 33816 DATE 12-3-85 SH

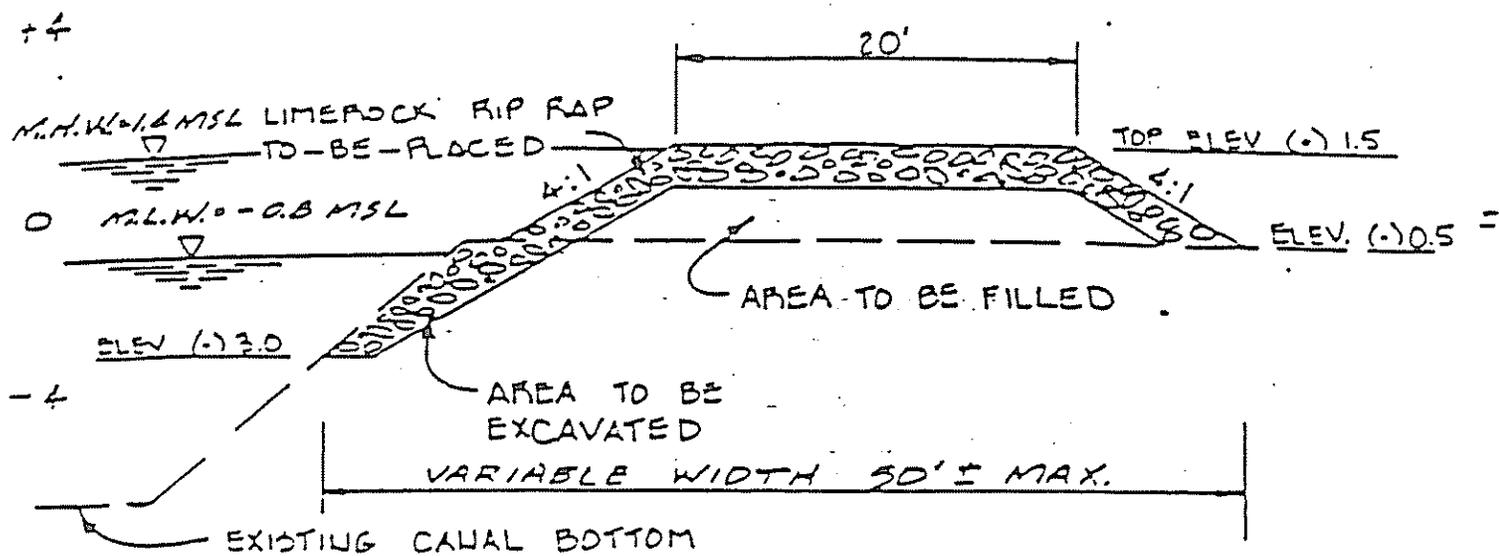


AREA No. 2

Steven R. Wasson
2-5-85

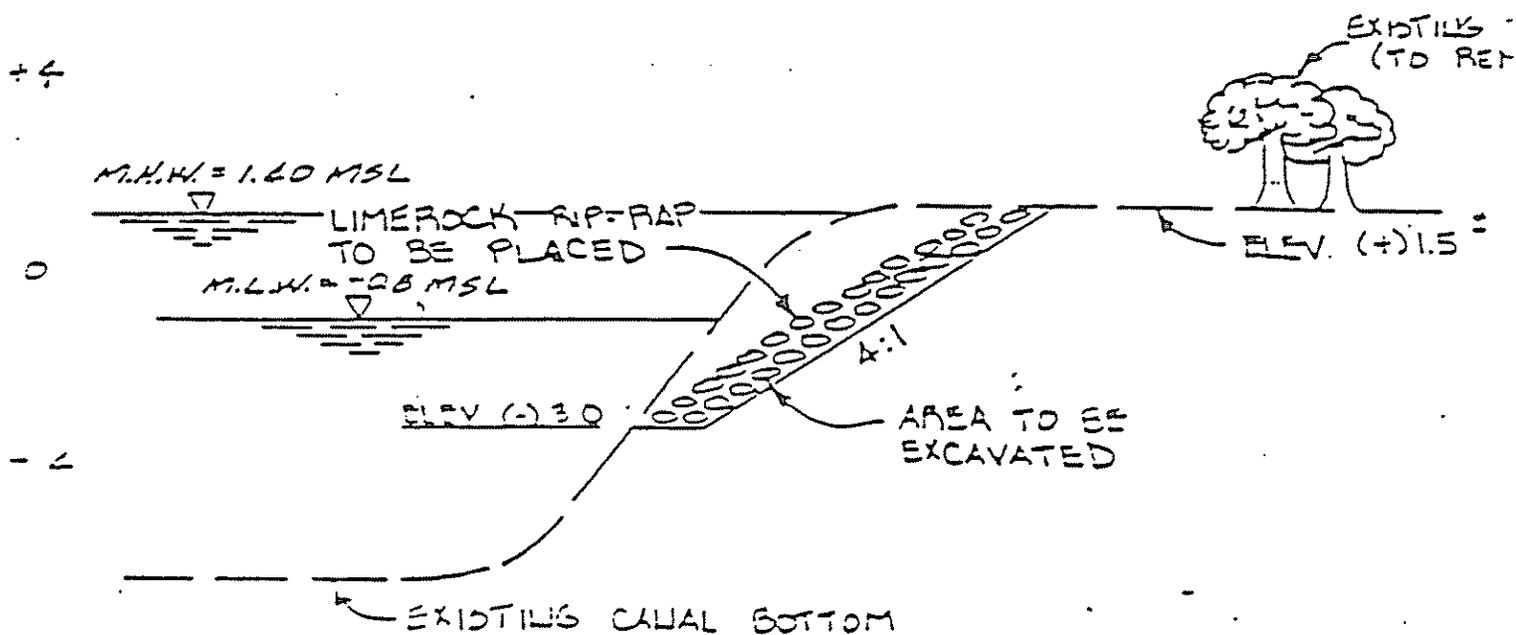
COE # EGIFE-20
REV. 2-5-86

CERTIFIED BY : STEVEN R. WASSON FLA. REG. No.33918 DATE 12-3-85 SHEET



SECTION 'D'-'D'

SCALE - 1" = 10' HORIZ.
 1" = 4' VERT.



SECTION 'E'-'E'

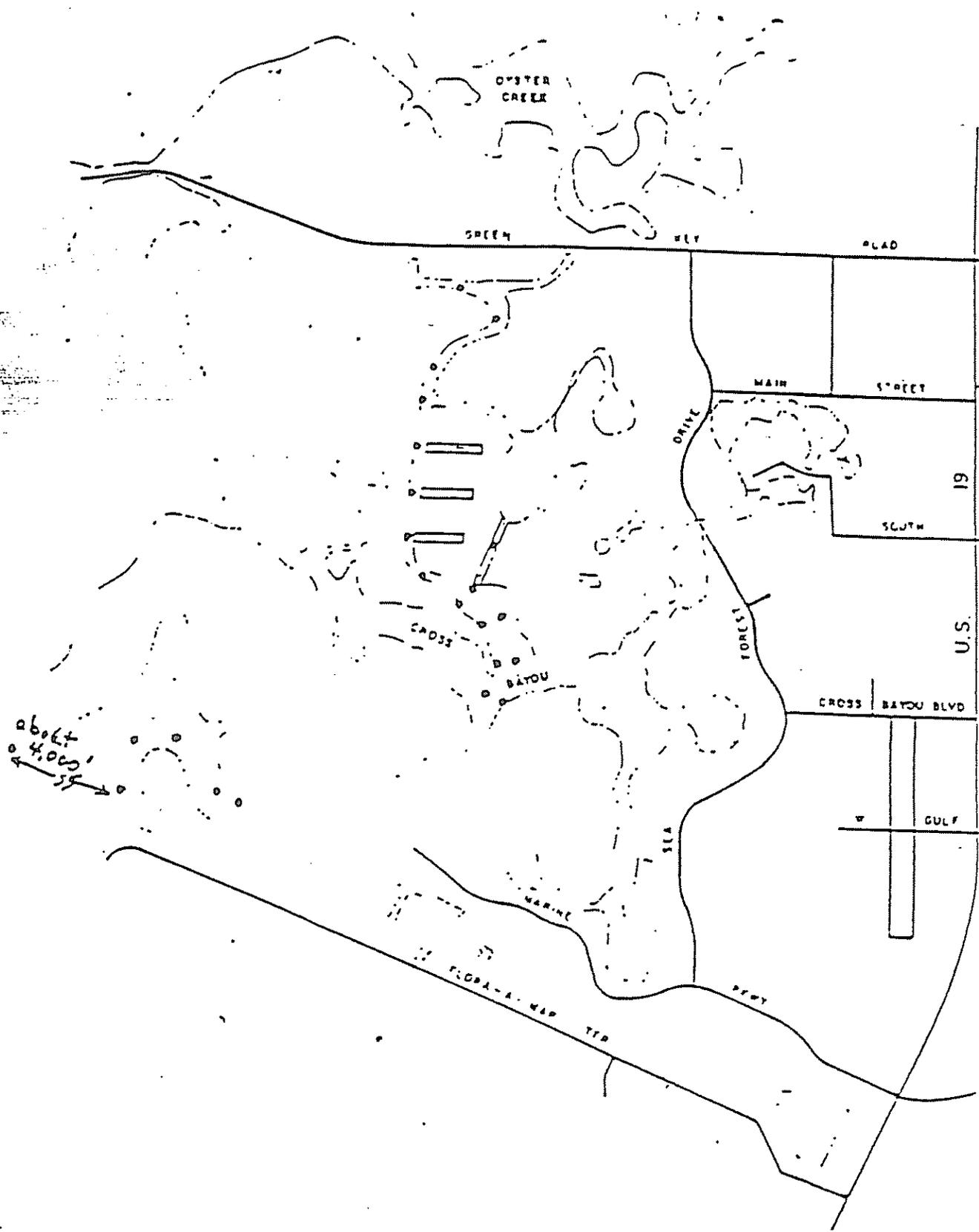
SCALE - 1" = 10' HORIZ.
 1" = 4' VERT.

Steven R. Wabson
 2-5-86

C.A.E.# B62FE-20

REV. 2-5-86

CERTIFIED BY: STEVEN R. WABSON FLA. REG. No. 33918 DATE 12-3-85 SHEET C



86IPE-20002

Location of Channel
Markers

sheet 9 of 9

dated 8/12/86



This notice of authorization must be conspicuously displayed at the site of work.

United States Army Corps of Engineers

SEP 18 1966
19

EXCAVATE AND DISCHARGE THE EXCAVATED MATERIAL TO REPAIR ERODED SHORELINES, PLACE RIPRAP AND INSTALL CHANNEL MARKERS IN A

A permit to MANMADE CANAL
SECTION 6 AND 7, TOWNSHIP 26 SOUTH, RANGE 16 EAST, NEW PORT RICHEY,
at PASCO COUNTY, FLORIDA

has been issued to LINDRICK CORPORATION on SEP 16 1966
19

Address of Permittee P.O. BOX 1176
NEW PORT RICHEY, FLORIDA 34291-1176

Permit Number

651PE-20002

CHARLES T. MYERS III, COL CE
District Commander

NOTICE OF START OF WORK
AUTHORIZED BY PERMITS

SEP 18 1985

DATE

B61PE-

WORK AUTHORIZED UNDER DEPARTMENT OF THE ARMY PERMIT # 20002

SEP 18 1985

DATED

TO PERFORM WORK IN a manmade canal

WAS STARTED

SAJ FL 586-K
15 NOV. 82

SIGNATURE



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT, CORPS OF ENGINEERS
P. O. BOX 4970
JACKSONVILLE FLORIDA 32232-0019

NOV 24 1986

APPLY TO
ATTENTION OF

Regulatory Division
Permits Branch
86IPE-20105

James W. Forman, Jr.
Moffatt and Nichol, Engineers
McDowell Building, Suite 107
3717 National Drive
Raleigh, North Carolina 27612-4877

Dear Mr. Forman: :

Reference is made to your letter dated November 10, 1986, in which you asked to revise the plans to construct marina facilities in Crown Canal at Green Key Road, New Port Richey, Florida. The work was authorized by Department of the Army permit 86IPE-20105 issued on October 6, 1986.

The modification involves reconfiguration of the docking structures. All other conditions of the permit, in particular, the culvert installation and requirements for tide readings and reporting remain in effect. The impacts of the proposed work on navigation and the environment have been evaluated and found to be insignificant. The permit is hereby modified in accordance with your request. You should attach this letter and the enclosed revised project plans to the permit. The enclosed drawings completely replace the drawings that were included in the permit instrument.

Thank you for your cooperation with our permit program.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

Nancy G. Schwall
Charles J. Myers III
Colonel, Corps of Engineers
District Engineer

Enclosure

FIGURE 1

LOCATION MAP

MADIRA LOCATION

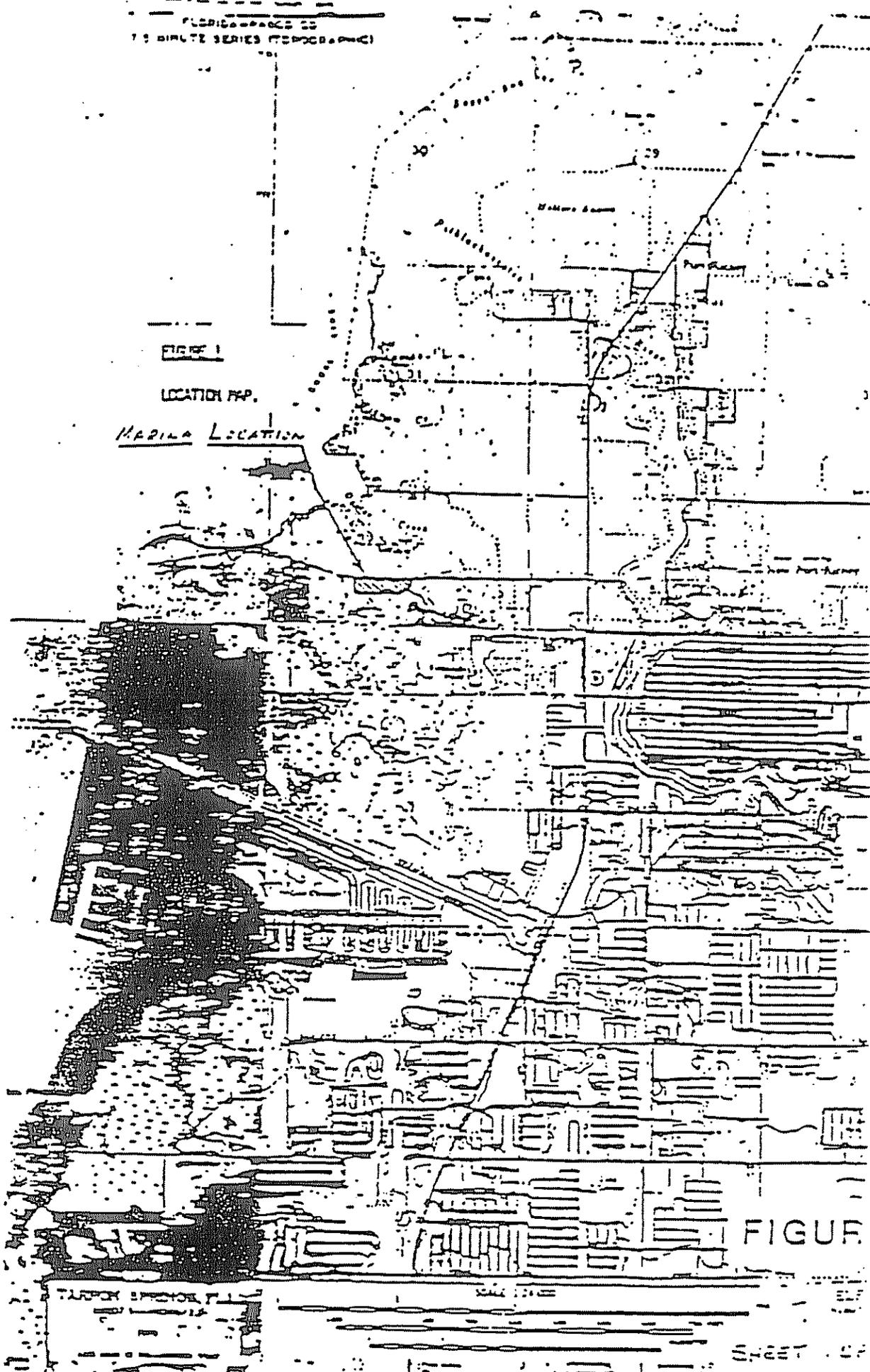


FIGURE 1

SHADED
REMOVED
10 NOV 55

1:62,500

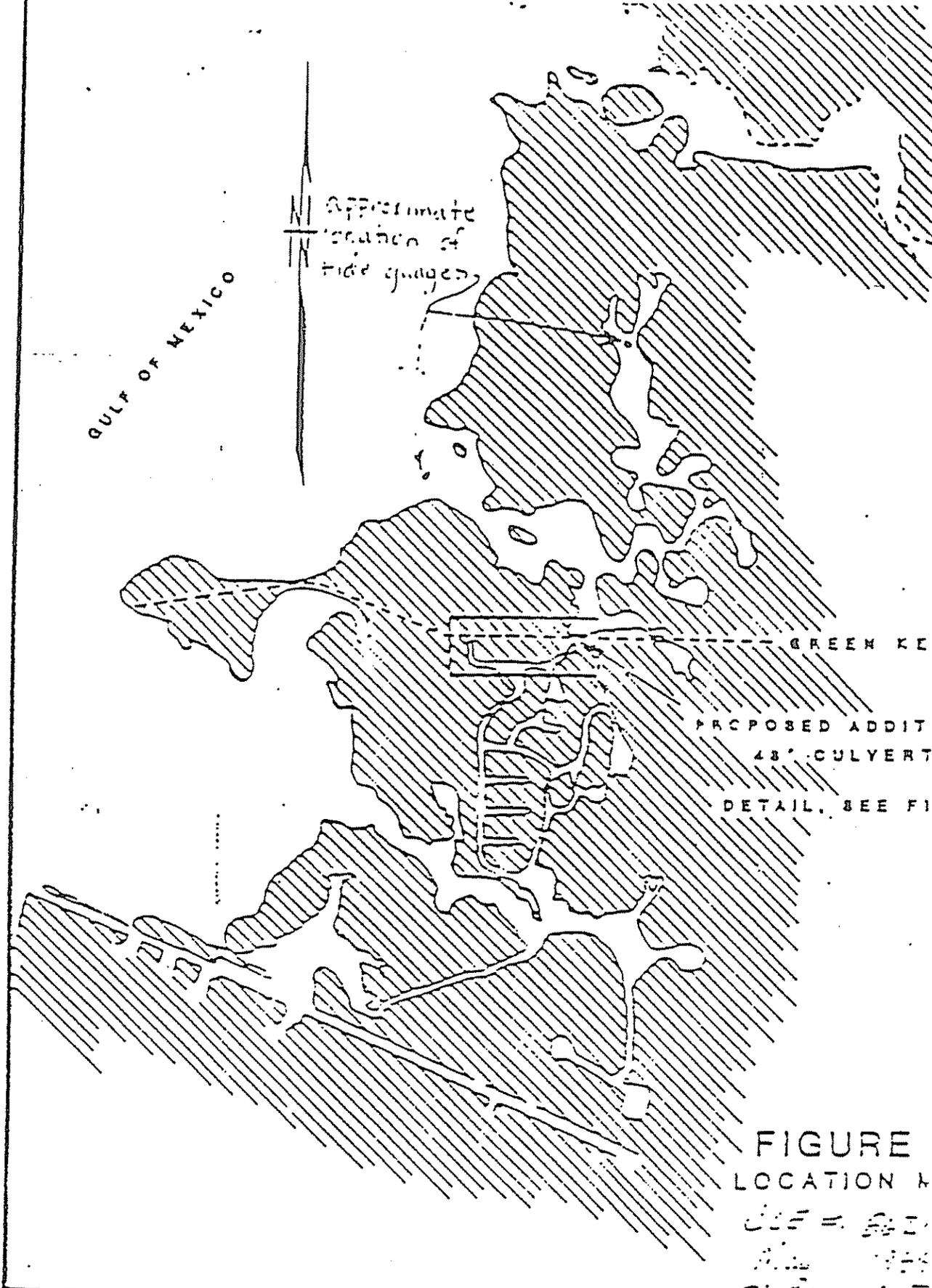


FIGURE
 LOCATION A
 D.C. = 532
 Date 1958
 Sheet 2 of 7

Revised 11
 Revised 10



EXISTING
4" CULVERT

GREEN KEY ROAD

EXISTING 41-9x30

EXISTING 194-9x10, 7-12x10

PAINTED ISLANDS
TYPE 'C', IRRIGAL

FURNIRE
LEVEL 10' HEIGHT

REMOVAL BASIS FOR
CHECKING ACCESS

MATCH LINE
(SEE SHEET A)

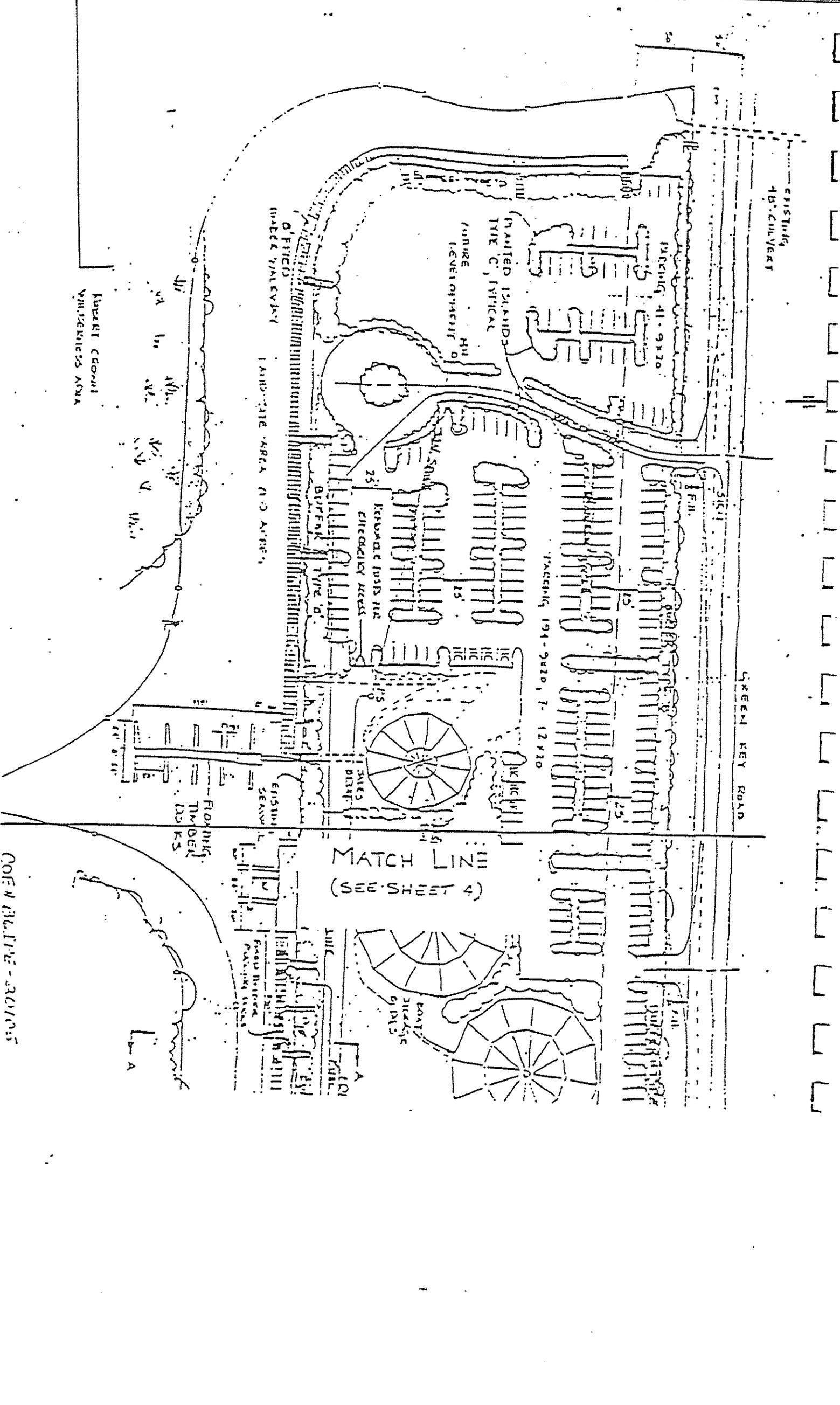
LAND-PALE AREA 110' X 100'

OFFICES
HALLWAY

EXISTING
SEWER
FLOWING
TIMBER
DOCKS

BUCKET CROWN
WATERWAYS AREA

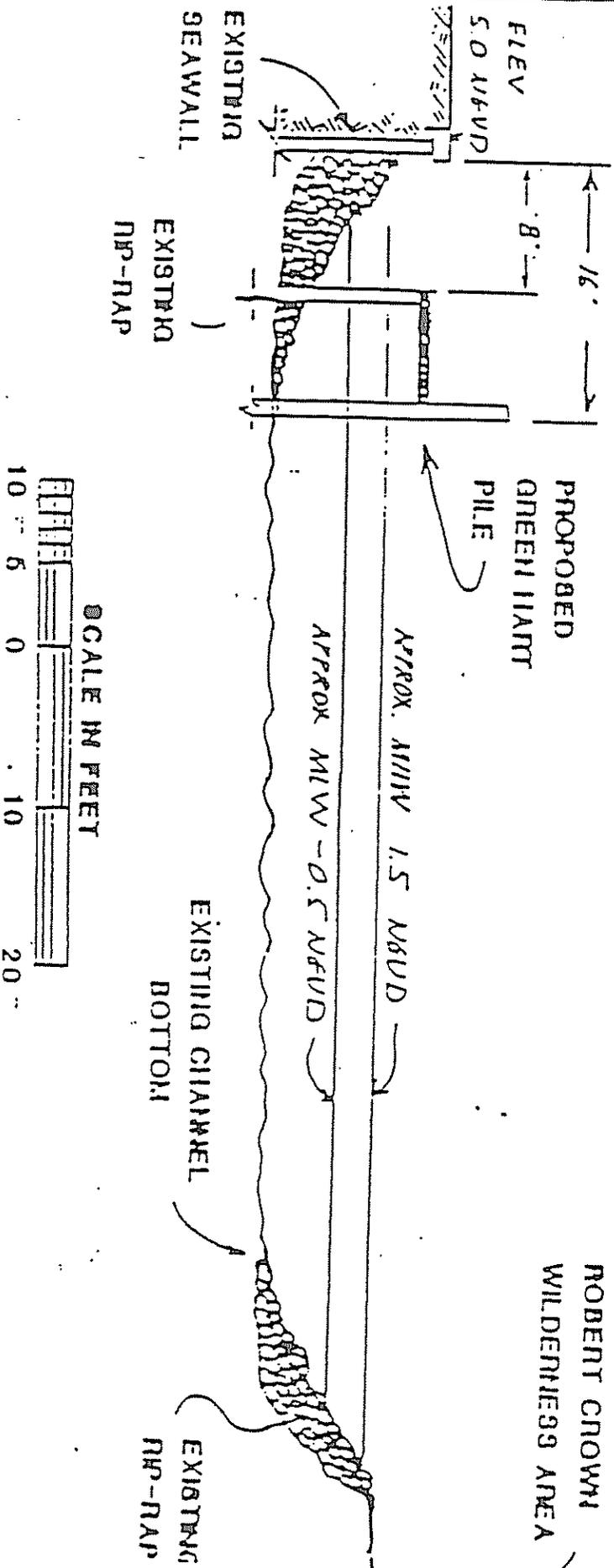
OPEN RELIEF - 30/105



CROSS SECTION A-A

PROPOSED PILE SUPPORTED,
MARSHAL, WOODEN

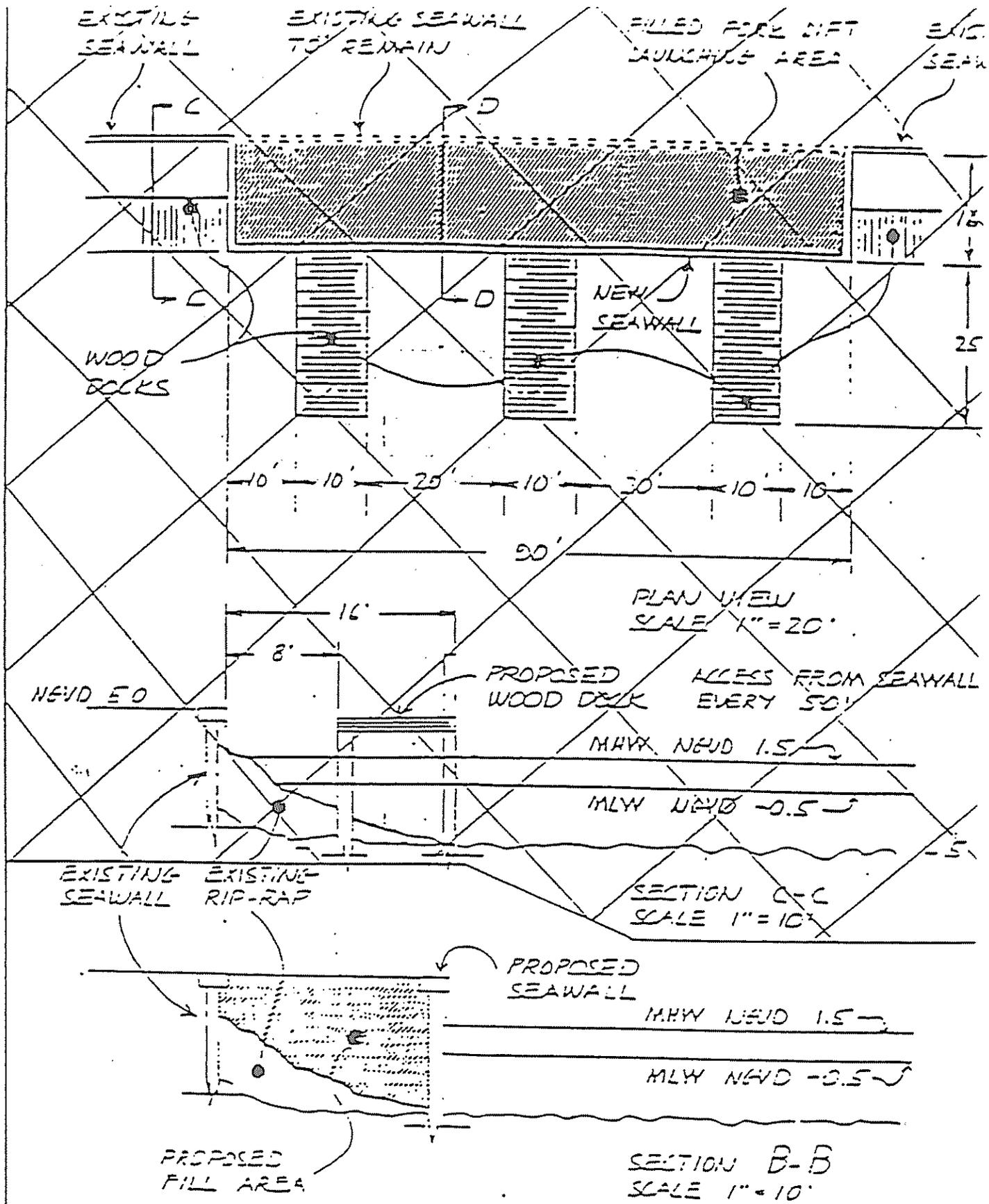
DOCK - ACCESS FROM SEAWALL EVERY 50'



ROBERT CROWNE
WILDERNESS AREA

REVISED FIGURE B n/a Inc

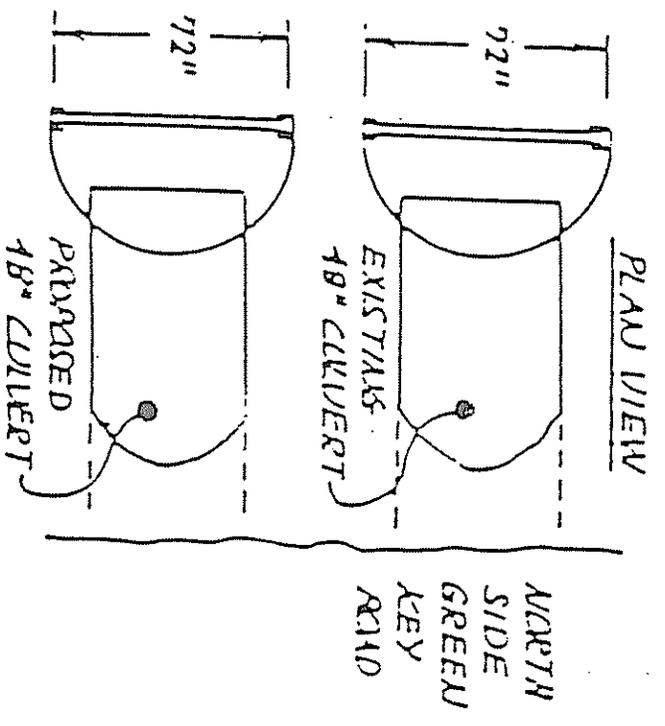
LABEN AND ASSOCIATES
CONSULTING ENVIRONMENTAL ENGINEERS
PROJECT: GULF LANDING FROM
DATE: MAY 1998



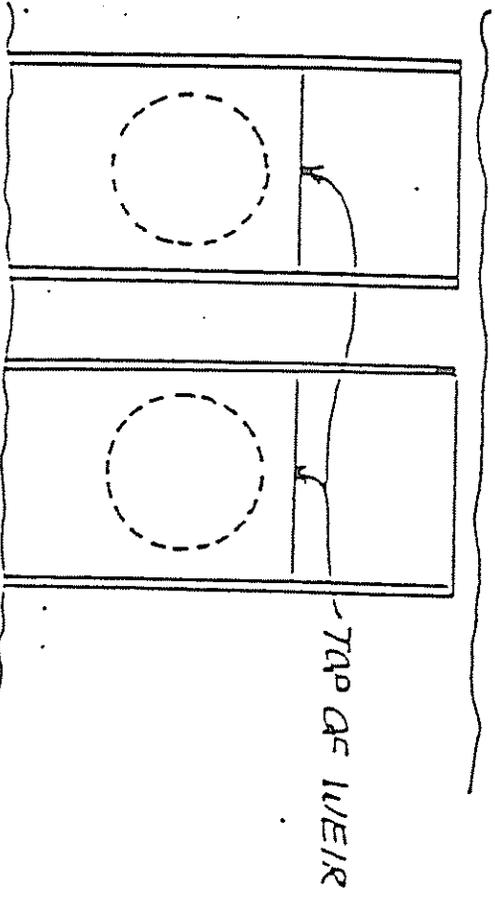
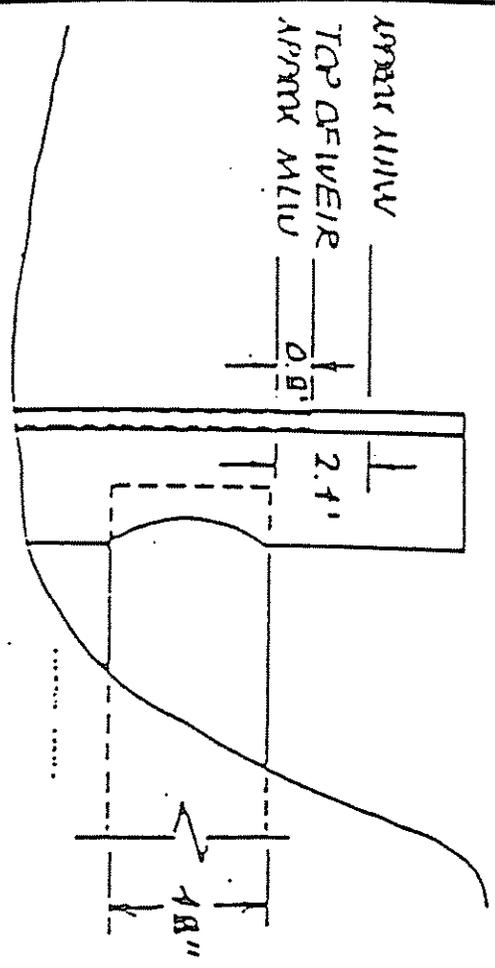
REVISED
FIGURE 6

LAUNCHING AREA DET

11/6/85 Sheet 6 of 7 REVISED 10 NOV 86



PRODUCED LOW WATER
FLOW BARRIER



861PE-2010S

DATED 5/15/82

Sheet 7 of 7

TRUCKS IN ADVANCE

Name of Applicant

LINDRICK CORPORATION

187d

Effective Date

OCT 2 1985

Expiration Date (if applicable)

OCT 6 1991

DEPARTMENT OF THE ARMY
PERMIT

May 20, 1985

Relating to written request dated _____ for a permit to:

X) Perform work in or affecting navigable waters of the United States, upon the recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403);

X) Discharge dredged or fill material into waters of the United States upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344);

() Transport dredged material for the purpose of dumping it into ocean waters upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (16 U.S.C. 1362; P.L. 92-532);

Lindrick Corporation
5 Floramar Terrace
Post Office Box 1176
New Port Richey, Florida 33552-3552

is hereby authorized by the Secretary of the Army:

to

construct a commercial marina consisting of a 1,500- by 8-foot marginal wharf located 8 feet offshore from an existing seawall, a 110- by 10-foot pier, three 25- by 8-foot finger piers, a 16- by 90-foot bulkheaded and backfilled area to be used as a forklift area, installation of a 48-inch culvert with a weir under Green Key Road and installation of a weir on an existing 48-inch culvert.

in

Crown Canal connecting to the Gulf of Mexico

at

Green Key Road, Section 6, Township 26 South, Range 16 East, New Port Richey, Pasco County, Florida

in accordance with the plans and drawings attached hereto which are incorporated in and made a part of this permit (see drawings, give file number or other definite identification marks)

seven sheets marked "861PE-20105", sheets 1 and 5 dated May 1985, sheet revised October 2, 1985, sheet 3 dated October 1985, sheets 4 and 6 dated November 6, 1985, and sheet 7 dated May 15, 1986.

subject to the following conditions:

1. General Conditions:

a. That all activities identified and authorized herein shall be consistent with the terms and conditions of this permit. That any activities not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this permit which may result in the modification, suspension or revocation of this permit in whole or in part, as set forth specifically in General Conditions j or k herein, and in the institution of such legal proceedings as the United States Government may consider appropriate, whether or not this permit has been previously modified, suspended or revoked in whole or in part.

ENG FORM 1721, Sep 82

EDITION OF 1 JUL 77 IS OBSOLETE

DA 114

b. That all activities authorized herein shall, if they involve during the construction or operation, any discharge of pollutants into waters of the United States or Great Waters, be at all times consistent with applicable water quality standards, effluent limitations and standards, performance, prohibitions, pretreatment standards, and management practices established, or pursuant to the Clean Water Act (33 U.S.C. 1344), the Marine Protection, Research and Sanctuaries Act of 1972 (P.L. 92-502, 86 Stat. 1002), or pursuant to applicable State and local law.

c. That when the activity authorized herein involves a discharge during its construction or operation, or any pollutant (including dredged or fill material), into waters of the United States, the authorized activity shall, if applicable water quality standards are revised or modified during the term of this permit be modified, if necessary, to conform with such revised or modified water quality standards within 6 months of the effective date of any revision or modification of water quality standards, or as directed by an implementation plan contained in such revised or modified standards, or within such longer period of time as the District Engineer, in consultation with the Regional Administrator of the Environmental Protection Agency, may determine to be reasonable under the circumstances.

d. That the discharge will not destroy a threatened or endangered species as identified under the Endangered Species Act, or endanger the critical habitat of such species.

e. That the permittee agrees to make every reasonable effort to prosecute the construction or operation of the work authorized herein in a manner so as to minimize any adverse impact on fish, wildlife, and natural environmental values.

f. That the permittee agrees that he will prosecute the construction or work authorized herein in a manner so as to minimize any degradation of water quality.

g. That the permittee shall allow the District Engineer or his authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.

h. That the permittee shall maintain the structure or work authorized herein in good condition and in reasonable accordance with the plans and drawings attached hereto.

i. That this permit does not convey any property rights, either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations.

j. That this permit does not obviate the requirement to obtain state or local assent required by law for the activity authorized herein.

k. That this permit may be either modified, suspended or revoked in whole or in part pursuant to the policies and procedures of 33 CFR 325.7.

l. That in issuing this permit, the Government has relied on the information and data which the permittee has provided in connection with his permit application. If, subsequent to the issuance of this permit, such information and data prove to be materially false, materially incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Government may, in addition, institute appropriate legal proceedings.

m. That any modification, suspension, or revocation of this permit shall not be the basis for any claim for damages against the United States.

n. That the permittee shall notify the District Engineer at what time the activity authorized herein will be commenced, as far in advance of the time of commencement as the District Engineer may specify, and of any suspension of work, if for a period of more than one week, resumption of work and its completion.

o. That if the activity authorized herein is not completed on or before _____ day of _____, 19 _____, ^{five} years from the date of issuance of this permit unless otherwise specified, this permit, if not previously revoked or specifically extended, shall automatically expire.

p. That this permit does not authorize or approve the construction of particular structures, the authorization or approval of which may require authorization by the Congress or other agencies of the Federal Government.

q. That if and when the permittee desires to abandon the activity authorized herein, unless such abandonment is part of a transfer procedure by which the permittee is transferring his interests herein to a third party pursuant to General Condition 1 herof, he must restore the area to a condition satisfactory to the District Engineer.

r. That if the recording of this permit is possible under applicable State or local law, the permittee shall take such action as may be necessary to record this permit with the Register of Deeds or other appropriate official charged with the responsibility for maintaining records of title to and interests in real property.

l. That this permit may not be transferred to a third party without prior written notice to the District Engineer, either by the transferee's written agreement to comply with all terms and conditions of this permit or by the transferee subscribing to this permit in the space provided below and thereby agreeing to comply with all terms and conditions of this permit. In addition, if the permittee transfers the interests authorized herein by conveyance of realty, the deed shall reference this permit and the terms and conditions specified herein and this permit shall be recorded along with the deed with the Registrar of Deeds or other appropriate official.

u. That if the permittee during prosecution of the work authorized herein, encounters a previously unidentified archaeological or other cultural resource within the area subject to Department of the Army jurisdiction that might be eligible for listing in the National Register of Historic Places, he shall immediately notify the district engineer.

II. Special Conditions: *(Here list conditions relating specifically to the proposed structure or work authorized by this permit:*

a. That the conditions imposed by the State water quality certification number 511047113, issued April 17, 1986, as required by Section 401 of the Clean Water Act are hereby incorporated as part of this permit.

b. That the weirs will be constructed with fixed crest elevations of +.8 foot MLW, but with stop log riser capability up to crest elevations of +1.4 feet MLW.

c. That two simultaneous tide readings will be taken at the locations indicated on sheet 2 of the permit drawings over three complete tide cycles. The first reading will be taken before installation of the second culvert or the weirs. The second reading will be taken after installation of the weirs with fixed crest elevations at +.8 foot MLW. The third and last reading will be taken after installation of the log risers to crest elevations of +1.4 feet MLW.

d. That the second and third tide readings will be taken and the data furnished to the Jacksonville District Office, Chief, Regulatory Division, within 90 days of installation of the second culvert and the weirs.

e. That the permittee agrees to set the crest elevations of the weirs at the height specified by the Corps of Engineers after evaluation of the data outlined in special condition c.

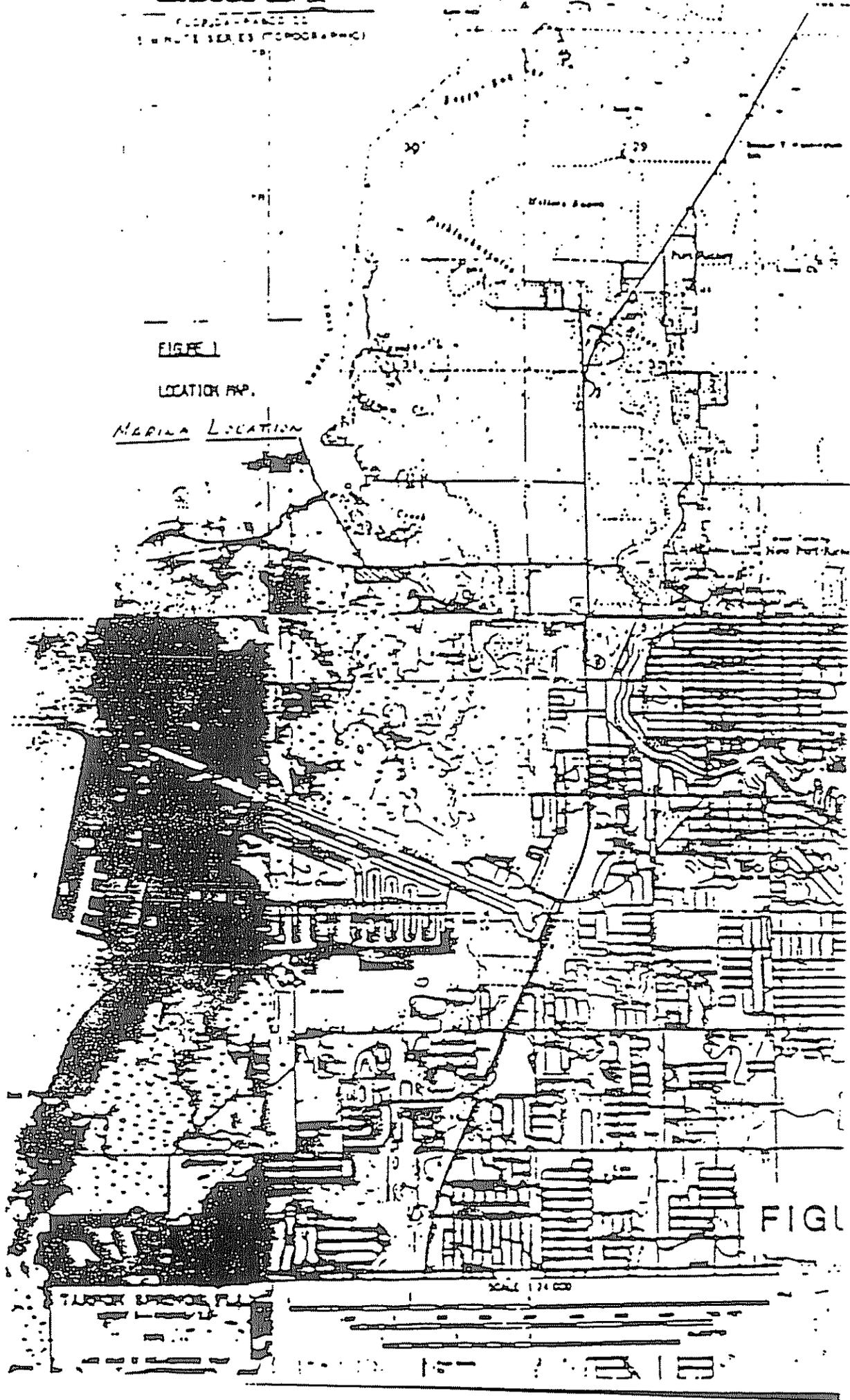


FIGURE 1

LOCATION MAP

MARINA LOCATION

FIGURE

FLORIDA RANGE OF

SCALE

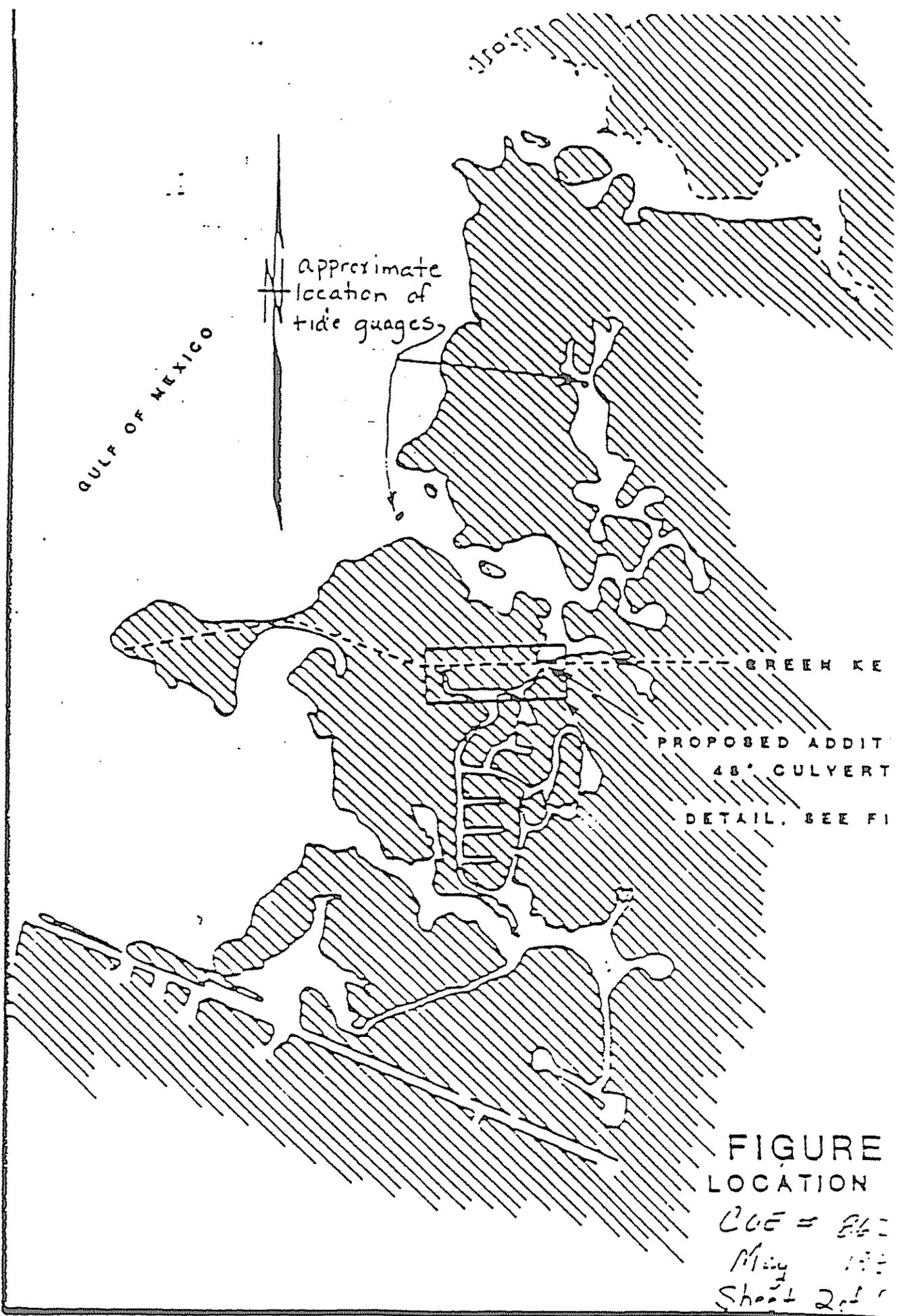


FIGURE
LOCATION

COE = 842
May 1955
Sheet 2 of 5

Revised

CERTIFICATE OF SERVICE

This is to certify that this NOTICE OF PERMIT and all copies were mailed before the close of business on 4/18/86 to the listed persons.

FILING AND ACKNOWLEDGEMENT
FILED, on this date, pursuant to
§120.52(10), Florida Statutes, with
the designated Department Clerk,
receipt of which is hereby
acknowledged.

Marilyn Hall 4/18/86
Clerk DATE

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION



SOUTHWEST DISTRICT

1501 HIGHWAY 301 NORTH
TAMPA, FLORIDA 33610

813-985-7402
DunCom - 570-4000

BOB GRAMAM
GOVERNOR

VICTORIA J. TECHINKEL
SECRETARY

DR. RICHARD D. CARRITY
DISTRICT MANAGER

PERMITTEE:

Lindrick Corporation
c/o Larsen & Associates
1 Biscayne Tower, Suite 3650
Miami, FL 33131

PERMIT/CERTIFICATION

Permit No.: 511047113
Date of Issue: APR 17 1985
Expiration Date: 12/31/88
County: Pasco
Project: Commercial Marina

This permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Rule(s) 17-3, 17-4 and 17-5. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents, attached hereto or on file with Department and made a part hereof and specifically described as follows:

To construct a commercial marina facility consisting of a 1,500' x 8' marginal wharf located 8' offshore from an existing seawall, one finger pier, 110' x 10', and three finger piers, 25' x 8', to be constructed of the marginal wharf. A 16' x 90' area is to be bulkheaded and backfilled with 375 cubic yards of material. Mooring facilities are to be constructed on the site of the fill and the piers will offer a total of 50 boat slips. A dry storage facility is planned on the existing uplands. To increase tidal circulation an additional 48" culvert is proposed beneath Green Key Road. Under a separate application (File No. 511150312), additional shallow bottoms would be created on the opposite bank of the proposed facility, to increase marine productivity and tidal flushing. The applicant shall not initiate upland construction prior to the submission of a stormwater application with subsequent approval by the Department pursuant to 17-25, Florida Administrative Code. The marina site is located at the south end of Crown Canal at Green Key Road in Section 6, Township 26S, Range 16E, New Port Richey, Pasco County.

PERMITTEE: Lindrick Corporation
FILE NO: S11047113

GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations, and restrictions set forth herein are "Permit Conditions" and as such are binding upon the permittee and enforceable pursuant to the authority of Sections 403.161, 403.727, or 403.853 through 403.861, Florida Statutes. The permittee is hereby placed on notice that the Department will review this permit periodically and may initiate the enforcement action for any violation of the "Permit Conditions" by the permittee, its agents, employees, servants or representatives.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in Subsections 403.057(6) and 403.712(5), Florida Statutes, the issuance of this permit does not convey any vested rights or any exclusive privileges. Nor does it authorize any injury to public or private property or any invasion of personal rights, nor infringement of federal, state or local laws or regulations. This permit does not constitute a waiver of or approval of any other department permit that may be required for other aspects of the total project which are not addressed in the permit.
4. This permit conveys no title to land or water, does not constitute state recognition or acknowledgement of title, and does not constitute authority for the use of submerged lands unless permits provided and the necessary title or leasehold interests have been obtained from the state. Only the Trustees of the Internal Improvement Trust Fund may express state opinion as to title.
5. This permit does not relieve the permittee from liability for harm or injury to human beings or wildlife, animal, plant or aquatic life or property and penalties therefore caused by the construction or operation of this permitted source, nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by any other from the Department.

PERMITTEE: Lindtrock Corporation
PERM NO: 511047113

6. The permittee shall at all times properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as required by department rules. This provision includes the operation of backing or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by department rules.

7. The permittee, by accepting this permit, specifically agrees to allow authorized department personnel, upon presentation of credentials or other documents as maybe required by law, access to the premises, at reasonable times, where the permitted activity is located or conducted for the purposes of;

- a. Having access to and copying any records that must be kept under the conditions of the permit;
- b. Inspecting the facility, equipment, practices, or operations regulated or required under this permit; and
- c. Sampling or monitoring any substances or parameters at any location reasonably necessary to assure compliance with this permit or department rules.

Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately notify and provide the department with the following information:

- (a) a description of and cause of non-compliance; and
- (b) the period of non-compliance, including exact dates and times; or, if not contiguous, the anticipated time the non-compliance is expected to continue, and steps being taken to rectify, eliminate, and prevent recurrence of the non-compliance.

The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the department for penalties or revocation of this permit.

PERMITTEE: Lindrick Corporation
FILE NO: 511047213

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source, which are submitted to the department, may be used by the department as evidence in any enforcement case arising under the Florida Statutes or department rules, except where such use is proscribed by Section 403.73 and 403.111, Florida Statutes.

10. The permittee agrees to comply with changes in department rules and Florida Statutes after a reasonable time for compliance, provided, however, the permittee does not waive any other rights granted by Florida Statutes or department rules.

11. This permit is transferable only upon department approval in accordance with Florida Administrative Code Rules 17-4.12 and 17-10.30, as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the department.

12. This permit is required to be kept at the work site of the permitted activity during the entire period of construction or operation.

13. This permit also constitutes:

- () Determination of Best Available Control Technology (BACT)
- () Determination of Prevention of Significant Deterioration (PSD)
- (X) Certification of Compliance with State Water Quality Standards (Section 401, FL 92-500)
- () Compliance with New Source Performance Standards

14. The permittee shall comply with the following monitoring and record keeping requirements:

a. Upon request, the permittee shall furnish all records and plans required under department rules. The retention period for all records will be extended automatically, unless otherwise stipulated by the department, during the course of any unresolved enforcement action.

PERMITTEE: Lindrick Corporation
FILE NO: 511047113

14. (con't)

b. The permittee shall retain at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation), copies of all reports required by this permit, and records of all data used to complete the application for this permit. The time period of retention shall be at least three years from the date of the sample, measurement, report or application unless otherwise specified by department rule.

c. Records of monitoring information shall include:

- the date, exact place, and time of sampling or measurements;
- the person responsible for performing the sampling or measurements;
- the date(s) analyses were performed;
- the person responsible for performing the analyses;
- the analytical techniques or methods used; and
- the results of such analyses.

15. When requested by the department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the department, such facts or information shall be submitted or corrected promptly.

SPECIFIC CONDITIONS:

1. The permittee is hereby advised that Florida law states: "No person shall commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund or the Department of Natural Resources under Chapter 255, until such person has received from the Board of Trustees of the Internal Improvement Trust Fund the required lease, license, easement, or other form of consent authorizing the proposed use." Pursuant to Florida Administrative Code Rule 160-14, if such work is done without consent, or if a person otherwise damages state land or products of state land, the Board of Trustees may levy administrative fines of up to \$10,000 per offense.

PERMITTEE: Lindrick Corporation
FILE NO: 511047113

SPECIFIC CONDITIONS (con't):

2. Prior to construction of the marina facility and prior to installation of the additional 48" culvert pipe, the permittee shall provide detailed plans (with installation methods) to construct two fixed weirs both for the existing and proposed 48" culverts (connected to the open waters of Oyster Creek). These structures shall be designed to: (1) resist corrosion, (2) resist vandalism and (3) have fixed weirs with an elevation set $1/3$ the distance between MLW and MEW, above mean low water.

Issued this 17 day of April
1986.

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL REGULATION



Richard D. Gattly, Ph.D.
District Manager

RULES OF THE ADMINISTRATIVE COMMISSION
MODEL RULES OF PROCEDURE
CHAPTER 22-5
DECISION DETERMINING SUBSTANTIAL INTERESTS

PART II
FORMAL PROCEEDINGS

8-5.201 Initiation of Formal Proceedings.

- 1) Initiation of formal proceedings shall be made by petition to the agency responsible for rendering final agency action. The term petition as used herein includes any application or other document which expresses a request for formal proceedings. Each petition should be printed, typewritten or otherwise duplicated in legible form on white paper of standard legal size. Unless printed, the impression shall be on one side of the paper only and lines shall be double-spaced and indented.
- 2) All petitions filed under these rules should contain:
 - (a) The name and address of each agency affected and each agency's file or identification number, if known;
 - (b) The name and address of the petitioner or petitioners, and an explanation of how his/her substantial interests will be affected by the agency determination;
 - (c) A statement of when and how petitioner received notice of the agency decision or intent to render a 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, as well as the rules and statutes which entitle the petitioner to relief;
 - (f) A demand for relief to which the petitioner deems himself entitled; and
 - (g) Other information which the petitioner contends is material.

A petition may be denied if the petitioner does not state adequately a material factual allegation, such as a substantial interest in the agency determination, or if the petition is untimely. (Section 28-5.201(3)(a), SAC)

DEB Form 17-1.201(7)
Effective November 30, 1982

17-103.155 Petition for Administrative Hearing; Waiver of Right to Administrative Proceeding.

(1)(a) Any person whose substantial interests may be affected by proposed or final agency action may file a petition for administrative proceeding. A petition shall be in the form required by this Chapter and Chapter 28-5, FAC, and shall be filed (received) in the Office of General Counsel of the Department within fourteen (14) days of receipt of notice of proposed agency action or within fourteen (14) days of receipt of notice of

agency action whenever there is no public notice of proposed agency action. In addition to the requirements of Rule 28-5.201, FAC, the Petition must specify the county in which the project is or will be located.

(b) Failure to file a petition within fourteen (14) days of receipt of notice of agency action or fourteen (14) days of receipt of notice of proposed agency action, whichever notice first occurs, shall constitute a waiver of any right to request an administrative proceeding under Chapter 120, F.S.

(c) When there has been no publication of notice of agency action or notice of proposed agency action as prescribed in Rule 17-103.150, FAC, a person who has actual knowledge of the agency action or has knowledge which would lead a reasonable person to conclude that the Department has taken final agency action, has a duty to make further inquiry within fourteen (14) days of obtaining such knowledge by contacting the Department to ascertain whether action has occurred. The Department shall upon receipt of such an inquiry, if agency action has occurred, promptly provide the person with notice as prescribed by Rule 17-103.150, FAC. Failure of the person to make inquiry with the Department within fourteen (14) days after obtaining such knowledge may estop the person from obtaining an administrative proceeding on the agency action.

(2)(a) "Receipt of notice of agency action" means receipt of written notice of final agency action, as prescribed by Department rule, or the publication, pursuant to Department rule, of notice of final agency action, whichever first occurs.

(b) "Receipt of notice of proposed agency action" means receipt of written notice (such as a letter of intent) that the Department proposes to take certain action, or the publication pursuant to Department rule of notice of proposed agency action, whichever first occurs.

(3) Notwithstanding any other provision in this Chapter, should a substantially affected person who fails to timely request a hearing under Section 120.57, F.S., administratively appeal the final Department action or order, the record on appeal should be limited to:

(a) the application, and accompanying documentation submitted by the applicant prior to the issuance of the agency's intent to issue or deny the requested permit.

(b) the materials and information relied upon by the agency in determining the final agency action or order;

(c) any notices issued or published; and

(d) the final agency action or order entered concerning the permit application.

(4) In such cases where persons do not timely exercise their rights accorded by Section 120.57(1), Florida Statutes, the allegations of fact contained in or incorporated by the final agency action shall be deemed uncontested and true, and appellants may not dispute the truth of such allegations upon subsequent appeal.

(5) Any applicant may challenge the Department's request for additional information by filing with the Office of General Counsel an appropriate petition for administrative proceeding pursuant to Section 120.60, F.S., following receipt by

DESCRIPTION OF PROJECT (Use additional sheets, if necessary)

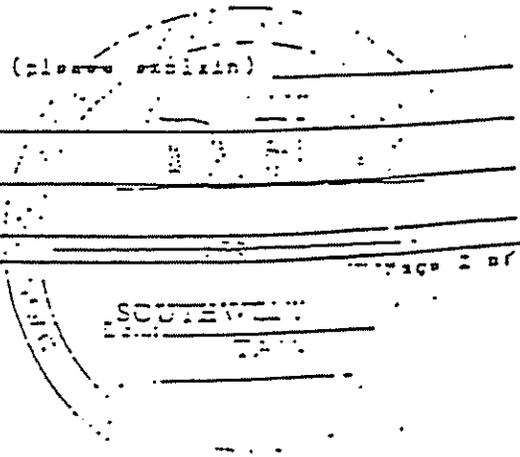
- A. Structures: 1. New work Maintenance of existing structures
2. Piers, docks and wharves: Commercial Private Public
- a. Single pier length _____ width _____
- b. Number of piers [1] length 110' width 10'
- c. Number of boat slips [50] length 25' width 8'
- d. Number of finger piers [3] length 25' width 8'
- e. Other (please describe) Maintenance Dock 1500' x 10'
3. Seawalls, revetments, bulkheads: length _____
- a. Types: Vertical , Riprap Slopes: _____ Horizontal: _____ Vertical _____
- b. Material to be used _____
4. Other type of structure _____

CC
Work Done
1 1 1

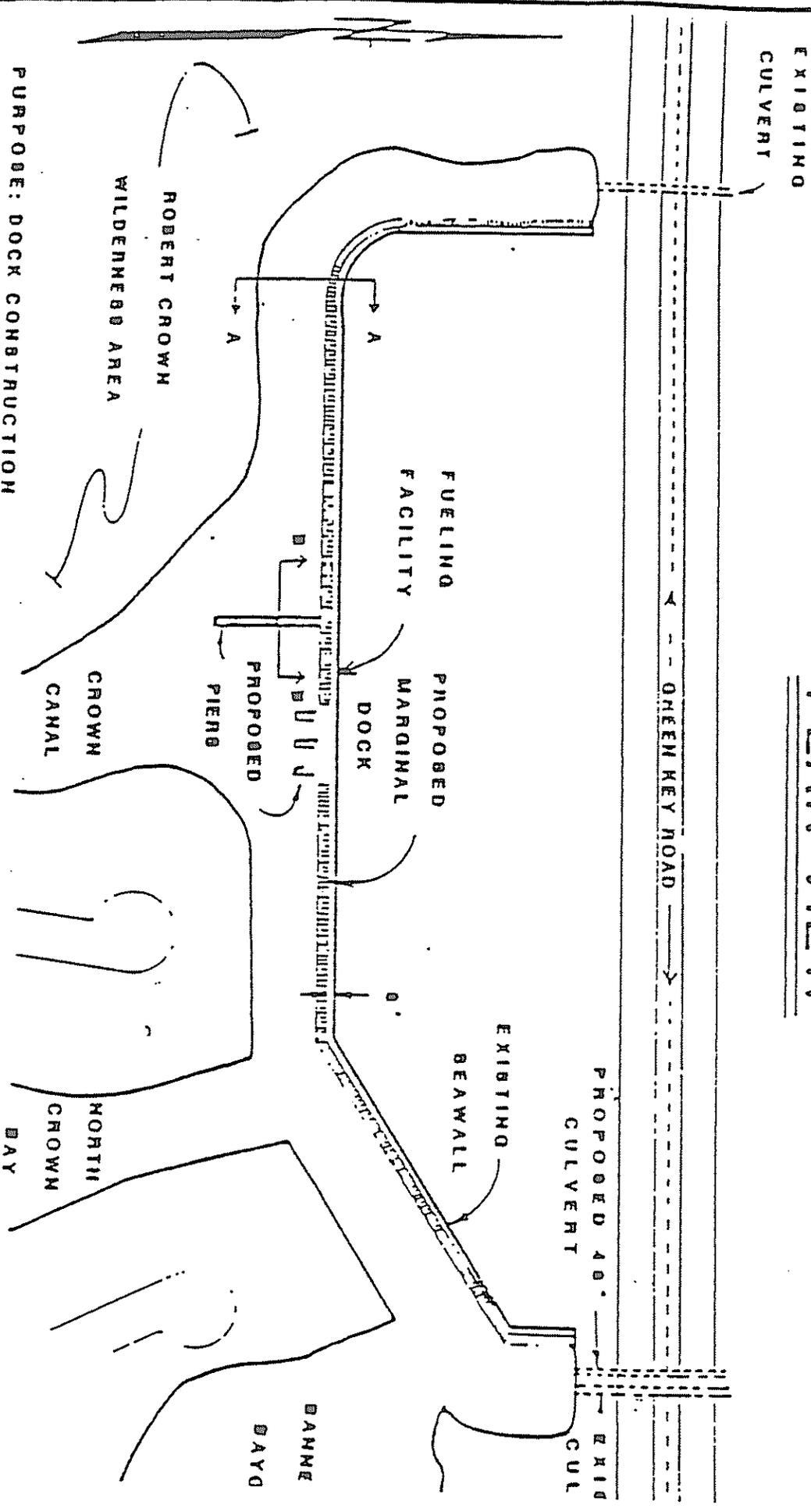
- B. Excavation or Dredgings: New Work Maintenance work Total acreage involved _____
1. Access Channel or Canal Length _____ ft. Width _____ ft. Depth _____ ft.
2. Boat Basin or Boat Slip Length _____ ft. Width _____ ft. Depth _____ ft.
3. Other _____ Length _____ ft. Width _____ ft. Depth _____ ft.
4. Cubic yards: Total for project _____
- a. _____ cyd. waterward / _____ cyd. landward of ordinary/mean high water
- b. Type of material to be excavated/dredged _____

- C. Fills:
1. Amount of material
- a. Cubic yards placed waterward of ordinary/mean high water 373
- b. Cubic yards placed landward of ordinary/mean high water 0
- c. Total acreage to be filled 0.03 Total acreage of wetlands involved 0
2. Containment for fill
- a. Dike b. Seawall, etc. c. Other (please explain) _____
3. Type of fill material to be used Clean Rock
4. Source of fill material to be used Offshore

OR
1 1 1



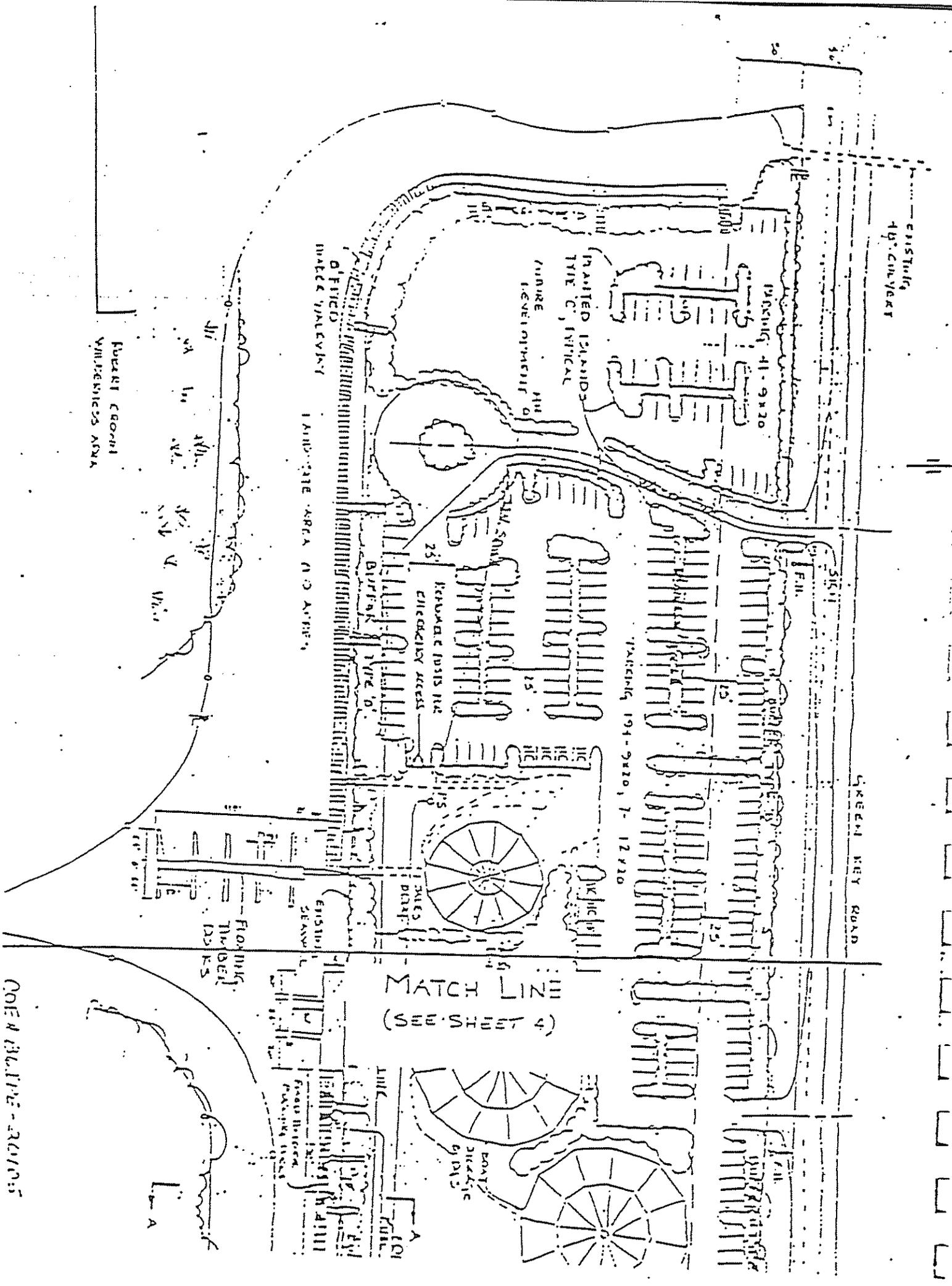
PLAN VIEW



PURPOSE: DOCK CONSTRUCTION
 COUNTY: PASCO
 DREDGING: NONE
 FILLING: NONE



LANSEN AND ASSOCIATES
 CONSULTING ENVIRONMENTAL ENGINEERS
 PROJECT: GULF LANDING
 DATE: OCTOBER 1988



FURKHI COORNI
 VILLAGE AREA

MATCH LINE
 (SEE SHEET 5)

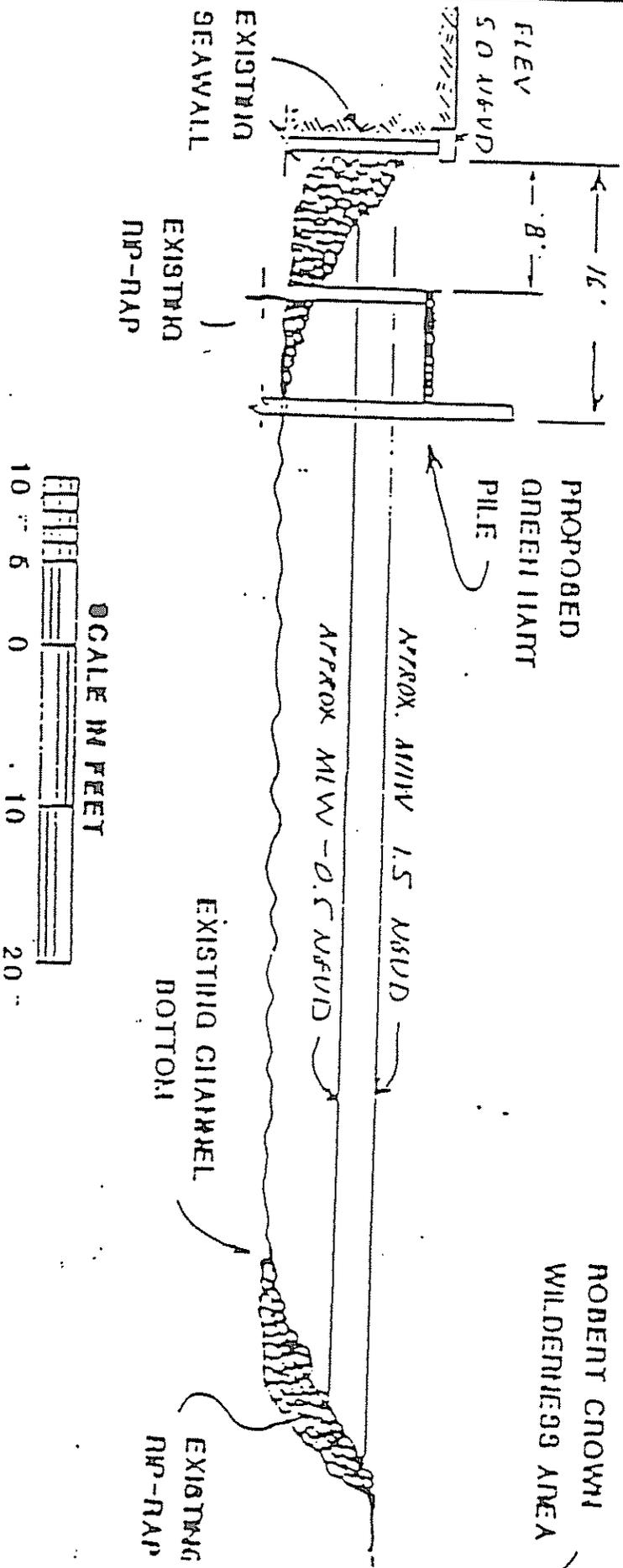
COLE A 26/12/05

CROSS SECTION A-A

PROPOSED PILE SUPPORTED,
MATERIAL, WOODEN

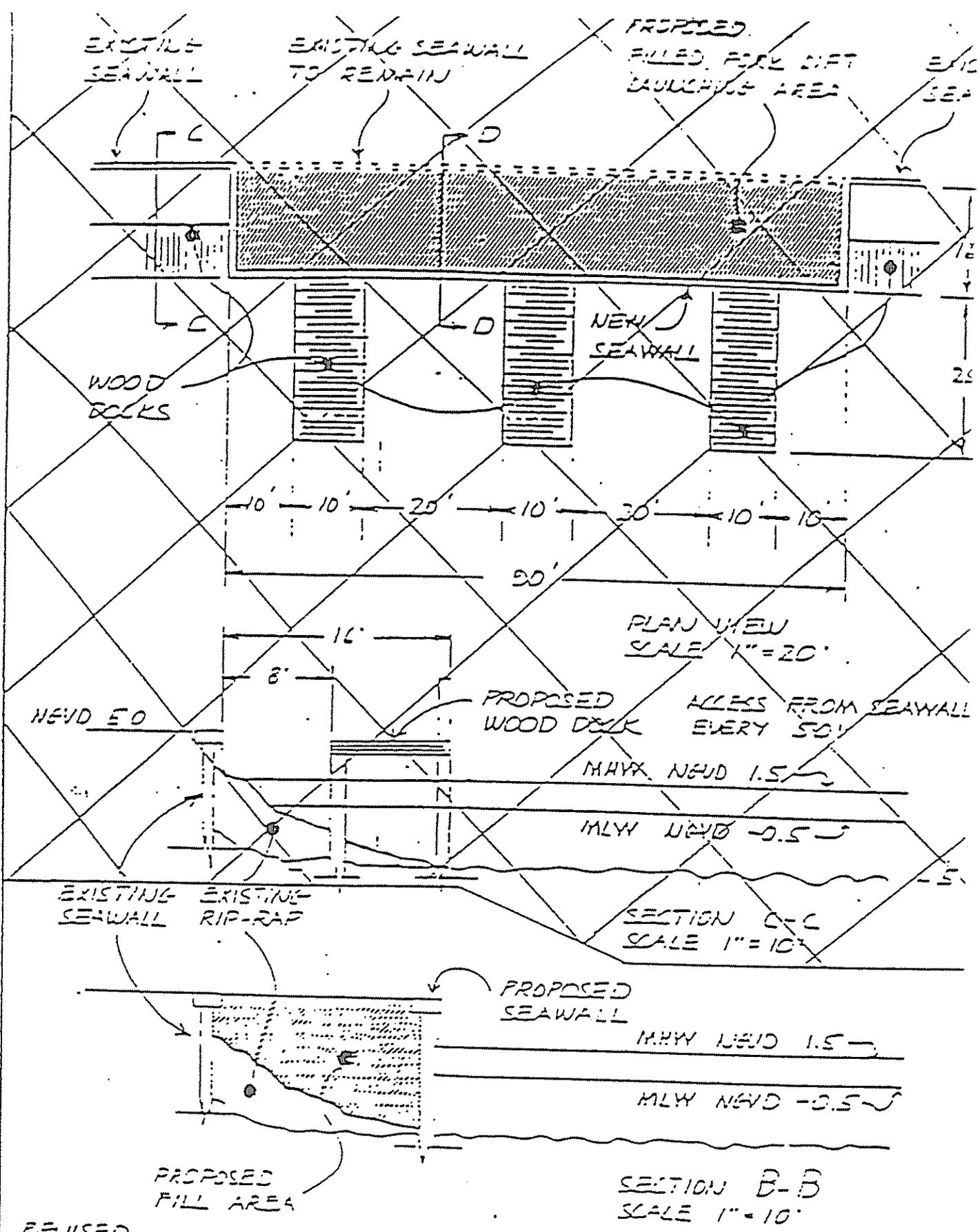
DOCK - ACCESS FROM SEAWALL EVERY 50'

ROBERT CROWNE
WILDERNESS AREA



REVISED FIGURE A n/a Inc

LANDEN AND ASSOCIATES
CONSULTING ENVIRONMENTAL ENGINEERS
PROJECT: GULF LANDING 8 FROM
DATE: MAY 1988



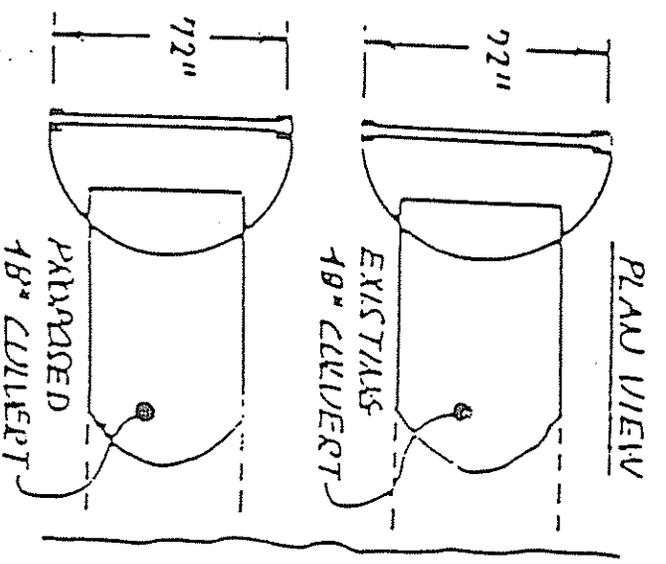
REVISED

FIGURE 6

LAUNCHING AREA DET.

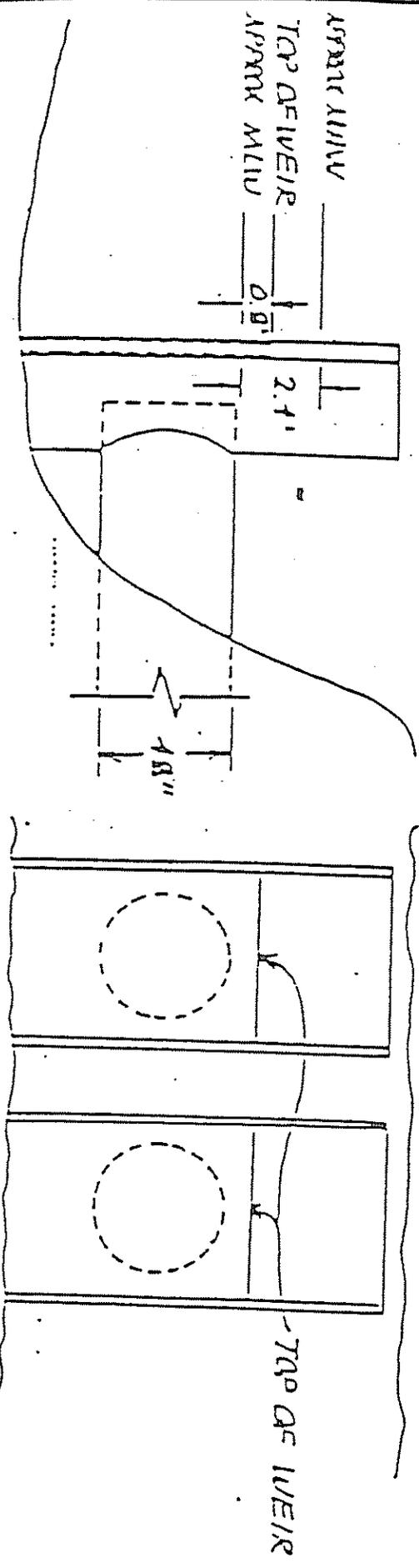
CVE = 52.17E - 2.17. 5

11/6/85 SHEET 6 OF 7 REVISED 10 NOV 86



NORTH
SIDE
GREEN
KEY
ROAD

PROPOSED LOW WATER
FLOW BARRIER



SIDE VIEW

END VIEW

861PE-20105

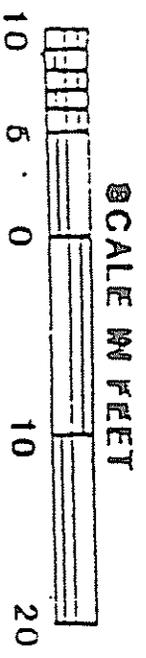
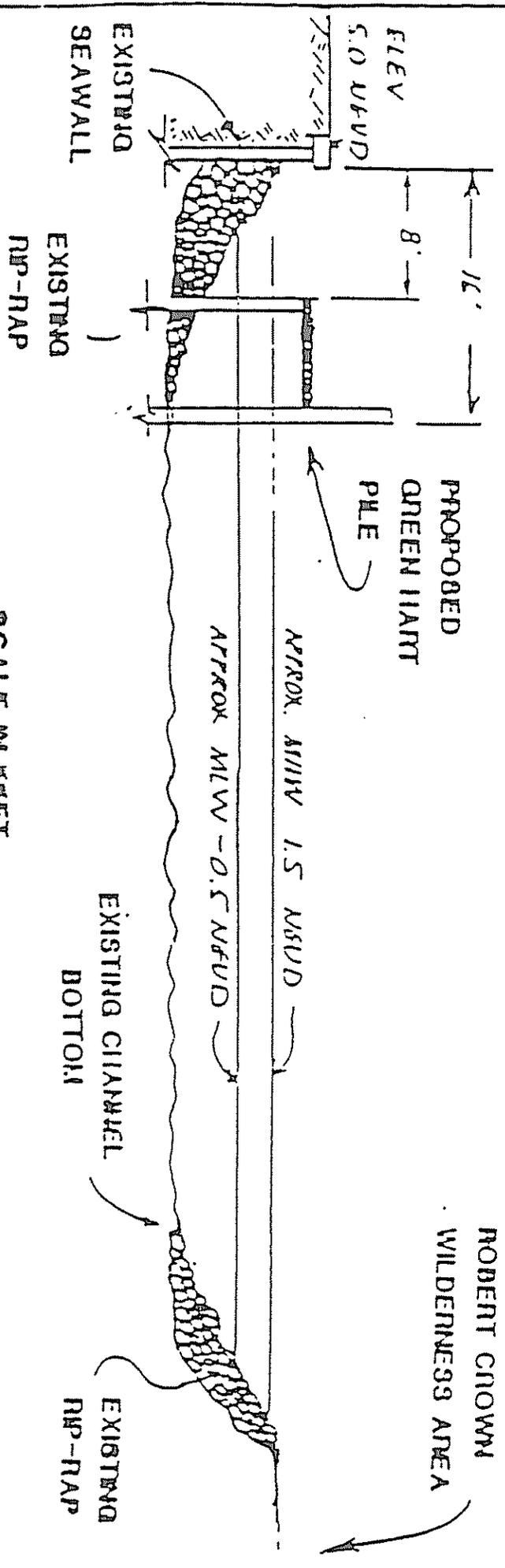
DATED 5/15/82

Sheet 7 of 7

Drawn in AutoCAD

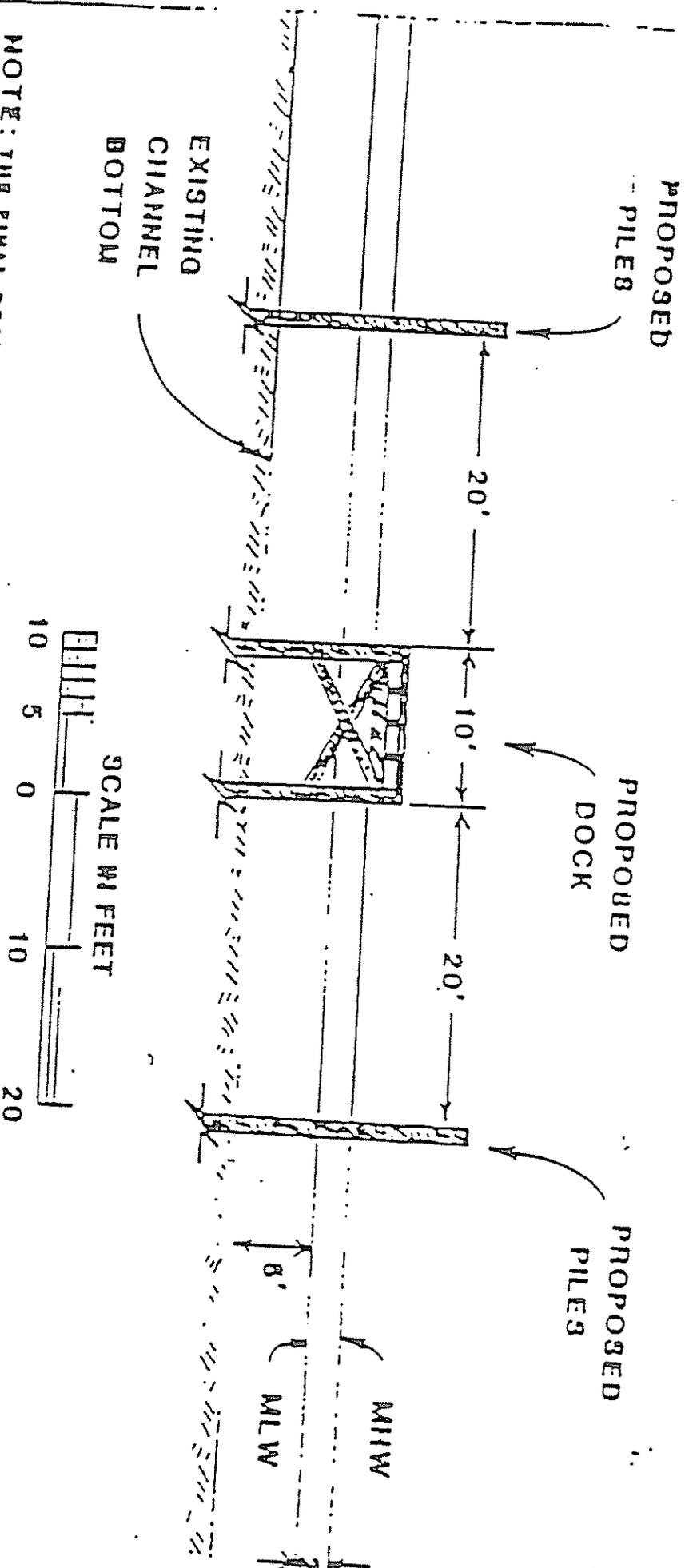
CROSS SECTION A-A

PROPOSED PILE SUPPORTED,
 MATERIAL, WOODEN
 DOCK — ACCESS FROM SEAWALL EVERY 50'



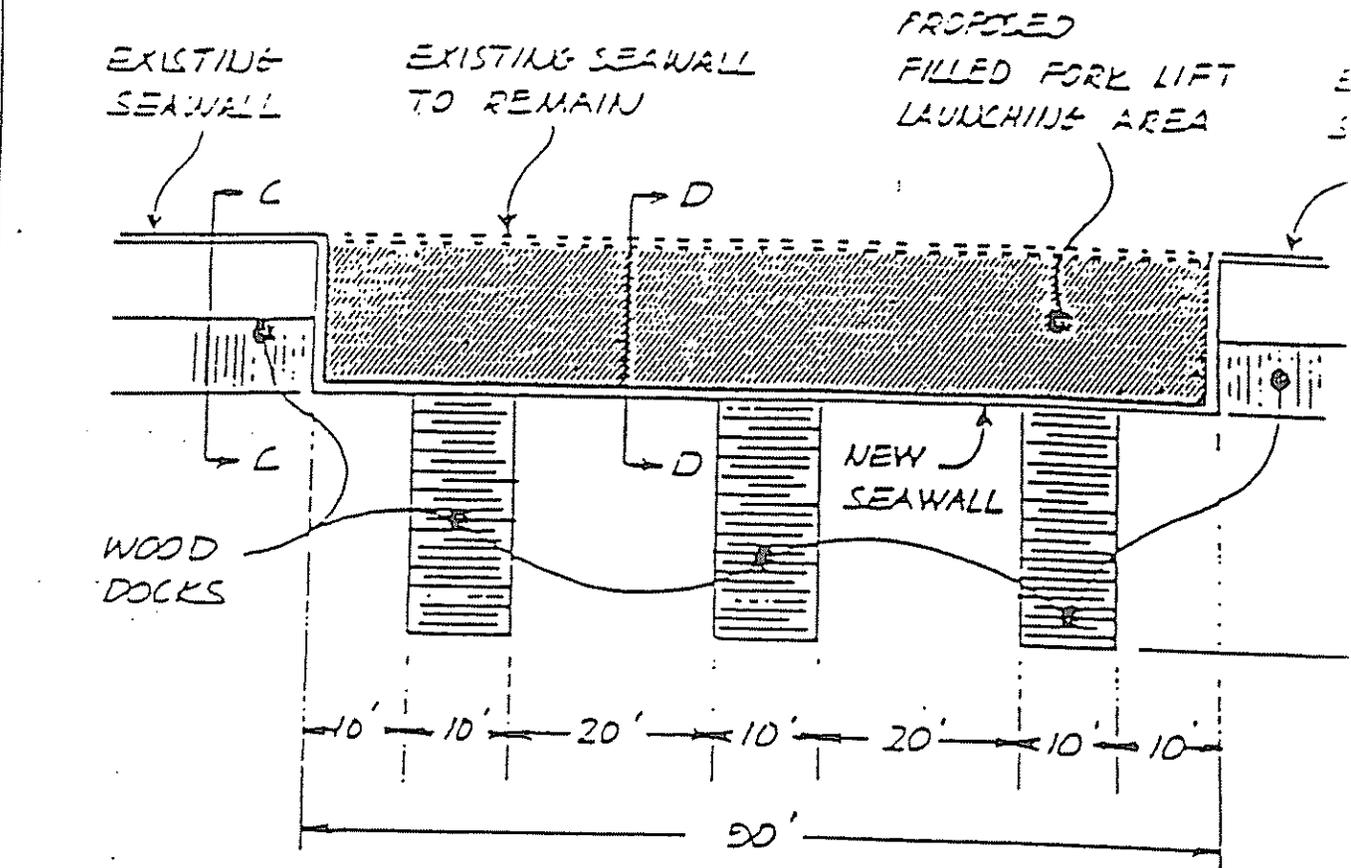
LARBEN AND ASSOCIATES
 CONSULTING ENVIRONMENTAL ENGINEERS
 PROJECT: GULF LANDING C

CROSS SECTION B-B

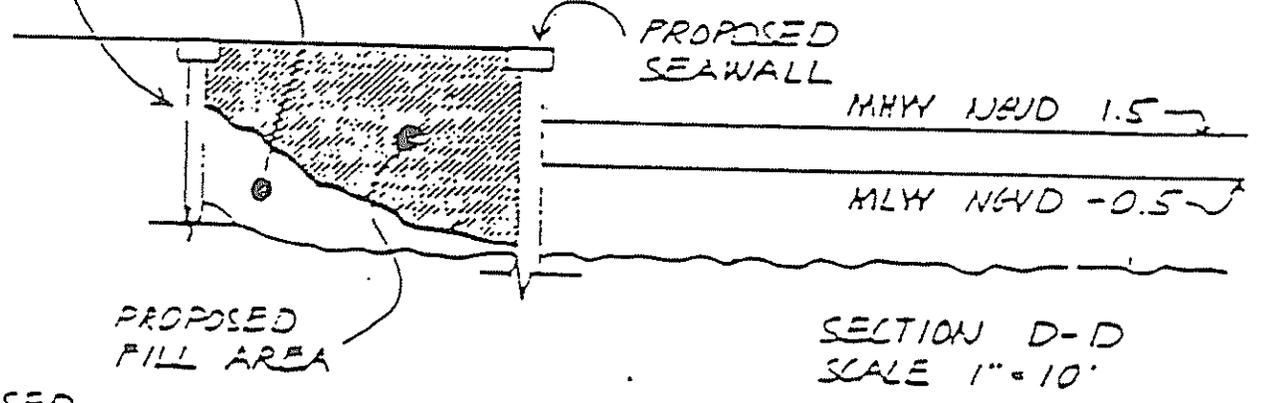
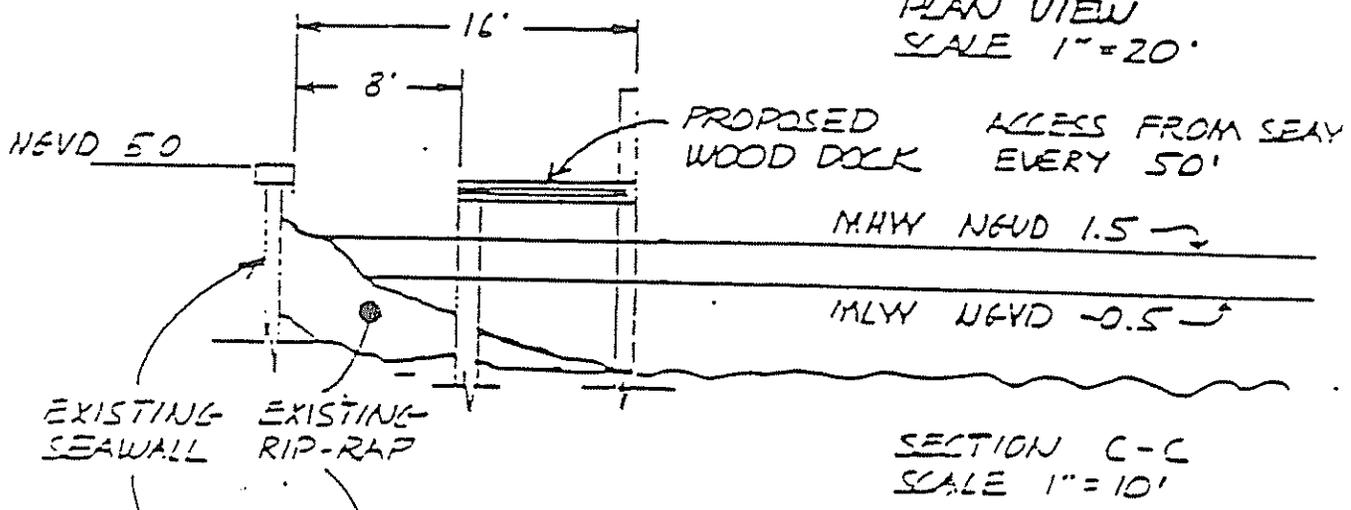


NOTE: THE FINAL DESIGN
MAY UTILIZE FLOATING
DOCKS FOR THE FOUR (4)
PROPOSED PILES SHOWN
IN FIGURE 3.

LAYMAN AND ASSOCIATES
CONSULTING ENVIRONMENTAL SCIENTISTS
PROJECT: GULF LANDING

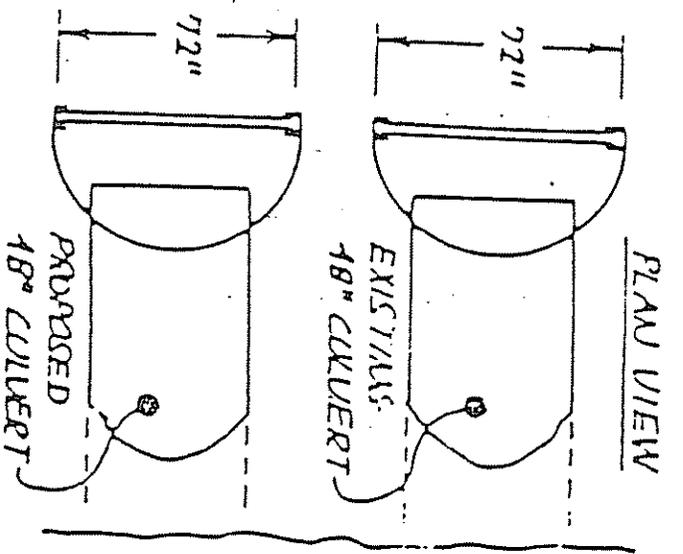


PLAN VIEW
SCALE 1" = 20'



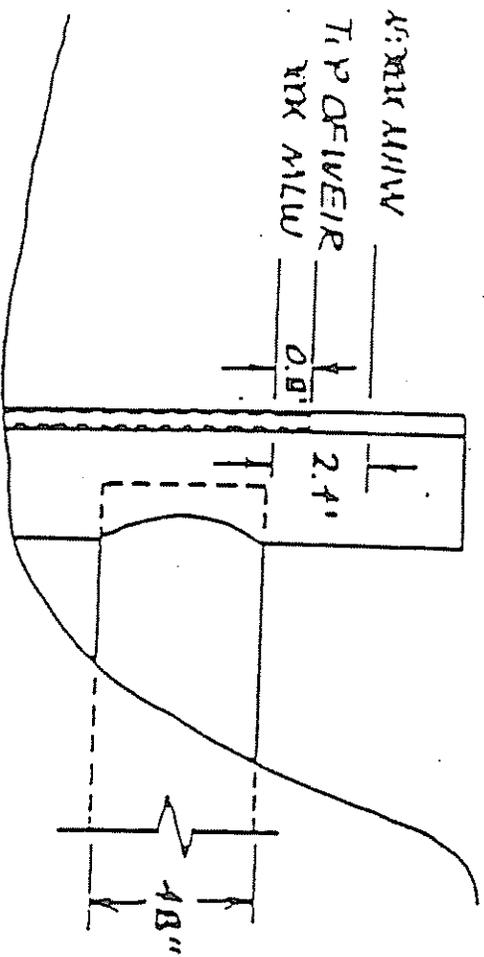
REVISED
FIGURE 6

LAUNCHING AREA [

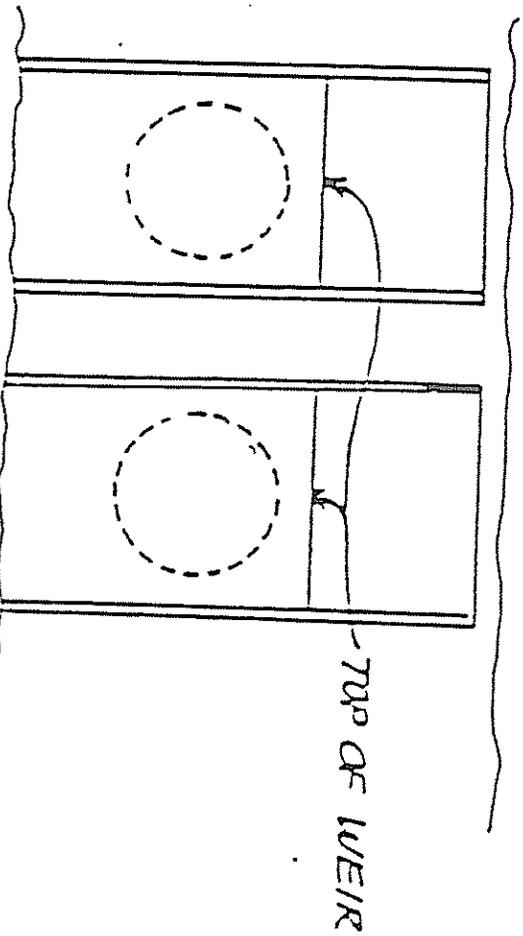


NORTH
SIDE
GREEN
KEY
ADHD

PROPOSED LOW WATER
FLOW BARRIER



SIDE VIEW



END VIEW

861PE-20105

DATED 5/15/82

Sheet 7 of 7



This notice of authorization shall be conspicuously displayed at the site of work.

United States Army Corps of Engineers

OCT 6 1966
19

A permit to CONSTRUCT A MARINA AND INSTALL A CULVERT IN CROWN CANAL
CONNECTING TO THE GULF OF MEXICO AT GREEN KEY ROAD, SECTION 6, TOWNSHIP
26 SOUTH, RANGE 16 EAST, NEW PORT RICHEY, PASCO COUNTY, FLORIDA

has been issued to LINDRICK CORPORATION on OCT 6 1966

Address of Permittee P.O. BOX 1176
NEW PORT RICHEY, FLORIDA 33552-3552

Permit Number

361PE-20105

Charles T. Myers III
CHARLES T. MYERS III, COL CE
District Commander

NOTICE OF START OF WORK
AUTHORIZED BY PERMITS

OCT 6 1986

DATE

861PE-

#20105

WORK AUTHORIZED UNDER DEPARTMENT OF THE ARMY PERMIT #

DATED OCT 6 1986

TO PERFORM WORK IN Crown Canal connecting to the Gulf of Mexico

WAS STARTED

SAJ FL 586-K
15 NOV. 82

SIGNATURE

Exp. permit in Lake
12/31/88

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION



SOUTHWEST DISTRICT

7601 HIGHWAY 301 NORTH
TAMPA FLORIDA 33610

813-985-7400
SWFLM - 370-6000

BOB GRAHAM
GOVERNOR

VICTORIA J. TECHINKEL
SECRETARY

DR. RICHARD D. GARRITY
DISTRICT MANAGER

NOTICE OF PERMIT

APR 17 1985

Lindrick Corporation
c/o Larsen & Associates
1 Biscayne Tower, Suite 3650
Miami, FL 33131

RECEIVED APR 21 1985

Gentlemen:

Enclosed is Permit Number 511047113 to construct marina,
issued pursuant to Section(s) 403, Florida Statutes.

Any party to this Order (permit) has the right to seek
judicial review of the permit pursuant to Section 120.58, Florida
Statutes, by the filing of a Notice of Appeal pursuant to Rule
6.110, Florida Rules of Appellate Procedure, with the Clerk of the
Department in the Office of General Counsel, 2500 Blair Stone
Road, Tallahassee, Florida 32301; 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 of Appeal
must be filed within 30 days from the date this Notice is filed
with the Clerk of the Department.

Executed in Tampa, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

Bob Stetler

Bob Stetler
Dredge & Fill Supervisor

RDG/bsh
Enclosures

Copies furnished to:

cc: U.S. Corps of Engineers 851PR-20566
Southwest Florida Water Management District
Department of Natural Resources

*Request Extension
up to full 5 year*

Date activity is proposed to commence : to be completed

Previous permits for this project have been
A. Denied (date)
B. Issued (date) 51-17655 70N-0302
12/4/80 3/10/81
C. Other (please explain)

Differentiate between existing work and proposed work on the drawings.

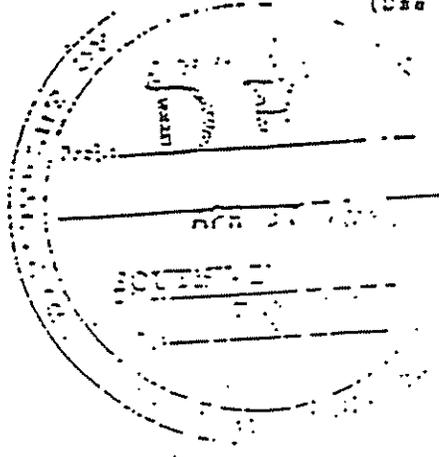
Remarks (See Instruction Pamphlet for additional information required for all applications and certain activities. Use additional sheets if necessary.)

See Enclosed Remarks

AFFIDAVIT OF OWNERSHIP OR CONTROL of the property on which the proposed project is to be undertaken

I CERTIFY THAT: (please check appropriate space)
 I am the record owner, lessee, or record easement holder of the property described below.
 I am not the record owner, lessee, or record easement holder of the property described below, but I will have before undertaking the proposed work the requisite property interest. (Please explain what the interest will be and how it will be acquired.)

LEGAL DESCRIPTION OF PROPERTY SITUATED IN Pasco COUNTY, FLORIDA
(Use additional sheets if necessary)



See enclosed legal description

[Signature]
R. E. Gentry Signature Vice Pres/Gen. Supt.

Sworn and subscribed before me at New Port Richey in Pasco County, Florida, this 14th day of October, 1983.

[Signature]
NOTARY PUBLIC
My Commission Expires on

My commission expires:

Decision is made for a permit(s) to authorize the activities described herein.

I authorize the agent listed in Item #2 to negotiate modifications or revisions, when necessary, and accept or assent to any stipulations on my behalf.

I understand I may have to provide any additional information/data that may be necessary to provide reasonable assurance or evidence to show that the proposed project will comply with the applicable State Water Quality Standards or other environmental standards both before construction and after the project is completed.

In addition, I agree to provide entry to the project site for inspectors with proper identification or documents as required by law from the environmental agencies for the purpose of making preliminary analyses of the site. Further, I agree to provide entry to the project site for such inspectors to monitor permitted work if a permit is granted.

Further, I hereby acknowledge the obligation and responsibility for obtaining all of the required state, federal or local permits before commencement of construction activities. I also understand that before commencement of this proposed project I must be granted separate permits or authorizations from the U.S. Corps of Engineers, the U.S. Coast Guard, the Department of Environmental Regulation, and the Department of Natural Resources, as necessary.

I CERTIFY that I am familiar with the information contained in this application, and that the best of my knowledge and belief such information is true, complete and accurate. I further certify that I possess the authority to undertake the proposed activities.



10/14/88

Signature of Applicant

Date

R.E. Gentry, Vice Pres/Gen Mgr.

NOTE: THIS APPLICATION MUST BE SIGNED by the person who desires to undertake the proposed activity or by an authorized agent. If an agent is applying on behalf of the applicant, attach proof of authority for the agent to sign and bind the applicant.

18 U.S.C. Section 1001 provides that: Whoever in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

NOTICE TO PERMIT APPLICANTS

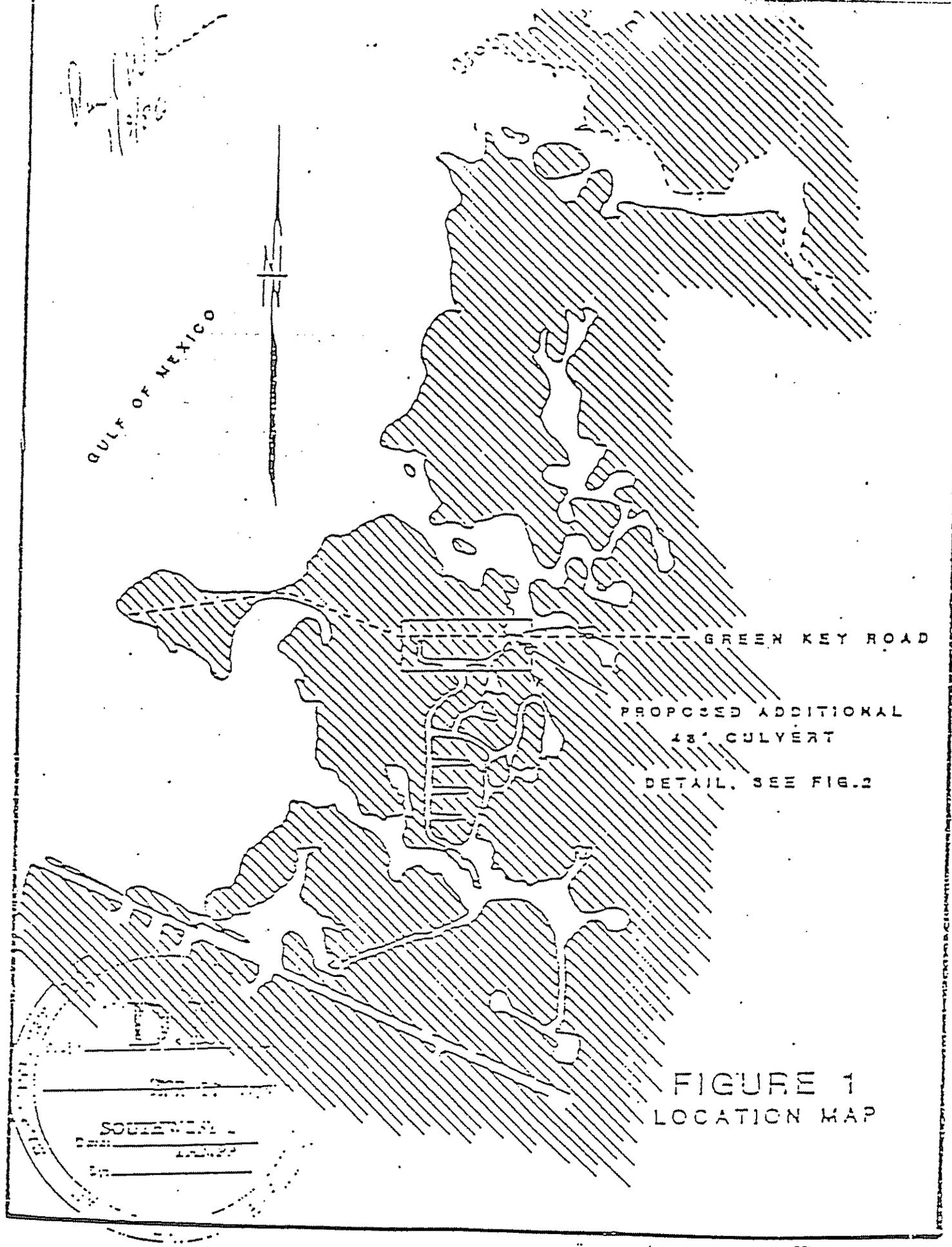
This is a Joint Application; it is NOT a Joint Permit!

You Must Obtain All Required Local, State, and Federal

Authorizations or Permits Before Commencing Work!

of your information: Section 370.034, Florida Statutes, requires that all equipment owned, used, leased, rented or operated in the state shall be registered with the Department of Natural Resources. Before selecting your contractor or equipment you may wish to determine if this requirement has been satisfied. For information, contact the Chief of the Bureau of Licenses and Motorboat Registration, Department of Natural Resources, 3900 Commonwealth Boulevard, Tallahassee, Florida 32303. Telephone Number 904/488-1195. THIS IS NOT A REQUIREMENT FOR A PERMIT FROM THE DEPARTMENT OF ENVIRONMENTAL REGULATION.

GULF OF MEXICO



GREEN KEY ROAD

PROPOSED ADDITIONAL
48' CULVERT

DETAIL. SEE FIG. 2

FIGURE 1
LOCATION MAP

SOUTHWEST

PLAN VIEW

EXISTING
CULVERT

GREEN KEY ROAD

PROPOSED 48"
CULVERT

EXISTING
CULVERT

EXISTING
DEAWALL

FUELING
FACILITY
PROPOSED
HANDRAIL
DOCK

PROPOSED
PIERS

ROBERT CROWN
WILDERNESS ALLEY

CROWN
CANAL

MORTON
CROWN
BAY

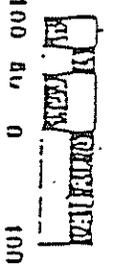
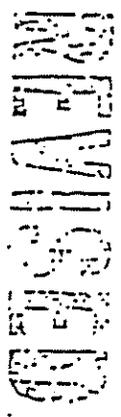
BAHNER'S
BAYOU

PURPOSE: DOCK CONSTRUCTION

COUNTY: PARAO

DEDICATED: NONE

FILLING: NONE



Robert M. Linsen
1/9/88

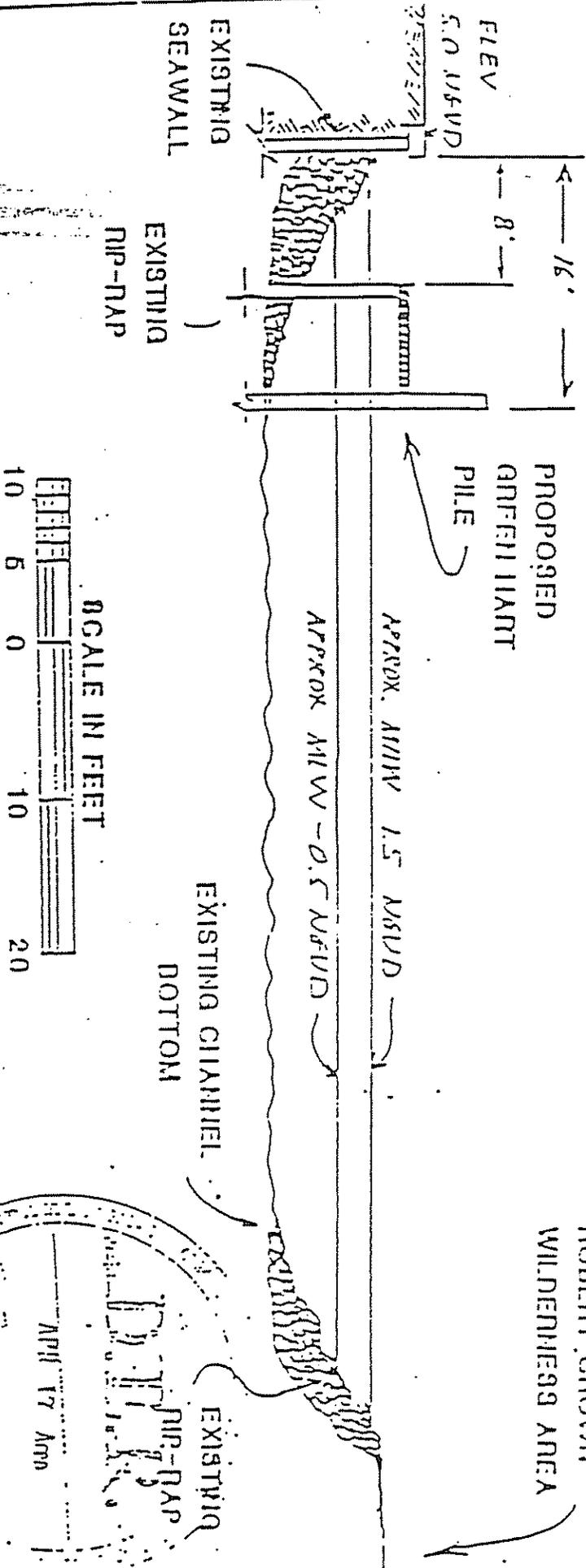
LAINSEN AND ASSOCIATES	
CONSULTING ENVIRONMENTAL ENGINEERS	
PROJECT: GULF LANDING	PIPING
DATE: OCTOBER 1988	2

Robert M. Linsen, P.E.
11975
1/9/88

CROSS SECTION A-A

PROPOSED PILE SUPPORTED,
MANGIAL, WOODEN

DOCK - ACCESS FROM SEAWALL EVERY 50'



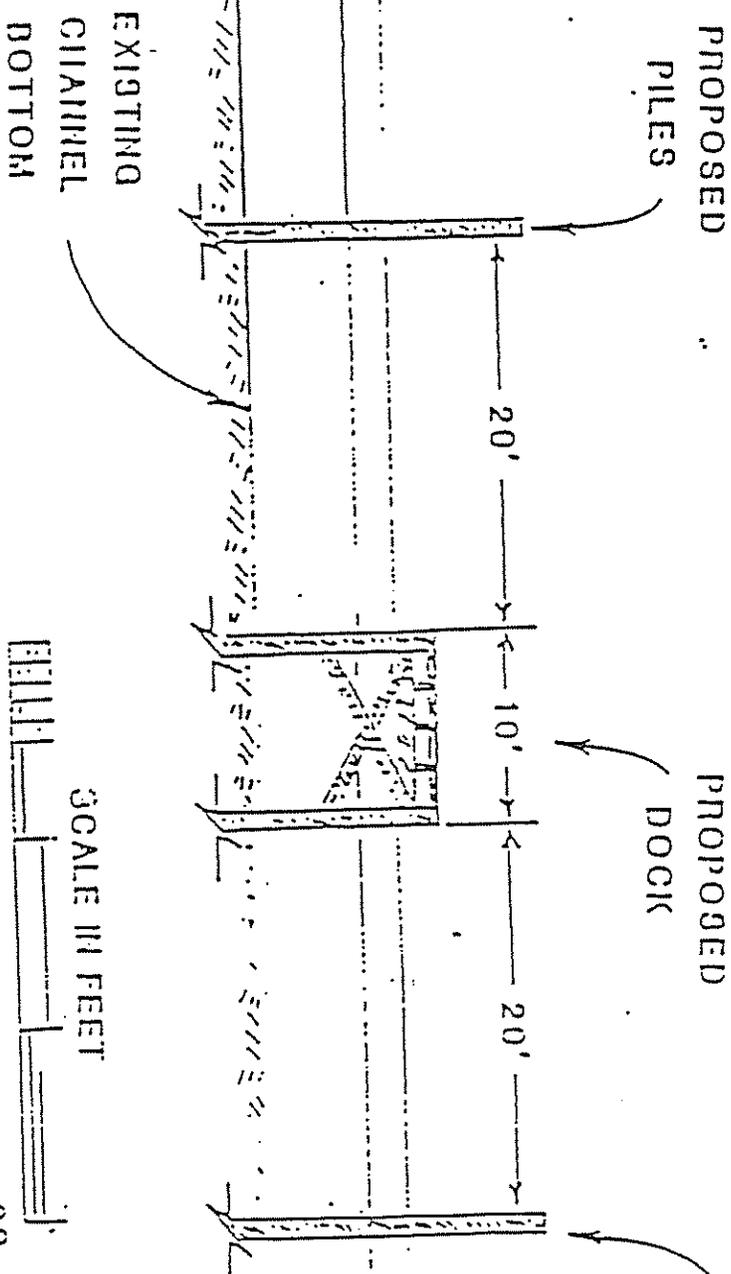
LAUBER AND ASSOCIATES

REVISED FIGURE 2

11/6/85

<p>LAUBER AND ASSOCIATES CONSULTING ENVIRONMENTAL ENGINEERS</p>	
<p>PROJECT: GULF LANDINGS</p>	<p>FIGURE: 2</p>
<p>DATE: MAY 1988</p>	<p>U</p>

CROSS SECTION B-B

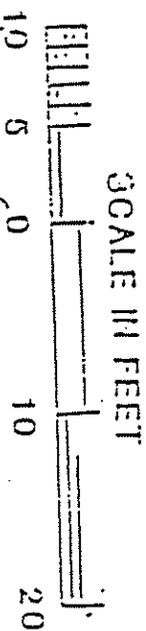


PROPOSED PILES

PROPOSED DOCK

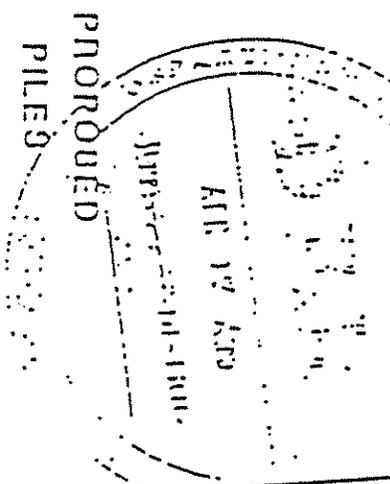
PROPOSED PILES

EXISTING CHANNEL BOTTOM



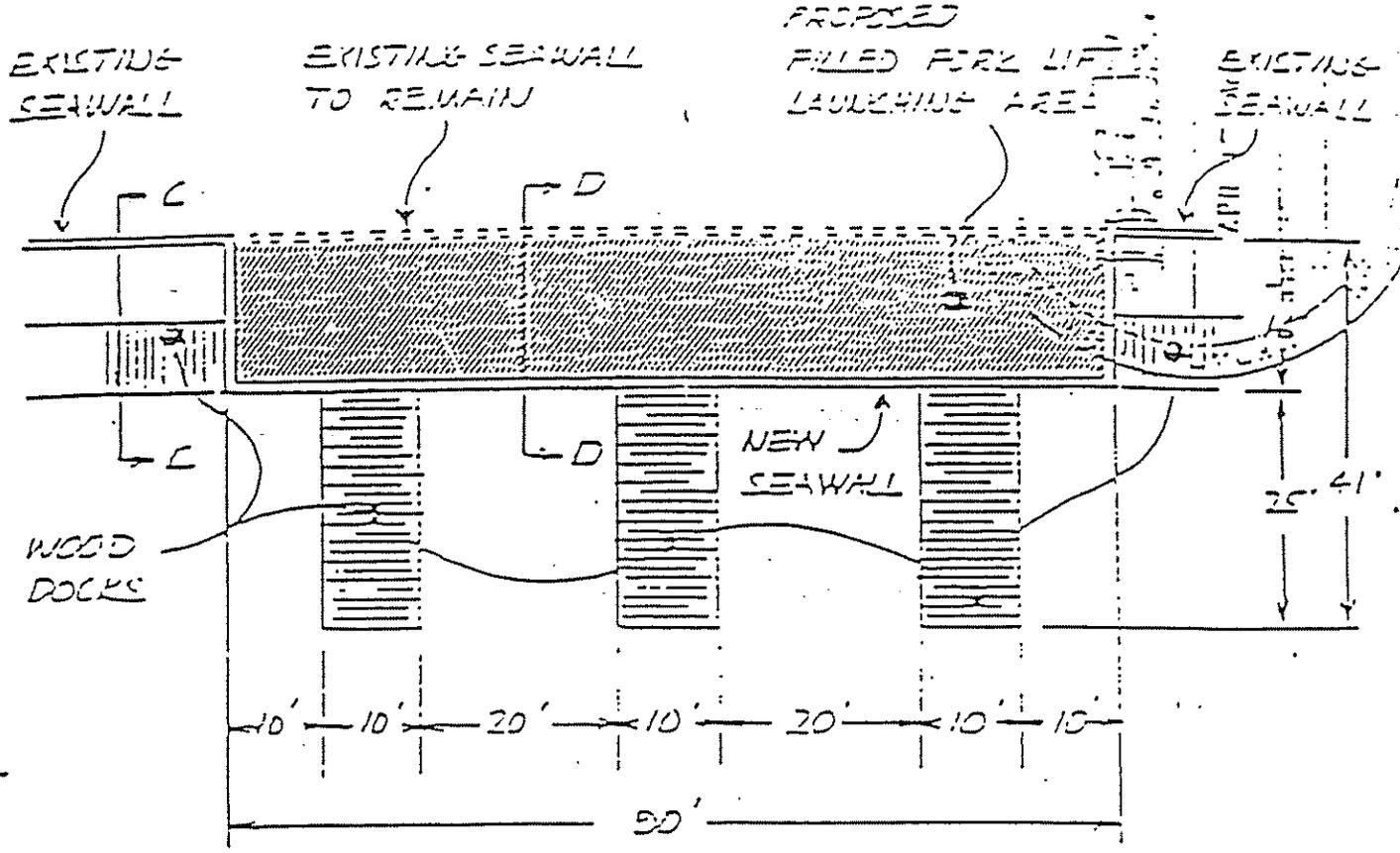
Handwritten signature and date:
 Scott 3, 1985

NOTE: THE FINAL DESIGN MAY UTILIZE FLOATING DOCKS FOR THE FOUR (4) PROPOSED PIERS BIDDING IN FIGURE 3.

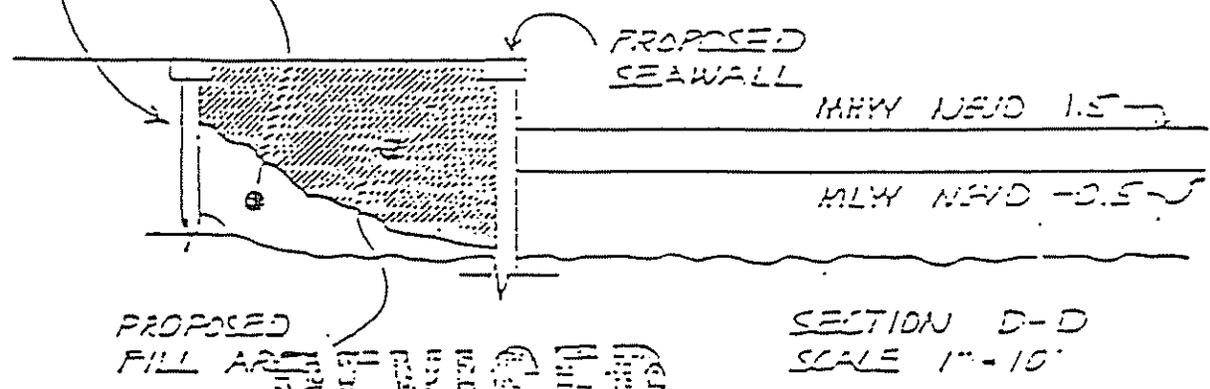
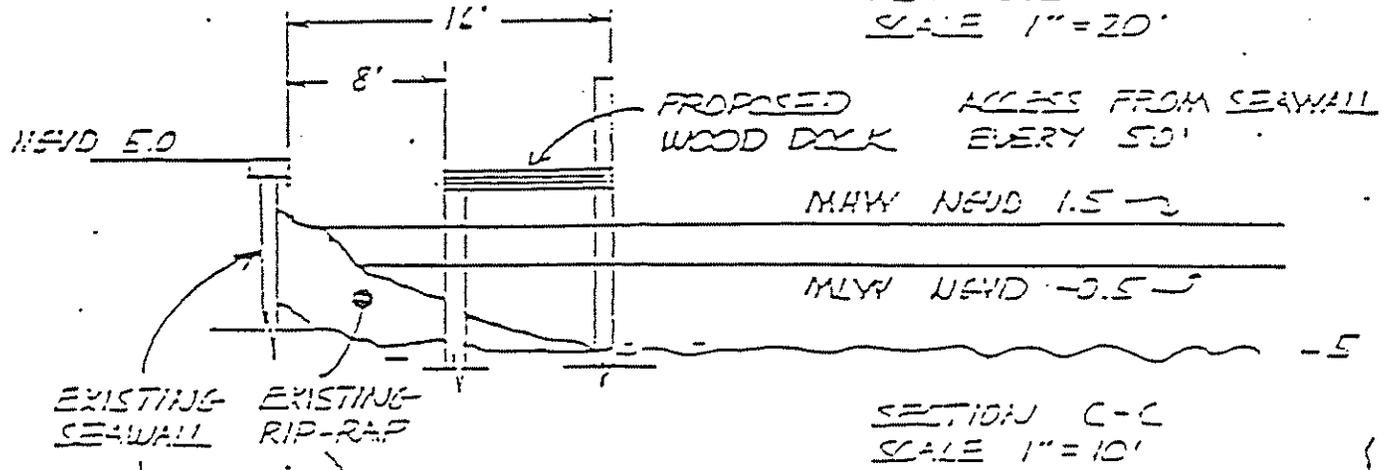


LAISSE AND ASSOCIATED
 CONSULTING ENVIRONMENTAL ENGINEERS
 PROJECT: OULF LANDFILL
 DATE: MAY 1986

FIGURE 9



PLAN VIEW
SCALE 1" = 20'



Handwritten signature and date:
Paul W. Larson
11/1/86

REVISED
FIGURE 10

LAUNCHING AREA DETAIL

Special Condition:

(2)

Prior to construction of the marina facility and prior to installation of the additional 48" culvert pipe, the permittee shall provide detailed plans (with installation methods) to construct two fixed weirs to connect the existing and proposed 48" culverts (connected to the open waters of Oyster Creek). These structures shall be designed to: (1) resist corrosion, (2) resist vandalism and (3) have fixed weirs with an elevation set $1/3$ the distance between MLW and MHW, above mean low water.



EXHIBIT H
DEVELOPER COMMITMENTS

Pages 26-37 of Tampa Bay Regional
Planning Council Final DRI Report

Developer Commitments

General Project Description

There will be no major boat or motor repairs on site. (Page 12-1, ADA*)

The boat launch is to be located in close proximity to the dry storage structures and will consist of a concrete pad which extends outward over the canal for approximately 16 feet. Two concrete piers will extend seaward of the boat launch pad and provide a holding area for boats after initial placement into the canal. (Page 12-1, ADA)

A fixed timber fuel dock and sanitary pumpout facility will be located adjacent to the boat launch and will be used or supervised by staff personnel at all times. (Page 12-1, ADA)

The fuel tanks will be surrounded by a containment structure designed to contain 100 percent of the total volume of the tanks and will meet all setback regulations as required by code. (Page 12-2, ADA)

The marine support buildings...will not exceed one story in height. (page 12-2, ADA)

As depicted on Map H, a landscaped promenade will extend along the waterfront. This promenade will consist of a fixed timber walkway and marginal wharf, eight feet in width, that is designed to extend over the adjacent canal and allow light to penetrate through to the water's surface. Landward of the seawall, the promenade will be landscaped with native vegetation. Low-level lighting will be located along the promenade to accent plantings and to promote a safe access for pedestrians. (Page 12-2, ADA)

The existing site contains only one small vegetated area of noteworthy value on the eastern end of the site. A portion of this vegetation will be preserved as shown on Map H. (Page 12-3, ADA)

Noise impacts will be limited by establishing and enforcing hours of marina operation from 8:00 a.m. until dusk. (Page 12-3, ADA)

The day-use boat slips will be used to move boats in and out of the water. No overnight boat moorage or live-aboard moorage will be permitted. (Page 12-1, ADA)

The four dry storage structures will be constructed of architectural steel with metal roofs and will not exceed a height of 58 feet. (Page 12-2, ADA)

Noise impacts to the residential area generated by the marina operation will be reduced and buffered by a landscaped screen of native vegetation which meets or exceeds Pasco County's zoning standards for buffering. (Page 12-3, ADA)

Fifty percent of the marina's boat slips will be reserved for Gulf Harbors/Gulf Landings residents for a six-month period. (page 12-7, ADA)

The applicant does not propose to construct or dredge along the project's south boundary line or otherwise intrude or encroach into the Robert Crown Wilderness Area. (page I-2, SR**)

Only the minor maintenance of boat motors will be permitted, such as the changing of spark plugs, belts, shear pins, etc. Boats requiring repairs to engine heads, engine blocks or lower units will be transported to other area facilities for service. (Page I-9, SR)

No dredging, filling or other construction or development activity is proposed to occur on state-owned lands. (page II-6, SR)

Environment and Natural Resources

AR

Emissions from construction activities will be temporary and limited to the immediate vicinity of the proposed development. (Page 13-1, ADA)

Fugitive dust emissions resulting from land clearing and construction activities will be minimized by spraying and immediately sodding exposed soils subject to wind erosion. (Page 13-2, ADA)

Emissions of VOC's will likewise be minimized by ensuring that all boat fueling and fuel transfer activities are supervised by marina personnel. (Page 13-2, ADA)

Development of the proposed project will result in the paving of Green Key Road from U.S. 19 to the western property boundary of the project site, thus significantly reducing fugitive dust

emissions in the vicinity of the marina. (Page 13-2, ADA)

All boat fueling and fuel transfer operations will be conducted or observed by marina personnel. (Page I-10, SR)

LAND

Temporary erosion controls will be employed during construction to minimize wind and water erosion. Dust control measures such as watering will be employed as needed. Permanent erosion control features such as landscaping will be incorporated into the project at the earliest practicable time. (Page 14-4, ADA)

Clean fill material will be trucked in from off-site, if necessary. No additional on-site fill material will be generated from dredging activities in the Crown Canal system. (Page I-11, SR)

Soil testing for load bearing and other construction characteristics has been performed, yielding satisfactory results for the proposed uses. (Page I-11, SR)

The proposed fuel tanks will be constructed aboveground on an enclosed concrete pad designed to contain 100 percent of the total volume of the fuel tanks. (Page I-11, SR)

Temporary erosion control BMP's [Best Management Practices] will be employed during project construction to minimize wind and water erosion. Temporary measures may include grassing, mulching or other appropriate measures described in the FDOT Standard Specifications for Road and Bridge construction. Permanent erosion control features such as landscaping will be incorporated into the project at the earliest practicable time. (Page I-11, SR)

OMC will participate in a program, as appropriate, to maintain the navigability of the Crown Canal. (Page II-25, SR)

WATER

A culvert located at the westerly end of the marina basin is currently nonfunctional. This culvert will be repaired to facilitate the exchange/circulation of waters between the marina basin and Oyster Creek. (Page 15-1, ADA)

Existing and planned culvert connections will be improved and constructed, respectively, in order to enhance the flushing of the marina basin and contiguous canal system. (Page 15-16, ADA)

A landside sanitary pump-out station will be provided for the removal of domestic sewage from holding tanks in vessels using the marina facility. (Page 15-17, ADA)

The drainage system has been designed to exceed the stormwater treatment requirements of Chapter 17-25, F.A.C. by 100 percent, thus minimizing the impacts of runoff on water quality. (SWFWMD Permit No. 401793 issued on 2/13/87). (Page 15-17, ADA)

All boat storage will consist solely of dry storage facilities. (page 15-17, ADA)

A fuel sump will be located below the fuel pump decking to collect minor fuel spills in the unlikely event that they should occur. All fueling activities will be supervised by the marina staff. (Page 15-17, ADA)

During the construction of fueling facilities, the applicant will comply with all provisions of Chapter 17-61 F.A.C., which sets forth rules for the construction, permitting and monitoring of stationary fuel tanks. No underground fuel storage tanks are proposed. (Page 15-17, ADA)

If it can be demonstrated that a dangerous vortex is shown to exist after completion of the authorized culvert improvements, the applicant will commit to the posting of warning signs and/or the construction of a safety fence around the immediate vicinity of the culvert crossing. (Page I-13, SR)

The Green Key Road drainage improvements will encompass grass sideslopes or swales along the roadsides to prevent shoreline erosion and minimize the existing washing of silts and sediments into the adjacent wetlands. The roadway drainage will be permitted to sheet flow through grassed areas or will be channeled to grassy swales when roadside shoulders are narrow. There will be no impacts to the marina site drainage. (Page I-13, SR)

Flotsam and other floating debris generated by marina users will be collected in the immediate vicinity of the marina (picked up, scooped up, etc.) by boats on a daily basis. The marina operator will be responsible for ensuring that the daily collection is performed. (Page I-14, SR)

If necessary, the applicant will commit to the use of phosphorous-free detergents for all boat washing activities. (Page I-16, SR)

The removal and application of bottom paint will not be permitted at the marina site. (Page I-16, SR)

The storage of any materials not incidental to the operation of watercraft will be prohibited. (Page I-28, SR)

No on-site water wells are proposed in association with the marina development. (page II-9, SR)

The landscaping of the site will include predominantly native plant species which are drought resistant. (Page II-9, SR)

The sewage pump-out station will be located over a retaining structure which will be designed to collect extraneous spills. (Page II-18, SR)

In the event of a fuel spill due to hurricane storm surge, the appropriate emergency response agencies would be notified immediately to participate in the clean up...Prior to operation of the marina, a Spill Prevention Control and Countermeasure (SPCC) Plan will be developed in compliance with the provisions of 40 CFR 112. This plan will include specific provisions for notification, cleanup procedures and reporting of any spill incident. The Plan will be submitted to the U.S. EPA and the U.S. Coast Guard for approval. (Page II-25, SR)

WETLANDS

No alterations or disturbances to wetlands are proposed. Only maintenance dredging will be required in the canal, and the small (upland) depressional area will be preserved. (Page 16-1, ADA)

The existing cabbage palm area will be incorporated into the project landscaping. The small depressional wetland within that area will likewise be preserved. (Page 16-1, ADA)

The wetland area is proposed to be preserved as a component of the pine/cabbage palm hammock which will be maintained on-site and incorporated into the site landscaping. There will be no interaction between this wetland area and the proposed drainage swale system. (Page I-21, SR)

The pine/cabbage palm hammock area will be roped off and surrounded by hay bales to prevent both construction machinery encroachment and soil erosion. (Page I-21, SR)

[T]he applicant has agreed to post "no-wake" signs in the Crown Canal system and to assist in the enforcement of this provision, as appropriate. (Page I-22, SR)

FLOODPLAINS

The boat storage facilities will be designed to have "blow away" ground floor elevations, and will be built to withstand hurricane force winds as required by state and local code. In the event of a hurricane, all registered boats will be secured in the on-site storage facilities rather than moved off-site. The fuel storage tanks will be located within a concrete or masonry containment area designed to provide protection from a storm surge. The fuel pump will be disconnected from the fuel storage tanks prior to evacuation from the site. (Page I-23, SR)

VEGETATION AND WILDLIFE

There will be no loss of habitat or intrusion into productive wildlife areas. Mitigative measures will be employed to avoid impacts to the West Indian Manatee. (Page 18-1, ADA)

A portion of the hammock is proposed for preservation and enhancement by removal of the existing brazilian pepper and incorporation of the hammock into the project landscaping. (Page 18-1, ADA)

In order to mitigate potential impacts to manatees, the marina will incorporate the following measures into the project:

- Display of manatee warning signs in and around the marina;
- Display of manatee educational exhibits on the marina grounds. These exhibits will contain basic information on manatee ecology, boater information and the FDNR "Manatee Hotline" phone numbers;
- The marina envelope and canals will be designated and posted as an idle speed zone;
- The FDNR will be consulted regarding the appropriate design and placement of educational exhibits and warning signs; and
- The standard FDNR construction standards concerning the manatee protection, sightings and reporting will be observed. (Page 18-8, ADA)

[T]he contractor will instruct all personnel associated with the project of the presence of manatees and the need to avoid collisions with manatees.

- [A]ll personnel will be advised that there are civil and criminal penalties for harming, harassing or killing manatees which are protected under the Endangered Species Act of 1973, the Marine Mammal Protection Act of 1972 and the Florida Manatee Sanctuary Act of 1978. The applicant and or contractor will be held responsible for any manatee harmed, harassed or killed as a direct result of construction activities associated with the project.
- [A]ll vessels associated with the project will operate at "no-wake/idle" speeds at all times while in the marina boundaries where the draft of the vessel provides less than three feet clearance from the bottom and that vessels will follow routes of deep water ingress and egress whenever possible.

- [A]ll reported or observed collisions with a manatee shall be reported immediately on the "Manatee Hotline" ...and to the U.S. Fish and Wildlife Service...
- [T]he contractor shall keep a log detailing sightings, collisions, or injury to manatees which have occurred during the contract period and within the construction site.
- [F]ollowing project completion, a report summarizing the above incidents and sightings will be submitted to the Florida Department of Natural Resources (FDNR), Marine Mammal Recovery Program...and to the U.S. Fish and Wildlife Service...
- [A]wareness signs... [shall be] install[ed] and maintain[ed] at prominent locations within the construction area/facility. The applicant will send a project site plan to FDNR Marine Mammal Recovery Program...FDNR personnel will specify sign locations. Temporary construction signs will be removed by the applicant when the project construction is complete. The signs shall be 3' x 4', 125 gauge 61TS aluminum, covered with white, engineer grade, reflective sheeting; black painted lettering; black screened-design; and orange, engineer grade reflective tape border. The 3' X 4' "Caution Manatee Area" signs shall conform to the Florida Uniform Waterway Marking System in accordance with F.S. 327.40-1. The installation of the 3' x 4' signs shall be made in accordance with the specifications of FDNR for such signs. Sign installation specifications will be furnished to the applicant when sign locations are designated. Placement and installation of signs will be certified as on designated stations to FDNR by the project Professional Engineer before the marina facility is in use. Signs and pilings are to remain the responsibility of the owner(s) and are to be maintained for the life of the marina in a manner acceptable to FDNR.
- [A] permanent educational display...[will be] establish[ed] and maintain[ed] at a prominent location to increase the awareness of boaters using the facility of the presence of manatees and need to minimize the threat of boats to these animals. A permanent educational display is required for marinas of 30 slips or more for areas regularly used by manatees. The applicant agrees to install at least two such displays. The display should include information on the location of the facility with respect to boat speed zones in the areas, the threat which boats pose to manatees and the "Manatee Hotline" number... FDNR personnel will specify educational display locations when caution sign location siting is done. Other information which may aid in the conservation of the species may be obtained from the Florida Department of Natural Resources. Educational displays are to

remain the responsibility of the owner(s) and are to be maintained for the life of the marina in a manner acceptable to the Florida Department of Natural Resources. (Page II-19, SR)

No additional access into or through the Robert Crown Wilderness Area is proposed. (Page I-24, SR)

Enforcement of the "no-wake" speed zone in the Crown Canal will be maintained or improved. (Page I-24, SR)

Economy

All laborers employed by OMC for construction purposes will be hired from within the region and more specifically, Pasco County and the City of New Port Richey. (Page 20-1, ADA)

Developer administrative costs, permit fees and associated costs considered as overhead will be expended within the region and more specifically, Pasco County. (Page 20-3, ADA)

All permanent nonconstruction employees will be hired from the labor force found locally within the region and more specifically, Pasco County and the City of New Port Richey (Page 20-5, ADA)

Public Facilities

WASTEWATER MANAGEMENT

Wastewater treatment and disposal will not be provided on site. (Page 21-1, ADA)

The owner is responsible for maintaining and monitoring all on-site utilities. A maintenance and monitoring schedule for maintaining the project's utility lines will be prepared prior to operation of the marina. The applicant will provide routine inspection and maintenance of the transmission facilities to limit leaks in the system as required by local code, at a minimum. (Page I-27, SR)

Lindrick Service Corporation and the applicant are responsible for providing the wastewater transmission facilities for the project. (Page I-27, SR)

Septic tanks will not be used on the marina site. (page I-27, SR)

Pumped-out sewage will be discharged directly into the main sewer system for the marina. (Page II-22, SR)

DRAINAGE

In accordance with permits SWM E05400 and MSW 401793 approved by the Southwest Florida Water Management District (SWFWMD) on February 13, 1987, the proposed drainage system is designed to handle the first one inch of runoff for treatment and provide the capacity for the conveyance of stormwater. The proposed Master Drainage Plan for the site is presented in Map G. Treatment is performed using detention swales with sand filters and perforated underdrain pipes. This underdrain system is designed according to Chapter 17-25, F.A.C. (Page 22-1, ADA)

The swales will collect and hold the first one inch of runoff, which is 1.3 times the treatment volume required for coastal areas per Chapter 17-25, F.A.C. A ditch bottom inlet will be set in the swale with the grate elevation at the treatment volume level. A skimmer will be used to prevent grease and oil from entering the inlet. Additional stormwater and treated runoff will discharge via pipes into the adjacent canal. The outfalls will be equipped with flapgates to prevent storm surge high tides from backing-up into the storm drain system. (Page 22-1 ADA)

The on-site drainage system, structures and detention areas will be maintained by the owner. (Page 22-3, ADA)

The stormwater discharge flapgates will be routinely inspected and maintained in conjunction with the underdrain systems. In the event of a severe storm warning, the flapgates will be thoroughly inspected for proper operation prior to the arrival of storm surge tides. (Page I-29, SR)

There are no designated boat maintenance areas on the site as no major boat maintenance service is proposed for this marina. All areas will have treatment facilities for water runoff. (Page I-29, SR)

SOLID WASTE

The only hazardous material handled on-site will be gasoline, which will be stored in above-ground tanks. (Page I-31, SR)

No hazardous materials or wastes will be disposed into the sewer system or solid waste collection facilities. (Page I-31, SR)

No hazardous wastes will be generated by the proposed development. (page I-31, SR)

WATER SUPPLY

The owner will operate and maintain the internal water supply system. (Page 23-2, ADA)

ENERGY

No on-site electrical generating facilities are planned for the development. (Page 25-1, ADA)

Emergency lighting and low-level lighting will be provided on the site for security. This lighting will be minimized to reduce the visibility to the residences across the canal. (Page II-23, SR)

Landscaping will be used as an energy conservation measure to reduce heat and glare reflected from structures and impervious surfaces. (Page II-23, SR)

RECREATION & OPEN SPACE

50 percent of the boat slips for dry storage will be reserved for Gulf Landings residents for a period of six months from the opening of the marina operation. An advertisement of the boat slip availability will be posted in the Gulf Landings sales office for the initial six-month period. (Page 27-1, ADA)

Outboard Marine Corporation will operate and maintain the marina facilities. (Page 27-1, ADA)

The marina project will be designed to provide handicapped access as required by the Standard Building Code. All public buildings will be one story, and ramps will be provided through the site, as needed, to accommodate handicapped visitors. (page I-33, SR)

POLICE

The marina will not provide law enforcement services; however, the marina facility will be attended by private security, 24 hours a day, 7 days a week. (Page 29-1, ADA)

Emergency lighting will be provided in key areas of boat storage buildings, commercial buildings and fuel pump area. Emergency phone numbers will be posted in all buildings. The Sheriff's Department will have a key to the marina facility in case of emergency and boat slips will be made available for the Sheriff's Department and Florida Marine Patrol. (Page 29-1, ADA)

The boat storage buildings will be locked and secured. (Page II-24, SR)

Additional security measures to be provided on the site include fencing and securing aboveground storage of gas tanks and gas pumps to be locked after close of operation. Further, marina staff will operate or supervise the operation of all gas tanks and pumps. (Page 29-1, ADA)

Operational procedures for the marina will be required and enforced to control noise and boat traffic levels. The marina's hours of operation will be restricted from 8:00 a.m. until dusk.

All gas pumps will be turned off at dusk and locked. Boaters returning after dusk will be charged late fees and increased gas prices to deter their returning after close of operation. There will be a minimum age for owners of boat leases, and leases entered into between OMC and boat owners will include provisions of "two citations for violation of no-wake requirements will result in automatic termination of the lease". (Page 29-1, ADA)

General operational procedures will be included in marina lease agreements to encourage safe and courteous behavior. The Florida Marine Patrol and Pasco County Sheriff's Department - Marine Division will be offered boat slips on-site and will help to enforce idle speed zones. (Page II-24, SR)

FIRE

...[F]ire extinguishers will be provided on the boat docks. Emergency phone numbers will be posted in highly visible locations of all buildings and at the fuel storage area. The Fire Department will be provided with a key to the marina buildings. (Page 30-1, ADA)

Other safety features include an automatic spill alarm for the fuel system and the fuel tanks to be surrounded by a containment structure designed to contain 100 percent of the total volume of the fuel tanks. (Page 30-1, ADA)

OMC will coordinate their fire protection efforts with the local fire department and will provide adequate safety devices in the ...event of a fire. (Page II-24, SR)

Specific DRI Information

PORT FACILITIES

A maximum of 376 dry-storage slips (4 storage buildings - 94 boats each) designed to accommodate power boats under 30 feet in length are planned for the marina facility. (Page 41-1, ADA)

No overnight boat moorage or live-aboard moorage will be permitted. (Page 41-1, ADA)

No commercial boating activities or passenger services will be included. (Page 41-4, ADA)

Construction dredging will not be required as existing basin depths (average -5.0 feet MHW) are sufficient for marina operation. (Page 41-4, ADA)

Maintenance dredging within the immediate vicinity of the marina will be conducted by the facility owner. (Page 41-5, ADA)

The fuel tank system will be equipped with several precautionary features including pump leak detectors, pollutant detection systems and emergency fuel shutoffs with alarms...All fueling activities will be conducted or supervised by the marina staff. An appropriate spill contingency plan will be prepared and filed with the U.S. Coast Guard. (Page 41-5, ADA)

The applicant will commit to the use of fuel pumps with back pressure automatic cut-off valves to minimize any spills at the fuel docks as suggested in the "Coastal Marinas Assessment Handbook", U.S. EPA, 1985. Additional spill prevention and/or containment devices will be kept and maintained on-site as required by the U.S. Coast Guard. (Page 41-6, ADA)

Fuel pumps will be located on a fixed timber dock adjacent to the boat launch area. A sump will be located underneath the timber dock to collect minor fuel spills in the unlikely event that they should occur. (Page 41-6, ADA)

Vessels utilizing the marina facility will be limited to 30 feet in length...(Page I-12, SR)

"No-wake" signs will be posted in the Crown Canal system and the applicant will assist in the enforcement of this provision, as appropriate and authorized. (Page I-22, SR)

If it is later determined that the Crown Canal will require improvements other than maintenance dredging, then the developer will contribute their fair share towards this construction. (Page I-37, SR)

QMC has agreed to require a minimum age for owners of boat leases, and boat slips to be available for the Pasco County Sheriff and Florida Marine Patrol..(Page II-13, SR)

QMC will assist in enforcement of idle speed zones through lease agreements entered into by QMC and their tenants. These lease agreements will include provisions for eviction if boaters violate idle speed laws or other marina provisions. (Page II-19, SR)

It is appropriate that the prohibition of long term wet storage be a [D]evelopment [O]rder condition. (Page II-36, SR)

- * - Application for Development Approval
- *** - Sufficiency Response

EXHIBIT I

Southwest Florida Water Management District
Surface Water Management Permit No. 401793

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT



2379 BROAD STREET BROOKSVILLE FLORIDA 33512 9712
PHONE (904) 795 7211 SUNCOM 626 0111



MEMBER BOARD: Chairman: *William Wilcox*, Chairman, Wilcox Water Treatment Plant, Inc.
Members: *Donald E. Hendrix*, Lake Wales; *Henry J. Marshall, III*, St. Petersburg
Robert L. Harrison, MD, Tampa; *William W. Wilcox, Ph.D.*, Port Charlotte

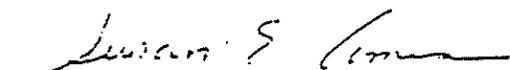
GARY W. KUHL, Executive Director DANIEL P. FERNANDEZ, General Counsel
WILLIAM K. HENNESSEY, Deputy Executive Director PETER G. HUBBELL, Deputy Executive Director

Enclosed is a copy of your approved Management of Surface Water Permit No. 401793. Carefully read over the attached Staff Report and all conditions of the Permit. Under Chapter 40D-1 of our Rules you have fourteen (14) days to request changes to final agency action taken. A Request of this type will require reevaluation by staff, and possible presentation to the Governing Board.

Your acceptance of the Permit constitutes a notice and agreement that the District may periodically review this Permit for compliance, including site inspections where applicable, and may initiate enforcement action for violation of the conditions and requirements thereof.

The enclosed Completion Statement form is provided to assist you in compliance with condition number 4 of the Permit.

You may contact this office if you have any questions or concerns about your permit.


SUSAN E. AMES, MANAGER
Processing & Records

cc: Consulting Engineer
M. Luchte

Issued Feb 13, 1987
ECP Feb 13, 1987



2577 BROAD STREET BROOKSVILLE, FLORIDA 32001
PHONE 904/798-7011 SUNCOAST 12 0111

MICHAEL ZAGORAC, JR., Chairman, Senior Wm. C. STUBBS, JR., Vice Chairman, Deer Cr.
MARY A. KUMPE, Secretary, Sarasota WALTER H. HARKALA, Treasurer, Palm Sp.
HORACE P. HERNON, Lake Wales ROY D. HARRELL, Jr., Ft. Pierce
ROBERT T. BRANSON, M.D., Tampa WILLIAM F. WOODS, Ph.D., Fort Pierce

GARY W. KUHL, Executive Director DANIEL P. FERNANDEZ, General Counsel
WILLIAM K. HENNESSEY, Deputy Executive Director PETER G. HUBBELL, Deputy Executive Director

MANAGEMENT OF SURFACE WATER PERMIT

Permittee: Outboard Marine Corporation
100 Sea Horse Drive
Waukegan, IL 60085

Permit No. 401793
Date Issued: February 13, 1987
Expiration Date February 13, 1990
County: Pasco
Project: Outboard Marine Corp. Marina
Sec./Town/Rge: 06/26/16

This permit is issued under the provisions of Chapter 373, Florida Statutes, and Florida Administrative Code Rule(s) 40D-4, 40D-10. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawings, plans, and other documents, attached hereto or on file with the District and made a part hereof and specifically described as follows:

Installation of a Surface Water Management System serving a 8.0± acre commercial project as named above.



CONDITIONS

The permittee shall perform the construction authorized in a manner so as to minimize any adverse impact of the system on fish, wildlife, natural environmental values, and water quality. The permittee shall institute necessary measures during the construction period, including full compaction of any fill material placed around newly installed structures, to reduce erosion, turbidity, nutrient loading and sedimentation in the receiving waters.

Water quality data for the water discharged from the permittee's property or into surface waters of the state shall be submitted to the District as required. Parameters to be monitored may include those listed in Chapter 17-3. Analyses shall be performed according to procedures defined in the current edition of Standard Methods for the Examination of Water and Wastewater by American Public Health Association or Methods for Chemical Analyses of Water and Wastes by the U.S. Environmental Protection Agency. If water quality data are required, the permittee shall provide data as required on volumes of water discharged, including total volume discharged during the days of sampling and total monthly discharges from the property into surface waters of the state.

The permittee shall comply with all applicable local subdivision regulations and other local requirements. In addition the permittee shall obtain all necessary Federal, State, local and local district authorizations prior to the start of any construction or alteration of works authorized by this permit.

The operation phase of this permit shall not become effective until the owner or his authorized agent certifies that all facilities have been constructed in accordance with the design approved by the District. Within 30 days after completion of construction of the surface water management system, the permittee shall submit the certification and notify the District that the facilities are complete. Upon completion of the surface water management system, the permittee shall request transfer of the permit to the responsible entity approved by the District. The District may inspect the system and require remedial measures as a condition of transfer of the permit.

5. All roads shall be set at or above elevations required by the applicable local government flood criteria.

6. All building floors shall be set at or above elevations acceptable to the applicable local government.

7. Off-site discharges during construction and development shall be made only through the facilities authorized by this permit. Water discharged from the project shall be through structures having a mechanism suitable for regulating upstream stages. Stages may be subject to operating schedules satisfactory to the District.

No construction authorized herein shall commence until a responsible entity acceptable to the District has been established and has agreed to operate and maintain the system. The entity must be provided with sufficient ownership so that it has control over all water management facilities authorized herein. Upon receipt of written evidence of the satisfaction of this condition, the District will issue an authorization to commence construction.

The permit does not convey to the permittee any property right nor any rights or privileges other than those specified in the permit and Chapter 40D-4.

The permittee shall hold and save the District harmless from any and all damages, claims, liabilities which may arise by reason of the construction, operation, maintenance or use of facility authorized by the permit.

This permit is issued based on the applicant's submitted information which reasonably estimates the adverse off-site water resource related impacts will not be caused by the stated permit activity. It is also the responsibility of the permittee to insure that adverse site water resource related impacts do not occur during construction.

Prior to dewatering, plans shall be submitted to the District for approval. Information shall include as a minimum; pump sizes, locations and hours of operation for each pump. If off-site discharge is proposed, or off-site adverse impacts are evident, an individual water use permit may be required. The permittee is cautioned that several months may be required for consideration of the water use permit application.

SPECIAL CONDITIONS

This permit is required to be kept at the work site of the permitted activity during the entire period of construction.

Except as authorized by this Permit, any further land development, wetlands disturbance or other construction within the total land area of this site will require additional permitting in accordance with Chapters 40D-4 and 17-25, F.A.C.

The permittee shall assure that erosion and sediment control measures required by Rule 17-25.025(7) shall be effectively implemented continuously from beginning of project construction until completion. Project detention/retention ponds and discharge control structures which are to be constructed as part of the project should be initially built and maintained continuously during project construction to avoid adverse impact to receiving waters or offsite.

Issued ~~on~~ of -- , 19
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

[Handwritten Signature]

AUTHORIZED SIGNATURE

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT



2379 BROAD STREET, BROOKSVILLE, FLORIDA 32512 9712
PHONE (904) 796 7211 SUNCOM 628 0111

MICHAEL ZAGORAC JR. *Chairman Belleair* Wm O STUBBS JR. *Vice Chairman Dade City*
MARY A KUMPE *Secretary Sarasota* WALTER M HARKALA *Treasurer Miami City*
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GARY W. KUHL, *Executive Director* DANIEL P. FERNANDEZ, *General Counsel*
WILLIAM K. HENNESSEY, *Deputy Executive Director* PETER G. HUBBELL, *Deputy Executive Director*

February 10, 1987

Outboard Marine Corporation
100 Sea Horse Dr.
Waukegan, IL 60085

Re: Project Name: Outboard Marine Corp. Marina Facility
File No.(s): SWM E05400 & MSW 401793
County: Pasco

Dear Sir:

Your Exemption Notice for New Stormwater Discharge Facility Construction was received on January 12, 1987. The notice form appears sufficient to meet minimum pre-construction notice and certification requirements of Section 17-25.03(2), F.A.C. However, please be advised that the receipt of your notice does not constitute a determination by the District that the proposed facility is exempt from the permit requirements of Chapter 17-25, Florida Administrative Code, or any other District regulation requirements.

All practicable and necessary effort should be taken during construction to control and prevent erosion and transport of sediment to surface drains, surface waters, or onto property other than that which you own. Revegetation and stabilization of disturbed ground surfaces should be accomplished and rapidly as possible to prevent erosion from occurring and reduce the sediment load in the discharge water.

Please be reminded that Section 17-25.03(2), F.A.C., requires that an engineer registered in Florida shall certify, on the form herewith provided, within 30 days after construction is completed, that the new stormwater discharge facility, as constructed, qualifies for exemption under this section.

Sincerely,

MARK A. LUCHE
Surface Water Permitting
Resource Regulation Department

MAL:jg

Enclosure: As-Built Certification By Professional Engineer (Exemption Notice)

cc: Mr. Sterling M. Brockwell, Jr., Moffatt & Nichol, Engineers, 3717
National Dr., Suite 107, Raleigh, NC 27612

TWENTY-FIVE YEARS OF SERVICE

GENERAL SURFACE WATER MANAGEMENT PERMIT APPLICATION NO.: USD# 201793
 PROJECT NAME: OUTBOARD MARINE CORP. MARINA FACILITY
 OWNER'S NAME: OUTBOARD MARINE CORPORATION
 LOCATION: (County Name) PASCO.
 (See Map) SECTION(S) 6 ; TOWNSHIP(S) 26 S ; RANGE(S) 16 E

SUMMARY

This application is for construction of a Surface Water Management System serving a 8.0± acre (SFR/MFR/MH/IND/COM/AGR) commercial project as named above.
 (see Legend below)

The staff recommendation is for construction permit approval with standard permitting conditions and specific conditions as listed.

I. BACKGROUND:

- A. Date Received: 1/12/87 Date Complete: 1/12/87
- B. Type and Description of Land Use: COMMERCIAL
(see Legend below)
- C. Purpose of Application and Staff Review:
 New Construction () Transfer () Alteration
 Modification of Existing Permit No. _____
 Other _____

II. EXISTING ADJACENT FACILITIES:

- A. Does the file information indicate that the applicant's development proposal has been designed to consider any off-site runoff contribution and avoid adverse impact to existing adjacent facilities?
 YES; () NO - Explain _____

Legend:

(SFR = Single Family Residential) (IND = Industrial) (MH = Mobile Home)
 (MFR = Multiple Family Residential) (COM = Commercial) (AGR = Agricultural)

III. PROPOSED FACILITY AND SITE:

A. Description: (see file information for details)

DETENTION; () RETENTION

- () Excavated Ponds () Existing Pits () On-Site Wetland
(X) Swales or Ditches () Diked Ponds () Pipes
() Other _____

() PUMPED DISCHARGE

B. Receiving Waterbody: (Name): CANAL CONNECTED TO CROSS BAYOU TO GULF

Receiving waterbody's owner or maintenance entity, and whether natural or man-made:

MAN-MADE CANAL

IV. EVALUATION:

A. Water Quantity:

1. Allowable Discharge: Does the applicant's engineer indicate that a post-development downstream discharge rate will not adversely exceed or reduce the pre-development discharge rate during a 25 year-24 hour rainfall event?

YES; () NO - EXISTING DISCHARGE TO THE GULF, NOT ADVERSELY AFFECTED BY DISCHARGE RATES OF THIS MAGNITUDE) 1" OF WATER QUALITY TREATMENT GIVEN FOR LI REQUIRED ATTENUATION OF THE 25 YEAR - 24 HOUR RAINFALL EVENT.

2. Flood Protection: Does the applicant's engineer indicate that a proposed development will not create adverse impacts due to encroachment into the 100-year floodplain; and that provision has been made to replace or otherwise mitigate the loss of historic basin storage provided by a project site?

YES; () NO - Explain _____

B. Water Quality: Does the applicant's engineer indicate project compliance with Chapter 17-25, F.A.C.?

YES: Exemption Notice or Permit No. ED5400

() NO - Explain _____

C. Environmental Considerations: Does the file information indicate avoidance or mitigation of adverse impacts to significant wetlands and other unique hydrologic features by the proposed development?

YES; () NO - Explain _____

NO WETLANDS ON SITE

D. Land Use Information: Does the file information indicate that the proposed development is compatible with approved local zoning?

YES; () NO - Explain _____

E. Utilities: Does the file indicate suitable water and waste water facilities are being provided for the project?

YES; () NO - Explain _____

F. System Operation: Does the file information indicate a person or entity responsible for system maintenance and operation?

YES; () NO - Explain _____

V. RECOMMENDATIONS:

Staff recommends approval of Construction Permit, with standard permitting conditions and listed specific conditions:

VI. SPECIFIC CONDITIONS:

1. This permit is required to be kept at the work site of the permitted activity during the entire period of construction.
2. Except as authorized by this Permit, any further land development, wetlands disturbance or other construction within the total land area of this site will require additional permitting in accordance with Chapters 40D-4 and 17-25, F.A.C.
- () Rights-of-way and easement locations necessary to construct, operate and maintain all facilities, including wetlands, which constitute the permitted surface water management system shall be shown on the final subdivision plat and recorded in the county public records as reserved for water management purposes.
- () Establishment and survival of littoral areas as required for wetlands mitigation shall be assured by proper planting and continuing maintenance procedures designed to promote viable wetlands plant growth of natural diversity and character. As-built documentation of the established wetland mitigation areas shall be submitted to the District for inspection and approval prior to the operation phase of this permit becoming effective. Following as-built approval, a maintenance schedule shall provide for quarterly monitoring for the first year and semi-annual monitoring for the next two years to assure establishment of aquatic vegetation. Monitoring parameters shall include: (a) water level elevation, (b) per cent survival of each planted species; and (c) per cent coverage of naturally recruited vegetation. Photographic documentation shall be provided for each monitoring event. Cattail and exotic plant species

shall be removed manually during the three-year establishment period. An 85 per cent survivorship guarantee is required for all planted species. Annual replanting will be required if survivorship falls below 85 per cent of the initial number of plants installed. Reports shall be submitted to the District (Surface Water Permitting Section; Attention: Environmental Scientist) after each monitoring event during the three-year period.

3. (X) The permittee shall assure that erosion and sediment control measures required by Rule 17-25.025(7) shall be effectively implemented continuously from beginning of project construction until completion. Project detention/retention ponds and discharge control structures which are to be constructed as part of the project should be initially built and maintained continuously during project construction to avoid adverse impact to receiving waters or offsite.
- () Any existing wells in the path of construction shall be properly plugged and abandoned by a licensed water well contractor in accordance with Chapter 40D-3 and Rule 17-21.10(4), F.A.C.
- () Any existing septic tanks on this site shall be abandoned at the beginning of project construction in accordance with Rule 10D-6.53, F.A.C.
- () Any existing fuel storage tanks and fuel pumps on this site shall be removed at the beginning of project construction in accordance with Rule 17-61.05(3)(c), F.A.C.
- () All retention/detention pond side slopes, except over filter media, shall be sodded, and staked as necessary, to prevent erosion.
- () This modified permit amends the previously issued Construction Permit No. _____ Dated: _____
Entitled: _____
- () Other: _____

Environmental Reviewer (initials): GM

Prepared by: Mark A. Luchte

MARK A. LUCHE

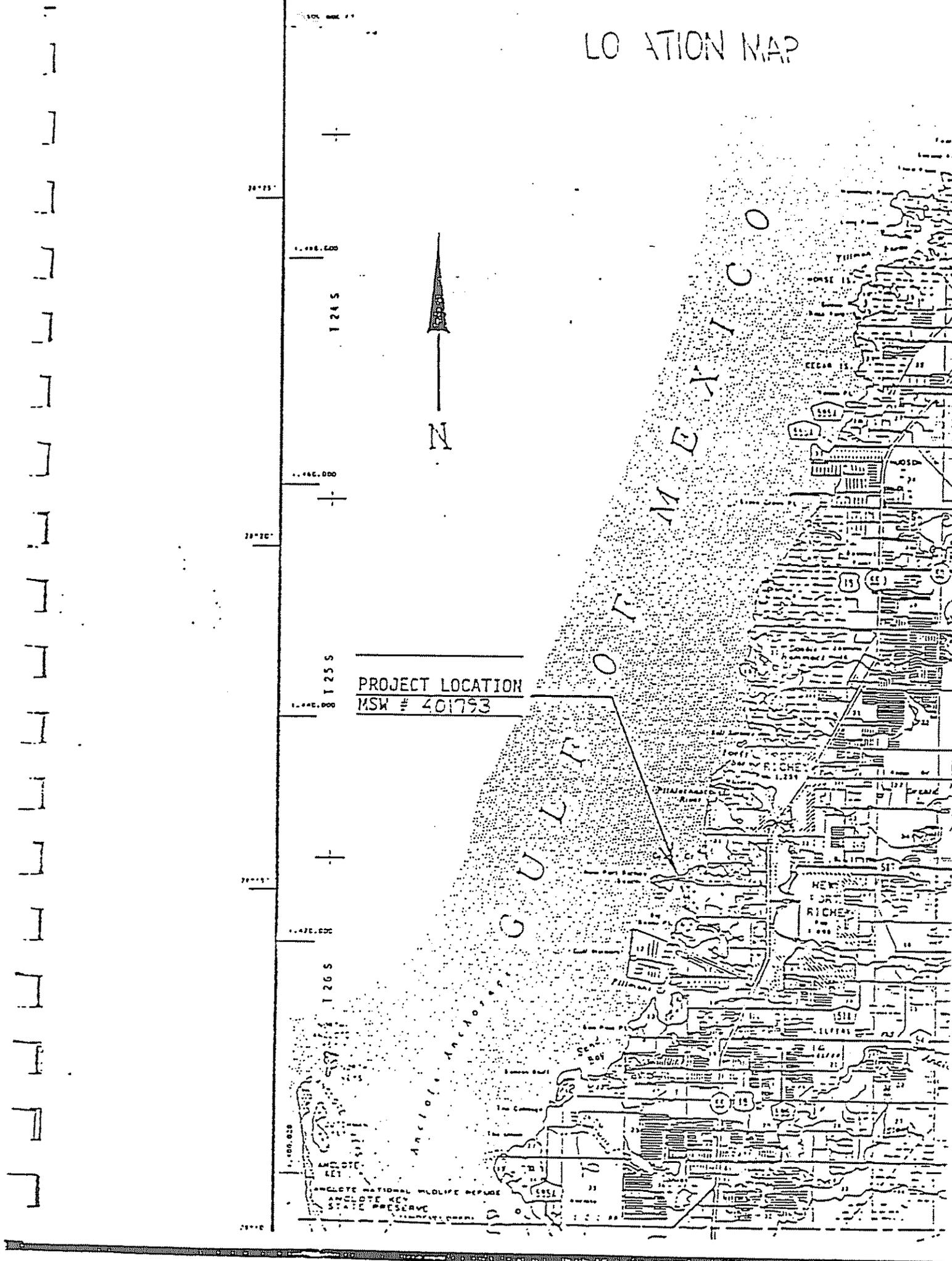
Received By: Charles H. Miller

for: CHARLES H. MILLER, P.E., Manager
Surface Water Permitting
Resource Regulation Department

Attachments: Location Map
Proposed Permit

9/15/86

LOCATION MAP



PROJECT LOCATION
MSW # 401793

PROJECT NATIONAL WILDLIFE REFUGE
WILDLIFE PRESERVE



28°25'

28°20'

28°15'

124 S

125 S

125 S

126 S

127 S

PROJECT NATIONAL WILDLIFE REFUGE
WILDLIFE PRESERVE