



Planning, Zoning & Building Department  
 501 Bay Isles Road  
 Longboat Key, Florida 34228  
 Fax Number: (941) 316-1970  
 Web: <http://www.longboatkey.org>

(941) 316-1966

### APPLICATION FOR VARIANCE

Date Filed \_\_\_\_\_ Receipt # (\$1000.00 deposit) \_\_\_\_\_ Petition No. \_\_\_\_\_  
 (Application fee of \$450 will be deducted from deposit)

**THE APPLICANT IS REQUIRED TO SUBMIT SEVENTEEN (17) (ORIGINAL PLUS SIXTEEN (16) COPIES) INDIVIDUAL, COLLATED SETS OF THIS APPLICATION, SUPPORTING PLANS AND DOCUMENTS.**

(I) (We) Edward & Terry Kolodzieski of 6550 Bayou Hammock Road  
 \_\_\_\_\_  
 (name) (mailing address)  
Longboat Key, FL 34228 158.155(A)(4)(b)

request a Variance from Section (s) \_\_\_\_\_  
 of the Town of Longboat Key Zoning Ordinance to construct a replacement dock that extends  
further waterward than 50' from mean high water line  
 (brief description, i.e., to reduce side yard from 20' to 15')

Subject property is located at 6550 Bayou Hammock Road  
 \_\_\_\_\_  
 (street number location)

The legal description is as follows: \_\_\_\_\_  
 (Lot(s)) (Block) (Subdivision or Plat)  
 or \_\_\_\_\_ (see Exhibit A attached)  
 \_\_\_\_\_ (if otherwise legally described)

LIST OF NAMES AND ADDRESSES OF ALL OWNERS OF PROPERTY WITHIN A DISTANCE OF 500 FT. FROM THE OUTSIDE EDGES OF THE PROPERTY INVOLVED WILL BE PROVIDED BY THE TOWN.

(I) (WE) believe that the Zoning Board of Adjustment should grant this Variance pursuant to Section 158.029 of the Town Code because all of the following criteria are factually supported in this petition:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
- (2) The special conditions and circumstances do not result from the actions of the applicant.
- (3) Granting the variance requested will not confer on the applicant any special privilege that is denied by Chapter 158 to other lands, buildings, or structures in the same zoning district.
- (4) Literal interpretation of the provisions of Chapter 158 would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of Chapter 158 and would work unnecessary and undue hardship on the applicant.

- (5) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.
- (6) The grant of the variance will be in harmony with the general intent and purpose of Chapter 158, and the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

STATE SEPARATELY HOW EACH OF THE ABOVE SIX (6) CRITERIA ARE FACTUALLY PRESENT IN YOUR VARIANCE REQUEST:

\_\_\_\_\_

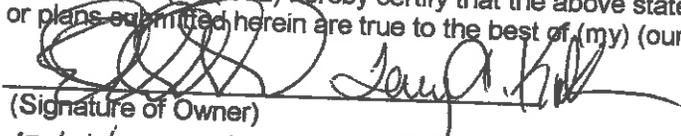
\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(ATTACH EXTRA SHEET, IF NECESSARY)

( I ) ( WE ) understand that this Petition becomes a part of the permanent records of the Zoning Board of Adjustment. ( I ) ( WE ) hereby certify that the above statements and the statements or showings made in any paper or plans submitted herein are true to the best of (my) (our) knowledge and belief.



(Signature of Owner)

Ed Kolodzieski & Terry Kolodzieski

(Please print or type Owner's Name)

\_\_\_\_\_

The Owner has hereby designated the above signed person to act as his agent in regard to this Petition. (To be executed when Owner designates another to act on his behalf.)

Mailing address you wish information sent to and telephone number:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Print or type Agent Name

Phone # ( ) \_\_\_\_\_

Fax # ( ) \_\_\_\_\_

**Notarization of Agent's Signature:**

State of FLORIDA

County of MANATEE

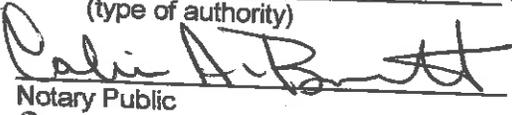
The foregoing instrument was acknowledged before me this 29 day of APRIL 20 13

by ED KOLODZIESKI AND TERRY KOLODZIESKI

as OWNERS for OWNERS

(type of authority)

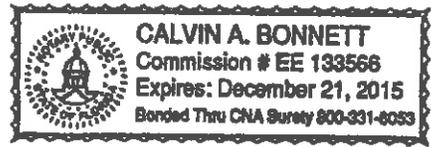
(name of party acting on behalf of)



Notary Public

CALVIN A. BONNETT

Name of Notary (print, typed or stamped)



Personally know  OR produced identification  Type of Identification \_\_\_\_\_

**FOR STAFF USE ONLY**

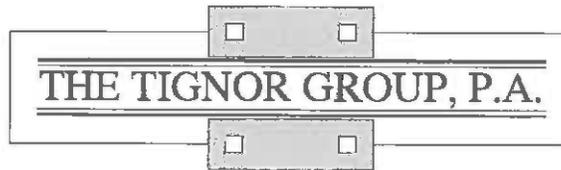
Application Fee: \$ 1000.00 deposit\* \_\_\_\_\_ Receipt # \_\_\_\_\_  
(Application fee will be deducted from deposit)

Application and Plans Accepted By: \_\_\_\_\_ Date: \_\_\_\_\_

File Code/Number: \_\_\_\_\_

*\*Deposit required at time of formal submission*

At the conclusion of your plan review by the Town, you will be billed for additional staff time, Town Attorney cost, cost of advertising, and any other miscellaneous costs incurred with the processing of your application(s). Costs will be deducted from initial deposit. If costs exceed the initial deposit, you will be billed for the remaining costs incurred; or you will be refunded the unused portion of the deposit.



ARCHITECTURE • ENGINEERING • PLANNING

December 18, 2013

Mr. Steve Schield  
Planning Department  
Town of Longboat Key  
561 Bay Isle Road  
Longboat Key, Florida 34228

RE: Edward and Terry Kolodzieski – 6550 Bayou Hammock Road  
Request for Variance – Town of Longboat Key – Boat Dock

Dear Mr. Schield:

On behalf of Edward and Terry Kolodzieski, we are herewith submitting an application for a variance for a replacement dock with tie-off pilings at 6550 Bayou Hammock Road. Attached, please find the original and 16 copies of the following information: a completed, signed application form; legal description; departure request page; engineered plans (signed and sealed); a special purpose survey showing shoreline conditions and bathymetric information (signed and sealed); and the state and federal approval document. We are also enclosing the requisite application fee of \$1000.

The requested departure is for an overall waterward projection of 102 feet from the mean high water line. There is an existing dock at the site that projects 50 feet waterward of the mean high water line, so the requested departure is for an additional 52 feet from the mean high water line.

The existing single-family dock is in an area of shallow water and seagrass beds. As shown on the special-purpose survey, there is seagrass along the entire property frontage, extending from 38 feet to 110 feet from the mean high water line. The depths in the current mooring areas are 1.5 to 3 feet deep. Also, the existing dock is located within fifteen feet of the southern riparian line, which is not conforming to state criteria.

The following information is tendered in support of the application to provide a replacement dock which will be an improvement upon the existing dock situation.

**(1) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.**

The existing shoreline consists of seagrass beds that extend along the entire frontage. These seagrass limits extend from the mean high water line 38 feet (at the extreme southern frontage) to more than 110 feet near the northern frontage. Likewise, the water

depths along the frontage are shallow, with the contours replicating the seagrass limits as one would expect to find since shallow water allows sunlight to help seagrasses grow. The 2-foot depth contour is located about 22 feet off the extreme southern property corner to more than 45 feet from the mean high water line near the northern frontage of the property. Note that this 2-foot depth is as measured to an average tide; low tides or low-low tides, as experienced in the winter months, would allow for even less than 2 feet of water depth at the location of the 2-foot average tide contour.

The shallow off-shore water depths and wide seagrass beds along the applicant's property are unique to his property and not necessarily present at other properties within the same zoning district.

**(2) The special conditions and circumstances do not result from the actions of the applicant.**

The existing conditions, shallow water depths and the presence of seagrass beds, are not the result of actions of the applicant.

**(3) Granting the variance requested will not confer on the applicant any special privilege that is denied by Chapter 158 to other lands, building, or structures in same zoning district.**

There have been several variances for docks in the Town of Longboat Key that have been granted due to shallow off-shore water depths and/or the presence of seagrass beds. There is one variance we are aware of in the area (Petition #6-96, KLL Company) that allowed for dock structure departures under the same code criteria (Chapter 158.155) as the subject petition. This variance was for 7100 Longboat Drive.

**(4) Literal interpretation of the provisions of Chapter 158 would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of Chapter 158 and would work unnecessary and undue hardship on the applicant.**

The applicant's shoreline conditions are not compatible with current regulations and codes. Designing a boat dock that would provide adequate water depths for two vessels, mooring outside of seagrass beds, and meet setback and size/projection criteria is impossible at this location.

The applicant would like to moor his boats in adequate water depths. Also, the environmental agencies discourage mooring within seagrass beds. In order to be compatible with boating needs and sensitive to the environment, the applicant needs to have a dock and mooring areas that are in a different location than the present situation or in a different location that the code would allow. The proposed dock and slip areas are designed to current state-of-the-art standards and meet all current Department of Environmental Protection (DEP) and Army Corps of Engineers (ACOE) permitting regulations. In addition, the existing dock is not located far enough away from the southern riparian line, so the relocated dock would bring the dock into conformance with state regulations.

**(5) The variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.**

The proposed variance is for one departure from the Town Code. All other provisions of the Code will be met. The design of the dock is such that the mooring areas gets all propellers out of the seagrass limits. There is no other way to minimize the overall proposed length of the dock for two boats and provide ingress-egress outside the seagrass beds without requiring the length that is provided in the proposal.

**(6) The grant of the variance will be in harmony with the general intent and purpose of Chapter 158, and the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.**

The proposed structure will provide a strong structure that will withstand storms better than the existing dock. The location of the proposed dock and mooring areas are further from the southern neighbor's property and dock, so it actually provides a safer distance from the adjacent structure and will be less cumbersome for area navigation.

Other variances for dock departures from the code have been allowed in the area, and there are some long docks north of the property.

The dock length will not impede navigation for other boaters as the dock is still set back adequately from the off-shore channel.

Improving the ability of seagrass to grow unimpeded without boat shading and eliminating the need to navigate through the seagrass beds to get to a mooring space could be described as providing better harmony with the environment. Normally, seagrass can grow well in waters of 2 to 3 feet deep, but the viability depends on conditions such as sunlight, turbidity, bottom conditions, currents, water temperature, and boat traffic. Sea grasses provide a necessary element to the food chain for sea life and, in general, provide opportunities for habitat and vegetation proliferation. Seagrasses release chemicals that help improve air and water quality.

The departures requested will result in an equal or better dock and slip area than would result from strict compliance with the code.

I hope that the information provided is sufficient for a hearing on the matter at the next available date. If you have any questions about the submitted information, please call. Thank you for your cooperation.

Sincerely,



Kristina V. Tignor, P.E.

Cc: Mr. and Mrs. Terry Kolodzieski, w/attachments

## **Legal Description (Exhibit A)**

RETURN TO:  
YESNER & BOSS

①

Prepared by and Return to:  
Yesner & Boss, P.L.  
Jo Ann M. Koonz, Esquire  
1819 Main Street, Suite 215  
Sarasota, Florida 34326  
Our File Number: S1062-172

Purchase Price: \$1,400,000.00

For official use by Clerk's office only

STATE OF Florida )  
COUNTY OF Manatee )

SPECIAL WARRANTY DEED  
(Corporate Seller)

THIS INDENTURE, made this June 14, 2010, between Superior Bank, as successor by merger to People's Community Bank of the West Coast, whose mailing address is: 25 S. Links Ave., Sarasota, FL 34236, Grantor, and Edward J. Kolodziecki and Terry A. Kolodziecki, husband and wife, whose mailing address is: 8487 Cedar Terrace, Rogers, AR 72756, Grantee:

WITNESSETH:

First party, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, does hereby grant, bargain, sell, aliens, remises, releases, conveys and confirms unto second party/parties, his/her/their heirs and assigns, the following described property, to wit:

SEE EXHIBIT A

Subject, however, to all covenants, conditions, restrictions, reservations, limitations, easements and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any, and property taxes accruing subsequent to December 31, 2009.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.  
TO HAVE AND TO HOLD the same in fee simple forever.

AND the Grantor hereby covenants to Grantee, that it is lawfully seized of said land in fee simple: that it has good right and lawful authority to sell and convey said land; that it hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the Grantor.

IN WITNESS WHEREOF, Grantor has signed and sealed these present the date set forth on June 14, 2010.

Signed, sealed and delivered  
in the presence of:

Superior Bank, as successor by merger to People's Community  
Bank of the West Coast

[Signature]  
Witness signature

[Signature]  
By: \_\_\_\_\_  
Print Name: Rana Johnson  
Title: Vice-President

Vera P. McGill  
Print witness name

[Signature]  
Witness signature

P. EDWARD MCGUIRE  
Print witness name

(Corporate Seal)

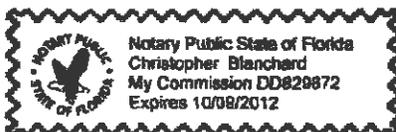
State of Florida  
County of MANATEE

THE FOREGOING INSTRUMENT was acknowledged before me this 14 day of June, 2010 by Rana Johnson, as Vice-President of Superior Bank, as successor by merger to People's Community Bank of the West Coast, who is personally known to me or who has produced \_\_\_\_\_ as identification.

Christopher Blanchard  
Notary Public  
Christopher Blanchard  
Print Notary Name

My Commission Expires: 10.9.12

Notary Seal



**EXHIBIT A**

Begin at original Government M.C. corner for Sections 15 and 22, Township 35 South, Range 16 East, in Manatee County, Florida, thence easterly along the north line of the said Section 22, Township 35 South, Range 16 East 1330.5 feet to a point; thence  $37^{\circ} 00'$  right of said line of Section 22, 450 feet southeasterly to Point "A"; thence continuing on the same line 40 feet to a point; thence  $02^{\circ} 45'$  right of the projected line 110 feet to a point; thence  $90^{\circ} 00'$  left northeasterly 25 feet to the point of beginning; thence continuing on the same line 225 feet more or less, to the shores of Sarasota Bay; thence in a northwesterly direction along the shore line of Sarasota Bay 163 feet, more or less, to a point which is 270 feet, more or less, northeasterly at  $90^{\circ} 00'$  from the above mentioned Point "A"; thence in a southwesterly direction and on a line and said line is  $90^{\circ} 00'$  northeasterly from the above mentioned Point "A"; 245 feet, more or less, to a point and said point is 25 feet at  $90^{\circ} 00'$  northeasterly from said Point "A"; thence  $90^{\circ} 00' 48''$  feet, more or less in a southeasterly direction to a point; thence  $02^{\circ} 45'$  right 102 feet, more or less to the point of beginning; the above described property lying in a portion of Fractional Sections 22 and 23, Township 35 South, Range 16 East, Manatee County, Florida.

**Departure Request:**

The requested departure is for an overall waterward projection of 102 feet from the mean high water line. The existing overall waterward projection is 50 feet waterward of the mean high water line, so the requested departure is for an additional 52 feet from the mean high water line.

Section 158.155(A)(4)(b) allows docks/structures to extend no more than 50 feet from the mean high water line.

Site Plan (last revision date 12/18/13)

# SARASOTA BAY

## SITE

6550 Bayou Hammock Rd.  
Longboat Key, FL 34228

## LONGBOAT KEY

LOCATION  
MAP  
SCALE

**THE TIGNOR GROUP, P.A.**

ARCHITECTURE • ENGINEERING • PLANNING

1055 South Tamiami Trail, Suite 110-B  
Sarasota, Florida 34236  
(941) 365-6476 Fax: (941) 365-0819

### Applicant:

Mr. & Mrs. Edward Kolodzieski  
6550 Bayou Hammock Rd.  
Longboat Key, FL 34228

March 18, 2013

Revised:  
11/8/13



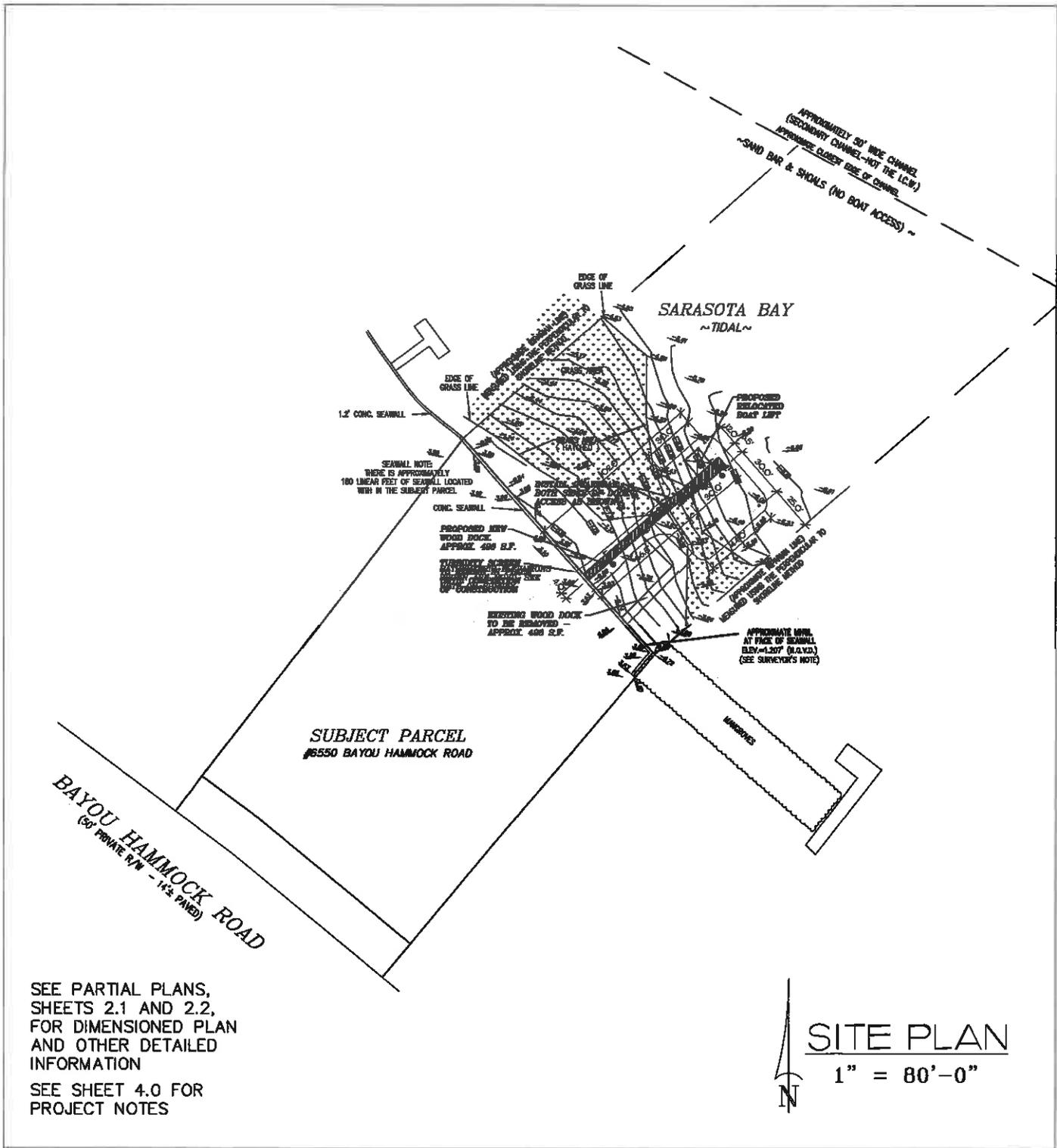
KRISTINA V. TIGNOR, P.E.  
FL. REG. NO. 41238

11/25/13

DATE

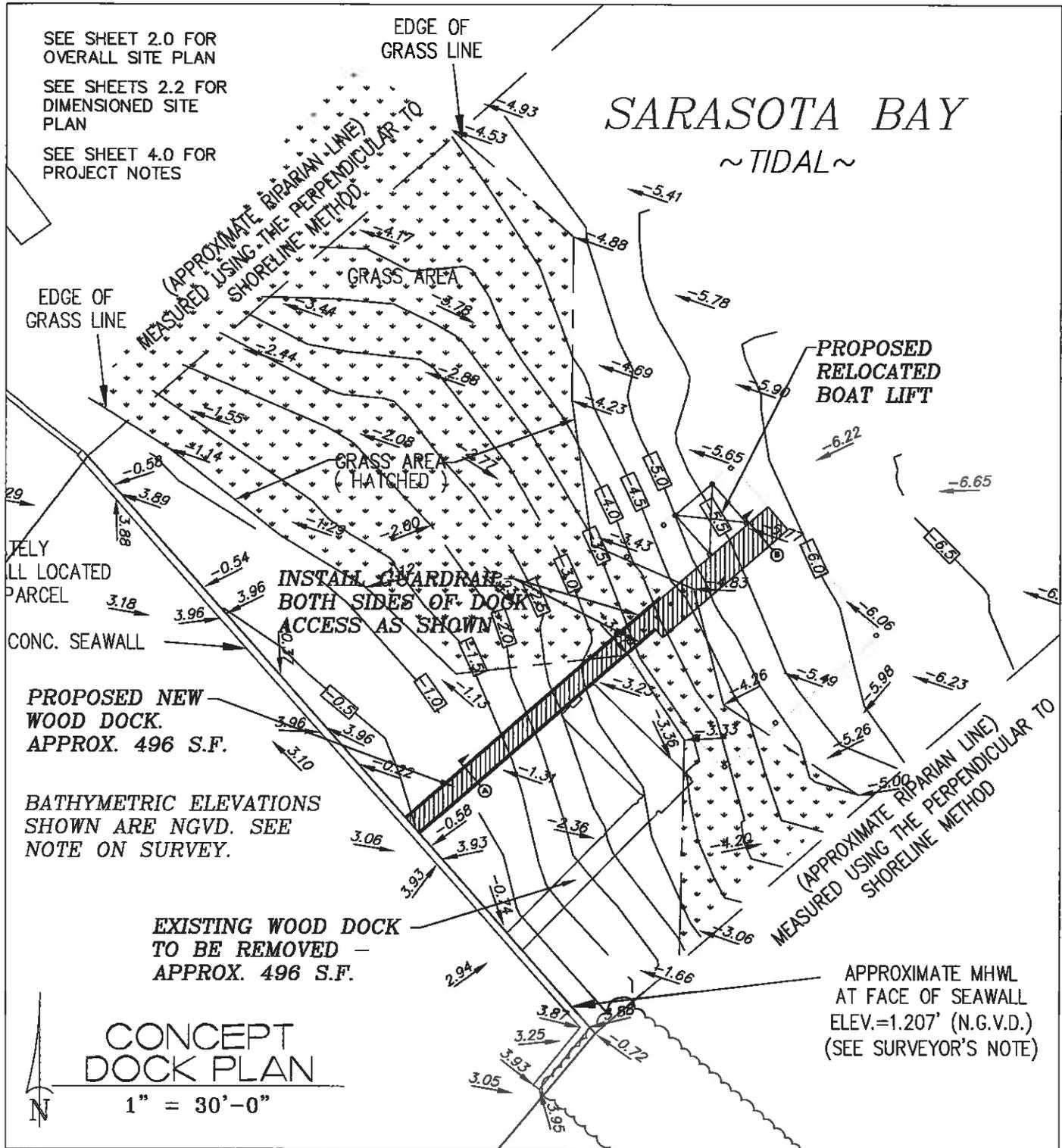
1.0

SHEET NO.



ARCHITECTURE • ENGINEERING • PLANNING  
 1055 South Tamiami Trail, Suite 110-B  
 Sarasota, Florida 34236  
 (941) 365-6476 Fax: (941) 365-0819

<b>Applicant:</b>		March 18, 2013
Mr. & Mrs. Edward Kolodzieski		Revised:
6550 Bayou Hammock Rd.		4/30/13, 11/8/13,
Longboat Key, FL 34228		12/18/13
	12/18/13	2.0
KRISTINA V. TIGNOR, P.E.	DATE	SHEET NO.
FL. REG. NO. 41238		



ARCHITECTURE • ENGINEERING • PLANNING  
1055 South Tamiami Trail, Suite 110-B  
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Mr. & Mrs. Edward Kolodzieski  
6550 Bayou Hammock Rd.  
Longboat Key, FL 34228

March 18, 2013

Revised:  
4/30/13, 11/8/13,  
12/18/13

*Kristina V. Tignor*

KRISTINA V. TIGNOR, P.E.  
FL. REG. NO. 41238

12/18/13

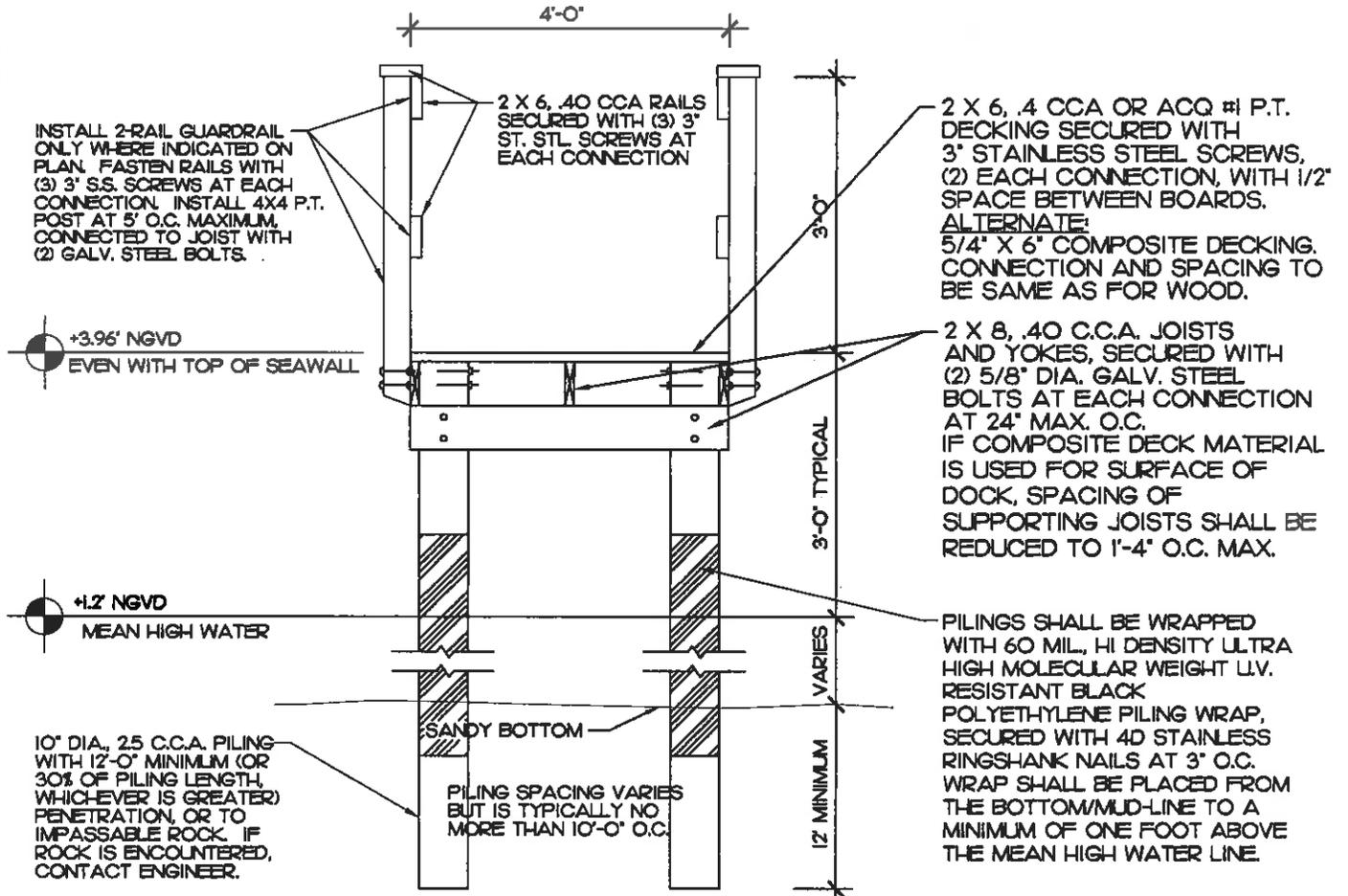
DATE

2.1

SHEET NO.



SEE SHEET 4.0 FOR  
PROJECT NOTES



**DIMENSIONED  
CROSS SECTION 'A'**

1/2" = 1'-0"



ARCHITECTURE • ENGINEERING • PLANNING

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Sarasota, Florida 34236  
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**Applicant:**

Mr. & Mrs. Edward Kolodzieski  
6550 Bayou Hammock Rd.  
Longboat Key, FL 34228

March 18, 2013

Revised:  
11/8/13

*Kristina V. Tignor*

KRISTINA V. TIGNOR, P.E.  
FL. REG. NO. 41238

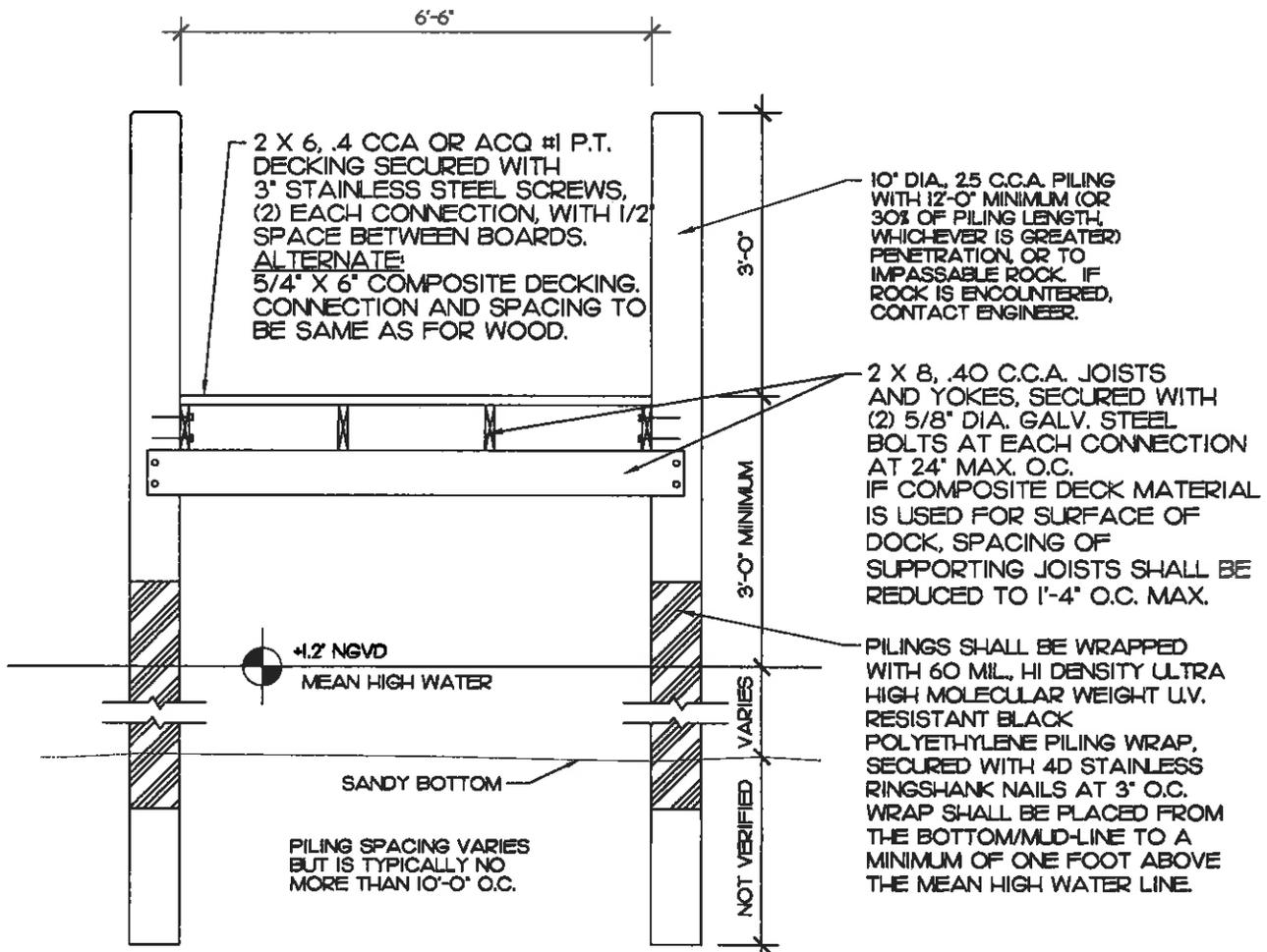
11/25/13

DATE

3.1

SHEET NO.

SEE SHEET 4.0 FOR  
PROJECT NOTES



DIMENSIONED  
CROSS SECTION 'B'

1/2" = 1'-0"

**THE TIGNOR GROUP, P.A.**

ARCHITECTURE • ENGINEERING • PLANNING

1055 South Tamiami Trail, Suite 110-B  
Sarasota, Florida 34236  
(941) 365-6476 Fax: (941) 365-0819

Applicant:

Mr. & Mrs. Edward Kolodziecki  
6550 Bayou Hammock Rd.  
Longboat Key, FL 34228

March 18, 2013

Revised:  
11/8/13

*Kristina V. Tignor*

KRISTINA V. TIGNOR, P.E.  
FL. REG. NO. 41238

11/25/13

DATE

3.2

SHEET NO.

NOTES:

1. DATUM = NGVD  
MHW = +1.207'± NGVD  
MLW = -0.103'± NGVD
2. SURVEY INFORMATION PROVIDED BY STRAYER  
SURVEYING AND MAPPING, INC., DATED 6/6/12,  
REVISED 10/9/13
3. DOCK AREA:  
TOTAL EXISTING - 496 S.F.  
EXISTING TO BE REMOVED - 496 S.F.  
PROPOSED NEW - 496 S.F.  
TOTAL PROPOSED - 496 S.F.
4. WATER DEPTHS, REPRESENTED BY  
CONTOURS, ARE NGVD

**THE TIGNOR GROUP, P.A.**

ARCHITECTURE • ENGINEERING • PLANNING

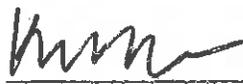
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Mr. & Mrs. Edward Kolodzieski  
6550 Bayou Hammock Rd.  
Longboat Key, FL 34228

March 18, 2013

Revised:  
11/8/13  
11/25/13



KRISTINA V. TIGNOR, P.E.  
FL. REG. NO. 41238

11/27/13

DATE

4.0

SHEET NO.

## Special-Purpose Survey

# LEGEND

- ⊗ = 5/8" IRON ROD FOUND (I.D. NOTED)
- ⊙ = 1/2" IRON PIPE FOUND (SIZE NOTED)
- (P) = PLAT DIMENSION
- (M) = MEASURED DIMENSION
- (C) = CALCULATED DIMENSION
- (D) = DEEDED DIMENSION
- I.C.W. = INTERCOASTAL WATERWAY
- L.B. = LICENSED SURVEYOR BUSINESS
- N.T.S. = NOT TO SCALE
- R/W = RIGHT-OF-WAY
- C/L = CENTER LINE
- (TYP.) = TYPICAL
- CONC. = CONCRETE
- P.I.D. = PARCEL IDENTIFICATION NUMBER
- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING
- T.B.M. = TEMPORARY BENCH MARK
- EL./ELEV. = ELEVATION
- MHWL = MEAN HIGH WATER LINE
- ± = EXISTING ELEVATION



SCALE 1" = 50'

NOW OR FORMERLY  
LANDS OF CHAPIN  
P.I.D. #7832100007  
MANATEE COUNTY, FLORIDA

**P.O.C.**  
ORIGINAL GOVERNMENT MEANDER CORNER FOR  
SECTIONS 15 AND 22, TOWNSHIP 35 SOUTH,  
RANGE 16 EAST, MANATEE COUNTY, FLORIDA  
(NOT FOUND)

T.B.M.   
ELEV. = 3.05'  
SET ROD & CAP  
L.B. #6639

## SUBJECT PARCEL

~RESIDENCE~  
#6550 BAYOU HAMMOCK ROAD

INTERIOR IMPROVEMENTS NOT SHOWN  
PER CLIENT REQUEST

NOW OR FORMERLY LANDS OF  
KOLODZIESKI  
P.I.D. #7832500008

LINE	BEARING	DISTANCE
L1	S 53°00'00" E	40.60' (M)
L1	SOUTHEASTERLY	48'± (D)
L2	S 50°15'00" E	111.81' (M)
L2	SOUTHEASTERLY	102'± (D)

T.B.M.   
ELEV. = 3.05'  
SET ROD & CAP  
L.B. #6639

NOW OR FORMERLY  
LANDS OF NICOL

P.I.D. #7833000008  
MANATEE COUNTY, FLORIDA

**SHEET 1 OF 2**

SURVEY NOT VALID WITH OUT  
SHEETS 1 AND 2

SEE SHEET 2 FOR SURVEYOR'S NOTES

## HYDROGRAPHIC SURVEY OF:

BEGIN AT ORIGINAL GOVERNMENT M.C. CORNER FOR SECTIONS 15 AND 22, TOWNSHIP 35 SOUTH, RANGE 16 EAST, IN MANATEE COUNTY, FLORIDA; THENCE EASTERLY ALONG THE NORTH LINE OF THE SAID SECTION 22, TOWNSHIP 35 SOUTH, RANGE 16 EAST, 1330.5 FEET TO A POINT; THENCE 37°00' RIGHT OF SAID LINE OF SECTION 22, 450 FEET SOUTHEASTERLY TO POINT "A"; THENCE CONTINUING ON THE SAME LINE 40 FEET TO A POINT; THENCE 02°45' RIGHT OF THE PROJECTED LINE 110 FEET TO A POINT; THENCE 90°00' LEFT NORTHEASTERLY 25 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ON THE SAME LINE 225 FEET MORE OR LESS, TO THE SHORES OF SARASOTA BAY; THENCE IN A NORTHWESTERLY DIRECTION ALONG THE SHORE LINE OF SARASOTA BAY 163 FEET, MORE OR LESS TO A POINT WHICH IS 270 FEET, MORE OR LESS, NORTHEASTERLY AT 90°00' FROM THE ABOVE MENTIONED POINT "A"; THENCE IN A SOUTHWESTERLY DIRECTION AND ON LINE AND SAID LINE IS 90°00' NORTHEASTERLY FROM THE ABOVE MENTIONED POINT "A"; 245 FEET MORE OR LESS, TO A POINT AND SAID POINT IS 25 FEET AT 90°00' NORTHEASTERLY FROM SAID POINT "A"; THENCE 90°00' 48 FEET, MORE OR LESS IN A SOUTHEASTERLY DIRECTION TO A POINT; THENCE 02°45' RIGHT 102 FEET; MORE OR LESS TO THE POINT OF BEGINNING; THE ABOVE DESCRIBED PROPERTY LYING IN A PORTION OF FRACTIONAL SECTIONS 22 AND 23, TOWNSHIP 35 SOUTH, RANGE 16 EAST, MANATEE COUNTY, FLORIDA.

**PREPARED FOR:**  
EDWARD J. KOLODZIESKI &  
TERRY A. KOLODZIESKI

**REVISION:**  
10/09/13 - REVISED RIPARIAN LINES-R.S.S.

THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE  
"MINIMUM TECHNICAL STANDARDS FOR SURVEYS" SET FORTH  
IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE,  
PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND  
IS NOT INTENDED TO MEET ANY OTHER MUNICIPAL OR  
NATIONAL STANDARD OR REQUIREMENT UNLESS NOTED.

**DATE OF FIELD SURVEY**  
6/6/12

**FIELD BOOK:** 557  
**PAGE:** 11-12  
**CHECKED BY:** B.G.R.  
**DRAWN BY:** J.D.G.

**FILE #:** 12-06-06

STRAYER SURVEYING & MAPPING, INC.  
LICENSED SURVEYOR BUSINESS NO. 6679

ROBERT B. STRAYER, JR.  
FLORIDA SURVEYOR & MAPPER REG'N NO. 5027

"NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED  
SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER."

E.S.T. 1987  
**STRAYER**  
SURVEYING & MAPPING, INC.

742 Shamrock Boulevard  
Venice, Florida 34293  
(941) 496-9488  
(941) 824-4900  
Fax (941) 497-6186

www.strayersurveying.com

# SURVEYORS NOTES:

DESCRIPTION FURNISHED BY CLIENT. UPLAND BOUNDARY REFERENCES PREVIOUS SURVEY PREPARED BY BANKS ENGINEERING.

THE SURVEY AS SHOWN HEREON WAS MADE WITHOUT BENEFIT OF ABSTRACT OF TITLE, AND THEREFOR THE UNDERSIGNED AND STRAYER SURVEYING AND MAPPING, INC. MAKE NO GUARANTEES OR REPRESENTATIONS REGARDING INFORMATION SHOWN HEREIN PERTAINING TO EASEMENTS, CLAIMS OF EASEMENTS, RIGHTS-OF-WAY, SETBACK LINES, OVERLAPS, BOUNDARY LINE DISPUTES, AGREEMENTS, RESERVATIONS OR OTHER SIMILAR MATTERS WHICH MAY APPEAR IN THE ABSTRACT, BUT IF THE SAME, OR ANY OF THEM ACTUALLY (IS) ARE IN EXISTENCE ON THE LAND SURVEYED, THEN IN THAT EVENT, THE SAME (IS) ARE SHOWN HEREON.

THERE ARE NO APPARENT ENCROACHMENTS OTHER THAN SHOWN, NO BOUNDARY LINE DISPUTES, EASEMENTS OR CLAIMS OF EASEMENTS OF WHICH WE HAVE KNOWLEDGE.

NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS NOTED.

BEARINGS SHOWN HEREON ARE BASED ON THE RECORD DEED OF SUBJECT PARCEL, THE NORTHEAST R/W LINE OF BAYOU HAMMOCK ROAD, BEING S. 15°15'00" E.—ASSUMED

SYMBOL CHARACTERS AND OR POSITIONS MAY NOT BE DEPICTED TO SCALE FOR CLARIFICATION PURPOSES.

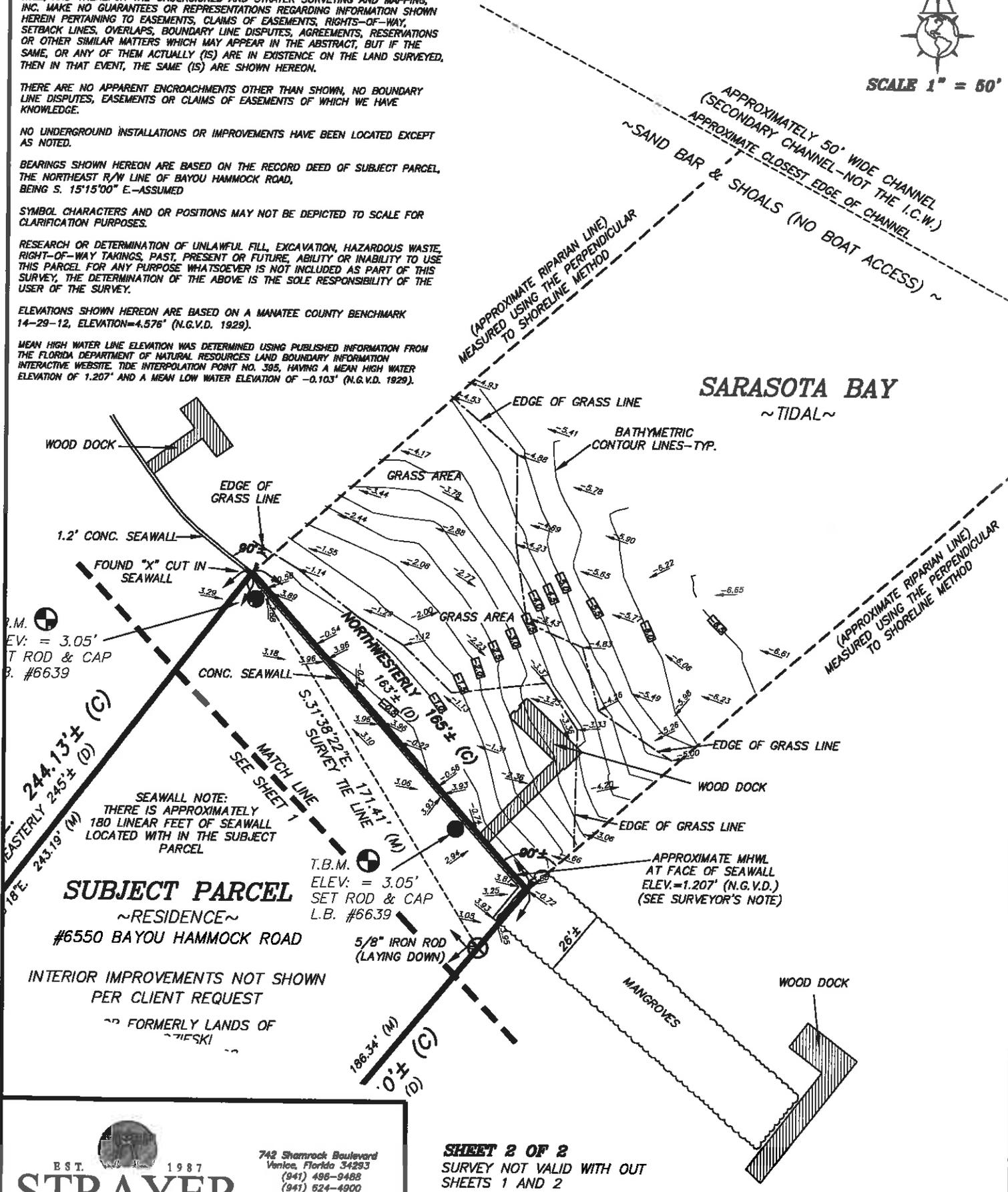
RESEARCH OR DETERMINATION OF UNLAWFUL FILL, EXCAVATION, HAZARDOUS WASTE, RIGHT-OF-WAY TAKINGS, PAST, PRESENT OR FUTURE, ABILITY OR INABILITY TO USE THIS PARCEL FOR ANY PURPOSE WHATSOEVER IS NOT INCLUDED AS PART OF THIS SURVEY, THE DETERMINATION OF THE ABOVE IS THE SOLE RESPONSIBILITY OF THE USER OF THE SURVEY.

ELEVATIONS SHOWN HEREON ARE BASED ON A MANATEE COUNTY BENCHMARK 14-29-12, ELEVATION=4.576' (N.G.V.D. 1929).

MEAN HIGH WATER LINE ELEVATION WAS DETERMINED USING PUBLISHED INFORMATION FROM THE FLORIDA DEPARTMENT OF NATURAL RESOURCES LAND BOUNDARY INFORMATION INTERACTIVE WEBSITE. TIDE INTERPOLATION POINT NO. 395, HAVING A MEAN HIGH WATER ELEVATION OF 1.207' AND A MEAN LOW WATER ELEVATION OF -0.103' (N.G.V.D. 1929).



SCALE 1" = 50'



SARASOTA BAY  
~TIDAL~

**SUBJECT PARCEL**  
~RESIDENCE~  
#6550 BAYOU HAMMOCK ROAD

INTERIOR IMPROVEMENTS NOT SHOWN  
PER CLIENT REQUEST  
FORMERLY LANDS OF  
ZIESKI

T.B.M.   
ELEV. = 3.05'  
SET ROD & CAP  
L.B. #6639

APPROXIMATE MHWL  
AT FACE OF SEAWALL  
ELEV. = 1.207' (N.G.V.D.)  
(SEE SURVEYOR'S NOTE)

**FDEP/Corps Approval**



**FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**

SOUTHWEST DISTRICT OFFICE  
13051 NORTH TELECOM PARKWAY  
TEMPLE TERRACE, FLORIDA 33637-0926

April 16, 2013

Edward Kolodzieski  
6550 Bayou Hammock Rd.  
Longboat Key, FL 34228

File No.: 41-0317468-001  
Manatee County

Dear Mr. Kolodzieski:

Thank you for your request to the Department for an exemption determination regarding the proposed construction of a 492-square-foot dock and boat lift within Sarasota Bay, a Class II Florida Waterbody. The project site is located at 6550 Bayou Hammock Rd., Longboat Key, Section 22, Township 35 South, Range 16 East, in Manatee County.

This type of activity requires a regulatory authorization for construction and operation of the project pursuant to Part IV, Chapter 373, Florida Statutes (F.S.), unless otherwise exempt by statute or rule, proprietary authorization to use state-owned submerged lands Chapters 253 and 258, F.S., and federal authorization for works in waters of the United States through the State Programmatic General Permit (SPGP) program. Your request has been reviewed for all three authorizations. The authorizations you have been granted are listed below. Please read each section carefully. Your project may not have qualified for all three authorizations. If your project did not qualify for one or more of the authorizations, that specific section will advise you how to obtain it. You may NOT commence your project without all three authorizations. If you change the project from what you submitted, the authorization(s) granted may no longer be valid at the time of commencement of the project. Please contact us prior to beginning your project if you wish to make any changes.

**REGULATORY REVIEW - APPROVED**

Pursuant to Part IV, Chapter 373, F.S., and based upon the forms, drawings, and documents submitted on March 20, 2013, the proposed project appears to qualify as an activity which is exempt from the need for a Department Environmental Resource regulatory permit under 40D-4.051(8)(c), Florida Administrative Code (F.A.C.). A copy of the applicable language for this exemption is attached. This determination is based solely on the information provided to the Department and the statutes and rules in effect when the request for an exemption determination was submitted and is effective only for the specific activity proposed. This determination shall automatically expire if site conditions materially change or the governing statutes or rules are amended. In addition, any substantial modifications in your plans should be submitted to the Department for review, as changes may result in a permit being required. In any event, this determination shall expire after one year.

This determination that your activity qualifies for an exemption does not relieve you from the need to comply with all applicable water quality standards during the construction and operation of the facility. Activities conducted under this exemption must be constructed and operated using appropriate best

management practices and in a manner which does not cause water quality violations, pursuant to Rule 62-302, F.A.C.

The determination that your project qualifies as an exempt activity pursuant to Rule 40D-4.051(8)(c), F.A.C. may be revoked if the installation is substantially modified, if the basis for the exemption is determined to be materially incorrect, or if the installation results in water quality violations. Any changes made in the construction plans or location of the project may necessitate a permit or certification from the Department. Therefore, you are advised to contact the Department before beginning the project and before beginning any work in waters or wetlands, which is not specifically described in your submittal.

Authority for review- Part IV of Chapter 373, F.S., Title 62, F.A.C. and in accordance to operating agreements executed between the Department and the Water Management Districts, as referenced in Chapter 62-113, F.A.C.

#### PROPRIETARY REVIEW – APPROVED

**Please be advised that any use of sovereign submerged lands without specific prior authorization from the Board of Trustees will be considered a violation of Chapter 253, Florida Statutes and may subject the affected upland riparian property owners to legal action as well as potential fines for the prior unauthorized use of sovereign land.**

As your project meets the provisions of Rule 18-21.005(1) (b), F.A.C., this letter is your authorization to use state-owned submerged land (if applicable) for the construction of your project, as required by Chapter 253.77, F.S. and 18-21, F.A.C.

Authority for review - Chapter 253 and Chapter 18-21, F.A.C., and Section 62-343.075, F.A.C. as required.

#### SPGP REVIEW - APPROVED

Your proposed activity as outlined on your application and attached drawings **qualifies** for Federal authorization pursuant to the State Programmatic General Permit IV-R1, and a **SEPARATE permit or authorization will not be required** from the Corps. Please note that the Federal authorization expires on July 25, 2016. You, as permittee, are required to adhere to all General Conditions and Special conditions that may apply to your project." A copy of the SPGP IV-R1 with all terms and conditions and the General Conditions may be found at <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>

Authority for review - an agreement with the USACOE entitled "Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection, or Duly Authorized Designee, State Programmatic General Permit", Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

Please see the copies of the exemption attached to this letter and note that all specific conditions in the rule must be met in order to qualify for this exemption. If you have any questions, please contact Michael Lynch at (813) 632-7600, extension 364. When referring to this project, please use the file number listed above.

Sincerely,



Michael Lynch  
Environmental Specialist  
Submerged Lands and Environmental  
Resource Program



Allyson Miniek  
Environmental Consultant  
Submerged Lands and Environmental  
Resource Program

cc: Kristina Tignor, The Tignor Group, P.A., [ktignor@thetignorgroup.com](mailto:ktignor@thetignorgroup.com)

**Enclosures:**

Chapter 40D-4.051(8)(c), F.A.C.

Project drawings

Notice of Rights of Substantially Affected Persons

General Consent Conditions for Use of Sovereignty Submerged Lands

General Conditions for Federal Authorization for SPGP IV-R1

Standard Manatee Construction Conditions

Sea Turtle and Smalltooth Sawfish Construction Conditions

Attachment "A" For Discretionary Publication

**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy clerk hereby certifies that this exemption, including all copies, was mailed before the close of business on **April 16, 2013**, to the above listed persons.

**FILING AND ACKNOWLEDGMENT**

FILED, on this date, under 120.52(7) of the  
Florida Statutes, with the designated Department Clerk,  
receipt of which is hereby acknowledged.

Clerk 

Date 4-16-2013

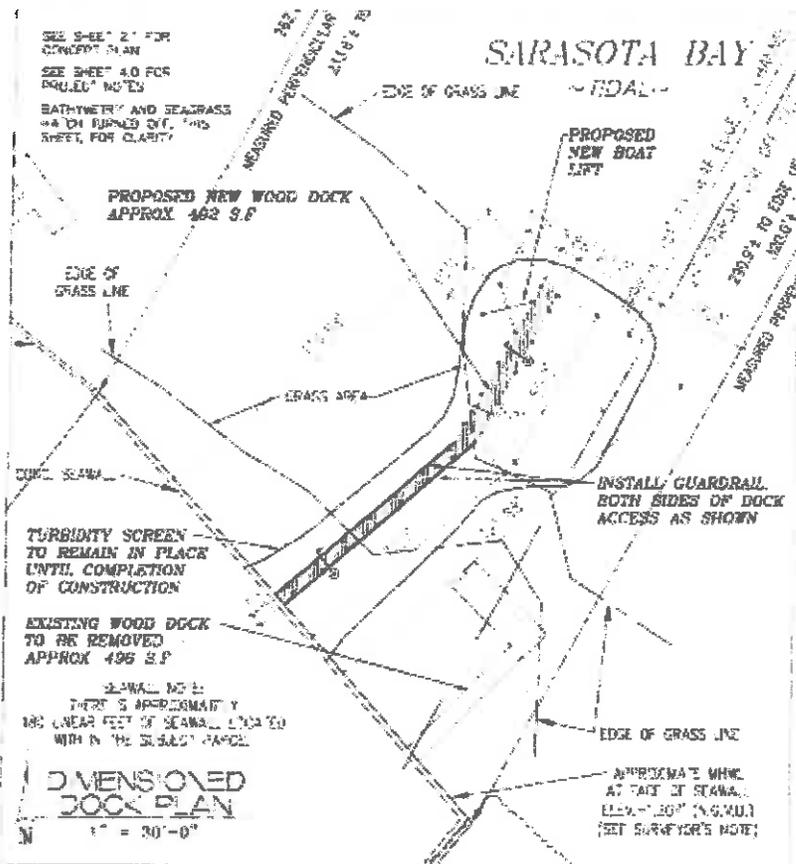
Edward Kolodzieski  
File No: 41-0317468-001  
Page 3 of 15

**40D-4.051(8)(c), F.A.C.**

(8) In accordance with the provisions of Section 403.813(2), F.S., no permit shall be required under Chapter 40D-4, 40D-40 or 40D-400, F.A.C., for the following activities:

(c) The installation and repair of private docks, piers and recreational docking facilities, or piers and recreational docking facilities of local government entities when the local governmental entity's activities will not take place in any manatee habitat, which structures have 1000 square feet or less of surface area over wetlands or other surface waters or 500 square feet or less of surface area over wetlands or other surface waters which are Outstanding Florida Waters. This exemption shall include the construction of structures above the dock or pier area, such as gazebos and boat shelters, provided such structures are not enclosed with walls and doors, are not used for living, commercial purposes, or storage of materials other than those associated with recreational use and provided the structures do not exceed, together with the docking facility or pier, the total area limitations above. To qualify for this exemption, any such structure:

1. Shall be used for recreational, non-commercial activities; and
2. Shall be constructed or held in place by pilings, including floating docks, so as not to involve filling or dredging other than necessary to install the pilings; and
3. Shall not substantially impede the flow of water or create a navigational hazard; and
4. Shall be the sole dock or pier constructed pursuant to this exemption as measured along the shoreline for a minimum distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case there may be one exempt dock allowed per parcel or lot. For the purposes of this rule, multi-family living complexes and other types of complexes or facilities associated with the proposed private dock shall be treated as one parcel of property regardless of the legal division of ownership or control of the associated property. Construction of a dock under this exemption does not obligate the District to issue a subsequent permit to construct a channel to provide navigational access to the dock. Activities associated with a dock shall include the construction of the structures attached to the dock which are only suitable for the mooring or storage of boats (i.e., boatlifts). Nothing in this paragraph shall prohibit the Department from taking appropriate enforcement action pursuant to Chapter 403, F.S., to abate or prohibit any activity otherwise exempt from permitting pursuant to this paragraph if the Department can demonstrate that the exempted activity has caused water pollution in violation of Chapter 403, F.S.



**THE HIGOR GROUP, P.A.**

ARCHITECTURE • ENGINEERING • PLANNING

100 South Central Expressway, Suite 1010 B  
Sarasota, Florida 34236  
PH: 941-555-6670 Fax: 941-555-6669

Applicant: Mr. & Mrs. Edward Kolodzieski  
6955 Bayou Hammock Rd  
Longboat Key, FL 34228

March 18, 2013  
Revised

*Edward Kolodzieski*

3/20/13

2.2  
SHEET NO

APPROVED BY: Edward Kolodzieski  
DATE: 3/20/13

## RIGHTS OF AFFECTED PARTIES

This letter acknowledges that the proposed activity is exempt from Environmental Resource Permitting requirements under Chapter 403.813(1)(b), F.S., and Chapter 40D-4.051(8)(c), F.A.C. This determination is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under sections 120.569 and 120.57 of the Florida Statutes as provided below. If a sufficient petition for an administrative hearing is timely filed, this determination automatically becomes only proposed agency action subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. The procedures for petitioning for a hearing are set forth in the attached notice.

This determination is based on the information you provided the Department and the statutes and rules in effect when the application was submitted and is effective only for the specific activity proposed. This determination shall automatically expire if site conditions materially change or the governing statutes or rules are amended. In addition, any substantial modifications in your plans should be submitted to the Department for review, as changes may result in a permit being required. In any event, this determination shall expire after one year.

Be advised that your neighbors and other parties who may be substantially affected by the proposed activity allowed under this determination of exemption have a right to request an administrative hearing on the Department's decision that the proposed activity qualifies for this exemption. Because the administrative hearing process is designed to re-determine final agency action on the application, the filing of a petition for an administrative hearing may result in a final determination that the proposed activity is not authorized under the exemption established under Chapter 403.813(1)(b), F.S., and Chapter 40D-4.051(8)(c), F.A.C.

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

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

If you wish to limit the time within which any specific person(s) may request an administrative hearing, you may provide such person(s), by certified mail, a copy of this determination, including Attachment A. For the purposes of publication, a newspaper of general circulation means a newspaper meeting the requirements of sections 50.011 and 50.031 of the Florida Statutes. In the event you do publish this notice, within seven days of publication, you must provide to the following address proof of publication issued by the newspaper as provided in section 50.051 of the Florida Statutes. If you provide direct written notice to any person as noted above, you must provide to the following address a copy of the direct written notice.

**SUBMERGED LANDS AND ENVIRONMENTAL RESOURCES PROGRAM**  
**GENERAL CONSENT CONDITIONS FOR USE OF SOVEREIGNTY SUBMERGED LANDS**

Chapter 18-21.004(7), F.A.C., provides that all authorizations granted by rule or in writing under Rule 18-21.005, F.A.C., except those for aquaculture activities and geophysical testing, shall be subject to the general conditions as set forth in paragraphs (a) through (i) below. The general conditions shall be part of all authorizations under this chapter, shall be binding upon the grantee, and shall be enforceable under Chapter 253 or Chapter 258, Part II, F.S.

**Chapter 18-21.004(7), F.A.C., General Conditions for Authorizations:**

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

[NOTE: These conditions were adopted in rule March 8, 2004, and replace the previous General Consent Conditions.]

(3/08/2004)

### SPECIAL CONDITIONS FOR USE OF THE SPGP IV-RI

1. The District Engineer reserves the right to require that any request for authorization under this general permit be evaluated as an Individual Permit. Conformance with the terms and conditions of the SPGP IV-RI does not automatically guarantee authorization.
2. No activity is authorized under the SPGP IV-RI which may impact a federally listed threatened or endangered species or a species proposed for such designation, or its designated critical habitat.
3. On a case-by-case basis the Corps may impose additional special conditions which are deemed necessary to minimize adverse environmental impacts.
4. Failure to comply with all conditions of the Federal authorizations under the SPGP IV- RI would constitute a violation of the Federal authorization.
5. The SPGP IV-RI is not applicable in the geographical boundaries of: Monroe County; the Timucuan Ecological and Historical Preserve (Duval County); the St. Mary's River, from its headwaters to its confluence with the Bells River; the Wekiva River from its confluence with the St. Johns River to Wekiwa Springs, Rock Springs Run from its headwaters at Rock Springs to the confluence with the Wekiwa Springs Run, Black Water Creek from the outflow from Lake Norris to the confluence with the Wekiva River; canals at Garfield Point including Queens Cove (St. Lucie County); the Loxahatchee River from Riverbend Park downstream to Jonathan Dickinson State Park; the St. Lucie Impoundment (Martin County); all areas regulated under the Lake Okeechobee and Okeechobee Waterway Shoreline Management Plan, located between St. Lucie Lock (Martin County) and W.P. Franklin Lock (Lee County); American Crocodile designated critical habitat (Miami-Dade and Monroe Counties); Johnson's seagrass designated critical habitat (southeast Florida); piping plover designated critical habitat (throughout Florida); acroporid coral designated critical habitat (southeast Florida); Anastasia Island, Southeastern, Perdido Key, Choctawhatchee, or St. Andrews beach mice habitat (Florida east coast and panhandle coasts); the Biscayne Bay National Park Protection Zone (Miami-Dade County); Harbor Isles (Pinellas County); the Faka Union Canal (Collier County); the Florida panther consultation area (Southwest Florida), the Tampa Bypass Canal (Hillsborough County); canals in the Kings Bay/Crystal River/Homosassa/Salt River system (Citrus County); Lake Miccosukee (Jefferson County).
6. No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the Applicant/Permittee or other party on the Applicant's/Permittee's behalf shall conduct a search of known historical properties by contracting a professional archaeologist, contacting the Florida Master Site File at 850-245-6440 or [SiteFile@dos.state.fl.us](mailto:SiteFile@dos.state.fl.us). The Applicant/Permittee can also research sites in the National Register Information System (NRIS). Information can be found at <http://www.cr.nps.gov/nr/research/>.

If, during the initial ground disturbing activities and construction work, there are archaeological/cultural materials unearthed (which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the permittee shall immediately stop all work in the vicinity and notify the Compliance and Review staff of the State Historic Preservation Office at

850-245-6333 and the Corps Regulatory Project Manager to assess the significance of the discovery and devise appropriate actions, including salvage operations. Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7.

In the unlikely event that human remains are identified, they will be treated in accordance with Section 872.05, Florida Statutes; all work in the vicinity shall immediately cease and the local law authority, the State Archaeologist (850-245-6444), and the Corps Regulatory Project Manager shall immediately be notified. Such activity shall not resume unless specifically authorized by the State Archaeologist and the Corps.

7. No work shall be authorized under the SPGP IV-R1 which proposes the use of prefabricated modules for habitat creation, restoration, or enhancement.
8. No activity shall be authorized under the SPGP IV-R1 which by its size or location may adversely impact water quality, fish and wildlife habitat, wetlands, or emergent or submerged aquatic vegetation. Where aquatic vegetation is present adverse impacts to aquatic vegetation from construction of piling-supported structures may be avoided/minimized by adherence to, or employing alternative construction techniques that provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat U.S. Army Corps of Engineers/National Marine Fisheries Service August 2001." (See <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>) Unless otherwise specifically approved by the National Marine Fisheries Service, where aquatic vegetation is present, piling-supported structures authorized under the SPGP IV-R1 must comply with, or provide a higher level of protection than, the criteria contained in the referenced construction guidelines. Additionally, because of concerns about adverse impacts to the endangered Johnson's seagrass (*Halophila johnsonii*), piling-supported structures in the lagoon (as well as canal) systems on Florida's east coast from Sebastian Inlet (Brevard County) south to and including central Biscayne Bay (Miami-Dade County) must also comply with, or provide a higher level of protection than, the criteria contained in the construction guidelines titled "Key for Construction Conditions for Docks or Other Minor Structures Constructed in or Over Johnson's seagrass (*Halophila johnsonii*) National Marine Fisheries Service/U.S. Army Corps of Engineers - February 2002." (See <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>) *Note: Both of the Construction Guidelines may be subject to revision at any time. It is our intention that the most recent version of this technical tool will be utilized during the evaluation of each Department of the Army permit application.*
9. Prior to issuance of authorization, the dichotomous key titled "The Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida," dated March 2011, will be used to determine potential manatee impacts. All projects determined to be "may affect" and certain multi-slip facilities determined to be "may affect, not likely to adversely affect" will be sent to the Corps for consultation with the U.S. Fish and Wildlife Service in accordance with the Endangered Species Act. *Note: The manatee key may be subject to revision at any time. It is our intention that the most recent version of this technical tool will be utilized during the evaluation of each Department of the Army permit application.*

*The current version can be found on the Jacksonville District Regulatory Home Page at:  
<http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>*

10. For projects in waters accessible to sea turtles, Small tooth sawfish, Gulf sturgeon, or Shortnose sturgeon, the permittee will utilize the "Sea Turtle and Small tooth Sawfish Construction Conditions" (see <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>) and any added requirements, as appropriate for the proposed activity. *Note: These conditions may be subject to revision at any time. It is our intention that the most recent version of these conditions will be utilized during the evaluation of the permit application.*
11. With respect to bald eagles, the permittee should refer to the U.S. Fish and Wildlife Service's "National Bald Eagle Management Guidelines," dated May 2007 (see <http://www.fws.gov/northflorida/BaldEagles/bald-eagles.htm>) for guidance and clearance. *Note: The preceding should be considered an interim condition, after which, new rules may be promulgated. It is the Corps' intention that the most recently approved version of these conditions or ensuing rules will be utilized during the evaluation of permit applications under this general permit.*
12. For projects authorized under this SPGP IV-R1 in navigable waters of the U.S., the permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
13. The SPGP IV-R1 will be valid for five years from the date of issuance unless suspended or revoked by issuance of a public notice by the District Engineer. The Corps, in conjunction with the Federal resource agencies, will conduct periodic reviews to ensure that continuation of the permit during the five-year authorization period is not contrary to the public interest. If revocation occurs, all future applications for activities covered by the SPGP IV-R1 will be evaluated by the Corps.
14. If the SPGP IV-R1 expires or is revoked prior to completion of the authorized work, authorization of activities which have commenced or are under contract to commence in reliance upon the SPGP IV-R1 will remain in effect provided the activity is completed within 12 months of the date the SPGP IV-R1 expired or was revoked.
15. The General conditions attached hereto are made a part of this permit and must be attached to all authorizations processed under this permit.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

  
for Alfred A. Pantano, Jr.  
Colonel, U.S. Army  
District Engineer

## STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

2011

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at [ImperiledSpecies@myFWC.com](mailto:ImperiledSpecies@myFWC.com)
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used (see [MyFWC.com/manatee](http://MyFWC.com/manatee)). One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 1/2" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. Questions concerning these signs can be sent to the email address listed above.

CAUTION: MANATEE HABITAT

All project vessels

**IDLE SPEED / NO WAKE**

When a manatee is within 50 feet of work  
all in-water activities must

**SHUT DOWN**

Report any collision with or injury to a manatee:

Wildlife Alert:

**1-888-404-FWCC(3922)**

cell \*FWC or #FWC





UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Southeast Regional Office  
263 13th Avenue South  
St. Petersburg, FL 33701

## SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS

The permittee shall comply with the following protected species construction conditions

- a. The permittee shall instruct all personnel associated with the project of the potential presence of these species and the need to avoid collisions with sea turtles and smalltooth sawfish. All construction personnel are responsible for observing water-related activities for the presence of these species.
- b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing sea turtles or smalltooth sawfish, which are protected under the Endangered Species Act of 1973.
- c. Siltation barriers shall be made of material in which a sea turtle or smalltooth sawfish cannot become entangled, be properly secured, and be regularly monitored to avoid protected species entrapment. Barriers may not block sea turtle or smalltooth sawfish entry to or exit from designated critical habitat without prior agreement from the National Marine Fisheries Service's Protected Resources Division, St. Petersburg, Florida.
- d. All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water depths where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will preferentially follow deep-water routes (e.g., marked channels) whenever possible.
- e. If a sea turtle or smalltooth sawfish is seen within 100 yards of the active daily construction dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure its protection. These precautions shall include cessation of operation of any moving equipment closer than 50 feet of a sea turtle or smalltooth sawfish. Operation of any mechanical construction equipment shall cease immediately if a sea turtle or smalltooth sawfish is seen within a 50-ft radius of the equipment. Activities may not resume until the protected species has departed the project area of its own volition.
- f. Any collision with and or injury to a sea turtle or smalltooth sawfish shall be reported immediately to the National Marine Fisheries Service's Protected Resources Division (727-824-5312) and the local authorized sea turtle stranding rescue organization.
- g. Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the primary consultation.

Revised: March 23, 2006

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ATTACHMENT "A" FOR DISCRETIONARY PUBLICATION OF NOTICE OF DETERMINATION  
OF QUALIFICATION FOR AN EXEMPTION

In the Matter of an Application  
for a Determination of Qualification  
for an Exemption by:

Edward Kolodzieski  
6550 Bayou Hammock Rd.  
Longboat Key, FL 34228

DEP File No.: 41-0317468-001; County: Manatee

The Department of Environmental Protection gives notice that it has received a request for authorization to construct a 492-square-foot dock and boat lift within Sarasota Bay, a Class II Florida Waterbody, located at 6550 Bayou Hammock Rd., Longboat Key, Section 22, Township 35 South, Range 16 East, in Manatee County. The Department has determined that the project qualifies for an exemption established under 40D-4.051(8)(c), F.A.C.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the F.S. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Mediation is not available.

If a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention will be permitted only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-106.205 of the Florida Administrative Code.

In accordance with rule 62-110.106(3), F.A.C., petitions for an administrative hearing must be filed within 21 days of publication of the notice or receipt of written notice, whichever occurs first. Under rule 62-110.106(4) of the F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000 prior to the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. Upon motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect, the Department may also grant the requested extension of time.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that right.

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

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- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

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

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

Complete copies of all documents relating to this determination of exemption are available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, at the Department's Southwest District Office, 13051 North Telecom Parkway, Temple Terrace, FL 33637-0926.