

AGENDA
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
AUGUST 15, 2006
2nd Substitute Page

Item 1 Minutes

Submittal of the Minutes from the June 1, 2005 Cabinet Meeting.

(See Attachment 1, Pages 1-7)

RECOMMEND APPROVAL

**2nd Substitute Item 2 Moreland Marine Development Corporation of Holmes Beach
Recommended Consolidated Intent**

REQUEST: Consideration of an application for (1) modification of a five-year sovereignty submerged lands lease to (a) assign the lease to Moreland Marine Development Corporation of Holmes Beach; and (b) decrease the preempted area from 21,705 square feet to 9,640 square feet for the conversion of an existing public/private docking facility to a private residential multi-family dock; and (2) authorization for the installation of 20 reef balls

COUNTY: Manatee
Lease No. 41122957T
Application No. 44026599.002

APPLICANT: Moreland Marine Development Corporation of Holmes Beach

LOCATION: Section 28, Township 34 South, Range 16 East, within Sarasota Bay,
Class II Waters, within the local jurisdiction of the city of Holmes Beach
Aquatic Preserve: No
Outstanding Florida Water: Yes
Designated Manatee County: No
Manatee Aggregation Area: No
Manatee Protection Speed Zone: Yes (slow speed and 25 MPH in channel)

CONSIDERATION: \$1,325.50, representing the initial lease fee computed at the base rate of \$0.1375 per square foot. Sales tax and county discretionary sales surtax will be assessed pursuant to section 212.031, F.S. and 212.054, F.S., if applicable. The lease fee may be adjusted based on six percent of the annual rental value pursuant to section 18-21.011(1)(a)1, F.A.C.

STAFF REMARKS: In accordance with rules adopted pursuant to sections 373.427(2) and 253.77(2), F.S., this "Recommended Consolidated Notice" contains a recommendation for issuance of both the permit required under Part IV of Chapter 373, F.S., and the authorization

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to use sovereignty submerged lands under Chapter 253, F.S. The Governing Board of the Southwest Florida Water Management District (District) has approved the permit subject to action by the Board of Trustees. The Board of Trustees is requested to act on those aspects of

the activity which require authorization to use sovereignty submerged lands. If the Board of Trustees approves the request to use sovereignty submerged lands, the District will issue a "Consolidated Notice of Intent to Issue" that will contain general and specific conditions. If the Board of Trustees denies the use of sovereignty submerged lands, whether or not the activity qualifies for a permit, the District will issue a "Consolidated Notice of Denial".

The applicant is proposing to construct a 9-slip private docking facility for Holmes Beach Villas, a 9-unit condominium development previously approved under Environmental Resource Permit (ERP) Nos. 46026599.000 and 46026599.001 that recently completed construction. The project is located on Anna Maria Island approximately one-half mile north of State Route 64 in the city of Holmes Beach, Manatee County. The proposed docking facility will preempt a total of 9,640 square feet of sovereignty submerged lands within Sarasota Bay, a Class II, Outstanding Florida Water, in Manatee County. The property owned by Moreland Marine Development Corporation of Holmes Beach has 250 feet of common riparian shoreline that has been armored with a concrete seawall. Sections 18-21.004(4)(b) and 18-21.004(4)(g), F.A.C., require the applicant to record a conservation easement along this riparian shoreline to prohibit future construction or expansion of the facility because the maximum number of slips will be constructed. This has been included as a special approval condition. The docking facility will be within 54 to 71 feet of the riparian rights lines of this parcel and will extend 98.6 feet into Sarasota Bay, which is estimated to be 7,920 feet wide at this location. Although, there are no seagrasses, oyster beds, or other significant environmental resources located within the proposed lease area, the applicant will install 20 medium sized reef balls to enhance existing benthic habitat. No dredging is proposed for this project, as the water depth in the area, varies from approximately 4.5 to 5.5 feet, at MLW, is sufficient to support a mean draft of 3.0 feet without bottom scouring.

The 24-slip docking facility is currently authorized to be operated for both public and private use in association with the Holmes Beach Villas. This facility was associated with a marina with dry boat storage and a boat sales and service business that existed on the upland property prior to the construction of the 9-unit condominium development. The applicant proposed to demolish the existing 24-slip docking facility prior to its reconfiguration, as part of this approval. However, when the District performed a field review of the property on June 13, 2006 the existing 24-slip docking facility, which was damaged in 2005, had been removed. The dock removal was determined to have minimal impact to resources and is consistent with the requirements of section 18-21.004(7)(h), F.A.C., which requires dilapidated structures to be repaired or removed. Based on this determination, enforcement action was not initiated. The existing sovereignty submerged lands lease (41122957T), granted to Morland Marine International, Inc., has an expiration date of July 6, 2008 and authorizes the docking facility that preempts a total of 21,705 square feet of sovereignty submerged lands within Sarasota Bay.

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The District issued ERP No. 46026599.000 to Morland Marine International, Inc, the parent company of Morland Marine Development Corporation of Holmes Beach, on August 6, 2004, for the upland development of the 1.68-acre tract proposed to be served by the docking facility. This permit authorized the replacement of the upland portion of the marina, eliminating the fueling facility and sewage pump-out station, with a residential development, but no changes to the existing docking facility. In conjunction with ERP No. 46026599.000, the District required provisions for public access and parking to ensure that the docking facility could be operated in compliance with the requirements of rule 18-21, F.A.C. A public access easement was required to be recorded within 180 days of permit issuance. This instrument was recorded on August 3, 2006. A modification of the original permit, ERP No. 46026599.001, was subsequently issued on May 31, 2005 to change the number of upland residential units to 9 instead of 10 along with some other minor changes. This permit did not authorize any modifications to the docking facility.

The new facility will result in a reduction of 15 boat slips with a corresponding reduction of 12,065 square feet of preempted sovereignty submerged lands. The construction project area is located at the northern reaches of the Sarasota Bay Estuarine System, an Outstanding Florida Water, and the applicant has proposed to utilize the necessary best management precautions to ensure that water quality standards will not be violated by the strategic placement of effective turbidity curtains. The pilings will be wrapped with vinyl to prevent the leaching of toxic preservatives into the water column and jetted into the substrate to minimize turbidity and siltation. Boats moored in all 9 slips will be required to use boat lifts. The reduction in size of the docking facility is also anticipated to reduce secondary impacts to the West Indian Manatee that are related to boat collisions. The applicant will ensure that all workers present will be familiar with the West Indian Manatee awareness and protection program consistent with the Florida Fish and Wildlife Conservation Commission. In addition, West Indian Manatee awareness signs will be required to be posted at the new docking facility. No negative comments have been received in response to notice of receipt of application from either interested parties or commenting agencies.

A local government comprehensive plan has been adopted for this area pursuant to section 163.3167, F.S. The Department of Community Affairs determined that the plan was in compliance. The proposed plan is consistent with the adopted plan according to the city of Holmes Beach and Manatee County. Both government entities have indicated that a permit will not be required for the construction modification of the docking facility.

(See Attachment 2, Pages 1-20)

**RECOMMEND APPROVAL SUBJECT TO THE SPECIAL APPROVAL CONDITION,
SPECIAL LEASE CONDITIONS AND PAYMENT OF \$1,325.50**