

From: LaVere, Ashley <Ashley.LaVere@MyFWC.com>
Sent: Friday, January 19, 2024 4:37 PM
To: SED Permitting
Cc: Tracey, John; White, Jennifer
Subject: FWC RAI, File No. 173825-005, Aqua Ra Dredge, St. Lucie County

EXTERNAL MESSAGE

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Project Name: Aqua Ra Dredge, St. Lucie County
File No. 173825-005

Florida Fish and Wildlife Conservation Commission (FWC) staff have received this application to dredge 1,700 square feet of an existing channel to -5 feet MLW (1,800 cubic yards) to restore tidal exchange and navigability between the main channel and the existing tidal basin. All dredging would be conducted using a hand-placed suction dredge and would take place during daylight hours only. This project is located adjacent to Aqua Ra Dr., Jensen Beach in St. Lucie County. We appreciate the opportunity to review this project to determine if it is likely to have any adverse impacts on wildlife and their habitats. However, we need additional information to complete our review of the proposed project.

Please provide answers to the following questions, or have the applicant respond:

1. Please provide a tentative construction schedule. What is the proposed duration of dredging activities.
2. Will this be a one-time dredging event? If not, please provide the proposed frequency of dredging activities.
3. Please provide the status of the conservation easement (CE). The current CE only allows for non-motorized vessels and vessels powered by electric motors within the CE area. Also, please verify if dredging is allowed under the current terms of the CE or if an amendment to the CE is needed to allow additional dredging activities. Are there any active requests to amend the easement? If so, please provide a description and the status of the amendment request(s).
4. Please describe how the proposed dredging activities will influence vessel traffic within the tidal basin and between the tidal basin and the main channel. Please indicate how any increases in vessel traffic will be managed to minimize impacts to manatees.
5. FWC staff acknowledge that a benthic resource survey was conducted on 7/06/23, however, statewide seagrass data compiled by the Florida Fish and Wildlife Research Institute (<http://geodata.myfwc.com/datasets/seagrass-habitat-in-florida>) indicates seagrass presence in the proposed project area. These data are a compilation of data collected over time from various source agencies and at different geographic scales and are not always accurate or recently updated.
 - a. Please provide additional information about the benthic resource survey conducted on 7/06/23. Specifically, please provide more details on how the survey was conducted (i.e., from a boat, in-water, etc.) and additional photos, if available, from across the entire extent of the survey area.

- b. Please provide a FDEP-conducted site inspection report documenting current site conditions and verifying the absence of benthic resources within the dredge footprint and adjacent area.
6. What techniques will be employed to stabilize sediments at the proposed project area(s)?
7. What measures have been taken to avoid and minimize marine habitat impacts to the greatest extent possible for the proposed project?
8. Will SAV, benthic aquatic habitat outside of the project footprint be impacted by construction equipment/activities?

Please copy me on future correspondence or email me when new information is posted on your website. Once we have received the information needed, we will continue our review. If there is an impending or designated deadline that must be met, please let me know.

Sincerely,

Ashley LaVere
Fish & Wildlife Biological Scientist IV
Imperiled Species Management Section
Florida Fish and Wildlife Conservation Commission

Email: Ashley.LaVere@MyFWC.com

Phone: 850-922-4330

620 South Meridian Street – 6A
Tallahassee, FL 32399-1600

PERMIT REFUSAL 1/19/24

Please see Attachment Nexus 92 from Ashley LaVere-FL Fish and Wildlife and Nexus 94 Attachment- See RAI #9,10- William Lange- FDEP Environmental Manager SE District. Both dated 1-19-24. William Lange refutes the applicant's claim that the dredge will improve the hydrologic flow. The depth of the channel has not changed- does not need improvement. The FDEP Site Visit 4-15-24- channel depth numbers refutes this statement too. Lange also states that the original dredge permit states that it was to be a "one-time dredge". I have a copy of that paperwork from years ago. The applicant calls his New Plan a "Maintenance Dredge". This claim was refuted by FDEP officials over 10 years ago at the last dredge application. The FDEP at that time voiced concerns that the dredging may cause pollution to the IRL- possibly as far south as Palm Beach. I have copies of this paperwork too. Please see an excerpt from Lange's letter and the entire letter below in attachment Nexus 94.

"9. Unless authorized by the Department, Conservation Easement No. 364114 restricts certain activities from occurring within the subject property, such as dredging, to ensure that the onsite wetlands and surface waters are maintained in perpetuity in their existing hydrological and natural vegetative conditions. A previously issued permit by the Department authorized a one-time dredge of the flushing channel to a maximum depth of -3 feet mean sea level (approximately -1.5 feet at mean low water). A conservation easement was placed over the subject area to maintain the existing conditions in perpetuity.

Based on the plans provided in the application, the Department is unable to determine how navigability has been reduced given that the current depths in the center channel are -3 feet mean low water. This is inconsistent with the stated reason for the proposed dredge, which is to restore navigability to a flushing channel and associated basin. Indeed, much of the project footprint is documented to already have a depth of at least -1.5 feet at mean low water.

To continue processing the application, reasonable assurances must demonstrate the proposed activities are consistent with the stated purpose of the conservation easement. Based on the current application information, it appears that sufficient navigability of the flushing channel currently exists. A reasonable narrative has not been provided by the applicant stating the necessity to dredge to a depth of -5 feet at mean low water in an area which is supposed to remain in a natural state in perpetuity. Please demonstrate that the activities are consistent with the conservation easement, that impacts to wetlands and other surface waters have been reduced to the greatest practicable extent and that there is a reasonable need to dredge deeper than the previous authorized depths. [Sections 10.1.1, 10.2.1, 10.2.2, 10.2.7, and 10.3, Vol. I]

10. Please provide the Department with a flushing analysis of the project area and adjacent basin to

demonstrate the proposed dredging will not cause adverse short- or long-term water quality impacts to ensure that wetlands and surface waters within the existing conservation easement are maintained in perpetuity in their existing hydrological and natural vegetative conditions. [10.2.4, 10.2.4.3, Vol. I]"



FLORIDA DEPARTMENT OF Environmental Protection

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

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

REQUEST FOR ADDITIONAL INFORMATION

January 19, 2024

Aqua Ra
c/o Scott Florence
Aqua Ra Drive
Jensen Beach, FL 34957
dennisscott5734@gmail.com

Re: First Request for Additional Information (RAI)
St. Lucie County – Environmental Resource Permitting Program
Site Name: Aqua Ra Dredge
Site ID: 0173825
DEP Application No.: 56-0173825-005-EI

Dear Scott Florence:

Thank you for your application for an Individual Permit submitted on November 21, 2023 for the above referenced Site. A review of your application and supporting documentation indicates the application is incomplete. Please provide the information in the attached document and refer to this RAI in your response.

To continue the processing of your application, the Department must receive a response within 90 days of this letter, unless a written request for additional time to provide the requested information is submitted and approved. It is the Department's desire to provide prompt turnaround times on permit applications, and a quicker response to this RAI shortens the timeframe for which a final decision on the application can be made. Pursuant to Chapter 62-330 and Section 120.60, F.S., failure of an applicant to provide timely requested information by the applicant deadline may result in denial of the application. You are encouraged to contact this office to discuss the items requested to assist you in developing a complete and adequate response.

Aqua Ra
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Your processor will be John Tracey and can be contacted at 561-681-6717, John.Tracey@FloridaDEP.gov. Please submit your response by email to SED_Permitting@dep.state.fl.us, with a copy to John.Tracey@FloridaDEP.gov. If the submittal is very large, you may post it to a folder on this office's ftp site at: <ftp://ftp.dep.state.fl.us/pub/incoming/Southeast-District/ERP/>. After posting the submittal, send an e-mail to SED_Permitting@dep.state.fl.us, with a copy to John.Tracey@FloridaDEP.gov, alerting us that it has been posted.

Sincerely,



William Lange
Environmental Manager
Southeast District

v. 1.8

cc:
Abigayle Sewell, Merseas Company, merseas.co@gmail.com

Attached: List of Requested Information

Attachment: List of Requested Information

Aqua Ra

Site Name: Aqua Ra Dredge

Site ID: 0173825

DEP Application No.: 56-0173825-005-EI

1. Pursuant to Chapter 62-330.071, Florida Administrative Code (F.A.C.), please submit the remaining permit application processing fee in the amount of \$70 made payable to the Department of Environmental Protection sent attn.: John Tracey with the file no. 56-0173825-005-EI in the memo section. OR please submit your payment at the following web address:
<http://www.fldepportal.com/go/pay/>
2. Pursuant to Section 4.2.3 of the Applicant's Handbook Volume I (Vol. I), please have the signature and authorization sections of the individual permit application completed by the person who has sufficient real property interest.
3. Pursuant to Ch. 62-330.060(3), F.A.C., please provide documentation of the applicant's real property interest (e.g., warranty deed) over the land upon which the activities subject to the application will be conducted. Refer to Section 4.2.3(d), Vol. I for acceptable forms of documentation.
4. The submitted set of plans shows mangroves to be directly adjacent to the proposed dredging areas. Please provide reasonable assurances that the proposed activities won't cause direct or secondary impacts to these mangroves. If any trimming or alteration to mangroves are proposed, please provide detailed construction drawings quantifying the impacts and detailing the trimming and alteration methodologies. [Ch. 62-330.301 and 62-330.302; Sections 10.1.1, 10.2.1, Applicant's Handbook, Volume I (Vol. I)]
5. Please provide reasonable assurance that the dredge slopes will be stable and potential secondary impacts caused by sloughing will not occur, including potential impacts to the adjacent mangroves. Please include a supporting plan and cross-section view drawings to show how this will be achieved. [Section 10.2.7, Vol. I]
6. Please schedule a site visit with John Tracey (John.Tracey@FloridaDEP.gov or at 561-681-6717) so that Department staff may confirm the accuracy of the submitted benthic resource survey. Based on the results of the site inspection, additional reasonable assurances that the project will not adversely impact the habitat of fish, wildlife, and listed species may be required. If resources will be impacted within the project area or adjacent to the project area, practicable design modifications to reduce or eliminate adverse impacts to these resources must be explored. Once adverse impacts have been reduced to the greatest practicable extent, any remaining impacts must be offset through appropriate mitigation. [Sections 10.1.1, 10.2.1, 10.2.2, 10.2.7, and 10.3, Vol. I]
7. Pursuant to Section 10.2.4, Vol. I, please provide reasonable assurance that the regulated activity will not cause or contribute to violations of water quality standards. Please submit detailed construction methodology indicating how the dredging will be conducted and how the dredge spoil will be managed and stored.

8. Your application submittal has been provided to the Department's Division of State Lands for review to determine if any portion of the project shall occur on sovereign submerged lands. Should it be determined that portions of your project occur on sovereign submerged lands, or within the aquatic preserve, additional information may be required. [Ch. 18-21.008 and 18-20, F.A.C.]
9. Unless authorized by the Department, Conservation Easement No. 364114 restricts certain activities from occurring within the subject property, such as dredging, to ensure that the onsite wetlands and surface waters are maintained in perpetuity in their existing hydrological and natural vegetative conditions. A previously issued permit by the Department authorized a one-time dredge of the flushing channel to a maximum depth of -3 feet mean sea level (approximately -1.5 feet at mean low water). A conservation easement was placed over the subject area to maintain the existing conditions in perpetuity.

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10. Please provide the Department with a flushing analysis of the project area and adjacent basin to demonstrate the proposed dredging will not cause adverse short- or long-term water quality impacts to ensure that wetlands and surface waters within the existing conservation easement are maintained in perpetuity in their existing hydrological and natural vegetative conditions. [10.2.4, 10.2.4.3, Vol. I]
11. The Department's hydrographic engineer is currently reviewing the submitted information. In the event additional comments are provided, please provide copies of the applicant's response. [Sections 10.2.4.3, 10.2.3.3, and 10.2.7, Vol. I]
12. The Department has not yet received correspondence from the Florida Fish and Wildlife Conservation Commission (FWC) on this project. Additional information and/or project revisions may be required should FWC have comments. In the event FWC does have comments regarding this project, please provide copies of the applicant's responses to any comments from the FWC. [Section 10.2.2, Vol. I]

December 19, 2023

13. Please provide clarification if the applicant is seeking an amendment to the existing conservation easement. [Chapter 62-330, F.A.C., Section 10.3, Vol. I]