

PTB MARINE CONSTRUCTION APPLICATION & PERMITTING SUMMARY

PURPOSE. This summary addresses applicable standards/processes pursuant to Chapter 95-488, Laws of Florida for the review of marine construction projects within jurisdictional the waters of Hillsborough County for which either a minor or standard marine construction permit is required. Please note that the authority to issue some minor work marine construction permits has been delegated to the Environmental Protection Commission (EPC) of Hillsborough County under the Amended and Restated Interlocal Agreement dated June 23, 2009 between the Tampa Port Authority (TPA), d/b/a Port Tampa Bay (PTB), and EPC, mainly focused for private single-family residential properties. For minor work permitting questions within EPC's area of delegation, please contact the EPC Wetlands Management Division at 813-627-2600. Please direct any questions regarding PTB marine construction permitting to our Environmental Department at 813-905-5031.

WHO NEEDS A PTB PERMIT? Pursuant to Chapter 95-488, Laws of Florida and the TPA/EPC interlocal agreement dated June 23, 2009; any person, firm, or corporation desiring to place material on, remove material from, construct any fixed structure on, or permanently moor any floating structure upon, within , or over submerged lands located within the boundaries of the port district and bordering on or in waters within the jurisdictional waters of Hillsborough County **must apply in writing to the TPA/PTB Environmental Department 1101 Channelside Drive, 4th Floor, Tampa, FL 33602. Applications must be submitted by the abutting upland riparian property owner.** Therefore, if you live in a condominium or an apartment, an authorized representative of that Association must apply for the permit.

A PTB marine construction permit is required and review retained for any of the following marine filling, dredging, development, or construction type projects with applications submitted to the PTB Environmental Department to process for permitting (projects NOT delegated to EPC):

- ☐ Any project that includes a subaqueous or aerial utility line crossing a jurisdictional waterbody. This includes installing or modifying any utility crossing (including submarine or aerial electric cables, telephone/fiber optic cable lines, natural gas/water/sewer pipelines, or other similar infrastructure crossings),
- ☐ Any site with an existing submerged lands lease or easement OR new request that is part of and/or required for any minor or standard work project associated with type of use for structure(s)
- ☐ Any minor or standard work permit application where the project site is located within an existing PTB Submerged Lands Lease area (Upland or Submerged Area)
- ☐ Any marine construction project that is located on or abutting at any of the submerged lands or uplands listed below:
 - Any Commercial Tidal Submerged Lands (channels), as set forth in *PTB Submerged Lands Management Rules, except for Seddon Channel* (Includes: All federally authorized navigation channels & turning basins; Port Channels: Ybor, Sparkman, Garrison, Cut D, and Port Sutton; East Bay; Alafia River Channel & terminal berths; Big Bend Channel, turning basin, & terminal berthing areas; Cooling discharge channel of Big Bend power station; Port Tampa Channel & dredged channel north adjacent to Port Tampa terminal complex; and Rattlesnake terminal channel & berthing areas).
 - Any existing PTB owned uplands, including but not limited to any dredge spoil islands (i.e. Fantasy Island, DMMA-2D, DMMA-3D, etc.), any lands created from accretion, any lands created by dredge overfill.
 - Any existing Port of Tampa berths or related Port area related marine structures.
 - Any submerged lands or uplands that PTB requires for its development.
- ☐ All standard work marine construction projects within jurisdictional waters of Hillsborough County. Jurisdictional waters include tidally influenced waters, Lakes Thonotosassa and Keystone, the Hillsborough River, Little Manatee River, the Alafia River, and other natural creeks or streams.

Pursuant to Section 25 (m), Enabling Act, Chapter 95-488 Laws of Florida – Any marine construction activities proposed in a jurisdictional waterbody of such an extent and nature that the project may be expected to have no significant environmental or hydrographic impact, as listed below, shall be considered a **“Minor Work”** project:

- Private/commercial docks less than 2,500 square feet in structure area and less than 300 feet in length, including fixed or floating structures and boat lifts.
- (New) Dredging or any filling projects involving the removal from or replacement on submerged lands of less than 1,000 cubic yards of material. *Pilings, riprap, artificial reefs, breakwaters, and groins are not considered “fill” under current PTB Rules.*
- Maintenance dredging of less than 10,000 cubic yards of material from existing canals, channels, turning basins, or berths, where dredged material is to be removed and deposited on self-contained upland sites.
- New seawalls or similar shoreline structures, including new rip-rap revetment, not exceeding 400 feet of shoreline, as measured prior to the commencement of work.
- Restoration of seawalls or similar shoreline structures at their previous locations or upland of or within 1 foot waterward of their previous locations.
- Utility crossings not involving more than 10,000 cubic yards of dredging.
- Installation of buoys, signs, fences, ski ramps, and aids to navigation.

Any proposed marine construction activities proposed beyond the above listed limits shall be considered a **“Standard Work”** project.

Statutory Timeline for Processing Minor Work Permit Applications [Section 25 (m) Chapter 95-488 Laws of Florida]					
Receive MWP Application (Normally within 2 weeks*)	Project Notices Sent Out For Comments (14 days – Regular Mail)	Newspaper Publication For Lease/Private Easement, etc. (20 Day minimum**)	Public Hearing (Open*)	PTB Board Meeting (Open*)	Issue Permit (Open*)
PTB staff completes initial review and conducts site visit.	Application is forwarded to adjacent riparian property owners (APOs), Environmental Protection Commission (EPC) of Hillsborough County and several other agencies for comments that PTB reviewer handles once the application is deemed complete.	PTB plans public hearing upon receipt of favorable comments from EPC and Applicant/Agent responds to any objection letters. PTB provides newspaper notice and forwards announcements to interested Parties/Riparian Property Owners.***	PTB holds <u>Public Hearing</u> for Leases or Private Easement.	<u>Review by PTB Board of Directors at monthly Board Meeting</u> for required approval of associated <u>variance</u> , lease, or easement.	PTB issues the marine construction permit. PTB bills permittee for administrative costs***

Statutory Timeline for Processing Standard Work Permit Applications [Section 25 (c) - (h) Chapter 95-488 Laws of Florida]							
Receive SWP Application (Within 30 days*)	Complete Application Review (Open*)	Project Notices Sent Out to 1500-ft Radius Waterfront Property Owners + Agencies (30 Days – Certified Mail)	Open*	Newspaper Publication For SWP Marine Construction & Lease/Private Easement, Etc (if included) (20 Day minimum**)	Public Hearing (Open*)	PTB Board Meeting (Open*)	Permit Issued (Within 14 days after PTB Board of Directors Meeting*)
PTB staff completes initial review.	Applicant/ Agent provides necessary information for PTB to complete review.	PTB forwards application to APOs, EPC/ Planning Commission (PC), Agencies, & interested parties for review and comment.***	EPC, PC, APOs, etc. response due to PTB. Up to 60 additional days may be granted to EPC/PC for review of additional info. that may be required.	PTB plans public hearing upon receipt of favoring comments from EPC /Planning Commission and Applicant/Agent responses to any objection letters. PTB provides newspaper notice & forwards notice to Interested Parties/ Riparian Property Owners.***	PTB holds <u>Public Hearing</u>	Review by PTB Board of Directors at monthly Board Meeting for required permit approval.	PTB issues the permit. PTB bills permittee for administrative costs.***

*No statutory limits – Action based on receipt and review of necessary information to continue processing the permit application.

**Includes posting of temporary signs at nearby public parks/boat ramps and distribution of public hearing notices to hearing notices to nearby homeowners associations, per PTB Board of Directors' directive of September 18, 2007.

***Upon Issuance of permit, the permittee will be billed for all administrative costs incurred by PTB; including certified mail delivery expenses, copying costs, publishing legal notices in local newspapers, signage posted at public parks/boat ramp, etc., per Section 25 (h), Chapter 95-488 Laws of Florida.

PTB MINOR AND STANDARD PERMITTING GUIDELINES

The general guidelines summarized below may be further restricted based upon the project site. For example, projects located within Aquatic Resource Protection Areas (ARPA) such as Cockroach Bay on the Little Manatee River are permitted under more stringent standards. For detailed information, including PTB's Marine Construction Applications, forms and *Submerged Lands Management Rules*, please visit our website at www.porttb.com.

Subaqueous Utility Crossings: Provide complete PTB Utility checklist. Provide the minimum vertical cover throughout PTB jurisdictional limits and at elevation changes at channel banks. Minimum depths vary dependent upon the proposed crossing location, as categorized in the following:

- Primary Deep Draft Navigation Channel crossings require a minimum depth of 25 or 15 feet depth below the permitted dredge depth.
- Secondary Navigation Channel crossings require a minimum depth of 10 feet depth below the permitted dredge depth.
- Typical Stream, Bay or Private Channel crossings require a minimum depth of 10 feet below the permitted dredge depth or existing bottom plus 5 feet, whichever is greater.

Aerial Utility Crossings: Provide the minimum vertical height in feet above Mean High Water (MHW) or Ordinary High Water (OHW) including elevation and datum for MHW/OHW and the upland location of poles closest to water edge.

Marine Structures including the construction of docking facilities, piers, observation docks, etc.:

- Private single family docking facilities may not encumber more than 10 square ft. of submerged land for every foot of subject shoreline, while non-revenue generating private multi-family docking facilities with a submerged lands lease may not exceed 40 square feet of Sovereignty Lands for every foot of subject shoreline.
- Structural area typically includes all decking, boatlift perimeters, over-water roofs, floating platforms, other lifts, etc.
- Structures may extend a maximum of 25% of the navigable width of the affected waterbody. Distances may be further restricted based on site-specific conditions.
- Structures and associated activities on Jurisdictional Lands shall be **water dependent** unless the Authority determines that it is in the public interest to grant an exception. In addition to docking facilities, port facilities, boat ramps and fishing piers, the following shall also be considered as water dependent: sundecks in accordance with these rules which are constructed only over and within the height restrictions of a permitted covered slip/lift; benches and fish cleaning stations within terminal activity areas; lifeguard stations; and public observation platforms or boardwalks which cannot be feasibly located on the uplands and are intended to facilitate viewing of water-oriented habitat and associated wildlife.

Marine Structure Riparian Setbacks: All structures (dock, boat lift, piling type structures) must be set back from riparian lines (which are not necessarily extensions of the property lines) on both sides of the Applicant's property shoreline for the project site, as follows:

- For sites with shoreline frontage of less than 65 feet = 10 foot riparian setback
- For sites with shoreline frontage of 65 feet to 80 feet = 15 foot riparian setback
- For sites with shoreline frontage of more than 80 feet = 25 foot riparian setback

Any structures proposed within the shared riparian setback area requires an Affidavit of No Objection (notarized authorization form) from the affected riparian adjacent property owner prior to permitting.

Seawall Construction or Replacement Projects: All jurisdictional seawall project site plan/drawings must be signed and sealed by a Florida registered professional engineer. Replacement of existing seawalls should be with an eighteen (18) inch face-to-face maximum separation distance shown on drawings/plans or maximum of twelve (12) inches for project sites falling within a designated ARPA.

Maintenance or New Dredge/Fill Projects: Provide complete PTB Dredge and/or Fill Supplemental form(s).

COMPLETE APPLICATION SUBMITTAL CHECK LIST

Please submit a marine construction application, scaled site plan drawings, review fees, and any supplemental information applicable to the proposed marine construction project to the PTB Environmental Department at 1101 Channelside Drive, Tampa, FL 33602 for all proposed work that is to be located at, waterward of, under or over the mean/ordinary high water (MHW/OHW) elevation line of a jurisdictional waterbody in Hillsborough County.

I. PTB Application. Required from any person wanting to perform specific types of marine construction projects and activities within the jurisdictional waters of Hillsborough County. Original notary and signatures are required. Jurisdictional waters include tidally influenced waters, Lakes Thonotosassa & Keystone, and Hillsborough River, Little Manatee River, Alafia River and other natural creeks or streams. **Applications must be submitted by the abutting upland riparian property owner.** Therefore, if you live in a condominium or an apartment, an authorized representative of that Association **must** apply for the permit.

II. Detailed/Scaled Project Plans. Plans must be properly scaled and depict **all** structural dimensions and elevations on project drawing site plans. PTB will **not** accept project drawings printed larger than 11"x17" paper. Projects other than private single-family structures require drawings to be signed and sealed by a Florida Registered Professional Engineer and **all** jurisdictional seawall applications require signed and sealed drawings/plans.

☐ **Overall Site Plan View** – Show the property boundary, site address, **all** existing onsite structures, adjacent property structures, natural resources (mangroves, oyster bars, sea grass beds, etc.), distance for any structure proposed to be located within the riparian setback in relation to the property/riparian boundaries, and navigable channels.

☐ **Detailed Plan View** – Show details of the proposed activity/construction work with **all** structural dimensions noted and square footage noted.

☐ **Cross-section/Profile View** – Show cross-section of the proposed activity beginning from the shoreline/MHW/OHW to the waterward end of the project work, including length/distance & height of proposed structure(s) in relation to the MHW/OHW and mean/ordinary low water (MLW/OLW) levels, showing depths, bottom substrate, etc.

III. Property Survey. Provide a legible copy of the applicant's property survey and legal description or Plat.

IV. Marine Construction Application Review Fees. All applications shall have an environmental review by the EPC of Hillsborough County staff, pursuant to the Enabling Act. Review fees must be submitted to the PTB as part of the application submittal packet in the form of a check or money order, pursuant to Section III.A. of the Rules, as follows:

☐ Minor Work Project Application Review Fees:

- \$100.00 made payable to Tampa Port Authority
- \$150.00 made payable to EPC**

☐ Standard Work Project Application Review Fees:

- \$1000.00 made payable to Tampa Port Authority
- \$300.00 made payable to EPC**
- \$200.00 made payable to the Planning Commission (for sites within City limits only) or \$1,139.00 (for sites within unincorporated Hillsborough County only)**

**Fees subject to change, based on current EPC & Planning Commission rule Fee Schedules.

Application Types	Processing Fee
Minor Work Permit	\$100.00
Revision to a Valid/Active Minor Work Permit	\$75.00
Standard Work Permit (base fee plus invoice for certified mailing/administrative costs)	\$1,000.00
Revision to a Valid/Active Standard Work Permit	\$500.00
Lease	\$500.00
Public Easements	\$400.00
Private Easements	\$500.00
Use Agreement	\$150.00
Management Agreement	\$350.00
Disclaimers to Confirm Title to Filled Formerly Sovereignty Lands	\$400.00
Quitclaim Deeds to clear Title to Filled Formerly Sovereignty Lands	\$400.00
Sale to Filled Formerly Submerged Lands	\$500.00
Certificate Documenting Waterward Boundary Line as of July 1, 1975 of Filled Tidelands	\$550.00

PUBLIC INTEREST EVALUATION

The decision to authorize the use of Jurisdictional Lands requires a determination that such use is not contrary to the public interest, except for lands within Aquatic Resource Protection Areas, in which case it must be determined that the use is in the public interest. In all cases it will be in the responsibility of the applicant to provide evidence as to the public interest impact of the proposed activity or use. Provide measures taken to place your project clearly in (or not contrary to) the public interest, as described below, in the PTB marine construction Application **COMMENTS / PERMIT HISTORY / PUBLIC EVALUATION STATEMENT FOR PROJECT** box or attach separate Project Narrative document.

- ☐ The public interest determination requires an evaluation of the probable impacts of the proposed activity on Jurisdictional Lands and the associated waterbody. All direct and indirect impacts related to the proposed activity as well as the cumulative effects of those impacts shall be taken into consideration. Relevant factors to be considered include: conservation, general environmental and natural resource concerns, wetlands values, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, aesthetics, economics, public health and safety, relative extent of the public need for the proposed use or activity, reasonable alternative locations and methods to accomplish the objective of the proposed use or activity, potential detrimental effects on the public uses to which the area is otherwise suited, the effect on cultural, scenic and recreational values, and the needs and welfare of the people.
- ☐ For projects within an Aquatic Resource Protection Area, a balancing test will be utilized to determine whether the social, economic, or environmental benefits of the project clearly exceed the social, economic, or environmental costs.
 - General Benefit/Cost Criteria:
 - Any benefits or costs that are balanced must be related to the affected ARPA
 - For projects in ARPA's with adopted management plans, consistency with the management plan will be weighed heavily when determining whether the project is in the public interest
 - Benefit Categories:
 - General public access (public boat ramps, boat slips, etc.)
 - Improve and enhance public health, safety, welfare, and law enforcement
 - Improve public land management
 - Improve and enhance public navigation
 - Improve and enhance water quality
 - Enhance or restore natural habitat and functions
 - Protect endangered/threatened/unique species
 - Costs:
 - Degraded water quality
 - Degraded natural habitat and function
 - Destruction, harm or harassment of endangered or threatened species and habitat
 - Preemption of public use
 - Increasing navigational hazards and congestion
 - Degraded aesthetics
 - Adverse cumulative impacts

II. Project Site Plans or Drawings. Plans must be properly scaled and depict **all** structural dimensions and elevations on plan and profile views of the project. PTB will not accept project drawings printed larger than 11"x17" paper. Projects other than private single-family structures require drawings to be signed and sealed by a Florida Registered Professional Engineer and **all** jurisdictional seawall applications require signed and sealed drawings/plans. Overall Site Plan, Detailed Site Plan, and Profile drawings, as follows:

Overall Site Plan View:

- ☐ Project location map that clearly depicts the location of **all** proposed activities
- ☐ Location of property boundary lines, including linear feet of shoreline owned by the applicant
- ☐ Mean High Water line (MHWL) for tidal waters or Ordinary High Water line (OHWL) for non-tidal waters at project location
- ☐ Show the location and dimensions (length, width, height) of **all** existing and proposed structures or work activities located in, on, under, or over Jurisdictional Lands on the Applicant's property or work area, and **any** other existing structures immediately adjacent to the project area
- ☐ Show the distance for **any** structure proposed to be located within a riparian setback in relation to the riparian setback boundaries for the Applicant's shoreline, as applicable. The riparian setback distance from the point of the proposed structure to the closest adjacent property boundary **must** be depicted.
- ☐ Show boundaries, size (square feet / acres), and type of **any** natural resources and wetland vegetation (including forested, mangroves, seagrass, other submerged/emergent vegetation), or benthic habitat (oysters, clams, etc.) in the project area and immediately adjacent to the project area
- ☐ Clearly identify (shade or hatch) **each** dredge or fill area and label with the size (square feet / acres) and volume (cubic yards)
- ☐ Location of adjacent or nearby navigational channels with channel boundary and name of channel
- ☐ Location and type of turbidity or erosion control measures [Best Management Practices (BMPs)]

Detailed Plan View:

- ☐ Show details of the proposed activity/construction work with **each** structural or work area dimension (length/width in feet or inches) and size (square feet)
- ☐ Show navigable width of waterway
- ☐ Show the path and distance between the waterward end of the structure and the nearest marked navigation channel and/or show **any** channel markers with closest distance to the proposed structure or work activity (if applicable)
- ☐ Number each mooring slip and/or lift and note size of vessel draft (if applicable)

Cross-section/Profile View:

- ☐ Clearly show the waterward distance of the proposed structure or work activity measuring from the shoreline/ MHWL (tidal waters) or OHWL (non-tidal waters) to the waterward end of the structure or limits of work area
- ☐ Clearly show the elevation of the structure above MHWL (tidal waters) or OHWL (non-tidal waters) and **must** show water depth, in relation to Mean Low Water (MLW) (tidal waters) or Ordinary/seasonal Low Water (OLW) (non-tidal waters) for **each** mooring sites and the bottom of the boat ramp with surrounding bottom grade (if applicable). A Bathymetry survey (water depth survey) for the project may be appropriate.
- ☐ For Seawall/Shoreline Stabilization: Include geotextile fabric, anchors/tie backs, and other features (if applicable), clearly show type of existing shoreline and face-to-face distance between existing and proposed structures (inches or feet), and clearly show the slope ratio (horizontal: vertical)
- ☐ Show how the Applicant's structure will tie into neighboring structures or shoreline (if applicable)
- ☐ For Living Shorelines: Identify the proposed plant species. For each species, indicate the locations, spacing, and elevations relative to the mean high and low (for tidal waters) or ordinary/seasonal high or low (for non-tidal waters) water line