

**STATE OF FLORIDA
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT**

MHC CORTEZ VILLAGE, L.L.C.,

Petitioner,

vs.

CORTEZ ROAD INVESTMENTS AND
FINANCE, INC. and SOUTHWEST
FLORIDA WATER MANAGEMENT
DISTRICT,

Respondents. _____ /

PETITION FOR ADMINISTRATIVE HEARING

Petitioner MHC Cortez Village, L.L.C., a foreign limited liability company (“**MHC**”), as owner of the Cortez Village Marina (the “**Cortez Marina**”), files this Petition pursuant to sections 120.569 and 120.57, Florida Statutes, and Rules 28-106 and 40D-1.1010, Florida Administrative Code (“**F.A.C.**”). Petitioner requests an administrative hearing so that Petitioner may exercise its rights and present evidence to challenge the issuance of Environmental Resource Individual Construction Major Modification Permit No. 43032468.003 (the “**Permit**”) issued by Southwest Florida Water Management District (“**SWFWMD**”) for applicant Cortez Road Investments and Finance, Inc. (“**Permittee**”) on a Project known as Hunter’s Point.

I. THE PARTIES

1. The affected agency is the Southwest Florida Water Management District, whose address is 7601 Highway 301 North, Tampa, Florida 33637-6759. SWFWMD is the agency with the power and duty to regulate construction and riparian activities in waters of the state, pursuant to Chapter 373, Florida Statutes, and Rules in F.A.C. Chapter 62-330.

2. Respondent/Permittee, whose principal address is 35 Watergate Drive, Suite 806, Sarasota, Florida 34236, is the owner and developer of a large residential parcel located at or near 12504 Cortez Road West, Cortez, Manatee County, Florida 34215 (the "**Development Site**"). The Development Site has 3,631 square feet of existing piling-supported docking structure containing 17 existing boat slips (the "**Existing Docks**"). Permittee proposes to construct new docks at the Development Site, consisting of approximately 4,352 square feet of new, additional piling-supported docking structures to provide thirty-two (32) parallel mooring boat slips, and replacement of the Existing Docks for an additional seventeen (17) new parallel slips, totaling forty-nine (49) boat slips (the "**Proposed New Dock**").

3. There is a canal that begins at the Anna Maria Sound and which borders, in part, the Development Site and extends along adjacent parcels, including the Cortez Marina (the "**Navigable Canal**"). Permittee owns certain submerged lands near the entrance into the Navigable Canal, on the western, northern, and eastern boundaries of the Development Site. Permittee does not own the balance of the submerged land in the canal.

4. In addition to the Development Site and the Cortez Marina, there are multiple private homes and two recreational vehicle parks along the Navigable Canal. The area is depicted in this aerial photograph:



Figure 1. Taken from Google Earth Pro.

5. Petitioner’s commercial marina includes 10 in-water boat slips, 55 outside dry storage slips, and 300 inside hi-and-dry slips.

6. The Cortez Marina has historically safely moored vessels up to thirty-eight (38) feet in length in the wet slips and indoor storage. In addition to vessel storage, Cortez Marina also maintains a commercial on-site service department, fuel dock, and boat brokerage.

7. The size of vessels that can safely navigate to and from the Cortez Marina via the Navigable Canal and to waters beyond the canal entrance has a direct impact on MHC by virtue of MHC’s ownership of Cortez Marina and the revenue derived therefrom.

8. A marina has operated on the site of the Cortez Marina since at least the mid-1990s and has been in its approximate current configuration since 2008. The Cortez Marina’s operation, and the navigation into and around its docks, constitute an existing use and exercise of some of MHC’s riparian rights as an upland owner.

9. As such, Permittee knew, or should have known, about Cortez Marina’s use of the Navigable Canal when Permittee purchased the Development Site in or around October 2016.

10. Shutts & Bowen LLP is counsel to Petitioner in this proceeding, with appearances entered by the following: Matthew R. Chait, Deborah A. Getzoff, and Christopher F. Hamilton.

II. NOTICE OF ACTION

11. On June 29, 2021, SWFWMD issued the Permit to Permittee. The Permit authorizes Permittee to construct the Proposed New Dock. *See* Permit attached as **Exhibit A**.

12. Petitioner first received notice of SWFWMD's decision to issue the Permit on July 21, 2021 when Petitioner spoke by phone with Lauren F. Greenwalt at SWFWMD, which resulted in a follow-up email. *See* Email attached as **Exhibit B**. Ms. Greenwalt stated during the call that the call would constitute notice to Petitioner of the Permit and would begin a 21-day period for Petitioner to file a petition. As such, this Petition is timely.

III. BACKGROUND

13. Based on a review of historical imagery on Google Earth Pro, the Existing Docks have been present, at least in part, in some form since around 1994.

14. According to its website, Permittee intends to build eighty-six (86) "single family, user-focused, luxuriously designed" homes on the Development Site (the "**Homes**"). *See* [Hunters Point Resort & Marina \(hunterspointfl.com\)](http://hunterspointfl.com).

15. Together with the Homes, Permittee proposes to build 49 in-water boat slips, with largely parallel mooring, along the outer perimeter of the Development Site as shown on the development's website renderings and formal plans submitted to SWFWMD as follows:



Figure 2. Id.

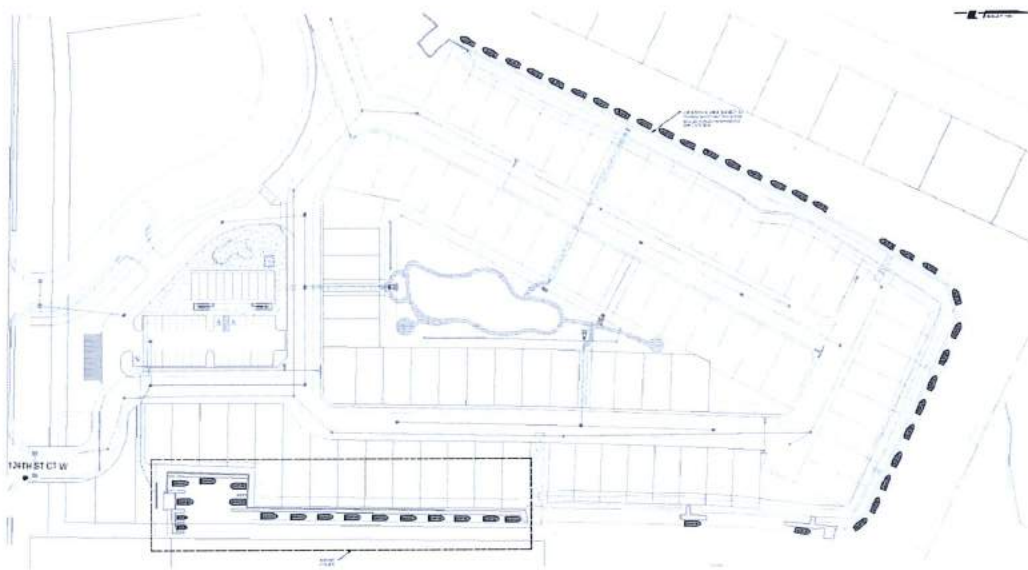


Figure 3. See Plans submitted to SWFWMD on or about May 24, 2021 attached as Exhibit C.

16. Via the Permit, Permittee seeks to replace the Existing Docks on the eastern side of the Development Site. The Existing Docks are shown and designated below:

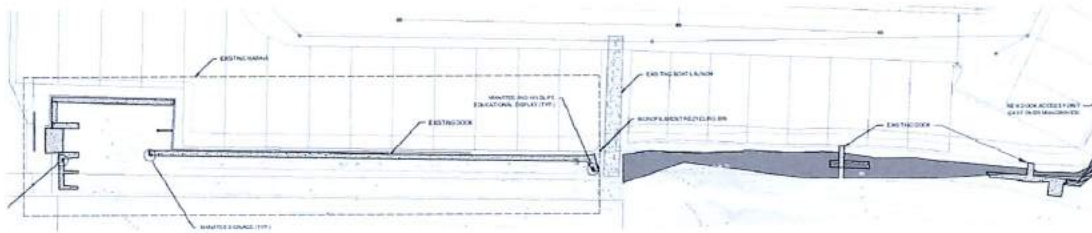


Figure 4. Id.

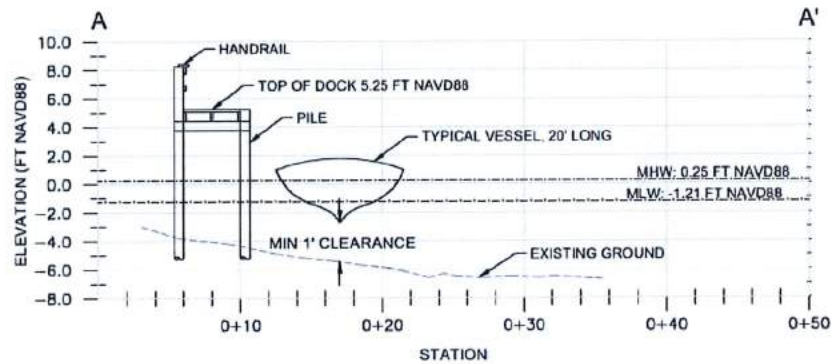
17. Figures 2 through 4 above do not, however, reflect any of the existing residential docks on the western side of the Navigable Canal, which already take up a portion of the navigable fairway within the Navigable Canal, as shown in Figure 1.

18. While Permittee also submitted supposed widths of the Navigable Canal to SWFWMD, as shown below, those measured distances ostensibly start from the landward water boundary of the proposed project area (versus the outer bound side of the Proposed New Dock) and likewise do not account for the existing residential docks on the western side of the Navigable Canal:



Figure 5. See Aerials and specifications filed by Permittee with SWFWMD on March 15, 2021 and attached as **Exhibit D.**

19. Finally, Permittee’s submissions and resulting Permit appear to assume that every vessel that will dock at the Proposed New Dock will be no greater than twenty (20) feet in length, as demonstrated in Permittee’s May 24, 2021 plans:



- NOTES:
1. SEE SHEET 3 OF 9 FOR CROSS SECTION LOCATION
 2. MEAN HIGH WATER (MHW) ELEVATION SHOWN (+0.25 FT NAVD88) WAS OBTAINED FROM FDEP TIDE STATION ID: 8726217 WITH A DATE OF 05/06/2015 BASED ON THE TIDAL EPOCH 1983-2001.
 3. LOCATION OF DOCK SUBJECT TO CHANGE SUCH THAT NO PILINGS WILL BE PLACED IN MANGROVE ROOT SYSTEM.

Figure 6. See Ex. C at p. 8.

20. Significantly, as noted in Figure 6’s cross-section, the “[l]ocation of dock [is] subject to change such that no pilings will be placed in mangrove root system,” thus meaning that the Proposed New Dock may extend even further into the Navigable Canal than shown above. *Id.*

21. Assuming for demonstrative purposes that the representations in Figures 5 and 6 are accurate, at the narrowest part of the Navigable Canal (*i.e.*, 72.67 feet),¹ there would be less than approximately 40 feet for vessels transiting the Navigable Canal to safely pass one another. Depending upon the size and maneuverability of the vessels, such a maneuver could create hazardous and dangerous navigation conditions and cause hazardous risk of damage to property and/or persons.

22. As stated above, Cortez Marina’s patrons have historically used, and continue to use, the Navigable Canal to access the navigable waters of Florida and the United States. As a minimum, assuming only one vessel from each of the available storage slips at Cortez Marina

¹ Petitioners have not confirmed these distances, which may be much shorter than those stated in Figure 5.

(approx. 365 spots) utilized the Navigable Channel for ingress to and egress from the marina only one time throughout a 1-year period, there would be approximately 730 vessel movements through the Navigable Canal just from Cortez Marina. This minimal figure does not include navigable uses by other vessel owners along the Navigable Canal, or any of the transient visitors to the marina for commercial business to purchase fuel, supplies and/or repairs.

23. The approval of the Permit and ultimate construction of the Proposed New Dock will significantly increase and impair vessel traffic in the Navigable Canal, while further decreasing the narrow navigable fairway width, thus negatively affecting Petitioner's safe navigation through, and recreational usage of, the Navigable Canal. Moreover, this restriction of the navigable fairway presents a navigational hazard to the vessels moored at or visiting the Cortez Marina (and other properties along the canal), which increases the risk of boating accidents and substantial injury to property and/or persons.

IV. THE PERMIT WOULD ADVERSELY IMPACT PETITIONER'S SUBSTANTIAL INTERESTS

24. Petitioner's rights will be substantially affected by the Proposed New Dock because the dock will negatively impact the use and value of Petitioner's ownership interests in and value derived from Cortez Marina. Among other things, the Proposed New Dock will adversely affect safe navigable access from the nearby intracoastal navigation channel in Anna Maria Sound and create a navigation hazard for vessels attempting to access Cortez Marina, or other nearby properties and docks, which will likewise negatively impact the use and profitability of Cortez Marina.

25. The current navigation fairway within the Navigable Canal has been the same, or substantially the same, for over twenty (20) years. The Proposed New Dock would reduce the

width of the navigation fairway approximately 20 feet, if not more, in most places along the Navigable Canal on the northern and western waterfront boundaries of the Development Site.

26. The current fairway width of 70-85 feet² is safe for navigation under calm water conditions to afford safe navigation of vessels historically transiting the Navigable Canal to ingress or egress Cortez Marina. The Proposed New Dock, however, would substantially reduce that navigation fairway, limiting the space available for many vessels to safely navigate and pass one another and, in some instances, entirely preventing the use of the Navigable Canal by larger vessels that have historically had no issues doing so.

27. Because it would permanently reduce the width of the navigation fairway, leaving inadequate navigable width and depth for captains and mariners at large to safely maneuver when accessing Cortez Marina and other properties from the intracoastal channel, the Permit would create a navigation hazard and adversely impact Petitioner's existing riparian rights of ingress and egress and access to navigability, in contravention of the State of Florida's and SWFWMD's own regulations. *See* Fla. Stat. § 373.414; Fla. Admin. Code 62-330 *et seq.*; Environmental Resource Permit Applicant's Handbook, Volume I ("Applicant's Handbook"); *see also Pirtle v. Voss and Dep't of Env'tl. Prot.*, Case No. 13-0515 (Fla. DOAH Sept. 27, 2013; Fla. DEP Dec. 26, 2013) ("navigational hazard" includes situations where a proposed dock impedes riparian owners from accessing a nearby navigational channel).

28. Likewise, other nearby dock and slip occupants/owners, as well as public mariners, have long relied on the Navigable Canal to safely access fuel and repair services in Cortez Marina. Because the Permit would limit the size of vessels that can utilize the navigation fairway safely, it would negatively impact the profitability and ongoing operations of Cortez

² This, again, assumes the values in Figure 5 are accurate and also does not account for the existing residential docks on the western side of the Navigable Canal. As such, the values here may vary depending upon the location measured along the Navigable Canal.

Marina, which would directly impact Petitioner. Similarly, the Permit would limit the number and size of potential future client vessels at Cortez Marina.

29. By creating a navigation hazard and violating established riparian rights, the Permit would also adversely affect the public health, safety, and/or welfare of property of others and not be in the public interest, in contravention of Rule 62-330.302, F.A.C.

30. The Permit will impair Petitioner's ability to use the Navigable Canal, thus depriving Petitioner of the benefits of its ownership in real property at Cortez Marina.

V. STATEMENT OF DISPUTED ISSUES OF FACT AND LAW

31. The issues of fact and law disputed in this proceeding are as follows:

a. Whether Permittee has met its burden of demonstrating the Proposed New Dock would not "adversely affect navigation."

b. Whether the Permit creates a navigational hazard in violation of Florida law and regulations.

c. Whether the Permit infringes on the riparian rights of Petitioner, in violation of Florida statutes, regulations, and common law.

d. Whether the Permit contravenes established engineering principles for safe navigation and fairway width.

e. Whether Permittee has demonstrated that the Permit would not threaten the public health, safety, or welfare, or otherwise be in contravention of the public interest.

VI. STATEMENT OF ULTIMATE ALLEGED FACTS

32. The Permit is not in the public interest because it adversely affects the property rights of others and it will adversely affect safe navigation.

33. The Permit and accompanying reconfiguration of the Proposed New Dock will adversely affect the substantial interests of Petitioner. Under the Permit, Permittee will demolish and expand its dock structure at the Development Site, substantially narrowing the fairway in the Navigable Canal.

34. The Proposed New Dock will create a navigation hazard in the fairway, which will threaten the health, safety, and welfare of the public and vessels utilizing and paying for slips at Cortez Marina and surrounding properties. The narrowing of the fairway will also prevent vessels that have historically moored at Cortez Marina from accessing slips for which the vessel owners or users have paid and services the marina provides. This would directly impact Petitioner by limiting the vessels that can lease those slips and access the fuel, brokerage, and repair services of Cortez Marina.

35. The encroachment of the Proposed New Dock on Cortez Marina will adversely impact Petitioner's established riparian rights of safe ingress and egress and access to the intracoastal navigation channel.

VII. STATEMENT OF RULES OR STATUTES THAT PETITIONER CONTENDS REQUIRE REVERSAL OR MODIFICATION OF DEP'S PROPOSED ACTION

36. Article X, Section 11 of the Florida Constitution; Part IV of Chapter 373, Florida Statutes; Section 373.414, Florida Statutes; Rules 62.330, 62-330.302, 62-330.010(4)(incorporating Applicant's Handbook) of the Florida Administrative Code; sections 10.2.3.1 through 10.2.3.5 of the Applicant's Handbook, require reversal or modification of the Permit.

VIII. STATEMENT OF RELIEF SOUGHT

37. Petitioner requests that SWFWMD deny the application for, or revoke, Permit No. 43032468.003, or, in the alternative, modify the Permit to protect Petitioner's riparian rights and navigational interests.

Dated: July 30, 2021

SHUTTS & BOWEN LLP

Counsel for Petitioner

525 Okeechobee Boulevard, Suite 1100

West Palm Beach, FL 33401

Telephone: (561) 835-8500

Facsimile: (561) 650-8530

By: /s/ Matthew R. Chait

Matthew R. Chait

Florida Bar No.: 17657

Email: mchait@shutts.com

Deborah A. Getzoff

Florida Bar No.: 237655

Email: dgetzoff@shutts.com

Christopher F. Hamilton

Florida Bar No.: 98527

Email: chamilton@shutts.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by hand delivery via courier and mailing to the District Agency Clerk at the Southwest Florida Water Management District's Tampa Service Office located at 7601 Highway 301 North, Tampa, Florida 33637-6759 during normal business hours on 30th day of July 2021.

/s/ Matthew R. Chait

Copy: Respondent/Permittee, Cortez Road Investments and Finance, Inc. (via U.S. Mail to 35 Watergate Drive, Suite 806, Sarasota, Florida 34236) and its Registered Agent, Adron Walker, Barnes, Walker, Goethe, Hoonhout, Perron & Shea, PLLC (via U.S. Mail 3119 Manatee Avenue West, Bradenton, Florida 34205)

ORLDOCS 18874689 2

EXHIBIT A



Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899
(352) 796-7211 or 1-800-423-1476 (FL only)
SUNCOM 628-4150 TDD only 1-800-231-6103 (FL only)
On the Internet at: WaterMatters.org

An Equal
Opportunity
Employer

Bartow Service Office
170 Century Boulevard
Bartow, Florida 33830-7700
(863) 534-1448 or
1-800-492-7862 (FL only)

Sarasota Service Office
78 Sarasota Center Boulevard
Sarasota, Florida 34240-9770
(941) 377-3722 or
1-800-320-3503 (FL only)

Tampa Service Office
7601 Highway 301 North
Tampa, Florida 33637-6759
(813) 985-7481 or
1-800-836-0797 (FL only)

June 29, 2021

Cortez Road Investments and Finance, Inc
Attn: Marshall Gobuty
35 Watergate Drive, Suite 806
Sarasota, FL 34236

Subject: **Notice of Intended Agency Action - Approval
ERP Individual Construction Major Modification**

Project Name: Hunter's Point Dock
App ID/Permit No: 821245 / 43032468.003
County: Manatee
Sec/Twp/Rge: S03/T35S/R16E

Dear Permittee(s):

The Southwest Florida Water Management District (District) has completed its review of the application for Environmental Resource Permit modification. Based upon a review of the information you have submitted, the District hereby gives notice of its intended approval of the application.

The File of Record associated with this application can be viewed at <http://www18.swfwmd.state.fl.us/erp/erp/search/ERPSearch.aspx> and is also available for inspection Monday through Friday, except for District holidays, from 8:00 a.m. through 5:00 p.m. at the District's Tampa Service Office, 7601 U.S. Highway 301 North, Tampa, Florida 33637.

If you have any questions or concerns regarding the application or any other information, please contact the Environmental Resource Permit Bureau in the Tampa Service Office.

Sincerely,

David Kramer, P.E.
Bureau Chief
Environmental Resource Permit Bureau
Regulation Division

cc: Stantec / Attn: Elizabeth Eardley
Richard Sellers, P.E., Stantec Consulting Services, Inc.



An Equal
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Southwest Florida Water Management District

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Bartow Service Office
170 Century Boulevard
Bartow, Florida 33830-7700
(863) 534-1448 or
1-800-492-7862 (FL only)

Sarasota Service Office
78 Sarasota Center Boulevard
Sarasota, Florida 34240-9770
(941) 377-3722 or
1-800-320-3503 (FL only)

Tampa Service Office
7601 Highway 301 North
Tampa, Florida 33637-6759
(813) 985-7481 or
1-800-836-0797 (FL only)

June 29, 2021

Cortez Road Investments and Finance, Inc
Attn: Marshall Gobuty
35 Watergate Drive, Suite 806
Sarasota, FL 34236

**Subject: Notice of Agency Action - Approval
ERP Individual Construction Major Modification**

Project Name: Hunter's Point Dock
App ID/Permit No: 821245 / 43032468.003
County: Manatee
Sec/Twp/Rge: S03/T35S/R16E

Dear Permittee(s):

The Southwest Florida Water Management District (District) is in receipt of your application for the Environmental Resource Permit modification. Based upon a review of the information you submitted, the application is approved.

Please refer to the attached Notice of Rights to determine any legal rights you may have concerning the District's agency action on the permit application described in this letter.

If approved construction plans are part of the permit, construction must be in accordance with these plans. These drawings are available for viewing or downloading through the District's Application and Permit Search Tools located at www.WaterMatters.org/permits.

The District's action in this matter only becomes closed to future legal challenges from members of the public if such persons have been properly notified of the District's action and no person objects to the District's action within the prescribed period of time following the notification. The District does not publish notices of agency action. If you wish to limit the time within which a person who does not receive actual written notice from the District may request an administrative hearing regarding this action, you are strongly encouraged to publish, at your own expense, a notice of agency action in the legal advertisement section of a newspaper of general circulation in the county or counties where the activity will occur. Publishing notice of agency action will close the window for filing a petition for hearing. Legal requirements and instructions for publishing notices of agency action, as well as a noticing form that can be used, are available from the District's website at www.WaterMatters.org/permits/noticing. If you publish notice of agency action, a copy of the affidavit of publication provided by the newspaper should be sent to the District's Tampa Service Office for retention in this permit's File of Record.

If you have any questions or concerns regarding your permit or any other information, please contact the Environmental Resource Permit Bureau in the Tampa Service Office.

Sincerely,

David Kramer, P.E.
Bureau Chief
Environmental Resource Permit Bureau
Regulation Division

Enclosures: Approved Permit w/Conditions Attached
 [As-Built Certification and Request for Conversion to Operation Phase](#)
 Notice of Authorization to Commence Construction
 Notice of Rights

cc: Stantec / Attn: Elizabeth Eardley
 Richard Sellers, P.E., Stantec Consulting Services, Inc.

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL RESOURCE
INDIVIDUAL CONSTRUCTION MAJOR MODIFICATION
PERMIT NO. 43032468.003**

EXPIRATION DATE: June 29, 2026

PERMIT ISSUE DATE: June 29, 2021

This permit is issued under the provisions of Chapter 373, Florida Statutes, (F.S.), and the Rules contained in Chapter 62-330, Florida Administrative Code, (F.A.C.). The permit authorizes the Permittee to proceed with the construction of a surface water management system in accordance with the information outlined herein and shown by the application, approved drawings, plans, specifications, and other documents, attached hereto and kept on file at the Southwest Florida Water Management District (District). Unless otherwise stated by permit specific condition, permit issuance constitutes certification of compliance with state water quality standards under Section 401 of the Clean Water Act, 33 U.S.C. 1341. All construction, operation and maintenance of the surface water management system authorized by this permit shall occur in compliance with Florida Statutes and Administrative Code and the conditions of this permit.

PROJECT NAME: Hunter's Point Dock

GRANTED TO: Cortez Road Investments and Finance, Inc
Attn: Marshall Gobuty
35 Watergate Drive, Suite 806
Sarasota, FL 34236

OTHER PERMITTEES: N/A

ABSTRACT: This permit authorization is for the modification of a stormwater management system approved under Environmental Resource Permit (ERP) No. 43032468.002, serving a 1.87-acre residential dock project. The proposed activities include installation of approximately 4,352 square feet of new piling-supported docking structure and the replacement of approximately 3,631 square feet of existing piling-supported docking structure, which will provide 32 parallel mooring boat slips in addition to the 17 existing slips. The slips will serve residents and guests of Hunters Point Resort and Marina. Formal water quality treatment and attenuation are not required for runoff from this area. This Permit Modification No. 43032468.003, amends the previously issued Permit No. 43032468.002 and adds conditions. Specific Condition No. 22 from Permit No. 43032468.002 will be replaced with Specific Condition No. 9 below. The project site is located along the north side of Cortez Road, approximately 0.1 mile east of 127th Street West, in Manatee County.

OP. & MAIN. ENTITY: Hunters Point Homeowners' Association, Inc.

OTHER OP. & MAIN. ENTITY: N/A

COUNTY: Manatee

SEC/TWP/RGE: S03/T35S/R16E

**TOTAL ACRES OWNED
OR UNDER CONTROL:** 17.73

PROJECT SIZE: 1.87 Acres

LAND USE: Residential

DATE APPLICATION FILED: March 15, 2021

AMENDED DATE: N/A

I. Water Quantity/Quality

Water Quality/Quantity Comments: Water quality treatment and quantity attenuation are not required for the proposed dock construction activities. The plans and calculations reflect the North American Vertical Datum of 1988 (NAVD 88).

A mixing zone is not required.

A variance is not required.

II. 100-Year Floodplain

| Encroachment (Acre-Feet of fill) | Compensation (Acre-Feet of excavation) | Compensation Type | Encroachment Result* (feet) |
|----------------------------------|--|-------------------|-----------------------------|
| 0.00 | 0.00 | No Encroachment | N/A |

Floodplain Comments: The project proposes no fill placement within a known 100-year riverine floodplain or depression storage areas associated with 100-year riverine floodplain.

*Depth of change in flood stage (level) over existing receiving water stage resulting from floodplain encroachment caused by a project that claims Minimal Impact type of compensation.

III. Environmental Considerations

Wetland/Other Surface Water Information

| Wetland/Other Surface Water Name | Total Acres | Not Impacted Acres | Permanent Impacts | | Temporary Impacts | |
|----------------------------------|-------------|--------------------|-------------------|------------------|-------------------|------------------|
| | | | Acres | Functional Loss* | Acres | Functional Loss* |
| Mangrove Fringe | 0.01 | 0.00 | 0.01 | 0.00 | 0.00 | 0.00 |
| Canal | 0.17 | 0.00 | 0.17 | 0.00 | 0.00 | 0.00 |
| Total: | 0.18 | 0.00 | 0.18 | 0.00 | 0.00 | 0.00 |

* For impacts that do not require mitigation, their functional loss is not included.

Wetland/Other Surface Water Comments:

There are 0.01 acre of wetlands (FLUCCS 612) and 0.17 acre of surface waters (FLUCCS 510) located within the project area. Permanent filling and shading impacts to 0.01 acre of wetlands and 0.17 acre of surface waters will occur for construction of the docking structure.

Mitigation Information

Mitigation Comments:

Mitigation will not be required for permanent filling and shading impacts 0.01 acre of wetlands and 0.17 acre of surface waters pursuant to Subsection 10.2.2 of the ERP Applicant's Handbook Vol. I. Under this Section, wetland mitigation is not required for impacts that have been determined to be de minimis to fish, wildlife and listed species.

Specific Conditions

1. If the ownership of the project area covered by the subject permit is divided, with someone other than the Permittee becoming the owner of part of the project area, this permit may be terminated, unless the terms of the permit are modified by the District or the permit is transferred pursuant to Rule 40D-1.6105, F.A.C. In such situations, each land owner shall obtain a permit (which may be a modification of this permit) for the land owned by that person. This condition shall not apply to the division and sale of lots or units in residential subdivisions or condominiums.
2. The Permittee shall retain the design professional registered or licensed in Florida, to conduct on-site observations of construction and assist with the as-built certification requirements of this project. The Permittee shall inform the District in writing of the name, address and phone number of the design professional so employed. This information shall be submitted prior to construction.
3. 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 4-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 Florida Fish and Wildlife Conservation Commission (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.
 - f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs shall be removed by the Permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. 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. These signs can be viewed at MyFWC.com/manatee. Questions concerning these signs can be sent to the email address listed above.
4. This Permit Modification No. 43032468.003, amends the previously issued Permit No. 43032468.002, and replaces Specific Condition No. 22 with Specific Condition No. 9 herein, and adds conditions. All other original permit conditions remain in effect.
5. The Permitted Plan Set for this project includes the set received by the District on May 24, 2021.
6. The following shall be properly abandoned and/or removed in accordance with the applicable regulations:

- a. Any existing wells in the path of construction shall be properly plugged and abandoned by a licensed well contractor.
 - b. Any existing septic tanks on site shall be abandoned at the beginning of construction.
 - c. Any existing fuel storage tanks and fuel pumps shall be removed at the beginning of construction.
7. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the occupation of the site or operation of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of that phase or portion of the system to a local government or other responsible entity.
 8. This permit is valid only for the specific processes, operations and designs indicated on the approved drawings or exhibits submitted in support of the permit application. Any substantial deviation from the approved drawings, exhibits, specifications or permit conditions, including construction within the total land area but outside the approved project area(s), may constitute grounds for revocation or enforcement action by the District, unless a modification has been applied for and approved. Examples of substantial deviations include excavation of ponds, ditches or sump areas deeper than shown on the approved plans.
 9. The docking facility is limited to the mooring of 49 vessels with the slips defined on the approved permit drawings.
 10. The handrails and "no mooring" signs shown on the approved permit drawings shall be maintained for the life of the facility.
 11. The Permittee shall install permanent manatee educational signs, which shall be maintained for the life of the facility, no later than 60 days after construction commencement. The number and types of signs, as well as the on-site locations shall be approved by FWC staff prior to installation. A proposal for FWC sign approval shall be submitted to ImperiledSpecies@MyFWC.com in accordance with information provided at <http://www.myfwc.com/wildlifehabitats/managed/manatee/education-for-marinas/>. Signs shall be replaced in accordance with FWC guidance by the Permittee if outdated, damaged or faded.

GENERAL CONDITIONS

1. The general conditions attached hereto as Exhibit "A" are hereby incorporated into this permit by reference and the Permittee shall comply with them.

David Kramer, P.E.

Authorized Signature

EXHIBIT A

GENERAL CONDITIONS:

- 1 The following general conditions are binding on all individual permits issued under this chapter, except where the conditions are not applicable to the authorized activity, or where the conditions must be modified to accommodate, project-specific conditions.
 - a. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C., or the permit may be revoked and the permittee may be subject to enforcement action.
 - b. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.
 - c. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007)*, and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008)*, which are both incorporated by reference in subparagraph 62-330.050(8)(b)5, F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.
 - d. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice,"[effective date], incorporated by reference herein (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02505>), indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5),F.A.C. However, for activities involving more than one acre of construction that also require a NPDES stormwater construction general permit, submittal of the Notice of Intent to Use Generic Permit for Stormwater Discharge from Large and Small Construction Activities, DEP Form 62-621.300(4)(b), shall also serve as notice of commencement of construction under this chapter and, in such a case, submittal of Form 62-330.350(1) is not required.
 - e. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.
 - f. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:
 1. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex - "Construction Completion and Inspection Certification for Activities Associated with a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; or
 2. For all other activities - "As-Built Certification and Request for Conversion to Operation Phase" [Form 62-330.310(1)].
 3. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form .
 - g. If the final operation and maintenance entity is a third party:

1. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as- built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.4 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
 2. Within 30 days of submittal of the as- built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation and Maintenance Entity" [Form 62-330.310 (2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.
- h. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.
- i. This permit does not:
1. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
 2. Convey to the permittee or create in the permittee any interest in real property;
 3. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
 4. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.
- j. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.
- k. The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.
- l. The permittee shall notify the Agency in writing:
1. Immediately if any previously submitted information is discovered to be inaccurate; and
 2. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.
- m. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.
- n. If any prehistoric or historic artifacts, such as pottery or 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 are encountered at any time within the project site area, work involving

subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S. (2012).

- o. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.
 - p. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.
 - q. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.
 - r. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with Rule 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.
2. In addition to those general conditions in subsection (1) above, the Agency shall impose any additional project-specific special conditions necessary to assure the permitted activities will not be harmful to the water resources, as set forth in Rules 62-330.301 and 62-330.302, F.A.C., Volumes I and II, as applicable, and the rules incorporated by reference in this chapter.

SOUTHWEST FLORIDA
WATER MANAGEMENT DISTRICT

NOTICE OF
AUTHORIZATION
TO COMMENCE CONSTRUCTION

Hunter's Point Dock

PROJECT NAME

Residential

PROJECT TYPE

Manatee

COUNTY

S03/T35S/R16E

SEC(S)/TWP(S)/RGE(S)

Cortez Road Investments and Finance, Inc

PERMITTEE

See permit for additional permittees

APPLICATION ID/PERMIT NO: 821245 / 43032468.003

DATE ISSUED: June 29, 2021



David Kramer, P.E.

Issuing Authority

THIS NOTICE SHOULD BE CONSPICUOUSLY
DISPLAYED AT THE SITE OF THE WORK

Notice of Rights

ADMINISTRATIVE HEARING

1. You or any person whose substantial interests are or may be affected by the District's intended or proposed action may request an administrative hearing on that action by filing a written petition in accordance with Sections 120.569 and 120.57, Florida Statutes (F.S.), Uniform Rules of Procedure Chapter 28-106, Florida Administrative Code (F.A.C.) and District Rule 40D-1.1010, F.A.C. Unless otherwise provided by law, a petition for administrative hearing must be filed with (received by) the District within 21 days of receipt of written notice of agency action. "Written notice" means either actual written notice, or newspaper publication of notice, that the District has taken or intends to take agency action. "Receipt of written notice" is deemed to be the fifth day after the date on which actual notice is deposited in the United States mail, if notice is mailed to you, or the date that actual notice is issued, if sent to you by electronic mail or delivered to you, or the date that notice is published in a newspaper, for those persons to whom the District does not provide actual notice.
2. Pursuant to Subsection 373.427(2)(c), F.S., for notices of intended or proposed agency action on a consolidated application for an environmental resource permit and use of state-owned submerged lands concurrently reviewed by the District, a petition for administrative hearing must be filed with (received by) the District within 14 days of receipt of written notice.
3. Pursuant to Rule 62-532.430, F.A.C., for notices of intent to deny a well construction permit, a petition for administrative hearing must be filed with (received by) the District within 30 days of receipt of written notice of intent to deny.
4. Any person who receives written notice of an agency decision and who fails to file a written request for a hearing within 21 days of receipt or other period as required by law waives the right to request a hearing on such matters.
5. Mediation pursuant to Section 120.573, F.S., to settle an administrative dispute regarding District intended or proposed action is not available prior to the filing of a petition for hearing.
6. A request or petition for administrative hearing must comply with the requirements set forth in Chapter 28-106, F.A.C. A request or petition for a hearing must: (1) explain how the substantial interests of each person requesting the hearing will be affected by the District's intended action or proposed action, (2) state all material facts disputed by the person requesting the hearing or state that there are no material facts in dispute, and (3) otherwise comply with Rules 28-106.201 and 28-106.301, F.A.C. Chapter 28-106, F.A.C. can be viewed at www.flrules.org or at the District's website at www.WaterMatters.org/permits/rules.
7. A petition for administrative hearing is deemed filed upon receipt of the complete petition by the District Agency Clerk at the District's Tampa Service Office during normal business hours, which are 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding District holidays. Filings with the District Agency Clerk may be made by mail, hand-delivery or facsimile transfer (fax). The District does not accept petitions for administrative hearing by electronic mail. Mailed filings must be addressed to, and hand-delivered filings must be delivered to, the Agency Clerk, Southwest Florida Water Management District, 7601 Highway 301 North, Tampa, FL 33637-6759. Faxed filings must be transmitted to the District Agency Clerk at (813) 367-9776. Any petition not received during normal business hours shall be filed as of 8:00 a.m. on the next business day. The District's acceptance of faxed petitions for filing is subject to certain conditions set forth in the District's Statement of Agency Organization and Operation, available for viewing at www.WaterMatters.org/about.

JUDICIAL REVIEW

1. Pursuant to Sections 120.60(3) and 120.68, F.S., a party who is adversely affected by District action may seek judicial review of the District's action. Judicial review shall be sought in the Fifth District Court of Appeal or in the appellate district where a party resides or as otherwise provided by law.
2. All proceedings shall be instituted by filing an original notice of appeal with the District Agency Clerk within 30 days after the rendition of the order being appealed, and a copy of the notice of appeal, accompanied by any filing fees prescribed by law, with the clerk of the court, in accordance with Rules 9.110 and 9.190 of the Florida Rules of Appellate Procedure (Fla. R. App. P.). Pursuant to Fla. R. App. P. 9.020(h), an order is rendered when a signed written order is filed with the clerk of the lower tribunal.

EXHIBIT B

Lauren F. Greenawalt

From: Skip McPadden <Skip_McPadden@equitylifestyle.com>
Sent: Wednesday, July 21, 2021 5:45 PM
To: Lauren F. Greenawalt
Subject: Hunters Point

Follow Up Flag: Follow up
Flag Status: Flagged

[EXTERNAL SENDER] Use caution before opening.

Hi Lauren,
Thank you for your time on the phone today helping me learn more about the dock construction at the new Hunter's Point Development near the entrance to the canal on which our marina operates.
As I stated in our conversation, the safety of the boaters that operate in the canal is important.
Thanks again and Happy Wednesday!

Skip McPadden
General Manager
Cortez Village Marina

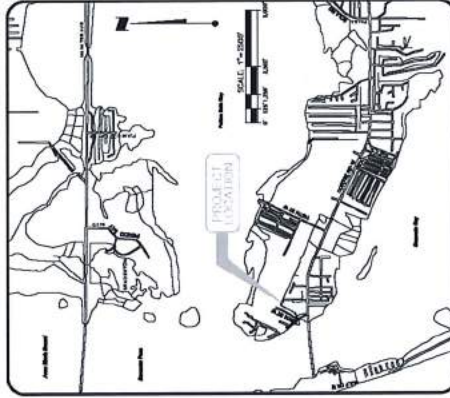
EXHIBIT C

CONSTRUCTION PLANS FOR
HUNTER'S POINT DOCK
 PART OF SECTION 3, TOWNSHIP 35 SOUTH, RANGE 16 EAST,
 MANATEE COUNTY, FLORIDA

CLIENT:
CORTEZ ROAD INVESTMENTS AND FINANCE, INC.
 35 WATERGATE DRIVE SUITE 806
 SARASOTA, FL 34236



LOCATION MAP



SITE MAP

LEGEND/NOTES

MAP LEGEND
 SITE BOUNDARY
 ROAD LINE
 TOWNSHIP

NOTES

1. THESE PLANS SHOW THE QUALITY OF THE PROJECT BASED ON LIMITED SURVEY INFORMATION.
2. THE SITE BOUNDARY IS BASED ON THE SURVEY INFORMATION PROVIDED BY THE CLIENT.
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20. THE SITE BOUNDARY IS BASED ON THE SURVEY INFORMATION PROVIDED BY THE CLIENT.



THIS DRAWING HAS BEEN PREPARED BY THE ENGINEER AND SEALER OF THE SEAL.
 THE ENGINEER HAS REVIEWED THE DRAWING AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE
 REQUIREMENTS OF THE FLORIDA BOARD OF PROFESSIONAL ENGINEERS AND ARCHITECTS.
 THE ENGINEER'S SIGNATURE AND SEAL ARE REQUIRED FOR THIS DRAWING TO BE VALID.
 THE ENGINEER'S SIGNATURE AND SEAL ARE REQUIRED FOR THIS DRAWING TO BE VALID.

INDEX TO SHEETS

| SHEET NO. | DESCRIPTION |
|-----------|--------------------------------|
| 1 | COVER SHEET |
| 2 | AERIAL SITE PLAN |
| 3 | PROPOSED DOCK SITE PLAN |
| 4 | IDENTIFICATION SHEETS |
| 5 | PROPOSED DOCK BUYP PLAN |
| 6 | SEA MANAGEMENT TRANSDUCER PLAN |
| 7 | TYPICAL DETAILS |
| 8 | PROJECTIONS CRITERIA |
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STATUS : PERMIT PLAN

| | |
|--|-----------------------------|
| PROJECT MANAGER ELIZABETH EARDLEY | PROJECT NUMBER 177311099 |
| DATE | CHECKED BY |
| PROJECT ENGINEER S. JAMES BELLENS, P.E. | PROJECT NUMBER 177311099 |
| DATE MARCH 2021 | CHECKED BY |

PROJECT NUMBER
 177311099
 DATE
 MARCH 2021
 CHECKED BY
 PROJECT NUMBER
 177311099
 DATE
 MARCH 2021
 CHECKED BY

Stantec
 6900 Professional Parkway East, Sarasota, FL 34240-8414
 Phone 941-907-8900 • Fax 941-907-8910
 Certificate of Authorization #27013 • www.stantec.com

The Contractor shall verify and be responsible for all dimensions. DO NOT scale the drawing. any errors or omissions shall be reported to Stantec without delay. The Copyrights to all designs and drawings are the property of Stantec. Reproduction or use for any purpose other than that authorized by Stantec is forbidden.



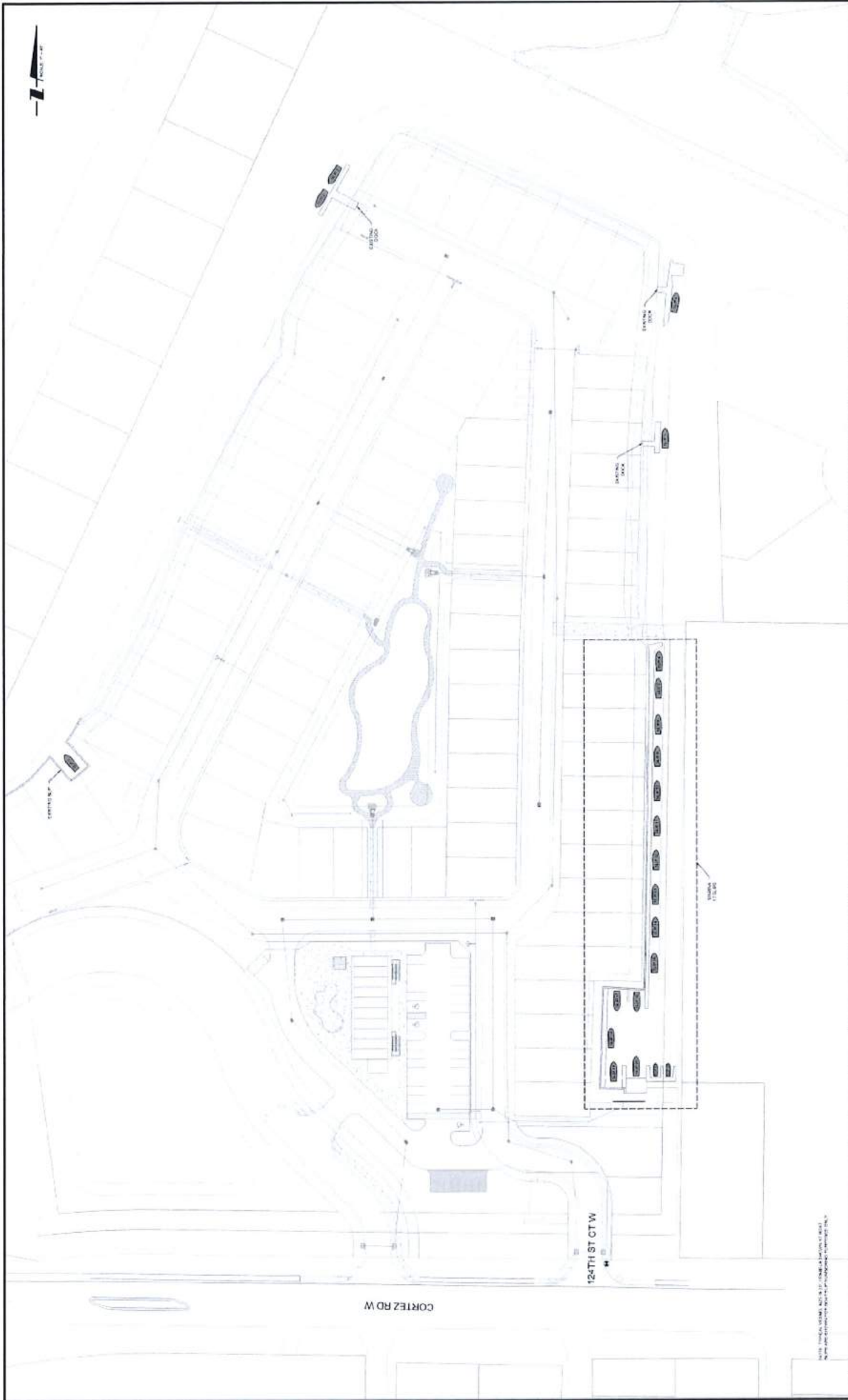
SCALE: 1" = 30' AS SHOWN
SOURCE: AERIAL PHOTOGRAPHY 2002 CITY OF HUNTER

| | | | |
|--|---------------------------------------|---|----------------|
| CLIENT: CORTEZ ROAD INVESTMENTS AND FINANCE, INC. PROJECT: HUNTERS POINT DOCK | | TITLE: AERIAL SITE PLAN SHEET NO.: 3 OF 9 PROJECT NO.: 77311096 | |
| DATE: 07/20/05 DRAWN BY: RJS CHECKED BY: RJS APPROVED BY: RJS | TOTAL SHEET NO.: 3 TOTAL SHEETS: 9 | SHEET NO.: 3 OF 9 SHEETS | DATE: 07/20/05 |

Stantec
 2001 Progress Plaza, Suite 1000
 1000 Progress Plaza, Suite 1000
 1000 Progress Plaza, Suite 1000
 1000 Progress Plaza, Suite 1000



124TH ST CT W
 CORTEZ RD W

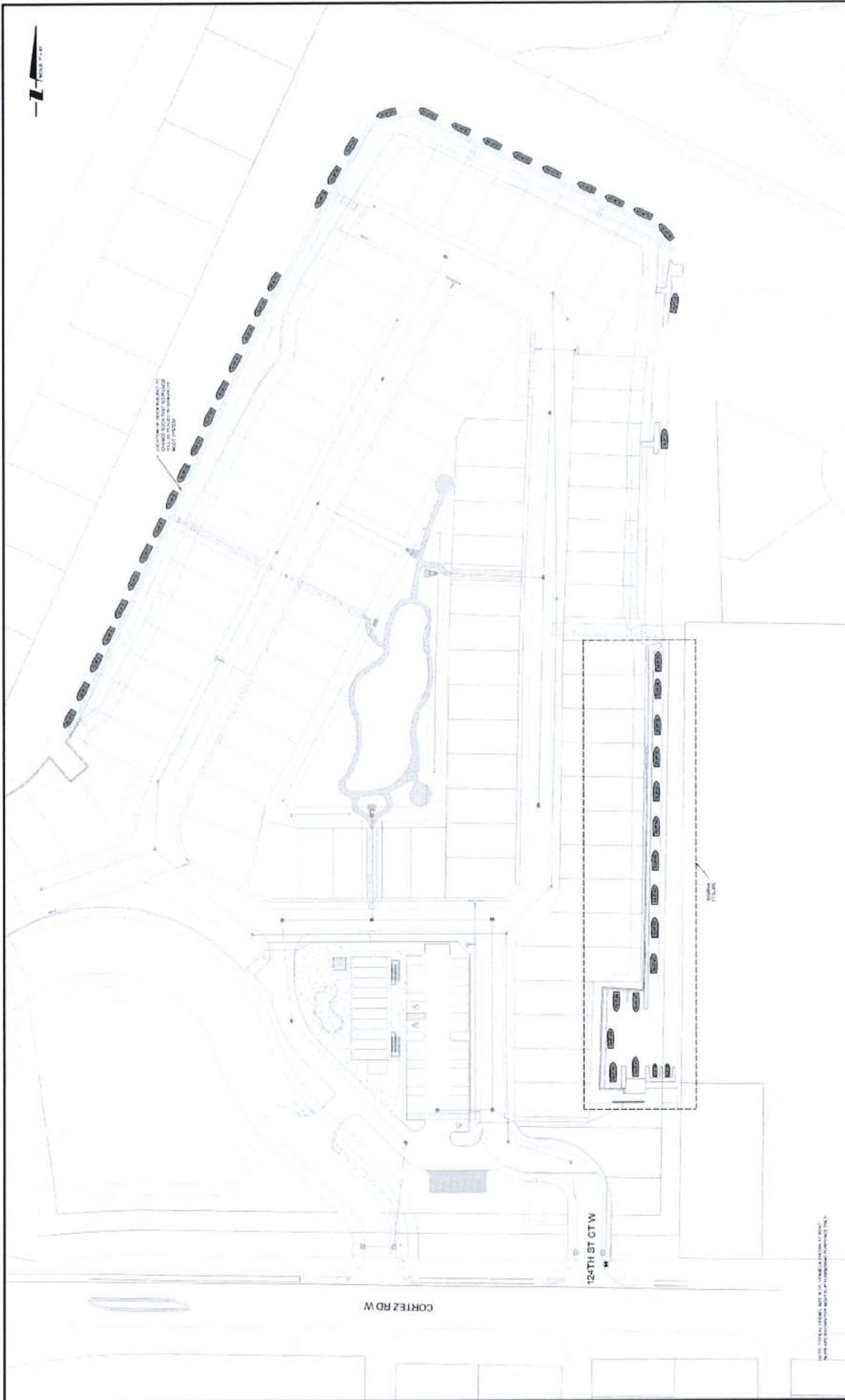


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| CLIENT: CORTEZ ROAD INVESTMENTS AND FINANCE, INC. PROJECT: HUNTERS POINT DOCK | | TITLE: EXISTING DOCK SLIPS SHEET NO.: 5 OF 9 | |
| DESIGNER: STANTEC DATE: 08/14/2014 | | PROJECT NO.: 27711500 | |
| DRAWN BY: J. A. HUNTER CHECKED BY: J. A. HUNTER | | SCALE: AS SHOWN | |
| PROJECT NO.: 27711500 | | SHEET NO.: 5 OF 9 | |

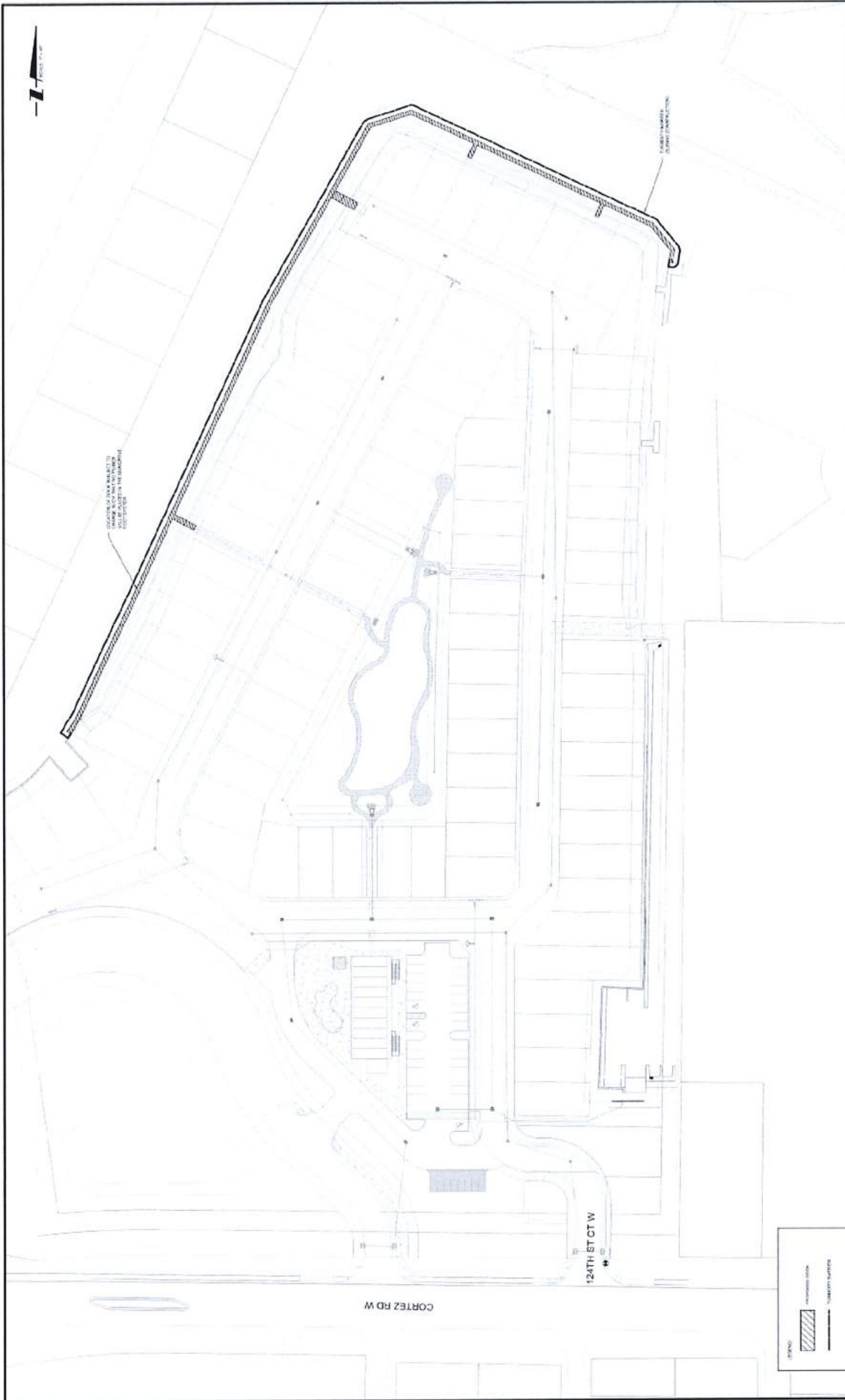


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| PROJECT NO.: 27711500 | SHEET NO.: 5 OF 9 |
| DESIGNER: STANTEC | DATE: 08/14/2014 |
| DRAWN BY: J. A. HUNTER | CHECKED BY: J. A. HUNTER |
| PROJECT NO.: 27711500 | SHEET NO.: 5 OF 9 |

THIS PLAN IS THE PROPERTY OF STANTEC AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.



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|--|--|---|--|---|--|--|--|--|--|---|--|
| <p>NOTES: 1. THIS PLAN IS A PRELIMINARY DESIGN. 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. 3. SEE ALL ATTACHED SHEETS FOR COMPLETE INFORMATION. 4. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.</p> | | <p>DATE: 08/15/2023 DRAWN BY: J. B. [unreadable] CHECKED BY: [unreadable] CONTRACT NO.: [unreadable]</p> | | <p>PROJECT: HUNTERS POINT DOCK CLIENT: CORTEZ ROAD INVESTMENTS AND FINANCE, INC. TITLE: PROPOSED DOCK SLIP PLAN</p> | | <p>SCALE: 1" = 10'-0" SHEET NO.: 1 OF 1 DATE: 08/15/2023</p> | | <p>DESIGNER: STANTEC PROJECT NO.: [unreadable] SHEET NO.: [unreadable]</p> | | <p>124TH ST CT W CORTAZ RD W</p> | |
| <p>STANTEC 400 WEST 10TH AVENUE SUITE 200 DENVER, CO 80202 TEL: 303.733.8800 WWW.STANTEC.COM</p> | | <p>PROJECT: HUNTERS POINT DOCK CLIENT: CORTEZ ROAD INVESTMENTS AND FINANCE, INC. TITLE: PROPOSED DOCK SLIP PLAN</p> | | <p>SCALE: 1" = 10'-0" SHEET NO.: 1 OF 1 DATE: 08/15/2023</p> | | <p>DESIGNER: STANTEC PROJECT NO.: [unreadable] SHEET NO.: [unreadable]</p> | | <p>124TH ST CT W CORTAZ RD W</p> | | <p>17311960/0 8 - 9</p> | |



| | | | | | |
|--|--|--|---|---|---|
| <p>Stantec 4075 Woodloch Forest Dr., Suite 100, Austin, TX 78739 Phone: 512.338.2200 • Fax: 512.338.2201 www.stantec.com</p> | | <p>CLIENT: CORTEZ ROAD INVESTMENTS AND FINANCE, INC.</p> <p>PROJECT: HUNTER'S POINT DOCK</p> | <p>TITLE: BEST MANAGEMENT PRACTICES PLAN</p> <p>DATE: 7/11/06</p> <p>PROJECT NUMBER: 17711096</p> | <p>DATE: 7/11/06</p> <p>SCALE: AS SHOWN</p> <p>PROJECT NUMBER: 17711096</p> | <p>DATE: 7/11/06</p> <p>SCALE: AS SHOWN</p> <p>PROJECT NUMBER: 17711096</p> |
| <p>PROJECT: HUNTER'S POINT DOCK</p> | <p>CLIENT: CORTEZ ROAD INVESTMENTS AND FINANCE, INC.</p> | <p>TITLE: BEST MANAGEMENT PRACTICES PLAN</p> | <p>DATE: 7/11/06</p> | <p>DATE: 7/11/06</p> | <p>DATE: 7/11/06</p> |

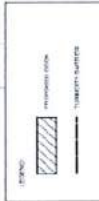
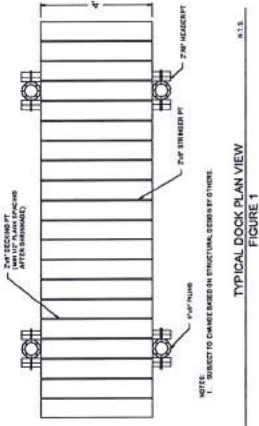
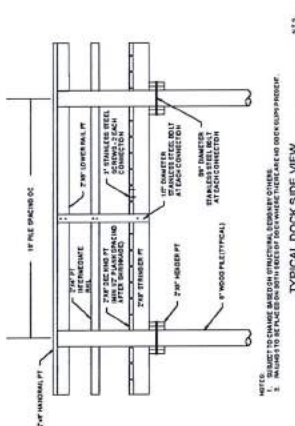


EXHIBIT D



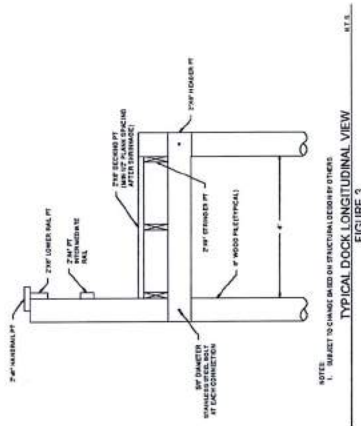
N.T.S.

FIGURE 1



N.T.S.

FIGURE 2



N.T.S.

FIGURE 3

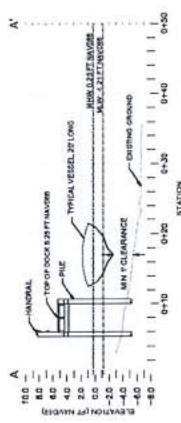


FIGURE 4

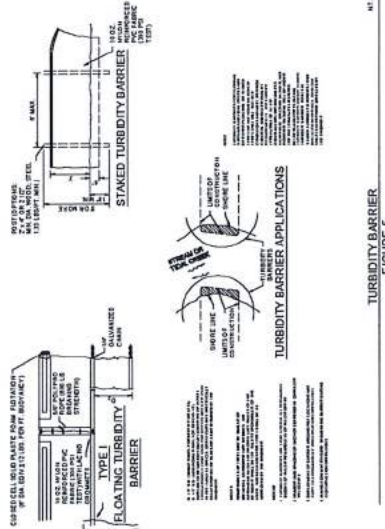


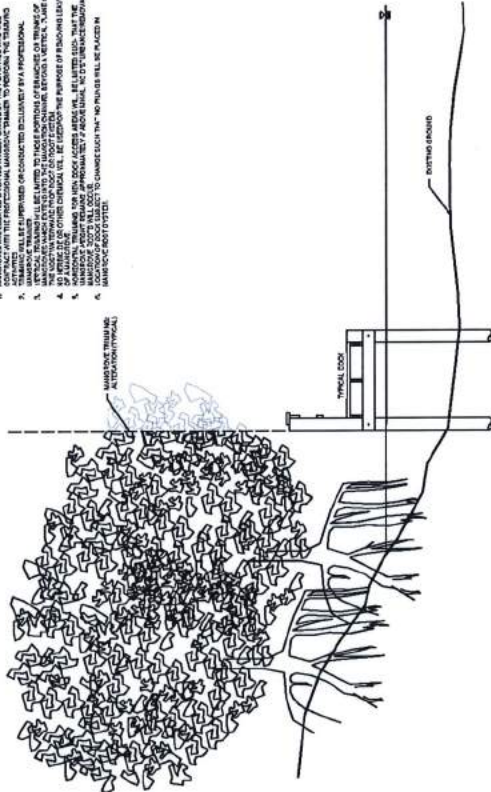
FIGURE 5

| | | | |
|--|--|--|--|
| CLIENT: CORTEZ ROAD INVESTMENTS AND FINANCE, INC. PROJECT: HUNTER'S POINT DOCK | | TITLE: TYPICAL DETAILS | |
| DATE: 11/20/2013 DRAWN BY: J. GARDNER CHECKED BY: J. GARDNER CONTRACT NUMBER: 1773110950.00 | | SHEET: 8 OF 9 PROJECT NUMBER: 177311099 | |
| DRAWN BY: J. GARDNER CHECKED BY: J. GARDNER CONTRACT NUMBER: 1773110950.00 | | SHEET: 8 OF 9 PROJECT NUMBER: 177311099 | |



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- NOTES:
1. MANGROVE ARE LOCATED CALLED CHALKERS MARSH, OWNED BY THE AMSTERDAM MARSH TRUST. CONTACT WITH THE PROFESSIONAL MANGROVE TRIMMER TO RESOLVE THE TRIMMING.
 2. TRIMMING WILL BE PERFORMED OR CONDUCTED EXCLUSIVELY BY A PROFESSIONAL.
 3. TRIMMING WILL BE PERFORMED IN ACCORDANCE WITH THE PROFESSIONAL MANGROVE TRIMMING MANUAL. TRIMMING WILL BE PERFORMED IN ACCORDANCE WITH THE PROFESSIONAL MANGROVE TRIMMING MANUAL. TRIMMING WILL BE PERFORMED IN ACCORDANCE WITH THE PROFESSIONAL MANGROVE TRIMMING MANUAL.
 4. MANGROVE TRIMMING WILL BE PERFORMED IN ACCORDANCE WITH THE PROFESSIONAL MANGROVE TRIMMING MANUAL. TRIMMING WILL BE PERFORMED IN ACCORDANCE WITH THE PROFESSIONAL MANGROVE TRIMMING MANUAL. TRIMMING WILL BE PERFORMED IN ACCORDANCE WITH THE PROFESSIONAL MANGROVE TRIMMING MANUAL.
 5. MANGROVE TRIMMING WILL BE PERFORMED IN ACCORDANCE WITH THE PROFESSIONAL MANGROVE TRIMMING MANUAL. TRIMMING WILL BE PERFORMED IN ACCORDANCE WITH THE PROFESSIONAL MANGROVE TRIMMING MANUAL. TRIMMING WILL BE PERFORMED IN ACCORDANCE WITH THE PROFESSIONAL MANGROVE TRIMMING MANUAL.
 6. MANGROVE TRIMMING WILL BE PERFORMED IN ACCORDANCE WITH THE PROFESSIONAL MANGROVE TRIMMING MANUAL. TRIMMING WILL BE PERFORMED IN ACCORDANCE WITH THE PROFESSIONAL MANGROVE TRIMMING MANUAL. TRIMMING WILL BE PERFORMED IN ACCORDANCE WITH THE PROFESSIONAL MANGROVE TRIMMING MANUAL.
 7. MANGROVE TRIMMING WILL BE PERFORMED IN ACCORDANCE WITH THE PROFESSIONAL MANGROVE TRIMMING MANUAL. TRIMMING WILL BE PERFORMED IN ACCORDANCE WITH THE PROFESSIONAL MANGROVE TRIMMING MANUAL. TRIMMING WILL BE PERFORMED IN ACCORDANCE WITH THE PROFESSIONAL MANGROVE TRIMMING MANUAL.
 8. MANGROVE TRIMMING WILL BE PERFORMED IN ACCORDANCE WITH THE PROFESSIONAL MANGROVE TRIMMING MANUAL. TRIMMING WILL BE PERFORMED IN ACCORDANCE WITH THE PROFESSIONAL MANGROVE TRIMMING MANUAL. TRIMMING WILL BE PERFORMED IN ACCORDANCE WITH THE PROFESSIONAL MANGROVE TRIMMING MANUAL.
 9. MANGROVE TRIMMING WILL BE PERFORMED IN ACCORDANCE WITH THE PROFESSIONAL MANGROVE TRIMMING MANUAL. TRIMMING WILL BE PERFORMED IN ACCORDANCE WITH THE PROFESSIONAL MANGROVE TRIMMING MANUAL. TRIMMING WILL BE PERFORMED IN ACCORDANCE WITH THE PROFESSIONAL MANGROVE TRIMMING MANUAL.
 10. MANGROVE TRIMMING WILL BE PERFORMED IN ACCORDANCE WITH THE PROFESSIONAL MANGROVE TRIMMING MANUAL. TRIMMING WILL BE PERFORMED IN ACCORDANCE WITH THE PROFESSIONAL MANGROVE TRIMMING MANUAL. TRIMMING WILL BE PERFORMED IN ACCORDANCE WITH THE PROFESSIONAL MANGROVE TRIMMING MANUAL.



MANGROVE TRIMMING DETAIL
FIGURE 6

N.T.S.



MANATEE SIGNS
FIGURE 7

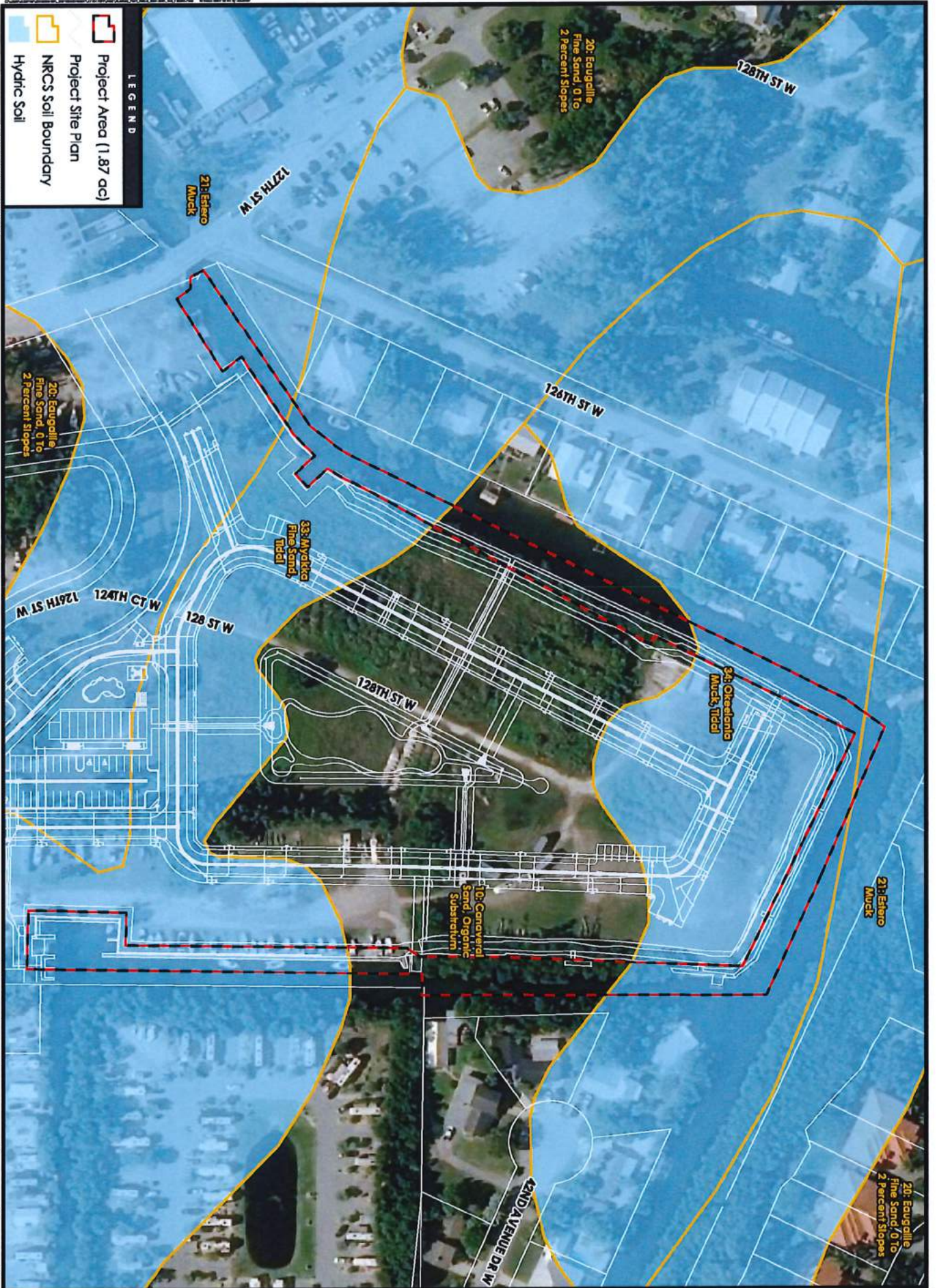
N.T.S.



MANATEE AND WILDLIFE EDUCATIONAL DISPLAY
FIGURE 8

N.T.S.

| | | | | | | | |
|---|--|---|--|---|--|---|--|
| <p>STANTEC 600 Industrial Parkway, Suite 100 Fort Lauderdale, FL 33309 Phone: 954.576.1000 Fax: 954.576.1001 Email: info@stantec.com</p> | | <p>CLIENT: CORTEZ ROAD INVESTMENTS AND FINANCE, INC. PROJECT: HUNTER'S POINT DOCK</p> | | <p>TITLE: TYPICAL DETAILS DATE: 07/20/2011 DRAWN BY: [REDACTED] CHECKED BY: [REDACTED] DATE: 07/20/2011</p> | | <p>PROJECT NUMBER: 177311098 DATE: 07/20/2011</p> | |
| <p>DATE: 07/20/2011 TIME: 10:00 AM DRAWN BY: [REDACTED] CHECKED BY: [REDACTED] DATE: 07/20/2011</p> | | <p>DATE: 07/20/2011 TIME: 10:00 AM DRAWN BY: [REDACTED] CHECKED BY: [REDACTED] DATE: 07/20/2011</p> | | <p>DATE: 07/20/2011 TIME: 10:00 AM DRAWN BY: [REDACTED] CHECKED BY: [REDACTED] DATE: 07/20/2011</p> | | <p>DATE: 07/20/2011 TIME: 10:00 AM DRAWN BY: [REDACTED] CHECKED BY: [REDACTED] DATE: 07/20/2011</p> | |



LEGEND

- Project Area (1.87 ac)
- Project Site Plan
- NRCS Soil Boundary
- Hydric Soil

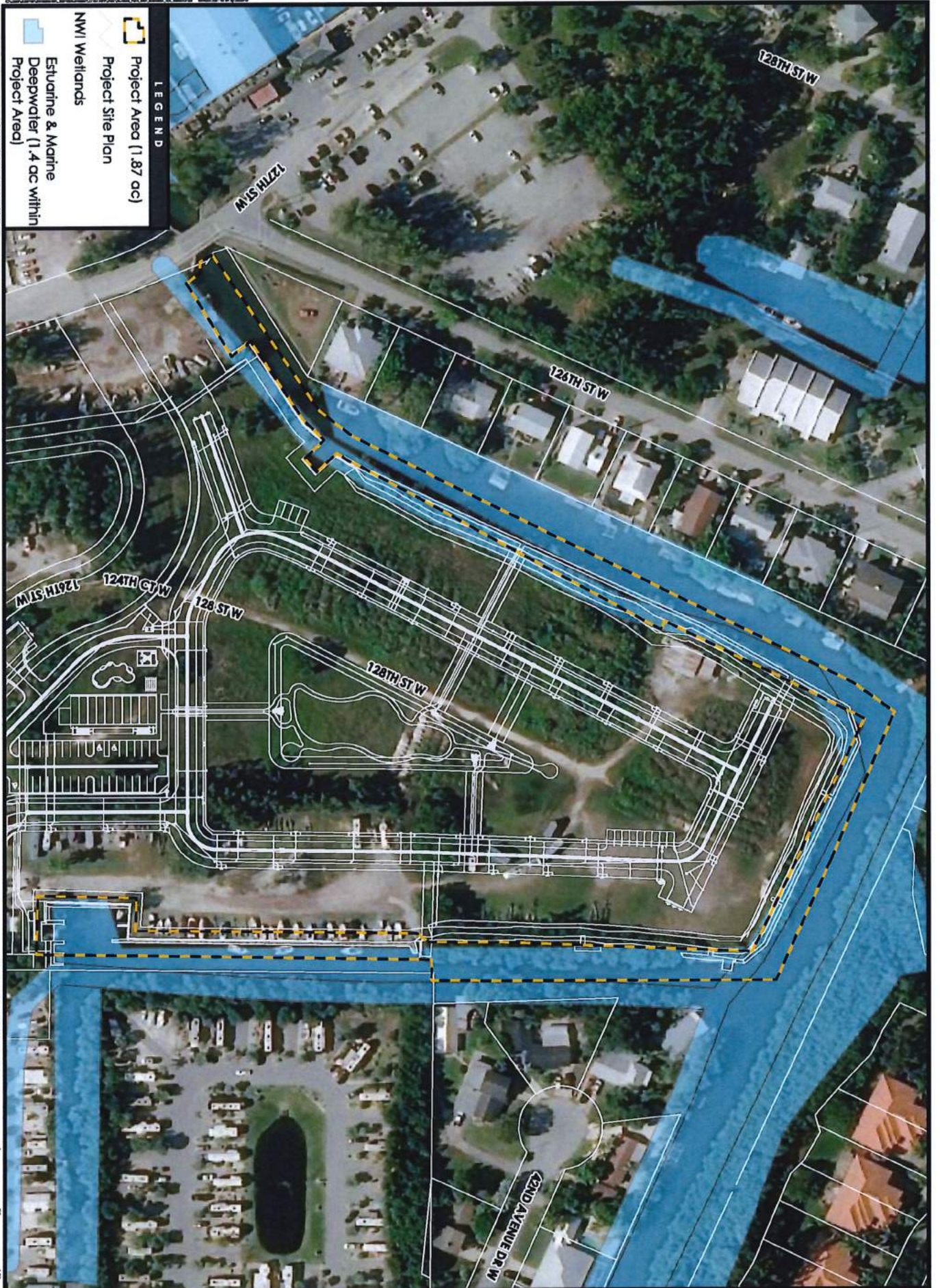


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Hunter's Point Dock
 NRCS Soils Map
 March 2021

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LEGEND

-  Project Area (1.87 ac)
-  Project Site Plan
-  NWI Wetlands
-  Estuarine & Marine Deepwater (1.4 ac within Project Area)



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**Hunter's Point Dock
 NWI Wetlands Map**
 March 2021

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LEGEND

-  Project Area (1.87 ac)
-  Project Site Plan
-  Privately Owned Shoreline (5.664ft)
-  Existing Dock (0.08 ac)
-  Proposed Dock (0.1 ac)
-  Seagrass Bed (0.09ac Within Project Area)

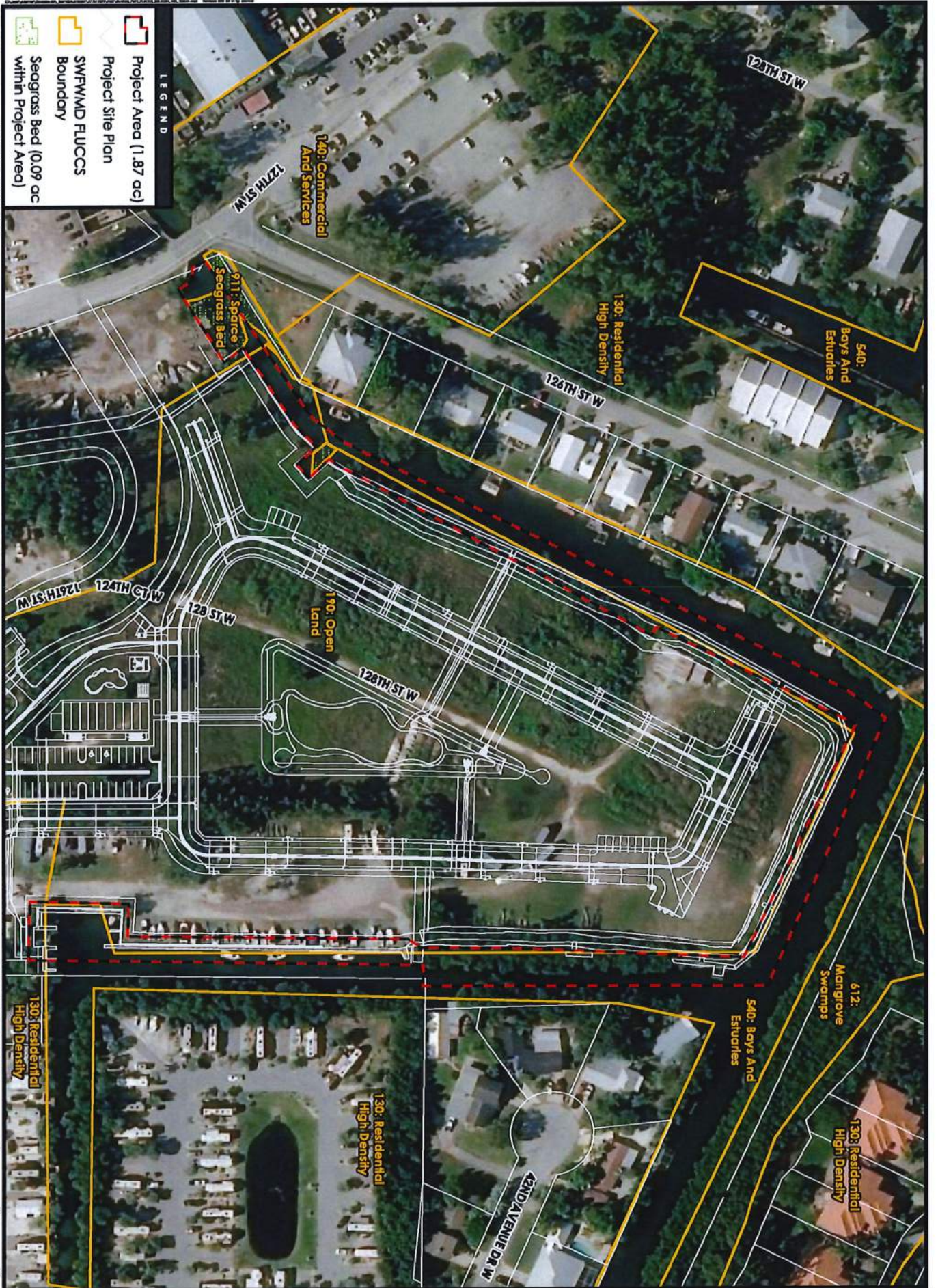


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Hunter's Point Dock
 Existing & Proposed Condition Map
 March 2021

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LEGEND

-  Project Site Plan
-  SWFWMD FLUCCS Boundary
-  Seagrass Bed (0.09 ac within Project Area)

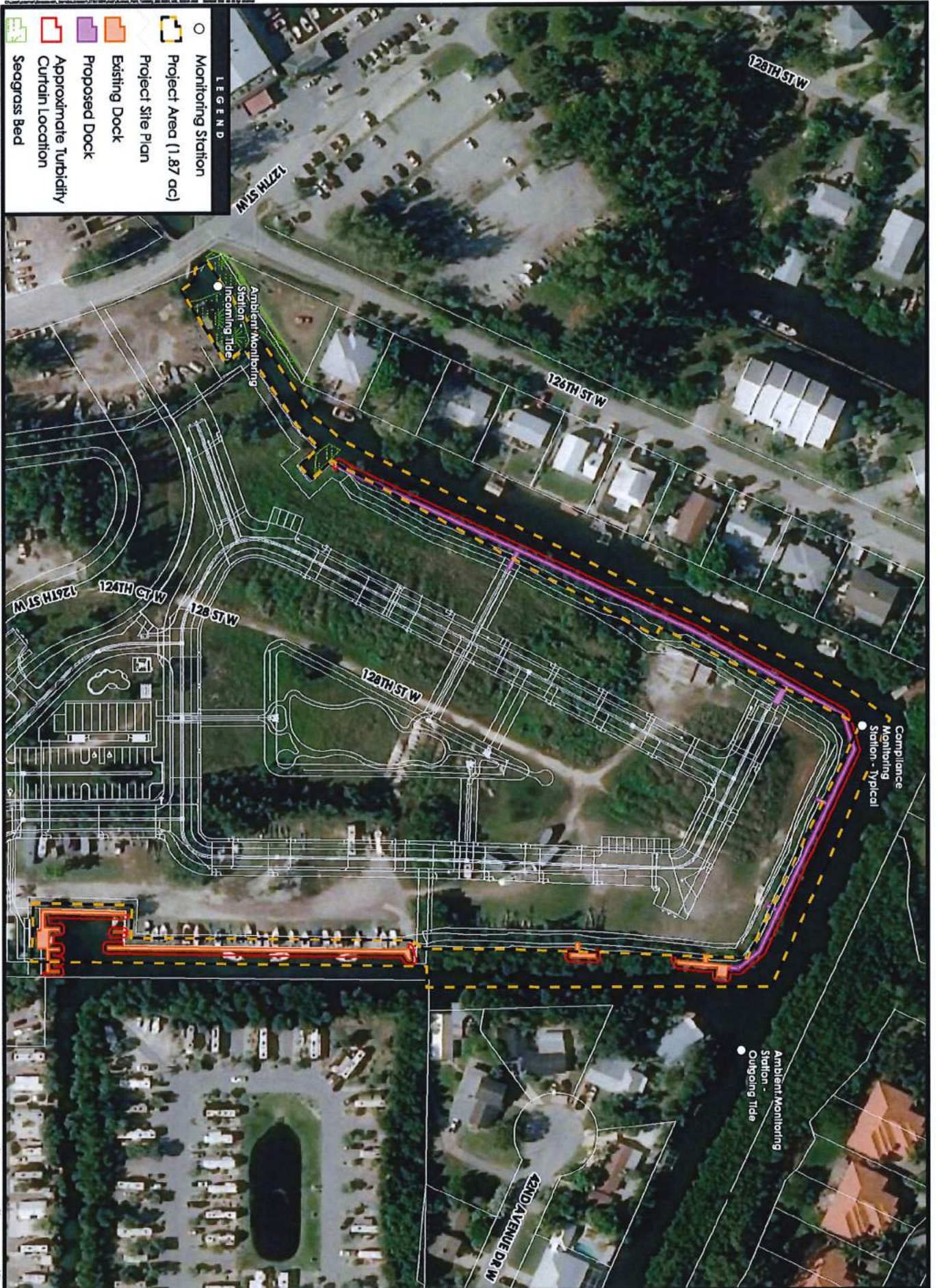


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**Hunter's Point Dock
 SWFWMD FLUCCS Mapp
 March 2021**

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- LEGEND**
- Monitoring Station
 - Project Area (1.87 ac)
 - Project Site Plan
 - ▭ Existing Dock
 - ▭ Proposed Dock
 - ▭ Approximate Turbidity Curtain Location
 - ▭ Seagrass Bed

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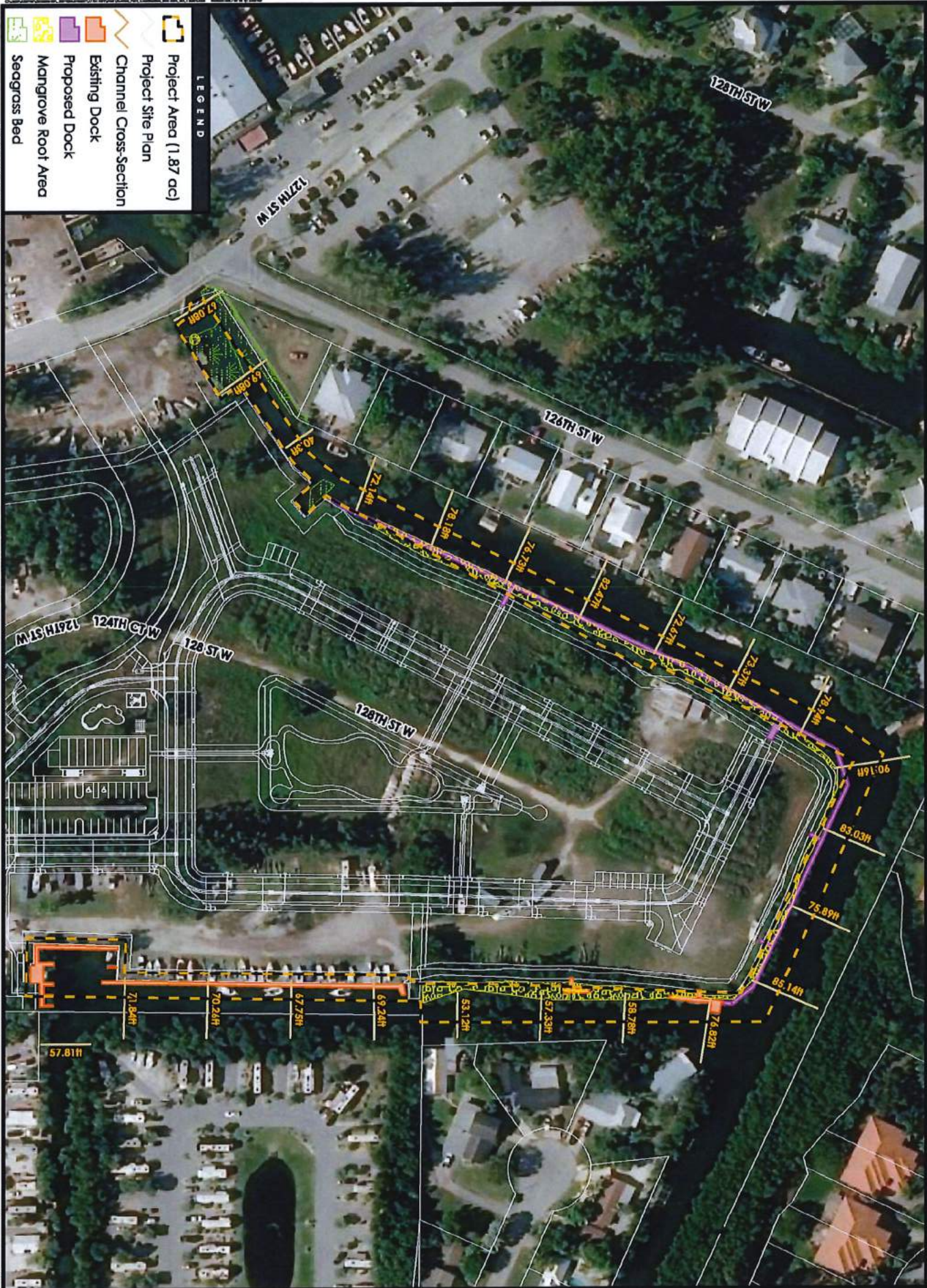
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Hunter's Point Dock
 Turbidity Monitoring Map
 March 2021

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Prepared by: C.A. BARNETT



- LEGEND**
-  Project Area (1.87 ac)
 -  Project Site Plan
 -  Channel Cross-Section
 -  Existing Dock
 -  Proposed Dock
 -  Mangrove Root Area
 -  Seagrass Bed

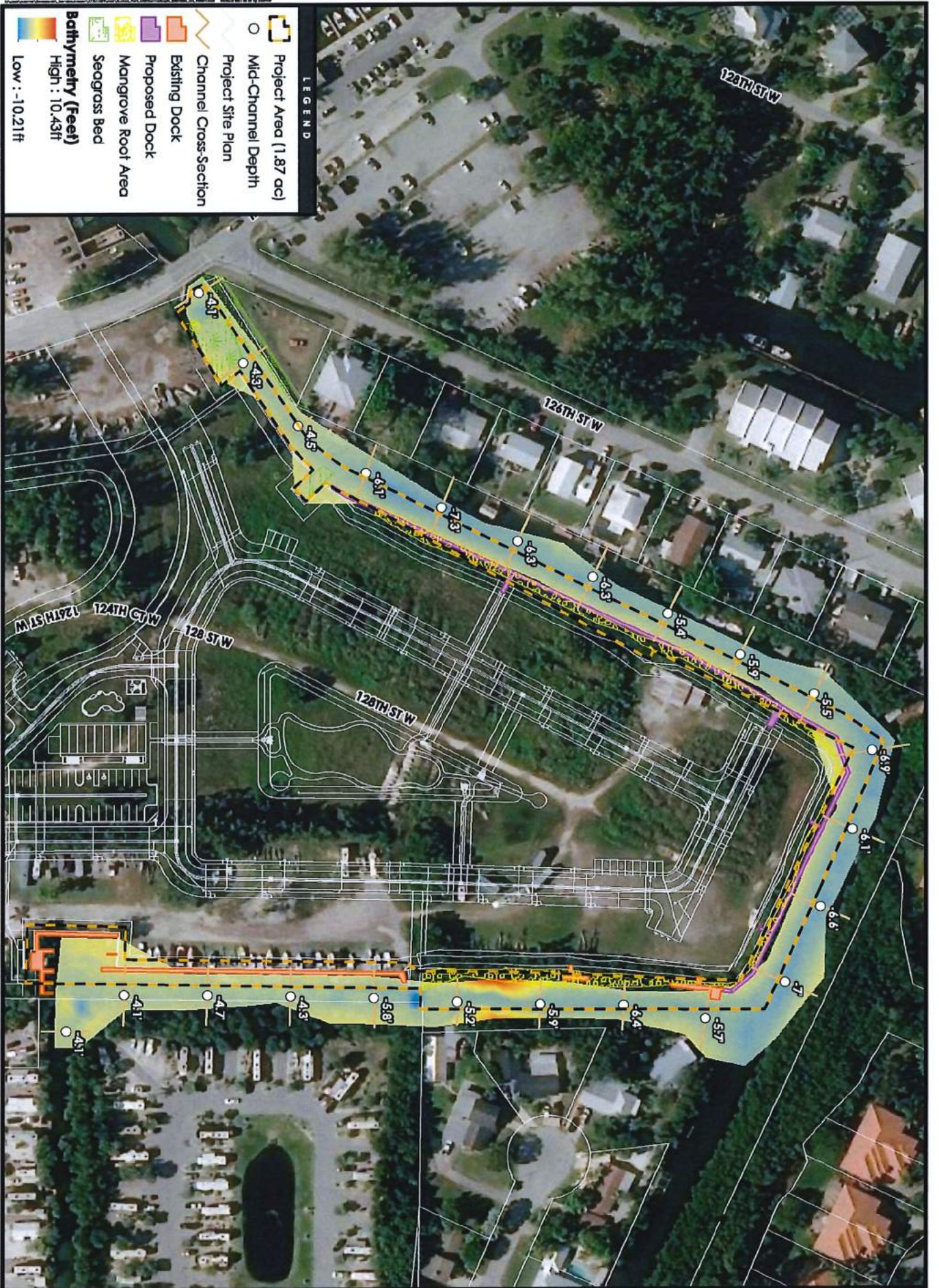


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Hunters Point
 Upland Cut Canal Widens Map
 March 2021

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- LEGEND**
- Project Area (1.87 ac)
 - Mid-Channel Depth
 - Project Site Plan
 - Channel Cross Section
 - Existing Dock
 - Proposed Dock
 - Mangrove Root Area
 - Seagrass Bed
 - Bathymetry (Feet)
High : 10.43ft
Low : -10.21ft



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Hunter's Point Dock
 Upland Cut Canal Depths Map
 March 2021

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