



Florida Department of Environmental Protection

Southwest District Office
13051 N. Telecom Parkway
Temple Terrace, Florida 33637

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vineyard Jr.
Secretary

U.S. Army Corps of Engineers
c/o Eric P. Summa
701 San Marco Boulevard
Jacksonville, FL 32207

June 7, 2012

File No.: 52-0311825-001
County: Pinellas

Dear Mr. Summa,

Thank you for your request to the Department for an exemption determination regarding the proposed construction of shoreline protection structures including approximately 2,400 linear feet of riprap and 900 linear feet of sheet pile retaining wall in the uplands adjacent to portions of the shorelines of Whitcomb and Kreamer Bayous. The project site is located in the City of Tarpon Springs, Sections 11, 12, 13, and 14, Township 27 South, Range 15 East, Pinellas County, Florida.

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

REGULATORY REVIEW – APPROVED

Pursuant to Section 373.406(6), F.S., and based upon the forms, drawings, and documents submitted on June , the proposed project appears to have only minimal or insignificant individual or cumulative adverse impacts on the water resources of the State. Therefore, the proposed project appears to qualify as an activity that is exempt from regulation pursuant to Chapter 373.406(6), F.S. A copy of Chapter 373.406(6), F.S. is attached. This determination is based solely on the information provided to the Department and the statutes and rules in effect when the exemption determination request was submitted, and is effective only for the specific activity proposed. This determination shall automatically expire if site conditions materially change or the governing statutes or rules are amended. In addition, any substantial modifications in your plans should be submitted to the Department for review, as changes may result in a permit being required. In any event, this determination shall expire after one year.

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

~~management practices and in a manner that does not cause water quality violations, pursuant to Rule 62-302, Florida Administrative Code (F. A. C.).~~

The determination that your project qualifies as an exempt activity pursuant Chapter 373.406(6), F.S. may be revoked if the installation is substantially modified, if the basis for the exemption is determined to be materially incorrect, or if the installation results in water quality violations. Any changes made in the construction plans or location of the project may necessitate a permit or certification from the Department. Therefore, you are advised to contact the Department before beginning the project and before beginning any work in waters or wetlands not specifically described in your submittal.

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

PROPRIETARY REVIEW –NOT APPLICABLE

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

Authority for review - Chapter 253 and Chapter 258, F. S., and Chapter 18-21, F.A.C. and Chapter 18-20, F.A.C. , and Section 62-343.075, F.A.C. as required.

SPGP REVIEW – NOT APPLICABLE

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

Thank you for your assistance in protecting the natural resources of the State of Florida. If you have any questions, please contact William M. Copeland at 813-632-7600, extension. When referring to this project, please use the file number listed above.

Sincerely,



William L. Vorstadt
Program Administrator
Submerged Lands and Environmental Resource Program
Southwest District

cc: Doug Fry, Tallahassee
Eric P. Summa, U.S . Army Corps of Engineers, 701 San Marco Boulevard, Jacksonville, FL
32207

Enclosures:
Chapter 373.406(6), F.S.
Notice of Rights of Substantially Affected Persons
Attachment "A" for Discretionary Publication

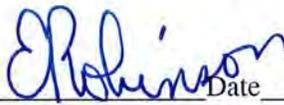
Attachment:
Project Drawings, 19 pages

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this determination including all copies,
was mailed before the close
of business on 6/7/12, to the above listed persons.

FILING AND ACKNOWLEDGMENT

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

Clerk  Date 6/7/12

Chapter 373.406(6), F.S.

Any district or the Department may exempt from regulation under this part those activities that the district or Department determines will have only minimal or insignificant individual or cumulative adverse impacts on the water resources of the district. The district and the Department are authorized to determine, on a case-by-case basis, whether a specific activity comes within this exemption. Requests to qualify for this exemption shall be submitted in writing to the district or Department, and such activities shall not be commenced without a written determination from the district or Department confirming that the activity qualifies for the exemption.

RIGHTS OF AFFECTED PARTIES

This determination is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under sections 120.569 and 120.57 of the F.S. as provided below. If a sufficient petition for an administrative hearing is timely filed, this determination automatically becomes only proposed agency action subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. The procedures for petitioning for a hearing are set forth in the attached notice.

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

Be advised that your neighbors and other parties who may be substantially affected by the proposed activity allowed under this determination of exemption have a right to request an administrative hearing on the Department's decision that the proposed activity qualifies for this exemption. Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a final determination that the proposed activity is not authorized under the exemption established under Chapter 373.406(6), F.S.

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

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

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

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

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

Eric P. Summa
U.S . Army Corps of Engineers
701 San Marco Boulevard
Jacksonville, FL 32207

DEP File No.: 52-0311825-001
County: Pinellas

The Department of Environmental Protection gives notice that it has received a request for authorization to construct shoreline stabilization project in the uplands adjacent to portions of Whitcomb and Kreamer Bayous. This activity appears to have only minimal or insignificant individual or cumulative adverse impacts on the water resources of the State, and has therefore determined the activity to be exempt from regulation under Chapter 373.406(6), F.S.

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

Mediation is not available.

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

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

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

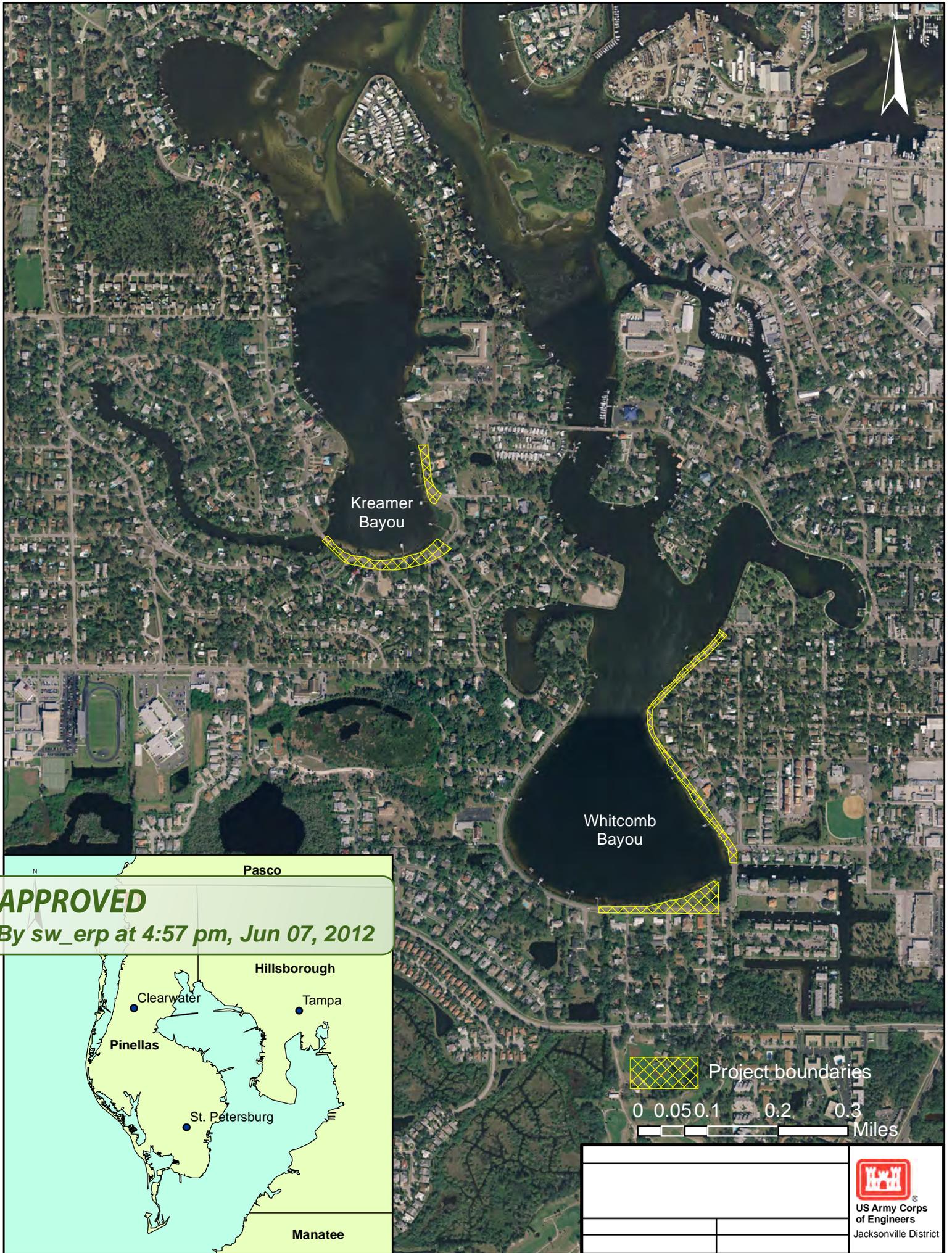
A petition that disputes the material facts on which the Department's action is based must contain the following information:

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

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

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

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



Kreamer Bayou

Whitcomb Bayou

APPROVED

By sw_erp at 4:57 pm, Jun 07, 2012

Pasco

Hillsborough

Clearwater

Tampa

Pinellas

St. Petersburg

Manatee

Project boundaries

0 0.05 0.1 0.2 0.3 Miles



US Army Corps of Engineers
Jacksonville District

Project Boundary

Begin at North side of boat ramp

Boundary is landward from the edge of wetland line

Spring Blvd. ROW - landward boundary

APPROVED
By sw_erp at 4:57 pm, Jun 07, 2012

Break at South side of bridge

End just East of existing dock

South finger excluded from project boundary

Whitcomb Blvd

Whitcomb Blvd. ROW - landward boundary



0 150 300 600 900 Feet

Whitcomb Bayou Project Boundary	
Tarpon Springs, Pinellas Co., FL	
Federal Shore Protection Project	
Whitcomb and Kreamer Bayous	
Scale: As Shown	



-  Wetland Impacts
-  Wetland Boundary
-  MHWL
-  Mangrove Boundary
-  Whitcomb Project Area



Figure 4

Figure 5

Figure 6

Figure 7

Figure 8

APPROVED
 By sw_erp at 4:57 pm, Jun 07, 2012

0 125 250 500 750 Feet

WHITCOMB PROJECT BOUNDARIES

Tarpon Springs, Pinellas Co., FL
 Federal Shore Protection Project
 Whitcomb and Kremer Bayeas

Scale: As Shown Figure 3



Whitcomb Project Area

Impact Boundary

Mangrove Boundary

Wetland Boundary

MHWL

APPROVED

By sw_erp at 4:57 pm, Jun 07, 2012



0 20 40 80 120
Feet

WHITCOMB PROJECT BOUNDARIES

Tarpon Springs, Pinellas Co., FL
Federal Shore Protection Project
Whitcomb and Kreamer Bayous

Scale: As Shown

Figure 4



N



Whitcomb Project Area

Mangrove Boundary

Wetland Boundary



Wetland Impacts



MHWL

APPROVED
By sw_erp at 4:57 pm, Jun 07, 2012

Wetland Impact:
10.4 SF

Wetland Impact:
30.9 SF

0 20 40 80 120
Feet

WHITCOMB PROJECT BOUNDARIES

Tarpon Springs, Pinellas Co., FL
Federal Shore Protection Project
Whitcomb and Kreamer Bayous

Scale: As Shown

Figure 5



US Army Corps
of Engineers
Jacksonville District



APPROVED
By sw_erp at 4:57 pm, Jun 07, 2012

Whitcomb Project Area
Mangrove Boundary
Wetland Boundary
MHWL



WHITCOMB PROJECT BOUNDARIES	
Tarpon Springs, Pinellas Co., FL Federal Shore Protection Project Whitcomb and Kreamer Bayous	
Scale: As Shown	Figure 6





APPROVED
By sw_erp at 4:57 pm, Jun 07, 2012

Whitcomb Project Area
Mangrove Boundary
Wetland Boundary
MHWL

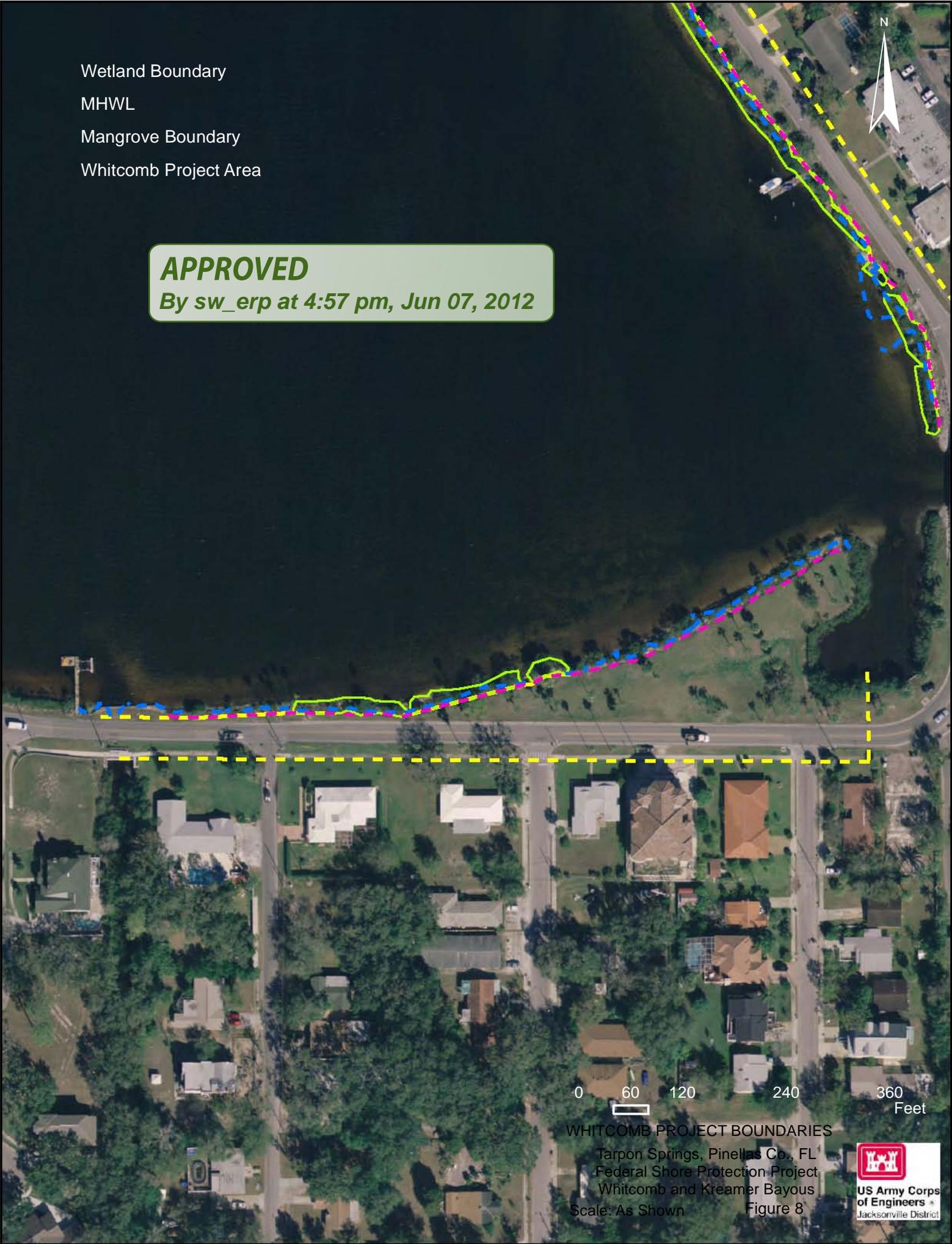
0 20 40 80 120 Feet

WHITCOMB PROJECT BOUNDARIES	
Tarpon Springs, Pinellas Co., FL Federal Shore Protection Project Whitcomb and Kreamer Bayous	
Scale: As Shown	Figure 7



Wetland Boundary
MHWL
Mangrove Boundary
Whitcomb Project Area

APPROVED
By sw_erp at 4:57 pm, Jun 07, 2012



WHITCOMB PROJECT BOUNDARIES

Tarpon Springs, Pinellas Co., FL
Federal Shore Protection Project
Whitcomb and Kreamer Bayous
Scale: As Shown

Figure 8



 Project Area

Begin at midpoint
of two docks

Landward edge
of mangroves

Riverside Dr. ROW -
landward boundary

APPROVED

By sw_erp at 4:57 pm, Jun 07, 2012

Break in wetland
delineation

End at midpoint
of bridge

Resume wetland
delineation

Riverside Dr.

Riverside Dr. ROW - landward boundary

N. Park Ave.



0 87.5 175 350 525 Feet

KREAMER BAYOU PROJECT BOUNDARY



US Army Corps
of Engineers
Jacksonville District

Scale: As Shown

Date: April 2011

APPROVED

By sw_erp at 4:57 pm, Jun 07, 2012



Figure 11

Figure 12

-  Wetland Impacts
-  Wetland Boundary
-  MHWL
-  Kreamer Project Area
-  Mangrove Boundary



KREAMER PROJECT BOUNDARIES	
Tarpon Springs, Pinellas Co., FL Federal Shore Protection Project Whitcomb and Kreamer Bayous	
Scale: As Shown	Figure 10
 US Army Corps of Engineers Jacksonville District	



Wetland Impact:
3.9 SF

APPROVED

By sw_erp at 4:57 pm, Jun 07, 2012

-  Wetland Impacts
-  Wetland Boundary
-  MHWL
-  Kreamer Project Area
-  Mangrove Boundary

0 25 50 100 150 Feet

KREAMER PROJECT BOUNDARIES

Tarpon Springs, Pinellas Co., FL
Federal Shore Protection Project
Whitcomb and Kreamer Bayous

Scale: As Shown

Figure 11



**US Army Corps
of Engineers**
Jacksonville District

APPROVED
By sw_erp at 4:57 pm, Jun 07, 2012

Wetland Impact:
122.5 SF

- Kreamer Project Area
- Mangrove Boundary
- Wetland Impacts
- Wetland Boundary
- MHWL

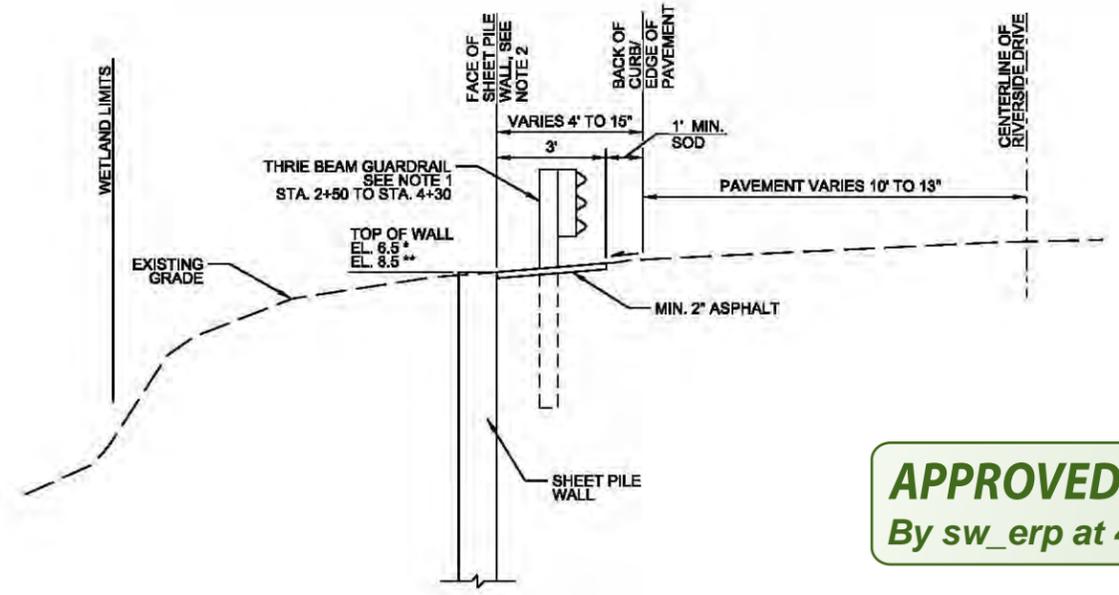


KREAMER PROJECT BOUNDARIES
Tarpon Springs, Pinellas Co., FL
Federal Shore Protection Project
Whitcomb and Kreamer Bayous
Scale: As Shown Figure 12

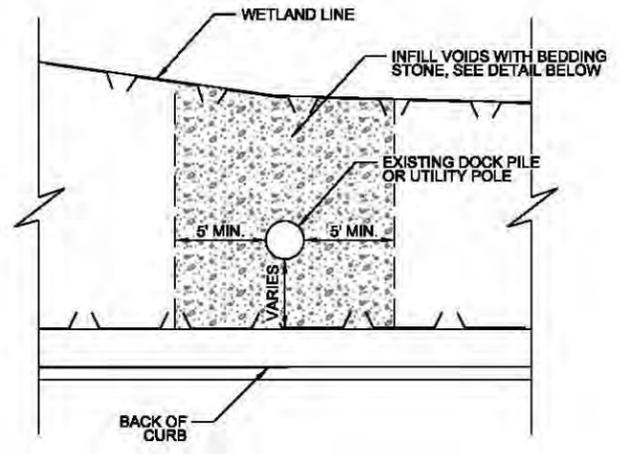


NOTES:

1. THRIE BEAM GUARDRAIL IN ACCORDANCE WITH 2012 FDOT DESIGN STANDARDS INDEX NO. 400 FOR THRIE BEAM AND POST SPACING @ 3'-1 1/2"
2. SHEET PILE WALL FACE COORDINATES ARE PROVIDED ON PLAN SHEETS. SEE SHEETS C-01 TO C-05
3. WETLAND ALIGNMENT PROVIDED IN SPECIFICATIONS SECTION 31 11 00, APPENDIX A. STAKE WETLAND ALIGNMENT AND AVOID ANY DISTURBANCE BEYOND WETLAND ALIGNMENT.
4. GRADE DISTURBED AREAS TO DRAIN.

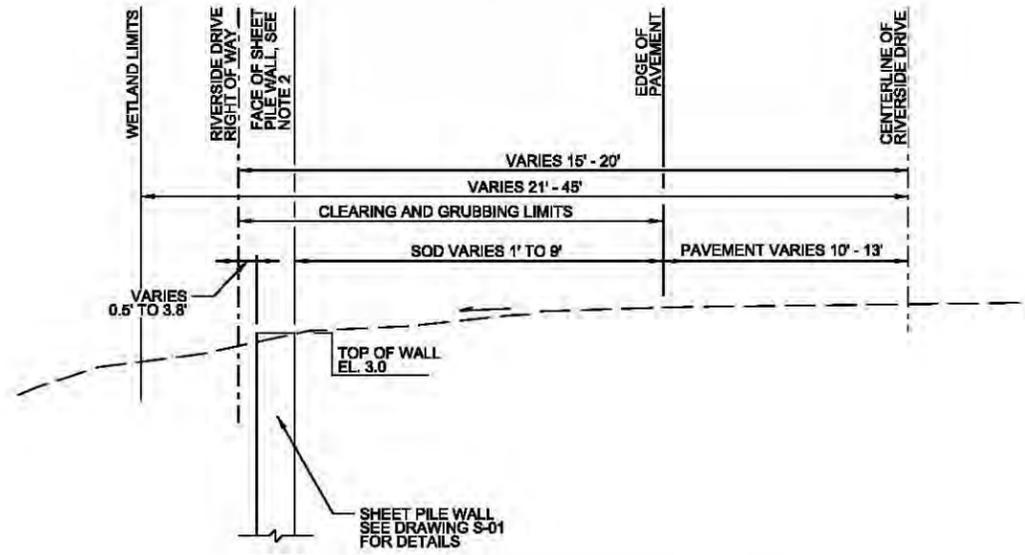


APPROVED
By sw_erp at 4:57 pm, Jun 07, 2012

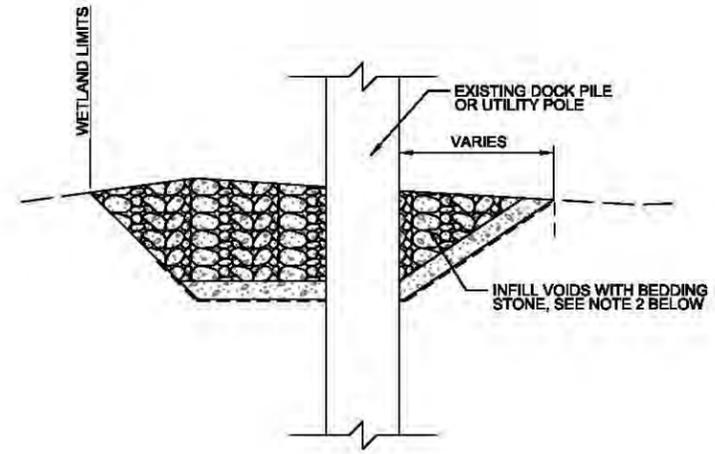


**EXISTING DOCK PILE OR UTILITY POLE
RIPRAP PLACEMENT DETAIL - PLAN VIEW**
NOT TO SCALE

E KREAMER BAYOU SECTION
SCALE: A
STA. 1+75 TO STA. 2+00 - RIVERSIDE DRIVE *
STA. 2+00 TO STA. 3+75 - RIVERSIDE DRIVE **
STA. 3+75 TO STA. 4+00 - RIVERSIDE DRIVE *



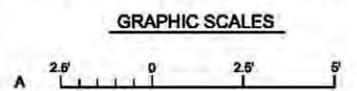
F KREAMER BAYOU SECTION
SCALE: A
STA. 14+85 TO STA. 18+82 - RIVERSIDE DRIVE



**EXISTING DOCK PILE OR UTILITY POLE
RIPRAP PLACEMENT DETAIL - SECTION**
NOT TO SCALE

- NOTE:**
1. PROVIDE TEMPORARY SUPPORT FOR STRUCTURES DURING CONSTRUCTION.
 2. PLACE RIPRAP AND BEDDING STONE IN LIFTS SUCH THAT THE VOID SPACE WITHIN THE RIPRAP IS FILLED WITH BEDDING STONE AND PROVIDING INTIMATE CONTACT WITH THE EXISTING DOCK PILE OR UTILITY POLE.

ATR/BCOE REVIEW
DO NOT USE FOR CONSTRUCTION



NO.	SYM.	ZONE	DESCRIPTION

DESIGNED BY: SAS: GCS CIVIL	DATE: APRIL 2012	SUBMITTED BY: AS SHOWN	DATE: N/A	FILE NUMBER: N/A
CHECKED BY: GCS	DESIGNED BY: GCS	DATE: N/A	FILE NUMBER: N/A	CONTRACT NO.:
DATE: APRIL 2012	SUBMITTED BY: AS SHOWN	DATE: N/A	FILE NUMBER: N/A	CONTRACT NO.:

CONTINUING AUTHORITIES PROGRAM SECTION 103
CITY OF TARPON SPRINGS, PINELLAS COUNTY, FLORIDA
**WHITCOMB AND KREAMER BAYOUS
REVETMENT PROJECT**
CIVIL
KREAMER BAYOU - TYPICAL SECTIONS

DRAWING NO.
C-07