

MEMORANDUM

TO: Governing Board Members

FROM: Chip Merriam, Deputy Executive Director, Water Resources

DATE: September 19, 2007

SUBJECT: Denial of Environmental Resource Permit Application 061023-1
(Bocilla Seaport Marina, Lee County, S 25/T 43/SR 21E)

STAFF RECOMMENDATION

Staff recommends denial of an Environmental Resource Permit (ERP) for Application No. 061023-1 for a marina project known as Bocilla Seaport Marina, in accordance with Section 40E-1.608, Florida Administrative Code (FAC). The applicant has not provided reasonable assurance the project meets the Conditions for Issuance of Permits listed in Sections 40E-4.301 and 40E-4.302, FAC; Section 4.0 of the Basis of Review; Additional Criteria for Activities in Surface Waters and Wetlands listed in Chapter 373.414 (1), Florida Statutes, and Sovereign Submerged Lands in Chapters 18-20 and 18-21, FAC. Further, the application has not been completed in a timely manner and is recommended for denial in accordance with Section 40E-1.603 (1)(d).

BACKGROUND

On May 5, 2006, the District issued ERP No. 36-05727-P for construction and operation of a surface water management system serving 8.04 acres of upland, mixed use development known as Bokeelia Harbor Resort.

On October 23, 2006, Application Number 061023-1 was submitted requesting authorization for construction and operation of a marina for 74 slips within the Charlotte Harbor Aquatic Preserve adjoining the upland development. Staff sent three Requests for Additional Information (RAI's) and discussed the project in several meetings and telephone conversations with the applicant in an effort to resolve issues related to the permissibility of this project.

Staff recommends denial of the application for the following reasons:

- 1) Reasonable assurance has not been provided that sewer service has been obtained for either the upland development or the proposed marina.
- 2) The proposed docking facility extends beyond past the 500 foot limitation for docks in aquatic preserves.
- 3) A portion of the proposed docking facility would either directly or indirectly impact seagrasses in the aquatic preserve.
- 4) The applicant has not demonstrated that the project is clearly in the public interest as required by Chapter 18-21, F.A.C.

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