

Florida Department of Environmental Protection

Southeast District Office
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Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Noah Valenstein
Secretary

March 6, 2018

Grand Harbor Community Association Inc.
c/o Mr. Joe Colasuonno, President
2231 Falls Circle
Vero Beach, FL 32967

Re: Warning Letter No.: WL18-00011MA31SED
Grand Harbor Community Association Inc. / Mangrove Alteration
Site No.: 296581, Project No.: 359152
Indian River County

Dear Mr. Colasuonno:

A complaint inspection was conducted at Grand Harbor Community Association Inc., located at Harbor Drive, Vero Beach, FL 32960 on January 18, 2018. During this inspection, possible violations of Chapter 403, Florida Statutes (F.S.) were observed.

During the inspection Department personnel noted the following:

- Unauthorized alteration of mangroves.

Violations of Florida Statutes or administrative rules may result in liability for damages and restoration, and the judicial imposition of civil penalties, pursuant to sections 403.121, 403.141 and 403.161, F.S.

Please contact Robert Mullins, at (561) 681-6634 or via email at Robert.Mullins@dep.state.fl.us within **15 days** of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in receiving any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with section 120.57(5), Florida Statutes. We look forward to your cooperation in completing the investigation and resolving this matter.

Sincerely,



Jennifer K. Smith
District Director
Southeast District

jks/ja/jr/rm

Enclosure: Inspection Report

cc: Jason Andreotta, FDEP-SED, Jason.Andreotta@dep.state.fl.us
John Renfranz, FDEP-SED, John.Renfranz@dep.state.fl.us
Robert Mullins, FDEP-SED, Robert.Mullins@dep.state.fl.us

Florida Department of Environmental Protection

SUBMERGED LANDS AND ENVIRONMENTAL RESOURCE PROGRAM

INSPECTION REPORT

DATE: 01/18/2018 TIME: 10:45 AM
SITE ID#: 296581
PROJECT ID #: 359152
PROJECT NAME: Grand Harbor - MA
MAILING ADDRESS: 2231 Falls Cir Vero Beach, FL 32967
DEP REPRESENTATIVES: Robert Mullins and Gary Baine
OTHER REPRESENTATIVES: N/A
WORK IN COMPLIANCE: No

LOCATION OF INSPECTION:

The project is located within the Indian River Lagoon Aquatics Preserve, Class II Waters of the State, adjacent to Harbor Drive Vero Beach, FL 32960 (Section 24, Township 32 South, Range 39 East) in Indian River County (27° 41' 9.7785" N | -80° 23' 23.6976" W)

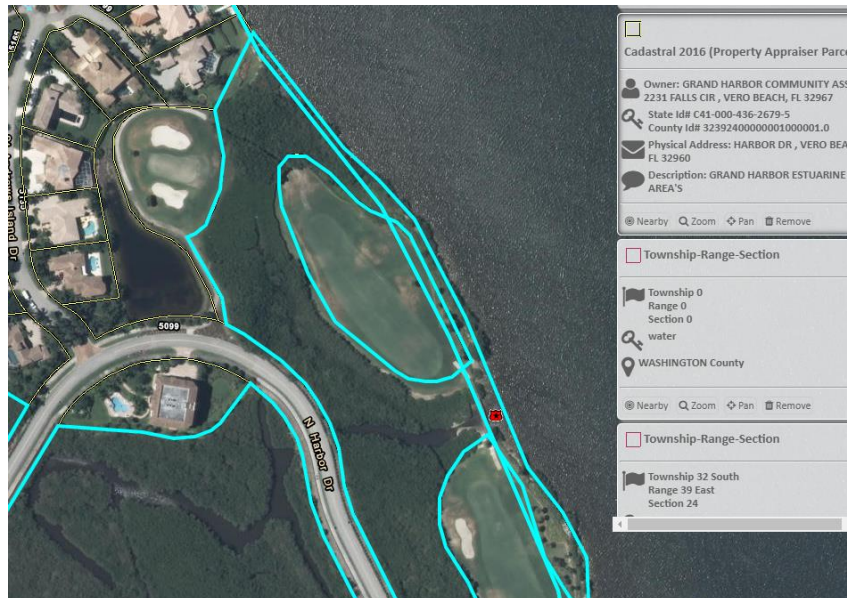


Figure 1: Site Location

EVENTS LEADING TO THE INSPECTION:

On January 09, 2018, an anonymous complainant called the Department of Environmental Protection (DEP) to report an alleged mangrove alteration/trimming event at the Grand Harbor Community within the area shown in Figure 1. The complainant did not provide photos of the alteration/trimming that took place but did provide the Department with a description of the location where the possible violation occurred.

INSPECTION RESULTS:

An on-site inspection of the above referenced property was completed on January 18, 2018 by Robert Mullins and Gary Baine. Access was granted at the gate, but no owner or representative met with DEP staff during the inspection. Upon arriving at the site, mangroves growing along a 106-linear foot section of the shoreline were found to be altered in the location shown below in Figure 2. This area of shoreline consisted of red mangroves (*Rhizophora mangle*) and black mangroves (*Avicennia germinans*). The mangroves growing in this area were also determined to be within a DEP conservation easement (CE). The mangroves within the violation area were trimmed to approximately 5.5 feet above the substrate and were defoliated. This mangrove fringe located east of the golf fairway measured approximately 15 feet wide and 106 feet long. The area in violation was found to be 100 percent altered and the mangroves measured from between 1 and 3 inches in diameter. There was an estimated 1,560 square foot area of altered mangrove canopy.

-R. Mullins



Figure 2: Violation Area

VIOLATION DETAILS:

The 1,560 square foot area of mangrove canopy altered along the 106-linear foot section of shoreline does not qualify as exempt trimming under the 1996 Mangrove Trimming and Preservation Act (Section 403.9321 - 403.9333, Florida Statutes (F.S.)). The activities conducted in the riparian mangrove fringe meet the definition of “alter” under the act and would have required a mangrove alteration permit prior to commencing. In addition, the referenced CE requires the Grantor obtain a valid permit to trim mangroves within the CE. It appears the CE does not authorize mangrove alteration.

It is a violation of Section 403.161(1)(b), F.S. to fail to obtain a permit required under this chapter. Section 403.161(1)(b), F.S. states:

403.161 Prohibitions, violation, penalty, intent.

(1) It shall be a violation of this chapter, and it shall be prohibited for any person:

(b) To fail to obtain any permit required by this chapter or by rule or regulation, or to violate or fail to comply with any rule, regulation, order, permit, or certification adopted or issued by the department pursuant to its lawful authority.

ADDITIONAL INSPECTION NECESSARY:

No

PHOTOGRAPHS TAKEN:



Photo 1: Extent of violation area.

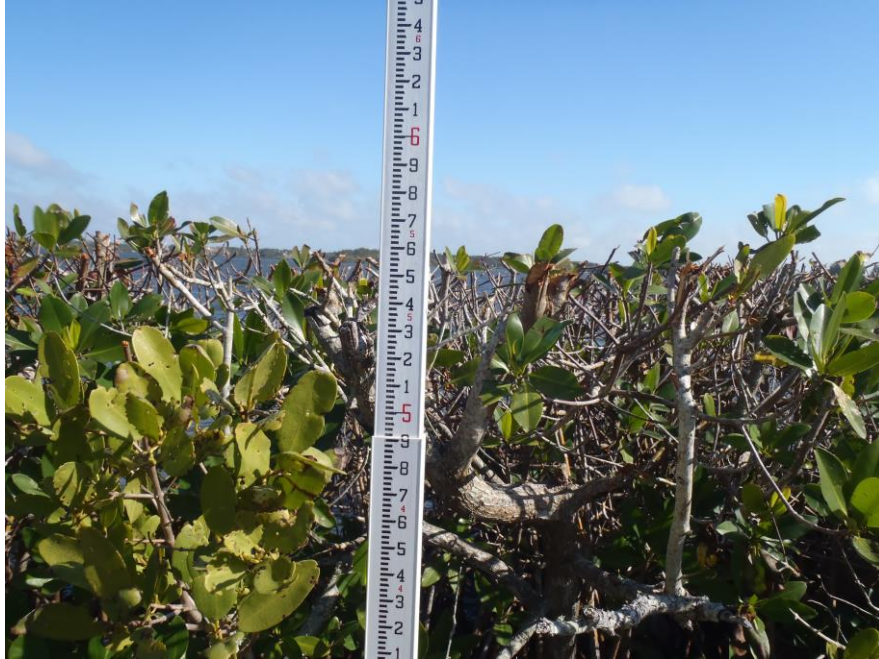


Photo 2: Mangrove fringe cut to 5.5 feet.



Photo 3: Defoliated/altered mangrove fringe



Photo 4: Defoliated red mangroves.



Photo 5: Close-up of defoliated red mangroves.



Photo 6: Linear feet of shoreline measured with a wheel.