



Florida Department of Environmental Protection

Southwest District Office
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Jonathan P. Steverson
Secretary

March 31, 2016

Steve Gilbert, Building Official
City of Bradenton Beach
107 Gulf Drive North
Bradenton Beach, FL 34217
stevegilbert@cityofbradentonbeach.com

Re: Submerged Lands Lease No. 410340733
BOT Amended Dedication No. 24262-A
City of Bradenton Beach

Dear Mr. Gilbert:

The Department has conducted a review of the uses of the City of Bradenton Beach Pier and Day Dock. The City of Bradenton Beach obtained authorization to use Sovereign Submerged Lands for the City Pier through Board of Trustees Amended Dedication No. 24262-A and for the Day Dock through Submerged Lands Lease No. 410340733. Based on the review, it has been determined that certain uses do not meet the requirements of the authorizations.

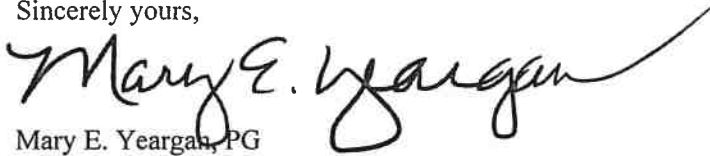
It has come to the Department's attention that commercial vessels use the Day Dock to conduct unauthorized revenue generating activities. Paragraph 1 of the lease limits the use of the Day Dock to the mooring of recreational vessels and a water taxi. If the City would like authorization to use the lease area for commercial purposes, an application to modify the lease will need to be submitted to the Department for consideration. A modification to the lease to allow for the use of the dock by commercial vessels will result in the elimination of the current lease fee waiver. If the City wishes to retain the lease fee waiver, it will be necessary to eliminate the ongoing commercial uses at the Day Dock that are not consistent with the Dedication Language.

It has come to the Department's attention that the City has executed a Lease and Concessionaire Agreement with a private entity. Please be advised that the Amended Dedication requires the following:

- All concession and lease agreements must receive formal Board of Trustees approval.
- All concession agreements, lease agreements and subleases agreements (not specifically prohibited) must include language that gives the City strict control.
- All activities must be for a municipal recreational purpose (i.e. open to the public first come, first serve and in accordance with dedication use language) this specifically includes opportunities to the public for aquatic sports, food service, sports programs. It does not include concessions, leases and subleases to businesses not related to the former, such as jewelry stores and clothing shops.

Please contact the Department within 15 days to discuss a resolution to the matter referenced above. Should you have any questions, please contact Gerald "J.J." Loesch at (813) 470-5872, or via e-mail: Gerald.Loesch@dep.state.fl.us.

Sincerely yours,

A handwritten signature in black ink, reading "Mary E. Yeargan". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Mary E. Yeargan, PG
Southwest District Director
Florida Department of Environmental Protection
MEY/gjl

ec: Cheryl McCall, DEP DSL
Mayor William Shearon, mayor@cityofbradentonbeach.com