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January 23, 2024

MARK MCAVOY FLORIDA PROPERTIES LLC
c/o Mark Mcavoy
mjmcavoy@yahoo.com
27 E 23RD ST
Huntington Station, NY 11746

SUBJECT: EPC REVIEW # 77385 / WETLAND AND OTHER SURFACE WATER SURVEY FOR THE MARK MCAVOY FLORIDA PROPERTIES LLC PROPERTIES / LOCATED AT 9428 GIBSONTON DRIVE, 9234 & 9236 OLD GIBSONTON DR., GIBSONTON / UNINCORPORATED HILLSBOROUGH COUNTY / SURVEY RECEIVED ON JANUARY 10, 2024 / FOLIOS #050011-0000; #050015-0000; #076334-0000 / STR 19 & 24-30S-20E / SURVEY EXPIRES JANUARY 23, 2029

Dear Mr. Mcavoy:

Please allow this letter to document that Wetlands Division staff of the Environmental Protection Commission (EPC) has issued a formal determination as to the existence of any wetlands and other surface waters upon lands within Hillsborough County for the above referenced property, as reflected on a certified survey. The extent of wetlands and other surface waters was established using the methodology described within Chapter 62-340, Florida Administrative Code, and adopted into Chapter 1-11, Wetlands, Rules of the EPC of Hillsborough County. **The survey shall remain valid for a period of five (5) years from the surveyor signature date (expires January 23, 2029).**

Please be advised, due to the current State assumption of the federal Section 404 Clean Water Act program, all wetland and other surface water boundary delineations accepted by the EPC will be subject to future State review prior to being accepted by the Florida Department of Environmental Protection or the Southwest Florida Water Management District. EPC lines may not be accepted by the State and will be subject to future modification by the State agencies. The delineation of the boundary will be based on the same wetland or other surface water methodology adopted in Section 62-340, Florida Administrative Code, however, the lines must be field verified by the State prior to being accepted under the 404 program.

Please be advised that an approval on the survey does not constitute approval for any other aspect of the EPC's review process. Any activity interfering with the integrity of wetlands and other surface waters, such as clearing, excavating, draining or filling, without prior written

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authorization from the Executive Director of EPC or a designated authorized agent, pursuant to Section 1-11.07, Rules of the EPC, would be a violation of Section 17 of the Environmental Protection Act of Hillsborough County, Chapter 84-446, and of Chapter 1-11, Rules of the EPC.

The Hillsborough County Land Development Code (LDC) defines wetlands and other surface waters as Environmentally Sensitive Areas. Wetlands and other surface waters are further defined as Conservation Areas or Preservation Areas and these areas must be designated as such on all development plans and plats, as per the LDC. A minimum setback must be maintained around the Conservation/Preservation Area and the setback line must also be shown on all future plan submittals.

NOTICE OF RIGHTS

Pursuant to Section 9 of the Hillsborough County Environmental Protection Act, Chapter 84-446, as amended, Laws of Florida, (EPC Act) and Rule 1-2.30, Rules of the Environmental Protection Commission of Hillsborough County (EPC) any person whose interests are protected by Chapter 84-446, Laws of Florida and who is adversely affected or otherwise aggrieved by this agency action has the right to appeal this agency action. **Written Notice of Appeal for a Section 9 Administrative Hearing must be received by the EPC Legal Department via electronic mail at legalclerk@epchc.org within twenty (20) days of receipt of this notice.** Pursuant to Section 1-2.30(c), Rules of the EPC, a Notice of Appeal must include the following information:

- (1) The name, address, e-mail, and telephone number of the Appellant; the name, address, e-mail, and telephone number of the Appellant's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the Appellant will be aggrieved or how his or her interests will be adversely affected by the Executive Director's decision;
- (2) A statement of when and how the Appellant received notice of the agency decision;
- (3) A statement of all disputed issues of material fact. If there are none, the Notice of Appeal must so indicate;
- (4) The specific facts the Appellant contends warrant reversal or modification of the Executive Director's proposed action;
- (5) A statement of the specific laws or rules the Appellant contends require reversal or modification of the Executive Director's proposed action; and
- (6) A statement of the relief sought by the Appellant, stating precisely the action Appellant wishes the Commission to take with respect to the Executive Director's proposed action or decision.

Pursuant to Section 1-2.31, Rules of the EPC, you may request additional time to file a Notice of Appeal by filing a "Request for Extension of Time to File a Notice of Appeal." The Request for

Extension of Time must include a statement when and how the Appellant received notice of the agency action and a statement why good cause exists for the extension. The Request for Extension of Time must be sent to and received by the EPC Legal Department at the e-mail noted above within twenty (20) calendar days of receipt of this notice.

By submitting a "Notice of Appeal" or a "Request for Extension of Time to file a Notice of Appeal" via e-mail, you are agreeing to service and receipt of correspondences via e-mail at the originating e-mail address identified in the e-mail submission.

This agency action is FINAL unless the party timely files, pursuant to Chapter 1-2, Part IV, Rules of the EPC, a "Notice of Appeal" or files a "Request for Extension of Time to file a Notice of Appeal" for a formal hearing. Pursuant to Section 1-2.31(e), Rules of the EPC, failure to request an administrative hearing by filing a Notice of Appeal within twenty (20) days after receipt of this agency action shall constitute a WAIVER of one's right to have an appeal heard, and this unappealed agency action shall automatically become a final and enforceable Order of the Commission.

It is recommended that the Applicant publish at their own expense the following notice of this agency action in a newspaper of general circulation in Hillsborough County, Florida for a minimum of one day so as to provide constructive notice to potentially aggrieved parties. It is also **RECOMMENDED THAT NO WORK** authorized by this action occur until after the time period for challenging this decision has expired:

ENVIRONMENTAL PROTECTION COMMISSION OF HILLSBOROUGH COUNTY
NOTICE OF AGENCY ACTION

The Environmental Protection Commission of Hillsborough County gives notice of agency action of issuance of a Wetland or Other Surface Water Survey Approval Letter and jurisdictional determination (Wetland Survey Approval Letter) pursuant to Chapter 84-446, Laws of Florida, as amended. The Wetland Survey Approval Letter addresses approval a wetland or other surface water determination on property located at 9428 Gibsonton Drive, 9234 & 9236 Old Gibsonton Dr., Gibsonton on folios #050011-0000; #050015-0000; & #076334-0000. The agency action document/permit is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Environmental Protection Commission, 3629 Queen Palm Dr., Tampa, Florida 33619. Pursuant to Section 9, Chapter 84-446, Laws of Florida, and Rule 1-2.30, Rules of the EPC, any person whose interests protected by Chapter 84-446, Laws of Florida, are adversely affected by this action or are otherwise aggrieved by this action, has the right to appeal the decision in accordance with Part IV of Rule 1-2, Rules of the EPC which will be found within the "Notice of Rights" included with the issued

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document. Written notice of appeal must be received by the EPC Legal Department via electronic mail at legalclerk@epchc.org within 20 days of the date of this publication. Failure to file a notice of appeal within that time shall constitute a WAIVER of one's right to file an appeal.

Upon receipt of a sufficient Notice of Appeal for a Section 9 Administrative Hearing an independent hearing officer will be assigned. The hearing officer will schedule the appeal hearing at the earliest reasonable date. Following an evidentiary hearing, the hearing officer will render his/her decision as a recommendation to the EPC Commission. Pursuant to Section 1-2.35, Rules of the EPC, the EPC Commission will take final agency action on the findings of fact and conclusions of law of the hearing officer. A written decision will be provided by the EPC Commission, which affirms, reverses or modifies the hearing officer's decision. Should this final administrative decision still not be in your favor, you may seek judicial review in accordance with Section 9 of the Hillsborough County Environmental Protection Act, Chapter 84-446, as amended, Laws of Florida, and the Administrative Procedure Act, Chapter 120, part II, Florida Statutes, 1961 by filing an appeal under rule 9.110 of the Florida Rules of Appellate Procedure, with the clerk of the Environmental Protection Commission, EPC Legal Department, 3629 Queen Palm Dr., Tampa, FL 33619, and filing a notice of appeal accompanied by the applicable filing fee with the Second District Court of Appeal within 30 days from the date of the final administrative decision becoming an Order of the Commission. Please, note that this District Court appeal differs from the Section 9 Appeal.

Copies of EPC rules referenced in this agency action may be examined at any EPC office, may be found on the internet site for the agency at <http://www.epchc.org> or may be obtained by written request to the EPC Legal Department at 3629 Queen Palm Dr., Tampa, FL 33619.

Thank you for your time in submitting this survey. If you have any questions or need further assistance, feel free to call Chris Stiens at 813-627-2600, ext. 1225.

Sincerely,



Chris Stiens
Environmental Scientist
Wetlands Division
Environmental Protection Commission
of Hillsborough County



Kim Tapley, PWS
Senior Environmental Manager
Wetlands Division
Environmental Protection Commission
of Hillsborough County

cs /kmt

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OCC Consulting; fotero.oc@gmail.com