



Environmental Protection and Growth Management Department
ENVIRONMENTAL LICENSING and BUILDING PERMITTING DIVISION
1 North University Drive, Suite 201A, Plantation, Florida 33324 • 954-519-1483 • FAX 954-519-1412

June 4, 2014

Shawn Benyo
2612 NE 3rd Street
Pompano Beach, FL 33062

Re: Modification to Environmental Resource License No. DF13-1168: Mooring Pile Reconfiguration

Dear Mr. Benyo:

Pursuant to your request, this letter is to certify that Environmental Resource License No. DF13-1168 is hereby modified. The modification authorizes the reduction and reconfiguration of the mooring piles (see attached stamped plans). The maximum distance from the waterward edge of the floating marginal dock shall be 125 feet.

This modification does not relieve the applicant from obtaining additional authorizations from other agencies. In addition, this modification does not authorize dredging or any impacts to seagrasses or other natural resources.

The attached drawings 1-4, showing details of the work, shall replace those of the original license. **The original scope of work and all conditions of the license shall remain the same except for the changes indicated above.** This letter of approval does not alter the expiration date of January 31, 2016. Attach this letter and drawings to the original license as they become a part thereof.

Should you have any questions, please do not hesitate to contact Marisa Magrino at (954) 519-1205.

Sincerely,

Linda Sunderland, NRS IV
Aquatic & Wetland Resources Program

ENC:

- 1. One (1) set of stamped drawings (4 pages)

CC:

- 1. **The Chappell Group, Inc.** – Patrick Murphy (via GCW, w/ 1 set of stamped drawings and copy of Variance and Administrative Review Procedures)
- 2. **USACOE** (via email)

Sec. 27-14. Administrative review of EPD determinations.

- (a) A person with a substantial interest may file a petition to request review of or to intervene in a review of a final administrative determination made pursuant to this chapter concerning:
- (1) The requirement that a facility or activity obtain a license or environmental review approval.
 - (2) Interpretations of license or environmental review approval conditions.
 - (3) Interpretations of variance conditions.
 - (4) The decision to suspend or revoke a license or environmental review approval.
 - (5) The requirement of certain license conditions.
 - (6) The issuance of a license or environmental review approval.
 - (7) The denial of a license or environmental review approval.
 - (8) The scope of a license or environmental review approval, geographic or otherwise.
 - (9) The scope of a variance, geographic or otherwise.
 - (10) The issuance of a stop work order.
 - (11) Similar final administrative determinations.

This administrative review procedure shall be the only means of review available for the above final administrative determinations by either the petitioner or the intervenor (the parties).

- (b) person may not obtain review by this procedure of:
- (1) The issuance or adjudication of or other matters involving a notice of violation or a citation.
 - (2) Internal policy decisions
- (c) A person desiring a review of a staff determination made pursuant to this Chapter shall first bring the determination to the attention of the appropriate section supervisor to attempt to resolve the matter. If a resolution cannot be reached, then the decision shall be reviewed by successive supervisory levels until the issue is resolved or reaches the level of the director or his or her designee for the final determination.
- (d) A person desiring administrative review of a final determination made by the director or the designee shall file a petition with the director for review by the hearing examiner. The petition shall be filed within ten (10) days from the rendition of the action taken or of the decision made by the director. An entity whose license or approval is being challenged shall be a party to the action.
- (e) The review shall not be heard until the provisions of subsection (f) are met. Upon motion to the hearing examiner, an insufficient petition shall be dismissed with or without leave to refile. If a petition is determined to be insufficient by the hearing examiner and the petitioner has been given leave to refile by the hearing examiner, unless otherwise ordered by the hearing examiner, the petitioner must refile within ten (10) days of the rendition of the order of dismissal or the petition will be dismissed with prejudice.
- (f) A sufficient petition for review or petition for intervention in the review shall, at a minimum, contain the following information:
- (1) The nature of the determination sought to be reviewed.

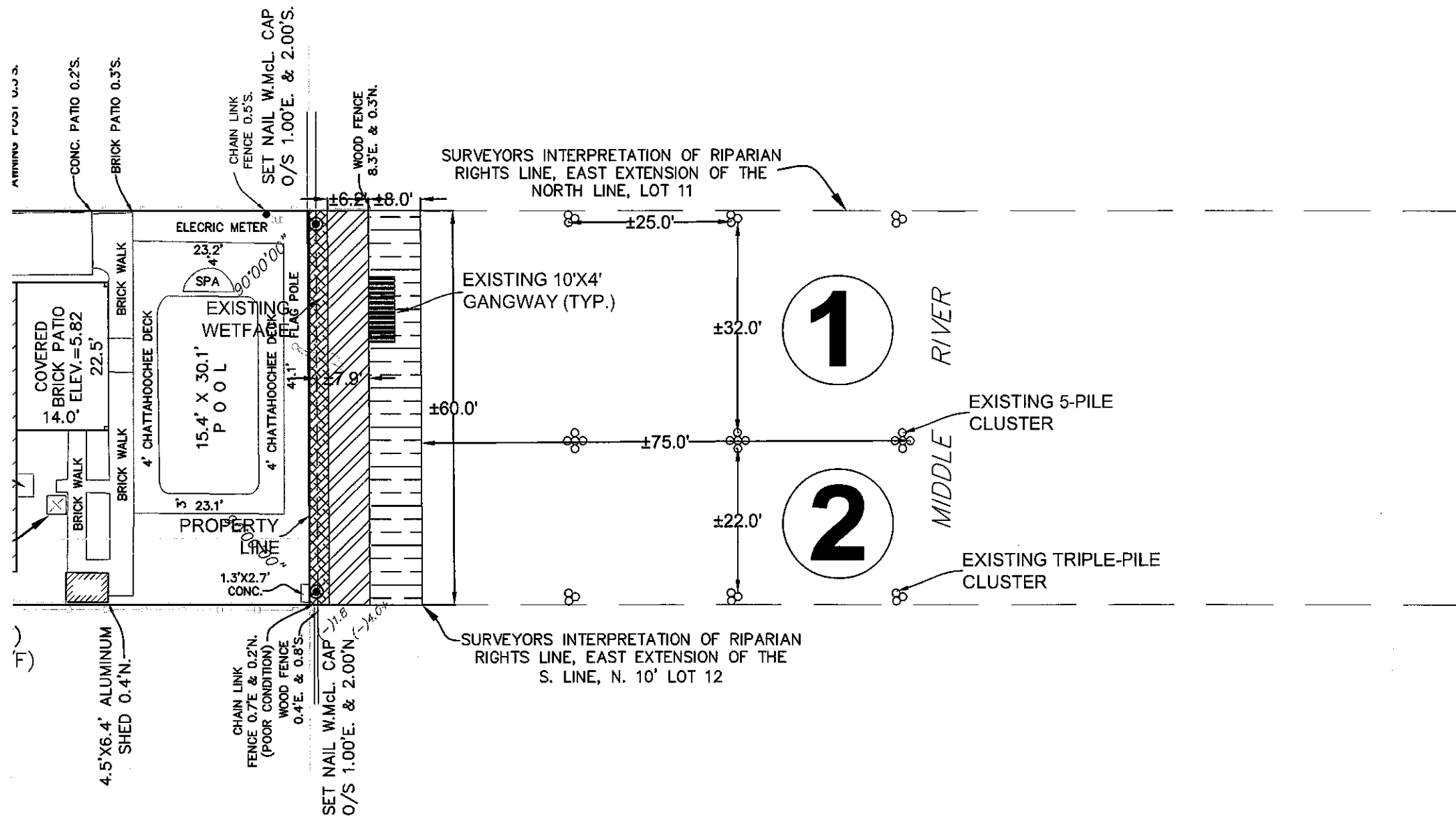
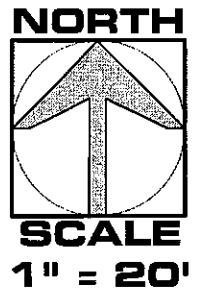
- (2) A short, plain statement of the facts which form the subject matter upon which the determination was made as asserted by all parties of record at the time that the petition is filed; a statement of the material facts in dispute, if any. If any party is unable to state the matters in sufficient detail at the time initial petition is filed, the petition may be limited to a statement of the issues involved; and thereafter, upon timely written motion, a more definite and detailed statement shall be furnished not less than seven (7) days prior to the date set for the hearing.
 - (3) The specific determination for which the review is sought.
 - (4) The specific legal grounds upon which the parties seek review of the determination.
 - (5) A short statement of the petitioner's or the intervenor's substantial interest in the matter to be reviewed.
 - (6) The specific section of this chapter on which the decision is based, if known, and the specific section that the parties allege should control the decision, if known.
 - (7) A copy of the director's or the designee's written final determination.
 - (8) A statement of the relief requested stating precisely the action that the petitioner wants EPD to take with respect to the final determination.
- (g) All pleadings or other documents filed in the proceeding must be signed by a party, the party's attorney, or the party's qualified representative. The signature of a party, the party's attorney or a party's qualified representative constitutes a certificate that he or she has read the pleading or other document and that to the best of his or her knowledge, information, and belief formed after reasonable inquiry, it is not brought for any improper purposes, such as to harass or to cause unnecessary delay or for frivolous purpose or needless increase in the cost of litigation. If a pleading or other document is signed in violation of these requirements, the hearing examiner, upon motion or his or her own initiative, shall dismiss the matter.
- (h) A petitioner or intervenor may request an emergency hearing to stay all activities or work conducted pursuant to the challenged license or approval. Such petitioner or intervenor has the burden of proof to show by a preponderance of the evidence that the continued activities would cause substantial pollution or degradation to the environment. An emergency hearing shall be scheduled by EPD and be held within five (5) days of said request or as soon thereafter as possible subject to the availability of the hearing examiner. The petitioner or intervenor shall comply with the notice provisions of section 27-14(j)(2)a. and c. and section 27-14(j)(3) and (4) of this chapter.
- (i) The petition for review will not stay environmental protection activities required for the remediation or mitigation of a site or facility, the protection of the environment or the health, safety and welfare of the citizens of Broward County, or the prevention of further environmental degradation. The person responsible for these activities must take all necessary steps to prevent environmental degradation and must conduct the remediation or mitigation activities required by this chapter. The director may allow these activities to be delayed until after the hearing examiner's decision by certifying to the hearing examiner that, by reason of facts stated in the certificate, a delay in the initiation or completion of these activities would not cause substantial environmental degradation or peril to life or property. The delay for conducting these activities may be subject to appropriate terms to ensure protection of the environment. The person responsible for these activities shall be responsible for any environmental damage or any violation of this chapter caused by the delay.
- (j) Notice and Scheduling Requirements:

- (1) The hearing on the review shall be scheduled within a reasonable time. It shall be the responsibility of the petitioner to request through EPD that the hearing date be scheduled. It shall also be the responsibility of the petitioner to give notice in accordance with this section at least ten (10) days prior to the hearing.
- (2) The petitioner shall give notice of the hearing by:
 - a. Giving personal notice to all proper parties; and
 - b. Publishing notice on two (2) days in a newspaper of general circulation in the county; and
 - c. Posting notice at a location determined by the Broward County Administrator's Office.
- (3) The petitioner shall bear the cost of giving notice.
- (4) The notice shall contain, at a minimum:
 - a. A description and location of the facility or the activity to be conducted by the petitioner; and
 - b. The time and place of the hearing.
- (k) The petitioner shall bear the cost of accurately and completely preserving all testimony and providing full or partial transcripts to all parties.
- (l) The hearing shall be a quasi-judicial hearing.
 - (1) The applicant/petitioner requesting the administrative review, any intervenor/petitioner and EPD shall have an opportunity to respond to and to present witnesses, other evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of facts and orders, and to be represented by counsel. Members of the general public who are not intervenors as set forth in Section 27-14 of this chapter are not parties to the proceeding.
 - (2) When appropriate, the general public may be given an opportunity to present oral or written communications. If the hearing examiner proposes to consider such material, then all parties shall be given an opportunity to cross-examine, challenge or rebut it.
- (m) Denial, protest of, revocation, or suspension of a license, environmental review approval, or any other approval:
 - (1) In regard to denial or protest of approval of a license and any other review of an administrative decision, notwithstanding (2) below, the petitioner shall have the burden of showing, by a preponderance of the evidence, that the determination of the director was an arbitrary and/or capricious abuse of discretion, not supported by competent, substantial evidence or not in conformance with the essential requirements of this chapter. The hearing examiner shall not substitute his or her judgment for that of EPD on an issue of discretion even though the hearing examiner may have reached a different conclusion based on the same facts.
 - (2) In an action to revoke or suspend a valid license or approval, the burden shall be upon EPD to prove, by a preponderance of the evidence in an administrative hearing, the grounds for revocation or suspension. The license holder or approval recipient shall be provided notice of the hearing and a copy of the petition stating the grounds for revocation or suspension as provided in section 27-63 of this chapter. The petition shall state with specificity the acts complained of in order to allow the license holder or

approval recipient an opportunity to prepare a defense. The hearing shall be conducted in accordance with the provisions of Section 27-37 of this chapter.

- (n) Findings of fact shall be based exclusively on the evidence of record and on matters officially recognized.
- (o) If the hearing examiner finds that the director or his or her designee has erroneously interpreted a provision and that a correct interpretation compels a particular action, he or she shall remand the case to the director or his or her designee for further action under a correct interpretation of the provision.
- (p) The hearing examiner shall complete and submit to the director and all parties a final order consisting of his or her findings of fact and conclusions of law.
- (q) A party to the hearing may obtain appellate review of the final order as provided by section 27-42 of this chapter.
- (r) A petitioner or intervenor shall pay a filing fee at the time the application for review is filed. The amount of the filing fee shall be set by resolution of the Board.

(Ord. No. 2003-34, § 1, 9-23-03; Ord. No. 2005-08, § 2.03, 4-26-05)
Secs. 27-15--27-19. Reserved.



BROWARD COUNTY ENVIRONMENTAL RESOURCE LICENSE BROWARD COUNTY CODE 27-331 TO 27-341 PROJECT Bnyo REVIEWER WAM DATE 4/16/14 ATTACHED TO LICENSE NO. DE13-1168 DRAWING 1 OF 4 (AS INDICATED IN LICENSE)

LEGEND

- EXISTING CONCRETE DOCK (±372 SQ.FT. - 474 SQ.FT. OVERWATER)
EXISTING CONCRETE FLOATING DOCK (±480 SQ.FT.)
EXISTING 3.0' SEAWALL CAP (±60 LINEAR FT.)
EXISTING SLIP

NOTE: 1. SURVEY INFORMATION PROVIDED BY MCLAUGHLIN ENGINEERING, CO. 2. M.H.W. = 1.8' NGVD M.L.W. = -0.6 NGVD

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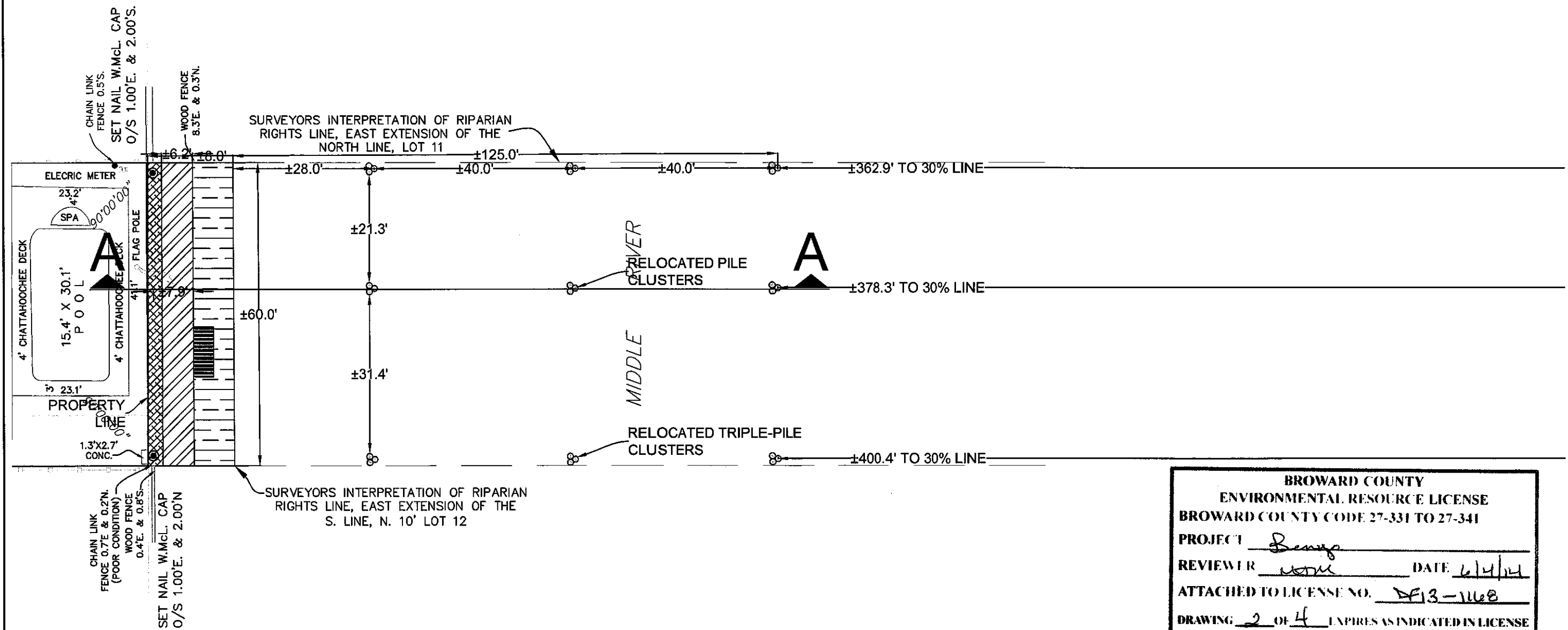
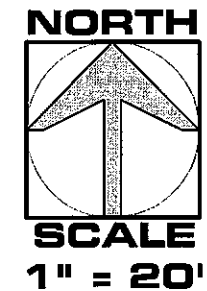
- Environmental Consultants
Marina & Wetland Permitting
Mitigation Design & Monitoring
T&E Species Surveys
Phase I ESAs

704 NE 20TH AVENUE

PREPARED FOR: SHAWN BENYO

EXISTING CONDITIONS

Table with 3 columns: Date (4/16/14), Proj No. (13-0049), and Sheet (1 of 3).



**BROWARD COUNTY
ENVIRONMENTAL RESOURCE LICENSE**
BROWARD COUNTY CODE 27-331 TO 27-341

PROJECT Benny
 REVIEWER WMM DATE 6/14/14
 ATTACHED TO LICENSE NO. 13-1168
 DRAWING 2 OF 4 EXPIRES AS INDICATED IN LICENSE

LEGEND

RELOCATED PILE CLUSTER

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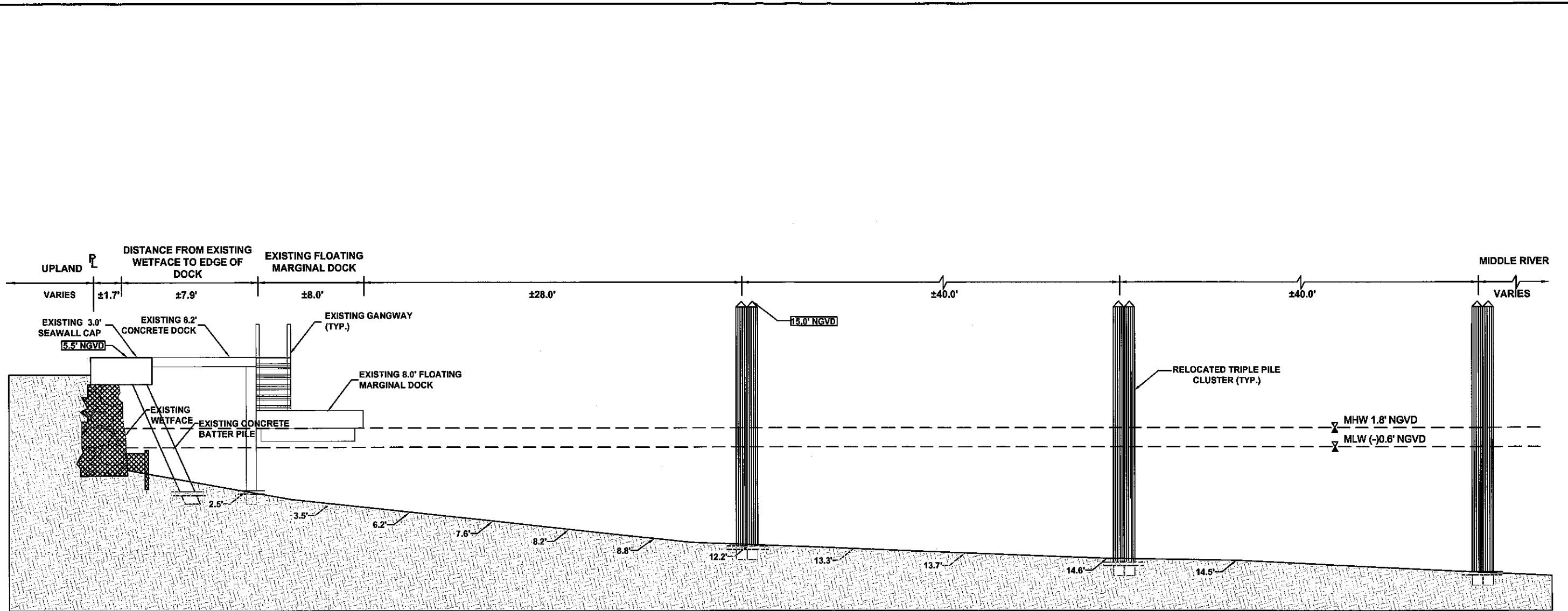
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- Mitigation Design & Monitoring
- T&E Species Surveys
- Phase I ESAs

704 NE 20TH AVENUE

PREPARED FOR:
SHAWN BENYO

PROPOSED CONDITIONS

Date: 4/16/14	Sheet: 2	of: 3
Proj No.: 13-0049		



**SECTION A-A
PROPOSED CONDITIONS**

N.T.S.

BROWARD COUNTY
ENVIRONMENTAL RESOURCE LICENSE
BROWARD COUNTY CODE 27-331 TO 27-341
PROJECT Benny
REVIEWER Walt DATE 6/14/14
ATTACHED TO LICENSE NO. 13-1168
DRAWING 3 OF 4 EXPIRES AS INDICATED IN LICENSE

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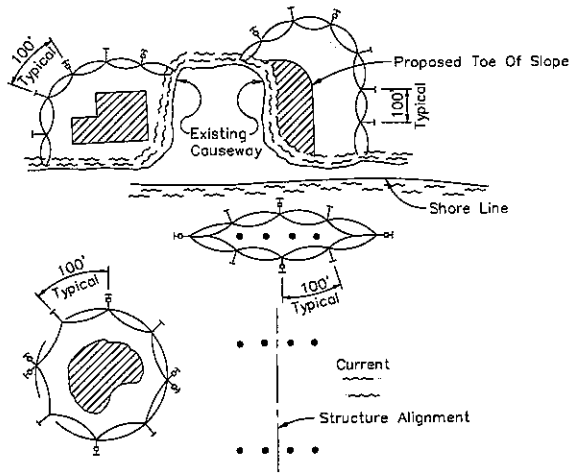
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704 NE 20TH AVENUE

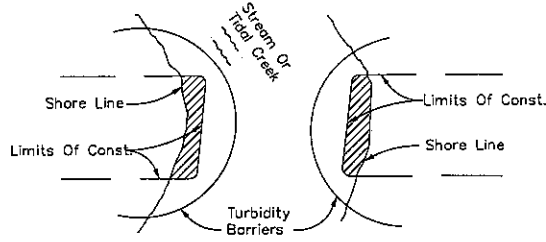
PREPARED FOR:
SHAWN BENYO

SECTIONS		
Date: 4/16/2014	Sheet: 3	of: 3
Proj No.: 13-0049		

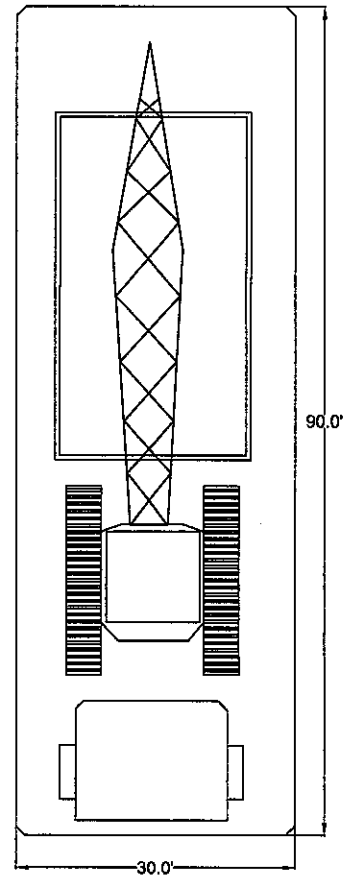
CONSTRUCTION BARGE (TYP.)



- LEGEND**
- Pile Locations
 - ▨ Dredge Or Fill Area
 - Mooring Buoy w/Anchor
 - Anchor
 - Barrier Movement Due To Current Action



Note:
Turbidity barriers for flowing streams and tidal creeks may be either floating, or staked types or any combinations of types that will suit site conditions and meet erosion control and water quality requirements. The barrier type(s) will be at the Contractors option unless otherwise specified in the plans, however payment will be under the pay item(s) established in the plans for Floating Turbidity Barrier and/or Staked Turbidity Barrier. Posts in staked turbidity barriers to be installed in vertical position unless otherwise directed by the Engineer.



NOTES:

1. Turbidity barriers are to be used in all permanent bodies of water regardless of water depth.
2. Number and spacing of anchors dependent on current velocities.
3. Deployment of barrier around pile locations may vary to accommodate construction operations.
4. Navigation may require segmenting barrier during construction operations.
5. For additional information see Section 104 of the Standard Specifications.

TURBIDITY BARRIER APPLICATIONS

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- Phase I ESAs

1704 NE 20TH AVENUE
ENVIRONMENTAL RESOURCE LICENSE
PREPARED FOR:
BROWARD COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

DETAILS		
Date: 01/22/13	Sheet: 4	of: 4
Proj No.: 8-0049		

PROJECT Denyo

REVIEWER nm **DATE** 6/4/14

ATTACHED TO LICENSE NO. AF13-1168

DRAWING 4 **OF** 4 **EXPIRES AS INDICATED IN LICENSE**