

**MEMORANDUM MF NO. 12-03**

DATE: April 17, 2012  
TO: Marine Advisory Board Members  
FROM: Andrew Cuba, Manager of Marine Facilities *Ac*  
RE: Dock Waiver of Distance Limitations - 773 Middle River Drive - Steven Chess

Attached for your review is an application from Steven Chess, 773 Middle River Drive (see **Exhibit 1**).

**APPLICATION AND BACKGROUND INFORMATION**

The applicant is requesting approval for installation of 1 single mooring piling and 2 triple-mooring clusters. The distances these structures extend from the property line into the Middle River are shown in the survey in **Exhibit 1** and summarized in Table 1 below:

**TABLE 1**

<b>LOCATIONS OF STRUCTURE FROM NORTH TO SOUTH</b>	<b>SURVEYED DISTANCE OF PROPOSED STRUCTURES</b>	<b>PERMITTED DISTANCE WITHOUT WAIVER</b>	<b>AMOUNT OF DISTANCE REQUIRING WAIVER</b>
<b>Mooring Cluster #1</b>	<b>60'</b>	<b>25'</b>	<b>35'</b>
<b>Mooring Piling</b>	<b>60'</b>	<b>25'</b>	<b>35'</b>
<b>Mooring Cluster #2</b>	<b>60'</b>	<b>25'</b>	<b>35'</b>

Marine Facilities' records reflect that three docks, one elevator boatlift and four mooring pilings with distances varying from 21'3" to 27'6" into the Middle River from the property line were authorized in 2004 under a Waiver of Limitations in accord with Resolution No. 04-205.

The City's Unified Land and Development Regulations (UDLR) Sec. 47-19.3.D limits the maximum distance of all mooring structures at this location to 25'. Section 47-19.3.E authorizes the City Commission to waive that limitation based on a finding of extraordinary circumstances. The Applicant plans storage of up to five vessels in excess of 60 feet in length, requiring additional tie-off points. The potential for vessel damage due to inclement weather is identified as the extraordinary circumstance.

**PROPERTY LOCATION AND ZONING**

The property is located within the Sunrise Plat RS-4.4 Residential Single Family/Low Density District. It is situated on the eastern shore of the Middle River where the overall width between property lines from the adjacent shoreline ranges between 580 and 700 feet, according to the narrative provided in **Exhibit 1**.

**WATERWAY DEPTH AND TIDAL CONDITIONS**

The bathometric survey included in **Exhibit 1** indicates minimum dockage depths of approximately -4 feet adjacent to the seawall of the upland property deepening to approximately -17 feet adjacent to proposed mooring pile/clusters. The Florida Department of Environmental Protection (FDEP) has determined that this project is exempt from the need to obtain a FDEP Environmental Resource Permit under Rule 40E-4.051(3)(a), F.A.C. The State of Florida Fish and Wildlife

Commission and the United States Coast Guard have authorized the locations of the piles. The Broward County Environmental and Growth Management Department's (EPGMD's) Development and Environmental Regulation Division (DERD) has previously issued several General Licenses for this work, and the Applicant states that they will resubmit to the County pending MAB approval, and prior to City Building Department review.

DOCK PLAN AND BOATING SAFETY

The ULDR Sec. 47.19.3h. prohibits vessels from extending into the 5' setback on either side of the applicant's property. Additionally, Marine Facilities' records reflect there have been six (6) Waivers of Limitation approved by the City Commission since 1983 in the Middle River proximity of 773 Middle River Drive. A comparison of these is reflected in **Table 2**:

<b>DATE</b>	<b>ADDRESS</b>	<b>MAXIMUM DISTANCE</b>
3/15/1983	834/836 NE 20 <sup>th</sup> Avenue	45'
1/9/1990	840 NE 20 <sup>th</sup> Avenue	48'
12/20/2005	834 NE 20 <sup>th</sup> Avenue	71'
12/20/2005	840 NE 20 <sup>th</sup> Avenue	71'
7/15/2008	714 NE 20 <sup>th</sup> Avenue	108'
3/3/2009	852 NE 20 <sup>th</sup> Avenue	61'

RECOMMENDATIONS

Should the Marine Advisory approve the application, the resolution under consideration by the City Commission should include at least the following as prescribed in the ULDR and City Code of Ordinances:

1. The applicant is required to comply with all applicable building and zoning regulations as well as any other governmental laws and specifically the Florida Department of Environmental Protection in accord with the ULDR Section 47-19.3.
2. As a general condition of approval and in order to review for final consistency with construction of facilities the applicant is required to provide the City's Supervisor of Marine Facilities with copies of "As Built" drawings from a certified and licensed contractor.
3. As a general condition of approval and in order to review for final consistency with this application and these recommendations for approval, prior to or concurrent with applying for City building permits, the applicant is required to provide the City's Supervisor of Marine Facilities with copies of final permits from all governmental agencies having jurisdiction.
4. As a special condition of approval, the Applicant is required to install and affix reflector tape to the proposed outermost mooring pilings.

AC  
Attachment

cc:  
Cate McCaffrey, Assistant Director of Parks and Recreation  
Jon Luscomb, Supervisor of Marine Facilities

MARINE FACILITIES

APPLICATION FOR WATERWAY PERMITS, WAIVERS AND LICENSES

Any agreement with the City of Fort Lauderdale and other parties, such as, but not limited to, licenses, permits and approvals involving municipal docking facilities or private uses in the waterways as regulated by Section 8 of the City Code of Ordinances or Section 47-19.3 of the City's Urban Land Development Regulations, shall be preceded by the execution and filing of the following application form available at the Office of the Supervisor of Marine Facilities. The completed application must be presented with the applicable processing fee paid before the agreement is prepared or the application processed for formal consideration (see City of Fort Lauderdale Code Section 2-157). If legal publication is necessary, the applicant agrees to pay the cost of such publication in addition to the application fee.

APPLICATION FORM

(Must be in Typewritten Form Only)

1. LEGAL NAME OF APPLICANT - (If corporation, name and titles of officers as well as exact name of corporation. If individuals doing business under a fictitious name, correct names of individuals, not fictitious names, must be used. If individuals owning the property as a private residence, the name of each individual as listed on the recorded warranty deed):

NAME: Steven and Karen Chess

TELEPHONE NO: 954-563-8479 (home) FAX NO: 954-564-7868 (business)

2. APPLICANT'S ADDRESS (if different than the site address): 773 Middle River Drive, Fort Lauderdale, FL 33304

3. TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST: Waiver of Limitations for Section 47-19.3, Paragraph C, to allow mooring pilings/clusters to extend into the waterway an additional 35 feet beyond code

4. SITE ADDRESS: 773 Middle River Drive, Fort Lauderdale, FL 33304 ZONING: RS-4.4

LEGAL DESCRIPTION: Sunrise 28-42 B Lot 54 Blk 6

5. EXHIBITS (In addition to proof of ownership, list all exhibits provided in support of the applications).

See attached

Applicant's Signature

1/25/09 Date

The sum of \$ \_\_\_\_\_ was paid by the above-named applicant on the \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_\_.

Received by: \_\_\_\_\_ City of Fort Lauderdale

====For Official City Use Only=====

Marine Advisory Board Action Commission Action Formal Action taken on \_\_\_\_\_ Formal Action taken on \_\_\_\_\_

Recommendation \_\_\_\_\_ Action \_\_\_\_\_





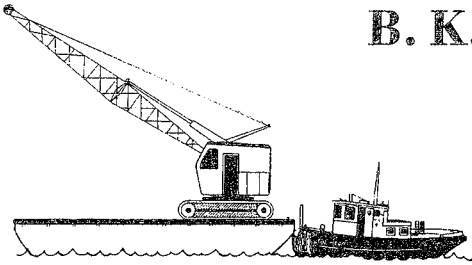
# 773 Middle River Drive



Plot Date: 06/29/04  
 Projects on GIS1: p:\ced\_doc\master\arcgis\773\_Middle\_River\_Drive.mxd

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# B. K. Marine Construction, Inc.

STATE LICENSED MARINE CONTRACTORS  
#CG C052820

- DOCKS & SEAWALLS
- REPAIRS OF ALL KINDS
- PILING WORK  
Wood-Concrete

April 16, 2012

Marine Advisory Board  
2 South New River East  
Ft. Lauderdale, Fl. 33301

Re: Steven Chess  
773 Middle River Drive  
Ft. Lauderdale, Fl. 33304

Dear Board Members,

We are requesting a waiver of limitations to install 1 mooring piling and 2 mooring clusters at the above referenced property. All existing docks, lifts and mooring pilings are legally permitted and will remain as is. The existing docks include the following: one 39.5' x 11.0' marginal dock, one 8.8' x 5.2' finger pier, one 14.4' x 5.2' finger pier and one 20.6' x 5.5' finger pier. The total square footage is 668.44 square feet and this will remain unchanged. The site also includes one boatlift and five mooring pilings, all of which will remain as they are.

The new mooring pilings and mooring clusters will extend a maximum of 60 feet into the waterway from the rear property line. The will be single mooring piling each centered on the center finger pier; it will extend approximately 60 feet from the rear property line. One mooring cluster will be placed 25 feet south of the northern riparian line; it will extend approximately 60 feet from the rear property line. The second mooring cluster will be placed 36 north of the southern riparian line; it will extend 60 feet from the rear property line.

The City Building Code, Section 47-19.3, Paragraph C, allows mooring pilings/clusters to extend up to 25 feet from the property line. The requested Waiver of Limitations will be for two mooring clusters and one mooring piling to extend up to an additional 35 feet beyond the City Building Code limits. This extent will place the new pilings approximately even with an existing 'No Wake' sign on the waterway, which is just to the north of this property.

The new piling and clusters will not extend further into the canal than the existing 'No Wake' sign and therefore should not create any obstruction for this existing sign. The vessels at the site also should not create any such obstruction. The vessel that will be moored to the far north will be kept on the existing boatlift. It's size and length will be limited by this lift and will not be long enough to extend past and obstruct the existing sign.

As to the vessels, the owner has no plans to moor more than five vessels at any one time. There are five slips at this site: one on the lift, one at the far south end, one between the northern and center piers and two between the center and southern piers. The State Building code requires a 2-inch fire line at any site where four or more vessels are moored. There is an existing 2- inch



line at the dock with a hose connection at each side of the property. This water line with its two connection points satisfies the requirements of this particular section of the fire code.

The waterway is approximately 580 feet wide at its narrowest at this property, 30% of which is 174 feet (700 feet at the widest point, 30% of which is 210 feet). If this request is granted, the five new mooring piling and clusters will be a maximum of 60 feet into the waterway, which is just over 10% of the narrowest width of the waterway and less than 10% of the widest width.

The purpose of the additional mooring piling and clusters are to increase the tie-off points for vessels kept at the site. The owner frequently keeps long vessels (up to 60 feet in length) at this property, when they are not stored at his other properties in the Northern US. Vessels are allowed to extend up to 30% of the waterway and the vessels at the site do not extend past this limit. However, the City code does not allow the mooring pilings to extend as far as a vessel. The existing mooring pilings only extend out 25+/- feet from the property line as per the City Building Code. Unfortunately this does not allow for safely tying off the longer vessels.

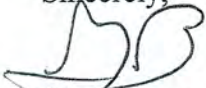
It creates a potential situation where the far end of a vessel cannot be properly, or even safely tied off. That is the situation that we are faced with here. At times of extreme inclement weather (particularly heavy wind storms), without the additional mooring pilings/clusters, the far ends of the vessels sway very much and there is great potential for the vessels to break loose. At that time, not only are the vessels in danger of being damaged, but any other vessel or structure along the waterway is at an increased risk of suffering damage if any of the vessels at this site should break loose and drift free.

The State of Florida DEP has authorized this work and has also authorized the work on behalf of the ACOE. The State of Florida Fish and Wildlife Commission (of Tallahassee) has issue a letter of No Objection to the installation of the pilings. The US Coast Guard has granted permission to install the pilings. The Broward County DERD has already issued several General Licenses for this work in the past. The number and locations of the pilings and clusters has gone through several modifications over time due the owners concerns and DEP comments. The County has approved each configuration. As soon as the Marine Advisory Board and the City Commission approve this latest configuration, we will submit it to the County for their approval, prior to proceeding to the City Building Department for the city permit.

If the waiver is not granted, any vessel moored at the site, as well as any other vessel along the waterway will remain at an increased risk of damage during extreme weather.

In conclusion, the homeowner, Steven Chess and B.K. Marine Construction Inc. should be granted permission to install the additional mooring piling and two clusters.

Sincerely,



Glen Bryant

B.K. Marine Construction Inc.

Prepared by  
**MCDUGHLIN ENGINEERING COMPANY (L#285)**  
 400 N.E. 3rd Avenue, Fort Lauderdale, Florida 33301  
 PHONE: (954) 763-7811  
 FAX: (954) 763-7815



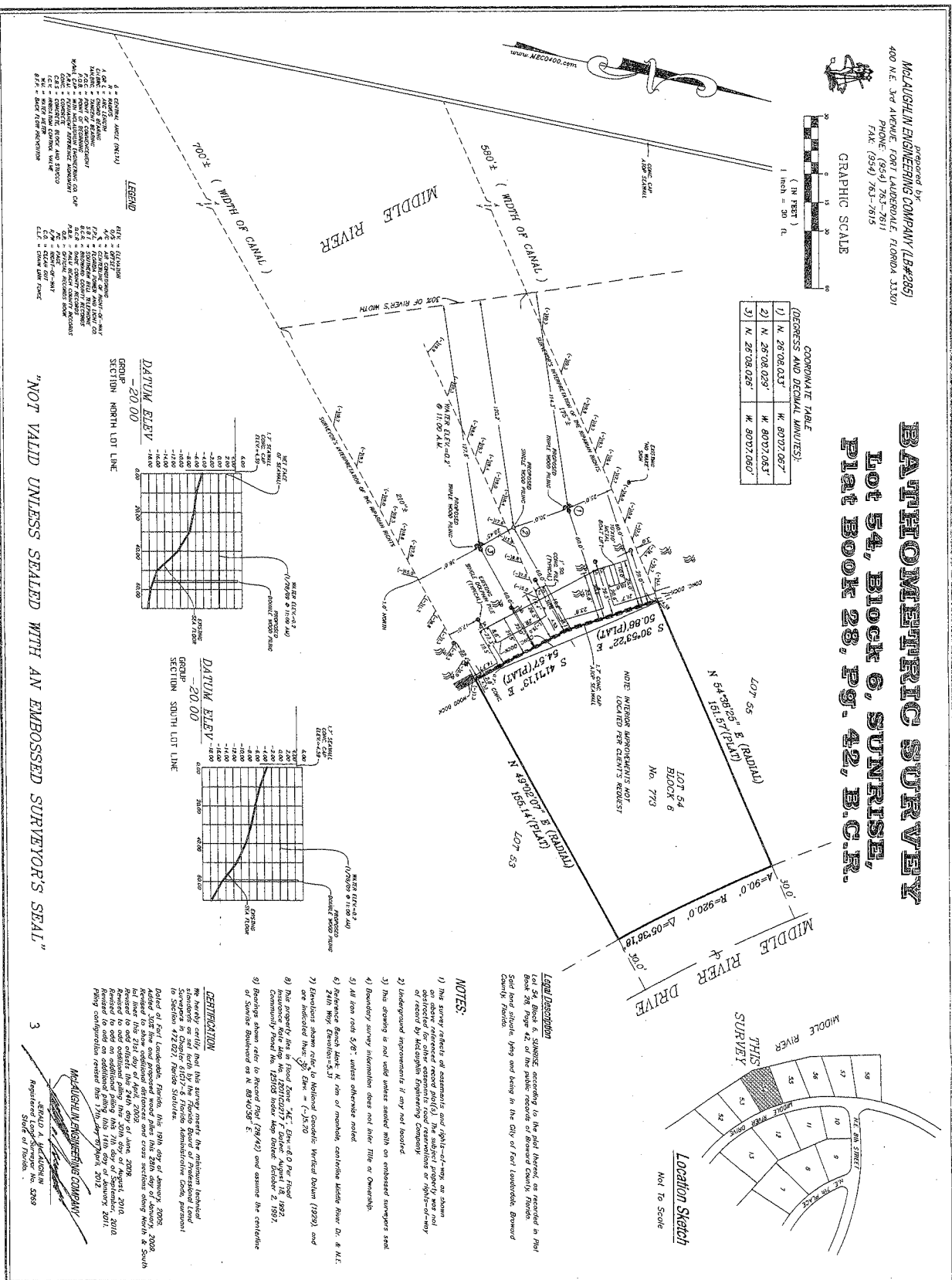
GRAPHIC SCALE  
 1 inch = 30 ft.

COORDINATE TABLE  
 (DEGREES AND DECIMAL MINUTES)

1) N. 26°08.033'	N. 80°02.067'
2) N. 26°08.028'	N. 80°02.063'
3) N. 26°08.028'	N. 80°02.060'

# BATHOMETRIC SURVEY

## LOT 54, BLOCK 6, SUNRISE, PLAT BOOK 28, PG. 42, B.C.R.

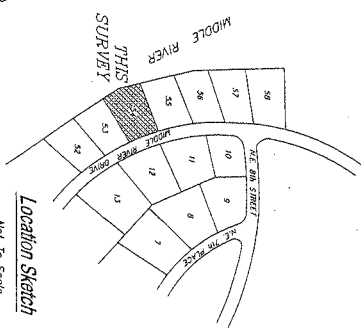
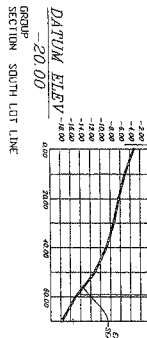
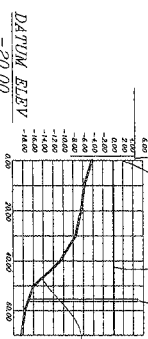


**LEGEND**

1/2" = 1' (VERTICAL)  
 1/4" = 1' (HORIZONTAL)

1/2" = 1' (VERTICAL)  
 1/4" = 1' (HORIZONTAL)

1/2" = 1' (VERTICAL)  
 1/4" = 1' (HORIZONTAL)



**Notes:**

- 1) This survey reflects all easements and rights-of-way, as shown on above referenced record plat(s). The subject property was not dedicated for other easements, road reservations or rights-of-way or reserved by McDuglin Engineering Company.
- 2) Underground improvements, if any, not located.
- 3) This drawing is not valid unless sealed with an embossed surveyor's seal.
- 4) Boundary survey information does not show Title or Ownership.
- 5) All iron rods 5/8" unless otherwise noted.
- 6) Reference bench mark: N.T.M. of middle centerline Middle River Dr. & N.E. 24th Way, Elevation=5.31.
- 7) Easements shown refer to National Geographic Vertical Datum (1929), and one indicates that 97.74' dia. = (7'-10.20").
- 8) This property lies in Flood Zone "AE", Elev. to Top Flood 1992 Community Flooded by 2500 Year Mean High Water District 2, 1992. Flooded to and on additional flood by 100 Year of January 2010. Flooded to and on additional flood by 100 Year of January 2010. Flooded to and on additional flood by 100 Year of January 2010. Flooded to and on additional flood by 100 Year of January 2010.
- 9) Boundary shown refer to Record Plat (28/42) and assume the existence of Sunrise Boulevard as N. 88+00.00' E.

**CERTIFICATION**

I, the undersigned, certify that this survey meets the minimum technical standards as set forth by the Florida Board of Professional Land Surveyors, Chapter 42B, Florida Statutes, and the rules and regulations of the Florida Board of Professional Land Surveyors, Chapter 42B, Florida Statutes.

Dated at Fort Lauderdale, Florida, this 18th day of January, 2010.

Witness my hand and the seal of the Florida Board of Professional Land Surveyors, this 18th day of January, 2010.

Witness my hand and the seal of the Florida Board of Professional Land Surveyors, this 18th day of January, 2010.

Witness my hand and the seal of the Florida Board of Professional Land Surveyors, this 18th day of January, 2010.

**MCDUGHLIN ENGINEERING COMPANY**  
 SEBASTIAN A. MCDUGHLIN  
 Registered Professional Land Surveyor  
 No. 5289  
 State of Florida

FIELD BOOK NO. DML  
 JOB ORDER NO. J-1595

FILE NO. 09-2-001 (12)

DRAWN BY: BRB, JAH  
 CHECKED BY: BRB, JAH





BLOCK 6  
No. 773

NOTE: INTERIOR IMPROVEMENTS NOT  
LOCATED PER CLIENT'S REQUEST

1.7 CONC GAP  
AT TOP SEAWALL

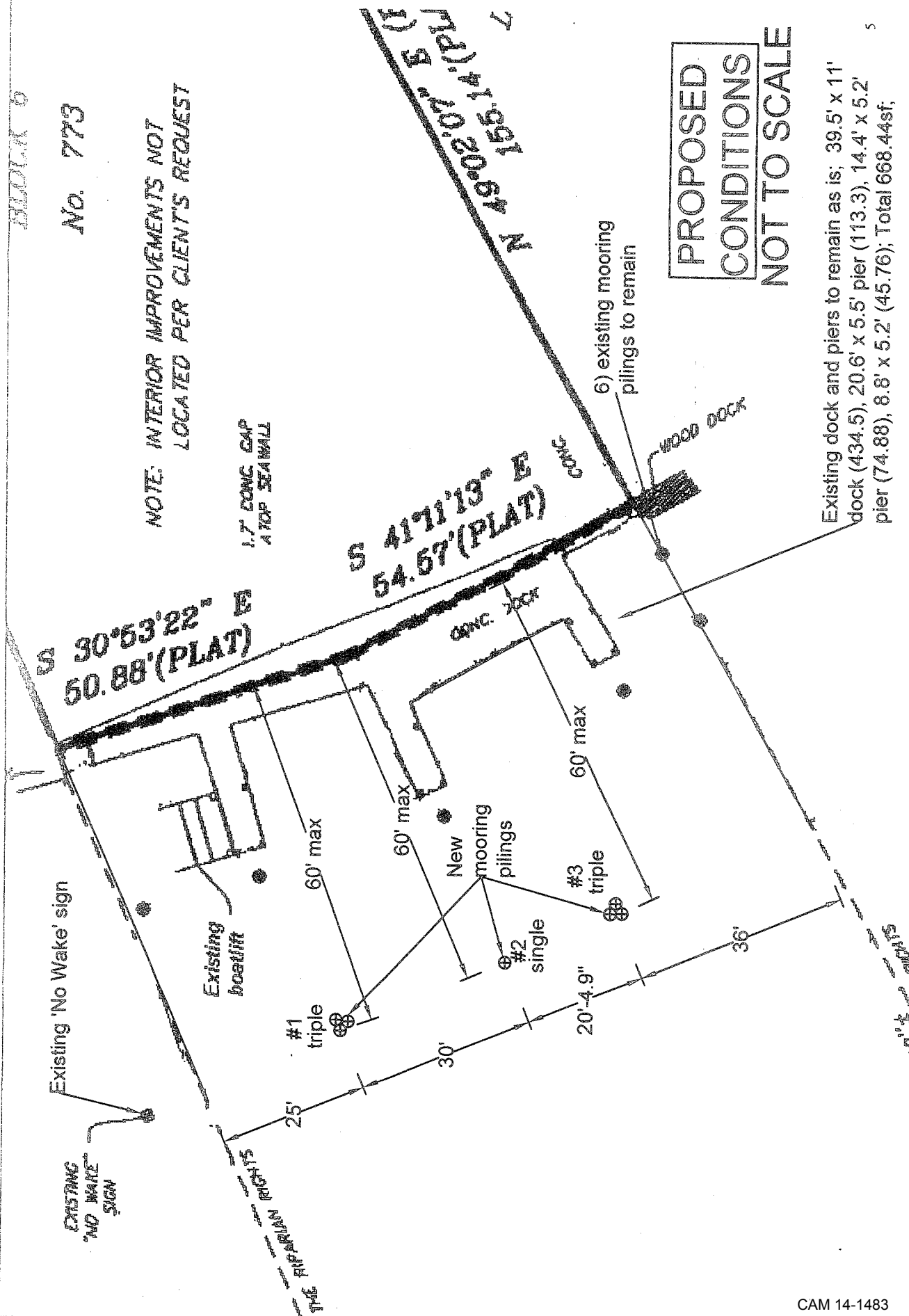
S 30°53'22" E  
50.88'(PLAT)

S 41°11'13" E  
54.57'(PLAT)

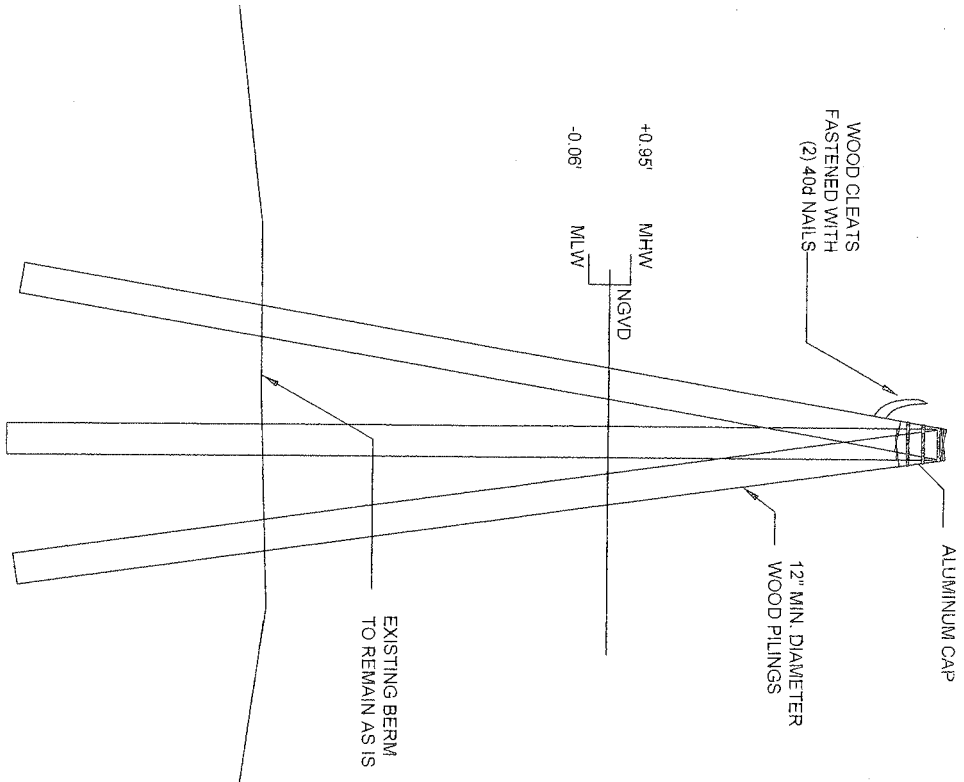
N 49°02'07" E (PL)  
155.14' L

PROPOSED  
CONDITIONS  
NOT TO SCALE

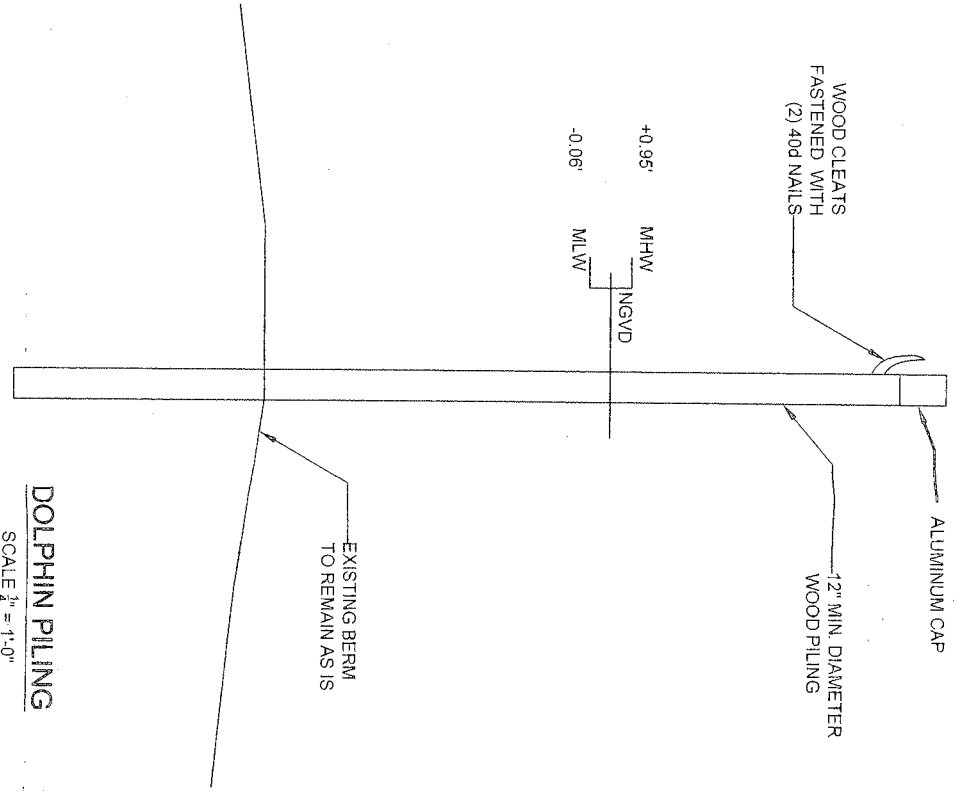
Existing dock and piers to remain as is; 39.5' x 11'  
dock (434.5), 20.6' x 5.5' pier (113.3), 14.4' x 5.2'  
pier (74.88), 8.8' x 5.2' (45.76); Total 668.44sf;



**3-PILE DOLPHIN CLUSTER**  
SCALE 3/4" = 1'-0"



**DOLPHIN PILING**  
SCALE 3/4" = 1'-0"



**Notes:**

1. All pilings shall have a minimum penetration of 8' into the seabed.
2. If hard strata is encountered, a 2' minimum penetration shall be maintained.
3. Drawings not to scale.
4. Design in accordance with 2007 Florida Building Code with 2009 Amendments.

6

SCALE: AS NOTED	DATE:	NOTES/REVISIONS	NOT VALID UNLESS SEALED WITH THE EMBOSSED SEAL	BK MARINE CONSTRUCTION, INC. 3500 SW 14TH STREET DEERFIELD BEACH, FL 33442 954-421-2321 CGC052820	PREPARED FOR Steve Chess 773 Middle River Drive Fort Lauderdale, FL	James Bushouse, P.E. Consulting Engineer L.B. #27565 216 E. Magnolia Street Arcadia, FL 34266 (863) 491-8242	1176 S.W. 4th Court Boca Raton, FL 33432 CAM 14-1488
DRAWN BY:			James Bushouse, P.E. Professional Engineer #20311 State of Florida				
CHECKED BY:							
JOB No:							
SHEET No. OF							

91318023

Stamp \$1.60 Documentary Tax & Intangible as required by Broward County  
RECEIVED In Broward County  
by Marilyn V. Semaras Deputy Clerk  
QUIT CLAIM DEED

CASORIA & GOFF, P.A.  
1040 BAYVIEW DRIVE  
SUITE 228  
FORT LAUDERDALE, FLORIDA 33304

THIS INSTRUMENT, is made this 29th day of July, 1991, between KAREN CHESS, a married woman, joined by her husband, STEVEN MICHAEL CHESS, Grantors, and STEVEN MICHAEL CHESS and KAREN CHESS, his wife, Grantees, whose mailing address is 773 Middle River Drive, Ft. Lauderdale, Fl. 33304, and whose Social Security Numbers are [redacted] and [redacted]

WITNESSETH:

That the said Grantors, for and in consideration of the sum of TEN (\$10.00) DOLLARS and other good and valuable consideration, to it in hand paid by the Grantees, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the Grantees, their heirs and assigns forever, the following described real property situate, lying and being in Broward County, Florida, to-wit:

Lot Fifty-Four (54) in Block Six (6) of SUNRISE, according to the Plat thereof, as recorded in Plat Book 28, Page 42, of the Public Records of Broward County, Florida.

TAX FOLIO NUMBER: 0201-32-127

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of Grantors, either in law or equity, to the only proper use, benefit and behoof of the Grantees forever.

IN WITNESS WHEREOF, Grantors have hereunto set their hand and seal, the day and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

Gail S. Price  
Gail S. Price

Karen Chess  
Karen Chess  
Steven Michael Chess  
Steven Michael Chess

STATE OF FLORIDA )  
COUNTY OF BROWARD )

On this day, personally appeared before me, Karen Chess and Steven Michael Chess, to me well known and known to me to be the persons described in the foregoing instrument and who acknowledged to and before me that they executed the same for the purposes therein expressed.

WITNESS my hand and official seal, this 29th day of July, 1991, in the County and State aforesaid.

Gail S. Price  
NOTARY PUBLIC  
STATE OF FLORIDA  
My commission expires:

THIS INSTRUMENT PREPARED BY:  
S.M. Casoria, III  
CASORIA & GOFF, P.A.  
1040 Bayview Drive, Suite 228  
Ft. Lauderdale, FL 33304  
305/564-4600



NOTARY PUBLIC, STATE OF FLORIDA.  
MY COMMISSION EXPIRES: OCT. 4, 1991.  
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

"OFFICIAL NOTARY SEAL"  
GAIL S. PRICE

RECORDED IN THE OFFICIAL RECORDS BOOK  
OF BROWARD COUNTY, FLORIDA  
COUNTY ADMINISTRATOR

91 AUG 12 PM 5:50

BR 1864760754





# Florida Department of Environmental Protection

Southeast District Office  
400 N. Congress Avenue, Suite 200  
West Palm Beach, FL 33401  
561-681-6600

Rick Scott  
Governor

Jennifer Carroll  
Lt. Governor

Herschel T. Vinyard Jr.  
Secretary

APR 05 2012

Steven Chess  
773 Middle River Drive  
Fort Lauderdale, FL 33304

Re: File No.: 06-0244334-002  
File Name: Chess, Steven

Dear Mr. Chess:

On January 14, 2011, we received your application, and on March 8, 2012, the application was complete for an exemption to perform the following activities: (1) install two triple-pile dolphin clusters and (2) install one mooring pile waterward of an existing dock. The project is located in the Middle River, Class III Waters, adjacent to 773 Middle River Drive, Fort Lauderdale (Section 1, Township 50 South, Range 42 East), in Broward County (Latitude N 26° 8' 3.51", Longitude W 80° 7' 2.36").

Your application has been reviewed to determine whether it qualifies for any of three kinds of authorization that may be necessary for work in wetlands or waters of the United States. The kinds of authorization are (1) regulatory authorization, (2) proprietary authorization (related to state-owned submerged lands), and (3) federal authorization. The authority for review and the outcomes of the reviews are listed below. Please read each section carefully. Your projects may not have qualified for all three forms of authorization. If your projects did not qualify for one or more of the authorizations, refer to the specific section dealing with that authorization for advice on how to obtain it.

## **1. Regulatory Review. - VERIFIED**

The Department has the authority to review your project under Part IV of Chapter 373, Florida Statutes (F.S.), Title 62, Florida Administrative Code (F.A.C.), and in accordance with operating agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C.

Based on the information you submitted, we have determined that your project to install two triple-pile dolphin clusters and one mooring pile waterward of an existing dock is exempt from the need to obtain a DEP Environmental Resource Permit under Rule 40E-4.051(3)(a), F.A.C.

**2. Proprietary Review (related to state-owned lands). - GRANTED**

The Department acts as staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) and issues certain authorizations for the use of sovereign submerged lands. The Department has the authority to review your project under Chapters 253 and 258, F.S., Chapters 18-20 and 18-21, F.A.C., and Section 62-343.075, F.A.C.

Your project will occur on sovereign submerged land and will require authorization from the Board of Trustees to use public property. As staff to the Board of Trustees, we have reviewed the proposed project and have determined that, as long as it is located within the described boundaries and is consistent with the attached general consent conditions, the project qualifies for a consent by rule to use sovereign submerged lands. Therefore, pursuant to Chapter 253.77, Florida Statutes, you may consider this letter as authorization from the Board of Trustees to perform the project.

**3. Federal Review (State Programmatic General Permit). - GRANTED**

Federal authorization for the proposed project is reviewed by DEP pursuant to an agreement between the Department and the U.S. Army Corps of Engineers (Corps). The agreement is outlined in a document titled *Coordination Agreement Between the U.S. Army Corps of Engineers and the Florida Department of Environmental Protection State Programmatic General Permit, Section 10 of the Rivers and Harbor Act of 1899 and Section 404 of the Clean Water Act*.

Your project has been reviewed for compliance with a State Programmatic General Permit (SPGP). As shown on the attached drawings, the proposed project is consistent with the SPGP program. The attached Corps general conditions apply to your project. No further permitting for this activity is required by the Corps.

This exemption verification is based on the information you provided the Department and the statutes and rules in effect when the information was submitted. This verification will expire after one year, and will not be valid at any other time if site conditions materially change, the project design is modified, or the statutes or rules governing the exempt activity are amended. However, the activity may still be conducted without further notification to or verification from the Department after the one-year expiration of this verification, provided: 1) the project design does not change; 2) site conditions do not materially change; and 3) there are no changes to the statutes or rules governing the exempt activity. In the event you need to re-verify the exempt status for the activity after the one-year expiration of this verification, a new application and verification fee will be required. Any substantial modifications to the project design should be submitted to the Department for review, as changes may result in a permit being required. Conditions of compliance with the regulatory exemption are contained in Attachment A.

This letter does not relieve you from the responsibility of obtaining other permits (federal, state, or local) that may be required for the project.



## NOTICE OF RIGHTS OF SUBSTANTIALLY AFFECTED PERSONS

This letter acknowledges that the proposed activity is exempt from ERP permitting requirements under Rule 40E-4.051(3)(a), F.A.C. This determination is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under sections 120.569 and 120.57 of the Florida Statutes as provided below. If a sufficient petition for an administrative hearing is timely filed, this determination automatically becomes only proposed agency action subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. The procedures for petitioning for a hearing are set forth in the attached notice.

This determination is based on the information you provided the Department and the statutes and rules in effect when the application was submitted and is effective only for the specific activity proposed. This determination shall automatically expire if site conditions materially change or the governing statutes or rules are amended. In addition, any substantial modifications in your plans should be submitted to the Department for review, as changes may result in a permit being required. In any event, this determination shall expire after one year.

Be advised that your neighbors and other parties who may be substantially affected by the proposed activity allowed under this determination of exemption have a right to request an administrative hearing on the Department's decision that the proposed activity qualifies for this exemption. Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a final determination that the proposed activity is not authorized under the exemption established under Rule 40E-4.051(3)(a), F.A.C.

The Department will not publish notice of this determination. Publication of this notice by you is optional and is not required for you to proceed. However, in the event that an administrative hearing is held and the Department's determination is reversed, proceeding with the proposed activity before the time period for requesting an administrative hearing has expired would mean that the activity was conducted without the required permit.

If you wish to limit the time within which all substantially affected persons may request an administrative hearing, you may elect to publish, at your own expense, the enclosed notice (Attachment A) in the legal advertisement section of a newspaper of general circulation in the county where the activity is to take place. A single publication will suffice.

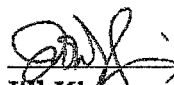
If you wish to limit the time within which any specific person(s) may request an administrative hearing, you may provide such person(s), by certified mail, a copy of this determination, including Attachment A.

For the purposes of publication, a newspaper of general circulation means a newspaper meeting the requirements of sections 50.011 and 50.031 of the Florida Statutes. In the event you do publish this notice, within seven days of publication, you must provide to the following address proof of publication issued by the newspaper as provided in section 50.051 of the Florida Statutes. If you provide direct written notice to any person as noted above, you must provide to the following address a copy of the direct written notice.

Florida Department of Environmental Protection  
Southeast District  
Submerged Lands & Environmental Resources Program  
400 N. Congress Ave., Suite 200  
West Palm Beach, FL 33401

If you have any questions, please contact Sophie Dimitrova at 561-681-6634 or [Sophie.Dimitrova@dep.state.fl.us](mailto:Sophie.Dimitrova@dep.state.fl.us). When referring to your project, please use the FDEP file name and number listed above.

Sincerely,

 4/5/12  
\_\_\_\_\_  
Jill King


Environmental Manager  
Submerged Lands & Environmental Resources Program

Enclosures

cc: David Nutter, B.K. Marine Construction, Inc., [bkpermit@bellsouth.net](mailto:bkpermit@bellsouth.net)

#### FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to 120.52(9),  
Florida Statutes, with the designated Department  
Clerk, receipt of which is hereby acknowledged.

 4/5/12  
\_\_\_\_\_  
Clerk Date



## **GENERAL CONSENT CONDITIONS:**

- (1) Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.
- (2) Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.
- (3) Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in Sections 253.04 and 258.46, F.S., or Chapter 18-14, F.A.C.
- (4) Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.
- (5) Construction, use, or operation of the structure or activity shall not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.
- (6) Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court's decision.
- (7) Structures or activities shall not create a navigational hazard.
- (8) Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of Rule 18-21.005, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.
- (9) Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities authorized under paragraph 18-21.004(1)(f), F.A.C., or any other applicable law.

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
NOTICE OF DETERMINATION OF EXEMPTION

The Department of Environmental Protection gives notice that the project to install two triple-pile dolphin clusters and one mooring pile waterward of an existing dock, located in the Middle River, Class III Waters, adjacent to 773 Middle River Drive, Fort Lauderdale (Section 1, Township 50 South, Range 42 East), in Broward County (Latitude N 26° 8' 3.51", Longitude W 80° 7' 2.36") has been determined to be exempt from requirements to obtain an environmental resource permit.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Mediation is not available.

If a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention will be permitted only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-106.205 of the Florida Administrative Code.

In accordance with rule 62-110.106(3), F.A.C., petitions for an administrative hearing must be filed within 21 days of publication of the notice or receipt of written notice, whichever occurs first. Under rule 62-110.106(4) of the Florida Administrative Code, a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000 prior to the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. Upon motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect, the Department may also grant the requested extension of time.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that right.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301.

Under sections 120.569(2)(c) and (d) of the Florida Statutes, a petition for administrative hearing shall be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

Complete copies of all documents relating to this determination of exemption are available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, at the Southeast District office, 400 North Congress Avenue, West Palm Beach, Florida.

## GENERAL CONDITIONS FOR FEDERAL AUTHORIZATION FOR SPGP IV-R1

1. The time limit for completing the work authorized ends on July 25, 2016.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature and mailing address of the new owner in the space provided below and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

### **Further Information:**

#### **1. Limits of this authorization.**

- a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal projects.

#### **2. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:**

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or Construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

3. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

4. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 3 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

5. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CER 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

\_\_\_\_\_  
(TRANSFEREE-SIGNATURE)

\_\_\_\_\_  
(DATE)

\_\_\_\_\_  
(NAME-PRINTED)

\_\_\_\_\_  
(ADDRESS)



**STANDARD MANATEE CONDITIONS FOR IN-WATER WORK**  
2011

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at [ImperiledSpecies@myFWC.com](mailto:ImperiledSpecies@myFWC.com)
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Awareness signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used (see MyFWC.com). One sign which reads Caution: Boaters must be posted. A second sign measuring at least 8 1/2" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. Questions concerning these signs can be sent to the email address listed above.

# CAUTION: MANATEE HABITAT

All project vessels

**IDLE SPEED / NO WAKE**

When a manatee is within 50 feet of work  
all in-water activities must

**SHUT DOWN**

Report any collision with or injury to a manatee:

Wildlife Alert:

**1-888-404-FWCC(3922)**

cell \*FWC or #FWC





UNITED STATES DEPARTMENT OF  
COMMERCE  
National Oceanic and Atmospheric  
Administration  
national marine fisheries service  
Southeast Regional Office  
263 13th Avenue South  
St. Petersburg, FL 33701

## SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS

The permittee shall comply with the following protected species construction conditions:

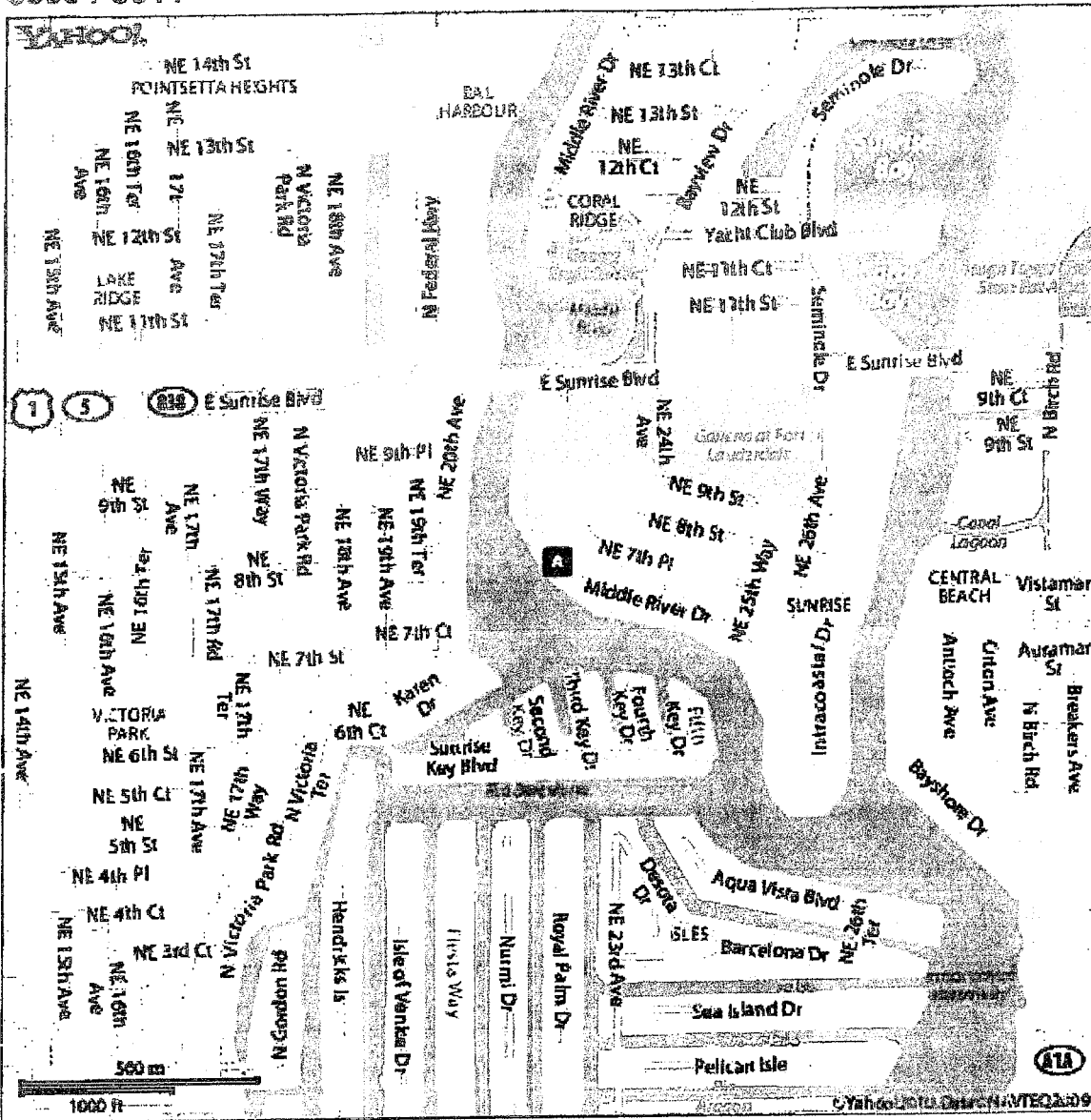
- a. The permittee shall instruct all personnel associated with the project of the potential presence of these species and the need to avoid collisions with sea turtles and smalltooth sawfish. All construction personnel are responsible for observing water-related activities for the presence of these species.
- b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing sea turtles or smalltooth sawfish, which are protected under the Endangered Species Act of 1973.
- c. Siltation barriers shall be made of material in which a sea turtle or smalltooth sawfish cannot become entangled, be properly secured, and be regularly monitored to avoid protected species entrapment. Barriers may not block sea turtle or smalltooth sawfish entry to or exit from designated critical habitat without prior agreement from the National Marine Fisheries Service's Protected Resources Division, St. Petersburg, Florida.
- d. All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water depths where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will preferentially follow deep-water routes (e.g., marked channels) whenever possible.
- e. If a sea turtle or smalltooth sawfish is seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure its protection. These precautions shall include cessation of operation of any moving equipment closer than 50 feet of a sea turtle or smalltooth sawfish. Operation of any mechanical construction equipment shall cease immediately if a sea turtle or smalltooth sawfish is seen within a 50-ft radius of the equipment. Activities may not resume until the protected species has departed the project area of its own volition.
- f. Any collision with and/or injury to a sea turtle or smalltooth sawfish shall be reported immediately to the National Marine Fisheries Service's Protected Resources Division (727-824-5312) and the local authorized sea turtle stranding/rescue organization.
- g. Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the primary consultation.

Revised: March 23, 2006

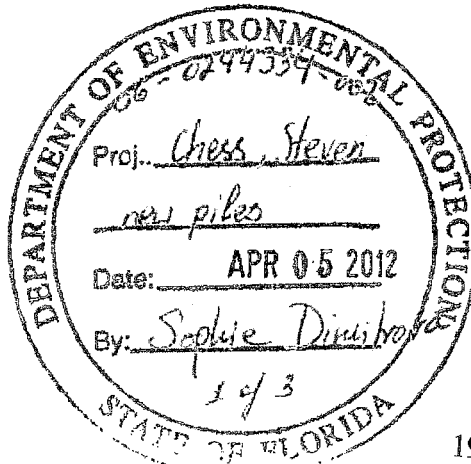
O:\forms\Sea Turtle and Smalltooth Sawfish Construction Conditions.doc



Map of 773 Middle River Dr, Fort Lauderdale, FL 33304-3511



When using any driving directions or map, it's a good idea to do a reality check and make sure the road still exists, watch out for construction, and follow all traffic safety precautions. This is only to be used as an aid in planning.



**LORI PARRISH  
BROWARD COUNTY  
PROPERTY APPRAISER**

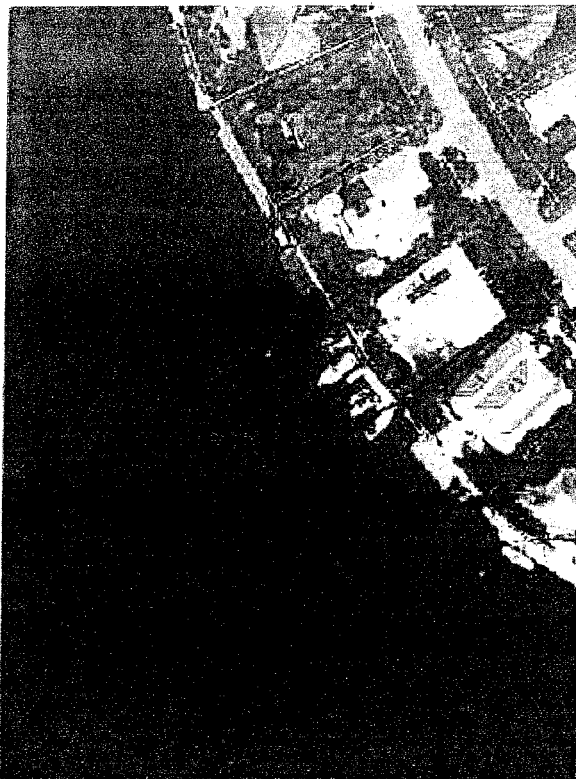


[Click Here to Return to our Homepage](#)

[Click here to see instructions for use](#)



- Layers
- Highways
  - Major Roads
  - Twn-Rng-Sec
  - Municipalities
  - City Limits
  - Zip Codes
  - CRA Boundaries
  - City Zoning Codes
  - County Land Use
  - Comm Appraisal Districts
  - Resid Appraisal Districts
  - Subdivisions
  - No Sales
  - Streets
  - Parcels
  - Aerials (2010)
  - County Boundary



[Platometry](#)

[Details](#)

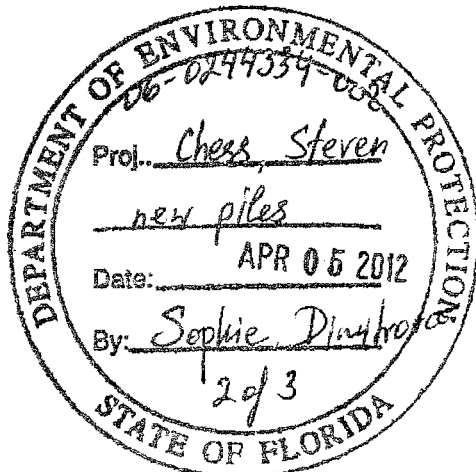
Below information reflects 2010 work in process values.

Click on "Details" above for 2009 values.

FOLIO: 504201321270  
 OWNER: CHESS, STEVEN M & KAREN  
 SITUS ADDRESS: 773 MIDDLE RIVER DR  
 FORT LAUDERDALE 33304-3511  
 LEGAL: SUNRISE 28-42 B LOT 54 BLK 6  
 MILLAGE CODE: 0312  
 USE CODE: 01  
 LAND VALUE: \$982,220  
 BUILDING VALUE: \$1,182,920  
 OTHER VALUE: \$0  
 TOTAL VALUE: \$2,165,140  
 SOH CAPPED VALUE: \$822,830  
 HOMESTEAD EXEMPTION AMOUNT: \$25,000  
 WVD EXEMPTION AMOUNT: \$0  
 OTHER EXEMPTION AMOUNT: \$0  
 TAXABLE VALUE: \$772,830  
 SALE DATE 1: 7/1/1991  
 SALE PRICE 1: \$100  
 DEED TYPE 1: 01  
 SALE DATE 2: 3/1/1987  
 SALE PRICE 2: \$100  
 DEED TYPE 2: 01

SELECTED PROPERTY-FOLIO: 504201321270

© Copyright 2003 Broward County Property Appraiser



LAND CALCULATIONS		
Price	Factor	Type
6500	15111	SF

ADJ. BLDG. S.F.: 6276

BLOCK 6

No. 773

NOTE: INTERIOR IMPROVEMENTS NOT LOCATED PER CLIENT'S REQUEST

1.7 CONC CAP AT TOP SEAWALL

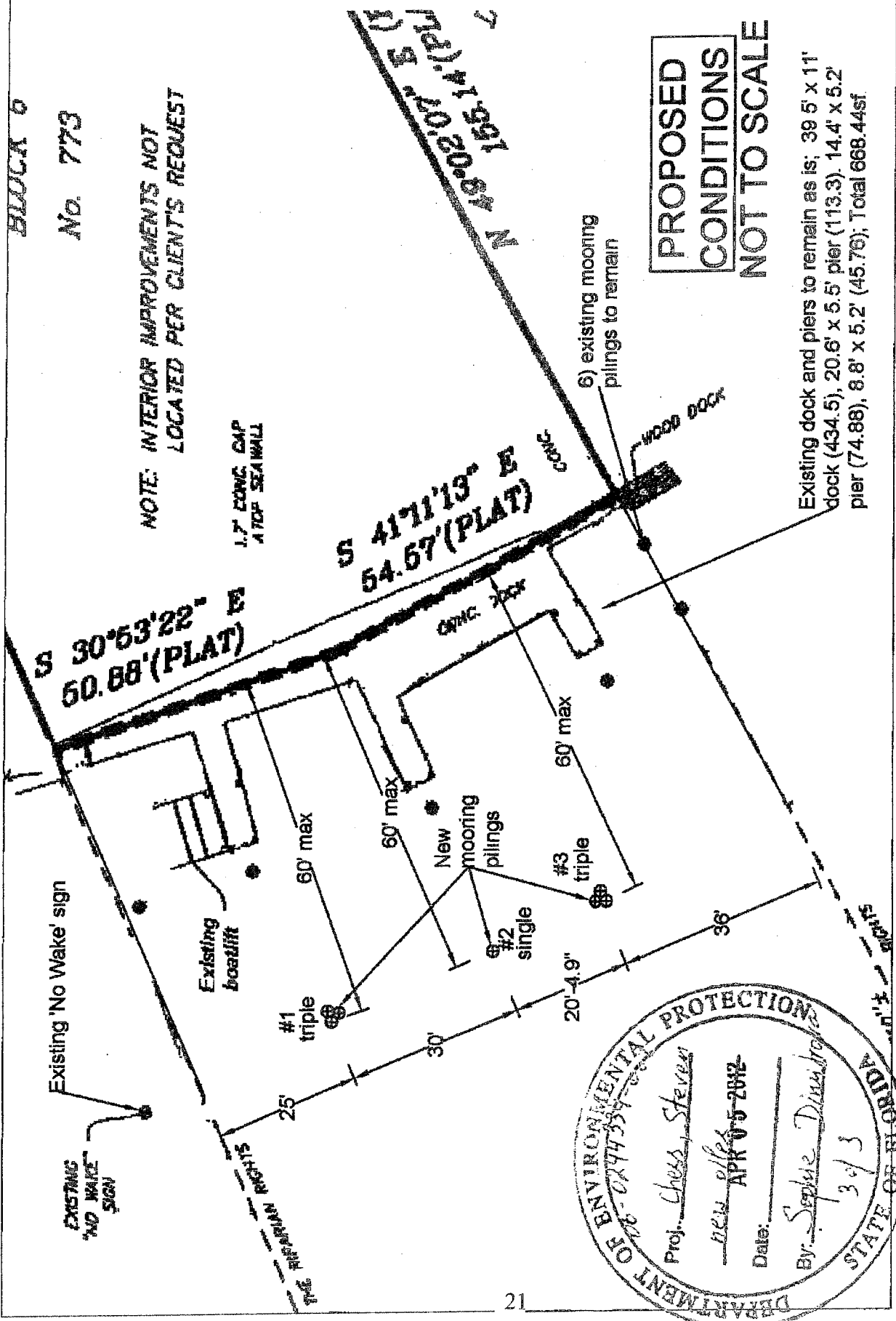
S 41°11'19" E 64.67'(PLAT)

S 30°53'22" E 60.88'(PLAT)

6) existing mooring pilings to remain

PROPOSED CONDITIONS NOT TO SCALE

Existing dock and piers to remain as is: 39' 5" x 11' dock (434.5), 20.6' x 5.5' pier (113.3), 14.4' x 5.2' pier (74.88), 8.8' x 5.2' (45.76); Total 668.44sf.



DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 STATE OF FLORIDA  
 Proj. Chess Steven  
 new offer  
 Date: APR 05 2012  
 By: Sophie Dumbroff  
 3 of 3



**bkpermit**

**From:** "Reyes, Jeffrey" <Jeffrey.Reyes@uscg.mil>  
**To:** <bkpermit@bellsouth.net>  
**Cc:** "Embres, Joseph" <Joseph.B.Embres@uscg.mil>; "Schmidt, Hector LTJG" <Hector.L.Schmidt@uscg.mil>  
**Sent:** Tuesday, October 26, 2010 10:23 AM  
**Attach:** BK Marine Middle River Mooring Lights.pdf  
**Subject:** RE: Ft Lauderdale Middle River Mooring Piles

David,

As per our discussion on Oct 26, 2010, our office has no objections to modifying your original permit request to upgrade the mooring pile configuration to include additional piles. Please ensure you provide the necessary information as requested in the original permit authorization upon completion.

If you have any questions please contact this office for further assistance.

VR,  
 Jeffrey Reyes,  
 Program Assistant  
 DHS, U.S. Coast Guard District Seven  
 Waterways Management Branch (dpw)  
 909 S.E. 1st Avenue, ste 406  
 Miami, Fl. 33131  
 Phone: 305.415.6755  
 Fax: 305.415.6757

-----Original Message-----

**From:** [bkpermit@BELLSOUTH.NET](mailto:bkpermit@BELLSOUTH.NET) [mailto:[bkpermit@BELLSOUTH.NET](mailto:bkpermit@BELLSOUTH.NET)]  
**Sent:** Wednesday, February 03, 2010 10:41 AM  
**To:** Reyes, Jeffrey  
**Subject:** Re: Ft Lauderdale Middle River Mooring Piles

Hi Jeff,  
 Has Mr. Embres been able to sign off on our application yet. If so, was it returned to us or the owner of the property? I haven't seen it yet if it has been returned.

Thanks

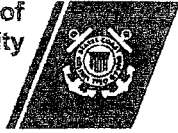
David Nutter  
 BK Marine Construction  
 3500 SW 14th Street  
 Deerfield Beach, FL 33442  
 (954) 421-2321  
 (954) 868-8476 (cell)  
 (954) 427-5168 (fax)

----- Original Message -----

**From:** Reyes, Jeffrey <<mailto:Jeffrey.Reyes@uscg.mil>>  
**To:** [bkpermit@bellsouth.net](mailto:bkpermit@bellsouth.net)  
**Cc:** [tara.alford@myfwc.com](mailto:tara.alford@myfwc.com)  
**Sent:** Tuesday, November 17, 2009 11:22 AM  
**Subject:** Ft Lauderdale Middle River Mooring Piles

U.S. Department of  
Homeland Security

United States  
Coast Guard



Commander  
Seventh Coast Guard District

909 SE First Avenue, Suite 406  
Miami, FL 33131  
Staff Symbol: dpw  
Phone: (305) 415-6748  
Fax: (305) 415-6757

16518  
Serial: 10-014  
04 February 2010

Mr. Steve Chess  
773 Middle River Drive  
Fort Lauderdale, FL. 33304

Dear Mr. Chase,

I am pleased to enclose the approved Private Aids to Navigation Application (CG-2554) authorizing the establishment of the Middle River Mooring Lights A and B. These Class II private aids may be charted and entered in Light List, Volume III - Atlantic and Gulf Coasts.

This authorization is issued under the following strict conditions:

(1) You must not deviate from conditions of this application without prior approval. After installation, the aids will be inspected to verify compliance with the permit. You must submit accurate positioning information upon completion of the installation of the aid.

(2) Discontinuance or change in ownership of the aids must also be approved by this office.

(3) Authorization to establish private aids to navigation does not authorize any invasion of private rights, nor grant any exclusive privileges, nor does it obviate the necessity of complying with any other Federal, state or local laws or regulations.

(4) Contact the U. S. Coast Guard Sector Miami Aids to Navigation Officer one week prior to the planned installation of the aids at (305) 535-4311. When you have completed installation of the aids, advise this office as soon as possible so that we may issue Notice to Mariners information to update the Light List and appropriate charts.

(5) Private aids to navigation must be maintained in proper operating condition at all times. A discrepancy exists whenever an aid is not displaying the characteristics as per the approved application. Any discrepancy in the operation of an aid, at any time, shall be promptly reported to this office so Notice to Mariners information may be issued. Discrepancies are to be corrected at once; contact the Private Aids to Navigation Officer at (305) 415-6748 when you have done so and follow-up with a letter confirming repair of the aid.

(6) The applicant agrees to save the Coast Guard harmless with respect to any claim or claims that may result from the alleged negligence in maintenance or operation of an aid.

(7) Owners of private aids to navigation are responsible for recovering and properly disposing of any aid or any part of an aid no longer in service. A good faith attempt shall be made to rapidly recover and properly dispose of/recycle any expended or dislodged batteries. Batteries which are not recovered should be reported to the Private Aids to Navigation Officer at (305) 415-6748.

(8) This authorization is valid for one year from the date of this letter. If the aids are not reinstalled within this period, the authorization is automatically void and you must resubmit your application.

When an aid to navigation is established or changed, related information is widely advertised, included in the Light List and published to update charts. Thereafter, mariners have the right to expect the aid to display advertised signals. Discrepancies left uncorrected may result in marine casualties and resultant litigation.

Please ensure an adequate amount of funding will be available for emergency and routine maintenance. The importance of ongoing maintenance cannot be overstressed.

Sincerely,



J. B. EMBRES  
Chief, Planning and Marine Information Section  
Aids to Navigation and  
Waterways Management Branch  
Seventh Coast Guard District

Encl: (1) Private Aids to Navigation Application (CG-2554)

Copy: USCG Sector Miami  
USCG ANT Ft Lauderdale  
USACOE Jacksonville FI  
Fish & Wildlife Conservation Commission Mr Ryan Moreau

bkpermit

**From:** "Alford, Tara" <tara.alford@MyFWC.com>  
**To:** "BK Marine" <bkpermit@bellsouth.net>  
**Sent:** Wednesday, February 03, 2010 10:59 AM  
**Subject:** RE: Mooring Pile/Marker

If you are only placing dolphins (structures) to tie up the boat you don't need anything so long as you have your USCG, DEP and USACE permits.



Tara Alford, Management Analyst  
 Boating and Waterway Section  
 Anchoring and Mooring  
 Florida Fish & Wildlife Conservation Commission  
 Division of Law Enforcement  
 620 South Meridian Street  
 Tallahassee, Florida 32399-1600

***Patrol, Protect, Preserve***

850-410-0656, ext. 17169  
 850-488-9284 - Fax

[anchoring.mooring@myfwc.com](mailto:anchoring.mooring@myfwc.com)

**From:** BK Marine [mailto:bkpermit@bellsouth.net]  
**Sent:** Wednesday, February 03, 2010 10:58 AM  
**To:** Alford, Tara  
**Subject:** Re: Mooring Pile/Marker

Good morning,

I have still not received any approval or disapproval for our request for the mooring pilings at 773 Middle River Drive in Fort Lauderdale. I have sent the DEP authorization, which included the ACOE approval. I have also received an approval by email from Jeffrey reyes and Joseph Embres of the Coast Guard, however I am still waiting on them to sign and return the application, which they should be doing shortly. According Mr reyes and Mr. Embres, you do not have to necessarily approve our request since the structures areonly mooring pilings ( if I remember their statements correctly), however, The City of Fort Lauderdale has requested a response from your department on the issue in addition to the Coast Guard and the DEP permit.

Could you send me an email confirming that I do or do not require a permit or authorization from your agency or



South end behind southern finger pier looking West over water

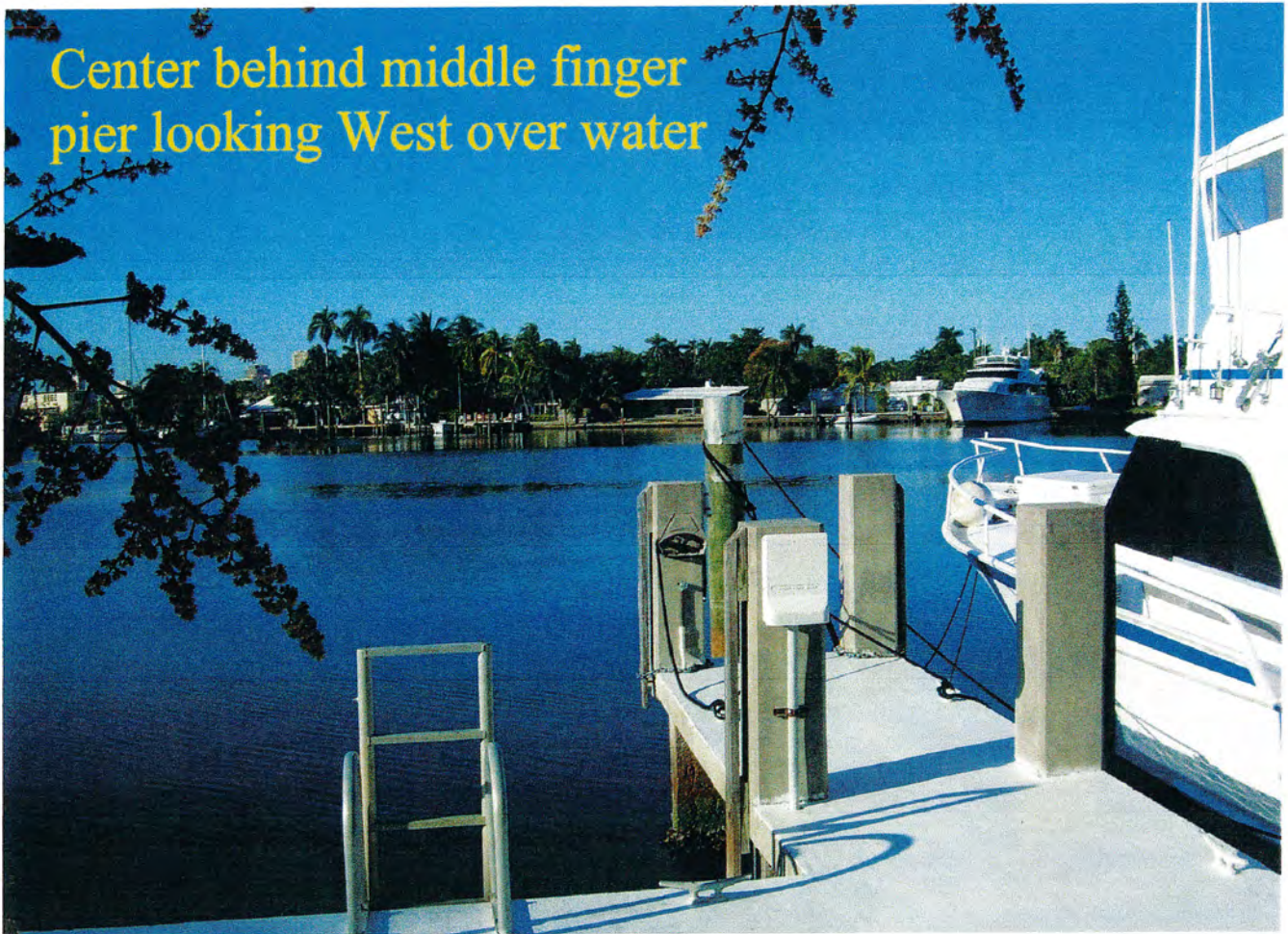


South end behind southern finger pier looking Northwest over water

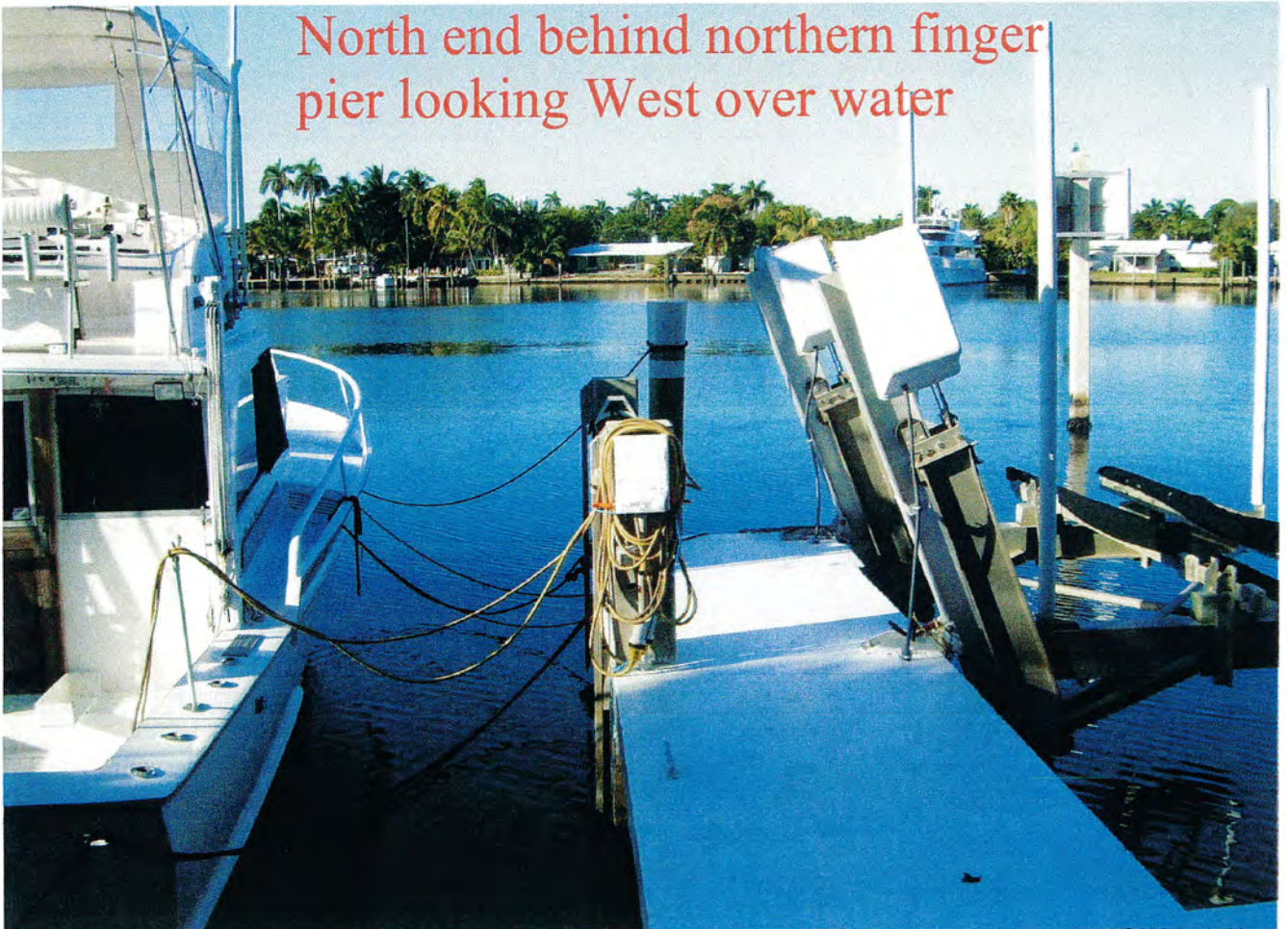




Center behind middle finger pier looking West over water



North end behind northern finger pier looking West over water

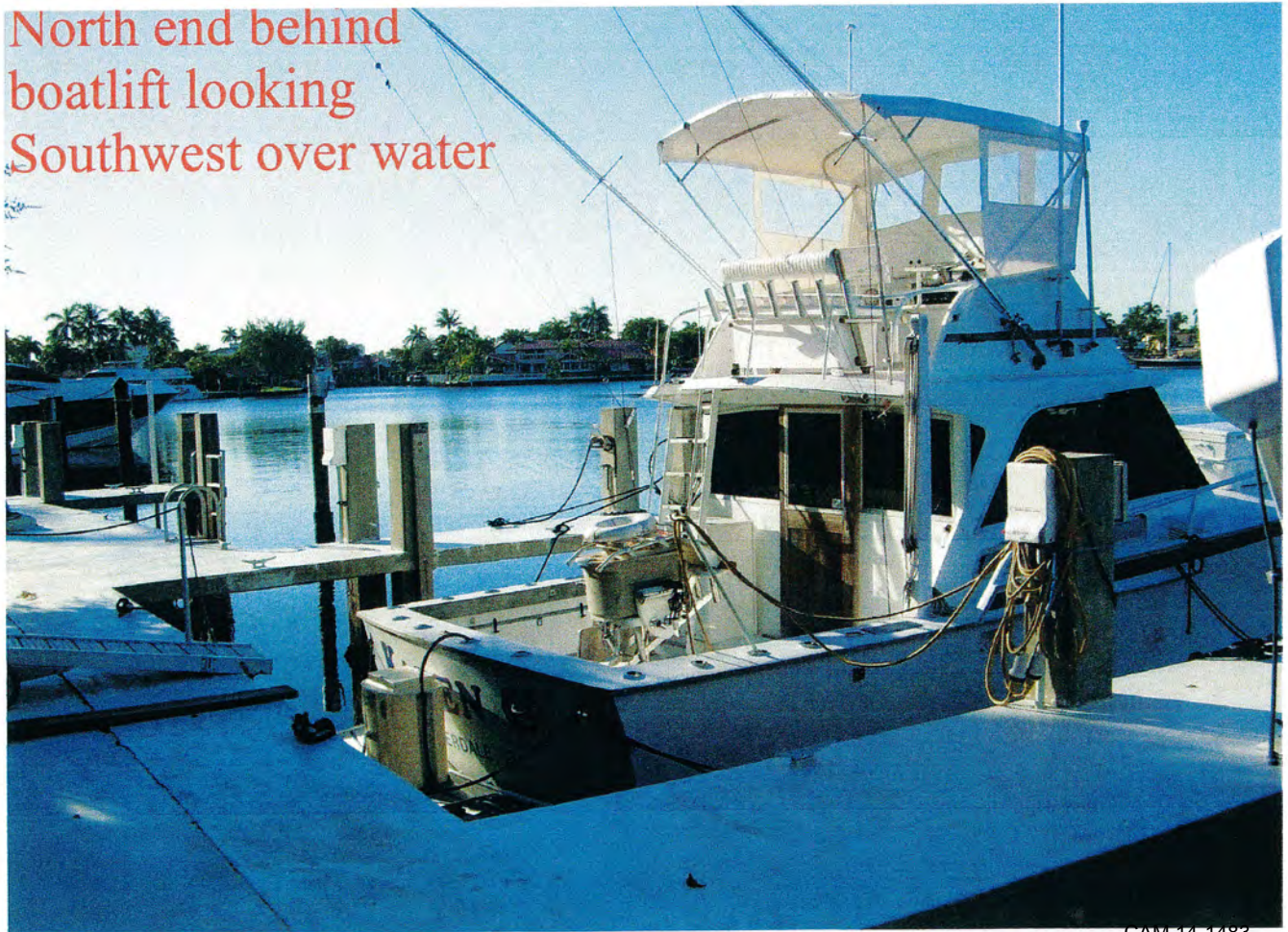




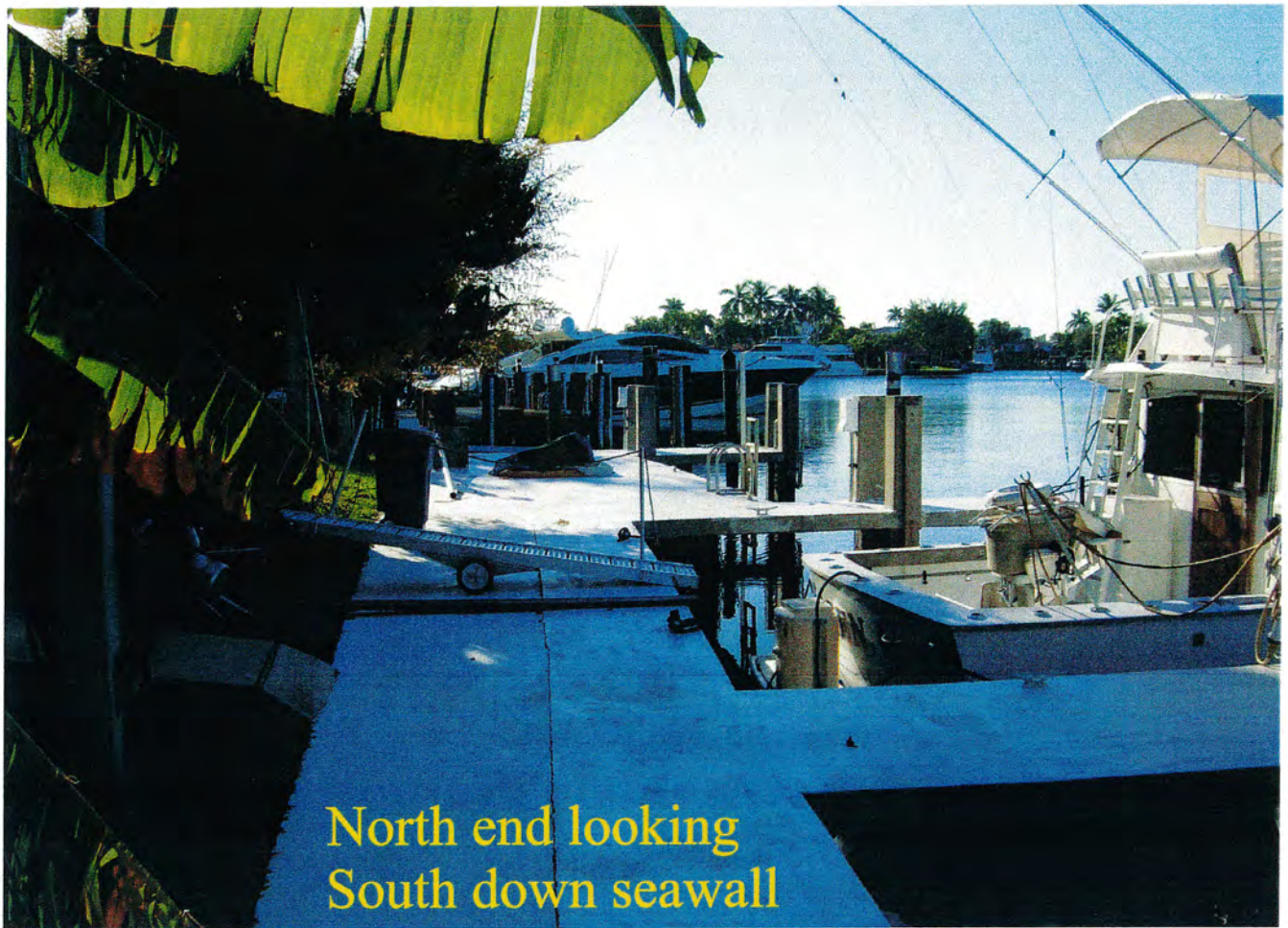
North end behind boatlift  
looking West over water



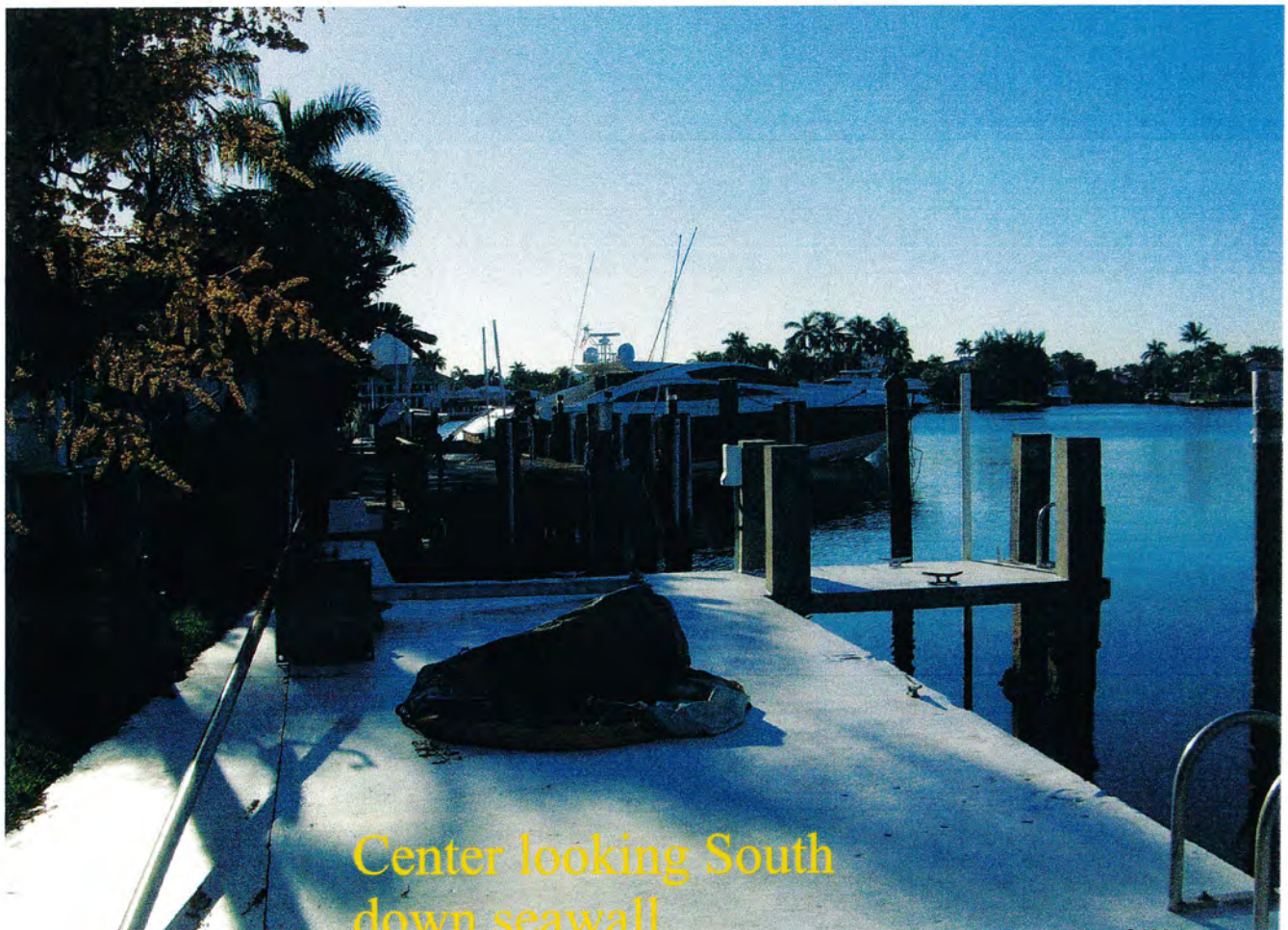
North end behind  
boatlift looking  
Southwest over water







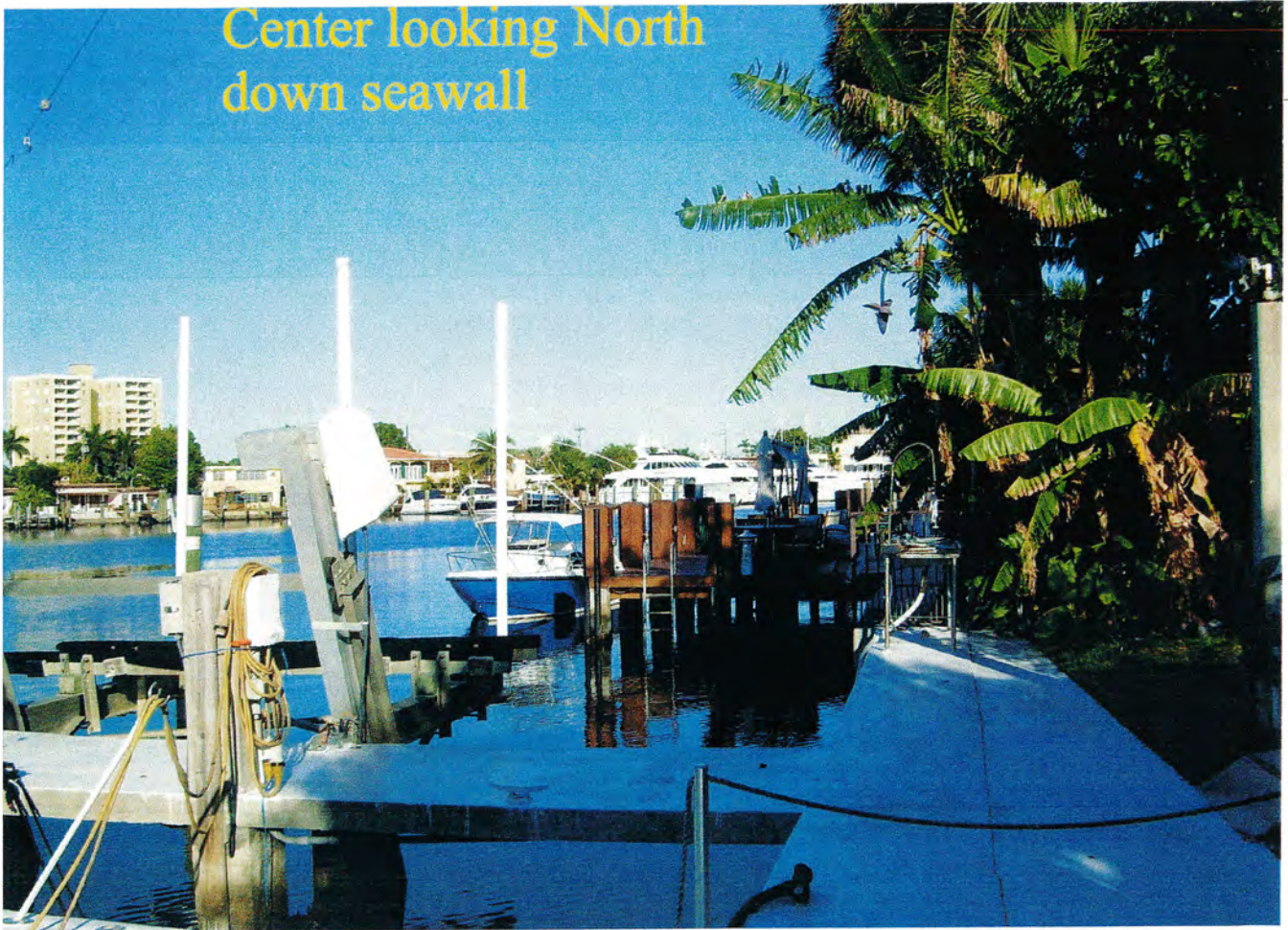
North end looking  
South down seawall



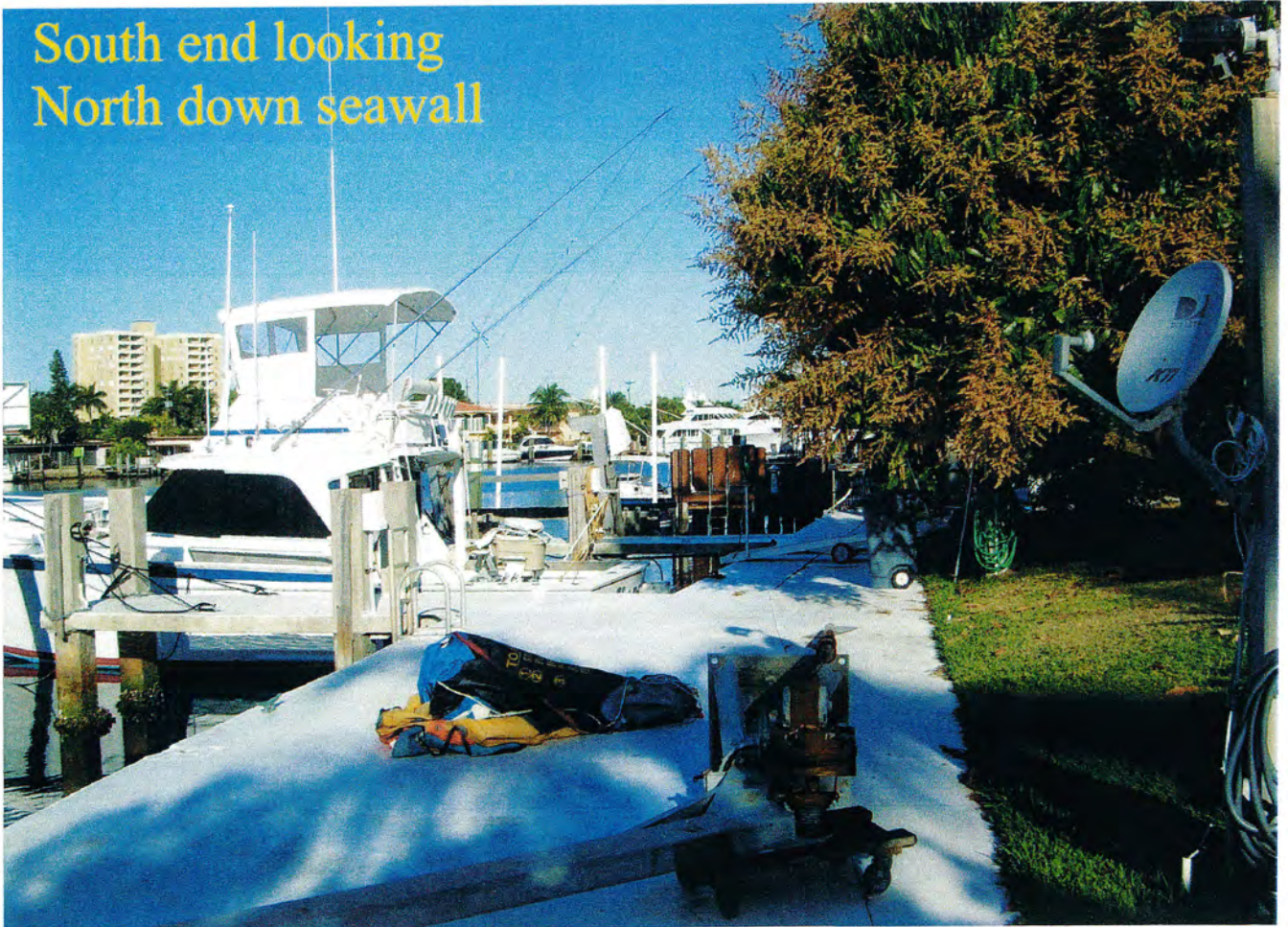
Center looking South  
down seawall



Center looking North  
down seawall

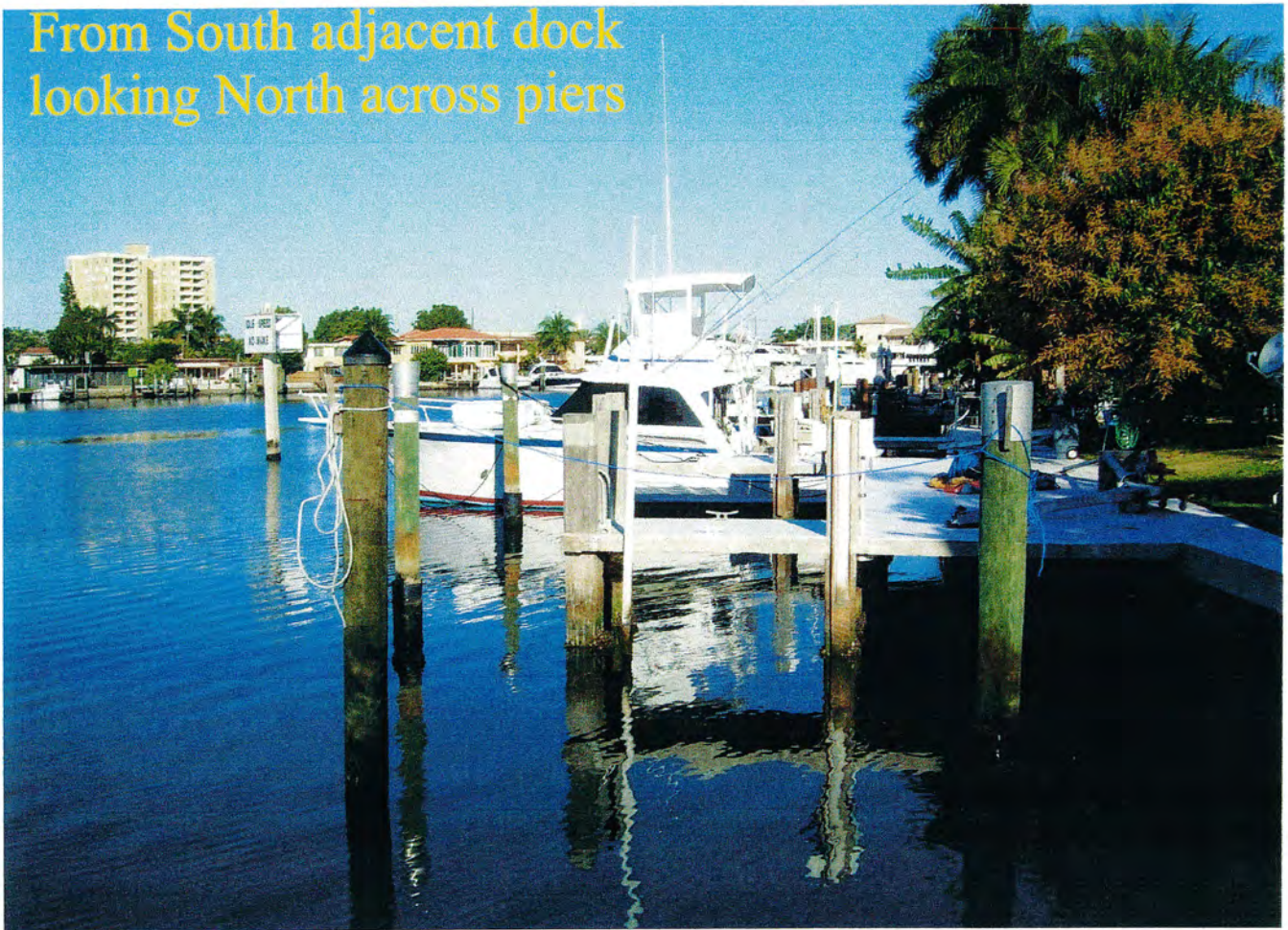


South end looking  
North down seawall

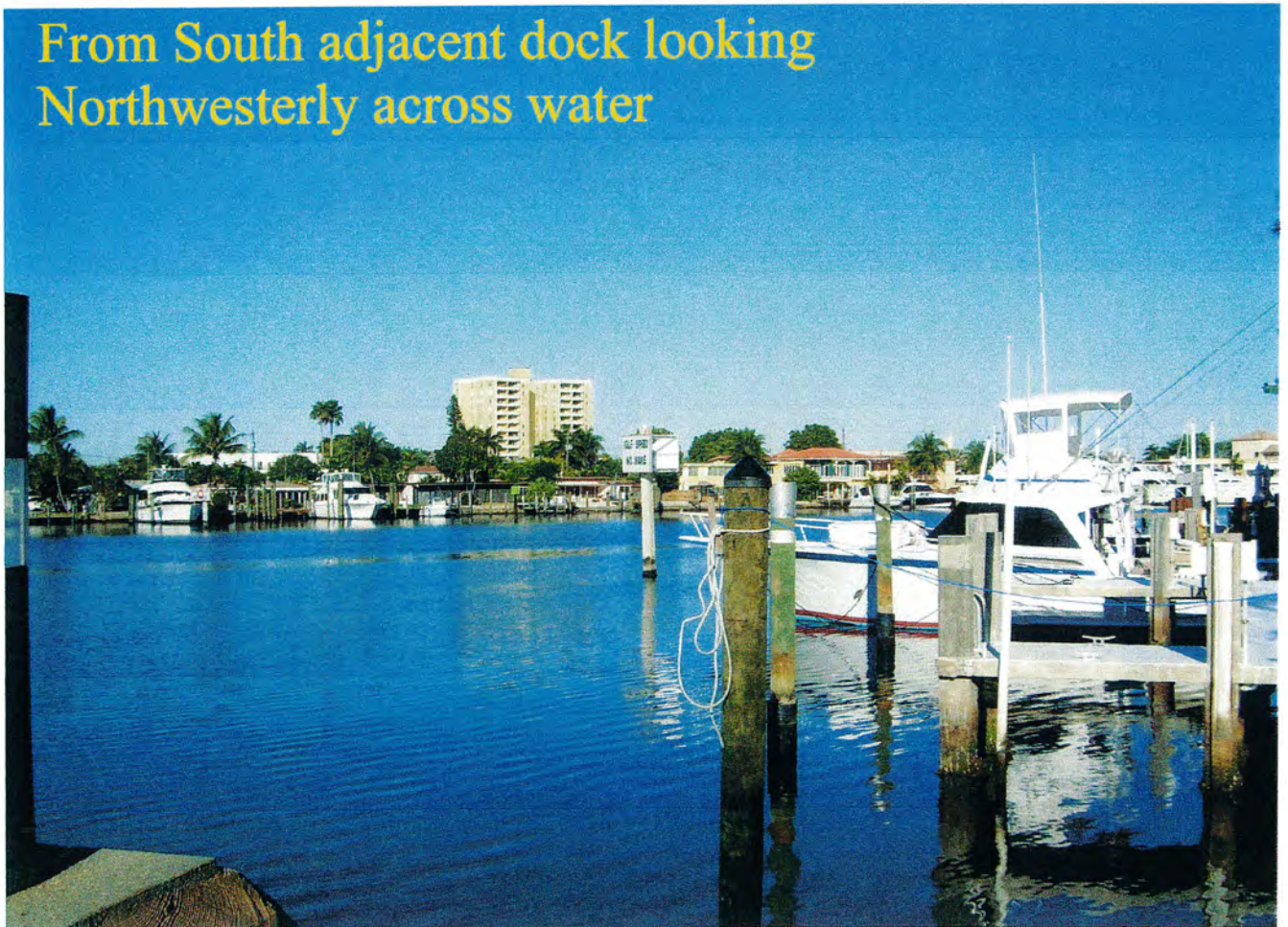




From South adjacent dock looking North across piers

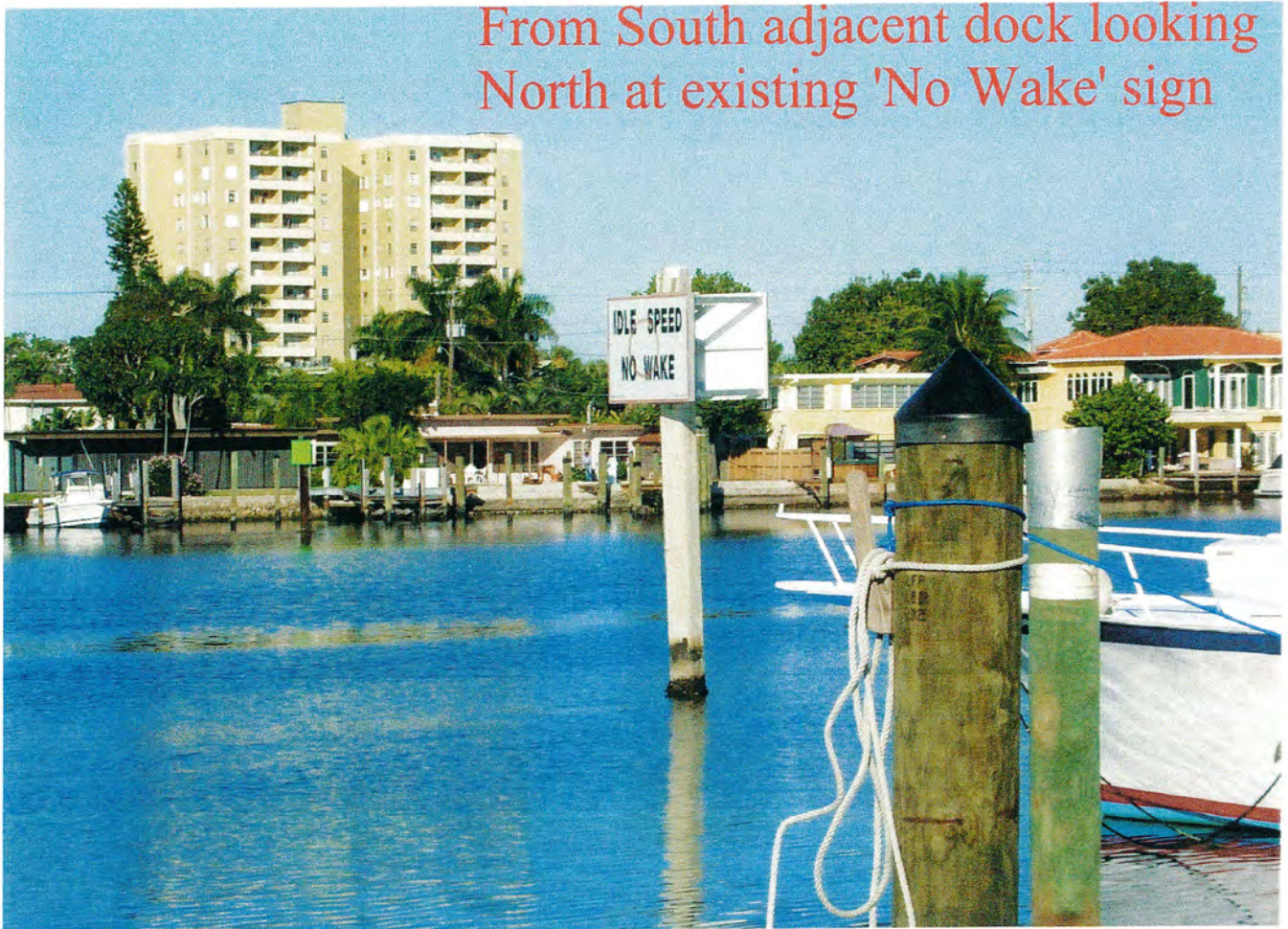


From South adjacent dock looking Northwesterly across water

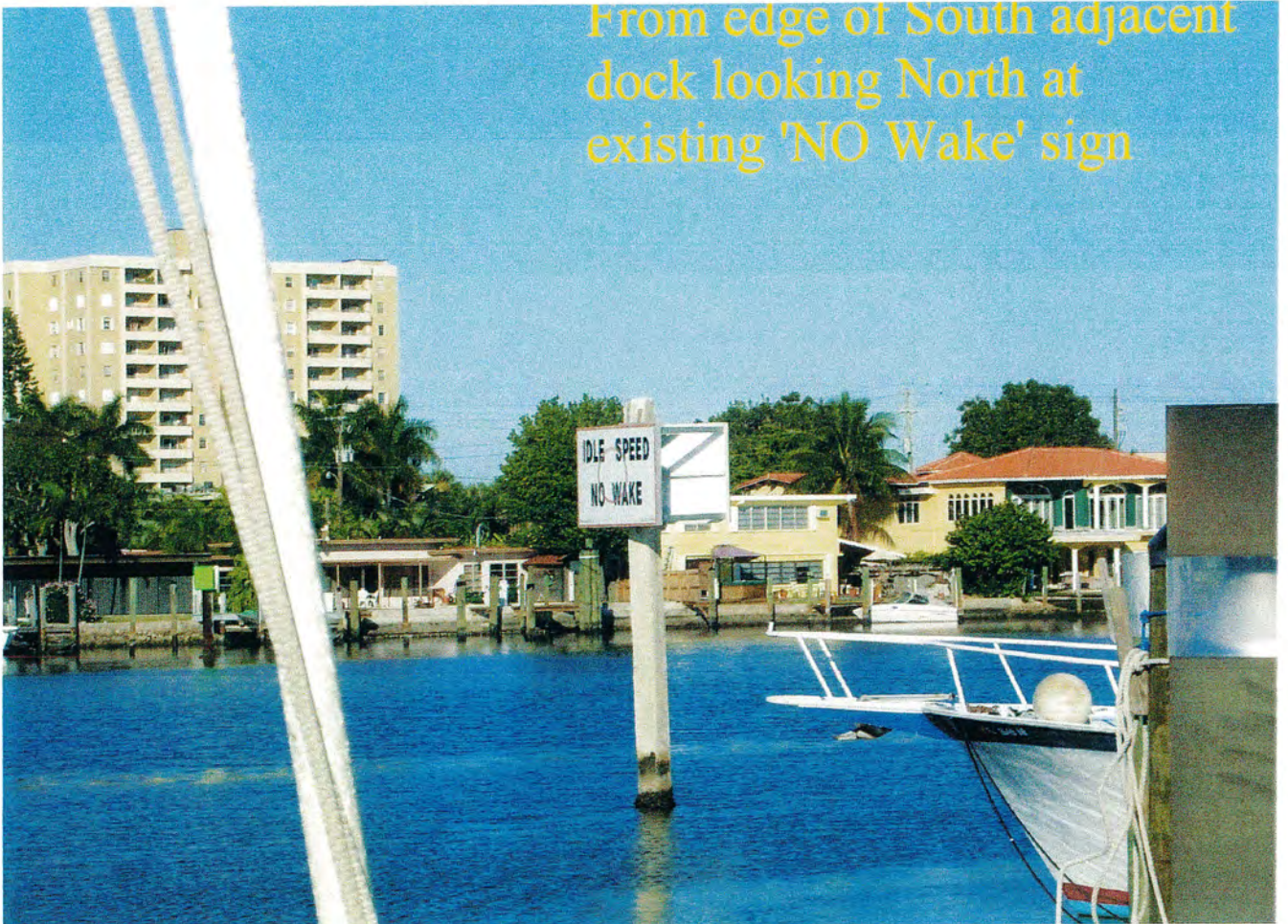




From South adjacent dock looking North at existing 'No Wake' sign

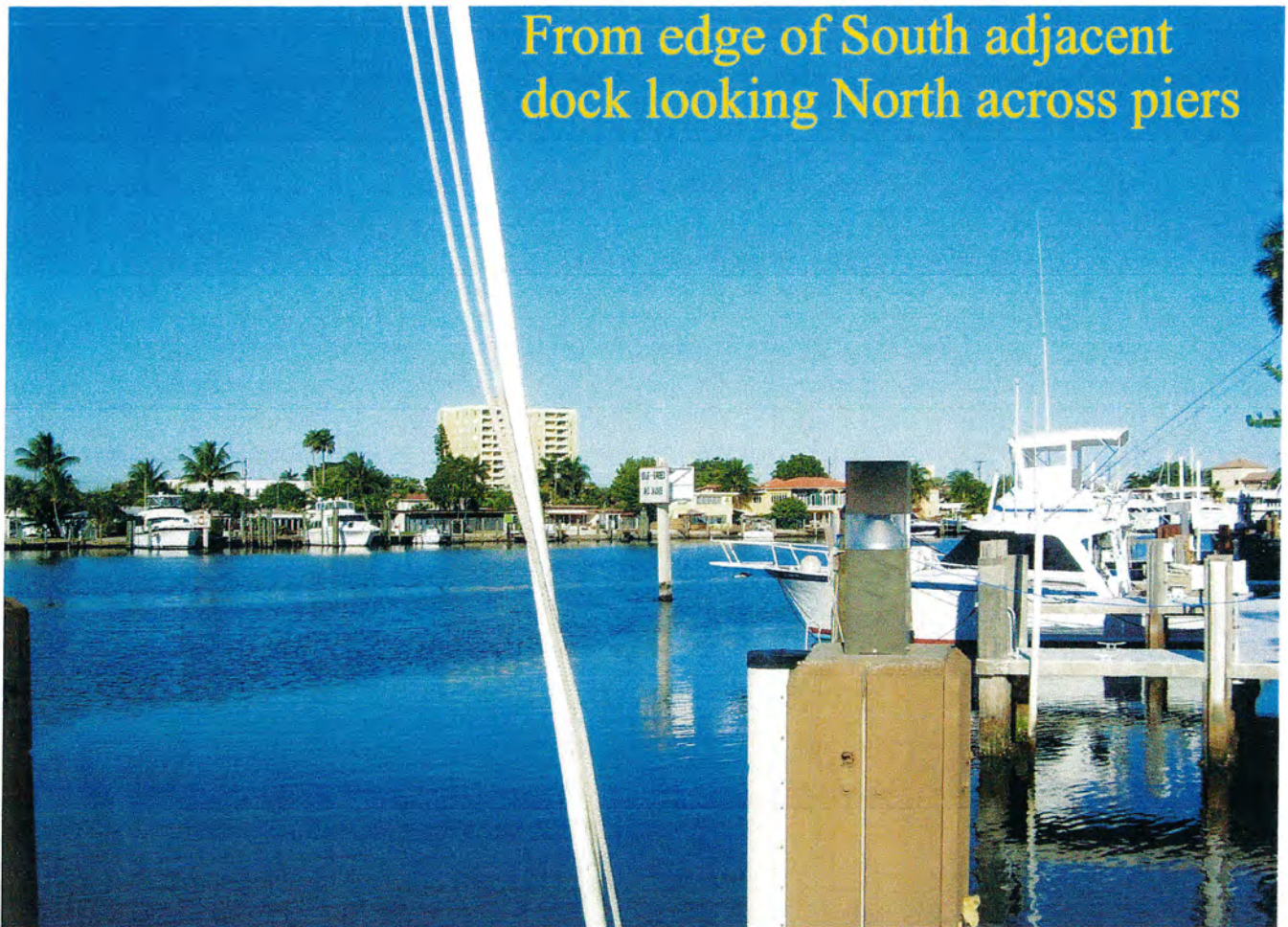


From edge of South adjacent dock looking North at existing 'NO Wake' sign

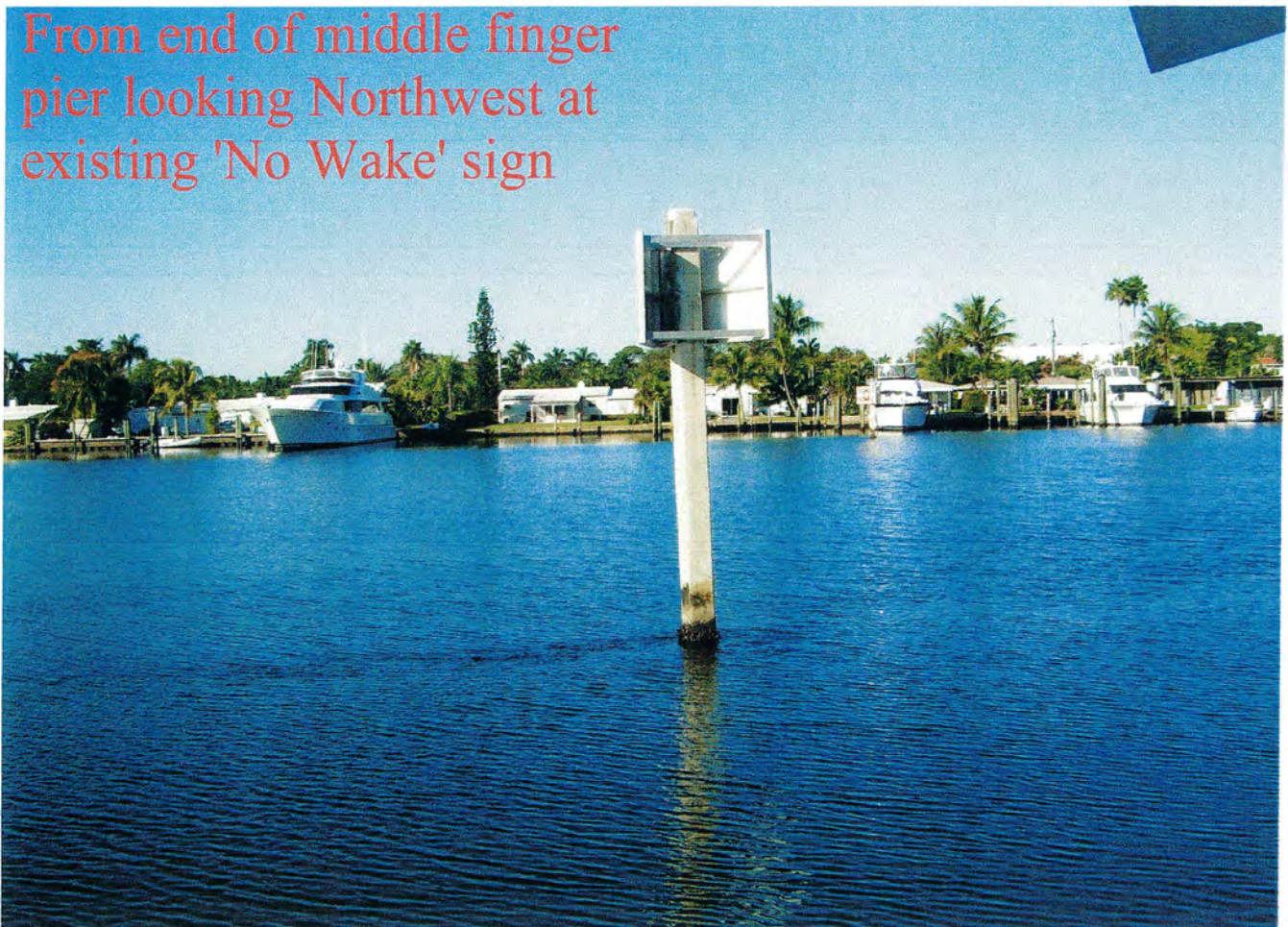




From edge of South adjacent dock looking North across piers



From end of middle finger pier looking Northwest at existing 'No Wake' sign





From North finger pier  
looking Westerly at  
existing 'No Wake' sign

