

MEMORANDUM MF NO. 13-04

DATE: February 19, 2013

TO: Marine Advisory Board

FROM: Andrew Cuba, Manager of Marine Facilities *AK*

RE: March 7, 2013 MAB - Dock Waiver of Distance Limitations
-La Scala Townhomes LLC / 91 Isle of Venice

Attached for your review is an application from La Scala Townhomes LLC (see **Exhibit 1**).

APPLICATION AND BACKGROUND INFORMATION

The applicants are requesting approval for installation of twelve (12) mooring pilings adjacent to an existing eleven (11) slip fixed pier docking facility, extending a maximum of 45' from the property line into the adjacent Rio Grande Waterway. The distances these structures extend from the property line into the waterway are shown in the survey in **Exhibit 1**.

The City's Unified Land and Development Regulations (UDLR), Section 47-19.3. D limits the maximum distance of dolphin or mooring pilings to 30% of the width of the waterway, or 25', whichever is less. Section 47.19.3.E authorizes the City Commission to waive this limitation based upon a finding of extraordinary circumstances. The applicant has indicated that the additional piles are necessary for safely and securely mooring vessels perpendicularly to the bulkhead, as is typical on this canal. The distances of the mooring pilings into the adjacent Rio Grande Waterway are summarized in the table below:

TABLE 1

PILINGS REQUIRING WAIVER	PROPOSED MAXIMUM DISTANCE OF PILINGS	PERMITTED DISTANCE WITHOUT WAIVER	AMOUNT OF DISTANCE REQUIRING WAIVER
Mooring Pilings	45'	25'	20'

PROPERTY LOCATION AND ZONING

The property is located within the RMM-25 Zoning District. It is situated on the eastern shore of the Rio Grande Waterway according to the survey provided in **Exhibit 1**. At its closest proximity, the distance from the outermost proposed piling to the center of the adjacent waterway is approximately 35'. The associated distance from the 30% line is 3'.

Records reflect that there has been one waiver of docking distance limitations approved by the City Commission since 2003. A comparison of these as shown in Table 2 including the maximum distances of all mooring structures extending into the adjacent canal follows:

TABLE 2

DATE	ADDRESS	MAXIMUM DISTANCE
July 2007	101 Hendricks Isle	30'

RECOMMENDATIONS

Should the Marine Advisory consider approval of the application, the Resolution under consideration for approval 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 Federal and State laws and permitting requirements including the Broward County Environmental Protection and Growth Management Department, the Florida Department of Environmental Protection and the U.S. Army Corps of Engineers.
2. The applicant is required to install and affix reflector tape to the pilings in accord with Section 47.19.3.E of the Unified Land and Development Regulations (ULDR).

AC
Attachment

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

EXHIBIT 1

**CITY OF FORT LAUDERDALE
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: La Scala Townhomes LLC

TELEPHONE NO: _____ (954) 818-8510 FAX NO. _____
(home) (business)

2. **APPLICANT'S ADDRESS** (if different than the site address):

2385 NW Executive Center Drive, #440, Boca Raton, FL 33431

3. **TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST:**

Request for Waiver of Limitations per attached narrative and plans

4. **SITE ADDRESS:**

91 Isle Of Venice Drive

ZONING:

RMM-25

LEGAL DESCRIPTION:

Nurmi Isles Island No. 4 24-43 Lot 16 S 110

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

See attached


Applicant's Signature

2/11/2013
Date

The sum of \$ _____ was paid by the above-named applicant on the _____ of _____, 2009 Received by: _____

City of Fort Lauderdale

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

Marine Advisory Board Action

Formal Action taken on _____

Commission Action

Formal Action taken on _____

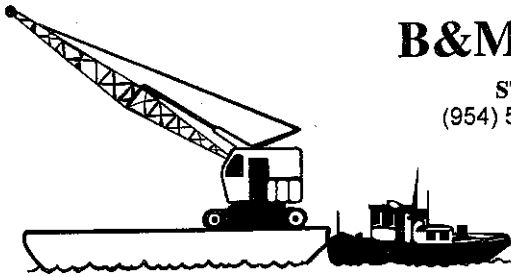
Recommendation _____
Action _____



91 Isle of Venice

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B&M Marine Construction, Inc.

STATE LICENSED MARINE CONTRACTORS
(954) 520-9593 #CG C052820 FAX (954) 427-5168

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

February 20, 2013

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

Re: La Scala Townhomes LLC
91 Isle of Venice
Ft. Lauderdale, FL 33301

Dear Board Members,

We are requesting a waiver of limitations to install 12 mooring piling at the above referenced property. All existing finger piers and mooring pilings are legally permitted and will remain as is. There are 6 existing 25' +/- x 4' finger piers. The total square footage is 600 square feet and this will remain unchanged. The site also includes four mooring pilings, 25' from the rear property line, all of which will remain as they are.

All 12 of the new mooring pilings will extend a maximum of 45 feet into the waterway from the rear property line and will be in line with either the existing mooring pilings or the existing piers. The outer 2 new mooring pilings will be adjacent to either of the side property lines. Per conversations with Robert Dunckel, the City Attorney for Fort Lauderdale, these outer 2 mooring pilings will not require any additional approval from the Board of Adjustment. Mr. Dunckel has stated that he has confirmed this with Mohammed Malik and Anthony Fajardo of the City Zoning Department.

The new pilings will not extend further into the canal than several existing pilings at nearby properties along this canal. This property, like several others on this canal is multifamily and/or commercial. At these properties, vessels are moored perpendicular to the properties in order to maximize the number of vessels that can be moored at each of the properties. The purpose of the additional mooring pilings is to increase the number of tie-off points for the vessels kept at the site, allowing them to be moored safely and securely. As perpendicular mooring orientations are typical for this canal, neither the mooring pilings nor the vessels will create any obstruction or impediment to the navigation on the canal.

The City Building Code, Section 47-19.3, Paragraph D, allows mooring pilings/clusters to extend out 30% of a canal's width, up to a maximum of 25 feet from the property line. The requested Waiver of Limitations will allow the 12 new mooring pilings to extend an additional 20 feet from the rear property line.

Unfortunately, the City code does not allow mooring pilings to extend out into a waterway as far as vessels. Vessels are allowed to extend up to 30% of a canal's width, while mooring pilings are allowed to extend up to 25%, with maximum of 25 feet. This waterway is approximately 160 feet wide at its narrowest at this property. The vessels could extend out up to 30% or 48 feet. The mooring pilings reach their limit at 25 feet.

This creates a potential situation where the far end of a vessel cannot be properly or even safely tied off. At times of extreme inclement weather (particularly heavy wind storms), without the additional mooring pilings, 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 from a freely drifting vessel.

As to the vessels, there are 11 slips at the site. As a condition to obtaining the city building permit for the existing piers and pilings, the owner has to obtain a permit for and install a fire protection line, before the permit for the piers and pilings can be closed out.

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, La Scala Townhomes LLC and B & M Marine Construction Inc. should be granted permission to install the additional mooring pilings.

Sincerely,



Glen Bryant

B.K. Marine Construction Inc.

PHONE (954) 785-7811

McLAUGHLIN ENGINEERING COMPANY
400 N.E. 2nd Ave.
Fort Lauderdale, Florida 33301
TEL: (954) 785-7811 FAX: (954) 785-7815
WWW.MECO400.COM

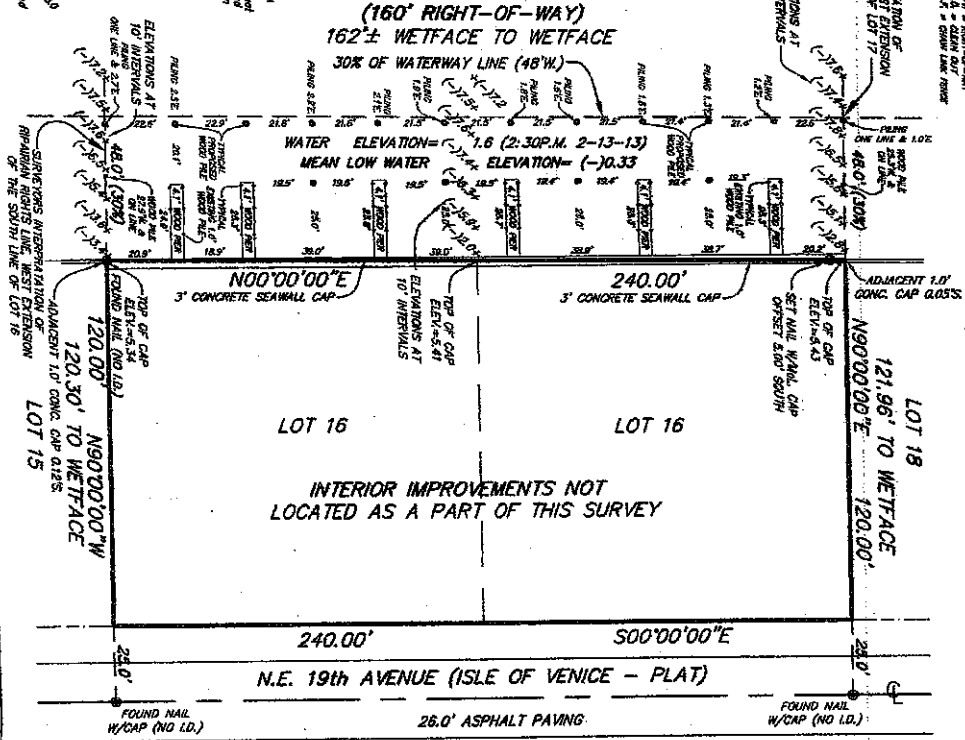
FAX (954) 785-7815

LEGEND

- 1. CENTER LINE (C/L)
- 2. RIGHT-OF-WAY (R/W)
- 3. PROPERTY LINE
- 4. ADJACENT PROPERTY
- 5. ADJACENT WATERWAY
- 6. ADJACENT ROAD
- 7. ADJACENT RAILROAD
- 8. ADJACENT AIRPORT
- 9. ADJACENT MARINA
- 10. ADJACENT INDUSTRIAL
- 11. ADJACENT RESIDENTIAL
- 12. ADJACENT COMMERCIAL
- 13. ADJACENT GOVERNMENT
- 14. ADJACENT MILITARY
- 15. ADJACENT PARK
- 16. ADJACENT SCHOOL
- 17. ADJACENT HOSPITAL
- 18. ADJACENT CHURCH
- 19. ADJACENT SYNAGOGUE
- 20. ADJACENT MOSQUE
- 21. ADJACENT TEMPLE
- 22. ADJACENT MONASTERY
- 23. ADJACENT CONVENT
- 24. ADJACENT PRIORY
- 25. ADJACENT NUNNERY
- 26. ADJACENT HERMITAGE
- 27. ADJACENT CLOISTER
- 28. ADJACENT CHAPEL
- 29. ADJACENT ORATORY
- 30. ADJACENT PRAYER ROOM
- 31. ADJACENT SABBATH SCHOOL
- 32. ADJACENT YOUTH CENTER
- 33. ADJACENT SENIOR CENTER
- 34. ADJACENT DAY CARE
- 35. ADJACENT NURSING HOME
- 36. ADJACENT HOSPITAL
- 37. ADJACENT CLINIC
- 38. ADJACENT PHARMACY
- 39. ADJACENT GROCERY STORE
- 40. ADJACENT RESTAURANT
- 41. ADJACENT BAR
- 42. ADJACENT DISCO
- 43. ADJACENT GAMING
- 44. ADJACENT CASINO
- 45. ADJACENT HOTEL
- 46. ADJACENT MOTEL
- 47. ADJACENT INN
- 48. ADJACENT LODGE
- 49. ADJACENT CAMP
- 50. ADJACENT TRAIL
- 51. ADJACENT BOAT RAMP
- 52. ADJACENT MARINA
- 53. ADJACENT DOCK
- 54. ADJACENT WHARF
- 55. ADJACENT PIER
- 56. ADJACENT BREAKWATER
- 57. ADJACENT SEAWALL
- 58. ADJACENT FILL
- 59. ADJACENT DREDGE
- 60. ADJACENT SPILLWAY
- 61. ADJACENT DAM
- 62. ADJACENT LEVEE
- 63. ADJACENT DIKE
- 64. ADJACENT BARRAGE
- 65. ADJACENT LOCK
- 66. ADJACENT TUNNEL
- 67. ADJACENT BRIDGE
- 68. ADJACENT VIADUCT
- 69. ADJACENT CULVERT
- 70. ADJACENT UNDERPASS
- 71. ADJACENT OVERPASS
- 72. ADJACENT RAMP
- 73. ADJACENT ON-RAMP
- 74. ADJACENT OFF-RAMP
- 75. ADJACENT INTERCHANGE
- 76. ADJACENT JUNCTION
- 77. ADJACENT INTERSECTION
- 78. ADJACENT CIRCLE
- 79. ADJACENT ROUNDABOUT
- 80. ADJACENT TRAILHEAD
- 81. ADJACENT PARKING LOT
- 82. ADJACENT DRIVEWAY
- 83. ADJACENT ALLEY
- 84. ADJACENT COURT
- 85. ADJACENT LANE
- 86. ADJACENT ROAD
- 87. ADJACENT HIGHWAY
- 88. ADJACENT INTERSTATE
- 89. ADJACENT EXPRESSWAY
- 90. ADJACENT FREEWAY
- 91. ADJACENT TOLL ROAD
- 92. ADJACENT TOLL BOOTH
- 93. ADJACENT TOLL PLAZA
- 94. ADJACENT TOLL LANE
- 95. ADJACENT TOLL ROAD
- 96. ADJACENT TOLL BOOTH
- 97. ADJACENT TOLL PLAZA
- 98. ADJACENT TOLL LANE
- 99. ADJACENT TOLL ROAD
- 100. ADJACENT TOLL BOOTH

**RIO GRANDE WATERWAY
(160' RIGHT-OF-WAY)
162± WETFACE TO WETFACE
30% OF WATERWAY LINE (48' W)**

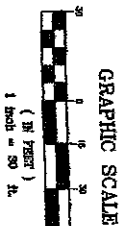
**WATER ELEVATION = 1.6 (2:30 P.M. 2-13-13)
MEAN LOW WATER ELEVATION = (-) 0.33**



**INTERIOR IMPROVEMENTS NOT
LOCATED AS A PART OF THIS SURVEY**

**240.00' 500'00'00"E
N.E. 19th AVENUE (ISLE OF VENICE - PLAT)**

26.0' ASPHALT PAVING



Location Sketch

Not To Scale

LOCAL DISCREPANCY
Lot 16 and 17 are shown as one lot in the plat shown
as recorded in Plat Book 24, Page 43 of the public records of Broward
County, Florida.
Said lots situate, being and being in the City of Fort Lauderdale, Broward
County, Florida.

CERTIFICATION

I, the undersigned, do hereby certify that this survey meets the minimum technical standards
as set forth by the Florida Board of Professional Surveyors and Engineers in
Chapter 31-1705 Florida Administrative Code, pursuant to Section 472.027,
Florida Statutes.
Dated at Fort Lauderdale, Florida, this 13th day of February, 2013.
Proposed plat was filed this 21st day of February, 2013.

McLAUGHLIN ENGINEERING CO.

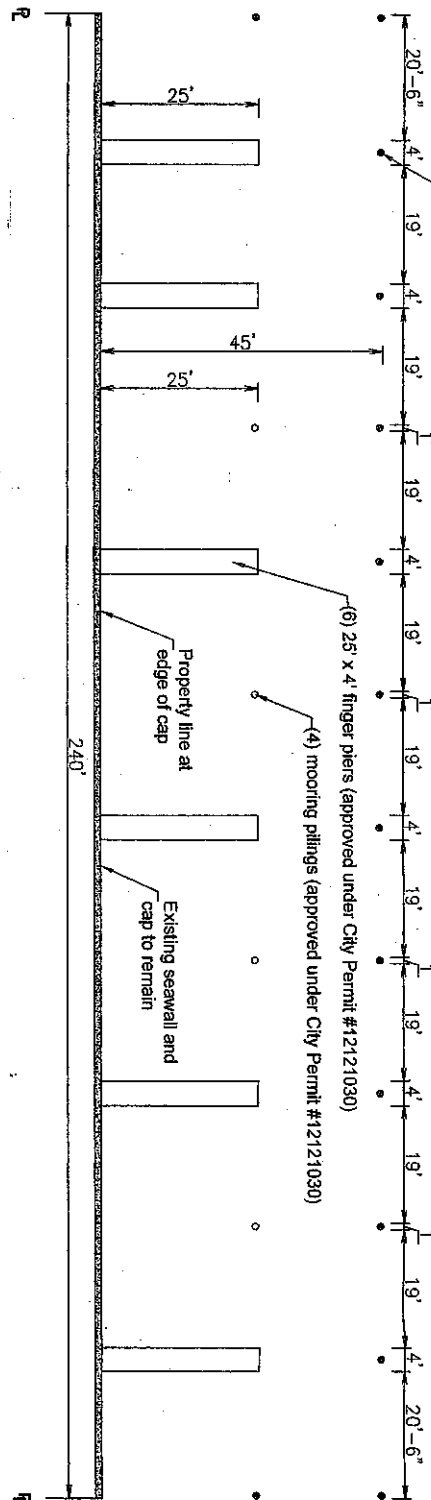
David A. McLaughlin
Registered Professional Surveyor No. 5589
State of Florida

FIELD BOOK NO. 148-28-1 & 28-2
JOB ORDER NO. 14-282

FILE NO. 94-1-8-(13)

DESIGNED BY: JMS
CHECKED BY: JMS

Waiver of Limitations request to install (14) additional mooring pilings,
10 of which extend 45' from the rear property line,
2 of which extend 45' from the rear property line & 0' from side lot line, and
2 of which extend 25' from the rear property line & lie 0' from side lot line



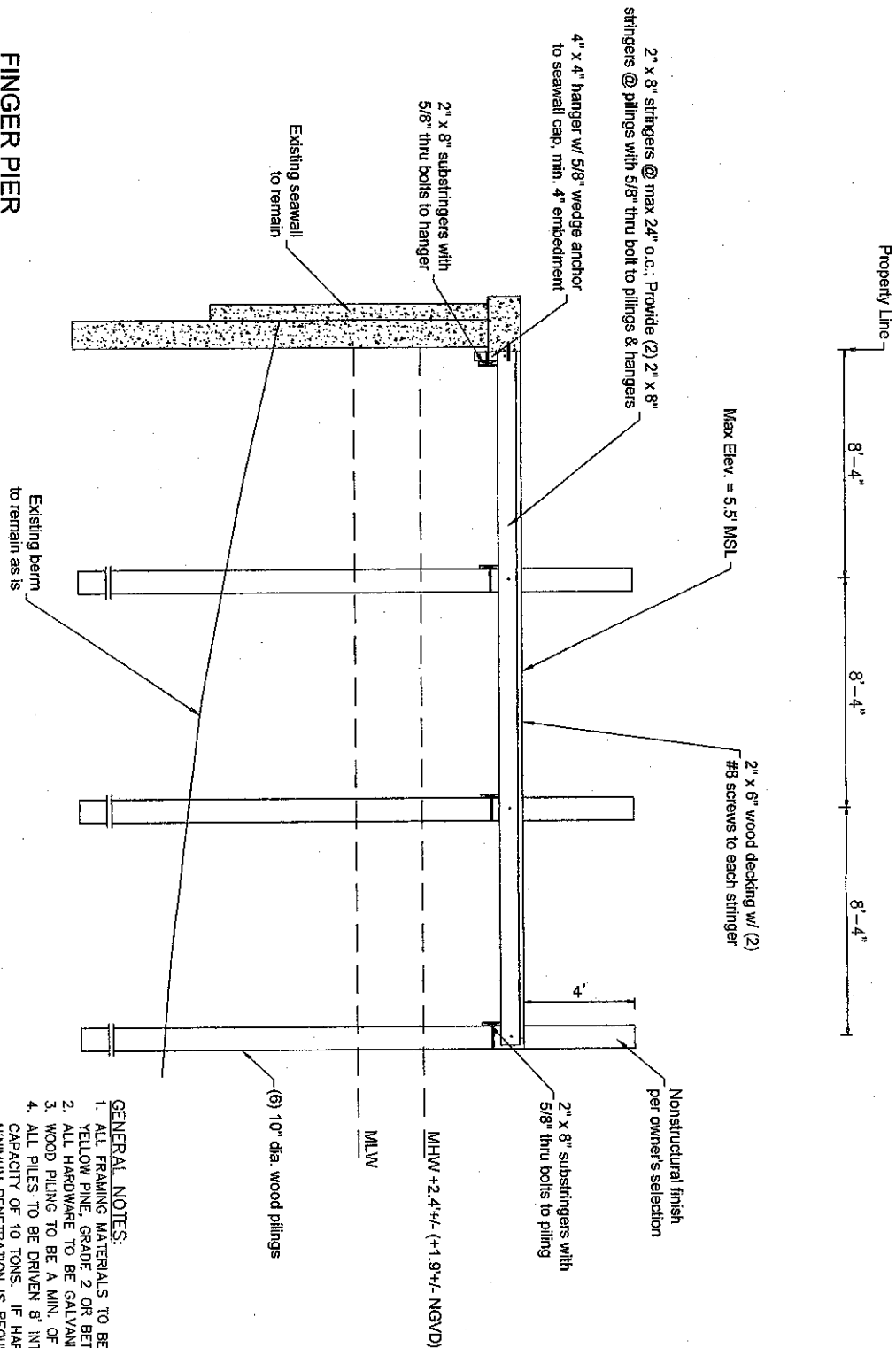
SITE PLAN SCALE: 1" = 20'-0"

SITE PLAN DRAWN TO MATCH
PLANS APPROVED UNDER
ENVIRONMENTAL LICENSES

PROPOSED FINGER PIERS FOR: LA SCALA TOWNHOMES 91 ISLE OF VENICE FORT LAUDERDALE, FL		PREPARED FOR: B & M MARINE CONSTRUCTION, INC. 6276 MADRAS CIRCLE BOYNTON BEACH, FL 33437 954-421-2321 CGC052820		James F. Biagi P.E. Consulting Engineer 1215 NE 45th Street Suite 107 Ft. Lauderdale, FL 33304 Phone/Fax (954) 776-8004
DATE: _____ NOTES/REVISIONS: _____ DATE: _____ NOTES/REVISIONS: _____ DATE: _____ NOTES/REVISIONS: _____		EXHIBIT 1 GAM 13-0457 PAGE 9 of 52		


FINGER PIER

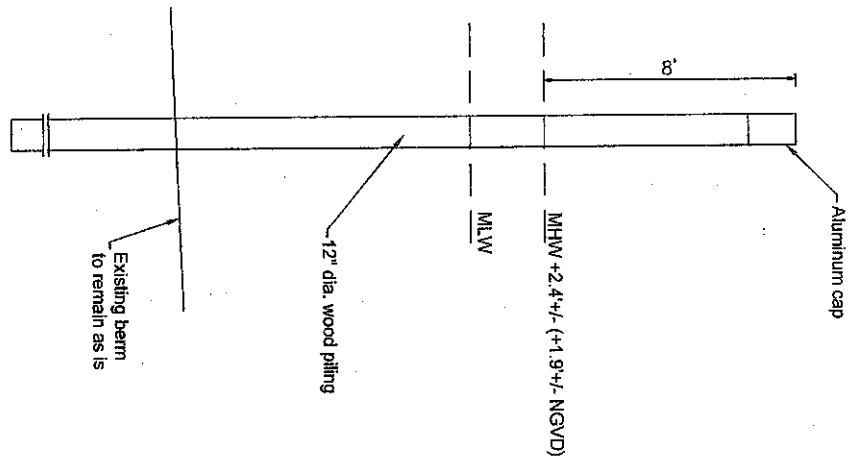
SCALE: 1/4" = 1'-0"



- GENERAL NOTES:**
1. ALL FRAMING MATERIALS TO BE PRESSURE TREATED, SOUTHERN YELLOW PINE, GRADE 2 OR BETTER, MIN. F_b = 1,250 psi OR BETTER.
 2. ALL HARDWARE TO BE GALVANIZED OR STAINLESS STEEL.
 3. WOOD PILING TO BE A MIN. OF 10" DIA., 2.5 lb CCA TREATED.
 4. ALL PILES TO BE DRIVEN 8" INTO STRATA TO A MINIMUM BEARING CAPACITY OF 10 TONS. IF HARD STRATA IS ENCOUNTERED, A 2' MINIMUM PENETRATION IS REQUIRED.
 5. APPROVED CONTRACTOR TO VERIFY ALL DIMENSIONS, THE APPROVED CONTRACTOR IS RESPONSIBLE FOR ALL METHODS, MEANS, SEQUENCES, AND PROCEDURES OF WORK.
 6. ANY DEVIATION &/OR SUBSTITUTION FROM THE APPROVED PLANS HEREIN SHALL BE SUBMITTED TO THE ENGINEER FOR APPROVAL PRIOR TO COMMENCEMENT OF WORK.
 7. ELEVATIONS SHOWN ARE BASED ON THE NATIONAL GEODETIC VERTICAL DATUM OF 1929.
 8. DESIGN IN ACCORDANCE WITH 2010 FLORIDA BUILDING CODE.

6

PROPOSED FINGER PIERS FOR: LA SCALA TOWNHOMES 91 ISLE OF VENICE FORT LAUDERDALE, FL		PREPARED FOR: B & M MARINE CONSTRUCTION, INC. 6276 MADRAS CIRCLE BOYNTON BEACH, FL 33437 954-421-2321 CGC052820		 James F. Biagi P.E. Consulting Engineer 1215 N.E. 11th Street Suite 107 Ft. Lauderdale, FL 33304 Phone/Fax (954) 766-8004
SHEET No. 3 OF 3		EXHIBIT 1 GAM 13-0457 PAGE 10 of 52		

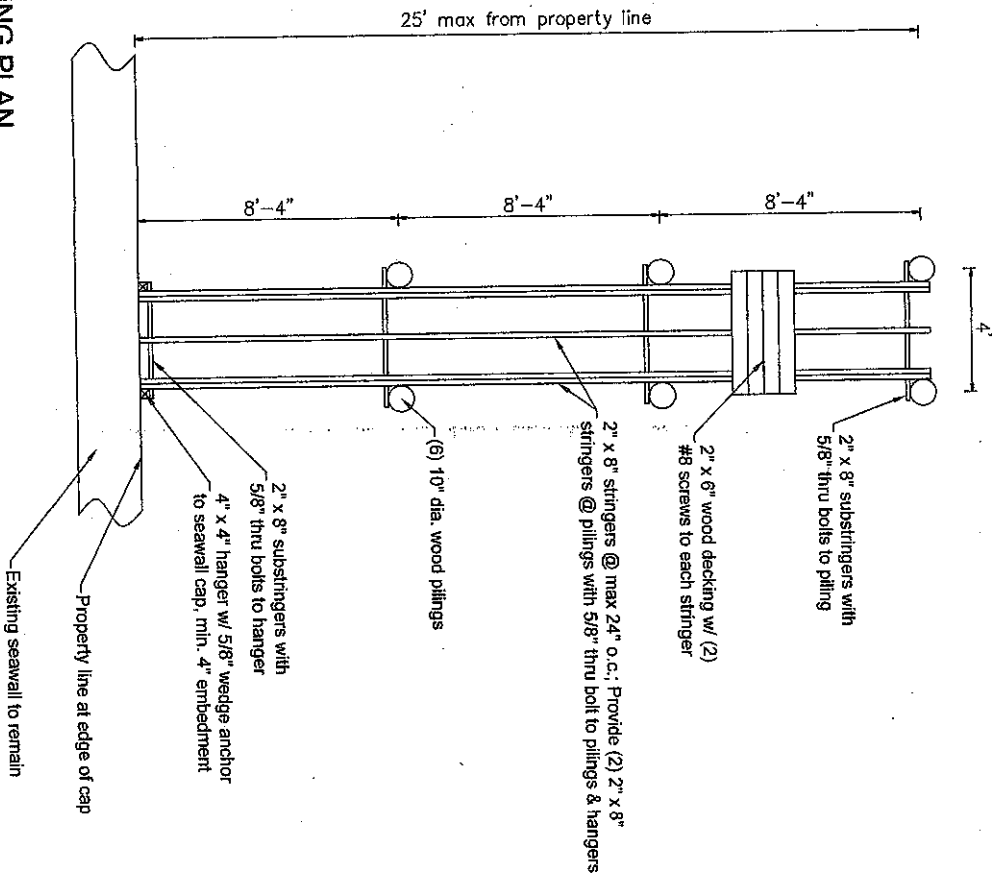


MOORING PILING

SCALE: 1/4" = 1'-0"

TYP FRAMING PLAN

SCALE: 1/4" = 1'-0"



5

<p>DATE</p> <p>NOTES/REVISIONS</p>		<p>PROPOSED FINGER PIERS FOR:</p> <p>LA SCALA TOWNHOMES</p> <p>91 ISLE OF VENICE</p> <p>FORT LAUDERDALE, FL</p>	<p>PREPARED FOR:</p> <p>B & M MARINE CONSTRUCTION, INC.</p> <p>6276 MADRAS CIRCLE</p> <p>BOYNTON BEACH, FL 33437</p> <p>954-421-2321 CGC052820</p>	<p>James F. Biagi P.E.</p> <p>Consulting Engineer</p> <p>212 NE 45th Street Suite 107</p> <p>Fort Lauderdale, FL 33308</p> <p>Phone/Fax (954) 776-6001</p>
<p>SCALE AS NOTED</p>		<p>EXHIBIT 1</p> <p>CAM 13-0457</p> <p>PAGE 11 of 52</p>		

This instrument was prepared by:
GARY L. BROWN, ESQUIRE
EISINGER, BROWN, LEWIS, FRANKEL, CHAIET & KRUT, P.A.
4000 Hollywood Boulevard
Suite 265-S
Hollywood, Florida 33021
Telephone No.: (954) 894-8000
Facsimile No.: (954) 894-8015

SPECIAL WARRANTY DEED

THIS DEED, made as of the 8th day of June, 2012, between LA SCALA YACHT CLUB, L.L.C., a Florida limited liability company whose mailing address is 160 W. CAMINO REAL, #225, Boca Raton, FL, as "GRANTOR," and LA SCALA TOWNHOMES, L.L.C., a Florida limited liability company, whose mailing address is 2385 A.W. Alexander Center Dr., Suite 400, Boca Raton, FL 33431, as "GRANTEE."

(Whenever used herein, the terms "GRANTOR" and "GRANTEE" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH:
OFFICIAL COPY

That the GRANTOR, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations in hand paid to GRANTOR by said GRANTEE, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alienate, remise, release, convey and confirm unto the GRANTEE the following described real property, and rights and interest in real property located and situated in the County of Broward and State of Florida, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF


This conveyance is subject to the following:

1. Taxes and assessments for the year 2012 and years subsequent thereto.
2. Conditions, reservations, restrictions, limitations, dedications and easements of record, without intending to reimpose same.
3. Zoning and other governmental restrictions and regulations.
4. Covenants, conditions, restrictions, exhibits, terms and other provisions of the Plat of NURMI ISLES, ISLAND NO. 4, recorded in Plat Book 24, Page 43, of the Public Records of Broward County, Florida.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

The GRANTOR hereby specially warrants the title to the said real property, and will defend

	First American Title	Commitment for Title Insurance
		<small>ISSUED BY</small> First American Title Insurance Company
Schedule A (Continued)		

File No.: 2518-14

PARCEL 1:

The South 110 feet of Lot 16, of NURMI ISLES, ISLAND NO. 4, according to the Plat recorded in Plat Book 24, Page 43, of the Public Records of Broward County, Florida.

PARCEL 2:

The North 10 feet of Lot 16, AND the South 60 feet of Lot 17, of NURMI ISLES, ISLAND NO. 4, according to the Plat recorded in Plat Book 24, Page 43, of the Public Records of Broward County, Florida.

PARCEL 3:

The North 60 feet of Lot 17, of NURMI ISLES, ISLAND NO. 4, according to the Plat recorded in Plat Book 24, Page 43, of the Public Records of Broward County, Florida.

PARCELS 1, 2 AND 3 ABOVE, ARE ALSO REFERRED TO AS:

Lots 16 and 17, of NURMI ISLES, ISLAND NO. 4, according to the Plat recorded in Plat Book 24, Page 43, of the Public Records of Broward County, Florida.

Forms 6011612-A,
6011612-BI-STD, 6011612-
BI-STD (2-1-11)

Page 2 of 9

ALTA Commitment (6-17-06) (with Florida modifications)



Environmental Protection and Growth Management Department

Development and Environmental Regulation Division

1 North University Drive • Plantation, Florida 33324 • 954-519-1230 • FAX 954-519-1412

ENVIRONMENTAL RESOURCE LICENSE

LICENSEE:

La Scala Townhomes, LLC
2385 NW Executive Center Drive
Suite 440
Fort Lauderdale, Florida 33301

LICENSE NO: DF12-1118

PROJECT: Dock replacements

This license is issued under the provision of Chapter 27 of the Broward County Code of Ordinances also cited as Broward County Natural Resource Protection Code hereinafter called the Code. The above-named applicant, hereinafter called licensee, is hereby authorized to perform the work or operate the facility shown on the approved drawing(s), plans, documents, and specifications as submitted by applicant, and made a part hereof and specifically described as follows:

Description of Work: This license authorizes the removal of an existing 14 slip docking facility and the installation of an 11 slip docking facility at a multi-family residential complex. Six (6) 4' wide x 25' long finger piers and 18 mooring pilings shall be installed to provide dockage not to exceed 11 vessels.

The total over-water area of the structure shall be 600 square feet. Work shall either be conducted from land based equipment or a barge, and all piles shall be installed by driving. This license does not authorize dredging or any impacts to natural resources.

Location of Work: This project is located at 91 -103 Isle of Venice Drive, Section 02 Township 50 South, Range 42 East, in the City of Fort Lauderdale. Folio Number 504201120180, 504201120190 and 504201120200.

Construction shall be in accordance with the submitted ERL Application, received on 8/9/12/12, and all additional information submitted; plans stamped by the Department on 8/20/12 (attached); and with all General and Specific Conditions of this license.



GENERAL CONDITIONS:

- (1) The terms, conditions, requirements, limitations and restrictions set forth herein are accepted by the licensee and enforceable by EPGMD pursuant to this chapter. EPGMD will review this license periodically and may revoke the license, initiate administrative and/or judicial action for any violation of the conditions by the licensee, its agents, employees, servants or representatives or principals.
- (2) This license is valid only for the specific uses set forth in the license application, and any deviation from the approved uses may constitute grounds for revocation and enforcement action by EPGMD.
- (3) In the event the licensee is temporarily unable to comply with any of the conditions of the license, the licensee shall notify EPGMD within twelve (12) hours. Within five (5) working days of the event, the licensee shall submit a written report to EPGMD that describes the incident, its cause, the measures being taken to correct the problem and prevent its reoccurrence, the owner's intention toward repair, replacement, and reconstruction of destroyed facilities, and a schedule of action leading toward operation within the license conditions.
- (4) The issuance of this license does not convey any vested rights or exclusive privileges, nor does it authorize any injury to public or private property or any invasion of personal rights, or any violations of federal, state or local laws or regulations.
- (5) This license must be available for inspection on the licensee's premises during the entire life of the license.
- (6) By accepting this license, the licensee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source, that are submitted to EPGMD, may be used by EPGMD as evidence in any enforcement proceeding arising under this chapter 27, except where such use is prohibited by § 403.111, F.S.
- (7) The licensee agrees to comply with this chapter 27, as amended.
- (8) Any new owner of a licensed facility shall apply by letter for a transfer of license within thirty (30) days after sale or legal transfer. The transferor shall remain liable for performance in accordance with the license until the transferee applies for, and is granted the transfer of license. The transferee shall also be liable for performance in accordance with the license.
- (9) The licensee, by acceptance of this license, specifically agrees to allow access to the licensed source at reasonable times by EPGMD personnel for the purposes of inspection and testing to determine compliance with this license and this chapter 27.
- (10) This license does not constitute a waiver or approval of any other license that may be required for other aspects of the total project.
- (11) If the licensee wishes to renew a license or extend its term, the licensee shall make application sixty (60) days prior to its expiration. Expired licenses are not renewable.
- (12) In addition to the general conditions set forth above, each license issued by EPGMD shall contain specific conditions determined by site conditions and requirements pursuant to the regulations as determined by the director of EPGMD. The licensee agrees that specific conditions are enforceable by EPGMD for any violation thereof.

License No. DF12-1118
LICENSEE: La Scala Townhomes, LLC

SPECIFIC CONDITIONS:

A. Standard

1. Notify the Development and Environmental Regulation Division in writing (Fax: 954/519-1412, or email) a minimum of 48 hours prior to project commencement and a maximum of 48 hours after project completion. The notification shall include the name of the contractor authorized to perform the licensed activities. Failure to comply with this condition will result in enforcement action.
2. The licensee shall be responsible for ensuring that the license, the attached plans, and all conditions are explained to *all construction personnel working on the project*, and for providing each contractor and subcontractor with a copy of this license prior to commencement of construction.
3. Any project caused environmental problem(s) shall be reported immediately to the Department's Environmental Response Line at 954-519-1499.
4. All project generated solid waste and/or spoil material must be disposed of in a suitable approved manner at an upland location.
5. Work shall either be conducted from land based equipment or a barge, and all piles shall be installed by driving.
6. Turbidity screens or equivalent shall be properly employed and maintained as necessary during construction activities so that turbidity levels do not exceed 29 NTU's above natural background 50 feet downstream of point of discharge. If turbidity levels exceed these limits, project activities shall immediately cease, and work shall not resume until turbidity levels drop to within these limits [62-302.530(69) FAC].
7. The licensee shall ensure that turbidity curtains surround all project areas, including all project-associated barges, all active work sites, and any previously worked sites that could continue to emit a turbid discharge.
8. Six (6) 4' wide x 25' long finger piers and 18 mooring pilings shall be installed to provide dockage not to exceed 11 vessels. The existing Marine Facility Operating License shall reflect the reduction of slips on the FY2013 renewal (10/1/12).
9. No dredging is authorized by this license nor does this license authorize impacts to seagrasses or other natural resources.
10. All watercraft associated with the construction and use of the permitted structures shall only operate within waters of sufficient depth so as to preclude bottom scouring or prop dredging. Specifically, there shall be a minimum 12-inch clearance between the deepest draft of the vessel (with the motor in the down position) and the bottom substrate at mean low water.

License No. DF12-1118
LICENSEE: La Scala Townhomes, LLC

11. As-built drawings demonstrating that the project is in substantial compliance with the licensed plans shall be submitted to the Department by a Professional Engineer registered in the State of Florida. The information must be submitted to the Department within thirty (30) days from completion of the project. **Failure to construct the dock as authorized may result in enforcement action.**
12. If the approved license drawings and/or license attachments/plans conflict with the specific conditions, then the specific conditions shall prevail.
13. **This license does not eliminate the necessity to obtain any required federal, state, local or special district authorizations prior to the start of any activity approved by this license.**

B. Manatee Conditions

1. All personnel associated with the project shall be instructed about the presence of manatees and the need to avoid collisions with and injury to manatees. The licensee 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.
2. All vessels associated with the construction project shall operate at "No Wake/Idle Speed" at all times while in the construction 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.
3. 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 block manatee entry to or exit from habitat.
4. All construction personnel are responsible for observing water-related activities for the presence of manatee(s). All equipment, 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.
5. 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 Vero Beach (1-561-562-3909).
6. Temporary signs concerning manatees shall be posted prior to and during all construction/dredging activities. All signs are to be removed by the licensee 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. One sign measuring at least 3 ft. by 4 ft. which reads *Caution: Manatee Area* must be posted. A second sign measuring at least 8 1/2" by 11" explaining the requirements for Idle Speed and the shut down of equipment must be posted in a location prominently visible to water-related construction crews.

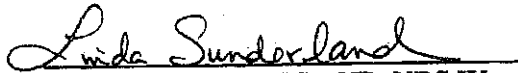
License No. DF12-1118
LICENSEE: La Scala Townhomes, LLC

- C. A COPY OF THIS LICENSE SHALL BE KEPT ON SITE DURING ALL PHASES OF LICENSED CONSTRUCTION.

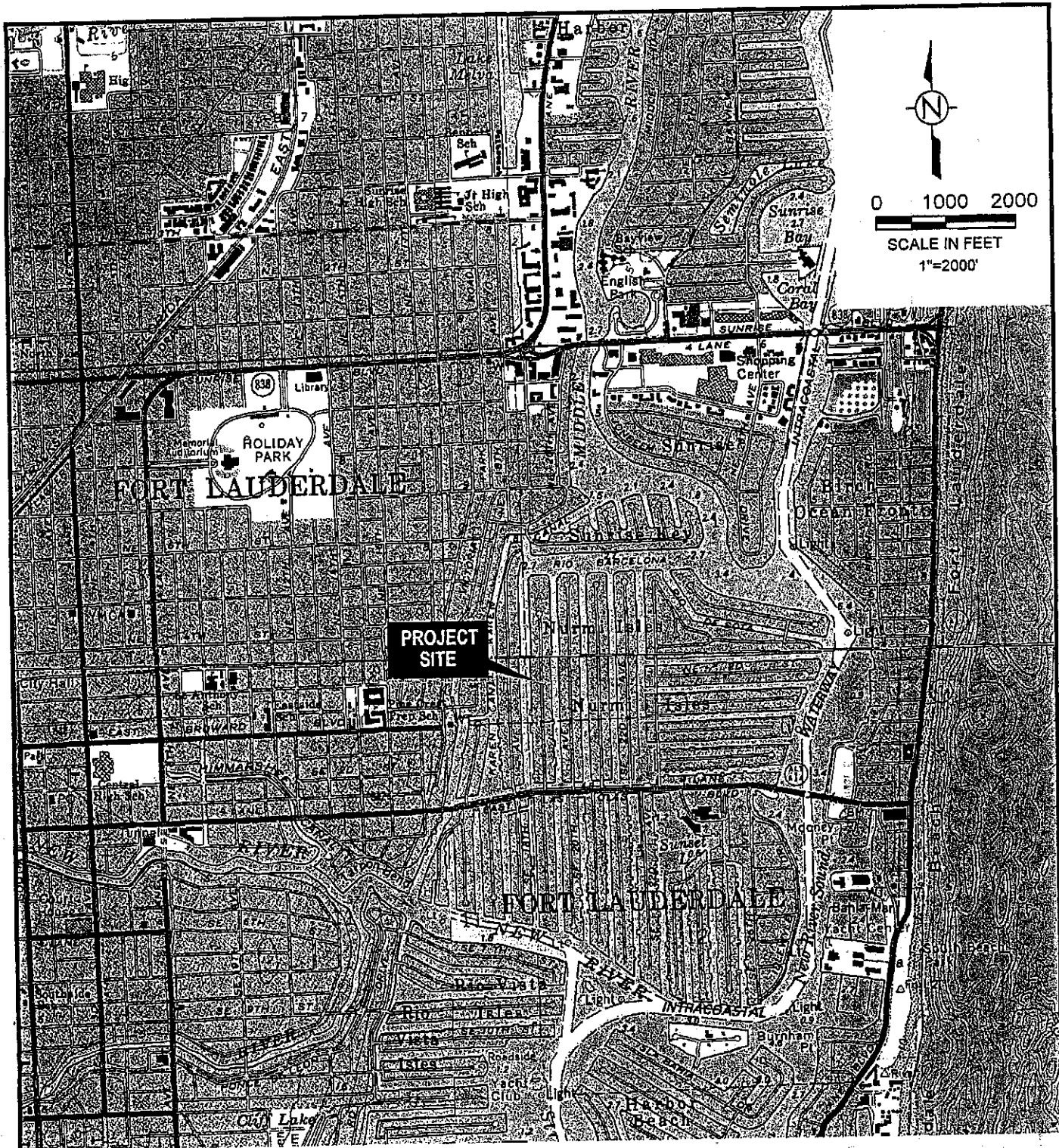
Issue Date: August 20, 2012

Expiration Date: August 20, 2014

**BROWARD COUNTY
ENVIRONMENTAL PROTECTION and GROWTH MANAGEMENT DEPARTMENT**



**LINDA SUNDERLAND, NRS IV
AQUATIC & WETLAND RESOURCES PROGRAM
DEVELOPMENT and ENVIRONMENTAL REGULATION DIVISION**



TAKEN FROM U.S.G.S. RIVIERA BEACH, FLORIDA QUADRANGLE
 SEC: 01 TWP: 50S RGE: 42E
 LAT: 26° 07' 27" N
 LONG: 080° 07' 15" W

MATTHEW D. BUTLER, P.E.

Matthew D. Butler

8/8/12

LICENSE NO. 74039

VICINITY MAP



**ISIMINGER & STUBBS
 ENGINEERING, INC.**

COASTAL • ENVIRONMENTAL • MARINE

CERTIFICATE OF AUTHORIZATION NUMBER: 8114

P.O. BOX 14702 - NORTH PALM BEACH, FL 33408 - 561-881-0003

PROPOSED DOCKS

MAN-MADE CANAL

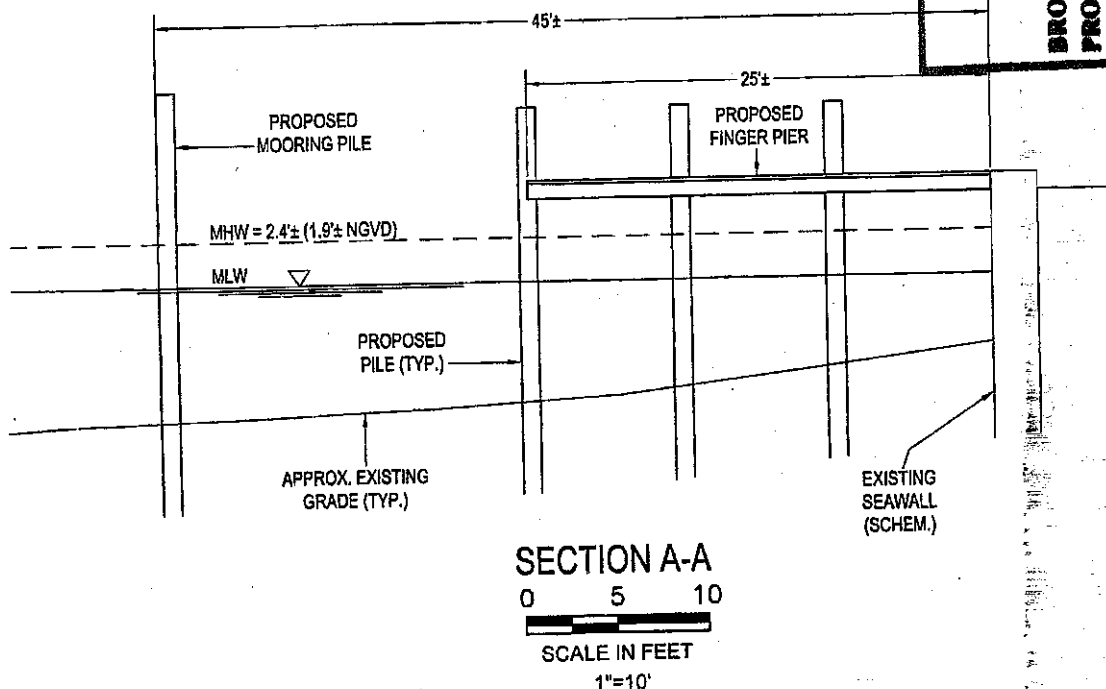
91-107 ISLE OF VENICE DRIVE

CITY OF FORT LAUDERDALE, BROWARD COUNTY, FL

APPLICANT: LA SCALA TOWNHOMES, LLC

DATE	8/12	DRAWN	MDB	CHKD	CS	APPRVD	MDB
DWG NO.	12063B1				SHEET		
COMPUTER FILE NO.	12063B				OF 3		
				1			

BROWARD COUNTY
PLANNING & ENVIRONMENTAL
REGULATION DIVISION
ENVIRONMENTAL RESOURCE LICENSE
BROWARD COUNTY CODE 27-331 TO 27-341
PROJECT *La Scala Townhomes - Pier to Piling*
REVIEWER *LB* DATE *8/20/12*
ATTACHED TO LICENSE NO. *DE12-1118*
DRAWING *2* OF *2* EXPIRES AS INDICATED IN LICENSE



MATTHEW D. BUTLER, P.E.

Matthew D. Butler

8/8/12
LICENSE NO. 74039

NOTES:

1. DATUM IS MLW. MLW = -0.5'± NGVD FROM LABINS DATABASE.
2. EXISTING LOCATIONS ARE APPROXIMATE BASED ON ON-SITE FIELD WORK CONDUCTED 7/9/12.
3. SOUNDINGS BY ISIMINGER & STUBBS ENGINEERING, INC. FIELD WORK CONDUCTED 7/9/12. SOUNDINGS REDUCED TO MLW BASED ON PREDICTED TIDES ONLY.

SKETCH SUBMITTED FOR ENVIRONMENTAL PERMIT REVIEW.
NOT INTENDED FOR CONSTRUCTION OR BUILDING PERMIT REVIEW.

SECTION VIEW

 ISIMINGER & STUBBS ENGINEERING, INC. COASTAL - ENVIRONMENTAL - MARINE CERTIFICATE OF AUTHORIZATION NUMBER: 8114 P.O. BOX 14702 - NORTH PALM BEACH, FL 33408 - 561-881-0003					
PROPOSED DOCKS MAN-MADE CANAL 91-107 ISLE OF VENICE DRIVE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FL APPLICANT: LA SCALA TOWNHOMES, LLC					
DATE	8/12	DRAWN	MDB	CHKD	<i>MDB</i>
DWG NO.	12063B3				SHEET
COMPUTER FILE NO.	12063B				OF 3

16

3



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

September 5, 2012

La Scala Townhomes, LLC
c/o Tirso San Jose
2385 NW Executive Center Drive, Suite 440
Boca Raton, FL 33431
Sent via e-mail: tsanjose@sobelco.com

Re: File No.: 06-0313241-001
File Name: La Scala Townhomes, LLC

Dear Mr. San Jose:

On August 9, 2012, we received your application for an exemption to perform the following activities: (1) install six 4-foot by 25-foot (100 ft²) finger piers, totaling 600 ft² of over water structure, defining eleven slips and (2) install eighteen mooring piles. The project is located in an artificial canal, Class III Waters, adjacent to 91-107 Isle of Venice Drive, Ft. Lauderdale (Section 1, Township 50 South, Range 42 East), in Broward County (26°7'22.60" North Latitude, 80°7'15.59" West Longitude).

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 project **may not** have qualified for all three forms of authorization. If your project 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 six 4-foot by 25-foot (100 ft²) finger piers, totaling 600 ft² of over water structure, defining eleven slips and install eighteen mooring piles is exempt from the need to obtain a DEP Environmental Resource Permit under Rule 40E-4.051(3)(c), F.A.C. and Rule 40E-4.051(3)(a), F.A.C., respectively.

2. Proprietary Review. - NOT REQUIRED

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 sovereignty submerged lands. The Department has the authority to review your project under Chapters 253 and 258, F.S., and 18-21, F.A.C., and Section 62-343.075, F.A.C.

Your project will not occur on sovereignty submerged land. Therefore, pursuant to Chapter 253.77, F.S., authorization from the Board of Trustees is not required.

3. Federal Review (SPGP). - NOT 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 not consistent with the SPGP program. A copy of your application has been sent to the Corps who may require a separate permit. Failure to obtain their authorization prior to construction could subject you to enforcement action. For further information, contact the Corps directly at 561/472-3530.

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)(c), F.A.C. and 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)(c), F.A.C. and 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.

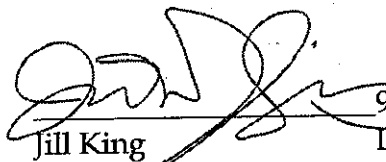
If you wish to limit the time within which any specific person(s) may request an administrative hearing, you may provide such person(s), by certified mail, a copy of this determination, including Attachment A.

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 and Environmental Resources Program
400 North Congress Avenue, Suite 200
West Palm Beach, Florida 33401

If you have any questions, please contact Gina Chiello at (561) 681-6654 or by email at gina.chiello@dep.state.fl.us. When referring to your project, please use the FDEP file name and number listed above.

Sincerely,


Jill King
Date 9/5/12

Environmental Manager
Submerged Lands and Environmental Resources Program

Enclosures

cc: Samantha Rice, USACOE- Palm Beach Gardens, Samantha.L.Rice@usace.army.mil
Linda Sunderland, Broward County EPD, L.Sunderland@broward.org
Matthew Butler, P.E., Isiminger & Stubbs Engineering, Inc., mbutler@coastal-engineers.com

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.

Rachel O'Brien 9/5/12
Clerk Date

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

The Department of Environmental Protection gives notice that the project to install six 4-foot by 25-foot (100 ft²) finger piers, totaling 600 ft² of over water structure, defining eleven slips and install eighteen mooring piles, located in an artificial canal, Class III Waters, adjacent to 91-107 Isle of Venice Drive, Ft. Lauderdale (Section 1, Township 50 South, Range 42 East), in Broward County (26°7'22.60" North Latitude, 80°7'15.59" West Longitude) 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.

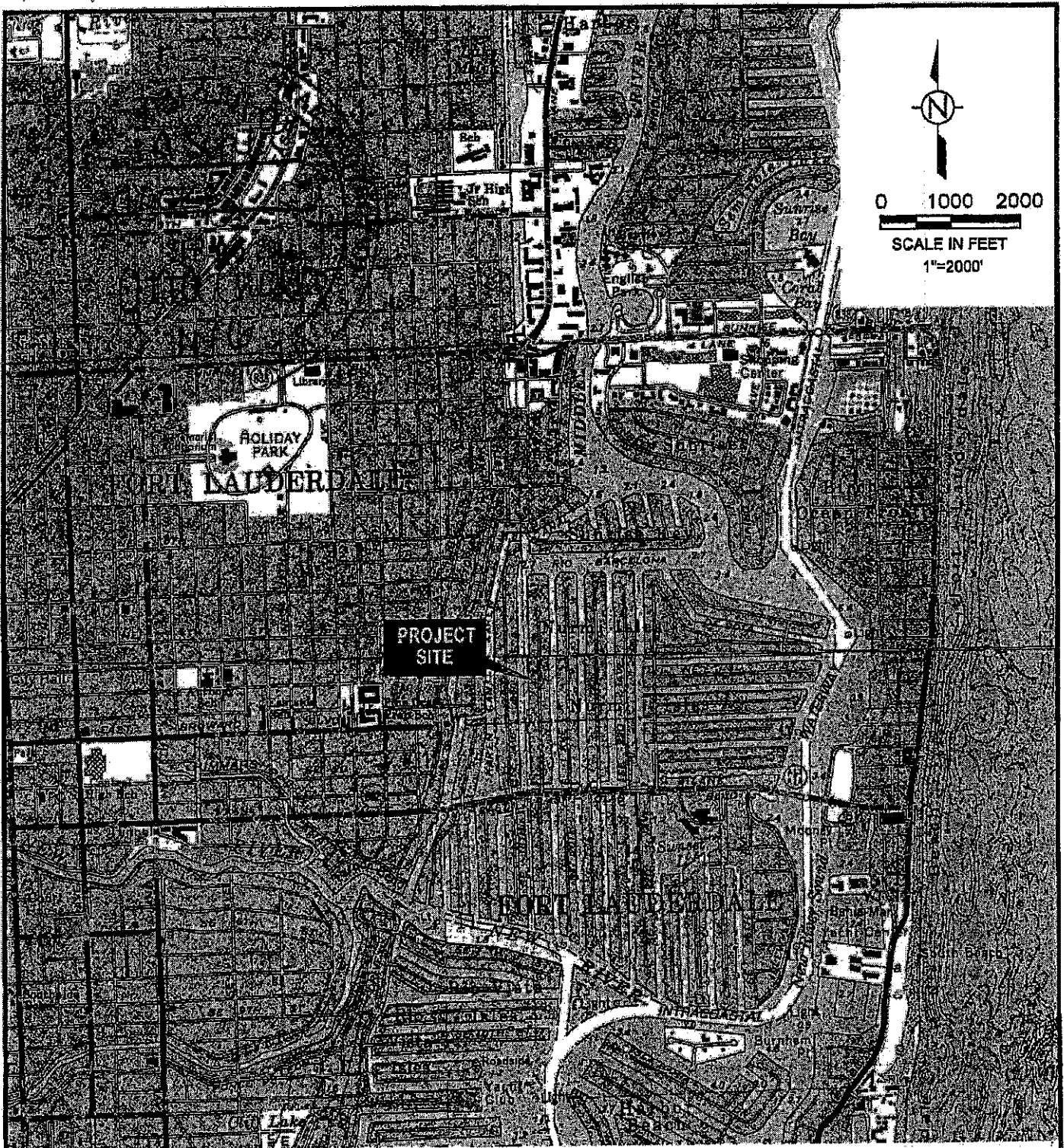
A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (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.



TAKEN FROM U.S.G.S. RIVIERA BEACH, FLORIDA QUADRANGLE
 SEC: 01 TWP: 50S RGE: 42E
 LAT: 26° 07' 27" N
 LONG: 080° 07' 15" W

RECEIVED

AUG 09 2012
 FL DEP
 WEST PALM BEACH

MATTHEW D. BUTLER, P.E.

Matthew D. Butler
 8/8/12
 LICENSE NO. 74039

VICINITY MAP



**ISMINGER & STUBBS
 ENGINEERING, INC.**

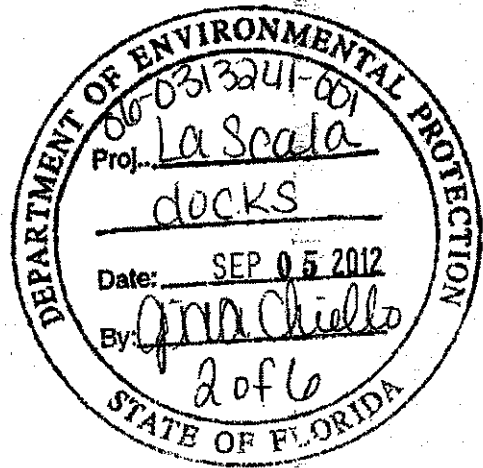
COASTAL • ENVIRONMENTAL • MARINE
 CERTIFICATE OF AUTHORIZATION NUMBER: 8114
 P.O. BOX 14762 - NORTH PALM BEACH, FL 33408-661-861-0003

**PROPOSED DOCKS
 MAN-MADE CANAL
 91-107 ISLE OF VENICE DRIVE
 CITY OF FORT LAUDERDALE, BROWARD COUNTY, FL
 APPLICANT: LA SCALA TOWNHOMES, LLC**

DATE	8/12	DRAWN	MDB	CHKD	<i>CS</i>	APPRVD	<i>MDB</i>
DWG NO.	12063B1					SHEET	1
COMPUTER FILE NO.	12063B					OF 3	

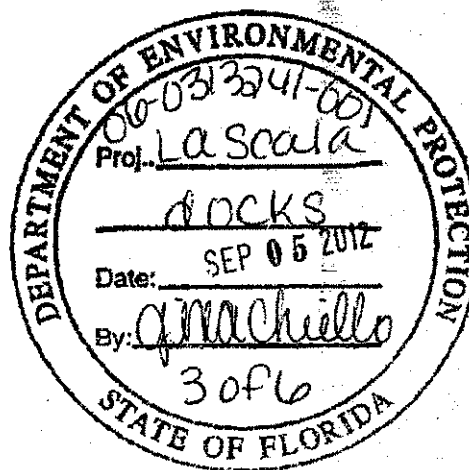


91 Isle of Venice Dr. Ft Lauderdale
La Scala townhomes, LLC



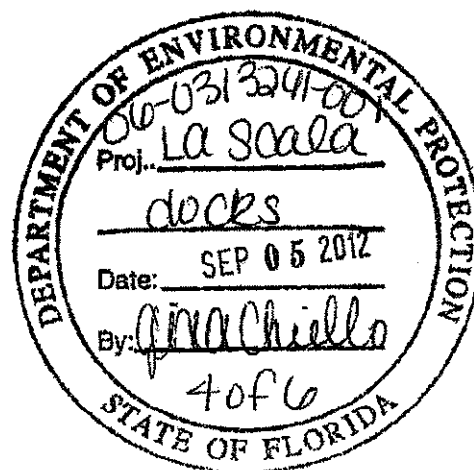


99 Isle of Venice Dr. Ft. Lauderdale
LaScala Townhomes, LLC



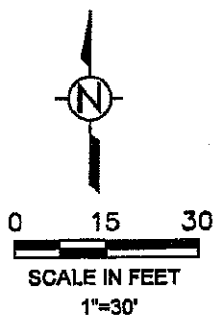
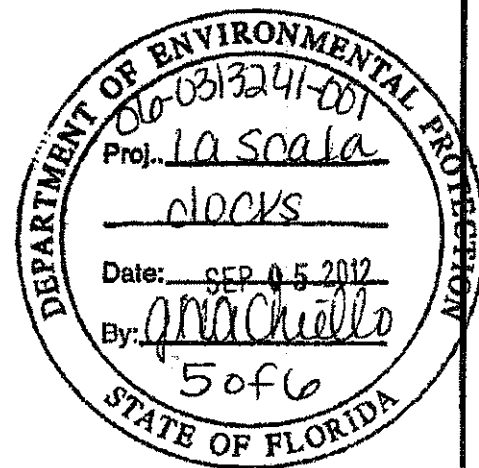


103 Isle of Venice Dr. Ft. Lauderdale
Lascaia Townhomes, LLC



APPROX. PROPERTY LINE EXTENDED

APPROX. PROPERTY LINE

APPROX. SOUNDING
IN FEET, MLW (TYP.)EXIST. SEAWALL (MHWL
AT FACE, 240± L.F. UNDER
APPLICANT'S CONTROL)SLIP NUMBER
(TYP., 11 TOTAL)PROPOSED
MOORING PILE
(TYP., 18 TOTAL)NO SEAGRASS
OBSERVEDPROPOSED
FINGER PIER
(TYP., 6 TOTAL)UPLAND
MULTI-FAMILY
DEVELOPMENT

MAN-MADE CANAL

MATTHEW D. BUTLER, P.E.

8/8/12
LICENSE NO. 74039

NOTES:

1. DATUM IS MLW. MLW=0.5± NGVD FROM LABINS DATABASE.
2. EXISTING LOCATIONS ARE APPROXIMATE BASED ON ON-SITE FIELD WORK CONDUCTED 7/9/12.
3. SOUNDINGS AND SEAGRASS INFORMATION BY ISIMINGER & STUBBS ENGINEERING, INC. FIELD WORK CONDUCTED 7/9/12. SOUNDINGS REDUCED TO MLW BASED ON PREDICTED TIDES ONLY.

SKETCH SUBMITTED FOR ENVIRONMENTAL PERMIT REVIEW.
NOT INTENDED FOR CONSTRUCTION OR BUILDING PERMIT REVIEW.

APPROX. PROPERTY LINE EXTENDED

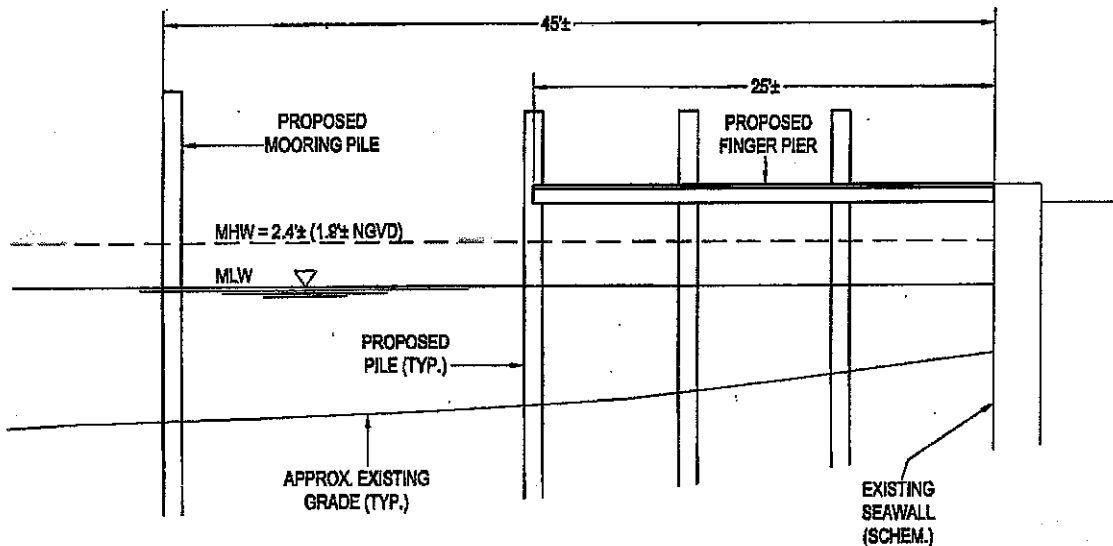
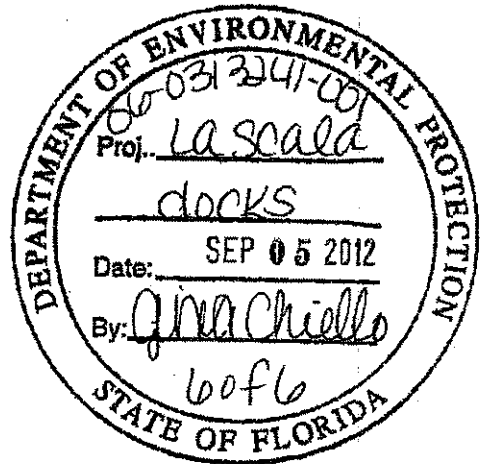
APPROX. PROPERTY LINE

PLAN VIEW

ISIMINGER & STUBBS
ENGINEERING, INC.COASTAL • ENVIRONMENTAL • MARINE
CERTIFICATE OF AUTHORIZATION NUMBER: 8114
P.O. BOX 14702 • NORTH PALM BEACH, FL 33408 • 561-981-0003

PROPOSED DOCKS
MAN-MADE CANAL
91-107 ISLE OF VENICE DRIVE
CITY OF FORT LAUDERDALE, BROWARD COUNTY, FL
APPLICANT: LA SCALA TOWNHOMES, LLC

DATE	8/12	DRAWN	EAI	CHKD	APPRVD	MDB
DWG NO.	12083B2					SHEET
COMPUTER FILE NO.	12083B					OF 3



SECTION A-A
0 5 10
SCALE IN FEET
1"=10'

MATTHEW D. BUTLER, P.E.
Matthew D. Butler


8/8/12
LICENSE NO. 74039

NOTES:

1. DATUM IS MLW. MLW=0.5' NGVD FROM LABINS DATABASE.
2. EXISTING LOCATIONS ARE APPROXIMATE BASED ON ON-SITE FIELD WORK CONDUCTED 7/9/12.
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SKETCH SUBMITTED FOR ENVIRONMENTAL PERMIT REVIEW,
NOT INTENDED FOR CONSTRUCTION OR BUILDING PERMIT REVIEW.

SECTION VIEW

 ISIMINGER & STUBBS ENGINEERING, INC. COASTAL • ENVIRONMENTAL • MARINE CERTIFICATE OF AUTHORIZATION NUMBER: 8114 P.O. BOX 14702 - NORTH PALM BEACH, FL 33408 - 561-691-0003							
PROPOSED DOCKS MAN-MADE CANAL 91-107 ISLE OF VENICE DRIVE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FL APPLICANT: LA SCALA TOWNHOMES, LLC							
DATE	8/12	DRAWN	MDB	CHKD	<i>MD</i>	APPRVD	<i>MD</i>
DWG NO.	12063B3					SHEET	3
COMPUTER FILE NO.	12063B					OF	3



DECEMBER 11, 2012

ISIMINGER & STUBBS
ENGINEERING, INC.

Dear Permittee:

a. Geographic Position: Latitude: 26.124° North
Longitude: 80.120° West

Special Conditions:

- 1. Submittals required herein shall be directed to:**

U.S. Army Corps of Engineers, Regulatory Division, Palm Beach Gardens
Enforcement Section
4400 PGA Blvd., Suite 500
Palm Beach Gardens, FL 33410

2. Within 60 days of completion of the work authorized, the attached "Self-Certification Statement of Compliance" must be completed and submitted to the U.S. Army Corps of Engineers.

3. The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

4. The Permittee shall notify the District Engineer's representative, at the Regulatory Division, Enforcement Section of:

- a. The date of commencement of work;
- b. The dates of work suspensions and resumptions if work is suspended over a week; and,
- c. The date of final completion.

5. The Permittee shall comply with both the standard construction conditions designed to protect the endangered West Indian manatee (Attachment A) and the sea turtle and smalltooth sawfish construction conditions (Attachment B).

6. Prior to the initiation of any of the work authorized by this permit the Permittee shall install floating turbidity barriers with weighted skirts that extend to within 1 foot of the bottom around all work areas that are in, or adjacent to, surface waters. The turbidity barriers shall remain in place and be maintained until the authorized work has been completed and all erodible materials have been stabilized.

7. Cultural Resources/Historic Properties: No structure or work shall adversely affect impact or disturb properties listed in the National Register of Historic Places (NRHP) or those eligible for inclusion in the NRHP.

If during the ground disturbing activities and construction work within the permit area, there are archaeological/cultural materials encountered which were not the subject of a previous cultural resources assessment survey (and which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work in the vicinity and notify the Corps. The Corps shall then notify the Florida State Historic Preservation Officer (SHPO) and the appropriate Tribal Historic Preservation Officer(s) (THPO(s)) to assess the significance of the discovery and devise appropriate actions.

A cultural resources assessment may be required of the permit area, if deemed necessary by the SHPO, THPO(s), or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). Based, on the circumstances of the discovery, equity to all parties, and considerations of the

public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.

In the unlikely event that unmarked human remains are identified on non-federal lands, they will be treated in accordance with Section 872.05 Florida Statutes. All work in the vicinity shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archeologist. The Corps shall then notify the appropriate SHPO and THPO(s). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume without written authorization from the State Archeologist and from the Corps.

If the unlikely event that human remains are encountered on federal or tribal lands, or in situations where Archaeological Resources Protection Act of 1979, or Native American Graves Protection Repatriation Act of 1990 applies, all work in the vicinity shall immediately cease and the Permittee shall immediately notify the Corps. The Corps shall then notify the appropriate THPO(s) and SHPO. Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. After such notification, project activities on federal lands shall not resume without written authorization from the Corps, and/or appropriate THPO(s), SHPO, and federal manager. After such notification, project activities on tribal lands shall not resume without written authorization from the appropriate THPO(s) and the Corps.

If the work authorized is not completed on or before December 11, 2017, authorization, if not previously revoked or specifically extended, shall cease and be null and void.

This letter contains a proffered permit for your proposed project. If you object to this decision, you may request an administrative appeal under Corps' regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process fact sheet and Request for Appeal (RFA) form. If you request to appeal this decision, you must submit a completed RFA form to the South Atlantic Division Office at the following address:

Jason W. Steele
Administrative Appeal Review Officer
CESAD-PDS-O
US Army Corps of Engineers
South Atlantic Division
60 Forsyth Street, Room 10M15
Atlanta, Georgia 30303-8801

Mr. Steele can be reached by telephone number at (404) 562-5111, or by facsimile at 404-562-5138.

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division office by February 8, 2012. Should you decide to submit an RFA form, it must be received at the above address with 60 days of the date of this permit. It is not necessary to submit an RFA form to the Division office, if you do not object to the decision in this letter.

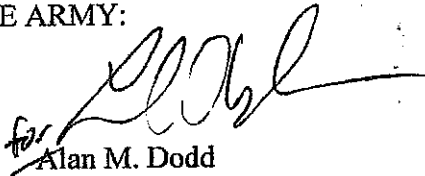
Should you have any questions regarding this letter, please contact the project manager Carolyn Farmer in writing at the letterhead address, by telephone at 561-472-3531, or by email at: Carolyn.H.Farmer@usace.army.mil.

The Corps Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to take a few minutes to visit the following link and complete our automated Customer Service Survey:

<http://per2.nwp.usace.army.mil/survey.html>.

Your input is appreciated – favorable or otherwise.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:


Alan M. Dodd
Colonel, U.S. Army
District Commander

Enclosures

Drawings (3 pages)

Manatee Construction Conditions (Attachment A)

Sea Turtle Small Tooth Sawfish Construction Conditions (Attachment B)

Self-Certification Form

Permit Transfer Form

Copies Furnished:

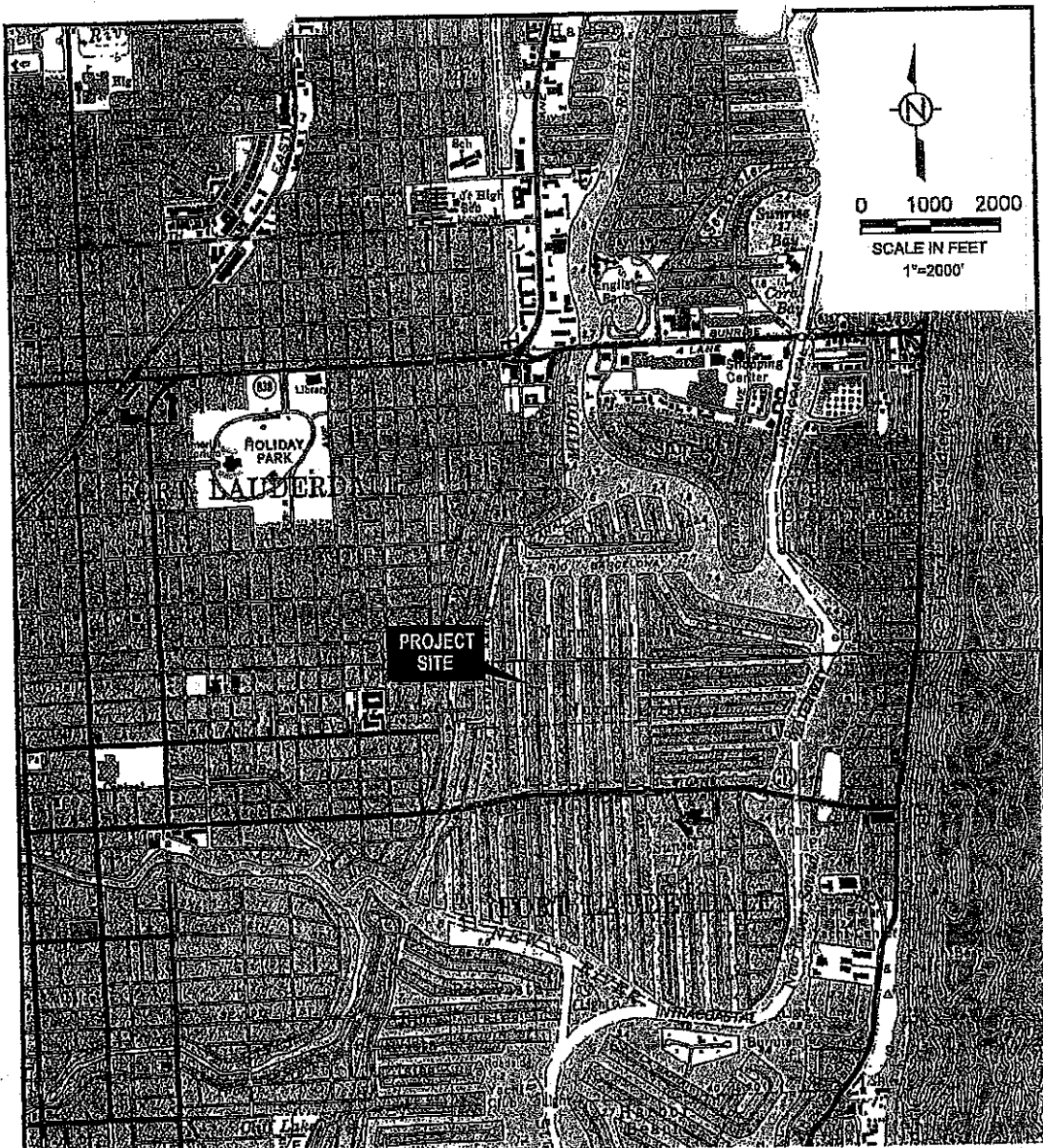
Isiminger & Stubbs Engineering, Inc.

c/o Matthew David Butler, E.I.

P.O. Box 14702

North Palm Beach, FL 33408

CESAJ-RD-PE



TAKEN FROM U.S.G.S. RIVIERA BEACH, FLORIDA QUADRANGLE

SEC: 01 TWP: 50S RGE: 42E

LAT: 26° 07' 27" N

LONG: 80° 10' 14" W

RECEIVED

AUG 09 2012

FL DEPT
WEST PALM BEACH

MATTHEW D. BUTLER, P.E.

Matthew D. Butler

8/8/12

LICENSE NO. 74039

VICINITY MAP



**ISMINGER & STUBBS
ENGINEERING, INC.**

COASTAL • ENVIRONMENTAL • MARINE

CERTIFICATE OF AUTHORIZATION NUMBER: 8116

P.O. BOX 14702 - NORTH PALM BEACH, FL 33408 - 901-431-4000

PROPOSED DOCKS

MAN-MADE CANAL

91-107 ISLE OF VENICE DRIVE

CITY OF FORT LAUDERDALE, BROWARD COUNTY, FL

APPLICANT: LA SCALA TOWNHOMES, LLC

DATE: 8/12 DRAWN: MDB CHD: *MB* APPROVED: *MB*

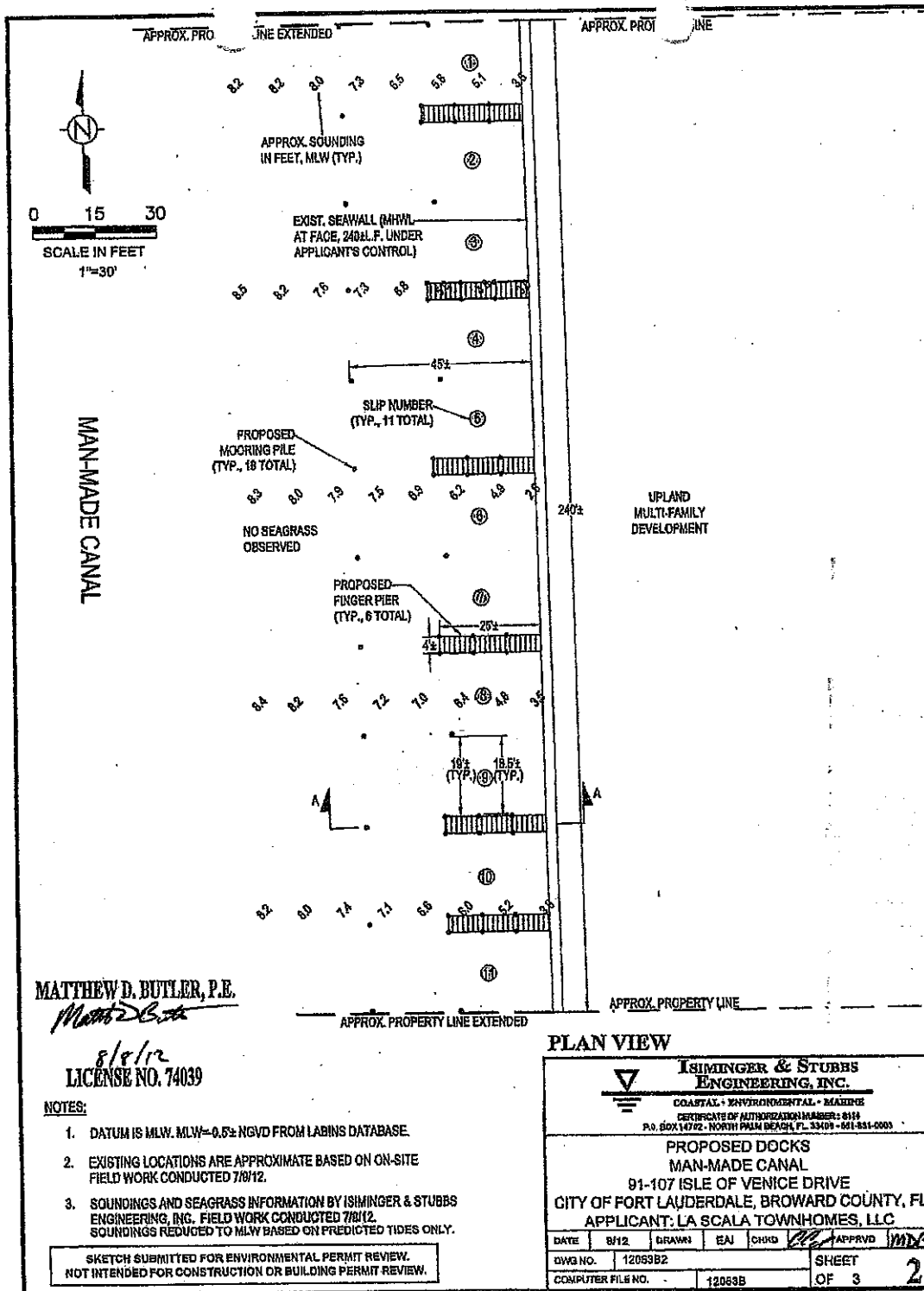
DWG NO. 12089B1 SHEET 1

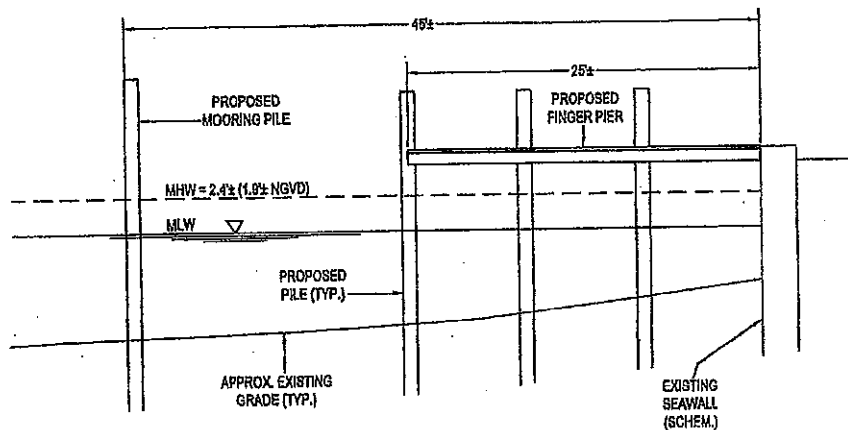
COMPUTER FILE NO. 12089B OF 3

US ARMY
CORPS OF ENGINEERS

SEP 14 2012

AP-2012-02248(L1-CF)
1-23-2012





SECTION A-A

0 5 10

SCALE IN FEET

1"=10'

MATTHEW D. BUTLER, P.E.

Matthew D. Butler

8/8/12


LICENSE NO. 74039

NOTES:

1. DATUM IS MLW. MLW = -0.5' NGVD FROM LABINS DATABASE.
2. EXISTING LOCATIONS ARE APPROXIMATE BASED ON ON-SITE FIELD WORK CONDUCTED 7/8/12.
3. SOUNDINGS BY ISIMINGER & STUBBS ENGINEERING, INC. FIELD WORK CONDUCTED 7/8/12. SOUNDINGS REDUCED TO MLW BASED ON PREDICTED TIDES ONLY.

SKETCH SUBMITTED FOR ENVIRONMENTAL PERMIT REVIEW.
NOT INTENDED FOR CONSTRUCTION OR BUILDING PERMIT REVIEW.

SECTION VIEW

 ISIMINGER & STUBBS ENGINEERING, INC. COASTAL • ENVIRONMENTAL • MARINE CERTIFICATE OF AUTHORIZATION NUMBER: 9154 P.O. BOX 14702 • NORTH PALM BEACH, FL 33408 • 561-891-0003					
PROPOSED DOCKS MAN-MADE CANAL 91-107 ISLE OF VENICE DRIVE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FL APPLICANT: LA SCALA TOWNHOMES, LLC					
DATE	8/12	DRAWN	MDB	CHECKED	APPROVED
DWG NO.	12083B3				SHEET
COMPUTER FILE NO.	12083B				OF 3
					3

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 Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. 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 in Vero Beach (1-772-562-3909) for south Florida, and emailed to FWC at 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. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8½" 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. These signs can be viewed at <http://www.myfwc.com/WILDLIFEHABITAT/manatee/signs/index.cfm>. Questions concerning these signs can be forwarded to the email address listed above.

Attachment A

All project vessels

IDLE SPEED / NO WAKE

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

SHUT DOWN

Prevent any collision with or injury to a manatee:

Wildlife Alert:

1-888-404-FWCC(3922)

Call 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

Attachment B



SELF-CERTIFICATION STATEMENT OF COMPLIANCE

Permit Number: SAJ-2012-02248(LP-CF)

Permittee's Name & Address (please print or type):

Telephone Number: _____

Location of the Work: _____

Date Work Started: _____ Date Work Completed: _____

Description of the Work (e.g. bank stabilization, residential or commercial filling, docks, dredging, etc.):

Acreage or Square Feet of Impacts to Waters of the United States:

Describe Mitigation completed (if applicable): _____

Describe any Deviations from Permit (attach drawing(s) depicting the deviations):

I certify that all work, and mitigation (if applicable) was done in accordance with the limitations and conditions as described in the permit. Any deviations as described above are depicted on the attached drawing(s).

Signature of Permittee

39 Date _____

REQUEST PERMIT TRANSFER: PERMIT NUMBER: SAJ-2012-02248(LP-CF)

When the structures or work verified 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, the present permittee and the transferee should sign and date below. This document must then be provided to the U.S. Army Corps of Engineers, Regulatory Division, Post Office Box 4970, Jacksonville, Florida 32232-0019.

(PERMITTEE SIGNATURE) (DATE) (PRESENT

(SIGNATURE) (DATE) (TRANSFEREE

(Name - Printed) Lot/Block of site

(Street Address)

(City, State, and Zip Code)

Flood Plain Information:

This Department of the Army permit does not give absolute authority to perform the work as specified on your application. The proposed work may be subject to local building restrictions. You should contact the local office in your area that issues building permits to determine if your site is located in a flood-prone or floodway area, and if you must comply with the local building requirements mandated by the National Flood Insurance Program. If your local office cannot provide you the necessary information, you may request a flood hazard evaluation of the site by providing this office with a letter and a small scale map showing the location of the site. The request should be addressed to the **Chief, Flood Control and Floodplain Management Branch, Jacksonville District, U.S. Army Corps of Engineers, P.O. Box 4970, Jacksonville, Florida 32232-0019**. Phone inquiries may be made at 904-232-2515.

GENERAL CONDITIONS
33 CFR PART 320-330
PUBLISHED FR DATED 13 NOVEMBER 1986

1. The time limit for completing the work authorized ends on the date noted in the permit letter. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
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 of the new owner in the space provided 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. For your convenience, a copy of the certification is attached if it contains such conditions.
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.

**NOTICE TO THE DISTRICT ENGINEER REGARDING YOUR RIGHTS AND OPTIONS AND PROCESS AND
RETURN TO THE DISTRICT ENGINEER**

Applicant: La Scala Townhomes, LLC.		File Number: SAJ-2012-02248	Date: 12/11/12
Attached is:			See Section below
<input checked="" type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
<input type="checkbox"/>	PERMIT DENIAL	C	
<input type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D	
<input type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I: The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/ccowd/reg-of> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL OR OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION

If you have questions regarding this decision and/or the appeal process you may contact:

Project Manager as noted in letter

If you only have questions regarding the appeal process you may also contact:

**Jason W. Steele
404-562-5111**

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:

