

ITEM VI

MEMORANDUM MF NO. 15-08

DATE: August 12, 2015

TO: Marine Advisory Board Members

FROM: Andrew Cuba, Manager of Marine Facilities

RE: November 16, 2015 MAB – Application - Dock Waiver of Distance Limitations – Edward J. & Betty G. Kirwin / 811 SW 6th Street

Attached for your review is an application from Edward J. & Betty G. Kirwin / 811 SW 6th Street (see **Exhibit 1**).

APPLICATION AND BACKGROUND INFORMATION

The applicant is seeking to relocate two existing triple-pile clusters extending a maximum of 47.1' into the New River from the property line. The distances these structures extend from the bulkhead into the South Fork of the New River are shown in the survey in **Exhibit 1** and summarized in Table 1 below:

TABLE 1

PROPOSED STRUCTURE	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING WAIVER
Triple Piling Cluster (eastern)	40'	25'	15'
Triple Piling Cluster (western)	47.1'	25'	22.1'

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's summary description includes the following justifications:

1. Proposed distance of pilings will allow for safer mooring of the vessel
2. Simpler and safe ingress and egress to and from the slip
3. Protection from damage during extreme weather

PROPERTY LOCATION AND ZONING

The property is located within the Tarpon River RD-15 Residential Single Family / Duplex Medium Density District. It is situated on the southern shore of the South Fork of the New River where the overall width of the waterway is identified as approximately 300'+.

RECOMMENDATIONS

Should the Marine Advisory Board 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 and the U.S. Army Corps of Engineers.
2. As a general condition of approval and in order to review for final consistency with construction of facilities in accord with this application and City building permits the applicant is required to provide the appropriate City staff with copies of "As Built" drawings from a certified and licensed contractor, and verification of receipt of all applicable Federal and State permits.

AC
Attachment

cc: Carl Williams, Deputy Director of Parks and Recreation
Jonathan Luscomb, Supervisor of Marine Facilities

**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: Edward J. & Betty G. Kirwin

TELEPHONE NO: _____ 954-547-1925 _____ FAX NO. _____
(home) (business)

2. **APPLICANT'S ADDRESS** (if different than the site address):
811 SW 6th Street, Fort Lauderdale, FL 33315

3. **TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST:**
Request for Waiver of Limitations for Marine Structures

4. **SITE ADDRESS:** 811 SW 6th Street, Fort Lauderdale, FL 33315 **ZONING:** RD-15

LEGAL DESCRIPTION:

Lots 7, 8 and a portion of Lot 9 lying and being North of South Second Street and East of the canal known as Tarpon River, of Seawanna, according to the plat thereof, as recorded in Plat Book 7, Page 37, of the Public Records of Broward County, Florida

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


Applicant's Signature

8/2/15
Date

The sum of \$ 300.00 was paid by the above-named applicant on the _____ of _____, 2015 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 _____



CITY OF FORT LAUDERDALE

811 SW 6 STREET

GIS
Fort Lauderdale

Date: 7/7/2015

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October 21, 2015

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

Re: Edward & Betty Kirwin
811 SW 6th Street
Ft. Lauderdale, FL 33315

Dear Board Members,

We are requesting a waiver of limitations to install two 3-piling dolphin clusters at the above referenced property. The existing seawall (including the slipway along the side canal), dock and clusters are properly permitted, and the seawall, slipway and dock will remain as is. The dock is 116'-8" long by a varying width from 5' to 20'-1" at the property radius. The dock square footage is 1135sf as measured from the seawall wetface. The riprap boulders under the dock at the property radius are properly permitted as well and also will remain as is. The dolphin clusters were permitted with the dock at the maximum distance of 25 feet from the property line and 17 feet from the edge of the dock. The dolphin clusters were permitted to be in line with each other, which places the western cluster 33.6 feet from the property line, due to the radial curve of the property line at the property corner.

Both dolphin clusters will be located to extend an additional 15 feet from the property line from their permitted positions (they will remain in line with one another). The eastern dolphin cluster will be a maximum of 40 feet from the rear property line, while the western dolphin cluster will be 47.1 feet from the property line along the radius. The increase in distance from the property line for the western cluster will only be 13.5 feet, because the closest point on the property line changes along the radial curve as the cluster is moved farther from or closer to the property. This new position will place both clusters 32 feet from the dock edge, instead of 17 feet. The distances from the side lot lines will remain as is. The easternmost cluster will remain 25 feet from the side lot line (as required by the State of Florida Department of Environmental Protection. The westernmost cluster will remain in line with the seawall wetface running along the side canal. (The City code allows structures to extend up to the side lot lines, and the DEP 25-foot minimum setback only applies to side lot lines that separate an adjacent property or parcel.)

The dolphin clusters will be moved to place them 32 feet from the dock edge, allowing the vessel to not only sit between the pilings and the dock, but to be more easily moved in and out of the mooring area, without potentially damaging the vessel or dock, or impacting the adjacent property to the east. This section of the waterway is among the widest of the waterway. And the lands to the west extend approximately 90 feet farther into the waterway than the lands on which this property is situated. Several of the nearby properties have the vessels orientated

perpendicular to the property, and the relocated dolphin clusters will not extend farther in the water than those vessels. Therefore, the new location of the dolphin clusters should not impact navigation along the waterway

The City Building Code, Section 47-19.3, Paragraph D, allows mooring pilings/clusters to extend out 25% of a canal's width, up to a maximum of 25 feet from the 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. This waterway is approximately 300+ feet wide at this property. While a vessel could extend out up to 90 feet (30%), mooring pilings and dolphin clusters could only extend up to 75 feet (25%), but actually reach their maximum limit at 25 feet. The vessel in question, while moored parallel with the dock extends as much as 35 to 37 feet from the rear property line (27 to 29 from the dock).

This creates a potential situation where the far end of a vessel (moored perpendicularly) or the outside edge (moored parallel) cannot be properly or even safely tied off. At times of extreme inclement weather (particularly heavy wind storms), without the additional properly positioned 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.

The requested Waiver of Limitations is for up to an additional 15 feet of waterward extension, will allow the eastern cluster to extend 40-feet and the western cluster to extend 47.1-feet from the rear property line instead of 25 feet, thus allowing safer mooring of the vessel and simpler and safer ingress and egress of the vessel in and out of the mooring slip, all with lessened impact to the adjacent property. The specific variance distances will be 15 feet for the eastern cluster and 22.1 feet for the western cluster. Please note that the western cluster will not be further extended into the waterway, but the difference in distance is due to the radius of the property line at the property's corner.

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 homeowners, Edward & Betty Kirwin, and B & M Marine Construction Inc. should be granted permission to relocate the two existing dolphin clusters.

Sincerely,

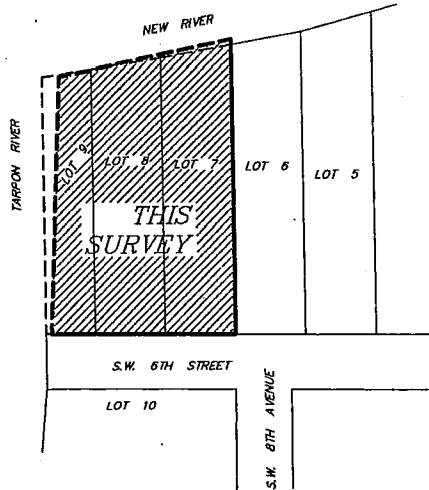
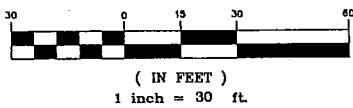
Glen Bryant
B.K. Marine Construction Inc.

prepared by:
McLAUGHLIN ENGINEERING COMPANY (LB#285)
400 N.E. 3rd AVENUE FORT LAUDERDALE, FLORIDA
PHONE: (954) 763-7611
FAX: (954) 763-7615



RECORD LAND SURVEY
WITH X-Y COORDINATES
LOTS 7, 8, AND 9, SEAWANNA
P.B. 7, PG. 37, B.C.R.
CITY OF FORT LAUDERDALE
BROWARD COUNTY, FLORIDA.

GRAPHIC SCALE



BLOCK PLAN
(NOT TO SCALE)

LEGEND

A = CENTRAL ANGLE (DELTA)	ELEV. = ELEVATION
R = RADIUS	O/S = OFFSET
A OR L = ARC LENGTH	A/C = AIR CONVENTIONING
CH.BRG. = CHORD BEARING	C = CENTERLINE OF RIGHT-OF-WAY
TAN.BRG. = TANGENT BEARING	F.P.L. = FLORIDA POWER AND LIGHT CO.
P.O.C. = POINT OF COMMENCEMENT	S.B.T. = SOUTHERN BELL TELEPHONE
P.O.B. = POINT OF BEGINNING	B.C.R. = BROWARD COUNTY RECORDS
W/MCL. CAP. = WITH McLAUGHLIN ENGINEERING CO. CAP	D.C.R. = DADE COUNTY RECORDS
P.R.M. = PERMANENT REFERENCE MONUMENT	P.B.R. = PALM BEACH COUNTY RECORDS
CONC. = CONCRETE	O.R. = OFFICIAL RECORDS BOOK
C.B.S. = CONCRETE BLOCK AND STUCCO	PG. = PAGE
I.C.V. = IRRIGATION CONTROL VALVE	R/W = RIGHT-OF-WAY
W.M. = WATER METER	C.O. = CLEAN OUT
B.F.P. = BACK FLOW PREVENTOR	C.L.F. = CHAIN LINK FENCE
S.T.L. = SURVEY TIE LINE	CALC. = CALCULATED
	MEAS. = MEASURED

COORDINATE NOTES:

HORIZONTAL ACCURACY:

The coordinates shown on the property are from control that was shot in the field by using the Global Positioning System (GPS) utilizing as a check the National Geodetic Survey Mark #DM1511 with a Latitude of 26°07'03"N and Longitude of 80°08'33"W and meet or exceed the one (1) foot tolerance requirements of the AOCE.

LEGAL DESCRIPTION:

Lots 7, 8, and 9, SEAWANNA, according to the plat thereof, as recorded in Plat Book 7, Page 37, of the public records of Broward County, Florida.

Said land situate, lying and being in the City of Fort Lauderdale, Broward County, Florida, and containing 24,830 square feet or 0.5700 acres, more or less (Survey Tie Line)

CERTIFICATION:

We hereby certify that this survey meets the Standards of Practice as set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 5J-17.05 Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Dated at Fort Lauderdale, Florida, this 26th day of March, 2015.
Proposed pile clusters added this 7th day of July, 2015.

McLAUGHLIN ENGINEERING CO.

James M. McLaughlin Jr.
James M. McLaughlin Jr.
Registered Land Surveyor No. 4497
State of Florida

NOTES:

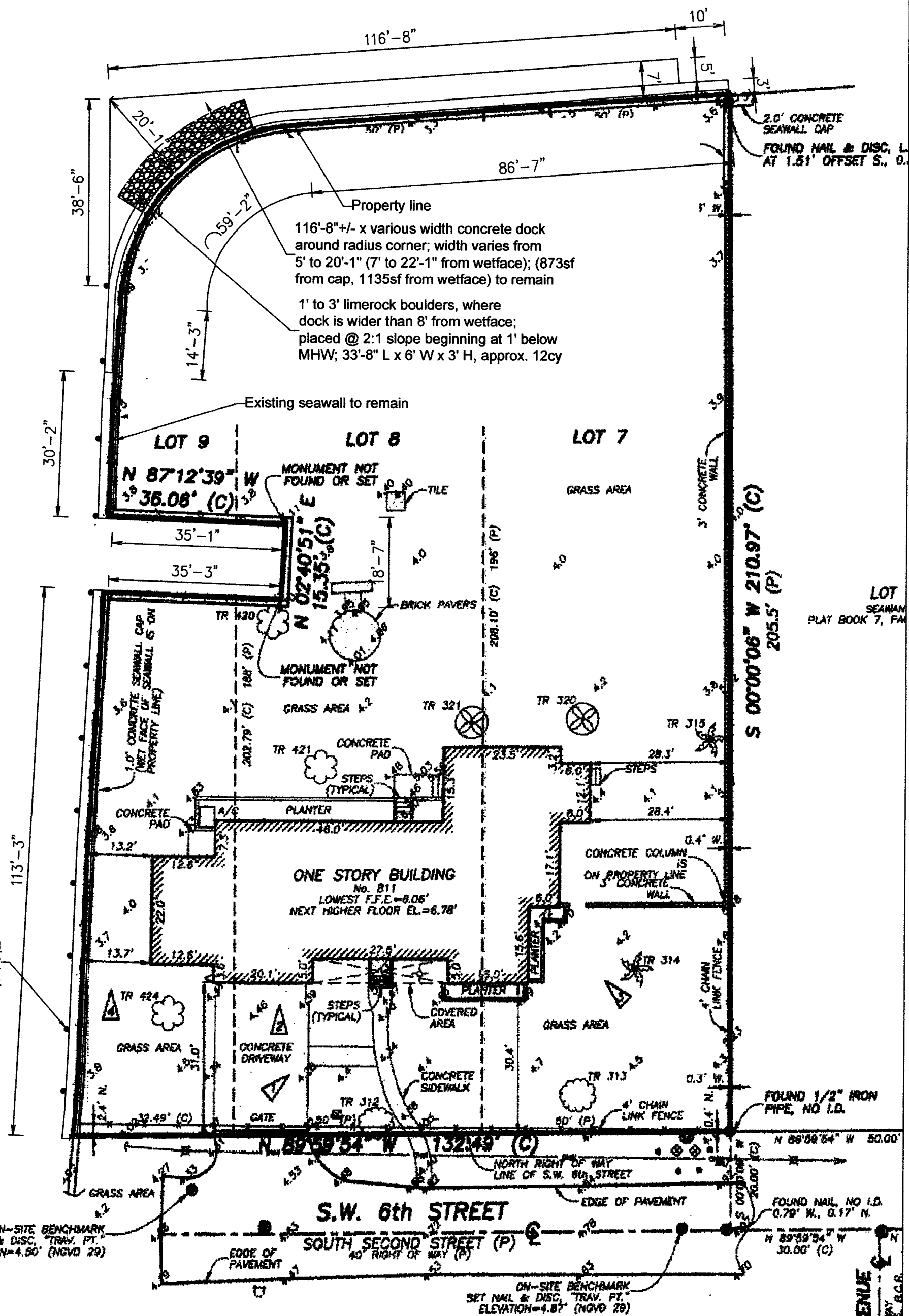
- 1) This survey reflects all easements and rights-of-way, as shown on above referenced record plat(s). The subject property was not abstracted for other easements road reservations or rights-of-way of record by McLaughlin Engineering Company.
- 2) Underground improvements if any not located.
- 3) This drawing is not valid unless sealed with an embossed surveyors seal.
- 4) Boundary survey information does not infer Title or Ownership.
- 5) All iron rods 5/8", unless otherwise noted.
- 6) Reference Bench Mark: P.R.M. at N.W. corner of bridge at S.W. 7th St. & Tarpon River. Elevation=7.96(NGVD 29) or 6.37(NAVD 88).
- 7) Elevations shown refer to North American Vertical Datum (1988), and are indicated thus: $\text{Elev.} = 2.56$
- 8) This property lies in Flood Zones "AE", Elev.=5.0 & "AH", Elev.=5.0, Per Flood Insurance Rate Map No. 12011C0557 H Dated: August 18, 2014, Community Panel No. 125105.
- 9) Elevations per North American Vertical Datum (1988) derived from National Geodetic Vertical Datum (1929) data and converted using U.S. Army Corps of Engineers software (Corpscon 6.0.1) obtained from <http://www.tech.army.mil/>

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FIELD BOOK NO. TDS, LB# 337/33-35
JOB ORDER NO. V-0058

FILE NO. 15-2-018 (XY)

DRAWN BY: RUDY JAMES
CHECKED BY:

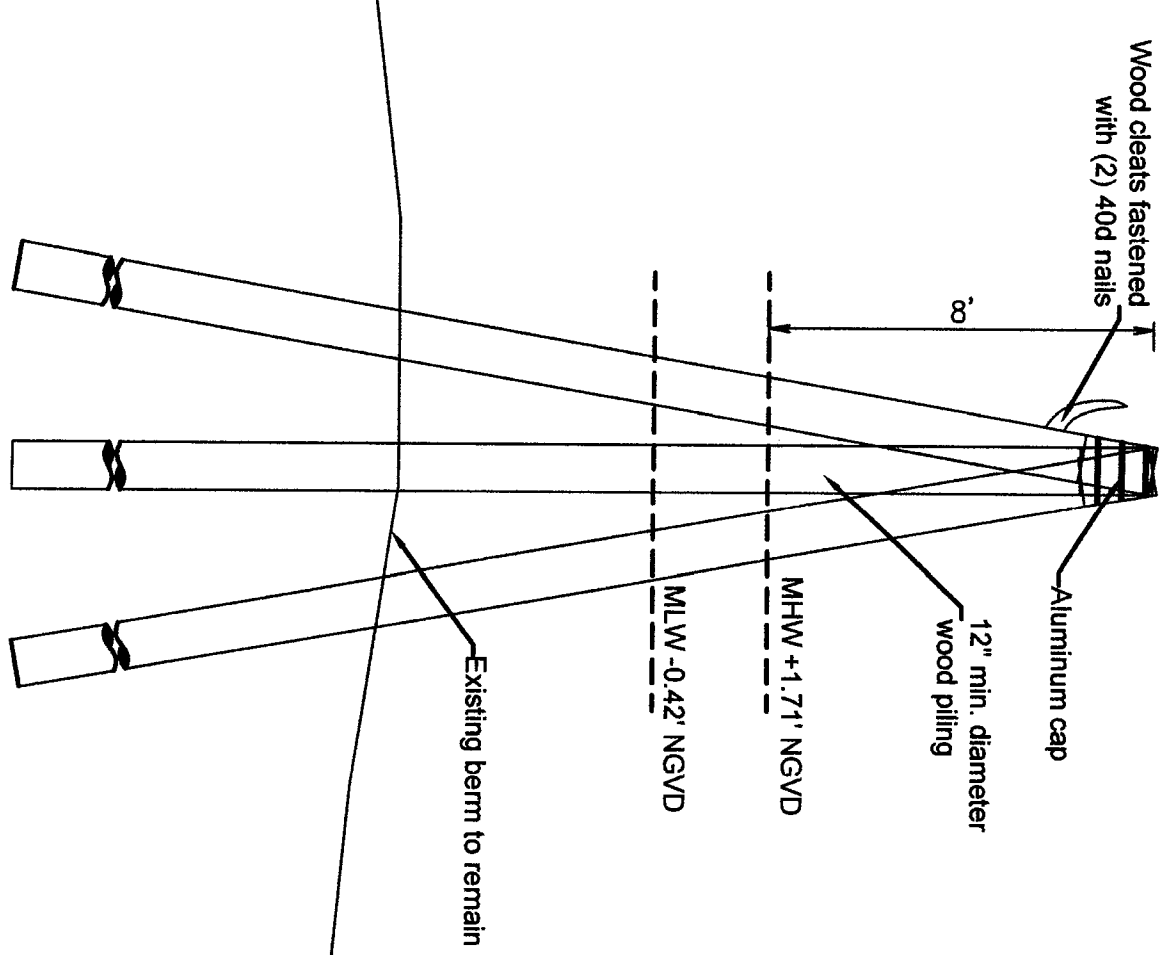
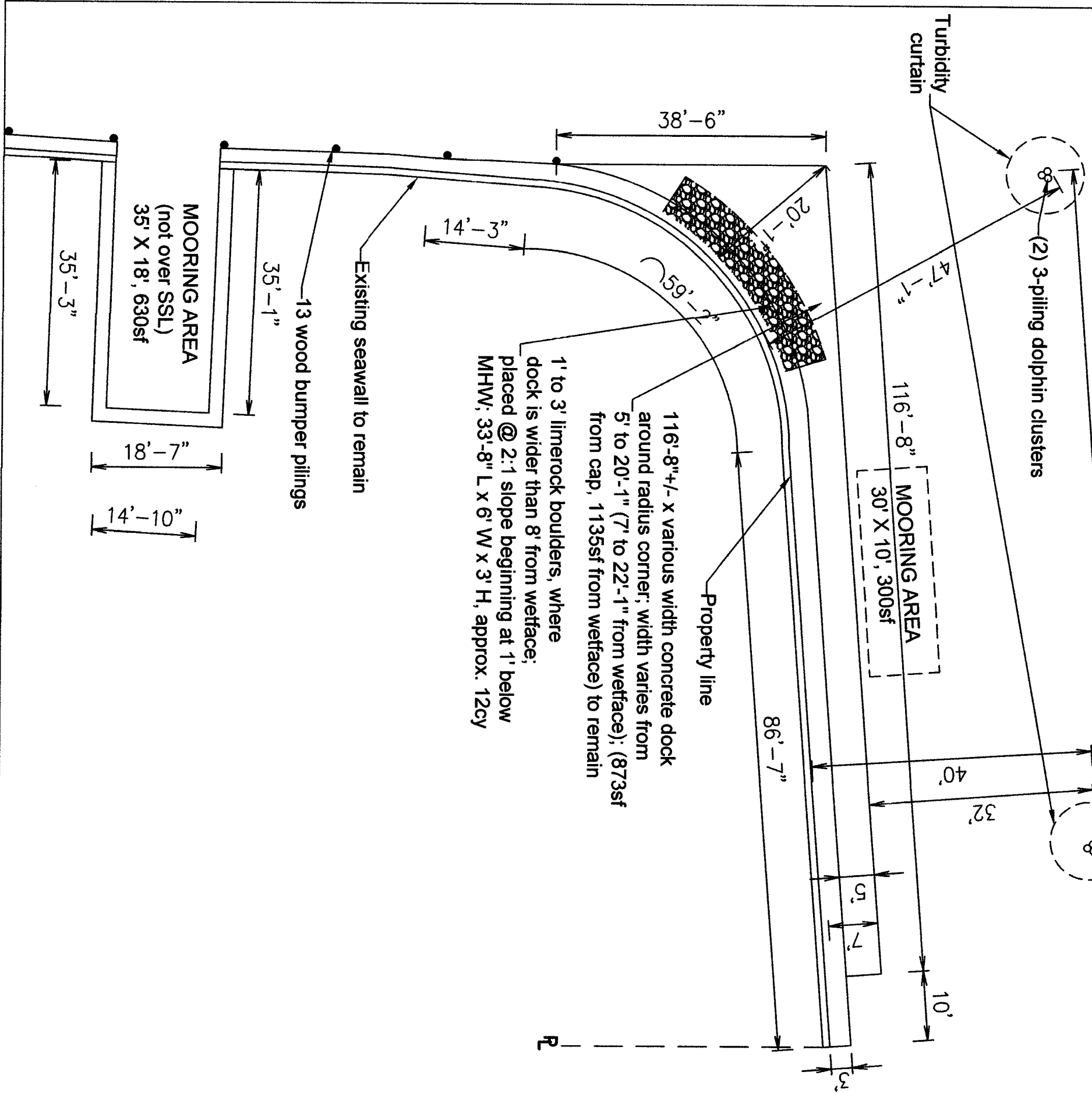


EXISTING CONDITIONS

SCALE: 1" = 20'-0"

SITE PLAN

SCALE: 1/16" = 1'-0"



3-PILE DOLPHIN CLUSTER

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

General Notes:

1. All pilings to be driven a minimum of 8' into strata. If hard strata is encountered, a minimum 2' penetration is required.
2. Approved contractor to verify all dimensions. The approved contractor is responsible for all methods, means, sequences and procedures of work.
3. Any deviation &/or substitution from the approved plans herein shall be submitted to the Engineer for approval prior to commencement of work.
4. Elevations shown are based on the national geodetic vertical datum of 1929.
5. Design in accordance with 2014 Florida Building Code.



James F. Biagi P.E.
Consulting Engineer
1919 NE 43rd Street
Suite 107
Ft. Lauderdale, FL 33308
Tel: 954-775-8004
Fax: 954-775-8015

CAM#16-0041
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PREPARED FOR:
B&M MARINE CONSTRUCTION, INC.
6276 MADRAS CIRCLE
BOYNTON BEACH, FL 33437
954-421-1700 CGC052820

DOLPHIN CLUSTER RELOCATION FOR:
KIRWIN RESIDENCE
811 SW 6TH STREET
FORT LAUDERDALE, FL

DATE	NOTES/REVISIONS

SCALE:
DATE:
DRAWN BY:
CHECKED BY:
JOB NO:
SHEET No. 1 OF 1

**THIS INSTRUMENT WAS PREPARED BY
AND RETURN TO:**

Joseph P. Mullen, Esquire
Colonial Title of Plantation, Inc.
2929 East Commercial Boulevard, PH-C
Fort Lauderdale, Florida 33308
File No. 13190

PROPERTY ID NO:
504210-40-0050

TRUSTEES' DEED

THIS INDENTURE made this 13th day of June, 2013, between James T. Babb, as Trustee of the Darlene E. Babb Living Trust Agreement dated December 12, 1996, and James T. Babb, as Trustee of the Ronald A. Babb Living Trust Agreement dated December 12, 1996, whose post office address is 3711 Coves North Drive, Chester, SD 57016, Grantors, and Edward J. Kirwin and Betty G. Kirwin, his wife, as tenants by the entireties, whose post office address is 811 SW 6th Street, Fort Lauderdale, FL 33315, Grantees,

WITNESSETH: That said Grantors, acting pursuant to, and by virtue of, the powers in them vested by the the Darlene E. Babb Living Trust Agreement dated December 12, 1996 and the Ronald A. Babb Living Trust Agreement dated December 12, 1996, and of every power and authority granted thereunder, and for and in consideration of the sum of One Million One Hundred Thousand and 00/100 (\$1,100,000.00) Dollars, and other good and valuable consideration to said Grantors in hand paid by said Grantees, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the said Grantees, and Grantees' heirs and assigns forever, the following described land situate, lying and being in Broward County, Florida, to-wit:

Lots Seven (7), Eight (8) and that part of Lot Nine (9) lying and being North of South Second Street, and East of the Canal, known as Tarpon River, of the East Coast Realty Company's Subdivision of Lots One (1), Two (2), Three (3), Four (4), Eleven (11), Twelve (12) and the East One Hundred (100) feet of Lot Five (5), Block Thirty-five (35), of the Town of Fort Lauderdale, according to the plat thereof recorded in Plat Book No.3, Page 66, of the Public Records of Miami-Dade County, Florida; said lands situate, lying and being in Broward County, Florida.

a/k/a Lots 7, 8 and a Portion of Lot 9 lying and being South of South Second Street, and East of the canal known as Tarpon River, of Seawanna, according to the plat thereof, as recorded in Plat Book 7, Page 37, of the Public Records of Broward County, Florida.

SUBJECT TO: Taxes for the year 2013 and thereafter; comprehensive land use plans, zoning, restrictions, prohibitions and other requirements imposed by governmental authority; restrictions and other matters appearing on the Plat or otherwise to the subdivision; and public utility easements of record.

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

AND, the Grantors hereby covenant with said Grantees that Grantors are fully seized of said land in fee simple; and Grantors have good right and lawful authority to sell and convey said land, and hereby warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever; and the said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2012.

IN WITNESS WHEREOF, Grantors have hereunto set Grantors' hands and seals the day and year first-above written.

Signed, sealed and delivered in our presence:

WITNESSES:

Sign: Susan K Motta
Print Name: SUSAN K MOTTA

Sign: Maura Brasil
Print Name: MAURA BRASSIL

GRANTORS:

James T Babb
James T. Babb
as Trustee of the Darlene E. Babb Living
Trust Agreement dated December 12, 1996

James T Babb
James T. Babb
as Trustee of the Ronald A. Babb Living
Trust Agreement dated December 12, 1996

STATE OF FLORIDA
COUNTY OF BROWARD

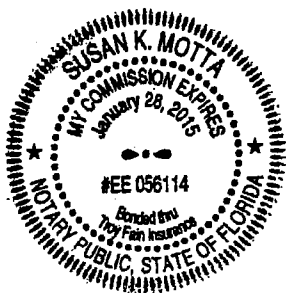
The foregoing instrument was acknowledged before me this 13th day of June, 2013, by James T. Babb, as Trustee of the Darlene E. Babb Living Trust Agreement dated December 12, 1996 and as Trustee of the Ronald A. Babb Living Trust Agreement dated December 12, 1996, who is personally known to me or who has produced SOLYIA DAKOTA DE LUCENA as identification.

SEAL

Susan K Motta
Notary Public

SUSAN K MOTTA
Printed Notary Name

My Commission Expires:





Environmental Protection and Growth Management Department

PLANNING AND ENVIRONMENTAL REGULATION DIVISION

1 North University Drive, Suite 102-A • Plantation, Florida 33324 • 954-357-6666 • FAX 954-357-6521 • 954-519-1412

**BROWARD COUNTY
PLANNING & ENVIRONMENTAL REGULATION
ENVIRONMENTAL RESOURCE GENERAL LICENSE**

No: FTL1501-055

Broward County Code 27-336(a) (1) (f)

Applicant: Edwin & Betty Kirwin

Description: Relocate (2) cluster pilings

Issued Date: 1/30/2015

Expiration Date: 1/30/2017

The above project has been reviewed and has been verified to meet the criteria outlined in Chapter 27-336(a) (1) of the Broward County Natural Resource Protection Code for the issuance of this Environmental Resource General License (GL). This approval is specific for the plans and description described on this verification. Any change to project footprint, design or size must be reviewed by this Department and may require additional licensing.

Construction shall be in accordance with the submitted Application, the approved plans and the attached General Conditions. **This approval does not authorize impacts to natural resources (mangroves, sea grasses, etc.).** Failure to comply with the license conditions may result in suspension or revocation of the license and/or enforcement actions.

Issuance of this license does not relieve the licensee from obtaining any other required federal, state or local permits or authorizations required for this project prior to commencement.

Per Section 27-58(b)(9), "The licensee, by acceptance of this license, specifically agrees to allow access and shall allow access to the licensed source, activity, or facility at times to the COUNTY personnel for the purposes of inspection and testing to determine compliance with this license and this chapter."

Aquatic & Wetland Resources Reviewer: Linda Sunderland 

Telephone: 954-519-1454

email: lsunderland@broward.org

GENERAL CONDITIONS:

GL # FTL1501-055

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 Chapter 27, except where such use is prohibited by § 403.111, F.S.
7. The licensee agrees to comply with 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.
13. Enforcement of the terms and provisions of this license shall be at the reasonable discretion of EPD, and any forbearance on behalf of EPD to exercise its rights hereunder in the event of any breach by the licensee shall not be deemed or construed to be a waiver of EPD's rights hereunder.

STANDARD SPECIFIC CONDITIONS:

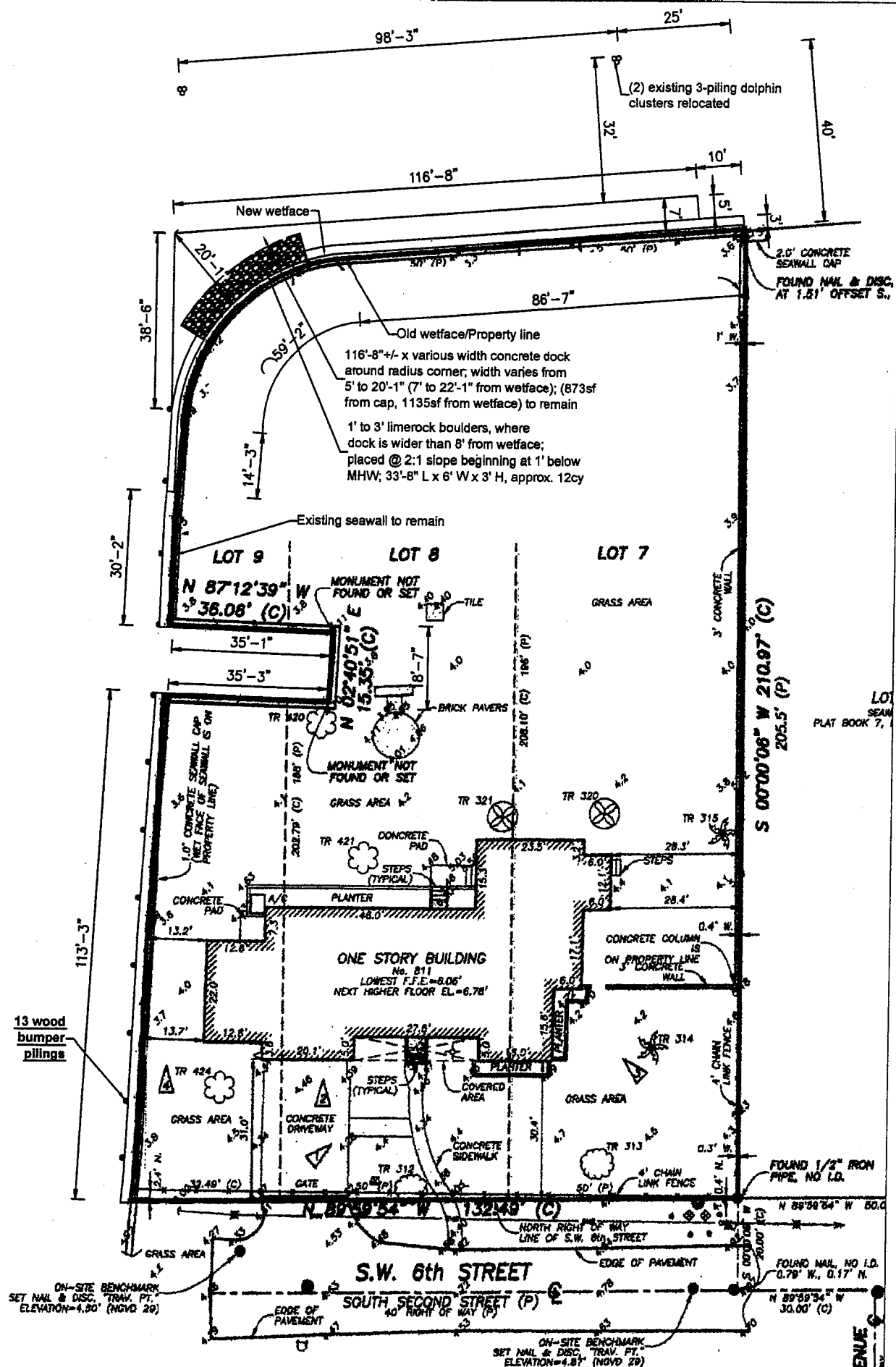
(Required for all licenses)

GL # FTL1501-055

1. Notify EPD in writing a minimum of forty-eight (48) hours prior to project commencement and a maximum of forty-eight (48) hours after project completion.
2. Notify the Department immediately in the event of any project-caused environmental problem(s).
3. **All project generated solid waste and/or spoil material must be disposed of in a suitable approved manner at an upland location and shall not be placed or left in the water.**
4. Turbidity screens or equivalent shall be properly deployed and maintained as necessary during construction activities so that turbidity levels do not exceed twenty-nine (29) NTU's above natural background fifty (50) feet downstream of project.
5. Only clean fill and clean demolition materials shall be placed in the water bodies being filled. Clean demolition materials include things such as brick, stone, ceramic and concrete rubble which are uncontaminated by other materials. Any fill material used shall be free of garbage, rubbish, refuse, asphalt, hazardous materials, organic matter such (as) wood, lumber, tree or tree trimmings, or other contaminants. The disposal of any putrescible or deleterious debris in any water body is prohibited.

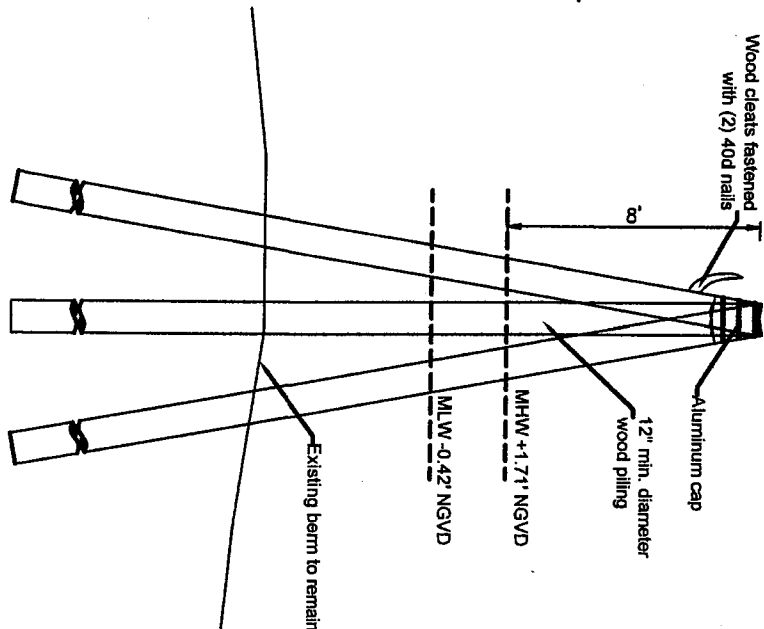
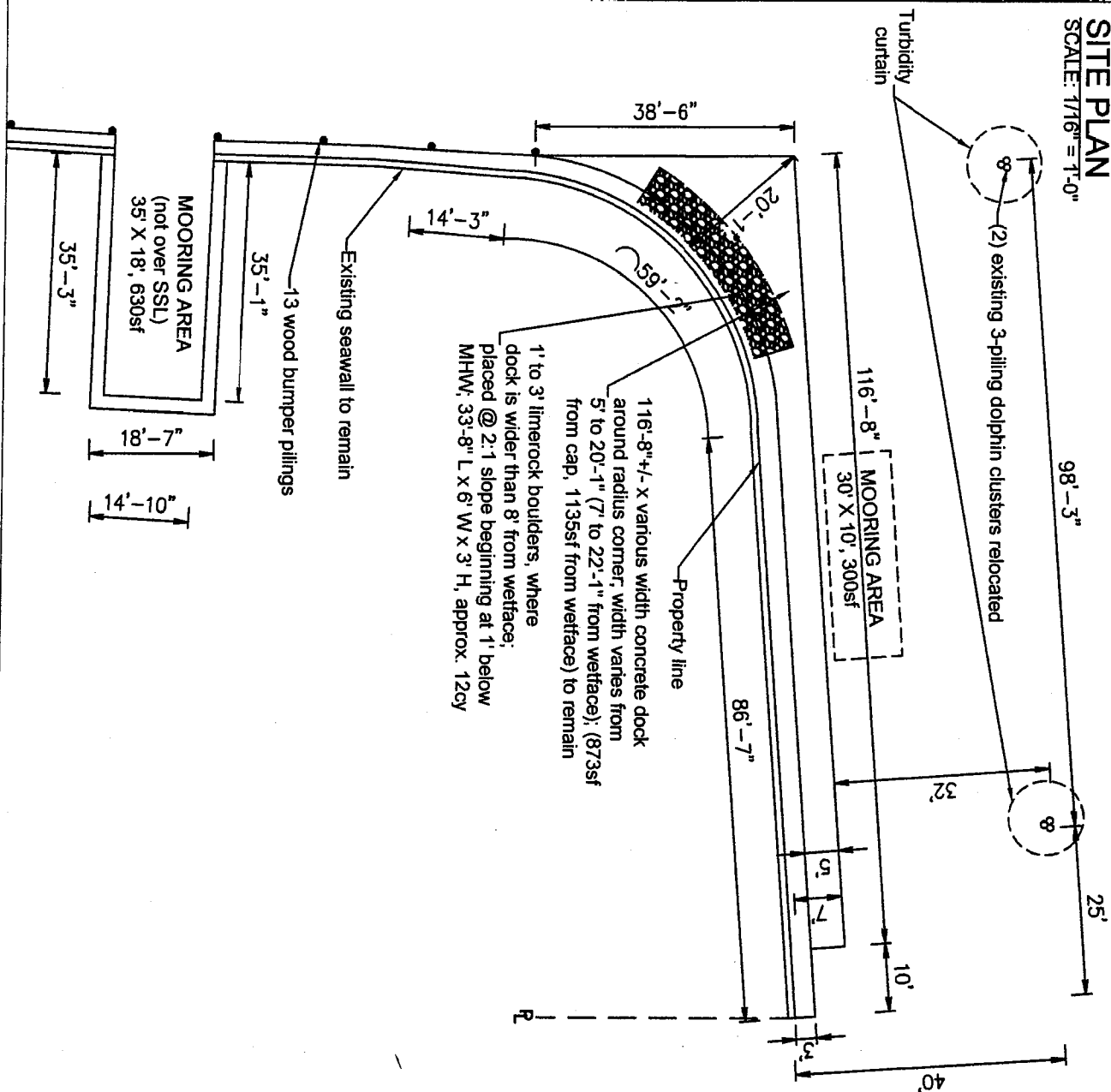
PROJECT SPECIFIC CONDITIONS:

6. All watercraft associated with the construction and use of the permitted structure 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 top of any submerged resources or canal bottom at mean low water.**
7. Turbidity screens, silt fences, or equivalent shall be properly employed and maintained as necessary to effectively contain suspended sediments and/or runoff during construction activities. **Dredging, filling, excavation, seawall removal, seawall construction, and other projects which result in similar degrees of disturbance to wet sediments shall in all cases employ turbidity control measures designed to effectively enclose the entire work area.**
8. Turbidity levels shall be monitored and recorded if a visible turbidity plume is observed leaving the site during construction activities. If monitoring reveals that turbidity levels exceed 29 NTU's above natural background 50 feet downstream of the point of discharge, project activities shall immediately cease, and work shall not resume until turbidity levels drop to within these limits [62-302.530(69) FAC].



SITE PLAN

SCALE: 1/16" = 1'-0"



3-PILE DOLPHIN CLUSTER

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

- General Notes:**
1. All pilings to be driven a minimum of 8' into strata. If hard strata is encountered, a minimum 2' penetration is required.
 2. Approved contractor to verify all dimensions. The approved contractor is responsible for all methods, means, sequences and procedures of work.
 3. Any deviation &/or substitution from the approved plans herein shall be submitted to the Engineer for approval prior to commencement of work.
 4. Elevations shown are based on the national geodetic vertical datum of 1929.
 5. Design in accordance with 2010 Florida Building Code.

DOLPHIN CLUSTER RELOCATION FOR:
KIRWIN RESIDENCE
811 SW 6TH STREET
FORT LAUDERDALE, FL

PREPARED FOR:
B&M MARINE CONSTRUCTION, INC.
6276 MADRAS CIRCLE
BOYNTON BEACH, FL 33437
954-421-1700 CGC052820

James F. Cooney, P.E.
Professional Engineer
1915 E. 10th Street
Suite 107
Fort Lauderdale, FL 33304
F0047760004
F0047760015



**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**
SOUTHEAST DISTRICT OFFICE
3301 GUN CLUB ROAD, MSC 7210-1
WEST PALM BEACH, FL 33406
(561) 681-6600

RICK SCOTT
GOVERNOR

CARLOS LOPEZ-CANTERA
LT. GOVERNOR

JONATHAN P. STEVERSON
SECRETARY

February 23, 2015

Edward Kirwin
811 SW 6th Street
Fort Lauderdale, FL 33315
Sent via e-mail to designated agent: nutt3839@bellsouth.net

Re: File No.: 06-0320475-005
File Name: Kirwin, Edward

Dear Mr. Kirwin:

On January 29, 2015 we received your application for an exemption to relocate two 3-piling dolphin clusters a maximum of 32-feet waterward of the existing seawall wet face. The project is located in the New River, Class III Waters, adjacent to 811 SW 6th Street, Fort Lauderdale (Section 10, Township 50 South, Range 42 East), in Broward County (Latitude N 26° 6' 54.3559", Longitude W 80° 9' 5.1260").

Your request has been reviewed to determine whether it qualifies for (1) regulatory exemption, (2) proprietary authorization (related to state-owned submerged lands), and (3) federal approval that may be necessary for work in wetlands or waters of the United States.

Your project qualifies for all three. However, this letter does not relieve you from the responsibility of obtaining other federal, state, or local authorizations that may be required for the activity.

1. Regulatory Review – VERIFIED

Based on the information submitted, the Department has determined that the relocation of two dolphin clusters is exempt, under section 373.406(6) of the Florida Statutes, from the need to obtain a regulatory permit under part IV of chapter 373 of the Florida Statutes. This determination is made because the activity, in consideration of its type, size, nature, location, use, and operation, is expected to have only minimal or insignificant individual or cumulative adverse impacts on the water resources.

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.

2. Proprietary Review –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 activities on sovereign submerged lands under chapters 253 and 258 of the Florida Statutes, and chapters 18-18, 18-20 and 18-21 of the Florida Administrative Code.

The activity appears to be located on sovereign submerged lands owned by the Board of Trustees. The activity is not exempt from the need to obtain the applicable proprietary authorization. As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that the activity qualifies for a Letter of Consent under rule 18-21.005(1)(c), F.A.C. and section 253.77 of the Florida Statutes to construct and use the activity on the specified sovereign submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein. No further application is required for this consent of use.

During the term of this Letter of Consent you shall maintain satisfactory evidence of sufficient upland interest as required by paragraph 18-21.004(3)(b), Florida Administrative Code. If such interest is terminated or the Board of Trustees determines that such interest did not exist on the date of issuance of this Letter of Consent, this Letter of Consent may be terminated by the Board of Trustees at its sole option. If the Board of Trustees terminates this Letter of Consent, you agree not to assert a claim or defense against the Board of Trustees arising out of this Letter of Consent.

General Conditions for State-Owned Submerged Land Authorizations:

- (a) 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.
- (b) 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.
- (c) 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.
- (d) Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.

(e) 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.

(f) 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.

(g) Structures or activities shall not create a navigational hazard.

(h) 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.

(i) 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.

3. Federal Review – SPGP APPROVED

Your proposed activity as outlined on your application and attached drawings qualifies for Federal authorization pursuant to the State Programmatic General Permit IV-R1, and a **SEPARATE permit** or authorization **will not be required** from the Corps. Please note that the Federal authorization expires on July 25, 2016. You, as permittee, are required to adhere to all General Conditions and Special conditions that may apply to your project." A copy of the SPGP IV-R1 with all terms and conditions and the General Conditions may be found at <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>.

Authority for review - an agreement with the USACOE entitled "Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection, or Duly Authorized Designee, State Programmatic General Permit", Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

Additional Information

Please retain this letter. The activities may be inspected by authorized state personnel in the future to insure compliance with appropriate statutes and administrative codes. If the activities are not in compliance, you may be subject to penalties under Chapter 373, F.S., and Chapter 18-14, F.A.C.

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice.

Petition for Administrative Hearing

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, F.S. Pursuant to Rule 28-106.201, F.A.C., a petition for an administrative hearing 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, any email address, any facsimile number, 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 that 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, including an explanation of how the alleged facts relate to the specific rules or statutes; 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.

The petition 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. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S. must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 21 days of receipt of such notice, regardless of the date of publication. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

Extension of Time

Under Rule 62-110.106(4), F.A.C., 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, before the applicable deadline for filing a petition for an administrative hearing. 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.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when the order is filed with the Clerk of the Department.

Judicial Review

Any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this action is filed with the Clerk of the Department.

Thank you for applying to the Submerged Lands and Environmental Resource Permit Program. If you have any questions regarding this matter, please contact Lucy Flores at the letterhead address or at (561) 681-6673 or by email at Lucy.Flores@dep.state.fl.us

Executed in Palm Beach County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Jason Andreotta
Environmental Administrator
Submerged Lands and Environmental
Resource Program

Attachment A

Chapter 373.406 Exemptions.—The following exemptions shall apply:

(6) Any district or the department may exempt from regulation under this part those activities that the district or department determines will have only minimal or insignificant individual or cumulative adverse impacts on the water resources of the district. The district and the department are authorized to determine, on a case-by-case basis, whether a specific activity comes within this exemption. Requests to qualify for this exemption shall be submitted in writing to the district or department, and such activities shall not be commenced without a written determination from the district or department confirming that the activity qualifies for the exemption.

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

The Department of Environmental Protection gives notice that the project to relocate two 3-piling dolphin clusters a maximum of 32-feet waterward of the existing seawall wet face has been determined to be exempt from requirements to obtain an Environmental Resource Permit. The project is located in the New River, Class III Waters, adjacent to 811 SW 6th Street, Fort Lauderdale (Section 10, Township 50 South, Range 42 East), in Broward County (Latitude N 26° 6' 54.3559", Longitude W 80° 9' 5.1260").

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, 3301 Gun Club Road, MSC 7210-1, West Palm Beach, Florida 33406.

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 1-888-404-3922. 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 Vero Beach (1-772-562-3909) for south Florida, and 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 Florida Fish and Wildlife Conservation Commission (FWC) must be used (see MyFWC.com/manatee). 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



811 SW 6th St
Fort Lauderdale, FL 33315

Directions Save

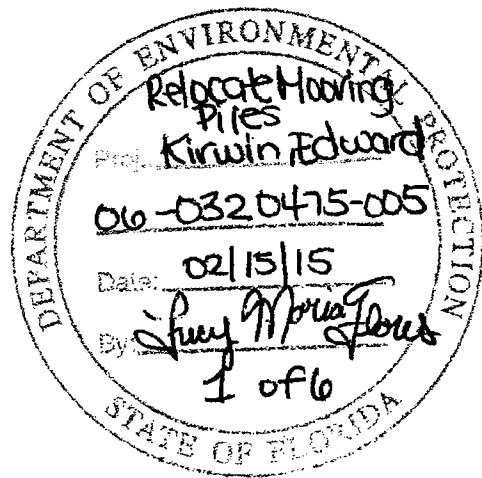
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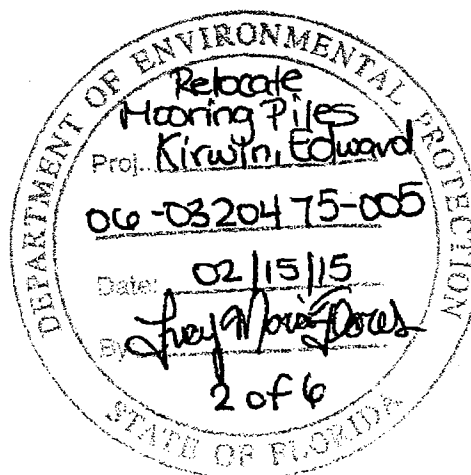
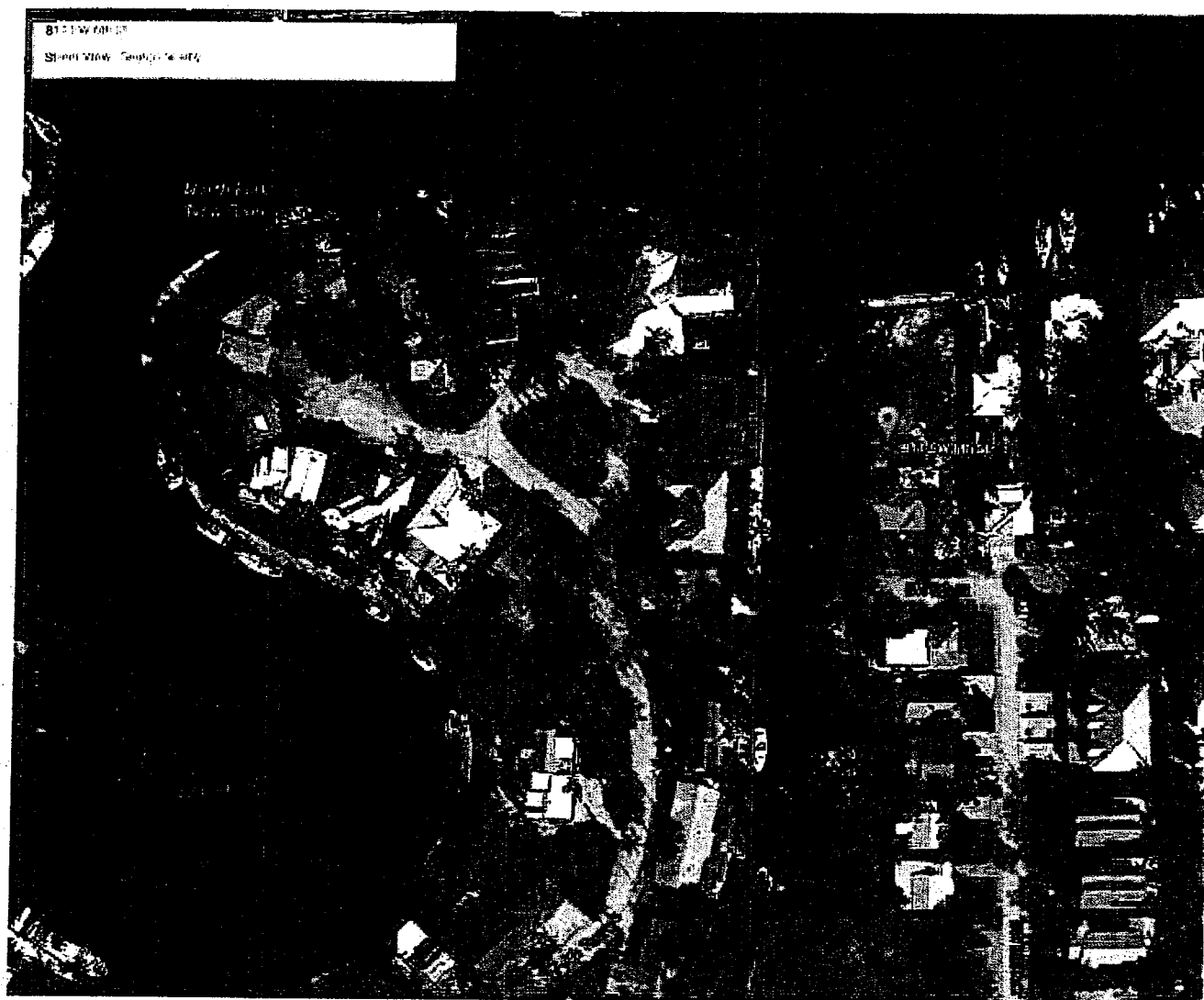
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Search nearby

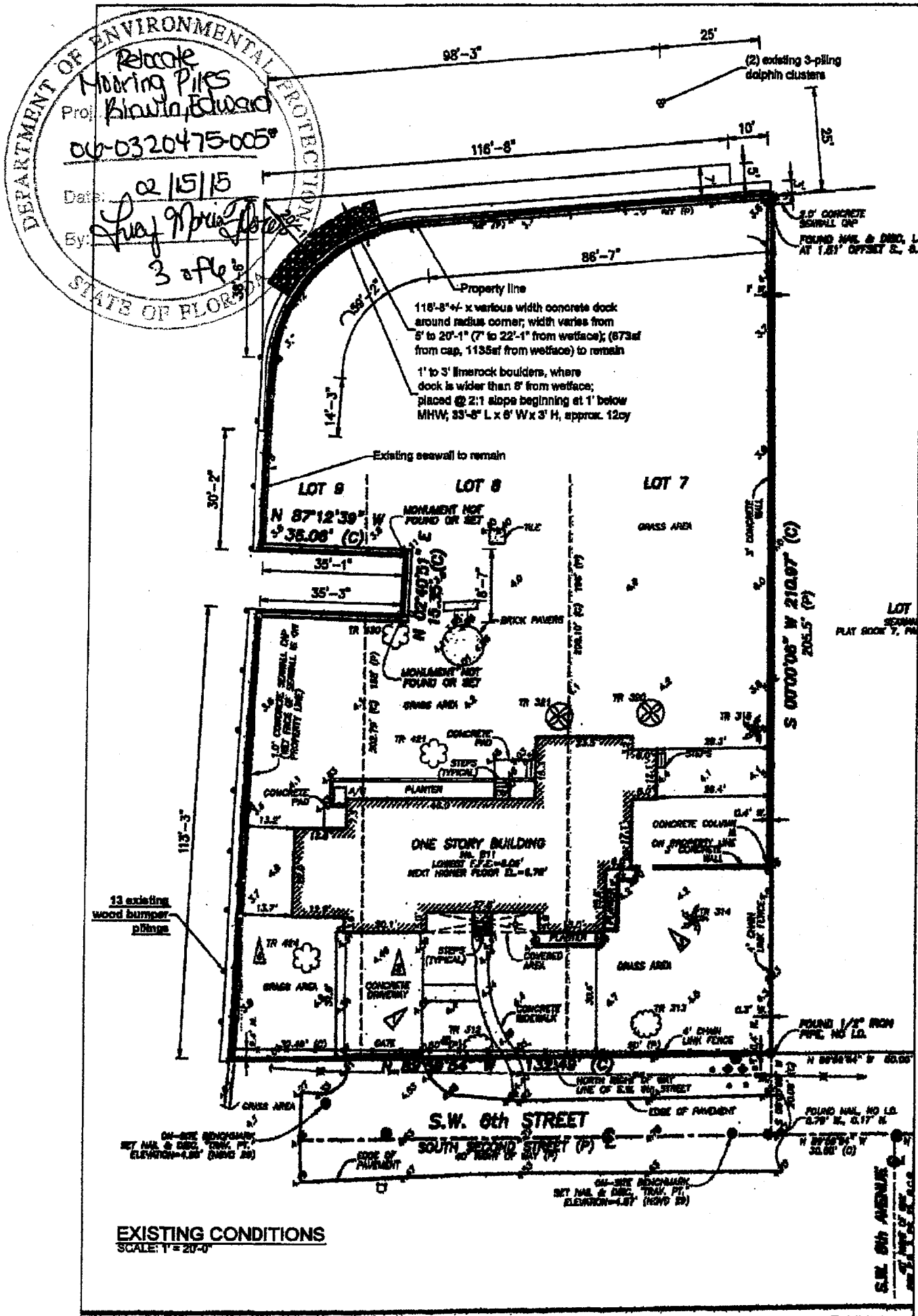
Add a missing place

Traffic, Bicycling, Terrain



Map data ©2015 Google 200 ft





SKETCH OF BOUNDARY AND TOPOGRAPHIC SURVEY OF: 811 S.W. 6th STREET, FORT LAUDERDALE, FL.

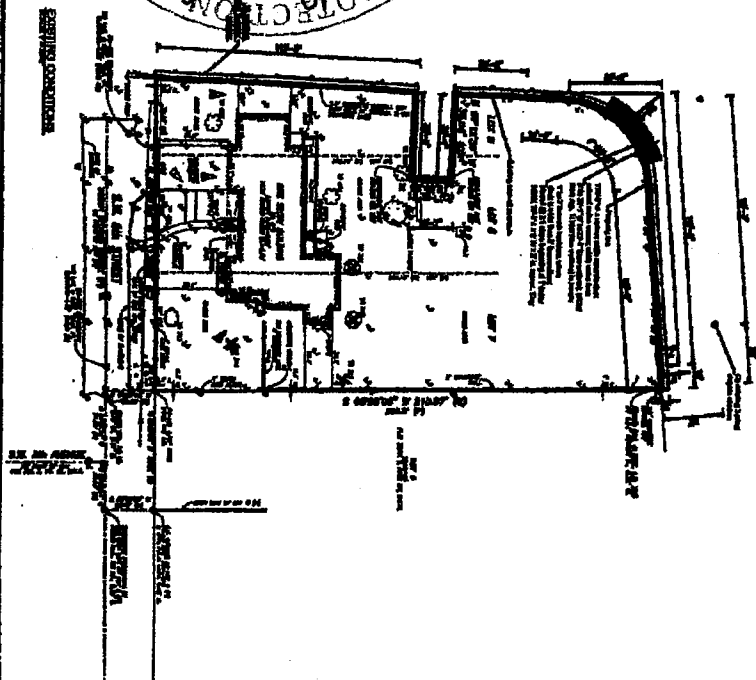
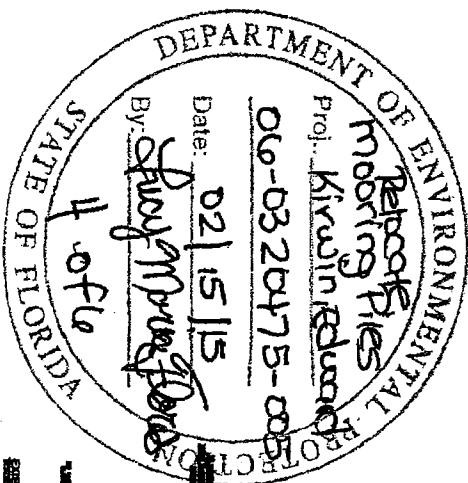
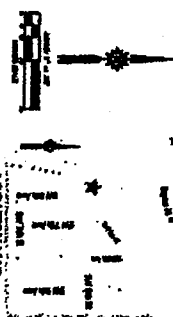
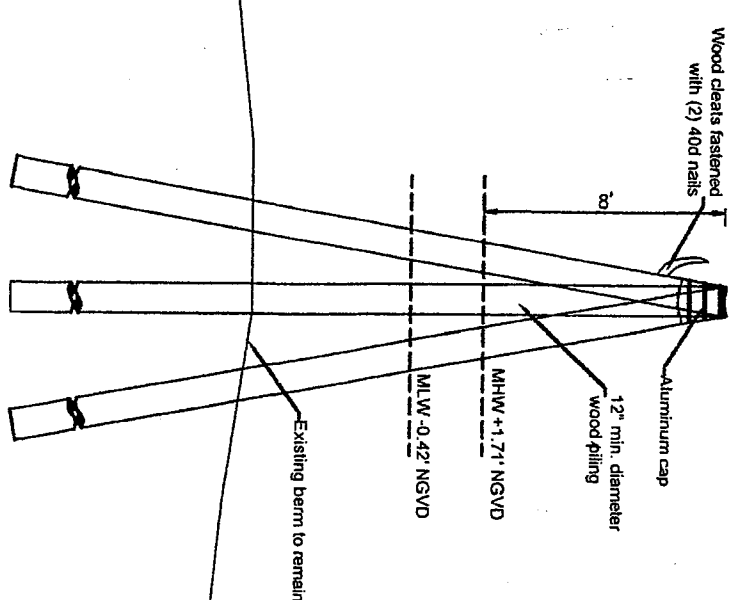
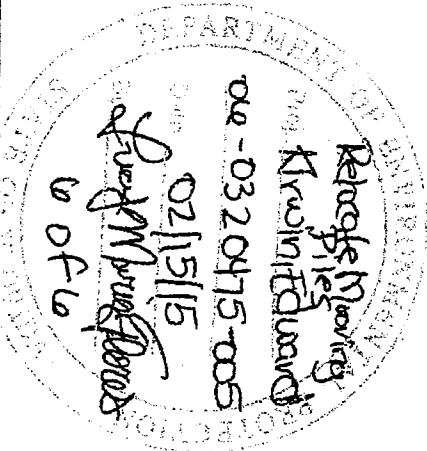
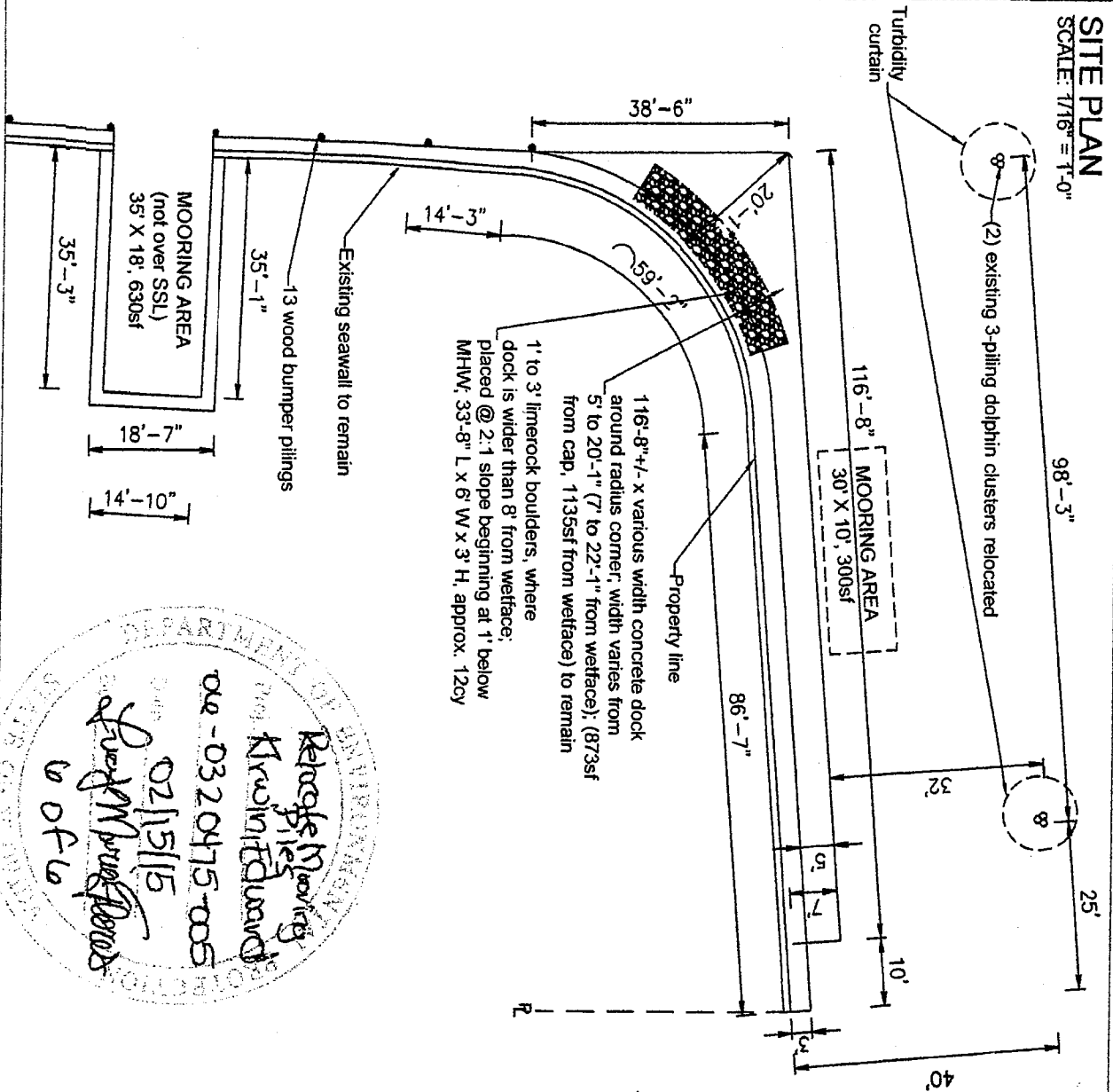
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Exhibit 1
CAM#10-0041
Page 38 of 45

SITE PLAN

SCALE: 1/16" = 1'-0"



3-PILE DOLPHIN CLUSTER

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

General Notes:

1. All pilings to be driven a minimum of 8' into strata. If hard strata is encountered, a minimum 2' penetration is required.
2. Approved contractor to verify all dimensions. The approved contractor is responsible for all methods, means, sequences and procedures of work.
3. Any deviation &/or substitution from the approved plans herein shall be submitted to the Engineer for approval prior to commencement of work.
4. Elevations shown are based on the national geodetic vertical datum of 1929.
5. Design in accordance with 2010 Florida Building Code.

DOLPHIN CLUSTER RELOCATION FOR:
KIRWIN RESIDENCE
811 SW 6TH STREET
FORT LAUDERDALE, FL
34

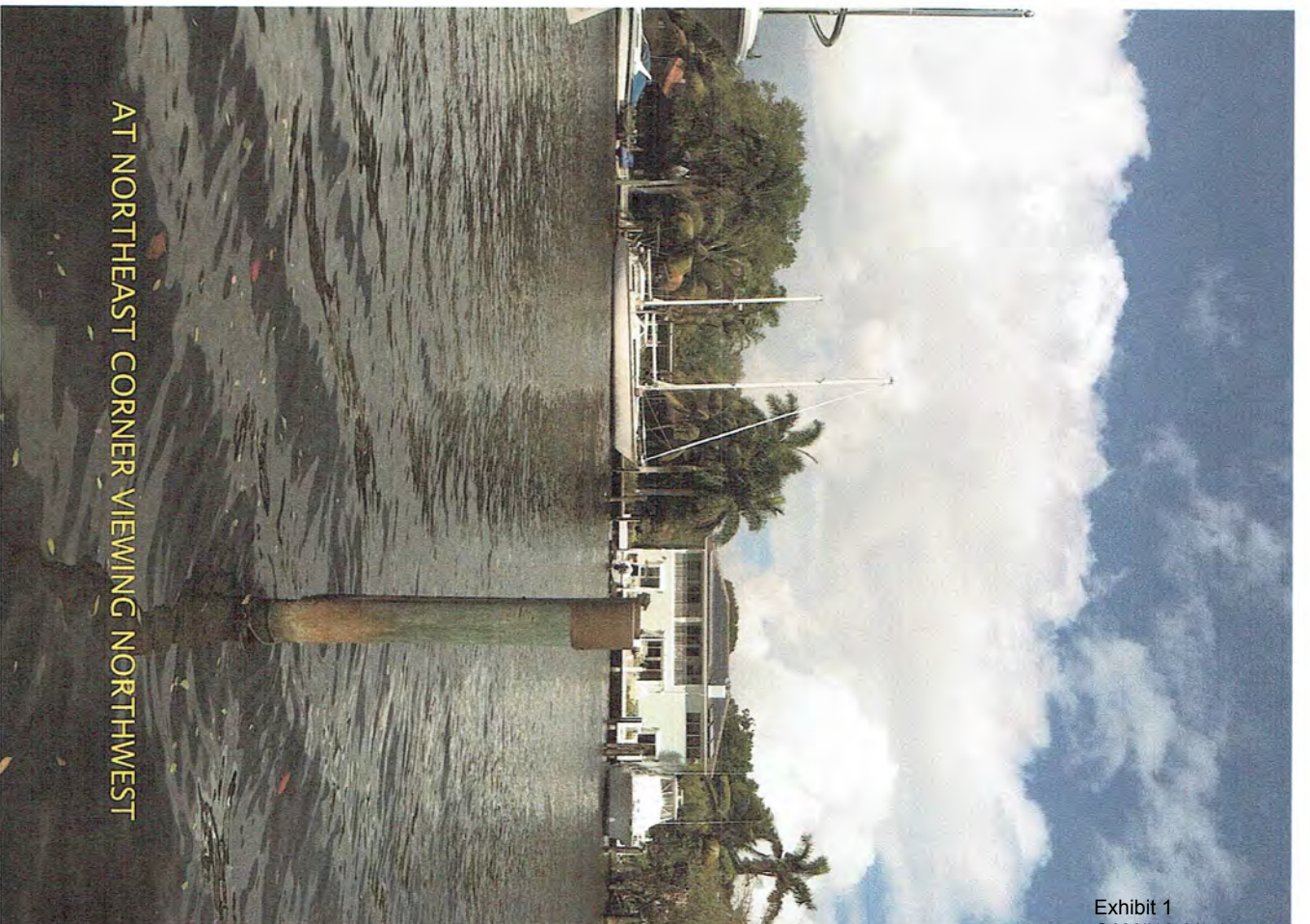
PREPARED FOR:
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CONSTRUCTION, INC.
6276 MADRAS CIRCLE
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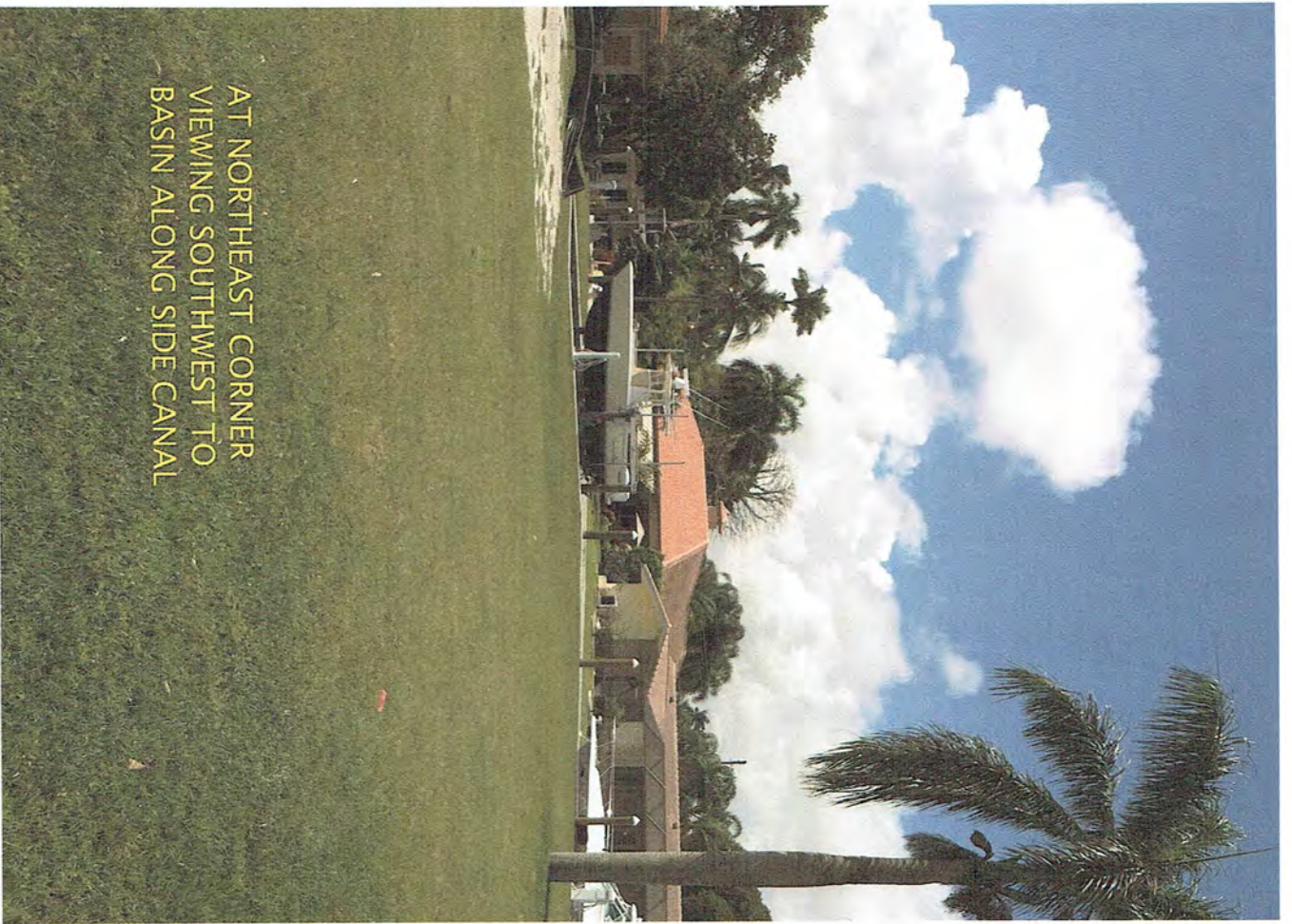


AT NORTHEAST CORNER
VIEWING WEST



AT NORTHEAST CORNER VIEWING NORTHWEST







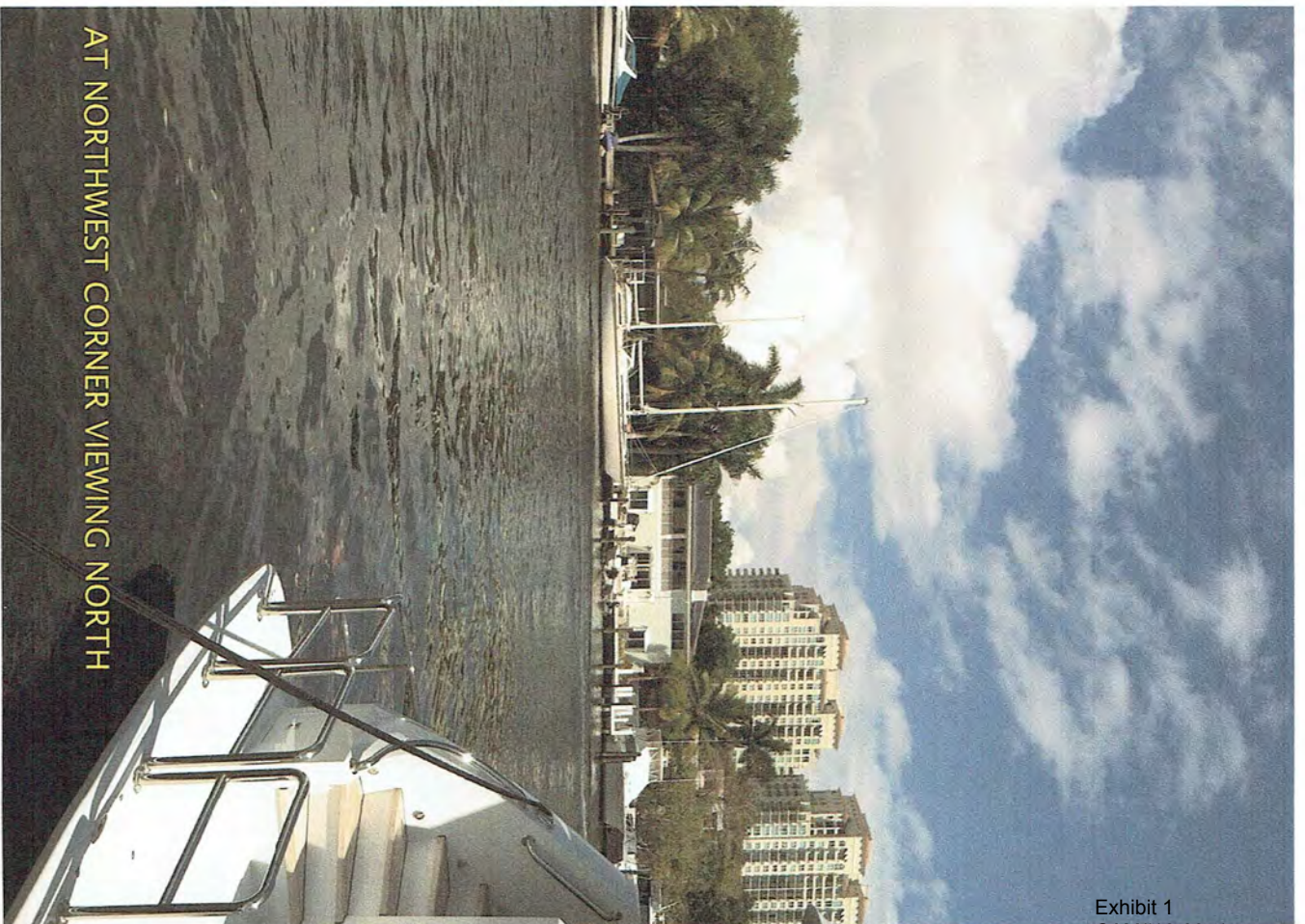
ALONG SIDE CANAL VIEWING SOUTH



ALONG SIDE CANAL VIEWING NORTH



NEAR SIDE CANAL VIEWING NORTHEAST



AT NORTHWEST CORNER VIEWING NORTH



AT NORTHWEST CORNER VIEWING EAST