



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

January 25, 2016

City of Fort Lauderdale
c/o Lee Feldman, City Manager
100 N. Andrews Avenue, Suite #410
Fort Lauderdale, FL 33301
Via -email: acctspayable@fortlauderdale.gov

Dear Mr. Feldman:

Enclosed is Environmental Resource Permit No. 06-0324476-002, issued pursuant to Part IV of Chapter 373, Florida Statutes (F.S.), and Title 62, Florida Administrative Code (F.A.C.).

Appeal rights for you as the permittee and for any affected third party are described in the text of the permit along with conditions which must be met when permitted activities are undertaken. Please review this document carefully to ensure compliance with both the general and specific conditions contained herein. As the permittee, you are responsible for compliance with these conditions. **Please ensure all construction personnel associated with your activity review and understand the attached drawings and conditions.** Failure to comply with this permit may result in liability for damages and restoration, and the imposition of civil penalties up to \$10,000.00 per violation per day pursuant to Sections 403.141 and 403.161, F.S.

In addition, please ensure the construction commencement notice and all other reporting conditions are forwarded to the appropriate office as indicated in the specific conditions.

If you have any questions about this document, please contact me at 561-681-6634 or by email at Sophie.Dimitrova@dep.state.fl.us.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sophie", followed by a period.

Sophie Dimitrova
Environmental Specialist II
Submerged Lands & Environmental
Resources Program



Permit Review Checklist

(A summary of the required monitoring and reporting activities for your project)

Pre-Construction Requirements

Activity	Date Due	Date Completed
<input type="checkbox"/> Contact DEP to Schedule Pre-construction Meeting	Prior to construction	_____
<input type="checkbox"/> Execution of Required State Lands Lease	Prior to construction	_____
<input type="checkbox"/> Evidence that Credits Have Been Deducted from Mitigation Bank Ledger	Prior to construction	_____
<input type="checkbox"/> Submit Pre-Construction Notice Form to DEP	48 Hrs. Before Construction	_____
<input type="checkbox"/> Temporary Erosion & Turbidity Control Structures in Place	Prior to construction	_____

Construction Requirements

Activity	Date Due	Date Completed
<input type="checkbox"/> Permit with All Attachments Kept at the Work Site	Permit shall be available on-site for DEP inspector at all times	_____
<input type="checkbox"/> Permanent Erosion & Turbidity Control Structures in Place	Structures should be inspected daily	_____
<input type="checkbox"/> Turbidity Monitoring	As necessary, submitted weekly	_____
<input type="checkbox"/> Report Changes to Permitted Drawings / Plans / Activities	Contact DEP before any changes	_____

Post-Construction Requirements

Activity	Date Due	Date Completed
<input type="checkbox"/> Restore Construction / Staging Areas	14 days after construction	_____
<input type="checkbox"/> "Completion and Certification (As-Built) Form" signed & sealed by P.E. and sent to DEP	30 days after construction	_____
<input type="checkbox"/> Transfer Form Submitted to DEP	Within 30 days Sale of property (if property sold)	_____

For the above criteria that require you to contact Department, please contact the FDEP- Southeast District Office, Environmental Resources Permitting Section, 3301 Gun Club Road, MSC 7210-1, West Palm Beach, FL 33406; Attention: Gregory Vazquez; Phone: 561-681-6620; Email: Gregory.Vazquez@dep.state.fl.us.

PLEASE NOTE: As the property owner/permittee, you are ultimately responsible for ensuring that the required conditions of your permit are complied with and timely reported to the Department. Please ensure that any designated contractors or agents acting on your behalf are familiar with these requirements.



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Permittee/Authorized Entity:

City of Fort Lauderdale
c/o Lee Feldman, City Manager
100 N. Andrews Avenue, Suite #410
Fort Lauderdale, FL 33301
Email: acctspayable@fortlauderdale.gov

Project Name:

City of Fort Lauderdale - Riverwalk

Authorized Agent:

The Chappell Group, Inc.
c/o Tyler Chappell
Phone: 954-968-1504; Email: Tyler@thechappellgroup.com

Compliance Project Manager:

Gregory Vazquez, Environmental Specialist
Phone: 561-681-6620; E-mail: Gregory.Vazquez@dep.state.fl.us

Environmental Resource Permit - Granted

State-owned Submerged Lands Authorization – Granted Pending Document Execution

U.S. Army Corps of Engineers Authorization – Separate Corps Authorization Required

Permit No.: 06-0324476-002

Lease File No.: 60350566

Permit Issuance Date: January 25, 2016

Permit Construction Phase Expiration Date: January 24, 2021

**Consolidated Environmental Resource Permit
and
Recommended Intent to Grant State-owned Submerged Lands Authorization**

Permittee: City of Fort Lauderdale
Permit No.: 06-0324476-002

PROJECT LOCATION

The activities authorized by this Permit and state-owned submerged lands authorization are located within the New River, Class III Waters, adjacent to 500 East Las Olas Boulevard and 355 SE 6th Avenue, Fort Lauderdale (Section 10, Township 50 South, Range 42 East), in Broward County (Latitude N 26° 7' 9.06", Longitude W 80° 8' 15.79").

PROJECT DESCRIPTION

The permittee is authorized to perform the following activities: (1) remove a 68.2 ft² marginal dock; (2) repair a 177-linear foot seawall by replacing a 123.5-linear foot section of seawall within 12-inches waterward (wet face to wet face) of the existing seawall, installing a 53.5-linear foot section of new seawall in the location of a failed seawall at the mean high water elevation (MHW), and installing king piles and batter piles; (3) construct a 3,553 ft² irregular shaped concrete boardwalk, where the boardwalk shall have a maximum width of 14-feet and a length of 306-feet; and (4) install 177-linear feet of riprap (approximately 70 yd³), which shall extend a maximum of 6-feet waterward from the new seawall. Authorized activities are depicted on the attached exhibits.

The proposed project will impact two white mangroves (*Laguncularia racemosa*) and one black mangrove (*Avicennia germinans*). To offset unavoidable adverse impacts to mangroves, the permittee shall purchase 0.01 mitigation credits from the Everglades Mitigation Bank before commencing the proposed activities.

The attached standard manatee conditions (version 2011) shall be adhered to during all in-water work. Prior to construction commencement, weighted floating turbidity curtains, extending to within one-foot from the submerged bottom shall be utilized around the project area to ensure that any turbidity resulting from construction activities will be contained within the project boundaries. All water bodies, including any adjacent submerged aquatic vegetation outside the specific limits of construction authorized by this permit shall be protected from erosion, siltation, sedimentation, and/or scouring.

AUTHORIZATIONS

Environmental Resource Permit

The Department has determined that the activity qualifies for an Environmental Resource Permit. Therefore, the Environmental Resource Permit is hereby granted, pursuant to Part IV of Chapter 373, Florida Statutes (F.S.), and Chapter 62-330, Florida Administrative Code (F.A.C.).

Sovereignty Submerged Lands Authorization

The activity is located on sovereignty submerged lands owned by the State of Florida. It therefore also requires authorization from the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), pursuant to Article X, Section 11 of the Florida Constitution, and Section 253.77, F.S.

As staff to the Board of Trustees under Sections 253.002, F.S., the Department has determined that the activity qualifies for and requires a lease, as long as the work performed is located within the boundaries as described and is consistent with the terms and conditions herein.

The final documents required to execute the lease will be sent to the permittee by the Department's Division of State Lands for execution. The Department intends to issue the lease, upon satisfactory execution of those documents, including payment of required fees and compliance with the conditions in the attached permit. **You may not begin construction of the activities described until you receive a copy of the executed lease from the Department.**

Federal Authorization

Your proposed activity as outlined on your notice and attached drawings **does not qualify** for Federal authorization pursuant to the State Programmatic General Permit and a **SEPARATE permit** or authorization **may be required** from the Corps. A copy of your permit application has been forwarded to the Corps for their review. The Corps will issue their authorization directly to you or contact you if additional information is needed. If you have not heard from the Corps within 30 days from the date your application was received at the local FDEP Office, contact the Corps at the Palm Beach Gardens Regulatory Field Office at (561) 472-3508, for status and further information. **Failure to obtain Corps authorization prior to construction could subject you to federal enforcement action by that agency.**

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.

Coastal Zone Management

Issuance of this authorization also constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act.

Water Quality Certification

This permit also constitutes a water quality certification under Section 401 of the Clean Water Act, 33 U.S.C. 1341.

Other Authorizations

You are advised that authorizations or permits for this activity may be required by other federal, state, regional, or local entities including but not limited to local governments or municipalities. This permit does not relieve you from the requirements to obtain all other required permits or authorizations.

The activity described may be conducted only in accordance with the terms, conditions and attachments contained in this document. Issuance and granting of the permit and authorizations

Permittee: City of Fort Lauderdale

Permit No.: 06-0324476-002

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herein do not infer, nor guarantee, nor imply that future permits, authorizations, or modifications will be granted by the Department.

PERMIT/SOVEREIGNTY SUBMERGED LANDS CONDITIONS

The activities described must be conducted in accordance with:

- **The Specific Conditions**
- **The General Conditions**
- **The General Conditions for Sovereignty Submerged Lands Authorization**
- **The limits, conditions and locations of work shown in the attached drawings**
- **The term limits of this authorization**

You are advised to read and understand these conditions and drawings prior to beginning the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings herein. If you are using a contractor, the contractor also should read and understand these conditions and drawings prior to beginning any activity. Failure to comply with these conditions, including any mitigation requirements, shall be grounds for the Department to revoke the permit and authorization and to take appropriate enforcement action.

Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit and sovereignty submerged lands authorization, as described.

SPECIFIC CONDITIONS – EXECUTION OF PROPRIETARY DOCUMENTS

(1) The terms, conditions, and provisions of the required lease shall be met. Construction of this activity shall not commence on sovereign submerged lands, title to which is held by the Board of Trustees of the Internal Improvement Trust Fund, until all required lease agreement documents have been executed to the satisfaction of the Department.

SPECIFIC CONDITIONS- PROJECT FORMS & ATTACHMENTS

(2) The attached 1-page permit checklist; the attached project drawings (sheets 1 through 10); the attached 1-page Standard Manatee Conditions for In-Water Work, 2011” (Exhibit A); and DEP forms 62-330.310(1); 62-330.310(2); 62-330.340(1); and 62-330.350(1), which may be downloaded at <http://www.dep.state.fl.us/water/wetlands/erp/forms.htm> become part of this permit. If the permittee does not have access to the Internet, please contact the Department at (561)-681-6620 to request the aforementioned forms and/or document(s).

(3) If the attached permit drawings conflict with the specific conditions, then the specific conditions shall prevail.

SPECIFIC CONDITIONS - PRIOR TO CONSTRUCTION

(4) After selection of the contractor to perform the authorized activities and prior to the initiation of any work authorized by this permit, the permittee (or authorized agent) and the contractor shall attend a pre-construction conference with a representative of the Department. It shall be the responsibility of the permittee to contact this project’s Compliance Project Manager, Gregory Vazquez, by email Gregory.Vazquez@dep.state.fl.us, or by phone (561)-681-6620, to schedule the pre-construction conference. **If the assigned Compliance Project Manager cannot be reached, the**

permittee shall contact the ERP Program Compliance/Enforcement section by phone (561) 681-6600, to schedule the pre-construction conference.

(5) The permittee shall ensure that the permit conditions are explained to all construction personnel working on the project and for providing each contractor and subcontractor with a copy of this permit before the authorized work begins.

SPECIFIC CONDITIONS – MITIGATION

(6) In order to offset the unavoidable adverse impacts to three mangroves, the permittee shall purchase 0.01 saltwater mitigation credits from the Everglades Mitigation Bank. Prior to any construction activities, the permittee shall provide proof of purchase to the Department that 0.01 Saltwater Mitigation Credits have been deducted from the credit ledger of the Everglades Mitigation Bank.

SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES

(7) Prior to the initiation of any work authorized by this permit, floating turbidity curtains with weighted skirts that extend to within one foot of the bottom shall be placed around the project site, and shall be maintained and remain in place for the duration of the project construction to ensure that turbid discharges do not occur outside the boundaries of the floating turbidity screens. Additionally, staked erosion control devices shall be placed around the upland project area and any upland staging areas. All submerged resources, and surface waters outside the specific limits of construction authorized by this permit shall be protected from erosion, siltation, sedimentation, and/or scouring. Staked erosion control devices shall also be maintained and shall remain in place for the duration of the project construction to ensure that turbid discharges into wetlands or surface waters do not occur. The permittee shall be responsible for ensuring that turbidity control devices are inspected daily and maintained in good working order during all phases of construction authorized by this permit until all areas that were disturbed during construction are sufficiently stabilized to prevent turbid discharges.

(8) There shall be no storage or stockpiling of tools and materials (i.e., lumber, pilings, debris), along the shoreline adjacent to waters of the state. All excess lumber, scrap wood, trash, garbage, and any other type of debris shall be removed from wetlands/waters of the state within 14 days of completion of the work authorized in this permit. All construction equipment/tools and materials shall be transported to and from the site via upland roadways and barges and all equipment/tools and materials shall be stored on the construction barges or uplands.

(9) The seawall and riprap shall be fully constructed, prior to the placement of any back fill material. Any fill material used behind the bulkhead shall be clean fill and free of vegetative matter, trash, rebar, garbage, toxic or hazardous waste, or any other unsuitable materials.

(10) Riprap shall consist of unconsolidated boulders, rocks, or clean concrete rubble without exposed reinforcing rods or similar protrusions. The riprap shall be free of sediment, debris, and toxic or otherwise deleterious substance. The riprap shall have a diameter of 12 to 36 inches.

(11) The riprap shall extend no more than six feet waterward from the mean high water line. Filter cloth shall be placed under the riprap to prevent shoreline erosion.

SPECIFIC CONDITIONS – MONITORING/REPORTING REQUIREMENTS

(12) Turbidity levels outside the construction area shall not exceed 29 NTU's above ambient levels. The following measures shall be taken immediately by the permittee whenever turbidity levels within waters of the State surrounding the project site exceed ambient turbidity levels of the surrounding Outstanding Florida Waters:

- a. Notify the Department at (561) 681-6620 at the time the violation is first detected.
- b. Immediately cease all work contributing to the water quality violation.
- c. Stabilize all exposed soils contributing to the violation. Modify the work procedures that were responsible for the violation, install more turbidity containment devices, and repair any non-functional turbidity containment devices.
- d. Perform turbidity monitoring.
- e. Resume construction activities once turbidity levels outside turbidity curtains fall below background levels.

(13) Turbidity Monitoring. Water turbidity levels shall be monitored and recorded at least every 4 hours if the dock or piles are to be jetted in and upon the occurrence of other circumstances that might create water quality violations on site. Samples shall be taken one foot above the bottom, mid-depth, and one-foot below the surface at monitoring stations located as follows:

- a. Approximately 100 feet up-current of the work sites and clearly outside the influence of construction activities. (This shall serve as the natural background sample against which other turbidity readings shall be compared.)
- b. Directly outside the turbidity curtains surrounding the work sites and within the densest portion of any visible turbidity plume. (This sample shall serve as the compliance sample).

(14) Turbidity Monitoring Reports. During dock construction activities, the permittee or permittee's contractor shall collect the following turbidity monitoring data at the frequency and water depths directed by the Specific Condition above:

- a. Date and time of sampling event
- b. Turbidity sampling results (background NTUs, compliance NTUs, and the difference between them)
- c. Description of data collection methods
- d. An aerial map indicating the sampling locations
- e. Depth of sample(s)
- f. Weather conditions at times of sampling
- g. Tidal stage and direction of flow

Data shall be collected in a turbidity log and shall include a statement by the individual responsible for implementation of the sampling program attesting to the authenticity, precision, limits of detection, and accuracy of the data. The turbidity log shall be scanned and sent on a weekly basis to the Department's Compliance Project Manager, Gregory Vazquez, by email at Gregory.Vazquez@dep.state.fl.us. The subject line of the email shall include the project name, permit number, and the title "Turbidity Monitoring Reports."

SPECIFIC CONDITIONS – OPERATION AND MAINTENANCE ACTIVITIES

(15) Within 10 days of completion of dock construction, permanent handrails and “No Mooring” signs shall be installed along all portions of the 3,553 ft² irregular shaped concrete boardwalk adjacent to non-mooring areas. Handrails shall be constructed to eliminate access to the pier by boaters and shall be maintained for the life of the facility.

(16) Within 14 days of the dock and seawall installation, the permittee shall fully restore the staging area to its original condition. Paved surfaces shall be repaired and unpaved surface areas shall be replanted with native vegetation.

(17) Within 30 days after completion of construction, the permittee shall submit record drawings (as-builts) to the office. The drawings shall be in a format that will facilitate a direct comparison of the permitted activities and the work actually constructed.

SPECIFIC CONDITIONS – MANATEE CONDITIONS

(18) During all in-water work, the permittee shall comply with the standard manatee protection construction conditions listed in the attached 1-page “Standard Manatee Conditions for In-Water Work, 2011”.

GENERAL CONDITIONS FOR INDIVIDUAL PERMITS

The following general conditions are binding on all individual permits issued under chapter 62-330, F.A.C., except where the conditions are not applicable to the authorized activity, or where the conditions must be modified to accommodate project-specific conditions.

(1) All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.

(2) A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.

(3) Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007), and the Florida Stormwater Erosion and Sedimentation Control Inspector’s Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.

(4) At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice," [October 1, 2013], which is incorporated by reference in paragraph 62-330.350(1)(d), F.A.C., indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. If available, an Agency website that fulfills this notification requirement may be used in lieu of the form.

(5) Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.

(6) Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:

- a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex – "Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; or
- b. For all other activities – "As-Built Certification and Request for Conversion to Operational Phase" [Form 62-330.310(1)].
- c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.

(7) If the final operation and maintenance entity is a third party:

- a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as- built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
- b. Within 30 days of submittal of the as- built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity" [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.

(8) The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.

(9) This permit does not:

- a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
- b. Convey to the permittee or create in the permittee any interest in real property;
- c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
- d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.

(10) Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.

(11) The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.

- (12) The permittee shall notify the Agency in writing:
- a. Immediately if any previously submitted information is discovered to be inaccurate; and
 - b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.

(13) Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.

(14) If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.

(15) Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.

(16) The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.

(17) This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain

any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.

(18) A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with subsection 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

GENERAL CONDITIONS FOR SOVEREIGNTY SUBMERGED LANDS AUTHORIZATION

Any use of sovereignty submerged lands is subject to the following general conditions are binding upon the applicant and are enforceable under Chapter 253, F.S. and Chapter 258, F.S.

(1) Sovereignty submerged lands may be used 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 will constitute a violation. Violation of the authorization will result in suspension or revocation of the applicant's use of the sovereignty submerged lands unless cured to the satisfaction of the Board of Trustees.

(2) Authorization under Rule 18-21.005, F.A.C., conveys no title to sovereignty submerged lands or water column, nor does it constitute recognition or acknowledgment of any other person's title to such land or water.

(3) Authorizations under Rule 18-21.005, F.A.C., may be modified, suspended or revoked in accordance with its terms or the remedies provided in Sections 253.04, F.S. and Chapter 18-14, F.A.C.

(4) Structures or activities will be constructed and used to avoid or minimize adverse impacts to resources.

(5) Construction, use, or operation of the structure or activity will not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.

(6) Structures or activities will not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity will be modified in accordance with the court's decision.

(7) Structures or activities will not create a navigational hazard.

(8) Structures will be maintained in a functional condition and will be repaired or removed if they become dilapidated to such an extent that they are no longer functional.

(9) Structures or activities will be constructed, operated, and maintained solely for water dependent purposes.

(10) The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the

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authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.

(11) Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.

(12) Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.

(13) All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board of Trustees in writing of any change of address at least ten days before the change becomes effective.

(14) This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

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 hearing process may result in a modification of the agency action or even denial of the application.

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 14 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 14 days of publication of the notice or within 14 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 14 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.


Judicial Review

Once this decision becomes final, 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.

Executed in Palm Beach County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

 for
Jill S. Creech, P.E.
District Director
Southeast District

Attachments:

Permit checklist, 1 page

Project Drawings, 10 pages

Exhibit A, Standard Manatee Conditions for In-Water Work, 2011, 1 page

As-built Certification and Request for Conversion to Operational Phase Form 62-330.310(1)*

Request for Transfer to the Perpetual Operation Entity Form 62-330.310(2)*

Request to Transfer Permit Form 62-330.340(1)*

Commencement Notice Form 62-330.350(1)*

*Can be downloaded at: <http://www.dep.state.fl.us/water/wetlands/erp/forms.htm>

Copies furnished to:

Sophie Dimitrova, FDEP/SED/ERP/Permitting, Sophie.Dimitrova@dep.state.fl.us

Gregory Vazquez, FDEP/SED/ERP/C&E, Gregory.Vazquez@dep.state.fl.us

Richard Ohnmacht, FDEP/SED/ERP/State Lands, Richard.Ohnmacht@dep.state.fl.us

USACOE- Palm Beach Gardens, FDEP-SP@usace.army.mil

Linda Sunderland, Broward County EPD, LSunderland@broward.org

FFWCC- Bureau of Imperiled Species Management General Email, fcmpmail@myfwc.com

Tyler Chappell, The Chappell Group, Inc., tyler@thechappellgroup.com

FILING AND ACKNOWLEDGMENT

FILED, on this date, under 120.52(7) of the
Florida Statutes, with the designated Department Clerk,
receipt of which is hereby acknowledged.


Clerk Date

OCULUS: ERP/Permitting Authorization/ERP_324476/Permit Final/ERP Individual No Conceptual-EI/002

Permittee: City of Fort Lauderdale

Permit No.: 06-0324476-002

Page 13 of 13

CAM 16-0309

Exhibit 2

Page 15 of 26

Exhibit A

(1 page)

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 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 FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shutdown 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 MyFWC.com/manatee. Questions concerning these signs can be sent to the email address listed above.

Map & Directions

Map Only

Directions Only

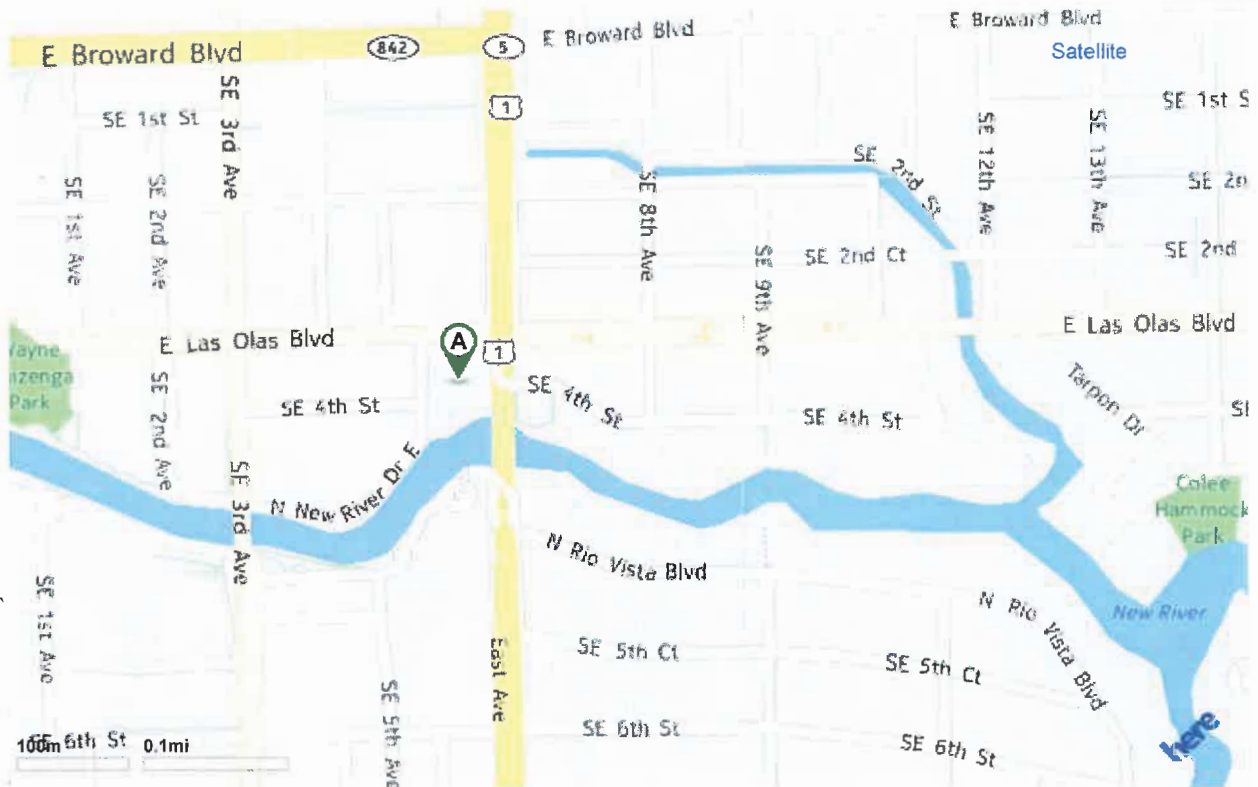
Print

YAHOO!
MAPS

Map Layout

Enter notes here

255



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



CAM 16-0309

Map & Directions

Map Only

Directions Only

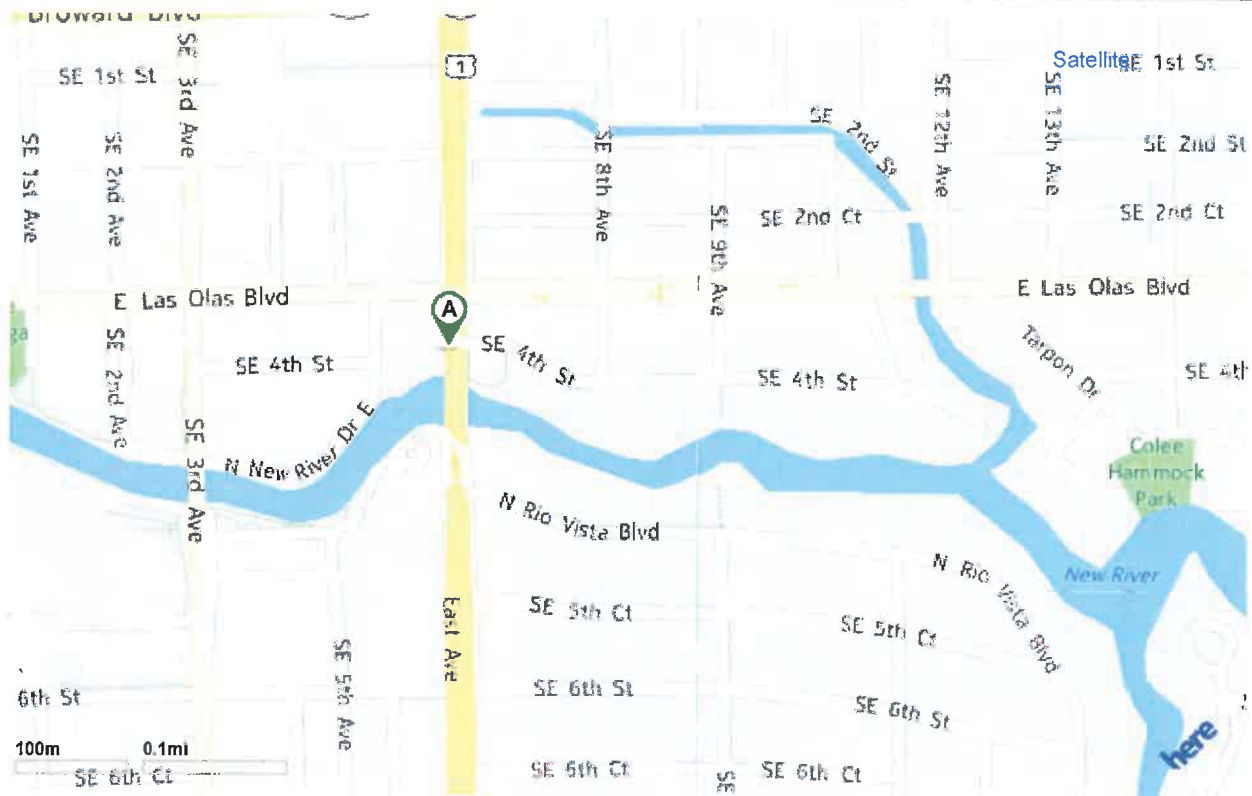
Print

YAHOO!
MAPS

Map Layout

Enter notes here

255



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



CAM 16-0309

LORI PARRISH
BROWARD COUNTY
PROPERTY APPRAISER



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Layers

- ☒ Highways
- ☒ Major Roads
- ☐ Twn-Rng-Sec
- ☒ Municipalities
- ☐ City Limits
- ☐ Zip Codes
- ☐ CRA Boundaries
- ☐ Census Tracts
- ☐ [City Zoning Codes](#)
- ☐ [County Land Use](#)
- ☐ [Comm Appraisal Districts](#)
- ☐ [Resid Appraisal Districts](#)
- ☐ Subdiv. Number
- ☐ Subdiv. Name
- No Sales ▼
- ☒ Streets
- ☒ Parcels
- Aerials (2014) ▼
- ☒ County Boundary



SELECTED PROPERTY-FOLIO: 504210090020

Source: Broward County Property Appraiser

Pictometry



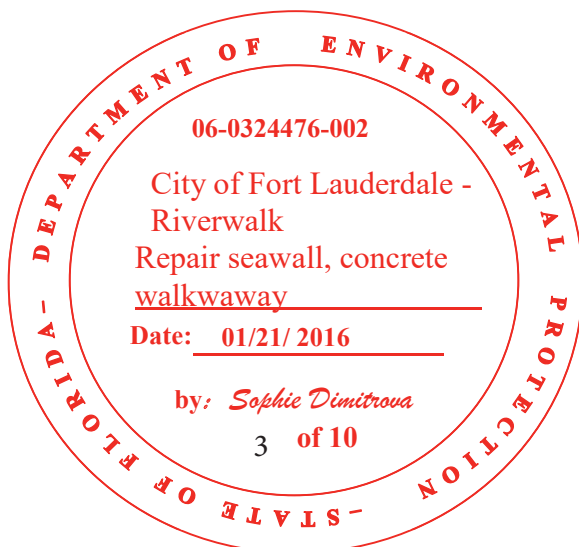
Details

FOLIO: 504210090020
 OWNER: LOYCA PROPERTY OWNER LLC
 SITUS ADDRESS: 500 E LAS OLAS BLVD FORT LAUDERDALE 33301
 LEGAL: BURNHAMS SUB 15-29 B TRACT 1 N 47.5, TRACT 2 LESS ST RD & LESS OR 3171/42, TRACTS 3 TO 5
 MILLAGE CODE: 9312
 USE CODE: 28
 LAND VALUE: \$8,078,880
 BUILDING VALUE: \$28,000
 OTHER VALUE: \$0
 TOTAL VALUE: \$8,106,880
 SOH CAPPED VALUE: \$8,106,880
 HOMESTEAD EXEMPTION AMOUNT: \$0
 WVD EXEMPTION AMOUNT: \$0
 OTHER EXEMPTION AMOUNT: \$0
 TAXABLE VALUE: \$8,106,880
 SALE DATE 1: 11/4/2014
 SALE PRICE 1: \$5,298,400
 DEED TYPE 1: SWD
 SALE DATE 2: 10/20/2006
 SALE PRICE 2: \$36,150,000
 DEED TYPE 2: SWD

LAND CALCULATIONS

Price	Factor	Type
125	64631	SF

ADJ. BLDG. S.F.: 0



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BROWARD
COUNTY
PROPERTY
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Layers

- ☒ Highways
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- ☐ Twn-Rng-Sec
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- ☐ Zip Codes
- ☐ CRA Boundaries
- ☐ Census Tracts
- ☐ [City Zoning Codes](#)
- ☐ [County Land Use](#)
- ☐ [Comm Appraisal Districts](#)
- ☐ [Resid Appraisal Districts](#)
- ☐ Subdiv. Number
- ☐ Subdiv. Name
- No Sales ▾
- ☒ Streets
- ☒ Parcels
- Aerials (2014) ▾
- ☒ County Boundary



SELECTED PROPERTY-FOLIO: 504210090010

Source: Broward County Property Appraiser

Pictometry



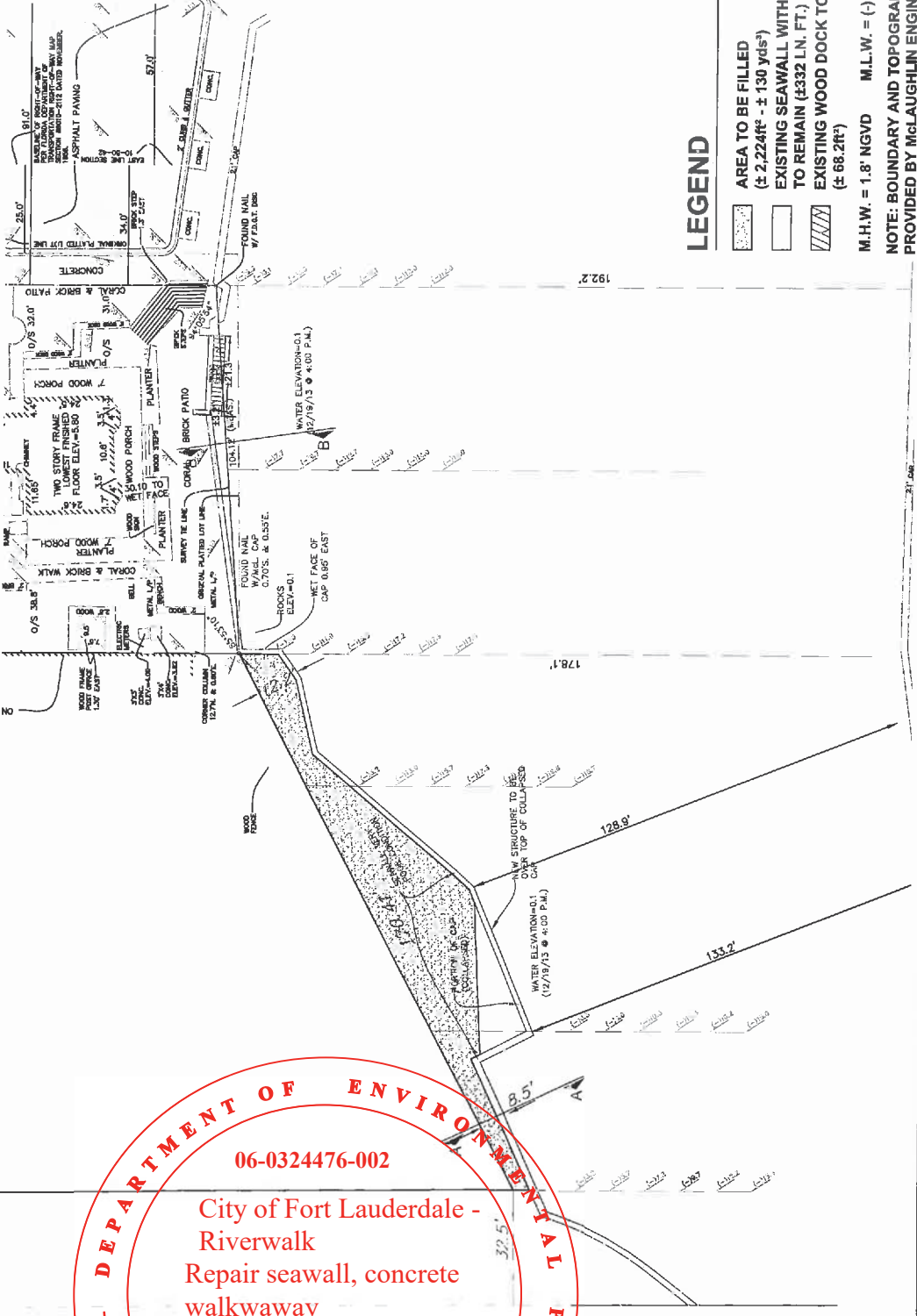
FOLIO: 504210090010
 OWNER: STRANAHAN HOUSE INC
 SITU: 335 SE 6 AVE
 ADDRESS: FORT LAUDERDALE 33301-2256
 LEGAL: BURNHAMS SUB 15-29 B TR 1 LESS N 47.5 & LESS RD R/W
 MILLAGE CODE: 9312
 USE CODE: 77
 LAND VALUE: \$1,307,420
 BUILDING VALUE: \$413,150
 OTHER VALUE: \$0
 TOTAL VALUE: \$1,720,570
 SOH CAPPED VALUE: \$1,720,570
 HOMESTEAD EXEMPTION AMOUNT: \$0
 WVD EXEMPTION AMOUNT: \$0
 OTHER EXEMPTION AMOUNT: \$1,720,570
 TAXABLE VALUE: \$0
 SALE DATE 1: 5/1/1982
 SALE PRICE 1: \$100
 DEED TYPE 1: SWD
 SALE DATE 2: 12/1/1974
 SALE PRICE 2: \$50,000
 DEED TYPE 2: SWD

LAND CALCULATIONS

Price	Factor	Type
71.44	18301	SF

ADJ. BLDG. S.F.: 3403





LEGEND

- AREA TO BE FILLED
(± 2,224^{sq} - ± 130 yds²)
- EXISTING SEAWALL WITH 1.5'-2.0' CAP
TO REMAIN (#332 LN. FT.)
- EXISTING WOOD DOCK TO BE REMOVED
(± 68.2^{sq})

M.H.W. = 1.8' NGVD M.L.W. = (-) 0.3' NGVD
NOTE: BOUNDARY AND TOPOGRAPHIC SURVEY
PROVIDED BY McLAUGHLIN ENGINEERING, CO.

06-0324476-002

City of Fort Lauderdale -
Riverwalk
Repair seawall, concrete
walkway

Date: 01/21/ 2016

by: Sophie Dimitrova

5 of 10

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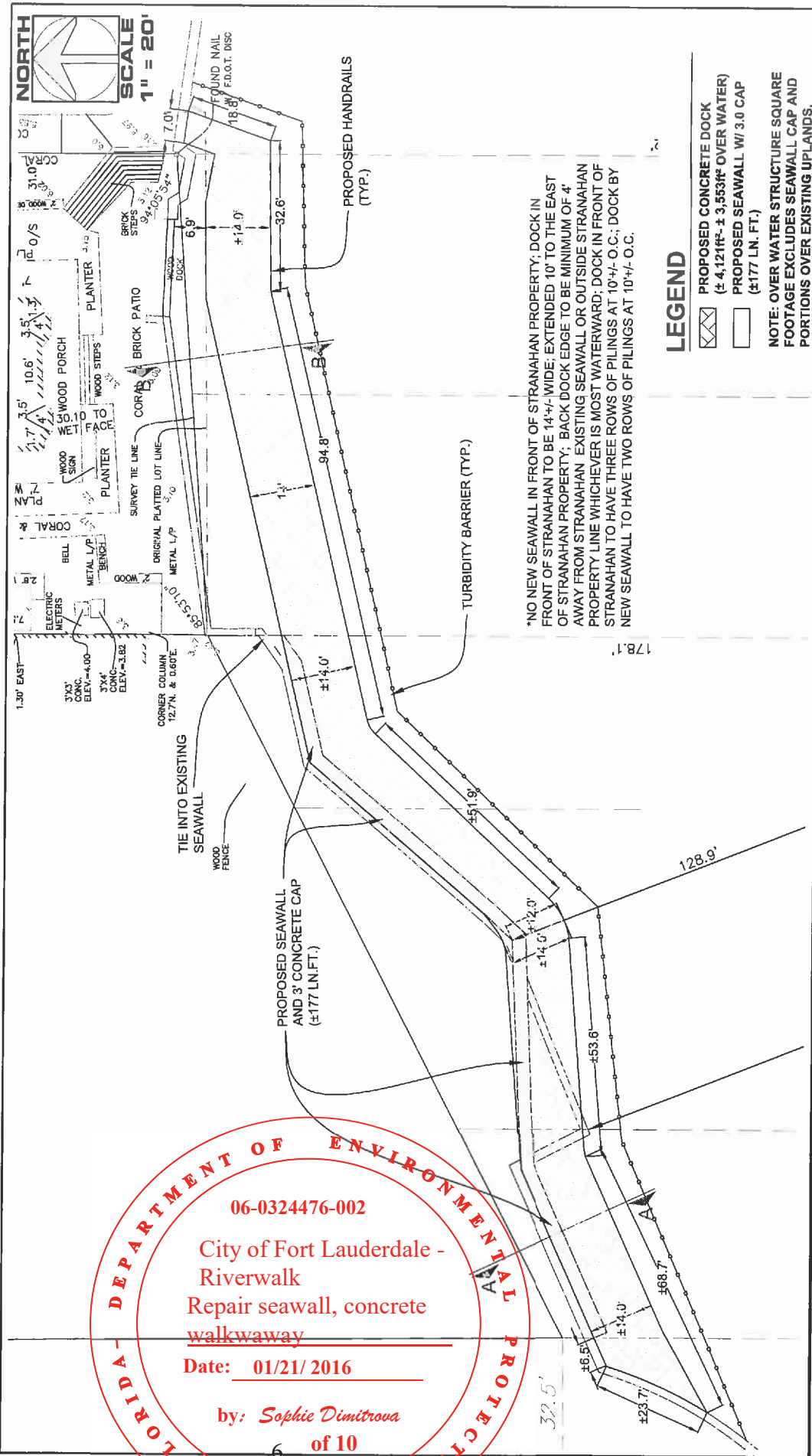
- Environmental Consultants
- Marine & Wetland Permitting
- Mitigation Design & Monitoring
- T&E Species Surveys
- Phase I ESAs

RIVERWALK PEDESTRIAN STREETSCAPE IMPROVEMENT PROJECT

PREPARED FOR:
B & M MARINE CONSTRUCTION INC.

EXISTING CONDITIONS

Date:	Sheet:	of:
11-16-15	1	6
Proj No:	13-0070	



LEGEND

- PROPOSED CONCRETE DOCK
(± 4.121ft ± 3.553ft OVER WATER)
- PROPOSED SEAWALL W/ 3.0 CAP
(± 177 LN. FT.)

NOTE: OVER WATER STRUCTURE SQUARE FOOTAGE EXCLUDES SEAWALL CAP AND PORTIONS OVER EXISTING UPLANDS.

NO NEW SEAWALL IN FRONT OF STRANAHAN PROPERTY; DOCK IN FRONT OF STRANAHAN TO BE 14'-WIDE; EXTENDED 10' TO THE EAST OF STRANAHAN PROPERTY; BACK DOCK EDGE TO BE MINIMUM OF 4' AWAY FROM STRANAHAN EXISTING SEAWALL OR OUTSIDE STRANAHAN PROPERTY LINE WHICHEVER IS MOST WATERWARD; DOCK IN FRONT OF STRANAHAN TO HAVE THREE ROWS OF PILINGS AT 10'-O.C.; DOCK BY NEW SEAWALL TO HAVE TWO ROWS OF PILINGS AT 10'-O.C.

RIVERWALK PEDESTRIAN STREETSCAPE IMPROVEMENT PROJECT

PREPARED FOR:

B & M MARINE CONSTRUCTION INC.

- Environmental Consultants
- Marine & Wetland Permitting
- Mitigation Design & Monitoring
- T&E Species Surveys
- Phase I ESA's

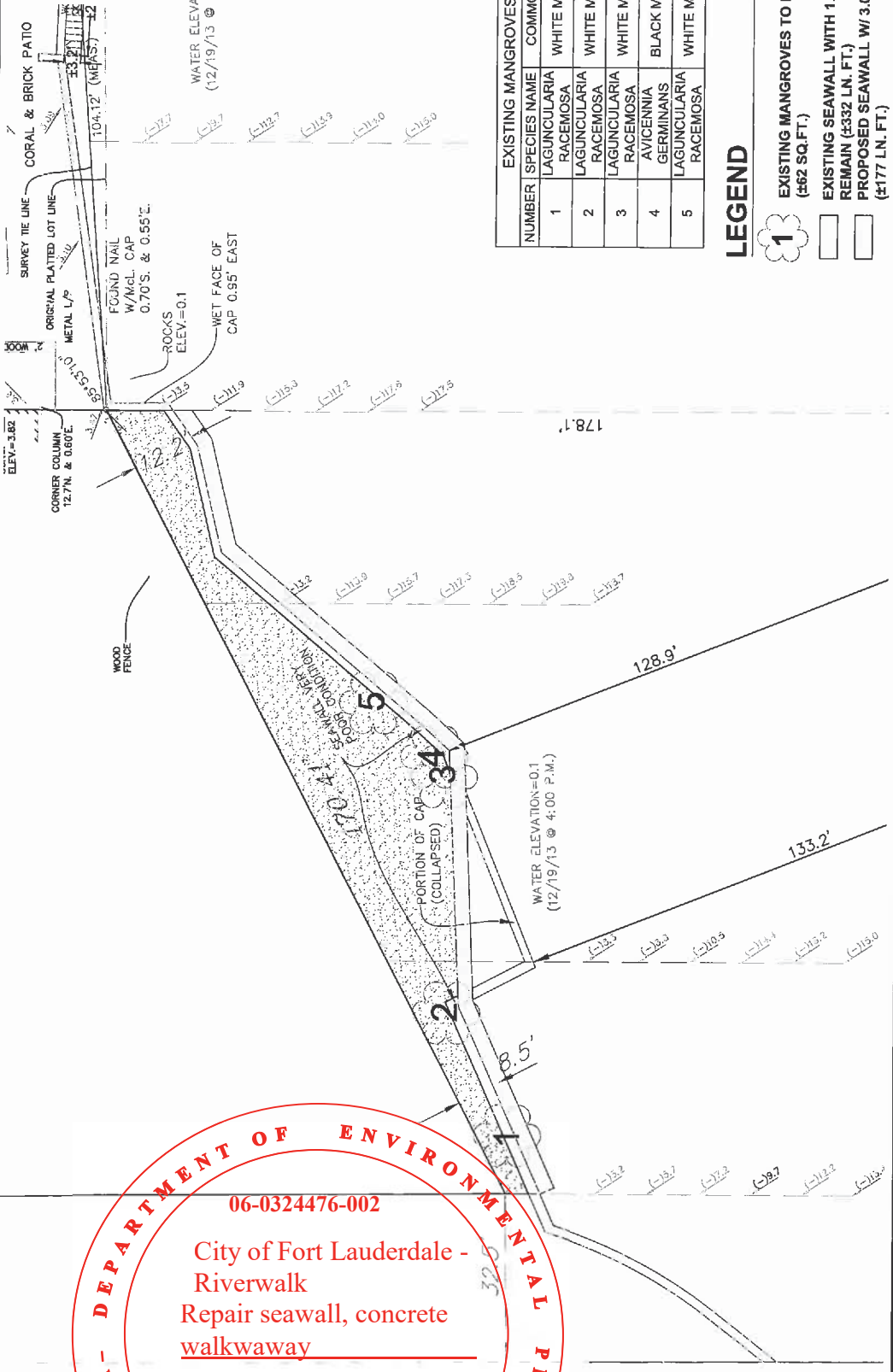


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PROPOSED CONDITIONS

Date:	11-16-15	Sheet:	2	of:	6
Proj No.:	13-0070				

06-0324476-002
City of Fort Lauderdale -
Riverwalk
Repair seawall, concrete
walkway
Date: 01/21/ 2016
by: Sophie Dimitrova



EXISTING MANGROVES	
NUMBER	SPECIES NAME
1	LAGUNCULARIA
2	RACEMOSA
3	LAGUNCULARIA
4	AVICENNIA
5	LAGUNCULARIA

COMMON NAME	
WHITE MANGROVE	
WHITE MANGROVE	
WHITE MANGROVE	
BLACK MANGROVE	
WHITE MANGROVE	

LEGEND

- 1 EXISTING MANGROVES TO BE REMOVED (\$62 SQ.FT.)
- EXISTING SEAWALL WITH 1.5'-2.0' CAP TO REMAIN (\$332 LN. FT.)
- PROPOSED SEAWALL W/ 3.0 CAP (\$177 LN. FT.)

RIVERWALK PEDESTRIAN STREETSCAPE IMPROVEMENT PROJECT

PREPARED FOR:
B & M MARINE CONSTRUCTION INC.

MANGROVE REMOVAL

Date: 1-16-15
Sheet: 3 of 6
Proj No: 13-0070

Chappell Group

714 East Marine Road
Pompano Beach, Florida 33060
Tel: 954.782.1105
www.thechappellgroup.com

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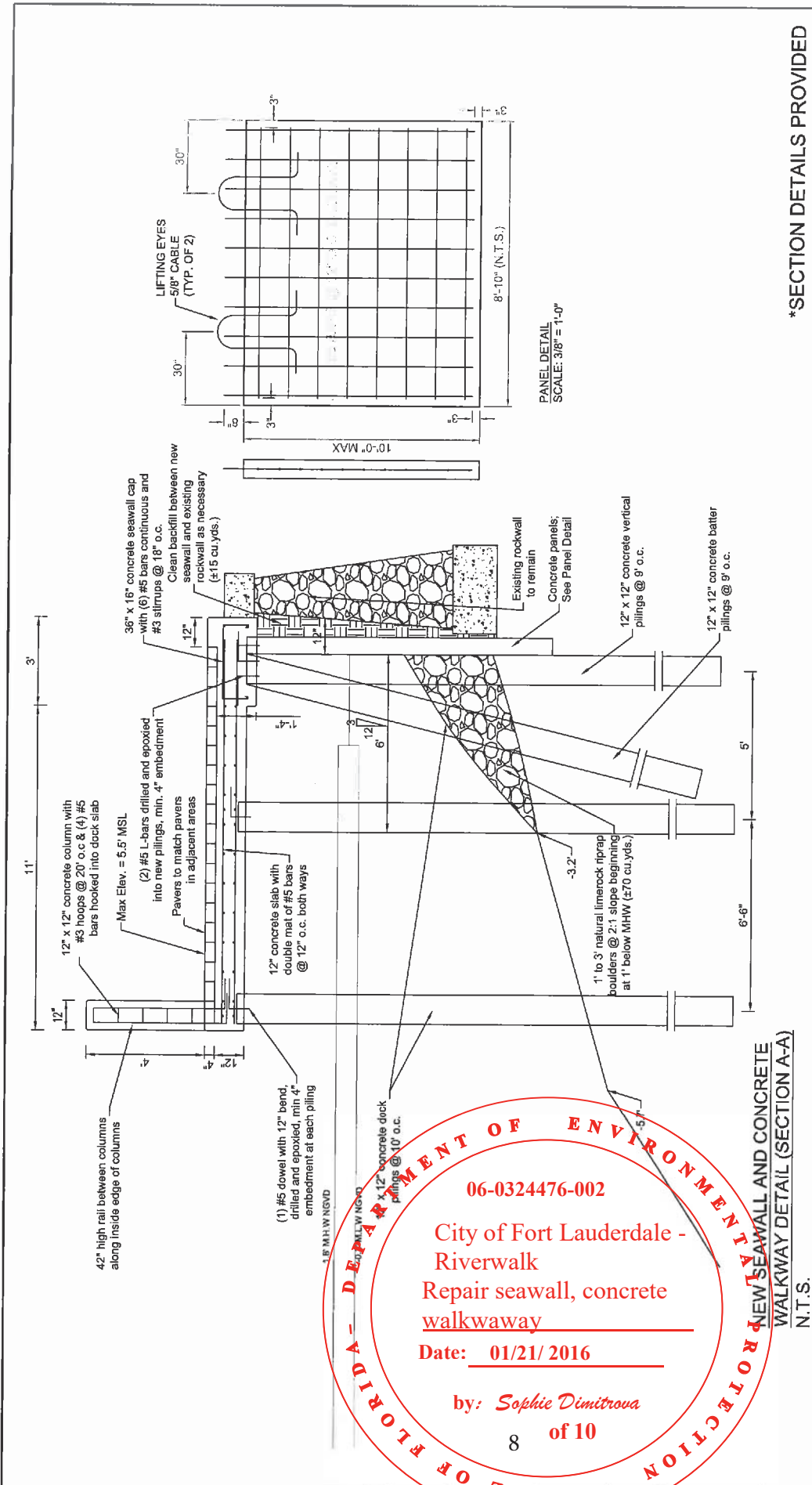
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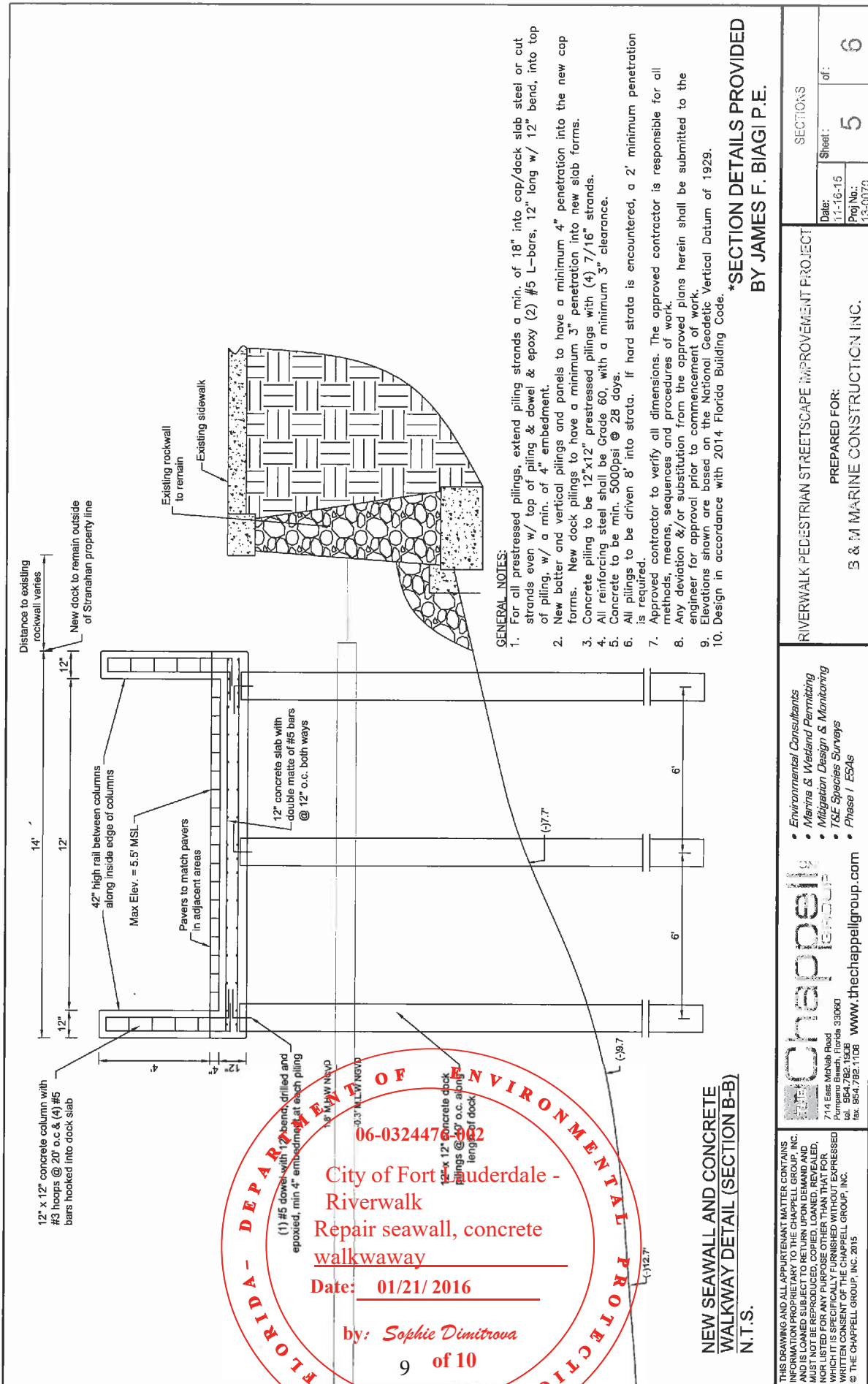
City of Fort Lauderdale -
Riverwalk
Repair seawall, concrete
walkwayway

Date: 01/21/2016

by: Sophie Dimitrova

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GENERAL NOTES:

1. For all prestressed pilings, extend piling strands a min. of 18" into cap/dock slab steel or cut strands even w/ top of piling & dowel & epoxy (2) #5 L-bars, 12" long w/ 12" bend, into top of piling, w/ a min. of 4" embedment.
2. New batter and vertical pilings and panels to have a minimum 4" penetration into the new cap forms. New dock pilings to have a minimum 3" penetration into new slab forms.
3. Concrete piling to be 12"x12" prestressed pilings with (4) 7/16" strands.
4. All reinforcing steel shall be Grade 60, with a minimum 3" clearance.
5. Concrete to be min. 5000psi @ 28 days.
6. All pilings to be driven 8' into strata. If hard strata is encountered, a 2' minimum penetration is required.
7. Approved contractor to verify all dimensions. The approved contractor is responsible for all methods, means, sequences and procedures of work.
8. Any deviation &/or substitution from the approved plans herein shall be submitted to the engineer for approval prior to commencement of work.
9. Elevations shown are based on the National Geodetic Vertical Datum of 1929.
10. Design in accordance with 2014 Florida Building Code.

***SECTION DETAILS PROVIDED
BY JAMES F. BIAGI P.E.**

SECTIONS

Date: 11-16-15
Sheet: 5 of 6
Proj No.: 13-0070

RIVERWALK PEDESTRIAN STREETScape IMPROVEMENT PROJECT

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

Chappel
GROUP

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Pompano Beach, Florida 33063
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fax. 564.782.1108

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**NEW SEAWALL AND CONCRETE
WALKWAY DETAIL (SECTION B-B)
N.T.S.**

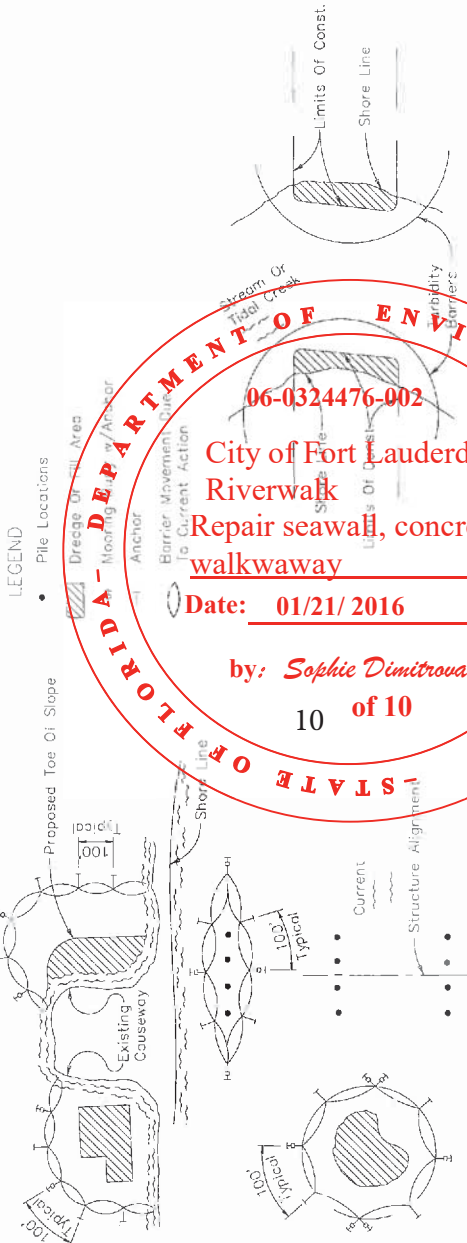
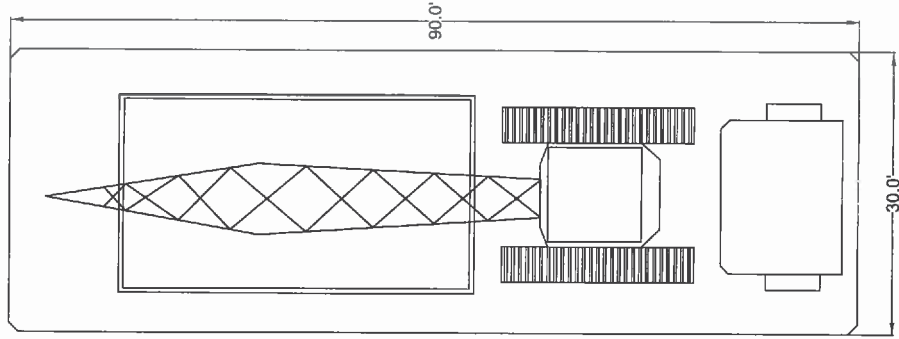
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Repair seawall, concrete
walkway

Date: 01/21/2016

by: *Sophie Dimitrova*

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CONSTRUCTION BARGE (TYP.)



LEGEND

- Pile Locations

Dredge Or Fill Area

Mooring W/Anchor

Anchor

Barrier Movement Due To Current Action

Stream Or Tidal Creek

Limits Of Const.

Shore Line

Structure Alignment

Current

Typical

06-0324476-002

City of Fort Lauderdale -
Riverwalk
Repair seawall, concrete
walkway

Date: 01/21/2016

by: Sophie Dimitrova

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NOTES:

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

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

TURBIDITY BARRIER APPLICATIONS

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RIVERWALK PEDESTRIAN STREETSCAPE IMPROVEMENT PROJECT

PREPARED FOR:

B & M MARINE CONSTRUCTION INC.

DETAILS

Date:	11-16-15	Sheet:	6	of:	6
Proj No.:	13-0070				