## **APPENDIX B**

## PRE-STORMWATER PERMIT BROWARD COUNTY ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT DEPARTMENT PERMIT DATED 12.18.15

City of Fort Lauderdale



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

December 18, 2015

City of Fort Lauderdale Attention: Khant Myat 100 N. Andrews Avenue Fort Lauderdale, FL 33301

RE: River Oaks Stormwater Park and Preserve City of Fort Lauderdale, S/T/R (16-50-42)

This is to notify you of the Environmental Protection and Growth Management Department's (EPGMD) action concerning your application received 07/02/2013. The application has been reviewed for compliance with the

#### **ERP Review - GRANTED**

EPGMD has the authority to review the project for compliance with the provisions of Chapter 373, Part IV, Florida Statutes pursuant to an agreement between EPGMD, DEP and the SFWMD. The agreement is outlined in a document entitled "DELEGATION AGREEMENT AMONG THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT, AND BROWARD COUNTY."

Based on the information submitted, Environmental Resource Permit No. 06-07241-P was issued on 12/18/2015.

Should you object to the conditions of the Environmental Resource Permit, please refer to the attached "Notice of Rights" which addresses the procedures to be followed if you desire a public hearing or other review of the proposed action. Please contact this office if you have any questions concerning this matter. If we do not hear from you in accordance with the attached "Notice of Rights", we will assume you concur with the action taken by EPGMD.

#### Broward County Surface Water Management Review - GRANTED

EPGMD has reviewed the project for compliance with the Surface Water Management requirements of Chapter 27, Article V Sec. 27-191 through 27-202 of the Broward County Code.

Based on the information submitted, Surface Water Management License No. SWM2015-091-0 was issued on 12/18/2015. The above named licensee is hereby authorized to perform the work or operate the facility shown on the approved drawing(s), plans, documents and specifications, as submitted by licensee, and made a part hereof.

Please be advised that no Certificate of Occupancy can be issued on this project until released, in writing, by all EPGMD divisions as required. Such release will be pending approval of any engineering certifications required by specific condition No. 15.

#### Broward County Environmental Resource License Review - GRANTED

EPGMD has reviewed the project, and the construction shall be in accordance with Application DEP form 62-343.900 (1), the EPGMD Addendum, and and all associated information received on 07/02/2013. Based on the information submitted, the plans have been approved and stamped with Broward County Environmental Resource License (ERL) No. DF13-1113.

The above referenced approvals will remain in effect subject to the following:

- 1. Not receiving a filed request for a Chapter 120, Florida Statutes administrative hearing;
- 2. the attached SFWMD General Conditions;
- 3. the attached SFWMD Special Conditions;
- 4. the attached Broward County General Conditions;
- 5. the attached Broward County Specific Conditions;
- 6. the attached <u>16</u> exhibits.

Issuance of the above referenced Broward County license(s) constitutes a final agency determination. A person with a substantial interest may file a petition to request review of or to intervene in a review of a final administrative determination, subject to the provisions of Section 27-14, Broward County Code of Ordinance.

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a "Notice of Rights" has been mailed to the Permitee (and the persons listed in the attached distribution list) no later than 5:00 p.m. on 12/18/2015, in accordance with Section 120.60 (3), Florida Statutes

By:

Ashley Resta, R.E. Surface Water Management Program

Enclosed are the following:

executed staff report;

set(s) of stamped and approved plans; Notice of Rights; and Inspection Guidelines Brochure.



Broward County Board of County Commissioners Environmental Licensing and Building Permitting Division

Surface Water Management Program

# "What to Expect When We Are Inspecting Surface Water Management Systems"

A guideline for **engineers**, **contractors**, and **licensees** of surface water management systems when applying for the release of Certificate(s) of Occupancy.

The intent of this document is to establish some guidelines to achieve compliance with the Code while maximizing customer service needs to licensees and their agents and the local building departments by facilitating the Certificate(s) of Occupancy (CO) release procedure for building projects. It is also the intent of this document to encourage licensees and their agents and the local building departments to not put our inspection staff on the "critical path". *We recognize that the local building departments must adhere to the requirements of the Florida Building Code and the requirements of Article I of the Broward County Natural Resource Protection Code.* 

The Environmental Licensing and Building Permitting Division (ELBPD) - Surface Water Management Licensing program has the responsibility of reviewing designs, licensing, and inspecting surface water management systems within portions of Broward County under the provisions of the Broward County Natural Resource Protection Code, Chapter 27, Section 27-191 through Section 27-201. This includes enforcement for the purpose of protecting our natural resources. This document contains specific information about the ELBPD's surface water management inspection procedures, review of record/as-built drawings, and time required to complete the procedure successfully. Please be advised this document may be included with the approved license and may be modified on an as-needed basis.

# The following certification package must be submitted at least two (2) weeks prior to the anticipated date of occupancy; exceptions may be made on a case by case basis.

# *Note: Item 1 is not applicable to plans stamped as General Licenses (GL##-###). Items 2 & 3 may apply to GL if plans are stamped for construction certification.*

- 1. Final Record/As-built Drawings (hard copy and electronic) of the site, lake/canal slopes, control structure(s) or overflow structure(s) (where applicable), and Finished Floor Elevation(s); etc.
- 2. Signed and sealed letter from a Florida-Registered Professional Engineer certifying all components of the surface water management system were constructed in substantial conformance with the approved plans; and
- 3. When requesting a partial certification include a \$100 partial certification fee (fees are subject to change). The certifying engineer must indicate that a substantial amount of the water management system has been constructed to serve the partial phase to satisfy the water quality and water quantity requirements of the Code and exactly which lots/buildings are requested for release.

Staff will perform an inspection on a first-come first-served basis of the above items. A successful submittal of the required items will prevent unwanted delays in the inspection and CO release processes.

### What we look for During the Record/As-Built Drawing Review and During the Inspection

- The engineer's letter must contain the appropriate certification language. The suggested wording is located in the Code and in the specific conditions of the license. The letter must be signed and sealed. It is imperative that the engineer of record describe any minor modifications to the system that were made during the construction of the project. However, substantial modifications must have received prior approval by the Surface Water Licensing Program.
- 2. The as-built/record drawing must document the Finished Floor Elevation(s) showing substantial conformance with approved plans.
- 3. In addition to rim, manhole, and pipe invert elevations, the plans should contain a sufficient amount of survey information to show that the site grades and perimeter grades were constructed in substantial conformance with the approved plans.
- 4. If part of the approved system, lake and canal slope as-built plans should contain a substantial number of cross sections (a minimum of 1 section per 50 linear feet is preferred) to show compliance with the Department's slope criteria. The staff reserves the right to require additional slope cross sections as necessary as well as slope regrading. Surface area calculations at the control elevation should be submitted for lakes.
- 5. Control structure or overflow structure information must show all (as-built) dimensions and elevations.
- 6. All catch basin and manhole structures must have appropriate mudwork to prevent seepage that could lead to structure/asphalt failures and subsequent turbidity violations.
- 7. All catch basins, manholes, and pipes must be relatively free of sediment and debris and must be accessible to staff. Arrangements should be made with staff for inspecting basins that are covered with fabric materials for sediment control purposes. Fabric must be removed by the licensee or other appropriate personnel prior to the inspection.
- 8. Lake, canal, swale, dry detention/retention area slopes must be stabilized through appropriate measures, i.e, no evidence of erosion or sedimentation should be encountered during the inspection. Arrangements should be made with staff with regards to timeliness of sodding or seeding slopes and bottoms of dry detention/retention areas.
- 9. All baffle mechanisms must be made water tight at all contact surfaces of basin walls by a durable gasket device.

# Successful compliance with the above items will insure a timely release of the Certificate(s) of Occupancy from division staff.

Upon completion of the field inspection, arrangements with inspection staff will be made to correct all observed field deficiencies. With your cooperation, the Operation Letter will be released upon correction of all field deficiencies.

### **Environmental Licensing and Building Permitting Division**

Surface Water Management Program 1 North University Drive, Suite 201-A • Plantation, Florida 33324 Phone 954-519-1483 FAX 954-519-1412

#### NOTICE OF RIGHTS

As required by Sections 120.569(1), and 120.60(3), Fla. Stat., following is notice of the opportunities which may be available for administrative hearing or judicial review when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Not all the legal proceedings detailed below may be an applicable or appropriate remedy. You may wish to consult an attorney regarding your legal rights.

#### **RIGHT TO REQUEST ADMINISTRATIVE HEARING**

A person whose substantial interests are or may be affected by the Broward County Environmental Protection and Growth Management Department's (EPGMD, formerly known as Department of Planning and Environmental Protection or DPEP) action under the "Delegation Agreement Among the Florida Department of Environmental Protection, The South Florida Water Management District and Broward County" has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Fla. Stat. Persons seeking a hearing on an EPGMD decision which does or may determine their substantial interests shall file a petition for hearing with the EPGMD Environmental Compliance Administrator, within 21 days of receipt of written notice of the decision, unless the following shorter time period applies: within 14 days of service of an Administrative Order pursuant to Subsection 373.119(1), Fla. Stat. "Receipt of written notice of agency decision" means receipt of either written notice through mail, or electronic mail, or posting that the EPGMD has or intends to take final agency action, or publication of notice that the EPGMD has or intends to take final agency action, or publication of notice of an EPGMD decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

#### Filing Instructions

The Petition must be filed with the EPGMD Enforcement Administration Section's Environmental Compliance Administrator. Filings with the Environmental Compliance Administrator may be made by mail, hand-delivery or facsimile. **Filings by facsimile will not be accepted after October 1, 2014.** A petition for administrative hearing is deemed filed upon receipt during normal business hours by the Environmental Compliance Administrator, at the Broward County government offices in Plantation, Florida. Any document received by the EPGMD Enforcement Administration after 5:00 p.m. shall be filed as of 8:00 a.m. on the next regular business day. Additional filing instructions are as follows:

- Filings by mail must be addressed to the Environmental Compliance Administrator, Enforcement Administration Section, 1 N University Drive, Suite 307, Plantation, FL 33324.
- Filings by hand-delivery must be delivered to the EPGMD Enforcement Administration Section.
   Delivery of a petition to the Broward County security desk does not constitute filing.
   To ensure proper filing, it will be necessary to request the Broward County security officer to contact the Environmental Compliance Administrator's office.
   An employee of the Environmental Compliance Administrator's office will receive and file the petition.
- Filings by e-mail must be transmitted to the EPGMD Enforcement Administration Section at <u>epdhotline@broward.org.</u> The filing date for a document transmitted by electronic mail shall be the date the EPGMD Enforcement Administration Section receives the complete document. A party who files a document by e-mail shall (1) represent that the original physically signed document will be retained by that party for the duration of the proceeding and of any subsequent appeal or subsequent proceeding in that cause and that the party shall produce it upon the request of other parties; and (2) be responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed.

#### Initiation of an Administrative Hearing

Pursuant to Rules 28-106.201 and 28-106.301, Fla. Admin. Code, initiation of an administrative hearing shall be made by written petition to the EPGMD in legible form and on 8 and 1/2 by 11 inch white paper. All petitions shall contain:

- 1. Identification of the action being contested, including the permit number, application number, EPGMD file number or any other EPGMD identification number, if known.
- 2. The name, address and telephone number of the petitioner and petitioner's representative, if any.
- 3. An explanation of how the petitioner's substantial interests will be affected by the agency determination.
- 4. A statement of when and how the petitioner received notice of the EPGMD's decision.
- 5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate.
- 6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the EPGMD's proposed action.
- 7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the EPGMD's proposed action.
- 8. If disputed issues of material fact exist, the statement must also include an explanation of how the alleged facts relate to the specific rules or statutes.
- 9. A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the EPGMD to take with respect to the EPGMD's proposed action.

A person may file a request for an extension of time for filing a petition. The EPGMD may, for good cause, grant the request. Requests for extension of time must be filed with the EPGMD prior to the deadline for filing a petition for hearing. Such requests for extension shall contain a certificate that the moving party has consulted with all other parties concerning the extension and that the EPGMD and any other parties agree to or oppose the extension. 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.

If the EPGMD takes action with substantially different impacts on water resources from the notice of intended agency decision, the persons who may be substantially affected shall have an additional point of entry pursuant to Rule 28-106.111, Fla. Admin. Code, unless otherwise provided by law.

#### Mediation

The procedures for pursuing mediation are set forth in Section 120.573, Fla. Stat., and Rules 28-106.111 and 28-106.401-.405, Fla. Admin. Code. The EPGMD is not proposing mediation for this agency action under Section 120.573, Fla. Stat., at this time.

#### **RIGHT TO SEEK JUDICIAL REVIEW**

Pursuant to Sections 120.60(3) and 120.68, Fla. Stat., a party who is adversely affected by final EPGMD action may seek judicial review of the EPGMD's final decision by filing a notice of appeal pursuant to Florida Rule of Appellate Procedure 9.110 in the Fourth District Court of Appeal or in the appellate district where a party resides and filing a second copy of the notice with the Environmental Compliance Administrator within 30 days of rendering of the final EPGMD action.

Rev. 10/01/14

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

#### **SFWMD Special Conditions**

1. The permittee shall be responsible for the correction of any erosion, shoaling or water quality problems that result from the construction or operation of the surface water management system.

2. Measures shall be taken during construction to insure that sedimentation and/or turbidity problems are not created in the receiving water.

3. The District reserves the right to require that additional water quality treatment methods be incorporated into the drainage system if such measures are shown to be necessary.

4. Facilities other than those stated herein shall not be constructed without an approved modification of this permit.

5. The conditions outlined in the Broward County Specific Conditions section, except where language specifically relates to Broward County Code, are incorporated into these SFWMD Special Conditions.

6. A stable, permanent and accessible elevation reference shall be established on or within one hundred (100) feet of all permitted discharge structures no later than the submission of the certification report. The location of the elevation reference must be noted on or with the certification report.

7. Operation of the surface water management system shall be the responsibility of permittee.

8. All terms, conditions, and exhibits previously stipulated by SFWMD Permit # 06-XXXXX-S/P will apply to this license unless specifically modified.

9. This permit expires on December 18, 2020.

10. If 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, the permitted project should cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The Permittee or other designee should contact the Florida Department of State, Division of Historical Resources, Review and Compliance Section at 850-245-6333 or 800-847-7278, as well as the appropriate permitting agency office. Project activities should not resume without verbal and/or written authorization from the Division of Historical Resources.

In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with section 872.05, Florida Statutes.

#### **Broward County General Conditions:**

- 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.

#### Broward County Specific Conditions

1. The licensee shall allow authorized personnel of the Environmental Licensing and Building Permitting Division (ELBPD), municipality or local water control district to conduct such inspections at reasonable hours, as are necessary to determine compliance with the requirements of the license and the approved plans and specifications.

2. The responsible entity shall agree to maintain the operating efficiency of the water management works. Except in cases where the responsible entity is a governmental agency, the agreement shall further require that if the water management works is not adequately maintained, the County may undertake the required work and bill all associated costs to the responsible entity. If the payment for such obligations is not satisfied within 30 days, said obligation shall become a lien against the property associated with the water management works. Where ownership of the water management works is separate from property ownership, the ELBPD shall require these agreements to be recorded.

3. The licensee shall prosecute the work authorized in a manner so as to minimize any adverse impact of the works on fish, wildlife, natural environmental values, and water quality. The licensee shall institute necessary measures during the construction period, including fill compaction of any fill material placed around newly installed structures, to reduce erosion, turbidity, nutrient loading and sedimentation in the receiving waters. Any erosion, shoaling or deleterious discharges due to permitted actions will be corrected promptly at no expense to the County.

4. The licensee shall comply with all applicable local land use and subdivision regulations and other local requirements. In addition, the licensee shall obtain all necessary Federal, State, local and special district authorizations prior to the start of any construction alteration of works authorized by this license.

5. Offsite discharges during construction and development shall be made only through the facilities authorized by this license. Water discharged from the project shall be through structures having a mechanism for regulating upstream water stages. Stages may be subject to operating schedules satisfactory to the appropriate regulatory agency.

6. The licensee shall hold and save the County harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, operation, maintenance or use of any facility authorized by the license.

7. The license does not convey property rights nor any rights or privileges other than those specified therein.

8. No construction authorized by the license shall commence until a responsible entity acceptable to the ELBPD has been established and has agreed to operate and maintain the efficiency of the system. The entity must be provided with sufficient ownership so that it has control over all water management facilities authorized therein. Upon receipt of written evidence of the satisfaction of this condition, the ELBPD will issue authorization to commence the construction.

9. No beautification, or erection of any structure that will prohibit or limit access of maintenance equipment or vehicles in the right-of-way or easements will be allowed.

10. Any license which grants any entity the permission to place a structure on property which is owned by Broward County or upon which Broward County has an easement shall be construed to create a revocable license for that structure to remain on the property. Broward County may require removal of such a structure at no cost to the County.

11. The area under license will be maintained in a safe and operating condition at all times. Equipment will be promptly removed from the right-of-way or easement and the right-of-way or easement will be restored to its original or better condition within a reasonable time on termination of the authorized use.

12. The ELBPD will be notified, as required in the license or as indicated on the approved plans, to coordinate and schedule inspections.

13. The operation or construction will be in accordance with the approved details and plans submitted with the application. Any modification must be submitted to the ELBPD in writing and receive prior approval.

14. Monitoring may be required for sites with high pollutant generating potential, such as industrial sites, Class I and II solid waste disposal sites, and projects discharging to areas identified in Section 27-200 (b) (1) (o). Such monitoring will be under the cognizance of the ELBPD.

15. Upon completion of the construction of a surface water management system or phase thereof licensed by the ELBPD, it is a requirement of the issuance of the license, and hence transfer of operation and maintenance responsibility, that a Florida Registered Professional Engineer certify that the surface water management system was indeed constructed as licensed. Certified record drawings shall accompany the certification. Suggested wording for this is as follows:

I HEREBY CERTIFY TO THE CONSTRUCTION COMPLETION OF ALL THE COMPONENTS OF THE SURFACE WATER MANAGEMENT FACILITIES FOR THE ABOVE REFERENCES PROJECT AND THAT THEY HAVE BEEN CONSTRUCTED IN SUBSTANTIAL CONFORMANCE WITH THE PLANS AND SPECIFICATIONS APPROVED BY THE BROWARD COUNTY ELBPD, AND HEREBY AFFIX MY SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_\_, 20\_\_\_\_.

(SEAL)

16. Water management areas shall be legally reserved to the operation entity and for that purpose by dedication on the plat, deed restrictions, easements, etc., so that subsequent owners or others may not remove such areas from their intended use. Management areas, including maintenance easements, shall be connected to a public road or other location from which operation and maintenance access is legally and physically available.

17. The licensee shall notify the ELBPD in writing within twenty-four (24) hours of the start, finish, suspension, and/or abandonment of any construction or alteration of works authorized by this license.

18. A prorated share of surface water management retention/detention areas, sufficient to provide the required flood protection and water quality treatment, must be provided prior to occupancy of any building or residence.

19. The operation license shall be valid for a specific period of time not to exceed five (5) years from the date the license is transferred to the operation phase. The operation license shall be renewed in accordance with Section 27 - 198 (d) (2) of the Article.

20. The ELBPD reserves the right to require additional water quality treatment methods be incorporated into the drainage system if such measures are shown to be necessary.

21. This permit does not constitute the approval required by Section 27-353(i), Broward County Code, to conduct dewatering operations at or within one-quarter mile radius of a contaminated site. Please contact the Pollution Prevention Division at (954) 519-1260 for further information.

22. The licensee shall keep a log of the operation and maintenance schedule for all components of the surface water management system.

23. The surface water management system must be inspected by the Surface Water Management Section to verify compliance with Specific Condition No. 15 of the license. In accordance with the Broward County Natural Resource Protection Code, Article I, Sec. 27-66 (f), the County agency or municipal agency charged with issuing a certificate of occupancy (CO) shall not issue a CO until notified of the Broward County ELBPD approval. Partial certifications will be handled in accordance with Specific Condition No. 18.

24. The licensee is advised that he/she is required to submit a Storm Water Notice of Intent (NOI) application at least 48 hours prior to the commencement of construction to the Florida Department of Environmental Protection, NPDES Stormwater Notices Center, MS #3585 at 2600 Blair Stone Road - Tallahassee, Florida 32399-2400.

25. Prior to the commencement of construction of a future phase(s), a license modification will be required.

#### SPECIFIC CONDITIONS from the AQUATIC AND WETLAND RESOURCES PROGRAM:

#### A. STANDARD CONDITIONS

- 1. Any project caused environmental problem(s) shall be immediately reported to the Department's Environmental Response Line at 954-519-1499.
- 2. 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 left in the water.
- 3. Spoil generated from the excavation authorized by this license must be placed on an upland site and contained in such a manner as to prevent erosion into wetlands or other surface waters.
- 4. This license does not authorize mangrove trimming, alteration or removal, as defined in the 1996 Mangrove Trimming and Preservation Act, nor does it authorize any mangrove impacts due to construction activities. Unauthorized activities will result in enforcement action.
- 5. The maximum over-water area of the new boardwalk shall be 6' x 3117' (108,493 square feet) and shall be set at elevation 5.5 NGVD.
- 6. The licensee shall ensure that turbidity curtains surround all project areas, including all active work sites, and any previously worked sites that could continue to emit a turbid discharge.
- Turbidity screens or equivalent shall be properly employed and maintained as necessary during construction activities so that turbidity levels do not exceed 29 NTU's above natural background 50 feet downstream of point of discharge. If turbidity levels exceed these limits, project activities shall immediately cease, and work shall not resume until turbidity levels drop to within these limits [62-302.530(69) FAC].
- 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].
- 9. If an observable turbidity plume is visible leaving the site, the licensee shall:
  - a. Immediately cease all work contributing to the water quality violation. Operations may not resume until the Department gives authorization to do so.
  - b. Notify the Development and Environmental Regulation Division (954) 519-1230 within 24 hours of the time the first violation is detected.
  - c. Stabilize all exposed material contributing to the water quality violation. Modify the work procedures that were responsible for the violation, and install more turbidity containment devices and/or repair any non-functioning turbidity containment devices. If required by the Department, a turbidity monitoring program shall be initiated.
- 10. Any water bodies or wetlands to be filled pursuant to this license must be filled only with rock, soil or muck, as appropriate and depicted on the attached drawings. Fill material which includes clean debris as defined in Section 27-214 is not authorized by this license. **Use as fill of any materials other than rock, soil or muck shall constitute a violation of this license**.

- 11. All construction related equipment and materials shall be stored or stockpiled outside the wetland boundary.
- 12. If the approved license drawings and/or license attachments/plans conflict with the specific conditions, then the specific conditions shall prevail.
- 13. This license does not eliminate the necessity to obtain any required federal, state, local or special district authorizations prior to the start of any activity approved by this license.

#### **B. CONSTRUCTION CONDITIONS**

- 1. If the approved license drawings and/or license attachments/plans conflict with the specific conditions, then the specific conditions shall prevail.
- 2. Demolition and construction related debris must be disposed of at an approved upland location and may not be left in the water or wetland areas.
- 3. Any wetland areas or water bodies which are adjacent to the specific limits of construction authorized by this license shall be protected from erosion, sedimentation, siltation, scouring, excess turbidity or dewatering.
- 4. This license does not eliminate the necessity to obtain any required federal, state, local or special district authorizations prior to the start of any activity approved by this license.
- 5. Please be advised that applicants with projects 1 acre or greater in size are required to submit a Storm Water Notice of Intent application 48 hours prior to the commencement of construction to the Florida Department of Environmental Protection, NPDES Stormwater Notices Center, MS #2510, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. In addition, please submit a Stormwater Pollution Prevention Plan to the appropriate local jurisdiction (Broward County Water
- 6. Resources Division, Drainage District, or municipality) showing all Best Management Practices to be implemented during the construction of the project. The plan must be on a 24" X 36" drawing.

#### C. MITIGATION CONDITIONS

- Impacts to 0.16 acres of herbaceous wetlands (UMAM Functional Loss = 0.08) is offset by the creation of 4.18 acres of herbaceous wetlands (Functional Gain value = 1.56), 0.84 acre of forested wetland enhancement (Functional Gain value = 0.07), 0.08 acre of transitional wetland creation (Functional Gain value = 0.03) and 2.44 acres of herbaceous wetlands restoration (Functional Gain value = 0.20). Total proposed functional loss = 0.08 UMAM units and total proposed mitigation functional value 1.78 functional units.
- 2. Long-term management and maintenance of the Stormwater Park mitigation shall be the perpetual responsibility of the City of Fort Lauderdale. The conservation areas shall be the perpetual responsibility of the City of Fort Lauderdale and may in no way be altered from their natural or licensed state as documented in this license, with the exception of restoration activities. Activities prohibited within the conservation area(s) include, but are not limited to: construction or placement of soil or other substances such as trash; removal or destruction of trees, shrubs or other vegetation (with the exception of exotic/nuisance vegetation) removal; excavation, dredging, or removal of soil material; diking or fencing; and any other activities detrimental to drainage, flood control, water conservation, erosion control or fish and wildlife habitat conservation or preservation.

- 3. A maintenance program shall be implemented in accordance with Exhibit No.\_\_\_\_\_ for the preserved/restored/enhanced/created wetland/upland areas on a regular basis to ensure the integrity and viability of those areas as licensed. Maintenance shall be conducted in perpetuity to ensure that the conservation area is maintained free from Category 1 exotic vegetation (as defined by the Florida Exotic Pest Plant Council at the time of license issuance) immediately following a maintenance activity. Coverage of exotic and nuisance plant species shall not exceed [2%] of total cover between maintenance activities. In addition, the licensee shall manage the conservation areas such that exotic/nuisance plant species do not dominate any one section of those areas.
- 4. Construction and installation of the Areas shall be in accordance with plans dated 06/30/15 (attached) and associated information.
- 5. Upon completion of the Areas, the following documentation shall be submitted to the Department: (1) certification of elevations in relation to design; (2) verification of actual acreage' and (3) the timezero monitoring report. This documentation is required within 30 days of completion of the Areas and prior to any Certificate of Occupancy being issued for any structure on the site/phase.
- 6. All exotic and nuisance vegetation shall be treated or removed from the Areas. Less than 2 % coverage will be allowed if dispersed throughout the Areas and not concentrated in any particular location. Exotic and nuisance species include but are not limited to: melaleuca, Australian pine, Brazilian pepper, bischofia, torpedo grass, primrose willow, cattail, air potato, and Syngonium.
- 7. In order to assure that the Area(s) become self-sustaining, the following criteria shall be met:

a) A minimum of 80% coverage by desirable wetland species after a two (2) year period and demonstration of persistence for three (3) additional years.

b) Less than **2%** coverage by invasive exotic and undesirable species is allowable if plants are dispersed and not concentrated in any particular area. Exotic and undesirable species include, but are not limited to, melaleuca, Australian pine, Brazilian pepper, bischofia, torpedo grass, primrose willow, cattail, air potato, and Syngonium. Treatment efforts should be tailored to prevent these species from becoming reproductively mature.

c) A minimum of 80% survival of each planted species shall be maintained each quarter. An exception to this condition may be allowed where species composition, density of planted and recruitment species, the overall wetland condition, as characterized by the growth rates and viability of the Areas are of higher quality, as determined by the Department.

d) Hydrologic conditions and soil characteristics are in general conformity to those specified in plans. Data from the permanent surveyed staff gauges must be collected every two weeks and submitted with the quarterly monitoring reports.

e) Any preserved or planted species shall be maintained as to exhibit new growth and/or propagation, viability, and overall health. Existing desirable wetland plant species shall not be injured or killed. Any plants that are severely damaged or killed will be replaced on a plant-for-plant basis for shrubs and groundcovers and on an inch-for-inch basis for trees.

- 8. The Area(s) shall be monitored and reports submitted quarterly for five (5) years describing in detail the condition of the Areas relative to the reference wetland and the criteria listed above (C. 7.a-f).
- 9. Should the Department determine that the Areas are not achieving the listed criteria during some portion of the monitoring period, the licensee shall determine the reasons for failure and prepare plans that demonstrate clearly how the problem(s) will be corrected and submit such plans

immediately to the Department for approval. Those plans shall be implemented within 30 days from the Departments written approval.

10. The Department must be notified of any change of consultant/contractor during the construction and mitigation monitoring phases of this project.

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



Exhibit 1: Location

#### **STAFF REPORT**

Project Name:	River Oaks Stormwater P	ark and Preserve	
Permit Number:	06-07241-P	License Number:	SWM2015-091-0, DF13-1113
Application Number	: 130702-19	Concurrent Application:	L2013-109
Application Type:	New Environmental Reso	purce	
Location:	Broward County	Section-Township-Range:	16-50-42
Permittee's Name:	City of Fort Lauderdale		
Project Area:	8.41 acres	Drainage Area:	29.27 acres
Project Land Use:	Recreational		
Drainage Basin:	Coastal		
Receiving Body:	North New River Canal		

#### **Purpose:**

The construction and operation of a surface water management system to serve a proposed 8.41 acre passive stormwater park and wetlands preserve to serve the River Oaks neighborhood and alleviate flooding within the neighborhood.

#### **Project Evaluation:**

#### **Project Site Description:**

The site is presently undeveloped and is located on the west side of SW 19 Ave south of SW 21 St in Ft. Lauderdale.

#### **Proposed Project Design:**

The proposed construction will include a wetland-marsh area, a boardwalk, and the proposed drainage system. Runoff from the surrounding existing neighborhood will be directed into the wetland preserve area for water quality treatment and storm runoff attenuation. The discharge from the wetland preserve will be directed into the North New River via a proposed control structure which ties into a series of existing FDOT culverts and existing swales that lead to the canal. The proposed onsite control structure consists of a raised inlet at elevation 3.40' NAVD and two vertical 18" x 6" rectangular bleeders with invert elevations at 0.50' NAVD. The wetland area has a minimum perimeter berm elevation of 4' NAVD.

The applicant's consultant has demonstrated through plans and calculations that no adverse water quality or water quantity impacts will occur as a result of the proposed project and that it meets the requirements of the Cod

Control Elevation: Control Elevation = 0.5 ft, NAVD WSWT Control Elevation = 0.5 ft, NAVD Method of Determination = BC Avg. Wet Season Water Table Map



#### **Environmental Summary:**

#### Description of Work:

This licenses authorizes a project which is designed to alleviate flooding in the River Oaks neighborhood by creating a passive park which includes stormwater ponds and wetland features by conducting the following activities: 1) impacting 0.16 acre of the existing 3.51 acres of on-site wetlands, 2) excavating 19,682 cubic yards to create a 6.1 acre pond, 3) creating 4.18 acres of new marsh habitat within the pond 4) preserving and enhancing the remaining 0.85 acre forested wetland, 5) installing an 6' x 3117' (108,493 square feet) boardwalk at elevation +5.5 NGVD for public access and 6) installation of a historic CSX railroad bridge which shall be incorporated into the boardwalk.

Turbidity barriers shall be placed around the project area prior to initiation of earthwork and shall remain in place until construction is complete.

Location of Work: This project is located on a 9.1 acre site located at 2101 - 2271 SW 19th Avenue, Township 50 South, Range 42 East, Section 12, in the City of Fort Lauderdale. Folio Number 504216000141 and 5 other adjacent parcels as shown on the attachments.

Construction shall be in accordance with the submitted ERL Application, received on 7/2/13, and all additional information submitted; plans stamped by the Department on 12/7/15 (attached); and with all General and Specific Conditions of this license.

The proposed activities have been evaluated for potential secondary and cumulative impacts and to determine if the project is contrary to the public interest. Based upon the proposed project design, EPD has determined that the project will not cause adverse secondary or cumulative impacts to the water resources and is not contrary to the public interest.

Exhibit 2B

#### **Special Concerns:**

Operating Entity: City of Fort Lauderdale Attention: Hrdeep Anand, P.ublic Works Director 949 NW 38 ST Fort Lauderdale, FL 33309

Waste Water System/Supplier: G.T. Lohmeyer

Exhibit 2C

#### STAFF RECOMMENDATION:

South Florida Water Management District and Broward County rules have been adhered to and an Individual Permit should be granted.

06-07241-P; SWM2015-091-0; DF13-1113; STAFF REVIEW:

Surface Water Management Program:

Ashley Resta

Ashley Resta, RE

### Aquatic and Wetland Resources Program:

for Linda Sunderland

leri

for Linda Sunderland, Manager

Exhibit 2D

### STAFF REPORT DISTRIBUTION LIST ADDRESSES

**Owner:** 

City of Fort Lauderdale Attention: Khant Myat 100 N. Andrews Avenue Fort Lauderdale, FL 33301

#### Applicant:

City of Fort Lauderdale Attention: Khant Myat 100 N. Andrews Avenue Fort Lauderdale, FL 33301

### Engineering

#### Consultant:

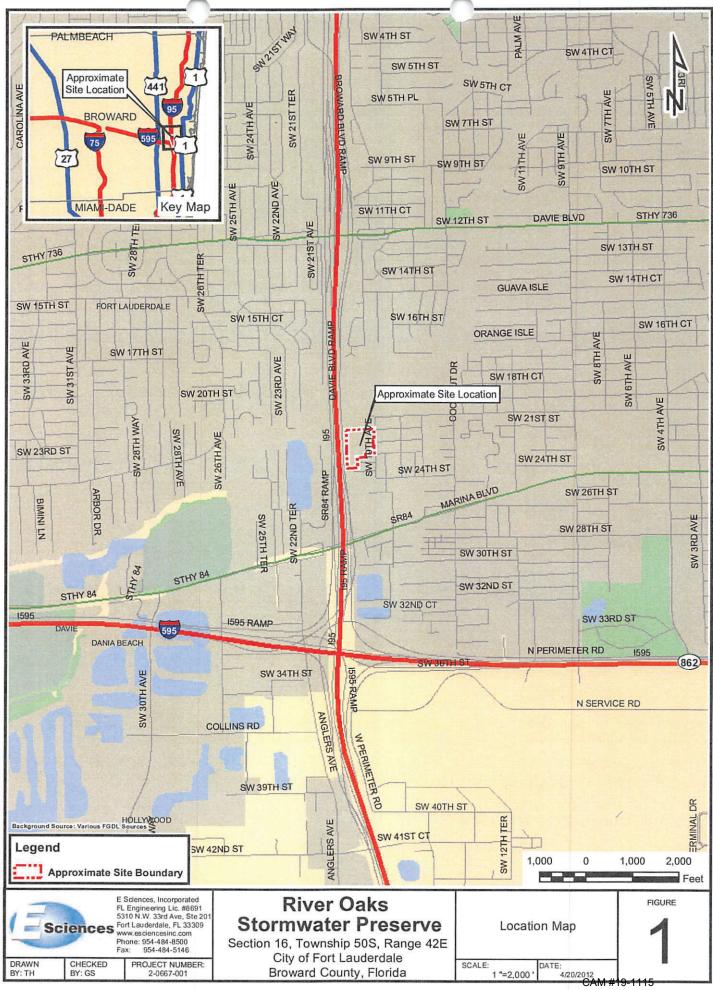
CSA CENTRAL, INC. Attention: Juan M. Villar 6100 Blue Lagoon Drive, Suite 300 Miami, FL 33126

Other:

City of Fort Lauderdale Building Official Army Corps of Engineers

Exhibit 3

City of Fort Lauderdale

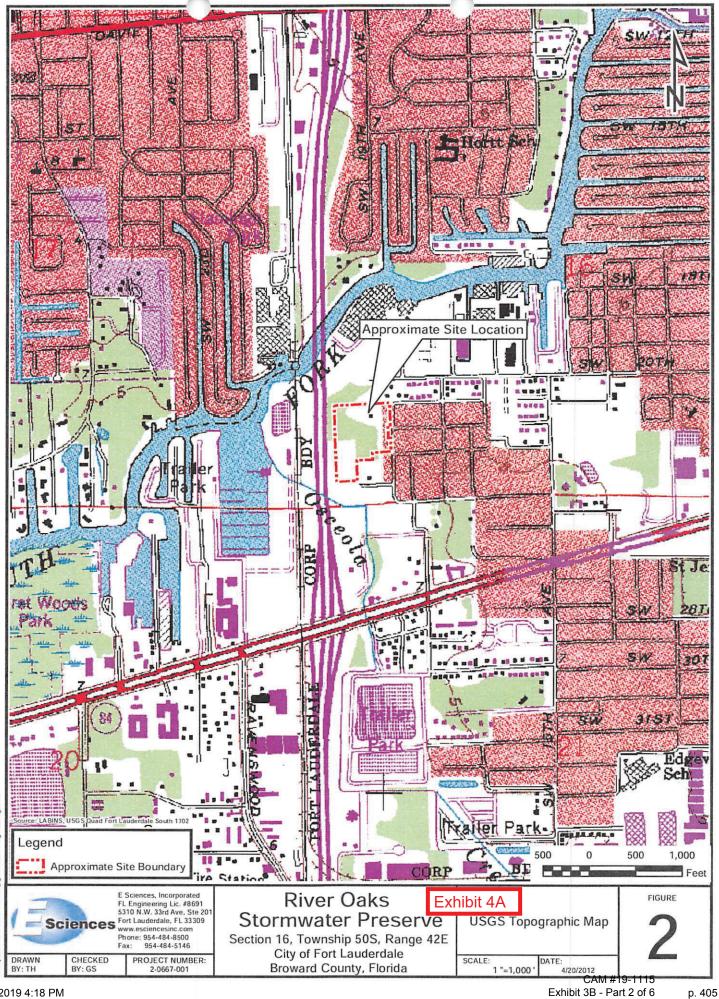


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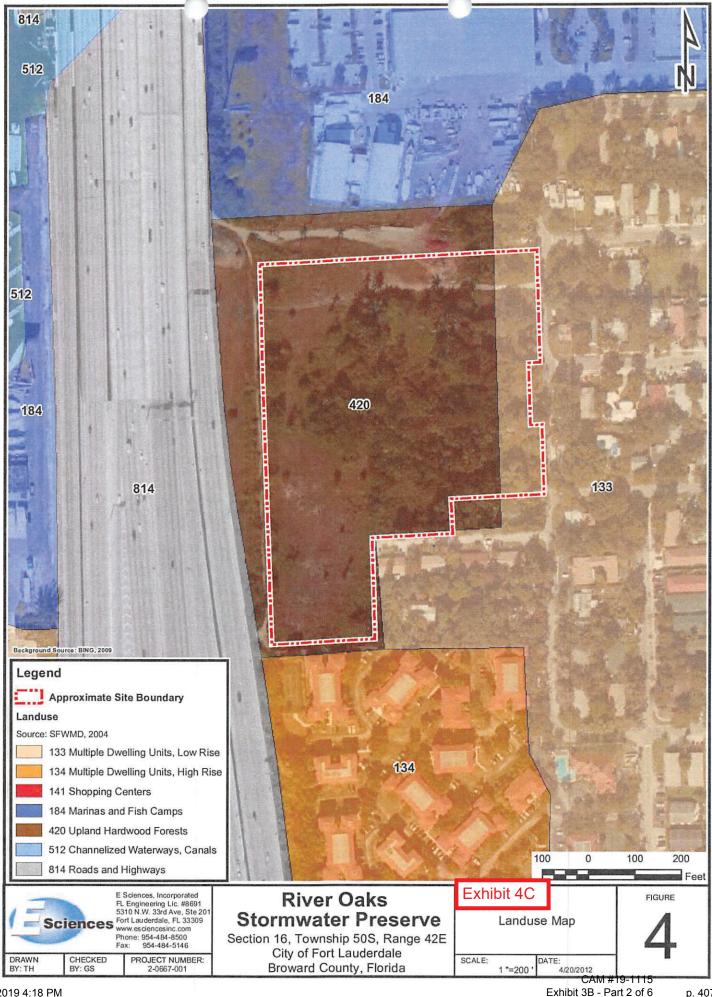
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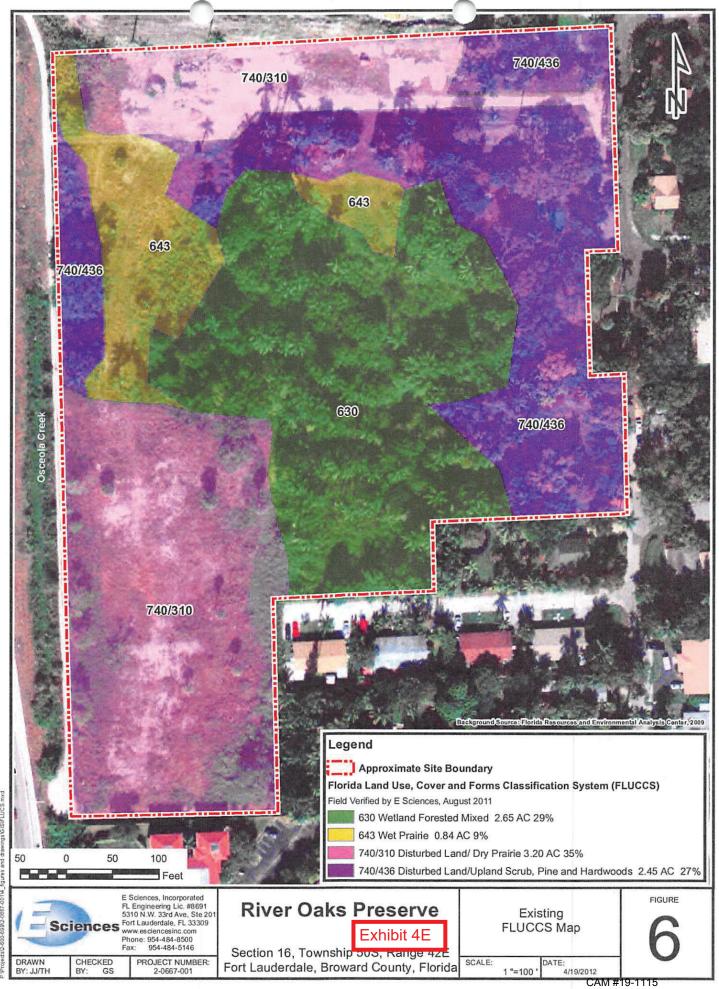


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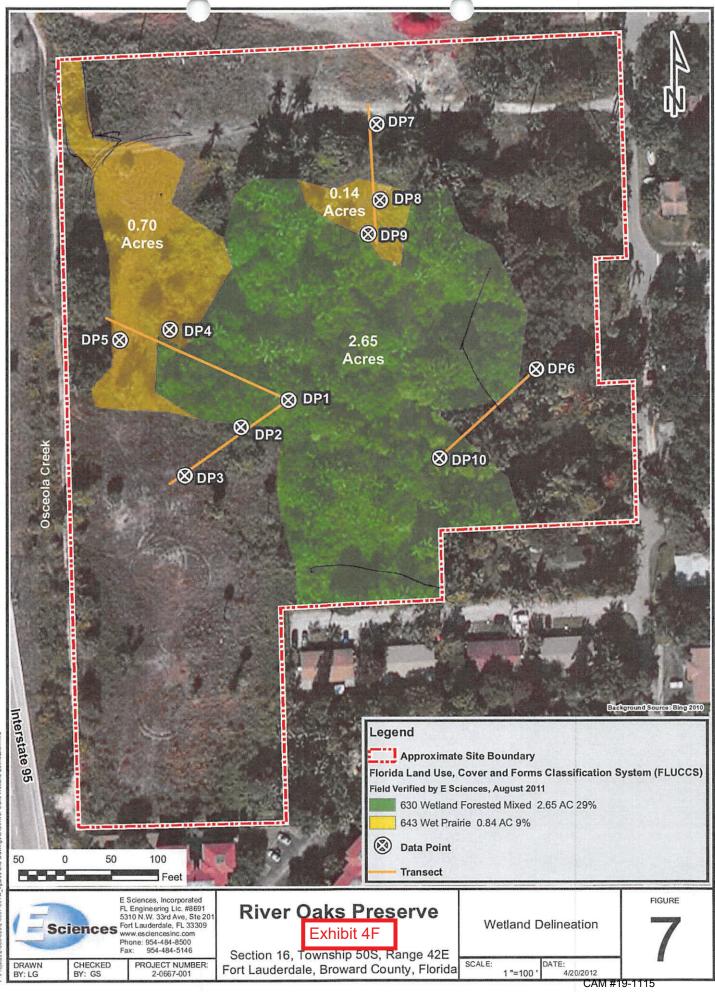
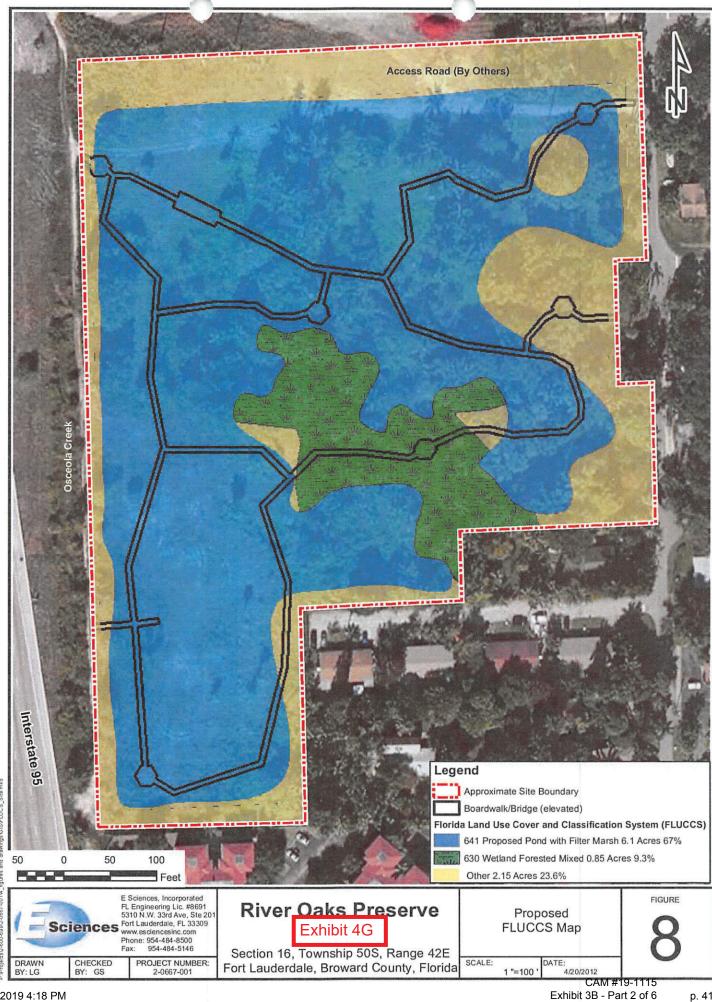


Exhibit 3B - Part 2 of 6 Page 32 of 46

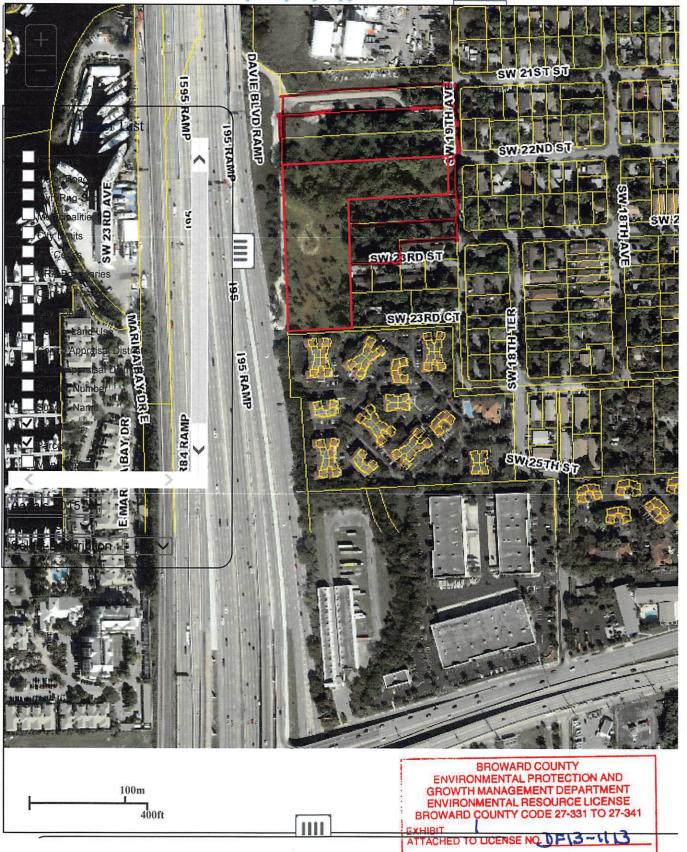


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Exhibit 4H

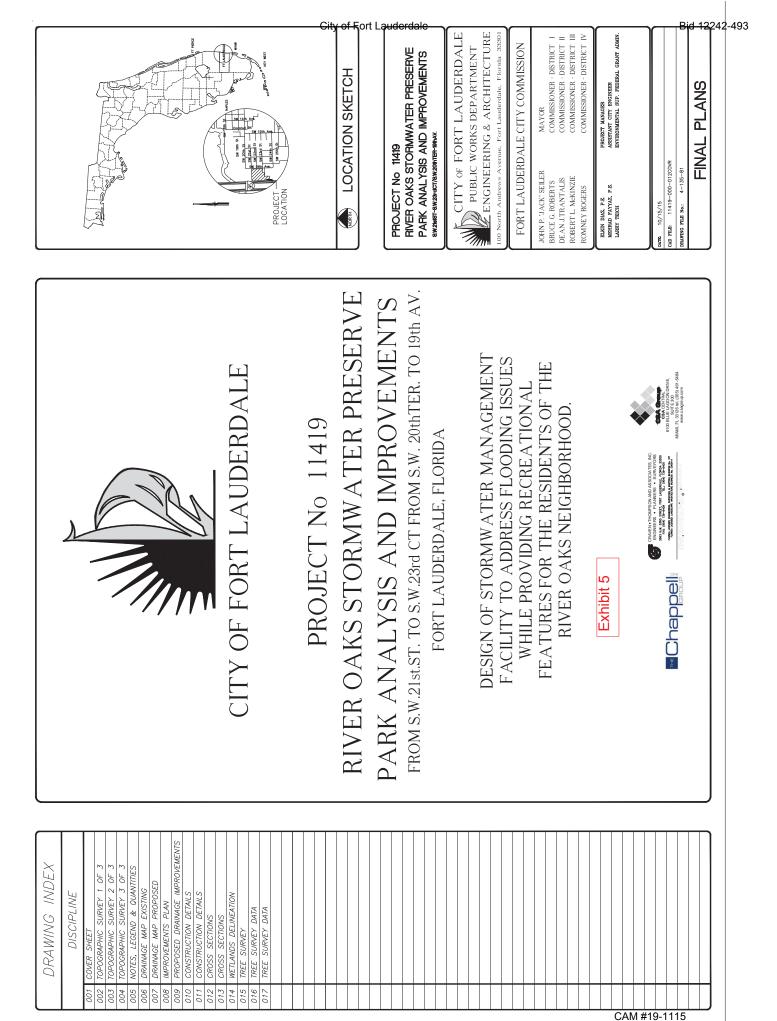
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## Lori Parrish CFA Broward County Property Appraiser Florida

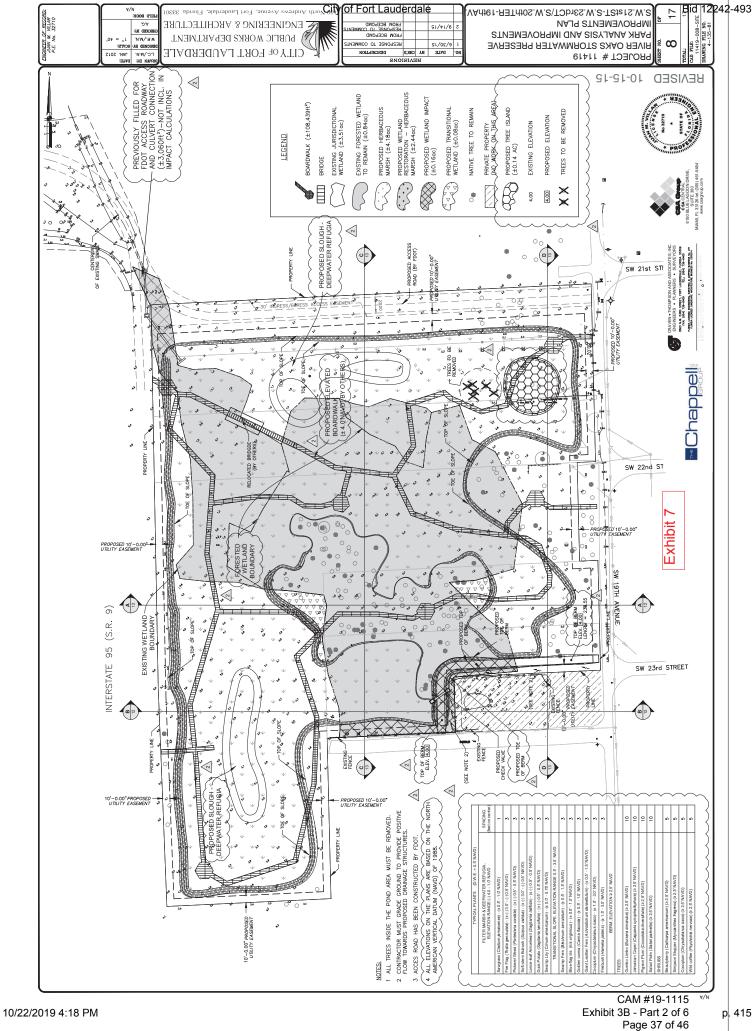


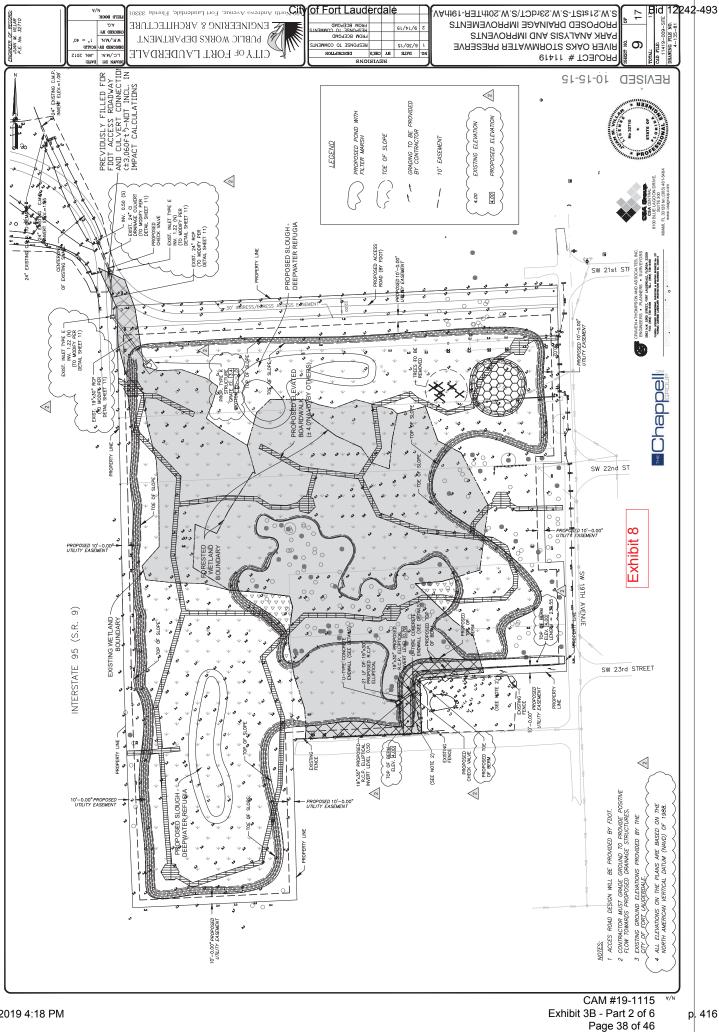
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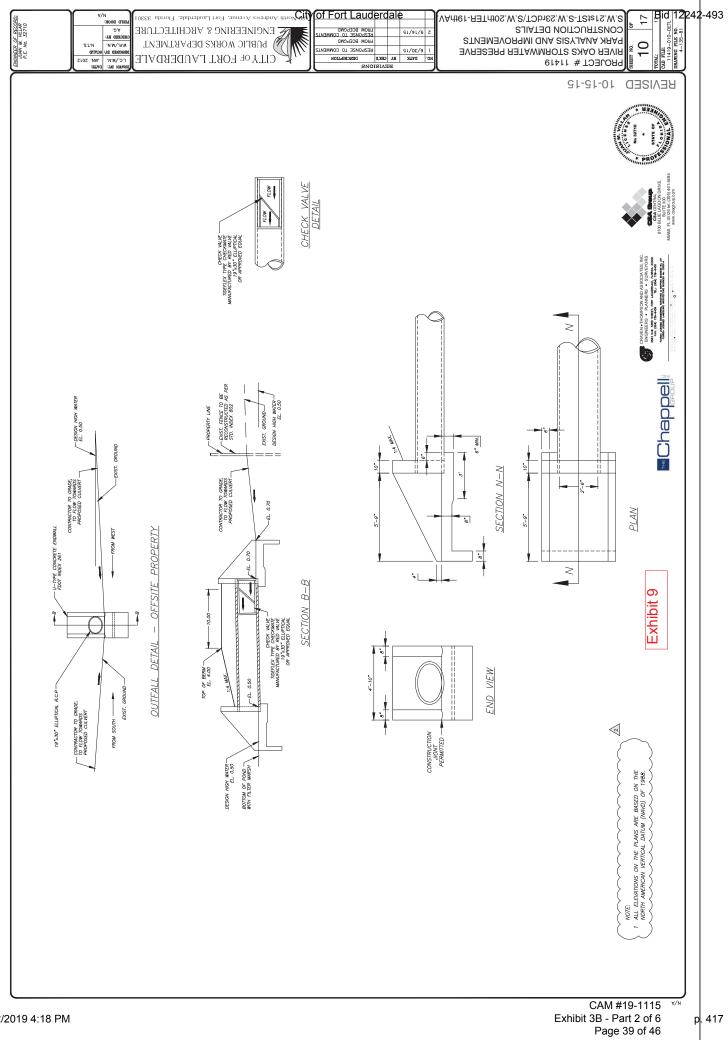
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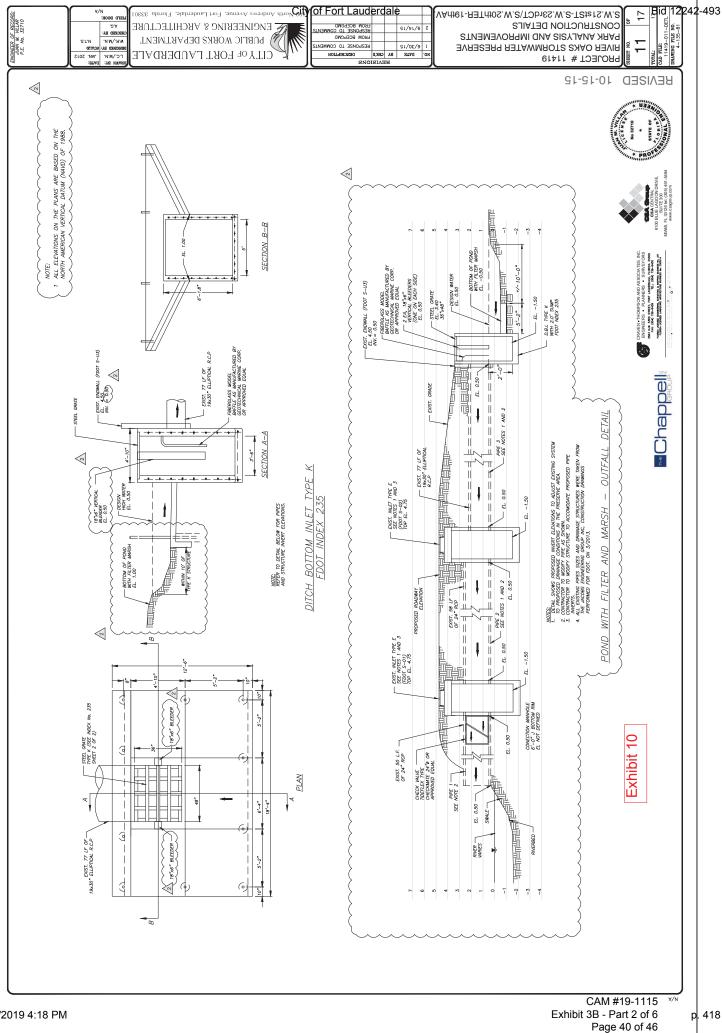


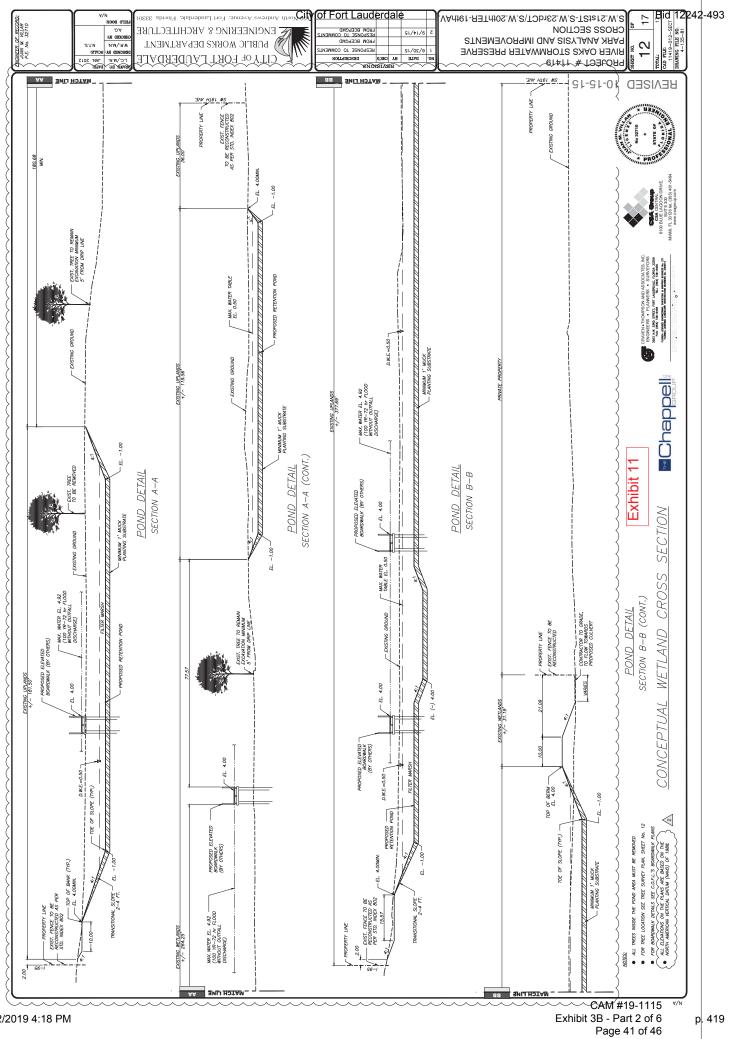
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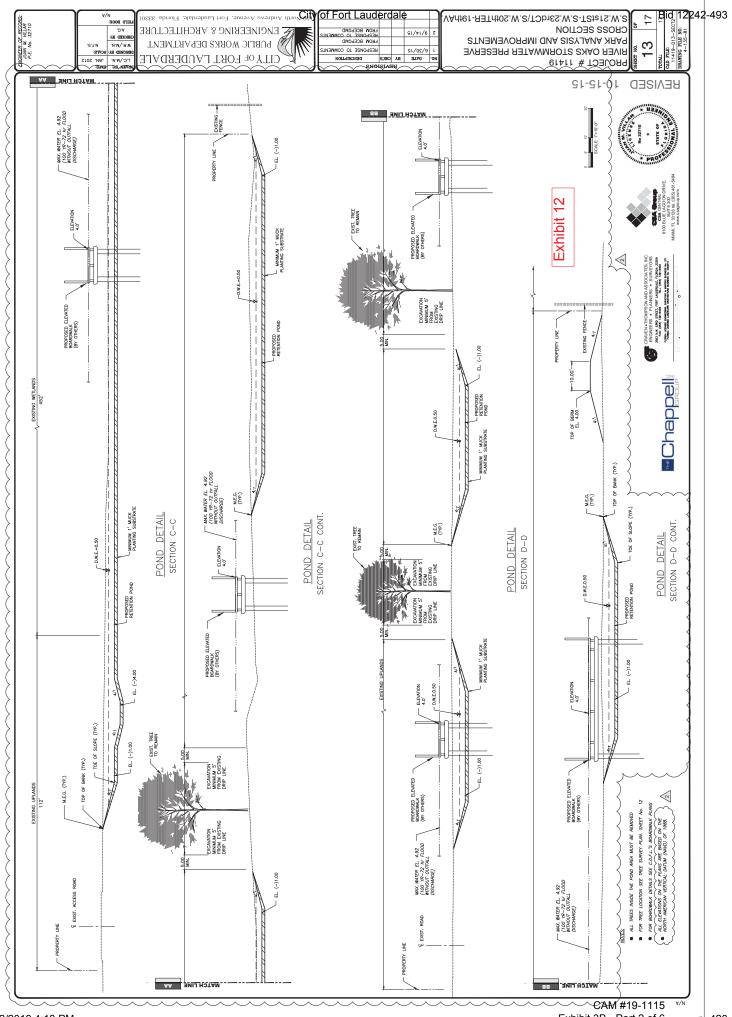


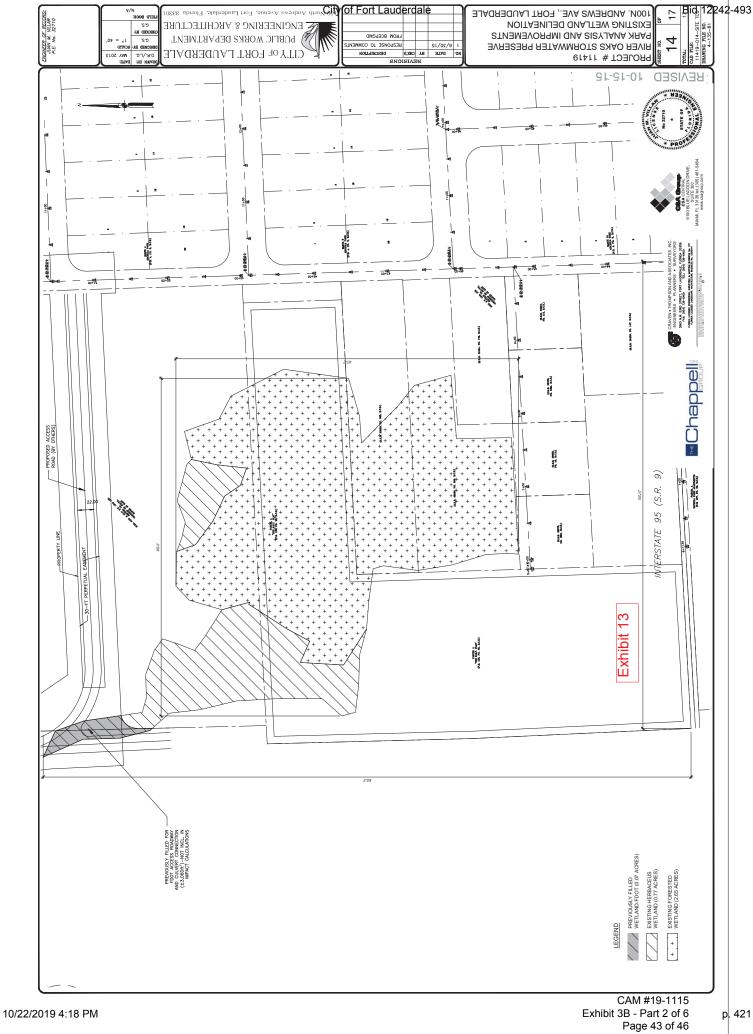


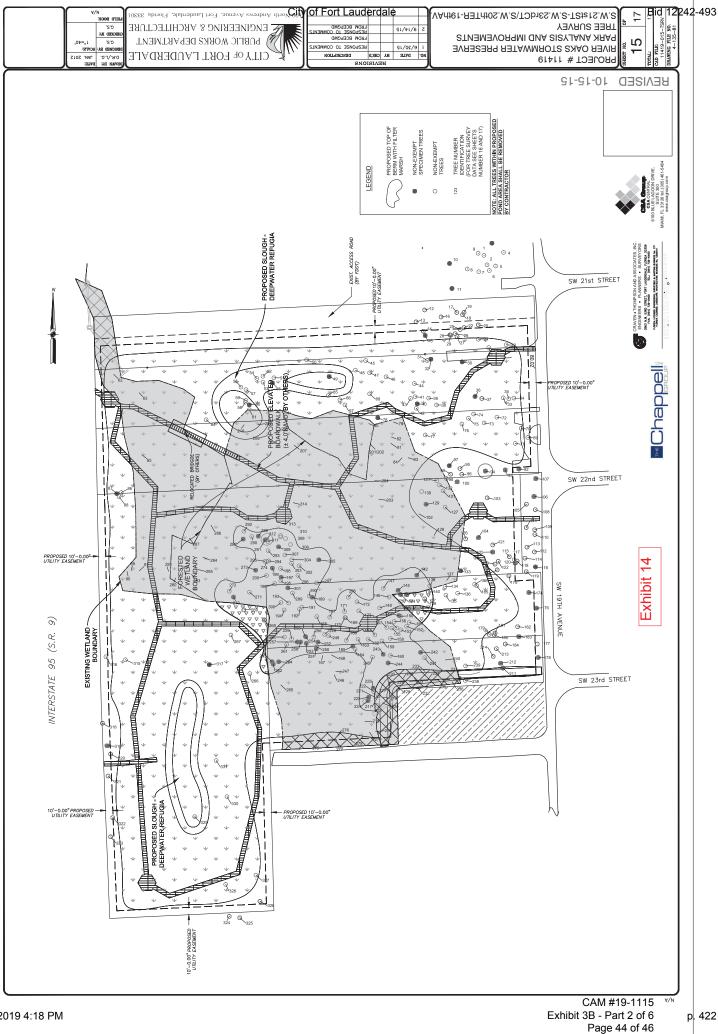












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Tree #         Common Name           84         Royal Palm           85         Areca Palm           86         SeaGrape           87         Strangler Fig           88         Areca Palm						99 Live Oak 100 Live Oak	101 Almond 102 Almond		치							115 Sabal Palm	11b Live Oak 117 Sabal Palm		120 Sabal Palm						130 Coconut Palm	< 4	133 Traveler's Palm 134 Mango	135 Alexander Palm	137 Areca Palm	138 Areca Palm 139 Royal Palm	140 Areca Palm 141 Royal Palm	142 Royal Palm 143 Royal Palm	144 Royal Palm 145 Royal Palm	146 Unknown 147 Roval Palm				153 Bald-Cypress		156 Pond Apple						166 Pond Apple	
Health Fair Fair Good Good	poc	poo	poc	poc	poo	poc	poo	poor .	pog	bod	poc	poo	poo	poc	poo	poc	poc	pod	poo	poc	poo	poc	poc	poo	poo	poq	poc	poo	poc .	poo	poo	poc	poo	poo	poo	poo	poo	poo	poc	poo	poo	poo	Good	poc	poc.	od	
Disposition         He           Outside of Parcels         F           Outside of Parcels         G	utside of Parcels G utside of Parcels G	utside of Parcels G	utside of Parcels G	Remove	Remove G	Remove G	Remove G	Remove	Remove G	Remove G	Remove	Remove G	Remove G	Remove	Remove G					-							Remove G															1					
Canopy (SqFt)           452.4         (           452.4         (           78.5         (           50.3         (           78.5         (	28.3 0 113.1 0 706.0	12.6 0	452.4 0	314.2	706.9	28.3 78.5	314.2	7.470	1256.6 314.2	113.1	50.3	78.5 78.5	78.5	50.3	201.1	113.1	12.6	113.1	50.3	50.3	2827.4	201.1	475.8 452.4	201.1	50.3	314.2	113.1 78.5	113.1 70 c	113.1	78.5 113.1	113.1	113.1	201.1 314.2	78.5	113.1	201.1	314.2 50.3	78.5	78.5	113.1	220.9	314.2 706.9	113.1	452.4	113.1	201.1	
meter (in) Ca 5.7 11.4 18.0 11.0 14.8	17.0 6.5	11.0	32.5	13.6	44.0	9.0 13.5	11.0	0.0 9.0	6.0	11.3	10.5	13.0	14.0	10.9	18.0	12.8	9.5	12.0	8.0	6.0	27.0	10.0	10.0	12.7	10.5	9.5 20.0	10.0	12.0	11.3	18.5 14.5	10.8	15.1 18.5	16.3	15.0	15.0	12.0	12.0	10.0	8.0	12.0	NA	15.0	18.0	22.0	20.0	7.0	
Height (H)         Diameter (in)         Ca           20         5.7         5.7           25         11.4         11.4           35         11.0         25           25         14.8         25	30	30 46	30	05	<del>8</del> 8	90 90	35	8 8	15	90	20	23 25	30	38	8 8	20	EI 06	15	3 8	15 25	1 8 1	8 8	40 30	30	18	8 8	30	6	8 <del>8</del> 8	30	30 32	45 45	45 35	21 S	8	8 8	35	20	8 22	15	20	35	64	4 6	05	2 2	
	ь,	Quercus virginiana Quercus virginiana Tahehuia heteronhvlla			Roystonea regia Roystonea regia			L D	Quercus virginiana Terminalia catappa			Sabal palmetto Sabal palmetto					Dypsis lutescens Terminalia catappa		2		um						Dypsis lutescens Roystonea reala		Roystonea regia Roystonea regia					Sabal palmetto Rovstonea reaia	30	Koystonea regia Ficus aurea						Roystonea regia Terminalia catappa				Dypsis lutescens Roystonea regia	
Common Name Almond Almond Royal Palm Coconut Palm Sabal Palm								F																			Areca Palm Roval Palm							Sabal Palm Roval Palm	Live Oak	Strangler Fig										Areca Palm Royal Palm	
Tree# 1 2 3 4 5		o 6 (																									5 2							59 F3													

