

MEMORANDUM MF NO. 26-05

DATE: April 15, 2026

TO: Marine Advisory Board Members

FROM: Andrew Cuba, Marine Facilities & Parks Manager

RE: May 7, 2026 MAB –Application - Dock Waiver of Distance Limitations –
234 Plaza Las Olas, Susan Rotman

Attached for your review is a revised application from Susan Rotman, 234 Plaza Las Olas (see **Exhibit 1**).

APPLICATION AND BACKGROUND INFORMATION

The applicant is requesting approval for installation of one (1) finger pier and one (1) boat lift, requiring a Dock Waiver of Distance Limitations. The proposed finger pier and boat lift extend a maximum distance of 48’10” +/- from the property line as shown in the survey in **Exhibit 1** and summarized in Table 1:

TABLE 1

PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
Finger Pier	48’10” +/-	25’	23’10” +/-
Boat Lift	48’10” +/-	25’	23’10” +/-

The City’s Unified Land and Development Regulations (UDLR), Section 47-19.3(c.) limits the maximum distance of mooring structures to 25’ or 25% of the width of the waterway, whichever is less, as measured from the property line. Section 7.19.3.(e.) authorizes the City Commission to waive that limitation based on a finding of extraordinary circumstances.

The applicant’s Summary Description indicates that the finger pier and boat lift are necessary to allow for a functional boat lift configuration, capable of safely accommodating owner’s vessel. The proposed boat lift reduces shading, allowing for greater light penetration, supporting aquatic vegetation.

PROPERTY LOCATION AND ZONING

The property is located within the Lauderdale Shores RS-8 Residential Low Density Zoning District. It is situated on the western shore of the Intracoastal Waterway, where the waterway is approximately 720' +/- wide.

DOCK PLAN AND BOATING SAFETY

Marine Facilities' records reflect that there have been twenty-six (26) waivers of docking distance limitations approved by the City Commission, within close proximity, since 1986. A comparison of these follows:

DATE	ADDRESS	MAXIMUM DISTANCE
1986	801 Idlewyld Drive	54.00'
1994	407 Idlewyld Drive	63.75'
1995	517 Idlewyld Drive	42.00'
2000	629 Idlewyld Drive	50.70'
2001	606 Idlewyld Drive	55.80'
2005	413 Idlewyld Drive	81.45'
2007	649 Idlewyld Drive	45.00'
2007	375 Idlewyld Drive	68.00'
2008	674 Idlewyld Drive	58.00'
2008	637 Idlewyld Drive	58.00'
2009	709 Idlewyld Drive	53.20'
2009	209 Grand Birch Slip 4	45.5'
2011	815 Idlewyld Drive	42.70'
2011	417 Idlewyld Drive	78.00'
2011	215 N. Birch Road	47.5'
2013	801 Idlewyld Drive	38.10'
2013	209 Grand Birch Slip 3	39.25'
2014	721 Idlewyld Drive	61.50'
2014	505 Idlewyld Drive	68.50'
2015	209 Grand Birch Slip 1	45'
2016	357 Idlewyld Drive	71.40'
2019	515 Idlewyld Drive	89.3'
2021	321 N. Birch Road #4	46'
2021	321 N. Birch Road #1	55'
2021	321 N. Birch Road #'s1-4	57'
2024	357 Idlewyld Drive	61.40'

RECOMMENDATION

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

1. The applicant is required to comply with all applicable building and zoning regulations as well as any other Federal and State laws and permitting requirements including the Broward County Environmental Protection and Growth Management Department and the U.S. Army Corps of Engineers.

AC
Attachment

cc: Enrique Sanchez, Deputy Director of Parks and Recreation
Luis Villanueva, Marine Facilities Supervisor



APPLICATION FOR WATERWAY WAIVER OF LIMITATIONS

**Applicant:
Susan Rotman
234 Plaza las Olas
Fort Lauderdale, FL 33301**

**Site Address:
234 Plaza Las Olas
Fort Lauderdale, FL 33301**

**Type of Agreement:
Waiver of Limitations**



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1) APPLICATION FORM

**CITY OF FORT LAUDERDALE
MARINE FACILITIES
APPLICATION FOR WATERWAY PERMITS, WAIVERS AND LICENSES**

Any agreement with the City of Fort Lauderdale and other parties, such as, but not limited to, licenses, permits and approvals involving municipal docking facilities or private uses in the waterways as regulated by Section 8 of the City Code of Ordinances or Section 4 7-19. 3 of the City's Urban Land Development Regulations, shall be preceded by the execution and filing of the following application form available at the Office of the Supervisor of Marine Facilities. The completed application must be presented with the applicable processing fee paid before the agreement is prepared or the application processed for formal consideration (see City of Fort Lauderdale Code Section 2-157). If legal publication is necessary, the applicant agrees to pay the cost of such publication in addition to the application fee.

**APPLICATION FORM
(Must be in Typewritten Form Only)**

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

NAME: **Susan Rotman**

TELEPHONE NO. (847) 835-0660 EMAIL: chicagolandtherapy@yahoo.com
(home) (business)

2. APPLICANT'S ADDRESS (if different than the site address): **234 Plaza Las Olas, Fort Lauderdale, FL 33301**

TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST: **Waiver of limitations to exceed the allowable 25' from the property line.**

3. SITE ADDRESS : **234 Plaza Las Olas, Fort Lauderdale, FL 33301** ZONING: **RS-8**

LEGAL DESCRIPTION AND FOLIO NUMBER: **LAUDERDALE SHORES CORR PLAT BLK 1 15-25 B LOT 28 BLK 1**
Folio No. 504212120260

4. EXHIBITS (In addition to proof of ownership, list all exhibits provided in support of the applications).
Narrative, Warranty Deed, Survey, Plan Set, Site Photographs

Susan Rotman
Applicant's Signature

March 25, 2026
Date

=====
The sum of \$ _____ was paid by the above-named applicant on the _____ of _____, 20__ Received by: _____
City of Fort Lauderdale

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

Marine Advisory Board Action
Formal Action taken on _____

Commission Action
Formal Action taken on _____

Recommendation _____
Action _____



2) SUMMARY DESCRIPTION



SUMMARY DESCRIPTION

234 Plaza Las Olas

The subject property located at 234 Plaza Las Olas consists of a single-family residence along the Intracoastal Waterway. The property consists of an existing coral rock seawall and an approximately 845-square-foot wood dock supported by timber piles, which is proposed to be removed.

The proposed improvements consist of the installation of a new concrete panel seawall system with a concrete cap, king piles, and batter piles; installation of 352.8 square-feet of riprap; installation of a new concrete marginal dock and finger pier that will be supported by 12-inch by 12-inch concrete piles; and the installation of a new 27,000 lb boat lift.

The proposed concrete dock includes a 44'-10" by 15'-6" marginal dock (approximately 695 square feet), along with a 30' by 8' fixed pier extending approximately 48'-10" waterward of the property line. In addition, a boat lift will be located at the terminal end of the pier to accommodate a recreational vessel which will also extend approximately 48'-10" waterward of the property line. The total proposed over-water area is approximately 935 square feet. The proposed configuration is further illustrated in the Distance Exhibit (Section 6) and Plan Set (Section 8).

The proposed project has been reviewed and approved by the applicable regulatory agencies (Section 11). The U.S. Army Corps of Engineers issued Permit No. SAJ-2024-04012, the Florida Department of Environmental Protection issued Permit No. 06-452760-001,002,003-EE & 06-452760-004-EG, and the Broward County Resilient Environment Department issued Permit No. DF24-1253. These approvals demonstrate that the proposed configuration has been evaluated for environmental and navigational impacts and deemed acceptable by the applicable regulatory agencies.

Pursuant to Section 47-19.3(c) of the City of Fort Lauderdale Unified Land Development Regulations, docking structures are limited to a maximum projection of 25 percent of the width of the waterway or 25 feet from the property line, whichever is less. The proposed finger pier and boat lift extend beyond the 25' limitation; therefore, a Waiver of Limitations is being requested.

The waterway at this location is approximately 720 feet wide, allowing vessels to extend up to 30 percent of the waterway width (approximately 216 feet) from the property line. The proposed vessel associated with the boat lift will remain well within this allowable limit (approximately 55' from the property line) and will not adversely impact navigation.

In addition, the federally maintained navigation channel of the Intracoastal Waterway in this area is aligned toward the eastern portion of the waterway and passes through the bridge opening east of the subject property. As a result, the majority of vessel traffic is directed away from the project site and remains concentrated within the marked channel, further minimizing any potential interaction with the proposed docking configuration.



Therefore, the proposed finger pier and boat lift configuration does not introduce any obstruction to navigation and maintains adequate clearance within the waterway.

Overall, the project represents a comprehensive replacement and upgrade of the existing shoreline and docking facilities, improving structural integrity, resiliency, and functionality while maintaining a similar use of the property.

Extraordinary Circumstances for the Waiver Request

The requested waiver is justified by the site conditions, the scale of the waterway, and the location of the federal navigation channel, all of which allow the proposed pier configuration without adversely impacting navigation or adjacent properties. The following factors support the requested deviation:

- **Waterway Width and Navigational Capacity**

The Intracoastal Waterway at this location is approximately 720 feet wide, providing substantial navigational capacity. The proposed pier and boat lift extend approximately 48'-10" from the property line, which remains well within the allowable 30 percent vessel projection limit (approximately 216 feet).

Additionally, the federally maintained navigation channel is located approximately 400 feet east of the subject property and crosses beneath the adjacent bridge well east of this site. As a result, the proposed structure will be located approximately 350 feet from the federal channel and outside of primary navigational pathways. Given this separation, the proposed improvements will not create a constraint to vessel traffic or maneuverability.

- **Controlled Vessel Location at Pier Terminus**

The boat lift is located at the terminal end of the pier, maintaining a defined and consistent vessel position. This configuration minimizes the potential for vessel movement or encroachment into adjacent areas and supports predictable use of the waterway.

- **Minimum Necessary Deviation**

Reducing the projection to meet the 25-foot limitation would not allow for a functional boat lift configuration capable of safely accommodating the intended vessel. The requested deviation represents the minimum necessary to achieve a safe and operable lift while maintaining compliance with vessel projection limits.

- **Public Health, Safety, and Welfare Considerations**

The proposed structure will not adversely impact public health, safety, or welfare. While the area adjacent to the bridge is occasionally used for recreational fishing, this activity occurs in an environment where vessel navigation is already more controlled due to the presence of bridge structures and associated piles. As a result, vessel speeds are typically reduced, and operators exercise a heightened level of awareness when transiting through this area. Given the substantial width of the Intracoastal Waterway, the significant offset of the federal navigation



channel from the subject property, and the controlled nature of vessel movement near the bridge, the proposed extension will not create a hazard or conflict with recreational users or passing vessels.

- Improved Light Penetration and Reduced Shading Impacts to SAV**
 The proposed boat lift elevates the vessel above the water when not in use, reducing shading and allowing for greater light penetration to the benthic substrate, which supports submerged aquatic vegetation (SAV) and minimizes potential impacts.

Collectively, these factors demonstrate that the requested waiver supports a safe and controlled mooring condition and does not contribute to increased navigation constraints within the Intracoastal Waterway.

Table 1.

Proposed Structure	Structure Distance from Property Line	Permitted Distance without Waiver	Amount of Distance Requiring Waiver
Finger Pier (1)	48'-10"	25'	23'-10"
Boat Lift (1)	48'-10"	25'	23'-10"



3) OWNERSHIP DOCUMENTS

This Document Prepared By and Return to:
Steven Gerson, Esq.
Gerson Law Firm
8551 W. Sunrise Blvd. Suite 300
Plantation, FL 33322

Parcel ID Number: 5042-12-12-0260

Warranty Deed

This Indenture, Made this 27th day of **November**, **2021** A.D., **Between**
Plaza 234 LLC, a Florida limited liability company

of the County of **Bergen**, State of **New Jersey**, **grantor**, and
Susan Rotman

whose address is: **234 Plaza Las Olas, Fort Lauderdale, FL 33301**

of the County of **Broward**, State of **Florida**, **grantee.**

Witnesseth that the GRANTOR, for and in consideration of the sum of

TEN DOLLARS (\$10)

and other good and valuable consideration to GRANTOR in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs, successors and assigns forever, the following described land, situate, lying and being in the County of **Broward**, State of **Florida** to wit:

Lot 28, Block 1, Lauderdale Shores Corrected, according to the map or plat thereof, as recorded in Plat Book 15, Page(s) 25, of the Public Records of Broward County, Florida.


Subject to current taxes, easements and restrictions of record.

Warranty Deed - Page 2

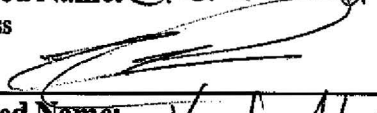
Parcel ID Number: 5042-12-12-0260

In Witness Whereof, the grantor has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:


 Printed Name: Vera Carter
 Witness

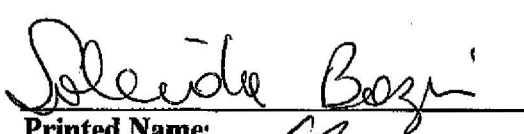
Plaza 234 LLC, a Florida limited liability company
 By:  (Seal)
 Gregory Lutfey, Manager
 P.O. Address: 5 Stoney Brook Court, Ramsey, NJ 07446

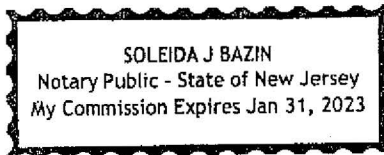

 Printed Name: Yusef Afake
 Witness

State of New Jersey
County of Bergen

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 27th day of November, 2021, by

Gregory Lutfey, Manager of Plaza 234 LLC, a Florida limited liability company on behalf of the limited liability company
who is personally known to me or who has produced his **Driver's License** as identification


 Printed Name: Soleida J Bazin
 Notary Public
 My Commission Expires: 1-31-2023





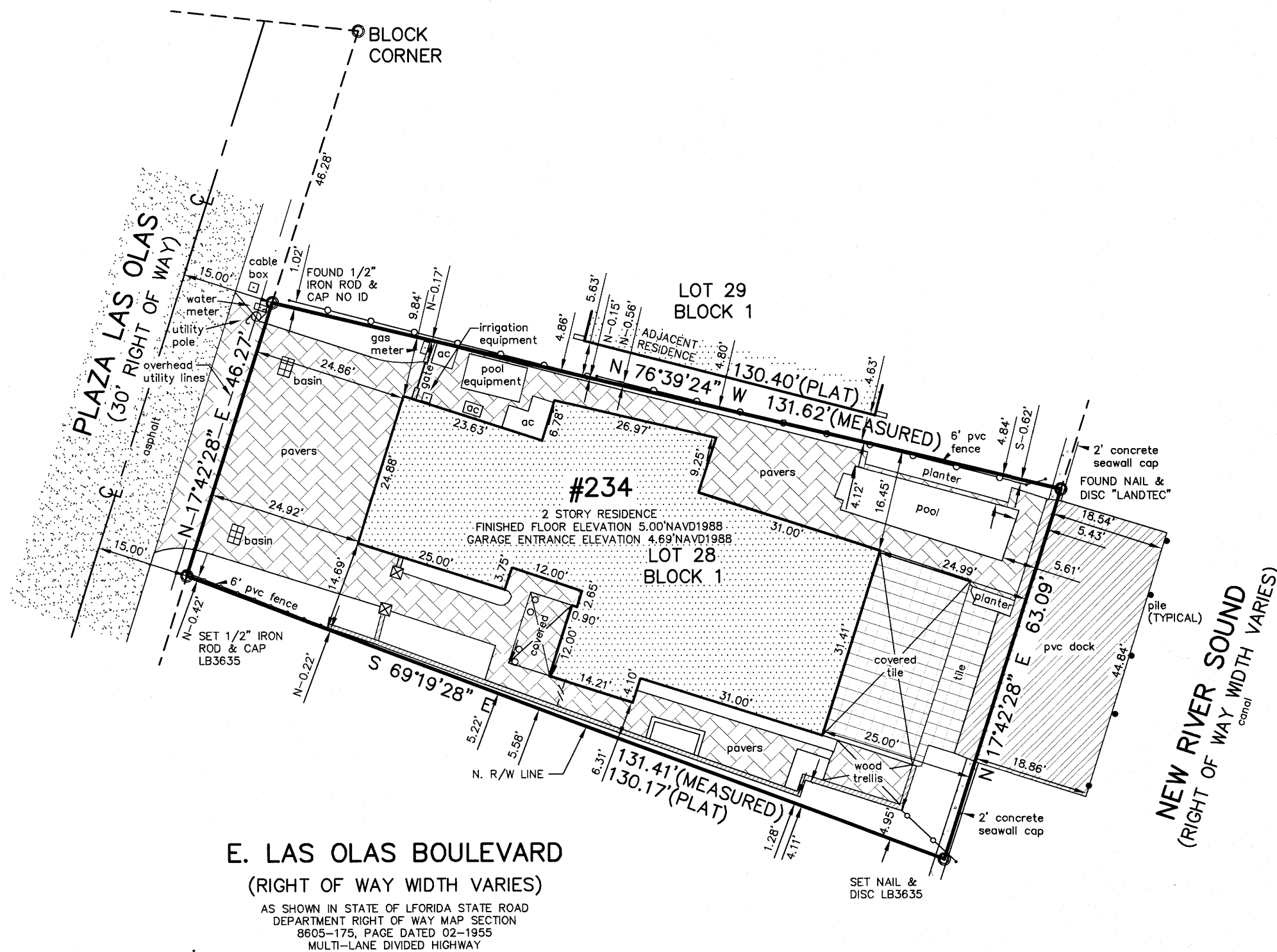
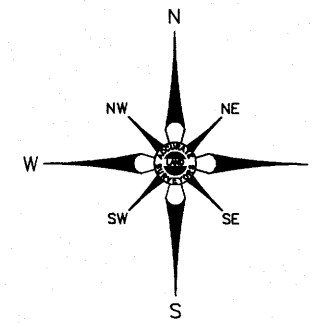
4) PROPERTY SURVEY

ACCURATE LAND SURVEYORS, INC.
L.B. #3635

1150 E. ATLANTIC BLVD.
POMPANO BEACH, FLORIDA 33060

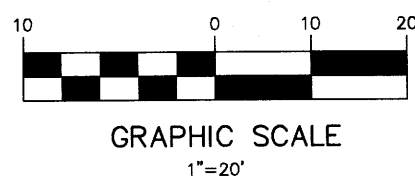
TEL. (954) 782-1441
FAX. (954) 782-1442

BOUNDARY SURVEY



E. LAS OLAS BOULEVARD
(RIGHT OF WAY WIDTH VARIES)

AS SHOWN IN STATE OF FLORIDA STATE ROAD
DEPARTMENT RIGHT OF WAY MAP SECTION
8605-175, PAGE DATED 02-1955
MULTI-LANE DIVIDED HIGHWAY



SYMBOLS & LEGEND OF ABBREVIATIONS:

R/W	=	RIGHT OF WAY	× 7.00'	=	ELEVATIONS BASED ON N.A.V.D.
N	=	NORTH	(AE)	=	APPARENT ENCROACHMENT
S	=	SOUTH	P.B.C.R.	=	PALM BEACH COUNTY RECORDS
E	=	EAST	M.D.C.R.	=	MIAMI-DADE COUNTY RECORDS
W	=	WEST	P.O.C.	=	POINT OF COMMENCEMENT
D.B.	=	DEED BOOK	P.O.B.	=	POINT OF BEGINNING
ENCH.	=	ENCROACH	CHATT.	=	CHATTAHOCHEE
F.F.	=	FINISHED FLOOR	F.P.L.	=	FLORIDA POWER & LIGHT
GAR.	=	GARAGE	B.C.R.	=	BROWARD COUNTY RECORDS
C/L	=	CENTERLINE	O.R.B.	=	OFFICIAL RECORDS BOOK
MH	=	MANHOLE	F.D.O.T.	=	FLORIDA DEPARTMENT OF TRANSPORTATION
(M)	=	MEASURED	D.E.P.	=	DEPARTMENT OF ENVIRONMENTAL PROTECTION
P.B.	=	PLAT BOOK	D.N.R.	=	DEPARTMENT OF NATURAL RESOURCES
A/C	=	AIR CONDITIONER	P.R.M.	=	PERMANENT REFERENCE MONUMENT
P	=	PLAT	N.A.V.D.	=	NORTH AMERICAN VERTICAL DATUM

⊗	VALVE	□	UTILITY BOX	—	PARKING STRIPE
⊙	MANHOLE	⊗	HYDRANT	— · — · —	OVERHEAD UTILITY LINES
⊞	BASIN	⊗	UTILITY POLE	▬▬▬▬▬▬	6' CONCRETE WALL
⊕	WELL	⊞	VAULT	▬▬▬▬▬▬	CONCRETE
⊞	WATER METER	⊗	LIGHT	▬▬▬▬▬▬	BRICK PAVERS
⊙	MONITORING WELL	•	BOLLARD	▬▬▬▬▬▬	TILE
⊙	PROPERTY CORNER	⊞	AIR CONDITIONER	▬▬▬▬▬▬	ASPHALT

STREET ADDRESS:

234 Plaza Las Olas, Fort Lauderdale, Florida 33301

LEGAL DESCRIPTION:

Lot 28, Block 1, LAUDERDALE SHORES CORRECTED, a subdivision according to the plat or map thereof described in Plat Book 15, at Page 25, of the Public Records of Broward County, Florida.

NOTES:

1. Unless otherwise noted field measurements are in agreement with record measurements.
2. Bearings shown hereon are based on a Plat bearing of South 89°04'06" West along the south line of Lot 1, Plat Book 15, at Page 25, of the Public Records of Broward County, Florida.
3. The lands shown hereon were not abstracted for ownership, rights of way, easements, or other matters of records by Accurate Land Surveyors, Inc.
4. Ownership of fences and walls if any are not determined.
5. This survey is the property of Accurate Land Surveyors, Inc. and shall not be used or reproduced in whole or in part without written authorization.
6. Any and all underground features such as foundations, utility lines, Ext. were not located on this survey. This is an above ground survey only.
7. The flood zone information shown hereon is for the dwellable structure only unless otherwise indicated.
8. The location of overhead utility lines are approximate in nature due to their proximity above ground. size, type and quantity must be verified prior to design or construction.
9. Accuracy statement: This survey meets or exceeds the horizontal accuracy for SUBURBAN LINEAR : 1 FOOT IN 7,500 FEET.

FLOOD INFORMATION:

Community name and number: City of Fort Lauderdale 125105
Map and panel number: 12011C0576H
Panel date: 08-18-2014
Index date: 08-18-2014
Flood zone: AE
Base flood elevation: 5'NAVD1988

BENCHMARK INFORMATION:

City of Fort Lauderdale Benchmark bronze disc top of bridgeway S.E. corner of bridge S. Gordon Road N. side East Las Olas Boulevard. Elevation 5.516'NAVD1988

EASEMENTS ACCORDING TO THE AFOREMENTIONED PLAT:

None

APPARENT ENCROACHMENTS:

Driveway in road right of way along the North boundary.
Dock in New River Sound along the East boundary.

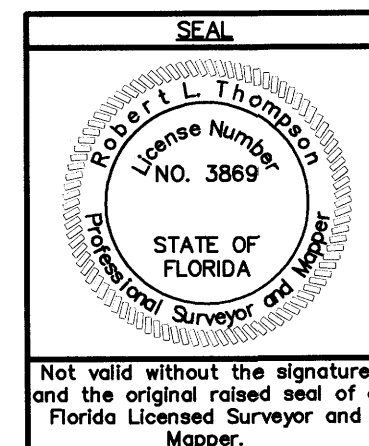
CERTIFY TO:

Plaza 234, LLC, a Florida limited liability company
Center Street Lending, VIII SPE, LLC, A Delaware limited liability company
Gerson Law Firm
Chicago Title Insurance Company

CERTIFICATION:

This is to certify that this above ground sketch of boundary survey was made under my responsible charge and is accurate and correct to the best of my knowledge and belief. I further certify that this sketch meets the current Standards of Practice, established by the Board of Professional Surveyors and Mappers, Chapter 5J-17, Florida Administrative Codes, pursuant to current Section 472.027, Florida Statutes.

Robert L. Thompson 05-11-2021
ROBERT L. THOMPSON (PRESIDENT)
PROFESSIONAL SURVEYOR AND MAPPER No. 3869 - STATE OF FLORIDA



Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.

ORIGINAL DATE OF FIELD SURVEY: 06-03-1993	DRAWN BY: S.V.	
FIELD BOOK: 170-71	CHECKED BY: R.L.T.	
REVISIONS & SURVEY UPDATES	DATE OF SURVEY & REVISIONS	BY
BOUNDARY RESURVEY 21-1155	05-07-2021	MLW
UPDATE SURVEY 15-3892	10-20-2015	SP/JMS
UPDATE SURVEY 95-2755	07-20-1995	S.V.



5) ZONING AERIAL



City of Fort Lauderdale GIS



6) DISTANCE EXHIBIT



NOTE: AERIAL OBTAINED FROM BROWARD COUNTY PROPERTY APPRAISER. NOT TO SCALE. WATERWAY WIDTH MEASUREMENTS ARE APPROXIMATE AND DERIVED FROM BROWARD COUNTY PROPERTY APPRAISER AERIAL IMAGERY. NO SURVEY OR FIELD VERIFICATION HAS BEEN PERFORMED. THIS EXHIBIT IS CONCEPTUAL AND FOR ILLUSTRATIVE PURPOSES ONLY.

<p>PROJECT: 234 PLAZA LAS OLAS</p>	<p>CLIENT: UNLIMITED PERMIT SERVICES</p>	<p>DATE/REVISIONS: DISTANCE EXHIBIT 4/10/2026</p>	<p>SHEET TITLE/NUMBER: DISTANCE EXHIBIT SHEET 1 OF 1</p>
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7) SITE PHOTOS



1. South portion of property, facing north.



2. South portion of property, facing east.



3. North portion of property, facing south.



4. East portion of property, facing west.



8) PLAN SET



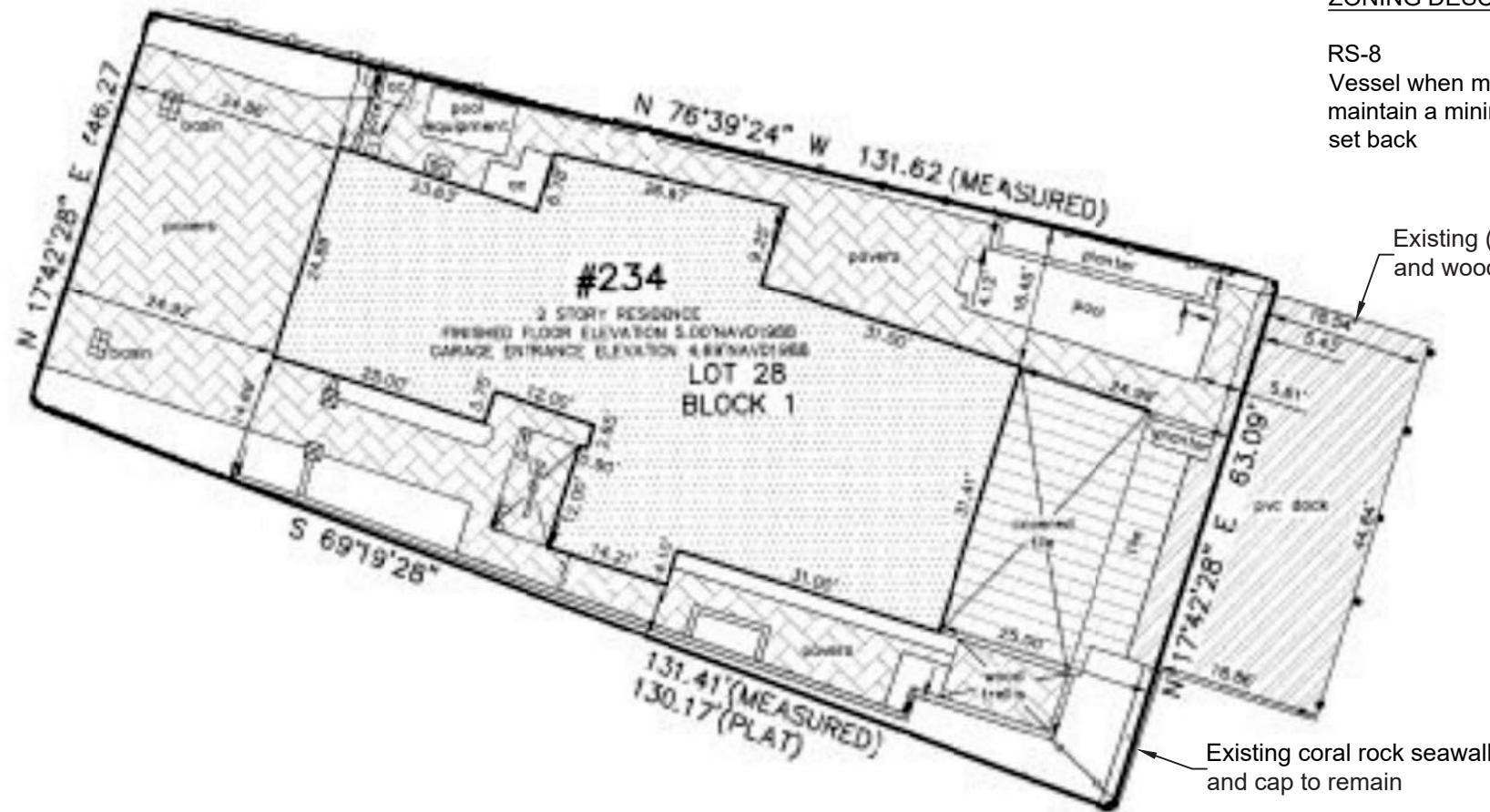
No tree will be removed or replanted as part of this permit

See attached survey supplied by owner for exact property information.

Site Address	234 PLAZA LAS OLAS, FORT LAUDERDALE FL 33301	ID #	5042 12 12 0260
Property Owner	ROTMAN, SUSAN	Millage	0312
Mailing Address	234 PLAZA LAS OLAS FORT LAUDERDALE FL 33301	Use	01-01
Abbreviated Legal Description	LAUDERDALE SHORES CORR PLAT BLK 1 15-25 B LOT 28 BLK 1		

ZONING DESCRIPTION:

RS-8
Vessel when moored on dock will maintain a minimum 5' side yard set back

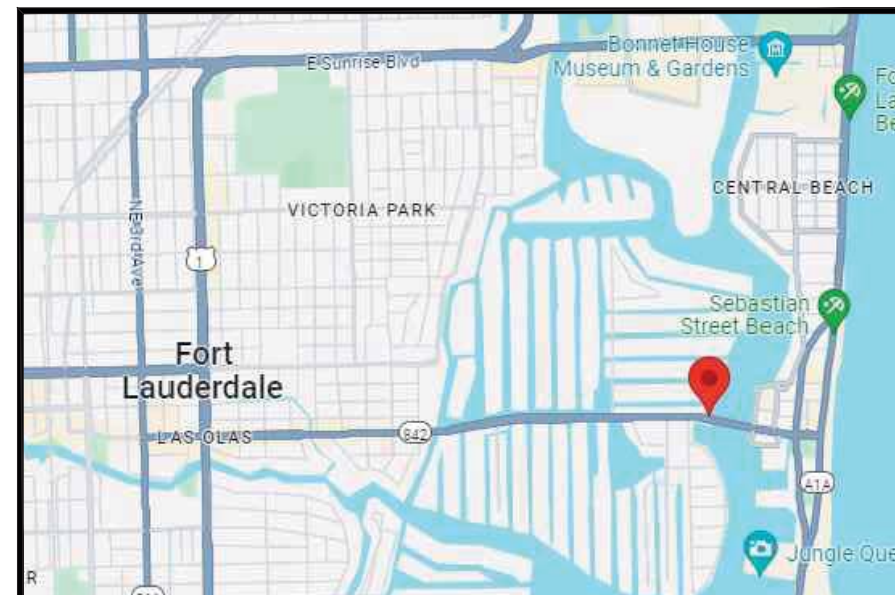


Existing (845.7sf) wood dock and wood piles to be removed

Existing coral rock seawall and cap to remain

NEW RIVER SOUND
(RW VARIES)

Location Map



Consultant
UNLIMITED PERMIT SERVICES, INC
 Marine Design & Consulting
 902 NE 1st Street #2
 Pompano Beach, FL 33060
 (954) 532-0129
 Office@unlimitedps.net

Project Engineer
MW ENGINEERING, INC
 902 NE 1 Street Suite #2
 Pompano Beach, FL 33060
 Ofc: 954-532-0129
 WWW.MwEngineering.net

Contractor
B&M MARINE CONSTRUCTION INC
 1211 S Military Trail #200
 Deerfield Beach, FL 33442
 (954) 421-1700

Project Information
Seawall Repair / New Dock
 Susan Rotman
 234 Plaza Las Olas
 Fort Lauderdale, FL 33301

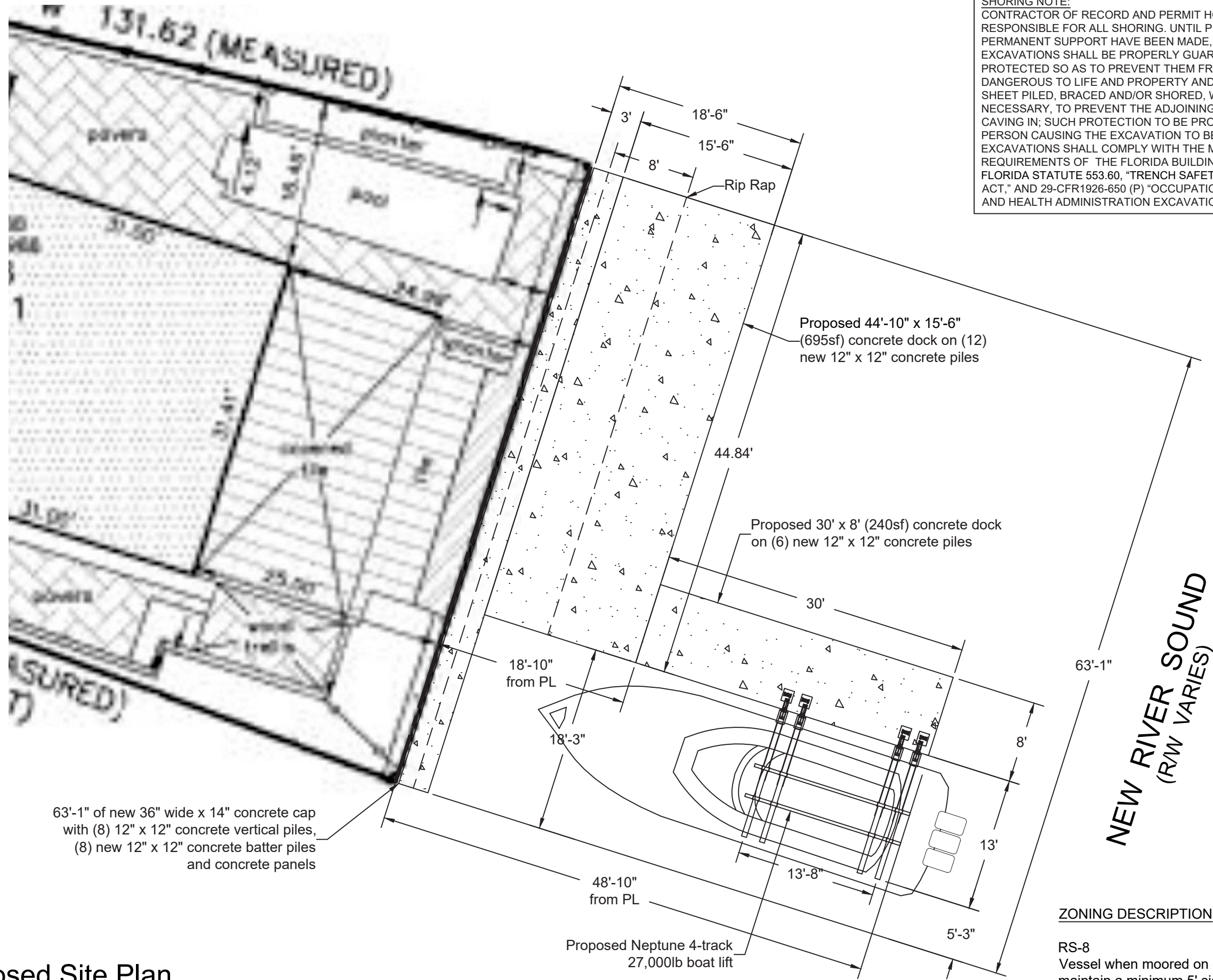
DATE
6-28-24
7-29-24
8-29-24

MARK E. WEBER, P.E.
 LICENSE #53895 | CA 30702
 MW ENGINEERING, INC
 902 NE 1 Street Suite #2
 Pompano Beach, Florida 33060
 Ofc: 954-532-0129
 WWW.MwEngineering.net

Sheet 1 of 9
CAM #26-0538

Existing Site Plan

Scale: 1" = 20'



SHORING NOTE:
 CONTRACTOR OF RECORD AND PERMIT HOLDER RESPONSIBLE FOR ALL SHORING. UNTIL PROVISIONS FOR PERMANENT SUPPORT HAVE BEEN MADE, ALL EXCAVATIONS SHALL BE PROPERLY GUARDED AND PROTECTED SO AS TO PREVENT THEM FROM BECOMING DANGEROUS TO LIFE AND PROPERTY AND SHALL BE SHEET PILED, BRACED AND/OR SHORED, WHERE NECESSARY, TO PREVENT THE ADJOINING EARTH FROM CAVING IN; SUCH PROTECTION TO BE PROVIDED BY THE PERSON CAUSING THE EXCAVATION TO BE MADE. ALL EXCAVATIONS SHALL COMPLY WITH THE MINIMUM REQUIREMENTS OF THE FLORIDA BUILDING CODE, AND FLORIDA STATUTE 553.60, "TRENCH SAFETY ACT," AND 29-CFR1926-650 (P) "OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION EXCAVATION SAFETY ACT."

Consultant
UNLIMITED PERMIT SERVICES, INC
 Marine Design & Consulting
 902 NE 1st Street #2
 Pompano Beach, FL 33060
 (954) 532-0129
 Office@unlimitedps.net

Project Engineer
MW ENGINEERING, INC
 902 NE 1 Street Suite #2
 Pompano Beach, FL 33060
 Ofc: 954-532-0129
 WWW.MwEngineering.net

Contractor
B&M MARINE CONSTRUCTION INC
 1211 S Military Trail #200
 Deerfield Beach, FL 33442
 (954) 421-1700

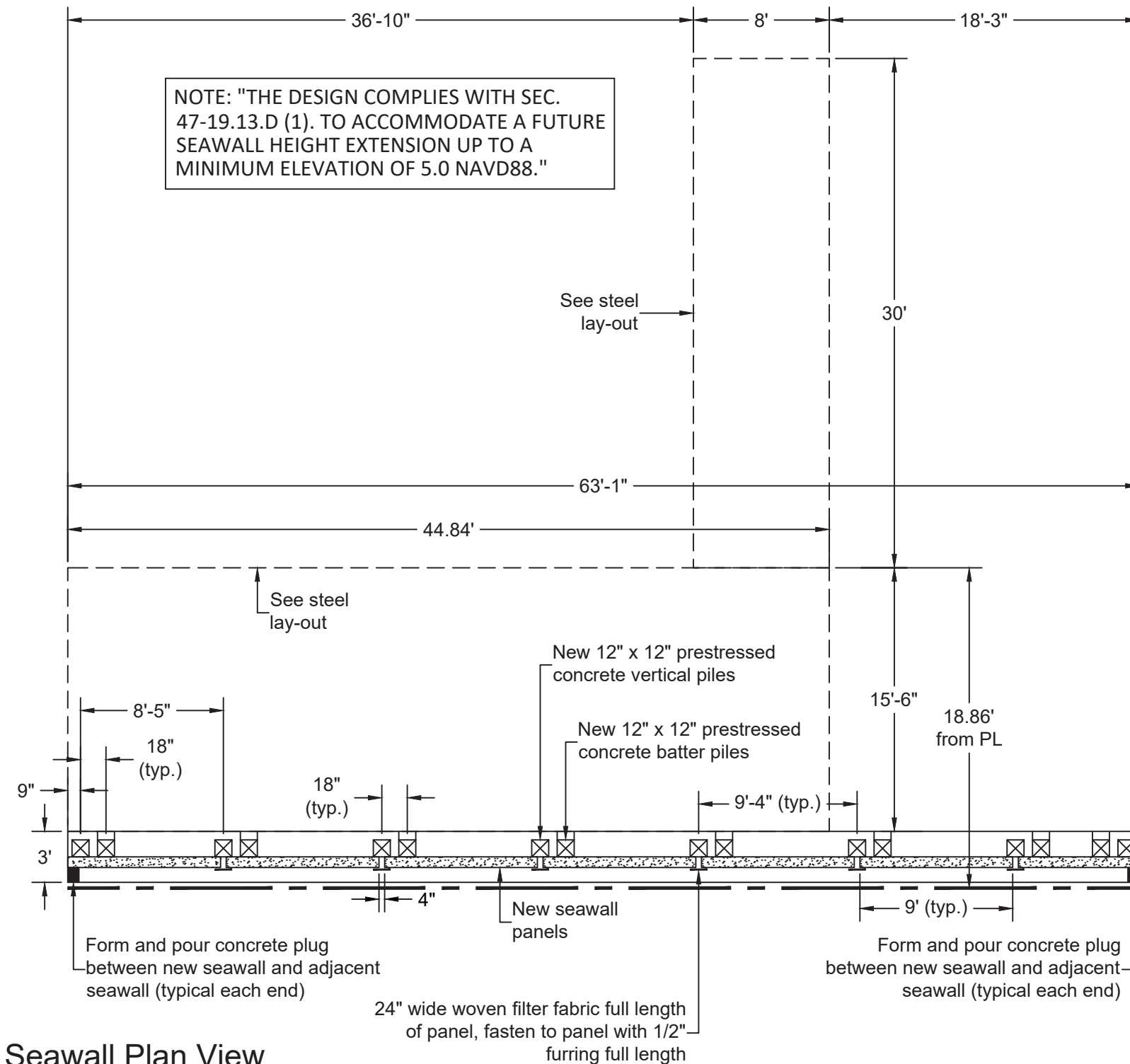
Project Information
Seawall Repair / New Dock
 Susan Rotman
 234 Plaza Las Olas
 Fort Lauderdale, FL 33301

DATE
6-28-24
7-29-24
8-29-24

ZONING DESCRIPTION:
 RS-8
 Vessel when moored on dock will maintain a minimum 5' side yard set back

Proposed Site Plan

Scale: 1" = 20'



Seawall Plan View
Scale: 1/8" = 1'-0"

NOTE:
PANEL HEIGHT TO BE VERIFIED ON SITE BY CONTRACTOR BEFORE CONSTRUCTION, TO PROVIDE A MINIMUM OF 2' EMBEDMENT INTO EXISTING GRADE.

Consultant
UNLIMITED PERMIT SERVICES, INC
Marine Design & Consulting
902 NE 1st Street #2
Pompano Beach, FL 33060
(954) 532-0129
Office@unlimitedps.net

Project Engineer
MW ENGINEERING, INC
902 NE 1 Street Suite #2
Pompano Beach, FL 33060
Ofc: 954-532-0129
WWW.MwEngineering.net

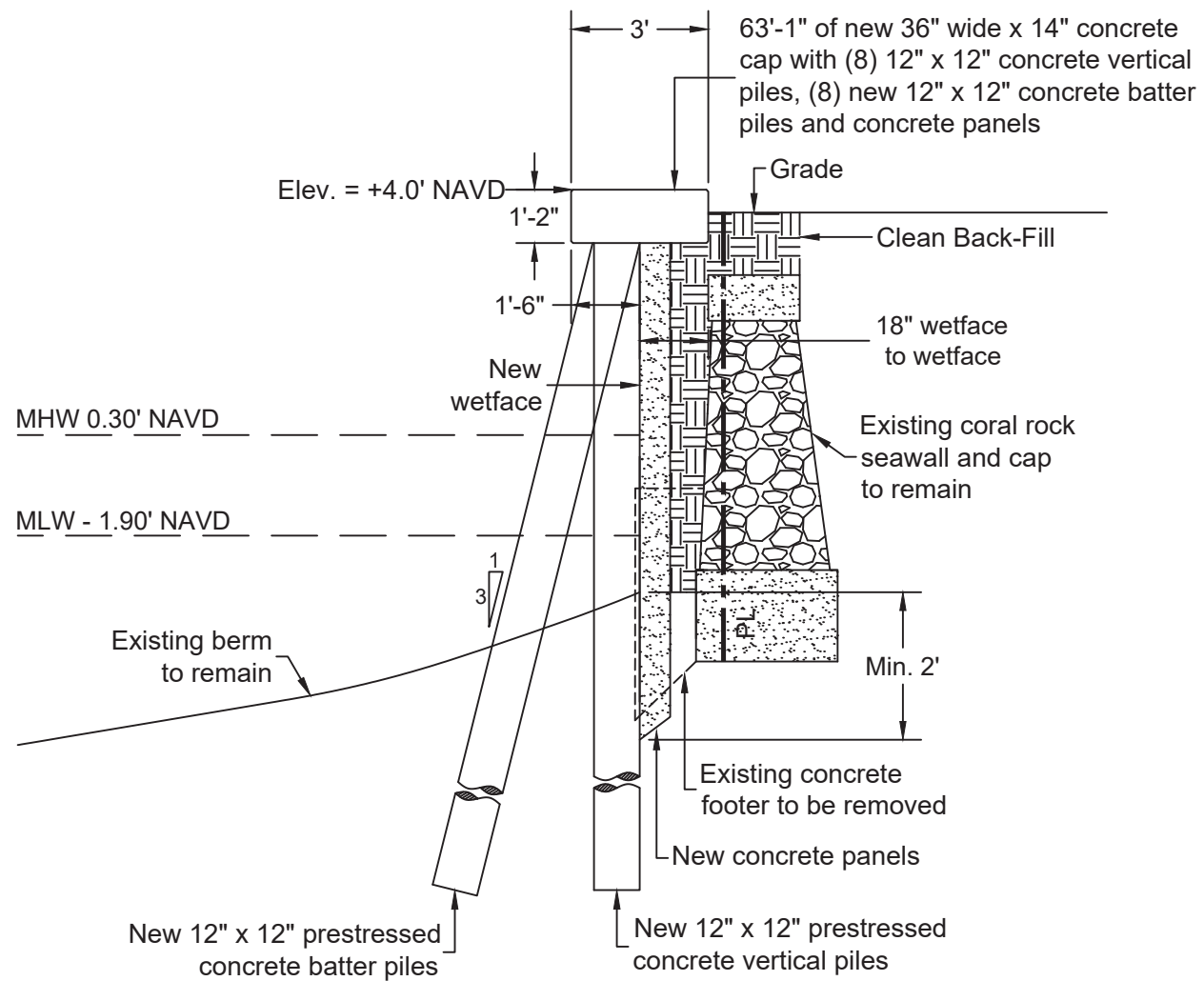
Contractor
B&M MARINE CONSTRUCTION INC
1211 S Military Trail #200
Deerfield Beach, FL 33442
(954) 421-1700

Project Information
Seawall Repair / New Dock
Susan Rotman
234 Plaza Las Olas
Fort Lauderdale, FL 33301

DATE
6-28-24
7-29-24
8-29-24

MARK E. WEBER, P.E.
LICENSE #53895 | CA 30702
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Sheet 3 of 9
CAM #26-0538

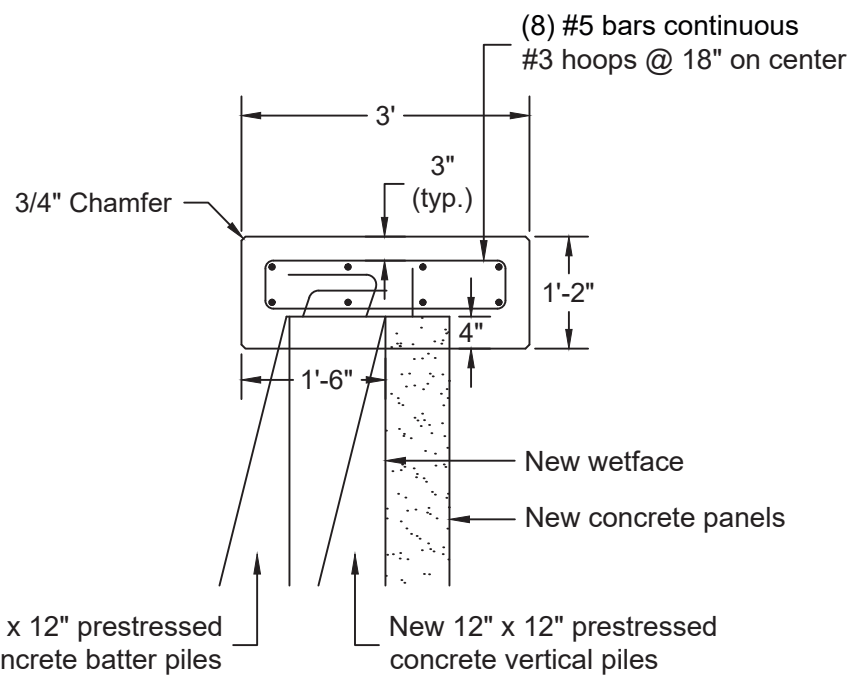


Seawall Section

Scale 1/4" = 1'-0"

NOTE:
 PANEL HEIGHT TO BE VERIFIED
 ON SITE BY CONTRACTOR BEFORE
 CONSTRUCTION, TO PROVIDE A
 MINIMUM OF 2' EMBEDMENT
 INTO EXISTING GRADE.

NOTE: "THE DESIGN COMPLIES WITH SEC. 47-19.13.D (1). TO ACCOMMODATE A FUTURE SEAWALL HEIGHT EXTENSION UP TO A MINIMUM ELEVATION OF 5.0 NAVD88."



Cap Steel Detail

Scale: 1/2" = 1'-0"

Consultant
UNLIMITED PERMIT SERVICES, INC
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 902 NE 1st Street #2
 Pompano Beach, FL 33060
 (954) 532-0129
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Project Engineer
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 902 NE 1 Street Suite #2
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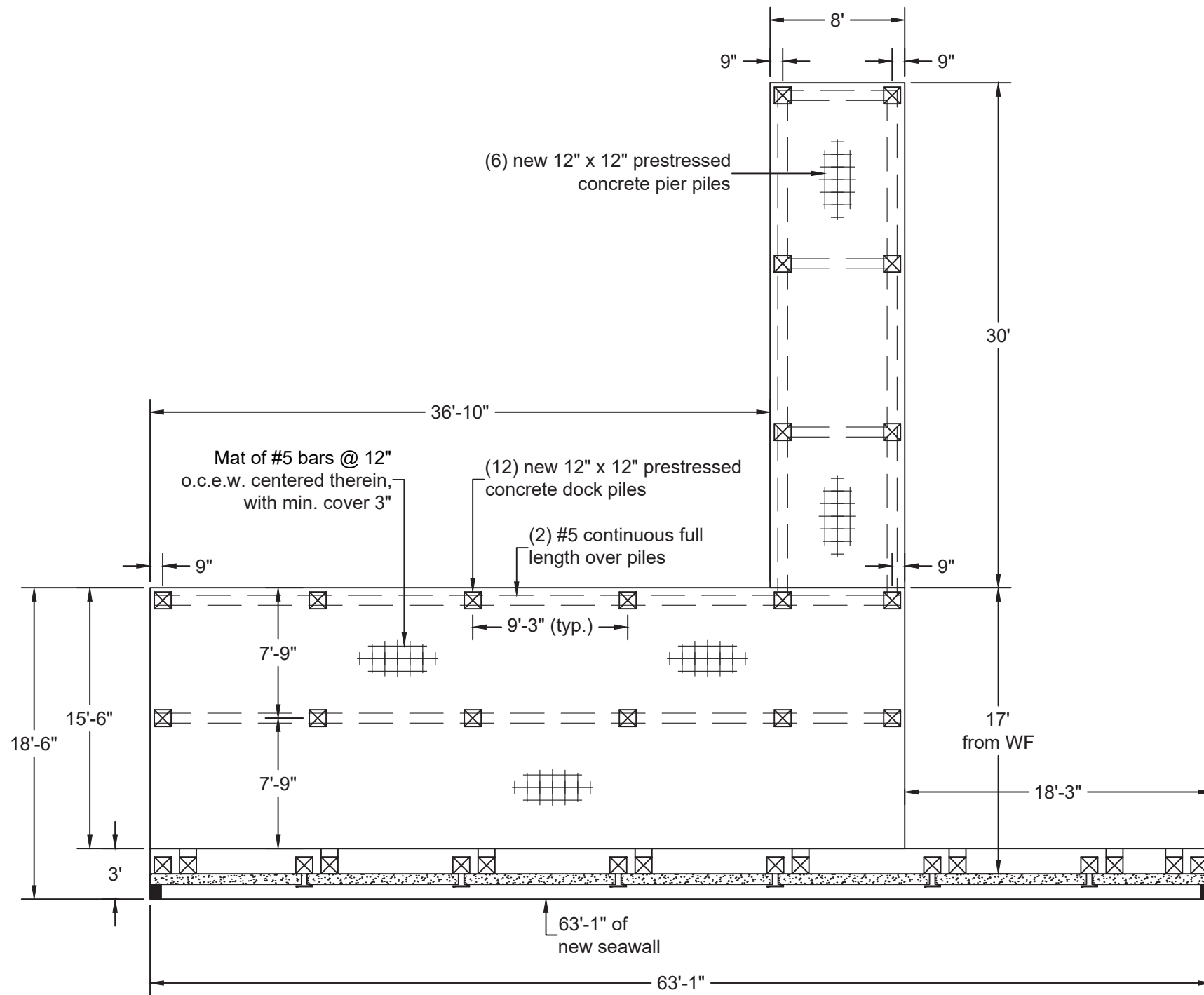
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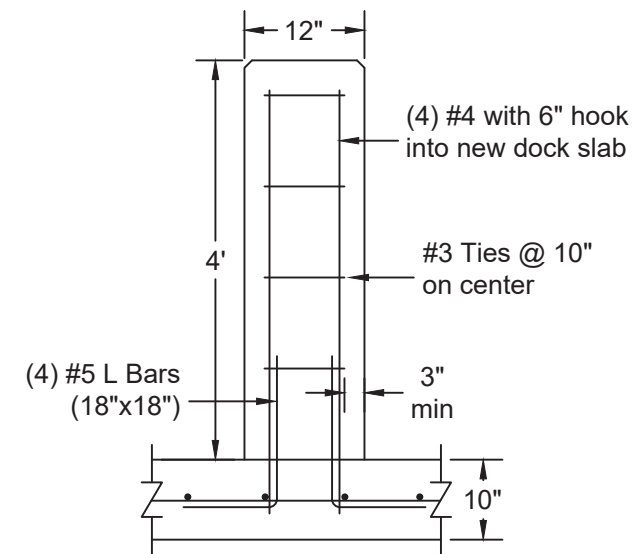
DATE
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8-29-24

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Sheet 4 of 9



Dock Plan View
Scale: 1/8" = 1'-0"



Column Detail
Scale: 1/4" = 1'-0"

NOTE: "THE DESIGN COMPLIES WITH SEC. 47-19.13.D (1). TO ACCOMMODATE A FUTURE SEAWALL HEIGHT EXTENSION UP TO A MINIMUM ELEVATION OF 5.0 NAVD88."

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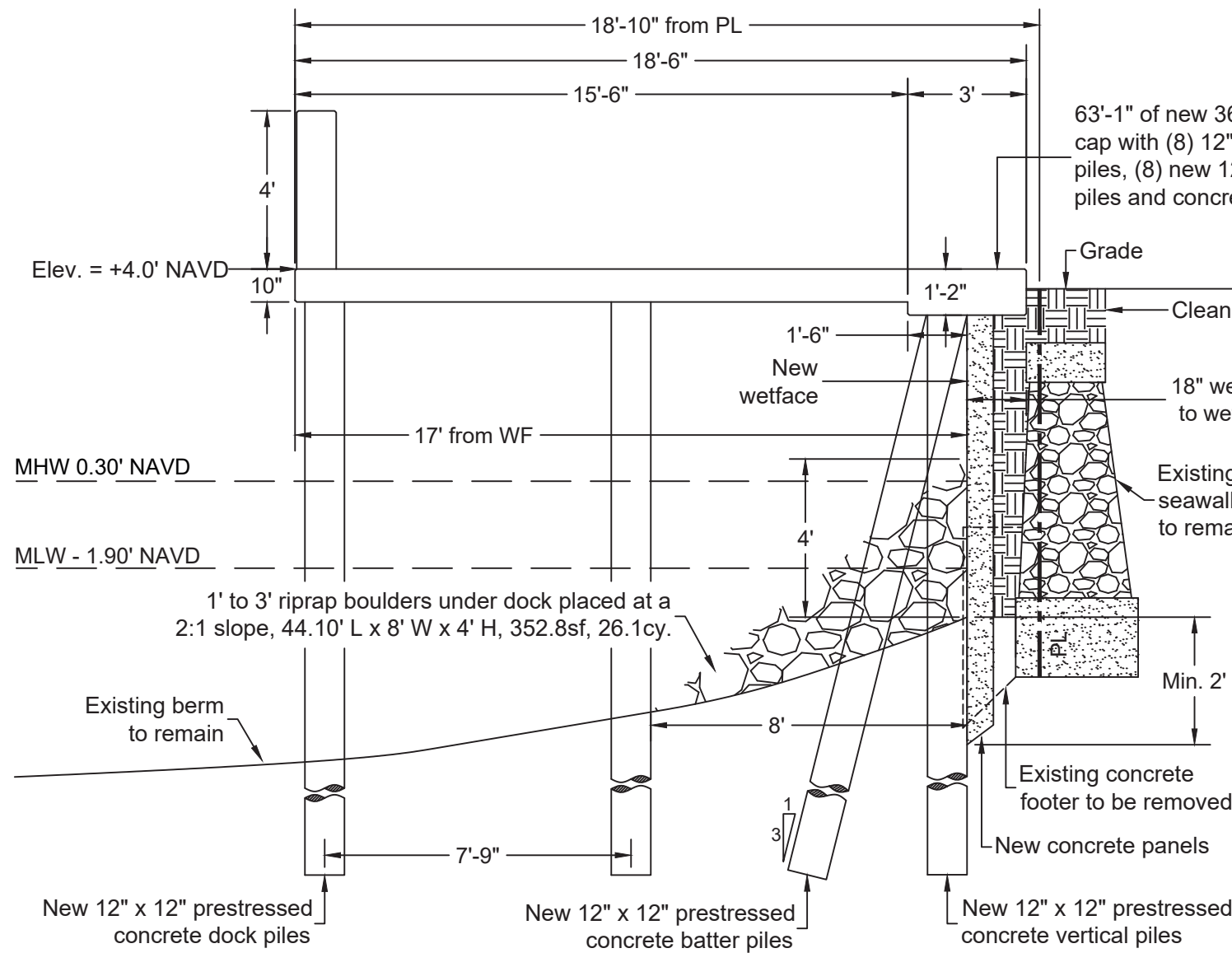
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(954) 421-1700

Project Information
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Fort Lauderdale, FL 33301

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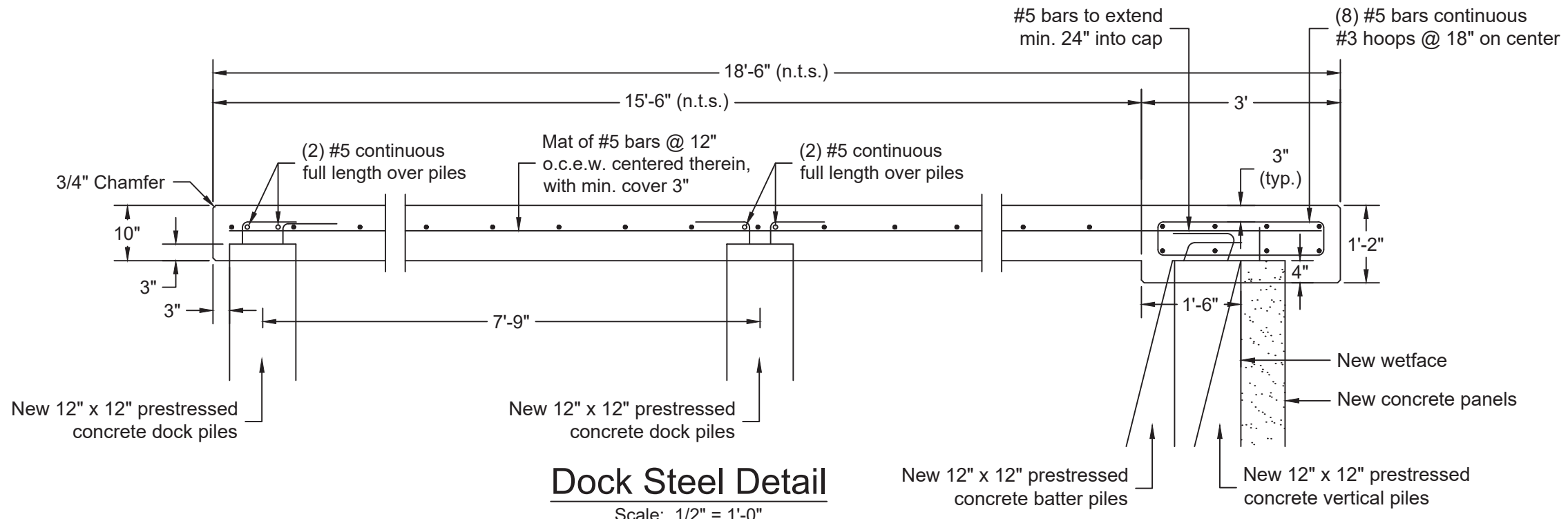
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LICENSE #53895 | CA 30702
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Pompano Beach, Florida 33060
Ofc: 954-532-0129
WWW.MwEngineering.net

Sheet 5 of 9



NOTE:
 PANEL HEIGHT TO BE VERIFIED
 ON SITE BY CONTRACTOR BEFORE
 CONSTRUCTION, TO PROVIDE A
 MINIMUM OF 2' EMBEDMENT
 INTO EXISTING GRADE.

Dock Section
 Scale 1/4" = 1'-0"



Dock Steel Detail
 Scale: 1/2" = 1'-0"

Consultant
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 902 NE 1st Street #2
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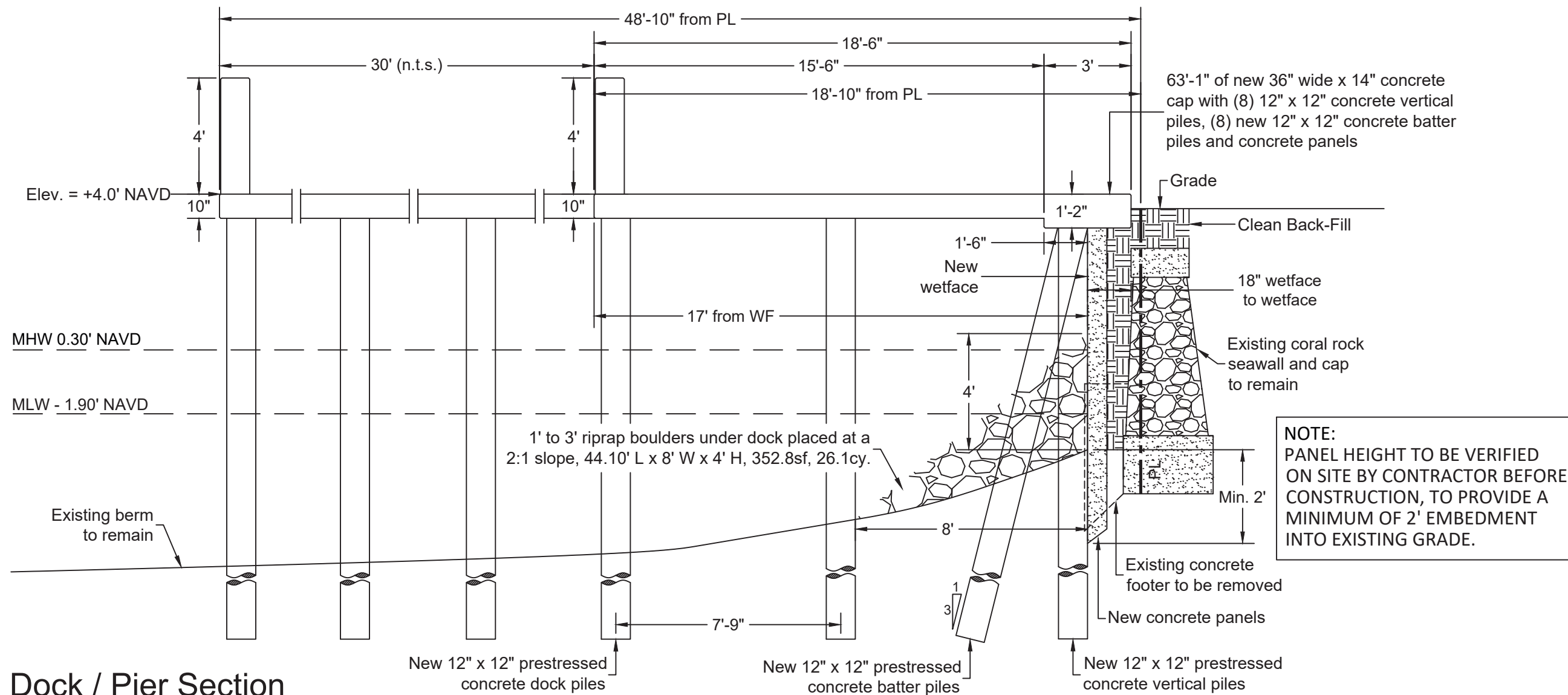
Project Engineer
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 Pompano Beach, FL 33060
 Ofc: 954-532-0129
 WWW.MwEngineering.net

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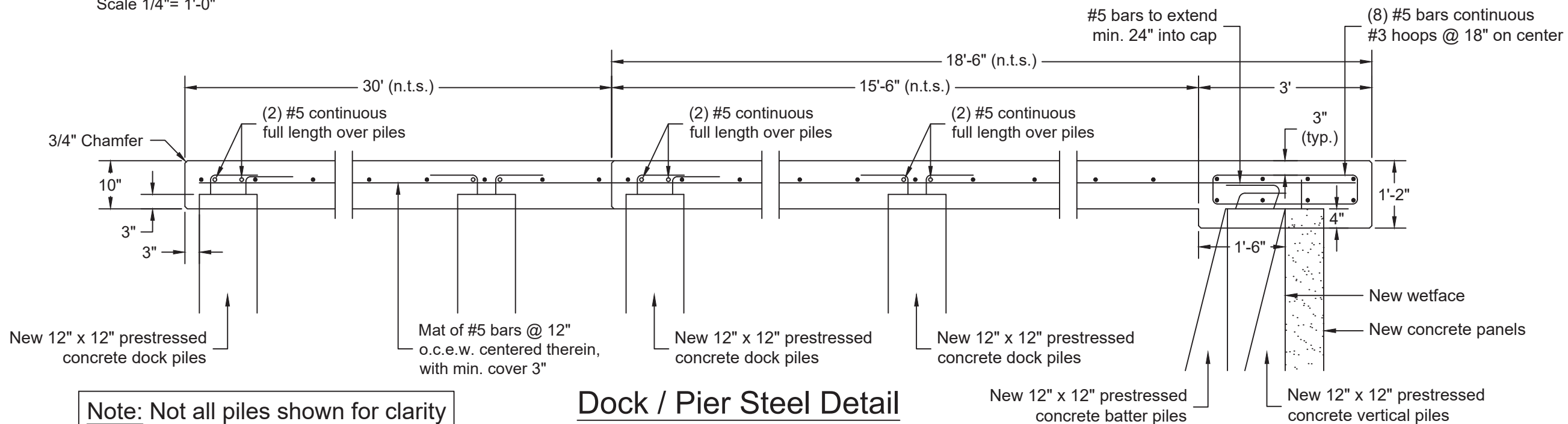
Project Information
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 Fort Lauderdale, FL 33301

DATE
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7-29-24
8-29-24

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Dock / Pier Section
Scale 1/4" = 1'-0"



Dock / Pier Steel Detail
Scale: 1/2" = 1'-0"

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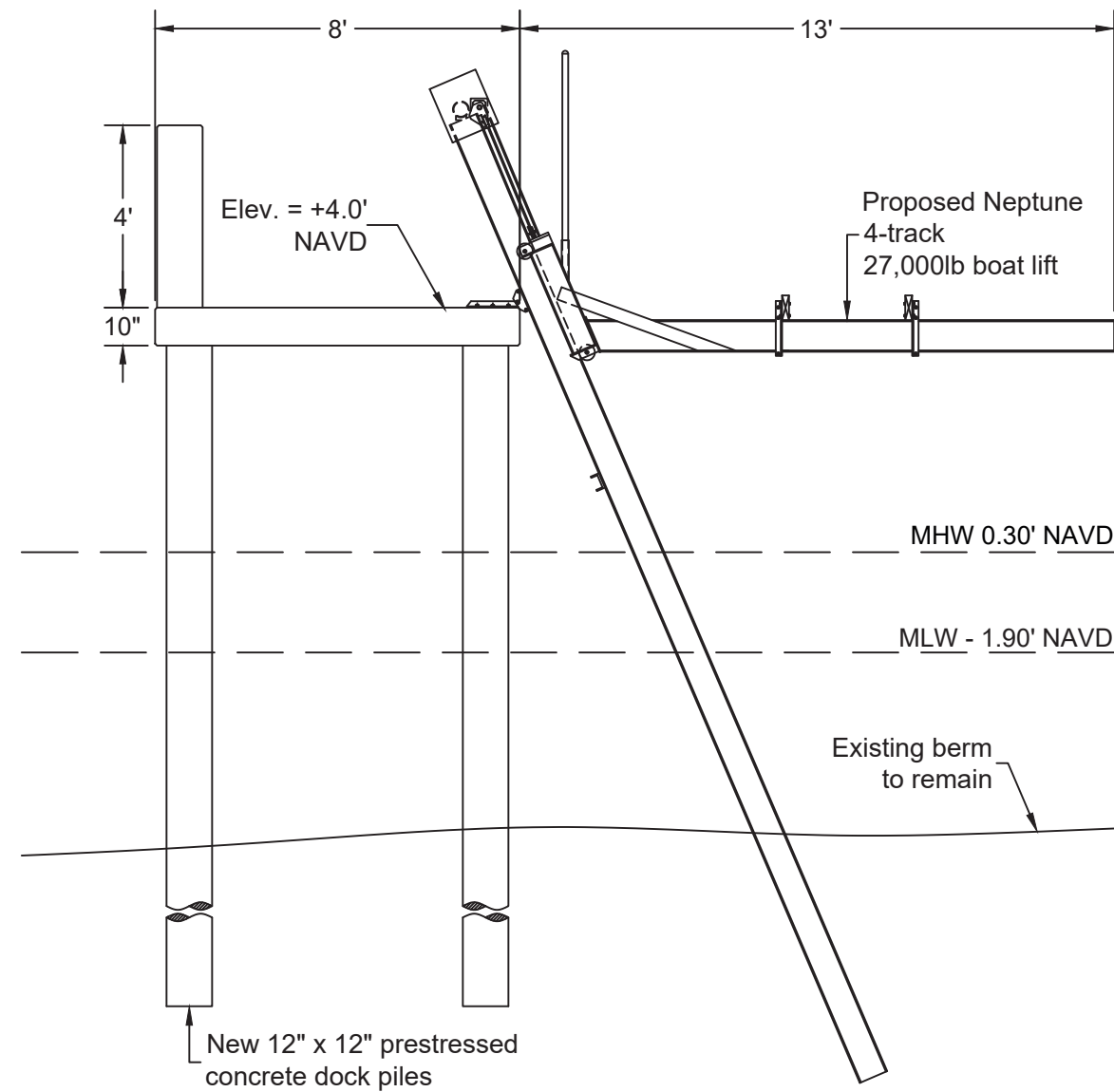
Project Engineer
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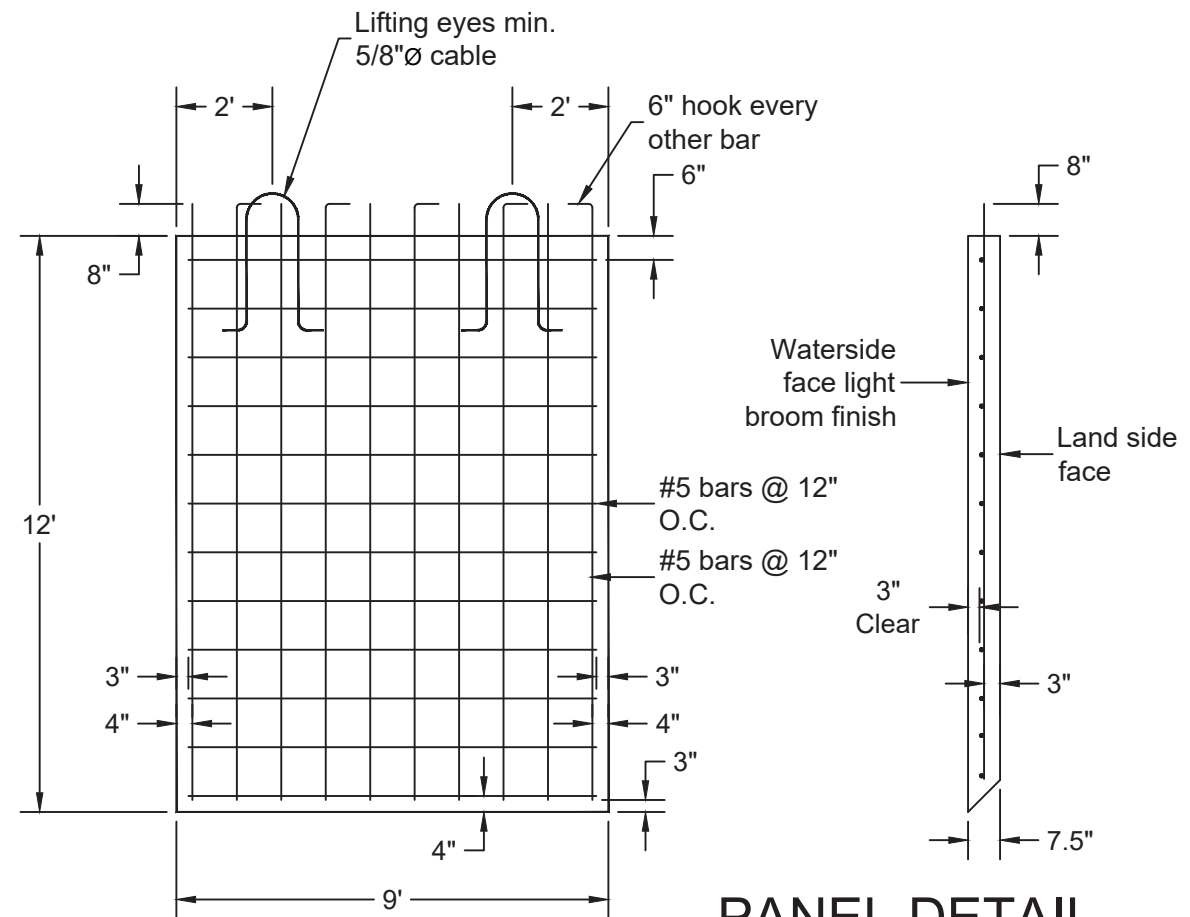
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Boat Lift Section

Scale 1/4" = 1'-0"



PANEL DETAIL

Scale 1/4" = 1'-0"

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Sheet 8 of 9

GENERAL NOTES:

1. Construction to follow the Florida Building Code 8th Edition (2023) and amendments as applicable and all Local, State and Federal Laws.
2. Licensed contractor shall verify the existing conditions prior to the commencement of the work. Any conflicts or omissions between existing conditions or the various elements of the working drawing shall be brought to the attention of the Engineer prior to the commencement of the work. The Licensed Contractor and all subcontractors are responsible for all lines, elevations, and measurements in connection with their work.
3. Do not scale drawings for dimensions.
4. Any deviation and/or substitution from the information provided herein shall be submitted to the Engineer for approval prior to commencement of work.
5. All unanticipated or unforeseen demolition and/or new construction conditions which require deviation from the plans and notes herein shall be reported to the Engineer prior to commencement of work.
6. All new work and/or materials shall conform to all requirements of each administrative body having jurisdiction in each appertaining circumstance.
7. All new materials and/or patchwork shall be provided to match existing materials and/or adjoining work where practical except as specifically noted herein.
8. Licensed Contractor to shall use all possible care to protect all existing materials, surfaces, and furnishings from damage during all phases of construction.
9. Licensed Contractor to verify location of existing utilities prior to commencing work.
10. The Licensed contractor to install and remove all shoring and bracing as required for the proper execution of the work.
11. Licensed Contractor to obtain all permits as necessary from all Local, State, and Federal agencies.
12. Turbidity barriers to be marked with site contractor's company name using permanent markings no smaller than 3 inches in height on the top of the barrier.

PILE DRIVING:

1. Piles shall be driven using an approved cushion block consisting of material so arranged so as to provide the transmission of hammer energy.
2. Piles shall be driven to a minimum allowable bearing capacity of 10 tons for wood, 25 tons for concrete, and 5 tons for pin piles, a minimum of 8' into berm or refusal.
3. Piles shall be driven with a drop hammer or gravity hammer provided the hammer shall weight no less than 3,000 pounds, and the fall of the hammer shall not exceed 6'.
4. Piles shall be driven with a variation of not more than 1/4 inch per foot from the vertical, or from the batter line indicated, with a maximum variation of the head of the pile from the position shown on the plans of not more than three inches.
5. Where piling must penetrate strata offering high resistance to driving, the structural engineer of record or special inspector may require that the piles be set in pre-drilled or punched holes. The piles shall reach their final penetration by driving.

CONCRETE NOTES:

1. Concrete shall conform to ACI 318-14 and shall be regular weight, sulfate resistant, with a design strength of 5000 psi at 28 days with a maximum water-cementitious materials ratio, by weight aggregate concrete of 0.40.
2. Owner shall employ and pay for testing services from an independent testing laboratory for concrete sampling and testing in accordance with ASTM.
3. Licensed contractor is responsible for the adequacy of forms and shoring and for safe practice in their use and removal.
4. Concrete cover shall be 3" unless otherwise noted on the approved drawings.
5. Reinforcing steel shall be in conformance with the latest version of ASTM A615 Grade 60 specifications. All reinforcement shall be placed in accordance with ACI 315 and ACI Manual of Standard Practice.
6. Fiber Reinforced Polymer (FRP) Reinforcing Bars may be used in lieu of reinforcing steel. FRP shall meet FDOT specification 932-3.1 - Use only solid, round, thermoset basalt fiber reinforced polymer (BFRP), glass fiber reinforced polymer (GFRP) or carbon fiber reinforced polymer (CFRP) reinforcing bars from producers currently on the FDOT's Production Facility Listing.
7. Splices in reinforcing bars shall be not be less than 48 bar diameters and reinforcing shall be continuous around all corners and changes in direction. Continuity shall be provided at corners or changes in direction by bending the longitudinal steel around the corner 48 bar diameters.
8. Defective, cracked or loose concrete areas must be cut out, the rebar must be cleaned, coated with zinc and repaired with at least 3" of expoxy-concrete mix or gunnite concrete with sulfate-resistant cement.

PILE NOTES:

1. Concrete piles shall attain 6000 psi compressive strength in 28 days.
2. Concrete piles shall be reinforced with four - 7/16"Ø lo-lax strands, 270 kips, and 5 ga. spiral ties.
3. Concrete piles shall be 12"x12" square, minimum length of 20'.
4. Concrete piles shall be cut to leave strands exposed a min. of 18" and tied to dock or cap steel or drill and epoxy (2) #5 12"x18" hook bars 6" into pile.

Consultant

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Sheet 9 of 9

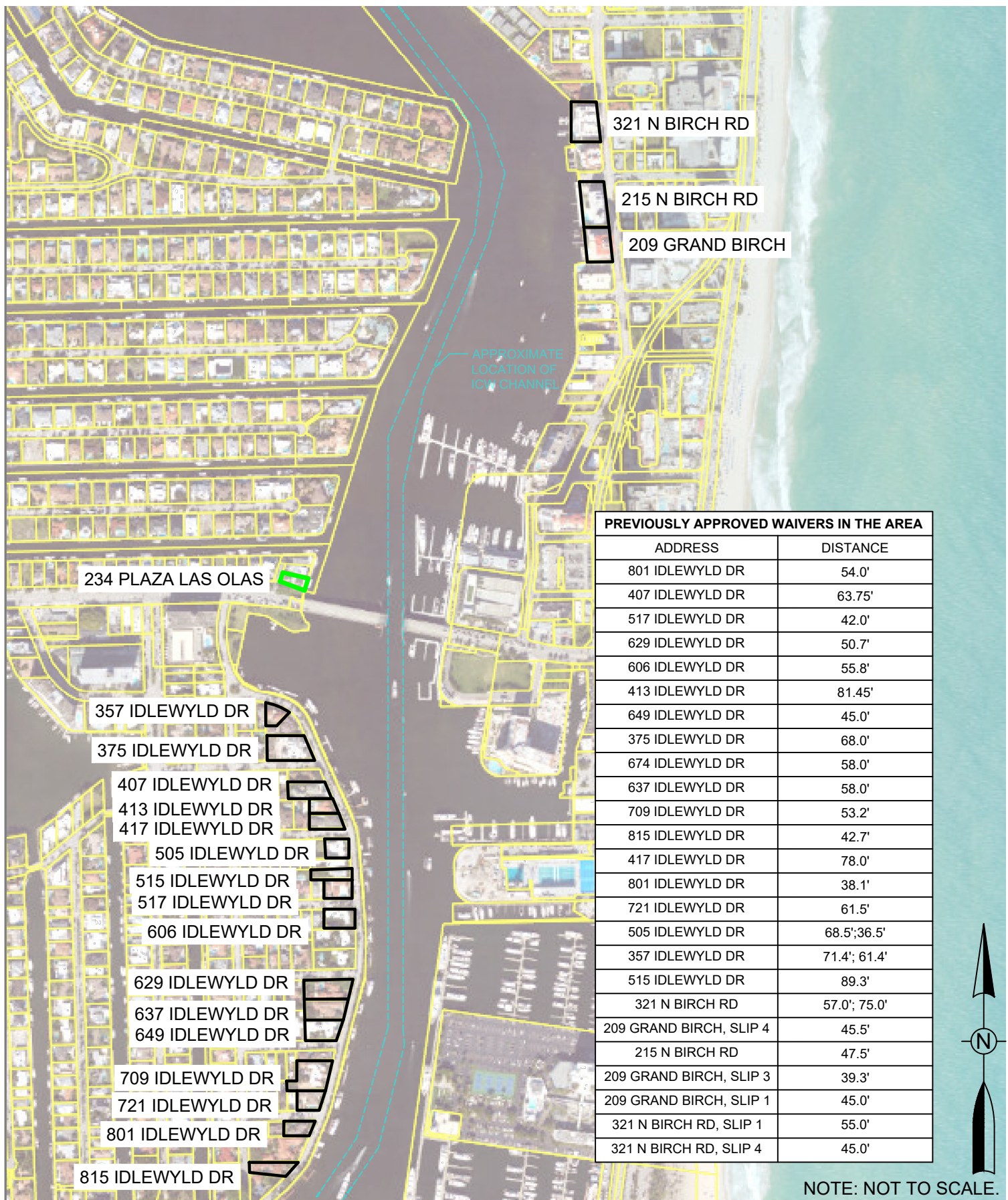
CAM #26-0538

Exhibit 1

Page 33 of 174



9) PREVIOUSLY APPROVED WAIVERS IN THE AREA



PREVIOUSLY APPROVED WAIVERS IN THE AREA

ADDRESS	DISTANCE
801 IDLEWYLD DR	54.0'
407 IDLEWYLD DR	63.75'
517 IDLEWYLD DR	42.0'
629 IDLEWYLD DR	50.7'
606 IDLEWYLD DR	55.8'
413 IDLEWYLD DR	81.45'
649 IDLEWYLD DR	45.0'
375 IDLEWYLD DR	68.0'
674 IDLEWYLD DR	58.0'
637 IDLEWYLD DR	58.0'
709 IDLEWYLD DR	53.2'
815 IDLEWYLD DR	42.7'
417 IDLEWYLD DR	78.0'
801 IDLEWYLD DR	38.1'
721 IDLEWYLD DR	61.5'
505 IDLEWYLD DR	68.5';36.5'
357 IDLEWYLD DR	71.4'; 61.4'
515 IDLEWYLD DR	89.3'
321 N BIRCH RD	57.0'; 75.0'
209 GRAND BIRCH, SLIP 4	45.5'
215 N BIRCH RD	47.5'
209 GRAND BIRCH, SLIP 3	39.3'
209 GRAND BIRCH, SLIP 1	45.0'
321 N BIRCH RD, SLIP 1	55.0'
321 N BIRCH RD, SLIP 4	45.0'

NOTE: NOT TO SCALE.



PROJECT:
234 PLAZA LAS OLAS

CLIENT:
UNLIMITED PERMIT SERVICES

SHEET TITLE/NUMBER:
**EXISTING WAIVERS
1 OF 1**
DATE: CAM #26-0588
#142026
Exhibit 1



10) LETTERS OF SUPPORT

LETTERS OF SUPPORT

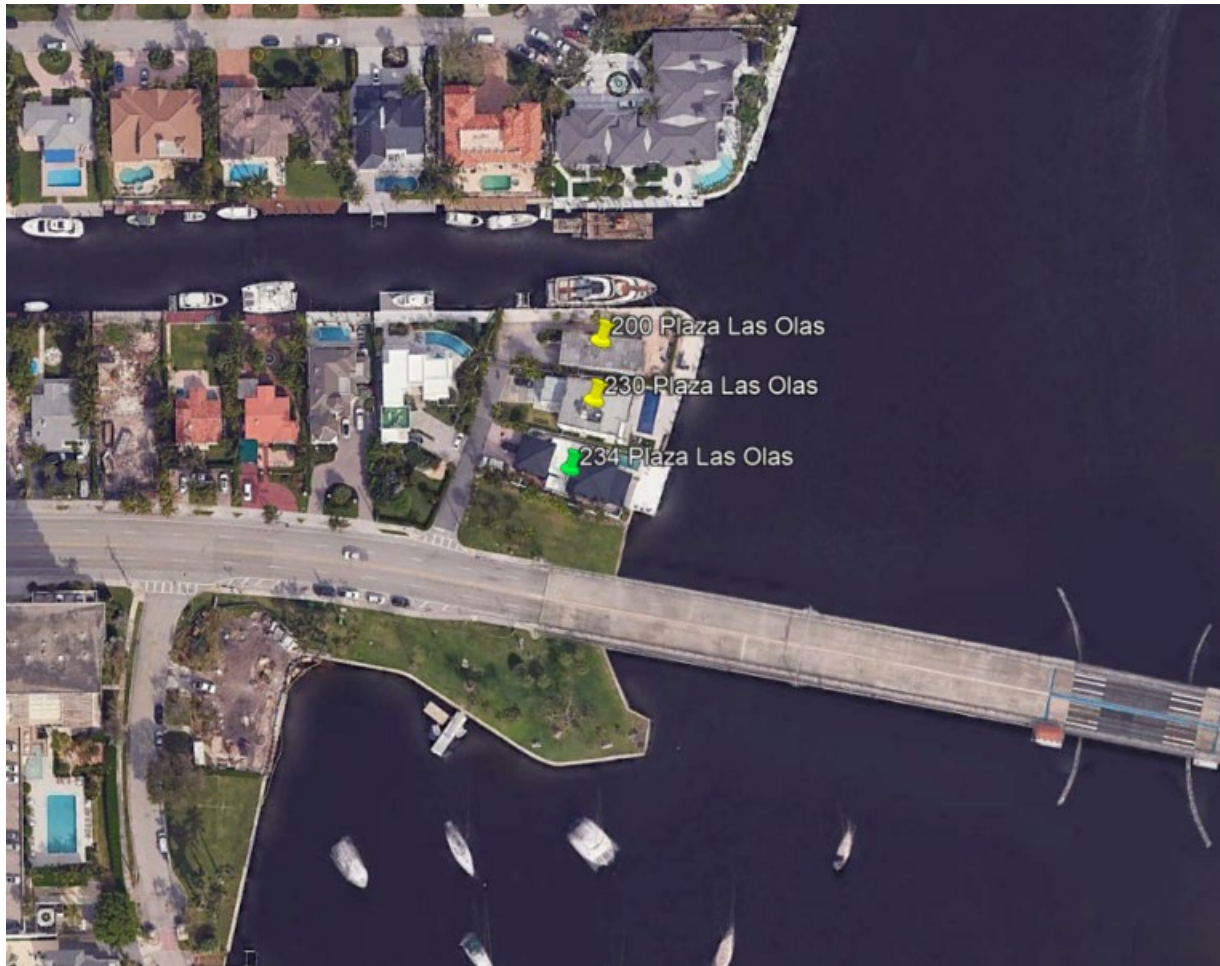


Table 10.1

Address
200 Plaza Las Olas
230 Plaza Las Olas

Date: 04/03/2026

Property Owner of Proposed Project:
Susan Rotman
234 Plaza Las Olas
Fort Lauderdale, FL 33301

Subject: Marine Structures Requiring Waiver of Distance Limitations
Neighbor Letter of Consent

To Whom It May Concern:

The owner of the single-family residence located at 234 Plaza Las Olas have applied to the City of Fort Lauderdale Building and Zoning Department for a marine project. The proposed scope of work includes a concrete marginal dock, finger pier, and boatlift. The finger pier and boatlift are proposed to extend approximately 49'-10" from the property line. Please refer to the attached design layout.

Per ULDR Section 47-19.3(C), the maximum allowable distance for mooring structures is limited to 25 feet or 25% of the width of the waterway, whichever is less. The proposed finger piers extend into the New River Sound/Intracoastal Waterway, which has an approximate width of 725 feet. The proposed structures are not anticipated to impede navigation. Environmental reviews for the project have been approved by BCRED, FDEP, and ACOE.

I, Oded Haims (Name), am the legal owner of the property located at 200 Plaza Las Olas, 33301 (Address). I am aware of the proposed project and scope of work at the subject property, and I have no objection to granting my consent for the project to proceed in support of a waiver being granted by the City Commission.

Neighbor Signature: 

Print Name: Oded Haims

Date: 3-30-2026

Property Owner of Proposed Project:
Susan Rotman
234 Plaza Las Olas
Fort Lauderdale, FL 33301


Subject: Marine Structures Requiring Waiver of Distance Limitations
Neighbor Letter of Consent

To Whom It May Concern:

The owner of the single-family residence located at 234 Plaza Las Olas have applied to the City of Fort Lauderdale Building and Zoning Department for a marine project. The proposed scope of work includes a concrete marginal dock, finger pier, and boatlift. The finger pier and boatlift are proposed to extend approximately 49'-10" from the property line. Please refer to the attached design layout.

Per ULDR Section 47-19.3(C), the maximum allowable distance for mooring structures is limited to 25 feet or 25% of the width of the waterway, whichever is less. The proposed finger piers extend into the New River Sound/Intracoastal Waterway, which has an approximate width of 725 feet. The proposed structures are not anticipated to impede navigation. Environmental reviews for the project have been approved by BCRED, FDEP, and ACOE.

I, Sam Hosseini (Name), am the legal owner of the property located at 230 Plaza Las Olas Ft. Lauderdale (Address). I am aware of the proposed project and scope of work at the subject property, and I have no objection to granting my consent for the project to proceed in support of a waiver being granted by the City Commission.

Neighbor Signature: 

Print Name: SAM Hosseini



11) ENVIRONMENTAL APPROVALS



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-8175

October 17, 2024

South Atlantic Division
Regulatory Technical Regional Execution Center
SAJ-2024-04012 (NWP/RGP-CAA)

Susan Rotman
234 Plaza Las Olas
Fort Lauderdale, Florida 33301
Sent via email: chicagolandtherapy@yahoo.com

Dear Susan Rotman:

The U.S. Army Corps of Engineers (Corps) has completed the review of your application for a Department of the Army permit received on August 29, 2024. Your application was assigned file number SAJ-2024-04012. A review of the information and drawings provided indicates that the proposed work would result in the removal of the existing footer, wood dock, and wood piles; the construction of a 63.08-ft concrete seawall within 18-inch waterward of existing wetface, a concrete cap over proposed seawall, a 44.8-ft x 15.5-ft concrete dock, a 30-ft x 8-ft concrete finger pier, and an uncovered boatlift; and the placement of 26.1 cubic yard of rip rap boulders under the new dock. The existing seawall and cap will remain. The activities subject to this permit are authorized pursuant to authorities under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403), **and** Section 404 of the Clean Water Act (33 U.S.C. § 1344). The project is located in New River Sound; at 234 Plaza Las Olas, in Section 12, Township 50 S, Range 42 E, Fort Lauderdale, Broward County, Florida.

The aspect of your project involving the construction of a 63.08-ft concrete seawall and a concrete cap and the placement of 26.1 cubic yard rip rap boulders, as depicted on the attached drawings, is authorized by Nationwide Permit (NWP) 13 (Bank Stabilization). **This verification is valid until March 14, 2026.** In order for this NWP authorization to be valid, you must ensure that the work is performed in accordance with the Nationwide Permit General Conditions, the Jacksonville District Regional Conditions, and the General and Project-Specific Special Conditions listed below. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant NWP is modified or revoked, you will have 12 months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this NWP. You can access the U.S. Army Corps of Engineers' (Corps) Jacksonville District's Regulatory Source Book web page for links to view NWP information at: <https://www.saj.usace.army.mil/Missions/Regulatory/Source->

[Book/](#). Please be aware this Internet address is case sensitive and should be entered as it appears above. Once there, you will need to select “Nationwide Permits.” Among other things, this part of the Source Book contains links to the federal register containing the text of the pertinent NWP authorization and the associated NWP general conditions, as well as separate links to the regional conditions applicable to the pertinent NWP verification.

The aspect of your project involving the removal of the existing footer, wood dock, and wood piles and the construction of a 44.8-ft x 15.5-ft concrete dock, a 30-ft x 8-ft concrete finger pier, and an uncovered boatlift, as depicted on the attached drawings, is authorized by Regional General Permit (RGP) SAJ-20 and its subsequent modifications, if applicable. **This RGP authorization is valid until March 28, 2028.** If you commence or are under contract to commence this activity before the date that SAJ-20 expires or is revoked, you will have 12 months from the date of the expiration or revocation of SAJ-20 to complete the activity under the present terms and conditions of SAJ-20.

Please access the Corps' Jacksonville District Regulatory Division Source Book web page to view the special and general conditions for SAJ-20, which apply specifically to this authorization. The Internet URL address is: <https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/>. Please be aware this Internet address is case sensitive and you will need to enter it exactly as it appears above. Once there, select “General Permits.” Then you will need to select the specific SAJ permit noted above.

You must comply with all of the special and general conditions for the NWP and RGP, including any project-specific conditions included in this letter and all conditions incorporated by reference as described above.

General Conditions:

1. The time limit for completing the work authorized by NWP 13 ends on **March 14, 2026**. The time limit for completing the work authorized by RGP SAJ-20 ends on **March 28, 2028**.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity, or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit you must obtain the signature of the new owner on the attached transfer form and forward a copy to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.

6. You must allow a representative from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Project Specific Special Conditions:

The following project specific special conditions are included with this verification:

1. Reporting Address: The Permittee shall submit all reports, notifications, documentation, and correspondence required by the general and special conditions of this permit to either (not both) of the following addresses:

a. For electronic mail (preferred): SAJ-RD-Enforcement@usace.army.mil (not to exceed 15 MB).

b. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, 701 San Marco Blvd, Jacksonville, FL 32207.

The Permittee shall reference this permit number, SAJ-2024-04012 (NWP/RGP-CAA), on all submittals.

2. Commencement Notification: Within 10 days from the date of initiating the work authorized by this permit the Permittee shall submit a completed "Commencement Notification" Form.

3. Self-Certification: Within 60 days of completion of the work authorized by this permit, the permittee shall complete the attached "Self-Certification Statement of Compliance" form and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the "Self-Certification Statement of Compliance" form. The description of any deviations on the "Self-Certification Statement of Compliance" form does not constitute approval of any deviations by the Corps.

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

5. Cultural Resources/Historic Properties:

a. No structure or work shall adversely affect impact or disturb properties listed in the National Register of Historic Places (NRHP) or those eligible for inclusion in the NRHP.

b. If, during permitted activities, items that may have historic or archaeological origin are observed the Permittee shall immediately cease all activities adjacent to the discovery that may result in the destruction of these resources and shall prevent his/her employees from further removing, or otherwise damaging, such resources. The applicant shall notify both the Florida Department of State, Division of Historical Resources, Compliance Review Section at (850)-245-6333 and the Corps, of the observations within the same business day (8 hours). Examples of submerged historical, archaeological, or cultural resources include shipwrecks, shipwreck debris fields (such as steam engine parts, or wood planks and beams), anchors, ballast rock, concreted iron objects, concentrations of coal, prehistoric watercraft (such as log "dugouts"), and other evidence of human activity. The materials may be deeply buried in sediment, resting in shallow sediments or above them, or protruding into water. The Corps shall coordinate with the Florida State Historic Preservation Officer (SHPO) to assess the significance of the discovery and devise appropriate actions. Project activities shall not resume without verbal and/or written authorization from the Corps.

c. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition; and if deemed necessary by the SHPO, THPO(s), or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend, or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume on non- federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.

d. In the unlikely event that unmarked human remains are identified on nonfederal lands; they will be treated in accordance with Section 872.05 Florida Statutes. All work and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archaeologist within the same business day (8- hours). The Corps shall then notify the appropriate SHPO. Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend, or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume without written authorization from the SHPO and from the Corps.

6. Manatee Conditions: The Permittee shall comply with the attached “Standard Manatee Conditions for In-Water Work – 2011”. The most recent version of the Manatee Conditions must be utilized.

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

8. Erosion Control: Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material outside the work area into waters of the United States. The erosion control measures shall remain in place and be maintained until all authorized work is completed and the work areas are stabilized.

9. Fill Material: The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils

contaminated with any toxic substance in toxic amounts, in accordance with Section 307 of the Clean Water Act.

10. Jacksonville District Programmatic Biological Opinion (JAXBO): Structures and activities authorized under this permit will be constructed and operated in accordance with all applicable PDCs contained in the JAXBO, based on the permitted activity. Failure to comply with applicable PDCs will constitute noncompliance with this permit. In addition, failure to comply with the applicable PDCs, where a take of listed species occurs, would constitute an unauthorized take. The NMFS is the appropriate authority to determine compliance with the Endangered Species Act. The most current version of JAXBO can be accessed at the Jacksonville District Regulatory Division website in the Endangered Species section of the Sourcebook located at: <http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>.

JAXBO may be subject to revision at any time. The most recent version of the JAXBO must be utilized during the design and construction of the permitted work.

This letter of authorization does not include conditions that would prevent the 'take' of a state-listed fish or wildlife species. These species are protected under sec. 379.411, Florida Statutes, and listed under Rule 68A-27, Florida Administrative Code. With regard to fish and wildlife species designated as species of special concern or threatened by the State of Florida, you are responsible for coordinating directly with the Florida Fish and Wildlife Conservation Commission (FWC). You can visit the FWC license and permitting webpage (<http://www.myfwc.com/license/wildlife/>) for more information, including a list of those fish and wildlife species designated as species of special concern or threatened. The Florida Natural Areas Inventory (<http://www.fnai.org/>) also maintains updated lists, by county, of documented occurrences of those species.

This letter of authorization does not include conditions that would prevent the 'take' of a state-listed fish or wildlife species. These species are protected under sec. 379.411, Florida Statutes, and listed under Rule 68A-27, Florida Administrative Code. With regard to fish and wildlife species designated as species of special concern or threatened by the State of Florida, you are responsible for coordinating directly with the Florida Fish and Wildlife Conservation Commission (FWC). You can visit the FWC license and permitting webpage (<http://www.myfwc.com/license/wildlife/>) for more information, including a list of those fish and wildlife species designated as species of special concern or threatened. The Florida Natural Areas Inventory (<http://www.fnai.org/>) also maintains updated lists, by county, of documented occurrences of those species.

This letter of authorization does not give absolute Federal authority to perform the work as specified on your application. The proposed work may be subject to local building restrictions mandated by the National Flood Insurance Program. You should contact your local office that issues building permits to determine if your site is located in a flood-prone area, and if you must comply with the local building requirements mandated by the National Flood Insurance Program.

This letter of authorization does not preclude the necessity to obtain any other Federal, State, or local permits, which may be required.

Thank you for your cooperation with our permit program. The Corps' Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to complete our automated Customer Service Survey at <https://regulatory.ops.usace.army.mil/customer-service-survey/>. Please be aware this Internet address is case sensitive and you will need to enter it exactly as it appears above. Your input is appreciated – favorable or otherwise.

If you have any questions related to this verification or have issues accessing documents referenced in this letter, please contact Alexi Archer, Project Manager of the Technical Regional Execution Center on behalf of the Palm Beach Gardens Permits Section at (912) 837-9860, by mail at the above address, or by email at Cristin.A.Archer@usace.army.mil. Please take a moment to complete our customer satisfaction survey located at <https://regulatory.ops.usace.army.mil/customer-service-survey/>.

Sincerely,

Jason Sweeney
SAJ Team Lead
SAD Technical Regional Execution Center

Enclosures
Permit Drawings
Transfer Request
Commencement Notification

Self-Certification
Standard Manatee Conditions

Cc:
Kathryn Cartier, Unlimited Permit Services Inc (via kathyc@unlimitedps.net)



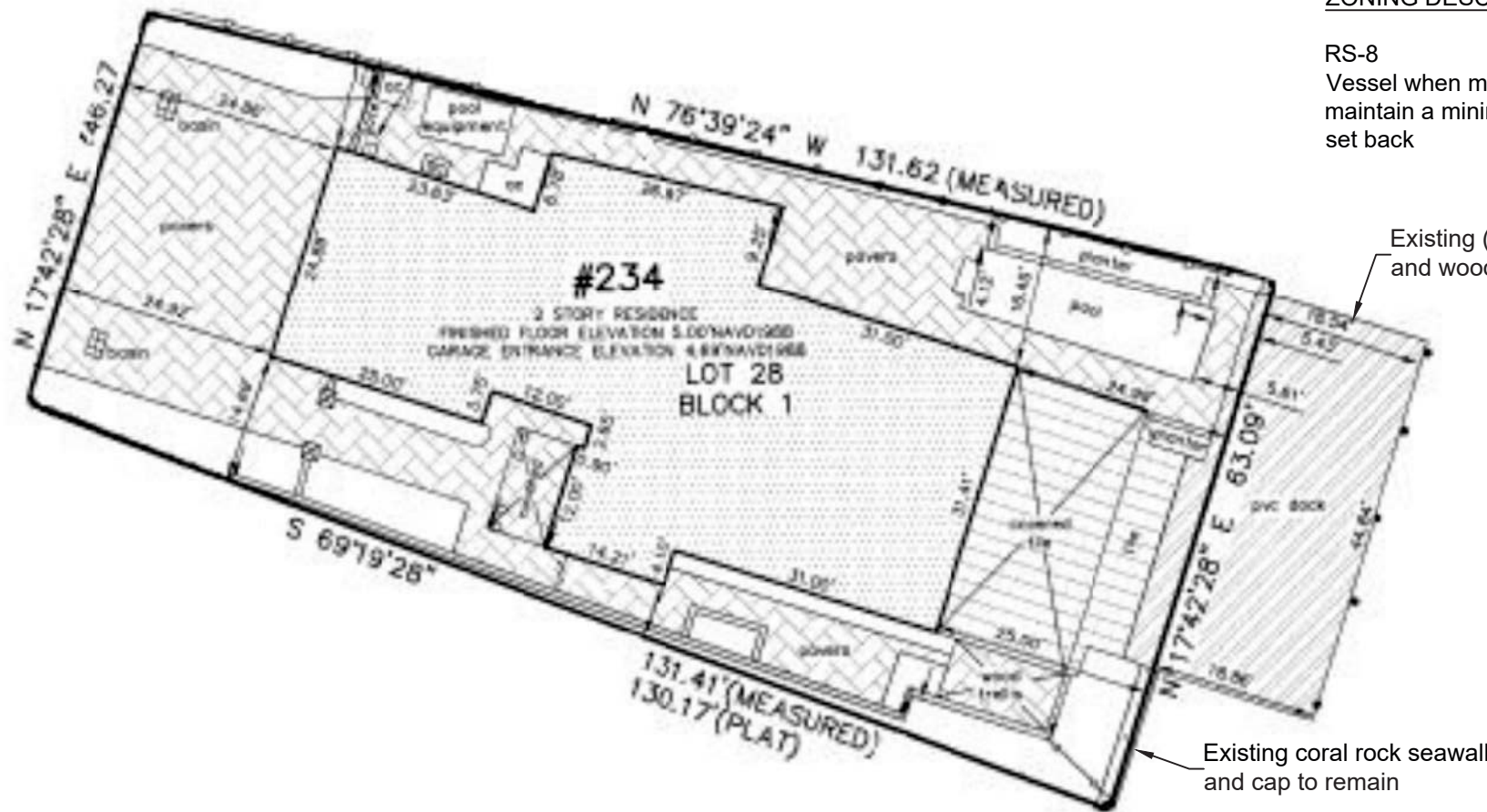
No tree will be removed or replanted as part of this permit

See attached survey supplied by owner for exact property information.

Site Address	234 PLAZA LAS OLAS, FORT LAUDERDALE FL 33301	ID #	5042 12 12 0260
Property Owner	ROTMAN, SUSAN	Millage	0312
Mailing Address	234 PLAZA LAS OLAS FORT LAUDERDALE FL 33301	Use	01-01
Abbreviated Legal Description	LAUDERDALE SHORES CORR PLAT BLK 1 15-25 B LOT 28 BLK 1		

ZONING DESCRIPTION:

RS-8
Vessel when moored on dock will maintain a minimum 5' side yard set back

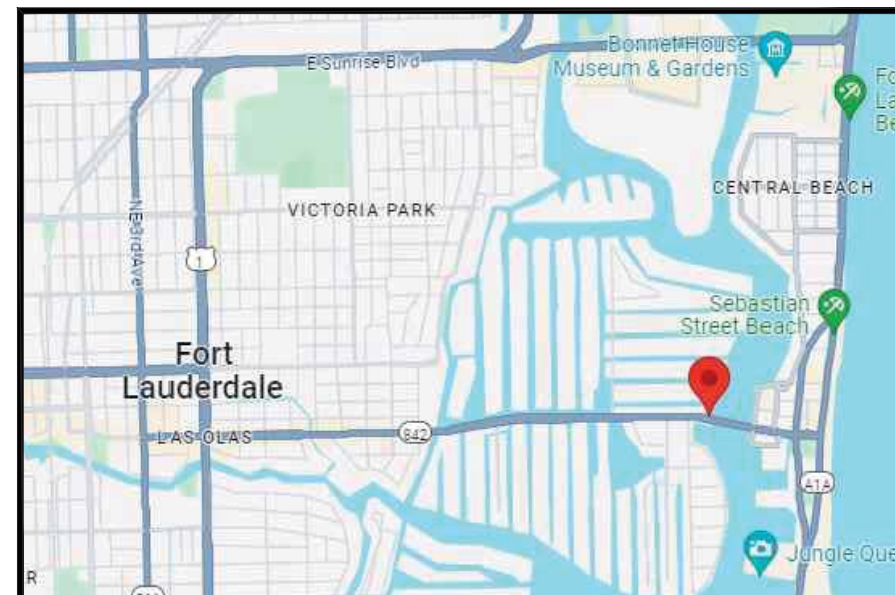


Existing (845.7sf) wood dock and wood piles to be removed

Existing coral rock seawall and cap to remain

NEW RIVER SOUND
(RW VARIES)

Location Map



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Contractor
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 (954) 421-1700

Project Information
Seawall Repair / New Dock
 Susan Rotman
 234 Plaza Las Olas
 Fort Lauderdale, FL 33301

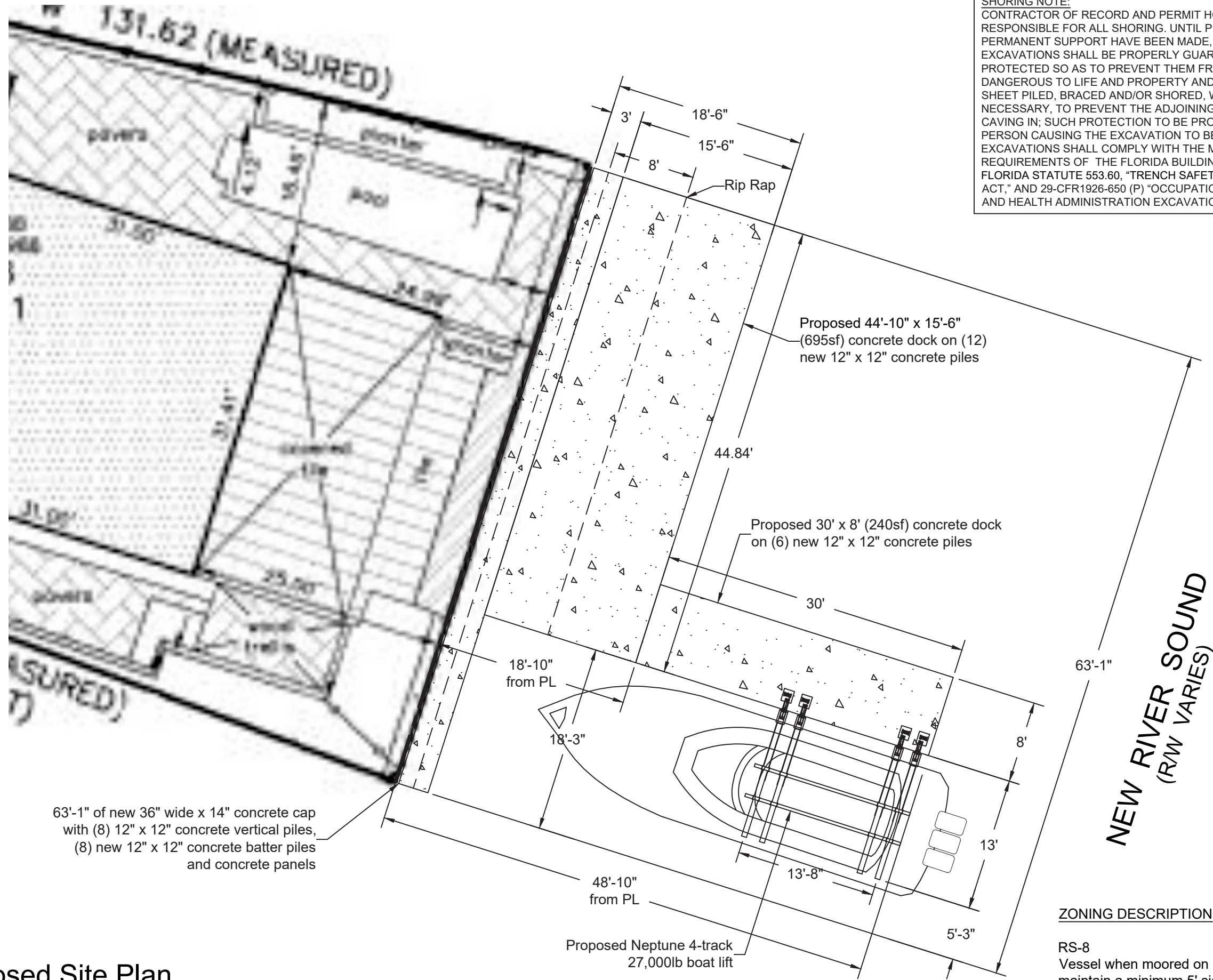
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7-29-24
8-29-24

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Sheet 1 of 9
CAM #26-0538

Existing Site Plan

Scale: 1" = 20'



SHORING NOTE:
 CONTRACTOR OF RECORD AND PERMIT HOLDER RESPONSIBLE FOR ALL SHORING. UNTIL PROVISIONS FOR PERMANENT SUPPORT HAVE BEEN MADE, ALL EXCAVATIONS SHALL BE PROPERLY GUARDED AND PROTECTED SO AS TO PREVENT THEM FROM BECOMING DANGEROUS TO LIFE AND PROPERTY AND SHALL BE SHEET PILED, BRACED AND/OR SHORED, WHERE NECESSARY, TO PREVENT THE ADJOINING EARTH FROM CAVING IN; SUCH PROTECTION TO BE PROVIDED BY THE PERSON CAUSING THE EXCAVATION TO BE MADE. ALL EXCAVATIONS SHALL COMPLY WITH THE MINIMUM REQUIREMENTS OF THE FLORIDA BUILDING CODE, AND FLORIDA STATUTE 553.60, "TRENCH SAFETY ACT," AND 29-CFR1926-650 (P) "OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION EXCAVATION SAFETY ACT."

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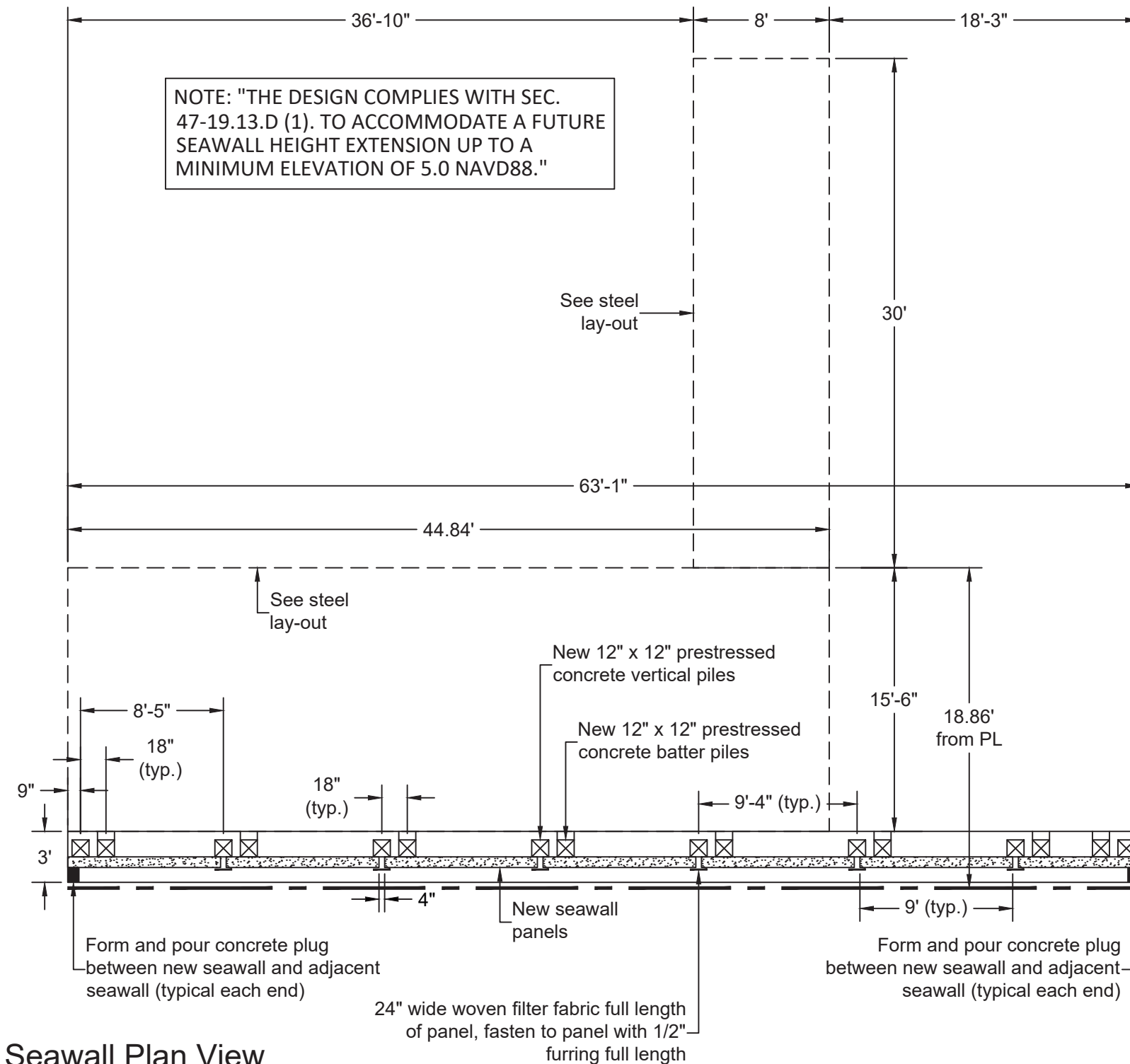
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ZONING DESCRIPTION:
 RS-8
 Vessel when moored on dock will maintain a minimum 5' side yard set back

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Proposed Site Plan

Scale: 1" = 20'



Seawall Plan View
Scale: 1/8" = 1'-0"

NOTE:
PANEL HEIGHT TO BE VERIFIED ON SITE BY CONTRACTOR BEFORE CONSTRUCTION, TO PROVIDE A MINIMUM OF 2' EMBEDMENT INTO EXISTING GRADE.

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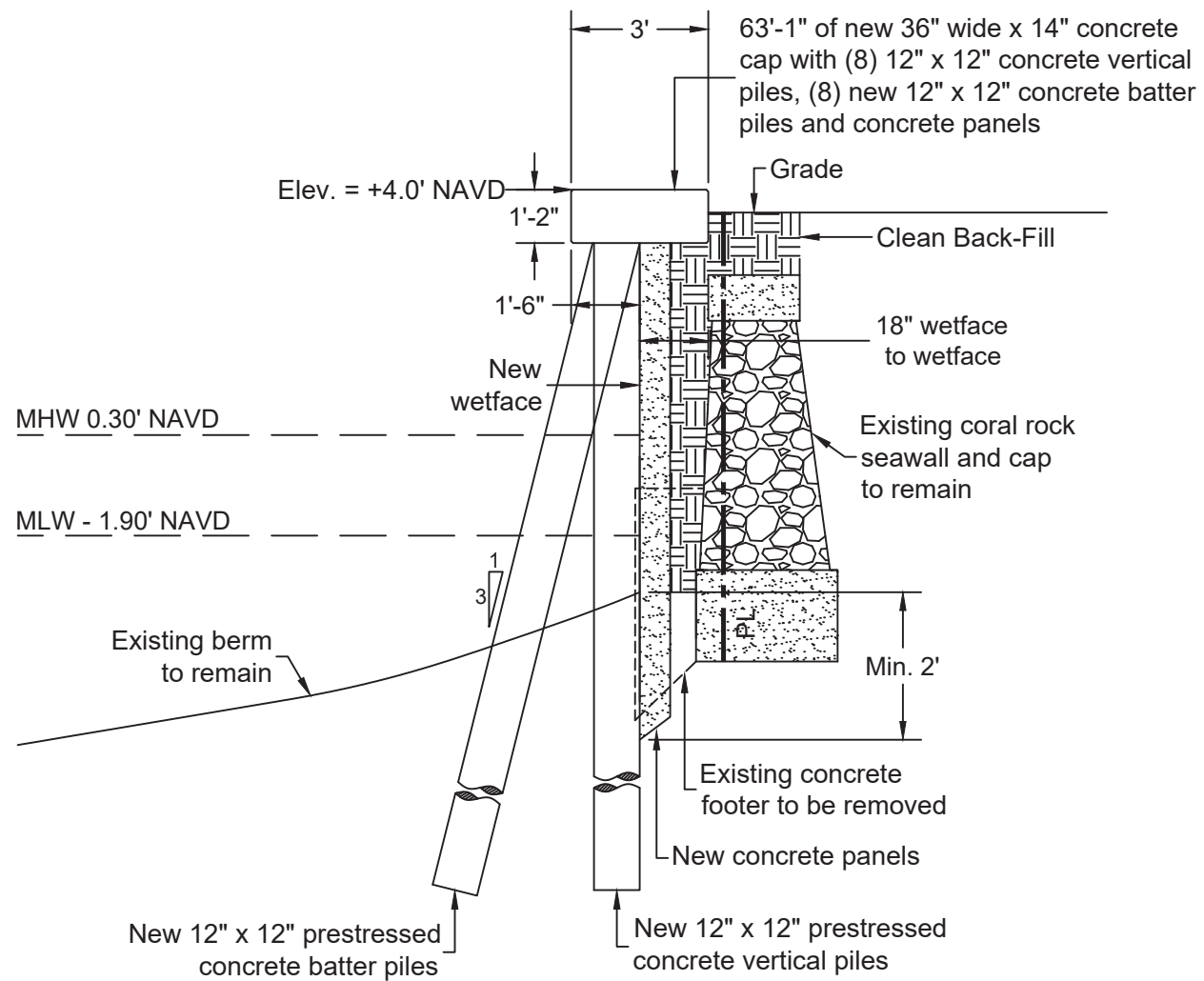
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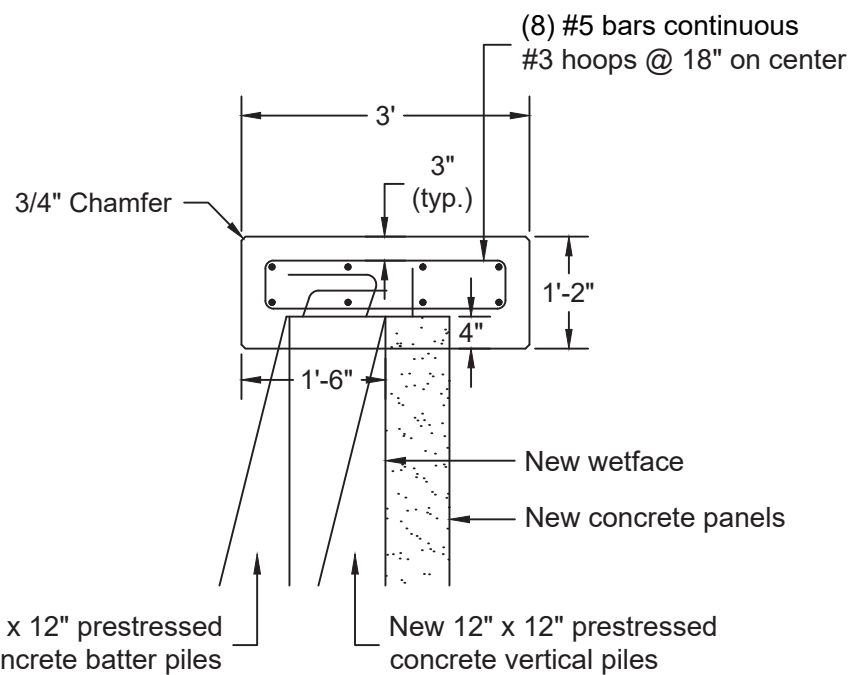


Seawall Section

Scale 1/4" = 1'-0"

NOTE:
 PANEL HEIGHT TO BE VERIFIED
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 CONSTRUCTION, TO PROVIDE A
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 INTO EXISTING GRADE.

NOTE: "THE DESIGN COMPLIES WITH SEC. 47-19.13.D (1). TO ACCOMMODATE A FUTURE SEAWALL HEIGHT EXTENSION UP TO A MINIMUM ELEVATION OF 5.0 NAVD88."



Cap Steel Detail

Scale: 1/2" = 1'-0"

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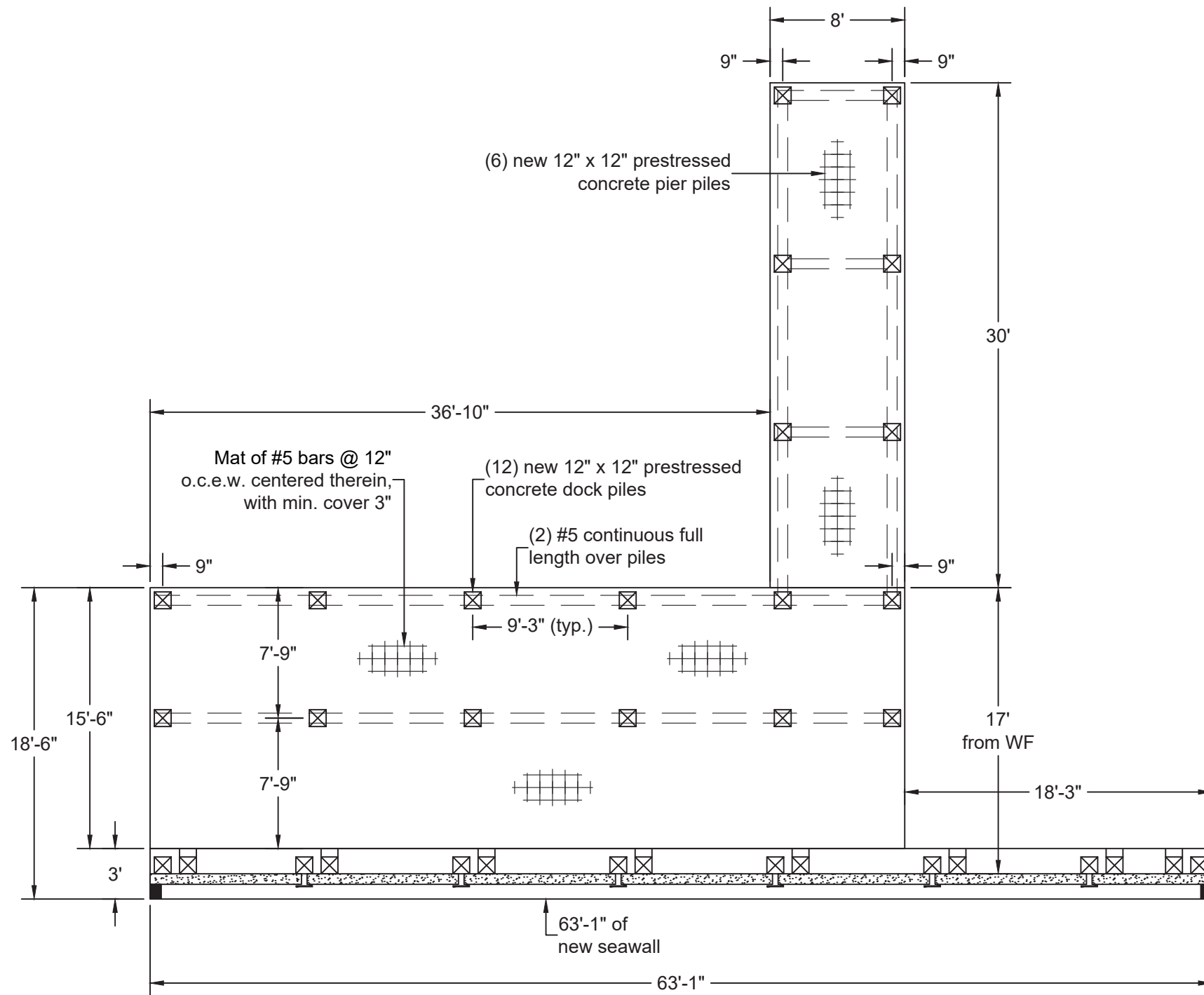
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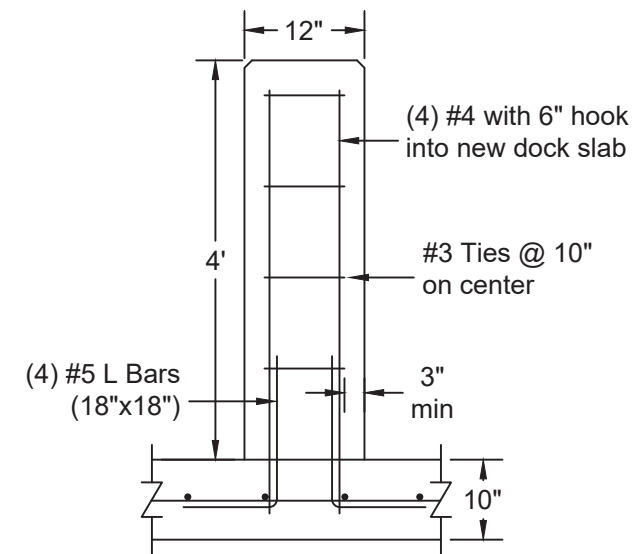
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Sheet 4 of 9



Dock Plan View
Scale: 1/8" = 1'-0"



Column Detail
Scale: 1/4" = 1'-0"

NOTE: "THE DESIGN COMPLIES WITH SEC. 47-19.13.D (1). TO ACCOMMODATE A FUTURE SEAWALL HEIGHT EXTENSION UP TO A MINIMUM ELEVATION OF 5.0 NAVD88."

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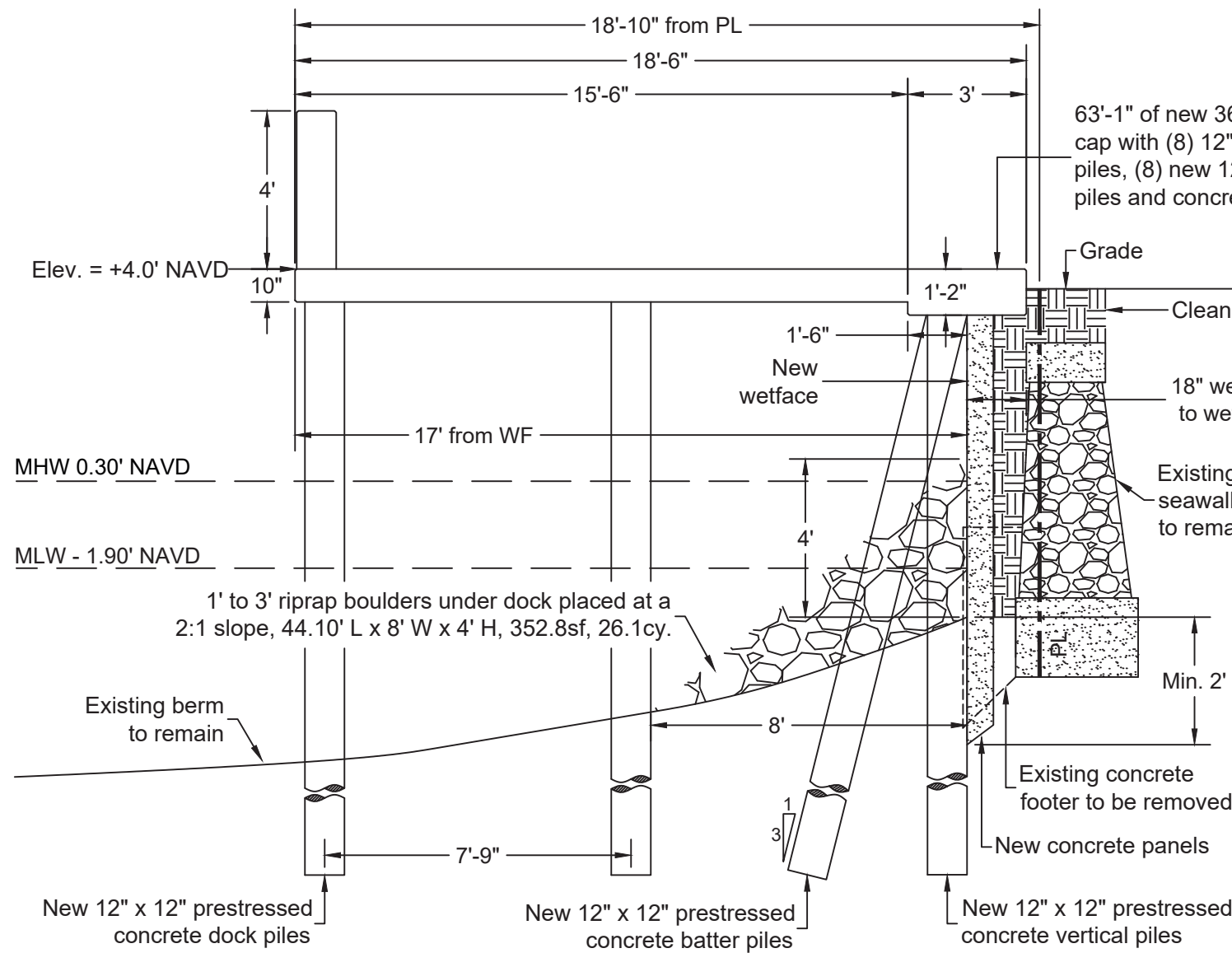
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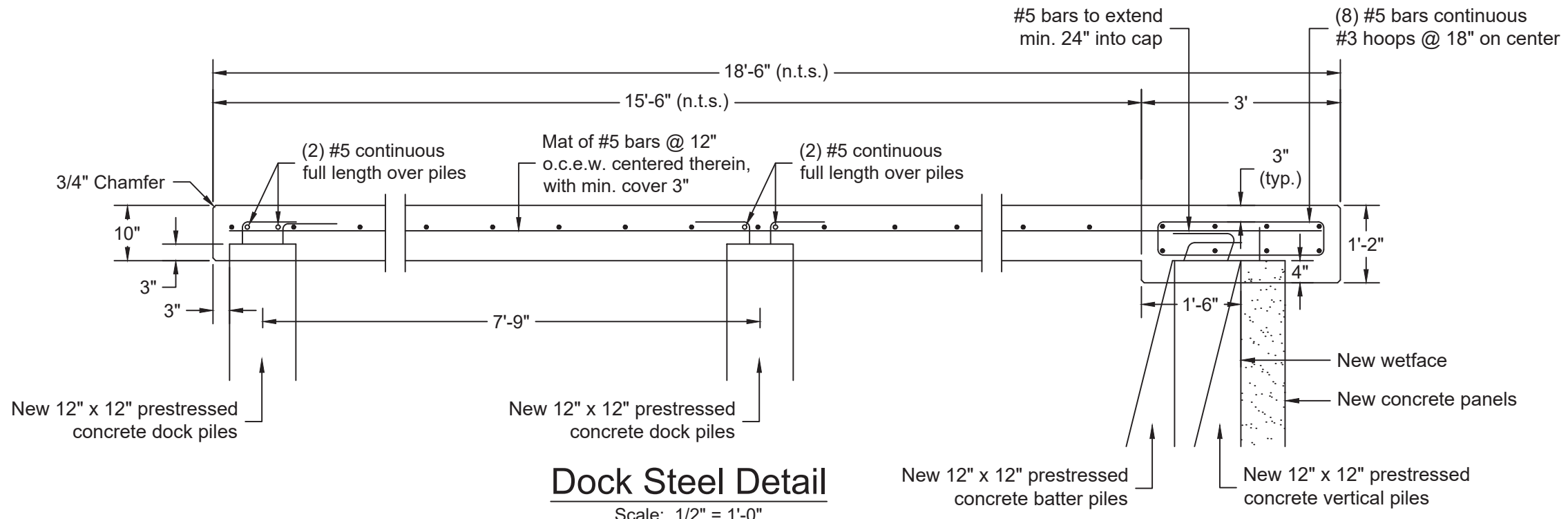
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Sheet 5 of 9



NOTE:
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Dock Section
 Scale 1/4" = 1'-0"



Dock Steel Detail
 Scale: 1/2" = 1'-0"

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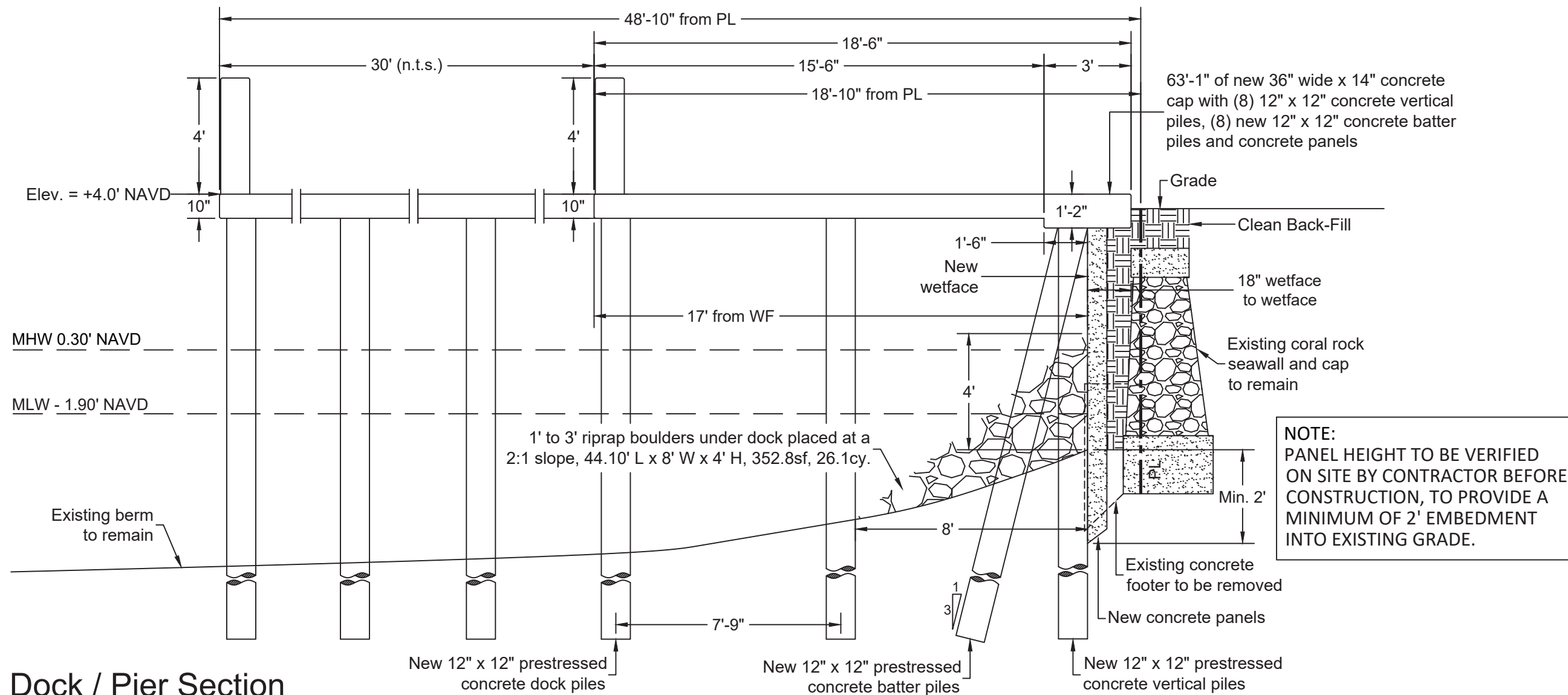
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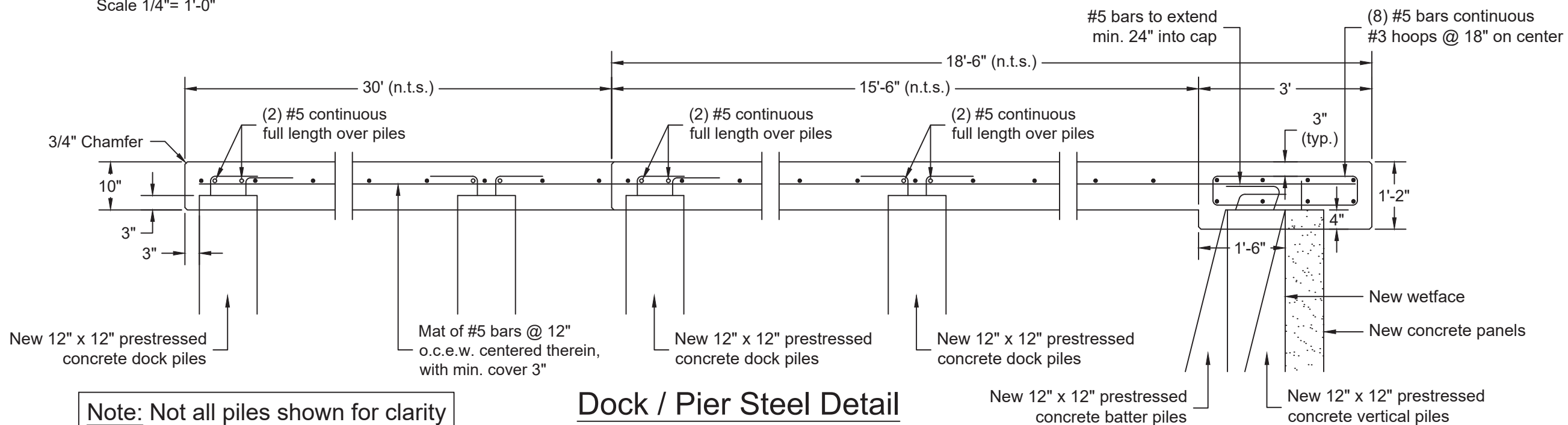
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Dock / Pier Section
Scale 1/4" = 1'-0"



Dock / Pier Steel Detail
Scale: 1/2" = 1'-0"

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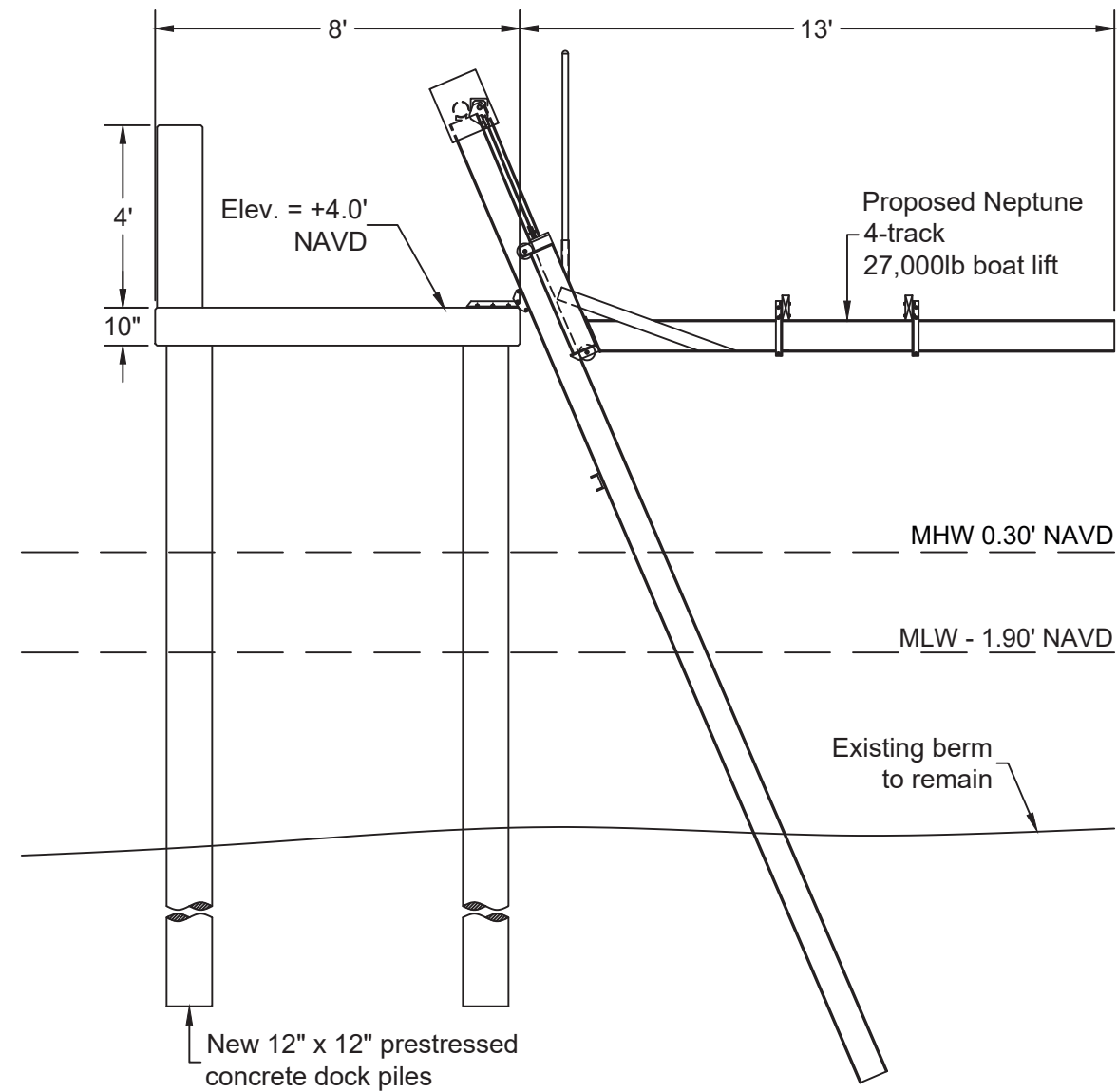
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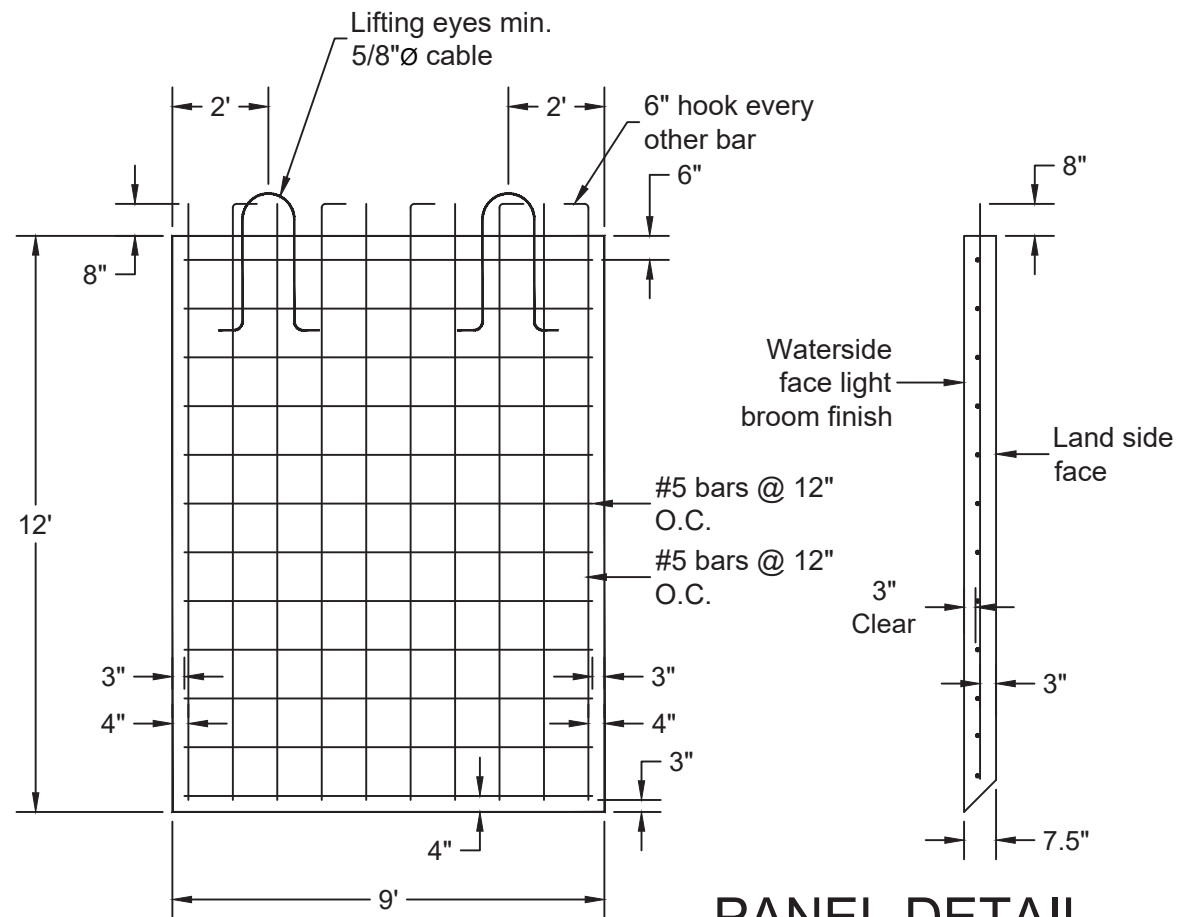
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Boat Lift Section

Scale 1/4" = 1'-0"



PANEL DETAIL

Scale 1/4" = 1'-0"

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Sheet 8 of 9

GENERAL NOTES:

1. Construction to follow the Florida Building Code 8th Edition (2023) and amendments as applicable and all Local, State and Federal Laws.
2. Licensed contractor shall verify the existing conditions prior to the commencement of the work. Any conflicts or omissions between existing conditions or the various elements of the working drawing shall be brought to the attention of the Engineer prior to the commencement of the work. The Licensed Contractor and all subcontractors are responsible for all lines, elevations, and measurements in connection with their work.
3. Do not scale drawings for dimensions.
4. Any deviation and/or substitution from the information provided herein shall be submitted to the Engineer for approval prior to commencement of work.
5. All unanticipated or unforeseen demolition and/or new construction conditions which require deviation from the plans and notes herein shall be reported to the Engineer prior to commencement of work.
6. All new work and/or materials shall conform to all requirements of each administrative body having jurisdiction in each appertaining circumstance.
7. All new materials and/or patchwork shall be provided to match existing materials and/or adjoining work where practical except as specifically noted herein.
8. Licensed Contractor to shall use all possible care to protect all existing materials, surfaces, and furnishings from damage during all phases of construction.
9. Licensed Contractor to verify location of existing utilities prior to commencing work.
10. The Licensed contractor to install and remove all shoring and bracing as required for the proper execution of the work.
11. Licensed Contractor to obtain all permits as necessary from all Local, State, and Federal agencies.
12. Turbidity barriers to be marked with site contractor's company name using permanent markings no smaller than 3 inches in height on the top of the barrier.

PILE DRIVING:

1. Piles shall be driven using an approved cushion block consisting of material so arranged so as to provide the transmission of hammer energy.
2. Piles shall be driven to a minimum allowable bearing capacity of 10 tons for wood, 25 tons for concrete, and 5 tons for pin piles, a minimum of 8' into berm or refusal.
3. Piles shall be driven with a drop hammer or gravity hammer provided the hammer shall weight no less than 3,000 pounds, and the fall of the hammer shall not exceed 6'.
4. Piles shall be driven with a variation of not more than 1/4 inch per foot from the vertical, or from the batter line indicated, with a maximum variation of the head of the pile from the position shown on the plans of not more than three inches.
5. Where piling must penetrate strata offering high resistance to driving, the structural engineer of record or special inspector may require that the piles be set in pre-drilled or punched holes. The piles shall reach their final penetration by driving.

CONCRETE NOTES:

1. Concrete shall conform to ACI 318-14 and shall be regular weight, sulfate resistant, with a design strength of 5000 psi at 28 days with a maximum water-cementitious materials ratio, by weight aggregate concrete of 0.40.
2. Owner shall employ and pay for testing services from an independent testing laboratory for concrete sampling and testing in accordance with ASTM.
3. Licensed contractor is responsible for the adequacy of forms and shoring and for safe practice in their use and removal.
4. Concrete cover shall be 3" unless otherwise noted on the approved drawings.
5. Reinforcing steel shall be in conformance with the latest version of ASTM A615 Grade 60 specifications. All reinforcement shall be placed in accordance with ACI 315 and ACI Manual of Standard Practice.
6. Fiber Reinforced Polymer (FRP) Reinforcing Bars may be used in lieu of reinforcing steel. FRP shall meet FDOT specification 932-3.1 - Use only solid, round, thermoset basalt fiber reinforced polymer (BFRP), glass fiber reinforced polymer (GFRP) or carbon fiber reinforced polymer (CFRP) reinforcing bars from producers currently on the FDOT's Production Facility Listing.
7. Splices in reinforcing bars shall be not be less than 48 bar diameters and reinforcing shall be continuous around all corners and changes in direction. Continuity shall be provided at corners or changes in direction by bending the longitudinal steel around the corner 48 bar diameters.
8. Defective, cracked or loose concrete areas must be cut out, the rebar must be cleaned, coated with zinc and repaired with at least 3" of epoxy-concrete mix or gunnite concrete with sulfate-resistant cement.

PILE NOTES:

1. Concrete piles shall attain 6000 psi compressive strength in 28 days.
2. Concrete piles shall be reinforced with four - 7/16"Ø lo-lax strands, 270 kips, and 5 ga. spiral ties.
3. Concrete piles shall be 12"x12" square, minimum length of 20'.
4. Concrete piles shall be cut to leave strands exposed a min. of 18" and tied to dock or cap steel or drill and epoxy (2) #5 12"x18" hook bars 6" into pile.

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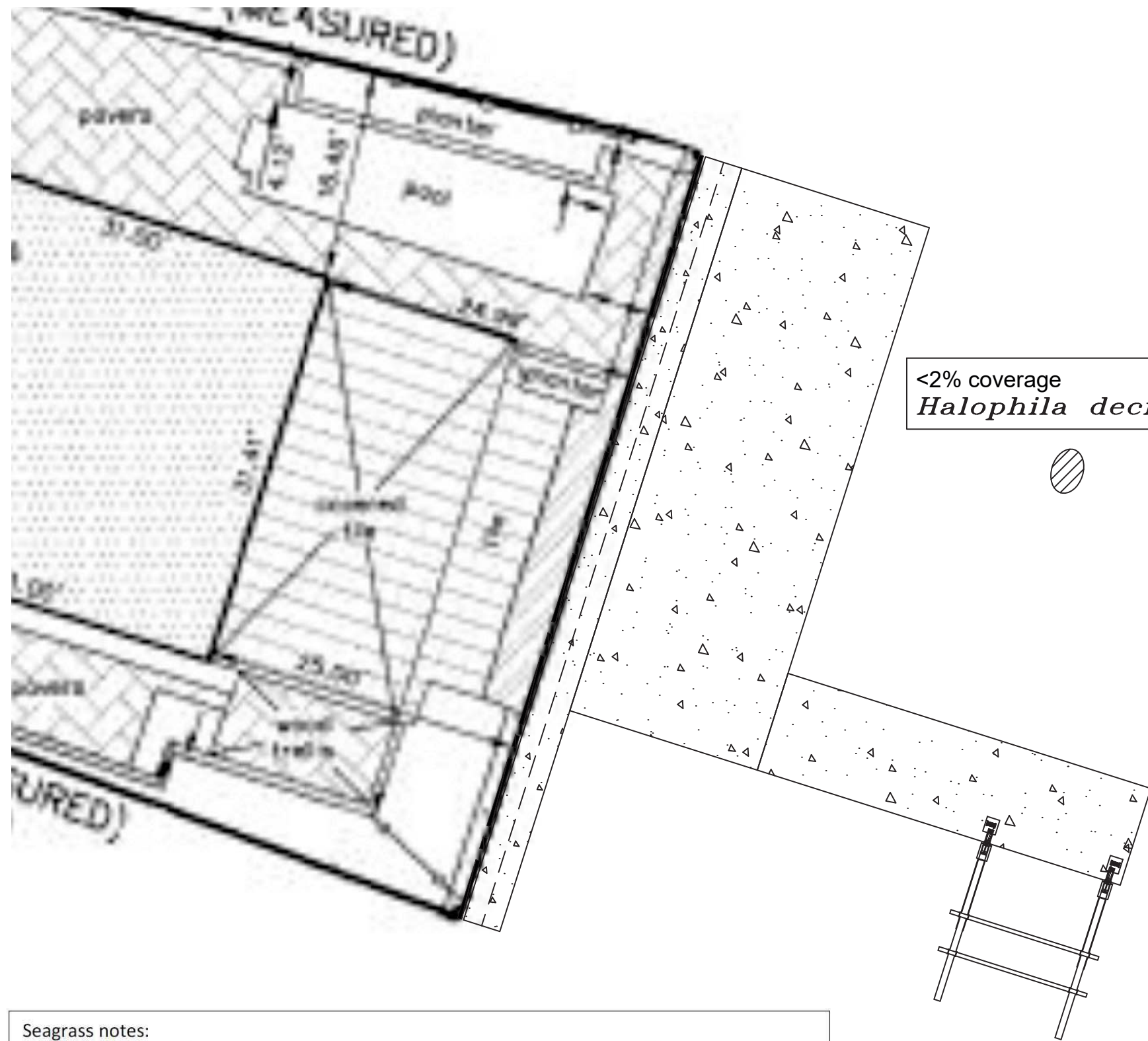
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Sheet 9 of 9

CAM #26-0538

Exhibit 1

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Seagrass notes:
 A very small area of minimal coverage (<2%) of *Halophila decipiens* is located in the project area. It is located about 10 feet from the north property line, approximately 35 feet from the existing wetface. Water depth at the foot of the seawall is approximately 3 feet at MLW. Seagrasses were in a depth of approximately 7 feet at MLW. No construction will occur over seagrasses. During pile installation, the barge will be positioned in water depths of 5 feet MLW or greater and will be anchored to avoid damage to seagrass areas.

Seagrass Plan

Scale: 1" = 20'

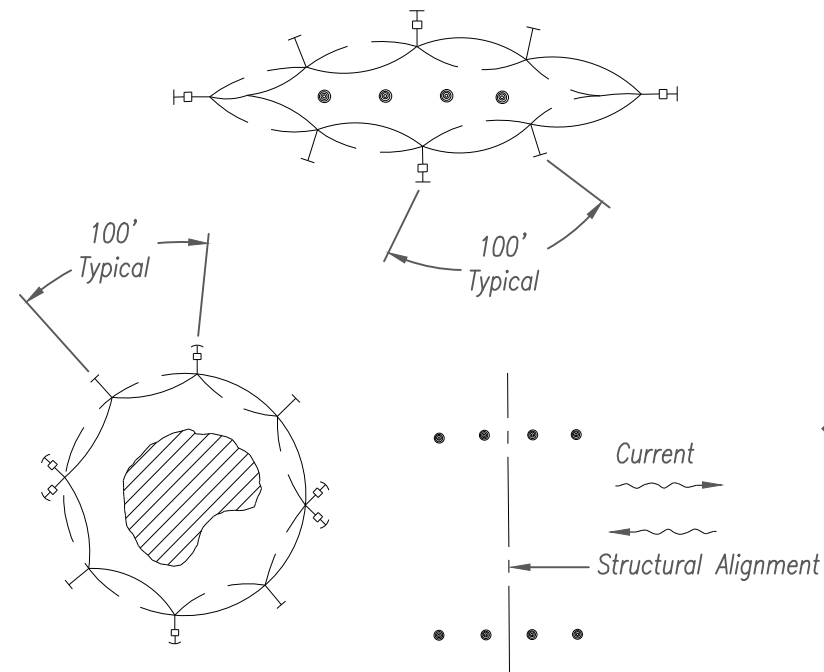
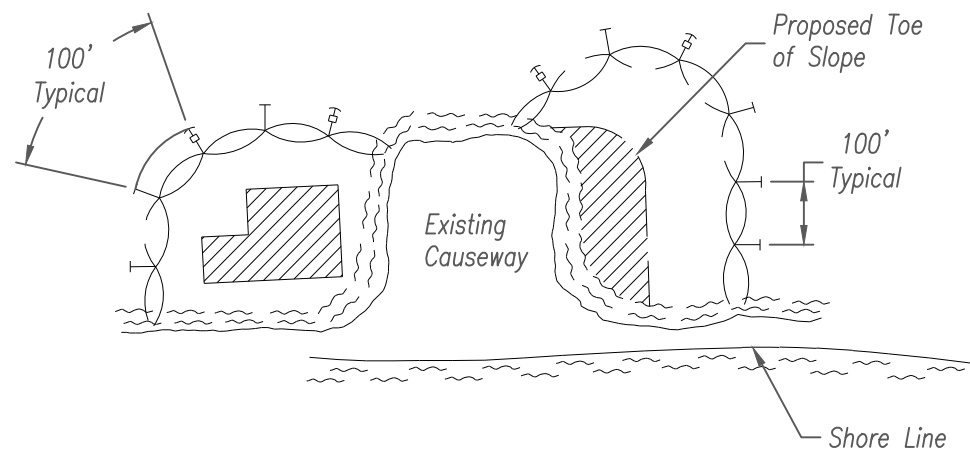
Consultant
UNLIMITED PERMIT SERVICES, INC
 Marine Design & Consulting
 902 NE 1st Street #2
 Pompano Beach, FL 33060
 (954) 532-0129
 Office@unlimitedps.net

Contractor
B&M MARINE CONSTRUCTION INC
 1211 S Military Trail #200
 Deerfield Beach, FL 33442
 (954) 421-1700






Project Information
Seawall Repair / New Dock
 Susan Rotman
 234 Plaza Las Olas
 Fort Lauderdale, FL 33301

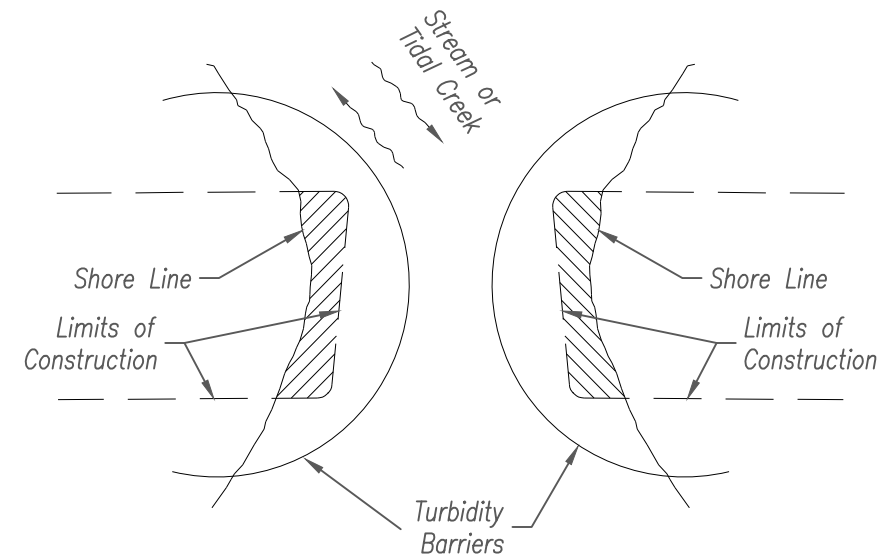
Seagrass Plan

CAM #26-0538



LEGEND

-  Pile Locations
-  Dredge or Fill Area
-  Mooring Buoy with Anchor
-  Anchor
-  Barrier Movement Due To Current Action



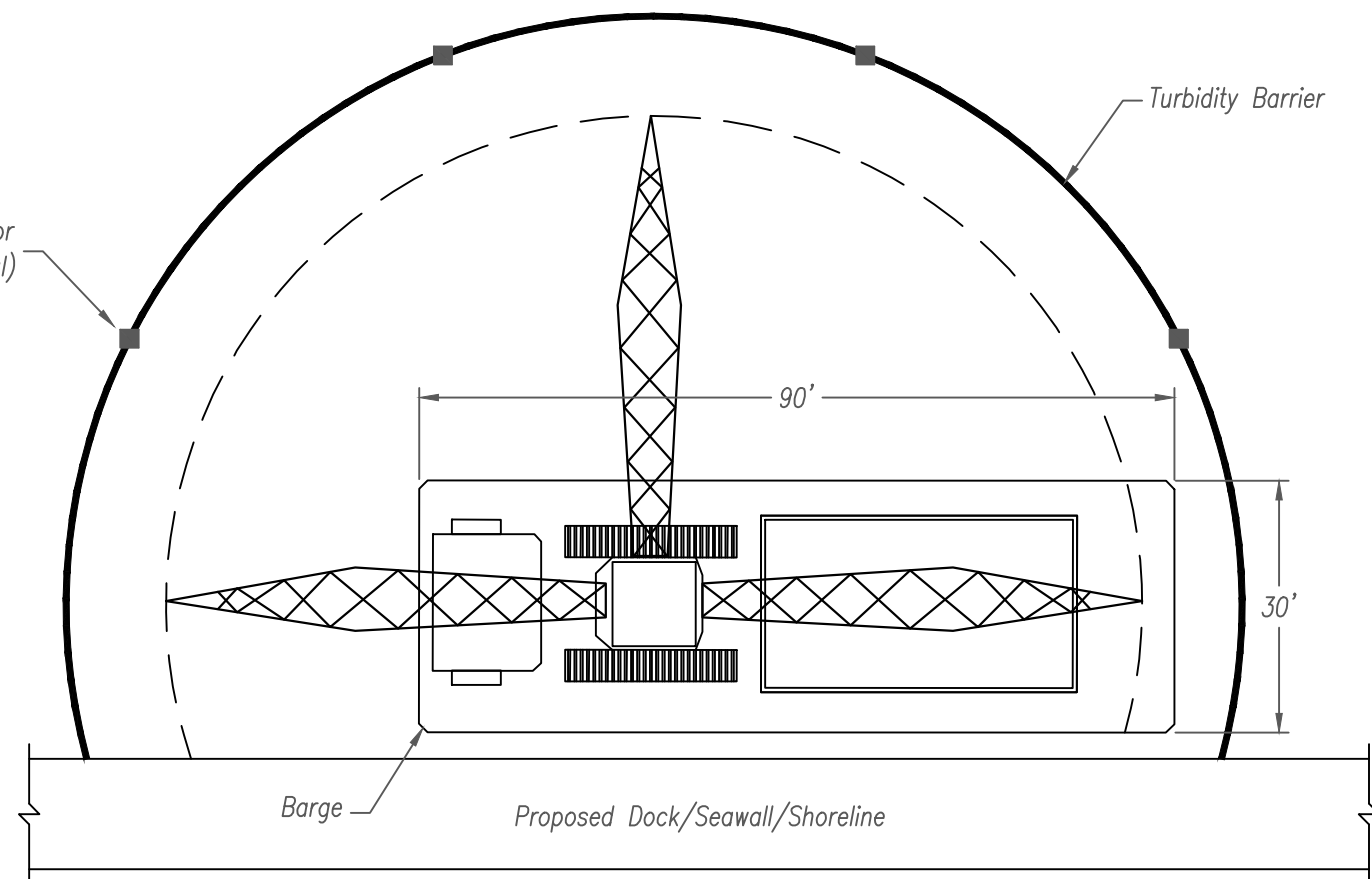
NOTE:

Turbidity barriers for flowing streams and tidal creeks may be either floating, or staked types or any combinations of types that will suit site conditions and meet erosion control and water quality requirements. The barrier type(s) will be at the Contractor's option unless otherwise specified in the plans, however payment will be under the pay item(s) established in the plans for 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 of Record.

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.

Stake or Anchor every 100' (typical)



TURBIDITY BARRIER APPLICATIONS

DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

DA PERMIT NUMBER: SAJ-2024-04012 (NWP/RGP-CAA)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Section, Post Office Box 4970, Jacksonville, FL 32232-0019 or submit via electronic mail to: SAJ-RD-Enforcement@usace.army.mil (not to exceed 15 MB).

(TRANSFEREE-SIGNATURE)

(SUBDIVISION)

(DATE)

(LOT)

(BLOCK)

(NAME-PRINTED)

(STREET ADDRESS)

(MAILING ADDRESS)

(CITY, STATE, ZIP CODE)

COMMENCEMENT NOTIFICATION

*Within ten (10) days of initiating the authorized work, submit this form to via electronic mail to saj-rd-enforcement@usace.army.mil (preferred, not to exceed 15 MB) **or** by standard mail to U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.*

1. **Department of the Army Permit Number:** SAJ-2024-04012
(RGP/NWP-CAA)

2. **Permittee Information:**

Name: _____

Email: _____

Address: _____

Phone: _____

3. **Construction Start Date:** _____

4. **Contact to Schedule Inspection:**

Name: _____

Email: _____

Phone: _____

Signature of Permittee

Printed Name of Permittee

Date

SELF-CERTIFICATION STATEMENT OF COMPLIANCE

Within sixty (60) days of completion of the authorized work, submit this form via electronic mail to saj-rd-enforcement@usace.army.mil (preferred) or by standard mail to U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.

1. **Department of the Army Permit Number:** SAJ-2024-04012 (RGP/NWP-CAA)

2. **Permittee Information:** Name: _____

Email: _____

Address: _____

Phone: _____

3. **Date Authorized Work Started:** _____ **Completed:** _____

4. **Contact to Schedule Inspection:** Name: _____

Email: _____

Phone: _____

5. **Description of Authorized Work (e.g. bank stabilization, fill placed within wetlands, docks, dredging, etc.):** _____

6. **Acreage or Square Feet of Impacts to Waters of the United States:** _____

7. **Describe Mitigation completed (if applicable):** _____

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

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

Signature of Permittee

Printed Name of Permittee

Date

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 shut down 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 shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at MyFWC.com/manatee. Questions concerning these signs can be sent to the email address listed above.

CAUTION: MANATEE HABITAT

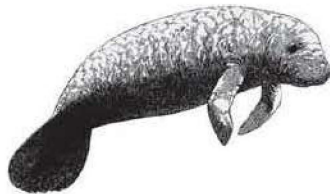
All project vessels

IDLE SPEED / NO WAKE

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

SHUT DOWN

Report any collision with or injury to a manatee:



Wildlife Alert:

888-404-FWCC (3922)

cell *FWC or #FWC



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-8175

**FINAL REGIONAL CONDITIONS FOR THE 2021 NATIONWIDE PERMITS
IN JACKSONVILLE DISTRICT (SAJ)**

Effective Date for Regional Conditions for 16 NWP: March 15, 2021
Effective Date for Modified Regional Conditions for 16 NWP: February 25, 2022
Effective Date for Regional Conditions for 41 NWP: February 25, 2022
Expiration Date for Regional Conditions for All NWP: March 14, 2026

This Regional Condition document supersedes all prior Regional Condition documents for the Jacksonville District.

A. BACKGROUND/APPLICABILITY.

1. The following regional conditions have been approved by the Division Engineer for the South Atlantic Division (SAD) for use in the Jacksonville District (SAJ) for the following Nationwide Permits (NWP):

a. The NWP published in the January 13, 2021 Federal Register (86 FR 2744) announcing the reissuance of twelve (12) existing NWP (that is, NWP 12, 21, 29, 39, 40, 42, 43, 44, 48, 50, 51, and 52) and issuance of four (4) new NWP (that is, NWP 55, 56, 57, and 58), as well as the reissuance of NWP general conditions and definitions with some modifications. These 16 NWP were effective on March 15, 2021 and will expire on March 14, 2026; and

b. The NWP published in the December 27, 2021 Federal Register (86 FR 73522) announcing the reissuance of the remaining unmodified forty (40) existing NWP (that is, NWP 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 27, 28, 30, 31, 32, 33, 34, 35, 36, 37, 38, 41, 45, 46, 49, 53, and 54) and issuance of one (1) new NWP (that is, NWP 59). At this time, NWP 26 and 47 are reserved. These 41 NWP will be effective as of February 25, 2022 and will expire on March 14, 2026.

2. Status of Activities Under Prior NWP and/or Regional Conditions.

a. 16 NWP: The regional conditions that were effective on March 15, 2021 have been modified and are incorporated in this document. (There are three changes to the previous regional conditions. First, Regional Condition 45 (Tribal Rights and Authorities) has been added. Second, Regional Condition 2.b. has been modified to specify that the description of a project location shall include the latitude and longitude. Third, Regional Condition 36 has been modified by adding a superscript that refers to new text at F.3., which clarifies NWP 43's pre-construction notification requirements.) These modified regional conditions must

2021 NWP REGIONAL CONDITIONS FOR JACKSONVILLE DISTRICT (SAJ)

be applied on and after February 25, 2022, for the 16 NWPs **except** for the following scenarios:

- (i) NWP verification letters for one or more of the 16 NWPs that were issued **prior** to February 25, 2022; or
 - (ii) NWP activities that did not require a pre-construction notification (PCN), are covered by one or more of the 16 NWPs, and have either commenced, are under contract to commence, or have been completed **prior** to February 25, 2022.
- b. 40 NWPs: For information about whether an activity can continue under the 2017 versions of the 40 existing NWPs (for example, the status of prior permit verifications and pre-construction notifications) and, accordingly, the 2017 Regional Conditions, see the discussion in the Reissuance and Modification of Nationwide Permits at 86 FR 73522 in Section I.D. on page 73525 or contact the Jacksonville District Regulatory Office directly.
3. The following regional conditions will provide additional protection for the aquatic environment that is necessary to ensure that the NWPs authorize only those activities with no more than minimal adverse environmental effects.
4. As specified under NWP General Condition 27, Regional and Case-By-Case Conditions: The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 C.F.R. 330.4(e)) and with any case-specific conditions added by the Corps, or by Florida, Puerto Rico, U.S. Virgin Islands, Miccosukee Tribe of Indians of Florida or Seminole Tribe of Florida in their Section 401 Water Quality Certification, and by Florida, Puerto Rico or the U.S. Virgin Islands in their concurrence with the Corps' Coastal Zone Management Act consistency determination.
5. Superscripts refer to the corresponding number in Section F, Definitions and Acronyms.
6. The acronym "PCN" used throughout this document refers to Pre-Construction Notification as further defined in NWP General Condition 32.
- a. In Florida, the *Nationwide Permit Pre-Construction Notification (PCN)* form (ENG Form 6082) should be used for NWP PCNs.
 - b. PCN for activities in the Antilles⁴ shall be made through the Joint Permit Process using the most recent and valid *Application for Department of the Army Permit* (ENG Form 4345), and the form must indicate it is an NWP Pre-Construction Notification (PCN). The application must also contain the information described in General Condition 32. If the joint process changes before the expiration of these Regional Conditions, then follow the instructions in the announcement for such change.

B. EXCLUDED WATERS AND/OR AREAS.

1. NWPs cannot be used in an exclusion area designated by Regional Condition 4.

2021 NWP REGIONAL CONDITIONS FOR JACKSONVILLE DISTRICT (SAJ)

2. Designated Critical Resource Waters.

a. Synopsis of NWP General Condition 22. Critical resource waters include NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may identify additional critical resource waters after notice and opportunity for public comment. Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 50, 51, 52, 57 and 58 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters. For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, a PCN is required for any activity proposed by permittees in the designated critical resource waters, including wetlands adjacent to those waters.

b. In accordance with General Condition 22, designated critical resource waters in Florida are:

- (i) Wetlands and other surface waters in National Estuarine Research Reserves, NOAA-managed National Marine Sanctuaries and marine monuments, Biscayne National Park and Everglades National Park;
- (ii) State natural heritage sites, and the Marjorie Harris Carr Cross Florida Greenway State Recreation and Conservation Area; and
- (iii) Wetlands and other surface waters in active designated State of Florida Areas of Critical State Concern, including the Green Swamp Area, the Big Cypress Area, and the Apalachicola Bay Area. See, for example, Fla. Stat. §§ 380.055, 380.0551 and 380.0555.

C. REGIONAL CONDITIONS APPLICABLE TO ALL NWPs.

1. Endangered Species. In accordance with General Condition 18, a PCN must be submitted if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat. The following information is provided to assist prospective Permittees to fulfill their obligations under General Condition 18.

a. NMFS Species. There are numerous listed species throughout the estuarine and marine waters in Florida, Puerto Rico, and the U.S. Virgin Islands. Therefore, there is a high potential that one or more of these species or designated critical habitat will be in the vicinity of or affected by the activity. For species for which the NMFS has jurisdiction, web pages for each of the species describing their range, how they can be affected, and other information can be accessed at https://www.fisheries.noaa.gov/species-directory/threatened-endangered?title=&species_category=any&species_status=any®ions=1000001121&items_per_page=25&sort=. That information can be used, along with project and site-specific information, to determine whether a PCN is required by General Condition 18. NMFS species include, but are not limited to, the following:

2021 NWP REGIONAL CONDITIONS FOR JACKSONVILLE DISTRICT (SAJ)

sea turtles, smalltooth sawfish, Gulf sturgeon, shortnose sturgeon, and certain corals.

b. USFWS Species. The West Indian manatee, for which the USFWS has jurisdiction, is found in most estuarine and marine waters (as well as some inland freshwaters) in Florida, Puerto Rico and the U.S. Virgin Islands. The USFWS Information for Planning and Consultation (IPaC) web page (<https://ecos.fws.gov/ipac/>) should be used to identify the potential for the presence of and effect on listed species under the jurisdiction of the USFWS. Other tools for effect determination on federally listed species and designated critical habitat are available on ECOS at ecos.fws.gov. For Puerto Rico and the U.S. Virgin Islands, prospective Permittees are encouraged to review the local office's website at <https://www.fws.gov/southeast/caribbean/> for any changes in species lists, status, additions or latest conservation measures that have not yet been incorporated into IPaC. The information from these various sources can be used, along with project and site-specific information, to determine whether a PCN is required by General Condition 18.

2. Historic Properties.

a. Florida. In addition to General Condition 20 (Historic Properties), in Florida, if a PCN is not required (or not voluntarily submitted), the prospective Permittee shall contact the Florida Master Site File (FMSF) to conduct an historic properties search. The prospective Permittee shall provide the FMSF with the project area and Section/Township/Range information by email to sitefile@dos.myflorida.com or contact the FMSF office at (850) 245-6440. If the FMSF identifies any historic property within 50 meters of the project area that is listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, the prospective Permittee shall submit a PCN to the Corps, including the information exchanged with the FMSF office, for further review and consultation. Submittal of a PCN is not required when the FMSF report for the property (or all properties if more than one) shows the Florida Department of State, Division of Historical Resources Compliance and Review Section (SHPO) Evaluation ('SHPO Eval' column) to be "Not Eligible" and also shows the property(ies) is/are not listed or proposed for listing on the National Register of Historic Places ('NR Status' column). However, in accordance with General Condition 20, a PCN is required if the prospective Permittee has knowledge of a historic property that is listed on, determined to be eligible for listing on, or potentially eligible for listing on the NRHP, including previously unidentified properties.

b. Seminole Tribe of Florida. In addition to General Condition 20 (Historic Properties), in Florida, for applications that do not require a PCN, the prospective Permittee shall contact the Seminole Tribe's Historic Preservation Compliance Office (THPO) to conduct an historic and cultural resources properties search. The prospective Permittee shall provide the THPO with the project area, to include the latitude and longitude of the project and Section/Township/Range information, to THPOCompliance@semtribe.com (include the uppercase letters

2021 NWP REGIONAL CONDITIONS FOR JACKSONVILLE DISTRICT (SAJ)

of the email address). If the THPO's search identifies any historic property or cultural resource within 50 meters of the project area that is listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, the prospective Permittee shall submit a PCN to the Corps, including the information exchanged with the THPO, for further review. Submittal of a PCN is not required when the THPO report for the property(ies) shows "Not Eligible" or "None" and also shows the property(ies) is/are not listed or proposed for listing on the National Register of Historic Places ("NR Status" column). However, in accordance with General Condition 20, a PCN is required if the prospective Permittee has knowledge of a historic property that is listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties.

3. Florida Prehistoric or Historic Artifacts. In addition to General Condition 21 (Discovery of Previously Unknown Remains and Artifacts), in Florida, if prehistoric or historic artifacts, such as pottery or ceramics, projectile points, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the Permittee shall cease all activities involving subsurface or ground disturbance within a 100 meter diameter of the discovery. The Permittee shall contact the Corps immediately and not later than within the same business day (eight hours). The Corps will contact the SHPO at (850)-245-6333 and the appropriate THPO(s) to assess the significance of the discovery. The Corps shall also follow the *Agreement Between the Jacksonville District, U.S. Army Corps of Engineers, and the Seminole Tribe of Florida Regarding Proposed Actions that may Adversely Affect American Indian Burial Resources*. This agreement emphasizes that the resolution of effects to Native American burial resources will be accomplished whereby avoidance is the first priority and minimization or mitigation is only considered as a last resort. Appropriate actions for the resolution of the adverse effects will be determined following initiation of these steps and under consultation with the SHPO and THPO(s). In addition, in the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the Permittee shall notify the medical examiner, in accordance with Section 872.05, Florida Statutes ("Unmarked human burials"), as well as the Corps and SHPO. On federal or tribal lands, or situations where the Archaeological Resources Protection Act of 1979 or Native American Graves Protection and Repatriation Act of 1990 applies, the Permittee shall notify the Corps who will notify the SHPO and THPO(s). Once activities have ceased as a result of any of the situations identified in this Regional Condition, they shall not resume without written authorization from the Corps.

(Note: Regional Condition 45 applies to all NWPs. It is located for administrative reasons (that is, numbering consistency) at the end of Section D.)

D. REGIONAL CONDITIONS APPLICABLE TO SPECIFIC ACTIVITIES AND/OR SPECIFIC NWPs.

(Note: The numbering in this section starts at 4 because it is a continuation of conditions based on numbering in Section C above).

4. In the Antilles, Marine Reserves, Marine Protected Areas or Parks.

NWPs 1, 11 and 52. Excluded within the boundaries of Marine Reserves, Marine Protected Areas,⁸ and Parks in the Antilles,⁴ except when used within those areas by the local or federal agency responsible for the management of those areas.

5. Coral assemblages.⁵

- a. NWP 1. In the Jacksonville District placement of aids to navigation cannot cause adverse impacts to coral assemblages.⁵

- b. NWPs 7, 10, 11, 19, 22 and 28 in Antilles. Activities cannot cause adverse impacts to coral assemblages.⁵

- c. <reserved>.

- d. <reserved>.

- e. NWPs 4, 6, 9 and 23. PCN is required if within coral assemblages in depths less than 250 feet.

- f. NWPs 7, 14, 15, 16, 18, 52 and 54 in the Antilles. PCN is required for any activity within coral assemblages.⁵

- g. NWPs 3, 10, 28, 35, 48, 55 and 56. PCN is required for any activity within coral assemblages.⁵

- h. <reserved>.

6. PCN is required for several NWPs in the Antilles.

NWPs 2, 13, 19, 25, 36. PCN is required for all activities under these NWPs in the Antilles.⁴

7. Activities affecting structures or works built by the United States. In accordance with General Condition 31, a PCN is required when the proposed activity will alter or temporarily or permanently occupy or use a Corps federally authorized Civil Works project.

- a. Synopsis of General Condition 31. A PCN is required when the proposed “activity also requires review by, or permission from, the Corps pursuant to 33 U.S.C. § 408 because it will alter or temporarily or permanently occupy or use a Corps federally authorized Civil Works project (a ‘USACE project’).”

- b. Additional Information on 33 U.S.C. § 408 requirements and procedures are at <https://www.usace.army.mil/Missions/Civil-Works/Section408/>. Descriptions of

2021 NWP REGIONAL CONDITIONS FOR JACKSONVILLE DISTRICT (SAJ)

activities that may require Corps review or permission under 33 U.S.C. § 408 are found in paragraph 9 of *Engineer Circular (EC) 1165-2-220*, which is available via that web page. Some examples are those: (1) within the right-of-way for a federal navigation project; (2) that do not meet the Setback Guidance for a federal navigation project; and (3) that cross (above or below) a USACE project levee, dike, dam or other water-retaining structure.

c. Corps project real estate. Any activity within Federal project lands, including within rights-of-way, may require the prospective Permittee to enter into a Consent to Easement or other real estate instrument with the Real Estate Division, U.S. Army Corps of Engineers, Jacksonville or Mobile District, as appropriate, prior to the commencement of any construction activity.

d. For NWP 3. For projects adjacent to a federal channel, if the previously authorized and serviceable structure was destroyed by an act of nature or other event, the project will be reviewed pursuant to the setback guidance in effect at the time of the PCN. It is possible that any authorized reconstruction will not be authorized to be rebuilt with the same dimensions or design as the original structure.

8. Florida Keys. PCN is required for all projects in the Florida Keys. Prospective Permittees must submit to the Jacksonville District a certification from NOAA Florida Keys National Marine Sanctuary (FKNMS), pursuant to 33 C.F.R. § 320.4(i), prior to verification by the Corps for any activities within the marine sanctuary.

9. Adjacent to Tribal lands.

a. NWPs 3, 18, 27, 40, 41 and 46. PCN is required when the property on which the proposed activity is occurring is adjacent to Tribal lands.

b. NWP 3, 18, 27, 40, 41 and 46. PCN is required for projects located in these waters. In vicinity of Brighton Reservation: Lake Istokpoga; Istokpoga Creek; Istokpoga Canal; Kissimmee River (C-38) from Istokpoga Creek to Lake Okeechobee. In vicinity of Big Cypress Reservation: Miami Canal from G373 south to S8. In vicinity of Hollywood Reservation: North New River Canal from West Hollywood Canal (C-42) east to South New River Canal (C-11); Dania Cutoff canal from South New River Canal (C-11) east to I-95. In vicinity of Fort Pierce Reservation: Ten Mile Creek from Okeechobee Road east to the I-95. In vicinity of Tampa Reservation: Palm River.

10. Culverts in the Antilles.

NWPs 3 and 14. For projects in the Antilles,⁴ if bottomless culverts or single-span bridges are not feasible, culvert construction must comply with the *Guidance for Repair, Replacement, and Clean-up of structures in Streams and Waterways of Puerto Rico and US Virgin Islands*, which was provided by the USFWS and is available at

<https://usace.contentdm.oclc.org/utills/getfile/collection/p16021coll7/id/19722>. If compliance is not practical for a particular location, the PCN must include the

2021 NWP REGIONAL CONDITIONS FOR JACKSONVILLE DISTRICT (SAJ)

reason(s) it was not practicable and describe how the activity will maintain necessary life cycle movements of aquatic life indigenous to the water body.

11. Gabions, sediment removal and heavy equipment.

NWPs 3 and 13. Projects in the Antilles must meet specific design criteria to address gabions, removal of accumulated sediments around bridges, and use of heavy equipment.⁹

12. Projects that capture and store water.

NWPs 3, 18, 27, 40, 41 and 46. Projects that capture and store water, such as Dispersed Water Management Projects, are excluded from this NWP.

13. Live Rock culture.

NWPs 4 and 48. Placement of materials for live rock culture and the harvesting of live rock are not activities authorized by these NWPs.

14. Submerged aquatic vegetation.^{7,10}

a. NWPs 7, 14, 15, 16, 18, 19, 52 and 54 in the Antilles.⁴ PCN is required for any activity occurring within submerged aquatic vegetation.^{7,10}

b. NWPs 3, 10, 12, 22, 28, 35, 48, 55, 56, 57, and 58. PCN is required for any activity occurring within submerged aquatic vegetation.^{7,10}

15. Tidal wetlands.

NWPs 3, 10, 12, 22, 28, 35, 48, 55, 56, 57, and 58. PCN is required for any activity occurring within tidal wetlands.

16. Hardbottom benthic habitat.

NWPs 52 and 54 in the Antilles.⁴ PCN is required for any activity occurring within hardbottom benthic habitat.

17. Salt flats.

NWPs 7, 14, 15, 16, 18 and 19 in the Antilles. PCN is required in salt flats.

18. Forested wetlands.

a. NWPs 7, 14, 15, 16, 18, 19, 29, 39, 40, 42, 51 and 59 in the Antilles. PCN is required for any activity occurring within forested wetlands.

b. NWP 22. PCN is required in forested wetlands.

19. In the Florida Keys, any activity which will result in the discharge of greater than 0.25 acre of dredged or fill material.

NWPs 29, 39 and 59. For projects in the Florida Keys with discharges of dredged or fill material greater than 0.25 acre, the Corps will request comments from U.S. EPA Region 4.

2021 NWP REGIONAL CONDITIONS FOR JACKSONVILLE DISTRICT (SAJ)

20. Hopper dredging.

NWPs 19 and 35. Hopper dredging is not allowed under this NWP.

21. In the Antilles, any activity which will result in the discharge of greater than 0.25 acre of dredged or fill material.

NWPs 40, 51 and 59. In the Antilles, for projects that propose the discharge of greater than 0.25 acre of dredged or fill material, the Corps will request comments from the USFWS.

22. Sediment and erosion control plan.

NWPs 41, 44, 45, 46 and 53. The PCN shall include a sediment and erosion control plan.

23. Wind Energy Guidelines.

NWPs 51 and 52. The Corps will consider the information in the USFWS *Land-Based Wind Energy Guidelines* (at https://www.fws.gov/ecological-services/es-library/pdfs/WEG_final.pdf) when reviewing a proposed project for compliance with General Condition 18 (Endangered Species).

24. NWP 2. In Florida, this NWP is limited to the installation and removal of individual, single family docks/piers/swim and observation platforms and/or mooring pilings, davits, and boat lifts at single-family residences.

25. NWP 2. All dock or pier construction over submerged aquatic vegetation,⁷ marsh and/or mangroves shall comply with the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's *Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat*, dated November 2017, available in the USACE Digital Library at <https://usace.contentdm.oclc.org/digital/collection/p16021coll11/id/1930/> or subsequent updates available at <https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/>.

26. NWP 2. Structures constructed on canals or channels shall not exceed more than 25% of the canal/channel width, excluding dense areas of shoreline vegetation, such as mangrove, as measured from the project location to the opposite shoreline (in order to maintain no less than 50% of the open-water portion of the waterbody for public use).

27. NWP 3. PCN is required for any work located in the coastal zone of the Antilles,⁴ including the areas specified in F.1. and F.2. below for Puerto Rico¹ and U.S. Virgin Islands,² respectively. For Puerto Rico, the geographic area comprising its coastal zone is the area described in the Puerto Rico Coastal Zone Management Program.

28. NWP 3. PCN is required for all work within the La Parguera Natural Reserve and Culebra Island in Puerto Rico. Reconstruction of structures within the La Parguera Natural Reserve will not be allowed under this nationwide permit.

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29. NWP 10. PCN is required for all activities in the Antilles.⁴
30. NWP 11. PCN is required for any structure proposed in or over submerged aquatic vegetation^{7,10} and/or mangroves.
31. NWP 58. For water intake projects in Puerto Rico, the prospective Permittee must submit a PCN to the District Engineer prior to commencing the activity, in accordance with General Condition 32. The PCN must contain plans and drawings, a description of all waters of the U.S. impacted by the project, the maximum amount of water to be withdrawn in millions of gallons a day (MGDs), and the minimum in-stream flows on any given day in MGDs after water extraction.
32. NWPs 12, 57 and 58. Where the proposed subaqueous utility or transmission line is to be installed in, under, or over navigable waters of the United States, as defined in 33 C.F.R. § 329.4, at least two weeks prior to the start of the authorized work, the Permittee must notify the National Oceanic Atmospheric Administration (NOAA) and the Corps office in writing that the work is commencing, and again upon completion of the work. For pre-construction and post-construction notifications, the Permittee shall notify the District Engineer at the above letterhead address, attention Regulatory Division, and NOAA, at Department of Commerce, NOAA, Nautical Data Branch, N/CS26, Station 7317, 1315 East-West Highway, Silver Spring, MD 20910-3282. The post-construction notification shall be submitted within 60 days of completion of construction and shall include "as-built plans," signed and sealed by a registered surveyor/engineer licensed in the State of Florida, Puerto Rico, or U.S. Virgin Islands, as appropriate, that certify the project is constructed as authorized, and must include an accurate (within plus or minus one (1) foot) depiction of the location and configuration of the completed activity in relation to the mean high water of the navigable water.
33. NWP 18. In the Antilles⁴ PCN is required for all activities proposed in the areas defined in Section F below for Puerto Rico¹ and U.S. Virgin Islands.²
34. NWP 27. PCN is required for lake restoration projects proposing any type of in-lake disposal of dredged or fill material.
35. NWP 36. PCN is required in areas without existing access to navigation channels where the minimum water depth for ingress to or egress from the navigation channels is less than -3 feet at mean or ordinary low water.
36. NWP 43.³ PCN is required prior to the start of all work in wetlands adjacent to Deer Point Lake and its tributaries in Bay County, Florida.
37. NWP 51. In Puerto Rico, prospective Permittees are encouraged to consider the USFWS Caribbean Ecological Services Field Office document *Wildlife and Habitat Risk Map for Utility-Scale Land-Based Wind Energy Projects*. The current version is at https://www.fws.gov/caribbean/es/documents/PR_Habitat_Risk_for_Wind_Energy_Version_4_22_15.pdf.

2021 NWP REGIONAL CONDITIONS FOR JACKSONVILLE DISTRICT (SAJ)

38. NWP 52. In the Antilles,⁴ PCN must include a benthic survey,¹⁰ which includes documentation on observed habitat types.
39. NWP 54. For projects that affect aquatic resources.
- a. The completed project should result in a net gain in aquatic resource function;
 - b. The structure(s) shall be maintained as necessary in perpetuity in order to maintain the lift in function and value; and
 - c. In Florida, meet the applicable requirements established by the Florida Fish and Wildlife Conservation Commission if and as included in the State of Florida authorization.
40. NWP 54. Materials authorized for use under this NWP must consist mostly of natural material. Biodegradable breakwater stabilization materials, such as coir, may be used in place of plastic materials. However, in certain cases, plastic bags (Naltex) and plastic mats (UV stabilized) may be used. Concrete products (e.g., sprinkler weights) may be allowed to add to the "sufficient weight." Large-scale use of concrete as breakwater or substrate for oyster recruitment is prohibited. Certain metals (e.g., wire mesh) may be used for enclosing stone in gabions for breakwaters. Oyster mats should be used only in special cases (e.g., restoring dead margins of reefs, shoreward of and in association with bags in some cases, and held with cable ties and weights at all mat corners).
41. NWP 54. Sills may be constructed in a non-linear manner to mimic natural reefs.
42. NWP 54. Spacing or gaps between sill material shall be no greater than eight (8) inches to prevent entrapment of marine mammals or marine turtles.
43. NWP 54. Breaks in structures shall be placed at least every 75 feet and shall be five feet in width.
44. NWP 54. The PCN must include a benthic survey.¹⁰
45. Tribal Rights and Authorities. In accordance with General Condition 17, any activity authorized by any NWP cannot impact tribal rights. Furthermore, there may be requirements that are applicable to activities that are proposed to occur on Tribal lands. Permittees should consider the following information to facilitate their compliance with this General Condition and applicable requirements.
- a. General Condition 17 (*Tribal Rights*) states, "No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights." The term "tribal rights" is defined as "[t]hose rights legally accruing to a tribe or tribes by virtue of inherent sovereign authority, unextinguished aboriginal title, treaty, statute, judicial decisions, executive order or agreement, and that give rise to legally enforceable remedies." 86 FR at 2877 (definition of *Tribal rights* in section *F. Definitions* of the *Reissuance and Modification of Nationwide Permits*; Final Rule, 86 FR 2744 (January 13, 2021).

2021 NWP REGIONAL CONDITIONS FOR JACKSONVILLE DISTRICT (SAJ)

b. 33 C.F.R. § 330.4(b)(2) states, “NWPs do not obviate the need to obtain other Federal, state, or local permits, approvals, or authorizations required by law.” This principle applies equally to any other permits, approvals or authorizations required by law from the Miccosukee Tribe of Indians of Florida and Seminole Tribe of Florida.

E. SECTION 401 WATER QUALITY CERTIFICATION (WQC) AND/OR COASTAL ZONE MANAGEMENT ACT (CZMA) CONSISTENCY DETERMINATION SUMMARY AND APPLICABLE CONDITIONS.

1. State of Florida.

a. WQCs for NWPs 12, 29, 39, 40, 42, 43, 44, 48, 51, 55, 56, 57, and 58 were deemed invalid and were not accepted. The Corps has declined to rely on these WQCs. Therefore, in accordance with NWP General Condition 25, the prospective Permittee must obtain an individual WQC or a waiver for a proposed discharge into waters of the U.S. in order for activities to be authorized by these NWPs. To obtain state certification, prospective Permittees must follow applicable rules in 40 C.F.R. Part 121, *State Certification of Activities Requiring a Federal License or Permit*.

b. The Florida Department of Environmental Protection states:

WQC is granted for NWPs 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 27, 28, 30, 31, 32, 33, 34, 35, 36, 37, 38, 41, 45, 46, 49, 53, 54 and 59 provided the federal agency requires the following condition with any federal license or permit.

CONDITION: To receive a grant or waiver of water quality certification pursuant 33 U.S.C. 1341, the project proponent must follow the applicable procedures in Rule 62-330.062, Florida Administrative Code.

Therefore, prior to undertaking any individual activity authorized by these NWPs that propose a discharge into waters of the U.S., prospective Permittees must successfully follow the procedures at 62-330.062, Florida Administrative Code, and have one of the following three scenarios apply: (a) an individual or conceptual approval permit is issued for the activity; (b) the activity meets all terms and conditions of a general permit (see 62-330.062(1)(b), Florida Administrative Code); or (c) state water quality certification is waived because the activity falls within one of the five scenarios set forth in 62-330.062(c), Florida Administrative Code.

c. WQC for NWP 8 is denied. Therefore, in accordance with NWP General Condition 25, the prospective Permittee must obtain an individual WQC or a waiver for activities authorized by this NWP that propose a discharge into waters of the U.S.

d. WQCs for NWPs 21, 50, and 52 are waived. Therefore, there is no requirement for the prospective Permittee to obtain and submit to the Corps an individual WQC or waiver for their activity.

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e. CZMA consistency concurrence was received for NWPs 1, 2, 5, 7, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 25, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 51, 57 and 58 with the following condition included:

Activities qualifying for this NWP must receive applicable Coastal Zone Management Act (CZM) consistency concurrence (CZCC) or waiver/exemption from the appropriate delegated authority. In Florida, under 33 C.F.R. § 325.2(b)(2), the Corps may presume CZCC concurrence for the exempted activities by operation of s. 380.23(7), F.S., and the rules of the F.A.C. adopted thereunder.

Therefore, the prospective Permittee must comply with this condition in order for the activity to be authorized by NWP 1, 2, 5, 7, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 25, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 51, 57 or 58.

f. For NWPs 3, 4, 6, 9, 10, 23, 27, 28, 48, 55 and 56, CZMA consistency concurrence was not received. Therefore, in accordance with NWP General Condition 26, “the permittee must obtain an individual coastal zone management consistency concurrence or presumption of concurrence in order for the activity to be authorized by an NWP.”

g. CZMA consistency concurrence was not received for NWPs 21, 49 and 50 since these activities (related to coal mining) are unlikely to occur in Florida. In accordance with NWP General Condition 26, “the permittee must obtain an individual coastal zone management consistency concurrence or presumption of concurrence in order for the activity to be authorized by an NWP.”

h. A CZMA consistency concurrence response has not been received for NWPs 24, 52, 53, 54, and 59. In accordance with NWP General Condition 26, “the permittee must obtain an individual coastal zone management consistency concurrence or presumption of concurrence in order for the activity to be authorized by an NWP.”

i. A CZMA consistency concurrence was denied for NWP 8. In accordance with NWP General Condition 26, “the permittee must obtain an individual coastal zone management consistency concurrence or presumption of concurrence in order for the activity to be authorized by an NWP.”

2. Miccosukee Tribe of Indians of Florida.

a. WQC for NWP 12 is granted with conditions but the conditions are waived. Therefore, there is no requirement for the prospective Permittee to obtain and submit to the Corps an individual WQC or waiver for an activity under NWP 12.

b. WQCs for NWPs 3, 4, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 48, 49, 50, 51, 52, 53, 55, 56, 57, 58 and 59 are waived. Therefore, there is no requirement for the prospective Permittee to obtain and submit to the Corps an individual WQC or waiver for their activity.

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c. WQC for is granted with conditions for NWP 1. The condition is:

Aids to navigation may not be placed on Tribal lands or waters without prior written permission from the Miccosukee Tribe.

Therefore, Permittees performing activities under the authority of NWP 1 must comply with this condition.

d. WQC is granted with conditions for NWP 2. The condition is:

A structure may not be located on Tribal lands or in Tribal waters without prior written approval from the Miccosukee Tribe.

Therefore, Permittees performing activities under the authority of NWP 2 must comply with these conditions.

e. WQC is granted with conditions for NWP 5. The condition is:

Scientific measurement devices may not be located on Tribal lands or waters without prior written approval from the Miccosukee Tribe.

Therefore, Permittees performing activities under the authority of NWP 5 must comply with this condition.

f. WQC is granted with conditions for NWP 6. The condition is:

Seismic exploratory devices or exploratory activities may not be located on Tribal lands or waters without prior written approval of the Miccosukee Tribe. Additionally, the use of ground penetrating radar or isotope technology are not authorized on Tribal lands or waters without the prior written approval of the Miccosukee Tribe.

Therefore, Permittees performing activities under the authority of NWP 6 must comply with these conditions.

g. WQC is granted with conditions for NWP 46. The condition is:

No discharges are authorized on Tribal lands or into Tribal waters without the prior written approval of the Miccosukee Tribe.

Therefore, Permittees performing activities under the authority of NWP 46 must comply with this condition.

h. WQC is granted with conditions for NWP 54. The condition is:

Structures may not be located on Tribal lands or waters without prior written approval of the Miccosukee Tribe. Discharge material must be in accordance with the written approval of the Miccosukee Tribe.

Therefore, Permittees performing activities under the authority of NWP 54 must comply with these conditions.

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3. Seminole Tribe of Florida.

a. WQCs for NWPs 4, 5, 6, 15, 16, 18, 19, 20, 22, 23, 25, 27, 30, 31, 32, 36, 37, 38, 40, 41, 42, 43, 44, 45, 48 and 53 are granted without conditions. Therefore, there is no requirement for the prospective Permittee to obtain and submit to the Corps an individual WQC or waiver for their activity.

b. WQC is granted with conditions for NWPs 3, 7, 13, 14, 17, 33, 46, and 59. The conditions are:

1. Applicants for this NWP shall utilize Best Management Practices, including but not limited to, proper installation of temporary erosion and sediment control measures (for example secured hay bales, silt and turbidity screens) to reduce turbidity and maintain transparency; and
2. Applicants for this NWP shall ensure that any fill placed in Tribal waters be clean fill that is free of solid waste, toxic, or hazardous contaminants.

Therefore, Permittees performing activities under the authority of these NWPs must comply with these conditions.

c. WQCs for NWPs 12, 29, 39, 51, 52, 57 and 58 have been granted with conditions but the conditions are waived. Therefore, there is no requirement for the prospective Permittee to obtain and submit to the Corps an individual WQC or waiver for their activity.

d. WQCs for NWPs 21, 50, 55, and 56 are waived. Therefore, there is no requirement for the prospective Permittee to obtain and submit to the Corps an individual WQC or waiver for their activity.

e. WQCs for NWPs 34, 49 and 54 are waived. Therefore, there is no requirement for the prospective Permittee to obtain and submit to the Corps an individual WQC or waiver for their activity.

f. WQCs for NWPs 1, 2, 8, 9, 10, 11 and 24 are waived. Therefore, there is no requirement for the prospective Permittee to obtain and submit to the Corps an individual WQC or waiver for their activity.

g. WQC is granted with conditions for NWP 28. The condition is:

Prior written approval from the Seminole Tribe is required before commencing an activity under this NWP.

Therefore, Permittees performing activities under the authority of NWP 28 must comply with this condition.

h. WQC is granted with conditions for NWP 35. The conditions are:

1. Maintenance dredging is authorized to a depth that is within ½ foot of the adjacent access or outlet channel bottom depth or the originally excavated depth, whichever is greater;

2021 NWP REGIONAL CONDITIONS FOR JACKSONVILLE DISTRICT (SAJ)

2. This permit does not authorize the removal of plugs or connections of any canal to navigable waters of the U.S.;
3. Documentation shall be provided showing the originally authorized depth or showing the current depth of the adjacent access or outlet channel bottom; and
4. Prior written approval from the Seminole Tribe is required before commencing an activity under this NWP.

Therefore, Permittees performing activities under the authority of NWP 35 must comply with these conditions.

4. Puerto Rico.

- a. WQCs for NWPs 12, 21, 29, 39, 40, 42, 43, 44, 48, 50, 51, 52, 55, 56, 57, and 58 are waived. Therefore, there is no requirement for a prospective Permittee to obtain and submit to the Corps an individual WQC or waiver for the activity.
- b. NWPs 1, 2, 8, 9, 10, 11, 24, 28 and 35 do not require a WQC. Therefore, there is no requirement for the prospective Permittee to obtain and submit to the Corps an individual WQC or waiver for the activity.
- c. WQCs for NWPs 4, 5, 6, 20, 27, 30, 32, 37 and 38 are waived. Therefore, there is no requirement for the prospective Permittee to obtain and submit to the Corps an individual WQC or waiver for the activity.
- d. WQCs are granted with conditions for activities under NWPs 3, 7, 13, 14, 15, 16, 17, 18, 19, 22, 23, 25, 31, 33, 34, 36, 41, 45, 46, 49, 53, 54 and 59 **except for activities conducted in Outstanding National Resources Waters** as defined in Part 11.C of the Puerto Rico Department of Natural and Environmental Resources' (DNER's) *Anti-degradation Policy Implementation Procedure* (Attachment A of the *Puerto Rico Water Quality Standards Regulation* (PRWQSR)) (see paragraph 4.e. below). Prospective permittees must comply with the special conditions established in the attached General Water Quality Certificate (GWQC) that DNER issued for these NWPs for activities that are **not in Outstanding National Resources Waters**. Permittees performing activities under the authority of these NWPs must comply with the special conditions in the GWQC.
- e. WQCs are denied for all activities under NWPs 3, 7, 13, 14, 15, 16, 17, 18, 19, 22, 23, 25, 31, 33, 34, 36, 41, 45, 46, 49, 53, 54 and 59 **if the activities are conducted in Outstanding National Resources Waters**. Therefore, in accordance with NWP General Condition 25, the prospective Permittee must obtain an individual WQC or a waiver for activities authorized by these NWPs if there will be a discharge into an Outstanding National Resources Water. Prospective Permittees must follow applicable rules in 40 C.F.R. Part 121, *State Certification of Activities Requiring a Federal License or Permit*.

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f. CZMA consistency concurrence was not received for NWPs 29, 39, 40, 42, 44, 46 and 51. In accordance with NWP General Condition 26, “the permittee must obtain an individual coastal zone management consistency concurrence or presumption of concurrence in order for the activity to be authorized by an NWP.” The Puerto Rico Planning Board states the following:

Applicants of projects that qualify for USACE authorization through these NWPs must fill a Joint Permit Application to obtain a Federal Consistency Certificate with the PRCZCMP [Puerto Rico Coastal Zone Management Program]. The PR Planning Board will conduct a regular Federal Consistency review process in these cases and the submitted projects must demonstrate compliance with the state requirements. This Federal Consistency Certification does not exempt the project to comply with other federal or state requirements.

g. CZMA consistency concurrence was granted for NWPs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 30, 31, 32, 33, 34, 35, 36, 37, 38, 41, 43, 45, 48, 49, 50, 52, 53, 54, 55, 56, 57, 58, and 59. Therefore, there is no requirement for the prospective Permittee to obtain and submit to the Corps an individual CZMA consistency determination for an activity under these NWPs.

5. U.S. Virgin Islands.

a. WQCs for NWPs 12, 21, 29, 39, 40, 42, 43, 44, 48, 50, 51, 52, 55, 56, 57, and 58 are waived. Therefore, there is no requirement for the prospective Permittee to obtain and submit to the Corps an individual WQC or waiver for an activity under these NWPs.

b. WQCs are denied for NWPs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 27, 28, 30, 31, 32, 33, 34, 35, 36, 37, 38, 41, 45, 46, 49, 53, 54 and 59. Therefore, in accordance with NWP General Condition 25, the prospective Permittee must obtain an individual WQC or a waiver for activities authorized by these NWPs that propose a discharge into waters of the U.S. by following applicable rules in 40 C.F.R. Part 121, *State Certification of Activities Requiring a Federal License or Permit*.

c. CZMA consistency concurrence was presumed to be granted for NWPs 12, 21, 29, 39, 40, 42, 43, 44, 48, 50, 51, 52, 55, 56, 57, and 58. Therefore, there is no requirement for the prospective Permittee to obtain and submit to the Corps an individual CZMA consistency determination for an activity under these NWPs.

d. CZMA consistency concurrence was denied for NWPs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 27, 28, 30, 31, 32, 33, 34, 35, 36, 37, 38, 41, 45, 46, 49, 53, 54 and 59. In accordance with NWP General Condition 26, “the permittee must obtain an individual coastal zone management consistency concurrence or presumption of concurrence in order for the activity to be authorized by an NWP.”

F. DEFINITIONS AND ACRONYMS.

1. Puerto Rico: Culebra Island; the coastal zone of La Parguera from Punta Jorobado for a distance of approximately twenty kilometers west to Cabo Rojo; Cartagena Lagoon; Tortuguero Lagoons; Mona Island; Forest Reserve Area at Piñones and Torrecilla; Las Cabezas; El Yunque; Jobos Bay; Mar Negro; Río Mameyes; Las Cucharillas Marsh; Caño Tiburones; Rio Herrera/Miñi-Miñi/Mediania area; entire Municipality of Cabo Rojo; Caño Boquillas west of PR-2; Cayures Marsh in Aguada and its contiguous wetlands; the basin wetlands of Bajuras at Isabela, Camuy, and Carrizales in Arecibo; Prieta wetlands at Vega Alta; San Pedro wetlands in Dorado and Toa Alta; Cienaga Baja in Río Grande; wetlands associated with Herrera and Espiritu Santo Rivers; coastal wetlands of Santa Isabel; and all Commonwealth designated Natural Reserve areas. Also, areas along Martin Pena Channel and associated wetlands; Piñones State Forest wetlands; Torrecilla Alta Pterocarpus Forest, Loiza; El Faro (Cabezas de San Juan), Fajardo; wetlands in the Guanica State Forest; Humacao Swamp and Pterocarpus Forest; Caja de Muertos, Ponce; Jobos Bay, Salinas; Mar Negro, Salinas; Boqueron State Forest, Cabo Rojo; Dorado Pterocarpus Forest; Vieques Bioluminescent Bay; Laguna Tortuguero; Caño Tiburones; Espinar Swamp (Aguada-Aguadilla); Laguna Joyuda mangroves, Cabo Rojo; Pandura and Guardarraya Special Planning Area; and Ceiba State Forest.
2. U.S. Virgin Islands. St. Croix: Annally; Green Cay; Isaac Bay; Cramer's Park and East Point; Sandy Point; Salt River; Teague Bay Reef; Vagthus Point; Altonna Lagoon. St. John: all cays; Lagoon Point Newfound Bay; Chocolate Hole; Fish Bay. St. Thomas: Botany Bay and Sandy Bay; Coki Cliffs; Mangrove Lagoon (in its entirety); Bovoni wetland area; all cays; Cane Bay; Magens Bay; Mandahl Bay; Neltjeberg Bay and Stumpy Bay.
3. For NWP 43, for activities other than in wetlands adjacent to Deer Point Lake and its tributaries in Bay County, Florida, the notification requirements in NWP 43 apply with the clarification in the Notification section that maintenance activities do not require pre-construction notification if they are limited to restoring the original design capacities.
4. Antilles: For purposes of these regional conditions, the term "Antilles" means the geographic extents of both the Commonwealth of Puerto Rico and the Territory of the U.S. Virgin Islands.
5. The term "coral assemblage" includes coral reefs and hardbottom communities, which host species of corals listed under the Endangered Species Act, as well as other hard and soft coral communities.
6. <reserved>.
7. The term "submerged aquatic vegetation" means the occurrence of one or more species of seagrass, including, but not limited to, the following: turtle grass (*Thalassia testudinum*), manatee grass (*Syringodium filiforme*), shoal grass (*Halodule wrightii*), and dwarf seagrass (*Halophila spp.*).

2021 NWP REGIONAL CONDITIONS FOR JACKSONVILLE DISTRICT (SAJ)

8. Marine Protected Area (MPA): In accordance with Executive Order 13158 (May 26, 2000), a marine protected area is defined as “any area of the marine environment that has been reserved by Federal, State, territorial, tribal, or local laws or regulations to provide lasting protection for part or all of the natural and cultural resources therein.”

9. Use of gabions for flood control, river channelization or bank stabilization shall not provide a permanent or long-term solution (DNER 2009, Guía Para el Manejo de Ríos en Puerto Rico). Gabions are subject to mesh failure, scour or undercutting, collapse and hydraulic impacts of the water itself. The use of gabions or reno mattress should not be used in coastal areas or large river systems. The removal of accumulated sediments and debris near bridges is limited to 50 feet upstream and downstream of the bridge. Heavy equipment shall work from existing upland areas (i.e., bridges, upland banks) whenever possible. If heavy equipment must be used within a channel, the removal of riparian vegetation is limited to the access and egress point. The elimination of riverine features, such as point bars and pools, is not authorized pursuant to these NWPs. Post construction, all temporary fords or crossings shall be removed; banks and channel shall be returned to pre-existing contours and depths. The stream banks shall be fully stabilized using stream bank restoration treatments.

10. The optimal window for benthic survey of submerged aquatic vegetation is during the period June 1 through September 30. The Jacksonville District’s Source Book should be accessed for guidance and information on benthic survey protocol, such as the NMFS *Submerged Aquatic Vegetation Survey Guidelines* (May 7, 2018).

11. More information on Living Shorelines can be obtained from the following website: http://www.dep.state.fl.us/northwest/ecosys/section/living_shorelines.htm. This website link is provided for information only and does not imply support for, or opposition to, living shorelines.

12. <reserved>.

13. Acronyms Used in Regional Conditions:

Corps: U.S. Army Corps of Engineers
EPA: U.S. Environmental Protection Agency
FDEP: Florida Department of Environmental Protection
NMFS: National Marine Fisheries Service
NOAA: National Oceanic and Atmospheric Administration
PCN: Pre-construction notification
USFWS: U.S. Fish and Wildlife Service

G. DISTRICT POINT OF CONTACT.

Regulatory Division
Jacksonville District, U.S. Army Corps of Engineers
U.S. Mail: PO Box 4970, Jacksonville, FL 32232-0019

2021 NWP REGIONAL CONDITIONS FOR JACKSONVILLE DISTRICT (SAJ)

Physical: 701 San Marco Blvd, Jacksonville, FL 32207

General inquiry phone (904) 232-1177

General inquiry email: SAJ-RD@usace.army.mil

Inquiries will be routed to the current Project Manager for response.

H. ATTACHMENT.

Puerto Rico General Water Quality Certificate

**DEPARTMENT OF NATURAL AND ENVIRONMENTAL RESOURCES
GENERAL WATER QUALITY CERTIFICATE**

This General Water Quality Certificate (GWQC) applies to any discharge resulting from activities authorized by Nationwide Permits (NWP) number 3, 7, 13, 14, 15, 16, 17, 18, 19, 22, 23, 25, 31, 33, 34, 36, 41, 45, 46, 49, 53, 54 and 59 conducted in all waters except in Outstanding National Resources Waters (ONRWs) as defined in Part II.C of the Department of Natural and Environmental Resources (DNER) Anti-degradation Policy Implementation Procedure (Attachment A of the Puerto Rico Water Quality Standards Regulation (PRWQSR)).

Section 401 of the Federal Clean Water Act, as amended (33 U.S.C. 466 *et seq.*) (CWA), requires that prior any federal agency can issue a permit or license to conduct any activity that may result in the discharge of pollutants into waters of the United States, a WQC must be obtained from the state Agency with jurisdiction over water pollution control. In Puerto Rico, such agency is the DNER, pursuant to Law No. 416-2004, Public Environmental Policy Act and after the enactment of the "Reorganization Plan of the Department of Natural and Environmental Resources of 2018", Law No. 171-2018.

Pursuant to Section 401 (a)(1) of the CWA, after due consideration of the applicable provisions established in the PRWQSR, as amended, and in Sections 301, 302, 303, 306 and 307 of the CWA, it is certified that there is reasonable assurance, as determined by the DNER, that the potential discharges resulting from activities authorized by the aforementioned NWPs will comply with water quality requirements, as defined in 40 CFR Part 121.1(n), subject to compliance with the Special Conditions of this GWQC. The Special Conditions shall be incorporated into the corresponding NWPs to satisfy the provisions of Section 301 (b)(1)(C) of the CWA.

A. SPECIAL CONDITIONS

The following Special Conditions are authorized by Article 9 of the Environmental Public Policy Act, Law No. 416-2004, as amended.

1. The DNER, by the issuance of this GWQC, does not relieve the permittee from its responsibility to obtain additional permits or authorizations from the DNER or other state and federal agencies, as required by law. The issuance of the GWQC shall not be construed as an authorization to conduct activities not specifically covered in the GWQC, which will cause water pollution as defined by the PRWQSR, as amended.
2. To be covered under this GWQC, the permittee for the NWP must complete and submit to the Points Sources Permits Division of the DNER, the form entitled Notice of Intent to be Covered by the General Water Quality Certificate for Applicable Cases of the U.S. Corps of Engineers Nationwide Permits, DNER Form GWQC-02 (Attachment 1). Such form shall be submitted electronically to the following address: fuentesprecisadas@jca.pr.gov.
3. The permittee must develop and implement a Pollution Prevention Plan that includes, but is not limited to, the following:
 - a. measures to prevent and control the spills of pollutants, including all necessary measures to prevent residues of organic and inorganic substances, such as oils, fuels or other

- chemical substances, from being carried away by runoff and gaining access to a water body;
- b. countermeasures to be implemented in case of emergencies (breakage of sanitary lines, drinking water, gas, among others).
4. The permittee shall install, maintain, and operate all water pollution control equipment in such manner as to be in compliance with the Applicable Rules and Regulations. These Applicable Rules and Regulations include the water quality standards and all other requirements established by the PRWQSR or by other laws or regulations of Puerto Rico, concerning the conservation and protection of the natural resources that may affect the quality of the water resources.
5. The permittee shall take all necessary control measures to avoid violations of the water quality standards applicable to any water body that may be affected by the activity. These measures should include, but limited to, the following parameters:
- Color
 - Dissolved Oxygen
 - Oil and Grease
 - pH
 - Solids and Other Matter
 - Surfactants as MBAS
 - Suspended, Colloidal or Settleable Solids
 - Taste or Odor Producing Substances
 - Turbidity
6. The permittee must request and obtain the Consolidated General Permit or the General Permit for Other Works from the Permits Management Office (*Oficina de Gerencia de Permisos, OGPe*), in accordance with the Regulation for the Processing of General Permits (Regulation Number 7308) and the Regulation for the Control of Erosion and Prevention of Sedimentation (Regulation Number 5754), if applicable.
7. For activities that generate return waters, the permittee shall:
- a. Within a term no greater than thirty (30) days after the date of the verification letter issued by the COE, the permittee must submit to the DNER a method for measure or estimate the flow of the return waters discharge (discharge 001). If a flow-measuring device is installed, it must be periodically calibrated and properly maintained. A record of calibration and maintenance shall be kept.
- b. Within a term no greater than thirty (30) days after the date of the verification letter issued by COE, the permittee must submit for the evaluation and approval of the DNER, the location of the sampling point for discharge 001, which must be located immediately after the flow-measuring device.
- c. The sampling point for discharge 001 shall be labeled with an 18 inches per 12 inches (minimum dimensions) sign that reads as follow:

"Punto de Muestreo para la Descarga 001"

- d. The permittee must implement a bi-weekly monitoring plan or when the flow occurs, for the following parameters as specified below:

<u>Effluent Characteristics</u>	<u>Monitoring Requirements</u>	
	<u>Measurements Frequency</u>	<u>Sample Type</u>
Color (Pt-Co Units)	φ	Grab
Dissolved Oxygen (mg/L)	φ	Grab
Flow (MGD)	Continuous Recording or Estimated	
Oil and Grease (mg/L)	φ	Grab
pH (SU)	φ	Grab
Surfactants as MBAS (µg/L)	φ	Grab
Suspended, Colloidal or Settleable Solids (mL/L)	φ	Grab
Temperature (°C)	φ	Grab
Turbidity (NTU)	φ	Grab

φ BI-weekly or When Flow Occurs

- e. The waters of Puerto Rico shall not contain any substance attributable to discharge 001, at such concentration which, either alone or as result of synergistic effects with other substances, is toxic or produces undesirable physiological responses in human, fish or other fauna or flora.
- f. The discharge 001 shall not cause the presence of oil sheen in the receiving water body.
- g. All sample collection, preservation, and analysis shall be carried out in accordance with the Title 40 of the Code of Federal Regulations (40 CFR), Part 136. A licensed chemist authorized to practice the profession in Puerto Rico shall certify all chemical analyses.
- h. The permittee shall submit to the DNER a monthly report of the results of the sampling of discharge 001. The reports shall be submitted to the following address:

Department of Natural and Environmental Resources
 Point Sources Permits Division
 Water Quality Area
 San José Industrial Park
 1375 Ave. Ponce de León
 San Juan, Puerto Rico 00926

8. For activities that include the extraction and/or dredging of material, the permittee shall keep a log for the material extracted during the activities authorized in the permit, where the following is detailed:
- a. approximate volume and weight;
 - b. method by which it is removed and transported;
 - c. final disposal of such material and location;
 - d. person that performs the service;
 - e. removed material and date.

A copy of the Non-Hazardous Solid Waste Collection or Transportation Services Permit issued by the authorized official from the DNER must be attached to the log book.

9. For activities that include the extraction and/or dredging of material, the material extracted during the activities authorized in the permit shall be transported adequately in such way that access is not gained to any water body or soil. In the event of a spill of the extracted material on land or into a water body, the permittee shall notify the Point Sources Permits Division of the DNER's Water Quality Area in writing within a term no longer than twenty-four (24) hours after the spill to the following electronic address: bypass@jca.pr.gov. This notification shall include the following information:
- a. spill material,
 - b. spill volume,
 - c. measures taken to prevent the spill material to gain access to any water body or measures taken to clean and/or mitigate the impact of the spill material in the water body.

This special condition does not relieve the permittee from its responsibility to obtain the corresponding permits from the DNER's Land Pollution Control Area and other state and federal agencies, if any.

B. CITATION AND JUSTIFICATION FOR SPECIAL CONDITIONS (40 CFR 121.7(d)(2))

Special Condition	Statement explaining why the condition is necessary (40 CFR 121.7(d)(2)(i))	Citation to federal or state law that authorizes the condition (40 CFR 121.7(d)(2)(ii))
1	This special condition is necessary to establish the extent and coverage of the GWQC in compliance with the requirements of the PRWQSR and Law No. 416-2004.	<ul style="list-style-type: none"> • Rule 1306.1.B of the PRWQSR • Law No. 416-2004
2	This special condition is necessary to provide DNER with general information and description of the proposed activity to be covered by the GWQC.	<ul style="list-style-type: none"> • Law No. 416-2004
3	This special condition is necessary to require the permittee to establish the Best Management Practice to prevent pollutants coming from the proposed	<ul style="list-style-type: none"> • Rule 1306.5 of the PRWQSR • Law No. 416-2004

Special Condition	Statement explaining why the condition is necessary (40 CFR 121.7(d)(2)(i))	Citation to federal or state law that authorizes the condition (40 CFR 121.7(d)(2)(ii))
	activities gaining access to the water body, in such manner that the permitted activity comply with the applicable water quality requirements established in the PRWQSR and Section 303 of the CWA.	
4	This special condition is necessary to require the permittee to establish control measures to prevent pollutants coming from the proposed activities gaining access to the water body, in such manner that the permitted activity comply with the applicable water quality requirements established in the PRWQSR and Section 303 of the CWA.	<ul style="list-style-type: none"> • Rule 1306.1.B.1 of the PRWQSR • Rule 1306.6.A.1 of the PRWQSR • Law No. 416-2004
5	This special condition is necessary to require the permittee to establish control measures to prevent pollutants coming from the proposed activities gaining access to the water body, in such manner that the permitted activity comply with the applicable water quality requirements established in the PRWQSR and Section 303 of the CWA.	<ul style="list-style-type: none"> • Rule 1301 of the PRWQSR • Rule 1303 of the PRWQSR • Rule 1306.2 of the PRWQSR • Law No. 416-2004
6	This special condition is necessary to require the permittee to establish the Best Management Practice to prevent that solids and other pollutants coming from the proposed activities gaining access to the water body, in such manner that the permitted activity comply with the applicable water quality requirements established in the PRWQSR, Section 303 of the CWA and other state regulations promulgated pursuant to Law No. 416-2004, such as the Regulation for the Control of Erosion and Prevention of Sedimentation.	<ul style="list-style-type: none"> • Rule 1306.1.B.1 of the PRWQSR • Regulation for the Control of Erosion and Prevention of Sedimentation • Regulation for the Processing of General Permits • Law No. 416-2004
7	This special condition is necessary to establish source monitoring, record keeping, reporting, sampling, and testing methods requirements in the GWQC, to applicable discharges to comply with water quality requirements established in the PRWQSR. Also, this condition is necessary to prevent solid and other pollutants coming from the proposed activity to gain access to the water bodies in such amount that could cause violations to the applicable water quality standards and have adverse effects in the designated or existing uses of the receiving water body.	<ul style="list-style-type: none"> • Rule 1301 of the PRWQSR • Rule 1303 of the PRWQSR • Rule 1306.2 of the PRWQSR • Law No. 416-2004
8	This special condition is necessary to establish source monitoring, record keeping, reporting, sampling, and testing methods requirements in the GWQC, to applicable discharges to comply with water quality	<ul style="list-style-type: none"> • Rule 1306.1.B.1 of the PRWQSR

Special Condition	Statement explaining why the condition is necessary (40 CFR 121.7(d)(2)(i))	Citation to federal or state law that authorizes the condition (40 CFR 121.7(d)(2)(ii))
	requirements established in the PRWQSR. Also, this condition is necessary to prevent solid and other pollutants coming from the proposed activity to gain access to the water bodies in such amount that could cause violations to the applicable water quality standards and have adverse effects in the designated or existing uses of the receiving water body.	<ul style="list-style-type: none"> • Rule 1306.2 of the PRWQSR • Law No. 416-2004
9	This special condition is necessary to require the permittee to establish the Best Management Practice to prevent that solids and other pollutants coming from the proposed activities gaining access to the water body, in such manner that the permitted activity comply with the applicable water quality requirements established in the PRWQSR, and Law No. 416-2004. Also, this condition is necessary to establish record keeping and reporting requirements in the GWQC, to comply with water quality requirements established in the PRWQSR.	<ul style="list-style-type: none"> • Rule 1306.1 of the PRWQSR • Rule 1306.2 of the PRWQSR • Rule 1306.4 of the PRWQSR • Law No. 416-2004


In San Juan, Puerto Rico, October 12, 2021.



Rafael A. Machargo Maldonado
 Secretary

GENERAL WATER QUALITY CERTIFICATE

ATTACHMENT 1

	<p>DEPARTMENT OF NATURAL AND ENVIRONMENTAL RESOURCES</p> <p>WATER QUALITY AREA Point Sources Permits Division</p> <p>NOTICE OF INTENT TO BE COVERED BY THE GENERAL WATER QUALITY CERTIFICATE FOR APPLICABLE CASES OF THE U. S. CORPS OF ENGINEERS NATIONWIDE PERMITS (NWPs 3, 7, 13, 14, 15, 16, 17, 18, 19, 22, 23, 25, 31, 33, 34, 36, 41, 45, 46, 49, 53, 54 and 59)</p>	
I. COE PERMIT INFORMATION		
COE Application Number	Latitude	Longitude
II. AFFECTED WATER BODY		
III. NAME OF PROJECT		
IV. APPLICANT		
Name		
Title	Phone	
	- -	
V. APPLICANT MAILING ADDRESS		
Street or P.O. Box		
City or Town	Zip Code	4+ Optional
VI. PROJECT LOCATION		
Street, Route Number or Other Specific Identifier		
City or Town	Zip Code	4+ Optional

VII. PROVIDE A BRIEF DESCRIPTION AND PURPOSE OF THE PROJECT							
VIII. ENCLOSED CERTIFICATION OF COMPLIANCE WITH ARTICLE 4 (B)(3) OF LAW NO. 416 OF SEPTEMBER 22, 2004, AS AMENDED.							
<input type="checkbox"/> Yes <input type="checkbox"/> No							
IX. ENCLOSED LETTER FROM THE COE INDICATING THE TYPE OF NWP APPLICABLE TO THE PROJECT AND STATING THAT THE APPLICATION FOR A COE PERMIT IS COMPLETE.							
<input type="checkbox"/> Yes <input type="checkbox"/> No							
X. ENCLOSED EFFLUENT CHARACTERIZATION (ONLY FOR ACTIVITIES THAT GENERATE RETURN WATERS)							
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA							
XI. CERTIFICATION							
<p>I certify under penalty of perjury, under the laws of Puerto Rico that all information and the attachments submitted in this application are true, accurate and complete to the best of my knowledge and belief. Also, I certify that I have read the information submitted and understand all the Special Conditions that constitute the GWQC in order to comply with the applicable water quality requirements.</p>							
Name							
Official Title							
Signature				Date Signed			
				MM	DD	YY	



**DEPARTMENT OF THE ARMY PERMIT
REGIONAL GENERAL PERMIT
SAJ-2006-06017
SAJ-20**

DOCKS AND ASSOCIATED MINOR STRUCTURES IN FLORIDA

I. Permittee: Recipient of a verification of a Regional General Permit (RGP) SAJ-20 from the Regulatory Division of the U.S. Army Corps of Engineers (Corps), South Atlantic Division, Jacksonville District (SAJ).

NOTE: The term "you" and its derivatives, as used in this permit, means the Permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

II. Effective Date: March 28, 2023

III. Expiration Date: March 28, 2028

This RGP will be valid for a period of five years from the effective date specified above unless suspended or revoked by the District Engineer prior to that date. If SAJ-20 expires or is revoked prior to completion of the authorized work, authorization of activities that have commenced or are under contract to commence in reliance on SAJ-20 will remain in effect provided the activity is completed within 12 months of the date SAJ-20 expired or was revoked.

IV. Issuing Office: Regulatory Division, Jacksonville District.

V. Work Authorized: Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403), the following activities are authorized by SAJ-20, in accordance with the terms and conditions of this permit:

1. **Single-family residential dock facilities**, designed to accommodate not more than four motorized vessels, unless a U.S. Fish and Wildlife Service and Florida Fish and Wildlife Conservation Commission approved Manatee Protection Plan is more restrictive, in which case, the more restrictive slip count limit in the Manatee Protection Plan would apply. This includes normal appurtenances such as boat hoists, boat shelters with open sides, stairways, walkways, mooring pilings, dolphins, and maintenance and removal of same.

2. Multi-family residential dock facilities, government dock facilities, and commercial dock facilities, designed to accommodate not more than five motorized vessels unless a U.S. Fish and Wildlife Service and Florida Fish and Wildlife Conservation Commission approved Manatee Protection Plan is more restrictive, in which case, the more restrictive slip count limit in the Manatee Protection Plan would apply. This includes normal appurtenances such as boat hoists, boat shelters with open sides, stairways, walkways, mooring pilings, dolphins, and maintenance and removal of same.

3. Other minor structures:

- a. single mooring pilings;
- b. small mooring dolphins (not to exceed a cluster of four);
- c. non-commercial information signage;
- d. boat lifts, hoists, davits, etc.
- e. other minor structures that would have less environmental impact than a small dock.

VI. Geographic Area: This RGP applies to all navigable waters of the United States located within the State of Florida, unless otherwise an excluded area listed in paragraph VII of this permit.

VII. Excluded Areas: The use of this RGP is not authorized in:

- 1. Motorboat prohibited zones, no entry zones and federal manatee sanctuaries. Motorboat prohibited zones and no entry zones are listed in Chapter 68C-22, Florida Administrative Code. Federal manatee sanctuaries are listed at 50 C.F.R. § 17.108.
- 2. All areas regulated under the Lake Okeechobee and Okeechobee Waterway Shoreline Management Plan, located between St. Lucie Lock in Martin County and W.P. Franklin Lock in Lee County (Attachment 1).
- 3. Areas identified in the Wild and Scenic Rivers Act (16 U.S.C. 1271, et seq.):
 - a. The St. Mary's River, from its headwaters to its confluence with the Bells River;
 - b. The entire Wekiva River from its confluence with the St. Johns River to Wekiwa Springs; Rock Springs Run from its headwaters at Rock Springs to the confluence with the Wekiva Springs Run; Black Water Creek from the outflow from Lake Norris to the confluence with the Wekiva River;
 - c. The Loxahatchee River from Riverbend Park downstream to Jonathan Dickinson

State Park.

4. Areas on or contiguous to ocean beaches, including the outfalls of Florida Panhandle Coastal Dune Lakes (Attachment 2).

5. The St. Lucie Inlet Sediment Impoundment Basin (Martin County) (Attachment 3).

VIII. Pre-Construction Notification Procedures: To be authorized under this RGP, you must first submit a pre-construction notification (PCN), including satisfactory drawings, to the appropriate permitting section. It is recommended that you use ENG Form 4345 or ENG Form 6082. Do not proceed with the proposed work until the District Engineer or their designee issues written verification that the proposed project meets the requirements of this RGP and is authorized. After receipt of written verification, you are authorized to perform work in accordance with the terms and conditions specified in this permit instrument and any project-specific terms and conditions in the verification.

IX. Terms and Conditions:

1. Number of Vessel Slips Authorized:

a. Single-family residential dock facilities authorized under this RGP shall be designed to accommodate not more than four motorized vessels **unless a U.S. Fish and Wildlife Service and Florida Fish and Wildlife Conservation Commission approved Manatee Protection Plan is more restrictive.**

b. Multi-family residential dock facilities, government dock facilities, and commercial dock facilities authorized under this RGP shall be designed to accommodate not more than five motorized vessels **unless a U.S. Fish and Wildlife Service and Florida Fish and Wildlife Conservation Commission approved Manatee Protection Plan is more restrictive.**

c. "Other minor structures" authorized by this RGP which accommodate motorized vessel mooring:

- i. May be installed within existing motorized vessel slips, or
- ii. May be used to create new slips as long as the motorized vessel slip limits stated above for single-family, multi-family residential, government, and commercial dock facilities are not exceeded.

d. Approved Manatee Protection Plans are available at <https://myfwc.com/wildlifehabitats/wildlife/manatee/protection-plans/>.

e. Dry storage slips (i.e., motorized vessel storage on land) count toward the total slip number. Slips for non-motorized vessels (e.g., kayak, canoe, and paddleboard) and

associated launching areas for non-motorized vessels do not count toward the total slip number.

2. Work Type Exclusions: This RGP does not authorize the following:

- a. Structures that support large commercial vessels, including ferries, tankers, and cargo ships, such as ferry terminals and large ports;
- b. The construction or repair of municipal or commercial fishing piers;
- c. The construction of living, fueling or fuel storage facilities over navigable waters of the United States.

3. Areas Requiring Additional Authorization:

- a. No activity will be authorized by this RGP within the boundaries of the Timucuan Ecological and Historical Preserve (Duval County) until the Corps has contacted the National Park Service and provided them with the opportunity to submit comments on the potential effects of the proposed activity on the preserve.
- b. For all activities located within the boundaries of the Florida Keys National Marine Sanctuary (Monroe County), the Permittee is required to provide the Corps with documentation of written permission from the Florida Keys National Marine Sanctuary in order to be eligible for authorization under this RGP.

4. Fish and Wildlife Service Consultation:

- a. For each activity proposed for authorization under this RGP, the Corps will conduct an individual evaluation of the activity's potential effects to federally listed threatened or endangered species or a species proposed for such designation, and designated critical habitat or proposed designated critical habitat, in accordance with Section 7 of the Endangered Species Act (ESA), for species and critical habitat within the U.S. Fish and Wildlife Service's (FWS) purview.
- b. No activity will be authorized under this RGP which is likely to adversely affect any federally listed threatened or endangered species or a species proposed for such designation, or likely to destroy or adversely modify designated critical habitat or proposed designated critical habitat.
- c. If the proposed activity requires consultation under the ESA with the FWS on any federally listed species or species proposed for federal listing, or designated critical habitat or proposed designated critical habitat, the proposed activity cannot be authorized under this RGP until consultation is completed and concludes with a determination that the activity is "not likely to adversely affect" listed species and will not result in destruction or adverse modification to critical habitat.

d. The Corps will utilize available programmatic consultations and tools such as effect determination keys, Species Assessment Guides and Standard Local Operating Procedures for Endangered Species.

5. Manatee Key:

a. Prior to issuance of a verification, the Corps will review the activity in accordance with the dichotomous key titled, *The Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida, April 2013* (Manatee Key), including the May 13, 2019, addendum, to determine potential manatee impacts. Those activities determined to be a “may affect” to the manatee will not be authorized under this RGP unless they are revised to be consistent with the 2011 Manatee Programmatic Biological Opinion and individual concurrence has been received from the U.S. Fish and Wildlife Service in accordance with the Endangered Species Act. In addition, in accordance with the Manatee Key, certain projects determined to be “may affect, not likely to adversely affect” will not be authorized until individual concurrence has been received. Note: The Manatee Key may be subject to revision at any time. The most recent version of the Manatee Key will be utilized during the evaluation of the permit application. The 2013 Manatee Key, the May 13, 2019, Manatee Key addendum, and the 2011 Manatee Programmatic Biological Opinion can be accessed on the Jacksonville District Regulatory Division’s Source Book page at <http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>.

b. Use of the Manatee Key includes ensuring the activity is consistent with the motorized vessel slip limits for residential and multi-slip docking facilities required in the approved Manatee Protection Plans for the county in which the activity is proposed. Approved Manatee Protection Plans can be accessed on the Florida Fish and Wildlife Conservation Commission’s web page (<https://myfwc.com/wildlifehabitats/wildlife/manatee/protection-plans/>). To be eligible for authorization under this RGP, structures must adhere to the motorized vessel slip limits stated in both paragraph IX.1 above and any applicable approved Manatee Protection Plan.

6. Jacksonville District’s Programmatic Biological Opinion: Prior to issuance of a verification, the Corps will review the activity in accordance with the *U.S. Army Corps of Engineers Jacksonville District’s Programmatic Biological Opinion, November 2017* (JAXBO).

a. Activities must be consistent with the JAXBO (or JAXBO Superseding Process), including all applicable Project Design Criteria (PDCs), conditions and exclusions, in order to be eligible for verification under this RGP.

b. Structures and activities authorized under this RGP must be constructed and operated in accordance with all applicable PDCs contained in the JAXBO, based on the permitted activity. Failure to comply with applicable PDCs will constitute noncompliance with this permit. In addition, failure to comply with the applicable PDCs, where a take of

listed species occurs, would constitute an unauthorized take. The National Marine Fisheries Service-Protected Resources Division is the appropriate authority to determine compliance with the Endangered Species Act for species and critical habitat under its purview. Note: The JAXBO may be subject to revision at any time. The most current version of the JAXBO must be utilized during the design and construction of the permitted work. The most current version of the JAXBO can be accessed on the Jacksonville District Regulatory Division's Source Book page in the Endangered Species section at:
<http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>.

7. Essential Fish Habitat:

a. No work will be authorized by this RGP which may result in direct or indirect adverse impacts on the following Essential Fish Habitats: estuarine emergent vegetated wetlands (flooded saltmarshes, brackish marsh and tidal creeks), estuarine scrub/shrub (mangrove fringe), submerged rooted vascular plants (seagrasses), oyster reefs and shell banks, tidal freshwater (palustrine) wetlands, tidal freshwater submerged aquatic vegetation, coral, and coral and live/hard bottom habitats.

b. In order to avoid adverse impacts to submerged aquatic vegetation (SAV), marsh or mangrove habitats from dock construction, docks proposed in areas where SAV, marsh or mangrove habitats are present shall be designed to conform with the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's *Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat - U.S. Army Corps of Engineers/National Marine Fisheries Service - November 2017* (Dock Construction Guidelines) (Attachment 4) in order to be eligible for authorization under this RGP. For the purposes of this RGP, two uncovered boat lifts are allowed per dock. Note: The Dock Construction Guidelines may be subject to revision at any time. The most recent version will be utilized during the evaluation of the permit application. The Dock Construction Guidelines can be accessed on the Jacksonville District, Regulatory Division's Source Book page at
<http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>.

c. Where SAV presence on a specific site is expected, but may not currently exist due to causes such as seasonal die-off, a structure authorized under this RGP shall adhere to the Dock Construction Guidelines unless a survey performed between June 1 and September 30 confirms year round absence of SAV at the project site. Surveys must be conducted in accordance with the *Submerged Aquatic Vegetation Survey Guidelines - May 07, 2017*. Note: The survey guidelines may be subject to revision at any time. The most recent version will be utilized during the evaluation of the permit application. The Submerged Aquatic Vegetation Survey Guidelines can be accessed on the Jacksonville

District, Regulatory Division's Source Book page at
<http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>.

8. State Parks: The Permittee must obtain approval from the appropriate state park for projects located within the geographic boundaries or in-holdings of the John Pennekamp Coral Reef State Park, Lignumvitae Key Botanical State Park and Aquatic Preserve, Long Key State Park, Curry Hammock State Park, and Bahia Honda State Park **prior** to commencing the work verified under this RGP.

9. Manatee Conditions for In-Water Work:

a. The Permittee must comply with the *Standard Manatee Conditions for In-Water Work – 2011* (Attachment 5). Note: The manatee conditions may be subject to revision at any time. The most recent version of these conditions will be utilized during the evaluation of the permit application.

b. For any project located in a Manatee Warm Water Aggregation Area as identified in *The Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida, dated April 2013* (or the most current version of the key), the Permittee shall cease all in-water activity related to any authorized work during the period of November 15 to March 31. The Permittee shall abide by this condition unless project-specific consultation has been completed with the U.S. Fish and Wildlife Service lifting this seasonal restriction.

10. Navigation: No structure authorized under this RGP may interfere with general navigation. The following measures shall be implemented to ensure safe navigation:

a. Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the Permittee's expense on authorized facilities in navigable waters of the United States.

b. To maintain no less than 50% of the open-water portion of the waterbody available for public use, structures constructed on canals or channels must not extend more than 25% of the width of the waterbody. "Open-water portion" does not include areas of dense shoreline vegetation such as mangroves.

c. The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the U.S. Army Corps of Engineers, to remove, relocate, or alter the

structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

d. Federal Channels:

i. Prior to issuance of a verification for any activity proposed adjacent to a federal channel, the Corps will review the activity in accordance with the *U.S. Army Corps of Engineers, Jacksonville District, Setback Guidance for Structures along Certain Federal Channels* – November 09, 2017 (Setback Guidance). Note: The Setback Guidance may be subject to revision at any time. The most recent version will be utilized during the evaluation of the permit application. The Setback Guidance can be accessed on the Jacksonville District, Regulatory Division's Source Book page at <http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>.

ii. For activities proposed adjacent to federal channels, no structure, including mooring piles, may be constructed within the established setback, calculated from the near design edge of the channel, until coordination with and concurrence from the Corps' Navigation business line is complete. The setback may vary between different federal channels and between specific reaches of the same federal channel. Exact locations of the proposed structures relative to the channel may need to be verified by use of the Florida State Plane (XY) Coordinate System.

iii. Any activity within federal lands, easements or rights-of-way may require the Permittee to enter into a consent-to-easement with the Real Estate Division, U.S. Army Corps of Engineers, Jacksonville or Mobile District, as appropriate, prior to the commencement of any construction activity.

11. Activities Affecting Federal Projects: Any proposed project that would result in the modification, alteration, or construction upon, or adjacent to, an existing federal project, or be constructed within federal lands, easements or rights-of-way may require permission from the Corps' Engineering Division under Section 408 of the Rivers and Harbors Act. If Section 408 coordination is required, the Corps will initiate coordination in accordance with the most current standard operating procedures.

a. Although most structures along those federal channels identified in the Setback Guidance will not require an individual Section 408 review (provided the structure complies with the Setback Guidance), all structures within 62.5 feet of a federal navigation project, other than single-family docking structures, require coordination under Section 408.

b. Any degradation, relocation, penetration, or work on, through or under a Corps levee, dike, dam, or other water retaining structure requires an individual Section 408 review. In addition, any proposed work within 15 feet of the toe of a Corps levee, within 15 feet of a federal canal top of bank, or within 50 feet of a Corps dam requires an individual Section 408 review.

c. All structures within the design edges of a federal project, all structures that do not meet the requirements of the Setback Guidance, and all structures within 15 feet of a federal canal top of bank (such as the Okeechobee Waterway or the Central and South Florida Flood Control Canals) require an individual Section 408 review.

d. All structures closer than two feet from the top edge of slope of a federal navigation channel will require coordination under Section 408.

12. Cultural Resources/Historic Properties Consultation:

a. For each activity proposed for authorization under this RGP, the Corps will conduct an individual evaluation of the activity's potential effects to historic properties and Tribal resources, in accordance with Section 106 of the National Historic Preservation Act (NHPA), the guidelines of 33 C.F.R. Part 325 Appendix C, and Tribal Trust responsibilities, as applicable.

b. No activity will be authorized under this RGP which is likely to adversely affect historic properties listed on, or eligible for listing on the National Register of Historic Places.

c. If the proposed activity requires consultation under the NHPA, the proposed activity cannot be authorized under this RGP until consultation with the State Historic Preservation Office and other appropriate consulting parties, such as Tribal Historic Preservation Office(s), is initiated and concludes with a determination that the activity will have no effect on a historic property.

13. Cultural Resources/Historic Properties Construction Conditions:

a. No structure or work shall adversely affect, impact, or disturb historic properties listed in the National Register of Historic Places (NRHP), or those eligible for inclusion in the NRHP.

b. If, during permitted activities, items that may have historic or archaeological origin are observed, the Permittee shall immediately cease all activities within 100 meters of the discovery that may result in the destruction of these resources and shall prevent his/her employees from further removing, or otherwise damaging, such resources. The

applicant shall notify both the Florida Department of State, Division of Historical Resources, Compliance Review Section at (850)-245-6333 and the Corps, of the observations within the same business day (8 hours). Examples of submerged historical, archaeological or cultural resources which may be deeply buried in sediment or above them, or protruding into the water, include shipwrecks, shipwreck debris fields (such as steam engine parts, or wood planks and beams), anchors, ballast rock, concreted iron objects, concentrations of coal, prehistoric watercraft (such as log "dugouts"), and other evidence of human activity. The Corps shall coordinate with the State Historic Preservation Office (SHPO) and the appropriate Tribal Historic Preservation Office(s) (THPO) to assess the significance of the discovery. Appropriate actions for the resolution of adverse effects will be determined following initiation of these steps and under consultation with the SHPO and THPO(s). Project activities shall not resume without verbal and/or written authorization from the Corps.

c. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition and, if deemed necessary by the Corps in consultation with the SHPO and THPO(s) when appropriate, in accordance with 36 C.F.R. Part 800 or 33 C.F.R. Part 325, Appendix C (5). Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend, or revoke the permit in accordance with 33 C.F.R. § 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO for finds under State jurisdiction, and from the Corps.

d. In the event that unmarked human remains are identified on non-federal lands, they will be treated in accordance with Section 872.05 Florida Statutes. All work and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archaeologist within the same business day (8-hours). The Corps shall then notify the SHPO and initiate the *Agreement Between the Jacksonville District, U.S. Army Corps of Engineers, and the Seminole Tribe of Florida Regarding Proposed Actions that may Adversely Affect American Indian Burial Resources*. This agreement emphasizes that the resolution of effects to Native American burial resources will be accomplished whereby avoidance is the first priority and minimization or mitigation is only considered as a last resort. Appropriate actions for the resolution of the adverse effects will be determined following initiation of these steps and under consultation with the SHPO and THPO(s). Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend, or revoke the permit in accordance with 33 C.F.R. § 325.7. On federal or tribal lands, or situations where the Archaeological Resources Protection Act of 1979 or Native American Graves Protection and Repatriation Act of 1990 applies, the Permittee shall notify the Corps who will notify the SHPO and THPO(s). Once activities

have ceased as a result of any of the situations identified in this Special Condition, they shall not resume without written authorization from the Corps.

14. State-Listed Fish or Wildlife Species: This authorization does not include conditions that would prevent the 'take' of a state-listed fish or wildlife species. These species are protected under sec. 379.411, Florida Statutes, and listed under Rule 68A-27, Florida Administrative Code. With regard to fish and wildlife species designated as species of special concern or threatened by the State of Florida, you are responsible for coordinating directly with the Florida Fish and Wildlife Conservation Commission (FWC). You can visit the FWC license and permitting webpage (<http://www.myfwc.com/license/wildlife/>) for more information, including a list of those fish and wildlife species designated as species of special concern or threatened. The Florida Natural Areas Inventory (<http://fnai.org/>) also maintains updated lists, by county, of documented occurrences of those species.

15. Water Quality Certification: Prior to construction, activities qualifying for this RGP must be authorized by the applicable permit or exemption under Part IV of Chapter 373, Florida Statutes (F.S.) and by any authorization required to use or occupy state owned submerged lands (SSL) under Chapter 253, F.S., and as applicable, Chapter 258, F.S.

16. Coastal Zone Consistency Concurrence: Prior to construction, activities qualifying for this RGP must be authorized by the applicable permit or exemption under Part IV of Chapter 373, Florida Statutes (F.S.) and by any authorization required to use or occupy state owned submerged lands (SSL) under Chapter 253, F.S., and as applicable, Chapter 258, F.S.

17. Discretionary Authority: Conformance with the descriptions and criteria contained herein does not guarantee authorization under this RGP. The District Engineer reserves the right to require that any request for authorization under this RGP be processed as an individual permit.

X. General Conditions:

1. The time limit for completing the work authorized ends on March 28, 2028.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with the permit verification, you must obtain the signature and mailing address of the new owner in the space on the transfer page provided below and forward a copy of the permit verification and executed transfer page to this office to validate the transfer of the authorization.

5. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

XI. Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403)

Section 404 of the Clean Water Act (33 U.S.C. § 1344)

Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. § 1413)

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

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

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or Construction deficiencies associated with the permitted work.

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

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

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

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 3 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

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

PERMIT NUMBER: RGP SAJ-20
PAGE 14 of 16

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

UNGER,KELLY,ENRIGHT.1232247
Digitally signed by
UNGER,KELLY,ENRIGHT.1232247556
Date: 2023.03.27 16:23:24 -04'00'

556

(DISTRICT ENGINEER)

For:

James L. Booth
Colonel, U.S. Army
District Commander

(DATE)

27 March 2023

***Attachments to Department of the Army
Regional General Permit SAJ-20***

1. Areas regulated under the Lake Okeechobee and Okeechobee Waterway Shoreline Management Plan
2. Florida Panhandle Coastal Dune Lakes
3. St. Lucie Inlet Sediment Impoundment Basin
4. *Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat – November 2017*
5. *Standard Manatee Conditions for In-Water Work – 2011*

PERMIT NUMBER: RGP SAJ-20
PAGE 16 of 16

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

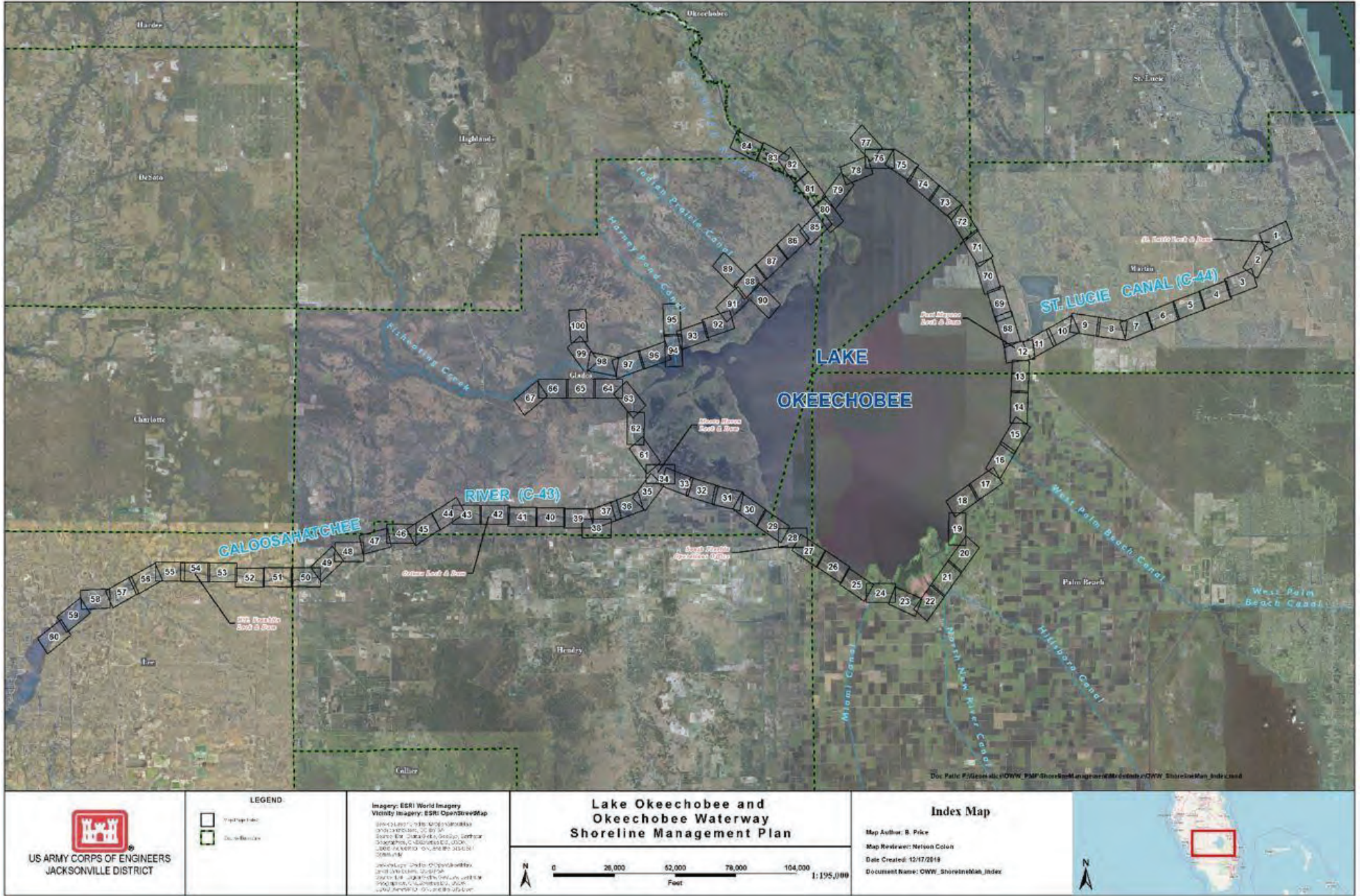
(TRANSFEREE-SIGNATURE)

(DATE)

(NAME-PRINTED)

(ADDRESS)

Regional General Permit SAJ-20 Attachment 1.



Florida Panhandle Coastal Dune Lakes



Location of St. Lucie Inlet Sediment Impoundment Basin (Martin County, FL)



Image (left): St. Lucie Inlet Federal Maintenance Dredging Project (<chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.martin.fl.us/resources/inlet-dredging-fact-sheet-pdf>)
Image (right): Final Order Adopting St. Lucie Inlet Management Plan (<chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://floridadep.gov/sites/default/files/StLucie-IMP.pdf>)



Regional General Permit SAJ-20 Attachment 4.

Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat U.S. Army Corps of Engineers/National Marine Fisheries Service November 2017

Submerged Aquatic Vegetation:

1. Avoidance. The piling-supported structure shall be aligned so as to minimize the size of the footprint over SAV beds.
2. The height of piling-supported structure shall be a minimum of 5 feet above MHW/OHW as measured from the top surface of the decking.
3. The width of the piling-supported structure is limited to a maximum of 4 feet. A turnaround area is allowed for piling-supported structures greater than 200 feet in length. The turnaround is limited to a section of the piling-supported structure no more than 10 feet in length and no more than 6 feet in width. The turnaround shall be located at the midpoint of the piling-supported structure.
4. Over-SAV bed portions of the piling-supported structure shall be oriented in a north-south orientation to the maximum extent that is practicable.
5. a. If possible, terminal platforms shall be placed in deep water, waterward of SAV beds or in an area devoid of SAV beds.

b. If a terminal platform is placed over SAV areas and constructed of grated decking, the total size of the platform shall be limited to 160 square feet. The grated deck material shall conform to the specifications stipulated below. The configuration of the platform shall be a maximum of 8 feet by 20 feet. A minimum of 5 feet by 20 feet shall conform to the 5-foot height requirement; a 3 feet by 20 feet section may be placed 3 feet above MHW to facilitate boat access. The long axis of the platform should be aligned in a north-south direction to the maximum extent that is practicable.

c. If the terminal platform is placed over SAV areas and constructed of planks, the total size of the platform shall be limited to 120 square feet. The configuration of the platform shall be a maximum of 6 feet by 20 feet of which a minimum 4-foot wide by 20-foot long section shall conform to the 5-foot height requirement. A section may be placed 3 feet above MHW to facilitate boat access. The 3 feet above MHW section shall be cantilevered. The long axis of the platform should be aligned in a north-south direction to the maximum extent that is practicable. If the 3 feet above MHW section is constructed with grating material, it may be 3 feet wide.
6. One uncovered boat lift area is allowed. A narrow catwalk (2 feet wide if planks are used, 3 feet wide if grating is used) may be added to facilitate boat maintenance along the outboard side of the boat lift and a 4-foot wide walkway may be added along the stern end of the boat lift, provided all such walkways are elevated 5 feet above MHW. The catwalk shall be cantilevered from the outboard mooring pilings (spaced no closer than 10 feet apart).
7. Pilings shall be installed in a manner which will not result in the formation of sedimentary deposits("donuts" or "halos") around the newly installed pilings. Pile driving is the preferred method of installation, but jetting with a low pressure pump may be used.
8. The spacing of pilings through SAV beds shall be a minimum of 10 feet on center.
9. The gaps between deckboards shall be a minimum of ½ inch.

October 2002 - Grid Specifications and Suppliers Section modified to add an additional vendor of materials.

February 2003 – Manufacturer name changed from ChemGrate to FiberGrate

May 2003 - The terms dock and pier were removed and replaced by the term piling-supported structure, to clarify our intent.

March 2008 – Added requirement for 43% open space in grids; added additional manufacturer of grating.

November 2017 – Manufacturer of grated material updated to include Voyager Industries.

Marsh:

1. The piling-supported structure shall be aligned so as to have the smallest over-marsh footprint as practicable.
2. The over-marsh portion of the piling-supported shall be elevated to at least 4 feet above the marsh floor.
3. The width of the piling-supported is limited to a maximum of 4 feet. Any exceptions to the width must be accompanied by an equal increase in height requirement.

Mangroves.

1. The width of the piling-supported structure is limited to a maximum of 4 feet.
2. Mangrove clearing is restricted to the width of the piling-supported structure.
3. The location and alignment of the piling-supported structure should be through the narrowest area of the mangrove fringe.

Grid Specifications and Suppliers

The following information does not constitute a U.S. Army Corps of Engineers endorsement or advertisement for any particular provider and is provided only as an example for those interested in obtaining these materials for piling-supported structure construction. Light-transmitting materials are made of various materials shaped in the form of grids, grates, lattices, etc., to allow the passage of light through the open spaces. **All light-transmitting materials used in construction for minor piling-supported structures shall have a minimum of forty-three (43) percent open space.**

A type of fiberglass grate panel is manufactured by SeaSafe (Lafayette, LA; phone: 1-800-326-8842) and FiberGrate (1-800-527-4043). A type of plastic grating is manufactured by ThruFlow Interlocking Panels (1-888-478-3569). Plastic grate panels are also distributed by Southern Pine Lumber Company (Stuart, FL; 772-692-2300). Grated panels can be obtained from Titan Deck/Voyager Industries (Brandon, MN; 877-207-4136; www.titandeck.net). Panels are available in a variety of sizes and thicknesses. For safety, the grate should contain an anti-slip texture which is integrally molded into the top surface. The manufacturer or local distributor should be consulted to ensure that the load-bearing capacity of the selected product is sufficient to support the intended purpose. Contact the manufacturer(s) for product specifications and a list of regional distributors.

October 2002 - Grid Specifications and Suppliers Section modified to add an additional vendor of materials.

February 2003 – Manufacturer name changed from ChemGrate to FiberGrate

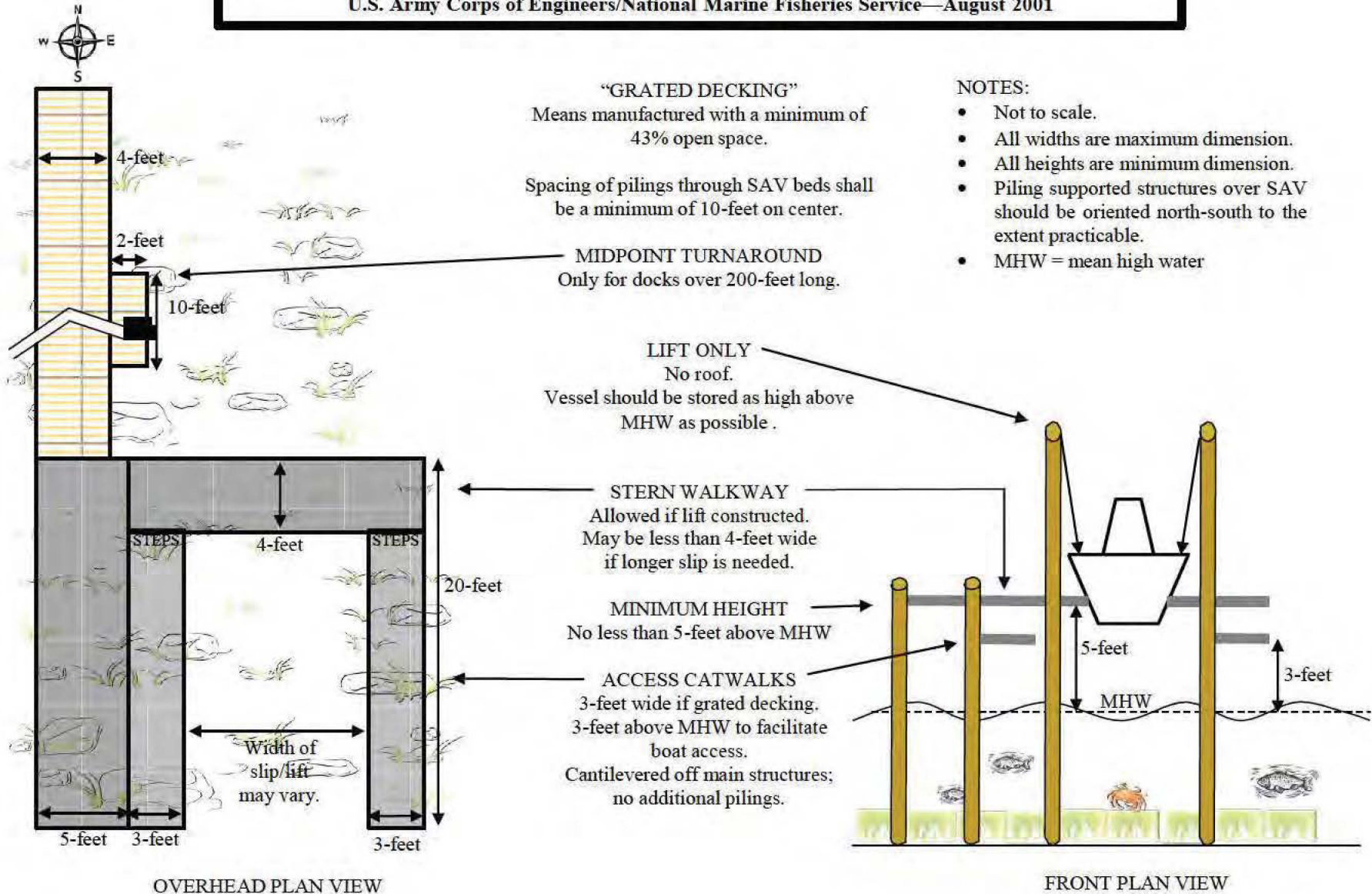
May 2003 - The terms dock and pier were removed and replaced by the term piling-supported structure, to clarify our intent.

March 2008 – Added requirement for 43% open space in grids; added additional manufacturer of grating.

November 2017 – Manufacturer of grated material updated to include Voyager Industries.

DOCK EXAMPLE — GRATED TERMINAL PLATFORM

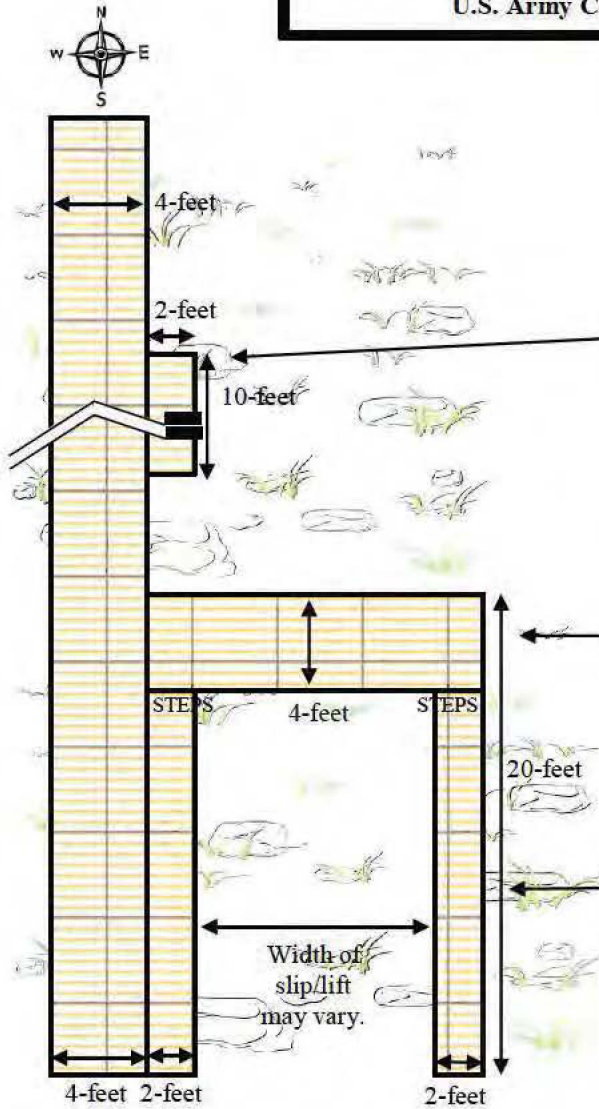
Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat
U.S. Army Corps of Engineers/National Marine Fisheries Service—August 2001



VER: 201407

DOCK EXAMPLE — WOOD PLANK TERMINAL PLATFORM

Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat
U.S. Army Corps of Engineers/National Marine Fisheries Service—August 2001



OVERHEAD PLAN VIEW

The gaps between deckboards shall be a minimum of 1/2 inch.

Spacing of pilings through SAV beds shall be a minimum of 10-feet on center.

MIDPOINT TURNAROUND
 Only for docks over 200-foot long.

LIFT ONLY
 No roof.
 Vessel should be stored as high above MHW as possible.

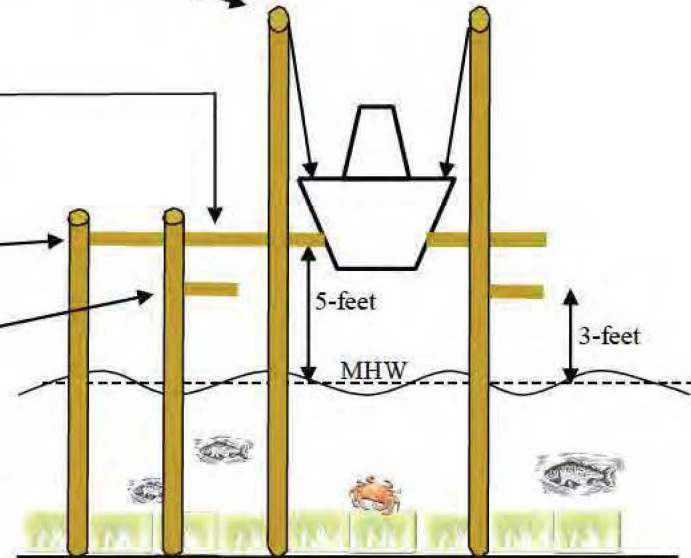
STERN WALKWAY
 Allowed if lift constructed.
 May be less than 4-feet wide if longer slip is needed.

MINIMUM HEIGHT
 No less than 5-feet above MHW

ACCESS CATWALKS
 2-foot wide if wood decking.
 3-feet above MHW to facilitate boat access.
 Cantilevered off main structures;
 no additional pilings.

NOTES:

- Not to scale.
- All widths are maximum dimension.
- All heights are minimum dimension.
- Piling supported structures over SAV should be oriented north-south to the extent practicable.
- MHW = mean high water



FRONT PLAN VIEW

VER: 201407

Regional General Permit SAJ-20

Attachment 5.

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 manatees. All in-water operations, including vessels, must be shutdown if a manatee comes within 50 feet of the operation. Activities will not resume until the manatee has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee 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 shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at MyFWC.com/manatee. Questions concerning these signs can be sent to the email address listed above.

CAUTION: MANATEE HABITAT

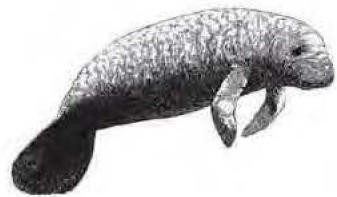
All project vessels

IDLE SPEED / NO WAKE

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

SHUT DOWN

Report any collision with or injury to a manatee:



Wildlife Alert:

1-888-404-FWCC(3922)

cell *FWC or #FWC



FLORIDA DEPARTMENT OF Environmental Protection

Southeast District
3301 Gun Club Road, MSC 7210-1
West Palm Beach, FL 33406
561-681-6600

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

November 4, 2024

Susan Rotman
234 Plaza Las Olas
Ft. Lauderdale, FL 33301
Sent via e-mail : chicagolandtherapy@yahoo.com

Re: File No.: 06-452760-001,002,003-EE
File Name: 234 Plaza Las Olas Seawall, Dock, Piles

Dear Susan Rotman:

On August 29, 2024, we received your request for verification of exemption to perform the following activities: to install a new 63 linear foot seawall no more than 18" waterward of the existing seawall, wetface to wetface, to install eight (8) new concrete batter piles, to install a new 36" wide concrete cap, and to install a new 695 sq. ft. dock with a new 240 sq. ft. finger pier, and to install a new boatlift. Entire overwater square footage totals to 935 sq. ft. The project is located in the Intercoastal Waterway, , Class III Waters, adjacent to 234 Plaza Las Olas Ft. Lauderdale, FL 33301 (Section 12, Township 50 South, Range 42 East), in Broward County (Latitude N 26°7'13.2391", Longitude W 80°6'37.8194").

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

Your project did not qualify for the federal authorization of this verification request. **Additional authorization must be obtained prior to commencement of the proposed activity.** This letter does not relieve you from the responsibility of obtaining other federal, state, or local authorizations that may be required for the activity. Please refer to the specific section(s) dealing with that portion of the review below for advice on how to proceed.

If you change the project from what you submitted, the authorization(s) granted may no longer be valid at the time of commencement of the project. Please contact us prior to beginning your project if you wish to make any changes.

If you have any questions regarding this matter, please contact Haley Osborne at the letterhead address or at 561-681-6690, Haley.Osborne@FloridaDEP.gov .

www.floridadep.gov

1. Regulatory Review – VERIFIED

Based on the information submitted, the Department has verified that the activities as proposed are exempt, under Chapter 62-330.051(5)(b), 12(b),(d) Florida Administrative Code, from the need to obtain a regulatory permit under Part IV of Chapter 373 of the Florida Statutes.

This exemption verification is based on the information you provided the Department and the statutes and rules in effect when the information was submitted. This verification may not be valid if site conditions materially change, the project design is modified, or the statutes or rules governing the exempt activity are amended. In the event you need to re-verify the exempt status for the activity, a new request and verification fee will be required. Any substantial modifications to the project design should be submitted to the Department for review, as changes may result in a permit being required.

2. Proprietary Review- GRANTED

The Department acts as staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) and issues certain authorizations for the use of sovereign submerged lands. The Department has the authority to review activities on sovereign submerged lands under Chapters 253 and 258 of the Florida Statutes, and Chapters 18-20 and 18-21 of the Florida Administrative Code.

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

Special Consent Conditions

1. 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 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.
2. 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.

3. 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.
4. 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.
5. This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

General Conditions for Authorizations for Activities

All authorizations granted by rule or in writing under Rule 18-21.005, F.A.C., except those for geophysical testing, shall be subject to the general conditions as set forth in paragraphs (a) through (i) below. The general conditions shall be part of all authorizations under this chapter, shall be binding upon the grantee, and shall be enforceable under Chapter 253 or 258, Part II, F.S.

(a) Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.

(b) Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.

(c) Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in Sections 253.04 and 258.46, F.S., or Chapter 18-14, F.A.C.

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

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

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

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

(h) Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of Rule 18-21.005, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.

(i) Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities authorized under Paragraph 18-21.004(1)(f), F.A.C., or any other applicable law.

3. Federal Review – NOT APPROVED

Your proposed activity as outlined on your application and attached drawings **does not qualify** for Federal authorization pursuant to the State Programmatic General Permit and a **SEPARATE permit** or authorization **shall be required** from the Corps. You must apply separately to the Corps using their APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT, ENG FORM 4345, or alternative as allowed by their regulations. More information on Corps permitting may be found online in the Jacksonville District Regulatory Division Source Book at: <https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book>.

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

Additional Information

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

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until a subsequent 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 Rules 28-106.201 and 28-106.301, 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 e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; 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 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, or via electronic correspondence at Agency_Clerk@dep.state.fl.us. 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 and persons entitled to written notice under Section 120.60(3), F.S., 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. You cannot justifiably rely on the finality of this decision unless notice of this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While you are not required to publish notice of this action, you may elect to do so pursuant Rule 62-110.106(10)(a).

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. If you do not publish notice of this action, this waiver will not apply to persons who have not received written notice of this action.

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, or via electronic correspondence at Agency_Clerk@dep.state.fl.us, before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

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

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 Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, 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 must be filed within 30 days from the date this action is filed with the Clerk of the Department.

EXECUTION AND CLERKING

Executed in Palm Beach County, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Norva Blandin, MSEM
Permitting Program Administrator
Southeast District

Enclosures:
Attachment A- Specific Exemption Rule
Project drawings, 4 pages

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments were sent on the filing date below to the following listed persons:

FDEP – Norva Blandin MSEM, Haley Osborne

Kathy Cartier, Unlimited Permit Services, Inc., kathyc@unlimiteddps.net

Additional mailings:
Linda Sunderland, Broward County EPD, L.Sunderland@broward.org

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52, F. S., with the designated Department Clerk, receipt of which is hereby acknowledged.

<u>Vanessa Osborne</u>	<u>11-04-2024</u>
Clerk	Date

Attachment A

Chapter 62-330.051 Exempt Activities.

The activities meeting the limitations and restrictions below are exempt from permitting. However, if located in, on, or over state-owned submerged lands, they are subject to a separate authorization under Chapters 253 and 258, F.S., and Chapters 18-18, 18-20, and 18-21, F.A.C., as applicable.

(5) Dock, Pier, Boat Ramp and Other Boating-related Work –

(b) Installation of private docks, piers, and recreational docking facilities, and installation of local governmental piers and recreational docking facilities, in accordance with section 403.813(1)(b), F.S. This includes associated structures such as boat shelters, boat lifts, and roofs, provided:

1. The cumulative square footage of the dock or pier and all associated structures located over wetlands and other surface waters does not exceed the limitations in section 403.813(1)(b), F.S.;
2. No structure is enclosed on more than three sides with walls and doors;
3. Structures are not used for residential habitation or commercial purposes, or storage of materials other than those associated with water dependent recreational use; and
4. Any dock and associated structure shall be the sole dock as measured along the shoreline for a minimum distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case there may be one exempt dock allowed per parcel or lot.

(12) Construction, Replacement, Restoration, Enhancement, and Repair of Seawall, Riprap, and Other Shoreline Stabilization –

(b) The restoration of a seawall or riprap under section 403.813(1)(e), F.S., where:

1. The seawall or riprap has been damaged or destroyed within the last year by a discrete event, such as a storm, flood, accident, or fire or where the seawall or riprap restoration or repair involves only minimal backfilling to level the land directly associated with the restoration or repair and does not involve land reclamation as the primary project purpose. See section 3.2.4 of Volume I for factors used to determine qualification under this provision;
2. Restoration shall be no more than 18 inches waterward of its previous location, as measured from the waterward face of the existing seawall to the face of the restored seawall, or from the waterward slope of the existing riprap to the waterward slope of the restored riprap; and
3. Applicable permits under chapter 161, F.S., are obtained.

(d) Installation of batter piles, king piles, or a seawall cap, used exclusively to stabilize and repair seawalls, provided they do not impede navigation.

STANDARD MANATEE CONDITIONS FOR IN-WATER WORK
2011

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

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at ImperiledSpecies@myFWC.com
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used (see MyFWC.com/manatee). One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 1/2" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. Questions concerning these signs can be sent to the email address listed above.

CAUTION: MANATEE HABITAT

All project vessels

IDLE SPEED / NO WAKE

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

SHUT DOWN

Report any collision with or injury to a manatee:



Wildlife Alert:

1-888-404-FWCC(3922)

cell *FWC or #FWC



**UNITED STATES DEPARTMENT OF
COMMERCE**

**National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE**

Southeast Regional Office
263 13th Avenue South
St. Petersburg, FL 33701

SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS

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

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

- g. Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the primary consultation.
- h. Any collision(s) with and/or injuries to any whale, or sturgeon occurring during the construction of a project, shall be reported immediately to NMFS's Protected Resources Division (PRD) at (727-824-5312).
- i. Reports to NMFS's Protected Resources Division (PRD) may be made by email to takereport.nmfsser@noaa.gov.
- j. Sea turtle and marine stranding/rescue organizations' contact information is available by region at <http://www.nmfs.noaa.gov/pr/health/networks.htm>.
- k. Smalltooth sawfish encounters shall be reported to <http://www.flmnh.ufl.edu/fish/sharks/sawfish/sawfishencounters.html>.
- l. All work must occur during daylight hours.





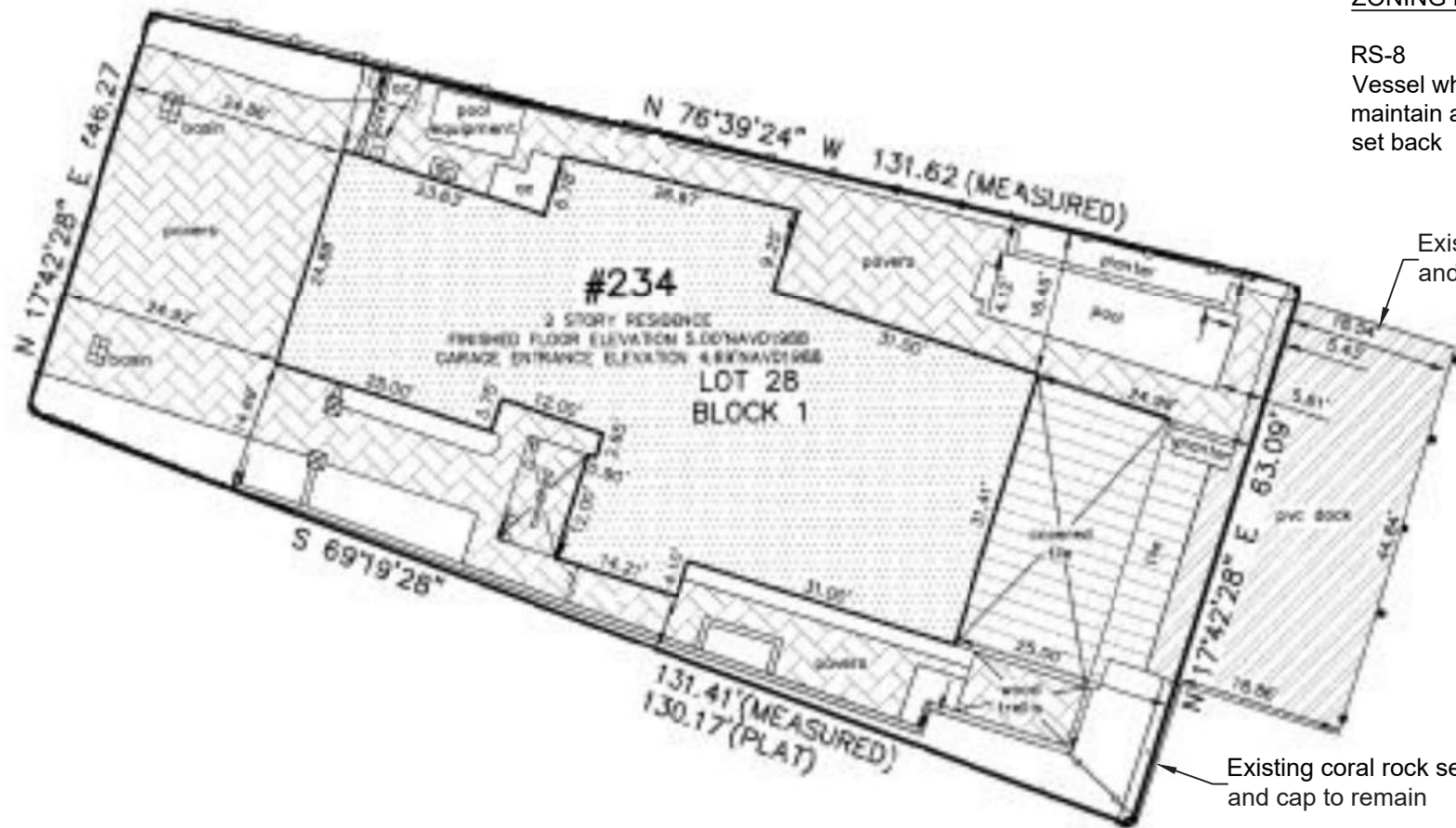
No tree will be removed or replanted as part of this permit

See attached survey supplied by owner for exact property information.

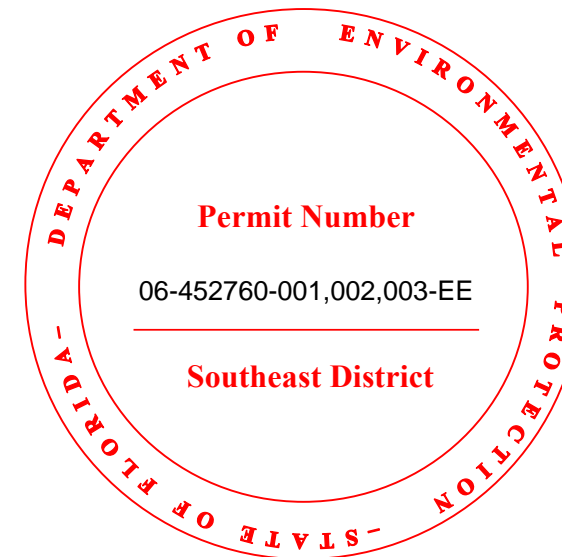
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Property Owner	ROTMAN, SUSAN	Millage	0312
Mailing Address	234 PLAZA LAS OLAS FORT LAUDERDALE FL 33301	Use	01-01
Abbreviated Legal Description	LAUDERDALE SHORES CORR PLAT BLK 1 15-25 B LOT 28 BLK 1		

ZONING DESCRIPTION:

RS-8
Vessel when moored on dock will maintain a minimum 5' side yard set back



NEW RIVER SOUND
(RW VARIES)



Consultant
UNLIMITED PERMIT SERVICES, INC
 Marine Design & Consulting
 902 NE 1st Street #2
 Pompano Beach, FL 33060
 (954) 532-0129
 Office@unlimitedps.net

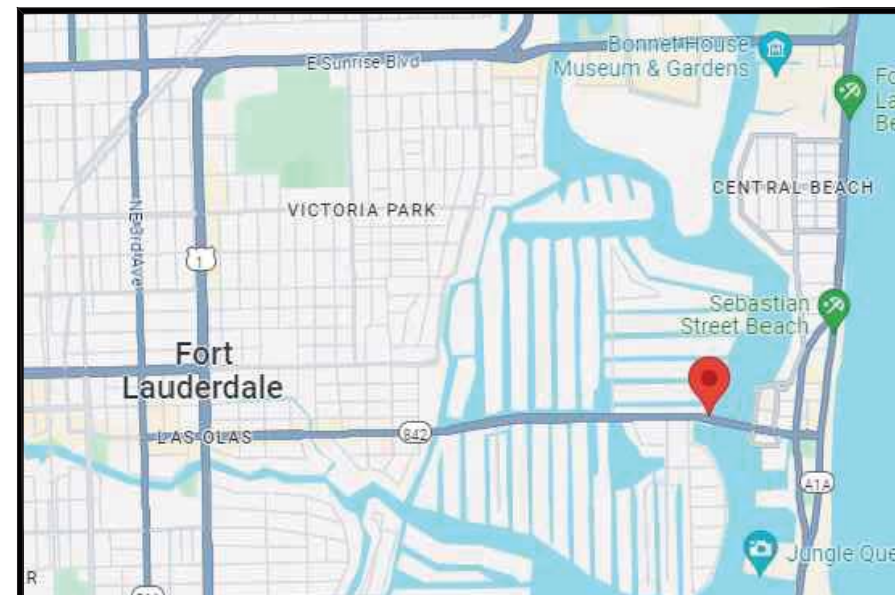
Project Engineer
MW ENGINEERING, INC
 902 NE 1 Street Suite #2
 Pompano Beach, FL 33060
 Ofc: 954-532-0129
 WWW.MwEngineering.net

Contractor
B&M MARINE CONSTRUCTION INC
 1211 S Military Trail #200
 Deerfield Beach, FL 33442
 (954) 421-1700

Project Information
Seawall Repair / New Dock
 Susan Rotman
 234 Plaza Las Olas
 Fort Lauderdale, FL 33301

DATE
 10-22-24

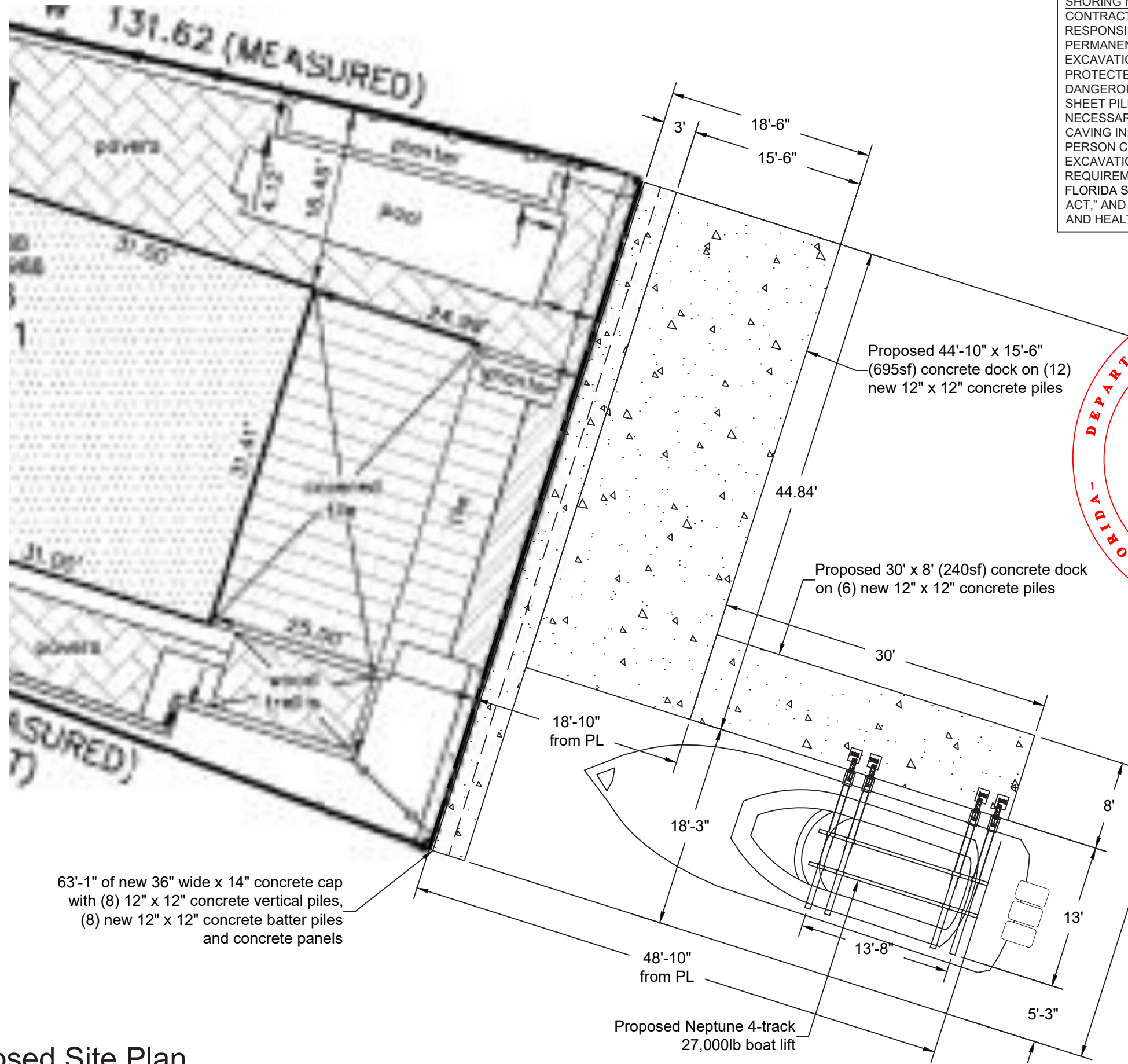
Location Map



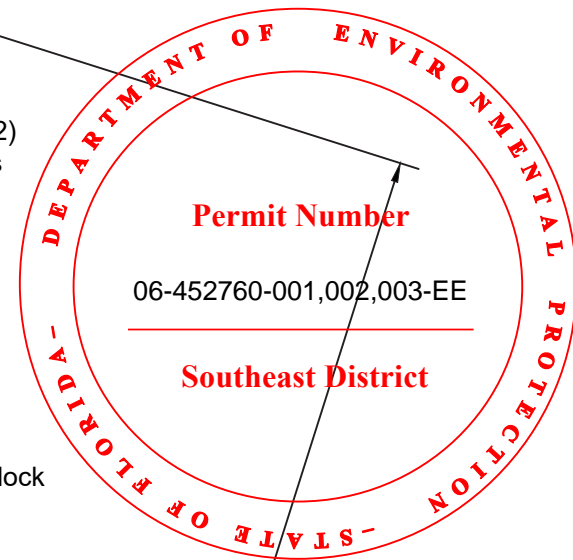
Existing Site Plan

Scale: 1" = 20'

MARK E. WEBER, P.E.
 LICENSE #53895 | CA 30702
 MW ENGINEERING, INC
 902 NE 1 Street Suite #2
 Pompano Beach, Florida 33060
 Ofc: 954-532-0129
 WWW.MwEngineering.net



SHORING NOTE:
 CONTRACTOR OF RECORD AND PERMIT HOLDER RESPONSIBLE FOR ALL SHORING. UNTIL PROVISIONS FOR PERMANENT SUPPORT HAVE BEEN MADE, ALL EXCAVATIONS SHALL BE PROPERLY GUARDED AND PROTECTED SO AS TO PREVENT THEM FROM BECOMING DANGEROUS TO LIFE AND PROPERTY AND SHALL BE SHEET PILED, BRACED AND/OR SHORED, WHERE NECESSARY, TO PREVENT THE ADJOINING EARTH FROM CAVING IN; SUCH PROTECTION TO BE PROVIDED BY THE PERSON CAUSING THE EXCAVATION TO BE MADE. ALL EXCAVATIONS SHALL COMPLY WITH THE MINIMUM REQUIREMENTS OF THE FLORIDA BUILDING CODE, AND FLORIDA STATUTE 553.60, "TRENCH SAFETY ACT," AND 29-CFR1926-650 (P) "OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION EXCAVATION SAFETY ACT."



Proposed Site Plan

Scale: 1" = 20'

ZONING DESCRIPTION:
 RS-8
 Vessel when moored on dock will maintain a minimum 5' side yard set back

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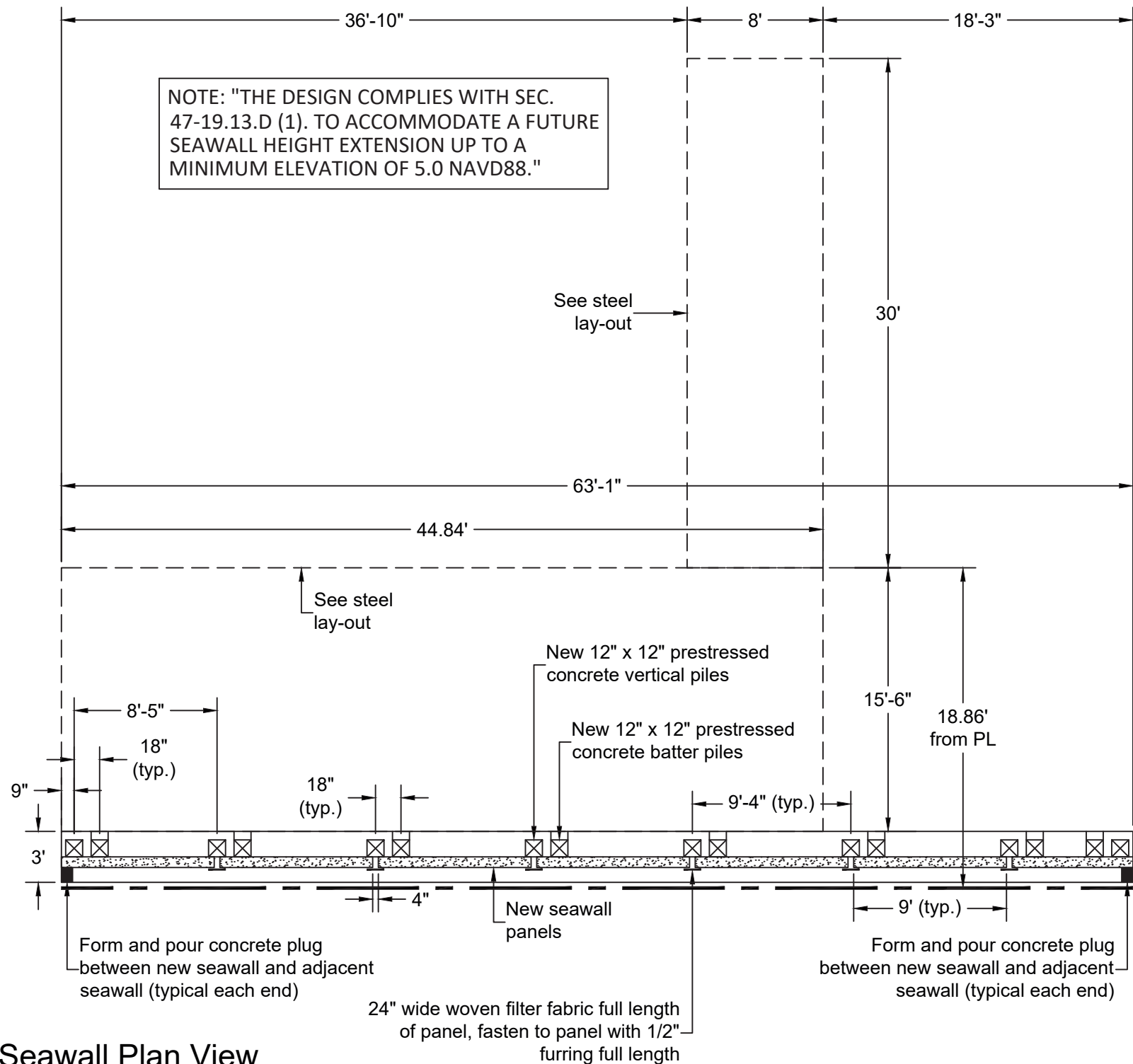
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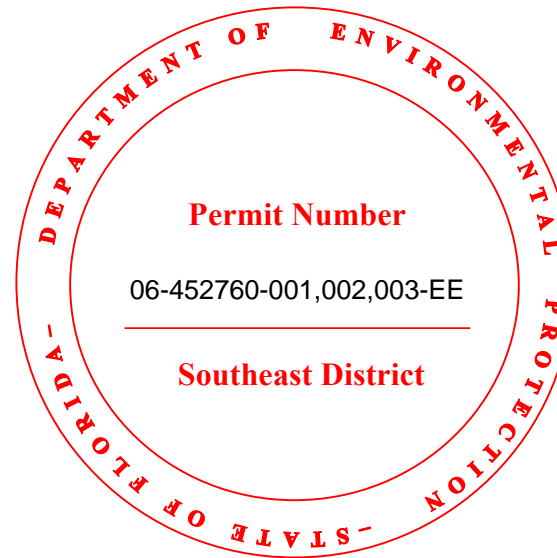
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Seawall Plan View
Scale: 1/8" = 1'-0"

NOTE:
PANEL HEIGHT TO BE VERIFIED ON SITE BY CONTRACTOR BEFORE CONSTRUCTION, TO PROVIDE A MINIMUM OF 2' EMBEDMENT INTO EXISTING GRADE.



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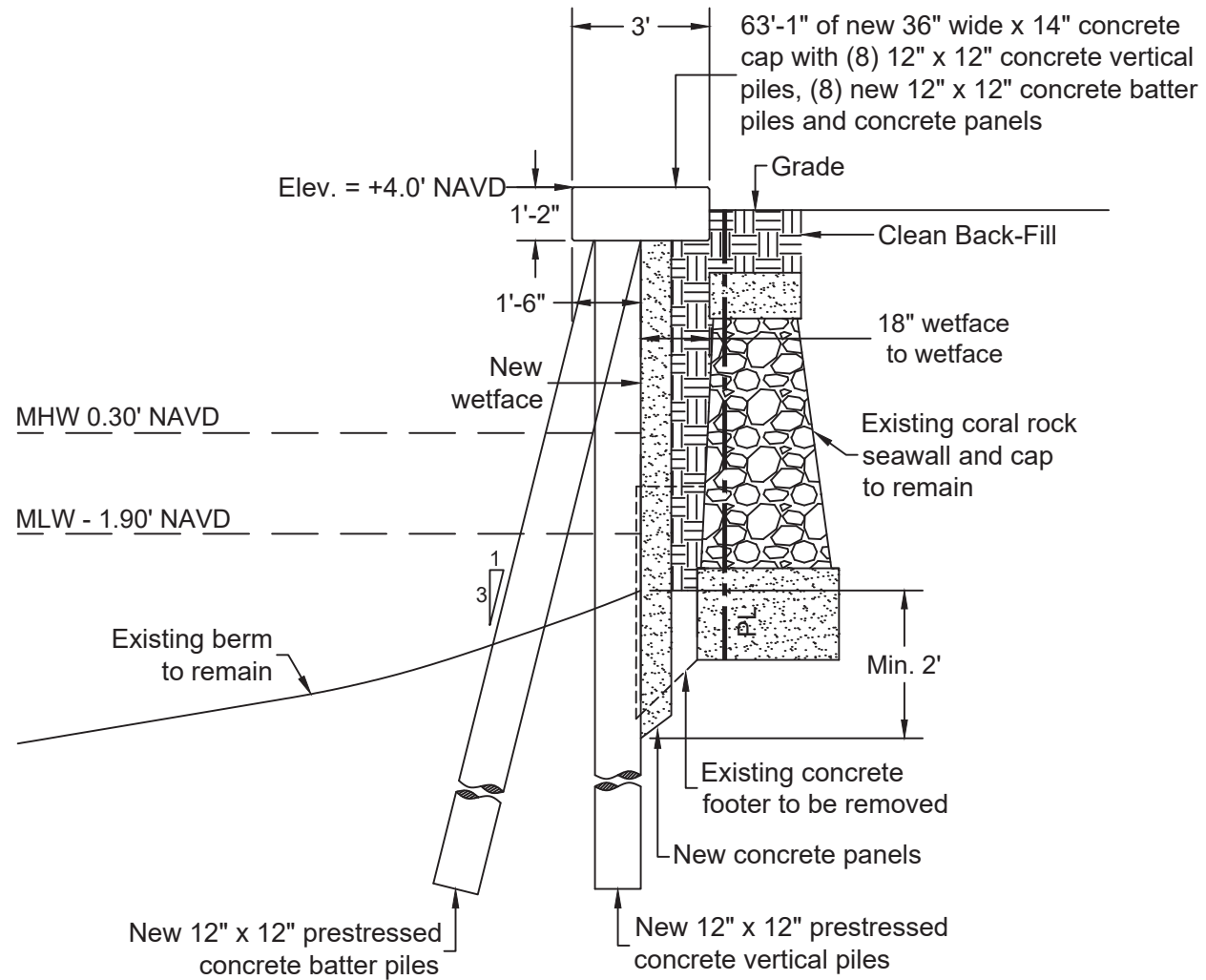
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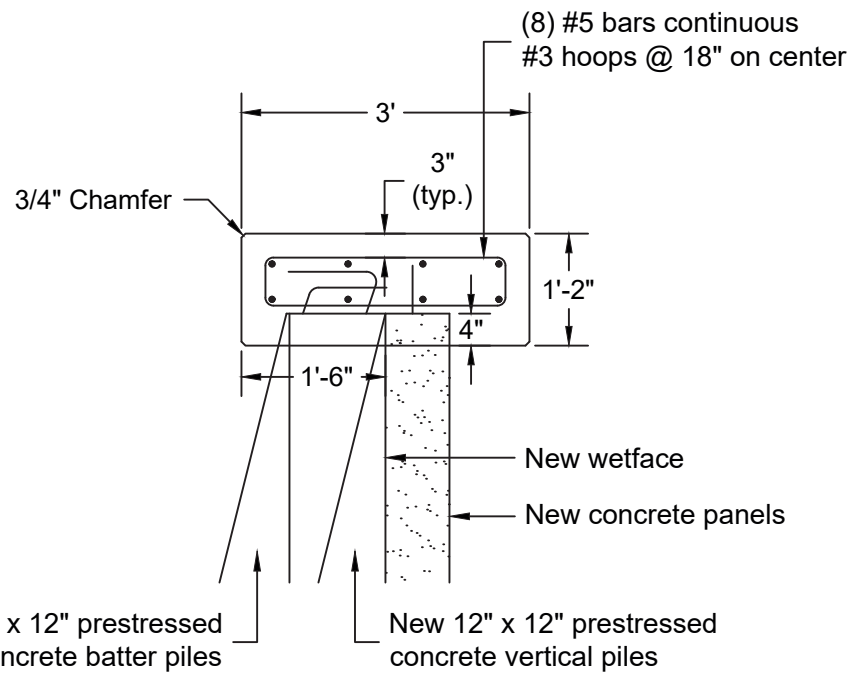


Seawall Section

Scale 1/4" = 1'-0"

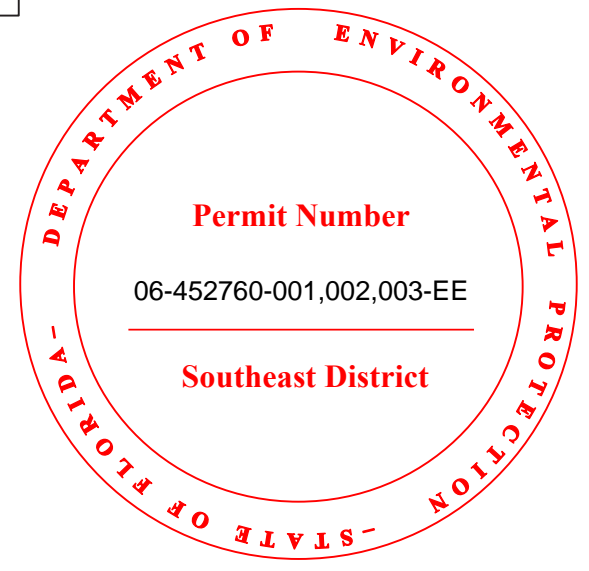
NOTE:
 PANEL HEIGHT TO BE VERIFIED
 ON SITE BY CONTRACTOR BEFORE
 CONSTRUCTION, TO PROVIDE A
 MINIMUM OF 2' EMBEDMENT
 INTO EXISTING GRADE.

NOTE: "THE DESIGN COMPLIES WITH SEC. 47-19.13.D (1). TO ACCOMMODATE A FUTURE SEAWALL HEIGHT EXTENSION UP TO A MINIMUM ELEVATION OF 5.0 NAVD88."



Cap Steel Detail

Scale: 1/2" = 1'-0"



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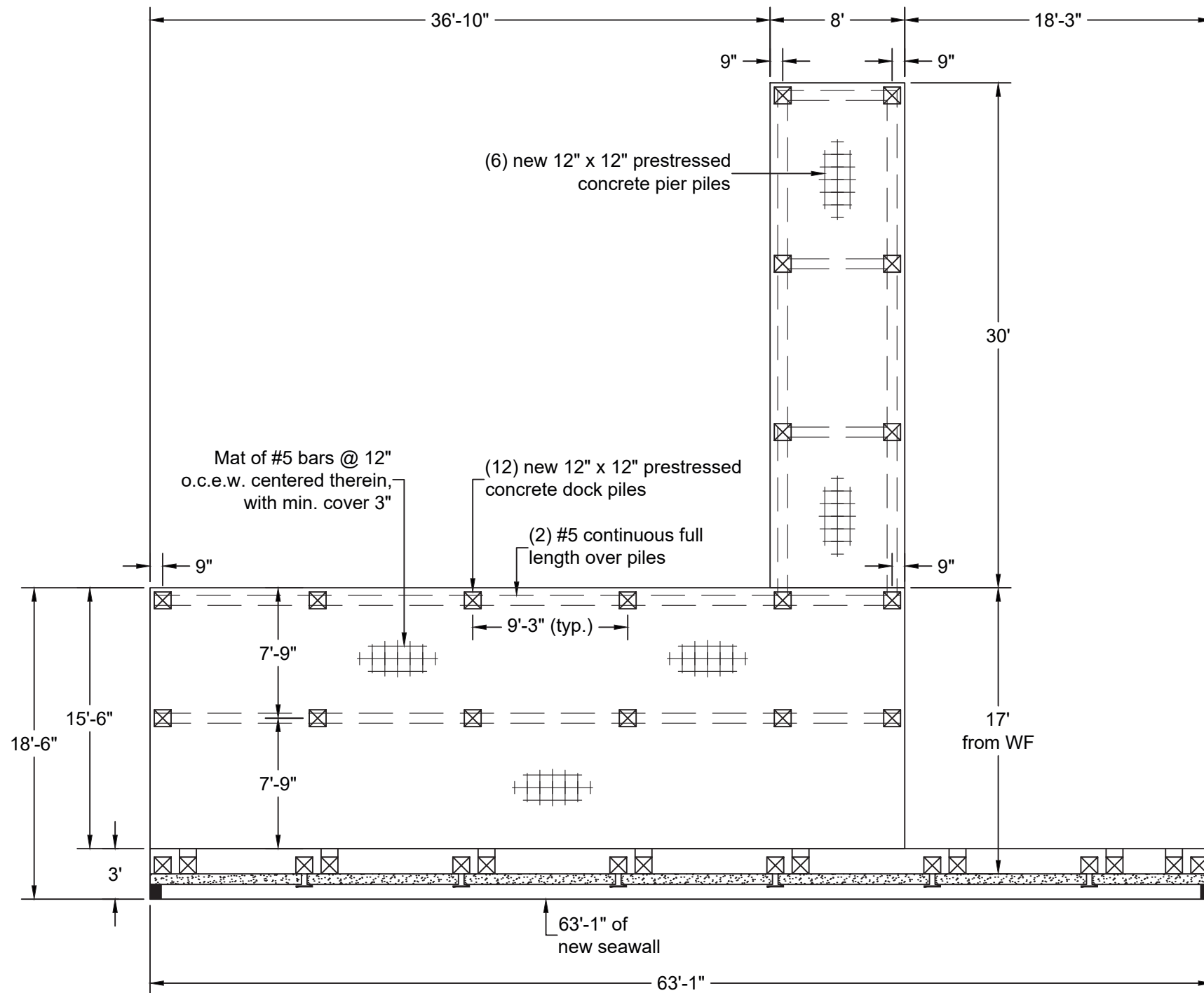
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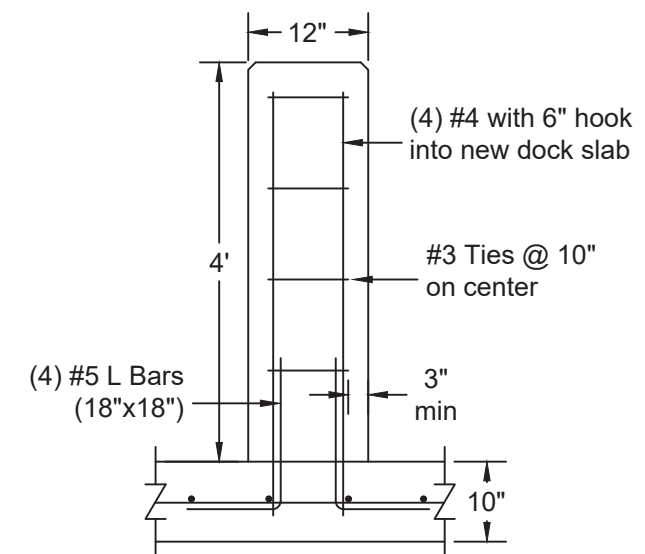
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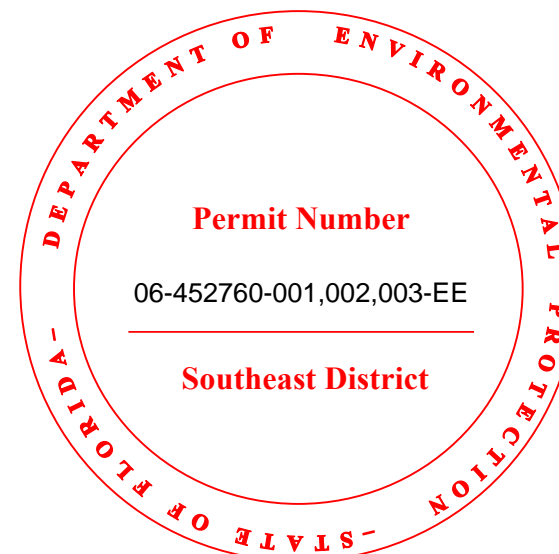


Dock Plan View
Scale: 1/8" = 1'-0"



Column Detail
Scale: 1/4" = 1'-0"

NOTE: "THE DESIGN COMPLIES WITH SEC. 47-19.13.D (1). TO ACCOMMODATE A FUTURE SEAWALL HEIGHT EXTENSION UP TO A MINIMUM ELEVATION OF 5.0 NAVD88."



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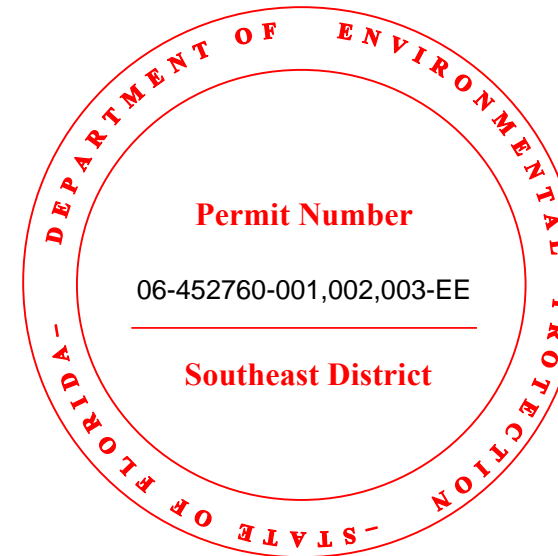
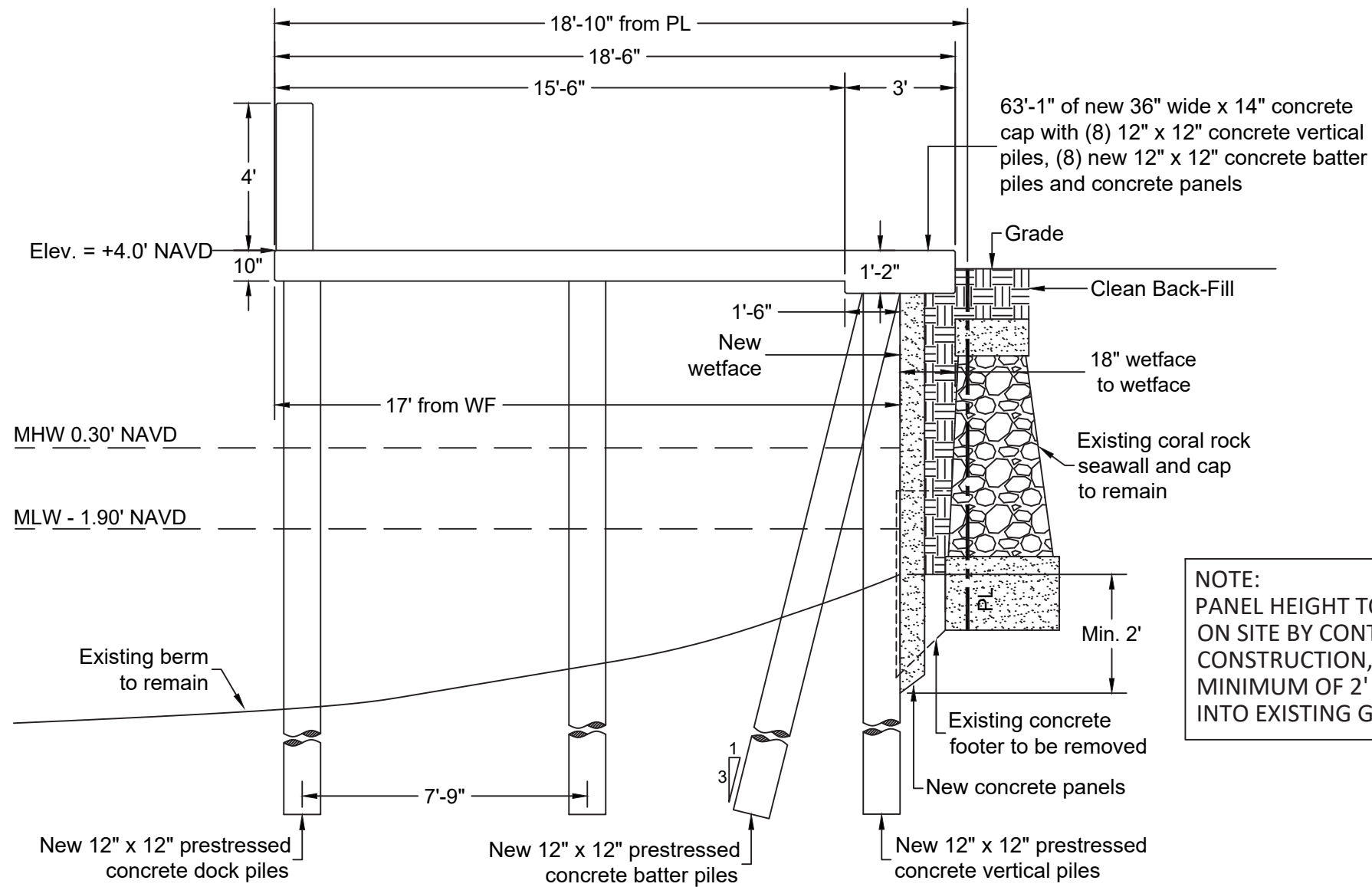
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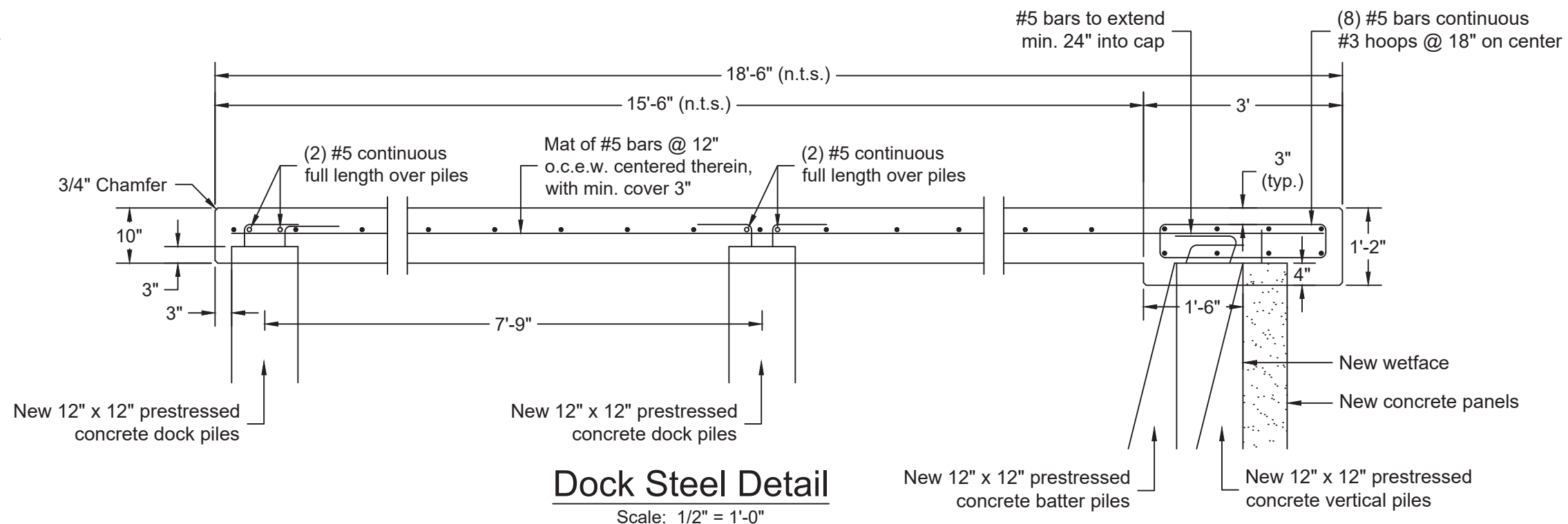
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Dock Section
Scale 1/4" = 1'-0"



Dock Steel Detail
Scale: 1/2" = 1'-0"

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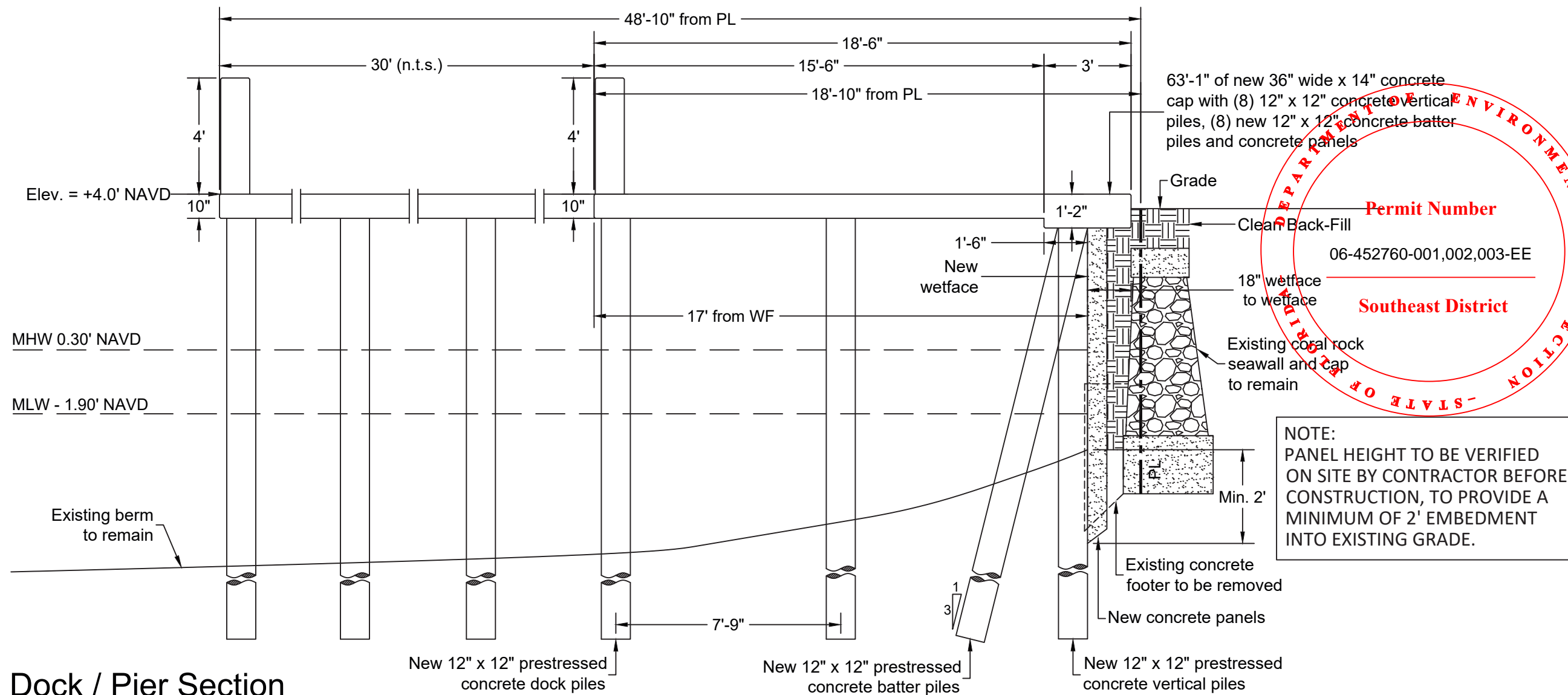
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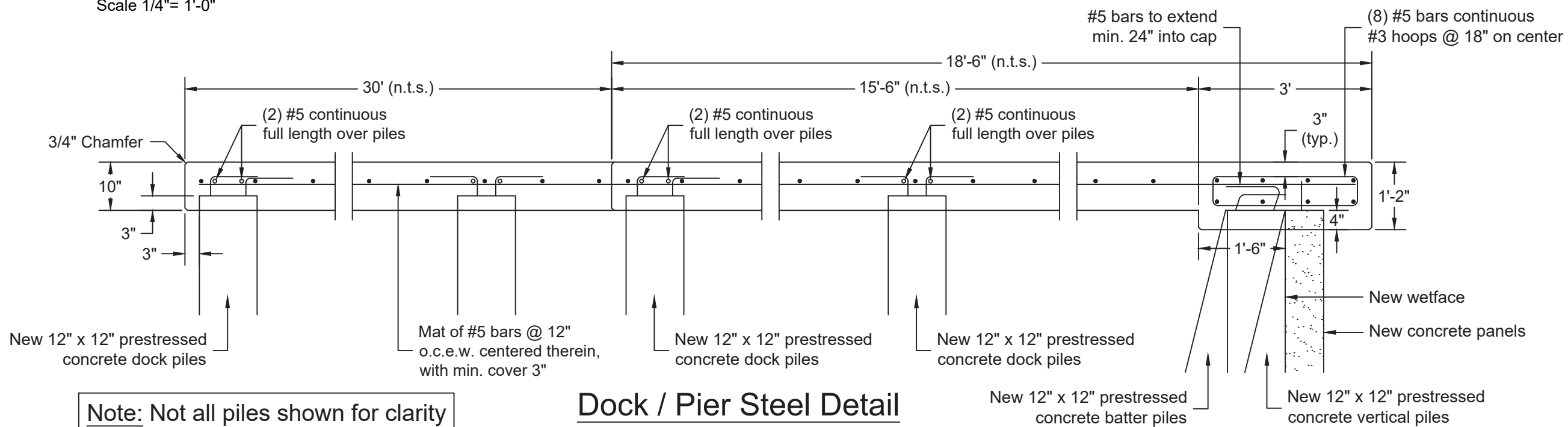
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10-22-24

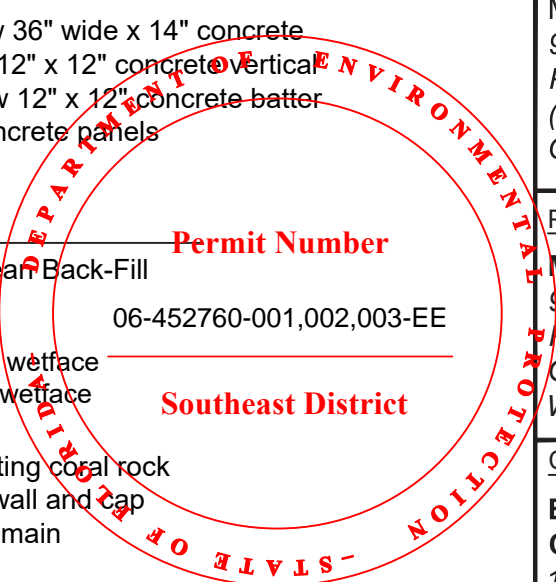
MARK E. WEBER, P.E.
LICENSE #53895 | CA 30702
MW ENGINEERING, INC
902 NE 1 Street Suite #2
Pompano Beach, Florida 33060
Ofc: 954-532-0129
WWW.MwEngineering.net



Dock / Pier Section
Scale 1/4" = 1'-0"



Dock / Pier Steel Detail
Scale: 1/2" = 1'-0"



Consultant
UNLIMITED PERMIT SERVICES, INC
 Marine Design & Consulting
 902 NE 1st Street #2
 Pompano Beach, FL 33060
 (954) 532-0129
 Office@unlimitedps.net

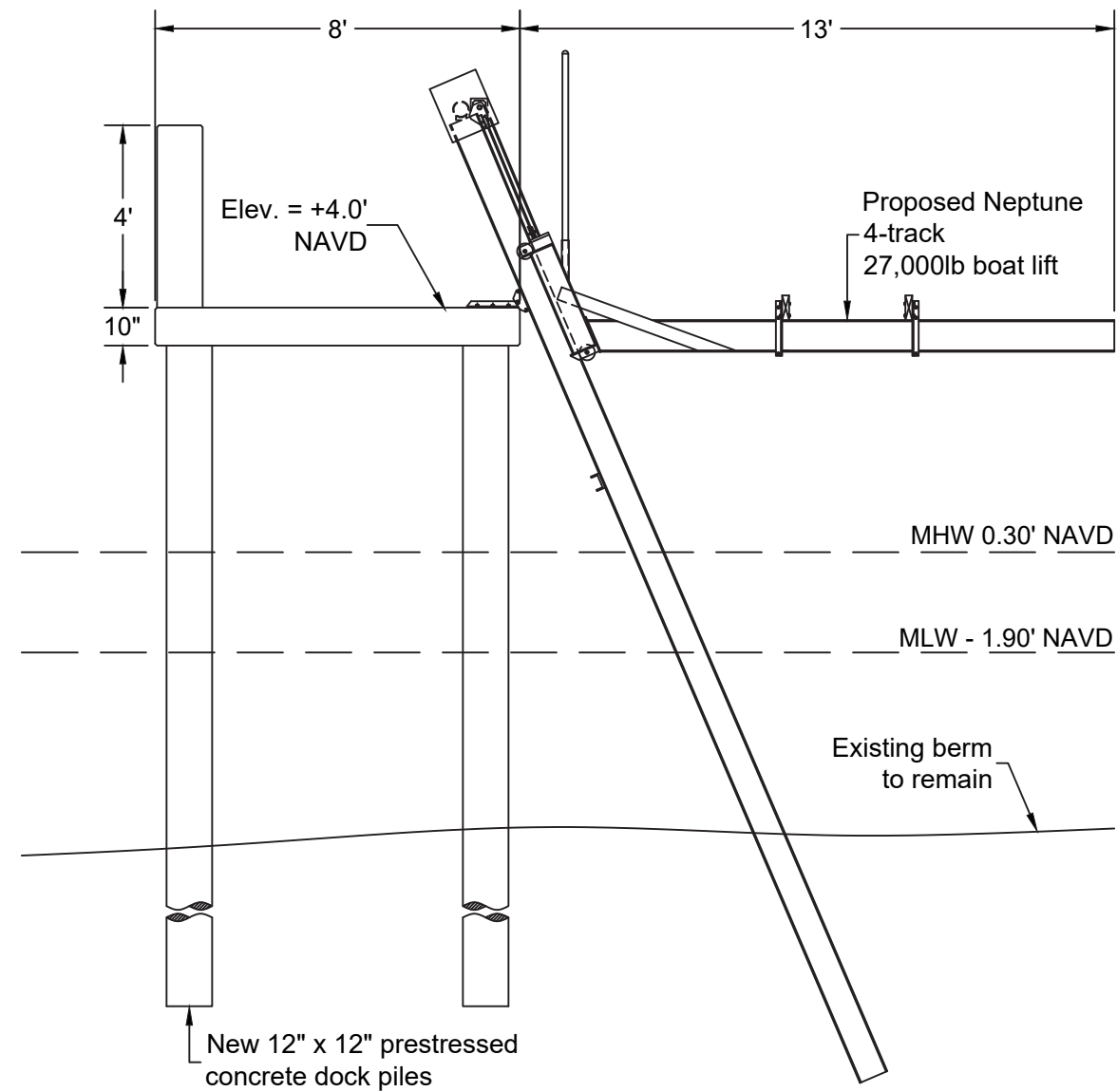
Project Engineer
MW ENGINEERING, INC
 902 NE 1 Street Suite #2
 Pompano Beach, FL 33060
 Ofc: 954-532-0129
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Contractor
B&M MARINE CONSTRUCTION INC
 1211 S Military Trail #200
 Deerfield Beach, FL 33442
 (954) 421-1700

Project Information
Seawall Repair / New Dock
 Susan Rotman
 234 Plaza Las Olas
 Fort Lauderdale, FL 33301

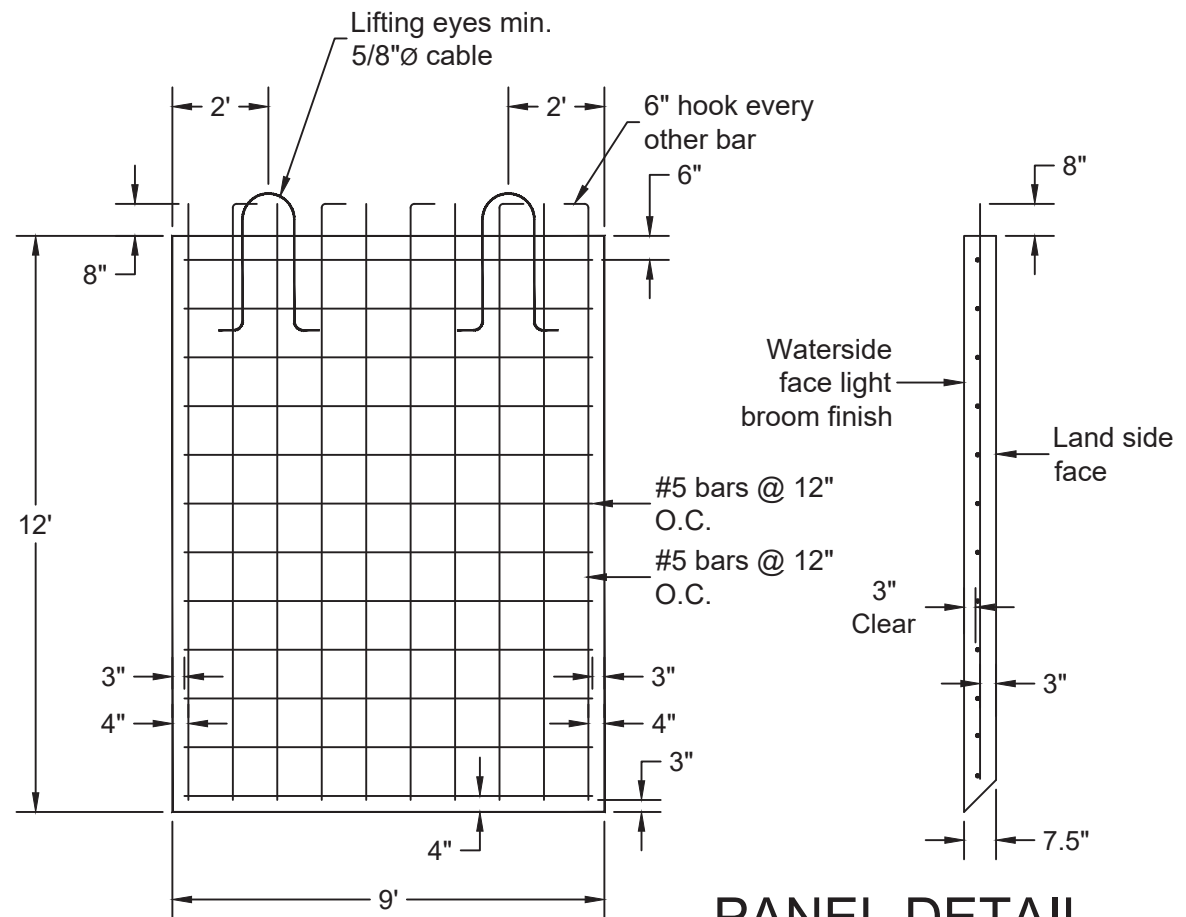
DATE
10-22-24

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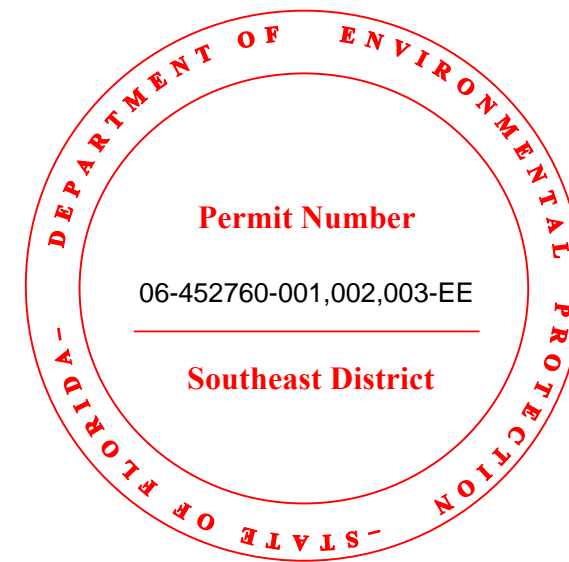
Boat Lift Section

Scale 1/4" = 1'-0"



PANEL DETAIL

Scale 1/4" = 1'-0"



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GENERAL NOTES:

1. Construction to follow the Florida Building Code 8th Edition (2023) and amendments as applicable and all Local, State and Federal Laws.
2. Licensed contractor shall verify the existing conditions prior to the commencement of the work. Any conflicts or omissions between existing conditions or the various elements of the working drawing shall be brought to the attention of the Engineer prior to the commencement of the work. The Licensed Contractor and all subcontractors are responsible for all lines, elevations, and measurements in connection with their work.
3. Do not scale drawings for dimensions.
4. Any deviation and/or substitution from the information provided herein shall be submitted to the Engineer for approval prior to commencement of work.
5. All unanticipated or unforeseen demolition and/or new construction conditions which require deviation from the plans and notes herein shall be reported to the Engineer prior to commencement of work.
6. All new work and/or materials shall conform to all requirements of each administrative body having jurisdiction in each appertaining circumstance.
7. All new materials and/or patchwork shall be provided to match existing materials and/or adjoining work where practical except as specifically noted herein.
8. Licensed Contractor to shall use all possible care to protect all existing materials, surfaces, and furnishings from damage during all phases of construction.
9. Licensed Contractor to verify location of existing utilities prior to commencing work.
10. The Licensed contractor to install and remove all shoring and bracing as required for the proper execution of the work.
11. Licensed Contractor to obtain all permits as necessary from all Local, State, and Federal agencies.
12. Turbidity barriers to be marked with site contractor's company name using permanent markings no smaller than 3 inches in height on the top of the barrier.

PILE DRIVING:

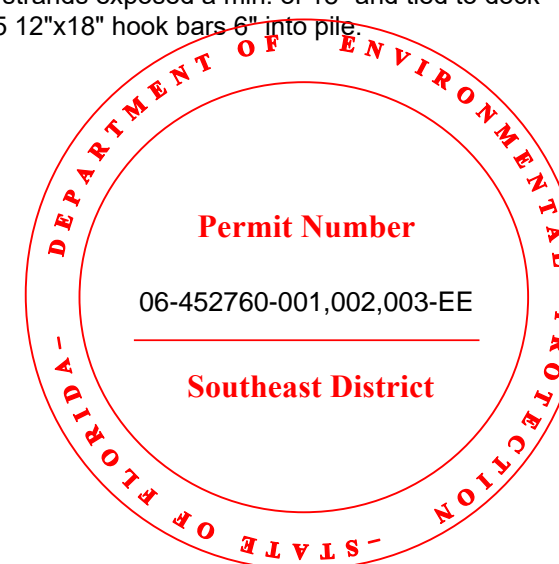
1. Piles shall be driven using an approved cushion block consisting of material so arranged so as to provide the transmission of hammer energy.
2. Piles shall be driven to a minimum allowable bearing capacity of 10 tons for wood, 25 tons for concrete, and 5 tons for pin piles, a minimum of 8' into berm or refusal.
3. Piles shall be driven with a drop hammer or gravity hammer provided the hammer shall weight no less than 3,000 pounds, and the fall of the hammer shall not exceed 6'.
4. Piles shall be driven with a variation of not more than 1/4 inch per foot from the vertical, or from the batter line indicated, with a maximum variation of the head of the pile from the position shown on the plans of not more than three inches.
5. Where piling must penetrate strata offering high resistance to driving, the structural engineer of record or special inspector may require that the piles be set in pre-drilled or punched holes. The piles shall reach their final penetration by driving.

CONCRETE NOTES:

1. Concrete shall conform to ACI 318-14 and shall be regular weight, sulfate resistant, with a design strength of 5000 psi at 28 days with a maximum water-cementitious materials ratio, by weight aggregate concrete of 0.40.
2. Owner shall employ and pay for testing services from an independent testing laboratory for concrete sampling and testing in accordance with ASTM.
3. Licensed contractor is responsible for the adequacy of forms and shoring and for safe practice in their use and removal.
4. Concrete cover shall be 3" unless otherwise noted on the approved drawings.
5. Reinforcing steel shall be in conformance with the latest version of ASTM A615 Grade 60 specifications. All reinforcement shall be placed in accordance with ACI 315 and ACI Manual of Standard Practice.
6. Fiber Reinforced Polymer (FRP) Reinforcing Bars may be used in lieu of reinforcing steel. FRP shall meet FDOT specification 932-3.1 - Use only solid, round, thermoset basalt fiber reinforced polymer (BFRP), glass fiber reinforced polymer (GFRP) or carbon fiber reinforced polymer (CFRP) reinforcing bars from producers currently on the FDOT's Production Facility Listing.
7. Splices in reinforcing bars shall be not be less than 48 bar diameters and reinforcing shall be continuous around all corners and changes in direction. Continuity shall be provided at corners or changes in direction by bending the longitudinal steel around the corner 48 bar diameters.
8. Defective, cracked or loose concrete areas must be cut out, the rebar must be cleaned, coated with zinc and repaired with at least 3" of expoxy-concrete mix or gunnite concrete with sulfate-resistant cement.

PILE NOTES:

1. Concrete piles shall attain 6000 psi compressive strength in 28 days.
2. Concrete piles shall be reinforced with four - 7/16"Ø lo-lax strands, 270 kips, and 5 ga. spiral ties.
3. Concrete piles shall be 12"x12" square, minimum length of 20'.
4. Concrete piles shall be cut to leave strands exposed a min. of 18" and tied to dock or cap steel or drill and epoxy (2) #5 12"x18" hook bars 6" into pile.



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FLORIDA DEPARTMENT OF Environmental Protection

Southeast District
3301 Gun Club Road, MSC 7210-1
West Palm Beach, FL 33406
561-681-6600

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

November 4th, 2024

Susan Rotman
234 Plaza Las Olas
Fort Lauderdale FL 33301
chicagolandtherapy@yahoo.com

File No. 06-452760-004-EG, Broward County

Dear Susan Rotman:

On August 29th, 2024, we received your notice of intent to use a General Permit (GP), pursuant to Rule 62-330.431, Florida Administrative Code (F.A.C.) to perform the installation of approximately 44' linear feet of new riprap 1 to 3 feet in diameter, not to extend further than 8 feet from the wetface of the existing seawall, within the Intercoastal Waterway, a Class III Florida waterbody. The project is located at 234 Plaza Las Olas Fort Lauderdale FL 33301 Section 12, Township 50 South, Range 42 East, Broward County.

Your intent to use a general permit has been reviewed by Department staff for three types of authorizations: (1) regulatory authorization, (2) proprietary authorization (related to state-owned submerged lands), and (3) federal authorization. The authority for review and the outcomes of the reviews are listed below. Please read each section carefully.

Your project did not qualify for the federal authorization, therefore, additional authorization must be obtained prior to commencement of the proposed activity. This letter does not relieve you from the responsibility of obtaining other federal, state, or local authorizations that may be required for the activity. Please refer to the specific section(s) dealing with that portion of the review below for advice on how to proceed.

If you change the project from what you submitted, the authorization(s) granted may no longer be valid at the time of commencement of the project. Please contact us prior to beginning your project if you wish to make any changes.

1. Regulatory Review – Approved

Based on the forms, drawings, and documents revised with your notice, it appears that the project meets the requirements for the General Permit under Rule 62-330.431, F.A.C. Any activities performed under a general permit are subject to general conditions required in Rule 62-330.405,

F.A.C. (attached), and the specific conditions of Rule 62-330.431, F.A.C. (attached). Any deviations from these conditions may subject the permittee to enforcement action and possible penalties.

Please be advised that the construction phase of the GP must be completed within five years from the date the notice to use the GP was received by the Department. If you wish to continue this GP beyond the expiration date, you must notify the Department at least 30 days before its expiration.

Authority for review- Part IV of Chapter 373, F.S., Title 62, F.A.C. and in accordance with the operating agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C.

2. Proprietary Review – Granted

The Department acts as staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) and issues certain authorizations for the use of sovereign submerged lands. The Department has the authority to review activities on sovereign submerged lands under Chapter 253 of the Florida Statutes (F.S.) and 258, F.S. if located within an aquatic preserve, and Chapters 18-20 and 18-21 of the Florida Administrative Code.

The **activity appears to be** located on sovereign submerged lands owned by the Board of Trustees. The activity is not exempt from the need to obtain the applicable proprietary authorization. As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that the activity qualifies for a letter of consent under Section 253.77, Florida Statutes, to construct and use the activity on the specified sovereign submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein.

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

Please be advised that any use of sovereign submerged lands without specific prior authorization from the Board of Trustees will be considered a violation of Chapter 253, Florida Statutes and may subject the affected upland riparian property owners to legal action as well as potential fines for the prior unauthorized use of sovereign land.

Authority for review - Chapter 253 F.S and Chapter 18-21, F.A.C., and Section 62-330.075, F.A.C. as required.

3. Federal Review- SPGP Not Approved

Your proposed activity as outlined in your application and attached drawings **does not qualify** for Federal authorization pursuant to the State Programmatic General Permit VI-R1.

SEPARATE permit(s) or authorization **will be required** from the U.S. Army Corps of Engineers.

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

Additional Information

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

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the 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 Rules 28-106.201 and 28-106.301, 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 e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; 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 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, or via electronic correspondence at Agency_Clerk@dep.state.fl.us. 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 and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. You cannot justifiably rely on the finality of this decision unless notice of this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While you are not required to publish notice of this action, you may elect to do so pursuant Rule 62-110.106(10)(a).

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. If you do not publish notice of this action, this waiver will not apply to persons who have not received written notice of this action.

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, or via electronic correspondence at Agency_Clerk@dep.state.fl.us, before the deadline for

filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

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

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 Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, 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 must be filed within 30 days from the date this action is filed with the Clerk of the Department.

EXECUTION AND CLERKING

Executed in Palm Beach County, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Norva Blandin, MSEM
Permitting Program Administrator
Southeast District

Enclosures:

- 62-330.431, F.A.C.
- General Conditions for All General Permits, Ch. 62-330.405, F.A.C.
- Special Consent Conditions
- General Conditions for Authorizations for Activities on State-Owned Submerged Lands
- Project drawings, 9 pages

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments were sent on the filing date below to the following listed persons:

FDEP- Norva Blandin MSEM, Haley Osborne
Kathy Cartier, Unlimited Permit Services, Inc., kathyc@unlimitedps.net
Linda Sunderland, Broward County EPD, LSunderland@broward.org

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52, F. S., with the designated Department Clerk, receipt of which is hereby acknowledged.

<i>Vanessa Osborne</i>	11-04-2024
_____	_____
Clerk	Date

62-330.431 General Permit for Installation of Riprap.

(1) A general permit is granted to any person to install riprap:

(a) At the toe of an existing vertical seawall, provided the slope of the riprap is no steeper than two horizontal to one vertical and the horizontal distance from the toe of the seawall is no more than 10 feet;

(b) At an individual, private residential single-family property that is not part of a larger plan of common development, provided:

1. The slope of the riprap is no steeper than two horizontal to one vertical, and the toe of the riprap is no more than 10 feet waterward of the existing mean high water line or approximate ordinary high water line;

2. Riprap is not placed along a length of shoreline of more than 100 linear feet, and is not combined as part of any other use of this general permit on the same parcel of land; and

3. Erosion has occurred, or is likely to occur, along the shoreline.

(2) This general permit shall be subject to the following specific conditions:

(a) The riprap consists only of natural boulders or clean concrete rubble one to three feet in diameter in average dimension, and there are no reinforcing rods or other similar protrusions in the concrete rubble;

(b) There is no filling of submerged grassbeds or coral communities;

(c) The amount of wetland area filled shall not exceed 100 square feet; and,

(d) There is no backfilling to obtain useable upland, to straighten an otherwise sinuous shoreline, or to reclaim land lost by avulsion or erosion.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 403.814(1) FS. History—New 10-3-95, Formerly 62-341.431, Amended 10-1-13, 6-1-18.

62-330.405 General Conditions for All General Permits

The following general permit conditions are binding upon the permittee and are enforceable under chapter 373, F.S. These conditions do not apply to the general permit for stormwater management systems under section 403.814(12), F.S.

(1) The general permit is valid only for the specific activity indicated. Any deviation from the specified activity and the conditions for undertaking that activity shall constitute a violation of the permit and may subject the permittee to enforcement action and revocation of the permit under chapter 373, F.S.

(2) The general permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any construction, alteration, operation, maintenance, removal or abandonment authorized by this permit; and it does not authorize any violation of any other applicable federal, state, local, or special district laws (including, but not limited to, those governing the “take” of listed species).

(3) The general permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the general permit.

(4) The general permit does not relieve the permittee from liability and penalties when the permitted activity causes harm or injury to: human health or welfare; animal, plant or aquatic life; or property. It does not allow the permittee to cause pollution that violates state water quality standards.

(5) Section 253.77, F.S., provides that a person may not commence any excavation, construction, or other activity involving the use of state-owned or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required consent, lease, easement, or other form of authorization authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on state-owned lands.

(6) The authorization to conduct activities under a general permit may be modified, suspended or revoked in accordance with chapter 120, F.S., and section 373.429, F.S.

(7) The general permit is not transferable to a new third party. To be used by a different permittee, a new notice to use a general permit must be submitted in accordance with rule 62-330.402, F.A.C. Activities constructed in accordance with the terms and conditions of a general permit are automatically authorized to be operated and maintained by the permittee and subsequent owners in accordance with subsection 62-330.340(1), F.A.C. Any person holding the general permit, persons working under the general permit, and owners of land while work is conducted under the general permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to sale, conveyance, or other transfer of ownership or control of the permitted project, activity, or the real property at which the permitted project or activity is located.

(8) Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the permitted system to ensure conformity with the plans and specifications approved by the general permit.

(9) The permittee shall maintain any permitted project or activity in accordance with the plans submitted to the Agency and authorized in the general permit.

(10) A permittee’s right to conduct a specific activity under the general permit is authorized

for a duration of five years.

(11) 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 implemented and maintained immediately prior to, during, and after construction as needed to stabilize all disturbed areas, including other measures specified in the permit to prevent adverse impacts to the water resources and adjacent lands. Erosion and sediment control measures shall be installed and maintained 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)*, available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-04227>, and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008)*, available at http://publicfiles.dep.state.fl.us/DEAR/Stormwater_Training_Docs/erosion-inspectors-manual.pdf.

(12) Unless otherwise specified in the general permit, temporary vehicular access within wetlands during construction shall be performed using vehicles generating minimum ground pressure to minimize rutting and other environmental impacts. Within forested wetlands, the permittee shall choose alignments that minimize the destruction of mature wetland trees to the greatest extent practicable. When needed to prevent rutting or soil compaction, access vehicles shall be operated on wooden, composite, metal, or other non-earthen construction mats. In all cases, access in wetlands shall comply with the following:

(a) Access within forested wetlands shall not include the cutting or clearing of any native wetland tree having a diameter four inches or greater at breast height;

(b) The maximum width of the construction access area shall be limited to 15 feet;

(c) All mats shall be removed as soon as practicable after equipment has completed passage through, or work has been completed, at any location along the alignment of the project, but in no case longer than seven days after equipment has completed work or passage through that location; and

(d) Areas disturbed for access shall be restored to natural grades immediately after the maintenance or repair is completed.

(13) Barges or other work vessels used to conduct in-water activities shall be operated in a manner that prevents unauthorized dredging, water quality violations, and damage to submerged aquatic communities.

(14) The construction, alteration, or use of the authorized project shall not adversely impede navigation or create a navigational hazard in the water body.

(15) Except where specifically authorized in the general permit, activities must not:

(a) Impound or obstruct existing water flow, cause adverse impacts to existing surface water storage and conveyance capabilities, or otherwise cause adverse water quantity or flooding impacts to receiving water and adjacent lands; or

(b) Cause an adverse impact to the maintenance of surface or ground water levels or surface water flows established pursuant to section 373.042, F.S., or a Works of the District established pursuant to section 373.086, F.S.

(16) If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, stone tools, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities

involving subsurface disturbance in the vicinity of the discovery. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section (DHR), at (850)245-6333, as well as the appropriate permitting agency office. Project activities 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 the proper authorities notified in accordance with section 872.05, F.S.

(17) The activity must be capable, based on generally accepted engineering and scientific principles, of being performed and of functioning as proposed, and must comply with any applicable District special basin and geographic area criteria.

(18) The permittee shall comply with the following when performing work within waters accessible to federally- or state-listed aquatic species, such as manatees, marine turtles, smalltooth sawfish, and Gulf sturgeon:

(a) All vessels associated with the project shall operate at “Idle Speed/No Wake” at all times while in the work area and where the draft of the vessels provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

(b) All deployed siltation or turbidity barriers shall be properly secured, monitored, and maintained to prevent entanglement or entrapment of listed species.

(c) All in-water activities, including vessel operation, must be shut down if a listed species comes within 50 feet of the work area. Activities shall not resume until the animal(s) has moved beyond a 50-foot radius of the in-water work, or until 30 minutes elapses since the last sighting within 50 feet. Animals must not be herded away or harassed into leaving. All onsite project personnel are responsible for observing water-related activities for the presence of listed species.

(d) Any listed species that is killed or injured by work associated with activities performed shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1(888)404-3922 and ImperiledSpecies@myFWC.com.

(e) Whenever there is a spill or frac-out of drilling fluid into waters accessible to the above species during a directional drilling operation, the FWC shall be notified at ImperiledSpecies@myfwc.com with details of the event within 24 hours following detection of the spill or frac-out.

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

(20) The permittee shall immediately notify the Agency in writing of any submitted information that is discovered to be inaccurate.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.044, 373.118(1), 373.129, 373.136, 373.406(5), 373.413, 373.4131, 373.414(9), 373.4145, 373.416, 373.422, 373.423, 373.429, 403.814(1) FS. History—New 10-3-95, Amended 10-1-07, Formerly 62-341.215, Amended 10-1-13, 6-1-18.

Special Consent Conditions

1. 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 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.
2. 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.
3. 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.
4. 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.
5. This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

General Conditions for Authorizations for Activities on State-Owned Submerged Lands:

All authorizations granted by rule or in writing under rule 18-21.005, F.A.C., except those for geophysical testing, shall be subject to the general conditions as set forth in paragraphs (a) through (j) below. The general conditions shall be part of all authorizations under this chapter, shall be binding upon the grantee, and shall be enforceable under chapter 253 or 258, part II, F.S.

(a) Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.

(b) Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.

(c) Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in sections 253.04 and 258.46, F.S., or chapter 18-14, F.A.C.

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

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

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

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

(h) Activities shall not interfere with the public easement for traditional uses of the sandy beaches provided in section 161.141, F.S.

(i) Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of rule 18-21.005, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.

(j) Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities authorized under paragraph 18-21.004(1)(g), F.A.C., or any other applicable law.

Rulemaking Authority 253.03(7), 253.73 FS. Law Implemented 253.001, 253.03, 253.141, 253.0347, 253.665, 253.71, 253.68, 253.72, 253.74, 253.75, 253.77 FS. History—New 3-27-82, Amended 8-1-83, Formerly 16Q-21.04, 16Q-21.004, Amended 12-25-86, 1-25-87, 3-15-90, 8-18-92, 10-15-98, 12-11-01, 10-29-03, 12-16-03, 3-8-04, 10-27-05, 4-14-08, 9-1-09, 3-21-19.



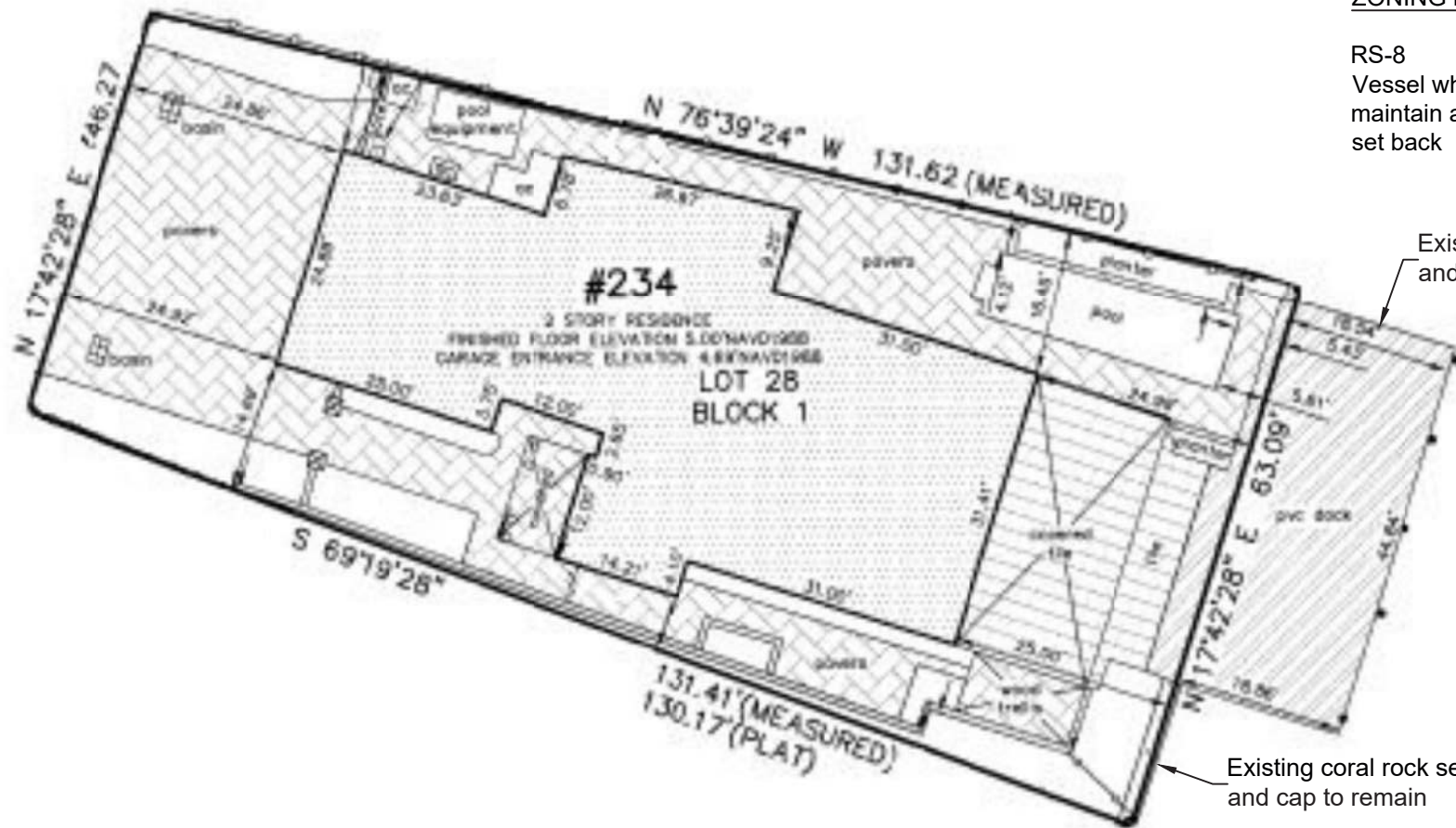
No tree will be removed or replanted as part of this permit

See attached survey supplied by owner for exact property information.

Site Address	234 PLAZA LAS OLAS, FORT LAUDERDALE FL 33301	ID #	5042 12 12 0260
Property Owner	ROTMAN, SUSAN	Millage	0312
Mailing Address	234 PLAZA LAS OLAS FORT LAUDERDALE FL 33301	Use	01-01
Abbreviated Legal Description	LAUDERDALE SHORES CORR PLAT BLK 1 15-25 B LOT 28 BLK 1		

ZONING DESCRIPTION:

RS-8
Vessel when moored on dock will maintain a minimum 5' side yard set back



Consultant
UNLIMITED PERMIT SERVICES, INC
 Marine Design & Consulting
 902 NE 1st Street #2
 Pompano Beach, FL 33060
 (954) 532-0129
 Office@unlimitedps.net

Project Engineer
MW ENGINEERING, INC
 902 NE 1 Street Suite #2
 Pompano Beach, FL 33060
 Ofc: 954-532-0129
 WWW.MwEngineering.net

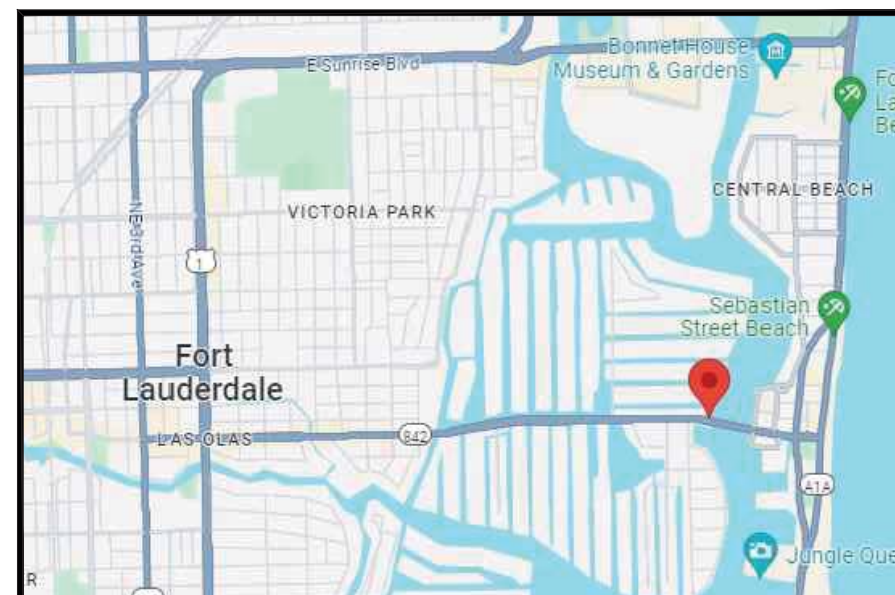
Contractor
B&M MARINE CONSTRUCTION INC
 1211 S Military Trail #200
 Deerfield Beach, FL 33442
 (954) 421-1700

Project Information
Rip Rap
 Susan Rotman
 234 Plaza Las Olas
 Fort Lauderdale, FL 33301

DATE

10-22-24

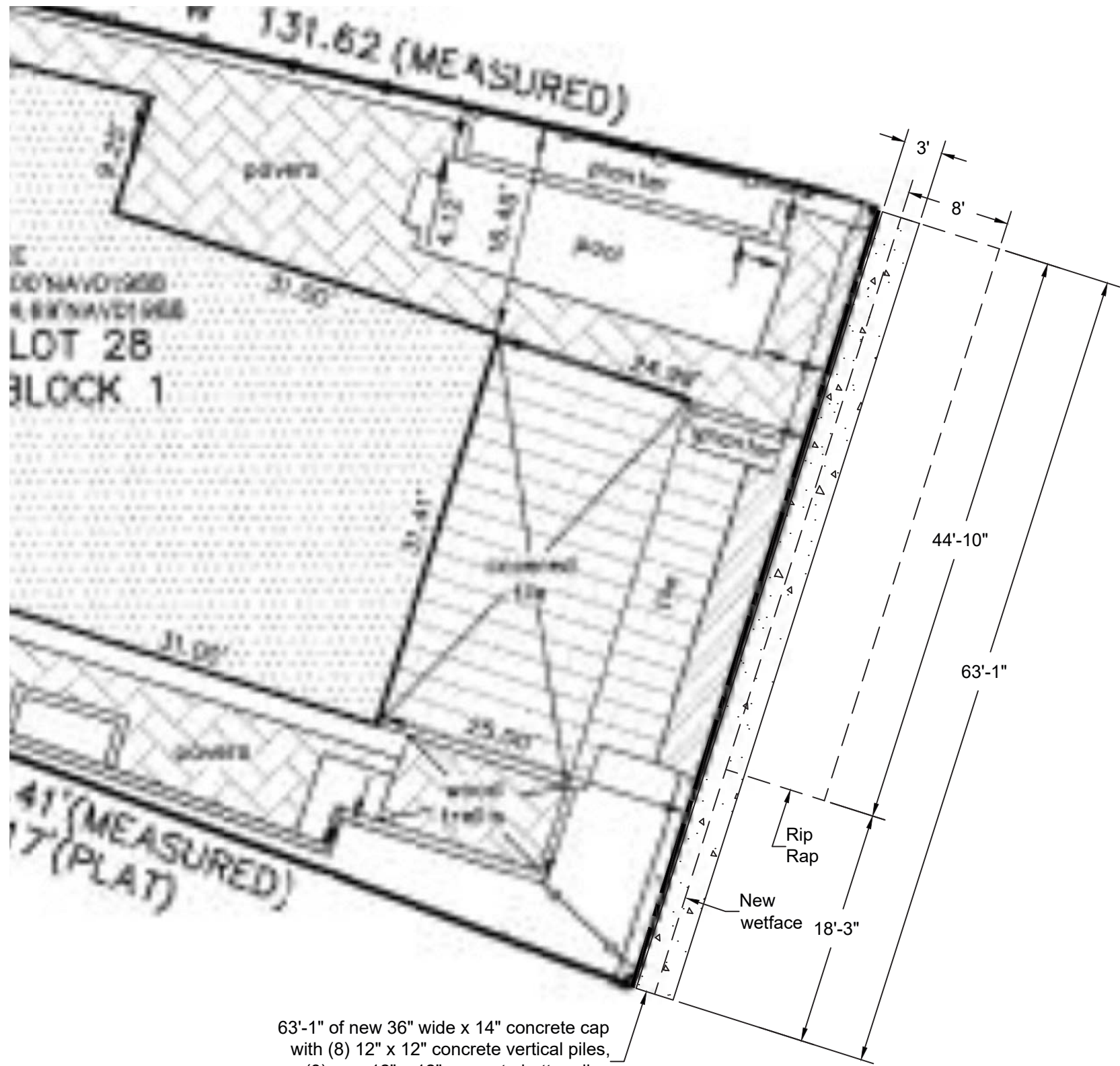
Location Map



Existing Site Plan

Scale: 1" = 20'

MARK E. WEBER, P.E.
 LICENSE #53895 | CA 30702
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SHORING NOTE:
 CONTRACTOR OF RECORD AND PERMIT HOLDER RESPONSIBLE FOR ALL SHORING. UNTIL PROVISIONS FOR PERMANENT SUPPORT HAVE BEEN MADE, ALL EXCAVATIONS SHALL BE PROPERLY GUARDED AND PROTECTED SO AS TO PREVENT THEM FROM BECOMING DANGEROUS TO LIFE AND PROPERTY AND SHALL BE SHEET PILED, BRACED AND/OR SHORED, WHERE NECESSARY, TO PREVENT THE ADJOINING EARTH FROM CAVING IN; SUCH PROTECTION TO BE PROVIDED BY THE PERSON CAUSING THE EXCAVATION TO BE MADE. ALL EXCAVATIONS SHALL COMPLY WITH THE MINIMUM REQUIREMENTS OF THE FLORIDA BUILDING CODE, AND FLORIDA STATUTE 553.60, "TRENCH SAFETY ACT," AND 29-CFR1926-650 (P) "OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION EXCAVATION SAFETY ACT."



NEW RIVER SOUND
 (RW VARIES)

ZONING DESCRIPTION:
 RS-8
 Vessel when moored on dock will maintain a minimum 5' side yard set back

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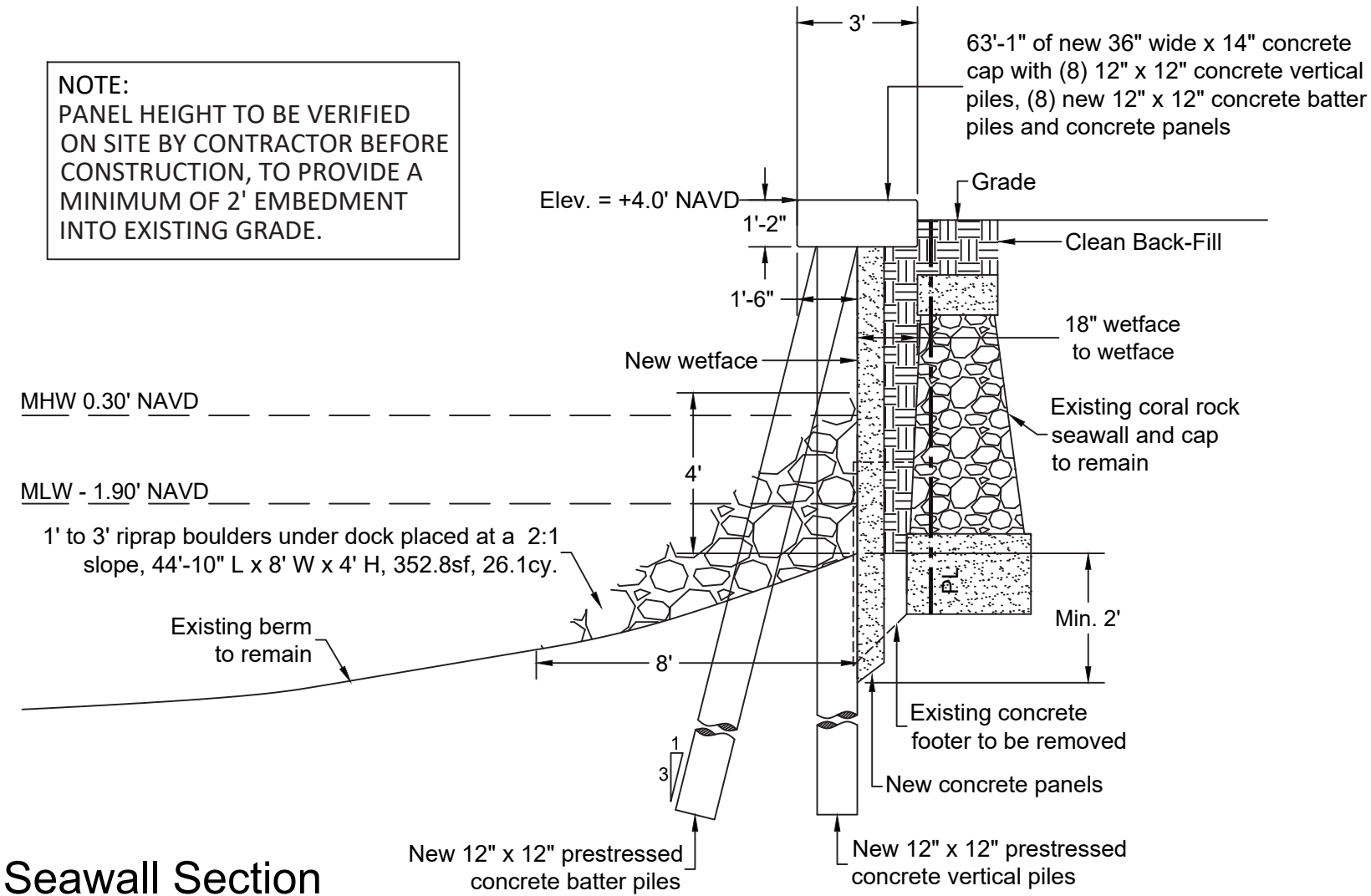
DATE
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Proposed Site Plan

Scale: 1" = 20'

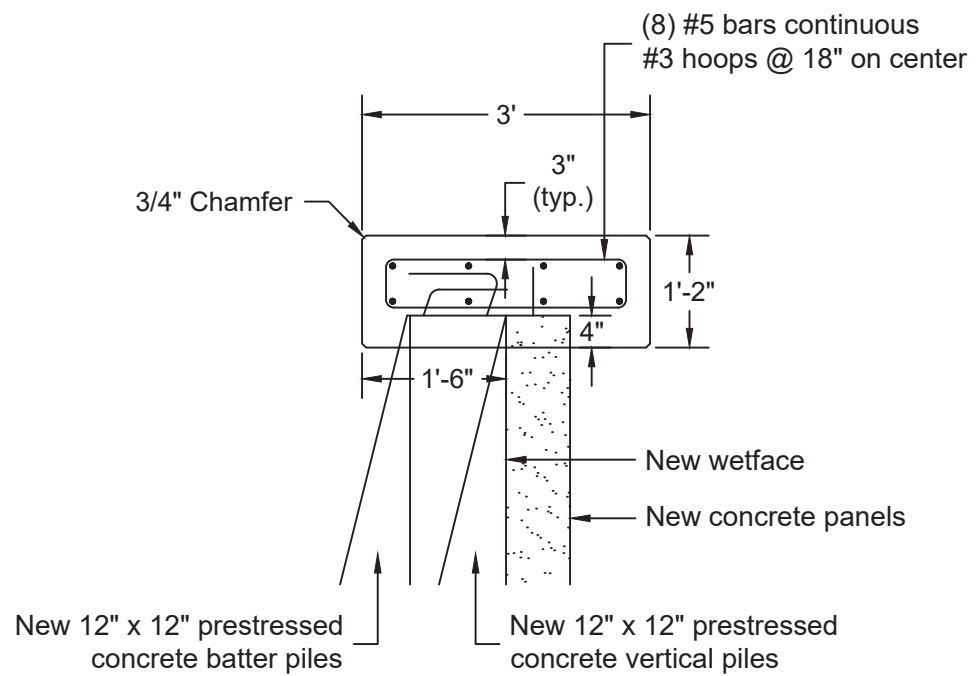
NOTE:
 PANEL HEIGHT TO BE VERIFIED
 ON SITE BY CONTRACTOR BEFORE
 CONSTRUCTION, TO PROVIDE A
 MINIMUM OF 2' EMBEDMENT
 INTO EXISTING GRADE.



Seawall Section
 Scale 1/4" = 1'-0"



NOTE: "THE DESIGN COMPLIES WITH SEC. 47-19.13.D (1). TO ACCOMMODATE A FUTURE SEAWALL HEIGHT EXTENSION UP TO A MINIMUM ELEVATION OF 5.0 NAVD88."



Cap Steel Detail
 Scale: 1/2" = 1'-0"

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GENERAL NOTES:

1. Construction to follow the Florida Building Code 8th Edition (2023) and amendments as applicable and all Local, State and Federal Laws.
2. Licensed contractor shall verify the existing conditions prior to the commencement of the work. Any conflicts or omissions between existing conditions or the various elements of the working drawing shall be brought to the attention of the Engineer prior to the commencement of the work. The Licensed Contractor and all subcontractors are responsible for all lines, elevations, and measurements in connection with their work.
3. Do not scale drawings for dimensions.
4. Any deviation and/or substitution from the information provided herein shall be submitted to the Engineer for approval prior to commencement of work.
5. All unanticipated or unforeseen demolition and/or new construction conditions which require deviation from the plans and notes herein shall be reported to the Engineer prior to commencement of work.
6. All new work and/or materials shall conform to all requirements of each administrative body having jurisdiction in each appertaining circumstance.
7. All new materials and/or patchwork shall be provided to match existing materials and/or adjoining work where practical except as specifically noted herein.
8. Licensed Contractor to shall use all possible care to protect all existing materials, surfaces, and furnishings from damage during all phases of construction.
9. Licensed Contractor to verify location of existing utilities prior to commencing work.
10. The Licensed contractor to install and remove all shoring and bracing as required for the proper execution of the work.
11. Licensed Contractor to obtain all permits as necessary from all Local, State, and Federal agencies.
12. Turbidity barriers to be marked with site contractor's company name using permanent markings no smaller than 3 inches in height on the top of the barrier.

PILE DRIVING:

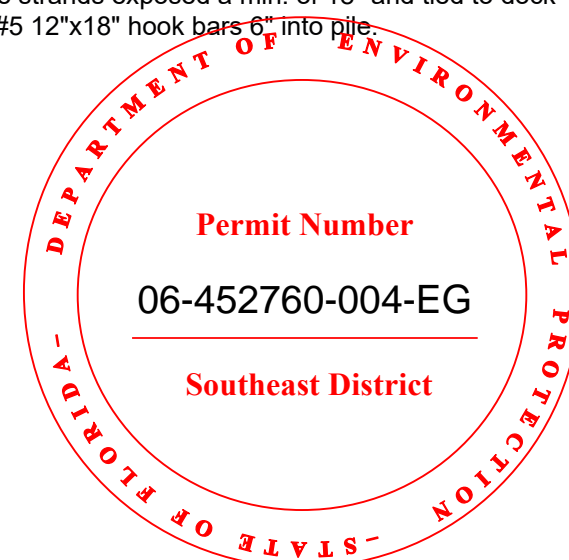
1. Piles shall be driven using an approved cushion block consisting of material so arranged so as to provide the transmission of hammer energy.
2. Piles shall be driven to a minimum allowable bearing capacity of 10 tons for wood, 25 tons for concrete, and 5 tons for pin piles, a minimum of 8' into berm or refusal.
3. Piles shall be driven with a drop hammer or gravity hammer provided the hammer shall weight no less than 3,000 pounds, and the fall of the hammer shall not exceed 6'.
4. Piles shall be driven with a variation of not more than 1/4 inch per foot from the vertical, or from the batter line indicated, with a maximum variation of the head of the pile from the position shown on the plans of not more than three inches.
5. Where piling must penetrate strata offering high resistance to driving, the structural engineer of record or special inspector may require that the piles be set in pre-drilled or punched holes. The piles shall reach their final penetration by driving.

CONCRETE NOTES:

1. Concrete shall conform to ACI 318-14 and shall be regular weight, sulfate resistant, with a design strength of 5000 psi at 28 days with a maximum water-cementitious materials ratio, by weight aggregate concrete of 0.40.
2. Owner shall employ and pay for testing services from an independent testing laboratory for concrete sampling and testing in accordance with ASTM.
3. Licensed contractor is responsible for the adequacy of forms and shoring and for safe practice in their use and removal.
4. Concrete cover shall be 3" unless otherwise noted on the approved drawings.
5. Reinforcing steel shall be in conformance with the latest version of ASTM A615 Grade 60 specifications. All reinforcement shall be placed in accordance with ACI 315 and ACI Manual of Standard Practice.
6. Fiber Reinforced Polymer (FRP) Reinforcing Bars may be used in lieu of reinforcing steel. FRP shall meet FDOT specification 932-3.1 - Use only solid, round, thermoset basalt fiber reinforced polymer (BFRP), glass fiber reinforced polymer (GFRP) or carbon fiber reinforced polymer (CFRP) reinforcing bars from producers currently on the FDOT's Production Facility Listing.
7. Splices in reinforcing bars shall be not be less than 48 bar diameters and reinforcing shall be continuous around all corners and changes in direction. Continuity shall be provided at corners or changes in direction by bending the longitudinal steel around the corner 48 bar diameters.
8. Defective, cracked or loose concrete areas must be cut out, the rebar must be cleaned, coated with zinc and repaired with at least 3" of expoxy-concrete mix or gunnite concrete with sulfate-resistant cement.

PILE NOTES:

1. Concrete piles shall attain 6000 psi compressive strength in 28 days.
2. Concrete piles shall be reinforced with four - 7/16"Ø lo-lax strands, 270 kips, and 5 ga. spiral ties.
3. Concrete piles shall be 12"x12" square, minimum length of 20'.
4. Concrete piles shall be cut to leave strands exposed a min. of 18" and tied to dock or cap steel or drill and epoxy (2) #5 12"x18" hook bars 6" into pile.



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Project Information

Rip Rap
 Susan Rotman
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Resilient Environment Department

ENVIRONMENTAL PERMITTING DIVISION

1 North University Drive, Mailbox 201, Plantation, Florida 33324 • 954-519-1483 • FAX 954-519-1412

November 27, 2024

Susan Rotman
234 Plaza Las Olas
Fort Lauderdale, FL 33301
E-mail: chicagolandtherapy@yahoo.com

Dear Mrs. Rotman:

This is to notify you of the Resilient Environment Department's action concerning your application received August 6, 2023, for authorization to construct a 15.5' by 44.8' marginal dock and 30' by 8' finger pier adjacent to your property at 234 Plaza Las Olas, Fort Lauderdale, Florida. The application has been reviewed for an Environmental Resource License.

Broward County - Environmental Resource License (ERL) Review – Granted

The Department has reviewed the project for compliance with Aquatic and Wetland Resource Protection Ordinance Sec. 27-331 through 27-341 of the Broward County Code. Based on the information submitted, Environmental Resource License No. **DF24-1253** is hereby issued. The above-named licensee is hereby authorized to perform the work per the approved drawings(s), plans, documents and specifications as submitted by the licensee, and made a part hereof. The above referenced approvals will remain in effect subject to the attached Broward County General Conditions, Broward County Specific Conditions, and stamped exhibits.

The issuance of this license is 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 Ordinances (excerpt attached).

Sincerely,

Michelle Decker for
Linda Sunderland, PWS
Environmental Program Supervisor

November 27, 2024
Date

ENC:

1. Environmental Resource License
2. Sec. 27-14 Administrative Review Procedures (4 pages)
3. One copy of stamped drawings (9 pages)

CC:

1. Kathy Cartier, Unlimited Permit Services, Inc. (via e-mail)
2. USACOE-PBG (via e-mail)

ENVIRONMENTAL RESOURCE LICENSE

LICENSEE: Susan Rotman
ADDRESS:
234 Plaza Las Olas
Fort Lauderdale, FL 33301

LICENSE NO: DF24-1253
PROJECT:
Single Family Residence –
Dock and Seawall Construction

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

Description of Work: This project involves: (1) installation of a new 63.08-linear foot seawall within 18 inches waterward of the existing seawall to remain; (2) installation of a new 3' wide seawall cap; (3) removal of a 18.86' by 44.84' marginal wooden dock; (4) associated construction of a new 44.8' long by 15.5' wide marginal dock; and (5) installation of a 30' by 8' finger pier. Total width of the proposed dock and finger pier over water will be 17'-47' as measured from the waterward face of the seawall panel to the waterward edge of the proposed 12-inch dock pilings, and the total area of all over water structures shall not exceed 1,002 square feet. Boulder riprap will be placed at a 2:1 slope against the seawall under the entirety of the proposed dock. This license does not authorize dredging, nor does it authorize impacts to seagrasses or any other natural resources.

Location of Work: This project is located at 234 Plaza Las Olas, Fort Lauderdale. Folio Number 504212120260.

Construction shall be in accordance with submitted ERL Application Form received on 08/29/2024, and all additional information submitted; plans stamped by the Department on 11/27/2024 (attached); and with all General and Specific Conditions of this license.

License No. DF24-1253
LICENSEE: Susan Rotman

GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations and restrictions set forth herein are accepted by the licensee and enforceable by Resilient Environment Department (RED) pursuant to Chapter 27 of the Broward County Code of Ordinances. RED 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 RED.
3. In the event the licensee is temporarily unable to comply with any of the conditions of the license, the licensee shall notify RED within twelve (12) hours. Within five (5) working days of the event, the licensee shall submit a written report to RED 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 RED, may be used by RED as evidence in any enforcement proceeding arising under Chapter 27 of the Broward County Code of Ordinances, except where such use is prohibited by § 403.111, F.S.
7. The licensee agrees to comply with Chapter 27 of the Broward County Code of Ordinances, 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 RED personnel for the purposes of inspection and testing to determine compliance with this license and Chapter 27 of the Broward County Code of Ordinances.
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 RED shall contain specific conditions determined by site conditions and requirements pursuant to the regulations as determined by the director of RED. The licensee agrees that specific conditions are enforceable by RED for any violation thereof.
13. Enforcement of the terms and provisions of this license shall be at the reasonable discretion of RED, and any forbearance on behalf of RED 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 RED's rights hereunder.

SPECIFIC CONDITIONS:

A. STANDARD CONDITIONS

1. **Notify the Department in writing a minimum of 48 hours prior to project commencement and a maximum of 48 hours after project completion.** Commencement notification should include such information as the intended start date, estimated duration of construction, and the name and contact information of the firm contracted to do the work. Failure to comply with this condition may result in enforcement action.
2. Any project causing environmental problem(s) shall be reported immediately to the Department's Environmental Response Line at 954-519-1499.
3. All project generated solid waste and/or spoil material must be disposed of in a suitable approved manner in accordance with current regulations at an upland location (not including surface waters and wetlands).
4. All watercraft associated with the construction and use of the permitted structure shall only operate within waters of sufficient depth so as to preclude bottom scouring or prop dredging. **Specifically, there shall be a minimum 12-inch clearance between the deepest draft of the vessel (with the motor in the down position) and the top of any submerged resources or canal bottom at mean low water.**
5. Turbidity screens, silt fences, or equivalent shall be properly employed and maintained as necessary to effectively contain suspended sediments and/or runoff during construction activities. **Dredging, filling, excavation, seawall removal, seawall construction, and other projects which result in similar degrees of disturbance to wet sediments shall in all cases employ turbidity control measures designed to effectively enclose the entire work area.**
6. 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].

B. CONSTRUCTION CONDITIONS

1. The replacement dock and finger pier shall have a maximum over-water width of 47.0 feet for a total over-water area of 1,002 square feet, as measured from the wet face of the existing seawall panel to the waterward edge of the proposed decking, and shall otherwise be constructed as shown on the attached drawings.
2. No dredging is authorized by this license.
3. If the approved license drawings and/or license attachments/plans conflict with the specific conditions, then the specific conditions shall prevail.
4. Demolition and construction related debris must be disposed of at an approved upland location and may not be left in the waterway.
5. 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.

C. TURBIDITY CONDITIONS

1. All watercraft associated with the proposed work and/or use of the permitted structure shall only operate within waters of sufficient depth to preclude bottom scouring or prop dredging.
2. The contractor shall be responsible to have functional turbidity monitoring equipment on site during all construction activities and shall be responsible for training construction personnel in its calibration, operation, and related license requirements.

3. Return water containment booms shall not be removed until the turbidity levels in the containment area drop below the above referenced 29 NTU threshold.
4. If a visible turbidity plume is observed leaving the site at any time, 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 Department's call in number immediately at (954) 519-1499, referencing the license number and project name.
 - (c) Stabilize all exposed material contributing to the water quality violation. Identify and remedy the work procedures that were responsible for the violation (i.e. dredging too rapidly, excessive tidal flow, etc.), and install more turbidity containment devices and/or repair any non-functioning turbidity containment devices.
5. Single/Twin turbidity screens, booms, curtains, or equivalent shall be affixed, anchored, or weighted to the existing seawall (not attached to the barge), shall span from water's surface to the substrate and shall be maintained as necessary during construction activities to minimize migration of turbidity into the adjacent waterway.
6. Connected turbidity curtain segments shall be overlapped and tied at the top and bottom to prevent turbidity from escaping through gaps between segments.
7. Turbidity curtains shall be deployed to effectively encapsulate the work area without impeding navigation in public waterways.

D. SEAWALL CONDITIONS

1. The wetface of the new seawall shall be installed within 18" of the wetface of the existing seawall which shall remain. Should site conditions require adjustments during construction, the Department shall be notified immediately, and a modification of this license shall be required. Any deviation from this condition may result in enforcement actions.
2. No dredging other than that required for proper installation of the proposed seawall paneling is authorized by this license.
3. Backfill material shall be clean fill as defined by Section 27-332 of Broward County Code of Ordinances.

E. RIPRAP CONDITIONS

1. Approximately 44.84 linear feet of riprap shall be placed along the seawall starting at one foot below mean high water and continuing at a 2:1 (horizontal:vertical) slope ratio. Riprap should not extend past the waterward edge of the structure, and should be placed so that full tidal flushing is achieved.
2. Riprap shall consist of unconsolidated lime-rock boulders (~12"-24") or rocks and shall be free of sediment, debris, and any toxic or otherwise deleterious substance. The riprap installment should allow the movement of water throughout the rocks providing habitat. Installation must be verified by staff as part of the as-built approval process discussed above.
3. Evidence that the riprap was installed in accordance with the licensed design criteria (2 horizontal: 1 vertical slope ratio to one foot below mean high water) must be provided to and approved by the Department prior to the installation of decking materials (excluding stringers). Evidence may be provided by submitting as-built drawings, certified by a Professional Engineer registered in the State of Florida Evidence, demonstrating that the riprap is in compliance with the licensed design; or through scheduling a riprap inspection with Department Staff to visually verify compliance. Failure to receive Department approval for the riprap may result in requiring installation of additional riprap post-construction and/or enforcement action. **Please be aware that any dock that extends more than 8' from the wet face of the seawall requires riprap**

installed at a 2 horizontal: 1 vertical slope ratio to one foot below mean high water. The rip rap material shall be installed within two weeks of completion of construction of the seawall/bulkhead.

F. STANDARD SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS

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

G. STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

1. 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 licensee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
2. All vessels associated with the construction project shall operate at "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.
3. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.

License No. DF24-1253
LICENSEE: Susan Rotman

4. 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 shut down if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
5. Any collision with or injury to a manatee shall be reported immediately to the 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.
6. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the licensee 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 shut-down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at <https://myfwc.com/wildlifehabitats/wildlife/manatee/education-for-marinas/>. Questions concerning these signs can be sent to the email address listed above.

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

Recommended for approval by:

Francisco Alvaro
License Processor

Issued this 27th day of November 2024

Expiration Date: November 27th, 2026

BROWARD COUNTY RESILIENT ENVIRONMENT DEPARTMENT

Michelle Decker for
LINDA SUNDERLAND, PWS
ENVIRONMENTAL PROGRAM SUPERVISOR
ENVIRONMENTAL PERMITTING DIVISION

Sec. 27-14. Administrative review of EPGMD determinations.

- (a) 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 made pursuant to this chapter concerning:
- (1) The requirement that a facility or activity obtain a license or environmental review approval.
 - (2) Interpretations of license or environmental review approval conditions.
 - (3) Interpretations of variance conditions.
 - (4) The decision to suspend or revoke a license or environmental review approval.
 - (5) The requirement of certain license conditions.
 - (6) The issuance of a license or environmental review approval.
 - (7) The denial of a license or environmental review approval.
 - (8) The scope of a license or environmental review approval, geographic or otherwise.
 - (9) The scope of a variance, geographic or otherwise.
 - (10) The issuance of a stop work order.
 - (11) Similar final administrative determinations.

This administrative review procedure shall be the only means of review available for the above final administrative determinations by either the petitioner or the intervenor (the parties).

- (b) person may not obtain review by this procedure of:
- (1) The issuance or adjudication of or other matters involving a notice of violation or a citation.
 - (2) Internal policy decisions
- (c) A person desiring a review of a staff determination made pursuant to this Chapter shall first bring the determination to the attention of the appropriate section supervisor to attempt to resolve the matter. If a resolution cannot be reached, then the decision shall be reviewed by successive supervisory levels until the issue is resolved or reaches the level of the director or his or her designee for the final determination.
- (d) A person desiring administrative review of a final determination made by the director or the designee shall file a petition with the director for review by the hearing examiner. The petition shall be filed within ten (10) days from the rendition of the action taken or of the decision made by the director. An entity whose license or approval is being challenged shall be a party to the action.
- (e) The review shall not be heard until the provisions of subsection (f) are met. Upon motion to the hearing examiner, an insufficient petition shall be dismissed with or without leave to refile. If a petition is determined to be insufficient by the hearing examiner and the petitioner has been given leave to refile by the hearing examiner, unless otherwise ordered by the hearing examiner, the petitioner must refile within ten (10) days of the rendition of the order of dismissal or the petition will be dismissed with prejudice.

- (f) A sufficient petition for review or petition for intervention in the review shall, at a minimum, contain the following information:
- (1) The nature of the determination sought to be reviewed.
 - (2) A short, plain statement of the facts which form the subject matter upon which the determination was made as asserted by all parties of record at the time that the petition is filed; a statement of the material facts in dispute, if any. If any party is unable to state the matters in sufficient detail at the time initial petition is filed, the petition may be limited to a statement of the issues involved; and thereafter, upon timely written motion, a more definite and detailed statement shall be furnished not less than seven (7) days prior to the date set for the hearing.
 - (3) The specific determination for which the review is sought.
 - (4) The specific legal grounds upon which the parties seek review of the determination.
 - (5) A short statement of the petitioner's or the intervenor's substantial interest in the matter to be reviewed.
 - (6) The specific section of this chapter on which the decision is based, if known, and the specific section that the parties allege should control the decision, if known.
 - (7) A copy of the director's or the designee's written final determination.
 - (8) A statement of the relief requested stating precisely the action that the petitioner wants EPGMD to take with respect to the final determination.
- (g) All pleadings or other documents filed in the proceeding must be signed by a party, the party's attorney, or the party's qualified representative. The signature of a party, the party's attorney or a party's qualified representative constitutes a certificate that he or she has read the pleading or other document and that to the best of his or her knowledge, information, and belief formed after reasonable inquiry, it is not brought for any improper purposes, such as to harass or to cause unnecessary delay or for frivolous purpose or needless increase in the cost of litigation. If a pleading or other document is signed in violation of these requirements, the hearing examiner, upon motion or his or her own initiative, shall dismiss the matter.
- (h) A petitioner or intervenor may request an emergency hearing to stay all activities or work conducted pursuant to the challenged license or approval. Such petitioner or intervenor has the burden of proof to show by a preponderance of the evidence that the continued activities would cause substantial pollution or degradation to the environment. An emergency hearing shall be scheduled by EPGMD and be held within five (5) days of said request or as soon thereafter as possible subject to the availability of the hearing examiner. The petitioner or intervenor shall comply with the notice provisions of section 27-14(j)(2)a. and c. and section 27-14(j)(3) and (4) of this chapter.
- (i) The petition for review will not stay environmental protection activities required for the remediation or mitigation of a site or facility, the protection of the environment or the health, safety and welfare of the citizens of Broward County, or the prevention of further environmental degradation. The person responsible for these activities must take all necessary steps to prevent environmental degradation and must conduct the remediation or mitigation activities required by this chapter. The director may allow these activities to be delayed until after the hearing examiner's decision by certifying to

the hearing examiner that, by reason of facts stated in the certificate, a delay in the initiation or completion of these activities would not cause substantial environmental degradation or peril to life or property. The delay for conducting these activities may be subject to appropriate terms to ensure protection of the environment. The person responsible for these activities shall be responsible for any environmental damage or any violation of this chapter caused by the delay.

(j) Notice and Scheduling Requirements:

- (1) The hearing on the review shall be scheduled within a reasonable time. It shall be the responsibility of the petitioner to request through EPGMD that the hearing date be scheduled. It shall also be the responsibility of the petitioner to give notice in accordance with this section at least ten (10) days prior to the hearing.
 - (2) The petitioner shall give notice of the hearing by:
 - a. Giving personal notice to all proper parties; and
 - b. Publishing notice on two (2) days in a newspaper of general circulation in the county; and
 - c. Posting notice at a location determined by the Broward County Administrator's Office.
 - (3) The petitioner shall bear the cost of giving notice.
 - (4) The notice shall contain, at a minimum:
 - a. A description and location of the facility or the activity to be conducted by the petitioner; and
 - b. The time and place of the hearing.
- (k) The petitioner shall bear the cost of accurately and completely preserving all testimony and providing full or partial transcripts to all parties.
- (l) The hearing shall be a quasi-judicial hearing.
- (1) The applicant/petitioner requesting the administrative review, any intervenor/petitioner and EPGMD shall have an opportunity to respond to and to present witnesses, other evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of facts and orders, and to be represented by counsel. Members of the general public who are not intervenors as set forth in Section 27-14 of this chapter are not parties to the proceeding.
 - (2) When appropriate, the general public may be given an opportunity to present oral or written communications. If the hearing examiner proposes to consider such material, then all parties shall be given an opportunity to cross-examine, challenge or rebut it.
- (m) Denial, protest of, revocation, or suspension of a license, environmental review approval, or any other approval:
- (1) In regard to denial or protest of approval of a license and any other review of an administrative decision, notwithstanding (2) below, the petitioner shall have the burden of showing, by a preponderance of the evidence, that the determination of the director was an arbitrary and/or capricious abuse of discretion, not supported by competent, substantial evidence or not in conformance with the

essential requirements of this chapter. The hearing examiner shall not substitute his or her judgment for that of EPGMD on an issue of discretion even though the hearing examiner may have reached a different conclusion based on the same facts.

- (2) In an action to revoke or suspend a valid license or approval, the burden shall be upon EPGMD to prove, by a preponderance of the evidence in an administrative hearing, the grounds for revocation or suspension. The license holder or approval recipient shall be provided notice of the hearing and a copy of the petition stating the grounds for revocation or suspension as provided in section 27-63 of this chapter. The petition shall state with specificity the acts complained of in order to allow the license holder or approval recipient an opportunity to prepare a defense. The hearing shall be conducted in accordance with the provisions of Section 27-37 of this chapter.
- (n) Findings of fact shall be based exclusively on the evidence of record and on matters officially recognized.
- (o) If the hearing examiner finds that the director or his or her designee has erroneously interpreted a provision and that a correct interpretation compels a particular action, he or she shall remand the case to the director or his or her designee for further action under a correct interpretation of the provision.
- (p) The hearing examiner shall complete and submit to the director and all parties a final order consisting of his or her findings of fact and conclusions of law.
- (q) A party to the hearing may obtain appellate review of the final order as provided by section 27-42 of this chapter.
- (r) A petitioner or intervenor shall pay a filing fee at the time the application for review is filed. The amount of the filing fee shall be set by resolution of the Board.

(Ord. No. 2003-34, § 1, 9-23-03; Ord. No. 2005-08, § 2.03, 4-26-05)
Secs. 27-15--27-19. Reserved.



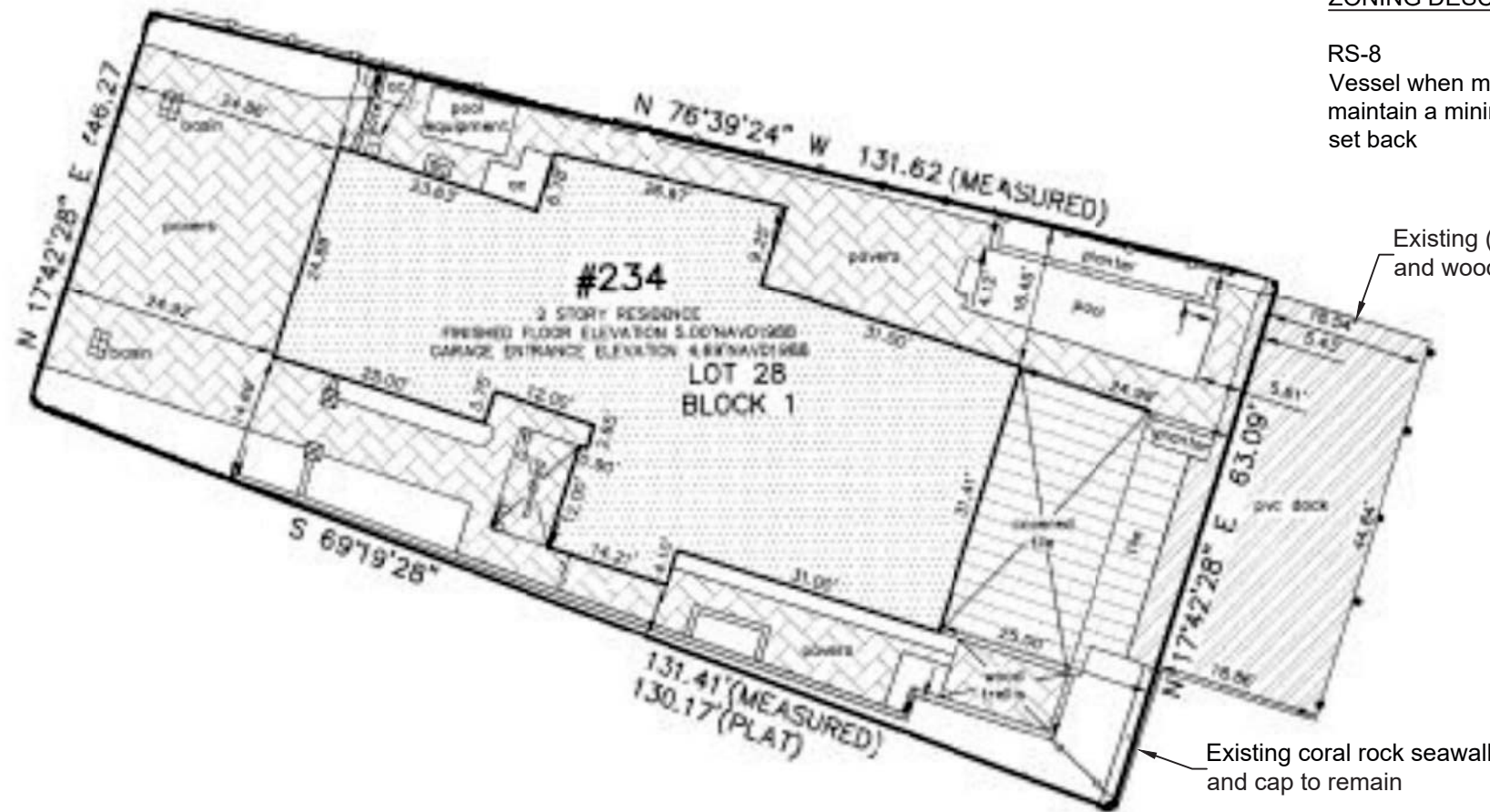
No tree will be removed or replanted as part of this permit

See attached survey supplied by owner for exact property information.

Site Address	234 PLAZA LAS OLAS, FORT LAUDERDALE FL 33301	ID #	5042 12 12 0260
Property Owner	ROTMAN, SUSAN	Millage	0312
Mailing Address	234 PLAZA LAS OLAS FORT LAUDERDALE FL 33301	Use	01-01
Abbreviated Legal Description	LAUDERDALE SHORES CORR PLAT BLK 1 15-25 B LOT 28 BLK 1		

ZONING DESCRIPTION:

RS-8
Vessel when moored on dock will maintain a minimum 5' side yard set back

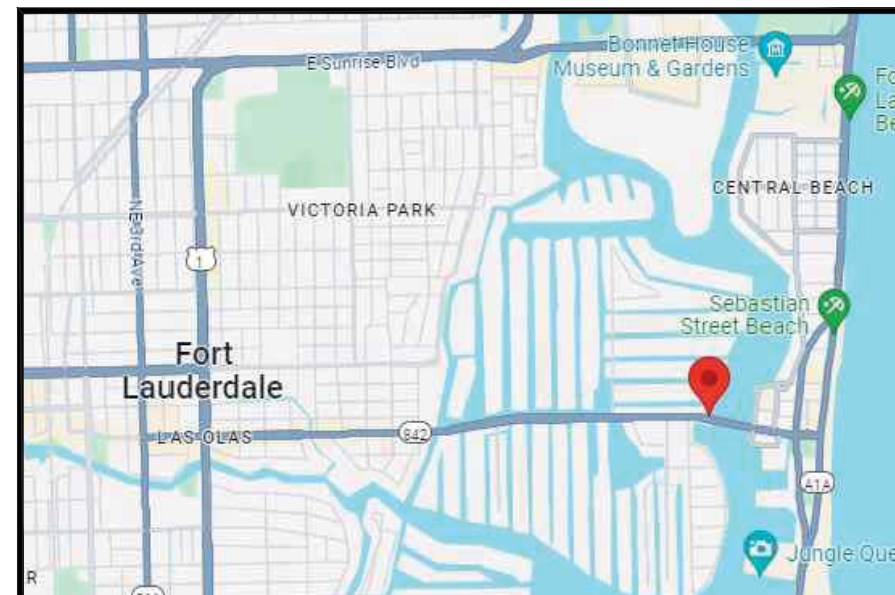


Existing (845.7sf) wood dock and wood piles to be removed

Existing coral rock seawall and cap to remain

NEW RIVER SOUND
(RW VARIES)

Location Map



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Contractor
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 Deerfield Beach, FL 33442
 (954) 421-1700

Project Information
Seawall Repair / New Dock
 Susan Rotman
 234 Plaza Las Olas
 Fort Lauderdale, FL 33301

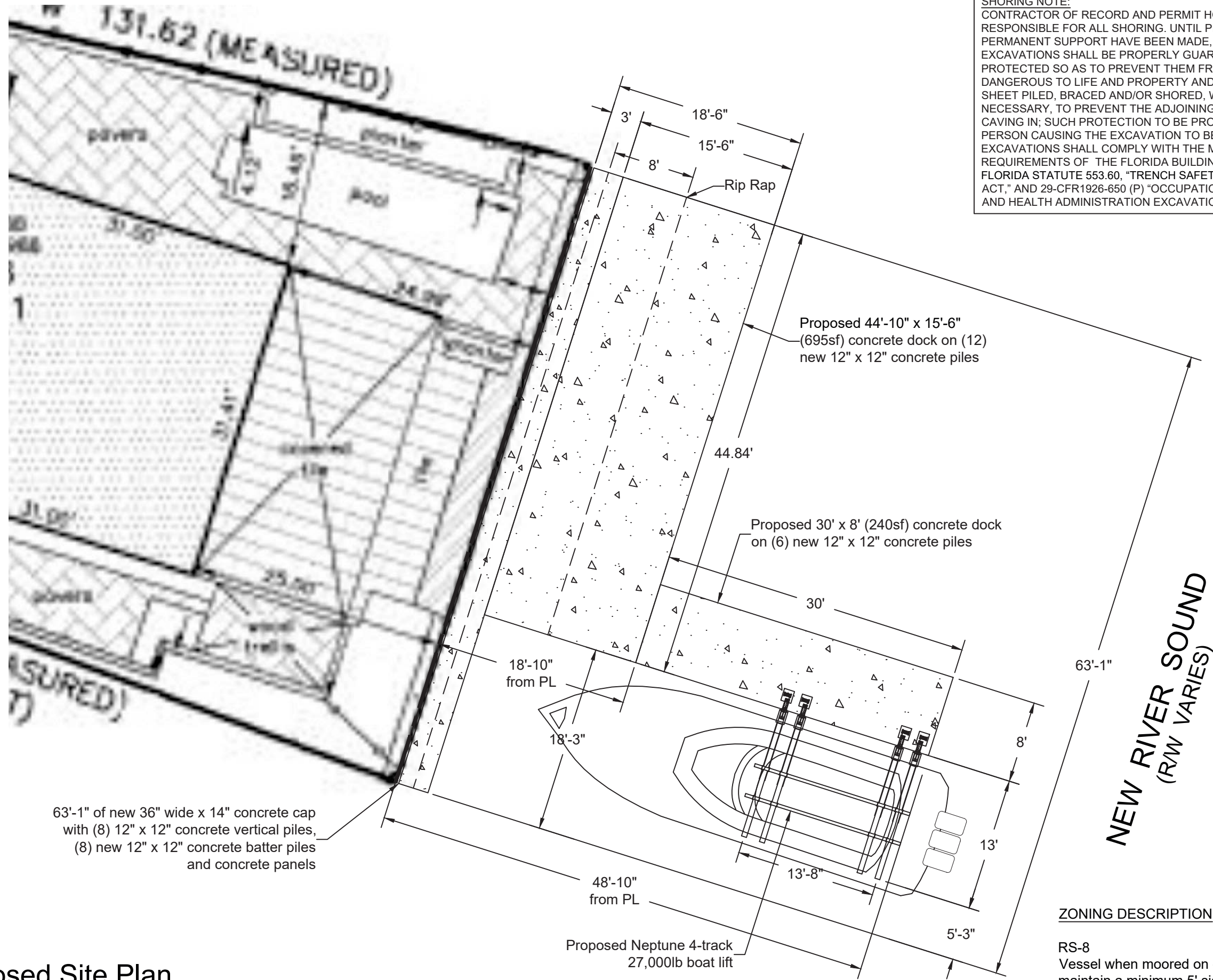
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7-29-24
8-29-24

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Sheet 1 of 9
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Existing Site Plan

Scale: 1" = 20'



SHORING NOTE:
 CONTRACTOR OF RECORD AND PERMIT HOLDER RESPONSIBLE FOR ALL SHORING. UNTIL PROVISIONS FOR PERMANENT SUPPORT HAVE BEEN MADE, ALL EXCAVATIONS SHALL BE PROPERLY GUARDED AND PROTECTED SO AS TO PREVENT THEM FROM BECOMING DANGEROUS TO LIFE AND PROPERTY AND SHALL BE SHEET PILED, BRACED AND/OR SHORED, WHERE NECESSARY, TO PREVENT THE ADJOINING EARTH FROM CAVING IN; SUCH PROTECTION TO BE PROVIDED BY THE PERSON CAUSING THE EXCAVATION TO BE MADE. ALL EXCAVATIONS SHALL COMPLY WITH THE MINIMUM REQUIREMENTS OF THE FLORIDA BUILDING CODE, AND FLORIDA STATUTE 553.60, "TRENCH SAFETY ACT," AND 29-CFR1926-650 (P) "OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION EXCAVATION SAFETY ACT."

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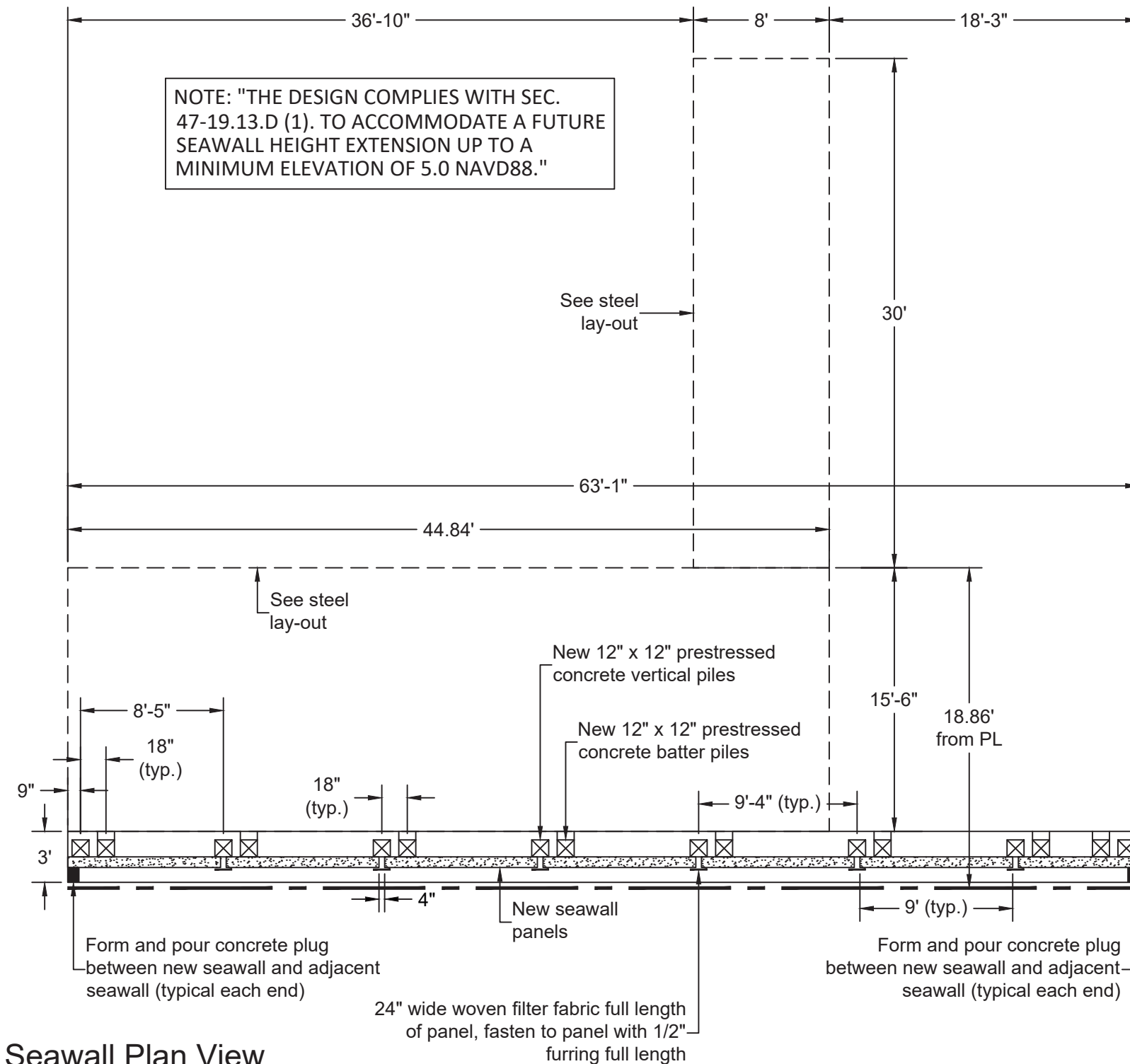
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ZONING DESCRIPTION:
 RS-8
 Vessel when moored on dock will maintain a minimum 5' side yard set back

Proposed Site Plan

Scale: 1" = 20'



Seawall Plan View
Scale: 1/8" = 1'-0"

NOTE:
PANEL HEIGHT TO BE VERIFIED ON SITE BY CONTRACTOR BEFORE CONSTRUCTION, TO PROVIDE A MINIMUM OF 2' EMBEDMENT INTO EXISTING GRADE.

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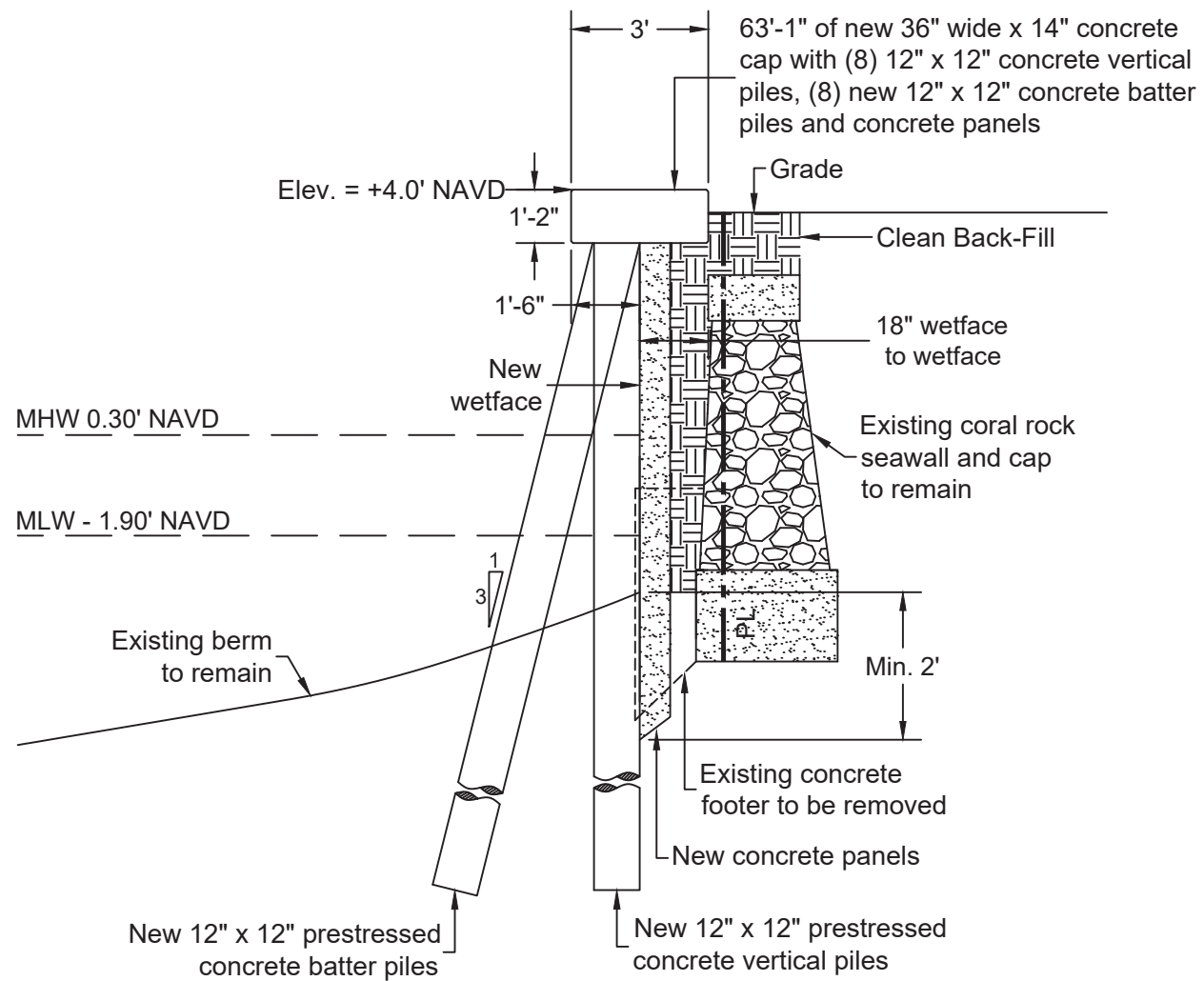
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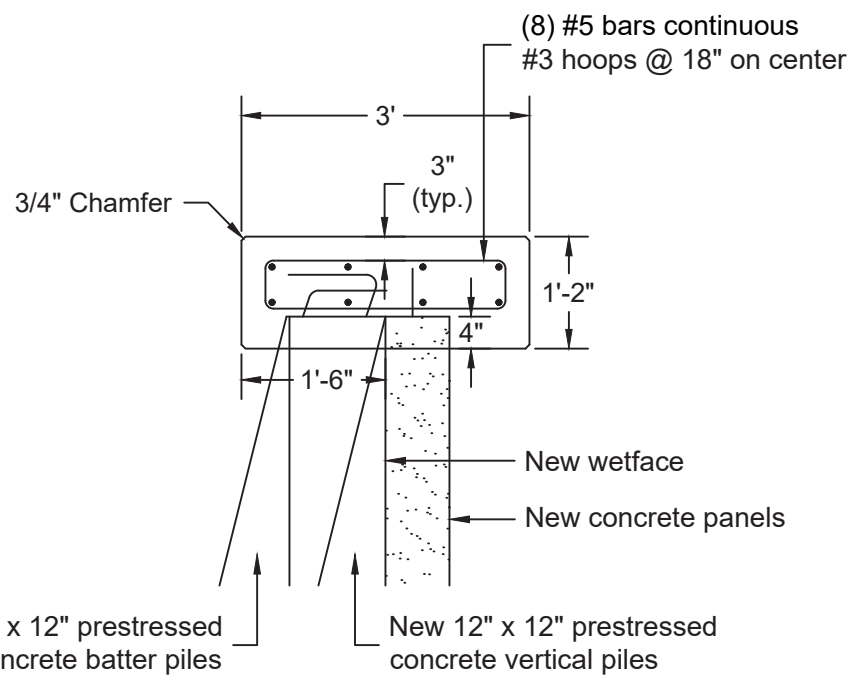


Seawall Section

Scale 1/4" = 1'-0"

NOTE:
 PANEL HEIGHT TO BE VERIFIED
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 CONSTRUCTION, TO PROVIDE A
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 INTO EXISTING GRADE.

NOTE: "THE DESIGN COMPLIES WITH SEC. 47-19.13.D (1). TO ACCOMMODATE A FUTURE SEAWALL HEIGHT EXTENSION UP TO A MINIMUM ELEVATION OF 5.0 NAVD88."



Cap Steel Detail

Scale: 1/2" = 1'-0"

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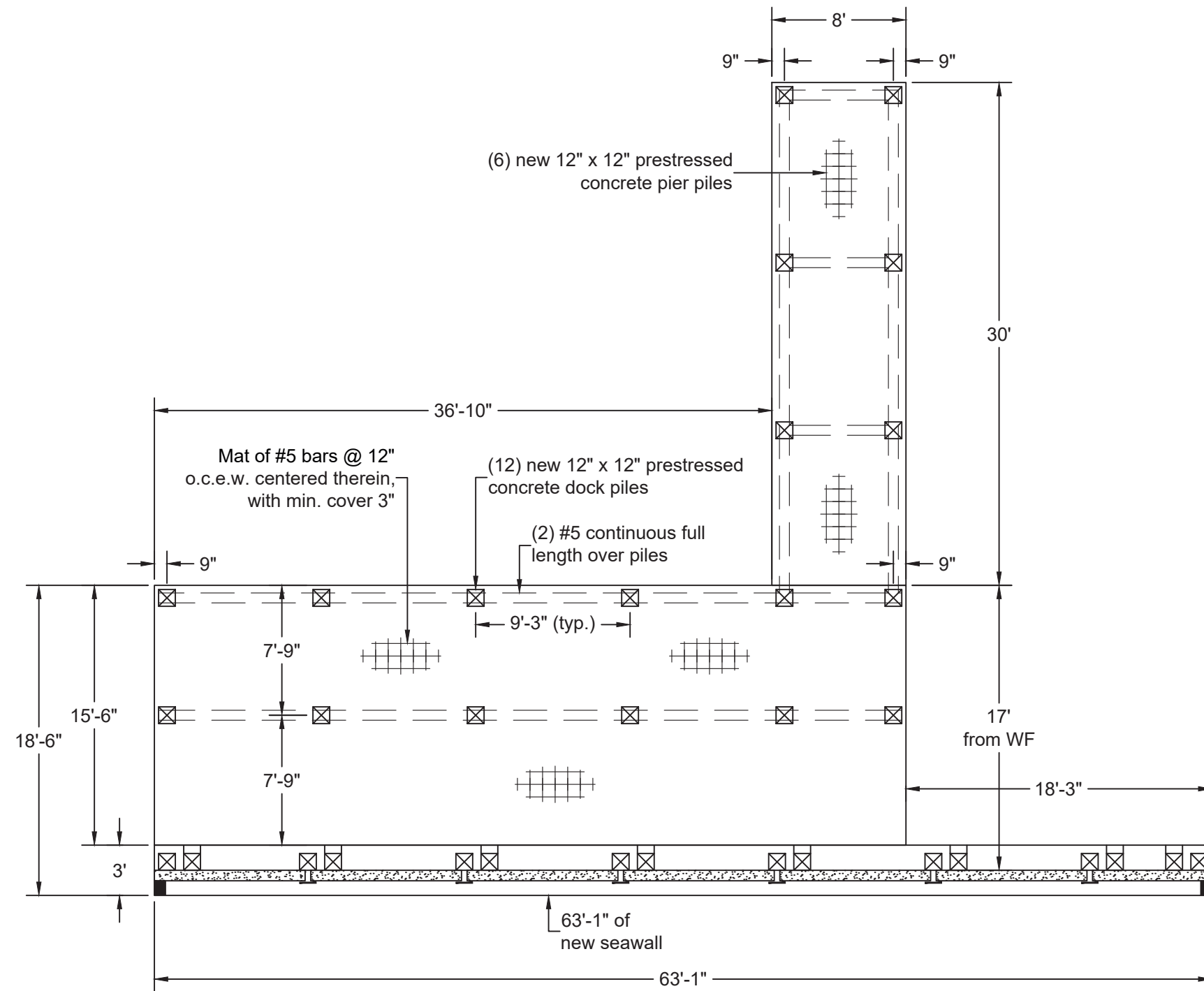
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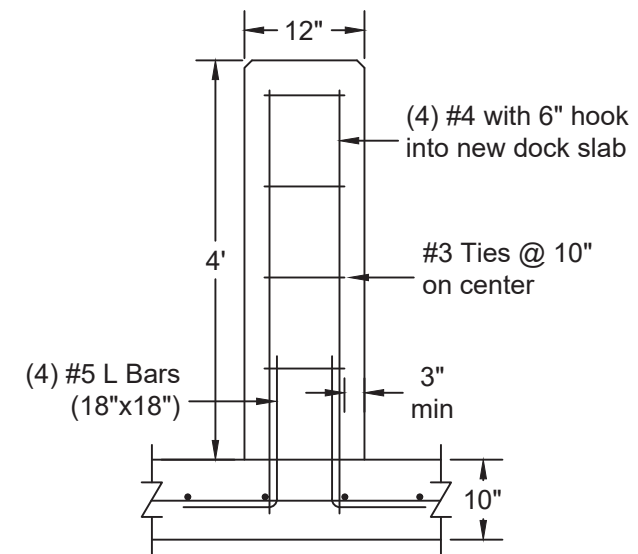
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Sheet 4 of 9



Dock Plan View
Scale: 1/8" = 1'-0"



Column Detail
Scale: 1/4" = 1'-0"

NOTE: "THE DESIGN COMPLIES WITH SEC. 47-19.13.D (1). TO ACCOMMODATE A FUTURE SEAWALL HEIGHT EXTENSION UP TO A MINIMUM ELEVATION OF 5.0 NAVD88."

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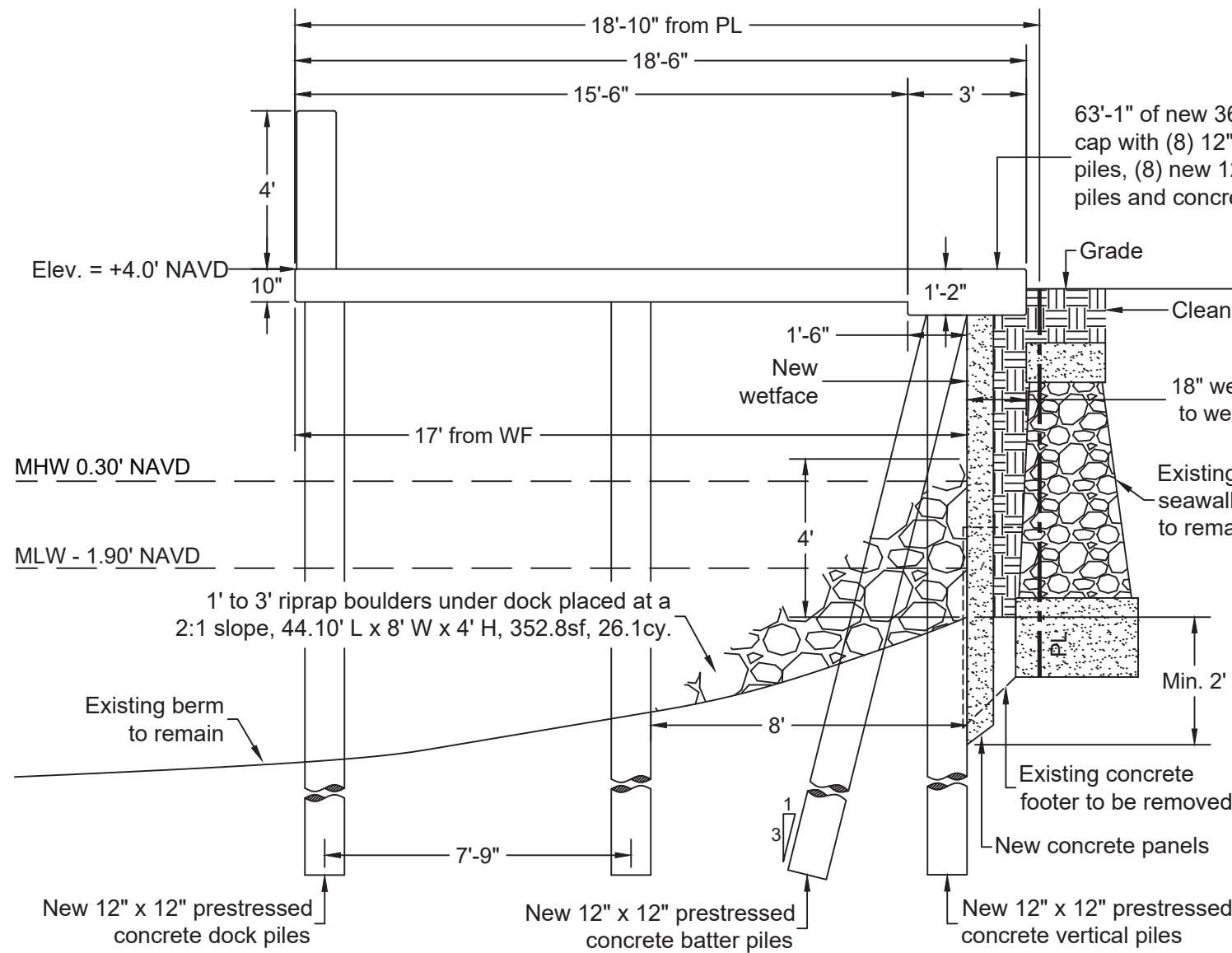
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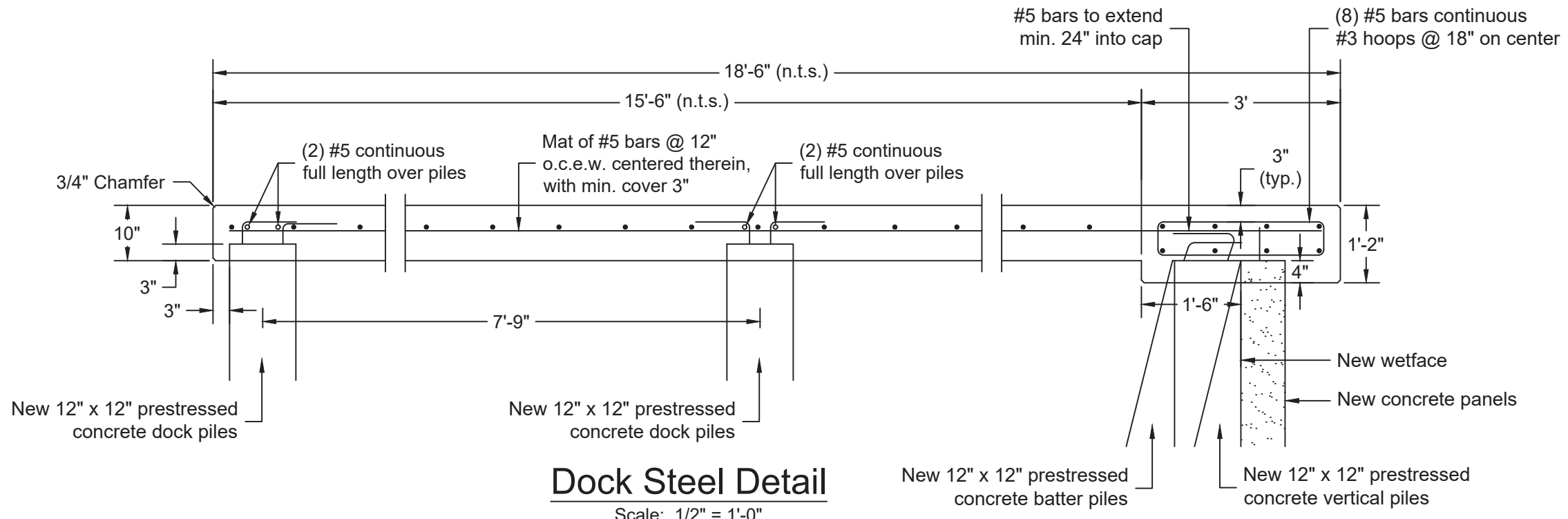
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NOTE:
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Dock Section
 Scale 1/4" = 1'-0"



Dock Steel Detail
 Scale: 1/2" = 1'-0"

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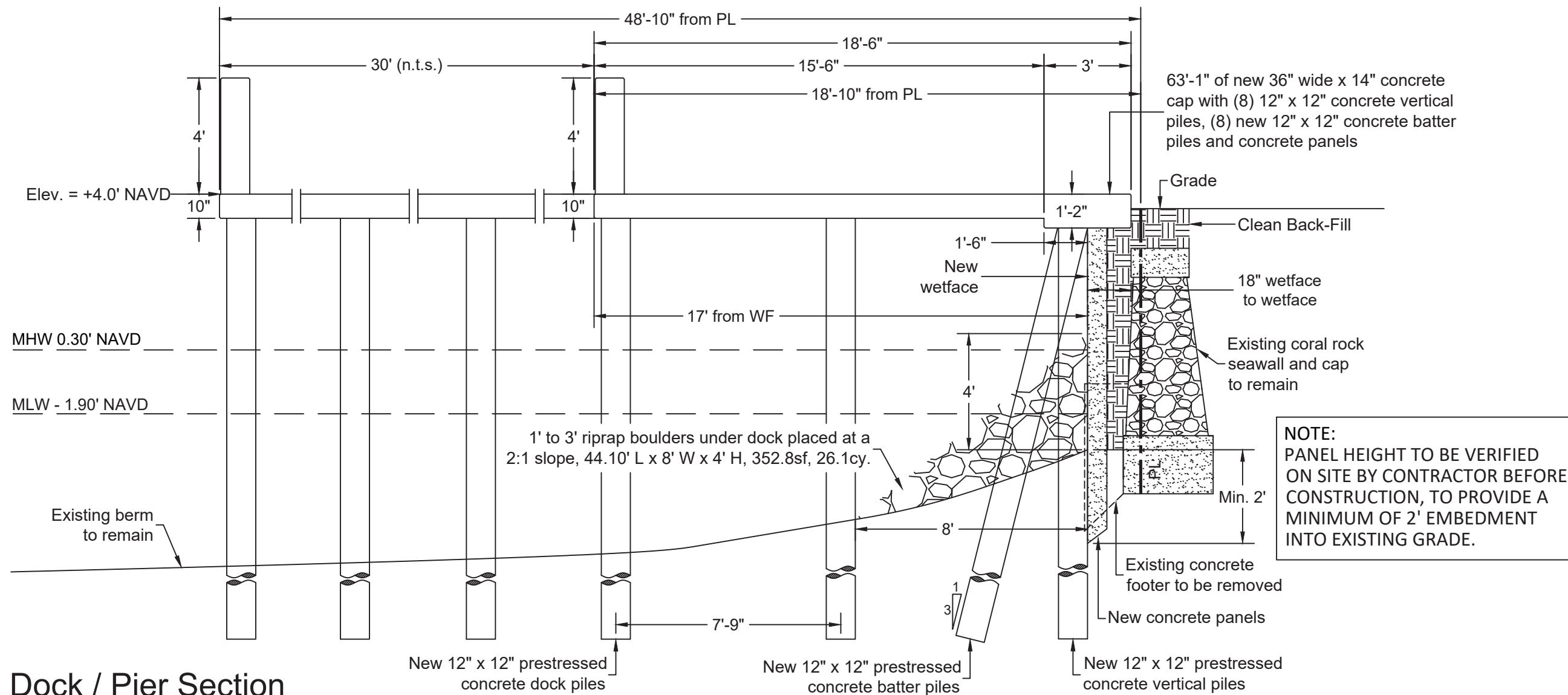
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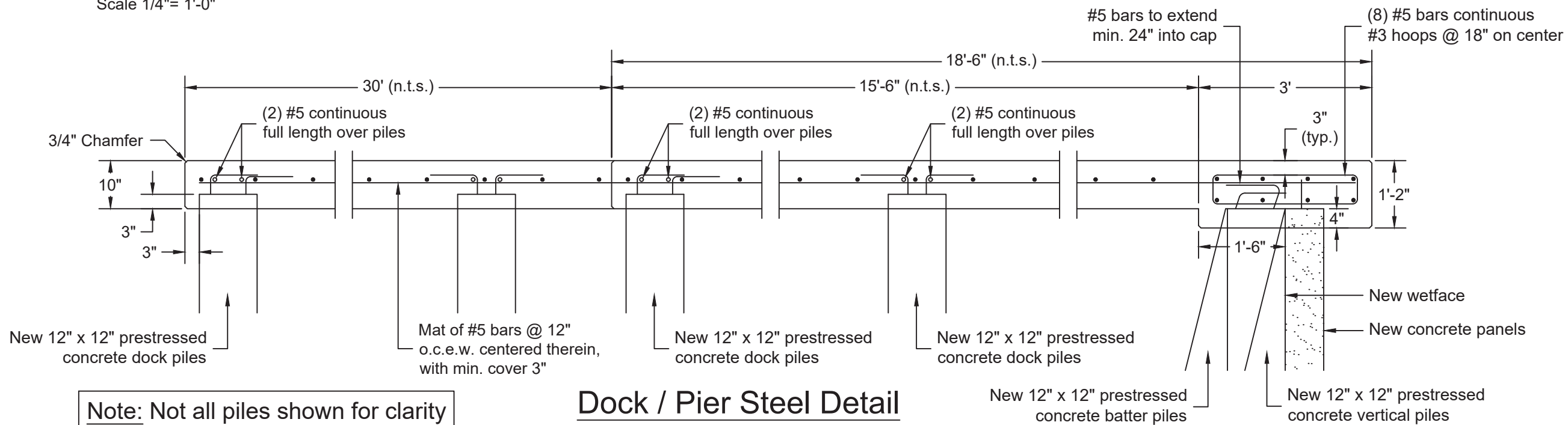
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Dock / Pier Section
Scale 1/4" = 1'-0"



Dock / Pier Steel Detail
Scale: 1/2" = 1'-0"

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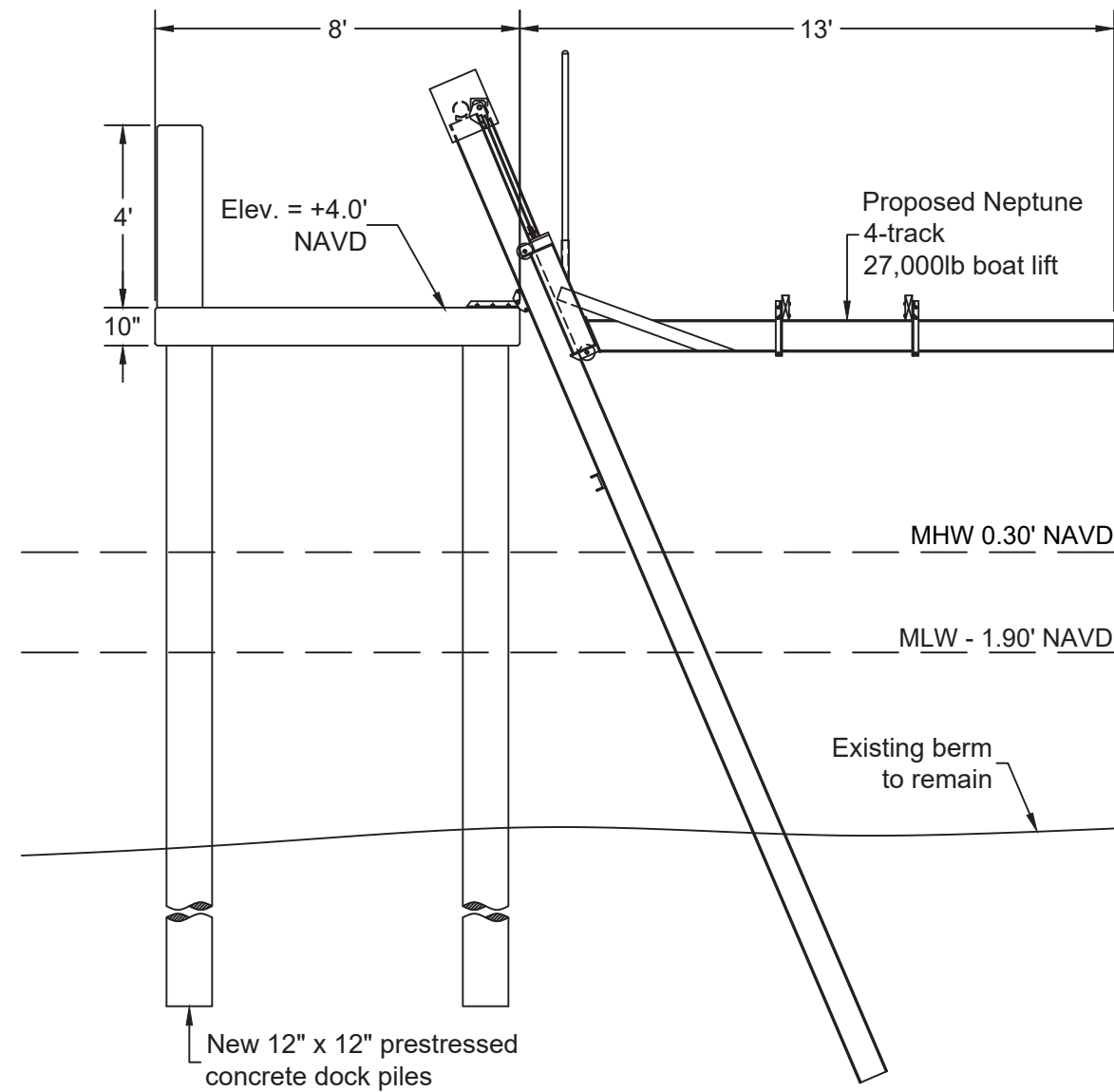
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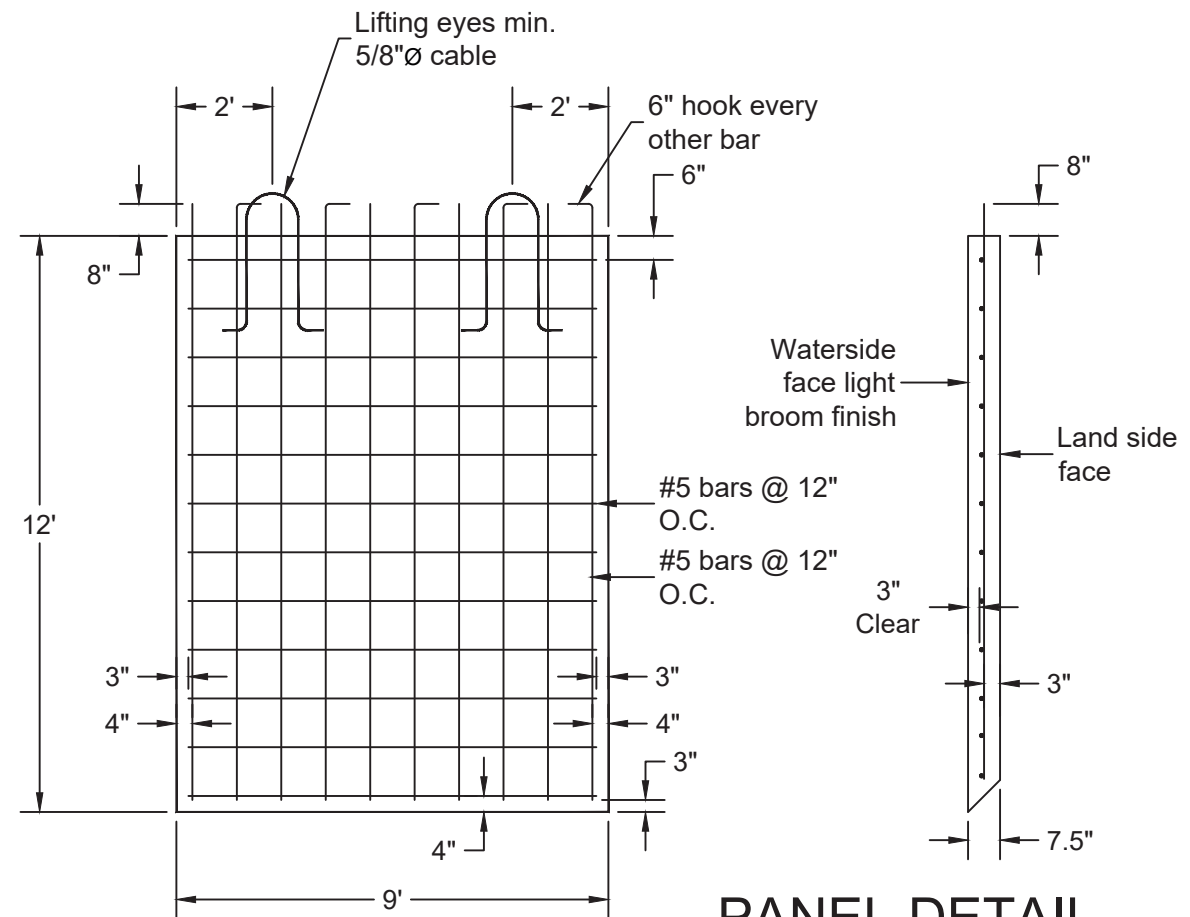
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Boat Lift Section

Scale 1/4" = 1'-0"



PANEL DETAIL

Scale 1/4" = 1'-0"

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GENERAL NOTES:

1. Construction to follow the Florida Building Code 8th Edition (2023) and amendments as applicable and all Local, State and Federal Laws.
2. Licensed contractor shall verify the existing conditions prior to the commencement of the work. Any conflicts or omissions between existing conditions or the various elements of the working drawing shall be brought to the attention of the Engineer prior to the commencement of the work. The Licensed Contractor and all subcontractors are responsible for all lines, elevations, and measurements in connection with their work.
3. Do not scale drawings for dimensions.
4. Any deviation and/or substitution from the information provided herein shall be submitted to the Engineer for approval prior to commencement of work.
5. All unanticipated or unforeseen demolition and/or new construction conditions which require deviation from the plans and notes herein shall be reported to the Engineer prior to commencement of work.
6. All new work and/or materials shall conform to all requirements of each administrative body having jurisdiction in each appertaining circumstance.
7. All new materials and/or patchwork shall be provided to match existing materials and/or adjoining work where practical except as specifically noted herein.
8. Licensed Contractor to shall use all possible care to protect all existing materials, surfaces, and furnishings from damage during all phases of construction.
9. Licensed Contractor to verify location of existing utilities prior to commencing work.
10. The Licensed contractor to install and remove all shoring and bracing as required for the proper execution of the work.
11. Licensed Contractor to obtain all permits as necessary from all Local, State, and Federal agencies.
12. Turbidity barriers to be marked with site contractor's company name using permanent markings no smaller than 3 inches in height on the top of the barrier.

PILE DRIVING:

1. Piles shall be driven using an approved cushion block consisting of material so arranged so as to provide the transmission of hammer energy.
2. Piles shall be driven to a minimum allowable bearing capacity of 10 tons for wood, 25 tons for concrete, and 5 tons for pin piles, a minimum of 8' into berm or refusal.
3. Piles shall be driven with a drop hammer or gravity hammer provided the hammer shall weight no less than 3,000 pounds, and the fall of the hammer shall not exceed 6'.
4. Piles shall be driven with a variation of not more than 1/4 inch per foot from the vertical, or from the batter line indicated, with a maximum variation of the head of the pile from the position shown on the plans of not more than three inches.
5. Where piling must penetrate strata offering high resistance to driving, the structural engineer of record or special inspector may require that the piles be set in pre-drilled or punched holes. The piles shall reach their final penetration by driving.

CONCRETE NOTES:

1. Concrete shall conform to ACI 318-14 and shall be regular weight, sulfate resistant, with a design strength of 5000 psi at 28 days with a maximum water-cementitious materials ratio, by weight aggregate concrete of 0.40.
2. Owner shall employ and pay for testing services from an independent testing laboratory for concrete sampling and testing in accordance with ASTM.
3. Licensed contractor is responsible for the adequacy of forms and shoring and for safe practice in their use and removal.
4. Concrete cover shall be 3" unless otherwise noted on the approved drawings.
5. Reinforcing steel shall be in conformance with the latest version of ASTM A615 Grade 60 specifications. All reinforcement shall be placed in accordance with ACI 315 and ACI Manual of Standard Practice.
6. Fiber Reinforced Polymer (FRP) Reinforcing Bars may be used in lieu of reinforcing steel. FRP shall meet FDOT specification 932-3.1 - Use only solid, round, thermoset basalt fiber reinforced polymer (BFRP), glass fiber reinforced polymer (GFRP) or carbon fiber reinforced polymer (CFRP) reinforcing bars from producers currently on the FDOT's Production Facility Listing.
7. Splices in reinforcing bars shall be not be less than 48 bar diameters and reinforcing shall be continuous around all corners and changes in direction. Continuity shall be provided at corners or changes in direction by bending the longitudinal steel around the corner 48 bar diameters.
8. Defective, cracked or loose concrete areas must be cut out, the rebar must be cleaned, coated with zinc and repaired with at least 3" of epoxy-concrete mix or gunnite concrete with sulfate-resistant cement.

PILE NOTES:

1. Concrete piles shall attain 6000 psi compressive strength in 28 days.
2. Concrete piles shall be reinforced with four - 7/16"Ø lo-lax strands, 270 kips, and 5 ga. spiral ties.
3. Concrete piles shall be 12"x12" square, minimum length of 20'.
4. Concrete piles shall be cut to leave strands exposed a min. of 18" and tied to dock or cap steel or drill and epoxy (2) #5 12"x18" hook bars 6" into pile.

Consultant

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Project Engineer

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Project Information

Seawall Repair / New Dock
 Susan Rotman
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 Fort Lauderdale, FL 33301

DATE

6-28-24

7-29-24

8-29-24

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