

# ITEM VII

## MEMORANDUM MF NO. 25-21

DATE: December 18, 2026

TO: Marine Advisory Board Members

FROM: Andrew Cuba, Marine Facilities & Parks Manager

RE: September 5<sup>th</sup>, 2024 MAB Meeting – Application for Dock Permit – Roger & Mary Ann Edwards / 823 SE 2<sup>nd</sup> Street

Attached for your review is an application from Roger & Mary Ann Edwards / 823 SE 2<sup>nd</sup> Street.

### APPLICATION AND BACKGROUND INFORMATION

The applicant is seeking approval for the usage of a proposed 14.91+/- long x 6'+/- wide marginal wooden dock and access ramp extending a maximum distance of 12.5'+/- from the property line on public property abutting the waterway adjacent to 823 SE 2<sup>nd</sup> Street. City Code Section 8-144 authorizes the construction and use of docks on public property, and allows for the permit to be issued provided the permit holder agrees to maintain the improvements and seawall.

### PROPERTY LOCATION AND ZONING

The property is located within the Beverly Heights RMM-25 Residential Mid-Rise Multi Family/Medium High Density Zoning District. The dock area is directly adjacent to the Himmarshee Canal with direct access to the New River.

### ENGINEERING REVIEW REQUIREMENT

As a requirement of City Code Section 8-144, approval of the application is contingent upon all improvements to the property being maintained in accord with City Engineering standards and in full compliance with building and zoning regulations including construction permits required for any future electrical and water feeds to the property.

The granting of this Permit is subject to all of the provisions of City Code Section 8-144 as well as the following terms and conditions, violation of any of which shall be grounds for revocation of the Permit:

1. The permit to use the docks shall expire upon the: (i) abandonment of the use of the dock; or (ii) recordation of the deed of conveyance transferring title to the upland parcel; or (iii) termination, expiration or revocation of the dock permit by the City Commission, whichever (i),(ii), or (iii) shall first occur.
2. Upon expiration of the permit to use the dock, the permit holder shall be obligated to remove the dock and all appurtenances thereto no later than three (3) months after the termination, revocation or expiration of the permit to use the dock.
3. Signage such as "private dock" may be placed on the dock within the dock area, but not upon or within the public swale area.
4. Only vessels owned by the permit holder and registered with the City as part of the dock permit application may be moored at the permitted dock.

5. During the term of the dock permit, the permit holder shall be required to repair, replace, reconstruct or maintain the dock or adjacent seawall or both to meet the requirements of City Code 8-144 (7) and ULDR section 47-19.3 (f.) (4.). The public swale area shall be landscaped in accordance with the established landscape plan for the area in question adopted by the Department of Sustainable Development.
6. All improvements such as docks, seawalls and the like which are placed upon the public dock area or within the dock permit parcel or within the dock area and public swale area by a private person shall be constructed with appropriate permits from all applicable agencies. Maintenance and repairs shall be performed according to City Engineering standards and all applicable regulatory codes.
7. The public swale area shall be kept open at all times as means of reasonable ingress and egress to the public, but the permit holder shall have the right to exclude the public from the dock area.
8. All installed docks must be either (i) floating docks that can adapt to sea level rise over their useful life span; or (ii) fixed docks installed at a minimum height consistent with the requirements of section 47-19.3(f); or (iii) fixed docks the height of which are even with the City's seawall, whichever (ii) or (iii) is the greater.
9. Except as to a tender, there shall be no rafting of vessels from the moored vessel.
10. The permit shall guarantee from the permit holder to the city to indemnify and hold the city harmless for any damage or injury to any person using such facilities.
11. Per 8-144 (6), penetration of the City's seawall to support the dock of attach improvements is prohibited, barring specified considerations.
12. The Applicant has the responsibility to execute and deliver a Declaration of Covenants Running With the Land Respecting A City Issued Dock Permit to the City Attorney's Office no later than ten (10) days prior to the Commission meeting date.
13. The violation of any provisions of Code Section 8-144 or violations of any of the terms or conditions relative to the granting or renewal of a dock permit shall be unlawful and may constitute cause for revocation of the permit.

AC

Attachment

cc: Enrique Sanchez, Deputy Director of Parks and Recreation  
Jonathan Luscomb, Marine Facilities Supervisor

**Roger A. Edwards & Mary Ann Edwards**

**Address: 823 SE 2nd Street,  
Fort Lauderdale, FL 33301**

**Type of Agreement:**

**Dock Permit / Application for Private Usage of  
Public Property**

**Date:**

**December 16<sup>th</sup>, 2025**



**Breezy Permits, LLC**

Marine Construction Consultants

[info@breezypermits.com](mailto:info@breezypermits.com)

561-581-0141

Project Site: 823 SE 2<sup>nd</sup> Street, Fort Lauderdale FL, 33301

**Applications for Private Use of Public Property Abutting Waterways**

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

Any agreement with the City of Fort Lauderdale and other parties, such as, but not limited to, licenses, permits and approvals involving municipal docking facilities or private uses in the waterways as regulated by Section 8 of the City Code of Ordinances or Section 47-19.3 of the City's Urban Land Development Regulations, shall be preceded by the execution and filing of the following application form available at the Office of the Supervisor of Marine Facilities. The completed application must be presented with the applicable processing fee paid before the agreement is prepared or the application processed for formal consideration (see City of Fort Lauderdale Code Section 2-157). If legal publication is necessary, the applicant agrees to pay the cost of such publication in addition to the application fee.

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

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

NAME: Roger & Mary Ann Edwards

TELEPHONE NO: Cell 954 558 4844 EMAIL: rogervmrg@gmail.com

2. APPLICANT'S ADDRESS (if different than the site address):  
Mailing address is 1314 East Las Olas Blvd., Box 501, Fort Lauderdale, FL 33301

3. TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST: Requesting to be able to place a dock directly across the street from my townhome on the Himmarshee canal.

4. SITE ADDRESS: 823 SE 2 STREET. FORT LAUDERDALE, FL 33301

5. ZONING: RMM-25

LEGAL DESCRIPTION AND FOLIO NUMBER: folio 504211-47-0060  
Townhouse Unit No. A-6, according and subject to the Declaration of Covenants and Restrictions of Himmarshee Place, recorded December 18, 1981, in O.R. Book 9944, Page 167, Public Records of Broward County, Florida, which said Townhouse Unit is more particularly described as follows: The East 14.91 feet of the West 99.83 feet of Lots 8, 9 and 10, Block 6, BEVERLY HIGHTS, recorded in the Plat Book 1, Page 30, Public Records of Broward county, Florida.

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

1) Warranty Deed, 2) survey (partial), 3) zone map, 4) photo of sample dock

*Roger & Mary Ann Edwards* *Mary Ann Edwards* 4/12/21  
Applicant's Signature MARY ANN Edwards 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 \_\_\_\_\_



## **Breezy Permits, LLC**

Marine Construction Consultants

[info@breezypermits.com](mailto:info@breezypermits.com)

561-581-0141

Project Site: 823 SE 2<sup>nd</sup> Street, Fort Lauderdale FL, 33301

### **Summary Description:**

823 SE 2<sup>nd</sup> Street

Fort Lauderdale, FL 33301

Roger A. Edwards & Mary Ann Edwards

This project is located at 823 SE 2nd Street, Section 11, Township 50 South, Range 42 East, in the City of Fort Lauderdale, Florida. Folio Number: 504211470060, Broward County, Florida.

The project involves the construction of a residential marginal dock and access walkway waterward of the upland shoreline. The dock has been specifically designed and revised to minimize impacts to existing mangroves along the shoreline. As shown on the revised dock plans prepared by Dwight M. Baber, P.E., dated December 2, 2025, the access walkway width is limited to 3 feet in mangrove-adjacent areas to reduce shading and disturbance to mangrove root systems. Additionally, the initial portion of the dock utilizes 12-foot pile spacing, allowing the structure to span over mangrove roots and avoid direct impacts to mangrove trunks and root zones.

The revised design does not include dredging and limits in-water work to pile installation and dock construction as depicted on the approved plans. Pile locations and dock framing have been strategically coordinated to preserve existing mangroves to the maximum extent practicable while maintaining safe and reasonable access to the water.

#### **Dock Permit Request:**

1. A dock permit is requested by Roger A. Edwards, the property owner, for private personal use. No terminal platform or vessel mooring is proposed as part of this request.

Note: If approved, the applicant will comply with all applicable construction conditions, agency requirements, and code provisions.

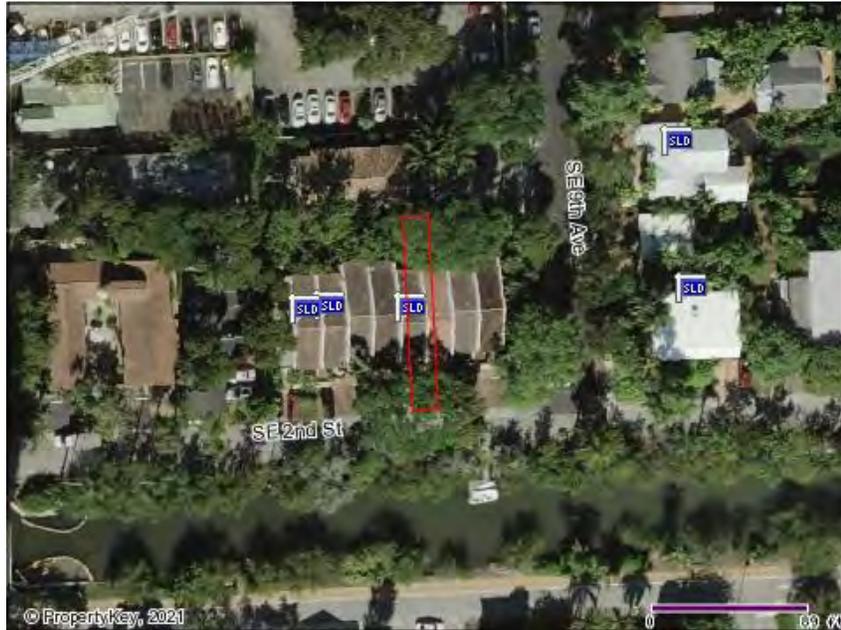
The project has been reviewed and approved by Broward County Public Works and Environmental Services Department, which issued a Mangrove Alteration Permit and Environmental Resource License (ERL No. DF25-1177) on November 20, 2025, along with a Florida Department of Environmental Protection (FDEP) ERP (No. 06-0409292-003), confirming that impacts to mangroves have been minimized and appropriately mitigated.

The project previously received environmental approvals on May 24, 2024, including a U.S. Army Corps of Engineers State Programmatic General Permit (SPGP VI-R1), an FDEP Exemption Verification, and Broward County ERL No. DF23-1352, authorizing installation of a residential dock at the site. The current design further refines the approved layout to reduce mangrove impacts while remaining consistent with the scope and intent of the previously approved work.



**PROPERTY INFORMATION**

**PID #** 5042-11-47-0060  
**Property Type:** Residential  
**Property Address:**  
 823 SE 2ND ST  
 FORT LAUDERDALE, FL 33301-3607  
**Current Owner:**  
 ROGER A EDWARDS & ANN MARY  
**Tax Mailing Address:**  
 1314 E LAS OLAS BLVD PMB 501  
 FORT LAUDERDALE, FL 33301-2334  
**Use Code:** 01 / RESIDENTIAL - SINGLE FAMILY (TOWNHOUSE)  
**Total Land Area:**  
 0.0378 acres / 1,645 sf  
**Land Areas:**  
 1. Residential - Single Family (01)  
**Waterfront:** No - 23  
**Subdivision:**  
 BEVERLY HEIGHTS  
**Census Tract/Block:** 041900 / 2009  
**Twn:** 50E / **Rng:** 42S / **Sec:** 11  
**Block:** / **Lot:**  
**Latitude:** 26.121317  
**Longitude:** -80.134634  
**Legal Description:**  
 BEVERLY HEIGHTS 1-30 B E 14.91 OF W  
 99.83 OF FOL PARCEL LOTS 8,9 & 10  
 BLK 6 AKA: UNIT A-6 HIMMARSHEE  
 PLACE TOWNHOUSES



Active 
 Sold 
 Pending 
 Withdrawn 
 Expired

**VALUE INFORMATION**

	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
<b>Building Value:</b>	\$270,030	\$274,410	\$282,370	\$322,180	\$334,920
<b>Ag Value:</b>					
<b>Land Value:</b>	\$65,800	\$65,800	\$65,800	\$65,800	\$65,800
<b>Just Market Value:</b>	\$335,830	\$340,210	\$348,170	\$387,980	\$400,720
<b>Percent Change:</b>	- n/a -	1.3%	2.34%	11.43%	3.28%
<b>Total Assessed Value:</b>	\$229,530	\$234,350	\$239,270	\$387,980	\$255,630
<b>Homestead Exemption:</b>	YES	YES	YES	NO	YES
<b>Total Exemptions:</b>	\$50,000	\$50,000	\$50,000	\$0	\$50,000
<b>Taxable Value:</b>	\$179,530	\$184,350	\$189,270	\$387,980	\$205,630
<b>Total Tax Amount:</b>	\$3,849.18	\$3,825.40	\$3,852.17	\$7,521.51	\$4,525.73



**Taxing District(s):** 0312  
**\*Non-Ad Valorem Levies:** FT LAUDERDALE STORMWATER TRIP (\$39.55) FT LAUDERDALE STORMWATER CAT I (\$218.71) FT LAUDERDALE FIRE-RESCUE (\$311.00)

## SALES INFORMATION

<b>Deed Type:</b> DEED	<b>Price:</b> \$455,000	<b>Qualifiers:</b> Q	
<b>Sale Date:</b> 01/10/2019 <b>Recorded Date:</b> 01/10/2019	<b>Document #</b> 115548481		
<b>Grantor:</b> CROSBY,LORRAINE	<b>Grantee:</b> EDWARDS,ROGER A		
<b>Mortgage Amount:</b> \$368,000	<b>Instrument Date:</b> 09/19/2019	<b>Document #</b> n/a	
<b>Lender:</b> THE MORTGAGE FIRM INC	<b>Borrower:</b> EDWARDS ROGER A		
<b>Mortgage Amount:</b> \$373,150	<b>Instrument Date:</b> 01/03/2019	<b>Document #</b> n/a	
<b>Lender:</b> THE MORTGAGE FIRM INC	<b>Borrower:</b> EDWARDS ROGER A		
<b>Deed Type:</b> Correction Deed	<b>Price:</b> \$0	<b>Qualifiers:</b> U <sup>1</sup>	
<b>Sale Date:</b> 11/21/2017 <b>Recorded Date:</b> 11/21/2017	<b>Document #</b> 114734249		
<b>Grantor:</b> BERTON STEFAN	<b>Grantee:</b> BERTONE LORRAINE		
<b>Mortgage Amount:</b> \$219,000	<b>Instrument Date:</b> 08/13/2018	<b>Document #</b> n/a	
<b>Lender:</b> MAINSTREET COMMUNITY BANK OF FLORIDA	<b>Borrower:</b> CROSBY LORRAINE		
<b>Deed Type:</b> Intrafamily Transfer & Dissolution	<b>Price:</b> \$0	<b>Qualifiers:</b> U <sup>1</sup>	
<b>Sale Date:</b> 11/15/2017 <b>Recorded Date:</b> 11/15/2017	<b>Document #</b> 114721610		
<b>Grantor:</b> BERTONE STEFAN	<b>Grantee:</b> BERTONE LORRAINE		
<b>Deed Type:</b> Quit Claim Deed	<b>Price:</b> \$100	<b>Qualifiers:</b> U <sup>2</sup>	
<b>Sale Date:</b> 11/15/2017 <b>Recorded Date:</b>	<b>Document #</b> n/a		
<b>Grantor:</b> Not Available	<b>Grantee:</b> Not Available		
<b>Deed Type:</b> Warranty Deed	<b>Price:</b> \$227,000	<b>Qualifiers:</b> Q <sup>3</sup>	
<b>Sale Date:</b> <b>Recorded Date:</b> 04/11/2000	<b>Document #</b> Bk 30409/Pg 901		
<b>Grantor:</b> SHAARON LEE WATTERS	<b>Grantee:</b> BERTONE STEFAN		
<b>Mortgage Amount:</b> \$261,101	<b>Instrument Date:</b> 07/22/2003	<b>Document #</b> 103296786	
<b>Lender:</b> WACHOVIA BANK NA	<b>Borrower:</b> BERTONE STEFAN		
<b>Mortgage Amount:</b> \$40,000	<b>Recording Date:</b> 03/22/2001	<b>Document #</b> Bk 31401/Pg 1311	
<b>Lender:</b> 1ST UNION NATL BK	<b>Borrower:</b> BERTONE STEFAN		
<b>Mortgage Amount:</b> \$212,000	<b>Recording Date:</b> 03/22/2001	<b>Document #</b> Bk 31401/Pg 1294	
<b>Lender:</b> MERS	<b>Borrower:</b> BERTONE STEFAN		
<b>Deed Type:</b> Order Determining Homestead	<b>Price:</b> \$0	<b>Qualifiers:</b>	
<b>Sale Date:</b> 08/04/1999 <b>Recorded Date:</b>	<b>Document #</b> Bk 29927/Pg 958		
<b>Grantor:</b> Not Available	<b>Grantee:</b> Not Available		
<b>Deed Type:</b> -n/a-	<b>Price:</b> \$0	<b>Qualifiers:</b>	
<b>Sale Date:</b> <b>Recorded Date:</b>	<b>Document #</b> Bk 1022/Pg 146		
<b>Grantor:</b> Not Available	<b>Grantee:</b> Not Available		
<b>Vacant/Improved Codes:</b> V=Vacant, I=Improved			
<b>Sale Qualifiers:</b> Q=Qualified, U=Unqualified, O=Other (see note), M=Multiple, P=Partial			
<sup>1</sup> UNQUALIFIED - NOT ARMS LENGTH TRANSACTION , <sup>2</sup> NON-MONETARY TRANSACTION , <sup>3</sup> QUALIFIED			

## BUILDING INFORMATION

1. SINGLE FAMILY RESIDENCE	<b>Bedrooms:</b> 2 <b>Bathrooms:</b> 2.0	<b>Bldg Area:</b> 1,561 sf <b>Living Area:</b> 1,430 sf	<b>Year Built:</b> 1983 act / 1983 eff <b>Stories:</b> 2.0	<b>Units:</b> 1
<b>Flooring:</b>	<b>Exterior:</b>	CONCRETE BRICK COMPOSITION		<b>Interior:</b> PLASTER
<b>Roof Type:</b>	<b>Fuel:</b>			<b>Garage:</b>
<b>Roof Material:</b> CLAY TILE	<b>Heat:</b>			<b>Pool:</b> No
<b>Feature</b>	<b>Units/Size</b>	<b>Dimensions</b>	<b>Feature</b>	<b>Units/Size</b> <b>Dimensions</b>
1 CAR STRAIGHT CONC DRIVEWAY	2 SF	1 x 2	PAVERS/PATIOS, FLOORS	150 150 x 1
8 INCH C.B. REINFORCED WALL	90 SF	15 x 6		

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Prepared by:

David A. Coven, Esq.  
 David A. Coven, P.A.  
 2856 E. Oakland Park Blvd.  
 Fort Lauderdale, FL 33306  
 954-565-8410

Return to:

Bob J. Howell, P.A.  
 8551 W. Sunrise Blvd., Ste. 207,  
 Fort Lauderdale, FL 33322

File Number: 1804034

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## Warranty Deed

This Warranty Deed made this 3rd day of January, 2019 between Lorraine Crosby, f/k/a Lorraine Bertone, a single woman, whose post office address is 1518 Teddington Street, Deland, FL 32720, grantor, and Roger A. Edwards and Mary Ann Edwards, husband and wife, whose post office address is 823 SE 2nd Street, Fort Lauderdale, FL 33301, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

**Witneseth**, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Broward County, Florida to-wit:

Townhouse Unit No. A-6, according and subject to the Declaration of Covenants and Restrictions of Himmarshee Place, recorded December 18, 1981, in O.R. Book 9944, Page 167, Public Records of Broward County, Florida, which said Townhouse Unit is more particularly described as follows:

The East 14.91 feet of the West 99.83 feet of Lots 8, 9 and 10, Block 6, BEVERLY HEIGHTS, recorded in Plat Book 1, Page 30, Public Records of Broward County, Florida.

Parcel Identification Number: 504211-47-0060

Subject to taxes for 2019 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**To Have and to Hold**, the same in fee simple forever.

**And** the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2018.

DoubleTime®

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

Signed, sealed and delivered in our presence:

[Signature]  
Witness Name: Suzanne Brown  
[Signature]  
Witness Name: Susan C. Woosley

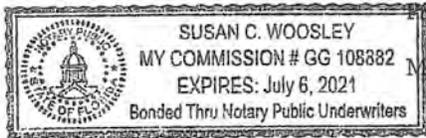
[Signature] (Seal)  
Lorraine Crosby f/k/a Lorraine Bertone

State of Florida  
County of Volusia

The foregoing instrument was sworn, subscribed, and acknowledged before me this 31<sup>st</sup> day of Dec, 2018 by Lorraine Crosby f/k/a Lorraine Bertone, who  is personally known or  has produced a driver's license as identification.

[Notary Seal]

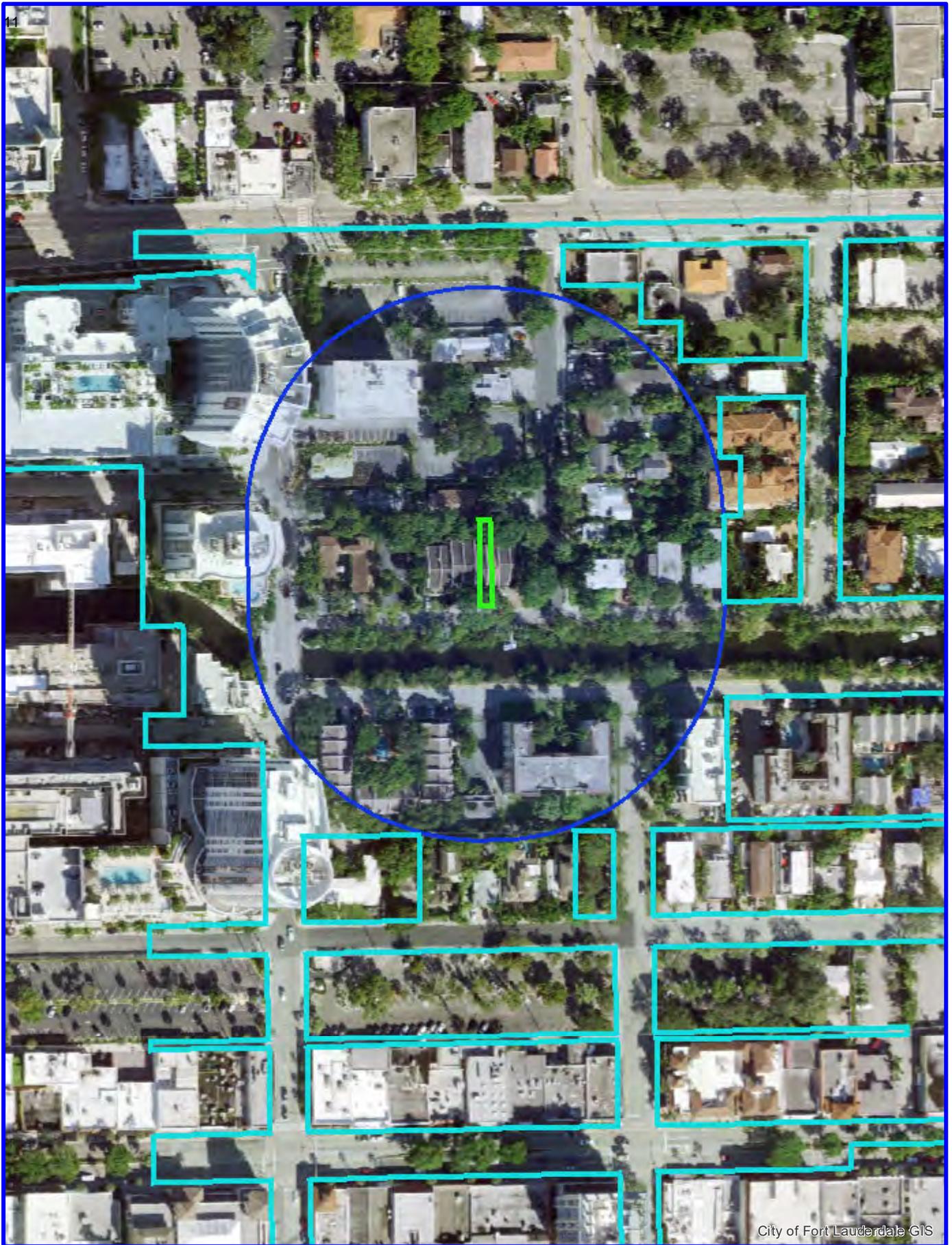
[Signature]  
Notary Public



Printed Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_







City of Fort Lauderdale GIS



CITY OF FORT LAUDERDALE

Map Created by GIS Mailer

823 SE 2 Street

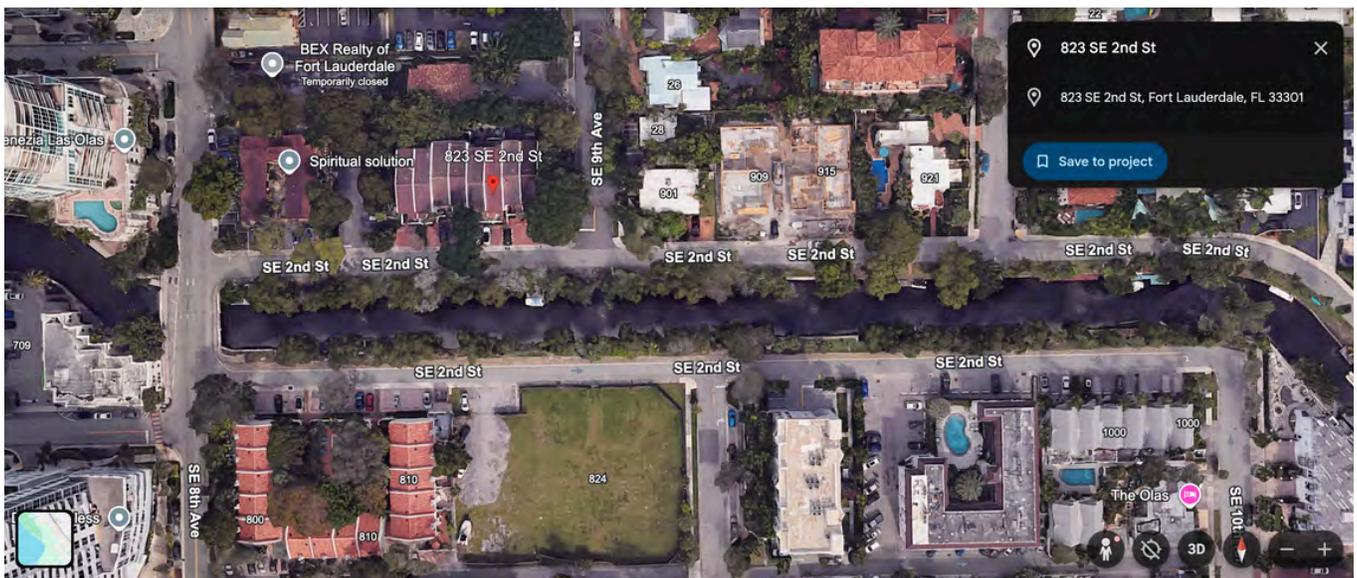
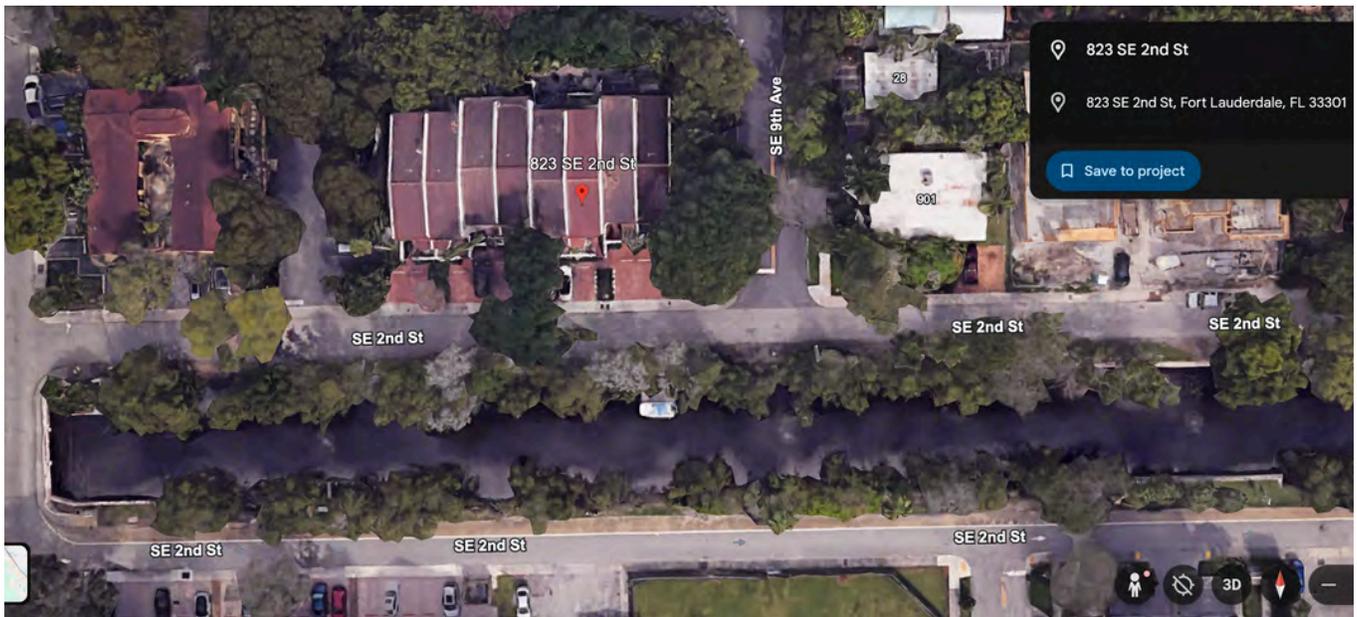


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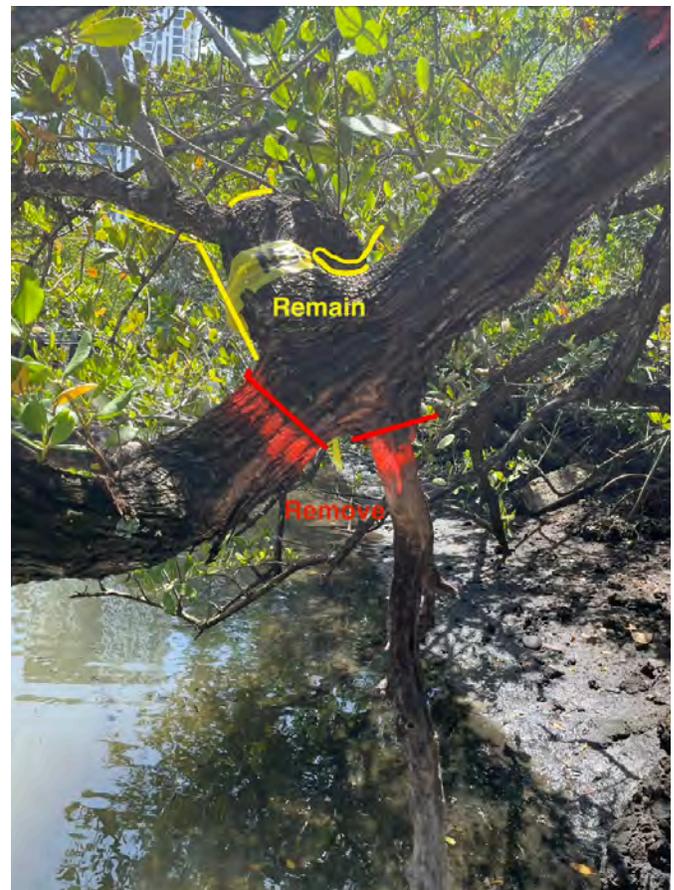
**GIS**  
Fort Lauderdale

CAM #26-0137  
Printed on: 6/25/2024  
Exhibit

# 12 Aerial View - 823 SE 2<sup>nd</sup> Street, Fort Lauderdale FL, 33301



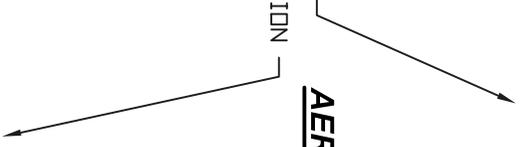
<sup>13</sup>Photos - 823 SE 2<sup>nd</sup> Street, Fort Lauderdale FL, 33301



<sup>14</sup>Photos - 823 SE 2<sup>nd</sup> Street, Fort Lauderdale FL, 33301



PROJECT SITE  
PROJECT LOCATION

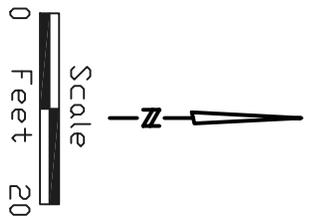
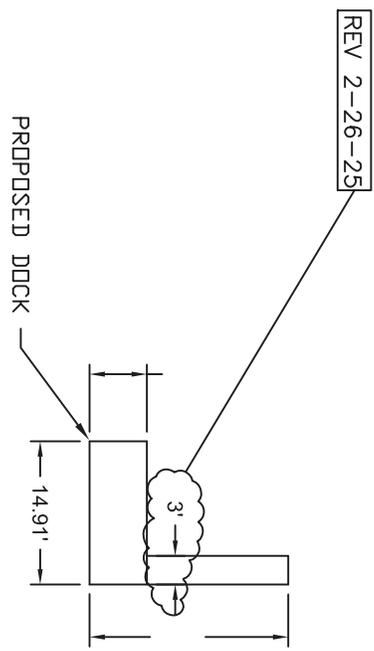


**AERIAL**

**LOCATION MAP**

PROJECT SCOPE:  
1. CONSTRUCT DOCK

**SITE PLAN**



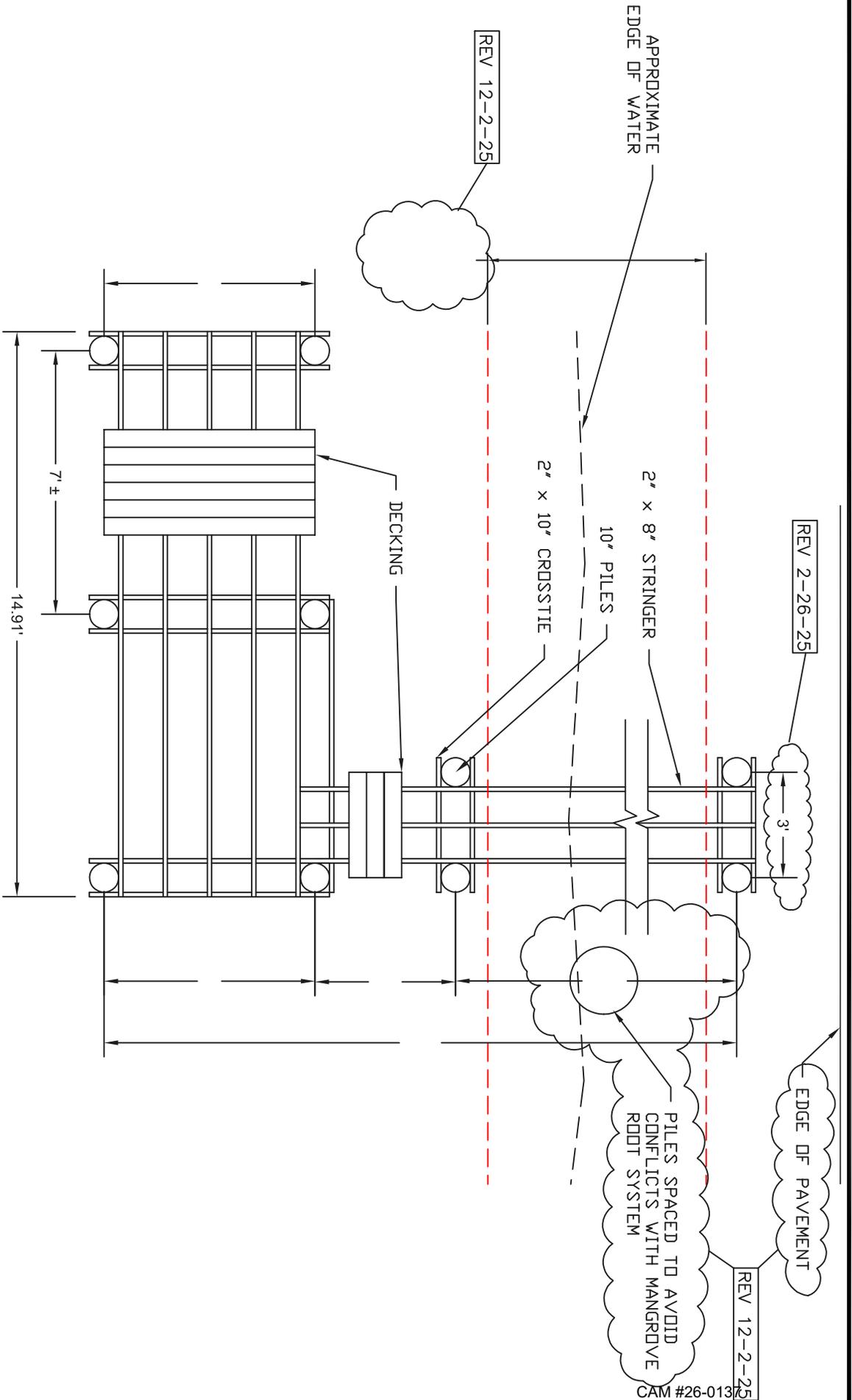
Digitally signed by  
Dwight M Baber  
Date: 2025.12.02  
07:47:12 -0500'

This item has been electronically signed and sealed by Dwight M Baber, PE, using a SHA authentication code. Printed copies of this document are not considered signed and sealed and the SHA authentication code must be verified on any electronic copies.

**Dock**  
ROGER EDWARDS  
823 SOUTHEAST 2nd STREET  
FORT LAUDERDALE, FL

DATE	REVISIONS	SHEET 1 OF 4
4/24/24	INITIAL DRAWINGS COMPLETED	
2/26/25	ACCESS PIER REDUCED TO 3' FROM 4'	

**Dwight M Baber**  
Digitally signed by Dwight M Baber  
Date: 2025.12.02  
07:47:12 -0500'



**FRAMING PLAN**

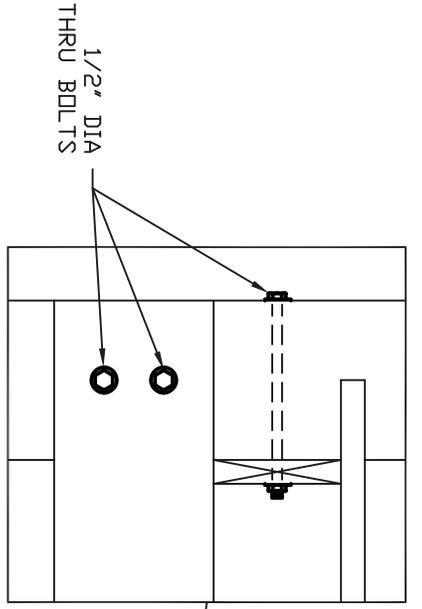
1/4" = 1'-0"

**MCR PROFESSIONAL ENGINEERING, INC.**  
 NO. 52575  
 STATE OF FLORIDA  
 REGISTERED PROFESSIONAL ENGINEER  
 MICHAEL BABER, FL P.E.# 52575  
 OF: (561)863-3393

Digitally signed by **Dwight M Baber**  
 Date: 2025.12.02  
 This item has been electronically signed and sealed by Dwight M Baber, PE, using a SHA authentication code. Printed copies of this document are not considered signed and sealed and the SHA authentication code must be verified on any electronic copies.

**Dock**  
 ROGER EDWARDS  
 823 SOUTHEAST 2nd STREET  
 FORT LAUDERDALE, FL

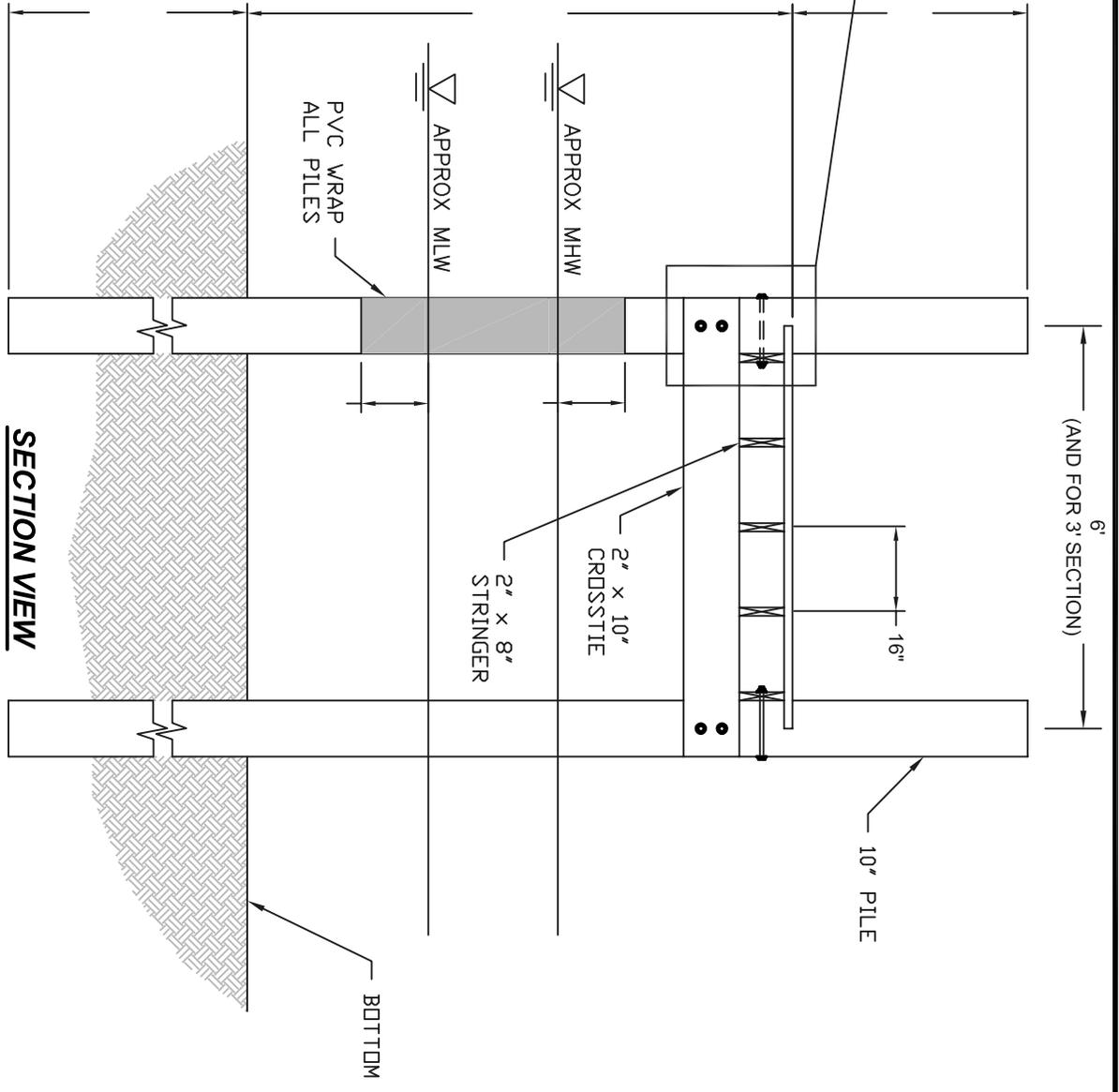
DATE	REVISIONS	SHEET 2 OF 4
4/24/24	INITIAL DRAWINGS COMPLETED	
2/26/25	ACCESS PIER REDUCED TO 3' FROM 4'	
12/2/25	PILE LAYOUT MODIFIED TO AVOID MANGROVES	



NOTES:

1. DECKING - 2"x6" COMPOSITE.
2. STRINGER SPACING 16" MAX. SPACE STRINGERS AS NECESSARY TO COMPLY WITH MANUFACTURER SPACING REQUIREMENT FOR OTHER MATERIALS.
3. DECK FASTENERS TO BE 16d STAINLESS STEEL RING SHANK NAILS OR 3/4" HEX DRIVEN DECK SCREWS, OR EQUIVALENT. (OR PER MANUF. SPECIFICATIONS).
4. ALL HARDWARE TO BE STAINLESS STEEL.
5. LUMBER TO BE PRESSURE TREATED FOR MARINE ENVIRONMENT. (ACQ OR CCA) 0.4 LBS/CF (FRAMING) 2.5 LBS/CF (PILES)
6. LUMBER TO BE #1 QUALITY SOUTHERN YELLOW PINE.

NOTE:  
PILE PENETRATION SHALL BE INTO SUITABLE SUBSTRATE (SAND). FINAL PENETRATION DEPTH TBD BY SOIL CONDITIONS.



**MCR PROFESSIONAL ENGINEERING, INC.**  
NO. 52575  
OF: (561)863-3393  
STATE OF FLORIDA ENGINEER  
MICHAEL BABER, FL.P.E.# 52575

**Dwight M Baber**  
Digitally signed by Dwight M Baber  
Date: 2025.12.02 07:47:41 -05'00'  
This item has been electronically signed and sealed by Dwight M Baber, PE, using a SHA authentication code. Printed copies of this document are not considered signed and sealed and the SHA authentication code must be verified on any electronic copies.

**DOCK**  
ROGER EDWARDS  
823 SOUTHEAST 2nd STREET  
FORT LAUDERDALE, FL

DATE	REVISIONS	SHEET 3 OF 4
4/24/24	INITIAL DRAWINGS COMPLETED	





Public Works and Environmental Services Department

**ENVIRONMENTAL PERMITTING DIVISION**

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

November 20, 2025

City of Fort Lauderdale

Attention: Mr. Mark Almy, Superintendent Parks & Recreation

3110 SW 8th Avenue

Fort Lauderdale, FL 33315

Email: malmy@fortlauderdale.gov

Dear Mr. Almy:

This is to notify you of the Public Works and Environmental Services Department's (PWESD) action concerning your applications received May 29, 2025 and September 23, 2025. The applications have been reviewed for a FDEP Mangrove Trim and Alteration Permit and Broward County Environmental Resource License.

**Florida Department of Environmental Protection (DEP) Mangrove Permit – Granted**

PWESD has the authority to review the project for compliance with Chapter 403.9321 – 403.9333 of the Florida Statutes pursuant to an agreement between PWESD and DEP. The agreement is outlined in a document entitled "Order of Delegation and Operating Agreement Between the Florida Department of Environmental Protection and Broward County Regarding the Regulation of Mangroves". Based on the information submitted, Mangrove Permit No. **06-0409292-003** is hereby issued.

**Broward County Environmental Resource License Review – Granted**

PWESD 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. **DF25-1177** is hereby issued.

The above named permittee/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 FDEP General Conditions, Broward County General Conditions, combined FDEP and Broward County Specific Conditions, and attached exhibits.

Should you wish to object to the Agency action or file a petition, please provide written objections, petitions and/or waivers within ten (10) days from the rendition of the action (refer to the attached "Variance and Administrative Review Procedures", Chapter 27 -10 through 27-14) to Director, EPD, 1 North University Drive Plantation, FL 33324. The "Notice of Rights" addresses the procedures to be followed if you desire a public hearing or review of the Agency's action.

Broward County Board of County Commissioners

Mark D. Bogen • Lamar P. Fisher • Beam Furr • Steve Geller • Robert McKinzie • Nan H. Rich • Hazelle P. Rogers • Tim Ryan • Michael Udina  
www.broward.org

CAM #26-0137

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Sincerely,

*Linda Sunderland*

Linda Sunderland, PWS  
Environmental Program Supervisor  
Environmental Permitting Division

*November 20, 2025*

Date

Enclosures:

County Environmental Resource License/State Mangrove Permit  
One copy of stamped drawings (4 pages)  
Broward County PWESD Variance and Administrative Review Procedures  
Standard Manatee Conditions for In-Water Work, 2011, 2 pages  
Florida EPPC's 2015 Invasive Plant Species List, 6 pages, can be downloaded  
at <http://www.fleppc.org/list/2015FLEPPCLIST-LARGEFORMAT-FINAL.pdf>

CC: City of Fort Lauderdale (Nancy Gassman, Robert Dunckel, Laura Tooley)



Public Works and Environmental Services Department

**ENVIRONMENTAL PERMITTING DIVISION**

1 North University Drive, Mailbox 201, Plantation, Florida 33324 • 954-519-1483 • FAX 954-619-1412

**Permittee/Authorized Entity:**

City of Fort Lauderdale  
 Attention: Mr. Mark Almy, Superintendent Parks & Recreation  
 3110 SW 8th Avenue  
 Fort Lauderdale, FL 33315  
 Email: malmy@fortlauderdale.gov

**Mangrove Alteration Permit**

**Authorized Agent:**

Not Applicable

**Compliance Project Manager:**

Linda Sunderland, Environmental Program Supervisor  
 Phone: (954) 591-1454; Email: [LSunderland@Broward.org](mailto:LSunderland@Broward.org)

**Mangrove Permit - Granted**

**State-owned Submerged Lands Authorization – Not Required**  
**U.S. Army Corps of Engineers Authorization – Not Applicable**

**State of Florida ERP No.: 06-0409292-003**

**Broward County ERL No.: DF25-1177**

**Permit Issuance Date: 11-20-2025**

**Permit Construction Phase Expiration Date: 11-20-2030**

Broward County Board of County Commissioners

Mark D. Bogen • Alexandra P. Davis • Lamar P. Fisher • Boam Furr • Steve Geller • Robert McKinzie • Nan H. Rich • Hazelle P. Rogers • Michael Udine  
[www.broward.org](http://www.broward.org)

CAM #26-0137

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**STATE MANGROVE ALTERATION PERMIT and  
COUNTY ENVIRONMENTAL RESOURCE LICENSE**

**REGULATORY AUTHORITY**

This combined permit/license is issued under the authority of Part IV or Chapter 373, F.S., and Title 62, Florida Administrative Code (F.A.C). The activity is not exempt to operating agreements executed among the Department of Environmental Protection, Broward County, and the South Florida Water Management District, as outlined in a document entitled "Delegation Agreement Among the Florida Department of Environmental Protection, the South Florida Water Management District, and Broward County," the Public Works and Environmental Services Department is responsible for reviewing and taking final agency action on this activity.

This project has also been reviewed in accordance with the provisions of Chapter 27, Article XI Sec. 27-331 through 27-341 of the Broward County Code.

**DESCRIPTION OF WORK**

The permittee is authorized to remove multiple saplings and three large trunks of existing white mangroves (cutting no lower than base or main trunk of the tree) from approximately 16 feet of shoreline adjacent to a townhouse within the Himmarshee Canal. Authorized alteration activities are depicted on the attached exhibits. Mangrove trimming along the waterway is proposed to accommodate a dock / walkway from an adjacent homeowner.

To offset unavoidable impacts that will occur from these authorized activities and to satisfy public interest requirements, the permittee has planted 50 red mangroves at Coontie Hatchee Park (planted September 13, 2025). The mitigation required for this project was determined to be four mangroves, therefore, this mitigation more than offsets what is required.

The project described above may be conducted only in accordance with the terms, conditions and attachments contained in this permit. The issuance of this permit does not infer, nor guarantee, nor imply that future permits or modifications will be granted by the Department.

**LOCATION OF WORK**

This project is located along the City Property adjacent to 823 SE 2ND ST, in the City of Fort Lauderdale, Florida. Folio Number: 504211470060. Mitigation is located at Coontie Hatchee Park, located at 1116 SE 15<sup>th</sup> Ave, in the City of Fort Lauderdale, Florida. Folio Number: 504209010177.

Construction shall be in accordance with the ERL application received on May 29, 2025, the ERP application received on September 23, 2025, all additional information submitted, plans stamped by the Department on (attached) and with all General and Specific Conditions of this license.

**AUTHORIZATIONS**

State-owned Submerged Lands Authorization

As staff to the Board of Trustees, the Department has reviewed the activity described below, and has determined the activity is exempt from the requirements of Chapter 253, Florida Statutes (F.S.).

Federal Authorization

A copy of this permit has been sent to the U.S. Army Corps of Engineers (USACE). The USACE may require a separate permit. Failure to obtain any required federal permits prior to construction could subject you to enforcement action by that agency.

Water Quality Certification

This permit constitutes certification of compliance with state water quality standards under Section 401 of the Clean Water Act, 33 U.S.C. 1341.

**Permittee/Licensee:** City of Fort Lauderdale

**Permit No.:** 06-0409292-003

**ERL No.:** DF25-1177

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### Other Authorizations

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

In addition, you are advised that your project may require additional authorizations or permits from the municipality/county in which the project is located. Please be sure to contact the local county building and environmental department to obtain these required authorizations.

### **PERMIT**

**The activities described herein must be conducted in accordance with:**

- **The Specific Conditions**
- **The limits, conditions and locations of work shown in the attached drawings**
- **The term limits of this authorization**

You are advised to read and understand these conditions and drawings prior to commencing the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings. If you are utilizing a contractor, the contractor also should read and understand these conditions and drawings prior to commencing the authorized activities. Failure to comply with these conditions, including any mitigation requirements, shall constitute grounds for revocation of the Permit and appropriate enforcement action by the Department.

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

## **STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION SPECIFIC CONDITIONS**

### **PRIOR TO CONSTRUCTION**

- (1) If the attached permit drawings conflict with the specific conditions, then the specific conditions shall prevail.
- (2) The work authorized by this permit shall not be conducted on any property, other than that owned by the permittee, without the prior written approval of that property owner.
- (3) In the event the permittee files for bankruptcy prior to completion of work permitted and required by this permit, the permittee must notify the Department within 30 days of filing. The notification shall identify the bankruptcy court and case number and shall include a copy of the bankruptcy petition.
- (4) The permittee shall notify the Department in writing within 14 days of change in agents designated in the approved permit application. Mangroves will be cut no lower than the base or main trunk of the tree.
- (5) After selection of the contractor to perform the authorized activities and prior to the initiation of any work authorized by this permit, the permittee (or authorized agent) and the contractor shall attend a pre-construction conference with a representative of the County; Please contact the aquatic and wetland group at [AWRLicense@Broward.org](mailto:AWRLicense@Broward.org) or at (954)519-1454.

### **SPECIFIC CONDITIONS - PRE-ALTERATION**

- (6) There shall be no storage or stockpiling of tools, materials (i.e., lumber, pilings, debris.) within wetlands, along the shoreline or elsewhere within waters of the state unless specifically approved in the permit. All material and

vegetative debris shall be removed to a self-contained upland disposal area with no stockpiling or debris within wetland areas.

**BROWARD COUNTY PWESD GENERAL CONDITIONS:**

- (1) The terms, conditions, requirements, limitations and restrictions set forth herein are accepted by the licensee and enforceable by PWESD pursuant to this chapter. PWESD 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 PWESD.
- (3) In the event the licensee is temporarily unable to comply with any of the conditions of the license, the licensee shall notify PWESD within twelve (12) hours. Within five (5) working days of the event, the licensee shall submit a written report to PWESD 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 PWESD, may be used by PWESD as evidence in any enforcement proceeding arising under Chapter 27, except where such use is prohibited by § 403.111, F.S.
- (7) The licensee agrees to comply with Chapter 27, as amended.
- (8) Any new owner of a licensed facility shall apply by letter for a transfer of license within thirty (30) days after sale or legal transfer. The transferor shall remain liable for performance in accordance with the license until the transferee applies for, and is granted the transfer of license. The transferee shall also be liable for performance in accordance with the license.
- (9) The licensee, by acceptance of this license, specifically agrees to allow access to the licensed source at reasonable times by PWESD personnel for the purposes of inspection and testing to determine compliance with this license and this Chapter 27.
- (10) This license does not constitute a waiver or approval of any other license that may be required for other aspects of the total project.
- (11) If the licensee wishes to renew a license or extend its term, the licensee shall make application sixty (60) days prior to its expiration. Expired licenses are not renewable.
- (12) In addition to the general conditions set forth above, each license issued by PWESD shall contain specific conditions determined by site conditions and requirements pursuant to the regulations as determined by the director of PWESD. The licensee agrees that specific conditions are enforceable by PWESD for any violation thereof.
- (13) Enforcement of the terms and provisions of this license shall be at the reasonable discretion of PWESD, and

any forbearance on behalf of PWESD 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 PWESD's rights hereunder.

## **BROWARD COUNTY PWESD SPECIFIC CONDITIONS:**

### **A. STANDARD CONDITIONS**

- (1) **Notify the Development and Environmental Regulation Division in writing (Fax: 954/519-1412, or email) a minimum of 48 hours prior to project commencement and a maximum of 48 hours after project completion.** The notification shall include the name of the contractor authorized to perform the licensed activities. Failure to comply with this condition will result in enforcement action.
- (2) Any project caused environmental problem(s) shall be reported immediately to the Resilient Environment Department 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 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.

### **B. CONSTRUCTION CONDITIONS**

- (1) No dredging is authorized by this license.
- (2) If the approved license drawings and/or license attachments/plans conflict with the specific conditions, then the specific conditions shall prevail.
- (3) Demolition and construction related debris must be disposed of at an approved upland location and may not be left in the waterway.
- (4) This license does not eliminate the necessity to obtain any required federal, state, local or special district authorizations prior to the start of any activity approved by this license.

### **C. MANGROVE CONDITIONS**

- (1) Mangrove alteration is limited to activities detailed in the first exhibit.
- (2) Mangrove trimming along the waterway is necessary to accommodate a dock from the adjacent condominium owner. All mangrove activities shall be accomplished by a certified professional mangrove trimmer and in accordance with the Mangrove Trimming and Preservation Act (Sections 403.9321 – 403.9333 Florida Statutes).
- (3) Initial mangrove alteration may be performed after issuance of this permit (and subject to all conditions and requirements of this permit). Mangroves may subsequently be maintained at the permitted configurations on an annual basis until the expiration date of this permit.
- (4) Mangroves shall be cut using handheld equipment in a manner that will minimize impacts to the existing wetland vegetation and will not cause rutting of the soils. Heavy equipment and vehicles shall not operate within Department

jurisdictional wetlands or surface waters.

#### **D. 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.

(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](mailto: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 [MyFWC.com/manatee](http://MyFWC.com/manatee). Questions concerning these signs can be sent to the email address listed above.

#### **E. 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.

#### **F. COMPENSATORY MITIGATION CONDITIONS (ON-SITE)**

(1) Restoration and mitigation must result in at least 80 percent survival of the planted mangroves 1 year after planting. If the survival requirement is not met, additional mangroves must be planted and maintained until 80 percent survival is achieved 1 year after the last mangrove planting.

(2) The mangrove mitigation area shall be monitored annually for a period of five years. Annual reports shall be sent to [awrlicense@broward.org](mailto:awrlicense@broward.org) detailing the health of the mangrove area, required maintenance, and photos of the area.

(3) Should the Department determine that the Areas are not achieving the listed criteria during some portion of the monitoring period, the licensee shall determine the reasons for failure and prepare plans that demonstrate clearly how the problem(s) will be corrected and submit such plans immediately to the Department for approval. Those plans shall be implemented within 30 days from the Departments written approval.

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

#### **NOTICE OF RIGHTS**

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

#### Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rule 28-106.201, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any email address, any facsimile number, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address

for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;

(c) A statement of when and how the petitioner received notice of the agency decision;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;

(f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and

(g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

#### Time Period for Filing a Petition

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

#### Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

#### Mediation

Mediation is not available in this proceeding.

#### FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when 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 Rules 9.110 and 9.190, Florida Rules of Appellate Procedure,

**Permittee/Licensee:** City of Fort Lauderdale

**Permit No.:** 06-0409292-003

**ERL No.:** DF25-1177

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Exhibit 1

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with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this action is filed with the Clerk of the Department.

Executed in Plantation, Florida.

BROWARD COUNTY PUBLIC WORKS AND ENVIRONMENTAL SERVICES DEPARTMENT as delegated by the STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

*Linda Sunderland*

*November 20, 2025*

Linda Sunderland  
Environmental Program Supervisor  
Environmental Engineering and Permitting Division

Date

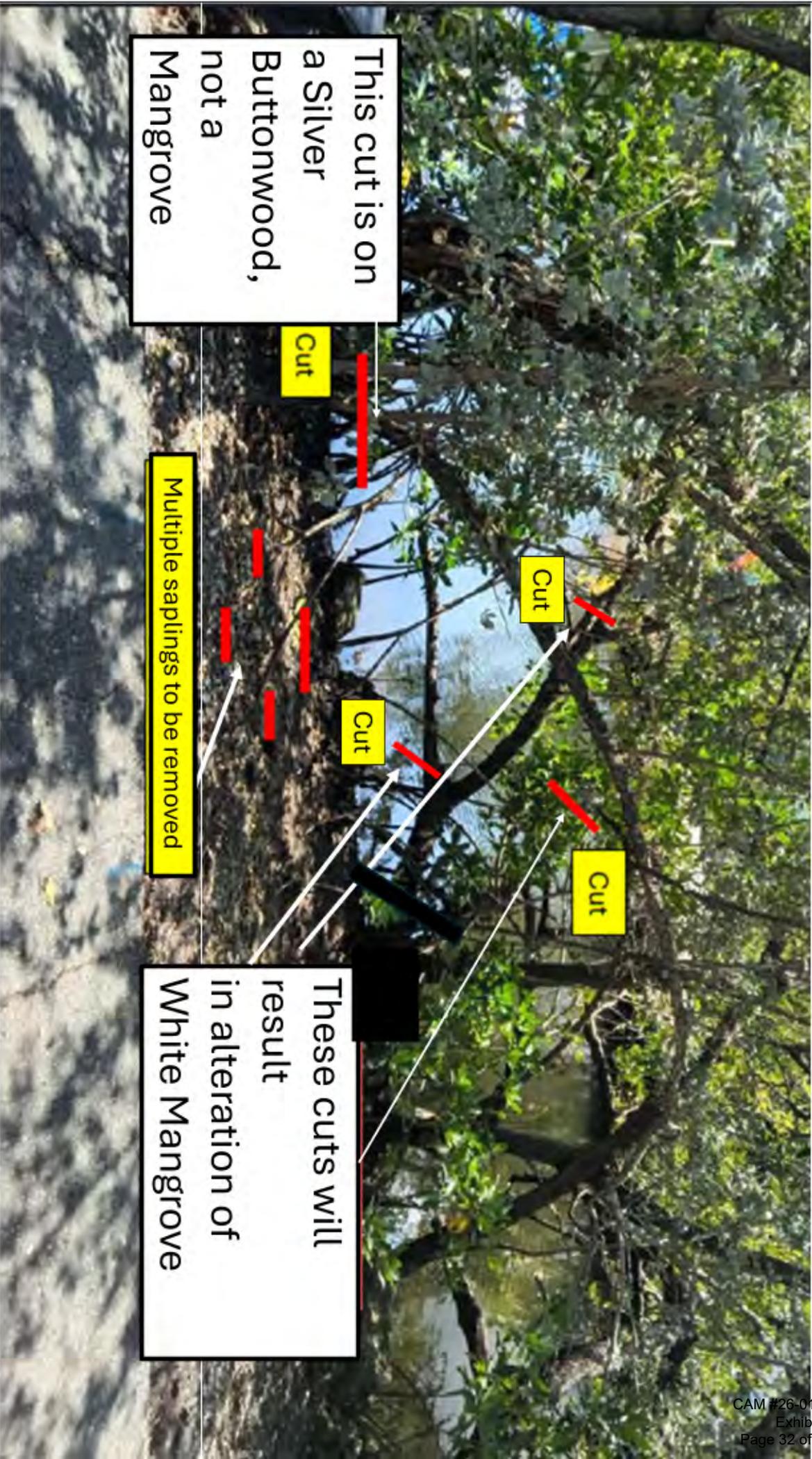
**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy clerk hereby certifies that this determination, including all copies were sent on the filing date below to the above listed persons.

**FILING AND ACKNOWLEDGMENT**

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

Michelle Decker                      November 20, 2025  
Clerk    Date



This cut is on a Silver Buttonwood, not a Mangrove

Cut

Cut

Cut

Cut

Multiple saplings to be removed

These cuts will result in alteration of White Mangrove

## Mitigation Mangroves

50 red mangroves were planted at Coontie Hatchee Park (1116 SW 15 Ave) on September 13, 2025. The red mangroves will be monitored and an annual report will be provided on the overall condition of the mangrove's health as well as account for any maintenance.



**Photo 1 – Aerial View of Red Mangrove Planting Area at Coontie Hatchee Park (1116 SW 15<sup>th</sup> Ave, Fort Lauderdale). The circled area behind the breakwater is the location of the mitigation mangroves for the remove of saplings and trimming of a white mangrove at 823 SE 2nd Street, Fort Lauderdale.**



**Photo 2 – Red Mangrove Planting Area Behind the Breakwater at Coontie Hatchee Park (1116 SW 15<sup>th</sup> Ave, Fort Lauderdale). The photo is taken from the shoreline looking SSE toward Davie Blvd. The circled area show the location of the planted mangroves.**



**Photo 3 –Red Mangrove Planting Area on the Southern Shore of Coontie Hatchee Park (1116 SW 15<sup>th</sup> Ave, Fort Lauderdale).**



**Photo 4 –Red Mangrove Planting Area on the Northern Shore of Coontie Hatchee Park (1116 SW 15<sup>th</sup> Ave, Fort Lauderdale).**



**Photo 5 –Red Mangrove Protection Signage at Coontie Hatchee Park (1116 SW 15<sup>th</sup> Ave, Fort Lauderdale).**



**Photo 6 –Red Mangrove being planted at at Coontie Hatchee Park (1116 SW 15<sup>th</sup> Ave, Fort Lauderdale) on September 13, 2025.**

Sec. 27-14. Administrative review of PWESD 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 PWESD 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 PWESD 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 PWESD 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 PWESD 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 PWESD 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 PWESD 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.

**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](mailto: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](http://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



Resilient Environment Department

**ENVIRONMENTAL PERMITTING DIVISION**

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

May 24, 2024

Roger Edwards  
823 SE 2<sup>nd</sup> Street  
Fort Lauderdale, Florida 33301  
E-mail: [rogervmrg@gmail.com](mailto:rogervmrg@gmail.com)

Dear Mr. Edwards:

This is to notify you of the Resilient Environment Department's (RED) action concerning your applications received December 4, 2023. The applications have been reviewed for a ACOE State Programmatic General Permit VI-R1, a FDEP Exemption Verification and Broward County Environmental Resource License.

**U.S. Army Corps of Engineers (ACOE) State Programmatic General Permit VI-R1 (SPGP) – Granted**

RED has the authority to review the application for compliance with the requirements to receive an ACOE SPGP VI-R1 pursuant to an agreement entitled "Coordination Agreement between the U.S. Army Corps of Engineers (Jacksonville District) and Broward County Environmental Protection and Growth Management Department – State Programmatic Permit" Based on the information submitted, a SPGP VI-R1 is hereby issued for this project.

**Florida Department of Environmental Protection (DEP) Exemption Verification – Granted**

RED has the authority to review the project for compliance with Rule 62-330 and Chapter 373 of the Florida Administrative Code pursuant to an agreement between RED, DEP, and the South Florida Water Management District. The agreement is outlined in a document entitled "Delegation Agreement among the Florida Department of Environmental Protection, the South Florida Water Management District, and Broward County". Based on the information submitted, Exemption Verification No. **06-0449176-001** is hereby issued.

**Broward County Environmental Resource License Review – Granted**

RED 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. **DF23-1352** is hereby issued.

The above named permittee/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 FDEP General Conditions, Broward County General Conditions, combined FDEP and Broward County Specific Conditions, and attached exhibits.

Should you wish to object to the Agency action or file a petition, please provide written objections, petitions and/or waivers within ten (10) days from the rendition of the action (refer to the attached “Variance and Administrative Review Procedures”, Chapter 27 -10 through 27-14) to Director, EPD, 1 North University Drive Plantation, FL 33324. The “Notice of Rights” addresses the procedures to be followed if you desire a public hearing or review of the Agency’s action.

Sincerely,

*Linda Sunderland*

Linda Sunderland, PWS  
Environmental Program Supervisor  
Environmental Permitting Division

*May 23, 2024*

Date

Enclosures:

County Environmental Resource License/State EE  
Attachment A - Specific Exemption Rule  
One copy of stamped drawings (3 pages)  
Broward County RED Variance and Administrative Review Procedures  
SPGP Special Conditions  
SPGP General Conditions  
Standard Manatee Conditions for In-Water Work, 2011, 2 pages  
SPGP Commencement, Statement of Compliance and Transfer forms



Resilient Environment Department

**ENVIRONMENTAL PERMITTING DIVISION**

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

**ARMY CORPS OF ENGINEERS – SPGP VI-R1  
 FLORIDA STATE ENVIRONMENTAL RESOURCE PROGRAM  
 EXEMPTION VERIFICATION and  
 BROWARD COUNTY ENVIRONMENTAL RESOURCE LICENSE**

**PERMITTEE/LICENSEE:**

Roger Edwards  
 823 SE 2nd Street  
 Fort Lauderdale, Florida 33301

FDEP Permit No.: 06-0449176-001  
 RED License No.: DF23-1352  
 Date of Issue: 05/24/24  
 Expiration Date of ERP: 05/24/29  
 Expiration Date of ERL: 05/24/26  
 Project: Dock Installation

This exemption verification and license is issued under the authority of Part IV of Chapter 373, F.S., and Title 62, Florida Administrative Code (F.A.C.). The activity is not exempt to operating agreements executed among the Department of Environmental Protection, Broward County, and the South Florida Water Management District, as outlined in a document entitled “Delegation Agreement Among the Florida Department of Environmental Protection, the South Florida Water Management District, and Broward County,” the Resilient Environment Department is responsible for reviewing and taking final agency action on this activity.

This project has also been reviewed in accordance with the provisions of Chapter 27, Article XI Sec. 27-331 through 27-341 of the Broward County Code. 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 application hereinafter called the 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 the construction of a 14.91’ long by 6’ wide marginal wooden dock with a 4’ long by 6’ wide wooden access ramp. Total width of the over water structures will be 12’ as measured from the mean high waterline to the waterward edge of the proposed 12-inch dock pilings, and the total area of all over water structures shall not exceed 178.92 square feet. This project also involves the removal of existing mangrove seedlings from the footprint of the proposed dock. Mangrove impacts are exempt from mitigation requirement under the Mangrove Trimming and Preservation Act, Fla. Stat. § 403.9328 (5) (1996). This license does not authorize dredging.

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.

**LOCATION OF WORK**

This project is located at 823 SE 2nd Street, Fort Lauderdale. Folio Number: 474331280010.

Construction shall be in accordance with the ERL application received on 12/04/23, the ERP application received on 12/04/23, all additional information submitted, plans stamped by the Department (attached) and with all General and Specific Conditions of this license.

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

Your project qualifies for all three. However, this letter does not relieve you from the responsibility of obtaining other federal, state, or local authorizations that may be required for the activity. State water quality certification is waived for activities that are exempt under rule 62-330.051, F.A.C.

### **1. Regulatory Review – Verified**

Based on the information submitted, the Department has verified that the activity as proposed is exempt under Chapter 62-330.051(5)(b), 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 – Not required**

The activity does not appear to be located on sovereign submerged lands and does not require further authorization under chapter 253 of the Florida Statutes, or chapters 18-20 or 18-21 of the Florida Administrative Code.

### **3. Federal Review – Approved**

Your proposed activity as outlined in your application and attached drawings qualifies for Federal authorization pursuant to the State Programmatic General Permit VI-R1, and a SEPARATE permit or authorization will not be required from the Corps. Please note that the Federal authorization expires on July 27, 2026. However, your authorization may remain in effect for up to one additional year, if provisions of Special Condition 19 of the SPGP VI-R1 permit instrument are met. You, as permittee, are required to adhere to all General Conditions and Special Conditions that may apply to your project. Special conditions required for your project are attached. A copy of the SPGP VI-R1 with all terms and conditions and the General Conditions may be found 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 Broward County Environmental Protection and Growth Management Department, 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.

**RED/EPGMD GENERAL CONDITIONS:**

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

(13) Enforcement of the terms and provisions of this license shall be at the reasonable discretion of EPGMD, and any forbearance on behalf of EPGMD 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 EPGMD's rights hereunder.

### **RED 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 will result in enforcement action.**

(2) Any project caused 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 at an upland location.

(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 new dock and associated ramp shall have a maximum over-water width of 12.0 feet for a total over-water area of 178.92 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) As-built drawings by a Professional Engineer registered in the State of Florida and/or the final inspection from the City of Fort Lauderdale demonstrating that the project is in substantial compliance with the licensed plans shall be submitted to the Department within thirty (30) days from completion of the project. **Failure to construct the project as authorized may result in enforcement action.**

(4) If the approved license drawings and/or license attachments/plans conflict with the specific conditions, then the specific conditions shall prevail.

(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. MANGROVE CONDITIONS

(1) Removal of existing mangrove seedlings from the footprint of the proposed dock are authorized by this license. Mangrove impacts are exempt from mitigation requirement under the Mangrove Trimming and Preservation Act, Fla. Stat. § 403.9328 (5) (1996).

(2) Any adjacent mangroves shall be protected from construction activities.

(3) Mangroves shall be cut using handheld equipment in a manner that will minimize impacts to the existing wetland vegetation and will not cause rutting of the soils.

(4) Initial mangrove alteration may be performed after issuance of this permit (and subject to all conditions and requirements of this permit). Mangroves may subsequently be maintained at the permitted configurations on an annual basis until the expiration date of this permit.

#### D. 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 so as 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) 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 Development and Environmental Regulation Division immediately at (954) 519-1499, referencing the license number and project name.

(c) Stabilize all exposed material contributing to the water quality violation. Modify the work procedures that were responsible for the violation, and install more turbidity containment devices and/or repair any non-functioning turbidity containment devices.

(4) Single/Twin turbidity screens, booms, curtains, or equivalent shall be affixed, anchored, or weighted to the existing seawall as depicted on the approved plans and 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.

(5) Connected turbidity curtain segments shall be overlapped and tied at the top and bottom so as to prevent turbidity from escaping through gaps between segments.

(6) Turbidity curtains shall be deployed to effectively encapsulate the work area without impeding navigation in public waterways.

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

**NOTICE OF RIGHTS**

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

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rule 28-106.201, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any email address, any facsimile number, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

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

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

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

Judicial Review

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

If you revise your project after submitting the initial joint application, please contact us as soon as possible. Also, if you have any questions, please contact Francisco Alvaro at (954) 519-1467 or via e-mail at [FAlvaro@Broward.org](mailto:FAlvaro@Broward.org). When referring to this project, please use the County file number listed above.

Executed in Plantation, Florida.

BROWARD COUNTY RESILIENT ENVIRONMENT DEPARTMENT as delegated by the STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

*Linda Sunderland*

Linda Sunderland, PWS  
Environmental Program Supervisor  
Environmental Permitting Division

*May 23, 2024*

Date

**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy clerk hereby certifies that this determination, including all copies were sent on the filing date below to the listed persons:

Army Corps of Engineers (via e-mail)  
Breezy Permits (via e-mail)

**FILING AND ACKNOWLEDGMENT**

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

Francisco Alvaro                      May 23, 2024  
Clerk    Date

**Attachment A****Chapter 62-330.051 Exempt Activities.**

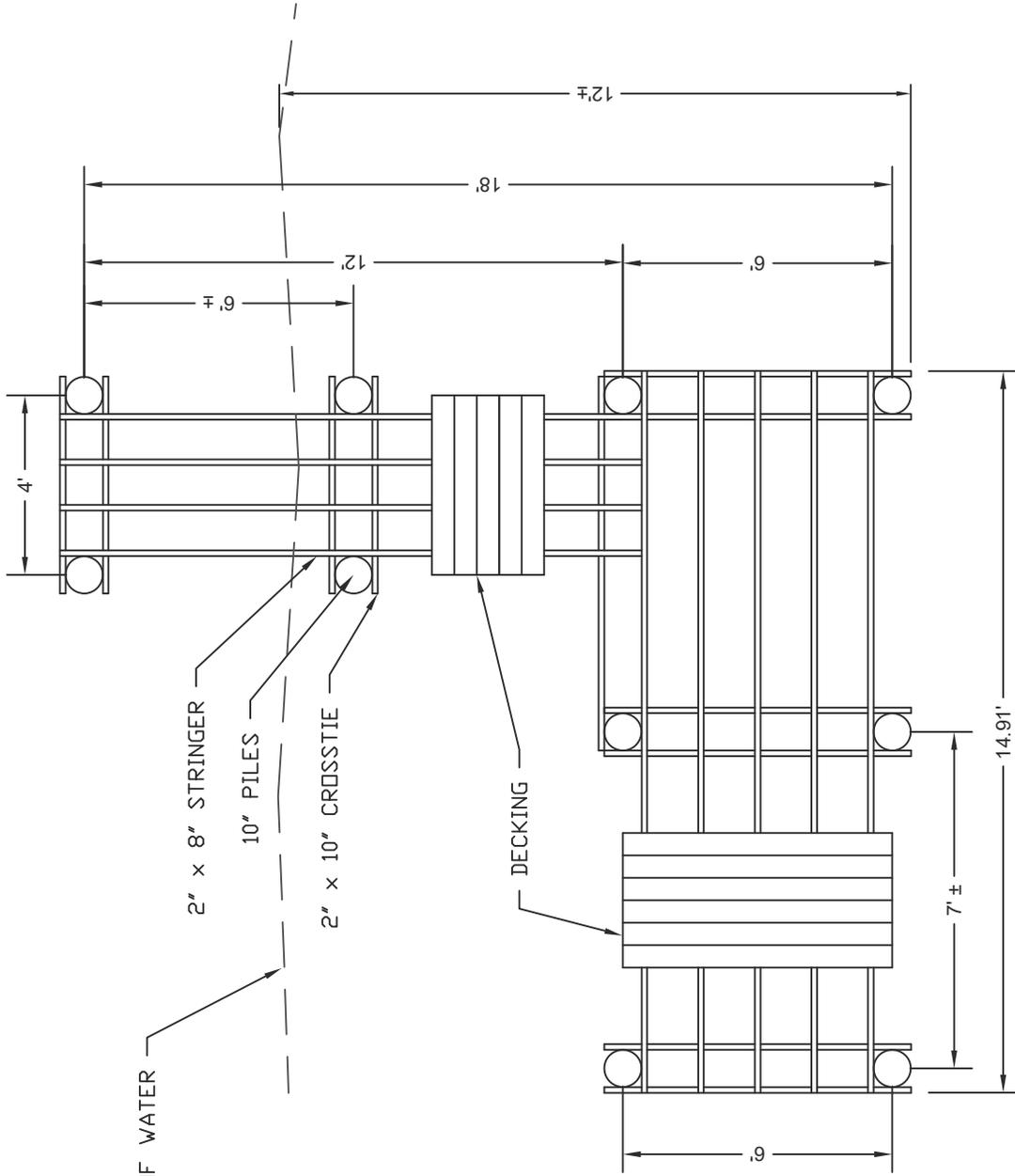
The activities meeting the limitations and restrictions below are exempt from permitting. However, if located in, on, or over state-owned submerged lands, they are subject to a separate authorization under Chapters 253 and 258, F.S., and Chapters 18-18, 18-20, and 18-21, F.A.C., as applicable.

**(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.





**FRAMING PLAN**  
1/4" = 1'-0"

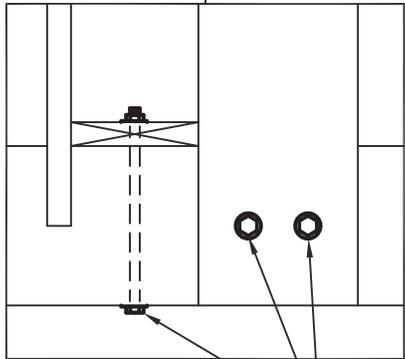
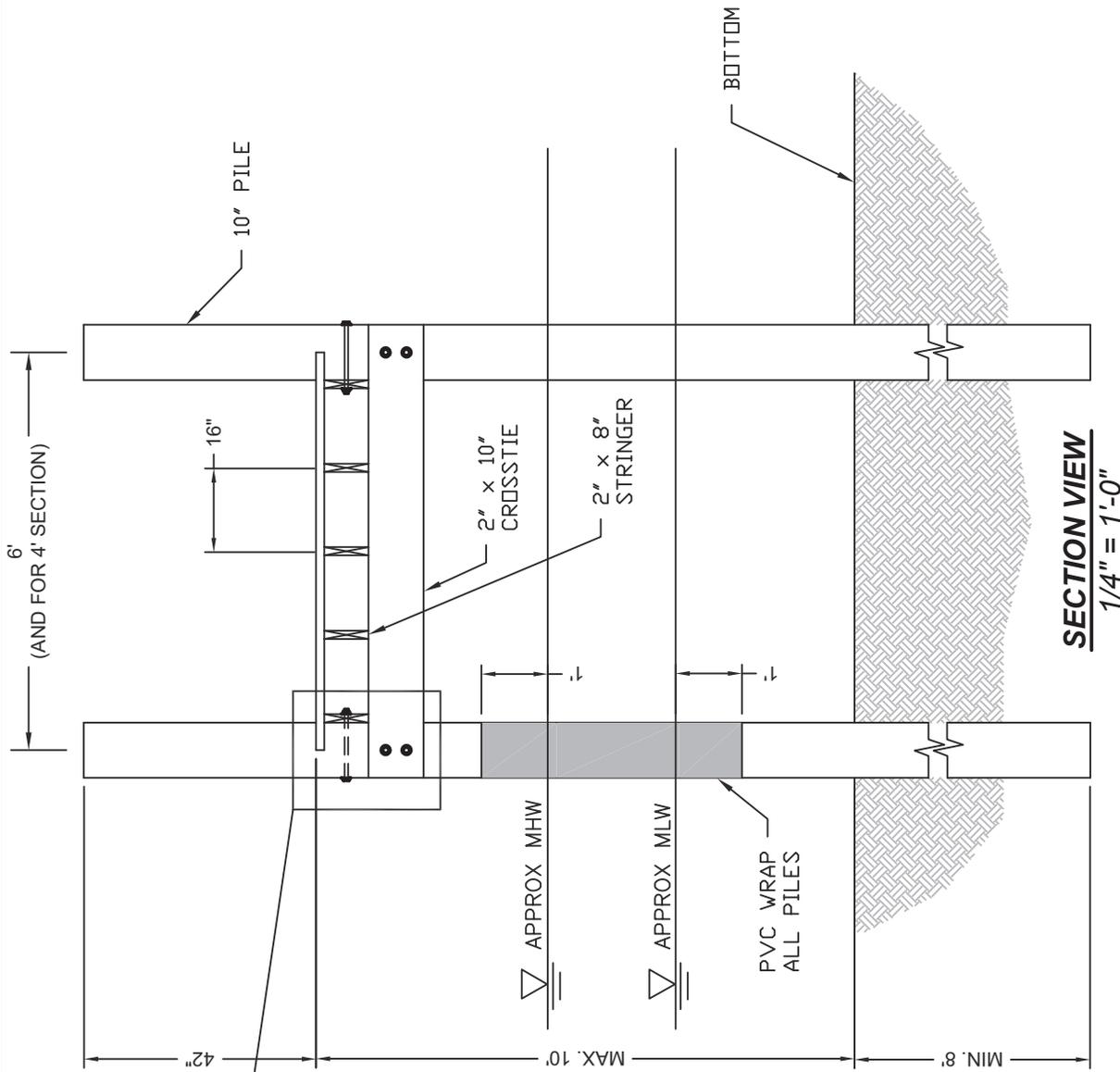
<p><b>Dwight M Baber</b> Digitally signed by Dwight M Baber Date: 2024.04.24 10:48:18 -04'00'</p> <p><small>This item has been electronically signed and sealed by Dwight M Baber, PE, using a SHA authentication code. Printed copies of this document are not considered signed and sealed and the SHA authentication code must be verified on any electronic copies.</small></p>	<p><b>DOCK</b></p>	<p>DATE</p> <p>4/24/24</p>	<p>REVISIONS</p> <p>INITIAL DRAWINGS COMPLETED</p>	<p>SHEET 2 OF 3</p>
	<p>ROGER EDWARDS 823 SOUTHEAST 2nd STREET FORT LAUDERDALE, FL</p>	<p>DATE</p> <p> </p>	<p>REVISIONS</p> <p> </p>	<p>DATE</p> <p> </p>

**MCR PROFESSIONAL ENGINEERING, INC.**  
NO. 52575  
OF: (561)863-3393

STATE OF FLORIDA  
REGISTERED PROFESSIONAL ENGINEER

MICHAEL BABER, FL PE # 52575

CAM #26-0137  
Exhibit 1



1/2" DIA THRU BOLTS

NOTES:

1. DECKING - 2"x6' COMPOSITE. STRINGER SPACING 16" MAX. SPACE STRINGERS AS NECESSARY TO COMPLY WITH MANUFACTURER SPACING REQUIREMENT FOR OTHER MATERIALS.
2. DECK FASTENERS TO BE 16d STAINLESS STEEL RING SHANK NAILS OR 3/4" HEX DRIVEN DECK SCREWS, OR EQUIVALENT, (OR PER MANUF. SPECIFICATIONS).
3. ALL HARDWARE TO BE STAINLESS STEEL. LUMBER TO BE PRESSURE TREATED FOR MARINE ENVIRONMENT, (ACQ OR CCA) 0.4 LBS/CF (FRAMING) 2.5 LBS/CF (PILES)
4. LUMBER TO BE #1 QUALITY SOUTHERN YELLOW PINE.

NOTE:  
PILE PENETRATION SHALL BE INTO SUITABLE SUBSTRATE (SAND). FINAL PENETRATION DEPTH TBD BY SOIL CONDITIONS.

<p><b>Dwight M Baber</b> Digitally signed by Dwight M Baber Date: 2024.04.24 10:48:34 -04'00'</p>		<p><b>DOCK</b></p> <p>ROGER EDWARDS 823 SOUTHEAST 2nd STREET FORT LAUDERDALE, FL</p>		<p>DATE</p> <p>4/24/24</p>	<p>REVISIONS</p> <p>INITIAL DRAWINGS COMPLETED</p>	<p>SHEET 3 OF 3</p>
<p><b>MCR PROFESSIONAL ENGINEERING, INC.</b> NO. 52575</p>		<p>OF: (561)863-3393</p>		<p>CAM #26-0137</p>		
<p><b>MICHAEL BABER, FL PE# 52575</b></p>		<p>STATE OF FLORIDA</p>		<p>PROFESSIONAL ENGINEER</p>		

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.

**Special Conditions for all Projects:**

1. Authorization, design and construction must adhere to the terms of the SPGP VI instrument including the General Conditions for All Projects, Special Conditions for All Projects, Applicable activity-specific special conditions, Procedure and Work Authorized sections.
2. Design and construction must adhere to the PDCs for In-Water Activities (Attachment 28, from PDCs AP.7 through AP11, inclusive, of JAXBO) (Reference: JAXBO PDC AP.1.).
3. All activities must be performed during daylight hours (Reference: JAXBO PDC AP.6.).
4. For all projects involving the installation of piles, sheet piles, concrete slab walls or boatlift I-beams (Reference Categories A, B and C of JAXBO *PDCs for In-Water Noise from Pile and Sheet Pile Installation*, page 86):
  - a. Construction methods limited to trench and fill, pilot hole (auger or drop punch), jetting, vibratory, and impact hammer (however, impact hammer limited to installing no more than 5 per day).
  - b. Material limited to wood piles with a 14-inch diameter or less, concrete piles with a 24-inch diameter/width or less, metal pipe piles with a 36-inch diameter or less, metal boatlift I-beams, concrete slab walls, vinyl sheet piles, and metal sheet piles.
  - c. Any installation of metal pipe or metal sheet pile by impact hammer is not authorized (Reference: Categories D and E of JAXBO *PDCs for In-Water Noise from Pile and Sheet Pile Installation*, page 86.).
  - d. Projects within the boundary of the NOAA Florida Keys National Marine Sanctuary require prior approval from the Sanctuary (Reference: JAXBO PDCs AP.14 and A1.6).
5. The Permittee shall comply with the “Standard Manatee Conditions for In-Water Work – 2011” (Attachment 29).
6. No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the Applicant/Permittee or other party on the Applicant’s/Permittee’s behalf, shall conduct a search of known historical properties by contracting a professional archaeologist, and contacting the Florida Master Site File at 850-245-6440 or SiteFile@dos.state.fl.us. The Applicant/Permittee can also research sites in the National Register Information System (NRIS). Information can be found at <http://www.cr.nps.gov/nr/research>.

- a. If, during the initial ground disturbing activities and construction work, there are archaeological/cultural materials unearthed (which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work in the vicinity and notify the Compliance and Review staff of the State Historic Preservation Office at 850-245-6333 and the Corps Regulatory Archeologist at 904-232-3270 to assess the significance of the discovery and devise appropriate actions, including salvage operations. 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.
- b. In the unlikely event that human remains are identified, the remains will be treated in accordance with Section 872.05, Florida Statutes; all work in the vicinity shall immediately cease and the local law authority, and the State Archaeologist (850-245-6444) and the Corps Regulatory Archeologist at 904-232-3270 shall immediately be notified. Such activity shall not resume unless specifically authorized by the State Archaeologist and the Corps.
7. The Permittee is responsible for obtaining any “take” permits required under the U.S. Fish and Wildlife Service’s regulations governing compliance with these laws. The Permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such “take” permits are required for a particular activity.
8. Mangroves. The design and construction of a Project must comply with the following (Reference: JAXBO PDCs AP.3 and AP.12.):
- a. All projects must be sited and designed to avoid or minimize impacts to mangroves.
- b. Mangrove removal must be conducted in a manner that avoids any unnecessary removal and is limited to the following instances:
- (1) Removal to install up to a 4-ft-wide walkway for a dock.
  - (2) Removal of mangroves above the mean high water line (MHWL) provided that the tree does not have any prop roots that extend into the water below the MHWL.
  - (3) Mangrove trimming. Mangrove trimming refers to the removal (using hand equipment such as chain saws and/or machetes) of lateral branches (i.e., no alteration of the trunk of the tree) in a manner that ensures survival of the tree.
    - (a) Projects with associated mangrove trimming waterward of the MHWL are authorized if the trimming: (a) occurs within the area where the

authorized structures are placed or will be placed (i.e., removal of branches that overhang a dock or lift), (b) is necessary to provide temporary construction access, and (c) is conducted in a manner that avoids any unnecessary trimming.

(b) Projects proposing to remove red mangrove prop roots waterward of the MHWL are not authorized, except for removal to install the dock walkways as described above.

9. For Projects authorized under this SPGP VI in navigable waters of the U.S., the Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
10. Notifications to the Corps. For all authorizations under this SPGP VI, including Self-Certifications, the Permittee shall provide the following notifications to the Corps:
  - a. 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 (Attachment 8).
  - b. Corps *Self-Certification Statement of Compliance* form. Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the "Self-Certification Statement of Compliance" form (Attachment 9) 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.
  - c. Permit Transfer. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date the enclosed form (Attachment 10).

d. Reporting Address. The Permittee shall submit all reports, notifications, documentation, and correspondence required by the general and special conditions of this permit to the following address.

(1) For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL, 32232-0019.

(2) For electronic mail: SAJ-RD-Enforcement@usace.army.mil (not to exceed 10 MB). The Permittee shall reference this permit number, SAJ-2015-2575 on all submittals.

11. The District Engineer reserves the right to require that any request for authorization under this SPGP VI be evaluated as an Individual Permit. Conformance with the terms and conditions of the SPGP VI does not automatically guarantee Federal authorization.
12. On a case-by-case basis, the Corps may impose additional Special Conditions which are deemed necessary to minimize adverse environmental impacts.
13. Failure to comply with all conditions of the SPGP VI constitutes a violation of the Federal authorization.
14. The SPGP VI will be valid through the expiration date unless suspended or revoked by issuance of a public notice by the District Engineer. The Corps, in conjunction with the Federal resource agencies, will conduct periodic reviews to ensure that continuation of the permit during the period ending expiration date, is not contrary to the public interest. The SPGP VI will not be extended beyond the expiration date but may be replaced by a new SPGP. If revocation occurs, all future applications for activities covered by the SPGP VI will be evaluated by the Corps.
15. If the SPGP VI expires, is revoked, or is terminated prior to completion of the authorized work, authorization of activities which have commenced or are under contract to commence in reliance upon the SPGP VI will remain in effect provided the activity is completed within 12 months of the date the SPGP VI expired or was revoked.

**Special Conditions for Shoreline Stabilization activities.**

1. Shoreline stabilization structures other than vertical seawalls shall be no steeper than a 2 horizontal:1 vertical slope (Reference: JAXBO PDC A1.1.4.).
2. Placement of backfill is limited to those situations where it is necessary to level the land behind seawalls or riprap.
3. Living shoreline structures and permanent wave attenuation structures can only be constructed out of the following materials: oyster breakwaters, clean limestone boulders or stone (sometimes contained in metal baskets or cages to contain the material), small mangrove islands, biologs, coir, rock sills, and pre-fabricated structures made of concrete and rebar that are designed in a manner so that they do not trap sea turtles, smalltooth sawfish, or sturgeon (Reference: JAXBO PDC A7.5.).
  - a. Reef balls or similar structures are authorized if they are not open on the bottom, are open-bottom structures with a top opening of at least 4 ft, or are pre-fabricated structures, such as reef discs stacked on a pile, and are designed in a manner that would not entrap sea turtles.
  - b. Oyster reef materials shall be placed and constructed in a manner that ensures that materials will remain stable and that prevents movement of materials to surrounding areas (e.g., oysters will be contained in bags or attached to mats and loose cultch must be surrounded by contained or bagged oysters or another stabilizing feature) (Reference: JAXBO PDC A7.2.).
  - c. Oyster reef materials shall be placed in designated locations only (i.e., the materials shall not be indiscriminately dumped or allowed to spread outside of the reef structure) (Reference: JAXBO PDC A7.3.)
  - d. Wave attenuation structures must have 5 ft gaps at least every 75 ft in length as measured parallel to the shoreline and at the sea floor, to allow for tidal flushing and species movement (Reference: JAXBO PDC A7.6.).
  - e. Other materials are not authorized by this SPGP VI (Reference: JAXBO PDC A7.5.).

**Special Conditions for Docks, Piers, Associated Facilities, and other Minor Piling-Supported Structures.**

1. Chickees must be less than 500 ft<sup>2</sup> and support no more than 2 slips (Reference: JAXBO PDC A2.1.6.).
2. The design and construction of a Project over marsh (emergent vegetation) must comply with the following:
  - a. The piling-supported structure shall be aligned so as to have the smallest over-marsh footprint as practicable.
  - b. The over-marsh portion of the piling-supported structure (decking) shall be elevated to at least 4 feet above the marsh floor.
  - c. 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.
3. Mangroves. For pile-supported structures, the following additional requirements for mangroves found in 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 updated November 2017 (Attachment 11) shall apply:
  - a. The width of the piling-supported structure is limited to a maximum of 4 feet.
  - b. Mangrove clearing is restricted to the width of the piling-supported structure.
  - c. The location and alignment of the piling-supported structure should be through the narrowest area of the mangrove fringe.
4. Educational Signs. For commercial, multi-family, or public facilities, and marine events, signs must be posted as described below (Reference: These replicate JAXBO PDCs A.2.2 and A.2.2.1 to A.2.2.3., inclusive, within the table PDCs Specific to Activity 2 - Pile Supported Structures and Anchored Buoys, starting on page 112.):
  - a. For commercial, multi-family, or public facilities, and marine events, signs must be posted in a visible location(s), alerting users of listed species in the area susceptible to vessel strikes and hook-and-line captures. The most current version of the signs that must be downloaded and sign installation guidance are available at: (<https://www.fisheries.noaa.gov/southeast/consultations/protected-species-educational-signs>). The signs required to be posted by area are stated below: <https://www.fisheries.noaa.gov/southeast/consultations/protected-species-educational-signs>.

- (1) All projects in Florida shall use the Save Sea Turtle, Sawfish, and Dolphin sign. These signs shall include contact information to the sea turtle and marine mammal stranding networks and smalltooth sawfish encounter database.
5. Monofilament Recycling Bins. For commercial, multi-family, or public facilities, monofilament recycling bins must be provided as described below (Reference: The below replicates PDC A.2.3 within the table PDCs Specific to Activity 2 - Pile Supported Structures and Anchored Buoys, the PDC itself on page 113 of the JAXBO.):
- a. For commercial, multi-family, or public facilities, monofilament recycling bins must be provided at the docking facility to reduce the risk of turtle or sawfish entanglement in, or ingestion of, marine debris. Monofilament recycling bins must:
- (1) Be constructed and labeled according to the instructions provided at <http://mrrp.myfwc.com>.
- (2) Be maintained in working order and emptied frequently (according to <http://mrrp.myfwc.com> standards) so that they do not overflow.
6. Lighting for docks installed within visible distance of ocean beaches. If lighting is necessary, then turtle-friendly lighting shall be installed. Turtle-friendly lighting is explained, and examples are provided on the Florida Fish and Wildlife Conservation Commission website: <http://myfwc.com/wildlifehabitats/managed/sea-turtles/lighting/> (Reference: JAXBO PDC A2.8.).
7. Construction Location. Project construction shall take place from uplands or from floating equipment (e.g., barge); prop or wheel-washing is prohibited (Reference: JAXBO PDC A2.9.).
8. Aids to Navigation (ATONs). ATONs must be approved by and installed in accordance with the requirements of the U.S. Coast Guard (i.e., 33 C.F.R., chapter I, subchapter C, part 66, Section 10 of the Rivers and Harbors Act, and any other pertinent requirements) (Reference: JAXBO PDC A2.5.).
9. Aids to Navigation (ATONs) in Acropora critical habitat. The distance from ATONs to ESA-listed corals and Acropora critical habitat (Attachment 20) shall ensure there are no impacts to the corals or the essential feature of Acropora critical habitat from the movement of buoys and tackle. The appropriate distance shall be based on the size of the anchor chain or other tackle to be installed to secure the buoy to its anchor, particularly when the design of the ATON does not prohibit the contact of tackle with the marine bottom. In all cases, buoy tackle will include flotation to ensure there is no contact between the anchor chain or line and the marine bottom (Reference: JAXBO PDC A2.10.).
10. Within Loggerhead sea turtle critical habitat (Reference: JAXBO PDC A2.15.):

(1) ATONs (pile-supported and anchored buoys) are allowed in nearshore reproductive habitat of the Northwest Atlantic Distinct Population Segment (NWA DPS) of loggerhead sea turtle critical habitat.

(2) No other pile-supported structures are allowed in nearshore reproductive habitat.

**General Conditions for All SPGP Projects:**

1. The time limit for completing the work authorized ends on July 27, 2026.
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 enclosed form (Attachment 10) and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

**Further Information:**

1. Limits of this authorization.
  - a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
  - b. This permit does not grant any property rights or exclusive privileges.
  - c. This permit does not authorize any injury to the property or rights of others.
  - d. This permit does not authorize interference with any existing or proposed Federal projects.
2. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
  - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
  - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
  - d. Design or Construction deficiencies associated with the permitted work.
  - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
3. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
  4. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
    - a. You fail to comply with the terms and conditions of this permit.
    - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 3 above).
    - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.
  5. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CER 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.
  6. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this

permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date the enclosed form.

7. 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, relocation or alteration.

## STANDARD MANATEE CONDITIONS FOR IN-WATER WORK 2011

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

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at [ImperiledSpecies@myFWC.com](mailto: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](http://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

## COMMENCEMENT NOTIFICATION

*Within 10 days of initiating the authorized work, submit this form via electronic mail to [saj-rd-enforcement@usace.army.mil](mailto: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-2015-2575, SPGP VI

**FDEP or Designee Permit Number:** \_\_\_\_\_

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**  
**SPGP V-R1**

**Permit Number:** \_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

Telephone Number: \_\_\_\_\_

Location of the Work: \_\_\_\_\_

\_\_\_\_\_

Date Work Started: \_\_\_\_\_ Date Work Completed:

\_\_\_\_\_

**PROPERTY IS INACCESSIBLE WITHOUT PRIOR NOTIFICATION: YES \_\_\_\_\_ NO \_\_\_\_\_**

**TO SCHEDULE AN INSPECTION PLEASE CONTACT \_\_\_\_\_**  
**AT \_\_\_\_\_**

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

\_\_\_\_\_

\_\_\_\_\_

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

Describe Mitigation completed (if applicable): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

\*\*\*\*\*

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

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date

## Department of the Army Permit Transfer for SPGP VI

PERMITEE: \_\_\_\_\_

PERMIT NUMBER: \_\_\_\_\_ DATE: \_\_\_\_\_

ADDRESS/LOCATION OF PROJECT:

\_\_\_\_\_  
\_\_\_\_\_

(Subdivision)

(Lot)

(Block)

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 Branch, Post Office Box 4970, Jacksonville, FL 32232-0019.

\_\_\_\_\_

(Transferee Signature)

\_\_\_\_\_

(Date)

\_\_\_\_\_

(Name Printed)

\_\_\_\_\_

(Street address)

\_\_\_\_\_

(Mailing address)

\_\_\_\_\_

