

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: May 1, 2007

Consent
 Ordinance

Regular
 Public Hearing

Department: Parks and Recreation

Submitted By: Parks and Recreation Department

Submitted For: Parks and Recreation Department

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to: **A) ratify** the signature of the Chairperson of the Board of County Commissioners on a Waterways Assistance Program Grant application, submitted to Florida Inland Navigation District (FIND) on March 27, 2007, requesting \$987,000 for the Moroso Waterway Park Development; **B) adopt** Resolution for assistance under the FIND Waterways Assistance Program for grant funding for Moroso Waterway Park Development in the amount of \$987,000; **C) authorize** the County Administrator or his designee to execute the funding Agreement, as well as task assignments, certifications, standard forms, or amendments to the Agreement that do not change the scope of work or terms and conditions of the Agreement, if the grant is approved; and **D) authorize** the Director of the Parks and Recreation Department to serve as Liaison Agent with FIND for this project.

Summary: This grant application requests up to \$987,000 from the FIND Waterways Assistance Program (WAP) for construction of Moroso Park (FKA Light Harbor Marina.) This project includes 72 car/boat trailer parking spaces, 20 car parking spaces, three boat launching ramp lanes with four 59 foot long floating boarding docks, and 290 linear feet of staging docks within a boat launching basin located on the Intracoastal Waterway in the City of Riviera Beach. The project also includes a restroom building, viewing pavilion, site lighting, landscaping and related infrastructure. The total cost of the project is estimated at \$4,195,500. Since FIND's grant guidelines do not allow the cost of landscaping, irrigation, contingency fees, architectural fees or any pre-Agreement expenses to be included in the application, a cost estimate of \$3,127,615 is being used. The balance of the project will be funded by the 2004 \$50 Million Waterfront Access and Preservation General Obligation Bond Issue and if awarded a proposed \$500,000 Florida Fish & Wildlife 2007/2008 Florida Boating Improvement Program Grant. District 7 (AH)

Background and Justification: FIND's WAP grant provides local governments funding for public boating access projects directly related to its waterways. Moroso Park is a 3.71 acre proposed Intracoastal Waterway boater access facility located in Riviera Beach, Florida. This proposed park will provide boaters access to nearby Peanut Island and the Atlantic Ocean via the Palm Beach Inlet. Project construction is scheduled to begin in October 2007 and be completed by December 2008. Additional car/trailer parking spaces and related saltwater boat access facilities are needed in this area. The park takes advantage of its close proximity to the Palm Beach Inlet and will serve the ten's of thousands of boat owners who trailer their boats in Palm Beach County. Expansion of boat/trailer parking in proximity to ocean inlets is a high priority boating need identified by Palm Beach County's *Public Boating Needs Assessment Study, 2002*.

Attachments:


1. Resolution
2. FIND Waterways Assistance Program Grant Application
3. Location Map

Recommended by: _____


Department Director

4/3/07
Date

Approved by: _____


Assistant County Administrator

4/10/07
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2007	2008	2009	2010	2011
Capital Expenditures	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Operating Costs	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
External Revenues	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Program Income (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
In-Kind Match (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
NET FISCAL IMPACT	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
# ADDITIONAL FTE POSITIONS (Cumulative)					

Is Item Included in Current Budget? Yes No
 Budget Account No.: Fund _____ Department _____ Unit _____
 Object _____ Program _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

There is no fiscal impact at this time. Should the grant be awarded, the additional funding sources for this project are identified as follows:

Florida Boating Improvement Program (FBIP) grant	3600-581-P198	\$500,000
Florida Inland Navigation District (FIND) grant	3600-581-P198	\$987,000
50M GO 05, Waterfront Access	3038-581-P198	\$2,708,500
	Total	\$4,195,500

C. Departmental Fiscal Review: *in-kind match*

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development and Control Comments:

[Signature] 4-11-07
 OFMB 4/10/07 4/10/07 mg 4/9/07 4/5/07
[Signature] 4/12/07 Contract Development and Control

B. Legal Sufficiency:

Anne Delgant 4/16/07
 Assistant County Attorney

C. Other Department Review:

 Department Director

REVISED 10/95
 ADM FORM 01

This summary is not to be used as a basis for payment

G:\jmatthew\Parks\Light Harbor Marina\FIND Application\AGENDA.DOC

**ATTACHMENT E-6
RESOLUTION FOR ASSISTANCE
UNDER THE FLORIDA INLAND NAVIGATION DISTRICT
WATERWAYS ASSISTANCE PROGRAM**

WHEREAS, THE Palm Beach County Board of County Commissioner (B.C.C.) is interested in carrying out the

(Name of Agency)

following described project for the enjoyment of the citizenry of Palm Beach County and the State of Florida:

Project Title Moroso Waterway Park

Total Estimated Cost \$ 3,127,615

Brief Description of Project:

This project includes 72 car/boat trailer parking spaces, 20 car parking spaces, three boat launching ramp lanes, four 59' floating boarding docks, 290 linear feet of floating staging docks within a boat ramp basin, restroom building, viewing pavilion on the Intracoastal Waterway, site lighting, landscaping and related infrastructure

AND, Florida Inland Navigation District financial assistance is required for the program mentioned above,

NOW THEREFORE, be it resolved by the Palm Beach County B.C.C.

(Name of Agency)

that the project described above be authorized,

AND, be it further resolved that said Palm Beach County B.C.C.

(Name of Agency)

make application to the Florida Inland Navigation District in the amount of 31.56% of the actual cost of the project in behalf of said Palm Beach County B.C.C.

(Name of Agency)

AND, be it further resolved by the Palm Beach County B.C.C.

(Name of Agency)

that it certifies to the following:

1. That it will accept the terms and conditions set forth in FIND Rule 66B-2 F.A.C. and which will be a part of the Project Agreement for any assistance awarded under the attached proposal.
2. That it is in complete accord with the attached proposal and that it will carry out the Program in the manner described in the proposal and any plans and specifications attached thereto unless prior approval for any change has been received from the District.

3. That it has the ability and intention to finance its share of the cost of the project and that the project will be operated and maintained at the expense of said Palm Beach County Board of County Commissioners for public use.
(Name of Agency)

4. That it will not discriminate against any person on the basis of race, color or national origin in the use of any property or facility acquired or developed pursuant to this proposal, and shall comply with the terms and intent of the Title VI of the Civil Rights Act of 1964, P. L. 88-352 (1964) and design and construct all facilities to comply fully with statutes relating to accessibility by handicapped persons as well as other federal, state and local laws, rules and requirements.

5. That it will maintain adequate financial records on the proposed project to substantiate claims for reimbursement.

6. That it will make available to FIND if requested, a post-audit of expenses incurred on the project prior to, or in conjunction with, request for the final 10% of the funding agreed to by FIND.

This is to certify that the foregoing is a true and correct copy of a resolution duly and legally adopted by the Palm Beach County B.C.C. at a legal meeting held on this _____ day of _____ 20__.

Attest:

Sharon R. Bock, Clerk & Comptroller
Palm Beach County

Palm Beach County, Florida, By
Its Board of County Commissioners

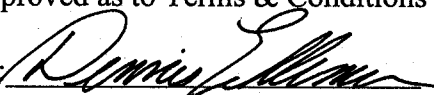
By: _____
Deputy Clerk

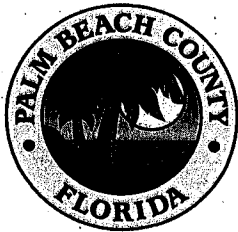
By: _____
Addie L. Greene, Chairperson

Approved as to Form and Legal Sufficiency

Approved as to Terms & Conditions

By: _____
Anne Helfant, Assistant County Attorney

By: 
Dennis Eshleman, Director
Parks & Recreation Department



March 30, 2007

Department of
Parks and Recreation
2700 6th Avenue South
Lake Worth, FL 33461
(561) 966-6600
Fax: (561) 642-2640
www.pbcparcs.com

Mr. Mark Crosley
Executive Assistant Director
Florida Inland Navigation District
1314 Marcinski Road
Jupiter, FL 33477

**RE: 2007-08 Waterways Assistance Program Grant Application
Moroso Waterway Park Development**

Dear Mr. Crosley:

Attached are two sets of the FY 2007/2008 Waterways Assistance Program grant application requesting \$987,000 for Moroso Waterway Park development (F.K.A. Light Harbor Marina.) The total project cost is estimated at \$3,127,615, and the balance will be funded from the 2004, \$50 Million Waterfront Access and Preservation General Obligation Bond and if awarded a proposed 2007/2008 Florida Fish & Wildlife Commission Florida Boating Improvement Program (FBIP) grant of \$500,000.

This application has been signed by Commissioner Addie L. Greene, Chairperson, Palm Beach County Board of County Commissioners, in accordance with County policies and procedures for the submission of grants that are awaiting Board approval. Consideration by the Board of County Commissioners is scheduled for their May 1, 2007 meeting, and upon approval we will send you an executed Resolution Form No. 90-11.

Please contact either myself or Jean Matthews, Senior Planner 561-966-6652 if you have any questions about this grant application or if you need any additional information.

Sincerely,

A handwritten signature in cursive script that reads "Dennis L. Eshleman".

Dennis L. Eshleman, Director
Parks and Recreation Department

DLE:JM
Attachments

**Palm Beach County
Board of County
Commissioners**

Addie L. Greene, Chairperson

Jeff Koons, Vice Chair

Karen T. Marcus

Warren H. Newell

Mary McCarty

Burt Aaronson

Jess R. Santamaria

County Administrator

Robert Weisman

*"An Equal Opportunity
Affirmative Action Employer"*

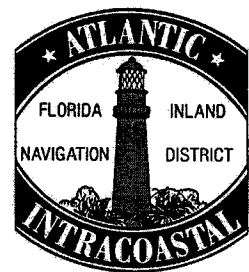
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FLORIDA INLAND NAVIGATION DISTRICT

2007-2008 Waterways Assistance Program
Moroso Waterway Park Phase I Development



Submitted By
Palm Beach County
Parks and Recreation Department
March 30, 2007



ATTACHMENT E-1

WATERWAYS ASSISTANCE PROGRAM
PROJECT APPLICATION
APPLICANT INFORMATION - PROJECT SUMMARY

Applicant: Palm Beach County Board of County Commissioners

Department: Parks and Recreation Department

Project Title: Moroso Waterway Park (F.K.A. Light Harbor Marina)

Project Director: Dennis Eshleman, Director Palm Beach County Parks and Recreation Department

Project Liaison Agent (if different from above): Jean Matthews

Liaison Agent Title: Senior Planner, Palm Beach County Parks and Recreation Department

Address: 2700 6th Avenue South

Lake Worth, Florida Zip Code: 33461

Telephone: 561-966-6652 Fax: 561-963-6747

Email: jmatthew@pbcgov.com

***** I hereby certify that the information provided in this application is true and accurate. ****

SIGNATURE: Eddie L. Greene DATE: 3/28/07

PROJECT SUMMARY NARRATIVE (Please summarize the project in 2 paragraphs or less.)

Moroso Waterway Park is a proposed 3.71 acre Intracoastal Waterway boater access facility located in Riviera Beach, Florida. This facility will provide much needed access to nearby Peanut Island and the Palm Beach Inlet. The \$3,127,615 project includes 72 car/boat trailer parking spaces, 20 car parking spaces, and three boat launching lanes featuring four 59 foot long floating boarding docks, restrooms, viewing pavilion, site lighting, landscaping and related infrastructure.

The Park is designed for boats to launch directly into a sheltered boat ramp basin. The boat ramp basin features a hard breakwater, which will protect boaters from currents, waves, and boat traffic along the Intracoastal Waterway. Within the boat ramp basin there is an additional 290 linear feet of floating staging docks along the perimeter, providing boaters the opportunity to secure their boats while retrieving their vehicle and trailer. Construction is scheduled to begin in October 2007 and be complete by December 2008. Due to the anticipated high use of the facility Park Rangers will be on duty during weekends and holidays to help supervise traffic and launching.

Form No. 90-22
rev 12/17/90, Rev.07-30-02

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY
Anne Helgert
COUNTY ATTORNEY

From: unknown

Page: 2/3

Date: 2/12/2007 3:11:52 PM

**ATTACHMENT E-2
APPLICATION CHECKLIST
(To be completed by the Applicant)**

This checklist and the other items listed below in items 1 through 14 constitute your application. The required information shall be submitted in the order listed.

Any additional information submitted by the applicant is subject to being removed from the package by District staff prior to presentation to the District Board because of reproduction and space considerations.

Two (2) copies of your application are required.

All information is required to be on 8 1/2" x 11" paper.

Maps and drawings may be on 8 1/2" x 14" paper and folded to 8 1/2" x 11" so that they may be folded out after being hole punched and bound in a book.

	<u>YES</u>	<u>NO</u>
1. District Commissioner Review (prior to March 01) (NOTE: For District Commissioner Initials ONLY!) (District Commissioner must initial the yes line on this checklist for the application to be accepted for processing)	<u>MS</u>	_____
2. Applicant Info/Project Summary - E-1 (Form No. 90-22, 1 page) (Form must be completed and signed)	<u>X</u>	_____
3. Application Checklist - E-2 (Form No. 90-26, 2 pages) (Form must be signed and dated)	<u>X</u>	_____
4. Project Information - E-3 (Form No. 90-22a, 1 page)	<u>X</u>	_____
5. Project Evaluation and Rating - E-4 ⁽⁺⁾ (Form No. 91-25) (Form must be completed, proper attachment included) (No signatures required)	<u>X</u>	_____
6. Project Cost Estimate - E-5 (Form No. 90-25, 1 page) (Must be on District form)	<u>X</u>	_____
7. Official Resolution Form - E-6 (Form No. 90-21, 2 pages) (Resolution must be in District format and include items 1-6)	_____	<u>X</u> (5/1/07)
8. Attorney's Certification (Land Ownership) - E-7 (Must be on or follow format of Form No. 94-26, legal descriptions alone are not acceptable)	<u>X</u>	_____

Agenda - -

ATTACHMENT E-2 (Continued)

APPLICATION CHECKLIST
(To be completed by the Applicant)

- | | | | |
|-----|---|--------------|-------------|
| 9. | Project Timeline – E-8 (Form 96-10, 1 page) | <u> X </u> | <u> </u> |
| 10. | County Location Map | <u> X </u> | <u> </u> |
| 11. | City Location Map (if applicable) | <u> X </u> | <u> </u> |
| 12. | Project Boundary Map | <u> X </u> | <u> </u> |
| 13. | Site Development Map | <u> X </u> | <u> </u> |
| 14. | Copies of all Required Permits
(Required of development projects only) | <u> X </u> | <u> </u> |

The undersigned, as applicant, acknowledges that Items 1 through 13 above constitutes a complete application and that this information is due in the District office no later than June 01, 2007 or my application will be deemed incomplete at that time and removed from any further consideration by the District. I also acknowledge that the information in Item 14 is due to the District no later than the final TRIM Hearing in September 2007. If the information in Item 14 is not submitted to the District office by the District's final TRIM hearing in September 2007, I am aware that my application will be removed from any further funding consideration by the District.

 Addie L. Greene
APPLICANT'S LIAISON

 3/28/07
DATE

FIND OFFICE USE ONLY
Date Received: _____
Local FIND Commissioner Review: _____
All Required Supporting Documents: _____
Applicant Eligibility: _____
Project Eligibility: _____
Compliance with Rule 66B-2 F.A.C.: _____
Eligibility of Project Cost: _____

Form No. 90-26
New 9/2/92, Revised 07-30-02.

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

 Anne Helgert
COUNTY ATTORNEY

**ATTACHMENT E-3
PROJECT INFORMATION**

Total Project Cost: \$ 3,127,615 FIND Funding Requested: \$ 987,000 % of total cost: 31.56%

Amount and Source of Applicants Matching Funds: \$1,640,615 from the 2004 \$50 Million Waterfront Access and Preservation G.O. Bond and if awarded a proposed \$500,000 Florida Fish & Wildlife Commission - Florida Boating Improvement Program Grant.

Other (non-FIND) Assistance applied for (name of program and amount) Florida Fish & Wildlife Commission - Florida Boating Improvement Grant for \$500,000

Ownership of Project Site (check one): Own: Leased: Other:

If leased or other, please describe lessor terms and conditions: _____

Once completed, will this project be insured? Yes Explain: The restroom building, viewing pavilion, and site lighting will be insured, however, the floating docks will not be insured.

Has the District previously provided assistance funding to this project or site? : No

If yes, please list: _____

What is the current level of public access in terms of the number of boat ramps, boat slips and trailer parking spaces, linear feet of boardwalk (etc.)? (as applicable): Not Applicable - Vacant Land

How many additional ramps, slips, parking spaces or other public access features will be added by the completion of this project? (as applicable): Three new ramp lanes, 72 car/boat trailer parking spaces, 20 car parking spaces, four 59 foot long floating boarding docks, 290 linear feet of floating staging docks along the perimeter of the boat ramp basin, restroom, hard break water, and a viewing pavilion on the Intracoastal Waterway.

If there are fees charged for the use of this project, please denote. How do these fees compare with fees from similar public & private facilities in the area? Please provide documentation The Palm Beach County Parks and Recreation Department is not planning on charging a fee at this point in time.

Please list all Environmental Resource Permits Required for this project:

<u>Agency</u>	<u>Yes/ No N/A</u>	<u>Date Applied For</u>	<u>Date Received</u>
WMD			
DEP	<u>Yes</u>		<u>12/05/05</u>
ACOE	<u>Yes</u>		<u>12/05/05</u>
COUNTY/CITY		<u>Will Apply 4/07</u>	

Form No. 90-22a (New 10-14-92, Rev. ___-___-06, ___-___-07)

ATTACHMENT E-4

WATERWAYS ASSISTANCE PROGRAM

APPLICATION EVALUATION AND RATING WORKSHEET

The applicant is to complete this worksheet by entering the project title, applicant name and answers to the applicable questions. ****Do not answer with more than three sentences.****

All applicants must answer a total of ten questions. All applicants will complete Attachment E-4 of the worksheet, which includes questions 1 through 6.

Each applicant will then complete **one and only one sub-Attachment** (E-4 A, B, C, D or E, questions 7-10) according to the applicant's project type in reference to Attachment B. The applicant should determine their project type (if the project incorporates more than one project type) by determining which project type is dominant in terms of project cost.

All other sub-attachments that are not applicable to an applicant's project should not be included in the submitted application.

APPLICATION TITLE: Moroso Waterway Park

APPLICANT: Palm Beach County Board of County Commissioners

CATEGORY & RATING POINTS AVAILABLE	RATING POINTS	EVALUATION CRITERIA
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1) PRIORITY LIST:

- a) List the priority list category of this project from Attachment C in the application. (The application may only be of one type based upon the predominant cost of the project elements.)

This project ranks #7 (Public Boat Ramps and Launching Facilities & Land Acquisition for additional trailer parking at an existing boat ramp.

- b) Explain how the project fits this priority category.

This is a construction project for new public boat ramps and associated launching facilities.

(For reviewer only)

Max. Available Score _____

Range of Score (0 to 8 points)

2) WATERWAY RELATIONSHIP:

- a) **Explain how the project directly relates to the ICW and the mission of the Navigation District.** Moroso Waterway Park is located on the west side of the Intracoastal Waterway in the City of Riviera Beach. This new park will provide three boat launching lanes and 72 car/boat trailer parking spaces, 20 car parking spaces, 290 linear feet of floating staging docks on the perimeter of the boat ramp basin, four 59 foot long floating boarding docks, restrooms, and a viewing pavilion. This new facility will provide boaters direct access to the Intracoastal Waterway and the Palm Beach Inlet.
- b) **How does the project benefit public navigation or access to the ICW or adjoining waterways?** The construction of this new saltwater boat launching facility in close proximity to Peanut Island and the Palm Beach Inlet will provide members of the boating public a lighted, safe, secure environment in which to launch their vessels and leave their vehicles. Park Rangers will supervise launching and traffic on weekends and holidays.

(For reviewer only)
(0-6 points)

3) PUBLIC USAGE & BENEFITS:

- a) **How is the public usage of this project clearly identified and quantified?**
Palm Beach County Parks and Recreation Department completed a *Boating Needs Assessment Study, 2002*. The study clearly identified a County wide need for 500 additional public saltwater car/boat trailer parking spaces. According to FY 2003/2004 figures, over 43,339 vessels were registered in Palm Beach County and currently there are only 13 saltwater public boat launching facilities with approximately 560 saltwater car/boat trailer parking spaces available to the public.
- b) **Discuss the regional local public benefits and access to be provided by the project.** The Palm Beach Inlet is located only 54.4 nautical miles from West End in the Bahamas. Moroso Waterway Park will provide the closest launching facility in all of Palm Beach and Martin Counties to the Bahamas. For boaters residing in Glades, Hendry, Okeechobee and Highlands Counties, Moroso Waterway Park will be the logical launching site for those traveling to the Bahamas and the park will provide a safe, secure, lighted location to leave a vehicle and boat trailer overnight.
- c) **Estimate the amount of total public use.** While it is difficult to quantify the number of individuals using the park, Moroso Waterway Park will provide 72 car/boat trailer parking spaces and the park is expected to be at full capacity on most weekends and holidays. Saltwater boat launching parking facilities generally turn over two to three times on weekends, a capacity of up to 216 boats per day. In addition the waters off of the Palm Beach Inlet are considered to have some of the best Sailfishing grounds in the United States, and many fisherman are expected to launch from this facility during the week.
- d) **Can residents from other counties of the District reasonably use the project? Explain.**
Moroso Waterway Park is located in northern Palm Beach County and will be used by residents of Martin County to the north and Glades and Hendry County to the west. While Port Everglades Inlet in Broward County is located only 52 nautical from Bimini, Broward County boaters wishing to travel to West End may use Moroso Waterway Park.

(For reviewer only)
(0-8 points)

4) TIMELINESS

- a) **Describe current status of the project and present a reasonable and effective timeline for the completion of the project consistent with Attachment E-8.**
 The architectural and engineering drawings are 95% complete, and the final drawings are scheduled to be completed by mid-April. At that time, Palm Beach County will apply to the City of Riviera Beach for a building permit. All environmental permits are in place. Construction is scheduled to begin in October 2007 and be completed by December 2008.
- b) **Briefly explain any unique aspects of this project that could influence the project timeline.**
 The time line could be affected if some unforeseen obstacles are encountered, particularly in digging the boat launching basin, i.e. rock, utilities, etc.

(For reviewer only)
(0-3 points)

5) COSTS & EFFICIENCY:

- a) **List any additional funding sources and the status and amount of the corresponding funding that will be utilized to complete this project.** On April 23, 2007, Palm Beach County Parks and Recreation Department will apply for a Florida Fish & Wildlife Conservation Commission – Florida Boating Improvement Program grant for \$500,000. The balance of the funding will come from the 2004 \$50 Million Waterfront Access and Preservation General Obligation Bond Issue.
- b) **Identify and describe any project costs that may be increased because of the materials utilized or specific site conditions.** There is a 40+ year old asbestos water main that runs through the property that will likely break under the weight of construction machinery. Replacing or repairing this water main may increase the cost of the project, however, there is money budgeted for contingencies for this purpose.
- c) **Describe any methods to be utilized to increase the cost efficiency of this project.**
 The restroom is being constructed utilizing “sustainable” products, like “hardie-plank,” a composite cementitious siding and an all-aluminum standing-seam metal roof. Use of these materials is cost effective from a long term maintenance stand point.
- d) **If there are any fees associated with the use of this facility, please detail. In addition, please provide a listing of the fees charged by similar facilities, public and private, in the project area.** The Palm Beach County Parks and Recreation Department’s policy is not to charge a user fee for this or any of its boat launching facilities. Nearby Intracoastal Waterway public boat ramps in West Palm Beach are also free of charge.

(For reviewer only)
(0-6 points)

6) PROJECT VIABILITY:

- a) **Does the project fill a specific need in the community?**
 Prior studies conducted by state and local agencies indicate that there is a shortage of public boating access to the Intracoastal Waterway and the Atlantic Ocean in Palm Beach County. This project will add three boat launching lanes, 72 additional car/boat trailer parking, 20 car parking spaces, boarding docks, staging docks, restrooms and a viewing pavilion on the Intracoastal Waterway. The park will also provide public access to the 500 linear foot Lockheed Martin pier to provide access to local community residents for fishing and water taxi access to Peanut Island.

- b) **Clearly demonstrate how the project will continue to be maintained after District funding is completed.** Moroso Waterway Park will be operated and maintained by the Palm Beach County Parks and Recreation Department. The Parks Maintenance Division has 345 full time employees and annual operating budget of over \$35 million.

- c) **Will the program result in significant and lasting benefits?**
 Once the project is complete the park will be operated and maintained in perpetuity by the Palm Beach County Parks and Recreation Department, providing residents of both Palm Beach and Martin County greater access to the water.

(For reviewer only)
(0-7 points)

SUB-TOTAL _____

FIND FORM NO. 91-25
 (Effective Date: 3-21-01, Revised 4-24-06)

ATTACHMENT E-4A

WATERWAYS ASSISTANCE PROGRAM

APPLICATION EVALUATION AND RATING WORKSHEET

DEVELOPMENT & CONSTRUCTION PROJECTS

THIS ATTACHMENT IS TO BE COMPLETED IF YOUR PROJECT IS A DEVELOPMENT OR CONSTRUCTION PROJECT BUT IS NOT AN INLET MANAGEMENT OR BEACH RENOURISHMENT PROJECT.

CATEGORY & RATING POINTS AVAILABLE	RATING POINTS	EVALUATION CRITERIA
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7) PERMITTING:

- a) **Have all required environmental permits been applied for? If permits are NOT required, explain why not.**

All environmental permits have been issued.

- b) **If the project is a Phase I project, list the tasks scheduled to obtain the necessary permits and engineering work.**

Not Applicable, project will be completed in a single phase.

- c) **Detail any significant impediments that may have been identified that would potentially delay the timely issuance of the required permits.**

Not Applicable, all environmental permits have been issued

*(For reviewer only)
(0-4 points)*

8) PROJECT DESIGN:

- a) **Has the design work been completed? If this is a Phase I project, has a preliminary design been developed?**

The architectural and engineering drawings are 95% complete, and the final drawings are scheduled to be completed by mid-April

- b) **Are there unique beneficial aspects to the proposed design that enhance public usage or access, decrease environmental impacts, improve water quality or reduce costs?**

Through a unique public-private funding agreement between Lockheed Martin Corporation (neighbor to the south) and the City of Riviera Beach a 500' x 16' dock/public fishing pier/water taxi facility will be constructed 30 feet south of Moroso Park. A security gate will run the entire length of the pier facilitating day-use dockage on the north side with a water taxi stand on the end and the south side for private dockage by Lockheed Martin. A concrete sidewalk will run along the southern 1003 feet of Moroso Waterway Park and a 30 foot connector dock will be added to provide pedestrian access to the pier.

(For reviewer only)
(0-2 points)

9) CONSTRUCTION TECHNIQUES:

- a) **Briefly explain the construction techniques to be utilized for this project.**

The boat ramp basin will be dug from the upland area of the property, and construction will be accomplished in the wet, but with a "plug" across the mouth of the entrance to the basin. All seawall, rock armor and fixed docks and boat ramps will be constructed from the uplands along with the floating docks will be floated to their locations. All other upland construction, restrooms, parking areas, walkways, etc. will be constructed using conventional methods.

- b) **How are the construction techniques utilized appropriate for the project site?**

The restroom will be constructed utilizing materials that can withstand hurricane force winds and the "salt environment" for over 25 years.

- c) **Identify any unusual construction techniques that may increase or decrease the costs of the project.**

Marina/boat ramp projects in general are subject to possible cost increases. Primarily due to unanticipated site issues, i.e. rock, buried utilities, erosion, etc.

(For reviewer only)
(0-3 points)

10) CONSTRUCTION MATERIALS:

- a) **List the materials to be utilized for this project. What is the design life of the proposed materials?**
The building and marine facility materials should have a minimum 25-30 year life expectancy. The asphalt parking areas generally need to be resurfaced in 10-15 years; depending on the amount of use.

- b) **Describe any recyclable material to be utilized. How does the recyclable material (if any) compare to other available material?**
The "hardie-plank" siding, aluminum standing seam metal roof panels and floating dock system are all considered recyclable material. Their prices are comparable or less than wood siding and concrete roof tiles. The aluminum floating dock system is less expensive than a floating concrete and fiber-glass system.

- c) **Identify any unique construction materials that may significantly alter the project costs.**
The price of concrete has fluctuated over the past few years due to supply and demand. The price seems to be stabilizing and even lowered in the past few months.

(For reviewer only)
(0-3 points)

RATING POINT
TOTAL _____

(Note: The total maximum score possible is dependent upon the project priority category but cannot exceed 50 points unless the project qualifies as an emergency-related project. The minimum score possible is 0 points. A score of 35 points or more is required to be considered for funding.)

Form No. 91-25A
(Effective Date: 3-21-01, revised ___-___)

ATTACHMENT E-5

**FLORIDA INLAND NAVIGATION DISTRICT
ASSISTANCE PROGRAM**

PROJECT COST ESTIMATE

(See Rule Section 66B-2.005 & 2.008 for eligibility and funding ratios)

PROJECT TITLE: Moroso Waterway Park

APPLICANT: Palm Beach County Board of County Commissioners.

Project Elements <i>(Please list the MAJOR project elements and provide a general cost break out for each one. For Phase I Projects, please list the major elements and products expected)</i>	Quantity Estimated Cost (Number and/or Footage)	Applicant's Cost	FIND Cost
Restroom Building 23'4" x 26'	1	\$107,600	\$9,750
Concrete Bulkhead (\$15.00/L.F.)	655 Linear Feet	491,250	491,250
Boat Ramps (3 x \$45,000)	135,000	67,500	67,500
Finger Piers 4'0" Wide	728 sq. ft.	32,760	32,760
Finger Piers 6'0" Wide	354 sq. ft.	15,930	15,930
Floating Docks 6'0" Wide	1,170 sq. ft.	23,400	23,400
Floating Docks 8'0" Wide	280 sq. ft.	5,600	5,600
Floating Dock Ramps	2	3,900	3,900
Wood Deck	900 sq. ft.	29,250	29,500
Piles for Floating Docks (\$1,000 each)	15	7,500	7,500
Excavation & Haul Off	8,200 cubic yards	32,800	32,800
Rock riprap	180 tons	8,100	8,100
Parking Lot/Boat Ramp Site Lighting	Lump Sum	138,856	138,856
Parking & Sidewalks-waterway users	Lump Sum	327,536	120,154
Viewing Pavilion	1	24,365	0
Infrastructure Costs	Lump Sum	418,618	0
Misc. Electrical Systems	Lump Sum	55,650	0
Consultant Engineering, Permitting and Construction Management	Lump Sum	350,000	0

**** TOTALS =** **\$ 3,127,615** **\$ 2,140,615** **\$ 987,000**

Form No. 90-25 (New 10/14/92, Revised ___ - ___-06)

**ATTACHMENT E-6
RESOLUTION FOR ASSISTANCE
UNDER THE FLORIDA INLAND NAVIGATION DISTRICT
WATERWAYS ASSISTANCE PROGRAM**

WHEREAS, THE Palm Beach County Board of County Commissioner (B.C.C.) is interested in carrying out the

(Name of Agency)

following described project for the enjoyment of the citizenry of Palm Beach County and the State of Florida:

Project Title Moroso Waterway Park

Total Estimated Cost \$ 3,127,615

Brief Description of Project:

This project includes 72 car/boat trailer parking spaces, 20 car parking spaces, three boat launching ramp lanes, four 59' floating boarding docks, 290 linear feet of floating staging docks within a boat ramp basin, restroom building, viewing pavilion on the Intracoastal Waterway, site lighting, landscaping and related infrastructure

AND, Florida Inland Navigation District financial assistance is required for the program mentioned above,

NOW THEREFORE, be it resolved by the Palm Beach County B.C.C.

(Name of Agency)

that the project described above be authorized,

AND, be it further resolved that said Palm Beach County B.C.C.

(Name of Agency)

make application to the Florida Inland Navigation District in the amount of 31.56% of the actual cost of the project in behalf of said Palm Beach County B.C.C.

(Name of Agency)

AND, be it further resolved by the Palm Beach County B.C.C.

(Name of Agency)

that it certifies to the following:

1. That it will accept the terms and conditions set forth in FIND Rule 66B-2 F.A.C. and which will be a part of the Project Agreement for any assistance awarded under the attached proposal.
2. That it is in complete accord with the attached proposal and that it will carry out the Program in the manner described in the proposal and any plans and specifications attached thereto unless prior approval for any change has been received from the District.

3. That it has the ability and intention to finance its share of the cost of the project and that the project will be operated and maintained at the expense of said Palm Beach County Board of County Commissioners for public use.
(Name of Agency)

4. That it will not discriminate against any person on the basis of race, color or national origin in the use of any property or facility acquired or developed pursuant to this proposal, and shall comply with the terms and intent of the Title VI of the Civil Rights Act of 1964, P. L. 88-352 (1964) and design and construct all facilities to comply fully with statutes relating to accessibility by handicapped persons as well as other federal, state and local laws, rules and requirements.

5. That it will maintain adequate financial records on the proposed project to substantiate claims for reimbursement.

6. That it will make available to FIND if requested, a post-audit of expenses incurred on the project prior to, or in conjunction with, request for the final 10% of the funding agreed to by FIND.

This is to certify that the foregoing is a true and correct copy of a resolution duly and legally adopted by the Palm Beach County B.C.C. at a legal meeting held on this _____ day of _____ 20__.

Attest:

Sharon R. Bock, Clerk & Comptroller
Palm Beach County

Palm Beach County, Florida, By
Its Board of County Commissioners

By: _____
Deputy Clerk

By: _____
Addie L. Greene, Chairperson

Approved as to Form and Legal Sufficiency

Approved as to Terms & Conditions

By: _____
Anne Helfant, Assistant County Attorney

By: _____
Dennis Eshleman, Director
Parks & Recreation Department

ATTORNEYS CERTIFICATION OF TITLE

Palm Beach County
Property and Real Estate Management Division
3200 Belvedere Road, Building 1169
West Palm Beach, Florida 33406-1544

March 23, 2007

TO WHOM IT MAY CONCERN:

I, Samara J. Cooper, an attorney, am the Assistant Director of the Property and Real Estate Management Division for Palm Beach County, Florida. I hereby state the following:

1. I have examined a copy of a Warranty Deed from Light Harbor Marina, Inc. dated December 26, 1996, and recorded December 31, 1996 in Official Record Book 9593, Page 1608, public records of Palm Beach County, Florida, conveying the following described property to Palm Beach County:

All of the Plat of Light Harbor Marina, according to the plat thereof, as recorded in Plat Book 68, Page 28, public records of Palm Beach County, Florida.

2. I have examined a copy of a County Deed from Palm Beach County to Millennium Development, LLC (R2002-1126) dated July 9, 2002, and recorded August 16, 2002, in Official Record Book 14043, Page 1954, public records of Palm Beach County, Florida, conveying the following described property:

A parcel of land in Section 28, Township 42 South, Range 43 East, Palm Beach County, Florida, being a portion of the Plat of Light Harbor Marina, recorded in Plat Book 68, Page 28 of the public records of Palm Beach County, Florida, more particularly described as follows:

Begin at the northwest corner of said plat; thence along the northerly boundary of said plat for the following courses:

*Thence N90°00'00"E for 365.00 feet;
thence N00°07'00"W for 105.92 feet;
thence N90°00'00"E for 805.14 feet to the easterly boundary of said plat;
thence along said easterly boundary for the following courses:*

ATTORNEYS CERTIFICATION OF TITLE
Moroso Park
Page 2

*thence S00°00'00"E for 13.75 feet;
thence S89°40'43"W for 26.75 feet;
thence S59°08'16"W for 4.75 feet;
thence S01°54'11"E for 88.78 feet;
thence S89°26'49"W for 135.71 feet;
thence S03°03'14"W for 48.85 feet;
thence departing said boundary, S90°00'00"W for 1003.64 feet to the
west boundary of said plat;
thence along said west boundary, N00°07'00"W for 49.24 feet to the
Point of Beginning.*

3. By virtue of these instruments, Palm Beach County owns the remaining property described as follows:

A parcel of land in Section 28, Township 42 South, Range 43 East, Palm Beach County, Florida, being a portion of the Plat of Light Harbor Marina, recorded in Plat Book 68, Page 28 of the public records of Palm Beach County, Florida, more particularly described as follows:

All of the Plat of Light Harbor Marina, according to the plat thereof, as recorded in Plat Book 68, Page 28, public records of Palm Beach County, Florida, less the following described parcel:

Begin at the northwest corner of said plat; thence along the northerly boundary of said plat for the following courses:

*Thence N90°00'00"E for 365.00 feet;
thence N00°07'00"W for 105.92 feet;
thence N90°00'00"E for 805.14 feet to the easterly boundary of said plat;
thence along said easterly boundary for the following courses:
thence S00°00'00"E for 13.75 feet;
thence S89°40'43"W for 26.75 feet;
thence S59°08'16"W for 4.75 feet;
thence S01°54'11"E for 88.78 feet;
thence S89°26'49"W for 135.71 feet;
thence S03°03'14"W for 48.85 feet;
thence departing said boundary, S90°00'00"W for 1003.64 feet to the west
boundary of said plat;
thence along said west boundary, N00°07'00"W for 49.24 feet to the Point
of Beginning.*

ATTORNEYS CERTIFICATION OF TITLE

Moroso Park

Page 3

I have also examined a document showing that this property is listed on the tax rolls as belonging to Palm Beach County. Finally, I have also examined such documents and records as necessary for this certification.

This property is commonly known as "Moroso Park".

I certify that as of the date hereof Palm Beach County owns record fee simple title to the above described property.

Very truly yours,



Samara J. Cooper, Assistant Director
Palm Beach County Property and Real Estate Management Division

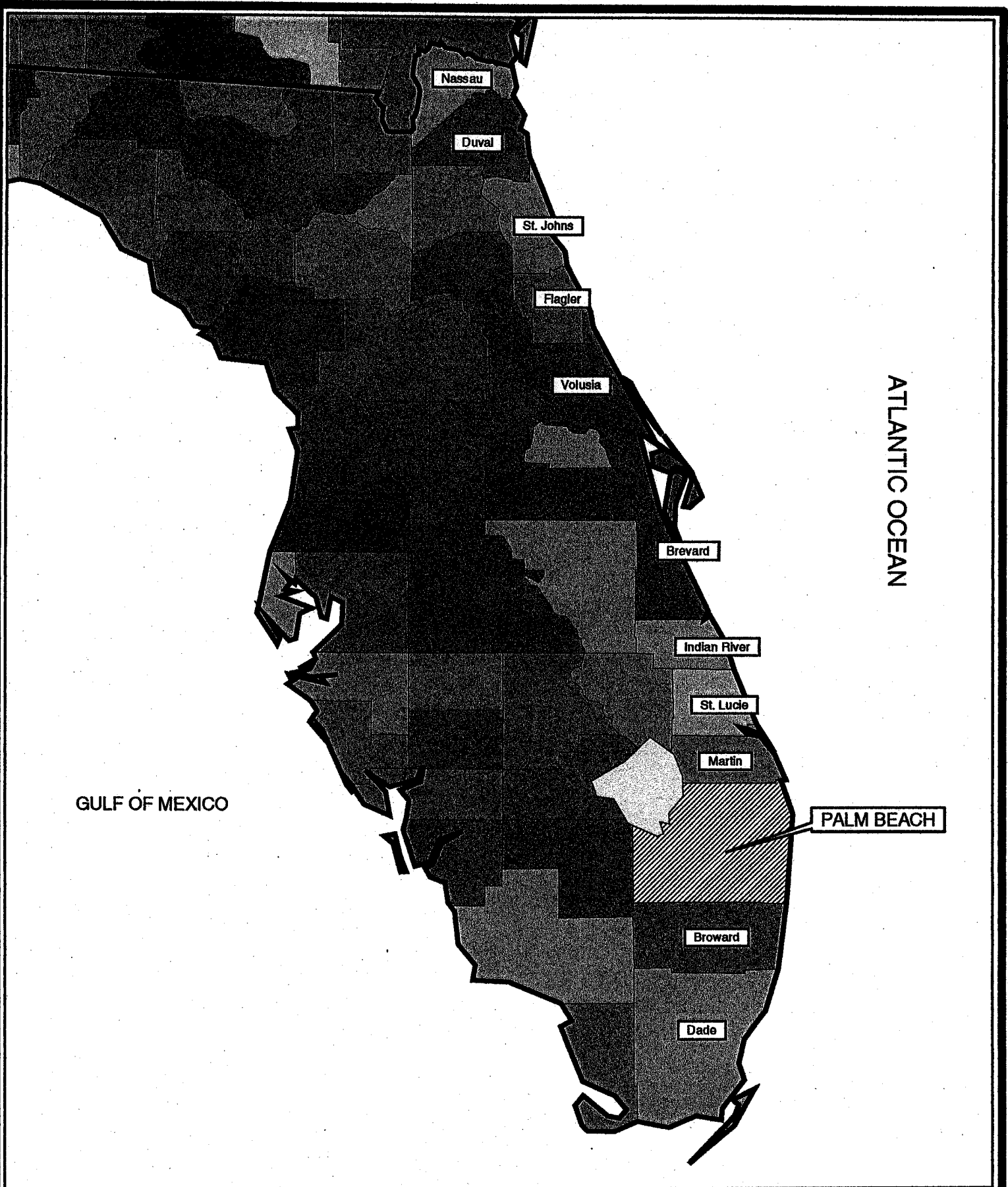
ATTACHMENT E-8

WATERWAYS ASSISTANCE PROGRAM

PROJECT TIMELINE

The applicant is to present a detailed timeline on the accomplishment of the components of the proposed project including completion dates, as applicable, for; permitting, design, bidding, applicant approvals, initiation of construction and completion of construction.

FIND Grant Approval	July 2007
Project Agreement Execution	October 2007
Project Out to Bid	May 2007
Project Awarded	September 2007
Project under Construction	October 2007 – December 2008
Project Completion	December 2008
Reimbursement Request Submitted	January 2009



GULF OF MEXICO

ATLANTIC OCEAN

PALM BEACH



PALM BEACH COUNTY
PARKS AND RECREATION DEPARTMENT

PALM BEACH COUNTY, FLORIDA

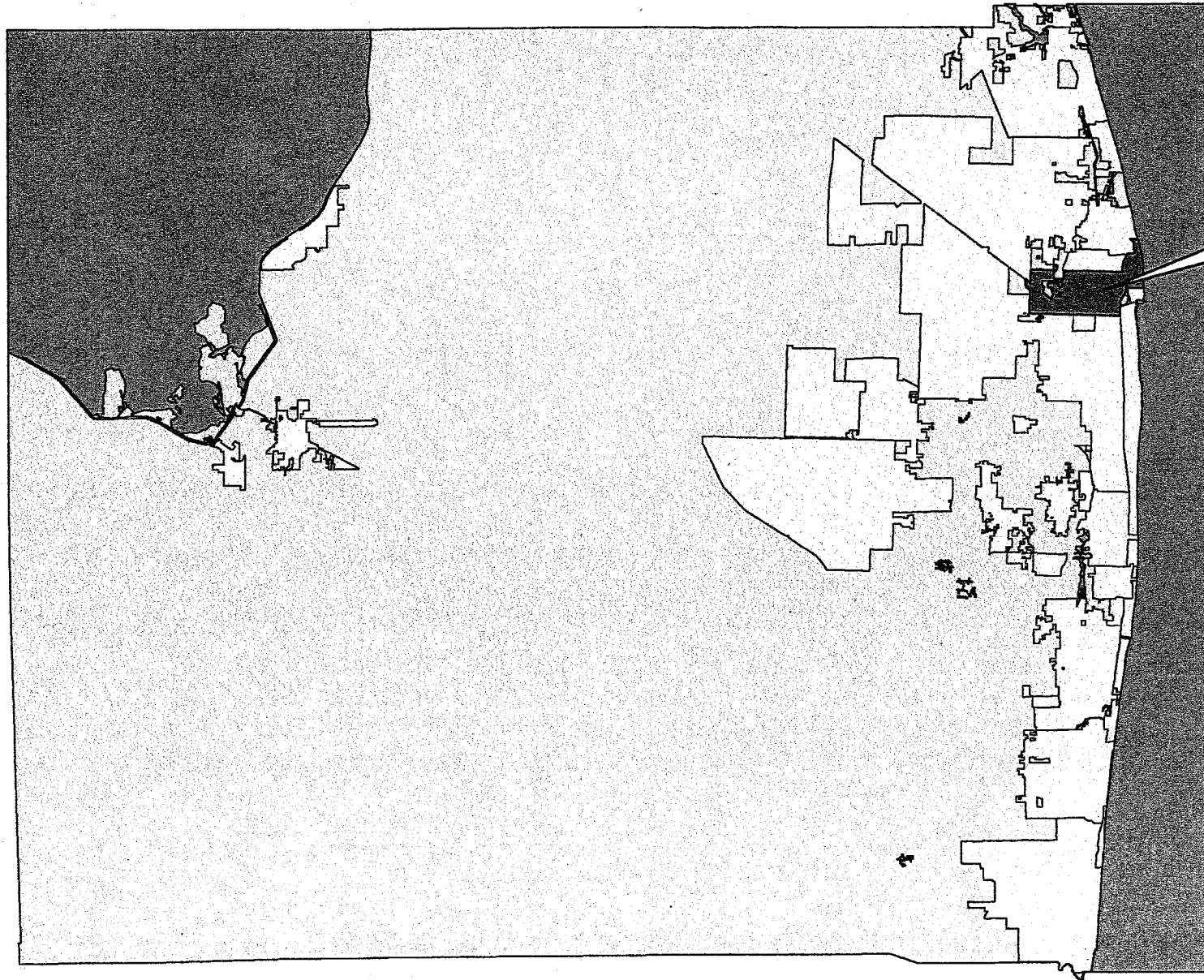
This map is provided "as is" without warranty or any representation of accuracy, fitness or completeness. The County makes no warranties, expressed or implied, as to the use of this map. There are no implied warranties of merchantability or fitness for a particular purpose. The owner of this map acknowledges and accepts the limitations of the map, including the fact that the data coverage are dynamic and in a constant state of maintenance, correction and update.

Source:
Palm Beach County GIS Coordinator
Palm Beach County Parks and Recreation

Map Date: March 7, 2008
Created By: S. Hamilton



SCALE: 1" = 40mi



CITY of
RIVIERA BEACH



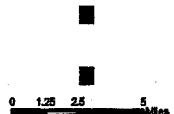
PALM BEACH COUNTY
PARKS AND RECREATION DEPARTMENT

Attachment 11 City Location Map

This map is provided "as is" without warranty or any representation of accuracy, fitness or completeness. The County makes no warranties, expressed or implied, as to the use of this map. There are no implied warranties of merchantability or fitness for a particular purpose. The owner of this map acknowledges and accepts the limitations of the map, including the fact that the data coverage is dynamic and in a constant state of maintenance, correction and update.

Source: Palm Beach County GIS Coordination
Palm Beach County Parks and Recreation
Image Date: 2005

Map Date: March 19, 2007
Created By: C. Glatz
Moroso Waterway park pj





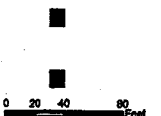
PALM BEACH COUNTY
PARKS AND RECREATION DEPARTMENT

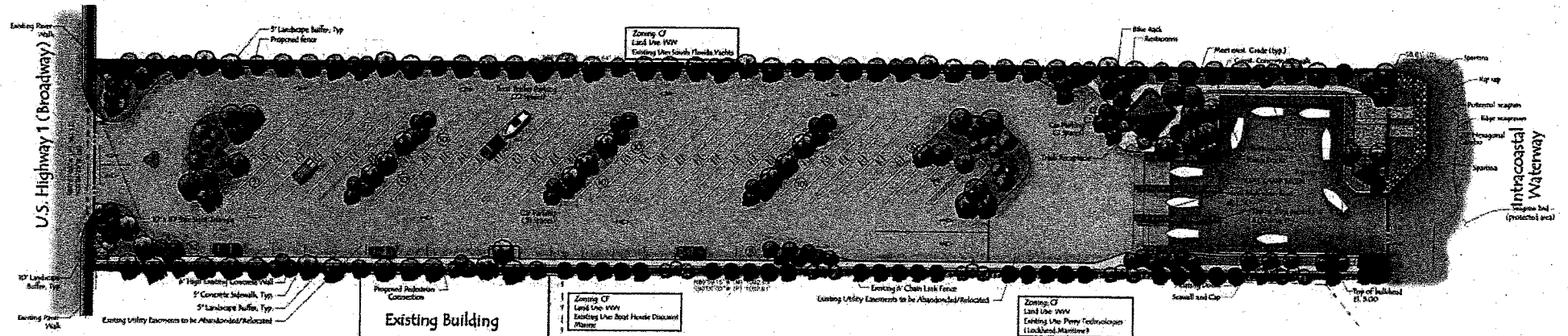
Attachment 12 Moroso Waterway Park

This map is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. The County makes no warranties, expressed or implied, as to the use of this map. There are no implied warranties of merchantability or fitness for a particular purpose. The owner of this map acknowledges and accepts the limitations of the map, including the fact that the data coverages are dynamic and in a constant state of maintenance, correction and update.

Source:
Palm Beach County GIS Coordination
Palm Beach County Parks and Recreation
Image Date: 2005

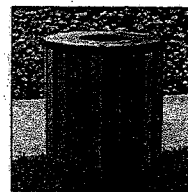
Map Date: February 5, 2006
Created By: C. Glaz
Light Harbor Marks 2005 serial



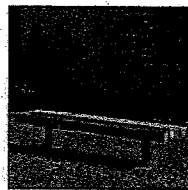


Site Data

GROSS SITE AREA	3.705 ACRES (161390 SF)
ZONING DISTRICT	CF - COMMUNITY FACILITY DISTRICT
LAND USE CLASSIFICATION	UU - WORKING WATERFRONT
CRA DESIGNATION	UU 4 - WORKING WATERFRONT
BUILDING COVERAGE	684 SF (0.4%)
(DOES NOT INCLUDE THE GAZEBO)	
BOAT BASIN AREA	11691 SF
PERVIOUS AREA	40,092 SF (25%)
IMPERVIOUS AREA	12158 SF (75%)
PARKING DATA	
PARKING REQUIRED	29 SPACES
1 SPACE PER 75 SF BLDG COVERAGE	10 SPACES
5 SPACES PER ACRE	19 SPACES
TOTAL PARKING PROVIDED	62 SPACES
TRAILER PARKING	72 SPACES
CAR PARKING	20 SPACES
HANDICAPPED REQUIRED	4 SPACES
HANDICAPPED PROVIDED	4 SPACES



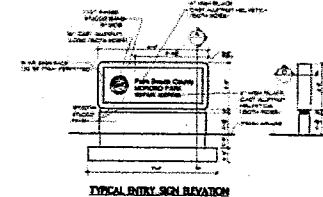
TRASH RECEPTACLE DETAIL (TYP.)



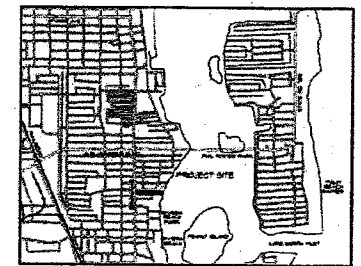
BENCH DETAIL (TYP.)



BIKE RACK DETAIL (TYP.)



TYPICAL ENTRY SIGN REVISION



Location Map



**Gentle
Holloway
O'Mahoney**
2 1/2 S.W. 11th St., 11th Fl.
Landscape Architecture
Miami, FL 33135
305.376.2262 Fax
www.gentleoh.com

**Moroso Park
Riviera Beach, Florida**



October 12, 2006



Department of Environmental Protection

Jeb Bush
Governor

Southeast District
400 N. Congress Ave. Suite 200
West Palm Beach, Florida 33401

Colleen M. Castille
Secretary

DEC 05 2005

Certified - Return Receipt Requested

Palm Beach County
Department of Environmental Resources Management
c/o Richard E. Walesky, Director
3323 Belvedere Road, Building 502
West Palm Beach, Florida 33406

Dear Mr. Walesky:

Enclosed is Environmental Resource Permit No. 50-0253688-001 issued pursuant to Part IV of Chapter 373, Florida Statutes (F.S.), and Title 62, Florida Administrative Code (F.A.C.).

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

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

If you have any questions about this document, please contact me at 561/681-6635 or at Holly.Boyett@dep.state.fl.us.

Sincerely,

Holly Boyett
Environmental Specialist III
Submerged Lands & Environmental
Resources Program

"More Protection, Less Process"

Printed on recycled paper.



Permit Review Checklist
(a summary of the required monitoring and reporting activities for your project)

Pre-Construction Requirements

Activity	Date Due	Date Completed
<input type="checkbox"/> Contact DEP to schedule pre-construction meeting	Prior to construction	_____
<input type="checkbox"/> Submit Pre-Construction Notice Form to DEP	48 Hrs. Before Construction	_____
<input type="checkbox"/> Temporary Erosion Control structures in place	Prior to construction	_____

Construction Requirements

Activity	Date Due	Date Completed
<input type="checkbox"/> Permit with all attachments kept at the work site	Permit shall be available on-site for DEP Inspector at all times	_____
<input type="checkbox"/> Permanent Erosion Control Structures in place	Structures should be inspected daily	_____
<input type="checkbox"/> Annual Status Report submitted	Following June of each year until complete	_____
<input type="checkbox"/> Report changes to permitted drawings / plans / activities	Contact DEP before any changes	_____

Post-Construction Requirements

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

For the above criteria that require you to contact DEP – you should contact the Southeast District Office, Environmental Resources Permitting Section, Compliance and Enforcement, 400 N Congress Avenue, Suite 200, West Palm Beach, FL 33401, Attention: Richard Stalker. Phone: 561-681-6643, Fax: 561-681-6780.

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



Department of Environmental Protection

Jeb Bush
Governor

Southeast District
400 N. Congress Ave. Suite 200
West Palm Beach, Florida 33401

Colleen M. Castille
Secretary

CONSOLIDATED ENVIRONMENTAL RESOURCE PERMIT AND SOVEREIGN SUBMERGED LANDS AUTHORIZATION

PERMITTEE/AUTHORIZED ENTITY:

Palm Beach County
Department of Environmental Resources Management
c/o Richard E. Walesky, Director
3323 Belvedere Road, Building 502
West Palm Beach, Florida 33406

Permit/Authorization No.: 50-0253688-001
Date of Issue: December 05, 2005
Expiration Date of
Construction Phase: December 04, 2010
County: Palm Beach
Project: Palm Beach County - Light Harbor
Boat Ramp

This permit is issued under the authority of Part IV of Chapter 373, Florida Statutes (F.S.), and Title 62, Florida Administrative Code (F.A.C.). The activity is not exempt from the requirement to obtain an Environmental Resource Permit. Pursuant to Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C., the Department is responsible for reviewing and taking final agency action on this activity.

ACTIVITY DESCRIPTION:

The purpose of the project is to perform the following activities: (1) excavate approximately 8,200 yd³ of upland material to a depth of -7.0 feet NGVD (-6.05 feet below mean low water) to create a 0.42 acre (18,184 ft²) basin; (2) dredge approximately 417 yd³ of sovereignty submerged lands to a depth of -5.0 feet NGVD (-4.05 feet below mean low water) to create a 49-foot by 71-foot (3,479 ft²) ingress/egress entrance channel; (3) construct a 2,954 ft² dock, located within the upland basin cut, consisting of a 4-foot by 57-foot (228 ft²) wooden finger pier, two 4-foot by 65-foot (260 ft²) wooden finger piers, a 6-foot by 59-foot (354 ft²) wooden finger pier, three 4-foot by 20-foot (80 ft²) aluminum ramps, an 8-foot by 35-foot (280 ft²) aluminum floating dock, a 6-foot by 97-foot (582 ft²) aluminum floating dock, a 6-foot by 57-foot (342 ft²) aluminum floating dock, and a 6-foot by 68-foot (408 ft²) aluminum floating dock; (4) construct a 66-foot by 77-foot (5,082 ft²) boat ramp within the upland basin cut; (5) install a 34-foot by 34-foot (1,156 ft²) wooden upland deck, located adjacent to the upland basin cut; (6) install 514 linear feet of new seawall surrounding the upland basin cut; (7) install 113 linear feet of seawall, located no further than one foot waterward from the wetface of the existing seawall; (8) install limestone boulder riprap at a slope of 1:1, located no further than 10 feet waterward of the mean high water line; and (9) install ten, 10-inch diameter wooden pilings along the existing channel. The proposed project includes the construction and operation of a stormwater management system to meet State and SFWMD stormwater quality and attenuation criteria.

The dredging of the entrance channel will impact approximately 0.04 acres (1,941 ft²) of seagrass habitat, including *Halodule wrightii*, *Halophila decipiens*, *Halophila johnsonii*, and *Syringodium filiforme*. In order to offset these impacts, 0.8 acres of on-site seagrass habitat, consisting of *Halodule wrightii*, *Halophila decipiens*, *Halophila johnsonii*, *Syringodium filiforme*, and *Thalassia testudinum*, shall be preserved by installing a floating rope and buoy system to prevent vessels from utilizing the preservation area.

Construction will begin with the replacement of 113 linear feet of existing seawall, located adjacent to sovereignty submerged lands. Excavation of the upland basin will be performed from the uplands utilizing a track hoe and dragline device. Spoil material shall be placed on the uplands within a 173-foot by 77-foot (13,321 ft²) containment berm. The seawall and docks within the upland basin cut will be installed by jetting. After the above construction has been completed, the entrance channel shall be dredged from the uplands using a hand-held suction

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dredge. No return water will be discharged into Lake Worth Lagoon and all spoil will temporarily be stored in the self-contained 13,321 ft² upland retention area prior to final placement in the Solid Waste Authority's North County Landfill. A barge with a fully loaded draft of no more than 3 feet shall be utilized for installation of the wooden channel marker pilings. The barge shall operate within waters of sufficient depth to preclude bottom scouring and prop dredging. All construction equipment/tools and materials shall be transported to and from the site via barge and upland roadways and all equipment/tools and materials shall be stored on the barge and uplands.

The standard manatee conditions will be adhered to during all in water work. Staked turbidity screens shall be utilized around the project area to ensure that any turbidity resulting from this project will be contained within the project boundaries. Furthermore, dredging of the upland basin and construction of the boat ramp facilities will occur prior to dredging the entrance channel to prevent turbid waters resulting from upland excavation activities from draining into surface waters.

ACTIVITY LOCATION:

The project is located in Lake Worth Lagoon, Class III Waters, adjacent to Broadway Avenue (Lot 2), Riviera Beach (Sections 28 and 33, Township 42 South, Range 43 East), in Palm Beach County (26° 46' 40.27" North Latitude, 80° 3' 6.69" West Longitude).

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

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

Your project to excavate approximately 8,200 yd³ of upland material, construct a 2,954 ft² dock, located within the upland basin cut, construct a 66-foot by 77-foot (5,082 ft²) boat ramp within the upland basin cut, install a 34-foot by 34-foot (1,156 ft²) wooden upland deck, located adjacent to the upland basin cut, and install 514 linear feet of new seawall surrounding the upland basin cut will not occur on sovereign submerged land. Therefore, pursuant to Chapter 253.77, F.S., authorization from the Board of Trustees is not required.

The activities to dredge approximately 417 yd³ of sovereignty submerged lands, install 113 linear feet of seawall, located no further than one foot waterward from the wet face of the existing seawall, install limestone boulder riprap at a slope of 1:1, located no further than 10 feet waterward of the mean high water line, and install ten, 10-inch diameter wooden pilings along the existing channel require proprietary authorization, as the activities are located on sovereignty submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund, pursuant to Article X, Section 11 of the Florida Constitution, and Sections 253.002 and 253.77, F.S. The activities are not exempt from the need to obtain a proprietary authorization. The Department has the responsibility to review and take final action on this request for proprietary authorization in accordance with Section 18-21.0051, and the Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C. In addition to the above, this proprietary authorization has been reviewed in accordance with Chapter 253, Chapter 18-21, Section 62-343.075, F.A.C.

As staff to the Board of Trustees, the Department has reviewed the activities described above, and has determined that the activities qualify for a letter of consent to use sovereign, submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein. Therefore, consent is hereby granted, pursuant to Chapter 253.77, F.S., to perform the activities on the specified sovereign submerged lands.

This permit constitutes a determination, pursuant to Section 380.0651(3)(e), F.S., that the facility is located so that it will not adversely impact Outstanding Florida Waters or Class II Waters, and will not contribute to boat traffic in a manner that will adversely impact the manatee.

Federal authorization for the proposed projects are reviewed by DEP pursuant to an agreement between the Department and the U.S. Army Corps of Engineers (Corps). The agreement is outlined in a document titled *Coordination Agreement Between the U.S. Army Corps of Engineers and the Florida Department of Environmental Protection State Programmatic General Permit, Section 10 of the Rivers and Harbor Act of 1899 and Section 404 of the Clean Water Act.*

Your projects have been reviewed for compliance with a State Programmatic General Permit (SPGP). As shown on the attached drawings, the proposed projects are not consistent with the SPGP program. A copy of your application has been sent to the Corps who may require a separate permit. Failure to obtain their authorization prior to construction could subject you to enforcement action. For further information, contact the Corps directly.

You are hereby advised that authorizations also may be required by other federal, state, and local entities. This authorization does not relieve you from the requirements to obtain all other required permits and authorizations.

The above named permittee is hereby authorized to construct the work shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof. This permit and authorization to use sovereign submerged lands is subject to the limits, conditions, and locations of work shown in the attached drawings, and is also subject to the attached 19 General Conditions, 9 General Consent Conditions, and 25 Specific Conditions, which are a binding part of this permit and authorization. You are advised to read and understand these drawings and conditions 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 drawings and conditions prior to commencing the authorized activities. Failure to comply with all drawings and conditions shall constitute grounds for revocation of the permit and appropriate enforcement action.

Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and with the general and specific conditions of this permit/certification/authorization, as specifically described below.

BASIN INFORMATION:

Basin	Area (AC)	WSWT Elev. (ft NGVD)	Normal/Dry Ctrl Elev. (ft NGVD)	Method of Determination
Project site	3.7	4.1	4.1	Soil Boring.

Offsite Discharge Structure Information: The proposed stormwater system outfall will consist of the following outfall structure:

Str. #	Description	Crest Elev. (ft. NGVD)	Discharge Culvert
Outfall	1-5.0 feet sharp crested weir	3.0	85 LF of 24" HDPE to ICWW

Design Storm Freq.: 25-yr, 3-day

Design Rainfall: 13.0 inches

Basin	Allow Disch (cfs)	Method of Determination	Design Disch (cfs)	Design Stage (ft. NGVD)
Project site	13.3	Pre vs post	12.3	8.55 (West Basin) 4.89 (East Basin)

Water Quality: Treatment volume computed as 2.5 inch times % impervious.

Basin	Pervious Area Ac.	Impervious Area Ac.	Treatment Method	Volume Req'd (ac.ft)	Volume Prov'd (ac.-ft)
Site	0.81	2.89	Dry detention/ Exfiltration trench	0.50	0.53

GENERAL CONDITIONS:

- (1) All activities authorized by this permit shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit and Part IV, Chapter 373, F.S.
- (2) This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by the Department staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
- (3) Activities approved by this permit shall be conducted in a manner which does not cause violations of state water quality standards. The permittee shall implement best management practices for erosion and pollution control to prevent violation of state water quality standards. Temporary erosion control shall be implemented prior to and during construction, and permanent control measures shall be completed within 7 days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. All practices shall be in accordance with the guidelines and specifications described in Chapter 6 of the Florida Land Development Manual; A Guide to Sound Land and Water Management (Department of Environmental Regulation, 1988), unless a project-specific erosion and sediment control plan is approved as part of the permit. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
- (4) The permittee shall notify the Department of the anticipated construction start date within 30 days of the date that this permit is issued. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the Department an "Environmental Resource Permit Construction Commencement" notice (Form No. 62-343.900(3), F.A.C.) indicating the actual start date and the expected completion date.
- (5) When the duration of construction will exceed one year, the permittee shall submit construction status reports to the Department on an annual basis utilizing an "Annual Status Report Form" (Form No. 62-343.900(4), F.A.C.). Status Report Forms shall be submitted the following June of each year.
- (6) Within 30 days after completion of construction of the permitted activity, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing the supplied "Environmental Resource Permit As-Built Certification by a Registered Professional" (Form No. 62-343.900(5), F.A.C.). The statement of completion and certification shall be based on on-site observation of construction or review of as-built drawings for the purpose of determining if the work was completed in compliance with permitted plans and specifications. This submittal shall serve to notify the Department that the system is ready for inspection. Additionally, if deviation from the approved drawings are discovered during the certification process, the certification must be accompanied by a copy of the approved permit drawings with deviations noted. Both the original and revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawing. All surveyed dimensions and elevations shall be certified by a registered surveyor.
- (7) The operation phase of this permit shall not become effective until the permittee has complied with the requirements of condition (6) above, has submitted a "Request for Transfer of Environmental Resource Permit Construction Phase to Operation Phase" (Form No. 62-343.900(7), F.A.C.); the Department determines the system to be in compliance with the permitted plans and specifications; and the entity approved by the

Department in accordance with Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District - August 1995, accepts responsibility for operation and maintenance of the system. The permit shall not be transferred to such approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the Department, the permittee shall initiate transfer of the permit to the approved responsible operating entity if different from the permittee. Until the permit is transferred pursuant to Section 62-343.110(1)(d), F.A.C., the permittee shall be liable for compliance with the terms of the permit.

(8) Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of the phase or portion of the system to a local government or other responsible entity.

(9) For those systems that will be operated or maintained by an entity that will require an easement or deed restriction in order to enable that entity to operate or maintain the system in conformance with this permit, such easement or deed restriction must be recorded in the public records and submitted to the Department along with any other final operation and maintenance documents required by sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District - August 1995, prior to lot or unit sales or prior to the completion of the system, whichever occurs first. Other documents concerning the establishment and authority of the operating entity must be filed with the Secretary of State where appropriate. For those systems which are proposed to be maintained by the county or municipal entities, final operation and maintenance documents must be received by the Department when maintenance and operation of the system is accepted by the local government entity. Failure to submit the appropriate final documents will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system and any other permit conditions.

(10) Should any other regulatory agency require changes to the permitted system, the permittee shall notify the Department in writing of the changes prior to implementation so that a determination can be made whether a permit modification is required.

(11) This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 40E-4 or Chapter 40E-40, F.A.C.

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

(13) The permittee is advised that the rules of the South Florida Water Management District require the permittee to obtain a water use permit from the South Florida Water Management District prior to construction dewatering, unless the work qualifies for a general permit pursuant to subsection 40E-20.302(4), F.A.C., also known as the "No Notice" rule.

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

(15) Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under section 373.421(2), F.S., provides otherwise.

(16) The permittee shall notify the Department in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of a permitted system or the real property on which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of section 62-343.130,

F.A.C. The permittee transferring the permit shall remain liable for corrective actions that may be required as a result of any violations prior to the sale, conveyance or other transfer of the system.

(17) Upon reasonable notice to the permittee, Department authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.

(18) If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the appropriate Department office.

(19) The permittee shall immediately notify the Department in writing of any previously submitted information that is later discovered to be inaccurate.

GENERAL CONSENT CONDITIONS:

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

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

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

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

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

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

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

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

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

SPECIFIC CONDITIONS:

(1) The project drawings, sheets 1 through 14; the permit checklist; the 4-page Manatee Exhibit, and DEP forms 62.343.900(3), (4), (5), and (7) are attached to and become part of this permit.

(2) If the approved permit drawings conflict with the specific conditions, then the specific conditions shall prevail.

(3) After selection of the contractor to perform the authorized activities and prior to the initiation of any work authorized by this permit, the permittee (or authorized agent) and the contractor shall attend a pre-construction conference with a representative of the Department. The permittee shall contact the Department in writing to schedule the conference. Department of Environmental Protection, Southeast District, Submerged Lands & Environmental Resources Program, Compliance/Enforcement Section, Attention: Richard Stalker, 400 N. Congress Ave., Suite 200, West Palm Beach, Florida 33401 (phone: 561/681-6643).

(4) The permittee shall be responsible for ensuring that the permit conditions are explained to all construction personnel working on the project, and for providing each contractor and subcontractor with a copy of this permit before construction begins.

(5) The work authorized by this permit shall not be conducted on any property, other than that owned by the permittee, without prior written approval of that property owner.

(6) There shall be no storage or stockpiling of tools or materials (i.e., lumber, pilings, debris), along the shoreline adjacent to waters of the state. All cleared vegetation, excess lumber, scrap wood, trash, garbage, and any other type of debris shall be removed from wetlands/waters of the state within 14 days of completion of the work authorized in this permit.

(7) All watercraft associated with the construction of the permitted structure shall only operate within waters of sufficient depth so as to preclude bottom scouring or prop dredging. A barge with a fully loaded draft of no more than 3 feet shall be used to install the 10-inch wooden pilings.

(8) Prior to the initiation of any work authorized by this permit, staked turbidity screens that extend to within one foot of the bottom shall be utilized around the project site. Excavation of the upland basin and construction of the boat ramp facilities shall occur prior to dredging the entrance channel to minimize turbidity. Silt curtains shall be utilized around the spoil retention area to prevent spoil from entering surface waters. All turbidity devices shall be maintained and remain in place for the duration of the project construction to ensure that turbidity levels outside the construction area do not exceed 29 NTUs above background levels. The permittee shall be responsible for ensuring that turbidity control devices are inspected daily and maintained in good working order so that there are no violations of state water quality standards outside of the turbidity screens.

The following measures shall be taken immediately by the permittee whenever turbidity levels within waters of the State surrounding the project site exceed 29 NTUs above background:

- a. Notify the Department of Environmental Protection, Southeast District, Submerged Lands & Environmental Resources Program, Compliance/Enforcement Section at 561/681-6600 at the time the violation is first detected.
- b. Immediately cease all work contributing to the water quality violation. Operations may not resume until the department gives authorization to do so.
- c. Stabilize all exposed soils contributing to the violation. Modify the work procedures that were responsible for the violation and install more turbidity containment devices and repair any non-functional turbidity containment devices.

(9) The permittee shall comply with the standard manatee protection construction conditions listed in the attachment, "Standard Manatee Construction Conditions, June 2001."

(10) At least one person shall be designated as a manatee observer when in-water work is being performed. That person shall have experience in manatee observation, be approved by the FWC, and be equipped with polarized sunglasses to aid in observation. The manatee observer must be on site during all in-water construction activities and will advise personnel to cease operation upon sighting a manatee within 50 feet of any in-

water construction activity. Movement of a work barge, other associated vessel, or any in-water work shall not be performed after sunset, when the possibility of spotting manatees is negligible.

(11) The total number of boat slips, inclusive of all parking for trailers, temporary mooring or upland storage, shall be limited to 78, as requested by the applicant.

(12) A marina manatee educational program, developed with the assistance of, and approved by the Imperiled Species Management Section, shall be implemented before completion of project construction. The program shall include, at a minimum, permanent signs and kiosks, speed zone booklets, and manatee educational brochures and pamphlets. The permittee will be responsible for the cost of the signs. Brochures and pamphlets, which are available from the FWC's Imperiled Species Management Section, shall be made available at all times within a centralized display. Signs and kiosks should be installed prior to the facility opening and beginning operations, be replaced in the event of fading or becoming damaged, and be ongoing for the life of the permitted docking facilities in a manner acceptable to the Department. The permittee shall request, in writing, guidance in developing and approving this marina manatee educational program from the Imperiled Species Management Section at: 620 South Meridian Street, 6A, Tallahassee, Florida 32399-1600 (telephone 850/922-4330).

(13) To offset impacts to approximately 0.04 acres (1,941 ft²) of seagrass habitat, the permittee shall preserve 0.8 acres of on site seagrass habitat by installing channel markers consisting of ten, 10-inch wooden pilings spaced 50 feet apart with a floating rope and buoy system to prevent vessels from utilizing the preservation area. The seagrass habitat preservation area shall be maintained in perpetuity.

(14) The slips shall not be occupied by liveaboards. A liveaboard vessel shall be defined as a vessel docked at a facility that is inhabited by a person or persons for any 5 consecutive days or a total of 10 days within a 30-day period.

(15) There shall be no fish cleaning stations authorized by this permit. No overboard discharges of trash, human or animal waste, or fuel shall occur at this facility.

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

(17) The slope of the riprap shall be 1H:1V (horizontal:vertical) and the riprap will extend no more than 10 feet waterward of the mean high water line.

(18) The riprap shall be constructed in accordance with the specifications shown on the attached permit drawings. Riprap shall be fully constructed prior to the placement of any back fill material on the uplands. Any fill material used behind the riprap shall be clean fill and free of vegetative matter, rebar, trash, garbage, toxic or hazardous waste or any other unsuitable materials.

(19) Filter cloth shall be placed under the riprap to prevent shoreline erosion and leaching of shoreline soils through the riprap.

(20) Upland excavation will be performed utilizing a track hoe and dragline device, while dredging of the ingress/egress channel will be performed from the uplands utilizing a hand-held suction dredge. Dredging of the ingress/egress channel shall be conducted after all upland excavation has been completed and all suspended particles within the basin have settled. All excavated and dredged material shall be placed in a self-contained, upland, 173-foot by 77-foot (13,321 ft²) containment berm as shown on the attached drawings, sheet no. 11 of 14, no. 12 of 14, and no. 13 of 14. The spoil containment area must be constructed to contain all off loaded spoil material and prevent the escape of dredged material and associated effluent into surface waters.

(21) Once dried, the dredged material shall be transported to the Solid Waste Authority's North County Landfill and receipts shall be submitted to the Department at the address listed in Specific Condition No. 3. Excavated upland material shall be transported to Phil Foster Park for landscaping and parking lot construction.

(22) All areas to be dredged shall be in accordance with the attached permit drawings and shall not exceed the areas and depths indicated on those drawings.

(23) The surface water management system shall be constructed as shown in the attached exhibits. Dry detention ponds (0.25 acres) and exfiltration trenches (550 linear feet) shall be constructed as shown in the attached exhibits.

(24) Maintenance of the stormwater system is the responsibility of Light Harbor Marina. A maintenance schedule shall be implemented to ensure that the stormwater management system is functioning as designed. Inlet structures shall be inspected annually and cleaned on an "as needed" basis.

(25) Discharge structure shall consist of a 1.5-foot wide weir with a crest elevation at 3.0 feet NGVD discharging to existing canal/Intracoastal via 85 linear feet of 24-inch diameter HDPE. The outfall structure shall be equipped with a pollutant retardant baffle and manatee protection device.

RIGHTS OF AFFECTED PARTIES

This permit and consent to use sovereign submerged lands are hereby granted. This action is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under sections 120.569 and 120.57 of the Florida Statutes as provided below. If a sufficient petition for an administrative hearing is timely filed, this action automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because an administrative hearing may result in the reversal or substantial modification of this action, the applicant is advised not to commence construction or other activities until the deadlines noted below for filing a petition for an administrative hearing or request for an extension of time have expired.

Mediation is not available.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Under rule 62-110.106(4) of the Florida Administrative Code, a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

If a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention will be permitted only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-106.205 of the Florida Administrative Code.

In accordance with rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under section 120.60(3) of the Florida Statutes, however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 of the Florida Statutes.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

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

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301.

Under sections 120.569(2)(c) and (d) of the Florida Statutes, a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This permit constitutes an order of the Department. Subject to the provisions of paragraph 120.68(7)(a) of the Florida Statutes, which may require a remand for an administrative hearing, the applicant has the right to seek judicial review of the order under section 120.68 of the Florida Statutes, by the filing of a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 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 when the order is filed with the Clerk of the Department.

Executed in West Palm Beach, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Georgia Vince 12/05/05
Georgia Vince Date
Program Administrator
Submerged Lands & Environmental Resources Program

GV/th/kg/hb

Copies furnished to:

Richard Stalker, FDEP Compliance and Enforcement
Indarjit Jagnarine, FDEP Environmental Resources Program
Jack Wu, FDEP Engineering Evaluation Section
USACOE - Palm Beach Gardens
Department of Community Affairs, Lee.Berghoff@dca.state.fl.us
FFWCC, Bureau of Imperiled Species Management, Anne.Richards@myfwc.com
James Barry, Palm Beach County, DERM, jbarry@co.palm-beach.fl.us

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this permit and authorization to use sovereign submerged lands, including all copies, were mailed before the close of business on DEC 05 2005, to the above listed persons.

FILING AND ACKNOWLEDGMENT

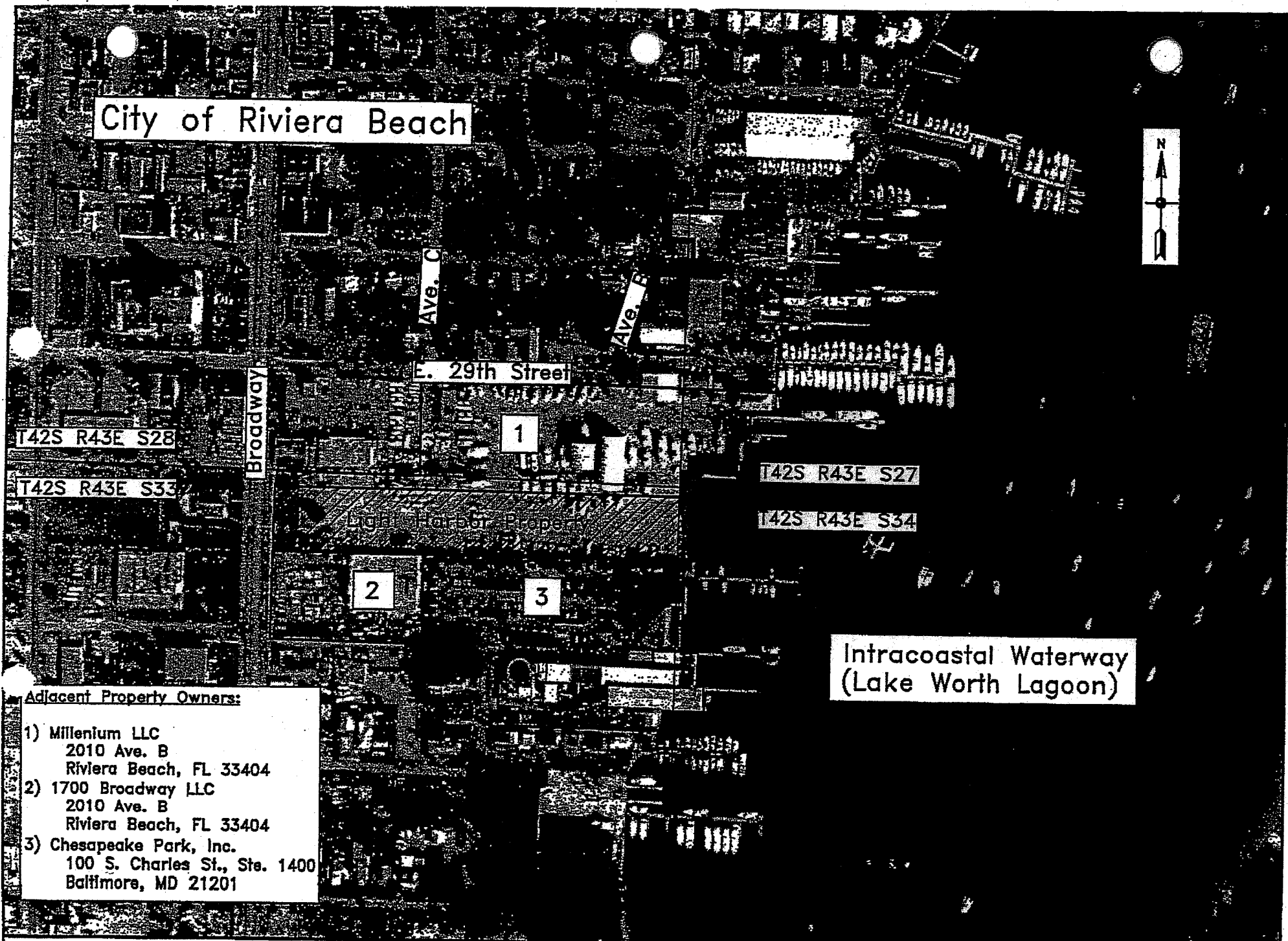
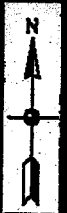
FILED, on this date, under 120.52(7) of the Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Marion 12/5/05
Clerk Date

Prepared by Holly Boyett.

23 pages attached.

City of Riviera Beach



Adjacent Property Owners:

- 1) Millenium LLC
2010 Ave. B
Riviera Beach, FL 33404
- 2) 1700 Broadway LLC
2010 Ave. B
Riviera Beach, FL 33404
- 3) Chesapeake Park, Inc.
100 S. Charles St., Ste. 1400
Baltimore, MD 21201



Figure 1.
Light Harbor Marina Boat Ramp
Location and Vicinity Map

Scale: 1 inch = 300 feet

E

E

E

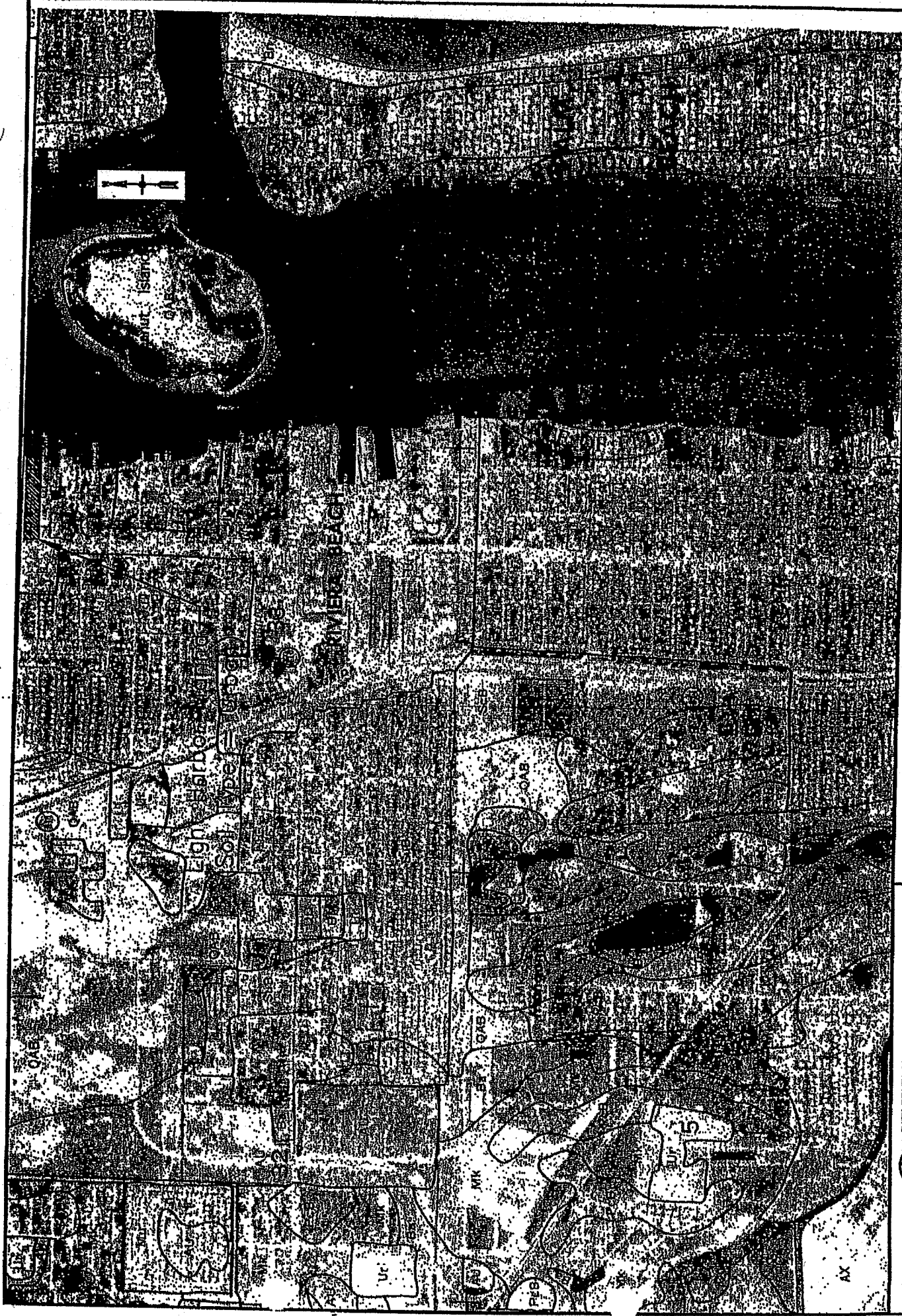


Figure 2.
Light Harbor Marina
Soils Map

FLORIDA
PALM BEACH COUNTY
DEPARTMENT OF
ENVIRONMENTAL
RESOURCES
MANAGEMENT



Scale: 1 inch = 1000 feet

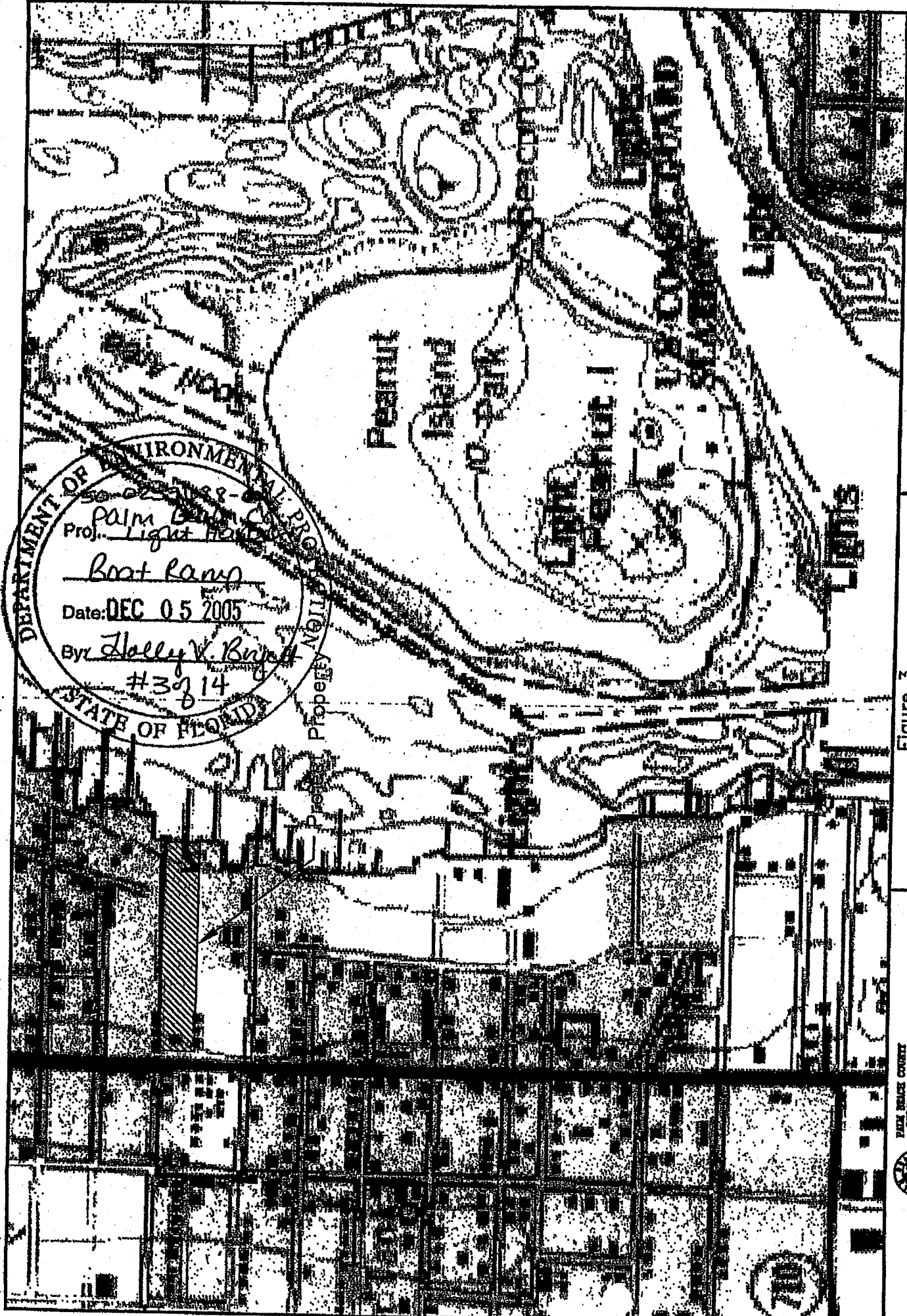
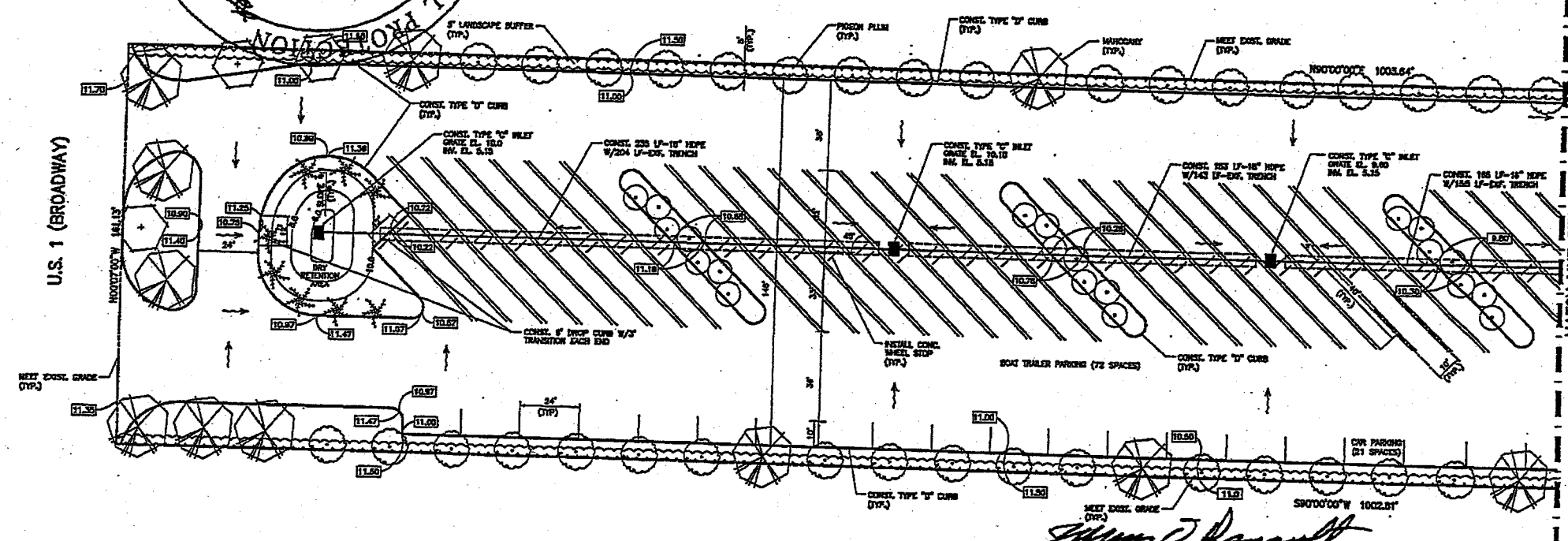


Figure 3.
 Light Harbor Marina Location
 USGS Riviera Beach Quad

Fig 4

DEPARTMENT OF ENVIRONMENTAL PROTECTION
 STATE OF FLORIDA
 Br. Shelley J. Bayes
 #4814
 Date: DEC 05 2005
 Best Pond
 Palm Beach Co.
 Pop. Light Harbor



Jeffrey D. Renault
 Jeffrey D. Renault, P.E.
 No. 18001

LEGEND
 11.50 EXISTING ELEVATION
 11.20 PROPOSED ELEVATION
 → DRAINAGE FLOW ARROW

AUG 10 2005

LBFH, Inc. No. 959
 3550 S.W. Corporate Parkway
 Palm City, FL 34990

NO.	DATE	REVISIONS
1	7/21/2005	DATE IS EARLIER TO ONE THAN ON ORIGINAL DRAWING
2	8/11/2005	DATE IS EARLIER TO ONE THAN ON ORIGINAL DRAWING
3	8/11/2005	DATE IS EARLIER TO ONE THAN ON ORIGINAL DRAWING
4	8/11/2005	DATE IS EARLIER TO ONE THAN ON ORIGINAL DRAWING

VERIFI SCALE
 DATE IS EARLIER TO ONE THAN ON ORIGINAL DRAWING
 ALL DIMENSIONS ACCORDINGLY

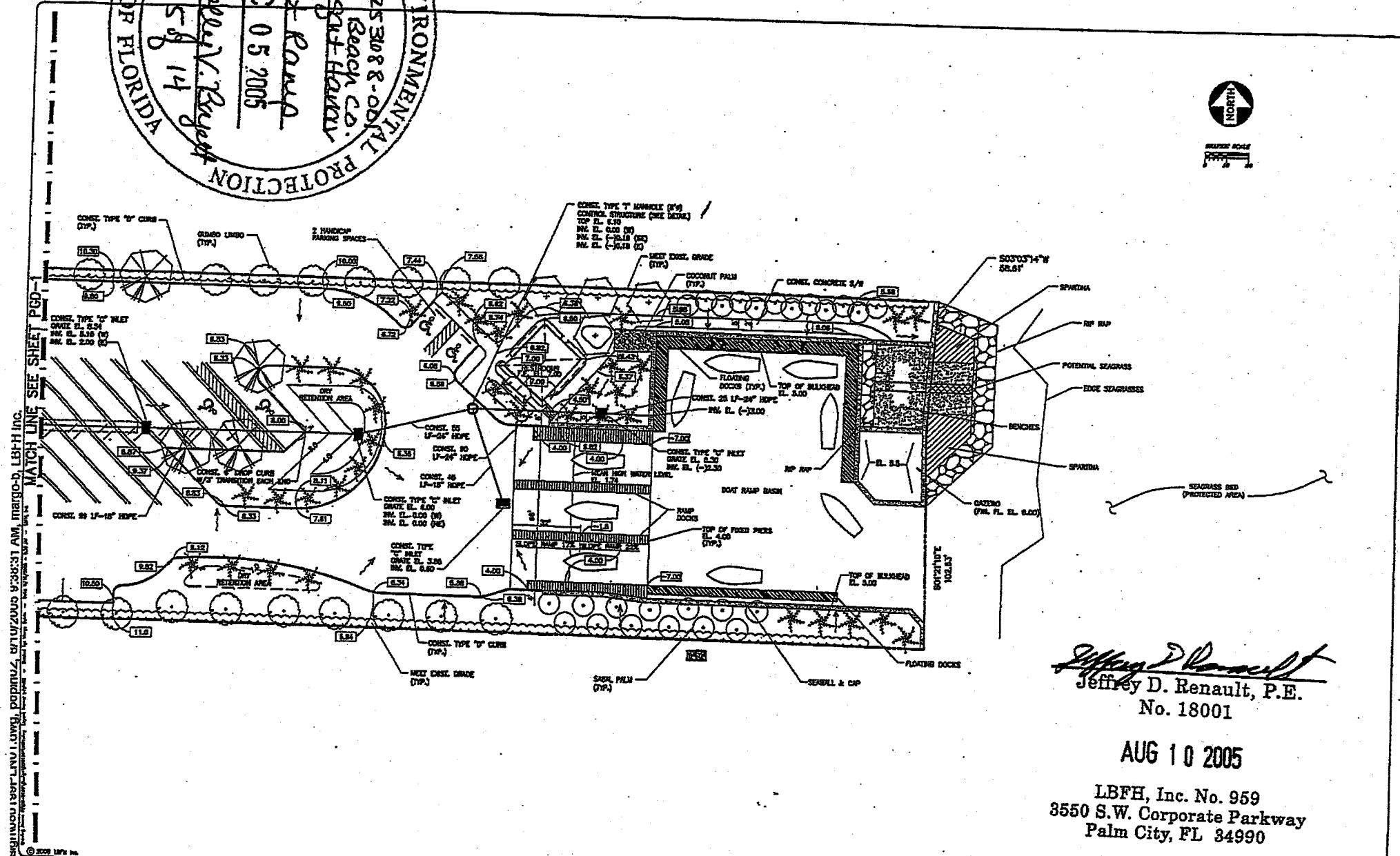
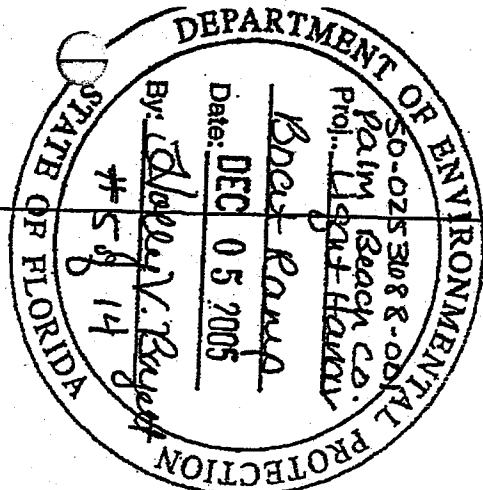
lbfh INC.
 CONSULTING CIVIL ENGINEERS, SURVEYORS & MAPPERS
 "Partners For Results, Value By Design"
 2000 Palm Beach Lakes Blvd, Suite 800, West Palm Beach, FL 33409
 (561) 984-3378 Fax (561) 628-8531
 EPC & TWP License No. 930 www.lbfh.com

PAVING, GRADING AND DRAINAGE PLAN

LIGHT HARBOR MARINA

DATE PLOTTED: 05-01-05
 SHEET: PGD-1

Figure 5



MATCH LINE SEE SHEET PGD-1
 LBFH INC.
 3550 S.W. CORPORATE PARKWAY
 PALM CITY, FLORIDA 34990
 TEL: 888-333-3373
 FAX: 888-333-3373
 WWW.LBFH.COM

Jeffrey D. Renault
 Jeffrey D. Renault, P.E.
 No. 18001

AUG 10 2005

LBFH, Inc. No. 959
 3550 S.W. Corporate Parkway
 Palm City, FL 34990

DATE	BY	REVISIONS

Date: 7/21/05
 Scale: 1"=20'
 Drawn by: JDR
 Check by: JDR

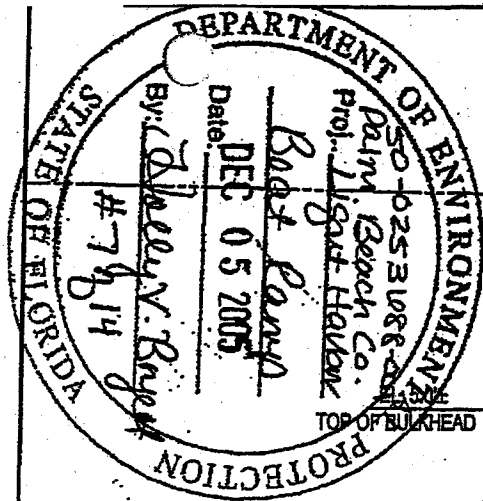
VERIFY SCALE
 1" IS EQUAL TO ONE
 FEET ON ORIGINAL DRAWING
 0 DIMENSIONS 1
 ADJUST ALL SCALED
 DIMENSIONS ACCORDINGLY

lbfh
 INC.
 CONSULTING CIVIL ENGINEERS,
 SURVEYORS & MAPPERS
 "Partners For Successful
 Water Way Designs"
 3000 Palm Beach Lakes Blvd., Suite 800, West Palm Beach, FL 33409
 (561) 894-3373 Fax (561) 894-4531
 675 S. PINE AVENUE, SUITE 200
 WWW.LBFH.COM

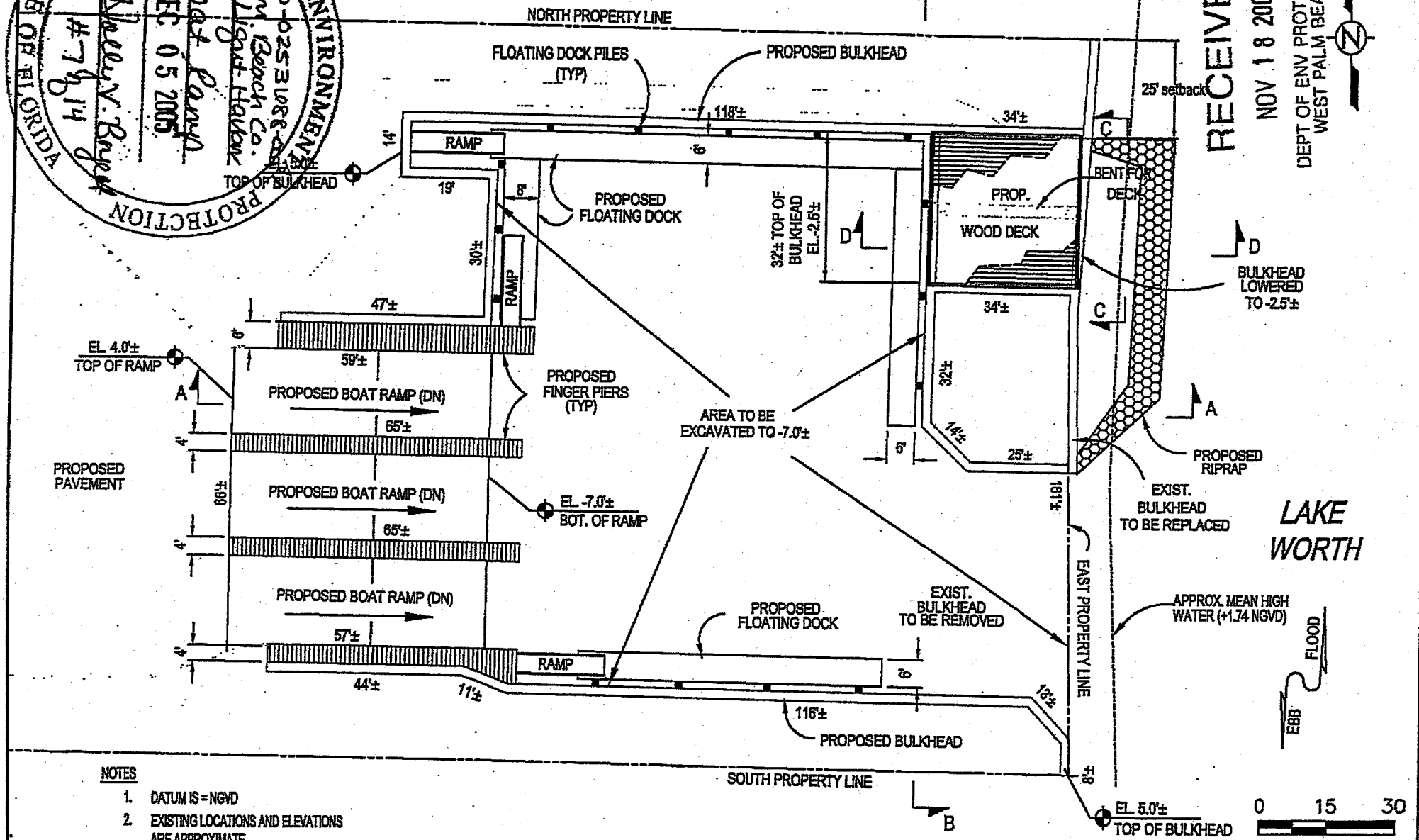
PAVING, GRADING AND DRAINAGE PLAN

LIGHT HARBOR MARINA

LBFH PROJECT No.
 05-0199
 SHEET
 PGD-2



RECEIVED
 NOV 18 2005
 DEPT OF ENV PROTECTION
 WEST PALM BEACH



- NOTES**
1. DATUM IS = NGVD
 2. EXISTING LOCATIONS AND ELEVATIONS ARE APPROXIMATE
 3. SURVEY DATA BY: BROWN AND PHILLIPS, INC. PROJECT NUMBER: 02-030E, DATED: JULY 2005

Clinton W. Howard
 #32070 11/17/05

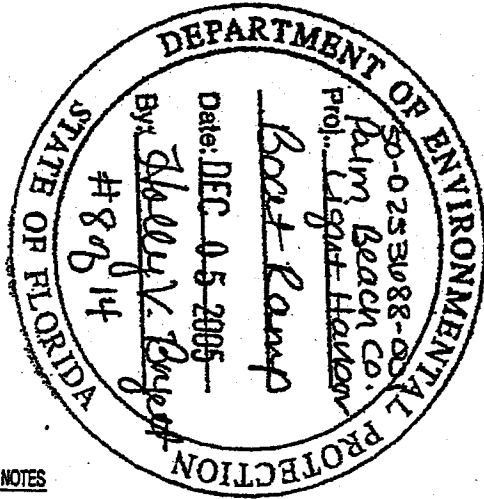
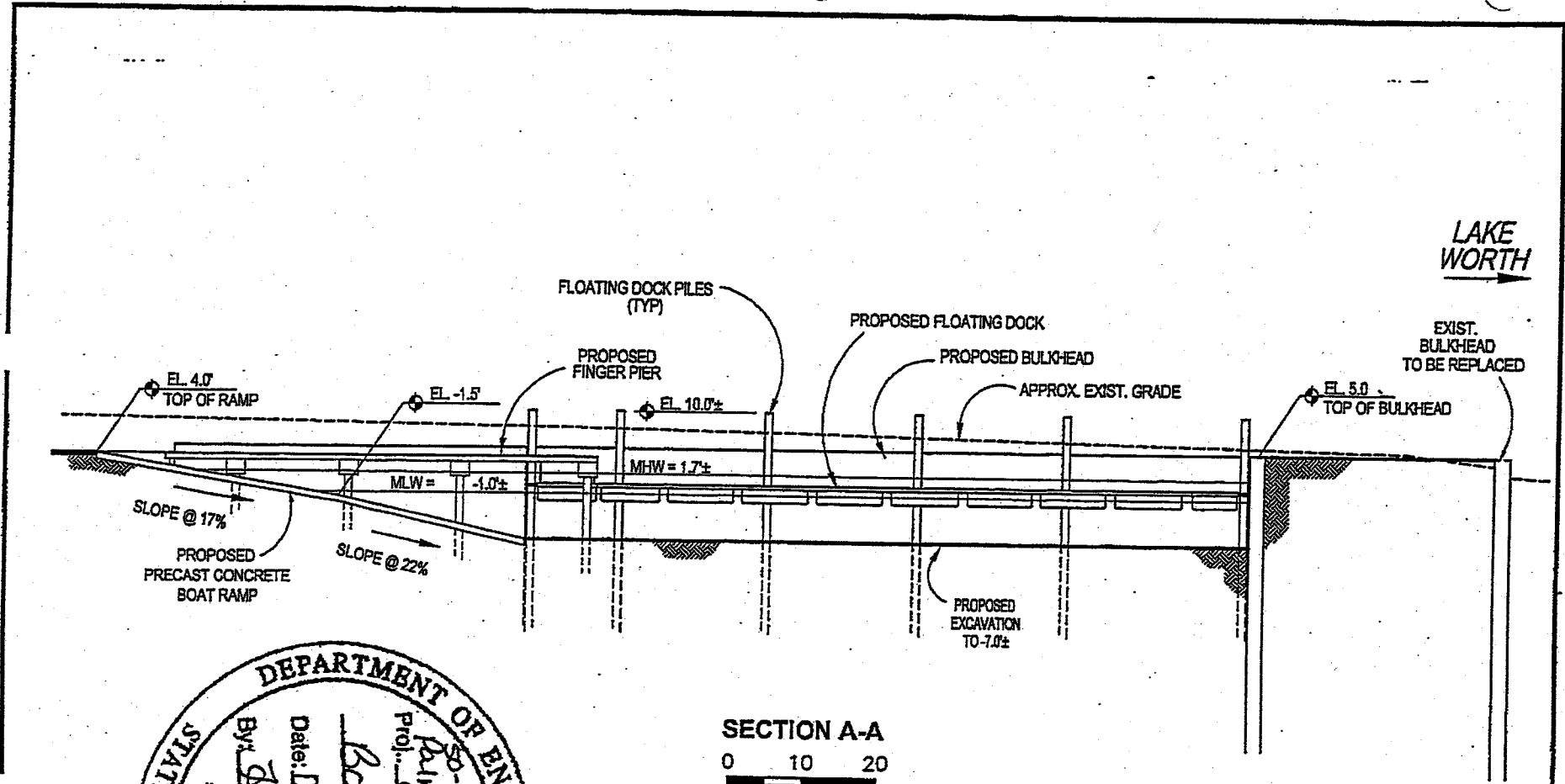
Drawing Revised 17 November 2005



Figure 2
 Light Harbor Marina Boat Ramp
 Revised Plan

Scale: 1 inch = 30 feet

Figure 8

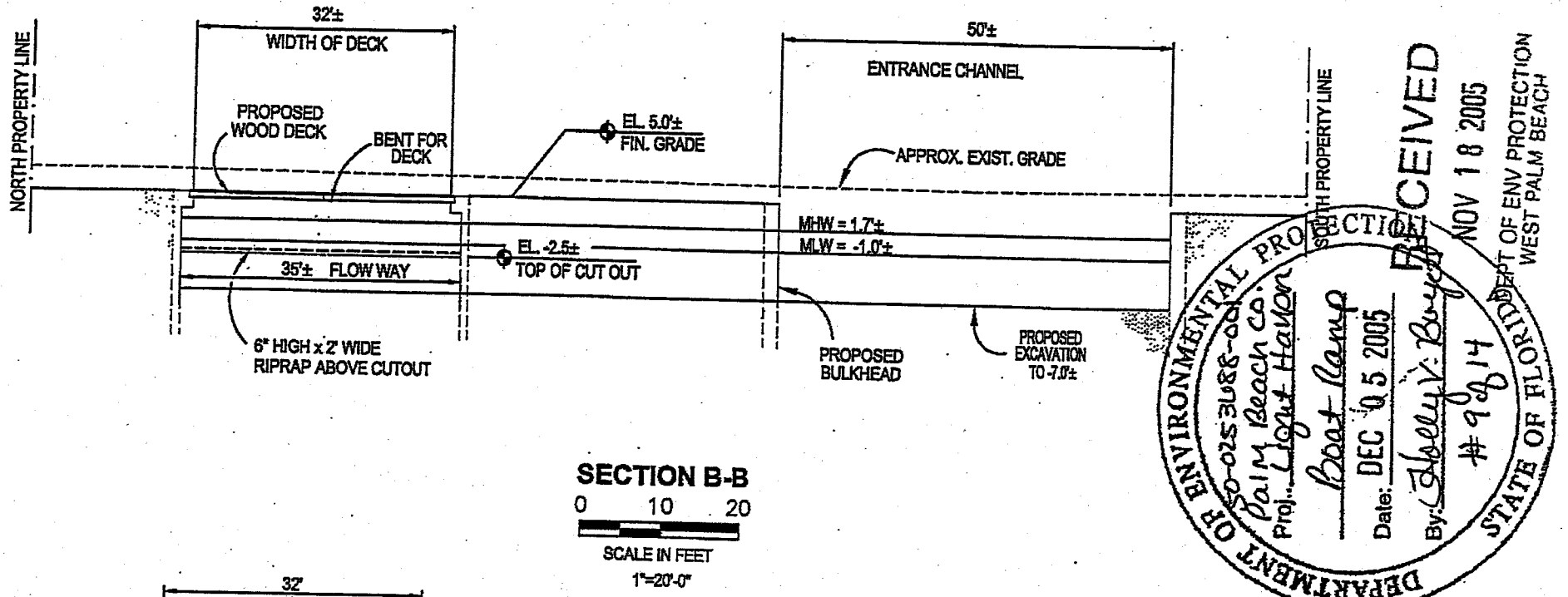


SECTION A-A
 0 10 20
 SCALE IN FEET
 1"=20'-0"

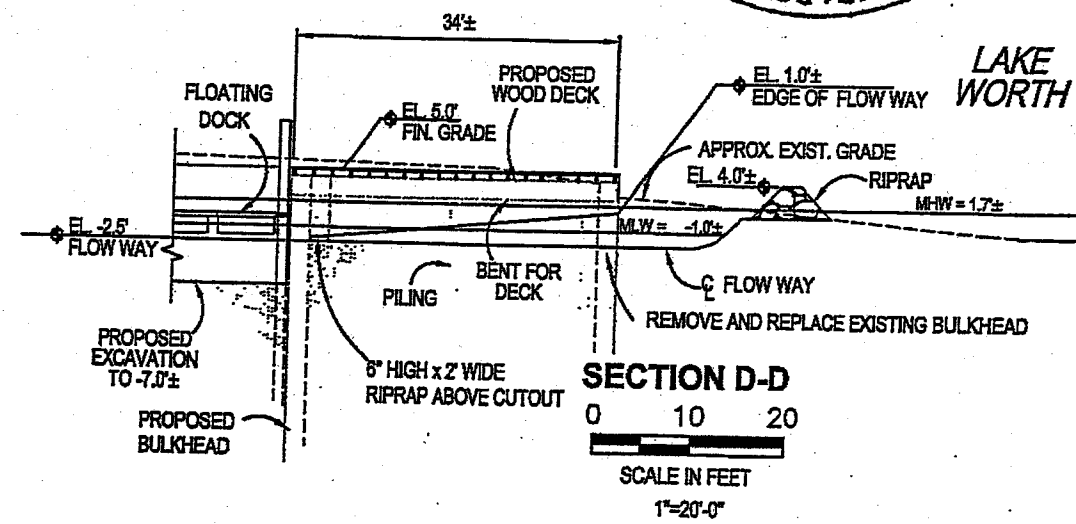
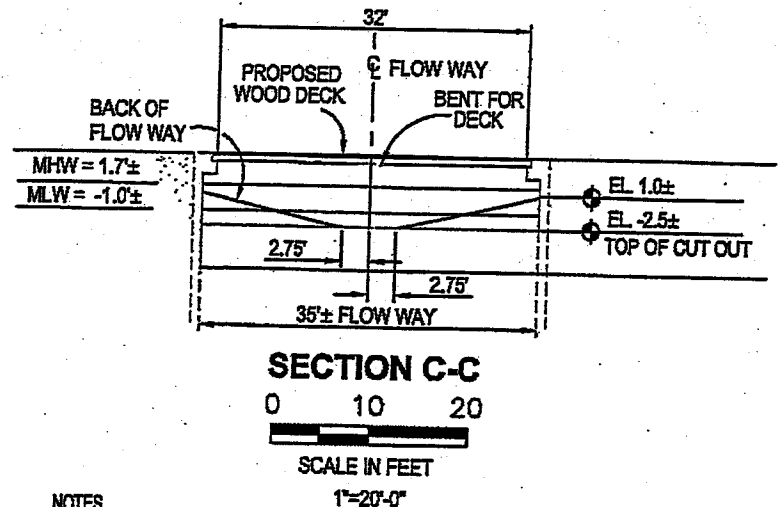
RMD
 8/10/05

- NOTES**
- DATUM IS = NGVD
 - EXISTING LOCATIONS AND ELEVATIONS ARE APPROXIMATE
 - SURVEY DATA BY: BROWN AND PHILLIPS, INC. PROJECT NUMBER: 02-030E, DATED: JULY 2005

Design	RMD	Dixon and Associates Engineers, Inc.	LIGHT HARBOR MARINA FOR PALM BEACH COUNTY	Job No.	5-153
Drawn	JN			Scale	1" = 20'
Checked		1860 Old Okeechobee Rd., Ste. 506 West Palm Beach, Florida 33409 Phone (561)684-1279 Fax (561)684-1291	RIVIERA BEACH, FLORIDA	Date	8/9/05
Computer File	DE05H018			Board of Professional Engineers Certificate No. 4086	Sheet
				of	
				File No.	



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DEPT OF ENV PROTECTION
WEST PALM BEACH
STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Palm Beach Co. 00-01886-00
Proj. Light Harbor
Boat Ramp
Date: DEC 05 2005
By: Evelyn V. Bynum
98914



LAKE WORTH

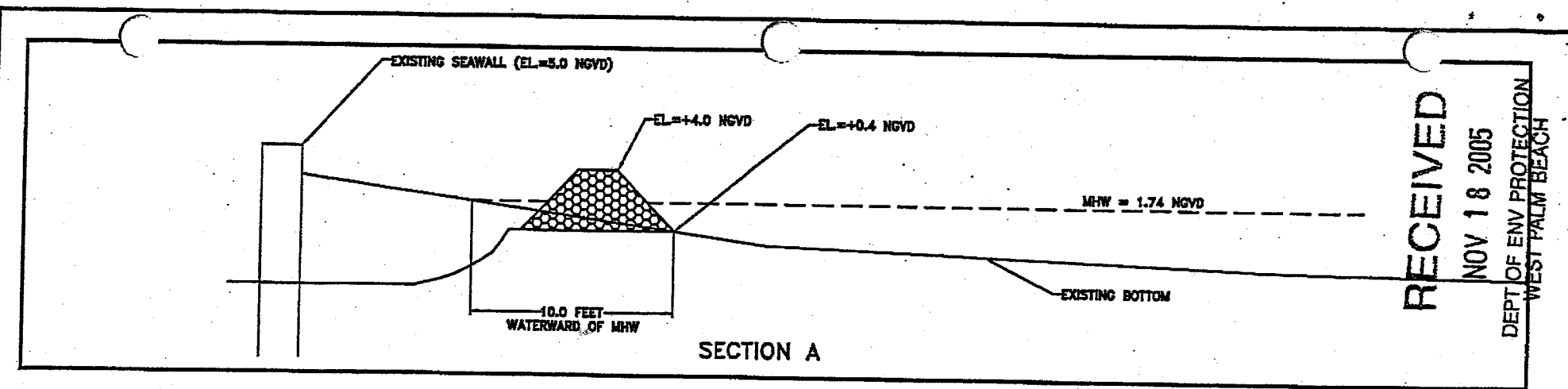
- NOTES**
1. DATUM IS = NGVD
 2. EXISTING LOCATIONS AND ELEVATIONS ARE APPROXIMATE
 3. SURVEY DATA BY: BROWN AND PHILLIPS, INC. PROJECT NUMBER: 02-030E, DATED: JULY 2005

Clinton W. Harris
#32070 11/17/05

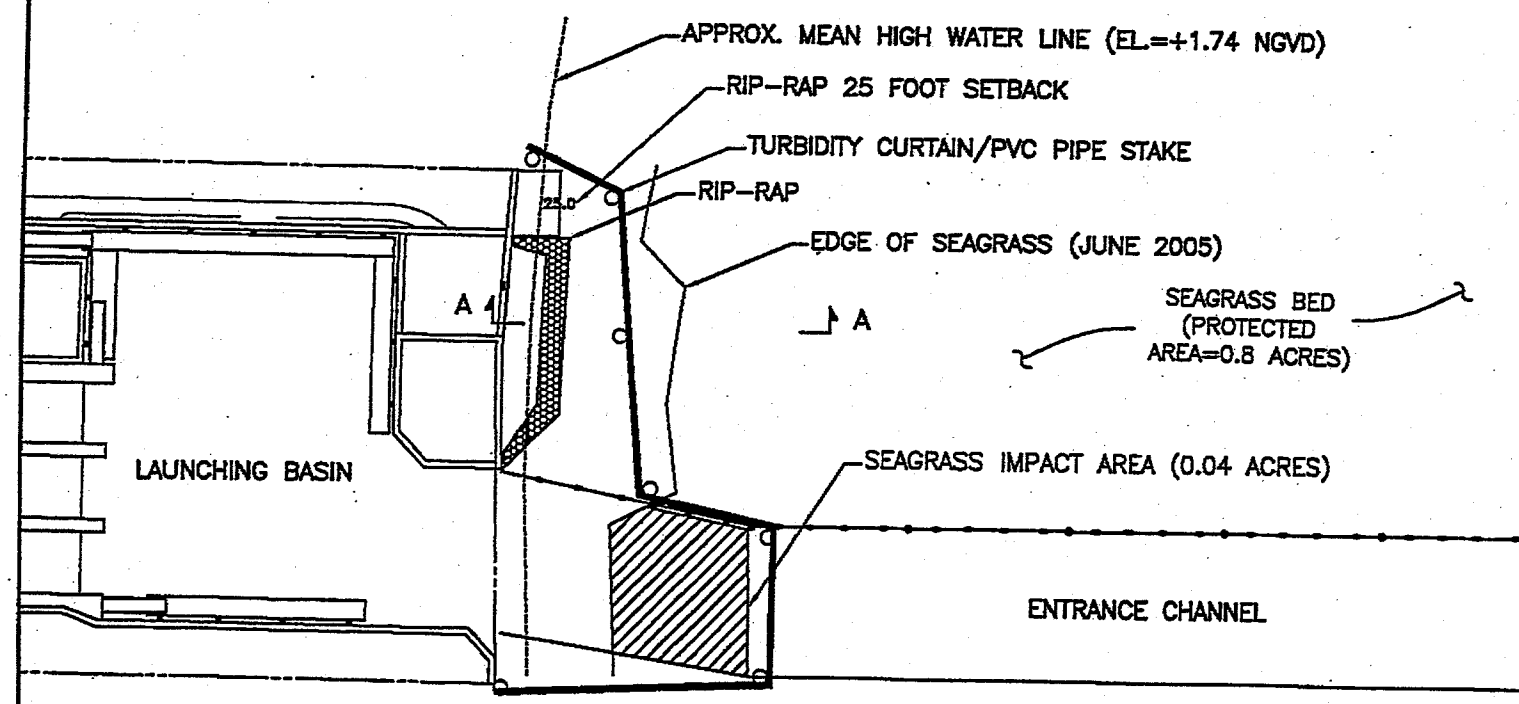
Drawing Revised 11/17/ 2005



Figure 7.
Light Harbor Marina
Basin Cross-sections



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 DEPT OF ENV PROTECTION
 WEST PALM BEACH



DEPARTMENT OF ENVIRONMENTAL PROTECTION
 STATE OF FLORIDA
 35-0253088-001
 Palm Beach Dept. of
 Prof. Light Harbor
 Boat Ramp
 Date: DEC. 05 2005
 #10 of 14
 Brock B. ...
 ...

PLAN

Drawing Revised 11/16/2005

Clinton W. Thomas
 #32070 11/17/05

SEAGRASS IMPACT AREA

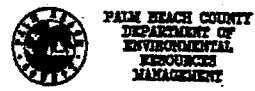
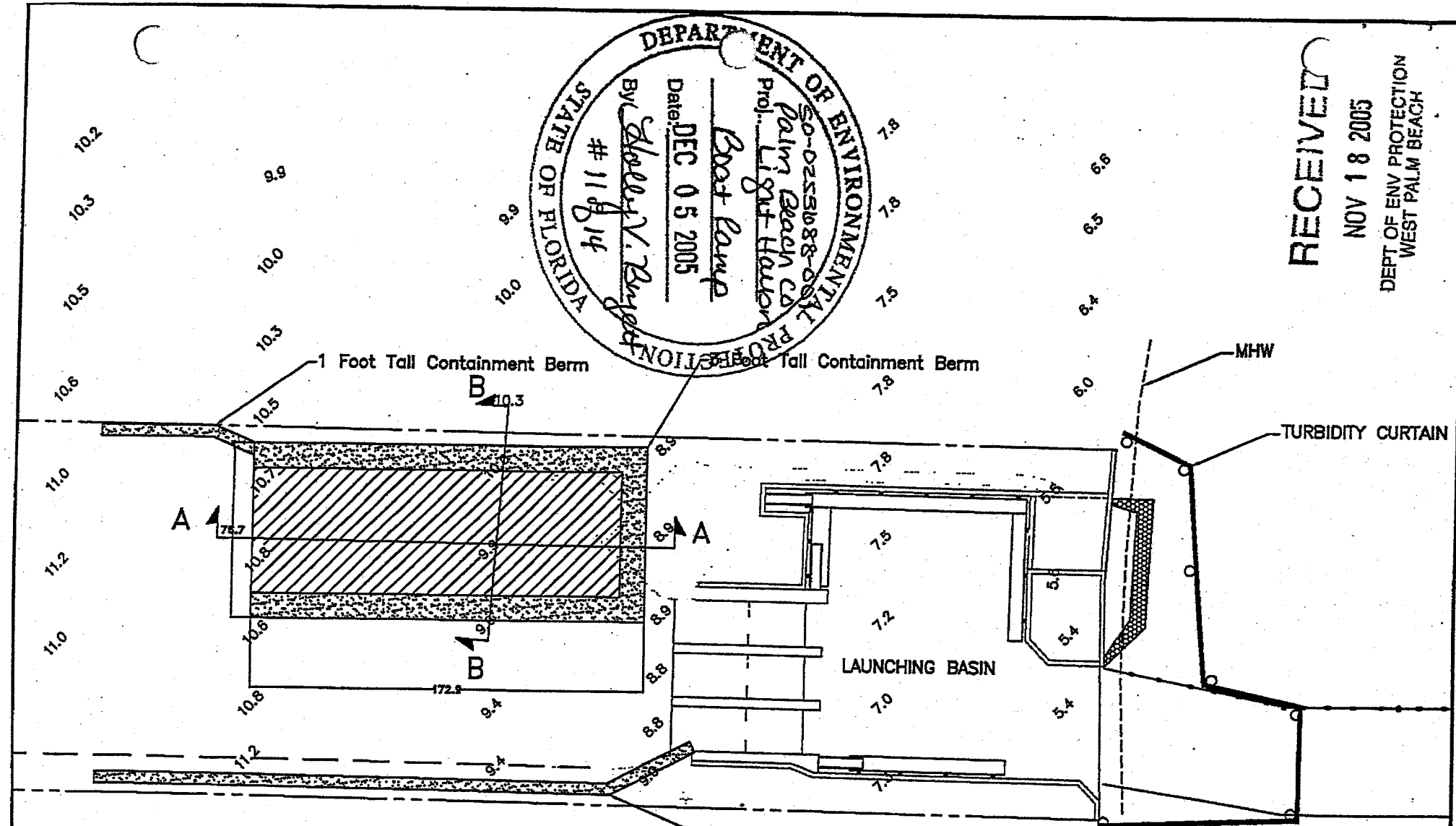




Figure 1.
 Light Harbor Marina Boat Ramp
 RIP-RAP PLAN AND SECTION

Scale: 1 inch = 60 feet

DEPARTMENT OF ENVIRONMENTAL PROTECTION
 STATE OF FLORIDA
 By: *Shelley V. Breyer*
 # 11814
 Date: DEC 05 2005
 Project: Palm Beach CD Boat Ramp Light Harbor

RECEIVED
 NOV 18 2005
 DEPT OF ENV PROTECTION
 WEST PALM BEACH



-  Temporary Spoil Storage Area (0.2 Acres)
-  Perimeter Berms

Clinton W. Johnson
 #32070 11/17/05

Drawing Revised 11/17/2005

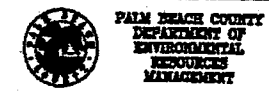
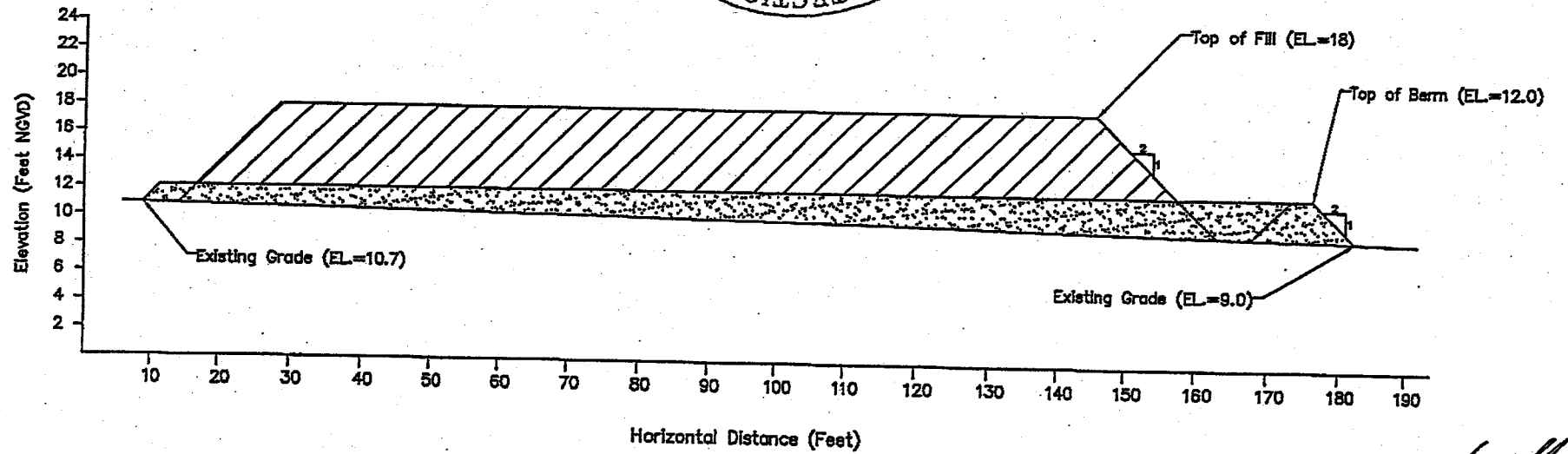
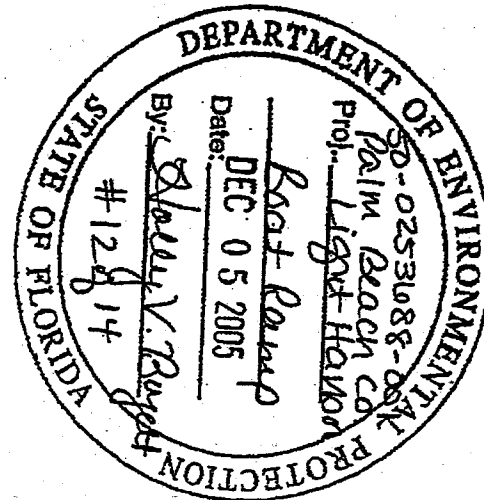


Figure 2.
 Light Harbor Marina Boat Ramp
 Temporary Spoil Storage Area

Scale: 1 inch = 60 feet



Notes:

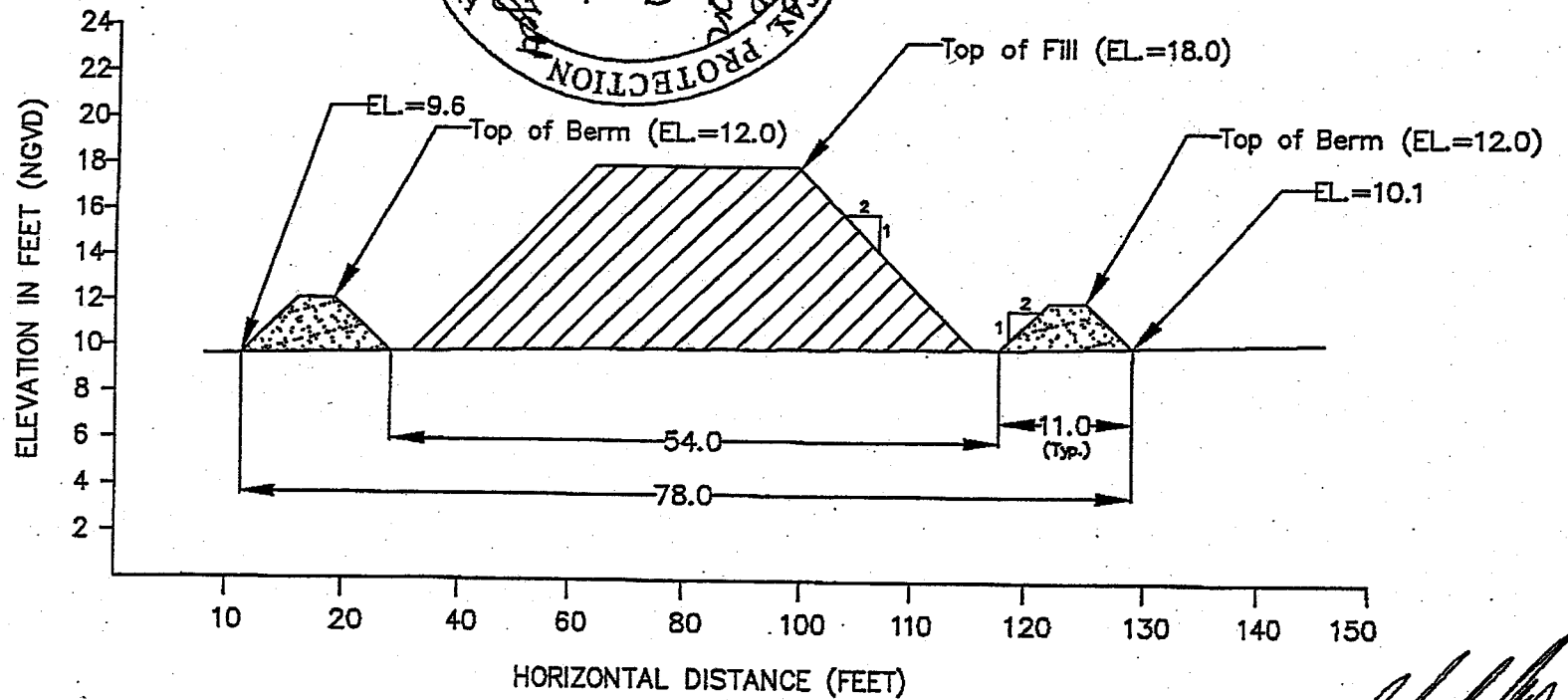
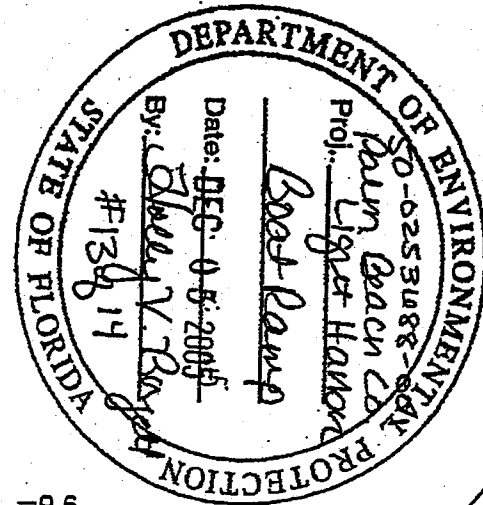
- 1) All elevations are in feet referenced to the National Geodetic Vertical Datum of 1929.

Mark Arthey
 Mark Arthey
 P.E. 57912
 10.14.05



PALM BEACH COUNTY
 DEPARTMENT OF
 ENVIRONMENTAL
 RESOURCES
 MANAGEMENT

Figure 3
 Section A/Fig.-2
 Spoil Cell Profile



[Signature]

Mark Arthay
P.E. 57912

10.14.05



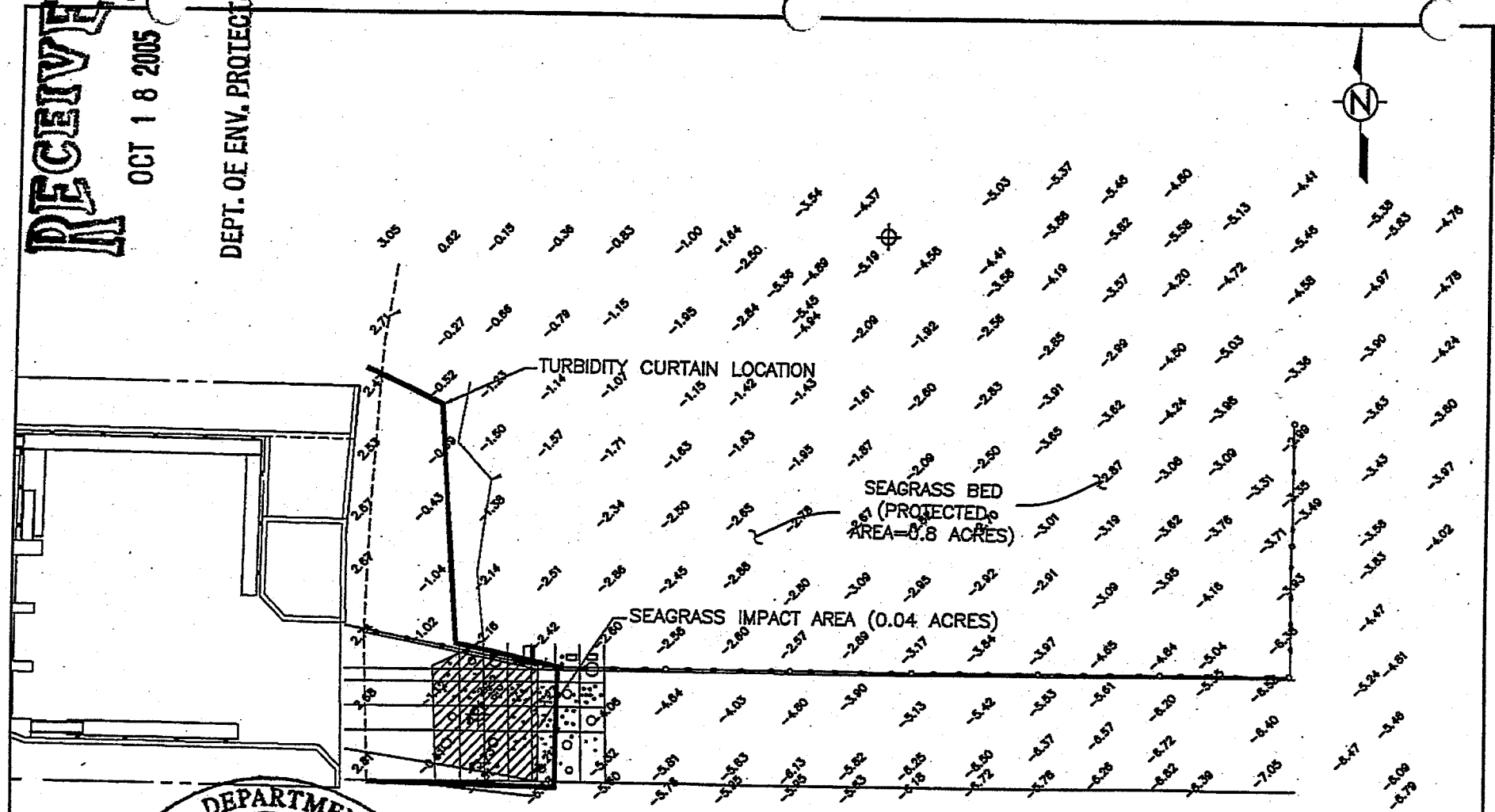
PALM BEACH COUNTY
DEPARTMENT OF
ENVIRONMENTAL
RESOURCES
MANAGEMENT

Figure 4
Section B/Fig.-2
Spoil Cell Profile

RECEIVED

OCT 18 2005

DEPT. OF ENV. PROTECTION



DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE OF FLORIDA

BY: *Debra V. Bay*
#14814

DATE: DEC 05 2005

PROJECT: Boat Ramp
Palm Beach
Light Harbor

FILE NO: 30-025 3108-01

MANAGEMENT

⊕ BENTHIC SAMPLING STATIONS

▨ SEAGRASS IMPACT AREA

SEAGRASS COVERAGE

- Halophila decipiens
- Halodule wrightii
- Halophila johnsonii
- ▣ Thalassia testudinum

⊕ = SPOT ELEVATION

ELEVATIONS SHOWN HEREON REFER TO NATIONAL GEODETIC VERTICAL DATUM OF 1929.

Figure 5.
Light Harbor Marina Boat Ramp
Seagrass Survey/Impact Area

Scale: 1 inch = 60 feet

STANDARD MANATEE CONSTRUCTION CONDITIONS

June 2001

The permittee shall comply with the following manatee protection construction conditions:

- a. The permittee shall instruct all personnel associated with the project of the potential presence of manatees and the need to avoid collisions with manatees. All construction personnel are responsible for observing water-related activities for the presence of manatee(s).
- b. 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 of 1972, The Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act.
- c. Siltation barriers shall be made of material in which manatees cannot become entangled, are properly secured, and are regularly monitored to avoid manatee entrapment. Barriers must not block manatee entry to or exist from essential habitat.
- d. All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water 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.
- e. If manatee(s) are seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure protection of the manatee. These precautions shall include the operation of all moving equipment no closer than 50 feet of a manatee. Operation of any equipment closer than 50 feet to a manatee shall necessitate immediate shutdown of that equipment. Activities will not resume until the manatee(s) has departed the project area of its own volition.
- f. Any collision with and/or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for north Florida or Vero Beach (1-561-562-3909) in south Florida.
- g. Temporary signs concerning manatees shall be posted prior to and during all construction/dredging activities. All signs are to be removed by the permittee upon completion of the project. A sign measuring at least 3 ft. by 4 ft. which reads *Caution: Manatee Area* will be posted in a location prominently visible to water related construction crews. A second sign should be posted if vessels are associated with the construction, and should be placed visible to the vessel operator. The second sign should be at least 8 1/2" by 11" which reads *Caution: Manatee Habitat. Idle speed is required if operating a vessel in the construction area. All equipment must be shutdown if a manatee comes within 50 feet of operation. Any collision with and/or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. The U.S. Fish and Wildlife Service should also be contacted in Jacksonville (1-904-232-2580) for north Florida or in Vero Beach (1-561-562-3909) for south Florida.*

CAUTION

MANATEE HABITAT

IDLE SPEED is required if operating a vessel
in the construction area.

All Equipment must be SHUT DOWN if a manatee
comes within 50 feet of operation.

Any collision with and/or injury to a manatee shall be reported immediately
to the **FWC** at:

1-888-404-FWCC

(1-888-404-3922)

Manatee Awareness Sign

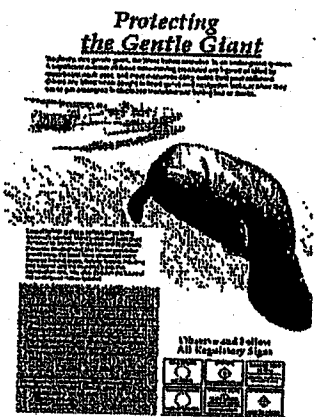
CAUTION



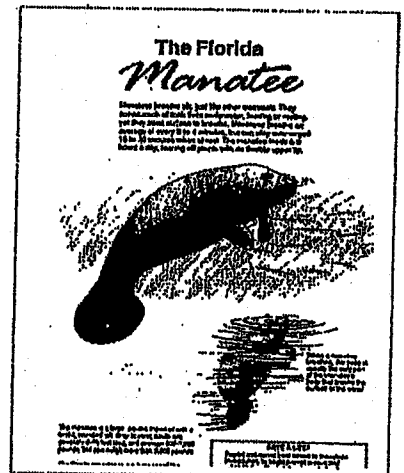
**MANATEE
AREA**

The "Caution: Manatee Area" sign is 3' by 4' and is available from all of the companies listed on the sign supplier list. These caution signs are intended to remind boaters using the facility of the presence of manatees while on the water. This sign will meet the manatee awareness display condition required by lease/permit.

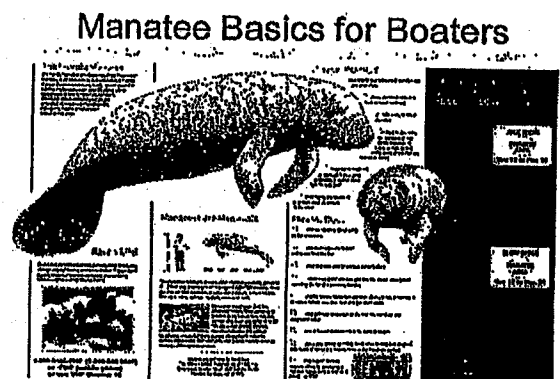
Manatee Educational Signs



These signs are 2' by 3' and are available only through Wilderness Graphics. "Protecting the Gentle Giant" lists the potential threats to manatees and what the public can do to help protect them. "The Florida Manatee" provides a general description of manatees and their behavior. These signs will meet the manatee educational display condition if required by lease/permit if they are displayed as a pair.



The "Manatee Basics for Boaters" sign is 3' by 4' and is available from all of the companies listed on the sign supplier list. This educational sign provides information on the characteristics of manatees and the potential threat to this endangered species from boat operation. This sign will meet the manatee educational display if required by the lease/permit.



An 8 1/2x11 copy of each of the signs is available upon request

Florida Fish and Wildlife Conservation Commission
620 South Meridian Street, OES-BPS · Tallahassee, FL · 32399-1600
Phone: (850) 922-4330 · Fax: (850) 922-4338
www.floridaconservation.org/psm

Approved Sign Suppliers for Manatee Signs

Revised April 2003

Temporary and permanent manatee educational and awareness signs are available through the companies listed below or from other local suppliers throughout the state. Permit/lease holders, marinas, and boat docking/launching facilities should contact the sign companies directly to arrange for shipping and billing of the signs.

- **ASAP Signs & Designs**
624-B Pinellas Street
Clearwater, FL 33756
Phone: (727) 443-4878
Fax: (727) 442-7573
- **Wilderness Graphics, Inc.**
P. O. Box 1635
Tallahassee, FL 32302
Phone: (850) 224-6414
Fax: (850) 561-3943
www.wildernessgraphics.com
- **Municipal Supply & Sign Co.**
1095 Fifth Avenue, North
P. O. Box 1765
Naples, FL 33939-1765
Phone: (800) 329-5366 or
(239) 262-4639
Fax: (239) 262-4645
www.municipalsigns.com
- **Universal Signs & Accessories**
2912 Orange Avenue
Ft. Pierce, FL 34947
Phone: (800) 432-0331 or
(772) 461-0665
Fax: (772) 461-0669
- **Cape Coral Signs & Designs**
1311 Del Prado Boulevard
Cape Coral, FL 33990
Phone: (239) 772-9992
Fax: (239) 772-3848
- **United Rentals Highway Technologies**
309 Angle Road
Ft. Pierce, FL 34947
Phone: (772) 489-8772
or (800) 489-8758 (FL only)
Fax: (772) 489-8757
- **New City Signs**
1829 28th Street North
St. Petersburg, FL 33713
Phone: (727) 323-7897
Fax: (727) 323-1897

Florida Fish and Wildlife Conservation Commission
620 South Meridian Street, OES-BPS · Tallahassee, FL · 32399-1600
Phone: (850) 922-4330 · Fax: (850) 922-4338
www.floridaconservation.org/psm

ENVIRONMENTAL RESOURCE PERMIT
Construction Commencement Notice

PROJECT: _____ PHASE: _____

I hereby notify the Department of Environmental Protection that the construction of the surface water management system authorized by Environmental Resource Permit No. _____ has commenced / is expected to commence on _____ 200__, and will require a duration of approximately _____ months _____ weeks _____ days to complete. It is understood that should the construction term extend beyond one year, I am obligated to submit the Annual Status Report for Surface Water Management System Construction.

PLEASE NOTE: If the actual construction commencement date is not known, Department staff should be so notified in writing in order to satisfy permit conditions.

Permittee or Authorized Agent	Title and Company	Date
Phone	Address	

Send to:

Richard Stalker
Florida DEP
400 N. Congress Ave., Suite 200
West Palm Beach, FL 33401
Fax: 561/681-6780

**ENVIRONMENTAL RESOURCE PERMIT
 ANNUAL STATUS REPORT FORM**

Send to:

Richard Stalker
 Florida DEP
 400 N. Congress Ave., Suite 200
 West Palm Beach, FL 33401
 Fax: 561/681-6780

Permit No. _____

County: _____

Project Name: _____

Phase: _____

The following activity has occurred at the above referenced project during the past year, between June 1, 200__ and May 30, 200__.

Permit Condition / Activity	% of Completion	Date of anticipated Completion	Date of Completion
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(Use Additional Sheets As Necessary)

Benchmark Description (one per major control structure): _____

Print Name _____

Phone _____

Permittee's or Authorized Agent's Signature _____

Title and Company _____

Date _____

This form shall be submitted to the above referenced Department Office during June of each year for activities whose duration of construction exceeds one year.

**ENVIRONMENTAL RESOURCE PERMIT
AS-BUILT CERTIFICATION BY A REGISTERED PROFESSIONAL**

Permit Number: _____

Project Name: _____

I hereby certify that all components of this surface water management system have been built substantially in accordance with the approved plans and specifications and are ready for inspection. Any substantial deviations (noted below) from the approved plans and specifications will not prevent the system from functioning as designed when properly maintained and operated. These determinations are based upon on-site observation of the system conducted by me or by my designee under my direct supervision and/or my review of as-built plans certified by a registered professional or other appropriate individual as authorized by law.

Name (please print)

Signature of Professional

Company Name

Florida Registration Number

Company Address

Date

City, State, Zip Code

Telephone Number

(Affix Seal)

Substantial deviations from the approved plans and specifications:

(Note: attach two copies of as-built plans when there are substantial deviations)

Within 30 days of completion of the system, submit two copies of the form to:

**Richard Stalker
Florida DEP
400 N. Congress Ave., Suite 200
West Palm Beach, FL 33401
Fax: 561/681-6780**

**REQUEST FOR TRANSFER OF
ENVIRONMENTAL RESOURCE PERMIT
CONSTRUCTION PHASE TO OPERATION PHASE**

Form #62-343.900(7), F.A.C.
Form Title: Request for Transfer
to Operation Phase
Date: October 3, 1995

Send to:

Richard Stalker
Florida DEP
400 N. Congress Ave., Suite 200
West Palm Beach, FL 33401
Fax: 561/681-6780

It is requested that Department Permit No. _____ authorizing the construction and operation of a surface water management system for the below mentioned project be transferred from the construction phase permittee to the operation phase operating entity.

PROJECT: _____

FROM: Name: _____
Address: _____
City: _____ State: _____
Zipcode: _____

TO: Name: _____
Address: _____
City: _____ State: _____
Zipcode: _____

The surface water management facilities are hereby accepted for operation and maintenance in accordance with the engineers certification and as outlined in the restrictive covenants and articles of incorporation for the operating entity. Enclosed is a copy of the document transferring title of the operating entity for the common areas on which the surface water management system is located. Note that if the operating entity has not been previously approved, the applicant should contact the Department staff prior to filing for a permit transfer.

The undersigned hereby agrees that all terms and conditions of the permit and subsequent modifications, if any, have been reviewed, are understood and are hereby accepted. Any proposed modifications shall be applied for and obtained prior to such modification.

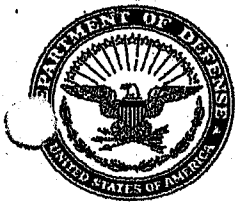
Operating Entity

Name _____ Title _____

Telephone _____

Enclosure:

- () Copy of recorded transfer of title surface water management system
- () Copy of plat(s)
- () Copy of recorded restrictive covenants, articles of incorporation, and certificate of incorporation



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
4400 PGA Boulevard, Suite 500
Palm Beach Gardens, FL 33410

REPLY TO
ATTENTION OF

13 JUN 2008

Palm Beach Gardens Regulatory Office
SAJ-2005-8617 (IP-JBH)

Palm Beach County Board of County Commissioners
301 N. Olive Ave.
West Palm Beach, Florida 33401

Dear Commission:

The U.S. Army Corps of Engineers (Corps) is pleased to enclose the Department of the Army permit, which should be available at the construction site. Work may begin immediately but the Corps must be notified of:

- a. The date of commencement of the work,
- b. The dates of work suspensions and resumptions of work, if suspended over a week, and
- c. The date of final completion.

This information should be mailed to the Enforcement Section of the Regulatory Division of the Jacksonville District at Post Office Box 4970, Jacksonville, Florida 32232-0019. The Enforcement Section is also responsible for inspections to determine whether Permittees have strictly adhered to permit conditions.

IT IS NOT LAWFUL TO DEVIATE FROM
THE APPROVED PLANS ENCLOSED.

Sincerely,

for Lawrence C. Evans
Lawrence C. Evans
Chief, Regulatory Division

Enclosures

Copies Furnished: CESAJ-RD-PE



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
4400 PGA Boulevard, Suite 500
Palm Beach Gardens, Florida 33410

REPLY TO
ATTENTION OF

17 MAY 2008

Palm Beach Gardens Regulatory Office
SAJ-2005-8617 (IP-JBH)

Palm Beach County Board of County Commissioners
301 N. Olive Ave.
West Palm Beach, Florida 33401

Dear Commission:

The U.S. Army Corps of Engineers (Corps) has completed the review and evaluation of your permit application number SAJ-2005-8617 (IP-JBH). Project is located on the western shore of the Lake Worth Lagoon across from Peanut Island near the Lake Worth Inlet, Sections 33 and 34, Township 42 south, Range 43 east, Riviera Beach, Palm Beach County, Florida. Our regulations require that you have an opportunity to review the terms and conditions prior to final signature by the Department of the Army. Enclosed are two unsigned Department of the Army permit instruments (permit).

Please read carefully the Special Conditions beginning on page 3 of the permit. These were developed to apply specifically to your project. Water Quality Certification is also required prior to issuance of a permit. A copy of the State certification for your project has been received. In accordance with General Condition 5 of the permit, the Water Quality Certification has been attached to the Department of the Army permit.

You are hereby advised that you have certain options available to you in your evaluation of the enclosed permit. These are outlined in the enclosed "Notification of Administrative Appeal Options and Process and Request for Appeal" form. It is very important that you read and understand the options provided. Your signature on the permit means that you accept the permit in its entirety, and waive all rights to appeal the permit, or its terms and conditions.

Both copies must be signed by the applicant in the space provided on the signature page of the permit. In the case of corporations, acceptance must be by an officer of that

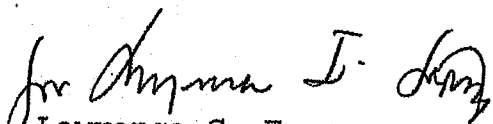
corporation authorized to sign on behalf of the corporation. The party responsible for assuring the work is done in accordance with the permit terms and conditions must sign the permit. Please type or print the name and title of the person signing below the signature and the date signed.

Both permits will be signed by the District Engineer and one copy returned to you. It is important to note that the permit is not valid until the District Engineer signs it.

The Corps Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to take a few minutes to visit the following link and complete our automated Customer Service Survey:
http://www.saj.usace.army.mil/permit/forms/customer_service.htm.
Your input is appreciated - favorable or otherwise.

Should you have any questions, please contact Brandon Howard at the letterhead via electronic mail at Brandon.Howard@saj02.usace.army.mil, or by telephone at (561) 472-3527.

Sincerely,



Lawrence C. Evans
Chief, Regulatory Division

Enclosures

Applicant: Palm Beach County Board of County Commissioners
 File Number: SAJ-2005-8617 (IP-JBH)
 Date: 17 MAY 2006

Attached is:		See Section below
<input checked="" type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit)	A
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
<input type="checkbox"/>	PERMIT DENIAL	C
<input type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D
<input type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	E

By checking the appropriate box, you agree and warrant that the permit is not appealable. Additionally, you warrant that you have read and understand the terms and conditions of the permit. If you have any questions, please contact the district engineer at the address listed on the permit or the division engineer at the address listed on this form.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. Your signature on the Standard Permit means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- OBJECT:** If you object to the Standard Permit because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

If you have questions regarding this decision and/or the appeal process you may contact:

Project Manager as noted in letter

If you only have questions regarding the appeal process you may also contact:

Stu Santos
904-232-2018

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:

DEPARTMENT OF THE ARMY PERMIT

Permittee: Palm Beach County Board of County Commissioners
301 N. Olive Ave.
West Palm Beach, Florida 33401

Permit No: SAJ-2005-8617 (IP-JBH)

Issuing Office: U.S. Army Engineer District, Jacksonville

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

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: The permittee will construct a public boat launching facility on the western shore of the Lake Worth Inlet that accommodates a maximum of 78 boats. The 78 boats include the 72 parking spaces and 6 slips for temporary staging. The site is west of Peanut Island. The proposed work includes constructing a basin, boat ramp, and floating docks within the basin. The permittee will excavate approximately 8,200 cubic yards of fill from uplands to construct a 0.4 acre boat launching basin, dredge 0.08 acres of submerged lands to connect the basin to an entrance channel, place rip rap over 0.03 acre of submerged lands, construct a seawall/bulkhead 514 linear feet in length, construct a 66-ft. X 77-ft. boat ramp with two wooden finger piers built over the ramp, install four aluminum floating docks lining the seawall/bulkhead, and construct a parking lot to accommodate 72 boat trailers. The two finger piers will divide the ramp into three launches. The two finger piers will be 4-ft. X 65-ft. (260-square feet). The marginal dock on the south side of the boat ramp will be 4-ft. X 57-ft. (228-square feet) continuing to a ramp down to a 6-ft. X 58-ft. (348-square feet) floating marginal dock. The marginal dock on the north side of the boat ramp will be 6-ft. X 58-ft. (348 square feet). On the north side of northern marginal dock a ramp will provide access to another 8-ft. X 36-ft. (288 square feet) north-south floating dock. The north-south floating dock will terminate into a 6-ft. X 96-ft. (576 square feet) east-west floating dock. The east-west floating dock will terminate to another 6-ft. X 56-ft. (336 square feet) north-south floating dock. In summary, much of the

PERMIT NUMBER: SAJ-2005-8617 (IP-JBH)
PERMITTEE: Palm Beach County Board of County Commissioners
PAGE 2 of 10

man-made boat basin will have floating docks adjacent to the seawall.

The work described above is to be completed in accordance with the 5 pages of drawings and 1 attachment (4 pages) affixed at the end of this permit instrument.

Project Location: Project is located on the western shore of the Lake Worth Lagoon across from Peanut Island near the Lake Worth Inlet, Sections 33 and 34, Township 42 south, Range 43 east, Riviera Beach, Palm Beach County, Florida.

Directions to site: From I-95 take Blue Heron Boulevard exit East to Broadway/US 1. Head south and the project is located on an undeveloped lot just south of E 20th Street.

Latitude & Longitude: Latitude 26° 46' 40" North
Longitude 80° 03' 07" West

Permit Conditions

General Conditions:

1. The time limit for completing the work authorized ends on **May 17, 2011**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

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

PERMIT NUMBER: SAJ-2005-8617(IP-JBH)
PERMITTEE: Palm Beach County Board of County Commissioners
PAGE 3 of 10

recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature and the mailing address of the new owner in the space provided 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. For your convenience, a copy of the certification is attached if it contains such conditions.

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.

Special Conditions:

1. Within 60 days of the authorized work and completion of the mitigation, the attached Self-Certification Statement of Compliance must be completed and submitted to the Corps. Mail the completed form to the Jacksonville District, Enforcement Section, Post Office 4970, Jacksonville, Florida 32232-0019.

2. The permittee shall provide as-built drawings of the authorized work and a completed As-Built Certification Form. The drawings and Certification Form are to be submitted within 30 days of completion of the authorized work or a response indicating that the authorized work has not been accomplished shall be submitted prior to the expiration of the construction authorization of the permit. The drawings and Certification Form must be signed and sealed by a professional engineer registered in the State of Florida or a professional land surveyor registered in the State of Florida. In the event that the completed work deviates from the approved permit drawings and special conditions, the permittee shall describe, on the Certification Form, the deviation(s) between the project authorized by the permit and the project constructed. A blank Certification Form is attached at the end of this permit. The as-built drawings shall include elevations illustrating the total amount of wetlands and Waters of the United States impacted and mitigated/preserved as a result of the project.

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3. Reduction and/or elimination of turbid water conditions in adjacent water bodies are to be achieved through the use of silt curtains, screens and staked hay bales in the construction area during periods of construction.
4. The applicant shall perform the following compensatory mitigation: create 0.015 acres of spartina marsh, 0.042 acres of seagrass recruitment area and 0.004 acres of oyster reef.
5. The spartina marsh shall be maintained free of exotic and/or invasive vegetation. The marsh shall achieve 80% coverage after the first year or additional plantings will be made.
6. One year from the date construction is completed the applicant shall submit a monitoring report to the Jacksonville District, Enforcement Section, Post Office 4970, Jacksonville, Florida 32232-0019.
7. Once the mitigation is deemed successful, the spartina marsh, oyster reef and seagrass recruitment area shall be maintained in perpetuity.
8. The applicant shall protect 0.8 acres of existing seagrass using seagrass caution signs on 10" diameter wooden piles that preclude boat access.
9. The attached Standard Manatee Construction Conditions shall be followed for all in water work.
10. At least one person shall be designated as a manatee observer when in water work is being performed. That person shall have experience in manatee observation, be approved by FWC and be equipped with polarized sunglasses to aid in observation. The manatee observer must be on site during all in water construction activities and will advise personnel to cease operation upon sighting a manatee within 50 ft. of any in water construction activity. Movement of a work barge, other associated vessels, or any in water work shall not be performed after sunset, when the possibility of spotting a manatee is negligible.
11. The total number of boat slips, inclusive of all parking for trailers, temporary mooring or upland storage, shall be limited to 78, as requested by the applicant.

PERMIT NUMBER: SAJ-2005-8617(IP-JBH)
PERMITTEE: Palm Beach County Board of County Commissioners
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12. A marina manatee educational program, developed with assistance of and approved by the Imperiled Species Management Section, shall be implemented before completion of project construction. The program shall include, at a minimum, permanent signs and kiosks, speed zone booklets and manatee educational brochures and pamphlets. The permittee will be responsible for the cost of the signs and pamphlets, which are available from FWC's Imperiled Species Management Section, shall be installed prior to the facility opening and beginning operations, be replaced in the event of fading or becoming damaged, and be ongoing for the life of the permitted docking facilities in a manner acceptable to the Department. The permittee shall request, in writing, guidance in developing and approving this marina manatee educational program from the Imperiled Species Management section at: 620 South Meridian Street, 6A, Tallahassee, Florida 32399-1600 (telephone 850/922-4330).

Further Information:

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

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

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

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

2. Limits of this authorization.

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

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

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

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

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

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

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

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

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

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

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

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

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

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

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

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

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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 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

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PERMITTEE: Palm Beach County Board of County Commissioners
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Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Richard E. Walecky
(PERMITTEE)

5/22/06
(DATE)

Richard E. Walecky
(PERMITTEE NAME-PRINTED)

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

for Myron J. Jorgensen
(DISTRICT ENGINEER)
Robert M. Carpenter
Colonel, U.S. Army

12 June 06
(DATE)

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

(TRANSFEREE-SIGNATURE)

(DATE)

(NAME-PRINTED)

(ADDRESS)

(CITY, STATE, AND ZIP CODE)

PERMIT NUMBER: SAJ-2005-8617(IP-JBH)
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**Attachments to Department of the Army
Permit Number SAJ-2005-8617(IP-JBH)**

1. PERMIT DRAWINGS: Exhibit 1, pages 1-5, dated May 12, 2006
2. WATER QUALITY CERTIFICATION: Specific Conditions of the water quality permit/certification in accordance with General Condition number 5 on page 2 of this DA permit. Exhibit 2, pages 1-4, dated May 12, 2006

City of Riverd Beach

1742S RISE S24

1742S RISE S24

Adjacent Property Owners:

- 1) Villanum LLC
2010 Ave. B
River Beach, FL 33104
- 2) 1700 Broward LLC
2010 Ave. B
River Beach, FL 33104
- 3) Chesapeake Park, Inc.
100 S. Charles St., Ste. 1100
Baltimore, MD 21201

Microcoastal Waterway
(Lake Worth Lagoon)

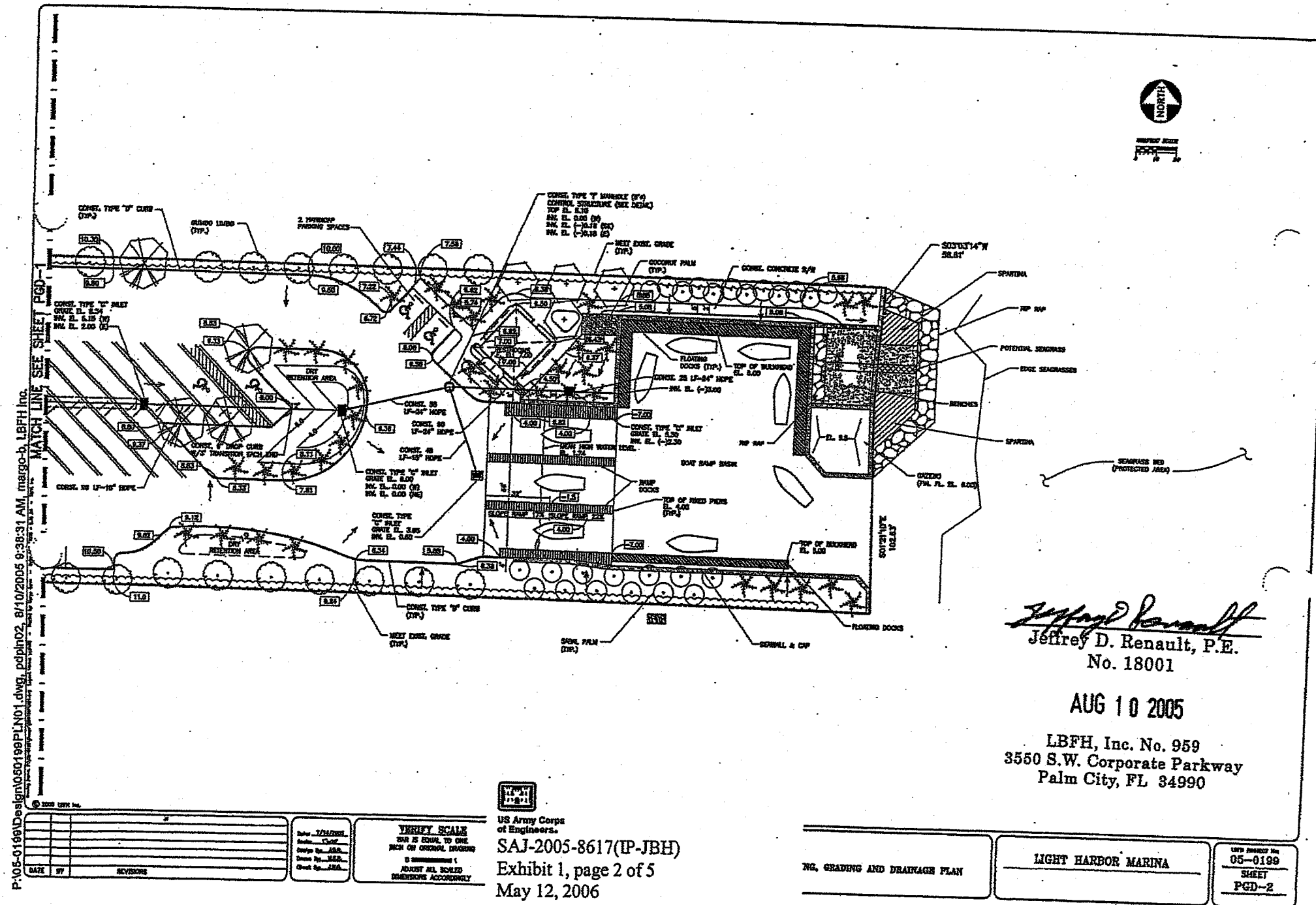
Figure
Light Harbor Marina Boat Ramp
Location and Vicinity Map



US Army Corps
of Engineers

SAJ-2005-8617(IP-JBH)
Exhibit 1, page 1 of 5
May 12, 2006

Figure 5



P:\05-0199\Design\060199\PLN01.dwg, pdm02, 8/10/2005 9:39:31 AM, margo-b, LBFH Inc.

DATE	BY	REVISIONS

Drawn by: JJA/2005
 Check by: JJA/2005
 Design by: JJA/2005
 Date by: JJA/2005
 Check by: JJA/2005

VERIFY SCALE
 OUR IS EQUAL TO ONE
 INCH ON ORIGINAL DRAWING
 0 DIMENSIONS 1
 ADJUST ALL SCALED
 DIMENSIONS ACCORDINGLY



US Army Corps
 of Engineers.
 SAJ-2005-8617(IP-JBH)
 Exhibit 1, page 2 of 5
 May 12, 2006

Jeffrey D. Renault
 Jeffrey D. Renault, P.E.
 No. 18001

AUG 10 2005

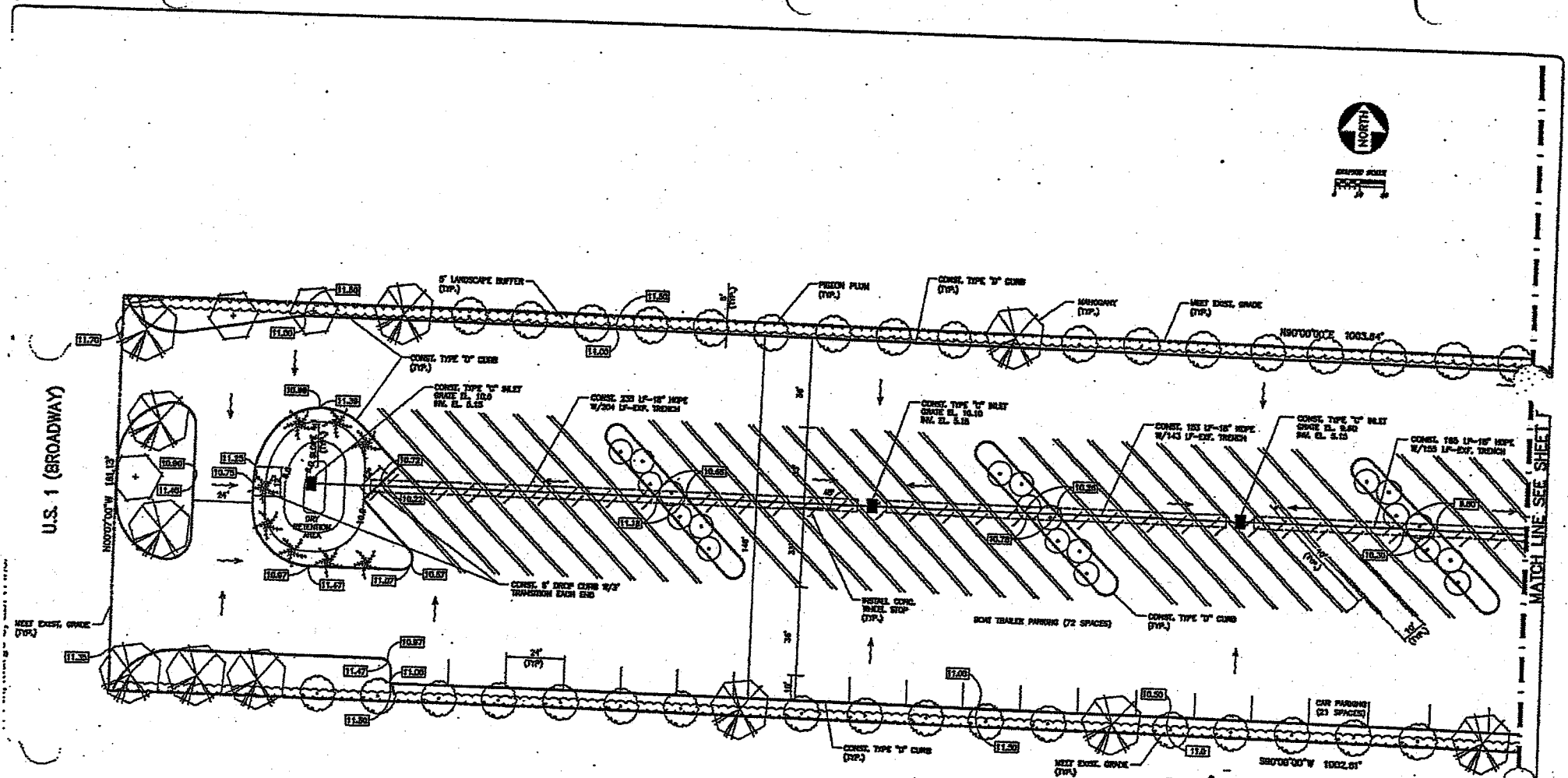
LBFH, Inc. No. 959
 3550 S.W. Corporate Parkway
 Palm City, FL 34990

NO. GRADING AND DRAINAGE PLAN

LIGHT HARBOR MARINA

LBFH PROJECT No.
 05-0199
 SHEET
 PGD-2

Figure 4



Jeffrey D. Renault
 Jeffrey D. Renault, P.E.
 No. 18001

LEGEND
 (ELEV) EXISTING ELEVATION
 (P) PROPOSED ELEVATION
 → DRAINAGE FLOW ARROW

AUG 10 2005

LBFH, Inc. No. 959
 3550 S.W. Corporate Parkway
 Palm City, FL 34990

NO.	BY	REVISIONS

Date: 7/24/06
 Drawn: JDR
 Design: JDR
 Check: JDR

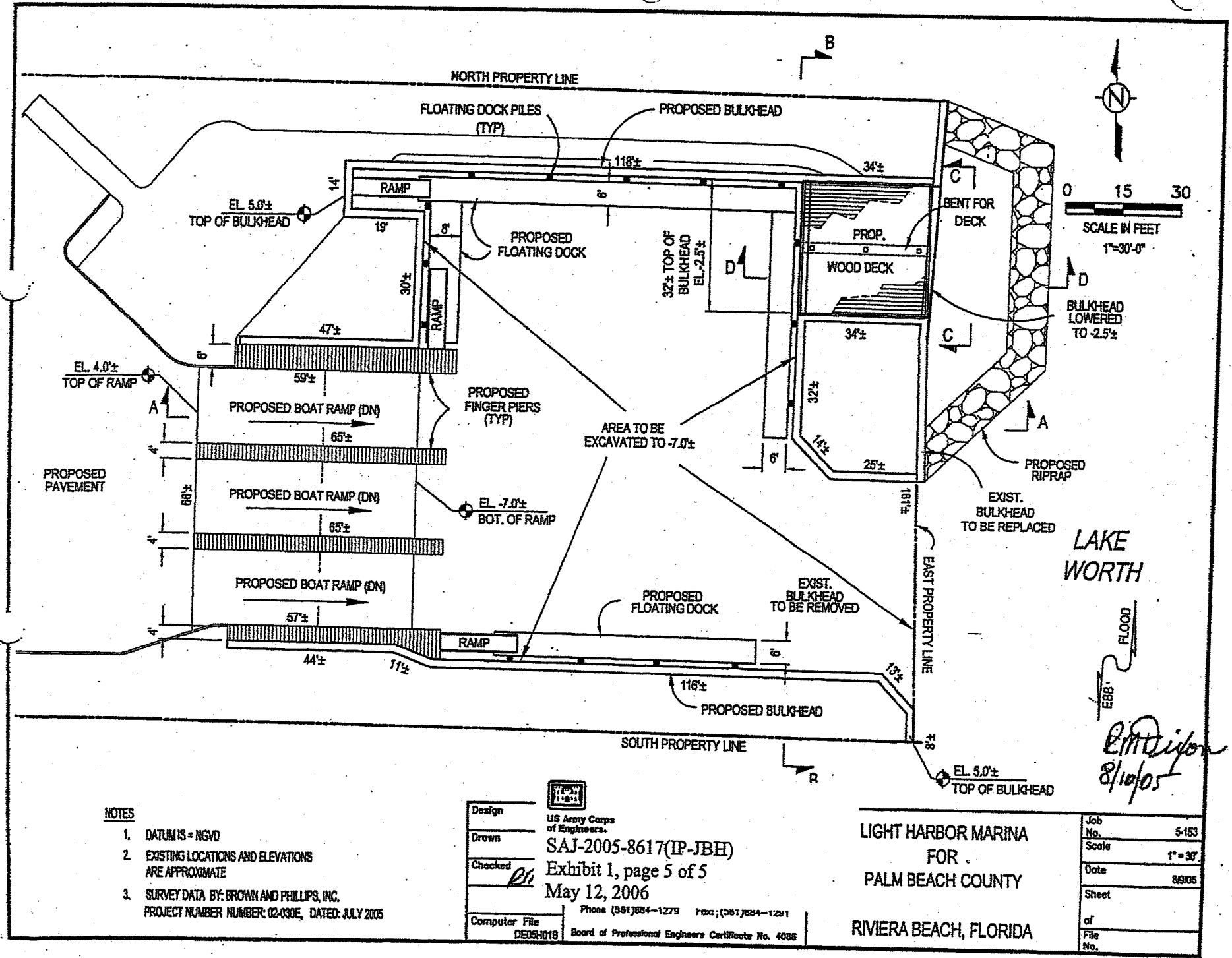
VERIFY SCALE
 ONE TO EQUAL TO ONE
 NOT ON ORIGINAL DRAWING
 ALL DIMENSIONS IN
 FEET UNLESS OTHERWISE SPECIFIED




US Army Corps
 of Engineers
 SAI-2005-8617(IP-JBH)
 Exhibit 1, page 4 of 5
 May 12, 2006

GRADING AND DRAINAGE PLAN	LIGHT HARBOR MARINA	DATE PLOTTED: 05-01-06 SHEET: PGD-1
---------------------------	---------------------	--

Figure 0



- NOTES**
1. DATUM IS = NGVD
 2. EXISTING LOCATIONS AND ELEVATIONS ARE APPROXIMATE
 3. SURVEY DATA BY: BROWN AND PHILLIPS, INC. PROJECT NUMBER NUMBER: 02-030E, DATED: JULY 2005


 Design: US Army Corps of Engineers.
 Drawn: SAJ-2005-8617(IP-JBH)
 Checked: [Signature] Exhibit 1, page 5 of 5
 Date: May 12, 2006
 Phone: (561) 884-1279 Fax: (561) 884-1291
 Computer File: DEBCH01B Board of Professional Engineers Certificate No. 4085

LIGHT HARBOR MARINA
 FOR
 PALM BEACH COUNTY
 RIVIERA BEACH, FLORIDA

Job No.	5-153
Scale	1" = 30'
Date	8/8/05
Sheet	
of	
File No.	

[Handwritten Signature]
 8/10/05

F.A.C. The permittee transferring the permit shall remain liable for corrective actions that may be required as a result of any violations prior to the sale, conveyance or other transfer of the system.

(17) Upon reasonable notice to the permittee, Department authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.

(18) If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the appropriate Department office.

(19) The permittee shall immediately notify the Department in writing of any previously submitted information that is later discovered to be inaccurate.

GENERAL CONSENT CONDITIONS:

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

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

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

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

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

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

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

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

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

SPECIFIC CONDITIONS:

(1) The project drawings, sheets 1 through 14; the permit checklist; the 4-page Manatee Exhibit, and DEP forms 62.343.900(3), (4), (5), and (7) are attached to and become part of this permit.

(2) If the approved permit drawings conflict with the specific conditions, then the specific conditions shall prevail.



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SAJ-2005-8617(IP-JBH)

Exhibit 2, page 1 of 4

May 12, 2006

(3) After selection of the contractor to perform the authorized activities and prior to the initiation of any work authorized by this permit, the permittee (or authorized agent) and the contractor shall attend a pre-construction conference with a representative of the Department. The permittee shall contact the Department in writing to schedule the conference. Department of Environmental Protection, Southeast District, Submerged Lands & Environmental Resources Program, Compliance/Enforcement Section, Attention: Richard Stalker, 400 N. Congress Ave., Suite 200, West Palm Beach, Florida 33401 (phone: 561/681-6643).

(4) The permittee shall be responsible for ensuring that the permit conditions are explained to all construction personnel working on the project, and for providing each contractor and subcontractor with a copy of this permit before construction begins.

(5) The work authorized by this permit shall not be conducted on any property, other than that owned by the permittee, without prior written approval of that property owner.

(6) There shall be no storage or stockpiling of tools or materials (i.e., lumber, pilings, debris), along the shoreline adjacent to waters of the state. All cleared vegetation, excess lumber, scrap wood, trash, garbage, and any other type of debris shall be removed from wetlands/waters of the state within 14 days of completion of the work authorized in this permit.

(7) All watercraft associated with the construction of the permitted structure shall only operate within waters of sufficient depth so as to preclude bottom scouring or prop dredging. A barge with a fully loaded draft of no more than 3 feet shall be used to install the 10-inch wooden pilings.

(8) Prior to the initiation of any work authorized by this permit, staked turbidity screens that extend to within one foot of the bottom shall be utilized around the project site. Excavation of the upland basin and construction of the boat ramp facilities shall occur prior to dredging the entrance channel to minimize turbidity. Silt curtains shall be utilized around the spoil retention area to prevent spoil from entering surface waters. All turbidity devices shall be maintained and remain in place for the duration of the project construction to ensure that turbidity levels outside the construction area do not exceed 29 NTUs above background levels. The permittee shall be responsible for ensuring that turbidity control devices are inspected daily and maintained in good working order so that there are no violations of state water quality standards outside of the turbidity screens.

The following measures shall be taken immediately by the permittee whenever turbidity levels within waters of the State surrounding the project site exceed 29 NTUs above background:

- a. Notify the Department of Environmental Protection, Southeast District, Submerged Lands & Environmental Resources Program, Compliance/Enforcement Section at 561/681-6600 at the time the violation is first detected.
- b. Immediately cease all work contributing to the water quality violation. Operations may not resume until the department gives authorization to do so.
- c. Stabilize all exposed soils contributing to the violation. Modify the work procedures that were responsible for the violation and install more turbidity containment devices and repair any non-functional turbidity containment devices.

(9) The permittee shall comply with the standard manatee protection construction conditions listed in the attachment, "Standard Manatee Construction Conditions, June 2001."

(10) At least one person shall be designated as a manatee observer when in-water work is being performed. That person shall have experience in manatee observation, be approved by the FWC, and be equipped with polarized sunglasses to aid in observation. The manatee observer must be on site during all in-water construction activities and will advise personnel to cease operation upon sighting a manatee within 50 feet of any in-



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of Engineers

SAJ-2005-8617(IP-JBH)

Exhibit 2, page 2 of 4

11-10-2005

water construction activity. Movement of a work barge, other associated vessel, or any in-water work shall not be performed after sunset, when the possibility of spotting manatees is negligible.

(11) The total number of boat slips, inclusive of all parking for trailers, temporary mooring or upland storage, shall be limited to 78, as requested by the applicant.

(12) A marina manatee educational program, developed with the assistance of, and approved by the Imperiled Species Management Section, shall be implemented before completion of project construction. The program shall include, at a minimum, permanent signs and kiosks, speed zone booklets, and manatee educational brochures and pamphlets. The permittee will be responsible for the cost of the signs. Brochures and pamphlets, which are available from the FWC's Imperiled Species Management Section, shall be made available at all times within a centralized display. Signs and kiosks should be installed prior to the facility opening and beginning operations, be replaced in the event of fading or becoming damaged, and be ongoing for the life of the permitted docking facilities in a manner acceptable to the Department. The permittee shall request, in writing, guidance in developing and approving this marina manatee educational program from the Imperiled Species Management Section at: 620 South Meridian Street, 6A, Tallahassee, Florida 32399-1600 (telephone 850/922-4330).

(13) To offset impacts to approximately 0.04 acres (1,941 ft²) of seagrass habitat, the permittee shall preserve 0.8 acres of on site seagrass habitat by installing channel markers consisting of ten, 10-inch wooden pilings spaced 50 feet apart with a floating rope and buoy system to prevent vessels from utilizing the preservation area. The seagrass habitat preservation area shall be maintained in perpetuity.

(14) The slips shall not be occupied by liveaboards. A liveaboard vessel shall be defined as a vessel docked at a facility that is inhabited by a person or persons for any 5 consecutive days or a total of 10 days within a 30-day period.

(15) There shall be no fish cleaning stations authorized by this permit. No overboard discharges of trash, human or animal waste, or fuel shall occur at this facility.

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

(17) The slope of the riprap shall be 1H:1V (horizontal:vertical) and the riprap will extend no more than 10 feet waterward of the mean high water line.

(18) The riprap shall be constructed in accordance with the specifications shown on the attached permit drawings. Riprap shall be fully constructed prior to the placement of any back fill material on the uplands. Any fill material used behind the riprap shall be clean fill and free of vegetative matter, rebar, trash, garbage, toxic or hazardous waste or any other unsuitable materials.

(19) Filter cloth shall be placed under the riprap to prevent shoreline erosion and leaching of shoreline soils through the riprap.

(20) Upland excavation will be performed utilizing a track hoe and dragline device, while dredging of the ingress/egress channel will be performed from the uplands utilizing a hand-held suction dredge. Dredging of the ingress/egress channel shall be conducted after all upland excavation has been completed and all suspended particles within the basin have settled. All excavated and dredged material shall be placed in a self-contained, upland, 173-foot by 77-foot (13,321 ft²) containment berm as shown on the attached drawings, sheet no. 11 of 14, no. 12 of 14, and no. 13 of 14. The spoil containment area must be constructed to contain all off loaded spoil material and prevent the escape of dredged material and associated effluent into surface waters.



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(21) Once dried, the dredged material shall be transported to the Solid Waste Authority's North County Landfill and receipts shall be submitted to the Department at the address listed in Specific Condition No. 3. Excavated upland material shall be transported to Phil Foster Park for landscaping and parking lot construction.

(22) All areas to be dredged shall be in accordance with the attached permit drawings and shall not exceed the areas and depths indicated on those drawings.

(23) The surface water management system shall be constructed as shown in the attached exhibits. Dry detention ponds (0.25 acres) and exfiltration trenches (550 linear feet) shall be constructed as shown in the attached exhibits.

(24) Maintenance of the stormwater system is the responsibility of Light Harbor Marina. A maintenance schedule shall be implemented to ensure that the stormwater management system is functioning as designed. Inlet structures shall be inspected annually and cleaned on an "as needed" basis.

(25) Discharge structure shall consist of a 1.5-foot wide weir with a crest elevation at 3.0 feet NGVD discharging to existing canal/Intracoastal via 85 linear feet of 24-inch diameter HDPE. The outfall structure shall be equipped with a pollutant retardant baffle and manatee protection device.

RIGHTS OF AFFECTED PARTIES

This permit and consent to use sovereign submerged lands are hereby granted. This action is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under sections 120.569 and 120.57 of the Florida Statutes as provided below. If a sufficient petition for an administrative hearing is timely filed, this action automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because an administrative hearing may result in the reversal or substantial modification of this action, the applicant is advised not to commence construction or other activities until the deadlines noted below for filing a petition for an administrative hearing or request for an extension of time have expired.

Mediation is not available.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Under rule 62-110.106(4) of the Florida Administrative Code, a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

If a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention will be permitted only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-106.205 of the Florida Administrative Code.



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