

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2016	2017	2018	2019	2020
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	<u>525,715</u>	_____	_____	_____	_____
External Revenues	<u>(262,857)</u>	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>262,858</u>	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes X No

Budget Account No.: Fund 1225/1229 Department 380 Unit 3095 Object 3401
Program _____

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

Vessel registration fees – Fund 1225
FDEP Lake Worth Lagoon grant – Fund 1229

C. Department Fiscal Review: *S. Neering*

II. REVIEW COMMENTS

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

John A. W. Catlett

OFMB *9/27* *9/28/16*

David J. Jacobson

Contract Development and Control *10/11/16*
10/11/16

B. Legal Sufficiency:
WOC

Assistant County Attorney *10/12/16*

C. Other Department Review:

Department Director

WORK ORDER
ANNUAL CONTRACT

PROJECT NAME: Palm Beach County Artificial Reef & Breakwater Annual Contract

PROJECT NO.: 2015ERM01

CONTRACT RESOL. NO.: R2015-0650

DEPARTMENT: Environmental Resources Management (ERM)

WORK ORDER ERM PROJECT MANAGER: Eric Anderson

WORK ORDER PROJECT NAME: West Palm Beach Living Shoreline Currie and Osprey Park

WORK ORDER LOCATION: West Palm Beach

WORK ORDER NO.: 0650-3

COMM. DISTRICT NO. 7

BUDGET LINE ITEMS: Various

[Fiscal approval of Budget Availability: (see attached BAS)]

TO: Coston Marine Services, Inc.
228 Hibiscus Street, Suite 4
Jupiter, FL 33458

In accordance with the terms of your Contract dated May 19, 2015, with Palm Beach County, a Political Subdivision of the State of Florida, you are directed to provide the supplies and services listed on the bid schedule dated 6/17/2016.

The above work shall be performed at Work Order Location, in accordance with the attachments, including USACE Permits #SAJ-2015-02189(SP-AAZ) and Modification #1 Currie Park; #SAJ-2015-01237 (SP-AAZ) and Modification #1 Osprey Park; FDEP Permits #50-0152476-006-EM Currie Park, and #50-0327715-002 Osprey Park, Interlocal Agreement for Staging #R2016-0906, and Plans dated 6/8/16 and 6/17/16.

The total amount of this Work Order, at the contract prices, shall not exceed \$525,714.97 as identified in the attached Work Order Bid Schedule, dated 6/17/2016.

The work shall be Substantially Complete within one hundred twenty (120) calendar days after the Commencement Date. This time includes six (6) calendar days for Inclement Weather. The Commencement Date and the deadline for Substantial Completion shall be provided by the County in the Notice to Proceed.

The Liquidated Damages assessed for completion after Substantial Completion or Final Completion is: \$500.00/day.


Progress Payment Retainage shall be held in the amount of 5% of the Total Complete.

The additional insured(s) and indemnitee(s) are: Palm Beach County and the City of West Palm Beach

This Work is funded in part or in whole by: DEP Agreement No. S0751 and FIND PB-15-186.

Davis-Bacon Act does not apply. E-Verify requirements do not apply.

FOR: PALM BEACH COUNTY, FLORIDA,
A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA
BOARD OF COUNTY COMMISSIONERS

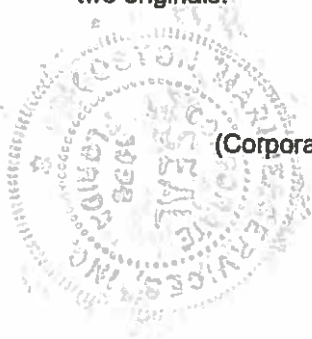
BY:  8-18-16
Daniel Bates, Deputy Director Date
Dept. of Environmental Resources Management

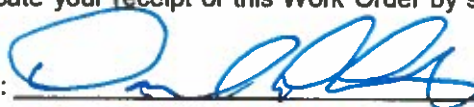
CONTRACTOR AFFIDAVIT AND RECEIPT OF WORK ORDER:

Having carefully examined the Work Order documents, including its attachments and Plans, for the above-referenced Project, as well as the premises and conditions affecting the Work, and confirming that the site(s) was/were visited, as required, by

DANIEL COSTON on 7-14-16
(Name of Person) (Date)

the undersigned hereby declares that we have carefully and to our full satisfaction examined the Work Order documents, and that we have made a full examination of the location of the proposed Work and the source of supply of materials. Please indicate your receipt of this Work Order by signing and returning two originals.



BY: 

Daniel L. Coston
Name

President
Title

Coston Marine Services, Inc.
Contractor Name

Attachments: Work Order Bid Schedule
SBE Schedules 1, 2 for Work Order
Plansheets, Permits
Contract History

c: Clerk Finance
Contract Development and Control

Project No.: 2015ERM01

Work Order No.: 0650-3

Project Name: Palm Beach County Artificial Reef & Breakwater Annual Contract

Site Name: West Palm Beach Living Shoreline Currie and Osprey Park

Date: 6/17/2016

Coston Marine Services, Inc.

	Phase 1: Currie Park Living Shoreline	QUANTITY	UNIT	UNIT COST	TOTAL COST
	General				
1	Turbidity Monitoring/Reporting	60	Day	\$ 275.26	\$ 16,515.60
2	Turbidity Curtain	900	Foot	18.53	\$ 16,677.00
3	Mobilization & Demobilization ¹	0	Work Order	28,000.00	\$ -
	Materials Supply				
5	Supply Limestone Rock (2' to 3' diameter)	3,699	Ton	44.30	163,865.70
6	Supply Bedding Stone	920	Ton	30.63	28,179.60
7	Supply Sand	1,040	Ton	18.69	19,437.60
8	Supply Filter Fabric	3,430	SY	2.25	7,717.50
	Inshore Breakwater/Reef Construction				
14	Load/Install Filter Fabric	3,430	SY	4.50	15,435.00
15	Load/Install Bedding Stone	920	Ton	33.70	31,004.00
16	Load/Install Armor Stone	3,699	Ton	40.16	148,551.84
17	Transport All Materials ²	0	Ton-Mile	1.00	-
	Miscellaneous Inshore Construction				
18	Load/Install Sand	1,040	Ton	17.39	18,085.60
19	Transport Sand ²	0	Ton-Mile	0.94	-
BASE BID PHASE 1:					\$ 465,469.44

	Phase 2: Osprey Park Living Shoreline	QUANTITY	UNIT	UNIT COST	TOTAL COST
	General				
1	Turbidity Monitoring/Reporting	20	Day	\$ 275.26	\$ 5,505.20
2	Turbidity Curtain	350	Foot	18.53	\$ 6,485.50
3	Mobilization & Demobilization ¹	0	Work Order	28,000.00	\$ -
	Materials Supply				
5	Supply Limestone Rock (2' to 3' diameter)	426	Ton	44.30	\$ 18,871.80
6	Supply Bedding Stone	81	Ton	30.63	\$ 2,481.03
7	Supply Sand	158	Ton	18.69	\$ 2,953.02
8	Supply Filter Fabric	202	SY	2.25	\$ 454.50
	Inshore Breakwater/Reef Construction				
14	Load/Install Filter Fabric	202	SY	4.50	\$ 909.00
15	Load/Install Bedding Stone	81	Ton	33.70	\$ 2,729.70
16	Load/Install Armor Stone	426	Ton	40.16	\$ 17,108.16
17	Transport All Materials ²	0	Ton-Mile	1.00	\$ -
	Miscellaneous Inshore Construction				
18	Load/Install Sand	158	Ton	17.39	\$ 2,747.62
19	Transport Sand ²	0	Ton-Mile	0.94	\$ -
BASE BID PHASE 2:					\$ 60,245.53

¹ Mobilization/demobilization costs shall be allowed once for Work Orders with overlapping construction

² Transport ton-miles will be calculated as outlined in Article 22 of the Technical Specifications.

TOTAL \$ 525,714.97

**SCHEDULE 1 FOR WORK ORDER NO. 0650-3
LIST OF PROPOSED SBE-M/WBE PARTICIPATION**

PROJECT NAME OR BID NAME: Palm Beach County Artificial Reef & Breakwater Annual Contract PROJECT NO. OR BID NO: 2015ERM01

NAME OF PRIME BIDDER: Coston Marine Services, Inc.

ADDRESS: 228 Hibiscus Street, Suite 4, Jupiter, Fl. 33458

CONTACT PERSON: Daniel L. Coston

PHONE NO.: 561-747-4382

FAX NO.: 561-745-2387

BID OPENING DATE: _____

USER DEPARTMENT: Environmental Resources Management

THIS DOCUMENT IS TO BE COMPLETED BY THE PRIME CONTRACTOR AND SUBMITTED WITH BID PACKET. PLEASE LIST THE NAME, CONTACT INFORMATION AND DOLLAR AMOUNT AND/OR PERCENTAGE OF WORK TO BE COMPLETED BY ALL SBE -M/WBE's ON THIS PROJECT. IF THE PRIME IS AN SBE-M/WBE, PLEASE ALSO LIST THE NAME, CONTACT INFORMATION AND DOLLAR AMOUNT AND/OR PERCENTAGE OF WORK TO BE COMPLETED BY THE PRIME ON THIS PROJECT. THE PRIME AFFIRMS THAT IT WILL MONITOR THE SBES LISTED TO ENSURE THE SBES PERFORM THE WORK WITH ITS OWN WORKFORCE.

Name, Address and Phone Number	(Check one or both Categories)		DOLLAR AMOUNT AND/OR PERCENTAGE OF WORK				
	M/WBE	SBE	Black	Hispanic	Women	Caucasian	Other (Please Specify)
1. Coston Marine Services, Inc., 228 Hibiscus St., Suite 4, Jupiter, Fl. 33458 / (561)747-4382	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	_____	_____	\$ 522,114.97 ✓	_____
2.	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____	_____	_____	_____
3.	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____	_____	_____	_____
4.	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____	_____	_____	_____
5.	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____	_____	_____	_____

(Please use additional sheets if necessary)

Total

Total Work Order Price \$ 525,714.97 ✓

Total SBE-M/WBE Participation Dollar Amount and/or Percentage of Work \$ 522,114.97 / 99.31% ✓

I hereby certify that the above information accurate to the best of my knowledge _____

Signature

President
Title

- Note:
- The amount listed on this form for a SBE-M/WBE Prime or Subcontractor must be supported by price or percentage listed on the signed Schedule 2 or signed proposal in order to be counted toward goal attainment.
 - Firms may be certified by Palm Beach County as an SBE and/or M/WBE. If firms are certified as both an SBE and M/WBE, please indicate the dollar amount and/or percentage under the appropriate category.
 - M/WBE information is being collected for tracking purposes only.

Revised 7/2/2013

**OSBA SCHEDULE 2 FOR WORK ORDER NO. 0650-3
LETTER OF INTENT TO PERFORM AS AN SBE-M/WBE**

This document must be completed by ALL SBE-M/WBE's and submitted with this bid packet. Specify in detail, the particular work items to be performed and the dollar amount and/or percentage for each work item. SBE credit will only be given for items which the SBE-M/WBE's is certified to perform. Failure to properly complete Schedule 2 will result in your SBE participation not being counted.

PROJECT NUMBER: 2015ERM01 PROJECT NAME: Palm Beach County Artificial Reef & Breakwater Annual Contract

TO: Coston Marine Services, Inc.
(Name of Prime Bidder)

The undersigned is certified by Palm Beach County as a - (check one or more, as applicable):

Small Business Enterprise X Minority Business Enterprise _____

Black _____ Hispanic _____ Women _____ Caucasian X Other (Please Specify) _____

Date of Palm Beach County Certification: April 17, 2016 to April 16, 2019

The undersigned is prepared to perform the following described work in connection with the above project. Additional Sheets May Be Used As Necessary

Line Item/ Phase 1: Currie Park Living Shoreline

Lot No.	Item Description	Qty/Units	Unit Price	Total Price/ Percentage
1	Turbidity Monitoring / Reporting	60 / Days	\$ 275.26 / Day	\$ 16,515.60 ✓
2	Turbidity Curtains	900 / Foot	\$ 18.53 / Ft	\$ 16,677.00 ✓
5	Supply Limestone Rock (2' - 3' diameter)	3,699 / Ton	\$ 44.30 / Ton	\$ 163,865.70 ✓
6	Supply Bedding Stone	920 / Ton	\$ 30.63 / Ton	\$ 28,179.60 ✓
7	Supply Sand	1,040 / Ton	\$ 18.69 / Ton	\$ 19,437.60 ✓
8	Supply Filter Fabric	3,430 / SY	\$ 2.25 / SY	\$ 7,717.50 ✓

at the following price or percentage: See Next Page for Total
(SBE Prime or Subcontractor's Quote)

and will enter into a formal agreement for work with you contingent upon your execution of a contract with Palm Beach County.

If undersigned intends to sub-subcontract any portion of this job to a certified SBE-M/WBE or a non-SBE subcontractor, please list the name of the subcontractor and the amount below.

Price or Percentage _____
(Name of Subcontractor)

The Prime affirms that it will monitor the SBE-M/WBE listed to ensure the SBE-M/WBE perform the work with their own work force. The undersigned SBE-M/WBE Prime or SBE-M/WBE subcontractor affirms that it has the resources necessary to perform the work listed without subcontracting to non-certified SBE or any other certified SBE subcontractors except as noted above.

The undersigned subcontractor understands that the provision of this form to Prime Bidder does not prevent Subcontractor from providing quotations to other bidders.

Coston Marine Services, Inc.
Print name of
SBE-M/WBE Company
By: [Signature]
(Signature)

Daniel L. Coston / President
Print name/title of person executing on behalf
of SBE-M/WBE

Revised 7/2/2013

Date: 7-18-16

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Line Item/ Phase 1: Currie Park Living Shoreline			
Lot No.	Item Description	Qty/Units	Unit Price
14	Load / Install Filter Fabric	3,430 / SY	\$ 4.50 / SY
15	Load / Install Bedding Stone	920 / Ton	\$ 33.70 / Ton
16	Load / Install Armor Stone	3,699 / Ton	\$ 40.16 / Ton
18	Load / Install Sand	1,040 / Ton	\$ 17.39 / Ton

Total Price/ Percentage
\$ 15,435.00 ✓
\$ 31,004.00 ✓
\$ 148,551.84 ✓
\$ 18,085.60 ✓

at the following price or percentage: See Next Page for Total
(SBE Prime or Subcontractor's Quote)

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Print name of
SBE-M/WBE Company

By: [Signature]
(Signature)

Daniel L. Coston / President
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Line Item/ Phase 2: Osprey Park Living Shoreline

Lot No.	Item Description	Qty/Units	Unit Price	Total Price/ Percentage
1	Turbidity Monitoring / Reporting	20 / Day	\$ 275.26 / Day	\$ 5,505.20 ✓
2	Turbidity Curtain	350 / Foot	\$ 18.53 / Foot	\$ 6,485.50 ✓
5	Supply Limestone Rock (2'-3- diameter)	426 / Ton	\$ 44.30/ Ton	\$ 18,871.80 ✓
6	Supply Bedding Stone	81 / Ton	\$ 30.63 / Ton	\$ 2,481.03 ✓
7	Supply Sand	158 / Ton	\$ 18.69 / Ton	\$ 2,953.02 ✓
8	Supply Filter Fabric	202 / SY	\$ 2.25 / SY	\$ 454.50 ✓

at the following price or percentage: See Next Page for Total
(SBE Prime or Subcontractor's Quote)

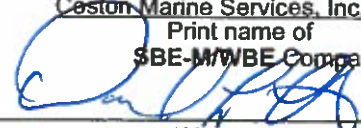
and will enter into a formal agreement for work with you contingent upon your execution of a contract with Palm Beach County.

If undersigned intends to sub-subcontract any portion of this job to a certified SBE-M/WBE or a non-SBE subcontractor, please list the name of the subcontractor and the amount below.

Price or Percentage _____
(Name of Subcontractor)

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Coston Marine Services, Inc.
Print name of
SBE-M/WBE Company
By: 
(Signature)

Daniel L. Coston / President
Print name/title of person executing on behalf
of SBE-M/WBE

Revised 7/2/2013

Date: 7-18-16

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PROJECT NUMBER: 2015ERM01 PROJECT NAME: Palm Beach County Artificial Reef & Breakwater Annual Contract

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(Name of Prime Bidder)

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Date of Palm Beach County Certification: April 17, 2016 to April 16, 2019

The undersigned is prepared to perform the following described work in connection with the above project. Additional Sheets May Be Used As Necessary

Line Item/ Phase 2: Osprey Park Living Shoreline				Total Price/ Percentage
14	Load / Install Filter Fabric	Qty/Units 202 / SY	Unit Price \$ 4.50 / SY	\$ 909.00 ✓
15	Load / Install Bedding Stone	81 / Ton	\$ 33.70 / Foot	\$ 2,729.70 ✓
16	Load / Install Armor Stone	426 / Ton	\$ 40.16/ Ton	\$ 17,108.16 ✓
18	Load / Install Sand	158 / Ton	\$ 17.39 / Ton	\$ 2,747.62 ✓

at the following price or percentage: \$ 525,714.97 ✓
(SBE Prime or Subcontractor's Quote)

and will enter into a formal agreement for work with you contingent upon your execution of a contract with Palm Beach County.

If undersigned intends to sub-subcontract any portion of this job to a certified SBE-M/WBE or a non-SBE subcontractor, please list the name of the subcontractor and the amount below.

Price or Percentage \$ 3,600.00 Magellan Surveying & Mapping, Inc.
(Name of Subcontractor)

The Prime affirms that it will monitor the SBE-M/WBE listed to ensure the SBE-M/WBE perform the work with their own work force. The undersigned SBE-M/WBE Prime or SBE-M/WBE subcontractor affirms that it has the resources necessary to perform the work listed without subcontracting to non-certified SBE or any other certified SBE subcontractors except as noted above.

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Coston Marine Services, Inc.
Print name of
SBE-M/WBE Company

By: [Signature]
(Signature)

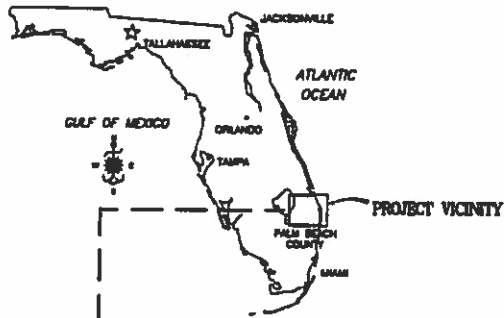
Daniel L. Coston / President
Print name/title of person executing on behalf
of SBE-M/WBE

Revised 7/2/2013

Date: 7-18-16

COUNTY OF PALM BEACH STATE OF FLORIDA

WEST PALM BEACH LIVING SHORELINE AT CURRIE PARK AND OSPREY PARK



BOARD OF COUNTY COMMISSIONERS

MARY LOU BERGER, MAYOR
DISTRICT 5

PAULETTE BURDICK
DISTRICT 2

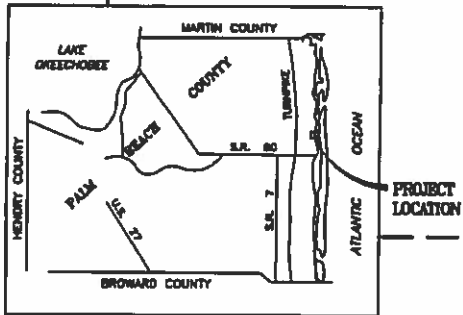
HAL R. VALECHE, VICE MAYOR
DISTRICT 1

STEVEN L. ABRAMS
DISTRICT 4

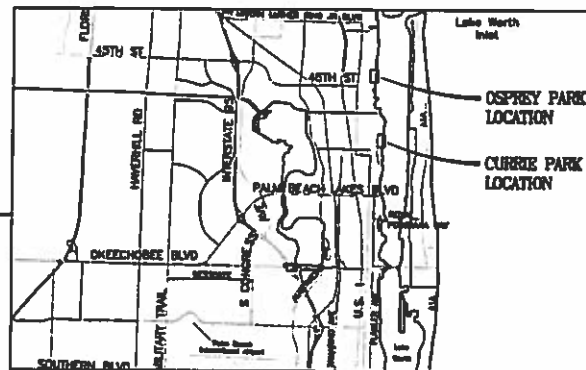
SHELLY VANA
DISTRICT 3

MELISSA MCKINLAY
DISTRICT 6

PRISCILLA A. TAYLOR
DISTRICT 7



VICINITY MAP
N.T.S.



LOCATION MAP
N.T.S.

INDEX OF DRAWINGS

SHEET NO.	DESCRIPTION
1	COVER SHEET
2	PLAN VIEW - CURRIE PARK
3	SECTIONS - CURRIE PARK
4-11	PLAN VIEW DETAILS - CURRIE PARK
12	PLAN VIEW - OSPREY PARK
13	PLAN VIEW DETAILS - OSPREY PARK
14-15	SECTIONS - OSPREY PARK

PALM BEACH COUNTY
DEPARTMENT OF
ENVIRONMENTAL RESOURCES MANAGEMENT
2550 NORTH USG ROAD, 4th FLOOR
WEST PALM BEACH, FLORIDA 33411
(561) 833-8400

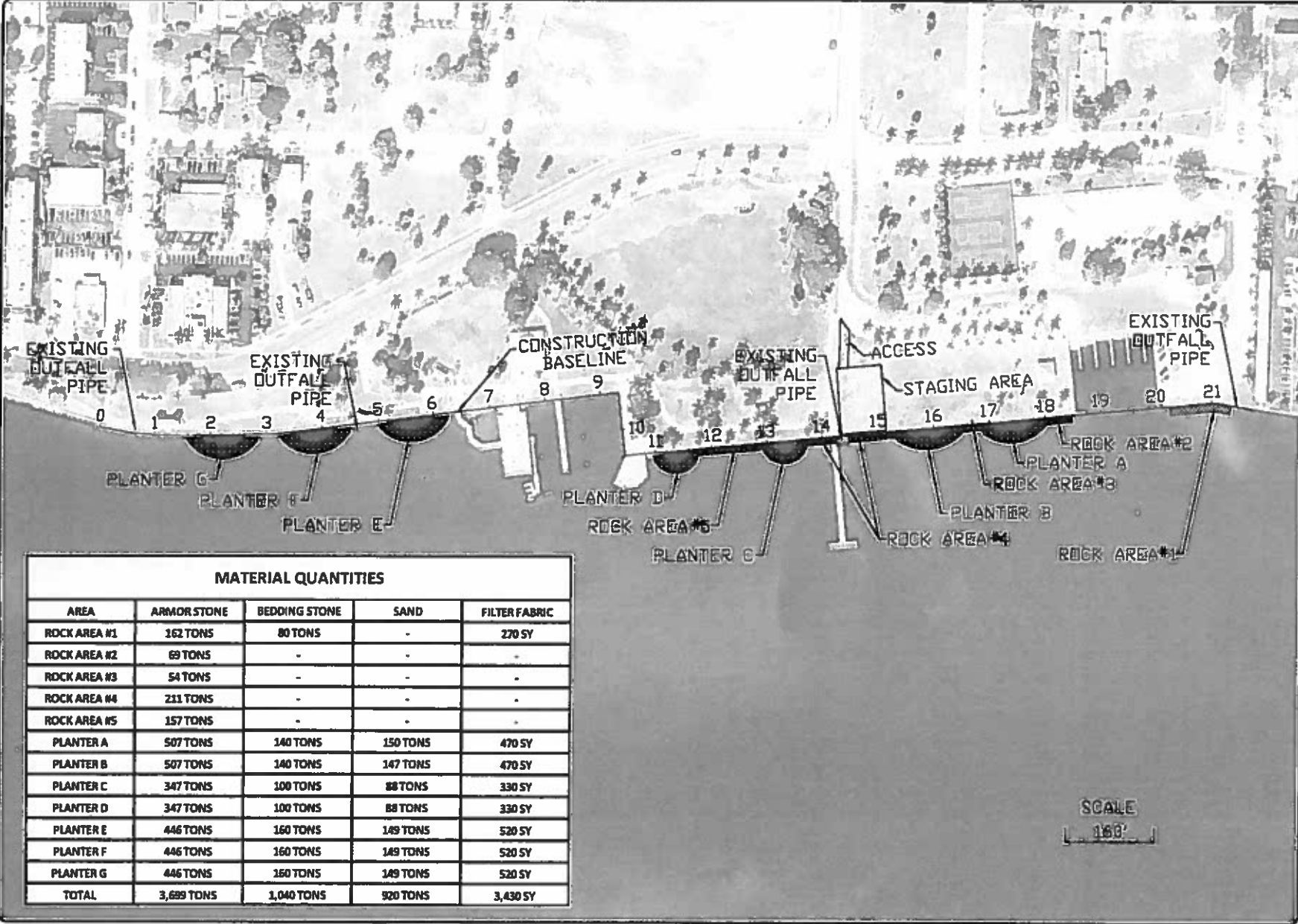


EA
MONICA L. STONE
01/17/2018

SCALE: AS SHOWN
APPROVED: EA
DESIGNED: RMS
CHECKED: ME
DATE: 08/20/15



CURRIE PARK
CITY OF WEST PALM BEACH
COVER SHEET



MATERIAL QUANTITIES				
AREA	ARMOR STONE	BEDDING STONE	SAND	FILTER FABRIC
ROCK AREA #1	162 TONS	80 TONS	-	270 SY
ROCK AREA #2	69 TONS	-	-	-
ROCK AREA #3	54 TONS	-	-	-
ROCK AREA #4	211 TONS	-	-	-
ROCK AREA #5	157 TONS	-	-	-
PLANTER A	507 TONS	140 TONS	150 TONS	470 SY
PLANTER B	507 TONS	140 TONS	147 TONS	470 SY
PLANTER C	347 TONS	100 TONS	88 TONS	330 SY
PLANTER D	347 TONS	100 TONS	88 TONS	330 SY
PLANTER E	446 TONS	160 TONS	149 TONS	520 SY
PLANTER F	446 TONS	160 TONS	149 TONS	520 SY
PLANTER G	446 TONS	160 TONS	149 TONS	520 SY
TOTAL	3,689 TONS	1,040 TONS	920 TONS	3,430 SY

SCALE
1" = 168'

PALM BEACH COUNTY
DEPARTMENT OF
ENVIRONMENTAL RESOURCES MANAGEMENT
2300 NORTH JOG ROAD, 4TH FLOOR
WEST PALM BEACH, FLORIDA 33411
(561) 233-2400

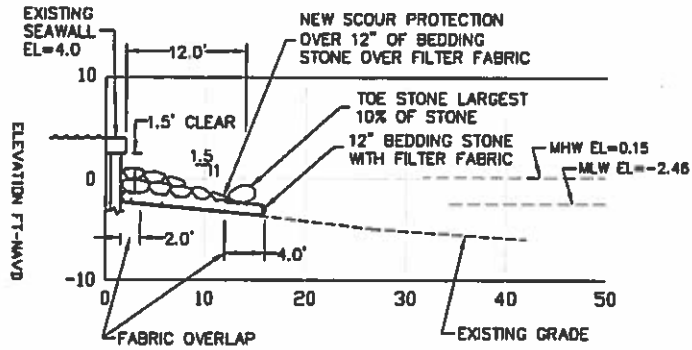
SCALE: AS NOTED
APPROVED: EA
DRAWN: RAB
CHECKED: LME
DATE: 8/8/2018

EA

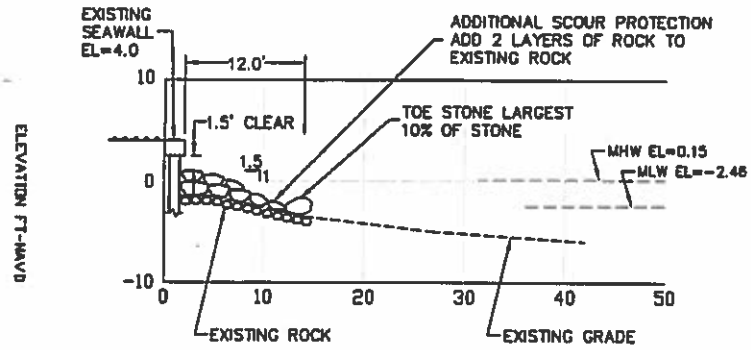
CURRIE PARK
CITY OF WEST PALM BEACH

SITE PLAN

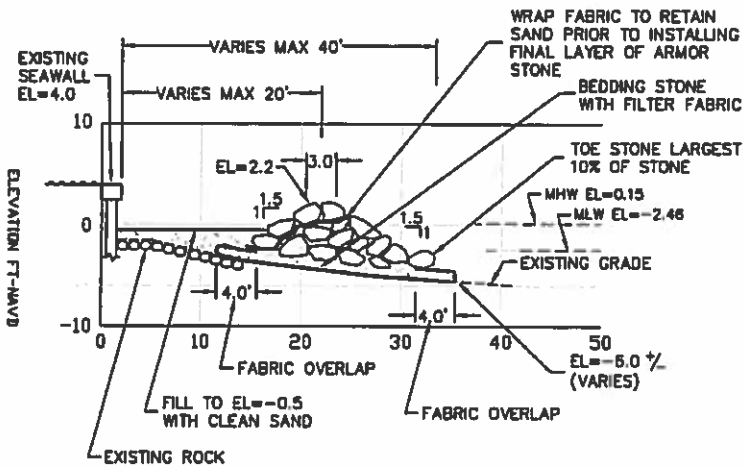
SHEET
2 of 15



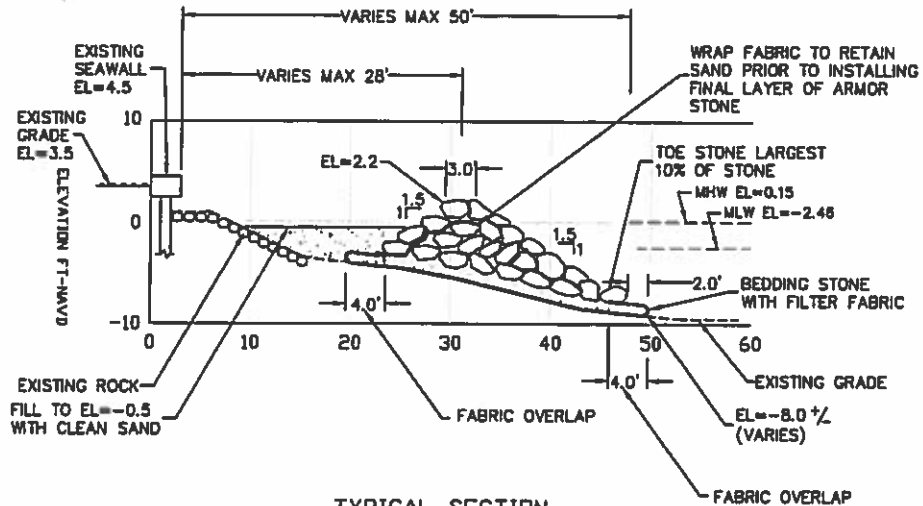
TYPICAL SECTION
 AREA 1-STA. 20+25 TO STA. 21+35



TYPICAL SECTION
 AREA 2-STA. 18+12 TO STA. 18+48
 AREA 3-STA. 16+57 TO STA. 16+79
 AREA 4-STA. 13+73 TO STA. 15+20
 AREA 5-STA. 11+77 TO STA. 12+90



TYPICAL SECTION
 PLANTER A-STA. 16+79 TO STA. 18+12
 PLANTER B-STA. 15+20 TO STA. 16+57
 PLANTER C-STA. 12+90 TO STA. 13+73
 PLANTER D-STA. 10+96 TO STA. 11+77



TYPICAL SECTION
 PLANTER E-STA. 4+99 TO STA. 6+27
 PLANTER F-STA. 3+23 TO STA. 4+50
 PLANTER G-STA. 1+57 TO STA. 2+85

PALM BEACH COUNTY
 DEPARTMENT OF
 ENVIRONMENTAL RESOURCES MANAGEMENT
 2000 NORTH JAC ROAD, 4TH FLOOR
 WEST PALM BEACH, FLORIDA 33411
 (888) 233-2400

SEA

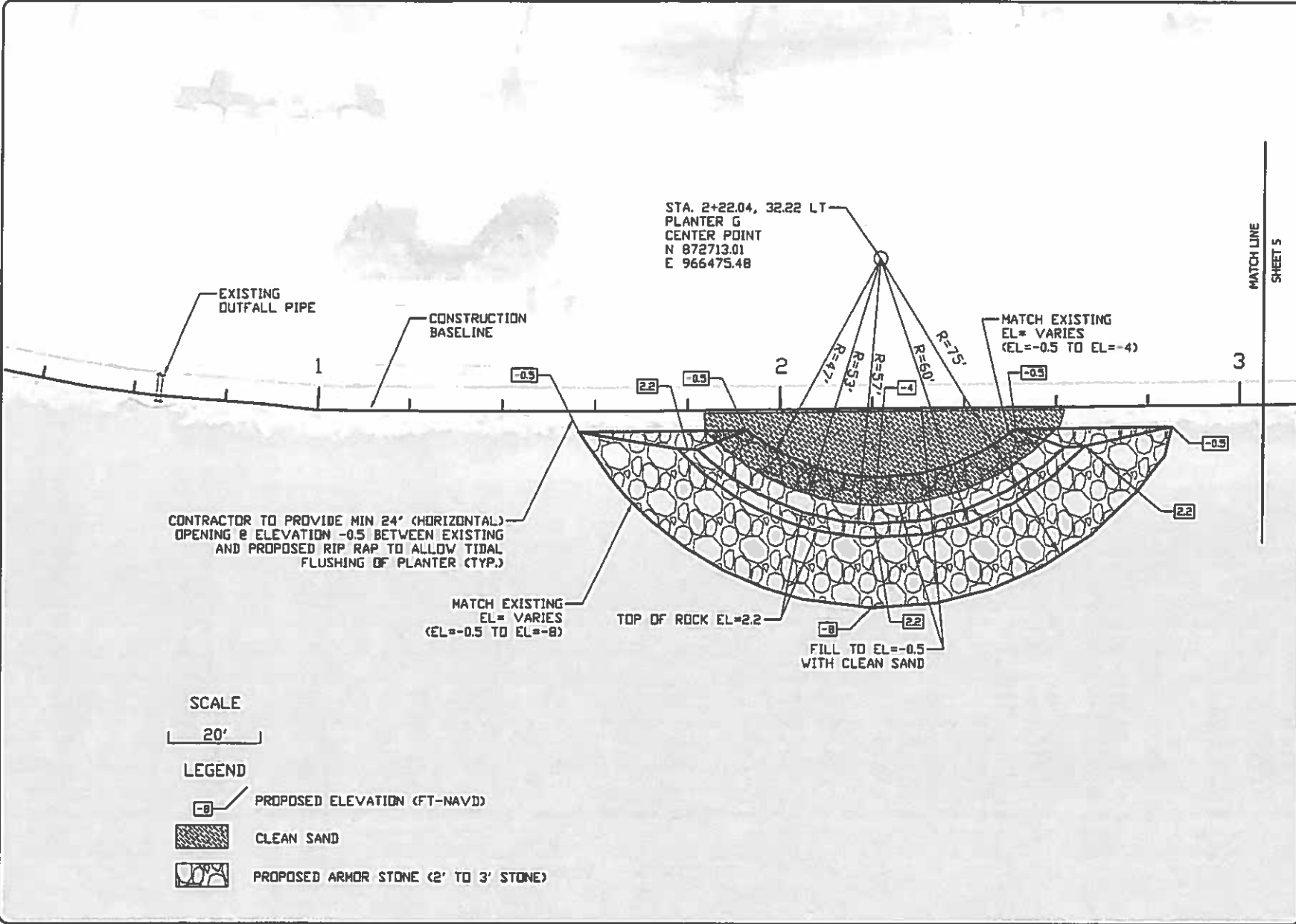
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 DATE: 06/20/18

SCALE: APPROVED: [Signature]
 DATE: 06/20/18



CURRIE PARK
 CITY OF WEST PALM BEACH

SECTIONS



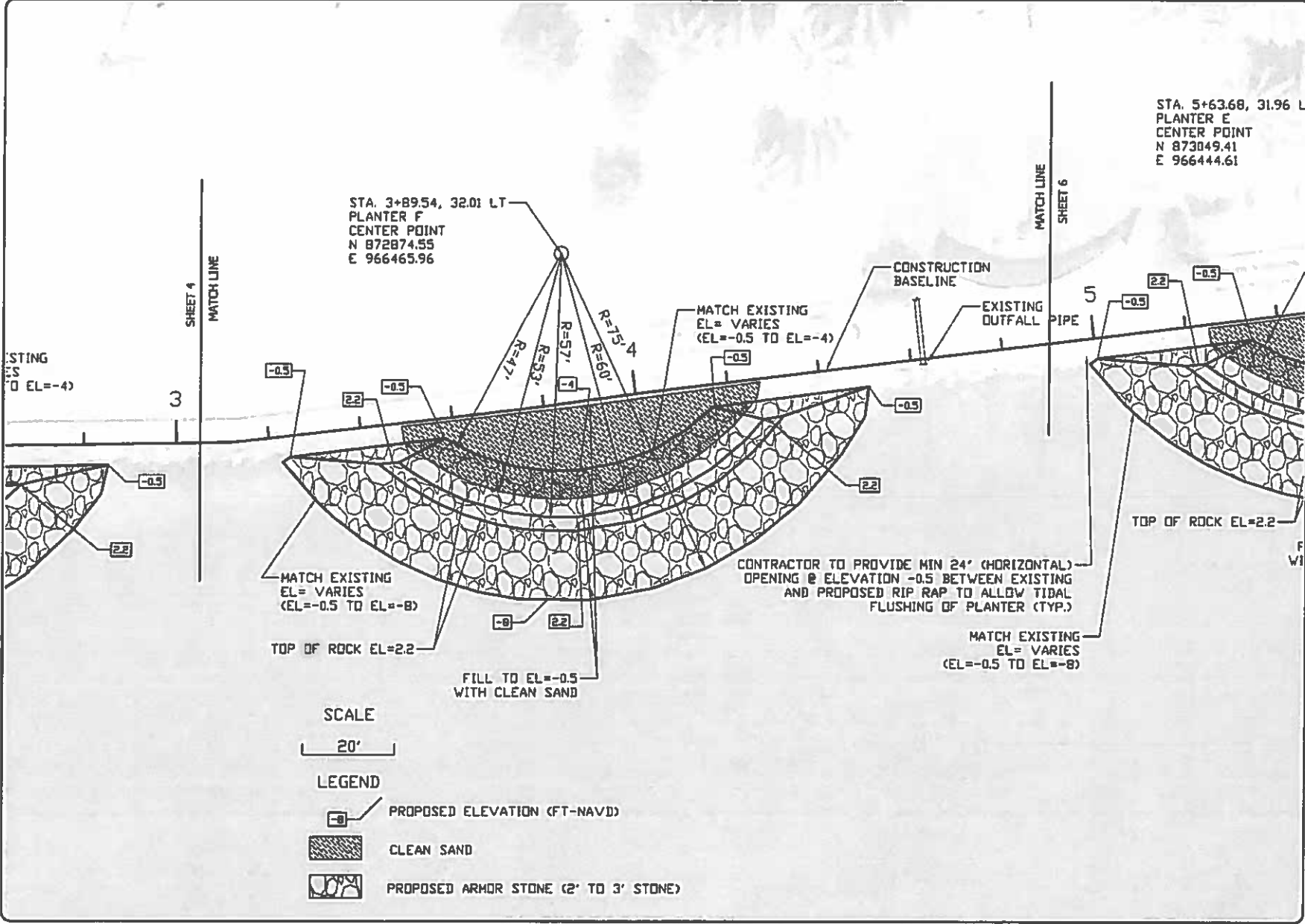
PALM BEACH COUNTY
 DEPARTMENT OF
 ENVIRONMENTAL RESOURCES MANAGEMENT
 2060 NORTH SOG ROAD, 4TH FLOOR
 WEST PALM BEACH, FLORIDA 33411
 (561) 233-2400

SCALE: AS SHOWN
 APPROVED: EA
 DRAWN: RMB
 CHECKED: ME
 DATE: 6/8/2016

CURRIE PARK
 CITY OF WEST PALM BEACH

SITE PLAN

SHEET:
 4 of 15



PALM BEACH COUNTY
 DEPARTMENT OF
 ENVIRONMENTAL RESOURCES MANAGEMENT
 2300 NORTH JOG ROAD, 4TH FLOOR
 WEST PALM BEACH, FLORIDA 33411
 (561) 833-2400

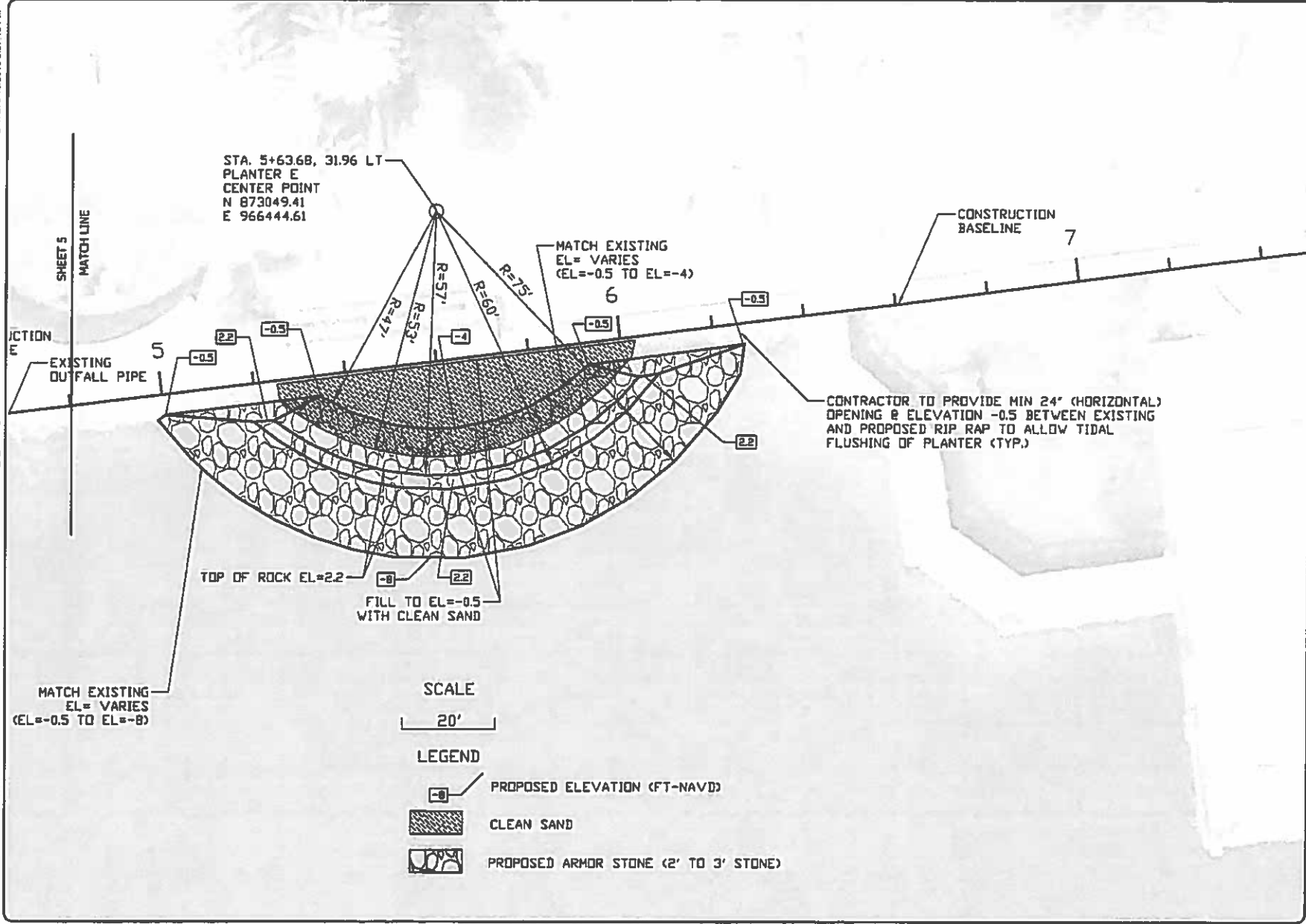
PALM BEACH COUNTY
 ENVIRONMENTAL RESOURCES MANAGEMENT

IN CHARGE
 MICHAEL STARR
 T: 561-833-2400

SCALE: AS SHOWN
 APPROVED: EA
 DRAWN: RMB
 CHECKED: ME
 DATE: 6/8/2018

CURRIE PARK
 CITY OF WEST PALM BEACH
 SITE PLAN

5 of 15



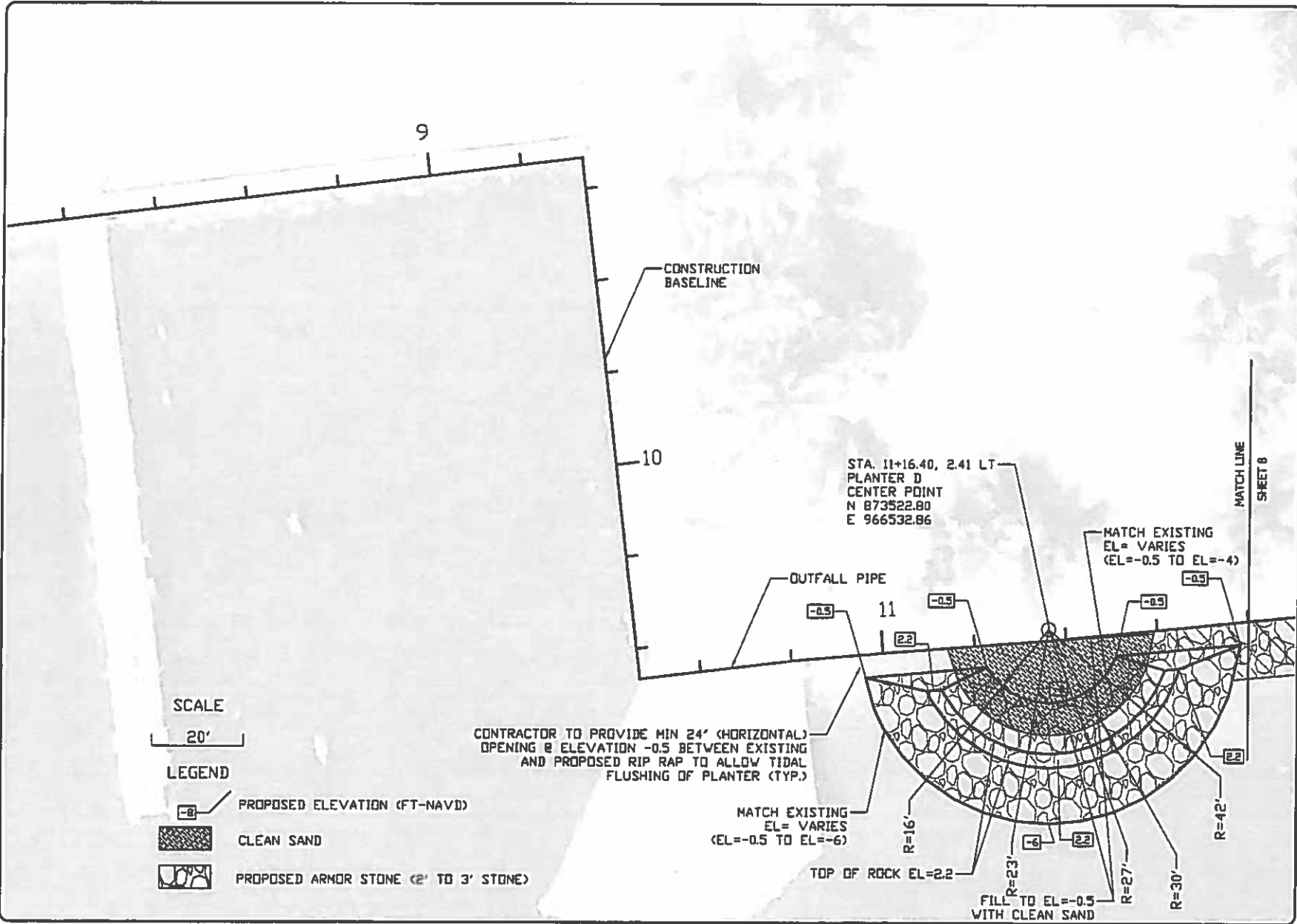
PALM BEACH COUNTY
DEPARTMENT OF
ENVIRONMENTAL RESOURCES MANAGEMENT
2300 NORTH JOG ROAD, 4TH FLOOR
WEST PALM BEACH, FLORIDA 33411
(888) 333-2100

SEALED COPY
BY: [Signature]

SCALE: AS NOTED
APPROVED: EA
DRAWN: RMB
CHECKED: ABE
DATE: 6/6/2018

CURRIE PARK
CITY OF WEST PALM BEACH
SITE PLAN

SHEET
6 of 15



SCALE
 20'

- LEGEND
- 0.5 PROPOSED ELEVATION (FT-NAVD)
 - CLEAN SAND
 - PROPOSED ARMOR STONE (2' TO 3' STONE)

CONTRACTOR TO PROVIDE MIN 24' (HORIZONTAL) OPENING @ ELEVATION -0.5 BETWEEN EXISTING AND PROPOSED RIP RAP TO ALLOW TIDAL FLUSHING OF PLANTER (TYP.)

MATCH EXISTING
 EL= VARIES
 (EL=-0.5 TO EL=-6)

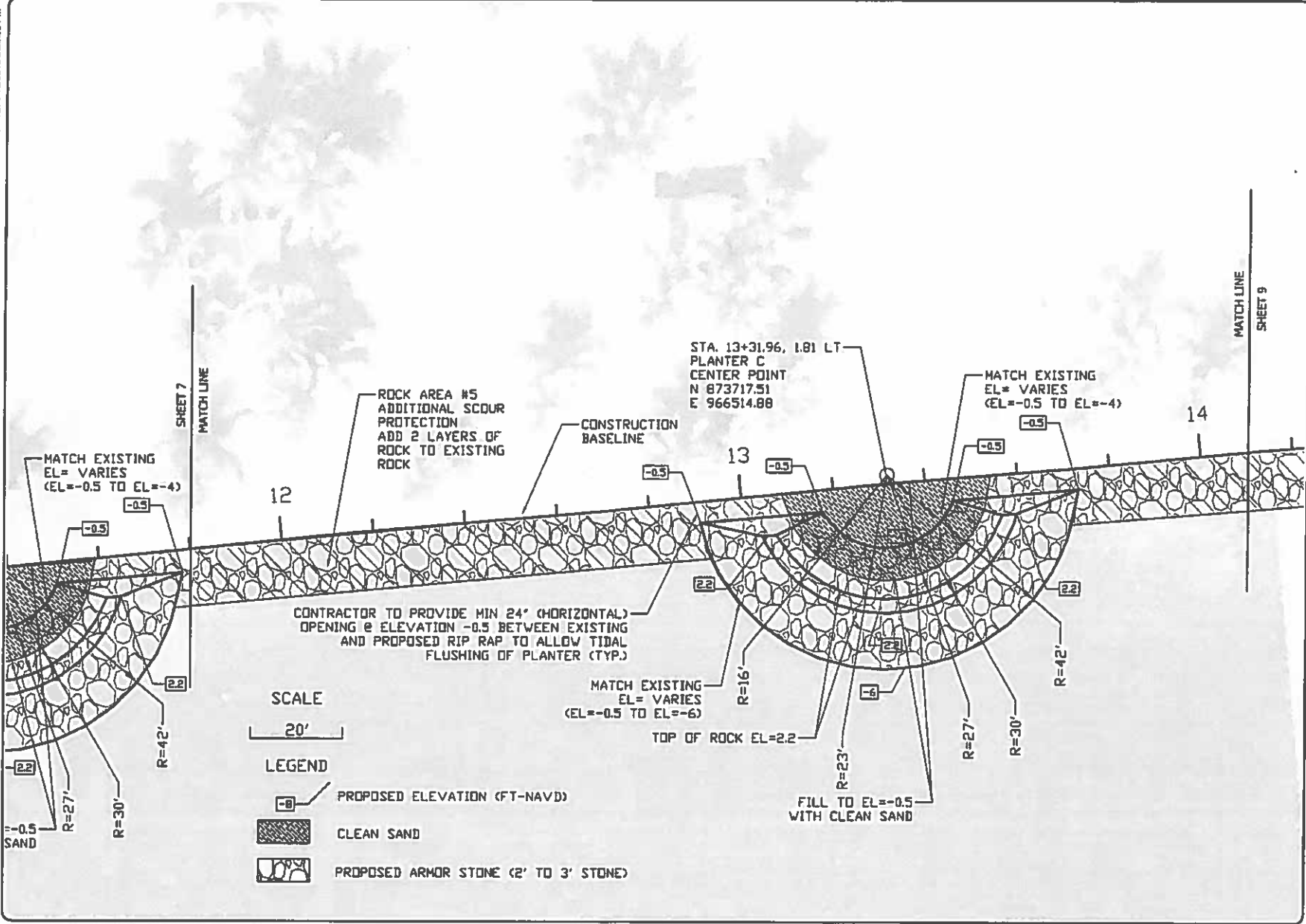
FILL TO EL=-0.5 WITH CLEAN SAND

STA. 11+16.40, 2.41 LT
 PLANTER D
 CENTER POINT
 N 873522.80
 E 966532.86

MATCH EXISTING
 EL= VARIES
 (EL=-0.5 TO EL=-4)

MATCH LINE
 SHEET 8

 PALM BEACH COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT 2500 NORTH JOE ROAD, 4th FLOOR WEST PALM BEACH, FLORIDA 33411 (561) 233-2400
S/E MICHAEL DAVIS P. E. No. 1003
SCALE: AS SHOWN APPROVED: EA DRAWN: PLB CHECKED: ME DATE: 08/07/10
CURRIE PARK CITY OF WEST PALM BEACH SITE PLAN
SHEET 7 of 15

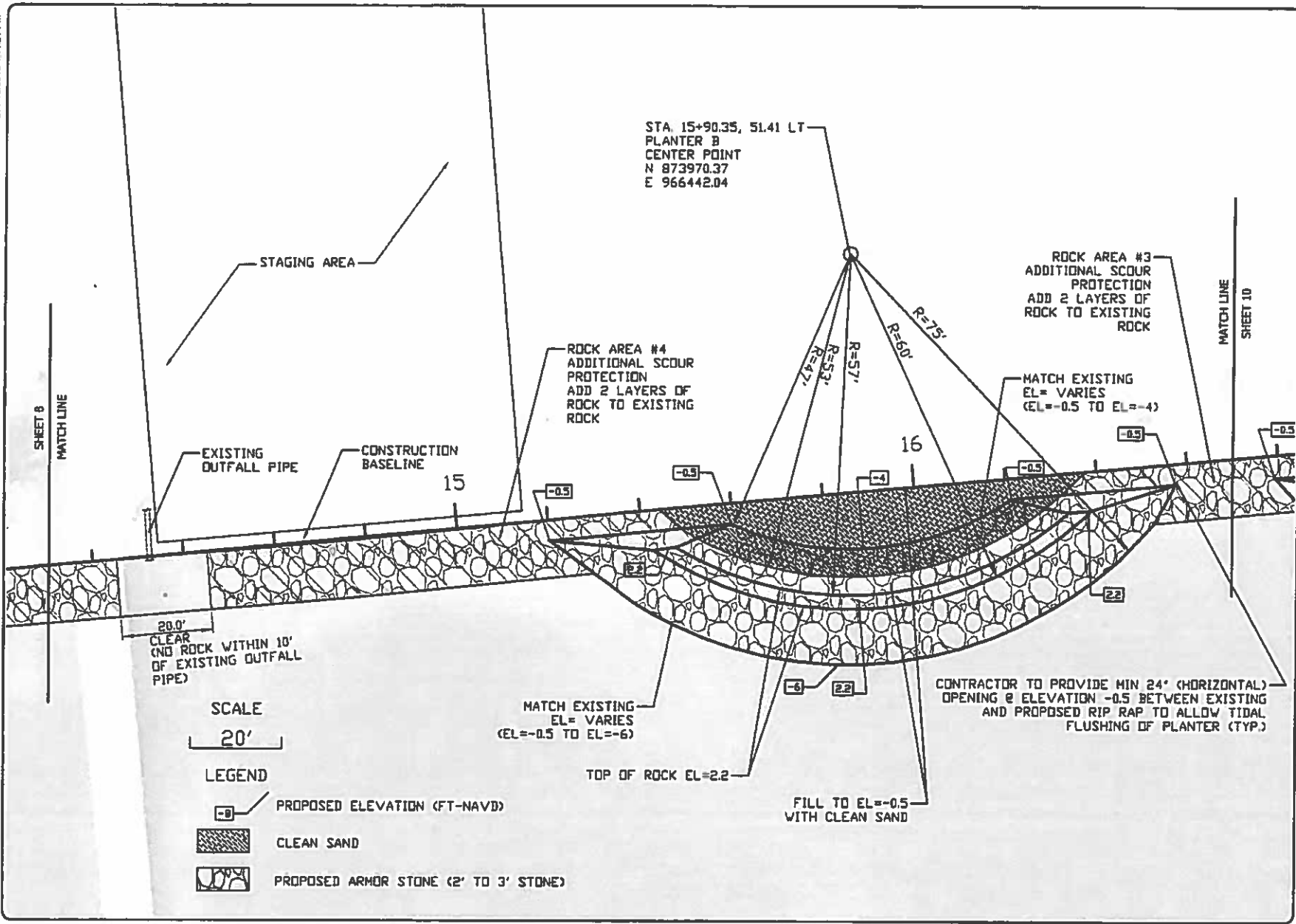


SCALE: AS NOTED
 APPROVED: EA
 DRAWN: RAB
 CHECKED: ME
 DATE: 06/20/18

PALM BEACH COUNTY
 DEPARTMENT OF
 ENVIRONMENTAL RESOURCES MANAGEMENT
 2300 NORTH JOG ROAD, 4TH FLOOR
 WEST PALM BEACH, FLORIDA 33411
 (561) 233-2400

CURRIE PARK
 CITY OF WEST PALM BEACH
 SITE PLAN

8 of 15



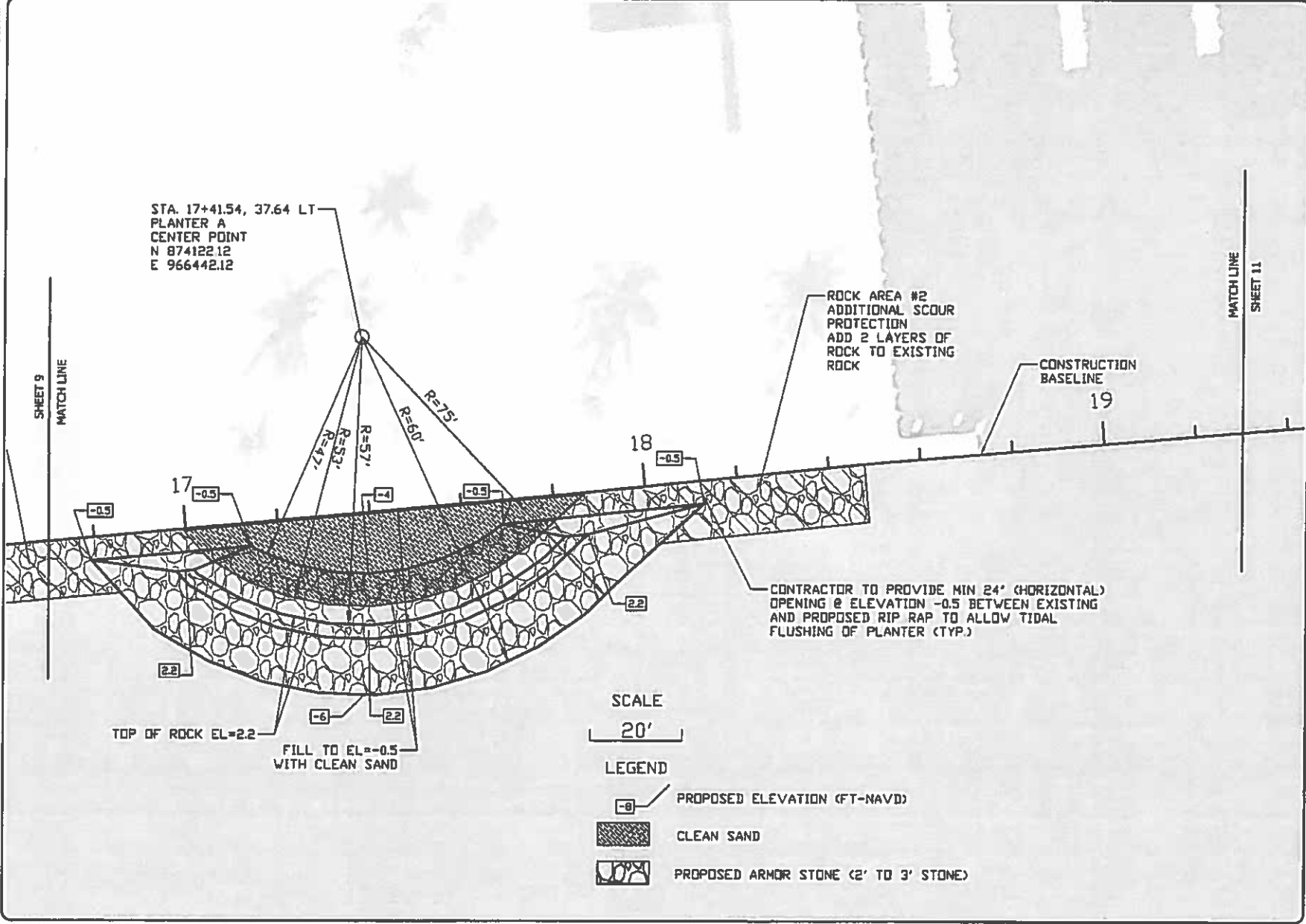
PALM BEACH COUNTY
DEPARTMENT OF
ENVIRONMENTAL RESOURCES MANAGEMENT
2200 NORTH JOG ROAD, 4th FLOOR
WEST PALM BEACH, FLORIDA 33411
(561) 233-2400

SCALE APPROVED
DRAWN
CHECKED
DATE: 08/20/16

CURRIE PARK
CITY OF WEST PALM BEACH

SITE PLAN

9 of 15

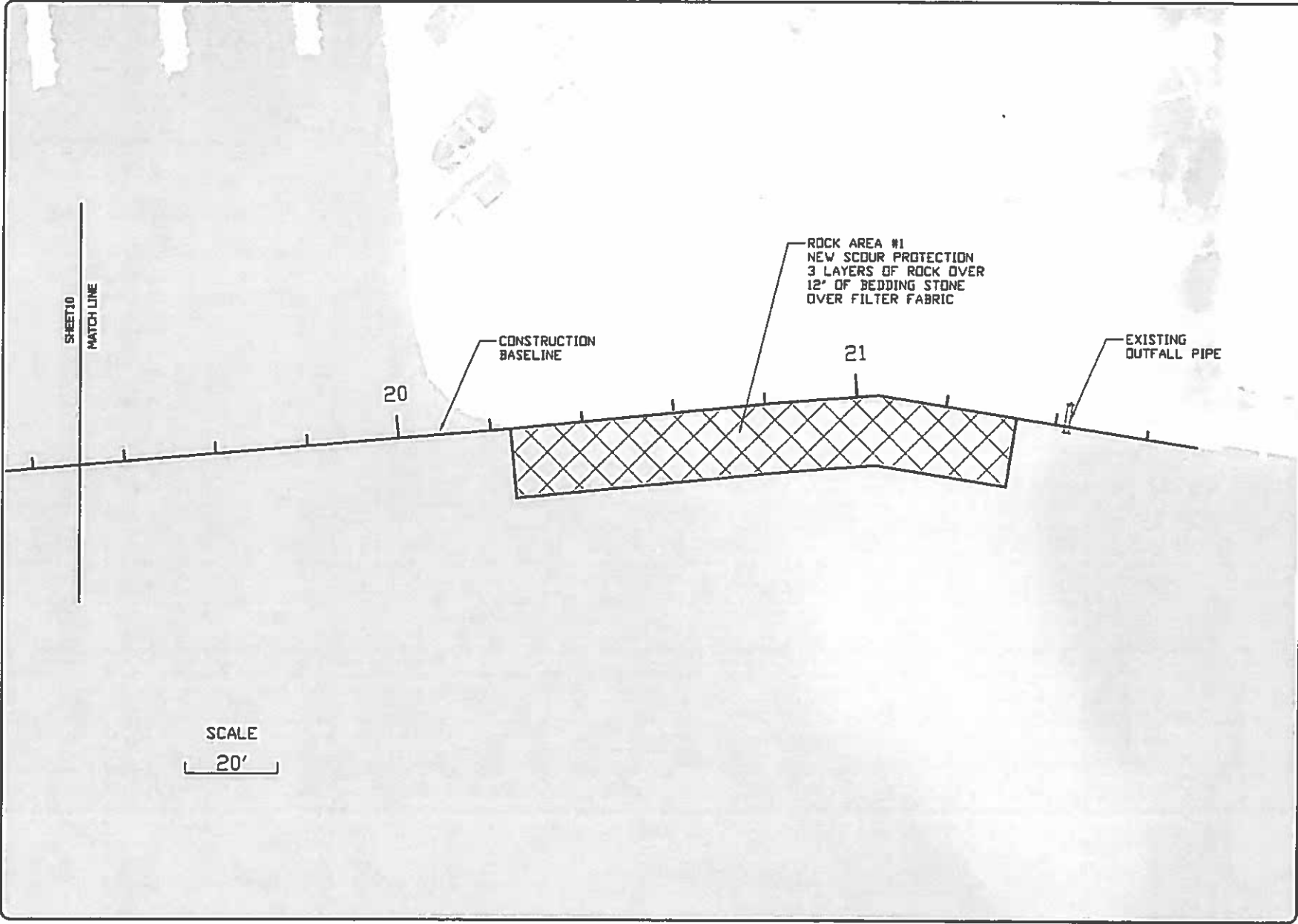


PALM BEACH COUNTY
 DEPARTMENT OF
 ENVIRONMENTAL RESOURCES MANAGEMENT
 2300 NORTH JOG ROAD, 4TH FLOOR
 WEST PALM BEACH, FLORIDA 33411
 (561) 233-2100

SCALE: AS NOTED
 APPROVED: EA
 DRAWN: RAB
 CHECKED: ME
 DATE: 6/8/2018

CURRIE PARK
 CITY OF WEST PALM BEACH
 SITE PLAN

10 of 15



SHEET: 11 of 15	CURRIE PARK CITY OF WEST PALM BEACH SITE PLAN		SCALE AS NOTED APPROVED EA DRAWN PLS CHECKED ME DATE 6/16/2016	SEA WENDY L. BROWN P.E. No. 12086		PALM BEACH COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT 2500 NORTH JOG ROAD, 4th FLOOR WEST PALM BEACH, FLORIDA 33411 (561) 233-8480
	DATE: 6/16/2016 3:30:22 PM					



PROJECT AREA

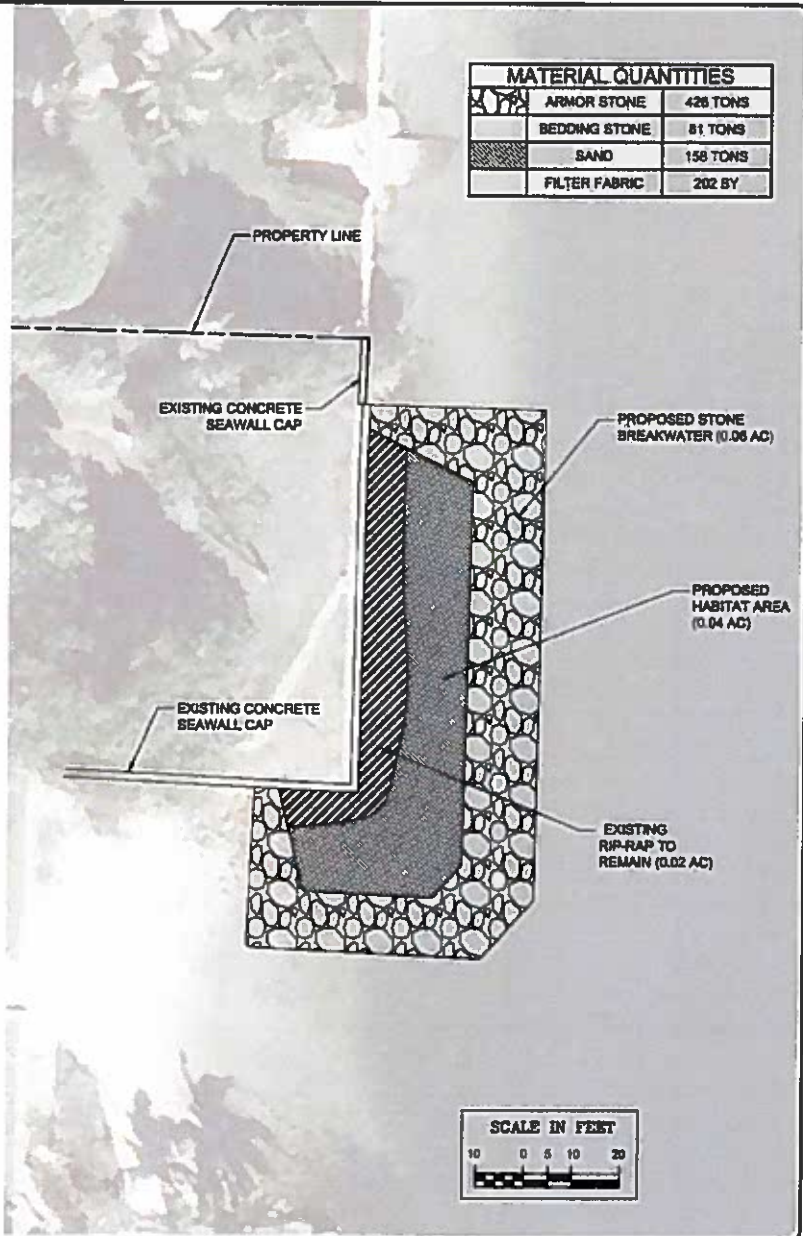
OSPREY PARK

ICW

SCOPE OF WORK:

1. CONSTRUCT A BREAKWATER OF ARMOR STONE ON BEDDING STONE AND FILTER FABRIC TO SERVE AS A BOUNDARY WALL FOR THE CREATION OF A HABITAT AREA.
2. BACKFILL THE AREA LANDWARD OF THE BREAKWATER WITH CLEAN SAND TO AN ELEVATION OF -0.5 FT. NAVD FOR THE HABITAT SUBSTRATE.
3. PLANT NATIVE SPECIES VEGETATION, INCLUDING MANGROVES AND SPARTINA (CORDGRASS) IN THE HABITAT AREA.
4. EXISTING RIP-RAP TO REMAIN IN PLACE.

NOTE: ALL ELEVATIONS ARE IN REFERENCE TO NAVD 88.



MATERIAL QUANTITIES	
ARMOR STONE	426 TONS
BEDDING STONE	81 TONS
SAND	156 TONS
FILTER FABRIC	202 SY

OSPREY PARK
CITY OF WEST PALM BEACH

SITE PLAN

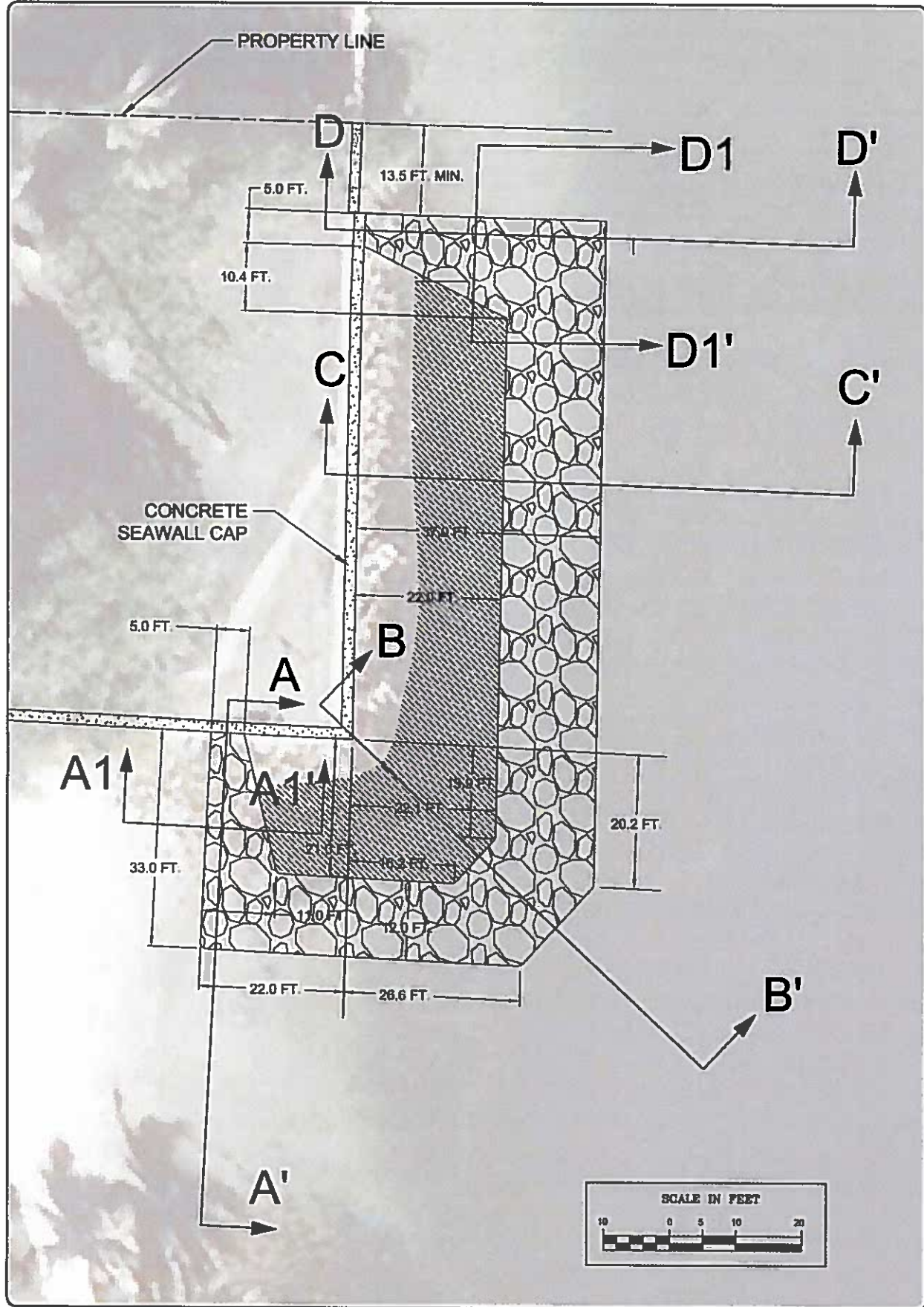
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DRAWN BY: CG
CHECKED BY: ME
DATE: 6/17/2016

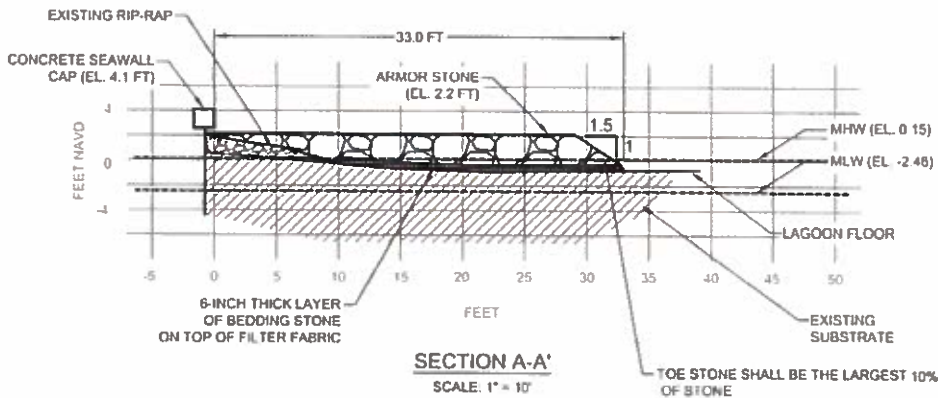
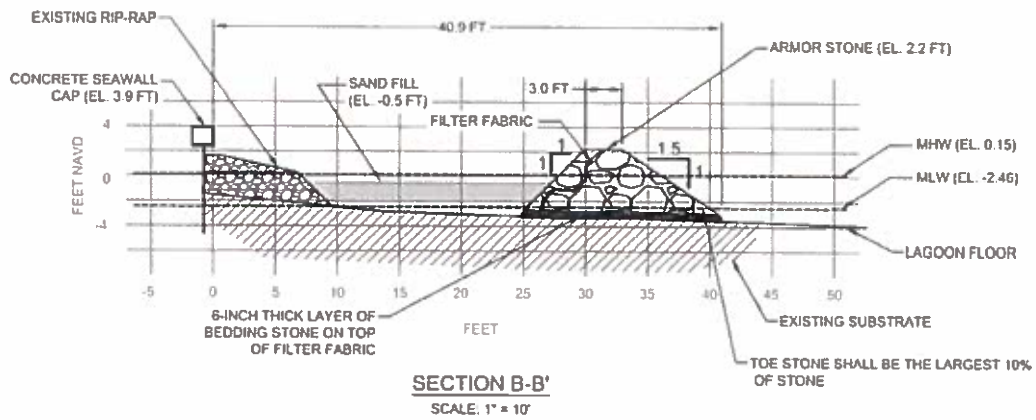
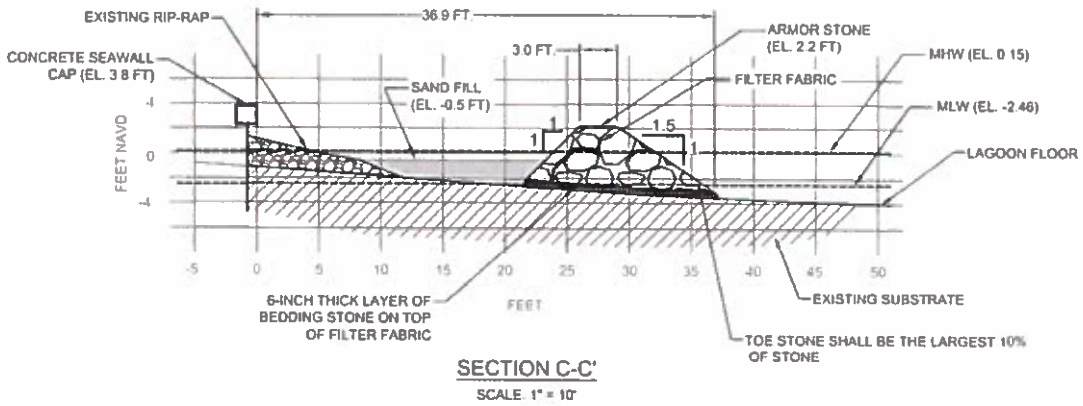
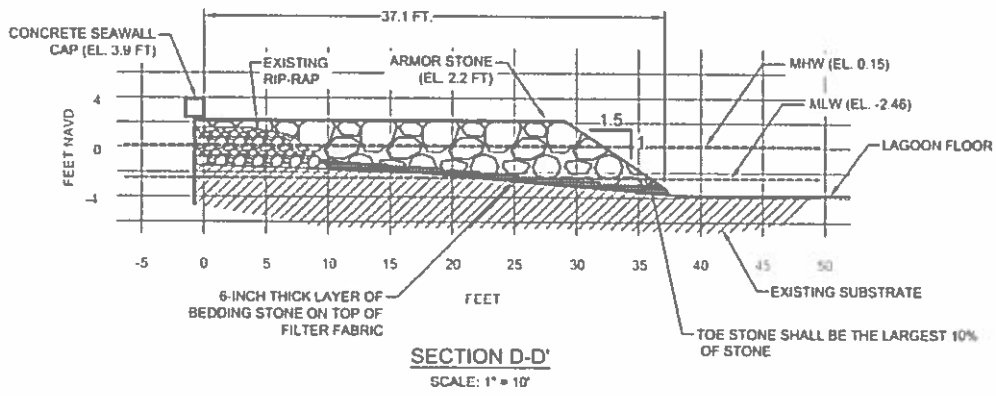
P.L.E. IN CHARGE
MICHAEL L. EVANS

PALM BEACH COUNTY
DEPARTMENT OF
ENVIRONMENTAL RESOURCES MANAGEMENT
2500 NORTH JOGG ROAD, 4th FLOOR
WEST PALM BEACH, FLORIDA 33411
(561) 733-2400

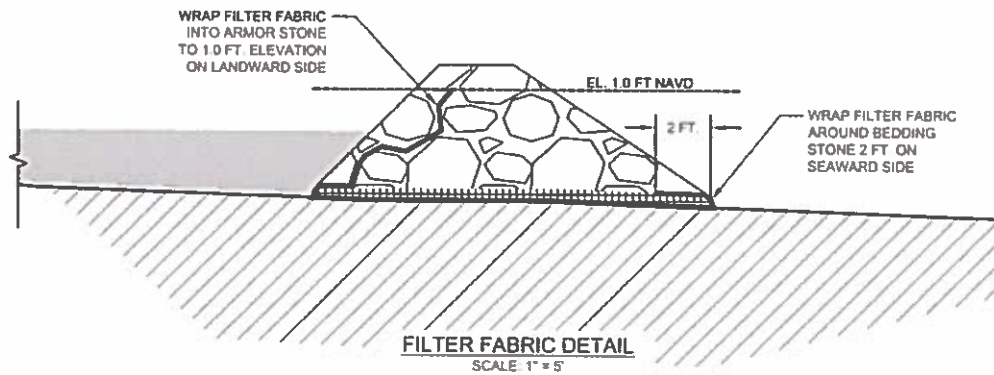
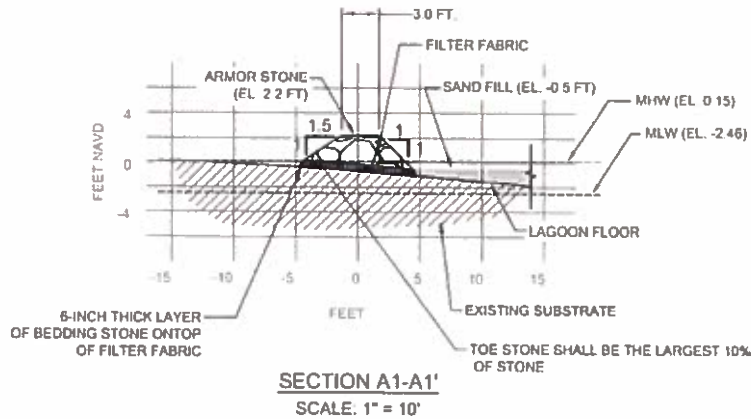
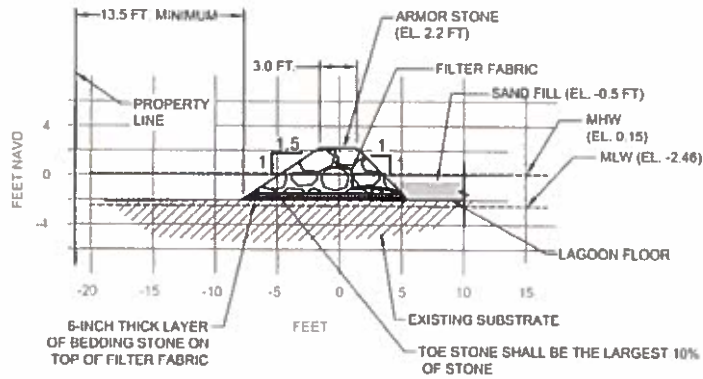
PALM BEACH COUNTY
FLORIDA

12 of 15





14 OF 15	PROJECT OSPREY PARK CITY OF WEST PALM BEACH	SCALE: AS NOTED APPROVED: EA DRAWN: CG CHECKED: ME DATE: 8/17/2016	DESIGNER MICHAEL EVANS FLP # No. 54783	 PALM BEACH COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT 2300 NORTH JOE ROAD, 4th FLOOR WEST PALM BEACH, FLORIDA 33411 (561) 233-2400
	SECTIONS			



15 OF 15	PROJECT OSPREY PARK CITY OF WEST PALM BEACH	SCALE: AS NOTED APPROVED: EA DRAWN: CG CHECKED: ME DATE: 6/17/2016	DESIGNER MICHAEL J. EVANS FL P.E. No. 64793	PALM BEACH COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT 2300 NORTH JOG ROAD, 4th FLOOR WEST PALM BEACH, FLORIDA 33411 (561) 233-2400
	SECTIONS			

DEPARTMENT OF THE ARMY PERMIT

Permittee: Palm Beach County Environmental Resources Management Department
Attn: Mr. Robert Robbins
2300 North Jog Road, 4th Floor
West Palm Beach, Florida 33411

Permit No: SAJ-2015-02189 (SP-AAZ)

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 U.S. Army Corps of Engineers (Corps) 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 is authorized to create seven intermittent wetland planters within the Lake Worth Lagoon adjacent to Currie Park by (1) placing approximately 1,035 linear feet of riprap, including wetland planter vegetation adjacent to the existing seawall; (2) placing 3,380 cubic yards of rock and 550 cubic yards of fill material in order to create 17,000 square feet of aquatic habitat extending between 6-foot and 25-foot waterward of the mean high water line; and (3) planting red mangroves (*Rhizophora mangle*) and salt marsh cordgrass (*Spartina alterniflora*).

The work described above is to be completed in accordance with the eight (8) attached drawings and two (2) other attachments affixed at the end of this permit instrument.

Project Location: The Currie Park project is located within navigable waters of the United States (U.S.) in the Lake Worth Lagoon, Section 04, Township 43 south, Range 43 east, Palm Beach County, Florida.

Directions to site: From I-95 in Palm Beach County, take exit 74 for 45th Street. Turn left onto 45th Street and travel 2.5 miles. Turn right onto Broadway, travel 0.5 miles and turn left onto 36th Street. Travel 0.2 miles and continue onto North Flagler Drive/Poinsettia Avenue/Dixie Highway. Travel 0.8 miles and the Currie Park entrance is on the left (east of North Flagler Drive).

Latitude & Longitude: Latitude: 26.73517° Longitude: -80.04920°

Permit Conditions:

PERMIT NUMBER: SAJ-2015-02189 (SP-AAZ)
PERMITTEE: Palm Beach County/Currie Park
PAGE 2 of 10

General Conditions:

1. The time limit for completing the work authorized ends on **September 22, 2019**. 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 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. **Reporting Address:** The Permittee shall submit all reports, documentation and correspondence required by the conditions of this permit to the following addresses:

U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, Palm Beach Gardens Regulatory Office, 4400 PGA Boulevard Suite 500, Palm Beach Gardens, FL 33401, Attention: José Rivera.

The Permittee shall reference this permit number, SAJ-2015-02189 on all submittals.

2. As-Builts: Within 60 days of completion of the authorized work or at the expiration of the construction window of this permit, whichever occurs first, the Permittee shall submit as-built drawings of the authorized work and a completed As-Built Certification Form (Attachment 1) to the Corps. The drawings shall be signed and sealed by a registered professional engineer and include the following:

a. A plan view drawing of the location of the authorized work footprint with an overlay of the work as constructed in the same scale as the attached permit drawings (8½-inch by 11-inch). The drawing should show all "earth disturbance," the aerial extent of disturbances, GPS coordinates on the start and termination of disturbances, including wetland impacts, water management structures, and any on-site mitigation areas.

b. List any deviations between the work authorized by this permit and the work as constructed. In the event that the completed work deviates, in any manner, from the authorized work, describe on the As-Built Certification Form the deviations between the work authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings any deviations that have been listed. Please note that the depiction and/or description of any deviations on the drawings and/or As-Built Certification Form does not constitute approval of any deviations by the U.S. Army Corps of Engineers.

c. The Department of the Army Permit number.

d. Include pre- and post-construction aerial photographs of the project site, if available.

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

4. Fill Material: The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.

5. Assurance of Navigation and Maintenance: The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or

other alteration, of the structures or work herein authorized, or if in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

6. Cultural Resources/Historic Properties:

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

b. If during the ground disturbing activities and construction work within the permit area, there are archaeological/cultural materials encountered which were not the subject of a previous cultural resources assessment survey (and which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work and ground-disturbing activities within a 100-meter diameter of the discovery and notify the Corps within the same business day (8 hours). The Corps shall then notify the Florida State Historic Preservation Officer (SHPO) and the appropriate Tribal Historic Preservation Officer(s) (THPO(s)) to assess the significance of the discovery and devise appropriate actions.

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

d. In the unlikely event that unmarked human remains are identified on non-federal lands, they will be treated in accordance with Section 872.05 Florida Statutes. All work and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archeologist within the same business day (8-hours). The Corps shall then notify the appropriate SHPO and THPO(s). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public

interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume without written authorization from the State Archeologist and from the Corps.

e. If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The applicant shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section at (850)-245-6333. Project activities shall not resume without verbal and/or written authorization. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, Florida Statutes.

7. Staging Area: All staging areas shall be limited to upland areas and in a manner that would prevent erosion within the waters of Lake Worth Lagoon.

8. Monitoring Event: Within 30 days after completing the mangrove and cordgrass plantings, the permittee shall submit a baseline ("time zero") report to the Corps. The report shall include the number of individuals planted and the date of the plantings. The report shall contain photographs, taken from referenced locations, to represent the entire site. Additionally, a drawing shall be included to show the location and direction of the camera. Subsequent monitoring reports shall be submitted annually for a period of three years, the first report being due one year after the baseline report. The annual reports shall include the number of plants surviving from the initial planting, a list of all species observed, the percent-coverage of native species observed, additional seedlings and/or sprigs planted, and explanations if survivorship is trending toward failure. The reports shall include photographs from the locations referenced in the baseline report.

9. Success Criteria: In order for the mangrove and cordgrass plantings to be deemed successful, the planted red mangroves (*Rhizophora mangle*) and cordgrass (*Spartina alterniflora*) must achieve a minimum 50% survival rate by the end of the first three years after planting.

10. Remediation: Within 60 days of notification by the Corps that the compensatory mitigation is unsuccessful, the Permittee shall submit to the Corps an alternate proposal sufficient to create the aquatic habitat considered in this permit. The alternate proposal may be required to include additional measures to compensate for the temporal loss of wetland functions associated with the unsuccessful in-water fill activities. The Corps

PERMIT NUMBER: SAJ-2015-02189 (SP-AAZ)
PERMITTEE: Palm Beach County/Currie Park
PAGE 6 of 10

reserves the right to fully evaluate, amend, and approve or reject the alternate proposal. Within 120 days of Corps approval, the Permittee will complete the alternate proposal.

11. Timing of Work: The Permittee shall place the fill material within the Lake Worth Lagoon during times of low water when the substrate is exposed as dry land.

Further Information:

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

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

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

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

Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408).

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.

PERMIT NUMBER: SAJ-2015-02189 (SP-AAZ)
PERMITTEE: Palm Beach County/Currie Park
PAGE 7 of 10

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 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.

PERMIT NUMBER: SAJ-2015-02189 (SP-AAZ)
PERMITTEE: Palm Beach County/Currie Park
PAGE 8 of 10

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.



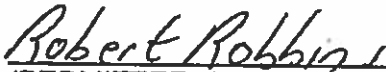
(PERMITTEE)

ROBERT ROBBINS

Palm Beach County Environmental Resources Management Department

9/23/15

(DATE)



(PERMITTEE NAME-PRINTED)

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

KAYNOR.SUSAN

Digitally signed by
KAYNOR.SUSAN.R.1251896085
DN: c=US, o=U S Government, ou=DoD,
ou=PKI, ou=USA,
cn=KAYNOR.SUSAN.R.1251896085
Date: 2015.09.23 15:16:39 -0400'

.R.1251896085

(DISTRICT ENGINEER)

(DATE)

for:

JASON A.KIRK, P.E.

Colonel, Corps of Engineers
Commanding

PERMIT NUMBER: SAJ-2015-02189 (SP-AAZ)
PERMITTEE: Palm Beach County/Currie Park
PAGE 9 of 10

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)

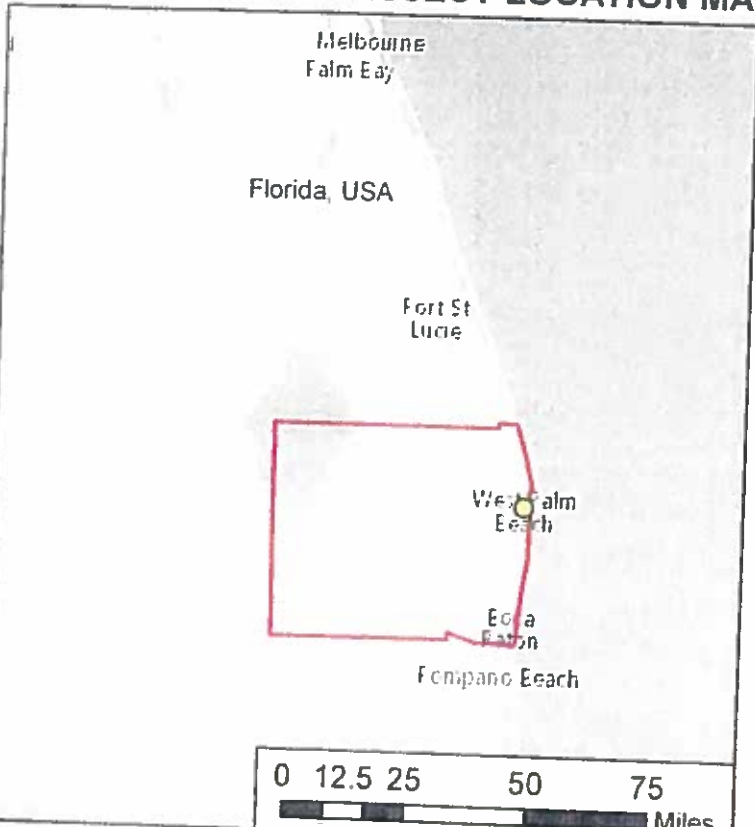
(CITY, STATE, AND ZIP CODE)

PERMIT NUMBER: SAJ-2015-02189 (SP-AAZ)
PERMITTEE: Palm Beach County/Currie Park
PAGE 10 of 10

***Attachments to Department of the Army
Permit Number SAJ-2015-02189***

1. PERMIT DRAWINGS: Eight (8) pages dated April 20, 2015
2. AS BUILT CERTIFICATION: Two (2) pages
3. 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 consisting of four (4) pages.

ATTACHMENT A1: PROJECT LOCATION MAP



LEGEND

- Palm Beach County
- City of West Palm Beach
- Living Shorelines Project Locations

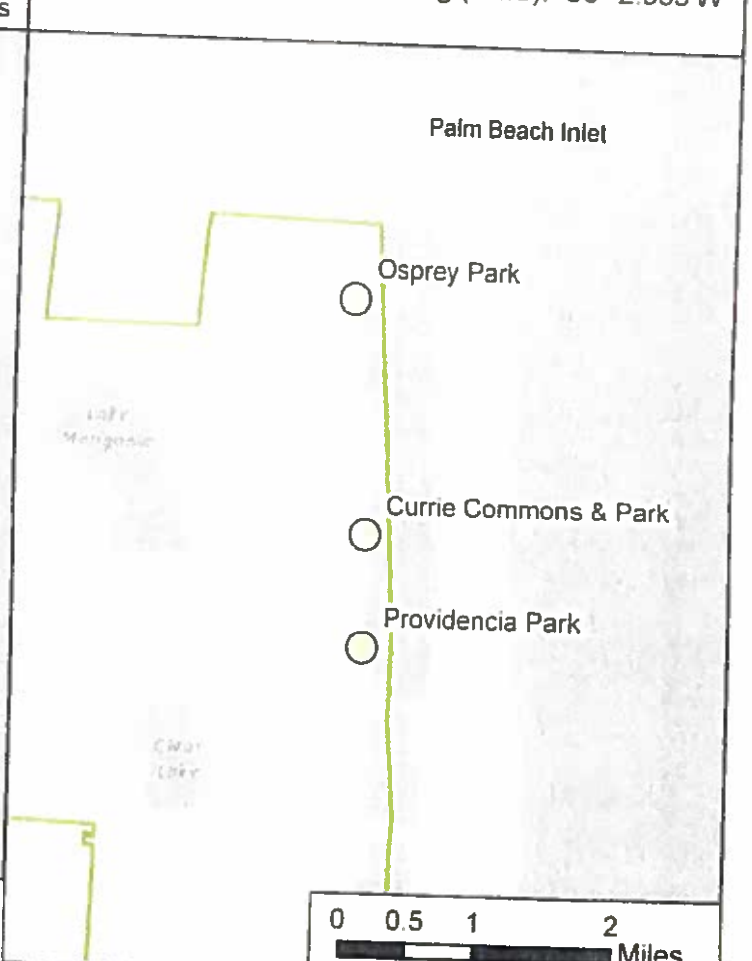



CITY OF WEST PALM BEACH:

Osprey Park
 Section 04 Township 43 Range 43
 Lat (DMS): 26° 45.375'N Long (DMS): 80° 3.055'W

Currie Commons & Park
 Section 10 Township 43 Range 43
 Lat (DMS): 26° 44.021'N Long (DMS): 80° 2.952'W

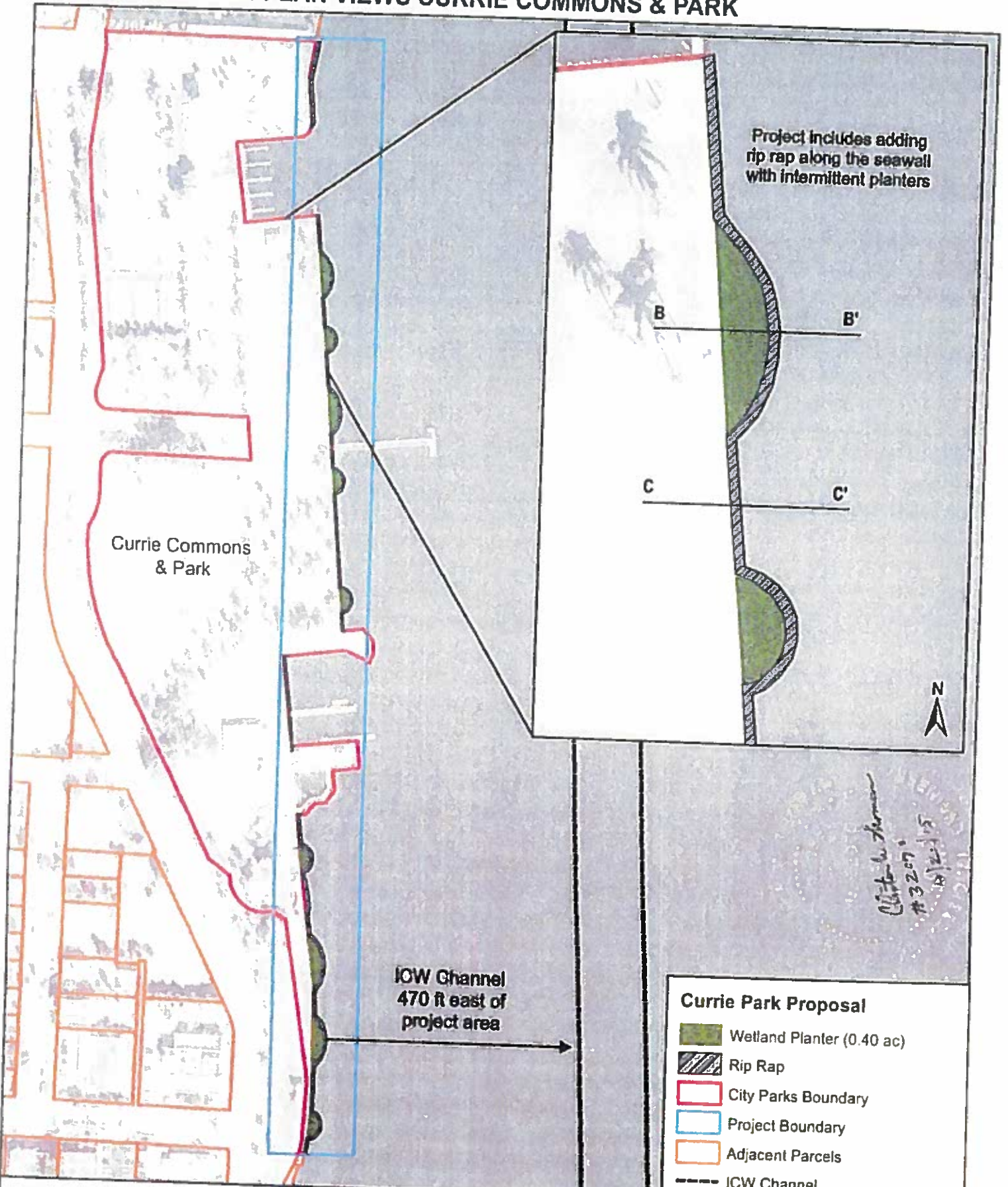
Providencia Park
 Section 15 Township 43 Range 43
 Lat (DMS): 26° 43.396'N Long (DMS): 80° 2.955'W



 Palm Beach County Department of Environmental Resources Management
 2300 North Jog Road, 4th Floor
 West Palm Beach, Florida 33411-2741
 (561) 233-2400

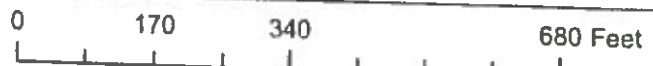
**Palm Beach County, and
 West Palm Beach Living Shorelines
 Project Locations**

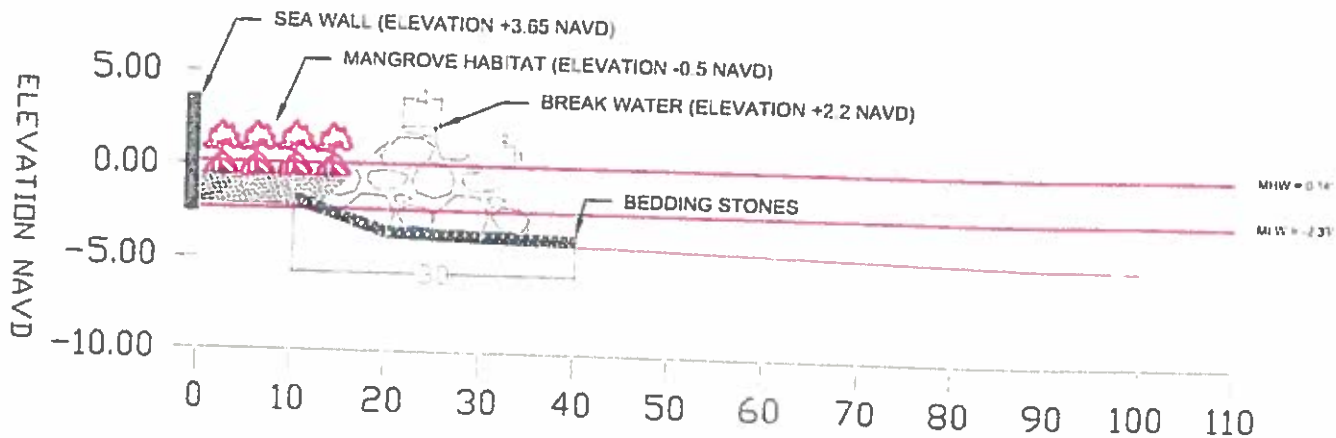
ATTACHMENT A2.2: PLAN VIEWS CURRIE COMMONS & PARK



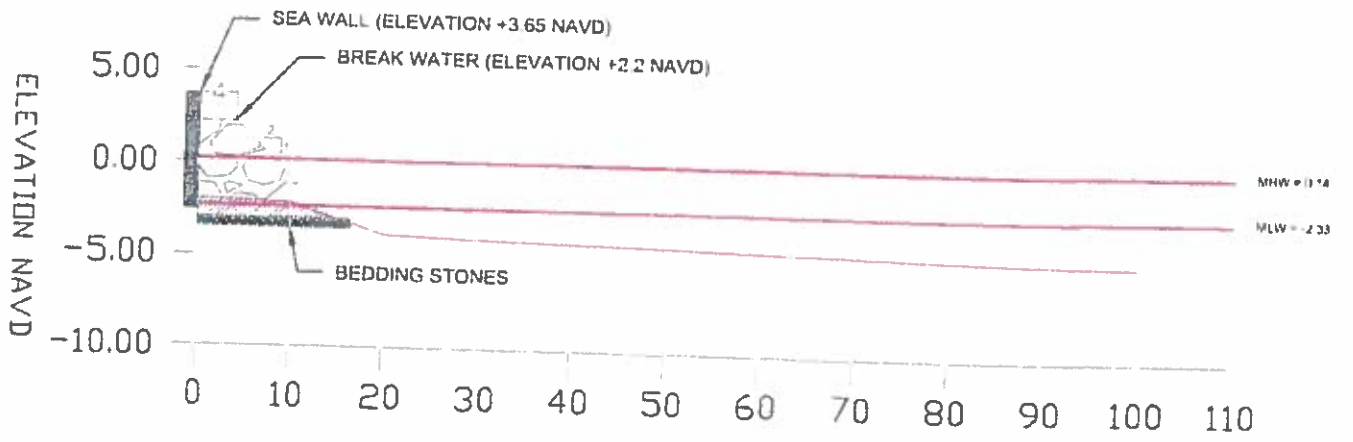
Palm Beach County Department of Environmental Resources Management
 2300 North Jog Road, 4th Floor
 West Palm Beach, Florida 33411-2741
 (561) 233-2400

Currie Commons & Park WPB Living Shorelines





B - B'



C - C'

Clinton Williams
 # 32070
 4/21/15

PALM BEACH COUNTY
 DEPARTMENT OF
 ENVIRONMENTAL RESOURCES MANAGEMENT
 2300 NORTH JOG ROAD, 4th FLOOR
 WEST PALM BEACH, FLORIDA 33411
 (561) 233-2400

Scale	AS NOTED
Approved	<input type="checkbox"/>
Checked	TA
Date	04/10/2015

SEAL





WESTPALM BEACH
 LIVING SHORELINE
 CURRIE PARK

Sheet

ATTACHMENT C2.2: AERIALS (2013) - CURRIE COMMONS & PARK



Currie Park Proposal

-  Project/Wetland Boundary
-  City Parks Boundary
-  Adjacent Parcels
-  Wetland habitat to be built

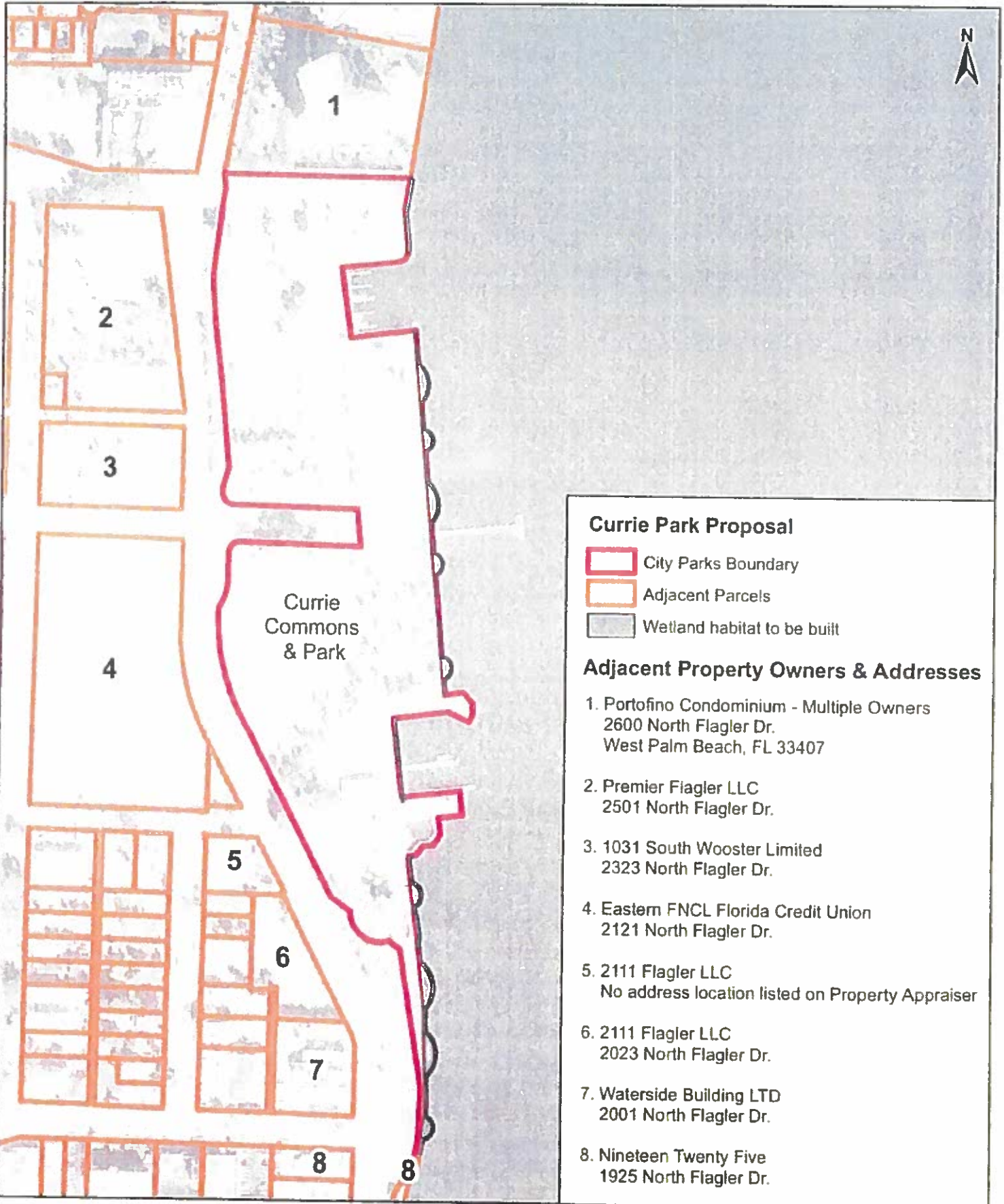


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West Palm Beach, Florida 33411-2741
(561) 233-2400

Currie Commons & Park WPB Living Shorelines



ATTACHMENT C3.2: ADJACENT PROPERTIES - CURRIE COMMONS & PARK

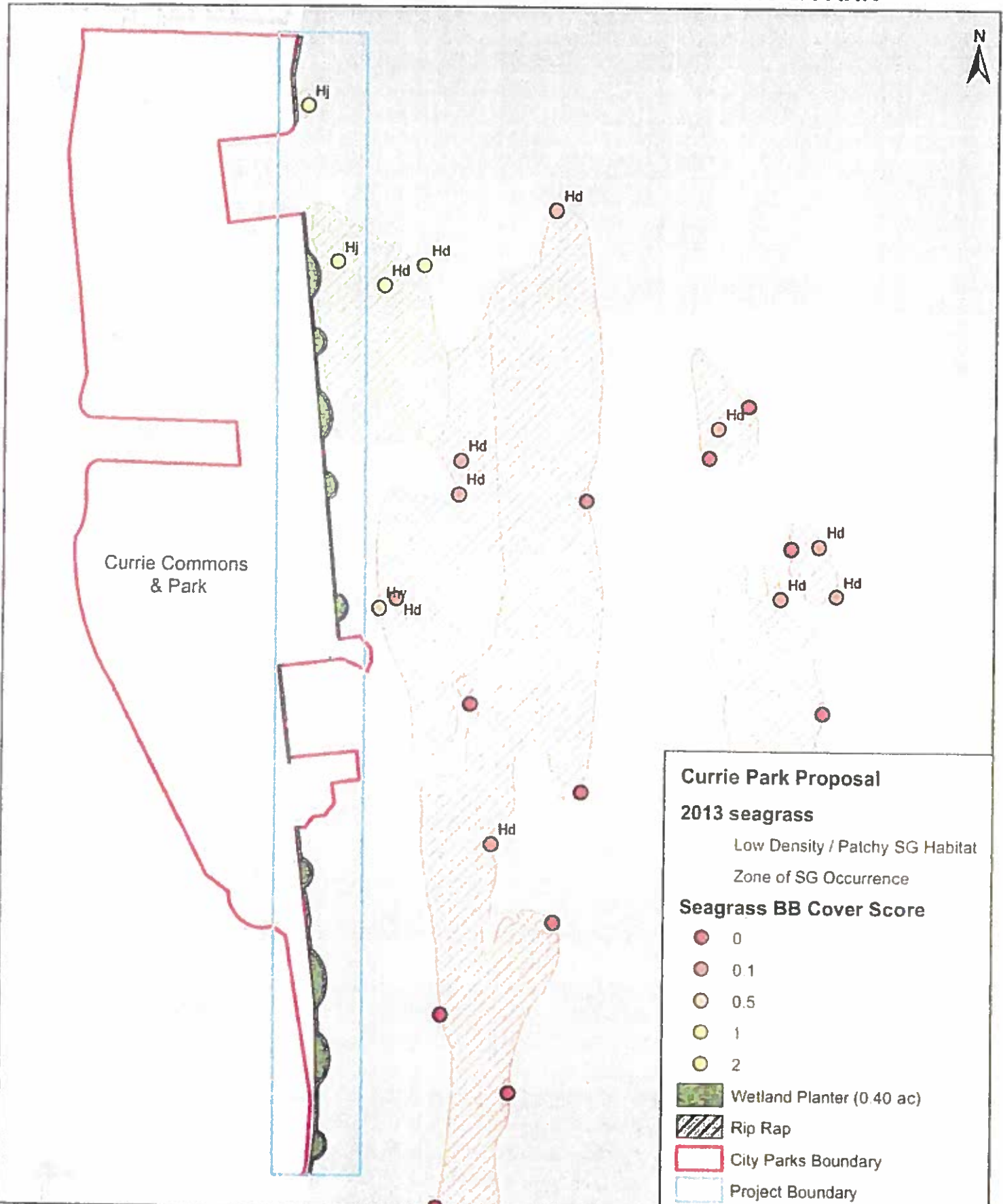


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West Palm Beach, Florida 33411-2741
(561) 233-2400

Currie Commons & Park Adjacent Properties

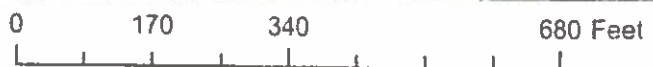


ATTACHMENT C4.2: SEAGRASS RESOURCES CURRIE COMMONS & PARK



Palm Beach County Department of Environmental Resources Management
 2300 North Jog Road, 4th Floor
 West Palm Beach, Florida 33411-2741
 (561) 233-2400















Currie Commons & Park Seagrass WPB Living Shorelines



ATTACHMENT D3.2: CURRIE COMMONS & PARK EXISTING DEPTHS & ICW



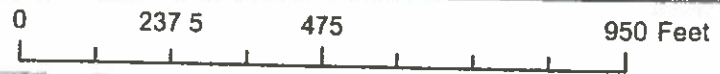
Currie Commons & Park Proposal

	City Parks Boundary		Bathymetry (NAVD) -5
	Adjacent Parcels		-14
	ICW Channel		-12
	Wetland habitat to be built		-10
			-8
			-6
			-4
			-3
			-2
			-1



Palm Beach County Department of
 Environmental Resources Management
 2300 North Jog Road, 4th Floor
 West Palm Beach, Florida 33411-2741
 (561) 233-2400

Currie Commons & Park Existing Water Depths & ICW



ATTACHMENT D3.3: PROVIDENCIA PARK EXISTING DEPTHS & ICW



Providencia Park Proposal

- City Parks Boundary
- Adjacent Parcels
- ICW Channel
- Wetland habitat to be built

Bathymetry (NAVD)

- | | |
|--|-----|
| | -5 |
| | -4 |
| | -3 |
| | -2 |
| | -1 |
| | -14 |
| | -12 |
| | -10 |
| | -8 |
| | -6 |



Palm Beach County Department of
Environmental Resources Management
2300 North Jog Road, 4th Floor
West Palm Beach, Florida 33411-2741
(561) 233-2400

Providencia Park Existing Water Depths & ICW

0 150 300 600 Feet

AS-BUILT CERTIFICATION BY PROFESSIONAL ENGINEER

Submit this form and one set of as-built engineering drawings to the U.S. Army Corps of Engineers, Enforcement Section, 4400 PGA Boulevard, Suite 500, Palm Beach Gardens, Florida 33410. If you have questions regarding this requirement, please contact the Enforcement Branch at 904-232-3131.

1. Department of the Army Permit Number: SAJ-2015-02189 (SP-AAZ)

2. Permittee Information:

Name: _____

Address: _____

3. Project Site Identification (physical location/address):

4. As-Built Certification: I hereby certify that the authorized work, including any mitigation required by Special Conditions to the permit, has been accomplished in accordance with the Department of the Army permit with any deviations noted below. This determination is based upon on-site observation, scheduled, and conducted by me or by a project representative under my direct supervision. I have enclosed one set of as-built engineering drawings.

Signature of Engineer

Name (Please type)

(FL, PR, or VI) Reg. Number

Company Name

City

State

ZIP

(Affix Seal)

Date

Telephone Number

Identify any deviations from the approved permit drawings and/or special conditions (attach additional pages if necessary):

PERMIT/SOVEREIGNTY SUBMERGED LANDS CONDITIONS

The activities described must be conducted in accordance with:

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

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

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

SPECIFIC CONDITIONS- PROJECT FORMS & ATTACHMENTS

(1) The attached 1-page permit checklist; the attached project drawings (sheets 1 through 7); the attached 1-page Standard Manatee Conditions for In-Water Work, 2011" (Exhibit A); and DEP forms 62-330.310(1); 62-330.310(2); 62-330.340(1); and 62-330.350(1), which may be downloaded at <http://www.dep.state.fl.us/water/wetlands/crp/forms.htm> become part of this permit. If the permittee does not have access to the Internet, please contact the Department at (561) 681-6600 to request the aforementioned forms and/or document(s).

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

SPECIFIC CONDITIONS - PRIOR TO CONSTRUCTION

(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. It shall be the responsibility of the permittee to contact this project's Compliance Project Manager, Gregory Vazquez, by email Gregory.Vazquez@dep.state.fl.us, or by phone (561) 681-6620, to schedule the pre-construction conference. **If the assigned Compliance Project Manager cannot be reached, the permittee shall contact the ERP Program Compliance/Enforcement section by phone (561) 681-6600, to schedule the pre-construction conference.**

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

SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES

(5) There shall be no storage or stockpiling of tools and materials (i.e., lumber, pilings, debris), along the shoreline adjacent to waters of the state. All excess lumber, scrap wood, trash,

garbage, and any other type of debris shall be removed from wetlands/waters of the state within 14 days of completion of the work authorized in this permit. All construction equipment/tools and materials shall be transported to and from the site via a barge with a fully loaded draft of 4-feet.

(6) All watercraft associated with the construction of the permitted activities shall only operate within waters of sufficient depth (one-foot clearance from the deepest draft of the vessel to the submerged bottom) so as to preclude bottom scouring or prop dredging.

(7) Riprap shall consist of unconsolidated limestone 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 and will contain an underlying layer of geotextile fabric and 6-inch bedding stone.

(8) Fill material will be sand that is compatible with lagoon sediments (<10% silt/clay) and will be from a mined upland source or beneficial reuse of compatible lagoon sediments from a permitted dredging project.

SPECIFIC CONDITIONS – MONITORING/REPORTING REQUIREMENTS

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

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

(10) Turbidity Monitoring. Water turbidity levels shall be monitored if a turbidity plume is observed outside the limits of the required turbidity control devices. Samples shall be taken every four hours until turbidity subsides at one foot above the bottom, mid-depth, and one-foot below the surface at monitoring stations located as follows:

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

(11) Turbidity Monitoring Reports. During seawall construction activity, the permittee or permittee's contractor shall collect the following turbidity monitoring data at the frequency and water depths directed by Specific Condition 10:

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

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

SPECIFIC CONDITIONS – WETLAND PLANTINGS MONITORING REPORTS

(12) Within 90 days following the completion of construction, the permittee shall plant red mangroves (*Rhizophora mangle*) alongside salt marsh cordgrass (*Spartina alterniflora*) within the seven intermittent wetland planters.

(13) Within 30 days after completing the mangrove and cordgrass plantings, the permittee shall submit to the Department a baseline ("time zero") report. The report shall include the number of individuals planted and the date of the plantings. The report shall contain photographs, taken from referenced locations, to represent the entire site. Additionally, a drawing shall be included to show the location and direction of the camera. Subsequent monitoring reports shall be submitted annually for a period of three years, the first report being due one year after the baseline report. The annual reports shall include the number of plants surviving from the initial planting, a list of all species observed, the percent-coverage of native species observed, additional seedlings and/or sprigs planted, and explanations if survivorship is trending toward failure. The reports shall include photographs from the locations referenced in the baseline report. The reports shall be sent to the Department of Environmental Protection, Southeast District, Submerged Lands and Environmental Resources Program, Compliance/Enforcement Section, Attention: Gregory Vazquez.

(14) In order for the mangrove and cordgrass plantings to be deemed successful, the planted red mangroves (*Rhizophora mangle*) and cordgrass (*Spartina alterniflora*) must achieve a minimum 50% survival rate by the end of the first three years after planting.

(15) The responsibility to determine if the mangrove and cordgrass plantings are meeting the permit-specified success criteria shall not fall solely on the Department. Within the first two years after planting, if the permittee becomes aware that the project is not meeting the success criteria and probably will not meet the criteria based on site observations, then the permittee shall notify the Department. The permittee shall then submit an alternative planting plan to the Department for review and approval.

(16) The mangrove and spartina plantings shall be determined to be successful when the requirements of Specific Conditions Numbers 12, 13, 14, and 15 of the permit have been met.

(17) The permittee shall be held responsible for submitting any other monitoring reports not mentioned in these conditions, which may be necessary in order for the Department of Environmental Protection, Southeast District to make a proper assessment of these restoration activities.

SPECIFIC CONDITIONS – OPERATION AND MAINTENANCE ACTIVITIES

(18) If the property owner chooses, the overall height of the mangroves within the planters can be maintained at a minimum of 5.65' NAVD as measured from the substrate (6-foot height). All mangrove trimming will be completed or supervised by a Professional Mangrove Trimmer as defined by Chapter 403.9325(5), Florida Statutes.

(19) The permittee shall maintain, in perpetuity, the created mangrove and cordgrass habitat with less than 5% establishment or invasion of any plants listed on the current version of "The Florida Exotic Pest Plant Council's List of invasive Plant Species" (2009 version attached). Monitoring and maintenance of the mangrove and cordgrass habitat shall be maintained in perpetuity with annual monitoring and maintenance plans submitted to the Department for the first three years following construction completion.

SPECIFIC CONDITIONS – MANATEE CONDITIONS

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

(21) No later than 60 days after permit issuance, permanent manatee educational signs must be installed by the permittee. In the event the signs fade, become damaged or outdated, they must be replaced and maintained for the life of the facility. The on-site locations and types of signs must be acceptable to the Florida Fish and Wildlife Conservation Commission, which should be contacted at ImperiledSpecies@myfwc.com. The types of signs, sign vendors, and the process for FWC approval can be found at: <http://www.myfwc.com/wildlifehabitats/managed/manatee/signs/>.

GENERAL CONDITIONS FOR INDIVIDUAL PERMITS

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

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

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

Permittee: West Palm Beach Living Shoreline-Currie Park

Permit No.: 50-0152473-004

Page 7 of 14



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
4400 PGA BOULEVARD, SUITE 500
PALM BEACH GARDENS, FLORIDA 33410

REPLY TO
ATTENTION OF

February 19, 2016

Regulatory Division
Palm Beach Gardens Regulatory Office
SAJ-2015-02189 (SP-AAZ)
Modification #1

Palm Beach County Environmental Resources Management Department
Attn: Mr. Robert Robbins
2300 North Jog Road, 4th Floor
West Palm Beach, Florida 33411

Dear Mr. Robbins:

The U.S. Army Corps of Engineers (Corps) has received your request to modify the Department of the Army permit number SAJ-2015-01237 issued on September 23, 2015, to Palm Beach County, which originally authorized the construction of seven mangrove planters at Currie Park. The project is located within navigable waters of the United States (US) in the Lake Worth Lagoon adjacent to 2400 North Flagler Drive, West Palm Beach, Section 10, Township 43 South, Range 43 East, Palm Beach County, Florida.

The Corps is modifying the expiration date to correct an error. Since the permit was issued on September 23, 2015, the correct expiration date is **22 September 2020**. The modification would also revise the project description, eliminate special condition #11, and add special conditions #11, and 12. The ~~striketrough~~ text represents deletions (below). In addition to the original special conditions, the project must be completed in accordance with the revised project description and special conditions below, which are incorporated in, and made a part of the permit:

Revised Project Description: The Permittee is authorized to create nine intermittent wetland planter within the Lake Worth Lagoon adjacent to Currie Park by (1) placing approximately 1,300 linear feet of riprap, including wetland planter vegetation adjacent to the existing seawall; (2) placing 3,040 cubic yards of rock and 799 cubic yards of fill material in order to create 21,632 square feet of aquatic habitat extending between 6-feet and 25-feet waterward of the mean high water line; and (3) planting red mangroves (*Rhizophora mangle*) and salt marsh cordgrass (*Spartina alterniflora*).

Special Conditions:

~~11. Timing of Work: The Permittee shall place the fill material within the Lake Worth Lagoon during times of low water when the substrate is exposed as dry land.~~

11. Manatee Conditions: The Permittee shall comply with the "Standard Manatee Conditions for In-Water Work – 2011" (Attachment 2).

12. Sea Turtle and Smalltooth Sawfish Conditions: The Permittee shall comply with National Marine Fisheries Service's "Sea Turtle and Smalltooth Sawfish Construction Conditions" dated March 23, 2006, (Attachment 3).

The impact of your proposal on navigation and the environment has been reviewed and found to be insignificant. The permit is hereby modified in accordance with your request. You should attach this letter, revised drawings, and additional attachments to the permit. All other conditions of the permit remain in full force and effect.

If you have any questions concerning permit modification, please contact the project manager Alisa Zarbo at the letterhead address, by telephone at 561-472-3506 or by electronic mail at Alisa.A.Zarbo@usace.army.mil.

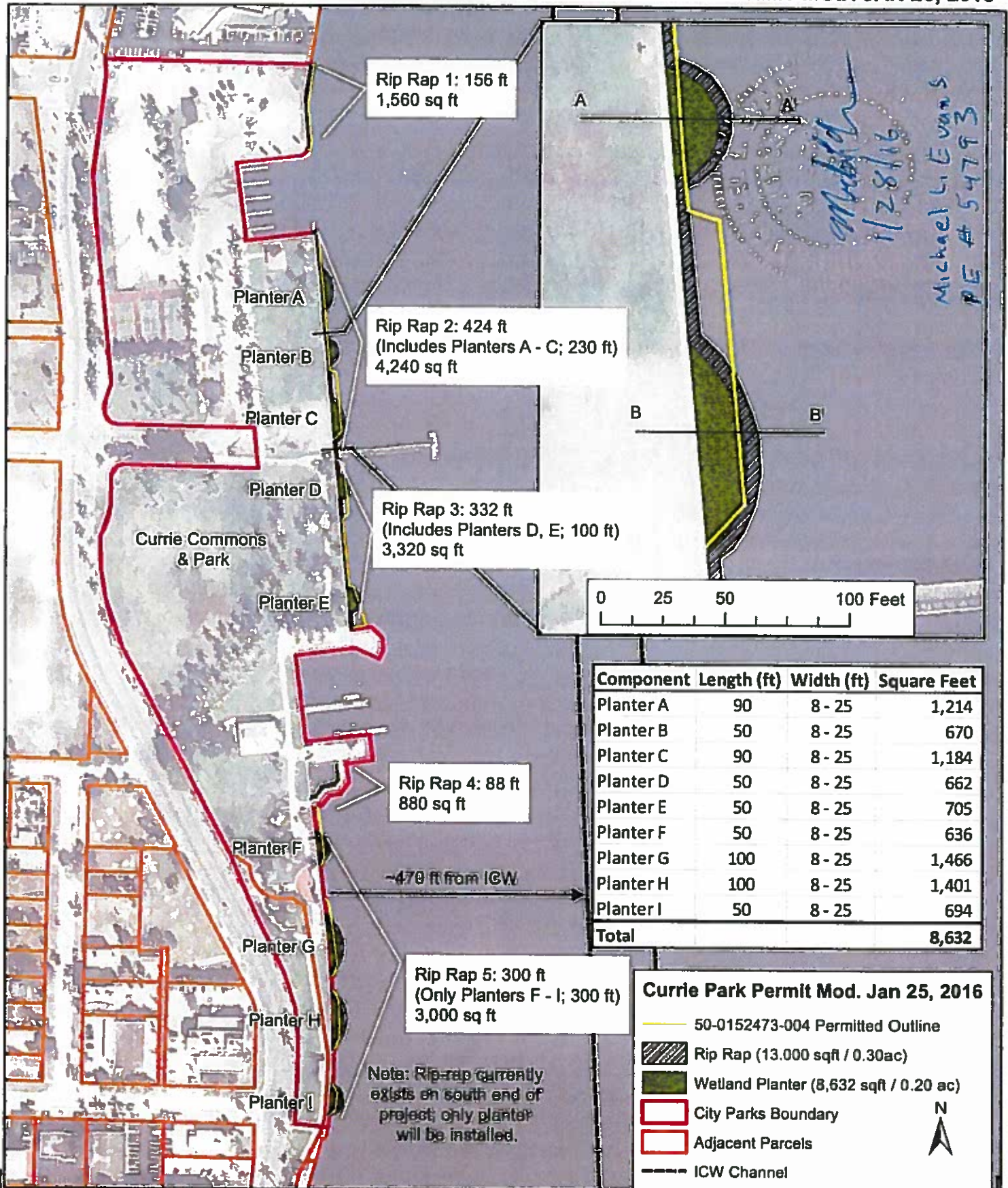
Thank you for your cooperation with our permit program. The Corps Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to take a few minutes to visit <http://per2.nwp.usace.army.mil/survey.html> and complete our automated Customer Service Survey. Your input is appreciated – favorable or otherwise. Please be aware this web address is case sensitive and should be entered as it appears above.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

Susan R Kaynor

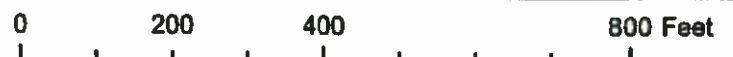
for: Jason A. Kirk, P.E.
Colonel, U.S. Army
District Commander

REVISED ATTACHMENT A2.2: PLAN VIEW CURRIE COMMONS & PARK PERMIT MOD. JAN 25, 2016



Palm Beach County Department of Environmental Resources Management
2300 North Jog Road, 4th Floor
West Palm Beach, Florida 33411-2741
(561) 233-2400

**Currie Commons & Park
WPB Living Shorelines**





Florida Department of Environmental Protection

SOUTHEAST DISTRICT OFFICE
3301 GUN CLUB ROAD, MSC 7210-1
WEST PALM BEACH, FL 33406
561-681-6600

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Jonathan P. Steverson
Secretary

May 11, 2016

City of West Palm Beach
c/o Mayor Jeri Muoio
401 Clematis Street
West Palm Beach, FL 33401
Sent via email: jmuoio@wpb.org

Dear Ms. Muoio:

Enclosed is Environmental Resource Permit No. 50-0152476-006-EM, issued pursuant to Part IV of Chapter 373, Florida Statutes (F.S.), and Title 62, Florida Administrative Code (F.A.C.).

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

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

If you have any questions about this document, please contact me at (561) 681-6681 or by email at Diana.MartiAncona@dep.state.fl.us.

Sincerely,

Diana Martí-Ancona

Diana Martí-Ancona
Environmental Specialist III
Submerged Lands & Environmental Resources Program



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

Pre-Construction Requirements

Activity	Date Due	Date Completed
<input type="checkbox"/> Contact DEP to Schedule Pre-construction Meeting	Prior to construction	_____
<input type="checkbox"/> Submit Pre-Construction Notice Form to DEP	48 Hrs. Before Construction	_____
<input type="checkbox"/> Temporary Erosion & Turbidity Control Structures in Place	Prior to construction	_____

Construction Requirements

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

Post-Construction Requirements

Activity	Date Due	Date Completed
<input type="checkbox"/> Restore Construction / Staging Areas	14 days after construction	_____
<input type="checkbox"/> "Completion and Certification (As-Built) Form" signed & sealed by P.E. and sent to DEP	30 days after construction	_____
<input type="checkbox"/> Install FWC manatee education signs	No later than 60 days after permit issuance	_____
<input type="checkbox"/> Transfer Form Submitted to DEP	Within 30 days Sale of property (if property sold)	_____

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

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



Florida Department of Environmental Protection

SOUTHEAST DISTRICT OFFICE
3301 GUN CLUB ROAD, MSC 7210-1
WEST PALM BEACH, FL 33406
561-681-6600

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Jonathan P. Steverson
Secretary

Permittee/Authorized Entity:

City of West Palm Beach
c/o Mayor Jeri Muoio
401 Clematis Street
West Palm Beach, FL 33401
Sent via email: jmuoio@wpb.org

Project Name:

Currie Park

Authorized Agent:

Palm Beach County
c/o Robert Robbins, Director
Phone: (561) 233-2414; Email: rrobbins@pbcgov.org

Compliance Project Manager:

Gregory Vazquez, Environmental Specialist II
Phone: (561) 681-6620; Email: Gregory.Vazquez@dep.state.fl.us

Environmental Resource Permit - Granted

State-owned Submerged Lands Authorization – Granted

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

Permit No.: 50-0152473-006-EM

Permit Issuance Date: May 11, 2016

Permit Construction Phase Expiration Date: May 10, 2021

Consolidated Environmental Resource Permit and Sovereignty Submerged Lands Authorization

Permittee: City of West Palm Beach/Jeri Muoio
Permit No: 50-0152473-006-EM

PROJECT LOCATION

The activities authorized by this Permit and state-owned submerged lands authorization are located at Currie Park, a City park, within the Lake Worth Lagoon, Class III Waters, adjacent to 2400 N Flagler Drive, West Palm Beach (Sections 10 and 15, Township 43 South, Range 43 East), in Palm Beach County at (Latitude N 26° 44' 04.39", Longitude W 80° 02' 57.42").

PROJECT DESCRIPTION

The activities include a modification of the previously permitted shoreline enhancement activities at Currie Park (authorized under Permit No. 50-0152473-004) to: (1) install nine intermittent wetland planters (totaling 8,632 ft²) in order to create 21,632 ft² of mangrove habitat, extending between 6 feet and 25 feet waterward of the mean high water line; (2) install 1,300 linear feet of riprap along the existing shoreline and waterward of the new wetland planters, to extend up to 40 feet waterward of the mean high water line; and (3) plant red mangroves (*Rhizophora mangle*) and salt marsh cordgrass (*Spartina alterniflora*) within the nine new wetland planters. Authorized activities are depicted on the attached exhibits and supersede the shoreline enhancement activities at Currie Park previously authorized under Permit No. 50-0152473-004.

The submerged bottom at the project site consists of sand, rock, shell and silt; and the shoreline at the project site is bulkheaded. A total of approximately one square foot of sparse seagrass patches are located within the project footprint. Given the area of affected seagrasses is minor, impacts are *de minimus* and not considered to be adverse.

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

AUTHORIZATIONS

Environmental Resource Permit

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

Sovereignty Submerged Lands Authorization

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

As staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) under Sections 253.002, F.S., the Department has determined that the activity qualifies for and requires a Letter

Permittee: City of West Palm Beach

Permit No.: 50-0152473-006-EM

Page 2 of 13

of Consent, as long as the work performed is located within the boundaries as described and is consistent with the terms and conditions herein.

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

Federal Authorization

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

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

Coastal Zone Management

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

Water Quality Certification

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

Other Authorizations

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

The activity described may be conducted only in accordance with the terms, conditions and attachments contained in this document. Issuance and granting of the permit and authorizations herein do not infer, nor guarantee, nor imply that future permits, authorizations, or modifications will be granted by the Department.

PERMIT/SOVEREIGNTY SUBMERGED LANDS CONDITIONS

The activities described must be conducted in accordance with:

- **The Specific Conditions**
- **The General Conditions**

Permittee: City of West Palm Beach

Permit No.: 50-0152473-006-EM

Page 3 of 13

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

You are advised to read and understand these conditions and drawings prior to beginning the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings herein. If you are using a contractor, the contractor also should read and understand these conditions and drawings prior to beginning any activity. Failure to comply with these conditions, including any mitigation requirements, shall be grounds for the Department to revoke the permit and authorization and to take appropriate enforcement action. Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit and sovereignty submerged lands authorization, as described.

SPECIFIC CONDITIONS- PROJECT FORMS & ATTACHMENTS

1) The attached 1-page permit checklist; the attached project drawings (sheets 1 through 4); the attached 1-page Standard Manatee Conditions for In-Water Work, 2011” (Exhibit A); 62-330.310(1); 62-330.310(2); 62-330.340(1); and 62-330.350(1), which may be downloaded at <http://www.dep.state.fl.us/water/wetlands/erp/forms.htm> become part of this permit. If the permittee does not have access to the Internet, please contact the Department at (561) 681-6600 to request the aforementioned forms and/or document(s).

SPECIFIC CONDITIONS - PRIOR TO ANY CONSTRUCTION

2) After selection of the contractor to perform the authorized activities and prior to the initiation of any work authorized by this permit, the permittee (or authorized agent) and the contractor shall attend a pre-construction conference with a representative of the Department. It shall be the responsibility of the permittee to contact this project’s Compliance Project Manager, Gregory Vazquez, by email Gregory.Vazquez@dep.state.fl.us, or by phone (561) 681-6620, to schedule the pre-construction conference. **If the assigned Compliance Project Manager cannot be reached, the permittee shall contact the ERP Program Compliance/Enforcement section by phone (561) 681-6600, to schedule the pre-construction conference.**

3) Prior to the initiation of any work authorized by this permit, floating turbidity curtains with weighted skirts that extend to within one foot of the bottom shall be placed around the project site, and shall be maintained and remain in place for the duration of the project construction to ensure that turbid discharges do not occur outside the boundaries of the floating turbidity screens. The permittee shall be responsible for ensuring that turbidity control devices are inspected daily and maintained in good working order during all phases of construction authorized by this permit until all areas that were disturbed during construction are sufficiently stabilized to prevent turbid discharges.

SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES

4) Storage or stockpiling of tools and materials (i.e., lumber, pilings, debris,) within wetlands, along the shoreline, within the littoral zone, or elsewhere within wetlands or other surface waters is prohibited. All vegetative material and debris shall be removed to a self-contained upland disposal area with no stockpiling of debris within wetland areas.

5) Watercraft associated with the construction of the permitted structure shall operate within waters of sufficient depth to preclude bottom scouring, prop dredging or damage to submerged bottom or submerged resources. During all construction activities, there shall be a minimum of one foot clearance between the draft of the construction vessel/barge and the top of any submerged resources or submerged bottom.

6) Riprap shall consist of unconsolidated boulders, rocks, or clean concrete rubble with no exposed reinforcing rods or similar protrusions. The riprap shall be free of sediment, debris and toxins or otherwise deleterious substances and will contain an underlying layer of geotextile fabric and 6-inch bedding stone. Riprap shall have a diameter of at least 12 inches.

7) Fill material will be sand that is compatible with lagoon sediments (<10% silt/clay) and will be from a mined upland source or beneficial reuse of compatible lagoon sediments from a permitted dredge project.

SPECIFIC CONDITIONS – MONITORING/REPORTING REQUIREMENTS

8) Turbidity levels outside the construction area shall not exceed 29 NTU's above background levels. 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 at (561) 681-6600 at the time the violation is first detected.
- b. Immediately cease all work contributing to the water quality violation.
- c. Stabilize all exposed soils contributing to the violation. Modify the work procedures that were responsible for the violation, install more turbidity containment devices, and repair any non-functional turbidity containment devices.
- d. As required, perform turbidity monitoring per Specific Conditions.
- e. Resume construction activities once turbidity levels outside turbidity curtains fall below 29 NTUs.

9) Turbidity Monitoring. Water turbidity levels shall be monitored if a turbidity plume is observed outside the limits of the required turbidity control devices. Samples shall be taken every four hours until turbidity subsides at one foot above the bottom, mid-depth, and one-foot below the surface at monitoring stations located as follows:

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

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

- a. Date and time of sampling event

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

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

SPECIFIC CONDITIONS – MANATEE CONDITIONS

11) No later than 60 days after permit issuance, permanent manatee educational signs must be installed by the permittee. In the event the signs fade, become damaged or outdated, they must be replaced and maintained for the life of the facility. The on-site locations and types of signs must be acceptable to the Florida Fish and Wildlife Conservation Commission, which should be contacted at imperiledspecies@myfwc.com. The types of signs, sign vendors, and the process for FWC approval can be found at <http://www.myfwc.com/wildlifehabitats/managed/manatee/education-for-marinas/>.

SPECIFIC CONDITIONS – POST-CONSTRUCTION

12) Within 90 days following the completion of construction and plantings, the permittee shall submit a certified as-built survey of the project areas to the Department for review. The survey shall certify the location of the riprap, wetland planters, and plantings. The Department will review the survey to determine if construction is in compliance with the permitted drawings.

GENERAL CONDITIONS FOR INDIVIDUAL PERMITS

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

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

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

3) Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance

with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007)*, and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008)*, which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.

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

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

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

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

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

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

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

9) This permit does not:

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

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

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

12) The permittee shall notify the Agency in writing:

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

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

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

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

16) The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a

landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.

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

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

SPECIAL CONSENT CONDITIONS

1) The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.

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

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

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

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

GENERAL CONDITIONS FOR SOVEREIGNTY SUBMERGED LANDS AUTHORIZATION

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

Sovereignty submerged lands may be used only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use will constitute a violation. Violation of the authorization will result in suspension or revocation of the applicant's use of the sovereignty submerged lands unless cured to the satisfaction of the Board of Trustees.

- 1) Authorization under Rule 18-21.005, F.A.C., conveys no title to sovereignty submerged lands or water column, nor does it constitute recognition or acknowledgment of any other person's title to such land or water.
- 2) Authorizations under Rule 18-21.005, F.A.C., may be modified, suspended or revoked in accordance with its terms or the remedies provided in Sections 253.04, F.S. and Chapter 18-14, F.A.C.
- 3) Structures or activities will be constructed and used to avoid or minimize adverse impacts to resources.
- 4) Construction, use, or operation of the structure or activity will not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.
- 5) Structures or activities will not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity will be modified in accordance with the court's decision.
- 6) Structures or activities will not create a navigational hazard.
- 7) Structures will be maintained in a functional condition and will be repaired or removed if they become dilapidated to such an extent that they are no longer functional.
- 8) Structures or activities will be constructed, operated, and maintained solely for water dependent purposes.
- 9) The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.
- 10) Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.
- 11) Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the

Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization

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

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

NOTICE OF RIGHTS

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

Petition for Administrative Hearing

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

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

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

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

Extension of Time

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

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

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

Judicial Review

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

Executed in Palm Beach County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Jason Andreotta
Permitting Program Administrator
Southeast District

Attachments:

Permit checklist, 1 page

Project Drawings and Design Specs., 4 pages

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

Florida EPPC's 2015 Invasive Plant Species List, can be downloaded at

<http://www.fleppc.org/list/2015FLEPPCLIST-LARGEFORMAT-FINAL.pdf>

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

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

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

Commencement Notice Form 62-330.350(1)*

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

Copies furnished to:

FDEP – Monica Sovacool, Diana Marti-Ancona, Gregory Vazquez

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

Katlin Kuhn-Hendricks, FFWCC, Katlin.Hendricks@myfwc.com

Julie Bishop, Palm Beach County, Environmental Resources, JBishop@pbcgov.org

Eric Anderson, Palm Beach County, Environmental Resources, EAnderson1@pbcgov.org

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.

May 11, 2016

Clerk

Date

OCULUS: ERP/Permitting Authorization/ERP_152473/Permit Final/ERP Modification-EM/006

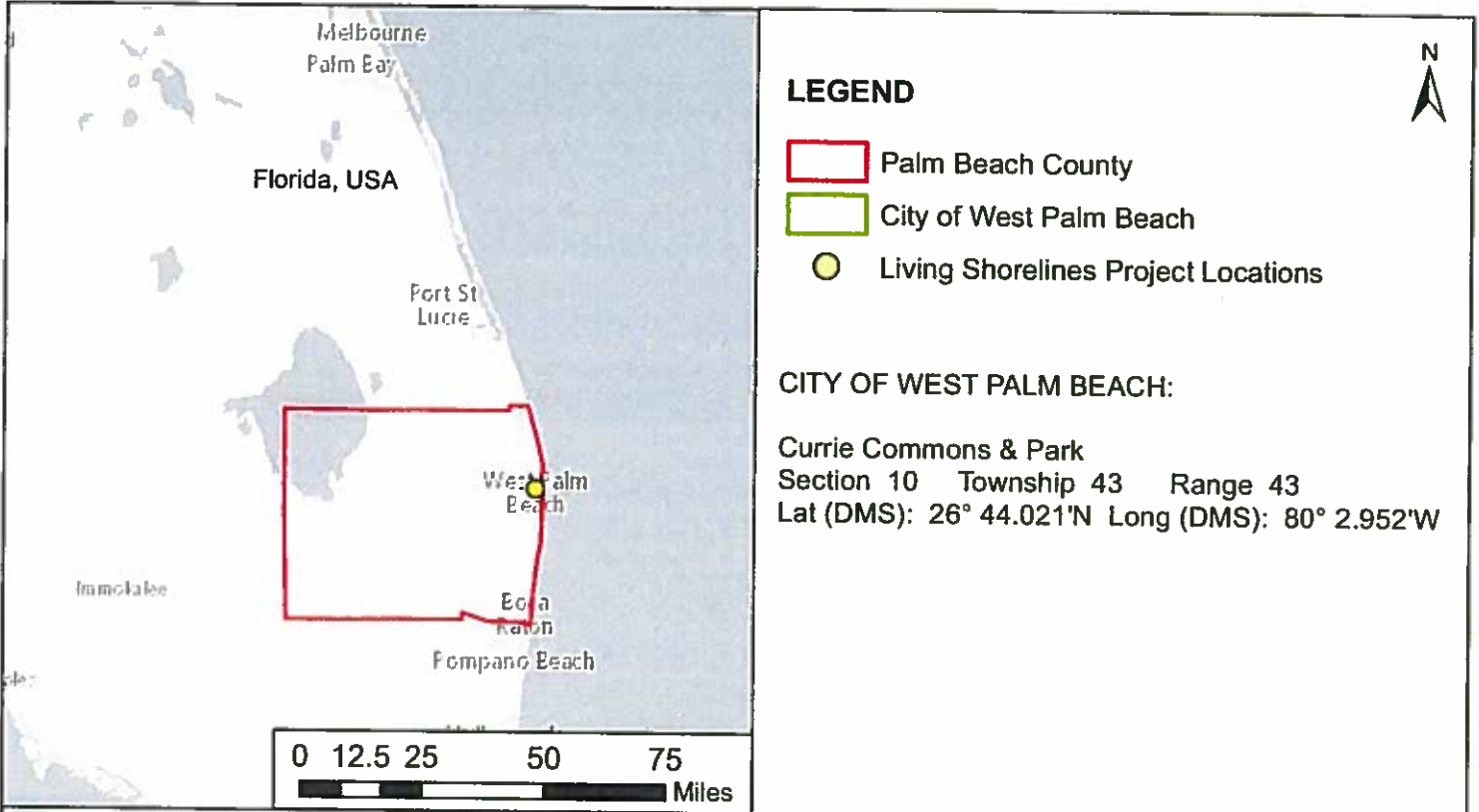
Exhibit A (1 page)

STANDARD MANATEE CONDITIONS FOR IN-WATER WORK 2011

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

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at ImperiledSpecies@myFWC.com
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shutdown of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at MyFWC.com/manatee. Questions concerning these signs can be sent to the email address listed above.

ATTACHMENT A1: PROJECT LOCATION MAP



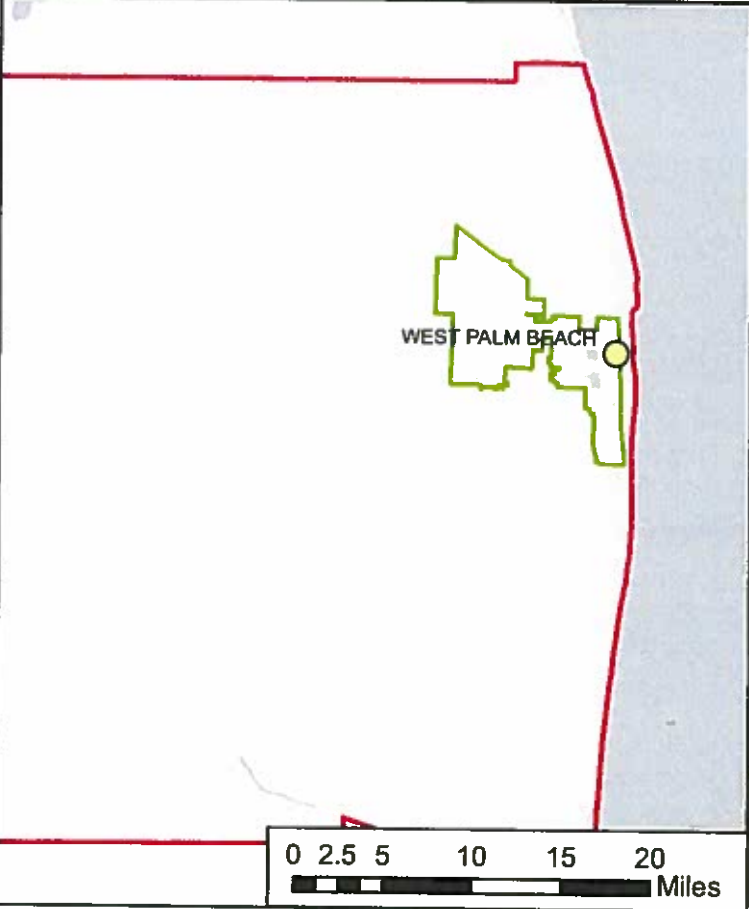
LEGEND

- Palm Beach County
- City of West Palm Beach
- Living Shorelines Project Locations



CITY OF WEST PALM BEACH:

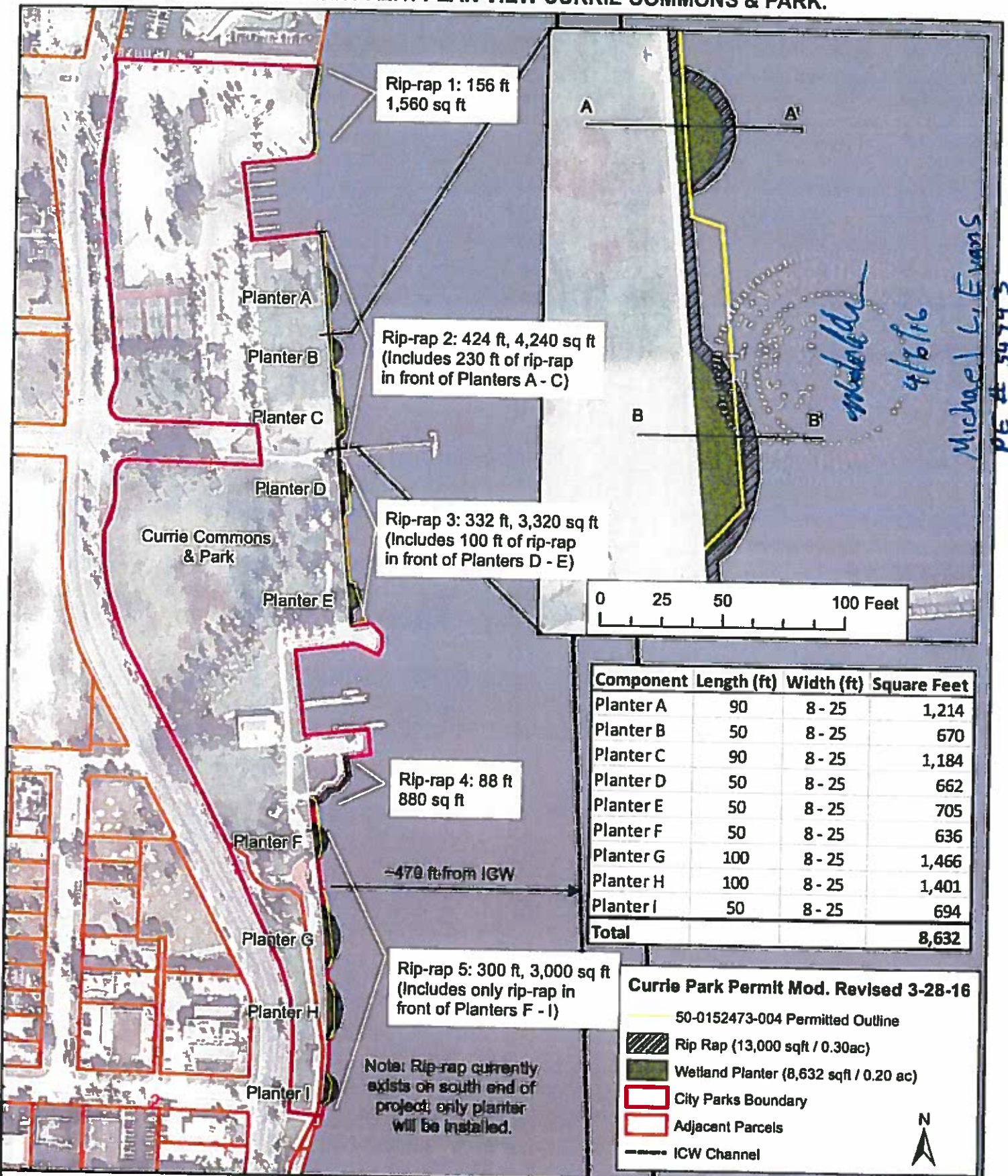
Currie Commons & Park
 Section 10 Township 43 Range 43
 Lat (DMS): 26° 44.021'N Long (DMS): 80° 2.952'W



Palm Beach County Department of Environmental Resources Management
 2300 North Jog Road, 4th Floor
 West Palm Beach, Florida 33411-2741
 (561) 233-2400

**Palm Beach County, and
 West Palm Beach Living Shorelines
 Project Locations**

REVISED 3-28-16: ATTACHMENT A2.1: PLAN VIEW CURRIE COMMONS & PARK.

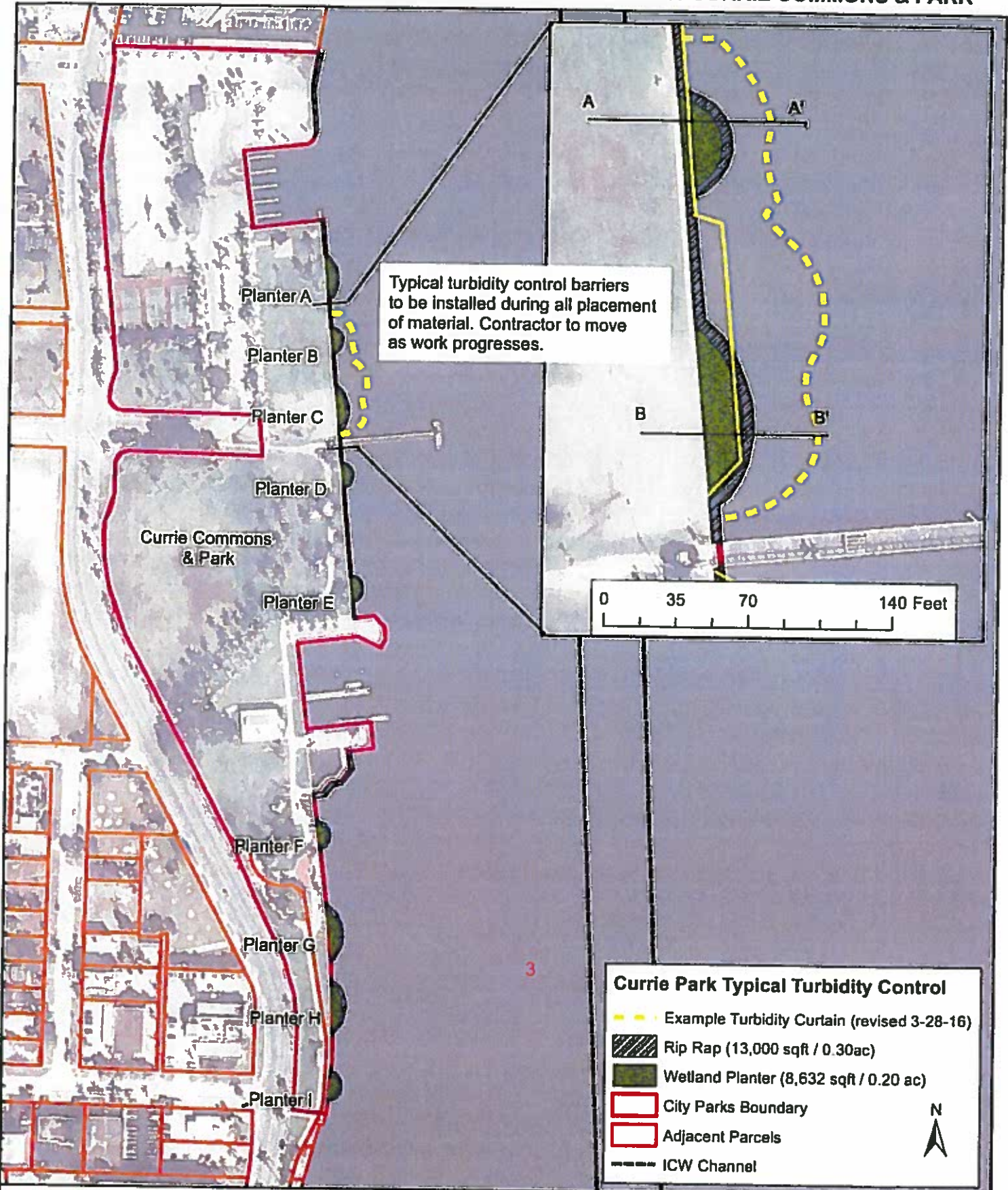


Palm Beach County Department of Environmental Resources Management
 2300 North Jog Road, 4th Floor
 West Palm Beach, Florida 33411-2741
 (561) 233-2400

**Currie Commons & Park
 WPB Living Shorelines**

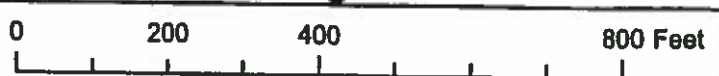


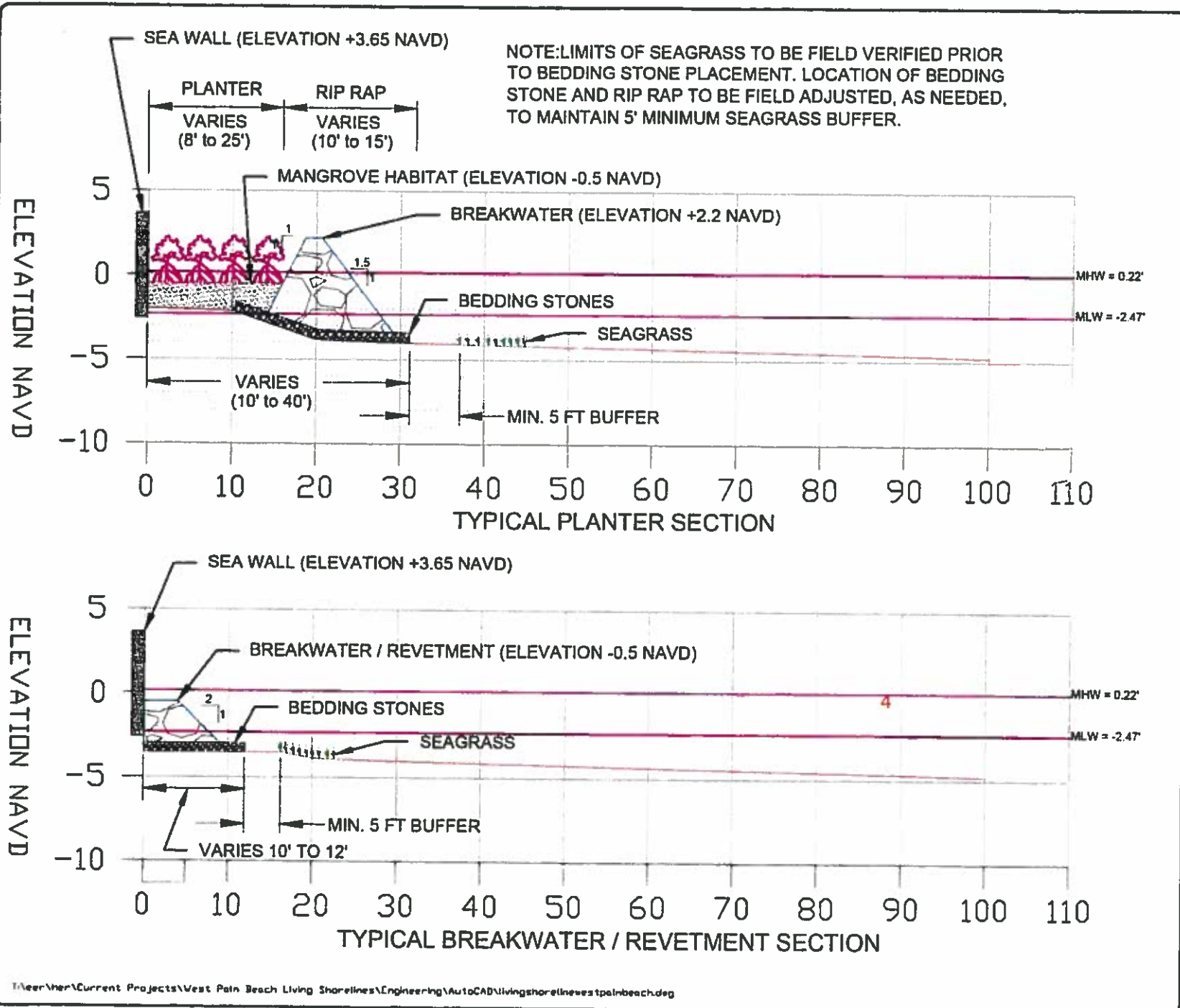
ATTACHMENT A2.2: TYPICAL TURBIDITY CONTROL PLAN VIEW CURRIE COMMONS & PARK



Palm Beach County Department of Environmental Resources Management
2300 North Jog Road, 4th Floor
West Palm Beach, Florida 33411-2741
(561) 233-2400

**Currie Commons & Park
WPB Living Shorelines**





PALM BEACH COUNTY
 DEPARTMENT OF
 ENVIRONMENTAL RESOURCES MANAGEMENT
 2300 NORTH JOG ROAD, 4TH FLOOR
 WEST PALM BEACH, FLORIDA 33411
 (561) 233-2400

Scale: AS SHOWN
 Approved: CI
 Drawn: SA
 Checked: EA
 Date: 03/28/2016

SEAL

Project: WEST PALM BEACH LIVING SHORELINE CURRIE PARK

Sheet: 1 of 1

*Michael L. Evans
 PE # 54793*

DEPARTMENT OF THE ARMY PERMIT

Permittee: Palm Beach County Environmental Resources Management Department
Attn: Mr. Robert Robbins
2300 North Jog Road, 4th Floor
West Palm Beach, Florida 33411

Permit No: SAJ-2015-01237 (SP-AAZ)

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 U.S. Army Corps of Engineers (Corps) 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 is authorized to create one wetland planter within the Lake Worth Lagoon adjacent to Osprey Park by (1) placing 250 yd³ of rock and 75 cy³ of fill material in order to create a 1,008 ft² wetland habitat extending a maximum of 20-foot waterward of the existing seawall; and (2) plant red mangroves within the proposed planter.

The work described above is to be completed in accordance with the six (6) attached drawings and two (2) other attachments affixed at the end of this permit instrument.

Project Location: The Osprey Park project is located within navigable waters of the United States (U.S.) in the Lake Worth Lagoon, Section 04, Township 43 south, Range 43 east, Palm Beach County, Florida.

Directions to site: From I-95 in Palm Beach County, take exit 74 for 45th Street. Turn left onto 45th Street and travel 2.7 miles. Turn left onto North Flagler Drive/Poinsettia Avenue/Dixie Highway. Travel 0.2 miles and the Osprey Park entrance is on the right (east of North Flagler Drive).

Latitude & Longitude: Latitude: 26.75638° Longitude: -80.05082°

Permit Conditions:

General Conditions:

PERMIT NUMBER: SAJ-2015-01237 (SP-AAZ)
PERMITTEE: Palm Beach County/Osprey Park
PAGE 2 of 10

1. The time limit for completing the work authorized ends on **September 22, 2019**. 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 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. **Reporting Address:** The Permittee shall submit all reports, documentation and correspondence required by the conditions of this permit to the following addresses:

U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, Palm Beach Gardens Regulatory Office, 4400 PGA Boulevard Suite 500, Palm Beach Gardens, FL 33401, Attention: José Rivera.

The Permittee shall reference this permit number, SAJ-2015-01237 on all submittals.

PERMIT NUMBER: SAJ-2015-01237 (SP-AAZ)
PERMITTEE: Palm Beach County/Osprey Park
PAGE 3 of 10

2. As-Builts: Within 60 days of completion of the authorized work or at the expiration of the construction window of this permit, whichever occurs first, the Permittee shall submit as-built drawings of the authorized work and a completed As-Built Certification Form (Attachment 1) to the Corps. The drawings shall be signed and sealed by a registered professional engineer and include the following:

a. A plan view drawing of the location of the authorized work footprint with an overlay of the work as constructed in the same scale as the attached permit drawings (8½-inch by 11-inch). The drawing should show all "earth disturbance," the aerial extent of disturbances, GPS coordinates on the start and termination of disturbances, including wetland impacts, water management structures, and any on-site mitigation areas.

b. List any deviations between the work authorized by this permit and the work as constructed. In the event that the completed work deviates, in any manner, from the authorized work, describe on the As-Built Certification Form the deviations between the work authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings any deviations that have been listed. Please note that the depiction and/or description of any deviations on the drawings and/or As-Built Certification Form does not constitute approval of any deviations by the U.S. Army Corps of Engineers.

c. The Department of the Army Permit number.

d. Include pre- and post-construction aerial photographs of the project site, if available.

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

4. Fill Material: The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.

5. Assurance of Navigation and Maintenance: The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall

cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

6. Cultural Resources/Historic Properties:

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

b. If during the ground disturbing activities and construction work within the permit area, there are archaeological/cultural materials encountered which were not the subject of a previous cultural resources assessment survey (and which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work and ground-disturbing activities within a 100-meter diameter of the discovery and notify the Corps within the same business day (8 hours). The Corps shall then notify the Florida State Historic Preservation Officer (SHPO) and the appropriate Tribal Historic Preservation Officer(s) (THPO(s)) to assess the significance of the discovery and devise appropriate actions.

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

d. In the unlikely event that unmarked human remains are identified on non-federal lands, they will be treated in accordance with Section 872.05 Florida Statutes. All work and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archeologist within the same business day (8-hours). The Corps shall then notify the appropriate SHPO and THPO(s). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33

PERMIT NUMBER: SAJ-2015-01237 (SP-AAZ)
PERMITTEE: Palm Beach County/Osprey Park
PAGE 5 of 10

CFR Part 325.7. Such activity shall not resume without written authorization from the State Archeologist and from the Corps.

e. If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The applicant shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section at (850)-245-6333. Project activities shall not resume without verbal and/or written authorization. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, Florida Statutes.

7. Staging Area: All staging areas shall be limited to upland areas and in a manner that would prevent erosion within the waters of Lake Worth Lagoon.

8. Monitoring Event: Within 30 days after completing the mangrove plantings, the permittee shall submit a baseline ("time zero") report to the Corps. The report shall include the number of individuals planted and the date of the plantings. The report shall contain photographs, taken from referenced locations, to represent the entire site. Additionally, a drawing shall be included to show the location and direction of the camera. Subsequent monitoring reports shall be submitted annually for a period of three years, the first report being due one year after the baseline report. The annual reports shall include the number of plants surviving from the initial planting, a list of all species observed, the percent-coverage of native species observed, additional seedlings and/or sprigs planted, and explanations if survivorship is trending toward failure. The reports shall include photographs from the locations referenced in the baseline report.

9. Success Criteria: In order for the mangrove plantings to be deemed successful, the planted red mangroves (*Rhizophora mangle*) must achieve a minimum 50% survival rate by the end of the first three years after planting.

10. Remediation: Within 60 days of notification by the Corps that the compensatory mitigation is unsuccessful, the Permittee shall submit to the Corps an alternate proposal sufficient to create the aquatic habitat considered in this permit. The alternate proposal may be required to include additional measures to compensate for the temporal loss of wetland functions associated with the unsuccessful in-water fill activities. The Corps reserves the right to fully evaluate, amend, and approve or reject the alternate proposal. Within 120 days of Corps approval, the Permittee will complete the alternate proposal.

PERMIT NUMBER: SAJ-2015-01237 (SP-AAZ)
PERMITTEE: Palm Beach County/Osprey Park
PAGE 6 of 10

11. Timing of Work: The Permittee shall place the fill material within the Lake Worth Lagoon during times of low water when the substrate is exposed as dry land.

Further Information:

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

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

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

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

Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408).

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:

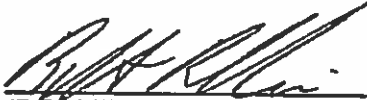
- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).
- c. Significant new information surfaces which this office did not consider in reaching 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 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.

PERMIT NUMBER: SAJ-2015-01237 (SP-AAZ)
PERMITTEE: Palm Beach County/Osprey Park
PAGE 8 of 10

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.




(PERMITTEE)

ROBERT ROBBINS

Palm Beach County Environmental Resources Management Department



(DATE)



(PERMITTEE NAME-PRINTED)

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

KAYNOR.SUSAN.

R.1251896085

Digitally signed by KAYNOR.SUSAN.R.1251896085
DN: c=US, o=U.S. Government, ou=DoD, ou=PKL,
ou=USA, cn=KAYNOR.SUSAN.R.1251896085
Date: 2015.09.23 16:15:41 -0400

(DISTRICT ENGINEER)

JASON A.KIRK, P.E.

Colonel, Corps of Engineers

Commanding

(DATE)

for:

PERMIT NUMBER: SAJ-2015-01237 (SP-AAZ)
PERMITTEE: Palm Beach County/Osprey Park
PAGE 9 of 10

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)

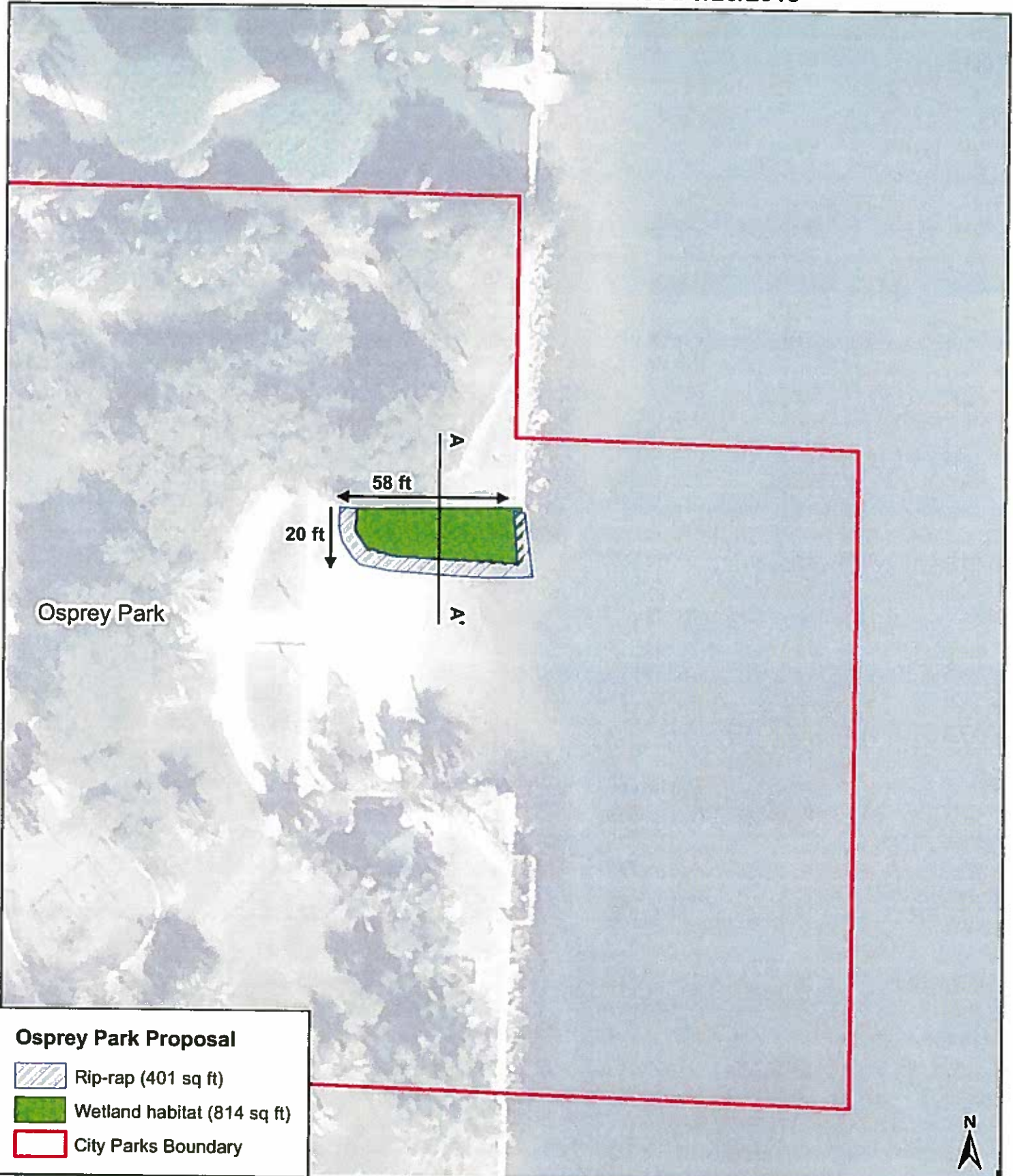
(CITY, STATE, AND ZIP CODE)

PERMIT NUMBER: SAJ-2015-01237 (SP-AAZ)
PERMITTEE: Palm Beach County/Osprey Park
PAGE 10 of 10




***Attachments to Department of the Army
Permit Number SAJ-2015-01237***

1. PERMIT DRAWINGS: Six (6) pages dated September 23, 2015
2. AS BUILT CERTIFICATION: Two (2) pages
3. 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 consisting of three (3) pages.

ATTACHMENT A2.1: PLAN VIEWS OSPREY PARK Revised 9/23/2015



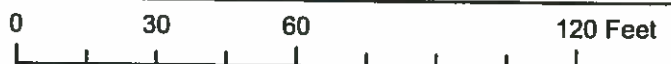
Osprey Park Proposal

-  Rip-rap (401 sq ft)
-  Wetland habitat (814 sq ft)
-  City Parks Boundary

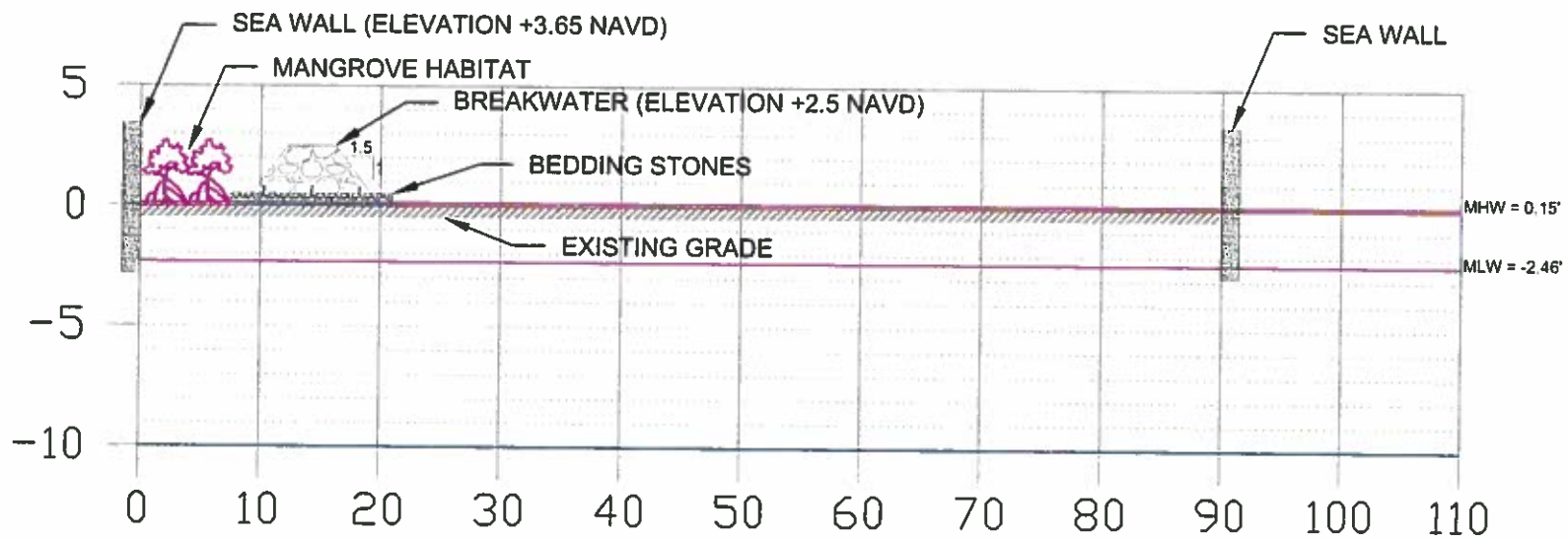


Palm Beach County Department of
Environmental Resources Management
2300 North Jog Road, 4th Floor
West Palm Beach, Florida 33411-2741
(561) 233-2400

**Osprey Park
WPB Living Shorelines**




ELEVATION NAVD



SECTION A - A '

PALM BEACH COUNTY
DEPARTMENT OF
ENVIRONMENTAL RESOURCES MANAGEMENT
2300 NORTH JOG ROAD, 4th FLOOR
WEST PALM BEACH, FLORIDA 33411
(561) 233-2400



Drawn by	
Checked by	
Date	07/9/2015
Scale	AS NOTED
Approved	CT
Drawn	LA
Checked	CA
Date	07/9/2015

SEAL

Project: WEST PALM BEACH LIVING SHORELINE
OSPREY PARK

Sheet: 1 of 1

ATTACHMENT C2.1: AERIALS (2013) - OSPREY PARK Revised 9-23-2015



Osprey Park Proposal

-  Rip-rap (401 sq ft)
-  Wetland habitat (814 sq ft)
-  City Parks Boundary
-  Project/Wetland Boundary
-  Adjacent Parcels

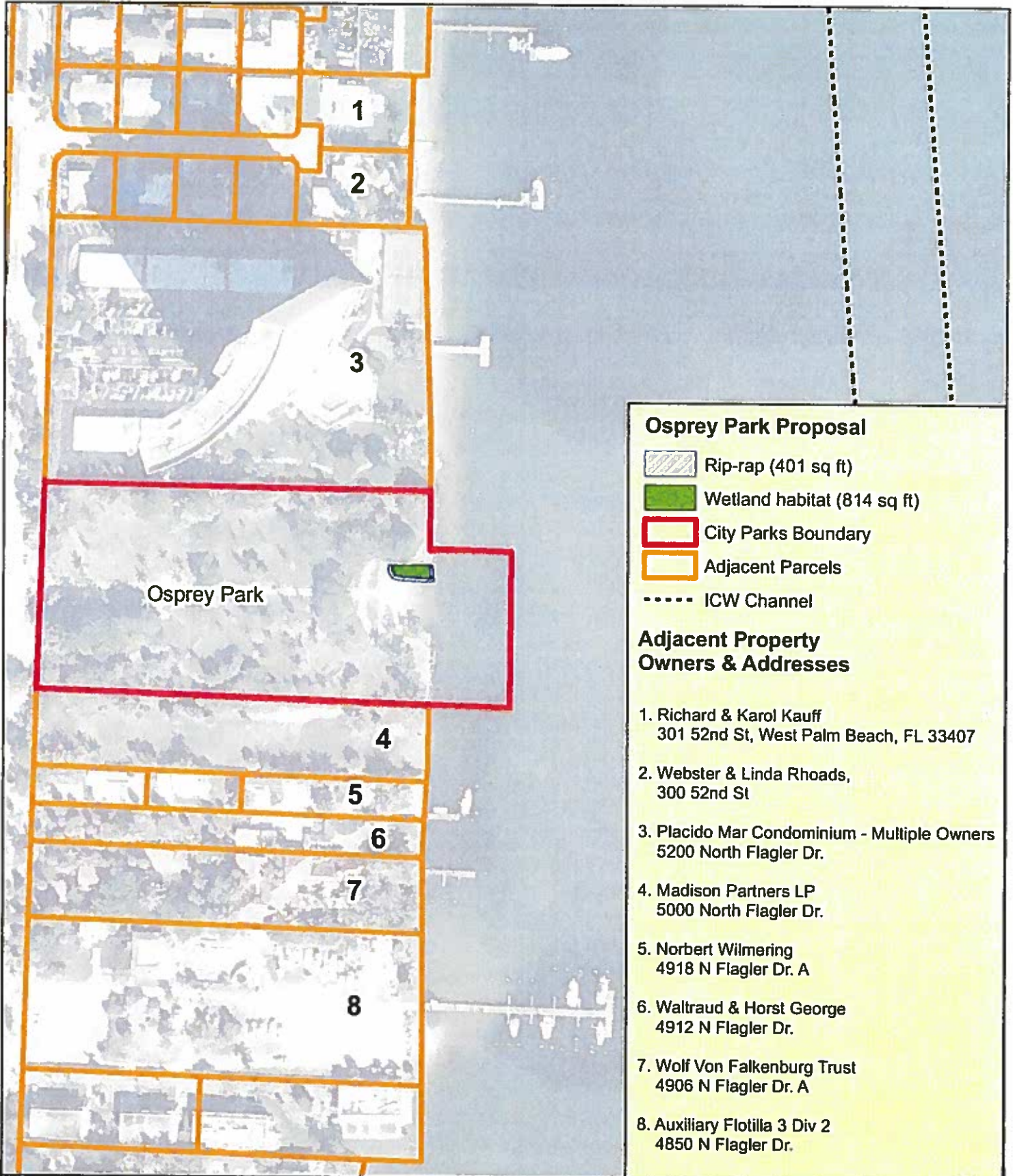


Palm Beach County Department of Environmental Resources Management
2300 North Jog Road, 4th Floor
West Palm Beach, Florida 33411-2741
(561) 233-2400

**Osprey Park
WPB Living Shorelines**

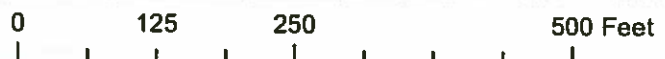


ATTACHMENT C3.1: ADJACENT PROPERTIES - OSPREY PARK

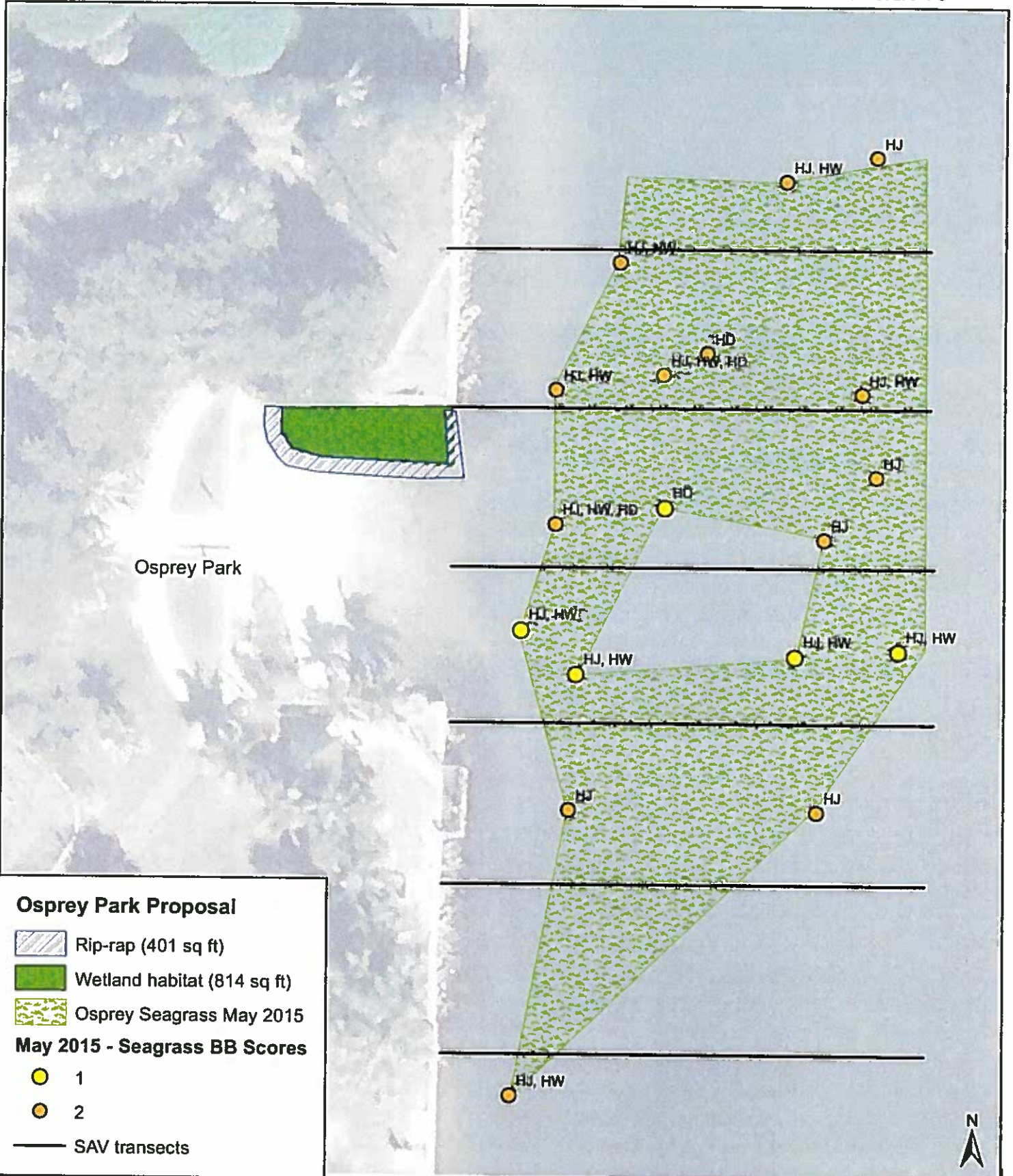


Palm Beach County Department of Environmental Resources Management
2300 North Jog Road, 4th Floor
West Palm Beach, Florida 33411-2741
(561) 233-2400

Osprey Park Adjacent Properties

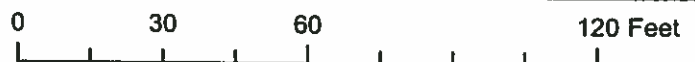


ATTACHMENT C4.1: SEAGRASS RESOURCES OSPREY PARK Revised 9/23/2015

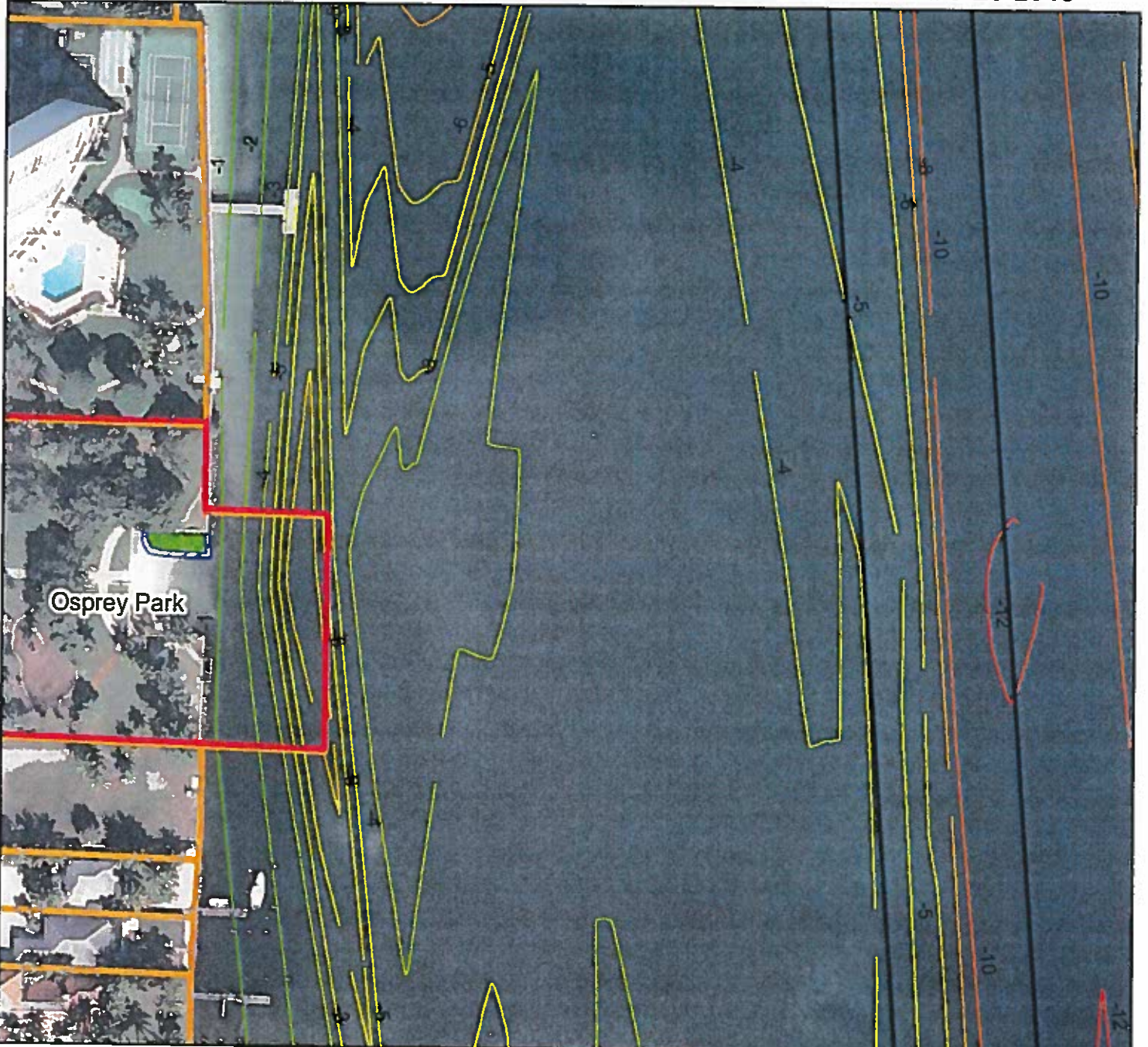


Palm Beach County Department of Environmental Resources Management
 2300 North Jog Road, 4th Floor
 West Palm Beach, Florida 33411-2741
 (561) 233-2400

**Osprey Park Seagrass
 WPB Living Shorelines**



ATTACHMENT D3.1: OSPREY PARK EXISTING DEPTHS & ICW Revised 9-23-2015



Osprey Park Proposal

 Rip-rap (401 sq ft)

 Wetland habitat (814 sq ft)

 City Parks Boundary

 Adjacent Parcels

 ICW Channel

Bathymetry (NAVD)

 -14

 -12

 -10

 -8

 -6

 -5

 -4

 -3

 -2

 -1



Palm Beach County Department of Environmental Resources Management
 2300 North Jog Road, 4th Floor
 West Palm Beach, Florida 33411-2741
 (561) 233-2400

**Osprey Park
 Existing Water Depths & ICW**



AS-BUILT CERTIFICATION BY PROFESSIONAL ENGINEER

Submit this form and one set of as-built engineering drawings to the U.S. Army Corps of Engineers, Enforcement Section, 4400 PGA Boulevard, Suite 500, Palm Beach Gardens, Florida 33410. If you have questions regarding this requirement, please contact the Enforcement Branch at 904-232-3131.

1. Department of the Army Permit Number: SAJ-2015-01237 (SP-AAZ)

2. Permittee Information:

Name: _____

Address: _____

3. Project Site Identification (physical location/address):

4. As-Built Certification: I hereby certify that the authorized work, including any mitigation required by Special Conditions to the permit, has been accomplished in accordance with the Department of the Army permit with any deviations noted below. This determination is based upon on-site observation, scheduled, and conducted by me or by a project representative under my direct supervision. I have enclosed one set of as-built engineering drawings.

Signature of Engineer

Name (Please type)

(FL, PR, or VI) Reg. Number

Company Name

City

State

ZIP

(Affix Seal)

Date

Telephone Number

SPECIFIC CONDITIONS- PROJECT FORMS & ATTACHMENTS

(1) The attached 1-page permit checklist; the attached project drawings (sheets 1 through 7); the attached 1-page Standard Manatee Conditions for In-Water Work, 2011” (Exhibit A); and DEP forms 62-330.310(1); 62-330.310(2); 62-330.340(1); and 62-330.350(1), which may be downloaded at <http://www.dep.state.fl.us/water/wetlands/erp/forms.htm> become part of this permit. If the permittee does not have access to the Internet, please contact the Department at (561) 681-6600 to request the aforementioned forms and/or document(s).

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

SPECIFIC CONDITIONS - PRIOR TO CONSTRUCTION

(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. It shall be the responsibility of the permittee to contact this project’s Compliance Project Manager, Virginia King, by email Virginia.King@dep.state.fl.us, or by phone (561) 681-6708, to schedule the pre-construction conference. **If the assigned Compliance Project Manager cannot be reached, the permittee shall contact the ERP Program Compliance/Enforcement section by phone (561) 681-6600, to schedule the pre-construction conference.**

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

SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES

(5) There shall be no storage or stockpiling of tools and materials (i.e., lumber, pilings, debris), along the shoreline adjacent to waters of the state. All excess lumber, scrap wood, trash, garbage, and any other type of debris shall be removed from wetlands/waters of the state within 14 days of completion of the work authorized in this permit. All construction equipment/tools and materials shall be transported to and from the site via a barge with a fully loaded draft of 4-feet.

(6) All watercraft associated with the construction of the permitted activities shall only operate within waters of sufficient depth (one-foot clearance from the deepest draft of the vessel to the submerged bottom) so as to preclude bottom scouring or prop dredging.

(7) Riprap shall consist of unconsolidated limestone 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 and will contain an underlying layer of geotextile fabric and 6-inch bedding stone.

(8) Fill material will be sand that is compatible with lagoon sediments (<10% silt/clay) and will be from a mined upland source or beneficial reuse of compatible lagoon sediments from a permitted dredging project.

SPECIFIC CONDITIONS – MONITORING/REPORTING REQUIREMENTS

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

- a. Notify the Department at (561) 681-6708 at the time the violation is first detected.
- b. Immediately cease all work contributing to the water quality violation.
- c. Stabilize all exposed soils contributing to the violation. Modify the work procedures that were responsible for the violation, install more turbidity containment devices, and repair any non-functional turbidity containment devices.
- d. Perform turbidity monitoring.
- e. Resume construction activities once turbidity levels outside turbidity curtains fall below background levels.

(10) Turbidity Monitoring. Water turbidity levels shall be monitored if a turbidity plume is observed outside the limits of the required turbidity control devices. Samples shall be taken every four hours until turbidity subsides at one foot above the bottom, mid-depth, and one-foot below the surface at monitoring stations located as follows:

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

(11) Turbidity Monitoring Reports. During seawall construction activity, the permittee or permittee's contractor shall collect the following turbidity monitoring data at the frequency and water depths directed by Specific Condition 11:

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

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

SPECIFIC CONDITIONS – WETLAND PLANTINGS

(12) Within 30 days after completing the mangrove and cordgrass plantings, the permittee shall submit to the Department a baseline ("as-built") report. The reports shall be sent to the Department of Environmental Protection, Southeast District, Submerged Lands and Environmental Resources Program, Compliance/Enforcement Section, Attention: Virginia King.

SPECIFIC CONDITIONS – OPERATION AND MAINTENANCE ACTIVITIES

(13) Once established, the overall height of the mangroves within the planters shall be maintained at a minimum height of 6-ft tall, (or 5.65' NAVD, as measured from the substrate). All mangrove trimming will be completed or supervised by a Professional Mangrove Trimmer as defined by Chapter 403.9325(5), Florida Statutes.

(14) The permittee shall maintain, in perpetuity, the created mangrove and cordgrass habitat with less than 5% establishment or invasion of any plants listed on the current version of "The Florida Exotic Pest Plant Council's List of invasive Plant Species" (2009 version attached). Monitoring and maintenance of the mangrove and cordgrass habitat shall be maintained in perpetuity with annual monitoring and maintenance plans submitted to the Department for the first three years following construction completion.

SPECIFIC CONDITIONS – MANATEE CONDITIONS

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

GENERAL CONDITIONS FOR INDIVIDUAL PERMITS

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

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

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

(3) Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007), and the Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida

Permittee: City of West Palm Beach - Osprey Park

Permit No.: 50-0327715-002

Page 6 of 11



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
4400 PGA BOULEVARD, SUITE 500
PALM BEACH GARDENS, FLORIDA 33410

REPLY TO
ATTENTION OF

February 23, 2016

Regulatory Division
Palm Beach Gardens Regulatory Office
SAJ-2015-01237 (SP-AAZ)
Modification #1

Palm Beach County Environmental Resources Management Department
Attn: Mr. Robert Robbins
2300 North Jog Road, 4th Floor
West Palm Beach, Florida 33411

Dear Mr. Robbins:

The U.S. Army Corps of Engineers (Corps) has received your request to modify the Department of the Army permit number SAJ-2015-01237 issued on September 23, 2015, to Palm Beach County for construction of one mangrove planter at Osprey Park. The project is located within navigable waters of the United States (US) in the Lake Worth Lagoon adjacent to 5008 North Flagler Drive, West Palm Beach, Section 4, Township 43 South, Range 43 East, Palm Beach County, Florida.

The Corps is modifying the expiration date to correct an error. Since the permit was issued on September 23, 2015, the correct expiration date is **22 September 2020**. The modification would also revise the project description, eliminate special condition #11, and add special conditions #11, and 12. The ~~striketrough~~ text represents deletions (below). In addition to the original special conditions, the project must be completed in accordance with the revised project description and special conditions below, which are incorporated in, and made a part of the permit:

Revised Project Description: The Permittee is authorized to (1) install a wetland planter containing 250 cubic yards of rock and 75 cubic yards of fill material in order to create a 3,321 square foot wetland habitat extending a maximum of 20-foot waterward of the existing seawall; and (2) plant red mangroves (*Rhizophora mangle*) alongside saltmarsh cordgrass (*Spartina alterniflora*) within the proposed wetland planter at Osprey Park in the Lake Worth Lagoon.

Special Conditions:

~~11. **Timing of Work:** The Permittee shall place the fill material within the Lake Worth Lagoon during times of low water when the substrate is exposed as dry land.~~

11. Manatee Conditions: The Permittee shall comply with the "Standard Manatee Conditions for In-Water Work – 2011" (Attachment 2).

12. Sea Turtle and Smalltooth Sawfish Conditions: The Permittee shall comply with National Marine Fisheries Service's "Sea Turtle and Smalltooth Sawfish Construction Conditions" dated March 23, 2006, (Attachment 3).

The impact of your proposal on navigation and the environment has been reviewed and found to be insignificant. The permit is hereby modified in accordance with your request. You should attach this letter, revised drawings, and attachments to the permit. All other conditions of the permit remain in full force and effect.

If you have any questions concerning permit modification, please contact the project manager Alisa Zarbo at the letterhead address, by telephone at 561-472-3506 or by electronic mail at Alisa.A.Zarbo@usace.army.mil.

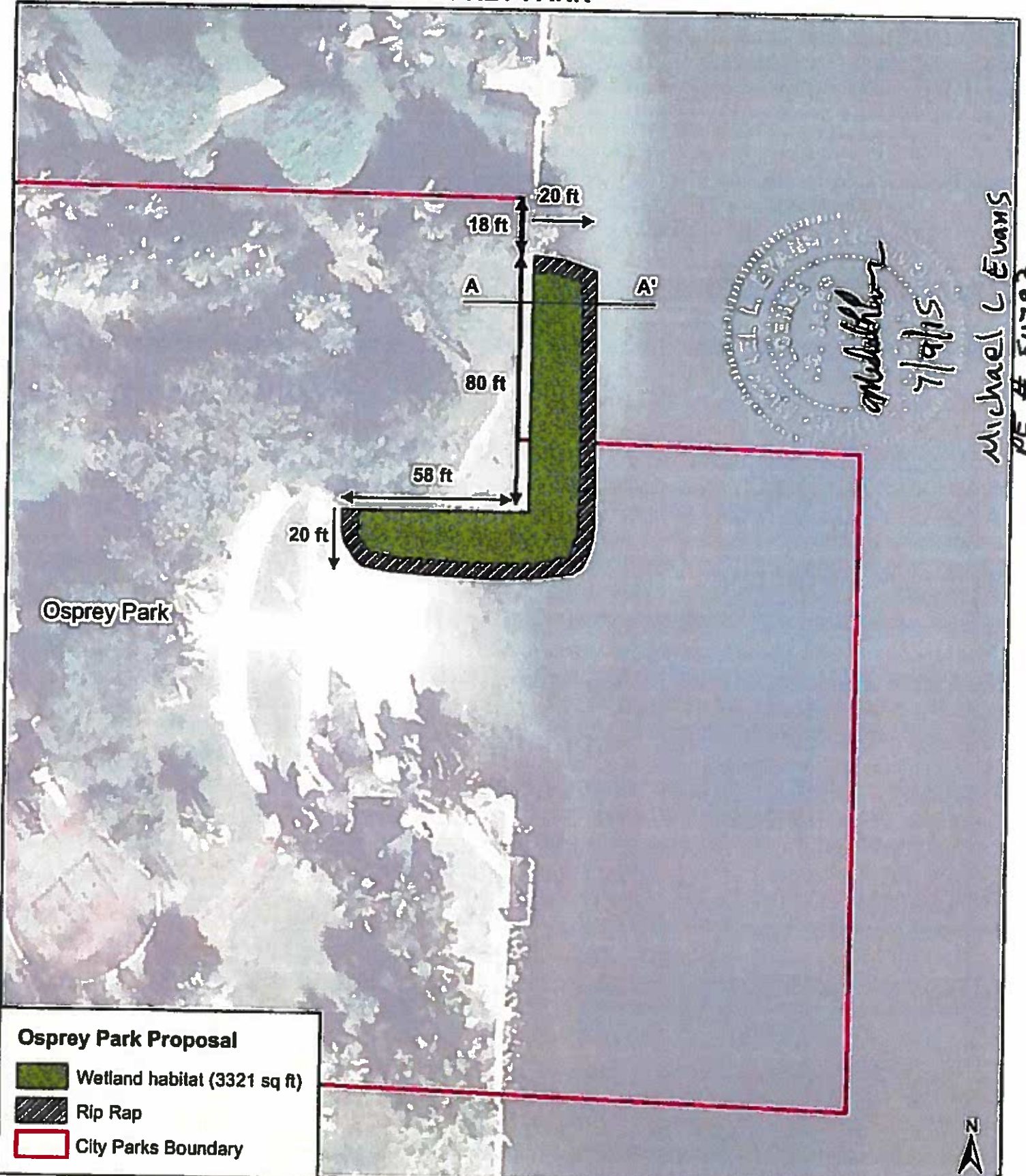
Thank you for your cooperation with our permit program. The Corps Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to take a few minutes to visit <http://per2.nwp.usace.army.mil/survey.html> and complete our automated Customer Service Survey. Your input is appreciated – favorable or otherwise. Please be aware this web address is case sensitive and should be entered as it appears above.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:






for: Jason A. Kirk, P.E.
Colonel, U.S. Army
District Commander

ATTACHMENT A2.1: PLAN VIEWS OSPREY PARK




 Michael C. Evans
 PE # 54793

Osprey Park Proposal

-  Wetland habitat (3321 sq ft)
-  Rip Rap
-  City Parks Boundary

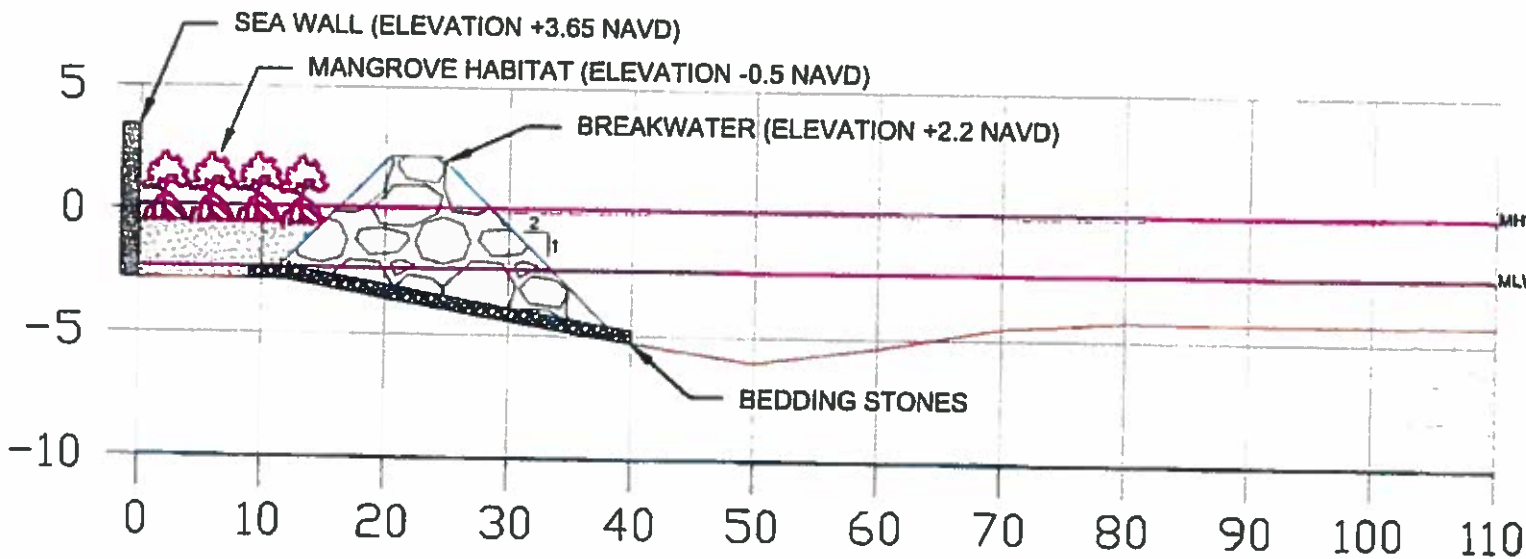


Palm Beach County Department of
 Environmental Resources Management
 2300 North Jog Road, 4th Floor
 West Palm Beach, Florida 33411-2741
 (561) 233-2400

Osprey Park WPB Living Shorelines



ELEVATION NAVD



SECTION A - A'

Hand-drawn diagram showing shoreline living shoreline and beach dune

PALM BEACH COUNTY
 DEPARTMENT OF
 ENVIRONMENTAL RESOURCES MANAGEMENT
 2300 NORTH JOG ROAD, 4th FLOOR
 WEST PALM BEACH, FLORIDA 33411
 (888) 233-2100

Project	7/9/12
Drawn	AS NOTED
Checked	AS NOTED
Date	07/12/12

WEST PALM BEACH
 LIVING SHORELINE
 OSPREY PARK

Sheet
 1 of 1

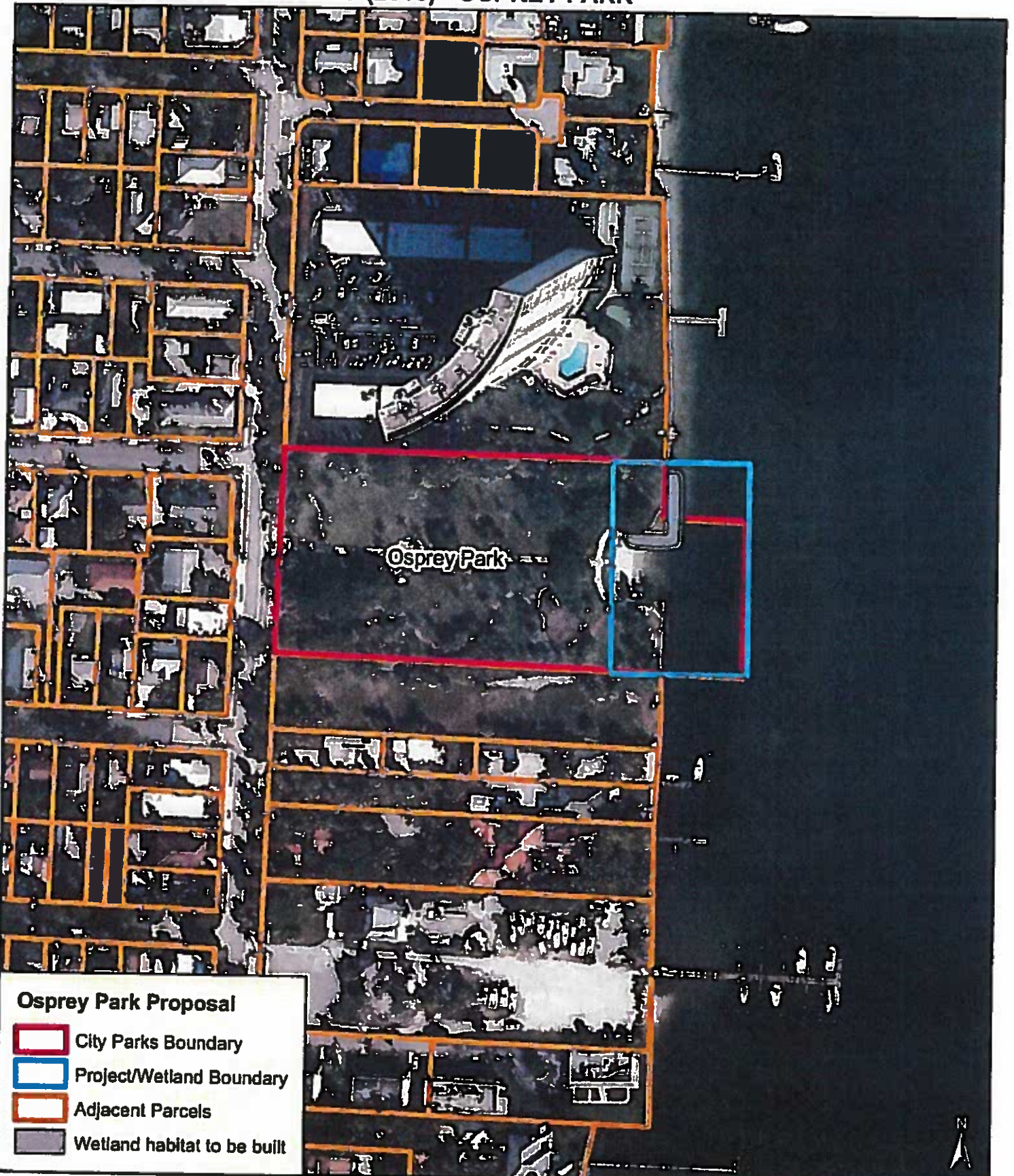
MICHAEL L EVANS
 PE # 54792

ATTACHMENT C1: PROJECT AREA AND FILL VOLUME BY PARK

PROJECT NAME	CREATED HABITAT (ac)	CREATED HABITAT (sq ft)	FILL MATERIAL (cubic yds)	ROCK (cubic yds)
Osprey Park	0.076	1008	75	250
Currie Park	0.323	17000	550	3380
TOTALS	0.40	18008	625	3630

*Although maps are separated by Park, tables and survey summaries within include information for both Osprey and Currie Parks.

ATTACHMENT C2.1: AERIALS (2013) - OSPREY PARK

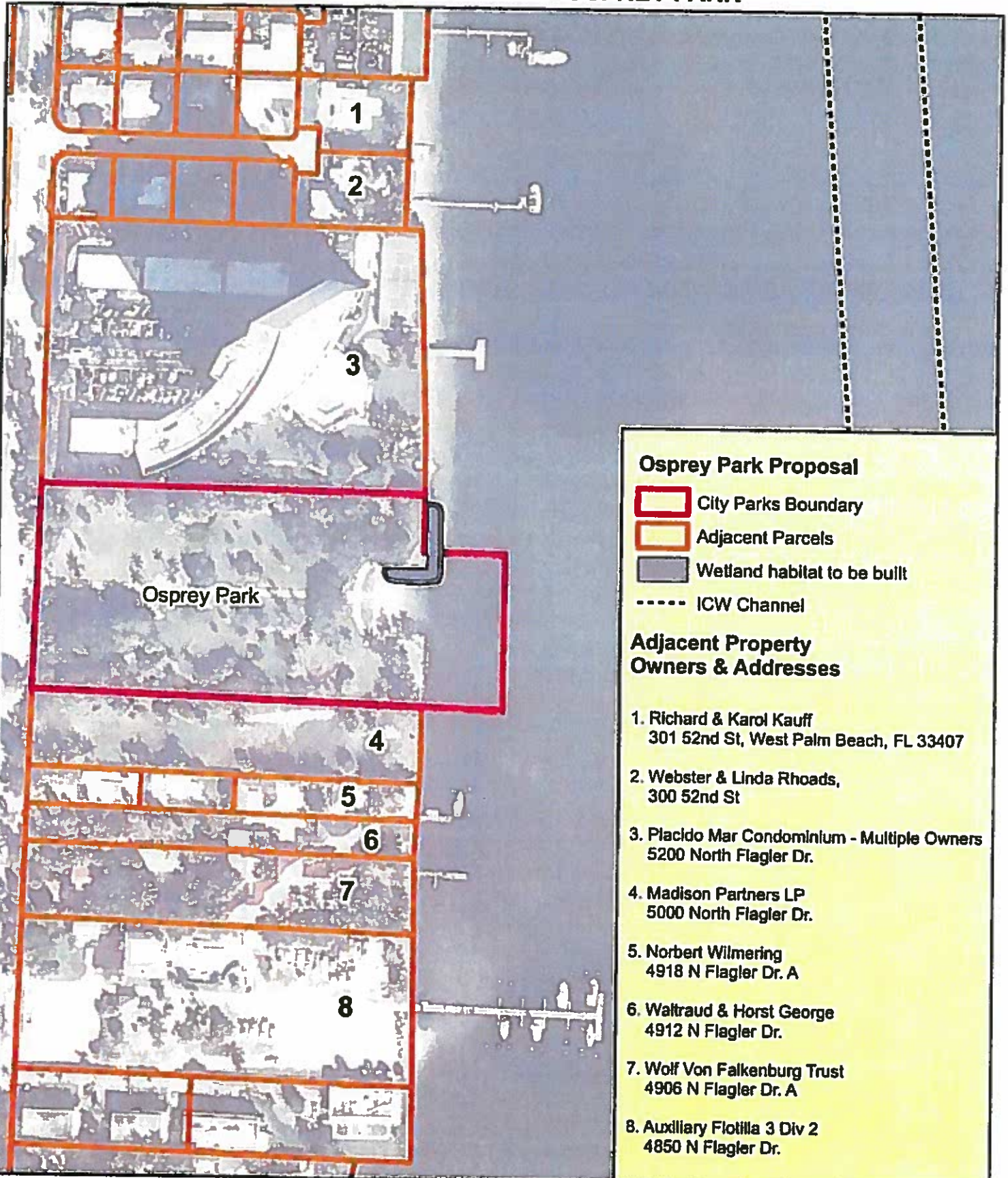


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(561) 233-2400





Osprey Park WPB Living Shorelines



ATTACHMENT C3.1: ADJACENT PROPERTIES - OSPREY PARK



Osprey Park Proposal

-  City Parks Boundary
-  Adjacent Parcels
-  Wetland habitat to be built
-  ICW Channel

Adjacent Property Owners & Addresses

1. Richard & Karol Kauff
301 52nd St, West Palm Beach, FL 33407
2. Webster & Linda Rhoads,
300 52nd St
3. Placido Mar Condominium - Multiple Owners
5200 North Flagler Dr.
4. Madison Partners LP
5000 North Flagler Dr.
5. Norbert Wilmering
4918 N Flagler Dr. A
6. Waltraud & Horst George
4912 N Flagler Dr.
7. Wolf Von Falkenburg Trust
4906 N Flagler Dr. A
8. Auxilliary Flotilla 3 Div 2
4850 N Flagler Dr.



Palm Beach County Department of Environmental Resources Management
2300 North Jog Road, 4th Floor
West Palm Beach, Florida 33411-2741
(561) 233-2400

Osprey Park Adjacent Properties



ATTACHMENT C4: NATURAL RESOURCE SURVEYS (May / June 2015)

This RAI response includes an updated seagrass map for Osprey and Currie Parks. Sites were visited between May and June 2015 following the start of seagrass growing season. Biologists swam a number of transects at each project site (see Attachments C4.1 and C4.2) to identify density, extent, and species of seagrass present. Note that there may be more seagrass resources further out than the eastern boundary of the transects; it was prioritized that the seagrass resources within the immediate project area be evaluated for potential impacts. Points displayed on the attached maps are labeled according to their BB cover scores and seagrass species name where applicable (*Halodule wrightii* – HW; *Halophila decipiens* – HD; and *Halophila johnsonii* – HJ). Edges of the existing seagrass beds were mapped and densities were classified according to Braun-Blanquet (BB) cover scores (Table 1), and drawn into GIS map polygons.

Table 1. Braun-Blanquet cover scores based on visual estimates of seagrass percent cover

<u>Braun-Blanquet Estimates</u>
0 = no seagrass
0.1 = solitary shoots with small cover
0.5 = few shoots with small cover
1 = numerous shoots; <5% cover
2 = any # shoots; 5-25% cover
3 = any # shoots; 25-50% cover
4 = any # shoots; 50-75% cover
5 = any # shoots; >75% cover

SUMMARY OF SEAGRASS RESOURCES BY PARK

Osprey Park

At Osprey Park, densities generally did not exceed a BB score of 2, of which density typically ranged from 5-10% rather than 5-25% as the BB score suggests. *Halodule wrightii* was the dominant species at this location, and was patchy and sparse. Osprey Park has 5-10 foot of urban rip rap/limestone east of the seawall with the seagrass edge beginning on average 25 feet east of the seawall. The wetland/mangrove planter and island were designed to avoid seagrass, which was maintained following the May 2015 survey. The island was removed from the original proposed project design due to expansion of seagrass into the project footprint.

Currie Commons & Park

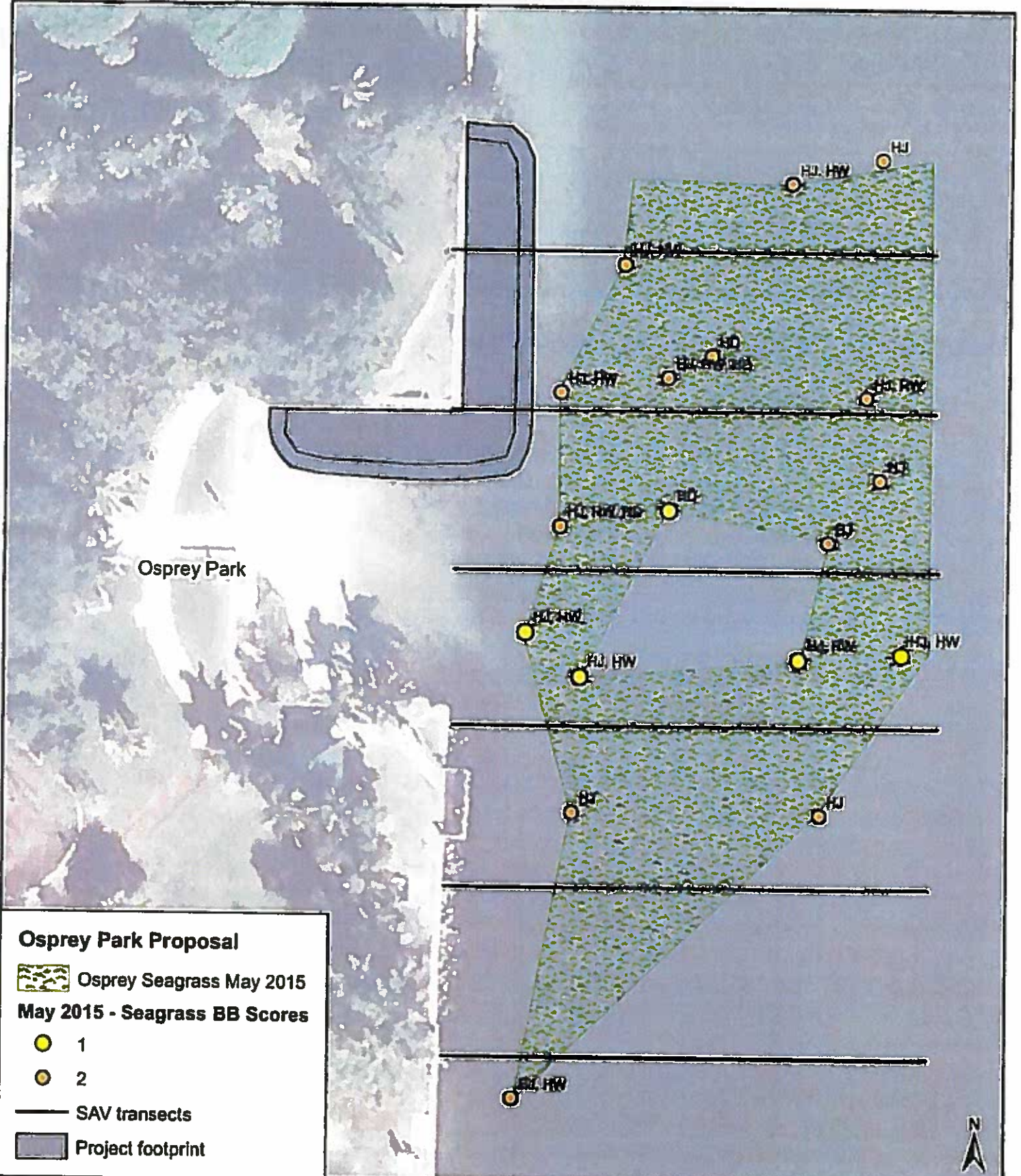
At Currie Commons & Park, a small patch of seagrass including *Halophila decipiens* and *H. johnsonii* is present toward the north end of the project area; however the mangrove planters and rip rap proposed for this site will not impact these resources. There is no seagrass coverage adjacent to the seawall due to a 5-10 foot urban rip-
rap/limestone in some locations and a 5-10 foot scour area as a result of heavy wave energy from boats travelling in the ICW. The remaining area outside has no seagrass except for a couple of isolated shoots, and is designated as a "zone of seagrass occurrence". The original proposed project design was altered slightly; the number, length, and width of wetland planters were adapted to fit within the inside edge of seagrass habitat.

RESULTS

The new seagrass data demonstrated that the original project design needed adjustments to avoid existing resources:

- Osprey Park – The intertidal island was removed, as SAV expanded into the area.
- Currie Commons & Park – The number, length, and width of wetland planters were adapted to fit within the inside edge of seagrass habitat. In addition, proposed rip rap was removed at the south end of Currie Park due to existing rip rap.

ATTACHMENT C4.1: SEAGRASS RESOURCES OSPREY PARK



Osprey Park Proposal

Osprey Seagrass May 2015


May 2015 - Seagrass BB Scores

1

2

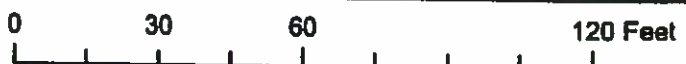
SAV transects

Project footprint


Palm Beach County Department of Environmental Resources Management
 2300 North Jog Road, 4th Floor
 West Palm Beach, Florida 33411-2741
 (561) 233-2400

Osprey Park Seagrass WBP Living Shorelines

0 30 60 120 Feet



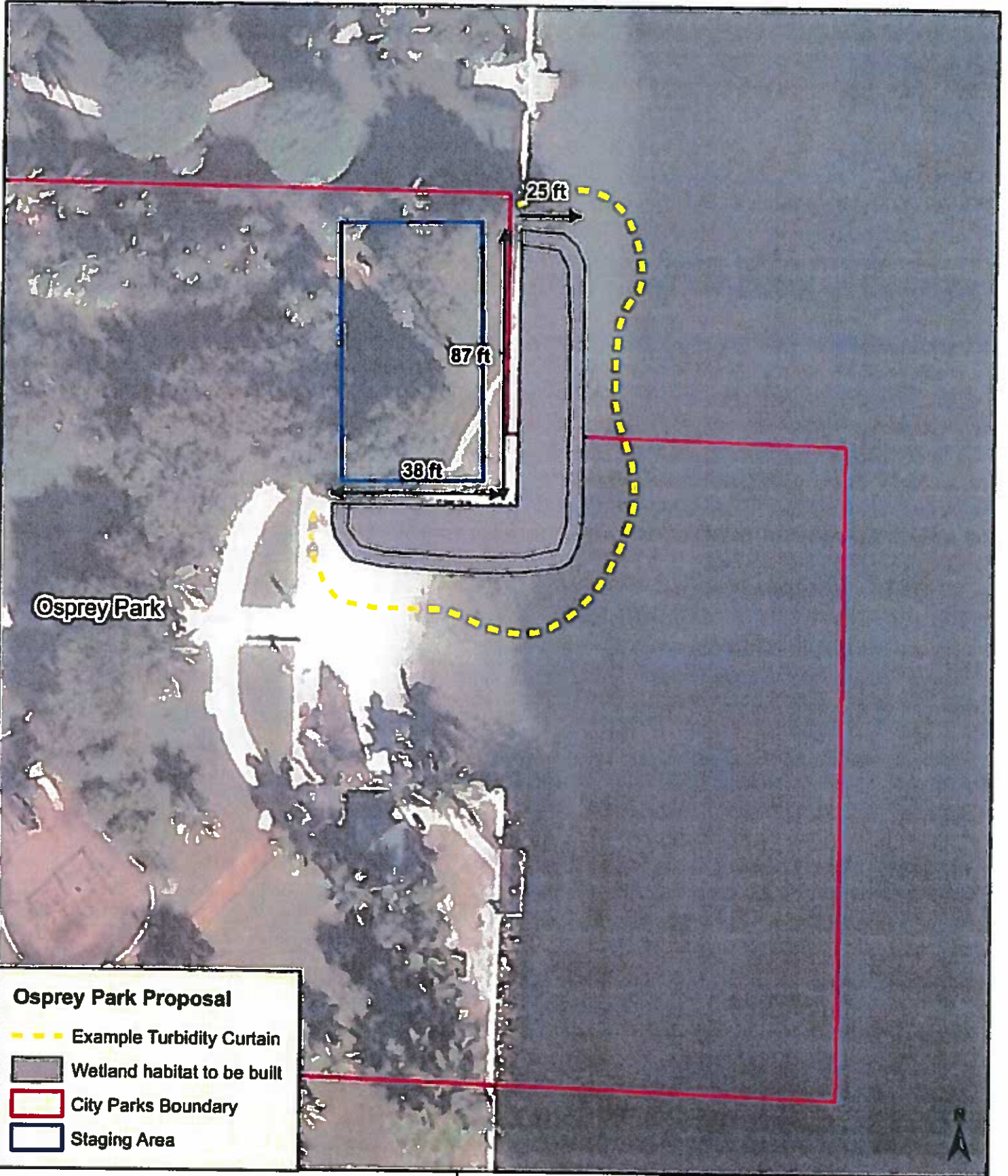
ATTACHMENT C5: SHORELINE STABILIZATION SUMMARY

PROJECT NAME	Total area (sq ft)	Total area (ac)	Linear Ft. New*	
			Rip/Rap	Rip/Rap + Vegetation
Osprey	1008	0.076	N/A	125
Currie Commons	17000	0.323	655	1035
TOTALS	18008	0.40	655	1160

*Linear feet measurements: rip rap and rip rap + vegetation (wetland planters) measured by length of shoreline adjacent to these features; Islands measured using the north-south max length.

*Although maps are separated by Park, tables and survey summaries within include information for both Osprey and Currie Parks.

ATTACHMENT D2.1: TURBIDITY CONTROL OSPREY PARK



Osprey Park Proposal

- Example Turbidity Curtain
- Wetland habitat to be built
- City Parks Boundary
- Staging Area

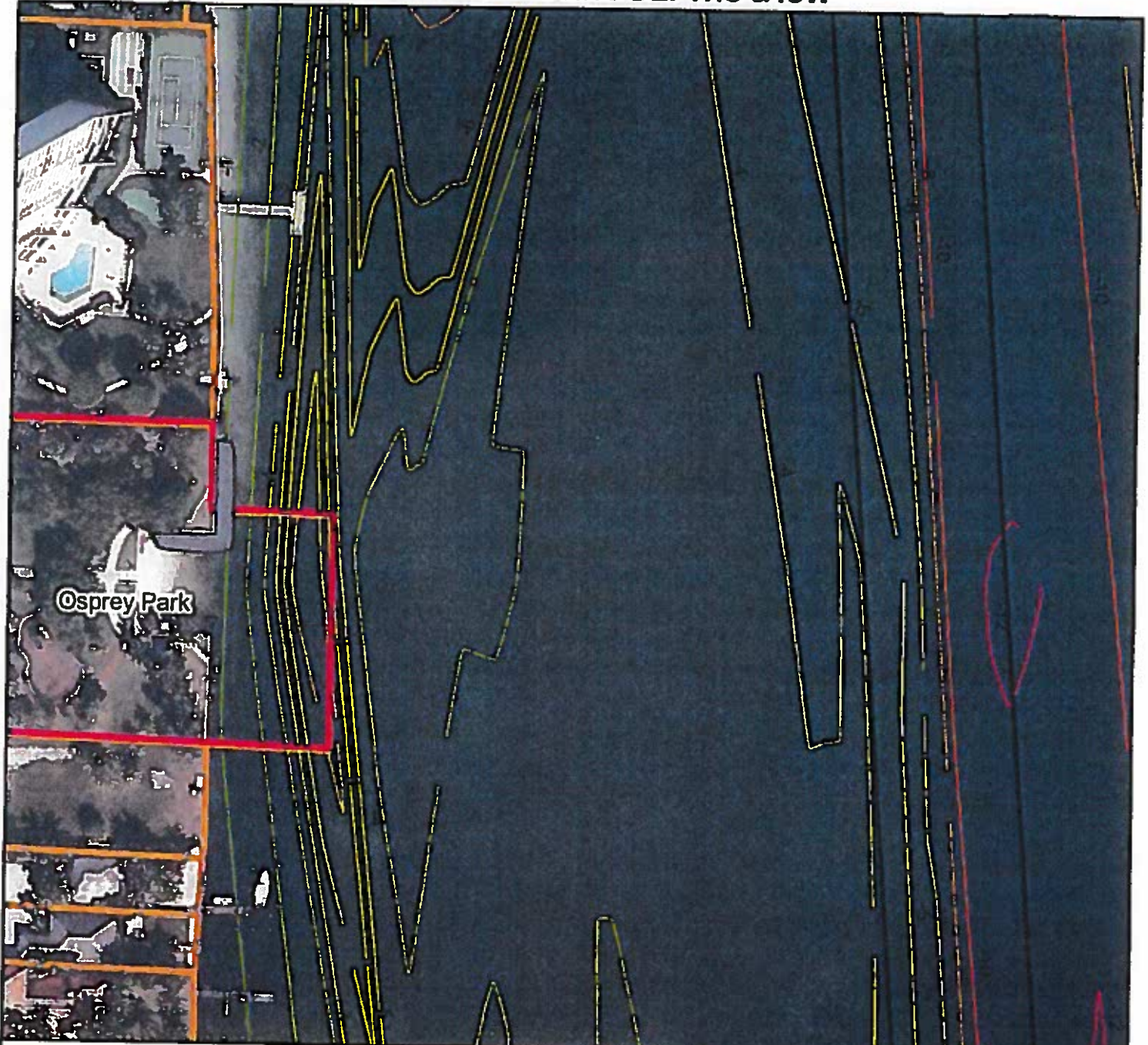


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West Palm Beach, Florida 33411-2741
(561) 233-2400

Osprey Park Turbidity Control WPB Living Shorelines



ATTACHMENT D3.1: OSPREY PARK EXISTING DEPTHS & ICW



Osprey Park Proposal

- City Parks Boundary
- Adjacent Parcels
- ICW Channel
- Wetland habitat to be built

Bathymetry (NAVD)

- | | | | |
|--|-----|--|----|
| | -14 | | -5 |
| | -12 | | -4 |
| | -10 | | -3 |
| | -8 | | -2 |
| | -6 | | -1 |



Palm Beach County Department of
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2300 North Jog Road, 4th Floor
West Palm Beach, Florida 33411-2741
(561) 233-2400

Osprey Park Existing Water Depths & ICW





UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue South
St. Petersburg, FL 33701

SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS

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

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

Revised: March 23, 2006

O:\forms\Sea Turtle and Smalltooth Sawfish Construction Conditions.doc





Florida Department of Environmental Protection

SOUTHEAST DISTRICT OFFICE
3301 GUN CLUB ROAD, MSC 7210-1
WEST PALM BEACH, FL 33406
561-681-6600

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Jonathan P. Steverson
Secretary

September 10, 2015

City of West Palm Beach
c/o Jeri Muoio, Mayor
401 Clematis Street
West Palm Beach, FL 33401
Sent via email: jmuoio@wpb.org

Dear Mr. Muoio:

Enclosed is Environmental Resource Permit No. 50-0327715-002, issued pursuant to Part IV of Chapter 373, Florida Statutes (F.S.), and Title 62, Florida Administrative Code (F.A.C.).

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

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

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Sophie", is written over a horizontal line.

Sophie Dimitrova
Environmental Specialist II
Submerged Lands & Environmental
Resources Program



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

Pre-Construction Requirements

Activity Completed	Date Due	Date
<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 & Turbidity Control Structures in Place	Prior to construction	_____

Construction Requirements

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

Post-Construction Requirements

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

For the above criteria that require you to contact Department, please contact the FDEP- Southeast District Office, Environmental Resources Permitting Section, 3301 Gun Club Road, MSC 7210-1, West Palm Beach, FL 33406; Attention: Virginia King; Phone: (561) 681-6708; Email: Virginia.King@dep.state.fl.us.

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



Florida Department of Environmental Protection

SOUTHEAST DISTRICT OFFICE
3301 GUN CLUB ROAD, MSC 7210-1
WEST PALM BEACH, FL 33406
561-681-6600

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Jonathan P. Steverson
Interim Secretary

Permittee/Authorized Entity:

City of West Palm Beach
c/o Jeri Muoio, Mayor
401 Clematis Street
West Palm Beach, FL 33401
Email: jmuoio@wpb.org

Project Name:

City of West Palm Beach - Osprey Park

Authorized Agent:

Palm Beach County Environmental Resources Management
c/o Robert Robbins, Director
2300 N. Jog Rd. 4th Floor
Phone: (561) 233-2400; Email: RRobbins@pbcgov.org

Compliance Project Manager:

Virginia King, Environmental Specialist I
Phone: (561) 681-6708; Email: Virginia.King@dep.state.fl.us

Environmental Resource Permit - Granted

State-owned Submerged Lands Authorization – Not Applicable

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

Permit No.: 50-0327715-002

Permit Issuance Date: September 10, 2015

Permit Construction Phase Expiration Date: September 9, 2020

Environmental Resource Permit

Permittee: City of West Palm Beach - Osprey Park
Permit No.: 50-0327715-002

PROJECT LOCATION

The activities authorized by this Permit are located within the Lake Worth Lagoon, Class III Waters, adjacent to 5026 North Flagler Drive, West Palm Beach (Sections 3, Township 43 South, Range 43 East), in Palm Beach County (Latitude N 26° 45' 23.07", Longitude W 80° 03' 2.94").

PROJECT DESCRIPTION

The permittee is authorized to (1) install a wetland planter, containing 250 yd³ of rock and 75 yd³ of fill material in order to create a 1,008 ft² wetland habitat extending a maximum of 20-feet waterward of the existing seawall; and (2) plant red mangroves (*Rhizophora mangle*) alongside saltmarsh cordgrass (*Spartina alterniflora*) within the proposed wetland planter in Lake Worth Lagoon, Class III Waters. Authorized activities are depicted on the attached exhibits.

The submerged bottom at the project site consists of sand, rock, and silt; and the shoreline at the project site is bulkheaded. No mangroves, wetland vegetation, submerged resources, or submerged grassbeds are located within the project boundaries; therefore, this permit does not authorize impacts to these resources.

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

AUTHORIZATIONS

Environmental Resource Permit

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

Sovereignty Submerged Lands Authorization

As staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), the Department has determined the activity is located within Board of Trustees TFT Deed No. 22311 and is not on submerged lands owned by the State of Florida. Therefore, your project is not subject to the requirements of Chapter 253, F.S., or Rule 18-21, F.A.C.

Federal Authorization

Your proposed activity as outlined on your notice and attached drawings **does not qualify** for Federal authorization pursuant to the State Programmatic General Permit and a **SEPARATE permit** or authorization **may be required** from the Corps. A copy of your permit application has been forwarded to the Corps for their review. The Corps will issue their authorization directly to you or contact you if additional information is needed. If you have not heard from the Corps within 30 days from the

Permittee: City of West Palm Beach - Osprey Park

Permit No.: 50-0327715-002

Page 2 of 11

date your application was received at the local FDEP Office, contact the Corps at the Palm Beach Gardens Regulatory Field Office at (561) 472-3530, for status and further information. **Failure to obtain Corps authorization prior to construction could subject you to federal enforcement action by that agency.**

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

Coastal Zone Management

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

Water Quality Certification

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

Other Authorizations

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

The activity described may be conducted only in accordance with the terms, conditions and attachments contained in this document. Issuance and granting of the permit and authorizations herein do not infer, nor guarantee, nor imply that future permits, authorizations, or modifications will be granted by the Department.

PERMIT

The activities described must be conducted in accordance with:

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

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

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

SPECIFIC CONDITIONS- PROJECT FORMS & ATTACHMENTS

(1) The attached 1-page permit checklist; the attached project drawings (sheets 1 through 7); the attached 1-page Standard Manatee Conditions for In-Water Work, 2011” (Exhibit A); and DEP forms 62-330.310(1); 62-330.310(2); 62-330.340(1); and 62-330.350(1), which may be downloaded at <http://www.dep.state.fl.us/water/wetlands/erp/forms.htm> become part of this permit. If the permittee does not have access to the Internet, please contact the Department at (561) 681-6600 to request the aforementioned forms and/or document(s).

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

SPECIFIC CONDITIONS - PRIOR TO CONSTRUCTION

(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. It shall be the responsibility of the permittee to contact this project’s Compliance Project Manager, Virginia King, by email Virginia.King@dep.state.fl.us, or by phone (561) 681-6708, to schedule the pre-construction conference. **If the assigned Compliance Project Manager cannot be reached, the permittee shall contact the ERP Program Compliance/Enforcement section by phone (561) 681-6600, to schedule the pre-construction conference.**

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

SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES

(5) There shall be no storage or stockpiling of tools and materials (i.e., lumber, pilings, debris), along the shoreline adjacent to waters of the state. All excess lumber, scrap wood, trash, garbage, and any other type of debris shall be removed from wetlands/waters of the state within 14 days of completion of the work authorized in this permit. All construction equipment/tools and materials shall be transported to and from the site via a barge with a fully loaded draft of 4-feet.

(6) All watercraft associated with the construction of the permitted activities shall only operate within waters of sufficient depth (one-foot clearance from the deepest draft of the vessel to the submerged bottom) so as to preclude bottom scouring or prop dredging.

(7) Riprap shall consist of unconsolidated limestone 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 and will contain an underlying layer of geotextile fabric and 6-inch bedding stone.

(8) Fill material will be sand that is compatible with lagoon sediments (<10% silt/clay) and will be from a mined upland source or beneficial reuse of compatible lagoon sediments from a permitted dredging project.

SPECIFIC CONDITIONS – MONITORING/REPORTING REQUIREMENTS

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

- a. Notify the Department at (561) 681-6708 at the time the violation is first detected.
- b. Immediately cease all work contributing to the water quality violation.
- c. Stabilize all exposed soils contributing to the violation. Modify the work procedures that were responsible for the violation, install more turbidity containment devices, and repair any non-functional turbidity containment devices.
- d. Perform turbidity monitoring.
- e. Resume construction activities once turbidity levels outside turbidity curtains fall below background levels.

(10) Turbidity Monitoring. Water turbidity levels shall be monitored if a turbidity plume is observed outside the limits of the required turbidity control devices. Samples shall be taken every four hours until turbidity subsides at one foot above the bottom, mid-depth, and one-foot below the surface at monitoring stations located as follows:

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

(11) Turbidity Monitoring Reports. During seawall construction activity, the permittee or permittee's contractor shall collect the following turbidity monitoring data at the frequency and water depths directed by Specific Condition 11:

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

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

SPECIFIC CONDITIONS – WETLAND PLANTINGS

(12) Within 30 days after completing the mangrove and cordgrass plantings, the permittee shall submit to the Department a baseline ("as-built") report. The reports shall be sent to the Department of Environmental Protection, Southeast District, Submerged Lands and Environmental Resources Program, Compliance/Enforcement Section, Attention: Virginia King.

SPECIFIC CONDITIONS – OPERATION AND MAINTENANCE ACTIVITIES

(13) Once established, the overall height of the mangroves within the planters shall be maintained at a minimum height of 6-ft tall, (or 5.65' NAVD, as measured from the substrate). All mangrove trimming will be completed or supervised by a Professional Mangrove Trimmer as defined by Chapter 403.9325(5), Florida Statutes.

(14) The permittee shall maintain, in perpetuity, the created mangrove and cordgrass habitat with less than 5% establishment or invasion of any plants listed on the current version of "The Florida Exotic Pest Plant Council's List of Invasive Plant Species" (2009 version attached). Monitoring and maintenance of the mangrove and cordgrass habitat shall be maintained in perpetuity with annual monitoring and maintenance plans submitted to the Department for the first three years following construction completion.

SPECIFIC CONDITIONS – MANATEE CONDITIONS

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

GENERAL CONDITIONS FOR INDIVIDUAL PERMITS

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

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

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

(3) Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007), and the Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida

Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.

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

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

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

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

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

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

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

(9) This permit does not:

- a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
- b. Convey to the permittee or create in the permittee any interest in real property;

Permittee: City of West Palm Beach - Osprey Park

Permit No.: 50-0327715-002

Page 7 of 11

- c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
- d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.

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

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

(12) The permittee shall notify the Agency in writing:

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

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

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

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

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

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

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

NOTICE OF RIGHTS

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

Petition for Administrative Hearing

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

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

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

Time Period for Filing a Petition

Permittee: City of West Palm Beach - Osprey Park

Permit No.: 50-0327715-002

Page 9 of 11

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

Extension of Time

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

Mediation

Mediation is not available in this proceeding.

Judicial Review

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

Executed in Palm Beach County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



for Jason Andreotta
Permitting Program Administrator
Southeast District

Attachments:

Permit checklist, 1 page

Project Drawings, 7 pages

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

Exhibit B, Florida EPPC's 2011 Invasive Plant Species List, 6 pages

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

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

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

Commencement Notice Form 62-330.350(1)*

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

Copies furnished to:

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

Virginia King, FDEP/SED/ERP/C&E, Virginia.King@dep.state.fl.us

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

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

Eric Anderson, Palm Beach County, ERM, EAnderson1@pbcgov.org

Robert Robbins, Palm Beach County, ERM, rrobbins@pbcgov.org

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.

9/10/2015

Clerk

Date

OCULUS: ERP/Permitting Authorization/ERP_327715/Permit Final/ERP Individual No Conceptual-EI/002

Exhibit A

(1 page)

STANDARD MANATEE CONDITIONS FOR IN-WATER WORK 2011

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

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at ImperiledSpecies@myFWC.com
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shutdown of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at MyFWC.com/manatee. Questions concerning these signs can be sent to the email address listed above.

Exhibit B

(6 pages)

Florida EPPC's 2011 Invasive Plant Species List

PURPOSE OF THE LIST:

To focus attention on —

- the adverse effects exotic pest plants have on Florida's biodiversity and native plant communities,
- the habitat losses in natural areas from exotic pest plant infestations,
- the impacts on endangered species via habitat loss and alteration,
- the need for pest-plant management,
- the socio-economic impacts of these plants (e.g., increased wildfires or flooding in certain areas),
- changes in the severity of different pest plant infestations over time,
- providing information to help managers set priorities for research and control programs.

FLEPPC List Definitions:

Exotic - a species introduced to Florida, purposefully or accidentally, from a natural range outside of Florida.

Native - a species whose natural range includes Florida.

Naturalized exotic - an exotic that sustains itself outside cultivation (it is still exotic; it has not "become" native).

Invasive exotic - an exotic that not only has naturalized, but is expanding on its own in Florida native plant communities.

Abbreviations:

Government List (Gov. List):

P = Prohibited aquatic plant by the Florida Department of Agriculture and Consumer Services

N = Noxious weed listed by Florida Department of Agriculture & Consumer Services

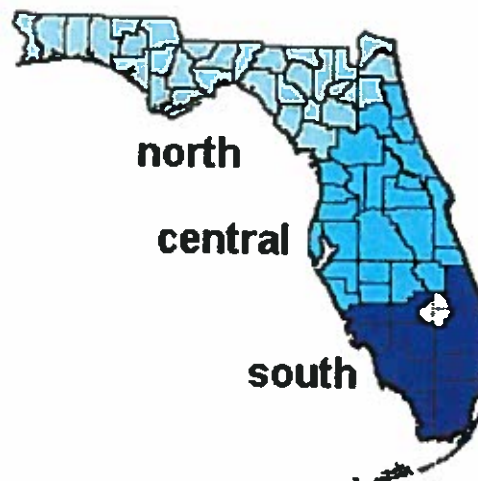
U = Noxious weed listed by U.S. Department of Agriculture

Regional Distribution (Reg. Dist.):

referring to each species' current distribution in general regions of Florida (not its potential range in the state).

N = North Florida

C = Central Florida



S = South Florida

Category I

Invasive exotics that are altering native plant communities by displacing native species, changing community structures or ecological functions, or hybridizing with natives. *This definition does not rely on the economic severity or geographic range of the problem, but on the documented ecological damage caused.*

Species names below are linked to corresponding pages in *Identification and Biology of Non-Native Plants in Florida's Natural Areas* (first edition), by Ken Lange and Kathy Craddock Burks, eds. 1998. University of Florida, Gainesville, 165 pp.

Scientific Name	Common Name	Gov. List	Reg. Dist.
<u><i>Abrus precatorius</i></u>	rosary pea	N	C, S
<u><i>Acacia auriculiformis</i></u>	earleaf acacia		C, S
<u><i>Albizia julibrissin</i></u>	mimosa, silk tree		N, C
<u><i>Albizia lebbekii</i></u>	woman's tongue		C, S
<u><i>Ardisia crenata</i></u> (=A. <i>crenulata</i> misapplied)	coral ardisia		N, C, S
<u><i>Ardisia elliptica</i></u> (=A. <i>humilis</i> misapplied)	shoebutton ardisia	N	C, S
<u><i>Asparagus aethiopicus</i></u> (=A. <i>sprengeri</i> , A. <i>densiflorus</i> misapplied)	asparagus-fern		N, C, S
<u><i>Bauhinia variegata</i></u>	orchid tree		C, S
<u><i>Bischofia javanica</i></u>	bishopwood		C, S
<u><i>Calophyllum antillanum</i></u> (=C. <i>calaba</i> and C. <i>inophyllum</i> misapplied)	santa mana (names "mast wood", "Alexandrian laurel" used in cultivation)		S
<u><i>Casuarina equisetifolia</i></u>	Australian-pine, beach sheoak	P, N	N, C, S
<u><i>Casuarina glauca</i></u>	suckering Australian-pine, gray sheoak	P, N	C, S
<u><i>Cinnamomum camphora</i></u>	camphor tree		N, C, S
<u><i>Colocasia esculenta</i></u>	wild taro		N, C, S
<u><i>Colubrina asiatica</i></u>	lather leaf	N	S
<u><i>Cupaniopsis anacardioides</i></u>	carrotwood	N	C, S
<u><i>Deparia petersenii</i></u>	Japanese false spleenwort		N, C
<u><i>Dioscorea alata</i></u>	winged yam	N	N, C, S
<u><i>Dioscorea bulbifera</i></u>	air-potato	N	N, C, S
<u><i>Eichhornia crassipes</i></u>	water-hyacinth	P	N, C, S
<u><i>Eugenia uniflora</i></u>	Surinam cherry		C, S
<u><i>Ficus microcarpa</i></u> (F. <i>nitida</i> and F. <i>retusa</i> var. <i>nitida</i> misapplied)	laurel fig		C, S
<u><i>Hydrilla verticillata</i></u>	hydrilla	P, U	N, C, S
<u><i>Hydrophila polysperma</i></u>	green hygro	P, U	N, C, S
<u><i>Hymenachne amplexicaulis</i></u>	West Indian marsh grass		C, S
<u><i>Imperata cylindrica</i></u> (I. <i>brasiliensis</i> misapplied)	cogon grass	N, U	N, C, S

<u><i>Ipomoea aquatica</i></u>	water-spinach	P, U	C
<u><i>Jasminum dichotomum</i></u>	Gold Coast jasmine		C, S
<u><i>Jasminum fluminense</i></u>	Brazilian jasmine		C, S
<u><i>Lantana camara</i></u> (= <i>L. strigocamara</i>)	lantana, shrub verbena		N, C, S
<i>Ligustrum lucidum</i>	glossy privet		N, C
<u><i>Ligustrum sinense</i></u>	Chinese privet, hedge privet		N, C, S
<u><i>Lonicera japonica</i></u>	Japanese honeysuckle		N, C, S
<i>Ludwigia peruviana</i>	Peruvian primrosewillow		N, C, S
<i>Lumnitzera racemosa</i>	kripa; white-flowered mangrove; black mangrove		S
<i>Luziola subintegra</i>	Tropical American water grass		S
<u><i>Lygodium japonicum</i></u>	Japanese climbing fern	N	N, C, S
<u><i>Lygodium microphyllum</i></u>	Old World climbing fern	N	C, S
<u><i>Macfadyena unguis-cati</i></u>	cat's claw vine		N, C, S
<i>Manilkara zapota</i>	sapodilla		S
<u><i>Melaleuca quinquenervia</i></u>	melaleuca, paper bark	P, N, U	C, S
<i>Melinis repens</i> (= <i>Rhynchelytrum repens</i>)	Natal grass		N, C, S
<u><i>Mimosa pigra</i></u>	catclaw mimosa	P, N, U	C, S
<u><i>Nandina domestica</i></u>	nandina, heavenly bamboo		N, C
<u><i>Nephrolepis cordifolia</i></u>	sword fern		N, C, S
<i>Nephrolepis brownii</i> (= <i>N. multiflora</i>)	Asian sword fern		C, S
<u><i>Neyraudia reynaudiana</i></u>	Burma reed, cane grass	N	S
Error! Hyperlink reference not valid.	snowflake		C, S
<i>Paederia cruddasiana</i>	sewer vine, onion vine	N	S
<u><i>Paederia foetida</i></u>	skunk vine	N	N, C, S
<u><i>Panicum repens</i></u>	torpedo grass		N, C, S
<u><i>Pennisetum purpureum</i></u>	Napier grass		N, C, S
<i>Phymatosorus scolopendria</i>	serpent fern, wart fern		S
<u><i>Pistia stratiotes</i></u>	water-lettuce	P	N, C, S
<u><i>Psidium cattleianum</i></u> (= <i>P. littorale</i>)	strawberry guava		C, S
<u><i>Psidium quajava</i></u>	guava		C, S
<u><i>Pueraria montana</i></u> var. <i>lobata</i> (= <i>P. lobata</i>)	kudzu	N	N, C, S
<u><i>Rhodomyrtus tomentosa</i></u>	downy rose-myrtle	N	C, S
<i>Rhynchelytrum repens</i> (= <i>Melinis repens</i>)	Natal grass		N, C, S
<i>Ruellia brittoniana</i> (= <i>R. tweediana</i> misapplied)	Mexican petunia		N, C, S
<i>Salvinia minima</i>	water spangles		N, C, S
<u><i>Sapium sebiferum</i></u> (= <i>Triadica sebifera</i>)	popcorn tree, Chinese tallow tree	N	N, C, S
<u><i>Scaevola taccada</i></u> (= <i>Scaevola senecae</i> , <i>S. frutescens</i>)	scaevola, half-flower, beach naupaka	N	C, S

<u><i>Schefflera actinophylla</i></u> (=Brassaia actinophylla)	schefflera, Queensland umbrella tree		C, S
<u><i>Schinus terebinthifolius</i></u>	Brazilian pepper	P, N	N, C, S
<i>Scleria lacustris</i>	Wright's nutrush		N, C, S
<u><i>Senna pendula</i></u> var. <i>glabrata</i> (= <i>Cassia coluteoides</i>)	climbing cassia, Christmas cassia, Christmas senna		C, S
<u><i>Solanum tampicense</i></u> (=S. <i>houstonii</i>)	wetland nightshade, aquatic soda apple	N, U	C, S
<u><i>Solanum viarum</i></u>	tropical soda apple	N, U	N, C, S
<i>Syngonium podophyllum</i>	arrowhead vine		N, C, S
<u><i>Syzygium cumini</i></u>	jambolan plum, Java plum		C, S
<u><i>Tectaria incisa</i></u>	incised halberd fern		S
<u><i>Thespesia populnea</i></u>	seaside mahoe		C, S
<u><i>Tradescantia fluminensis</i></u>	small-leaf spiderwort		N, C
<i>Urena lobata</i>	Caesar's weed		N, C, S
<u><i>Urochloa mutica</i></u> (= <i>Brachiaria mutica</i>)	Para grass		C, S

Category II

Invasive exotics that have increased in abundance or frequency but have not yet altered Florida plant communities to the extent shown by Category I species. *These species may become ranked Category I, if ecological damage is demonstrated.*

Species names below are linked to corresponding pages in *Identification and Biology of Non-Native Plants in Florida's Natural Areas* (first edition), by Ken Lange and Kathy Craddock Burks, eds. 1998. University of Florida, Gainesville. 165 pp.

Scientific Name	Common Name	Gov. List	Reg. Dist.
<i>Adenanthera pavonina</i>	red sandalwood		S
<i>Agave sisalana</i>	sisal hemp		C, S
<i>Aleurites fordii</i> (= <i>Vernicia fordii</i>)	tung oil tree		N, C
<i>Alistonia macrophylla</i>	devil tree		S
<i>Alternanthera philoxeroides</i>	alligator weed	P	N, C, S
<i>Anligonon leptopus</i>	coral vine		N, C, S
<i>Ardisia japonica</i>	Japanese ardisia		N
<i>Aristolochia littoralis</i>	calico flower		N, C, S
<i>Asystasia gangetica</i>	Ganges primrose		C, S
<i>Begonia cucullata</i>	wax begonia		N, C, S
<i>Blechnum pyramidatum</i>	green shrimp plant, Browne's blechnum		N, C, S
<i>Broussonetia papyrifera</i>	paper mulberry		N, C, S
<i>Bruguiera gymnorhiza</i>	large-leaved mangrove		S
<i>Callisia fragrans</i>	inch plant, spironema		C, S
<i>Callistemon viminalis</i>	bottlebrush, weeping bottlebrush		S

<i>Casuarina cunninghamiana</i>	river sheoak, Australian-pine	P	C, S
<i>Cecropia palmata</i>	trumpet tree		S
<i>Cestrum diurnum</i>	day jessamine		C, S
<i>Chamaedorea seifrizii</i>	bamboo palm		S
<i>Clematis terniflora</i>	Japanese clematis		N, C
<i>Cocos nucifera</i>	coconut palm		S
<i>Cryptostegia madagascariensis</i>	rubber vine		C, S
<i>Cyperus involucratus</i> (<i>C. alternifolius</i> misapplied)	umbrella plant		C, S
<i>Cyperus prolifer</i>	dwarf papyrus		C, S
<i>Dactyloctenium aegyptium</i>	Durban crowfootgrass		N, C, S
<i>Dalbergia sissoo</i>	Indian rosewood, sissoo		C, S
<i>Elaeagnus umbellata</i>	silverberry, autumn olive		N
<i>Elaeagnus pungens</i>	silverthorn, thorny olive		N, C
<i>Epipremnum pinnatum</i> cv. 'Aureum'	pothos		C, S
<i>Ficus altissima</i>	false banyan, council tree		S
<i>Flacourtia indica</i>	governor's plum		S
<i>Hemarthria altissima</i>	limpo grass		C, S
<i>Hibiscus tiliaceus</i> (= <i>Taliparti tiliaceum</i>)	mahoe, sea hibiscus		C, S
<i>Hyparrhenia rufa</i>	jaragua		N, C, S
<i>Ipomoea fistulosa</i> (= <i>I. comea</i> ssp. <i>fistulosa</i>)	shrub morning-glory	P	C, S
<i>Kalanchoe pinnata</i>	life plant		C, S
<i>Koelerutera elegans</i> ssp. <i>formosana</i> (= <i>K. formosana</i> ; <i>K. paniculata</i> misapplied)	flamegold tree		C, S
<i>Leucaena leucocephala</i>	lead tree	N	N, C, S
<i>Landoltia punctata</i> (= <i>Spirodela punctata</i>)	Spotted Duckweed		N, C, S
<i>Limnophila sessiliflora</i>	Asian marshweed	P, U	N, C, S
<i>Livistona chinensis</i>	Chinese fan palm		C, S
<i>Melia azedarach</i>	Chinaberry		N, C, S
<i>Melinis minutiflora</i>	Molassesgrass		C, S
<i>Merremia tuberosa</i>	wood-rose		S
<i>Mikania micrantha</i>	mile-a-minute vine	N, U	S
<i>Murraya paniculata</i>	orange-jessamine		S
<i>Myriophyllum spicatum</i>	Eurasian water-milfoil	P	N, C, S
<i>Panicum maximum</i> (= <i>Urochloa maxima</i> , <i>Megathyrsus maximus</i>)	Guinea grass		N, C, S
<i>Passiflora biflora</i>	two-flowered passion vine		S
<i>Pennisetum setaceum</i>	green fountain grass		S
<i>Phoenix reclinata</i>	Senegal date palm		C, S
<i>Phyllostachys aurea</i>	golden bamboo		N, C
<i>Pittosporum pentandrum</i>	Philippine pittosporum, Taiwanese cheesewood		S
<i>Pteris vittata</i>	Chinese brake fern		N, C, S

<i>Ptychosperma elegans</i>	solitaire palm		S
<i>Rhoeo spathacea</i> (see <i>Tradescantia spathacea</i>)			
<i>Ricinus communis</i>	castor bean		N, C, S
<i>Rotala rotundifolia</i>	roundleaf loothcup, dwarf <i>Rotala</i>		S
<i>Sansevieria hyacinthoides</i>	bowstring hemp		C, S
<i>Sesbania punicea</i>	purple sesban, rattlebox		N, C, S
<i>Solanum diphyllum</i>	two-leaf nightshade		N, C, S
<i>Solanum torvum</i>	susumber, turkey berry	N, U	N, C, S
<i>Sphagneticola trilobata</i> (= <i>Wedelia trilobata</i>)	wedelia		N, C, S
<i>Stachytarpheta cayennensis</i> (= <i>S. urticifolia</i>)	nettle-leaf porterweed		S
<i>Syagrus romanzoffiana</i> (= <i>Arecastrum romanzoffianum</i>)	queen palm		C, S
<i>Syzygium jambos</i>	Malabar plum, rose-apple		N, C, S
<i>Talipariti tiliaceum</i> (= <i>Hibiscus tiliaceus</i>)	mahoe, sea hibiscus		C, S
<i>Terminalia catappa</i>	tropical-almond		C, S
<i>Terminalia muelleri</i>	Australian-almond		C, S
<i>Tradescantia spathacea</i> (= <i>Rhoeo spathacea</i> , <i>Rhoeo discolor</i>)	oyster plant		S
<i>Tribulus cistoides</i>	puncture vine, burr-nut		N, C, S
<i>Vitex trifolia</i>	simple-leaf chaste tree		C, S
<i>Washingtonia robusta</i>	Washington fan palm		C, S
<i>Wedelia</i> (see <i>Sphagneticola</i> above)			
<i>Wisteria sinensis</i>	Chinese wisteria		N, C
<i>Xanthosoma sagittifolium</i>	malanga, elephant ear		N, C, S

Map & Directions

Map Only

Directions Only

Print

YAHOO!
MAPS

Map layout



Enter notes here

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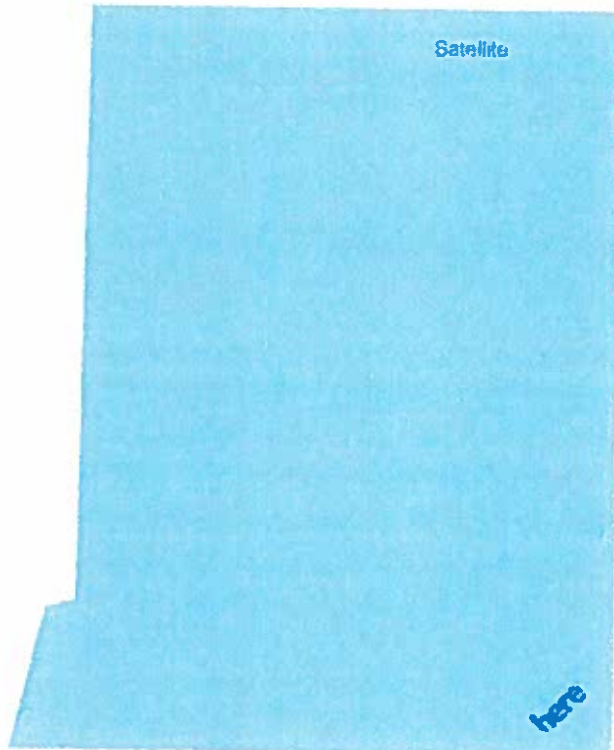
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Spruce Ave



805

50m 250ft



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

Map & Directions

Map Only

Directions Only

Print

YAHOO!
MAPS

3D View



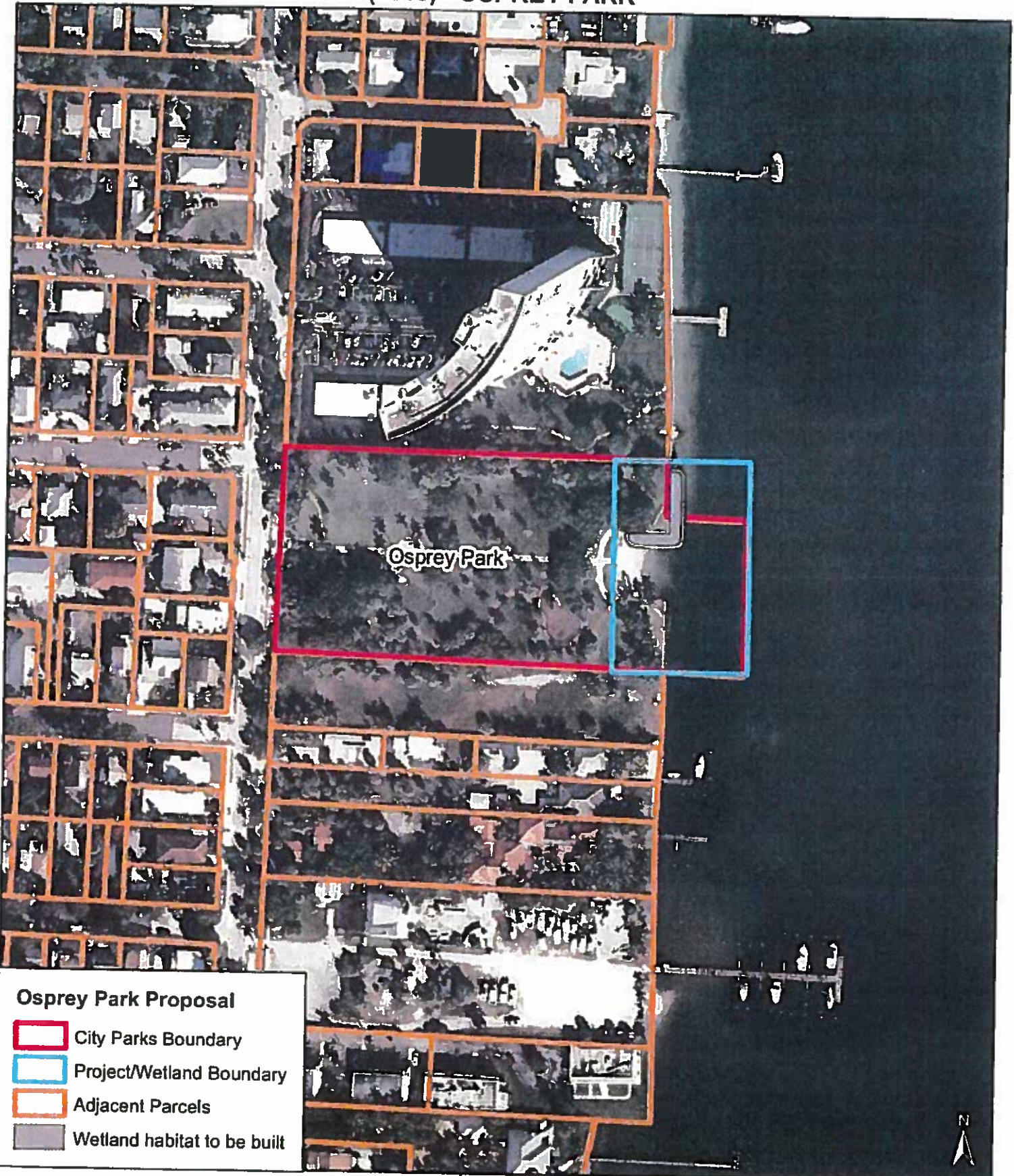
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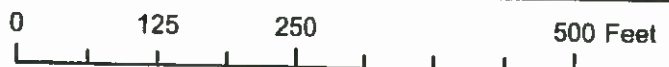
When using any driving directions or map, it is a good idea to double check and make sure the road still exists, watch out for construction, and follow all traffic safety precautions. This is only to be used as an aid in planning.

ATTACHMENT C2.1: AERIALS (2013) - OSPREY PARK

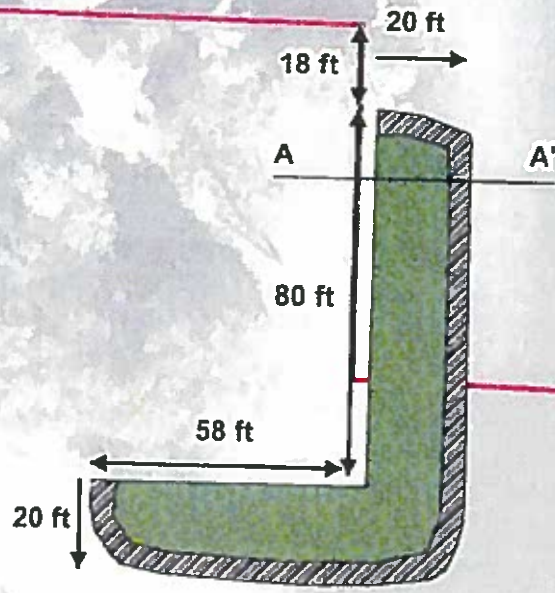


Palm Beach County Department of Environmental Resources Management
2300 North Jog Road, 4th Floor
West Palm Beach, Florida 33411-2741
(561) 233-2400

Osprey Park WPB Living Shorelines



ATTACHMENT A2.1: PLAN VIEWS OSPREY PARK






Michael L. Evans
 7/9/15
 Michael L. Evans
 PE # 54793

Osprey Park

4

Osprey Park Proposal

-  Wetland habitat (3321 sq ft)
-  Rip Rap
-  City Parks Boundary

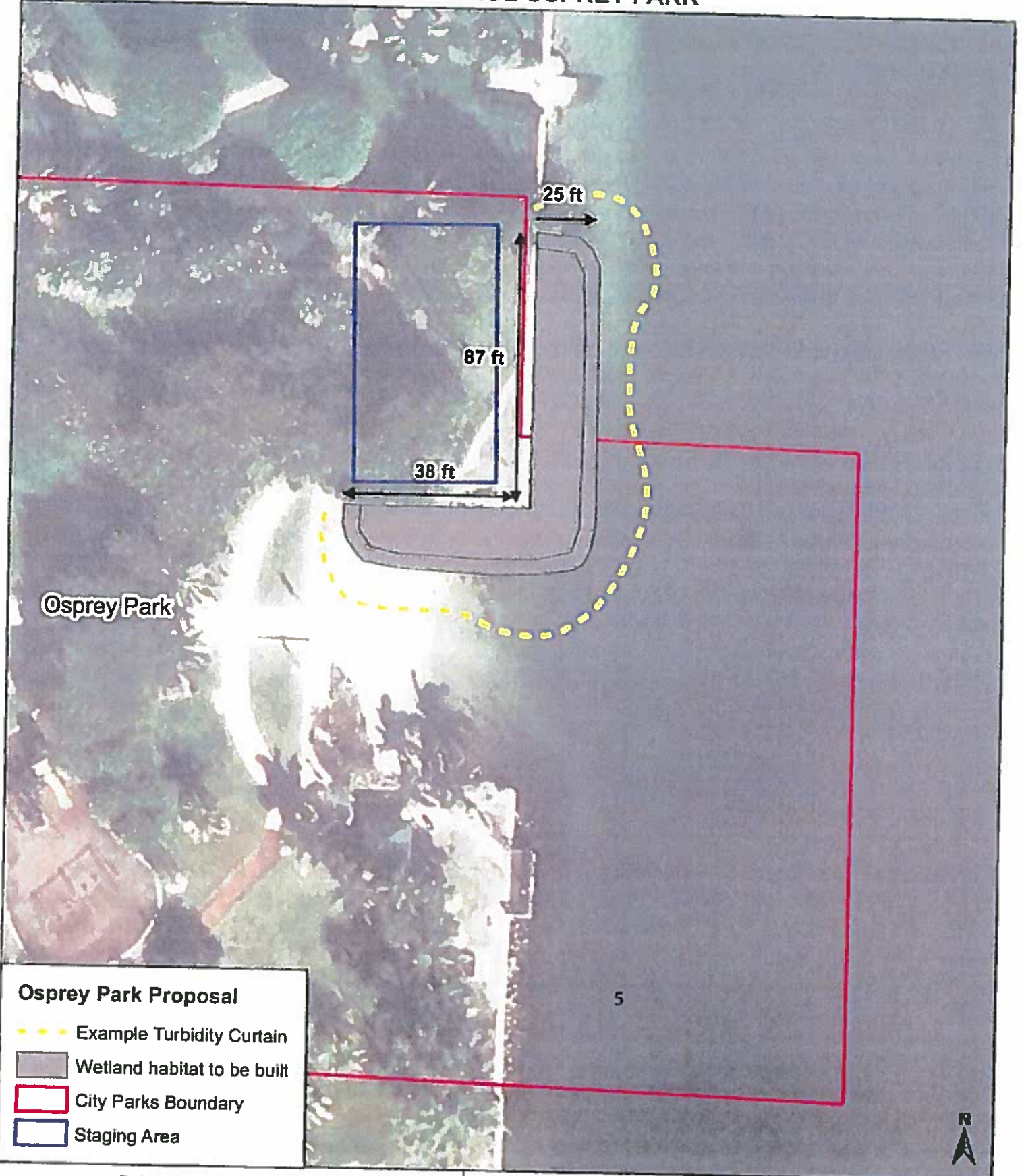


Palm Beach County Department of
 Environmental Resources Management
 2300 North Jog Road, 4th Floor
 West Palm Beach, Florida 33411-2741
 (561) 233-2400

Osprey Park WPB Living Shorelines



ATTACHMENT D2.1: TURBIDITY CONTROL OSPREY PARK



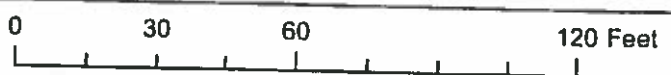
Osprey Park Proposal

- Example Turbidity Curtain
- Wetland habitat to be built
- City Parks Boundary
- Staging Area

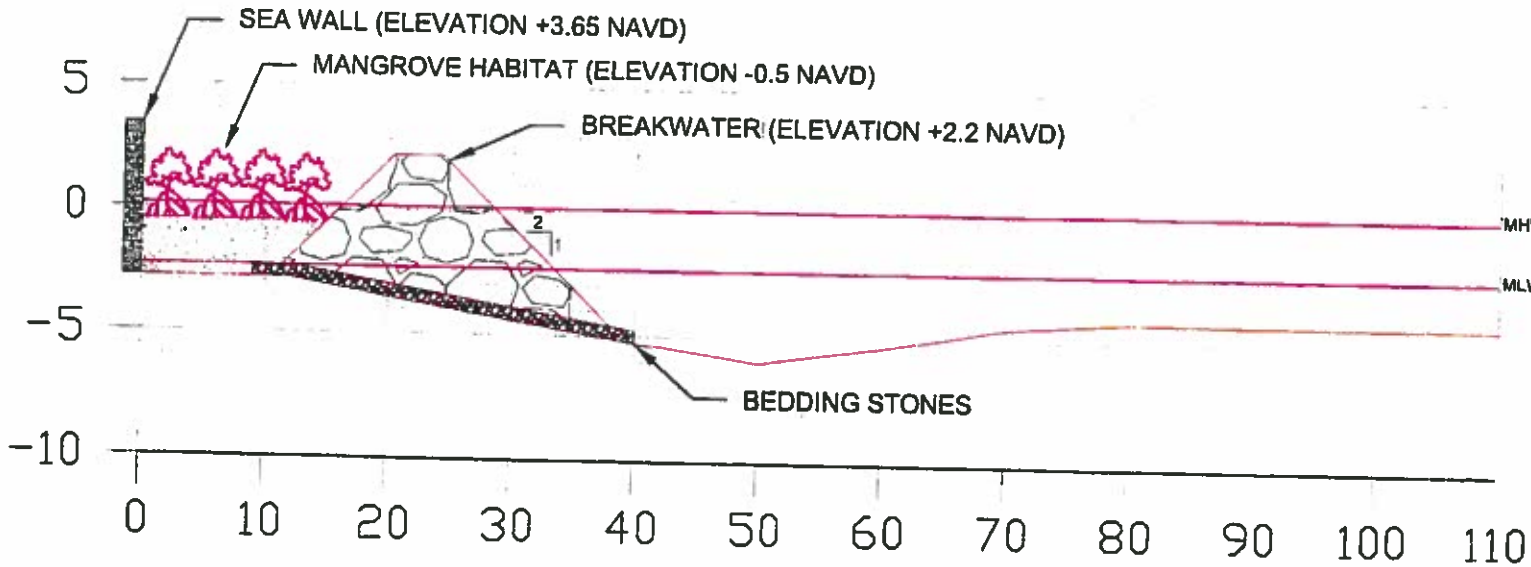


Palm Beach County Department of Environmental Resources Management
2300 North Jog Road, 4th Floor
West Palm Beach, Florida 33411-2741
(561) 233-2400

Osprey Park Turbidity Control WPB Living Shorelines



ELEVATION NAVD



6

PALM BEACH COUNTY
 DEPARTMENT OF
 ENVIRONMENTAL RESOURCES MANAGEMENT
 2300 NORTH JOG ROAD, 4th FLOOR
 WEST PALM BEACH, FLORIDA 33411
 (561) 253-2400



Drawn By	
Checked By	
Date	07/1/2005
Scale	AS NOTED
Approved	<input type="checkbox"/>
Checked	<input type="checkbox"/>
Date	07/1/2005

Michael L Evans

8/16/05

MICHAEL L EVANS
 PE # 54793

WEST PALM BEACH
 LIVING SHORELINE
 OSPREY PARK

Sheet
 1
 of
 1

ATTACHMENT C1: PROJECT AREA AND FILL VOLUME BY PARK

PROJECT NAME	CREATED HABITAT (ac)	CREATED HABITAT (sq ft)	FILL MATERIAL (cubic yds)	ROCK (cubic yds)
Osprey Park	0.076	1008	75	250
Currie Park	0.323	17000	550	3380
TOTALS	0.40	18008	625	3630

*Although maps are separated by Park, tables and survey summaries within include information for both Osprey and Currie Parks.

Matter No. 17639
Res No. 184-16

R 2016 0906

JUL 12 2016

**INTERLOCAL AGREEMENT FOR STAGING FOR THE WEST PALM BEACH
LIVING SHORELINE PROJECTS AT CURRIE AND OSPREY PARK.**

THIS AGREEMENT is made by and between Palm Beach County, a Political Subdivision of the State of Florida, by and through its Board of Commissioners ("County"), and the City of West Palm Beach, a Florida municipal corporation of the State of Florida ("City").

WHEREAS, the County has worked with several municipalities on projects designed to enhance the water quality of the Lake Worth Lagoon, while at the same time creating living shorelines along the waterfronts to support local fisheries, wading and shorebirds, manatees, and sea turtles; and

WHEREAS, on May 26, 2015 the City Commission approved Resolution No 149-15 to approve the development of the West Palm Beach Living Shorelines Project by Palm Beach County; and

WHEREAS, the County has secured funding and an Environmental Resource Permit from Florida Department of Environmental Protection and United States Army Corps of Engineers and

WHEREAS, the County, through its Department of Environmental Resource Management, has undertaken the construction of the West Palm Beach Living Shoreline Project at Currie and Osprey Park ("Project"); and

WHEREAS, the County requires a staging area for the transfer of materials onto barges for delivery to the Project sites; and

WHEREAS, Currie Park is the closest location that will allow trucks to deposit the materials onto barges; and

WHEREAS, Section 163.01, Florida Statutes, known as the "Florida Interlocal Cooperation Act of 1969," authorizes local governments to make the most efficient use of their power by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities that will harmonize geographic, economic, population and other factors influencing the needs and development of local communities; and

WHEREAS, the City and County desire to enter into this Agreement establishing the terms and conditions of the County's use of a portion of Currie Park as the staging area for the Project.

NOW THEREFORE, in consideration of the mutual covenants and promises contained herein, the County and the City agree as follows:

ARTICLE 1 – STAGING AREA; LICENSE; CONDITIONS

1.1 Grant of License. The City, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration paid by the County, the receipt and sufficiency of which is hereby acknowledged, does hereby grant to the County, its agents, contractors, successors and assigns, subject to the terms and conditions hereinafter provided, a license to use a portion of Currie Park, as further described in Exhibit A (the “Staging Area”), along with the right to access the Staging Area by means of the access road identified as “Access” on Exhibit A, for the staging and loading of rock, sand, and the equipment required to build the Project. The County shall be permitted to use the Staging Area between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday for the transport and temporary staging of rock and fill materials to the Project site. The City and County intend that this document shall be a license and a privilege and that no leasehold or other interest in the Staging Area is conferred upon the County under the provisions hereof. The County takes the Staging Area in its “as is” condition. The County understands and acknowledges that Currie Park is open to the public and that the County shall use its best efforts to not interfere with the public’s access to or use of the park except as expressly provided for in this Agreement.

1.2 “Conditions of License. The County shall:

- a. Store no more sand and rock than can be contained below the fence level and inside the fenced-in Staging Area.
- b. Hold a pre construction meeting with its contractor for the Project and the City prior to mobilization.
- c. Submit an operation plan for City approval prior to mobilization which shall, at a minimum, include security and signage, protection of existing utilities and resources, traffic maintenance plan, equipment list, construction schedule and post construction site restoration.
- d. Fence off the Staging Area with chain link fence with windscreen for dust control and silt fencing to contain the Staging Area prior to mobilization. County shall water down the Staging Area as necessary to maintain dust control.
- e. County shall install silt fencing and comply with Best Management Practices around areas adjacent to the water and flow paths to any stormwater inlet prior to mobilization.
- f. Install protection barriers around all trees and light poles within the Staging Area prior to mobilization.
- g. Mark all utilities in the Staging Area prior to mobilization.

- h. Maintain pedestrian access on existing sidewalks and trails within Currie Park.
- i. County shall provide project management including daily inspections and construction oversight.
- j. Obtain all required permits for the Staging Area and provide copies of the permits to the City.
- k. Install a kiosk, in a location designated by the City within Currie Park, for the display of all permits, project information, project schedule, and County contact information.
- l. Repair damage caused by the County's licensed use of the Park including but not limited to, the repair and replacement of irrigation, hardscape (including fishing pier, seawall, curb cuts, sidewalk replacements, light poles), signage replacements, and replacement of sod, damaged trees, and landscaping materials.

ARTICLE 2 – COMMENCEMENT AND TERM

This Agreement shall commence on the date approved by both the City the County and shall remain in effect until March 1, 2017, unless terminated earlier by either party, or extended by the mutual agreement of County and City.

ARTICLE 3 – REVOCATION; TERMINATION

The City shall have the right to revoke this Agreement in the event of failure by the County to comply with the terms, including but not limited to failure to comply with the conditions set forth in Section 1, provided the County is provided with five (5) days' prior written notice and has failed to remedy the noncompliance within such time. Either party shall have the right to terminate this Agreement with or without cause and without penalty, damages or recourse upon thirty (30) days' prior written notice to the other party.

ARTICLE 4 – DEMOBILIZATION; RESTORATION OF STAGING AREA.

At the expiration or earlier termination of this Agreement, the County shall quietly leave, surrender and yield to the City the Staging Area in good order.

ARTICLE 5 - INSURANCE

Without waiving the right to sovereign immunity as provided by s.768.28 Florida Statutes., the County acknowledges to be self-insured for General Liability and Automobile Liability under Florida sovereign immunity statutes with coverage limits of \$200,000 Per Person and \$300,000 Per Occurrence; or such monetary waiver limits that may change and be set forth by the legislature. In

the event the County maintains third-party Commercial General Liability and Business Auto Liability in lieu of exclusive reliance of self-insurance under Section 768.28, Florida Statutes, the County shall agree to maintain said insurance policies at limits not less than \$1,000,000 combined single limit for bodily injury or property damage. The County agrees to maintain or to be self-insured for Worker's Compensation & Employer's Liability insurance in accordance with Chapter 440, Florida Statutes. When requested, the County shall agree to provide an affidavit or Certificate of Insurance evidencing insurance, self-insurance and/or sovereign immunity status, which the City agrees to recognize as acceptable for the above mentioned coverages. Compliance with the foregoing requirements shall not relieve the County of its liability and obligations under this Agreement.

All contractors and subcontractors of the County shall comply with the City's minimum insurance requirements which are as follows:

(1) General Liability – coverage in the minimum amounts specified below, and with a maximum deductible of \$25,000 per occurrence.

General Liability	\$1,000,000 per occurrence \$2,000,000 aggregate annually
-------------------	--

Property Damage	\$1,000,000 per occurrence \$2,000,000 aggregate annually
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(2) Automobile Liability \$1,000,000 combined single limit per occurrence

(3) Workers' Compensation: Workers' Compensation and Employer's Liability Insurance with limits as required by Chapter 440, Florida Statutes.

In addition to the foregoing, the County's prime contractor shall provide, or shall require, the appropriate subcontractor to provide Pollution Liability insurance in the minimum amounts of \$2,000,000 per occurrence and \$ 5,000,000 aggregate and shall deliver to the City a certificate of insurance naming the City as additional insured.

ARTICLE 6 - INDEMNIFICATION

Each party shall be liable for its own actions and negligence and, to the extent permitted by law, the County shall indemnify, defend and hold harmless the City against any actions, claims or damages arising out of the County's negligence in connection with this Agreement, and the City shall indemnify, defend and hold harmless the County against any actions, claims, or damages arising out of the City's negligence in connection with this Agreement. The foregoing indemnification shall not constitute a waiver of sovereign immunity beyond the limits set forth in Section 768.28, Florida Statutes, nor shall the same be construed to constitute agreement by either party to indemnify the other party for such other party's negligent, willful or intentional acts or omissions, nor shall the

same be construed as consent to be sued by third parties.

ARTICLE 7 - SUCCESSORS AND ASSIGNS

Neither party shall assign, delegate or otherwise transfer its rights and obligations as set forth in this Agreement to any other entity without the prior written consent of the other party.

ARTICLE 8 - REMEDIES

This Agreement shall be governed by the laws of the State of Florida. Any legal action necessary to enforce the Agreement will be held in Palm Beach County. No remedy herein conferred upon any party is intended to be exclusive of any other remedy, and each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or now or hereafter existing at law or in equity, by statute or otherwise. No single or partial exercise by any party of any right, power, or remedy hereunder shall preclude any other or further exercise thereof. No provision of this Agreement is intended to, or shall be construed to, create any third-party beneficiary or to provide any rights to any person or entity not a party to this Agreement.

ARTICLE 9 – WAIVER OF JURY TRIAL

To encourage prompt and equitable resolution of any litigation, each party hereby waives its rights to a trial by jury in any litigation related to this agreement.

ARTICLE 10 – ATTORNEY FEES

It is hereby understood and agreed that in the event any lawsuit is brought to enforce compliance with this Agreement or interpret same, or if any administrative proceeding is brought for the same purposes each party shall be responsible for its own fees and costs, including legal, ex parte and/or appellate fees and costs.

ARTICLE 11 – DISPUTE RESOLUTION

Disputes under this Agreement may be resolved by the County's Authorized Representative and City's Authorized Representative. If such Authorized Representatives are unable to reach a resolution and either party believes that the issue is of sufficient merit, the parties shall select a mediator mutually acceptable to both parties to conduct a non-binding mediation of the issues involved and make a recommendation to both parties. The parties agree to be responsible for their respective costs and fees incurred during the mediation and that each party shall pay the mediator's fees and costs in equal amounts.

ARTICLE 12 - EXCUSABLE DELAYS

Either party hereto shall be excused from performing any of its respective obligations or

undertakings provided in this Agreement for so long as the performance of such obligations are prevented or delayed, retarded or hindered (plus such additional time is mutually consented to by the parties) by act of God, weather of unusual severity, fire, earthquake, flood, hurricane, explosion, action of the elements, war (declared or undeclared), invasion, insurrection, riot, mob violence, sabotage, malicious mischief, inability to produce or general shortage of labor, equipment, facilities, materials or supplies in the open market, failure of transportation, strikes, lockouts, action of labor unions, condemnation, public requisition, laws, order of government or any other cause, whether similar or dissimilar to the foregoing, not within the reasonable control of the respective party if such party hereto gives notice of such delay to the other party within twenty (20) days of the occurrence of such event.

ARTICLE 13 – PUBLIC RECORDS

The County shall comply with Florida’s Public Records Law with regard to any documents or other records relating to this Agreement.

ARTICLE 14 - INDEPENDENT CONTRACTOR RELATIONSHIP

In all respects, the County’s relationship to the City shall be that of Independent Contractor and not employees or agents of the City, and nothing herein contained shall be deemed to create an agency relationship between the County and the City. The County does not have the power or authority to bind the City in any promise, agreement or representation.

ARTICLE 15 - CONTINGENT FEES

The County warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for the County to solicit or secure this Agreement and that it has not paid or agreed to pay any person, company, corporation, individual, or firm, other than a bona fide employee working solely for the County, any fee, commission, percentage, gift , or any other consideration contingent upon or resulting from the award or making of this Agreement.

ARTICLE 16 - NONDISCRIMINATION

The County warrants and represents that all of its employees are treated equally during employment without regard to race, color, religion, disability, sex, age, national origin, ancestry, marital status, sexual orientation, familial status, gender identity and expression, or genetic information.

ARTICLE 17 – SEVERABILITY

If any term or provision of this Agreement, or the application thereof to any person or circumstances shall, to any extent, be held invalid or unenforceable, the remainder of this Agreement, or the application of such terms or provision, to persons or circumstances other than those as to which it is

held invalid or unenforceable, shall not be affected, and every other term and provision of this Agreement shall be deemed valid and enforceable to the extent permitted by law.

ARTICLE 18- PUBLIC ENTITY CRIMES

As provided in F.S. 287.132-133, by entering into this Agreement or performing any work in furtherance hereof, the County certifies that it, its affiliates, suppliers, subcontractors and contractors who will perform hereunder, have not been placed on the convicted vendor list maintained by the State of Florida Department of Management Services within the 36 months immediately preceding the date hereof. This notice is required by F.S. 287.133(3)(a).

ARTICLE 19 - SURVIVABILITY

Any covenant, agreement, representation, warranty or other provision of this Agreement that is of a continuing nature or which by its language or its nature imposes an obligation that extends beyond the term of this Agreement, including but not limited to representations relating to indemnification and the disclosure or ownership of documents, shall survive the expiration or early termination of this Agreement and the consummation of the transactions contemplated hereunder.

ARTICLE 20 - NOTICE

All notices required or permitted to be given or delivered by or to any party hereunder, shall be in writing and shall be hand delivered by messenger, courier service or prepaid overnight delivery service, by electronic transmission producing a written record, or alternatively shall be sent by United States Certified Mail, with Return Receipt Requested. The effective date of any notice shall be the date of delivery of the Notice if by personal delivery, courier services or prepaid overnight delivery service, or if mailed, upon the date which the return receipt is signed or delivery is refused or the notice designated by the postal authorities as non-deliverable, as the case may be. The parties hereby designate the following addresses as the address to which notices may be delivered, and delivery to such address shall constitute binding notice give to such party:

If sent to the COUNTY, notices shall be addressed to:

Palm Beach County
301 North Olive Avenue
West Palm Beach, Florida 33401-4791
Attn: County Administrator

And

Palm Beach County
Palm Beach County Attorney's Office

301 North Olive Avenue, 6th Fl
West Palm Beach, FL 33401

And

Palm Beach County
Department of Environmental Resources Management
2300 North Jog Road, 4th Floor
West Palm Beach, FL 33411

If sent to the City, notices shall be addressed to:

City of West Palm Beach
401 Clematis Street, 2nd Floor
West Palm Beach, FL 33405
Attn: City Administrator

ARTICLE 21 - FILING

A copy of this Agreement shall be filed with the Clerk of the Circuit Court in and for Palm Beach County.

ARTICLE 22 - ENTIRETY OF CONTRACTUAL AGREEMENT

The County and the City agree that this Agreement sets forth the entire agreement between the parties, and that there are no promises or understandings other than those stated herein. None of the provisions, terms and conditions contained in this Agreement may be added to, modified, superseded or otherwise altered unless agreed to in writing by both parties. This Agreement shall inure to the benefit of and shall be binding upon the parties, their respective assigns and successors in interest.

IN WITNESS WHEREOF, the City and County have caused this Interlocal Agreement to be executed the day and year set forth below.

R 2016 40906

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY
COMMISSIONERS

ATTEST: SHARON R. BOCK
CLERK & COMPTROLLER

By: Sharon R. Bock
Deputy Clerk



By: Mary Lou Berger
Commissioner Mary Lou Berger, Mayor

JUL 1 2 2016

Date: _____

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY

By: JWC
Asst. County Attorney

APPROVED AS TO TERMS AND CONDITIONS

By: Robert Robbins
Robert Robbins, Director, Palm Beach County
Dept of Environmental Resources Mgmt

ATTEST:

By: Helen F. Cannon
City Clerk

CITY OF WEST PALM BEACH, FLORIDA

By: Geraldine Muoio
Geraldine Muoio, Mayor

Date: 6/7/16

OFFICE OF THE CITY ATTORNEY
APPROVED AS TO FORM AND LEGALITY

By: USA for SHP
City Attorney

EXHIBIT A



Palm Beach County Department of
Environmental Resources Management
2300 North Jog Road, 4th Floor
West Palm Beach, Florida 33411-2741
(561) 233-2400

**Currie Park Living Shorelines
Potential Staging**

0 100 200 400 Feet



**BUDGET AVAILABILITY STATEMENT
Palm Beach County
Environmental Resources Management**

REQUEST DATE: 08/08/2016

REQUESTED BY: Eric Anderson

PHONE: 233-2427

PROJECT TITLE: West Palm Beach Living Shoreline

PROJECT: 2015ERM01

SITE: Currie and Osprey Park

ACTIVITY: Construction

CONTRACTOR/CONSULTANT NAME: Coston Marine Services, Inc.

SCOPE OF SERVICES: Work Order 0650-03

BUDGET ACCOUNT NUMBER(S):

<u>Fund</u>	<u>Dept</u>	<u>Unit</u>	<u>Obj</u>	<u>SObj</u>	<u>Program</u>	<u>(Proj) Task</u>	<u>(Site) Sub Task</u>	<u>(Activity) Task Ord</u>	<u>Amount</u>
1225	380	3095	3401			E149	ILWL	012	\$232,734.72
1229	380	3095	3401			E149	ILWL	012	\$232,734.72
1225	380	3095	3401			E148	ILWL	012	\$30,122.77
1229	380	3095	3401			E148	ILWL	012	\$30,122.77
									\$525,714.98

BAS APPROVED BY: *S. Namy* DATE: _____

ENCUMBRANCE NUMBER: KPO 080316*655

NOTICE TO PROCEED FOR WORK ORDER

(Hand Delivered)

DATE: 8/24/16
TO: Coston Marine Services, Inc.
(CONTRACTOR)
ADDRESS: 228 Hibiscus Street, Ste. 4, Jupiter, FL 33458

**FOR
PALM BEACH COUNTY
ENVIRONMENTAL RESOURCES MANAGEMENT DEPARTMENT**

**Project No.: 2015ERM01
Project Name: Palm Beach County Artificial Reef & Breakwater Annual Contract
Work Order Project Name: West Palm Beach Living Shoreline Currie and Osprey Park
Work Order No.: 0650-3**

You are hereby notified that the Contract Time under the above Work Order for the Annual Construction Contract (R2015-0650) commences on August 29, 2016 (Commencement Date). By that date, you are to start mobilizing and performing your obligations under the Contract Documents. In accordance with the Work Order, the date of Substantial Completion is December 27, 2016, which is one hundred twenty (120) successive calendar days after the Commencement Date. The date of Final Completion will be thirty (30) calendar days after Substantial Completion and will be specified in the Punchlist.

Before you may start any Work, you must deliver to the County, the following:

1. Letter of Understanding
2. Licenses
3. Environmental Monitoring and Protection Plan
4. Quality Assurance (QA) Plan
5. Safety Plan
6. Operations Plan
7. List of emergency contact(s)
8. Designation of Construction Manager as required in General Condition Article 19
9. List of all subcontractors that will perform work on the Work Order as required in General Condition Article 27
10. Construction Schedule as required in General Condition Article 67
11. Recorded Public Construction Bond (certified copy to be delivered ASAP)
12. Product submittals: rock source and testing, sand source, filter fabric specs.


The Pre-construction Conference is scheduled 8/24/2016.

Payment(s) on this project must also be Approved by:

N/A
Design Professional

N/A
Public Entity

Palm Beach County, Florida

By: 
Daniel Bates, Deputy Director
Environmental Resources Management Department
Palm Beach County

ACCEPTANCE OF NOTICE

Receipt of the above Notice To Proceed is hereby acknowledged by DANIEL COSTON this
24 day of AUGUST, 2016.

BY: 
Signature

DANIEL L. COSTON
Print Name

TITLE: PRESIDENT

ATTACHMENT 2




INTEROFFICE MEMORANDUM
Palm Beach County
Environmental Resources Management

DATE: June 28, 2016

TO: Verdenia C. Baker
County Administrator

THROUGH: Jon Van Arnam
Deputy County Administrator

FROM:  Robert Robbins, Director
Environmental Resources Management

SUBJECT: REQUEST FOR DELEGATION OF APPROVAL AUTHORITY:
Work Order No. 0650-3 to Annual Contract, Project No. PB-15-186 with Coston Marine, Inc for the living shoreline projects along Currie and Osprey Parks.

On June 7, 2016, agenda item 3L2 (R2016-0707) the Board of County Commissioners approved the County Administrator or her designee to sign Work Order No. 0650-3.

This memorandum is my formal request for delegation of signatory authority for the Director or Deputy Director of Environmental Resources Management (ERM) to sign Work Order No. 0650-3. If you agree, please sign below and return this memorandum. I am available to answer any questions you may have concerning this request. Thank you in advance for your consideration.

APPROVED:  DATE: 7/5/16
Verdenia C. Baker, County Administrator

RR:mc
Attachment