

APPENDIX C
REAL ESTATE PLAN
January 9, 2015

FINAL
FEASIBILITY REPORT
AND ENVIRONMENTAL IMPACT STATEMENT
PORT EVERGLADES HARBOR NAVIGATION STUDY
BROWARD COUNTY, FLORIDA

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**PORT EVERGLADES HARBOR
BROWARD COUNTY, FLORIDA
NAVIGATION STUDY
FEASIBILITY REPORT**

REAL ESTATE PLAN

APPENDIX C

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**REAL ESTATE PLAN
PORT EVERGLADES HARBOR
BROWARD COUNTY, FLORIDA
NAVIGATION STUDY
FEASIBILITY REPORT**

1. STATEMENT OF PURPOSE.

- a. The purpose of this report is to determine the feasibility of improving the existing Federal navigation project at Port Everglades Harbor, Florida. The study consists of developing and evaluating alternative plans to decrease costs associated with vessel delays from congestion, and channel passing restrictions, decrease transportation costs through increasing economies of scale for container and petroleum vessels, increase channel safety and maneuverability for existing vessel use as well as for larger vessels, and to avoid and minimize environmental impacts.
- b. This real estate plan is tentative in nature for planning purposes only and both the final real property acquisition lines and estimates of value are subject to change even after approval of this report.

2. PROJECT AND STUDY AUTHORIZATION.

The Port Everglades Federal Navigation Project was initially authorized in the River and Harbors Act of 1930 and has been amended as shown in Table C-1.

Table C-1 – Authorizations

Act	Document, Congress/Session	Work Authorized
R&H Act 1930	HD 357, 71/2	Federal maintenance of entrance channel, turning basin, and jetties constructed by local interests.
R&H Act 1935	HR Committee of R&H Doc. 25, 74/1	Construction and maintenance of an enlarged entrance channel, and a 1,200 foot square turning basin to a depth of 35 feet.
R&H Act 1938	HD 545, 75/3	Construction and maintenance of a 350 foot wide trapezoidal area on the north side of the main turning basin.
R&H Act 1946	HD 768, 78/2	Construction and maintenance of a 200 foot northerly and 500 foot southerly extensions to the main turning basin.
R&H Act 1958	HD 346, 85/2	Construction and maintenance of outer entrance channel deepening to 40 feet, inner entrance channel deepening to 37 feet, expanding the main turning basin to the north and south.

Public Law 89-298 Section 201, 1974	HD 93-144	Deepen outer entrance channel to 45 feet at a width of 500 feet, inner entrance channel to 42 feet at a width of 450 feet, main turning basin to 42 feet, channel opposite Pier 7 to 36 feet, maintain channel opposite Berth 18 to 36 feet.
WRDA 1992	HD 103-126, 103/1	Federal maintenance of locally constructed Southport Access Channel dredging to 42 feet, and locally constructed turning notch to a depth of 42 feet.

R&H = Rivers and Harbors, HD = House Document

Beginning in 1928 numerous reports have been completed for the Port Everglades Navigation Project and are shown in Table C-2.

Table C-2 – Prior Port Everglades Federal Navigation Reports

Study Type ¹	Report Date	Congressional Documents				Authorizing Act
		Type	No.	Cong.	Session	
PA	1928	-	-	-	-	-
PA	1929	-	-	-	-	-
SR	1930	H	357	71	2	R&H 1930
PA	1932	-	-	-	-	-
SR	1933	-	-	-	-	-
SR	1935	H	25	74	1	30 Aug 1925
SR	1937	H	545	75	3	20 June 1938
SR	1944	H	768	78	2	24 July 1946
SR	1946	-	-	-	-	-
SR	1958	H	346	85	2	3 July 1958
SR	1971	H	144	93	1	9 and 31 May 1974
FR	1991	H	126	103	1	WRDA 1992, Title I Sec 101(9)
LRR ²	1998	-	-	-	-	WRDA 2000 Sec 515

¹ PA = Preliminary Assessment, SR = Survey Report, FR = Feasibility Report, LRR = Limited Re-Evaluation Report, H = House

² Reimbursement of \$15,003,000 was authorized by Congress

This feasibility study was authorized by resolution dated May 9, 1996, by the Committee on Transportation and Infrastructure of the United States House of Representatives. The resolution states:

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army is

requested to review the reports of the Chief of Engineers on Port Everglades Harbor, Florida, published as House Document 126, 103rd Congress, 1st Session, and House Document 144, 93rd Congress, 1st Session, and other pertinent reports to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of navigation and related purposes, with particular reference to navigation into and within the part of the project known as the Southport Channel.

3. PROJECT LOCATION AND DESCRIPTION.

Port Everglades Harbor, originally named Bay Mabel Harbor and later Hollywood Harbor, is located in the southeastern portion of Broward County at the adjoining city limits of Fort Lauderdale, Hollywood, and Dania, approximately 25 miles north of Miami, Florida and 328 miles south of Jacksonville, Florida. The harbor has the deepest access of any along the eastern seaboard between Miami, Florida and Norfolk, Virginia. The port is currently ranked 35th nationally in tonnage.

Figure C-1 - Project Location Map



Initial construction of Port Everglades began in 1925 and continued through 1928. Construction was accomplished through the excavation of Lake Mabel, a shallow water body separated from the Atlantic Ocean by a low sand ridge. The port was the result of a cooperative effort between the cities of Hollywood, Fort Lauderdale, and a private investor. The Federal government became involved with the port after the passage of the River and Harbor Act of 1930 which provided the locally constructed project with Federal maintenance. Since 1931, eleven Federal maintenance dredging projects at Port Everglades have been completed.

Table C-3 - Maintenance Dredging Events at Port Everglades

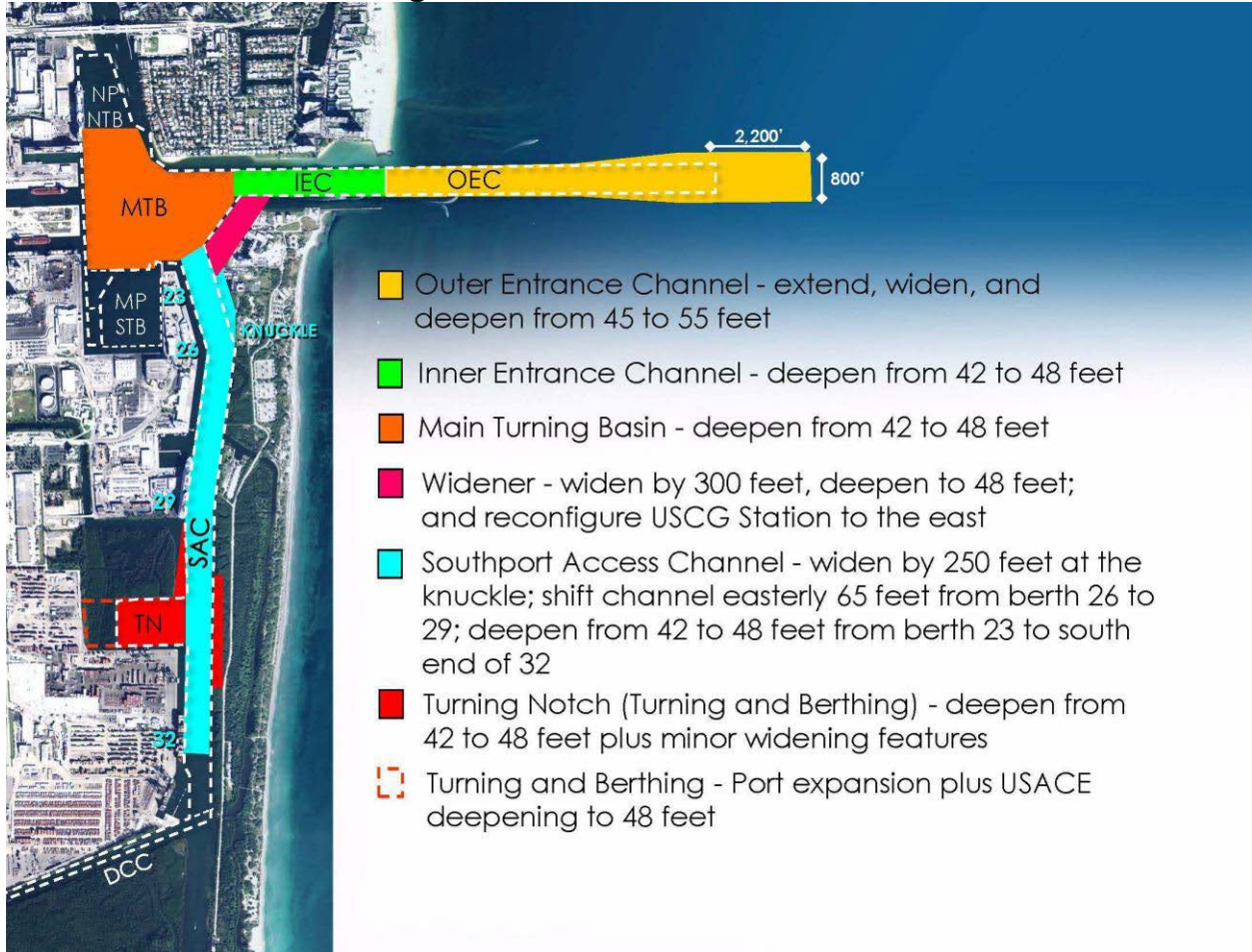
Year	Location	Volume (cy)	Disposal
1934	Entrance Channel and Turning Basin	139,900	Ocean
1935	Entrance Channel and Turning Basin	97,400	Ocean
	Turning Basin	73,100	Upland
1939	Entrance Channel and Turning Basin	48,300	Upland
1948	South side of Turning Basin	93,900	Upland
	Entrance Channel and N. side of Turning Basin	206,300	Ocean
1950	Northern portion of Turning Basin	47,300	Upland
1953	Entrance Channel	97,300	Ocean
	Turning Basin	179,800	Upland
1954	Turning Basin	101,200	Upland
1960	Entrance Channel	38,700	Ocean
	Turning Basin	179,800	Upland
1961-1962	Entrance Channel	22,500	Beach/Ocean
	Turning Basin	9,600	Upland
	Turning Basin	12,200	Ocean
1978	Turning Basin	144,500	Ocean
2005	Turning Basin	46,700	Ocean

The Port Everglades Harbor navigation project, as currently authorized, consists of an entrance channel project depth of 45 feet over bottom width of 500 feet from the ocean to the jetty area; an inside channel project depth of 42 feet over a width of 450 feet from inside the jetties to the main turning basin; basins to the north and south of the main basin have a project depth of 31 feet; a channel, south from the main basin along the west side of the south basin, has project depths of 37 and 36 feet which the sponsor deepened to 38 feet to be same as the south basin; north and south jetties at the ocean entrance; a channel with project depth of 42 feet over a bottom width of 400 feet from the main basin south along the Intracoastal Waterway for a distance of 5,200 feet before narrowing to a width of 390 feet for a distance of 2,800 feet; and a turning notch to a project depth of 42 feet over a bottom area 750 feet by 1,000 feet to the north of the Southport terminal berths.

The recommended plan changes the authorized project to include the following navigation improvements: deepening and widening of the outer entrance channel from an existing 45-foot project depth over a 500-foot channel width to 55 feet by 800 feet and extend 2,200 feet seaward; deepening the inner entrance channel from 42 feet to 48 feet; deepening the main turning basin from 42 feet to 48 feet; widening the rectangular shoal region to the southeast of the main turning basin (widener) by about 300 feet and deepen to 48 feet; widening the Southport Access Channel in the proximity of berths 23 to 26, referred to as the knuckle, by about 250 feet and reconfiguring the U.S. Coast Guard (USCG) facility easterly on USCG property; shifting the existing 400-foot wide Southport Access Channel about 65 feet to the east from approximately berth 26 to the south end of berth 29 to provide a transition back to the existing Federal channel limits; deepening the Southport Access Channel from about berth 23 to the south end of berth 32 from 42 feet to 48 feet; deepening the turning notch, including project sponsor expanded portion from 42 feet to 48 feet with an additional 100-foot widening parallel to the channel on the eastern edge of the Southport Access Channel over a length of about 1,845 feet and widening the western edge of the Southport Access Channel for access to the turning notch from the existing Federal channel edge near the south end of berth 29 to a width of about 130 feet at the north edge of the turning notch.

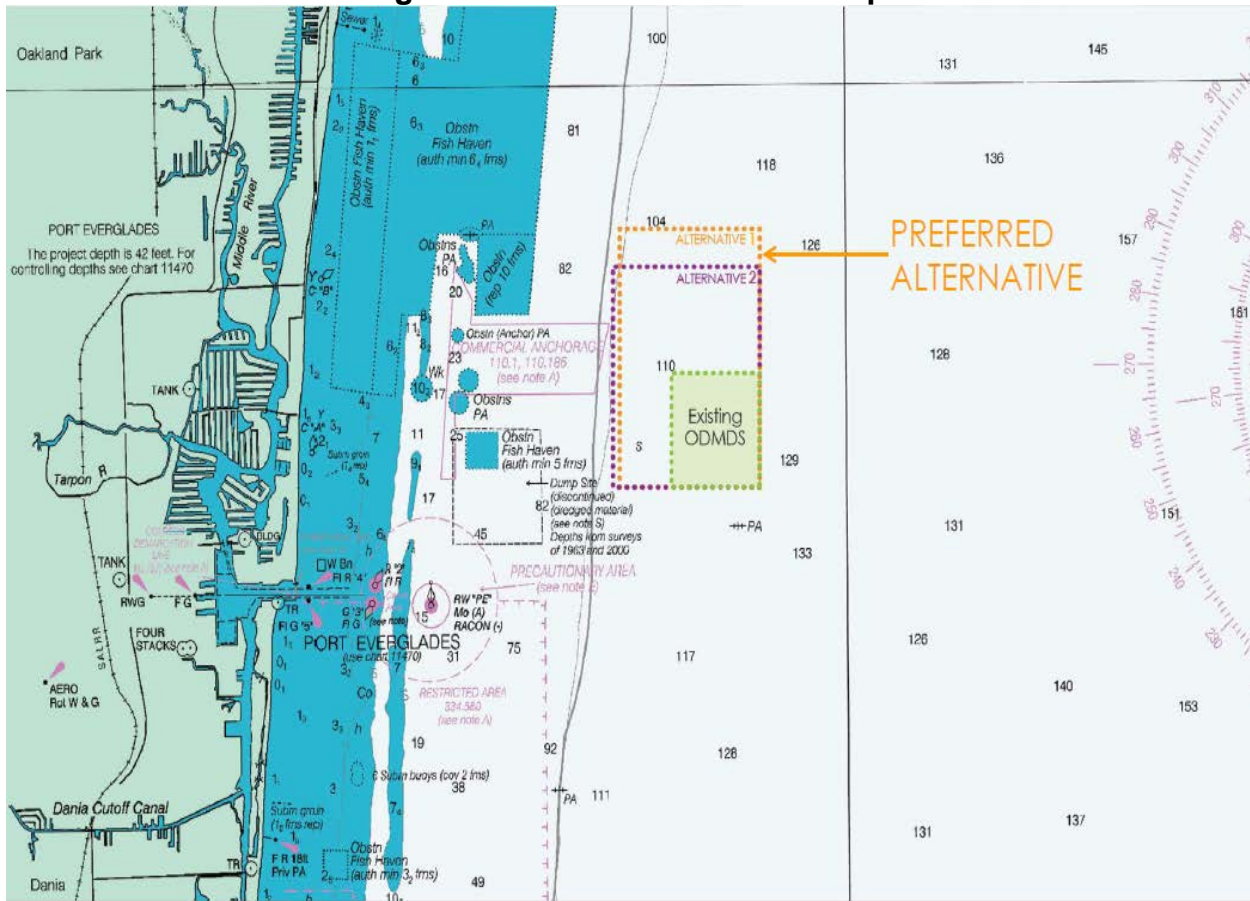
The recommended plan for the Port Everglades Harbor Feasibility Report is the Locally Preferred Plan (LPP). The LPP consists of deepening and widening. The only difference between the National Economic Development Plan (NED) and the LPP is the channel depth. The NED recommends -47 feet MLW whereby the LPP is -48 feet MLW.

Figure C-2 - Recommended Plan



The primary disposal site for the excavated material, except hardbottoms (rock), will be placed within an existing disposal site, designated by U.S. Environmental Protection Agency (EPA) as an Ocean Dredged Material Disposal Site (ODMDS). The site is located approximately three nautical miles offshore from the port entrance channel. The ODMDS is in the process of being expanded by the EPA. The expansion of this site is currently required for operation and maintenance of the existing Federal channel. Costs from the ODMDS expansion are not included as part of this Port Everglades project.

Figure C-3 - ODMDS Location Map



Compensatory mitigation is planned for unavoidable impacts to hardbottom, coral reef habitats, mangroves, and seagrasses. Impacts to hardbottom communities are associated with deepening and widening of the outer entrance channel and would include removal of approximately 10.10 acres of hardbottoms within the middle and outer reef tracts. The benthic communities in this impact area are comprised of complex, high-profile, linear and spur/grove reef habitat. The widening of the Southport Access Channel and the middle turning basin will negatively impact approximately 7.41 acres of vegetated and unvegetated seagrass habitat and approximately 1.16 acres of mangroves.

Figure C-4 - Unavoidable Environmental Impact Location Map



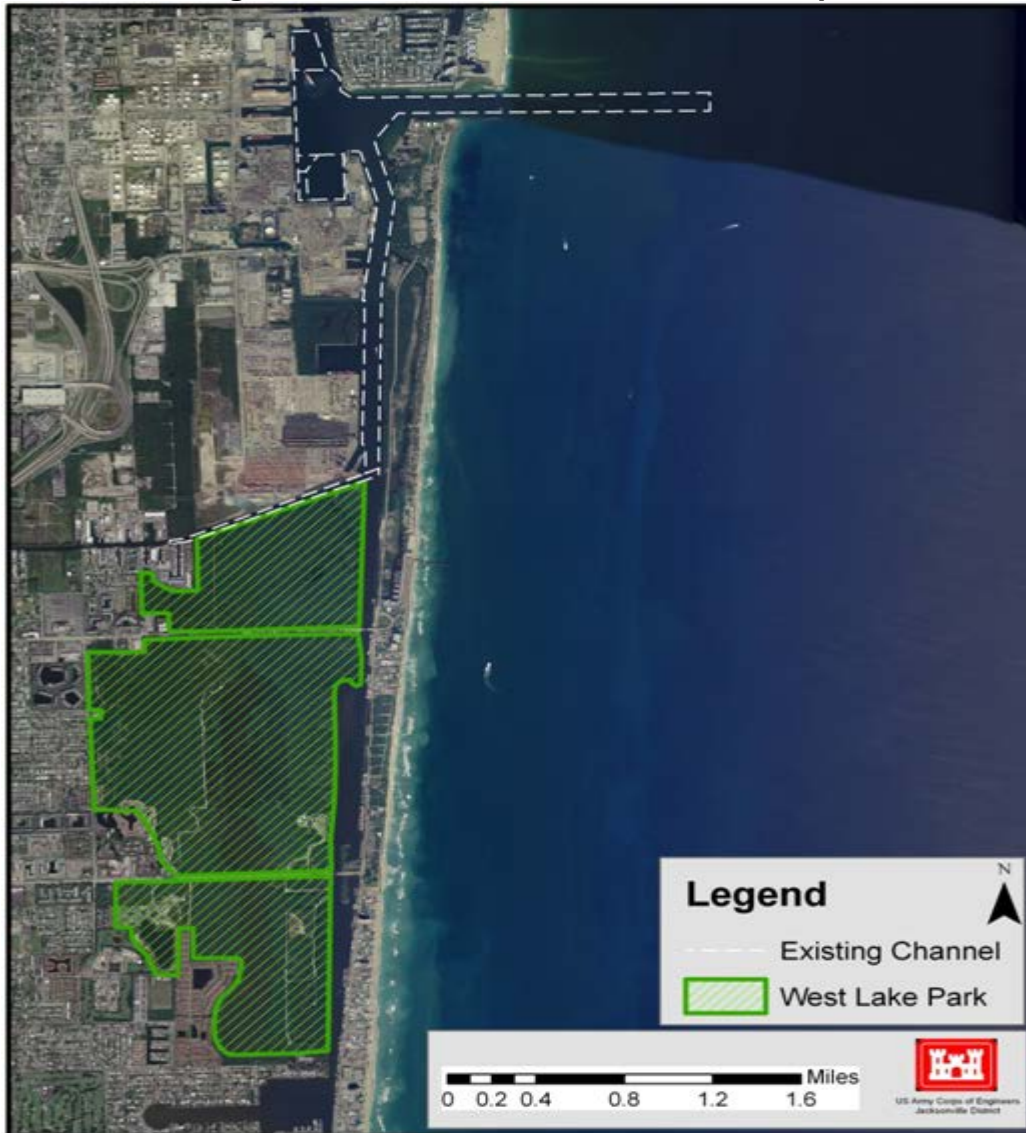
The proposed hardbottom mitigation plan includes relocating the excavated hardbottoms to a five acre artificial reef site north of the entrance channel and transplanting the disturbed coral communities. The transplantation will include approximately 11,502 corals from the impact site and outplanting approximately 103,000 nursery raised corals.

Impacts to mangroves and seagrasses will be compensated by the purchase of mitigation credits related to Broward County's environmental improvements within the State-owned West Lake Park located south of the project limits. West Lake Park is not a mitigation bank and is not available for purchase by public or private entities. The area is only available for Broward County, the project sponsor, to use for mitigation purposes on Broward County projects, specifically port and airport expansion projects. Broward County acknowledges responsibility for construction, monitoring, and success of mangrove and seagrass mitigation within the West Lake Park. The United States will enter into an agreement with Broward County for the provision of mitigation credits to offset project impacts, and Broward County will be responsible for appropriate ecological lift.

West Lake Park, a county-operated, state-owned natural area, includes previously permitted restoration, enhancement, and preservation of like habitats. Details of the

mitigation plan can be found in Appendix E, Environmental Impact Statement (EIS), and related sub-appendices of this feasibility report. The permits can be found in Exhibit C-1 of this plan.

Figure C-6 - West Lake Park Location Map

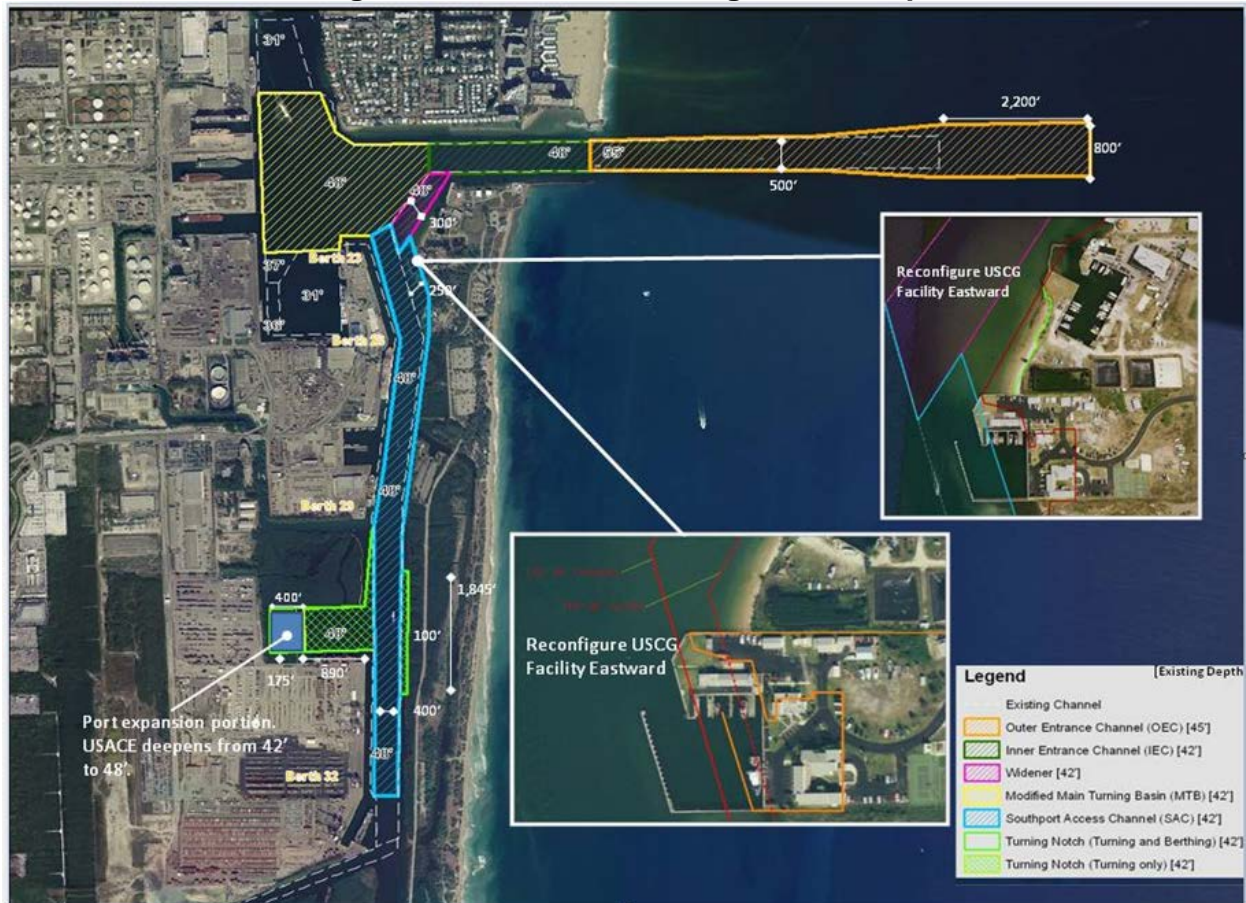


4. REAL ESTATE REQUIREMENTS.

The deepening of the outer entrance channel, inner entrance channel, middle turning basin, and the turning notch as well as widening of the outer entrance channel, turning notch, and the Southport Access Channel (knuckle) are within the navigable waters of the United States and are available to the United States by navigation servitude. The existing and expanded ODMDS are also available to the United States by navigation servitude.

The land required for the widening area at the north end of the Southport Access Channel is owned and operated by the U.S. Coast Guard. The U.S. Coast Guard owns a total of 7.8 acres and operates a multi-mission, search, rescue, and drug interdiction, facility on the property. Approximately one acre of uplands will be removed and turned into submerged lands to support the widening of the Southport Access Channel. Use of the U.S. Coast Guard property is necessary to allow deep draft vessels the ability to turn safely. The uplands being submerged will remain Federally-owned and be used for U.S. Coast Guard vessels.

Figure C-7 - USCG Reconfiguration Map



The reconfiguration also requires several U.S. Coast Guard structures, facilities, and utilities to be shifted to the east onto adjacent Federally-owned property. The cost for this reconfiguration is included in the cost-shared project construction costs as a general navigation feature and not as a real estate cost. The U.S. Coast Guard has been involved in the planning of this project and a final plan is still being developed. A Federal to Federal permit will be executed between the U.S. Coast Guard and the Department of the Army for construction purposes. A copy of the permit template is included in Exhibit C-1 of this appendix.

The primary disposal site is an existing disposal site, designated by the U.S. Environmental Protection Agency as an ODMDS. The U.S. Environmental Protection Agency has completed the draft Environmental Assessment on the expansion and has received public comments. The formal designation process including rule making and publication in the Federal Register of the expanded ODMDS is expected to be complete in 2015. No further real estate is needed for the ODMDS. The expansion of this site is required for current operation and maintenance of the channel and no additional costs are included from the ODMDS expansion for this project.

Should EPA not designate a disposal site with capacity for proposed material from the Port Everglades Harbor deepening under Section 102 of the Marine, Protection, Research, and Sanctuaries Act (MPRSA), Section 103(b) of MPRSA authorizes USACE, with USEPA concurrence, to select a site for one time disposal of dredged material in ocean waters when the use of a site designated by USEPA is not feasible. This one-time use would be a permit for the entire construction event. After this use, USACE and EPA have the option to permit it beyond that time frame under Section 103. All maintenance material will be placed in the existing ODMDS site, which has more than enough capacity. The cost involved with this contingency plan would be approximately \$100,000 (only labor funds for designation).

The submerged lands required for relocating excavated hardbottoms to a five acre artificial reef site and transplanting disturbed coral communities are within the navigable waters of the United States and are available by navigation servitude.

In lieu of a real estate fee acquisition for seagrass and mangrove mitigation, mitigation credits are being purchased from Broward County. Broward County is generating mitigation credits to offset impacts of Broward County projects at areas within West Lake Park. Broward County applied for and received permission to construct seagrass and mangrove features through South Florida Water Management District Environmental Resource Permit No. 06-04016-P and Department of the Army Regulatory Permit No. SAJ-2002-0072, as amended. The permits authorize Broward County to complete mitigation activities to offset impacts to tidal, saltwater, and wetland communities and accrue ecological functional value credits for the work within West Lake Park. The area is only available for Broward County projects, specifically port and airport expansion projects. Accrued credits will be purchased by the Federal government and applied to this project prior to construction. An agreement between the United States and Broward County will be executed to guarantee seagrass and mangrove mitigation in perpetuity.

5. FEDERALLY-OWNED LANDS.

A portion of the Federally-owned uplands under control of the U. S. Coast Guard will require removal in the north area of the Southport Access Channel. The uplands will become submerged lands and will remain Federally-owned.

6. NON FEDERAL-OWNED LANDS.

Broward County Port Everglades operates within 2,100 acres of which Broward County, the project sponsor, owns 910 acres. No sponsor-owned lands will be required for this project.

7. NON FEDERAL OPERATION AND MAINTENANCE RESPONSIBILITIES.

The Federal channels and basins will be maintained by the USACE, in accordance with Section 101(b)(1) of the Water Resources Development Act of 1986, as amended by Section 2103 of the Water Resources Reform Development Act of 2014; operation and maintenance is 100% Federal with a project depth under 50 feet. Port facilities such as berthing areas and port bulkheads will be maintained by the non-federal sponsor. Broward County will conduct operation and maintenance for mitigation areas in accordance with its permits.

8. NON-FEDERAL AUTHORITY TO PARTICIPATE IN THE PROJECT.

The project sponsor, Broward County, Fort Lauderdale, Florida, (formerly known as Port Everglades Authority) derived its authority to participate in the project from Special Act, Laws of Florida, Chapter 88-515, House Bill No. 1169, said act taking effect on January 1, 1989.

9. NAVIGATION SERVITUDE.

All lands required for deepening, widening, the ODMS, and hardbottom mitigation areas are within the navigable waters of the United States and are available to the Federal Government via navigation servitude. The Federal Government will coordinate with the State of Florida and other environmental agencies to obtain concurrence with its conclusion that the project is consistent with the State's Coastal Zone Management Program and the Corps will coordinate with the State to obtain a Water Quality Certification.

10. ATTITUDE OF OWNERS.

All landowners impacted by the proposed project have been involved in the planning process and have indicated strong support for the project.

11. MINERALS.

There are no known minerals of value in the project area.

12. HAZARDOUS, TOXIC AND RADIOACTIVE WASTES (HTRW).

A phase I environmental assessment was completed for the proposed dredging and disposal activity areas and did not identify HTRW within the areas. Environmental records search discovered and have documented previous spills in the port. The contaminants have included fuel oil, diesel fuel, gasoline, and lubricants. These are commonly found in a busy port such as this. Prior to disposal of the dredged material additional testing will occur and contaminated materials will be coordinated with the appropriate environmental agencies and disposed of in accordance with Federal, State and local laws.

13. INDUCED FLOODING.

There will be no induced flooding directly associated with this project.

14. ZONING ORDINANCES.

Zoning ordinances are not of issue with this project. Application or enactment of zoning ordinances will not to be used in lieu of acquisition.

15. RELOCATIONS ASSISTANCE (PUBLIC LAW 91-646).

There are no persons or businesses that will need to be relocated due to project implementation.

16. RELOCATIONS, ALTERATIONS, VACATIONS AND ABANDONMENTS (UTILITIES, STRUCTURES AND FACILITIES, CEMETERIES, AND TOWNS).

One Florida Power and Light utility within the South Access Channel is being relocated below the feasibility study proposed depth at this time and is not associated with the Port Everglades project. Consequently, there are no costs associated with this utility relocation.

Several utilities, structures and facilities will be moved in conjunction with the USCG configuration and will be cost-shared accordingly. The costs are included as a general navigation feature within the construction costs for the project and cost shared accordingly. No other structures, facilities, cemeteries, and towns will be affected as part of the project.

17. STANDING TIMBER AND VEGETATIVE COVER.

There is no timber or unusual vegetative cover in the project area.

18. RECREATION RESOURCES.

There are no separable recreational lands identified for the project.

19. CULTURAL RESOURCES.

There are no known cultural resources that have been identified as being affected by the project.

20. OUTSTANDING RIGHTS.

There are no known outstanding rights in the project area.

21. MITIGATION.

Compensatory mitigation is planned for unavoidable impacts to hardbottom, coral reef habitats, mangroves, and seagrasses. Impacts to hardbottom communities are associated with deepening and widening of the outer entrance channel and would include removal of approximately 10.10 acres of hardbottoms within the middle and outer reef tracts. The benthic communities in this impact area are comprised of complex, high-profile, linear and spur/grove reef habitat. The widening of the Southport Access Channel and the middle turning basin will negatively impact approximately 7.41 acres of vegetated and unvegetated seagrass habitat and approximately 1.16 acres of mangroves.

The proposed hardbottom mitigation plan includes relocating the excavated hardbottoms to a five acre artificial reef site north of the entrance channel and transplanting the disturbed coral communities. The transplantation will include approximately 11,502 corals from the impact site and outplanting approximately 103,000 nursery raised corals.

In lieu of a real estate fee acquisition for seagrass and mangrove mitigation, mitigation credits are being purchased from Broward County. Broward County is generating mitigation credits to offset impacts of Broward County projects at areas within West Lake Park. Broward County applied for and received permission to construct seagrass and mangrove features through South Florida Water Management District Environmental Resource Permit No. 06-04016-P and Department of the Army Regulatory Permit No. SAJ-2002-0072, as amended. The permits authorize Broward County to complete mitigation activities to offset impacts to tidal, saltwater, and wetland communities and accrue ecological functional value credits for the work within West Lake Park. The area is only available for Broward County projects, specifically port and airport expansion projects. Accrued credits will be purchased by the United States and applied to this project prior to construction. An agreement between the United States and Broward County will be executed to guarantee seagrass and mangrove mitigation in perpetuity.

22. ACQUISITION-ADMINISTRATIVE COSTS.

Federal administrative costs of \$50,000 have been included within the preconstruction, engineering, and design (PED) phase account 30 and are not included under real estate account 01. The cost includes project real estate planning, mapping, review, oversight, and monitoring costs.

23. SUMMARY OF PROJECT REAL ESTATE COSTS.

The following cost figures are subject to change prior to construction:

a. Lands and Damages:	\$	0
b. Acquisition	\$	0
Federal	\$0	
Non-Federal	\$0	
c. Public Law 91-646	\$	0
d. Real Estate PED Federal Administrative	\$50,000	
e. Contingency (26.3%)*	<u>\$13,150</u>	
f. Total Estimated Real Estate Cost	\$63,150	

* The contingency percent is based on the risk cost analysis.

24. REAL ESTATE ACQUISITION SCHEDULE.

The only acquisition required for the project is a Federal to Federal permit between the Department of the Army and the U. S. Coast Guard for reconfiguration construction. Twelve months is being scheduled for the permit to allow negotiations of the permit's provisions and conditions as well as coordination and concurrence with higher authorities and execution of the document. The duration of construction is unknown at this time. Real Estate costs associated with the U. S. Coast Guard reconfiguration general navigation feature are included within preconstruction, engineering, and design (PED) costs.

25. NON-STANDARD ESTATES TO BE ACQUIRED.

A Federal to Federal permit for use of real property by other federal agencies will be executed by the Department of the Army and the U. S. Coast Guard for construction purposes because the property is already Federally-owned and can be provided to the Department of the Army at no cost. The permit does not provide an interest in real

estate but provides for the use of the U. S. Coast Guard property. A copy of the permit template is located in Exhibit C-1. The negotiated permit will be forwarded prior to use through Division to HQUSACE for appropriate coordination, review, and final determination.

In lieu of additional acquisition the South Florida Water Management District Environmental Resource Permit No. 06-04016-P and Department of the Army Regulatory Permit No. SAJ-2002-0072, as amended, was issued to Broward County Parks and Recreation Division and provides them:

... authorization for construction and operation of a mitigation project with the West Lake Park to provide compensation for future wetland impacts that may be associated with future Broward County Projects, specifically port and airport projects

....up-front compensation to be used for wetland impacts associated with future Broward county projects, the County has proposed a mitigation plan for upland, wetland, and seagrass creation, restoration, enhancement and preservation of mangroves and seagrasses within West Lake Park in Broward County.

The purchase of the mitigation credits secured by the local sponsor meets the standards and criteria of Section 33 Code of Federal Regulations, Part 332.3, General compensatory mitigation requirements. The permits are included in Exhibit C-1 of this plan. Approval for use of these permits for mangrove and seagrass mitigation in lieu of fee acquisition will be approved as part of this report.

26. MAPS.

Maps and figures are included within the text of this report.

27. REAL ESTATE CHART OF ACCOUNTS

01	LANDS AND DAMAGES		\$	0
01B--	ACQUISITION		\$	0
01B20	BY LOCAL SPONSOR (LS)	\$0		
01B40	REVIEW OF LS	\$0		
01R--	REAL ESTATE PAYMENTS		\$	0
01R10	LAND PAYMENTS			
01R1B	BY LS	\$0		
30	PED REAL ESTATE COSTS		\$50,000	
	CONTINGENCY (26.3%)		<u>\$13,150</u>	
	TOTAL PROJECT REAL ESTATE COST		\$63,150	

*The contingency percent is based on the risk cost analysis.

EXHIBIT C-1 – NON-STANDARD ESTATES

South Florida Water Management District Environmental Resource Permit No. 06-04016-P and Department of the Army Regulatory Permit No. SAJ-2002-0072

Attachments to the permits can be found in Appendix E.



**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL RESOURCE PERMIT NO. 06-04016-P
DATE ISSUED: APRIL 14, 2004**

PERMITTEE: STATE OF FLORIDA (WEST LAKE PARK)
DIVISION OF STATE LANDS, 3900 COMMONWEALTH BOULEVARD
TALLAHASSEE, FL 32399

BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS (WEST LAKE PARK)
115 SOUTH ANDREWS AVE, STE 421
FT LAUDERDALE, FL 33301

PROJECT DESCRIPTION: AUTHORIZATION FOR CONSTRUCTION AND OPERATION OF A MITIGATION PROJECT WITHIN THE 1522.2 ACRE WEST LAKE PARK TO PROVIDE COMPENSATION FOR FUTURE WETLAND IMPACTS THAT MAY BE ASSOCIATED WITH FUTURE BROWARD COUNTY PROJECTS

PROJECT LOCATION: BROWARD COUNTY, SECTION 35,36 TWP 50S RGE 42E
SECTION 1,2,11 TWP 51S RGE 42E

PERMIT DURATION: See Special Condition No. 1 See attached Rule 40E-4.321, Florida Administrative Code.

This Permit is issued pursuant to Application No. 011226 21, dated December 13, 2001. Permittee agrees to hold and save the South Florida Water Management District and its successors harmless from any and all damages, claims or liabilities which may arise by reason of the construction, operation, maintenance or use of activities authorized by this Permit. This Permit is issued under the provisions of Chapter 373, Part IV Florida Statutes (F.S.), and the Operating Agreement Concerning Regulation Under Part IV, Chapter 373 F.S., between South Florida Water Management District and the Department of Environmental Protection. Issuance of this Permit constitutes certification of compliance with state water quality standards where necessary pursuant to Section 401, Public Law 92-500, 33 USC Section 1341, unless this Permit is issued pursuant to the net improvement provisions of Subsections 373.414(1)(b), F.S., or as otherwise stated herein.

This Permit may be transferred pursuant to the appropriate provisions of Chapter 373, F.S. and Sections 40E-1.6107(1) and (2), and 40E-4.351(1), (2), and (4), Florida Administrative Code (F.A.C.). This Permit may be revoked, suspended, or modified at any time pursuant to the appropriate provisions of Chapter 373, F.S. and Sections 40E-4.351(1), (2), and (4), F.A.C.

This Permit shall be subject to the General Conditions set forth in Rule 40E-4.381, F.A.C., unless waived or modified by the Governing Board. The Application, and the Environmental Resource Permit Staff Review Summary of the Application, including all conditions, and all plans and specifications incorporated by reference, are a part of this Permit. All activities authorized by this Permit shall be implemented as set forth in the plans, specifications, and performance criteria as set forth and incorporated in the Environmental Resource Permit Staff Review Summary. Within 30 days after completion of construction of the permitted activity, the Permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual, pursuant to the appropriate provisions of Chapter 373, F.S. and Sections 40E-4.361 and 40E-4.381, F.A.C.

In the event the property is sold or otherwise conveyed, the Permittee will remain liable for compliance with this Permit until transfer is approved by the District pursuant to Rule 40E-1.6107, F.A.C.

SPECIAL AND GENERAL CONDITIONS ARE AS FOLLOWS:

SEE PAGES 2 - 7 OF 10 (41 SPECIAL CONDITIONS)
SEE PAGES 8 - 10 OF 10 (19 GENERAL CONDITIONS)

FILED WITH THE CLERK OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT

ON April 22, 2004
BY [Signature]
DEPUTY CLERK

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BOARD OF GOVERNING BOARD

By [Signature]
ASSISTANT SECRETARY



SPECIAL CONDITIONS

1. The construction phase of this permit shall expire on April 15, 2009.
2. The permittee shall be responsible for the correction of any erosion, shoaling or water quality problems that result from the construction or operation of the surface water management system.
3. Measures shall be taken during construction to insure that sedimentation and/or turbidity violations do not occur in the receiving water.
4. The District reserves the right to require that additional water quality treatment methods be incorporated into the drainage system if such measures are shown to be necessary.
5. Facilities other than those stated herein shall not be constructed without an approved modification of this permit.
6. This permit is issued based on the applicant's submitted information which reasonably demonstrates that adverse water resource related impacts will not be caused by the completed permit activity. Should any adverse impacts caused by the completed project occur, the District may require the permittee to provide appropriate mitigation to the District or other impacted party. The District may require the permittee to modify the project, if necessary, to eliminate the cause of the adverse impacts.
7. All barge activity shall occur in areas where a minimum one-foot bottom clearance is maintained.
8. All contractors must be provided with a copy of the staff report and permit conditions prior to the commencement of construction. The permittee is responsible for ensuring that all contractors adhere to the project construction details and methods indicated on the attached permit Exhibits and described herein.
9. The successful completion of the mitigation plan is heavily dependent on proper site grading. Therefore, prior to demobilizing equipment from the site and prior to planting, the permittee shall schedule an inspection by District Environmental Resource Compliance staff to ensure that appropriate elevations and slopes have been achieved.
10. Spoil generated from the excavation authorized by this permit must be stockpiled in upland areas and contained in such a manner as to prevent erosion into wetlands or other surface waters prior to disposal in a suitable upland spoil disposal area.
11. Prior to the commencement of construction in or adjacent to wetlands and/or other surface waters, the perimeter of the mitigation construction area(s) shall be enclosed with staked and trenched silt fencing and/or turbidity screens so as to prevent encroachment or disturbance into adjacent protected areas. The permittee shall notify the District's Environmental Resource Compliance staff in writing upon installation of the silt fencing and/or turbidity screens and schedule an inspection of this work. The silt fencing and/or turbidity screens shall be subject to District staff approval. The permittee shall modify the silt fencing/turbidity screens if District staff determines that it is insufficient or is not in conformance with the intent of this permit. The silt fencing and/or turbidity screens shall remain in place until all adjacent construction activities are complete.
12. All temporary wetland impacts associated with mitigation construction activities shall be restored to preexisting wetland conditions immediately following completion of the mitigation element that caused the temporary wetland impacts. All restored temporary impact areas shall be identified in the time zero mitigation monitoring report and shall be maintained and monitored in conjunction with the mitigation monitoring program provided for in the enclosed exhibits.

13. This permit only applies to authorization from the South Florida Water Management District; it is possible that additional permits may be necessary from other agencies. Nothing contained herein relieves the permittee from timely complying with applicable laws of other federal, state or local governments.
14. Manatee exclusion grates shall be placed across the openings of existing or proposed culverts or pipes that are greater than eighteen inches but smaller than six feet in diameter. The installation of grates applies to any submerged or partially submerged pipes and culverts accessible to manatees during any tidal phase. Permittee shall keep all grates free and clear of debris.
15. Endangered species, threatened species and/or species of special concern have been observed onsite and/or the project contains suitable habitat for these species. It shall be the permittee's responsibility to coordinate with the Florida Fish and Wildlife Conservation Commission and/or the U.S. Fish and Wildlife Service for appropriate guidance, recommendations and/or necessary permits to avoid impacts to listed species.
16. The permittee shall instruct all personnel associated with the project of the potential presence of manatees and the need to avoid collisions with manatees. All construction personnel are responsible for observing water-related activities for the presence of manatee(s).

The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act of 1972, The Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act.

Siltation barriers shall be made of material in which manatees cannot become entangled, are properly secured, and are regularly monitored to avoid manatee entrapment. Barriers must not block manatee entry to or exist from essential habitat.

All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

If manatee(s) are seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure protection of the manatee. These precautions shall include the operation of all moving equipment no closer than 50 feet of a manatee. Operation of any equipment closer than 50 feet to a manatee shall necessitate immediate shutdown of that equipment. Activities will not resume until the manatee(s) has departed the project area of its own volition.

Any collision with and/or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for north Florida or Vero Beach (1-561-562-3909) in south Florida.

Temporary signs concerning manatees shall be posted prior to and during all construction/dredging activities. All signs are to be removed by the permittee upon completion of the project. A sign measuring at least 3 ft. by 4 ft. which reads Caution: Manatee Area will be posted in a location prominently visible to water related construction crews. A second sign should be posted if vessels are associated with the construction, and should be placed visible to the vessel operator. The second sign should be at least 8 1/2" by 11" which reads Caution: Manatee Habitat. Idle speed is required if operating a vessel in the construction area. All equipment must be shutdown if a manatee comes within 50 feet of operation. Any collision with and/or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. The U.S. Fish and Wildlife Service should also be contacted in Jacksonville (1-904-232-2580) for north Florida or in

Vero Beach (1-561-562-3909) for south Florida.

17. Due to the proximity of this project to areas of known manatee concentrations, all work conducted waterward of the existing shoreline during the months of December, January and February shall be subject to the following conditions:
 - a) The Bureau of Protected Species Management shall be notified one week prior to the commencement of the work;
 - b) at least one person shall be designated as a manatee observer at each site when in-water work is being performed. The manatee observer must be on site during all in-water construction activities and will advise personnel to cease operation upon sighting a manatee within 50 feet of any in-water construction activity. Movement of a work barge, other associated vessels, or any in-water work shall not be performed after sunset, when the possibility of spotting manatees is negligible; and
 - c) the permittee shall ensure that the contractor maintains a log detailing sightings, collisions, or injuries to manatees should they occur during the contract period. Following project completion, the logs shall be submitted to the Bureau of Protected Species Management, 620 South Meridian Street, Tallahassee, Florida 32399-1600;
18. The following exhibits for the permit are incorporated by reference herein and are located in the permit file:

Exhibit No. 14 List of Outparcels within West Lake Natural Preserve and Recreation Area, dated 12/19/01
Exhibit No. 17 Sublease Agreement for West Lake Park, between FDNR and Broward County, executed 12/22/88
Exhibit No. 18 Management Plan for West Lake Park, by Broward County Parks and Recreation Division
Exhibit No. 19 Management Plan Update for West Lake Park, authorized by FDEP on 2/7/02
19. No construction is authorized on land that the permittee does not own until the permittee acquires title to such land.
20. This permit does not eliminate the need to obtain any and all necessary easements and rights of way prior to the start of any activity approved herein. This permit does not convey to the permittee, or create for the permittee, any property right, or any interest in real property; nor does it authorize any entrance upon, or activities on, property which is not owned or controlled by the permittee; or convey any rights or privileges other than those specified in the permit and Chapter 40E-4 or Chapter 40E-40, F.A.C..
21. As provided in Exhibit No. 10, Broward County Parks and Recreation Division shall be responsible for the mitigation construction, five year maintenance and monitoring and perpetual management of the proposed mitigation efforts at West Lake Park.
22. Perpetual maintenance of the mitigation area shall include regular maintenance of the created tidal flushing channels to ensure regular tidal flushing to the adjacent mangrove wetlands. Such maintenance shall include, but may not be limited to, periodic removal of any accumulated material or sediment and any other measures necessary to prevent obstruction of tidal flushing through the created channels.
23. The use of the mitigation units from this project shall be limited to projects undertaken by Broward County. Generally, the mitigation activities authorized by this permit are intended to be used as compensation to offset impacts to tidal, saltwater and/or estuarine wetland communities. The suitability of this mitigation area to offset impacts to any given project will be determined on a case-by-case review of the project for which impacts are proposed.

The amount of potential credit generated by the mitigation efforts has been

determined using the Uniform Mitigation Assessment Method, 62-345, FAC (UMAM) through an assessment conducted jointly by District and Broward County Department of Planning and Environmental Protection staff and the applicant's representatives and is reflected in the UMAM worksheets provided in Exhibit No. 22. Use of the mitigation credits shall be addressed at the time of application for the wetland impact projects.

24. At the time of application for any that includes wetland impacts and proposes to use mitigation credit from this West Lake mitigation plan, the permittee shall demonstrate that an adequate portion of the mitigation plan has been or shall be executed and completed in a timely manner (i.e., concurrent with the wetland impacts) and that the specified mitigation will adequately offset the wetland impacts associated with that construction project.
25. A mitigation program for West Lake Park shall be implemented in accordance with the enclosed exhibits. The permittee shall create 51.7 acres of wetlands, restore 5.5 acres of wetlands, restore 13.4 acres of uplands, enhance 50.4 acres of wetlands, and preserve 53.3 acres of wetlands.
26. The District reserves the right to require remedial measures to be taken by the permittee if monitoring or other information demonstrates that adverse impacts to onsite or offsite wetlands, upland conservation areas or buffers, or other surface waters have occurred due to project related activities.
27. A mitigation monitoring program shall be implemented in accordance with the enclosed exhibits to ensure that the targeted success criteria are met. The monitoring program shall extend for a period of 5 years with annual reports submitted to District Environmental Resource Compliance staff. The permittee shall be responsible for ensuring that the mitigation areas described herein meet the specified percent coverage and/or survivorship of planted and/or recruited vegetation throughout the duration of the monitoring program, with replanting as necessary. If native wetland, transitional, and upland species do not achieve the specified percent coverage and/or survivorship at any time during the monitoring program, native species shall be planted in accordance with the maintenance program. At the end of the 5 year monitoring program the entire mitigation area shall contain an 80% survival of planted vegetation and an 80% coverage of desirable plant species suitable for that mitigation area.
28. A maintenance program shall be implemented in accordance with Exhibit Nos. 4 and 7 for the mitigation areas on a regular basis to ensure the integrity and viability of those areas as permitted. Maintenance shall be conducted in perpetuity to ensure that the conservation area is maintained free from Category 1 exotic vegetation (as defined by the Florida Exotic Pest Plant Council at the time of permit issuance) immediately following a maintenance activity. Coverage of exotic and nuisance plant species shall not exceed 5% of total cover between maintenance activities. In addition, the permittee shall manage the conservation areas such that exotic/nuisance plant species do not dominate any one section of those areas.
29. A time zero monitoring report for the West Lake Park mitigation project shall be conducted in accordance with Exhibit Nos. 4 and 7 for all completed mitigation activities. The time zero monitoring report shall include a survey of the areal extent, acreage and cross-sectional elevations of the created/restored areas and panoramic photographs for each habitat type. The report shall also include a description of planted species, sizes, total number and densities of each plant species within each habitat type as well as mulching methodology.
30. The permittee shall comply with applicable state water quality standards including:
 - a) 62-302.500 - Minimum criteria for all surface waters at all places and all times;
 - b) 62-302.510 - Surface waters: general criteria
 - c) 62-302.560 - Class III waters: recreation, propagation and maintenance of a healthy, well balanced population of fish and wildlife;
 - d) 62-302.600 - Classified waters.

31. A turbidity control plan shall be implemented in accordance with Exhibit Nos. 4 and 7. Prior to the commencement of construction in or adjacent to the Intracoastal Waterway or other surface water bodies within West Lake Park, floating turbidity curtains with weighted skirts that extend to the submerged bottom shall be properly installed to isolate adjacent waters from the work area. The floating turbidity curtains shall be maintained and shall remain in place until all construction is complete and turbidity levels in the project area are within 29 NTUs of background levels. The permittee shall be responsible for ensuring that turbidity control devices are inspected daily and maintained in good working order so that there are no violations of state water quality standards outside of the turbidity screens.

32. A water quality monitoring program shall be implemented in accordance with Exhibit No. 4 and as outlined below:

Turbidity expressed in nephelometric turbidity units (ntu). Background samples shall be taken 200 feet upstream of any construction activity within adjacent surface waters. Samples shall also be taken 200 feet downstream. Samples shall be taken at least twice daily, with at least a four-hour interval, during all work authorized by this permit involving spoil removal, grading or other forms of earthwork that may generate turbidity in other surface waters.

Monitoring shall begin on the first day of construction for all activities within or adjacent to surface waters. Monitoring shall cease when all construction activities are completed. The monitoring data must demonstrate that turbidity 200 feet downstream of all proposed activities is less than or equal to 29 NTU's above natural background turbidity (or meets OFW standards) and 200 feet upstream of each proposed activity for a period of 7 consecutive days after completion of construction. If monitoring shows such levels to be exceeded, construction shall cease and District compliance staff shall be notified immediately. Work shall not resume until District staff is satisfied that adequate corrective measures have been taken and turbidity has returned to acceptable levels.

All monitoring data shall be maintained on site and be available to District staff during regular business hours. The content of the data shall include:

1) permit and application number; (2) dates of sampling and analysis; (3) statement describing the methods used in collection, handling, storage and analysis of the samples; (4) a map indicating the sampling locations and (5) a statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection and accuracy of the data.

Monitoring reports shall also include the following information for each sample that is taken:

- (a) time of day samples taken;
- (b) depth of water body;
- (c) depth of samples;
- (d) antecedent weather conditions;
- (e) wind direction and velocity;

33. Documentation of ownership of the Priority 1 outparcels by the County identified in Exhibit Nos. 14 and 15 must be provided to the District in order to be credited as mitigation for preservation credit and before any other mitigation element is constructed which relies on those outparcels for their construction, access or other purposes.
34. Those portions of the park which are under County ownership and where mitigation is proposed that have been determined to potentially be vulnerable to subsequent alteration (refer to Exhibit No. 13) shall be placed under a conservation easement dedicated to the District. A draft conservation easement document along with boundary surveys and legal descriptions for the identified areas to be protected under the conservation easement shall be submitted for review by District staff and, upon their approval, shall be recorded in County records before mitigation credit for those areas may be used as compensation to offset wetland impacts associated

with other County projects.

35. Management items outlined in Exhibit No. 5 and described in Exhibit Nos. 4 and 7 may be later considered for mitigation credit through a modification of this permit if supporting information to justify mitigation credit for items has been sufficiently demonstrated to the District.
36. Any mitigation credit generated by the planned mitigation activities described herein shall only be eligible for use as compensation to offset tidal, saltwater or estuarine wetland impacts associated with projects proposed by Broward County. Use of such mitigation credit shall require a concurrent modification of this permit at the time of application for the impact projects proposing to use the mitigation credit.
37. Early transplanting of seagrass from the impact site to the proposed seagrass creation areas shall be voluntary and shall not be subject to survival criteria. However, the recruitment and coverage criteria specified in this permit shall apply.
38. No modifications to this permit shall be required for construction methodology variations from those described in Exhibit No. 4 provided that they do not increase incidental impacts to adjacent wetlands and provided that District staff concur with any such deviations in the construction methodology. Field adjustments to the methodology may be made upon agreement by District regulatory and/or compliance staff.
39. Select mangrove trimming necessary to accomplish the planned mitigation efforts described herein shall be authorized by this permit.
40. Mitigation credit for the designated manatee protection areas shall be granted only after documentation of an agreement, easement or other necessary form of authorization for installation of the manatee protection barriers from the U.S. Army Corps of Engineers has been submitted to the District.
41. Activities associated with the implementation of the mitigation, monitoring and maintenance plan(s) shall be completed in accordance with the work schedule attached as Exhibit No. 21. Any deviation from these time frames will require prior approval from the District's Environmental Resource Compliance staff. Such requests must be made in writing and shall include (1) reason for the change, (2) proposed start/finish and/or completion dates; and (3) progress report on the status of the project development or mitigation effort.

GENERAL CONDITIONS

1. All activities authorized by this permit shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit and Part IV, Chapter 373, F.S.
2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by District staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
3. Activities approved by this permit shall be conducted in a manner which does not cause violations of State water quality standards. The permittee shall implement best management practices for erosion and pollution control to prevent violation of State water quality standards. Temporary erosion control shall be implemented prior to and during construction, and permanent control measures shall be completed within 7 days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. All practices shall be in accordance with the guidelines and specifications described in Chapter 5 of the Florida Land Development Manual: A Guide to Sound Land and Water Management (Department of Environmental Regulation, 1988), incorporated by reference in Rule 40E-4.091, F.A.C. unless a project-specific erosion and sediment control plan is approved as part of the permit. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
4. The permittee shall notify the District of the anticipated construction start date within 30 days of the date that this permit is issued. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the District an Environmental Resource Permit Construction Commencement Notice Form Number 0960 indicating the actual start date and the expected construction completion date.
5. When the duration of construction will exceed one year, the permittee shall submit construction status reports to the District on an annual basis utilizing an annual status report form. Status report forms shall be submitted the following June of each year.
6. Within 30 days after completion of construction of the permitted activity, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing the supplied Environmental Resource Permit Construction Completion/Certification Form Number 0881. The statement of completion and certification shall be based on onsite observation of construction or review of as-built drawings for the purpose of determining if the work was completed in compliance with permitted plans and specifications. This submittal shall serve to notify the District that the system is ready for inspection. Additionally, if deviation from the approved drawings is discovered during the certification process, the certification must be accompanied by a copy of the approved permit drawings with deviations noted. Both the original and revised specifications must be clearly shown. The plans must be clearly labeled as "As-built" or "Record" drawing. All surveyed dimensions and elevations shall be certified by a registered surveyor.
7. The operation phase of this permit shall not become effective until the permittee has complied with the requirements of condition (6) above, and submitted a request for conversion of Environmental Resource Permit from Construction Phase to Operation Phase, Form No. 0920; the District determines the system to be in compliance with the permitted plans and specifications; and the entity approved by the District in

accordance with Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, accepts responsibility for operation and maintenance of the system. The permit shall not be transferred to such approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall initiate transfer of the permit to the approved responsible operating entity if different from the permittee. Until the permit is transferred pursuant to Section 40E-1.6107, F.A.C., the permittee shall be liable for compliance with the terms of the permit.

8. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of the phase or portion of the system to a local government or other responsible entity.
9. For those systems that will be operated or maintained by an entity that will require an easement or deed restriction in order to enable that entity to operate or maintain the system in conformance with this permit, such easement or deed restriction must be recorded in the public records and submitted to the District along with any other final operation and maintenance documents required by Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit applications within the South Florida Water Management District, prior to lot or units sales or prior to the completion of the system, whichever comes first. Other documents concerning the establishment and authority of the operating entity must be filed with the Secretary of State, county or municipal entities. Final operation and maintenance documents must be received by the District when maintenance and operation of the system is accepted by the local government entity. Failure to submit the appropriate final documents will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system and any other permit conditions.
10. Should any other regulatory agency require changes to the permitted system, the permittee shall notify the District in writing of the changes prior to implementation so that a determination can be made whether a permit modification is required.
11. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 40E-4 or Chapter 40E-40, F.A.C..
12. The permittee is hereby advised that Section 253.77, F.S. states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the State, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.
13. The permittee must obtain a Water Use permit prior to construction dewatering, unless the work qualifies for a general permit pursuant to Subsection 405-20.302(3), F.A.C., also known as the "No Notice" Rule.
14. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any system authorized by the permit.
15. Any delineation of the extent of a wetland or other surface water submitted as part

- of the permit application, including plans or other supporting documentation, shall not be considered binding, unless a specific condition of this permit or a formal determination under Section 373.421(2), F.S., provides otherwise.
16. The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of a permitted system or the real property on which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of Rules 40E-1.6105 and 40E-1.6107, F.A.C.. The permittee transferring the permit shall remain liable for corrective actions that may be required as a result of any violations prior to the sale, conveyance or other transfer of the system.
 17. Upon reasonable notice to the permittee, District authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.
 18. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the appropriate District service center.
 19. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.



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

FEB 03 2011

REPLY TO
ATTENTION OF

Palm Beach Gardens Section
SAJ-2002-00072(IP-LAO)
Modification-5

Broward County Parks and Recreation Division
c/o Pat Young
Administrative Manager
950 NW 38th Street
Oakland Park, Florida 33309

Dear Mr. Young:

The U.S. Army Corps of Engineers has completed the review and evaluation of your modification request received 24 January 2011 in which you asked to modify Department of the Army permit number SAJ-2002-00072, for activities at the West Lake Park and adjacent wetlands, issued February 28, 2006. The project is located in navigable waters of the U.S, west of the Intracoastal Waterway and south of the Dania Cutoff Canal, Dania Beach (Sections 1, 2, and 11, Township 50 south, Range 42 east), Broward County, Florida.

The proposed modification is to extend the expiration date to complete your proposed project. This authorization is hereby extended for five years from the date of this letter.

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 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 Melody White at the letterhead address, by telephone at 561-472-3508 or by electronic mail at Melody.J.White@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:


Alfred A. Pantano, Jr.
Colonel, U.S. Army
District Commander

Enclosure

Copies Furnished:

Miller Legg
c/o Dylan Larson
2005 Vista Parkway
Suite 100
West Palm Beach, FL 33411
Email: Jennifer Shipley: jshipley@millerlegg.com
Dylan Larson: dlarson@millerlegg.com

CESAJ-RD-PE

DEPARTMENT OF THE ARMY PERMIT

DUPLICATE

Permittee: Broward County Parks and Recreation Division
Attn: Pat Young
Administrative Manager
950 N.W. 38th Street
Oakland Park, FL 33309

Permit No: SAJ-2002-00072 (IP-LAO)

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

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

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

Project Description: To provide up-front compensation to be used for wetland impacts associated with future Broward County projects, the County has proposed a mitigation plan for upland, wetland, and seagrass creation, restoration, enhancement and preservation of mangroves and seagrasses within West Lake Park in Broward County.

The project is to install culvert connections to increase flushing of a 1500+ acre mangrove forest, tidal flushing channels, construct a riprap/crib structure for shoreline stabilization along approximately 3 miles of shoreline adjacent to the mangrove edge along the ICW and for approximately 1.5 miles along the Dania Cutoff canal. The riprap/crib structure shall be created using piling supports on one or both sides of the riprap with pilings parallel to the shoreline with horizontal reinforcing bars to create the support structure for the riprap. A geotube base filled with clean fill will be laid within the crib structure for stabilization. Where the structure is adjacent to resources, as shown in the attached drawings, riprap placement will be within a 5-foot wide crib structure which is vertical on both sides with pilings and stringers. Where the riprap will not be placed adjacent to resources, the piling support structure will be only built on the landward edge of the mangrove fringe and the riprap will be placed against and waterward of it with the waterward slope of the riprap being no steeper than 1.5 horizontal to 1 vertical.

The project will also include the scrape down and/or removal of exotic vegetation from approximately 63 acres of upland soil to create mangrove, mudflat, tidal flats and pools, seagrass, and maritime hammock habitat. Additionally, exotic vegetation removal will occur in smaller areas throughout the park. A temporary expansion of an existing road involving 0.03 acres of impacts will be installed to allow spoil removal.

The project is proposed to create ±24.2 acres of mangrove habitat, 7.0 acres of mud flats/tidal pools, 8.6 acres of tidal channels, 8.0 acres of seagrass habitat, 13.4 acres of maritime hammock, 1.9 acres of structural habitat in the form of a riprap crib structure along the ICWW, and 2.0 acres of supplemental structural habitat (riprap) along the Dania Cut-off Canal. Project restoration would consist of 1.5 acres of mud flats/tide pools, and improving 3.5 acres of flushing channels within the Dania Salt Marsh, and removing derelict barges which currently shade 0.5 acres of potential seagrass habitat within Whiskey Creek. Project enhancement/creation consists of 32 acres of mangroves, removal of 8.4 acres of exotic vegetation and replanting of sea oxeye daisy, and removing and preventing future exotic infestations in 10 acres. Project preservation consists of 23.3 acres of outparcel acquisition, and 30 acres of seagrass/manatee protection areas.

The work described above is to be completed in accordance with the 33 pages of drawings and 8 attachments affixed at the end of this permit instrument, specifically Attachment 4 which outlines the projects construction methodology, monitoring requirements, and timing.

Project Location: The project is located in West Lake Park, a county park composed almost entirely of a mangrove forest west of the Intracoastal Waterway and south of the Dania Cutoff Canal, Dania Beach (Sections 1, 2 and 11, Township 50 south, Range 42 east, Broward County, Florida.

Directions to site: From I-95 in Fort Lauderdale, exit east at Sheridan Street and go east 2.6 miles. The project is on both sides of Sheridan Street.

Latitude & Longitude: Latitude: 26° 2' 20" North
Longitude: 80° 7' 10" West

Permit Conditions

General Conditions:

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1. The time limit for completing the work authorized ends on **February 28, 2011**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

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

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a 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. Submittals required herein shall be directed to:

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Department of the Army
Jacksonville District Corps of Engineers
Regulatory Division, Enforcement Section
P.O. Box 4970
Jacksonville, Florida 32232-0019

A courtesy copy of any required enhancement/creation reports will also be provided to:

U.S. Army Corps of Engineers
South Permits Branch Office
4400 PGA Boulevard, Suite 500
Palm Beach Gardens, FL 33410

2. Prior to commencement of construction in or adjacent to wetlands and/or Waters of the United States, the perimeter of the enhancement/creation construction area(s) shall be enclosed with staked and trenched silt fencing and/or turbidity screens so as to prevent encroachment or disturbance into adjacent protected areas.
3. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date.
4. The permittee shall conduct a pre-construction meeting prior to commencement of construction in order to notify in-house staff, field crews, contractors, subcontractors, and all persons involved in the construction of West Lake Park Enhancement/creation Project of the conditions of this permit. The permittee shall educate and inform staff members and contractors of these procedures. Copies of the permit and specific conditions shall be displayed at the construction site.
5. All storage or stockpiling of tools or materials (i.e. lumber, pilings, etc.) shall be limited to uplands or within the impact areas authorized by this project.
6. All temporary wetland impacts associated with the enhancement/creation construction activities shall be restored to preexisting wetland conditions immediately following completion of the construction element that caused the temporary wetland impacts. All restored temporary impact areas shall be identified in the time-zero enhancement/creation monitoring report and shall

be maintained and monitored in conjunction with the enhancement/creation monitoring program provided for in the enclosed exhibits.

7. This permit is issued based on the applicant's submitted information which reasonably demonstrates that adverse water resource related impacts will not be caused by the completed permit activity. Should any adverse impacts caused by the completed project occur, the Corps may require the permittee to provide appropriate enhancement/creation to the Corps. The Corps may require the permittee to modify the project, if necessary, to eliminate the cause of the adverse impacts.

8. Spoil generated from the excavation authorized by this permit must be stockpiled in upland areas and contained in such a manner as to prevent erosion into wetlands or Waters of the United States prior to disposal in a suitable upland spoil disposal area or placement in the geotube base for the riprap crib.

9. The permittee shall comply with the attached Manatee Construction Conditions enclosed in attachment #3 which are also outlined in this condition. The permittee shall instruct all personnel associated with the project of the potential presence of manatees and the need to avoid collisions with manatees. All construction personnel are responsible for observing water-related activities for the presence of manatee(s).

The permittee shall advise all construction personnel that there are civil penalties and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act of 1972, The Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act.

Siltation barriers shall be made of material in which manatees cannot become entangled, are properly secured, and are regularly monitored to avoid manatee entrapment. Barriers must not block manatee entry to or exist from essential habitat.

All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water wherever possible.

If manatee(s) are seen within 100 yards of the active daily construction/dredging operation or vessel movement, all

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appropriate precautions shall be implemented to ensure protection of the manatee(s). these precautions shall include the operation of all moving equipment no closer than 50 feet of a manatee. Operation of any equipment closer than 50 feet to a manatee shall necessitate immediate shutdown of that equipment. Activities will not resume until the manatee(s) has departed the project area of its own volition.

Any collision with and/or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. Collision should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for north Florida or Vero Beach (772-562-3909) in south Florida.

Temporary signs concerning manatees shall be posted prior to and during all construction/dredging activities. All signs are to be removed by the permittee upon completion of the project. A sign measuring at least 3 ft. by 4 ft. which reads Caution: Manatee Area will be posted in a location prominently visible to water related construction crews. A second sign should be posted if vessels are associated with the construction, and should be placed visible to the vessel operator. The second sign should be at least 8 1/2 by 11" which reads Caution: Manatee Habitat. Idle speed is required if operating a vessel in the construction area. All equipment must be shutdown if a manatee comes within 50 feet of operation. Any collision with and/or injury to a manatee shall be reported immediately to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for north Florida or Vero Beach (772-562-3909) in south Florida.

10. The permittee shall install and maintain permanent manatee awareness signs/education displays.

11. As provided in Attachment 4, Broward County Parks and Recreation Division shall be responsible for the enhancement/creation construction, five year maintenance and monitoring and perpetual management of the proposed enhancement/creation efforts at West Lake Park.

12. A maintenance program shall be implemented in accordance with Attachment 5 for the enhancement/creation areas on a regular basis to ensure the integrity and viability of those areas as permitted. Maintenance shall be conducted in perpetuity to ensure that the enhancement/creation areas are maintained free from Category 1 exotic vegetation (as defined by the Florida Exotic Pest Plant Council at the time of permit issuance) immediately following a maintenance activity. Coverage of exotic and nuisance

plant species shall not exceed 5% of total cover between maintenance activities. In addition, the permittee shall manage the conservation areas such that exotic/nuisance plant species do not dominate any one section of those areas.

13. A time zero monitoring report for the West Lake Park enhancement/creation project shall be conducted in accordance with Attachment 5 for all completed enhancement/creation activities. The time zero monitoring report shall include a survey of the areal extent, acreage and cross-sectional elevations of the created/restored areas and panoramic photographs for each habitat type. The report shall also include a description of planted species, sizes, total number and densities of each plant species within each habitat type as well as mulching methodology.

14. The permittee shall submit annual monitoring reports to the Corps for a period of five years, the first not later than one year after the submission of the time-zero report. Each monitoring report shall provide a narrative, professional biological opinion of the condition of the enhancement/creation improvements. The monitoring report shall also contain a plan view describing the vegetative community, the percent cover for each community, a list of species and their percent cover for each community, the percent cover of wetland and of exotic plant species, the sum of the survivors of those planted plus those recruited, a description of any unusual climatic or other factors, and photos from the same point as where the photos for the time-zero report.

15. Perpetual maintenance of the enhancement/creation areas shall include regular maintenance of the created tidal flushing channels to ensure regular tidal flushing to the adjacent mangrove wetlands. Such maintenance shall include, but may not be limited to, periodic removal of any accumulated material or sediment and any other measures necessary to prevent obstruction of tidal flushing through the created channels.

16. Generally, the enhancement/creation activities authorized by this permit are intended to be used as compensation to offset impacts to tidal, saltwater, and/or estuarine wetland communities. The use of mitigation units from this project shall be limited to projects undertaken by or for Broward County. The Corps will determine if the use of mitigation credits from this project is warranted and appropriate for use as mitigation on other projects. The suitability of this enhancement/creation area

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to offset impacts to any given project will be determined on a case-by-case review of the project for which impacts are proposed.

17. The amount of potential credit generated by the enhancement/creation efforts must be confirmed through post-project monitoring to reveal if actual habitat creation and enhancement/creation occurs. These ecological benefits were estimated using the Uniform Mitigation Assessment Method (UMAM) and are summarized in Attachment 6. The values are presumed correct, but are adjustable by the Corps if adequate lift has not been achieved or if proposed acreages for mitigation areas are not enhanced/created as proposed. Verification methods to determine actual acreages for Improvement and verification of potential credits generated from this creation/enhancement project are shown in Attachment 7. Use of such enhancement/creation credit shall require a concurrent modification of this permit at the time of application for the impact projects proposing to use the enhancement/creation credit. Any habitat restoration/enhancement/creation that occurs as a result of this project does not preclude the need to fully adhere to the federal sequential enhancement/creation requirements on future regulated activities.

18. Management items identified in Attachment 8 and described in Attachment 4 may be later considered for enhancement/creation credit through a modification of this permit if supporting information to justify enhancement/creation credit for items has been sufficiently demonstrated to the Corps.

19. No modifications to this permit shall be required for construction methodology variations from those described in Attachment 4 provided that they do not increase incidental impacts to adjacent wetlands and provided that Corps staff concurs with any such deviations in the construction methodology. Field adjustments to the methodology may be made upon agreement by Corps regulatory or compliance staff.

20. Select mangrove trimming necessary to accomplish the planned enhancement/creation efforts described herein shall be authorized by this permit.

21. Since the installation of the buoys for the "boating exclusion zone" is located within the Federal right-of-way for the Federal Channel, **a Department of the Army Consent to Easement is also required prior to commencement of installation of the**

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buoys. By copy of this letter, the permit is being forwarded to the Corps Real Estate Division for action on the Consent.

22. Enhancement/creation credit for the designated manatee/seagrass protection areas shall be granted only after documentation of a Consent to Easement for installation of the manatee protection barriers from the U.S. Army Corps of Engineers Real Estate Division has been submitted to the offices as outlined in Special Condition #21.

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

24. Fill material used with this project (temporary road expansion and geotube creation) shall be limited to suitable, clean fill material, which excludes materials such as trash, debris, car bodies, asphalt, construction materials, concrete block with exposed reinforcement bars, and any soils contaminated with any toxic substance in toxic amounts (see Section 307 of the Clean Water Act).

25. Following completion of the crib installation, the permittee shall complete a post-installation seagrass survey from the riprap crib structure waterward for a distance 50 feet. This post construction seagrass survey will be conducted in the growing season (April 1-August 31) following the crib construction and shall be submitted to Corps no later than October 1 that year. The seagrass survey shall be compared with the 2002 seagrass survey done by Miller Legg and Associates, Inc. If the post construction seagrass survey shows that seagrasses have been impacted or are no longer growing in their previous locations (adjacent to the crib structure), a UMAM analysis on the seagrass habitats affected based on the Corps earlier UMAM analysis of the West Lake Seagrass areas should be conducted by the permittee and submitted to the Corps for approval. The UMAM debits from the areas affected shall be deducted from any actual seagrass creation/enhancement credits earned through this overall

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project. If sufficient actual mitigation credits are not available to offset the impacts caused to seagrasses by the crib structure, the Corps will require remedial measures and will require additional mitigation as necessary to fully offset impacts resulting from the installation of the crib structure.

Further Information:

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

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

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

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

2. Limits of this authorization.

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

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

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

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

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

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

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

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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.

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Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

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



(PERMITTEE) 2/28/06
(DATE)

PAT YOUNG

(PERMITTEE NAME-PRINTED)

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



(DISTRICT ENGINEER)
Robert M. Carpenter
Colonel, U.S. Army 3-2-2006
(DATE)

Federal to Federal Permit

U.S. DEPARTMENT OF HOMELAND SECURITY U.S. COAST GUARD CG -4122 (Rev 6-04)	PERMIT FOR USE OF REAL PROPERTY BY OTHER FEDERAL AGENCIES	PERMIT NUMBER
This permit to use the U.S. Government property hereinafter described is issued by the U. S. Coast Guard, Department of Homeland Security to the Permittee named below for the purpose herein specified upon the terms, conditions, and general provisions set forth below. By the execution hereof, the Permittee agrees to comply with all such terms, conditions, and general provisions.		
GENERAL PROVISIONS		
a. The Permitter hereby grants to the Permittee the non-exclusive permission to use the premises or facilities specified in item 3, together with the necessary rights of ingress and egress. b. This Permit shall be effective during the period stated in item 2 and is revocable at any time without notice at the option and discretion of the Permitter or its duly authorized representative. c. The use to be made of the subject premises shall be limited to that specified in item 4. d. This Permit shall be neither assignable nor transferable by the Permittee. e. If utilities and services are furnished the Permittee for its use of the premises, the cost thereof will be reimbursed to the Permitter pursuant to applicable statutes and regulations governing such reimbursement. f. The Permittee shall protect, maintain, and keep in good order the premises or facilities Permitted hereby. This obligation includes	responsibility for all costs incurred for any maintenance and repair (including long-term maintenance) which the Permittee shall consider necessary or desirable in connection with its occupancy hereunder. g. Any item of long-term maintenance, or any additions to, or alterations of, the premises or facilities which the Permittee shall consider necessary or desirable in connection with its use and occupancy shall be made only with the prior approval and consent of the Permitter and at the sole cost and expense of the Permittee. Upon revocation, expiration or surrender of this Permit, and to the extent directed by the Permitter the Permittee shall remove all alterations, additions, betterments and improvements made, or installed and restore the premises or facilities to the same or as good condition as existed on the date of entry under this Permit reasonable wear and tear excepted. h. All activities authorized hereunder shall be subject to such rules and regulations as regards supervision or otherwise, as may, from time to time, be prescribed by the local representative of the Permitter designated in item 5.	
1. COAST GUARD ACTIVITY (Property location)	2. DATES COVERED (Inclusive) FROM: _____ TO: _____	
3. DESCRIPTION OF PROPERTY (Include rooms and buildings where appropriate)		
4. PURPOSE OF PERMIT (Specific use)		
5. PERMITTER U.S. Coast Guard	NAME AND TITLE OF OFFICIAL (Type)	DATE
PREVIOUS EDITION IS OBSOLETE		SIGNATURE OF OFFICIAL
6. PERMITTEE (Give full Agency designation)	NAME AND TITLE OF OFFICIAL (Type)	DATE
		SIGNATURE OF OFFICIAL

EXHIBIT C-2

ASSESSMENT OF NON-FEDERAL SPONSOR'S REAL ESTATE ACQUISITION CAPABILITY FOR PORT EVERGLADES HARBOR, FLORIDA, NAVIGATION PROJECT

I. Legal Authority:

- a. Does the sponsor have legal authority to acquire and hold title to real property for project purposes? **YES**
- b. Does the sponsor have the power of eminent domain for this project? **YES**
- c. Does the sponsor have "quick-take" authority for this project? **YES**
- d. Are any of the lands/interests in land required for the project located outside the sponsor's political boundary? **NO**
- e. Are any of the lands/interests in land required for the project owned by an entity whose property the sponsor cannot condemn? **YES. The United States Coast Guard (USCG) owns property that will be affected by the project.**

II. Human Resource Requirements:

- a. Will the sponsor's in-house staff require technical training to become familiar with the real estate requirements of Federal projects including P.L. 91-646, as amended? **NO**
- b. If the answer to IIa. is "yes," has a reasonable plan been developed to provide such training? **N/A**
- c. Does the sponsor's in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project? **YES**
- d. Is the sponsor's projected in-house staffing level sufficient considering its other work load, if any, and the project schedule? **YES**
- e. Can the sponsor obtain contractor support, if required in a timely fashion? **YES**
- f. Will the sponsor likely request USACE assistance in acquiring real estate? **NO**

III. Other Project Variables:

- a. Will the sponsor's staff be located within reasonable proximity to the project site? **YES**
- b. Has the sponsor approved the project/real estate schedule/milestones? **YES**

IV. Overall Assessment:

- a. Has the sponsor performed satisfactorily on other USACE projects? **YES**
- b. With regard to this project, the sponsor is anticipated to be: highly capable/fully capable/moderately capable/marginally capable/insufficiently capable. **HIGHLY CAPABLE**

V. Coordination:

- a. Has this assessment been coordinated with the sponsor? **YES**
- b. Does the sponsor concur with this assessment? **YES**

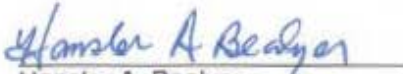
Date: 24 November 2014

Prepared by:



Lynn H. Zedlak
Realty Specialist
Real Estate Division
Jacksonville District

Reviewed by:



Hansler A. Bealyer
Chief, Acquisition Branch
Real Estate Division
Jacksonville District

Reviewed and approved by:



Audrey C. Ormerod
Chief, Real Estate Division
Real Estate Division
Jacksonville District

EXHIBIT C-3



REPLY TO
ATTENTION OF
Real Estate Division

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P.O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

David Anderton, AICP, PPM
Assistant Director of Port Everglades
Strategic Planning and Development
Office of Chief Executive – Port Director
1850 Eller Drive
Fort Lauderdale, Florida 33316

Dear Mr. Anderton:

The intent of this letter is to formally advise Broward County, Florida, Port Everglades Department, as the non-Federal sponsor for the Port Everglades Navigation Project, of the risks associated with land acquisition prior to the execution of the Project Partnership Agreement (PPA) or prior to the Government's formal notice to proceed with acquisition. If a non-Federal sponsor deems it necessary to commence acquisition prior to an executed PPA for whatever reason, the non-Federal sponsor assumes full and sole responsibility for any and all costs, responsibility, or liability arising out of the acquisition effort.

Generally, these risks include, but may not be limited to, the following:

1. Congress may not appropriate funds to construct the proposed project;
2. The proposed project may otherwise not be funded or approved for construction;
3. A PPA mutually agreeable to the non-Federal sponsor and the Government may not be executed and implemented;
4. The non-Federal sponsor may incur liability and expense by virtue of its ownership of contaminated lands, or interests therein, whether such liability should arise out of local, state, or Federal laws or regulations including liability arising out of CERCLA, as amended;
5. The non-Federal sponsor may acquire interests or estates that are later determined by the Government to be inappropriate, insufficient, or otherwise not required for the project;

6. The non-Federal sponsor may initially acquire insufficient or excessive real property acreage which may result in additional negotiations and/or benefit payments under P.L. 91-646 as well as the payment of additional fair market value to affected landowners which could have been avoided by delaying acquisition until after PPA execution and the Government's notice to commence acquisition and performance of LERRD; and

7. The non-Federal sponsor may incur costs or expenses in connection with its decision to acquire or perform LERRD in advance of the executed PPA and the Government's notice to proceed which may not be creditable under the provisions of Public Law 99-662 or the PPA.

We appreciate the County's participation in this project. Should you have questions or concerns pertaining to this letter please feel free to contact Mrs. Lynn Zediak at (904) 232-3811.

Sincerely,



Audrey C. Ormerod
Chief, Real Estate Division
Jacksonville District