



Environmental Protection and Growth Management Department  
**ENVIRONMENTAL LICENSING and BUILDING PERMITTING DIVISION**  
**Environmental Engineering and Licensing Section**  
1 North University Drive, Suite 201, Plantation, Florida 33324 • 954-519-1483 • FAX 954-519-1412

February 3, 2016

NV Marina Holdings, LLC.  
c/o Roger Moore, President  
50 S. Bryan Road  
Dania Beach, FL 33004

Dear Mr. Moore:

This is to notify you of the Environmental Protection and Growth Management Department's (EPGMD) action concerning your applications received February 6, 2016. The application has been reviewed for an Environmental Resource Permit and License.

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

EPD has the authority to review the project for compliance with Rule 62-330 and Chapter 373 of the Florida Administrative Code pursuant to an agreement between EPD, DEP, and the South Florida Water Management District. The agreement is outlined in a document entitled "Delegation Agreement among the Florida Department of Environmental Protection, the South Florida Water Management District, and Broward County".

Based on the information submitted, Environmental Resource Standard Individual Permit No. 06-0341221-001 is hereby issued.

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

EPD has reviewed the project for compliance with Aquatic and Wetland Resource Protection Ordinance Sec. 27-331 through 27-341 of the Broward County Code.

Based on the information submitted, Environmental Resource License No. DF14-1024 is hereby issued.

The above named permittee/licensee is hereby authorized to perform the work per the approved drawings(s), plans, documents and specifications as submitted by the licensee, and made a part hereof. The above referenced approvals will remain in effect subject to the attached FDEP General Conditions, Broward County General Conditions, combined FDEP and Broward County Specific Conditions, and attached exhibits.

Should you wish to object to the Agency action or file a petition, please provide written objections, petitions and/or waivers within ten (10) days from the rendition of the action (refer to the attached "Variance and Administrative Review Procedures", Chapter 27 -10 through 27-14) to:

Director, ELBPD  
1 North University Drive  
Plantation, FL 33324

The "Notice of Rights" addresses the procedures to be followed if you desire a public hearing or review of the Agency's action.

Sincerely,

*Linda Sunderland*

Linda Sunderland, NRS IV  
Aquatic & Wetland Resources Program

*02/03/16*

Date

ENC:

1. County Environmental Resource License/State Individual Environmental Resource Permit
2. Broward County EPD Variance and Administrative Review Procedures
3. One copy of stamped drawings (9 pages)
4. Standard Manatee Conditions (1 page)

CC:

1. **Jeff Flarity, Ayden Environmental** (via e-mail)
2. **US Army Corps of Engineers** (via e-mail)
3. **Ryan Goldman** (via e-mail)



Environmental Protection and Growth Management Department

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**Permittee/Authorized Entity:**

NV Marina Holdings, LLC.  
c/o Roger Moore, President  
50 S. Bryan Road  
Dania Beach, FL 33004  
Email: [007@nauticalventures.com](mailto:007@nauticalventures.com)

**Project Name:**

Nautical Ventures Marine Center

**Authorized Agent:**

Aden Environmental  
c/o Jeff Flarity  
Phone: (302) 270-4514; Email: [aydenenv@gmail.com](mailto:aydenenv@gmail.com)

**Compliance Project Manager:**

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

**Environmental Resource Permit - Granted**

**State-owned Submerged Lands Authorization –Not Required**

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

**State of Florida ERP No.:** 06-0341221-001

**Broward County ERL No.:** DF14-1024

**Permit Issuance Date:** 02/03/2016

**Permit Construction Phase Expiration Date:** 02/03/2021



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

Post-Construction Requirements

Activity	Date Due	Date Completed
<input type="checkbox"/> Transfer Form Submitted to ELBPD (if property sold)	Within 30 days Sale of property	_____

*For the above criteria that require you to contact ELBPD or the County – you should contact the Environmental Licensing and Building Permitting Division, Aquatic and Wetland Resources Program, Attention: Linda Sunderland, 1 N. University Drive, Suite 102-A, Plantation, FL 33324. Phone: (954) 519-1454; Email: [L.Sunderland@Broward.org](mailto:L.Sunderland@Broward.org).*

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

**STATE ENVIRONMENTAL RESOURCE INDIVIDUAL PERMIT and  
COUNTY ENVIRONMENTAL RESOURCE LICENSE**

**PERMITTEE/LICENSEE:**

NV Marina Holdings, LLC.  
c/o Roger Moore, President  
50 S. Bryan Road  
Dania Beach, FL 33004

FDEP Permit No.: 06-0341221-001  
EPGMD License No.: DF14-1024  
Date of Issue: 02/03/16  
Expiration Date of  
Construction Phase: 02/03/21  
Project: After-the-Fact Dock

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**REGULATORY AUTHORITY**

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

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

**DESCRIPTION OF WORK:** The purpose of the project is to license an after-the-fact floating kayak/paddle board launch platform and floating dock. The floating kayak/paddle board launch platform and dock on the north side of the property includes an arrangement of three platform areas and one floating vessel platform (see sheet 1 from December 2015) which are all connected to a 6.6' wide by 61' long floating dock which is accessed via a ramp for a total area of 1,656.25 square feet. On the south side of the property the floating dock consists of one 22.5' long by 9.25' wide platform attached to a 6.6' wide by 128.75' long which is also accessed by one ramp for a total area of 1,045 square feet. The total over-water area of all structures shall be approximately 2,701 square feet. ***This license does not authorize dredging or any impacts to natural resources.***

Under the project described herein the Marine Facility Operating License (MFOL08-0380) authorizes a change in slip designation; from a total of 148 dry slips to a total of 140 dry and eight (8) wet for a total of 148 regulated slips. **There shall be no net increase or decrease in boat slips. Therefore, the slip number shall remain at 148.**

**LOCATION OF WORK:** This project is located at 50 S. Bryan Road, along the eastern bank of the C-10 canal, BFSP area of special concern (Zone 15, Dania Cutoff Canal West), Section 33, Township 50 South, Range 42 East, in the City of Dania Beach, Florida. Folio Number: 504233320010.

Construction shall be in accordance with the ERL application received on February 6, 2014, the ERP application received on February 6, 2014, all additional information submitted, plans stamped by the Department on January 22, 2016 (attached) and with all General and Specific Conditions of this license.

**AUTHORIZATIONS**

Environmental Resource Permit

The Department has determined that the activity qualifies for an Environmental Resource Permit. Therefore, the Environmental Resource Permit 06-0341221-001 is hereby granted, pursuant to Part IV of Chapter 373, Florida Statutes (F.S.), and Chapter 62-330, Florida Administrative Code (F.A.C.).

### Sovereignty Submerged Lands Authorization

As staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), the Department has determined the activity is not on submerged lands owned by the State of Florida. Therefore, your project is not subject to the requirements of Chapter 253, F.S., or Rule 18-21, F.A.C.

### Federal Authorization

Your proposed activity as outlined on your notice and attached drawings **does not qualify** for Federal authorization pursuant to the State Programmatic General Permit and a **SEPARATE permit** or authorization **may be required** from the Corps. A copy of your permit application has been forwarded to the Corps for their review. The Corps will issue their authorization directly to you or contact you if additional information is needed. If you have not heard from the Corps within 30 days from the date your application was received at the local FDEP Office, contact the Corps at the Palm Beach Gardens Regulatory Field Office at (561) 472-3530, for status and further information. **Failure to obtain Corps authorization prior to construction could subject you to federal enforcement action by that agency.**

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

### Coastal Zone Management

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

### Water Quality Certification

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

### Other Authorizations

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

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

### **PERMIT**

The activities described must be conducted in accordance with:

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

You are advised to read and understand these conditions and drawings prior to beginning the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings herein. If you are using a contractor, the contractor also should read and understand these conditions and drawings prior to beginning

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any activity. Failure to comply with these conditions, including any mitigation requirements, shall be grounds for the Department to revoke the permit and authorization and to take appropriate enforcement action.

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

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

### **PROJECT FORMS & ATTACHMENTS**

(1) The attached 1-page permit checklist; the attached project drawings (sheets 1 through 9); the attached 1-page “Standard Manatee Conditions for In-Water Work, 2011” (Exhibit A); and DEP forms 62-330.310(3), 62-330.310(1); 62-330.310(2); 62-330.340(1); and 62-330.350(1), which may be downloaded at <http://www.dep.state.fl.us/water/wetlands/erp/forms.htm> become part of this permit. If the permittee does not have access to the Internet, please contact Broward County at (954) 519-1205 to request the aforementioned forms and/or document(s).

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

### **MANATEE CONDITIONS**

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

### **ERP GENERAL CONDITIONS FOR INDIVIDUAL PERMITS**

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

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

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

(3) Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007), and the Florida Stormwater Erosion and Sedimentation Control Inspector’s Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.

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- (4) At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice," [October 1, 2013], which is incorporated by reference in paragraph 62-330.350(1)(d), F.A.C., indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. If available, an Agency website that fulfills this notification requirement may be used in lieu of the form.
- (5) Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.
- (6) Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:
- (a) For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex – "Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; or
  - (b) For all other activities – "As-Built Certification and Request for Conversion to Operational Phase" [Form 62-330.310(1)].
  - (c) If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.
- (7) If the final operation and maintenance entity is a third party:
- (a) Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as- built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
  - (b) Within 30 days of submittal of the as- built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity" [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.
- (8) The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.
- (9) This permit does not:
- (a) Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
  - (b) Convey to the permittee or create in the permittee any interest in real property;
  - (c) Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
  - (d) Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.
- (10) Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.

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

The permittee shall notify the Agency in writing:

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

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

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

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

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

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

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

#### **EPGMD GENERAL CONDITIONS:**

(1) The terms, conditions, requirements, limitations and restrictions set forth herein are accepted by the licensee and enforceable by EPGMD pursuant to this chapter. EPGMD will review this license periodically and may revoke the license, initiate administrative and/or judicial action for any violation of the conditions by the licensee, its agents, employees, servants or representatives or principals.

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- (2) This license is valid only for the specific uses set forth in the license application, and any deviation from the approved uses may constitute grounds for revocation and enforcement action by EPGMD.
- (3) In the event the licensee is temporarily unable to comply with any of the conditions of the license, the licensee shall notify EPGMD within twelve (12) hours. Within five (5) working days of the event, the licensee shall submit a written report to EPGMD that describes the incident, its cause, the measures being taken to correct the problem and prevent its reoccurrence, the owner's intention toward repair, replacement, and reconstruction of destroyed facilities, and a schedule of action leading toward operation within the license conditions.
- (4) The issuance of this license does not convey any vested rights or exclusive privileges, nor does it authorize any injury to public or private property or any invasion of personal rights, or any violations of federal, state or local laws or regulations.
- (5) This license must be available for inspection on the licensee's premises during the entire life of the license.
- (6) By accepting this license, the licensee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source, that are submitted to EPGMD, may be used by EPGMD as evidence in any enforcement proceeding arising under Chapter 27, except where such use is prohibited by § 403.111, F.S.
- (7) The licensee agrees to comply with Chapter 27, as amended.
- (8) Any new owner of a licensed facility shall apply by letter for a transfer of license within thirty (30) days after sale or legal transfer. The transferor shall remain liable for performance in accordance with the license until the transferee applies for, and is granted the transfer of license. The transferee shall also be liable for performance in accordance with the license.
- (9) The licensee, by acceptance of this license, specifically agrees to allow access to the licensed source at reasonable times by EPGMD personnel for the purposes of inspection and testing to determine compliance with this license and this Chapter 27.
- (10) This license does not constitute a waiver or approval of any other license that may be required for other aspects of the total project.
- (11) If the licensee wishes to renew a license or extend its term, the licensee shall make application sixty (60) days prior to its expiration. Expired licenses are not renewable.
- (12) In addition to the general conditions set forth above, each license issued by EPGMD shall contain specific conditions determined by site conditions and requirements pursuant to the regulations as determined by the director of EPGMD. The licensee agrees that specific conditions are enforceable by EPGMD for any violation thereof.
- (13) Enforcement of the terms and provisions of this license shall be at the reasonable discretion of EPD, and any forbearance on behalf of EPD to exercise its rights hereunder in the event of any breach by the licensee, shall not be deemed or construed to be a waiver of EPD's rights hereunder.

## EPGMD SPECIFIC CONDITIONS:

### STANDARD CONDITIONS

- (1) The total over-water area of structures (existing and proposed) shall be 2,701 square feet from the wet face of the existing seawall.
- (2) If the approved license drawings and/or license attachments/plans conflict with the specific conditions, then the specific conditions shall prevail.
- (3) **This license does not eliminate the necessity to obtain any required federal, state, local or special district authorizations prior to the start of any activity approved by this license.**

### MANATEE CONDITIONS

- (4) Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at [ImperiledSpecies@myFWC.com](mailto:ImperiledSpecies@myFWC.com)
- (5) This license maintains the number of slips authorized for this facility by Marine Facility Operating License MFOL08-0380. The Fiscal Year 2017 annual fee for this facility, which is based on 148 boat slips, will be \$3,831.80 and is due October 1, 2016.
- (6) Upon completion of the licensed project an inspection shall be performed by the Department. If the slip count is greater than the licensed slip number, a modification of the license may be applied for and if approved the new-slip fees shall be paid. If slips are not available in the MPP, the constructed facility shall remove the unlicensed slips. Failure to construct the docking facility as authorized shall result in enforcement action.

### NOTICE OF RIGHTS

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

#### Petition for Administrative Hearing

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

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

Permittee: NV Marina Holdings, LLC.

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of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and

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

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

#### Time Period for Filing a Petition

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

#### Extension of Time

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

#### Mediation

Mediation is not available in this proceeding.

#### FLAWAC Review

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

#### Judicial Review

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

Executed in Fort Lauderdale, Florida.

BROWARD COUNTY  
ENVIRONMENTAL PROTECTION AND GROWTH  
MANAGEMENT DEPARTMENT  
as delegated by the  
STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

*Linda Sunderland*      *02/03/16*

Linda Sunderland, NRS IV      Date  
Manager, Aquatic and Wetland Resources Program  
Environmental Licensing and Building Permitting Division

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this permit, including all copies, was mailed before the close of business on **February 3, 2016**, to the above listed persons.

FILING AND ACKNOWLEDGMENT

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

Michelle Decker      2/3/16  
Clerk      Date

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

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

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

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

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

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

(j) Notice and Scheduling Requirements:

(1) The hearing on the review shall be scheduled within a reasonable time. It shall be the responsibility of the petitioner to request through EPD that the hearing date be scheduled. It shall also be the responsibility of the petitioner to give notice in accordance with this section at least ten (10) days prior to the hearing.

(2) The petitioner shall give notice of the hearing by:

- a. Giving personal notice to all proper parties; and
- b. Publishing notice on two (2) days in a newspaper of general circulation in the county; and
- c. Posting notice at a location determined by the Broward County Administrator's Office.

(3) The petitioner shall bear the cost of giving notice.

(4) The notice shall contain, at a minimum:

- a. A description and location of the facility or the activity to be conducted by the petitioner; and
- b. The time and place of the hearing.

(k) The petitioner shall bear the cost of accurately and completely preserving all testimony and providing full or partial transcripts to all parties.

(l) The hearing shall be a quasi-judicial hearing.

(1) The applicant/petitioner requesting the administrative review, any intervenor/petitioner and EPD shall have an opportunity to respond to and to present witnesses, other evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of facts and orders, and to be represented by counsel. Members of the general public who are not intervenors as set forth in Section 27-14 of this chapter are not parties to the proceeding.

(2) When appropriate, the general public may be given an opportunity to present oral or written communications. If the hearing examiner proposes to consider such material, then all parties shall be given an opportunity to cross-examine, challenge or rebut it.

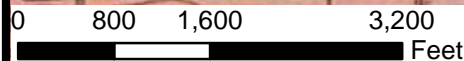
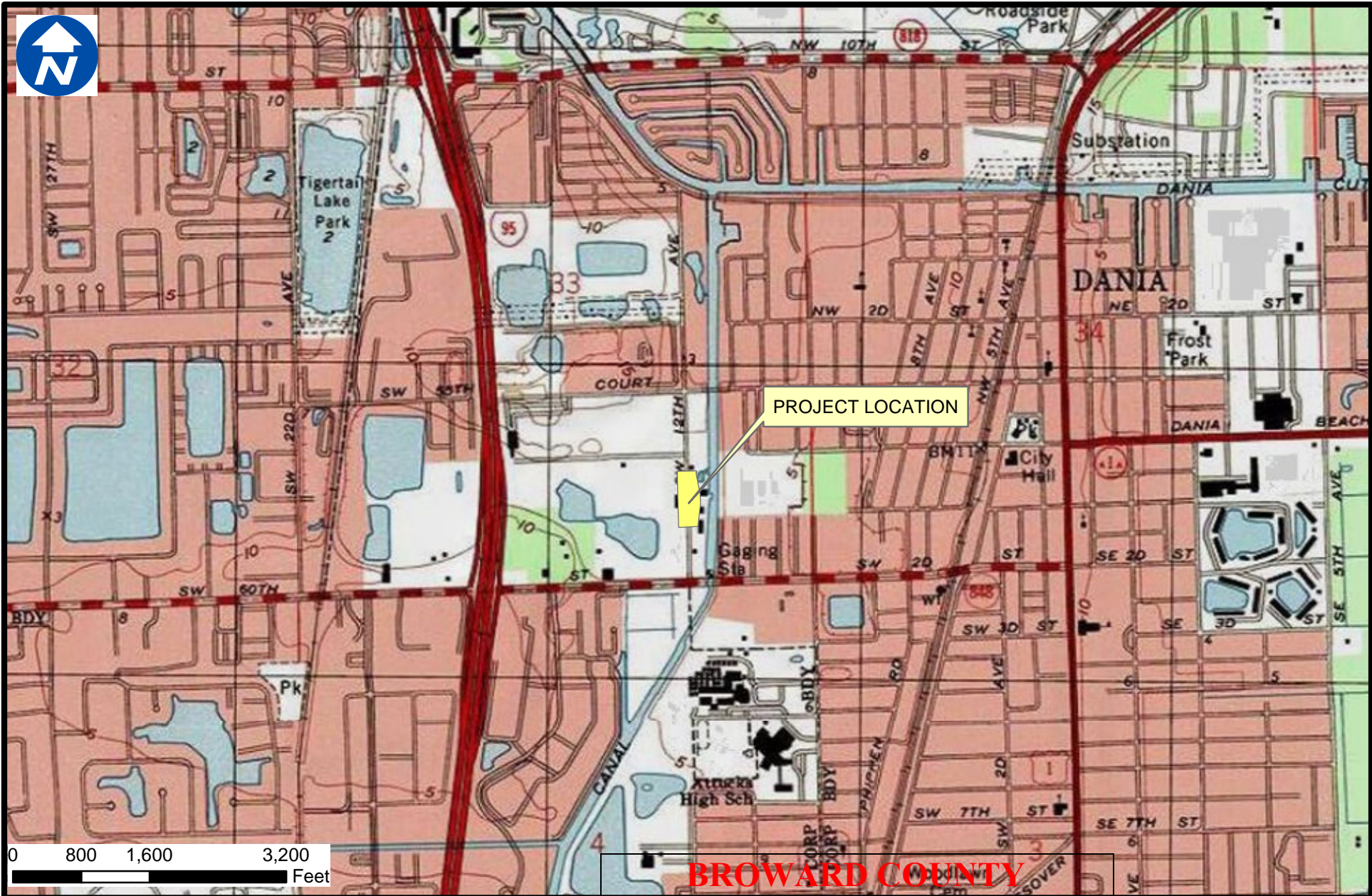
(m) Denial, protest of, revocation, or suspension of a license, environmental review approval, or any other approval:

(1) In regard to denial or protest of approval of a license and any other review of an administrative decision, notwithstanding (2) below, the petitioner shall have the burden of showing, by a preponderance of the evidence, that the determination of the director was an arbitrary and/or capricious abuse of discretion, not supported by competent, substantial evidence or not in conformance with the

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

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

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



USGS Map  
 Nautical Ventures Marine Center  
 50 & 70 Bryan Road  
 Dania Beach, Florida

**BROWARD COUNTY**  
**ENVIRONMENTAL PROTECTION & GROWTH**  
**MANAGEMENT DEPARTMENT**  
**PLANNING & LICENSING & BLDG. PERMITTING DIVISION**  
**COMBINATION STATE PERMIT & COUNTY LICENSE**

DATE: OCTOBER 2014  
 PROJECT NO.: 14-111

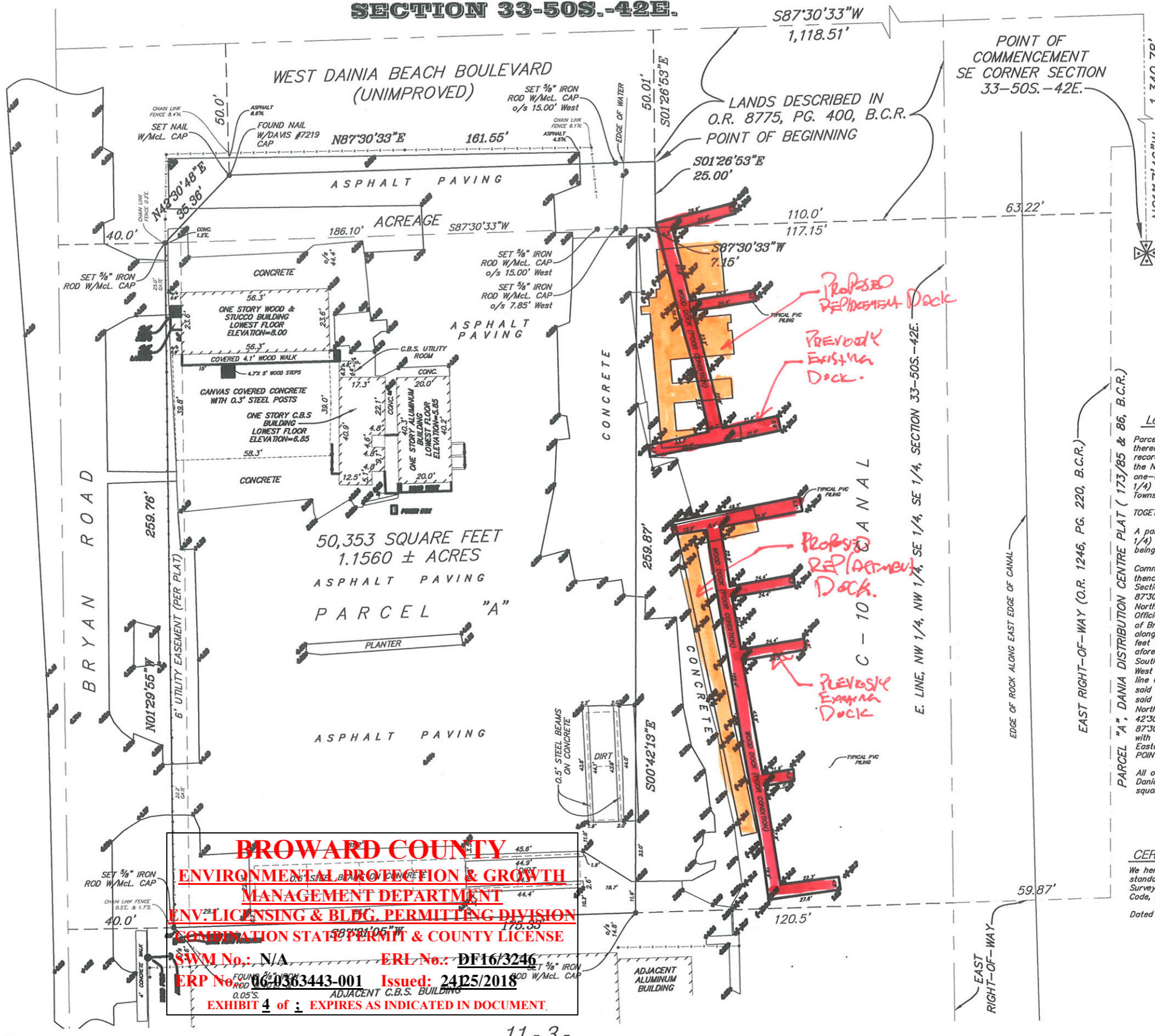
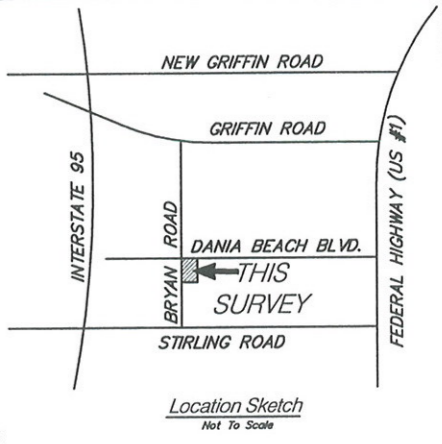
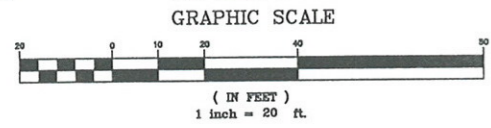
SHEET  
 1

SWM No.: N/A ERL No.: DF16/3246  
 ERP No.: 06-0363443-001 Issued: 04/25/2018  
 EXHIBIT 3 of 3 EXPIRES AS INDICATED IN DOCUMENT

# RECORD LAND SURVEY

## PARCEL "A", CLARKE SUBDIVISION (PLAT BOOK 101, PAGE 32, B.C.R.) AND A PORTION OF THE SE 1/4, SECTION 33-50S.-42E.

prepared by  
**McLAUGHLIN ENGINEERING COMPANY (LB#285)**  
 400 N.E. 3rd AVENUE FORT LAUDERDALE, FLORIDA  
 PHONE: (954) 763-7611  
 FAX: (954) 763-7615



- LEGEND**
- Δ = CENTRAL ANGLE (DELTA)
  - R = RADIUS
  - A OR L = ARC LENGTH
  - CH.BRG. = CHORD BEARING
  - TAN.BRG. = TANGENT BEARING
  - P.O.C. = POINT OF COMMENCEMENT
  - P.O.B. = POINT OF BEGINNING
  - W/McL. CAP. = WITH McLAUGHLIN ENGINEERING CO. CAP
  - P.R.M. = PERMANENT REFERENCE MONUMENT
  - CONC. = CONCRETE
  - C.B.S. = CONCRETE, BLOCK AND STUCCO
  - I.C.V. = IRRIGATION CONTROL VALVE
  - W.M. = WATER METER
  - B.F.P. = BACK FLOW PREVENTOR
  - ELEV. = ELEVATION
  - O/S = OFFSET
  - A/C = AIR CONDITIONING
  - ℄ = CENTERLINE OF RIGHT-OF-WAY
  - F.P.L. = FLORIDA POWER AND LIGHT CO.
  - S.B.T. = SOUTHERN BELL TELEPHONE
  - B.C.R. = BROWARD COUNTY RECORDS
  - D.C.R. = DADE COUNTY RECORDS
  - P.B.R. = PALM BEACH COUNTY RECORDS
  - O.R. = OFFICIAL RECORDS BOOK
  - PG. = PAGE
  - R/W = RIGHT-OF-WAY
  - C.O. = CLEAN OUT
  - C.L.F. = CHAIN LINK FENCE
  - P.C.D. = POLLUTION CONTROL DEVICE

- NOTES:**
- 1) This survey reflects all easements and rights-of-way, as shown on above referenced record plat(s). The subject property was not abstracted for other easements road reservations or rights-of-way of record by McLaughlin Engineering Company.
  - 2) Underground improvements if any not located.
  - 3) This drawing is not valid unless sealed with an embossed surveyors seal.
  - 4) Boundary survey information does not infer Title or Ownership.
  - 5) All iron rods 5/8", unless otherwise noted.
  - 6) Reference Bench Mark:  
Broward County Bench Mark #1131, Square cut on the South side of 3.5' wide concrete sidewalk 6' ± West of entrance door at 602 Stirling Road, Elevation = 7.71
  - 7) Elevations shown refer to National Geodetic Vertical Datum (1929), and are indicated thus: Elev. = 9.87
  - 8) Bearings shown assume the centerline of Bryan Road as North 01°29'55" West.
  - 9) This property lies in Flood Zone "AE", Elev. = 7.0 Per Flood Insurance Rate Map No. 12011C0308 F Dated: August 18, 1992. Community Panel No. 200002 Index Map Dated: October 2, 1997.

**OFFICE NOTES**

FIELD BOOK NO. TDS, LB# 307-1 & 2  
 JOB ORDER NO. U-6490  
 CHECKED BY: MMJ  
 DRAWN BY: MMJ  
 C:\MMJ\2011\U6490(BASE)\dwg\U6490(BASE).dwg 4/18/2011 10:37:51 AM EDT

**BROWARD COUNTY**  
**ENVIRONMENTAL PROTECTION & GROWTH**  
**MANAGEMENT DEPARTMENT**  
**ENV. LICENSING & BLDG. PERMITTING DIVISION**  
**COMBINATION STATE PERMIT & COUNTY LICENSE**

SWM No.: N/A      ERL No.: **DF16/3246**  
 ERP No.: **06-0363443-001**      Issued: **2/25/2018**  
**EXHIBIT 4 of 5 EXPIRES AS INDICATED IN DOCUMENT.**

**Legal Description**

Parcel "A", CLARKE SUBDIVISION, according to the plat thereof, recorded in Plat Book 101, Page 32, of the public records of Broward County, Florida, which is a portion of the Northwest one-quarter (NW 1/4) of the Northwest one-quarter (NW 1/4) of the Southeast one-quarter (SE 1/4) of the Southeast one-quarter (SE 1/4) of Section 33, Township 50 South, Range 42 East.

**TOGETHER WITH:**

A parcel of land located in the Southeast one-quarter (SE 1/4) of Section 33, Township 50 South, Range 42 East, being more particularly described as follows:

Commence at the Southeast (SE) corner of said Section 33; thence North 01°17'46" West along the East line of said Section 33 for a distance of 1,340.78 feet; thence South 87°30'33" West for a distance of 1,118.51 feet to the Northeast (NE) corner of a parcel of land as described in Official Records Book 8775, Page 400 of the Public records of Broward County, Florida; thence South 01°26'53" East, along the East line of said parcel for a distance of 50.01 feet to the POINT OF BEGINNING; thence continue along aforesaid line for a distance of 25.00 feet; to the Southeast corner of said parcel; thence South 87°30'33" West along the South line of aforementioned parcel (said line also being the Easterly extension of the North line of said Parcel "A", CLARKE SUBDIVISION, and the North line of said Parcel "A") for a distance of 186.10 feet to the Northwest corner of said Parcel "A"; thence North 42°30'48" East, a distance of 35.36 feet; thence North 87°30'33" East along a line 25 feet North of and parallel with the North line of said CLARKE SUBDIVISION, and Easterly extension thereof, a distance of 161.55 feet to the POINT OF BEGINNING.

All of said lands situate, lying and being in the City of Dania Beach, Broward County, Florida and containing 50,353 square feet or 1.1560 acres more or less.

**CERTIFICATION**

We hereby certify that this survey meets the minimum technical standards as set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 6J-17.05 Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Dated at Fort Lauderdale, Florida, this 6th day of April, 2011.

McLAUGHLIN ENGINEERING COMPANY  
 CARL E. ALBREKTSEN  
 Registered Land Surveyor No. 4185  
 State of Florida.













