



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

March 7, 2022

Regulatory Division  
Palm Beach Gardens Section  
SAJ-2021-02738(NWGP-PWB)

4320 Intracoastal, LLC  
Attention: Michael Garnick  
130 S 8<sup>th</sup> Street  
Philadelphia, Pennsylvania 19103

Dear Mr. Garnick:

The U.S. Army Corps of Engineers (Corps) has completed the review of your application for a Department of the Army permit, which the Corps received on August 5, 2021. Your application was assigned file number SAJ-2021-02738(GP-PWB). A review of the information and drawings provided indicates that the proposed work would improve water access by replacing 107 linear feet of existing seawall within 1.5-feet (wetface to wetface) a new 3.5 foot wide cap with 14 batter piles. Install a new 5-foot by 36-foot (180 square feet) concrete dock with 5 piles and a new boatlift with 2 aluminum I-beams. The activities subject to this permit are authorized pursuant to authorities under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403). The project is located within the Intracoastal Waterway at 4320 Intracoastal Drive, in Section 4, Township 47 South, Range 43 East, Highland Beach, Palm Beach County, Florida.

The aspect of your project involving installing a seawall, as depicted on the attached drawings, is authorized by Nationwide Permit 13 (NWP-13), Bank Stabilization, which became effective on March 15, 2021 (86 FR 2744, January 13, 2021). **This verification is valid until March 14, 2026.** In order for this NWP authorization to be valid, you must ensure that the work is performed in accordance with the Nationwide Permit General Conditions, the Jacksonville District Regional Conditions, and the General and Project-Specific Special Conditions listed below. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have 12 months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this NWP. Alternatively, you can access the U.S. Army Corps of Engineers' (Corps) Jacksonville District's Regulatory Source Book web page for links to view Nationwide Permit information at: <https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/>. Please be aware this Internet address is case sensitive and should be entered as it appears above. Once there you will need to select "Source Book"; and, then select "Nationwide Permits." These files contain the description of the Nationwide Permit authorization, the Nationwide Permit general conditions, and the regional conditions, which apply specifically to this NWP verification.

This letter verifies your project, as described above and depicted on the enclosed drawings, is authorized by Regional General Permit (RGP) SAJ-20 and any subsequent modifications, if applicable. **This RGP authorization is valid until March 27, 2023.** Please access the Corps' Jacksonville District Regulatory Division Source Book webpage to view the special and general conditions for SAJ-20, which apply specifically to this authorization. The Internet URL address is: <http://www.saj.usace.army.mil/Missions/Regulatory.aspx>. Please be aware this Internet address is case sensitive; and you will need to enter it exactly as it appears above. Once there select "Source Book"; and, then select "General Permits." Then you will need to select the specific SAJ permit noted above.

**You must comply with ALL the RGP general and special, attached and/or incorporated by reference, and the Project Specific Special Conditions and General Conditions, listed below, or you may be subject to enforcement action.**

**Project Specific Special Conditions:**

The following project specific special conditions are included with this verification:

1. **Reporting Addresses:** The Permittee shall submit all reports, notifications, documentation and correspondence required by the general and special conditions of this permit to either (not both) of the following addresses:

a. For electronic mail (preferred): [SAJ-RD-Enforcement@usace.army.mil](mailto:SAJ-RD-Enforcement@usace.army.mil) (not to exceed 15 MB).

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

The Permittee shall reference this DA permit number, SAJ-2021-02738(NWGP-PWB), on all submittals.

2. **Commencement Notification:** Within 10 days from the date of initiating the work authorized by this permit the Permittee shall submit a completed *Commencement Notification* form (Attachment B).

3. **As-Built Certification with X-Y Coordinates:** Within 60 days of completion of the authorized work or at the expiration of the construction window of this permit, whichever occurs first, the Permittee shall submit as-built drawings of the authorized work and complete the enclosed "As-Built Certification by Professional Engineer or

Surveyor" form, (Attachment C) to the Corps. The drawings shall be signed and sealed by a registered professional engineer or a professional land surveyor confirming the actual location of all authorized work/structures with respect to the Federal channel and/or within the Federal easement and include the following:

a. A plan view drawing of the location of the authorized work footprint (as shown on the permit drawings) with an overlay of the work as constructed in the same scale as the attached permit drawings (8½-inch by 11-inch). The drawings shall include the X & Y State Plane coordination points of the most water-ward point of the structure. The drawings shall include the dimensions of the structure, depth of water (at mean low water) at the waterward end of the structure, and the distance from the waterward end of the structure to the near design edge of the Federal channel.

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

c. The Department of the Army Permit number.

**4. Assurance of Navigation and Maintenance:** The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the 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.

**5. Setback from Federal Channel:** The permit requires that no portion of the authorized structure extend closer than 48.2 linear feet from the near bottom edge of the federal channel.

**6. Consent to Easement:** A portion of the authorized work may be located within the Federal right-of-way and therefore, may require a Department of the Army Consent to Easement. A copy of this authorization has been forwarded to the Corps' Real Estate Division for action on the Consent to Easement. Prior to commencement of construction, the Permittee shall provide a copy of the Corps approved Consent to

Easement to the address identified in **Reporting Addresses Special Condition**. The Real Estate Division is responsible for issuing the Consent to Easement. For questions or status updates on the Consent to Easement, please contact Real Estate Division at SAJ-RE-Consent@usace.army.mil or Post Office Box 4970, Jacksonville, Florida 32232-0019 or by telephone at 904-570-4515.

**7. Manatee Conditions:** The Permittee shall comply with the enclosed (Attachment D) "Standard Manatee Conditions for In-Water Work – 2011."

**8. Jacksonville District Programmatic Biological Opinion (JAXBO):** Structures and activities authorized under this permit will be constructed and operated in accordance with all applicable PDCs contained in the JAXBO, based on the permitted activity. Failure to comply with applicable PDCs will constitute noncompliance with this permit. In addition, failure to comply with the applicable PDCs, where a take of listed species occurs, would constitute an unauthorized take. The NMFS is the appropriate authority to determine compliance with the Endangered Species Act. The most current version of JAXBO can be accessed at the Jacksonville District Regulatory Division website in the Endangered Species section of the Sourcebook located at: <http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>

**9. Cultural Resources/Historic Properties:**

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

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

c. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition ; and if deemed necessary by the SHPO, THPO(s), or Corps, in

accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.

d. In the unlikely event that unmarked human remains are identified on non-federal lands; they will be treated in accordance with Section 872.05 Florida Statutes. All work and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archaeologist within the same business day (8-hours). The Corps shall then notify the appropriate SHPO and THPO(s). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume without written authorization from the State Archaeologist and from the Corps.

**10. Notice of Permit:** The Permittee shall complete and record the "Notice of Department of the Army Permit" form (Attachment E) with the Clerk of the Circuit Court, Registrar of Deeds or other appropriate official charged with the responsibility of maintaining records of title to or interest in real property within the county of the authorized activity. Within 90 days from the effective date of this permit, the Permittee shall provide a copy of the recorded Notice of Permit to the Corps clearly showing a stamp from the appropriate official indicating the book and page at which the Notice of Permit is recorded and the date of recording.

**11. Water Quality Certification and Coastal Zone Management:** Prior to the initiation of any construction, projects qualifying for this DA permit must qualify for an exemption under section 403.813(1), Florida Statutes or 373.406, Florida Statutes, or otherwise be authorized by the applicable permit required under Part IV of Chapter 373, Florida Statutes, by the Department of Environmental Protection, a water management district under section 373.069, Florida Statutes, or a local government with delegated authority under section 373.441, Florida Statutes, and receive Water Quality Certification and applicable Coastal Zone Consistency Concurrence or waiver thereto, as well as any authorizations required for the use of state-owned submerged lands under Chapter 253, Florida Statutes, and, as applicable, Chapter 258, Florida Statutes. You should check State-permitting requirements with the Florida Department of Environmental Protection or the appropriate water management district.

**General Conditions (33 CFR PART 320-330):**

1. The time limit for completing the work authorized ends on **March 27, 2023.**
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit you must obtain the signature of the new owner on the transfer form attached to this letter and forward a copy to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.
6. You must allow a representative 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.

This letter of authorization does not give absolute Federal authority to perform the work as specified on your application. The proposed work may be subject to local building restrictions mandated by the National Flood Insurance Program. You should contact your local office that issues building permits to determine if your site is located in a flood-prone area, and if you must comply with the local building requirements mandated by the National Flood Insurance Program.

This letter of authorization does not preclude the necessity to obtain any other Federal, State, or local permits, which may be required.

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 complete our automated Customer Service Survey at <https://regulatory.ops.usace.army.mil/customer-service-survey/>. Please be aware this Internet address is case sensitive; and, you will need to enter it exactly as it appears above. Your input is appreciated – favorable or otherwise.

Should you have any questions related to this RGP verification or have issues accessing the documents reference in this letter, please contact Paula Bratschi at the letterhead address above, via telephone at 561-472-3532, or via e-mail at [paula.w.bratschi@usace.army.mil](mailto:paula.w.bratschi@usace.army.mil).

Sincerely,

A handwritten signature in blue ink that reads "Paula Bratschi".

Paula Bratschi  
Project Manager

Enclosures:

- Attachment A: Drawings
- Attachment B: Commencement Notification
- Attachment C: As-Built Certification with X-Y Coordinates
- Attachment D: Manatee Conditions for In-Water Work
- Attachment E: Notice of Permit

Cc:

Matt Butler [mbutler@coastal-engineers.com](mailto:mbutler@coastal-engineers.com)  
CESAJ-RD-PE

**DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST**

**DA PERMIT NUMBER: SAJ-2021-02738(NWGP-PWB)**

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Section, Post Office Box 4970, Jacksonville, FL 32232-0019 or submit via electronic mail to: [SAJ-RD-Enforcement@usace.army.mil](mailto:SAJ-RD-Enforcement@usace.army.mil) (not to exceed 15 MB).

\_\_\_\_\_  
(TRANSFEREE-SIGNATURE)

\_\_\_\_\_  
(SUBDIVISION)

\_\_\_\_\_  
(DATE)

\_\_\_\_\_  
(LOT)

\_\_\_\_\_  
(BLOCK)

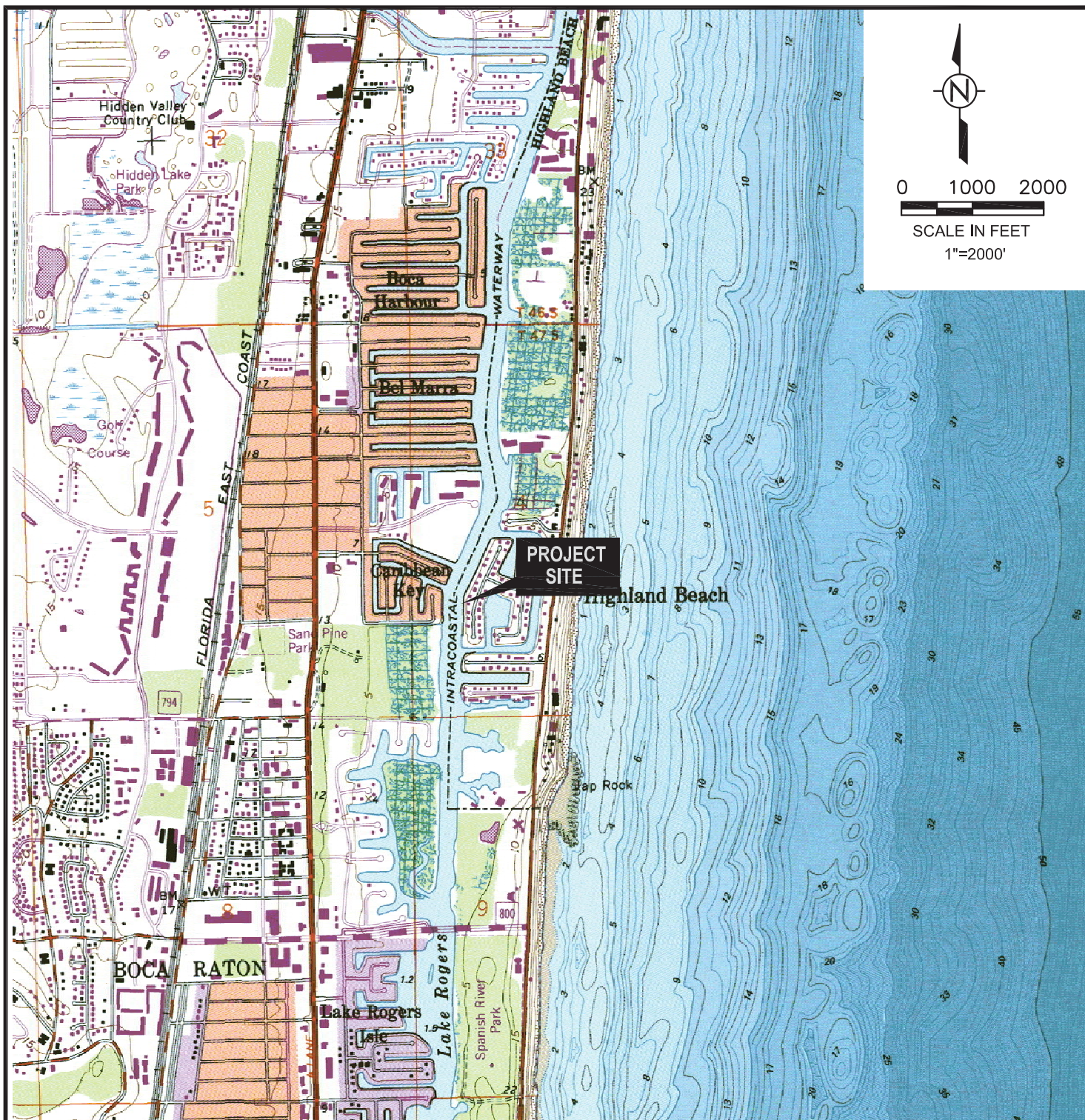
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(NAME-PRINTED)

\_\_\_\_\_  
(STREET ADDRESS)

\_\_\_\_\_  
(MAILING ADDRESS)

\_\_\_\_\_  
(CITY, STATE, ZIP CODE)





0 1000 2000

SCALE IN FEET

1"=2000'

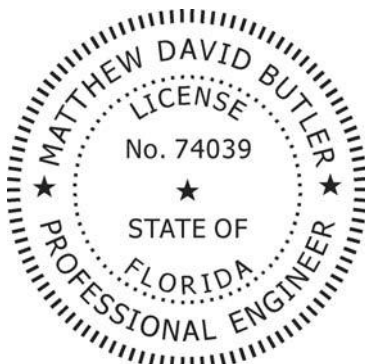
TAKEN FROM U.S.G.S. DELRAY BEACH, FLORIDA QUADRANGLE

SEC: 04 TWP: 47S RGE: 43E

LAT: 26° 23' 56" N

LONG: 080° 04' 11" W

This item has been digitally signed and sealed by Matthew D. Butler, P.E. on 8/5/2021 using a Digital Signature. Printed copies of this document are not considered signed and sealed, and the signature must be verified on any electronic copies.



## VICINITY MAP



**ISIMINGER & STUBBS  
ENGINEERING, INC.**

COASTAL • ENVIRONMENTAL • MARINE

REGISTRATION NUMBER: 8114  
P.O. BOX 14702 • NORTH PALM BEACH, FL 33408 • (561) 881-0003

**PROPOSED SEAWALL REPLACEMENT AND DOCK  
INTRACOASTAL WATERWAY  
4320 INTRACOASTAL DRIVE  
TOWN OF HIGHLAND BEACH, PALM BEACH COUNTY, FL  
APPLICANT: 4320 INTRACOASTAL LLC**

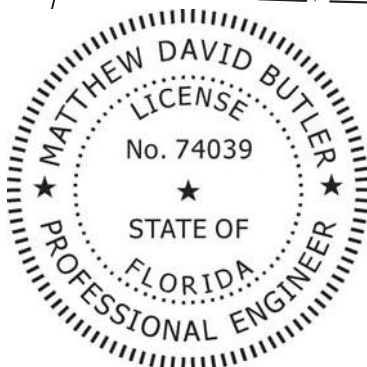
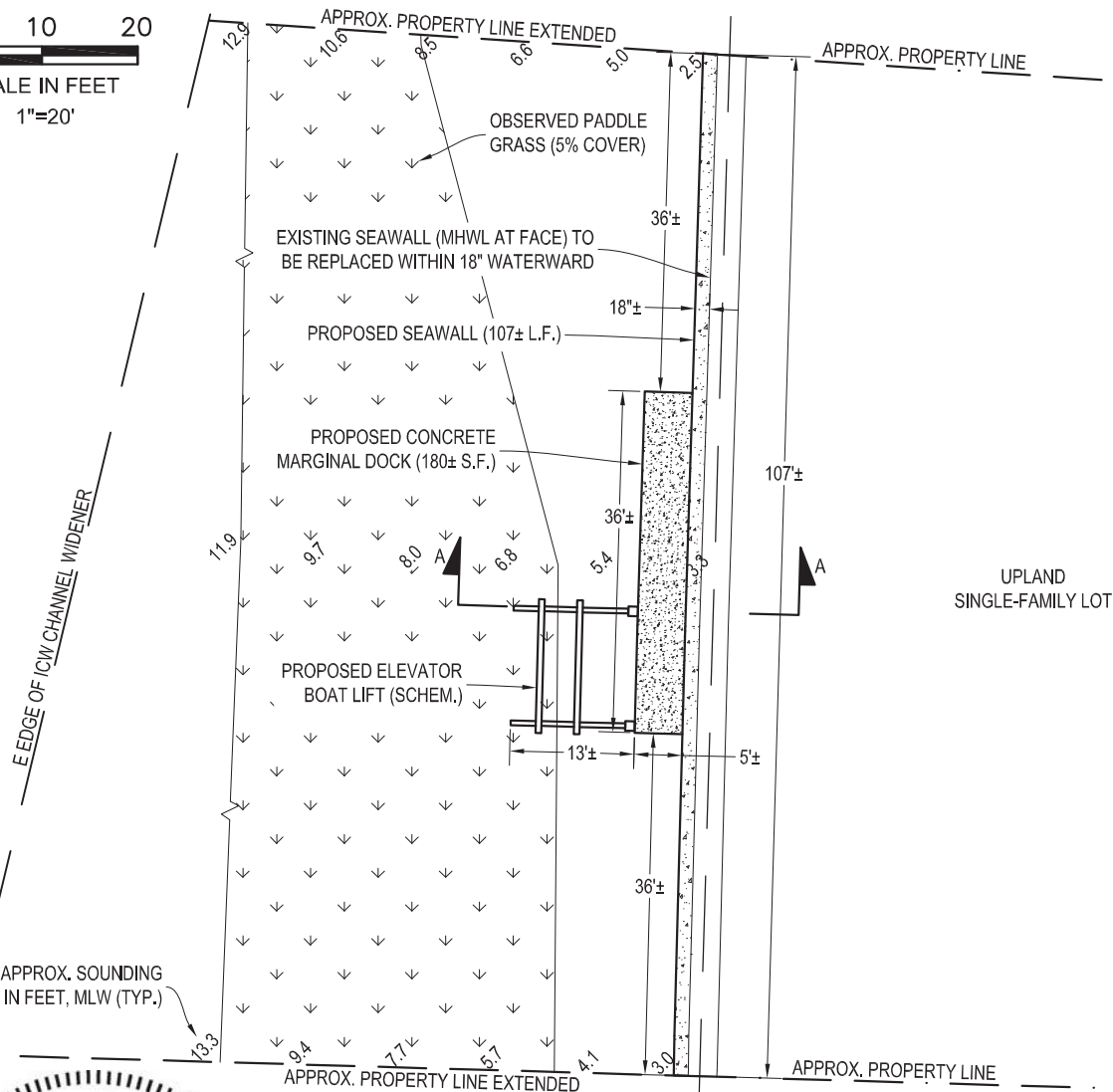
DATE	8/21	DRAWN	MDB	CHKD	KDB	APPRVD	MDB
DWG NO.	21140A1	SHEET		1			
COMPUTER FILE NO.	21140A	OF		3			





0 10 20  
SCALE IN FEET  
1"=20'

E EDGE OF ICW RIGHT OF WAY



This item has been digitally signed and sealed by Matthew D. Butler, P.E. on 8/5/2021 using a Digital Signature. Printed copies of this document are not considered signed and sealed, and the signature must be verified on any electronic copies.

**NOTES:**

1. DATUM IS MLW. MLW = -2.0'± NAVD FROM LABINS DATABASE.
2. EXISTING LOCATIONS ARE APPROXIMATE BASED ON SURVEY BY LANDTEC SURVEYING, DATED 3/4/21, AND ON-SITE OBSERVATIONS.
3. SOUNDINGS AND RESOURCE INFORMATION BY ISIMINGER & STUBBS ENGINEERING, INC. FIELD WORK PERFORMED 6/14/21. SOUNDINGS REDUCED TO MLW BASED ON SURVEYED ELEVATIONS.

SKETCH SUBMITTED FOR ENVIRONMENTAL PERMIT REVIEW.  
NOT INTENDED FOR CONSTRUCTION OR BUILDING PERMIT REVIEW.

**PLAN VIEW**



**ISIMINGER & STUBBS  
ENGINEERING, INC.**

COASTAL • ENVIRONMENTAL • MARINE

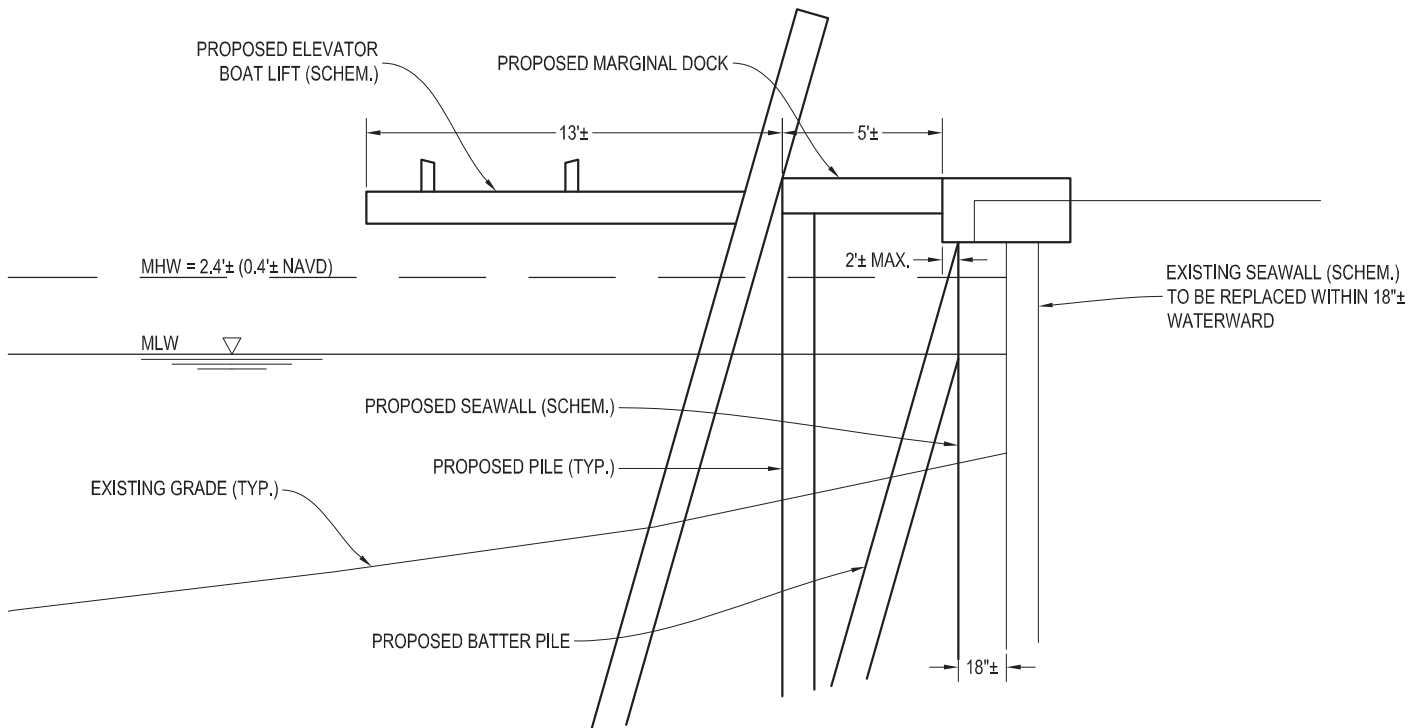
REGISTRATION NUMBER: 8114

P.O. BOX 14702 • NORTH PALM BEACH, FL 33408 • (561) 881-0003

**PROPOSED SEAWALL REPLACEMENT AND DOCK  
INTRACOASTAL WATERWAY  
4320 INTRACOASTAL DRIVE  
TOWN OF HIGHLAND BEACH, PALM BEACH COUNTY, FL  
APPLICANT: 4320 INTRACOASTAL LLC**

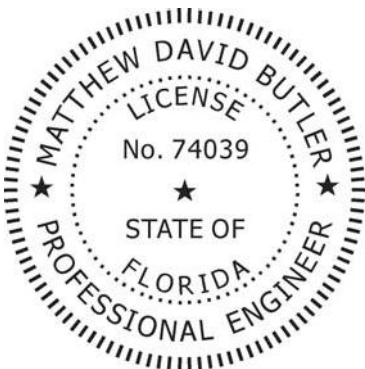
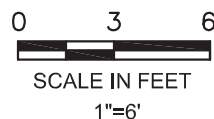
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DWG NO.	21140A2					SHEET	
COMPUTER FILE NO.	21140A					OF	3

**2**



NOTE: THE MEASUREMENT TO BE TAKEN FROM THE FACE OF THE EXISTING SEAWALL TO THE FACE OF THE PROPOSED SEAWALL, AT THE MHWL.

## SECTION A-A



This item has been digitally signed and sealed by Matthew D. Butler, P.E. on 8/5/2021 using a Digital Signature. Printed copies of this document are not considered signed and sealed, and the signature must be verified on any electronic copies.

### NOTES:

- DATUM IS MLW. MLW = -2.0'± NAVD FROM LABINS DATABASE.
- EXISTING LOCATIONS ARE APPROXIMATE BASED ON SURVEY BY LANDTEC SURVEYING, DATED 3/4/21, AND ON-SITE OBSERVATIONS.
- SOUNDINGS BY ISIMINGER & STUBBS ENGINEERING, INC. FIELD WORK PERFORMED 6/14/21. SOUNDINGS REDUCED TO MLW BASED ON SURVEYED ELEVATIONS.

SKETCH SUBMITTED FOR ENVIRONMENTAL PERMIT REVIEW.  
NOT INTENDED FOR CONSTRUCTION OR BUILDING PERMIT REVIEW.

## SECTION VIEW



**ISIMINGER & STUBBS  
ENGINEERING, INC.**

COASTAL • ENVIRONMENTAL • MARINE

REGISTRATION NUMBER: 8114

P.O. BOX 14702 - NORTH PALM BEACH, FL 33408 • (561) 881-0003

PROPOSED SEAWALL REPLACEMENT AND DOCK  
INTRACOASTAL WATERWAY  
4320 INTRACOASTAL DRIVE  
TOWN OF HIGHLAND BEACH, PALM BEACH COUNTY, FL  
APPLICANT: 4320 INTRACOASTAL LLC

DATE	8/21	DRAWN	MDB	CHKD	KDB	APPRVD	MDB
DWG NO.	21140A3					SHEET	
COMPUTER FILE NO.	21140A					OF	3

3

Platted Easements & Notable Conditions (unplatted easements also listed if provided): IF APPLICABLE, RECIPIENTS OF THIS SURVEY SHOULD REVIEW THE POSITION OF ANY FENCE LINES SHOWN AND THEIR RELATIONSHIP TO THE BOUNDARY LINE.

5 DRAINAGE EASEMENT ALONG SOUTH PROPERTY LINE

**700 W. Hillsboro Blvd. Suite 4-100  
Deerfield Beach, FL 33441  
Office: (561) 367-3587 Fax: (561) 465-3145**

**LANDTEC**  
SURVEYING  
Proudly Serving Florida Land Title & Real Estate Industries  
... *measurably better!*

**Aerial Photograph**  
May not show latest improvements. Not-to-scale.

THIS SURVEY IS BASED UPON RECORD INFORMATION PROVIDED BY CLIENT. NO SPECIFIC CHECK OF THE PUBLIC RECORD HAS BEEN MADE BY THE OFFICE. INLUS.

2. AS INDICATED ABOVE, UNDER PURPOSE OF SURVEY, IF THE SURVEY HAS BEEN PREPARED FOR A PURPOSE OF REFERENCE, ITS SCOPE IS LIMITED TO THE DETERMINATION OF TITLE DEFICIENCIES, AND NOT INTENDED FOR USE IN DESIGN OR CONSTRUCTION PURPOSES. LANDLORD SURVEY ASSURES NO RESPONSIBILITY FOR ERRORS RESULTING FROM FAILURE TO ADHERE TO THIS CLAUSE.

3. ANY ERRORS SHOWN HEREIN ARE ILLUSTRATIVE OF THEIR GENERAL NATURE, POSITION, AND TYPE. THE SURVEY WILL NOT BE RESPONSIBLE FOR DAMAGES RESULTING FROM THE REMOVAL OF OR CHANGES MADE TO ANY ERRORS UNLESS WE HAVE PROVIDED A SURVEY SPECIFICALLY LOCATING SUCH ERRORS FOR SUCH PURPOSES.

4. THE DETERMINATION OF THESE ERRORS SHOULD BE BASED SOLELY ON EITHER THE SPOKE RECORD OR THE DOCUMENTED RECORD, AND NOT THE UNDOCUMENTED RECORD. ANY ERRORS NOT SHOWN ARE A CLIENT'S RESPONSIBILITY. ANY HAVE BEEN EXAGGERATED TO MAKE CLEARLY ILLUSTRATE ASSURED RELATIONSHIP- DIMENSIONS HAVE PREFERENCE OVER SPOKE POSITIONS.

5. UNDERGROUND IMPROVEMENTS HAVE NOT BEEN LOCATED EXCEPT AS SPECIFICALLY SHOWN.

6. ELEVATIONS ARE BASED UPON NATIONAL GEODETIC VERTICAL DATUM (N.G.D.) 1929 OR NORTH AMERICAN VERTICAL DATUM (N.A.V.D.) 1988 AS SHOWN ABOVE.

7. ALL BOUNDARY AND CONTROL DIMENSIONS SHOWN ARE FIELD MEASURED, AND CORRESPOND TO RECORD INFORMATION UNLESS SPECIFICALLY NOTED OTHERWISE.

8. ANY CORNERS SHOWN AS SET HAVE EITHER BEEN SET ON THE DATE OF FIELD WORK, OR WILL BE SET WITHIN A DESIGNED DATE AND WITHIN A DESIGNED DATE OF S/D/DATE AND WITHIN A DESIGNED DATE.

9. ANY DIMENSIONS (UNDERGROUND) ARE APPROX.

## **COMMENCEMENT NOTIFICATION**

*Within ten (10) days of initiating the authorized work, submit this form via electronic mail to [saj-rd-enforcement@usace.army.mil](mailto:saj-rd-enforcement@usace.army.mil) (preferred, not to exceed 15 MB) **or** by standard mail to U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.*

**1. Department of the Army Permit Number:** SAJ-2021-02738(NWGP-PWB)

**2. Permittee Information:**

Name: \_\_\_\_\_

Email: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

**3. Construction Start Date:** \_\_\_\_\_

**4. Contact to Schedule Inspection:**

Name: \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

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

\_\_\_\_\_  
Printed Name of Permittee

\_\_\_\_\_  
Date

## **AS-BUILT CERTIFICATION BY PROFESSIONAL ENGINEER**

*Submit this form and one set of as-built engineering drawings to the U.S. Army Corps of Engineers, Enforcement Section, 4400 PGA Boulevard, Suite 500, Palm Beach Gardens, Florida, 33410. For electronic mail [saj-rd-enforcement@usace.army.mil](mailto:saj-rd-enforcement@usace.army.mil) (not to exceed 10 MB). If you have questions regarding this requirement, please contact the Enforcement Branch at 904-232-3131.*

1. Department of the Army Permit Number: SAJ-2021-02738(NW/GP-PWB)

2. Permittee Information:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_  
Signature of Engineer

\_\_\_\_\_  
Name (*Please type*)

\_\_\_\_\_  
(FL, PR, or VI) Reg. Number

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
ZIP

(Affix Seal)

\_\_\_\_\_

\_\_\_\_\_

Date

Telephone Number

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

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

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## STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

2011

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

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



# CAUTION: MANATEE HABITAT

**All project vessels**

**IDLE SPEED / NO WAKE**

When a manatee is within 50 feet of work  
all in-water activities must

**SHUT DOWN**

Report any collision with or injury to a manatee:

**Wildlife Alert:**

**1-888-404-FWCC(3922)**

cell \*FWC or #FWC



Prepared by:

Permittee: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

### **NOTICE OF DEPARTMENT OF THE ARMY PERMIT**

**TAKE NOTICE** the United States Army Corps of Engineers (Corps) has issued a permit or verification SAJ-2021-02738 to 4320 Intracoastal, LLC (Permittee) on March 7, 2022, authorizing work in navigable waters of the United States in accordance with Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C 403) on a parcel of land known as Folio/Parcel ID: \_\_\_\_\_ located at 4320 Intracoastal Drive, in Section 4, Township 47 South, Range 43 East, Highland Beach, Palm Beach County, Florida.

Within 30 days of any transfer of interest or control of said property, the Permittee must notify the Corps in writing of the property transfer by submitting the completed permit transfer page included with the issued permit or verification. The subject permit or verification concerns only that portion of the property determined to fall within the jurisdiction of the Corps and this notice is applicable only to those portions of the subject property in, over, under, or affecting navigable waters of the United States.

**Conditions of the Permit/Verification:** The permit or verification is subject to General Conditions and Special Conditions which may affect the use of the work authorized in Intracoastal Waterway. Accordingly, interested parties should closely examine the entire permit or verification, all associated applications, and any subsequent modifications.

To obtain a copy of the authorization in its entirety submit a written request to:

U.S. Army Corps of Engineers  
Regulatory Division - Special Projects & Enforcement Branch  
Post Office Box 4970  
Jacksonville, Florida 32232-0019

Questions regarding compliance with these conditions should be directed to:

U.S. Army Corps of Engineers  
Enforcement Section  
Post Office Box 4970  
Jacksonville, Florida 32232-0019

### **Conflict Between Notice and Permit**

This Notice of Authorization is not a complete summary of the issued permit or verification. Provisions in this Notice of Permit shall not be used in interpreting the permit or verification provisions. In the event of conflict between this Notice of Permit and the permit or verification, the permit or verification shall control.

**This Notice is Not an Encumbrance**

This Notice is for informational purposes only. It is not intended to be a lien, encumbrance, or cloud on the title of the premises.

**Release**

This Notice may not be released or removed from the public records without the prior written consent of the Corps.

This Notice of Authorization is executed on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_. This document is being submitted for recordation in the Public Records of Palm Beach County, Florida as part of the requirement imposed by the authorization SAJ-2021-02738 issued by Corps.

Permittee:

\_\_\_\_\_

Address:

\_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, who is personally known to me or has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public

(seal)

\_\_\_\_\_  
Print

My Commission Expires \_\_\_\_\_