



Class I Construction Permit

Permit Number: CLI-2019-0256
DERM Project Manager: Tammy Burton

Issue Date: 01/21/2020 *AS*
Work Expiration Date: 01/21/2022 *JL*

Permittee

Village of Palmetto Bay
 c/o Edward Silva, Village Manager
 9705 East Hibiscus Street
 Palmetto Bay, Florida 33157
 (305) 259-1234

Contractor

See Specific Condition #1.

Bond

Performance Bond: N/A
Mitigation Bond: N/A
BBEETF Contribution: N/A

Engineer

Terrance Neal Glunt, P.E.#40130
 Stantec

THE ABOVE NAMED PERMITTEE IS HEREBY AUTHORIZED TO PERFORM THE WORK SHOWN ON THE APPLICATION AND APPROVED DRAWINGS, PLANS, AND OTHER DOCUMENTS ATTACHED HERETO OR ON FILE WITH THE DEPARTMENT AND MADE PART HEREOF, SUBJECT TO THE ATTACHED GENERAL AND SPECIFIC CONDITIONS.

Plans Entitled: THALATTA PARK IMPROVEMENTS
 17301 OLD CUTLER ROAD
 PALMETTO BAY, FL, 33157

Date Signed and Sealed: 10/25/2019

Project Location: 17301 Old Cutler Road, Palmetto Bay

- Project Description:**
- Removal of a section of the existing concrete ramp below the mean high water line.
 - Installation of a 1,430 square foot irregular shaped concrete viewing platform as per the DERM final approved plans; consisting of a 119.6 foot long by 6 foot wide access walkway starting between GPS points N025°36'37.90", W080°18'24.80" and N025°36'37.85", W080°18'24.77", with a terminal platform measuring 31 feet long and varying in width between 15 and 30 feet. The viewing platform will be supported by 43 concrete piles with associated pile caps and have a minimum of 3 foot high permanent railing around the entire perimeter of the structure.
 - Installation of 85 linear feet of riprap measuring 13 feet wide (5 feet waterward of the

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mean high water line) between GPS points N025°36'36.61", W080°18'24.73" and N025°36'37.35", W080°18'24.28". The riprap will consist of 1 to 3 foot diameter boulders and will be placed at a 2 horizontal :1 vertical slope.

- Trimming and alteration of lateral branches and prop/drop roots of mangroves to maintain clearance around the permitted viewing platform (i.e. 1 foot around the perimeter of the structure and 8 feet above the top of the decking).
- Installation of utility lines, including electrical, at the subject docking facility in accordance with the DERM final approved plans:

Attachment A - Mooring Prohibited Area

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Specific Conditions

1. The name, address, telephone number, and license number of the contractor who will be performing the work must be submitted a minimum of 14 days prior to the commencement the work. Work authorized by this permit shall not commence until written acceptance of the contractor by DERM has been issued.
2. A pre-construction conference shall be held on-site between the permittee (or the permittee's representative), the contractor, and the Coastal Resources Section prior to the commencement of work under this permit. The conference shall be requested a minimum of 5 business days prior to the proposed commencement of work. Prior to requesting the conference, the access walkway stations as depicted on the DERM final approved plans, the limits of construction, and the riprap footprint shall be visibly delineated (e.g. staked, flagged). The markers shall be maintained throughout the duration of construction operations. Please contact the Coastal Resources Section at (305) 372-6575 or via email at dermcr@miamidade.gov to schedule the conference.
3. The contractor shall ensure that all vessels associated with the proposed work shall operate within waters of sufficient depth so as to preclude bottom scouring or prop dredging and shall maintain a minimum of 1 foot clearance between the bay bottom, and any existing benthic resources, and the vessel bottom. The marine contractor and permittee shall be held jointly liable for any unauthorized impacts to benthic resources. For any impacts caused by construction operations, DERM shall require, at a minimum, restoration and mitigation.
4. Grounding of barges is prohibited, however, in the event that a grounding does occur, DERM must be notified immediately by the contractor. Failure to comply with this condition of the permit shall result in enforcement by the DERM. Additionally, restoration and after-the-fact mitigation shall be required for any unauthorized impacts.
5. In order to prevent erosion of fill into tidal waters the contractor shall ensure that all uplands in the area were the existing concrete ramp will be removed are graded and stabilized at all times.
6. Due to shallow water depths and the presence of benthic resources, vessels shall be restricted from mooring in areas designated as a **“Mooring Prohibited Area” (Attachment A)**. Failure to comply with this specific condition may be subject to enforcement by DERM.
7. The installation of fenders, davits, mooring whips, cleats, or any hardware to facilitate the mooring of vessels within the Mooring Prohibited Area is prohibited. Failure to comply with this specific condition may be subject to enforcement by DERM.
8. Due to shallow water depths, a permanent railing measuring a minimum of 3 feet high shall be constructed along the perimeter of the viewing platform to prevent the mooring of vessels. This condition shall be satisfied within 30 days of the completion of the viewing platform.
9. This permit specifically prohibits the installation of any canopy or non-water dependent structure or use on the viewing platform. Failure to comply with this condition will result in enforcement action by DERM.
10. Pursuant to Section 403.9328(5) of the Mangrove Trimming and Preservation Act, a permit is not required to trim or alter mangroves to maintain clearance around the permitted viewing platform (i.e. 1 foot around the perimeter and 8 feet above the top of the decking).
11. A Miami-Dade County certified or registered Professional Mangrove Trimmer (PMT) shall remain on-site at all times during the initial and any subsequent mangrove work and shall closely supervise all work performed. No trimming or alteration of mangroves may commence until the PMT has provided a minimum of 10 days' notice of trimming or alteration pursuant to Section 24-48.17 of the Code of Miami-Dade County and has received written acknowledgement from DERM.
12. Pursuant to Section 403.9326(1)(d) of the Mangrove Trimming and Preservation Act, maintenance trimming of mangroves to the configuration authorized by the subject Class I permit is considered exempt from the requirements to obtain a renewal of said permit provided all work is performed in accordance with the conditions of the subject permit and provided the law is not modified to exclude this exemption. A minimum of 10 days'

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notice shall be provided to the Coastal Resources Section prior to any trimming event.

13. The PMT and permittee shall ensure that no more than 25% of the canopy of any mangrove to be trimmed shall be removed per trimming event (i.e. it may not be possible to achieve the final permitted configuration in one trimming event).
14. Unpermitted alteration of mangroves is prohibited. If the PMT or permittee anticipates that mangrove work will result in unpermitted alteration of any mangrove, an alternative method (e.g. phased trimming) shall be employed.
15. The permittee shall take all necessary precautions to prevent trimmed material from falling into the water and/or wetlands. All trimming debris shall be removed (including debris which may fall into tidal waters) and properly disposed of in accordance with all applicable federal, state and local regulations.
16. Sealing or treating of cut mangrove ends is prohibited.
17. All mangrove work shall be performed utilizing hand-held equipment.
18. All trimming shall be performed in accordance with the Tree Care Industry Association (TCIA) standards whenever possible, **with the exception of removal or cutting of diseased or dead trees, branches or limbs**, which shall require separate Class I permit approval if not consistent with the permitted or exempt work.
19. Trimming of any mangrove trees within 50 feet of nesting or roosting birds is strictly prohibited.
20. Incidental damage to mangroves as a result of construction operations shall constitute a violation of this permit. The contractor shall take necessary precautions to prevent unauthorized impacts to mangroves.
21. No impacts shall occur to mangroves, mangrove roots, or pneumatophores during the installation of the riprap or the removal of the existing concrete ramp.
22. **All exotic pest plants and nuisance species within the project footprint shall be eradicated (killed) and treated with an appropriate herbicide within 60 days of the commencement of construction operations. Cut exotic vegetation shall be treated with an appropriate herbicide within one hour of cutting. The treated vegetation shall be left in place to prevent disruption to soils and to allow for re-treatment with an herbicide if necessary. All cut material will be removed from the property and disposed of in an authorized landfill. For the purpose of this and other specific conditions of this permit, exotic pest plants shall include all Category I and II plants on the 2017 Florida Exotic Pest Plant Council list. Nuisance species shall include but not be limited to Typha spp.**
23. A turbidity curtain shall completely enclose the immediate work area and shall not be removed until turbidity levels within the enclosed area return to background levels outside the curtain.
24. Turbidity controls shall be employed and maintained in the most effective manner possible to prevent turbidity from extending beyond the turbidity control mechanism in place. Failure to deploy and maintain the turbidity curtain or other turbidity control mechanism in the most effective manner possible may result in the issuance of a Uniform Civil Violation Notice (UCVN). In no event may turbidity exceed 0 Nephelometric Turbidity Units (NTU) above background beyond 50 feet of the operation. If turbidity levels exceed 0 NTU above background beyond 50 feet of the operation, all construction shall be halted and additional turbidity controls implemented. The incident shall be immediately reported to the Coastal Resources Section Compliance and Enforcement Group at (305) 372-6575 and the work shall not resume until the contractor has received authorization from DERM.
25. The contractor shall modify any work procedures that caused the violation, install additional turbidity control devices, and repair or replace any non-functioning turbidity control devices. All turbidity control devices shall remain in place until turbidity levels within the device have returned to background levels.
26. Turbidity monitoring equipment and personnel trained to use said equipment shall be available on-site at all times during work that could generate turbidity.
27. Mechanical means to remove the existing concrete ramp is authorized; however, all work using mechanical

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equipment shall be performed in such a manner as to prevent any dredging of the canal bottom.

28. The contractor shall submit receipts or weight tickets for the riprap that is placed on-site. This condition shall be satisfied within 30 days of the completion of the work.
29. Since the Florida manatee occurs in the waters at and adjacent to the property, the permittee and contractor shall take measures to protect manatees during and after construction. Failure to comply with any of the below-listed measures may result in revocation of all or a portion of the performance bond. These measures shall include the following:
 - a. All construction personnel shall be notified in writing of the possible presence of manatees in the areas and the precautions that should be taken during the construction period. Copies of these written notifications shall be sent to DERM.
 - b. All construction personnel shall be advised 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 of 1978. The permittee and contractor will be held jointly responsible for any manatee harmed, harassed, or killed as a result of the construction activities.
 - c. Prior to commencement of construction each vessel involved in the construction shall display in a prominent location, visible to the operator an 8 1/2" x 11' temporary placard reading, "Manatee Habitat/Idle Speed In Construction Area". In the absence of a vessel the placard will be located prominently adjacent to the issued construction permit. A second temporary 8 1/2" x 11' placard reading, "Warning Manatee Area" will be posted in a location prominently visible to water related construction crews. Temporary notices will be removed by the permittee upon completion of construction.
 - d. Turbidity curtains shall be made of material in which manatees cannot become entangled. Said curtains shall be properly secured, and shall be regularly monitored to avoid manatee entrapment. Curtains shall not block manatee entry to or exit from essential habitat.
 - e. All vessels associated with the project shall operate at "no wake/idle" speeds at all times while in water adjacent to the project where the draft of the vessel provides less than four feet of clearance from the bottom. All vessels will follow routes of deep water whenever possible.
 - f. All in-water construction activities shall cease upon the sighting of a manatee(s) within fifty (50) feet of the project area. Construction activities will not resume until the manatee(s) has departed the project area.
 - g. Any collision with and/or injury to a manatee shall be reported immediately to the "Manatee Hotline" (1-888-404-FWCC) and to the U.S. Fish and Wildlife Service, Vero Beach Office (561-562-3903), and to DERM (305-372-6575).
 - h. The contractor shall maintain a log detailing sightings, collisions, or injuries to manatees should they occur during the contract period.
 - i. Following project completion, a report summarizing the above incidents and sightings shall be submitted to the Florida Department of Environmental Protection (FDEP), Marine Research Institute Office of Protected Species Research, 100 Eighth Avenue, Southeast, ST. Petersburg, Florida 33701-5095; to the U.S. Fish & Wildlife Service , 3100 University Blvd., Jacksonville, Florida 32216, and to DERM within sixty (60) days of project completion.
30. Please be advised that the federal government has designated all or part of the subject property as critical habitat for one or more endangered species. You are not authorized to commence any work or activities pursuant to this permit until you obtain any and all approvals or permits, if necessary, from the federal government pursuant to the Endangered Species Act and from the State of Florida pursuant to Florida law on endangered species. Please be advised that, even after work commences, if Miami-Dade County is advised by the federal government, the State of Florida, or a court that an activity on the subject property is in violation of the Endangered Species Act, in violation of Florida law on endangered species, or in violation of a permit or approval

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granted by the federal government pursuant to the Endangered Species Act, such violation may result in an immediate stop work order. You are strongly advised to consult with the United States Fish and Wildlife Service and any other necessary federal or state agencies before conducting any work or activities on the property. The Vero Beach office of the United States Fish and Wildlife Service may be reached at (772) 562-3909. Please be aware that the federal government may require certain actions or protections on the property, and this may result in the need to modify the plans for the property. Therefore, it is recommended that you consult with the United States Fish and Wildlife Service at an early stage in the process. In the event that the United States Fish and Wildlife Service advises that your plans for the subject property may result in a "take" of endangered or threatened species, you are strongly recommended to inform Miami-Dade County in writing at the earliest stage possible.

See General Permit Conditions.

General Permit Conditions

1. This permit does not eliminate the necessity to obtain any required federal, state, and local authorizations prior to the start of any activity approved by this permit. This permit is a regulatory approval and does not convey to the permittee or create in the permittee any property right or privilege, 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. In the event that any structure authorized hereunder is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent riparian rights, the permittee agrees to either obtain written consent for the offending structure from the affected riparian owner or to remove the interference.
2. This permit must be kept on-site during all phases of construction.
3. All work shall be performed in accordance with the above referenced plans and in accordance with the attached specific and general permit conditions. If a General Condition(s) conflicts with a Specific Condition(s) in this permit document, the Specific Condition shall be the controlling condition for work authorized by this permit.
4. This permit only authorizes the work described in page 1 under Project Description. Any additional work in, on, over or upon tidal waters or coastal wetlands at the property shall require additional Class I approval.
5. Any deviation from the approved plans for this project shall be submitted in writing to, and approved by DERM prior to the commencement of this project. The contractor and the permittee shall take whatever remedial action is necessary to bring the project into compliance with the permit and approved plans upon determination by DERM that the structure is not in compliance with such.
6. DERM shall be notified no later than 48 hours and no earlier than 5 days prior to the commencement of the work authorized by this permit, unless otherwise noted herein. The permittee and/or contractor may notify DERM by calling (305) 372-6575 or by submitting the attached Notice of Commencement of Construction via hand delivery, U.S. Mail, or facsimile at (305) 372-6479.
7. Prior to performing any work, the contractor shall verify the location of all underground and overhead utility lines and verify that no utilities will be damaged by the work. Contact Sunshine State One-Call of Florida at 1-800-432-4770 or on the web at <http://www.callsunshine.com/corp/before/submitting.html> for locating underground utility lines.
8. The permittee and the contractor are hereby advised that under Florida law, no person shall commence any excavation, filling, construction, or other activity involving the use of sovereign or other lands of the State, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund or the Florida Department of Environmental Protection (FDEP), until such person has received the required authorization for the proposed use from the Board of Trustees or FDEP. If such work is done without consent, or if a person otherwise damages state land or products of state land, the Board of Trustees may levy administrative fines of up to \$10,000 per offense pursuant to the Florida Administrative Code.

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9. The permittee and contractor shall obtain all required approvals from all local, state and federal agencies prior to performing the work authorized by this permit.
10. Trimming or alteration of mangroves or work in wetlands other than what is authorized by this permit is prohibited. Work not authorized by this permit or that is not explicitly exempt from permit requirements pursuant to the Mangrove Trimming and Preservation Act (403.9321-9334 F.S.) shall require additional Class I approval.
11. For any work involving mangrove trimming or alteration, if the subject Class I permit is revoked by DERM, or the state statute providing the exemption is modified or eliminated, the permittee shall be required to obtain a new permit from DERM prior to mangrove trimming or alteration.
12. All work authorized by this permit shall be performed by the contractor and/or subcontractor holding an applicable certificate of competency and shall be licensed in Miami-Dade County to perform such work. Any work which is subcontracted shall require that the permittee and contractor (i.e. the contractor who is listed on this permit) notify the project manager at DERM at (305) 372-6575 or by facsimile at (305) 372-6479 a minimum of 72 hours prior to the subcontractor performing any work. Notification shall include the name of the subcontractor performing the work, the subcontractor's Miami-Dade County license number or state general contractor license number, and scope of work. Failure to comply with this condition is a violation of the Class I permit and may result in enforcement action DERM.
13. The contractor shall not store or place, even on a temporary basis, construction or demolition debris in tidal waters and shall take all necessary precautions to prevent construction or demolition debris from falling into the water or adjacent wetlands. Any debris that falls into the water and/or adjacent wetlands shall be removed immediately. Construction and demolition debris shall be disposed of in accordance with all federal, state and local regulations.
14. Turbidity controls (such as, but not limited to, turbidity curtains) shall be implemented whenever visible plumes are present to ensure compliance with the water quality standards stipulated in Section 24-42(3) of the Code of Miami-Dade County. Turbidity controls shall be employed and maintained in the most effective manner possible to prevent turbidity from extending beyond the control mechanism in place.
15. Turbidity may not exceed 0 Nephelometric Turbidity Units (NTU) within the Aquatic Preserve or 29 NTU outside of the Aquatic Preserve, above background beyond the turbidity control device or 50 feet from any point of discharge. Turbidity levels shall be monitored. If the turbidity levels exceed the above standards, all construction shall stop and additional turbidity controls shall be implemented. Work shall not resume until the contractor has implemented adequate turbidity control methods and has received authorization from DERM to recommence work. At DERM's discretion, turbidity samples may be required to be collected in accordance with Section 24-44.2(3) of the Code of Miami-Dade County.
16. Environmental controls and best management practices must be implemented to prevent any materials related to construction from entering the surrounding water. Any material removed as well as material applied to accomplish repairs must be contained so as to prevent fugitive particulates and/or discharge to surface waters. Any materials which fall into the water shall be removed immediately. The contractor shall ensure that no material is placed in the water either temporarily or permanently.
17. If any work or activity associated with this project is to take place in navigable waters, the contractor shall instruct all personnel associated with the project of the potential presence of manatees and the need to avoid collision with manatees. All vessels associated with the project must operate at "Idle Speed/No Wake" at all times while in water where the draft of the vessel provides less than a 4 foot clearance from the bottom. Additionally, all vessels will follow routes of deep water whenever possible. All in-water construction activities shall cease upon the sighting of a manatee(s) within 50 feet of the project area and will not resume until the manatee(s) has departed the project area. Any collision with and/or injury to a manatee shall be reported immediately to the "Manatee Hotline" (1-888-404-FWCC), the U.S. Fish and Wildlife Service, Jacksonville Field Office (904) 791-2580, and DERM (305) 372-6864.
18. The contractor shall ensure that all vessels associated with the construction shall operate within waters of sufficient depth so as to preclude bottom scouring or prop dredging and shall maintain a minimum of 1 foot of water between the vessel bottom and submerged aquatic resources.

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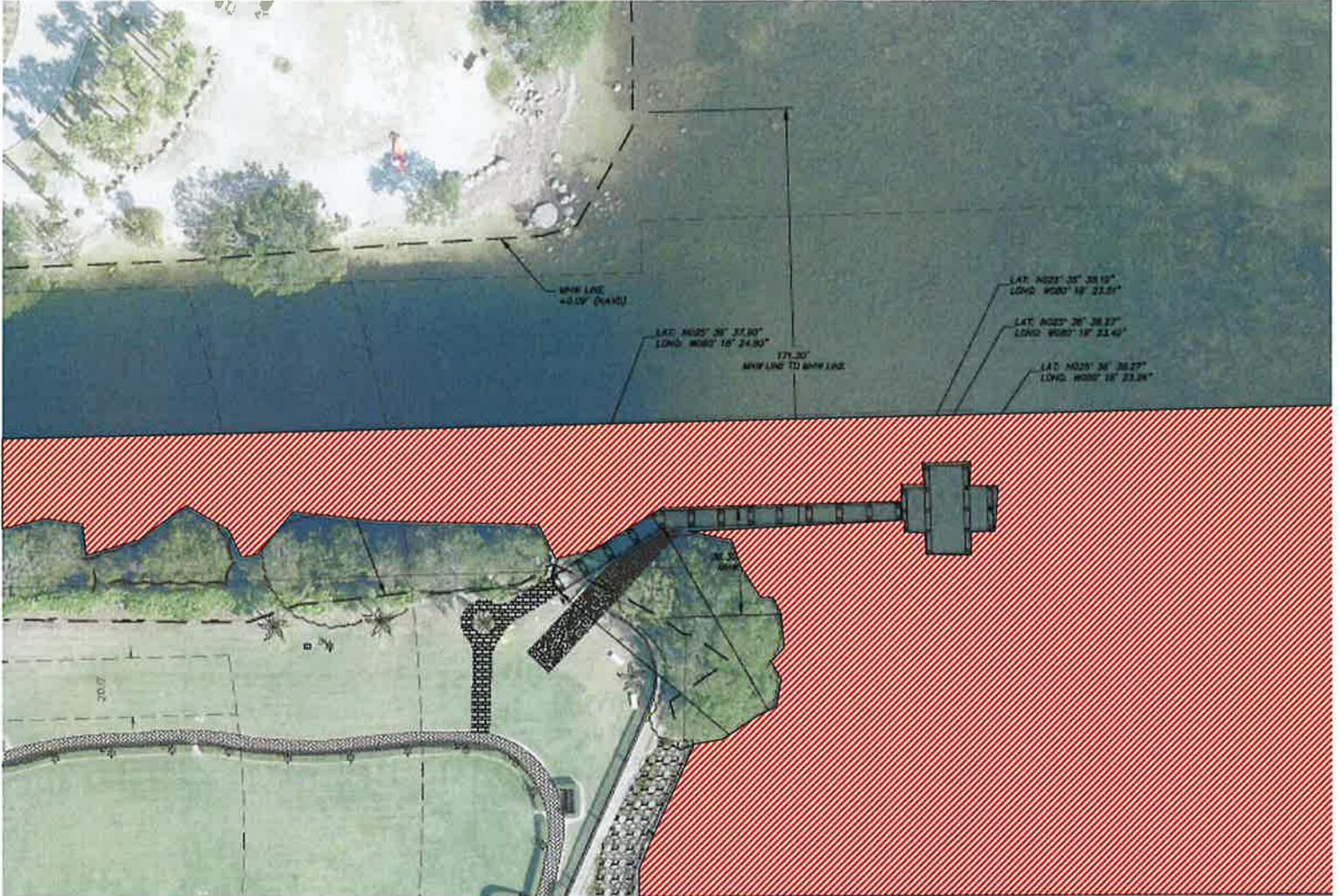
19. The contractor shall ensure that there are no impacts to seagrass, hard corals, or soft corals as a result of construction operations, such as, but not limited to, propeller scouring; and vessel or barge anchoring, grounding or spudding. The marine contractor and permittee shall be held jointly liable for any of these unauthorized impacts. For any impacts caused by the construction operation, DERM shall require, at a minimum, restoration and mitigation.
20. For the purposes of this permit, "vessel" is herein defined as any craft designed to float or navigate on water, including but not limited to: sailboats, powerboats, rowboats, boats, ships, skiffs, houseboats, personal watercraft and inflatable boats.
21. Pursuant to Section 24-48.10 of the Code of Miami-Dade County the work or structures authorized under this permit shall be privately maintained by the permittee, his successors and assigns. Whenever, in the opinion of the Director of the DERM, said work or structures are not maintained in such a manner so as to prevent deterioration to the extent that they become a hazard to the public or to navigation, or create an obstruction of flow, or prevent access for drainage maintenance purposes, or may damage adjacent property, then the owner is required to perform any necessary remedial work.
22. Unless otherwise authorized in this permit and pursuant to Sections 24-48.23 and 24-48.24 of the Code of Miami-Dade County, the installation or construction of non-water-dependent floating or fixed structures (e.g. covered structures, canopies, helicopter pads, commercial signs, etc.) is prohibited in, on, over or upon any of the tidal waters of Miami-Dade County and constitutes a violation of this permit. Failure to comply with this condition may subject the permittee to enforcement action without further warning.
23. A DERM Class II permit is required for the construction, installation, and/or alteration of any outfall or overflow system in, on, under or upon any water body of Miami-Dade County. In addition, a DERM Class V permit is required for any dewatering of groundwater, surface waters or water, which has entered into an excavation. The contractor shall contact the Water Control Section of DERM at (305) 372-6681 in order to obtain a Class II or Class V permit prior to the construction of any outfall or overflow system and prior to any dewatering activity.
24. The time allotted to complete the work for which this permit has been issued shall be limited to the period stipulated on the permit unless an extension of time is granted pursuant to Section 24-48.9(2) of the Code of Miami-Dade County. Applications for extensions of time shall be submitted to DERM at least 30 days prior to the date of permit expiration; incomplete or untimely applications for extensions of time will be returned to the permittee.
25. An application for Transfer of a Class I permit may be filed with DERM at any time prior to the transfer of property ownership up to 120 days after the date of transfer of fee simple ownership of the property that is the subject of the permit. The Application for Transfer must be signed by both the transferee and transferor. Applications for Transfer shall be filed in the form prescribed by DERM and shall not be processed if the filed Application for Transfer is not fully complete in all respects pursuant to Section 24-48.18, of the Code of Miami-Dade County within 120 days of the date of transfer of property ownership.
26. If the project involves construction, replacement, or repair of a seawall, the new seawall cap shall be a minimum of 6 inches above the final grade of the uplands immediately adjacent, and in order to prevent positive drainage of stormwater into the waterway, all uplands immediately adjacent to the new seawall shall be graded away from the waterway.
27. To further reduce the possibility of injuring or killing a manatee during construction, work within portions of the Biscayne Canal, Little River, and the Coral Gables Waterway shall be performed only between May 1 and November 15.
28. A minimum of 1 foot of clearance shall be maintained at all times between the submerged bottom, and any existing benthic resources, and any vessels moored at the property.
29. Adequate clearance shall be maintained at all times between the submerged bottom, and any existing benthic resources, and any vessels moored at the property, such that there are no impacts to State or County water quality standards, even on a temporary basis, or to benthic resources or the submerged bottom, including but not limited to bottom scouring or prop dredging.

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30. If railing is required to be installed pursuant to this permit, it shall be installed within 30 days of completion of the permitted work, and prior to the use of the structure(s) authorized by this permit, including the mooring of vessels.
31. A performance and/or mitigation bond may be held to ensure compliance with the aforementioned conditions and the completion of any required mitigation. Failure to comply with any of these conditions may result in the revocation by Miami-Dade County of all or a portion of the bond without further notice.
32. Pursuant to Section 24-48.3.(9), the use or installation of unencapsulated polystyrene as defined in Section 24-5 shall be prohibited in connection with any work requiring a Class I permit. Pursuant to Section 24-48.26, for all facilities which are subject to a County marine facilities operating permit pursuant to this chapter, such permit shall require the removal, replacement or repair of any unencapsulated polystyrene where such polystyrene shows evidence of degradation, disintegration, shredding, or other damage, as determined in the discretion of the Director.

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Mooring Prohibited Area (Attachment A) =



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