



FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Water Resource Management
Coastal Construction Control Line Program
2600 Blair Stone Road, M.S. 3522
Tallahassee, FL 32399-2400
Phone: (850) 245-8336

Permit No. -8034596 - PB
No. of Pages Attached: 9

FIELD PERMIT PURSUANT TO SECTION 161.053 OR 161.052, FLORIDA STATUTES

FINDINGS OF FACT AND CONCLUSION OF LAW: The request for a field permit was considered by the staff designee of the Department of Environmental Protection and found to be in compliance with the requirements of Chapter 62B-33, Florida Administrative Code (F.A.C.). Approval is specifically limited to the activity in the stated location and by the project description, approved plans (if any), attached standard conditions, and any special conditions stated below pursuant to Paragraph 161.053(5), Florida Statutes (F.S.). This permit may be suspended or revoked in accordance with Section 62-4.100, F.A.C.

PROJECT LOCATION:

Between approximately N0470/N0500 feet of the Department of Environmental Protection reference monument R-183, in Palm Beach County.

Beach Access: Casuarina Rd. & S. Ocean Blvd, Delray Beach

PROJECT DESCRIPTION:

Permit authorizes 14'x14' staging area for Lifeguard Stand assembly, as depicted in attached plans (approved 04/10/2018). Staging area will be located at the beach access (described above), west of the dune crest. No use of heavy machinery will be authorized east of the dune crest for assembly.

SPECIAL PERMIT CONDITIONS: The permit is valid only after all applicable federal, state, and local permits are obtained and does not authorize contravention of local setback requirements or zoning or building codes. This permit and public notice shall be posted on the site immediately upon issuance and shall remain posted along with local approval until the completion of any activity authorized by this permit. Other special conditions of this permit include:

1. Standard field permit conditions prevail.
2. No additions or modification w/o prior DEP approval.
3. No lighting is authorized under this permit.
4. No storage of equipment or heavy machinery is permitted on the sandy beach.
5. Assembly shall comply with attached conditions (1 through 4) provided by FWC via email on 04/09/2018.

STANDARD PERMIT CONDITIONS: The permittee shall comply with the attached standard field permit conditions.

APPLICANT INFORMATION: I hereby certify that I am either: (1a) the owner of the subject property or (1b) I have the owner's consent to secure this permit on the owner's behalf; and that (2) I shall obtain any applicable licenses or permits which may be required by federal, state, county, or municipal law prior to commencement of the authorized work; (3) I acknowledge that the authorized work is what I requested; and (4) I accept responsibility for compliance with all permit conditions.

Applicant's Signature Missie Barletta Date 4/10/18 Telephone No. (561) 243-7000 x 4104

Applicant's Printed Name Missie Barletta Address 434 S. Swinton, Delray Beach, FL 33444

If applicant is an agent:

<u>Printed name of property owner</u>	<u>/</u>	<u>Property owner's address</u>	<u>/ ()</u>	<u>Property owner's telephone no.</u>
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DEPARTMENT FINAL ACTION AND FILING AND ACKNOWLEDGMENT: This field permit is approved on behalf of the Department of Environmental Protection by the undersigned staff designee, and filed on this date, pursuant to section 120.52, F.S., with the undersigned designated Deputy Clerk, receipt of which is hereby acknowledged.

<u>Jenna Caderas</u> Staff Designee/Deputy Clerk	<u>Jenna Caderas</u> Printed Name of Designee/Deputy Clerk	<u>04/10/2018</u> Date
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EXPIRATION DATE: 05/01/2018

(Emergency permits issued pursuant to Section 62B-33.014, F.A.C., are valid for no more than ninety days and other field permits are valid for no more than 12 months. The staff designee may specify a shorter time limit.)

EMERGENCY PERMIT: YES NO

Approved plans are attached: YES NO

POST PERMIT AND PUBLIC NOTICE CONSPICUOUSLY ON THE SITE

PUBLIC NOTICE

The foregoing constitutes final agency action. Any person whose substantial interests are affected by any decision made by the Department on the Field Permit has a right to request an administrative hearing in accordance with the provisions of Sections 120.569 and 120.57, F.S. The request for an administrative hearing must comply with the provisions of Rule 28-106.201, F.A.C., and must be received by the Department (at the address given below) within twenty-one (21) days from the date of this notice.

When the Department receives an adequate and timely filed request for hearing, the Department will request the assignment of an administrative law judge. Once the administrative law judge is requested, the Division of Administrative Hearings will have jurisdiction over the formal proceeding and the Department (as the referring agency) will take no further action with respect to the proceeding except as a party litigant.

Section 120.54(5)(b)4, F.S., and Rule 28-106.201(2), F.A.C., explain that the following items must be included in a petition for a formal administrative hearing

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; 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 proceedings; and an explanation of how the petitioner's substantial interests 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 issues of material fact disputed by the petitioner, or a statement that there are no disputed facts;
- (e) A concise statement of the ultimate facts alleged, including a statement of the specific facts that the petitioner contends warrant reversal or modification of the Department's action;
- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the Department's 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 wants the Department to take with respect to its action.

A person may request an extension of time to petition for an administrative hearing. The person filing the request for extension must do so within the time limits for filing a petition described above. The request must state why an extension of time is needed. The Department will grant an extension only when good cause is shown.

If a petition or a request for time extension is filed, further order of the Department becomes necessary to effectuate this Field Permit. Accordingly, the Department's final action may be different from the position taken in this notice. Actions undertaken by any person under this permit, pending the lapse of time allowed for the filing of such a request for hearing, may be subject to modification, removal, or restoration.

Failure to petition within the allowed time frame constitutes waiver of any right that a person has to request a hearing under Section 120.57, F.S., and to participate as a party to the proceeding. If a legally sufficient petition for hearing is not timely received, this notice constitutes final agency action.

When this order becomes final and is filed with the Department Clerk, any party to the order has the right to seek judicial review under Section 120.57, F.S., and Rule 9.030(b)(c) and 9.110, Florida Rules of Appellate Procedure. A notice of appeal must be filed within thirty (30) days with both the Department Clerk (see address below) and with the appropriate district court of appeal. The notice filed with the district court must be accompanied by the filing fee specified in Section 35.33(3), F.S. Any subsequent intervention will be only by the approval of the presiding officer on motion filed under Rules 28-5.207 or 60Q-2.010, F.A.C.

All requests for hearings are to be filed with the Department at the following address:

Florida Department of Environmental Protection
 Office of General Counsel
 Department Clerk
 3900 Commonwealth Boulevard Mail Station 35
 Tallahassee, Florida 32399-3000

STANDARD FIELD PERMIT CONDITIONS

The following conditions shall apply to **FIELD PERMITS** (unless waived by DEP or modified by special permit condition). In the event of a conflict between a field permit condition and a special permit condition, the special condition shall prevail.

- 1) The permittee shall carry out the construction or activity for which the permit was granted in accordance with the plans and specifications that were approved by DEP as part of the permit. Any deviation there from shall be grounds for suspension of the work and revocation of the permit pursuant to Section 120.60(7), F.S., and may result in assessment of civil fines or issuance of an order to alter or remove the unauthorized structure, or both. No other construction or activities shall be conducted. No modifications to project size, location, or structural design are authorized. A copy of the permit shall be conspicuously displayed at the project site.
- 2) The permittee shall conduct the construction or activity authorized under the permit using extreme care to prevent any adverse impacts to the beach and dune system, marine turtles and their nests and habitats, or adjacent property and structures.
- 3) The permittee shall allow any duly authorized member of the staff to enter upon the premises associated with the project authorized by the permit for the purpose of ascertaining compliance with the terms of the permit and with the rules of DEP, until all construction or activities authorized or required in the permit have been completed and the project accepted by DEP.
- 4) The permittee shall hold and save the State of Florida, DEP, its officers and employees, harmless from any damage (no matter how occasioned and no matter what the amount) to persons or property that might result from the construction or activity authorized under the permit and from any and all claims and judgments resulting from such damage.
- 5) The permittee shall allow DEP to use all submitted records, notes, monitoring data, and other information relating to construction or any activity under the permit for any purpose it may deem necessary or convenient, except where such use is otherwise specifically forbidden by law.
- 6) Construction traffic shall not operate and building materials shall not be stored on vegetated areas seaward of the control line, unless specifically authorized by the permit. If (in the opinion of DEP staff) this requirement is not being met, positive control measures shall be provided by the permittee at the direction of DEP staff. Such measures may include temporary fencing, designated access roads, adjustment of construction sequence, or other requirements.
- 7) The permittee shall not disturb existing beach and dune topography and vegetation except as expressly authorized in the permit. Before the project is considered complete, any disturbed topography or vegetation shall be restored (as prescribed in the permit) with suitable fill material or revegetated with appropriate beach and dune vegetation.
- 8) The fill material shall be obtained from a source landward of the control line and shall consist of sand which is similar to that already on the site in both grain size and coloration. This fill material shall be free of construction debris, rocks, or other foreign matter. A sample of the sand shall be provided to the staff representative of the Bureau of Beaches and Coastal Systems during the preconstruction conference.
- 9) If surplus sand fill results from any approved excavation seaward of the CCCL, such material shall be distributed seaward of the CCCL on the site, as directed by DEP staff (unless otherwise specifically authorized by the permit).
- 10) Any native salt-resistant vegetation destroyed during construction shall be replaced with plants of the same species or, by authorization of DEP, with other native salt-resistant vegetation suitable for beach and dune stabilization. Unless otherwise specifically authorized by the staff, all plants installed in beach and coastal areas (whether to replace vegetation displaced, damaged, or destroyed during construction or otherwise) shall be of species indigenous to Florida beaches and dunes (i.e., sea oats, sea grape, saw palmetto, panic grass, salt meadow hay cord grass, seashore salt grass, and railroad vine).
- 11) All topographic restoration and revegetation work is subject to approval and acceptance by DEP staff.
- 12) If not specifically authorized elsewhere in this permit, no operation, transportation, or storage of equipment or materials is authorized seaward of the dune crest or rigid coastal structure during the marine turtle-nesting season. The marine turtle-nesting season is May 1 through October 31 in all counties (except Brevard, Indian River, St. Lucie, Martin, Palm Beach and Broward counties where marine turtle nesting occurs during the period of March 1 through October 31).
- 13) If not specifically authorized elsewhere in this permit, no temporary lighting of the construction area is authorized at any time during the marine turtle-nesting season and no additional permanent exterior lighting is authorized.
- 14) This permit has been issued to a specified property owner and is not valid for any other person.

Caderas, Jenna

From: Sella, Kristen <Kristen.Sella@MyFWC.com>
Sent: Monday, April 9, 2018 3:58 PM
To: Caderas, Jenna
Cc: dbeco@bellsouth.net; MarineTurtle
Subject: Lifeguard Stands Delray Beach, Palm Beach County

Lifeguard Stands Delray Beach, Palm Beach County

File No. TBD

Dear Ms. Caderas:

The Florida Fish and Wildlife Conservation Commission (FWC) has reviewed the proposed project to construct six new lifeguard stands in a staging area to be transported onto the beach. The construction and placement with the assistance of the lifeguards shall occur on six non-consecutive days. We recommend that the removal of the old lifeguard stands occur after marine turtle nesting season due to the excavation that would have to occur. The project is located on the public beach adjacent to Casuarina Road, in Delray Beach, Palm Beach County.

The beaches in Palm Beach County provide important nesting habitat for threatened loggerhead (*Caretta caretta*), threatened green (*Chelonia mydas*) and endangered leatherback (*Dermochelys coriacea*) turtles. FWC recommends the following conditions be included in the permit to ensure all state requirements for protection of threatened and endangered sea turtles are met in accordance with Florida Statute 379.2431(1) and 62B-33.005(4)(h)&(12), F.A.C.

1. All structures proposed to be in marine turtle nesting habitat and left out overnight shall have three (3) feet of vertical clearance beneath them, at least seven (7) feet of horizontal clearance between the supports where they meet the beach, and shall be located as far landward as possible. Any structures or materials not meeting these criteria must be removed by sundown each day. All staging and storage of related equipment and materials shall be off the beach.
2. All activities on the sandy beach, including the placement of the new lifeguard stands on skids, may occur during the marine turtle nesting season until May 1, 2018 under the following conditions:
 - a. It is the responsibility of the permittee to ensure that the project area and access sites are surveyed for sea turtle nesting activity. Nesting surveys and nest marking shall only be conducted by persons with prior experience and training in these activities and who have a valid permit issued by FWC pursuant to Florida Administrative Code 68E-1. The applicant shall work with the Marine Turtle Permit Holder (Christine Peretta dbeco@bellsouth.net) to ensure that sea turtle nest surveys begin as soon as possible after permit issuance and are conducted daily between sunrise and 9 a.m. The contractor shall not initiate work until daily notice has been received from the marine turtle permit holder that the morning survey has been completed and all nests marked.
 - b. Nests deposited within the project area and access areas shall be left in place and marked for avoidance. The marine turtle permit holder shall install an on-beach marker at the nest site and a second marker at a point as far landward as possible to assure that future location of the nest will be possible should the on-beach marker be lost. All nests shall be marked with a series of stakes and highly-visible survey ribbon or string shall be installed to establish a 10-foot diameter around the nest. No activity shall occur within this area, nor shall any activity occur that could result in impacts to the nest. Nest sites shall be inspected daily to assure nest markers remain in place and that the nest has not been disturbed by the project activity.

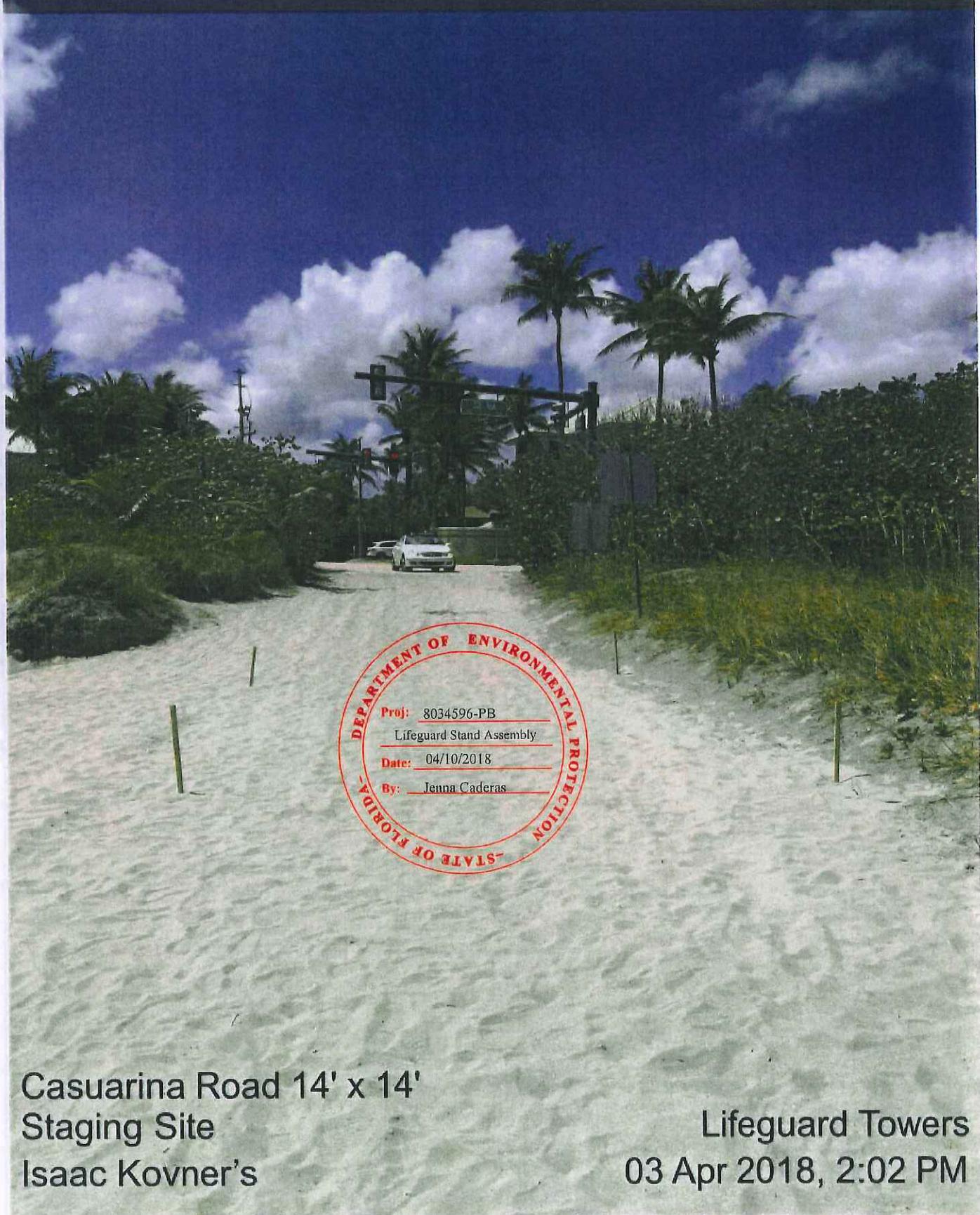
- c. All activity shall be confined to daylight hours and nighttime storage of equipment or materials shall be off the beach (landward of the dune crest, existing seawalls or bulkheads) daily, prior to 7:30 p.m. each evening.
 - d. Any temporary disturbances in the sand resulting from work activities including but not limited to ruts, depressions, holes, or mounds, shall be filled in and raked smooth with hand tools daily, prior to 7:30 p.m. each evening. All debris shall be removed from the sandy beach prior to May 1, 2018.
- 3. No temporary lighting that would be visible from the beach is authorized during the marine turtle nesting season (March 1 through October 30). No additional permanent lighting is authorized.
 - 4. The permittee shall not disturb existing beach and dune topography and vegetation. No excavation of sand landward of the mean high water line is permitted. Any temporary minor disturbances in the sand (including ruts, depressions, holes, or mounds) shall be filled in and raked smooth with hand tools after the placement and removal of the temporary lifeguard stand.

Please do not hesitate to contact me if you have additional questions.

Sincerely,

Kristen Nelson Sella
Fisheries and Wildlife Biological Scientist IV
Imperiled Species Management Section
Florida Fish and Wildlife Conservation Commission
620 South Meridian Street 6A
Tallahassee, Florida 32399-1600
Kristen.Sella@myfwc.com
(850) 922-4330

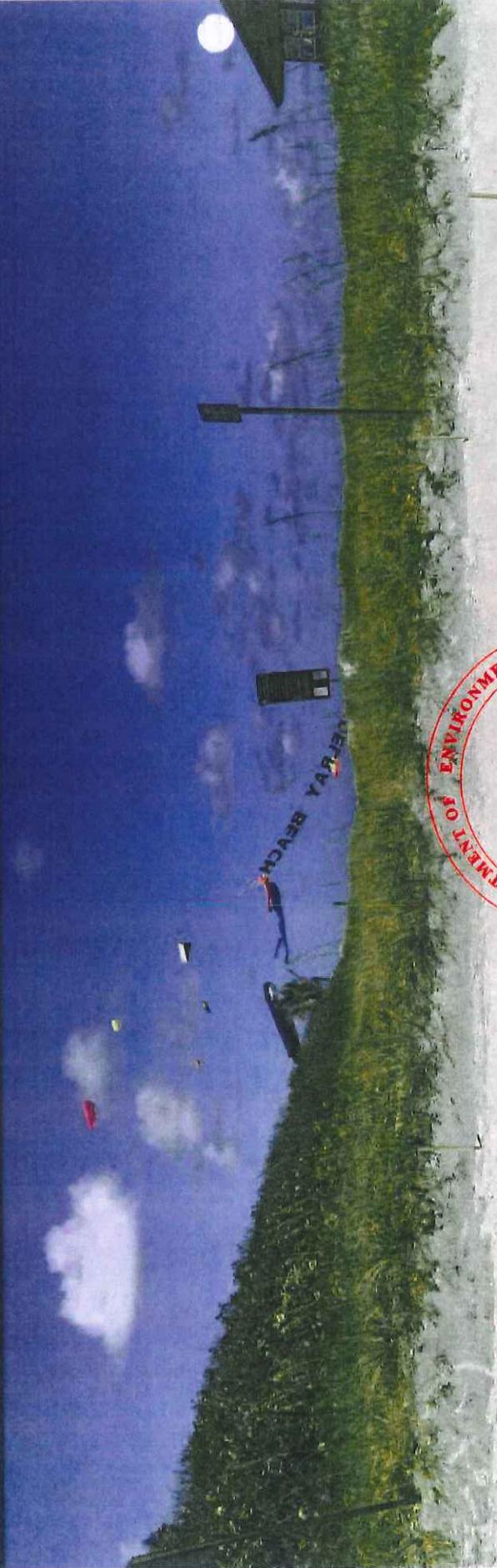
East Elevation



West Elevation



South West Elevation



Casuarina Road 14' x 14' Staging Site
Isaac Kovner's

Lifeguard Towers
03 Apr 2018, 2:03 PM