

DOCK PROJECT STATUS
ASSORTED EMAIL CORRESPONDENCE – FOR YOUR INFORMATION

NOTE: THESE EMAILS CONTAIN THE CORRESPONDENCE WITH THE GOVERNMENT AGENCIES INVOLVED FROM THE POINT WHERE WE RECEIVED THE COUNTY LICENSE. THEY ARE INTENDED TO HELP MAKE IT MORE CLEAR AS TO THE GOVERNMENTAL BUREAUCRACY WE HAVE TO DEAL WITH TO GET OUR FINAL LICENSE FROM THE US ARMY CORPS OF ENGINEERS. LINES LIKE THE ONE BELOW SEGREGATE ONE SET OF MESSAGES/RESPONSES FROM THE NEXT.

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-----Original Message-----

From: Marilyn Mammano
Sent: Friday, January 13, 2006 6:05 PM
To: Diana Vanderbilt; Hank Flystra; Hank Fylstra; Nancy & Bill Clifford; Rocky Stone
Subject: License in Hand!

Hi All

I went to pick up the Broward County License today. I have it in my hot little hands.

It has the conditions we discussed at the meeting with the lawyer (certified letters and restrictive declaration) and unfortunately also contains the condition that we modify the condo "documents" to include the power boat limitation within six months.

I did not want to decline picking up the license because of this. I will send it to the lawyer and get them working on the recordation which as you know is important to the Army Corps of Engineers.

I will ask the lawyers if modifying the condo rules and regulations would surface and if that can be done without modifying the declaration and by laws.

Left a message for the Fort Lauderdale Building Department to bear with us as we are getting very close to picking up the permit.

Marilyn

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-----Original Message-----

From: Marilyn Mammano
Sent: Monday, January 09, 2006 4:41 PM
To: Oberlin, Leah A SAJ
Subject: SAJ-2005-8370

Hello Ms Oberlin,

As I explained in my phone message,

We have agreed to the modification of our permit as requested by FFWC. We will limit the type of boats to three power boats and 12 sailboats.

We met with Broward County on Jan 2 2006 to confirm our intention to comply with the modification by filing a restrictive declaration against

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the property with the limitation. We also agreed to notify all the unit owners of the limitation by certified mail.

I will provide you with a letter from the applicant stating the above if you will tell me where and to whom to mail it.

Regards

Marilyn Mammano

Oberlin, Leah A SAJ wrote:

Marilyn,

If you will send me a copy of the restrictive covenant, that is all I need. I will forward the other info from this email to the Florida Fish and Wildlife myself.

Thanks!

Leah A. Oberlin
Environmental Engineer
US Army Corps of Engineers
Palm Beach Gardens Regulatory Office
4400 PGA Boulevard, Suite 500
Palm Beach Gardens, FL 33410
Office 561-472-3506 Fax 561-626-6971

Submit electronic applications or check status of permits at
<https://epermit.usace.army.mil/index.html>

-----Original Message-----

From: Marilyn Mammano
Sent: Tuesday, January 31, 2006 1:30 PM
To: Oberlin, Leah A SAJ
Cc: Rocky Stone; Frank Bosela
Subject: Re: SAJ-2005-8370

Hello Ms Oberlin,

Our attorney has recorded the original approved Environmental Resource License DF05-1163 as required by Broward County. I will send proof of the recordation to you. Shall I send it to the Palm Beach Gardens Regulatory Office listed below or some other place?

Thanks

Marilyn Mammano

Mr. Mammano,

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To my address below is perfect. Please put your file # saj-2005-8370 and my name on it.

Thank you!

Leah A. Oberlin
Environmental Engineer
US Army Corps of Engineers
Palm Beach Gardens Regulatory Office
4400 PGA Boulevard, Suite 500
Palm Beach Gardens, FL 33410
Office 561-472-3506 Fax 561-626-6971

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Sent on 02/24/06

Hello Ms Oberlin,

This is Marilyn Mammano from the Island Club Condo Association inquiring about the status of our application referenced above to rebuild and expand the dock at our condominium.

About three weeks ago I mailed you a copy of the **recorded** Environmental Resource License DF05-1163 which contained the limitation on motor boats that was required by both the Florida Fish and Wildlife Commission and Broward County.

We currently have a building permit for the project pending at the City of Fort Lauderdale.

We have a contractor lined up and are anxious to proceed.

I would really appreciate it if you could give me any idea of where we stand in your review process?

Thanks

Marilyn Mammano

Sent on 03/20/06
Hello Ms Oberlin,

This is Marilyn Mammano from the Island Club Condo Association in Ft Lauderdale. Three weeks have passed since I last inquired about the status of the above referenced application. Hurricane season is fast approaching and we really need to make a decision on our dock project very soon.

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I am hoping you have had some response from Fish and Wildlife and any other agency that is reviewing the application. Is there any additional information you need? Just call me at 954 760 9224.

Thanks

Marilyn Mammano

-----Original Message-----

From: Marilyn Mammano Sent: Monday, March 27, 2006 2:16 PM To: Oberlin, Leah A SAJ Cc: Frank Bosela; Nancy & Bill Clifford; Rocky Stone; Sharon Pickard Subject: SAJ 2005-8370

Hello Ms Oberlin, I have tried unsuccessfully to reach you by phone for two weeks. Your mail box is full.

You haven't answered my e-mail so I hope this means your on vacation. I really need to know what the status is of our application.

The application status on the web site was not helpful. Please get back to me at 954 760 9224.

Thanks Marilyn Mammano

Oberlin, Leah A SAJ wrote:

Sorry, I have been on vacation and the week before that I was out for three days because my daughter was sick. I'm scrambling now to catch up, but I don't have any news for you. We are waiting to hear from the Fish and Wildlife group and I have to wait for their response before I can do anything. They should be responding soon, but it could still be at least a couple of months until a decision could be made on your project.

Leah A. Oberlin Environmental Engineer US Army Corps of Engineers Palm Beach Gardens Regulatory Office
4400 PGA Boulevard, Suite 500 Palm Beach Gardens, FL 33410 Office 561-472-3506 Fax 561-626-6971 Submit electronic applications or check status of permits at <https://epermit.usace.army.mil/index.html>

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-----Original Message-----

From: Frank Bosela
Sent: Monday, April 03, 2006 9:04 AM
To: Oberlin, Leah A SAJ
Subject: Re: SAJ 2005-8370

Hi Leah,

There has been a new Board of Directors elected here at the Island Club and we are in the process of updating all the new Board members on the status of our dock project.

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Could you please advise me of what kind of documentation you are waiting for from Florida Fish and Wildlife, as well as who I should contact at FFW to discuss our status there. Some of our Board members are under the impression the FFW paperwork had already been submitted to you, so we would like to find out what is what.

The city of Ft Lauderdale is holding our permit while we wait for ACE permission and there is a time limit on the life of that permit. Any info you can provide me would be greatly appreciated.

Thank you for your time.

Frank Bosela, President
Island Club Condo Association, Inc.

From: "Oberlin, Leah A SAJ" <Leah.A.Oberlin@saj02.usace.army.mil>
Date: April 3, 2006 9:15:13 AM EDT
To: Frank Bosela
Subject: RE: SAJ 2005-8370

Mr. Bosela,

Because of the endangered species issue (manatee) I am required to coordinate your project with the FWS. I make a determination on your project that it will either affect or not affect the manatee, then FWS gives me their advise on whether I can issue a permit. You can't do a project that may affect the manatee in a negative way. I asked you guys for information on your project (# slips, how many were power boats, etc). You submitted that information. I sent that information to FWS with MY determination that your project would not likely affect the manatee. I have to wait for a letter from them to see if they concur or if they need more information to concur. If they need more info, I will ask you for it. If they are happy, then they send me a letter telling me that. It is probably too early for you guys to be calling them. They usually take about 3 months to respond and it has only been about six weeks (I think?) since we sent them the last information.

Even once I get their letter, I will not be able to issue immediately. I have a very big workload and I will have to complete those permits that were submitted prior to yours. I'm sure the City will probably extend your permit timeframes if you let them know you are still working on getting your Corps permit.

Leah A. Oberlin
Environmental Engineer
US Army Corps of Engineers
Palm Beach Gardens Regulatory Office

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Palm Beach Gardens, FL 33410
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-----Original Message-----

From: Marilyn Mammano
Sent: Thursday, May 04, 2006 8:37 AM
To: Oberlin, Leah A SAJ
Cc: Frank Bosela; Nancy & Bill Clifford; Rocky Stone; Sharon Pickard
Subject: Re: SAJ 2005-8370

Hi Ms Oberlin,

Well a month has passed since your last email and I am writing to find out the status of our application. Has Fish and Wildlife responded yet? If not is there anyone over there I can Call? How about the other federal agencies, are their comments in to you?

Any update would be appreciated.

The hurricane season is fast approaching. It is really important that we move this project as soon as possible.

Thanks

Marilyn Mammano

I am checking on the status. I will let you know when I receive a response.

Leah A. Oberlin
Environmental Engineer
US Army Corps of Engineers
Palm Beach Gardens Regulatory Office
4400 PGA Boulevard, Suite 500
Palm Beach Gardens, FL 33410
Office 561-472-3506 Fax 561-626-6971

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----- Original Message -----

Subject:Re: SAJ 2005-8370

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Date:Wed, 17 May 2006 11:23:13 -0400
From:Marilyn Mammano
To:Oberlin, Leah A SAJ <Leah.A.Oberlin@saj02.usace.army.mil>
CC:Frank Bosela, Nancy & Bill Clifford, Rocky Stone, Sharon Pickard
References:<FF03D58930151F41B7387D1470C6BCF202EE4261@saj-ml2jax.saj.ds.usace.army.mil>

Hello Ms Oberlin,

Any news on the status of our application?

I checked my emails and noted that I sent you the recorded restrictive declaration, wherein we agreed to all the conditions required by the Florida Fish and Wildlife Commission, at the end of January 2006. Here we are in the middle of May 2006. We have a County Environmental Resource License in hand and a City of Fort Lauderdale Building Permit ready to be picked up.

Hurricane season is upon us. We need the Army Corps Permit. Is there anything we can do to move this along?

Marilyn Mammano

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On 05/17/06

Marilyn,

Shortly after the new Board took over, I called the city and discussed our permit situation with the women in charge. I was trying to get the straight story about deadlines and time frames. She is aware of our delays because of the Army Corp of Engineers and assured me she is personally holding our permit in her office until we get things worked out, without the normal 90 day pick up time constraint.

Is the Allan that you emailed to look into the city permit the engineer that drew up our plans? Because if it is, he will probably bill us for his time, which we all know isn't cheap. I will be happy to call the city again and check on the permit myself.

Perhaps we should ask Allan to hold off for a few days and try and save a few bucks?

Just a suggestion.

Thanks,
Frank

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FYI _ We did ask Allen to step out

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Subject:BoatU.S. Alert: Action Needed For Broward County Boating
Date:22 May 2006 16:50:55 -0400
From:BoatUS Government Affairs <GovernmentAffairs@BoatUS.net>
Reply-To:GovtAffairs@BoatUS.com
To:MARILYN MAMMANO

May 22, 2006

Dear Broward County BoatU.S. Member,

The Broward County Commission is in the final stages of adopting a Boating Facility Siting Plan. While the intent of this plan is to further protect our manatee population, it would, as currently drafted, severely limit future increases in the number of boat slips, wet and dry boat storage and boat ramp parking spaces in Broward County.

BoatU.S. is working with the Marine Industries Association of South Florida's (MIASF), an 800-member trade organization, to encourage the Broward County Commission to adopt a balanced plan that will both protect manatees and preserve access to our waterways in Broward County.

Since the plan must be approved by July 1st, 2006, your voice needs to be heard now.

Here is how you can help:

1. Sign the Marine Industries Association of South Florida (MIASF) online petition. Visit <http://www.miasf.org> and select the “MIASF Position on the Boat Facility Siting Plan” link on the home page. Add your name to the petition that will be sent to Broward County Commissioners to make them aware that their constituents are concerned about this issue. You can also elect to receive e-mail updates on this issue and public hearing notices.

2. Contact Broward County Commissioners. Write a letter to your Commissioner expressing your support for a balanced Plan. (Edit a sample letter by visiting the MIASF web site and selecting the “MIASF Position on the Boat Facility Siting Plan” link from the home page).

3. Attend the public hearing. Most important, the Broward County Commission will have a public hearing regarding the plan at which time

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you can voice your concerns about the loss of water access and service facilities. Check for dates and location at www.miasf.org.

Get involved in protecting your rights as a boater to access and enjoy Broward County's waterways by supporting a fair Manatee Protection Plan. If you have further questions, you can contact Gordon Connell with the MIASF at (954) 524-2733 or via email at Gordon@miasf.org.

Thank you,
Margaret Podlich, V.P.
BoatU.S. Government Affairs

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Frank Bosela wrote:

I called Nancy Butler at the city permit office again today and got her voicemail again today. Hope that isn't a bad sign but I left a message asking about our permit. We'll see when she gets back to me.

I also called Leah Oberlin at the ACE today. I talked to her for about ten minutes and it wasn't very encouraging. She has been away from her office a week or so and has a lot of correspondence to catch up on. She told me, from what she has seen so far (from other projects), she thinks they will be getting a response from the FWS on our stuff this week but she didn't feel good about it. Apparently the FWS has been denying requests or limiting them in Broward county to the current standard (one slip per 100') because of the pending Manatee Protection Program. She said she would let us know as soon as she gets the report so we can decide what to do. Once the plan is in place it will be the deciding factor as to how we can proceed.

She strongly suggested we read the draft plan and find out how it affects our area and said we should attend the public hearings and write to the commissioners.

On May 23, 2006, at 5:07 PM, Marilyn Mammano wrote:

Hi Frank
On the Manatee; I spoke with Don Berringer from Broward County Biological Resources who wrote the new plan. It is being distributed to the "select committee" next week. I believe MIASF is on the committee and will try get a copy from them. It should be on line beginning of June at which time the public can comment. Public hearings are not expected until August. He would not tell me what was in the plan. From what I am hearing it is different from the Jan 2005 version. We did pretty good in that version but this one doesn't sound as encouraging.

Marilyn

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From: Rocky Stone
Sent: Thursday, May 25, 2006 8:40 PM
To: MCCREADY.MEGAN.S25
Subject: RE: As discussed!

Hi Megan,

In our last correspondence with each other (and your email below) you stated if I could give you a concise question you could present it. At the time there were none but it seems that we have been put on hold by the Army Corps of Engineers who have stated to us that they are waiting on the Federal Fish and Wildlife Service to make a decision. The Corps has been aware of our request for their permission for over 6 months and was directly requested for it over 2 months ago. As you know the State Fish and Wildlife Commission (and therefore the Broward EPD) approved our plans (with their restrictions). We have tried contacting both the ACE and FFWS on numerous occasions and both have either not responded or responded with excuses, such as vacations and work loads. But neither will commit to a specific time period for their formal response.

So if you still would like to assist us and if you have access to either one of these organizations, our question's are;

Why can't they make a decision when the State had no trouble doing so?

Why does the Army Corps of Engineers need the Federal FWS's permission to approve our structure anyway?

Is the FFWS stalling, if so why AND When will they have a decision?

We believe that they are stalling in wait for the Broward MPP to be decided upon (supposedly this summer). BUT

We are approaching another Hurricane season and our dock is literally falling apart, we need to proceed!

The contact we have at ACE is as follows:

Oberlin, Leah A SAJ <Leah.A.Oberlin@saj02.usace.army.mil>

All I know about the FFWS is the office is in Palm Beach but maybe Ms. Oberlin can supply you with that!

Thanks in advance for any support you may be able to supply,
Rocky Stone
The Island Club Association

Rocky,

Thanks for the update. Unfortunately, we really have no pull w/ the Federal Government – especially the ACOE or US FWS. I will however pass along all of my info to Congressman Shaw your representative in the Federal Government.

I'll have his office give you a call.

Thanks,
Megan

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*Megan T. McCready
Legislative Aide
Senator Jeff Atwater
Senate District 25*

*824 US Hwy 1; Suite 210
North Palm Beach, FL 33408
561.625.5101
561.625.5103 FAX*

=====
On 05/25/06

I finally heard back from Nancy Butler. She left me a message saying our paperwork was still in her office so the city permit is safe.

Frank

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From: Marilyn Mammano
Sent: Tuesday, May 23, 2006 5:19 PM
To: Gordon
Cc: Frank Bosela; Nancy & Bill Clifford; Rocky Stone; Sharon Pickard
Subject: Boat Facility Siting Plan

Hi Gordon,

I spoke with Don Berringer from BCBR today and he said the new draft plan is being distributed to the "Select Committee" next week.

Can I assume MIAFS is on the committee? If so he said I could contact you to get a copy of the plan.

My condo has been in bureaucratic hell for over a year trying to get all the required permits to modify and expand our docks. We have spent in excess of \$20,000 to date and have two of the three permits. The Army Corps of Engineers is holding us up literally and figuratively.

We had to agree to limit the use of the new docks to three power boats and 12 sailboats to satisfy State Fish and Wildlife. We submitted all the material to Army Corps months ago and they have not gotten a response back from the FEDs. I have a bad feeling that they are dragging their feet until the new plan is approved.

Under the draft plan published in January 2005 we could have expanded our dock. I need to know what our chances are under the new draft plan.

If you could help me out I would appreciate it.

Marilyn

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PS. I am trying to get all out condo members to link to your site and comment on the plan.

Subject:RE: Boat Facility Siting Plan
Date:Fri, 26 May 2006 12:30:34 -0400
From:Gordon Connell <gordon@miasf.org>
To:'Marilyn Mammano' <
CC:Frank Herhold <frank@Miasf.org>

Good Morning Marilyn

The Select Committee Don is referring to is a Broward County Commission Select Committee on Int'l Business and Economic Development made up of County Commissioners.

We are not on the Committee, but will be making a presentation to them to discuss the Boat Facility Siting Plan and present our position ahead of a public hearing on the Plan.

The Select Committee Meeting date and the Public Hearing dates have been changed and as soon as the new dates are available we'll be posting on our website and letting boaters and the industry know.

I have been told that the Army Corp of Engineers have said they're not approving permits in Broward until the BFSP is passed, so that is likely why you are still in limbo.

I've asked Frank to check to see why people are being told to get the plan from us, as no arrangements have been made in this regard.

If you want to you can check out our website www.miasf.org for information on the BFSP that we have put up and to see the petitions we've started.

I'm copying Frank on this email in the hopes that he can address your last question.

Hope this was helpful.

Gordon Connell
Director of Association Services
Marine Industries Association of South Florida
2312 South Andrews Ave.
Fort Lauderdale, FL 33316
Phone: 954-524-2733
Fax: 954-524-0633

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gordon@miasf.org

From: Rocky Stone
Sent: Thursday, May 25, 2006 7:15 PM
To: MANATEE
Subject: Boating Facility Siting Plan

To Whom it may concern,

Where can I get a copy of the current Boating Facility Siting Plan? The one posted on the Broward.org web site (Jan 2005) is way out of date.

I understand that Commission meetings will be held in the next month so the plan is drafted by now.

It is only fair that you provide the same information to the County Residents and Boaters as you would to the Commission who represents them!

Sincerely,
Rocky Stone
The Anchor Consulting Group, Inc.
www.tacg.info
1501 SE 15 St - Ste. 1-4
Ft Lauderdale, FL 33316
(954) 527-5002 phone/fax

SENT ON 05/31/06
Dear Mr. Stone:

The BFSP was only completed and released to the Core Group a few hours ago. They have exclusive access to it for two weeks, after which it will be posted to the County's manatee webpage for public comment. The BFSP will not be presented to the full commission until after the summer break. It will, however, be reviewed by the Subcommittee for International Business on June 21st. Therefore, there will be plenty of time for County residents to review and comment on the plan before it is heard by the full Commission in August.

Donald C. Behringer Jr., Ph.D.
Natural Resource Specialist II
Broward County Environmental Protection Department
Biological Resources Division
One North University Drive
Plantation, Florida 33324
Tel: 954-519-1218
Fax: 954-519-1412
dcbehringer@broward.org

From: Rocky Stone
Sent: Thursday, May 25, 2006 7:46 PM
To: Gordon@miasf.org
Subject: Broward County Manatee Protection Plan

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Dear Gordon,

Do you have any idea where one can get a copy of the current draft of the final plan that's coming up before the commission? The county seems to think that it's ok to keep this draft away from the public's eyes until who knows when. As I'm sure you know the last published draft (Jan 2005) is still posted on the Broward.org site therefore completely misleading the public due to its content.

Thanks for any ideas you may have in advance,
Rocky Stone
The Anchor Consulting Group, Inc.
www.tacg.info
1501 SE 15 St - Ste. 1-4
Ft Lauderdale, FL 33316
(954) 527-5002 phone/fax

Good Afternoon Rocky

Just following up with you on your inquiry below.

The final draft of the Plan is now available on the Broward County website at
http://www.broward.org/bio/mpp_bfsp_review_0506.htm

It was released late last week.

If you have additional questions, I'd be happy to try to assist.

Regards,

Gordon Connell
Director of Association Services
Marine Industries Association of South Florida
2312 South Andrews Ave.
Fort Lauderdale, FL 33316
Phone: 954-524-2733
Fax: 954-524-0633
gordon@miasf.org

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