



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

September 10, 2019

Regulatory Division
South Permits Branch
Palm Beach Gardens Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-2011-01829(SP-CF)

TO WHOM IT MAY CONCERN: The Jacksonville District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403) as described below:

APPLICANT: City of Boca Raton
Attention: Ms. Jennifer Bistyga
201 West Palmetto Park Road
Boca Raton, FL 33432

WATERWAY AND LOCATION: The project would affect waters of the United States associated with Intracoastal Waterway (ICWW) within and adjacent to Rutherford Park and Lake Wyman Park. The project site is located at 600 NE 24th Street, Section 17, Township 47S and Range 43E in Boca Raton, Palm Beach County.

Directions to the site are as follows: Take Interstate 95 (I-95) to Yamato Road (Exit 48). Turn left on NW 51st Street/Yamato Road and continue straight for approximately one (1) mile to the end of the road. Turn right on U.S.Hwy#1 and head south for approximately two (2) miles before arriving to James A. Rutherford Park on the left.

APPROXIMATE CENTRAL COORDINATES: Latitude 26.366954°
Longitude -80.075209°

PROJECT PURPOSE:

Basic: To restore public access and use at park.

Overall: To restore public access and use at Rutherford and Lake Wyman Parks in Boca Raton, FL.

EXISTING CONDITIONS: The wetland system consists of a tidal saltwater system. The onsite vegetation consists of mangroves and submerged aquatic vegetation, including Johnson's seagrass. The existing area surrounding the project area consists of tidal waters of the ICWW to the east and the upland portion of the park is west of the wetland area that includes parking and playground area.

PROPOSED WORK: The applicant seeks authorization to:

- 1) rehabilitate the existing boardwalk template (1,860 LF X 8 feet/14,880 square feet) and construct additional boardwalk to the existing boardwalk (1,060 LF X 15 feet/15,900 square feet) and beach access (165 LF X 8 feet);
- 2) construct two (2) new shade structures (16-feet X 16-feet) and one (1) pavilion (24-feet X 24-feet), replace existing pavilion with shade structure (16-feet X 16-feet), and restore existing pavilion (24-feet X 24-feet) totaling 1,920 square feet;
- 3) construct a new fishing pier consisting of an access walkway (190 feet X 8 feet/1,520 square feet) and platform (20 feet X 20 feet/400 square feet);
- 4) construct three (3) walking paths totaling 47,280 square feet consisting of a north trail (1,138 feet X 10 feet/11,380 square feet), a central trail (860 feet X 10 feet/8,600 square feet) and a south trail (2,730 feet X 10 feet/2,730 square feet)
- 5) dredge 3,120 linear feet of existing mangrove flushing/kayak trails (31,200 square feet/ 2,650 cubic yards) and dredge 150 linear feet of new kayak access trails (1,500 square feet/200 cubic yard). The trails are to be excavated 10 feet wide to -4.0 NAVD88. The dredged material will be temporarily stockpiled in uplands adjacent to the proposed bathroom;
- 6) construct two (2) 15' X 30' kayak launch areas: The Lake Wyman/ICWW access kayak launch will consist of the excavation of 1,043 cubic yards of material and placement of 570 cubic yard of crushed stone/sandy slope to create the launch. The ADA accessible Kayak launch will consist of the excavation of 1,870 cubic yards of material and a 22-foot X 15-foot gangway and floating pontoon. The work will take place within a total 2,230 square foot area;
- 7) construct a new bathroom/storage unit/ kayak washdown facility (2,200 square feet);
- 8) construct a living shoreline stabilization along 500 linear feet of shoreline that will include exotic removal, regrading (1,000 cubic yards/ 5-feet X 500-feet), mangrove planting (10-feet X 500-feet) and low crested rock sill (1,700 cubic yards/3-feet X 500-feet). The work will take place within a total of 9,000 square foot area (18-feet X 500 feet);

The kayak trails and launches will impact 0.09 acres, the boardwalks and fishing pier will impact 0.30 acres and the walking paths and structures will impact 0.52 acres totaling 39,323 square feet (0.91 acres) of mangrove habitat to be directly impacted by the proposed project activities.

AVOIDANCE AND MINIMIZATION INFORMATION: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment:

Potential impacts have been minimized during the project design phase. Impact reduction measures include rebuilding within the existing footprint of existing amenities wherever possible, reducing the footprint of new construction to the limits required to meet Americans with Disabilities Act (ADA) standards and by raising the boardwalk from its current elevation of 4.0' NAVD88 to a minimum of 5.0' NAVD88 to allow greater light penetration to the surrounding wetland. In order to minimize potential impacts to

adjacent tidal waters during dredging of the kayak trails turbidity controls and monitoring will be conducted in accordance with a Turbidity Monitoring Plan. The applicant is in acceptance of the standard manatee, small tooth sawfish, and sea turtle terms and conditions as well as reasonable and prudent measures. The proposed restoration project will follow best management practice measures.

COMPENSATORY MITIGATION: The applicant has offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment:

To mitigate impacts proposed by the project, the applicant proposes to create a 1.48 acres mangrove mitigation area located in the center of the project area by removing exotics and planting mangroves. In addition, the applicant proposes the restoration of mangroves (5,000 square feet) along the shoreline as mitigation.

CULTURAL RESOURCES: The Corps is not aware of any known historic properties within the permit area. By copy of this public notice, the Corps is providing information for review. Our final determination relative to historic resource impacts is subject to review by and coordination with the State Historic Preservation Officer and those federally recognized tribes with concerns in Florida and the Permit Area.

ENDANGERED SPECIES: The Corps has determined the proposed project may affect Johnson's seagrass (*Halophila johnsonii*), may affect, but is not likely to adversely affect the West Indian Manatee (*Trichechus manatus*), swimming sea turtles; Loggerhead (*Caretta caretta*), Green (*Chelonia mydas*) and Kemp's Ridley (*Lepidochelys kempii*), the Smalltooth sawfish (*Pristis pectinata*), the Eastern Indigo snake (*Drymarchon couperi*) and no effect for the Florida scrub jay (*Aphelocoma coerulescens*), the Piping plover (*Charadrius melodus*), the wood stork (*Mycteria Americana*) and Johnson's seagrass designated critical habitat. The Corps will request U.S. Fish and Wildlife/National Marine Fisheries Service concurrence with this determination pursuant to Section 7 of the Endangered Species Act.

ESSENTIAL FISH HABITAT (EFH): This notice initiates consultation with the National Marine Fisheries Service on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act 1996. The proposal would impact approximately 0.90 acres of mangroves and mud, shell, sand and rock substrate utilized by various life stages of penaeid shrimp complex, reef fish, stone crab, spiny lobster, migratory/pelagic fish, and snapper/grouper complex. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries in the South Atlantic Region. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The jurisdictional line has not been verified by Corps personnel.

AUTHORIZATION FROM OTHER AGENCIES: Water Quality Certification may be required from the Florida Department of Environmental Protection and/or one of the state Water Management Districts.

COMMENTS regarding the potential authorization of the work proposed should be submitted in writing to the attention of the District Engineer through the Palm Beach Gardens Permits Section, 4400 PGA Boulevard, Suite 500, Palm Beach Gardens, FL, 33410 within 21 days from the date of this notice.

The decision whether to issue or deny this permit application will be based on the information received from this public notice and the evaluation of the probable impact to the associated wetlands. This is based on an analysis of the applicant's avoidance and minimization efforts for the project, as well as the compensatory mitigation proposed.

QUESTIONS concerning this application should be directed to the project manager, Carolyn Farmer, in writing at the Palm Beach Gardens Permits Section, 4400 PGA Boulevard, Suite 500, Palm Beach Gardens, FL, 33410; by electronic mail at carolyn.h.farmer@usace.army.mil; by facsimile transmission at (561) 472-6971; or, by telephone at (561) 472-3527.

IMPACT ON NATURAL RESOURCES: Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information that is instrumental in determining the impact the proposed action will have on the natural resources of the area.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food, and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

The US Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

COASTAL ZONE MANAGEMENT CONSISTENCY: In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning and Natural Resources permit constitutes compliance with the Coastal Zone Management Plan.

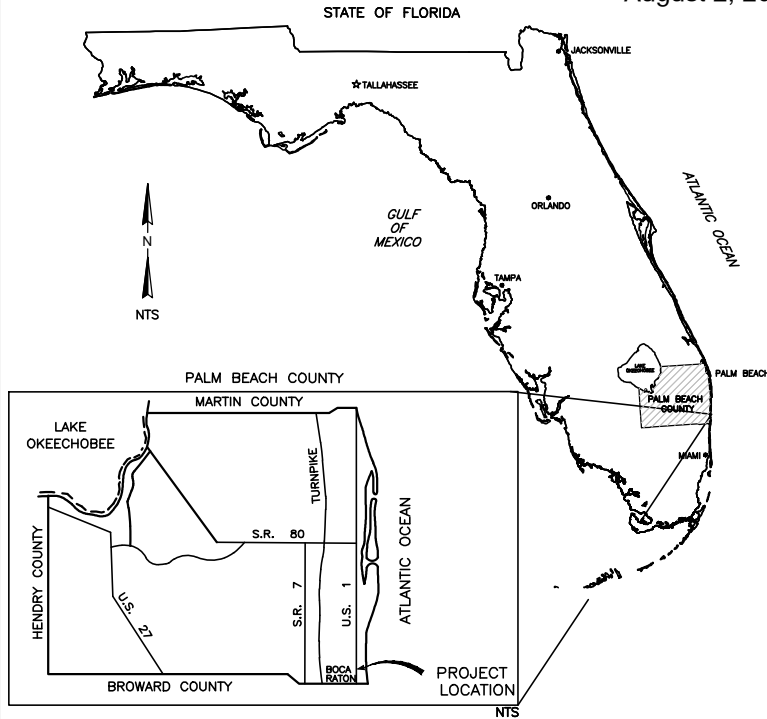
REQUEST FOR PUBLIC HEARING: Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.

RUTHERFORD PARK AND LAKE WYMAN PARK RESTORATION PROJECT

PHASE II BOCA RATON, FLORIDA ENVIRONMENTAL RESOURCE PERMIT

PERMIT DRAWING SET

August 2, 2019



INDEX OF DRAWINGS

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16	Mangrove Trimming Plan
17	USDA / NRCS Soil Types
18	Seagrasses and Marine Vegetation
19	Navigation Plan



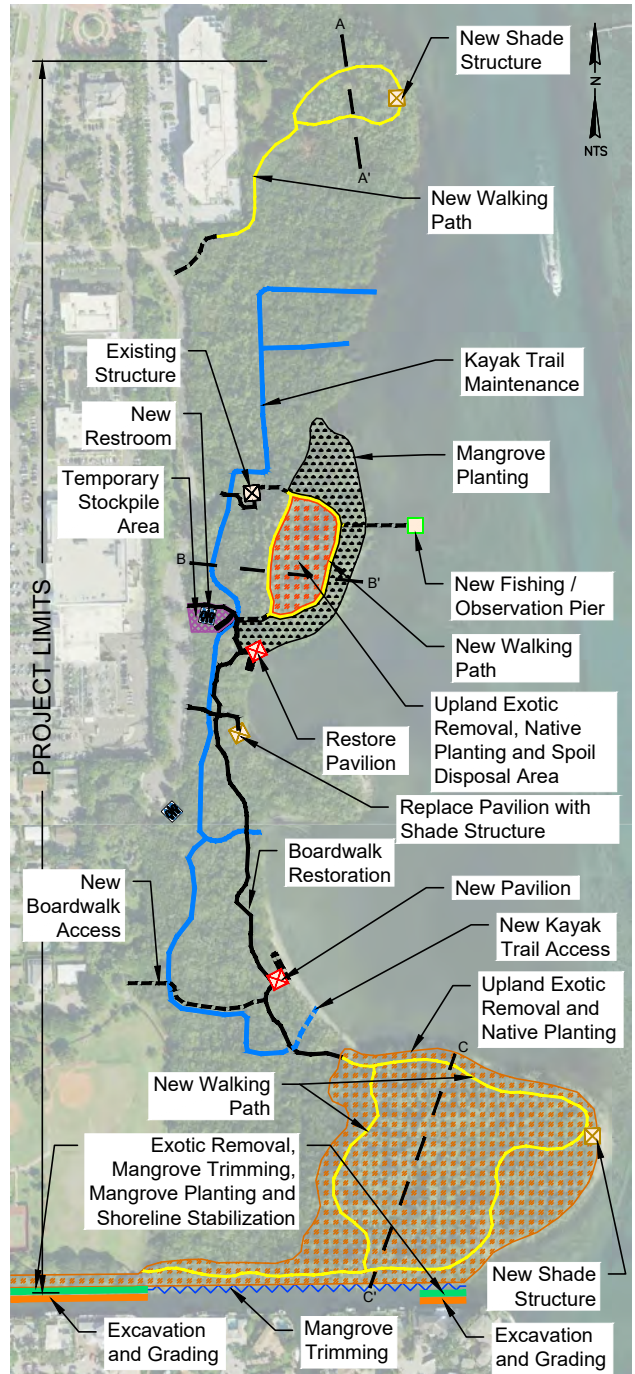
CITY OF BOCA RATON
RECREATION SERVICES
2500 N.W. 1ST AVE
BOCA RATON, FLORIDA 33431



CURRIE SOWARDS AGUILERA
ARCHITECT
CURRIE, SOWARDS, AGUILERA
185 NE 4TH AVE, SUITE 101
DELRAY BEACH, FLORIDA 33483
TEL: (561) 276-4951
FAX: (561) 243-9184



STRUCTURAL ENGINEER
BURTON, BRASWELL, MIDDLEBROOKS
3998 N.W. FAU BLVD. #309
BOCA RATON, FL 33431
TEL: (561) 750-1916
FAX: (561) 750-1918



NOTE: AERIAL PHOTOGRAPHY DATED JUNE 2017.



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Project Location Map

Rutherford Park
Environmental Resources Permit

SHEET 1

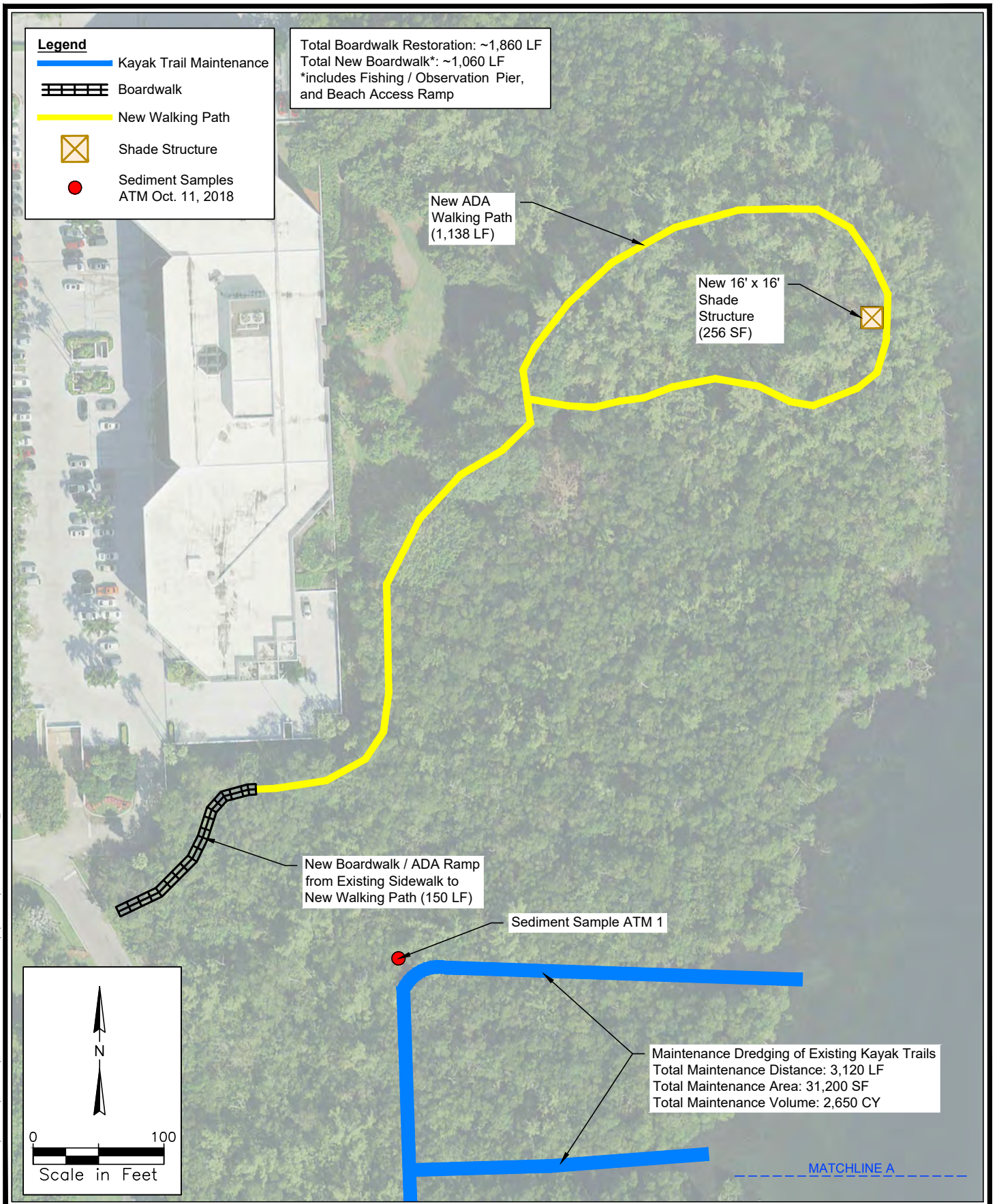
JOB NUMBER: 18-3263

ISSUE DATE: 08-02-2019

FOR PERMITTING PURPOSES ONLY
NOT FOR CONSTRUCTION

Michael G. Jenkins
Professional Engineer
Florida License Number 58072

ZACKERY VALERIO LOCATION: G:\WESTPALM\BEACH_SHARES\DRAWINGS\PROJECTS\18-3263_RUTHERFORD PHASE (18-3263) RUTHERFORD PERMIT_2AUG19.DWG



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North Walking Path
and Kayak Trail

Rutherford Park
Environmental Resources Permit

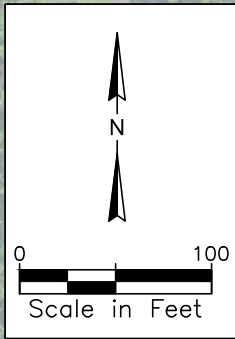
SHEET 3

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MATCHLINE A

Total Boardwalk Restoration: ~1,860 LF
Total New Boardwalk*: ~1,060 LF
*includes Fishing / Observation Pier, and Beach Access Ramp

Maintenance Dredging of Existing Kayak Trails
Total Maintenance Distance: 3,120 LF
Total Maintenance Area: 31,200 SF
Total Maintenance Volume: 2,650 CY

Mangrove Planting
(~1.4 Acres)

Upland Exotic Removal,
Native Planting & Spoil
Disposal Area (~0.9 Acres)

New 20' x 20' Fishing /
Observation Pier
Platform (400 SF)

New Fishing /
Observation
Pier (190' x 8')

Sediment Sample
ATM 2

New Boardwalk
(80 LF)

Existing Structure

Restore Boardwalk
Access with ADA
Ramp (125 LF)

New ADA
Walking Path
(860 LF)

New Pile-Supported
Restroom with Storage
~2,200 SF

Temporary Stockpile
Area (~0.17 Acres)

Restore
Boardwalk
Access

New Kayak Launch
Ramp ~15x30' with
Floating ADA
Access Dock

Boardwalk
Restoration

New Boardwalk
(80 LF)

Restore 24' x
24' Pavilion
(576 SF)

New Kayak
Launch Ramp
~15'x30'

Legend

- Kayak Trail Maintenance
- Boardwalk
- New Walking Path
- Mangrove Transects
- Pavilion
- Fishing / Observation Pier Platform
- Kayak Launch Area
- Mangrove Planting
- Upland Exotic Removal, Native Planting and Spoil Disposal Area
- Upland Exotic Removal and Native Planting
- Temporary Stockpile Area
- Sediment Samples ATM Oct. 11, 2018

MATCHLINE B



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Main Boardwalk Plan North

Rutherford Park
Environmental Resources Permit

SHEET 4

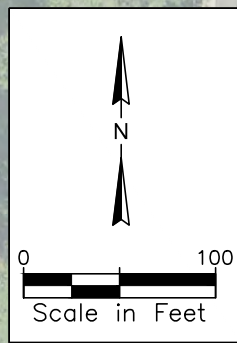
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Existing Restroom

Boardwalk Restoration

MATCHLINE C

Boardwalk Restoration

Maintenance Dredging of Existing Kayak Trails
Total Maintenance Distance: 3,120 LF
Total Maintenance Area: 31,200 SF
Total Maintenance Volume: 2,650 CY

Sediment Sample ATM 4

New Boardwalk Access Connecting to Existing Boardwalk (395 LF)

New 165' x 8' ADA Beach Access Ramp (165 LF)

New 24' x 24' Pavilion (576 SF)

New Kayak Trail Access
New Distance: 150 LF
New Area: 1,500 SF
New Volume: 200 CY

Legend

- Kayak Trail Maintenance
- New Kayak Trail
- Boardwalk
- New Walking Path
- Restroom Facility
- Pavilion
- Upland Exotic Removal, Native Planting
- Sediment Samples ATM Oct. 11, 2018

MATCHLINE D

Boardwalk Restoration

ADA Ramp to Walking Path

New ADA Walking Path

Total Boardwalk Restoration: ~1,860 LF
Total New Boardwalk*: ~1,060 LF
*includes Fishing / Observation Pier, and Beach Access Ramp



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Main Boardwalk Plan South

Rutherford Park
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SHEET 6

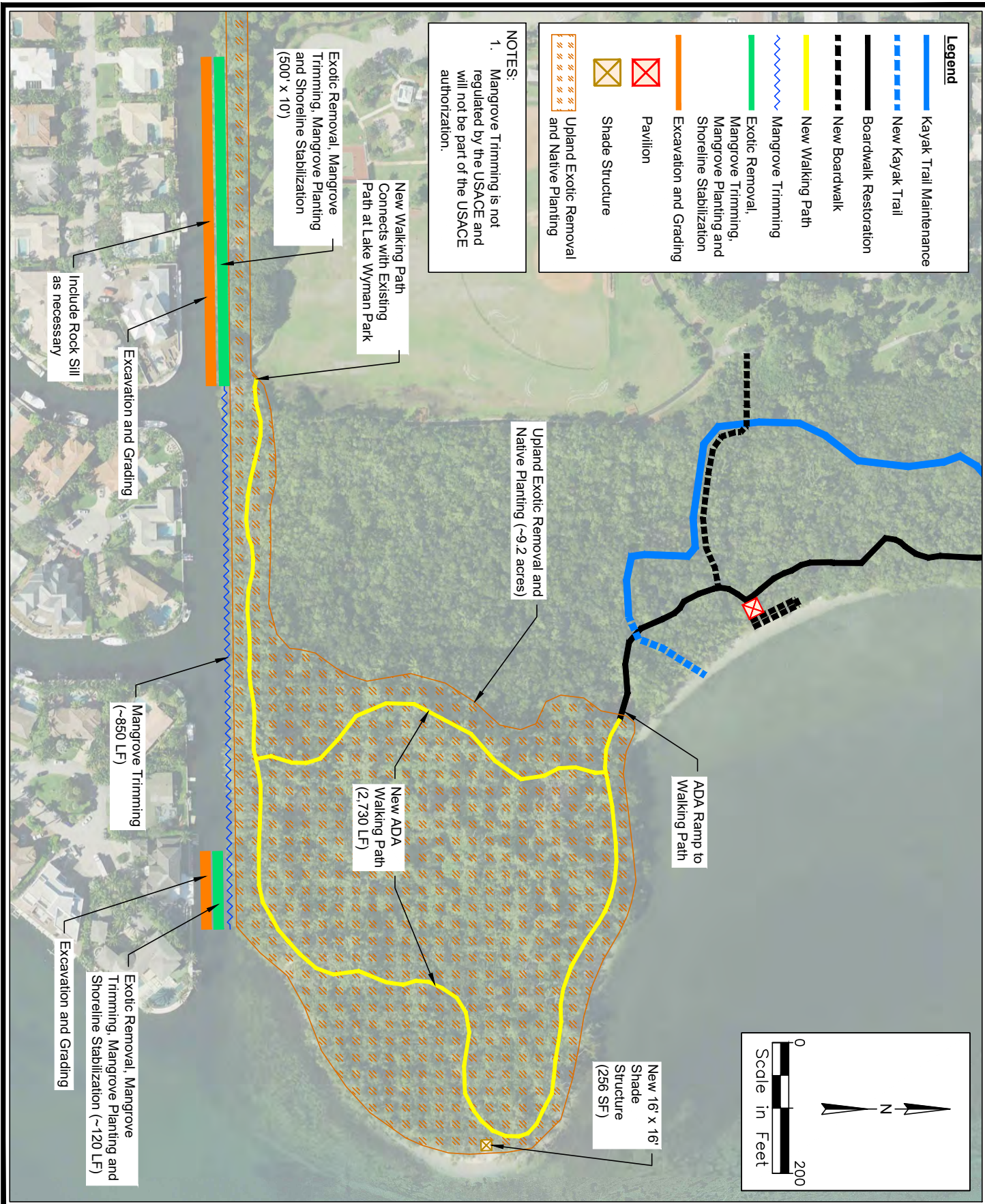
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South Walking Path Plan

Rutherford Park
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SHEET 7

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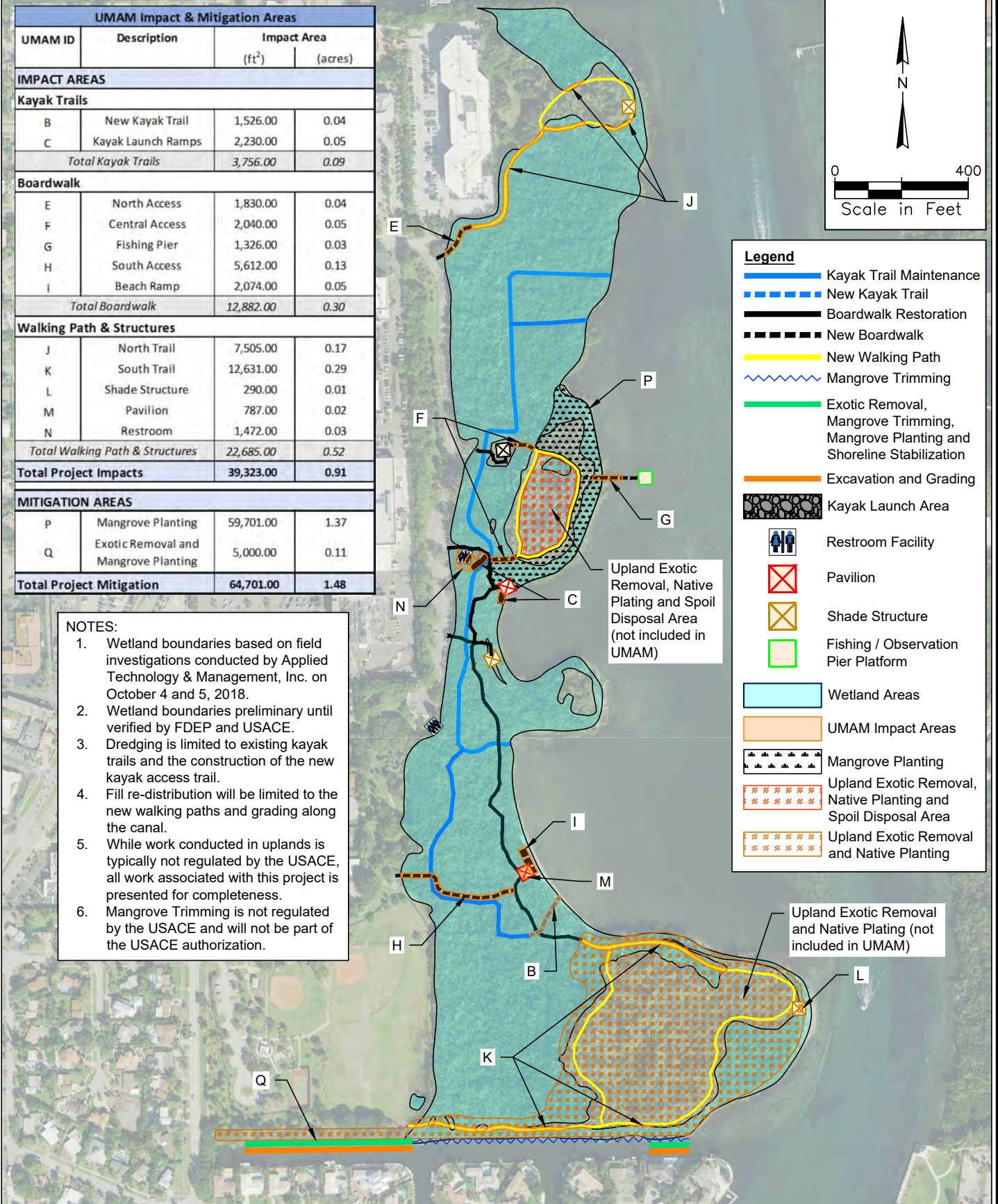
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UMAM Impact & Mitigation Areas			
UMAM ID	Description	Impact Area	
		(ft ²)	(acres)
IMPACT AREAS			
Kayak Trails			
B	New Kayak Trail	1,526.00	0.04
C	Kayak Launch Ramps	2,230.00	0.05
Total Kayak Trails		3,756.00	0.09
Boardwalk			
E	North Access	1,830.00	0.04
F	Central Access	2,040.00	0.05
G	Fishing Pier	1,326.00	0.03
H	South Access	5,612.00	0.13
I	Beach Ramp	2,074.00	0.05
Total Boardwalk		12,882.00	0.30
Walking Path & Structures			
J	North Trail	7,505.00	0.17
K	South Trail	12,631.00	0.29
L	Shade Structure	290.00	0.01
M	Pavilion	787.00	0.02
N	Restroom	1,472.00	0.03
Total Walking Path & Structures		22,685.00	0.52
Total Project Impacts		39,323.00	0.91
MITIGATION AREAS			
P	Mangrove Planting	59,701.00	1.37
Q	Exotic Removal and Mangrove Planting	5,000.00	0.11
Total Project Mitigation		64,701.00	1.48

NOTES:

1. Wetland boundaries based on field investigations conducted by Applied Technology & Management, Inc. on October 4 and 5, 2018.
2. Wetland boundaries preliminary until verified by FDEP and USACE.
3. Dredging is limited to existing kayak trails and the construction of the new kayak access trail.
4. Fill re-distribution will be limited to the new walking paths and grading along the canal.
5. While work conducted in uplands is typically not regulated by the USACE, all work associated with this project is presented for completeness.
6. Mangrove Trimming is not regulated by the USACE and will not be part of the USACE authorization.



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UMAM Impact Areas

Rutherford Park
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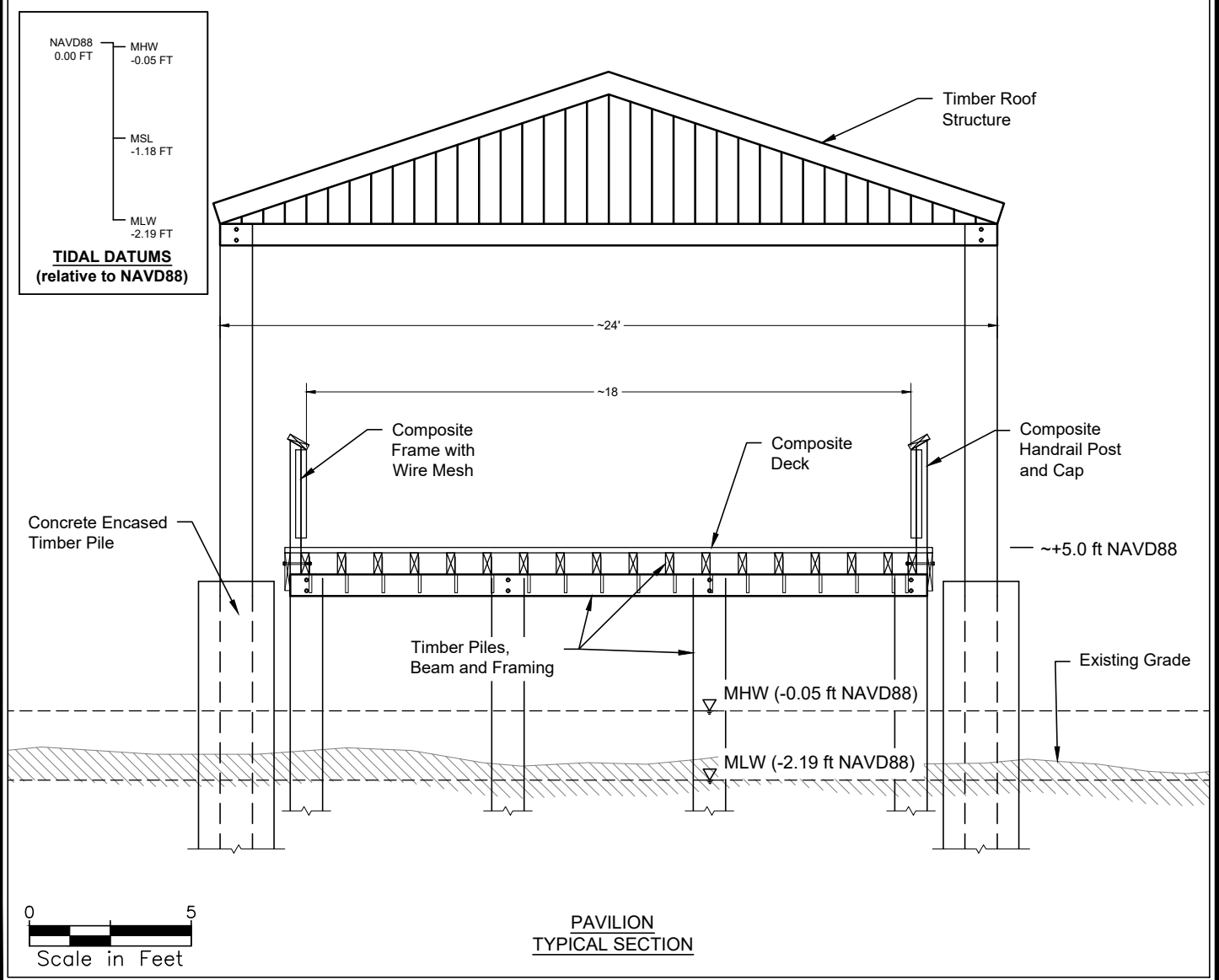
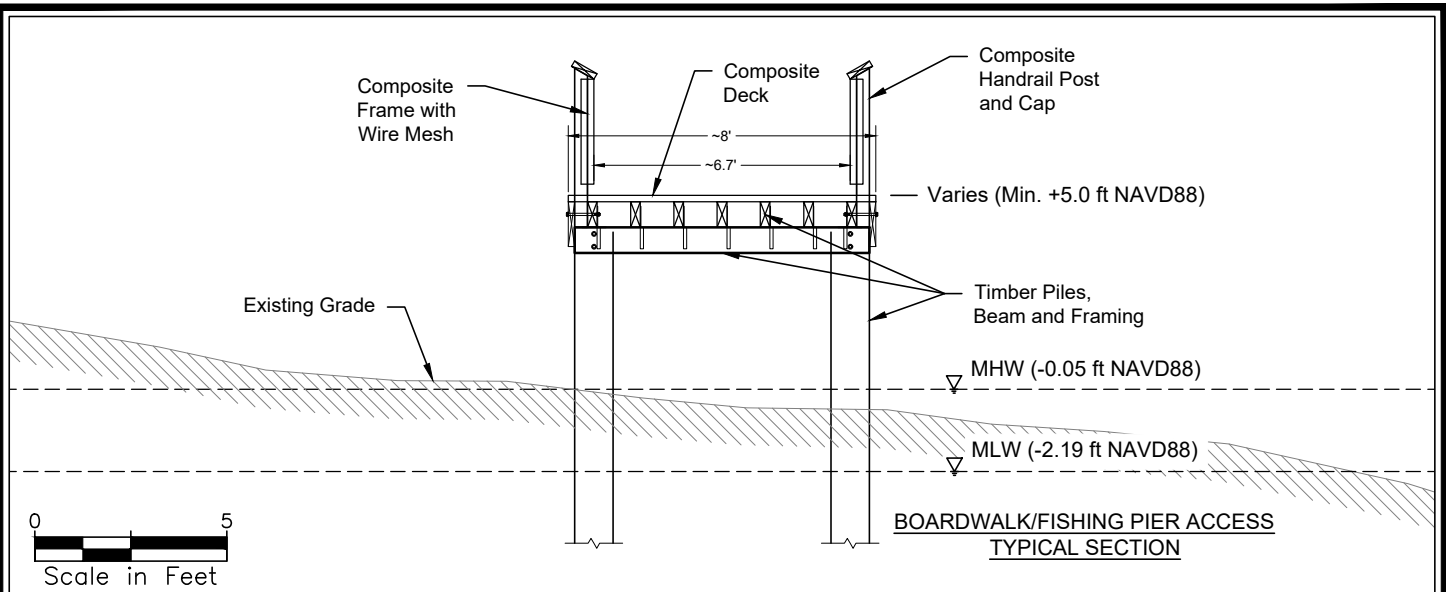
SHEET 8

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Typical Cross-Sections 1

Rutherford Park
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Timber Piles,
Beam and Framing

Composite
Frame with
Wire Mesh

Grated
Deck

Composite
Handrail Post
and Cap

Min. +5.0 ft NAVD88

MHW (-0.05 ft NAVD88)

MLW (-2.19 ft NAVD88)

Existing Grade

**FISHING / OBSERVATION PIER
TYPICAL SECTION**

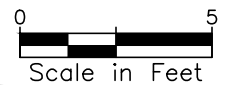
Prefabricated
Shade Structure

Concrete Pad for Benches,
Picnic Table, etc.
(Min 1' Above Existing Grade)

**SHADE STRUCTURE
TYPICAL SECTION**

Existing Grade

Clean Fill
Material



Side Slopes Max. 1V:3H,
Use Mulch or Sod
Groundcover

6" PVC as necessary
for Drainage

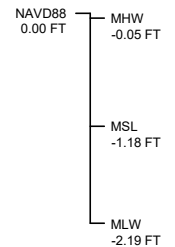
Rubberized Walking Surface
(~3" Thickness)

Gravel Base
(~6" Thickness)

Varies ~+2.5 to +4.0 ft NAVD88

Existing Grade

Clean Fill
Material



**TIDAL DATUMS
(relative to NAVD88)**

MHW (-0.05 ft NAVD88)

MLW (-2.19 ft NAVD88)

**WALKING PATH
TYPICAL SECTION**

NOTES:

1. Typical grading footprint is approximately 10 feet wide.



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Typical Cross-Sections 2

**Rutherford Park
Environmental Resources Permit**

SHEET 10

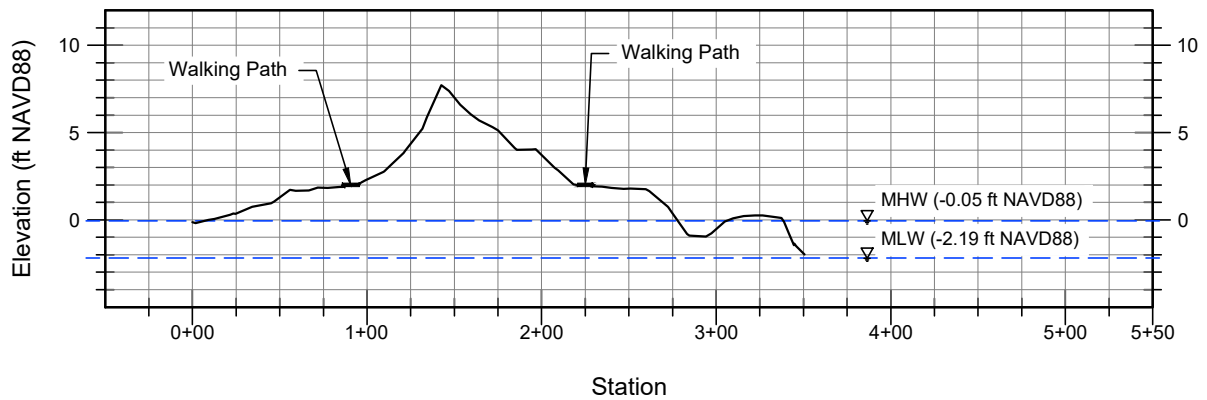
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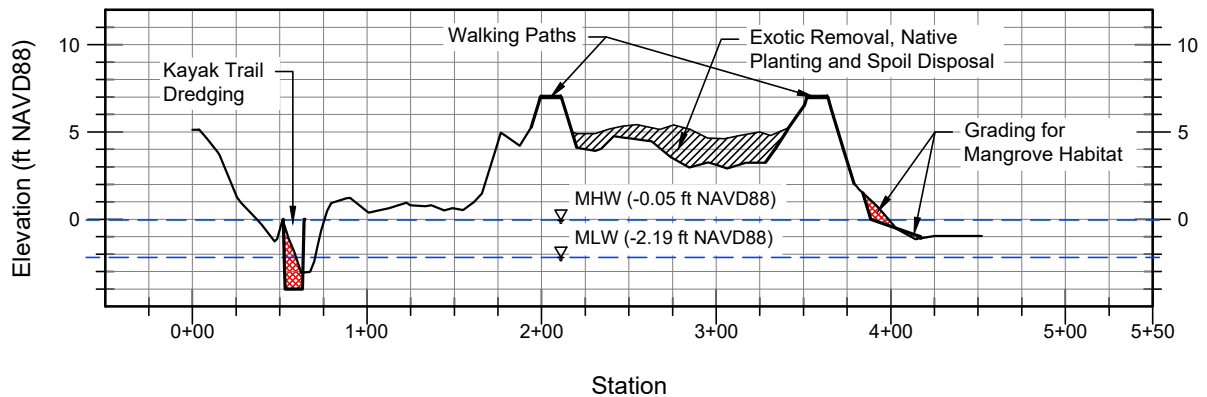
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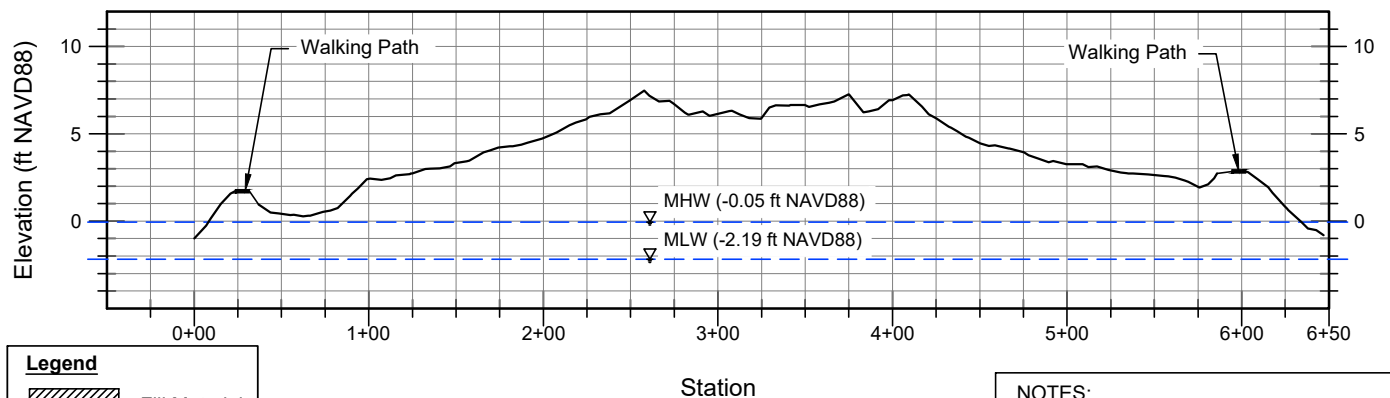
SECTION A-A'



SECTION B-B'



SECTION C-C'



Legend

-  Fill Material
-  Cut Material

NOTES:

1. The location of Sections A-A', B-B' and C-C' are provided on Sheet 2.



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Cross-Sections A-A', B-B' & C-C'

Rutherford Park
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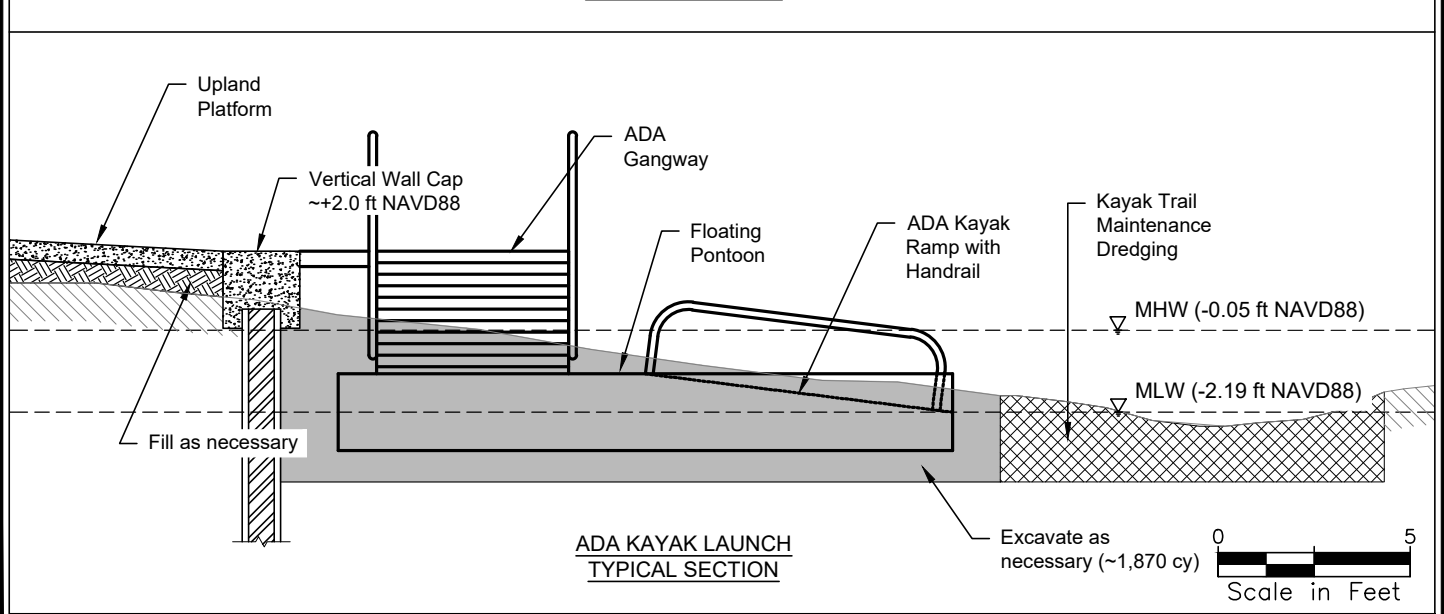
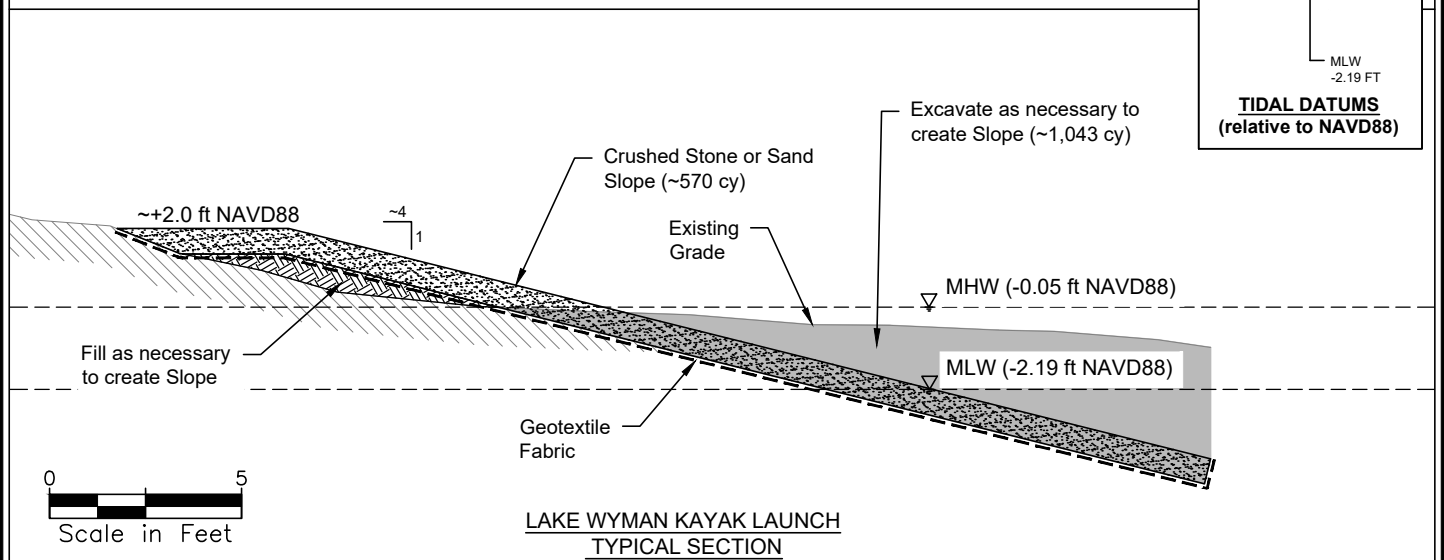
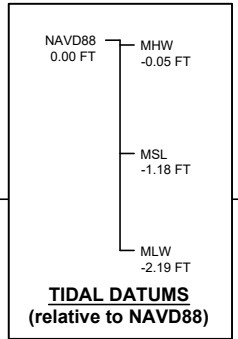
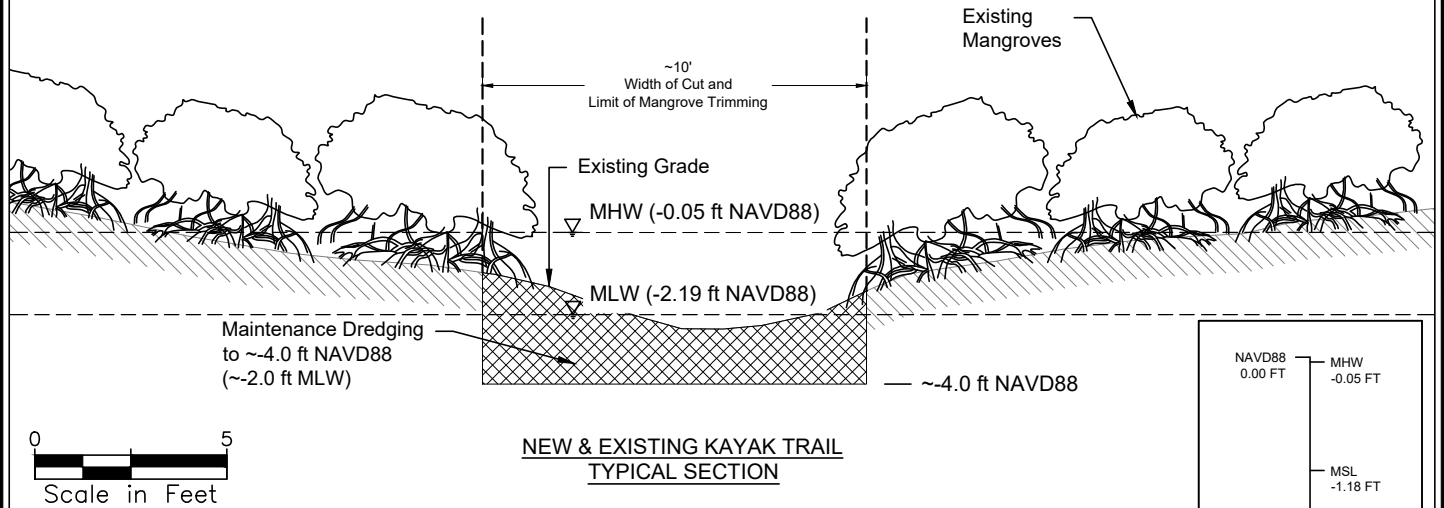
SHEET 11

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Typical Cross-Sections 3

Rutherford Park
Environmental Resources Permit

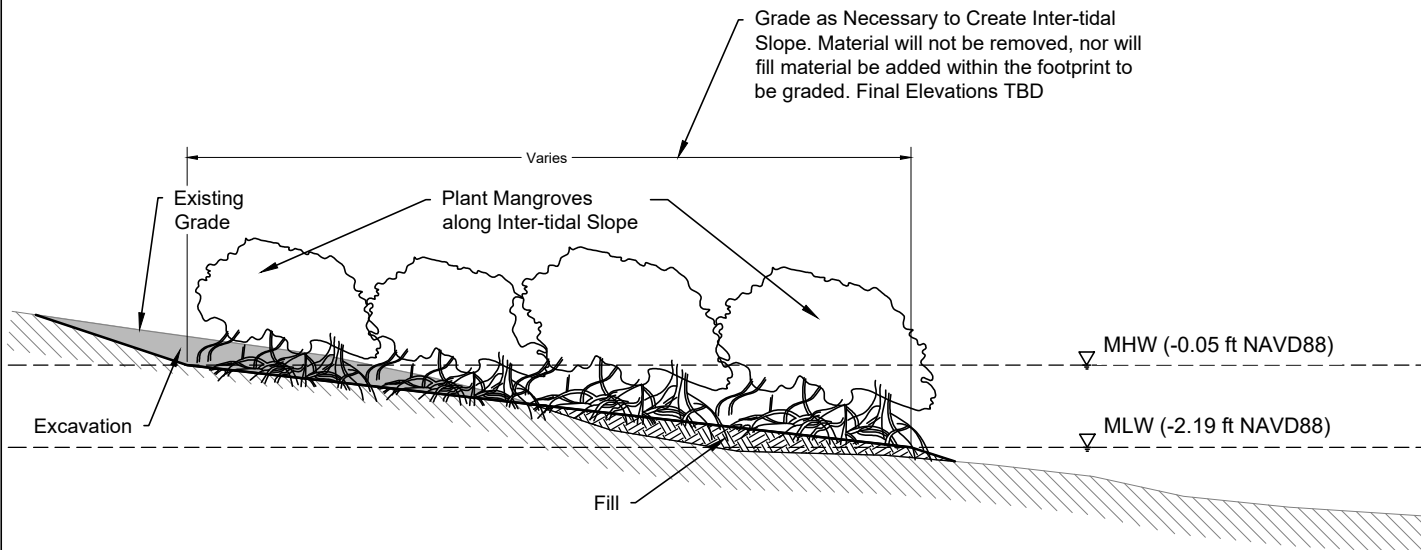
SHEET 12

JOB NUMBER: 18-3263

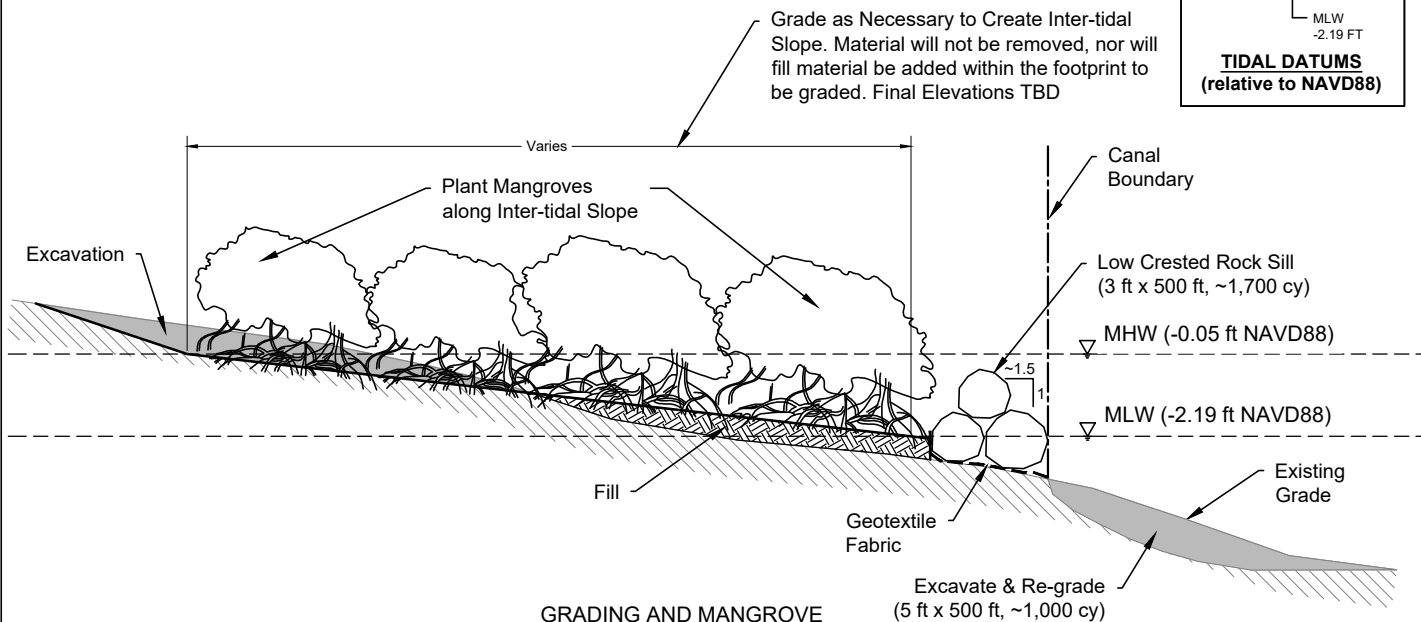
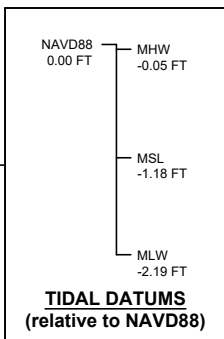
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Michael G. Jenkins
Professional Engineer
Florida License Number 58072



**GRADING AND MANGROVE
PLANTING ONLY
TYPICAL SECTION**



**GRADING AND MANGROVE
PLANTING WITH ROCK SILL
TYPICAL SECTION**



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Typical Cross-Sections 4

**Rutherford Park
Environmental Resources Permit**

SHEET 13

JOB NUMBER: 18-3263

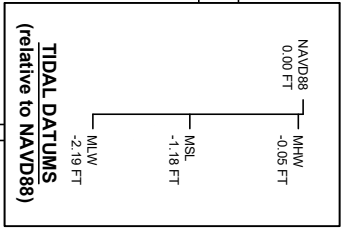
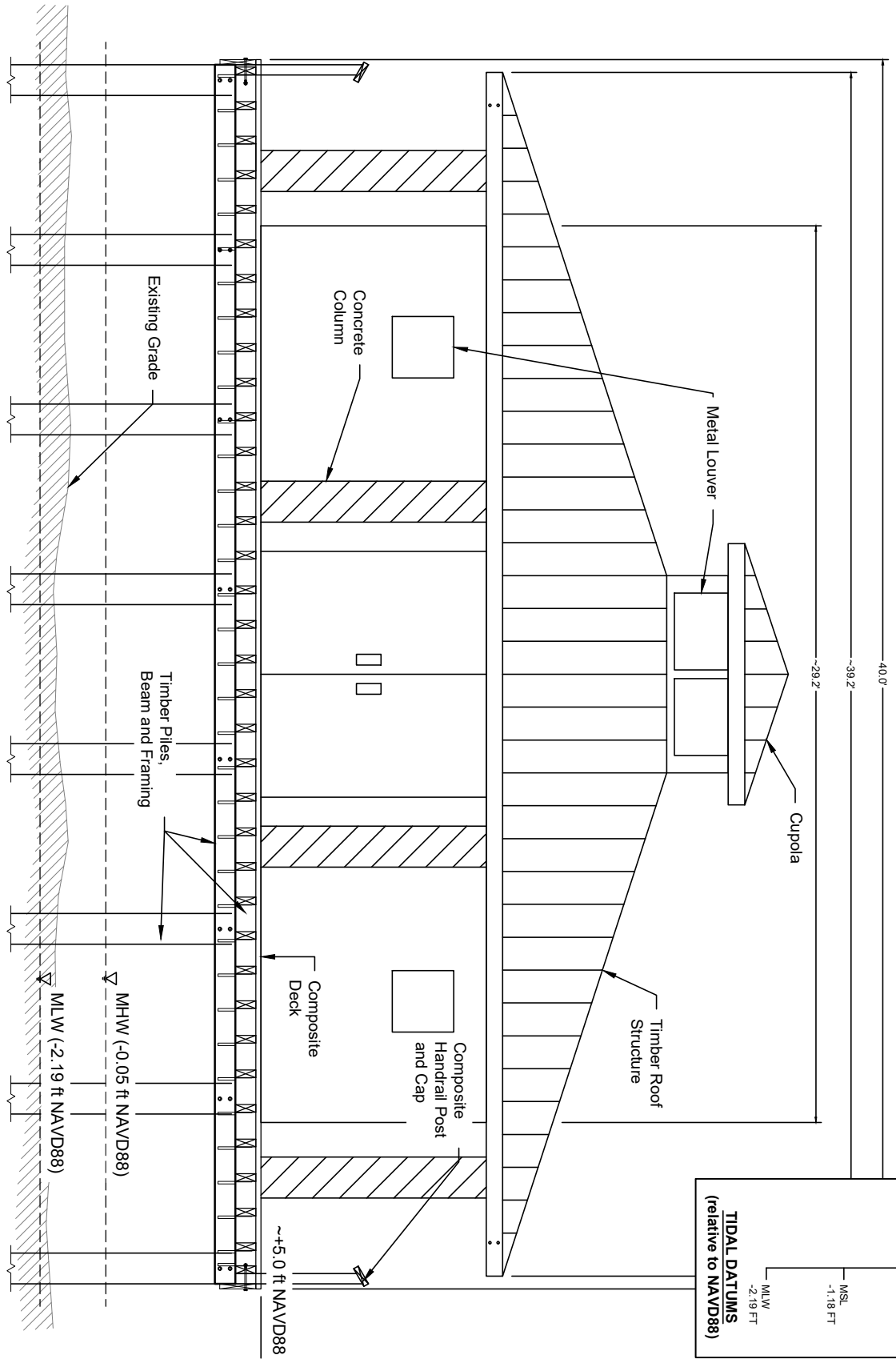
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BATHROOM TYPICAL SECTION



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Typical Cross-Sections 5

Rutherford Park
Environmental Resources Permit

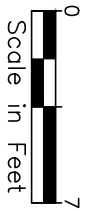
SHEET 14

JOB NUMBER: 18-3263

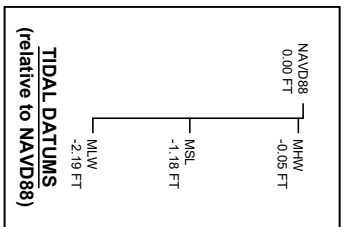
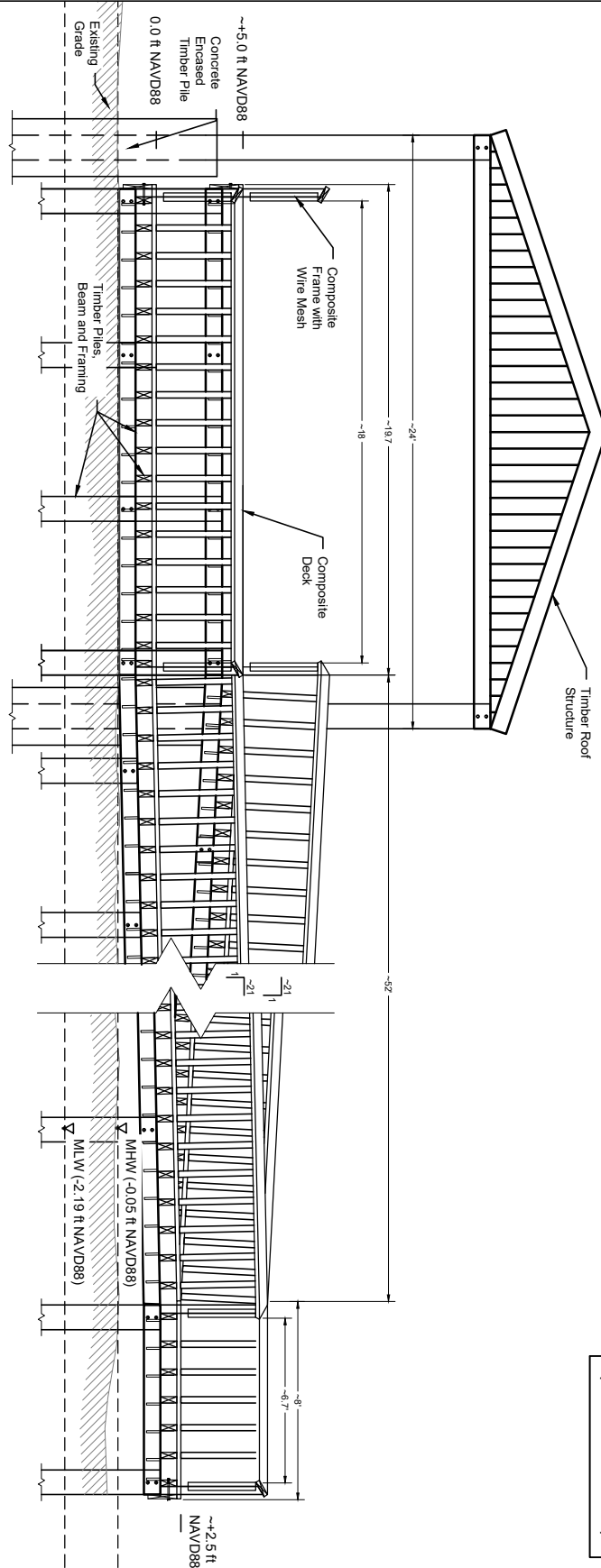
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PAVILION & BEACH RAMP
TYPICAL SECTION



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Typical Cross-Sections 6

Rutherford Park
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SHEET 15

JOB NUMBER: 18-3263

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