EXHIBITS

from HEX hearing

CASE #: DC12003-00049

CASE NAME: Winkler Preserve

Attach a copy of this form to the top of packet of the exhibits & place exhibits in case file.

ARE THERE ANY BOARD EXHIBITS? (1) ✓ **YES** ___ **NO**

LOCATION OF BOARDS:

If there are any board exhibits, attach another copy of this form to boards for identification purposes.

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Z1737

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

3301 Gun Club Road, West Palm Beach, Florida 33406 • (561) 686-8800 • FL WATS 1-800-432-2045 • TDD (561) 697-2574
Mailing Address: P.O. Box 24680, West Palm Beach, FL 33416-4680 • www.sfwmd.gov

Ricardo Velez confirmed Gov Board approval on 11-12-03

11-20-03

CON 24-06

October 30, 2003

WINKLER PRESERVE LLC
11220 METRO PARKWAY SUITE 27,
FORT MYERS, FL 33912

Dear Applicant:

Subject: Notification of Complete Application
Application No: 021220-3
Permit No : 36-04616-P
Project Name : WINKLER PRESERVE
Board Date : 11/13/03
Location : LEE COUNTY, S10/T46S/R24E

This is to inform you that your application for a ENVIRONMENTAL RESOURCE PERMIT is now complete. Your application will be presented to the Governing Board for agency action on the above mentioned date or earlier. A copy of the staff report for this application will be sent to you for review prior to the Governing Board meeting.

Thank you for your cooperation in this matter.

Sincerely,

Jacqueline Rippe

Jacqueline Rippe, P.E.
Director
Lower West Coast Service Center

c: BARRACO AND ASSOCIATES INC
Glenn Heath, S.W.F.R.P.C.
Lee County Department of Development Review
Lee County Department of Transportation
Lee County Long Range Planning

GOVERNING BOARD

Nicolás J. Gutiérrez, Jr., Esq., *Chair*
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EXECUTIVE OFFICE

Henry Dean, *Executive Director*

APPLICANT'S EXHIBIT # 3
DCI2003-00049

21737

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

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Mailing Address: P.O. Box 24680, West Palm Beach, FL 33416-4680 • www.sfwmd.gov

RECEIVED
NOV 12 2003

November 10, 2003

Winkler Preserve, LLC
11220 Metro Parkway – Suite 27
Fort Myers, FL 33912

Subject: Application No. 021220-3, **Winkler Preserve**
Lee County, S10/T46S/R24E

Enclosed is a copy of the South Florida Water Management District's staff report covering the permit application referenced therein. It is requested that you read this staff report thoroughly and understand its contents. The recommendations as stated in the staff report will be presented to our Governing Board for consideration on **November 12, 2003.**

Should you wish to object to the staff recommendation or file a petition, please provide written objections, petitions and/or waivers (refer to the attached "Notice of Rights") to:

Elizabeth Veguilla, Deputy Clerk
South Florida Water Management District
Post Office Box 24680
West Palm Beach, Florida 33416-4680

The "Notice of Rights" addresses the procedures to be followed if you desire a public hearing or other review of the proposed agency action. You are advised, however, to be prepared to defend your position regarding the permit application when it is considered by the Governing Board for final agency action, even if you agree with the staff recommendation, as the Governing Board may take final agency action which differs materially from the proposed agency action.

Please contact the District if you have any questions concerning this matter.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a "Notice of Rights" has been mailed to the addressee this 10th day of November, 2003 in accordance with Section 120.60 (3), Florida Statutes.

Sincerely,

For Damon Meiers, Deputy Director
Environmental Resource Regulation Department

DM/gh

CERTIFIED #7003 3150 0003 3738 8187
RETURN RECEIPT REQUESTED

GOVERNING BOARD

Nicolás J. Gutiérrez, Jr., Esq., *Chair*
Pamela Brooks-Thomas, *Vice-Chair*
Michael Collins
Hugh M. English
Kevin McCarty
Harkley R. Thornton

EXECUTIVE OFFICE

Henry Dean, *Executive Director*

NOTICE OF RIGHTS

Section 120.569(1), Fla. Stat. (1999), requires that "each notice shall inform the recipient of any administrative hearing c judicial review that is available under this section, s. 120.57, or s. 120.68; shall indicate the procedure which must b followed to obtain the hearing or judicial review, and shall state the time limits which apply." Please note that this Notice c Rights is not intended to provide legal advice. Not all the legal proceedings detailed below may be an applicable c appropriate remedy. You may wish to consult an attorney regarding your legal rights.

Petition for Administrative Proceedings

1. A person whose substantial interests are affected by the South Florida Water Management District's (SFWMD) action has the right to request an administrative hearing on that action. The affected person may request either a formal or an informal hearing, as set forth below. A point of entry into administrative proceedings is governed by Rules 28-106.111 and 40E-1.511, Fla. Admin. Code, (also published as an exception to the Uniform Rules of Procedure as Rule 40E-0.109), as set forth below. Petitions are deemed filed upon receipt of the original documents by the SFWMD Clerk.

a. Formal Administrative Hearing: If a genuine issue(s) of material fact is in dispute, the affected person seeking a formal hearing on a SFWMD decision which does or may determine their substantial interests shall file a petition for hearing pursuant to Sections 120.569 and 120.57(1), Fla. Stat. or for mediation pursuant to Section 120.573, Fla. Stat. within 21 days, except as provided in subsections c. and d. below, of either written notice through mail or posting or publication of notice that the SFWMD has or intends to take final agency action. Petitions must substantially comply with the requirements of Rule 28-106.201(2), Fla. Admin. Code, a copy of the which is attached to this Notice of Rights.

b. Informal Administrative Hearing: If there are no issues of material fact in dispute, the affected person seeking an informal hearing on a SFWMD decision which does or may determine their substantial interests shall file a petition for hearing pursuant to Sections 120.569 and 120.57(2), Fla. Stat. or for mediation pursuant to Section 120.573, Fla. Stat. within 21 days, except as provided in subsections c. and d. below, of either written notice through mail or posting or publication of notice that the SFWMD has or intends to take final agency action. Petitions must substantially comply with the requirements of Rule 28-106.301(2), Fla. Admin. Code, a copy of the which is attached to this Notice of Rights.

c. Administrative Complaint and Order: If a Respondent objects to a SFWMD Administrative Complaint and Order, pursuant to Section 373.119, Fla. Stat. (1997), the person named in the Administrative Complaint and Order may file a petition for a hearing no later than 14 days after the date such order is served. Petitions must substantially comply with the requirements of either subsection a. or b. above.

d. State Lands Environmental Resourc Permit: Pursuant to Section 373.427, Fla. Stat., and Rul 40E-1.511(3), Fla. Admin. Code (also published as a exception to the Uniform Rules of Procedure as Rule 40E 0.109(2)(c)), a petition objecting to the SFWMD's agenc action regarding consolidated applications fo Environmental Resource Permits and Use of Sovereig Submerged Lands (SLERPs), must be filed within 14 day: of the notice of consolidated intent to grant or deny th SLERP. Petitions must substantially comply with th requirements of either subsection a. or b. above.

e. Emergency Authorization and Order: A person whose substantial interests are affected by a SFWMD Emergency Authorization and Order, has a righ to file a petition under Sections 120.569, 120.57(1), anc 120.57(2), Fla. Stat., as provided in subsections a. and b above. However, the person, or the agent of the persor responsible for causing or contributing to the emergenc conditions shall take whatever action necessary to cause immediate compliance with the terms of the Emergenc Authorization and Order.

f. Order for Emergency Action: A persor whose substantial interests are affected by a SFWMC Order for Emergency Action has a right to file a petitior pursuant to Rules 28-107.005 and 40E-1.611, Fla. Admin. Code, copies of which are attached to this Notice of Rights, and Section 373.119(3), Fla. Stat., for a hearing on the Order. Any subsequent agency action or proposed agency action to initiate a formal revocation proceeding shall be separately noticed pursuant to section g. below.

g. Permit Suspension, Revocation, Annulment, and Withdrawal: If the SFWMD issues an administrative complaint to suspend, revoke, annul, or withdraw a permit, the permittee may request a hearing to be conducted in accordance with Sections 120.569 and 120.57, Fla. Stat., within 21 days of either written notice through mail or posting or publication of notice that the SFWMD has or intends to take final agency action. Petitions must substantially comply with the requirements of Rule 28-107.004(3), Fla. Admin. Code, a copy of the which is attached to this Notice of Rights.

2. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the SFWMD's final action may be different from the position taken by it previously. Persons whose substantial interests may be affected by

any such final decision of the SFWMD shall have, pursuant to Rule 40E-1.511(2), Fla. Admin. Code (also published as an exception to the Uniform Rules of Procedure as Rule 40E-0.109(2)(c)), an additional 21 days from the date of receipt of notice of said decision to request an administrative hearing. However, the scope of the administrative hearing shall be limited to the substantial deviation.

3. Pursuant to Rule 40E-1.511(4), Fla. Admin. Code, substantially affected persons entitled to a hearing pursuant to Section 120.57(1), Fla. Stat., may waive their right to such a hearing and request an informal hearing before the Governing Board pursuant to Section 120.57(2), Fla. Stat., which may be granted at the option of the Governing Board.

4. Pursuant to Rule 28-106.111(3), Fla. Admin. Code, persons may file with the SFWMD a request for extension of time for filing a petition. The SFWMD, for good cause shown, may grant the extension. The request for extension must contain a certificate that the petitioner has consulted with all other parties, if any, concerning the extension and that the SFWMD and all other parties agree to the extension.

CIRCUIT COURT

5. Pursuant to Section 373.617, Fla. Stat., any substantially affected person who claims that final agency action of the SFWMD relating to permit decisions constitutes an unconstitutional taking of property without just compensation may seek judicial review of the action in circuit court by filing a civil action in the circuit court in the judicial circuit in which the affected property is located within 90 days of the rendering of the SFWMD's final agency action.

6. Pursuant to Section 403.412, Fla. Stat., any citizen of Florida may bring an action for injunctive relief against the SFWMD to compel the SFWMD to enforce the laws of Chapter 373, Fla. Stat., and Title 40E, Fla. Admin. Code. The complaining party must file with the SFWMD Clerk a verified complaint setting forth the facts upon which the complaint is based and the manner in which the complaining party is affected. If the SFWMD does not take appropriate action on the complaint within 30 days of receipt, the complaining party may then file a civil suit for injunctive relief in the 15th Judicial Circuit in and for Palm Beach County or circuit court in the county where the cause of action allegedly occurred.

7. Pursuant to Section 373.433, Fla. Stat., a private citizen of Florida may file suit in circuit court to require the abatement of any stormwater management system, dam, impoundment, reservoir, appurtenant work or works that violate the provisions of Chapter 373, Fla. Stat.

DISTRICT COURT OF APPEAL

8. Pursuant to Section 120.68, Fla. Stat., a party who is adversely affected by final SFWMD action may seek judicial review of the SFWMD's final decision by filing a notice of appeal pursuant to Florida Rule of Appellate Procedure 9.110 in the Fourth District Court of Appeal or in the appellate district where a party resides and filing a second copy of the notice with the SFWMD Clerk within 30 days of rendering of the final SFWMD action.

LAND AND WATER ADJUDICATORY COMMISSION

9. A party to a "proceeding below" may seek review by the Land and Water Adjudicatory Commission (FLAWAC) of SFWMD's final agency action to determine if such action is consistent with the provisions and purposes of Chapter 373, Fla. Stat. Pursuant to Section 373.114 Fla. Stat., and Rules 42-2.013 and 42-2.0132, Fla. Admin Code, a request for review of (a) an order or rule of the SFWMD must be filed with FLAWAC within 20 days after rendition of the order or adoption of the rule sought to be reviewed; (b) an order of the Department of Environmental Protection (DEP) requiring amendment or repeal of a SFWMD rule must be filed with FLAWAC within 30 days of rendition of the DEP's order, and (c) a SFWMD order entered pursuant to a formal administrative hearing under Section 120.57(1), Fla. Stat., must be filed no later than 20 days after rendition of the SFWMD's final order. Simultaneous with filing, a copy of the request for review must be served on the DEP Secretary, any person named in the SFWMD or DEP final order, and all parties to the proceeding below. A copy of Rule 42-2.013, Fla. Admin Code is attached to this Notice of Rights.

PRIVATE PROPERTY RIGHTS PROTECTION ACT

10. A property owner who alleges a specific action of the SFWMD has inordinately burdened an existing use of the real property, or a vested right to a specific use of the real property, may file a claim in the circuit court where the real property is located within 1 year of the SFWMD action pursuant to the procedures set forth in Subsection 70.001(4)(a), Fla. Stat.

LAND USE AND ENVIRONMENTAL DISPUTE RESOLUTION

11. A property owner who alleges that a SFWMD development order (as that term is defined in Section 70.51(2)(a), Fla. Stat. to include permits) or SFWMD enforcement action is unreasonable, or unfairly burdens the use of the real property, may file a request for relief with the SFWMD within 30 days of receipt of the SFWMD's order or notice of agency action pursuant to the procedures set forth in Subsections 70.51(4) and (6), Fla. Stat.

MEDIATION

12. A person whose substantial interests are or may be, affected by the SFWMD's action may choose mediation as an alternative remedy under Section 120.573 Fla. Stat. Pursuant to Rule 28-106.111(2), Fla. Admin Code, the petition for mediation shall be filed within 2 days of either written notice through mail or posting o

publication of notice that the SFWMD has or intends to take final agency action. Choosing mediation will not affect the right to an administrative hearing if mediation does not result in settlement.

Pursuant to Rule 28-106.402, Fla. Admin. Code, the contents of the petition for mediation shall contain the following information:

(1) the name, address, and telephone number of the person requesting mediation and that person's representative, if any;

(2) a statement of the preliminary agency action;

(3) an explanation of how the person's substantial interests will be affected by the agency determination; and

(4) a statement of relief sought.

As provided in Section 120.573, Fla. Stat. (1997), the timely agreement of all the parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57, Fla. Stat., for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within 60 days of the execution of the agreement. If mediation results in settlement of the dispute, the SFWMD must enter a final order incorporating the agreement of the parties. Persons whose substantial interest will be affected by such a modified agency decision have a right to petition for hearing within 21 days of receipt of the final order in accordance with the requirements of Sections 120.569 and 120.57, Fla. Stat., and SFWMD Rule 28-106.201(2), Fla. Admin. Code. If mediation terminates without settlement of the dispute, the SFWMD shall notify all parties in writing that the administrative hearing process under Sections 120.569 and 120.57, Fla. Stat., remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action.

VARIANCES AND WAIVERS

13. A person who is subject to regulation pursuant to a SFWMD rule and believes the application of that rule will create a substantial hardship or will violate principles of fairness (as those terms are defined in Subsection 120.542(2), Fla. Stat.) and can demonstrate that the purpose of the underlying statute will be or has been achieved by other means, may file a petition with the SFWMD Clerk requesting a variance from or waiver of the SFWMD rule. Applying for a variance or waiver does not substitute or extend the time for filing a petition for an administrative hearing or exercising any other right that a person may have concerning the SFWMD's action. Pursuant to Rule 28-104.002(2), Fla. Admin. Code, the petition must include the following information:

(a) the caption shall read:
Petition for (Variance from) or (Waiver of) Rule (Citation)

(b) The name, address, telephone number and any facsimile number of the petitioner;

(c) The name, address telephone numbe and any facsimile number of the attorney or qualifie representative of the petitioner, (if any);

(d) the applicable rule or portion of the rule;

(e) the citation to the statue the rule i implementing;

(f) the type of action requested;

(g) the specific facts that demonstrate substantial hardship or violation of principals of faimes that would justify a waiver or variance for the petitioner;

(h) the reason why the variance or the waive requested would serve the purposes of the underlyin statute; and

(i) a statement of whether the variance o waiver is permanent or temporary, If the variance o waiver is temporary, the petition shall include the date indicating the duration of the requested variance or waiver.

A person requesting an emergency variance from o waiver of a SFWMD rule must clearly so state in th caption of the petition. In addition to the requirements o Section 120.542(5), Fla. Stat. pursuant to Rule 28 104.004(2), Fla. Admin. Code, the petition must alsc include:

a) the specific facts that make the situation ar emergency; and

b) the specific facts to show that the petitioner wil suffer immediate adverse effect unless the variance o waiver is issued by the SFWMD more expeditiously thar the applicable timeframes set forth in Section 120.542, Fla. Stat.

WAIVER OF RIGHTS

14. Failure to observe the relevant time frames prescribed above will constitute a waiver of such right.

28-106.201 INITIATION OF PROCEEDINGS
(INVOLVING DISPUTED ISSUES OF MATERIAL FACT)

(2) All petitions filed under these rules shall contain:

(a) The name and address of each agency affected and each agency's file or identification number, if known;

(b) The name, address, and telephone number of the petitioner; 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 proceeding, 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 disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and

(f) A demand for relief.

28-106.301 INITIATION OF PROCEEDINGS
(NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT)

(2) All petitions filed under these rules shall contain:

(a) The name and address of each agency affected and each agency's file or identification number, if known;

(b) The name, address, and telephone number of the petitioner; 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 proceeding, 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 concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and

(e) A demand for relief.

28-107.004 SUSPENSION, REVOCATION, ANNULMENT, OR WITHDRAWAL

(3) Requests for hearing filed in accordance with this rule shall include:

(a) The name and address of the party making the request, for purposes of service;

(b) A statement that the party is requesting a hearing involving disputed issues of material fact, or a hearing not involving disputed issues of material fact; and

(c) A reference to the notice, order to show cause, administrative complaint, or other communication that the party has received from the agency.

42-2.013 REQUEST FOR REVIEW PURSUANT TO SECTION 373.114 OR 373.217

(1) In any proceeding arising under Chapter 373, F.S., review by the Florida Land and Water Adjudicatory Commission may be initiated by the Department or a party by filing a request for such review with the Secretary of the Commission and serving a copy on any person named in the rule or order, and on all parties to the proceeding which resulted in the order sought to be reviewed. A certificate of service showing completion of service as required by this subsection shall be a requirement for a determination of sufficiency under Rule 42-2.0132. Failure to file the request with the Commission within the time period provided in Rule 42-2.0132 shall result in dismissal of the request for review.

(2) The request for review shall identify the rule or order requested to be reviewed, the proceeding in which the rule or order was entered and the nature of the rule or order. A copy of the rule or order sought to be reviewed shall be attached. The request for review shall state with particularity:

(a) How the order or rule conflicts with the requirements, provisions and purposes of Chapter 373, F.S., or rules duly adopted thereunder;

(b) How the rule or order sought to be reviewed affects the interests of the party seeking review;

(c) The oral or written statement, sworn or unsworn, which was submitted to the agency concerning the matter to be reviewed and the date and location of the statement, if the individual or entity requesting the review has not participated in a proceeding previously instituted pursuant to Chapter 120, F.S., on the order for which review is sought;

(d) If review of an order is being sought, whether and how the activity authorized by the order would substantially affect natural resources of statewide or regional significance, or whether the order raises issues of policy, statutory interpretation, or rule interpretation that have regional or statewide significance from a standpoint of agency precedent, and all the factual bases in the record which the petitioner claims support such determination(s); and

(e) The action requested to be taken by the Commission as a result of the review, whether to rescind or modify the order, or remand the proceeding to the water management district for further action, or to require the water management district to initiate rulemaking to adopt, amend or repeal a rule.

28-107.005 EMERGENCY ACTION

(1) If the agency finds that immediate serious danger to the public health, safety, or welfare requires emergency action, the agency shall summarily suspend, limit, or restrict a license.

(2) the 14-day notice requirement of Section 120.569(2)(b), F. S., does not apply and shall not be construed to prevent a hearing at the earliest time practicable upon request of an aggrieved party.

(3) Unless otherwise provided by law, within 20 days after emergency action taken pursuant to paragraph (1) of this rule, the agency shall initiate a formal suspension or revocation proceeding in compliance with Sections 120.569, 120.57. and 120.60, F.S.

40E-1.611 EMERGENCY ACTION

(1) An emergency exists when immediate action is necessary to protect public health, safety or welfare; the health of animals, fish or aquatic life; the works of the District; a public water supply, or recreational, commercial, industrial, agricultural or other reasonable uses of land and water resources.

(2) The Executive Director may employ the resources of the District to take whatever remedial action necessary to alleviate the emergency condition without the issuance of an emergency order, or in the event an emergency order has been issued, after the expiration of the requisite time for compliance with that order.

Last Date For Agency Action: 13-NOV-2003

INDIVIDUAL ENVIRONMENTAL RESOURCE PERMIT STAFF REPORT

Project Name: Winkler Preserve

Permit No.: 36-04616-P

Application No.: 021220-3 **Associated File:** 030529-3 WU

Application Type: Environmental Resource (New Construction/Operation)

Location: Lee County, S10/T46S/R24E

Permittee : Winkler Preserve Llc

Operating Entity : Winkler Preserve Homeowners Association

Project Area: 111.28 acres

Project Land Use: Residential

Drainage Basin: ESTERO BAY

Receiving Body: Hendry Creek

Class: OFW

DRAFT
Subject to Governing
Board Approval

Special Drainage District: NA

Total Acres Wetland Onsite:	27.29	
Total Acres Wetland Preserved Onsite:	15.55	
Total Acres Impacted Onsite :	11.74	
Total Acres Presv/Mit Compensation Onsite:	16.80	
Offsite Mitigation Credits-Mit.Bank:	2.22	Little Pine Island

Conservation Easement To District : Yes

Sovereign Submerged Lands: No

PROJECT PURPOSE:

This application is a request for an Environmental Resource Permit authorizing construction and operation of a surface water management system serving 111.28 acres of a residential development known as Winkler Preserve with discharge into waters of Estero Bay via Hendry Creek.

PROJECT EVALUATION:

PROJECT SITE DESCRIPTION:

The 111.28 acre site is located south of Summerlin Road, on the eastside of Winkler Road in Fort Myers, Lee County, Florida. The site is bordered to the north by Crown Colony subdivision, to the south by Belle Meade subdivision and to the east by Hendry Creek and Estero Bay State Buffer Preserve. A location map is attached as Exhibit 1.

The upland areas consists of pine-palmetto flatwoods with varying degrees of melaleuca infestation, abandoned agricultural areas, and greater than 75% melalueca coverage with Brazilian pepper toward the mid-section of the site. There is a fringe of Australian pines along the western border of the site and berm or spoil area along with an I.D.D. Canal easement area on the north end of the site. The IDD Canal easement is 80'; however, only 30'of the IDD Canal easement lies within the project boundaries.

The project site contains four wetland areas totaling 27.29 acres. Wetlands 1, 2, and 3 are of low quality due to surrounding development, ditching, and past agricultural practices which have resulted in the alteration of the wetlands hydroperiod and vegetative communities. These wetlands have started to transition to upland vegetation and melalueca monocultures. Wetland 4 is the highest quality wetland onsite and is marginally tidally influenced. FLUCCS maps of the project area are attached as Exhibits 27A & 27B.

Wetland 1, 0.18 acres, is a small isolated freshwater marsh located in the southwest corner of the site. This wetland is dominated by nuisance and exotics, such as guinea grass and melaleuca.

Wetland 2, 8.86 acres, is an isolated wetland located just east of Wetland 1. This wetland was historically a freshwater marsh that now consists of a melaleuca monoculture.

Wetland 3, 2.70 acres, is an isolated wetland located northeast of Wetland 2 in the middle of the subject parcel. This wetland is a freshwater marsh with about 25% melaleuca coverage with invasive grasses such as guinea grass, torpedo grass mixed with native herbaceous and shrubby vegetation such as swamp fern, fakahatchee grass, wax myrtle, and salt bush.

Wetland 4, 15.55 acres, is a high quality wetland located along the eastern boundary of the property and extends offsite and abuts the Estero Bay State Buffer Preserve. The 15.55 acres includes a 0.48 acre portion of the IDD Canal easement that runs across the northern portion of this wetland and a 1.52 acre area dominated by melaleuca in the southwest portion of the wetland. The canopy of this wetland consists of all three types of mangroves and the groundcover consists of native salt tolerant grasses such as Juncus species, saw grass, and various cord grasses.

PROPOSED PROJECT:

The proposed project consists of a 111.28 acre residential development containing 182 single-family units, internal roadways, associated parking and a surface water management system. Stormwater runoff from the site sheetflows either directly or through catch basins and culverts into the proposed surface water management system which consists of three (3) interconnected wet detention lakes.

A wet detention volume of 11.78 ac-ft is provided to meet the water quality volume requirement equivalent to 1" over the controlled basin area of 93.66 acres plus 2.5" over the 0.20 acre of impervious area for turn lanes improvements. Although the turn lanes improvements at Winkler Road/Project entrance are not warranted for this project, it should be noted that water quality treatment is provided for these turn lanes with the anticipation that these turn lanes can be required in the future. All stormwater runoff originating from the project site is receiving 50 percent of additional water quality treatment prior to offsite discharge. This additional treatment is provided in order to meet current Florida Administrative Code anti-degradation requirements. The project discharges into the Hendry Creek watershed which ultimately reaches the Estero Bay Aquatic Preserve which is classified as Outstanding Florida Waters.

The anticipated post development peak discharge during the 25 year, 3 day storm event is 18.7 cfs, which is less than the allowable discharge of 19.1 cfs or 131 CSM as established by the Lee County Stormwater Master Plan.

LAND USE:

Construction:
Project:

	This Phase	
Building Coverage	28.08	acres
Lake	22.53	acres
Pavement	8.34	acres
Pervious	34.71	acres
Wetland	17.62	acres
Total:	**111.28**	

WATER QUANTITY :

Discharge Rate :

The project has been designed to provide attenuation under post development conditions. The anticipated project post development peak discharge during the 25 year, 3 day storm event is 18.7 cfs, which is less than the allowable discharge of 19.1 cfs or 131 CSM as established by the Lee County Stormwater Master Plan.

Discharge Storm Frequency : 25 YEAR-3 DAY Design Rainfall : 10.9 inches

Basin	Allow Disch (cfs)	Method Of Determination	Peak Disch (cfs)	Peak Stage (ft, NGVD)
Basin 1	19.1	Lee County Stormwater Master Plan	18.7	4.7

Finished Floors :

Building Storm Frequency : 100 YEAR-3 DAY Design Rainfall : 13.6 inches

Basin	Peak Stage (ft, NGVD)	Proposed Min. Finished Floors (ft, NGVD)	FEMA Elevation (ft, NGVD)
Basin 1	6.8	11	11

Road Design :

Road Storm Frequency : 5 YEAR-1 DAY Design Rainfall: 5.4 inches

Basin	Peak Stage (ft, NGVD)	Proposed Min. Road Crown (ft, NGVD)
Basin 1	3.9	6

Parking Lot Design :

Parking Lot Storm Frequency : 5 YEAR-1 DAY Design Rainfall 5.4 inches

Basin	Peak Stage (ft, NGVD)	Proposed Min.Parking Elev. (ft, NGVD)
Basin 1	3.9	6

Control Elevation :

Basin	Area (Acres)	Ctrl Elev (ft, NGVD)	WSWT Ctrl Elev (ft, NGVD)	Method Of Determination
Basin 1	93.66	2.5/2.5	2.50	Surrounding Projects

Receiving Body :

Basin	Str.#	Receiving Body
Basin 1	S-13A	Hendry Creek via Iona Drainage District canal

Discharge Structures: Note: The units for all the elevation values of structures are (ft, NGVD)

Culverts:

Basin	Str#	Count	Type	Width	Length	Dia.
Basin 1	S-13A	1	Reinforced Concrete Pipe		400'	36"

Weirs:

Basin	Str#	Count	Type	Width	Height	Length	Dia.	Elev.
Basin 1	S-13A	1	Broad Crested	2.2'	1.7'			3 (crest)

Water Quality Structures: Note: The units for all the elevation values of structures are (ft, NGVD)

Bleeders:

Basin	Str#	Count	Type	Width	Height	Length	Dia.	Invert Angle	Invert E
Basin 1	S-13A	1	V-Notch		.5'			130 deg.	2.5

WATER QUALITY :

The proposed three (3) interconnected lakes provide 11.78 ac-ft of water quality volume equivalent to 1" over the controlled basin area of 93.66 acres plus 2.5" over the 0.20 acre of impervious area for turn lanes improvements. All stormwater runoff originating from the project site is receiving 50 percent of additional water quality treatment prior to offsite discharge. This additional treatment is provided in order to meet current Florida Administrative Code anti-degradation requirements. The project discharges into the Hendry Creek watershed which ultimately reaches the Estero Bay Aquatic Preserve which is classified as Outstanding Florida Waters.

No adverse water quality impacts are anticipated as a result of the proposed project.

Basin	Treatment Method		Vol Req.d (ac-ft)	Vol Prov'd (ac-ft)
Basin 1	Treatment	Wet Detention	11.78	11.78

WETLANDS:

Wetland Impacts:

The proposed project will directly impact 11.74 acres of low quality wetlands. This includes impacts to all of Wetlands 1, 2, and 3. Wetland 3 will not require habitat compensation as it is isolated, under a half-acre in size, and is not being utilized by protected species. There are no impacts are proposed for Wetland 4. A wetland impact map is attached as Exhibit 28.

Mitigation Proposal:

To offset the impacts to Wetlands 1,2, and 3 a combination of onsite and offsite mitigation is proposed. The onsite mitigation proposes a 17.60 acre wetland and upland preserve area. The mitigation activities involve enhancenment and preservation of all 15.55 acres of Wetland 4 and a 1.04 acre upland preserve area located on the western edge of the wetland. There is a proposed upland preserve for gopher tortoises located in the the northwest corner of the project site that is not a part of the wetland mitigation proposal.

Wetland 4 will be enhanced due to it's proximity to the Estero Bay Buffer Preserve. The wetland will be surrounded by a minimum 15' average 25'upland buffer (.80 acres) and 1.04 acres of upland preserve, all of which will be placed in a conservation easement. The wetland will be preserved outside of the project perimeter berm of the project. A map showing the proposed mitigation areas is attached as Exhibit 29. The 1.52 acre melaleuca dominated portion located in the southwest portion of the wetland will undergo restoration through mechanical clearing, selective herbicide treatment, regrading, and planting with native vegetation such as Juncus, Spartina, and Distichlis species. The 1.04 acre proposed upland preserve and upland buffer that will border the western portion of the wetland will undergo a combination of mechanical and selective treatment. Native vegetation within these areas such as cabage palm, oaks, and slash pine will be retained during restoration activities. A 0.69 acre portion of the IDD Canal drainage easement lies within 17.60 enhancement area known as Wetland 4 and the associated upland buffer and preserve. A total of 0.48 acres of the IDD Canal easement are wetlands and the remainig 0.21 acres are uplands. The easement area will be enhanced as part of the mitigation plan; however this area will not be included in the conservation easement and no mitigation credit will be given. Therefore only 16.91 acres of the preserve area will be in a conservation easment. The mitigation activities are outlined in the mitigation and monitoring plan and is attached as Exhibits 29 & 30A-30D.

Offsite mitigation is also proposed in addition to onsite mitigation to offset the proposed wetland impacts. The remainder of the wetland impacts will be offset by the purchase of 2.22 herbaceous credits from Little Pine Island Mitigation Bank. A contract for the purchase of these credits is incorporated into the permit file.

The proposed activities have been evaluated for potential secondary and cumulative impacts and to determine if the project is contrary to the public interest. To prevent secondary impacts, the applicant has incorporated an average 25' upland buffer (.80 acres) as well as a 1.04 upland preserve into the project design. The project permiter berm will also serve as an additional buffer between the wetland and the proposed residential development. The wetland is outside of the surface water management system and will maintain its hydrology from offsite flows from Hendry Creek and Estero Bay.

Cumulative Impacts:

Pursuant to Section 4.2.8 of the Basis of Review, the applicant has provided reasonable assurances that this project will not cause unacceptable cumulative impacts upon wetlands and other surface waters within the Estero Bay Drainage Basin. The proposed project has been considered in conjunction with existing projects, projects currently under review, and activities under review, approved, or vested in the same drainage basin. In particular, this project has also been reviewed considering the Belle Meade

development to the south and Crown Colony to the north. The applicant, through both the onsite and offsite mitigation, has adequately offset the proposed wetland impacts and has provided onsite mitigation for these impacts within the same drainage basin and offsite mitigation within the same service area at Little Pine Island Mitigaiton Bank. Wetland 4 is contiguous with offsite mitigation areas of the Crown Colony and Belle Meade developments, to the north and south respectively. These developments also preserved wetlands adjacent to Hendry Creek and the Estero Bay State Buffer Preserve. These mitigation areas provide for an important natural habitat connection and a buffer to Hendry Creek and the Estero Bay Buffer Preserve. Based upon the proposed project design, the District has determined that the project will not cause adverse secondary or cumulative impacts to the water resources within the Estero Bay Drainage Basin and is not contrary to the public interest.

Monitoring/Maintenance:

The onsite wetland preserve area will be monitored for a period of five years with annual monitoring reports submitted to the District. A monitoring plan map showing the location of the vegetative sampling stations, transects, photo-reference stations, and the staff gauge is attached as Exhibit 31. The work schedule for the mitigation, monitoring, and maintenance activities is attached as Exhibit 34.

Wetland Inventory :

CONSTRUCTION NEW -WINKLER PRESERVE ONSITE

Pre-Development		Post-Development				
	Total Existing	**Impacted**	**Undisturbed**	**Enhanced**	**Preserved**	**Restored/ Created**
Fresh Water Forested	.52			.52	.52	
Fresh Water Herbaceous	13.26	11.74	.00	1.52	1.52	
Salt Water Forested	6.90	.00	.00	6.42	6.90	
Salt Water Herbaceous	6.61	.00	.00	6.61	6.61	
Upland	1.25	.00	.00	1.04	1.25	
Total:	**28.54**	**11.74**	**.00**	**16.11**	**16.80**	

Wetland Inventory :

MITBANK LITTLE PINE ISLAND OFFSITE

Pre-Development	Post-Development
	Mitigation Bank Cr Used
Fresh Water Herbaceous	2.22
Total:	**2.22**

Endangered Species:

During a protected species survey conducted in January 2002 by Bagley Environmental & Planting various wading birds such as the snowy egret, great blue heron, white ibis, tri-color heron, and the little blue heron were observed primarily perched or hunting in the eastern most portion of the site in the tidal wetland

known as Wetland 4. This wading bird habitat will be protected through the enhancement of Wetland 4 which will be placed under a conservation easement. Gopher tortoises were observed in the upland portions of the site and will be relocated to the proposed upland preserve in the northwest corner of the site.

This permit does not relieve the applicant from complying with all applicable rules and any other agencies' requirements if, in the future, endangered/threatened species or species of special concern are discovered on the site.

LEGAL ISSUES:

The conservation easement for the project will encompass 16.91 acres. This does not include the 0.69 acres enhanced within the IDD Canal easement. In essence, 0.48 acres of the wetland and a total of 0.21 acres of the upland buffer and upland preserve located within the easement and are not included in the conservation easement. The draft deed of conservation easement and associated sketch are attached as Exhibit 32A-32F.

The estimated cost of the onsite mitigation is $63,450. The applicant has provided financial assurances for the onsite mitigation in the form of a letter of credit, attached in draft as Exhibit 33A-33F. This letter of credit provides financial assurances equal to 110% of the cost of the onsite wetland mitigation, monitoring, and maintenance program, or $69,795. Please refer also to Special Condition #26.

CERTIFICATION AND MAINTENANCE OF THE WATER MANAGEMENT SYSTEM:

It is suggested that the permittee retain the services of a Professional Engineer registered in the State of Florida for periodic observation of construction of the surface water management (SWM) system. This will facilitate the completion of construction completion certification Form #0881 which is required pursuant to Section 10 of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, and Rule 40E-4361(2), Florida Administrative Code (F.A.C.).

Pursuant to Chapter 40E-4 F.A.C., this permit may not be converted from the construction phase to the operation phase until certification of the SWM system is submitted to and accepted by this District. Rule 40E-4.321(7) F.A.C. states that failure to complete construction of the SWM system and obtain operation phase approval from the District within the permit duration shall require a new permit authorization unless a permit extension is granted.

For SWM systems permitted with an operating entity who is different from the permittee, it should be noted that until the permit is transferred to the operating entity pursuant to Rule 40E-1.6107, F.A.C., the permittee is liable for compliance with the terms of this permit.

The permittee is advised that the efficiency of a SWM system will normally decrease over time unless the system is periodically maintained. A significant reduction in flow capacity can usually be attributed to partial blockages of the conveyance system. Once flow capacity is compromised, flooding of the project may result. Maintenance of the SWM system is required to protect the public health, safety and the natural resources of the state. Therefore, the permittee must have periodic inspections of the SWM system performed to ensure performance for flood protection and water quality purposes. If deficiencies are found, it is the responsibility of the permittee to correct these deficiencies in a timely manner.

RELATED CONCERNS:

Water Use Permit Status:

Water Use Application No.030529-3 for irrigation has been reviewed concurrently with this ERP and is scheduled for approval by staff under a General Permit. The applicant has indicated that the onsite lakes shall be constructed without the benefit of dewatering. Please see special Condition #8.

This permit does not release the permittee from obtaining all necessary Water Use authorization(s) prior to the commencement of activities which will require such authorization, including construction dewatering and irrigation, unless the work qualifies for a general permit issued pursuant to Section 40E-20 FAC.

Potable Water Supplier:

Lee County Utilities

Waste Water System/Supplier:

Lee County Utilities

Right-Of-Way Permit Status:

A Right-of-Way Permit is not required for this project.

DRI Status:

This project is not a DRI.

Historical/Archeological Resources:

The District has received correspondence from the Florida Department of State, Division of Historical Resources indicating that the agency has no objections to the issuance of this permit.

DCA/CZM Consistency Review:

The District has not received a finding of inconsistency from the Florida Department of Community Affairs or other commenting agencies regarding the provisions of the federal Coastal Zone Management Plan.

Third Party Interest:

No third party has contacted the District with concerns about this application.

Enforcement:

There has been no enforcement activity associated with this application.

STAFF RECOMMENDATION:

The Staff recommends that the following be issued :

This application is a request for an Environmental Resource Permit authorizing construction and operation of a surface water management system serving 111.28 acres of a residential development known as Winkler Preserve with discharge into waters of Estero Bay via Hendry Creek.

Based on the information provided, District rules have been adhered to.

Staff recommendation is for approval subject to the attached
General and Special Conditions.

STAFF REVIEW:

NATURAL RESOURCE MANAGEMENT DIVISION APPROVAL

ENVIRONMENTAL EVALUATION

Jewelene S. Harris

SUPERVISOR

Ross T. Morton, P.W.S. 10/28/03

DIVISION DIRECTOR :

Robert G. Robbins

DATE: 11-6-03

SURFACE WATER MANAGEMENT DIVISION APPROVAL

ENGINEERING EVALUATION

Pierre Fortunat

SUPERVISOR

Ricardo A. Valera, P.E.

DIVISION DIRECTOR :

Anthony M. Waterhouse, P.E.

DATE: 11/6/03

DRAFT
Subject to Governing
Board Approval

GENERAL CONDITIONS

1. All activities authorized by this permit shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit and Part IV, Chapter 373. F.S.

2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by District staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.

3. Activities approved by this permit shall be conducted in a manner which does not cause violations of State water quality standards. The permittee shall implement best management practices for erosion and pollution control to prevent violation of State water quality standards. Temporary erosion control shall be implemented prior to and during construction, and permanent control measures shall be completed within 7 days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. All practices shall be in accordance with the guidelines and specifications described in Chapter 6 of the Florida Land Development Manual; A Guide to Sound Land and Water Management (Department of Environmental Regulation, 1988), incorporated by reference in Rule 40E-4.091, F.A.C. unless a project-specific erosion and sediment control plan is approved as part of the permit. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.

4. The permittee shall notify the District of the anticipated construction start date within 30 days of the date that this permit is issued. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the District an Environmental Resource Permit Construction Commencement Notice Form Number 0960 indicating the actual start date and the expected construction completion date.

5. When the duration of construction will exceed one year, the permittee shall submit construction status reports to the District on an annual basis utilizing an annual status report form. Status report forms shall be submitted the following June of each year.

6. Within 30 days after completion of construction of the permitted activity, the permitee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing the supplied Environmental Resource Permit Construction Completion/Certification Form Number 0881. The statement of completion and certification shall be based on onsite observation of construction or review of as-built drawings for the purpose of determining if the work was completed in compliance with permitted plans and specifications. This submittal shall serve to notify the District that the system is ready for inspection. Additionally, if deviation from the approved drawings is discovered during the certification process, the certification must be accompanied by a copy of the approved permit drawings with deviations noted. Both the original and revised specifications must be clearly shown. The plans must be clearly labeled as "As-built" or "Record" drawing. All surveyed dimensions and elevations shall be certified by a registered surveyor.

7. The operation phase of this permit shall not become effective: until the permittee has complied with the requirements of condition (6) above, and submitted a request for conversion of Environmental Resource Permit from Construction Phase to Operation Phase, Form No. 0920; the District determines the system to be in compliance with the permitted plans and specifications; and the entity approved by the District in accordance with Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District,

accepts responsibility for operation and maintenance of the system. The permit shall not be transferred to such approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall initiate transfer of the permit to the approved responsible operating entity if different from the permittee. Until the permit is transferred pursuant to Section 40E-1.6107, F.A.C., the permittee shall be liable for compliance with the terms of the permit.

8. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of the phase or portion of the system to a local government or other responsible entity.

9. For those systems that will be operated or maintained by an entity that will require an easement or deed restriction in order to enable that entity to operate or maintain the system in conformance with this permit, such easement or deed restriction must be recorded in the public records and submitted to the District along with any other final operation and maintenance documents required by Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit applications within the South Florida Water Management District, prior to lot or units sales or prior to the completion of the system, whichever comes first. Other documents concerning the establishment and authority of the operating entity must be filed with the Secretary of State, county or municipal entities. Final operation and maintenance documents must be received by the District when maintenance and operation of the system is accepted by the local government entity. Failure to submit the appropriate final documents will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system and any other permit conditions.

10. Should any other regulatory agency require changes to the permitted system, the permittee shall notify the District in writing of the changes prior to implementation so that a determination can be made whether a permit modification is required.

11. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, 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, or convey any rights or privileges other than those specified in the permit and Chapter 40E-4 or Chapter 40E-40, F.A.C..

12. The permittee is hereby advised that Section 253.77, F.S. states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the State, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.

13. The permittee must obtain a Water Use permit prior to construction dewatering, unless the work qualifies for a general permit pursuant to Subsection 40E-20.302(3), F.A.C., also known as the "No Notice" Rule.

14. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any system authorized by the permit.

GENERAL CONDITIONS

15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding, unless a specific condition of this permit or a formal determination under Section 373.421(2), F.S., provides otherwise.

16. The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of a permitted system or the real property on which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of Rules 40E-1.6105 and 40E-1.6107, F.A.C.. The permittee transferring the permit shall remain liable for corrective actions that may be required as a result of any violations prior to the sale, conveyance or other transfer of the system.

17. Upon reasonable notice to the permittee, District authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.

18. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the appropriate District service center.

19. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.

SPECIAL CONDITIONS

1. The construction phase of this permit shall expire on November 13, 2008.

2. Operation of the surface water management system shall be the responsibility of WINKLER PRESERVE HOMEOWNERS ASSOCIATION. Within one year of permit issuance or concurrent with the engineering certification of construction completion, whichever comes first, the permittee shall submit a copy of the recorded deed restrictions (or declaration of condominium, if applicable), a copy of the filed articles of incorporation, and a copy of the certificate of incorporation for the association.

3. Discharge Facilities:

   Structure: S-13A
   1-2.2' W X 1.7' H BROAD CRESTED weir with crest at elev. 3' NGVD.
   1-X 130 deg. V-NOTCH with invert at elev. 2.5' NGVD.
   400 LF of 36" dia. REINFORCED CONCRETE PIPE culvert.
   Receiving body : Hendry Creek via Iona Drainage District canal
   Control elev : 2.5 feet NGVD. /2.5 FEET NGVD DRY SEASON.

4. The permittee shall be responsible for the correction of any erosion, shoaling or water quality problems that result from the construction or operation of the surface water management system.

5. Measures shall be taken during construction to insure that sedimentation and/or turbidity violations do not occur in the receiving water.

6. The District reserves the right to require that additional water quality treatment methods be incorporated into the drainage system if such measures are shown to be necessary.

7. Lake side slopes shall be no steeper than 4:1 (horizontal:vertical) to a depth of two feet below the control elevation. Side slopes shall be nurtured or planted from 2 feet below to 1 foot above control elevation to insure vegetative growth, unless shown on the plans.

8. The onsite lakes should be constructed without dewatering as indicated by the applicant. Should dewatering be needed, this permit will have to be modified to include the dewatering process

9. Facilities other than those stated herein shall not be constructed without an approved modification of this permit.

10. A stable, permanent and accessible elevation reference shall be established on or within one hundred (100) feet of all permitted discharge structures no later than the submission of the certification report. The location of the elevation reference must be noted on or with the certification report.

11. The permittee shall provide routine maintenance of all of the components of the surface water management system in order to remove all trapped sediments/debris. All materials shall be properly disposed of as required by law. Failure to properly maintain the system may result in adverse flooding conditions.

12. This permit is issued based on the applicant's submitted information which reasonably demonstrates that adverse water resource related impacts will not be caused by the completed permit activity. Should any adverse impacts caused by the completed surface water management system occur, the District will require the permittee to provide appropriate mitigation to the District or other impacted party. The District will require the permittee to modify the surface water management system, if necessary, to eliminate the cause of the adverse impacts.

13. Minimum building floor elevation: 11.0' NGVD.

14. Minimum road crown elevation: 6.0' NGVD.

15. Minimum parking lot elevation: 6.0' NGVD.

16. All contractors must be provided with a copy of the staff report and permit conditions prior to the

commencement of construction. The permittee is responsible for ensuring that all contractors adhere to the project construction details and methods indicated on the attached permit Exhibits and described herein.

17. Prior to the commencement of construction, the perimeter of protected wetland/buffer zones/upland preservation areas/conservation areas shall be fenced to prevent encroachment into the protected areas. The permittee shall notify the District's Environmental Resource Compliance staff in writing upon completion of fencing and schedule an inspection of this work. The fencing shall be subject to District staff approval. The permittee shall modify the fencing if District staff determines that it is insufficient or is not in conformance with the intent of this permit. Fencing shall remain in place until all adjacent construction activities are complete.

18. Endangered species, threatened species and/or species of special concern have been observed onsite and/or the project contains suitable habitat for these species. It shall be the permittee's responsibility to coordinate with the Florida Fish and Wildlife Conservation Commission and/or the U.S. Fish and Wildlife Service for appropriate guidance, recommendations and/or necessary permits to avoid impacts to listed species.

19. The District reserves the right to require remedial measures to be taken by the permittee if monitoring or other information demonstrates that adverse impacts to onsite or offsite wetlands, upland conservation areas or buffers, or other surface waters have occurred due to project related activities.

20. Permanent physical markers designating the preserve status of the wetland preservation areas and buffer zones shall be placed at the intersection of the buffer and each lot line. These markers shall be maintained in perpetuity.

21. A maintenance program shall be implemented in accordance with Exhibit Nos. 29 & 30A-30D for the preserved/enhanced wetland & upland areas on a regular basis to ensure the integrity and viability of those areas as permitted. Maintenance shall be conducted in perpetuity to ensure that the conservation area is maintained free from Category 1 exotic vegetation (as defined by the Florida Exotic Pest Plant Council at the time of permit issuance) immediately following a maintenance activity. Coverage of exotic and nuisance plant species shall not exceed [5%] of total cover between maintenance activities. In addition, the permittee shall manage the conservation areas such that exotic/nuisance plant species do not dominate any one section of those areas.

22. If monitoring reports or other information show the preserved wetlands have been negatively affected by the permitted development in a manner that is irreversible (such as impounding the wetland and drowning the existing vegetation or a reduction in the hydroperiod resulting in the transition of wetlands into upland/transitional habitat), the permittee shall be required to submit a remediation plan within 30 days of notification by the District's Environmental Resource Compliance staff of such conditions. The remediation plan may include onsite or offsite mitigation as necessary to address any deficiences.

23. A monitoring program shall be implemented in accordance with Exhibit Nos. 30A-30D & 31. The monitoring program shall extend for a period of 5 years with annual reports submitted to District staff. At the end of the first monitoring period the mitigation area shall contain an 80% survival of planted vegetation. The 80% survival rate shall be maintained throughout the remainder of the monitoring program, with replanting as necessary. If native wetland, transitional, and upland species do not achieve an 80% coverage within the initial two years of the monitoring program, native species shall be planted in accordance with the maintenance program. At the end of the 5 year monitoring program the entire mitigation area shall contain an 80% survival of planted vegetation and an 80% coverage of desirable obligate and facultative wetland species.

24. Activities associated with the implementation of the mitigation, monitoring and maintenance plan(s) shall be completed in accordance with the work schedule attached as Exhibit No. 34. Any deviation from these time frames will require prior approval from the District's Environmental Resource Compliance staff. Such requests must be made in writing and shall include (1) reason for the change,

(2) proposed start/finish and/or completion dates; and (3) progress report on the status of the project development or mitigation effort.

25. Although dewatering is not proposed, should dewatering be required this permit will need to be modified and no dewatering effluent shall be directed into preserved wetlands or upland buffers.

26. Prior to the commencement of construction and in conformance with the work schedule in Exhibit No. 34, the permittee shall provide an original letter of credit/bond in the amount of $69,795 to ensure the permittee's financial ability and commitment to complete the proposed mitigation, monitoring and maintenance plan as shown on Exhibit Nos. 29 & 30A-30D. The letter of credit/bond shall be in substantial conformance with Exhibit No. 33A-33F. When a performance bond is established, the permittee shall also establish a standby trust fund for deposit of all payments under bond. The letter of credit/bond shall remain in effect for the entire period of the mitigation and monitoring program. Notification of the District by the financial institution that the letter of credit/bond will not be renewed or is no longer in effect shall constitute non-compliance with the permit.

27. Prior to to commencement of construction in wetlands and in accordance with the work schedule in Exhibit No. 34, the permittee shall submit documentation from the Florida Department of Environmental Protection that 2.22 freshwater herbaceous credits have been deducted from the ledger for Little Pine Island Mitigation Bank.

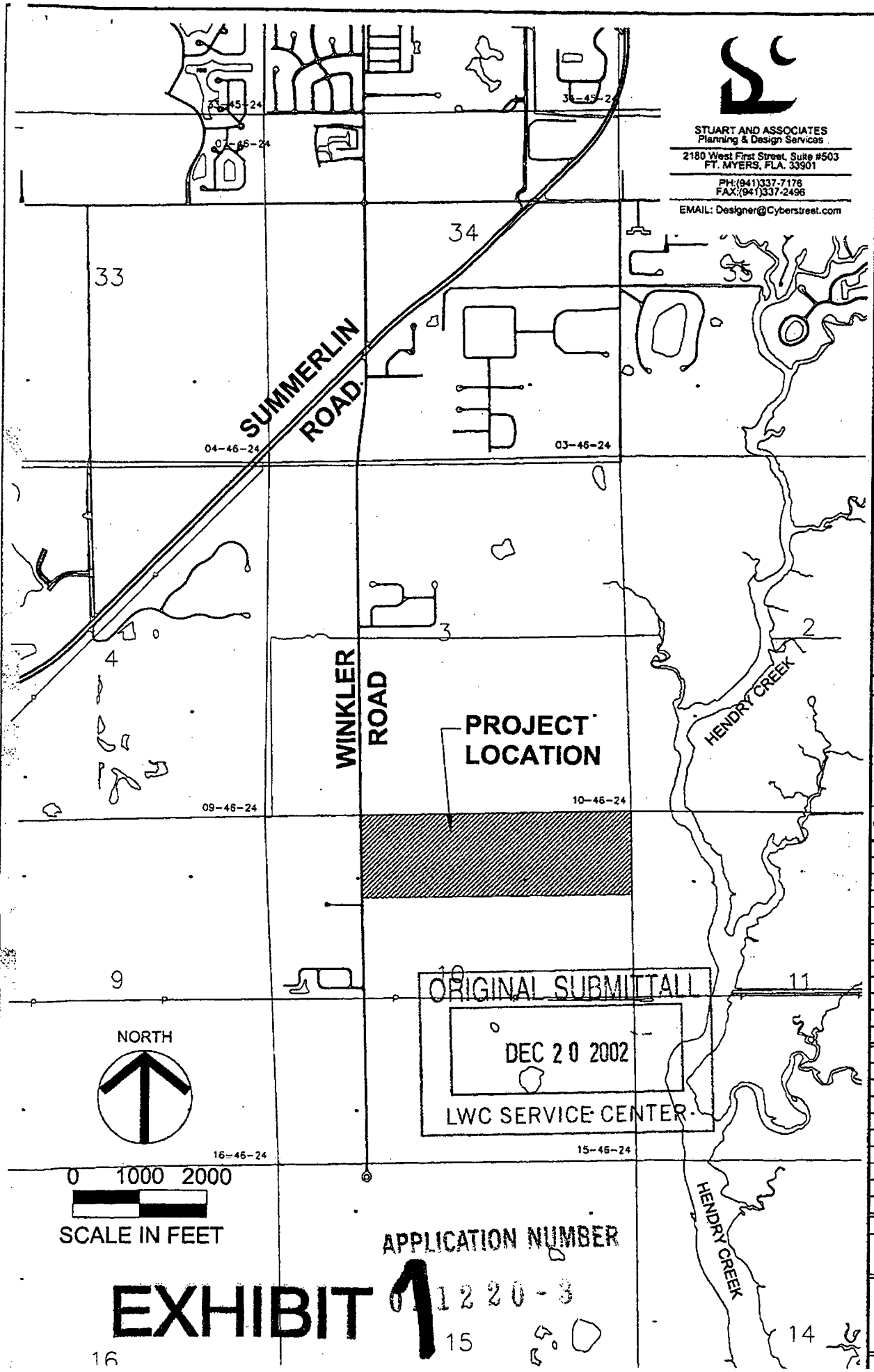
28. A mitigation program for Winkler Preserve shall be implemented in accordance with Exhibits Nos. 29-31. The permittee shall enhance and preserve 17.60 acres of wetland and upland compensation areas. A total of 16.91 acres are preserved under consevation easement(Exhibit 32) because 0.69 acres of the preserve area lies within the IDD Canal Easement.

29. The conservation easement in accordance with Exhibit No. 32A-32F shall be recorded no later than January 31, 2004. The permittee shall provide to the District the fully executed and recorded document depicted in Exhibit No. 32A-32F to this staff report.

30. Prior to the commencement of construction resulting in wetland impacts and in accordance with the work schedule in Exhibit No. 34, the permittee shall submit two certified copies of the recorded conservation easement for the mitigation area and associated buffers. The data should also be supplied in a digital CAD (.dxf) or GIS (ESRI Coverage) format. The files should be in the Florida State Plane coordinate system, East Zone (3601) with a data datum of NAD83, HARN with the map units in feet. This data should reside on a CD or floppy disk and be submitted to the District's Environmental Resource Compliance Division in the service area office where the application was submitted.

    The recorded easement shall be in substantial conformance with Exhibit No. 32A-32F. Any proposed modifications to the approved form must receive prior written consent from the District. The easement must be free of encumbrances or interests in the easement which the District determines are contrary to the intent of the easement. In the event it is later determined that there are encumbrances or interests in the easement which the District determines are contrary to the intent of the easement, the permittee shall be required to provide release or subordination of such encumbrances or interests.

31. The wetland conservation areas and upland buffer zones and/or upland preservation areas shown on Exhibit(s) may in no way be altered from their natural or permitted state. Activities prohibited within the conservation areas include, but are not limited to: construction or placing of buildings on or above the ground; dumping or placing soil or other substances such as trash; removal or destruction of trees, shrubs, or other vegetation - with the exception of exotic vegetation removal; excavation, dredging, or removal of soil materials; diking or fencing; and any other activities detrimental to drainage, flood control, water conservation, erosion control, or fish and wildlife habitat conservation or preservation.



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PHONE (239) 489-4066
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PROJECT DESCRIPTION

WINKLER PRESERVE

RESIDENTIAL DEVELOPME

PART OF SECTION 10
TOWNSHIP 46 SOUTH
RANGE 24 EAST
LEE COUNTY, FLORIDA

PROJECT ENGINEER

ENGINEER OF RECO
JIM PETERSON, P.E.
FOR THE FIRM
2271 McGREGOR BO
FORT MYERS, FLORI
FLORIDA P.E. NO. 57

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LAYOUT	LAYOUT1
LOCATION	J:\21737\DWG\EXHIBITS\
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PLOT BY	ROB SCHLICHER
DESIGN BY	
XREF1	
XREF2	
XREF3	
XREF4	
XREF5	
XREF6	

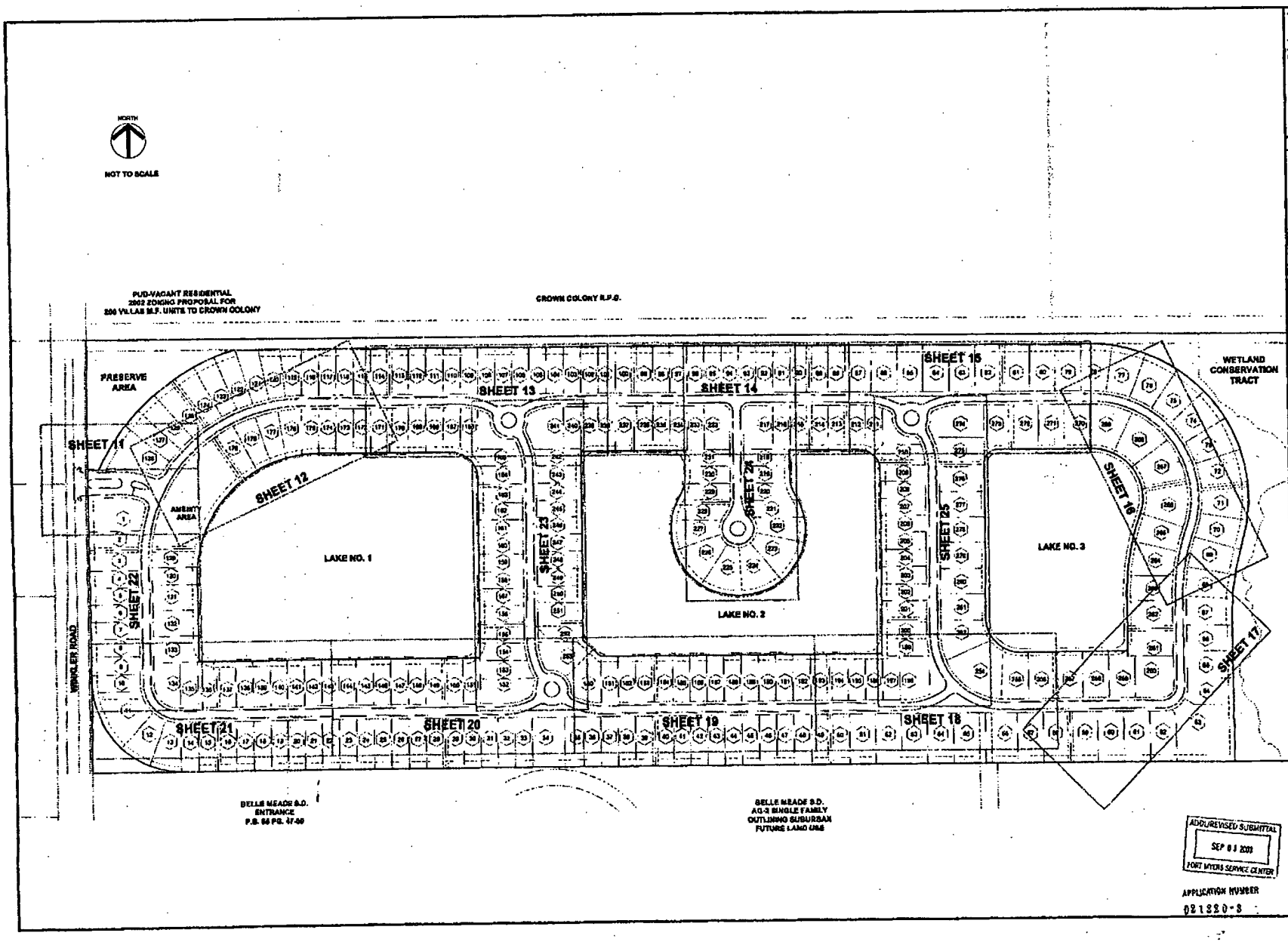
PLAN REVISIONS

PLAN STATUS

PRELIMINARY SITE PLANNIN
NOT FOR CONSTRUCTION

AREA LOCATION MAP
EXHIBIT II-D-2

PROJECT / FILE NO. | SHEET NUM



Barraco and Associates, Inc.
CIVIL ENGINEERS, LAND SURVEYORS
LAND PLANNERS AND CONSULTANTS
www.barraco.net
2271 McGREGOR BOULEVARD
POST OFFICE DRAWER 2800
FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3170
FAX (239) 461-3182
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7986 - SURVEYING LB-6948

PREPARED FOR

Land Solutions Inc.
6150 DIAMOND CENTER COURT
BUILDING 1300
FORT MYERS, FLORIDA 33912
PHONE (239) 489-4086
FAX (239) 481-8477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

WINKLER PRESERVE

RESIDENTIAL DEVELOPMENT

PART OF SECTION 10
TOWNSHIP 46 SOUTH
RANGE 24 EAST
LEE COUNTY, FLORIDA

PROJECT ENGINEER

FILE NAME	21737SBLDWG
LAYOUT	LAYOUT1
LOCATION	J:\21737\DWG\ENG\
PLOT DATE	FRI 6-6-2003 - 3:44 PM
PLOT BY	TODD MANN
DESIGN BY	ROB SCHLICHEN
ARE#1	SAMPLING - 21737-SBLDWG
ARE#2	
ARE#3	
ARE#4	
ARE#5	
ARE#6	

PLAN REVISIONS

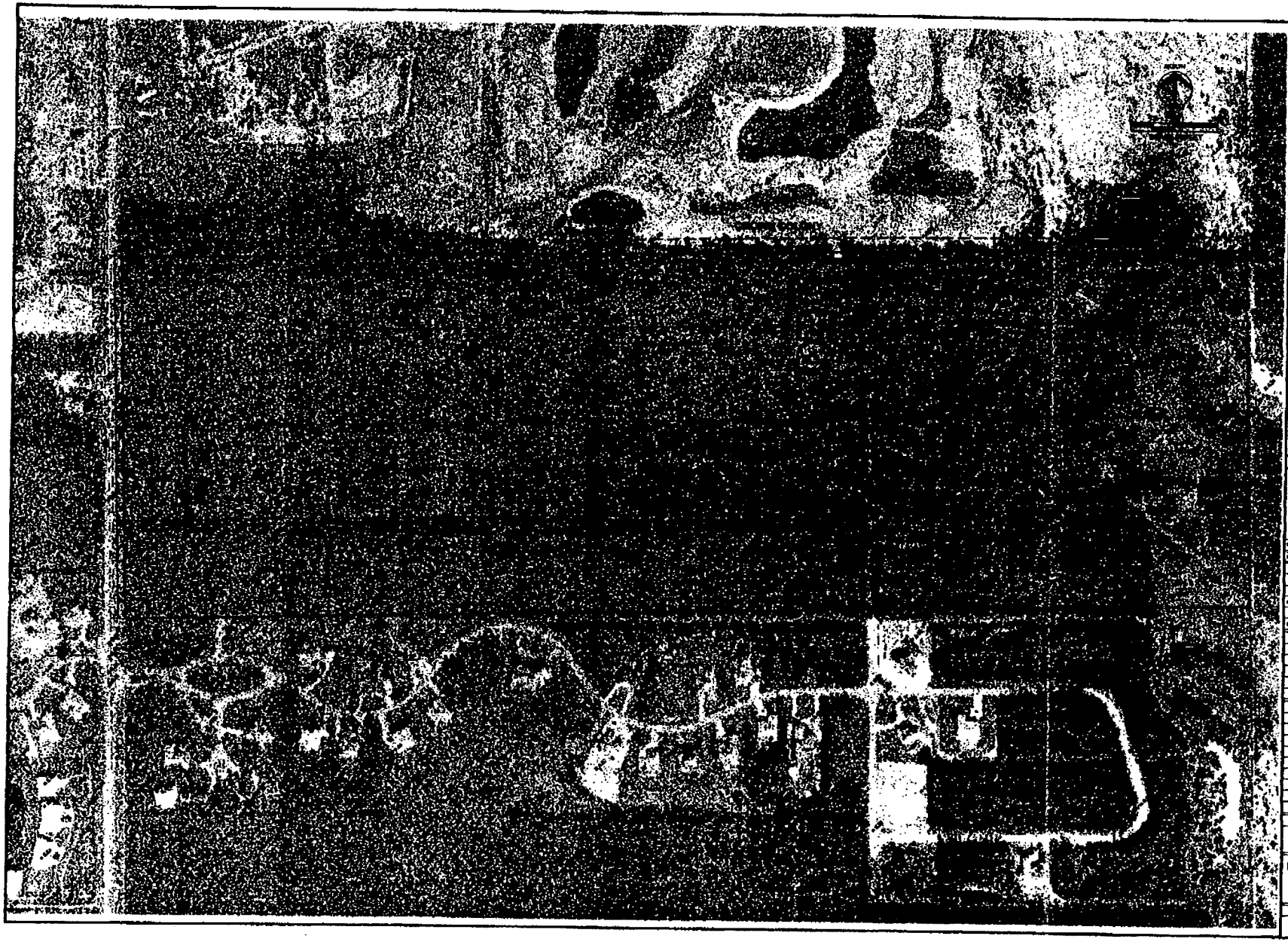
PLAN STATUS

APPROVAL SUBMITTAL PLANS
NOT FOR CONSTRUCTION

KEY SHEET

PROJECT / FILE NO.	SHEET NUMBER
21737 10-48-24	2

EXHIBIT 2



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PHONE (239) 481-3120
FAX (239) 481-3180

FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7085 - SURVEYING LB-4040

PREPARED FOR

Land Solutions Inc.

6180 DIAMOND CENTER COURT
BUILDING 1300
FORT MYERS, FLORIDA 33912

PHONE (239) 489-4065
FAX (239) 481-8477

WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

WINKLER PRESERVE

RESIDENTIAL DEVELOPMENT

PART OF SECTION 10
TOWNSHIP 46 SOUTH
RANGE 24 EAST
LEE COUNTY, FLORIDA

PROJECT CHAIRMAN

FILE NAME	[illegible]
LAYOUT	LAYOUT1
LOCATION	[illegible]
PLOT DATE	[illegible]
PLOT BY	[illegible]
DESIGN BY	[illegible]
[illegible]	
[illegible]	
[illegible]	
[illegible]	
[illegible]	
[illegible]	

PLAN REVISIONS

ACCEPTED/ISSUED SUBMITTAL
SEP 03 2003
[illegible] SERVICE CENTER

PLAN SCHEDULE

APPROVAL SUBMITTAL PLANS
NOT FOR CONSTRUCTION

EXISTING CONDITIONS
AND
AERIAL PHOTO

PROJECT FILE NO.	SHEET NUMBER
21737 10-16-24	3

EXHIBIT 3

APPLICATION NUMBER
021220-5

GENERAL NOTES

1. PROPOSED BUILDING FOOTPRINTS, PATIOS AND ACCESSORY STRUCTURES MAY BE MODIFIED WITHIN THE ALLOWABLE SETBACKS.

PROJECT PHASING

PHASE 1: PROJECT INFRASTRUCTURE

PHASE 2: AMENITY AREA

SIGNS

PHASE 1 — INCLUDES OVERALL IMPACT OF THE STRUCTURE, INCLUDING PONDS, TURN LANES, UTILITIES, DRAINAGE, S-CURVE AND ASSOCIATED IMPROVEMENTS. EXCLUDES SALES TRAILER, MODEL HOME CONSTRUCTION AND AMENITY CENTER.

PHASE 2 — INCLUDES SALES TRAILER

PHASE 3 — INCLUDES OFFSITE MODEL HOME CONSTRUCTION.

PHASE 4 — INCLUDES CONSTRUCTION OF THE AMENITY CENTER INCLUDING REQUIRED PARKING, DUMPSTER AND RECYCLING AREA AND ASSOCIATED SITE IMPROVEMENTS.

GENERAL NOTES:

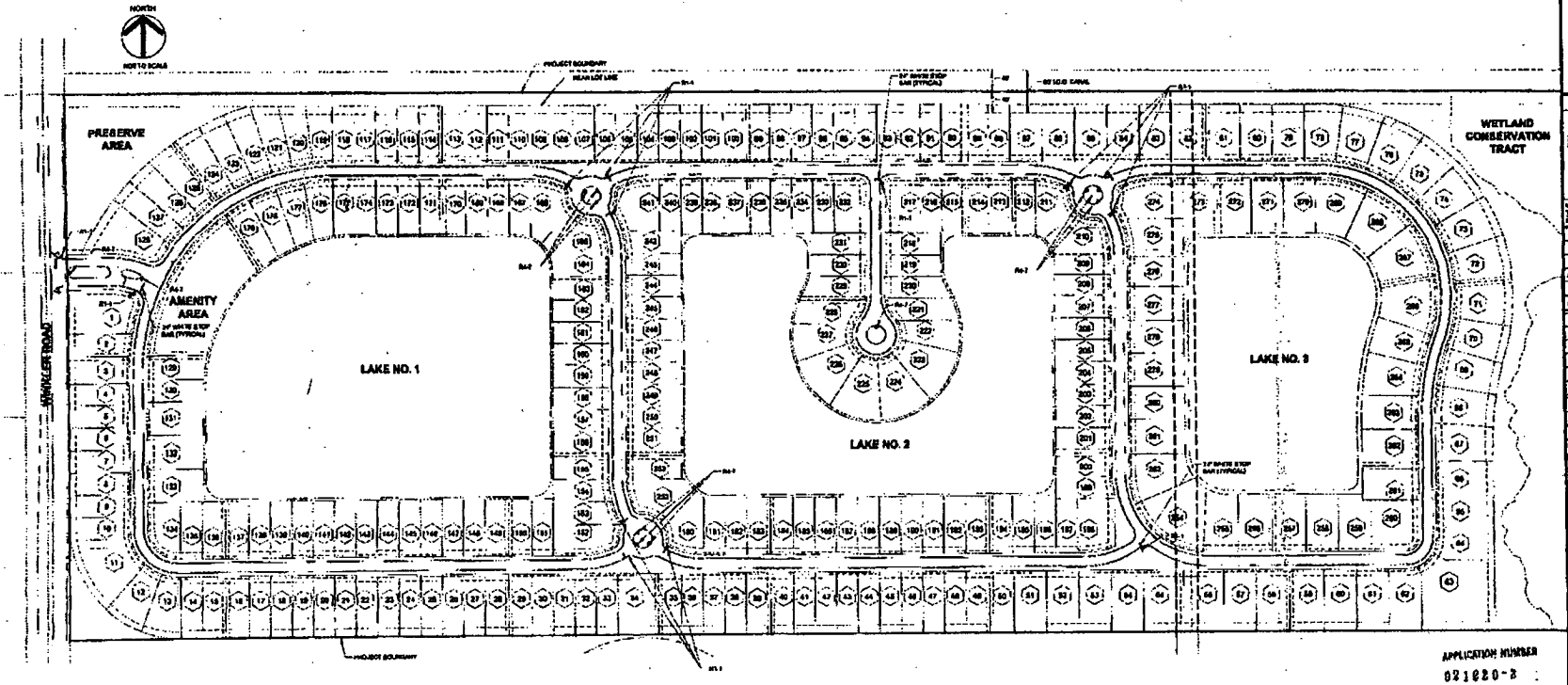
1. ALL CONSTRUCTION TO BE IN ACCORDANCE WITH F.D.O.T. 91 (REVISED 5/94) SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, LATEST EDITION, AND THE F.D.O.T. ROADWAY AND TRAFFIC DESIGN STANDARDS, LATEST EDITION.
2. THE SITE ENGINEER SHALL BE RESPONSIBLE FOR ENSURING PROPERLY COMPACTED SOILS FOR BUILDING PURPOSES WITHIN UNDERSTRUCTURES, INCLUDING ROADS, FROM FLOODING OR ADVERSE SOIL OF FOUNDATION CONDITIONS (SUBJECT TO SUBSURFACE SOIL EXPLORATION AND DESIGN OF EACH STRUCTURE BY AN ARCHITECT OR GEOTECHNICAL ENGINEER).
3. THE CONTRACTOR SHALL RETAIN ON THE WORK SITE AT ALL TIMES COPIES OF ALL PERMITS NECESSARY FOR CONSTRUCTION.
4. THE CONTRACTOR SHALL IMMEDIATELY REPORT ALL FIELD CHANGES TO THE ENGINEER.
5. THE CONTRACTOR SHALL NOTIFY THE LEE COUNTY DIVISION OF DEVELOPMENT SERVICES A MINIMUM OF 72 HOURS PRIOR TO ALL INSPECTIONS REQUIRED BY THE LEE COUNTY LAND DEVELOPMENT CODE.
6. THERE ARE NO JURISDICTIONAL WETLANDS, ESTUARINE AND SURFACE WATERS, NOR BUILDING OR FLOOD PLAIN RESTRICTIONS AREAS AFFECTING DUE TO CONSTRUCTION OF THIS PROJECT.
7. THE CONTRACTOR SHALL NOTIFY THE SUNSHINE AND CONTACT ALL UTILITY COMPANIES FOR LOCATIONS OF EXISTING UTILITIES IN THE AREA 72 HOURS (MINIMUM) PRIOR TO COMMENCING CONSTRUCTION.
8. THE NATIONAL GEODETIC VERTICAL DATUM (NGVD) OF 1929 IS THE BENCHMARK DATUM FOR THIS PROJECT.
9. THE LOCATION OF EXISTING UTILITIES, PAVEMENT, VEGETATION, AND MISCELLANEOUS IMPROVEMENTS ARE APPROXIMATE ONLY. THE EXACT LOCATIONS SHALL BE VERIFIED BY THE CONTRACTOR IN THE FIELD.
10. ANY PUBLIC LAND CORNER DISTURBED WITHIN THE LIMITS OF CONSTRUCTION OF THIS SITE PROTECTED. ANY LAND CORNER MONUMENT OR WITNESS OF SAME DISTURBED MUST BE PROPERLY REFERENCED BY THE CONTRACTOR.
11. BLASTING AND APPROVERS SHALL BE RESTRICTED TO A WORK HOUR ADVISALENT TO THAT WHICH EXISTED PRIOR TO CONSTRUCTION CONSTRUCTION, AT NO ADDITIONAL COST TO OWNER.
12. CONSTRUCTION TO UTILIZE OSHA/STATE CONSTRUCTION STANDARDS FOR EMPLOYEE AND SAFETY OF INDIVIDUALS.
13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ANY DEWATERING, CLEARING OR TREE REMOVAL PERMITS REQUIRED FOR THIS PROJECT.
14. A VEGETATION PERMIT IS REQUIRED PRIOR TO ANY SITE WORK. FINANCIAL GUARANTEES MUST BE CONSTRUCTED AND INSPECTED PRIOR TO PERMIT ISSUANCE.
15. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PREPARING AND FILING A NOTICE OF INTENT AND SWPPP WITH DEP, THE E.P.A. AND LEE COUNTY DEVELOPMENT SERVICES DIVISION AT LEAST 48 HOURS PRIOR TO START OF CONSTRUCTION.
16. PARKING LOT WILL BE UTILIZED AT NIGHT. ADEQUATE LIGHTING WILL BE PROVIDED AND DIRECTED TO ELIMINATE GLARE ON OTHER LAND USES PER THE LAND DEVELOPMENT CODE. LIGHTING DESIGN BY OTHERS
17. NO ADDITIONAL LEE COUNTY STANDARD STOP IS REQUIRED FOR THIS PROJECT.
18. THE QUANTITY AND LOCATION OF OPTIONAL FENCE BRIDGE MAILBOX (HORIZONTAL AND BOXWALK SUPPORTS) MAY VARY. SEE TYPICAL SECTIONS AND DETAIL SHEETS.

SIGNING AND PAVEMENT MARKING NOTES:

1. ALL SIGNING AND PAVEMENT MARKINGS SHALL BE IN ACCORDANCE WITH THE F.D.O.T. STANDARDS FOR ROAD AND BRIDGE CONSTRUCTION, LATEST EDITION, THE F.D.O.T. ROADWAY AND TRAFFIC DESIGN STANDARDS, LATEST EDITION, THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES AND LEE COUNTY DEPARTMENT OF TRANSPORTATION PUBLISHED STANDARDS.
2. PAVEMENT MARKINGS SHALL BE PURMARK® REFLECTIVE THERMOPLASTIC PAINT WITH GLASS BEADS IN ACCORDANCE WITH F.D.O.T. STANDARD SPECIFICATIONS SECTION 710.
3. MATCH EXISTING PAVEMENT MARKINGS AT EXISTING ROADS.
4. REMOVE ANY EXISTING SIGNS OR PAVEMENT MARKINGS IN CONFLICT WITH IMAGES SHOWN ON PLANS.
5. ALL STOP SIGN LOCATIONS SHALL INCLUDE A 24" PAINTED WHITE STOP BAR UNLESS NOTED OTHERWISE.
6. THE CONTRACTOR SHALL COMPLY WITH THE "STATE OF FLORIDA MANUAL OF TRAFFIC CONTROL AND SAFE PRACTICES FOR STREET AND HIGHWAY CONSTRUCTION, MAINTENANCE, AND UTILITY OPERATIONS" AND WITH THE "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES".
7. ALL SIGNING, PAVEMENT MARKINGS, ETC. ARE TO BE INCLUDED IN THE LUMP SUM PRICE FOR SIGNING AND MARKING.
8. THE CONTRACTOR SHALL FURNISH AND INSTALL STREET NAME SIGNS IN ACCORDANCE WITH LEE COUNTY DEVELOPMENT STANDARDS.

DEVELOPMENT CRITERIA:

- 25 FEET OF REAR (FRONT ENTRY GARAGE)
- 15 FEET OF REAR (SIDE ENTRY GARAGE)
- 5' SIDE YARD SETBACK
- 10 FEET YARD SETBACK
- 20 FEET TO WATER BODY
- 10 FEET TO PRESERVE SETBACK
- 25' PERIMETER @ WILLS REACH (SOUTHERN PROPERTY LINE
- AS ACCESSORY @ WILLS REACH (NON-OWNING PROPERTY LINE
- 0' ACCESSORY STRUCTURES (DOG AND REAR YARD)
- 30' MAXIMUM BUILDING HEIGHT / 2 STORIES



APPLICATION NUMBER
021220-3

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FAX (239) 481-3198
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7905 - SURVEYING LB 6940

PREPARED FOR

Land Solutions, Inc.
6150 DIAMOND CENTER COURT
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FORT MYERS, FLORIDA 33912
PHONE (239) 489-4089
FAX (239) 481-8477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

WINKLER PRESERVE

RESIDENTIAL DEVELOPMENT

PART OF SECTION 10
TOWNSHIP 46 SOUTH
RANGE 24 EAST
LEE COUNTY, FLORIDA

PROJECT BENCHMARK

ENGINEER OF RECORD
ED NETZBAND, P.E.
FOR THE FIRM
3271 McGREGOR BOULEVARD
FORT MYERS, FLORIDA 33901
FLORIDA P.E. NO. 57126

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FILE NAME	SYSTEM VILLAGE
LAYOUT	LAYOUT1
LOCATION	J:\21\SYSTEM\ENGR\
PLOT DATE	Fri 9/3/2021 - 3:53 PM
PLOT BY	TODD VANN
DESIGN BY	ROB BOHLICH
XREF1	SHEETPLAN - 21137SHEETPLAN.DWG
XREF2	
XREF3	
XREF4	
XREF5	
XREF6	

PLAN REVISIONS

ADD'L/REVISED SUBMITTAL
SEP 03 2021
FORT MYERS SERVICE CENTER

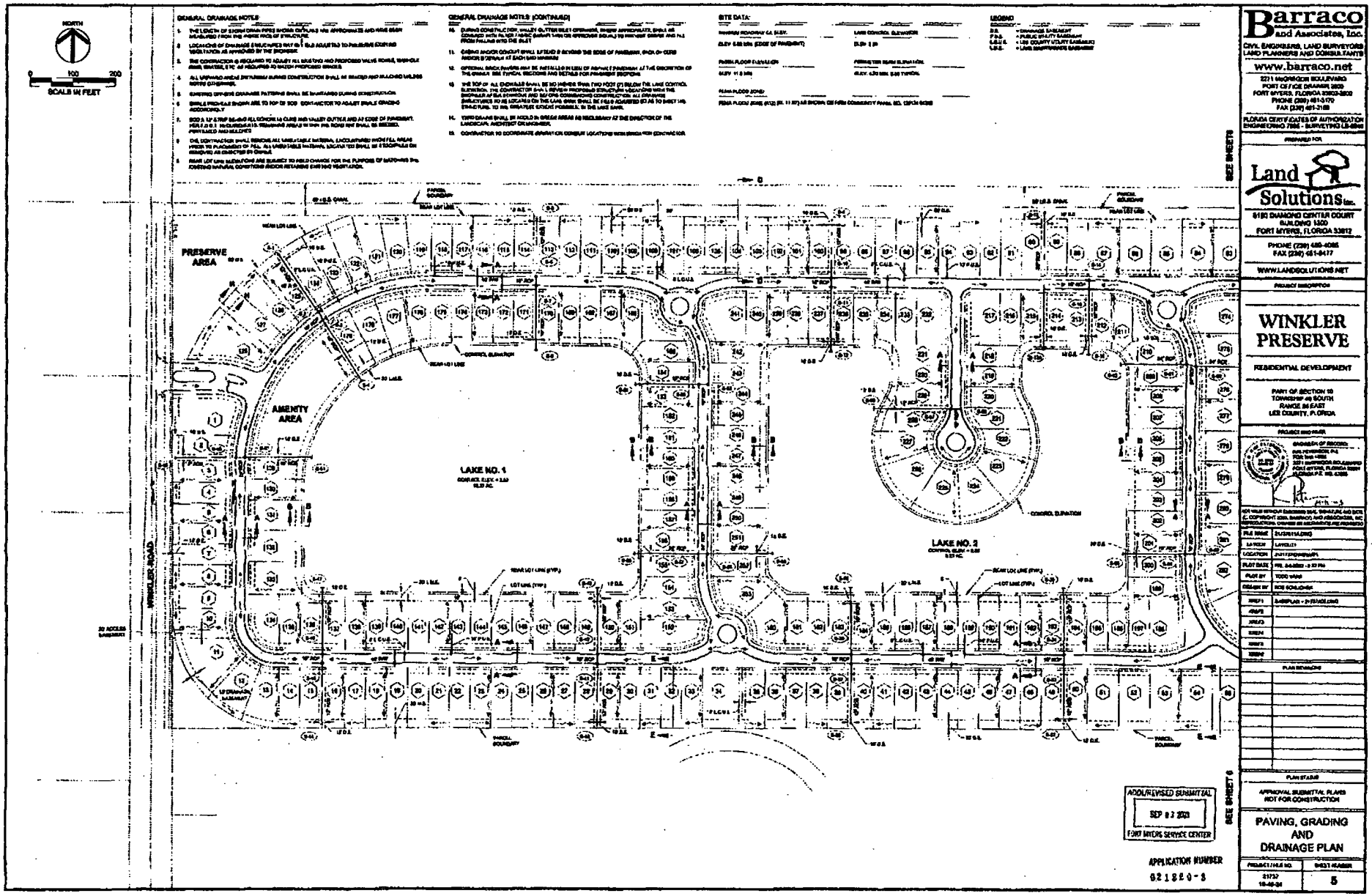
PLAN STATUS

APPROVAL SUBMITTAL PLANS
NOT FOR CONSTRUCTION

LAYOUT SIGNING AND PHASING PLAN

PROJECT / FILE NO	SHEET NUMBER
21137 10-06-24	4

EXHIBIT 4


NORTH
SCALE IN FEET
GENERAL DRAINAGE NOTES
GENERAL DRAINAGE NOTES (CONTINUED)
SITE DATA
LEGEND
PRESERVE AREA
AMENITY AREA
LAKE NO. 1
LAKE NO. 2
WINKLER ROAD
SEE SHEET 6
ADDL/REVISED SUBMITTAL
SEP 0 2 2020
FORT MYERS SERVICE CENTER
APPLICATION NUMBER
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LAND PLANNERS AND CONSULTANTS
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PREPARED FOR
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FAX (239) 481-8477
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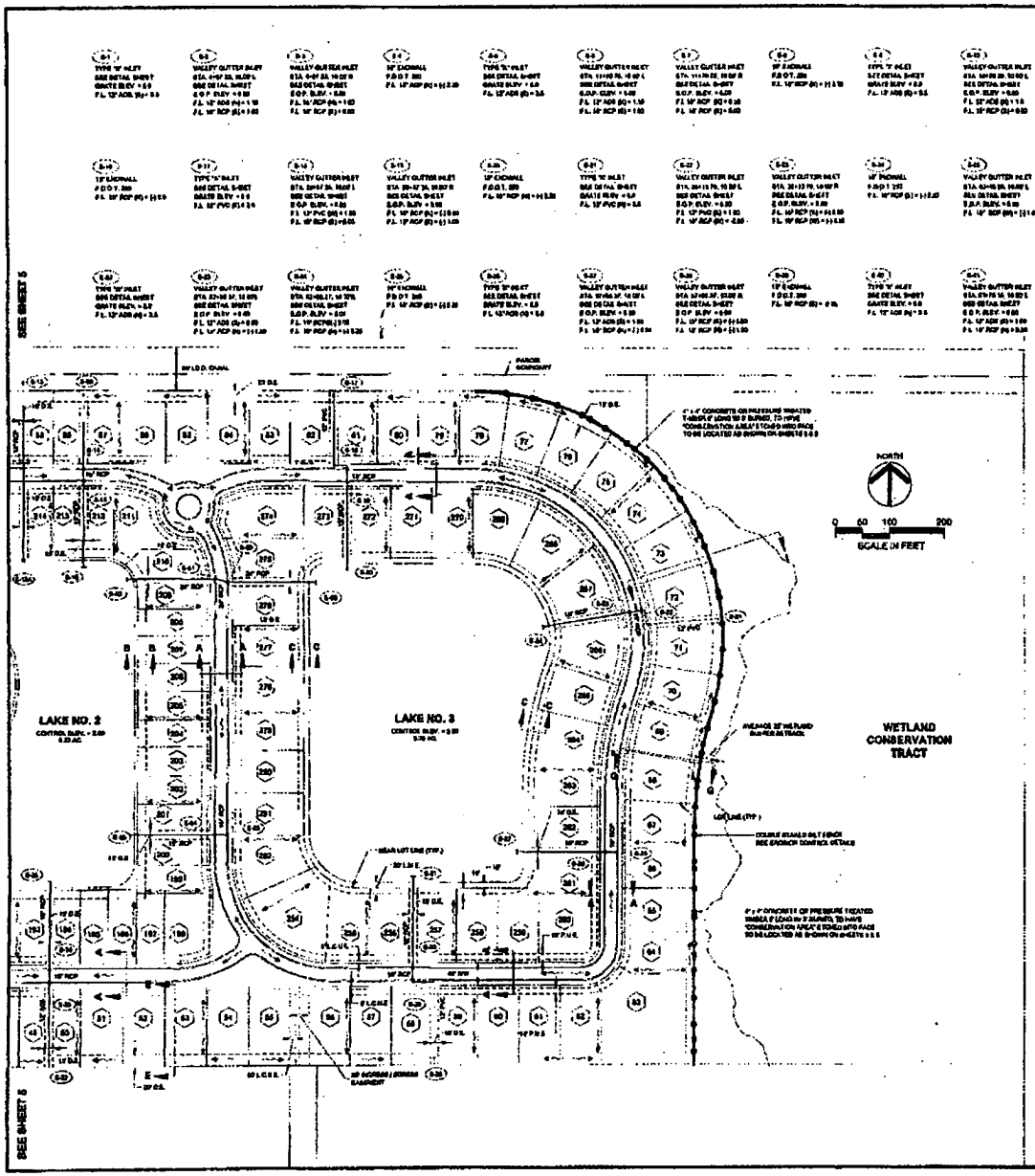
PROJECT DESCRIPTION
WINKLER PRESERVE
RESIDENTIAL DEVELOPMENT
PART OF SECTION 10
TOWNSHIP 46 SOUTH
RANGE 24 EAST
LEE COUNTY, FLORIDA
PLAN STATUS
APPROVAL SUBMITTAL PLANS
NOT FOR CONSTRUCTION
PAVING, GRADING
AND
DRAINAGE PLAN
5

EXHIBIT 5



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PLANNERS · LANDSCAPE ARCHITECTS
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FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7988 · SURVEYING LB-6990

PREPARED FOR
Land Solutions, Inc.
6100 DIAMOND CENTER COURT
BUILDING 1400
FORT MYERS, FLORIDA 33912
PHONE (239) 489-4054
FAX (239) 481-8477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

WINKLER PRESERVE

RESIDENTIAL DEVELOPMENT

PART OF SECTION 10
TOWNSHIP 46 SOUTH
RANGE 25 EAST
LEE COUNTY, FLORIDA

PROJECT ENGINEER

ENGINEER OF RECORD
KIM PHILLIPSON, P.E.
FOR BARRACO AND ASSOCIATES, INC.
2271 McGREGOR BOULEVARD
FORT MYERS, FLORIDA 33901
FLORIDA P.E. NO. 57555

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FILE NAME	
LAYOUT	LAYOUT1
LOCATION	
PLOT DATE	
PLOT BY	
DESIGN BY	ROB SCHLICHER
XREF	BASEPLAN - 21737-A3B.DWG
XREF	
XREF	
XREF	
XREF	
XREF	

PLAN REVISIONS

PLAN STATUS

APPROVAL SUBMITTAL PLANS
NOT FOR CONSTRUCTION

PAVING, GRADING AND DRAINAGE PLAN

PROJECT / FILE NO.	SHEET NUMBER
21737	6

ADD/REVISED SUBMITTAL
OCT - 3 2005
FORT MYERS SERVICE CENTER

RECEIVED
OCT - 3 2005
FORT MYERS

APPLICATION NUMBER
021220-3

EXHIBIT 6

SANITARY SEWER NOTES:

1. SANITARY SEWER SERVICES TO BE COORDINATED WITH F.P.L. DURING PRE CONSTRUCTION MEETING.
2. CONTRACTOR TO VERIFY SEWER ELEVATION AND LOCATION OF EXISTING SEWER MANHOLES OR FORCEMAINS PRIOR TO CONNECTING CONSTRUCTION.
3. ALL GRAVITY SEWER LINES SHALL BE PVC (SDR-26) UNLESS NOTED OTHERWISE.
4. ALL SEWER PIPE LENGTHS ARE APPROXIMATE AND ARE MEASURED FROM THE CENTER OF STRUCTURE.
5. MANHOLE TOP ELEVATIONS ARE APPROXIMATE AND SHOULD BE ADJUSTED AS NEEDED FOR FINAL GRADE OR PAVEMENT ELEVATION.
6. ALL SANITARY SEWER SERVICE WYES TO BE PLACED A MINIMUM OF 10' WEST OF BACK OF CURB PER "S.S.D." FROM MAIN TYPICAL UNLESS IN CONFLICT WITH WATER LINE, VERIFY IN FIELD & CHANGE UNDER POTABLE WATER LINE.

FIRE PROTECTION REQUIREMENTS

MIN GPM FOR ONE- AND TWO-FAMILY DEVELOPMENT LESS THAN 30' APART.

MIN FLOW PSI DURATION

FIRE FLOW AVAILABLE FROM THE FIRE HYDRANT AT

GENERAL UTILITY NOTES:

1. CONTRACTOR TO VERIFY SIZE AND LOCATION OF EXISTING UTILITIES PRIOR TO COMMENCING CONSTRUCTION.
2. ALL UTILITY CONSTRUCTION TO BE IN ACCORDANCE WITH LEE COUNTY UTILITIES OPERATIONS MANUAL, LATEST EDITION.
3. LOCATIONS OF PROPOSED UTILITY LINES ARE APPROXIMATE AND SHALL BE ADJUSTED AS NECESSARY TO AVOID CONFLICTS WITH UTILITIES AS DETERMINED BY ENGINEER.
4. CONTRACTOR TO PROVIDE UTILITY RECORD DRAWINGS TO OWNER PRIOR TO FINAL PAYMENT REQUEST.
5. CONTRACTOR SHALL MAINTAIN A MIN. OF 10' HORIZONTAL AND 18" VERTICAL SEPARATION BETWEEN POTABLE WATERLINES AND REUSE LINES, FORCE MAINS AND SANITARY SEWER.
6. ALL ROAD CUTS TO PROVIDE THE ROOTS OF TREES TO REMAIN. WITHIN THE BRANCH SPREAD OF SUCH TREES, PERFORM ALL TRENCHING BY HAND. WHEN THIS TRENCH ONLY HOSE UTILITIES CAN BE INSTALLED IMMEDIATELY. ROAD BASE SHALL BE CLEANLY AND SMOOTHLY AS SOON AS POSSIBLE.
7. CONTRACTOR TO COORDINATE WITH ELECTRIC, TELEPHONE AND CABLE COMPANIES TO ASSURE THAT NO SANITARY SEWERS, WATER LINES OR SERVICES WERE INSTALLED WITHIN PROPOSED UTILITY EASEMENTS.
8. CONTRACTOR SHALL NOTIFY ALL UTILITY PROVIDERS AT LEAST 48 HOURS PRIOR TO THE START OF UNDERGROUND CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATION OF EXISTING UTILITIES SHOWN ON THESE PLANS ONLY.

WATERLINE AND IRRIGATION NOTES:

1. THE SIZE OF ALL DOMESTIC IRRIGATION AND POTABLE WATER FLOWLINE SHALL BE SHOWN WITH SUBSTANTIAL MARKERS AND SHALL BE 3/4" IN LENGTH WITH 3" INCHES ENGLISH.
2. ALL POTABLE AND IRRIGATION WATERLINES SHALL BE AWWA C-900, DR18 CLASS 150 PVC PLASTIC WATER PIPE WITH BELL AND SPIGOT JOINTS UNLESS NOTED OTHERWISE. ALL VALVES, DEFLECTIONS AND FITTINGS SHALL BE UNDER PAVEMENT OR SIDEWALK SHALL BE D.I.P. CLASS 350.
3. ALL WATERLINES SHALL HAVE A MINIMUM COVER OF 30" AND A MAXIMUM COVER OF 48".
4. CONTRACTOR SHALL USE 45° BENDS AT CONFLICTS. RESTRAINTS TO BE ON BELLS, TYLER/UNI BLANCH OR APPROVED EQUAL. CONTRACTOR SHALL NOT EXCEED 75 % OF THE MANUFACTURERS RECOMMENDED MAXIMUM PIPE DEFLECTION.
5. PROPOSED PAVEMENT, INTERIOR AND EXTERIOR AT GRADE OR PAVEMENT, ADDITIONAL FITTINGS MAY BE REQUIRED TO READ MAIN PLANS AS SHOWN.
6. THE CONTRACTOR SHALL PLACE PROPOSED VALVES AS SHOWN. VALVE BOX SHALL NOT BE LOCATED IN PAVEMENT, SIDEWALK OR DRIVEWAY AREAS.
7. THE CONTRACTOR SHALL PROVIDE AND INSTALL REFLECTIVE PAVEMENT MARKERS AS REQUIRED NEAR FIRE HYDRANTS.
8. ALL WATER SERVICES WHICH ROADWAY SHALL BE PLACED IN A SCHEDULE 40 CLASS 160 PVC CASING PIPE.
9. ALL CONNECTIONS OF THE POTABLE WATER SYSTEM SHALL BE IN CONFORMANCE WITH AMERICAN BELL CASING & MANUFACTURE FOR ANTI-SIPHONAL BY-PASSES, ETC. ALL CONNECTIONS, INSTALLATION AND TESTING OF THE POTABLE WATER SYSTEM SHALL BE IN ACCORDANCE WITH ALL APPLICABLE STANDARDS.
10. STORM WATER/SEWER CLEARANCE FROM WATERLINE TO CROSSING STRUCTURE IS LESS THAN 6' (MINIMUM 18" SEPARATION OF P.V.C. PIPE AT CROSSING STRUCTURE).
11. WATER SERVICE TAPS SHALL NOT BE AT LOCATIONS REQUIRING HORIZONTAL DEFLECTION.
12. WATER SERVICES TO MAINTAIN 5' SEPARATION FROM DRAINAGE STRUCTURES.

UTILITIES PROVIDING SERVICE:

WATER AND SEWER
LEE COUNTY UTILITIES
1500 MONROE ST.
FORT MYERS, FL. 33902
PHONE (239) 479-8181

TELEPHONE
SPRINT-FLORIDA, INC
P.O. BOX 5477
NAPLES, FLORIDA 34116
PHONE (239) 598-4000

ELECTRIC
FLORIDA POWER AND LIGHT COMPANY
4125 TAMIAMI TRAIL E.
NAPLES, FLORIDA 34112
PHONE (239) 643-6200

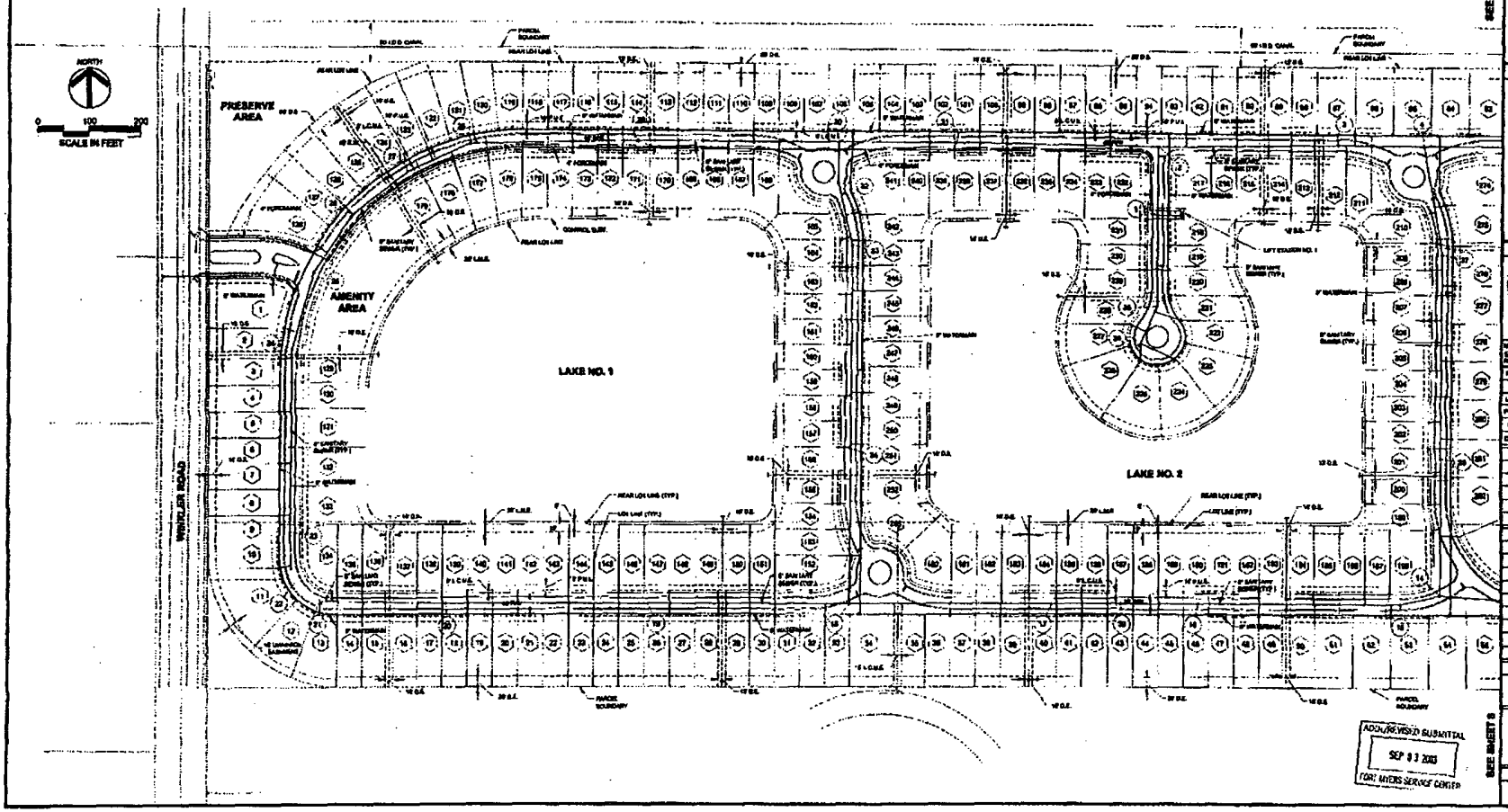
FIRE DISTRICT, DISTRICT
IONA-MCGREGOR FIRE DISTRICT
PHONE (239) 489-5525

CABLE TELEVISION
ADELPHIA
2301 MCGREGOR BLVD
FORT MYERS, FLORIDA 33901
PHONE (239) 332-2233

GARBAGE COLLECTION
WASTE MANAGEMENT
17291 PINE RIDGE RD
FORT MYERS, FLORIDA 33908
PHONE (239) 334-1525

SCHOOL BUS ROUTE
SEE TYPICAL SECTIONS FOR PAVEMENT WIDTH. ALL STREETS TO BE PAVED BY POTABLE WATER OR REVENUE, WELLS NOT INCLUDED IN THESE PLANS.

MAILBOX LOCATION MARKER
SEMINOLE STATE OIL GAS CENTER
PHONE (239) 489-4179



ADD'L REVISED SUBMITTAL
SEP 03 2003
FORT MYERS SERVICE CENTER

Barraco and Associates, Inc.
CIVIL ENGINEERS, LAND SURVEYORS
LAND PLANNERS AND CONSULTANTS
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PHONE (239) 481-3170
FAX (239) 481-3195
FLORIDA CERTIFICATE OF AUTHORIZATION
ENGINEERING 7993 - SURVEYING LB-6940

PREPARED FOR:
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BUILDING 1300
FORT MYERS, FLORIDA 33912
PHONE (239) 489-4099
FAX (239) 481-8477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

WINKLER PRESERVE

RESIDENTIAL DEVELOPMENT

PART OF SECTION 10
TOWNSHIP 46 SOUTH
RANGE 24 EAST
LEE COUNTY, FLORIDA

PROJECT ENGINEER

REGISTERED PROFESSIONAL ENGINEER
STATE OF FLORIDA
JOHN R. BARRACO, P.E.
FOR THE FIRM
2271 MCGREGOR BOULEVARD
FORT MYERS, FLORIDA 33901
FLORIDA P.E. NO. 31169

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FILE NAME	01750-LM.DWG
LAYOUT	LAYOUT1
LOCATION	J:\01750\engineering
PLOT DATE	09/ 3/2003 - 2:02 PM
PLOT BY	TODD SAUER
DESIGN BY	ROB SCHLOSSER
XREF1	BASEMAP-1.DWG
XREF2	
XREF3	
XREF4	
XREF5	
XREF6	

PLAN REVISIONS

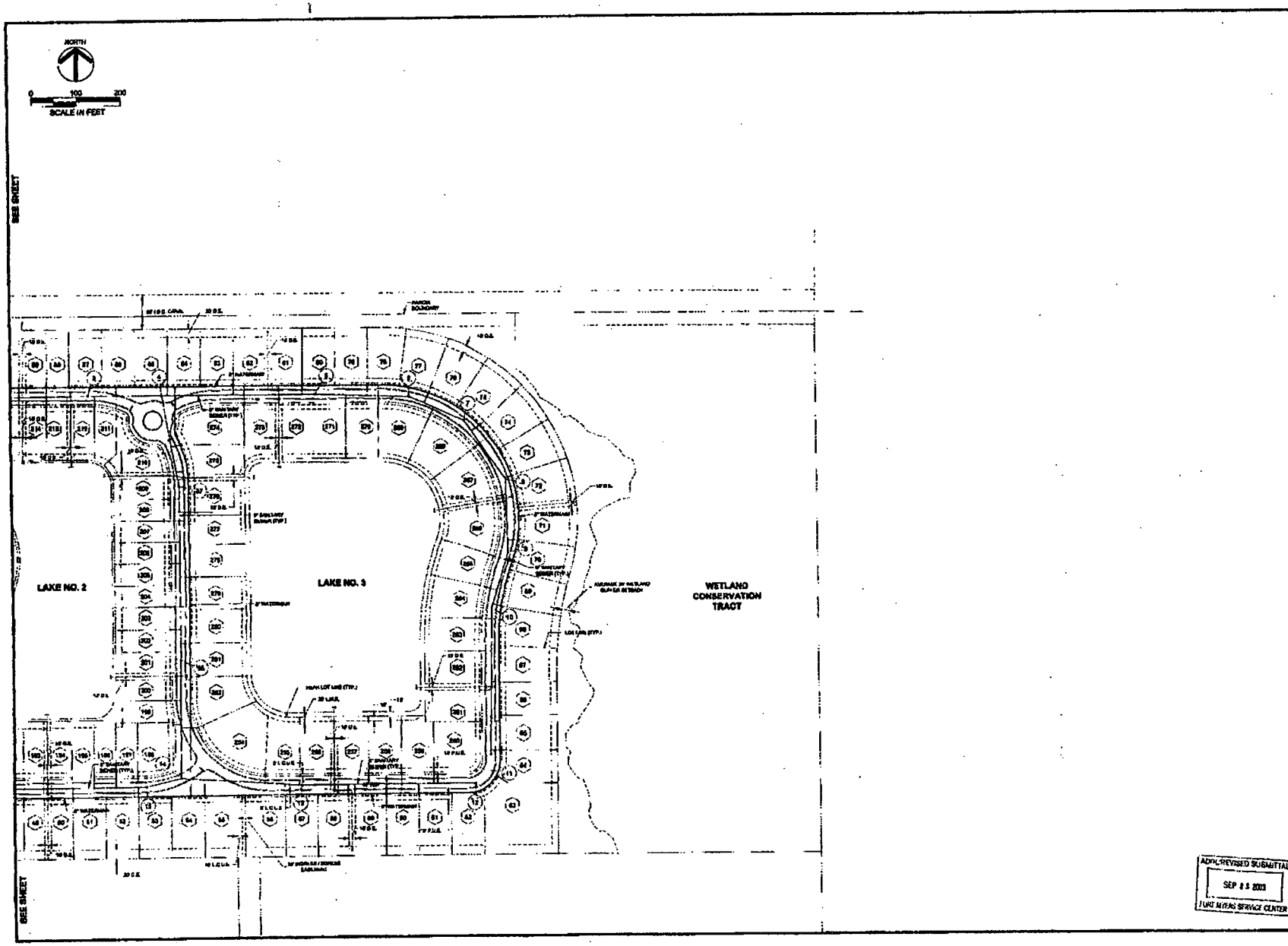
APPLICATION NUMBER
DRC 2003-3

PLAN STATUS
APPROVAL SUBMITTAL PLANS
NOT FOR CONSTRUCTION

MASTER UTILITY PLAN

PROJECT / FILE NO.	SHEET NUMBER
01737 10-10-01	7

EXHIBIT 7



Barraco and Associates, Inc.
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PHONE (239) 461-3170
FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7885 - SURVEYING LB-5840

PREPARED FOR

Land Solutions Inc.
6150 DIAMOND CENTER COURT
BUILDING 1300
FORT MYERS, FLORIDA 33912
PHONE (239) 489-4086
FAX (239) 481-8477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

WINKLER PRESERVE

RESIDENTIAL DEVELOPMENT

PART OF SECTION 10
TOWNSHIP 46 SOUTH
RANGE 24 EAST
LEE COUNTY, FLORIDA

PROJECT ENGINEER

ENGINEER OF RECORD
[illegible]
FOR THE FIRM
2271 McGREGOR BOULEVARD
FORT MYERS, FLORIDA 33901
[illegible]

NOT THIS WHOLE DRAWING SEAL, SIGNATURE AND DATE
[illegible]

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PLOT BY	[illegible]
DESIGN BY	[illegible]
[illegible]	[illegible]
[illegible]	
[illegible]	
[illegible]	
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PLAN REVISIONS

SIMPLICATION NUMBER
[illegible]

PLAN STATUS

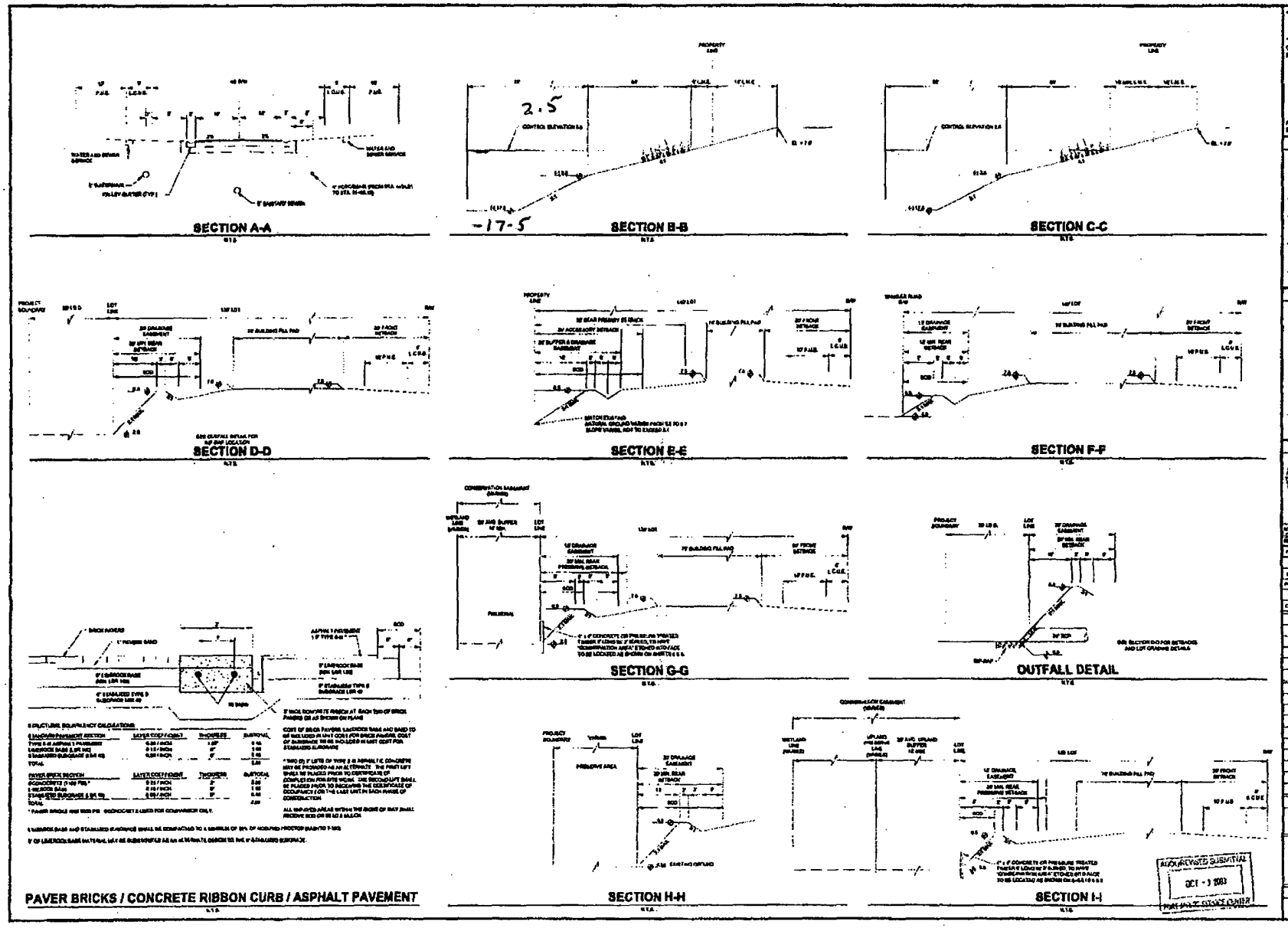
APPROVAL SUBMITTAL PLANS
NOT FOR CONSTRUCTION

MASTER UTILITY PLAN

PROJECT / FILE NO	SHEET NUMBER
21/37 10-18-24	8

ADD/REVISED SUBMITTAL
SEP 2 3 2003
FORT MYERS SERVICE CENTER

EXHIBIT 8



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PHONE (239) 481-3170
FAX (239) 481-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7895 - SURVEYING LB-8940

PREPARED FOR

Land Solutions Inc.
6150 DIAMOND CENTER COURT
BUILDING 1200
FORT MYERS, FLORIDA 33912
PHONE (239) 489-4095
FAX (239) 481-6477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

WINKLER PRESERVE

RESIDENTIAL DEVELOPMENT

PART OF SECTION 10
TOWNSHIP 46 SOUTH
RANGE 24 EAST
LEE COUNTY, FLORIDA

PROJECT CHECKER

ENGINEER OF RECORD
[illegible]
FOR THE FIRM
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POST OFFICE DRAWER 2800
FORT MYERS, FLORIDA 33903-2800
PHONE (239) 481-3170

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PLOT BY	[illegible]
DESIGN BY	[illegible]
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XREF5	
XREF6	

PLAN REVISIONS

APPLICATION NUMBER
021220-3

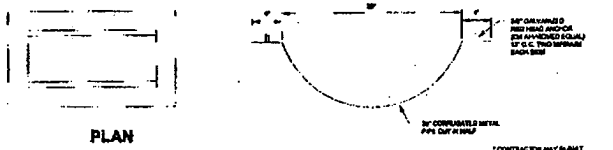
PLAN STATUS

APPROVAL SUBMITTAL PLANS
NOT FOR CONSTRUCTION

TYPICAL SECTIONS AND DETAILS

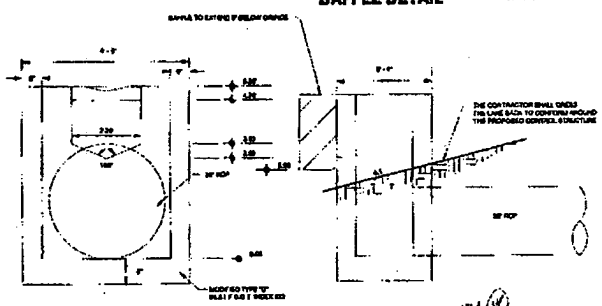
PROJECT / FILE NO.	SHEET NUMBER
21737	9

EXHIBIT 9



PLAN

BAFFLE DETAIL



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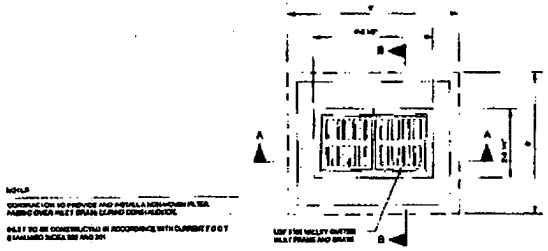

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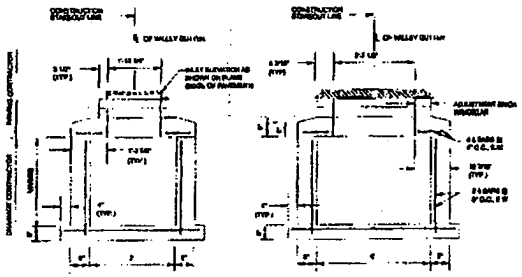
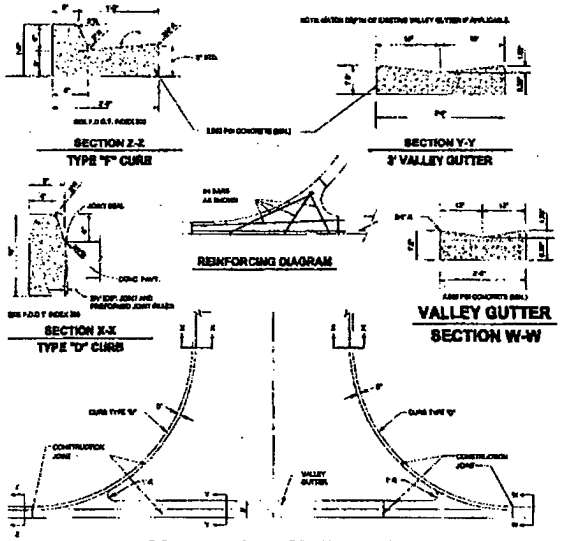


SECTION B-B

SECTION A-A

VALLEY GUTTER INLET DETAIL



SECTION Z-Z
TYPE "F" CURB

SECTION Y-Y
3' VALLEY GUTTER

REINFORCING DIAGRAM

SECTION X-X
TYPE "D" CURB

VALLEY GUTTER
SECTION W-W

DRIVEWAY CURB TRANSITIONS

ADD/REVISED SUBMITTAL
SEP 0 8 2023
FORT MYERS SERVICE CENTER

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ENGINEERING 7990 - SURVEYING LB-6940

PREPARED FOR:
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6150 DIAMOND CENTER COURT
BUILDING 1300
FORT MYERS, FLORIDA 33912
PHONE (239) 689-4085
FAX (239) 481-9477
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PROJECT DESCRIPTION

WINKLER PRESERVE

RESIDENTIAL DEVELOPMENT

PART OF SECTION 10
TOWNSHIP 46 SOUTH
RANGE 24 EAST
LEE COUNTY, FLORIDA

PROJECT MANAGER

ENGINEER OF RECORD
RAY PETERSON, P.E.
FOR THE FIRM
2271 McGREGOR BOULEVARD
FORT MYERS, FLORIDA 33901
FLORIDA P.E. NO. 69681

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PLOT BY	ROSS WAKE
GEOGRAPHY	ROY SCHLOSSER
XREF 1	
XREF 2	
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XREF 5	
XREF 6	

PLAN REVISIONS

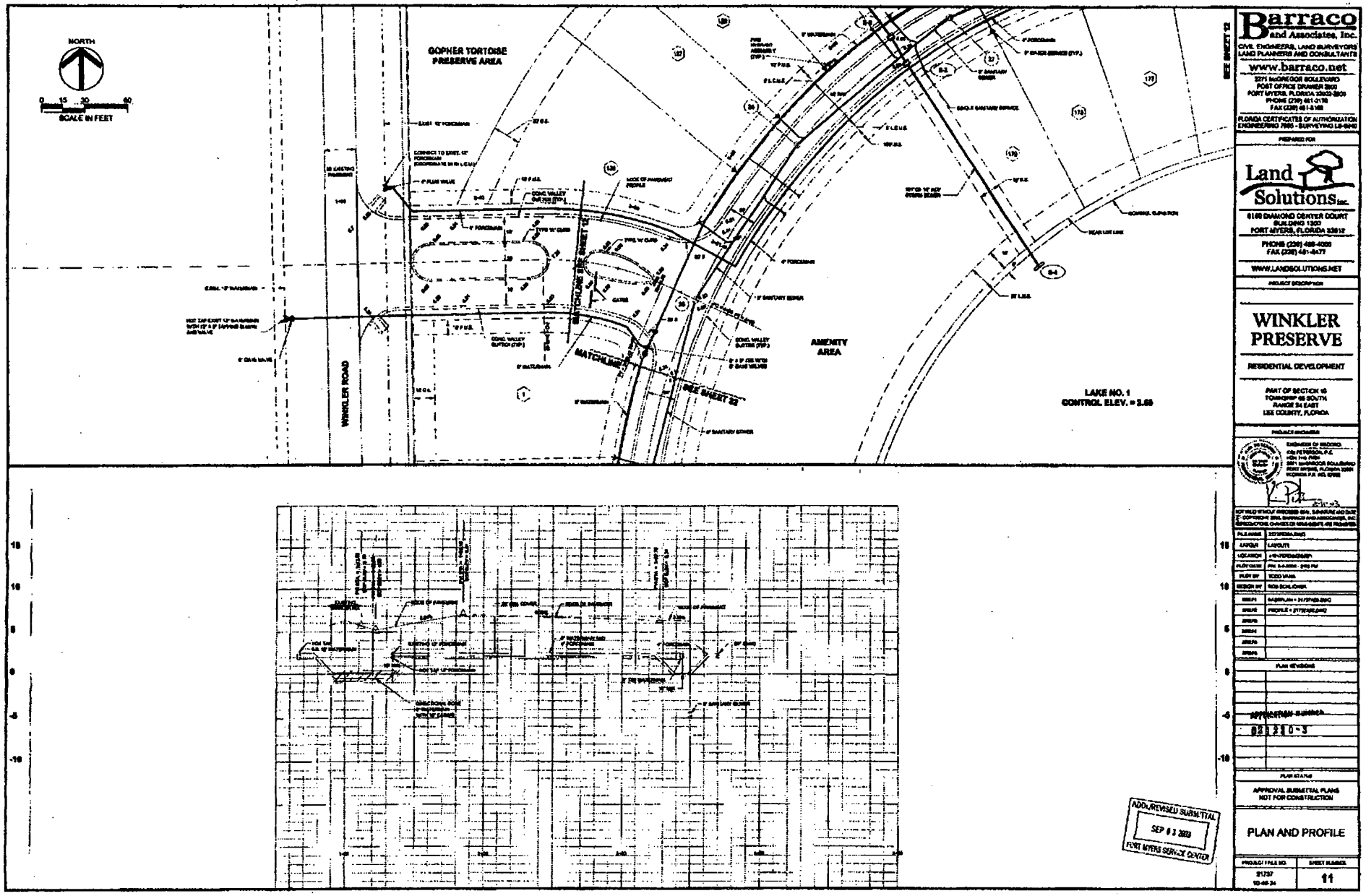
APPLICATION NUMBER
DRI2020-00018

PLAN STATUS
APPROVAL SUBMITTAL PLANS
NOT FOR CONSTRUCTION

DRAINAGE DETAILS PLAN

PROJECT/FILE NO.	SHEET NUMBER
21137	10
10-08-24	

EXHIBIT 10


NORTH
SCALE IN FEET
GOPHER TORTOISE PRESERVE AREA
WINKLER ROAD
AMENITY AREA
LAKE NO. 1
CONTROL ELEV. = 3.69
MATCHLINE SEE SHEET 12
SEE SHEET 12
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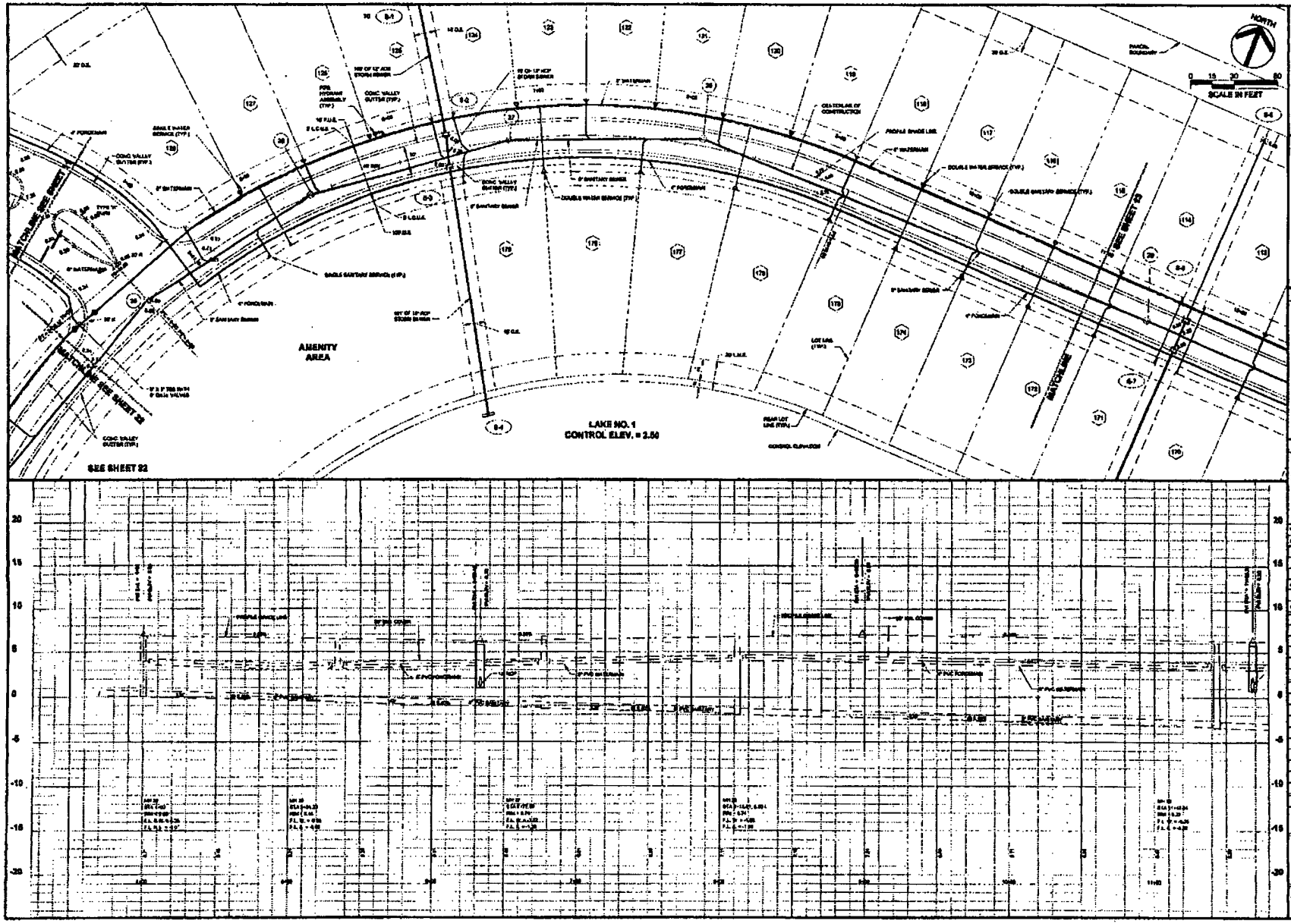
RESIDENTIAL DEVELOPMENT
PLAN AND PROFILE
APPROVAL SUBMITTAL PLANS
NOT FOR CONSTRUCTION
ADD/REVISED SUBMITTAL
SEP 03 2003
FORT MYERS SERVICE CENTER
11

EXHIBIT 11



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FAX (239) 461-5189
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7986 - SURVEYING LB-6840

PREPARED FOR

Land Solutions Inc.
6150 DIAMOND CENTER COURT
BUILDING 1300
FORT MYERS, FLORIDA 33912
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FAX (239) 481-8477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

WINKLER PRESERVE

RESIDENTIAL DEVELOPMENT

PART OF SECTION 10
TOWNSHIP 46 SOUTH
RANGE 24 EAST
LEE COUNTY, FLORIDA

PROJECT ENGINEER

ENGINEER OF RECORD:
RAY PETERSON, P.E.
FOR BIG HIGH
2271 McGREGOR BOULEVARD
FORT MYERS, FLORIDA 33901
FLORIDA P.E. NO. 5989

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LAYOUT	LAYOUT1
LOCATION	J:\21737\DWG\SAP\
PLOT DATE	10-08-2020 - 2:02 PM
PLOT BY	RODS VARA
DESIGN BY	ROB SCHLICHER
XREF1	BASEPLAN - 21737ABLDWG
XREF2	PROFILE - 21737ABLDWG
XREF3	
XREF4	
XREF5	
XREF6	

PLAN REVISIONS

ADDENDUM FOR SUBMITTAL
APPLICATION NO.
01 12 2 27 01 2020
FORT LOUIS SERVICE CENTER

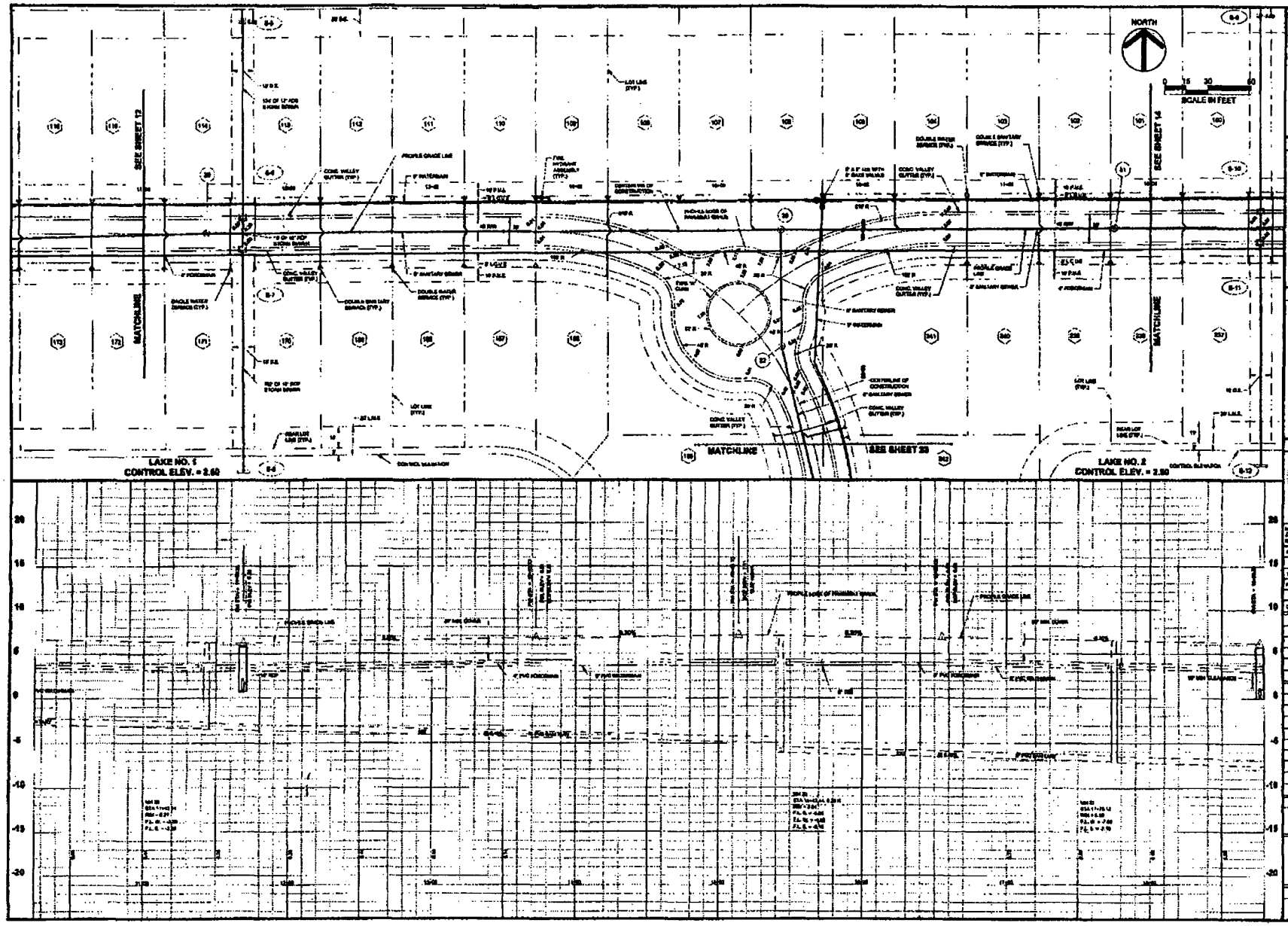
PLAN SHEET

APPROVAL SUBMITTAL PLANS
NOT FOR CONSTRUCTION

PLAN AND PROFILE

PROJECT / FILE NO.	SHEET NUMBER
21737 10-08-20	12

EXHIBIT 12



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PHONE (239) 461-3170
FAX (239) 461-8499
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7695 - SURVEYING LB-6642

PREPARED FOR

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6140 DIAMOND CENTER COURT
BUILDING 1200
FORT MYERS, FLORIDA 33912
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FAX (239) 481-8477
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PROJECT DESCRIPTION

WINKLER PRESERVE

RESIDENTIAL DEVELOPMENT

PART OF SECTION 10
TOWNSHIP 46 SOUTH
RANGE 24 EAST
LEE COUNTY, FLORIDA

PROJECT ENGINEER

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LAYOUT	LAYOUT1
LOCATION	P:\WINKLER\DWG\
PLOT DATE	WED 10-09-24 - 9:52 AM
PLOT BY	STEVEN SYNDROME
DRAWN BY	NICK SCHLICHTING
XREF1	XREFPLAN - XSTLAKE.DWG
XREF2	PROFILE - XSTRD1.DWG
XREF3	
XREF4	
XREF5	
XREF6	

PLAN REVISIONS

EXECUTION NUMBER
05 1 2 3 0 - 3

REVISED PER SUBMITTAL
30 OCT 24
FORT MYERS SERVICE CENTER

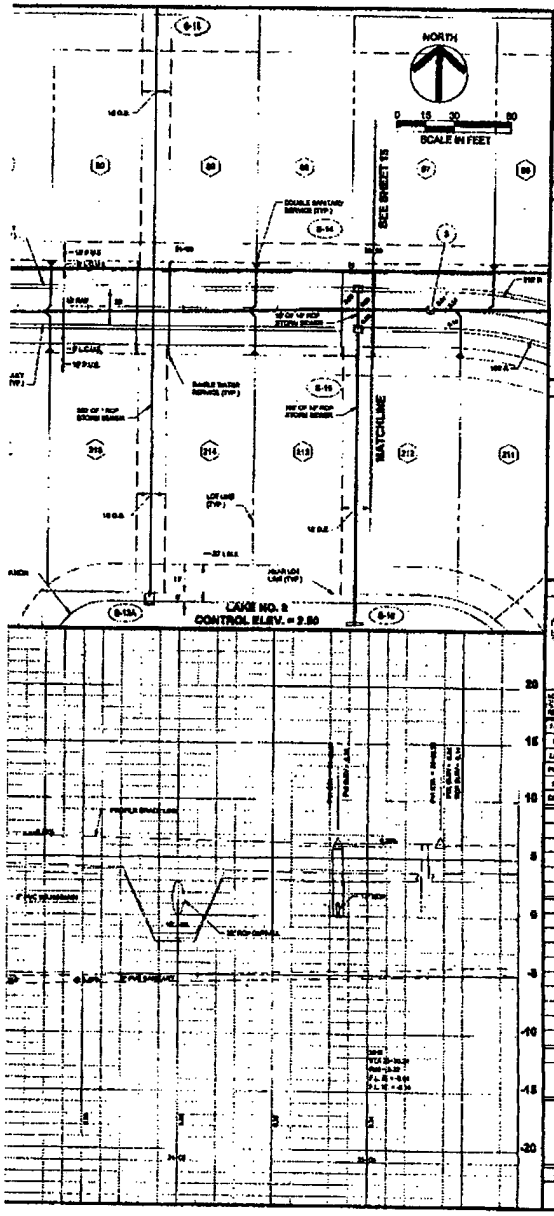
PLAN STATUS

APPROVAL SUBMITTAL PLANS
NOT FOR CONSTRUCTION

PLAN AND PROFILE

PROJECT / PLAN NO.	SHEET NUMBER
21737 10-08-24	13

EXHIBIT 13



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FAX (239) 481-3149
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7999 - SURVEYING LB-6940

PREPARED FOR

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6190 DIAMOND CENTER COURT
BUILDING 1300
FORT MYERS, FLORIDA 33912
PHONE (239) 458-4085
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PROJECT DESCRIPTION

WINKLER PRESERVE

RESIDENTIAL DEVELOPMENT

PART OF SECTION 10
TOWNSHIP 46 SOUTH
RANGE 24 EAST
LEE COUNTY, FLORIDA

PROJECT ENGINEER

FILE NAME	21737L000.DWG
LAYOUT	LAYOUT1
LOCATION	
PLOT DATE	
PLOT BY	
DESIGN BY	ROB BOSCHER
XREF1	
XREF2	
XREF3	
XREF4	
XREF5	

APPLICATION NUMBER

PLOT SCALE 1" = 5'

ROAD REVISED SUBMITTAL
SEP 23 2005
FORT MYERS SERVICE CENTER

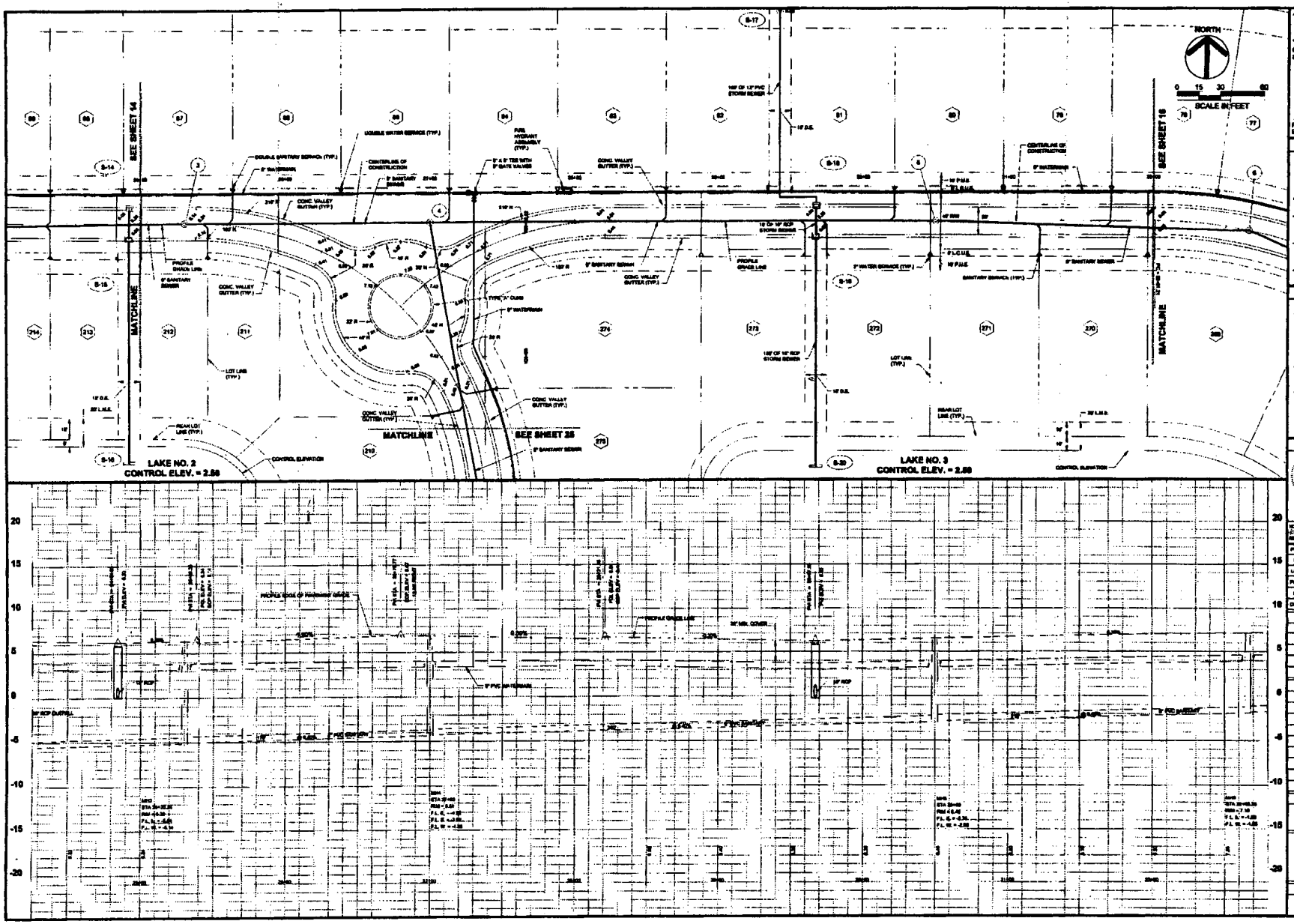
PLAN STATUS

APPROVAL SUBMITTAL PLANS
NOT FOR CONSTRUCTION

PLAN AND PROFILE

PROJECT / FILE NO	SHEET NUMBER
21737	14

EXHIBIT 14



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FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7505 - SURVEYING LB-8040

PREPARED FOR

Land Solutions Inc.
6180 DIAMOND CENTER COURT
BUILDING 1300
FORT MYERS, FLORIDA 33912
PHONE (239) 489-4066
FAX (239) 481-8477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

WINKLER PRESERVE

RESIDENTIAL DEVELOPMENT

PART OF SECTION 10
TOWNSHIP 46 SOUTH
RANGE 24 EAST
LEE COUNTY, FLORIDA

PROJECT ENGINEER

ENGINEER OF RECORD:
KIM PETERSON, P.E.
FOR THE FIRM
2271 McGREGOR BOULEVARD
FORT MYERS, FLORIDA 33901
FLORIDA P.E. NO. 49680

8-11-03

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LAYOUT	LAYOUT1
LOCATION	J:\21737\DWG\SRP\
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PLOT BY	TODD VANA
DESIGN BY	ROB SCHLICHER
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XREF5	
XREF6	

PLAN REVISION NUMBER
021280-3

ADD/REVISED SUBMITTAL
SEP 8 3 2003
FORT MYERS SERVICE CENTER

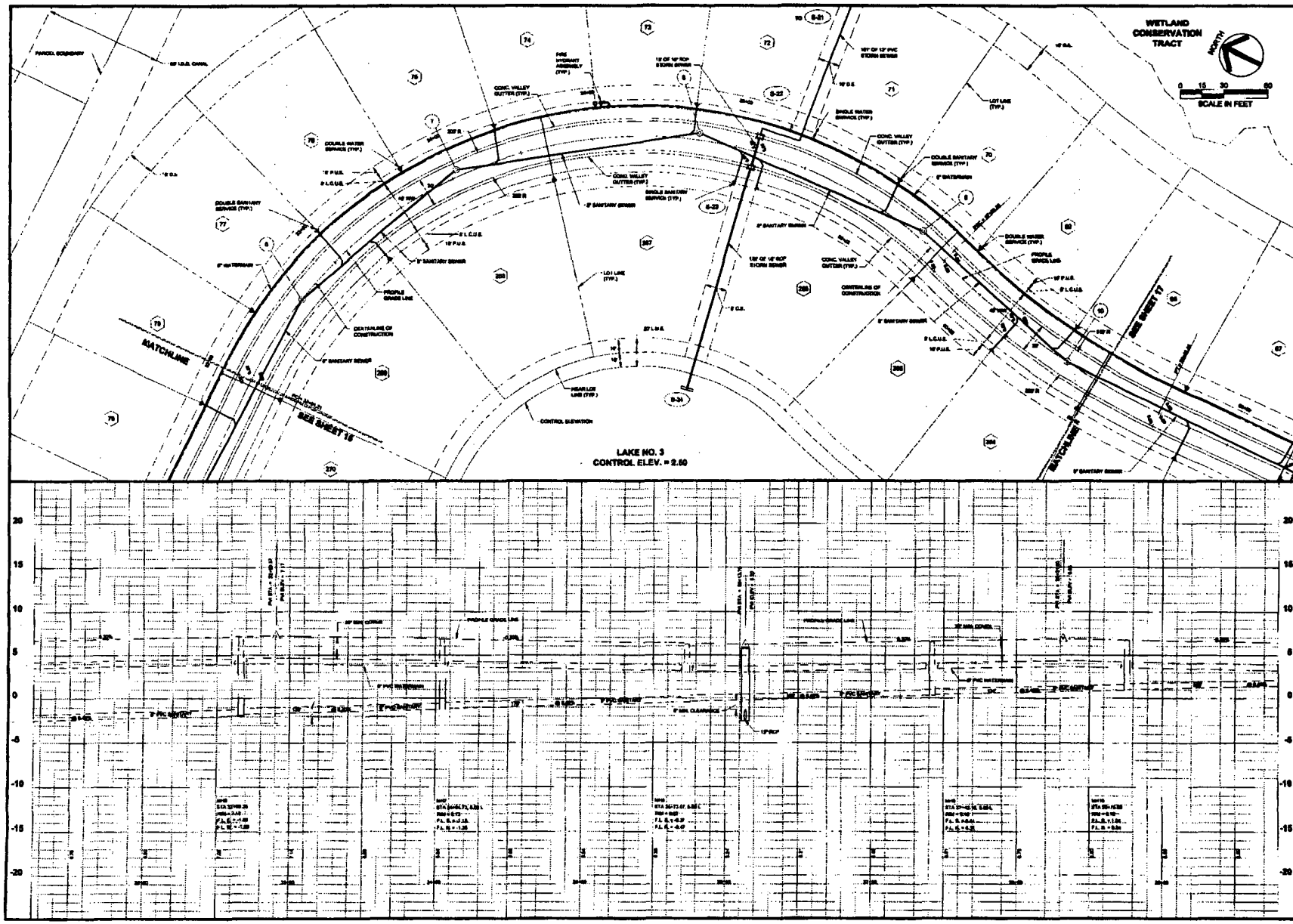
PLAN STATUS

APPROVAL SUBMITTAL PLANS
NOT FOR CONSTRUCTION

PLAN AND PROFILE

PROJECT / FILE NO.	SHEET NUMBER
21737 10-08-24	15

EXHIBIT 15



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FORT MYERS, FLORIDA 33900-2000
PHONE (239) 461-3170
FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7999 - SURVEYING LB-5949

PREPARED FOR

Land Solutions Inc.
6180 DIAMOND CENTER COURT
BUILDING 1300
FORT MYERS, FLORIDA 33912
PHONE (239) 489-4086
FAX (239) 481-8477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

WINKLER PRESERVE

RESIDENTIAL DEVELOPMENT

PART OF SECTION 10
TOWNSHIP 46 SOUTH
RANGE 24 EAST
LEE COUNTY, FLORIDA

PROJECT ENGINEER

ENGINEER OF RECORD:
RIM PETERSON, P.E.
FOR THE FIRM
2271 McGREGOR BOULEVARD
FORT MYERS, FLORIDA 33901
FLORIDA P.E. NO. 67988

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LAYOUT	LAYOUT1
LOCATION	21737EXP.DWG/RP
PLOT DATE	FRI 8-8-2003 - 2:00 PM
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DESIGN BY	ROB SCHLICHER
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XREF2	PROFILE = 21737ABS.DWG
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XREF6	

PLAN SUBMISSION NUMBER
021280-8

KOOL/REVISED SUBMITTAL
SEP 03 2003
FORT MYERS SERVICE CENTER

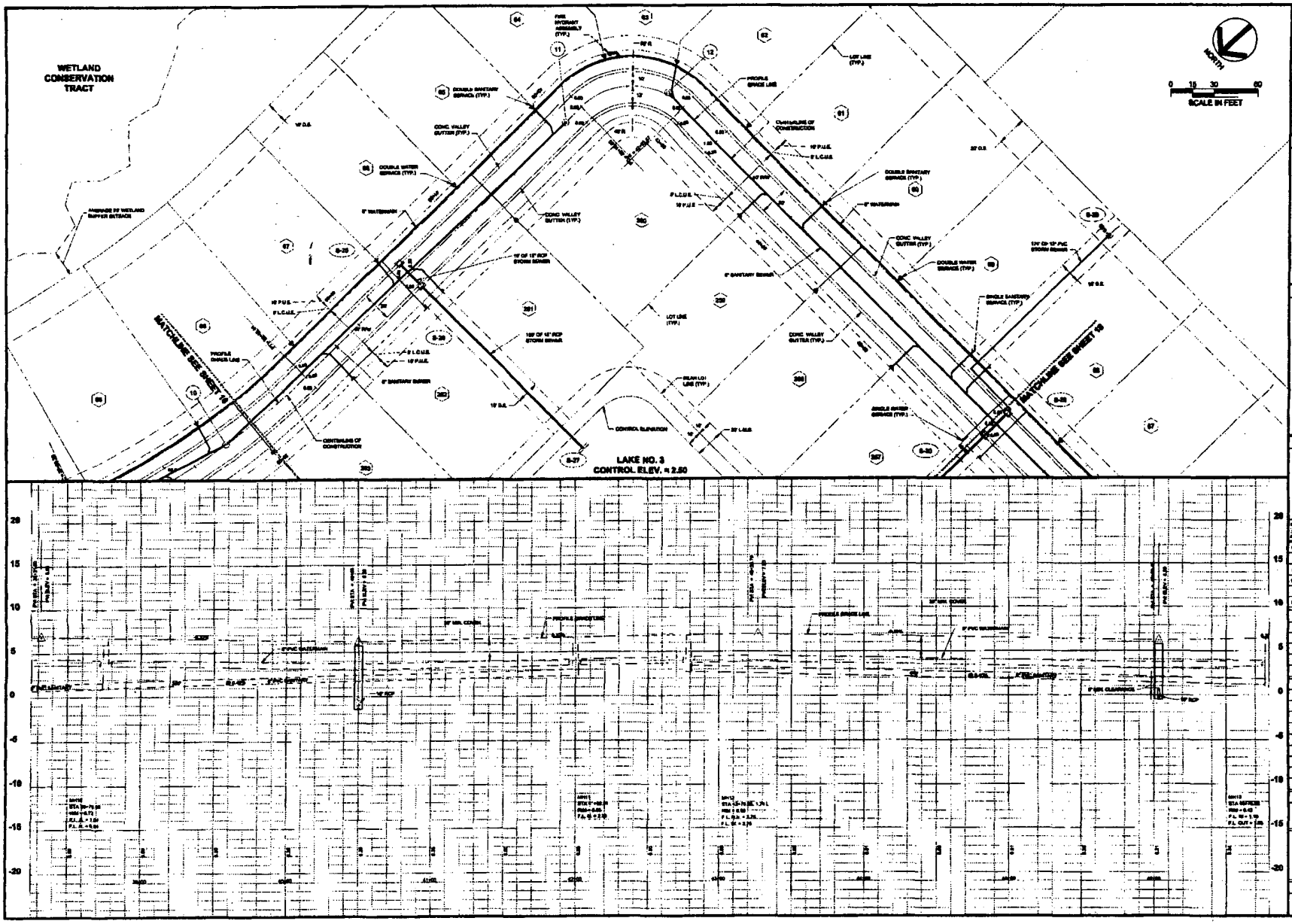
PLAN STATUS

APPROVAL SUBMITTAL PLANS
NOT FOR CONSTRUCTION

PLAN AND PROFILE

PROJECT / FILE NO.	SHEET NUMBER
21737 10-48-24	16

EXHIBIT 16



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FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7999 - SURVEYING LB-6940

PREPARED FOR

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6180 DIAMOND CENTER COURT
BUILDING 1300
FORT MYERS, FLORIDA 33912
PHONE (239) 489-4096
FAX (239) 481-8477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

WINKLER PRESERVE

RESIDENTIAL DEVELOPMENT

PART OF SECTION 10
TOWNSHIP 46 SOUTH
RANGE 24 EAST
LEE COUNTY, FLORIDA

PROJECT ENGINEER

ENGINEER OF RECORD
BEN PETERSON, P.E.
FOR THE FIRM
2271 McGREGOR BOULEVARD
FORT MYERS, FLORIDA 33901
FLORIDA P.E. NO. 57625

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LAYOUT	LAYOUT
LOCATION	J:\21732\DGN\WINP.R
PLOT DATE	Fri, 04-2022 - 2:53 PM
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DESIGN BY	PETE SCHLICHER
XREF1	SHEETPLAN = 21732WINLDGNS
XREF2	PROFILE = 21732WINLDGNS
XREF3	
XREF4	
XREF5	
XREF6	

APPLICATION NUMBER
PLAN REVISIONS
DR2022-3

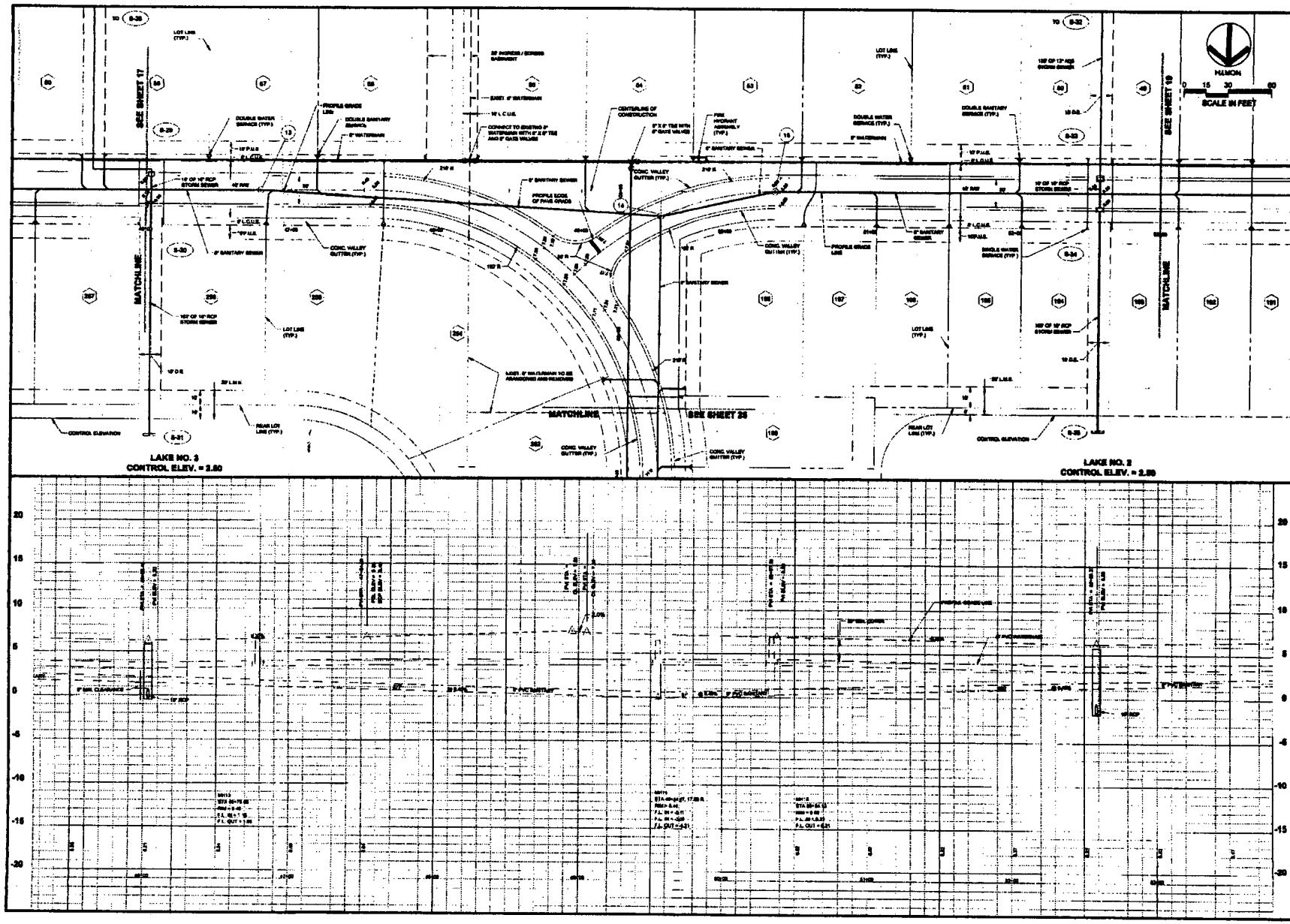
ADD/REVISED SUBMITTAL
SEP 13 2022
LEE COUNTY
FORT MYERS SERVICE CENTER

PLAN STATUS
APPROVAL SUBMITTAL PLANS
NOT FOR CONSTRUCTION

PLAN AND PROFILE

PROJECT / FILE NO.	SHEET NUMBER
21732 10-46-24	17

EXHIBIT 17



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PHONE (239) 461-5170
FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7998 - SURVEYING LB-6846

PREPARED FOR

Land Solutions Inc.
8180 DIAMOND CENTER COURT
BUILDING 1300
FORT MYERS, FLORIDA 33912
PHONE (239) 489-4098
FAX (239) 481-8477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

WINKLER PRESERVE

RESIDENTIAL DEVELOPMENT

PART OF SECTION 16
TOWNSHIP 46 SOUTH
RANGE 24 EAST
LEE COUNTY, FLORIDA

PROJECT ENGINEER

ENGINEER OF RECORD
KIM PETERSON, P.E.
FOR THE FIRM
2271 McGREGOR BOULEVARD
FORT MYERS, FLORIDA 33901
FLORIDA P.E. NO. 49928

8-11-05

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LAYOUT	LAYOUT1
LOCATION	J:\21737\DWG\ERP\
PLOT DATE	FRI 8-5-2005 - 2:03 PM
PLOT BY	TODD VANA
DESIGN BY	ROB SCHLICHER
XREF1	BASEPLAN = 21737A50.DWG
XREF2	PROFILE = 21737A50.DWG
XREF3	
XREF4	APPLICATION NUMBER
XREF5	021220-3
XREF6	

PLAN REVISIONS

ADDI/REVISED SUBMITTAL
SEP 07 2005
FORT MYERS SERVICE CENTER

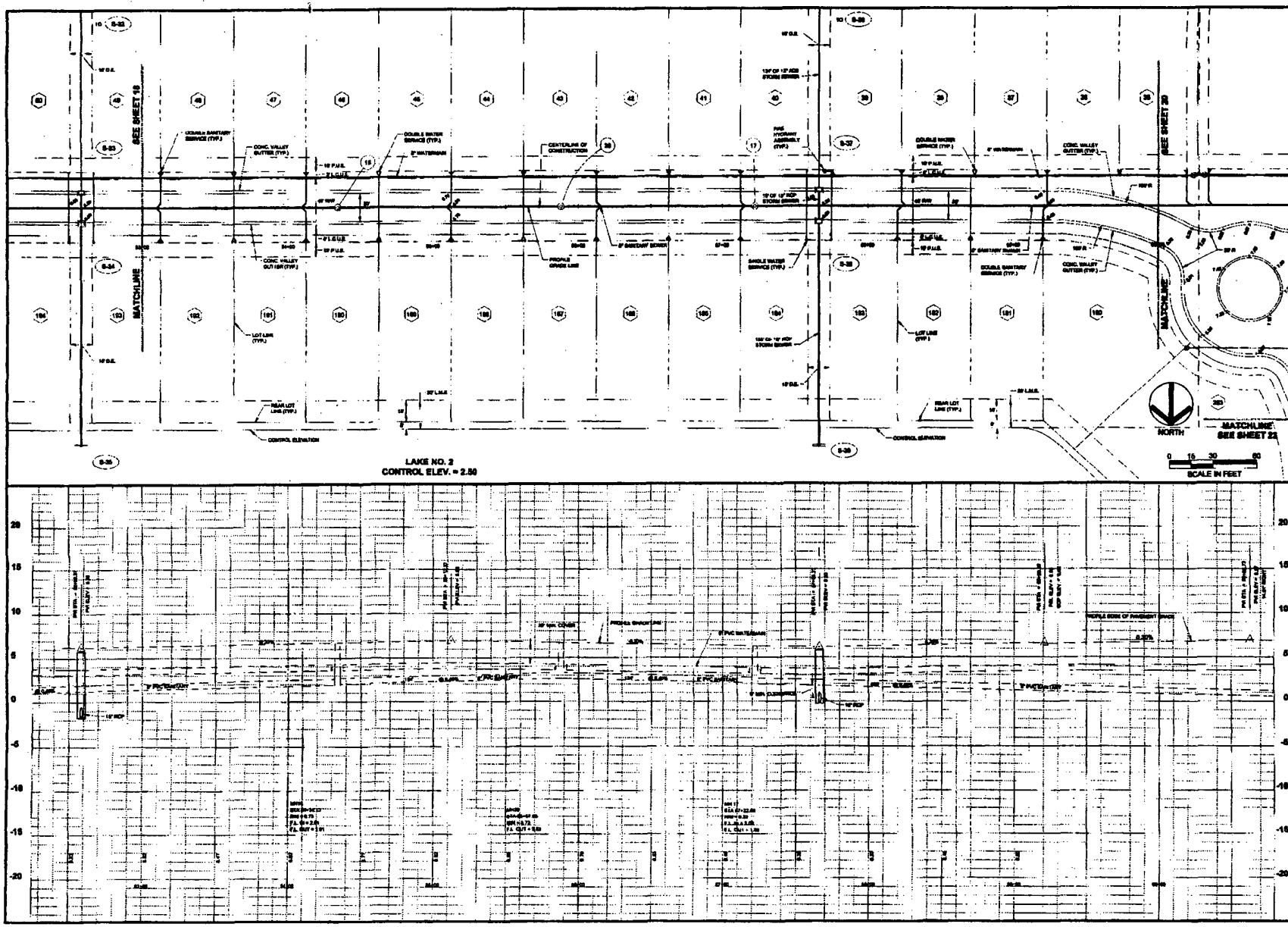
PLAN STATUS

APPROVAL SUBMITTAL PLANS
NOT FOR CONSTRUCTION

PLAN AND PROFILE

PROJECT / FILE NO.	SHEET NUMBER
21737 10-46-24	18

EXHIBIT 18



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PHONE (239) 461-3170
FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7000 - SURVEYING LB-6840

PREPARED FOR

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6180 DIAMOND CENTER COURT
BUILDING 1300
FORT MYERS, FLORIDA 33912
PHONE (239) 489-4088
FAX (239) 481-8477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

WINKLER PRESERVE

RESIDENTIAL DEVELOPMENT

PART OF SECTION 10
TOWNSHIP 46 SOUTH
RANGE 24 EAST
LEE COUNTY, FLORIDA

PROJECT ENGINEER

ENGINEER OF RECORD:
MM PETERSON, P.E.
FOR THE FIRM
2271 McGREGOR BOULEVARD
FORT MYERS, FLORIDA 33901
FLORIDA P.E. NO. 57402

8-11-03

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PLOT DATE	FRI 9-5-2003 - 2:03 PM
PLOT BY	TODD WAYA
DESIGN BY	ROB SCHLICHER
XREF1	BASEPLAN = 21737A00.DWG
XREF2	PROFILE = 21737A20.DWG
XREF3	
XREF4	APPLICATION NUMBER
XREF5	0K1880-3
XREF6	

PLAN REVISIONS

ADD/REVISED SUBMITTAL
SEP 03 2003
FORT MYERS SERVICE CENTER

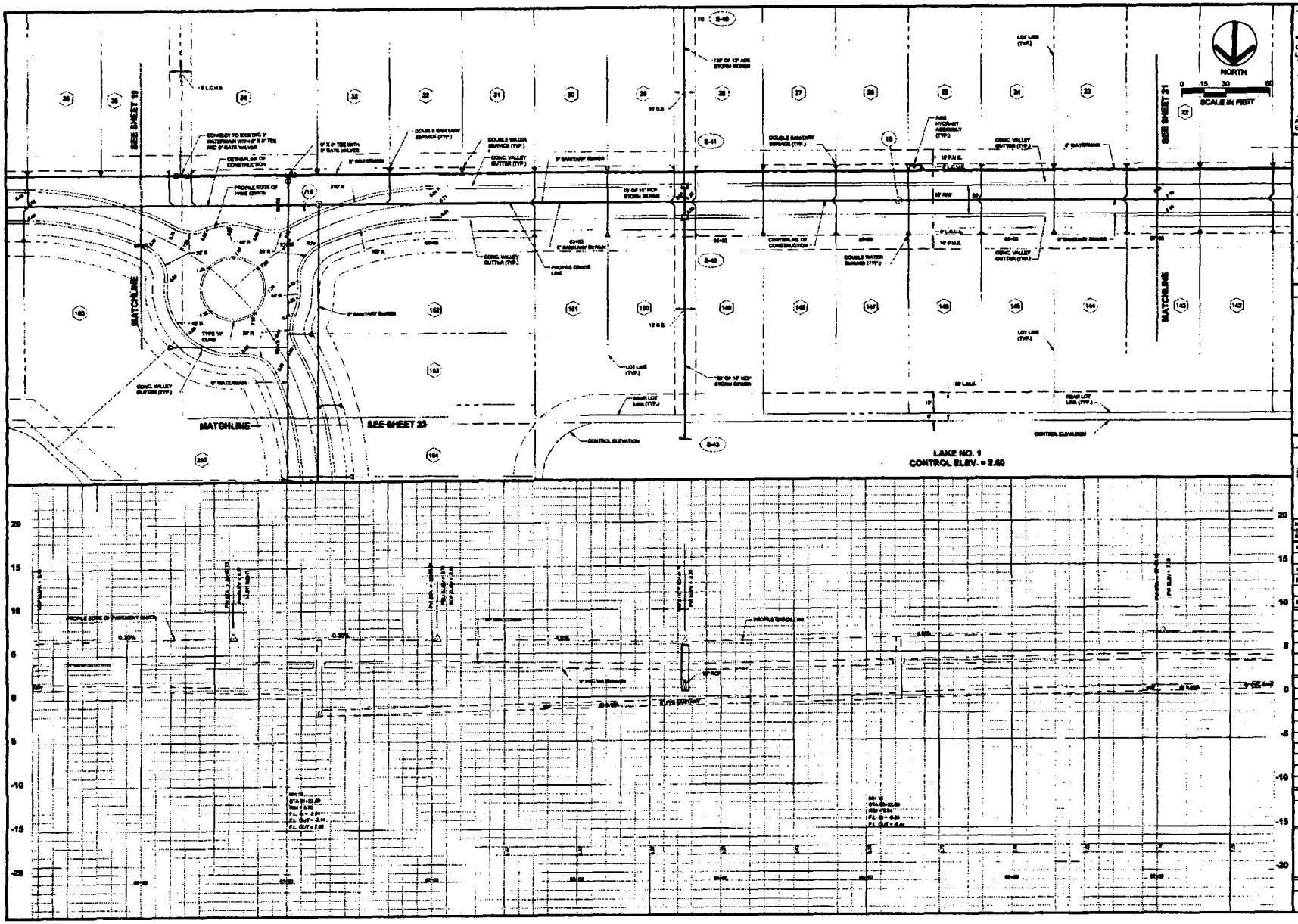
PLAN STATUS

APPROVAL SUBMITTAL PLANS
NOT FOR CONSTRUCTION

PLAN AND PROFILE

PROJECT / FILE NO.	SHEET NUMBER
21737 10-16-24	19

EXHIBIT 19



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LAND PLANNERS AND CONSULTANTS
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FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3170
FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7695 - SURVEYING LB-6940

PREPARED FOR
Land Solutions Inc.
6180 DIAMOND CENTER COURT
BUILDING 1300
FORT MYERS, FLORIDA 33912
PHONE (239) 466-4066
FAX (239) 481-8477
WWW.LANDSOLUTIONS.NET

PROJECT SUBDIVISION

WINKLER PRESERVE

RESIDENTIAL DEVELOPMENT

PART OF SECTION 19
TOWNSHIP 46 SOUTH
RANGE 24 EAST
LEE COUNTY, FLORIDA

PROJECT ENGINEER

ENGINEER OF RECORD
VERN PETERSON, P.E.
FLORIDA P.E. NO. 57929
2271 McGREGOR BOULEVARD
FORT MYERS, FLORIDA 33901

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FILE NAME	21PP20LAKE
LAYOUT	LAYOUT1
LOCATION	J:\21\PP\lake\
PLOT DATE	Fri, 04-Mar-05 - 7:55 PM
PLOT BY	TODD WAHL
DESIGN BY	ROB SCHLICHER
XREF1	BASEPLAN = 21TP2BASE
XREF2	PROFILE = 21TP20PROF
XREF3	21TP20LAKE NUMBERS
XREF4	21TP20TBAR
XREF5	

PLAN REVISIONS

ADD/REVISED SUBMITTAL
SEP 13
FORT MYERS SERVICE CENTER

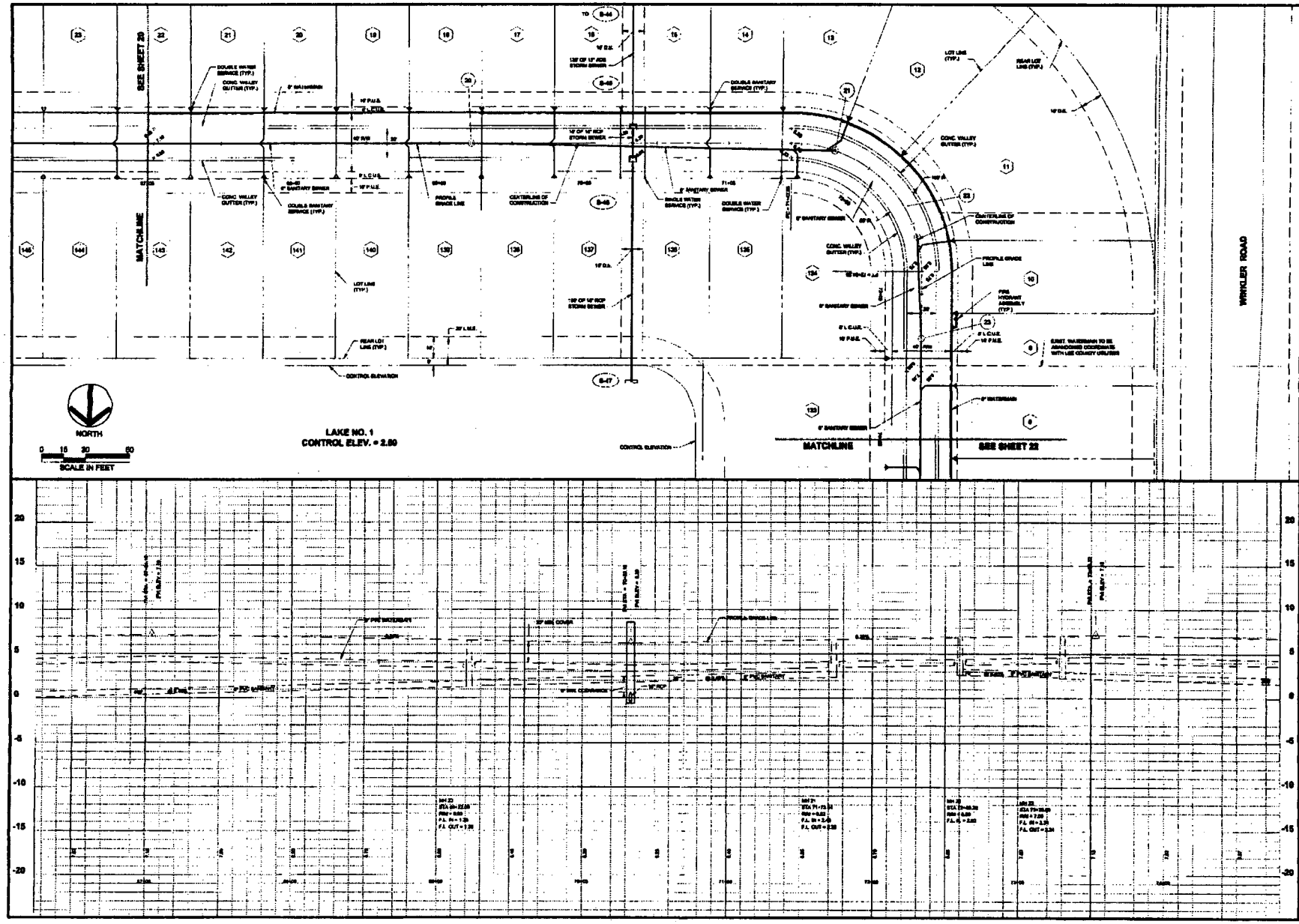
PLAN STATUS

APPROVAL SUBMITTAL PLANS
NOT FOR CONSTRUCTION

PLAN AND PROFILE

PROJECT / FILE NO.	SHEET NUMBER
21727 10-05-04	20

EXHIBIT 20



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PHONE (239) 481-3170
FAX (239) 481-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7998 - SURVEYING LB-6940

PREPARED FOR

Land Solutions Inc.
6150 DIAMOND CENTER COURT
BUILDING 1300
FORT MYERS, FLORIDA 33912
PHONE (239) 489-4088
FAX (239) 481-6477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

WINKLER PRESERVE

RESIDENTIAL DEVELOPMENT

PART OF SECTION 10
TOWNSHIP 46 SOUTH
RANGE 24 EAST
LEE COUNTY, FLORIDA

PROJECT ENGINEER

ENGINEER OF RECORD:
10M PETERSON, P.E.
FOR LNS, PRM
2271 McGREGOR BOULEVARD
FORT MYERS, FLORIDA 33901
FLORIDA P.E. NO. 57000

K. Peterson 2-11-03

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FILE NAME	21737E30.DWG
LAYOUT	LAYOUT1
LOCATION	21737/DWG/SHEET
PLOT DATE	FRI 6-6-2003 - 1:53 PM
PLOT BY	TODD MANA
DESIGN BY	ROB SCHLICHER
XREF1	BASEPLAN = 21737A05.DWG
XREF2	PROFILE = 21737A05.DWG
XREF3	APPLICATION NUMBER
XREF4	081280-3
XREF5	
XREF6	

PLAN REVISIONS

ADDL/REVISED SUBMITTAL
SEP 03 2003
FORT MYERS SERVICE CENTER

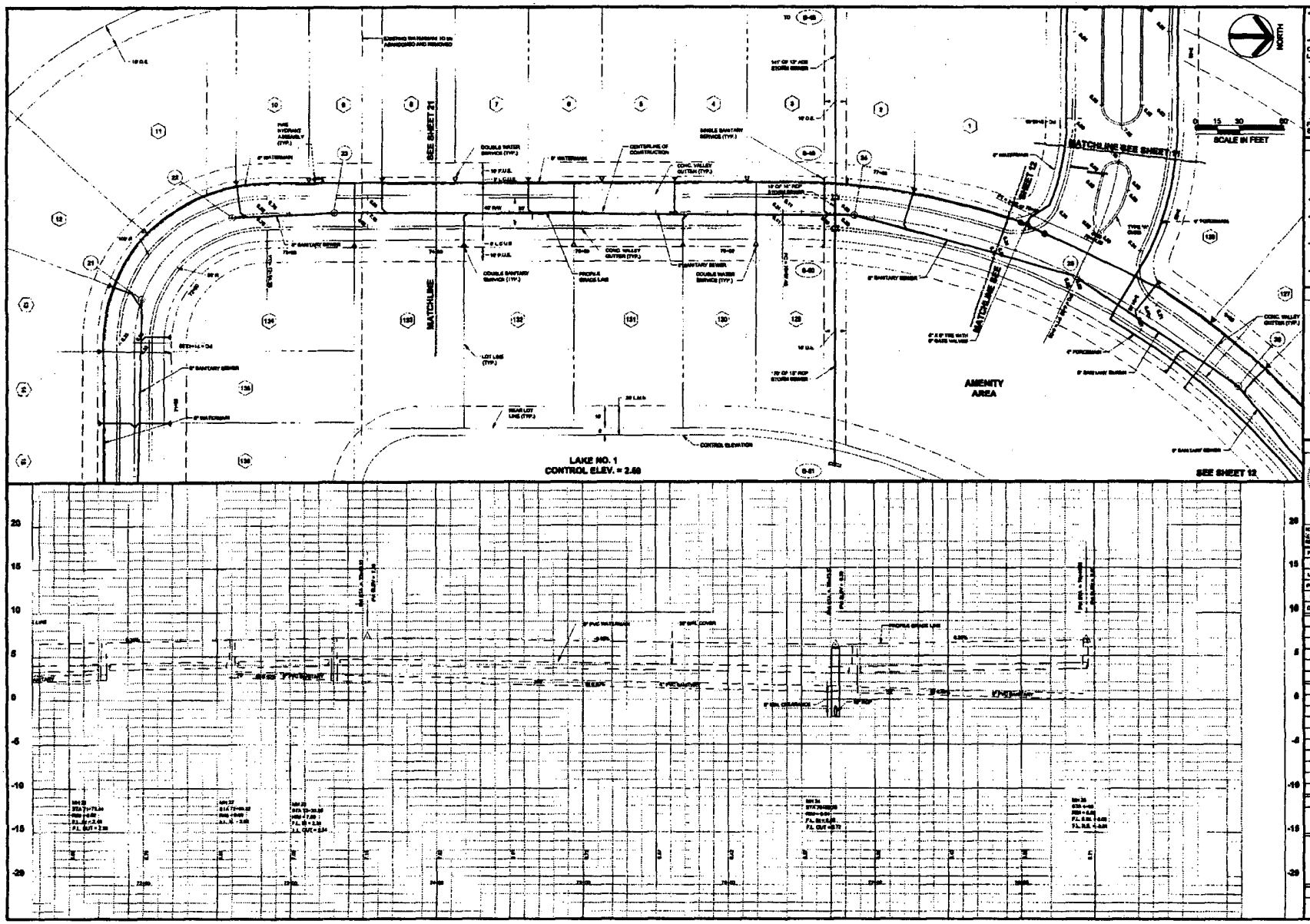
PLAN STATUS

APPROVAL SUBMITTAL PLANS
NOT FOR CONSTRUCTION

PLAN AND PROFILE

PROJECT / FILE NO.	SHEET NUMBER
21737 10-46-24	21

EXHIBIT 21



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POST OFFICE DRAWER 2800
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PHONE (239) 461-3170
FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 1986 - SURVEYING LB-6949

PREPARED FOR

Land Solutions Inc.
6180 DIAMOND CENTER COURT
BUILDING 1300
FORT MYERS, FLORIDA 33912
PHONE (239) 489-4066
FAX (239) 481-8477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

WINKLER PRESERVE

RESIDENTIAL DEVELOPMENT

PART OF SECTION 10
TOWNSHIP 46 SOUTH
RANGE 24 EAST
LEE COUNTY, FLORIDA

PROJECT ENGINEER

ENGINEER OF RECORD
ROB PETERSON, P.E.
FLORIDA P.E. NO. 69966

FILE NAME	21737PP22.DWG
LAYOUT	LAYOUT1
LOCATION	J:\21737\DRAWINGS\PP\
PLOT DATE	FRI, 9-3-2021 - 3:53 PM
PLOT BY	ROSS MANN
DESIGN BY	ROB SCHLICHER
XREF1	BASEPLAN - 21737PP22.DWG
XREF2	PROFILE - 21737PP22.DWG
XREF3	
XREF4	APPLICATION-HARDER
XREF5	021220-3
XREF6	

PLAN REVISIONS

APPROVED SUBMITTAL
SEP 01 2021
COMMUNITY DEVELOPMENT

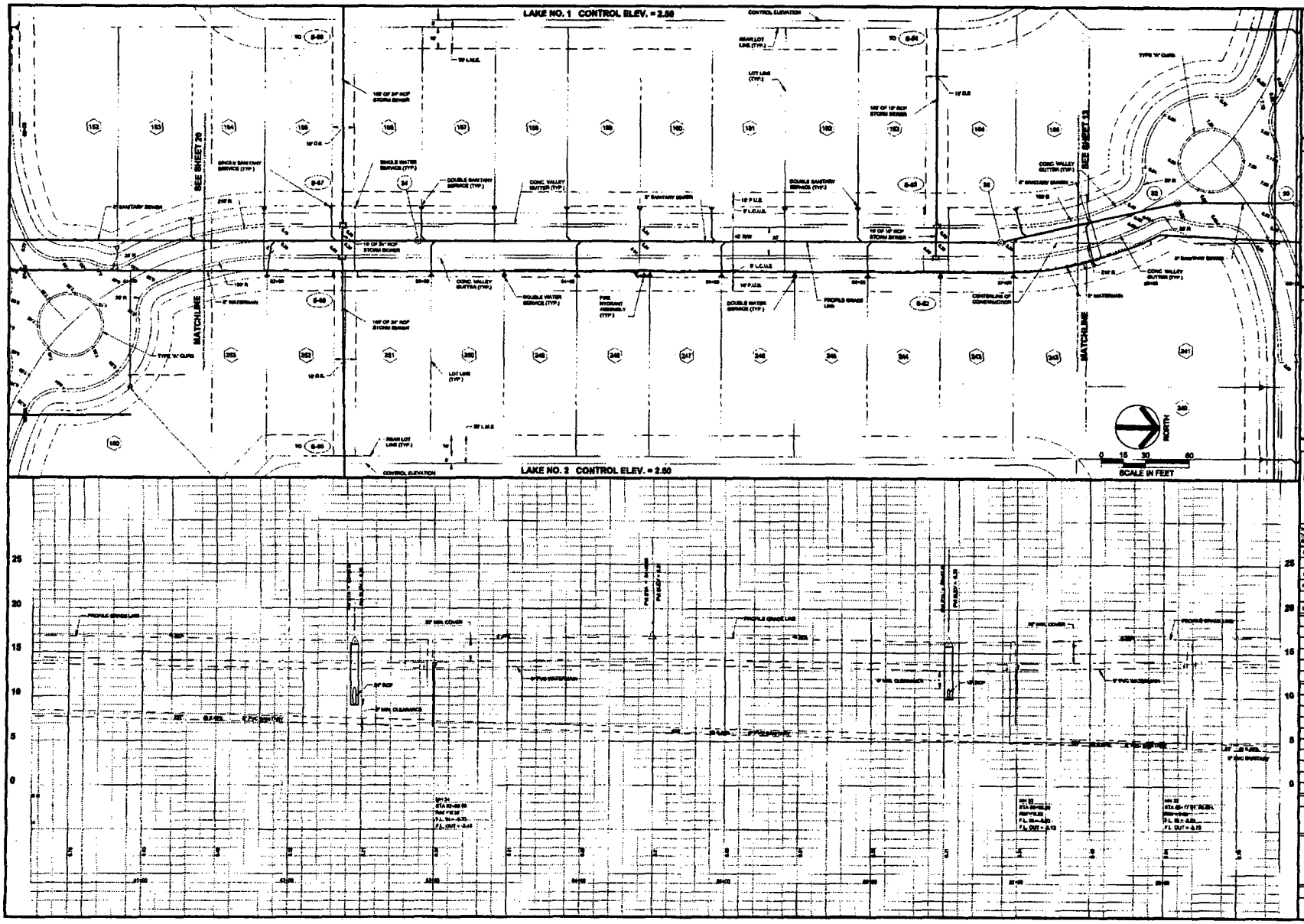
PLAN STATUS

APPROVAL SUBMITTAL PLANS
NOT FOR CONSTRUCTION

PLAN AND PROFILE

PROJECT / FILE NO.	SHEET NUMBER
21737	22
10-05-21	

EXHIBIT 22



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FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7996 - SURVEYING LB-6940

PREPARED FOR

Land Solutions Inc.
6180 DIAMOND CENTER COURT
BUILDING 1300
FORT MYERS, FLORIDA 33912
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FAX (239) 481-8477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

WINKLER PRESERVE

RESIDENTIAL DEVELOPMENT

PART OF SECTION 10
TOWNSHIP 46 SOUTH
RANGE 24 EAST
LEE COUNTY, FLORIDA

PROJECT ENGINEER

ENGINEER OF RECORD
[illegible] P.E.
FOR THE FIRM
2271 McGREGOR BOULEVARD
FORT MYERS, FLORIDA 33901
FLORIDA P.E. NO. [illegible]

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LOCATION	[illegible]
PLOT DATE	[illegible]
PLOT BY	TODD VANA
DRAWN BY	ROB SCHLICHER
XREF1	BASEPLAN = [illegible]
XREF2	PROFILE = [illegible]
XREF3	APPLICATION NUMBER
XREF4	02122043
XREF5	
XREF6	

PLAN REVISIONS

ADDL/REVISED SUBMITTAL
SEP 2 3 2003
FORT MYERS SERVICE CENTER

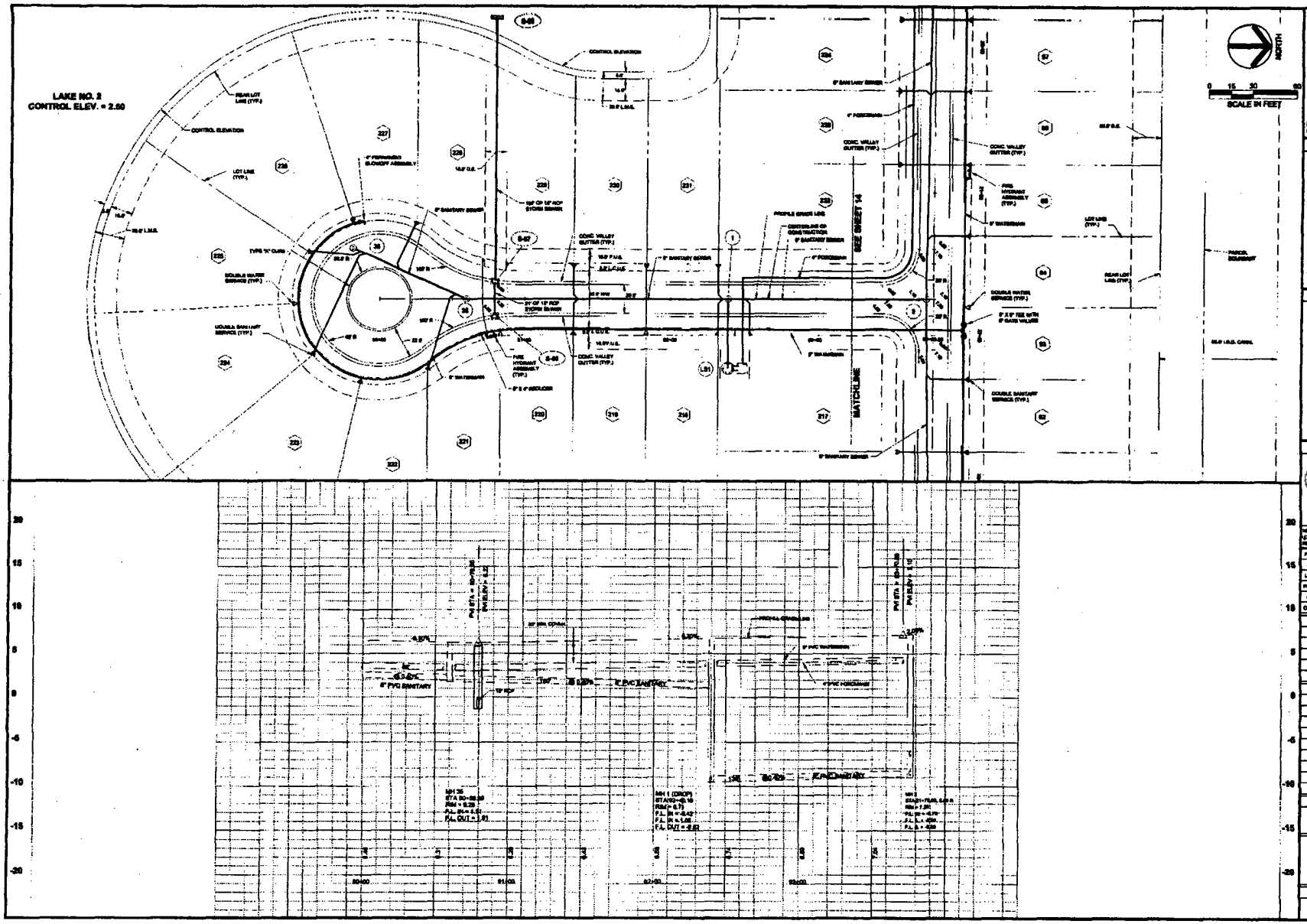
PLAN STATUS

APPROVAL SUBMITTAL PLANS
NOT FOR CONSTRUCTION

PLAN AND PROFILE

PROJECT / FILE NO.	SHEET NUMBER
21737 10-46-34	23

EXHIBIT 23



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FAX (239) 481-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7885 - SURVEYING LB-6940

PREPARED FOR

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BUILDING 1300
FORT MYERS, FLORIDA 33912
PHONE (239) 488-4088
FAX (239) 481-6477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

WINKLER PRESERVE

RESIDENTIAL DEVELOPMENT

PART OF SECTION 10
TOWNSHIP 46 SOUTH
RANGE 24 EAST
LEE COUNTY, FLORIDA

PROJECT ENGINEER

ENGINEER OF RECORD:
KIM PETERSON, P.E.
FOR THE FIRM
2271 McGREGOR BOULEVARD
FORT MYERS, FLORIDA 33901
FLORIDA P.E. NO. 57555

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LAYOUT	LAYOUT1
LOCATION	J:\2173FEZ03\DWG\PLAN
PLOT DATE	FRI, 9-5-2003 - 3:03 PM
PLOT BY	TODD WAYA
DESIGN BY	BOB SCHLICHER
XREF1	BASEPLAN = 2173FEZ03.DWG
XREF2	PROFILE = 2173FEZ03.DWG
XREF3	ADDLIDSTRAN NUMBER
XREF4	
XREF5	021220-3
XREF6	

PLAN REVISIONS

ADD/REVISED SUBMITTAL
SEP 03 2003
FORT MYERS SERVICE CENTER

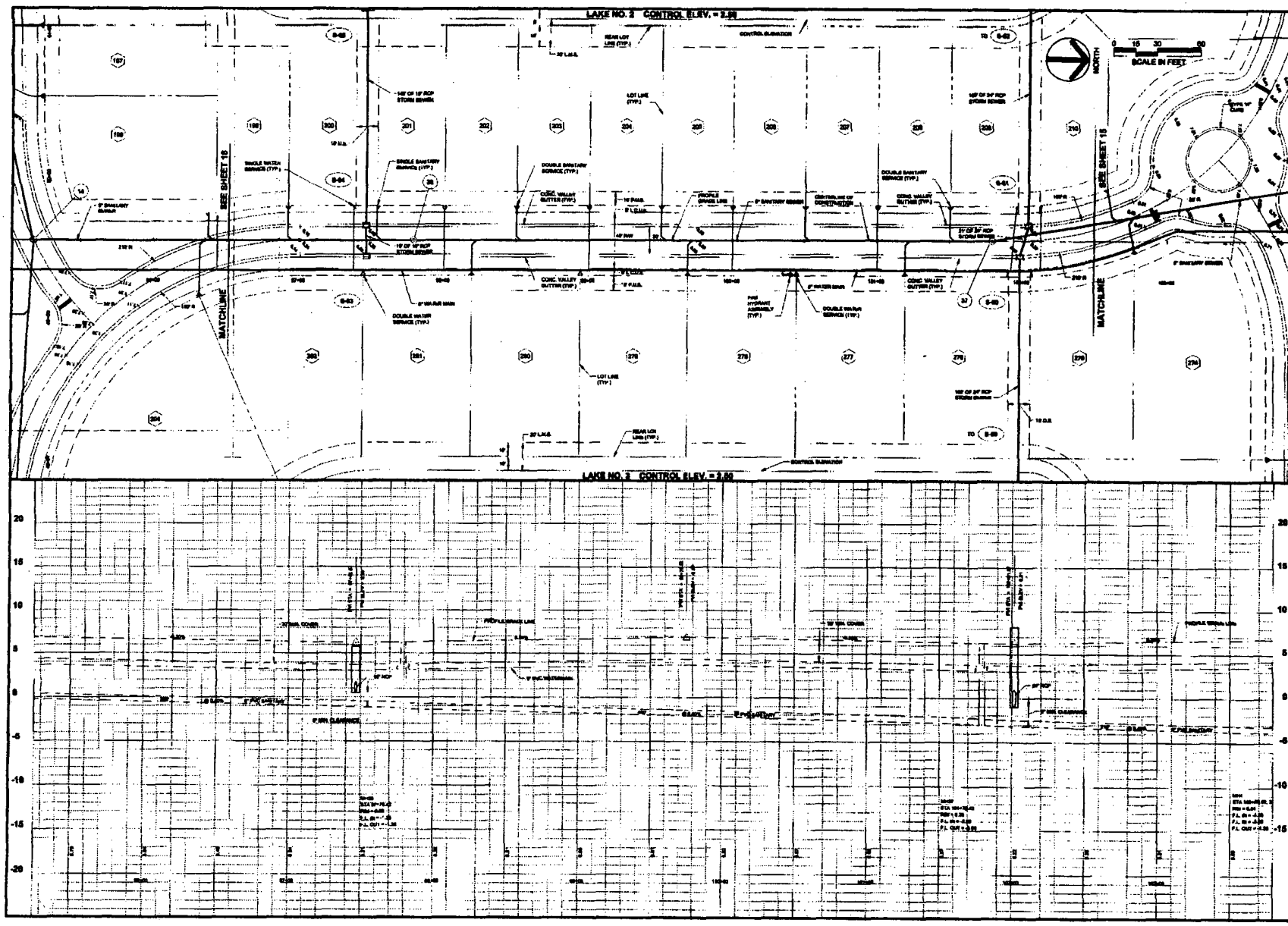
PLAN STATUS

APPROVAL SUBMITTAL PLANS
NOT FOR CONSTRUCTION

PLAN AND PROFILE

PROJECT / FILE NO.	SHEET NUMBER
2173F 10-48-34	24

EXHIBIT 24



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FAX (239) 481-3189
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7923 - SURVEYING LB-6940

PREPARED FOR

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8180 DIAMOND CENTER COURT
BUILDING 1300
FORT MYERS, FLORIDA 33912
PHONE (239) 489-4088
FAX (239) 481-8477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

WINKLER PRESERVE

RESIDENTIAL DEVELOPMENT

PART OF SECTION 10
TOWNSHIP 45 SOUTH
RANGE 24 EAST
LEE COUNTY, FLORIDA

PROJECT ENGINEER

ENGINEER OF RECORD
[illegible] PETERSON, P.E.
FOR THE FIRM
2271 McGREGOR BOULEVARD
FORT MYERS, FLORIDA 33901
FLORIDA P.E. NO. [illegible]

8-11-03

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LAYOUT	LAYOUT1
LOCATION	J:\21737\DWG\[illegible]
PLOT DATE	[illegible]
PLOT BY	TODD VANA
DRAWN BY	ROB SCHLICHER
XREF1	[illegible]
XREF2	PROFILE = 21737[illegible].DWG
XREF3	APPLICATION NUMBER
XREF4	[illegible]
XREF5	
XREF6	

PLAN TRANSMITTAL

ADD/REVISED SUBMITTAL
SEP 03 2003
FORT MYERS SERVICE CENTER

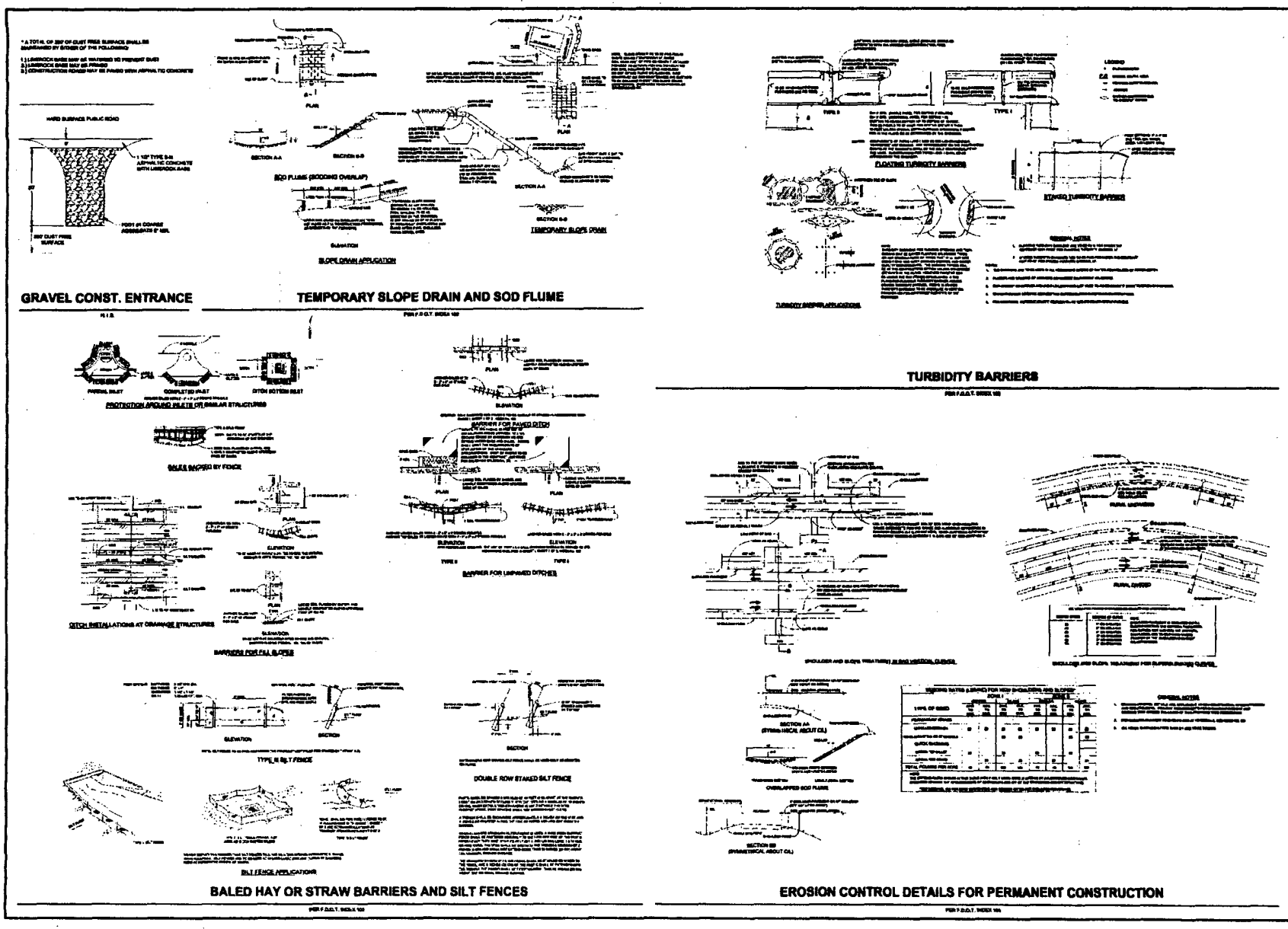
PLAN STATUS

APPROVAL SUBMITTAL PLANS
NOT FOR CONSTRUCTION

PLAN AND PROFILE

PROJECT / FILE NO.	SHEET NUMBER
21737 10-08-24	25

EXHIBIT 25


GRAVEL CONST. ENTRANCE
TEMPORARY SLOPE DRAIN AND SOD FLUME
TURBIDITY BARRIERS
BALED HAY OR STRAW BARRIERS AND SILT FENCES
EROSION CONTROL DETAILS FOR PERMANENT CONSTRUCTION
Barraco and Associates, Inc.
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WINKLER PRESERVE
RESIDENTIAL DEVELOPMENT
PART OF SECTION 10
TOWNSHIP 46 SOUTH
RANGE 24 EAST
LEE COUNTY, FLORIDA
APPLICATION NUMBER
APPROVAL SUBMITTAL PLANS
NOT FOR CONSTRUCTION
EROSION
CONTROL
DETAILS
36

EXHIBIT 26

LEGEND

FLUCCS #	FLUCCS DESCRIPTION	ACREAGE
160	BORROW PIT / CATTLE WATERING POND	0.05
260	UNDETERMINED USE AGRICULTURE	13.5
321	PALMETTO PRAIRIE	6.2
321*/424	PALMETTO PRAIRIE DEAD & STRESSED / MELALEUCA	11.1
411 I	SLASH PINE FLATWOOD - MELALEUCA	15.0
424/422	BRAZILIAN PEPPER \ MELALEUCA	12.6
424	MELALEUCA	12.3
424H	MELALEUCA HYDRIC	12.1
428H I	CABBAGE PALM / HYDRIC	0.7
437	AUSTRALIAN PINE	0.9
612	MANGOVE SWAMP	7.3
641 I	FRESHWATER MARSH (DEPRESSION)	2.7
642	SALTWATER MARSH	6.9
743	SPOIL AREAS (MELALEUCA PIKES & AG. DUMP)	2.8
747	DITCH & BERM SPOIL AREAS (OCCUPIED BY GOPHER TORTOISE)	7.1

NORTH

0 250 500 1000

SCALE IN FEET

FLUCCS + 1 25 - 75% EXOTIC VEGETATION INVADED

FLUCCS + H HYDRIC (WETLAND)

ACTIVE / INACTIVE GOPHER TORTOISE BURROW

SOILS MAP LINE

* WETLANDS ON THIS FLUCCS MAP HAVE BEEN FIELD VERIFIED DECEMBER 2001 BY SFWMD STAFF.

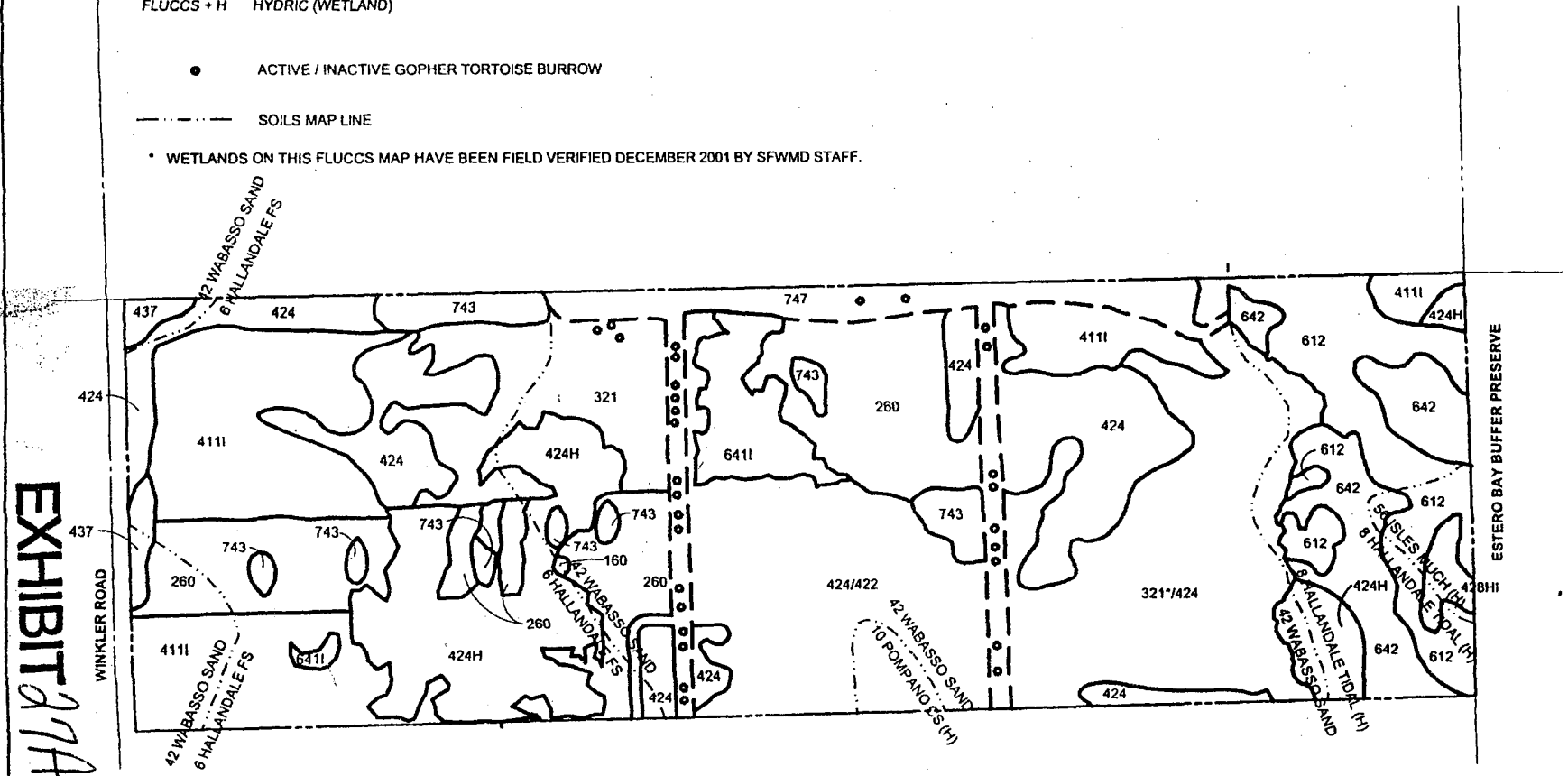


EXHIBIT 2H

BAGLEY ENVIROMENTAL AND PLANTING

10680 SE Tuliptree Court
Lehigh Acres, FL 33936

PREPARED FOR:

Land Solutions inc.

9660 COLLEGE PARKWAY, SUITE 160
FORT MYERS, FLORIDA 33919

PHONE (239) 489-4066
FAX (239) 481-8477

WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION:

WINKLER PRESERVE

RESIDENTIAL DEVELOPMENT

PART OF SECTION 10
TOWNSHIP 46 SOUTH
RANGE 24 EAST
LEE COUNTY, FLORIDA

FILE NAME	21737ENBL.DWG
LAYOUT	LAYOUT1
LOCATION	J:\21737\DWG\ENVIROMENTAL\
PLOT DATE	WED, 10-23-2002 - 10:47 AM
PLOT BY	ROB SCHLICHER
DESIGN BY	
XREF1	
XREF2	
XREF3	
XREF4	
XREF5	
XREF6	

PLAN REVISIONS

PLAN STATUS:

PRELIMINARY SITE PLANNING
NOT FOR CONSTRUCTION

FLUCCS MAP

PROJECT / FILE NO	SHEET NUMBER
21856	5

FAX:1239694540S FROM:BAGLEY ENVIRONMENTAL

OCT-15-2003 WED 10:03 PM

EXHIBIT 8

Prepared By:
Bagley Environmental
4850 Cedar Hammock Court
Fort Myers, FL. 33936
Phone: 239.693.3919

Winkler Preserve Wetland FLUCCS

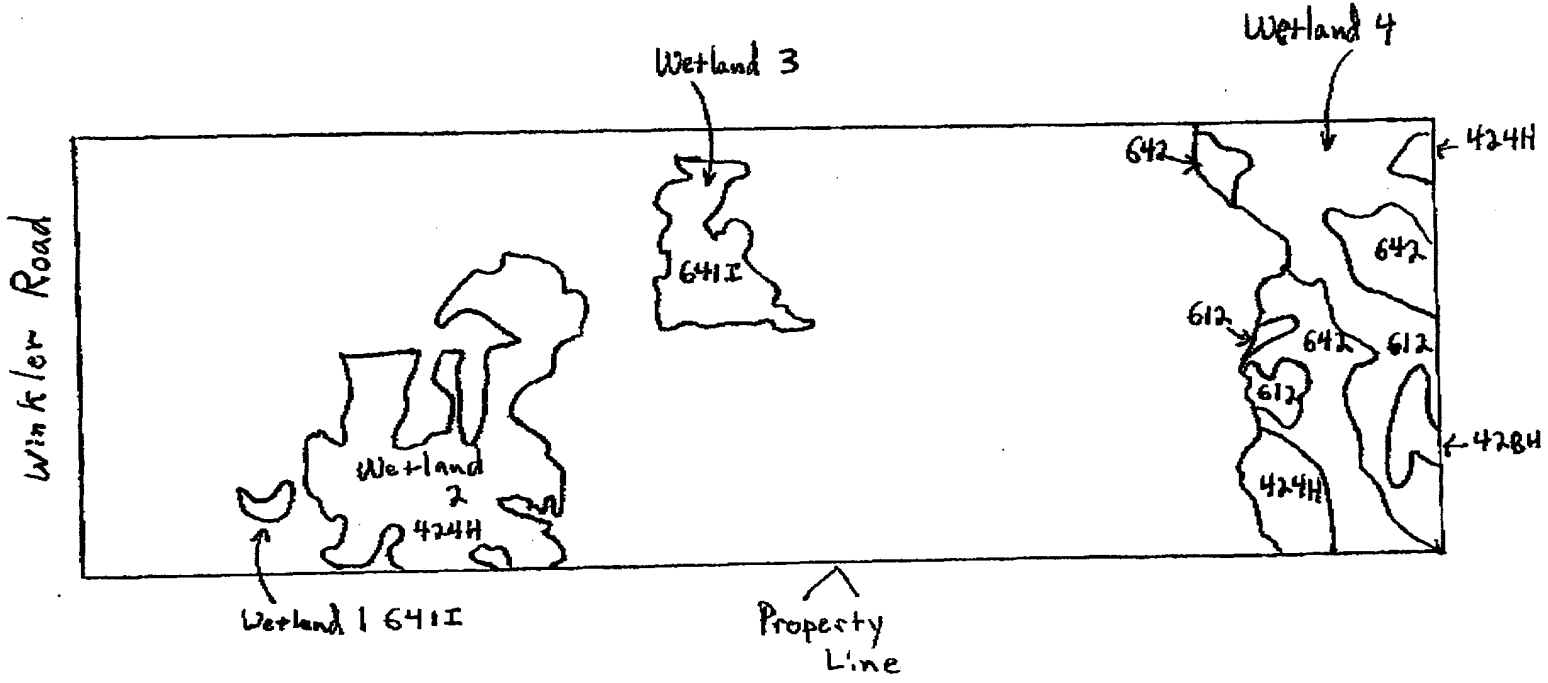
	FLUCCS	Acreage	
Wetland 1	641I	0.18	
Wetland 2	424H	8.86	
Wetland 3	641I	2.70	
Wetland 4	642	6.61	15.55ac
Wetland 4	612	6.90	
Wetland 4	428H	0.52	
Wetland 4	424H	1.52	

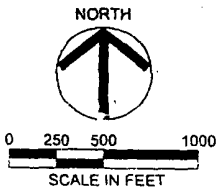
I = Exotic Invaded
H= Hydric

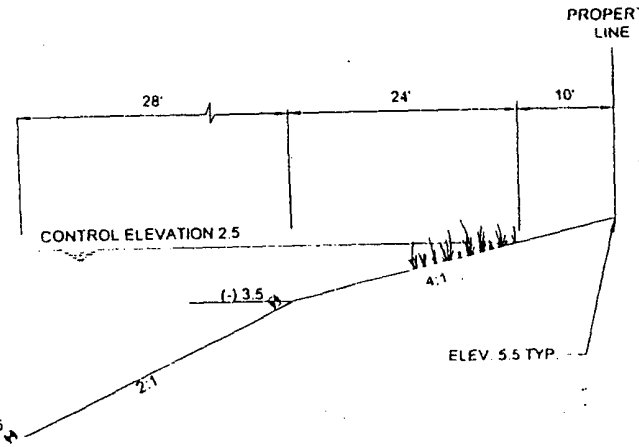
FLUCCS Lines are estimated from a current 1": 200' Aerial****
Wetland and Property Lines are Fixed by Survey

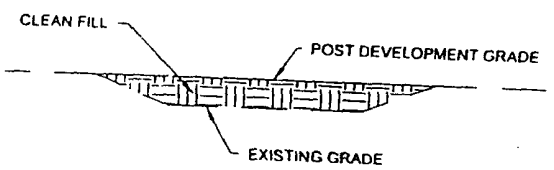
N

Scale = NTS









LEGEND

- MELALEUCA & LOW QUALITY ISOLATED WETLANDS (6.68 Ac.) (FILLED 26,942 C.Y.)
- MELALEUCA & LOW QUALITY ISOLATED WETLANDS (2.16 Ac.) (41,818 C.Y. EXCAVATED)
- HERBACEOUS ISOLATED WETLANDS (2.41 Ac.) (FILLED 9,720 C.Y.)
- HERBACEOUS ISOLATED WETLANDS (0.28 Ac.) (EXCAVATED 5,421 C.Y.)

SECTION A-A

NOT TO SCALE

SECTION B-B

NOT TO SCALE

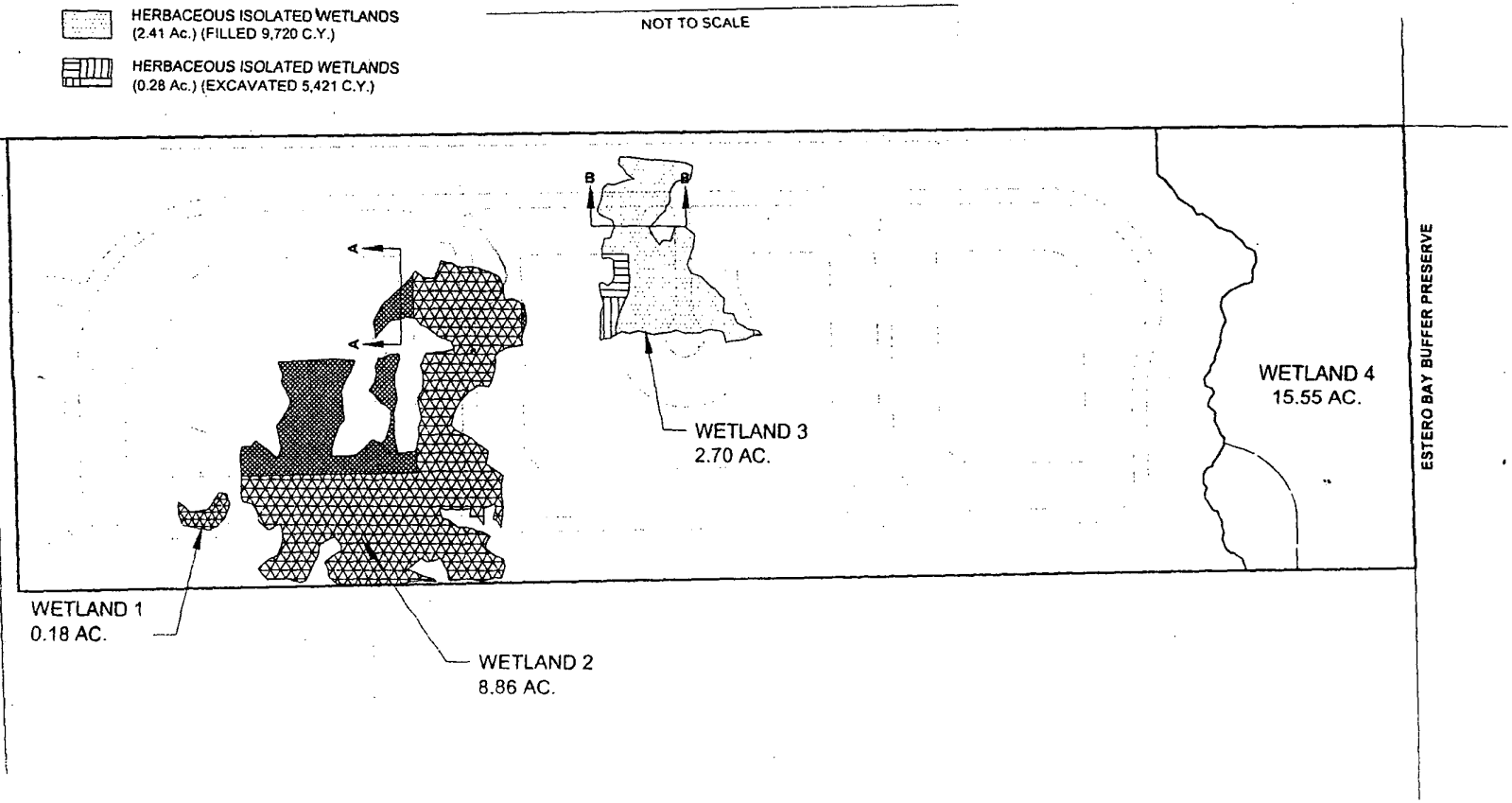


EXHIBIT 28

BAGLEY-ENVIROMENTAL AND PLANTING
10680 SE Tuliptree Court
Lehigh Acres, FL 33936

PREPARED FOR

Land Solutions inc.
8680 COLLEGE PARKWAY, SUITE 160
FORT MYERS, FLORIDA 33919
PHONE (239) 489-4066
FAX (239) 481-8477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

WINKLER PRESERVE

RESIDENTIAL DEVELOPMENT

PART OF SECTION 10
TOWNSHIP 46 SOUTH
RANGE 24 EAST
LEE COUNTY, FLORIDA

FILE NAME	21737EM03.DWG
LAYOUT	LAYOUT1
LOCATION	J:\21737\DWG\ENVIROMENTAL-BAGLEY
PLOT DATE	THU 3-8-2001 - 2:49 PM
PLOT BY	TODD VANA
DESIGN BY	
XREF1	
XREF2	
XREF3	
XREF4	
XREF5	
XREF6	

PLAN REVISIONS

PLAN STATUS

PRELIMINARY SITE PLANNING
NOT FOR CONSTRUCTION

WETLAND IMPACT PLAN

PROJECT / FILE NO.	SHEET NUMBER
21656 10-45-24	3

Legend

- Upland Buffer 25' Avg. Width (.80 Ac.)
- Wetland Preserve Area Hand Remove Exotic Vegetation (13.55 Ac.)
- Upland Enhancement / Preserve Area Remove Exotic Vegetation (1.04 Ac.)
- Wetland Restoration / Preserve Area Remove Exotic Vegetation Restore Into Spartina & Juncus (1.52 Ac.)
- Iona Drainage Easement Enhanced Through Removal of Exotics (.69 Ac.) Not Counted Toward Mitigation (.21ac. upland & .48 ac. Wetland)

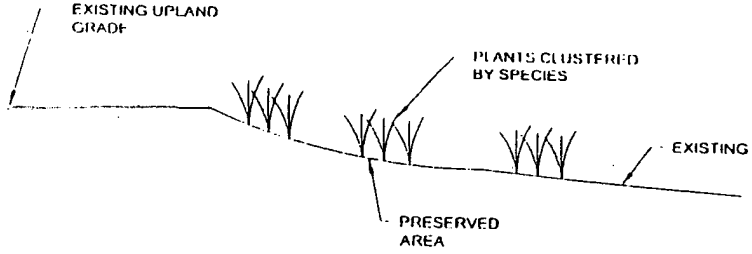
NORTH

0 250 500 1000

SCALE IN FEET

PLANT LIST (SIZE) X (HEIGHT)

2,000	SPARTINA	SPP	LINERS	12" MIN.
2,000	JUNCUS	SPP	LINERS	12" MIN.
2,000	DISTICHLIS	SPP	LINERS	



SECTION C-C PLANTING

NOT TO SCALE

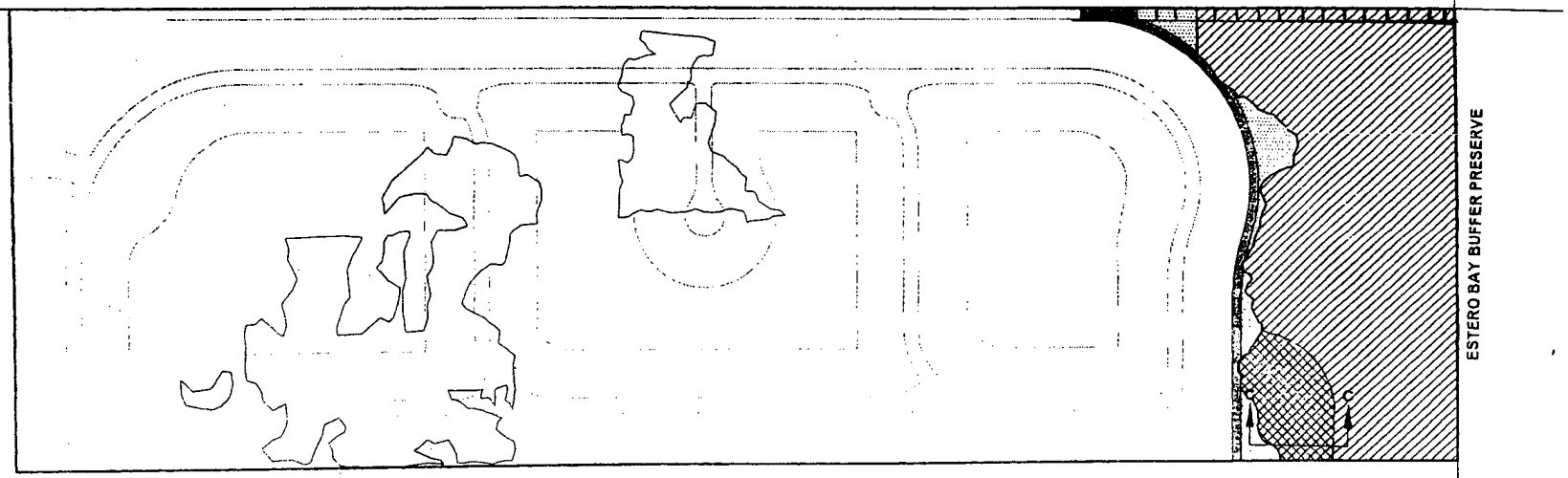


EXHIBIT 29

Barraco and Associates, Inc.
CIVIL ENGINEERS, SURVEYORS AND LAND DEVELOPMENT CONSULTANTS
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FLORIDA CERTIFICATES OF AUTHORIZATION ENGINEERING 7985 - SURVEYING LB-6940

PREPARED FOR

Land Solutions inc.
8660 COLLEGE PARKWAY, SUITE 160
FORT MYERS, FLORIDA 33919
PHONE (239) 489-4066
FAX (239) 481-8477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

WINKLER PRESERVE

RESIDENTIAL DEVELOPMENT

PART OF SECTION 10
TOWNSHIP 46 SOUTH
RANGE 24 EAST
LEE COUNTY, FLORIDA

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FILE NAME	21737ENV02.DWG
LAYOUT	LAYOUT1
LOCATION	J:\21737\DWG\ENVIRONMENTAL\
PLOT DATE	TUE, 9-10-2002 - 4:37 PM
PLOT BY	ROB SCHLICHER
DESIGN BY	
XREF1	
XREF2	
XREF3	
XREF4	
XREF5	
XREF6	

PLAN REVISIONS

PLAN STATUS

PRELIMINARY SITE PLANNING
NOT FOR CONSTRUCTION

WETLAND / UPLAND PRESERVATION / MITIGATION PLAN

PROJECT FILE NO.	SHEET NUMBER
21737	1
10.46.24	

Bagley Environmental & Planting Services, Inc.
BE&P
4850 Cedar Hammock Court
Fort Myers, Florida 33905
Ph: 239.693.3919 Fax: 239.694.5405

Winkler Preserve

Mitigation and Monitoring Plan

April 30, 2003 Revised per staff request October 13, 2003

Introduction

This mitigation plan is written to provide proposed project wetland impact and proposed offsetting mitigation information on the ± 111 Acre Winkler Preserve project site. The project site is located on Winkler Road extension on the east side of Winkler directly between the Belle Meade Sub-division (south) and the Crown Colony Subdivision (north) in Lee County, Florida within Section 10, Township 46S, Range 24E

Bagley Environmental completed a wetland jurisdictional determination in August – October 2001, the lines of which, were verified in the field by SFWMD Staff, Mr. Craig Schmittler during December 2001.

The wetlands excluding the "tidal" portion of the site are dominated by melaleuca, an exotic invasive tree species.

Mitigation of Impacts

This proposed mitigation description is developed through the incorporation of feedback obtained during our September 3, 2002 pre-application meeting and subsequent meeting with staff through October 2003.

Wetlands 1 & 2 are melaleuca rule isolated wetlands and Wetland 3 is a isolated recurring wetland that has been resilient through past attempts at drainage and farming with only about a 25% coverage of melaleuca and pepper with numerous

EXHIBIT 30A

typical invasive grasses such as guinea grass, torpedo grass, mixed with appropriate herbaceous and shrubby vegetation ie. swamp fern, fakahatchee grass, wax myrtle and salt bush. Wetlands 1, 2 and 3 are proposed to be filled.

A ±17.6 acre proposed preserve including an upland buffer, uplands and wetlands will be established onsite at the eastern end of the property and abuts The Department of Environmental Protections Estero Bay Buffer Preserve and is marginally (storm flow) tidal. While this system is a very healthy primarily native and productive wetland, approximately 1.5 – 1.7 acres of melaleuca wetlands fringe this system and will be restored through selective herbicide treatment within the wetland preserve and a 1.52 acre area of dense melaleuca which will undergo complete restoration through mechanical clearing, regarding and replanting with native herbs (please see Mitigation Site Plan). The preserved uplands on the western most portion of the preserve may undergo a combination of mechanical and selective removal depending on melaleuca density of specific areas.

The 1.52 acre restored area will be planted with the following species calculated on 3' centers *Spartina alternaflora, Spartina bakerii, Spartina patens* and *Juncus sp.* The restored area will be planted following machine removal of mature melaleuca and the subsequent restoration of ruts caused by machinery. It is anticipated that the system will have 80% vegetative coverage at 1 year post melaleuca removal through our planting and anticipated recruitment from adjacent healthy wetlands. To prevent secondary impacts the preserve line encompassing both enhanced upland and restored / preserved wetland will be buffered entirely by a 25 foot upland buffer (at a minimum) and a spreader swale along its length to minimize residential pollutants from directly entering the preserved system through sheet flow.

It is understood that although the preserve contains an Iona Drainage Easement of approximately .7 acres along the northern property line, and although we will conduct selective treatment of exotic vegetation in this easement as if it were formally part of the preserve, we will obtain no mitigation credit for work in the easement.

EXHIBIT 30B

Within the onsite ±13.55 acre wetland preserve, again exempting from credit the ±.69 acre Iona Drainage Easement, minimal enhancement will be achieved through the hand removal and selective treatment of sparse exotic vegetation. However, within the contiguous restored additional ±1.52 acre wetland area and the contiguous ±1.04 acre upland enhancement area melaleuca of approximately 80 to 100% aerial coverage will be removed through mechanical means, with a focused effort on the retention of any native tree species such as cabbage palm and a few oaks and slash pines, which are interspersed within generally the uplands of the preserve area. Around trees to be preserved (to the dripline), hand removal will be the rule and grades will be left unchanged.

The 25 foot upland buffer consisting of ±.80 acres will also be generally mechanically cleared and restored to a native community and has not been included as mitigation credit.

The preserve area will be maintained in perpetuity for control of exotic vegetation as set forth in the 1999 Florida Exotic Pest Plant Council List.

Mitigation Monitoring

The mitigation preserve will be maintained through the removal and herbicide maintenance of exotics semi-annually for the first 2 years of the project then becoming annually through the remainder of the five-year monitoring period as set forth in the proposed "Winkler Preserve Monitoring Schedule". Mitigation success will be monitored through annual reporting of the preserve area conditions as shown on the Preserve Area Mitigation Monitoring Plan diagram according to the monitoring and maintenance schedule as submitted for your review with this write up by Bagley Environmental.

EXHIBIT 30(

Monitoring reports will be developed and submitted according to the "Environmental Monitoring Report Guidelines" document provided by the South Florida Water Management District.

Monitoring Methodology

Monitoring will be accomplished in the field through visual assessment of two monitoring transects, four 10'X10' sampling quadrates, five panoramic photo stations and 1 staff gauge, which run east to west across the conservation area. The transects and quadrates will be marked with PVC stakes for repeatability. The transects will be traversed through the preserve area west across the upland enhancement, restoration and preserve area to sample in each distinct type of mitigation proposed. The preserve will be sampled for invasive exotic vegetation control and native plant establishment and health, water level, and for the observance of unpermitted human disturbance as shown on the Mitigation Monitoring Plan Graphic. The five panoramic photo stations will be utilized as shown on the Mitigation Monitoring Plan Graphic for visual documentation of mitigation success in regards to vegetative changes within the preserve, exotic vegetation control and planting success. A single staff gauge will be set approximately as shown on the Mitigation Monitoring Plan Graphic and surveyed (referenced to NGVD) for hydrological monitoring data. The Staff Gauge will be read monthly from April to November for five years and the data will be entered and submitted to the District with the annual monitoring reports

Mitigation Success Criteria

The mitigation area will be deemed successful with the survival of 80% of the plants installed within the restoration area at 1 year after installation. Further success criteria shall be that no more than 5% exotic listed vegetation coverage will be present within the preserve at any given time after the initial exotic vegetation clearing with no more than 2% of that coverage being melaleuca or Brazilian pepper.

EXHIBIT 30D

LEGEND

T# = TRANSECT

P# = PHOTO STATION

Q# = QUADRATE 10' X 10' VEGATATIVE SAMPLING STATION

S# = STAFF GAUGE (MONITORED APRIL - NOVEMBER)

NORTH

0 250 500 1000

SCALE IN FEET

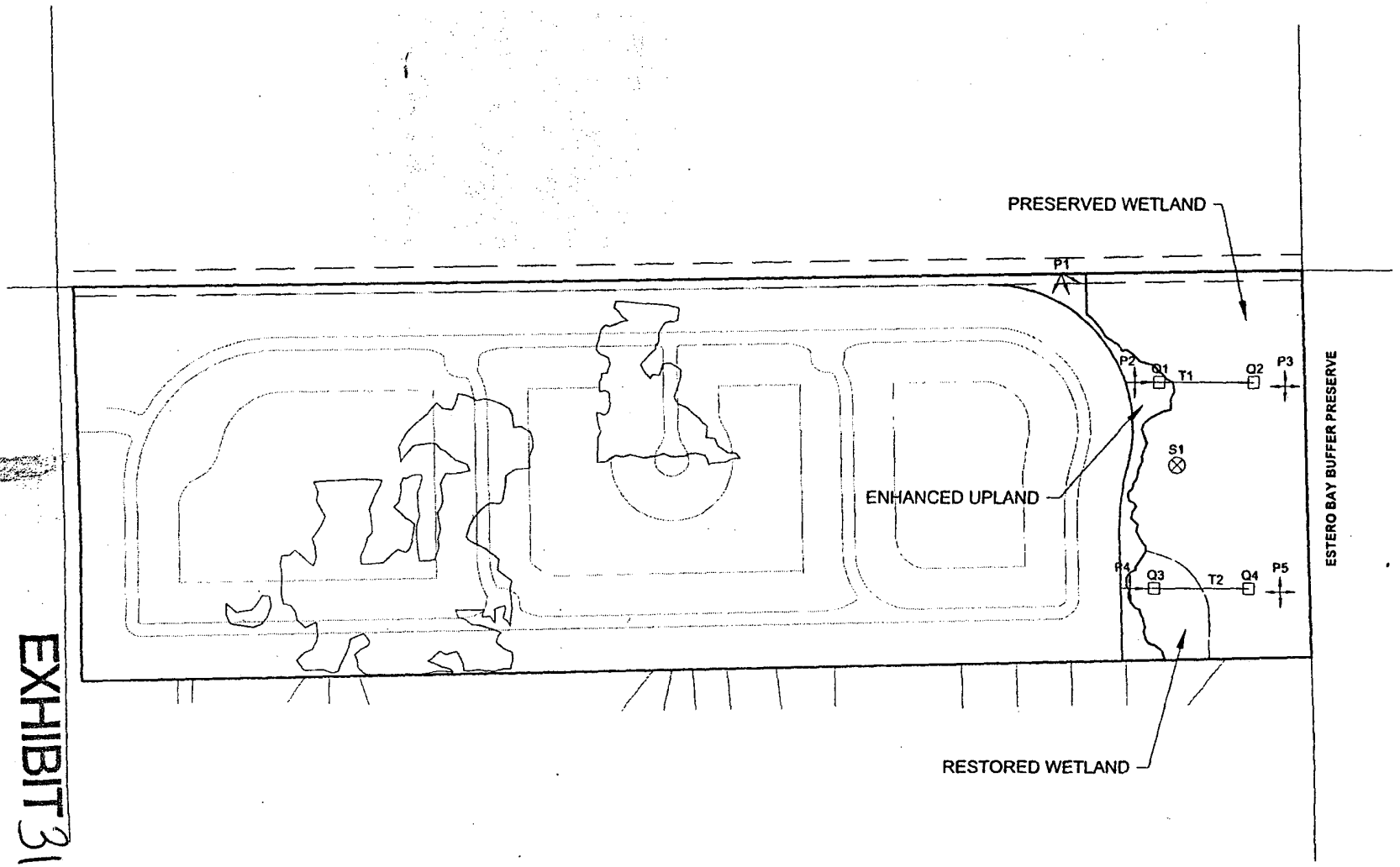


EXHIBIT 31

BAGLEY ENVIROMENTAL AND PLANTING

10680 SE Tulipree Court
Lehigh Acres, FL 33936

PREPARED FOR

Land Solutions inc.

8680 COLLEGE PARKWAY, SUITE 160
FORT MYERS, FLORIDA 33919

PHONE (239) 489-4066
FAX (239) 481-6477

WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

WINKLER PRESERVE

RESIDENTIAL DEVELOPMENT

PART OF SECTION 10
TOWNSHIP 46 SOUTH
RANGE 24 EAST
LEE COUNTY, FLORIDA

FILE NAME	2173ENG1.DWG
LAYOUT	LAYOUT1
LOCATION	J:\2173\DWGS\ENVIRONMENTAL\
PLOT DATE	WED, 10-23-2002 - 10:49 AM
PLOT BY	ROB SCHLICHER
DESIGN BY	
XREF1	
XREF2	
XREF3	
XREF4	
XREF5	
XREF6	

PLAN REVISIONS

PLAN STATUS

PRELIMINARY SITE PLANNING
NOT FOR CONSTRUCTION

MITIGATION MONITORING PLAN

PROJECT / FILE NO	SHEET NUMBER
21658 10-46-24	1

DEED OF CONSERVATION EASEMENT

THIS DEED OF CONSERVATION EASEMENT is given this 2ND day of September, 2003, by Winkler Preserve, LLC, 11220 Metro Parkway, Suite 27, Fort Myers, Florida 33912 ("Grantor") to the South Florida Water Management District ("Grantee"). As used herein, the term Grantor shall include any and all heirs, successors or assigns of the Grantor, and all subsequent owners of the "Property" (as hereinafter defined) and the term Grantee shall include any successor or assignee of Grantee.

WITNESSETH

WHEREAS, the Grantor is the owner of certain lands situated in Lee County, Florida, and more specifically described in Exhibit A attached hereto and incorporated herein ("Property"); and

WHEREAS, the Grantor desires to construct Winkler Preserve ("Project") at a site in Lee County, which is subject to the regulatory jurisdiction of South Florida Water Management District ("District"); and

WHEREAS, DISTRICT Permit No. _____("Permit") authorizes certain activities which affect surface waters in or of the State of Florida; and

WHEREAS, this Permit requires that the Grantor preserve and/or mitigate wetlands under the DISTRICT's jurisdiction; and

WHEREAS, the Grantor has developed and proposed as part of the permit conditions a conservation tract and maintenance buffer involving preservation of certain wetland and/or upland systems on the Property; and

WHEREAS, the Grantor, in consideration of the consent granted by the Permit, is agreeable to granting and securing to the Grantee a perpetual conservation easement as defined in Section 704.06, Florida Statutes (2000), over the Property.

EXHIBIT 32A

APPLICATION NUMBER
021220-3

ADDL/REVISED SUBMITTAL
SEP 03 2003
FORT MYERS SERVICE CENTER

NOW, THEREFORE, in consideration of the issuance of the Permit to construct and operate the permitted activity, and as an inducement to Grantee in issuing the Permit, together with other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, Grantor hereby grants, creates, and establishes a perpetual conservation easement for and in favor of the Grantee upon the Property which shall run with the land and be binding upon the Grantor, and shall remain in full force and effect forever.

The scope, nature, and character of this conservation easement shall be as follows:

1. It is the purpose of this conservation easement to retain land or water areas in their natural, vegetative, hydrologic, scenic, open, agricultural or wooded condition and to retain such areas as suitable habitat for fish, plants or wildlife. Those wetland and/or upland areas included in the conservation easement which are to be enhanced or created pursuant to the Permit shall be retained and maintained in the enhanced or created conditions required by the Permit.

To carry out this purpose, the following rights are conveyed to Grantee by this easement:

a. To enter upon the Property at reasonable times with any necessary equipment or vehicles to enforce the rights herein granted in a manner that will not unreasonably interfere with the use and quiet enjoyment of the Property by Grantor at the time of such entry; and

b. To enjoin any activity on or use of the Property that is inconsistent with this conservation easement and to enforce the restoration of such areas or features of the Property that may be damaged by any inconsistent activity or use.

2. Except for restoration, creation, enhancement, maintenance and monitoring activities, or surface water management improvements, which are permitted or required by the Permit, the following activities are prohibited in or on the Property:

a. Construction or placing of buildings, roads, signs, billboards or other advertising, utilities, or other structures on or above the ground;

b. Dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, waste, or unsightly or offensive materials;

c. Removal or destruction of trees, shrubs, or other vegetation, except for the removal of exotic or nuisance vegetation in accordance with a DISTRICT approved maintenance plan;

d. Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface;

ADDL/REVISED SUBMITTAL
SEP 03 2003
FORT MYERS SERVICE CENTER

APPLICATION NUMBER
021880-3

EXHIBIT 32B

e. Surface use except for purposes that permit the land or water area to remain in its natural condition;

f. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation including, but not limited to, ditching, diking and fencing;

g. Acts or uses detrimental to such aforementioned retention of land or water areas;

h. Acts or uses which are detrimental to the preservation of any features or aspects of the Property having historical or archaeological significance.

3. Grantor reserves all rights as owner of the Property, including the right to engage in uses of the Property that are not prohibited herein and which are not inconsistent with any District rule, criteria, permit and the intent and purposes of this Conservation Easement.

4. No right of access by the general public to any portion of the Property is conveyed by this conservation easement.

5. Grantee shall not be responsible for any costs or liabilities related to the operation, upkeep, or maintenance of the Property.

6. Grantor shall pay any and all real property taxes and assessments levied by competent authority on the Property.

7. Any costs incurred in enforcing, judicially or otherwise, the terms, provisions and restrictions of this conservation easement shall be borne by and recoverable against the nonprevailing party in such proceedings.

8. Enforcement of the terms, provisions and restrictions of this conservation easement shall be at the reasonable discretion of Grantee, and any forbearance on behalf of Grantee to exercise its rights hereunder in the event of any breach hereof by Grantor, shall not be deemed or construed to be a waiver of Grantee's fights hereunder.

9. Grantee will hold this conservation easement exclusively for conservation purposes. Grantee will not assign its rights and obligations under this conservation easement except to another organization qualified to hold such interests under the applicable state laws.

10. If any provision of this conservation easement or the application thereof to any person or circumstances is found to be invalid, the remainder of the provisions of this conservation easement shall not be affected thereby, as long as the purpose of the conservation easement is preserved.

ADDL/REVISED SUBMITTAL
SEP 0 3 2003
FORT MYERS SERVICE CENTER

APPLICATION NUMBER
02 1 2 8 0 - 8

EXHIBIT 32C

11. Grantor shall insert terms and restructions of this conservation easement in any subsequent deed or other legal instrument by which Grantor divest itself of any interest in the Property.

12. All notices, consents, approvals or other communications hereunder shall be in writing and shall be deemed property given if sent by United States certified mail, return receipt requested, addressed to the appropriate party or successor-in-interest.

13. This conservation easement may be amended, altered, released or revoked only by written agreement between the parties hereto or their heirs, assigns or successors-in-interest, which shall be filed in the public records in Lee County.

TO HAVE AND TO HOLD unto Grantee forever. The covenants, terms, conditions, restrictions, and purpose imposed with this conservation easement shall be binding upon Grantor, and shall continue as a servitude running in perpetuity with the Property.

Grantor hereby covenants with said Grantee that Grantor is lawfully seized of said Property in fee simple; that the Property is free and clear of all encumbrances that are inconsistent with the terms of his conservation easement and all mortgages have been joined or subordinated; that Grantor has good right and lawful authority to convey this conservation easement; and that it hereby fully warrants and defends the title to the conservation easement hereby conveyed against the lawful claims of all persons whomsoever.

APPLICATION NUMBER

021220-3

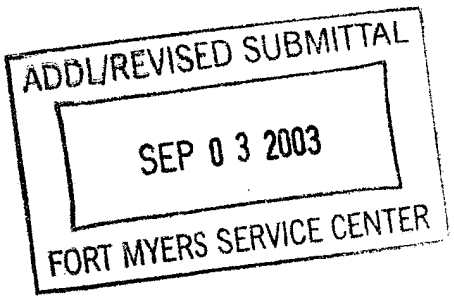


EXHIBIT 32D

IN WITNESS WHEREOF, Winkler Preserve, LLC, has hereunto set its authorized hand this 2ND day of September, 2003.

Signed, sealed and delivered
in our presence as witnesses:

Janet E. Allison
Print Name: Janet E. Allison

Angela Wright
Print Name: Angela Wright

Winkler Preserve, LLC
A Florida limited liability corporation

By: _____
W. Michael Kerver, Vice President

STATE OF FLORIDA
) ss:
COUNTY OF LEE

On this 2ND day of September, 2003 before me, the undersigned notary public, personally appeared W. Michael Kerver, personally known to me to be the person whos ubscribed to the foregoing instrument and did not take an oath, as the Vice President of Winkler Preserve, LLC, a Florida limited liability corporation, and acknowledged that he executed the same on behalf of said corporation and that he was duly authorized to do so.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

NOTARY PUBLIC, STATE OF FLORIDA

Janet E Allison
Print Name: Janet E. Allison

My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA
OFFICIAL NOTARY SEAL
JANET E ALLISON
COMMISSION NUMBER
CC877901
MY COMMISSION EXPIRES
OCT. 29,2003

APPLICATION NUMBER
021220-3

ADD/REVISED SUBMITTAL
SEP 03 2003
FORT MYERS SERVICE CENTER

EXHIBIT 32E

SKETCH OF DESCRIPTION
NOT A SURVEY

WINKLER PRESERVE
CONSERVATION EASEMENT
DESCRIPTION

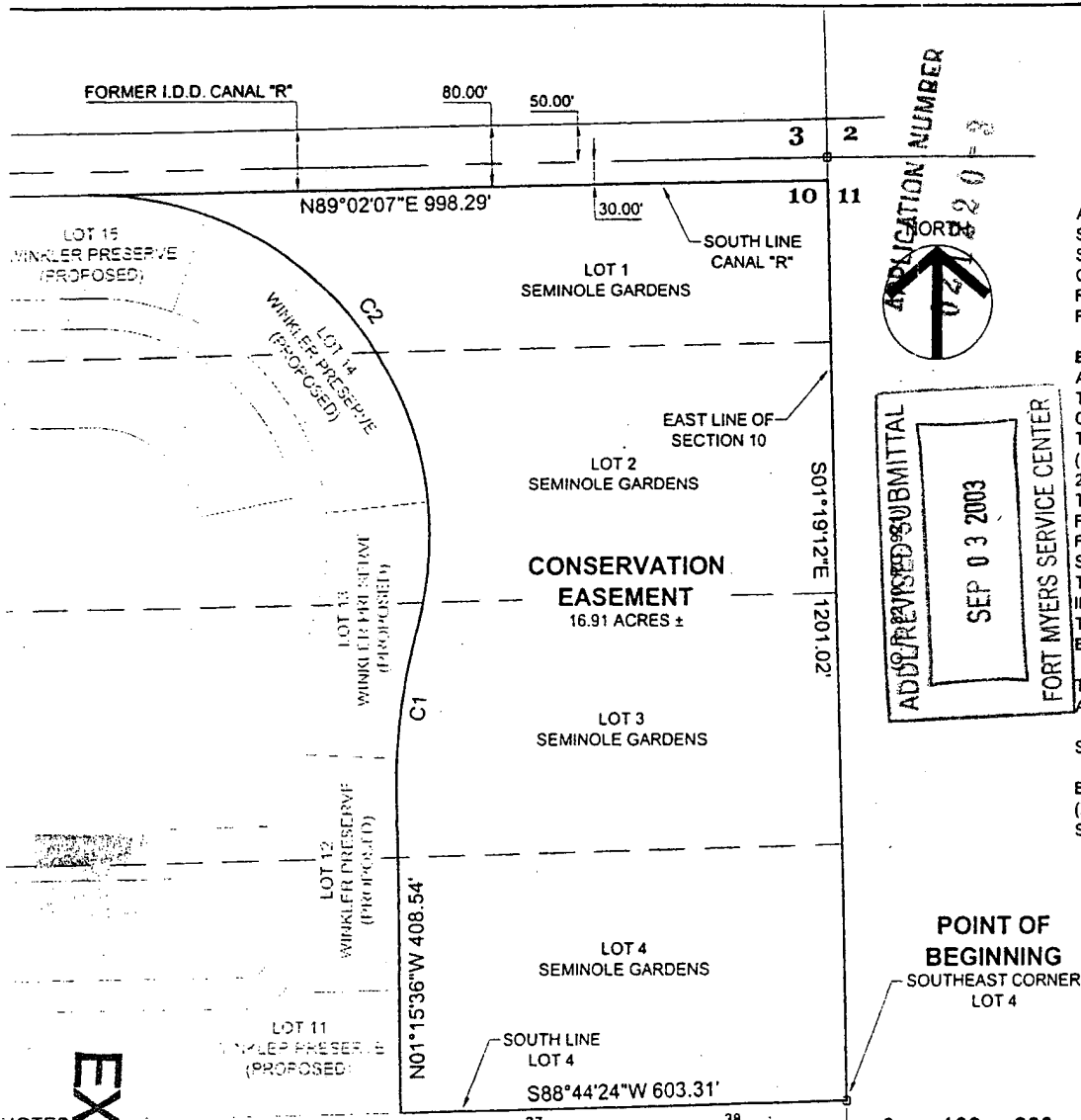
A TRACT OR PARCEL OF LAND LYING IN THAT PORTION OF SECTION 10, TOWNSHIP 46 SOUTH, RANGE 24 EAST AND BEING THAT PART WINKLER PRESERVE (PLAT PENDING) AND SAID TRACT OR PARCEL ALSO BEING THAT PART OF LOTS 1, 2, 3 AND 4 OF SEMINOLE GARDENS, A SUBDIVISION AS RECORDED IN PLAT BOOK 4, PAGE 65 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID TRACT OR PARCEL BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 4 RUN SOUTH 88°44'24" WEST ALONG THE SOUTH LINE OF SAID LOT 4 FOR 603.31 FEET;
THENCE LEAVING SAID SOUTH LINE NORTH 01°15'36" WEST, 408.54 FEET TO A POINT OF CURVATURE;
THENCE NORTHERLY ALONG THE ARC OF A CURVE TO THE RIGHT (RADIUS 750.00 FEET) (DELTA 16°50'21") (CHORD BEARING NORTH 07°09'35" EAST) (CHORD 219.63 FEET), FOR 220.42 FEET TO A POINT OF REVERSE CURVATURE;
THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT (RADIUS 450.00 FEET) (DELTA 106°32'38") (CHORD BEARING NORTH 37°41'34" WEST) (CHORD 721.33 FEET), FOR 836.79 FEET TO A POINT OF TANGENCY AND A POINT OF INTERSECTION WITH THE SOUTHERLY LINE OF FORMER IONA DRAINAGE DISTRICT (I.D.D.) CANAL "R";
THENCE ALONG SAID SOUTHERLY LINE NORTH 89°02'07" EAST, 998.29 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID SECTION 10;
THENCE ALONG SAID EAST LINE SOUTH 01°19'12" EAST, 1,201.02 FEET TO THE **POINT OF BEGINNING.**

THE ABOVE DESCRIBES AN AREA OF APPROXIMATELY 736,469 SQUARE FEET OR 16.91 ACRES OF LAND.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

BEARINGS HEREINABOVE MENTIONED ARE STATE PLANE FOR THE FLORIDA WEST ZONE (NAD 1983/90 ADJUSTMENT) AND ARE BASED ON THE EAST LINE OF THE NE 1/4 OF SAID SECTION 10 TO BEAR SOUTH 01°19'12" EAST.



POINT OF BEGINNING
SOUTHEAST CORNER LOT 4

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD
C1	220.42'	750.00'	16°50'21"	N07°09'35"E	219.63'
C2	836.79'	450.00'	106°32'38"	N37°41'34"W	721.33'

0 100 200 400
SCALE IN FEET

NOTES:
1. ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.
2. O.R. - DENOTES OFFICIAL RECORDS BOOK.
3. PG. - DENOTES PAGE.

Scott A. Wheeler 8/1/03
SCOTT A WHEELER (FOR THE FIRM - LB-6940) DATE SIGNED
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5949

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

Barraco and Associates, Inc.
CIVIL ENGINEERS, LAND SURVEYORS
LAND PLANNERS AND CONSULTANTS
www.barraco.net
2271 McGREGOR BOULEVARD
POST OFFICE DRAWER 2800
FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3170
FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7988 - SURVEYING LB-6940

Land Solutions, Inc.
6150 DIAMOND CENTER COURT
BUILDING 1300
FORT MYERS, FLORIDA 33912
PHONE (239) 466-4066
FAX (239) 461-8477
WWW.LANDSOLUTIONS.NET

WINKLER PRESERVE
RESIDENTIAL DEVELOPMENT
PART OF SECTION 10
TOWNSHIP 46 SOUTH
RANGE 24 EAST
LEE COUNTY, FLORIDA

SKETCH TO ACCOMPANY DESCRIPTION

1 OF 1

EXHIBIT 39E

Standard Form

06/02
Form 1106

STATE OF FLORIDA

IRREVOCABLE LETTER OF CREDIT TO DEMONSTRATE FINANCIAL ASSURANCE

South Florida Water Management District (District)
P.O. Box 24680
West Palm Beach, FL 33416-4680

Address of Issuing Institution

Dear Sir or Madam:

We hereby establish our Irrevocable Letter of Credit No. ("Letter of Credit") in the District's favor, at the request and for the account of
Winkler Preserve, LLC ("permittee")
Permittee's Name and Address
11220 Metro Parkway, Suite 27, Fort Myers, Florida 33912

up to the aggregate amount of Sixty-nine Thousand, Seven Hundred Ninety-Five
In Words
U.S. dollars $69,795.00 , available upon presentation of:

1) your sight draft, bearing reference to this Letter of Credit No. , and either:

   (a) a Certificate issued by the South Florida Water Management District in the form of Certificate I attached hereto and made a part hereof; or

   (b) a Certificate issued by the South Florida Water Management District in the form of Certificate II attached hereto and made a part hereof.

The issuer of this Letter of Credit has authority to issue letters of credit and the issuer's letter of credit operations are regulated and examined by a federal or Florida state agency. This letter of credit is established with a financial institution licensed in Florida.

The District is the sole beneficiary of this Letter of Credit. The original Letter of Credit shall be retained by the District.

This Letter of Credit may be drawn on to cover the following mitigation activities of the as authorized and required by District Environmental Resource Permit number (the "permit") as such permit may be amended and include all plans approved by such permit:

APPLICATION NUMBER
021220-3

ADDL/REVISED SUBMITTAL
SEP 03 2003
FORT MYERS SERVICE CENTER

EXHIBIT 32A

Standard Form

06/02
Form 1106

This Letter of Credit is effective as of . This date is prior to the date the activity authorized by the permit commences. This Letter of Credit shall continue to be effective through but such expiration date shall be automatically extended without amendment for additional periods of one year from the present or future expiration date until notification of final release by the District.

This Letter of Credit cannot be revoked, terminated or cancelled unless, at least 90 days before the cancellation date, the issuer notifies the District of its intent to revoke, terminate or cancel the Letter of Credit. In the event the District is so notified, any unused portion of the Letter of Credit shall be available to the District, upon the District's written request, for 90 days after the date of receipt of such notice by the District. If the District notifies Winkler Preserve, LLC (permittee) that it does not intend to draw upon the Letter of Credit, then within 90 days of receipt by the Winkler Preserve, LLC (permittee) of actual or constructive notice of revocation, termination or cancellation of this Letter of Credit or other actual or constructive notice of cancellation, the Winkler Preserve, LLC (permittee) shall provide an alternate financial responsibility mechanism which meets the requirements of subsections 4.3.7-4.3.7.9, of the Basis of Review for Environmental Resource Permit Applications.

Whenever this letter of credit is drawn on under and in compliance with the terms of this Letter of Credit, we shall duly honor such draft upon presentation to us, and we shall tender the draft directly to the District in accordance with your instructions.

We hereby waive notification of amendments to the mitigation plans, permit, applicable laws, statutes, rules and regulations and agree that no such amendment shall in any way alleviate us of our obligation under this Letter of Credit.

Signature(s). Title(s) of Official(s) of Issuing Institution Date

This Letter of Credit is subject to

Insert "the most recent edition of the Uniform Customs and Practice for Documentary Credits, published by the International Chamber of Commerce, " or " the Uniform Commercial Code".

APPLICATION NUMBER
021220-3

ADDL/REVISED SUBMITTAL
SEP 03 2003
FORT MYERS SERVICE CENTER

EXHIBIT 33B

Standard Form

06/02
Form 1106

CERTIFICATE I
TO
BANK OF
IRREVOCABLE LETTER OF CREDIT NO.

Date: , 20

Issuing Bank's Name and Address

Permittee's Name and Address

Ladies and Gentlemen:

The undersigned , the Director of the Natural Resource Management Division of the South Florida Water Management District (the "District"), or , the Director's designee, hereby certifies to (the
Permittee's Name
"permittee") and , with reference to Irrevocable Letter of Credit No.
Issuing Bank's Name
, dated , (the "Letter of Credit"), issued by the Bank in favor of the District as follows:

1. The District has heretofore provided written notice by placing in the U.S. Mail to of the District's present right to
Permittee's Name
draw upon the Letter of Credit in accordance with the provisions of that certain Environmental Resource Permit # , dated , issued by the District in favor of .
Permittee's Name

2. has failed to comply with the terms and conditions of the Permit.
Permittee's Name

APPLICATION NUMBER
021220-3

ADDL/REVISED SUBMITTAL
SEP 03 2003
FORT MYERS SERVICE CENTER

EXHIBIT 33C

IN WITNESS WHEREOF, this Certificate has been duly executed and delivered on behalf of the District as of this day of , 20 .

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

By:

Name
Director, Natural Resource Management Division or Designee

APPLICATION NUMBER
021220-3

ADDL/REVISED SUBMITTAL
SEP 03 2003
FORT MYERS SERVICE CENTER

EXHIBIT 33D

Standard Form

06/02
Form 1106

CERTIFICATE II
TO

Issuing Bank's Name
IRREVOCABLE NONTRANSFERABLE LETTER OF CREDIT NO.

Date: , 20

Issuing Bank's Name and Address

Permittee's Name and Address

Ladies and Gentlemen:

The undersigned , the Director of the Natural Resource Management Division of the South Florida Water Management District ("the District"), or the Director's designee, hereby notifies (the "Bank") of its
Issuing Bank's Name
intent to draw upon Irrevocable Letter of Credit No. , dated , (the "Letter of Credit"), issued by the Bank in favor of the District and certifies to the Bank and . as follows:
Permittee's Name

1. The Bank has heretofore provided written notice to the District and
Permittee's Name
of the Bank's intent not to renew the Letter of Credit following the expiration date thereof.

2. The District has provided prior written notice by placing in the U.S. Mail to that it intends to draw upon the Letter of Credit.

3. Permittee's Name has failed to provide the District with substitute Financial Assurance.

APPLICATION NUMBER
021220-3

ADDL/REVISED SUBMITTAL
SEP 03 2003
FORT MYERS SERVICE CENTER

EXHIBIT 33E

06/02
Form 1106

IN WITNESS WHEREOF, this Certificate has been duly executed and delivered on behalf of the District as of this day of , 20 .

SOUTH FLORIDAWATER MANAGEMENT DISTRICT

By:

Name
Director, Natural Resource Management Division or Designee

APPLICATION NUMBER
021220-3

ADDL/REVISED SUBMITTAL
SEP 03 2003
FORT MYERS SERVICE CENTER

EXHIBIT 33F

South Florida Water Management District

Work Schedule Requirements

Application No : 021220-3

Mitigation Plan ID: WINKLER PRESERVE

Activity	Due Date
SUBMITTAL OF FINANCIAL ASSURANCE DOCUMENTATION	31-JAN-2004
SUBMITTAL OF MITIGATION BANK DOCUMENTATION	31-JAN-2004
RECORDED CONSERVATION EASEMENT	31-JAN-2004
BASELINE MONITORING REPORT	01-APR-2004
EXOTIC VEGETATION REMOVAL/RESTORATION OF CONTOURS/PLANTING	01-MAY-2004
TIME ZERO MONITORING REPORT	01-JUN-2004
QUARTERLY EXOTIC VEGETATION MAINTENANCE	01-SEP-2004
QUARTERLY EXOTIC VEGETATION MAINTENANCE	01-DEC-2004
QUARTERLY EXOTIC VEGETATION MAINETENANCE	01-MAR-2005
FIRST MONITORING REPORT	01-JUN-2005
SEMI-ANNUAL EXOTIC VEGETATION MAINTENANCE	01-DEC-2005
SEMI-ANNUAL EXOTIC VEGETATION MAINTENANCE	01-MAY-2006
SECOND MONITORING REPORT	01-JUN-2006
ANNUAL EXOTIC VEGETATION MAINTENANCE	01-MAY-2007
THIRD MONITORING REPORT	01-JUN-2007
ANNUAL EXOTIC VEGETATION MAINTENANCE	01-MAY-2008
FOURTH MONITORING REPORT	01-JUN-2008
ANNUAL EXOTIC VEGETATION MAINTENANCE	01-MAY-2009
FIFTH MONITORING REPORT	01-JUN-2009

Exhibit No : 34

South Florida Water Management District

erp_existing_site_details.rdf — Existing / Proposed Environmental Features Information

Run Report on : 28-OCT-03 02:53 PM

Application Number: 021220-3

CSTR NEW WINKLER PRESERVE — ONSITE

Pre - Development	Post - Development

UPLA

Site Id	Acreage	Quality	Qualify Melaleuca	Habitat	Impact Type	Impact Acreage	Undisturbed Acreage	Preserved Acreage	Enhanced Acreage	Restored Acreage
5	83.99	FAIR/POOR	N	Pine Flatwoods - Upland		.00	.00	1.25	1.04	
Total:	83.99					.00	.00	1.25	1.04	

WETL

Site Id	Acreage	Quality	Qualify Melaleuca	Habitat	Impact Type	Impact Acreage	Undisturbed Acreage	Preserved Acreage	Enhanced Acreage	Restored Acreage
1	.18	POOR	N	Freshwater Marshes	Direct	.18	.00	.00	.00	
2	8.86	POOR	N	Melaleuca-Wetland	Direct	8.86	.00	.00	.00	
3	2.70	FAIR/POOR	N	Freshwater Marshes	Direct	2.70	.00	.00	.00	
4	6.61	GOOD	N	Saltwater Marshes	Direct	.00	.00	6.61	6.61	
4	6.90	GOOD	N	Mangrove Swamps	Direct	.00	.00	6.90	6.42	
4	.52	GOOD	N	Cabbage Palm-Hydric	Direct	.00	.00	.52	.52	
4	1.52	FAIR/POOR	N	Melaleuca-Wetland	Direct	.00	.00	1.52	1.52	
Total:	27.29					11.74	.00	15.55	15.07	

EXHIBIT 35

STAFF REPORT DISTRIBUTION LIST

WINKLER PRESERVE

Application No: 021220-3

Permit No: 36-04616-P

INTERNAL DISTRIBUTION

X Jewelene S. Harris - 7420
X Pierre Fortunat - 7420
X Ricardo A. Valera, P.E. - 7420
X Ross T. Morton, P.W.S. - 7420
X A. Waterhouse - 4220
X ERC Engineering - 1520
X ERC Environmental - 1520
X Fort Myers Backup File - 1520
X Fort Myers Service Center Director - 1520
X J. Golden - 4210
X Pat McGary - 1520
X Permit File
X R. Robbins - 4250

GOVERNING BOARD MEMBERS

- Mr. Harkley R. Thornton
- Mr. Hugh English
- Mr. Irela Bague
- Mr. Kevin McCarty
- Mr. Lennart Lindahl
- Mr. Michael Collins
- Mr. Nicolas Gutierrez, Jr.
- Ms. Pamela Brooks-Thomas
- Ms. Trudi Williams

EXTERNAL DISTRIBUTION

X Permittee - Winkler Preserve Llc
X Engr Consultant - Barraco And Associates Inc

GOVERNMENT AGENCIES

X Conservancy of Southwest Florida
X Div of Recreation and Park - District 8 - FDEP
X FDEP
X Florida Fish & Wildlife Conservation Commission - Bureau of Protected Species Mgmt
X Lee County - Development Services Director
X Lee County Engineer

OTHER INTERESTED PARTIES

X Audubon of Florida - Charles Lee
X League of Women Voters of Lee County - Clara Ar Graham Elliott
X S.W.F.R.P.C. - Glenn Heath
X Water Management Institute - Michael N. Vanatta

Barraco and Associates, Inc.
www.barraco.net
Civil Engineers, Land Surveyors and Planners

September 3, 2003

Mr. Ricardo Valera, P.E.
South Florida Water Management District
2301 McGregor Boulevard
Fort Myers, FL 33901

Re: Winkler Preserve

Dear Mr. Valera:

Please accept the following information in regards to your June 12, 2003 correspondence regarding the above referenced project. The following responses are provided in order with respect to your correspondence.

Comment 1

Response 9, stipulates that soil borings are unavailable due to thick vegetation on the project site. As previously requested, please submit soil borings in the area of the proposed lakes. The borings should extend several feet below the proposed bottom of the lakes to ensure that any existing confining layer will not be breached. In addition, due to the location of the site, some concerns exist that the excavation and/or de-watering may increase salt-water intrusion. Please provide the results of water testing for chloride levels and coordinate with Mr. Terry Bengtsson. Please refer to Section 5.6 of the Basis of Review, Volume IV.

Response 1

Attached please find soil bore test results from Universal Engineering Sciences and report with regard to chloride levels and dewatering from CDM.

Comment 2

Please fill in and re-submit Section E of the permit application.

Response 2

Please find Section E completed and attached.

Comment 3

Please revise the engineering plans Sheet 2 "Wetland/Upland/Preservation/Mitigation Plan" of the environmental supplement to show the wetland buffer in between the upland preserve and the wetland preserve.

Response 3

As discussed with Jewelene Harris on August 5, 2003, the wetland buffer falls within the upland preserve. An average of 25' is provided with a minimum of 15', as stated on the plans.

Comment 4

Please revise Sheet 6 of the plans to clearly show the boundary of the wetland buffer and revise cross-section G-G to show the wetland buffer in between the upland preserve and the wetland preserve.

Response 4

As discussed with Jewelene Harris on August 5, 2003, the wetland buffer falls within the upland preserve. An average of 25' is provided with a minimum of 15', as stated on the plans.

Comment 5

Please revise cross-section C-C of the environmental supplement to show plantings in the restoration area and upland area. Please show location and list the plant species.

Response 5

Please find the revised section C-C of the environmental supplement attached.

Comment 6

Please provide a contract for the mitigation credits to be purchased at Little Pine Island Mitigation Bank. This contract should include the amount and type of credits to be purchased. To offset impacts to wetland 2, the District staff requests that 2.21 freshwater forested credits be purchased. The submitted letter from Little Pine Island Mitigation Bank does not state the number of credits and references freshwater herbaceous credits as opposed to freshwater-forested credits.

Response 6

Please see the attached response from Bagley Environmental & Planting Services, Inc.

Comment 7

Pursuant to Section 4.3.7 of the Basis of Review, applicants proposing mitigation costing in excess of $25,000 must provide proof of financial responsibility for the mitigation activities, management, monitoring, and any potential corrective action which may be required. Proof of financial responsibility, in the amount of 110% of the estimated cost, may be provided in the form of a cash bond, letter of credit, trust fund or other acceptable mechanism. Please provide a draft of the proposed financial responsibility for staff review and approval.

Response 7

Attached, please find a draft letter of credit for the mitigation costs.

Comment 8

Please provide a signed Deed of Conservation Easement for the onsite mitigation area, including enhanced upland area and the upland buffer. The following information will be required in order to process the conservation easement: (1) site map, (2) legal description and number of acres of the conservation easement, (3) a sketch of the easement area. Please note that prior to the issuance of a permit, an executed copy of the easement document must be provided. Also, within 60 days of issuance of a permit, a recorded copy of the easement document will be required to be submitted.

Response 8

Attached please find a Deed of Conservation Easement for the onsite mitigation area. Since there is other agency permitting required that might be impacted by this easement, a recorded copy of the easement document will be submitted prior to construction.

Based on the enclosed information, please complete your review of the SFWMD Environmental Resource Permit submittal for the above reference project.

If you should have any questions or require additional information, please advise.

Very truly yours,

BARRACO AND ASSOCIATES, INC.

Kim Peterson, P.E.
Design Engineer

KP/jc
21737

c.c. Kathy Morgan
Marshall Bagley

CDM
9311 College Parkway, Suite 1
Fort Myers, Florida 33919
tel: 239 432-9494
fax: 239 432-9453

August 21, 2003

Mr. Wayne Elrod
Development Solutions, LLC
6150 Diamond Centre Court, #1300
Fort Myers, FL 33912

Subject: Winkler Preserve Dewatering

Dear Wayne:

As we discussed, results of groundwater sampling at Winkler Preserve indicate brackish water quality in the surficial aquifer throughout the property. As part of conducting a soil analysis for the site, Universal Engineering Sciences also constructed four shallow wells, one at each test site as shown on the attached map. The wells consist of approximately 10 feet of well screen from land surface to a total depth of 10 feet. The wells were sampled approximately 13 days after construction by bailing three well volumes from each well and then taking a water sample for analyses of chloride concentration and specific conductance. During sampling it was noted that wells B-2, B-3, and B-4 had maintained the approximate 10 foot initial construction depth but that well B-1 apparently had sand up to a depth of about 4 feet.
Results of the chemical analyses are given on the attached table. Chloride concentration ranged from 640 mg/l to 6280 mg/l. The range of values was not unexpected as outlined in my letter of July 16th. Implications of these results are that temporary construction dewatering at the site is feasible and permittable and that the issue of creating salt water intrusion is not applicable. Note that all water pumped at the site for purposes of construction dewatering must be carefully controlled and maintained on site by way of bermed containment and/or infiltration basis. Review of the soil boring logs by Universal Testing indicate that the material to be excavated is of moderate to low permeability, so excessive volumes of water are not anticipated.

Per you request, we are also providing herein, a cost proposal for preparation of a construction dewatering permit application with the SFWMD. In order to obtain a dewatering permit the applicant must identify the areal extent and depth of excavation, depth of dewatering, and the hydraulic conductivity of the materials to be dewatered. A water budget must also be developed for the dewatering process that shows the size and location of retention areas for the dewatering effluent. We will need to coordinate with you to obtain site

CDM

maps, aerial photos, and drawings showing the proposed construction activities. Available data regarding the hydraulic characteristics and water quality conditions in the shallow aquifer will be utilized. No field testing or modeling are proposed at this time.

An application for a general permit for dewatering during construction at the site will be prepared for submittal to the SFWMD along with aerial photos and other supporting documentation. The application will include general information regarding the project and specifics about the proposed dewatering operation including the method of excavation, water discharge area, and anticipated working hours. A monitoring plan that includes daily turbidity measurements of the discharge and receiving water body as a minimum, will be required.

Our fee for preparation and submittal of the application and supporting documentation is $4800 and includes limited response to technical and operational questions District staff may have regarding the application. A general permit is limited to a construction period of one year and daily pumpage of less than 10 MGD. Should the project require dewatering outside of these parameters, then an individual permit will be required. Cost for an individual permit application would be approximately $3000 more than the general. Extensive response requiring fieldwork or computer modeling is not included but can be provided if necessary under separate proposal. The permit application fee is not included in the cost provided.

We appreciate the opportunity to offer our services on this project and are prepared to begin work upon your approval. Please contact me if you have any questions regarding the proposal or require additional information.

Very truly yours,

W. Kirk Martin, P.G.
CDM Missimer

Enclosure

CDM

DEVELOPMENT SOLUTIONS, LLC
WINKLER PRESERVE DEWATERING
PROPOSAL FOR HYDROGEOLOGICAL CONSULTING SERVICES
PROJECT AUTHORIZATION

This authorization constitutes a legal contract under the laws of the State of Florida. The undersigned parties have reviewed this document and the Terms and Conditions for Professional Services and agree to the scope of services described in the enclosed letter proposal dated August 21, 2003.

Billings will be made on a progress basis or upon completion of the project, whichever comes first. Payment is to be made within 30 days of the invoice date and late invoices may be charged at a rate of 1-1/2% per month beyond 30 days. In the event it becomes necessary to retain attorneys to collect any amounts owed under this contract, then CDM Missimer shall be entitled to all costs plus a reasonable attorney's fee. Should a lawsuit be necessary to collect any amounts due and owing pursuant to this contract, the parties hereto agree that such action shall be brought in Lee County, Florida, and that venue for all actions lie in Lee County, Florida.

TERMS AND CONDITIONS FOR PROFESSIONAL SERVICES

In no event shall CONSULTANT's total liability to OWNER and/or any of the OWNER's officers, employees, agents, contractors or subcontractors for any and all injuries, claims, losses, expenses or damages whatsoever arising out of or in any way related to this agreement from cause or causes, including but not limited to, CONSULTANT's wrongful act, omission, negligence, errors, strict liability, breach of contract, breach of warranty, express or implied, exceed the total amount of fee paid to CONSULTANT under this agreement or $50,000, whichever is greater.

P. Krueger
Witness

Julie Faircloth
Witness

Date: 8/21/2003

CDM Missimer

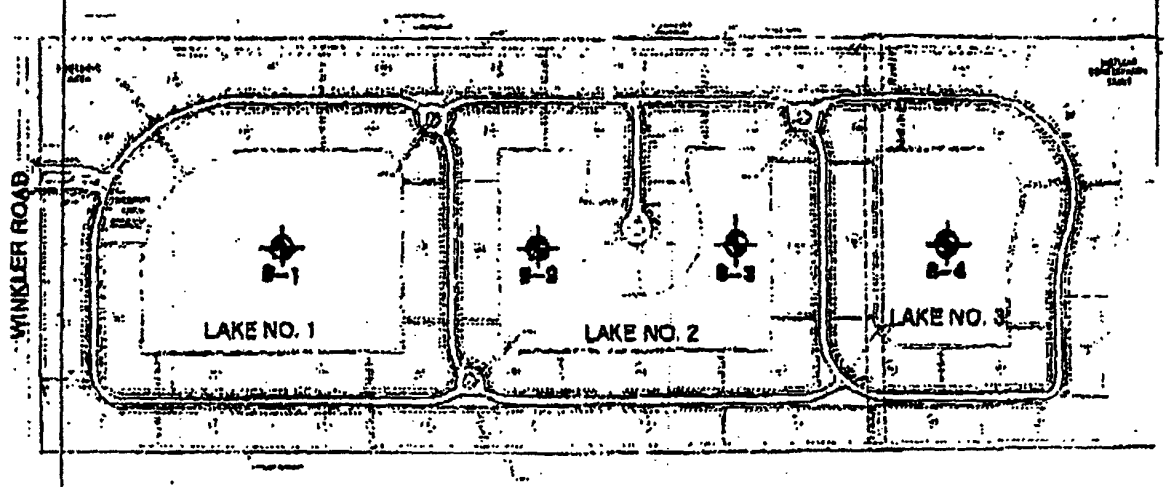
Approved By: Thomas M. Missimer
Thomas M. Missimer, Ph.D., P.G.
Vice President

_____
Witness

_____
Witness

Authorized By: _____
Authorized Representative, Title

Date: _____



Borings Performed 7-31-03.
Location Plan was based on a drawing provided by client.

LEGEND :
Standard Penetration Test

UNIVERSAL
ENGINEERING SCIENCES

PROPOSED LAKE EXCAVATIONS
WINKLER RESERVE
LEE COUNTY, FLORIDA

BORING LOCATION PLAN

DRAWN BY:	F.M.S.	DATE:	8-13-03	CHECKED BY:	MKL	DATE:	8-14-03
SCALE:	N.T.S.	ORDER NO:	51950-001-01	REPORT NO:	88249	PAGE NO:	C-1

Winkler Preserve
Chloride Analysis

Project Name: Winkler Preserve Project Number: 23350 39692 RT.PERMIT				Sampled By: Karl Hopfensperger Date: 8/13/02 Analyzed By: Karl Hopfensperger Date: 8/13/02
Well Number	Date and Time	Sample Number/ Well Volumes Purged	Specific Conductance (umhos/cm) Corrected	Dissolved Chloride Concentration (mg/l)
B-1	8/13/02,10:29 A.M.	5009 / 1*	7050	2060
B-2	8/13/02, 8:51 A.M.	LH-10 / 3	2144	640
B-3	8/13/02, 9:23 A.M.	PI-283 / 3	17440	6280
B-4	8/13/02, 9:51 A.M.	B-32 / 3	14380	5240
Lab Standard	8/13/03, 11:00 A.M.	10,000 umhos/cm standard	9630	------
Lab Standard	8/13/03, 12:30 P.M.	1000 mg/l chloride standard	-------	1000

* B-1: well only 3.5 feet deep, insufficient well capacity to purge three well volumes.

SECTION E

INFORMATION FOR STANDARD GENERAL, INDIVIDUAL AND CONCEPTUAL ENVIRONMENTAL RESOURCE PERMITS FOR PROJECTS NOT RELATED TO A SINGLE FAMILY DWELLING UNIT

Please provide the information requested below if the proposed project requires either a standard general, individual, or conceptual approval environmental resource permit and is not related to an individual, single family dwelling unit, duplex or quadraplex. The information listed below represents the level of information that is usually required to evaluate an application. The level of information required for a specific project will vary depending on the nature and location of the site and the activity proposed. Conceptual approvals generally do not require the same level of detail as a construction permit. However, providing a greater level of detail will reduce the need to submit additional information at a later date. If an item does not apply to your project, proceed to the next item. **PLEASE SUBMIT ALL INFORMATION ON PAPER NO LARGER THAN 24" X 36".**

I. Site Information

A. Provide a map(s) of the project area and vicinity delineating USDA/SCS soil types. *Please find plans attached.*

B. Provide recent aerials, legible for photointerpretation with a scale of 1" = 400 ft, or more detailed, with project boundaries delineated on the aerial. *Please find plans attached.*

C. Identify the seasonal high water or mean high tide elevation and normal pool or mean low tide elevation for each on site wetland or surface water, including receiving waters into which runoff will be discharged. Include dates, datum, and methods used to determine these elevations. *Please refer to the attached report.*

D. Identify the wet season high water tables at the locations representative of the entire project site. Include dates, datum, and methods used to determine these elevations. *Please refer to the attached report.*

II. Environmental Considerations

A. Provide results of any wildlife surveys that have been conducted on the site, and provide any comments pertaining to the project from the Florida Game and Fresh Water Fish Commission and the U.S. Fish and Wildlife Service. *Please refer to the attached report. Comments will be provided if applicable.*

B. Provide a description of how water quantity, quality, hydroperiod, and habitat will be maintained in on-site wetlands and other surface waters that will be preserved or will remain undisturbed. *Please refer to the attached report.*

C. Provide a narrative description of any proposed mitigation plans, including purpose, maintenance, monitoring, and construction sequence and techniques, and estimated costs. *Please refer to the attached report.*

D. Describe how boundaries of wetlands or other surface waters were determined. If there has ever been a jurisdictional declaratory statement, a formal wetland determination, a formal determination, a validated

informal determination, or a revalidated jurisdictional determination, provide the identifying number. *Please refer to the attached report.*

E. Impact Summary Tables:

1. For all projects, complete Table 1, 2 and 3 as applicable. *Please refer to the attached report.*

2. For docking facilities or other structures constructed over wetlands or other surface waters, provide the information requested in Table 4. *N/A*

3. For shoreline stabilization projects, provide the information requested in Table 5. *N/A*

III. Plans

Provide clear, detailed plans for the system including specifications, plan (overhead) views, cross sections (with the locations of the cross sections shown on the corresponding plan view), and profile (longitudinal) views of the proposed project. The plans must be signed and sealed by a an appropriate registered professional as required by law. Plans must include a scale and a north arrow. These plans should show the following:

A. Project area boundary and total land area, including distances and orientation from roads or other land marks; *Please see the attached plans.*

B. Existing land use and land cover (acreage and percentages), and on-site natural communities, including wetlands and other surface waters, aquatic communities, and uplands. Use the Florida Land Use Cover & Classification System (FLUCCS)(Level 3) for projects proposed in the South Florida Water Management District, the St. Johns River Water Management District, and the Suwannee River Water Management District and use the National Wetlands Inventory (NWI) for projects proposed in the Southwest Florida Water Management District. Also identify each community with a unique identification number which must be consistent in all exhibits.
Please see the attached plans.

C. The existing topography extending at least 100 feet off the project area, and including adjacent wetlands and other surface waters. All topography shall include the location and a description of known benchmarks, referenced to NGVD. For systems waterward of the mean high water (MHW) or seasonal high water lines, show water depths, referenced to mean low water (MLW) in tidal areas or seasonal low water in non-tidal areas, and list the range between MHW and MLW. For docking facilities, indicate the distance to, location of, and depths of the nearest navigational channel and access routes to the channel.
Please see the attached plans.

D. If the project is in the known flood plain of a stream or other water course, identify the flood plain boundary and approximate flooding elevations; Identify the 100-year flood elevation and floodplain boundary of any lake, stream or other watercourse located on or adjacent to the site;
Please see the attached plans and report.

E. The boundaries of wetlands and other surface waters within the project area. Distinguish those wetlands and other surface waters that have been delineated by any binding jurisdictional determination;
Please see the attached plans.

F. Proposed land use, land cover and natural communities (acreage and percentages), including wetlands and other surface waters, undisturbed uplands, aquatic communities, impervious surfaces, and water management areas. Use the same classification system and community identification number used in III (B) above.
Please see the attached plans and report.

G. Proposed impacts to wetlands and other surface waters, and any proposed connections/outfalls to other surface waters or wetlands;
Please see the attached plans.

H. Proposed buffer zones;
Please see the attached plans and report.

I. Pre and post-development drainage patterns and basin boundaries showing the direction of flows, including any off-site runoff being routed through or around the system; and connections between wetlands and other surface waters;
Please see the attached plans and report.

J. Location of all water management areas with details of size, side slopes, and designed water depths;
Please see the attached plans and report.

K. Location and details of all water control structures, control elevations, any seasonal water level regulation schedules; and the location and description of benchmarks (minimum of one benchmark per structure);
Please see the attached plans and report.

L. Location, dimensions and elevations of all proposed structures, including docks, seawalls, utility lines, roads, and buildings;
Please see the attached plans and report.

M. Location, size, and design capacity of the internal water management facilities;
Please see the attached plans and report.

N. Rights-of-way and easements for the system, including all on-site and off-site areas to be reserved for water management purposes, and rights-of-way and easements for the existing drainage system, if any;
Please see the attached plans and report.

O. Receiving waters or surface water management systems into which runoff from the developed site will be discharged;
Please see the attached plans and report.

P. Location and details of the erosion, sediment and turbidity control measures to be implemented during each phase of construction and all permanent control measures to be implemented in post-development conditions;
Please see attached plans. These measures are incorporated into an SWP3.

Q. Location, grading, design water levels, and planting details of all mitigation areas;
Please see the attached plans and report.

R. Site grading details, including perimeter site grading;
Please see the attached plans and report

S. Disposal site for any excavated material, including temporary and permanent disposal sites;
Please see the attached plans and report.

T. Dewatering plan details;
Please see the attached plans and report.

U. For marina facilities, locations of any sewage pumpout facilities, fueling facilities, boat repair and maintenance facilities, and fish cleaning stations;
N/A

V. Location and description of any nearby existing offsite features which might be affected by the proposed construction or development such as stormwater management ponds, buildings or other structures, wetlands or other surface waters.
Please see the attached plans and report.

W. For phased projects, provide a master development plan.
Please see the attached plans and report.

IV. Construction Schedule and Techniques

Provide a construction schedule, and a description of construction techniques, sequencing and equipment. This information should specifically include the following:

A. Method for installing any pilings or seawall slabs;
N/A

B. Schedule of implementation of a temporary or permanent erosion and turbidity control measures;
These measures are shown in the SWP3.

C. For projects that involve dredging or excavation in wetlands or other surface waters, describe the method of excavation, and the type of material to be excavated;
Please see the attached plans and report.

D. For projects that involve fill in wetlands or other surface waters, describe the source and type of fill material to be used. For shoreline stabilization projects that involve the installation of riprap, state how these materials are to be placed, (i.e., individually or with heavy equipment) and whether the rocks will be underlain with filter cloth;
Please see the attached plans and report.

E. If dewatering is required, detail the dewatering proposal including the methods that are proposed to contain the discharge, methods of isolating dewatering areas, and indicate the period dewatering structures will be in place (**Note a consumptive use or water use permit may by required**);
N/A

F. Methods for transporting equipment and materials to and from the work site. If barges are required for access, provide the low water depths and draft of the fully loaded barge; and
By way of Winkler Rd. and the connecting Lee County roadway.

G. Demolition plan for any existing structures to be removed;
Please see the attached plans and report.

H. Identify the schedule and party responsible for completing monitoring, record drawings, and as-built certifications for the project when completed.
The applicant and agents will provide this information at the appropriate time.

V. Drainage Information

A. Provide pre-development and post-development drainage calculations, signed and sealed by an appropriate registered professional, as follows:

1. Runoff characteristics, including area, runoff curve number or runoff coefficient, and time of concentration for each drainage basin;
Please see the attached plans and report.
2. Water table elevations (normal and seasonal high) including aerial extent and magnitude of any proposed water table drawdown;
Please see the attached plans and report.
3. Receiving water elevations (normal, wet season, design storm);
Please see the attached plans and report.
4. Design storms used including rainfall depth, duration, frequency, and distribution;
Please see the attached plans and report.
5. Runoff hydrograph(s) for each drainage basin, for all required design storm event(s);
Please see the attached plans and report.
6. Stage-storage computations for any area such as a reservoir, close basin, detention area, or channel, used in storage routing;
Please see the attached plans and report.
7. Stage-discharge computations for any storage areas at a selected control point, such as control structure or natural restriction;
Please see the attached plans and report.
8. Flood routings through on-site conveyance and storage areas;
Please see the attached plans and report.
9. Water surface profiles in the primary drainage system for each required design storm event(s);
Please see the attached plans and report.

10. Runoff peak rates and volumes discharged from the system for each required design storm event(s); and
Please see the attached plans and report.
11. Tail water history and justification (time and elevation);
Please see the attached plans and report.
12. Pump specifications and operating curves for range of possible operating conditions (if used in system).
N/A

B. Provide the results of any percolation tests, where appropriate, and soil borings that are representative of the actual site conditions;
Please see the attached plans and report.

C. Provide the acreage, and percentages of the total project, of the following:

1. impervious surfaces, excluding wetlands,
Please see the attached plans and report.
2. pervious surfaces (green areas, not including wetlands),
Please see the attached plans and report.
3. lakes, canals, retention areas, other open water areas,
Please see the attached plans and report.
4. wetlands;
Please see the attached plans and report.

D. Provide an engineering analysis of floodplain storage and conveyance (if applicable), including:
1. Hydraulic calculations for all proposed traversing works;
Please see the attached plans and report.
2. Backwater water surface profiles showing upstream impact of traversing works;
Please see the attached plans and report.
3. Location and volume of encroachment within regulated floodplain(s); and
Please see the attached plans and report.
4. Plan for compensating floodplain storage, if necessary, and calculations required for determining minimum building and road flood elevations.
Please see the attached plans and report.

E. Provide an analysis of the water quality treatment system including:
1. A description of the proposed stormwater treatment methodology that addresses the type of treatment, pollution abatement volumes, and recovery analysis; and
Please see the attached plans and report.
2. Construction plans and calculations that address stage-storage and design elevations, which demonstrate compliance with the appropriate water quality treatment criteria.
Please see the attached plans and report.

F. Provide a description of the engineering methodology, assumptions and references for the parameters listed above, and a copy of all such computations, engineering plans, and specifications used to analyze the system. If a computer program is used for the analysis, provide the name of the program, a description of the program, input and output data, two diskette copies, if available, and justification for model selection.
Please see the attached plans and report.

VI. Operation and Maintenance and Legal Documentation

A. Describe the overall maintenance and operation schedule for the proposed system.
Please see the attached POA documents.

B. Identify the entity that will be responsible for operating and maintaining the system in perpetuity if different than the permittee, a draft document enumerating the enforceable affirmative obligations on

the entity to properly operate and maintain the system for its expected life, and documentation of the entity's financial responsibility for long term maintenance. If the proposed operation and maintenance entity is not a property owner's association, provide proof of the existence of an entity, or the future acceptance of the system by an entity which will operate and maintain the system. If a property owner's association is the proposed operation and maintenance entity, provide copies of the articles of incorporation for the association and copies of the declaration, restrictive covenants, deed restrictions, or other operational documents that assign responsibility for the operation and maintenance of the system. Provide information ensuring the continued adequate access to the system for maintenance purposes. Before transfer of the system to the operating entity will be approved, the permittee must document that the transferee will be bound by all terms and conditions of the permit.
Please see the attached POA documents.

C. Provide copies of all proposed conservation easements, storm water management system easements, property owner's association documents, and plats for the property containing the proposed system.
Please see attached.

D. Provide indication of how water and waste water service will be supplied. Letters of commitment from off-site suppliers must be included.
Please see attached.

E. Provide a copy of the boundary survey and/or legal description and acreage of the total land area of contiguous property owned/controlled the applicant.
Please see attached.

VII. Water Use

A. Will the surface water system be used for water supply, including landscape irrigation,or recreation.
No.

B. If a Consumptive Use or Water Use permit has been issued for the project, state the permit number.
A Water Use Permit application for common area irrigation will be submitted.

C. If no Consumptive Use or Water Use permit has been issued for the project, indicate if such a permit will be required and when the application for a permit will be submitted.
A Water Use Permit application for common area irrigation will be submitted concurrent with ERP.

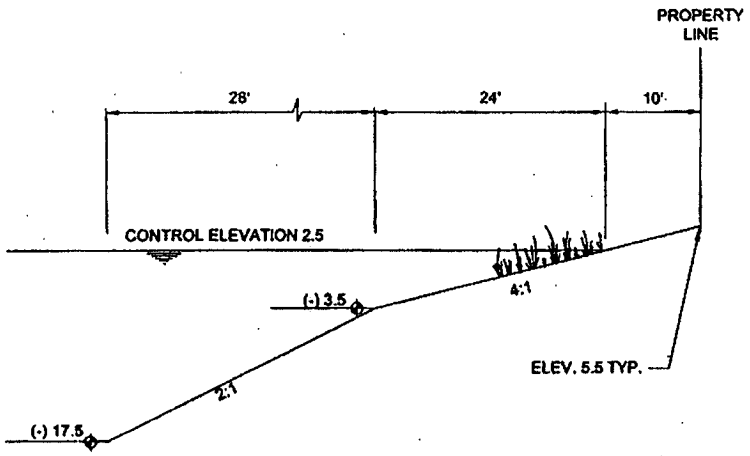
D. Indicate how any existing wells located within the project site will be utilized or abandoned.
N/A.

Table 5: SHORELINE STABILIZATION IF YOU ARE CONSTRUCTING A SHORELINE STABILIZATION PROJECT, PLEASE PROVIDE THE FOLLOWING: ***N/A***

Stabilization	Linear Feet New	Linear Feet Replaced	Linear Feet Repaired	Linear Feet Removed	Scope H: V:	Toe Width (ft)
Vertical Seawall						
Seawall + Rip Rap						
Rip Rap						
Rip Rap + Vegetation						
Other Shoreline Stabilization Type _____						

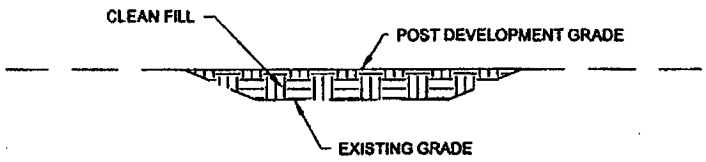
Size of Rip Rap _____

Type of Rip Rap _____



SECTION A-A

NOT TO SCALE

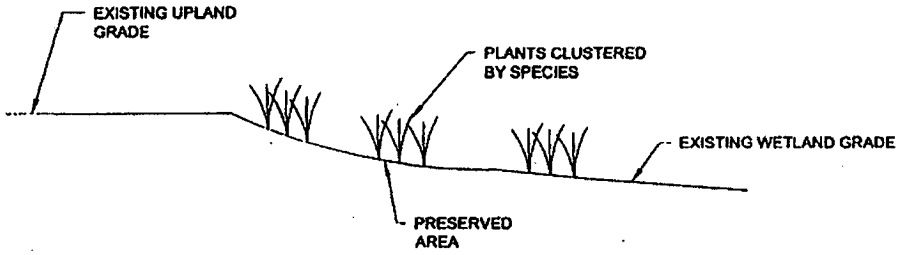


SECTION B-B

NOT TO SCALE

PLANT LIST (SIZE) X (HEIGHT)

2,000	SPARTINA	SPP	LINERS	12" MIN.
2,000	JUNCUS	SPP	LINERS	12" MIN.
2,000	DISTICHLIS	SPP	LINERS	



SECTION C-C PLANTING

BAGLEY ENVIROMENTAL AND PLANTING
10680 SE Tuliptree Court
Lehigh Acres, FL 33936

PREPARED FOR

Land Solutions Inc.
6150 DIAMOND CENTER COURT
BUILDING 1300
FORT MYERS, FLORIDA 33912
PHONE (239) 489-4066
FAX (239) 481-8477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

WINKLER PRESERVE

RESIDENTIAL DEVELOPMENT

PART OF SECTION 10
TOWNSHIP 46 SOUTH
RANGE 24 EAST
LEE COUNTY, FLORIDA

NOT VALID WITHOUT ORIGINAL SEAL, SIGNATURE AND DATE
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FILE NAME	[illegible]
LAYOUT	LAYOUT1
LOCATION	[illegible]
PLOT DATE	[illegible]
PLOT BY	[illegible]
DESIGN BY	
XREF1	
XREF2	
XREF3	
XREF4	
XREF5	
XREF6	

PLAN REVISIONS

PLAN STATUS

PRELIMINARY SITE PLANNING
NOT FOR CONSTRUCTION

TYPICAL CROSS SECTIONS

PROJECT / FILE NO.	SHEET NUMBER

Bagley Environmental & Planting Services, Inc.
BE&P
4850 Cedar Hammock Court
Fort Myers, Florida 33905
Ph: 239.693.3919 **Fax: 239.694.5405**

July 07, 2003

RAI: Winkler Preserve Appl. # 021220-3

Dear Ms. Peterson ,

Please enter these responses to address the SFWMD RAI for Winkler Preserve dated 6/12/2003 Appl. # 021220-3.

6) Contract for purchase of 2.21 Freshwater Herbaceous Credits from Little Pine Island is attached.

Credits requested switched to Freshwater Forested Credits by SFWMD Staff is erroneously based on the assumption of a native forested system being impacted on the Winkler Preserve site. The impacted wetland is herbaceous invaded by melaleuca and the general condition of the impacted wetlands minus melaleuca is herbaceous with minor occurrence of typical herbaceous wet grasses such as beakrush, starush, sedge and muhly grass, which was verified in the field by SFWMD staff member Mr. Kelly. We do not agree to the requested change to Freshwater Forested Credits based on the presence of invasive melaleuca dominating these wetlands.

Any questions call me at 693.3919.

Sincerely,

Marshall Bagley

Bagley Environmental & Planting Services, Inc.
BE&P
4850 Cedar Hammock Court
Fort Myers, Florida 33905
Ph: 239.693.3919 **Fax: 239.694.5405**

July 07, 2003

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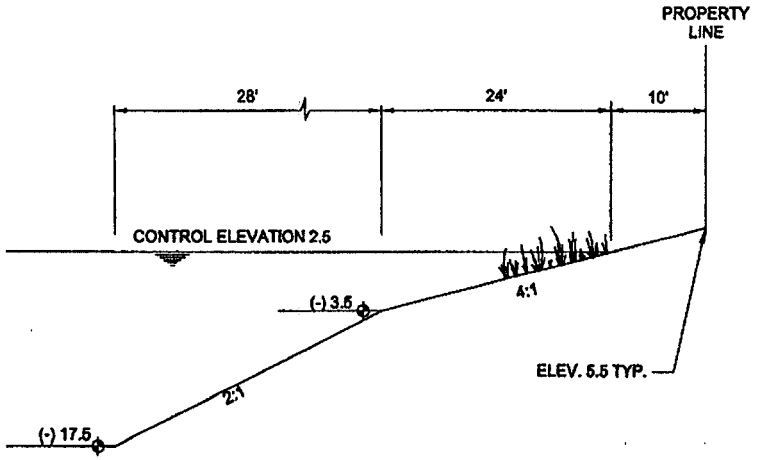
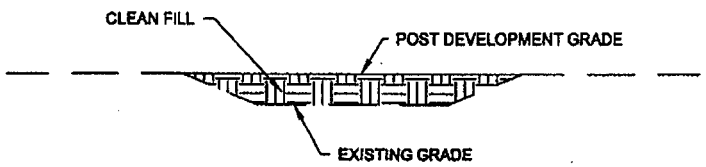
Marshall Bagley



SECTION A-A

NOT TO SCALE

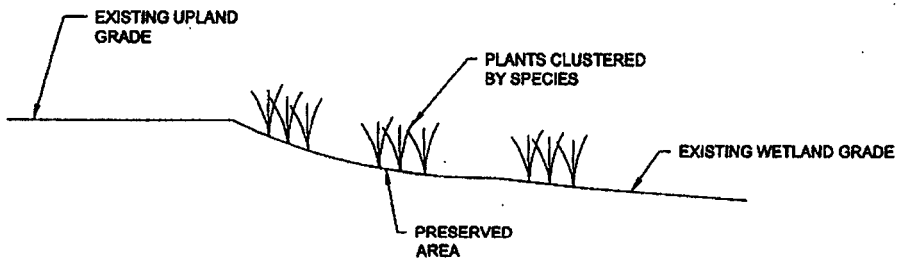


SECTION B-B

NOT TO SCALE

PLANT LIST (SIZE) X (HEIGHT)

2,000	SPARTINA	SPP	LINERS	12" MIN.
2,000	JUNCUS	SPP	LINERS	12" MIN.
2,000	DISTICHLIS	SPP	LINERS	



SECTION C-C PLANTING

BAGLEY ENVIROMENTAL AND PLANTING
10680 SE Tuliptree Court
Lehigh Acres, FL 33936

PREPARED FOR

Land Solutions Inc.
6150 DIAMOND CENTER COURT
BUILDING 1300
FORT MYERS, FLORIDA 33912
PHONE (239) 466-4066
FAX (239) 481-8477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

WINKLER PRESERVE

RESIDENTIAL DEVELOPMENT

PART OF SECTION 10
TOWNSHIP 46 SOUTH
RANGE 24 EAST
LEE COUNTY, FLORIDA

NOT VALID WITHOUT EMBOSSED SEAL, SIGNATURE AND DATE
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FILE NAME	21737SHEADING
LAYOUT	LAYOUT1
LOCATION	J:\21737\WORK\ENVIRONMENTAL\ BAGLEY\
PLOT DATE	THU, 7-24-2025 - 2:23 PM
PLOT BY	TODD YARA
DESIGN BY	
XREF1	
XREF2	
XREF3	
XREF4	
XREF5	
XREF6	

PLAN REVISIONS

PLAN STATUS

PRELIMINARY SITE PLANNING
NOT FOR CONSTRUCTION

TYPICAL CROSS SECTIONS

SECTION E

INFORMATION FOR STANDARD GENERAL, INDIVIDUAL AND CONCEPTUAL ENVIRONMENTAL RESOURCE PERMITS FOR PROJECTS NOT RELATED TO A SINGLE FAMILY DWELLING UNIT

Please provide the information requested below if the proposed project requires either a standard general, individual, or conceptual approval environmental resource permit and is not related to an individual, single family dwelling unit, duplex or quadraplex. The information listed below represents the level of information that is usually required to evaluate an application. The level of information required for a specific project will vary depending on the nature and location of the site and the activity proposed. Conceptual approvals generally do not require the same level of detail as a construction permit. However, providing a greater level of detail will reduce the need to submit additional information at a later date. If an item does not apply to your project, proceed to the next item. **PLEASE SUBMIT ALL INFORMATION ON PAPER NO LARGER THAN 24" X 36".**

I. Site Information

A. Provide a map(s) of the project area and vicinity delineating USDA/SCS soil types. *Please find plans attached.*

B. Provide recent aerials, legible for photointerpretation with a scale of 1" = 400 ft, or more detailed, with project boundaries delineated on the aerial. *Please find plans attached.*

C. Identify the seasonal high water or mean high tide elevation and normal pool or mean low tide elevation for each on site wetland or surface water, including receiving waters into which runoff will be discharged. Include dates, datum, and methods used to determine these elevations. *Please refer to the attached report.*

D. Identify the wet season high water tables at the locations representative of the entire project site. Include dates, datum, and methods used to determine these elevations. *Please refer to the attached report.*

II. Environmental Considerations

A. Provide results of any wildlife surveys that have been conducted on the site, and provide any comments pertaining to the project from the Florida Game and Fresh Water Fish Commission and the U.S. Fish and Wildlife Service. *Please refer to the attached report. Comments will be provided if applicable.*

B. Provide a description of how water quantity, quality, hydroperiod, and habitat will be maintained in on-site wetlands and other surface waters that will be preserved or will remain undisturbed. *Please refer to the attached report.*

C. Provide a narrative description of any proposed mitigation plans, including purpose, maintenance, monitoring, and construction sequence and techniques, and estimated costs. *Please refer to the attached report.*

D. Describe how boundaries of wetlands or other surface waters were determined. If there has ever been a jurisdictional declaratory statement, a formal wetland determination, a formal determination, a validated

informal determination, or a revalidated jurisdictional determination, provide the identifying number. *Please refer to the attached report.*

E. Impact Summary Tables:

1. For all projects, complete Table 1, 2 and 3 as applicable. *Please refer to the attached report.*

2. For docking facilities or other structures constructed over wetlands or other surface waters, provide the information requested in Table 4. *N/A*

3. For shoreline stabilization projects, provide the information requested in Table 5. *N/A*

III. Plans

Provide clear, detailed plans for the system including specifications, plan (overhead) views, cross sections (with the locations of the cross sections shown on the corresponding plan view), and profile (longitudinal) views of the proposed project. The plans must be signed and sealed by a an appropriate registered professional as required by law. Plans must include a scale and a north arrow. These plans should show the following:

A. Project area boundary and total land area, including distances and orientation from roads or other land marks;
Please see the attached plans.

B. Existing land use and land cover (acreage and percentages), and on-site natural communities, including wetlands and other surface waters, aquatic communities, and uplands. Use the Florida Land Use Cover & Classification System (FLUCCS)(Level 3) for projects proposed in the South Florida Water Management District, the St. Johns River Water Management District, and the Suwannee River Water Management District and use the National Wetlands Inventory (NWI) for projects proposed in the Southwest Florida Water Management District. Also identify each community with a unique identification number which must be consistent in all exhibits.
Please see the attached plans.

C. The existing topography extending at least 100 feet off the project area, and including adjacent wetlands and other surface waters. All topography shall include the location and a description of known benchmarks, referenced to NGVD. For systems waterward of the mean high water (MHW) or seasonal high water lines, show water depths, referenced to mean low water (MLW) in tidal areas or seasonal low water in non-tidal areas, and list the range between MHW and MLW. For docking facilities, indicate the distance to, location of, and depths of the nearest navigational channel and access routes to the channel.
Please see the attached plans.

D. If the project is in the known flood plain of a stream or other water course, identify the flood plain boundary and approximate flooding elevations; Identify the 100-year flood elevation and floodplain boundary of any lake, stream or other watercourse located on or adjacent to the site;
Please see the attached plans and report.

E. The boundaries of wetlands and other surface waters within the project area. Distinguish those wetlands and other surface waters that have been delineated by any binding jurisdictional determination;
Please see the attached plans.

F. Proposed land use, land cover and natural communities (acreage and percentages), including wetlands and other surface waters, undisturbed uplands, aquatic communities, impervious surfaces, and water management areas. Use the same classification system and community identification number used in III (B) above.
Please see the attached plans and report.

G. Proposed impacts to wetlands and other surface waters, and any proposed connections/outfalls to other surface waters or wetlands;
Please see the attached plans.

H. Proposed buffer zones;
Please see the attached plans and report.

I. Pre and post-development drainage patterns and basin boundaries showing the direction of flows, including any off-site runoff being routed through or around the system; and connections between wetlands and other surface waters;
Please see the attached plans and report.

J. Location of all water management areas with details of size, side slopes, and designed water depths;
Please see the attached plans and report.

K. Location and details of all water control structures, control elevations, any seasonal water level regulation schedules; and the location and description of benchmarks (minimum of one benchmark per structure);
Please see the attached plans and report.

L. Location, dimensions and elevations of all proposed structures, including docks, seawalls, utility lines, roads, and buildings;
Please see the attached plans and report.

M. Location, size, and design capacity of the internal water management facilities;
Please see the attached plans and report.

N. Rights-of-way and easements for the system, including all on-site and off-site areas to be reserved for water management purposes, and rights-of-way and easements for the existing drainage system, if any;
Please see the attached plans and report.

O. Receiving waters or surface water management systems into which runoff from the developed site will be discharged;
Please see the attached plans and report.

P. Location and details of the erosion, sediment and turbidity control measures to be implemented during each phase of construction and all permanent control measures to be implemented in post-development conditions;
Please see attached plans. These measures are incorporated into an SWP3.

Q. Location, grading, design water levels, and planting details of all mitigation areas;
Please see the attached plans and report.

R. Site grading details, including perimeter site grading;
Please see the attached plans and report

S. Disposal site for any excavated material, including temporary and permanent disposal sites;
Please see the attached plans and report.

T. Dewatering plan details;
Please see the attached plans and report.

U. For marina facilities, locations of any sewage pumpout facilities, fueling facilities, boat repair and maintenance facilities, and fish cleaning stations;
N/A

V. Location and description of any nearby existing offsite features which might be affected by the proposed construction or development such as stormwater management ponds, buildings or other structures, wetlands or other surface waters.
Please see the attached plans and report.

W. For phased projects, provide a master development plan.
Please see the attached plans and report.

IV. Construction Schedule and Techniques

Provide a construction schedule, and a description of construction techniques, sequencing and equipment. This information should specifically include the following:

A. Method for installing any pilings or seawall slabs;
N/A

B. Schedule of implementation of a temporary or permanent erosion and turbidity control measures;
These measures are shown in the SWP3.

C. For projects that involve dredging or excavation in wetlands or other surface waters, describe the method of excavation, and the type of material to be excavated;
Please see the attached plans and report.

D. For projects that involve fill in wetlands or other surface waters, describe the source and type of fill material to be used. For shoreline stabilization projects that involve the installation of riprap, state how these materials are to be placed, (i.e., individually or with heavy equipment) and whether the rocks will be underlain with filter cloth;
Please see the attached plans and report.

E. If dewatering is required, detail the dewatering proposal including the methods that are proposed to contain the discharge, methods of isolating dewatering areas, and indicate the period dewatering structures will be in place **(Note a consumptive use or water use permit may by required)**;
N/A

F. Methods for transporting equipment and materials to and from the work site. If barges are required for access, provide the low water depths and draft of the fully loaded barge; and
By way of Winkler Rd. and the connecting Lee County roadway.

G. Demolition plan for any existing structures to be removed;
Please see the attached plans and report.

H. Identify the schedule and party responsible for completing monitoring, record drawings, and as-built certifications for the project when completed.
The applicant and agents will provide this information at the appropriate time.

V. Drainage Information

A. Provide pre-development and post-development drainage calculations, signed and sealed by an appropriate registered professional, as follows:

1. Runoff characteristics, including area, runoff curve number or runoff coefficient, and time of concentration for each drainage basin;
Please see the attached plans and report.
2. Water table elevations (normal and seasonal high) including aerial extent and magnitude of any proposed water table drawdown;
Please see the attached plans and report.
3. Receiving water elevations (normal, wet season, design storm);
Please see the attached plans and report.
4. Design storms used including rainfall depth, duration, frequency, and distribution;
Please see the attached plans and report.
5. Runoff hydrograph(s) for each drainage basin, for all required design storm event(s);
Please see the attached plans and report.
6. Stage-storage computations for any area such as a reservoir, close basin, detention area, or channel, used in storage routing;
Please see the attached plans and report.
7. Stage-discharge computations for any storage areas at a selected control point, such as control structure or natural restriction;
Please see the attached plans and report.
8. Flood routings through on-site conveyance and storage areas;
Please see the attached plans and report.
9. Water surface profiles in the primary drainage system for each required design storm event(s);
Please see the attached plans and report.

10. Runoff peak rates and volumes discharged from the system for each required design storm event(s); and
Please see the attached plans and report.
11. Tail water history and justification (time and elevation);
Please see the attached plans and report.
12. Pump specifications and operating curves for range of possible operating conditions (if used in system).
N/A

B. Provide the results of any percolation tests, where appropriate, and soil borings that are representative of the actual site conditions;
Please see the attached plans and report.

C. Provide the acreage, and percentages of the total project, of the following:

1. impervious surfaces, excluding wetlands,
Please see the attached plans and report.
2. pervious surfaces (green areas, not including wetlands),
Please see the attached plans and report.
3. lakes, canals, retention areas, other open water areas,
Please see the attached plans and report.
4. wetlands;
Please see the attached plans and report.

D. Provide an engineering analysis of floodplain storage and conveyance (if applicable), including:
1. Hydraulic calculations for all proposed traversing works;
Please see the attached plans and report.
2. Backwater water surface profiles showing upstream impact of traversing works;
Please see the attached plans and report.
3. Location and volume of encroachment within regulated floodplain(s); and
Please see the attached plans and report.
4. Plan for compensating floodplain storage, if necessary, and calculations required for determining minimum building and road flood elevations.
Please see the attached plans and report.

E. Provide an analysis of the water quality treatment system including:
1. A description of the proposed stormwater treatment methodology that addresses the type of treatment, pollution abatement volumes, and recovery analysis; and
Please see the attached plans and report.
2. Construction plans and calculations that address stage-storage and design elevations, which demonstrate compliance with the appropriate water quality treatment criteria.
Please see the attached plans and report.

F. Provide a description of the engineering methodology, assumptions and references for the parameters listed above, and a copy of all such computations, engineering plans, and specifications used to analyze the system. If a computer program is used for the analysis, provide the name of the program, a description of the program, input and output data, two diskette copies, if available, and justification for model selection.
Please see the attached plans and report.

VI. Operation and Maintenance and Legal Documentation

A. Describe the overall maintenance and operation schedule for the proposed system.
Please see the attached POA documents.

B. Identify the entity that will be responsible for operating and maintaining the system in perpetuity if different than the permittee, a draft document enumerating the enforceable affirmative obligations on

the entity to properly operate and maintain the system for its expected life, and documentation of the entity's financial responsibility for long term maintenance. If the proposed operation and maintenance entity is not a property owner's association, provide proof of the existence of an entity, or the future acceptance of the system by an entity which will operate and maintain the system. If a property owner's association is the proposed operation and maintenance entity, provide copies of the articles of incorporation for the association and copies of the declaration, restrictive covenants, deed restrictions, or other operational documents that assign responsibility for the operation and maintenance of the system. Provide information ensuring the continued adequate access to the system for maintenance purposes. Before transfer of the system to the operating entity will be approved, the permittee must document that the transferee will be bound by all terms and conditions of the permit.
Please see the attached POA documents.

C. Provide copies of all proposed conservation easements, storm water management system easements, property owner's association documents, and plats for the property containing the proposed system.
Please see attached.

D. Provide indication of how water and waste water service will be supplied. Letters of commitment from off-site suppliers must be included.
Please see attached.

E. Provide a copy of the boundary survey and/or legal description and acreage of the total land area of contiguous property owned/controlled the applicant.
Please see attached.

VII. Water Use

A. Will the surface water system be used for water supply, including landscape irrigation,or recreation.
No.

B. If a Consumptive Use or Water Use permit has been issued for the project, state the permit number.
A Water Use Permit application for common area irrigation will be submitted.

C. If no Consumptive Use or Water Use permit has been issued for the project, indicate if such a permit will be required and when the application for a permit will be submitted.
A Water Use Permit application for common area irrigation will be submitted concurrent with ERP.

D. Indicate how any existing wells located within the project site will be utilized or abandoned.
N/A.

Table 5: SHORELINE STABILIZATION IF YOU ARE CONSTRUCTING A SHORELINE STABILIZATION PROJECT, PLEASE PROVIDE THE FOLLOWING: ***N/A***

Stabilization	Linear Feet New	Linear Feet Replaced	Linear Feet Repaired	Linear Feet Removed	Scope H: V:	Toe Width (ft)
Vertical Seawall						
Seawall + Rip Rap						
Rip Rap						
Rip Rap + Vegetation						
Other Shoreline Stabilization Type _____						

Size of Rip Rap _____

Type of Rip Rap _____

Standard Form

06/02
Form 1106

STATE OF FLORIDA

IRREVOCABLE LETTER OF CREDIT TO DEMONSTRATE FINANCIAL ASSURANCE

South Florida Water Management District (District)
P.O. Box 24680
West Palm Beach, FL 33416-4680

Address of Issuing Institution

Dear Sir or Madam:

We hereby establish our Irrevocable Letter of Credit No. ("Letter of Credit") in the District's favor, at the request and for the account of
Winkler Preserve, LLC ("permittee")
Permittee's Name and Address
11220 Metro Parkway, Suite 27, Fort Myers, Florida 33912

up to the aggregate amount of Sixty-nine Thousand, Seven Hundred Ninety-Five
In Words
U.S. dollars $69,795.00 , available upon presentation of:

1) your sight draft, bearing reference to this Letter of Credit No. , and either:

   (a) a Certificate issued by the South Florida Water Management District in the form of Certificate I attached hereto and made a part hereof; or

   (b) a Certificate issued by the South Florida Water Management District in the form of Certificate II attached hereto and made a part hereof.

The issuer of this Letter of Credit has authority to issue letters of credit and the issuer's letter of credit operations are regulated and examined by a federal or Florida state agency. This letter of credit is established with a financial institution licensed in Florida.

The District is the sole beneficiary of this Letter of Credit. The original Letter of Credit shall be retained by the District.

This Letter of Credit may be drawn on to cover the following mitigation activities of the as authorized and required by District Environmental Resource Permit number (the "permit") as such permit may be amended and include all plans approved by such permit:

Standard Form

06/02
Form 1106

This Letter of Credit is effective as of . This date is prior to the date the activity authorized by the permit commences. This Letter of Credit shall continue to be effective through but such expiration date shall be automatically extended without amendment for additional periods of one year from the present or future expiration date until notification of final release by the District.

This Letter of Credit cannot be revoked, terminated or cancelled unless, at least 90 days before the cancellation date, the issuer notifies the District of its intent to revoke, terminate or cancel the Letter of Credit. In the event the District is so notified, any unused portion of the Letter of Credit shall be available to the District, upon the District's written request, for 90 days after the date of receipt of such notice by the District. If the District notifies Winkler Preserve, LLC (permittee) that it does not intend to draw upon the Letter of Credit, then within 90 days of receipt by the Winkler Preserve, LLC (permittee) of actual or constructive notice of revocation, termination or cancellation of this Letter of Credit or other actual or constructive notice of cancellation, the Winkler Preserve, LLC (permittee) shall provide an alternate financial responsibility mechanism which meets the requirements of subsections 4.3.7-4.3.7.9, of the Basis of Review for Environmental Resource Permit Applications.

Whenever this letter of credit is drawn on under and in compliance with the terms of this Letter of Credit, we shall duly honor such draft upon presentation to us, and we shall tender the draft directly to the District in accordance with your instructions.

We hereby waive notification of amendments to the mitigation plans, permit, applicable laws, statutes, rules and regulations and agree that no such amendment shall in any way alleviate us of our obligation under this Letter of Credit.

Signature(s), Title(s) of Official(s) of Issuing Institution Date

This Letter of Credit is subject to

Insert "the most recent edition of the Uniform Customs and Practice for Documentary Credits, published by the International Chamber of Commerce, " or " the Uniform Commercial Code".

Standard Form

06/02
Form 1106

DRAFT

CERTIFICATE I
TO
BANK OF
IRREVOCABLE LETTER OF CREDIT NO.

Date: , 20

Issuing Bank's Name and Address

Permittee's Name and Address

Ladies and Gentlemen:

The undersigned , the Director of the Natural Resource Management Division of the South Florida Water Management District (the "District"), or , the Director's designee, hereby certifies to (the
Permittee's Name
"permittee") and , with reference to Irrevocable Letter of Credit No.
Issuing Bank's Name
, dated , (the "Letter of Credit"), issued by the Bank in favor of the District as follows:

1. The District has heretofore provided written notice by placing in the U.S. Mail to of the District's present right to
Permittee's Name
draw upon the Letter of Credit in accordance with the provisions of that certain Environmental Resource Permit # , dated , issued by the District in favor of .
Permittee's Name

2. has failed to comply with the terms and conditions of the Permit.
Permittee's Name

06/02
Form 1106

Standard Form

DRAFT

IN WITNESS WHEREOF, this Certificate has been duly executed and delivered on behalf of the District as of this day of , 20 .

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

By:

Name
Director, Natural Resource Management Division or Designee

06/02
Form 1106

Standard Form

DRAFT

CERTIFICATE II
TO

Issuing Bank's Name
IRREVOCABLE NONTRANSFERABLE LETTER OF CREDIT NO.

Date: , 20

Issuing Bank's Name and Address

Permittee's Name and Address

Ladies and Gentlemen:

The undersigned , the Director of the Natural Resource Management Division of the South Florida Water Management District ("the District"), or the Director's designee, hereby notifies (the "Bank") of its
Issuing Bank's Name
intent to draw upon Irrevocable Letter of Credit No. , dated , (the "Letter of Credit"), issued by the Bank in favor of the District and certifies to the Bank and , as follows:
Permittee's Name

1. The Bank has heretofore provided written notice to the District and
Permittee's Name
of the Bank's intent not to renew the Letter of Credit following the expiration date thereof.

2. The District has provided prior written notice by placing in the U.S. Mail to that it intends to draw upon the Letter of Credit.

Permittee's Name
3. has failed to provide the District with substitute Financial Assurance.
Permittee's Name

06/02
Form 1106

Standard Form

DRAFT

IN WITNESS WHEREOF, this Certificate has been duly executed and delivered on behalf of the District as of this day of , 20 .

SOUTH FLORIDAWATER MANAGEMENT DISTRICT

By:

Name
Director, Natural Resource Management Division or Designee

DEED OF CONSERVATION EASEMENT

THIS DEED OF CONSERVATION EASEMENT is given this 2ND day of September, 2003, by Winkler Preserve, LLC, 11220 Metro Parkway, Suite 27, Fort Myers, Florida 33912 ("Grantor") to the South Florida Water Management District ("Grantee"). As used herein, the term Grantor shall include any and all heirs, successors or assigns of the Grantor, and all subsequent owners of the "Property" (as hereinafter defined) and the term Grantee shall include any successor or assignee of Grantee.

WITNESSETH

WHEREAS, the Grantor is the owner of certain lands situated in Lee County, Florida, and more specifically described in Exhibit A attached hereto and incorporated herein ("Property"); and

WHEREAS, the Grantor desires to construct Winkler Preserve ("Project") at a site in Lee County, which is subject to the regulatory jurisdiction of South Florida Water Management District ("District"); and

WHEREAS, DISTRICT Permit No. _____("Permit") authorizes certain activities which affect surface waters in or of the State of Florida; and

WHEREAS, this Permit requires that the Grantor preserve and/or mitigate wetlands under the DISTRICT's jurisdiction; and

WHEREAS, the Grantor has developed and proposed as part of the permit conditions a conservation tract and maintenance buffer involving preservation of certain wetland and/or upland systems on the Property; and

WHEREAS, the Grantor, in consideration of the consent granted by the Permit, is agreeable to granting and securing to the Grantee a perpetual conservation easement as defined in Section 704.06, Florida Statutes (2000), over the Property.

NOW, THEREFORE, in consideration of the issuance of the Permit to construct and operate the permitted activity, and as an inducement to Grantee in issuing the Permit, together with other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, Grantor hereby grants, creates, and establishes a perpetual conservation easement for and in favor of the Grantee upon the Property which shall run with the land and be binding upon the Grantor, and shall remain in full force and effect forever.

The scope, nature, and character of this conservation easement shall be as follows:

1. It is the purpose of this conservation easement to retain land or water areas in their natural, vegetative, hydrologic, scenic, open, agricultural or wooded condition and to retain such areas as suitable habitat for fish, plants or wildlife. Those wetland and/or upland areas included in the conservation easement which are to be enhanced or created pursuant to the Permit shall be retained and maintained in the enhanced or created conditions required by the Permit.

To carry out this purpose, the following rights are conveyed to Grantee by this easement:

a. To enter upon the Property at reasonable times with any necessary equipment or vehicles to enforce the rights herein granted in a manner that will not unreasonably interfere with the use and quiet enjoyment of the Property by Grantor at the time of such entry; and

b. To enjoin any activity on or use of the Property that is inconsistent with this conservation easement and to enforce the restoration of such areas or features of the Property that may be damaged by any inconsistent activity or use.

2. Except for restoration, creation, enhancement, maintenance and monitoring activities, or surface water management improvements, which are permitted or required by the Permit, the following activities are prohibited in or on the Property:

a. Construction or placing of buildings, roads, signs, billboards or other advertising, utilities, or other structures on or above the ground;

b. Dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, waste, or unsightly or offensive materials;

c. Removal or destruction of trees, shrubs, or other vegetation, except for the removal of exotic or nuisance vegetation in accordance with a DISTRICT approved maintenance plan;

d. Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface;

e. Surface use except for purposes that permit the land or water area to remain in its natural condition;

f. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation including, but not limited to, ditching, diking and fencing;

g. Acts or uses detrimental to such aforementioned retention of land or water areas;

h. Acts or uses which are detrimental to the preservation of any features or aspects of the Property having historical or archaeological significance.

3. Grantor reserves all rights as owner of the Property, including the right to engage in uses of the Property that are not prohibited herein and which are not inconsistent with any District rule, criteria, permit and the intent and purposes of this Conservation Easement.

4. No right of access by the general public to any portion of the Property is conveyed by this conservation easement.

5. Grantee shall not be responsible for any costs or liabilities related to the operation, upkeep, or maintenance of the Property.

6. Grantor shall pay any and all real property taxes and assessments levied by competent authority on the Property.

7. Any costs incurred in enforcing, judicially or otherwise, the terms, provisions and restrictions of this conservation easement shall be borne by and recoverable against the nonprevailing party in such proceedings.

8. Enforcement of the terms, provisions and restrictions of this conservation easement shall be at the reasonable discretion of Grantee, and any forbearance on behalf of Grantee to exercise its rights hereunder in the event of any breach hereof by Grantor, shall not be deemed or construed to be a waiver of Grantee's fights hereunder.

9. Grantee will hold this conservation easement exclusively for conservation purposes. Grantee will not assign its rights and obligations under this conservation easement except to another organization qualified to hold such interests under the applicable state laws.

10. If any provision of this conservation easement or the application thereof to any person or circumstances is found to be invalid, the remainder of the provisions of this conservation easement shall not be affected thereby, as long as the purpose of the conservation easement is preserved.

11. Grantor shall insert terms and restructions of this conservation easement in any subsequent deed or other legal instrument by which Grantor divest itself of any interest in the Property.

12. All notices, consents, approvals or other communications hereunder shall be in writing and shall be deemed property given if sent by United States certified mail, return receipt requested, addressed to the appropriate party or successor-in-interest.

13. This conservation easement may be amended, altered, released or revoked only by written agreement between the parties hereto or their heirs, assigns or successors-in-interest, which shall be filed in the public records in Lee County.

TO HAVE AND TO HOLD unto Grantee forever. The covenants, terms, conditions, restrictions, and purpose imposed with this conservation easement shall be binding upon Grantor, and shall continue as a servitude running in perpetuity with the Property.

Grantor hereby covenants with said Grantee that Grantor is lawfully seized of said Property in fee simple; that the Property is free and clear of all encumbrances that are inconsistent with the terms of his conservation easement and all mortgages have been joined or subordinated; that Grantor has good right and lawful authority to convey this conservation easement; and that it hereby fully warrants and defends the title to the conservation easement hereby conveyed against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Winkler Preserve, LLC, has hereunto set its authorized hand this 2ND day of September, 2003.

Signed, sealed and delivered
in our presence as witnesses:

Janet E. Allison
Print Name: Janet E. Allison

Angela Wright
Print Name: Angela Wright

Winkler Preserve, LLC
A Florida limited liability corporation

By: _____
W. Michael Kerver, Vice President

STATE OF FLORIDA
) ss:
COUNTY OF LEE

On this 2ND day of September, 2003 before me, the undersigned notary public, personally appeared W. Michael Kerver, personally known to me to be the person whos ubscribed to the foregoing instrument and did not take an oath, as the Vice President of Winkler Preserve, LLC, a Florida limited liability corporation, and acknowledged that he executed the same on behalf of said corporation and that he was duly authorized to do so.

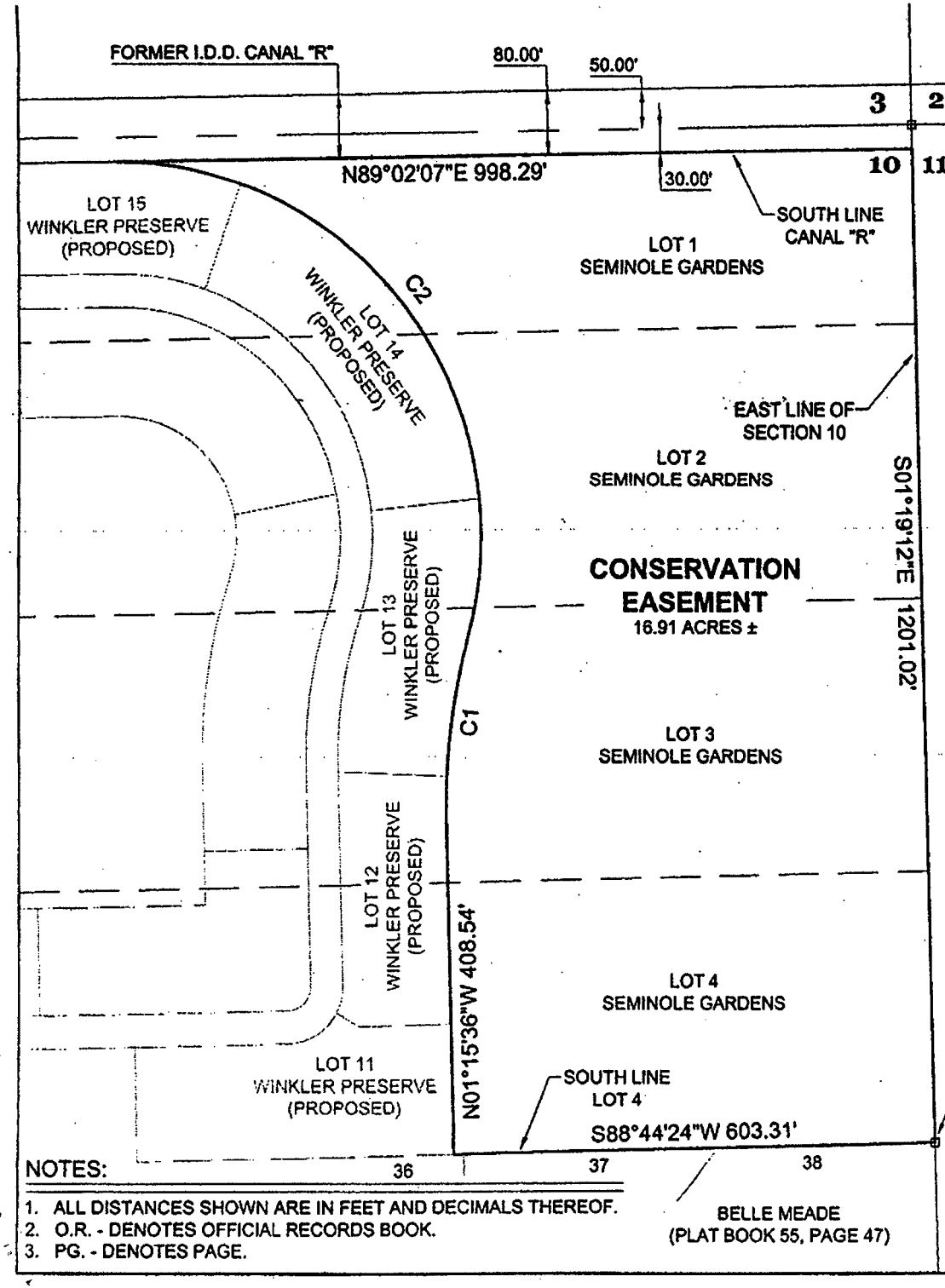
IN WITNESS WHEREOF, I hereunto set my hand and official seal.

NOTARY PUBLIC, STATE OF FLORIDA

Janet E Allison
Print Name: Janet E. Allison

My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA
OFFICIAL NOTARY SEAL
JANET E ALLISON
COMMISSION NUMBER
CC877901
MY COMMISSION EXPIRES
OCT. 29,2003



NOTES:

1. ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.
2. O.R. - DENOTES OFFICIAL RECORDS BOOK.
3. PG. - DENOTES PAGE.

SKETCH OF DES
NOT A SUR

WINKLER PRESERVE
CONSERVATION EASEMI
DESCRIPTION

A TRACT OR PARCEL OF LAND LYING IN THAT PORTION C
SOUTH, RANGE 24 EAST AND BEING THAT PART WINKLEF
SAID TRACT OR PARCEL ALSO BEING THAT PART OF LOT
GARDENS, A SUBDIVISION AS RECORDED IN PLAT BOOK
RECORDS OF LEE COUNTY, FLORIDA, SAID TRACT OR PA
FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 4
ALONG THE SOUTH LINE OF SAID LOT 4 FOR 603.31 FEET;
THENCE LEAVING SAID SOUTH LINE NORTH 01°15'36" WE
CURVATURE;
THENCE NORTHERLY ALONG THE ARC OF A CURVE TO T
(DELTA 16°50'21") (CHORD BEARING NORTH 07°09'35" EAS
220.42 FEET TO A POINT OF REVERSE CURVATURE;
THENCE NORTHWESTERLY ALONG THE ARC OF SAID CU
FEET) (DELTA 106°32'38") (CHORD BEARING NORTH 37°41'
FOR 836.79 FEET TO A POINT OF TANGENCY AND A POINT
SOUTHERLY LINE OF FORMER IONA DRAINAGE DISTRICT
THENCE ALONG SAID SOUTHERLY LINE NORTH 89°02'07"
INTERSECTION WITH THE EAST LINE OF SAID SECTION 10
THENCE ALONG SAID EAST LINE SOUTH 01°19'12" EAST, 1
BEGINNING.

THE ABOVE DESCRIBES AN AREA OF APPROXIMATELY 73
ACRES OF LAND.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVA

BEARINGS HEREINABOVE MENTIONED ARE STATE PLANE
(NAD 1983/90 ADJUSTMENT) AND ARE BASED ON THE EAS
SECTION 10 TO BEAR SOUTH 01°19'12" EAST.

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CH
C1	220.42'	750.00'	16°50'21"	
C2	836.79'	450.00'	106°32'38"	

Scott A. Wheeler

SCOTT A WHEELER (FOR THE FIRM - L
PROFESSIONAL SURVEYOR AND MAPP
FLORIDA CERTIFICATE NO. 5949

NOT VALID WITHOUT THE SIGNATURE
RAISED SEAL OF A FLORIDA LICENSED

Barraco and Associates, Inc.
www.barraco.net
Civil Engineers, Land Surveyors and Consultants

May 14, 2003

Mr. Ricardo Valera, E.I.
Acting Supervising Professional
South Florida Water Management District
2301 McGregor Boulevard
Fort Myers, FL 33901

Re: Winkler Preserve

Dear Mr. Valera:

Please accept the following information in regards to your January 17, 2003 correspondence regarding the above referenced project. The following responses are provided in order with respect to your correspondence.

Comment 1

The proposed is a new Individual Environmental Resource Permit, therefore, the applicable fee is $ 7,500.00. Please provide the remaining $2,500.00 with a check payable to South Florida Water Management District.

Response 1

Attached please find the remaining $2,500.00

Comment 2

Please demonstrate that the project compensates for the loss of historic storage on the site by providing pre vs. post development calculations for the 100 yr. Storm event. The proposed water management system must provide compensation for the lost volume of storm-water currently contained under pre-development conditions, within the wet season water table and compensating post-development storage will be provided and to demonstrate that the post-discharge volume does not exceed the pre-discharge volume.

Response 2

Attached please find revised calculations, indicating that the developed site is capable of containing the pre-development storage.

Comment 3

Tailwater conditions show a constant elevation table. Please revise the tailwater conditions to change with time and the routings to account for tailwater effects.

Response 3

Please find revised calculations attached with simulated tailwater conditions in accordance with the Lee County Surface Water Management Master Plan.

Comment 4

An estimated Wet Season Water Table of 2.5' NGVD is used in the water management calculations. Please provide supporting documentation to validate this Estimated Wet Season Water Table.

Response 4

The proposed project is situated between Crown Colony and Belle Meade. The control elevations within these developments range from 2.5' to 3.0' NGVD.

Comment 5

Please provide a copy of a topographic survey.

Response 5

A topographic survey is not available, as the site is highly vegetated. Attached please find a plan with Lee County Topographic information overlay.

Comment 6

Cross section H-H is shown on the west perimeter of the site in page 5 of the plans; however, no information is provided about this cross section. Please revise the plans to include information in regard of this cross section.

Response 6

Plans are revised to provide information about cross section H-H.

Comment 7

Please provide the following as it relates to the lake excavation (see below)

Comment 8

Please identify how the excavation of the lakes will occur. The determination of how the excavation work will occur and whether de-watering permits are required is part of the review of this application. Identify whether the material will be stockpiled or placed on the site, include what kind of the erosion and sediment controls will be contained or where it will be directed. De-watering applications must be submitted and sufficiently reviewed concurrently with the ERP application in order to address potential secondary impacts. Please contact Mr. Terry Bengtsson of the Fort Myers Service Center to discuss issues, and if applicable, submit a de-watering application.

Response 8

It is anticipated that the lakes will be constructed under wet conditions. A de-watering permit is not being applied for at this time

Comment 9

Please submit soil borings in the area of the proposed lakes. The borings should extend several feet below the proposed bottom of the lakes to ensure that any existing confining layer will not be breached. In addition, due to the location of the site, some concerns exist that the excavation and/or de-watering may increase salt-water intrusion. Please provide the results of water testing for chloride levels and coordinate with Mr. Terry Bengtsson.

Response 9

The site is very thick with vegetation. Upon clearing, soil borings will be obtained in the lake excavation areas. Please stipulate that soil borings be provided prior to excavation.

Comment 10

Please identify the maintenance entity for the surface water management system. If the maintenance entity is a homeowners association, please provide a draft copy of the homeowners association documents including the Deed, Restrictions and Covenants and Articles of Incorporation. Be sure that the documents identify the maintenance entity, identity the surface water management system, include a legal description of the association, outline the maintenance entity's responsibilities and contain the powers and attributes as identified in the Basis of Review, Section 9.2. Identity the section in the HOA documents corresponding to the requirements in the BOR on a copy of the section and return it with the response.

Response 10

Attached please find a copy of the draft Home Owner's Association documents.

Comment 11

Please identify the landscape irrigation source for the proposed project. If the irrigation source will be form potable water, and executed contract for an irrigation meter must be provide. If the irrigation will be form a reclaimed water line, a letter of availability of reclaimed water must be provided from the pertinent supplier. If the irrigation will be from a well, please contact Mr. Lee Werst of the Fort Myers Service Center to discuss this issue, and if applicable, submit a water use application. In accordance with Sec. 3.2(b), a water use application must be processed simultaneously with the ERP application and preferably presented to the Governing Board at the same meeting. Please be sure to submit a water use application as applicable in a timely manner so that the processing of the ERP application will not be delayed.

Response 11

Individual lot owners will be responsible for irrigation of their lots. A central irrigation system is not anticipated. Attached please find a copy of application for a Water Use Permit for the common area irrigation.

Comment 12

Sections C & E of the application package are incomplete. Please resubmit Sections C & E. If a question does not apply, please reply N/A. The submitted information includes an illegible signature. Please submit Section A, Page 4 of the application with the appropriate signature(s) and printed name(s).

Response 12

Attached please find sections C and E of the application package. Also please find an updated signature sheet.

Comment 13

Listed threatened and endangered species, gopher tortoise, were observed on the site during the environmental review or are known to utilize the site. District staff recommends that the applicant coordinate with the Florida Fish and Wildlife Conservation Commission (FWCC) and/or the U.S. Fish and Wildlife Service (USFWS) for appropriate guidance, recommendations and/or necessary permits to avoid impacts to listed species.

Response 13

Gopher Tortoise are State Species of Special Concern not threatened or endangered. The tortoise impacts will be subject to a state permit from the Florida Fish & Wildlife Conservation Commission and Lee County Management requirements. This state permit application will be submitted as we enter the DO submittal for Lee County, which includes a tortoise management plan and preserve area for this site in the Northwest corner of the site. State tortoise permits can not be issued until local review and issuance has been completed (county).

Comment 14

What is the status of the FWCC or USFWS coordination of this project? Please indicate how the agencies' concerns, if any will be resolved regarding potential impacts to listed species.

Response 14

The state permit for tortoise impact will be acquired through a take permit. The tortoise impact is mitigated through substantial funds for an incidental take permit. Lee County has required relocation to a preserve area, which we have agreed to in an upland area on the northwest corner of the project site.

Comment 15

Please submit revised drawings, Sheet #3 of mitigation drawings, indicating the size of the individual wetlands.

Response 15

Attached please find revised Sheet #3, indicating the surveyed acreage of the individual wetlands.

Comment 16

"Table 1: Winkler Preserve Mitigation Analysis" indicates that 11.53 acres of direct wetland impacts and "Table 1, Project Impact Summary" indicates that 11.71 acres to be impacted. Please provide the correct wetland impact.

Response 16

In pre-application meeting with Ms. Johnson and Mr. Thompson of SFWMD we were directed to remove .18 acres (Wetland 1 from the Mitigation analysis as it was below ½ acre and isolated requiring no mitigation).

Comment 17

Please provide documentation of the seasonal high water and normal wet season water elevations within the wetlands. Such documentation may consist of lichen lines algal mats or rafted debris, and buttressed tree trunks, as well as data from soil borings, monitoring wells and county soil surveys. Such information is necessary to determine the appropriate wetland control elevation. The seasonal high water elevation should be an average of two or more elevation taken from the interior portions of the wetland. Please contact Andrew Kelly, the environmental reviewer, to set up a site inspection for field verification.

Response 17

Wet season water table has been flagged in two locations at the eastern end of the property at the water mark on a black mangrove and adventitious rooting on a melaleuca uphill of the mangrove. The markings were survey located in March 2003. Hydrologic SHWT elevations were 3.25' NGVD and 2.98' NGVD, yielding a mean average of 3.1' NGVD.

Comment 18

What type of erosion control measures (silt curtains, hay bales, etc.) will be used to minimize turbidity in areas of construction located adjacent to wetlands? Please submit details and locations of the proposed erosion control mechanisms.

Response 18

Attached please find revised plans to indicate erosion control measures in areas of construction adjacent to wetlands. Erosion control for the remainder of the site will follow the erosion control details and SWP3.

Comment 19

Permanent markers/signs should be installed at the edge of the lot line/buffer to inform property owners of the conservation status of the protected areas. Please provide typical lot cross-sections or other drawings to indicate the locations of the required signs, and delineate the proposed fencing.

Response 19

The plans have been revised to indicate permanent markers at the edge of the buffer line to inform property owners of the conservation status. Fencing is not necessary for this application.

Comment 20

Please submit a stand-alone mitigation plan, including schedules, maintenance and monitoring, to be used as an exhibit to the permit. Maintenance should be done on a regular basis to ensure the integrity and viability of the wetland areas. The maintenance should be

conducted in perpetuity to ensure that the wetland is free of exotic vegetation (as currently defined by the Florida Exotic Pest Plant Council) immediately should constitute no more than 5% of the total preserve/mitigation area between maintenance activities.

Response 20

Please see the attached "Winkler Preserve Mitigation and Monitoring Plan" dated April 30, 2003, from Bagley Environmental and Planting Services, Inc.

Comment 21

Exotic and nuisance vegetation removal and/or planting with desirable native wetland species are being proposed as part of the mitigation plan. Please locate these areas on the construction plans and include the proposed acreage figures for the proposed work and evaluation of the existing condition of these areas. The evaluation should include an estimate of the percent canopy/understory coverage of exotic/nuisance plant species and discussion of methods to be used for eradication and long term management of those species as well as a maintenance plan which will ensure the viability of areas to be replanted.

Response 21

Wetlands 1 & 2 are melaleua-rule isolated wetlands, and Wetland 3 is an isolated recurring wetland that has been resilient through past attempts at drainage and farming with only about a 25% coverage of melaleuca and pepper with numerous typical invasive grasses such as guinea grass, torpedo grass, mixed with appropriate herbaceous and shrubby vegetation ie. Swamp fern, fakahatchee grass, wax myrtle and salt bush. Wetland 1,2 and 3 are proposed to be filled.

A 15.5 acre wetland located at the eastern end of the property abuts The Department of Environmental Protection's Estero Bay Buffer Preserve and is marginally (storm flow) tidal. While this system is very healthy primarily native and productive wetland of glasswort, Distichlis, Spartina, Juncus, buttonwood and mangrove, approximately 1.5 acres of melaleuca wetlands (90% coverage) fringe this system and will be restored through planting to native herbaceous marsh composed of a healthy native Spartina alternifora, Spartina bakerii, Spartina patens and Juncus spp. System, which will quickly recruit from adjacent glasswort, salt grass, green buttonwood and mangrove found dominating the connected wetland system.

Please see Wetland/Upland/Preservation Mitigation Plan Graphic as originally submitted.

Comment 22

Please provide planting scheme that includes, but not limited to, the types, numbers, location and spacing of the plants to used at the onsite mitigation area.

Response 22

Planting scheme in the restoration area includes: Liner grasses and herbs on 2.5' centers throughout the regarded portion (restored) of the preserve site and the upland buffer where left void after melaleuca removal. Anticipated 6,000.00 liner equivalent herbaceous species for required 80% coverage within 1 year post planting.

Comment 23

Please submit a draft copy of the conservation easement(s) proposed to protect the preserve area. Please note that any changes to the approved conservation easement form must be review by the District's Legal staff.

Additionally, the following information will be required in order to process the conservation easement:

a. Site map of conservation easement

b. Legal description and number of acres of conservation easement
c. A sketch of the easement area

Response 23

Attached please find a draft of the conservation easement.

Comment 24

Please note that prior to the issuance of a permit, an executed (signed) copy of the easement document must be provided. Also, within 60 days of issuance of permit a recorded copy of the easement document will be required to be submitted.

Response 24

It is understood that prior to the issuance of a permit, an executed (signed) copy of the easement document must be provided and that within 60 days of issuance of permit, a recorded copy of the easement document will be required to be submitted.

Comment 25

Please submit a cost estimate for the completion of the wetland mitigation, monitoring and maintenance plan. The cost estimate should include all components required for the completion of the plan, such as earthwork, planting, exotic/nuisance plant removal and maintenance, installation of structures, monitoring of site and submittal of reports and long term management of the mitigation areas. The cost estimate should be based on the cost of a third party being contracted to complete the work.

Response 25

Mitigation Cost Estimate:

Clearing exotics preserve area:	$26,450.00
Planting restoration area:	$12,000.00
Maintenance preserve area:	$2,000.00 per year
Monitoring Preserve area:	$3,000.00 per year

Comment 26

Please locate and label the conservation areas on a preliminary plat. In addition, all conservation areas (wetlands and uplands) must be dedicated as conservation/common areas on the dedication page of the preliminary plat.

Restrictions for use of the conservation area(s) on the plat document shall stipulate:

THE CONSERVATION AREAS ARE HEREBY DEDICATED AS COMMON AREAS, THEY SHALL BE THE PERPERUAL RESPONSIBITY OF THE ASSOCIATION AND MAY IN NO WAY BE ALTERED FROM THEIR NATURAL OR PERMITTED STATE. ACTIVITIES PROPHIBITED WITHIN THE CONSERVATION AREAS INCLUDE, BUT ARE NOT LIMITED TO, CONSTRUCTION OR PLACING OF BUILDINGS ON OR ABOVE THE GROUND; DUMPING OR PLACING SOIL OR OTHER SUBSTANCES SUCH AS TRASH, REMOVAL OR DESTRUCTION OF TREES, SHURBS, OR OTHER VEGETAION – WITH THE EXECPTION OF EXOTIC/NUISANCE VEGETATION REMOVAL; EXCAVATION, DREDGING OR REMOVAL OF SOIL MATERIAL; DIKING OR FENCING; ANY OTHER ACTIVITIES DETRIMENTAL TO DRAINAGE; FLOOD CONTROL, WATER CONSERVATION, EROSION CONTROL, OR FISH AND WILDLIFE HABITAT CONSERVATION OR PRESERVATION.

Response 26

It is understood that this language applies to the Winkler Preserve plat. However, the plat is not ready at this time. Upon Lee County Development Order application, a preliminary plat will be prepared.

Comment 27

Please include such restrictions on the preliminary plat and submit draft copies of the plat for staff review and approval.

Response 27

It is understood that this language applies to the Winkler Preserve plat. However, the plat is not ready at this time. Upon Lee County Development Order application, a preliminary plat will be prepared.

Comment 28

Please submit draft property owner's association documents (declaration of covenants and restrictions/articles of incorporation) which demonstrate the manner in which potential homeowners will be notified of the status of and use restrictions on protected areas within the project.

A checklist which outlines the required content of such documents is attached for your reference. Please note that each item on the checklist contains a reference to the section in the Basis of Review which authorizes the District to require the information requested.

Generally, the property owner's association documents should contain the following provisions:

a. Language which notifies prospective property owners that their lots may contain or be adjacent to wetland preservation or mitigation areas and upland buffers which are protected under conservation easements;
b. Language by which the homeowner's association accepts the responsibility for perpetual maintenance of the conservation easement (preserved/restored/created wetlands areas and upland buffer zones) and agrees to take action against lot owners as necessary to enforce the condition s of the conservation easement(s) and of the permit.
c. Language which informs the prospective property owners that the wetlands and upland buffers may not be altered from their natural/permitted condition with the exception of exotic or nuisance vegetation removal, or restoration in accordance with the restoration plan included in the conservation easement. Exotic vegetation may include, but is not limited to, melaleuca, Brazilian pepper, Australian pine, and Japanese climbing fern or any other species currently listed by the Florida Exotic Pest Plant Council. Nuisance vegetation may include cattails, primrose willow and grapevine.
d. Language which informs prospective property owners that they are responsible for the perpetual maintenance of any signage required by the permit.

Response 28

Attached please find a copy of draft Home Owner's Association documents.

Comment 29

Permanent markers/signs should be installed at the edge of the lot line/buffer to inform property owners, of the conservation status of protected areas. In addition, the property owner's association documents should provide for perpetual maintenance of the required signs. Please submit the association documents to provide for the installation and perpetual maintenance of these signs.

Response 29

Attached please find a copy of the draft Home Owner's Association documents.

Comment 30

A maintenance and monitoring plan for the conservation areas should be included as an exhibit to the declarations of covenants and restrictions and referenced in the documents. The documents should also clearly indicate that the association is responsible for the maintenance and monitoring of conservation areas in accordance with the District permit and that the land use restrictions must be enforced by the association. Please submit documents which include an acceptable maintenance and monitoring plan for the conservation areas.

Response 30

Attached please find a copy of the draft Home Owner's Association documents.

Comment 31

The property owner's association documents shall stipulate the following restrictions for use of the conservation areas(s):

THE CONSERVATION AREAS ARE HEREBY DEDICATED AS COMMON AREAS; THEY SHALL BE THE PERPETUAL RESPONSIBILITY OF THE ASSOCIATION AND MAY IN NO WAY BE ALTERED FROM THEIR NATURAL OR PERMITTED STATE. ACTIVITIES PROHIBITED WITHIN THE CONSERVATION AREAS INCLUDE, BUT ARE NOT LIMITED TO, CONSTRUCTION OR PLACING OF BUILDINGS ON OR ABOVE THE GROUND, DUMPING OR PLACING SOIL OR OTHER SUBSTANCES SUCH AS TRASH; REMOVAL OR DESTRUCTION OF TREES, SHRUBS, OR OTHER VEGETATION- WITH THE EXCEPTION OF EXOTIC/NUISANCE VEGETATION REMOVAL; EXCAVATION DREDGING OR REMOVAL OF SOIL MATERIAL; DIKING OR FENCING; ANY OTHER ACTIVIES DETRIMENTAL TO DRAINAGE; FLOOD CONTROL, WATER CONSERVATION, EROSION CONTROL OR FISH AND WILDLIFE HABITAT CONSERVATION OR PRESERVATION.

Response 31

Attached please find a copy of the draft Home Owner's Association documents.

Based on the enclosed information, please complete your review of the SFWMD Environmental Resource Permit submittal for the above reference project.

If you should have any questions or require additional information, please advise.

Very truly yours,

BARRACO AND ASSOCIATES, INC.

Kim Peterson, P.E.
Design Engineer

KP/jc
21737

c.c. Kathy Morgan
Marshall Bagley

WINKLER PRESERVE

Hydrology and Lake Construction Report

By: W. Kirk Martin P.G.,
CDM Missimer

Per request from Development Solutions, Inc., a review of geohydrologic information from the Winkler Preserve site and the surrounding area was undertaken. Primary issues considered were potential effects on surrounding properties from proposed development activities at Winkler Preserve, especially as it pertains to lake construction and existing area wells.

A generalized hydrologic section provided in the attached figure, shows aquifer and confining beds that exist beneath the site down to a depth of 225 feet. Three hydrostratigraphic units lie within that section. These are: the Water Table aquifer which lies between a depth of 0 and 30 feet bls, the Hawthorn confining beds which lie between a depth of 25 and 160 feet, and the Mid-Hawthorn aquifer which lies between approximately 150 and 250 feet bls.

The clay confining beds provide over 100 feet of excellent confinement that separates the two aquifers. No exchange of water occurs between the water table aquifer and the Mid-Hawthorn aquifer. Lakes proposed for construction at Winkler Preserve will only penetrate the water table aquifer, therefore, the proposed lakes will have no impact on the Mid-Hawthorn aquifer. An inventory of wells was taken for the Winkler Preserve site and the surrounding sections. Of 57 wells identifed in the area, 54 wells tap the Mid-Hawthorn aquifer, one well was of unknown depth, and two wells tap the water table aquifer. The lakes proposed at the project site will have no effect on surrounding wells.

In addition to this issue of lake effect on area wells is concern that a proposed lake depth of 20 feet will have greater impact than a lake depth of 12 feet. If confining beds occurred between depths of 12 and 20 feet, then this concern would have some legitimacy. However, a review of on-site and surrounding area lithology shows that the water table aquifer consists primarily of permeable sand and shell with minor occurrence of permeable limestone and silt. These lithologies extend down to a depth of at least 25 feet beneath the site, and in some cases, over 30 feet. None of these lithologies provide impediment to water flow. Therefore, a lake depth of up to 20 feet will have no adverse effect on the groundwater system on or near the project site.

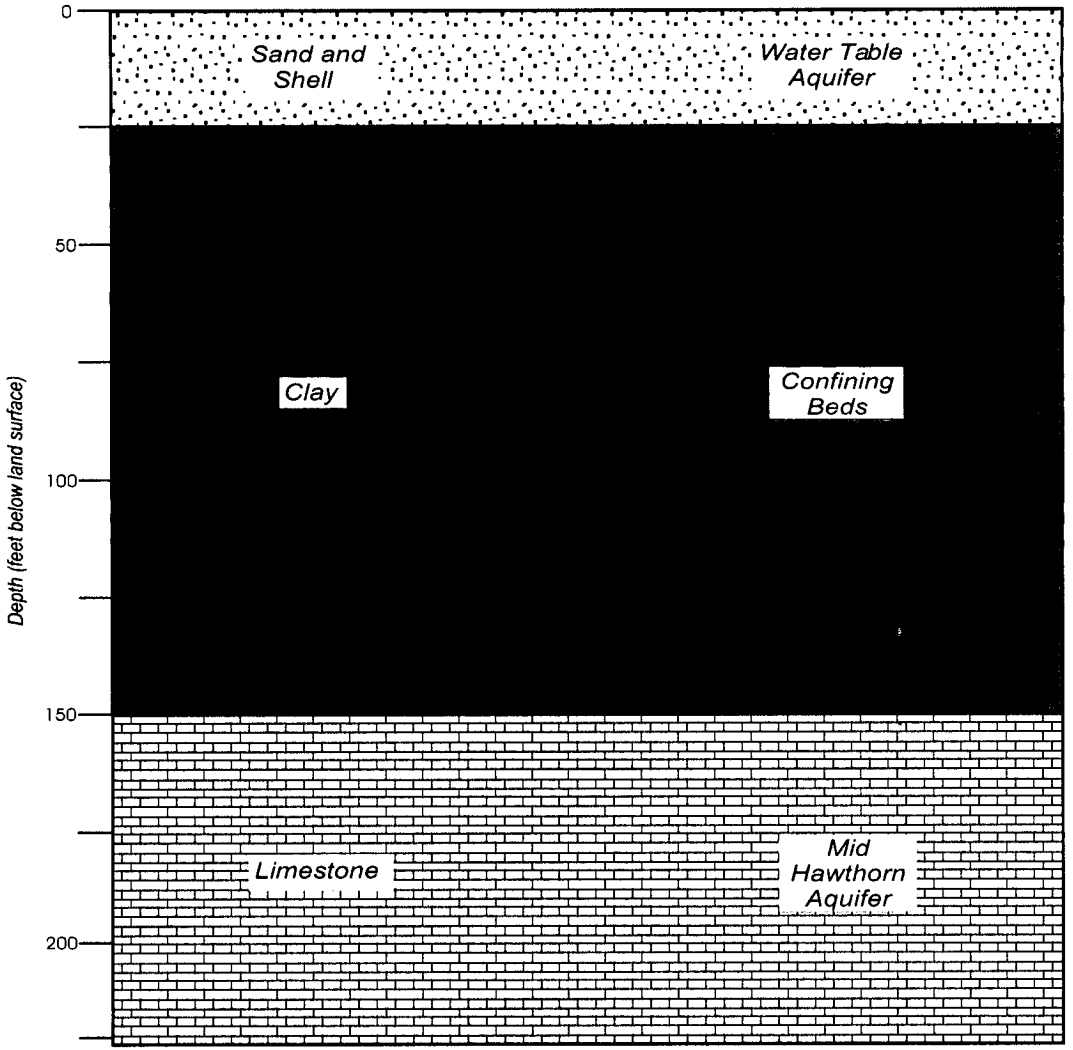
A third issue of concern is the potential that temporary dewatering that may occur as part of the lake construction process could cause adverse impacts. It is important to differentiate between long term dewatering that can occur with mining activities and temporary dewatering that occurs with small lake construction. Mining activities may take place over years or decades, whereas temporary lake construction typically takes only days or weeks per lake. The potential for adverse impacts to occur from

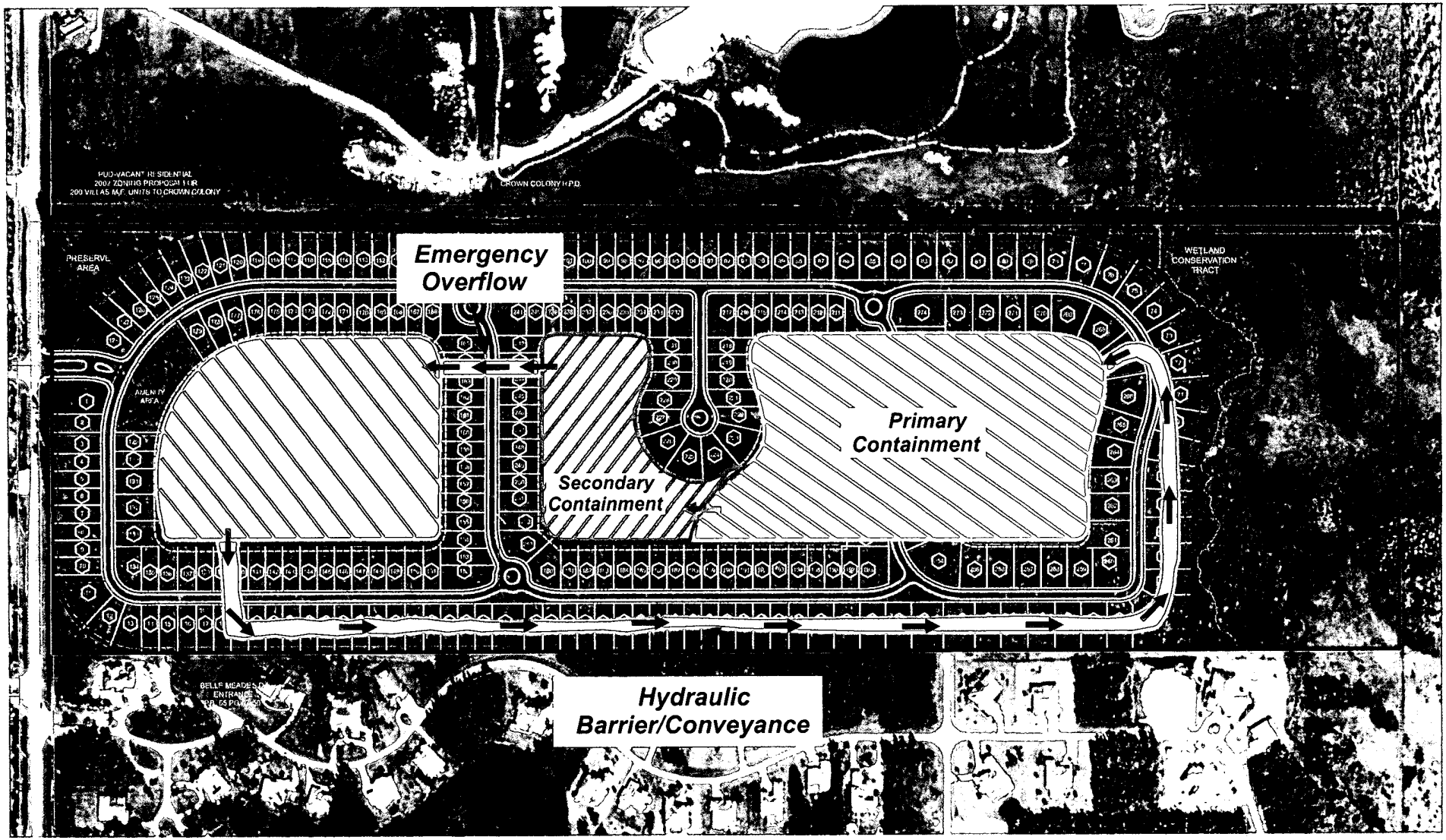
APPLICANT'S EXHIBIT # 4
DG 2003-00049

dewatering is substantially less for temporary lake construction. However, in order to assure that dewatering cannot create adverse effects, there are a number of strategies and protection measures that can be employed.

The attached figure illustrates a common approach that will likely be required by the SFWMD for lake construction at Winkler Preserve. The illustration shows dewatering of the westernmost lake. In the scenario, water is routed along the southern boundary of the site to convey water to a temporary containment area and to provide a hydraulic barrier between the dewatering and the adjacent properties. The barrier keeps water levels constant beneath the adjacent properties. In addition, the temporary containment area is provided with safeguards that assure that all pumped and stored waters are maintained on the site. Water from subsequent lake dewatering would be routed in a similar fashion back to the previously constructed lake. Dewatering associated with lake construction will utilize the hydraulic barrier approach with secondary and emergency overflow protection so that no adverse effects will occur from the proposed dewatering.

Generalized Hydrogeologic Section
Winkler Preserve




PUD-VACANT RESIDENTIAL
2007 ZONING PROPOSAL 1 OR
200 VILLAS M.F. UNITS TO CROWN COLONY
CROWN COLONY P.U.D.
PRESERVE AREA
Emergency Overflow
WETLAND CONSERVATION TRACT
AMENITY AREA
Primary Containment
Secondary Containment
Hydraulic Barrier/Conveyance