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FORM #0157
Rev. 07/09

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL RESOURCE
PERMIT MODIFICATION NO. 36-03962-P
DATE ISSUED: FEBRUARY 8, 2010

PERMITTEE: HIDDEN HARBOR PRESERVE, INC
(HIDDEN HARBOR PRESERVE)
17230 TAMIAMI TRAIL,SUITE 5
FORT MYERS, FL 33908

ORIGINAL PERMIT ISSUED: JUNE 14, 2001

ORIGINAL PROJECT DESCRIPTION: CONSTRUCTION AND OPERATION OF A SURFACE WATER MANAGEMENT SYSTEM TO SERVE 34.86 ACRES OF SINGLE FAMILY RESIDENTIAL DEVELOPMENT. THE PROJECT DISCHARGES TO THE TEN MILE CANAL

APPROVED MODIFICATION: CONSTRUCTION AND OPERATION OF A SURFACE WATER MANAGEMENT SYSTEM SERVING A 54.67-ACRE RESIDENTIAL AND DOCKING FACILITY DEVELOPMENT KNOWN AS HIDDEN HARBOR PRESERVE, WITH DISCHARGE TO TEN MILE CANAL VIA THE EXISTING SURFACE WATER MANAGEMENT SYSTEM.

PROJECT LOCATION: LEE COUNTY , SECTION 7 TWP 46S RGE 25E

PERMIT DURATION: See Special Condition No:1. See attached Rule 40E-4.321, Florida Administrative Code.

This Permit Modification is approved pursuant to Application No. 080506-17, dated April 25, 2008. Permittee agrees to hold and save the South Florida Water Management District and its successors harmless from any and all damages, claims or liabilities which may arise by reason of the construction, operation, maintenance or use of activities authorized by this Permit. This Permit is issued under the provisions of Chapter 373, Part IV, Florida Statutes (F.S.), and the Operating Agreement Concerning Regulation Under Part IV, Chapter 373 F.S., between South Florida Water Management District and the Department of Environmental Protection. Issuance of this Permit constitutes certification of compliance with state water quality standards where necessary pursuant to Section 401, Public Law 92-500, 33 USC Section 1341, unless this Permit is issued pursuant to the net improvement provisions of Subsections 373.414(1)(b), F.S., or as otherwise stated herein.

This Permit Modification may be revoked, suspended, or modified at any time pursuant to the appropriate provisions of Chapter 373, F.S., and Sections 40E-4.351(1), (2) and (4), Florida Administrative Code (F.A.C.). This Permit Modification may be transferred pursuant to the appropriate provisions of Chapter 373, F.S. and Sections 40E-1.6107(1), and (2), and 40E-4.351(1), (2), and (4), F.A.C.

All specifications and special and limiting/general conditions attendant to the original Permit, unless rescinded by this or previous modifications, remain in effect.

This Permit Modification shall be subject to the General Conditions set forth in Rule 40E-4.381, F.A.C The Application, and the Individual Environmental Resource Permit Staff Report, including all conditions, and all plans and specifications incorporated by reference, are a part of this Permit Modification. All activities authorized by this Permit Modification shall be implemented as set forth in the plans, specifications, and performance criteria as set forth and incorporated in the Individual Environmental Resource Permit Staff Report. Within 30 days after completion of construction of the permitted activity, the Permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual, pursuant to the appropriate provisions of Chapter 373, F.S. and Sections 40E-4.361 and 40E-4.381, F.A.C.

In the event the property is sold or otherwise conveyed, the Permittee will remain liable for compliance with this Permit until transfer is approved by the District pursuant to Rule 40E-1.6107, F.A.C.

SPECIAL AND GENERAL CONDITIONS ARE AS FOLLOWS:

SEE PAGES 2 - 6 OF 9 (35 SPECIAL CONDITIONS).
SEE PAGES 7 - 9 OF 9 (19 GENERAL CONDITIONS).

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT, BY ITS EXECUTIVE DIRECTOR

On **ORIGINAL SIGNED BY**

By **ELIZABETH VEGUILLA**
DEPUTY CLERK
SOUTH FLORIDA WATER MANAGEMENT DISTRICT

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SPECIAL CONDITIONS

1. The construction phase of this permit shall expire on February 8, 2015.

2. Operation of the surface water management system shall be the responsibility of HIDDEN HARBOR HOMEOWNERS ASSOCIATION, INC. 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: Through previously permitted facilities.

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

9. 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.

10. 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.

11. 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.

12. The permittee acknowledges, that pursuant to Rule 40E-4.101(2), F.A.C., a notice of Environmental Resource or Surface Water Management Permit may be recorded in the county public records. Pursuant to the specific language of the rule, this notice shall not be considered an encumbrance upon the property.

13. If prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, the permitted project should cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The permittee, or other designee, should contact the Florida Department of State, Division of Historical Resources, Review and Compliance Section at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Project activities should not resume without verbal and/or written authorization from the Division of Historical Resources. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance

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with Section 872.05, Florida Statutes.

14. All fill material and construction debris must be removed from the site and disposed of at an acceptable off-site disposal area once construction activities have been completed; under no circumstances shall excess fill or construction material be left on-site or within any water areas.

15. The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injuries to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.

b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.

d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.

e. Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for north Florida or Vero Beach (1-772-562-3909) for south Florida.

f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Awareness signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used. One sign measuring at least 3 ft. by 4 ft. which reads Caution: Manatee Area must be posted. A second sign measuring at least 81/2" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities.

16. Within 30 days prior to the completion of construction, the permittee shall install permanent education manatee signs in accordance with FWC guidelines, including FWC approval for the number, type, and location of signs. In addition, FWC requires the permittee to agree to replace the signs in the event the signs fade, become damaged or outdated, and maintain these signs for the life of the facility. The guidelines for installation can be found at:

http://www.myfwc.com/manatee/signs/>, or can be obtained by contacting the FWC, Imperiled Species Management Section at: 620 South Meridian Street, 6A, Tallahassee, Florida 32399-1600 (telephone 850/922-4330).

In addition, due to the proximity of this project to known manatee concentrations, all work conducted waterward of the existing shoreline shall be subject to the following conditions:

1. The total number of boat slips, inclusive of all shoreline and upland storage, shall be limited to 53, with only one motorized vessel, including jet-skis and personal watercraft, permitted at each dock.

2. The maximum draft, including propellers, for all vessels shall be 24-inches.

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3. No later than 30 days after permit issuance, the permittee shall execute and record a conservation easement prohibiting the construction of any additional docking facilities or other structures over the allowed 53 slips (see Special Condition Number 22).

4. The HOA and individual lot owners shall provide temporary right of access to common areas and limited common areas for federal and state agencies for the purpose of conducting law enforcement activities and collection of scientific research.

5. The Standard Manatee Conditions for In-Water Work (revision 2009) shall be followed for all in-water activity.

6. To reduce the possibility of injuring or killing a manatee during construction, in-water work shall not be performed during the following time of year: November 15 to March 31.

7. A manatee observer shall be in place when in-water work is being performed.

8. Observers shall maintain a log detailing manatee sightings, work stoppages, and other protected species-related incidents. These logs and reports shall be submitted to the FWC's Imperiled Species Management Section within 30 days following dock completion.

9. No later than 30 days prior to the beginning of construction for the first dock, the permittee shall implement the manatee educational program.

10. The permittee shall notify each lot purchaser at the time of purchase of these permit requirements. Prior to applying for a building permit for a dock, each lot owner is required to obtain a letter from the Lee County Natural Resources Marine Program stating that the law enforcement mitigation fee has been paid.

17. Prior to the commencement of construction, the permittee shall conduct a pre-construction meeting with field representatives, contractors and District staff. The purpose of the meeting will be to discuss construction methods and sequencing, including type and location of turbidity and erosion controls to be implemented during construction, mobilization and staging of contractor equipment, phasing of construction, and endangered species protection with the permittee and contractors. The permittee shall contact District Environmental Resource Compliance staff from the Lower West Coast Service Center at (239) 338-2929 to schedule the pre-construction meeting.

18. Dock and walkway pilings shall be constructed of plastic, concrete or greenheart, non-CCA treated wood or wood wrapped in 30 to 60 mil pvc.

19. No fueling or fish cleaning facilities shall be installed or operated on the docking facilities that are authorized herein for the life of the facility.

20. The docking facilities authorized by this permit are for the private use of residents of the Hidden Harbor Preserve development. The permittee shall ensure that the docking facilities are not used for liveaboard purposes.

21. A maximum number of 53 motorized vessels and docks are authorized for this location. Boat mooring at each docking facility shall be limited to no more than one motorized vessel, including jet-skis or other personal watercraft, and shall be limited to vessels no more than 20-feet in length and shall be limited to vessels with drafts no more than 24-inches and provide clearance of at least one foot above the submerged bottom at all times while mooring and operating at the docking facility.

Any number of non-motorized vessels, such as sailboats, paddle boats, canoes, kayaks and model sized remote control boats are allowed to use the borrow pit.

22. Prior to commencement of construction and in accordance with the work schedule in Exhibit 3.3 the permittee shall submit an electronic or hard copy version of the certified copy of the recorded conservation easement for the mitigation

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area(s) and associated buffer(s). The electronic version of the recorded conservation easement, and associated GIS information described below, shall be submitted via the District's ePermitting/eCompliance website. The GIS data shall be supplied in a digital ESRI Geodatabase (mdb), ESRI Shapefile (shp) or AutoCAD Drawing Interchange (dxf) file format using Florida State Plane coordinate system, East Zone (3601), Datum NAD83, HARN with the map units in feet. A map depicting the Conservation Easement over the best available satellite or aerial imagery shall also be provided. If the information is provided via hard copy the GIS data shall reside on CD 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 utilize the form attached as Exhibit 3.2. Any proposed modification 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.

23. No docks shall be constructed along or within the Ten Mile Canal.

24. The docks are not to exceed the dimensions as authorized under this permit: 6-foot by 20-foot floating dock, with a 4-foot by 15-foot ramp and a 4-foot by 10-foot fixed platform (220 square feet total). No additional structures or modifications to the docks are permitted within the boat basin.

25. In accordance with Exhibit 3.1, Section 6.2 Boat Docks and Boating Restrictions of the HOA documents, and all associated appendixes, exhibits and attachments, shall be amended to the Hidden Harbor Preserve's Homeowners Association documents. The Hidden Harbor Preserve's Homeowners Association shall record and enforce the provisions of the "Declaration of General Convenants, Conditions and Restrictions and Easements for Hidden Harbor". Failure to enforce the provisions of the HOA documents shall be deemed a violation of restrictive covenant entitling the District to pursue cause of action to obtain injunction relief, penalties and other relief available pursuant to Chapter 373 F.S.

26. The exhibits and special conditions in this permit apply only to this application. They do not supersede or delete any requirements for other applications covered in Permit No. 36-03962-P unless otherwise specified herein.

27. The project site provides a warm water refuge for the West Indian manatee (Trichechus manatus). In accordance with Exhibit 3.0, all special conditions outlined within the exhibit are to be followed per guidelines established by the Florida Fish and Wildlife Conservation Commission.

28. A manatee educational program shall be implemented and a literature display installed in accordance with Exhibit No. 3.1. The requirements for these items shall be incorporated into the property owners association documents. The program shall include distribution of laminated booklets of the county speed zones to each unit owner and other users of the docks, at no charge. The booklets are available free of charge from the Florida Inland Navigation District (561-627-3386).

29. The permittee shall utilize the criteria contained in the Construction Pollution Prevention Plan (Exhibit No. 2.1) and on the applicable approved construction drawings for the duration of the project's construction activities.

30. The Urban Stomwater Management Plan shall be implemented in accordance with Exhibit No. 2.2.

31. The following exhibits for the permit are incorporated by reference herein and are located in the permit file. In addition, these exhibits can be viewed on the District's ePermitting website under this application number.

EXHIBIT NO. 2.1 CONSTRUCTION POLLUTION PREVENTION PLAN
EXHIBIT NO. 2.2 URBAN STORMWATER MANAGEMENT PROGRAM

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32. The HOA shall be the entity responsible for the perpetual maintenance of all docks, all signage, and educational materials. Maintenance shall be conducted in perpetuity to ensure that all structures and signage are in proper working order and functioning as approved. In addition, the HOA shall manage the conservation area such that all conditions of this permit and staff report are in compliance.

33. The HOA and individual lot owners shall provide temporary right of access to common areas and limited limited common areas for federal and state agencies for the purpose of conducting law enforcement activities and collection of scientific research.

34. The applicant shall install a regulatory sign (Idle Speed, No Wake), with specific reference to regulatory authority, at the entrance to the harbor. Boat owners who do not follow posted speed signs shall be reported to the appropriate local authorities.

35. The permittee shall comply with the conditions in accordance with Exhibit 3.1 and outlined in the Homeowners Association (HOA) documents under section 6.2 Boat Docks and Boating Restrictions regarding establishing, maintaining and enforcing a manatee education program, including the following:

A. The HOA will provide yearly manatee education and boating awareness courses for all homeowners.

B. The HOA shall assign a manatee observation captain to receive the proper training and/or certification to observe and verify the presence of manatees.

C. By March 1st of each year, the HOA shall submit contact information of the manatee observation captain to the District and the Florida Fish and Wildlife Conservation Commission or when such persons are changed.

D. The manatee observation captain shall conduct training courses on a yearly basis to the HOA members on the proper techniques for observation, verification, and avoidance of impacts to manatees.

E. The manatee observation captain shall implement a program that provides observers during daylight hours from November 15 to March 31, to notify boaters immediately of the presence of manatees and to proceed with caution within the harbor.

F. Homeowners will provide the HOA with self-certification documents upon completion of the yearly education course. The HOA will maintain the documents on-site for review by District staff during regular business hours if requested.

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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 professional engineer or other individual authorized by law, utilizing the supplied Environmental Resource/Surface Water Management Permit Construction Completion/Certification Form Number 0881A, or Environmental Resource/Surface Water Management Permit Construction Completion Certification - For Projects Permitted prior to October 3, 1995 Form No. 0881B, incorporated by reference in Rule 40E-1.659, F.A.C. 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 are 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" drawings. 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

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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.

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.

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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.

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ENVIRONMENTAL RESOURCE PERMITS CHAPTER 40E-4

40E-4.321 Duration of Permits

(1) Unless revoked or otherwise modified the duration of an environmental resource permit issued under this chapter or Chapter 40E-40, F.A.C., is as follows:

(a) For a conceptual approval, two years from the date of issuance or the date Environmental Resource Permits - Chapter 40E-4 Effect: November 11, 200926 – (40E-4) specified as a condition of the permit, unless within that period an application for an individual or standard general permit is filed for any portion of the project. If an application for an environmental resource permit is filed, then the conceptual approval remains valid until final action is taken on the environmental resource permit application. If the application is granted, then the conceptual approval is valid for an additional two years from the date of issuance of the permit. Conceptual approvals which have no individual or standard general environmental resource permit applications filed for a period of two years shall expire automatically at the end of the two year period.

(b) For a conceptual approval filed concurrently with a development of regional impact (DRI) application for development approval (ADA) and a local government comprehensive plan amendment, the duration of the conceptual approval shall be two years from whichever one of the following occurs at the latest date:

1. The effective date of the local government's comprehensive plan amendment,
2. The effective date of the local government development order,
3. The date on which the District issues the conceptual approval, or
4. The date on which the District issues a final order pertaining to the resolution of any Section 120.57, F.S., administrative proceeding or other legal appeals.

(c) For an individual or standard general environmental resource permit, the construction phase authorizing construction, removal, alteration or abandonment of a system shall expire five years from the date of issuance or such amount of time as made a condition of the permit.

(d) For an individual or standard general environmental resource permit, the operational phase of the permit is perpetual for operation and maintenance.

(e) For a noticed general permit issued pursuant to Chapter 40E-400, F.A.C., five years from the date the notice of intent to use the permit is provided to the District.

(2)(a) Unless prescribed by special permit condition, permits expire automatically according to the timeframes indicated in this rule. If application for extension is made by electronic mail at the District's ePermitting website or in writing pursuant to subsection

(3), the permit shall remain in full force and effect until:

1. The Governing Board takes action on an application for extension of an individual permit, or
2. Staff takes action on an application for extension of a standard general permit.

(b) Installation of the project outfall structure shall not constitute a vesting of the permit.

(3) The permit extension shall be issued provided that a permittee files a written request with the District showing good cause prior to the expiration of the permit. For the purpose of this rule, good cause shall mean a set of extenuating circumstances outside of the control of the permittee. Requests for extensions, which shall include documentation of the extenuating circumstances and how they have delayed this project, will not be accepted more than 180 days prior to the expiration date.

(4) Substantial modifications to Conceptual Approvals will extend the duration of the Conceptual Approval for two years from the date of issuance of the modification. For the purposes of this section, the term "substantial modification" shall mean a modification which is reasonably expected to lead to substantially different water resource or environmental impacts which require a detailed review.

(5) Substantial modifications to individual or standard general environmental Environmental Resource Permits - Chapter 40E-4 Effect: November 11, 2009 27 – (40E-4) resource permits issued pursuant to a permit application extend the duration of the permit for three years from the date of issuance of the modification. Individual or standard general environmental resource permit modifications do not extend the duration of a conceptual approval.

(6) Permit modifications issued pursuant to paragraph 40E-4.331(2)(b), F.A.C. (letter modifications) do not extend the duration of the permit.

(7) Failure to complete construction or alteration of the surface water management system and obtain operation phase approval from the District within the permit duration shall require a new permit authorization in order to continue construction unless a permit extension is granted.

Specific Authority 373.044, 373.113, 668.003, 668.004, 668.50 FS. Law Implemented 373.413, 373.416, 373.419, 373.426, 668.003, 668.004, 668.50 FS. History–New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.07(4), Amended 7-1-86, 4-20-94, 10-3-95, 5-28-00, 10-1-06.

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FINAL APPROVED BY EXECUTIVE DIRECTOR FEBRUARY 8, 2010

Last Date For Agency Action: February 23, 2010

INDIVIDUAL ENVIRONMENTAL RESOURCE PERMIT STAFF REPORT

Project Name: Hidden Harbor Preserve

Permit No.: 36-03962-P

Application No.: 080506-17

Application Type: Environmental Resource (Construction/Operation Modification)

Location: Lee County, S7/T46S/R25E

Permittee : Hidden Harbor Preserve, Inc

Operating Entity : Hidden Harbor Homeowners Association, Inc.

Project Area: 54.67 acres

Project Land Use: Other

Drainage Basin: TIDAL CALOOSAHATCHEE **Sub Basin:** TEN MILE CANAL

Receiving Body: Ten Mile Canal via existing surface water management system **Class:** CLASS III

Special Drainage District: NA

Conservation Easement To District : Yes

Number Of Boat Slips : 53

Sovereign Submerged Lands: No

PROJECT PURPOSE:

This application is a request for an Environmental Resource Permit modification authorizing Construction and Operation of a surface water management system serving a 54.67-acre residential and docking facility development known as Hidden Harbor Preserve, with discharge to Ten Mile Canal via the existing surface water management system.

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PROJECT EVALUATION:

PROJECT SITE DESCRIPTION:

The project site is located west of U.S. 41 and east of the Ten Mile Canal in Fort Myers, Lee County, Florida. The only access to the site is from a 50-foot wide improved right-of-way off of Pharmacy Road on the west side of U.S. 41. A location map is attached as Exhibit No. 1.0.

There are permitted surface water management facilities within the project area. The project site has been cleared and prepared for construction and the internal circulation roads and the surface water management system have been constructed as previously authorized under Permit No. 36-03962-P (Application No. 991011-13).

The project site is surrounded by residential development on all sides and abuts Ten Mile Canal to the east. The opening to Ten Mile Canal is the only water access from the site to Estero Bay and the Gulf of Mexico. Existing habitat communities at the project site consist of 37.86-acres of cleared uplands and a 16.81-acre borrow pit ("Other Surface Water"-OSW); per original Application No. 991011-13, there are no wetlands located at the project site and all upland areas were slash pine infested with exotic vegetation such as Australian pine, melaleuca and Brazilian pepper.

PROJECT BACKGROUND:

Permit No. 36-03962-P (Application No. 991011-13) for Construction and Operation approval of a surface water management system serving a 54.67-acre residential development with discharge to Ten Mile Canal was approved June 14, 2001. The permit authorized the construction of 71 single-family dwellings, 30 docks, internal roadways, clubhouse and a surface water management system consisting of three dry detention basins. The surface water management system was designed to treat 2.5 times the percentage of impervious area and discharge to the on-site borrow pit through three control structures after full water quality is achieved. Subsequent applications included Application No. 060414-20 for a Permit Extension and Application No. 060609-8 for a General Permit Transfer.

PROPOSED PROJECT:

The applicant proposes the modification of the original permit (Permit No. 36-03962-P/Application No. 991011-13) to include the construction of an additional 23 docks within the borrow pit. Each dock will consist of a floating section measuring 6-foot by 20-foot, a 4-foot by 15-foot ramp and a 4-foot by 10-foot fixed platform for a total square footage of 220. The modification also includes a site plan revision within Basin A to remove the previously permitted clubhouse, tennis facilities and associated parking areas. This modification will result in the reduction of 0.45 acres of impervious coverage (0.20 acres of building coverage and 0.25 acres of pavement coverage) while increasing the pervious coverage by 0.45 acres. Discharge is to Ten Mile Canal via the existing and previously permitted surface water management system. Site drainage plans and details are attached as Exhibit 2.0.

LAND USE:

The "other" area is located outside of the surface water management system and includes 16.81 acres of an existing water body.

Construction:

Project:

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	Previously Permitted	This Phase	
Building Coverage	11.77	11.57	acres
Other	19.81	19.81	acres
Pavement	4.31	4.06	acres
Pervious	13.67	14.12	acres
Water Mgnt Acreage	5.11	5.11	acres
Total:	**54.67**	**54.67**	

WATER QUALITY :

The applicant is implementing a Construction Pollution Prevention Plan (Exhibit 2.1) and Urban Stormwater Management Program (Exhibit 2.2) while reducing the impervious coverage by 0.45 acres. No adverse water quality impacts are anticipated as a result of the proposed project.

WETLANDS:

Wetland Description:

The project site does not contain any wetland areas; however, there is a 16.81-acre borrow pit on-site. The borrow pit was created due to excavation of the area for sand and rock and has a single shallow outlet (less than 4-feet) to Ten Mile Canal located in the southwest portion of the subject site.

Wetland Impacts:

The project proposes to impact approximately 0.41-acres (18,020 square feet) of OSW. This total includes 9,540 square feet of dock area and 8,480 square feet of mooring area for all 53 proposed docks. Each individual dock area is 180 square feet over water, which includes a floating platform and access ramp, and an additional 40 square feet of platform located on land; the total dock area will not exceed 220 square feet. Mooring area impacts were estimated at 160 square feet for each dock for an average-sized vessel with a length of 20-feet and a beam of 8-feet.

Wetland Inventory :

CONSTRUCTION MOD -Hidden Harbor Preserve

Site Id	Site Type	Pre-Development				Post-Development						
		Pre Fluccs	AA Type	Acreage (Acres)	Current Wo Pres	With Project	Time Lag (Yrs)	Risk Factor	Pres. Adj. Factor	Post Fluccs	Adj Delta	Functional Gain / Loss
1	ON	500	Direct	.41							.000	.000
			Total:	.41								.00

Fluccs Code	Description
500	Water

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Wildlife Issues:

The project site does contain preferred habitat for wetland-dependent endangered or threatened wildlife species or species of special concern; specifically, the borrow pit is a warm-water refuge for the West Indian manatee (Trichechus manatus). The presence of manatees at the project site was addressed during review of the original application (Application No. 991011-13), which authorized 30 docks within the borrow pit along with single-family dwellings on the upland. The original permit had several Special Conditions regarding the docks including, restrictions on the number of docks, size of power boats, and horsepower of boat engines. In addition, the staff report of the permit discussed manatee monitoring. The monitoring of the manatee population within the borrow pit was to include: baseline data assessing general population and utilization of the water body; continued data acquisition for one year after a minimum of 20 boats have been moored within the project area; and, a demonstration that the use of the borrow pit by manatees has not decreased as a result of additional vessel traffic. If, by that time, it was shown that there had been no adverse impacts to manatees, the applicant could then modify the permit to construct an additional 29 docks at the remaining residences.

In 2004, Lee County adopted a Manatee Management Plan for evaluating the potential impacts of projects on manatees. On August 2, 2006, the Lee County Division of Natural Resources, Marine Program issued their findings regarding the proposed project and potential adverse impacts to the manatee under the guidelines of the Lee County Manatee Protection Plan (MPP). Under current guidelines of the MPP, the original 30 docks are exempt from the review process because the plan was not in place at the time of permit issuance. It also states that the applicant had requested that the additional 29 slips, as was requested at that time, be exempt from review because, if permitted singularly, single-family docks would not fall under the review process; however, Lee County did not agree with this assessment. To achieve the required clearance with the bottom of the basin opening, channel and mooring areas without providing for dredging, a draft restriction of 24-inches was proposed; this condition, if met, would be appropriate to allow the additional 29 slips. The letter goes on to state that if dredging of the water body to a depth of 4-feet below mean low water were to occur, the project would qualify for 260 slips under the MPP; however, the applicant did not wish to pursue this course of action. The proposal approved under the MPP is for 59 total slips with draft restrictions of 24-inches, the remaining shoreline would be placed under a conservation easement and the applicant would provide for increased law enforcement hours as outlined in the MPP. The increased law enforcement would be funded through a one-time payment of $546.00 to the Lee County Manatee Conservation Fund as each dock permit is issued by the County; the total payment to the fund at full build-out of all docks would be $28,938.00.

In addition, the original District permit noted above notwithstanding, the applicant had subsequently received its' U.S. Army Corps of Engineers (ACOE) permit in May 2007 for 53 docks. The ACOE had initiated consultation with the U.S. Fish and Wildlife Service (USFWS) in regards to the potential adverse impacts to manatees during the review process. In their issued Biological Opinion (B.O.) dated March 15, 2007, the USFWS indicated that, with certain special conditions in place, there would be no adverse impact to the manatee. Special conditions included the "Standard Manatee Conditions for In-Water Work", the establishment of a manatee observation program and the erection of manatee speed zone signs throughout the basin. In their B.O., the USFWS concluded the following: that the 53 docks may affect the manatee by introducing watercraft and human interaction in the area; the project would not disrupt behavioral patterns of the manatee; and, there is no evidence that the presence of vessels in a warm-water refuge will disturb or prevent the use of the area by manatees. In their opinion, the project would not likely jeopardize the continued existence of the manatee, would not likely adversely modify designated critical habitat and the project is not reasonably certain to result in the take of manatees in the form of additional deaths and injuries.

The Florida Fish and Wildlife Conservation Commission (FWC) also had concerns regarding the project and potential adverse impacts to the manatee. A November 20, 2008 letter from the FWC stated that telemetry data indicated that manatees travel between the project site and Estero Bay via Ten Mile Canal and Mullock Creek. While primary manatee usage of the project site is predominantly during winter months, data shows that manatees use the area year-round. The FWC went on to state that it was their

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opinion that the project should be placed on hold until appropriate monitoring data, as was discussed in the staff report of the original permit, be gathered and evaluated. The District, FWC and the applicant held several meetings to resolve this issue. On November 24, 2009, the FWC made a formal response to additional information submitted by the applicant. In their final response, the FWC stated that if ten special conditions were made part of the permit, all requirements of 373.414(1)(a)2, F.S. would be met; this letter is attached as Exhibit 3.0. Those conditions are as follows:

1. The total number of boat slips, inclusive of all shoreline and upland storage, shall be limited to 53, with only one motorized vessel, including jet-skis and personal watercraft, permitted at each dock.

2. The maximum draft, including propellers, for all vessels shall be 24-inches.

3. No later than 30 days after permit issuance, the permittee shall execute and record a conservation easement prohibiting the construction of any additional docking facilities or other structures over the allowed 53 slips.

4. The HOA and individual lot owners shall provide temporary right of access to common areas and limited common areas for federal and state agencies for the purpose of conducting law enforcement activities and collection of scientific research.

5. The Standard Manatee Conditions for In-Water Work (revision 2009) shall be followed for all in-water activity.

6. To reduce the possibility of injuring or killing a manatee during construction, in-water work shall not be performed during the following time of year: November 15 to March 31.

7. A manatee observer shall be in place when in-water work is being performed.

8. Observers shall maintain a log detailing manatee sightings, work stoppages, and other protected species-related incidents. These logs and reports shall be submitted to the FWC's Imperiled Species Management Section within 30 days following dock completion.

9. No later than 30 days prior to the beginning of construction for the first dock, the permittee shall implement the manatee educational program.

10. The HOA shall notify each lot purchaser at the time of purchase of these permit requirements. Prior to applying for a building permit for a dock, each lot owner is required to obtain a letter from the Lee County Natural Resources Marine Program stating that the law enforcement mitigation fee has been paid.

In addition to the ten special conditions required by the FWC, a number of practices and rules will be enacted to ensure the safety and protection of manatees at the project site. The applicant has submitted a Boaters Education Document and Manatee Observation Program to offset any potential adverse impacts to the manatee. These documents, along with the HOA documents, are shown as Exhibit 3.1. The HOA and/or its designee must submit information about the Manatee Observation Captain, including contact information to the District by March 1 of each year or when such person(s) has changed. In addition, the HOA and/or its designee maintain records demonstrating that all residents who utilize the docks and/or own vessels at Hidden Harbor Preserve have taken the required yearly boaters certification training as detailed in the Boaters Education Document and HOA documents. Construction of manatee awareness and speed zone signs will help ensure that vessels within the area are moving at a speed sufficient enough to stop or maneuver around sighted manatees.

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.

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LEGAL ISSUES:

A Conservation Easement placed along the shoreline and borrow pit will be dedicated to the District; the drafted document is attached as Exhibit 3.2. Within 60 days of the date of this permit, the applicant will be required to record the Conservation Easement in the Lee County Public Records as shown in the work schedule attached as Exhibit 3.3. The Conservation Easement covers the entire shoreline and 16.81-acre borrow pit and will preclude the future development of any additional docks or structures within the project site.

In addition to the Conservation Easement, the development's Homeowners Association (HOA) documents also state that no additional structures may be built other than what is approved under this application. There are also motorized vessel number and size restrictions permitted within the basin. Only one motorized vessel, including jet skis or other personal watercraft, are allowed to moor at any particular dock at any time. These restrictions are also stated in the HOA documents (Exhibit 3.1).

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 including docking facilities. 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-4.361(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 and the docking facilities 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.

SOVEREIGN/SUBMERGED LANDS:

The proposed work is not located within, and is not anticipated to adversely affect, sovereign submerged lands. Per original Application No. 991011-13, the borrow pit is not considered sovereign submerged lands by the Florida Department of Environmental Protection, Division of State Lands, Bureau of Survey and Mapping, Title and Land Records Section. The area was excavated from uplands for the purpose of mining sand and rock.

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RELATED CONCERNS:

Water Use Permit Status:

Water use permits are not needed for this project.

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 No-Notice Short-Term Dewatering permit pursuant to Chapter 40E-20.302(3) or is exempt pursuant to Section 40E-2.051, FAC.

CERP:

The proposed project is not located within or adjacent to a Comprehensive Everglades Restoration Project component.

Potable Water Supplier:

Lee County Utilities will supply potable water to the project site.

Waste Water System/Supplier:

Sewer service for the project site is being supplied by Lee County Utilities.

Right-Of-Way Permit Status:

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

DRI Status:

This project is not a DRI.

Historical/Archeological Resources:

Information dated June 20, 2008 from the Florida Department of State, Division of Historical Resources indicated that there are no significant archaeological or historical resources recorded within the project areas and, because of the location and/or nature of the project, it is unlikely that any such site will be affected. This permit does not release the permittee from compliance with any other agencies' requirements in the event that historical and/or archaeological resources are found on the site.

DCA/CZM Consistency Review:

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

Third Party Interest:

A third party has contacted the District with concerns about this application. The Save the Manatee Club had indicated concerns over the proposed project and the potential impacts to manatees at the project site in a June 23, 2008 letter. However, all wildlife agencies have stated that the proposed project, with certain conditions, complies with all applicable regulations. The Save the Manatee Club is being copied on this staff report.

Enforcement:

There has been no enforcement activity associated with this application.

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STAFF RECOMMENDATION TO EXECUTIVE DIRECTOR:

The Staff recommends that the following be issued :

Construction and Operation of a surface water management system serving a 54.67-acre residential and docking facility development known as Hidden Harbor Preserve, with discharge to Ten Mile Canal via the existing surface water management system.

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 APPROVAL

ENVIRONMENTAL EVALUATION

John Policarpo

SUPERVISOR

Laura Layman

SURFACE WATER MANAGEMENT APPROVAL

ENGINEERING EVALUATION

Jessica White, P.E.

SUPERVISOR

William Foley, P.E.

ENVIRONMENTAL RESOURCE PERMITTING DIVISION DIRECTOR :

Anita R. Bain

DATE: 12/31/09

ENVIRONMENTAL RESOURCE REGULATION DEPUTY DEPARTMENT DIRECTOR :

Anthony M. Waterhouse, P.E.

DATE: 1/11/10

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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 professional engineer or other individual authorized by law, utilizing the supplied Environmental Resource/Surface Water Management Permit Construction Completion/Certification Form Number 0881A, or Environmental Resource/Surface Water Management Permit Construction Completion Certification - For Projects Permitted prior to October 3, 1995 Form No. 0881B, incorporated by reference in Rule 40E-1.659, F.A.C. 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 are 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" drawings. 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

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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,

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abandonment or use of any system authorized by the permit.

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.

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SPECIAL CONDITIONS

1. The construction phase of this permit shall expire on February 8, 2015.
2. Operation of the surface water management system shall be the responsibility of HIDDEN HARBOR HOMEOWNERS ASSOCIATION, INC. 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: Through previously permitted facilities.
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. Facilities other than those stated herein shall not be constructed without an approved modification of this permit.
9. 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.
10. 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.
11. 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.
12. The permittee acknowledges, that pursuant to Rule 40E-4.101(2), F.A.C., a notice of Environmental Resource or Surface Water Management Permit may be recorded in the county public records. Pursuant to the specific language of the rule, this notice shall not be considered an encumbrance upon the property.
13. If prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, the permitted project should cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The permittee, or other designee, should contact the Florida Department of State, Division of Historical Resources, Review and Compliance Section at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Project activities should not resume without verbal and/or written authorization from the Division of Historical Resources. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately

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and the proper authorities notified in accordance with Section 872.05, Florida Statutes.

14. All fill material and construction debris must be removed from the site and disposed of at an acceptable off-site disposal area once construction activities have been completed; under no circumstances shall excess fill or construction material be left on-site or within any water areas.

15. The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

    a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injuries to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.

    b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

    c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.

    d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.

    e. Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for north Florida or Vero Beach (1-772-562-3909) for south Florida.

    f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Awareness signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used. One sign measuring at least 3 ft. by 4 ft. which reads Caution: Manatee Area must be posted. A second sign measuring at least 81/2" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities.

16. Within 30 days prior to the completion of construction, the permittee shall install permanent education manatee signs in accordance with FWC guidelines, including FWC approval for the number, type, and location of signs. In addition, FWC requires the permittee to agree to replace the signs in the event the signs fade, become damaged or outdated, and maintain these signs for the life of the facility. The guidelines for installation can be found at:

    http://www.myfwc.com/manatee/signs/>, or can be obtained by contacting the FWC, Imperiled Species Management Section at: 620 South Meridian Street, 6A, Tallahassee, Florida 32399-1600 (telephone 850/922-4330).

    In addition, due to the proximity of this project to known manatee concentrations, all work conducted

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SPECIAL CONDITIONS

waterward of the existing shoreline shall be subject to the following conditions:

1. The total number of boat slips, inclusive of all shoreline and upland storage, shall be limited to 53, with only one motorized vessel, including jet-skis and personal watercraft, permitted at each dock.

2. The maximum draft, including propellers, for all vessels shall be 24-inches.

3. No later than 30 days after permit issuance, the permittee shall execute and record a conservation easement prohibiting the construction of any additional docking facilities or other structures over the allowed 53 slips (see Special Condition Number 22).

4. The HOA and individual lot owners shall provide temporary right of access to common areas and limited common areas for federal and state agencies for the purpose of conducting law enforcement activities and collection of scientific research.

5. The Standard Manatee Conditions for In-Water Work (revision 2009) shall be followed for all in-water activity.

6. To reduce the possibility of injuring or killing a manatee during construction, in-water work shall not be performed during the following time of year: November 15 to March 31.

7. A manatee observer shall be in place when in-water work is being performed.

8. Observers shall maintain a log detailing manatee sightings, work stoppages, and other protected species-related incidents. These logs and reports shall be submitted to the FWC's Imperiled Species Management Section within 30 days following dock completion.

9. No later than 30 days prior to the beginning of construction for the first dock, the permittee shall implement the manatee educational program.

10. The permittee shall notify each lot purchaser at the time of purchase of these permit requirements. Prior to applying for a building permit for a dock, each lot owner is required to obtain a letter from the Lee County Natural Resources Marine Program stating that the law enforcement mitigation fee has been paid.

17. Prior to the commencement of construction, the permittee shall conduct a pre-construction meeting with field representatives, contractors and District staff. The purpose of the meeting will be to discuss construction methods and sequencing, including type and location of turbidity and erosion controls to be implemented during construction, mobilization and staging of contractor equipment, phasing of construction, and endangered species protection with the permittee and contractors. The permittee shall contact District Environmental Resource Compliance staff from the Lower West Coast Service Center at (239) 338-2929 to schedule the pre-construction meeting.

18. Dock and walkway pilings shall be constructed of plastic, concrete or greenheart, non-CCA treated wood or wood wrapped in 30 to 60 mil pvc.

19. No fueling or fish cleaning facilities shall be installed or operated on the docking facilities that are authorized herein for the life of the facility.

20. The docking facilities authorized by this permit are for the private use of residents of the Hidden Harbor Preserve development. The permittee shall ensure that the docking facilities are not used for liveaboard purposes.

21. A maximum number of 53 motorized vessels and docks are authorized for this location. Boat

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SPECIAL CONDITIONS

mooring at each docking facility shall be limited to no more than one motorized vessel, including jet-skis or other personal watercraft, and shall be limited to vessels no more than 20-feet in length and shall be limited to vessels with drafts no more than 24-inches and provide clearance of at least one foot above the submerged bottom at all times while mooring and operating at the docking facility.

Any number of non-motorized vessels, such as sailboats, paddle boats, canoes, kayaks and model sized remote control boats are allowed to use the borrow pit.

22. Prior to commencement of construction and in accordance with the work schedule in Exhibit 3.3 the permittee shall submit an electronic or hard copy version of the certified copy of the recorded conservation easement for the mitigation area(s) and associated buffer(s). The electronic version of the recorded conservation easement, and associated GIS information described below, shall be submitted via the District's ePermitting/eCompliance website. The GIS data shall be supplied in a digital ESRI Geodatabase (mdb), ESRI Shapefile (shp) or AutoCAD Drawing Interchange (dxf) file format using Florida State Plane coordinate system, East Zone (3601), Datum NAD83, HARN with the map units in feet. A map depicting the Conservation Easement over the best available satellite or aerial imagery shall also be provided. If the information is provided via hard copy the GIS data shall reside on CD 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 utilize the form attached as Exhibit 3.2. Any proposed modification 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.

23. No docks shall be constructed along or within the Ten Mile Canal.

24. The docks are not to exceed the dimensions as authorized under this permit: 6-foot by 20-foot floating dock, with a 4-foot by 15-foot ramp and a 4-foot by 10-foot fixed platform (220 square feet total). No additional structures or modifications to the docks are permitted within the boat basin.

25. In accordance with Exhibit 3.1, Section 6.2 Boat Docks and Boating Restrictions of the HOA documents, and all associated appendixes, exhibits and attachments, shall be amended to the Hidden Harbor Preserve's Homeowners Association documents. The Hidden Harbor Preserve's Homeowners Association shall record and enforce the provisions of the "Declaration of General Convenants, Conditions and Restrictions and Easements for Hidden Harbor". Failure to enforce the provisions of the HOA documents shall be deemed a violation of restrictive covenant entitling the District to pursue cause of action to obtain injunction relief, penalties and other relief available pursuant to Chapter 373 F.S.

26. The exhibits and special conditions in this permit apply only to this application. They do not supersede or delete any requirements for other applications covered in Permit No. 36-03962-P unless otherwise specified herein.

27. The project site provides a warm water refuge for the West Indian manatee (Trichechus manatus). In accordance with Exhibit 3.0, all special conditions outlined within the exhibit are to be followed per guidelines established by the Florida Fish and Wildlife Conservation Commission.

28. A manatee educational program shall be implemented and a literature display installed in accordance with Exhibit No. 3.1. The requirements for these items shall be incorporated into the property owners association documents. The program shall include distribution of laminated booklets of the county speed zones to each unit owner and other users of the docks, at no charge. The booklets are available free of charge from the Florida Inland Navigation District (561-627-3386).

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SPECIAL CONDITIONS

29. The permittee shall utilize the criteria contained in the Construction Pollution Prevention Plan (Exhibit No. 2.1) and on the applicable approved construction drawings for the duration of the project's construction activities.

30. The Urban Stomwater Management Plan shall be implemented in accordance with Exhibit No. 2.2.

31. The following exhibits for the permit are incorporated by reference herein and are located in the permit file. In addition, these exhibits can be viewed on the District's ePermitting website under this application number.

    EXHIBIT NO. 2.1 CONSTRUCTION POLLUTION PREVENTION PLAN
    EXHIBIT NO. 2.2 URBAN STORMWATER MANAGEMENT PROGRAM

32. The HOA shall be the entity responsible for the perpetual maintenance of all docks, all signage, and educational materials. Maintenance shall be conducted in perpetuity to ensure that all structures and signage are in proper working order and functioning as approved. In addition, the HOA shall manage the conservation area such that all conditions of this permit and staff report are in compliance.

33. The HOA and individual lot owners shall provide temporary right of access to common areas and limited limited common areas for federal and state agencies for the purpose of conducting law enforcement activities and collection of scientific research.

34. The applicant shall install a regulatory sign (Idle Speed, No Wake), with specific reference to regulatory authority, at the entrance to the harbor. Boat owners who do not follow posted speed signs shall be reported to the appropriate local authorities.

35. The permittee shall comply with the conditions in accordance with Exhibit 3.1 and outlined in the Homeowners Association (HOA) documents under section 6.2 Boat Docks and Boating Restrictions regarding establishing, maintaining and enforcing a manatee education program, including the following:

    A. The HOA will provide yearly manatee education and boating awareness courses for all homeowners.

    B. The HOA shall assign a manatee observation captain to receive the proper training and/or certification to observe and verify the presence of manatees.

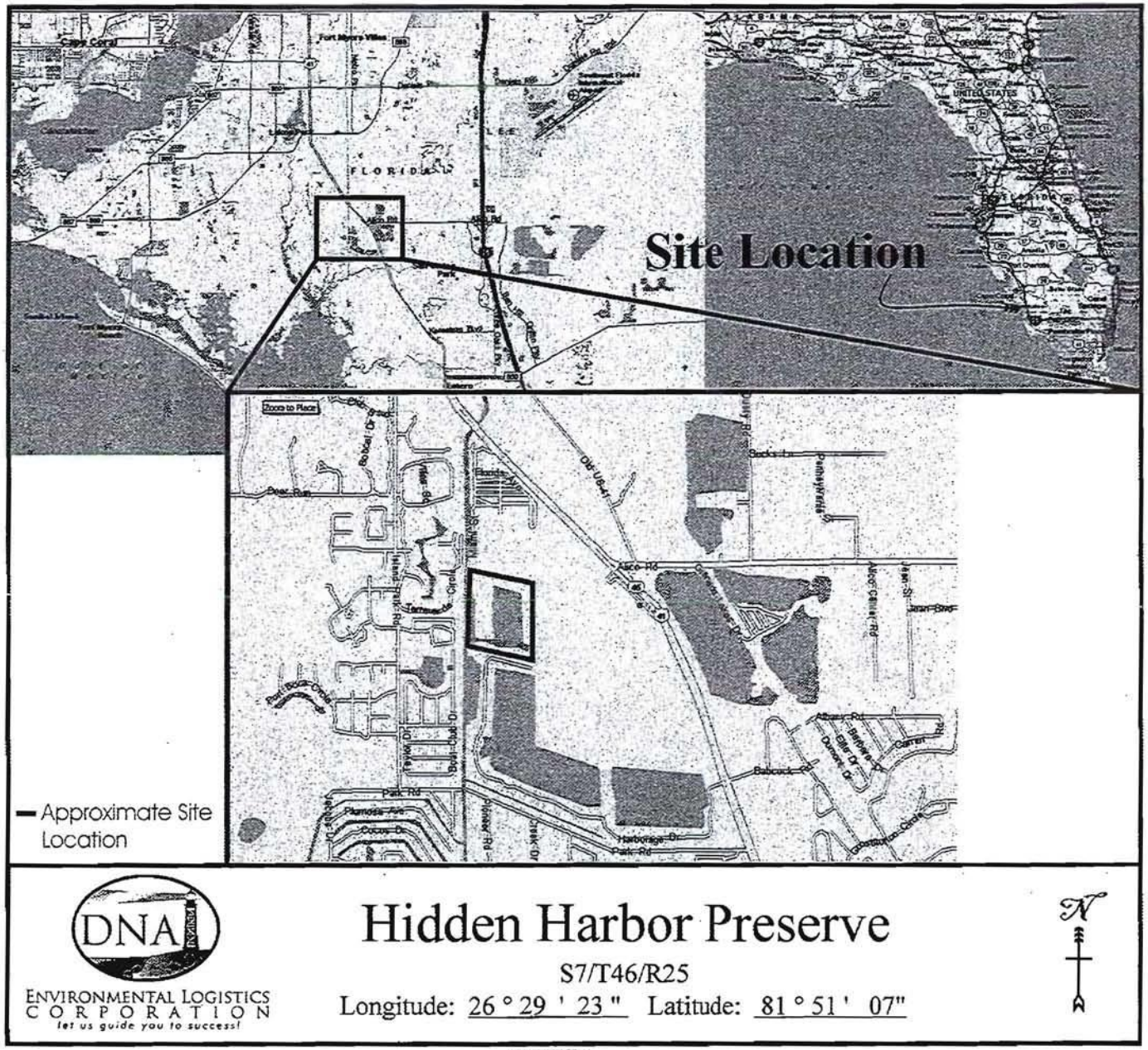
    C. By March 1st of each year, the HOA shall submit contact information of the manatee observation captain to the District and the Florida Fish and Wildlife Conservation Commission or when such persons are changed.

    D. The manatee observation captain shall conduct training courses on a yearly basis to the HOA members on the proper techniques for observation, verification, and avoidance of impacts to manatees.

    E. The manatee observation captain shall implement a program that provides observers during daylight hours from November 15 to March 31, to notify boaters immediately of the presence of manatees and to proceed with caution within the harbor.

    F. Homeowners will provide the HOA with self-certification documents upon completion of the yearly education course. The HOA will maintain the documents on-site for review by District staff during regular business hours if requested.

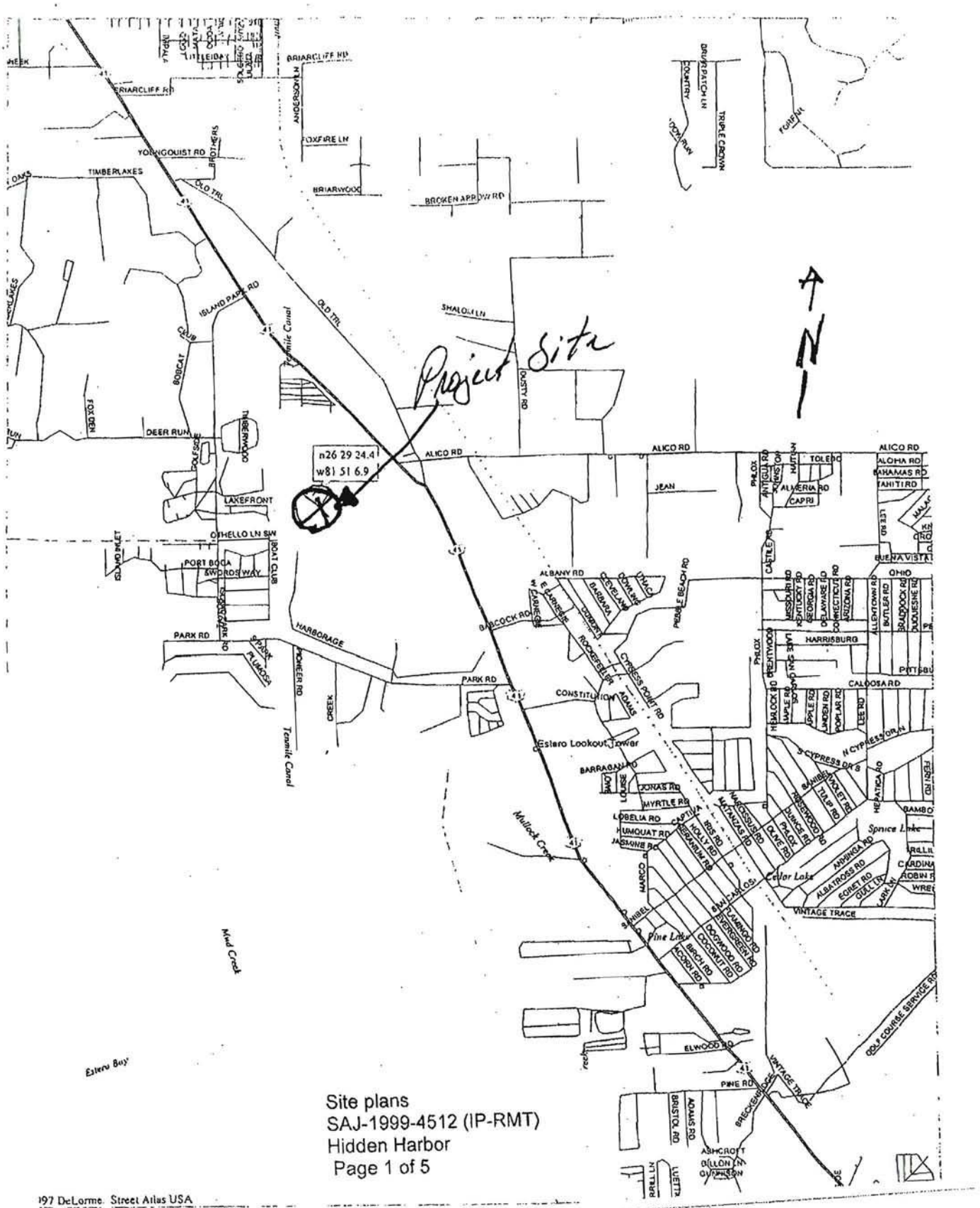
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SHEET 1

Exhibit 1.0
Application No. 080506-17
Page 1 of 2

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Site plans
SAJ-1999-4512 (IP-RMT)
Hidden Harbor
Page 1 of 5

Exhibit 1.0
Application No. 080506-17
Page 2 of 2

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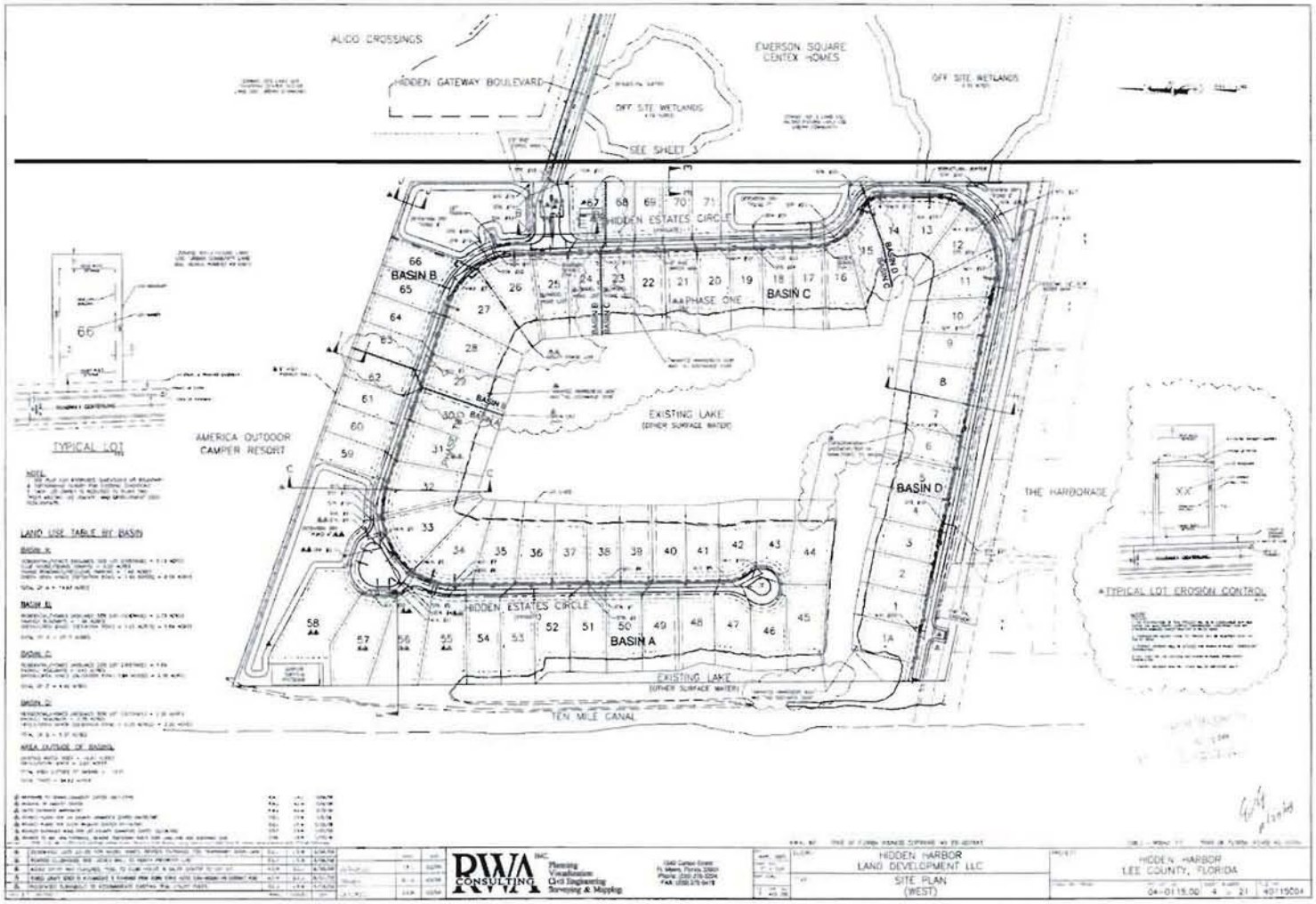


Exhibit 2.0
Application No. 080506-17
Page 1 of 8

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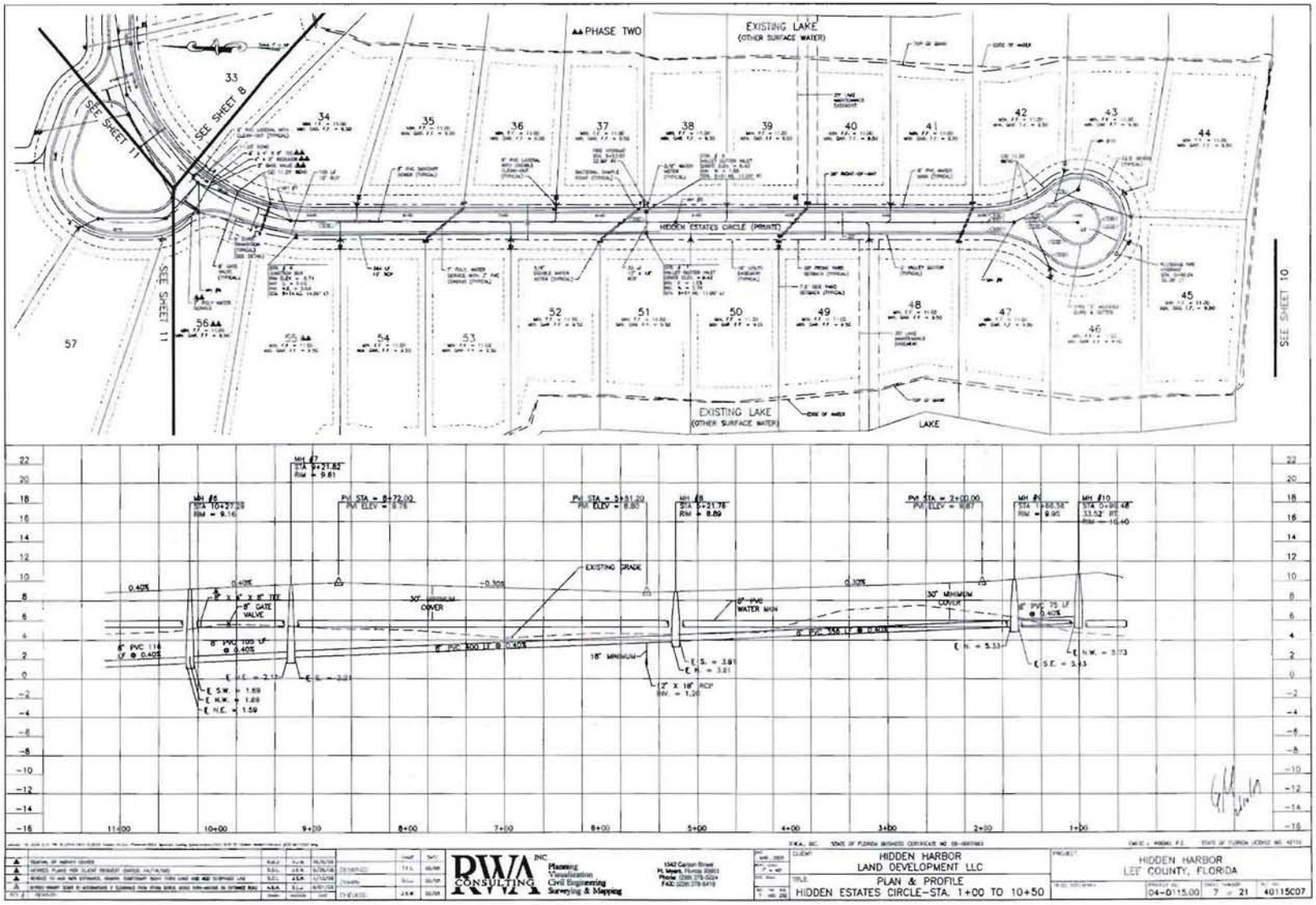


Exhibit 2.0
Application No. 080506-17
Page 2 of 8

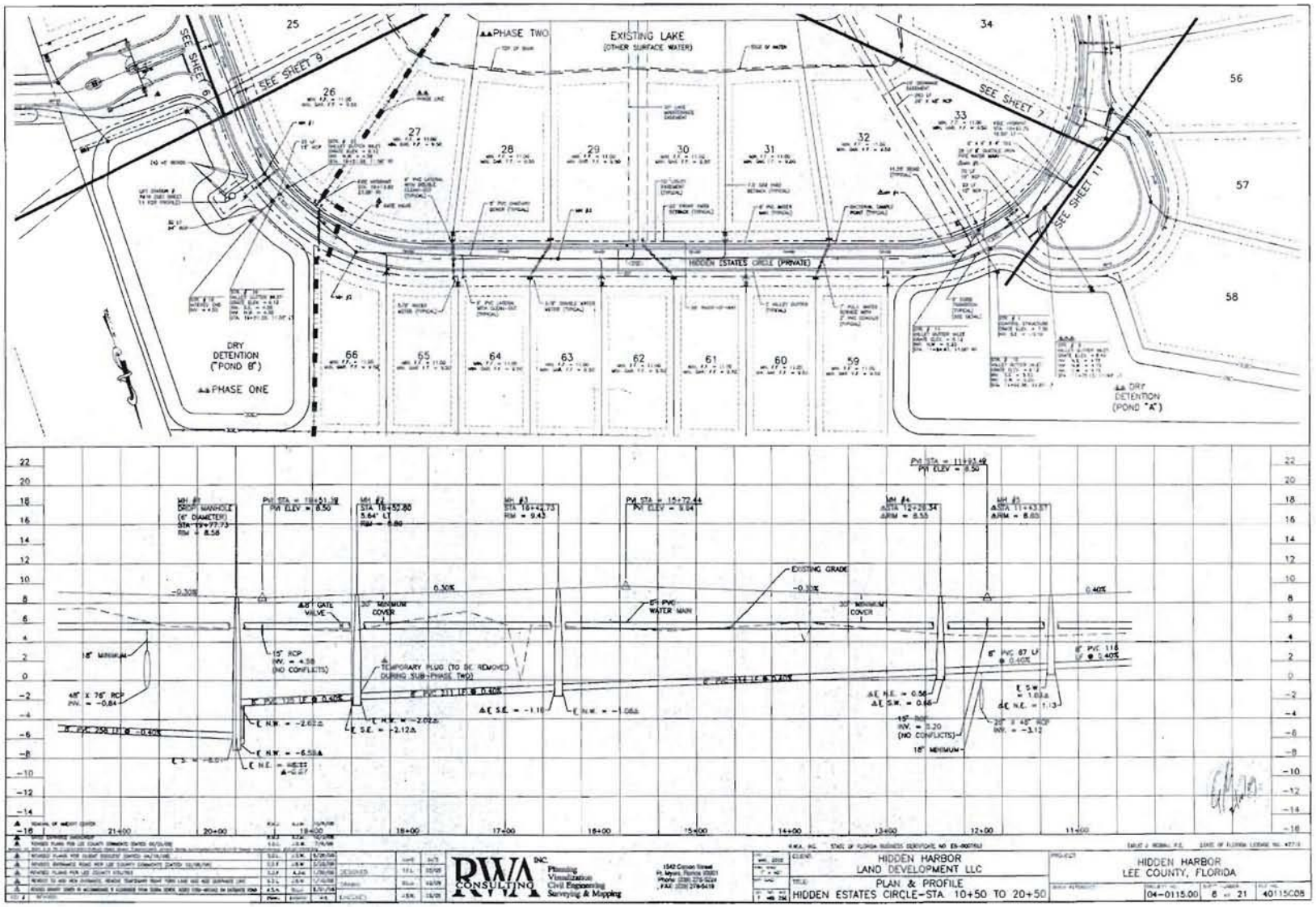


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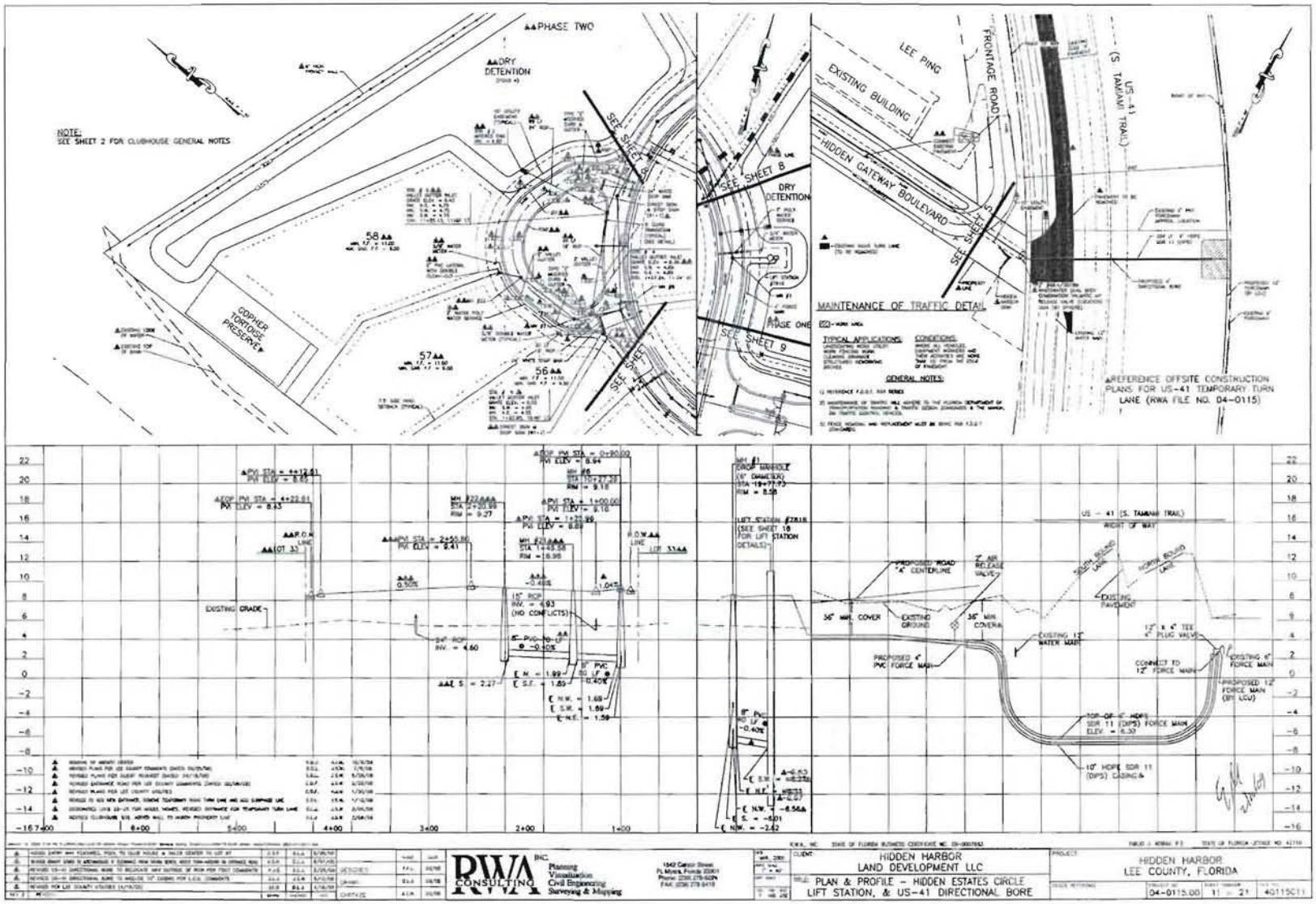
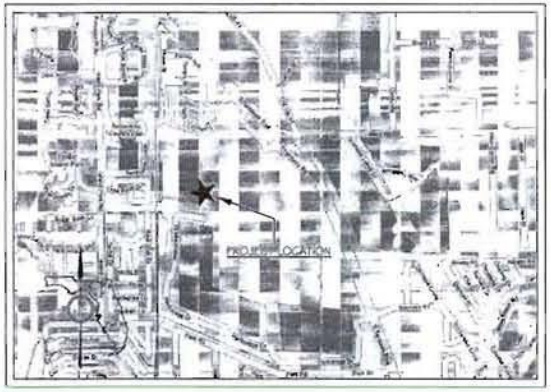


Exhibit 2.0
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SCANNED 02/04/2014 14:30

Ashmore & Associates, LLC



HIDDEN HARBOR ESTATES

DOCKS

DRAWING INDEX	
SHEET #	SHEET DESCRIPTION
C-S	COVER SHEET
S-P	SITE PLAN
A-1	ELEVATIONS
	CROSS SECTIONS
A-2	TOP VIEW
	FRAMING PLAN

Ashmore & Associates, LLC

HIDDEN HARBOR ESTATES
DOCKS
FORT MYERS, FL. 33908

REVISIONS

NO.	DATE	DESCRIPTION

JOB NO. 604.207
DATE 06-04-2008
DRAWN BY CT
CHKD BY

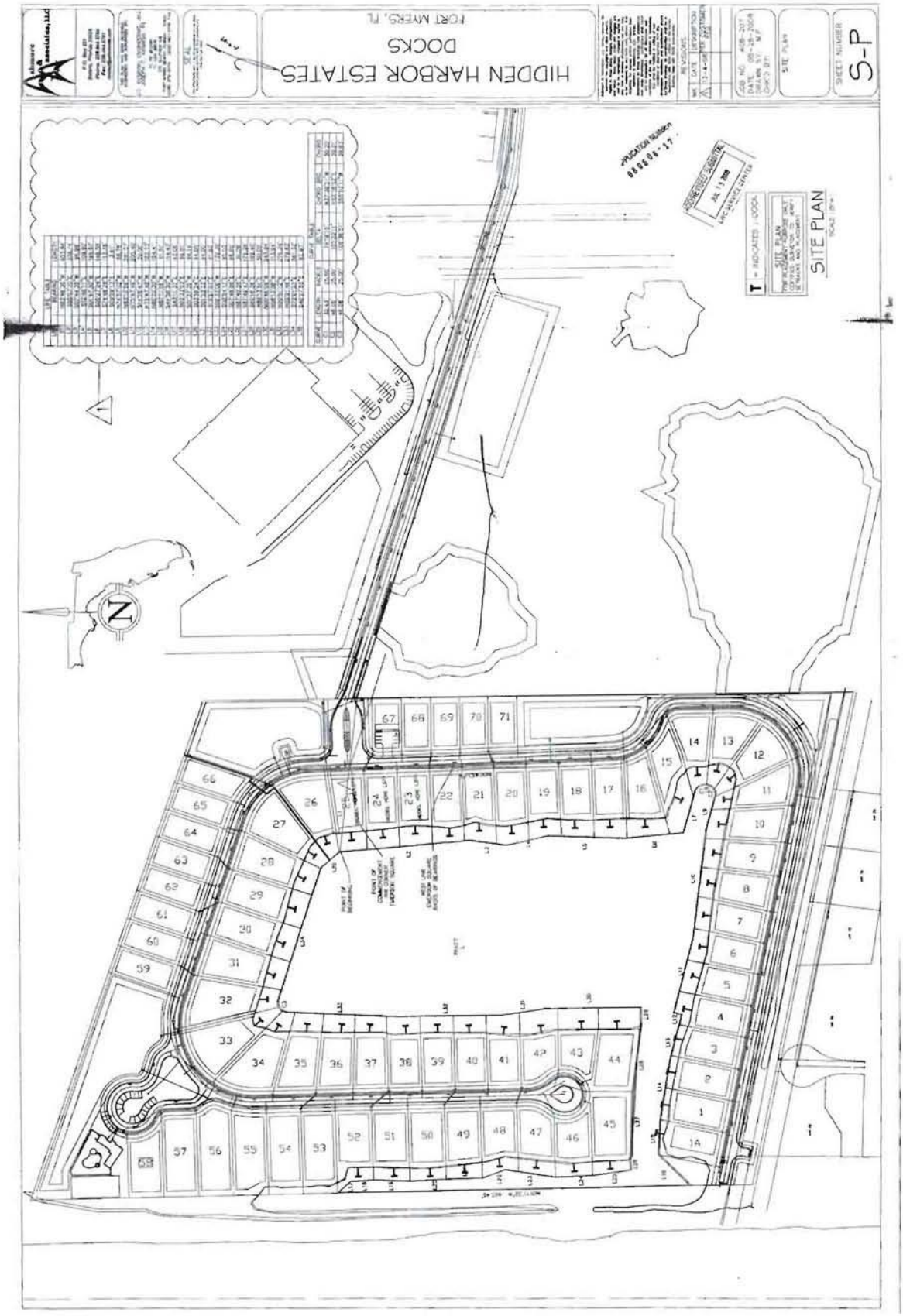
COVER SHEET

SHEET NUMBER
C-S

Exhibit 2.0
Application No. 080506-17
Page 5 of 8

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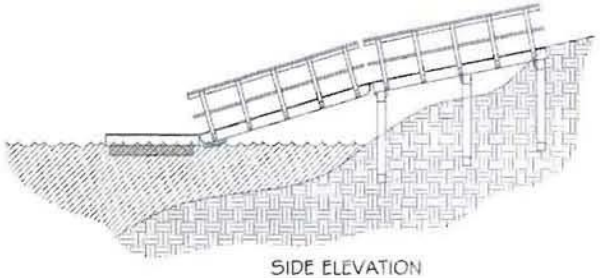


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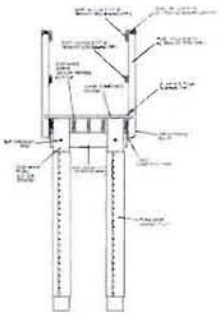




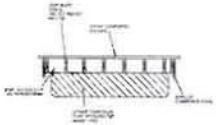




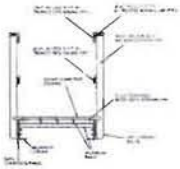
SIDE ELEVATION



EMBEDDED DECK SECTION



FLOATING DECK SECTION



PRE-ENGINEERED SUSPENDED DECK SECTION

HIDDEN HARBOR ESTATES
DOCKS
FORT MYERS, FL 33908

REVISIONS

SHEET NUMBER
A-1

Exhibit 2.0
Application No. 080506-17
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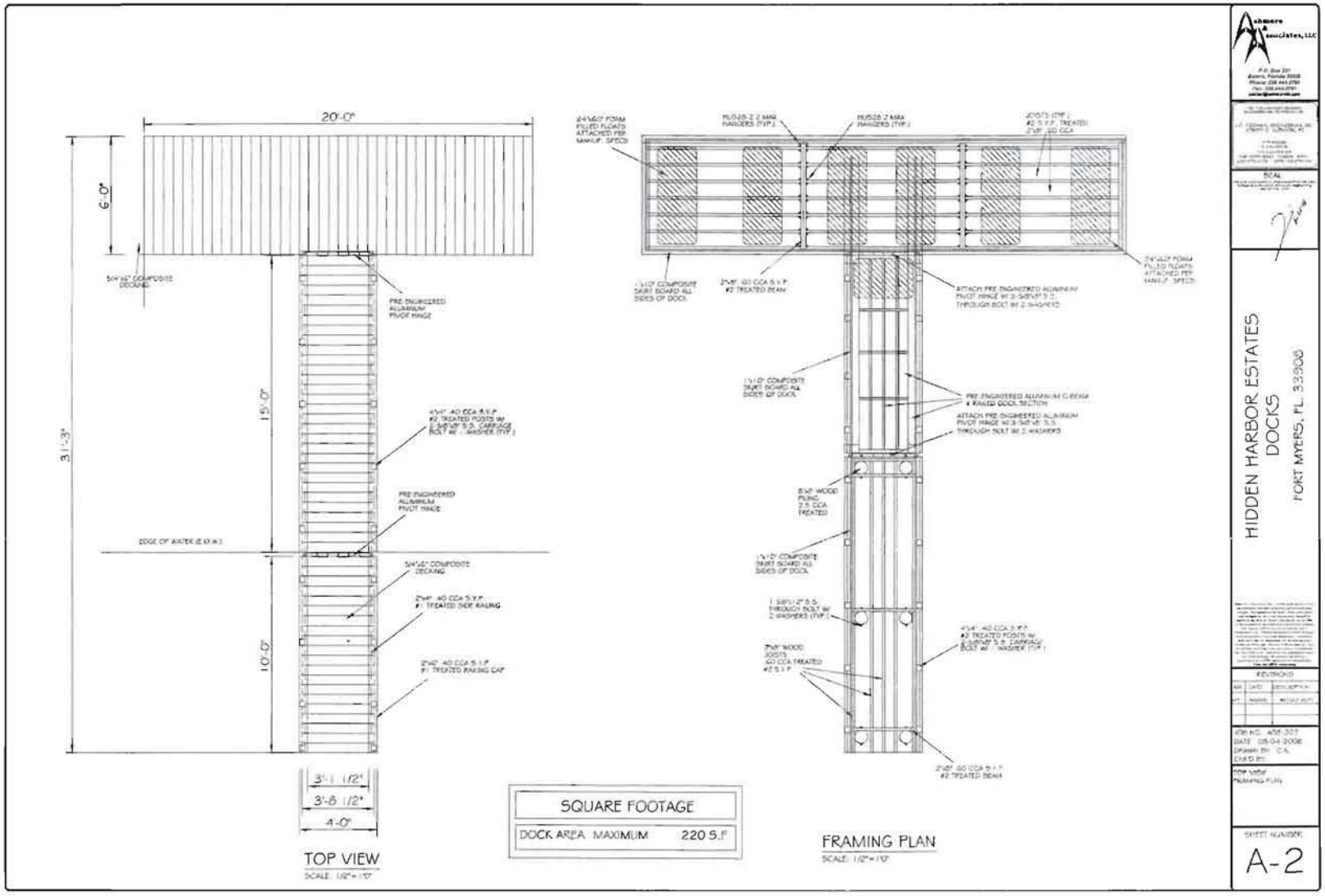


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APPLICATION NO. 080506-17
PERMIT NO. 36-03962-P

EXHIBIT NO. 2.1 CONSTRUCTION POLLUTION PREVENTION PLAN

EXHIBIT NO. 2.2 URBAN STORMWATER MANAGEMENT PROGRAM

INCORPORATED BY REFERENCE

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Florida Fish and Wildlife Conservation Commission

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Brian S. Yablonski
Vice-Chair
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Victor J. Heller
Assistant Executive Director

Karen Ventimiglia
Deputy Chief of Staff

Imperiled Species Management Section
Kipp Frohlich
Section Leader
(850) 922-4330
(850) 922-4338 FAX

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(800) 955-8770 (V)

MyFWC.com

November 24, 2009

Mr. John Policarpo
South Florida Water Management District
Fort Myers Service Center
2301 McGregor Boulevard
Fort Myers, FL 33901

Subject: Revised Manatee Impact Review, File No. 080506-17, Hidden Harbor, Ten-Mile Canal Borrow Pit, Lee County.

Dear Ms. Harris:

The Florida Fish and Wildlife Conservation Commission (FWC) has commented previously on this application (November 20, 2008), and provides the following revised comments. A copy of this letter will be sent to the U.S. Army Corps of Engineers, Jacksonville District, in compliance with the Fish and Wildlife Coordination Act.

The applicant is requesting to modify an existing permit, SFWMD Permit # 36-03962-P (issued in June 2001). The original request was for authorization of 59 single-family docks located in the waterway known as the Ten-Mile Canal borrow pit, which serves as a warm water aggregation area for manatees during the winter. The borrow pit and the canal are connected to Estero Bay by Mullock Creek. Based on recommendations made by FWC, the final permit authorized the construction of up to 30 single-family docks initially, with the additional docks to be authorized if monitoring studies indicated that use of the borrow pit by manatees did not decline as a result of the resident boats. However, only two of the authorized docks have been constructed and at this time the applicant is seeking authorization to modify the existing permit in order to construct 53 single-family docks. A total of three of the proposed docks will be constructed by the applicant for use three model homes. The remainder of authorized docks will be constructed by individual purchasers.

Manatee use of the site and waterways in its general vicinity is documented by aerial survey, satellite telemetry and mortality data. While the primary manatee use of the borrow pit and canal takes place during the winter, the available data shows use of the system by manatees in the non-winter months as well. Aerial survey data shows adults and calves using the borrow pit nearly year round. Telemetry data shows that manatees in the vicinity travel between the project site and Estero Bay via Ten Mile Canal and Mullock Creek, presumably to feed on submerged vegetation in Estero Bay. Vessels leaving the site have to travel through both areas to reach the open waters of the bay, taking the same route manatees using the site have to travel to feed. Although waterways at the site and in the vicinity have been regulated by state-approved manatee protection speed zones since 2005, watercraft-related manatee deaths have continued to occur in the Estero Bay area. Six watercraft deaths have occurred within two miles of the borrow pit since 2005.

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In 2004 the state approved the Lee County Manatee Protection Plan (MPP), which provides recommendations for boat facility siting. Individually constructed single-family docks are exempt from review under the Marine Facility Siting Element (MFSE) of the MPP; however, Section 8.4 of the MPP states that for warm water refuge areas, in addition to the MFSE analysis, projects may require a case-by-case review to determine whether authorization of a proposed project is appropriate.

The applicant has agreed to implement and enforce several measures, including vessel draft restrictions, an idle speed zone in the basin, an FWC-approved Manatee Observation Program and an-FWC approved Manatee Awareness and Boater Education Program to help offset potential impacts to manatees. The applicant has also agreed to offset the cost of increased law enforcement for the project vicinity by paying into the Lee County Manatee Protection Fund. Per an agreement with Lee County, fees have been paid for the two existing docks constructed by the applicant and the remaining fees will be paid at the time of application for the third dock proposed by the applicant and each remaining individual dock permit.

It is our recommendation that the following measures, if they are made conditions of the permit, will satisfy the requirements of 373.414(1)(a) 2, Florida Statutes:

1. The total number of boat slips, inclusive of all shoreline and upland storage, shall be limited to 53, the number of slips proposed by the applicant. Only one motorized vessel, including jet-skis or other personal watercraft, will allowed to moor at a dock at any given time.

2. The maximum draft, including propeller(s), for vessels associated with this project shall be 24 inches.

3. No later than 30 days after permit issuance, the permittee shall execute and record a conservation easement in a continuous, linear distance, including the shoreline of the structures. The conservation easement shall run with the land, in perpetuity, and shall prohibit the construction of any additional docking facilities or other such water access development over the allowed 53 slips.

4. The Hidden Harbor Preserve Home Owner's Association (HOA) and individual lot owners shall provide temporary right of access to Common Areas and Limited Common Areas for federal and state agencies, including but not limited to Florida Wildlife Conservation Commission (FWC), the South FloridaWater Management District (SFWMD) and the U.S. Fish and Wildlife Service (Service), for the purpose of conducting law enforcement activities and collection of scientific research.

5. The Standard Manatee Conditions for In-Water Work (revision 2009) shall be followed for all in-water activity.

6. To reduce the possibility of injuring or killing a manatee during construction, in-water work shall not be performed during the following time of year: November 15 – March 31.

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7. At least one person shall be designated as a manatee observer when in-water work is being performed. That person shall have experience in manatee observation and be equipped with polarized sunglasses to aid in observation. The manatee observer must be on site during all in-water construction activities and will advise personnel to cease operation upon sighting a manatee within 50 feet of any in-water construction activity. Movement of a work barge, other associated vessels, or any in-water work shall not be performed after sunset, when the possibility of spotting manatees is negligible.

8. Observers shall maintain a log detailing manatee sightings, work stoppages, and other protected species-related incidents. These logs and a report, summarizing all activities noted in the observer logs, the location and name of project, and the dates and times of work shall be submitted within 30 days following each in-water dock completion, to the FWC's Imperiled Species Management Section at: ImperiledSpecies@myfwc.com.

9. No later than 30 days prior to the beginning of construction for the first dock, the permittee shall develop and implement a manatee educational program which includes the following:

    a. An FWC-approved Manatee Observation Program to be recorded in the Hidden Harbor Preserve HOA documents, Section 6.2, Boat Docks and Boating Restrictions.

    b. An FWC-approved Hidden Harbor Preserve Manatee Awareness and Boater Education Program to be provided to every waterfront lot owner with a copy of the HOA documents.

    c. Installation of permanent manatee educational signs, speed zone booklets, and manatee educational brochures.

    d. Installation of a sign visible to boaters in the harbor, warning of the possible presence of manatees and requiring boaters to place the vessel motors in neutral, or turn the engine off, and proceed without power if a manatee is observed within 50 feet of the vessel.

    e. Installation of a regulatory sign (IDLE SPEED, NO WAKE, with specific reference to regulatory authority) at the entrance to the harbor.

    Educational materials must be made available to patrons at all times, and must replaced if they become damaged or outdated, and must be maintained for the life of the facility. The on-site location and types of educational materials used must be acceptable to the Florida Fish and Wildlife Conservation Commission, which can be contacted at ImperiledSpecies@myfwc.com.

10. The HOA shall notify each lot purchaser at the time of purchase of the lot of these permit requirements. Prior to applying for a building permit for a dock, each lot owner is required to obtain a letter from Lee County Natural Resources Marine Program that states that the law enforcement mitigation fee for their dock has

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been paid. This letter should be submitted to Lee County when applying for a building permit and submitted to FWC at ImperiledSpecies@myfwc.com. While constructing and using each dock, each lot owner is required to follow conditions 1,2,5,6,7 and 8 above. The HOA will be responsible for assuring compliance with these conditions.

The above-mentioned recommendations are considered necessary in order for this project to not significantly affect the conservation of wildlife. Please notify this office of the results of this manatee impact review by copy of the Intent to Issue or Deny, and the final agency action. Please do not hesitate to contact me or Anne Richards of my staff at (850) 528-1309 if you have any questions.

Sincerely,

R. Kipp Frohlich, Section Leader
Imperiled Species Management Section

RKF/ar
http://portal.fwc.state.fl.us/DOI/Divisions/HSC/Imperiled Species Management
S/ImperiledSpecies/manatees/hiddenharbor/FWC Correspondence/11.24.09.Hidden.Harbor.Mod.Lee.Final.docx

cc: U.S. Army Corps of Engineers, Jacksonville
Ms. Mary Peterson, USFWS, Lee County
Mr. Justin McBride, Lee County
Dr. Brent Nichols, DNA

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6.2 Boat Docks and Boating Restrictions.

Boat Docks may exist as part of the Common Areas or Limited Common Areas in the Neighborhood in accordance with applicable permits which the Declarant has obtained for the construction, installation and use of the same. Boat Docks abutting particular Lots shall be Limited Common Areas appurtenant to the Lots which same abut. The use of the Boat Docks shall be subject to permits and approval conditions which have been issued by applicable governmental agencies. As Limited Common Areas, Boat Docks so assigned or transferred shall be available for the exclusive use of the Lot Owner to whose Lot the said Limited Common Area is appurtenant. At the time of the execution of this Declaration, the following restrictions concerning boat docks and boats in and about the Hidden Harbor Subdivision have been imposed by the South Florida Water Management District (herein referred to as "SFWMD") and by the Department of Army, U.S. Army Corps of Engineers (herein referred to as "DOA") and are hereby imposed pursuant to this Declaration:

A. A one-slip single facility dock may be constructed for each lot in the waters adjacent to Lots A-I through 52, inclusive, of Hidden Harbor Estates, up to a maximum of fifty-three (53) boat docks unless otherwise approved and allowed by the South Florida Water Management District and other applicable agencies. No other docks, boat ramps or any structures that would provide boating access shall be permitted along the remaining shoreline of Hidden Harbor Estates. Unless otherwise approved by the Association and applicable governmental agencies, the only future utilization of the shoreline of Hidden Harbor Estates will be as a purely natural area.

B. Each individual dock will not exceed a maximum size of 220 square feet.

C. The location of the proposed boat docks as allowed by the DOA pursuant to permit number SAJ-1999-45I2 (IP-RMT) and SFWMD permit number _____ is attached hereto as Exhibit A.

D. Boats maintained in the internal basin of the Hidden Harbor Estates (which basin is referred to in the SFWMD Permit as the "borrow pit"), shall be restricted as follows:

1. The drafts of the boats utilizing Hidden Harbor basin shall be a maximum of twenty-four inches (24) with a one-foot clearance between the deepest draft of the boat (with the engine in a down position) and the un-vegetated bottom of the basin and ingress egress corridors to the basin.

2. Only one motorized vessel, including jet-skis or other personal watercraft, will be permitted to moor at the dock at any given time.

3. Any number of non-motorized boats such as sailboats, canoes, kayaks and model sized remote control boats shall be allowed to be utilized in the Hidden Harbor basin.

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E. The Association shall establish and enforce a Manatee Education Program, attached hereto as Exhibit B, and including the following:

1. The Association will provide yearly Manatee education and boating awareness courses for all homeowners.

2. The Association shall assign a Manatee Observation Captain to receive the proper training and/or certification to observe and verify the presence of manatees.

3. The Association shall submit contact information of the Manatee Observation Captain to the District on a yearly basis or when such persons are changed.

4. The Manatee Observation Captain shall conduct training courses on a yearly basis to the Association members on the proper techniques for observation and verification of the presence of manatees.

5. The Manatee Observation Captain shall implement a program that provides observers during daylight hours from November 15 to March 31, to notify boaters immediately of the presence of manatees and to proceed with caution within the harbor.

6. Homeowners will provide the Association with self-certification documents upon completion of the yearly education course. The Association will maintain the documents and provide, upon request, copies to the District.

F. The Association and Lot owner shall provide temporary right of access to Common Areas and Limited Common Areas for federal and state agencies, including but not limited to Florida Wildlife Conservation Commission, SFWMD, DOA, and U.S. Fish and Wildlife Service, for the purpose of conducting law enforcement activities and collection of scientific research.

G. The Association shall enforce the foregoing restrictions, as well as other restrictions set forth in this Declaration. Failure of the Association to enforce the foregoing restrictions shall be deemed a violation of these restrictive covenants and shall allow the SFWMD to pursue a cause of action to obtain injunctive relief, penalties and other relief available pursuant to Chapter 373 of the Florida Statutes.

H. Rights of DOA . The DOA shall be a party to any modification, alteration, release, or revocation of these deed restrictions pertaining to boat docks and enforcement of the restrictions pertaining to same, and shall review and approve as necessary any additional structures or activities that require approval.

1. Declarant Rights. Declarant reserves the right, without joinder of any lot owner, the Association, or member of the Association other than Declarant to amend and modify the foregoing restrictions as may be permitted or allowed by applicable governmental agencies, including, but not limited to the SFWMD and the DOA.

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I. Violators of these restrictions will be given an initial warning from the Manatee Observation Captain, unless the violation results in the harassment or harm of a manatee. A repeat violation will result in the violator being reported to the appropriate regulatory agency for legal action (i.e. FWCC, SFWMD). A violation that results in the harassment or harm of a manatee will result in immediate reporting to appropriate regulatory agency for legal action.

J. Maintenance and Upkeep Responsibilities:

1. The Association is responsible for all upkeep and maintenance of conservation easement area and maintenance and repairs of all signs within the basin.

2. Each individual lot owner is responsible for all maintenance and repairs of the associated docking structure. The HOA reserves the right to restrict the use of the facility to any owner not in compliance with the rules of the HOA, permits and state statutes.

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EXHIBIT A

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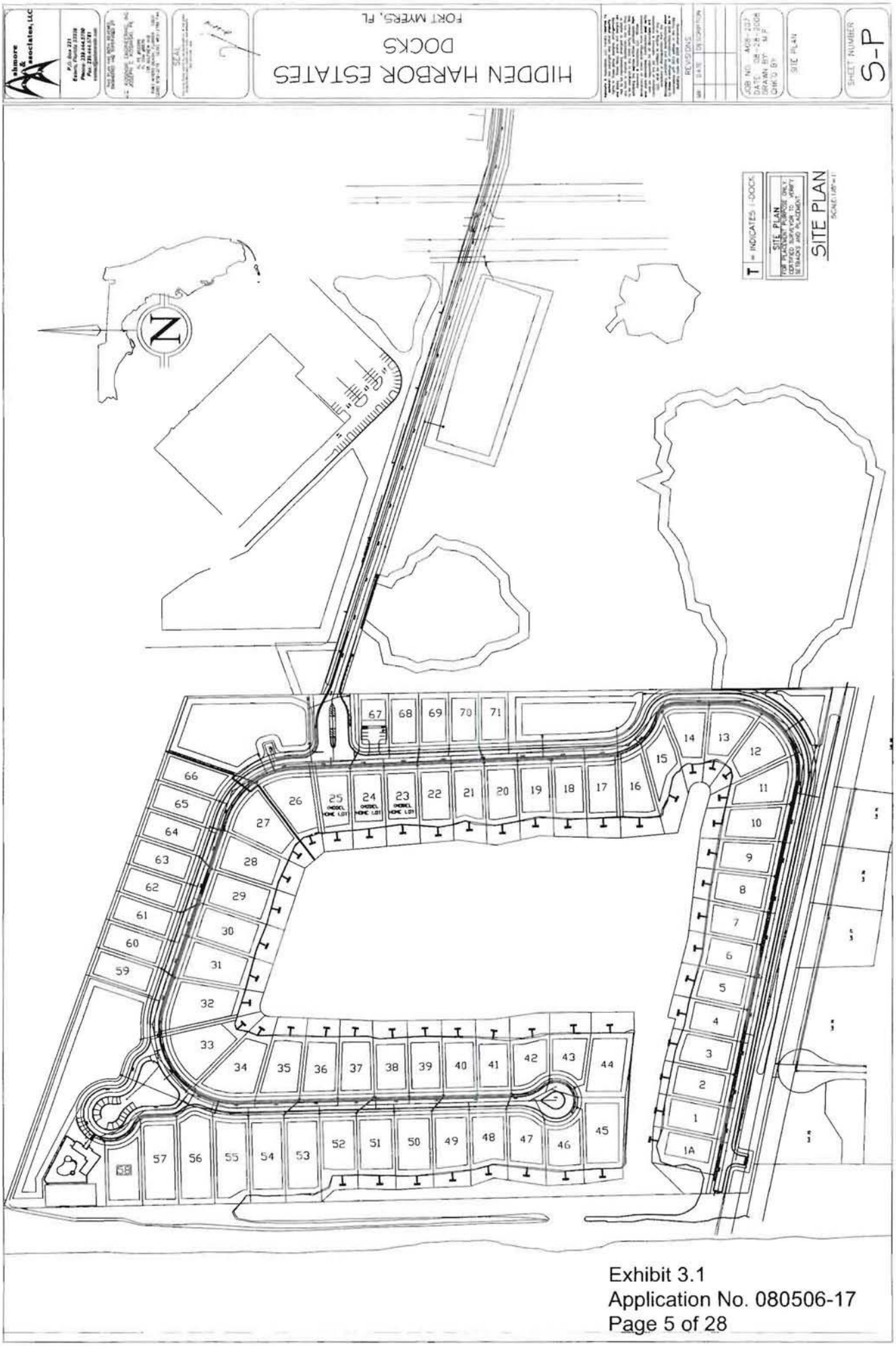


Exhibit 3.1
Application No. 080506-17
Page 5 of 28

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EXHIBIT B

ADD2014-00127 Lee County ePlan

SCANNED 02/03/2014 09:54:20 Page 4

HIDDEN HARBOR PRESERVE MANATEE EDUCATION AND BOATER AWARENESS PROGRAM





Prepared by:

ENVIRONMENTAL LOGISTICS CORPORATION
let us guide you to success!

708 N Church Ave. • Mulberry, FL 33860 • (877) 732- 8091 • Fax (877) 732-8091
web: www.dnaenvironmental.com email: mail@dnaenvironmental.com

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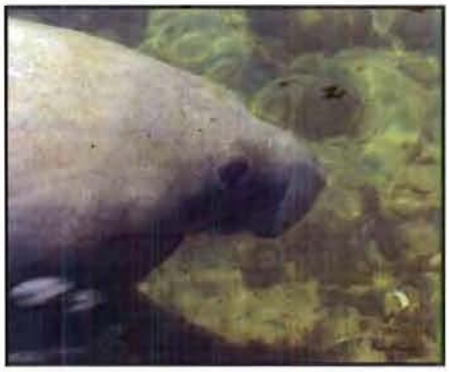
WELCOME TO HIDDEN HARBOR PRESERVE!

Hidden Harbor Preserve is a unique Southwest Florida boating community situated within a pristine ecosystem. The location affords boat owners the ability to quickly access the Gulf of Mexico by way of the Ten Mile Canal and Estero Bay, one of the most environmentally protected bodies of water on Florida's southwest coast. As a homeowner you enjoy private boat docks, kayaking and canoeing activities nestled among the habitat of one of Florida's most rare and unique creatures, the Florida Manatee.

The Hidden Harbor Preserve Homeowner's Association is required to provide educational opportunities for all homeowners to be made aware of the presence of the Florida Manatee within its harbor and your responsibly as a boater and homeowner. As a homeowner you are required to complete a yearly Manatee Education and Boater Awareness program. The reason for this program is simple; to educate all property owners with boating interests to be aware of the unique and precious ecosystem they share with a truly rare creature, the Florida Manatee and what role you can take in protecting them! Additionally, this program will re-enforce on a yearly basis the permit requirements (Attachement A) and the importance of those requirements.

Manatee Legislation

Manatees are protected under federal law by the Marine Mammal Protection Act of 1972 and the Endangered Species Act of 1973, which make it illegal to harass, hunt, capture or kill any marine mammal. Manatees are also protected by the Florida Manatee Sanctuary Act of 1978. Anyone convicted of violating this state law faces a possible maximum fine of $500.00 and/or imprisonment for up to 60 days. Conviction on the federal level is punishable by a fine of up to $50,000 and/or one year in prison. Feeding manatees, giving them water, or otherwise altering their natural behavior can be considered harassment. It is a second degree misdemeanor to intentionally discard any monofilament fishing line or monofilament netting into or onto the waters of the state of Florida.



MANATEE BIOLOGY OF HIDDEN HARBOR

According to the US Fish and Wildlife Service:

- The Florida manatee occurs primarily in Florida and southeastern Georgia. It is usually found in freshwater, brackish, and saltwater habitats. Because manatees cannot survive very long in water below 68 degrees Fahrenheit, south Florida and some natural springs make to the Florida manatee's natural winter range.
- Manatees depend on seagrass and other aquatic vegetation for food. In the winter, they congregate around warm water springs and man-made sources of warm water such as power plant discharges.
- Manatees can live for several decades. Adult females give birth to a calf about once every three years.
- Manatees have few natural predators. The greatest natural threats are exposure to cold temperatures, hurricanes, and poisoning from red tide.

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Hidden Harbor provides critical habitat for the Florida Manatee as designated in 1976 (50 CFR 17.95). This habitat is described as specific area within a geographic region that provides physical or biological features which are essential to the conservation of the species. Hidden Harbor has been designated under the Lee County Manatee Protection Plan as a secondary warm water refuge. It is this warm water feature that affords residents of Hidden Harbor Preserve a unique lifestyle and which requires you to be a good steward of the environment in which you live. The Florida Manatee is likely to be sighted year round at Hidden Harbor. The numbers of manatees will increase in the months of November to March and typically peaks around 80-90 individuals! This is a great time to observe, photograph and BE AWARE!

The Florida Fish and Wildlife Research Institute notes that the largest manatees may reach thirteen feet in length and weigh over 3500 pounds, but most individuals are shorter (an average of 8 feet) and smaller (average of 1,000 pounds). Manatees are **aquatic herbivores (plant eaters)** and are most commonly seen eating, resting, or traveling. Female manatees are pregnant for 12–14 months and usually give birth to a single calf measuring about three to four feet in length. The calves remain with their mothers for up to two years. The recovery of the manatee population is impeded by mortalities from human-related causes **(e.g., from collisions with watercraft, becoming trapped in water control gates and locks, and becoming entangled in fishing gear),** as well as destruction and degradation of their habitat. Manatees have also died as a result of contact with harmful algal blooms, the effects of cold water, and natural disease.



Photo from the FWC showing the effect of propeller scars on this dead manatee. Proper observation and following all applicable boater regulations will significantly reduce these harmful encounters.

WHAT TO DO IF YOU SEE A SICK, INJURED, DEAD, OR TAGGED MANATEE AT HIDDEN HARBOR???

Call FWC's Wildlife Alert: Toll-Free Number (888) 404-3922 or Cellular: *FWC or #FWC

Please be prepared to answer the following questions:

- What is the exact location of the animal?
- Is the manatee alive or dead?
- How long have you been observing the manatee?
- What is the approximate size of the manatee?
- What is the location of the public boat ramp closest to the Manatee? Can you provide a contact number where you can be reached for further information?

It is common to see manatees floating at or near surface in the Hidden Harbor Basin and Ten mile Canal in Ft Myers, Florida.

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HIDDEN HARBOR PRESERVE
BOATING AND JET SKIING GUIDELINES





Following these guidelines from the FWC and FP&L while boating and/or jet skiing in waters surrounding Hidden Harbor will help to ensure the safety of manatees.

- Abide by the posted speed zone signs while in areas known to have manatees present or when observations indicate manatees might be present. Observations may include a swirl at the surface caused by the manatee while diving seeing the animal's back, snout, tail, or flipper break the surface of the water or hearing it when it surfaces to breathe.

- Wear polarized sunglasses to reduce glare on the surface of the water. This will enable you to see manatees more easily.

- Try to stay in deep water channels. Manatees can be found in shallow, slow moving rivers, estuaries, lagoons and coastal areas.

- Avoid boating over seagrass beds and shallow areas.

- Be mindful of manatee congregations during the winter months at Hidden Harbor!

- Remain at least 50 feet away from a manatee when operating a powerboat. Do not operate a boat over large concentrations of manatees.

- If you like to water ski, please choose areas that manatees do not use, or cannot enter, such as landlocked lakes.

- Please do not discard monofilament line, hooks, or any other litter into the water. Manatees may ingest or become entangled in the debris and become injured or even die.

- IF YOU SEE A MANATEE INJURED, SICK, OR DEAD PLEASE CALL 1-888-404-FWCC

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BOATER EDUCATION LAW FOR LEE COUNTY FLORIDA

Reference: Lee County Boater Education Laws

Anyone 21 years and younger, who operates a vessel powered by 10 horsepower or more, must pass an approved boater safety course and have in his/her possession photographic identification and a boater safety identification card issued by the Florida Fish & Wildlife Conservation Commission. A person is exempt from this requirement if there is a person on board who is not affected by this law and who is attendant to and responsible for the safe operation of the vessel.

What Can You Do To Protect Florida Manatees?

Wear polarized sunglasses while operating a boat. Polarized lenses make It easier to see things under the surface.

Pole, paddle or use a trolling motor when over shallow seagrass beds.

Slow down and observe all manatee speed zones and caution areas.

While swimming or diving, do not approach or chase a manatee.

Don't pollute! Pick up trash such as fishing line and plastic bags.

Minimum Required Safety Equipment for Recreational Boaters**

Personal Flotation Devices (PFDs) - One USCG Approved PFD for each person on board. Children under 6 years old must wear approved and properly fitting PFD whenever vessel is under way. Also, one throwable device.

Fire Extinguisher(s) - Must be USCG approved and in serviceable condition.

Visual Distress Signal - Required on vessels where the distance between shorelines is over two miles. Sound Signal - Capable of a 4-6 second blast audible for 1/2 nautical mile. Bells are required on vessels over 12 meters.

** Different class vessels (based on overall length) may have additional safety equipment requirements. In addition, passenger-carrying and other commercial vessels have slightly different requirements. For more information, please contact the Florida Fish & Wildlife.
Reference: US Congress - Navigation Rules

The Florida Clean Vessel Act For Boaters

Boaters in the State of Florida are prohibited from discharging ANY raw sewage into freshwater or within coastal saltwater limits. Coastal limits are 9 nautical miles on the Gulf side and 3 nautical miles on the Atlantic side.

Specifications:
No raw sewage may be discharged into Florida waters. Affected vessels 26 feet or more, except houseboats and floating structures, may use either a portable or permanent toilet. House boats and floating structures must have permanently installed toilets attached to Type III Marine Sanitation Device or direct line hook-up. Avoid discharge of bilge waste into the water.

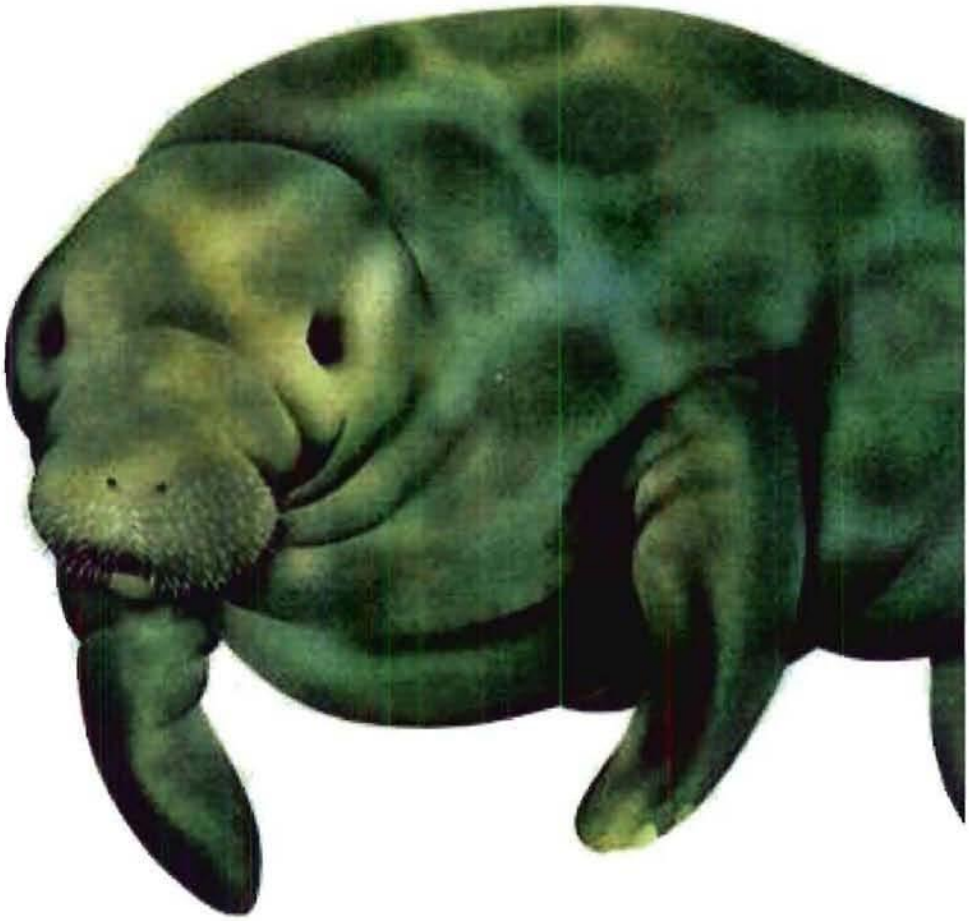
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Enforcement and Penalties:
Enforcement Officers may board a vessel to inspect Marine Sanitation Devices. Violations are noncriminal infractions carrying fines of $50.00 to $250.00. To Report Illegal Dumping, call **1-888-404-3922**

For More Information, Please Contact:
Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement
620 S. Meridian St., MS630
Tallahassee, Florida 32399-1600
(850) 488-5600

Reference: The Florida Clean Vessel Act: What It Means To Boaters. Published by Florida Department of Environmental Protection



The Florida manatee, *Trichechus manatus latirostris* -EPA

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HOW CAN YOU HELP KEEP HIDDEN HARBOR PRESERVE A SAFE HAVEN FOR THE FLORIDA MANATEE?**

General Guidelines:

- Don't feed manatees or give them water. If manatees become accustomed to being around people, they can alter their behavior in the wild, perhaps causing them to lose their natural fear of boats and humans, and this may make them more susceptible to harm. Passive observation is the best way to interact with manatees and all wildlife.
- Do not pursue or chase a manatee while you are swimming, snorkeling, diving or operating a boat.
- If a manatee avoids you, you should avoid it.
- Don't isolate or single out an individual manatee from its group, and don't separate a cow from her calf.

Touching:

- Look, but don't touch manatees.
- Never poke, prod or stab a manatee with your hands, feet or any object.
- Don't attempt to snag, hook, grab, hold, pinch or ride a manatee.

Swimming:

- Avoid excessive noise and splashing if a manatee appears in your swimming area.
- Use snorkel gear when attempting to watch manatees. The sound of bubbles from scuba gear may cause manatees to leave the area.
- When snorkeling, don't wear a weight belt. Float at the surface of the water and passively observe the manatee.

**Adapted from Florida Power and Light (FP&L) and Florida Fish and Wildlife (FWC)

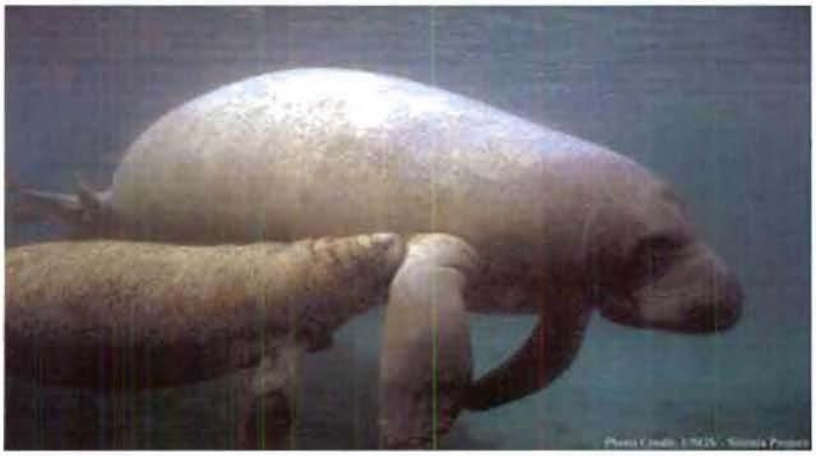


Figure. Female manatee nursing a calf (photo: USGS – Sirenia Project).

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NAVIGATIONAL MANATEE BOATING SIGNAGE COMMONLY FOUND IN FLORIDA WATERS.



Idle Speed Zone is the minimum speed that will maintain the steerage of the vessel.



Slow Speed Zone is the speed at which the boat is operating off-plane and settled into the water.





Caution Area: an area frequently inhabited by manatees, requiring caution on the part of boaters to avoid disturbing or injuring the animals.



Resume Normal Safe Operation is a sign indicating that you may resume safe boating speed; visible as you leave a protected area.



No Entry Zone: a protected zone that prohibits boating, swimming, and diving for the protection of manatees

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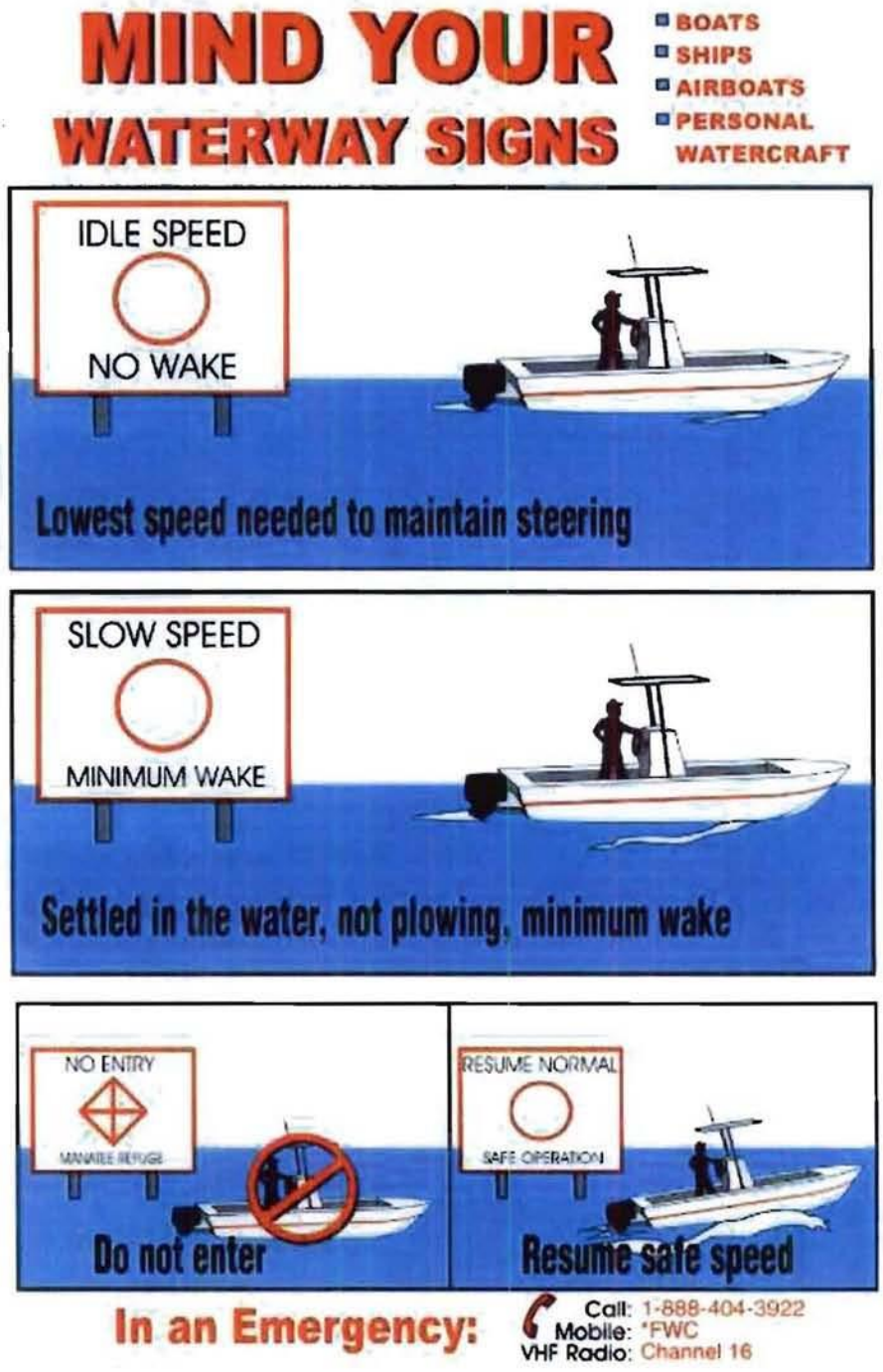
SIGN LOCATED AT HIDDEN HARBOR ENTRANCE TO TEN MILE CANAL



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LEE COUNTY VESSEL CONTROL AND WATER SAFETY



http://www3.leegov.com/naturalresources/vessel%20control.html

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RESOURCE DIRECTORY OF IMPORTANT PHONE NUMBERS

Florida Fish & Wildlife Conservation Commission Resource Protection Hotline 1-888-404-3922 **FMP (free cellular)*
To report fishing violations; to report dead, injured or tagged manatees, sea turtles or other wildlife

Florida Fish & Wildlife Conservation Commission Southwest Field Office 1-239-332-6966
To request information on saltwater fishing and/or shellfish harvesting regulations

Florida Department of Agriculture 1-850-488-5471
For information on temporary closures of shellfish harvesting areas due to red tide or pollution

Charlotte Harbor Aquatic Preserves Office 1-941-575-5861

FDEP Estero Bay Aquatic Preserves Office 1-239-463-3240
For information on conservation and use of marine resources within the aquatic preserves

Estero Island Marine Resource Task Force 1-239-765-0202
For information on Estero Island Marine Resources

U.S. Coast Guard Station, Ft. Myers Beach 1-239-463-5754 *or VHF Channel 16 or *CG (free cellular)*
For search and rescue assistance

Sheriff's Offices 911 for emergencies
Lee County - Marine Division 1-239-477-1200

West Coast Inland Navigation District 1-941-485-9402
For information on the Gulf Intracoastal Waterway

Lee County Natural Resources Division 1-239-479-8109
Marine Services Program

Sanibel Island Conservation Office 1-239-472-3700
For information on marine resources and conservation on Sanibel Island

Turtle Time, Inc. 1-239-481-5566
To report sea turtle nests, stranded/dead sea turtles, and tagged turtles

Sport Fishing Promotion Council 1-800-ASK-FISH
For information on sport fishing and pump-out station locations

Florida Sea Grant Lee County Marine Agent 1-239-461-7500

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IMPORTANT MANATEE WEB REFERENCES:

- http://research.myfwc.com/ - Go here and Select 'Manatees' on the left and you will have access to general information on manatees and the State of Florida's role to protect them.
- http://www.savethemanatee.org/ - Great resource to get involved and help protect the Florida Manatee!
- http://www.savethemanatee.org/quiz.htm - Test your knowledge of the manatee!!! Tons of quizzes and information!!
- http://www.fpl.com/environment/endangered/protecting_manatees.shtml - FP&L's role in protecting manatees.
- http://fl.biology.usgs.gov/Manatees/manatees.html - USGS Sirenia Project, awesome site for manatee info!
- http://www.savethemanatee.org/Attn.Brochure.pdf - Quick resource to look up ways to protect manatees.
- http://myfwc.com/docs/WildlifeHabitats/Manatee_CApdf - FWC Q&A
- http://myfwc.com/docs/WildlifeHabitats/Manatee_FLTreasure_bklt.pdf - Awesome educational and adults!
- http://research.myfwc.com/engine/download_redirection_process.asp?file=manatee%5Fwebfi%5F4231%2Epdf&objid=-4400&dltype=product – Great coloring guide for the kids!
- http://floridamarineguide.com/manatees.html - Frequently asked questions
- http://www3.leegov.com/naturalresources/ManateeProtection1.htm - Lee County References for manatees.

Information was compiled from various resources by:

DNA
ENVIRONMENTAL LOGISTICS CORPORATION
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Hidden Harbor Preserve HOA
Manatee Education and Boater Awareness Program
Training Acknowledgement

Homeowner Name: _____

Homeowner Address: _____

_____

I have read and understand the intent and contents of the Hidden Harbor Preserve Manatee Education and Boater Awareness Program. I understand that I am responsible for abiding by all Federal, State and Local regulation and laws regarding boating and the protection and conservation of the Florida Manatee (*Trichechus manatus latirostris*).

He leído y entiendo la intención y el contenido de la Preservación de Manatí Puerto Escondido Educación y Sensibilización del Programa navegante. Yo entiendo que soy responsable de cumplir con todos los federales, estatales y la regulación local y las leyes relativas a la protección y conservación de la Florida, el manatí (Trichechus manatus latirostris).

Signature/*Firma*: _____ **Date/*Fecha*:** _____

Print Name/*Nombre escrito*: _____
First Middle Initial and Last/*Nombre, segundo nombre y apellido*

NOTE: THIS FORM IS TO BE UPDATED YEARLY AND MAINTAINED IN THE RECORDS OF THE HIDDEN HARBOR PRESERVE HOMEOWNER'S ASSOCIATION. UPON REQUEST, THESE SELF CERTIFICATION DOCUMENTS SHALL BE MADE AVAILABLE TO THE U.S. FISH AND WILDLIFE SERVICE, U.S. ARMY CORPS OF ENGINEERS, FLORIDA WILDIFE CONSERVATION COMMISSION AND THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT.

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ATTACHEMENT A

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HIDDEN HARBOR PRESERVE PERMIT REQUIREMENTS

The following information has been incorporated as part of the Covenants and Restrictions for the Hidden Harbor Home Owner's Association. These restrictions include permitted language from the South Florida Water Management District, Florida Fish and Wildlife Conservation Commission, U.S. Fish and Wildlife and U.S. Army Corps of Engineers. Under these permit requirements; residents of Hidden Harbor are restricted to certain uses of the boat basin. These permit requirements are listed below.

The Hidden Harbor Preserve – Joint U.S. Army Corps of Engineers and South Florida Water Management District Environmental Resource Permit Restrictions include the following guidelines related to the use of the Harbor:

1. Vessel Draft restriction of 24 inches for all vessels associated with the Community.

2. Installation of appropriate signs at the entrance to the harbor warning of the possible presence of manatees, "IDLE SPEED, NO WAKE" requirements, and the requirement to place the vessel motor in neutral, or turn the engine off, and proceed without power if a manatee is observed within 50 feet of the vessel. These signs (with specific reference to regulatory authority) will be placed in the harbor, posting standard Manatee Awareness and Education signs (that includes the manatee hotline) and at a common area for the docks that all slip owners can see.

3. Project is limited to a maximum of 53 slips within the Hidden Harbor basin; one slip per lot that is permitted to have a dock.

4. As per an agreement with the Florida Wildlife Conservation Commission, South Florida Water Management District, U.S. Army Corp of Engineers, U.S. Fish & Wildlife Service and Lee County; Hidden Harbor will provide for increased law enforcement hours as outlined in the Lee County Manatee Protection Plan. This requires a one-time payment of $546.00 per dock upon application for a construction permit with Lee County. These fees help offset the costs for marine law enforcement within Lee County.

5. Remaining undeveloped shoreline property in the project area has been placed under a Conservation Easement; within the easement, no additional impacts may occur.

6. Only one motorized vessel, including jet-skis or other personal watercraft are allowed to moor at the dock at any given time.

7. Standard "In-water" construction conditions (Attachment B) and the Typical BMP Plan (Attachment C) shall be followed during the construction of all dock and piers.

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8. Manatee Observation Program:

A. The Hidden Harbor Preserve HOA shall conduct a yearly Manatee education and boating awareness program for all homeowners.

B. The Hidden Harbor Preserve HOA shall assign a Manatee Observation Captain to receive the proper training and/or certification to observe and verify the presence of manatees.

C. The contact information of the Manatee Observation Captain must be submitted to the South Florida Water Management District on a yearly basis or when such persons are changed.

D. The Manatee Observation Captain shall conduct training courses on a yearly basis to the Hidden Harbor Preserve Homeowners Association members on the proper techniques for observation and verification of the presence of manatees.

E. The Manatee Observation Captain shall implement a program that provides observers during daylight hours from November 15 to March 31, to notify boaters immediately of the presence of manatees and to proceed with caution within the harbor.

9. Violators of these requirements will be given an initial warning from the Manatee Observation Captain, unless the violation results in the harassment or harm of a manatee. A repeat violation will result in the violator being reported to the appropriate regulatory agency for legal action (i.e. FWCC, SFWMD). A violation that results in the harassment or harm of a manatee will result in an immediate report to appropriate regulatory agency for legal action.

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ATTACHEMENT B

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STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

July 2005

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.

b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.

d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.

e. Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for north Florida or Vero Beach (1-561-562-3909) for south Florida.

f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Awareness signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used. One sign measuring at least 3 ft. by 4 ft. which reads *Caution: Manatee Area* must be posted. A second sign measuring at least 81/2" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities.

ADD2014-00127 Lee County ePlan

SCANNED 02/06/2015 15:50:04

FWC Approved Manatee Educational Sign Suppliers

ASAP Signs & Designs
624-B Pinellas Street
Clearwater, FL 33756
Phone: (727) 443-4878
Fax: (727) 442-7573

Wilderness Graphics, Inc.
P. O. Box 1635
Tallahassee, FL 32302
Phone: (850) 224-6414
Fax: (850) 561-3943
www.wildernessgraphics.com

Cape Coral Signs & Designs
1311 Del Prado Boulevard
Cape Coral, FL 33990
Phone: (239) 772-9992
Fax: (239) 772-3848

Municipal Supply & Sign Co.
1095 Fifth Avenue, North
P. O. Box 1765
Naples, FL 33939-1765
Phone: (800) 329-5366 or
(239) 262-4639
Fax: (239) 262-4645
www.municipalsigns.com

Vital Signs
104615 Overseas Highway
Key Largo, FL 33037
Phone: (305) 451-5133
Fax: (305) 451-5163

Universal Signs & Accessories
2912 Orange Avenue
Ft. Pierce, FL 34947
Phone: (800) 432-0331 or
(772) 461-0665
Fax: (772) 461-0669

New City Signs
1829 28th Street North
St. Petersburg, FL 33713
Phone: (727) 323-7897
Fax: (727) 323-1897

United Rentals Highway Technologies
309 Angle Road
Ft. Pierce, FL 34947
Phone: (772) 489-8772
or (800) 489-8758 (FL only)
Fax: (772) 489-8757

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SCANNED 02/09/2015 14:30 PP

CAUTION: MANATEE HABITAT

All project vessels

IDLE SPEED / NO WAKE

When a manatee is within 50 feet of work all in-water activities must

SHUT DOWN

Report any collision or injury to:

1-888-404-FWCC (1-888-404-3922)

Florida Fish and Wildlife Conservation Commission

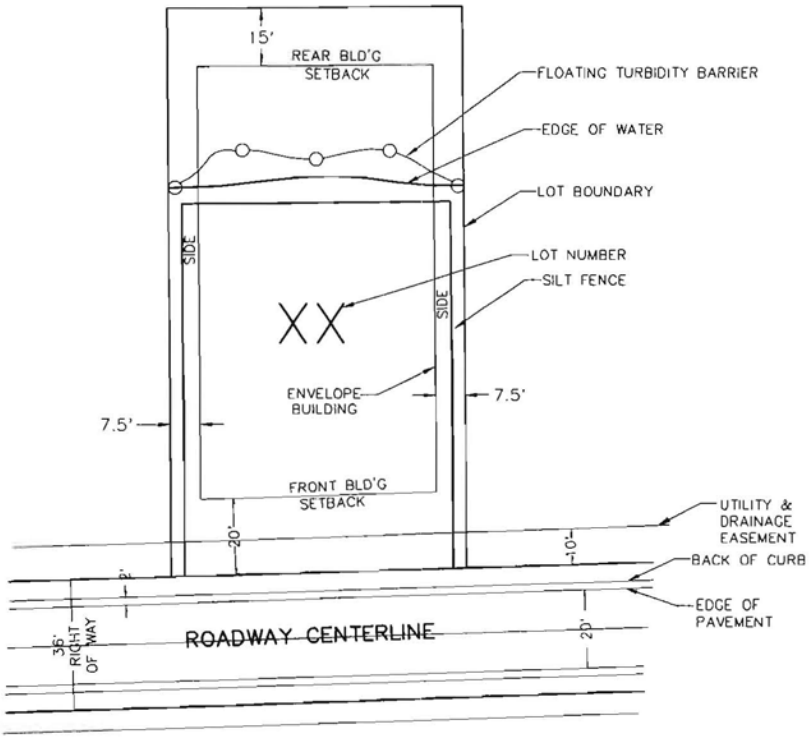
ADD2014-00127 Lee County ePlan

SCANNED 02/03/2015 15:30:49

ATTACHEMENT C

ADD2014-00127 Lee County ePlan

SCANNED 02/09/2015 @ 13:36:30 by: DTW



TYPICAL LOT EROSION CONTROL

N.T.S.

NOTE:

1. THE CONSTRUCTION OF THIS PROJECT WILL BE IN COMPLIANCE WITH SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS AND THE STANDARD MANATEE CONDITIONS FOR IN WATER WORK.

2. CONSTRUCTION DEBRIS FROM THE PROJECT WILL BE REMOVED FROM THE SITE BY TRUCK.

3. TURBIDITY SCREENS WILL BE UTILIZED AND REMAIN IN PLACE THROUGHOUT CONSTRUCTION.

4. SILT FENCE WILL BE UTILIZED AND REMAIN IN PLACE THROUGHOUT CONSTRUCTION.

5. TURBIDITY SCREENS AND SILT FENCE WILL BE INSPECTED DAILY.

RWA CONSULTING INC.
Planning
Visualization
Civil Engineering
Surveying & Mapping
6610 Willow Park Drive, Suite 200
Naples, Florida 34109
Phone: (239) 597-0575
FAX: (239) 597-0578

DATE:	OCT., 2009
SCALE:	N.T.S.
DRAWN BY:	R.M.J.
CHECKED BY:	J.S.W.
SEC: TWP: RGE:	7 46S 25E

CLIENT: HIDDEN HARBOR LAND DEVELOPMENT LLC

TITLE: HIDDEN HARBOR TYP. LOT EROSION CONTROL DETAIL

PROJECT NUMBER: 040115.00 SHEET NUMBER: Exhibit 3.1 OF 1 FILE NUMBER: 040015C04

ADD2014-00127 Lee County ePlan

SCANNED 02/09/2015 14:20:04

LEGAL DESCRIPTION

A TRACT OR PARCEL OF LAND LYING IN SECTION 7, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 7, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA;
THENCE S.00°45'11"E. ALONG THE WEST LINE OF EMERSON SQUARE AS RECORDED IN PLAT BOOK 80, PAGES 40-46, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, FOR 1,280.84 FEET;
THENCE N.78°27'17"W. FOR 1308.20 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED;

THENCE CONTINUE N.78°27'17"W. FOR 1.03 FEET;
THENCE N.01°11'51"W. FOR 1,275.30 FEET;
THENCE S.53°30'02"E. FOR 26.58 FEET;
THENCE S.03°48'31"E. FOR 25.10 FEET;
THENCE S.08°55'15"W. FOR 19.73 FEET;
THENCE S.02°24'05"E. FOR 69.40 FEET;
THENCE S.05°32'55"E. FOR 27.94 FEET;
THENCE S.05°50'36"W. FOR 26.84 FEET;
THENCE S.25°48'17"E. FOR 43.02 FEET;
THENCE S.74°58'06"E. FOR 32.35 FEET;
THENCE S.00°20'18"W. FOR 45.88 FEET;
THENCE S.02°23'49"E. FOR 26.39 FEET;
THENCE S.03°40'49"W. FOR 35.73 FEET;
THENCE S.01°42'48"E. FOR 13.70 FEET TO A POINT OF CURVATURE;
THENCE SOUTHERLY 34.99 FEET, ALONG THE ARC OF A NON-TANGENTIAL CIRCULAR CURVE TO THE RIGHT, HAVING A RADIUS OF 219.21 FEET, THROUGH A CENTRAL ANGLE OF 09°08'44" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.00°32'04"W. FOR 34.95 FEET, TO A POINT OF CURVATURE;
THENCE SOUTHERLY 112.72 FEET, ALONG THE ARC OF A NON-TANGENTIAL CIRCULAR CURVE TO THE LEFT, HAVING A RADIUS OF 841.39 FEET, THROUGH A CENTRAL ANGLE OF 07°40'32" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.02°03'03"E. FOR 112.63 FEET;
THENCE S.07°35'52"E. FOR 90.05 FEET;
THENCE S.15°50'00"E. FOR 47.92 FEET;
THENCE S.06°25'45"W. FOR 166.41 FEET;
THENCE S.04°43'02"E. FOR 90.47 FEET;
THENCE S.00°55'04"W. FOR 31.11 FEET;
THENCE S.04°28'23"E. FOR 33.73 FEET;
THENCE S.48°34'37"E. FOR 5.26 FEET;
THENCE S.87°46'47"E. FOR 176.85 FEET;
THENCE S.82°15'59"E. FOR 112.20 FEET;
THENCE S.83°55'29"E. FOR 22.70 FEET;
THENCE N.88°40'09"E. FOR 7.28 FEET;
THENCE S.85°04'04"E. FOR 9.27 FEET;
THENCE S.70°56'13"E. FOR 11.17 FEET TO A POINT OF CURVATURE;
THENCE NORTHEASTERLY 8.58 FEET, ALONG THE ARC OF A NON-TANGENTIAL CIRCULAR CURVE TO THE LEFT, HAVING A RADIUS OF 5.03 FEET THROUGH A CENTRAL ANGLE OF 97°45'31" AND BEING SUBTENDED BY A CHORD WHICH BEARS N.23°56'36"E. FOR 7.58 FEET;
THENCE N.20°23'30"W. FOR 19.17 FEET;
THENCE N.00°01'02"W. FOR 147.03 FEET;
THENCE N.02°28'00"W. FOR 61.86 FEET;
THENCE N.15°26'58"W. FOR 36.21 FEET;
THENCE N.10°29'54"W. FOR 9.13 FEET;
THENCE N.01°15'48"E. FOR 97.34 FEET;
THENCE N.04°12'08"E. FOR 32.38 FEET;
THENCE N.00°24'10"E. FOR 124.73 FEET;
THENCE N.03°29'24"W. FOR 107.23 FEET;
THENCE N.13°19'41"E. FOR 30.97 FEET;
THENCE N.00°50'40"W. FOR 111.74 FEET;
THENCE N.03°04'23"E. FOR 87.79 FEET;
THENCE N.01°01'38"W. FOR 65.35 FEET;
THENCE N.53°38'02"W. FOR 4.51 FEET;
THENCE N.20°18'56"E. FOR 39.09 FEET;
THENCE N.14°09'34"E. FOR 12.14 FEET;
THENCE N.32°39'48"E. FOR 3.15 FEET;
THENCE N.02°54'56"E. FOR 8.89 FEET;
THENCE N.75°29'17"E. FOR 18.09 FEET;
THENCE S.72°10'35"E. FOR 88.78 FEET;
THENCE S.76°10'29"E. FOR 12.00 FEET;
THENCE S.74°39'22"E. FOR 94.54 FEET;
THENCE S.68°42'23"E. FOR 73.22 FEET;
THENCE S.74°53'08"E. FOR 107.77 FEET;
THENCE S.65°26'27"E. FOR 75.72 FEET;
THENCE S.72°30'51"E. FOR 16.87 FEET;
THENCE S.53°00'41"E. FOR 6.13 FEET;
THENCE S.45°21'27"E. FOR 33.85 FEET;
THENCE S.18°19'23"E. FOR 37.67 FEET;
THENCE S.00°41'49"W. FOR 15.57 FEET;
THENCE S.06°21'18"E. FOR 194.32 FEET;
THENCE S.03°52'31"W. FOR 95.10 FEET;
THENCE S.09°52'55"E. FOR 39.59 FEET;

LEGAL DESCRIPTION
(CONTINUED ON SHEET 2)

September 11, 2009 11:34 AM O:\2004\040115.05.08 Hidden Harbor Preserve Conservation Esmt\000 Updated Conservation Easement\040115050BSK01CONS.dwg

RWA CONSULTING INC.
Planning
Visualization
Civil Engineering
Surveying & Mapping
1542 Carson Street
Fort Myers, Florida 33901
Phone: (239) 278-5224

DATE:	9/10/09
SCALE	
DRAWN BY:	RY
CHECKED BY	DAM
SEC: 7 TWP: 46 RGE: 26	
CLIENT:	HIDDEN HARBOR DEVELOPMENT, LLC
TITLE:	CONSERVATION EASEMENT LEGAL DESCRIPTION
PROJECT NUMBER:	040115.05.08
SHEET NUMBER:	1 OF 7
FILE NUMBER:	SK01 CONS

Exhibit 3.2
Application No. 080506-17
Page 1 of 7

LEGAL DESCRIPTION
(CONTINUED FROM PAGE 1)

THENCE S.10°02'59"E. FOR 19.66 FEET;
THENCE S.51°19'13"E. FOR 3.36 FEET;
THENCE S.16°53'35"W. FOR 32.16 FEET;
THENCE S.03°11'39"W. FOR 48.69 FEET;
THENCE N.89°43'49"E. FOR 2.02 FEET;
THENCE S.08°18'15"E. FOR 75.75 FEET;
THENCE S.12°02'20"E. FOR 36.23 FEET;
THENCE S.04°03'46"W. FOR 74.12 FEET;
THENCE S.02°13'40"E. FOR 136.05 FEET;
THENCE S.00°30'40"E. FOR 42.28 FEET;
THENCE S.04°15'32"W. FOR 21.85 FEET;
THENCE S.24°09'35"E. FOR 7.14 FEET;
THENCE S.05°11'35"W. FOR 13.12 FEET;
THENCE S.17°34'01"E. FOR 15.80 FEET;
THENCE S.80°59'12"E. FOR 18.21 FEET;
THENCE S.61°05'12"E. FOR 19.03 FEET;
THENCE S.75°24'29"E. FOR 40.88 FEET;
THENCE S.84°19'28"E. FOR 15.12 FEET;
THENCE S.69°23'58"E. FOR 14.96 FEET;
THENCE S.08°44'32"W. FOR 1.95 FEET;
THENCE S.48°43'38"E. FOR 10.02 FEET;
THENCE S.43°16'41"E. FOR 22.06 FEET TO A POINT OF CURVATURE;
THENCE SOUTHERLY 26.72 FEET, ALONG THE ARC OF A NON-TANGENTIAL CIRCULAR CURVE TO THE RIGHT, HAVING A RADIUS OF 24.64 FEET, THROUGH A CENTRAL ANGLE OF 62°07'53" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.10°16'07"E. FOR 25.43 FEET;
THENCE S.02°54'35"E. FOR 19.23 FEET;
THENCE S.13°13'06"E. FOR 21.20 FEET;
THENCE S.07°07'00"E. FOR 19.25 FEET;
THENCE S.21°33'52"W. FOR 21.20 FEET TO A POINT OF CURVATURE;
THENCE SOUTHWESTERLY 42.33 FEET, ALONG THE ARC OF A NON-TANGENTIAL CIRCULAR CURVE TO THE RIGHT, HAVING A RADIUS OF 34.41 FEET, THROUGH A CENTRAL ANGLE OF 70°29'02" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.58°50'58"W. FOR 39.71 FEET;
THENCE N.77°37'11"W. FOR 141.13 FEET;
THENCE S.39°06'45"W. FOR 4.04 FEET;
THENCE N.78°58'50"W. FOR 165.42 FEET;
THENCE N.83°15'53"W. FOR 150.02 FEET;
THENCE N.76°20'52"W. FOR 130.98 FEET;
THENCE N.27°27'18"E. FOR 3.57 FEET;
THENCE N.80°00'47"W. FOR 54.17 FEET;
THENCE N.70°12'12"W. FOR 69.18 FEET;
THENCE N.78°47'04"W. FOR 157.49 FEET;
THENCE N.85°18'48"W. FOR 26.39 FEET;
THENCE N.81°05'27"W. FOR 33.48 FEET;
THENCE N.71°29'44"W. FOR 29.00 FEET;
THENCE S.75°01'04"W. FOR 39.62 FEET;
THENCE S.18°42'25"W. FOR 32.63 FEET;
THENCE S.07°51'00"E. FOR 31.26 FEET;
THENCE S.19°02'44"W. FOR 39.01 FEET;
THENCE S.66°51'28"W. FOR 25.45 FEET;
THENCE N.79°53'57"W. FOR 18.76 FEET;
THENCE S.83°00'15"W. FOR 20.77 FEET;
THENCE S.01°11'51"E. FOR 111.23 FEET, TO THE POINT OF BEGINNING OF THE PARCEL DESCRIBED HEREIN.

CONTAINING 723,739 SQUARE FEET OR 16.6 ACRES, MORE OR LESS

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY (RECORDED AND UNRECORDED).

BEARINGS ARE BASED ON THE WEST LINE OF EMERSON SQUARE AS RECORDED IN PLAT BOOK 80, PAGES 40-46, OF THE OFFICIAL RECORDS OF LEE COUNTY FLORIDA AS BEING S.00°45'11"E.

PREPARED BY:
RWA INC.
FLORIDA CERTIFICATE OF AUTHORIZATION NO. LB 6952

DENNIS A. MILLER — 9-14-09
PROFESSIONAL SURVEYOR AND MAPPER — DATE SIGNED
FLORIDA CERTIFICATE NO. LS 5626

September 11, 2009 11:34 AM O:\2004\040115.05.08 Hidden Harbor Preserve Conservation Esmt\0001 Updated Conservation Easement\040115050BSK01CONS.dwg

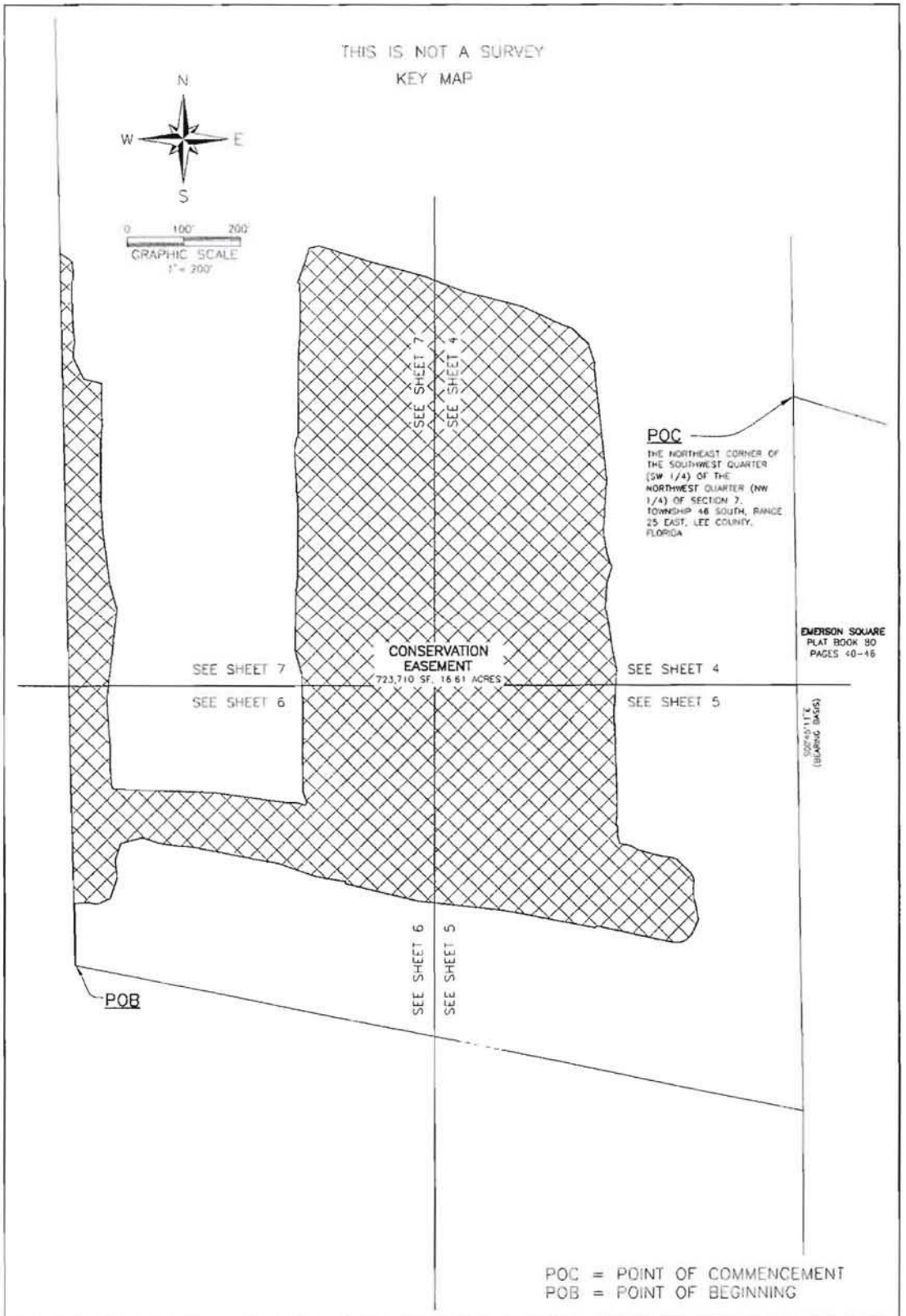
RWA CONSULTING INC.
Planning
Visualization
Civil Engineering
Surveying & Mapping
1542 Carson Street
Fort Myers, Florida 33901
Phone: (239) 278-5224
FAX: (239) 278-5419

DATE: 9/10/09	CLIENT: HIDDEN HARBOR DEVELOPMENT, LLC
SCALE:	
DRAWN BY: RY	TITLE: CONSERVATION EASEMENT LEGAL DESCRIPTION
CHECKED BY: DAM	
SEC: 7 TWP: 46 RGE: 26	PROJECT NUMBER: 040115.05.08 SHEET NUMBER: 2 OF 7 FILE NUMBER: SK01 CONS

Exhibit 3.2
Application No. 080506-17
Page 2 of 7

ADD2014-00127 Lee County ePlan

SCANNED 02/09/2010 14:30 LA



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Planning
Visualization
Civil Engineering
Surveying & Mapping
1542 Carson Street
Fort Myers, Florida 33901
Phone: (239) 278-5224

DATE	9/10/09
SCALE	1" = 200'
DRAWN BY:	RY
CHECKED BY:	DAM
SEC 7 TWP 46 RGE 25	

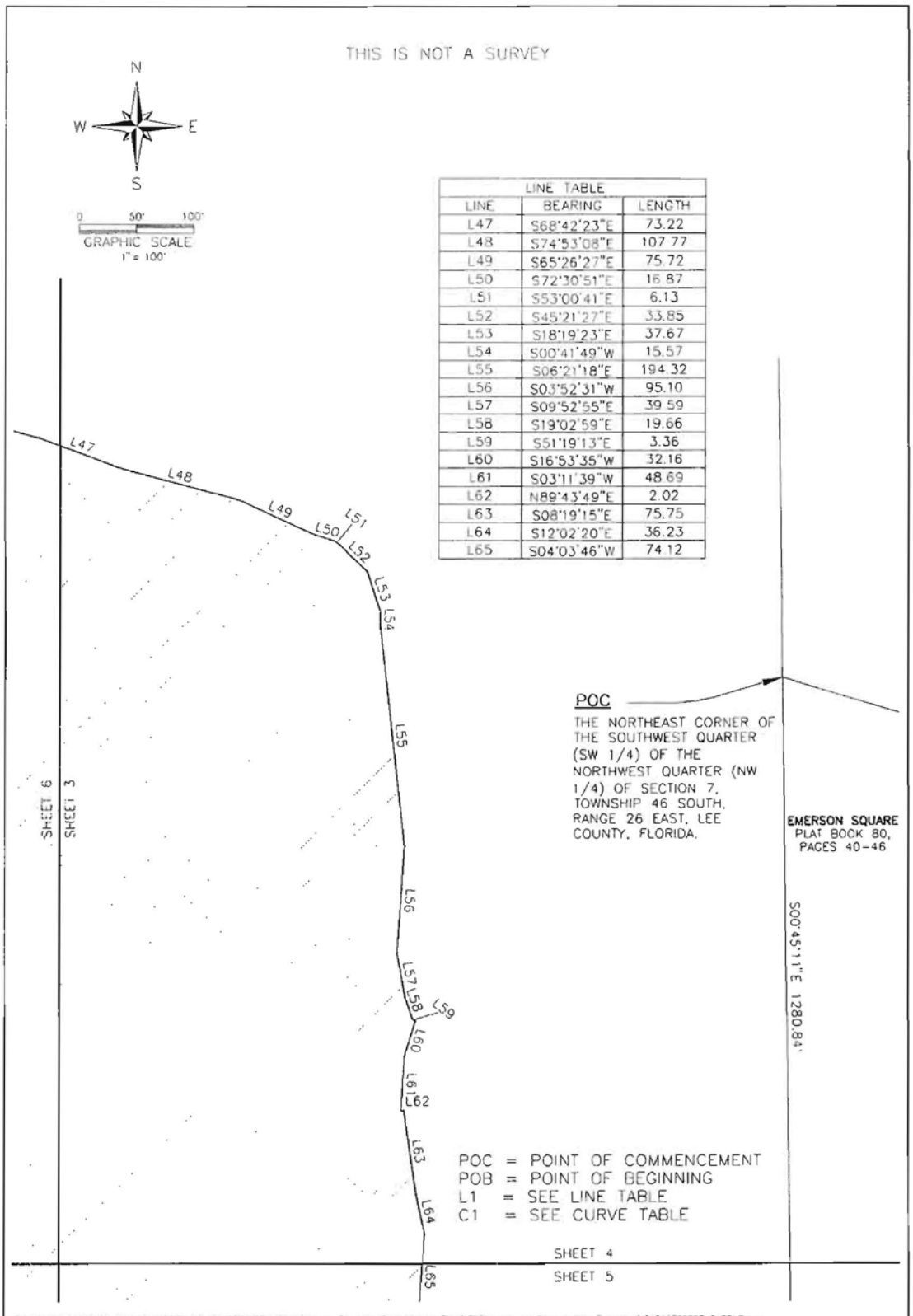
CLIENT: HIDDEN HARBOR DEVELOPMENT, LLC

TITLE: CONSERVATION EASEMENT SKETCH TO ACCOMPANY DESCRIPTION

PROJECT NUMBER: 040115.05.08 | SHEET NUMBER: 3 or 7 | FILE NUMBER: SK01 CONS

Exhibit 3.2
Application No. 080506-17
Page 3 of 7

STAMPED RECEIVED 02/28/2014 14:38 DA

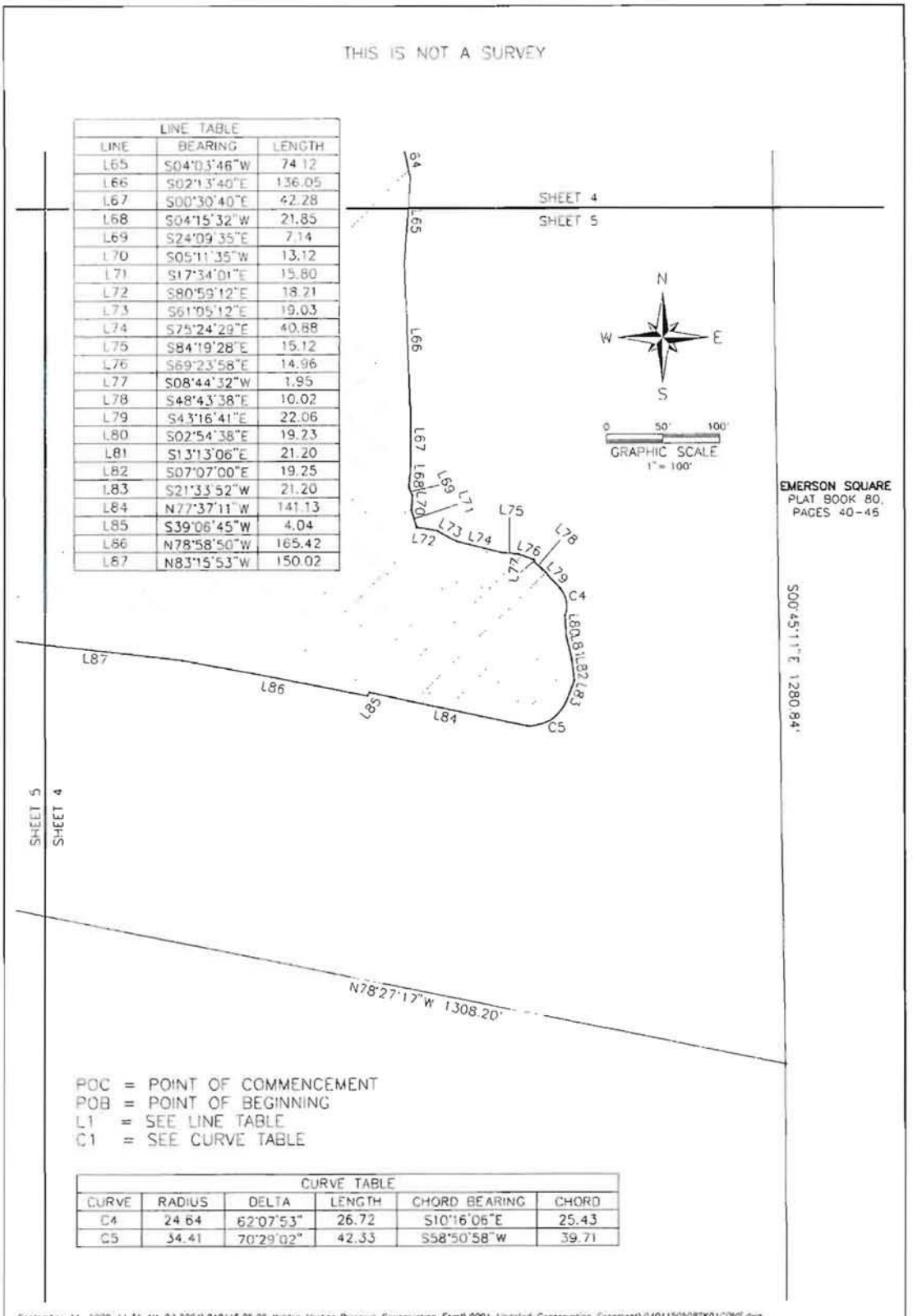


ADD2014-00127 Lee County ePlan

SCANNED 02/09/2010 14:20:20 EST

THIS IS NOT A SURVEY

LINE TABLE		
LINE	BEARING	LENGTH
L65	S04°03'46"W	74.12
L66	S02°13'40"E	136.05
L67	S00°30'40"E	42.28
L68	S04°15'32"W	21.85
L69	S24°09'35"E	7.14
L70	S05°11'35"W	13.12
L71	S17°34'01"E	15.80
L72	S80°59'12"E	18.21
L73	S61°05'12"E	19.03
L74	S75°24'29"E	40.88
L75	S84°19'28"E	15.12
L76	S69°23'58"E	14.96
L77	S08°44'32"W	1.95
L78	S48°43'38"E	10.02
L79	S43°16'41"E	22.06
L80	S02°54'38"E	19.23
L81	S13°13'06"E	21.20
L82	S07°07'00"E	19.25
L83	S21°33'52"W	21.20
L84	N77°37'11"W	141.13
L85	S39°06'45"W	4.04
L86	N78°58'50"W	165.42
L87	N83°15'53"W	150.02



POC = POINT OF COMMENCEMENT
POB = POINT OF BEGINNING
L1 = SEE LINE TABLE
C1 = SEE CURVE TABLE

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD
C4	24.64	62°07'53"	26.72	S10°16'06"E	25.43
C5	34.41	70°29'02"	42.33	S58°50'58"W	39.71

September 11, 2009 11:34 AM O:\2004\040115.05.08 Hidden Harbor Preserve Conservation Esmt\0001 Updated Conservation Easement\040115050SKO1CONS.dwg

RWA CONSULTING INC.
Planning
Visualization
Civil Engineering
Surveying & Mapping
1542 Carson Street
Fort Myers, Florida 33901
Phone: (239) 278-5224
FAX: (239) 278-5419

DATE: 9/10/09
SCALE: 1" = 100'
DRAWN BY: RY
CHECKED BY: DAM
SEC 7 TWP 46 RGE 26

CLIENT: HIDDEN HARBOR DEVELOPMENT, LLC

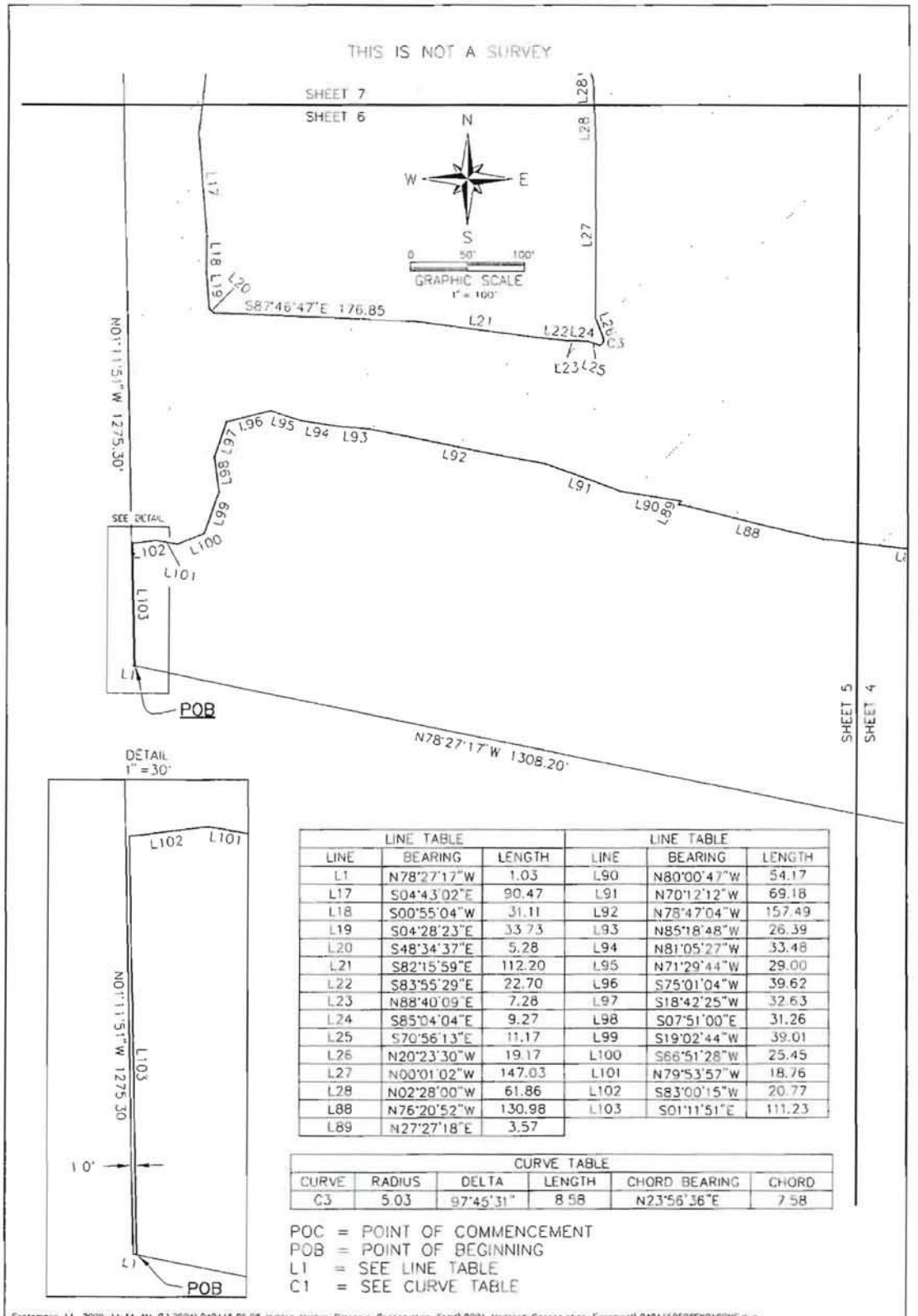
TITLE: CONSERVATION EASEMENT SKETCH TO ACCOMPANY DESCRIPTION

PROJECT NUMBER: 040115.05.08 SHEET NUMBER: 5 OF 7 FILE NUMBER: SK01 CONS

Exhibit 3.2
Application No. 080506-17
Page 5 of 7

ADD2014-00127 Lee County ePlan

SCANNED 02/09/2015 14:20 A



LINE TABLE			LINE TABLE		
LINE	BEARING	LENGTH	LINE	BEARING	LENGTH
L1	N78°27'17"W	1.03	L90	N80°00'47"W	54.17
L17	S04°43'02"E	90.47	L91	N70°12'12"W	69.18
L18	S00°55'04"W	31.11	L92	N78°47'04"W	157.49
L19	S04°28'23"E	33.73	L93	N85°18'48"W	26.39
L20	S48°34'37"E	5.28	L94	N81°05'27"W	33.48
L21	S82°15'59"E	112.20	L95	N71°29'44"W	29.00
L22	S83°55'29"E	22.70	L96	S75°01'04"W	39.62
L23	N88°40'09"E	7.28	L97	S18°42'25"W	32.63
L24	S85°04'04"E	9.27	L98	S07°51'00"E	31.26
L25	S70°56'13"E	11.17	L99	S19°02'44"W	39.01
L26	N20°23'30"W	19.17	L100	S66°51'28"W	25.45
L27	N00°01'02"W	147.03	L101	N79°53'57"W	18.76
L28	N02°28'00"W	61.86	L102	S83°00'15"W	20.77
L88	N76°20'52"W	130.98	L103	S01°11'51"E	111.23
L89	N27°27'18"E	3.57			

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD
C3	5.03	97°45'31"	8.58	N23°56'36"E	7.58

POC = POINT OF COMMENCEMENT
POB = POINT OF BEGINNING
L1 = SEE LINE TABLE
C1 = SEE CURVE TABLE

September 11, 2009 11:34 AM G:\2004\040115.05.08 Hidden Harbor Preserve Conservation Easmt\0001 Updated Conservation Easement\040115050SK01CONS.dwg

RWA CONSULTING INC.
Planning
Visualization
Civil Engineering
Surveying & Mapping
1542 Carson Street
Fort Myers, Florida 33901
Phone: (239) 278-5224
FAX: (239) 278-5410

DATE: 9/10/09
SCALE: 1" = 100'
DRAWN BY: RY
CHECKED BY: DAM
SEC 7 TWP 46 RGE 26

CLIENT: HIDDEN HARBOR DEVELOPMENT, LLC

TITLE: CONSERVATION EASEMENT SKETCH TO ACCOMPANY DESCRIPTION

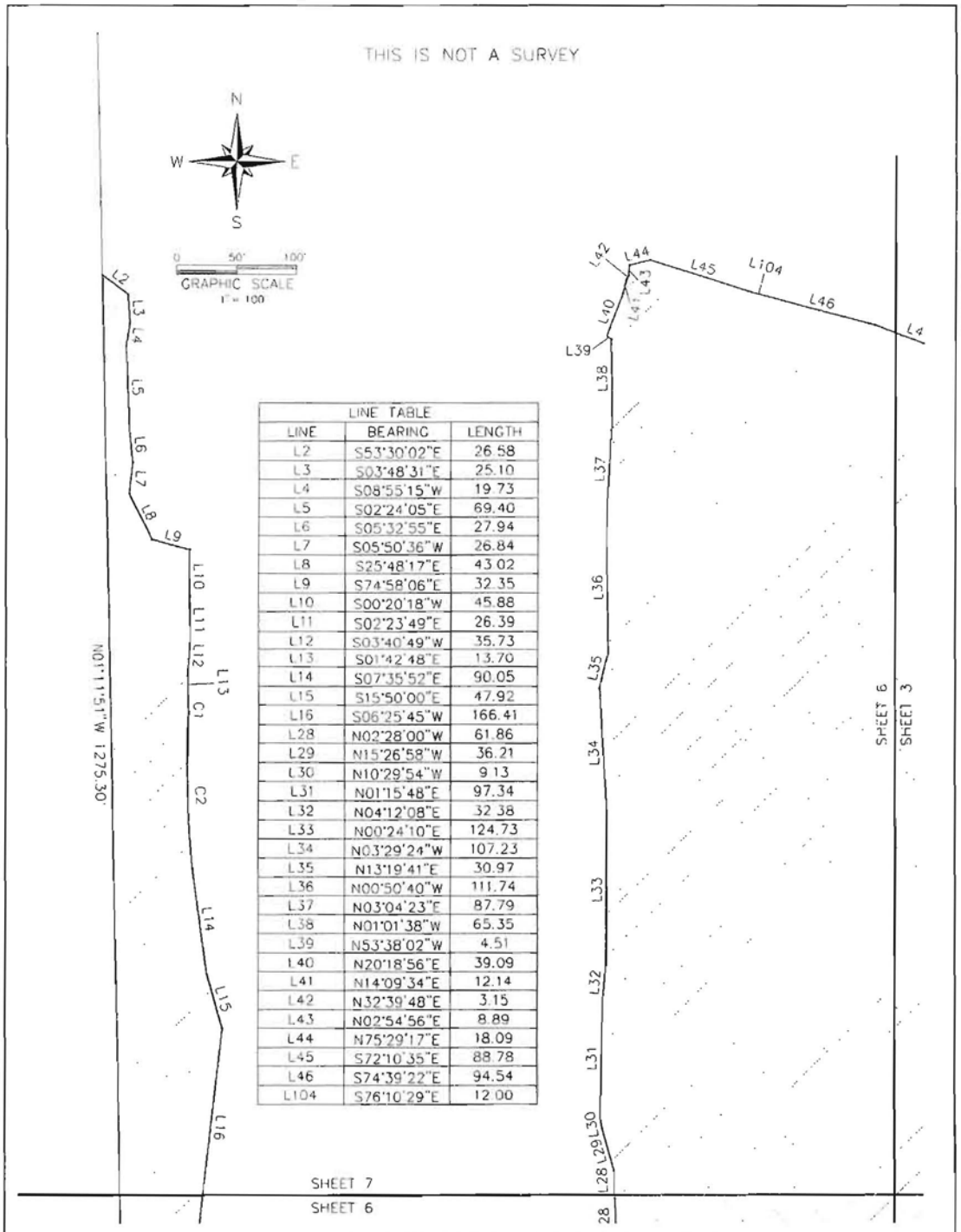
PROJECT NUMBER: 040115.05.08 | SHEET NUMBER: 6 or 7 | FILE NUMBER: SK01 CONS

Exhibit 3.2
Application No. 080506-17
Page 6 of 7

ADD2014-00127 Lee County ePlan

SCANNED 02/09/2015 14:50 JA

THIS IS NOT A SURVEY



LINE TABLE		
LINE	BEARING	LENGTH
L2	S53°30'02"E	26.58
L3	S03°48'31"E	25.10
L4	S08°55'15"W	19.73
L5	S02°24'05"E	69.40
L6	S05°32'55"E	27.94
L7	S05°50'36"W	26.84
L8	S25°48'17"E	43.02
L9	S74°58'06"E	32.35
L10	S00°20'18"W	45.88
L11	S02°23'49"E	26.39
L12	S03°40'49"W	35.73
L13	S01°42'48"E	13.70
L14	S07°35'52"E	90.05
L15	S15°50'00"E	47.92
L16	S06°25'45"W	166.41
L28	N02°28'00"W	61.86
L29	N15°26'58"W	36.21
L30	N10°29'54"W	9.13
L31	N01°15'48"E	97.34
L32	N04°12'08"E	32.38
L33	N00°24'10"E	124.73
L34	N03°29'24"W	107.23
L35	N13°19'41"E	30.97
L36	N00°50'40"W	111.74
L37	N03°04'23"E	87.79
L38	N01°01'38"W	65.35
L39	N53°38'02"W	4.51
L40	N20°18'56"E	39.09
L41	N14°09'34"E	12.14
L42	N32°39'48"E	3.15
L43	N02°54'56"E	8.89
L44	N75°29'17"E	18.09
L45	S72°10'35"E	88.78
L46	S74°39'22"E	94.54
L104	S76°10'29"E	12.00

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD
C1	219.21	9°08'44"	34.99	S00°32'04"W	34.95
C2	841.39	7°40'32"	112.72	S02°03'03"E	112.63

POC = POINT OF COMMENCEMENT
POB = POINT OF BEGINNING
L1 = SEE LINE TABLE
C1 = SEE CURVE TABLE

September 11, 2009 11:34 AM O:\2004\040115.05.08 Hidden Harbor Preserve Conservation Esmt\0001 Updated Conservation Easement\040115050SK01CONS.dwg

RWA CONSULTING INC.
Planning
Visualization
Civil Engineering
Surveying & Mapping
1542 Carson Street
Fort Myers, Florida 33901
Phone: (239) 278-5224
FAX: (239) 278-5410

DATE: 9/10/09
SCALE: 1" = 100'
DRAWN BY: RY
CHECKED BY: DAM
SEC 7 TWP 46 RGE 26

CLIENT: HIDDEN HARBOR DEVELOPMENT, LLC

TITLE: CONSERVATION EASEMENT SKETCH TO ACCOMPANY DESCRIPTION

PROJECT NUMBER: 040115.05.08 | SHEET NUMBER 7 of 7 | FILE NUMBER: SK01 CONS

ADD2014-00127 Lee County ePlan

SCANNED 02/09/2010 14:30:34

South Florida Water Management District

Work Schedule Requirements

Application No : 080506-17

Mitigation Plan ID: HIDDEN HARBOR

Activity	Due Date
SUBMIT RECORDED CONSERVATION EASEMENT	01-MAR-10

Exhibit No :

Exhibit 3.3
Application No. 080506-17
Page 1 of 1

ADD2014-00127 Lee County ePlan

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Application No: 080506-17

Permit No: 36-03962-P

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GOVERNMENT AGENCIES

X Florida Fish & Wildlife Conservation Commission - Anne Richards
X Lee County - Development Services Director
X Lee County Natural Resources Div., Marine Program - Justin McBride

OTHER INTERESTED PARTIES

X Audubon of Florida - Charles Lee
X Conservancy of Southwest Florida Steven Brown,AICP
X Save the Manatee Club - Artie Wong