

CPA 2021-00014



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Fort Myers, FL 33907  
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Certificate of Authorization # 29086

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COMMUNITY DEVELOPMENT

November 9, 2021

Ms. Mikki Rozdolski, Section Manager  
Lee County Department of Community Development  
1500 Monroe Street  
Fort Myers, FL 33901

**Reference:** Application for Comprehensive Plan Amendment - Map  
Pine Island Preserve at Matlacha Pass  
229.39 ± acres on Stringfellow Road, St. James City  
STRAP Nos. 10-45-22-00-00001.0050 and -00001.0060

Dear Ms. Rozdolski,

Attached herewith is a completed application and associated support material for a Comprehensive Plan Amendment - Map. The applicant is requesting to amend Map 1 Future Land Use Map, changing the future land use classification of the 229.39-acre subject property from Coastal Rural and Wetlands to Conservation Lands, Uplands and Wetlands.

Please find attached the following items in relation to this application:

1. One (1) Application for a Comprehensive Plan Amendment – Map, with Affidavit (Exhibit M1);
2. The Filing Fee \$2,420.00 – to be paid online (Exhibit M2);
3. One (1) copy of the notarized Disclosure of Interest Affidavit (Exhibit M3-A);
4. One (1) Variance Report (list and map of surrounding property owners within 500 feet) plus one set of mailing labels (Exhibit M3-B);
5. One (1) Future Land Use Map - Existing and Proposed (Exhibit M4);
6. One (1) Map and Description of Existing Land Uses (not Designations) of the Subject Property and Surrounding Properties (Exhibit M5);
7. One (1) Map and Description of Existing Zoning of the Subject Property and Surrounding Properties (Exhibit M6);
8. One (1) signed and sealed copy of the Legal Description and Sketch for each FLUC proposed (Exhibit M7);
9. One (1) copy of the Warranty Deed of the Subject Property with Declaration of Restrictive Covenants (Exhibit M8);

10. One (1) copy of the Aerial Map showing the Subject Property and Surrounding Properties (Exhibit M9);
11. One (1) Affidavit of Authorization from the Property Owner(s) Authorizing the Applicant to Represent the Owner (Exhibit M10);
12. One (1) copy of the Lee Plan Analysis (Exhibit M11);
13. One (1) copy of the Environmental Impacts Analysis (Exhibit M12);
14. One (1) copy of the Historic Resources Impact Analysis (Exhibit M13);
15. One (1) copy of the Traffic Circulation Analysis (Exhibit M15);
16. One (1) copy of the Existing and Future Conditions Analysis – Sanitary Sewer, Potable Water (GPIWA), Surface Water/Drainage Basins, Parks and Rec, and Open Space (Exhibit M16);
17. One (1) copy of the State Policy Plan and Regional Policy Plan Analysis (Exhibit M18);
18. One (1) copy of the Justification of Proposed Amendment (Exhibit M19);
19. One (1) copy of the Authorization to Represent Affidavit (Exhibit M21);
20. One (1) copy of the Boundary Survey (Exhibit M22);
21. One (1) copy of the Declaration of Restrictive Covenants (Exhibit M23);
22. One (1) copy of the including SFWMD ERP No. 36-08745-P (Exhibit M24);
23. One (1) copy of the Army Corps Permit SAJ-2017-02043 (Exhibit M25).

Your time and attention to this matter is greatly appreciated. Should County staff require additional information or have any questions regarding this submittal, please feel free to contact this office.

Sincerely,

**TDM CONSULTING, INC.**



Veronica Martin  
Senior Planner

cc: Pam Brownell, Conservation Foundation of the Gulf Coast



CPA2021-00014

EXHIBIT M1

**APPLICATION FOR A COMPREHENSIVE  
PLAN AMENDMENT - MAP****ProjectName:** Pine Island Preserve at Matlacha Pass**Project Description:** Amend Lee Plan Map 1, Page 1 - Future Land Use Map, changing the future land use classification of the subject property from Coastal Rural and Wetlands to Conservation Lands, Uplands and Wetlands**Map(s) to Be Amended:** Map 1, Page 1 - Future Land Use Map**State Review Process:** ☐ Small-Scale Review ☐ State Coordinated Review ☒ Expedited State Review**1. Name of Applicant:** Conservation Foundation of the Gulf Coast, Christine P. Johnson, PresidentAddress: PO Box 902City, State, Zip: Osprey, FL 34229-0902Phone Number: 941-918-2100E-mail: Pam@conservationfoundation.com**2. Name of Contact:** Veronica Martin, TDM Consulting, Inc.Address: 43 Barkley Cir. Suite 200City, State, Zip: Fort Myers, FL 33907Phone Number: 239-433-4231E-mail: vmartin@tdmconsulting.com**3. Owner(s) of Record:** Conservation Foundation of the Gulf CoastAddress: PO Box 902City, State, Zip: Osprey, FL 34229Phone Number: 941-918-2100E-mail: Pam@conservationfoundation.com**4. Property Location:**1. Site Address: 7746 Stringfellow Road and parcel with "access undetermined", St. James City2. STRAP(s): 10-45-22-00-00001.0050 and 10-45-22-00-00001.0060**5. Property Information:**Total Acreage of Property: 229.39Total Acreage Included in Request: 229.39Total Uplands: 190.83Total Wetlands: 38.46Current Zoning: AG-2 and C-1ACurrent Future Land Use Category(ies): Coastal Rural and WetlandsArea in Each Future Land Use Category: Coastal Rural = 190.93 acres, Wetlands = 38.46 acresExisting Land Use: vacant**6. Calculation of maximum allowable development under current Lee Plan:**Residential Units/Density: 72Commercial Intensity: requires CPDIndustrial Intensity: 0Coastal Rural: 1 du/2.7 acres (70.7 du)Wetlands: 1 du/20 acres (1.9 du)**7. Calculation of maximum allowable development with proposed amendments:**Residential Units/Density: 0Commercial Intensity: as permitted in EC zoning districtIndustrial Intensity: 0**RECEIVED**  
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## **Public Facilities Impacts**

NOTE: The applicant must calculate public facilities impacts based on the maximum development.

- 1. Traffic Circulation Analysis:** The analysis is intended to determine the affect of the land use change on the Financially Feasible Highway Plan Map 3A (20-year plus horizon) and on the Capital Improvements Element (5-year horizon). Toward that end, an applicant must submit a Traffic Impact Statement (TIS) consistent with Lee County Administrative Code (AC)13-17.
  - a. Proposals affecting less than 10 acres, where development parameters are contained within the Traffic Analysis Zone (TAZ) or zones planned population and employment, or where there is no change in allowable density/intensity, may be eligible for a TIS requirement waiver as outlined in the Lee County TIS Guidelines and AC-13-17. Identification of allowable density/intensity in order to determine socio-economic data for affected TAZ(s) must be coordinated with Lee County Planning staff. Otherwise a calculation of trip generation is required consistent with AC-13-17 and the Lee County TIS Guidelines to determine required components of analysis for:
    - i. Total peak hour trip generation less than 50 total trip ends – trip generation.
    - ii. Total peak hour trip generation from 50 to 300 total trip ends – trip generation, trip distribution and trip assignment (manual or Florida Standard Urban Transportation Modeling Structure (FSUTMS) analysis consistent with AC-13-17 and TIS Guidelines), short-term (5 year) and long-range (to current Lee Plan horizon year) segment LOS analysis of the nearest or abutting arterial and major collector segment(s) identified in the Transportation Inventory based on the trip generation and roadway segment LOS analysis criteria in AC-13-17. A methodology meeting is recommended prior to submittal of the application to discuss use of FSUTMS, any changes to analysis requirements, or a combined CPA and Zoning TIS short term analysis.
    - iii. Total peak hour trip generation is over 300 total trip ends - trip generation, mode split, trip distribution and trip assignment (manual or FSUTMS analysis consistent with AC-13-17 and TIS Guidelines), short-term (five-year) and long-range (to current Lee Plan horizon year) segment LOS analysis of arterial and collector segments listed in the Transportation Inventory. LOS analysis will include any portion of roadway segments within an area three miles offset from the boundary of the application legal description metes and bounds survey. LOS analysis will also include any additional segments in the study area based on the roadway segment LOS analysis criteria in AC-13-17. A methodology meeting is required prior to submittal of the application.
  - b. Map amendment - greater than 10 acres -Allowable density/intensity will be determined by Lee County Planning staff.
- 2. Provide an existing and future conditions analysis for the following (see Policy 95.1.3):**
  - a. Sanitary Sewer
  - b. Potable Water
  - c. Surface Water/Drainage Basins
  - d. Parks, Recreation, and Open Space
  - e. Public Schools

**Analysis for each of the above should include (but is not limited to) the following (see the Lee County Concurrency Management Report):**

- a. Franchise Area, Basin, or District in which the property is located
- b. Current LOS, and LOS standard of facilities serving the site
- c. Projected 2030 LOS under existing designation
- d. Projected 2030 LOS under proposed designation
- e. Existing infrastructure, if any, in the immediate area with the potential to serve the subject property
- f. Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements
- g. Provide a letter of service availability from the appropriate utility for sanitary sewer and potable water



**In addition to the above analysis, provide the following for potable water:**

- a. Determine the availability of water supply within the franchise area using the current water use allocation (Consumptive Use Permit) based on the annual average daily withdrawal rate.
- b. Include the current demand and the projected demand under the existing designation, and the projected demand under the proposed designation.
- c. Include the availability of treatment facilities and transmission lines for reclaimed water for irrigation.
- d. Include any other water conservation measures that will be applied to the site (see Goal 54).

**3. Provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities, including:**

- a. Fire protection with adequate response times
- b. Emergency medical service (EMS) provisions
- c. Law enforcement
- d. Solid Waste
- e. Mass Transit
- f. Schools

In reference to above, the applicant must supply the responding agency with the information from application items 5, 6, and 7 for their evaluation. This application must include the applicant's correspondence/request to the responding agency.

**Environmental Impacts**

Provide an overall analysis of the character of the subject property and surrounding properties, and assess the site's suitability for the proposed change based upon the following:

1. A map of the Plant Communities as defined by the Florida Land Use Cover and Classification system (FLUCCS).
2. A map and description of the soils found on the property (identify the source of the information).
3. A topographic map depicting the property boundaries and 100-year flood prone areas indicated (as identified by FEMA).
4. A map delineating the property boundaries on the most recent Flood Insurance Rate Map.
5. A map delineating wetlands, aquifer recharge areas, and rare & unique uplands.
6. A table of plant communities by FLUCCS with the potential to contain species (plant and animal) listed by federal, state or local agencies as endangered, threatened or species of special concern. The table must include the listed species by FLUCCS and the species status (same as FLUCCS map).

**Impacts on Historic Resources**

List all historic resources (including structure, districts, and/or archaeologically sensitive areas) and provide an analysis of the proposed change's impact on these resources. The following should be included with the analysis:

1. A map of any historic districts and/or sites listed on the Florida Master Site File which are located on the subject property or adjacent properties.
2. A map showing the subject property location on the archaeological sensitivity map for Lee County.

**Internal Consistency with the Lee Plan**

1. Discuss how the proposal affects established Lee County population projections, Lee Plan Table 1(b) and the total population capacity of the Lee Plan Future Land Use Map.
2. List all goals and objectives of the Lee Plan that are affected by the proposed amendment or that affect the subject property. This analysis should include an evaluation of all relevant policies under each goal and objective.
3. Describe how the proposal affects adjacent local governments and their comprehensive plans.

**State Policy Plan and Regional Policy Plan**

List State Policy Plan and Regional Policy Plan goals, strategies and actions, and policies which are relevant to this plan amendment.

**Justify the proposed amendment based upon sound planning principles**

Support all conclusions made in this justification with adequate data and analysis.

**Planning Communities/Community Plan Area Requirements**

If located within a planning community/community plan area, provide a meeting summary document of the required public informational session [Lee Plan Goal 17].

### **Sketch and Legal Description**

The certified legal description(s) and certified sketch of the description for the property subject to the requested change. A metes and bounds legal description must be submitted specifically describing the entire perimeter boundary of the property with accurate bearings and distances for every line. The sketch must be tied to the state plane coordinate system for the Florida West Zone (North America Datum of 1983/1990 Adjustment) with two coordinates, one coordinate being the point of beginning and the other an opposing corner. If the subject property contains wetlands or the proposed amendment includes more than one land use category a metes and bounds legal description, as described above, must be submitted in addition to the perimeter boundary of the property for each wetland or future land use category.

### **SUBMITTAL REQUIREMENTS**

***Clearly label all submittal documents with the exhibit name indicated below.***

***For each map submitted, the applicant will be required to submit a 24"x36" version and 8.5"x11" reduced map for inclusion in public hearing packets.***

#### **MINIMUM SUBMITTAL ITEMS (3 Copies)**

<input checked="" type="checkbox"/>	Completed Application (Exhibit – M1)
<input checked="" type="checkbox"/>	Filing Fee (Exhibit – M2)
<input checked="" type="checkbox"/>	Disclosure of Interest (Exhibit – M3-A)
<input checked="" type="checkbox"/>	Surrounding Property Owners List, Mailing Labels, and Map For All Parcels Within 500 Feet of the Subject Property (Exhibit – M3-B)
<input checked="" type="checkbox"/>	Future Land Use Map - Existing and Proposed (Exhibit – M4)
<input checked="" type="checkbox"/>	Map and Description of Existing Land Uses (Not Designations) of the Subject Property and Surrounding Properties (Exhibit – M5)
<input checked="" type="checkbox"/>	Map and Description of Existing Zoning of the Subject Property and Surrounding Properties (Exhibit – M6)
<input checked="" type="checkbox"/>	Signed/Sealed Legal Description and Sketch of the Description for Each FLUC Proposed (Exhibit – M7)
<input checked="" type="checkbox"/>	Copy of the Deed(s) of the Subject Property (Exhibit – M8)
<input checked="" type="checkbox"/>	Aerial Map Showing the Subject Property and Surrounding Properties (Exhibit – M9)
<input checked="" type="checkbox"/>	Authorization Letter From the Property Owner(s) Authorizing the Applicant to Represent the Owner (Exhibit – M10)
<input checked="" type="checkbox"/>	Lee Plan Analysis (Exhibit – M11)
<input checked="" type="checkbox"/>	Environmental Impacts Analysis (Exhibit – M12)
<input checked="" type="checkbox"/>	Historic Resources Impact Analysis (Exhibit – M13)
<input type="checkbox"/>	Public Facilities Impacts Analysis (Exhibit – M14) Not applicable
<input checked="" type="checkbox"/>	Traffic Circulation Analysis (Exhibit – M15)
<input checked="" type="checkbox"/>	Existing and Future Conditions Analysis - Sanitary Sewer, Potable Water, Surface Water/Drainage Basins, Parks and Rec, Open Space, Public Schools (Exhibit – M16)
<input type="checkbox"/>	Letter of Determination For the Adequacy/Provision of Existing/Proposed Support Facilities - Fire Protection, Emergency Medical Service, Law Enforcement, Solid Waste, Mass Transit, Schools (Exhibit – M17) Not applicable
<input checked="" type="checkbox"/>	State Policy Plan and Regional Policy Plan (Exhibit – M18)
<input checked="" type="checkbox"/>	Justification of Proposed Amendment (Exhibit – M19)
<input checked="" type="checkbox"/>	Planning Communities/Community Plan Area Requirements (Exhibit – M20)

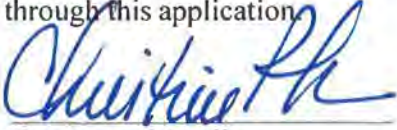
### **APPLICANT – PLEASE NOTE:**

Once staff has determined the application is sufficient for review, 15 complete copies will be required to be submitted to staff. These copies will be used for Local Planning Agency hearings, Board of County Commissioners hearings, and State Reviewing Agencies. Staff will notify the applicant prior to each hearing or mail out to obtain the required copies.

If you have any questions regarding this application, please contact the Planning Section at (239)533-8585.

AFFIDAVIT

I, Christine P. Johnson, certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data, or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application.



Signature of Applicant

Date

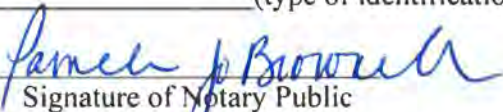
11/8/21

Christine P. Johnson

Printed Name of Applicant

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ onlinenotarization on November 8, 2021 (date) by (name of person providing oath or affirmation), who is personally known to me or who has produced (type of identification) as identification.

  
Signature of Notary Public

(Name typed, printed or stamped)



PAMELA JO BROWNELL  
Commission # GG 921099  
Expires December 15, 2023  
Bonded Thru Budget Notary Services



## DISCLOSURE OF INTEREST AFFIDAVIT

BEFORE ME this day appeared Christine P. Johnson, who, being first duly sworn and deposed says:

1. That I am the record owner, or a legal representative of the record owner, of the property that is located at STRAP Nos. 10-45-22-00-00001.0050 and 10-45-22-00-00001.0060 and is the subject of an Application for zoning action (hereinafter the "Property").

2. That I am familiar with the legal ownership of the Property and have full knowledge of the names of all individuals that have an ownership interest in the Property or a legal entity owning an interest in the Property.

[OPTIONAL PROVISION IF APPLICANT IS CONTRACT PURCHASER: In addition, I am familiar with the individuals that have an ownership interest in the legal entity that is under contract to purchase the Property.]

3. That, unless otherwise specified in paragraph 6 below, no Lee County Employee, County Commissioner, or Hearing Examiner has an Ownership Interest in the Property or any legal entity (Corporation, Company, Partnership, Limited Partnership, Trust, etc.) that has an Ownership Interest in the Property or that has contracted to purchase the Property.

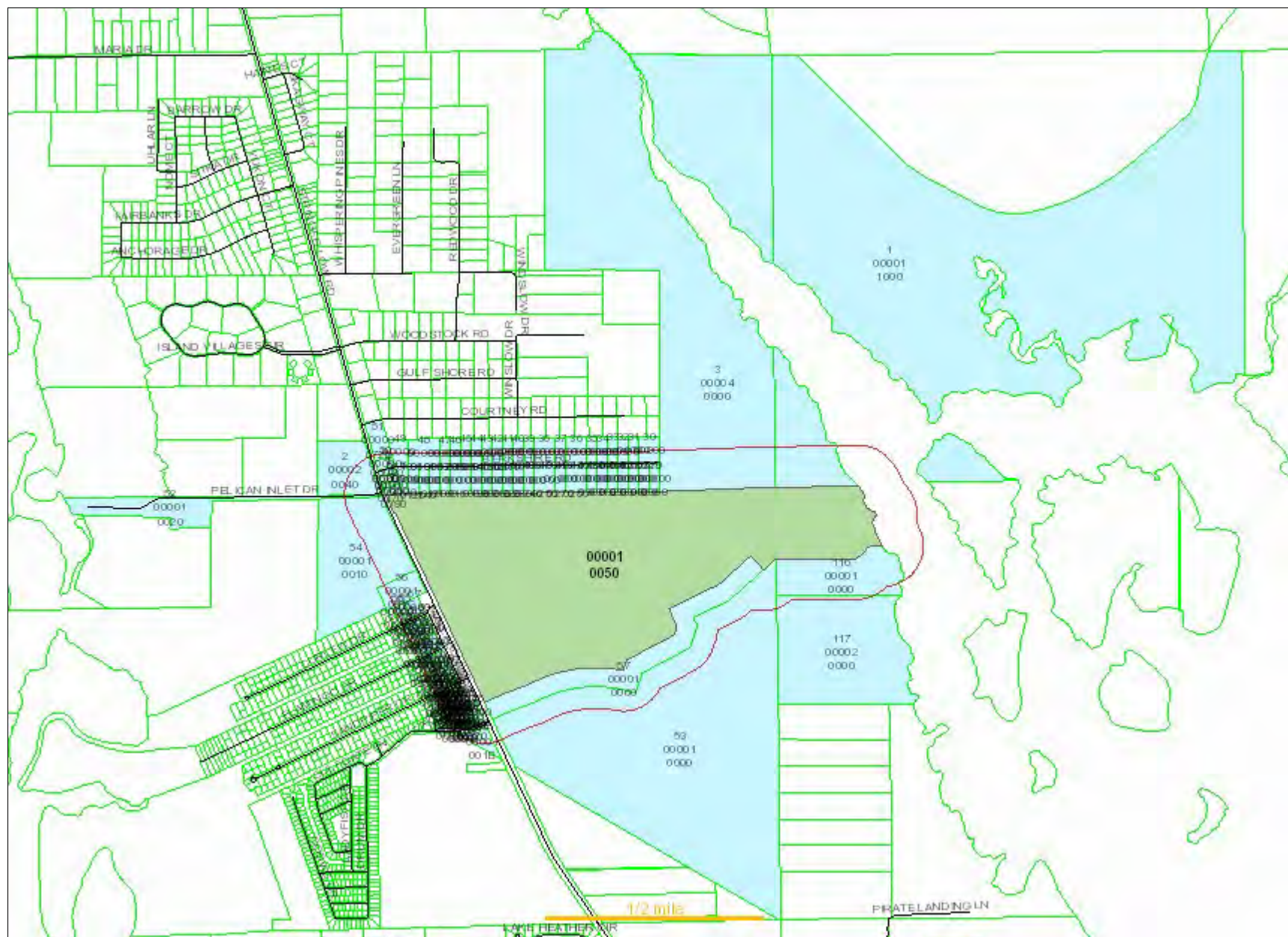
4. That the disclosure identified herein does not include any beneficial Ownership Interest that a Lee County Employee, County Commissioner, or Hearing Examiner may have in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, whose interest is for sale to the general public.

5. That, if the Ownership Interest in the Property changes and results in this affidavit no longer being accurate, the undersigned will file a supplemental Affidavit that identifies the name of any Lee County Employee, County Commissioner, or Hearing Examiner that subsequently acquires an interest in the Property.

6. Disclosure of Interest held by a Lee County Employee, County Commissioner, or Hearing Examiner.

Name and Address	Percentage of Ownership
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

## EXHIBIT M3-B



Date of Report: April 20, 2021  
Buffer Distance: 500 feet   
Parcels Affected: 117

[Click here to download the map image, mailing labels \(Avery 5161\) and CSV formatted information.](#)

Subject Parcel: **10-45-22-00-00001.0050**To change, add or remove subject parcels please change the parcel selection in [GeoView](#)

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	MAP INDEX
TIITF STATE OF FLORIDA DEPT OF ENVIR PROTECTION 3900 COMMONWEALTH BLVD TALLAHASSEE FL 32399	<b>02-45-22-00-00001.1000</b> GOVT LOT SAINT JAMES CITY FL 33956	PART OF SEC 2 TWP 45 R 22 AGREEMENT DESC IN OR 667 PG 444 + PG 449	1
ARRON AABOUD TR ROYAL GULF TITLE 300 5TH AVE S STE 219 NAPLES FL 34102	<b>03-45-22-00-00002.0040</b> 8067 STRINGFELLOW RD SAINT JAMES CITY FL 33956	THE S 655 FT OF SW 1/4 LYING W OF ST RD 767	2
GOSPEL CRUSADES INC 1200 GLORY WAY BLVD BRADENTON FL 34212	<b>03-45-22-00-00004.0000</b> ACCESS UNDETERMINED SAINT JAMES CITY FL	GOVT.LOTS 1 2 5 + SE 1/4 OF SE 1/4 + SW 1/4 OF NE 1/4	3
SPAYD STEVEN MICHAEL 9840 SW MORNINGSIDE AVE PALMETTO BAY FL 33157	<b>03-45-22-01-00000.0010</b> 8060 STRINGFELLOW RD SAINT JAMES CITY FL 33956	GULF SHORES ESTATES UNREC OR 469 PG 174 LOTS 1 + 2	4
SPAYD STEVEN MICHAEL 9840 SW MORNINGSIDE AVE MIAMI FL 33157	<b>03-45-22-01-00000.0030</b> 8048 STRINGFELLOW RD SAINT JAMES CITY FL 33956	GULF SHORES ESTATES UNREC OR 469 PG 174 LOTS 3 THRU 6	5
SPAYD STEVEN MICHAEL 9840 SW MORNINGSIDE AVE PALMETTO BAY FL 33157	<b>03-45-22-01-00000.0070</b> 8024 STRINGFELLOW RD SAINT JAMES CITY FL 33956	GULF SHORES ESTATES UNREC OR 490 PG 174 LOTS 7 + 8	6
SPAYD STEVEN MICHAEL 9840 SW MORNINGSIDE AVE PALMETTO BAY FL 33157	<b>03-45-22-01-00000.0090</b> 8012 STRINGFELLOW RD SAINT JAMES CITY FL 33956	GULF SHORES ESTATES UNREC OR 469 PB 174 LOTS 9 THRU 11	7
PETHEY PUFFERS PLACE LLC 2108 MACADAMIA LN BOKEELIA FL 33922	<b>03-45-22-01-00000.0120</b> 4781 BERKSHIRE RD SAINT JAMES CITY FL 33956	GULF SHORES ESTATES UNREC OR 469 PG 174 LOT 12	8
BIGLER COREY & SHELBY 4755 BERKSHIRE RD SAINT JAMES CITY FL 33956	<b>03-45-22-01-00000.0130</b> 4755 BERKSHIRE RD SAINT JAMES CITY FL 33956	GULF SHORES ESTATES UNREC OR 469 PG 174 LOT 13	9
UNKNOWN HEIRS OF 4729 BERKSHIRE RD	<b>03-45-22-01-00000.0140</b> 4729 BERKSHIRE RD	GULF SHORES ESTATES UNREC OR 469 PG 174	10



SAINT JAMES CITY FL 33956	SAINT JAMES CITY FL 33956	LOT 14	
RAMOS JASON A 4703 BERKSHIRE RD SAINT JAMES CITY FL 33956	<b>03-45-22-01-00000.0150</b> 4703 BERKSHIRE RD SAINT JAMES CITY FL 33956	GULF SHORES ESTATES UNREC OR 469 PG 174 LOT 15	11
DUNWELL JOANNE E + 4677 BERKSHIRE RD SAINT JAMES CITY FL 33956	<b>03-45-22-01-00000.0160</b> 4677 BERKSHIRE RD SAINT JAMES CITY FL 33956	GULF SHORES ESTATES UNREC OR 469 PG 174 LOT 16	12
POLAND RONALD R + SUZANNE E 4625 BERKSHIRE RD ST JAMES CITY FL 33956	<b>03-45-22-01-00000.0180</b> 4625 BERKSHIRE RD SAINT JAMES CITY FL 33956	GULF SHORES ESTATES UNREC OR 469 PG 175 LOTS 17 + 18	13
LEBUFF CHARLES R III 4599 BERKSHIRE RD SAINT JAMES CITY FL 33956	<b>03-45-22-01-00000.0190</b> 4599 BERKSHIRE RD SAINT JAMES CITY FL 33956	GULF SHORES ESTATES UNREC OR 469 PG 175 LOT 19	14
SANTO JUAN F + 5468 SW 89TH COURT MIAMI FL 33165	<b>03-45-22-01-00000.0200</b> 4573 BERKSHIRE RD SAINT JAMES CITY FL 33956	GULF SHORES ESTATES UNREC OR 469 PG 175 LOT 20	15
LAKE DAVID R + JOYCE ELLEN 4547 BERKSHIRE RD ST JAMES CITY FL 33956	<b>03-45-22-01-00000.0210</b> 4547 BERKSHIRE RD SAINT JAMES CITY FL 33956	GULF SHORES ESTATES UNREC OR 469 PG 175 LOT 21	16
TRANT BRENDAN J + ALICE T 4521 BERKSHIRE RD SAINT JAMES CITY FL 33956	<b>03-45-22-01-00000.0220</b> 4521 BERKSHIRE RD SAINT JAMES CITY FL 33956	GULF SHORE ESTATES UNREC OR 469 PG 174 LOT 22	17
KUNKEL PATRICK J 4495 BERKSHIRE RD SAINT JAMES CITY FL 33956	<b>03-45-22-01-00000.0230</b> 4495 BERKSHIRE RD SAINT JAMES CITY FL 33956	GULF SHORE ESTATES UNREC OR 469 PG 174 LOT 23	18
DAVIS TIMOTHY + JEAN 4469 BERKSHIRE RD SAINT JAMES CITY FL 33956	<b>03-45-22-01-00000.0240</b> 4469 BERKSHIRE RD SAINT JAMES CITY FL 33956	GULF SHORES ESTATES UNREC OR 461 PG 174 LOT 24	19
VANKIRK WARREN H + ANNE M 4443 BERKSHIRE RD ST JAMES CITY FL 33956	<b>03-45-22-01-00000.0250</b> 4443/4457 BERKSHIRE RD SAINT JAMES CITY FL 33956	GULF SHORES ESTATES UNREC OR 469 PG 175 LOTS 25 + 26	20
ROGERS GEOFFREY + JEANETTE E 4391 BERKSHIRE RD ST JAMES CITY FL 33956	<b>03-45-22-01-00000.0270</b> 4391 BERKSHIRE RD SAINT JAMES CITY FL 33956	GULF SHORE ESTATES UNREC OR 469 PG 176 LOT 27	21

BYRNE DIXIE L 4365 BERKSHIRE RD SAINT JAMES CITY FL 33956	<b>03-45-22-01-00000.0280</b> 4365 BERKSHIRE RD SAINT JAMES CITY FL 33956	GULF SHORES ESTATES UNREC OR 469 PG 174 LOTS 28 + 29	22
DARCHANGEL JOANN 4313 BERKSHIRE RD SAINT JAMES CITY FL 33956	<b>03-45-22-01-00000.0300</b> 4313 BERKSHIRE RD SAINT JAMES CITY FL 33956	GULF SHORES ESTATES UNREC OR 469 PG 175 LOT 30	23
LAWRENCE SAVIO + LORAIN 47 PROCTOR BLVD HAMILTON ON L8M 2M5 CANADA	<b>03-45-22-01-00000.0310</b> 4287 BERKSHIRE RD SAINT JAMES CITY FL 33956	GULF SHORES ESTATES UNREC OR 469 PG 175 LOT 31	24
BOND GLENN & MARIE TR 4261 BERKSHIRE RD SAINT JAMES CITY FL 33956	<b>03-45-22-01-00000.0320</b> 4261 BERKSHIRE RD SAINT JAMES CITY FL 33956	GULF SHORES ESTATES UNREC OR 469 PG 176 LOT 32	25
WALCZAK CHRISTOPHER 23560 WALDEN CENTER DR # 307 ESTERO FL 34134	<b>03-45-22-01-00000.0330</b> 4235 BERKSHIRE RD SAINT JAMES CITY FL 33956	GULF SHORES ESTATES UNREC OR 469 PG 176 LOT 33	26
DULING EDWARD A 3066 MIDWAY RD MARION IA 52302	<b>03-45-22-01-00000.0340</b> 4209 BERKSHIRE RD SAINT JAMES CITY FL 33956	GULF SHORES ESTATES UNREC OR 469 PG 176 LOT 34	27
BOOTS ROBERT A & BRENDA G 5181 BIRDSONG LN BOKEELIA FL 33922	<b>03-45-22-01-00000.0350</b> 4183 BERKSHIRE RD SAINT JAMES CITY FL 33956	GULF SHORES ESTATES UNREC OR 469 PG 176 LOT 35	28
TRAND GAVRIL + PATSY ALLENE S 9340 SW 88TH TER MIAMI FL 33176	<b>03-45-22-01-00000.0360</b> 4157 BERKSHIRE RD SAINT JAMES CITY FL 33956	GULF SHORES ESTATES UNREC OR 469 PG 176 LOT 36	29
VANHOOEGEM NANCY JEAN 4158 BERKSHIRE RD SAINT JAMES CITY FL 33956	<b>03-45-22-01-00000.0370</b> 4158 BERKSHIRE RD SAINT JAMES CITY FL 33956	GULF SHORES ESTATES UNREC OR 469 PG 176 LOTS 37 + 38	30
SMITH JOSEPH J 2705 N IBIS CT ST JAMES CITY FL 33956	<b>03-45-22-01-00000.0390</b> 4210 BERKSHIRE RD SAINT JAMES CITY FL 33956	GULF SHORES ESTATES UNREC OR 469 PG 176 LOT 39	31
SMITH JOSEPH J 2705 N IBIS CT ST JAMES CITY FL 33956	<b>03-45-22-01-00000.0400</b> 4236 BERKSHIRE RD SAINT JAMES CITY FL 33956	GULF SHORES ESTATES UNREC OR 469 PG 176 LOT 40	32

KROUSE ROBERT L + 4262 BERKSHIRE RD SAINT JAMES CITY FL 33956	<b>03-45-22-01-00000.0410</b> 4262 BERKSHIRE RD SAINT JAMES CITY FL 33956	GULF SHORES ESTATES UNREC OR 469 PG 176 LOT 41	33
SMITH GLENN A 4340 BERKSHIRE RD SAINT JAMES CITY FL 33956	<b>03-45-22-01-00000.0420</b> 4288 BERKSHIRE RD SAINT JAMES CITY FL 33956	GULF SHORE ESTATES UNREC OR 469 PG 176 LOT 42	34
SMITH GLENN 4340 BERKSHIRE RD LOT 66 SAINT JAMES CITY FL 33956	<b>03-45-22-01-00000.0430</b> 4314 BERKSHIRE RD SAINT JAMES CITY FL 33956	GULF SHORES ESTATES UNREC OR 469 PG 176 LOT 43	35
SMITH GLENN 4340 BERKSHIRE RD LOT 66 SAINT JAMES CITY FL 33956	<b>03-45-22-01-00000.0440</b> 4340/4366 BERKSHIRE RD SAINT JAMES CITY FL 33956	GULF SHORES ESTATES UNREC OR 469 PG 175 LOTS 44 + 45	36
ROMEO JOSEPH M + DENISE K TR 2592 YORK RD ST JAMES CITY FL 33956	<b>03-45-22-01-00000.0460</b> 4392 BERKSHIRE RD SAINT JAMES CITY FL 33956	GULF SHORES ESTATES UNREC OR 469 PG 176 LOT 46	37
NEWLAND BRIAN JAMES 4444 BERKSHIRE RD SAINT JAMES CITY FL 33956	<b>03-45-22-01-00000.0470</b> 4444 BERKSHIRE RD SAINT JAMES CITY FL 33956	GULF SHORES ESTATES UNREC OR 469 PG 175 LOTS 47 + 48	38
NEWLAND BRIAN J TR 4444 BERKSHIRE RD SAINT JAMES CITY FL 33956	<b>03-45-22-01-00000.0490</b> 4470 BERKSHIRE RD SAINT JAMES CITY FL 33956	GULF SHORES ESTATES UNREC OR 469 PG 175 LOT 49	39
NEWLAND BRIAN J TR 4444 BERKSHIRE RD SAINT JAMES CITY FL 33956	<b>03-45-22-01-00000.0500</b> 4496 BERKSHIRE RD SAINT JAMES CITY FL 33956	GULF SHORES ESTATES UNREC OR 469 PG 175 LOT 50	40
FANNING DARBY L PO BOX 45 SAINT JAMES CITY FL 33956	<b>03-45-22-01-00000.0510</b> 4520 BERKSHIRE RD SAINT JAMES CITY FL 33956	GULF SHORES ESTATES UNREC OR 469 PG 175 LOT 51	41
BIGLER JASON J & 5936 BONITA RD BOKEELIA FL 33922	<b>03-45-22-01-00000.0520</b> 4548 BERKSHIRE RD SAINT JAMES CITY FL 33956	GULF SHORES ESTATES UNREC OR 469 PG 175 LOT 52	42
MCKAY MARK LEE & PAMELA KAY 4574 BERKSHIRE RD NW ST JAMES CITY FL 33956	<b>03-45-22-01-00000.0530</b> 4574 BERKSHIRE RD SAINT JAMES CITY FL 33956	GULF SHORES ESTATES UNREC OR 469 PG 175 LOT 53	43
MOORE MICHAEL J + LOIS K 3704 CLEVELAND ST	<b>03-45-22-01-00000.0540</b> 4600 BERKSHIRE RD	GULF SHORES ESTATES UNREC OR 469 PG 175	44



HOLLYWOOD FL 33021	SAINT JAMES CITY FL 33956	LOT 54	
LOWITZ MICHAEL J L/E + 4626 BERKSHIRE RD SAINT JAMES CITY FL 33956	<b>03-45-22-01-00000.0550</b> 4626 BERKSHIRE RD SAINT JAMES CITY FL 33956	GULF SHORES ESTATES UNREC OR 469 PG 174 LOT 55	45
BACZKOWSKI AMY + 4652 BERKSHIRE RD ST JAMES CITY FL 33956	<b>03-45-22-01-00000.0560</b> 4652 BERKSHIRE RD SAINT JAMES CITY FL 33956	GULF SHORES ESTS UNREC OR 469 PG 174 LOT 56	46
WALLER GREGORY P 9355 HOWARD RD HARRISON OH 45030	<b>03-45-22-01-00000.0570</b> 4678 BERKSHIRE RD SAINT JAMES CITY FL 33956	GULF SHORES ESTATES UNREC OR 469 PG 174 LOT 57	47
MILLER ROGER + SHEILA 4730 BERKSHIRE RD NW ST JAMES CITY FL 33956	<b>03-45-22-01-00000.0590</b> 4730 BERKSHIRE RD SAINT JAMES CITY FL 33956	GULF SHORES ESTATES UNREC OR 469 PG 174 LOTS 58 THRU 60	48
FRECH LOUIS E TR 5708 MORNING STAR CT COLUMBIA MO 65203	<b>03-45-22-01-00000.0610</b> 4782 BERKSHIRE RD SAINT JAMES CITY FL 33956	GULF SHORES ESTATES UNREC OR 469 PG 174 LOT 61	49
CICORIA GERARD 5270 MARIA DR SAINT JAMES CITY FL 33956	<b>03-45-22-01-00000.0620</b> 8078 STRINGFELLOW RD SAINT JAMES CITY FL 33956	GULF SHORES ESTATES UNREC OR 469 PG 174 LOTS 62 THRU 65	50
V F W POST 4353 INC 8150 STRINGFELLOW RD ST JAMES CITY FL 33956	<b>03-45-22-01-00000.0720</b> 8150 STRINGFELLOW RD SAINT JAMES CITY FL 33956	GULF SHORES ESTATES UNREC OR 469 PG 174 LOTS 66 THRU 83	51
BUCKNER BRANDON D TR 16418 RAINBOW MEADOWS CT FORT MYERS FL 33908	<b>09-45-22-00-00001.0020</b> 5091 PELICAN INLET DR SAINT JAMES CITY FL 33956	PARL IN N 1/2 OF N 1/2 OF N 1/2 OF N 1/2 SEC 9+10 DESC IN OR 3279/12	52
LEE COUNTY CONSERVATION 2020 PO BOX 398 FORT MYERS FL 33902	<b>10-45-22-00-00001.0000</b> 7630 STRINGFELLOW RD SAINT JAMES CITY FL 33956	ALL SEC 10 TWP 45 R 22 PORT DESC IN INST #2011000181037	53
ECKERTY THOMAS G TR THOMAS G ECKERTY ESQ 12734 KENWOOD LN STE 89 FORT MYERS FL 33907	<b>10-45-22-00-00001.0010</b> 7999 STRINGFELLOW RD SAINT JAMES CITY FL 33956	PARL IN W 1/2 OF NW 1/4 DESC IN OR 2034/2354 + OR 711/264	54
STRINGFELLOW ISLE LLC 7401 STRINGFELLOW RD	<b>10-45-22-00-00001.001B</b> 7461 STRINGFELLOW RD	PARL IN N E 1/4 OF S W 1/4 AS DESC IN OR 0457 PG 0278	55

SAINT JAMES CITY FL 33956	SAINT JAMES CITY FL 33956		
DIOCESE OF SW FLORIDA INC ST JOHNS EPISCOPAL CHURCH 7771 STRINGFELLOW RD SAINT JAMES CITY FL 33956	<b>10-45-22-00-00001.001C</b> 7771 STRINGFELLOW RD SAINT JAMES CITY FL 33956	PARL IN W 1/2 OF N W 1/4 SEC 10 TWP 45 R 22 DESC IN OR 1121 PG 1691	56
CONSERVATION FOUNDATION OF THE PO BOX 902 OSPREY FL 34229	<b>10-45-22-00-00001.0060</b> ACCESS UNDETERMINED SAINT JAMES CITY FL 33956	PARL DESC IN INST# 2009000061000 CONS EASE INST #2009000061019	57
MARTIN DAVID V 4686 SANDPIPER DR SAINT JAMES CITY FL 33956	<b>10-45-22-01-00000.0010</b> 4686 SANDPIPER DR SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 1 PB 10 PG 101 S 60FT LT 1	58
ANDERSEN GARTH W + 7591 MALLARD AVE SAINT JAMES CITY FL 33956	<b>10-45-22-01-00000.001A</b> 7591 MALLARD AVE SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 1 PB10/101 PT LT 1 N 60 FT OF S180FT + S20FT OF N30FT	59
EARNSHAW JOHN W + BRENDA E 4790 OLD STATE ROAD 37 S MARTINSVILLE IN 46151	<b>10-45-22-01-00000.001B</b> 7557 MALLARD AVE SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 1 PB10GP101 PT LT1 N60FT OF S 120FT + N 10 FT	60
TOWNSEND FREDRICK J TR 4908 E ROTAMER RD JANESVILLE WI 53546	<b>10-45-22-01-00000.0020</b> 4698 SANDPIPER DR SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 1 PB 10 PG 101 LOT 2 PT OF N 120 FT	61
SOLOS MARK + 4694 SANDPIPER DR SAINT JAMES CITY FL 33956	<b>10-45-22-01-00000.002A</b> 4694 SANDPIPER DR SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 1 PB 10 PG 101 LOT 2 PT OF SLY 60 FT	62
RATLIFF JUANITA F L/E 23164 M 60 WEST HOMER MI 49245	<b>10-45-22-01-00000.0030</b> 4714 SANDPIPER DR SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 1 PB 10 PG 101 S 120 FT OF LT 3	63
SUMMERS KENNETH + JULIE 11661 N 250 WEST FOUNTAIN TOWN IN 46130	<b>10-45-22-01-00000.003A</b> 4718 SANDPIPER DR SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 1 PB 10 PG 101 PT OF LOT 3 THE NORTH 60 FEET	64
RONALD L CONRAD SR TRUST + 3845 W SYCAMORE BEACH RD ANGOLA IN 46703	<b>10-45-22-01-00000.0040</b> 4730 SANDPIPER DR SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 1 PB 10 PG 101 LOT 4 THE N 90 FT	65
RICHARDS DIANE L 4726 SANDPIPER DR SAINT JAMES CITY FL 33956	<b>10-45-22-01-00000.004A</b> 4726 SANDPIPER DR SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 1 PB 10 PG 101 LOT 4 THE S 90 FT	66

FLAMINGO BAY RESIDENTS ASSN 4752 CURLEW DR ST JAMES CITY FL 33956	<b>10-45-22-01-00000.00CE</b> 4752 CURLEW DR SAINT JAMES CITY FL 33956	FLAMINGO BAY UT 1 PB 10 PG 101 LTS 57 + 58 + N 30 FT OF VAC	67
NAGLER JOSEPH W + LOIS M 701 WILLIAMS ST ANGOLA IN 46703	<b>10-45-22-01-00000.0250</b> 4747 FLAMINGO DR SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 1 PB 10 PG 101 LOT 25 LESS S 120 FT	68
SHELTON DANNY OWEN 4743 FLAMINGO DR SAINT JAMES CITY FL 33956	<b>10-45-22-01-00000.025A</b> 4743 FLAMINGO DR SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 1 PB 10 PG 101 PT LOT 25 S 120 FT LOT 25	69
NELSON MARGARET A L/E 4731 FLAMINGO DR SAINT JAMES CITY FL 33956	<b>10-45-22-01-00000.0260</b> 4731 FLAMINGO DR SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 1 PB 10 PG 101 LOT 26	70
MILLER BRUCE W + LILLIAN P 4711 FLAMINGO DR SAINT JAMES CITY FL 33956	<b>10-45-22-01-00000.0270</b> 4711 FLAMINGO DR SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 1 PB 10 PG 101 PT LOT 27 THE S 90 FT	71
DIAZ ANDRES ROSADO 7465 KREAMERS DR BOKEELIA FL 33922	<b>10-45-22-01-00000.027A</b> 4715 FLAMINGO DR SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 1 PB 10 PG 101 PT LOT 27 THE N 90 FT	72
DOOLEY MICHAEL SHANE & 4699 FLAMINGO DR SAINT JAMES CITY FL 33956	<b>10-45-22-01-00000.0280</b> 4699 FLAMINGO DR SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 1 PB 10 PG 101 LOT 28	73
FELBER ROBERT N & CHRISTY + 1143 MASH FRK SALYERSVILLE KY 41465	<b>10-45-22-01-00000.0290</b> 4700 FLAMINGO DR SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 1 PB 10 PG 101 LOT 29	74
MCKINLEY JACK R L/E 4716 FLAMINGO DR ST JAMES CITY FL 33956	<b>10-45-22-01-00000.0300</b> 4716 FLAMINGO DR SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 1 PB 10 PG 101 LOT 30	75
KWR PROPERTIES LLC 41120 LITTLE FARM RD PUNTA GORDA FL 33982	<b>10-45-22-01-00000.031A</b> 4732 FLAMINGO DR SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 1 PB 10 PG 101 LOT 31	76
HELGREN RONALD + 4748 FLAMINGO DR ST JAMES CITY FL 33956	<b>10-45-22-01-00000.0320</b> 4748 FLAMINGO DR SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 1 PB 10 PG 101 LOT 32	77
KEIPER THOMAS J TR 2900 LINCOLN ST	<b>10-45-22-01-00000.0530</b> 4789 CURLEW DR	FLAMINGO BAY UNIT 1 PB 10 PG 101	78



CAMP HILL PA 17011	SAINT JAMES CITY FL 33956	LOT 53 LESS TH N 90 FT	
KEIPER THOMAS J TR 2900 LINCOLN ST CAMP HILL PA 17011	<b>10-45-22-01-00000.053A</b> 4793 CURLEW DR SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 1 PB 10 PG 101 PT LOT 53 THE N 90 FT	79
PATT STEPHEN T & PATRICIA M 10691 FIVE POINTS RD ORRVILLE OH 44667	<b>10-45-22-01-00000.0540</b> 4779 CURLEW DR SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 1 PB 10 PG 101 LOT 54	80
MICHAELIDES JOHN & CHRISTIE 4405 SW 25TH TER FORT LAUDERDALE FL 33312	<b>10-45-22-01-00000.0550</b> 4761 CURLEW DR SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 1 PB 10 PG 101 LOT 55 PT THE S 1/2	81
ALLEMAN GEORGE L + MARTHA J 424 SR 60 GREENWICH OH 44837	<b>10-45-22-01-00000.055A</b> 4765 CURLEW DR SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 1 PB 10 PG 101 PT LOT 55 N 1/2	82
LIANO GARY 5372 MARINA DR BOKEELIA FL 33922	<b>10-45-22-01-00000.0560</b> 4751 CURLEW DR SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 1 PB 10 PG 101 LOT 56 N 1/2	83
DOUGLAS MICHAEL W & 155 LOCKSLEY LN WELLS ME 04090	<b>10-45-22-01-00000.056A</b> 7677 MALLARD AVE SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 1 PB 10 PG 101 LOT 56 S 1/2	84
KREIGER GERALD E & CECILE J 4780 CURLEW DR SAINT JAMES CITY FL 33956	<b>10-45-22-01-00000.0590</b> 4780 CURLEW DR SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 1 PB 10 PG 101 LT 59 + 30FT VAC CCMB 42 PG 51G	85
VANKIRK WARREN H + ANNE M 4443 BERSHIRE RD SAINT JAMES CITY FL 33956	<b>10-45-22-01-00000.0600</b> 4794 CURLEW DR SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 1 PB10 PG101 N90FT OF LT 60+ 30FT VAC CCMB 42 PG 51G	86
VANKIRK WARREN H + ANNE M 4443 BERSHIRE RD SAINT JAMES CITY FL 33956	<b>10-45-22-01-00000.060A</b> 4790 CURLEW DR SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 1 PB 10 PG 101 THE S 1/2 LOT 60	87
SULLIVAN MICHAEL GLEN & 4693 SANDPIPER DR SAINT JAMES CITY FL 33956	<b>10-45-22-01-0000A.0000</b> 4693 SANDPIPER DR SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 1 LOT A PB 10 PG 101 S 60 FT OF LT A	88
BOLHA EDWARD W & DOROTHY M L/E 4695 SANDPIPER DR SAINT JAMES CITY FL 33956	<b>10-45-22-01-0000A.0010</b> 4695 SANDPIPER DR SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 1 PB 10 PG 101 PT OF LOT A AS DESC IN OR 1203 PG 0890	89

KENNEDY HELEN A L/E 4723 SANDPIPER DR SAINT JAMES CITY FL 33956	<b>10-45-22-01-0000A.0050</b> 4723 SANDPIPER DR SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 1 PB 10 PG 101 PT LOT OF A AS DESC IN OR 1241 PG 0323	90
MINASIAN MARY PATRICIA + JUDITH A KNOWLTON L/E 2214 TURNPIKE ST NORTH ANDOVER MA 01845	<b>10-45-22-01-0000A.0060</b> 4727 SANDPIPER DR SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 1 PB 10 PG 101 PT OF LOT A N 1/2LT4AA 0944 PG 0406	91
BOLLIG ROSE M 8 N YORK ST FOX LAKE IL 60020	<b>10-45-22-01-0000A.0080</b> 4711 SANDPIPER DR SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 1 PB 10 PG 101 PT OF LOT A AS DESC IN OR 0993 PG 0593	92
BOLLIG ROSE M 8 N YORK ST FOX LAKE IL 60020	<b>10-45-22-01-0000A.0090</b> 4715 SANDPIPER DR SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 1 PB 10 PG 101 PT OF LOT A AS DESC IN OR 1245 PG 0413	93
EQUITY TRUST COMPANY 5110 E PLICITA CUMPAS TUCSON AZ 85718	<b>10-45-22-01-0000A.0100</b> 4691 SANDPIPER DR SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 1 PB 10 PG 101 PT OF LOT A AS DESC IN OR 1168 PG 0802	94
KERBY STEPHEN A & CAROL M 4685 SANDPIPER DR SAINT JAMES CITY FL 33956	<b>10-45-22-01-0000A.0110</b> 4685 SANDPIPER DR SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 1 LOT A PB 10 PG 101 DESC OR 1165/2109 NW 60FT LOT A	95
DRAKE MARIE 4689 SANDPIPER DR SAINT JAMES CITY FL 33956	<b>10-45-22-01-0000A.0120</b> 4689 SANDPIPER DR SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 1 LT A PB 10 PG 101 E 60FT OF W120FT DESC OR 1267/285	96
ZUPPARDO ANTHONY A + CHARISSE 400 W HIGH ST CRIDERSVILLE OH 45806	<b>10-45-22-03-00000.0020</b> 4630 GULFGATE LN SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 3 PB 29 PG 147 LOT 2	97
ZBIEK PAUL J & DONNA I 1068 W MOUNTAIN RD PLYMOUTH PA 18651	<b>10-45-22-03-00000.0030</b> 4640 GULFGATE LN SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 3 PB 29 PG 147 LOT 3	98
SARGENT DORIS L 15 HOLMES ST N NORTH EASTON MA 02356	<b>10-45-22-03-00000.0040</b> 4650 GULFGATE LN SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 3 PB 29 PG 147 LOT 4	99
KEITH TODD ALAN & 5253 WHITEFORD RD SYLVANIA OH 43560	<b>10-45-22-03-00000.0050</b> 4660 GULFGATE LN SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 3 PB 29 PG 147 LOT 5	100

WRAY MARJEAN & JOHN R JR 4670 GULFGATE LN SAINT JAMES CITY FL 33956	<b>10-45-22-03-00000.0060</b> 4670 GULFGATE LN SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 3 PB 29 PG 147 PT LT 6 DESC OR 1920 PG 4338	101
SEABROOK FRANKLIN L + SUSAN 4 AVOCADO RD CAPE MAY COURT HOUSE NJ 08210	<b>10-45-22-03-00000.0070</b> 4679 CATFISH CT SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 3 PB 29 PG 147 LT 7 + PT LT 8 DES OR 2267/3929	102
GRAHAM DONALD & LINDA MAY 3209 EASTBEND CT ABINGDON MD 21009	<b>10-45-22-03-00000.0100</b> 4669 CATFISH CT SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 3 PB 29 PG 147 LOT 10 LESS OR 1836 PG 836	103
KENDRA TERESA W + 4659 CATFISH CT SAINT JAMES CITY FL 33956	<b>10-45-22-03-00000.0110</b> 4659 CATFISH CT SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 3 PB 29 PG 174 LOT 11 + OR 1836 PG 836	104
MCFARLANE LAWRENCE G & PO BOX 301 LA POINTE WI 54850	<b>10-45-22-03-00000.0120</b> 4649 CATFISH CT SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 3 PB 29 PG 147 LOT 12	105
BREWER TERRY + BEVERLY 4639 CATFISH CT SAINT JAMES CITY FL 33956	<b>10-45-22-03-00000.0130</b> 4639 CATFISH CT SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 3 PB 29 PG 147 LOT 13	106
DUGGER BRYAN W 110 W MAIN ST PO BOX 133 RISING SUN MD 21911	<b>10-45-22-03-00000.0140</b> 4629 CATFISH CT SAINT JAMES CITY FL 33956	FLAMINGO BAY UT 3 PB 29 PG 147 PT LOT 14 PER OR1775 PG 1201 LESS OR1775 PG1195	107
BERNARD THEODORE + MARY JANE 640 PATRIOTS RD TEMPLETON MA 01468	<b>10-45-22-03-00000.0150</b> 4630 CATFISH CT SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 3 PB 29 PG 147 PT LOT 15 LESS OR 1775 PG 1201	108
BERNARD THEODORE + MARY 640 PATRIOTS RD TEMPLETON MA 01468	<b>10-45-22-03-00000.0160</b> 4640 CATFISH CT SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 3 PB 29 PG 147 LOT 16 LESS OR 1775 PG 1198	109
TAUTKUS IRVING & ETHEL B L/E 4650 CATFISH CT SAINT JAMES CITY FL 33956	<b>10-45-22-03-00000.0170</b> 4650 CATFISH CT SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 3 PB 29 PG 147 LOT 17	110
ODONNELL PATRICK J & 6455 PALOMINO DR LAKELAND TN 38002	<b>10-45-22-03-00000.0180</b> 4660 CATFISH CT SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 3 PB 29 PG 147 LOT 18	111

MARTINEZ JOHN A + 2202 TEDROW RD TOLEDO OH 43614	<b>10-45-22-03-00000.0190</b> 4670 CATFISH CT SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 3 PB 29 PG 147 LOT 19	112
SCHNEIDER DANIEL H & 4680 CATFISH CT SAINT JAMES CITY FL 33956	<b>10-45-22-03-00000.0200</b> 4680 CATFISH CT SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 3 PB 29 PG 147 LOT 20	113
DIERS THEODORE + MARY B 27 REGINA DR SAYVILLE NY 11782	<b>10-45-22-03-00000.0210</b> 4690 CATFISH CT SAINT JAMES CITY FL 33956	FLAMINGO BAY UNIT 3 PB 29 PG 147 LOT 21	114
PINE ISLAND COVE OWNERS ASSN 7290 LADYFISH DR SAINT JAMES CITY FL 33956	<b>10-45-22-05-00000.05CE</b> PINE ISLAND COVE C/E SAINT JAMES CITY FL 33956	PINE ISLAND COVE CO-OP DESC OR 2194 PG 2145 COMMON ELEMENTS	115
LEE COUNTY CONSERVATION 2020 PO BOX 398 FORT MYERS FL 33902	<b>11-45-22-00-00001.0000</b> ACCESS UNDETERMINED SAINT JAMES CITY FL	S 1/2 OF THE N 1/2 OF GOVT LOT 2	116
CALUSA LAND TRUST & NATURE PRE PO BOX 216 BOKEELIA FL 33922	<b>11-45-22-00-00002.0000</b> ACCESS UNDETERMINED SAINT JAMES CITY FL	LOT PT 2 S 1/2 GOVT LOT 2	117

TIITF STATE OF FLORIDA  
DEPT OF ENVIR PROTECTION  
3900 COMMONWEALTH BLVD  
TALLAHASSEE FL 32399

ARRON AABOUD TR  
ROYAL GULF TITLE  
300 5TH AVE S STE 219  
NAPLES FL 34102

GOSPEL CRUSADES INC  
1200 GLORY WAY BLVD  
BRADENTON FL 34212

SPAYD STEVEN MICHAEL  
9840 SW MORNINGSIDE AVE  
PALMETTO BAY FL 33157

SPAYD STEVEN MICHAEL  
9840 SW MORNINGSIDE AVE  
MIAMI FL 33157

SPAYD STEVEN MICHAEL  
9840 SW MORNINGSIDE AVE  
PALMETTO BAY FL 33157

SPAYD STEVEN MICHAEL  
9840 SW MORNINGSIDE AVE  
PALMETTO BAY FL 33157

PETHEY PUFFERS PLACE LLC  
2108 MACADAMIA LN  
BOKEELIA FL 33922

BIGLER COREY & SHELBY  
4755 BERKSHIRE RD  
SAINT JAMES CITY FL 33956

UNKNOWN HEIRS OF  
4729 BERKSHIRE RD  
SAINT JAMES CITY FL 33956

RAMOS JASON A  
4703 BERKSHIRE RD  
SAINT JAMES CITY FL 33956

DUNWELL JOANNE E +  
4677 BERKSHIRE RD  
SAINT JAMES CITY FL 33956

POLAND RONALD R + SUZANNE E  
4625 BERKSHIRE RD  
ST JAMES CITY FL 33956

LEBUFF CHARLES R III  
4599 BERKSHIRE RD  
SAINT JAMES CITY FL 33956

SANTO JUAN F +  
5468 SW 89TH COURT  
MIAMI FL 33165

LAKE DAVID R + JOYCE ELLEN  
4547 BERKSHIRE RD  
ST JAMES CITY FL 33956

TRANT BRENDAN J + ALICE T  
4521 BERKSHIRE RD  
SAINT JAMES CITY FL 33956

KUNKEL PATRICK J  
4495 BERKSHIRE RD  
SAINT JAMES CITY FL 33956

DAVIS TIMOTHY + JEAN  
4469 BERKSHIRE RD  
SAINT JAMES CITY FL 33956

VANKIRK WARREN H + ANNE M  
4443 BERKSHIRE RD  
ST JAMES CITY FL 33956

ROGERS GEOFFREY + JEANETTE E  
4391 BERKSHIRE RD  
ST JAMES CITY FL 33956

BYRNE DIXIE L  
4365 BERKSHIRE RD  
SAINT JAMES CITY FL 33956

DARCHANGEL JOANN  
4313 BERKSHIRE RD  
SAINT JAMES CITY FL 33956

LAWRENCE SAVIO + LORAINÉ  
47 PROCTOR BLVD  
HAMILTON ON L8M 2M5  
CANADA

BOND GLENN & MARIE TR  
4261 BERKSHIRE RD  
SAINT JAMES CITY FL 33956

WALCZAK CHRISTOPHER  
23560 WALDEN CENTER DR # 307  
ESTERO FL 34134

DULING EDWARD A  
3066 MIDWAY RD  
MARION IA 52302

BOOTS ROBERT A & BRENDA G  
5181 BIRDSONG LN  
BOKEELIA FL 33922

TRAND GAVRIL + PATSY ALLENE S  
9340 SW 88TH TER  
MIAMI FL 33176

VANHOOTEGEM NANCY JEAN  
4158 BERKSHIRE RD  
SAINT JAMES CITY FL 33956

SMITH JOSEPH J  
2705 N IBIS CT  
ST JAMES CITY FL 33956

SMITH JOSEPH J  
2705 N IBIS CT  
ST JAMES CITY FL 33956

KROUSE ROBERT L +  
4262 BERKSHIRE RD  
SAINT JAMES CITY FL 33956

SMITH GLENN A  
4340 BERKSHIRE RD  
SAINT JAMES CITY FL 33956

SMITH GLENN  
4340 BERKSHIRE RD LOT 66  
SAINT JAMES CITY FL 33956

SMITH GLENN  
4340 BERKSHIRE RD LOT 66  
SAINT JAMES CITY FL 33956

ROMEO JOSEPH M + DENISE K TR  
2592 YORK RD  
ST JAMES CITY FL 33956

NEWLAND BRIAN JAMES  
4444 BERKSHIRE RD  
SAINT JAMES CITY FL 33956

NEWLAND BRIAN J TR  
4444 BERKSHIRE RD  
SAINT JAMES CITY FL 33956

NEWLAND BRIAN J TR  
4444 BERKSHIRE RD  
SAINT JAMES CITY FL 33956



FANNING DARBY L  
PO BOX 45  
SAINT JAMES CITY FL 33956

BIGLER JASON J &  
5936 BONITA RD  
BOKEELIA FL 33922

MCKAY MARK LEE & PAMELA KAY  
4574 BERKSHIRE RD NW  
ST JAMES CITY FL 33956

MOORE MICHAEL J + LOIS K  
3704 CLEVELAND ST  
HOLLYWOOD FL 33021

LOWITZ MICHAEL J L/E +  
4626 BERKSHIRE RD  
SAINT JAMES CITY FL 33956

BACZKOWSKI AMY +  
4652 BERKSHIRE RD  
ST JAMES CITY FL 33956

WALLER GREGORY P  
9355 HOWARD RD  
HARRISON OH 45030

MILLER ROGER + SHEILA  
4730 BERKSHIRE RD NW  
ST JAMES CITY FL 33956

FRECH LOUIS E TR  
5708 MORNING STAR CT  
COLUMBIA MO 65203

CICORIA GERARD  
5270 MARIA DR  
SAINT JAMES CITY FL 33956

V F W POST 4353 INC  
8150 STRINGFELLOW RD  
ST JAMES CITY FL 33956

BUCKNER BRANDON D TR  
16418 RAINBOW MEADOWS CT  
FORT MYERS FL 33908

LEE COUNTY  
CONSERVATION 2020  
PO BOX 398  
FORT MYERS FL 33902

ECKERTY THOMAS G TR  
THOMAS G ECKERTY ESQ  
12734 KENWOOD LN STE 89  
FORT MYERS FL 33907

STRINGFELLOW ISLE LLC  
7401 STRINGFELLOW RD  
SAINT JAMES CITY FL 33956

DIOCESE OF SW FLORIDA INC  
ST JOHNS EPISCOPAL CHURCH  
7771 STRINGFELLOW RD  
SAINT JAMES CITY FL 33956

CONSERVATION FOUNDATION OF THE  
PO BOX 902  
OSPREY FL 34229

MARTIN DAVID V  
4686 SANDPIPER DR  
SAINT JAMES CITY FL 33956

ANDERSEN GARTH W +  
7591 MALLARD AVE  
SAINT JAMES CITY FL 33956

EARNSHAW JOHN W + BRENDA E  
4790 OLD STATE ROAD 37 S  
MARTINSVILLE IN 46151

TOWNSEND FREDRICK J TR  
4908 E ROTAMER RD  
JANESVILLE WI 53546

SOLOS MARK +  
4694 SANDPIPER DR  
SAINT JAMES CITY FL 33956

RATLIFF JUANITA F L/E  
23164 M 60 WEST  
HOMER MI 49245

SUMMERS KENNETH + JULIE  
11661 N 250 WEST  
FOUNTAIN TOWN IN 46130

RONALD L CONRAD SR TRUST +  
3845 W SYCAMORE BEACH RD  
ANGOLA IN 46703

RICHARDS DIANE L  
4726 SANDPIPER DR  
SAINT JAMES CITY FL 33956

FLAMINGO BAY RESIDENTS ASSN  
4752 CURLEW DR  
ST JAMES CITY FL 33956

NAGLER JOSEPH W + LOIS M  
701 WILLIAMS ST  
ANGOLA IN 46703

SHELTON DANNY OWEN  
4743 FLAMINGO DR  
SAINT JAMES CITY FL 33956

NELSON MARGARET A L/E  
4731 FLAMINGO DR  
SAINT JAMES CITY FL 33956

MILLER BRUCE W + LILLIAN P  
4711 FLAMINGO DR  
SAINT JAMES CITY FL 33956

DIAZ ANDRES ROSADO  
7465 KREAMERS DR  
BOKEELIA FL 33922

DOOLEY MICHAEL SHANE &  
4699 FLAMINGO DR  
SAINT JAMES CITY FL 33956

FELBER ROBERT N & CHRISTY +  
1143 MASH FRK  
SALYERSVILLE KY 41465

MCKINLEY JACK R L/E  
4716 FLAMINGO DR  
ST JAMES CITY FL 33956

KWR PROPERTIES LLC  
41120 LITTLE FARM RD  
PUNTA GORDA FL 33982

HELGREN RONALD +  
4748 FLAMINGO DR  
ST JAMES CITY FL 33956

KEIPER THOMAS J TR  
2900 LINCOLN ST  
CAMP HILL PA 17011

KEIPER THOMAS J TR  
2900 LINCOLN ST  
CAMP HILL PA 17011

PATT STEPHEN T & PATRICIA M  
10691 FIVE POINTS RD  
ORRVILLE OH 44667

MICHAELIDES JOHN & CHRISTIE  
4405 SW 25TH TER  
FORT LAUDERDALE FL 33312

ALLEMAN GEORGE L + MARTHA J  
424 SR 60  
GREENWICH OH 44837

LIANO GARY  
5372 MARINA DR  
BOKEELIA FL 33922

DOUGLAS MICHAEL W &  
155 LOCKSLEY LN  
WELLS ME 04090

KREIGER GERALD E & CECILE J  
4780 CURLEW DR  
SAINT JAMES CITY FL 33956

VANKIRK WARREN H + ANNE M  
4443 BERSHIRE RD  
SAINT JAMES CITY FL 33956

VANKIRK WARREN H + ANNE M  
4443 BERSHIRE RD  
SAINT JAMES CITY FL 33956

SULLIVAN MICHAEL GLEN &  
4693 SANDPIPER DR  
SAINT JAMES CITY FL 33956

BOLHA EDWARD W & DOROTHY M L/E  
4695 SANDPIPER DR  
SAINT JAMES CITY FL 33956

KENNEDY HELEN A L/E  
4723 SANDPIPER DR  
SAINT JAMES CITY FL 33956

MINASIAN MARY PATRICIA +  
JUDITH A KNOWLTON L/E  
2214 TURNPIKE ST  
NORTH ANDOVER MA 01845

BOLLIG ROSE M  
8 N YORK ST  
FOX LAKE IL 60020

BOLLIG ROSE M  
8 N YORK ST  
FOX LAKE IL 60020

EQUITY TRUST COMPANY  
5110 E PLICITA CUMPAS  
TUCSON AZ 85718

KERBY STEPHEN A & CAROL M  
4685 SANDPIPER DR  
SAINT JAMES CITY FL 33956

DRAKE MARIE  
4689 SANDPIPER DR  
SAINT JAMES CITY FL 33956

ZUPPARDO ANTHONY A + CHARISSE  
400 W HIGH ST  
CRIDERSVILLE OH 45806

ZBIEK PAUL J & DONNA I  
1068 W MOUNTAIN RD  
PLYMOUTH PA 18651

SARGENT DORIS L  
15 HOLMES ST N  
NORTH EASTON MA 02356

KEITH TODD ALAN &  
5253 WHITEFORD RD  
SYLVANIA OH 43560

WRAY MARJEAN & JOHN R JR  
4670 GULFGATE LN  
SAINT JAMES CITY FL 33956

SEABROOK FRANKLIN L + SUSAN  
4 AVOCADO RD  
CAPE MAY COURT HOUSE NJ 08210

GRAHAM DONALD & LINDA MAY  
3209 EASTBEND CT  
ABINGDON MD 21009

KENDRA TERESA W +  
4659 CATFISH CT  
SAINT JAMES CITY FL 33956

McFARLANE LAWRENCE G &  
PO BOX 301  
LA POINTE WI 54850

BREWER TERRY + BEVERLY  
4639 CATFISH CT  
SAINT JAMES CITY FL 33956

DUGGER BRYAN W  
110 W MAIN ST  
PO BOX 133  
RISING SUN MD 21911

BERNARD THEODORE + MARY JANE  
640 PATRIOTS RD  
TEMPLETON MA 01468

BERNARD THEODORE + MARY  
640 PATRIOTS RD  
TEMPLETON MA 01468

TAUTKUS IRVING & ETHEL B L/E  
4650 CATFISH CT  
SAINT JAMES CITY FL 33956

ODONNELL PATRICK J &  
6455 PALOMINO DR  
LAKELAND TN 38002

MARTINEZ JOHN A +  
2202 TEDROW RD  
TOLEDO OH 43614

SCHNEIDER DANIEL H &  
4680 CATFISH CT  
SAINT JAMES CITY FL 33956

DIERS THEODORE + MARY B  
27 REGINA DR  
SAYVILLE NY 11782

PINE ISLAND COVE OWNERS ASSN  
7290 LADYFISH DR  
SAINT JAMES CITY FL 33956

LEE COUNTY  
CONSERVATION 2020  
PO BOX 398  
FORT MYERS FL 33902

CALUSA LAND TRUST & NATURE PRE  
PO BOX 216  
BOKEELIA FL 33922

Under penalty of perjury, I declare that I have read the foregoing and the facts alleged are true to the best of my knowledge and belief.

Christine P. Johnson, President  
Property Owner

Christine P. Johnson, President  
Print Name

\*\*\*\*\*NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS\*\*\*\*\*  
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA  
COUNTY OF Sarasota

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, on 4/21/2021 (date) by Christine P. Johnson (name of person providing oath or affirmation), who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification.

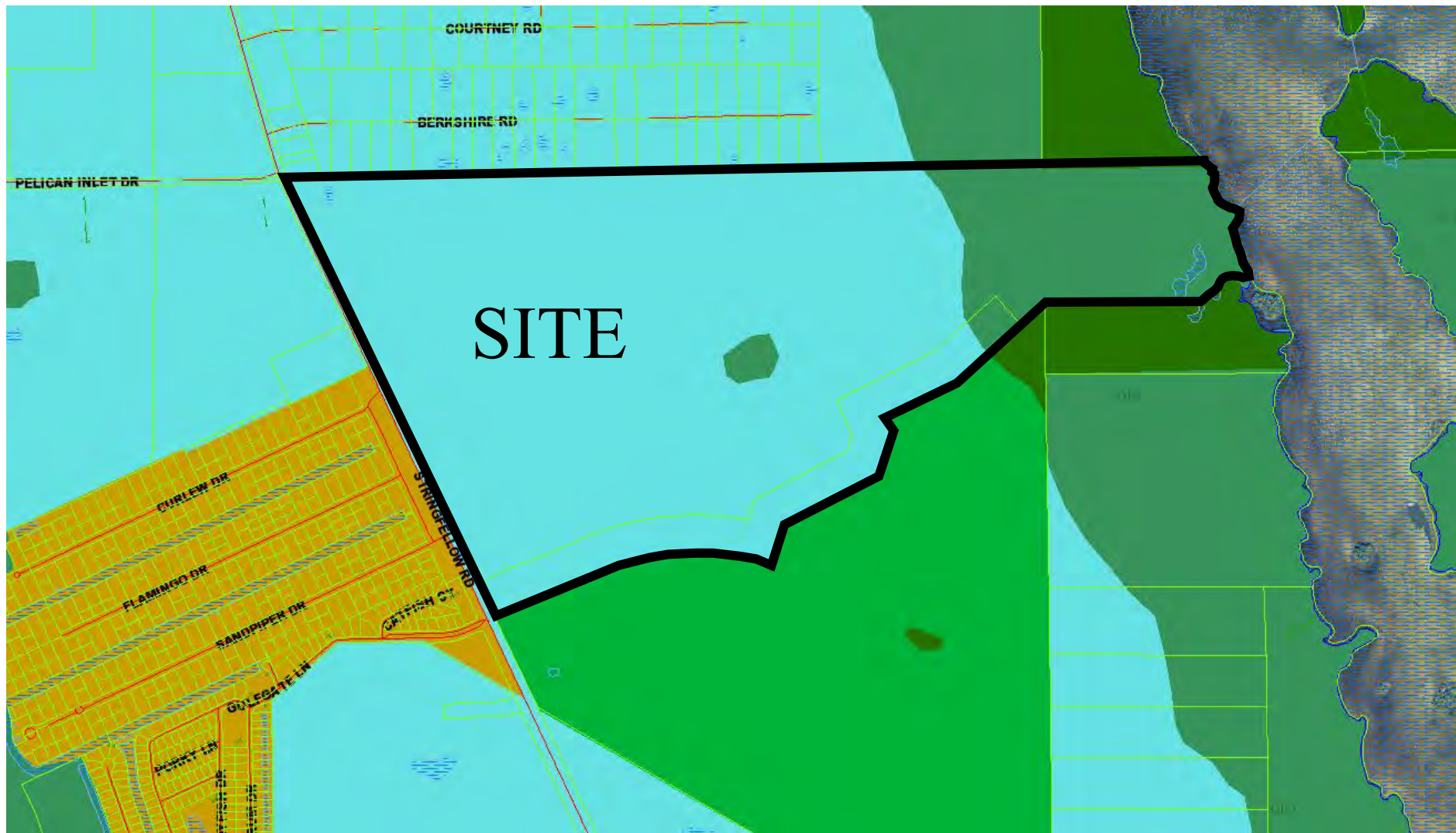
STAMP/SEAL

Pamela Jo Brownell  
Signature of Notary Public



PAMELA JO BROWNELL  
Commission # GG 921099  
Expires December 15, 2023  
Bonded Thru Budget Notary Services

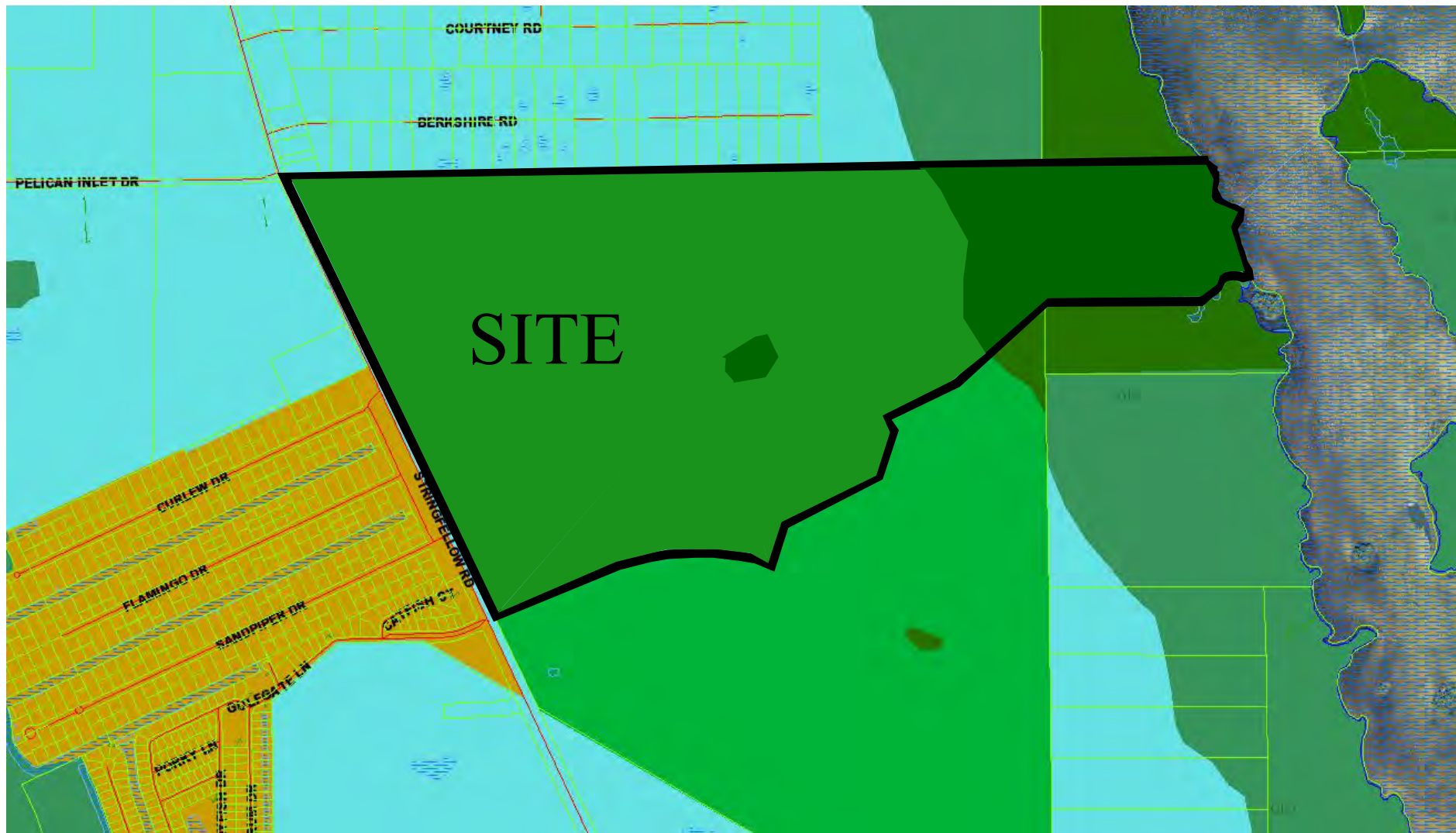
PINE ISLAND PRESERVE AT MATLACHA PASS  
FUTURE LAND USE MAP - EXISTING  
EXHIBIT M4



- LEGEND:
- COASTAL RURAL
  - WETLANDS
  - SUBURBAN
  - CONSERVATION LANDS - UPLANDS
  - CONSERVATION LANDS – WETLANDS



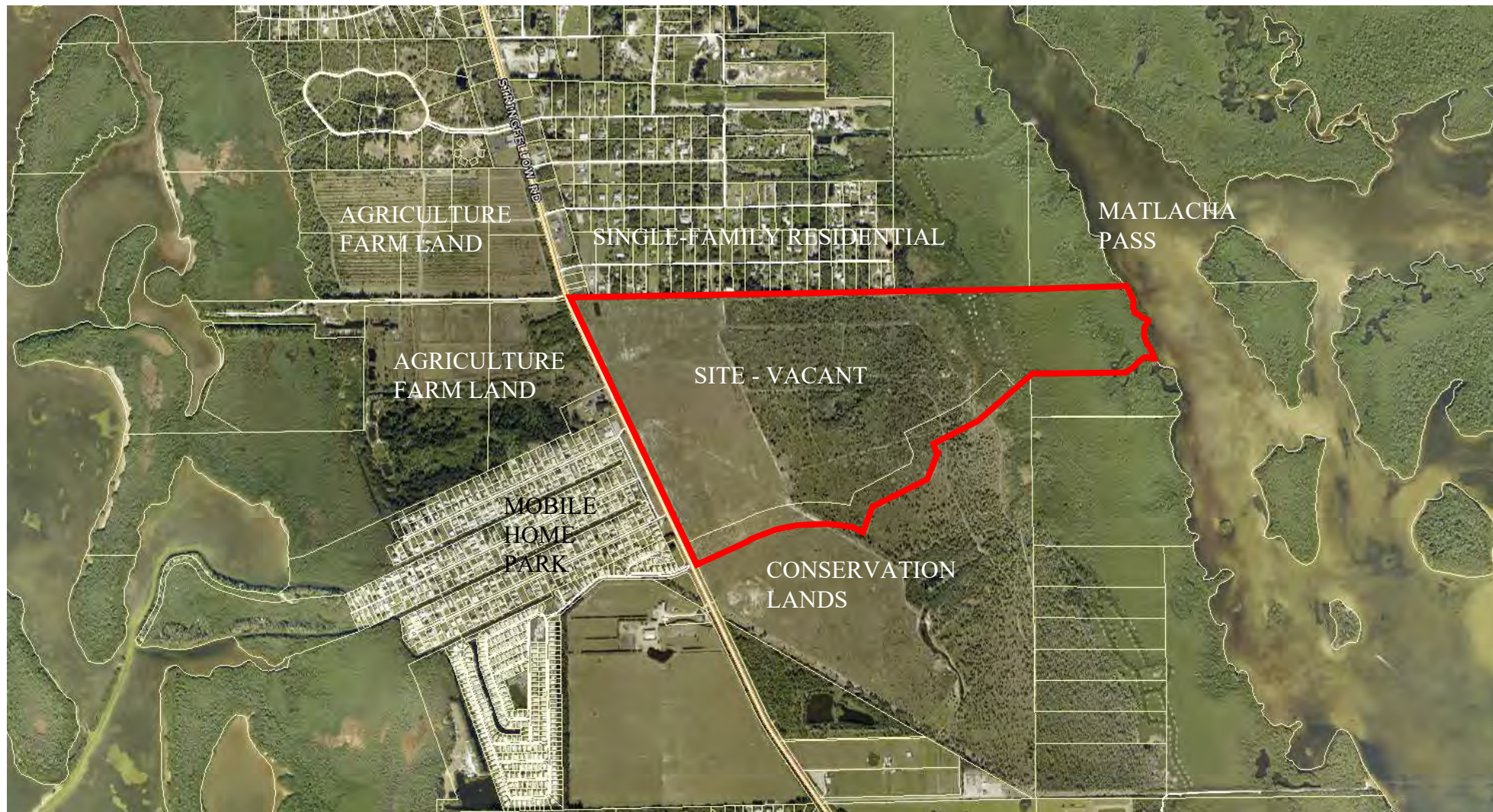
PINE ISLAND PRESERVE AT MATLACHA PASS  
FUTURE LAND USE MAP - PROPOSED  
EXHIBIT M4



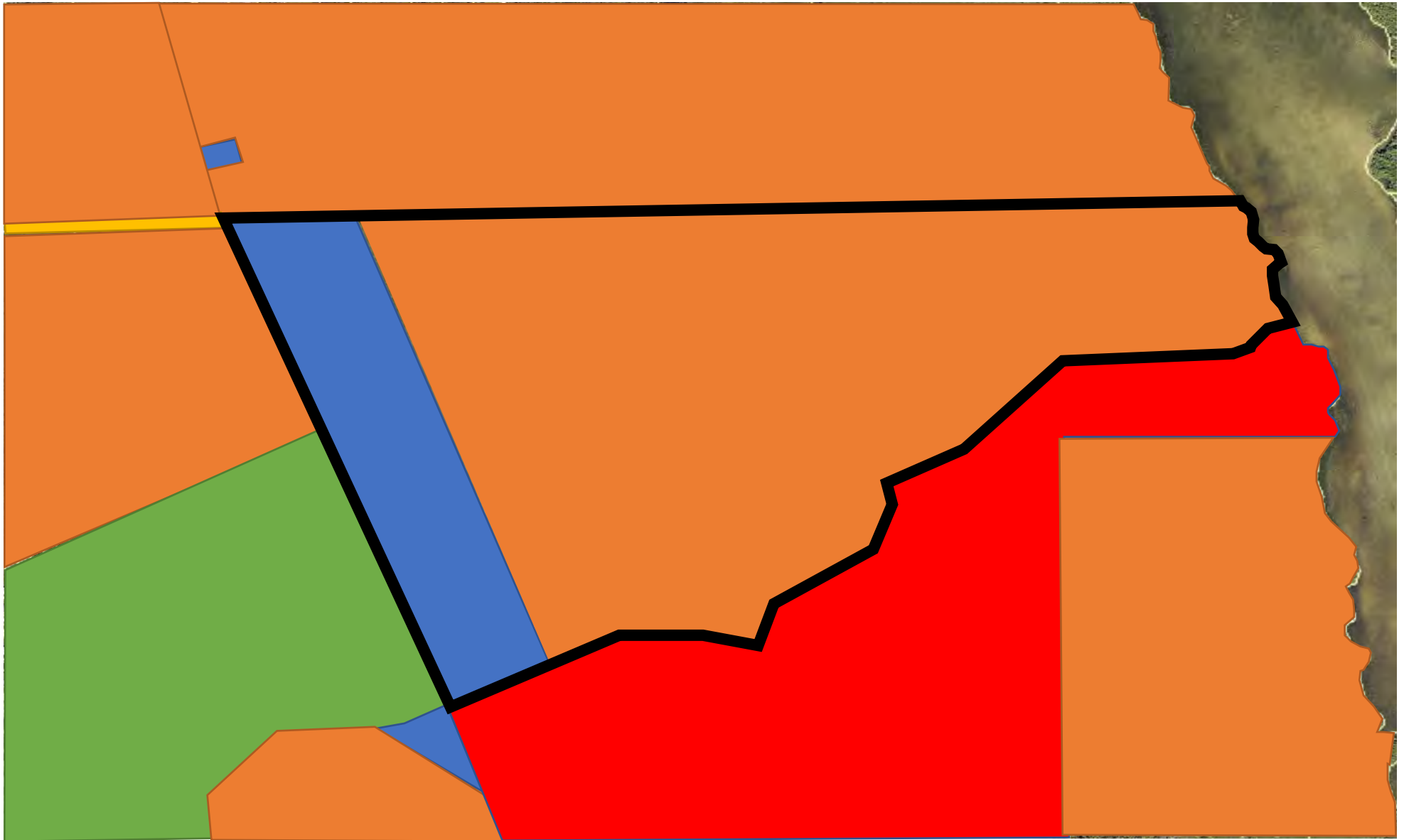
- LEGEND:
- COASTAL RURAL
  - WETLANDS
  - SUBURBAN
  - CONSERVATION LANDS - UPLANDS
  - CONSERVATION LANDS – WETLANDS



PINE ISLAND PRESERVE AT MATLACHA PASS  
EXISTING LAND USES  
EXHIBIT M5



PINE ISLAND PRESERVE AT MATLACHA PASS  
SURROUNDING ZONING MAP  
EXHIBIT M6



LEGEND:

AG-2
C-1A
MH-1
EC
RM-2



DESCRIPTION

A PARCEL OF LAND IN SECTIONS 10 AND 11, TOWNSHIP 45 SOUTH, RANGE 22 EAST, PINE ISLAND, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 10; THENCE ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 10, RUN N 00°36'30" W, 2,646.34 FEET TO THE EAST QUARTER OF SAID SECTION 10; THENCE ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 10, RUN N 00°50'45" W, 1,778.78 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID EAST SECTION LINE RUN, S 88°44'20" W, 4.42 FEET; THENCE S 48°23'55" W, 762.01 FEET; THENCE S 63°42'37" W, 496.44 FEET, TO A POINT ON A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 1,530.00 FEET, A CENTRAL ANGLE OF 04°06'41" , A CHORD BEARING S 28°19'57" E FOR 109.77 FEET; THENCE ALONG THE ARC OF SAID CURVE RUN 109.79 FEET; THENCE S 19°16'18" W, 288.70 FEET; THENCE S 62°16'54" W, 661.03 FEET; THENCE S18°37'18" W, 260.00 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1,530 FEET, A CENTRAL ANGLE OF 43°49'49", A CHORD BEARING S 86°42'24" W FOR 1,142.09 FEET; THENCE ALONG THE ARC OF SAID CURVE RUN 1,170.42 FEET; THENCE S 64°47'29" W, 128.58 FEET; THENCE S 69°54'07" W, 232.25 FEET TO A POINT OF CURVATURE OF CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 1,500.00 FEET, A CENTRAL ANGLE OF 05°06'38", A CHORD BEARING S 67°20'48" W FOR 133.75 FEET; THENCE ALONG THE ARC OF SAID CURVE RUN 133.79 FEET; THENCE S 64°47'29" W, 171.11 FEET TO A POINT ON THE EASTERLY RIGHT A WAY LINE OF STRINGFELLOW ROAD (COUNTY ROAD 767); THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE RUN THE FOLLOWING FOUR (4) COURSES, N 25°12'31" W, 2,799.72 FEET; THENCE S 64°47'29" W, 17.00 FEET; THENCE N 25°12'31" W, 150.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 1,876.86 FEET, A CENTRAL ANGLE OF 03°26'15", A CHORD BEARING N 23°29'23" W FOR 112.61 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 10; THENCE ALONG SAID NORTH SECTION LINE RUN, N 89°23'26" E, 1,966.10 FEET TO THE NORTH QUARTER OF SAID SECTION 10; THENCE ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 10, RUN N 88°43'58" E, 2,861.98 FEET TO THE NORTHEAST CORNER OF SAID SECTION 10; THENCE ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF AFOREMENTIONED SECTION 11, RUN N 88°44'20" E, 982.42 FEET TO THE MEAN HIGH WATER LINE OF MATLACHA PASS; THENCE ALONG SAID MEAN HIGH WATER LINE RUN THE FOLLOWING TWENTY NINE COURSES (29), S 41°46'21" E, 34.23 FEET; THENCE S27°10'30" E, 38.96 FEET; THENCE S 30°49'36" E, 30.27 FEET; THENCE S 28°08'02" E, 29.99 FEET; THENCE S 51°46'42" E, 19.16 FEET; THENCE S 28°34'16" W, 56.32 FEET; THENCE S 33°42'05" E, 37.82 FEET; THENCE S 23°26'58" E, 28.98 FEET; THENCE S 29°22'06" E, 33.49 FEET; THENCE N 85°01'56" E, 10.53 FEET; THENCE S 26°17'53" E, 42.22 FEET; THENCE S 63°40'53" E, 49.37 FEET; THENCE S 73°37'02" E, 24.25 FEET; THENCE S 77°48'17" E, 17.27 FEET; THENCE S 47°55'23" E, 19.05 FEET; THENCE S 07°51'24" E, 13.35 FEET; THENCE S 35°23'11" W, 55.94 FEET; THENCE S 23°35'47" W, 31.56 FEET; THENCE S 09°03'01" E, 34.96 FEET; THENCE S 21°26'01" E, 48.73 FEET; THENCE S 08°32'04" W, 46.45 FEET; THENCE S 28°46'08" E, 183.50 FEET; THENCE N 90°00'00" W, 30.56 FEET; THENCE N 72°33'35" W, 29.92 FEET; THENCE S 85°42'46" W, 32.71 FEET; THENCE S 79°00'04" W, 29.91 FEET; THENCE S 64°59'33" W, 54.00 FEET; THENCE S 30°16'02" W, 67.96 FEET; THENCE S 51°28'15" W, 123.02 FEET TO A LINE THAT LIES 452.00 FEET NORTH OF (AS MEASURED AT RIGHT ANGLES) THE SOUTH LINE OF THE NORTH HALF OF GOVERNMENT LOT 2, IN SAID SECTION 11; THENCE DEPARTING SAID MEAN HIGH WATER LINE, RUN N 88°44'20" E, 965.58 FEET ALONG SAID LINE THAT LIES 452.00 FEET NORTH OF THE SOUTH LINE OF THE NORTH HALF OF GOVERNMENT LOT 2, TO THE POINT OF BEGINNING.

CONTAINING 229.39 ACRES, MORE OR LESS.

SURVEYOR'S NOTES:

THE DESCRIPTION SHOWN HEREON IS NEW.

ORIENTATION BASED ON THE EASTERLY RIGHT OF WAY LINE OF STRINGFELLOW ROAD AS BEARING S 00°10'28" W.

COORDINATES SHOWN HEREON ARE BASED ON FLORIDA STATE PLANE GRID, WEST ZONE AND REFERENCES NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT (NAD 83/2011), FDOT FPRN AND ARE SHOWN IN U.S. SURVEY FEET

CERTIFICATE OF AUTHORIZATION LICENSE BUSINESS NO. 6891.

UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER, AND ALL SHEETS ARE INCLUDED, THIS MAP IS NOT VALID.

THIS IS NOT A SURVEY

PREPARED BY:

THOMAS M. ROOKS JR., PSM

DATE

FLORIDA CERTIFICATE NO. 6347

PROJECT:

SKETCH AND DESCRIPTION  
PINE ISLAND PRESERVE

LOCATION:

LYING IN SECTIONS 10 & 11,  
TOWNSHIP 45 S.,  
RANGE 22 E.,  
LEE COUNTY, FLORIDA

CONSULTANT:

MORRIS  
DEPEW

ENGINEERS • PLANNERS • SURVEYORS  
LANDSCAPE ARCHITECTS  
FL CA NO. 6532 / FL CERT NO. LB8891 / LC28000330

Fort Myers  
2914 Cleveland Avenue  
Fort Myers, Florida, 33901  
(239) 337-9988  
Fax: (239) 337-3894  
Toll free: 866-337-7341

Tallahassee  
113 South Monroe Street  
1st Floor  
Tallahassee, Florida 32301  
Toll free: 866-337-7341

Destin  
5597 Highway 98  
Unit 201  
Santa Rosa Beach, Florida 32459  
Toll free: 866-337-7341

CLIENT:

CONSERVATION  
FOUNDATION OF THE  
GULF COAST

PROJECT MANAGER:

TMR

DRAWING BY:

TAB

JURISDICTION:

LEE COUNTY

DATE:

11-02-2021

SHEET TITLE:

SKETCH AND  
DESCRIPTION

SHEET NUMBER:

1 OF 3

JOB/FILE NUMBER:

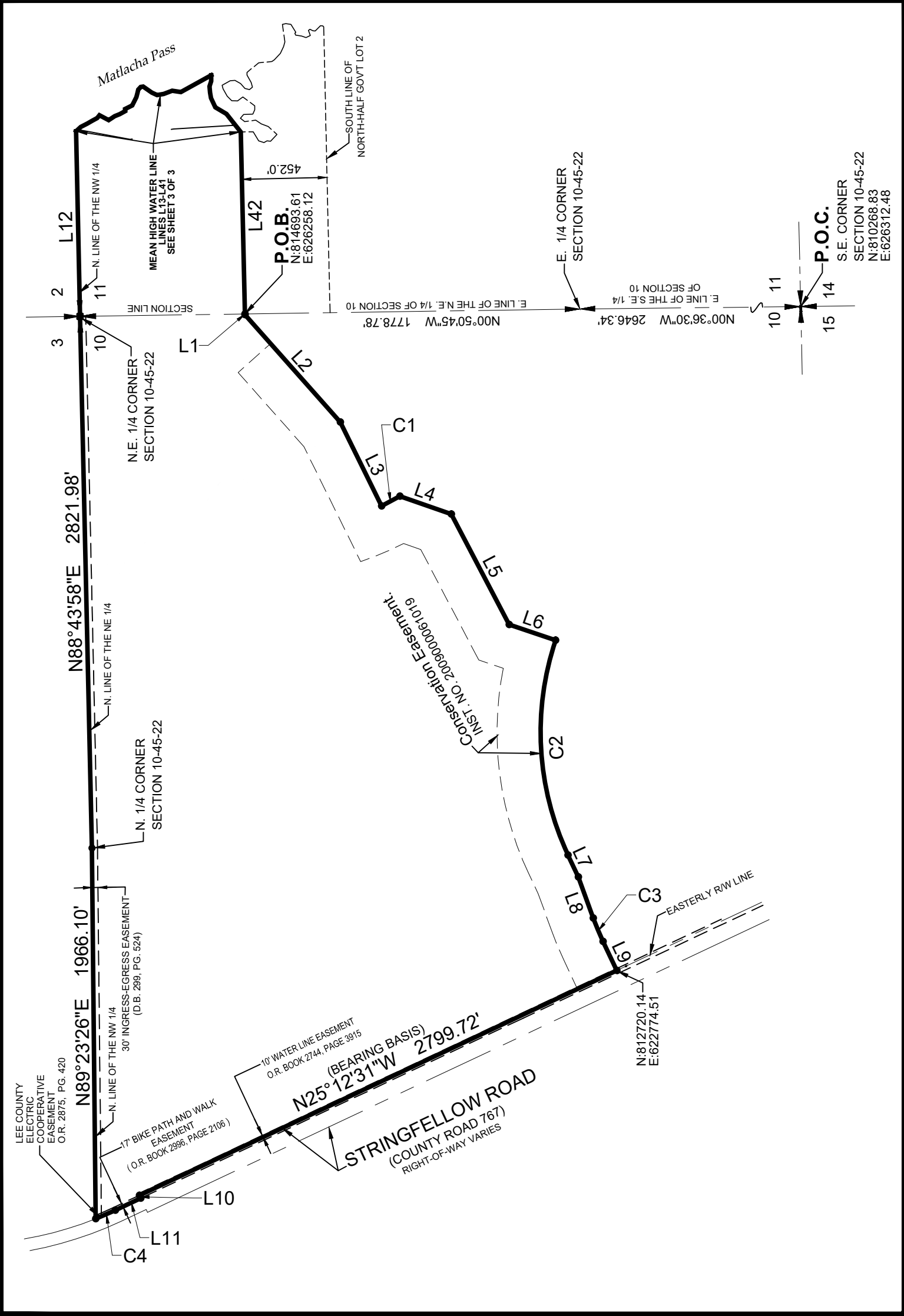
21078

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I:\21078 - Conservation Foundation of the Gulf Coast\Plans\SKETCH-DESC\21078-SKETCH\_DESC.dwg <SD-SHT-I-14x8.5> -

Nov 02 2021 03:51:20 pm

PLOTTED BY: TBAiley



PROJECT:

**SKETCH AND DESCRIPTION**

**PINE ISLAND PRESERVE**

LOCATION:

**LYING IN SECTIONS 10 & 11,**

**TOWNSHIP 45 S.,**

**RANGE 22 E.,**

**LEE COUNTY, FLORIDA**

CONSULTANT:

**MORRIS**

**DEPEW**

ENGINEERS • PLANNERS • SURVEYORS  
LANDSCAPE ARCHITECTS

FL CA NO. 6532 / FL CERT NO. LB8891 / LC26000330

**Fort Myers**  
2914 Cleveland Avenue  
Fort Myers, Florida, 33901  
(239) 337-3988  
Fax: (239) 337-3994  
Toll free: 866-337-7341

**Tallahassee**  
113 South Monroe Street  
1st Floor  
Tallahassee, Florida 32301  
Toll free: 866-337-7341

**Destin**  
5597 Highway 98  
Unit 201  
Santa Rosa Beach, Florida 32459  
Toll free: 866-337-7341

CLIENT:

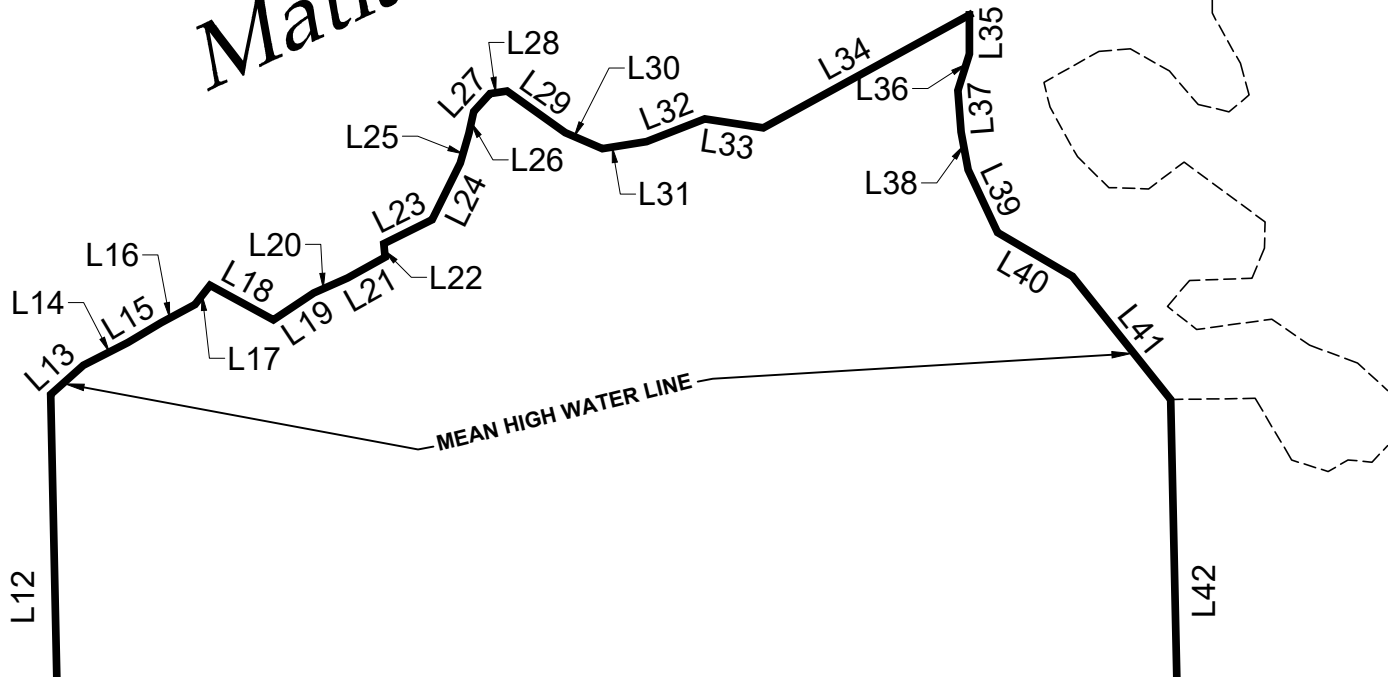
**CONSERVATION  
FOUNDATION OF THE  
GULF COAST**

600 0 300 600

SCALE 1"=600'

PROJECT MANAGER:	TMR
DRAWING BY:	TAB
JURISDICTION:	LEE COUNTY
DATE:	11-02-2021
SHEET TITLE:	SKETCH AND DESCRIPTION
SHEET NUMBER:	2 OF 3
JOB/FILE NUMBER:	21078

# Matlacha Pass



PARCEL LINE TABLE		
LINE #	BEARING	DISTANCE
L22	N85°01'56"E	10.53
L23	S26°17'53"E	42.22
L24	S63°40'53"E	49.37
L25	S73°37'02"E	24.25
L26	S77°48'17"E	17.27
L27	S47°55'23"E	19.05
L28	S7°51'24"E	13.35
L29	S35°23'11"W	55.94
L30	S23°35'47"W	31.56
L31	S9°03'01"E	34.96
L32	S21°26'01"E	48.73
L33	S8°32'04"W	46.45
L34	S28°46'08"E	183.50
L35	N90°00'00"W	30.56
L36	N72°33'35"W	29.92
L37	S85°42'46"W	32.71
L38	S79°00'04"W	29.91
L39	S64°59'33"W	54.00
L40	S30°16'02"W	67.96
L41	S51°28'15"W	123.02
L42	N88°44'20"E	965.58

PARCEL LINE TABLE		
LINE #	BEARING	DISTANCE
L1	S88°44'20"W	4.42
L2	S48°23'55"W	762.01
L3	S63°42'37"W	496.44
L4	S19°16'18"W	288.70
L5	S62°16'54"W	661.03
L6	S18°37'18"W	260.00
L7	S64°47'29"W	128.58
L8	S69°54'07"W	232.25
L9	S64°47'29"W	171.11
L10	S64°47'29"W	17.00
L11	N25°12'31"W	150.00
L12	N88°44'20"E	982.42
L13	S41°46'21"E	34.23
L14	S27°10'30"E	38.96
L15	S30°49'36"E	30.27
L16	S28°08'02"E	29.99
L17	S51°46'42"E	19.16
L18	S28°34'16"W	56.32
L19	S33°42'05"E	37.82
L20	S23°26'58"E	28.98
L21	S29°22'06"E	33.49

CURVE TABLE				
CURVE #	RADIUS	C.A.	CHD	CHD BRG
C1	1530.00	4° 06' 41"	109.79	S28° 19' 57"E
C2	1530.00	43° 49' 49"	1142.09	S86° 42' 24"W
C3	1500.00	5° 06' 38"	133.75	S67° 20' 48"W
C4	1876.86	3° 26' 15"	112.61	N23° 29' 23"W

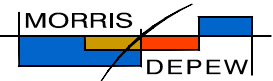
PROJECT:

SKETCH AND DESCRIPTION  
PINE ISLAND PRESERVE

LOCATION:

LYING IN SECTIONS 10 & 11,  
TOWNSHIP 45 S.,  
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CONSULTANT:



MORRIS  
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5597 Highway 98  
Unit 201  
Santa Rosa Beach, Florida 32459  
Toll free: 866-337-7341

CLIENT:

CONSERVATION  
FOUNDATION OF THE  
GULF COAST



150 0 75 150  
SCALE 1"=150'

PROJECT MANAGER: TMR

DRAWING BY: TAB

JURISDICTION: LEE COUNTY

DATE: 11-02-2021

SHEET TITLE:  
  
SKETCH AND  
DESCRIPTION

SHEET NUMBER: 3 OF 3

JOB/FILE NUMBER: 21078



EXHIBIT M8

This Instrument Prepared By:  
Edward P. Canterbury, Esq.  
Henderson, Franklin, Starnes & Holt  
P.O. Box 280  
Fort Myers, FL 33902  
**Property Appraiser's Parcel  
Identification Numbers:**  
10-45-22-00-00001.0000 &  
11-45-22-00-00001.0000

**WARRANTY DEED**

**THIS INDENTURE**, made this 4 day of March, A.D. 2009, between High Point Land Improvement Corp. f/k/a Sanitary Home Improvement Technology Corp., a Florida corporation, of the County of Lee in the State of Florida, grantor, and Sarasota Conservation Foundation, Inc., a Florida non-profit corporation, whose post office address is P.O. Box 902, Osprey, FL 34229, grantee,

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and their heirs, legal representatives, successors and assigns. "Grantor" and "grantee" are used for singular and plural, as the context requires and the use of any gender shall include all genders.)

**WITNESSETH:** That the said grantor, for and in consideration of the sum of Ten Dollars and other good and valuable considerations, to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantee, and grantee's successors and assigns forever, the following described land situate, lying and being in Lee County, Florida, to-wit:

See Exhibit "A" attached hereto and by this reference made a part hereof.

By acceptance of this warranty deed, the Grantee hereby agrees that the use of the Property described herein shall be subject to the covenants and restrictions as set forth in the Declaration of Restrictive Covenants attached hereto as Exhibit "B" and recorded in the Public Records of Lee County, Florida. These covenants and restrictions shall run with the Property herein described. If any term or condition of the Declaration of Restrictive Covenants is violated by the Grantee or by some third party with the knowledge of the Grantee and the Grantee does not correct the violation pursuant to the Declaration of Restrictive Covenants, fee simple title to all interest in the Project Site shall be conveyed to the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida in accordance with Chapter 380, Part III, Florida Statutes.

This conveyance is subject to easements, restrictions, limitations and conditions of record if any now exist, but any such interests that may have been terminated are not hereby re-imposed.

This property is not the homestead property of the grantor, nor contiguous to homestead property, as such homestead is defined under Florida law.

**AND** the said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF the grantor has hereunto set grantor's hand and seal, the day and year first above written.

Signed, sealed and delivered in the presence of:

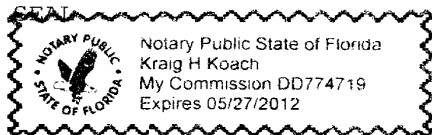
Edward Cantabuy  
 (PRINTED, TYPED OR STAMPED  
 NAME OF FIRST WITNESS)

Robert J. Herald  
 (SIGNATURE OF SECOND WITNESS)  
ROBERT J. HERALD  
 (PRINTED, TYPED OR STAMPED  
 NAME OF SECOND WITNESS)

STATE OF FLORIDA )  
 )  
 COUNTY OF Sarasota )

The foregoing instrument was acknowledged before me this 4<sup>th</sup> day of March 2009, by Robert C. Gunther as President of High Point Land Improvement Corp. f/k/a Sanitary Home Improvement Technology Corp., a Florida corporation on behalf of the corporation. He is personally known to me or who has produced proper identification as identification.

(NOTARY PUBLIC)



Kraig H. Koach  
 (SIGNATURE OF NOTARY PUBLIC)

Kraig H. Koach  
 (PRINTED, TYPED OR STAMPED NAME OF  
 NOTARY PUBLIC)

Commission No.: \_\_\_\_\_  
 My Commission Expires: \_\_\_\_\_

High Point Land Improvement Corp.  
 f/k/a Sanitary Home Improvement  
 Technology Corp, a Florida  
 corporation

BY: Robert C. Gunther  
 Robert C. Gunther, as President  
 (GRANTOR)

800 S. Osprey Ave., Sarasota, FL 42366  
 (ADDRESS OF GRANTOR)

#1611747 v2

**EXHIBIT A**

PARCEL OF LAND IN SECTION 10 AND 11, TOWNSHIP 45 SOUTH, RANGE 22 EAST, PINE ISLAND, LEE COUNTY FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 10; THENCE N. 0°36'30" W., ALONG THE EAST LINE OF SAID SECTION 10, A DISTANCE OF 2646.34 FEET TO THE EAST QUARTER-CORNER OF SAID SECTION 10; THENCE N. 0°50'45" W., ALONG SAID EAST LINE OF SECTION 10, A DISTANCE OF 1778.78 FEET TO THE POINT-OF-BEGINNING OF THIS DESCRIPTION THENCE S. 88°44'20" W., A DISTANCE OF 4.42 FEET; THENCE S. 48°23'55" W., A DISTANCE OF 205.00 FEET; THENCE N. 41°36'05" W., A DISTANCE OF 230.33 FEET; THENCE S. 48°23'55" W., A DISTANCE OF 526.05 FEET; THENCE S. 63°42'37" W., A DISTANCE OF 680.63 FEET TO A NON-RADIAL INTERSECTION WITH A CURVE CONCAVE IN THE NORTHEASTERLY SIDE WHOSE RADIUS POINT BEARS S. 71°14'24" W.; THENCE SOUTHEASTERLY, ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 1760.33 FEET, A CENTRAL ANGLE OF 08°03'47" AND WHOSE CHORD BEARS S. 22°47'29" E. A DISTANCE OF 247.52 FEET, HAVING AN ARC LENGTH OF 247.72 FEET; THENCE S. 19°16'18" W., ALONG A NON-TANGENT, NON-RADIAL LINE, A DISTANCE OF 95.84 FEET; THENCE S. 62°16'54" W., A DISTANCE OF 662.55 FEET; THENCE S. 18°37'18" W., A DISTANCE OF 137.07 FEET TO A NON-RADIAL INTERSECTION WITH A CURVE CONCAVE IN THE SOUTHERLY SIDE WHOSE RADIUS POINT BEARS S. 11°06'12" W.; THENCE WESTERLY ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 1760.33 FEET, A CENTRAL ANGLE OF 36°18'43" AND WHOSE CHORD BEARS S. 82°56'51" W. FOR A DISTANCE OF 1097.05 FEET HAVING AN ARC LENGTH OF 1115.63 FEET; THENCE S. 64°47'29" W., ALONG A TANGENT LINE, A DISTANCE OF 118.30 FEET; THENCE S. 69°54'07" W., A DISTANCE OF 221.97 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE SOUTHWESTERLY ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 1730.33 FEET, A CENTRAL ANGLE OF 05°06'38", AND WHOSE CHORD BEARS S. 67°20'48" W. A DISTANCE OF 154.29 FEET, HAVING AN ARC LENGTH OF 154.34 FEET; THENCE S. 64°47'29" W. ALONG A TANGENT LINE, A DISTANCE OF 171.11 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF STRINGFELLOW ROAD (COUNTY ROAD 767-100 FOOT RIGHT-OF-WAY); THENCE N. 25°12'31" W., ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 2569.39 FEET; THENCE S. 64°47'29" W. CONTINUING ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 17.00 FEET; THENCE N. 25°12'31" W. A DISTANCE OF 150.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE NORTHWESTERLY, ALONG AN ARC OF SAID CURVE, BEING THE SAID RIGHT-OF-WAY LINE, HAVING A RADIUS OF 1876.86 FEET, A CENTRAL ANGLE OF 03°26'15", AND WHOSE CHORD BEARS N. 23°29'23" W. FOR A DISTANCE OF 112.59 FEET, HAVING AN ARC LENGTH OF 112.61 FEET TO AN INTERSECTION WITH THE NORTH LINE OF SAID SECTION 10; THENCE N. 89°23'26" E., ALONG SAID SECTION LINE, A DISTANCE OF 1966.10 FEET TO THE NORTH QUARTER-CORNER OF SAID SECTION 10; THENCE N. 88°43'58" E. CONTINUING ALONG SAID SECTION LINE, A DISTANCE OF 2821.98 FEET TO THE NORTHEAST CORNER OF SAID SECTION 10; THENCE N. 88°44'20" E., ALONG THE NORTH LINE OF SAID SECTION 11, A DISTANCE OF APPROXIMATELY 982.42 FEET TO AN INTERSECTION WITH THE MEAN HIGH WATER LINE OF MATLACHA PASS; THENCE SOUTHEASTERLY AND SOUTHWESTERLY ALONG THE SAID MEAN HIGH WATER LINE, TO AN INTERSECTION WITH A LINE THAT LIES 452.00 FEET NORTH OF (AS MEASURED AT RIGHT ANGLES) THE SOUTH LINE OF THE NORTH-HALF OF GOVERNMENT LOT 2, IN SAID SECTION 11, SAID MEAN HIGH WATER LINE HAVING A WITNESS LINE THAT BEARS N. 0°15'25" E. A DISTANCE OF 875.05 FEET FROM THE AFOREMENTIONED INTERSECTION WITH THE SAID LINE THAT LIES 452.00 FEET NORTH OF THE SOUTH LINE OF THE NORTH-HALF OF GOVERNMENT LOT 2, TO THE SAID INTERSECTION OF THE MEAN HIGH WATER LINE WITH THE NORTH LINE OF SAID SECTION 11 THENCE S. 88°44'20" W. ALONG THE SAID LINE THAT LIES 452.00 FEET NORTH OF THE SOUTH LINE OF THE NORTH-HALF OF GOVERNMENT LOT 2, A DISTANCE OF 965.58 FEET TO THE SAID POINT-OF-BEGINNING OF THIS DESCRIPTION.

**EXHIBIT B**

This document prepared by:  
Kristen L. Coons, Esq.  
Florida Communities Trust  
Department of Community Affairs  
2555 Shumard Oak Blvd.  
Tallahassee, FL 32399

FLORIDA COMMUNITIES TRUST  
FF7 AWARD #07-047-FF7  
FCT Contract #08-CT-C1-07-F7-J1-047  
PINE ISLAND AT MATLACHA PASS

**DECLARATION OF RESTRICTIVE COVENANTS**

THIS AGREEMENT is entered into by and between the FLORIDA COMMUNITIES TRUST ("FCT"), a nonregulatory agency within the State of Florida Department of Community Affairs, and the SARASOTA CONSERVATION FOUNDATION, a non-profit environmental organization ("Recipient").

THIS AGREEMENT IS ENTERED INTO BASED ON THE FOLLOWING FACTS:

WHEREAS, the intent of this Agreement is to impose terms and conditions on the use of the proceeds of certain bonds, hereinafter described, and the lands acquired with such proceeds, as described in Exhibit "A" attached hereto and made a part hereof ("Project Site"), that are necessary to ensure compliance with applicable Florida law and federal income tax law and to otherwise implement the provisions of Sections 259.105, 259.1051 and Chapter 380, Part III, Florida Statutes;

WHEREAS, Chapter 380, Part III, Fla. Stat., the Florida Communities Trust Act, creates a non-regulatory agency within the Department of Community Affairs ("Department") that will assist local governments in bringing into compliance and implementing the conservation, recreation and open space, and coastal elements of their comprehensive plans or in conserving natural resources and resolving land use conflicts by providing financial assistance to local governments and nonprofit environmental organizations to carry out projects and activities authorized by the Florida Communities Trust Act;

WHEREAS, FCT is funded through either Section 259.105(3)(c), Fla. Stat. of the Florida Forever Act, which provides for the distribution of twenty-two percent (22%), less certain reductions, of the net Florida Forever Revenue Bond proceeds to the Department, or any other revenue source designated by the Florida Legislature, to provide land acquisition grants to local governments and nonprofit environmental organizations for the acquisition of community-based projects, urban open spaces, parks and greenways to implement local comprehensive plans;

WHEREAS, the Florida Forever Revenue Bonds are issued as tax-exempt bonds, meaning the interest on the Bonds is excluded from the gross income of bondholders for federal income tax

purposes;

WHEREAS, Rule 9K-7.009(1), Florida Administrative Code ("F.A.C."), authorizes FCT to impose conditions for funding on those FCT applicants whose projects have been selected for funding;

WHEREAS, FCT has approved the terms under which the Project Site was acquired and the deed whereby the Recipient acquired title to the Project Site. The deed shall contain such covenants and restrictions as are sufficient to ensure that the use of the Project Site at all times complies with Section 375.051, Florida Statutes and Section 9, Article XII of the State Constitution and it shall contain clauses providing for the conveyance of title to the Project Site to the Board of Trustees of the Internal Improvement Trust Fund ("Trustees") upon the failure of the Recipient to use the Project Site acquired thereby for such purposes; and

WHEREAS, the purpose of this Agreement is to set forth the covenants and restrictions that are imposed on the Project Site subsequent to disbursing FCT Florida Forever funds to the Recipient for Project Costs.

NOW THEREFORE, in consideration of the mutual covenants and undertakings set forth herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, FCT and the Recipient do hereby contract and agree as follows:

#### **I. PERIOD OF AGREEMENT**

1. This Agreement shall begin upon execution by both parties. The covenants and restrictions contained herein shall run with the Project Site and shall bind, and the benefit shall inure to, FCT and the Recipient and their respective successors and assigns.

#### **II. MODIFICATION OF AGREEMENT**

1. Either party may request modification of the provisions of this Agreement at any time. Changes which are mutually agreed upon shall be valid only when reduced to writing and duly signed by each of the parties hereto. Such amendments shall be incorporated into this Agreement.

#### **III. RECORDING AND APPROVAL OF DECLARATION OF RESTRICTIVE COVENANTS**

1. Upon execution by the parties hereto, the Recipient shall cause this Agreement to be recorded and filed in the official public records of **Lee County, Florida**, and in such manner and in such other places as FCT may reasonably request. The Recipient shall pay all fees and charges incurred in connection therewith.



2. The Recipient and FCT agree that the State of Florida Department of Environmental Protection shall forward this Agreement to the Department of Environmental Protection Bond Counsel for review. In the event Bond Counsel opines that an amendment is required to this Agreement so that the tax-exempt status of the Florida Forever Bonds is not jeopardized, FCT and the Recipient shall amend the Agreement accordingly.

#### IV. NOTICE AND CONTACT

1. All notices provided under or pursuant to this Agreement shall be in writing and delivered either by hand delivery or first class, certified mail, return receipt requested, to the addresses specified below. Any such notice shall be deemed received on the date of delivery if by personal delivery or upon actual receipt if sent by registered mail.

FCT: Florida Communities Trust  
Department of Community Affairs  
2555 Shumard Oak Blvd.  
Tallahassee, FL 32399-2100  
ATTN: Program Manager

Recipient: SARASOTA CONSERVATION FOUNDATION  
P.O. BOX 902  
OSPREY FL 34229  
ATTN: DIRECTOR OF LAND PROTECTION

2. In the event that a different representative or address is designated for paragraph 1. above after execution of this Agreement, notice of the change shall be rendered to FCT as provided in paragraph 1. above.

#### V. PROJECT SITE TITLE REQUIREMENTS IMPOSED BY CHAPTER 259, CHAPTER 375 AND CHAPTER 380, PART III, FLA. STAT.

1. Any transfer of the Project Site shall be subject to the approval of FCT and FCT shall enter into a new agreement with the transferee containing such covenants, clauses or other restrictions as are sufficient to protect the interest of the State of Florida.

2. The interest acquired by the Recipient in the Project Site shall not serve as security for any debt of the Recipient.

3. If the existence of the Recipient terminates for any reason, title to the Project Site shall be conveyed to the Trustees unless FCT negotiates an agreement with another local government, nonprofit environmental organization, the Florida Division of Forestry, the Florida Fish

and Wildlife Conservation Commission, the Department of Environmental Protection or a Water Management District who agrees to accept title and manage the Project Site.

4. In the event that the Project Site is damaged or destroyed or title to the Project Site, or any part thereof, is taken by any governmental body through the exercise or the threat of the exercise of the power of eminent domain, the Recipient shall deposit with FCT any insurance proceeds or any condemnation award and shall promptly commence to rebuild, replace, repair or restore the Project Site in such manner as is consistent with the Agreement. FCT shall make any such insurance proceeds or condemnation award moneys available to provide funds for such restoration work. In the event that the Recipient fails to commence or to complete the rebuilding, repair, replacement or restoration of the Project Site after notice from FCT, FCT shall have the right, in addition to any other remedies at law or in equity, to repair, restore, rebuild or replace the Project Site so as to prevent the occurrence of a default hereunder.

Notwithstanding any of the foregoing, FCT shall have the right to seek specific performance of any of the covenants and restrictions of this Agreement concerning the construction and operation of the Project Site.

## **VI. MANAGEMENT OF PROJECT SITE**

1. The Project Site shall be managed only for the conservation, protection and enhancement of natural and historical resources and for compatible passive, natural resource-based public outdoor recreation, along with other related uses necessary for the accomplishment of this purpose. The proposed uses for the Project Site are specifically designated in the Management Plan approved by FCT.

2. The Recipient shall ensure that the future land use designation assigned to the Project Site is for a category dedicated to open space, conservation or outdoor recreation uses, as appropriate. If an amendment to the applicable comprehensive plan is required, the amendment shall be proposed at the next comprehensive plan amendment cycle available to the Recipient.

3. The Recipient shall ensure, and provide evidence thereof to FCT, that all activities under this Agreement comply with all applicable local, state, regional and federal laws and regulations, including zoning ordinances and the adopted and approved comprehensive plan for the jurisdiction, as applicable. Evidence shall be provided to FCT that all required licenses and permits have been obtained prior to the commencement of any construction.

4. The Recipient shall, through its agents and employees, prevent the unauthorized use of the Project Site or any use thereof not in conformity with the Management Plan approved by FCT.

5. FCT staff or its duly authorized representatives shall have the right at any time to inspect the Project Site and the operations of the Recipient at the Project Site.

6. All buildings, structures, improvements and signs shall require the prior written approval of FCT as to purpose. Further, tree removal, other than non-native species, and major land alterations shall require the written approval of FCT. The approvals required from FCT shall not be unreasonably withheld by FCT upon sufficient demonstration that the proposed structures, buildings, improvements, signs, vegetation removal or land alterations will not adversely impact the natural resources of the Project Site. FCT's approval of the Recipient's Management Plan addressing the items mentioned herein shall be considered written approval from FCT.

7. If archaeological and historic sites are located on the Project Site, the Recipient shall comply with Chapter 267, Fla. Stat. The collection of artifacts from the Project Site or the disturbance of archaeological and historic sites on the Project Site shall be prohibited unless prior written authorization has been obtained from the Department of State, Division of Historical Resources.

8. As required by Rule 9K-7.013, F.A.C., each year after FCT reimbursement of Project Costs the Recipient shall prepare and submit to FCT an annual stewardship report that documents the progress made on implementing the Management Plan.

## **VII. CONDITIONS FOR NON-PROFIT ENVIRONMENTAL ORGANIZATIONS**

1. Pursuant to Rule 9K-7.003(10), F.A.C., the Non-Profit Environmental Organization (Recipient) shall be required to provide FCT with Reasonable Assurance that they have the financial resources, background, qualifications and competence to manage the Project Site in perpetuity in a reasonable and professional manner that is consistent with the approved management plan.

2. The Recipient is required to establish an endowment fund in an amount equal to ten percent of the project cost to insure that the Project Site shall be reasonably and professionally managed in perpetuity. The Recipient acknowledges and agrees that the endowment fund shall only be utilized for management purposes of the Project Site. The Recipient may not co-mingle the endowment fund with other operational or capital funds of the land trust.

3. The endowment fund must be established before closing and documentation shall be provided that evidences the fund's existence.

4. The Recipient is required to obtain a guaranty or pledge by a Local Government, the Water Management District, the Florida Division of Forestry, the Florida Fish and Wildlife Conservation Commission, or the Florida Department of Environmental Protection which shall require the Local Government, the Water Management District or the State agency to take over the responsibility for management of the Project Site in the event the Recipient is unable to properly manage the Project Site in accordance with the management plan.

The above-mentioned pledge or guaranty shall be attached to the Grant Contract as an Exhibit.

5. FCT retains the right to unilaterally transfer title of the Project Site, plus any other interest the Recipient has in the Project Site, to the party bestowing the guaranty or pledge, which is attached as an exhibit, if the Recipient fails to properly manage the property in accordance with the approved management plan.
6. The Recipient is required to provide an annual financial report detailing the revenue and expenditures of the endowment fund. A third party, certified public accountant, shall prepare this report.
7. The Recipient shall be required to submit annual stewardship reports until further notice by FCT.
8. The Recipient shall be required to make other assurances and provide requested documentation as the governing board may deem necessary to adequately protect the public interest.

#### **VIII. SPECIAL MANAGEMENT CONDITIONS**

The Management Plan for the project site is mentioned throughout this Agreement, and is particularly described in Section IV. above. In addition to the various conditions already described in this Agreement, which apply to all sites acquired with FCT funds, the Management Plan shall address the following conditions that are particular to the project site and result from either representations made in the application that received scoring points or observations made by the FCT staff during the site visit described in Rule 9K-7.009(1), F.A.C.:

1. The following recreational facilities including a covered picnic pavilion, canoe/kayak dock, observation platform and permanent Geo-caching sites shall be provided. The facilities shall be developed in a manner that allows the general public reasonable access for observation and appreciation of the natural resources on the project site without causing harm to those resources.
2. A permanent recognition sign, at a minimum size of 3' x 4', shall be maintained at the entrance area of the project site. The sign shall acknowledge that the project site was purchased with funds from the Florida Communities Trust Program and the Recipient.
3. Interpretive signs or kiosks shall be provided on the project site to educate visitors about the natural environment or history of the area.
4. At least 12 regularly scheduled educational classes or programs shall be provided at the project site per year. These programs shall promote the protection of environmental resources.
5. The natural communities that occur on the project site shall be preserved and appropriately managed to ensure the long-term viability of these communities.

6. The project site shall be managed in a manner that protects and enhances the listed and non-listed native wildlife species and their habitat. Periodic surveys shall be conducted of listed species using the project site.
7. The location and design of any parking facility shall be designed to have minimal impacts on natural resources. The parking area shall incorporate pervious materials wherever feasible.
8. Exotic vegetation shall be removed from the project site.
9. A significant portion of the degraded uplands shall be planted with native vegetation.
10. The quality of surface waters shall be improved by the installation of stormwater facilities on the project site that provide wildlife habitat and/or open space in a park like setting. The development of the stormwater facilities shall be coordinated with the South Florida Water Management District.
11. Any proposed stormwater facility for the project site shall be designed to provide recreation open space or wildlife habitat.
12. An ongoing monitoring and control program for invasive vegetation including exotic (non-native) and nuisance native plant species shall be implemented at the project site. The objective of the control program shall be the elimination of invasive exotic plant species and the maintenance of a diverse association of native vegetation. The management plan shall reference the Exotic Pest Plant Council's List of Florida's Most Invasive Species to assist in identifying invasive exotics on the project site.
13. A feral animal removal program shall be developed and implemented for the project site.
14. An archaeological survey shall be performed for any area within the project site proposed for development prior to the commencement of proposed development activities in that area. All planned activities involving known archaeological sites or identified site areas shall be closely coordinated with the Department of State, Division of Historical Resources in order to prevent the disturbance of significant sites. A protection plan shall be developed and implemented in conjunction with the Division of Historical Resources for the protection of known historic sites located on the project site.
15. Bike racks shall be installed to provide an alternative to automobile transportation to the project site.
16. Management of the project site shall be coordinated with the land managers of the adjacent conservation lands.

17. A nature trail of at least ¼ mile shall be provided on the project site.
18. The development and management of the project site shall be coordinated with agencies managing multi-jurisdictional recreational trails in Lee County, to ensure the project site is managed as part of a linked land-based trail system.
19. The development and management of the project site shall enhance the designated Great Calusa blueway by providing a paddling trail sign, canoe/kayak launch, and restrooms.
20. The project site shall be protected and managed as part of an ecological corridor.
21. The development and management of the project site shall be coordinated with the agencies managing conservation lands in the Greater Charlotte Harbor Ecological Corridor, to ensure the project site is protected and managed as part of an ecological corridor.

#### **IX. OBLIGATIONS OF THE RECIPIENT RELATING TO THE USE OF BOND PROCEEDS**

1. FCT is authorized by Section 380.510, Fla. Stat. to impose conditions for funding on the Recipient in order to ensure that the project complies with the requirements for the use of Florida Forever Bond proceeds including, without limitation, the provisions of the Internal Revenue Code and the regulations promulgated thereunder as the same pertain to tax exempt bonds.

2. The Recipient agrees and acknowledges that the below listed transactions, events, and circumstances, collectively referred to as the “disallowable activities,” may be disallowed on the Project Site as they may have negative legal and tax consequences under Florida law and federal income tax law. The Recipient further agrees and acknowledges that these disallowable activities may be allowed up to a certain extent based on guidelines or tests outlined in the Federal Private Activity regulations of the Internal Revenue Service:

- a. any sale or lease of any interest in the Project Site to a non-governmental person or organization;
- b. the operation of any concession on the Project Site by a non-governmental person or organization;
- c. any sales contract or option to buy or sell things attached to the Project Site to be severed from the Project Site with a non-governmental person or organization;
- d. any use of the Project Site by a non-governmental person other than in such person’s capacity as a member of the general public;

- e. any change in the character or use of the Project Site from that use expected at the date of the issuance of any series of Bonds from which the disbursement is to be made;
- f. a management contract for the Project Site with a non-governmental person or organization; or
- g. such other activity or interest as may be specified from time to time in writing by FCT to the Recipient.

3. If the Project Site, after its acquisition by the Recipient and/or the Trustees, is to remain subject to any of the disallowable activities, the Recipient shall provide notice to FCT, as provided for in paragraph III.1. above, at least sixty (60) calendar days in advance of any such transactions, events or circumstances, and shall provide FCT such information as FCT reasonably requests in order to evaluate for approval the legal and tax consequences of such disallowable activities.

4. In the event that FCT determines at any time that the Recipient is engaging, or allowing others to engage, in disallowable activities on the Project Site, the Recipient shall immediately cease or cause the cessation of the disallowable activities upon receipt of written notice from FCT. In addition to all other rights and remedies at law or in equity, FCT shall have the right to seek temporary and permanent injunctions against the Recipient for any disallowable activities on the Project Site.

DELEGATIONS AND CONTRACTUAL ARRANGEMENTS BETWEEN THE RECIPIENT AND OTHER GOVERNMENTAL BODIES, NONPROFIT ENTITIES OR NON GOVERNMENTAL PERSONS FOR USE OR MANAGEMENT OF THE PROJECT SITE WILL IN NO WAY RELIEVE THE RECIPIENT OF THE RESPONSIBILITY TO ENSURE THAT THE CONDITIONS IMPOSED HEREIN ON THE PROJECT SITE AS A RESULT OF UTILIZING BOND PROCEEDS TO ACQUIRE THE PROJECT SITE ARE FULLY COMPLIED WITH BY THE CONTRACTING PARTY.

#### **X. RECORDKEEPING; AUDIT REQUIREMENTS**

1. The Recipient shall maintain financial procedures and support documents, in accordance with generally accepted accounting principles, to account for the receipt and expenditure of funds under this Agreement. These records shall be available at all reasonable times for inspection, review or audit by state personnel, FCT and other personnel duly authorized by FCT. "Reasonable" shall be construed according to the circumstances, but ordinarily shall mean the normal business hours of 8:00 a.m. to 5:00 p.m., local time, Monday through Friday.

2. If the Recipient expends a total amount of State financial assistance equal to or in excess of \$500,000 in any fiscal year of such Recipient, the Recipient must have a State single or



project-specific audit for such fiscal year in accordance with Section 215.97, Fla. Stat., the applicable rules of the Executive Office of the Governor and the Comptroller and Chapter 10.550 (local government entities) or Chapter 10.650 (nonprofit organizations), Rules of the Auditor General. In determining the State financial assistance expended in its fiscal year, the Recipient shall consider all sources of State financial assistance, including State funds received from FCT, other state agencies and other non-state entities. State financial assistance does not include Federal direct or pass-through awards and resources received by a non-state entity for Federal program matching requirements. The funding for this Agreement was received by FCT as a grant appropriation.

In connection with the audit requirements addressed herein, the Recipient shall ensure that the audit complies with the requirements of Section 215.97(7), Fla. Stat. This includes submission of a reporting package as defined by Section 215.97(2)(d), Fla. Stat. and Chapter 10.550 (local government entities) or 10.650 (nonprofit organizations), Rules of the Auditor General.

3. If the Recipient expends less than \$500,000 in State financial assistance in its fiscal year, an audit conducted in accordance with the provisions of Section 215.97, Fla. Stat. is not required. If the Recipient elects to have an audit conducted in accordance with the provisions of Section 215.97, Fla. Stat., the cost of the audit must be paid from non-State funds (i.e., the cost of such an audit must be paid from Recipient funds not obtained from a State entity).

4. The annual financial audit report shall include all management letters, the Recipient's response to all findings, including corrective actions to be taken, and a schedule of financial assistance specifically identifying all Agreement and other revenue by sponsoring agency and agreement number. Copies of financial reporting packages required under this Article shall be submitted by or on behalf of the Recipient directly to each of the following:

Department of Community Affairs (at each of the following addresses):

Office of Audit Services  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

and

Florida Communities Trust  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

State of Florida Auditor General at the following address:

Auditor General's Office  
Room 401, Claude Pepper Building  
111 West Madison Street  
Tallahassee, Florida 32302-1450

5. If the audit shows that any portion of the funds disbursed hereunder were not spent in accordance with the conditions of this Agreement, the Recipient shall be held liable for reimbursement to FCT of all funds not spent in accordance with the applicable regulations and Agreement provisions within thirty (30) days after FCT has notified the Recipient of such non-compliance.

6. The Recipient shall retain all financial records, supporting documents, statistical records and any other documents pertinent to this Agreement for a period of five years after the date of submission of the final expenditures report. However, if litigation or an audit has been initiated prior to the expiration of the five-year period, the records shall be retained until the litigation or audit findings have been resolved.

7. The Recipient shall have all audits completed in accordance with Section 215.97, Fla. Stat. performed by an independent certified public accountant ("IPA") who shall either be a certified public accountant or a public accountant licensed under Chapter 473, Fla. Stat. The IPA shall state that the audit complied with the applicable provisions noted above.

## **XI. DEFAULT; REMEDIES; TERMINATION**

1. If any essential term or condition of the Declaration of Restrictive Covenants is violated by the Recipient or by some third party with the knowledge of the Recipient, the Recipient shall be notified of the violation by written notice given by personal delivery, registered mail or registered expedited service. The recipient shall diligently commence to cure the violation or complete curing activities within thirty (30) days after receipt of notice of the violation. If the curing activities can not be reasonably completed within the specified thirty (30) day time frame, the Recipient shall submit a timely written request to the FCT Program Manager that includes the status of the current activity, the reasons for the delay and a time frame for the completion of the curing activities. FCT shall submit a written response within thirty (30) days of receipt of the request and approval shall not be unreasonably withheld. It is FCT's position that all curing activities shall be completed within one hundred twenty (120) days of the Recipient's notification of the violation. However, if the Recipient can demonstrate extenuating circumstances exist to justify a greater extension of time to complete the activities, FCT shall give the request due consideration. If the Recipient fails to correct the violation within either (a) the initial thirty (30) day time frame or (b) the time frame approved by FCT pursuant to the Recipient's request, fee simple title to all interest in the Project Site shall be conveyed to the Trustees unless FCT negotiates an agreement with another local government, nonprofit environmental organization, the Florida Division of Forestry, the Florida Fish and Wildlife Conservation Commission, the Department of Environmental Protection or a Water Management District, who agrees to accept title and manage the Project Site. FCT shall treat such property in accordance with Section 380.508(4)(e), Fla. Stat.

## **XII. STANDARD CONDITIONS**

1. This Agreement shall be construed under the laws of the State of Florida, and venue for any actions arising out of this Agreement shall lie in Leon County. If any provision hereof is in conflict with any applicable statute or rule, or is otherwise unenforceable, then such provision shall be deemed null and void to the extent of such conflict and shall be severable, but shall not invalidate any other provision of this Agreement.

2. No waiver by FCT of any right or remedy granted hereunder or failure to insist on strict performance by the Recipient shall affect or extend or act as a waiver of any other right or remedy of FCT hereunder, or affect the subsequent exercise of the same right or remedy by FCT for any further or subsequent default by the Recipient.

3. The Recipient agrees to comply with the Americans With Disabilities Act (Public Law 101-336, 42 U.S.C. Section 12101 et seq.), if applicable, which prohibits discrimination by public and private entities on the basis of disability in the areas of employment, public accommodations, transportation, State and local government services, and in telecommunications.

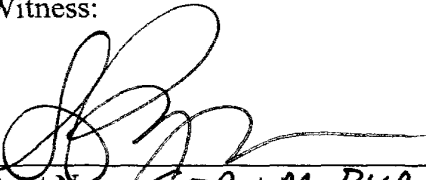
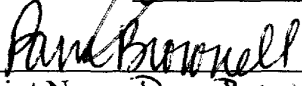
4. A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime or on the discriminatory vendor list may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit lease bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with a public entity, and may not transact business with any public entity in excess of Category Two for a period of 36 months from the date of being placed on the convicted vendor list or on the discriminatory vendor list.

5. No funds or other resources received from FCT in connection with this Agreement may be used directly or indirectly to influence legislation or any other official action by the Florida Legislature or any state agency.

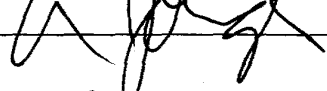
This Agreement including Exhibit "A" embodies the entire agreement between the parties.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement.

Witness:

  
Print Name: SEAN M. BYRNE  
  
Print Name: Pam Brownell

**SARASOTA CONSERVATION  
FOUNDATION, a non-profit  
environmental organization**

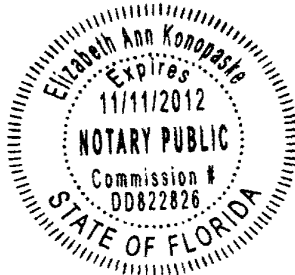
By:   
Date: 2/17/09

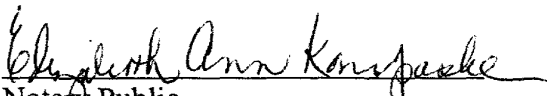
Approved as to Form and Legality:

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of February, 2009, by ALBERT G. JOERGER on behalf of the non-profit environmental organization, and who is personally known to me.



  
Notary Public  
Print Name: ELIZABETH ANN KONOPASTE  
Commission No. \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

Witness:

Gaye A. Brett  
Print Name: GAYLE H. BRETT

Brian W. Hirsch  
Print Name: BRIAN W. HIRSCH

**FLORIDA COMMUNITIES TRUST**

By: Ken Reecy  
Ken Reecy  
Community Program Manager

Date: 2-23-09

Approved as to Form and Legality:

By: Kristen L. Coons  
Kristen L. Coons,  
Trust Counsel

STATE OF FLORIDA  
COUNTY OF LEON

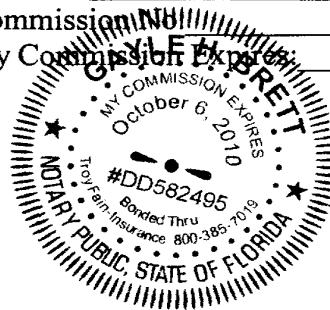
The foregoing instrument was acknowledged before me this 23<sup>rd</sup> day of February, 2009, by Ken Reecy, Community Program Manager. He is personally known to me.

Gaye A. Brett  
Notary Public

Print Name: \_\_\_\_\_

Commission Number: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_



## EXHIBIT "A"

## PARCEL "A-1"

PARCEL OF LAND IN SECTION 10 AND 11, TOWNSHIP 45 SOUTH, RANGE 22 EAST, PINE ISLAND, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 10; THENCE N. 0°36'30" W., ALONG THE EAST LINE OF SAID SECTION 10, A DISTANCE OF 2646.34 FEET TO THE EAST QUARTER-CORNER OF SAID SECTION 10; THENCE N. 0°50'45" W., ALONG SAID EAST LINE OF SECTION 10, A DISTANCE OF 1778.78 FEET TO THE POINT-OF-BEGINNING OF THIS DESCRIPTION; THENCE S. 88°44'20" W., A DISTANCE OF 4.42 FEET; THENCE S. 48°23'55" W. A DISTANCE OF 205.00 FEET; THENCE N. 41°36'05" W. A DISTANCE OF 230.33 FEET; THENCE S. 48°23'55" W. A DISTANCE OF 526.05 FEET; THENCE S. 63°42'37" W. A DISTANCE OF 680.63 FEET TO A NON-RADIAL INTERSECTION WITH A CURVE CONCAVE IN THE NORTHEASTERLY SIDE WHOSE RADIUS POINT BEARS S. 71°14'24" W.; THENCE SOUTHEASTERLY, ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 1760.33 FEET, A CENTRAL ANGLE OF 08°03'47" AND WHOSE CHORD BEARS S. 22°47'29" E. A DISTANCE OF 247.52 FEET, HAVING AN ARC LENGTH OF 247.72 FEET; THENCE S. 19°16'18" W. ALONG A NON-TANGENT, NON-RADIAL LINE, A DISTANCE OF 95.84 FEET; THENCE S. 62°16'54" W. A DISTANCE OF 662.55 FEET; THENCE S. 18°37'18" W. A DISTANCE OF 137.07 FEET TO A NON-RADIAL INTERSECTION WITH A CURVE CONCAVE IN THE SOUTHERLY SIDE WHOSE RADIUS POINT BEARS S. 11°06'12" W.; THENCE WESTERLY ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 1760.33 FEET, A CENTRAL ANGLE OF 36°18'43" AND WHOSE CHORD BEARS S. 82°56'51" W. FOR A DISTANCE OF 1097.05 FEET HAVING AN ARC LENGTH OF 1115.63 FEET; THENCE S. 64°47'29" W., ALONG A TANGENT LINE, A DISTANCE OF 118.30 FEET; THENCE S. 69°54'07" W. A DISTANCE OF 221.97 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE SOUTHWESTERLY ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 1730.33 FEET, A CENTRAL ANGLE OF 05°06'38", AND WHOSE CHORD BEARS S. 67°20'48" W. A DISTANCE OF 154.29 FEET, HAVING AN ARC LENGTH OF 154.34 FEET; THENCE S. 64°47'29" W. ALONG A TANGENT LINE, A DISTANCE OF 171.11 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF STRINGFELLOW ROAD (COUNTY ROAD 767-100 FOOT RIGHT-OF-WAY); THENCE N. 25°12'31" W., ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 2569.39 FEET; THENCE S. 64°47'29" W. CONTINUING ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 17.00 FEET; THENCE N. 25°12'31" W. A DISTANCE OF 150.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE NORTHEASTERLY, ALONG AN ARC OF SAID CURVE, BEING THE SAID RIGHT-OF-WAY LINE, HAVING A RADIUS OF 1876.86 FEET, A CENTRAL ANGLE OF 03°26'15", AND WHOSE CHORD BEARS N. 23°29'23" W. FOR A DISTANCE OF 112.59 FEET, HAVING AN ARC LENGTH OF 112.61 FEET TO AN INTERSECTION WITH THE NORTH LINE OF SAID SECTION 10; THENCE N. 89°23'26" E., ALONG SAID SECTION LINE, A DISTANCE OF 1966.10 FEET TO THE NORTH QUARTER-CORNER OF SAID SECTION 10; THENCE N. 88°43'58" E. CONTINUING ALONG SAID SECTION LINE, A DISTANCE OF 2821.98 FEET TO THE NORTHEAST CORNER OF SAID SECTION 10; THENCE N. 88°44'20" E., ALONG THE NORTH LINE OF SAID SECTION 11, A DISTANCE OF APPROXIMATELY 982.42 FEET TO AN INTERSECTION WITH THE MEAN HIGH WATER LINE OF MATLACHA PASS; THENCE SOUTHEASTERLY AND SOUTHWESTERLY ALONG THE SAID MEAN HIGH WATER LINE, TO AN INTERSECTION WITH A LINE THAT LIES 452.00 FEET NORTH OF (AS MEASURED AT RIGHT ANGLES) THE SOUTH LINE OF THE NORTH-HALF OF GOVERNMENT LOT 2, IN SAID SECTION 11, SAID MEAN HIGH WATER LINE HAVING A WITNESS LINE THAT BEARS N. 0°15'25" E. A DISTANCE OF 875.05 FEET FROM THE AFOREMENTIONED INTERSECTION WITH THE SAID LINE THAT LIES 452.00 FEET NORTH OF THE SOUTH LINE OF THE NORTH-HALF OF GOVERNMENT LOT 2, TO THE SAID INTERSECTION OF THE MEAN HIGH WATER LINE WITH THE NORTH LINE OF SAID SECTION 11; THENCE S. 88°44'20" W. ALONG THE SAID LINE THAT LIES 452.00 FEET NORTH OF THE SOUTH LINE OF THE NORTH-HALF OF GOVERNMENT LOT 2, A DISTANCE OF 965.58 FEET TO THE SAID POINT-OF-BEGINNING OF THIS DESCRIPTION.

## DESCRIPTION

## PARCEL "A-2", CONSERVATION EASEMENT

PARCEL OF LAND IN SECTION 10, TOWNSHIP 45 SOUTH, RANGE 22 EAST, PINE ISLAND, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 10; THENCE N. 0°36'30" W., ALONG THE EAST LINE OF SAID SECTION 10, A DISTANCE OF 2646.34 FEET TO THE EAST QUARTER-CORNER OF SAID SECTION 10; THENCE N. 0°50'45" W., ALONG SAID EAST LINE OF SECTION 10, A DISTANCE OF 1778.78 FEET; THENCE S. 88°44'20" W., A DISTANCE OF 4.42 FEET; THENCE S. 48°23'55" W. A DISTANCE OF 205.00 FEET TO THE POINT-OF-BEGINNING OF THIS DESCRIPTION; THENCE N. 41°36'05" W. A DISTANCE OF 230.33 FEET; THENCE S. 48°23'55" W. A DISTANCE OF 526.05 FEET; THENCE S. 63°42'37" W. A DISTANCE OF 680.63 FEET TO A NON-RADIAL INTERSECTION WITH A CURVE CONCAVE IN THE NORTHEASTERLY SIDE WHOSE RADIUS POINT BEARS S. 71°14'24" W.; THENCE SOUTHEASTERLY, ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 1760.33 FEET, A CENTRAL ANGLE OF 08°03'47" AND WHOSE CHORD BEARS S. 22°47'29" E. A DISTANCE OF 247.52 FEET, HAVING AN ARC LENGTH OF 247.72 FEET; THENCE S. 19°16'18" W. ALONG A NON-TANGENT, NON-RADIAL LINE, A DISTANCE OF 95.84 FEET; THENCE S. 62°16'54" W. A DISTANCE OF 662.55 FEET; THENCE S. 18°37'18" W. A DISTANCE OF 137.07 FEET TO A NON-RADIAL INTERSECTION WITH A CURVE CONCAVE IN THE SOUTHERLY SIDE WHOSE RADIUS POINT BEARS S. 11°06'12" W.; THENCE WESTERLY ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 1760.33 FEET, A CENTRAL ANGLE OF 36°18'43" AND WHOSE CHORD BEARS S. 82°56'51" W. FOR A DISTANCE OF 1097.05 FEET HAVING AN ARC LENGTH OF 1115.63 FEET; THENCE S. 64°47'29" W., ALONG A TANGENT LINE, A DISTANCE OF 118.30 FEET; THENCE S. 69°54'07" W. A DISTANCE OF 221.97 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE SOUTHWESTERLY ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 1730.33 FEET, A CENTRAL ANGLE OF 05°06'38", AND WHOSE CHORD BEARS S. 67°20'48" W. A DISTANCE OF 154.29 FEET, HAVING AN ARC LENGTH OF 154.34 FEET; THENCE S. 64°47'29" W. ALONG A TANGENT LINE, A DISTANCE OF 171.11 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF STRINGFELLOW ROAD (COUNTY ROAD 767-100 FOOT RIGHT-OF-WAY); THENCE S. 25°12'31" E., ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 230.33 FEET; THENCE N. 64°47'29" E. A DISTANCE OF 171.11 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE NORTHEASTERLY ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 1500.00 FEET, A CENTRAL ANGLE OF 05°06'38" AND WHOSE CHORD BEARS N. 67°20'48" E. A DISTANCE OF 133.75 FEET, HAVING AN ARC LENGTH OF 133.79 FEET; THENCE N. 69°54'07" E. ALONG A TANGENT LINE, A DISTANCE OF 232.25 FEET; THENCE N. 64°47'29" E. A DISTANCE OF 128.58 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE EASTERLY, ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 1530.00 FEET, A CENTRAL ANGLE OF 43°49'49" AND WHOSE CHORD BEARS N. 86°42'24" E. FOR A DISTANCE OF 1142.09 FEET, HAVING AN ARC LENGTH OF 1170.42 FEET; THENCE N. 18°37'18" E. ALONG A RADIAL LINE, A DISTANCE OF 260.00 FEET; THENCE N. 62°16'54" E. A DISTANCE OF 661.03 FEET; THENCE N. 19°16'18" E. A DISTANCE OF 288.70 FEET TO A NON-RADIAL INTERSECTION WITH A CURVE BEING CONCAVE IN THE NORTHEASTERLY SIDE WHOSE RADIUS POINT BEARS N. 59°36'42" E. FROM SAID INTERSECTION; THENCE NORTHWESTERLY ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 1530.00 FEET, A CENTRAL ANGLE OF 04°06'41" AND WHOSE CHORD BEARS N. 28°19'57" W. FOR A DISTANCE OF 109.77 FEET, HAVING AN ARC LENGTH OF 109.79 FEET; THENCE N. 83°42'37" E. ALONG A NON-RADIAL, NON-TANGENT LINE, A DISTANCE OF 496.44 FEET; THENCE N. 48°23'55" E. A DISTANCE OF 557.01 FEET TO THE SAID POINT-OF-BEGINNING OF THIS DESCRIPTION.

SUBJECT TO ALL EASEMENTS, RESERVATIONS, RESTRICTIONS, AND RIGHTS-OF-WAY OF RECORD.

**DESCRIPTION  
PARCEL "A-1"**

PARCEL OF LAND IN SECTION 10 AND 11, TOWNSHIP 45 SOUTH, RANGE 22 EAST, PINE ISLAND, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 10; THENCE N.  $0^{\circ}36'30''$  W., ALONG THE EAST LINE OF SAID SECTION 10, A DISTANCE OF 2646.34 FEET TO THE EAST QUARTER-CORNER OF SAID SECTION 10; THENCE N.  $0^{\circ}50'45''$  W., ALONG SAID EAST LINE OF SECTION 10, A DISTANCE OF 1778.78 FEET TO THE POINT-OF-BEGINNING OF THIS DESCRIPTION; THENCE S.  $88^{\circ}44'20''$  W., A DISTANCE OF 4.42 FEET; THENCE S.  $48^{\circ}23'55''$  W. A DISTANCE OF 205.00 FEET; THENCE N.  $41^{\circ}36'05''$  W. A DISTANCE OF 230.33 FEET; THENCE S.  $48^{\circ}23'55''$  W. A DISTANCE OF 526.05 FEET; THENCE S.  $63^{\circ}42'37''$  W. A DISTANCE OF 680.63 FEET TO A NON-RADIAL INTERSECTION WITH A CURVE CONCAVE IN THE NORTHEASTERLY SIDE WHOSE RADIUS POINT BEARS S.  $71^{\circ}14'24''$  W.; THENCE SOUTHEASTERLY, ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 1760.33 FEET, A CENTRAL ANGLE OF  $08^{\circ}03'47''$  AND WHOSE CHORD BEARS S.  $22^{\circ}47'29''$  E. A DISTANCE OF 247.52 FEET, HAVING AN ARC LENGTH OF 247.72 FEET; THENCE S.  $19^{\circ}16'18''$  W. ALONG A NON-TANGENT, NON-RADIAL LINE, A DISTANCE OF 95.84 FEET; THENCE S.  $62^{\circ}16'54''$  W. A DISTANCE OF 662.55 FEET; THENCE S.  $18^{\circ}37'18''$  W. A DISTANCE OF 137.07 FEET TO A NON-RADIAL INTERSECTION WITH A CURVE CONCAVE IN THE SOUTHERLY SIDE WHOSE RADIUS POINT BEARS S.  $11^{\circ}06'12''$  W.; THENCE WESTERLY ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 1760.33 FEET, A CENTRAL ANGLE OF  $36^{\circ}18'43''$  AND WHOSE CHORD BEARS S.  $82^{\circ}56'51''$  W. FOR A DISTANCE OF 1097.05 FEET HAVING AN ARC LENGTH OF 1115.63 FEET; THENCE S.  $64^{\circ}47'29''$  W., ALONG A TANGENT LINE, A DISTANCE OF 118.30 FEET; THENCE S.  $69^{\circ}54'07''$  W. A DISTANCE OF 221.97 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE SOUTHWESTERLY ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 1730.33 FEET, A CENTRAL ANGLE OF  $05^{\circ}06'38''$ , AND WHOSE CHORD BEARS S.  $67^{\circ}20'48''$  W. A DISTANCE OF 154.29 FEET, HAVING AN ARC LENGTH OF 154.34 FEET; THENCE S.  $64^{\circ}47'29''$  W. ALONG A TANGENT LINE, A DISTANCE OF 171.11 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF STRINGFELLOW ROAD (COUNTY ROAD 767-100 FOOT RIGHT-OF-WAY); THENCE N.  $25^{\circ}12'31''$  W., ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 2569.39 FEET; THENCE S.  $64^{\circ}47'29''$  W. CONTINUING ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 17.00 FEET; THENCE N.  $25^{\circ}12'31''$  W. A DISTANCE OF 150.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE NORTHWESTERLY, ALONG AN ARC OF SAID CURVE, BEING THE SAID RIGHT-OF-WAY LINE, HAVING A RADIUS OF 1876.86 FEET, A CENTRAL ANGLE OF  $03^{\circ}26'15''$ , AND WHOSE CHORD BEARS N.  $23^{\circ}29'23''$  W. FOR A DISTANCE OF 112.59 FEET, HAVING AN ARC LENGTH OF 112.61 FEET TO AN INTERSECTION WITH THE NORTH LINE OF SAID SECTION 10; THENCE N.  $89^{\circ}23'26''$  E., ALONG SAID SECTION LINE, A DISTANCE OF 1966.10 FEET TO THE NORTH QUARTER-CORNER OF SAID SECTION 10; THENCE N.  $88^{\circ}43'58''$  E. CONTINUING ALONG SAID SECTION LINE, A DISTANCE OF 2821.98 FEET TO THE NORTHEAST CORNER OF SAID SECTION 10; THENCE N.  $88^{\circ}44'20''$  E., ALONG THE NORTH LINE OF SAID SECTION 11, A DISTANCE OF APPROXIMATELY 982.42 FEET TO AN INTERSECTION WITH THE MEAN HIGH WATER LINE OF MATLACHA PASS; THENCE SOUTHEASTERLY AND SOUTHWESTERLY ALONG THE SAID MEAN HIGH WATER LINE, TO AN INTERSECTION WITH A LINE THAT LIES 452.00 FEET NORTH OF (AS MEASURED AT RIGHT ANGLES) THE SOUTH LINE OF THE NORTH-HALF OF GOVERNMENT LOT 2, IN SAID SECTION 11, SAID MEAN HIGH WATER LINE HAVING A WITNESS LINE THAT BEARS N.  $0^{\circ}15'25''$  E. A DISTANCE OF 875.05 FEET FROM THE AFOREMENTIONED INTERSECTION WITH THE SAID LINE THAT LIES 452.00 FEET NORTH OF THE SOUTH LINE OF THE NORTH-HALF OF GOVERNMENT LOT 2, TO THE SAID INTERSECTION OF THE MEAN HIGH WATER LINE WITH THE NORTH LINE OF SAID SECTION 11; THENCE S.  $88^{\circ}44'20''$  W. ALONG THE SAID LINE THAT LIES 452.00 FEET NORTH OF THE SOUTH LINE OF THE NORTH-HALF OF GOVERNMENT LOT 2, A DISTANCE OF 965.58 FEET TO THE SAID POINT-OF-BEGINNING OF THIS DESCRIPTION.



## DESCRIPTION

## PARCEL "A-2", CONSERVATION EASEMENT

PARCEL OF LAND IN SECTION 10, TOWNSHIP 45 SOUTH, RANGE 22 EAST, PINE ISLAND, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 10; THENCE N.  $0^{\circ}36'30''$  W., ALONG THE EAST LINE OF SAID SECTION 10, A DISTANCE OF 2646.34 FEET TO THE EAST QUARTER-CORNER OF SAID SECTION 10; THENCE N.  $0^{\circ}50'45''$  W., ALONG SAID EAST LINE OF SECTION 10, A DISTANCE OF 1778.78 FEET; THENCE S.  $88^{\circ}44'20''$  W., A DISTANCE OF 4.42 FEET; THENCE S.  $48^{\circ}23'55''$  W. A DISTANCE OF 205.00 FEET TO THE POINT-OF-BEGINNING OF THIS DESCRIPTION; THENCE N.  $41^{\circ}36'05''$  W. A DISTANCE OF 230.33 FEET; THENCE S.  $48^{\circ}23'55''$  W. A DISTANCE OF 526.05 FEET; THENCE S.  $63^{\circ}42'37''$  W. A DISTANCE OF 680.63 FEET TO A NON-RADIAL INTERSECTION WITH A CURVE CONCAVE IN THE NORTHEASTERLY SIDE WHOSE RADIUS POINT BEARS S.  $71^{\circ}14'24''$  W.; THENCE SOUTHEASTERLY, ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 1760.33 FEET, A CENTRAL ANGLE OF  $08^{\circ}03'47''$  AND WHOSE CHORD BEARS S.  $22^{\circ}47'29''$  E. A DISTANCE OF 247.52 FEET, HAVING AN ARC LENGTH OF 247.72 FEET; THENCE S.  $19^{\circ}16'18''$  W. ALONG A NON-TANGENT, NON-RADIAL LINE, A DISTANCE OF 95.84 FEET; THENCE S.  $62^{\circ}16'54''$  W. A DISTANCE OF 662.55 FEET; THENCE S.  $18^{\circ}37'18''$  W. A DISTANCE OF 137.07 FEET TO A NON-RADIAL INTERSECTION WITH A CURVE CONCAVE IN THE SOUTHERLY SIDE WHOSE RADIUS POINT BEARS S.  $11^{\circ}06'12''$  W.; THENCE WESTERLY ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 1760.33 FEET, A CENTRAL ANGLE OF  $36^{\circ}18'43''$  AND WHOSE CHORD BEARS S.  $82^{\circ}56'51''$  W. FOR A DISTANCE OF 1097.05 FEET HAVING AN ARC LENGTH OF 1115.63 FEET; THENCE S.  $64^{\circ}47'29''$  W., ALONG A TANGENT LINE, A DISTANCE OF 118.30 FEET; THENCE S.  $69^{\circ}54'07''$  W. A DISTANCE OF 221.97 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE SOUTHWESTERLY ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 1730.33 FEET, A CENTRAL ANGLE OF  $05^{\circ}06'38''$ , AND WHOSE CHORD BEARS S.  $67^{\circ}20'48''$  W. A DISTANCE OF 154.29 FEET, HAVING AN ARC LENGTH OF 154.34 FEET; THENCE S.  $64^{\circ}47'29''$  W. ALONG A TANGENT LINE, A DISTANCE OF 171.11 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF STRINGFELLOW ROAD (COUNTY ROAD 767-100 FOOT RIGHT-OF-WAY); THENCE S.  $25^{\circ}12'31''$  E., ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 230.33 FEET; THENCE N.  $64^{\circ}47'29''$  E. A DISTANCE OF 171.11 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE NORTHEASTERLY ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 1500.00 FEET, A CENTRAL ANGLE OF  $05^{\circ}06'38''$  AND WHOSE CHORD BEARS N.  $67^{\circ}20'48''$  E. A DISTANCE OF 133.75 FEET, HAVING AN ARC LENGTH OF 133.79 FEET; THENCE N.  $69^{\circ}54'07''$  E. ALONG A TANGENT LINE, A DISTANCE OF 232.25 FEET; THENCE N.  $64^{\circ}47'29''$  E. A DISTANCE OF 128.58 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE EASTERLY, ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 1530.00 FEET, A CENTRAL ANGLE OF  $43^{\circ}49'49''$  AND WHOSE CHORD BEARS N.  $86^{\circ}42'24''$  E. FOR A DISTANCE OF 1142.09 FEET, HAVING AN ARC LENGTH OF 1170.42 FEET; THENCE N.  $18^{\circ}37'18''$  E. ALONG A RADIAL LINE, A DISTANCE OF 260.00 FEET; THENCE N.  $62^{\circ}16'54''$  E. A DISTANCE OF 661.03 FEET; THENCE N.  $19^{\circ}16'18''$  E. A DISTANCE OF 288.70 FEET TO A NON-RADIAL INTERSECTION WITH A CURVE BEING CONCAVE IN THE NORTHEASTERLY SIDE WHOSE RADIUS POINT BEARS N.  $59^{\circ}36'42''$  E. FROM SAID INTERSECTION; THENCE NORTHWESTERLY ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 1530.00 FEET, A CENTRAL ANGLE OF  $04^{\circ}06'41''$  AND WHOSE CHORD BEARS N.  $28^{\circ}19'57''$  W. FOR A DISTANCE OF 109.77 FEET, HAVING AN ARC LENGTH OF 109.79 FEET; THENCE N.  $63^{\circ}42'37''$  E. ALONG A NON-RADIAL, NON-TANGENT LINE, A DISTANCE OF 496.44 FEET; THENCE N.  $48^{\circ}23'55''$  E. A DISTANCE OF 557.01 FEET TO THE SAID POINT-OF-BEGINNING OF THIS DESCRIPTION.

SUBJECT TO ALL EASEMENTS, RESERVATIONS, RESTRICTIONS, AND RIGHTS-OF-WAY OF RECORD.

PINE ISLAND PRESERVE AT MATLACHA PASS  
AERIAL MAP  
EXHIBIT M9





**AFFIDAVIT OF AUTHORIZATION****APPLICATION IS SIGNED BY INDIVIDUAL OWNER, APPLICANT, CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE**

I, Christine P. Johnson (name), as President (owner/title) of Conservation Foundation of the Gulf Coast, Inc. (company/property), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

**\*Notes:**

- If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.
- If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member."
- If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.
- If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.
- If the applicant is a trustee, then they must include their title of "trustee."
- In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.

Under penalties of perjury, I declare that I have read the foregoing Affidavit of Authorization and that the facts stated in it are true.

Christine P. Johnson, President  
Signature

4/21/2021  
Date

\*\*\*\*\*NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS\*\*\*\*\*  
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA

COUNTY OF Sarasota

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 21st day of April, 2021, by Christine P. Johnson (name of person providing oath or affirmation), who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification.

STAMP/SEAL



PAMELA JO BROWNELL  
Commission # GG 921099  
Expires December 15, 2023  
Bonded Thru Budget Notary Services

Pamela Jo Brownell  
Signature of Notary Public



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Certificate of Authorization # 29086

Pine Island Preserve at Matlacha Pass  
Lee Plan Analysis  
Exhibit M11

The subject property is located in the Greater Pine Island planning community on the east side of Stringfellow Road with Matlacha Pass along the eastern border. The Vision for Pine Island, according to the Lee Plan, is to “maintain an equilibrium between modest growth, a fragile ecology, and a viable and productive agricultural community”. The Vision states that wildlife and native vegetation will be protected; loss of wildlife habitat will be reversed; and that Pine Island will continue to be a place where people, nature, and agriculture exist in harmony. Amending the future land use map from Coastal Rural and Wetlands classifications to Conservation Lands Uplands and Wetlands is consistent with the Lee Plan Vision and the Pine Island resident’s plans.

***POLICY 1.4.6:*** *The Conservation Lands include uplands and wetlands that are owned and used for long range conservation purposes. Upland and wetland conservation lands will be shown as separate categories on the Future Land Use Map. Upland conservation lands will be subject to the provisions of this policy. Wetland conservation lands will be subject to the provisions of both the Wetlands category described in Objective 1.5 and the Conservation Lands category described in this policy. The most stringent provisions of either category will apply to wetland conservation lands. Conservation Lands will include all public lands required to be used for conservation purposes by some type of legal mechanism such as statutory requirements, funding and/or grant conditions, and mitigation preserve areas required for land development approvals. Conservation Lands may include such uses as wildlife preserves; wetland and upland mitigation areas and banks; natural resource based parks; ancillary uses for environmental research and education, historic and cultural preservation, and natural resource based parks (such as signage, parking facilities, caretaker quarters, interpretive kiosks, research centers, and quarters and other associated support services); and water conservation lands such as aquifer recharge areas, flow-ways, flood prone areas, and well fields. Conservation 20/20 lands designated as conservation are also subject to more stringent use provisions of the 20/20 Program or 20/20 ordinances.*

***POLICY 1.5.1:*** *Permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 124 of this plan. The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII of this plan.*

***POLICY 1.5.3:*** *Wetlands that are conservation lands will be subject to the provisions of Policy 1.4.6 as well as the provisions of Objective 1.5. The most stringent provisions of*

*either category will apply. Conservation wetlands will be identified on the Future Land Use Map to distinguish them from non-conservation wetlands.*

The applicant, Conservation Foundation of the Gulf Coast, acquired the land in 2009 and intends to place 100% of the 229± acre property into the Conservation Lands future land use category. The warranty deed includes a Declaration of Restrictive Covenants that runs with the property. Section VI of the Declaration states that “the Project Site shall be managed only for the conservation, protection and enhancement of natural and historical resources and for compatible passive, natural resource-based public outdoor recreation, along with other relates uses necessary for the accomplishment of this purpose.” The applicant intends to utilize a small portion of the 229± acre property for passive recreation that includes a boardwalk, kayak launch, educational kiosks, and small parking area. The purpose and vision of the Conservation Foundation to protect and preserve natural land and habitat is consistent with **Policy 1.4.6** Conservation Lands and **Policies 1.5.1** and **1.5.3** Wetlands.

**OBJECTIVE 2.1: DEVELOPMENT LOCATION.** *Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, and prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.*

**POLICY 2.1.2:** *New land uses will be permitted only if they are consistent with the Future Land Use Map and the goals, objectives, policies, and standards of this plan.*

**POLICY 2.1.3:** *All land use categories and Planning Community Map areas permit the consideration of churches and schools (except in Wetlands and Airport Noise Zones), public uses and buildings, public utilities and resource recovery facilities, public recreational uses (including franchised quasi-commercial uses in conjunction with a public use), and sites for compatible public facilities when consistent with the goals, objectives, policies, and standards in this plan and applicable zoning and development regulations.*

The 229± acre development is located on Stringfellow Road, a county-maintained arterial road. The Flamingo Bay mobile home park and agricultural land is located west of Stringfellow Road, a single-family subdivision is located north of the property, Lee County Conservation Lands with EC zoning are located to the south and Matlacha Pass is located to the east. Rezoning to the Environmentally Critical District expands the conservation lands/EC zoning district, which provides a contiguous growth pattern and preserves natural resources. This is consistent with Lee Plan **Objective 2.1** and **Policies 2.1.2** and **2.1.3**.

Although water and sewer are available proximate to the site, the development (passive recreation and conservation preserve) will not connect to potable water or sanitary sewer, opting to provide composting toilets instead. The 229± acres has a future land use classification of Conservation Lands Uplands and Wetlands. A South Florida Water Management District Environmental Resource Permit and Army Corps of Engineers permit have been obtained by the Applicant to develop the site for passive recreation, while preserving, restoring, and maintaining the natural resources and habitat on the property. (See the Environmental Impacts Analysis.) This is consistent with Lee Plan **Goal 4, Objective 4.1** and **Standard 4.1.4**.

**OBJECTIVE 17.1: COMMUNITY PLANS.** *To create community plans that address specific conditions unique to a defined area of the county. A community plan is a Goal in*

*the Lee Plan specific to a defined area of the county with long term community objectives and policies.*

**OBJECTIVE 17.3: PUBLIC INPUT.** *To provide opportunities for public input as part of the comprehensive plan and land development code amendment process.*

**POLICY 17.3.2:** *One public information meeting is required for privately-initiated applications that propose a text change within a community plan or revises a map designation within a community plan area boundary. The meeting must be conducted before the application can be found complete.*

A Public Information Meeting was held with the Greater Pine Island Civic Association (GPICA) via Zoom on May 4, 2021. A meeting summary is provided with this request. A second meeting will be held prior to a finding of sufficiency. This is consistent with **Objective 17.3 and Policy 17.3.2.**

**GOAL 24: GREATER PINE ISLAND COMMUNITY PLAN.** *Manage future growth on and around Greater Pine Island so as to: maintain the island's unique natural resources, rural character, and coastal environment; support the viable and productive agricultural community and other local businesses; and to protect the public health, safety and welfare of island residents and visitors when a hurricane strike is imminent.*

**OBJECTIVE 24.1: NATURAL RESOURCES.** *County regulations, policies, and discretionary actions affecting Greater Pine Island will permit no further degradation of estuarine and wetland resources, and will serve the long-term preservation of native upland vegetation and wildlife habitat.*

**POLICY 24.1.6:** *The county will continue to encourage the preservation of environmentally sensitive areas, rare and unique uplands, eagle nesting areas, and archaeological and historic sites on Greater Pine Island in accordance with the priorities set out in this Plan.*

The Applicant amended the Future Land Use Map to change the subject property's future land use classification from Coastal Rural and Wetlands to Conservation Lands Uplands and Wetlands. In addition, the Applicant is requesting to rezone the property from Commercial (C-1A) and Agricultural (AG-2) districts to the Environmentally Critical District. The Applicant has already received an Environmental Resource Permit and Army Corps of Engineers Permit. It should also be noted that the Warranty Deed includes a Declaration of Restrictive Covenants that requires the Project Site to be "managed only for the conservation, protection and enhancement of natural and historical resources and for compatible passive, natural resource-based public outdoor recreation, along with other related uses necessary for the accomplishment of this purpose". The ERP is very detailed and includes the FLUCCS map, restoration plan, monitoring plan, maintenance plan, etc. The Applicant is preserving environmentally sensitive areas, rare and unique uplands, eagle nesting areas, and providing restoration where needed. This is consistent with **Goal 24** of the Lee Plan, **Objective 24.1** and **Policy 24.1.6.**

**OBJECTIVE 60.4: INCORPORATION OF NATURAL SYSTEMS INTO THE SURFACE WATER MANAGEMENT SYSTEM.** *Incorporate natural systems into surface water management systems to improve water quality, air quality, water recharge/infiltration, water storage, wildlife habitat, recreational opportunities, and visual relief.*

**POLICY 60.4.1:** *Encourage new developments to design surface water management systems with Best Management Practices (BMPs) including, but not limited to, filtration*



*marshes, grassed swales planted with native or Florida Friendly Landscaping vegetation, retention/detention lakes with enlarged littoral zones, preserved or restored wetlands, and meandering flow-ways.*

**POLICY 60.4.2:** *The county encourages new developments to design their surface water management system to incorporate existing wetland systems.*

**OBJECTIVE 61.2:** *MIMICKING THE FUNCTIONS OF NATURAL SYSTEM. Support a surface water management strategy that relies on natural features (flow ways, sloughs, strands, etc.) and natural systems to receive and otherwise manage storm and surface water.*

**POLICY 61.2.1:** *All development proposals outside the future urban areas must recognize areas where soils, vegetation, hydrogeology, topography, and other factors indicate that water flows or ponds; and require that these areas be utilized to the maximum extent possible, without significant structural alteration, for on-site stormwater management; and require that these areas be integrated into area-wide coordinated stormwater management schemes.*

**POLICY 61.2.4:** *Encourage surface water management plans that mimic the functions of natural systems.*

A South Florida Water Management District Environmental Resource Permit (ERP No. 36-08745-P) and Army Corps of Engineers permit (SAJ-2017-02043) have been obtained by the Applicant to develop the site for passive recreation, while preserving, restoring, and maintaining the natural resources and habitat on the property. (See the Environmental Impacts Analysis.) Detailed information, including the Engineering Design Drawings, Drainage Basin Map, and Urban Stormwater Management Program, among other exhibits, details, and plans. This is consistent with Lee Plan **Objective 60.4, Policies 60.4.1 and 60.4.2, Objective 61.2, and Policies 61.2.1 and 61.2.4.**

**OBJECTIVE 77.3:** *New developments must use innovative open space design to preserve existing native vegetation, provide visual relief, and buffer adjacent uses and proposed and/or existing rights-of-way. This objective and subsequent policies are to be implemented through the zoning process.*

**POLICY 77.3.1:** *Any new development with existing indigenous vegetation is encouraged to provide half of the required open space as existing native plant communities. Any new development with existing native trees without associated native groundcover or understory is encouraged to provide half of the required open space with areas containing existing native trees. The planting of native shrub species within native tree protection areas is encouraged.*

**POLICY 77.3.4:** *The county encourages new developments to incorporate large, contiguous open space areas in the development design.*

The purpose and intent of the Environmentally Critical (EC) zoning district is to preserve and protect certain land and water areas in the unincorporated area of the County which have overriding ecological, hydrological or physiographic importance to the public at large. Rezoning the 229± acre property to the EC zoning district provides large indigenous areas to be preserved. In addition, the land along the southern property line is also zoned EC and has a future land use classification of Conservation Lands. This is consistent with **Objective 77.3, Policy 77.3.1 and Policy 77.3.4.**

**GOAL 80:** *Increase the recreation potential of Lee County's natural waterways.*

**OBJECTIVE 80.1:** *Expand the Great Calusa Blueway and Lee County Paddling Trail System.*

**POLICY 80.1.1:** *Establish locations, design standards, and implementation techniques for providing public access to appropriate waterways.*

**POLICY 80.1.2:** *Designate canoe access points on appropriate waterways in accordance with the Lee County Greenways Master Plan.*

**GOAL 82:** *WATER ACCESS. Improve access to public beaches and other bodies of water.*

**OBJECTIVE 82.1:** *Support multiple forms of water access for the public and acquire additional property to be used as public water access, when economically feasible.*

**POLICY 82.1.2:** *Design programs that encourage and incentivize developments to provide water access (physical, visual or interpretive) for the public.*

Uses in the Environmentally Critical (EC) zoning district are limited to passive recreation, including boating and canoeing. The Applicant is providing educational kiosks, a boardwalk, and kayak launch into Matlacha Pass. This is consistent with Lee Plan **Goal 80, Objective 80.1, Policies 80.1.1 and 80.1.2, Goal 82, Objective 82.1, and Policy 82.1.2.**

**POLICY 101.1.2:** *Protect and conserve the following environmentally sensitive coastal areas: wetlands, estuaries, mangrove stands, undeveloped barrier islands, beach and dune systems, aquatic preserves, wildlife refuges, undeveloped tidal creeks and inlets, critical wildlife habitats, benthic communities, and marine grass beds.*

As previously stated, rezoning the 229± acre property to the Environmentally Critical (EC) District protects and conserves environmentally sensitive coastal areas, including wetlands, mangrove swamp, tidal creek, and other environmentally sensitive lands. This is consistent with Lee Plan **Policy 101.1.2.**

**GOAL 123:** *RESOURCE PROTECTION. Manage coastal, wetland and upland ecosystems and natural resources in order to maintain and enhance native habitats, floral and faunal species diversity, water quality, and natural surface water characteristics.*

**OBJECTIVE 123.1:** *RESOURCE MANAGEMENT PLAN. Continue to implement resource management policies and regulations that ensure the long-term protection and enhancement of the natural upland and wetland habitats by retaining the interconnectedness and functionality of the hydroecological systems in order to progress towards a more ecologically productive and sustainable environment.*

**POLICY 123.1.1:** *Maintain standards for development, mitigation, and conservation that will protect and integrate wetlands and Rare and Unique upland habitats as defined in this plan.*

**POLICY 123.1.3:** *Encourage the establishment of and provide assistance to community-based land trusts, whose purpose is the preservation and protection of Lee County's natural resources.*

**POLICY 123.1.5:** *Encourage private restoration of natural habitats to support connectivity between public and private conservation and preservation efforts.*

***POLICY 123.2.3:*** Prevent water management and development projects from altering or disrupting the natural function of significant natural systems.

***POLICY 123.2.4:*** Encourage the protection of viable tracts of sensitive or high-quality natural plant communities within developments.

***POLICY 123.2.8:*** Promote the long-term maintenance of natural systems through such instruments as conservation easements, transfer of development rights, restrictive zoning, public acquisition, and appropriate other means.

***POLICY 123.2.15:*** Protect Rare and Unique upland habitats from development impacts, to the maximum extent possible, through conservation and/or site design.

***POLICY 123.3.1:*** Encourage upland preservation in and around preserved wetlands to provide habitat diversity, enhance edge effect, and promote wildlife conservation.

***OBJECTIVE 123.4: ENDANGERED AND THREATENED SPECIES IN GENERAL.*** Protect habitats of endangered and threatened species and species of special concern in order to maintain or enhance existing population numbers and distributions of listed species.

***POLICY 123.4.4:*** Restrict the use of protected plant and wildlife species habitat to that which is compatible with the requirements of endangered and threatened species and species of special concern. New developments must protect remnants of viable habitats when listed vegetative and wildlife species inhabit a tract slated for development, except where equivalent mitigation is provided.

***POLICY 123.4.5:*** Maintain regulations that protect species as designated by Florida Fish and Wildlife Conservation Commission and as designated under the Endangered Species Act from the impacts of development.

The FLUCCS of the subject property is a mix up uplands (improved pasture, live oak hammock, and mesic pine flatwoods) and wetlands (freshwater marsh, hydric pine flatwoods, mangrove swamp, salt marsh/salt flat, and tidal creek). SFWMD issued an Environmental Resource Permit (No. 36-08745-P) that authorizes the construction of a stormwater management system serving 230± acres of environmental restoration that includes a 320 sf canoe/kayak launch and associated Sovereign Submerged Lands. Special conditions are attached to the permit that provide for the protection of natural resources and endangered/threatened species, including working with the Florida Fish and Wildlife Conservation Commission, complying with the provisions of the eagle management plan, complying with conditions intended to protect manatees and marine turtles, and mangrove trimming in accordance with the Mangrove Trimming and Preservation Act. In addition, SFWMD requires a monitoring program, and a maintenance program for the enhanced wetland area (in perpetuity). This is consistent with **Goal 123, Objective 123.1, Policies 123.1.1, 123.1.3, 123.1.5, 123.2.3, 123.2.4, 123.2.8, 123.2.15, 123.3.1, Objective 123.4, and Policies 123.4.4 and 123.4.5.**

***GOAL 124: WETLANDS.*** To maintain and enforce a regulatory program for development in wetlands that is cost-effective, complements federal and state permitting processes, and protects the fragile ecological characteristics of wetland systems.

***OBJECTIVE 124.1:*** Protect and conserve the natural functions of wetlands and wetland systems by maintaining wetland protection regulations.

***POLICY 124.1.1:*** *Ensure that development in wetlands is limited to very low density residential uses and uses of a recreational, open space, or conservation nature that are compatible with wetland functions.*

***POLICY 124.1.2:*** *The county's wetlands protection regulations will be consistent with the following:*

- 1. The county will not undertake an independent review at the Development Order stage of the impacts to wetlands resulting from development in wetlands that is specifically authorized by a DEP or SFWMD dredge and fill permit or exemption.*
- 2. No development in wetlands regulated by the State of Florida may be commenced without the appropriate state agency permit or authorization. Development Orders and Development Permits authorizing development within wetlands or lands located within the Wetlands future land use category may be issued subject to a condition that construction may not commence until issuance of the required state permits.*
- 3. Lee County will incorporate the terms and conditions of state permits into county permits and will prosecute violations of state regulations and permit conditions through its code enforcement procedures.*
- 4. Every reasonable effort will be required to avoid or minimize adverse impacts on wetlands through the clustering of development and other site planning techniques. On- or off-site mitigation will only be permitted in accordance with applicable state standards.*
- 5. Mitigation banks and the issuance and use of mitigation bank credits will be permitted to the extent authorized by applicable state agencies.*
- 6. The density on wetlands that have been impacted, or will be impacted, in accordance with a state agency permit will be calculated at a density of 1 dwelling unit per 20 acres. Nonresidential uses on wetlands that have been impacted, or will be impacted, in accordance with a state agency permit must be consistent with the non-residential uses permitted in the immediately adjacent, least intense, upland future land use category.*

As previously stated, development in the Environmentally Critical District is limited to boating and canoeing, fishing, outdoor education, passive recreation (outdoor only), wildlife management, among others (see LDC Section 34-983). The Applicant is proposing to develop the property for passive recreation, including educational kiosks, small parking lot, boardwalk, and kayak launch. The majority of the development will occur in the uplands; however, the boardwalk and kayak launch go through the mangroves and wetlands. The ERP and Army Corps permits provide the appropriate plans, conditions, and requirements for limited development in wetlands. This is consistent with Lee Plan Goal 124, Objective 124.1, and Policies 124.1.1 and 124.1.2.



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## **Pine Island Preserve at Matlacha Pass GPICA Meeting Summary**

The proposed rezoning and special exception requests were presented to the Greater Pine Island Community Association (GPICA) on Tuesday, May 4, 2021 at their monthly meeting via Zoom. Veronica Martin, Senior Planner with TDM Consulting, and Tom Odom, P.E. with Mitigation Resources presented the project – a request to rezone the 230-acre property from C-1A and AG-2 to the Environmentally Critical (EC) district along with a special exception to permit a small amount of impervious surface for the boardwalk, parking lot, and pavilions. A copy of the Area Location Map and Site Construction Plans were shared by computer during the Zoom meeting. Tom Odom, P.E. with Mitigation Resources answered the majority of the questions regarding environmental impacts, site design, parking, utilities, mangroves, etc.

Questions and concerns from the GPICA members:

1. What's the future use of the property?

Response: The land will have a zoning classification of Environmentally Critical District, which limits the uses to boating and canoeing (no motors), fishing, hiking, and passive recreation activities. The applicant is requesting a special exception to permit small amounts of impervious surface in the EC district for the boardwalk, parking lot, and educational pavilions.

2. What type of special events will be held on the property?

Response: No special events are planned at this time; however special events and temporary uses are permitted as set forth in the LDC.

3. Why are there so many parking spaces? Can it be downsized?

Response: Minimum parking requirements are set forth in the LDC. The site plan was created several years ago and was consistent with the minimum parking requirements at that time. Currently, parking for outdoor recreation facilities is determined by the Director. We'll revisit the parking requirements and adjust accordingly.

4. It appears that there may be room for bus parking...is that proposed?

Response: The parking lot provides a wide drop-off area for kayaks, but not bus parking.

5. Why 2 access points on Stringfellow?

Response: There's a full-access driveway on the south side and an exit only driveway to the north. That's the design the applicant prefers.

6. Once it's rezoned to EC, what can the property be used for?

Response: Mostly passive outdoor recreation activities. The applicant is proposing a kayak launch, boardwalk with observation points, small parking lot, and educational pavilions.

7. Length of the boardwalk from the parking lot to the kayak launch.

Response: The applicant understands the distance from the parking lot to the kayak launch is quite far, but the land is mostly wetlands, so this is the design that protects the natural environment the most.

8. Width of boardwalk too narrow when 2 people are carrying kayaks and passing each other.

Response: The boardwalk is 6 feet wide, which is enough room on the rare occasion this might happen.

9. Are the mangroves being impacted?

Response: There's 0.3 ac of mangroves. The applicant is buying mitigation credits for the impacts. There's an approved ERP and Army Corps permit for the proposed development.

There seemed to be some speculation that the land would be used more as a large-scale commercial recreation facility with bus-loads of people attending events on-site, which is not the case. The members didn't feel they had enough information to make an informed enough decision to call for a vote. The GPICA asked us to attend a second meeting with the applicant in attendance. A second publicly-advertised meeting will be held at a future date and a meeting summary provided at that time.





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**PINE ISLAND PRESERVE AT MATLACHA PASS  
ENVIRONMENTAL IMPACT ANALYSIS**

**Exhibit M12**

The FLUCCS Map includes uplands (improved pasture, live oak hammock, and mesic pine flatwoods) and wetlands (freshwater marsh, hydric pine flatwoods, mangrove swamp, salt marsh/salt flat, and tidal creek). The Applicant hired Mitigation Resources to secure permits from South Florida Water Management District (SFWMD) and the Army Corps of Engineers.

SFWMD Environmental Resource Permit No. 36-08745-P authorizes construction of a stormwater management system serving 230± acres of environmental restoration that includes a 320 SF canoe/kayak launch and associated Sovereign Submerged Lands. Special conditions are attached to the permit that provide for protection of natural resources and endangered/threatened species, including working with the Florida Fish and Wildlife Conservation Commission, complying with the provisions of the eagle management plan, complying with conditions intended to protect manatees and marine turtles, and mangrove trimming in accordance with the Mangrove Trimming and Preservation Act. In addition, SFWMD requires a monitoring program, a maintenance program for the enhanced wetland area (in perpetuity), plus the requirement that the 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.

The Engineering Design Drawings included with the ERP include the Boardwalk Layout and Wetland Impact Detail, Wetland Enhancement Area Detail, Littoral Creation Area, and Drainage Basin Map. The ERP also includes a Construction Pollution Prevention Plan, Urban Stormwater Management Program, Mitigation Plan, FLUCCS Map, Wetland Map, UMAM Assessment Area Map, Topographic Map, Hydrologic Features Map, Mitigation Area FLUCCS Map, Monitoring Plan, Long Term Management Plan, Site Map and Shoreline Connection Map, and Listed Species Map.

A copy of the SFWMD ERP No. 36-08745-P and Army Corps Permit SAJ-2017-02043 is included with this application.



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**PINE ISLAND PRESERVE AT MATLACHA PASS  
HISTORIC RESOURCES IMPACT ANALYSIS**

**Exhibit M13**

The Florida Department of State Division of Historical Resources provided a map, survey roster and resource roster of the subject property. The resource roster identifies Stringfellow Canal (8LL2405) in the northwest corner of the property and Masters Grove Road (8LL2400) off site.

Development of the 229± property is limited to passive recreation and will consist of a driveway/access road, small parking lot, stormwater pond, drainage areas, composting restrooms, educational pavilions, a boardwalk, and kayak launch. Amending the Future Land Use Map from Coastal Rural and Wetlands to Conservation Lands Uplands and Wetlands will conserve and preserve any historic resources on site. However, it should be noted that neither the canal or road are impacted by this request or proposed future development.

**TRAFFIC IMPACT STATEMENT**  
**FOR**  
**A PROPOSED PUBLIC PARK**  
**Pine Island Preserve at Matlacha Pass**

*PREPARED FOR:*

**Ms. Christine Johnson, President  
Conservation Foundation of the Gulf Coast  
400 Palmetto Avenue  
Osprey, FL 34229**

*PREPARED BY:*



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Fort Myers, FL 33907  
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**April 2021  
Revised November 2021**



DEAN MARTIN  
FLORIDA P.E. #52022  
VALID ONLY WITH EMBOSSED SEAL

# 1. PURPOSE

## ***OBJECTIVE***

This report has been prepared in accordance with Lee County Department of Community Development criteria as outlined in the Lee County Traffic Impact Statement Guidelines and the Lee County Turn Lane Policy for projects seeking Development Order approval. This report analyzes the anticipated traffic conditions of the proposed development in order to determine any adverse roadway impacts associated with the addition of **Pine Island Preserve at Matlacha Pass**.

The subject parcel per Lee County Property Appraiser is 229.56 acres.

This Traffic Impact Statement is based on the assumption that the proposed facility will be completed in 2022.

## **2. SITE DESCRIPTION**

### ***SITE LOCATION***

**Pine Island Preserve at Matlacha Pass** is a 229.56-acre project located on the east side of Stringfellow Road in Section 10, Township 45 South, Range 22 East, Lee County, Florida (see Exhibit 1). The applicant proposes to construct a 320 square foot canoe/kayak launch with associated surface parking, landscaping, storm water detention, paved access/entrance roadway, observation areas, a pedestrian boardwalk, a composting restroom facility, and picnic/pavilion areas on the site.

Access to the proposed development will be provided by one (1) proposed full-access driveway connection to Stringfellow Road. This report is based on this one (1) proposed driveway connection.

### 3. OBSERVATIONS

#### 3.1 TRIP GENERATION CALCULATIONS

Vehicular trips generated by the proposed development were calculated by using the equations provided by the Institute of Transportation Engineers, 11<sup>th</sup> Edition of the Trip Generation Manual, Land Use Code 411 (Public Park) using the fitted curve equations or the average rates shown in the tables.

**Table 1. Raw Trip Generation – Proposed Public Park (LUC 411)**

<b><u>229.56 Acres:</u></b>	
<b>A.</b>	Daily Average Vehicle Trip Ends, Weekday $T = 0.64 (229.56) + 88.46 = \mathbf{236 \text{ (118 entering, 118 exiting)}}$
<b>B.</b>	A.M. Peak Hour Average Vehicle Trip Ends (Adjacent Street) $T = 0.02 (229.56) = \mathbf{5 \text{ (3 entering, 2 exiting)}}$
<b>C.</b>	P.M. Peak Hour Average Vehicle Trip Ends (Adjacent Street) $T = 0.06 (229.56) + 22.60 = \mathbf{36 \text{ (20 entering, 16 exiting)}}$

Source: TDM, 2021

Based on this, the development will be analyzed using the criteria established for developments generating less than three hundred (300) vehicle trips during the peak hour as outlined in the Lee County Traffic Impact Guidelines.

#### 3.2 TRIP DISTRIBUTION

As stated previously herein, traffic will enter and exit the proposed development at the one (1) proposed full-access driveway connection to Stringfellow Road.

Because the driveway connection directly accesses Stringfellow Road which accesses only St. James City to the south but accesses the remainder of Pine Island and greater Lee County to the north, it is assumed for this report that 90% of traffic using this proposed driveway connection will enter and exit the proposed development from the north while the remaining 10% of traffic using this driveway connection will enter and exit the proposed development from the south.

### **3.3 EXISTING TRAFFIC CONDITIONS**

Stringfellow Road is being directly accessed and is classified by the Lee County Comprehensive Plan as a two-lane undivided arterial road. It has a posted speed limit of fifty-five (55) miles per hour. Per the 2020 Lee County Concurrency Report, Stringfellow Road has a “B” Level of Service near the proposed development, a 2019 peak direction of flow volume of three hundred fifteen (315) vehicles per hour, a Performance Standard “E” Level of Service, and a Performance Standard Capacity of one thousand sixty (1,060) vehicles per hour.

Based on the 2020 Traffic Count Report prepared by the Lee County Department of Transportation, traffic on Stringfellow Road near the proposed development heads north 71% of the time and south 29% of the time during the A.M. peak while traffic heads south 53% of the time and north 47% of the time during the P.M. peak.

### **3.4 TURN LANE ANALYSIS**

#### **A. Traffic Conditions on Stringfellow Road – Arterial**

- A.M. Peak Hour Vehicle Trip Ends - 5
- P.M. Peak Hour Vehicle Trip Ends - 36
- Posted Speed Limit - 55 mph

#### **B. Deceleration and Left Turn Lane**

Based on the Turn Lane Policy, a deceleration and left turn lane is not required. Only one (1) of the required warrants is satisfied. The posted speed limit of the arterial street is above the threshold. However, the number of left-turning movements from the arterial street during the peak hour of the arterial street is below the threshold (two-way peak season, peak hour through volume as derived from the AADT estimates in the 2020 Traffic Count Report =  $4500 \times 1.46$  (for February)  $\times 1.09$  (for Friday)  $\times 3.64\%$  (for north-bound trips at 4:00 PM) = 261), the available sight distance for the posted speed limit of the arterial street is above the threshold, the arterial street has not been designated as a controlled-access facility, and the access point connection is not controlled by a traffic signal.

#### **C. Separate Left Turn Lane on the Access Point Connection**

Based on the Turn Lane Policy, a separate left turn lane on the access point connection is not required. Only one (1) of the required warrants is satisfied. The posted speed limit of the arterial street is above the threshold. However, the number of left-turning vehicles



from the access point connection during the peak hour of the arterial street is below the threshold, the arterial street has not been designated as a controlled-access facility, and the access point connection is not controlled by a traffic signal.

**D. Deceleration and Right Turn Lane**

Based on the Turn Lane Policy, a deceleration and right turn lane is not required. Only one (1) of the required warrants is satisfied. The posted speed limit of the arterial street is above the threshold. However, the number of right-turning movements from the arterial street during the peak hour of the arterial street is below the threshold, the available sight distance for the posted speed limit of the arterial street is above the threshold, the arterial street has not been designated as a controlled-access facility, and the access point connection is not controlled by a traffic signal.

**E. Separate Right Turn Lane on the Access Point Connection**

Based on the Turn Lane Policy, a separate right turn lane on the access point connection is not required. Only one (1) of the required warrants is satisfied. The posted speed limit of the intersecting street is above the threshold. However, the number of right-turning movements from the access point connection during the peak hour of the arterial street is below the threshold, the arterial street has not been designated as a controlled-access facility, and the access point connection is not controlled by a traffic signal.

**3.5 RECOMMENDED IMPROVEMENTS (STRINGFELLOW ROAD)**

One (1) typical full-access driveway connection is proposed. No other improvements are required or proposed.

**3.6 LEVEL OF SERVICE ANALYSIS (STRINGFELLOW ROAD)**

The proposed development will not introduce a significant increase in traffic flows and will not degrade the Level of Service of Stringfellow Road during the peak season below the Performance Standard Level of Service (see attached 100<sup>th</sup> Highest Hour Level of Service Calculation).

**3.7 DETERMINATION OF POTENTIAL IMPACTS (STRINGFELLOW ROAD)**

The proposed development will add eleven (11) vehicle trips to Stringfellow Road in the peak hour peak direction. The maximum service volume at LOS “E” of Stringfellow Road is one thousand sixty (1,060) vehicles in the peak hour in the peak direction.

Significance determination percentage = (Cumulative project traffic)/(maximum service volume at LOS standard) = (11)/(1,060) = 1.04%.

This does not meet the definition of a significant impact on Stringfellow Road with less than 5% of the adopted peak hour LOS maximum service volume of the roadway.

The proposed development is not required to pay a proportionate share towards a future improvement of Stringfellow Road.

# 100<sup>TH</sup> HIGHEST HOUR LEVEL OF SERVICE CALCULATION STRINGFELLOW ROAD

**ENGINEER:** TDM Consulting, Inc.  
Dean Martin, P.E.

**DATE:** November 8, 2021

**PROJECT NAME:** Pine Island Preserve at Matlacha Pass

**PROJECT LOCATION:** South of Pine Island Road

**PERMANENT COUNTING STATION NUMBER:** 27

**100<sup>TH</sup> HOUR V.P.H.**  
**(Year & Rate) =** 2019 315

**YEAR FOLLOWING PROJECT CONSTRUCTION:** 2023

**ADJUSTMENT FACTOR =**

Count & Yr<sub>min</sub> N/A N/A

Count & Yr<sub>max</sub> N/A N/A

**Adjustment Factor =** ( N/A / N/A ##### )<sup>4</sup> 1.000

**ADJUSTED 100<sup>TH</sup> HOUR V.P.H. =** 315 x 1.000 315

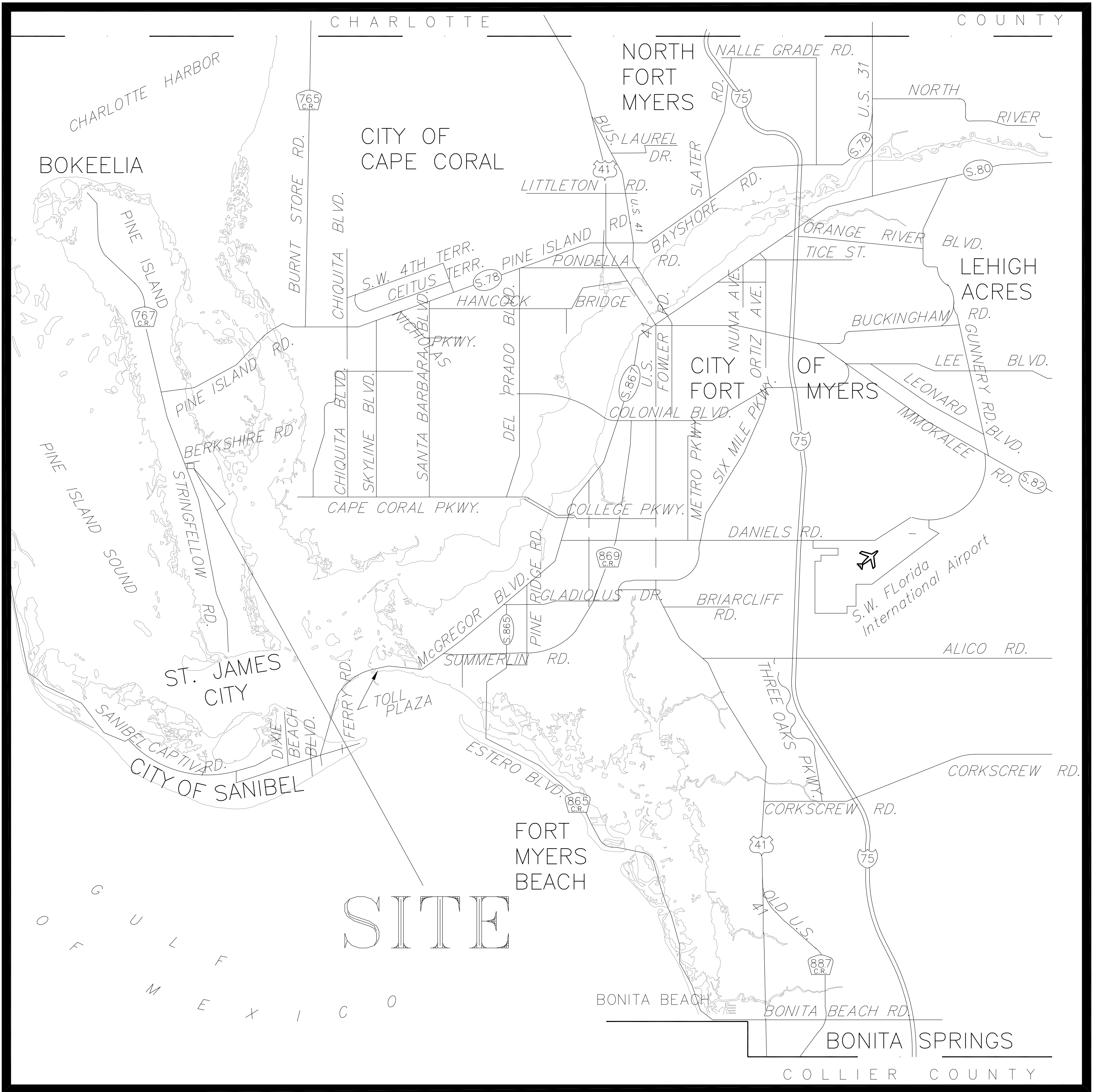
**EXISTING LEVEL OF SERVICE =** B

**PROJECT V.P.H. =** 20 (P.M. Entering) x 53% (South-Bound) 11

**TOTAL V.P.H. =** 315 + 11 326

**LEVEL OF SERVICE =** B

**COMMENTS:** Projection to Build-Out is not Required



LOCATION SKETCH  
N.T.S.

EXHIBIT 1  
TRAFFIC IMPACT STATEMENT  
LOCATION MAP  
PINE ISLAND PRESERVE AT MATLACHA PASS  
ST. JAMES CITY, FL, 33956  
SOURCE: TDM, 05/2021

CIVIL ENGINEERING

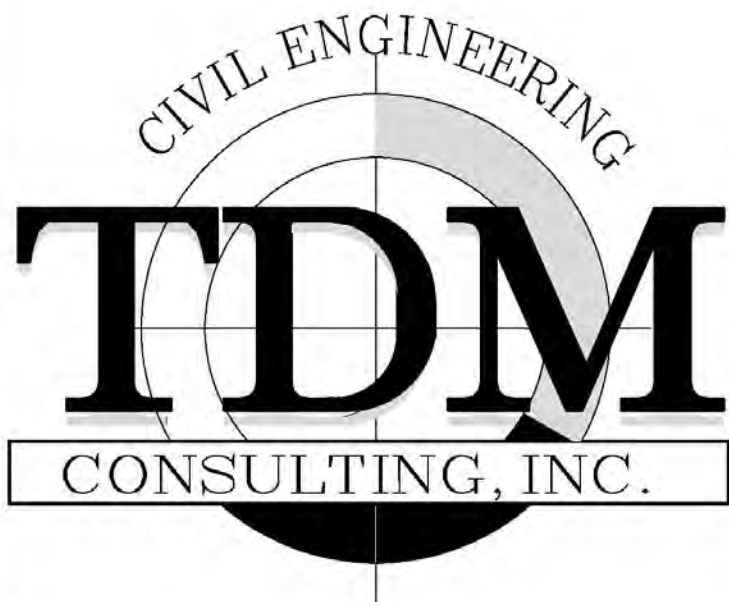
**TDM**

CONSULTING, INC.

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Fax: (239) 433-9632  
Email: dean@tdmconsulting.com  
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EXHIBIT 2  
TRAFFIC IMPACT STATEMENT  
PEAK HOUR TRAFFIC DISTRIBUTION  
PINE ISLAND PRESERVE AT MATLACHA PASS  
ST. JAMES CITY, FL 33956  
SOURCE: TDM, 11/2021



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**PINE ISLAND PRESERVE AT MATLACHA PASS  
Existing and Future Conditions Analysis**

**Exhibit M16**

The Applicant is proposing to amend Lee Plan Map 1, Page 1 - Future Land Use Map, changing the future land use of the 229± acre property from Coastal Rural and Wetlands to Conservation Lands. Lee Plan Policy 1.4.6 states that the “Conservation Lands include uplands and wetlands that are owned and used for long range conservation purposes”. As such, the only proposed development will be passive recreation, in accordance with LDC Sec. 34-983. No water, sewer, or electric service will be provided on-site. The property is currently vacant – no buildings, roads, or infrastructure of any kind is located on-site.

**Sanitary Sewer**

Lee County Utilities (LCU) provided a Letter of Availability stating that a sanitary sewer force main and a reuse main are in operation adjacent to the property and that developer funded system enhancements, such as line extensions, pump station, etc. will be required. However, the Applicant is proposing minimal impacts to the land and intends to provide a Clivus composting toilet, which is self-contained, waterless, odorless, uses no chemicals, heat or water, and has no polluting discharge. (Information provided by Clivus Multrum website.) The toilet(s) will require pumping for the removal of accumulated waste.

**Potable Water**

The Greater Pine Island Water Association (GPIWA) provided a Letter of Availability stating that potable water mains are in operation adjacent to the site. However, as stated above, the Applicant is not proposing to extend potable water lines into the site.

**Surface Water/Drainage Basins**

Both South Florida Water Management District (SFWMD) and the Army Corps of Engineers have issued permits addressing surface water and drainage basins. See the attached Environmental Resource Permit (ERP No. 36-08745-P) and the Army Corps Permit (SAJ-2017-02043).

**Parks and Rec**

The Applicant is requesting to rezone the property to the Environmentally Critical (EC) zoning district. LDC Section 34-983 limits uses in the EC zoning district to passive recreation. The applicant is also requesting a Special Exception in accordance with LDC Section 34-983(3) to construct accessory structures and impervious surfaces. The proposed use is a park for passive

recreation. A small parking lot and access road is proposed, along with a boardwalk, kayak launch, educational kiosks, and restroom facility.

#### Open Space

As stated above, proposed development impacts are very minimal. The Conservation Lands future land use category pretty much guarantees that the property will consist primarily of Open Space.





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**PINE ISLAND PRESERVE AT MATLACHA PASS  
State Policy Plan and Regional Policy Plan**

**Exhibit M18**

Florida Department of Economic Opportunity – Comprehensive Plan

There are no State Policy Plan goals, strategies, actions, or policies that are relevant to the proposed amendment.

Southwest Florida Regional Planning Council (SWFRPC)

There are no Regional Policy Plan goals, strategies, actions, or policies that are relevant to the proposed amendment.



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**PINE ISLAND PRESERVE AT MATLACHA PASS  
JUSTIFICATION OF PROPOSED AMENDMENT**

**Exhibit M19**

The property owner and applicant, Conservation Foundation of the Gulf Coast, is requesting to amend Lee Plan Map 1, Page 1 – Future Land Use Map. The Amendment will change the existing Coastal Rural and Wetlands future land use classifications to Conservation Lands Uplands and Wetlands.

The Conservation Foundation of the Gulf Coast, previously known as the Sarasota Conservation Foundation, is a non-profit environmental organization. The Applicant has entered into an Agreement with the Florida Communities Trust (FCT), a non-regulatory agency within the State of Florida Department of Community Affairs. Pursuant to Florida Statute Chapter 380, Part III, the Florida Communities Trust Act created the FCT, which assists local governments in bringing into compliance and implementing the conservation, recreation and open space, and coastal elements of their comprehensive plans or in conserving natural resources and resolving land use conflicts by providing financial assistance to local governments and nonprofit environmental organizations to carry out projects and activities authorized by the Florida Communities Trust Act.

The Agreement (aka Declaration of Restrictive Covenants) runs with the land. The Agreement is included with this application; however, the most relevant sections of the Agreement as it pertains to this Future Land Use Map Amendment application are outlined below:

**Article VI. Management of the Project Site**

1. The Project Site shall be managed only for the conservation, protection and enhancement of natural and historical resources and for compatible passive, natural resource-based public outdoor recreation, along with other related uses necessary for the accomplishment of this purpose. The proposed uses for the Project Site are specifically designated in the Management Plan approved by FCT.
2. The Recipient shall ensure that the future land use designation assigned to the Project Site is a category dedicated to open space, conservation or outdoor recreation uses, as appropriate.

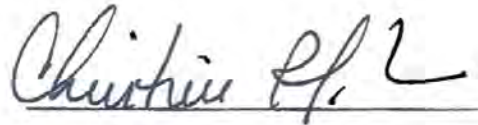
The Agreement also includes Article VII Conditions for Non-Profit Environmental Organizations and Article VIII Special Management Conditions.

The Applicant has provided numerous exhibits, analyses, and maps justifying this Future Land Use Map Amendment request, including a comprehensive Lee Plan Analysis. The Applicant believes they have met the criteria for a Map Amendment.



***AUTHORIZATION TO REPRESENT***

Please be advised that VERONICA MARTIN, SENIOR PLANNER and DEAN MARTIN, P.E., of TDM Consulting, Inc., 43 Barkley Circle, Suite 200, Fort Myers, FL 33907, are hereby authorized to represent the CONSERVATION FOUNDATION OF THE GULF COAST, the Applicant and Property Owner, in all applications to Lee County and subsequent public hearings regarding the properties in Saint James City with STRAP Numbers 10-45-22-00-00001.0050 and 10-45-22-00-00001.0060.



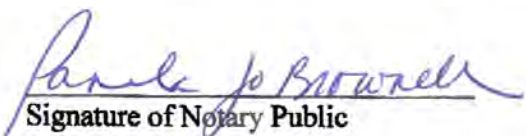
Christine P. Johnson, President

STATE OF FLORIDA

COUNTY OF Sarasota

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, on 4/21/2021 (date) by Christine P. Johnson (name of person providing oath or affirmation), who is personally known to me or who has produced (type of identification) as identification.

STAMP/SEAL

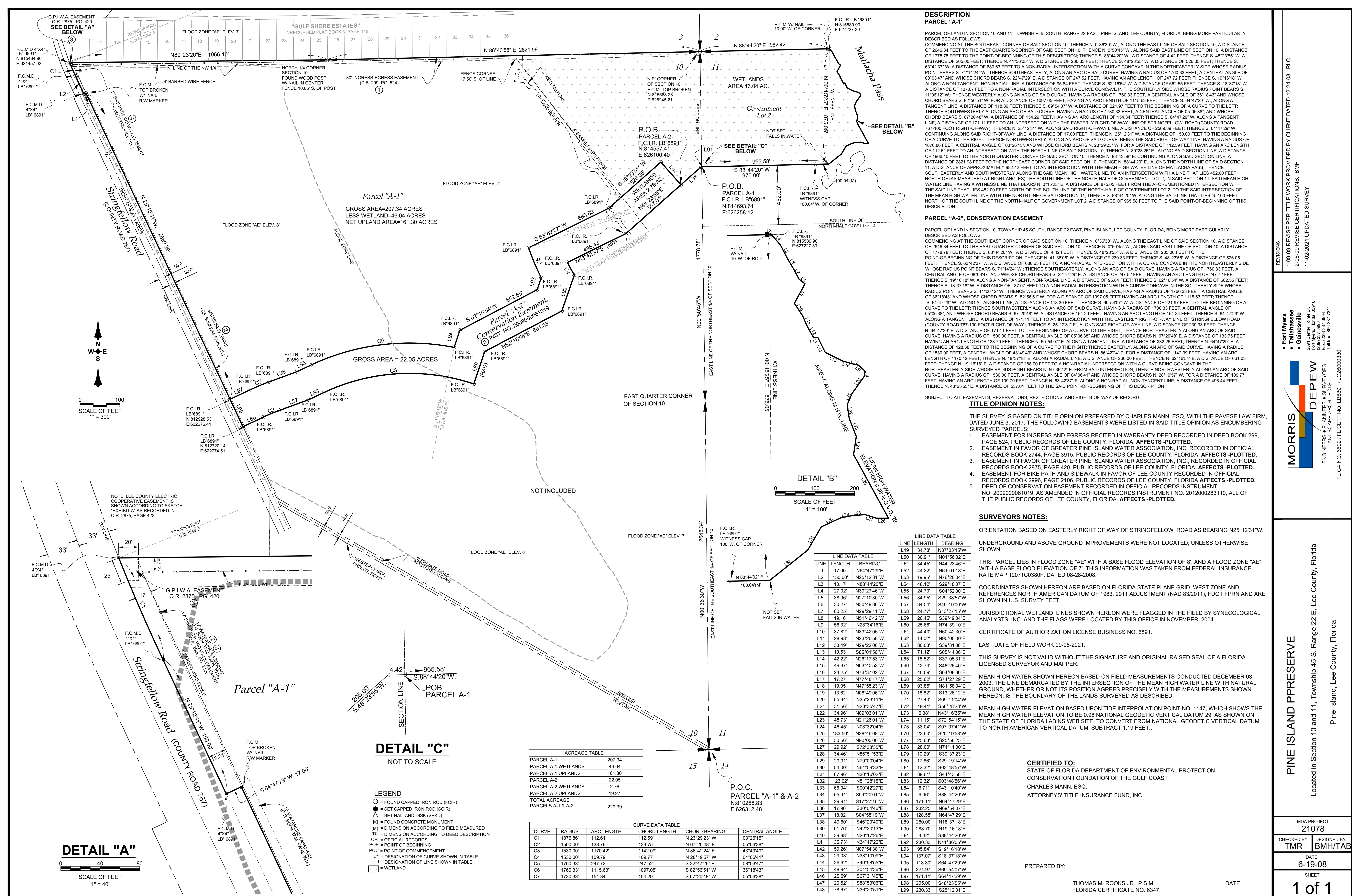


Signature of Notary Public



PAMELA JO BROWNELL  
Commission # GG 921099  
Expires December 15, 2023  
Bonded Thru Budget Notary Services







**EXHIBIT B**

This document prepared by:  
Kristen L. Coons, Esq.  
Florida Communities Trust  
Department of Community Affairs  
2555 Shumard Oak Blvd.  
Tallahassee, FL 32399

FLORIDA COMMUNITIES TRUST  
FF7 AWARD #07-047-FF7  
FCT Contract #08-CT-C1-07-F7-J1-047  
PINE ISLAND AT MATLACHA PASS

**DECLARATION OF RESTRICTIVE COVENANTS**

THIS AGREEMENT is entered into by and between the FLORIDA COMMUNITIES TRUST ("FCT"), a nonregulatory agency within the State of Florida Department of Community Affairs, and the SARASOTA CONSERVATION FOUNDATION, a non-profit environmental organization ("Recipient").

**THIS AGREEMENT IS ENTERED INTO BASED ON THE FOLLOWING FACTS:**

WHEREAS, the intent of this Agreement is to impose terms and conditions on the use of the proceeds of certain bonds, hereinafter described, and the lands acquired with such proceeds, as described in Exhibit "A" attached hereto and made a part hereof ("Project Site"), that are necessary to ensure compliance with applicable Florida law and federal income tax law and to otherwise implement the provisions of Sections 259.105, 259.1051 and Chapter 380, Part III, Florida Statutes;

WHEREAS, Chapter 380, Part III, Fla. Stat., the Florida Communities Trust Act, creates a non-regulatory agency within the Department of Community Affairs ("Department") that will assist local governments in bringing into compliance and implementing the conservation, recreation and open space, and coastal elements of their comprehensive plans or in conserving natural resources and resolving land use conflicts by providing financial assistance to local governments and nonprofit environmental organizations to carry out projects and activities authorized by the Florida Communities Trust Act;

WHEREAS, FCT is funded through either Section 259.105(3)(c), Fla. Stat. of the Florida Forever Act, which provides for the distribution of twenty-two percent (22%), less certain reductions, of the net Florida Forever Revenue Bond proceeds to the Department, or any other revenue source designated by the Florida Legislature, to provide land acquisition grants to local governments and nonprofit environmental organizations for the acquisition of community-based projects, urban open spaces, parks and greenways to implement local comprehensive plans;

WHEREAS, the Florida Forever Revenue Bonds are issued as tax-exempt bonds, meaning the interest on the Bonds is excluded from the gross income of bondholders for federal income tax



purposes;

WHEREAS, Rule 9K-7.009(1), Florida Administrative Code ("F.A.C."), authorizes FCT to impose conditions for funding on those FCT applicants whose projects have been selected for funding;

WHEREAS, FCT has approved the terms under which the Project Site was acquired and the deed whereby the Recipient acquired title to the Project Site. The deed shall contain such covenants and restrictions as are sufficient to ensure that the use of the Project Site at all times complies with Section 375.051, Florida Statutes and Section 9, Article XII of the State Constitution and it shall contain clauses providing for the conveyance of title to the Project Site to the Board of Trustees of the Internal Improvement Trust Fund ("Trustees") upon the failure of the Recipient to use the Project Site acquired thereby for such purposes; and

WHEREAS, the purpose of this Agreement is to set forth the covenants and restrictions that are imposed on the Project Site subsequent to disbursing FCT Florida Forever funds to the Recipient for Project Costs.

NOW THEREFORE, in consideration of the mutual covenants and undertakings set forth herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, FCT and the Recipient do hereby contract and agree as follows:

#### **I. PERIOD OF AGREEMENT**

1. This Agreement shall begin upon execution by both parties. The covenants and restrictions contained herein shall run with the Project Site and shall bind, and the benefit shall inure to, FCT and the Recipient and their respective successors and assigns.

#### **II. MODIFICATION OF AGREEMENT**

1. Either party may request modification of the provisions of this Agreement at any time. Changes which are mutually agreed upon shall be valid only when reduced to writing and duly signed by each of the parties hereto. Such amendments shall be incorporated into this Agreement.

#### **III. RECORDING AND APPROVAL OF DECLARATION OF RESTRICTIVE COVENANTS**

1. Upon execution by the parties hereto, the Recipient shall cause this Agreement to be recorded and filed in the official public records of **Lee County, Florida**, and in such manner and in such other places as FCT may reasonably request. The Recipient shall pay all fees and charges incurred in connection therewith.

2. The Recipient and FCT agree that the State of Florida Department of Environmental Protection shall forward this Agreement to the Department of Environmental Protection Bond Counsel for review. In the event Bond Counsel opines that an amendment is required to this Agreement so that the tax-exempt status of the Florida Forever Bonds is not jeopardized, FCT and the Recipient shall amend the Agreement accordingly.

#### IV. NOTICE AND CONTACT

1. All notices provided under or pursuant to this Agreement shall be in writing and delivered either by hand delivery or first class, certified mail, return receipt requested, to the addresses specified below. Any such notice shall be deemed received on the date of delivery if by personal delivery or upon actual receipt if sent by registered mail.

FCT: Florida Communities Trust  
Department of Community Affairs  
2555 Shumard Oak Blvd.  
Tallahassee, FL 32399-2100  
ATTN: Program Manager

Recipient: SARASOTA CONSERVATION FOUNDATION  
P.O. BOX 902  
OSPREY FL 34229  
ATTN: DIRECTOR OF LAND PROTECTION

2. In the event that a different representative or address is designated for paragraph 1. above after execution of this Agreement, notice of the change shall be rendered to FCT as provided in paragraph 1. above.

#### V. PROJECT SITE TITLE REQUIREMENTS IMPOSED BY CHAPTER 259, CHAPTER 375 AND CHAPTER 380, PART III, FLA. STAT.

1. Any transfer of the Project Site shall be subject to the approval of FCT and FCT shall enter into a new agreement with the transferee containing such covenants, clauses or other restrictions as are sufficient to protect the interest of the State of Florida.

2. The interest acquired by the Recipient in the Project Site shall not serve as security for any debt of the Recipient.

3. If the existence of the Recipient terminates for any reason, title to the Project Site shall be conveyed to the Trustees unless FCT negotiates an agreement with another local government, nonprofit environmental organization, the Florida Division of Forestry, the Florida Fish

and Wildlife Conservation Commission, the Department of Environmental Protection or a Water Management District who agrees to accept title and manage the Project Site.

4. In the event that the Project Site is damaged or destroyed or title to the Project Site, or any part thereof, is taken by any governmental body through the exercise or the threat of the exercise of the power of eminent domain, the Recipient shall deposit with FCT any insurance proceeds or any condemnation award and shall promptly commence to rebuild, replace, repair or restore the Project Site in such manner as is consistent with the Agreement. FCT shall make any such insurance proceeds or condemnation award moneys available to provide funds for such restoration work. In the event that the Recipient fails to commence or to complete the rebuilding, repair, replacement or restoration of the Project Site after notice from FCT, FCT shall have the right, in addition to any other remedies at law or in equity, to repair, restore, rebuild or replace the Project Site so as to prevent the occurrence of a default hereunder.

Notwithstanding any of the foregoing, FCT shall have the right to seek specific performance of any of the covenants and restrictions of this Agreement concerning the construction and operation of the Project Site.

## **VI. MANAGEMENT OF PROJECT SITE**

1. The Project Site shall be managed only for the conservation, protection and enhancement of natural and historical resources and for compatible passive, natural resource-based public outdoor recreation, along with other related uses necessary for the accomplishment of this purpose. The proposed uses for the Project Site are specifically designated in the Management Plan approved by FCT.

2. The Recipient shall ensure that the future land use designation assigned to the Project Site is for a category dedicated to open space, conservation or outdoor recreation uses, as appropriate. If an amendment to the applicable comprehensive plan is required, the amendment shall be proposed at the next comprehensive plan amendment cycle available to the Recipient.

3. The Recipient shall ensure, and provide evidence thereof to FCT, that all activities under this Agreement comply with all applicable local, state, regional and federal laws and regulations, including zoning ordinances and the adopted and approved comprehensive plan for the jurisdiction, as applicable. Evidence shall be provided to FCT that all required licenses and permits have been obtained prior to the commencement of any construction.

4. The Recipient shall, through its agents and employees, prevent the unauthorized use of the Project Site or any use thereof not in conformity with the Management Plan approved by FCT.

5. FCT staff or its duly authorized representatives shall have the right at any time to inspect the Project Site and the operations of the Recipient at the Project Site.

6. All buildings, structures, improvements and signs shall require the prior written approval of FCT as to purpose. Further, tree removal, other than non-native species, and major land alterations shall require the written approval of FCT. The approvals required from FCT shall not be unreasonably withheld by FCT upon sufficient demonstration that the proposed structures, buildings, improvements, signs, vegetation removal or land alterations will not adversely impact the natural resources of the Project Site. FCT's approval of the Recipient's Management Plan addressing the items mentioned herein shall be considered written approval from FCT.

7. If archaeological and historic sites are located on the Project Site, the Recipient shall comply with Chapter 267, Fla. Stat. The collection of artifacts from the Project Site or the disturbance of archaeological and historic sites on the Project Site shall be prohibited unless prior written authorization has been obtained from the Department of State, Division of Historical Resources.

8. As required by Rule 9K-7.013, F.A.C., each year after FCT reimbursement of Project Costs the Recipient shall prepare and submit to FCT an annual stewardship report that documents the progress made on implementing the Management Plan.

## **VII. CONDITIONS FOR NON-PROFIT ENVIRONMENTAL ORGANIZATIONS**

1. Pursuant to Rule 9K-7.003(10), F.A.C., the Non-Profit Environmental Organization (Recipient) shall be required to provide FCT with Reasonable Assurance that they have the financial resources, background, qualifications and competence to manage the Project Site in perpetuity in a reasonable and professional manner that is consistent with the approved management plan.

2. The Recipient is required to establish an endowment fund in an amount equal to ten percent of the project cost to insure that the Project Site shall be reasonably and professionally managed in perpetuity. The Recipient acknowledges and agrees that the endowment fund shall only be utilized for management purposes of the Project Site. The Recipient may not co-mingle the endowment fund with other operational or capital funds of the land trust.

3. The endowment fund must be established before closing and documentation shall be provided that evidences the fund's existence.

4. The Recipient is required to obtain a guaranty or pledge by a Local Government, the Water Management District, the Florida Division of Forestry, the Florida Fish and Wildlife Conservation Commission, or the Florida Department of Environmental Protection which shall require the Local Government, the Water Management District or the State agency to take over the responsibility for management of the Project Site in the event the Recipient is unable to properly manage the Project Site in accordance with the management plan.

The above-mentioned pledge or guaranty shall be attached to the Grant Contract as an Exhibit.

5. FCT retains the right to unilaterally transfer title of the Project Site, plus any other interest the Recipient has in the Project Site, to the party bestowing the guaranty or pledge, which is attached as an exhibit, if the Recipient fails to properly manage the property in accordance with the approved management plan.
6. The Recipient is required to provide an annual financial report detailing the revenue and expenditures of the endowment fund. A third party, certified public accountant, shall prepare this report.
7. The Recipient shall be required to submit annual stewardship reports until further notice by FCT.
8. The Recipient shall be required to make other assurances and provide requested documentation as the governing board may deem necessary to adequately protect the public interest.

#### **VIII. SPECIAL MANAGEMENT CONDITIONS**

The Management Plan for the project site is mentioned throughout this Agreement, and is particularly described in Section IV. above. In addition to the various conditions already described in this Agreement, which apply to all sites acquired with FCT funds, the Management Plan shall address the following conditions that are particular to the project site and result from either representations made in the application that received scoring points or observations made by the FCT staff during the site visit described in Rule 9K-7.009(1), F.A.C.:

1. The following recreational facilities including a covered picnic pavilion, canoe/kayak dock, observation platform and permanent Geo-caching sites shall be provided. The facilities shall be developed in a manner that allows the general public reasonable access for observation and appreciation of the natural resources on the project site without causing harm to those resources.
2. A permanent recognition sign, at a minimum size of 3' x 4', shall be maintained at the entrance area of the project site. The sign shall acknowledge that the project site was purchased with funds from the Florida Communities Trust Program and the Recipient.
3. Interpretive signs or kiosks shall be provided on the project site to educate visitors about the natural environment or history of the area.
4. At least 12 regularly scheduled educational classes or programs shall be provided at the project site per year. These programs shall promote the protection of environmental resources.
5. The natural communities that occur on the project site shall be preserved and appropriately managed to ensure the long-term viability of these communities.

6. The project site shall be managed in a manner that protects and enhances the listed and non-listed native wildlife species and their habitat. Periodic surveys shall be conducted of listed species using the project site.
7. The location and design of any parking facility shall be designed to have minimal impacts on natural resources. The parking area shall incorporate pervious materials wherever feasible.
8. Exotic vegetation shall be removed from the project site.
9. A significant portion of the degraded uplands shall be planted with native vegetation.
10. The quality of surface waters shall be improved by the installation of stormwater facilities on the project site that provide wildlife habitat and/or open space in a park like setting. The development of the stormwater facilities shall be coordinated with the South Florida Water Management District.
11. Any proposed stormwater facility for the project site shall be designed to provide recreation open space or wildlife habitat.
12. An ongoing monitoring and control program for invasive vegetation including exotic (non-native) and nuisance native plant species shall be implemented at the project site. The objective of the control program shall be the elimination of invasive exotic plant species and the maintenance of a diverse association of native vegetation. The management plan shall reference the Exotic Pest Plant Council's List of Florida's Most Invasive Species to assist in identifying invasive exotics on the project site.
13. A feral animal removal program shall be developed and implemented for the project site.
14. An archaeological survey shall be performed for any area within the project site proposed for development prior to the commencement of proposed development activities in that area. All planned activities involving known archaeological sites or identified site areas shall be closely coordinated with the Department of State, Division of Historical Resources in order to prevent the disturbance of significant sites. A protection plan shall be developed and implemented in conjunction with the Division of Historical Resources for the protection of known historic sites located on the project site.
15. Bike racks shall be installed to provide an alternative to automobile transportation to the project site.
16. Management of the project site shall be coordinated with the land managers of the adjacent conservation lands.

17. A nature trail of at least ¼ mile shall be provided on the project site.
18. The development and management of the project site shall be coordinated with agencies managing multi-jurisdictional recreational trails in Lee County, to ensure the project site is managed as part of a linked land-based trail system.
19. The development and management of the project site shall enhance the designated Great Calusa blueway by providing a paddling trail sign, canoe/kayak launch, and restrooms.
20. The project site shall be protected and managed as part of an ecological corridor.
21. The development and management of the project site shall be coordinated with the agencies managing conservation lands in the Greater Charlotte Harbor Ecological Corridor, to ensure the project site is protected and managed as part of an ecological corridor.

#### **IX. OBLIGATIONS OF THE RECIPIENT RELATING TO THE USE OF BOND PROCEEDS**

1. FCT is authorized by Section 380.510, Fla. Stat. to impose conditions for funding on the Recipient in order to ensure that the project complies with the requirements for the use of Florida Forever Bond proceeds including, without limitation, the provisions of the Internal Revenue Code and the regulations promulgated thereunder as the same pertain to tax exempt bonds.

2. The Recipient agrees and acknowledges that the below listed transactions, events, and circumstances, collectively referred to as the “disallowable activities,” may be disallowed on the Project Site as they may have negative legal and tax consequences under Florida law and federal income tax law. The Recipient further agrees and acknowledges that these disallowable activities may be allowed up to a certain extent based on guidelines or tests outlined in the Federal Private Activity regulations of the Internal Revenue Service:

- a. any sale or lease of any interest in the Project Site to a non-governmental person or organization;
- b. the operation of any concession on the Project Site by a non-governmental person or organization;
- c. any sales contract or option to buy or sell things attached to the Project Site to be severed from the Project Site with a non-governmental person or organization;
- d. any use of the Project Site by a non-governmental person other than in such person’s capacity as a member of the general public;



- e. any change in the character or use of the Project Site from that use expected at the date of the issuance of any series of Bonds from which the disbursement is to be made;
- f. a management contract for the Project Site with a non-governmental person or organization; or
- g. such other activity or interest as may be specified from time to time in writing by FCT to the Recipient.

3. If the Project Site, after its acquisition by the Recipient and/or the Trustees, is to remain subject to any of the disallowable activities, the Recipient shall provide notice to FCT, as provided for in paragraph III.1. above, at least sixty (60) calendar days in advance of any such transactions, events or circumstances, and shall provide FCT such information as FCT reasonably requests in order to evaluate for approval the legal and tax consequences of such disallowable activities.

4. In the event that FCT determines at any time that the Recipient is engaging, or allowing others to engage, in disallowable activities on the Project Site, the Recipient shall immediately cease or cause the cessation of the disallowable activities upon receipt of written notice from FCT. In addition to all other rights and remedies at law or in equity, FCT shall have the right to seek temporary and permanent injunctions against the Recipient for any disallowable activities on the Project Site.

DELEGATIONS AND CONTRACTUAL ARRANGEMENTS BETWEEN THE RECIPIENT AND OTHER GOVERNMENTAL BODIES, NONPROFIT ENTITIES OR NON GOVERNMENTAL PERSONS FOR USE OR MANAGEMENT OF THE PROJECT SITE WILL IN NO WAY RELIEVE THE RECIPIENT OF THE RESPONSIBILITY TO ENSURE THAT THE CONDITIONS IMPOSED HEREIN ON THE PROJECT SITE AS A RESULT OF UTILIZING BOND PROCEEDS TO ACQUIRE THE PROJECT SITE ARE FULLY COMPLIED WITH BY THE CONTRACTING PARTY.

#### **X. RECORDKEEPING; AUDIT REQUIREMENTS**

1. The Recipient shall maintain financial procedures and support documents, in accordance with generally accepted accounting principles, to account for the receipt and expenditure of funds under this Agreement. These records shall be available at all reasonable times for inspection, review or audit by state personnel, FCT and other personnel duly authorized by FCT. "Reasonable" shall be construed according to the circumstances, but ordinarily shall mean the normal business hours of 8:00 a.m. to 5:00 p.m., local time, Monday through Friday.

2. If the Recipient expends a total amount of State financial assistance equal to or in excess of \$500,000 in any fiscal year of such Recipient, the Recipient must have a State single or

project-specific audit for such fiscal year in accordance with Section 215.97, Fla. Stat., the applicable rules of the Executive Office of the Governor and the Comptroller and Chapter 10.550 (local government entities) or Chapter 10.650 (nonprofit organizations), Rules of the Auditor General. In determining the State financial assistance expended in its fiscal year, the Recipient shall consider all sources of State financial assistance, including State funds received from FCT, other state agencies and other non-state entities. State financial assistance does not include Federal direct or pass-through awards and resources received by a non-state entity for Federal program matching requirements. The funding for this Agreement was received by FCT as a grant appropriation.

In connection with the audit requirements addressed herein, the Recipient shall ensure that the audit complies with the requirements of Section 215.97(7), Fla. Stat. This includes submission of a reporting package as defined by Section 215.97(2)(d), Fla. Stat. and Chapter 10.550 (local government entities) or 10.650 (nonprofit organizations), Rules of the Auditor General.

3. If the Recipient expends less than \$500,000 in State financial assistance in its fiscal year, an audit conducted in accordance with the provisions of Section 215.97, Fla. Stat. is not required. If the Recipient elects to have an audit conducted in accordance with the provisions of Section 215.97, Fla. Stat., the cost of the audit must be paid from non-State funds (i.e., the cost of such an audit must be paid from Recipient funds not obtained from a State entity).

4. The annual financial audit report shall include all management letters, the Recipient's response to all findings, including corrective actions to be taken, and a schedule of financial assistance specifically identifying all Agreement and other revenue by sponsoring agency and agreement number. Copies of financial reporting packages required under this Article shall be submitted by or on behalf of the Recipient directly to each of the following:

Department of Community Affairs (at each of the following addresses):

Office of Audit Services  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

and

Florida Communities Trust  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

State of Florida Auditor General at the following address:

Auditor General's Office  
Room 401, Claude Pepper Building  
111 West Madison Street  
Tallahassee, Florida 32302-1450

5. If the audit shows that any portion of the funds disbursed hereunder were not spent in accordance with the conditions of this Agreement, the Recipient shall be held liable for reimbursement to FCT of all funds not spent in accordance with the applicable regulations and Agreement provisions within thirty (30) days after FCT has notified the Recipient of such non-compliance.

6. The Recipient shall retain all financial records, supporting documents, statistical records and any other documents pertinent to this Agreement for a period of five years after the date of submission of the final expenditures report. However, if litigation or an audit has been initiated prior to the expiration of the five-year period, the records shall be retained until the litigation or audit findings have been resolved.

7. The Recipient shall have all audits completed in accordance with Section 215.97, Fla. Stat. performed by an independent certified public accountant ("IPA") who shall either be a certified public accountant or a public accountant licensed under Chapter 473, Fla. Stat. The IPA shall state that the audit complied with the applicable provisions noted above.

## **XI. DEFAULT; REMEDIES; TERMINATION**

1. If any essential term or condition of the Declaration of Restrictive Covenants is violated by the Recipient or by some third party with the knowledge of the Recipient, the Recipient shall be notified of the violation by written notice given by personal delivery, registered mail or registered expedited service. The recipient shall diligently commence to cure the violation or complete curing activities within thirty (30) days after receipt of notice of the violation. If the curing activities can not be reasonably completed within the specified thirty (30) day time frame, the Recipient shall submit a timely written request to the FCT Program Manager that includes the status of the current activity, the reasons for the delay and a time frame for the completion of the curing activities. FCT shall submit a written response within thirty (30) days of receipt of the request and approval shall not be unreasonably withheld. It is FCT's position that all curing activities shall be completed within one hundred twenty (120) days of the Recipient's notification of the violation. However, if the Recipient can demonstrate extenuating circumstances exist to justify a greater extension of time to complete the activities, FCT shall give the request due consideration. If the Recipient fails to correct the violation within either (a) the initial thirty (30) day time frame or (b) the time frame approved by FCT pursuant to the Recipient's request, fee simple title to all interest in the Project Site shall be conveyed to the Trustees unless FCT negotiates an agreement with another local government, nonprofit environmental organization, the Florida Division of Forestry, the Florida Fish and Wildlife Conservation Commission, the Department of Environmental Protection or a Water Management District, who agrees to accept title and manage the Project Site. FCT shall treat such property in accordance with Section 380.508(4)(e), Fla. Stat.

## **XII. STANDARD CONDITIONS**

1. This Agreement shall be construed under the laws of the State of Florida, and venue for any actions arising out of this Agreement shall lie in Leon County. If any provision hereof is in conflict with any applicable statute or rule, or is otherwise unenforceable, then such provision shall be deemed null and void to the extent of such conflict and shall be severable, but shall not invalidate any other provision of this Agreement.

2. No waiver by FCT of any right or remedy granted hereunder or failure to insist on strict performance by the Recipient shall affect or extend or act as a waiver of any other right or remedy of FCT hereunder, or affect the subsequent exercise of the same right or remedy by FCT for any further or subsequent default by the Recipient.

3. The Recipient agrees to comply with the Americans With Disabilities Act (Public Law 101-336, 42 U.S.C. Section 12101 et seq.), if applicable, which prohibits discrimination by public and private entities on the basis of disability in the areas of employment, public accommodations, transportation, State and local government services, and in telecommunications.

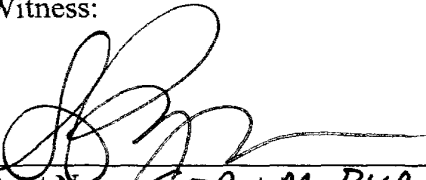
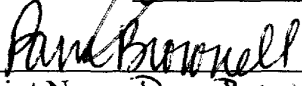
4. A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime or on the discriminatory vendor list may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit lease bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with a public entity, and may not transact business with any public entity in excess of Category Two for a period of 36 months from the date of being placed on the convicted vendor list or on the discriminatory vendor list.

5. No funds or other resources received from FCT in connection with this Agreement may be used directly or indirectly to influence legislation or any other official action by the Florida Legislature or any state agency.

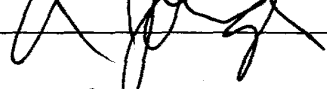
This Agreement including Exhibit "A" embodies the entire agreement between the parties.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement.

Witness:

  
Print Name: SEAN M. BYRNE  
  
Print Name: Pam Brownell

**SARASOTA CONSERVATION  
FOUNDATION, a non-profit  
environmental organization**

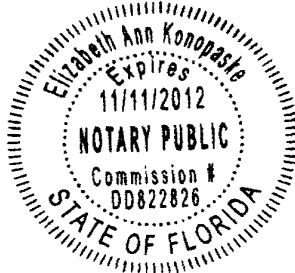
By:   
Date: 2/17/09

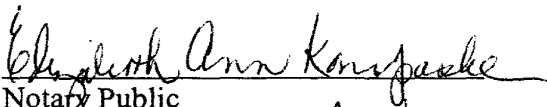
Approved as to Form and Legality:

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of February, 2009, by ALBERT G. JOERGER on behalf of the non-profit environmental organization, and who is personally known to me.



  
Notary Public  
Print Name: ELIZABETH ANN KONOPASTE  
Commission No. \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

Witness:

Gaye A. Brett  
Print Name: GAYLE H. BRETT

Brian W. Hirsch  
Print Name: BRIAN W. HIRSCH

**FLORIDA COMMUNITIES TRUST**

By: Ken Reecy  
Ken Reecy  
Community Program Manager

Date: 2-23-09

Approved as to Form and Legality:

By: Kristen L. Coons  
Kristen L. Coons,  
Trust Counsel

STATE OF FLORIDA  
COUNTY OF LEON

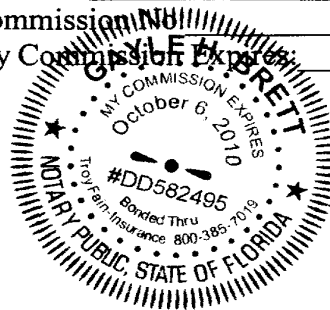
The foregoing instrument was acknowledged before me this 23<sup>rd</sup> day of February, 2009, by Ken Reecy, Community Program Manager. He is personally known to me.

Gaye A. Brett  
Notary Public

Print Name: \_\_\_\_\_

Commission Number: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_



## EXHIBIT "A"

## PARCEL "A-1"

PARCEL OF LAND IN SECTION 10 AND 11, TOWNSHIP 45 SOUTH, RANGE 22 EAST, PINE ISLAND, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 10; THENCE N. 0°36'30" W., ALONG THE EAST LINE OF SAID SECTION 10, A DISTANCE OF 2646.34 FEET TO THE EAST QUARTER-CORNER OF SAID SECTION 10; THENCE N. 0°50'45" W., ALONG SAID EAST LINE OF SECTION 10, A DISTANCE OF 1778.78 FEET TO THE POINT-OF-BEGINNING OF THIS DESCRIPTION; THENCE S. 88°44'20" W., A DISTANCE OF 4.42 FEET; THENCE S. 48°23'55" W. A DISTANCE OF 205.00 FEET; THENCE N. 41°36'05" W. A DISTANCE OF 230.33 FEET; THENCE S. 48°23'55" W. A DISTANCE OF 526.05 FEET; THENCE S. 63°42'37" W. A DISTANCE OF 680.63 FEET TO A NON-RADIAL INTERSECTION WITH A CURVE CONCAVE IN THE NORTHEASTERLY SIDE WHOSE RADIUS POINT BEARS S. 71°14'24" W.; THENCE SOUTHEASTERLY, ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 1760.33 FEET, A CENTRAL ANGLE OF 08°03'47" AND WHOSE CHORD BEARS S. 22°47'29" E. A DISTANCE OF 247.52 FEET, HAVING AN ARC LENGTH OF 247.72 FEET; THENCE S. 19°16'18" W. ALONG A NON-TANGENT, NON-RADIAL LINE, A DISTANCE OF 95.84 FEET; THENCE S. 62°16'54" W. A DISTANCE OF 662.55 FEET; THENCE S. 18°37'18" W. A DISTANCE OF 137.07 FEET TO A NON-RADIAL INTERSECTION WITH A CURVE CONCAVE IN THE SOUTHERLY SIDE WHOSE RADIUS POINT BEARS S. 11°06'12" W.; THENCE WESTERLY ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 1760.33 FEET, A CENTRAL ANGLE OF 36°18'43" AND WHOSE CHORD BEARS S. 82°56'51" W. FOR A DISTANCE OF 1097.05 FEET HAVING AN ARC LENGTH OF 1115.63 FEET; THENCE S. 64°47'29" W., ALONG A TANGENT LINE, A DISTANCE OF 118.30 FEET; THENCE S. 69°54'07" W. A DISTANCE OF 221.97 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE SOUTHWESTERLY ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 1730.33 FEET, A CENTRAL ANGLE OF 05°06'38", AND WHOSE CHORD BEARS S. 67°20'48" W. A DISTANCE OF 154.29 FEET, HAVING AN ARC LENGTH OF 154.34 FEET; THENCE S. 64°47'29" W. ALONG A TANGENT LINE, A DISTANCE OF 171.11 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF STRINGFELLOW ROAD (COUNTY ROAD 767-100 FOOT RIGHT-OF-WAY); THENCE N. 25°12'31" W., ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 2569.39 FEET; THENCE S. 64°47'29" W. CONTINUING ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 17.00 FEET; THENCE N. 25°12'31" W. A DISTANCE OF 150.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE NORTHEASTERLY, ALONG AN ARC OF SAID CURVE, BEING THE SAID RIGHT-OF-WAY LINE, HAVING A RADIUS OF 1876.86 FEET, A CENTRAL ANGLE OF 03°26'15", AND WHOSE CHORD BEARS N. 23°29'23" W. FOR A DISTANCE OF 112.59 FEET, HAVING AN ARC LENGTH OF 112.61 FEET TO AN INTERSECTION WITH THE NORTH LINE OF SAID SECTION 10; THENCE N. 89°23'26" E., ALONG SAID SECTION LINE, A DISTANCE OF 1966.10 FEET TO THE NORTH QUARTER-CORNER OF SAID SECTION 10; THENCE N. 88°43'58" E. CONTINUING ALONG SAID SECTION LINE, A DISTANCE OF 2821.98 FEET TO THE NORTHEAST CORNER OF SAID SECTION 10; THENCE N. 88°44'20" E., ALONG THE NORTH LINE OF SAID SECTION 11, A DISTANCE OF APPROXIMATELY 982.42 FEET TO AN INTERSECTION WITH THE MEAN HIGH WATER LINE OF MATLACHA PASS; THENCE SOUTHEASTERLY AND SOUTHWESTERLY ALONG THE SAID MEAN HIGH WATER LINE, TO AN INTERSECTION WITH A LINE THAT LIES 452.00 FEET NORTH OF (AS MEASURED AT RIGHT ANGLES) THE SOUTH LINE OF THE NORTH-HALF OF GOVERNMENT LOT 2, IN SAID SECTION 11, SAID MEAN HIGH WATER LINE HAVING A WITNESS LINE THAT BEARS N. 0°15'25" E. A DISTANCE OF 875.05 FEET FROM THE AFOREMENTIONED INTERSECTION WITH THE SAID LINE THAT LIES 452.00 FEET NORTH OF THE SOUTH LINE OF THE NORTH-HALF OF GOVERNMENT LOT 2, TO THE SAID INTERSECTION OF THE MEAN HIGH WATER LINE WITH THE NORTH LINE OF SAID SECTION 11; THENCE S. 88°44'20" W. ALONG THE SAID LINE THAT LIES 452.00 FEET NORTH OF THE SOUTH LINE OF THE NORTH-HALF OF GOVERNMENT LOT 2, A DISTANCE OF 965.58 FEET TO THE SAID POINT-OF-BEGINNING OF THIS DESCRIPTION.

## DESCRIPTION

## PARCEL "A-2", CONSERVATION EASEMENT

PARCEL OF LAND IN SECTION 10, TOWNSHIP 45 SOUTH, RANGE 22 EAST, PINE ISLAND, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 10; THENCE N. 0°36'30" W., ALONG THE EAST LINE OF SAID SECTION 10, A DISTANCE OF 2646.34 FEET TO THE EAST QUARTER-CORNER OF SAID SECTION 10; THENCE N. 0°50'45" W., ALONG SAID EAST LINE OF SECTION 10, A DISTANCE OF 1778.78 FEET; THENCE S. 88°44'20" W., A DISTANCE OF 4.42 FEET; THENCE S. 48°23'55" W. A DISTANCE OF 205.00 FEET TO THE POINT-OF-BEGINNING OF THIS DESCRIPTION; THENCE N. 41°36'05" W. A DISTANCE OF 230.33 FEET; THENCE S. 48°23'55" W. A DISTANCE OF 526.05 FEET; THENCE S. 63°42'37" W. A DISTANCE OF 680.63 FEET TO A NON-RADIAL INTERSECTION WITH A CURVE CONCAVE IN THE NORTHEASTERLY SIDE WHOSE RADIUS POINT BEARS S. 71°14'24" W.; THENCE SOUTHEASTERLY, ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 1760.33 FEET, A CENTRAL ANGLE OF 08°03'47" AND WHOSE CHORD BEARS S. 22°47'29" E. A DISTANCE OF 247.52 FEET, HAVING AN ARC LENGTH OF 247.72 FEET; THENCE S. 19°16'18" W. ALONG A NON-TANGENT, NON-RADIAL LINE, A DISTANCE OF 95.84 FEET; THENCE S. 62°16'54" W. A DISTANCE OF 662.55 FEET; THENCE S. 18°37'18" W. A DISTANCE OF 137.07 FEET TO A NON-RADIAL INTERSECTION WITH A CURVE CONCAVE IN THE SOUTHERLY SIDE WHOSE RADIUS POINT BEARS S. 11°06'12" W.; THENCE WESTERLY ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 1760.33 FEET, A CENTRAL ANGLE OF 36°18'43" AND WHOSE CHORD BEARS S. 82°56'51" W. FOR A DISTANCE OF 1097.05 FEET HAVING AN ARC LENGTH OF 1115.63 FEET; THENCE S. 64°47'29" W., ALONG A TANGENT LINE, A DISTANCE OF 118.30 FEET; THENCE S. 69°54'07" W. A DISTANCE OF 221.97 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE SOUTHWESTERLY ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 1730.33 FEET, A CENTRAL ANGLE OF 05°06'38", AND WHOSE CHORD BEARS S. 67°20'48" W. A DISTANCE OF 154.29 FEET, HAVING AN ARC LENGTH OF 154.34 FEET; THENCE S. 64°47'29" W. ALONG A TANGENT LINE, A DISTANCE OF 171.11 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF STRINGFELLOW ROAD (COUNTY ROAD 767-100 FOOT RIGHT-OF-WAY); THENCE S. 25°12'31" E., ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 230.33 FEET; THENCE N. 64°47'29" E. A DISTANCE OF 171.11 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE NORTHEASTERLY ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 1500.00 FEET, A CENTRAL ANGLE OF 05°06'38" AND WHOSE CHORD BEARS N. 67°20'48" E. A DISTANCE OF 133.75 FEET, HAVING AN ARC LENGTH OF 133.79 FEET; THENCE N. 69°54'07" E. ALONG A TANGENT LINE, A DISTANCE OF 232.25 FEET; THENCE N. 64°47'29" E. A DISTANCE OF 128.58 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE EASTERLY, ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 1530.00 FEET, A CENTRAL ANGLE OF 43°49'49" AND WHOSE CHORD BEARS N. 86°42'24" E. FOR A DISTANCE OF 1142.09 FEET, HAVING AN ARC LENGTH OF 1170.42 FEET; THENCE N. 18°37'18" E. ALONG A RADIAL LINE, A DISTANCE OF 260.00 FEET; THENCE N. 62°16'54" E. A DISTANCE OF 661.03 FEET; THENCE N. 19°16'18" E. A DISTANCE OF 288.70 FEET TO A NON-RADIAL INTERSECTION WITH A CURVE BEING CONCAVE IN THE NORTHEASTERLY SIDE WHOSE RADIUS POINT BEARS N. 59°36'42" E. FROM SAID INTERSECTION; THENCE NORTHWESTERLY ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 1530.00 FEET, A CENTRAL ANGLE OF 04°06'41" AND WHOSE CHORD BEARS N. 28°19'57" W. FOR A DISTANCE OF 109.77 FEET, HAVING AN ARC LENGTH OF 109.79 FEET; THENCE N. 83°42'37" E. ALONG A NON-RADIAL, NON-TANGENT LINE, A DISTANCE OF 496.44 FEET; THENCE N. 48°23'55" E. A DISTANCE OF 557.01 FEET TO THE SAID POINT-OF-BEGINNING OF THIS DESCRIPTION.

SUBJECT TO ALL EASEMENTS, RESERVATIONS, RESTRICTIONS, AND RIGHTS-OF-WAY OF RECORD.



**DESCRIPTION  
PARCEL "A-1"**

PARCEL OF LAND IN SECTION 10 AND 11, TOWNSHIP 45 SOUTH, RANGE 22 EAST, PINE ISLAND, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 10; THENCE N.  $0^{\circ}36'30''$  W., ALONG THE EAST LINE OF SAID SECTION 10, A DISTANCE OF 2646.34 FEET TO THE EAST QUARTER-CORNER OF SAID SECTION 10; THENCE N.  $0^{\circ}50'45''$  W., ALONG SAID EAST LINE OF SECTION 10, A DISTANCE OF 1778.78 FEET TO THE POINT-OF-BEGINNING OF THIS DESCRIPTION; THENCE S.  $88^{\circ}44'20''$  W., A DISTANCE OF 4.42 FEET; THENCE S.  $48^{\circ}23'55''$  W. A DISTANCE OF 205.00 FEET; THENCE N.  $41^{\circ}36'05''$  W. A DISTANCE OF 230.33 FEET; THENCE S.  $48^{\circ}23'55''$  W. A DISTANCE OF 526.05 FEET; THENCE S.  $63^{\circ}42'37''$  W. A DISTANCE OF 680.63 FEET TO A NON-RADIAL INTERSECTION WITH A CURVE CONCAVE IN THE NORTHEASTERLY SIDE WHOSE RADIUS POINT BEARS S.  $71^{\circ}14'24''$  W.; THENCE SOUTHEASTERLY, ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 1760.33 FEET, A CENTRAL ANGLE OF  $08^{\circ}03'47''$  AND WHOSE CHORD BEARS S.  $22^{\circ}47'29''$  E. A DISTANCE OF 247.52 FEET, HAVING AN ARC LENGTH OF 247.72 FEET; THENCE S.  $19^{\circ}16'18''$  W. ALONG A NON-TANGENT, NON-RADIAL LINE, A DISTANCE OF 95.84 FEET; THENCE S.  $62^{\circ}16'54''$  W. A DISTANCE OF 662.55 FEET; THENCE S.  $18^{\circ}37'18''$  W. A DISTANCE OF 137.07 FEET TO A NON-RADIAL INTERSECTION WITH A CURVE CONCAVE IN THE SOUTHERLY SIDE WHOSE RADIUS POINT BEARS S.  $11^{\circ}06'12''$  W.; THENCE WESTERLY ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 1760.33 FEET, A CENTRAL ANGLE OF  $36^{\circ}18'43''$  AND WHOSE CHORD BEARS S.  $82^{\circ}56'51''$  W. FOR A DISTANCE OF 1097.05 FEET HAVING AN ARC LENGTH OF 1115.63 FEET; THENCE S.  $64^{\circ}47'29''$  W., ALONG A TANGENT LINE, A DISTANCE OF 118.30 FEET; THENCE S.  $69^{\circ}54'07''$  W. A DISTANCE OF 221.97 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE SOUTHWESTERLY ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 1730.33 FEET, A CENTRAL ANGLE OF  $05^{\circ}06'38''$ , AND WHOSE CHORD BEARS S.  $67^{\circ}20'48''$  W. A DISTANCE OF 154.29 FEET, HAVING AN ARC LENGTH OF 154.34 FEET; THENCE S.  $64^{\circ}47'29''$  W. ALONG A TANGENT LINE, A DISTANCE OF 171.11 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF STRINGFELLOW ROAD (COUNTY ROAD 767-100 FOOT RIGHT-OF-WAY); THENCE N.  $25^{\circ}12'31''$  W., ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 2569.39 FEET; THENCE S.  $64^{\circ}47'29''$  W. CONTINUING ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 17.00 FEET; THENCE N.  $25^{\circ}12'31''$  W. A DISTANCE OF 150.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE NORTHWESTERLY, ALONG AN ARC OF SAID CURVE, BEING THE SAID RIGHT-OF-WAY LINE, HAVING A RADIUS OF 1876.86 FEET, A CENTRAL ANGLE OF  $03^{\circ}26'15''$ , AND WHOSE CHORD BEARS N.  $23^{\circ}29'23''$  W. FOR A DISTANCE OF 112.59 FEET, HAVING AN ARC LENGTH OF 112.61 FEET TO AN INTERSECTION WITH THE NORTH LINE OF SAID SECTION 10; THENCE N.  $89^{\circ}23'26''$  E., ALONG SAID SECTION LINE, A DISTANCE OF 1966.10 FEET TO THE NORTH QUARTER-CORNER OF SAID SECTION 10; THENCE N.  $88^{\circ}43'58''$  E. CONTINUING ALONG SAID SECTION LINE, A DISTANCE OF 2821.98 FEET TO THE NORTHEAST CORNER OF SAID SECTION 10; THENCE N.  $88^{\circ}44'20''$  E., ALONG THE NORTH LINE OF SAID SECTION 11, A DISTANCE OF APPROXIMATELY 982.42 FEET TO AN INTERSECTION WITH THE MEAN HIGH WATER LINE OF MATLACHA PASS; THENCE SOUTHEASTERLY AND SOUTHWESTERLY ALONG THE SAID MEAN HIGH WATER LINE, TO AN INTERSECTION WITH A LINE THAT LIES 452.00 FEET NORTH OF (AS MEASURED AT RIGHT ANGLES) THE SOUTH LINE OF THE NORTH-HALF OF GOVERNMENT LOT 2, IN SAID SECTION 11, SAID MEAN HIGH WATER LINE HAVING A WITNESS LINE THAT BEARS N.  $0^{\circ}15'25''$  E. A DISTANCE OF 875.05 FEET FROM THE AFOREMENTIONED INTERSECTION WITH THE SAID LINE THAT LIES 452.00 FEET NORTH OF THE SOUTH LINE OF THE NORTH-HALF OF GOVERNMENT LOT 2, TO THE SAID INTERSECTION OF THE MEAN HIGH WATER LINE WITH THE NORTH LINE OF SAID SECTION 11; THENCE S.  $88^{\circ}44'20''$  W. ALONG THE SAID LINE THAT LIES 452.00 FEET NORTH OF THE SOUTH LINE OF THE NORTH-HALF OF GOVERNMENT LOT 2, A DISTANCE OF 965.58 FEET TO THE SAID POINT-OF-BEGINNING OF THIS DESCRIPTION.

## DESCRIPTION

## PARCEL "A-2", CONSERVATION EASEMENT

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SUBJECT TO ALL EASEMENTS, RESERVATIONS, RESTRICTIONS, AND RIGHTS-OF-WAY OF RECORD.



**SOUTH FLORIDA WATER MANAGEMENT DISTRICT  
ENVIRONMENTAL RESOURCE PERMIT NO. 36-08745-P**

**DATE ISSUED: June 16, 2017**

**PERMITTEE:** CONSERVATION FOUNDATION OF THE GULF  
COAST INC  
P O BOX 902  
400 PALMETTO AVENUE  
OSPREY, FL 34229

**PROJECT DESCRIPTION:** This Environmental Resource Permit authorizes construction and operation of a stormwater management (SWM) system serving 230 acres of environmental restoration that includes a 320 SF canoe/kayak launch and associated Sovereign Submerged Lands authorization for a project known as Pine Island Preserve at Matlacha Pass.

**PROJECT LOCATION:** LEE COUNTY, SEC 10 TWP 45S RGE 22E  
SEC 11 TWP 45S RGE 22E

**PERMIT DURATION:** See Special Condition No:1.

This is to notify you of the District's agency action for Permit Application No. 160218-6, dated February 18, 2016. This action is taken pursuant to the provisions of Chapter 373, Part IV, Florida Statutes (F.S).

Based on the information provided, District rules have been adhered to and an Environmental Resource Permit is in effect for this project subject to:

1. Not receiving a filed request for a Chapter 120, Florida Statutes, administrative hearing.
2. the attached 18 General Conditions (See Pages : 2 - 4 of 9),
3. the attached 25 Special Conditions (See Pages : 5 - 8 of 9),
4. the attached General Conditions for Authorizations for Use of Sovereign Submerged Lands (See Pages : 9 - 9 of 9) and
5. the attached 3 Exhibit(s)

Should you object to these conditions, please refer to the attached "Notice of Rights" which addresses the procedures to be followed if you desire a public hearing or other review of the proposed agency action. Please contact this office if you have any questions concerning this matter. If we do not hear from you in accordance with the "Notice of Rights," we will assume that you concur with the District's action.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY THAT this written notice has been mailed or electronically transmitted to the Permittee (and the persons listed in the attached distribution list) this 16th day of June, 2017, in accordance with Section 120.60(3), F.S. Notice was also electronically posted on this date through a link on the home page of the District's website (my.sfwmd.gov/ePermitting).

BY: Melissa M. Roberts  
Melissa M. Roberts, P.E.  
Regulatory Administrator  
Lower West Coast Service Center

## GENERAL CONDITIONS

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, Florida Administrative Code (F.A.C.). Any deviations that are not so authorized shall subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.
2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.
3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the "State of Florida Erosion and Sediment Control Designer and Reviewer Manual" (Florida Department of Environmental Protection and Florida Department of Transportation June 2007), and the "Florida Stormwater Erosion and Sedimentation Control Inspector's Manual" (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.
4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice" indicating the expected start and completion dates. If available, an Agency website that fulfills this notification requirement may be used in lieu of the form.
5. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.
6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:
  - a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex- "Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit"[Form 62-330.310(3)]; or
  - b. For all other activities- "As-Built Certification and Request for Conversion to Operational Phase" [Form 62-330.310(1)].
  - c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.
7. If the final operation and maintenance entity is a third party:
  - a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as- built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Applicant's Handbook Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
  - b. Within 30 days of submittal of the as- built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity" [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.
8. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that

## GENERAL CONDITIONS

require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.

9. This permit does not:
  - a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
  - b. Convey to the permittee or create in the permittee any interest in real property;
  - c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
  - d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.
10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.
11. The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.
12. The permittee shall notify the Agency in writing:
  - a. Immediately if any previously submitted information is discovered to be inaccurate; and
  - b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.
13. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.
14. If any 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, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.
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 Rule 62-330.201, F.A.C., provides otherwise.
16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other

## **GENERAL CONDITIONS**

uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.

17. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.
18. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with Rule 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

### **SPECIAL CONDITIONS**

1. The construction phase of this permit shall expire on June 16, 2022.
2. Operation and maintenance of the stormwater management system, mitigation preserve area, boardwalk, and canoe/kayak launch shall be the responsibility of the permittee.
3. Discharge Facilities:  
  
    Basin D (Emergency Overflow Structure)  
  
        1 - 25' WIDE BROAD CRESTED weir with crest at elev. 6.75' NAVD 88.  
        Receiving body : ONSITE UPLANDS  
        WSWT Control elev : 5.70 feet NAVD 88.
4. 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.
5. 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.
6. Minimum road crown elevation:  
  
    Basin: A - 7.70 feet NAVD 88.  
    Basin: B - 7.70 feet NAVD 88. (WEST)  
    Basin: B - 7.70 feet NAVD 88. (EAST)  
    Basin: C - 7.70 feet NAVD 88.  
    Basin: D - 7.70 feet NAVD 88.
7. Minimum parking lot elevation:  
  
    Basin: A - 7.70 feet NAVD 88.  
    Basin: B - 7.70 feet NAVD 88. (WEST)  
    Basin: B - 7.70 feet NAVD 88. (EAST)  
    Basin: C - 7.70 feet NAVD 88.  
    Basin: D - 7.70 feet NAVD 88.
8. The permittee shall utilize the criteria contained in the Construction Pollution Prevention Plan (Exhibit 2.2) and on the applicable approved construction drawings for the duration of the project's construction activities.
9. The Urban Stormwater Management Plan shall be implemented in accordance with Exhibit 2.3.
10. Prior to initiating construction activities associated with this Environmental Resource Permit (ERP), the permittee is required to hold a pre-construction meeting with field representatives, consultants, contractors, District Environmental Resource Compliance (ERC) staff, and any other local government entities as necessary.

The purpose of the pre-construction meeting is to discuss construction methods, sequencing, best management practices, identify work areas, staking and roping of preserves where applicable, and to facilitate coordination and assistance amongst relevant parties.



## SPECIAL CONDITIONS

To schedule a pre-construction meeting, please contact ERC staff from the Lower West Coast Service Center at (239) 338-2929 or via e-mail at: [pre-con@sfwmd.gov](mailto:pre-con@sfwmd.gov). When sending a request for a pre-construction meeting, please include the application number, permit number, and contact name and phone number.

11. Prior to the commencement of construction, the perimeter of protected wetland and upland preservation areas staked/roped/silt fenced to prevent encroachment into the protected areas. Using Global Positioning System (GPS) technology, the perimeter of the preserve area(s) shall be identified for future reference. The data shall be differentially corrected and accurate to less than a meter (+/- one meter or better). Electronic copies of the GPS data shall be provided to the District's Environmental Resource Compliance staff. The permittee shall notify the District's Environmental Resource Compliance staff in writing upon completion of staking/roping/silt fencing and schedule an inspection of this work. The staking/roping/silt fencing shall be subject to District staff approval. The permittee shall modify the staking/roping/silt fencing if District staff determines that it is insufficient or is not in conformance with the intent of this permit. Staking/roping/silt fencing shall remain in place until all adjacent construction activities are complete.
12. Endangered species, threatened species and/or species of special concern have been observed onsite and/or the project contains suitable habitat for these species. It shall be the permittee's responsibility to coordinate with the Florida Fish and Wildlife Conservation Commission and/or the U.S. Fish and Wildlife Service for appropriate guidance, recommendations and/or necessary permits to avoid impacts to listed species. Please refer to Exhibit No. 3.6.
13. The permittee shall comply with the provisions of the eagle management plan approved for the site as shown on Exhibit No. 3.6. In accordance with the plan, potential nuisance activities such as land clearing, blasting, excavation and burning shall be conducted from May 16 - September 30 in order to avoid the critical bald eagle nesting periods which take place from October 1 - May 15. No clearing or major grading shall be conducted during the nesting season and all construction activities shall be coordinated with the Florida Fish and Wildlife Conservation Commission.
14. The permittee shall comply with the following conditions intended to protect manatees and marine turtles from direct project effects:
  - a. All personnel associated with the project shall be instructed about the presence of marine turtles, 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 and marine turtles cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee and marine turtle 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 marine turtles and manatee(s). All in-water operations, including vessels, must be shutdown if a marine turtle or manatee(s) comes within 50 feet of the operation. Activities will not resume until the animal(s) have moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the animal(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or

## SPECIAL CONDITIONS

harassed into leaving.

e. Any collision with or injury to a marine turtle or manatee shall be reported immediately to the FWC Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at [ImperiledSpecies@myFWC.com](mailto:ImperiledSpecies@myFWC.com).

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 8 1/2" 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. These signs can be viewed at [MyFWC.com/manatee](http://MyFWC.com/manatee). Questions concerning these signs can be sent to FWC at [ImperiledSpecies@myFWC.com](mailto:ImperiledSpecies@myFWC.com).

15. Mangrove trimming is limited to activities detailed in the plan attached as Exhibit No. 2.0. All mangrove trimming activities shall be accomplished by a certified professional mangrove trimmer and in accordance with the Mangrove Trimming and Preservation Act (Sections 403.9321-403.9333 Florida Statutes).
16. A mitigation program for Pine Island Preserve at Matlacha Pass shall be implemented in accordance with Exhibit No. 3.3. The permittee shall enhance and preserve 2.12 acres of wetlands compensation areas. The remaining natural areas of the site, although not used for mitigation, will be enhanced per the overall restoration plan for the site.
17. The District reserves the right to require remedial measures to be taken by the permittee if monitoring or other information demonstrates that adverse impacts to onsite or offsite wetlands, upland conservation areas or buffers, or other surface waters have occurred due to project related activities.
18. A monitoring program shall be implemented in accordance with Exhibit No. 3.3. The monitoring program shall extend for a minimum of 5 years with annual reports submitted to District staff. At the end of the first monitoring period the mitigation area shall contain an 80% survival of planted vegetation. The 80% survival rate shall be maintained throughout the remainder of the monitoring program, with replanting as necessary. If native wetland, transitional, and upland species do not achieve an 80% coverage within the initial two years of the monitoring program, native species shall be planted in accordance with the maintenance program. At the end of the 5 year monitoring program the entire mitigation area shall contain an 80% survival of planted vegetation and an 80% coverage of desirable obligate and facultative wetland species.
19. A maintenance program shall be implemented in accordance with Exhibit Nos. 3.3 & 3.4 for the enhanced wetland area on a regular basis to ensure the integrity and viability of those areas as permitted. Maintenance shall be conducted in perpetuity to ensure that the conservation areas are maintained free from Category 1 & 2 exotic vegetation (as defined by the Florida Exotic Pest Plant Council immediately following a maintenance activity). Maintenance in perpetuity shall also ensure that conservation areas, including buffers, maintain the species and coverage of native, desirable vegetation specified in the permit. Coverage of exotic and nuisance plant species shall not exceed 5% of total cover between maintenance activities. In addition, the permittee shall manage the conservation areas such that exotic/nuisance plant species do not dominate any one section of those areas. No nuisance or exotic vegetation will be killed and left in place or stockpiled in the conservation easement areas.
20. Dock and walkway pilings shall be constructed of plastic, concrete or greenheart, non-CCA treated wood

## **SPECIAL CONDITIONS**

or wood wrapped in 30 to 60 mil pvc.

21. Activities associated with the implementation of the mitigation, monitoring and maintenance plan(s) shall be completed in accordance with the work schedule attached as Exhibit No. 3.4. Any deviation from these time frames must be coordinated with the District's Environmental Resource Compliance staff, and may require a minor modification to this permit. Such requests must be made in writing and shall include (1) reason for the change, (2) proposed start/finish and/or completion dates; and (3) progress report on the status of the project development or mitigation effort.
22. 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 stormwater 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 stormwater management system, if necessary, to eliminate the cause of the adverse impacts.
23. Facilities other than those stated herein shall not be constructed without an approved modification of this permit.
24. Prior to the permittee instituting any future changes not authorized by this permit, the permittee shall notify the District of such intentions for a determination of any necessary permit modifications.
25. The following are exhibits to this permit. Exhibits noted as incorporated by reference are available on the District's ePermitting website (<http://my.sfwmd.gov/ePermitting>) under this application number.

Exhibit No. 1.0 Location Map

Exhibit No. 2.0 Engineering Design Drawings

Exhibit No. 2.1 Drainage Basin Map

Exhibit No. 2.2 Construction Pollution Prevention Plan

Exhibit No. 2.3 Urban Stormwater Management Program

Exhibit No. 3.0 FLUCCS Map

Exhibit No. 3.1 Wetland Identification Map

Exhibit No. 3.2 Wetland Impact Map

Exhibit No. 3.3 Mitigation, Monitoring, and Long-term Management Plan

Exhibit No. 3.4 Work Schedule

Exhibit No. 3.5 Restoration Plan

Exhibit No. 3.6 Protected Species Information

**GENERAL CONDITIONS FOR AUTHORIZATIONS FOR USE OF  
SOVEREIGN SUBMERGED LANDS**

Project No. 160218-6

Chapter 18-21.004(7), F.A.C., provides that all authorizations granted by rule or in writing under Rule 18-21.005, F.A.C., except those for aquaculture activities and geophysical testing, shall be subject to the general conditions as set forth in paragraphs (a) through (i) below. The general conditions shall be part of all authorizations under this chapter, shall be binding upon the grantee, and shall be enforceable under Chapter 253 or Chapter 258, Part II, F.S.

Chapter 18-21.004(7), F.A.C., General Conditions for Authorizations:

(a) Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.

(b) Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.

(c) Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in Sections 253.04 and 258.46, F.S., or Chapter 18-14, F.A.C.

(d) Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.

(e) Construction, use, or operation of the structure or activity shall not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.

(f) Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court's decision.

(g) Structures or activities shall not create a navigational hazard.

(h) Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of Rule 18-21.005, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.

(i) Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities authorized under paragraph 18-21.004(1)(g), F.A.C., or any other applicable law.

## NOTICE OF RIGHTS

As required by Sections 120.569 and 120.60(3), Fla. Stat., the following is notice of the opportunities which may be available for administrative hearing or judicial review when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Not all of the legal proceedings detailed below may be an applicable or appropriate remedy. You may wish to consult an attorney regarding your legal rights.

### RIGHT TO REQUEST ADMINISTRATIVE HEARING

A person whose substantial interests are or may be **affected by the South Florida Water Management District's** (SFWMD or District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Fla. Stat. Persons seeking a hearing on a SFWMD decision which affects or may affect their substantial interests shall file a petition for hearing with the Office of the District Clerk of the SFWMD, in accordance with the filing instructions set forth herein, within 21 days of receipt of written notice of the decision, unless one of the following shorter time periods apply: (1) within 14 days of the notice of consolidated intent to grant or deny concurrently reviewed applications for environmental resource permits and use of sovereign submerged lands pursuant to Section 373.427, Fla. Stat.; or (2) within 14 days of service of an Administrative Order pursuant to Section 373.119(1), Fla. Stat. "Receipt of written notice of agency decision" means receipt of written notice through mail, electronic mail, or posting that the SFWMD has or intends to take final agency action, or publication of notice that the SFWMD has or intends to take final agency action. Any person who receives written notice of a SFWMD decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

If the District takes final agency action which materially differs from the noticed intended agency decision, persons who may be substantially affected shall, unless otherwise provided by law, have an additional Rule 28-106.111, Fla. Admin. Code, point of entry.

Any person to whom an emergency order is directed pursuant to Section 373.119(2), Fla. Stat., shall comply therewith immediately, but on petition to the board shall be afforded a hearing as soon as possible.

A person may file a request for an extension of time for filing a petition. The SFWMD may, for good cause, grant the request. Requests for extension of time must be filed with the SFWMD prior to the deadline for filing a petition for hearing. Such requests for extension shall contain a certificate that the moving party has consulted with all other parties concerning the extension and that the SFWMD and any other parties agree to or oppose the extension. A timely request for an extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

### FILING INSTRUCTIONS

A petition for administrative hearing must be filed with the Office of the District Clerk of the SFWMD. Filings with the Office of the District Clerk may be made by mail, hand-delivery, or e-mail. Filings by facsimile will not be accepted. A petition for administrative hearing or other document is deemed filed upon receipt during normal business hours by the Office of the District Clerk at SFWMD headquarters in West Palm Beach, Florida. **The District's normal business hours are 8:00 a.m. – 5:00 p.m.,** excluding weekends and District holidays. Any document received by the Office of the District Clerk after 5:00 p.m. shall be deemed filed as of 8:00 a.m. on the next regular business day. Additional filing instructions are as follows:

- Filings by mail must be addressed to the Office of the District Clerk, 3301 Gun Club Road, West Palm Beach, Florida 33406.

- Filings by hand-delivery must be delivered to the Office of the District Clerk. Delivery of a petition to the SFWMD's security desk does not constitute filing. It will be necessary to request that the SFWMD's security officer contact the Office of the District Clerk. An employee of the SFWMD's Clerk's office will receive and file the petition.
- Filings by e-mail must be transmitted to the Office of the District Clerk at [clerk@sfwmd.gov](mailto:clerk@sfwmd.gov). The filing date for a document transmitted by electronic mail shall be the date the Office of the District Clerk receives the complete document. A party who files a document by e-mail shall (1) represent that the original physically signed document will be retained by that party for the duration of the proceeding and of any subsequent appeal or subsequent proceeding in that cause and that the party shall produce it upon the request of other parties; and (2) be responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed.

#### INITIATION OF AN ADMINISTRATIVE HEARING

Pursuant to Sections 120.54(5)(b)4. and 120.569(2)(c), Fla. Stat., and Rules 28-106.201 and 28-106.301, Fla. Admin. Code, initiation of an administrative hearing shall be made by written petition to the SFWMD in legible form and on 8 1/2 by 11 inch white paper. All petitions shall contain:

1. Identification of the action being contested, including the permit number, application number, SFWMD file number or any other SFWMD identification number, if known.
2. The name, address, any email address, any facsimile number, and telephone number of the petitioner and **petitioner's representative, if any.**
3. An explanation of how the **petitioner's substantial interests will be affected by the agency determination.**
4. A statement of when and how the petitioner received notice of the SFWMD's **decision.**
5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate.
6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the SFWMD's **proposed action.**
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the SFWMD's **proposed action.**
8. If disputed issues of material fact exist, the statement must also include an explanation of how the alleged facts relate to the specific rules or statutes.
9. A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the SFWMD to take with respect to the SFWMD's **proposed action.**

#### MEDIATION

The procedures for pursuing mediation are set forth in Section 120.573, Fla. Stat., and Rules 28-106.111 and 28-106.401–.405, Fla. Admin. Code. The SFWMD is not proposing mediation for this agency action under Section 120.573, Fla. Stat., at this time.

#### RIGHT TO SEEK JUDICIAL REVIEW

Pursuant to Section 120.68, Fla. Stat., and in accordance with Florida Rule of Appellate Procedure 9.110, a party who is adversely affected by final SFWMD action may seek judicial review of the SFWMD's final decision by filing a notice of appeal with the Office of the District Clerk of the SFWMD in accordance with the filing instructions set forth herein within 30 days of rendition of the order to be reviewed, and by filing a copy of the notice with the clerk of the appropriate district court of appeal.

**Last Date For Agency Action:** August 7, 2017

**INDIVIDUAL ENVIRONMENTAL RESOURCE PERMIT STAFF REPORT**

**Project Name:** Pine Island Preserve At Matlacha Pass

**Permit No.:** 36-08745-P

**Application No.:** 160218-6 161221-8 WU Related

**Application Type:** Environmental Resource (New Construction/Operation)

**Location:** Lee County, S10/T45S/R22E  
S11/T45S/R22E

**Permittee :** Conservation Foundation Of The Gulf Coast Inc

**Operating Entity :** Conservation Foundation Of The Gulf Coast Inc

**Project Area:** 30.00 acres

**Permit Area:** 230.00 acres

**Project Land Use:** Environmental Restoration

**Drainage Basin:** GULF OF MEXICO

**Sub Basin:** MATLACHA COASTAL BASIN

**Receiving Body:** MATLACHA PASS AQUATIC PRESERVE

**Class:** OFW

**Special Drainage District:** NA

**Total Acres Wetland Onsite:** 2.85

**Total Acres Wetland Preserved Onsite:** 2.49

**Total Acres Impacted Onsite :** .36

**Total Acres Presv/Mit Compensation Onsite:** 2.49

**Conservation Easement To District :** No

**Number Of Boat Slips :** 1

**Sovereign Submerged Lands:** Yes

**Type:** Letter Of Consent

**PROJECT SUMMARY:**

This Environmental Resource Permit authorizes construction and operation of a stormwater management (SWM) system serving 230 acres of environmental restoration that includes a 320 SF canoe/kayak launch and associated Sovereign Submerged Lands authorization for a project known as Pine Island Preserve at Matlacha Pass.

This permit authorizes construction of a paved access / entrance roadway, parking, observation areas, trails, a pedestrian boardwalk, a composting restroom facility, picnic / pavilion areas and a canoe / kayak launch. Engineering Design Drawings are attached as Exhibit 2.0.

Issuance of this permit constitutes certification of compliance with state water quality standards in accordance with Rule 62-330.062, F.A.C.



**PROJECT EVALUATION:****PROJECT SITE DESCRIPTION:**

The 230-acre site is located on the east side of Stringfellow Road (County Road 767), approximately two miles south of the intersection of Stringfellow Road and Pine Island Road (State Road 78), in St. James City, Lee County. Refer to Exhibit 1.0 for a location map.

The subject property was previously permitted as the northern portion of the residential development (Stringfellow Lakes Estates) under Permit Number. 36-05991-P / Application Number 051221-8. None of the previously permitted residential development was constructed and the permit subsequently expired on October 12, 2013.

There are currently no permitted water management facilities within the project area. The site is historically improved pasture and pine flatwoods with approximately 62.15 acres of wetlands located in the eastern portion of the site and two other surface waters totaling 0.62 acres. For information on the wetlands and surface waters within the project, please refer to the Wetlands and Surface Waters section of this staff report.

**LAND USE:**

Refer to Exhibit 2.1 for Drainage Basin Map.

**Construction**

**Basin :** A

**Total Basin**

Dry Retention Areas	.23	acres
Impervious	.20	acres
Pervious	.06	acres
<b>Total:</b>	<b>.49</b>	

**Basin :** B (EAST)

**Total Basin**

Dry Retention Areas	.07	acres
Impervious	.05	acres
Pervious	.01	acres
<b>Total:</b>	<b>.13</b>	

**Basin :** B (WEST)

**Total Basin**

Dry Retention Areas	.17	acres
Impervious	.14	acres
Pervious	.06	acres
<b>Total:</b>	<b>.37</b>	

Basin : C

**Total Basin**

Dry Retention Areas	.49	acres
Impervious	.43	acres
Pervious	.06	acres
<b>Total:</b>	<b>.98</b>	

Basin : D

**Total Basin**

Impervious	.39	acres
Pervious	.16	acres
Wet Retention	1.12	acres
<b>Total:</b>	<b>1.67</b>	

**WATER QUANTITY :****Discharge Rate :**

As shown in the table below, the stormwater management system is designed to retain stormwater runoff during the 25 year / 72 hour storm event without off-site discharge.

Discharge Storm Frequency : 25 YEAR-3 DAY

Design Rainfall : 11.1 inches

Basin	Allow Disch (cfs)	Method Of Determination	Peak Disch (cfs)	Peak Stage ( ft, NAVD 88)
A	0	On-Site Retention	0	7.32
B (WEST)	0	On-Site Retention	0	7.14
B (EAST)	0	On-Site Retention	0	7.18
C	0	On-Site Retention	0	7.25
D	0	On-Site Retention	0	6.67

**Road Design :**

Road Storm Frequency : 5 YEAR-1 DAY

Design Rainfall: 5.5 inches

Basin	Peak Stage ( ft, NAVD 88)	Proposed Min. Road Crown ( ft, NAVD 88)
A	6.72	7.7
B (WEST)	6.8	7.7
B (EAST)	6.77	7.7
C	6.7	7.7
D	6.18	7.7

**Parking Lot Design :**

Parking Lot Storm Frequency : 5 YEAR-1 DAY

Design Rainfall :5.5 inches

Basin	Peak Stage ( ft, NAVD 88)	Proposed Min.Parking Elev. ( ft, NAVD 88)
A	6.72	7.7
B (WEST)	6.8	7.7
B (EAST)	6.77	7.7
C	6.7	7.7
D	6.18	7.7

**Control Elevation :**

Basin	Area (Acres)	Ctrl Elev ( ft, NAVD 88)	WSWT Ctrl Elev ( ft, NAVD 88)	Method Of Determination
A	.49	5.7	5.70	Wet Season Water Table
B (WEST)	.37	5.7	5.70	Wet Season Water Table
B (EAST)	.13	5.7	5.70	Wet Season Water Table
C	.98	5.7	5.70	Wet Season Water Table
D	1.67	5.7	5.70	Wet Season Water Table

**Receiving Body :**

Basin	Str.#	Receiving Body
D	EMG WEIR	ONSITE UPLANDS

**Emergency Structures:** Note: The units for all the elevation values of structures are ( ft, NAVD 88)

**Weirs:**

Basin	Str#	Count	Type	Width Height Length	Dia.	Elev.
D	EMG WEIR	1	Broad Crested	25'		6.75 (crest)

**WATER QUALITY :**

Water quality treatment will be provided in the dry retention areas (Basins A - C) and wet retention area (Basin D). The project provides the required water quality treatment volume totaling 0.34 acre-feet as identified in the table below.

Pursuant to Appendix E of Environmental Resource Permit Applicant's Handbook Volume II, the water quality treatment volume provided includes an additional 50% treatment volume above the requirements in Section 4.2 of Volume II to provide reasonable assurance that the project will not degrade the adjacent Matlacha Pass Aquatic Preserve, which is listed as an Outstanding Florida Water. In addition to the required water quality treatment volume, the SWM system is designed to retain stormwater runoff during the 25 year / 72 hour storm event without off-site discharge in order to reduce the post development loading of pollutants (specifically nutrients) to levels less than the loadings generated under the pre-development condition.

The project also includes implementation of a Construction Pollution Prevention Plan (Exhibit 2.2) and an Urban Stormwater Management Program (Exhibit 2.3) as additional reasonable assurance of compliance with water quality criteria during construction and operation.

Basin	Treatment Method		Vol Req'd (ac-ft)	Vol Prov'd
A	Treatment	Dry Retention	.03	.03

Basin	Treatment Method		Vol Req.d (ac-ft)	Vol Prov'd
B (WEST)	Treatment	Dry Retention	.02	.02
B (EAST)	Treatment	Dry Retention	.01	.01
C	Treatment	Dry Retention	.07	.07
D	Treatment	Wet Retention	.21	.21

## WETLANDS:

### Wetlands And Other Surface Waters:

The project site is a privately held conservation parcel owned by Conservation Foundation Of The Gulf Coast, Inc. formerly known as Sarasota Conservation Foundation, Inc. The site was previously permitted for residential development; however, no construction occurred. The development order with Lee County has been vacated and the District's Environmental Resource Permit 36-05991-P for the residential development has expired. In 2009, the parcel was encumbered by a conservation easement dedicated to the Sarasota Conservation Foundation, Inc for the purposes of preserving and maintaining the lands for the enjoyment and use for the people of Lee County and throughout Florida. A copy of the conservation easement is located within the permit file and in Lee County Public Records. This site is contiguous with Pine Island Flatwoods Preserve, a Lee County Conservation 20/20 parcel, located south of the site. The Pine Island Flatwoods Preserve is contiguous with a privately held conservation parcel located to the east. There are approximately 62.15 acres of wetlands located in the eastern portion of the site. The onsite wetlands can be described as hydric pine flatwoods, salt marshes/flats, and mangrove wetlands. The site contains two other surface waters, a tidal creek known as Pine Island Creek (0.46 acres) and a cow pond (0.16 acres) totaling 0.62 acres. A FLUCCS map and Wetland Identification map is attached as Exhibit Nos. 3.0 and 3.1, respectively.

The project will result in 0.36 acres of direct, 0.37 acres of secondary wetland impacts, and approximately 0.01 acres (~ 0.007 acres) of other surface water impacts. Direct impacts were assessed for the footprint of the boardwalk and trimming areas 5-feet beyond the boardwalk footprint. The secondary impacts were addressed beyond the mangrove trimming area. A wetland/other surface water impact map is attached as Exhibit No. 3.2. During the review, the the boardwalk was relocated to avoid impacts to the tidal creek known as Pine Island Creek. Additionally, the Applicant coordinated with Charlotte Harbor Aquatic Preserve staff to locate the 320 SF terminal platform of the boardwalk that will serve as a canoe/kayak launch in an area that does not contain seagrasses. The kayak launch facilities are located in an Outstanding Florida Water (Charlotte Harbor Aquatic Preserve) and Sovereign Submerged Lands. The project is clearly in the Public Interest pursuant to Section 10.2.3 of Volume I and Section 18-20.004(2), F.A.C., due to the proposed public access that will be created by the proposed improvements and the overall preservation, enhancement and restoration activities being conducted on the property.

To mitigate for the wetland impacts, the applicant will enhance 2.12 acres of freshwater marsh wetlands within the project area. The amount of mitigation was determined by using the Uniform Mitigation Assessment Method in Chapter 62-345, F.A.C. The final scores can be found in the permit file. Details of the mitigation, maintenance, and monitoring plan are attached as Exhibit No. 3.3. Monitoring will be conducted by the permittee for five years or until District staff determines that mitigation success has been achieved. The work schedule for the mitigation and monitoring activities are included as Exhibit No. 3.4. The mitigation areas will not be encumbered by a conservation easement since the site is already encumbered by a conservation easement that prohibits development of the site. The proposed mitigation is located within the same basin as the impacts, therefore pursuant to Section 10.2.8 of Volume I, the project will not result in unacceptable cumulative impacts to the Tidal Caloosahatchee Drainage Basin.

The portion of the project site that is not utilized as mitigation involves enhancement of existing upland and wetlands and restoring approximately 58 acres of pasture to pine flatwoods for the purposes of increasing habitat for wetland dependent species and species that utilize uplands. The draft site restoration plan is attached as Exhibit No. 3.5. Conservation Foundation Of The Gulf Coast Inc. is responsible for the mitigation and long-term maintenance of the project.

### Wetland Inventory:

The acreages listed in the table below only include the construction footprint and mitigation area.

### Wetland Inventory :

CONSTRUCTION NEW -Pine Island Preserve At Matlacha Pass

Site Id	Site Type	Pre-Development				Post-Development						
		Pre Fluc cs	AA Type	Acreage (Acres)	Current Wo Pres	With Project	Time Lag (Yrs)	Risk Factor	Pres. Adj. Factor	Post Fluc cs	Adj Delta	Functional Gain / Loss
OFW	ON	540	Direct	.01							.000	.000
W-2a	ON	612	Direct	.24	.83	.00					-.830	-.199
W-2b	ON	612	Direct	.08	.83	.00					-.830	-.066
W-2c	ON	612	Secondary	.32	.83	.73					-.100	-.032
W-3a	ON	642	Direct	.03	.83	.00					-.830	-.025
W-3b	ON	642	Direct	.01	.83	.00					-.830	-.008
W-3c	ON	642	Secondary	.05	.83	.73					-.100	-.005
W-4	ON	641	Enhancement	2.12	.73	.90	3	1.00			.159	.337
<b>Total:</b>				2.86								.00

<u>Fluc cs Code</u>	<u>Description</u>
540	Bays And Estuaries
612	Mangrove Swamps
641	Freshwater Marshes
642	Saltwater Marshes

### Fish And Wildlife Issues:

The site is a conservation parcel with public access and no formal listed species surveys have been conducted. However, species that have been observed onsite include but are not limited to gopher tortoise ( Gopherus polyph emus), Southeastern American kestrel (Falco sparverius paulus), limpkin (Aramus guarauna), wood stork (Mycteria americana), and Eastern indigo snake (Drymarchon corais couperi). In addition, bald eagle (Haliaeetus leucocephalus) nest LE096 was located in the southeastern portion of the project site and relocated to a new tree just southwest of the old location due to the nesting tree being destroyed. Please refer to Exhibit No. 3.6 that depicts listed species observed onsite and information regarding the relocated eagle nest as well as an eagle management plan. The Conservation Foundation of the Gulf Coast is actively monitoring the eagle nest and will coordinate with the Florida Fish and Wildlife Conservation Commission regarding any activities near the nest. The site is located within the core foraging area of one or more wood stork nesting colonies and within the U.S. Fish and Wildlife Service Consultation Area for the following federally listed species: Florida scrub-jay (Aphelocoma

coerulescens), Piping plover ( *Charadrius melodus*), and critical habitat for the Smalltooth sawfish (*Pristis pectinata*).

The wetlands or surface waters to be impacted provide habitat for wetland-dependent species. The proposed onsite mitigation will provide or improve habitat for wetland- dependent/ aquatic species. No aquatic or wetland- dependent listed species or species having special protection were observed to be using the uplands within the project for nesting or denning.

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.

#### **CERTIFICATION, OPERATION, AND MAINTENANCE:**

Pursuant to Chapter 62-330.310, F.A.C., Individual Permits will not be converted from the construction phase to the operation phase until construction completion certification of the project is submitted to and accepted by the District. This includes compliance with all permit conditions, except for any long term maintenance and monitoring requirements. It is suggested that the permittee retain the services of an appropriate professional registered in the State of Florida for periodic observation of construction of the project.

For projects permitted with an operating entity that is different from the permittee, it should be noted that until the construction completion certification is accepted by the District and the permit is transferred to an acceptable operating entity pursuant to Sections 12.1-12.3 of the Applicant's Handbook Volume I and Section 62-330.310, F.A.C., the permittee is liable for operation and maintenance in compliance with the terms and conditions of this permit.

In accordance with Section 373.416(2), F.S., unless revoked or abandoned, all SWM systems and works permitted under Part IV of Chapter 373, F.S., must be operated and maintained in perpetuity.

The efficiency of SWM systems, dams, impoundments, and most other project components will decrease over time without periodic maintenance. The operation and maintenance entity must perform periodic inspections to identify if there are any deficiencies in structural integrity, degradation due to insufficient maintenance, or improper operation of projects that may endanger public health, safety, or welfare, or the water resources. If deficiencies are found, the operation and maintenance entity will be responsible for correcting the deficiencies in a timely manner to prevent compromises to flood protection and water quality. See Section 12.4 of the Applicant's Handbook Volume I for Minimum Operation and Maintenance Standards.

#### **SOVEREIGNTY SUBMERGED LANDS:**

The 320 SF canoe/kayak launch is located within the Charlotte Harbor Aquatic Preserve and sovereignty submerged lands- lands owned by the State of Florida. Therefore, it also requires authorization from the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), pursuant to Article X, Section 11 of the Florida Constitution, and Section 253.77, F.S.

The District has determined that the activity qualifies for Letter of Consent, as long as the work performed is located within the boundaries as described and is consistent with the conditions herein. The project is clearly in the Public Interest pursuant to Chapter 18-20.004(2) F.A.C., due to the proposed public access that will be created by the proposed improvements and the overall preservation, enhancement and restoration activities being conducted on the property. Please refer to Exhibit No. 2.0.

**RELATED CONCERNS:****Water Use Permit Status:**

The applicant has indicated that a groundwater well will be used as a source for irrigation water for the project. Water Use Application Number 161221-8 (Permit Number 36-07673-W) is being processed concurrently for this project.

The applicant has indicated that dewatering is not required for construction of 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.

**CERP:**

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

**Right-Of-Way Permit Status:**

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

**Historical/Archeological Resources:**

The District has received correspondence from the Florida Department of State, Division of Historical Resources (DHR) dated December 29, 2016, indicating that no significant archaeological or historical resources are recorded in the project area and therefore the project is unlikely to have an effect upon any such properties. The DHR requested that a condition be added to the permit regarding unexpected discoveries during ground disturbing activities on the property. Please refer to General Condition No. 14. 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.

**DEO/CZM Consistency Review:**

The issuance of this permit constitutes a finding of consistency with the Florida Coastal Management Program.

**Third Party Interest:**

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

**Enforcement:**

There has been no enforcement activity associated with this application.

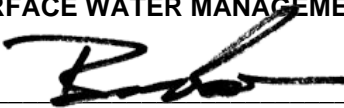
**STAFF REVIEW:****DIVISION APPROVAL:****NATURAL RESOURCE MANAGEMENT:**



  
\_\_\_\_\_  
Laura Layman

DATE: 6/16/17  
\_\_\_\_\_

**SURFACE WATER MANAGEMENT:**

  
\_\_\_\_\_  
Brian Rose, P.E.

DATE: 6/16/17  
\_\_\_\_\_

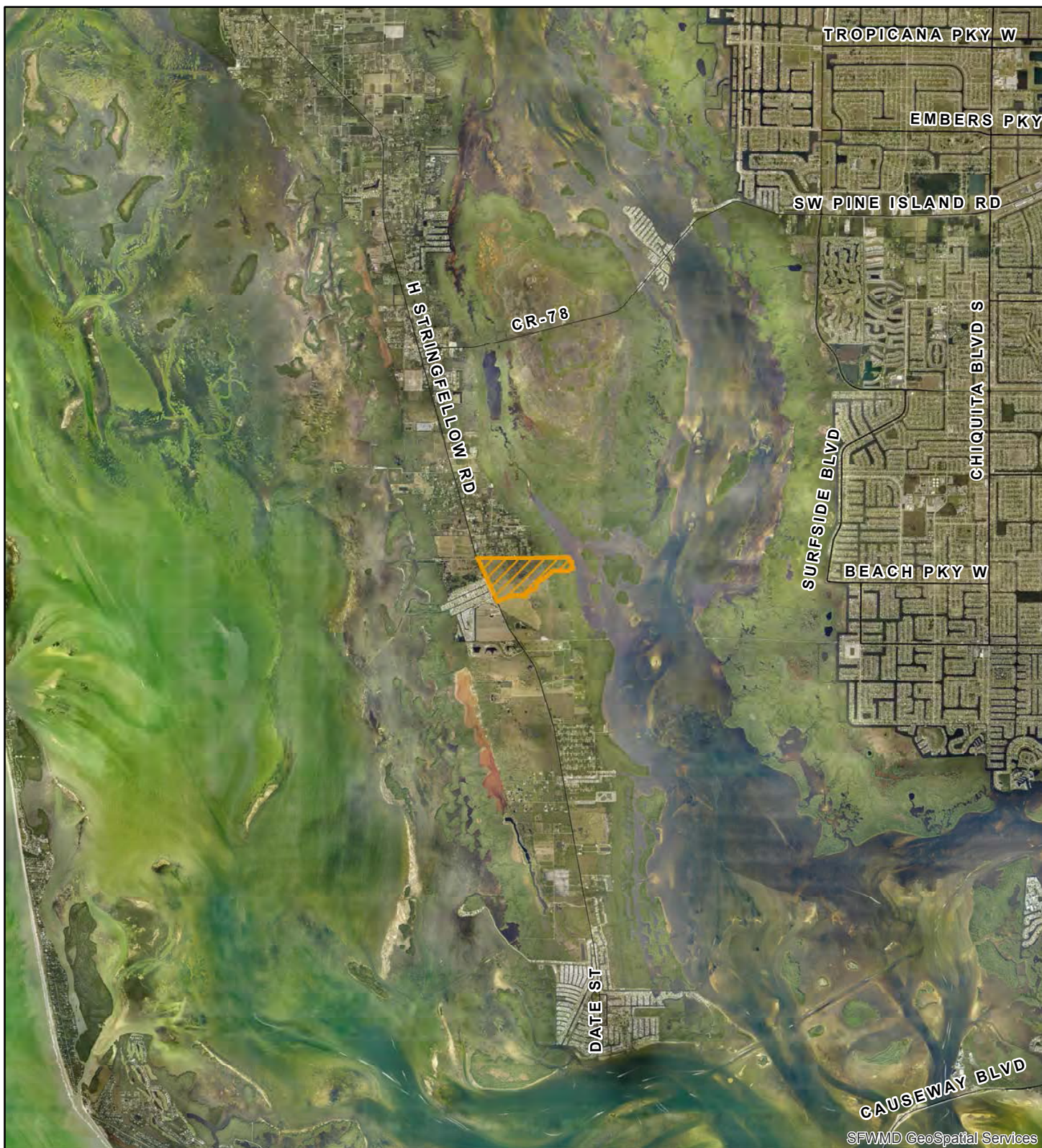


Exhibit No: 1

Exhibit Created On:  
2017-01-24

LEE COUNTY, FL

## REGULATION DIVISION

Project Name: PINE ISLAND PRESERVE AT  
MATLACHA PASS



0 1.25 2.5  
Miles



Application



Application Number: 160218-6

[sfwmd.gov](http://sfwmd.gov)

Created by Regulation GIS Section  
South Florida Water Management District



# Engineering Design Drawings For the Pine Island Preserve at Matlacha Pass

## Index of Sheets

Cover Sheet	Sheet 1 of 14
General Site Plan	Sheet 2 of 14
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Roadway and Parking Detail	Sheet 5 of 14
Boardwalk Layout and Wetland	
Impact Detail	Sheet 6 of 14
Wetland Enhancement Area Detail	Sheet 7 of 14
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Cross Sections (Typical)	Sheet 9 of 14
Construction Details (Typical)	Sheet 10 of 14
Boardwalk and Kayak Launch Details	Sheet 11 of 14
Boardwalk and Kayak Launch Details	Sheet 12 of 14
Boardwalk and Kayak Launch Details	Sheet 13 of 14
Stringfellow Road Connection Details	Sheet 14 of 14



**Prepared For:**  
**Conservation Foundation of the  
Gulf Coast**  
**400 Palmetto Avenue**  
**Osprey, FL 34229**

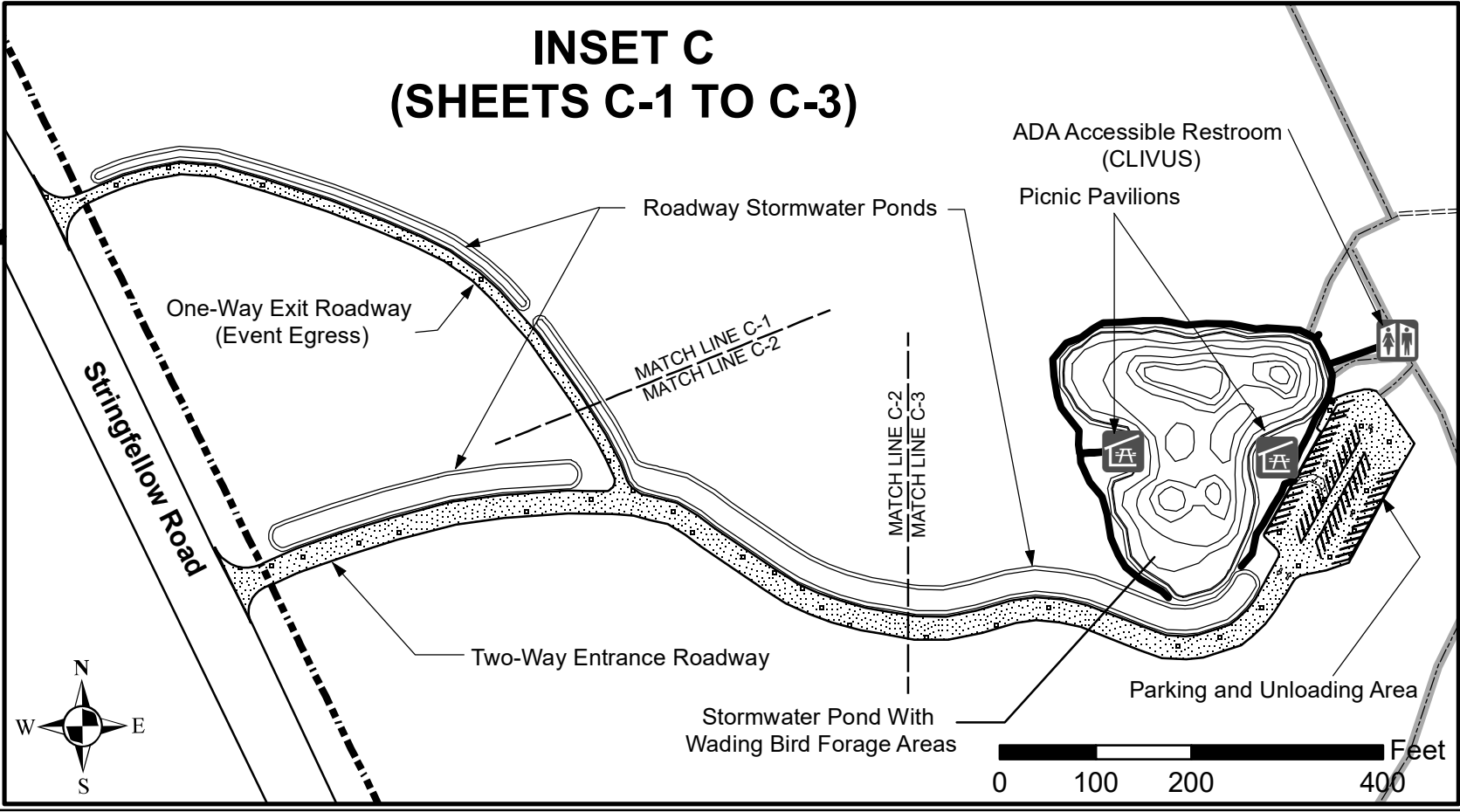
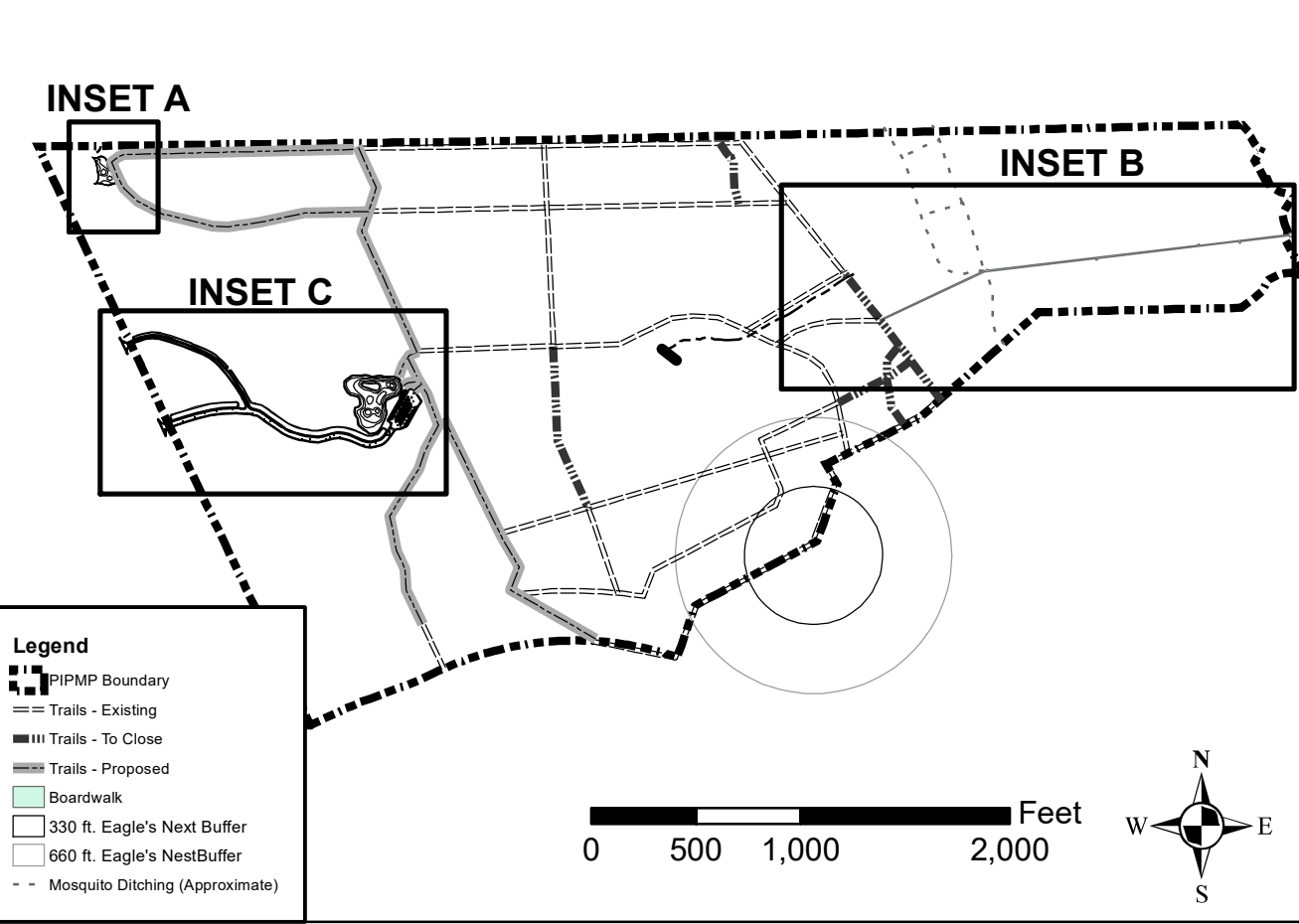
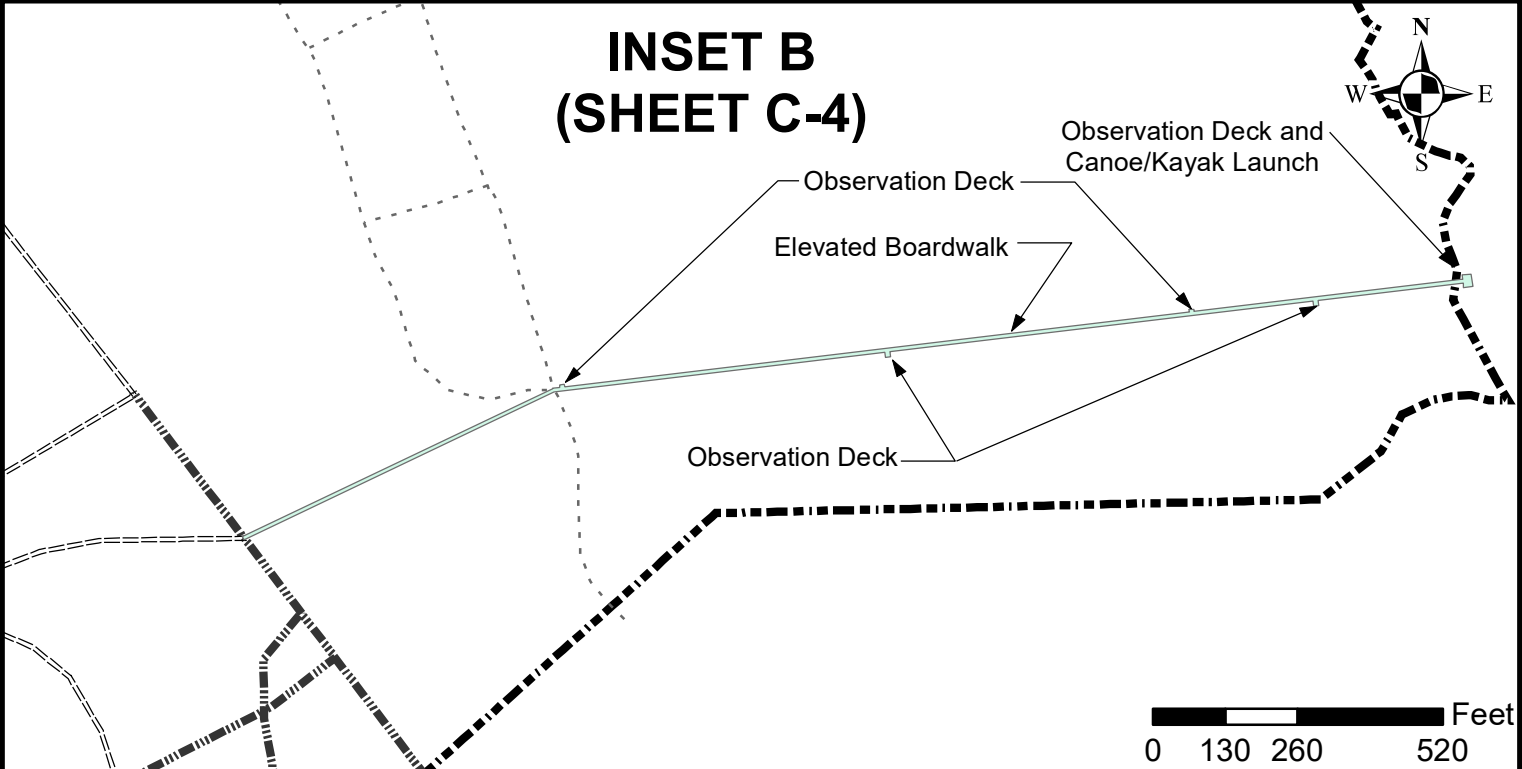
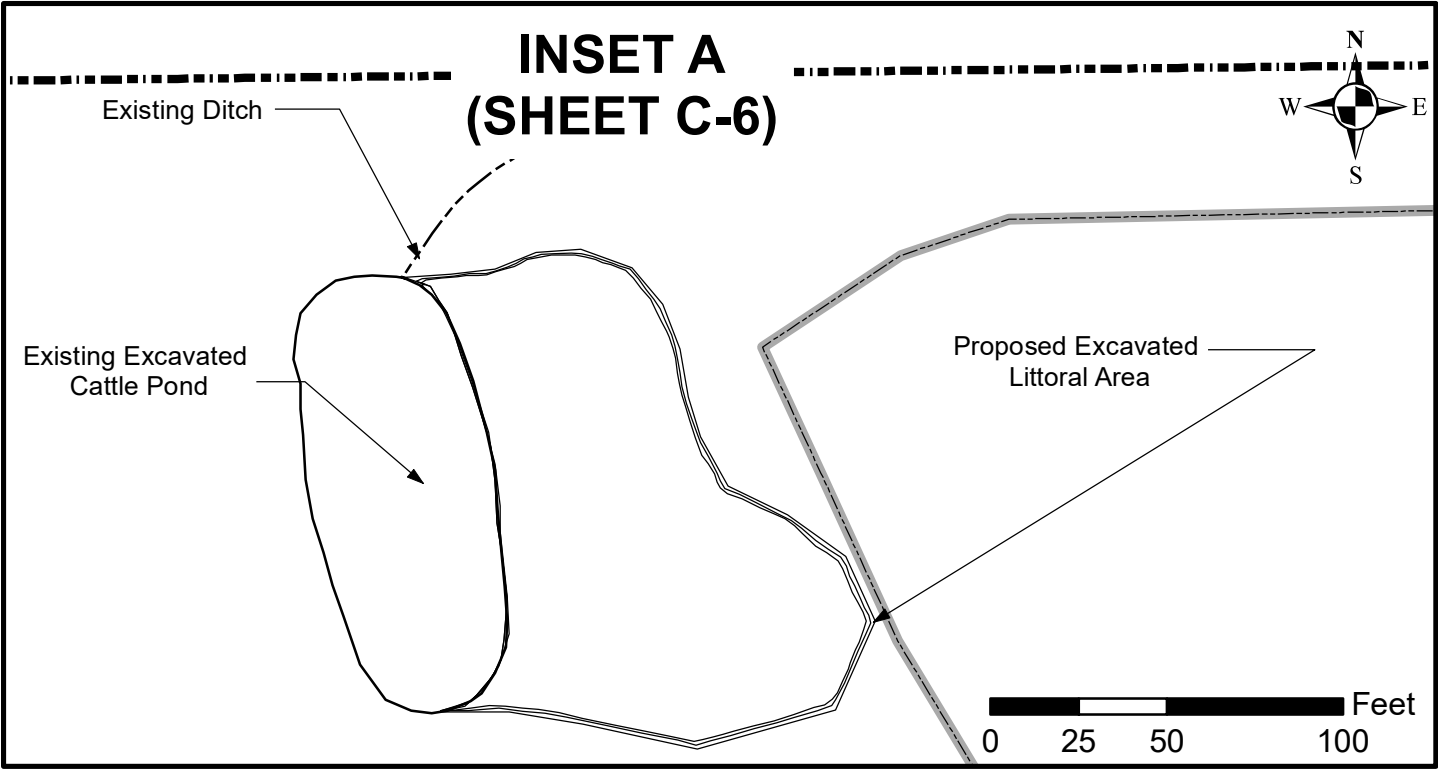
**Prepared By:**



**Mitigation Resources**

17307 Pagonia Drive, Suite 107  
Clermont, FL 34711  
(352) 404-9099 (Voice)  
(352) 404-9095 (Fax)

**Date: February 2016**  
**Rev3: June 2017**  
**Project No.: PIPM-037-15**



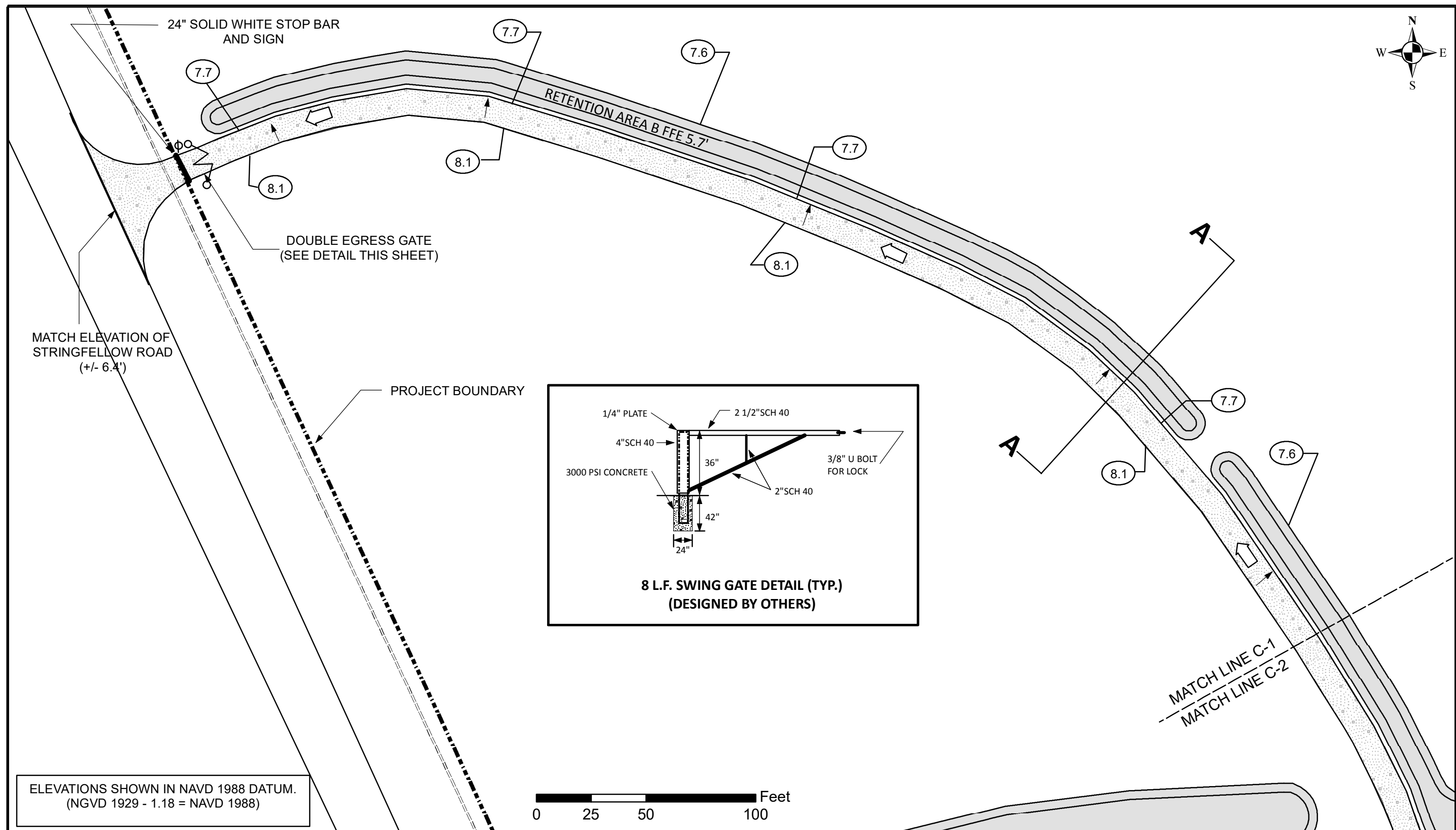
17307 Pagonia Drive  
Suite 107  
Clermont, Florida 34711  
Phone: 352.404.9099  
Fax: 352.404.9095  
Cert. of Authorization  
No. 9275

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06/2017	2	SFWMD COMMENTS	Drawn By	TFO 1/16
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			Approved By	TFO 1/16
DATE	REV. NO.	DESCRIPTION	File	G-1 1/16

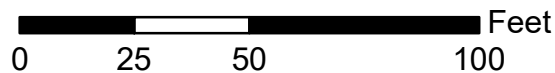
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**General Site Plan**  
**Pine Island Preserve at Matlacha Pass**  
**Lee County, Florida**

Project No. PIPM-037-15	
Scale See Graphical Scale	
Sheet 2 of 14	G-1



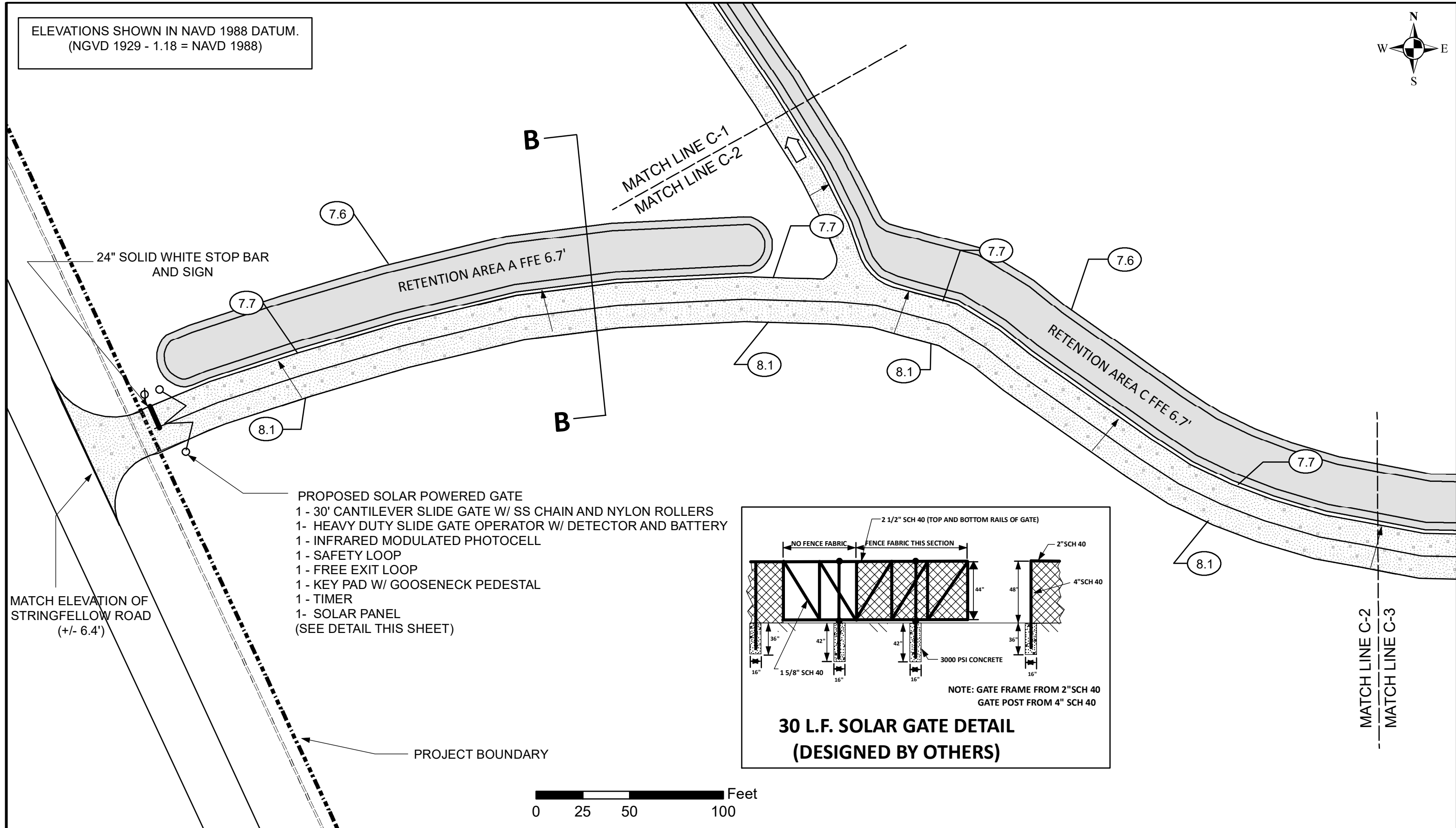
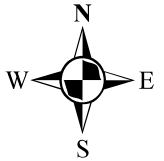
ELEVATIONS SHOWN IN NAVD 1988 DATUM.  
(NGVD 1929 - 1.18 = NAVD 1988)



 <div>17307 Pagonia Drive Suite 107 Clermont, Florida 34711 Phone: 352.404.9099 Fax: 352.404.9095</div> <div>Cert. of Authorization No. 9275</div>	REVISIONS				Name	Date	<div>Date_____</div> <div>Not valid for construction unless signed in this block.</div>	<div>Event Entry Detail</div> <div>Pine Island Preserve at Matlacha Pass</div> <div>Lee County, Florida</div>		Project No. PIPM-037-15	
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				Checked By	TFO	1/16		Sheet 3 of 14		C-1	
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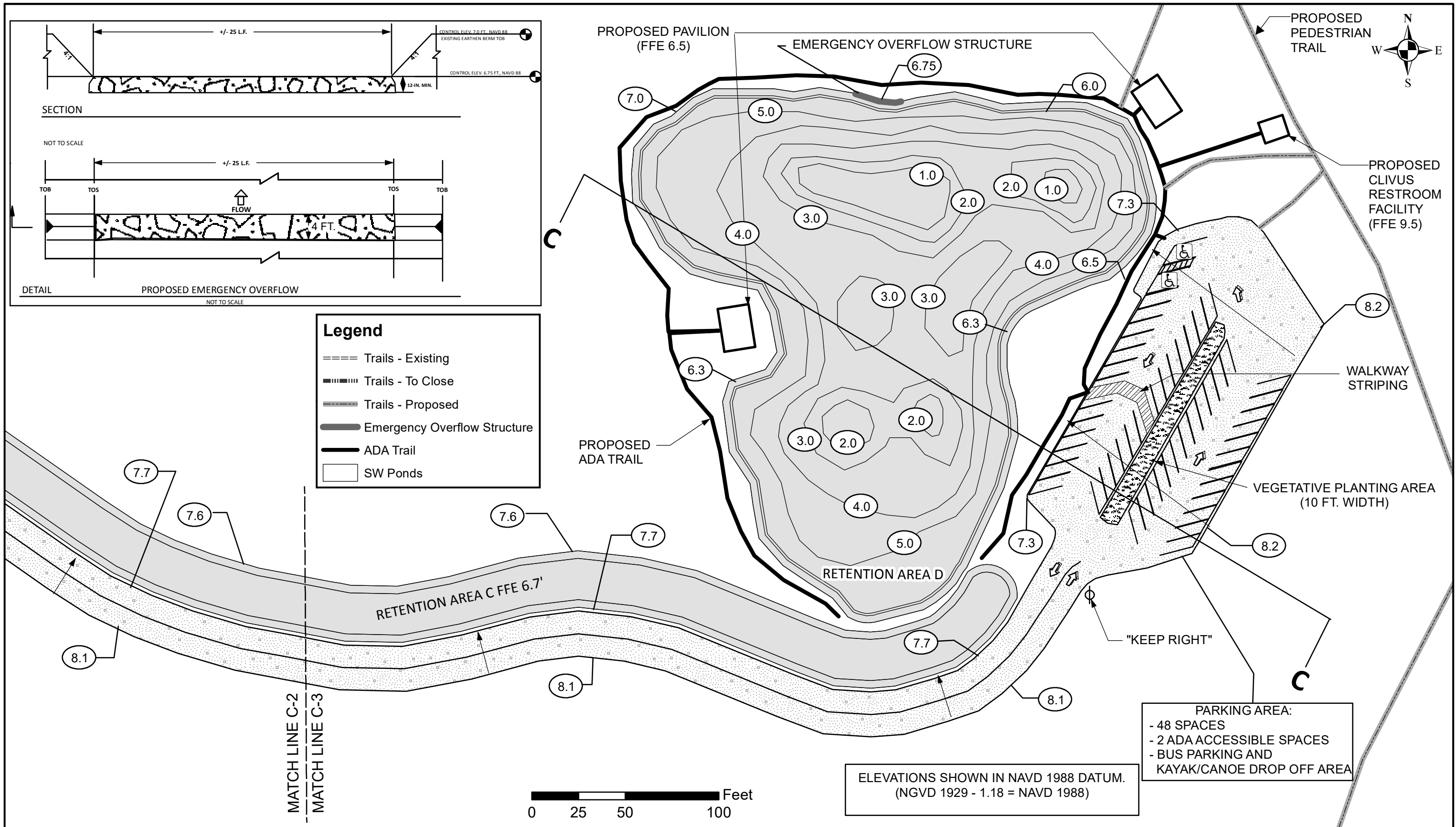
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04/2016	1	SFWMD RAI #1 dated March 18, 2016	Designed By	TFO 1/16
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			Checked By	TFO 1/16
			Approved By	TFO 1/16
DATE	REV. NO.	DESCRIPTION	File	C-2 1/16

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Main Entry Detail  
Pine Island Preserve at Matlacha Pass  
Lee County, Florida

Project No. PIPM-037-15	
Scale See Graphical Scale	
Sheet 4 of 14	C-2



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06/2017	2	SFWM COMMENTS	Drawn By	TFO	1/16
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DATE	REV. NO.	DESCRIPTION	File	C-3	1/16

Date \_\_\_\_\_

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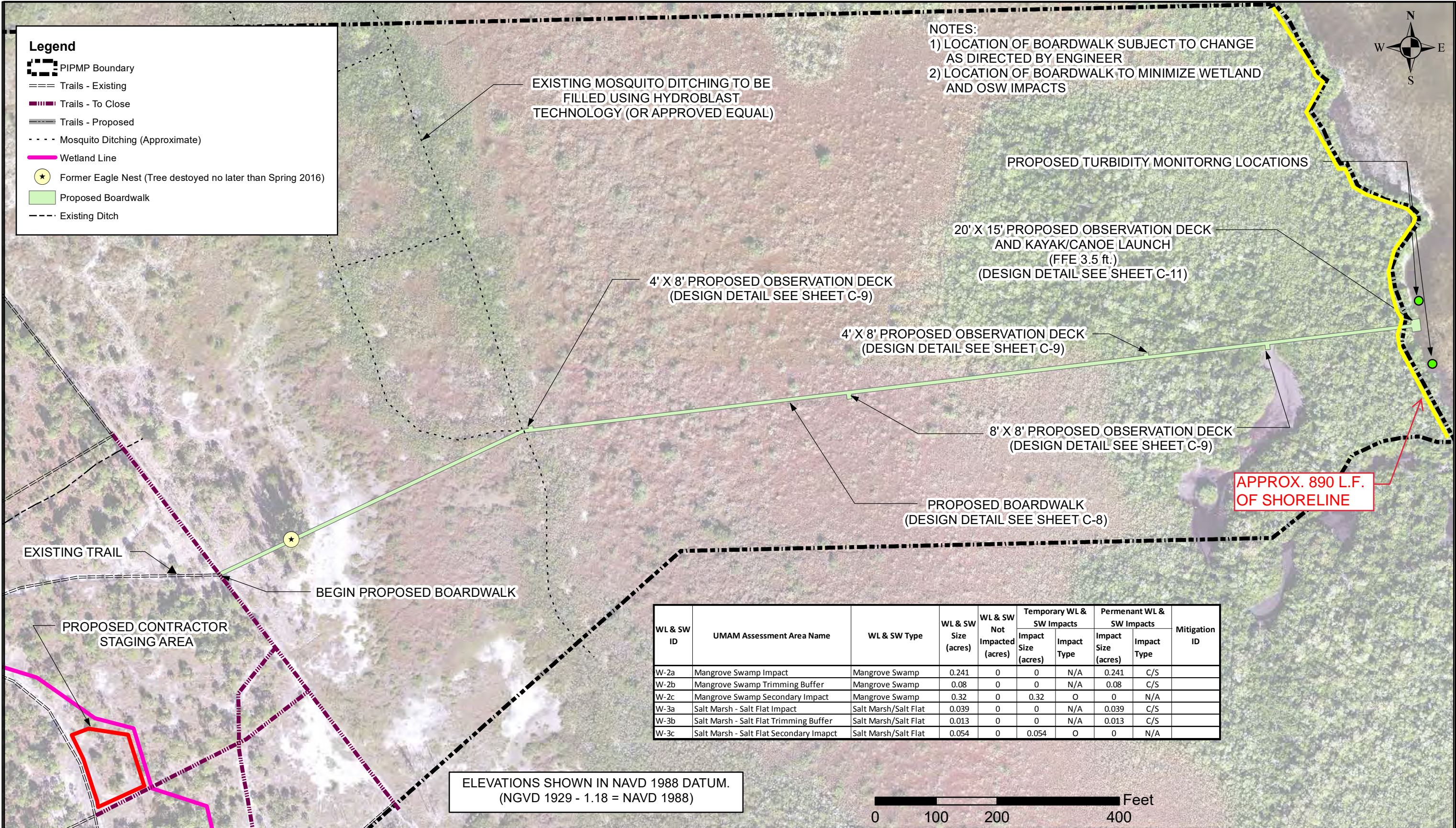
## Roadway and Parking Detail


### Pine Island Preserve at Matlacha Pass

### Lee County, Florida

Project No. PIPM-037-15	
Scale	See Graphical Scale
Sheet 5 of 14	C-3







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06/2017	2	SFWMD COMMENTS	Drawn By	TFO	1/16
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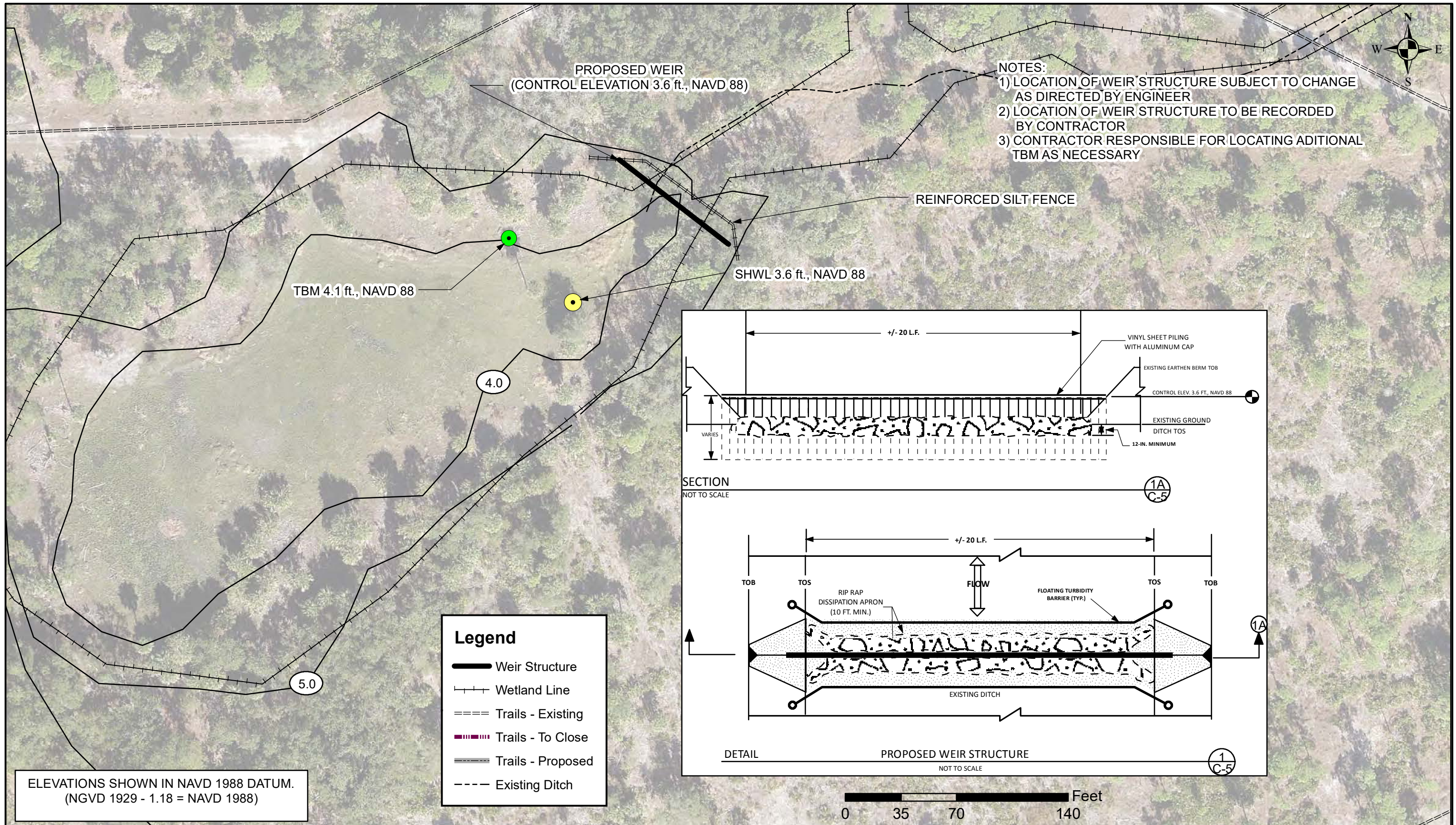
**Boardwalk Layout and Wetland Impact Detail**

**Pine Island Preserve at Matlacha Pass**


**Lee County, Florida**

Project No. PIPM-037-15	
Scale See Graphical Scale	
Sheet 6 of 14	C-4

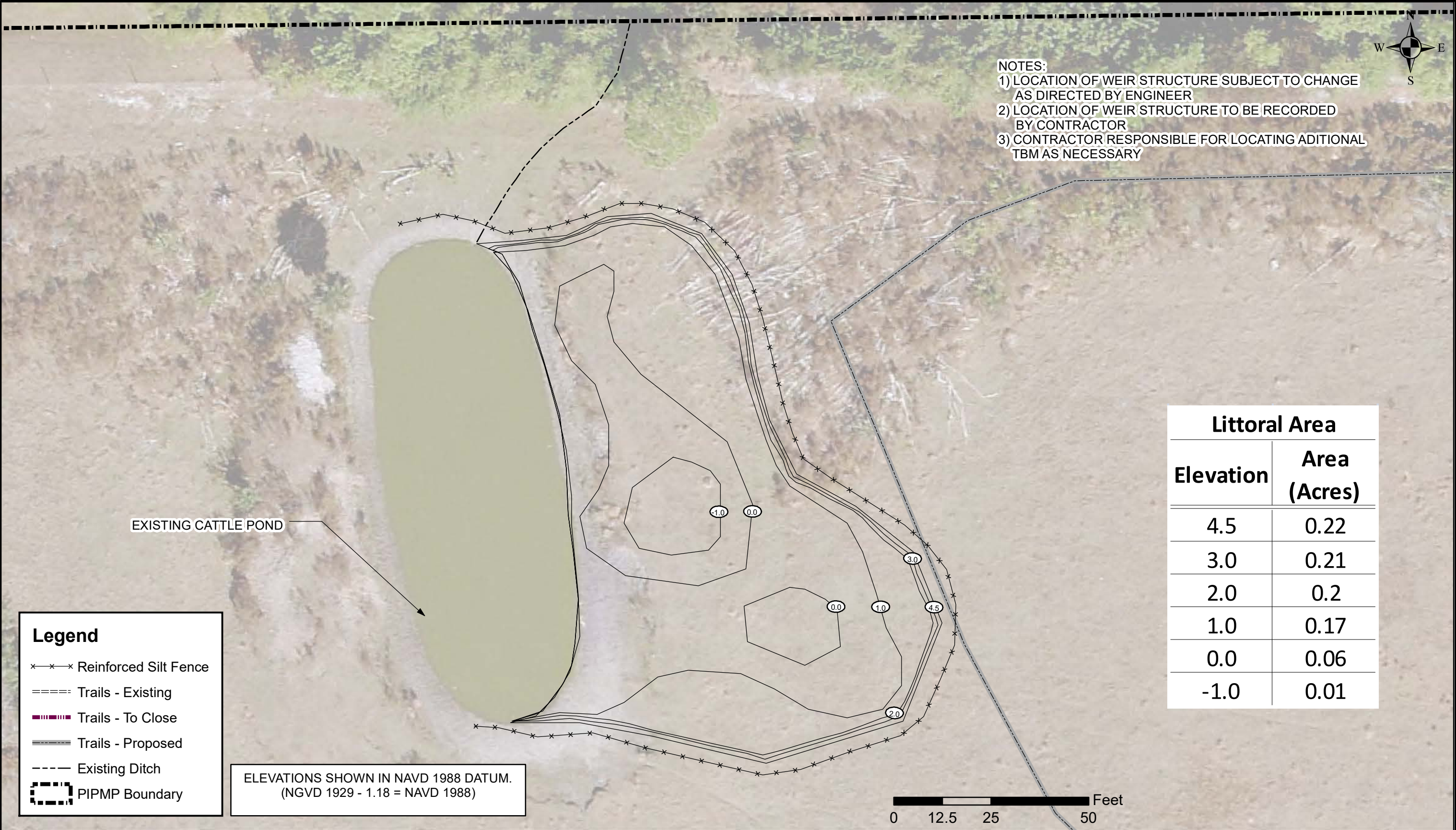




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(NGVD 1929 - 1.18 = NAVD 1988)

 <p>17307 Pagonia Drive Suite 107 Clermont, Florida 34711 Phone: 352.404.9099 Fax: 352.404.9095</p> <p>Cert. of Authorization No. 9275</p>	REVISIONS				Name	Date	Date _____ Not valid for construction unless signed in this block.	<b>Wetland Enhancement Area Detail</b> <b>Pine Island Preserve at Matlacha Pass</b> <b>Lee County, Florida</b>	Project No. PIPM-037-15	
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				Drawn By	TFO	1/16			See Graphical Scale	
				Checked By	TFO	1/16			Sheet 7 of 14	
				Approved By	TFO	1/16			C-5	
	DATE	REV. NO.	DESCRIPTION	File	C-5	1/16				






- NOTES:
- 1) LOCATION OF WEIR STRUCTURE SUBJECT TO CHANGE AS DIRECTED BY ENGINEER
  - 2) LOCATION OF WEIR STRUCTURE TO BE RECORDED BY CONTRACTOR
  - 3) CONTRACTOR RESPONSIBLE FOR LOCATING ADITIONAL TBM AS NECESSARY

Littoral Area	
Elevation	Area (Acres)
4.5	0.22
3.0	0.21
2.0	0.2
1.0	0.17
0.0	0.06
-1.0	0.01

**Legend**

- x—x—x Reinforced Silt Fence
- ===== Trails - Existing
- ||||| Trails - To Close
- Trails - Proposed
- Existing Ditch
- PIPMP Boundary

ELEVATIONS SHOWN IN NAVD 1988 DATUM.  
(NGVD 1929 - 1.18 = NAVD 1988)



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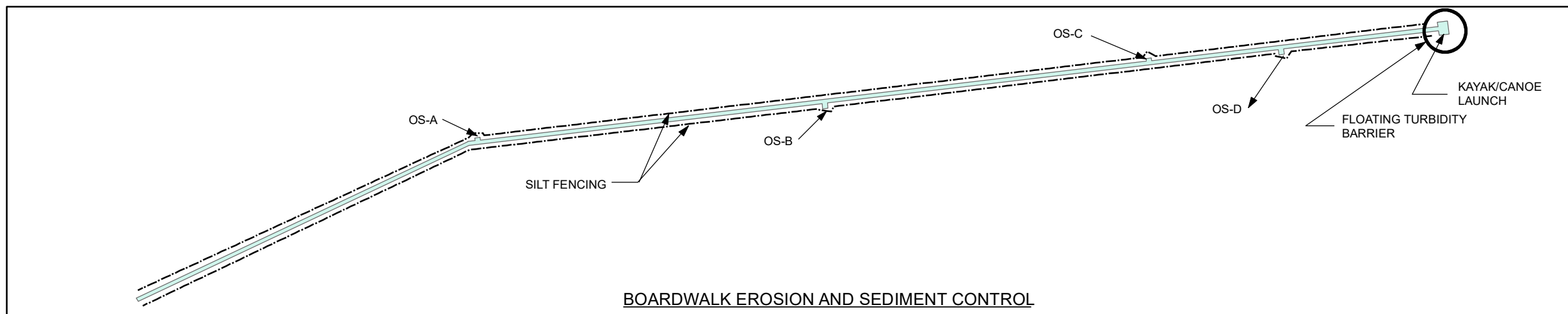
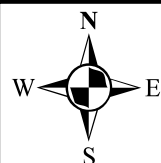
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REVISIONS			Name	Date	Date _____ Not valid for construction unless signed in this block.	Littoral Creation Area Pine Island Preserve at Matlacha Pass Lee County, Florida	Project No. PIPM-037-15	
04/2016	1	SFWMD RAI #1 dated March 18, 2016	Designed By	TFO	1/16		Scale	
			Drawn By	TFO	1/16		See Graphical Scale	
			Checked By	TFO	1/16			
			Approved By	TFO	1/16			
DATE	REV. NO.	DESCRIPTION	File	C-6	1/16		Sheet 8 of 14	C-6

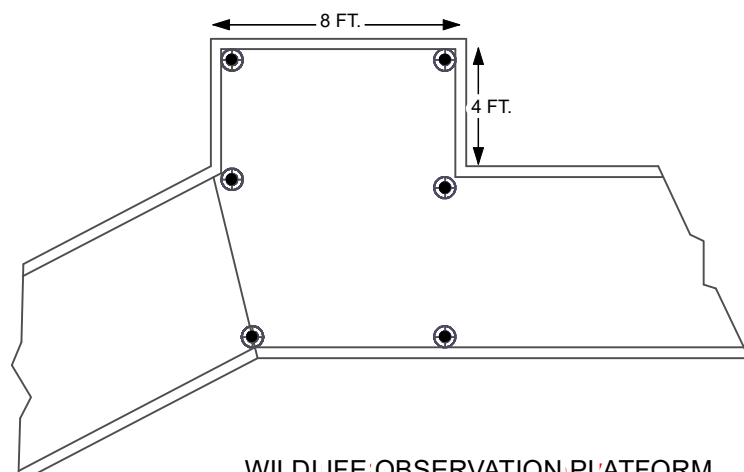




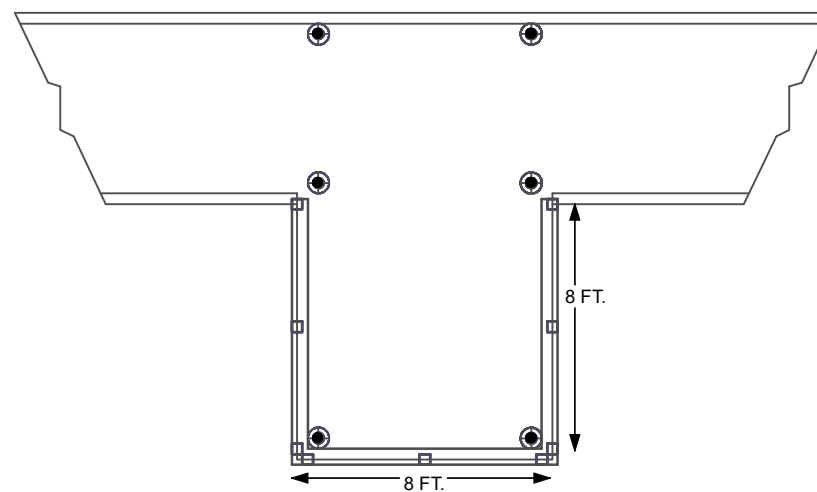




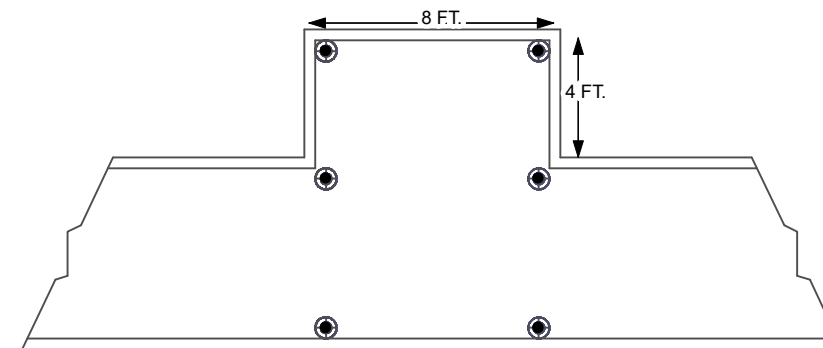
BOARDWALK EROSION AND SEDIMENT CONTROL



WILDLIFE OBSERVATION PLATFORM  
SECTION A



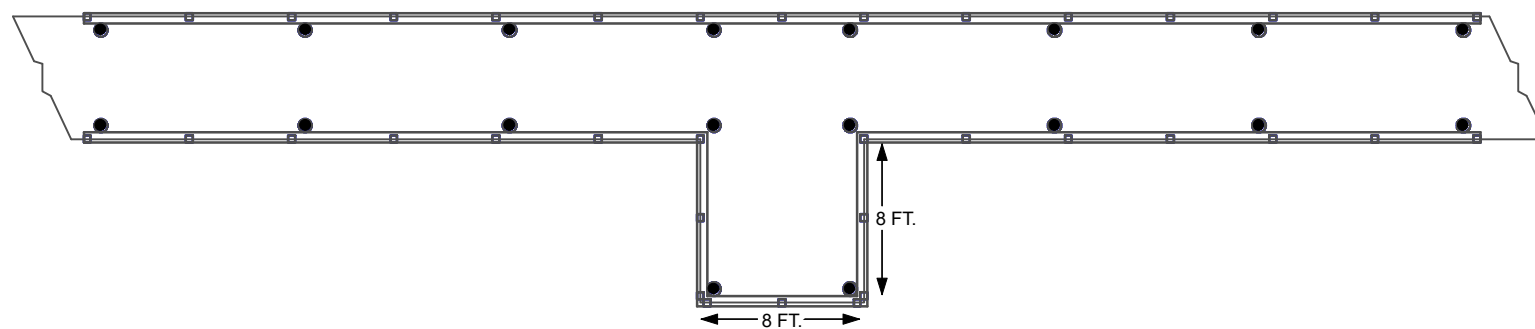
WILDLIFE OBSERVATION PLATFORM  
SECTION B



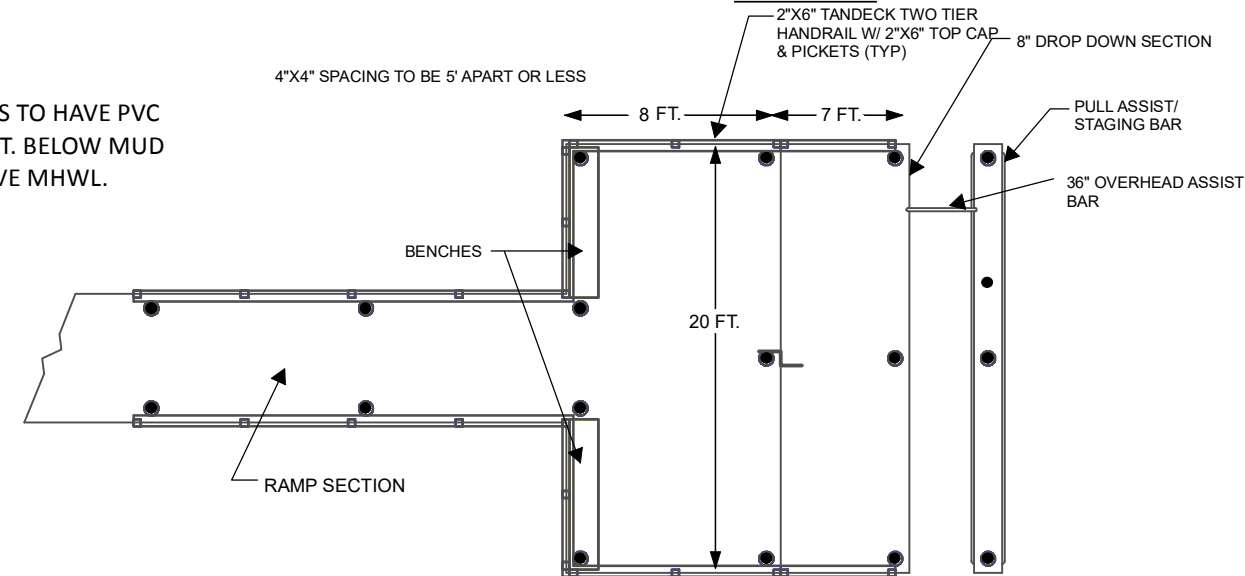
WILDLIFE OBSERVATION PLATFORM  
SECTION C

NOTE: A 5 FOOT MAINTENANCE  
BUFFER TO BE CONSTRUCTED ALONG  
ALL PORTIONS OF THE BOARDWALK AND  
OBSERVATION PLATFORMS

NOTE: ALL TREATED WOOD PILINGS TO HAVE PVC  
WRAPPING MINIMUM 0.5 FT. BELOW MUD  
LINE TO AT LEAST 1 FT. ABOVE MHWL.



WILDLIFE OBSERVATION PLATFORM  
SECTION D



WILDLIFE OBSERVATION PLATFORM  
SECTION E



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06/2017	1	SFWMDCOMMENTS	Designed By	TFO	12/16
			Drawn By	TFO	12/16
			Checked By	TFO	12/16
			Approved By	TFO	12/16
DATE	REV. NO.	DESCRIPTION	File	C-9	12/16

Date \_\_\_\_\_  
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Boardwalk and Kayak Launch Details  
Pine Island Preserve at Matlacha Pass  
Lee County, Florida

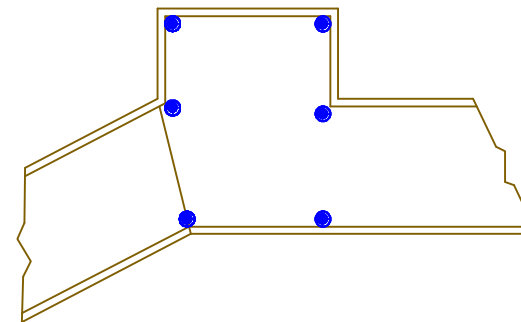
Project No. PIPM-037-15

Scale  
See Graphical Scale

Sheet 11 of 14

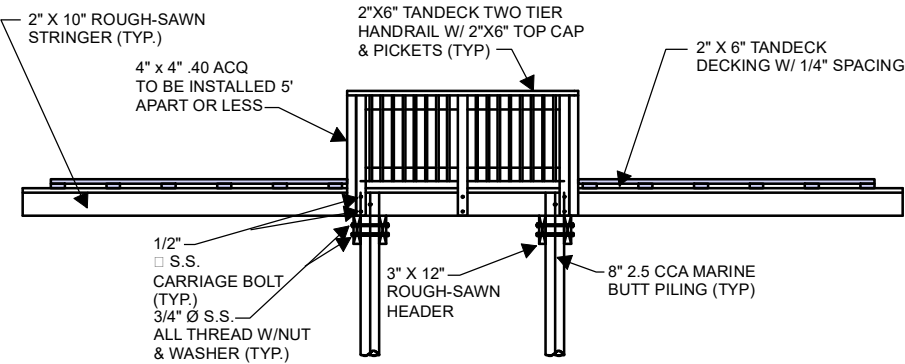
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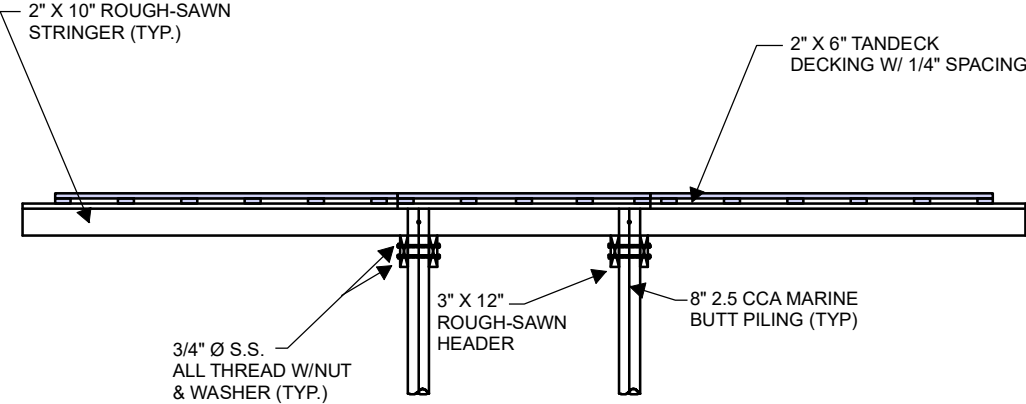
NOTE: A 5 FOOT MAINTENANCE BUFFER  
TO BE CONSTRUCTED ALONG ALL PORTIONS  
OF THE BOARDWALK AND OBSERVATION DECKS

WILDLIFE OBSERVATION PLATFORM  
SECTION A




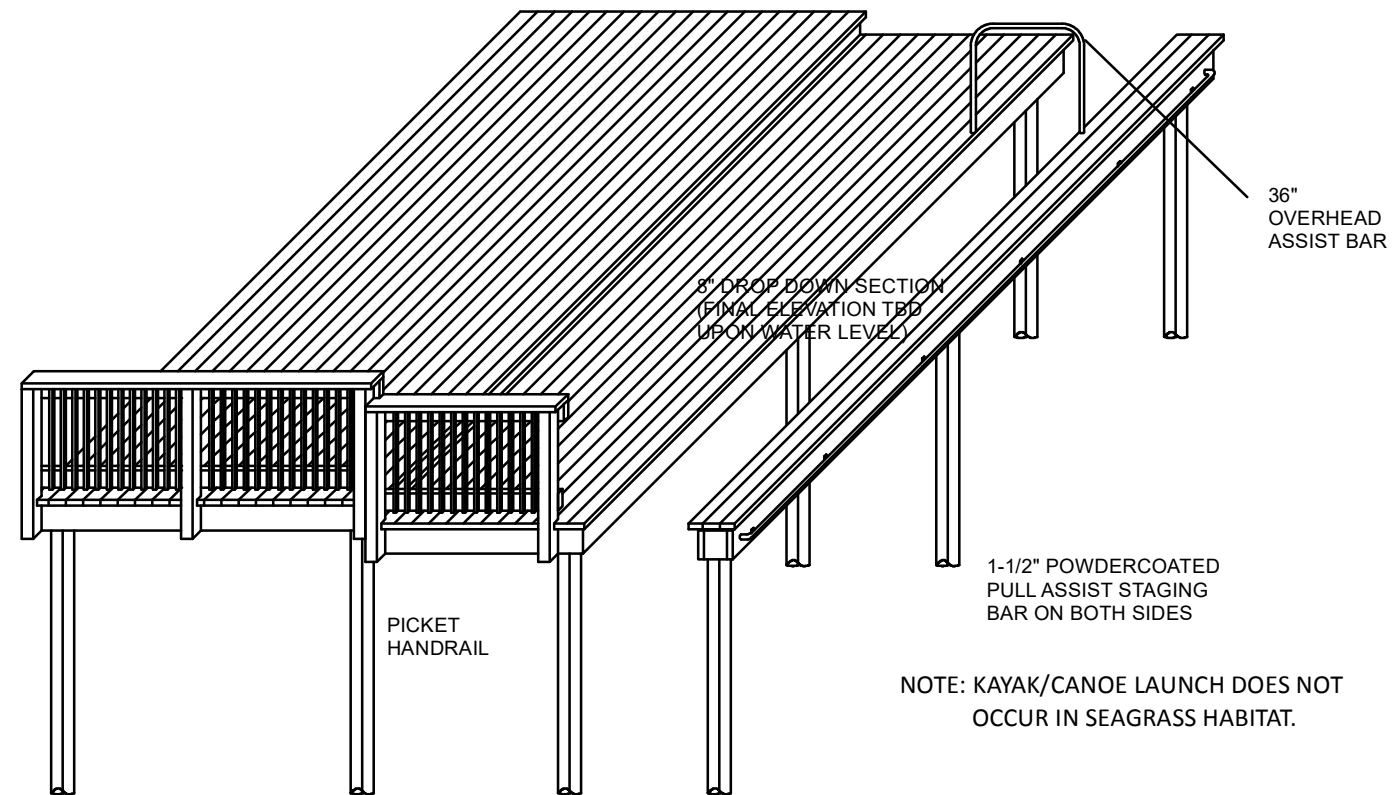
NOTE: ALL TREATED WOOD PILINGS TO HAVE PVC  
WRAPPING MINIMUM 0.5 FT. BELOW MUD  
LINE TO AT LEAST 1 FT. ABOVE MHWL.

WILDLIFE OBSERVATION PLATFORM  
SECTION B



WILDLIFE OBSERVATION PLATFORM  
SECTION C

 Mitigation Resources	17307 Pagonia Drive Suite 107 Clermont, Florida 34711 Phone: 352.404.9099 Fax: 352.404.9095		REVISIONS				Name	Date	Date _____ Not valid for construction unless signed in this block.	Boardwalk and Kayak Launch Details Pine Island Preserve at Matlacha Pass Lee County, Florida	Project No. PIPM-037-15	
	06/2017	1	SFWMD COMMENTS	Designed By	TFO	12/16						
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				Checked By	TFO	12/16						
				Approved By	TFO	12/16						
	DATE	REV. NO.	DESCRIPTION	File	C-10	12/16						
Cert. of Authorization No. 9275										Scale See Graphical Scale		
										Sheet 12 of 14		C-10

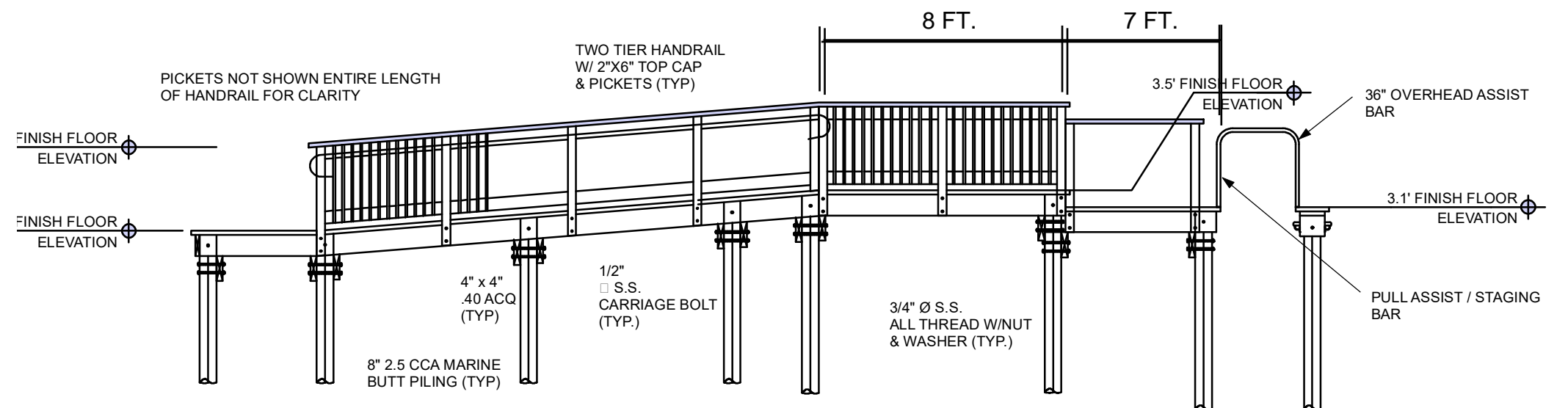


KAYAK DOCK DETAIL

NOTE: KAYAK/CANOE LAUNCH DOES NOT OCCUR IN SEAGRASS HABITAT.

ELEVATIONS SHOWN IN NAVD 1988 DATUM.  
(NGVD 1929 - 1.18 = NAVD 1988)

NOTE: ALL TREATED WOOD PILINGS TO HAVE PVC WRAPPING MINIMUM 0.5 FT. BELOW MUD LINE TO AT LEAST 1 FT. ABOVE MHWL.



ADA RAMP AND KAYAK SECTION



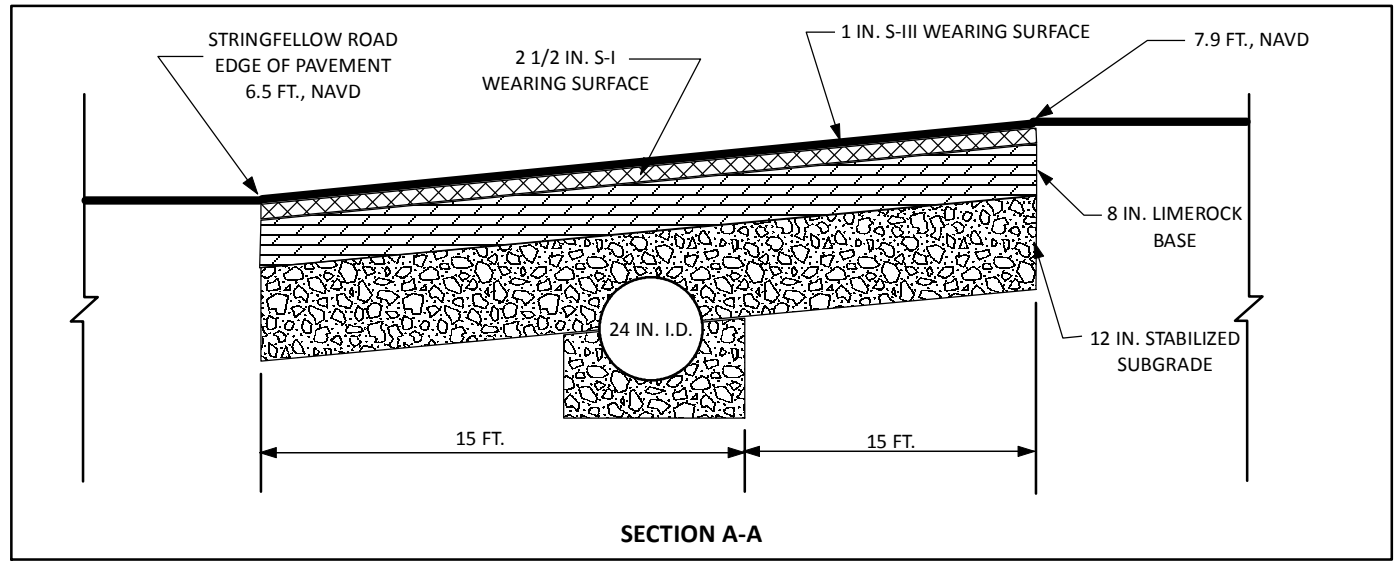
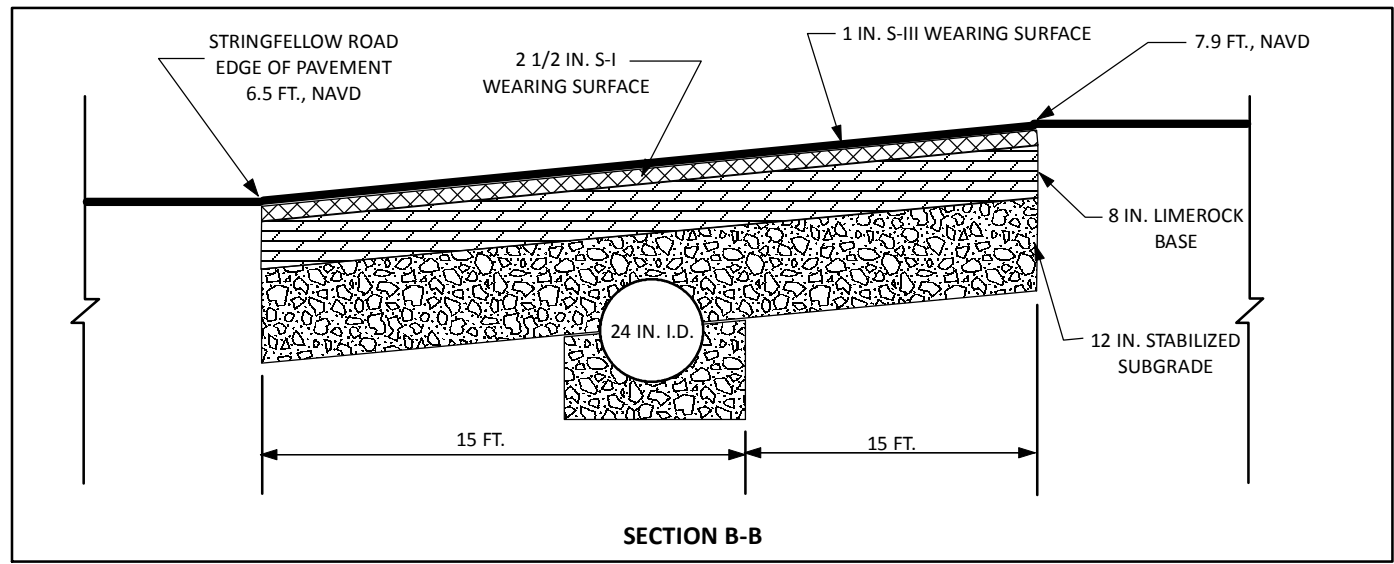
17307 Pagonia Drive  
Suite 107  
Clermont, Florida 34711  
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Cert. of Authorization  
No. 9275

REVISIONS				Name	Date
11/2016	1	SFWMD RAI #1 dated March 18, 2016	Designed By	TFO	12/16
06/2017	2	SFWMD COMMENTS	Drawn By	TFO	12/16
			Checked By	TFO	12/16
			Approved By	TFO	12/16
DATE	REV. NO.	DESCRIPTION	File	C-4	12/16

Date \_\_\_\_\_  
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Boardwalk and Kayak Launch Details  
Pine Island Preserve at Matlacha Pass  
Lee County, Florida

Project No. PIPM-037-15	
Scale See Graphical Scale	
Sheet 13 of 14	C-11



ELEVATIONS SHOWN IN NAVD 1988 DATUM.  
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REVISIONS			Name	Date
			Designed By	TFO 2/16
			Drawn By	TFO 2/16
			Checked By	TFO 2/16
			Approved By	TFO 2/16
DATE	REV. NO.	DESCRIPTION	File	C-12 2/16

Date \_\_\_\_\_  
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Stringfellow Road Connection Details  
Pine Island Preserve at Matlacha Pass  
Lee County, Florida

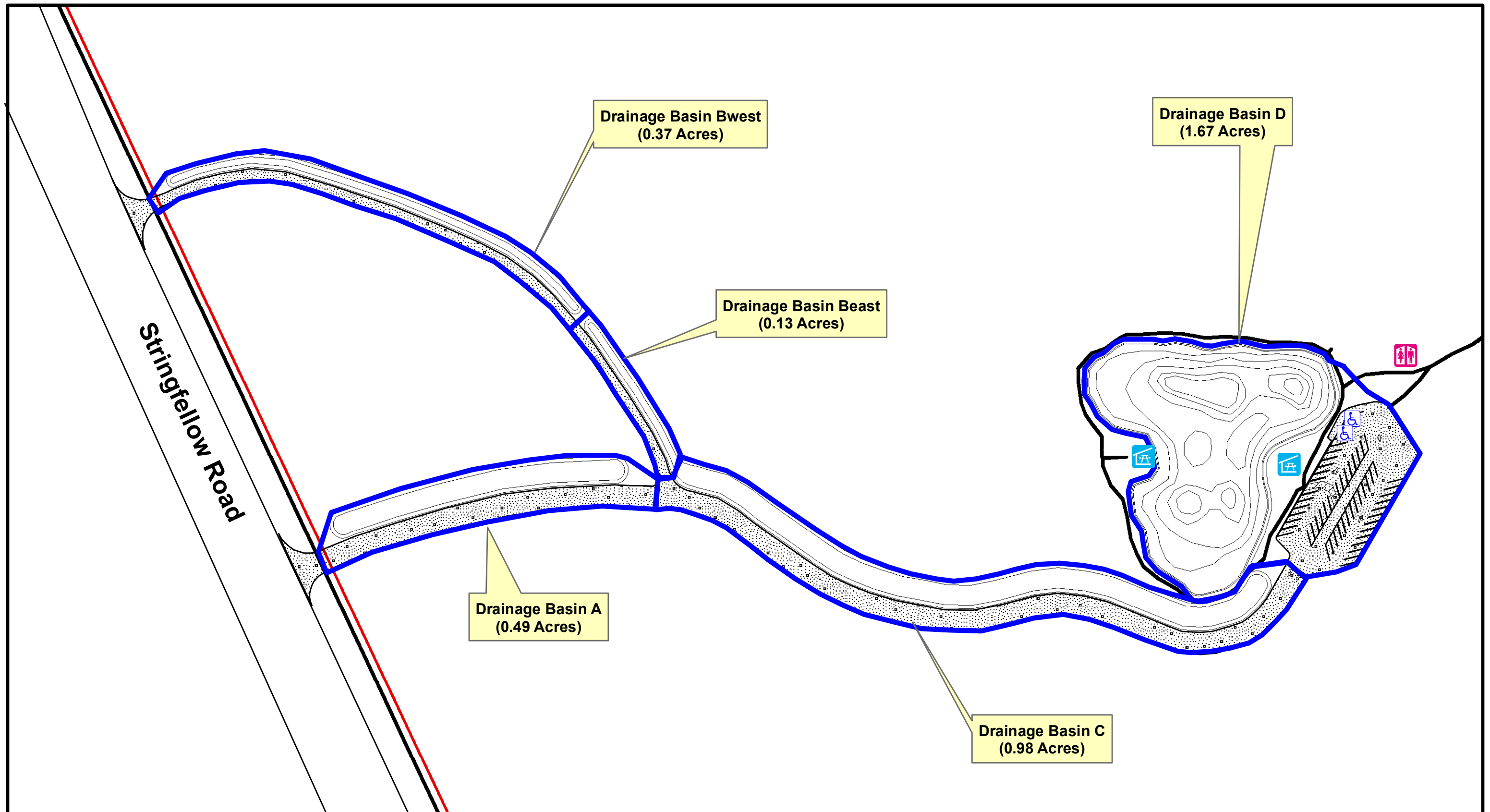
Project No. PIPM-037-15

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Sheet 14 of 14

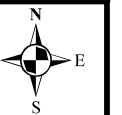
C-12



M:\Projects\Pine Island Preserve\RAI 03182016\SW Design Report\Fig 3 Drainage Basin Map

**Pine Island Preserve at Matlacha Pass  
Drainage Basin Map  
Lee County, Florida**

Figure No. 3  
Project No. PIPM-037-15

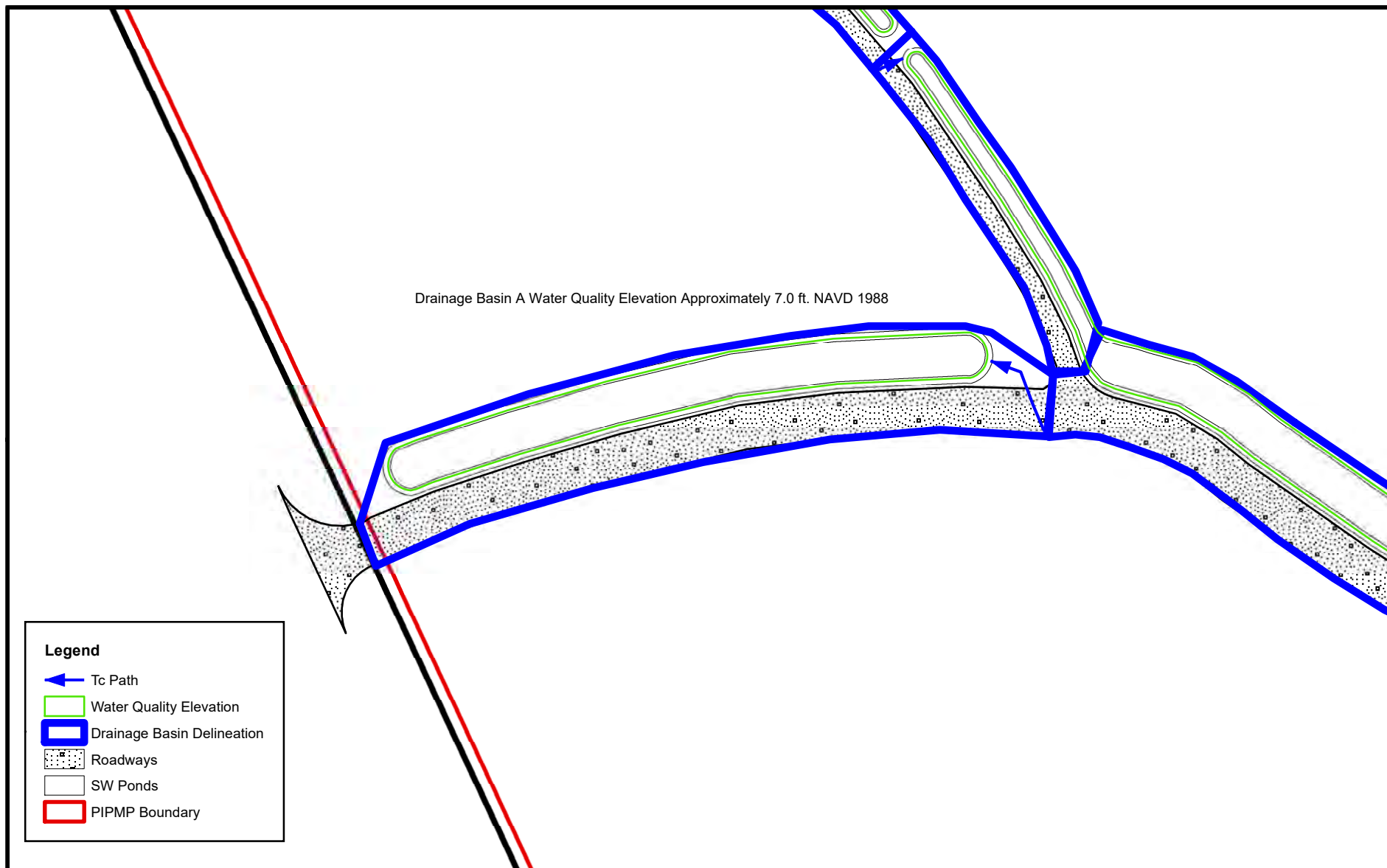


Scale:  
As Shown

Date:  
04/13/2016

Drawn By:  
EMD

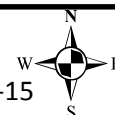
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TFO



# Pine Island Preserve at Matlacha Pass Drainage Basin A Detail Lee County, Florida

M:\Projects\Pine Island Preserve\RAI 03182016\SW Design Report\Figure B1 Drainage Basin A Detail

Figure No. B1  
Project No. PIPM-037-15



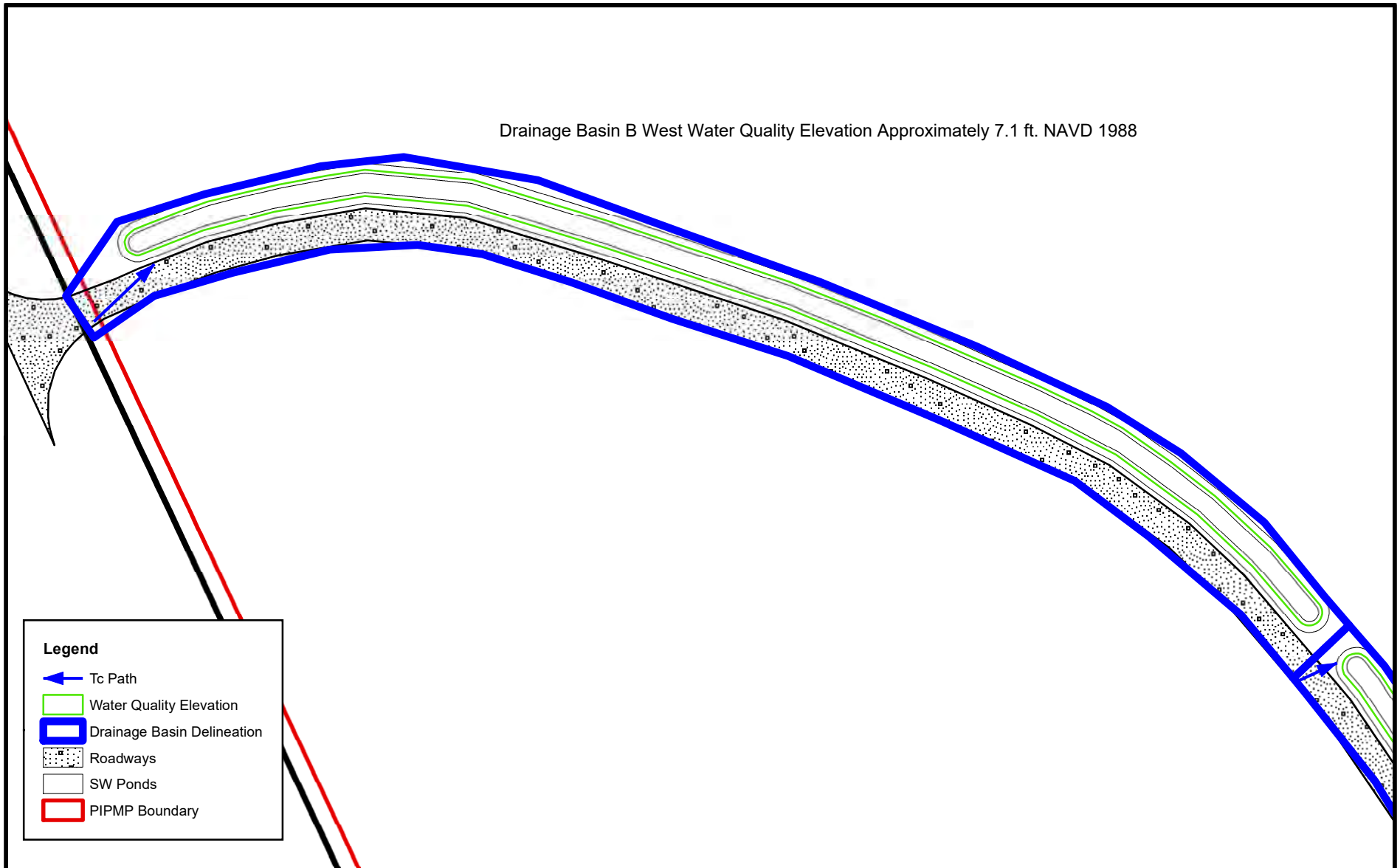
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TFO





## Pine Island Preserve at Matlacha Pass Drainage Basin B West Detail Lee County, Florida

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Figure No. B2W  
Project No. PIPM-037-15

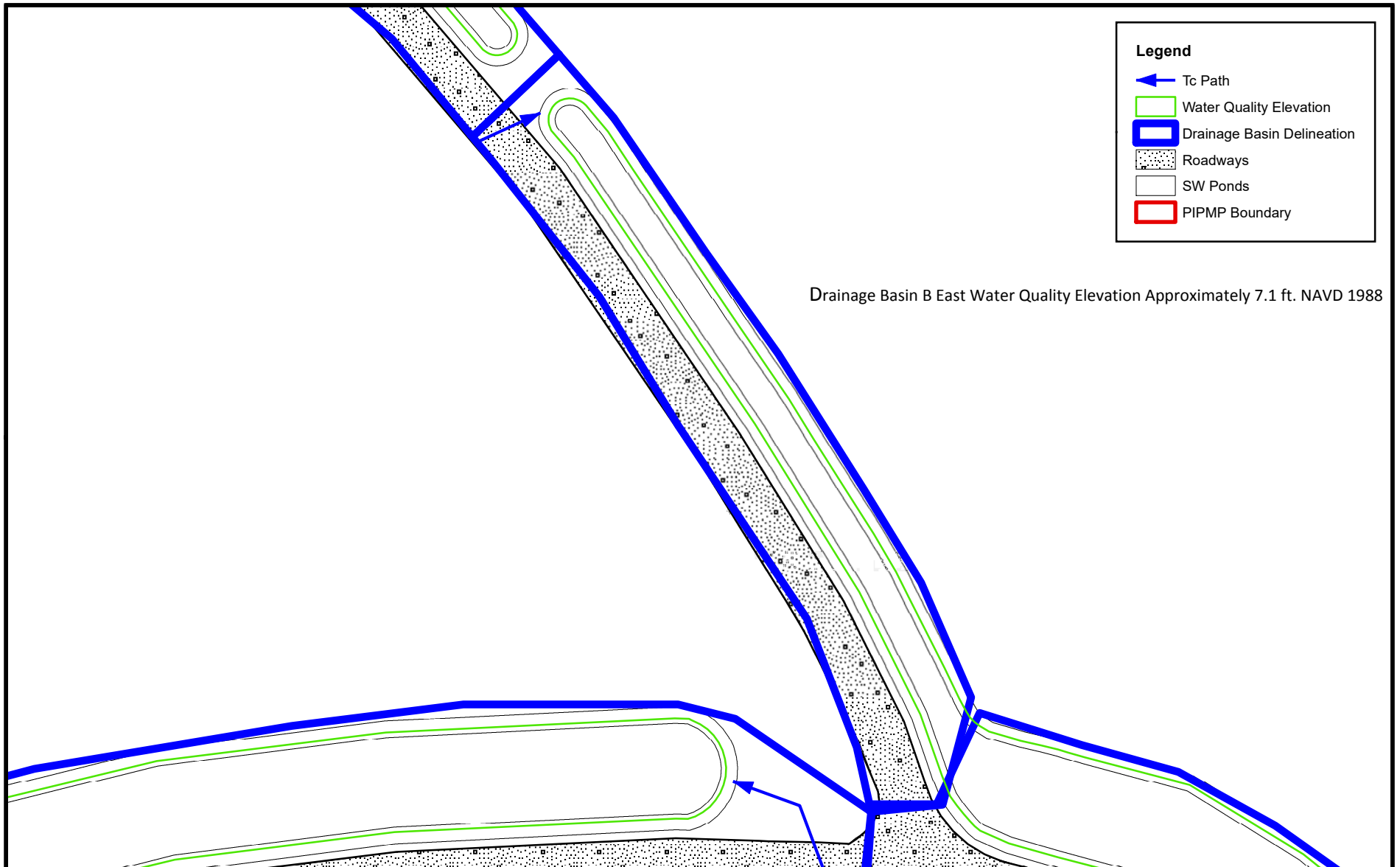


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EMD

Approved By:  
TFO



**Legend**

- ← To Path
- Water Quality Elevation
- Drainage Basin Delineation
- Roadways
- SW Ponds
- PIPMP Boundary

Drainage Basin B East Water Quality Elevation Approximately 7.1 ft. NAVD 1988



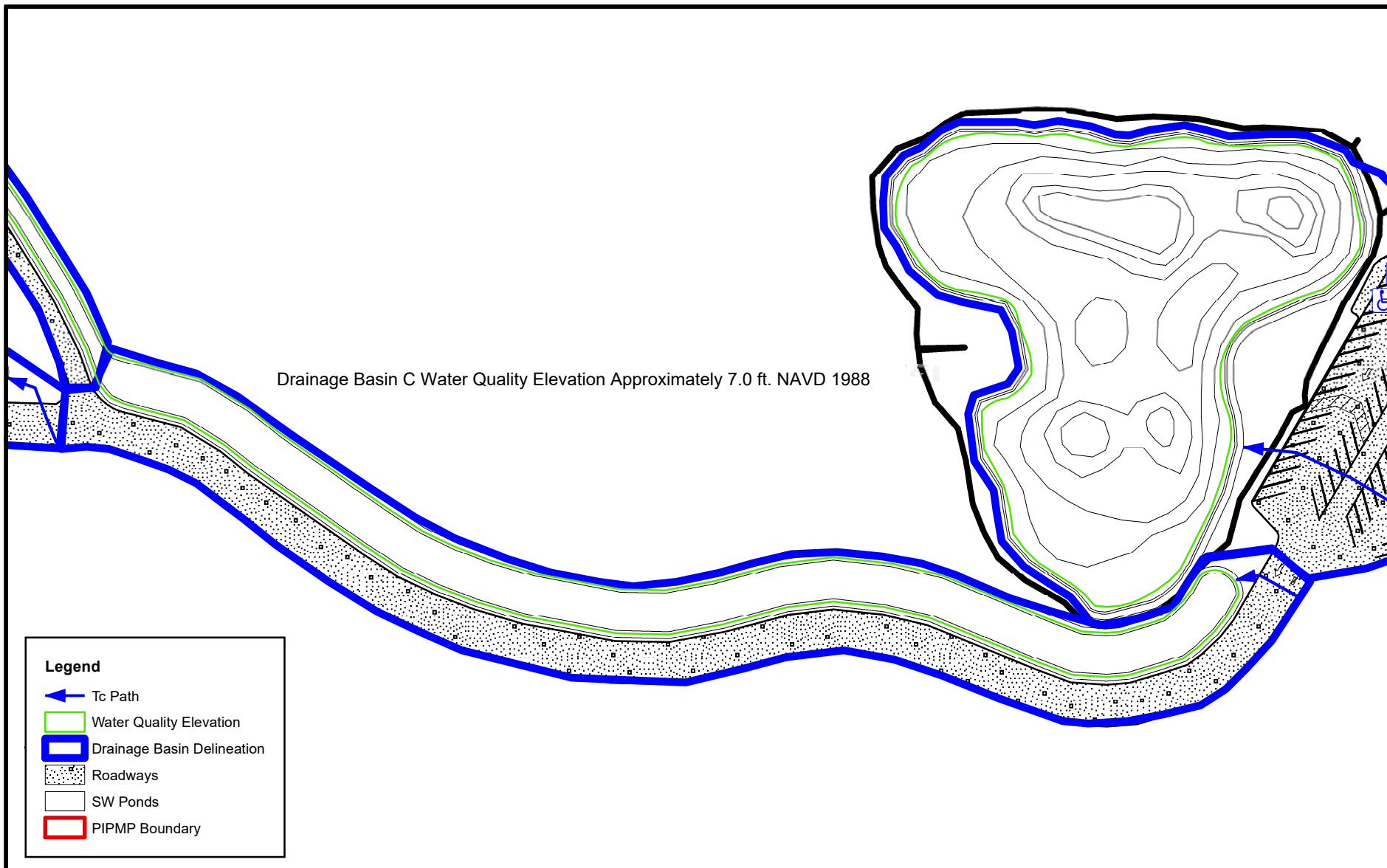
# Pine Island Preserve at Matlacha Pass Drainage Basin B East Detail Lee County, Florida

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Figure No. B2E  
Project No. PIPM-037-15



Scale: As Shown	Date: 01/03/2017
Drawn By: EMD	Approved By: TFO



# Pine Island Preserve at Matlacha Pass Drainage Basin C Detail Lee County, Florida

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Figure No. B3  
Project No. PIPM-037-15



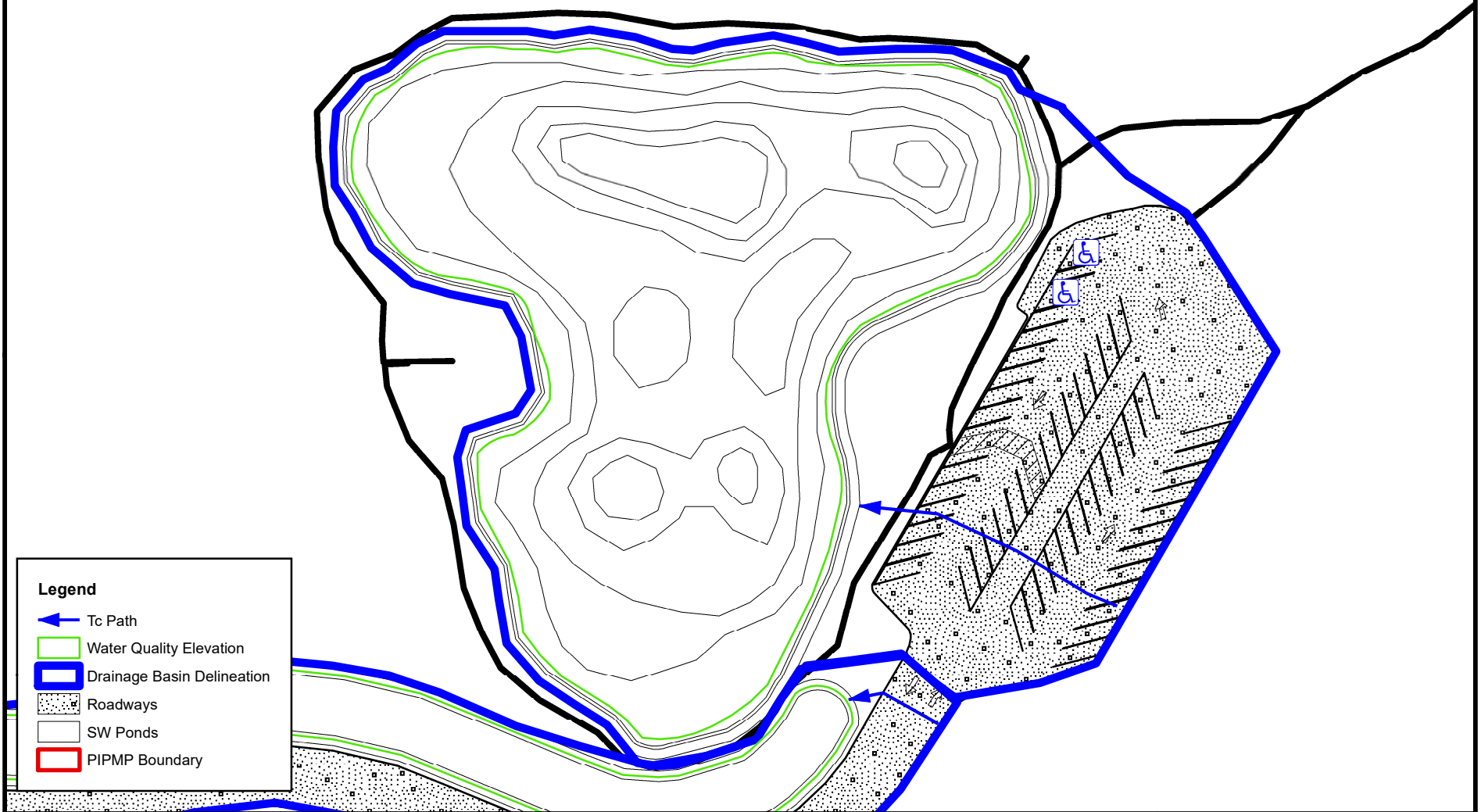
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Date:  
01/03/2017

Drawn By:  
EMD

Approved By:  
TFO

Drainage Basin D Water Quality Elevation Approximately 5.9 ft. NAVD 1988



## Pine Island Preserve at Matlacha Pass Drainage Basin D Detail Lee County, Florida

M:\Projects\Pine Island Preserve\RAI 03182016\SW Design Report\Figure B4 Drainage Basin D Detail

Figure No. B4  
Project No. PIPM-037-15



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Date:  
01/03/2017

Drawn By:  
EMD

Approved By:  
TFO

# CONSTRUCTION POLLUTION PREVENTION PLAN

## for

SITE DESCRIPTION			
Project Name and Location: (Latitude, Longitude, or Address)	Pine Island Preserve at Matlacha Pass 26° 34' 22.84" N 82° 06' 03.41" W	Owner Name and Address:	Conservation Foundation of the Gulf Coast, Inc. PO Box 902 400 Palmetto Avenue Osorey, FL 34229
Description: (Purpose and Types of Soil Disturbing Activities)	<p>Construction in this project will generally consist of site clearing, stormwater management system excavation and construction, and construction of roadways, parking and amenities associated with passive recreation.</p> <p>Soil disturbing activities will include: clearing and grubbing, installing a stabilized construction entrance, erosion and sediment controls; grading; excavation for the storm water management management systems; construction of stormwater management systems, roads, parking areas and amenities; and preparation for final planting, sodding, seeding and mulching.</p>		
Runoff Coefficient:	0.25		
Site Area:	Total Site Area: 230 acre		
Sequence of Major Activities:			
<p>The order of activities will be as follows:</p> <ol style="list-style-type: none"> <li>1. Installation of stabilized construction entrance.</li> <li>2. Partial clearing and grubbing.</li> <li>3. Install of erosion and sediment control</li> <li>4. Continue clearing and grading.</li> <li>5. Construction storm water management systems</li> <li>6. Stockpile excavated soil.</li> <li>7. Complete grading, subgrade and base course construction.</li> <li>8. Complete final paving.</li> </ol>		<ol style="list-style-type: none"> <li>9. Complete park amenities and install permanent seeding and plantings.</li> <li>10. When all construction activity is complete and the site is stabilized, remove temporary erosion and sediment control and re-seed any areas disturbed by their removal.</li> </ol>	
Name of Receiving Waters:	Tidal with ultimate receiving water Matlacha Aquatic Preserve. Note that stormwater management system designed as retention therefore no discharge.		
CONTROLS			
Erosion and Sediment Controls		Stabilization Practices	
<p><b>Temporary Stabilization:</b> Top soil stock piles and disturbed portions of the site where construction activity temporarily cease for at least 21 days will be stabilized with temporary seed and mulch no later than 14 days from the last construction activity in that area. The seed shall be Bahia, millet, rye, or other fast-growing grasses. Prior to seeding, fertilizer or agricultural limestone shall be applied to each area to be temporarily stabilized. After seeding, each area shall be mulched with the mulch disked into place. Areas of the site which will be paved will be temporarily stabilized by applying limerock subgrade until bituminous pavement can be applied.</p> <p><b>Permanent Stabilization:</b> Disturbed portions of the site, where construction activities permanently cease, shall be stabilized with native vegetation planting within the stormwater/drainage system components. The native vegetation would be maintained by Conservation Commission of the Gulf Coast.</p>			



CONTROLS (Continued)	
Structural Practices	
Silt Fence - will be constructed along those areas of the project that border adjacent wetlands. At a minimum, the silt fence will be placed along all wetland buffers and all Corps of Engineers jurisdictional wetland boundaries.	
Storm Water Management	
The project will utilize a system of stormwater swales/retention areas to provide the required water quality treatment and attenuation. Discharges are not anticipated due to retention system design.	
OTHER CONTROLS	
Waste disposal:	<p><u>Waste Materials:</u> All waste materials will be collected and stored in a trash dumpster which will meet all local and State solid waste management regulations. All trash and construction debris from the site will be deposited in this dumpster. The dumpster will be emptied as required due to use and/or State and local regulations, with the trash disposed of at the appropriate landfill operation. No construction waste materials will be buried onsite. All personnel will be instructed regarding the correct procedure for waste disposal. Notices stating these practices will be posted in the construction office trailer.</p> <p><u>Hazardous Waste:</u> All hazardous waste materials will be disposed of in the manner specified by local or State regulation or by the manufacturer. Site personnel will be instructed in these practices.</p> <p><u>Sanitary Waste:</u> All sanitary waste will be collected from the portable units by a local, licensed, City of Fort Myers sanitary waste management contractor, as required by local regulation.</p>
Offsite Vehicle Tracking:	<p>A stabilized construction entrance will be provided to help reduce vehicle tracking of sediments. As they are completed, paved streets will be swept as needed to remove any excess muck, dirt, or rock tracked from the site. Any dump trucks hauling material from the construction site will be covered with a tarpaulin.</p>
TIMING OF CONTROLS/MEASURES	
Installation of silt fence barriers (around wetlands) and stabilized construction entrance will be constructed prior to extensive clearing or grading of any other portions of the site. Areas where construction activity temporarily ceases for more than 21 days will be stabilized with a temporary seed and mulch within 14 days of the last disturbance. Once construction activity ceases permanently in an area, that area will be stabilized with permanent sod, seed and mulch, landscaping, native vegetation and/or other equivalent stabilization measures (e.g., rip-rap, geotextiles). After the entire site is stabilized, the silt fence can be removed.	
CERTIFICATION OF COMPLIANCE WITH FEDERAL, STATE, AND LOCAL REGULATIONS	
The storm water pollution prevention plan reflects the United States Environmental Protection Agency and the South Florida Water Management District (SFWWD) requirements for storm water management and erosion and sediment control, as established in the Chapter 40E-4 FAC and Chapter 373 FS.	

MAINTENANCE/INSPECTION PROCEDURES	
Erosion and Sediment Control Inspection and Maintenance Practices	
These are the inspection and maintenance practices that will be used to maintain erosion and sediment controls.	
<ul style="list-style-type: none"> <li>♦ All control measures will be inspected at least once each week and following any storm event of 0.5 inches or greater.</li> <li>♦ All measures will be maintained in good working order; if a repair is necessary, it shall be corrected as soon as possible, but in no case later than 7 days after the inspection.</li> <li>♦ Built up sediment will be removed from silt fence when it has reached one-half the height of the fence.</li> <li>♦ Silt fence will be inspected for depth of sediment, tears, to see if the fabric is securely attached to the fence posts, and to see that the fence posts are firmly in the ground.</li> <li>♦ Temporary seeding and permanent sodding and planting will be inspected for bare spots, washouts, and healthy growth.</li> <li>♦ A maintenance inspection report will be made after each inspection. A copy of the report form to be completed by the inspector is attached.</li> <li>♦ The Owner will appoint one individual who will be responsible for inspections, maintenance and repair activities, and for completing the inspection and maintenance reports.</li> <li>♦ Personnel selected for inspection and maintenance responsibilities will receive training from the site superintendent. They will be trained in all the inspection and maintenance practices necessary for keeping the erosion and sediment controls used onsite in good working order.</li> </ul>	
Non-Storm Water Discharge	
It is expected that the following non-storm water discharges will occur from the site during the construction period:	
<ul style="list-style-type: none"> <li>♦ Water from water line flushings.</li> <li>♦ Pavement wash waters (when no spills or leaks of toxic or hazardous materials have occurred).</li> <li>♦ All non-storm water discharges will be directed to the storm water management facilities prior to discharge.</li> </ul>	
INVENTORY FOR POLLUTION PREVENTION PLAN	
The materials or substances listed below are expected to be present onsite during construction:	
<ul style="list-style-type: none"> <li>♦ Concrete</li> <li>♦ Detergents</li> <li>♦ Paints (enamel and latex)</li> <li>♦ Metal Studs</li> <li>♦ Asphalt</li> <li>♦ Tandek or equivalent for boardwalks and observation decks</li> </ul>	<ul style="list-style-type: none"> <li>♦ Fertilizers</li> <li>♦ Petroleum Based Products</li> <li>♦ Cleaning Solvents</li> <li>♦ Wood</li> <li>♦ Masonry Block</li> <li>♦ Clay or concrete bricks</li> </ul>

SPILL PREVENTION	
Material Management Practices	
The following are the materials management practices that will be used to reduce the risk of spills or other accidental exposure of materials and substances to storm water runoff.	
<b>Good Housekeeping:</b>	<p>The following good housekeeping practices will be followed onsite during the construction project:</p> <ul style="list-style-type: none"> <li>♦ An effort will be made to store only enough product required to do the job.</li> <li>♦ All materials stored onsite will be stored in a neat, orderly manner in their appropriate containers, and if possible, under a roof or other enclosure.</li> <li>♦ Products will be kept in their original containers with the original manufacturer's label.</li> <li>♦ Substances will not be mixed with one another unless recommended by the manufacturer.</li> <li>♦ Whenever possible, all of a product will be used up before disposing of the container.</li> <li>♦ Manufacturers' recommendations for proper use and disposal will be followed.</li> <li>♦ The site superintendent will inspect to ensure proper use and disposal of materials onsite.</li> </ul>
<b>Hazardous Products:</b>	<p>These practices are used to reduce the risks associated with hazardous materials:</p> <ul style="list-style-type: none"> <li>♦ Products will be kept in original containers unless they are not resealable.</li> <li>♦ Original labels and material safety data will be retained; they contain important product information.</li> <li>♦ If surplus product must be disposed of, manufacturers' or local and State recommended methods for proper disposal will be followed.</li> </ul>
Product Specific Practices	
The following produce specific practices will be followed onsite:	
<b>Petroleum Products:</b>	<p>All onsite vehicles will be monitored for leaks and receive regular preventive maintenance to reduce the chance of leakage. Petroleum products will be stored in tightly sealed containers which will be clearly labeled. Any asphalt substances used onsite will be applied in accordance with the manufacturer's recommendations and standard construction practices.</p>
<b>Fertilizers:</b>	<p>Fertilizers will be applied only in the minimum amounts recommended by the manufacturer if necessary. Once applied, fertilizer will be worked into the soil to limit exposure to storm water. Storage will be in a covered shed. The contents of any partially used bags of fertilizer will be transferred to a sealable plastic bin to avoid spills.</p>
<b>Paints:</b>	<p>All containers will be tightly sealed and stored when not required for use. Excess paint will not be discharged to the storm sewer system but will be properly disposed of according to manufacturers' instructions and/or state and local regulations.</p>

## SPILL PREVENTION (Continued)

### Spill Control Practices

In addition to the good housekeeping and material management practices discussed in the previous sections of this plan, the following practices will be followed for spill prevention and cleanup.

- ♦ Manufacturers' recommended methods for spill cleanup will be clearly posted and site personnel will be made aware of the procedures and the location of the information and cleanup supplies.
- ♦ Materials and equipment necessary for spill cleanup will be kept in the material storage area onsite. Equipment and materials will include--but not be limited to--rags, gloves, goggles, kitty litter, sand, and plastic and metal trash containers specifically for this purpose.
- ♦ All spills will be cleaned up as soon as possible after discovery.
- ♦ The spill area will be kept well ventilated and personnel will wear appropriate protective clothing to prevent injury from contact with a hazardous substance.
- ♦ Spills of toxic or hazardous material will be reported to the appropriate state or local government agency, regardless of the size.
- ♦ The spill prevention plan will be adjusted to include measures to prevent this type of spill from reoccurring and how to clean up the spill if there is another one. A description of the spill, what caused it, and the cleanup measures will also be included.
- ♦ The Contractor's site superintendent will be responsible for the day-to-day site operations and will be the spill prevention and cleanup coordinator. He will designate at least two other site personnel who will receive spill prevention and cleanup training. These individuals will each become responsible for a particular phase of prevention and cleanup. The names of responsible spill personnel will be posted in the material storage area and in the office trailer onsite.

### POLLUTION PREVENTION PLAN CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signed: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

### CONTRACTOR'S CERTIFICATION

I certify under penalty of law that I understand the terms and conditions of the general National Pollutant Discharge Elimination System (NPDES) permit that authorizes the storm water discharges associated with industrial activity from the construction site identified as part of this certification.

Signature	For	Responsible for
_____ Date: _____		
_____ Date: _____		
_____ Date: _____		
_____ Date: _____		



CONSTRUCTION POLLUTION PREVENTION PLAN  
for

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**Inspection And Maintenance Report Form**

*(To be completed every 7 days and within 24 hours of a rainfall event of 0.5 inches or more)*

INSPECTOR: \_\_\_\_\_ DATE: \_\_\_\_\_

INSPECTOR'S QUALIFICATIONS: \_\_\_\_\_

Days since last rainfall: \_\_\_\_\_ Amount of last rainfall \_\_\_\_\_ inches

**STABILIZATION MEASURES**

Area	Date Since Last Disturbed	Date of Next Disturbance	Stabilized? (yes / no)	Stabilized With	Condition

Stabilized required: \_\_\_\_\_

To be performed by: \_\_\_\_\_ on or before: \_\_\_\_\_





CONSTRUCTION POLLUTION PREVENTION PLAN  
for

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**Inspection And Maintenance Report Form**

CHANGES REQUIRED TO THE POLLUTION PREVENTION PLAN:

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REASONS FOR CHANGES:

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I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

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Signature

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Date

# **URBAN STORMWATER MANAGEMENT PROGRAM**

## **1.0 Introduction**

This document provides details of the Urban Stormwater Management Program for the Pine Island Preserve at Matlacha Pass in Lee County, Florida. This Plan discusses non-structural controls, intended to improve the quality of stormwater runoff by reducing the generation and accumulation of potential stormwater runoff contaminants at or near the respective sources for each constituent, along with significant structural components of the primary stormwater treatment system. Although many of the methodologies and procedures outlined in this document are general Best Management Practices (BMP's) which can be useful in attenuating pollutants in many types of urbanized settings, the implementation of these practices has been optimized, to the maximum extent possible, to reflect the unique character of Pine Island Preserve at Matlacha Pass and the surrounding hydrologic features.

Pollution prevention guidelines are provided for the areas of (1) nutrient and pesticide management; (2) solid waste management; (3) operation and maintenance of the stormwater management and treatment system; (4) construction activities. A discussion of each of these activities is given in the following sections.

## **2.0 Nutrient and Pesticide Management**

Nutrient and pesticide management consists of a series of practices designed to manage the use of fertilizers and pesticides so as to minimize loss of these compounds into stormwater runoff and the resulting water quality impacts on adjacent waterbodies. Implementation of a management plan will also maximize the effectiveness of the nutrients and pesticides that are applied.

Conservation Commission of the Gulf Coast is committed to the practice of responsible and careful landscape design and maintenance to prevent contamination of surface waters.

Pine Island Preserve at Matlacha Pass is a passive recreation park and will be vegetated where necessary with appropriate native species.

### **2.1 Nutrient Management Program**

Pine Island Preserve at Matlacha Pass is a passive recreation park and no nutrient or fertilizer use is anticipated.

### **2.2 Pest Management Program**

Pine Island Preserve at Matlacha Pass is a passive recreation park and no pesticide, fungicides, and herbicide use is anticipated to be used routinely. However, should nuisance and/or invasive exotic plants be observed, they will be treated according to Natural Areas Weed Management standards to the State of Florida.



### **3.0 Solid Waste Management**

In general, solid waste management involves issues related to the management and handling of urban refuse, litter and leaves that will minimize the impact of these constituents as water pollutants.

Maintenance of adequate sanitary facilities for temporarily storing refuse prior to collection is the responsibility of Conservation Commission of the Gulf Coast. Conservation Commission of the Gulf Coast will follow local requirements for refuse collection.

Pine Island Preserve at Matlacha Pass is a passive recreation park and will be re-vegetated where necessary with native vegetation. Conservation Commission of the Gulf Coast will perform routine inspections/maintenance to ensure that vegetation which could potentially cause water quality impacts be minimized.

### **4.0 Stormwater Management and Treatment System**

The stormwater management system for Pine Island Preserve at Matlacha Pass is designed to maximize the attenuation of stormwater generated pollutants. Operational details and maintenance requirements of the various system components are given in the following sections.

#### **4.1 Swales and Water Storage Areas**

These provide for conveyance and/or above-ground (or surface) storage of stormwater. With age, these areas usually fill in with vegetation and sediment. Swales may need to be regraded and/or revegetated. It is a good idea to compare the existing slope and dimensions of the swale with the permitted design plans prior to the removal of excess sediment or regrading. Areas that show erosion should be stabilized with appropriate material such as sod, planting, rock, sand bags, or other synthetic geotextile material.

The intent is to vegetate all swales/retention areas with native vegetation which will require little to no maintenance. These areas also improve water quality by catching sediment and assimilating nutrients, and recharge the underground water table. After a storm, swales/retention areas may remain wet for an extended period of time. This is normal and the water will recede gradually.

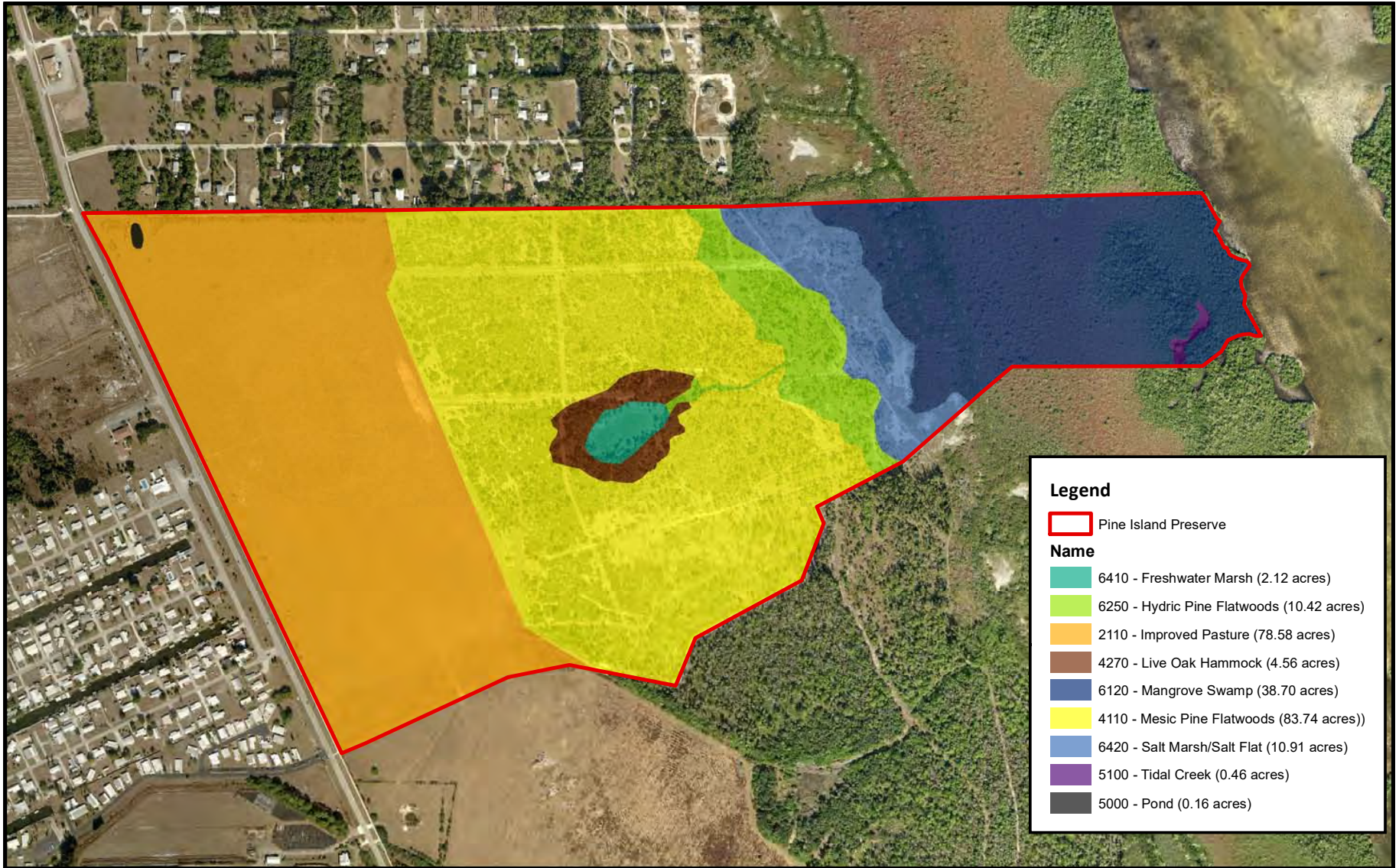
#### **4.2 Emergency Overflow Structure (also called the Discharged Control Structure or Weir)**

The emergency overflow structure should be routinely inspected to determine if any obstructions are present or repairs are needed. Trash or vegetation impeding water flow through the structure should be removed. Elevations and dimensions should be verified bi-annually with all current permit information. Periodic inspections should then be

regularly conducted to make sure these structures maintain the proper water levels and the ability to discharge.

## **5.0     Construction Activities**

A Stormwater Pollution Prevention Plan (SWPPP) has been prepared and submitted under a separate cover for construction activities to minimize activities contamination that may be caused by erosion and sedimentation during the construction process. The plan includes provisions related to soil stabilization, structural erosion controls, waste collection disposal, offsite vehicle tracking, spill prevention and maintenance and inspection procedures.



#### Legend

Pine Island Preserve

#### Name

- 6410 - Freshwater Marsh (2.12 acres)
- 6250 - Hydric Pine Flatwoods (10.42 acres)
- 2110 - Improved Pasture (78.58 acres)
- 4270 - Live Oak Hammock (4.56 acres)
- 6120 - Mangrove Swamp (38.70 acres)
- 4110 - Mesic Pine Flatwoods (83.74 acres))
- 6420 - Salt Marsh/Salt Flat (10.91 acres)
- 5100 - Tidal Creek (0.46 acres)
- 5000 - Pond (0.16 acres)



Mitigation Resources

## Pine Island Preserve at Matlacha Pass Existing FLUCCS Lee County, Florida

M:\Projects\Pine Island Preserve\ERP\ERP Figures\PIP FLUCCS Figure E-2

Figure No. E-2



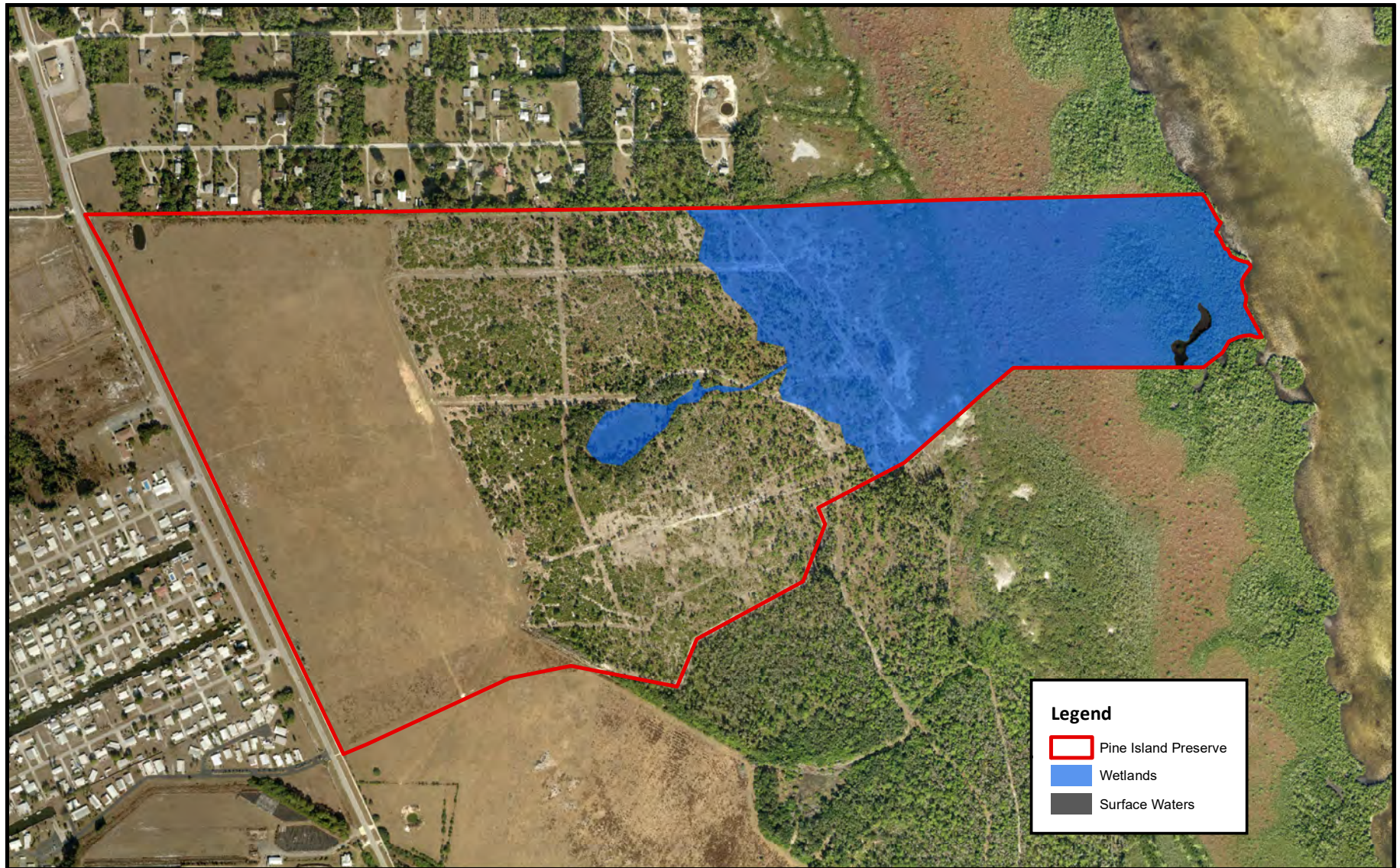
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SEG

Approved By:  
TFO





## Pine Island Preserve at Matlacha Pass Wetlands Lee County, Florida

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Figure No. C-2



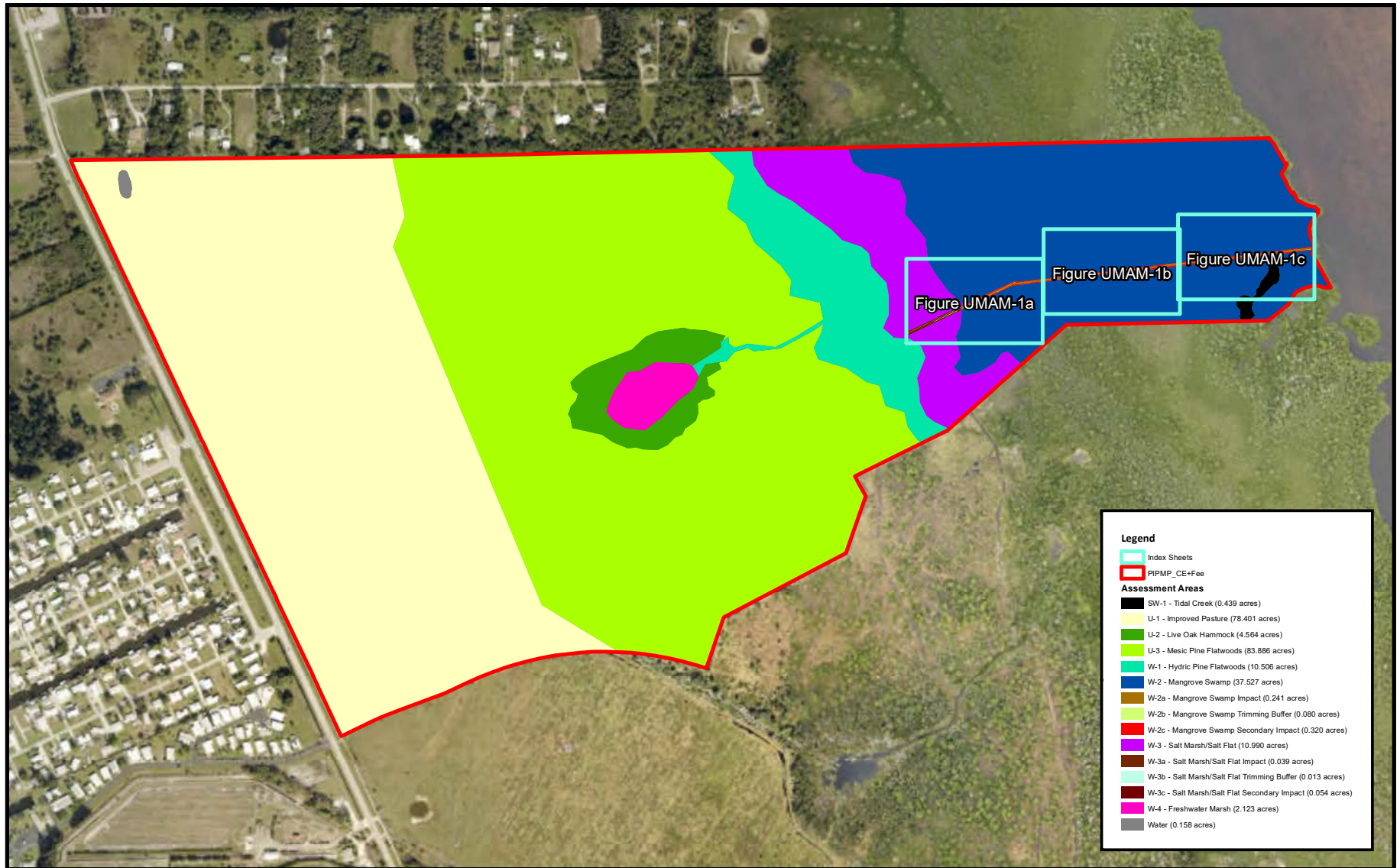
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Drawn By:  
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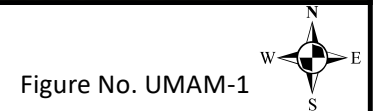
Approved By:  
TFO





# **Pine Island Preserve at Matlacha Pass** **UMAM Assessment Areas** **Lee County, Florida**

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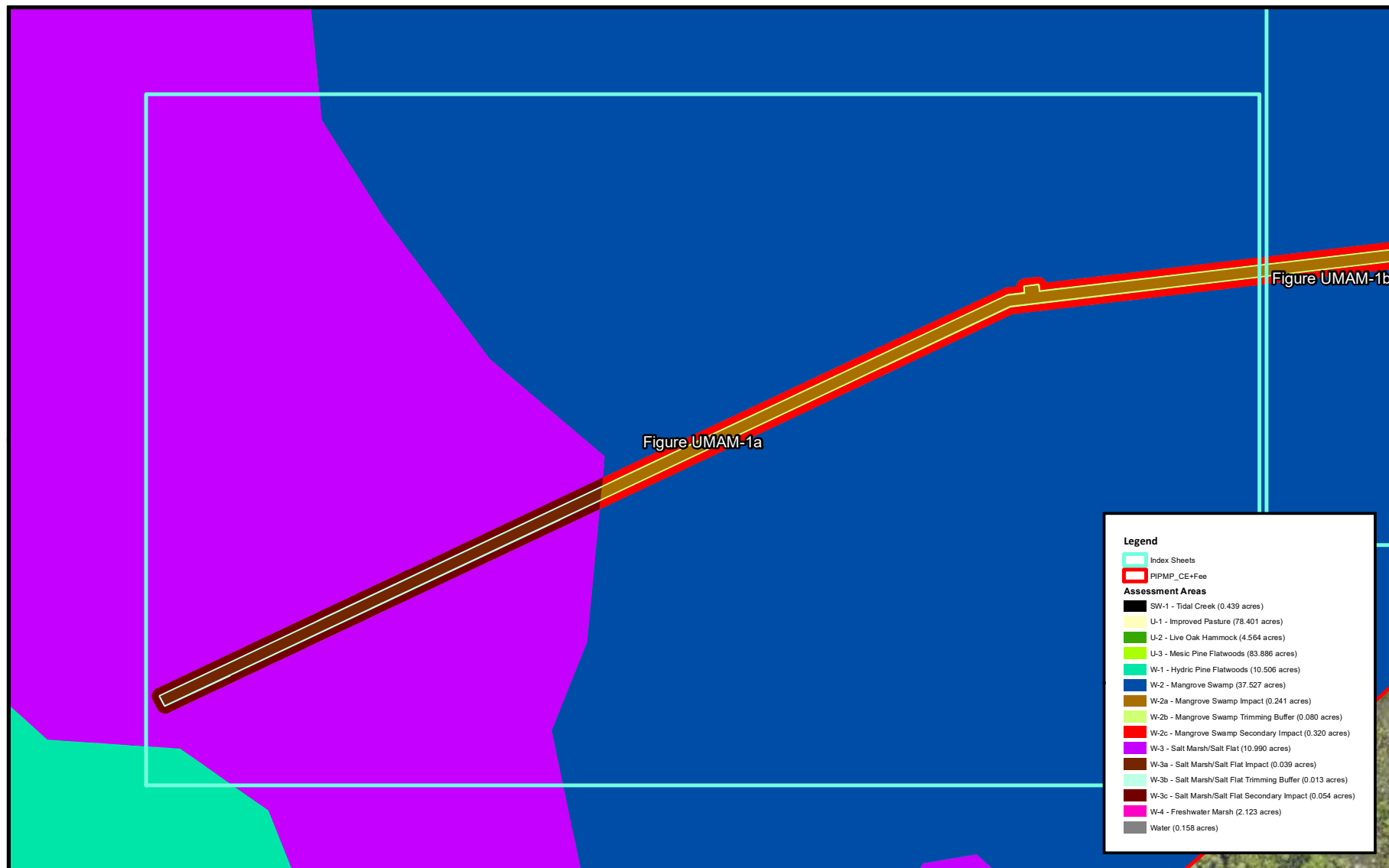


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 06/01/2017

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 SEG

Approved By:  
 TFO



Mitigation Resources

# Pine Island Preserve at Matlacha Pass UMAM Assessment Areas Lee County, Florida

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Figure No. UMAM-1a



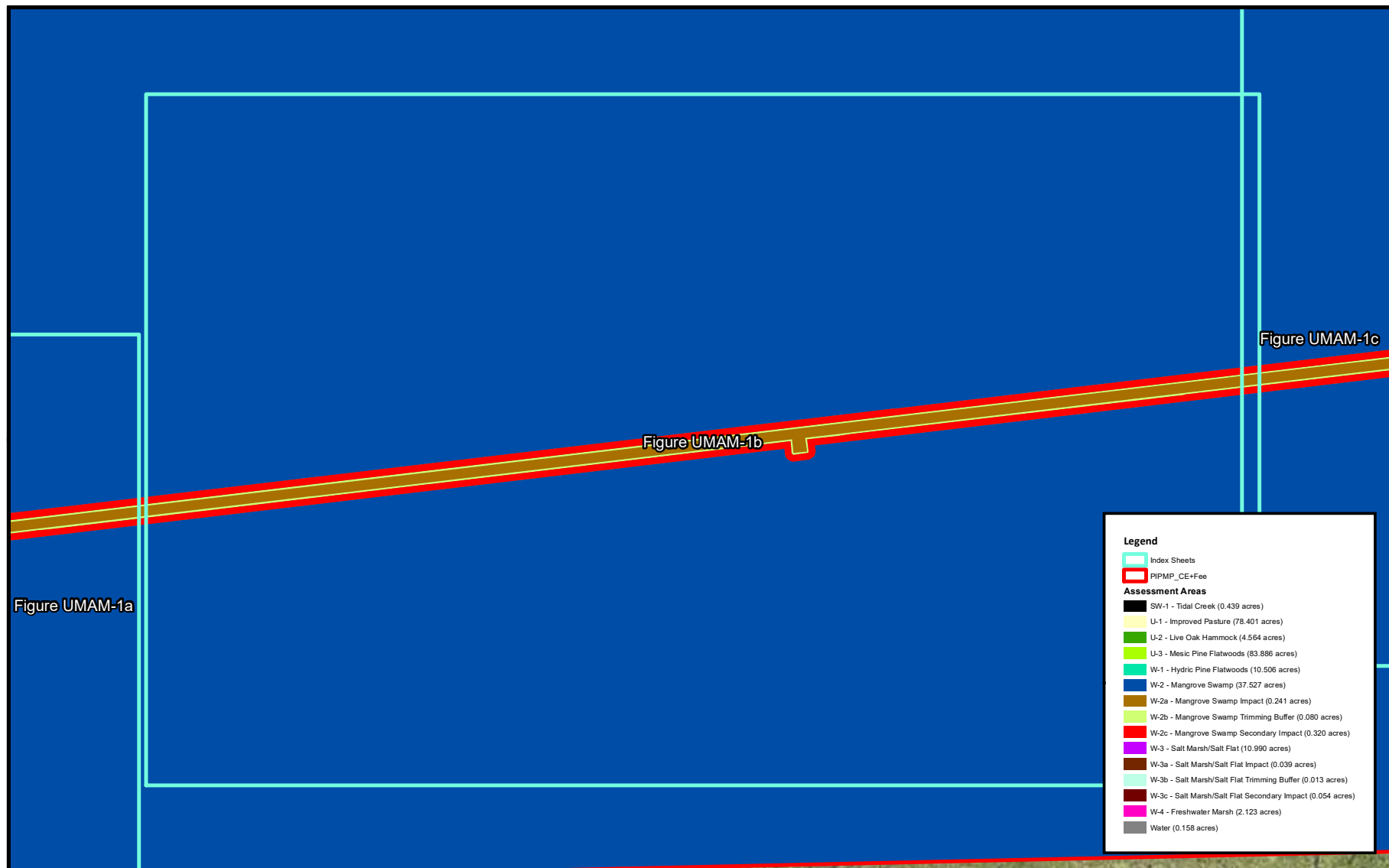
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06/01/2017

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SEG

Approved By:  
TFO





# Pine Island Preserve at Matlacha Pass UMAM Assessment Areas Lee County, Florida

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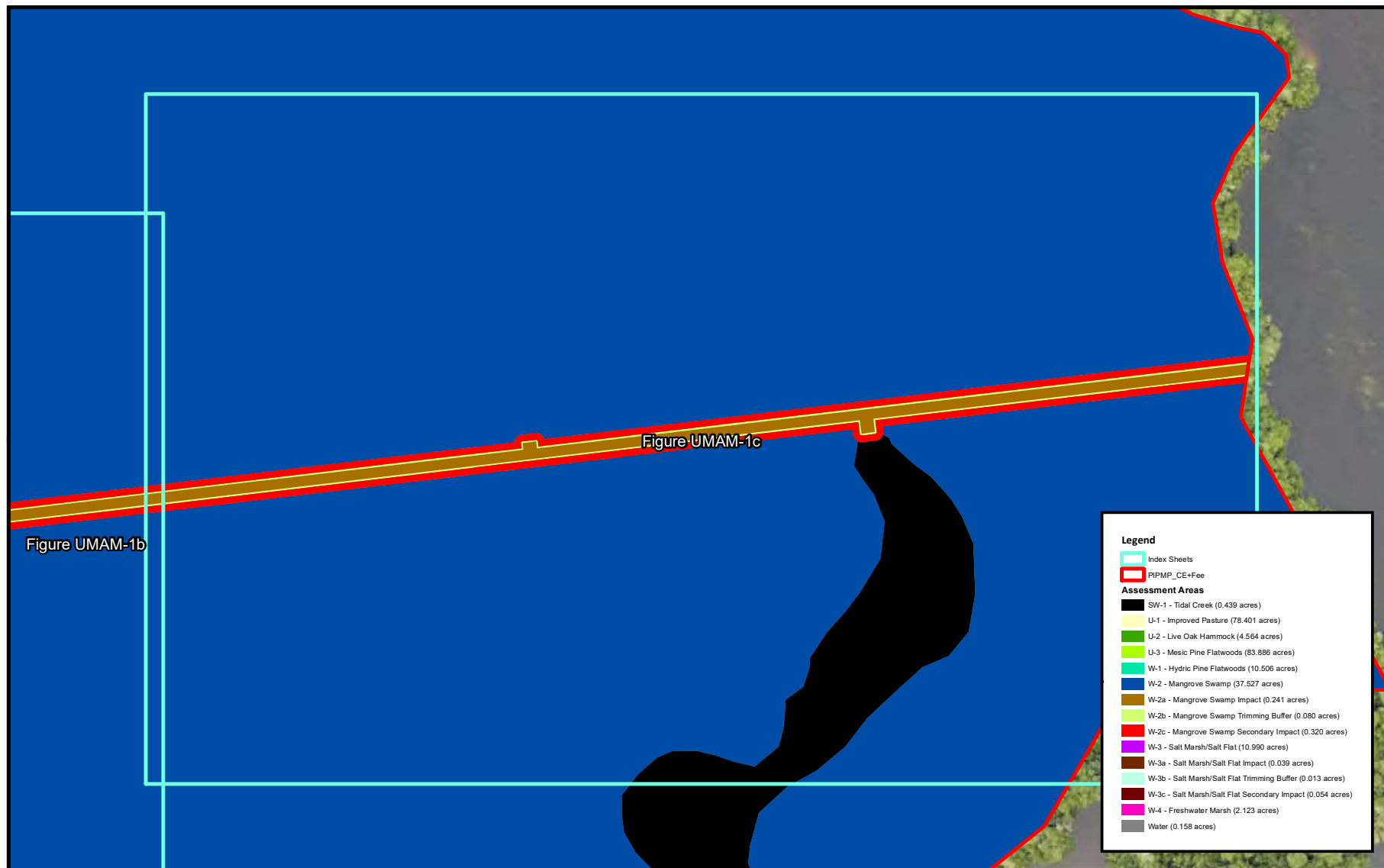
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06/01/2017

Drawn By:  
SEG

Approved By:  
TFO



# Pine Island Preserve at Matlacha Pass UMAM Assessment Areas Lee County, Florida

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Figure No. UMAM-1c



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Date:  
06/01/2017

Drawn By:  
SEG

Approved By:  
TFO

## Pine Island Preserve at Matlacha Pass

### Mitigation Plan

#### A. Proposed Mitigation

Impacts to wetlands associated with the construction of a 0.35 acre boardwalk will be offset by hydrologic and vegetation enhancements to an onsite freshwater marsh that is currently being drained by a ditch. This large, but shallow ditch has degraded the water environment of this freshwater marsh system: the duration of peak inundation is shortened by the influence of the ditch and the drawdown of water is accelerated.

This altered hydrologic regime has also adversely impacted the freshwater marsh plant community. The core zone of the marsh is relatively small and is dominated by fireflag (*Thalia geniculata*), Virginia salt marsh mallow (*Kosteletzkya pentacarpos*) and dotted smartweed (*Polygonum punctatum*) with some scattered Carolina willow (*Salix caroliniana*). It is likely that the core zone of this marsh has contracted as a result of drainage. The core zone grades into a zone consisting of reimagrass (*Reimarochloa oligostachya*), mixed with needlepod rush (*Juncus scirpoidea*), herb-of-grace (*Bacopa monnieri*) and bearded sprangletops (*Leptochloa fusca* subsp. *fascicularis*). The edges of this freshwater marsh system occur in the shade of a live oak hammock. Thus vegetation within the outer fringes of consists mostly of swamp fern (*Blechnum serrulatum*).

The goal of the Mitigation Plan is to eliminate the unnatural drawdown of water within this freshwater marsh system and increase peak stage durations, and, to enhance the freshwater marsh community through prescribed fire management and routine exotic species control. This would allow for a near optimal plant community to be maintained in perpetuity.

Much of the freshwater marsh community is mapped as Hallandale Fine Sand. Portions of the northern and western fringes are mapped as Myakka Fine Sand. Hallandale fine sand consists of a black sand surface layer to four inches, underlain by a lighter eluvial layer with a matrix varying in color due to mottling and streaking. The "E" horizon occurs to a depth of ten inches. This eluvial layer is underlain by a weathered "B" horizon to a depth of 16". Myakka Fine Sand is characterized by a dark surface horizon to six inches thick. This "A" horizon is underlain by a lighter eluvial layer with common streaks of black and dark gray indicative of organic matter translocation. This layer occurs up to a depth of 20". The "E" horizon is underlain by a several spodic horizons rich in humic material to a depth of 36". Field observations around the perimeter of the marsh are consistent with a dark sandy surface underlain by an eluvial layer. Deeper portions of the marsh have more organic matter accumulation at the surface.

## **B. Mitigation Activities**

Mitigation activities would consist of three main activities: 1) construction of a weir to eliminate drawdown; 2) prescribed fire management, and; 3) exotic species management. Details of these activities are provided in the narrative below.

### **i. Hydrologic Construction**

A weir structure (detailed in Sheet C-5 of the permitted Construction Drawings) with a control elevation of 3.6 ft., NAVD would be constructed across the drainage ditch. This would effectively eliminate drawdown and prolong peak stage durations within the freshwater marsh system. During construction, all NPDES storm water runoff control protocol would be adhered to (see Construction Drawings), including installation and maintenance of silt fences. This structure would be inspected quarterly for signs of malfunction (washout, erosion etc.).

### **ii. Prescribed Fire Management**

The freshwater marsh system historically would burn in conjunction with the surrounding pine flatwoods (2-4 years). The goal of prescribed fire management would be to mimic this historic fire regime and allow for fire to maintain the herbaceous character of the freshwater marsh community. Fires would be allowed to burn into the freshwater marsh from the adjacent uplands and extinguish naturally thereby maintaining the herbaceous dominance of this system and keeping shrubs and hardwoods at bay. Care would be taken to conduct prescribed fires at times where there is sufficient fuel moisture and ground saturation that would inhibit the ignition of organic soils. All fires would be conducted by a prescribed burner certified by the State of Florida. The goal of the Mitigation Plan is to conduct two prescribed fire events over a five year period.

### **iii. Exotic Species Management**

No extensive infestations of exotic species were observed within this freshwater marsh system. Surveys for Category I and II invasive exotic species as listed by FLEPPC would be conducted semi-annually. Infestations would be treated, monitored, and controlled, as needed. If exotic species are found, an initial treatment would commence as soon as practical and would be followed by secondary treatments one (1) to two (2) months later. This would maximize treatment success and foster quicker recovery of native species. Coupled with routine invasive exotic/nuisance vegetation monitoring, eradication and control efforts would sustain native species diversity and abundance, enhance community structure, improve wildlife habitat, and increase biodiversity. The final target exotic and nuisance species thresholds are both <1%.

**Schedule**

Please refer to Work Schedule, Exhibit No. 3.4

A schedule of mitigation activities and inspections are provided in the table below.

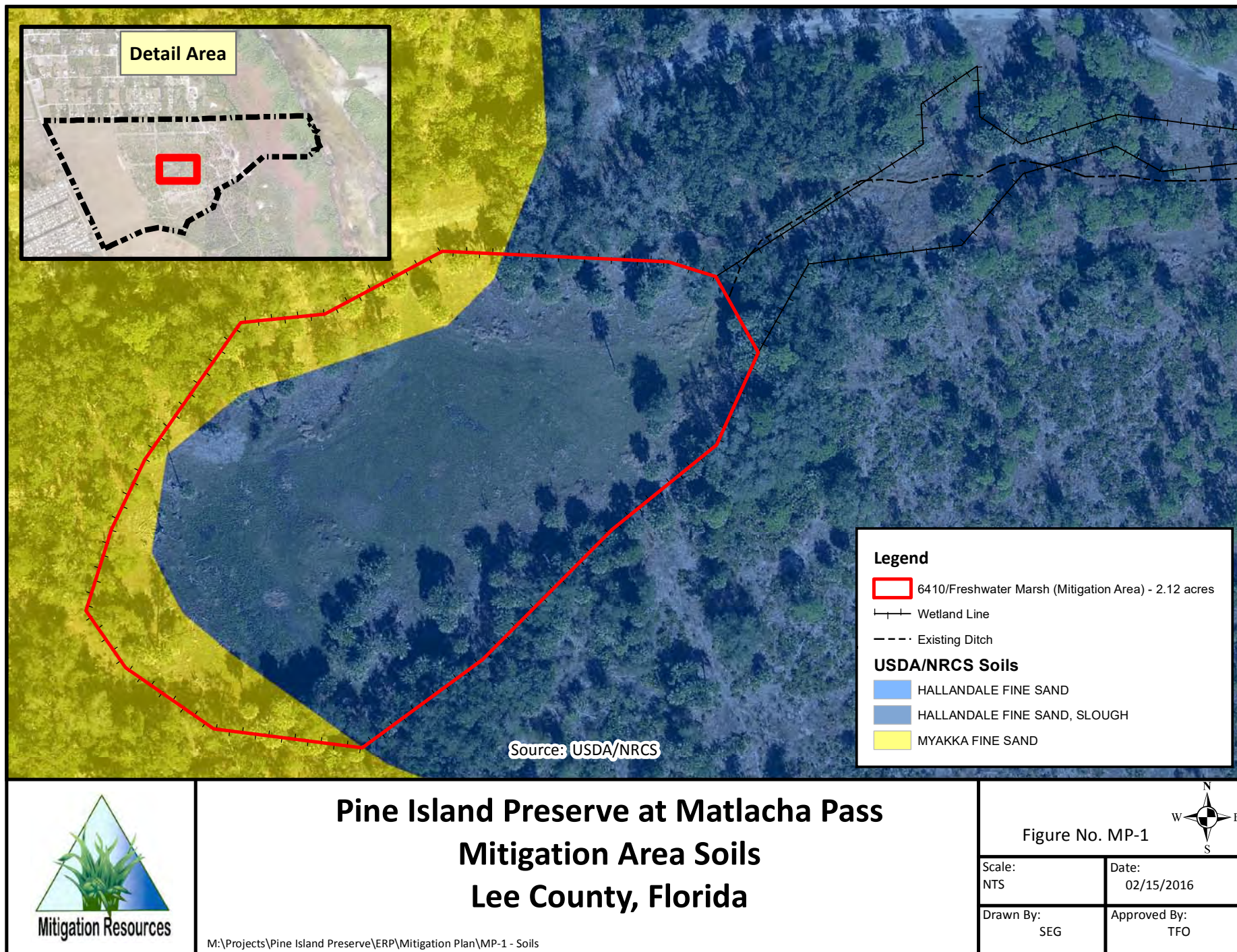
Activity	Date
Hydrologic Construction	February 2017
Quarterly Exotic Species Management/Inspection	May 2017
Quarterly Exotic Species Management/Inspection	August 2017
Prescribed Fire Management	April – June 2017
Quarterly Exotic Species Management/Inspection	September 2017
Quarterly Exotic Species Management/Inspection	March 2018
Quarterly Exotic Species Management/Inspection	September 2018
Quarterly Exotic Species Management/Inspection	March 2019
Quarterly Exotic Species Management/Inspection	September 2019
Quarterly Exotic Species Management/Inspection	March 2020
Prescribed Fire Management	March – June 2020
Quarterly Exotic Species Management/Inspection	September 2020
Quarterly Exotic Species Management/Inspection	March 2021
Quarterly Exotic Species Management/Inspection	September 2021

**C. Success Criteria**

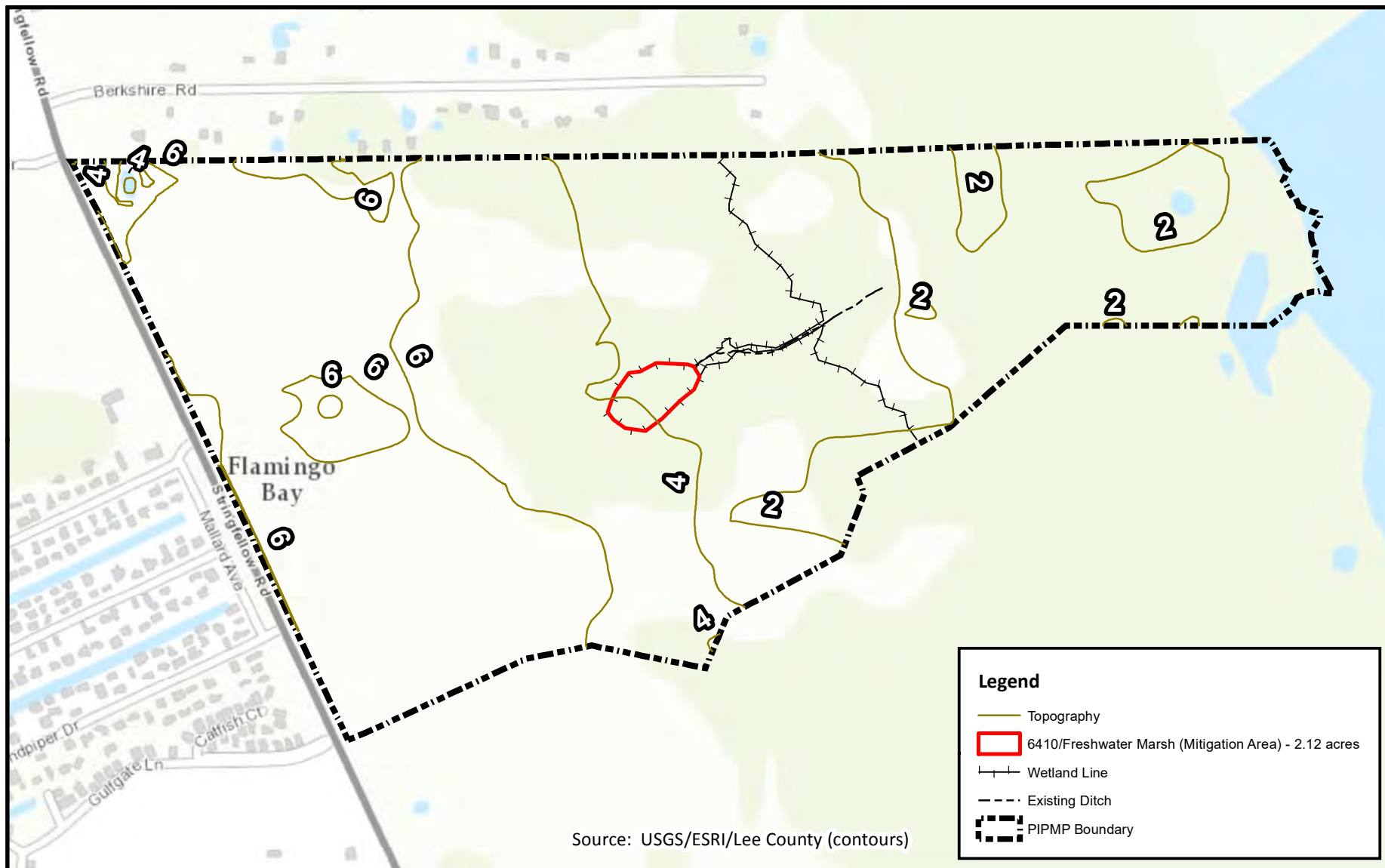
The mitigation will be deemed successful once the following criteria are met:

- Weir construction has been completed and the structure is functioning as designed with no indications of erosion or washouts;
- At least two prescribed fires have been conducted within the freshwater marsh system;
- The plant community demonstrates a positive response to prescribed fire in the form of herbaceous response, flower/seed production and coppiced shrubs/trees;
- Exotic species cover is <1% of the freshwater marsh area.









## Pine Island Preserve at Matlacha Pass Topographic Map Lee County, Florida

M:\Projects\Pine Island Preserve\ERP\Mitigation Plan\MP-2 - Topo

Figure No. MP-2

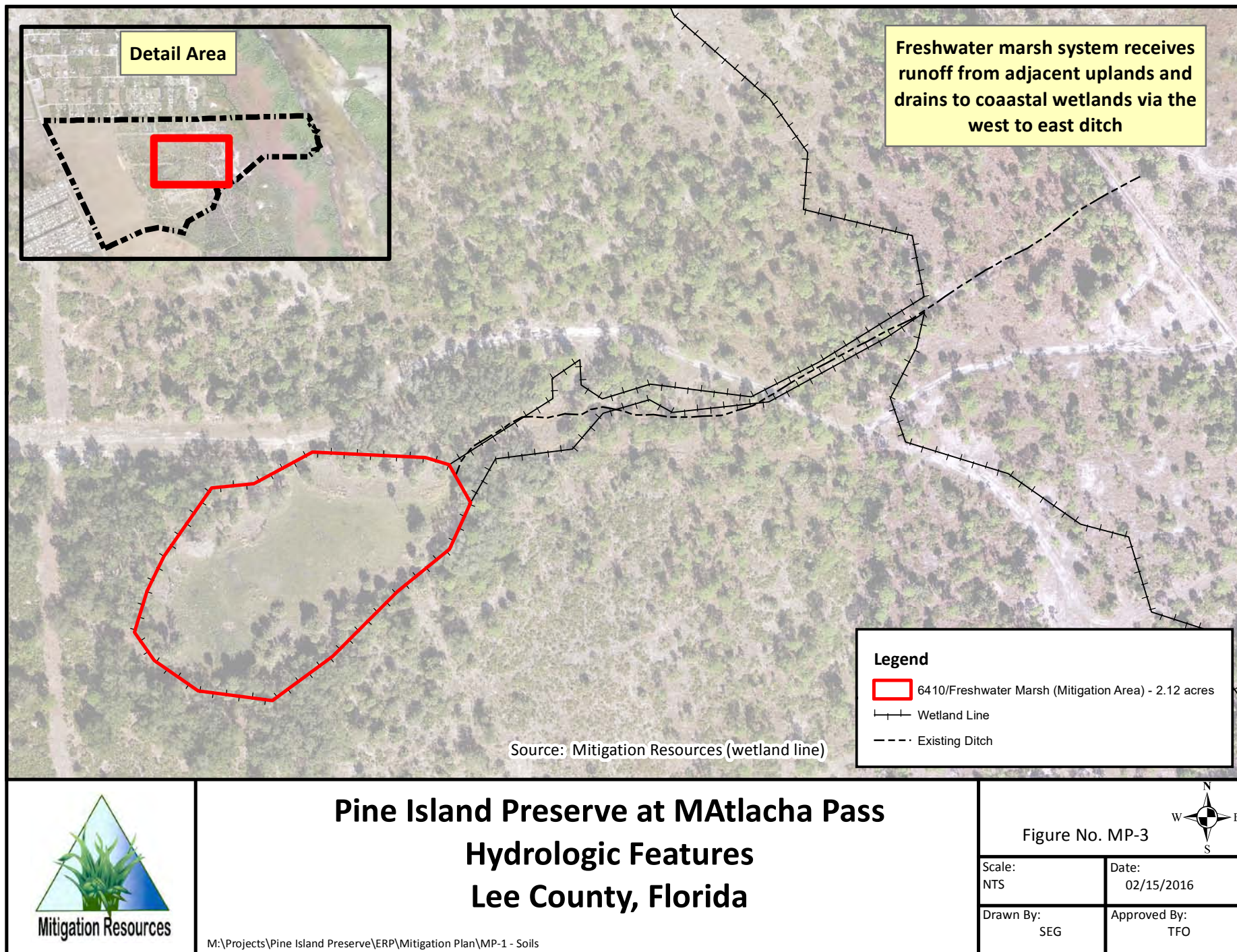


Scale:  
NTS

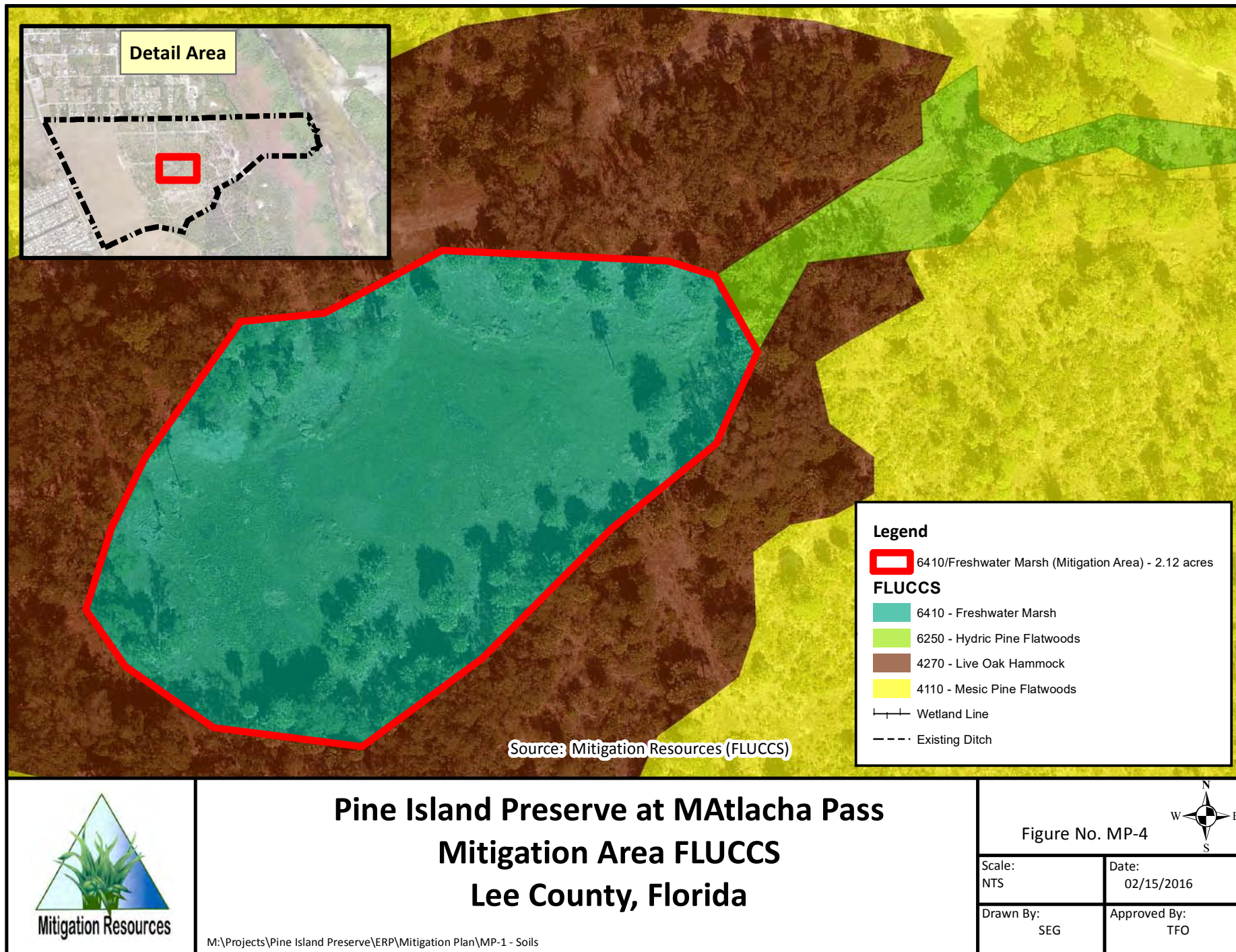
Date:  
02/15/2016

Drawn By:  
SEG

Approved By:  
TFO







**Exhibit 4**

**Monitoring Plan**



**PINE ISLAND PRESERVE AT MATLACHA PASS  
MONITORING PLAN**

**Abstract:** The monitoring of the enhancement at the Pine Island Preserve Mitigation Area consists of both quantitative and qualitative monitoring. The quantitative vegetation monitoring will be conducted annually in the fall, while semi-annual qualitative monitoring would occur in the spring and fall (March and September). Observations and data from these monitoring events will be submitted to the District annually. Monitoring parameters consist of metrics that quantify vegetation composition, cover and structure across all strata and include percent cover by species or grouping (i.e. wetland status, native status etc.) in shrub and groundcover strata, and tree stand density and basal area measurements in the canopy stratum. Qualitative monitoring information to be included in the annual reports will consist of: 1) an overall hydrologic assessment of the wetland; 2) estimation of the percent cover and dominant species in each community; 3) documentation of the presence or spread of nuisance species 4) wildlife utilization; and, 5) general biological integrity of each assessed community.

**1. Quantitative Monitoring**

- B. Methods: One 120 meter (m) transect would be established using a sub-meter Global Positioning System as indicated in **Figure 1**. This transect would be placed in a manner that captures the zonation of the enhanced freshwater marsh system; running entirely across the marsh and crossing the core zone. The transect would be permanently marked with rebar at each end and a transect tape would be strung between the two transect endpoints at a taut/straight position for consistency.

In order to document zonation and vegetation community changes, +/-20 m<sup>2</sup> circular plots (2.5 m radius) would be installed every ten meters along the length of 120 m transect (beginning at 0 meters and ending at 120 m), centered on 0 m, 10 m, 20 m, 30 m, 40 m, 50 m, 60 m, 70 m, 80 m, 90 m, 100 m, 110 m and 120 m. These plot centers would not be marked permanently. The boundaries of the plots would be temporarily demarcated in the field with two meter tapes (5 meters long each) laid out perpendicularly across the plot center, dividing the plot into fourths.

The vegetation within these plots would be divided into four (4) strata based on FDEP 62-340.200, F.A.C. (1996) of the Florida Wetlands Delineation Manual, Delineation of the Landward Extent of Wetlands and Surface Waters. Canopy trees would be defined as those woody plants with a diameter at breast height (dbh) greater than 10 centimeters (cm) (3.9 inches). The sub-canopy consists of tree species, excluding common woody shrubs such as wax-myrtle (*Myrica cerifera*), Carolina willow (*Salix caroliniana*), Brazilian-pepper (*Schinus terebinthifolius*), and saltbush (*Baccharis* sp.) with a dbh between 2.5 and 10 cm (1-3.9 inches). The shrub layer consists of trees with a dbh less than 2.5 cm (1 in) and any-sized individuals of the four (4) common shrub

species mentioned above and other shrubby vegetation. Groundcover consists of all vegetative cover (woody, herbaceous or vine) below one meter and consisted primarily of herbaceous species.

Canopy and sub-canopy trees saplings and seedlings would be sampled within these 20 m<sup>2</sup> plots. Diameters of all canopy trees would be measured and tagged to facilitate re-sampling and to document mortality and recruitment. Sub-canopy trees would be counted by species to estimate density and measured to calculate basal area, but would not be tagged. Cabbage palms (*Sabal palmetto*) would not be measured for dbh, as these trees tend to decrease in diameter with age. However, the total number of cabbage palms within each quadrat would be tallied. Seedling would also be tallied by species to measure density.

The composition and cover of shrub species within each 20 m<sup>2</sup> plot would be quantified using modified Daubenmire (1959) cover classes. These seven cover classes are: <1%; 1-5%; 5-25%; 25-50%; 50-75%; 75-95%; and, 95-100%.

Species composition and cover of groundcover within the plots would be quantified using modified Daubenmire (1959) cover classes. These seven cover classes are: <1%; 1-5%; 5-25%; 25-50%; 50-75%; 75-95%; and, 95-100%. All plant species (vines, trees, shrubs and herbaceous species) whose stems originate from within the quadrat are assigned cover class values. Shrub species are assigned cover class values if any part of the plant less than one meter high overhangs the plot regardless of where the stems originate. Trees would be assigned a cover class value only for portions of the root collar that occupy space within the plot (i.e. no values would be assigned for aerial canopy coverage within groundcover quadrats). The percent cover of bare ground and open water would also be recorded.

All plant nomenclature would follow Wunderlin (2003). Species not identified to species level would be identified to the lowest taxonomic level possible and a specimen would be taken from outside the transect as a voucher if possible.

- C. Data Entry: Data would be entered into a Microsoft Access database. A single table would be used for each study type: a) canopy data, b) sub-canopy data, c) shrub data; and, d) groundcover data.
- D. Data Analyses: Basic coverage statistics would be calculated and presented for each of the field methods including standard forestry parameters such as density and basal area for canopy and sub-canopy data, percent cover for shrub data, and percent cover for groundcover quadrats. Formulas for calculating these statistics are as follows:

$$\text{Stand Density} = \sum S_i / \text{Area}$$

Where  $S_i$  = the number of stems for a given species

$$\text{Total Basal Area} = \sum (\pi \times [\frac{1}{2} \text{ dbh } S_i]^2)$$

Where dbh  $S_i$  = diameter at breast height of a given species

Percent Cover (shrub stratum):

For any given quadrat, the shrub cover is a direct estimate where cover class values would be assigned as the median value of a cover class range and is as follows: <1% = 0.5, 1-5% = 2.5, 5-25% = 15, 25-50% = 37.5, 50-75% = 62.5, 75-95% = 85, 95-100% = 97.5. For an average percent cover across plots within a transect, the average cover class value of a particular species would be calculated as:

$$\text{Percent Cover (shrub stratum)} = \sum S_i / n \times 100$$

Where  $S_i$  = the percent cover of a given species and  $n$  = the number of plots.

$$\text{Percent Cover (ground cover)} = \sum S_i / \text{Stotal}$$

Where  $S_i$  = the percent cover of a given species and  $\text{Stotal}$  = the sum of all cover class values (including bare ground or open water) within a plot or group of plots. Cover class values would be assigned as the median value of a cover class range and would be as follows: <1% = 0.5, 1-5% = 2.5, 5-25% = 15, 25-50% = 37.5, 50-75% = 62.5, 75-95% = 85, 95-100% = 97.5.

## 2. Hydrologic Monitoring

A daily automated water level recorder would be installed onsite as indicated in **Figure 1**. Surveyed ground elevations for water level recorders and these Assessment Areas will be provided for use in water level analysis. A summary of future data with comparison to pre construction and post construction data will be provided annually in association with Annual Monitoring Reports in order to demonstrate hydrologic success.

## 3. Qualitative Monitoring:

Qualitative monitoring would occur within the enhanced freshwater marsh semi-annually in the spring and fall (March and September). The condition of the vegetation, groundcover and trees, wildlife use observations, and general habitat health would be qualitatively evaluated. Notes on general health and reproductive status of vegetation, estimates of cover and dominant species, notation of recruitment of new species, the

presence or spread of nuisance/exotic species, would also be recorded on field data sheets. An evaluation would be made regarding how representative the monitoring transects is relative to the community being measured. Observations of wildlife will also be recorded. These observations consist of direct sightings, scat, tracks, or vocalizations.

#### **4. Reporting**

- a. Frequency: An annual monitoring report will be prepared after the vegetation monitoring is completed and analyzed and is due by December 31 of each year. Data reported and analyzed will be segregated by community type.
- b. Results: The report will contain a listing of all sampling dates and tabulated raw data for each type of data collected.
- c. Analysis: An assessment of the qualitative data shall be discussed relative to its use in adaptive management, as a measure success attainment, and as an indicator of support for quantitative data. Analysis shall include a discussion of data relative to the criteria for each level of success in each community.

If it is noted during sampling that an established transect is not representative of site conditions, that transect shall be moved to an appropriate location within the community and phase, as approved by the District.

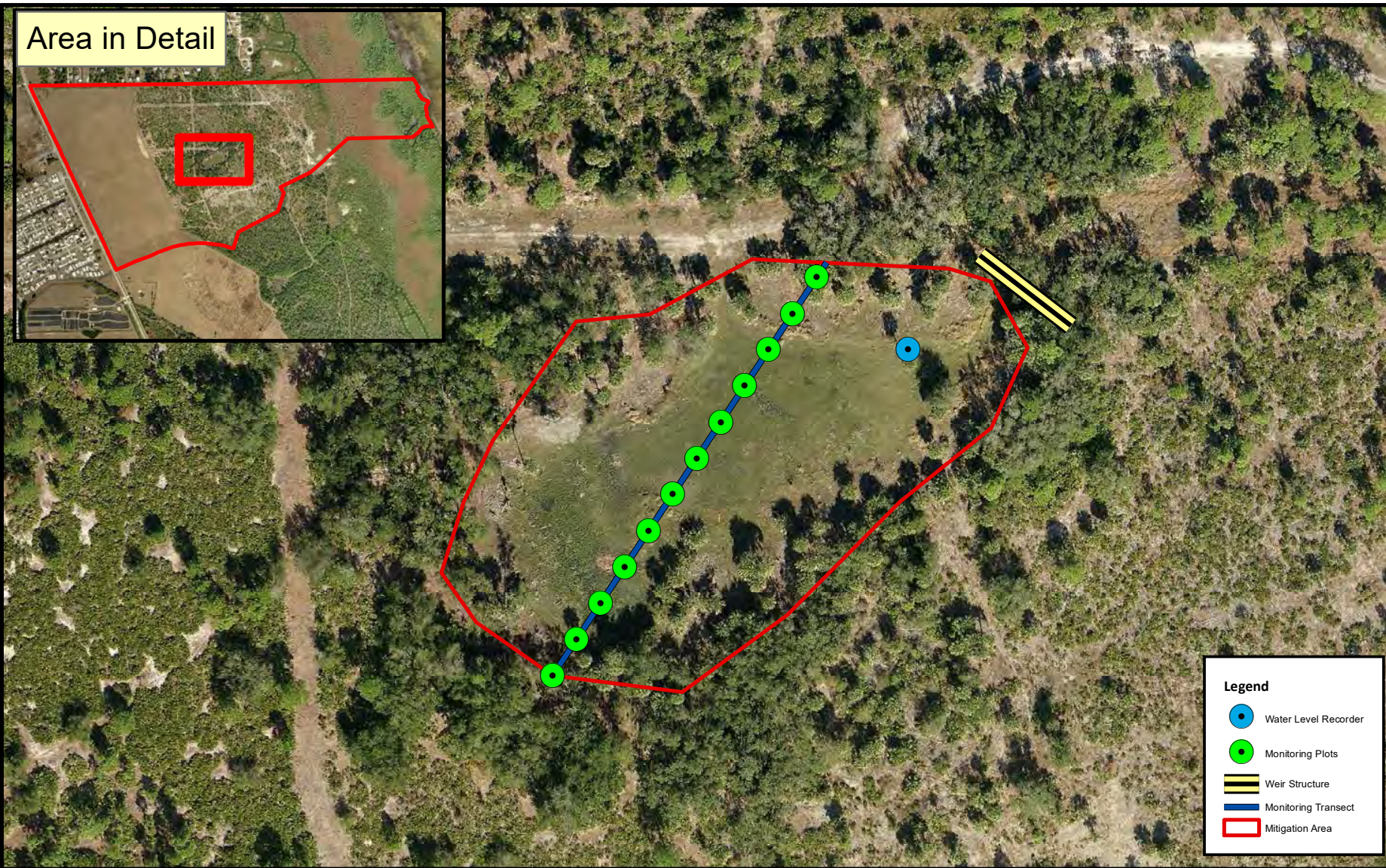
For the final success determination, the report shall summarize all of the previous reports and provide information on when the mitigation area area attains UMAM scores proposed during the permitting process. It shall contain photographic and qualitative documentation that all community types have maintained that level of success or greater. Finally, it shall provide information useful for the continued successful management of the site.

- d. Prescribed Fire: A summary of prescribed fire management activities will be included within annual reports. The summary will provide relevant information including Assessment Area(s) burned, acreage burned, and, if possible, photographs and other supporting documentation.

## 5. Literature Cited

- Barry, M.J. and S. Saha. 2008. 1 Year Post-Restoration Vegetation Monitoring of Prairie Canal and Control Transects: Picayune Strand Restoration Area. Report Submitted to South Florida Water Management District.
- Daubenmire, R. 1959. A canopy-coverage method of vegetation analysis. *Northwest Science*. 33: 43-64.
- Mueller-Dombois, D. & H. Ellenberg. 1974. *Aims and methods for vegetation ecology*. J. Wiley & Sons, New York.
- Reed, P.B., Jr. 1988. National List of Plant Species that Occur in Wetlands: Southeast (region 2). U.S. Department of the Interior, Fish and Wildlife Service, Biological Report 88(26.2) 124pp. Amended on USFWS 1996. <http://www.fws.gov/nwi/bha/list96.html> 1996 National List of Vascular Plant Species that Occur in Wetlands.
- US Fish and Wildlife Service. 1996. <http://www.fws.gov/nwi/bha/list96.html> 1996 National List of Vascular Plant Species that Occur in Wetlands.
- Wunderlin, R.P. and B.F. Hansen. 2003. *Guide to the Vascular Plants of Florida*. Gainesville, Second Edition. University Press of Florida. pp. 787.





# Pine Island Preserve at Matlacha Pass Monitoring Plan Lee County, Florida

M:\Projects\Pine Island Preserve\RAI 03182016\Monitoring Plan

Figure No. 1



Scale:

Date:

05/10/2016

Drawn By:  
SEG

Approved By:  
TFO



**Exhibit 5**  
**Long Term Management Plan**

**PINE ISLAND PRESERVE at MATLACHA PASS  
LONG TERM MANAGEMENT PLAN**

Following successful implementation of the mitigation area at Pine Island Preserve at Matlacha Pass (PIPMP) (i.e. construction and attainment of success criteria), long term management activities shall be implemented to ensure continued and appropriate performance of the on-site ecological improvements and preservation. Objectives of the PIPMP Long Term Management Plan (Plan) are provided below in Sections A-D.

**A. Long Term Monitoring and Reporting**

Qualitative monitoring would be conducted semi-annually upon implementation of the Long Term Management Plan. Monitoring protocol would include inspection of the weir structure, surveys for exotic species, and a general qualitative assessment of the mitigation area in terms of ecological integrity.

Hydrologic enhancement in the form of one weir structure (location indicted in **Figure 1**) would be visually inspected semi-annually by PIPMP personnel to check for any signs of decline or potential erosion areas, structural integrity or blockage. Any noticeable perturbations (tree-fall, washout, blockages, etc.) will be noted and/or corrected at the time or scheduled for follow-up maintenance. Any such problems will be rectified within thirty (30) days of inspection and reported in the annual status report. The weir structure is not expected to need significant improvement or replacement within 20 year.

Observations on the overall ecological integrity of the mitigation area would be conducted semi-annually. Typical observations would include:

- a list of dominant plant species
- notes on the plant community structure
- observations of any notable or rare, threatened or endangered species
- observations of wildlife including tracks, scat, direct sightings and vocalizations
- the presence, distribution and abundance of any exotic plant species
- observations of the hydrologic characteristics of the wetland

The mitigation area would be assessed for the need and potential of a prescribed burn on an annual basis. Monitoring for prescribed fire would detail the condition of the communities relative to the need and potential for a burn, the conditions required for the next desirable prescribed burn, and the anticipated timeframe for the next burn.

A report detailing the findings of the semi-annual monitoring would be submitted to the South Florida Water Management District by December 31 of each year. The report would include a narrative describing the monitoring activities and findings, maps depicting locations of notable findings and photographs representative of the mitigation area or of notable features.

## **B. Exotic Species Control**

Exotic species have not been observed within the mitigation area. However, several Category I/II species (as listed by the Florida Exotic Pest Plant Council [FLEPPC]) occur in the surrounding natural communities including earleaf acacia (*Acacia auriculiformis*), Australian pine (*Casuarina equisetifolia*), Cogongrass (*Imperata cylindrica*), Melaleuca (*Melaleuca quinquenervia*), Brazilian-pepper (*Schinus terebinthifolius*), tropical soda apple (*Solanum viarum*) and Java plum fern (*Syzygium cumini*). C

Diligent management of nascent exotic species infestations within the mitigation area would be applied to maintain success criteria. PIPMP staff would note any occurrence of exotic vegetation throughout the bank during scheduled treatment events and all management, monitoring and inspection activities. New exotic species occurrences would be manually or chemically treated within 30 days.

PIPMP staff would conduct various land management and maintenance inspections at regular intervals (semi-annually) after success is achieved. Site perimeters, access areas, spoil mounds and roadway corridors would be inspected for spot treatments semi-annually. This inspection and treatment would be extended at least annually to include any other exotic plant “hot-spots” previously treated. This would minimize the extent of any new occurrences before they disrupt ecological processes and/or become established.

## **C. Prescribed Fire Management**

The long-term goals of prescribed fire management on the mitigation area at PIPMP are to perpetuate the freshwater marsh community, and to enhance ecotones of between the freshwater marsh and surrounding uplands. The projected fire return interval for the freshwater marsh system within the mitigation area is two to four years and is based upon the fire frequency of the surrounding upland matrix (mesic pine flatwoods)<sup>1</sup>. A narrow live oak hammock system fringes much of the boundary of the mitigation area, and it may be necessary to ignite vegetation within the marsh directly, as fire will likely not carry through the live oak hammock. Fires would be ignited along the landward margin of the mitigation area and would be allowed to extinguish naturally. The timing of prescribed fire would be such as to prevent the ignition of organic soils within the freshwater marsh system.

Following each prescribed fire event, the mitigation area would be monitored for appropriate subsequent fires to minimize hardwood encroachment and increase herbaceous cover.

## **D. Resource Protection**

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<sup>1</sup>Florida Natural Areas Inventory. 2010. Guide to the Natural Communities of Florida - 2010 Edition. Depression Marsh [http://fnai.org/PDF/NC/Depression\\_Marsh\\_Final\\_2010.pdf](http://fnai.org/PDF/NC/Depression_Marsh_Final_2010.pdf)

The mitigation area would be inspected semi-annually for any sign of trespass or vandalism, and problems would be rectified within 30 days. Additionally, during all inspections, any signs of illegal access, poaching, or dumping would be reported as appropriate to local authorities (Lee County Sheriff, Florida Fish and Wildlife Conservation Commission, etc.).





**Legend**

 Weir Structure


 Mitigation Area



Figure No. 1

Scale:	Date: 05/10/2016
Drawn By: SEG	Approved By: TFO



**Pine Island Preserve at Matlacha Pass  
Long Term Management Plan  
Lee County, Florida**

M:\Projects\Pine Island Preserve\RAI 03182016\LTM Plan



**South Florida Water Management District**  
**Work Schedule Requirements**

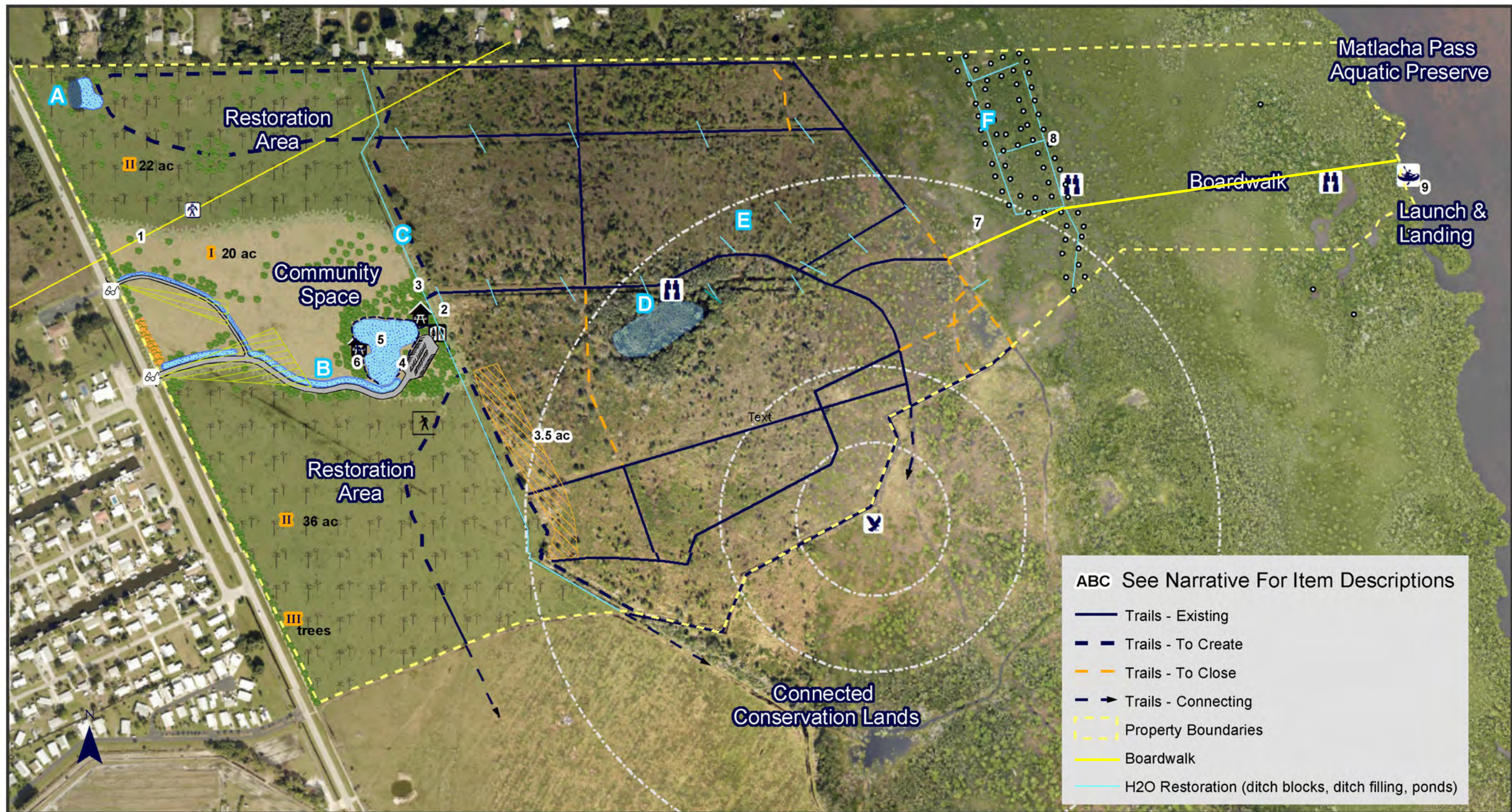
**Application No** : 160218-6

Page 1 of 1

**Mitigation Plan ID:** PINE ISLAND PRESERVE

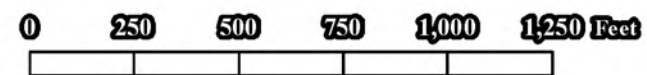
Activity	Due Date
SUBMIT BASELINE MONITORING REPORT	15-AUG-17
SUBMIT TIME ZERO MONITORING REPORT	01-SEP-17
SUBMIT FIRST MONITORING REPORT	01-SEP-18
SUBMIT SECOND MONITORING REPORT	01-SEP-19
SUBMIT THIRD MONITORING REPORT	01-SEP-20
SUBMIT FOURTH MONITORING REPORT	01-SEP-21
SUBMIT FIFTH MONITORING REPORT	01-SEP-22





# Site Map & Shoreline Connection Pine Island Preserve at Matlacha Pass

DATE: 6/12/2017  
SCALE: 1 inch = 406 feet







Old Nest 2014 04-11 Monitoring 1



Old Nest 2016 04-05 Monitoring





Old Nest 2017 03-16



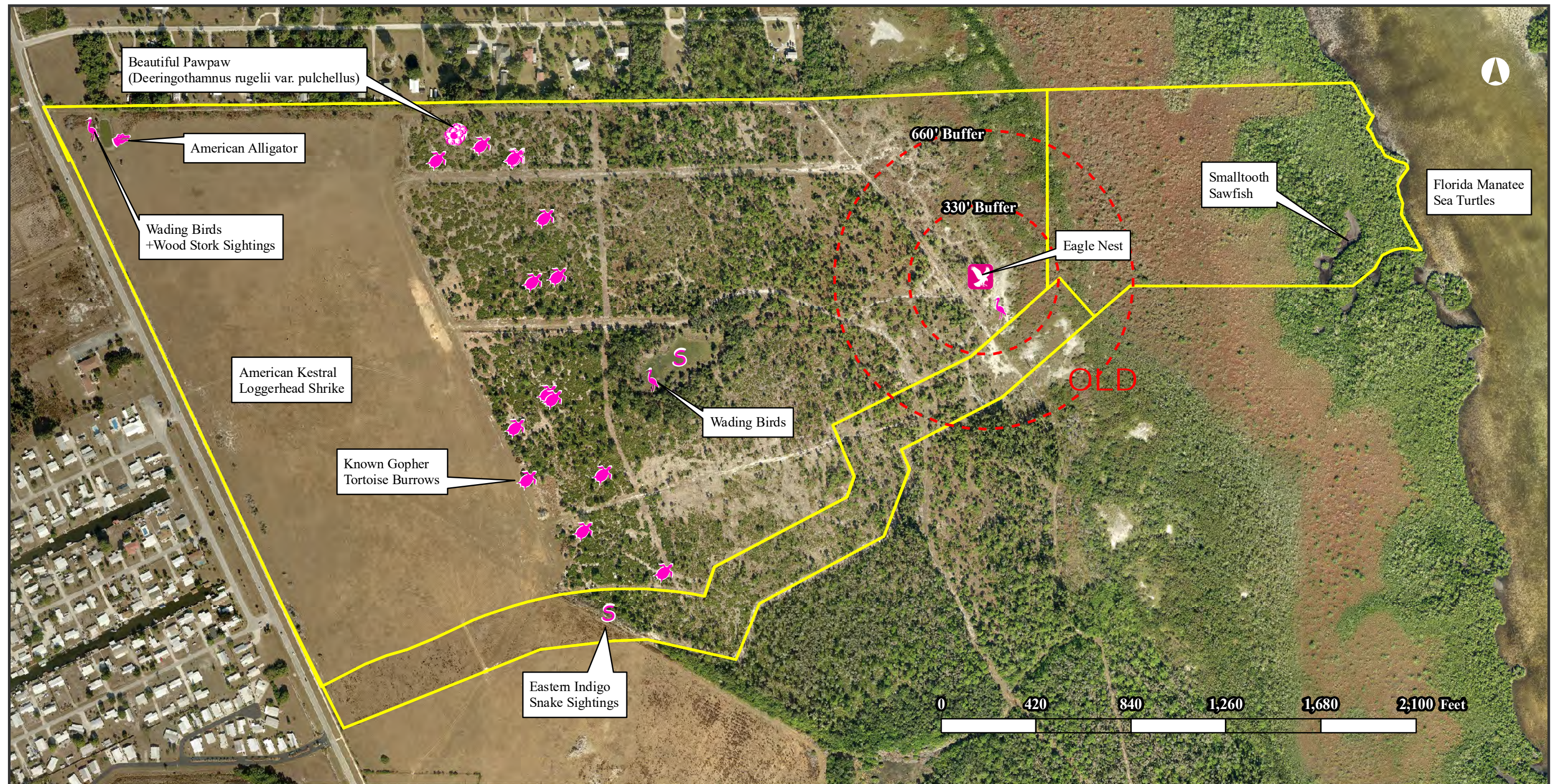
New Nest 2017 03-16 CE Monitoring 2





New Nest 2017 03-16 CE Monitoring





## Listed Species

### PINE ISLAND PRESERVE AT MATLACHA PASS

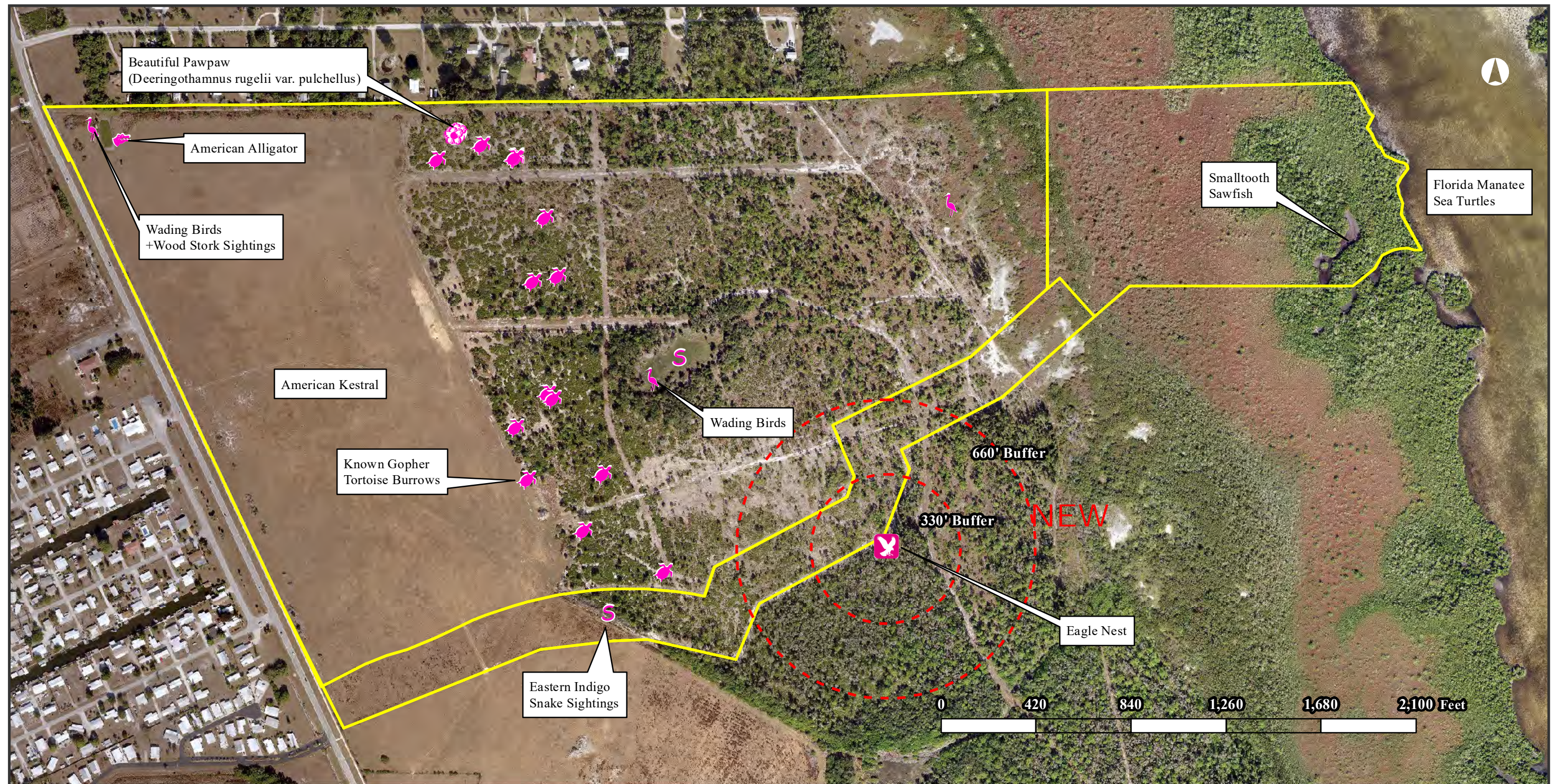
DATE: 11 April 2014  
SCALE: 1 inch = 442 feet



CONSERVATION  
FOUNDATION  
of the Gulf Coast

941.918.2100 [www.conservationfoundation.com](http://www.conservationfoundation.com)





## Listed Species

### PINE ISLAND PRESERVE AT MATLACHA PASS

DATE: 16 March 2017  
SCALE: 1 inch = 442 feet



CONSERVATION  
FOUNDATION  
of the Gulf Coast

941.918.2100 [www.conservationfoundation.com](http://www.conservationfoundation.com)



## STAFF REPORT DISTRIBUTION LIST

PINE ISLAND PRESERVE AT MATLACHA PASS

**Application No:** 160218-6

**Permit No:** 36-08745-P

### **INTERNAL DISTRIBUTION**

- X Jewelene S. Harris
- X Pakorn Sutitarnnontr, P.E.
- X Laura Layman
- X Brian Rose, P.E.
- X A. Waterhouse, P.E.

### **EXTERNAL DISTRIBUTION**

- X Permittee - Conservation Foundation Of The Gulf Coast Inc
- X Engr Consultant - Mitigation Resources L L C
- X Other Interested Party - Conservation Foundation Of The Gulf Coast Inc

### **GOVERNMENT AGENCIES**

- X Div of Recreation and Park - District 4 - Chris Becker, FDEP

### **OTHER INTERESTED PARTIES**

- X Audubon of Florida - Charles Lee



DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
1520 Royal Palm Square Blvd, Suite 310  
Fort Myers, FL 33919

August 9, 2018

REPLY TO  
ATTENTION OF

Regulatory Division  
West Permits Branch  
Fort Myers Permits Section  
SAJ-2017-02043(GP-EPL)

Conservation Foundation of the Gulf Coast  
C/O Pam Brownell  
400 Palmetto Ave  
Osprey, FL 34229

Dear Ms. Brownell:

Your application for a Department of the Army permit received on 30 June 2017 has been assigned number SAJ-2017-02043. A review of the information and drawings provided shows the proposed work is:

1. The installation of a 400 square foot weir structure, using 30 Cubic Yards (CY) of fill and riprap, which will restore 2.1 acres of freshwater depression marsh wetlands;
2. The removal of approximately 0.50 acres of spoil piles via hydro-blasting which will be restored back to mangrove forest; and,
3. The installation of three soil ditch blocks, each using 5CY of fill, to be placed within historic mosquito ditches to restore 1.6 acres of on-site saltern/salt flat, and 6.7 acres of mangrove forest to their historically higher functioning state.

The project would affect waters of the United States associated with Pine Island Sound and is centered at 26.575213 N, -82.093376 W in Section 10, Township 45 South, Range 22 East, in Pine Island, Lee County, Florida.

Your project, as depicted on the enclosed drawings (Attachment I), is authorized by Nationwide Permit (NWP) 27. This authorization is valid until **March 18, 2022**. Please access the Corps' Jacksonville District Regulatory Division Internet page to view the special and general conditions for NWP-27, which apply specifically to this authorization. The Internet URL address is:

<http://www.saj.usace.army.mil/Missions/Regulatory.aspx>

Please be aware this Internet address is case sensitive; and, you will need to enter it exactly as it appears above. Once there you will need to click on "Source Book"; and, then click on "General Permits". Then you will need to click on the specific SAJ permit noted above. You must comply with all of the special and general conditions of the permit; and, any project-specific conditions noted below, or you may be subject to enforcement action. The following project-specific conditions are included with this authorization:



1. **Reporting Address:** The Permittee shall submit all reports, notifications, documentation and correspondence required by the general and special conditions of this permit to the following address:

a. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Special Projects and Enforcement Branch, 3510 Royal Palm Square Blvd. Ste. 310, Fort Myers, FL 33919.

b. For electronic mail CESAJ-ComplyDocs@usace.army.mil (not to exceed 10 MB). The Permittee shall reference this permit number, SAJ-2017-02043 (NW-EPL), on all submittals.

2. **Self-Certification:** Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the attached "Self-Certification Statement of Compliance" form and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the "Self-Certification Statement of Compliance" form (Attachment II). The description of any deviations on the "Self-Certification Statement of Compliance" form does not constitute approval of any deviations by the Corps.

3. **Commencement Notification:** Within 10 days from the date of initiating the work authorized by this permit/Within 10 days from the date of initiating the work authorized by this permit for each phase of the authorized project, the Permittee shall provide a written notification of the date of commencement of authorized work to the Corps.

4. **Assurance of Navigation and Maintenance:** The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

5. **Posting of Permit:** The Permittee shall have available and maintain for review a copy of this permit and approved plans at the construction site.

**6. Fill Material:** The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.

**7. Agency Changes/Approvals:** Should any other agency require and/or approve changes to the work authorized or obligated by this permit, the Permittee is advised a modification to this permit instrument is required prior to initiation of those changes. It is the Permittee's responsibility to request a modification of this permit from the Fort Myers Permits Section. The Corps reserves the right to fully evaluate, amend, and approve or deny the request for modification of this permit.

**8. Eastern Indigo Snake Protection Measures and Inspection:** Permittee shall comply with U.S. Fish and Wildlife Service's "Standard Protection Measures for the Eastern Indigo Snake" dated August 12, 2013 (Attachment III). All gopher tortoise burrows, active or inactive, shall be evacuated prior to site manipulation in the vicinity of the burrow. If excavating potentially occupied burrows, active or inactive, individuals must first obtain state authorization via a Florida Fish and Wildlife Conservation Commission (FWC) Authorized Gopher Tortoise Agent permit. The excavation method selected shall minimize the potential for injury of an indigo snake. The Permittee shall follow the excavation guidance provided in the most current FWC Gopher Tortoise Permitting Guidelines found at <http://myfwc.com/gophertortoise>. If an indigo snake is encountered, the snake must be allowed to vacate the area prior to additional site manipulation in the vicinity. Holes, cavities, and snake refugia other than gopher tortoise burrows shall be inspected each morning before planned site manipulation of a particular area, and if occupied by an indigo snake, no work shall commence until the snake has vacated the vicinity of the proposed work.

**9. Historic Properties:**

a. No structure or work shall adversely affect impact or disturb properties listed in the National Register of Historic Places (NRHP) or those eligible for inclusion in the NRHP.

b. If during the ground disturbing activities and construction work within the permit area, there are archaeological/cultural materials encountered which were not the subject of a previous cultural resources assessment survey (and which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work and ground-disturbing

activities within a 100-meter diameter of the discovery and notify the Corps within the same business day (8 hours). The Corps shall then notify the Florida State Historic Preservation Officer (SHPO) and the appropriate Tribal Historic Preservation Officer(s) (THPO(s)) to assess the significance of the discovery and devise appropriate actions.

c. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition ; and if deemed necessary by the SHPO, THPO(s), or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.

d. In the unlikely event that unmarked human remains are identified on non-federal lands, they will be treated in accordance with Section 872.05 Florida Statutes. All work and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archeologist within the same business day (8-hours). The Corps shall then notify the appropriate SHPO and THPO(s). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume without written authorization from the State Archeologist and from the Corps. This authorization does not obviate the necessity to obtain any other Federal, State, or local permits, which may be required. Prior to the initiation of any construction, projects qualifying for this RGP permit must qualify for an exemption under section 403.813(1), F.S. or 373.406, F.S., or otherwise be authorized by the applicable permit required under Part IV of Chapter 373, F.S., by the Department of Environmental Protection, a water management district under section 373.069, F.S., or a local government with delegated authority under section 373.441, F.S., and receive Water Quality Certification (WQC) and applicable Coastal Zone Consistency Concurrence (CZCC) or waiver thereto, as well as any authorizations required for the use of state-owned submerged lands under Chapter 253, F.S., and, as applicable, Chapter 258, F.S. You should check State-permitting requirements with the Florida Department of Environmental Protection or the appropriate water management district.

This authorization does not include conditions that would prevent the 'take' of a state-listed fish or wildlife species. These species are protected under sec. 379.411, Florida Statutes, and listed under Rule 68A-27, Florida Administrative Code. With regard to fish

and wildlife species designated as species of special concern or threatened by the State of Florida, you are responsible for coordinating directly with the Florida Fish and Wildlife Conservation Commission (FWC). You can visit the FWC license and permitting webpage (<http://www.myfwc.com/license/wildlife/>) for more information, including a list of those fish and wildlife species designated as species of special concern or threatened. The Florida Natural Areas Inventory (<http://www.fnai.org/>) also maintains updated lists, by county, of documented occurrences of those species.

This authorization does not give absolute Federal authority to perform the work as specified on your application. The proposed work may be subject to local building restrictions mandated by the National Flood Insurance Program. You should contact your local office that issues building permits to determine if your site is located in a flood-prone area, and if you must comply with the local building requirements mandated by the National Flood Insurance Program.

If you are unable to access the internet or require a hardcopy of any of the conditions, limitations, or expiration date for the above referenced NWP, please contact Eric Larrat by telephone at 239-334-1975.

Thank you for your cooperation with our permit program. The Corps' Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to complete our automated Customer Service Survey at [http://corpsmapu.usace.army.mil/cm\\_apex/f?p=regulatory\\_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey). Please be aware this Internet address is case sensitive; and, you will need to enter it exactly as it appears above. Your input is appreciated – favorable or otherwise.

Sincerely,

---

Eric P. Larrat  
Project Manager

**Enclosures**

Attachment I: Project Plans

Attachment II: Self Certification Statement of Compliance

Attachment III: Standard Protection Measures for the Eastern Indigo Snake



GENERAL CONDITIONS  
33 CFR PART 320-330

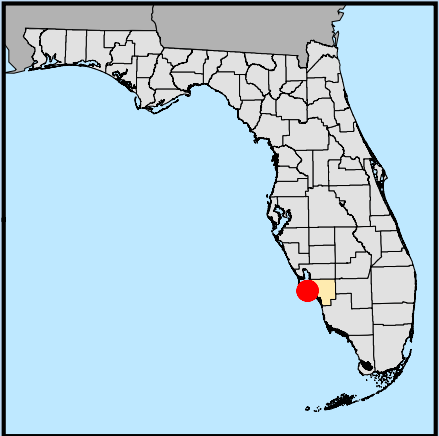
1. The time limit for completing the work authorized ends on the **dates identified in the letter.**
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow a representative from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

## ATTACHMENT I

Date: 07/24/18 By: Data: xx/xx/xx PM, DR GIS Analyst, TMS Map Document: 180012\_00\_bcc\_lms\_20180724.mxd Project Number: D180218.00.01 PDF Document: 180012\_00\_bcc\_lms\_20180724.pdf Plot Size: 11x17

Legend

PROJECT LOCATION



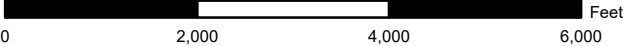
ESA SCHEDA

All data within this map are supplied as is, without warranty. This product has not been prepared for legal, engineering, or survey purposes. Users of this information should review or consult the primary data sources to ascertain the usability of the information.



Pine Island Preserve - Project Location Map

Pine Island Preserve Permitting Support  
Lee County, Florida

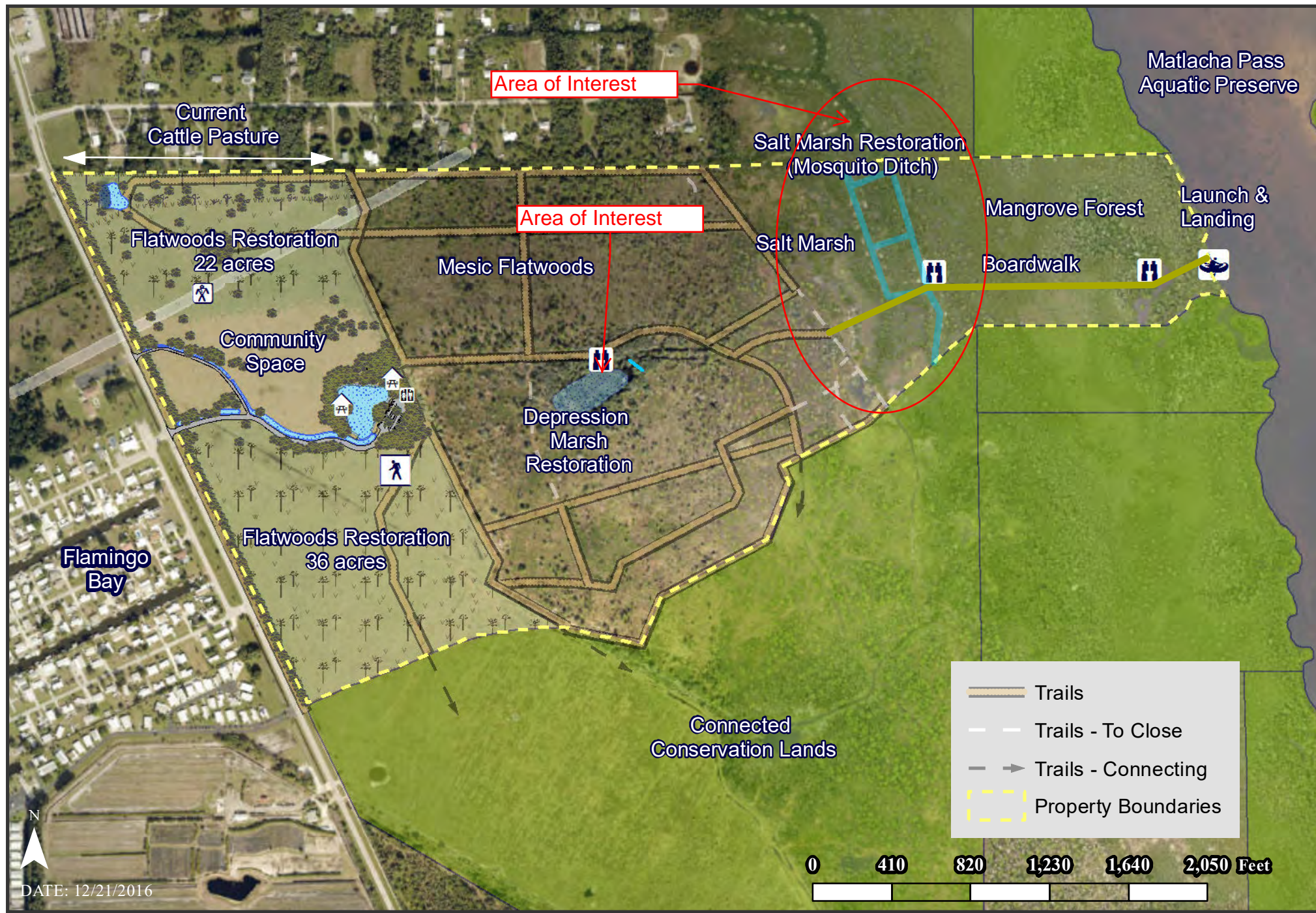


Data Source:  
- XXXXXXX  
Imagery Source:  
- ESRI Streets

Coordinate System:  
NAD 1983 Florida  
State Plane West







## Park Map & Restoration Locations

### Pine Island Preserve at Matlacha Pass









**PART I – Qualitative Description  
(See Section 62-345.400, F.A.C.)**

Site/Project Name <b>Pine Island Preserve at Matlacha Pass</b>		Application Number <b>SAJ-2017-02034</b>	Assessment Area Name or Number <b>W-4</b>
FLUCCs code <b>6410</b>	Further classification (optional) <b>Freshwater Marsh</b>	Impact or Mitigation Site? <b>Freshwater Marsh Hydrologic Enhancement/ Reference Site</b>	Assessment Area Size <b>2.1</b>
Basin/Watershed Name/Number <b>Charlotte Harbor/Cape Coral Coastal</b>	Affected Waterbody (Class) <b>Class III</b>	Special Classification (i.e. OFW, AP, other local/state/federal designation of importance)	
<p>Geographic relationship to and hydrologic connection with wetlands, other surface water, uplands</p> <p><b>This Assessment Area is surrounded by a fringe of live oak hammock and is embedded within a large matrix of mesic pine flatwoods. W-4 receives runoff from these surrounding upland areas.</b></p>			
<p>Assessment area description</p> <p><b>The following description is taken from FNAI: Depression marsh is characterized as a shallow, usually rounded depression in sand substrate with herbaceous vegetation or subshrubs, often in concentric bands. Depression marshes typically occur in landscapes occupied by fire-maintained matrix communities such as mesic flatwoods, dry prairie, or sandhill. The concentric zones or bands of vegetation are related to length of the hydroperiod and depth of flooding. The outer, or driest, zone is often occupied by sparse herbaceous vegetation consisting of longleaf threeawn (<i>Aristida palustris</i>), beaksedges (<i>Rhynchospora microcarpa</i>, <i>R. cephalantha</i>, <i>R. tracyi</i>, <i>R. filifolia</i>, etc.), Elliott's yellow-eyed grass (<i>Xyris elliotii</i>), the subshrub, myrtleleaf St. John's wort (<i>Hypericum myrtifolium</i>), and patches of blue maidencane (<i>Amphicarpum muhlenbergianum</i>) or sand cordgrass (<i>Spartina bakeri</i>). This sparse zone may be followed downslope by a sparse to dense zone of peelbark St. John's wort (<i>Hypericum fasciculatum</i>), water toothleaf (<i>Stillingia aquatica</i>) and scattered herbs, such as fringed yellow-eyed grass (<i>Xyris fimbriata</i>), pipeworts (<i>Eriocaulon compressum</i> and <i>E. decangulare</i>), narrowfruit horned beaksedge (<i>Rhynchospora inundata</i>), and Baldwin's spikerush (<i>Eleocharis baldwinii</i>). The innermost, deepest zone is occupied by maidencane (<i>Panicum hemitomon</i>), pickerelweed (<i>Pontederia cordata</i>), bulltongue arrowhead (<i>Sagittaria lancifolia</i>), or sawgrass (<i>Cladium jamaicense</i>). Floating-leaved plants, such as white waterlily (<i>Nymphaea odorata</i>), may be found in open water portions of the marsh. Depending on depth and configuration, depression marshes can have varying combinations of these zones and species within each zone.</b></p>			
Significant nearby features <b>Matlacha Pass, Pine Island</b>		Uniqueness (considering the relative rarity in relation to the regional landscape.) <b>Fereshwater marshes are uncommon on Pine Island</b>	
Functions <b>Recharge, flood attenuation, biogeochemical cycling and nutrient sotrage, foraging habitat, nesting, denning and wildlife movement.</b>		Mitigation for previous permit/other historic use <b>N/A</b>	
Anticipated Wildlife Utilization Based on Literature Review (List of species that are representative of the assessment area and reasonably expected to be found ) <b>Wood stork, white ibis, various wading and passerine avifauna, woodpeckers, various raptors (Hawks, eagles, osprey and vultures), white tailed deer, various and amphibians.</b>		Anticipated Utilization by Listed Species (List species, their legal classification (E, T, SSC), type of use, and intensity of use of the assessment area) <b>wood stork (S-E/F-E), Limpkin (S-SSC/), Herons - various (S-SSC), egrets - various (S-SSC/), white ibis (S-SSC/)</b>	
Observed Evidence of Wildlife Utilization (List species directly observed, or other signs such as tracks, droppings, casings, nests, etc.): <b>Yellow-rumped warbler, palm warbler, turkey vulture, osprey, wood stork</b>			
Additional relevant factors:			
Assessment conducted by: <b>Steven Green/ Brett Solomon</b>		Assessment date(s): <b>1/11/2016/ 8/2/2018</b>	

**PART II – Quantification of Assessment Area (impact or mitigation)**  
**(See Sections 62-345.500 and .600, F.A.C.)**

Site/Project Name <b>Pine Island Preserve at Matlacha Pass</b>	Application Number	Assessment Area Name or Number <b>W-4</b>
Impact or Mitigation <b>Freshwater Marsh Hydrologic Enhancement/Reference Site</b>	Assessment conducted by: <b>Steven Green/Brett Solomon</b>	Assessment date: <b>1/12/2016</b>

Scoring Guidance The scoring of each indicator is based on what would be suitable for the type of wetland or surface water assessed	Optimal (10) Condition is optimal and fully supports wetland/surface water functions	Moderate(7) Condition is less than optimal, but sufficient to maintain most wetland/surface water functions	Minimal (4) Minimal level of support of wetland/surface water functions	Not Present (0) Condition is insufficient to provide wetland/surface water functions
--	---	--	--	---

.500(6)(a) Location and Landscape Support  w/o pres or current <b>9</b> with <b>9</b>	This Assessment Area is surrounded by a fringe of live oak hammock and is embedded within a large matrix of mesic pine flatwoods. W-4 is ideally situated with the landscape.
.500(6)(b)Water Environment (n/a for uplands)  w/o pres or current <b>6</b> with <b>9</b>	<b>Existing Condition:</b> A large, but shallow ditch provides some degradation to the water environment of W-4. Indicators of hydrology such as high water marks and moss collars are fairly typical of what is expected of a freshwater marsh system. However, the duration of peak inundation is shortened by the influence of the ditch. The drawdown of water is accelerated, and peak inundation conditions are abbreviated. <b>Post Construction Condition:</b> Construction of a ditchblock at natural grade (see construction plans accompanying this application), the water environment would be enhanced to a near optimal condition.
.500(6)(c)Community structure  1. Vegetation and/or 2. Benthic Community  w/o pres or current <b>9</b> with <b>9</b>	The plant community structure is typical of a freshwater marsh system and displays the zonation patterns described in Part I. The core zone of the marsh is dominated by fireflag, Virginia salt marsh mallow and dotted smartweed with some scattered Carolina willow. It is likely that the core zone of this marsh has contracted as a result of drainage, and would expand with construction of a ditch block. The core zone grades into a zone consisting of reimagrass, mixed with needlepod rush, herb-of-grace and bearded sprangletops. The edges of W-4 occur in the shade of a live oak hammock. Thus vegetation within the outer fringes of W-4 consists mostly of swamp fern. <b>Post Construction Condition:</b> The marsh species in the core and mid-zone of this freshwater wetland will expand out and likely out compete a certain portion of the swamp fern that has exploited the upper limits of this wetland.

Score = sum of above scores/30 (if uplands, divide by 20)	
current or w/o pres	with
0.80	0.9

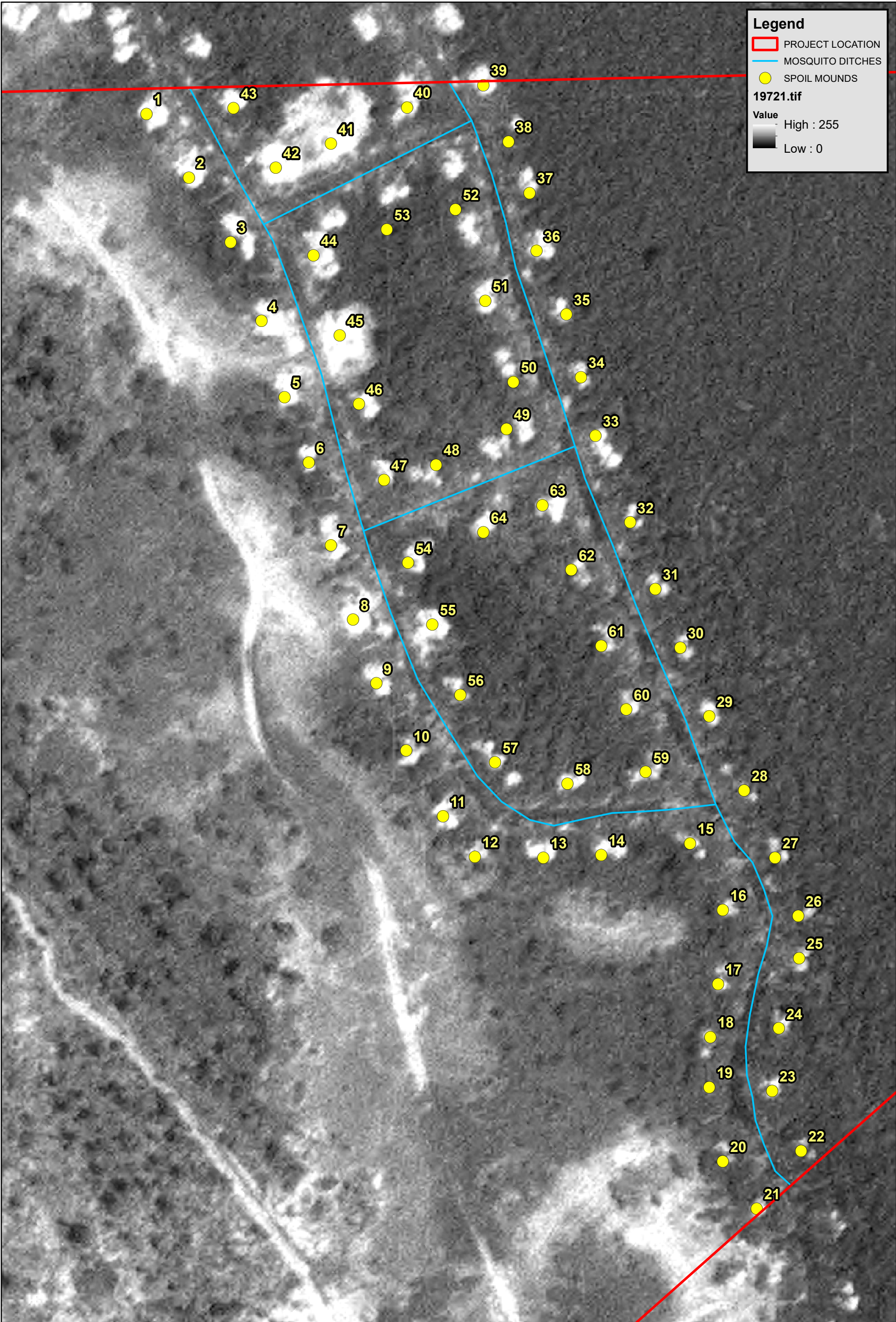
If preservation as mitigation,
Preservation adjustment factor =
Adjusted mitigation delta =

For impact assessment areas
FL = delta x acres =

Delta = [with-current]
<b>0.10</b>

If mitigation
Time lag (t-factor) = 1.0
Risk factor = 1.0

For mitigation assessment areas
RFG = delta/(t-factor x risk) = 0.10



**Legend**

PROJECT LOCATION

MOSQUITO DITCHES

SPOIL MOUNDS

**19721.tif**

Value

High : 255

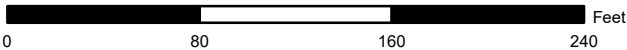
Low : 0



All data within this map are supplied as is, without warranty. This product has not been prepared for legal, engineering, or survey purposes. Users of this information should review or consult the primary data sources to ascertain the usability of the information.

Pine Island Preserve - 1972 Historical Aerial

Pine Island Preserve Permitting Support  
Lee County, Florida

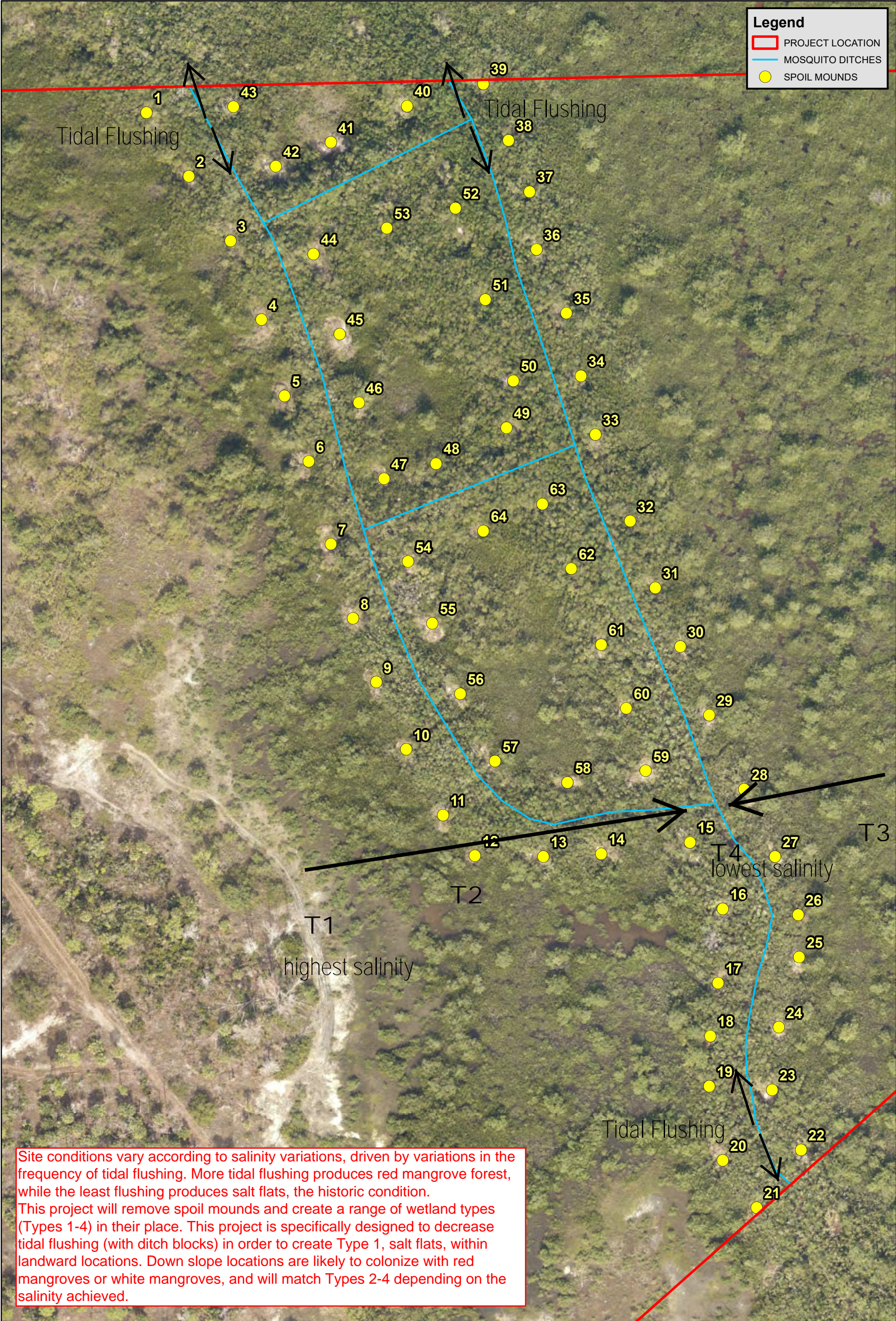


Data Source:  
- XXXXXXX  
- ESA SCHEDA  
Imagery Source:  
- 1972 B&W

Coordinate System:  
NAD 1983 Florida  
State Plane West











Date: 05/09/18 Rev. Date: 05/09/18 File: 05/09/18.mxd Project Number: 180012.00 - restoration, img\_20180606.pdf Plot Size: 11 x 17



All data within this map are supplied as is, without warranty. This product has not been prepared for legal, engineering, or survey purposes. Users of this information should review or consult the primary data sources to ascertain the usability of the information.

### Pine Island Preserve - Salt Marsh / Salt Flat Restoration Map

Pine Island Preserve Permitting Support  
Lee County, Florida



Data Source:  
- ESA Scheda  
Imagery Source:  
- ESRI Aerial Imagery

Coordinate System:  
NAD 1983 Florida  
State Plane West



**PART I – Qualitative Description**  
**(See Section 62-345.400, F.A.C.)**

Site/Project Name <b>Conservation Foundation of the Gulf Coast/ Pine Island Preserve at Matlacha Pass</b>		Application Number <b>SAJ-2017-02034</b>		Assessment Area Name or Number <b>Spoil Mound Restoration/ Salt Tern Enhancement</b>	
FLUCCs code <b>6120/6420</b>		Further classification (optional)		Impact or Mitigation Site? <b>Restoration/Enhancement (No Mitigation Credit Requested)</b>	
				<b>8.29 acres</b>	
Basin/Watershed Name/Number <b>Charlotte Harbor/Cape Coral Coastal</b>		Affected Waterbody (Class) <b>Class III</b>		Special Classification (i.e. OFW, AP, other local/state/federal designation of importance)	
<p>Geographic relationship to and hydrologic connection with wetlands, other surface water, uplands: <b>The Assessment Area is situated in between salt marsh/salt flat communities to the west, and tidal creek/Matlacha Pass to the east. This Assessment Area is hydrologically connected to these areas by tidal influences and is comprised of historical mosquito ditching and associated spoil mounds, mangrove swamp and salt marsh.</b></p> <p>Assessment area description</p> <p><b>The AA is comprised of historical mosquito ditching and associated spoil mounds (25 spoil mounds are considered uplands and the remaining support some salt marsh species and exotics), mature mangrove swamp, and salt marsh/flat that historically supported salt tern. The 25 spoil mounds are either barren spoil or support some nuisance species including Australian pine and Brazilian pepper. The upland spoil mounds w/in the AA have no wetland function currently, and the mangrove swamps and salt marsh have a somewhat altered hydroperiod from the existing mosquito ditches more rapidly draining tidal flushed areas as compared to mangrove swamp, salt marsh and tern areas that have not been historically ditched for mosquito control.</b></p>					
Significant nearby features  <b>Matlacha Pass, Pine Island</b>		Uniqueness (considering the relative rarity in relation to the regional landscape.)  <b>Mangrove Swamps and salt marsh are common on the coasts of Southwest Florida</b>			
Functions  <b>Storm surge protection, nutrient processing and storage, estuarian habitat, nesting, denning and wildlife movement.</b>		Mitigation for previous permit/other historic use  <b>N/A</b>			
Anticipated Wildlife Utilization Based on Literature Review (List of species that are representative of the assessment area and reasonably expected to be found )  <b>Wood stork, white ibis, roseate spoonbill, various wading and passerine avifauna, various raptors (Hawks, eagles, osprey and vultures), various and amphibians, numerous fish and marine invertebrates.</b>		Anticipated Utilization by Listed Species (List species, their legal classification (E, T, SSC), type of use, and intensity of use of the assessment area)  <b>Roseate spoonbill (S-SSC/), smalltooth sawfish (S-E/F-E), wood stork (S-E/F-E), (S-SSC/), Herons - various (S-SSC), egrets - various (S-SSC/), white ibis (S-SSC/)</b>			
Observed Evidence of Wildlife Utilization (List species directly observed, or other signs such as tracks, droppings, casings, nests, etc.):  <b>Bald eagle previously observed by Mitigation Resources, LLC w/in the project area</b>					
Additional relevant factors:					
Assessment conducted by: <b>Brett Solomon</b>		Assessment date(s): <b>8/2/2018</b>			

**PART II – Quantification of Assessment Area (impact or mitigation)**  
**(See Sections 62-345.500 and .600, F.A.C.)**

Site/Project Name  Conservation Foundation of the Gulf Coast/Pine Island Preserve at Matlacha Pass	Application Number  SAJ-2017-02043	Assessment Area Name or Number  Mosquito Ditch Mangrove Spoil Mounds
Impact or Mitigation  Restoration/Enhancement	Assessment conducted by:  Brett Solomon	Assessment date:  8/2/2018

Scoring Guidance	Optimal (10)	Moderate(7)	Minimal (4)	Not Present (0)
The scoring of each indicator is based on what would be suitable for the type of wetland or surface water assessed	Condition is optimal and fully supports wetland/surface water functions	Condition is less than optimal, but sufficient to maintain most wetland/surface waterfunctions	Minimal level of support of wetland/surface water functions	Condition is insufficient to provide wetland/surface water functions

<p>.500(6)(a) Location and Landscape Support</p> <p>w/o pres or current      with</p> <p>0      8</p>	<p><u>Existing Condition:</u> A series of spoil mounds, generally 0.008 acres (totalling 25 mounds), within the AA that were deposited within mature mangrove swamps when a series of mosquito ditches were dug in the 1960's. The spoil mounds are above the MHWL and function as uplands. The AA and surrounding areas are in conservation and support mature mangrove swamps (predominantly black and white mangroves) that transition to native uplands; however, the existing mosquito ditching has somewhat altered the historical tidal flushing w/in the AA. <u>Post-Construction Condition:</u> In the post-construction condition, the series of spoil mounds w/ in the AA will be a consistent grade w/ the mature mangrove swamp substrate surrounding the AA by hyrdoblasting the a series of spoil mounds to disperse the material. In addition, the hydrology of the AA will be enhanced by taking spoil material and sand bags to construct two ditch blocks w/in the downstream, onsite portion of the ditches for enhancement of the marsh and salt tern. The AA will remain in conservation in perpetuity, and will continue to be managed under the Pine Island Preserve Management Plan.</p>
<p>.500(6)(b)Water Environment (n/a for uplands)</p> <p>w/o pres or current      with</p> <p>0      8</p>	<p><u>Existing Condition:</u> The AA consists of an existing mosquito ditch, a series of spoil mounds, mature mangrove swamp and salt marsh that has a somewhat altered hydroperiod from the historical ditching. The 25 spoil mounds w/in the AA currently function as uplands, so there is no hydrology present. The Water Environment in the current conditions is zero, within the spoil mound areas, and somewhat altered w/in the remainder of the AA. The salt tern <u>Post-Construction Condition:</u> In the post-construction condition, selective spoil mounds (some may be too small and not needing hydroblasting once all mounds have been field verified) w/in the AA will be hydroblasted to remove the spoils historically deposited in the mangrove swamp. The spoil mounds will be reduced to match existing grade of the substrate surface of the surrounding mangrove swamps. This will restore hydrology to the AA spoil mounds immediately, and allow for the soil reducing process necessary to recruit mangroves. In addition, the project will place two ditch blocks within the existing AA mosquito ditches to further restore the historical tidal sheet flow across the AA restoring some salt tern. While the sheet flow is restoration/enhancement, it is not part of the UMAM calculations.</p>
<p>.500(6)(c)Community structure</p> <p>1. Vegetation and/or 2. Benthic Community</p> <p>w/o pres or current      with</p> <p>0      7</p>	<p><u>Existing Condition:</u> The 25 spoil mounds currently function as uplands that are either bare soil, or support nuisance/exotic plant species including Australian pine and Brazilian pepper. No wetland plant species are present on these spoil mounds w/in the AA. <u>Post-Construction Condition:</u> In the post-construction condition, salt marsh surrounding the removed spoil mounds will provide an excellent seed source for immediate recruit in the spoil mound restoration areas. The climax community within the AA spoil mounds restored will be mangrove swamp. There is very low risk that these restoration areas will fail to recruit and flourish with salt marsh and ultimately mangroves. The T-Factor assumes that salt water marsh species will immediately recruit from desirable salt marsh species surrounding the AA. The climax community will be mangrove swamps. The areas that will be enhanced/restored through hydrologic stabilization (i.e. by installing ditch blocks), will recruit with salt tern/flat species.</p>

Score = sum of above scores/30 (if uplands, divide by 20)	
current	with
0.0	0.77

If preservation as mitigation,
Preservation adjustment factor =
Adjusted mitigation delta =

For impact assessment areas
FL = delta x acres =

Delta = [with-current]
0.77

If mitigation
Time lag (t-factor) = 1.00
Risk factor = 1.0

For mitigation assessment areas
RFG = delta/(t-factor x risk) = 0.77 x 0.2 ac. = 0.15 units of lift (restoration w/ no credits requested)



**PART I – Qualitative Description**  
**(See Section 62-345.400, F.A.C.)**

Site/Project Name <b>Conservation Foundation of the Gulf Coast/ Pine Island Preserve at Matlacha Pass</b>		Application Number <b>SAJ-2017-02034</b>	Assessment Area Name or Number <b>Mangrove Swamp and Salt Marsh</b>
FLUCCs code <b>6120/6420</b>	Further classification (optional) <b>Mangrove Swamp/Salt Marsh</b>	Impact or Mitigation Site? <b>Reference Site</b>	Assessment Area Size <b>37.5 acres</b>
Basin/Watershed Name/Number <b>Charlotte Harbor/Cape Coral Coastal</b>	Affected Waterbody (Class) <b>Class III</b>	Special Classification (i.e. OFW, AP, other local/state/federal designation of importance)	
<p>Geographic relationship to and hydrologic connection with wetlands, other surface water, uplands</p> <p><b>Assessment Area W-2 is situated in between salt marsh/salt flat communities to the west, and tidal creek and Matlacha Pass to the east. This Assessment Area is hydrologically connected to these areas by tidal influences.</b></p>			
<p>Assessment area description</p> <p><b>The following description is from FNAI: Mangrove swamp is a dense forest occurring along relatively flat, low wave energy, marine and estuarine shorelines. The dominant plants of mangrove swamp are red mangrove (Rhizophora mangle), black mangrove (Avicennia germinans), white mangrove (Laguncularia racemosa), and buttonwood (Conocarpus erectus). These four species can occur either in mixed stands or often in differentiated, monospecific zones that reflect varying degrees of tidal influence, levels of salinity, and types of substrate. Mangrove swamps often exist with no understory, although shrubs such as seaside oxeye (Borreria arborescens, B. frutescens) and vines including gray nicker (Caesalpinia bonduc), coinvine (Dalbergia ecastaphyllum), and rubbervine (Rhabdadenia biflora), and herbaceous species such as saltwort (Batis maritima), shoregrass (Monanthochloe littoralis), perennial glasswort (Sarcocornia perennis), and giant leather fern (Acrostichum danaeifolium), where present, occur most commonly in openings and along swamp edges.</b></p>			
Significant nearby features <b>Matlacha Pass, Pine Island</b>		Uniqueness (considering the relative rarity in relation to the regional landscape.) <b>Mangrove Swamps are common on the coasts of South Florida</b>	
Functions <b>Storm surge protection, nutrient processing and storage, estuarian habitat, nesting, denning and wildlife movement.</b>		Mitigation for previous permit/other historic use <b>N/A</b>	
Anticipated Wildlife Utilization Based on Literature Review (List of species that are representative of the assessment area and reasonably expected to be found ) <b>Wood stork, white ibis, roseate spoonbill, various wading and passerine avifauna, various raptors (Hawks, eagles, osprey and vultures), various and amphibians, numerous fish and marine invertebrates.</b>		Anticipated Utilization by Listed Species (List species, their legal classification (E, T, SSC), type of use, and intensity of use of the assessment area) <b>Roseate spoonbill (S-SSC/) smalltooth sawfish (S-E/F-E), wood stork (S-E/F-E), (S-SSC/), Herons - various (S-SSC), egrets - various (S-SSC/), white ibis (S-SSC/)</b>	
Observed Evidence of Wildlife Utilization (List species directly observed, or other signs such as tracks, droppings, casings, nests, etc.): <b>Bald eagle</b>			
Additional relevant factors:			
Assessment conducted by: <b>Steven Green/Brett Solomon</b>		Assessment date(s): <b>1/11/2016 and 8/2/2018</b>	

**PART II – Quantification of Assessment Area (impact or mitigation)**  
**(See Sections 62-345.500 and .600, F.A.C.)**

Site/Project Name <b>Pine Island Preserve at Matlacha Pass</b>	Application Number <b>SAJ-2017-02034</b>	Assessment Area Name or Number <b>W-2</b>
Impact or Mitigation <b>None</b>	Assessment conducted by: <b>Steven Green</b>	Assessment date: <b>1/11/2016</b>

Scoring Guidance The scoring of each indicator is based on what would be suitable for the type of wetland or surface water assessed	<b>Optimal (10)</b>	<b>Moderate(7)</b>	<b>Minimal (4)</b>	<b>Not Present (0)</b>
	Condition is optimal and fully supports wetland/surface water functions	Condition is less than optimal, but sufficient to maintain most wetland/surface water functions	Minimal level of support of wetland/surface water functions	Condition is insufficient to provide wetland/surface water functions

.500(6)(a) Location and Landscape Support  <table border="1"> <tr> <td>w/o pres or current</td> <td>with</td> </tr> <tr> <td align="center"><b>9</b></td> <td align="center"><b>9</b></td> </tr> </table>	w/o pres or current	with	<b>9</b>	<b>9</b>	<b>This Assessment Area is ideally situated between salt marsh/salt flat communities to the west and tidal creek communities and Matlacha Pass to the east. County owned conservation lands border this Assessment Area to the south, and low density residential development lies to the northwest of the Assessment Area.</b>
w/o pres or current	with				
<b>9</b>	<b>9</b>				
.500(6)(b)Water Environment (n/a for uplands)  <table border="1"> <tr> <td>w/o pres or current</td> <td>with</td> </tr> <tr> <td align="center"><b>8</b></td> <td align="center"><b>8</b></td> </tr> </table>	w/o pres or current	with	<b>8</b>	<b>8</b>	<b>Assessment Area W-2 is tidally influenced. Mosquito control ditches channelize some tidal flow.</b>
w/o pres or current	with				
<b>8</b>	<b>8</b>				
.500(6)(c)Community structure  1. Vegetation and/or 2. Benthic Community  <table border="1"> <tr> <td>w/o pres or current</td> <td>with</td> </tr> <tr> <td align="center"><b>8</b></td> <td align="center"><b>8</b></td> </tr> </table>	w/o pres or current	with	<b>8</b>	<b>8</b>	<b>Assessment Area W-2 consists of mangroves occurring in discernable zones with red mangrove occurring towards the seaward portion of W-2 and red mangrove and white mangrove occurring towards the landward portion of W-2. This zonation is also apparent along berms associated with mosquito ditches. Understory vegetation occurs within the drier portions of W-2. These species include Virginia glasswort, saltgrass, seaside ox-eye daisy, saltwort and seagrass.</b>
w/o pres or current	with				
<b>8</b>	<b>8</b>				

Score = sum of above scores/30 (if uplands, divide by 20)	
current	with
<b>0.83</b>	<b>0.83</b>

If preservation as mitigation,
Preservation adjustment factor =
Adjusted mitigation delta =

For impact assessment areas
FL = delta x acres =

Delta = [with-current]
<b>0</b>

If mitigation
Time lag (t-factor) =
Risk factor =

For mitigation assessment areas
RFG = delta/(t-factor x risk) =

## ATTACHMENT II

**SELF-CERTIFICATION STATEMENT OF COMPLIANCE**

**Permit Number: NWP-27**  
**Application Number: SAJ-2017-02043**

Permittee's Name & Address (please print or type): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone Number: \_\_\_\_\_

Location of the Work: \_\_\_\_\_

\_\_\_\_\_

Date Work Started: \_\_\_\_\_ Date Work Completed: \_\_\_\_\_

**PROPERTY IS INACCESSIBLE WITHOUT PRIOR NOTIFICATION: YES \_\_\_\_\_ NO \_\_\_\_\_**

**TO SCHEDULE AN INSPECTION PLEASE CONTACT \_\_\_\_\_**  
**AT \_\_\_\_\_**

Description of the Work (e.g. bank stabilization, residential or commercial filling, docks,  
dredging,  
etc.): \_\_\_\_\_

\_\_\_\_\_

Acreage or Square Feet of Impacts to Waters of the United States: \_\_\_\_\_

Describe Mitigation completed (if applicable): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Describe any Deviations from Permit (attach drawing(s) depicting the deviations):

\_\_\_\_\_

\_\_\_\_\_

\*\*\*\*\*

I certify that all work, and mitigation (if applicable) was done in accordance with the limitations and conditions as described in the permit. Any deviations as described above are depicted on the attached drawing(s).

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date



**DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST**

**PERMIT NUMBER: SAJ-2017-02043(GP-EPL)**

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Section, Post Office Box 4970, Jacksonville, FL 32232-0019.

\_\_\_\_\_  
(TRANSFEREE-SIGNATURE)

\_\_\_\_\_  
(SUBDIVISION)

\_\_\_\_\_  
(DATE)

\_\_\_\_\_  
(LOT)

\_\_\_\_\_  
(BLOCK)

\_\_\_\_\_  
(NAME-PRINTED)

\_\_\_\_\_  
(STREET ADDRESS)

\_\_\_\_\_  
(MAILING ADDRESS)

\_\_\_\_\_  
(CITY, STATE, ZIP CODE)

### ATTACHMENT III

**STANDARD PROTECTION MEASURES FOR THE EASTERN INDIGO SNAKE**  
**U.S. Fish and Wildlife Service**  
**August 12, 2013**

The eastern indigo snake protection/education plan (Plan) below has been developed by the U.S. Fish and Wildlife Service (USFWS) in Florida for use by applicants and their construction personnel. At least **30 days prior** to any clearing/land alteration activities, the applicant shall notify the appropriate USFWS Field Office via e-mail that the Plan will be implemented as described below (North Florida Field Office: [jaxregs@fws.gov](mailto:jaxregs@fws.gov); South Florida Field Office: [verobeach@fws.gov](mailto:verobeach@fws.gov); Panama City Field Office: [panamacity@fws.gov](mailto:panamacity@fws.gov)). As long as the signatory of the e-mail certifies compliance with the below Plan (including use of the attached poster and brochure), no further written confirmation or “approval” from the USFWS is needed and the applicant may move forward with the project.

If the applicant decides to use an eastern indigo snake protection/education plan other than the approved Plan below, written confirmation or “approval” from the USFWS that the plan is adequate must be obtained. At least 30 days prior to any clearing/land alteration activities, the applicant shall submit their unique plan for review and approval. The USFWS will respond via e-mail, typically within 30 days of receiving the plan, either concurring that the plan is adequate or requesting additional information. A concurrence e-mail from the appropriate USFWS Field Office will fulfill approval requirements.

The Plan materials should consist of: 1) a combination of posters and pamphlets (see **Poster Information** section below); and 2) verbal educational instructions to construction personnel by supervisory or management personnel before any clearing/land alteration activities are initiated (see **Pre-Construction Activities** and **During Construction Activities** sections below).

### **POSTER INFORMATION**

Posters with the following information shall be placed at strategic locations on the construction site and along any proposed access roads (a final poster for Plan compliance, to be printed on 11” x 17” or larger paper and laminated, is attached):

**DESCRIPTION:** The eastern indigo snake is one of the largest non-venomous snakes in North America, with individuals often reaching up to 8 feet in length. They derive their name from the glossy, blue-black color of their scales above and uniformly slate blue below. Frequently, they have orange to coral reddish coloration in the throat area, yet some specimens have been reported to only have cream coloration on the throat. These snakes are not typically aggressive and will attempt to crawl away when disturbed. Though indigo snakes rarely bite, they should NOT be handled.

**SIMILAR SNAKES:** The black racer is the only other solid black snake resembling the eastern indigo snake. However, black racers have a white or cream chin, thinner bodies, and WILL BITE if handled.

**LIFE HISTORY:** The eastern indigo snake occurs in a wide variety of terrestrial habitat types throughout Florida. Although they have a preference for uplands, they also utilize some wetlands

and agricultural areas. Eastern indigo snakes will often seek shelter inside gopher tortoise burrows and other below- and above-ground refugia, such as other animal burrows, stumps, roots, and debris piles. Females may lay from 4 - 12 white eggs as early as April through June, with young hatching in late July through October.

**PROTECTION UNDER FEDERAL AND STATE LAW:** The eastern indigo snake is classified as a Threatened species by both the USFWS and the Florida Fish and Wildlife Conservation Commission. “Taking” of eastern indigo snakes is prohibited by the Endangered Species Act without a permit. “Take” is defined by the USFWS as an attempt to kill, harm, harass, pursue, hunt, shoot, wound, trap, capture, collect, or engage in any such conduct. Penalties include a maximum fine of \$25,000 for civil violations and up to \$50,000 and/or imprisonment for criminal offenses, if convicted.

Only individuals currently authorized through an issued Incidental Take Statement in association with a USFWS Biological Opinion, or by a Section 10(a)(1)(A) permit issued by the USFWS, to handle an eastern indigo snake are allowed to do so.

**IF YOU SEE A LIVE EASTERN INDIGO SNAKE ON THE SITE:**

- Cease clearing activities and allow the live eastern indigo snake sufficient time to move away from the site without interference;
- Personnel must NOT attempt to touch or handle snake due to protected status.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Immediately notify supervisor or the applicant’s designated agent, **and** the appropriate USFWS office, with the location information and condition of the snake.
- If the snake is located in a vicinity where continuation of the clearing or construction activities will cause harm to the snake, the activities must halt until such time that a representative of the USFWS returns the call (within one day) with further guidance as to when activities may resume.

**IF YOU SEE A DEAD EASTERN INDIGO SNAKE ON THE SITE:**

- Cease clearing activities and immediately notify supervisor or the applicant’s designated agent, **and** the appropriate USFWS office, with the location information and condition of the snake.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Thoroughly soak the dead snake in water and then freeze the specimen. The appropriate wildlife agency will retrieve the dead snake.

**Telephone numbers of USFWS Florida Field Offices to be contacted if a live or dead eastern indigo snake is encountered:**

**North Florida Field Office – (904) 731-3336**

**Panama City Field Office – (850) 769-0552**

**South Florida Field Office – (772) 562-3909**



## **PRE-CONSTRUCTION ACTIVITIES**

1. The applicant or designated agent will post educational posters in the construction office and throughout the construction site, including any access roads. The posters must be clearly visible to all construction staff. A sample poster is attached.
2. Prior to the onset of construction activities, the applicant/designated agent will conduct a meeting with all construction staff (annually for multi-year projects) to discuss identification of the snake, its protected status, what to do if a snake is observed within the project area, and applicable penalties that may be imposed if state and/or federal regulations are violated. An educational brochure including color photographs of the snake will be given to each staff member in attendance and additional copies will be provided to the construction superintendent to make available in the onsite construction office (a final brochure for Plan compliance, to be printed double-sided on 8.5" x 11" paper and then properly folded, is attached). Photos of eastern indigo snakes may be accessed on USFWS and/or FWC websites.
3. Construction staff will be informed that in the event that an eastern indigo snake (live or dead) is observed on the project site during construction activities, all such activities are to cease until the established procedures are implemented according to the Plan, which includes notification of the appropriate USFWS Field Office. The contact information for the USFWS is provided on the referenced posters and brochures.

## **DURING CONSTRUCTION ACTIVITIES**

1. During initial site clearing activities, an onsite observer may be utilized to determine whether habitat conditions suggest a reasonable probability of an eastern indigo snake sighting (example: discovery of snake sheds, tracks, lots of refugia and cavities present in the area of clearing activities, and presence of gopher tortoises and burrows).
2. If an eastern indigo snake is discovered during gopher tortoise relocation activities (i.e. burrow excavation), the USFWS shall be contacted within one business day to obtain further guidance which may result in further project consultation.
3. Periodically during construction activities, the applicant's designated agent should visit the project area to observe the condition of the posters and Plan materials, and replace them as needed. Construction personnel should be reminded of the instructions (above) as to what is expected if any eastern indigo snakes are seen.

## **POST CONSTRUCTION ACTIVITIES**

Whether or not eastern indigo snakes are observed during construction activities, a monitoring report should be submitted to the appropriate USFWS Field Office within 60 days of project completion. The report can be sent electronically to the appropriate USFWS e-mail address listed on page one of this Plan.



# **ATTENTION:**

## **THREATENED EASTERN INDIGO SNAKES MAY BE PRESENT ON THIS SITE!!!**

### **IF YOU SEE A LIVE EASTERN INDIGO SNAKE ON THE SITE:**

- Cease clearing activities and allow the eastern indigo snake sufficient time to move away from the site without interference.
- Personnel must NOT attempt to touch or handle snake due to protected status.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Immediately notify supervisor or the applicant's designated agent, **and** the appropriate U.S. Fish and Wildlife Service (USFWS) office, with the location information and condition of the snake.
- If the snake is located in a vicinity where continuation of the clearing or construction activities will cause harm to the snake, the activities must halt until such time that a representative of the USFWS returns the call (within one day) with further guidance as to when activities may resume.

### **IF YOU SEE A DEAD EASTERN INDIGO SNAKE ON THE SITE:**

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**Panama City Field Office – (850) 769-0552**

**South Florida Field Office – (772) 562-3909**

**Killing, harming, or harassing indigo snakes is strictly prohibited and punishable under State and Federal Law.**

DESCRIPTION:	The eastern indigo snake is one of the largest non-venomous snakes in North America, with individuals often reaching up to 8 feet in length. They derive their name from the glossy, blue-black color of their scales above and uniformly slate blue below. Frequently, they have orange to coral reddish coloration in the throat area, yet some specimens have been reported to only have cream coloration on the throat. These snakes are not typically aggressive and will attempt to crawl away when disturbed. Though indigo snakes rarely bite, they should NOT be handled.
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