



South Florida Water Management District
Individual Environmental Resource Permit No. 36-103814-P
Date Issued: September 15, 2023

Permittee: Lee County Board Of County Commissioners
Village Of Estero

Project: Corkscrew Road Widening Phase I

Application No. 221129-36737

Location: Lee County, See Exhibit 1

Your application for an Individual Environmental Resource Permit is approved. This action is taken based on Chapter 373, Part IV, of Florida Statutes (F.S.) and the rules in Chapter 62-330, Florida Administrative Code (F.A.C.). Unless otherwise stated, this permit constitutes certification of compliance with state water quality standards under section 401 of the Clean Water Act, 33 U.S.C. 1341, and a finding of consistency with the Florida Coastal Management Program. Please read this entire agency action thoroughly and understand its contents.

This permit is subject to:

- Not receiving a filed request for a Chapter 120, F.S., administrative hearing.
- The attached General Conditions for Environmental Resource Permits.
- The attached Special Conditions.
- All referenced Exhibits.

All documents are available online through the District's ePermitting site at www.sfwmd.gov/ePermitting.

If 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.

The District does not publish notices of action. If you wish to limit the time within which a person may request an administrative hearing regarding this action, you are encouraged to publish, at your own expense, a notice of agency action in the legal advertisement section of a newspaper of general circulation in the county or counties where the activity will occur. Legal requirements and instructions for publishing a notice of agency action, as well as a noticing format that can be used, are available upon request. If you publish a notice of agency action, please send a copy of the affidavit of publication provided by the newspaper to the District's West Palm Beach office for retention in this file.

If you have any questions regarding your permit or need any other information, please call us at 1-800-432-2045 or email epermits@sfwmd.gov.

A handwritten signature in blue ink, appearing to read "M. Lawrence", enclosed in a blue oval.

Melissa M. Lawrence, P.E.
Bureau Chief, Environmental Resource Bureau

Permittees:

Lee County Board Of County Commissioners
c/o Lee County Department Of Transportation
1500 Monroe Street
Fort Myers, FL 33901

Village Of Estero
9401 Corkscrew Palms Circle
Estero, FL 33928

**South Florida Water Management District
Individual Environmental Resource Permit No. 36-103814-P**

Date Issued: September 15, 2023

Expiration Date: September 15, 2028

Project Name:

Corkscrew Road Widening Phase I

Permittees:

Lee County Board Of County Commissioners
c/o Lee County Department Of Transportation
1500 Monroe Street
Fort Myers, FL 33901

Village Of Estero
9401 Corkscrew Palms Circle
Estero, FL 33928

Operating Entity:

Lee County Board Of County Commissioners
c/o Lee County Department Of Transportation
1500 Monroe Street
Fort Myers, FL 33901

Location:

Lee County

Permit Acres:

186.00 acres

Project Land Use:

Transportation

Special Drainage District:

N/A

Water Body Classification:

CLASS III
CLASS III
CLASS III

FDEP Water Body ID:

3258EA
3259B1
3258D3

Wetland and Surface Water Impacts:

1.33 acres

Conservation Easement to District:

No

Sovereign Submerged Lands:

No

Project Summary

This Environmental Resource Permit authorizes the construction and operation of a Stormwater Management (SWM) System serving 186.0 acres of a roadway project known as Corkscrew Road Widening Phase I.

This project includes the construction of a six-lane roadway commencing at the Ben Hill Griffin intersection to Station 683+00, and reducing to a four-lane roadway to the project's end at approximately Station 776+40. Pathway/sidewalk improvements are also proposed in the portion of the roadway that is within the Village of Estero. The stormwater management (SWM) system, is designed to accommodate a future six lane roadway with associated lake, conveyance to previously permitted SWM systems, and cross drains. Site plans are attached as Exhibit No. 2.0, a Basin Map is attached as Exhibit No. 2.1, and stormwater

report as Exhibit No. 2.2.

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

Site Description

The roadway project consists of the existing Corkscrew Road from 700 feet east of Ben Hill Griffin to approximately 6,200 feet west of the intersection of Corkscrew Road and Alico Road. The existing roadway is a two-lane undivided roadway that runs in a west-east alignment, in Lee County, Florida. A location map is attached as Exhibit No. 1.0.

The project area consists of existing roadways and right-of-ways. The right-of-ways contain grassed area, other surface waters (OSW) and wetlands areas. For information on wetland and OSW impacts, please see the Wetlands and Other Surface Water section of this permit.

Current Authorization

This application authorizes modification of the roadway improvements for a project known as Corkscrew Road Pathway Improvements. The project proposes to incorporate additional pathways/sidewalks along the roadway corridor within the limits of the Village of Estero. Proposed improvements under this application all fall within Basins BHG, Basin 1, Basin 2, and Basin 3. No additional improvements are currently proposed within Basin 4. In several locations the proposed pathway extends outside of the current permitted project area to increase the horizontal separation from the roadway travel lanes. The net change in contributory area to the existing basins is considered negligible. Additional aesthetic enhancements including street/pathway lighting, landscaping and irrigation are also proposed as part of this project. The previously permitted water management system will continue to perform as designed and intended. Site plans for the pathway are attached as Exhibit No. 2.0.1. This application also includes an update to the land use table attached as Exhibit No. 2.3.

Permit Modification History

Application No. 200713-3870 authorized the construction of a six-lane roadway commencing at the Ben Hill Griffin intersection to Station 683+00, and reducing to a four-lane roadway to the project's end at approximately Station 776+40. The SWM system, is designed to accommodate a future six lane roadway with associated conveyance, lake, conveyance to previously permitted SWM systems, and cross drains.

Ownership and Operation and Maintenance (O&M)

Perpetual O&M of the SWM system is the responsibility of the Lee County Board of County Commissioners (County). Upon completion of construction and in conjunction with submittal of the construction completion certification (CCC), a request for transfer to the operating entity and recorded copies of its governing documents must be submitted in accordance with General Condition No. 7.

The County is in the process of acquiring the additional property needed for the Pond 2A improvements; the permit was conditioned under Special Condition #3 for Proof of Ownership and was satisfied.

The Village of Estero (Village) is in the process of acquiring the additional property needed for the Corkscrew Road pathway improvements authorized under Application No. 221129-36737. Prior to or concurrent to Certification, documentation of ownership must be submitted to the Agency.

The County and the Village will be co-permittees due to the works being proposed within the County ROW and the Village obtaining easements for off-site pathway works and completing the work via an interlocal agreement. The County has indicated it will operate and maintain the entire permitted area upon certification, at which time an operation transfer to the County will be submitted to remove the Village from the permit. Please see Exhibit No. 4.0 for the easement exhibit and Exhibit No. 4.1 for the interlocal agreement.

Engineering Evaluation:

Land Use

See land use table below and Exhibit No. 2.3 for land use information broken down by basin. The land use classification "Other" refers to the areas within the Right of Way and Easements that are outside of the control basin but part of this permit area.

Water Quality

The previously permitted onsite and offsite stormwater management systems provide the required water quality treatment volume for the project and complies with Section 4.2.1 of the Environmental Resource Permit Applicant's Handbook Volume 2. See Exhibit No. 2.2 for Basin details.

The design includes a site-specific pollutant loading analysis for Basin 2A, and an additional 50% water quality treatment volume above the amounts required pursuant to Section 4.2.1, Volume II, as reasonable assurances that the projects discharge will not cause or contribute to violations of State water quality standards.

The project includes implementation of a Stormwater Pollution Prevention Plan and Erosion Control Plan, (Pages 153 to 178 of Exhibit No. 2.0), as additional reasonable assurance of compliance with water quality criteria during construction and operation.

Discharge

As previously permitted under Permit numbers 36-02319-S, 36-01871-S, 36-03269-P, and 36-08870-P the project discharge is within the allowable limit for the area. See Exhibit No. 2.2 for Basin details, and Page 61 of 178 in Exhibit No. 2.0 for CS-2A details.

Road Design

As previously permitted under Permit number 36-02319-S, minimum road center line elevations have been set at or above the calculated design storm flood elevation. See Exhibit No. 2.2 for Basin details

Flood Plain/Compensating Storage

The project is in FEMA Flood Zone X. Therefore, no calculations are necessary. See Exhibit No. 2.1 for details.

Offsite Flows

The offsite ditches located along the roadway will be maintained where possible. Due to constraints with the roadway widening, the existing ditch along the north side of the roadway from BHG to approximate station 648+00 will need to be enclosed. The existing ditch will be replaced with a shallow swale, ditch bottom inlets and a 34" x 53" ERCP. Hydraulic equivalency calculations were performed in order to compare the capacity of the existing ditch with the capacity of the proposed swale/pipe combination. See Appendix B of Exhibit No. 2.2 for details.

Cross Drains

Approximate Location Modification

719+30	Remain/Extend
728+60	Replace with Dual Pipes
735+70	Remove
743+60	Remove
750+80	Replace with Box Culvert
752+60	Replace with Box Culvert/Bridge
753+50	Replace with Box Culvert
759+60	Remove
764+75	Remove

Certification and O&M

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 (CCC) 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 CCC is accepted by the District and the permit is transferred to an acceptable operating entity pursuant to Sections 12.1 - 12.3, ERP AH Vol. I and Section 62-330.310, F.A.C., the permittee is liable for O&M 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 O&M 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 O&M entity is responsible for correcting the deficiencies in a timely manner to prevent compromises to flood protection and water quality. See Section 12.4, ERP AH Vol. I for Minimum Operation and Maintenance Standards.

Notable project components requiring routine inspection and maintenance include but are not limited to:

- Side slopes for stormwater lakes and ponds – maintain side slopes no steeper than 4:1 (horizontal:vertical) to a depth of 2.0 feet below the control elevation and nurtured or planted from 2.0 feet below to 1.0 feet above the control elevation pursuant to Section 5.4.2, ERP AH Vol. II.
- Conveyance pipes, conveyance structures and discharge structures – all pipes and structures must be inspected for structural integrity and be maintained clear of trash, sediment and vegetative debris.
- Exfiltration trenches – all pipes and structures must be inspected for structural integrity and be maintained clear of trash, sediment and vegetative debris.
- Swales – maintain the permitted cross-section and vegetative cover.
- Underground storage facilities – all facilities must be inspected for structural integrity and be maintained clear of trash, sediment and vegetative debris.
- Pumps – float switches should be inspected and any obstructions removed to ensure proper operation; intake and discharge pipes should be maintained clear of trash, sediment and vegetative debris; motors should be maintained to ensure proper operation.

Engineering Evaluation Tables:

Land Use

Basin	Land Type	Area (ac)	% of Total Basin
Corkscrew Rd	Impervious	36.30	19.52
	Pervious	33.10	17.80
	Dry Detention Areas	3.30	1.77
	Lake	96.20	51.72
	Other	17.10	9.19
	Total:		186.00

Environmental Evaluation:

Wetlands and Other Surface Waters

Current Authorization: The permit modification authorized under this application (221129-36737) involves additional wetland impacts, as the road right-of-way is being expanded to accommodate the construction of a new pedestrian pathway. The pedestrian pathway from Ben Hill Griffin Drive east to station STA 656 is already under construction as part of the prior permit authorization for the Corkscrew Road Widening Phase I under Application No. 200713-3870. This application extends the pedestrian path further east to the project limits.

The project site contains 1.41 acres of wetlands, consisting of cypress, cypress-pine-cabbage palm and hydric pine, some of which extend off-site to the south. A FLUCCS Map is attached as Exhibit 3.0. Wetlands 2, 3 and 4 will be directly impacted and total 1.33 acres of direct impacts. Secondary impacts within 25' adjacent to these areas were assessed for the lack of a sufficient upland buffer and also total 1.33 acres. Wetland impact maps are attached as Exhibit 3.1. Mitigation will be provided offsite at Corkscrew Regional Mitigation Bank, with the purchase of 0.83 freshwater forested credits. The mitigation was assessed using the Uniform Mitigation Assessment Method (UMAM), pursuant to Rule 62-345 F.A.C. The scores can be found in the permit file. Please see Exhibit 3.2 for the Letter of Reservation from Corkscrew Regional Mitigation Bank. No adverse cumulative impacts will result from the project, as the mitigation is being conducted within the same drainage basin.

Prior Authorization: As indicated in Application No. 200713-3870, the wetlands within the Corkscrew Road Widening Phase I project corridor consist of hydric melaleuca monocultures, pine-cypress wetlands, and disturbed hydric lands. The majority of the wetlands are heavily infested with melaleuca and Brazilian pepper. No additional wetland or other surface water (OSW) impacts are proposed. All wetland and OSW impacts for the roadway widening and improvements were addressed and mitigation was provided under Permit No. 36-02319-S/Application No. 031224-12.

Fish, Wildlife, and Listed Species

The wetlands or surface waters to be impacted provide habitat for wetland-dependent species. Under the original permit authorization within Application No. 200713-3870, a protected species survey was conducted on August 3 and 7, 2020 for the project corridor. No aquatic or wetland-dependent listed species or species having special protection were observed. Species and wetland impacts were addressed and mitigation was provided under Permit No. 36-02319-S/Application No. 031224-12. The authorized mitigation provides or improves habitat for wetland-dependent and aquatic species.

For the current authorization under Application No. 221129-36737, an updated listed species survey was conducted in October 2022. No listed species or evidence of use by listed species was observed within the proposed project area. The current alignment of the 10' barbed wire wildlife fence on the south side of Corkscrew Road, east of the wildlife crossing that abuts The Preserve at Corkscrew development will be modified as a result of this project. It will be shifted south approximately 30 meters, to maintain the ability to funnel wildlife to the wildlife crossing under Corkscrew Road. Details are included within the construction plans attached as Exhibit 2.0.

No adverse impacts to wildlife are anticipated as a result of this permit modification. This permit does not relieve the permittee from complying with all applicable rules and any other agencies' requirements, if in the future, endangered or threatened species or species of special concern are discovered on the site.

Environmental Evaluation Tables:

Summary

Wetlands and Other Surface Waters: 2.66 acres
 Direct Impacts: 1.33 acres
 Secondary impacts: 1.33 acres
 Net UMAM Functional Loss/Gain: 0 units
 Total Onsite Mitigation Area: 0 acres
 Total Offsite Mitigation Area: 0 acres

Total Mitigation Bank Credits Provided

Mitigation Bank	Type	Total Credits
Corkscrew Regional	FF	0.83
Total:		0.83

Group 2

Activities in Wetlands or Other Surface Waters, With Mitigation at a Bank

ID	Acres	Community Description	Bank Name	Method	Current Score	With Score	Ratio or Add'l factor	Minimum Credits Needed
W-2	0.7	Hydric Pine Flatwoods	Corkscrew Regional	UMAM	0.533	0	1	0.37
W-3	0.43	Cypress - Pine - Cabbage Palm	Corkscrew Regional	UMAM	0.533	0	1	0.23
W-4	0.2	Cypress - Pine - Cabbage Palm	Corkscrew Regional	UMAM	0.5	0	1	0.1
W-2 Second	0.7	Hydric Pine Flatwoods	Corkscrew Regional	UMAM	0.533	0.433	1	0.07
W3-Second	0.43	Cypress - Pine - Cabbage Palm	Corkscrew Regional	UMAM	0.533	0.433	1	0.04
W-4 Second	0.2	Cypress - Pine - Cabbage Palm	Corkscrew Regional	UMAM	0.5	0.4	1	0.02
Total:	2.66							

Related Concerns:**Water Use Permit Status**

The applicant has indicated that irrigation and dewatering are not required for construction of this project. Please refer to Special Condition No. 9.

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.

Historical/ Archeological Resources

During the review of Permit No. 36-02319-S/Application No. 031224-12, the District received correspondence from the Florida Department of State, Division of Historical Resources indicating that no significant archaeological or historical resources are recorded on the project site; therefore, the project is unlikely to have an effect upon any such resources.

This permit does not release the permittee from complying with any other agencies requirements in the event that historical and/or archaeological resources are found on the site.

General Conditions for Individual Environmental Resource Permits, 62-330.350, F.A.C.

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, F.A.C. Any deviations that are not so authorized may 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), which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., 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," (October 1, 2013), (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02505>), incorporated by reference herein, indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C., and shall be submitted electronically or by mail to the Agency. However, for activities involving more than one acre of construction that also require a NPDES stormwater construction general permit, submittal of the Notice of Intent to Use Generic Permit for Stormwater Discharge from Large and Small Construction Activities, DEP Form 62-621.300(4)(b), shall also serve as notice of commencement of construction under this chapter and, in such a case, submittal of Form 62-330.350(1) is not required.
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 12.3.4 of Volume I) as filed with the Florida 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 and Maintenance 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 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 prehistoric or historic artifacts, such as pottery or ceramics, projectile points, stone tools, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section (DHR), at (850)245-6333, as well as the appropriate permitting agency office. Project activities 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 the proper authorities notified in accordance with section 872.05, F.S. For project activities subject to prior consultation with the DHR and as an alternative to the above requirements, the permittee may follow procedures for unanticipated discoveries as set forth within a cultural resources assessment survey determined complete and sufficient by DHR and included as a specific permit condition herein.

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 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 for Individual Environmental Resource Permits, 62-330.350, F.A.C.

1. The construction authorization for this permit shall expire on the date shown on page 3.
2. Perpetual O&M of the SWM system shall be the responsibility of the Lee County Board Of County Commissioners. Upon completion of construction and in conjunction with submittal of the as-built certification, a request for transfer to the operating entity with supporting documentation must be submitted in accordance with General Condition No. 7.
3. Prior to the commencement of construction and pursuant to Section 4.2.3(d)(3), ERP AH Vol. I, Lee County shall demonstrate ownership of the project area to the District's ERB staff.
4. Prior or concurrent with Certification and pursuant to Section 4.2.3(d)(3), ERP AH Vol. I, the Village of Estero will provide recorded easements for the pathway improvements authorized under Application No. 221129-36737.
5. 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.
6. 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.
7. Prior to any future construction, the permittee shall apply for and receive an Individual ERP. As part of the permit application, the applicant for that phase shall provide documentation verifying that the proposed construction is consistent with the design of the master stormwater management system, including the land use and site grading assumptions.
8. 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 Bureau (ERB) 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. To schedule a pre-construction meeting, please contact ERB staff from the Fort Myers Service Center at (239) 338-2929 or via e-mail at: 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.
9. This permit does not authorize the permittee to cause any adverse impact to or "take" of state listed species and other regulated species of fish and wildlife. Compliance with state laws regulating the take of fish and wildlife is the responsibility of the owner or applicant associated with this project. Please refer to Chapter 68A-27 of the Florida Administrative Code for definitions of "take" and a list of fish and wildlife species. If listed species are observed onsite, FWC staff are available to provide decision support information or assist in obtaining the appropriate FWC permits. Most marine endangered and threatened species are statutorily protected and a "take" permit cannot be issued. Requests for further information or review can be sent to: FWCConservationPlanningServices@MyFWC.com.

10. Prior to commencement of construction, a Consumptive Use permit for dewatering shall be obtained or demonstration that the work qualifies for the permit by rule under Rule 40E-2.061, F.A.C. shall be provided.
11. Prior to commencement of construction, and in accordance with the work schedule herein, the permittee shall submit documentation from Corkscrew Regional Mitigation Bank that 0.83 freshwater forested credits for this project have been paid for in full and deducted from the official agency ledger for the Corkscrew Regional Mitigation Bank.

Project Work Schedule for Permit No. 36-103814-P

The following activities are requirements of this Permit and shall be completed in accordance with the Project Work Schedule below. Please refer to General Conditions, Special Conditions and/or Specific Conditions for more information. Any deviation from these time frames will require prior approval from the District's Environmental Resources Bureau and may require a 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.

Condition No.	Date Added	Description (Application Number)	Due Date	Date Satisfied
GC 4	09/15/2023	Construction Commencement Notice	Prior to Construction	10/26/2021
GC 6	09/15/2023	Submit Certification	30 Days After Construction Completion	
GC 7	09/15/2023	Submit Operation Transfer Request	Within 30 days of Certification	
SC 3	09/15/2023	Submit Proof of Ownership	04/19/2021	10/25/2021
SC 4	09/15/2023	Recorded Easements- Village of Estero Pathway	Prior to or Concurrent with Certification	
SC 8	09/15/2023	Pre-Construction Meeting	Prior to Construction	10/26/2021
SC 9	09/15/2023	Obtain a Water Use Permit for Dewatering	Prior to Construction	10/26/2021
SC 11	09/15/2023	Submit Mitigation Bank Ledger Documentation	10/15/2023	

GC = General Condition

SC = Special Condition

Distribution List

Gregory Thomas, Johnson Engineering

Ryan Bell, Johnson Engineering, Inc.

David Willems, Village Of Estero

Audubon of Florida

Div of Recreation and Park - District 4

US Army Corps of Engineers - Permit Section

Exhibits

The following exhibits to this permit are incorporated by reference. The exhibits can be viewed by clicking on the links below or by visiting the District's ePermitting website at <http://my.sfwmd.gov/ePermitting> and searching under this application number 221129-36737.

[Exhibit No. 1.0 Location Map](#)

[Exhibit No. 2.0.1 Site Plans](#)

[Exhibit No. 2.0 Site Plans](#)

[Exhibit No. 2.1 Basin Map](#)

[Exhibit No. 2.2 Stormwater Report](#)

[Exhibit No. 2.3 Land Use](#)

[Exhibit No. 3.0 FLUCCS Map](#)

[Exhibit No. 3.1 Impact Maps](#)

[Exhibit No. 3.2 Letter of Reservation](#)

[Exhibit No. 4.0 Village of Estero Easement Exhibit](#)

[Exhibit No. 4.1 Interlocal Agreement](#)

NOTICE OF RIGHTS

As required by Chapter 120, Florida Statutes, the following provides notice of the opportunities which may be available for administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes, or judicial review pursuant to Section 120.68, Florida Statutes, 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. Some of the legal proceedings detailed below may not be applicable or appropriate for your situation. 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 (District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Florida Statutes. Persons seeking a hearing on a District decision which affects or may affect their substantial interests shall file a petition for hearing 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, Florida Statutes; or (2) within 14 days of service of an Administrative Order pursuant to Section 373.119(1), Florida Statutes. "Receipt of written notice of agency decision" means receipt of written notice through mail, electronic mail, posting, or publication that the District has taken or intends to take final agency action. Any person who receives written notice of a District 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 that materially differs from the noticed intended agency decision, persons who may be substantially affected shall, unless otherwise provided by law, have an additional point of entry pursuant to Rule 28-106.111, Florida Administrative Code.

Any person to whom an emergency order is directed pursuant to Section 373.119(2), Florida Statutes, 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 District may grant the request for good cause. Requests for extension of time must be filed with the District 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 whether the District 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. 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 the District's 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 District's security desk does not constitute filing. It will be necessary to request that the District's security officer contact the Office of the District Clerk. An employee of the District's Clerk's office will receive and process the petition.
- Filings by e-mail must be transmitted to the Office of the District Clerk at 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.

INITIATION OF ADMINISTRATIVE HEARING

Pursuant to Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes, and Rules 28-106.201 and 28-106.301, Florida Administrative Code, initiation of an administrative hearing shall be made by written petition to the District 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, District file number or any other District identification number, if known.
2. The name, address, any email address, any facsimile number, and telephone number of the petitioner, petitioner's attorney or qualified 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 District'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 District's proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the District'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 District to take with respect to the District's proposed action.

MEDIATION

The procedures for pursuing mediation are set forth in Section 120.573, Florida Statutes, and Rules 28-106.111 and 28-106.401–.405, Florida Administrative Code. The District is not proposing mediation for this agency action under Section 120.573, Florida Statutes, at this time.

RIGHT TO SEEK JUDICIAL REVIEW

Pursuant to Section 120.68, Florida Statutes, and in accordance with Florida Rule of Appellate Procedure 9.110, a party who is adversely affected by final District action may seek judicial review of the District's final decision by filing a notice of appeal with the Office of the District Clerk 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 appropriate district court of appeals via the Florida Courts E-Filing Portal.