



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
1520 ROYAL PALM SQUARE BLVD-SUITE 310
FORT MYERS, FL 33919

COPY

Regulatory Division
South Permits Branch/Fort Myers Section
SAJ-2009-03225 (NW27-WDD)

OCT 20 2009

Lee County BOCC
P.O. Box 398
Fort Myers, FL 33902

Dear Sir or Madam:

Your application for a Department of the Army permit received on September 9, 2009, has been assigned number SAJ-2009-03225. A review of the information and drawings provided shows the proposed work is to install two (2) new water control structures, modify two (2) existing water control structures, and remove exotics and spoil material from four (4) spoil islands to help increase water quality. Additionally, there will be littoral shelf plantings at the southwesterly new water control structure and at the spoil island areas. The project is located at 7330 Gladiolus Drive in Section 26, Township 45 South, Range 24 East, Fort Myers, Lee County, Florida.

Your project, as depicted on the [enclosed/received] drawings, is authorized by Nationwide Permit (NWP) Number 27. In addition, project specific conditions have been enclosed. **This verification is valid until October 21, 2011.** Please access the U.S. Army Corps of Engineers' (Corps) Jacksonville District's Regulatory webpage to access web links to view the Final Nationwide Permits, Federal Register Vol. 72, dated March 12, 2007, the Corrections to the Final Nationwide Permits, Federal Register 72, May 8, 2007, and the List of Regional Conditions. The website address is as follows:

<http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>.

Once there you will need to click on "Nationwide Permits." These files contain the description of the Nationwide Permit authorization, the Nationwide Permit general conditions, and the regional conditions, which apply specifically to this verification for NWP. Additionally, enclosed is a list of the six General Conditions, which apply to all Department of the Army authorizations. You must comply with all of the special and general conditions and any project specific condition of this authorization or you may be subject to enforcement action. In the event you have not completed construction of your project within the specified time limit, a separate application or re-verification may be required.

The following special conditions are included with this verification:

1. Within 60 days of completion of the work authorized, the attached "Self-Certification Statement of Compliance" must be completed and submitted to the U.S. Army Corps of Engineers. Mail the completed form to the Regulatory Division, Enforcement Section, 1520 Royal Palm Square Blvd., Suite 310, Fort Myers, Florida 33919.
2. 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 U.S. Army 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.
3. No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the Permittee or other party on the Permittee's behalf, shall conduct a search in the National Register Information System (NRIS). Information can be found at; <http://www.cr.nps.gov/nr/research/nris.htm>. Information on properties eligible for inclusion in the National Register can be identified by contacting the Florida Master File Office by email at fmsfile@dos.state.fl.us or by telephone at 850-245-6440.

If unexpected cultural resources are encountered at any time within the project area that was not the subject of a previous cultural resource assessment survey, work should cease in the immediate vicinity of such discoveries. The permittee, or other party, should notify the SHPO immediately, as well as the appropriate Army Corps of Engineers office. After such notifications, project activities should not resume without verbal and/or written authorization from the SHPO.

If unmarked human remains are encountered, all work shall stop immediately, and the proper authorities notified in accordance with Section 872.05, Florida Statutes, unless on Federal lands. After such notifications, project activities on non-Federal lands shall not resume without verbal and/or written authorization from the Florida State Archaeologist for finds under his or her jurisdiction.

4. **Erosion Control:** Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the

perimeter of all work areas to prevent the displacement of fill material outside the work area. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas shall be stabilized using sod, degradable mats, barriers, or a combination of similar stabilizing materials to prevent erosion. The erosion control measures shall remain in place and be maintained until all authorized work has been completed and the site has been stabilized.

5. **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.
6. **Temporary Wetland Impacts:** Within 30 days from the date of completing the authorized work or 24 months from the effective date of this permit, whichever first occurs, the Permittee shall restore any temporary wetland impacts to pre-existing contours, elevations, vegetation, habitat type, and hydrology.
7. **Self-Certification:** Within 60 days of completion of the authorized work or at the expiration of the construction window of this permit, whichever occurs first, the Permittee shall complete the attached "Self-Certification Statement of Compliance" form and submit to the Corps at Regulatory Division, Enforcement Section, 1520 Royal Palm Square Boulevard, Fort Myers, FL 33919. In the event that the completed work deviates, in any manner, from the authorized work, the Permittee shall describe, on the Self-Certification Form, the deviations between the work authorized by the permit and the work as constructed. Please note that the description of any deviations on the Self-Certification Form does not constitute approval of any deviations by the Corps.
8. **Regulatory Agency Changes:** Should any other regulatory agency require changes to the work authorized or obligated by this permit, the Permittee is advised that a modification to this permit instrument is required prior to initiation of those changes. It is the Permittee's responsibility to request a permit modification from the Fort Myers Regulatory Office.

This letter of authorization does not obviate the necessity to obtain any other Federal, State, or local permits, which may be required. In Florida, projects qualifying for

SAJ-2009-03225
Lakes Park Water Improvement

this NWP must be authorized under Part IV of Chapter 373 by the Department of Environmental Protection, a water management district under §. 373.069, F.S., or a local government with delegated authority under §. 373.441, F.S., and receive Water Quality Certification (WQC) and Coastal Zone Consistency Concurrence (CZCC) (or a waiver), as well as any authorizations required by the State for the use of sovereignty submerged lands. You should check State-permitting requirements with the Florida Department of Environmental Protection or the appropriate water management district.

This letter 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 William DeFrance by telephone at 239-334-1975 extension 23.

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 take a few minutes to visit the following link and complete our automated Customer Service Survey:

<http://per2.nwp.usace.army.mil/survey.html>.

Your input is appreciated – favorable or otherwise.

Sincerely,

ORIGINAL SIGNED

William DeFrance
Project Manager

Enclosures

Copy Furnished:

AIM Engineering & Surveying, Inc.

GENERAL CONDITIONS
33 CFR PART 320-330

PUBLISHED FEDERAL REGISTER DATED 13 NOVEMBER 1986

1. The time limit for completing the work authorized ends on **October 21, 2011**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
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.

SELF-CERTIFICATION STATEMENT OF COMPLIANCE

Permit Number: NW-27
Application Number: SAJ-2009-03225

Permittee's Name & Address (please print or type): _____

Telephone Number: _____

Location of the Work: _____

Date Work Started: _____ Date Work Completed: _____

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-2009-03225

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)

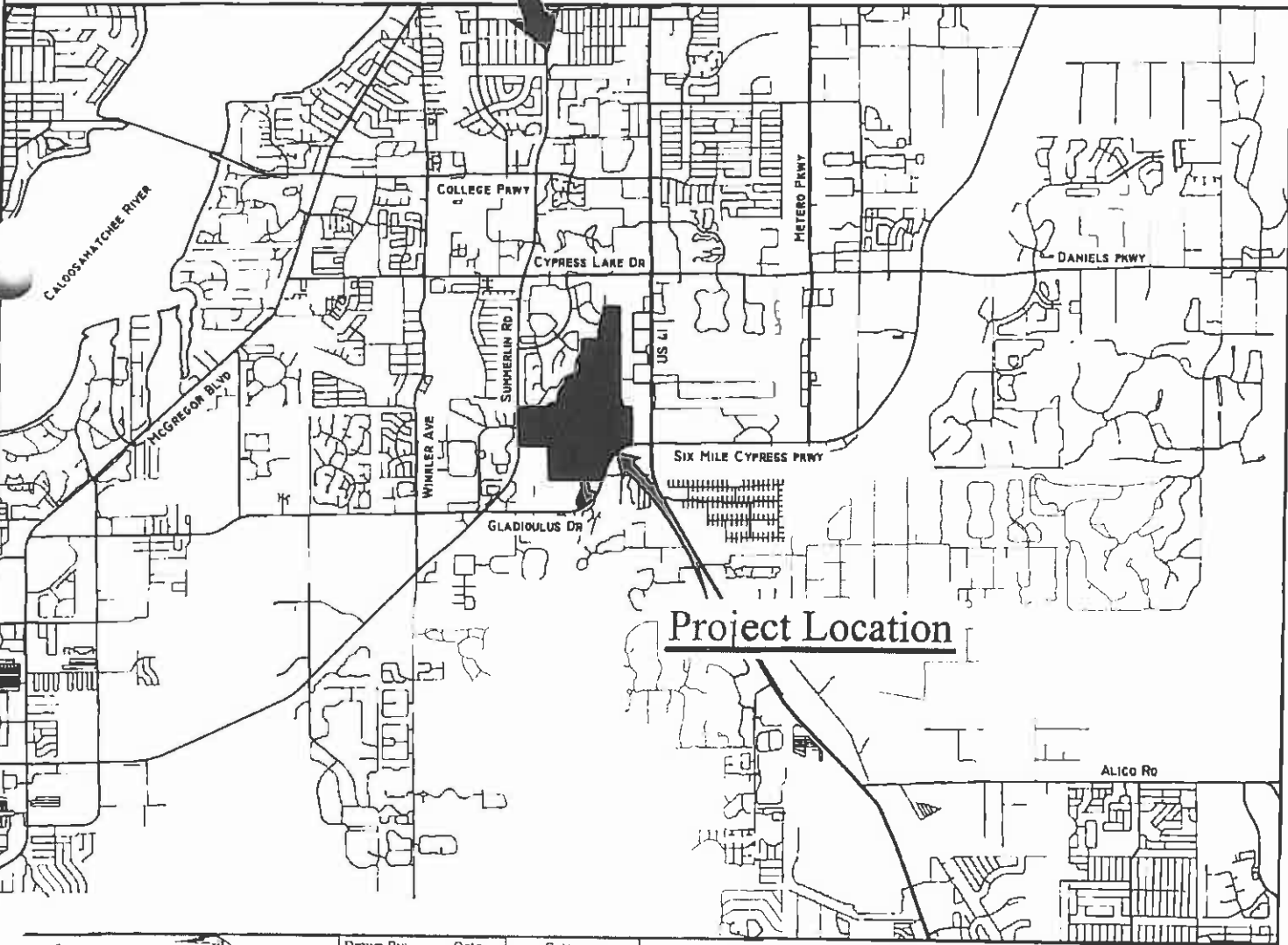
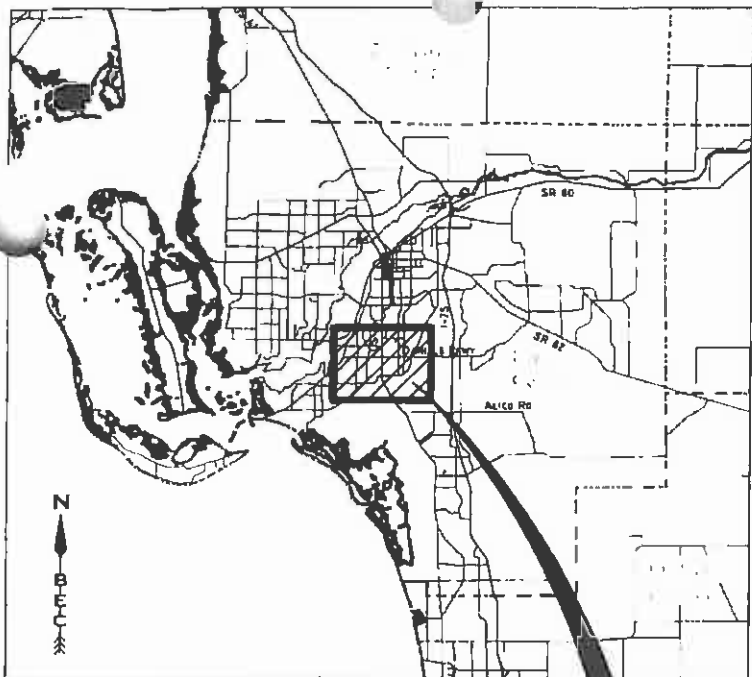
(STREET ADDRESS)

(MAILING ADDRESS)

(CITY, STATE, ZIP CODE)

SAJ-2009-03225
Lakes Park Water Improvement

ATTACHMENT



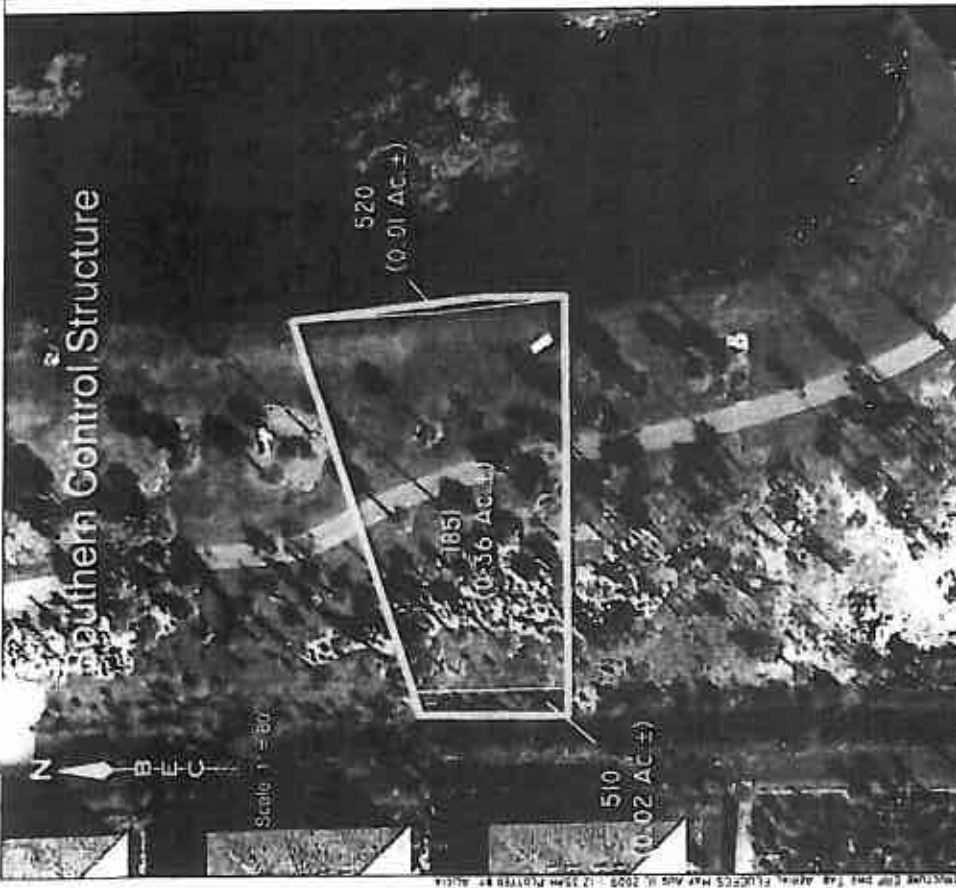
X:\BEC\00000000-18 Lakes Park\00000000-18 Lakes Park\00000000-18 Lakes Park.dwg Tab: 8.5 x 11 Aug 03, 2008 - 3:01 pm Plotted by: ASca

Boylan Environmental Consultants, Inc.
 Wetland & Wildlife Surveys Environmental Permitting & Impact Assessments
 11000 Metro Parkway, Suite 4, Ft. Myers, FL 33966 (239) 418-0671

Drawn By:	Date	Category
B.K.M.	7/21/09	Location Map
Job Number		Scale
2009-19		NTS
S/T/R		County
26/45S/24E		Lee

Lakes Park
 Project Location Map

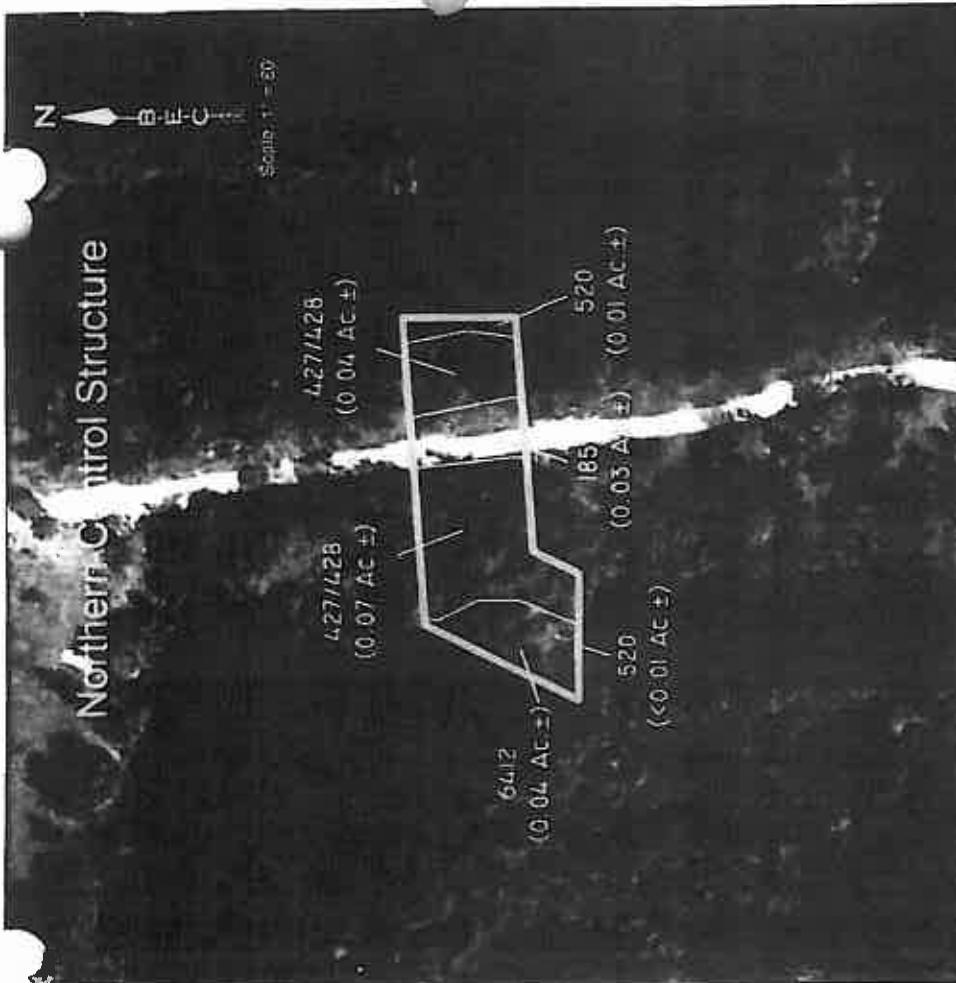
Page
Exhibit



Southern Control Structure

FLUCFCS Legend

FLUCFCS Code	Community	Acres	%
1851	County Parks	0.36 AC ±	92.31%
510	Ditches	0.02 AC ±	5.15%
520	Lakes	0.01 AC ±	2.56%
TOTAL		0.39 AC ±	100.00%



Northern Control Structure

FLUCFCS Legend

FLUCFCS Code	Community	Acres	%
1851	County Parks	0.03 AC ±	15.00%
427/428	Live Oak/Cabbage Palm	0.12 AC ±	60.00%
520	Lakes	0.01 AC ±	5.00%
6412	Capital Marshes	0.04 AC ±	20.00%
TOTAL		0.20 AC ±	100.00%

NOTES
 FLUCFCS LINES ESTIMATED FROM 1"=200' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED
 FLUCFCS PER FLORIDA LAND USE COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FOOT 1999)
 AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE JANUARY 2008

Boylan Environmental Consultants, Inc.
 Wetland & Aerial Survey, Land Use, and Planning
 & Environmental Consulting, Inc.

Lakes Park Proposed Control Structures
 FLUCFCS Map With Aerial

Drawn By: **BKM** Date: **7/21/08**
 Job Number: **2009-19**
 S/T/R

1000 Marco Parkway Suite 4 Ft. Myers, FL 33966 (317) 418-0671

Category	Revisions	Date	Page
FLUCFCS			
Scale			
1" = 80'			
County			
Lee			

Exhibit