

Lee County Board of County Commissioners  
DIVISION OF PROCUREMENT MANAGEMENT

**INVITATION TO NEGOTIATE (ITN)**

Solicitation No.:	<b>ITN190483ANB</b>		
Solicitation Name:	<b>Development of Waterway Estates Property</b>		
Open Date/Time:	<b>1/15/2020</b>	Time:	<b>2:30 PM</b>
Location:	Lee County Procurement Management 2115 Second Street, 1 <sup>st</sup> Floor Fort Myers, FL 33901		
Procurement Contact:	<b>Adam Brooke</b>	Title	Procurement Analyst
Phone:	<b>(239) 533-8851</b>	Email:	<b>Abrooke@leegov.com</b>
Requesting Dept.	County Administration		
Pre-Solicitation Meeting:			
Type:	<b>NON-Mandatory</b>		
Date/Time:	<b>Wednesday, December 4<sup>th</sup>, 2019 at 10:00 AM</b>		
Location:	<b>2115 Second Street, 1<sup>st</sup> Floor, Fort Myers, FL 33901</b>		

All solicitation documents are available for download at  
[www.leegov.com/procurement](http://www.leegov.com/procurement)

**Notice to Vendors**  
**ITN#190483ANB Development of Waterway Estates Property**

**INVITATION TO NEGOTIATE**

Lee County, Fort Myers, Florida, is requesting responses from qualified individuals/firms for

**Development of Waterway Estates Property**

Then and there to be publicly opened and read aloud for the purpose of selecting a vendor to furnish; all necessary labor, services, materials, equipment, tools, consumables, transportation, skills and incidentals required for Lee County, Fort Myers, Florida, in conformance with these documents, which include technical specifications and/or a scope of work.

Those individuals/firms interested in being considered for (ITN) are instructed to submit, in accordance with specifications, their responses, pertinent to this project prior to

**2:30 PM Wednesday, January 15, 2020**

to the office of the **Procurement Management Director, 2115 Second Street, 1<sup>st</sup> Floor, Fort Myers, Florida 33901**. The Invitation To Negotiate shall be received in a sealed envelope, prior to the time scheduled to receive responses, and shall be clearly marked with the solicitation name, solicitation number, respondent name, and contact information as identified in these solicitation documents.

The Scope of Services for this ITN is available from [www.lee.gov/procurement](http://www.lee.gov/procurement). Vendors who obtain scope of services from sources other than [www.lee.gov/procurement](http://www.lee.gov/procurement) are cautioned that the solicitation package may be incomplete. The County's official bidders list, addendum(s) and information must be obtained from [www.lee.gov/procurement](http://www.lee.gov/procurement). It is the vendor's responsibility to check for posted information. The County may not accept incomplete responses.

**A Non-Mandatory Pre-Bid Conference has been scheduled for the following time and location: Wednesday, December 4<sup>th</sup>, 2019 at 10:00 AM located at 2115 Second Street, 1<sup>st</sup> Floor, Fort Myers, FL 33901**

for the purpose of discussing the proposed project. Prospective bidders are encouraged to attend. All prospective bidders are encouraged to obtain and review plans, specifications, and scope of work for this bid before the pre-bid conference so that they may be prepared to discuss any question or concerns they have regarding this project. A site visit may follow the pre-bid conference. Questions regarding this solicitation are to be directed, in writing, to the individual listed below using the email address listed below or faxed to (239) 485 8383 during normal working hours.

Adam Brooke, [Abrooke@LeeGov.com](mailto:Abrooke@LeeGov.com)

Sincerely,



Lindsay Cepero, CPPB  
Procurement Manager

\*[WWW.LeeGov.Com/Procurement](http://WWW.LeeGov.Com/Procurement) is the County's official posting site

**Terms and Conditions**  
**Invitation to Negotiate**

1. DEFINITIONS

- 1.1. **Addendum/Addenda:** A written change, addition, alteration, correction or revision to a bid, proposal or contract agreement. Addendum/Addenda may be issued following a pre-bid/pre-proposal conference or as a result of a specification or work scope change to the solicitation.
- 1.2. **Bid/Proposal Package:** A bid/proposal is a document submitted by a vendor in response to some type of solicitation to be used as a basis for negotiations or for entering into a contract.
- 1.3. **Bidder/Responder/Proposer:** One who submits a response to a solicitation.
- 1.4. **County:** Refers to Lee County Board of County Commissioners.
- 1.5. **Due Date and Time/Opening:** Is defined as the date and time upon which a bid or proposal shall be submitted to the Lee County Procurement Management Division. Only bids or proposals received prior to the established date and time will be considered.
- 1.6. **Procurement Management:** shall mean the Director of Lee County's Procurement Management Department or designee.
- 1.7. **Responsible:** A vendor, business entity or individual who is fully capable to meet all of the requirements of the bid/proposal solicitation documents and subsequent contract. Must possess the full capability including financial and technical, to perform as contractually required. Must be able to fully document the ability to provide good faith performance.
- 1.8. **Responsive:** A vendor, business entity or individual who has submitted a bid or request for proposal that fully conforms in all material respects to the bid/proposal solicitation documents and all of its requirements, including all form and substance.
- 1.9. **Solicitation:** An invitation to bid, a request for proposal, invitation to negotiate or any document used to obtain bids or proposals for the purpose of entering into a contract.

2. ORDER OF PRECEDENCE

- 2.1. If a conflict exists between the "Terms and Conditions" the following order of precedents will apply:
  - 2.1.1. Florida State Law as applied to Municipal Purchasing in accordance with Title XIX, "Public Business", Chapter 287 "Procurement of Personal Property and Services."
  - 2.1.2. Lee County Procurement Management Ordinance 18-22
  - 2.1.3. Special Conditions and Supplemental Instructions
  - 2.1.4. These Terms and Conditions

3. RULES, REGULATIONS, LAWS, ORDINANCES AND LICENSES

- 3.1. It shall be the responsibility of the Responder to assure compliance with all other federal, state, or county codes, rules, regulations or other requirements, as each may apply. Any involvement with the Lee County shall be in accordance with but not limited to:
  - 3.1.1. Lee County Procurement Policy Ordinance 18-22
  - 3.1.2. Pursuant to FL § Section 119.071, Public Records, General exemptions from inspection or copying of public records, sealed bids or proposals received by the County. Pursuant to this, solicitation are exempt from public records request (s. 119.07(1) and s. 24(a), Art. I, of the Florida Constitution) until such time as the agency provides notice of a decision or intended decision (pursuant to s. 119.071(2)) or within 30 days after bid or proposal opening, whichever is earlier.
  - 3.1.3. Florida Statute 218 Public Bid Disclosure Act.
  - 3.1.4. Florida Statute 337.168 Confidentiality of official estimates, identities of potential bidders, and bid analysis and monitoring.
  - 3.1.5. FL § Section 607.1501(1) states: A foreign corporation may not transact business in the State of Florida until it obtains a certificate of authority from the Department of State.
- 3.2. **Local Business Tax:** If applicable, provide with proposal.
- 3.3. **License(s):** Responder should provide, at the time of the opening of the proposal, all necessary permits and/or licenses required for this product and/or service.

4. ITN – PREPARATION OF PROPOSAL
  - 4.1. Proposals must be sealed in an envelope, and the outside of the envelope must be affixed with the label included in the forms section.
  - 4.2. **Submission Format:**
    - 4.2.1. Required Forms: complete and return **all** required forms. If the form is not applicable, please return with “Not Applicable” or “N/A” in large letters across the form.
    - 4.2.2. Execution of Proposal: All documents must be properly signed by corporate authorized representative, witnessed, and where applicable corporate and/or notary seals affixed. All proposals shall be typed or printed in ink. The Responder may not use erasable ink. All corrections made to the proposal shall be initialed.
    - 4.2.3. Should not contain links to other Web pages.
  - 4.3. **Preparation Cost:**
    - 4.3.1. The Responder is solely responsible for any and all costs associated with responding to this solicitation. No reimbursement will be made for any costs associated with the preparation and submittal of any proposal, or for any travel and per diem costs that are incurred by any Responder.
5. RESPONSES RECEIVED LATE
  - 5.1. It shall be the Responder’s sole responsibility to deliver the proposal submission to the Lee County Procurement Management Division prior to or on the time and date stated.
  - 5.2. Any proposals received after the stated time and date will not be considered. The proposal shall not be opened at the public opening. Arrangements may be made for the unopened proposal to be returned at the Responder’s request and expense.
  - 5.3. The Lee County Procurement Management Division shall not be responsible for delays caused by the method of delivery such as, but not limited to; Internet, United States Postal Service, overnight express mail service(s), or delays caused by any other occurrence.
6. RESPONDER REQUIREMENTS (unless otherwise noted)
  - 6.1. **Responsive and Responsible:** Only proposals received from responsive and responsible Responders will be considered. The County reserves the right before recommending any award to inspect the facilities and organization; or to take any other necessary action, such as background checks, to determine ability to perform is satisfactory, and reserves the right to reject submission packages where evidence submitted or investigation and evaluation indicates an inability for the Responder to perform.
    - 6.1.1. Proposals may be declared “non-responsive” due to omissions of “Negligence or Breach of Contract” on the disclosure form. Additionally, proposals may be declared “not responsible” due to past or pending lawsuits that are relevant to the subject procurement such that they call into question the ability of the Responder to assure good faith performance. This determination may be made by the Procurement Management Director, after consulting with the County Attorney.
    - 6.1.2. Additional sources may be utilized to determine credit worthiness and ability to perform.
    - 6.1.3. Any Responder or sub-Responder that will have access to County facilities or property may be required to be screened to a level that may include, but is not limited to; fingerprints, statewide criminal. There may be fees associated with these procedures. These costs are the responsibility of the Responder or sub-Responder.
  - 6.2. **Past Performance:** All vendors will be evaluated on their past performance and prior dealings with Lee County (i.e., failure to meet specifications, poor workmanship, late delivery, etc.) Poor or unacceptable past performance may result in Responder disqualification.
7. PRE-SOLICITATION CONFERENCE
  - 7.1. A pre-solicitation conference will be held in the location, date, and time specified on the cover of this solicitation. The cover will also note if the pre-solicitation conference is Non-Mandatory or Mandatory. All questions and answers are considered informal. All prospective Responders are encouraged to obtain and review the solicitation documents prior to the pre-proposal so they may be prepared to discuss any questions or concerns they have concerning this project. All questions must be submitted formally in writing to the procurement staff noted on the first page of the solicitation document. A formal response will be provided in the form of an addendum (see “County Interpretation/Addendums” for additional information.) A site visit may follow the pre-proposal conference, if applicable.



- 7.2. **Non-Mandatory:** Pre-solicitation conferences are generally non-mandatory, but it is highly recommended that prospective Responders participate.
- 7.3. **Mandatory:** Failure to attend a mandatory pre-solicitation conference will result in the proposal being considered **non-responsive**.
8. COUNTY INTERPRETATION/ADDENDUMS
- 8.1. Each Responder shall examine the solicitation documents and shall judge all matters relating to the adequacy and accuracy of such documents. Any inquiries, suggestions or requests concerning interpretation, clarification or additional information pertaining to the solicitation shall be **submitted in writing prior to 5:00 PM at least eight (8) calendar days prior to the date when the submission is due**.
- 8.2. Response(s) will be in the form of an Addendum posted on [www.leegov.com/procurement](http://www.leegov.com/procurement). It is solely the Responder's responsibility to check the website for information. No notifications will be sent by Lee County Procurement Management Division.
- 8.3. All Addenda shall become part of the Contract Documents.
- 8.4. The County shall not be responsible for oral interpretations given by any County employee, representative, or others. Interpretation of the meaning of the plans, specifications or any other contract document, or for correction of any apparent ambiguity, inconsistency or error there in, shall be in writing. Issuance of a written addendum by the County's Procurement Management Division is the only official method whereby interpretation, clarification or additional information can be given.
9. ADDITIONS, REVISIONS AND DELETIONS
- 9.1. Additions, revisions, or deletions to the Terms and Conditions, specifications that change the intent of the solicitation will cause the solicitation to be non-responsive and the proposal will not be considered. The Procurement Management Director shall be the sole judge as to whether or not any addition, revision, or deletion changes the intent of the solicitation.
10. NEGOTIATED ITEMS
- 10.1. Any item not outlined in the Scope of Services may be subject to negotiations between the County and the successful Responder.
11. ERRORS, OMISSIONS, CALCULATION ERRORS (as applicable)
- 11.1. **Errors/Omissions:** Approval by County of the successful responder's work product for the project shall not constitute nor be deemed a release of the responsibility and liability of the successful Responder for the accuracy and competency of the successful Responder's designs, drawings, specifications or other documents and work pertaining to the project. Additionally, approval by the County of the successful Responder's work product shall not be deemed to be an assumption of drawings, specifications or other documents prepared by the successful Responder for the project. After acceptance of the final plans by the County, the successful Responder agrees, prior to and during the construction of the project, to perform such successful Responder services, at no additional cost to the County, as may be required by the County to correct errors or omissions on the plans prepared by the successful Responder pertaining to the project.
12. CONFIDENTIALITY
- 12.1. Responders should be aware that all proposals provided are subject to public disclosure and will **not** be afforded confidentiality, unless provided by Chapter 119 Florida Statute.
- 12.2. If information is submitted with a proposal that is deemed "Confidential" the Responder must stamp those pages of the proposal that are considered confidential. The Responder must provide documentation as to validate why these documents should be declared confidential in accordance with Chapter 119, "Public Records," exemptions.
13. CONFLICT OF INTEREST
- 13.1. **Business Relationship Disclosure Requirement:** The award hereunder is subject to the provisions of Chapter 112, Public Officers and Employees: General Provisions, Florida Statutes. All Responders must disclose with their proposal the name of any officer, director or agent who is also an employee of the Lee County or any of its agencies. Further, all Responders must disclose the name of any County employee who

owns directly or indirectly, an interest of five percent (5%) or more in the Responder's firm or any of its branches.

14. ANTI-LOBBYING CLAUSE (Cone of Silence)

- 14.1. Following Florida Statute Section 287.057(23), Upon the issuance of the solicitation, prospective Responders or any agent, representative or person acting at the request of such Responder shall not have any contact, communicate with or discuss any matter relating in any way to the solicitation with any Commissioner, Evaluation Review Committee, agent or employee of the County other than the Procurement Management Director or their designee. This prohibition begins with the issuance of any solicitation, and ends upon execution of the final contract or when the solicitation has been cancelled. **If it is determined that improper communications were conducted, the Responder maybe declared non- responsible.**

15. DRUG FREE WORKPLACE

- 15.1. Lee County Board of County Commissioners encourages Drug Free Workplace programs.

16. DISADVANTAGED BUSINESS ENTERPRISE (DBE's)

- 16.1. The County encourages the use of Disadvantaged Business Enterprise Responder(s) as defined and certified by the State of Florida Office of Supplier Diversity.
- 16.2. Bidder/Responder is required to indicate whether the Firm and/or any proposed sub-consultants are Disadvantaged Business Enterprises (DBE). Lee County encourages the utilization and participation of DBEs in procurements, and evaluation proceedings will be conducted within the established guidelines regarding equal employment opportunity and nondiscriminatory action based upon the grounds of race, color, sex or national origin. Interested certified Disadvantaged Business Enterprise (DBE) firms as well as other minority-owned and women-owned firms are encouraged to respond.

17. ANTI-DISCRIMINATION/EQUAL EMPLOYMENT OPPORTUNITY

- 17.1. The Responder agrees to comply, in accordance with Florida Statute 287.134, 504 of the Rehabilitation Act of 1973 as amended, the Americans with Disabilities Act of 1990 (ADA), the ADA Amendments Act of 2008 (ADAAA) that furnishing goods or services to the County hereunder, no person on the grounds of race, religion, color, age, sex, national origin, disability or marital status shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination.
- 17.2. The Responder will not discriminate against any employee or applicant for employment because of race, religion, color, age, sex, national origin, disability or marital status. The Responder will make affirmative efforts to ensure that applicants are employed and that employees are treated during employment without regard to their race, religion, color, age, sex, national origin, disability or marital status.
- 17.3. The Responder will include the provisions of this section in every sub-contract under this contract to ensure its provisions will be binding upon each sub-contractor. The Responder will take such actions in respect to any sub-contractor, as the contracting agency may direct, as a means of enforcing such provisions, including sanctions for non-compliance.
- 17.4. An entity or affiliate who has been placed on the State of Florida's Discriminatory Vendor List (This list may be viewed by going to the Department of Management Services website at <http://www.dms.myflorida.com>) may not submit a bid on a contract to provide 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 bids on leases of real property to a public entity, may not award or perform work as a vendor, supplier, sub-contractor, or consultant under contract with any public entity, and may not transact business with any public entity.

18. ITN – SELECTION PROCEDURE

- 18.1. The selection will be made in accordance with Lee County Procurement Policy. Some or all of the responding Responder(s) may be requested to provide interviews and/or presentations of their proposal, for the ranking process.
- 18.2. Proposed short-list and final selection meeting dates are posted on the Procurement Management web page: [www.leegov.com/procurement](http://www.leegov.com/procurement) (Projects, Award Pending.)

- 18.3. The recommendation to award, negotiated rates and agreement/contract(s) will be submitted to the Board of County Commissioners for approval.
  - 18.4. If a satisfactory agreement/contract(s) cannot be negotiated, in a reasonable amount of time, the County, in its sole discretion, may terminate negotiations with the selected Responder(s) and begin agreement/contract negotiations with the next finalist.
  - 18.5. The Procurement Management Director reserves the right to exercise their discretion to:
    - 18.5.1. Make award(s) to one or multiple Responders.
    - 18.5.2. Waive minor informalities in any response;
    - 18.5.3. Reject any and all proposals with or without cause;
    - 18.5.4. Accept the response that in its judgment will be in the best interest of Lee County
19. ITN – EVALUATION/ SELECTION COMMITTEE
- 19.1. The selection shall be by a Selection Committee consisting of staff representatives from the appropriate County Departments as approved by the Procurement Management Director or designee.
  - 19.2. If applicable, the Selection Committee may choose to short-list Responders/Firms to be interviewed to determine final selection.
20. WITHDRAWAL OF PROPOSAL
- 20.1. No proposal may be withdrawn for a period of **240 calendar days** after the scheduled time for receiving proposals. A proposal may be withdrawn prior to the proposal opening date and time. Withdrawal requests must be made in writing to the Procurement Management Director, who will approve or disapprove the request.
  - 20.2. A Responder may withdraw a proposal any time prior to the opening of the solicitation.
  - 20.3. After proposals are opened, but prior to award of the contract by the County Commission, the Procurement Management Director may allow the withdrawal of a proposal because of the mistake of the Responder in the preparation of the proposal document. In such circumstance, the decision of the Procurement Management Director to allow the proposal withdrawal, although discretionary, shall be based upon a finding that the Responder, by clear and convincing evidence, has met each of the following four tests:
    - 20.3.1. The Responder acted in good faith in submitting the proposal,
    - 20.3.2. The mistake in proposal preparation that was of such magnitude that to enforce compliance by the Responder would cause a severe hardship on the Responder,
    - 20.3.3. The mistake was not the result of gross negligence or willful inattention by the Responder; and
    - 20.3.4. The mistake was discovered and was communicated to the County prior to the County Commission having formally awarded the contract/agreement.
21. PROTEST RIGHTS
- 21.1. Any Responder that has submitted a formal Response to Lee County, and who is adversely affected by an intended decision with respect to the Award, has the right to protest an intended decision posted by the County as part of the Solicitation process.
  - 21.2. Notice of Intended Decision is posted on the Lee County Department of Procurement Management website ([www.leegov.com/procurement](http://www.leegov.com/procurement)). Responder are solely responsible to check for information regarding the Solicitation.
  - 21.3. Refer to the “Procurement Protest” section of the Lee County Procurement Ordinance 18-22 for a complete description of the protest process and associated requirements. The ordinance is posted on the Lee County website or may be obtained by contacting the Procurement Management Director.
  - 21.4. In order to preserve the right to protest, a written **“Notice Of Intent To File A Protest” must be filed with the Lee County Procurement Management Director within seventy-two (72) hours of Posting of the Notice of Intended Decision.**
    - 21.4.1. The notice shall clearly indicate all grounds being claimed for the protest.
    - 21.4.2. The notice must be physically received by the Procurement Management Director within the required time frame described above. No additional time will be granted for mailing.
  - 21.5. Following receipt of the Notice of Intent to File a Protest, a **“Protest Bond”** and **“Formal Written Protest”** must be filed **within ten (10) business days** of Posting of the Notice of Intended Decision.

21.6. **Failure to follow the protest procedures requirement within the time frames as prescribed herein and in the Lee County Procurement Ordinance 18-22 shall constitute a waiver of the right to protest and shall bar any resulting claims.**

22. **AUTHORITY TO UTILIZE BY OTHER GOVERNMENT ENTITIES**

22.1. This opportunity is also made available to any government entity. Pursuant to their own governing laws, and subject to the agreement of the vendor, other entities may be permitted to make purchases at the terms and conditions contained herein. Lee County Board of County Commissioners will not be financially responsible for the purchases of other entities from this solicitation.

23. **CONTRACT ADMINISTRATION**

23.1. **Designated Contact:**

23.1.1. The awarded Responder shall appoint a person(s) to act as a primary contact for all County departments. This person or back-up shall be readily available during normal working hours by phone or in person, and shall be knowledgeable of the terms and procedures involved.

23.2. **ITN – Basis of Award:**

23.2.1. Award will be made to the most responsible and responsive Responder most advantageous to the County.

23.3. **Agreement/Contract:**

23.3.1. The awarded Responder will be required to execute an Agreement/Contract as a condition of award.

23.4. **Records:**

23.4.1. Retention: The Responder shall maintain such financial records and other records as may be prescribed by Lee County or by applicable federal and state laws, rules and regulations. Unless otherwise stated in the specifications, the Responder shall retain these records for a period of five years after final payment, or until they are audited by Lee County, whichever event occurs first.

23.4.2. Right to Audit/Disclosure: These records shall be made available during the term of the contract as well as the retention period. These records shall be made readily available to County personnel with reasonable notice and other persons in accordance with the Florida General Records Schedule. Awarded Bidder/Responder(s) are hereby informed of their requirement to comply with FL §119 specifically to:

23.4.2.1. Keep and maintain public records required by the County to perform the service.

23.4.2.2. Upon request from the County's custodian of public records, provide the County with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided or as otherwise provided by law.

23.4.2.3. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the contract if the contractor does not transfer the records to the County.

23.4.2.4. Upon completion of the contract, transfer, at no cost, to the County all public records in possession of the contractor or keep and maintain public records required by the County to perform the service. If the contractor transfers all public records to the County upon completion of the contract, the contractor shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the contractor keeps and maintains public records upon completion of the contract, the contractor shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the County, upon request from the County's custodian of public records, in a format that is compatible with the information technology systems of the County.

23.4.3. Public Record: **IF THE VENDOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FL § , TO THE VENDOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THE CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT 239-533-**

**2221, 2115 SECOND STREET, FORT MYERS, FL 33901,**  
<http://www.lee.gov/publicrecords>.

23.4.4. **Ownership:** It is understood and agreed that all documents, including detailed reports, plans, original tracings, specifications and all data prepared or obtained by the successful Responder in connection with its services hereunder, include all documents bearing the professional seal of the successful Responder, and shall be delivered to and become the property of Lee County, prior to final payment to the successful Responder or the termination of the agreement. This includes any electronic versions, such as CAD or other computer aided drafting programs.

**23.5. Termination:**

23.5.1. Any agreement as a result of this solicitation may be terminated by either party giving **thirty (30) calendar days' advance written notice**. The County reserves the right to accept or not accept a termination notice submitted by the Responder, and no such termination notice submitted by the vendor shall become effective unless and until the vendor is notified in writing by the County of its acceptance.

23.5.2. The Procurement Management Director may immediately terminate any agreement as a result of this solicitation for emergency purposes, as defined by the Lee County Procurement Ordinance 18-22.

23.5.3. Any Responder who has voluntarily withdrawn from a solicitation without the County's mutual consent during the contract period shall be barred from further County procurement for a **period of 180 days**. The vendor may apply to the Board for a waiver of this debarment. Such application for waiver of debarment must be coordinated with and processed by the Procurement Management Department.

23.5.4. The County reserves the right to terminate award or contract following any of the below for goods or services over \$1,000,000:

23.5.4.1. Contractor is found to have submitted a false certification as provided under FL § 287.135 (5);

23.5.4.2. Contractor has been placed on the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List;

23.5.4.3. Contractor has engaged in business operations in Cuba or Syria;

23.5.4.4. Contractor has been placed on the Scrutinized Companies that Boycott Israel List, or is engaged in a boycott of Israel – beginning October 1, 2016.

**24. WAIVER OF CLAIMS**

24.1. Once this contract expires, the awarded vendor shall have no more than **thirty (30) calendar days** to present or file any claims against the County concerning this contract. After that period, the County will consider the vendor to have waived any right to claims against the County concerning this agreement.

**25. DEBRIS DISPOSAL (if applicable)**

25.1. Unless otherwise stated, the Responder shall be fully responsible for the lawful removal and disposal of any materials, debris, garbage, vehicles or other such items which would interfere with the undertaking and completion of the project. There shall not be an increase in time or price associated with such removal.

*END OF TERMS AND CONDITIONS SECTION*



## SPECIAL CONDITIONS

### NOTICE: THE COUNTY, THROUGH THIS PROCESS, IS NOT ENTERTAINING PROPOSALS THAT INCLUDES PURCHASE OF THE PROPERTY.

#### **1. TERM**

1.1 The Agreement shall commence on the date agreed upon through negotiations and set forth in the subsequent and associated Agreement documents.

#### **2. MINIMUM QUALIFICATIONS AND EXPERIENCE REQUIRED**

2.1 Respondent shall meet the minimum qualifications and experience requirements as described in the Minimum Qualifications Form provided herein. Failure to meet the minimum qualifications stated herein may deem Respondent Non-Responsive and/or Non-Responsible and as such ineligible for evaluation and award.

#### **3. INVITATION TO RESPOND**

3.1 Respondent shall be responsible for examining the ITN documents including any Addenda issued to such documents, and any and all conditions which may in any way affect its response, including but not limited to:

- 3.1.1 Carefully examining this ITN, including any Addenda and any other information or data identified;
- 3.1.2 Becoming familiar with and satisfying itself as to all federal, state, and local laws and regulations that may affect the cost, progress, or performance of its work;
- 3.1.3 Determining that the required response documents are sufficient to demonstrate that it is qualified to provide the requested services to the County;
- 3.1.4 Acknowledging by its submission of a response that its response is complete.

#### **4. EVALUATION AND NEGOTIATION PROCESS**

4.1 The negotiation process is as follows:

##### **4.1.1 Reservations as to Mode of Negotiations**

- 4.1.1.1 The County reserves the right to negotiate concurrently or separately with two or more competing respondents, to combine competing responses and to finalize or terminate the negotiations process at any time in the response process that the County determines, in its sole judgment, which such action would be in the best interest of the County. If the County only receives one respond, at the County's discretion as to move forward with only one or resolicit.
- 4.1.1.2 All negotiations shall be conducted in the manner, time, place and scope as determined in County's sole discretion.
- 4.1.1.3 The County shall have the right, in its sole discretion to select from among the short listed Responders (identified as provided below) for negotiations. No short listed Responder shall have the right to participate in negotiations if not selected to do so by the County. The County shall have the right to terminate negotiations with any respondent at any time.
- 4.1.1.4 No respondent selected for negotiations shall have the right to present supplement or alternative responses or terms, expect as expressly provided herein or as expressly requested and approved by selection committee and/or the Procurement Department in writing during the negotiation process. No respondent shall have the right to negotiate the same terms as another or be provided



knowledge of another party's status or terms by the County, nor to present a best and final offer, unless directed by County in its sole discretion.

## **5. RESERVATIONS AS TO REJECTION AND WAIVER**

- 5.1 The County reserves the right to reject any and all replies pursuant to this Invitation to Negotiate, if determined such action is in the best interest of the County. The County reserves the right to waive minor irregularities in submitted replies.

## **6. SELECTION AND NEGOTIATION PROCESS**

- 6.1 **Step 1:** Interested parties must submit a written response containing all the information requested in this ITN.
- 6.2 **Step 2:** The County's selection committee will evaluate the responses received based on the criteria listed herein with the intention of short-listing qualified responses if more than one submittal is judged qualified. There is no requirement, implied or intended, for a specific number of responses to be on the short list.
- 6.3 **Step 3:** Each short-listed Respondent may be asked to provide an oral presentation to the selection committee and participate in a question/answer. The date, time and duration of each presentation and session will be set in writing by Procurement prior to the presentations and sessions. These meetings will be used to share information, exchange innovative ideas, clarify concepts, and improve understanding about the County's needs and expectations, and the capabilities and response of each respondent. Respondents are not limited to the terms of their responses during the question/answer session.
- 6.4 **Step 4:** Following presentations by all short-listed respondents (if required), the County will consider revising the Invitation to Negotiate, as advisable or necessary, in its sole discretion, to eliminate and/or incorporate innovative ideas and approaches that the selection committee believes would benefit the County. The selection committee may or may not continue to negotiate with any or all of the short-listed Respondents. If the selection committee discontinues negotiations with a short-listed Respondent then that firm will be removed from the short-list.
- 6.5 **Step 5:** One or more of the short-listed Respondents may be directed in writing to submit a sealed best and final Response in response to the revised Invitation to Negotiate and/or to submit a sealed final response by a date and time set forth by Procurement. Any Respondent that fails to provide a sealed best and final response or sealed final financial response by such deadline, as directed, may be deemed to have withdrawn its response and the selection committee and/or County may elect in its sole discretion to cease further consideration of that Respondent for negotiation or award of a contract.
- 6.6 **Step 6:** After considering any best and final response and/or final Response submitted in Step 4 and 5, Procurement shall notify the short-listed Respondent or Respondents selected for negotiations of the dates and times to meet with the selection committee negotiating team to negotiate Respondent's responses and discuss any issues or problems. The selection committee negotiating team may exercise all discretion as provided by law or as set forth in this solicitation. The selection committee negotiating team may prepare such evaluations of the Respondents' response, as they deem appropriate. After conducting such negotiations, as it deems appropriate, the selection committee negotiating team will make a final recommendation to the Lee County Board of County Commissioners. Note: A person duly authorized to bind the company to an offer/acceptance/agreement should be present at this meeting. If such a person is not present, then three (3) business days will be allowed for the firm to authenticate the offer and bind the company to the offer/acceptance/agreement. All signatures binding the final offer/acceptance/agreement must meet the County's signature requirements at such time.

- 6.7 **Step 7:** Post - Notice of Intended Decision. (3 days) The Respondents are given this time in which to protest the award in accordance with County policy.
- 6.8 **Step 8:** The contract recommended by the selection committee negotiating team will be presented to the Board of County Commissioners for approval. The Board reserves the right to direct that further or alternative negotiations be undertaken, and may undertake such negotiations itself or through alternative representatives.
- 6.9 **Step 9:** Should the Respondent selected for contract award fails to execute the contract, or default in its performance, the County may elect to offer the same or equivalent contract terms to another short-listed Respondent or to conduct negotiations with any Respondent or Respondents that has submitted a timely reply in accordance with the Invitation to Negotiate or any subsequent related solicitation.

## 7. **RIGHTS OF THE COUNTY**

7.1 In addition to all rights of the County under Florida law, the County reserves the following rights:

- 7.1.1 To short-list Respondents determined to be qualified in accordance with this ITN.
- 7.1.2 To select the firm/entity that it believes will serve the best interest of the County.
- 7.1.3 To reject all responses, waive formality, and to solicit and re-advertise for new responses.
- 7.1.4 To accept or reject any or all ITN submissions.
- 7.1.5 To perform simultaneous negotiations with multiple respondents.
- 7.1.6 To remedy or waive technical or immaterial errors in a Respondent's ITN.
- 7.1.7 To request any necessary clarifications, references or qualification data without changing the terms.
- 7.1.8 To make an award to perform the services required on the basis of this ITN.
- 7.1.9 To require any responder to supplement ITN submissions and/or make oral presentations
- 7.1.10 To conduct a site visitation of reference facilities as presented in the ITN.
- 7.1.11 To conduct further investigations with respect to the qualifications and experience of a Respondent

*END OF SPECIAL CONDITIONS*

**WATERWAY ESTATES**  
**DESCRIPTION OF DESIRED DEVELOPMENT OF COUNTY PROPERTY**

**1. OVERVIEW**

1.1. Lee County Board of County Commissioners have approved issuing this Invitation to Negotiate (ITN) for the purposes of inviting and identifying qualified parties interested in developing property located at 1667 and 1687 Inlet Drive North Fort Myers, Florida 33903. As such, the County invites interested qualified parties, additionally referred to as Responder / Respondent, to submit a development plan along with qualifications as requested herein to provide for development at the aforementioned property through a long-term lease or an approved alternate method. It should be noted, that the property is currently permitted for the development of a marina with docks, dry storage and a restaurant and it is the County's desire to adhere as closely as possible to the current permitted uses of the aforementioned property.

**2. GENERAL DESCRIPTION**

2.1. Lee County Board of County Commissioners owns 6.8 acres located at 1667 and 1687 Inlet Drive North Fort Myers, Florida 33903. The Board approved the issuance of an Invitation to Negotiate to offer the area for development. Currently, the property site includes 5.8 acres purchased by the County and 1.0 acres from the decommissioned wastewater treatment plant. The wastewater facility and aboveground structures has been cleared and is secured with fencing and lights at the entrance gate. Below ground, piping and conduits, including concrete slabs, remain on-site.

**3. ZONING**

3.1. The property is located within the Water Dependent Overlay Zone. Existing marinas, fish houses and port facilities are included in this overly and priority is given to these uses. The property is currently permitted for the development of a marina with docks, dry storage and a restaurant. The project will need a new Development Order and Concurrency certificate that can be approved for construction administratively; however, projects in North Fort Myers must conduct one public information meeting in the community prior to approval.

**4. ENVIRONMENTAL RESOURCE PERMIT**

4.1. The South Florida Water Management District (SFWMD) Environmental Resource Permit has been extended to November 15, 2028. The County has obtained a permit that allows for construction and operation of a surface water management system for the commercial project and provides authorization to remove the 29 existing docks and replace them with 18 new docks.

4.2. In accordance with the legislation, the permit activity will continue to be governed by the rules in effect at the time the permit was issued January 31, 2007. However, any future requests to modify the permit, except where the modification lessens the environmental impact, will be governed by the rules in effect at the time of the modifications.

**5. ATTACHMENTS**

5.1. The County has provided the following documents as attachments to this solicitation. All Vendors interested in proposing on this project should take care and diligently review all associated documents with this solicitation.

5.1.1.SFWMD Environmental Resource Permit

5.1.2.Environmental Phase I Report

5.1.3.Environmental Phase II Report

5.1.4.Resolution No. Z-06-065

*END OF DETAILED DESCRIPTION*

## SUBMITTAL REQUIREMENTS & EVALUATION CRITERIA

### 1. SUBMITTAL REQUIREMENTS & EVALUATION CRITERIA

- 1.1 Interested firms shall include the following information in their submittal responses to this solicitation. The following format and sequence should be followed in order to provide consistency in the firm's responses and to ensure each proposal receives full consideration. Use 8 ½ x 11 sheet pages only with minimum font size of 10 points and with tabs or section dividers to separate sections as defined below. More than one section is permitted on one page unless otherwise indicated below. Undesignated information shall be inserted at the rear of each package. Place page numbers at the bottom of every page, excluding dividers. Proposal documents should not contain links to other web pages; such links will not be reviewed for evaluation purposes.
- 1.2 Submittal package may not exceed **50 pages** printed single-sided; **page restriction excludes required forms found herein and dividers**. **PLEASE INCLUDE PAGE TABS/SECTION DIVIDERS** so that those evaluating your submittal can easily compare each section with others that are submitted. If any of the information provided by the Responder is found to be, in the sole opinion of the Evaluation Committee and Procurement Management Director, substantially unreliable their proposal may be rejected.
- 1.3 Responders shall submit one (1) original hard copy (clearly marked as such) and one (1) electronic version(s) on a USB flash drive set(s) containing the proposal submittal in an unlocked PDF format. The County may request specific files be submitted in specialty format (IE: Provide a Project Timeline in Excel format.) Vendor shall accommodate such specialty requests as stated within the submittal requirements describe herein. Should files not be provided in the format or quantity as requested Vendor may be deemed Non-Responsive and therefore ineligible for award. In case of any discrepancies, the original will be considered by the County in evaluating the Proposal, and the electronic version is provided for the County's administrative convenience only. Limit the color and number of images to avoid unmanageable file sizes.

#### **Introduction**

- Project ITN Number & Name
- Firm's Name & Address
- Firm's Contact Person & Information (phone, fax and email address)
- How many years has Responder been in business under present name?
- Under what other former names has your organization operated?

#### **TAB 1: Qualifications of Company**

- Provide a description of your Company's experience, and underlying philosophy in providing the services your Company is proposing as part of this ITN. Description should include details such as: abilities, capacity, skill, strengths, number of years, etc...
- Ensure your qualifications speak to the intended use of the property such as marina and restaurant management, property development and maintenance, as well as your abilities to source, maintain and manage adequate staffing resources.

#### **TAB 2: Previous Developments, Relevant Experience & Reference**

- Provide details of developments complete by your Company. If possible, development and relevant experience should be similar in scope and size to that being requested through this solicitation that your Company has completed recently. Details for each project example provided should include:
  - Project Name
  - Project Address
  - Cost of project
  - Brief description of development

- What each partner offer to the development
  - Final costs of work
  - Total completion time
- As the County desires to adhere as closely as feasible to the current permitted uses of the property, a Company with verifiable history in development of commercial marina with docks and/or restaurant properties is preferred. Provide details regarding your Company's experience, inclusive of the experience of your proposed Project Team/Partners that clearly indicates experience in development and operations of commercial marina with docks and/or restaurant.

**TAB 3: Plan of Development**

- Provide clear details that accurately depicts the development project your Company is proposing to the County under this ITN.
- Provide a list of proposed partners/additional firms your Company intends to partner with to successfully complete proposed development.
  - For each partner listed provide details surrounding each partners anticipated roles and duties under the proposed development.
- Provide a timeline that provides for a clear picture of full project/development completion. Timeline should provide for identifiable milestones.

**TAB 4: Plan of Approach**

- Provide a detailed Plan of Approach that explains how your Company intends to ensure your proposed development plan for the property as described herein is successfully achieved.
  - Plan of Approach should include details as to how your Company intends to manage staff, public attention surrounding project, project schedule, budget and any outside variables that may affect the project.

**TAB 5: Anticipation from the County**

- Provide a list of items that your Company expects to be provided by the County under your proposed development plan. Such items may include, but are not limited to the following:
  - Project Funding
    - Include details such as frequency of funding.
  - Property
    - Include details such as access, condition, etc...
  - List your expectations of the County participation.
    - Include details such as project kickoff participation, public involvement participation, oversight, etc...

**TAB 6: Financial Stability**

- Responder must show how the project will be financed.
- Responder must demonstrate financial stability sufficient for the Evaluation Selection Committee to conclude Responder has the financial ability to perform and support the required services proposed for the term of the contract and the financial resources and capabilities to assume extensive and large expenditures.
- The Responder must provide a statement of the Responder's financial stability, including information regarding any current or previous bankruptcy proceedings.
- Responder must include a copy of the most recent annual financial report/annual audit, independent certified audit, Dunn & Bradstreet report, or 10K or the most recent 10Q, if

appropriate. **Financial reports must include, at a minimum, a Balance Sheet, an Income Statement, and a Statement of Cash Flow.**

*\*Financial report documents are not included within page restrictions, but should be limited as possible to five (5) pages.\**

- The Responder shall provide a summary of any criminal convictions of the company, owners, and/or officers related to the services being proposed.
- **Notice: Florida has very broad public records laws and records submitted with this RFP may be made available for public records requests following applicable Florida Public Records laws and processes. Florida Statute’s financial statement exemption only applies to submittals in response to a solicitation for a “public works” project as provided for in Section 119.071(1) c. This solicitation is not for “public works” project.**

**TAB 7: Required Forms**

- Forms 1- 8

3. ITN SUBMISSION SCHEDULE

<b>Submission Description</b>	<b>Date(s)</b>	<b>Time</b>
Advertise Invitation to Negotiate (ITN)	Friday, October 25, 2019	N/A
Pre-Proposal Meeting	Wednesday, December 4, 2019	10:00 AM
Proposal Question Deadline	8 Calendar days prior to submission deadline	5:00 PM
Submission Deadline	Wednesday, January 15, 2020	2:30 PM
Committee Meeting Short list discussion	Monday, February 3, 2020	TBD
Potential Presentations/Interviews	Monday, March 2, 2020	TBD
<p><b>Additional notes on Submission Schedule:</b></p> <ul style="list-style-type: none"> <li>• <i>Submission Schedule is provided as a guideline only and is subject to change at the discretion of Lee County authorized personnel.</i></li> <li>• <i>Changes in closing date or other parameters may occur and will be posted to the Lee County Procurement website. It shall be the responsibility of Contractor to verify all dates through County website.</i></li> </ul> <p><i>Unless otherwise stated, location of all openings and meetings will take place at 2115 Second Street, Fort Myers, FL 33901 – 1<sup>st</sup> Floor Procurement Management.</i></p>		



## FORMS DESCRIPTION & INSTRUCTIONS

### REQUEST FOR PROPOSAL (NON-CCNA)

This table provides a brief list, description, and instructions regarding the standard requested forms that should be submitted with all bids or proposals. This is not intended to be an all-inclusive list of forms required for your submission, but rather a guide to assist in completion of the County's standard forms.

<u>Form #</u>	<u>Title/Description</u>
---------------	--------------------------

1	<i>Solicitation Response Form</i>
---	-----------------------------------

All signatures must be by a corporate authorized representative, witnessed, and corporate and/or notary seal (if applicable.) The corporate or mailing address must match the company information as it is listed on the Florida Department of State Division of Corporations. Attach a copy of the web-page(s) from <http://www.sunbiz.org> as certification of this required information. Sample attached for your reference.

Verify that all addenda and tax identification number have been provided.

*	<i>Business Relationship Disclosure Requirement (if Applicable)</i>
---	---

Sections 112.313(3) and 112.313(7), F.S., prohibit certain business relationships on the part of public officers and employees, their spouses, and their children. If this **disclosure is applicable, the Bidder must request the form entitled "INTEREST IN COMPETITIVE BID FOR PUBLIC BUSINESS"** (Required by § 112.313(12)(b), F.S.) to be completed and **returned with the Solicitation Response. It is the Bidder's responsibility to request the form and disclose this relationship; failure to do so may result in being declared non-responsive.**

NOTICE: UNDER THE PROVISIONS OF § 112.317, F.S., A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR, AND MAY BE PUNISHED BY, ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.00.

2	<i>Affidavit Certification Immigration Laws</i>
---	---

Form is acknowledgement that the Responder is in compliance in regard to Immigration Laws.

3	Provide this form to reference respondents. This form <b>will be turned in with the proposal</b> package.
---	---

1. **Section 1:** Bidder/Responder to complete with reference respondent's information prior to providing to them for their response. (This is **not** the Bidder/Responder's information.)
2. **Section 2:** Enter the name of the Bidder/Responder; provide the project information in which the reference respondent is to provide a response.
3. The reference respondent should complete "**Section 3.**"
4. **Section 4:** The reference respondent to print and sign name
5. **Three (3) Reference responses** are to be **returned with the proposal package.**
6. Failure to obtain reference surveys may make your company non-responsive.

4 *Negligence or Breach of Contract Disclosure Form*

The form may be used to disclose negligence or breach of contract litigation that your company may be a part of over the past ten years. You may need to duplicate this form to list all history. If the Responder has more than 10 lawsuits, you may narrow them to litigation of the company or subsidiary submitting the solicitation response. Include, at a minimum, litigation for similar projects completed in the State of Florida. Final outcome should include in whose favor the litigation was settled and was a monetary amount awarded. The settlement amount may remain anonymous. If you have **no litigation**, enter “None” in the first “type of incident” block of the form. Please do not write N/A on this form.

5 *Affidavit Principal Place of Business*

Certifies Responder’s location information.

7 *Public Entity Crimes Form (Required form)*

Any person or affiliate as defined by statute who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid or a contract to provide any goods or services to the County; may not submit a bid on a contract with the County for the construction or repair of a public building or public work; may not submit bids or leases of real property to the County; may not be awarded or perform works as a contractor, supplier, subcontractor, or consultant under a contract with the County, and may not transact business with the County in excess of \$25,000.00 for a period of 36 months from the date of being placed on the convicted vendor list.

8 *Minimum Qualifications Form*

Self-explanatory

\* *Proposal Label* (Required)

Self-explanatory. Please affix to the outside of the sealed submission documents.

*Include any licenses or certifications requested*

Local Business Tax Account (as applicable) issued by City and/or County entity. This is necessary for all Florida vendors.

It is the Responder’s responsibility to insure the Solicitation Response is mailed or delivered in time to be received no later than the specified opening date and time. (If solicitation is not received prior to deadline it cannot be considered or accepted.)



LEE COUNTY PROCUREMENT MANAGEMENT
SOLICITATION RESPONSE FORM

Date Submitted: \_\_\_\_\_ Deadline Date: 1/15/2020

SOLICITATION IDENTIFICATION: ITN190483ANB

SOLICITATION NAME: Development of Waterway Estates

COMPANY NAME: \_\_\_\_\_

NAME & TITLE: (TYPED OR PRINTED) \_\_\_\_\_

BUSINESS ADDRESS: (PHYSICAL \_\_\_\_\_

CORPORATE OR MAILING ADDRESS: \_\_\_\_\_

[ ] SAME AS PHYSICAL

ADDRESS MUST MATCH SUNBIZ.ORG

E-MAIL ADDRESS: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_ FAX NUMBER: \_\_\_\_\_

NOTE REQUIREMENT: IT IS THE SOLE RESPONSIBILITY OF THE VENDOR TO CHECK LEE COUNTY PROCUREMENT MANAGEMENT WEB SITE FOR ANY ADDENDA ISSUED FOR THIS PROJECT. THE COUNTY WILL POST ADDENDA TO THIS WEB PAGE, BUT WILL NOT NOTIFY.

In submitting this proposal, Responder makes all representations required by the instructions to Responder and further warrants and represents that: Responder has examined copies of all the solicitation documents and the following addenda:

No. \_\_\_\_\_ Dated: \_\_\_\_\_ No. \_\_\_\_\_ Dated: \_\_\_\_\_ No. \_\_\_\_\_ Dated: \_\_\_\_\_
No. \_\_\_\_\_ Dated: \_\_\_\_\_ No. \_\_\_\_\_ Dated: \_\_\_\_\_ No. \_\_\_\_\_ Dated: \_\_\_\_\_

Tax Payer Identification Number: \_\_\_\_\_

(1) Employer Identification Number -OR- (2) Social Security Number:

\*\* Lee County collects your social security number for tax reporting purposes only

Please submit a copy of your registration from the website www.sunbiz.org establishing the Responder/firm as authorized (including authorized representatives) to conduct business in the State of Florida, as provided by the Florida Department of State, Division of Corporations.

1 Collusion Statement: Lee County, Florida The undersigned, as Responder, hereby declares that no person or other persons, other than the undersigned, are interested in this solicitation as Principal, and that this solicitation is submitted without collusion with others; and that we have carefully read and examined the specifications or scope of work, and with full knowledge of all conditions under which the services herein is contemplated must be furnished, hereby propose and agree to furnish this service according to the requirements set out in the solicitation documents, specifications or scope of work for said service for the prices as listed on the county provided price sheet or (CCNA) agree to negotiate prices in good faith if a contract is awarded.

2 Scrutinized Companies Certification: Section 287.135, FL § , prohibits agencies from contracting with companies, for goods or services over \$1,000,000, that are on either the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List. Both lists are created pursuant to section 215.473, FL§. As the person authorized to sign on behalf of Respondent, I hereby certify that the company identified above not listed on either the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List. I understand that pursuant to section 287.135, FL§, the submission of a false certification may subject company to civil penalties, attorney's fees, and/or costs.

3 **Business Relationship Disclosure Requirement:** Sections 112.313(3) and 112.313(7), FL§, prohibit certain business relationships on the part of public officers and employees, their spouses, and their children. See Part III, Chapter 112, FL § and/or the brochure entitled "A Guide to the Sunshine Amendment and Code of Ethics for Public Officers, Candidates and Employees" for more details on these prohibitions. However, Section 112.313(12), FL § (1983), provides certain limited exemptions to the above-referenced prohibitions, including one where the business is awarded under a system of sealed, competitive bidding; the public official has exerted no influence on bid negotiations or specifications; and where disclosure is made, prior to or at the time of the submission of the bid, of the official's or his spouse's or child's interest and the nature of the intended business. The Commission on Ethics has promulgated this form for such disclosure, if and when applicable to a public officer or employee.  
**If this disclosure is applicable request form "INTEREST IN COMPETITIVE BID FOR PUBLIC BUSINESS" (Required by 112.313(12)(b), Florida Statute (1983)) to be completed and returned with solicitation response. It is the Responder's responsibility to disclose this relationship, failure to do so could result in being declared non-responsive.**

Business Relationship Applicable (request form)       Business Relationship NOT Applicable

4 Disadvantaged Business Enterprise (DBE) Responder? If yes, please attach a current certificate.  Yes  No

**ALL PROPOSALS MUST BE EXECUTED BY AN AUTHORIZED AUTHORITY OF THE RESPONDER, WITNESSED AND SEALED (IF APPLICABLE)**

\_\_\_\_\_  
Company Name (Name printed or typed)



(Affix Corporate Seal, if applicable)

\_\_\_\_\_  
Authorized Representative Name (printed or typed)

\_\_\_\_\_  
Authorized Representative's Title (printed or typed)

\_\_\_\_\_  
Witnessed/Attested by: (Witness/Secretary name and title printed or typed)

\_\_\_\_\_  
Authorized Representative's Signature

\_\_\_\_\_  
Witness/Secretary Signature

Any blank spaces on the form(s), qualifying notes or exceptions, counter offers, lack of required submittals, or signatures, on County's Form may result in the submission being declared non-responsive by the County.

## Detail by Entity Name

### Florida Profit Corporation

Bill's Widget Corporation

### Filing Information

Document Number 655555  
 FE/EIN Number 5111111111  
 Date Filed 09/22/1980  
 State FL  
 Status ACTIVE  
 Last Event AMENDED AND RESTATED ARTICLES  
 Event Date Filed 07/25/2006  
 Event Effective Date NONE

### Principal Address

555 N Main Street  
Your Town, USA 99999

Changed 02/11/2012

Verify either Principal or Mailing address is on Form 1

### Mailing Address

555 N Main Street  
MYour Town, USA 99999

Changed 02/11/2012

### Registered Agent Name & Address

My Registered Agent  
111 Registration Road  
Registration, USA99999

Name Changed:12/14/2006

Address Changed: 12/14/2006

### Officer/Director Detail

#### Name & Address

Title P

President, First  
555 AVENUE  
Anytown, USA99999

Title V

President, Second  
555 AVENUE  
Anytown, USA99999

#### IMPORTANT:

For corporations, ALL documents must be signed by the president of the company or an authorized individual. For any individual other than the president, we will need one of the following to confirm their authority to sign:

1. a corporate resolution by the Board of Directors, or
2. an extract of minutes, or
3. an extract of Vote by the Board of Directors

If the company's articles of incorporation identify additional positions that have the power to bind the corporation, we will accept the articles of incorporation with verification from the president that a certain individual serves in that role (e.g., the president confirms that John Doe is the CEO, and the articles of incorporation provide that the CEO has the power to bind the company).

With respect to an LLC, the authority to bind a limited liability company is controlled by Florida statutes. Managers or managing members have inherent authority to bind an LLC.

If the president of a corporation or a manager/managing member of an LLC delegates their authority, such delegation must be sent to us on company letterhead with the President's or manager's/managing member's original, wet signature.

v01/03/2018



LEE COUNTY  
SOUTH WEST FLORIDA

**AFFIDAVIT CERTIFICATION IMMIGRATION LAWS**

SOLICITATION NO.: ITN190483ANB SOLICITATION NAME: Development of Waterway Estates

LEE COUNTY WILL NOT INTENTIONALLY AWARD COUNTY CONTRACTS TO ANY CONTRACTOR WHO KNOWINGLY EMPLOYS UNAUTHORIZED ALIEN WORKERS, CONSTITUTING A VIOLATION OF THE EMPLOYMENT PROVISIONS CONTAINED IN 8 U.S.C. SECTION 1324 a(e) {SECTION 274A(e) OF THE IMMIGRATION AND NATIONALITY ACT (“INA”).

LEE COUNTY MAY CONSIDER THE EMPLOYMENT BY ANY CONTRACTOR OF UNAUTHORIZED ALIENS A VIOLATION OF SECTION 274A(e) OF THE INA. **SUCH VIOLATION BY THE RECIPIENT OF THE EMPLOYMENT PROVISIONS CONTAINED IN SECTION 274A(e) OF THE INA SHALL BE GROUNDS FOR UNILATERAL CANCELLATION OF THE CONTRACT BY LEE COUNTY.**

RESPONDER ATTESTS THAT THEY ARE FULLY COMPLIANT WITH ALL APPLICABLE IMMIGRATION LAWS (SPECIFICALLY TO THE 1986 IMMIGRATION ACT AND SUBSEQUENT AMENDMENTS).

Company Name: \_\_\_\_\_

\_\_\_\_\_  
Signature Title Date

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

The foregoing instrument was signed and acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_  
20\_\_\_\_, by \_\_\_\_\_ who has produced  
(Print or Type Name)  
\_\_\_\_\_ as identification.  
(Type of Identification and Number)

\_\_\_\_\_  
Notary Public Signature

\_\_\_\_\_  
Printed Name of Notary Public

\_\_\_\_\_  
Notary Commission Number/Expiration

The signee of this Affidavit guarantee, as evidenced by the sworn affidavit required herein, the truth and accuracy of this affidavit to interrogatories hereinafter made. **LEE COUNTY RESERVES THE RIGHT TO REQUEST SUPPORTING DOCUMENTATION, AS EVIDENCE OF SERVICES PROVIDED, AT ANY TIME.**



Reference surveys submitted can be a maximum of twelve (12) months old. If using a previous reference, Responders must clearly identify the project name and number the reference is being submitted for.

Project Name & Number: \_\_\_\_\_

Section 1	Reference Respondent Information	<b>Please return completed form to:</b>	
<b>FROM:</b>	_____	<b>Bidder/Responder:</b>	_____
<b>COMPANY:</b>	_____	<b>Due Date:</b>	_____
<b>PHONE #:</b>	_____	<b>Total # Pages: 1</b>	
<b>FAX #:</b>	_____	<b>Phone #:</b>	<b>Fax #:</b>
<b>EMAIL:</b>	_____	<b>Bidder/Responder E-Mail:</b>	_____

Section 2	Enter Bidder/Responder Information , if applicable Similar Performed Project (Bidder/Responder to enter details of a project performed for above reference respondent)		
<b>Responder Name:</b>	_____		
Reference Project Name:	Project Address:	Project Cost:	
_____	_____	_____	_____
Summarize Scope:	_____	_____	_____

You as an individual or your company has been given as a reference on the project identified above. Please provide your responses in section 3 below.

Section 3		Indicate: "Yes" or "No"
1. Did this company have the proper resources and personnel by which to get the job done?		
2. Were any problems encountered with the company's work performance?		
3. Were any change orders or contract amendments issued, other than owner initiated?		
4. Was the job completed on time?		
5. Was the job completed within budget?		
6. On a scale of one to ten, ten being best, how would you rate the overall work performance, considering professionalism; final product; personnel; resources. <small>Rate from 1 to 10. (10 being highest)</small>		
7. If the opportunity were to present itself, would you rehire this company?		
8. Please provide any additional comments pertinent to this company and the work performed for you:		
_____		

**Section 4** Please submit non-Lee County employees as references

Reference Name (Print Name) \_\_\_\_\_

Reference Signature \_\_\_\_\_



**ALLEGED NEGLIGENCE OR BREACH OF CONTRACT  
DISCLOSURE FORM**

Please fill in the form below. Provide each incident in regard to alleged negligence or breach of contract that has occurred over the past 10 years. Please complete in chronological order with the most recent incident on starting on page 1. Please do not modify this form (expansion of spacing allowed) or submit your own variation.

**Company Name:** \_\_\_\_\_

Type of Incident <i>Alleged Negligence or Breach of Contract</i>	Incident Date And Date Filed	Plaintiff <i>(Who took action against your company)</i>	Case Number	Court <i>County/State</i>	Project	Claim Reason <i>(initial circumstances)</i>	Final Outcome <i>(who prevailed)</i>

Make as many copies of this sheet as necessary in order to **provide a 10-year history** of the requested information. If there is no action pending or action taken in the last 10 years, complete the **company name and write “NONE” in the first “Type of Incident” box** of this page and return with your proposal package. This form should also include the primary partners listed in your proposal. Do not include litigation with your company as the plaintiff. Final outcome should include who prevailed and what method of settlement was made. If a monetary settlement was made the amount may remain anonymous.

Page Number: \_\_\_\_\_ Of \_\_\_\_\_ Total pages

Update the page number to reflect the current page and the total number of pages. Example: Page 3, of 5 total submitted pages of this form.

Proposals may be declared “non-responsive” due to omissions of “Negligence or Breach of Contract” on this disclosure form. Additionally, proposals may be declared “not responsible” due to past or pending lawsuits that are relevant to the subject procurement such that they call into question the ability of the Responder to assure good faith performance. This determination may be made by the Procurement Management Director, after consulting with the County Attorney.



# LEE COUNTY

S O U T H W E S T F L O R I D A

## AFFIDAVIT PRINCIPAL PLACE OF BUSINESS

Instructions: Please complete all information that is applicable to your firm

**Company Name:** \_\_\_\_\_

\_\_\_\_\_  
Printed name of authorized signer

\_\_\_\_\_  
Title

⇒ \_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date

The signee of this Affidavit guarantee, as evidenced by the sworn affidavit required herein, the truth and accuracy of this affidavit to interrogatories hereinafter made. **LEE COUNTY RESERVES THE RIGHT TO REQUEST SUPPORTING DOCUMENTATION, AS EVIDENCE OF SERVICES PROVIDED, AT ANY TIME.**

Notary:

State of \_\_\_\_\_

County of \_\_\_\_\_

The foregoing instrument was signed and acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_

20\_\_\_\_\_, \_\_\_\_\_ who has produced

\_\_\_\_\_ as identification (or personally known)  
Type of ID and number

⇒ \_\_\_\_\_  
Notary Public Signature

\_\_\_\_\_  
Notary Commission Number and expiration

1. Principal place of business is located within the boundaries of: \_\_\_\_\_ Lee County  
\_\_\_\_\_ Collier County  
\_\_\_\_\_ Non-Local

Local Business Tax License # \_\_\_\_\_

2. Address of Principal Place of Business: \_\_\_\_\_

3. Number of years at this location \_\_\_\_\_ years

4. Have you provided goods or services to Lee County on a regular basis within the past 3 consecutive years \_\_\_\_\_ Yes\* \_\_\_\_\_ No \*If yes, attach contractual history for past 3 consecutive years

5. Number of available employees for this contract \_\_\_\_\_

6. Does your company have a Drug Free Workplace Policy \_\_\_\_\_ Yes \_\_\_\_\_ No

### Public Entity Crime Form

This form must be signed and sworn to in the presence of a notary public or other officer authorized to administer oaths.

1. This sworn statement is submitted to \_\_\_\_\_  
(Print name of the public entity)

by \_\_\_\_\_  
(Print individual's name and title)

for \_\_\_\_\_  
(Print name of entity submitting sworn statement)

whose business address is \_\_\_\_\_

(If applicable) its Federal Employer Identification Number (FEIN) is \_\_\_\_\_

(If the entity has no FEIN, include the Social Security Number of the individual signing this sworn statement: On the attached sheet.) Required as per IRS Form W-9.

2. I understand that a "public entity crime" as defined in Paragraph 287.133(1) (g), Florida Statutes, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or with the United States, including but not limited to, and bid or contract for goods or services to be provided to any public entity or agency or political subdivision or any other state or of the United States, and involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.

3. I understand that "convicted" or "conviction" as defined in Paragraph 287.133(1) (b), Florida Statutes, means a finding of guilt or a conviction of a public entity crime, with or without an adjudication of guilt, in any federal or state trial court of record relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.

4. I understand that "affiliate" as defined in Paragraph 287.133(1)(a), Florida Statutes, means:  
1. A predecessor or successor of a person convicted of a public entity crime:  
or:  
2. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term "affiliate" includes those offices, directors, executives, partners, shareholders, employees, members and agents who are active in the management of the affiliate. The ownership by one person of shares constituting a controlling interest in another person, or a pooling of equipment or income among persons when not fair market value under an arm's length agreement, shall be a facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months shall be considered an affiliate.

5. I understand that a "person" as defined in Paragraph 287.133(1) (c), Florida Statutes, means any natural person or entity organized under the laws of any state or of the United States with the legal power to enter a binding contract and which bids or applies to bid on contracts for the provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term "person" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in management of the entity.

6. Based on information and belief, the statement which I have marked below is true in relation to the entity submitting those sworn statement. (Please indicate which statement applies.)

\_\_\_\_\_ Neither the entity submitted this sworn statement, nor any officers, directors, executives, partners, shareholders, employees, members, and agents who are active in management of an entity nor affiliate of the entity have been charged with and convicted of a public entity crime subsequent to July 1, 1989.

\_\_\_\_\_ The entity submitting this sworn statement, or one or more of the officers, directors, executives, partners, shareholders, employees, member, or agents who are active in management of the entity, or an affiliate of the entity have been charged with and convicted of a public entity crime subsequent to July 1, 1989.

\_\_\_\_\_ The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, member, or agents who are active in management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989. However, there has been subsequent proceeding before a Hearing Officer of the State of Florida, Division of Administrative Hearing and the Final Order entered by the Hearing Officer determined that it was not in the public interest to place the entity submitting this sworn statement on the convicted vendor list. (Attach a copy of the final order)

I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR THE PUBLIC ENTITY IDENTIFIED IN PARAGRAPH 1 (ONE) ABOVE IS FOR THAT PUBLIC ENTITY ONLY AND, THAT THIS FORM IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IS FILED. I ALSO UNDERSTAND THAT I AM REQUIRED TO INFORM THE PUBLIC ENTITY PRIOR TO ENTERING INTO A CONTRACT IN EXCESS OF THE THRESHOLD AMOUNT PROVIDED IN SECTION 287.017, FLORIDA STATUTES, FOR CATEGORY TWO OR ANY CHANGE IN THE INFORMATION CONTAINED IN THIS FORM.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

PERSONALLY APPEARED BEFORE ME, the undersigned authority, \_\_\_\_\_  
(Name of individual signing)

who, after first being sworn by me, affixed his/her signature in the space provided above on this \_\_\_\_\_ day  
of \_\_\_\_\_, 2\_\_\_\_\_.

\_\_\_\_\_  
(NOTARY PUBLIC)

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



**MINIMUM QUALIFICATION REQUIREMENTS**  
**FOR**  
*ITN190483ANB Development of Waterway Estates Property*

Vendor(s)/Contractor(s)/Responder(s) must meet the minimum qualification requirements as specified in the following form to qualify for consideration of award. This form must be completed and returned with the proposal submittal along with any supporting documentation where requested and/or indicated herein.

The County reserves the right, in their sole judgment, to determine to its satisfaction whether the Vendor(s)/Contractor(s)/Responder(s) has met the minimum qualification requirements as specified herein. The determination shall be based upon the examination of the Minimum Qualification Requirements form and associated supportive documentation (if any requested).

An affirmative determination shall be a prerequisite for award of the contract to the Vendor(s)/Contractor(s)/Responder(s). A negative determination shall result in disqualification of the proposal, in which event the County shall exclude the proposal from the evaluation or consideration process and therefore deeming the Bidder(s)/Responder(s) ineligible for award.

**1. CRITERIA 1 – MARINA DEVELOPMENT AND OPERATION EXPERIENCE:** Respondent, inclusive of proposed project team, must have a verifiable history of experience in development and operations of commercial marina.

**Does your Firm and/or proposed Project Team have verifiable history of experience in the development and operations of commercial marina?** \_\_\_\_\_ **YES** \_\_\_\_\_ **NO**

If YES, provide details as requested below:

- Provide details that support and clearly indicate your experience in development and operations of commercial marina?

<b><u>MARINA DEVELOPMENT &amp; OPERATIONAL EXPERIENCE</u></b>

\*Continued on following page\*



**2. CRITERIA 2 – FINANCIAL STABILITY:** Respondent, inclusive of proposed Project Team, must have the financial stability to support the project they are proposing under this solicitation and shall provide for details to support financial fortitude.

**Does the Respondent, inclusive of the proposed Project Team, have the financial stability to support the project they are proposing under this solicitation and have you provided details to support an affirmative statement?**

\_\_\_\_\_ **YES** \_\_\_\_\_ **NO**

If YES, provide details as requested below:

- Provide a statement with details of your Firm’s, inclusive of proposed Project Team’s, financial stability, including information regarding any current or previous bankruptcy proceedings.
- Additionally, include a copy of the most recent annual financial report/annual audit, independent certified audit, Dunn & Bradstreet report, or 10K or the most recent 10Q, if appropriate. Financial reports must include, at a minimum, a Balance Sheet, an Income Statement, and a Statement of Cash Flow.
  - o *Notice: Florida has very broad public records laws and records submitted with this RFP may be made available for public records requests following applicable Florida Public Records laws and processes. Florida Statute’s financial statement exemption only applies to submittals in response to a solicitation for a “public works” project as provided for in Section 119.071(1)c. This solicitation is not for “public works” project.*

<u><b>FINANCIAL STABILITY</b></u>

\_\_\_\_\_  
Authorized Bidder/Responder Signature

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

\_\_\_\_\_  
Authorized Bidder/Responder Name (Print or Type)

*END OF MINIMUM QUALIFICATIONS*

**Cut along the outer border and affix this label to your sealed solicitation envelope to identify it as a “Sealed Submission/Proposal”.**

<b>PROPOSAL DOCUMENTS • DO NOT OPEN</b>	
SOLICITATION NO.:	<b>ITN190483ANB</b>
SOLICITATION TITLE:	<b>Development of Waterway Estates</b>
DATE DUE:	<b>Wednesday, January 15, 2020</b>
TIME DUE:	<b>Prior to: 2:30 PM</b>
SUBMITTED BY:	_____
	(Name of Company)
e-mail address	Telephone
<b>DELIVER TO:</b>	Lee County Procurement Management 2115 Second Street, 1 <sup>st</sup> Floor Fort Myers FL 33901
<i>Note: proposals received after the time and date above will not be accepted.</i>	



**PLEASE PRINT CLEARLY**



## SOUTH FLORIDA WATER MANAGEMENT DISTRICT

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

January 31, 2007

Caloosa Isle Yacht Club, Inc.  
961 Iris Drive  
Delray Beach, FL 33483

Subject: Application No. 061018-6, **Caloosa Isle Yacht Club**  
Lee County, S16/T44S/R24E

Enclosed is a copy of the South Florida Water Management District's staff report covering the permit application referenced therein. It is requested that you read this staff report thoroughly and understand its contents. The recommendations as stated in the staff report will be presented to our Governing Board for consideration on **Thursday, February 15, 2007**.

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

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

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

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

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a "Notice of Rights" has been mailed to the addressee this 31<sup>st</sup> day of January, 2007 in accordance with Section 120.60 (3), Florida Statutes.

Sincerely,

A handwritten signature in cursive script, appearing to read "Damon Meiers".

Damon Meiers, P.E., Deputy Director  
Environmental Resource Regulation Department

DM/jb

CERTIFIED #7002 3150 0000 8127 1513  
RETURN RECEIPT REQUESTED

#### GOVERNING BOARD

Kevin McCarty, *Chair*  
Irela M. Bagué, *Vice-Chair*  
Miya Burt-Stewart

Alice J. Carlson  
Michael Collins  
Nicolás J. Gutiérrez, Jr., *Esq.*

Lennart E. Lindahl, *P.E.*  
Harkley R. Thornton  
Malcolm S. Wade, Jr.

#### EXECUTIVE OFFICE

Carol Ann Wehle, *Executive Director*

## NOTICE OF RIGHTS

As required by Sections 120.569(1), and 120.60(3), Fla. Stat., following is notice of the opportunities which may be available for administrative hearing and/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 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, 120.57, and 120.60(3), Fla. Stat. Persons seeking a hearing on a District decision which does or may determine their substantial interests shall file a petition for hearing with the District Clerk within 21 days of receipt of written notice of the decision in accordance with Rule 28-106.111, Fla. Admin. Code. Any person who receives written notice of a District decision and fails to file a written request for hearing within 21 days waives the right to request a hearing on that decision as provided by Subsection 28-106.111(4), Fla. Admin. Code.

The Petition must be filed at the Office of the District Clerk of the SFWMD, 3301 Gun Club Road, P.O. Box 24680, West Palm Beach, Florida, 33416, and must comply with the requirements of Rule 28-106.104, Fla. Admin. Code. Filings with the District Clerk may be made by mail, hand-delivery or facsimile. **Filings by e-mail will not be accepted.** A petition for administrative hearing is deemed filed upon receipt during normal business hours by the District Clerk at SFWMD headquarters in West Palm Beach, Florida. Pursuant to Rule 28-106.104, Fla. Admin. Code, any document received by the office of the District Clerk after 5:00 p.m. shall be filed as of 8:00 a.m. on the next regular business day.

- Filings made by mail must include the original and one copy and must be addressed to the Office of the District Clerk, P.O. Box 24680, West Palm Beach, Florida 33416.
- Filings by hand-delivery must also include the original and one copy of the petition. **Delivery of a petition to the District's security desk does not constitute filing. To ensure proper filing, it will be necessary to request the District's security officer to contact the Clerk's office.** An employee of the District's Clerk's office will file the petition and return the extra copy reflecting the date and time of filing.
- Filings by facsimile must be transmitted to the District Clerk's Office at (561) 682-6010. Pursuant to Subsections 28-106.104(7), (8) and (9), Fla. Admin. Code, a party who files a document by facsimile represents that the original physically signed document will be retained by that party for the duration of that proceeding and of any subsequent appeal or subsequent proceeding in that cause. Any party who elects to file any document by facsimile shall 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 with the clerk as a result. The filing date for a document filed by facsimile shall be the date the District Clerk receives the complete document.

The following provisions may be applicable to SFWMD actions in combination with the applicable Uniform Rules of Procedure (Subsections 40E-0.109(1)(a) and 40E-1.511(1)(a), Fla. Admin. Code):

- (1)(a) "Receipt of written notice of agency decision" as set forth in Rule 28-106.111, Fla. Admin. Code, means receipt of either written notice through mail or posting that the District has or intends to take final agency action, or publication of notice that the District has or intends to take final agency action.
- (b) If notice is published pursuant to Chapter 40E-1, F.A.C., publication shall constitute constructive notice to all persons. Until notice is published, the point of entry to request a formal or informal administrative proceeding shall remain open unless actual notice is received.
- (2) If the District's Governing Board takes action which substantially differs from the notice of intended agency decision, the persons who may be substantially affected shall have an additional point of entry pursuant to Rule 28-106.111, Fla. Admin. Code, unless otherwise provided by law. The District Governing Board's action is considered to substantially differ from the notice of intended agency decision when the potential impact on water resources has changed.
- (3) Notwithstanding the timeline in Rule 28-106.111, Fla. Admin. Code, intended agency decisions or agency decisions regarding consolidated applications for Environmental Resource Permits and Use of Sovereign Submerged Lands pursuant to Section 373.427, Fla. Stat., shall provide a 14 day point of entry to file petitions for administrative hearing.

#### **Hearings Involving Disputed Issues of Material Fact**

The procedure for hearings involving disputed issues of material fact is set forth in Subsection 120.57(1), Fla. Stat., and Rules 28-106.201-.217, Fla. Admin. Code. Petitions involving disputed issues of material fact shall be filed in accordance with Rule 28-106.104, Fla. Admin. Code, and must comply with the requirements set forth in Rule 28-106.201, Fla. Admin. Code.

#### **Hearings Not Involving Disputed Issues of Material Fact**

The procedure for hearings not involving disputed issues of material fact is set forth in Subsection 120.57(2), Fla. Stat., and Rules 28-106.301-.307, Fla. Admin. Code. Petitions not involving disputed issues of material fact shall be filed in accordance with Rule 28-106.104, Fla. Admin. Code, and must comply with the requirements set forth in Rule 28-106.301, Fla. Admin. Code.

#### **Mediation**

As an alternative remedy under Sections 120.569 and 120.57, Fla. Stat., any person whose substantial interests are or may be affected by the SFWMD's action may choose to pursue 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. Choosing mediation will not adversely affect the rights to a hearing if mediation does not result in a settlement.

#### **DISTRICT COURT OF APPEAL**

Pursuant to Sections 120.60(3) and 120.68, Fla. Stat., a party who is adversely affected by final SFWMD action may seek judicial review of the SFWMD's final decision by filing a notice of appeal pursuant to Florida Rule of Appellate Procedure 9.110 in the Fourth District Court of Appeal or in the appellate district where a party resides and filing a second copy of the notice with the SFWMD Clerk within 30 days of rendering of the final SFWMD action.

Last Date For Agency Action: 15-FEB-2007

**INDIVIDUAL ENVIRONMENTAL RESOURCE PERMIT STAFF REPORT**

**Project Name:** Caloosa Isle Yacht Club  
**Permit No.:** 36-01177-S  
**Application No.:** 061018-6      **Associated File:**  
**Application Type:** Environmental Resource (Construction/Operation Modification)  
**Location:** Lee County, S16/T44S/R24E  
**Permittee :** Caloosa Isle Yacht Club, Inc.  
**Operating Entity :** Caloosa Isle Yacht Club, Inc.  
**Project Area:** 5.92 acres  
**Project Land Use:** Recreational  
**Drainage Basin:** TIDAL CALOOSAHATCHEE      **Sub Basin:** TIDAL CALOOSAHATCHEE RIVER  
**Receiving Body:** Caloosahatchee River      **Class:** CLASS III  
**Special Drainage District:** NA  
**Conservation Easement To District :** No  
**Sovereign Submerged Lands:** No



**PROJECT PURPOSE:**

This application is a request for a modification of an Environmental Resource Permit authorizing construction and operation of a surface water management system serving 5.92 acres of commercial project known as Caloosa Isle Yacht Club with discharge into waters of Caloosahatchee River.

**PROJECT EVALUATION:**

**PROJECT SITE DESCRIPTION:**

The project site has an existing marina, Caloosa Isle Marina, which is located at the end of Inlet Drive in North Fort Myers, Lee County, Florida. The site is bounded by canals to the west, south and east, and a boat basin to the north. An existing sewer treatment plant is also located on the southwest side of the property. The site is not located within Sovereign Submerged lands. A location map is attached as Exhibit 1.

The existing marina includes a total impervious cover of 4.58 acres, and includes a dry boat storage building, restaurant and gazebo, and parking areas. Runoff from the site is conveyed to a dry retention surface water management system, which provides a total of 12,134 c.f. (0.28 ac-ft) of water quality storage prior to overflowing across the top of the seawall into the Caloosahatchee River.

**PROPOSED PROJECT:**

The applicant proposes the removal of the existing 239 slip dry storage building, removal of two marina buildings; and construction of a new 239 slip dry storage building, a new pool area and fitness center, a new restaurant and office building; relocated fuel tank and boat wash, a new water storage tank for fire protection and 164 paved parking spaces. Also, 29 existing finger piers will be removed and replaced with 18 new finger piers. The proposed docking facilities total 44 wet slips and 300 lineal feet of tie up areas for temporary docking and staging areas for the dry storage facility, this reduces the previous total square footage of dock over water. The boat launching and wash area will utilize drains that will carry bilge water and runoff to the relocated water recycling equipment to prevent direct runoff from the site.

The proposed project reduces peak discharges and improves water quality over the existing conditions by increasing pervious area on the site to a total impervious area of 4.0 acres. The revised surface water management system will consists of four dry detention areas and will provide 0.62 ac-ft of water quality treatment based on 2.5-inch times the percentage of impervious prior to discharging into the Caloosahatchee River. The SWMS and site plan are attached as Exhibit 2.

**LAND USE:**

**Construction:  
Project:**

	<b>Total Project</b>	
Building Coverage	1.45	acres
Dry Detention Areas	.37	acres
Open Space	1.03	acres
Other	.52	acres
Pavement	2.55	acres
<b>Total:</b>	<b>5.92</b>	

**WATER QUANTITY :**

**Discharge Rate :**

The project is adjacent to the Tidal Caloosahatchee. The previously issued permit did not include a



permitted discharge rate. This application reduces the post-development discharge rate from the pre-development discharge rate, as shown below. In addition, the proposed project increases the pervious area when compared with the current permitted conditions. No adverse discharge impacts are anticipated as a result of the proposed project.

Discharge Storm Frequency : 25 YEAR-3 DAY

Design Rainfall : 10.6 inches

Basin	Allow Disch (cfs)	Method Of Determination	Peak Disch (cfs)	Peak Stage (ft, NGVD)
Basin	13.76	Pre Vs Post	12.33	5.36

#### Finished Floors :

The proposed finished floor elevation of 8.1 ft. NGVD is above the FEMA elevation of 8.0 ft. NGVD.

Building Storm Frequency : 100 YEAR-3 DAY

Design Rainfall : 13 inches

Basin	Peak Stage (ft, NGVD)	Proposed Min. Finished Floors (ft, NGVD)	FEMA Elevation (ft, NGVD)
Basin	7	8.1	8

#### Road Design :

As shown in the following table and the attached exhibits, minimum road center lines have been set at or above the calculated design storm flood elevation.

Road Storm Frequency : 10 YEAR-1 DAY

Design Rainfall: 6.5 inches

Basin	Peak Stage (ft, NGVD)	Proposed Min. Road Crown (ft, NGVD)
Basin	5.22	5.22

#### Parking Lot Design :

As shown in the following table and the attached exhibits, minimum parking lot elevations have been set at or above the calculated design storm flood elevation.

Parking Lot Storm Frequency : 10 YEAR-1 DAY

Design Rainfall 6.5 inches

Basin	Peak Stage (ft, NGVD)	Proposed Min. Parking Elev. (ft, NGVD)
Basin	5.22	5.22

#### Control Elevation :

Basin	Area (Acres)	Ctrl Elev (ft, NGVD)	WSWT Ctrl Elev (ft, NGVD)	Method Of Determination
Basin	5.92	2.5	2.50	Wet Season Water Table

#### Receiving Body :

**Receiving Body :**

Basin	Str.#	Receiving Body
Basin	CS1	Canal

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

Basin	Str#	Count	Type	Width	Height	Length	Dia.	Invert Angle	Invert Elev.
Basin	CS1	1	Circular Orifice				.25'		2.5

**Culverts:**

Basin	Str#	Count	Type	Width	Length	Dia.
Basin	CS1	1	Reinforced Concrete Pipe		22'	2'

**WATER QUALITY :**

The revised surface water management system will provide 0.62 ac-ft of water quality treatment based on 2.5-inches times the percentage of impervious prior to discharging into waters of the Caloosahatchee River. The stormwater inlets include inserts to improve water quality.

In addition to the required water quality, a Marina Management Program and Construction Pollution Prevention Plan specifications and guidelines are part of the required water quality. Construction and daily operation of the project shall be conducted in accordance with Special Condition Nos. 14-15.

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

**WETLANDS:**

No wetland impacts are proposed due to the proposed project.

**Endangered Species:**

The project site does contain preferred habitat for wetland-dependent endangered or threatened wildlife species or species of special concern. The West Indian manatee is known to utilize the canals within Cape Coral and within the Caloosahatchee River. The West Indian manatee was not observed onsite, however the applicant has agreed to the standard manatee conditions. The proposed yacht club meets the requirements of the Lee County manatee management plan and no adverse impacts to manatees are proposed due to this project. 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 AND MAINTENANCE OF THE WATER MANAGEMENT SYSTEM:**

It is suggested that the permittee retain the services of a Professional Engineer registered in the State of Florida for periodic observation of construction of the surface water management (SWM) system. This will facilitate the completion of construction completion certification Form #0881 which is required pursuant to Section 10 of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, and Rule 40E-4.361(2), Florida Administrative Code (F.A.C.).

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

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

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

**RELATED CONCERNS:**

**Water Use Permit Status:**

The applicant has indicated that potable public water supply from Lee County Utilities will be used as a source for irrigation water for the 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, unless the work qualifies for a No-Notice Short-Term Dewatering permit pursuant to Chapter 40E-20.302(3) or is exempt pursuant to Section 40E-2.051, FAC.

**CERP:**

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

**Potable Water Supplier:**

Lee County Utilities.

**Waste Water System/Supplier:**

Lee County Utilities.

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

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

**DRI Status:**

This project is not a DRI.

**Historical/Archeological Resources:**

No information has been received that indicates the presence of archaeological or historical resources or that the proposed activities could cause adverse impacts to archaeological or historical resources.

**DCA/CZM Consistency Review:**

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

**Third Party Interest:**

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

**Enforcement:**

There has been no enforcement activity associated with this application.

**DRAFT**  
**Subject to Governing  
Board Approval**

**STAFF RECOMMENDATION:**

The Staff recommends that the following be issued :

Construction and operation of a surface water management system serving 5.92 acres of commercial project known as Caloosa Isle Yacht Club with discharge into waters of Caloosahatchee River.

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

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

**STAFF REVIEW:**

**NATURAL RESOURCE MANAGEMENT DIVISION APPROVAL**

**ENVIRONMENTAL EVALUATION**

Krista Gentile  
Krista Gentile

**SUPERVISOR**

Edward Cronyn  
Edward Cronyn

**DIVISION DIRECTOR :**

Anita R. Bain  
Anita R. Bain

**DATE:** 1/29/07

**SURFACE WATER MANAGEMENT DIVISION APPROVAL**

**ENGINEERING EVALUATION**

Carmen Quan  
Carmen Quan, P.E.

**SUPERVISOR**

William Foley, P.E.  
William Foley, P.E.

**DIVISION DIRECTOR :**

Anthony M. Waterhouse, P.E.  
Anthony M. Waterhouse, P.E.

**DATE:** 1/30/07

## GENERAL CONDITIONS

1. All activities authorized by this permit shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit and Part IV, Chapter 373, F.S.
2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by District staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
3. Activities approved by this permit shall be conducted in a manner which does not cause violations of State water quality standards. The permittee shall implement best management practices for erosion and pollution control to prevent violation of State water quality standards. Temporary erosion control shall be implemented prior to and during construction, and permanent control measures shall be completed within 7 days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. All practices shall be in accordance with the guidelines and specifications described in Chapter 6 of the Florida Land Development Manual; A Guide to Sound Land and Water Management (Department of Environmental Regulation, 1988), incorporated by reference in Rule 40E-4.091, F.A.C. unless a project-specific erosion and sediment control plan is approved as part of the permit. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
4. The permittee shall notify the District of the anticipated construction start date within 30 days of the date that this permit is issued. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the District an Environmental Resource Permit Construction Commencement Notice Form Number 0960 indicating the actual start date and the expected construction completion date.
5. When the duration of construction will exceed one year, the permittee shall submit construction status reports to the District on an annual basis utilizing an annual status report form. Status report forms shall be submitted the following June of each year.
6. Within 30 days after completion of construction of the permitted activity, the permittee shall submit a written statement of completion and certification by a professional engineer or other individual authorized by law, utilizing the supplied Environmental Resource/Surface Water Management Permit Construction Completion/Certification Form Number 0881A, or Environmental Resource/Surface Water Management Permit Construction Completion Certification - For Projects Permitted prior to October 3, 1995 Form No. 0881B, incorporated by reference in Rule 40E-1.659, F.A.C. The statement of completion and certification shall be based on onsite observation of construction or review of as-built drawings for the purpose of determining if the work was completed in compliance with permitted plans and specifications. This submittal shall serve to notify the District that the system is ready for inspection. Additionally, if deviation from the approved drawings are discovered during the certification process, the certification must be accompanied by a copy of the approved permit drawings with deviations noted. Both the original and revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawings. All surveyed dimensions and elevations shall be certified by a registered surveyor.
7. The operation phase of this permit shall not become effective: until the permittee has complied with the requirements of condition (6) above, and submitted a request for conversion of Environmental Resource Permit from Construction Phase to Operation Phase, Form No. 0920; the District determines the system to be in compliance with the permitted plans and specifications; and the entity

## GENERAL CONDITIONS

approved by the District in accordance with Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, accepts responsibility for operation and maintenance of the system. The permit shall not be transferred to such approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall initiate transfer of the permit to the approved responsible operating entity if different from the permittee. Until the permit is transferred pursuant to Section 40E-1.6107, F.A.C., the permittee shall be liable for compliance with the terms of the permit.

8. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of the phase or portion of the system to a local government or other responsible entity.
9. For those systems that will be operated or maintained by an entity that will require an easement or deed restriction in order to enable that entity to operate or maintain the system in conformance with this permit, such easement or deed restriction must be recorded in the public records and submitted to the District along with any other final operation and maintenance documents required by Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit applications within the South Florida Water Management District, prior to lot or units sales or prior to the completion of the system, whichever comes first. Other documents concerning the establishment and authority of the operating entity must be filed with the Secretary of State, county or municipal entities. Final operation and maintenance documents must be received by the District when maintenance and operation of the system is accepted by the local government entity. Failure to submit the appropriate final documents will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system and any other permit conditions.
10. Should any other regulatory agency require changes to the permitted system, the permittee shall notify the District in writing of the changes prior to implementation so that a determination can be made whether a permit modification is required.
11. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 40E-4 or Chapter 40E-40, F.A.C..
12. The permittee is hereby advised that Section 253.77, F.S. states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the State, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.
13. The permittee must obtain a Water Use permit prior to construction dewatering, unless the work qualifies for a general permit pursuant to Subsection 40E-20.302(3), F.A.C., also known as the "No Notice" Rule.
14. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal,



## GENERAL CONDITIONS

abandonment or use of any system authorized by the permit.

15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding, unless a specific condition of this permit or a formal determination under Section 373.421(2), F.S., provides otherwise.
16. The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of a permitted system or the real property on which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of Rules 40E-1.6105 and 40E-1.6107, F.A.C.. The permittee transferring the permit shall remain liable for corrective actions that may be required as a result of any violations prior to the sale, conveyance or other transfer of the system.
17. Upon reasonable notice to the permittee, District authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.
18. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the appropriate District service center.
19. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.

### SPECIAL CONDITIONS

1. The construction phase of this permit shall expire on February 15, 2012.
2. Operation of the surface water management system shall be the responsibility of the permittee, CALOOSA ISLE YACHT CLUB, INC. Prior to transfer of title for any portion of the project to a third party, modification of the permit will be required.
3. Discharge Facilities:  
  
1-0.25 ft. circular orifice with invert at elevation 2.5 ft. NGVD.  
22 L.F. of 24" RCP.  
  
Receiving body: Caloosahatchee River.  
Control elevation: 2.5 ft. NGVD.
4. The permittee shall be responsible for the correction of any erosion, shoaling or water quality problems that result from the construction or operation of the surface water management system.
5. Measures shall be taken during construction to insure that sedimentation and/or turbidity violations do not occur in the receiving water.
6. The District reserves the right to require that additional water quality treatment methods be incorporated into the drainage system if such measures are shown to be necessary.
7. Facilities other than those stated herein shall not be constructed without an approved modification of this permit.
8. 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.
9. The permittee shall provide routine maintenance of all of the components of the surface water management system in order to remove all trapped sediments/debris. All materials shall be properly disposed of as required by law. Failure to properly maintain the system may result in adverse flooding conditions.
10. This permit is issued based on the applicant's submitted information which reasonably demonstrates that adverse water resource related impacts will not be caused by the completed permit activity. Should any adverse impacts caused by the completed surface water management system occur, the District will require the permittee to provide appropriate mitigation to the District or other impacted party. The District will require the permittee to modify the surface water management system, if necessary, to eliminate the cause of the adverse impacts.
11. Minimum building floor elevation: 8.1 ft. NGVD.
12. Minimum parking lot elevation: 5.22 feet NGVD.
13. Minimum road crown elevation: Basin: Basin - 5.22 feet NGVD.
14. The Permittee shall utilize the criteria contained in the Construction Pollution Prevention Plan (Exhibit No. 3.0-3.9) and on the applicable approved construction drawings for the duration of the projects construction activities.
15. The Permittee shall utilize the criteria contained in the Marina Management Program (Exhibit 4.0-4.10) for post construction activities.
16. All special conditions and exhibits previously stipulated by permit number 36-01177-S remain in effect unless otherwise revised and shall apply to this modification.
17. The permittee shall instruct all personnel associated with the project of the potential presence of

### SPECIAL CONDITIONS

manatees and the need to avoid collisions with manatees. All construction personnel are responsible for observing water-related activities for the presence of manatee(s).

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 of 1972, The Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act.

Siltation barriers shall be made of material in which manatees cannot become entangled, are properly secured, and are regularly monitored to avoid manatee entrapment. Barriers must not block manatee entry to or exist from essential habitat.

All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction 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.

If manatee(s) are seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure protection of the manatee. These precautions shall include the operation of all moving equipment no closer than 50 feet of a manatee. Operation of any equipment closer than 50 feet to a manatee shall necessitate immediate shutdown of that equipment. Activities will not resume until the manatee(s) has departed the project area of its own volition.

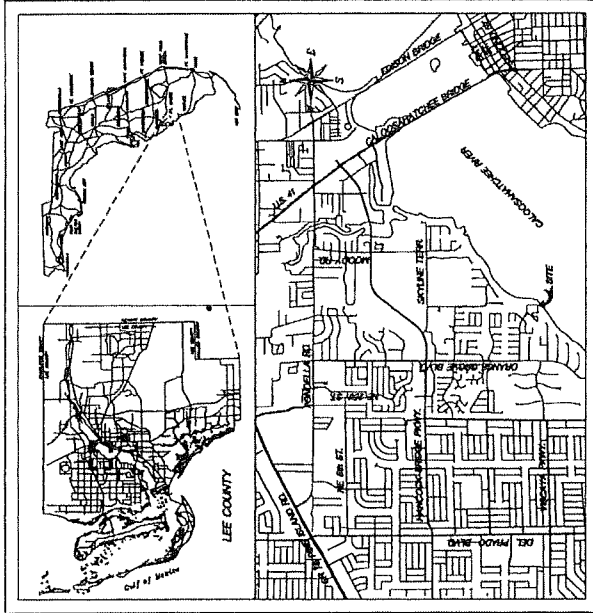
Any collision with and/or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for north Florida or Vero Beach (1-772-562-3909) in south Florida.

Temporary signs concerning manatees shall be posted prior to and during all construction/dredging activities. All signs are to be removed by the permittee upon completion of the project. A sign measuring at least 3 ft. by 4 ft. which reads Caution: Manatee Area will be posted in a location prominently visible to water related construction crews. A second sign should be posted if vessels are associated with the construction, and should be placed visible to the vessel operator. The second sign should be at least 8 1/2" by 11" which reads Caution: Manatee Habitat. Idle speed is required if operating a vessel in the construction area. All equipment must be shutdown if a manatee comes within 50 feet of operation. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for north Florida or Vero Beach (1-772-562-3909) in south Florida.

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

# CALOOSA ISLE YACHT CLUB

ENVIRONMENTAL RESOURCE PERMIT PLANS  
(MODIFICATION OF PERMIT 36-01177-S ISSUED JUNE 22, 1989)  
SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST  
LEE COUNTY, FLORIDA



**STRIP NUMBERS**  
TRACT A - 16-44-74-03-0000.0000  
TRACT B - 16-44-74-03-0000.0000  
**SIZE OF DEVELOPMENT ORDER**  
TRACT A = 0.12 AC.  
TRACT B = 0.12 AC.  
TOTAL = 0.24 AC.

**ZONINGS**  
DPO

REV.	DATE	DESCRIPTION
1	12-20-03	REVISED PER STAFF COMMENTS

**REVISIONS**

**NOTE:**  
THIS DRAWING SHALL BE USED FOR PERMITTING ONLY. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING ALL DIMENSIONS PRIOR TO COMMENCEMENT OF PLANNING, CONSTRUCTION, AND/OR INSTALLATION OF ANY WORK.

**SHEET INDEX**

1	COVER SHEET
2	EXISTING CONDITIONS PLAN
3	SITE PLAN
4	PAVING, GRADING AND DRAINAGE PLAN
5	EROSION CONTROL PLAN
6	PAVING, GRADING & DRAINAGE DETAILS
7	PHOTOGRAPHIC AERIAL

LOCATION MAP

A DEVELOPMENT BY:

## MARINE HOLDINGS II, LLC

C/O RL OPPORTUNITIES  
10580 Landau Lane  
Bonita Springs, FL 34135

PREPARED BY:

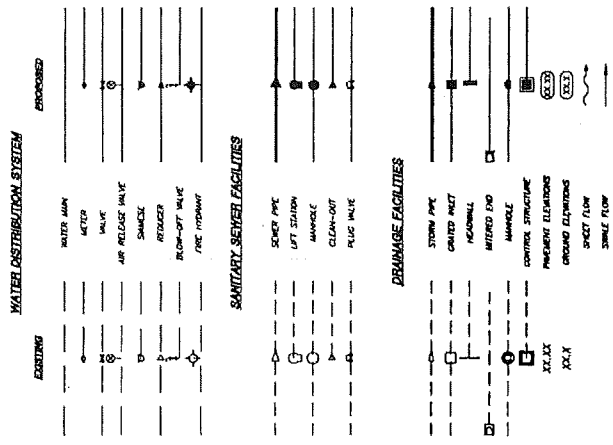
Urban Planning  
Landscape Architecture  
Civil Engineering  
Water Resources Engineering  
10580 Landau Lane  
Bonita Springs, FL 34135  
Tel: 813.931.1111



**Vanasse  
Daylor**

Traffic  
Environmental License  
FL 316

### LEGEND



**WATER UTILITY**  
LEE COUNTY, DIVISION OF UTILITIES  
1500 WOODLAND STREET  
TALLAHASSEE, FL 32301  
(904) 935-8674

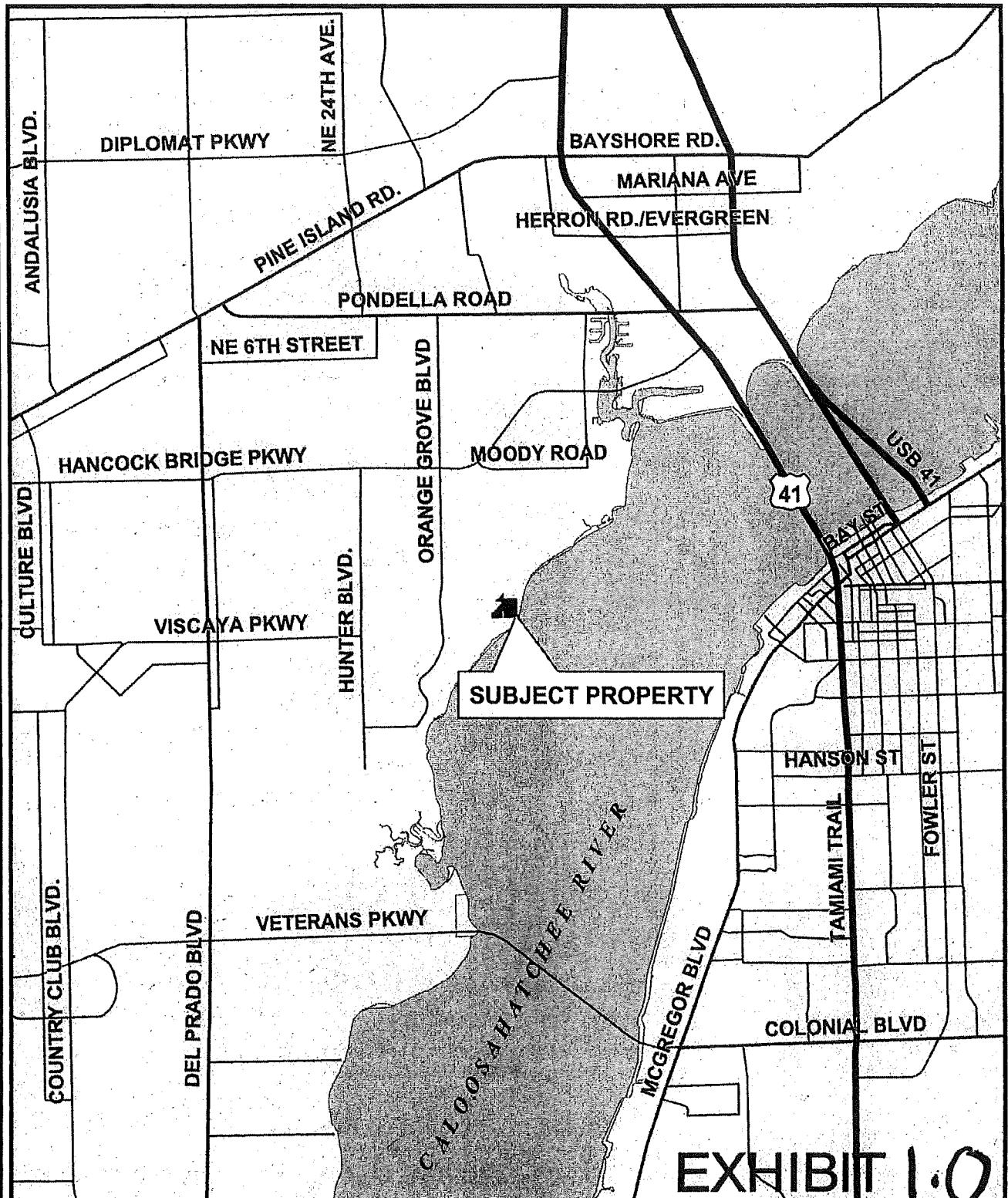
**ELECTRIC UTILITY**  
FLORIDA POWER & LIGHT COMPANY  
1500 WOODLAND STREET  
TALLAHASSEE, FL 32301  
(904) 935-8674

**SEWER UTILITY**  
LEE COUNTY, DIVISION OF UTILITIES  
1500 WOODLAND STREET  
TALLAHASSEE, FL 32301  
(904) 935-8674

**TRAFFIC ENGINEERING**  
VANASSE DAYLOR  
10580 LANDAU LANE  
BONITA SPRINGS, FL 34135  
(813) 931-1111

**ENVIRONMENTAL ENGINEERING**  
VANASSE DAYLOR  
10580 LANDAU LANE  
BONITA SPRINGS, FL 34135  
(813) 931-1111

**EXHIBIT**



**EXHIBIT 1.0**

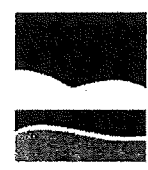
**Caloosa Isle Yacht Club  
Location Map**



Date: 07-14-05  
Marine Holdings, LLC  
c/o RL Opportunities

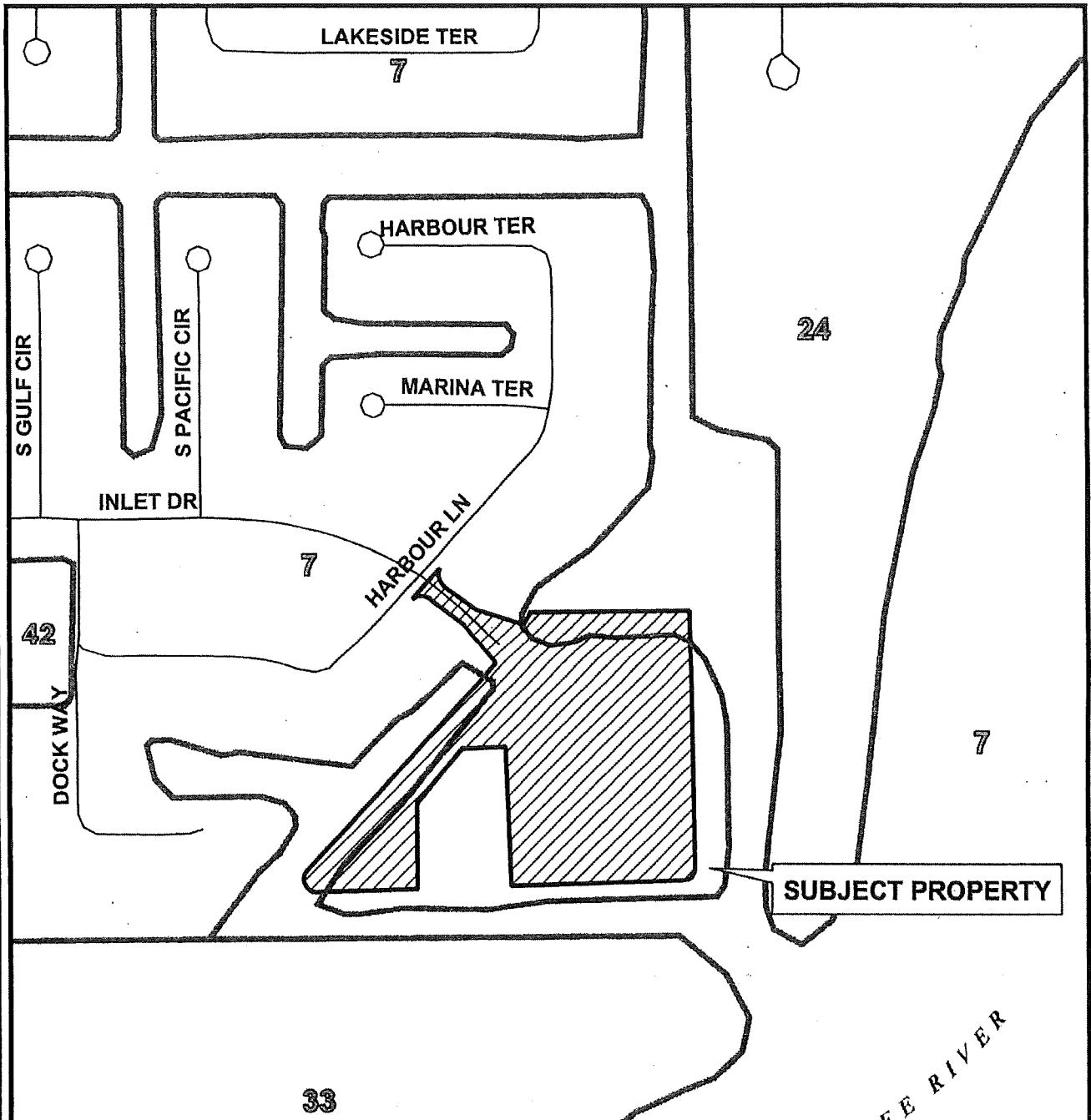
10580 Landau Lane  
Bonita Springs, FL 34135

**Vanasse  
Daylor**



Urban Planning  
Landscape Architecture  
Civil Engineering  
Traffic Engineering  
Environmental Science  
FL 366

Sources: Lee County Property Appraiser  
It is the end user's responsibility to verify the data contained hereon.

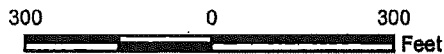


**SOILS LEGEND**

- 7 - MATLACHA-URBAN LAND COMPLEX
- 24 - KESSON FINE SAND
- 33 - OLDSMAR SABD
- 42 WABASSO SAND; LIMESTONE SUBSTRATUM

**EXHIBIT 1**

**Caloosa Isle Yacht Club**  
Soils Map



Date: 10-05-06  
Marine Holdings, LLC  
c/o RL Opportunities

10580 Landau Lane  
Bonita Springs, FL 34135

**Vanasse  
Daylor**



Urban Planning  
Landscape Architecture  
Civil Engineering  
Traffic Engineering  
Environmental Science  
FL 366

Sources: FGDL  
It is the end user's responsibility to verify the data contained hereon.

**Vanasse Daylor**  
 1000 London Lane  
 Dunlo Spring, FL 34135  
 Phone: (813) 257-3300  
 Fax: (813) 257-3301  
 Website: www.vdaylor.com

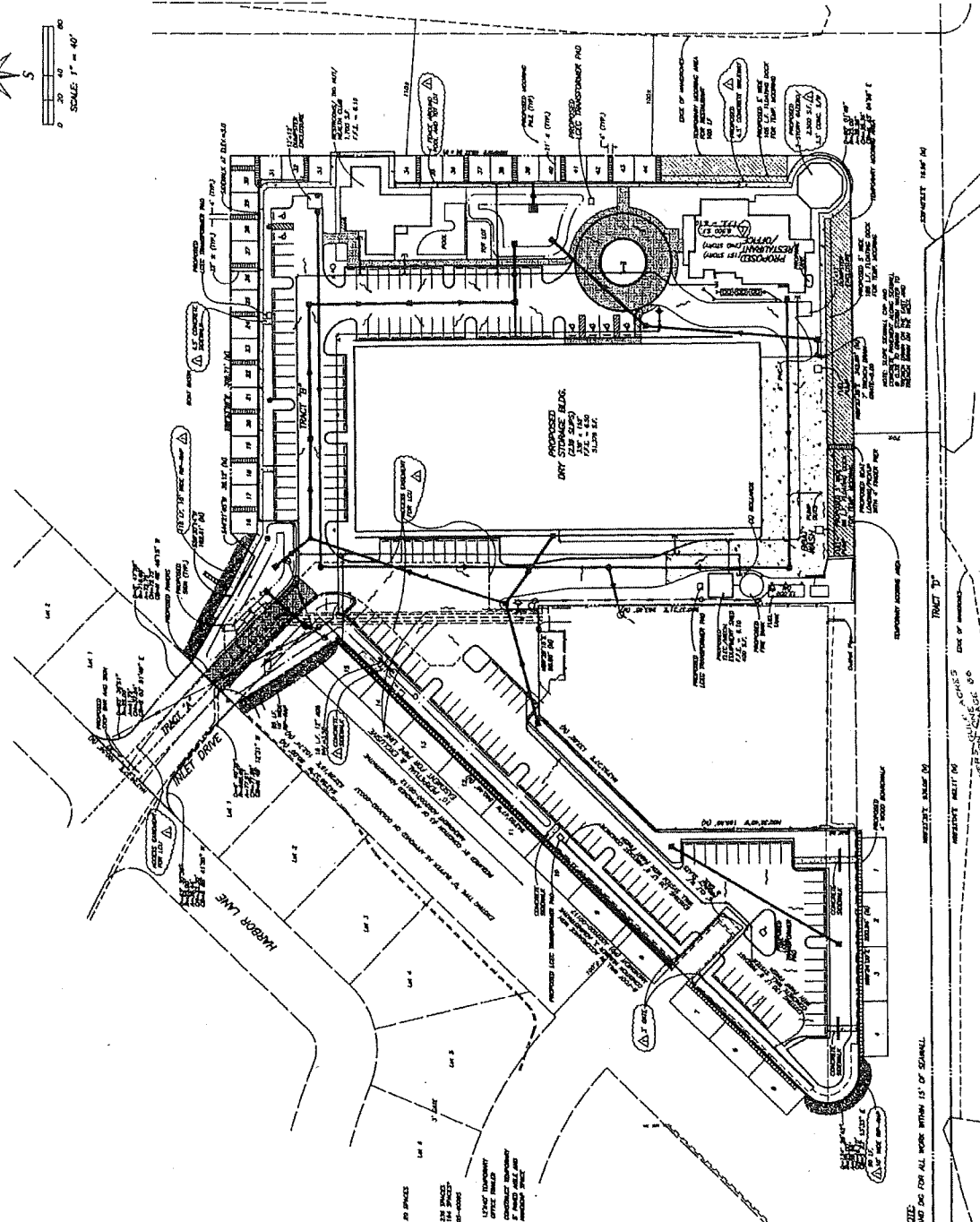
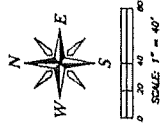
**Martha Holdings II, LLC**  
 C/O of Department  
 1500 S. Orange Avenue  
 Suite 100  
 Orlando, FL 32809  
 Phone: (407) 241-1100

Section 18, Township 44 S, Range 24 E  
 Lee County, Florida

Date: DEC 08 2008  
 Project:

SHEET NO. 3 OF 7

17-04-07  
 17-04-08  
 17-04-09  
 17-04-10  
 17-04-11  
 17-04-12  
 17-04-13  
 17-04-14  
 17-04-15  
 17-04-16  
 17-04-17  
 17-04-18  
 17-04-19  
 17-04-20  
 17-04-21  
 17-04-22  
 17-04-23  
 17-04-24  
 17-04-25  
 17-04-26  
 17-04-27  
 17-04-28  
 17-04-29  
 17-04-30



**EXISTING DEVELOPMENT**  
 EXISTING BUILDING AND STRUCTURES  
 EXISTING DRIVE AND DRIVEWAYS  
 EXISTING DRIVE AND DRIVEWAYS  
 EXISTING DRIVE AND DRIVEWAYS  
 EXISTING DRIVE AND DRIVEWAYS  
 EXISTING DRIVE AND DRIVEWAYS

**PROPOSED DEVELOPMENT**  
 PROPOSED BUILDING AND STRUCTURES  
 PROPOSED DRIVE AND DRIVEWAYS  
 PROPOSED DRIVE AND DRIVEWAYS  
 PROPOSED DRIVE AND DRIVEWAYS  
 PROPOSED DRIVE AND DRIVEWAYS  
 PROPOSED DRIVE AND DRIVEWAYS

**LOT COVERAGE SUMMARY:**  

USE	AREA (SQ. FT.)	PERCENTAGE (%)
RESIDENTIAL	1,000,000	25.00
COMMERCIAL	3,000,000	75.00
TOTAL	4,000,000	100.00

**OPEN SPACE SUMMARY:**  
 OPEN SPACE AREA: 1,000,000 SQ. FT.  
 PERCENTAGE OF TOTAL SITE AREA: 25.00%

**PARKING REQUIREMENTS**  
 REQUIRED PARKING: 100 SPACES  
 PROVIDED PARKING: 120 SPACES

**NOTE:**  
 ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE NOTED.  
 ALL DISTANCES ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.  
 ALL DISTANCES ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.

**TRAFFIC SIGNAGE**  
 ALL SIGNAGE SHALL BE CONFORMANCE WITH THE LATEST EDITION OF THE MUTCD.

**TRAFFIC SIGNAGE LEGEND**  
 ALL SIGNAGE SHALL BE CONFORMANCE WITH THE LATEST EDITION OF THE MUTCD.

**EXHIBIT 2.0**



**Vanasse Daylor**  
1111  
11th Street, N.W.  
Atlanta, Georgia 30309

**Marino Holdings LLC**  
C/O R. Opportunities  
8888 London Lane  
Borlase Springs, FL 34435

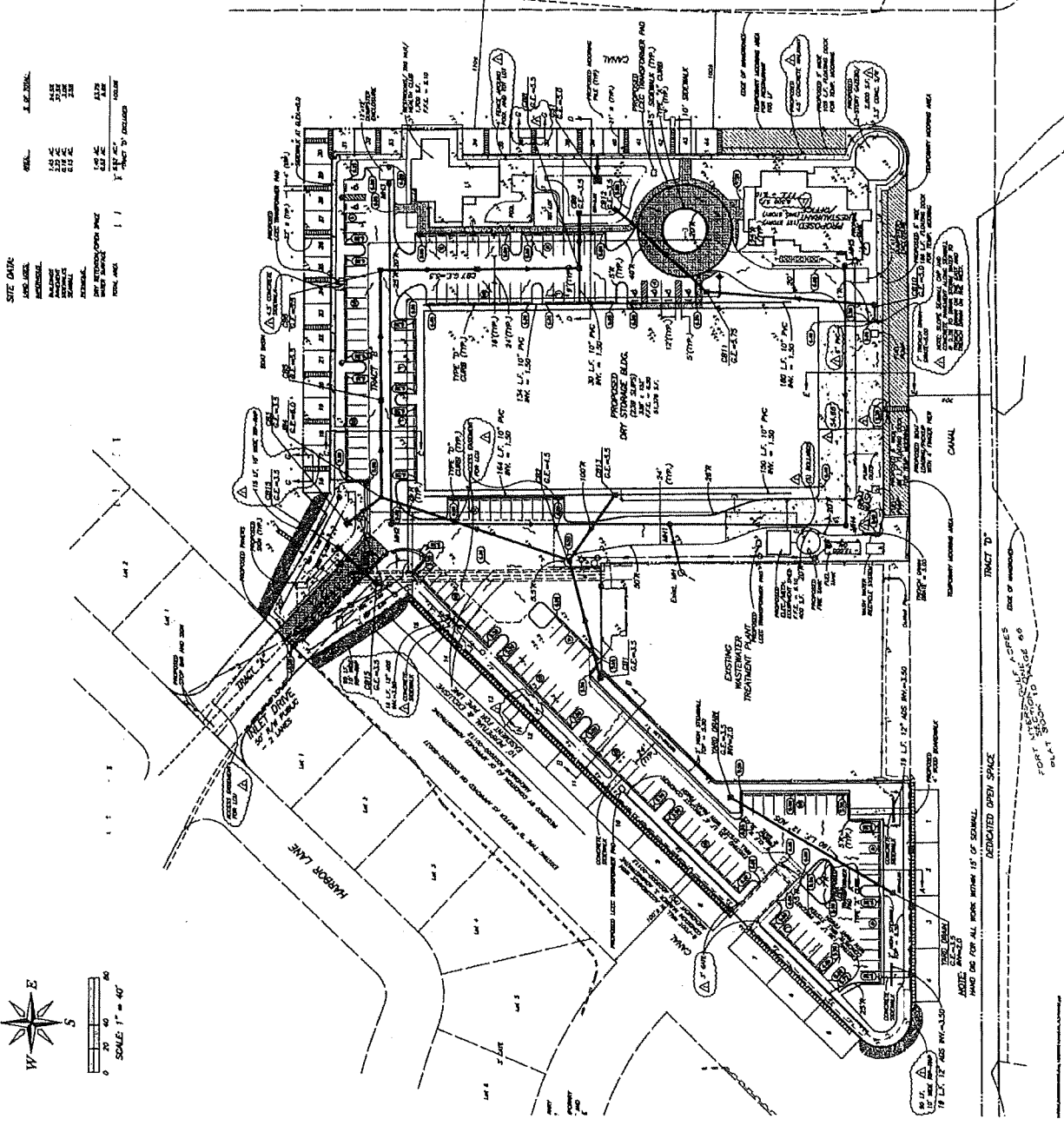
**Lee County, Florida**  
Section 16, Township 44 S, Range 24 E

Sheet No. **4** of **7**

**Coconut Yacht Club**  
Paving, Grading and Drainage Plan

DATE: 10-01-04  
BY: [Signature]  
CHECKED: 10-01-04  
DATE: 10-01-04

NO.	DESCRIPTION	DATE	BY	CHECKED
1	ISSUED FOR PERMITS	10-01-04	JSL	JSL
2	ISSUED FOR PERMITS	10-01-04	JSL	JSL
3	ISSUED FOR PERMITS	10-01-04	JSL	JSL
4	ISSUED FOR PERMITS	10-01-04	JSL	JSL
5	ISSUED FOR PERMITS	10-01-04	JSL	JSL
6	ISSUED FOR PERMITS	10-01-04	JSL	JSL
7	ISSUED FOR PERMITS	10-01-04	JSL	JSL
8	ISSUED FOR PERMITS	10-01-04	JSL	JSL
9	ISSUED FOR PERMITS	10-01-04	JSL	JSL
10	ISSUED FOR PERMITS	10-01-04	JSL	JSL
11	ISSUED FOR PERMITS	10-01-04	JSL	JSL
12	ISSUED FOR PERMITS	10-01-04	JSL	JSL
13	ISSUED FOR PERMITS	10-01-04	JSL	JSL
14	ISSUED FOR PERMITS	10-01-04	JSL	JSL
15	ISSUED FOR PERMITS	10-01-04	JSL	JSL
16	ISSUED FOR PERMITS	10-01-04	JSL	JSL
17	ISSUED FOR PERMITS	10-01-04	JSL	JSL
18	ISSUED FOR PERMITS	10-01-04	JSL	JSL
19	ISSUED FOR PERMITS	10-01-04	JSL	JSL
20	ISSUED FOR PERMITS	10-01-04	JSL	JSL
21	ISSUED FOR PERMITS	10-01-04	JSL	JSL
22	ISSUED FOR PERMITS	10-01-04	JSL	JSL
23	ISSUED FOR PERMITS	10-01-04	JSL	JSL
24	ISSUED FOR PERMITS	10-01-04	JSL	JSL
25	ISSUED FOR PERMITS	10-01-04	JSL	JSL
26	ISSUED FOR PERMITS	10-01-04	JSL	JSL
27	ISSUED FOR PERMITS	10-01-04	JSL	JSL
28	ISSUED FOR PERMITS	10-01-04	JSL	JSL
29	ISSUED FOR PERMITS	10-01-04	JSL	JSL
30	ISSUED FOR PERMITS	10-01-04	JSL	JSL
31	ISSUED FOR PERMITS	10-01-04	JSL	JSL
32	ISSUED FOR PERMITS	10-01-04	JSL	JSL
33	ISSUED FOR PERMITS	10-01-04	JSL	JSL
34	ISSUED FOR PERMITS	10-01-04	JSL	JSL
35	ISSUED FOR PERMITS	10-01-04	JSL	JSL
36	ISSUED FOR PERMITS	10-01-04	JSL	JSL
37	ISSUED FOR PERMITS	10-01-04	JSL	JSL
38	ISSUED FOR PERMITS	10-01-04	JSL	JSL
39	ISSUED FOR PERMITS	10-01-04	JSL	JSL
40	ISSUED FOR PERMITS	10-01-04	JSL	JSL
41	ISSUED FOR PERMITS	10-01-04	JSL	JSL
42	ISSUED FOR PERMITS	10-01-04	JSL	JSL
43	ISSUED FOR PERMITS	10-01-04	JSL	JSL
44	ISSUED FOR PERMITS	10-01-04	JSL	JSL
45	ISSUED FOR PERMITS	10-01-04	JSL	JSL
46	ISSUED FOR PERMITS	10-01-04	JSL	JSL
47	ISSUED FOR PERMITS	10-01-04	JSL	JSL
48	ISSUED FOR PERMITS	10-01-04	JSL	JSL
49	ISSUED FOR PERMITS	10-01-04	JSL	JSL
50	ISSUED FOR PERMITS	10-01-04	JSL	JSL
51	ISSUED FOR PERMITS	10-01-04	JSL	JSL
52	ISSUED FOR PERMITS	10-01-04	JSL	JSL
53	ISSUED FOR PERMITS	10-01-04	JSL	JSL
54	ISSUED FOR PERMITS	10-01-04	JSL	JSL
55	ISSUED FOR PERMITS	10-01-04	JSL	JSL
56	ISSUED FOR PERMITS	10-01-04	JSL	JSL
57	ISSUED FOR PERMITS	10-01-04	JSL	JSL
58	ISSUED FOR PERMITS	10-01-04	JSL	JSL
59	ISSUED FOR PERMITS	10-01-04	JSL	JSL
60	ISSUED FOR PERMITS	10-01-04	JSL	JSL
61	ISSUED FOR PERMITS	10-01-04	JSL	JSL
62	ISSUED FOR PERMITS	10-01-04	JSL	JSL
63	ISSUED FOR PERMITS	10-01-04	JSL	JSL
64	ISSUED FOR PERMITS	10-01-04	JSL	JSL
65	ISSUED FOR PERMITS	10-01-04	JSL	JSL
66	ISSUED FOR PERMITS	10-01-04	JSL	JSL
67	ISSUED FOR PERMITS	10-01-04	JSL	JSL
68	ISSUED FOR PERMITS	10-01-04	JSL	JSL
69	ISSUED FOR PERMITS	10-01-04	JSL	JSL
70	ISSUED FOR PERMITS	10-01-04	JSL	JSL
71	ISSUED FOR PERMITS	10-01-04	JSL	JSL
72	ISSUED FOR PERMITS	10-01-04	JSL	JSL
73	ISSUED FOR PERMITS	10-01-04	JSL	JSL
74	ISSUED FOR PERMITS	10-01-04	JSL	JSL
75	ISSUED FOR PERMITS	10-01-04	JSL	JSL
76	ISSUED FOR PERMITS	10-01-04	JSL	JSL
77	ISSUED FOR PERMITS	10-01-04	JSL	JSL
78	ISSUED FOR PERMITS	10-01-04	JSL	JSL
79	ISSUED FOR PERMITS	10-01-04	JSL	JSL
80	ISSUED FOR PERMITS	10-01-04	JSL	JSL
81	ISSUED FOR PERMITS	10-01-04	JSL	JSL
82	ISSUED FOR PERMITS	10-01-04	JSL	JSL
83	ISSUED FOR PERMITS	10-01-04	JSL	JSL
84	ISSUED FOR PERMITS	10-01-04	JSL	JSL
85	ISSUED FOR PERMITS	10-01-04	JSL	JSL
86	ISSUED FOR PERMITS	10-01-04	JSL	JSL
87	ISSUED FOR PERMITS	10-01-04	JSL	JSL
88	ISSUED FOR PERMITS	10-01-04	JSL	JSL
89	ISSUED FOR PERMITS	10-01-04	JSL	JSL
90	ISSUED FOR PERMITS	10-01-04	JSL	JSL
91	ISSUED FOR PERMITS	10-01-04	JSL	JSL
92	ISSUED FOR PERMITS	10-01-04	JSL	JSL
93	ISSUED FOR PERMITS	10-01-04	JSL	JSL
94	ISSUED FOR PERMITS	10-01-04	JSL	JSL
95	ISSUED FOR PERMITS	10-01-04	JSL	JSL
96	ISSUED FOR PERMITS	10-01-04	JSL	JSL
97	ISSUED FOR PERMITS	10-01-04	JSL	JSL
98	ISSUED FOR PERMITS	10-01-04	JSL	JSL
99	ISSUED FOR PERMITS	10-01-04	JSL	JSL
100	ISSUED FOR PERMITS	10-01-04	JSL	JSL



**WATER QUANTITY CALCULATIONS**

1. PEAK RATE OF RAINFALL FROM THE DRAINAGE AREA

2. 2.3 INCHES PER HOUR

3. 2.3 INCHES PER HOUR

4. 2.3 INCHES PER HOUR

5. 2.3 INCHES PER HOUR

6. 2.3 INCHES PER HOUR

7. 2.3 INCHES PER HOUR

8. 2.3 INCHES PER HOUR

9. 2.3 INCHES PER HOUR

10. 2.3 INCHES PER HOUR

11. 2.3 INCHES PER HOUR

12. 2.3 INCHES PER HOUR

13. 2.3 INCHES PER HOUR

14. 2.3 INCHES PER HOUR

15. 2.3 INCHES PER HOUR

16. 2.3 INCHES PER HOUR

17. 2.3 INCHES PER HOUR

18. 2.3 INCHES PER HOUR

19. 2.3 INCHES PER HOUR

20. 2.3 INCHES PER HOUR

21. 2.3 INCHES PER HOUR

22. 2.3 INCHES PER HOUR

23. 2.3 INCHES PER HOUR

24. 2.3 INCHES PER HOUR

25. 2.3 INCHES PER HOUR

26. 2.3 INCHES PER HOUR

27. 2.3 INCHES PER HOUR

28. 2.3 INCHES PER HOUR

29. 2.3 INCHES PER HOUR

30. 2.3 INCHES PER HOUR

31. 2.3 INCHES PER HOUR

32. 2.3 INCHES PER HOUR

33. 2.3 INCHES PER HOUR

34. 2.3 INCHES PER HOUR

35. 2.3 INCHES PER HOUR

36. 2.3 INCHES PER HOUR

37. 2.3 INCHES PER HOUR

38. 2.3 INCHES PER HOUR

39. 2.3 INCHES PER HOUR

40. 2.3 INCHES PER HOUR

41. 2.3 INCHES PER HOUR

42. 2.3 INCHES PER HOUR

43. 2.3 INCHES PER HOUR

44. 2.3 INCHES PER HOUR

45. 2.3 INCHES PER HOUR

46. 2.3 INCHES PER HOUR

47. 2.3 INCHES PER HOUR

48. 2.3 INCHES PER HOUR

49. 2.3 INCHES PER HOUR

50. 2.3 INCHES PER HOUR

51. 2.3 INCHES PER HOUR

52. 2.3 INCHES PER HOUR

53. 2.3 INCHES PER HOUR

54. 2.3 INCHES PER HOUR

55. 2.3 INCHES PER HOUR

56. 2.3 INCHES PER HOUR

57. 2.3 INCHES PER HOUR

58. 2.3 INCHES PER HOUR

59. 2.3 INCHES PER HOUR

60. 2.3 INCHES PER HOUR

61. 2.3 INCHES PER HOUR

62. 2.3 INCHES PER HOUR

63. 2.3 INCHES PER HOUR

64. 2.3 INCHES PER HOUR

65. 2.3 INCHES PER HOUR

66. 2.3 INCHES PER HOUR

67. 2.3 INCHES PER HOUR

68. 2.3 INCHES PER HOUR

69. 2.3 INCHES PER HOUR

70. 2.3 INCHES PER HOUR

71. 2.3 INCHES PER HOUR

72. 2.3 INCHES PER HOUR

73. 2.3 INCHES PER HOUR

74. 2.3 INCHES PER HOUR

75. 2.3 INCHES PER HOUR

76. 2.3 INCHES PER HOUR

77. 2.3 INCHES PER HOUR

78. 2.3 INCHES PER HOUR

79. 2.3 INCHES PER HOUR

80. 2.3 INCHES PER HOUR

81. 2.3 INCHES PER HOUR

82. 2.3 INCHES PER HOUR

83. 2.3 INCHES PER HOUR

84. 2.3 INCHES PER HOUR

85. 2.3 INCHES PER HOUR

86. 2.3 INCHES PER HOUR

87. 2.3 INCHES PER HOUR

88. 2.3 INCHES PER HOUR

89. 2.3 INCHES PER HOUR

90. 2.3 INCHES PER HOUR

91. 2.3 INCHES PER HOUR

92. 2.3 INCHES PER HOUR

93. 2.3 INCHES PER HOUR

94. 2.3 INCHES PER HOUR

95. 2.3 INCHES PER HOUR

96. 2.3 INCHES PER HOUR

97. 2.3 INCHES PER HOUR

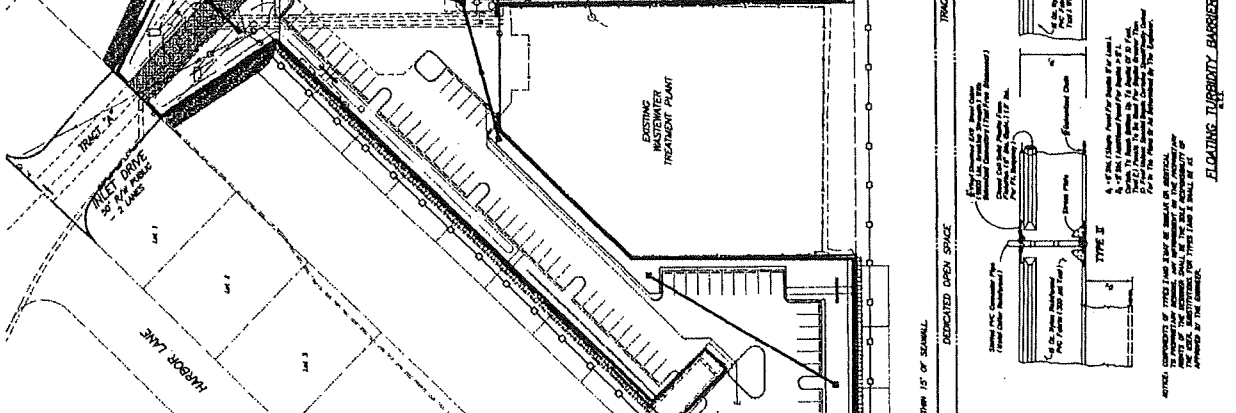
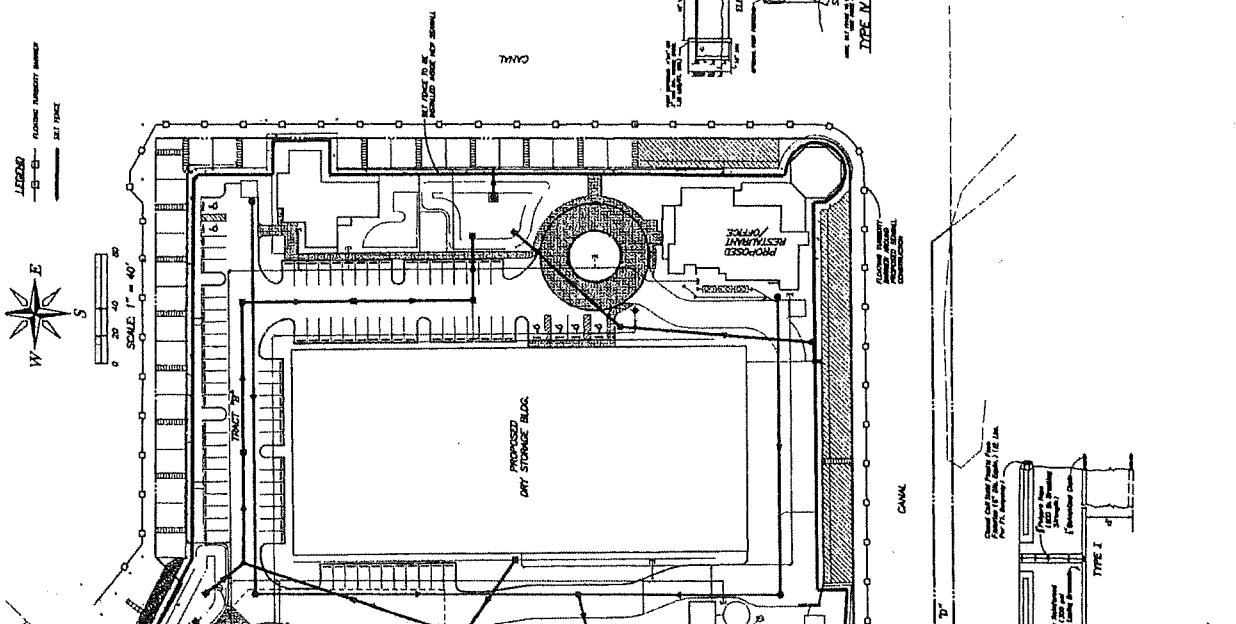
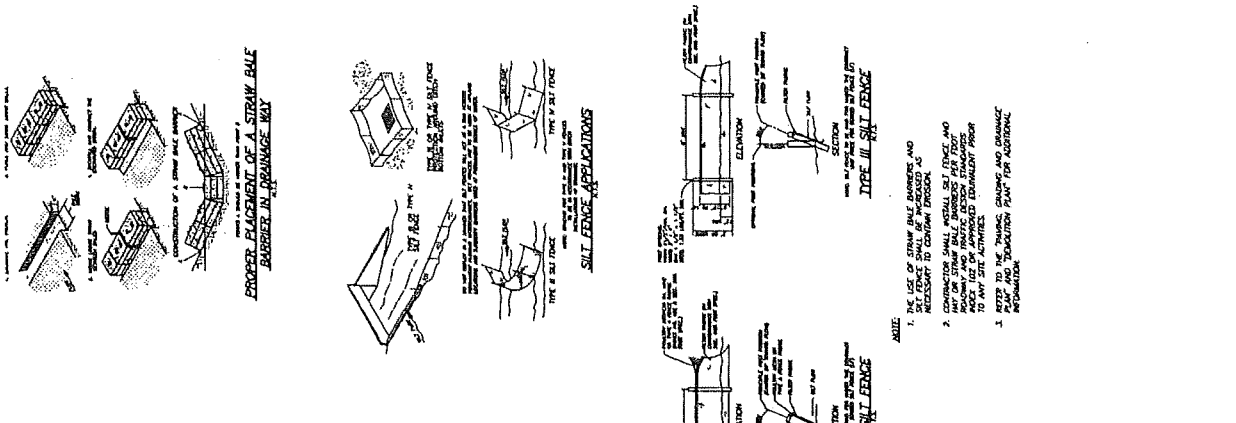
98. 2.3 INCHES PER HOUR

99. 2.3 INCHES PER HOUR

100. 2.3 INCHES PER HOUR

# EXHIBIT 2.1

<b>Vanasse Daylor</b> 1111 N. ... Broken Center Park Caloosa Yacht Club		Project No. 1-40 Date: 10-01-05 Revision: 10-01-05 Scale: 1" = 40' Title: ... Author: ... Designer: ... Checker: ... Engineer: ...
Martin Holdings II, LLC 10980 ... Boca Springs, FL 34135		Section 18, Township 44 S, Range 24 E Lee County, Florida



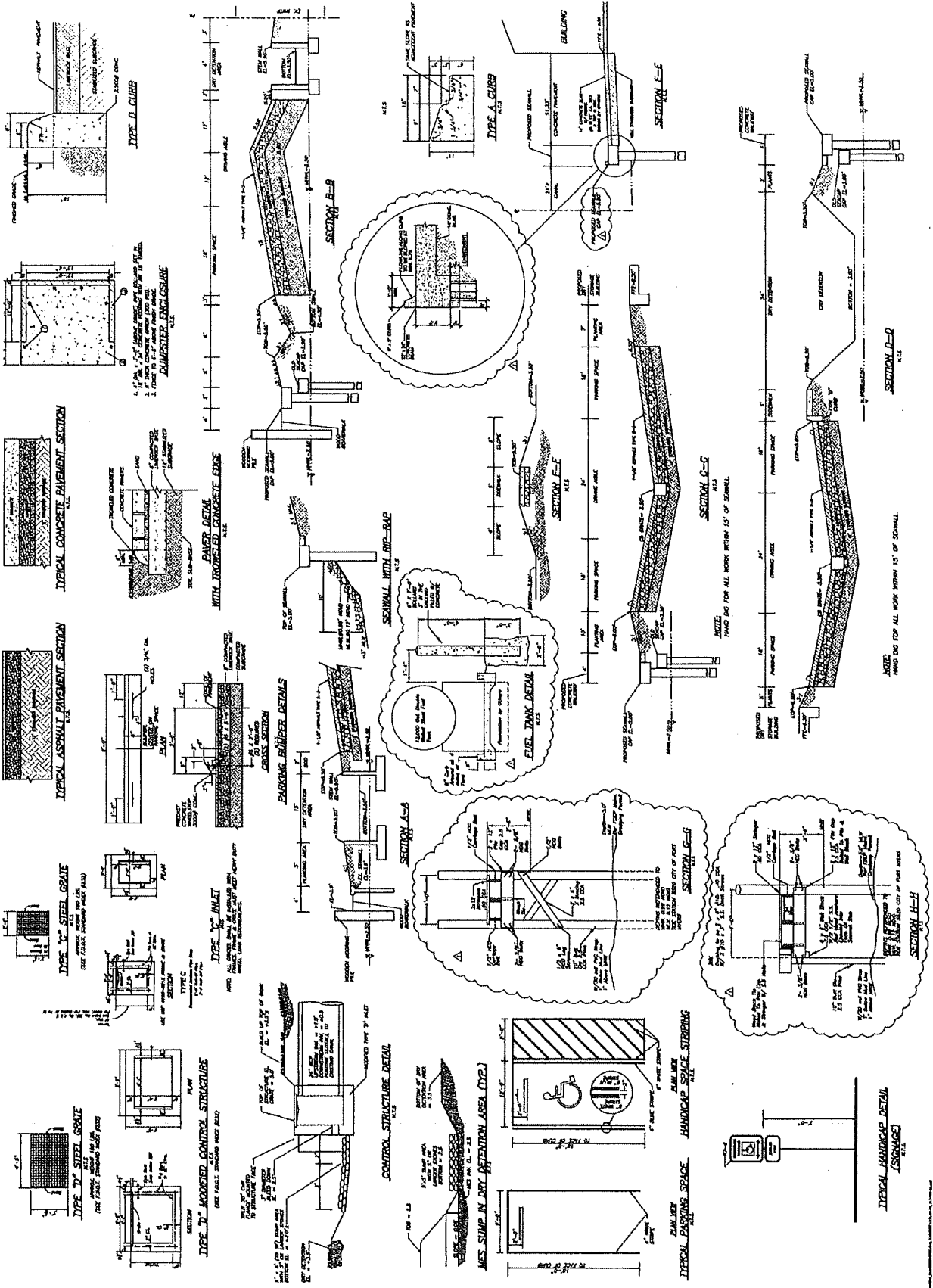
**FLOODING TURBIDITY BARRIERS**

**NOTES:**

- ALL OF THE TYPES I, II, AND III BARRIERS SHALL BE CONSTRUCTED TO WITHSTAND THE FORCE OF THE FLOODING WATER AND SHALL BE CAPABLE OF WITHSTANDING THE FORCE OF THE FLOODING WATER.
- THE BARRIERS SHALL BE CONSTRUCTED TO WITHSTAND THE FORCE OF THE FLOODING WATER AND SHALL BE CAPABLE OF WITHSTANDING THE FORCE OF THE FLOODING WATER.
- THE BARRIERS SHALL BE CONSTRUCTED TO WITHSTAND THE FORCE OF THE FLOODING WATER AND SHALL BE CAPABLE OF WITHSTANDING THE FORCE OF THE FLOODING WATER.

<b>Vannasse Daylor</b> Landscape Architects 1111 N. W. 11th St. Fort Lauderdale, Florida 33304 Phone: (305) 555-1111 Fax: (305) 555-1112		<b>Caloosa Yacht Club</b> Parking Grading & Drainage Details	
Project Location: Section 16, Township 44 S, Range 24 E Lee County, Florida		Client: Martin Holdings II, LLC C/O R. Reynolds 1080 London Lane Boynton Springs, FL 33435	
Date: 10-03-04	Revision: 10-01-04 10-01-04 10-01-04	Author: M.T.S.	Checker: M.T.S.
Scale: 1" = 10'-0"			
Notes: 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, 2002 EDITION, AS APPLICABLE.			
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR CONCRETE AND MASONRY CONSTRUCTION, 2002 EDITION, AS APPLICABLE.			
3. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR METAL DECKING AND STRUCTURES, 2002 EDITION, AS APPLICABLE.			
4. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR ASPHALT PAVEMENTS, 2002 EDITION, AS APPLICABLE.			
5. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR STEEL DECKING AND STRUCTURES, 2002 EDITION, AS APPLICABLE.			
6. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR FUEL TANKS, 2002 EDITION, AS APPLICABLE.			
7. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR PAVEMENTS WITH TRENCHED EDGES, 2002 EDITION, AS APPLICABLE.			
8. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR PARKING BARRIER DETAILS, 2002 EDITION, AS APPLICABLE.			
9. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR SEWERS WITH RIG-SAP, 2002 EDITION, AS APPLICABLE.			
10. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR FUEL TANK DETAILS, 2002 EDITION, AS APPLICABLE.			
11. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR SEWERS WITH RIG-SAP, 2002 EDITION, AS APPLICABLE.			
12. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR SEWERS WITH RIG-SAP, 2002 EDITION, AS APPLICABLE.			
13. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR SEWERS WITH RIG-SAP, 2002 EDITION, AS APPLICABLE.			
14. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR SEWERS WITH RIG-SAP, 2002 EDITION, AS APPLICABLE.			
15. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR SEWERS WITH RIG-SAP, 2002 EDITION, AS APPLICABLE.			
16. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR SEWERS WITH RIG-SAP, 2002 EDITION, AS APPLICABLE.			
17. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR SEWERS WITH RIG-SAP, 2002 EDITION, AS APPLICABLE.			
18. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR SEWERS WITH RIG-SAP, 2002 EDITION, AS APPLICABLE.			
19. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR SEWERS WITH RIG-SAP, 2002 EDITION, AS APPLICABLE.			
20. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR SEWERS WITH RIG-SAP, 2002 EDITION, AS APPLICABLE.			

Sheet No. 6 of 17



# EXHIBIT 2.3

**CONSTRUCTION POLLUTION PREVENTION PLAN**  
for

SITE DESCRIPTION			
Project Name and Location: (Latitude, Longitude, or Address)	Caloosa Isle Yacht Club 1687 Inlet Drive N. Ft. Myers, FL	Owner Name and Address:	Caloosa Isle Yacht Club, Inc. 961 Iris Dr. Delray Beach, FL 33483
Description: (Purpose and Types of Soil Disturbing Activities)	<p>Construction in this project will generally consist of site clearing, excavation of dry detention areas, and construction of roadways, utility infrastructure, and multi-use vertical construction.</p> <p>Soil disturbing activities will include: clearing and grubbing, installing a stabilized construction entrance, perimeter berming and other erosion and sediment controls; grading; excavation for the storm water detention areas, storm sewer, utilities, and building foundations; construction of curb and gutter, road, and parking areas; and preparation for final planting, sodding, seeding and mulching.</p>		
Runoff Coefficient:			
Site Area:			
Sequence of Major Activities:			
The order of activities will be as follows:			
<ol style="list-style-type: none"> <li>1. Installation of stabilized construction entrance.</li> <li>2. Partial clearing and grubbing.</li> <li>3. Install perimeter berm(s) or silt fences with straw bale barrier(s) adjacent to wetland areas.</li> <li>4. Continue clearing and grading.</li> <li>5. Construction storm water detention areas</li> <li>6. Stockpile excavated soil.</li> <li>7. Stabilize denuded areas and stockpiles within 21 days of last construction activity in that area.</li> <li>8. Install utilities, storm sewer, curb and gutter.</li> </ol>		<ol style="list-style-type: none"> <li>9. Complete grading, subgrade and base course construction.</li> <li>10. Complete final paving.</li> <li>11. Complete landscape grading and install permanent seeding and plantings.</li> <li>12. When all construction activity is complete and the site is stabilized, remove temporary earth berms, straw bale barriers and filter fences and re-seed any areas disturbed by their removal.</li> </ol>	
Name of Receiving Waters:	Caloosahatchee River		
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 sod, seed and mulch, landscaping, and/or other equivalent stabilization measures (e.g., rip-rap, geotextiles) no later than 14 days after the date of the last construction activity. The sod shall typically be Floratam or Bahia sod. 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.</p>			

**EXHIBIT 3.0**

**CONTROLS (Continued)**

**Structural Practices**

Silt Fence / Straw Bale Barrier - will be constructed along those areas of the project that border adjacent wetlands. At a minimum, the silt fence and/or straw bale barrier will be placed along all wetland buffers and all Corps of Engineers jurisdictional wetland boundaries.

Straw Bale Drop Inlet Sediment Filter - will be placed around all constructed storm drain inlets immediately upon completion of construction and shall remain in-place until the contributing drainage area is stabilized. Alternatively, grate inlets can be covered with filter fabric material until stabilization.

**Storm Water Management**

The project will utilize a system of dry detention areas to provide the required water quality treatment and attenuation. Discharges from the water management system will be regulated by a water control structure. The water control structure will be used to restrict the discharges from the project.

**DISCHARGE RATES**

**OTHER CONTROLS**

**Waste disposal:**

Waste Materials:

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.

Hazardous Waste:

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.

Sanitary Waste:

All sanitary waste will be collected from the portable units by a local, licensed, Lee County sanitary waste management contractor, as required by local regulation.

**Offsite Vehicle**

**Tracking:**

A stabilized construction entrance has been 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. Dump trucks hauling material from the construction site will be covered with a tarpaulin.

**TIMING OF CONTROLS/MEASURES**

Installation of hay bail / 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, and/or other equivalent stabilization measures (e.g., rip-rap, geotextiles). After the entire site is stabilized, the silt fence / straw bale barriers 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.

- ◆ All control measures will be inspected at least once each week and following any storm event of 0.5 inches or greater.
  - ◆ 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.
  - ◆ Built up sediment will be removed from silt fence when it has reached one-half the height of the fence.
  - ◆ 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.
  - ◆ Temporary seeding and permanent sodding and planting will be inspected for bare spots, washouts, and healthy growth.
- A maintenance inspection report will be made after each inspection. A copy of the report form to be completed by the inspector is attached.
- ◆ The Owner will appoint one individual who will be responsible for inspections, maintenance and repair activities, and for completing the inspection and maintenance reports.
  - ◆ 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.

### Non-Storm Water Discharge

It is expected that the following non-storm water discharges will occur from the site during the construction period:

- ◆ Water from water line flushings.
- ◆ Pavement wash waters (when no spills or leaks of toxic or hazardous materials have occurred).
- ◆ Uncontaminated groundwater (from dewatering excavation).
- ◆ All non-storm water discharges will be directed to the storm water management facilities prior to discharge.

### INVENTORY FOR POLLUTION PREVENTION PLAN

The materials or substances listed below are expected to be present onsite during construction:

- |                             |                            |
|-----------------------------|----------------------------|
| ◆ Concrete                  | ◆ Fertilizers              |
| ◆ Detergents                | ◆ Petroleum Based Products |
| ◆ Paints (enamel and latex) | ◆ Cleaning Solvents        |
| ◆ Metal Studs               | ◆ Wood                     |
| ◆ Asphalt                   | ◆ Masonry Block            |
| ◆ Roofing Shingles          | ◆ Clay or concrete bricks  |

## 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.

#### Good Housekeeping:

The following good housekeeping practices will be followed onsite during the construction project:

- An effort will be made to store only enough product required to do the job.
- 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.
- Products will be kept in their original containers with the original manufacturer's label.
- Substances will not be mixed with one another unless recommended by the manufacturer.
- Whenever possible, all of a product will be used up before disposing of the container.
- Manufacturers' recommendations for proper use and disposal will be followed.
- The site superintendent will inspect to ensure proper use and disposal of materials onsite.

#### Hazardous Products:

These practices are used to reduce the risks associated with hazardous materials:

- Products will be kept in original containers unless they are not resealable.
- Original labels and material safety data will be retained; they contain important product information.
- If surplus product must be disposed of, manufacturers' or local and State recommended methods for proper disposal will be followed.

### Product Specific Practices

The following product specific practices will be followed onsite:

#### Petroleum Products:

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.

#### Fertilizers:

Fertilizers will be applied only in the minimum amounts recommended by the manufacturer. 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.

#### Paints:

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.



## 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

**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

---

**Inspection And Maintenance Report Form**

CHANGES REQUIRED TO THE POLLUTION PREVENTION PLAN:

---

---

---

---

---

---

---

---

---

---

REASONS FOR CHANGES:

---

---

---

---

---

---

---

---

---

---

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.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Caloosa Isle Yacht Club**  
**Marina Management Plan**

**SFWMD Permit #061018-6**

**Dated: November 2006**

**Table of Contents**

**Page**

**EXHIBIT 4.0**

## I. INTRODUCTION

Caloosa Isle Yacht Club facilities are comprised of 44 wet slips, approximately 300 lineal feet of temporary tie up areas for dry storage boats, and 1 dry storage building with 239 slips.

In order to provide the South Florida Water Management District (SFWMD) reasonable assurances all authorized activities will meet state water quality standards and the conditions of the SFWMD permits, improvements are proposed in the form of establishing a Marina Management Plan and making physical changes to the surrounding basin. The following are improvements and management criteria that will address the overall secondary impact issues for the site.

### Parameter of Concern

#### Dissolved Oxygen

New PVC wrapping of A.C.Q. piles and an upgraded stormwater design are to be implemented. The stormwater system will be properly maintained thereby reducing the level of organics reaching the North Key Canal. Maintenance will include the removal of landscape debris from stormwater structures and the proper maintenance of grass and vegetation within the vicinity of stormwater structures. All dumping of organic wastes (including fish cleaning) will be prohibited at the marina facility. All floating organic debris will be removed from the marina on an as needed basis and disposed of in a container isolated from waters of the State. Preventing the accumulation of organic debris within the Caloosa Isle Yacht Club will improve dissolved oxygen concentrations.

The management plan is broken down into areas and elements referred to as Best Management Practices (BMP), which directly affect the water quality in the basin.

The Harbormaster's/Manager's office is located in the southeastern-most amenity building at the marina and will be clearly marked for the owner's of vessels.

## II. EDUCATION PROGRAM

In order to implement long-term solutions to upgrading environmental conditions at Caloosa Isle Yacht Club, a series of strategies and actions will be developed. This education program will involve the users of the marina with focus on their role in the long-term health of the marina facility, water quality and the surrounding area. This continuing program will be implemented in the form of a welcome and orientation session for long-term and seasonal users of the facilities, in a manner that will ultimately educate them and offer "ownership" in the program. The Marina Management Plan shall be followed by all vessel owners and their guests. If there are any violations of the Rules and Regulations or this Caloosa Isle Yacht Club Management Plan, the Lessee's rental/membership agreement may be immediately revoked and Lessee shall leave the Caloosa Isle Yacht Club, immediately.

The topics to be discussed will include the following:



- An overview of the SFWMD permit conditions and regulations governing water quality and habitat protection in the marina facility and surrounding area.
- An explanation of the consequences of bottom cleaning in the basin relative to releasing copper into the water.
- An explanation of the sources of contaminants from vehicular traffic, fertilizers and how they affect water quality.
- An explanation how fish cleaning and carcasses in the water lead to degradation of water quality. No Fish Cleaning Signs will be posted at the drop in and haul area for boats. Also No Fish Cleaning language will be included in the membership documents.
- Explain the battery recycling program, to include designated areas for disposal, proper techniques regarding handling of batteries over the water surface and the docks. Batteries shall be taken off Caloosa Isle Yacht Club property by the vessel owner or contractor to be disposed of in an approved manner (either through Lee County Pollution Control Department or through a private recycle company).
- Eliminate the use of hard abrasives or chemical treatments.
- Explanation of the value of floating debris collection and recycling efforts.
- Information and the long-term impacts of fuel spilling into the water.
- Explain methods to reduce or eliminate oil content in bilge water.
- Provide information regarding proper handling and disposal of used oil products.
- Encourage all boaters to use pumpout facilities on a regular basis.
- Explain the value of using environmentally-friendly cleaning methods and products.
- Demonstrate the proper disposal of hazardous wastes such as paint, old gasoline, left over chemicals, out of date flares and paint chips.
- Discuss compliance concerns, non-compliance trends and provide refresher discussions on areas of consistent non-compliance.
- Review all elements of the education program and discuss modifications that would make implementation of the Marina Management Plan more effective.

**Employee Education** – Conduct semi-annual workshops for employees regarding implementation, compliance and monitoring of Marina Management Plan. Tailor the education program to include methods and procedures for executing the BMPs listed in the Marina Management Plan. Include a

provision within the employee handbook that requires compliance with all the provisions of the Marina Management Plan.

### **III. ENFORCEMENT**

#### **RESPONSIBILITY:**

It will be the responsibility of Caloosa Isle Yacht Club, Inc. or successor in title, for the protection and maintenance of water quality standards within the marina facility. It shall be the responsibility of Caloosa Isle Yacht Club to identify pollution sources from within the marina that may result in water quality violations and to take appropriate actions to prevent such occurrences.

#### **NOTIFICATION:**

It shall be the Harbor Master's/Manager's responsibility to use his best efforts to monitor all boaters using the marina on a daily basis. Sewage pumpout violations are subject to Section XIII.

**First Infraction:** Upon observation of any non-compliance with the provisions of the Slip Rental Agreement, Rules and Regulations, Membership Documents or Marina Management Plan, the Harbor Master/Manager shall serve a written or verbal "Caution" statement to the boater, informing him/her of the infraction.

**Second Infraction:** A second violation shall result in a written "Warning" notice, informing the boater of a second infraction and the cause of such violation.

**Third Infraction:** A third violation will result in the immediate termination of the slip agreement and the boater will be given one hour to remove the vessel from the marina. Infractions do not have to be identical and separate notices of violations are cumulative.

All Caution, Warning and Termination Notices shall be documented in the Daily Log or the vessel owner's file, including the reason for the infraction. Copies of such Notices resulting from violations of the restriction conditions of this agreement shall be forwarded to the SFWMD, Fort Myers office.

#### **VIOLATIONS:**

Caloosa Isle Yacht Club reserves the right to identify any offender causing a violation within the marina, and to name said offender in any enforcement action taken by the DEP. Each vessel owner acknowledges that he/she has a duty to comply with this Marina Management Plan. Caloosa Isle Yacht Club acknowledges that it has the duty to monitor its patrons to ensure their compliance with the Marina Management Plan, and State water quality standards.

### **IV. MODIFICATIONS**

It is the intent of both the SFWMD and Caloosa Isle Yacht Club to monitor, assess and implement changes to this Marina Management Plan, as necessary, to comply with all SFWMD Permits, state water quality standards, or BMPs. Changes to the Management Plan can be implemented through a request to SFWMD, or if required by law, and after a final decision has been reached by both parties. The Marina Management Plan shall be revised to reflect any changes to the plan.

## **V. PETROLEUM SPILLS**

### **ISSUE:**

Petroleum spills cause pollution and are costly to clean up. Lack of proper containment and a fuel spill response plan can critically delay containing a discharge.

### **GOAL:**

To develop a petroleum spill response plan and maintain proper petroleum containment materials. Vessel owner and the Caloosa Isle Yacht Club shall coordinate this plan with the US Coast Guard, Tampa MSO Operations Center (813-228-2189, 24 hrs), the Florida Department of Environmental Protection, the Florida Fish and Wildlife Conservation Commission, State Warning Point (800-320-0519).

### **BEST MANAGEMENT PRACTICE:**

Harbor Master's/Manager's employees shall be trained in fuel spill containment provided by competent professionals. Staff will be trained to be observant of the day-to-day operation conducted by boaters. Basic instruction on fueling spill containment procedures will be provided to each boater verbally, and in writing, a minimum of once a year at the time a Dockage Agreement is renewed or at the signing of an agreement.

Install a fuel spill container with absorbent pads, booms and containment bags next to the dock adjacent to the seawall for immediate access by boaters and employees. Mark the container for visibility and assure the container remains unlocked and accessible. A sign will be posted at the dock, providing information on emergency actions required in case of a fuel spill, and emergency contacts and phone numbers. Fuel spill emergency procedures and fire prevention education shall be provided to employees at the time of employment and once each year. Caloosa Isle Yacht Club will provide education and new product updates to employees and patrons when available/appropriate.

### **SPILL CONTROL PROCEDURES**

1. All spills shall be reported to the Harbor Master/Manager immediately.
2. Only deploy spill containment in the event of an oil or diesel spill.
3. Gasoline spills should not be contained with booms due to its high volatility.
4. For in water spills, contact:
  - a. US Coast Guard Tampa MSO Operations Center (813-228-2189, 24 hrs.)
  - b. State Warning Point (800-320-0519, 24 hrs.)

**EXHIBIT 4.4**

## **VI. BILGE WATER**

### **ISSUE:**

Oil and grease from the operation and maintenance of inboard engines are sources of petroleum in bilges. Discharged bilge water is a source of pollution in marinas.

### **GOAL:**

Minimize the occurrences of contaminated bilge water and discharges.

### **BEST MANAGEMENT PRACTICES:**

1. The storm water system provides for storm water sumps covered by grates upland of the seawall at the fork lift drop in areas. These storm water sumps are designed to accept and pre-treat bilge water prior to routing to the main storm water system. These sumps will collect bilge water released from vessels as they are being removed from the water.
2. Caloosa Isle Yacht Club prohibits the discharge of bilge water materials into the waters surrounding the marina. If your bilge is full, please report to a local marina for proper cleaning and disposal or contact the Harbormaster/Manager for pumpout into the storm water management system.
3. Educate resident and guest boaters on the importance of maintaining bilge water free of oils and associated greases. Encourage boaters to conduct periodic inspections of engine components and to repair leaks and eliminate spillage.
4. Encourage use of absorbent pads to maintain bilges oil-free. Encourage the use of drip pans with absorbent pads while draining oil from the bilge. Encourage boaters to keep all engines well-tuned; regularly check seals, gaskets, hoses and connections for leaks and drips.
5. Report observations, immediately, of petroleum products to owners of vessels from which the discharge from the bilge originates. Caloosa Isle Yacht Club shall require immediate inspection of the bilge by the owner to determine, if oil is leaking into the bilge. If a bilge contains petroleum products, Caloosa Isle Yacht Club may provide contact names and numbers for a provider to transport saturated pads to a suitable disposal site and or make repairs to the vessel. If the boat owners are absent, the boat will be surrounded by containment booms and the owner notified of the problem. All cleanup costs and any fines or environmental damage will be at the sole expense of the boat owner. A limited supply of absorbent pads should be kept in the fuel spill container and for sale to the boat owners.
6. Battery recycling is required at the Marina. Batteries shall be taken off Caloosa Isle Yacht Club property by the vessel owner or contractor to be disposed in an approved manner (either through Lee County Pollution Control Department or through a private recycle company).

## **VII. ENGINE REPAIR AND MAINTENANCE**

### **ISSUE:**

Engine service and repair operations generate waste which, when handled incorrectly, can cause human hazards, endanger the environment and be costly to clean up.

### **GOAL:**

No in water engine repair will be conducted at the marina.

### **BEST MANAGEMENT PRACTICES:**

Over water engine repair is prohibited at the marina. Boat service, repair and maintenance must be done completely within the dry storage building and must be coordinated with the Caloosa Isle Yacht Club Management. Boat service, repair and maintenance does not include boat preparation for boat storage or launch. Boat preparation may take place in the area designated for boat wash in the area south and southwest of the dry storage building where the water recycling equipment can be utilized with its proper drain systems to prevent any run off from entering the canal systems.

## **VIII. BATTERY DISPOSAL**

### **ISSUE:**

Improper disposal of batteries can lead to the release of contaminants into the water resulting in the violation of State water quality standards and harm to aquatic organisms.

### **BEST MANAGEMENT PRACTICES:**

Battery recycling is required at the marina. Explain the battery recycling program to employees and users of the marina including designated areas for disposal, proper techniques regarding handling of batteries over the water surface and the docks. Batteries shall be taken off Caloosa Isle Yacht Club property by the vessel owner or contractor to be disposed of in an approved manner (either through Lee County Pollution Control Department or through a private recycle company).

## **IX. BOAT CLEANING**

### **ISSUE:**

Hard abrasives, such as stainless steel wool or similar cleaning pads, may drive chromium treatments into the water column during cleaning of boat bright work. Use of various soaps, detergents, and cleaners are detrimental to the environment and degrade water quality. Excess nutrients can degrade water quality by promoting nuisance aquatic plant growth and reducing dissolved oxygen levels needed for aquatic life.

Products used to wash boat's hulls and decks often contain toxic ingredients such as ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates, or lye. Additionally, scrubbing antifouling paints can release toxic metals into the water, which may also contaminate marina bottom sediments. The removal of contaminated sediments can be very costly.

**GOAL:**

For both in-water and out-of-water boat cleaning, use cleaning methods that prevent or contain the release of pollutants to surface waters. Out of water boat cleaning shall take place at the south and southwestern side of the dry storage building where the water recycling equipment can be utilized with its proper drain systems to prevent any run off from entering the canal systems.

**BEST MANAGEMENT PRACTICES:**

1. Pressure washing for boat cleaning is prohibited at the marina at any areas other than the boat wash at the south and southwestern side of the dry storage building where the water recycling equipment can be utilized with its proper drain systems to prevent any run off from entering the canal systems.
2. Hull scraping is prohibited at the marina.
3. Caloosa Isle Yacht Club requires the use of approved biodegradable boat cleaning materials for deck cleaning and encourages you to use only the amount necessary to clean the boat, as well as using the minimum amount of water. No pressure washing of boats is allowed in water.
4. The Harbormaster/Manager shall use their best efforts to monitor for boat cleaning in the marina facility daily and provide non-compliant boaters with information from the Marina Management Plan. Caloosa Isle Yacht Club prohibits the use of toxic products or ingredients to clean boat hulls or decks.

**X. ORGANIC ACCUMULATIONS: Biological Oxygen Demand (BOD)**

**ISSUE:**

Sea grasses, lawn clippings, leaf litter, other organic detritus and manmade products can float into the marina facility and settle to the bottom. The decomposing process extracts oxygen from the water column, driving dissolved oxygen to lower levels, possibly below state standards.

**BEST MANAGEMENT PRACTICES:**

The Harbormaster shall be responsible for the collection of floating debris from the marina on an as-needed basis. Organic materials will be disposed of in a dumpster located on-site or other approved designated vegetation disposal container isolated from waters of the state. Manmade products will be disposed of in a designated disposal container or recycled, if possible.

**XI. FISH CLEANING**

**ISSUE:**

Decomposing fish remains can extract oxygen from the water column, driving dissolved oxygen to lower levels, possibly below state standards.

**BEST MANAGEMENT PRACTICES:**

No fish may be cleaned at the marina including on the docks or on any vessel. No Fish Cleaning Signs

will be posted at the drop in and haul area for boats. Also, no fish cleaning language will be included in the annual lease/membership documents.

## **XII. SEWAGE PUMPOUT**

### **ISSUE:**

Overboard discharges of domestic sewage from a marine head or holding tanks, including gray water from showers and sinks, contribute significantly to water quality degradation and introduce dangerous pathogens into the water.

### **GOAL:**

Ensure that no discharge of effluent or gray water occurs at the marina.

### **BEST MANAGEMENT PRACTICES:**

Caloosa Isle Yacht Club strictly prohibits the discharge of any pumpout effluent or gray water into area waters. You must utilize the pump out facility at the south side of the marina.

## **XIII. STORMWATER**

### **ISSUE:**

A stormwater systems function is to provide collection of rainfall in excess of that which can be percolated into the soil. The stormwater will be collected via inlets and pipes and discharge offsite through a control structure. The stormwater will be routed from the impervious areas to treatment areas that are either open grass storage areas. The stormwater will be detained and routed through the system then discharge through a control structure (CS-1) to the southeast area of the property. The maintenance plan is to provide guidelines and procedures to ensure the stormwater management system remains functional.

### **GOAL:**

The maintenance of the stormwater system is to be such that its function and design provide quality of water that meets or exceeds those standards set by the state of Florida.

### **BEST MANAGEMENT PRACTICES:**

The best management practice of stormwater management is good housekeeping and preventive maintenance. This can be accomplished by following simple procedures:

- Create and maintain an inspection log of the stormwater facility
- Improve operation and maintenance of machinery
- Implement careful material storage practices
- Maintain up to date materials inventory
- Schedule routine cleanup operations
- Schedule routine inspection of all structures and pipes

- Maintain structures and pipes
- Train employees on good housekeeping practices
- Address spill quickly
- Implement a recycling program



**LESSEE VERIFICATION FORM**

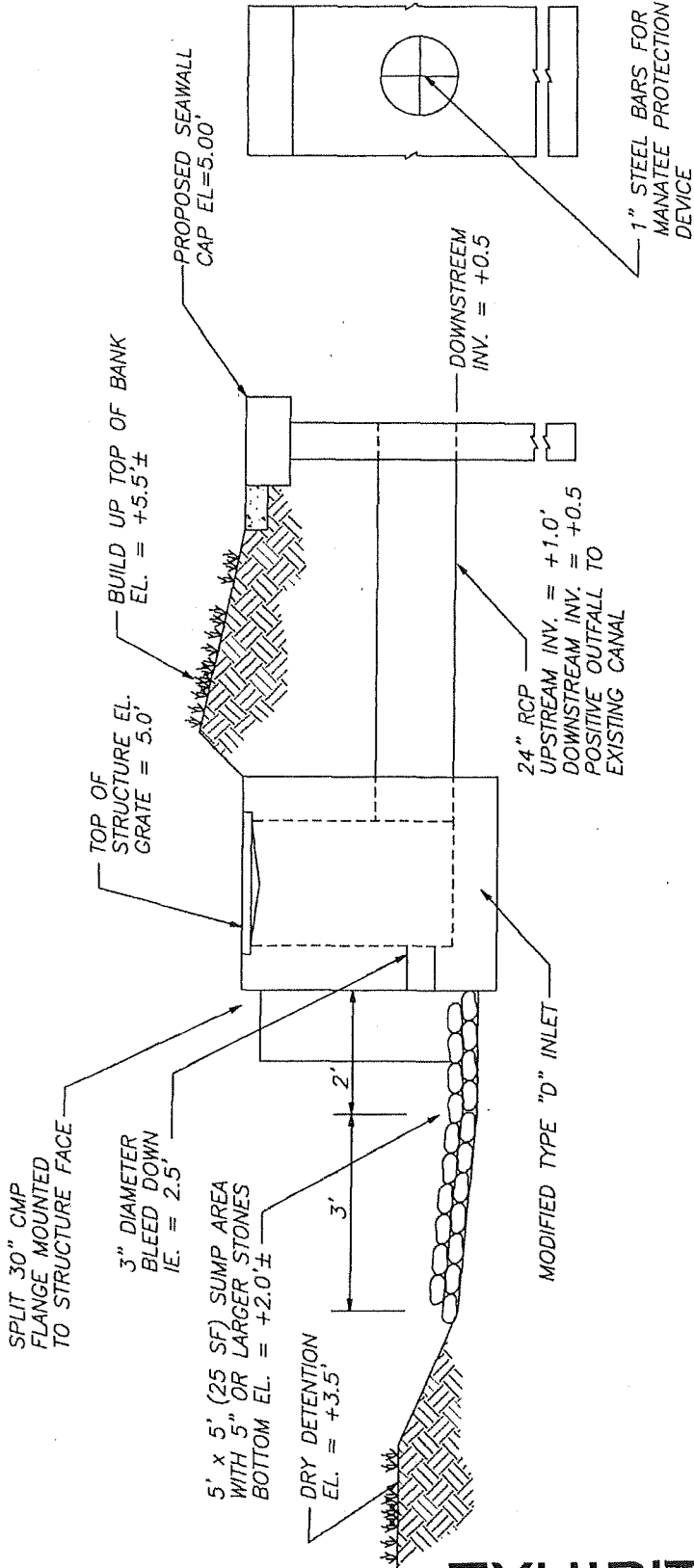
I, \_\_\_\_\_, hereby affirm that I have been provided with a copy of and have read the Caloosa Isle Yacht Club, Marina Management Plan. I agree to abide by the Dockage Agreement, Rules and Regulations, and the Marina Management Plan. Further, I will notify management of any violations of the rules by any other vessel owner. I also understand that violations of these rules may result in the immediate revocation of my lease and/or membership and may result in expulsion from the marina.

\_\_\_\_\_  
Signature of Lessee/Member

\_\_\_\_\_  
Printed Name of Lessee/Member

\_\_\_\_\_  
Date

APPLICATION NUMBER  
061018-6



**NOTE:**  
HAND DIG FOR ALL WORK WITHIN 15' OF SEAWALL.

TIDE STATION 5520  
MHW 0.99 NGVD  
MLW 0.12 NGVD

CONTROL STRUCTURE DETAIL  
N.T.S.

**RECEIVED**  
DEC 14 2006  
LWC SERVICE CENTER

*John Munn*  
31285  
12-14-06

**EXHIBIT S.0**

<p>PROJECT NO: 80899</p> <p>ACAD NO: 80899-EX04</p> <p>DRAWN BY: JN</p>	<p><b>Vanasse Daylor</b></p>	<p>Urban Planning      Traffic Engineering Landscape Architecture      Environmental Science Civil Engineering      FL 366</p> <p>12730 New Brittany Boulevard, Suite 600 Fort Myers, FL 33907 v 239.437.4601 v 239.437.4436 w vanday.com</p>	<p>PREPARED FOR: <b>Marine Holdings II, LLC.</b> C/O RL Opportunities 10580 Landau Lane Bonita Springs, FL 34135</p> <p>SCALE: N.T.S.</p> <p>DATE: 11-30-06</p>	<p>PAGE TITLE: <b>Caloosa Isle Yacht Club Control Structure Detail</b></p> <p>Sheet No. <b>1</b> of <b>1</b></p>
---	----------------------------------	---	---	--

## STAFF REPORT DISTRIBUTION LIST

CALOOSA ISLE YACHT CLUB

Application No: 061018-6

Permit No: 36-01177-S

### INTERNAL DISTRIBUTION

- X Carmen Quan, P.E. - 2261
- X Krista Gentile - 2261
- X William Foley, P.E. - 2261
- X Edward Cronyn - 2261
- X A. Bain - 4250
- X A. Waterhouse - 4220
- X ERC Engineering - 6861
- X ERC Environmental - 6861
- X Fort Myers Backup File - 6861
- X Fort Myers Service Center Director - 6861
- X J. Golden - 4210
- X Pat McGary - 6861
- X Permit File

### GOVERNING BOARD MEMBERS

- Mr. Harkley R. Thornton
- Mr. Kevin McCarty
- Mr. Lennart Lindahl
- Mr. Malcolm S. Wade, Jr.
- Mr. Michael Collins
- Mr. Nicolas Gutierrez, Jr.
- Ms. Alice J Carlson
- Ms. Irela Bague
- Ms. Miya Burt-Stewart

### EXTERNAL DISTRIBUTION

- X Permittee - Caloosa Isle Yacht Club, Inc.
- X Agent - Vanasse And Daylor, Llp
- X Applicant - Marine Holdings 2, Llc

### GOVERNMENT AGENCIES

- X Div of Recreation and Park - District 4 - FDEP
- X FDEP
- X Florida Fish & Wildlife Conservation Commission -  
Imperiled Species Mgmt Section
- X Lee County - Development Services Director
- X Lee County Engineer

### OTHER INTERESTED PARTIES

- X Audubon of Florida - Charles Lee
- X Conservancy of Southwest Florida
- X League of Women Voters of Lee County - Clara Anne  
Graham Elliott
- X S.W.F.R.P.C. Jim Beaver



## SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Regulation Division

April 15, 2019

Rebecca Sweigert  
Lee County BOCC  
1500 Monroe Street  
Fort Myers, FL 33901-0398

**Subject: Caloosa Isle Yacht Club  
State of Emergency Extension Request  
Environmental Resource Permit  
Application No. 190315-8  
Permit No. 36-07425-P  
Lee County**

Dear Permittee:

Pursuant to the provisions of SB 2156 (Chapter 2011-142 Laws of Florida) and Section 252.363, Florida Statutes, in the event of a Governor's declaration of a state of emergency, permits shall be extended for six months plus the tolling period of the declaration. This Permit is being extended under Executive Orders 17-146, 17-177, 17-230, 17-329, 18-47, 18-110, 18-177, 18-235, and 18-279 for the Opioid Epidemic. The expiration date of the permit is changed as follows:

**Original Expiration Date** (Application No. # 170817-20): March 3, 2024

**Revised Expiration Date:** August 18, 2025

Pursuant to the provisions of SB 2156 (Chapter 2011-142 Laws of Florida) and Section 252.363, Florida Statutes, in the event of a Governor's declaration of a state of emergency, permits shall be extended for six months plus the tolling period of the declaration. This Permit is being extended under Executive Orders 17-235, 17-287, 17-330, 18-51, 18-149, 18-182, 18-213, 18-237, and 18-280 for Hurricane Irma. The expiration date of the permit is changed as follows:

**Revised Expiration Date:** June 9, 2026

Pursuant to the provisions of SB 2156 (Chapter 2011-142 Laws of Florida) and Section 252.363, Florida Statutes, in the event of a Governor's declaration of a state of emergency, permits shall be extended for six months plus the tolling period of the declaration. This Permit is being

Rebecca Sweigert  
Caloosa Isle Yacht Club  
State of Emergency Extension Request  
Application No. 190315-8  
April 15, 2019  
Page 2

extended under Executive Orders 17-259, 17-304, 18-17, 18-80, 18-135, 18-214, 18-236, and 18- 281 for Hurricane Maria. The expiration date of the permit is changed as follows:

**Revised Expiration Date:** May 25, 2027

Pursuant to the provisions of SB 2156 (Chapter 2011-142 Laws of Florida) and Section 252.363, Florida Statutes, in the event of a Governor's declaration of a state of emergency, permits shall be extended for six months plus the tolling period of the declaration. This Permit is being extended under Executive Orders 18-191, 18-249, and 18-311 for Lake Okeechobee/Algae Blooms. The expiration date of the permit is changed as follows:

**Revised Expiration Date:** January 9, 2028

Pursuant to the provisions of SB 2156 (Chapter 2011-142 Laws of Florida) and Section 252.363, Florida Statutes, in the event of a Governor's declaration of a state of emergency, permits shall be extended for six months plus the tolling period of the declaration. This Permit is being extended under Executive Order 18-221, 18-275, and 18-282 for Red Tide Algae Bloom. The expiration date of the permit is changed as follows:

**New Expiration Date:** November 15, 2028

All dates contained in the terms and conditions of the permit pertaining to deadlines, such as for commencing or completing construction, completing any mitigation, and submitting reports for the activity authorized by the permit are modified in recognition of, and relative to, the new expiration date. You are advised that the legislation requires that, "The commencement and completion dates for any required mitigation associated with a phased construction project [is] extended such that the mitigation takes place in the same timeframe relative to the phase as originally permitted."

In accordance with the legislation, the permitted activity will continue to be governed by the rules in effect at the time the permit was issued. However, any future request to modify the permit, except where the modification lessens the environmental impact, will be governed by the rules in effect at the time of the modification.

This extension does not:

1. Otherwise change any other terms or conditions of the permit.
2. Affect the expiration date of any associated state-owned submerged lands lease or easement that was executed for the activities authorized in the permit. It also does not change any terms or conditions contained in the lease or easement, such as deadlines for submittal of any required lease fees.

Rebecca Sweigert  
Caloosa Isle Yacht Club  
State of Emergency Extension Request  
Application No. 190315-8  
April 15, 2019  
Page 3

3. Affect the water quality certification determination under Section 401, Public Law 92-500, 33 U.S.C. Section 1341 made as part of the permit.
4. Affect the coastal zone consistency concurrence determination made under Florida's Coastal Zone Management Program in Section 307 of the Coastal Zone Management Act and 15 CFR 930, Subpart D originally contained in the permit.
5. Affect the expiration date of any state, federal, or local permit, license, or authorization related to this permit, specifically including any federal permit under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act of 1899.

Sincerely,

A handwritten signature in black ink that reads "Melissa M. Roberts". The signature is written in a cursive style with a horizontal line underneath the name.

Melissa M. Roberts, P.E.  
Service Center Administrator  
South Florida Water Management District

MR/ern

## 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.





SFWMD GeoSpatial Services

<p><b>Exhibit No: 1</b></p>	<p>Exhibit Created On: 2019-03-18</p>	<p>LEE COUNTY, FL</p>	<p> Application</p> <p>Permit No: 36-01177-S</p> <p>Application Number: 190315-8</p> 
<p align="center"><b>REGULATION DIVISION</b></p> <p align="center">Project Name: CALOOSA ISLE YACHT CLUB</p>  <p align="center">0                      900                      1,800</p> <p align="center"> Feet</p> <p align="right">N </p>			<p align="center"> Created by IT GIS Section South Florida Water Management District</p>

PHASE I AND II  
ENVIRONMENTAL SITE ASSESSMENT REPORT FOR THE  
CALOOSA ISLE MARINA - 1687 INLET DRIVE  
NORTH FORT MYERS, LEE COUNTY, FLORIDA

Knott, Consoer, Ebelini, Hart, & Swett, P.A.  
ATTN: Mr. Thomas B. Hart  
1625 Hendry Street  
Fort Myers, Florida 33901

August, 2003

Prepared By:

Water Resource Solutions, Inc.  
428 Pine Island Road S.W.  
Cape Coral, Florida 33991

PROJECT NUMBER  
02-04528.E1



September 2, 2003

Knott, Consoer, Ebelini, Hart, & Swett, P.A.  
ATTN: Mr. Thomas B. Hart  
1625 Hendry Street  
Fort Myers, Florida 33901

Subject: Caloosa Isle Marina, 1687 Inlet Drive  
North Fort Myers, Lee County, Florida  
Water Resource Solutions Project #02-04528.E1

Dear Mr. Hart:

In accordance with our agreement dated June 18, 2003, Water Resource Solutions, Inc. has performed a Phase I Environmental Site Assessment (ESA) on the subject site.

The subject site is located at the eastern end of Inlet Drive in North Fort Myers. The site, consisting of approximately 5.5 acres of land, is on an approximate 6.5 acre man-made island adjacent to the Caloosahatchee River. The site is improved with a 52,000 square foot boat storage building, 5,000 square foot marina office and maintenance building, 4,000 square foot Shuckers Restaurant, a 500 square foot fire suppression pumphouse, and 4,000 gallon gasoline above ground fuel tank system.

Previous environmental reports were conducted on the site for underground storage tanks (USTs) formerly located at the site and for transactional environmental assessments. The previous UST work was completed with a Site Rehabilitation Completion Order being issued by the Florida Department of Environmental Protection. This SRCO required the monitoring wells at the site be abandoned, however to date this has not been done. Water Resource Solutions sampled a monitoring well at this former UST site and analyzed the water for gasoline and diesel constituents. Naphthalene was detected in this well over the FDEP groundwater cleanup criteria. Groundwater samples obtained from this well two years before and six months after the date of WRS's sampling event did not contain levels of naphthalene. The five monitoring wells in this area are scheduled to be abandoned on September 4, 2003 by WRS.

The previous transactional environmental assessments identified soils impacted with arsenic and copper on the site. The arsenic was also detected in background samples obtained throughout the site and was believed to be a background element. The copper was encountered in soil samples obtained from both the boatyard and sandblast areas. The copper was confined to the upper 6 inches of soil in these areas. Meetings with FDEP concluded that if measures are taken to dilute the concentration of copper in the soil or to encapsulate the soil to reduce human exposure, most of the soils can be left in place. A higher level of copper impacted soils detected in an approximate 25 foot diameter area in the boatyard should be removed from the site.


Mr. Thomas Hart, Esq.  
September 2, 2003  
Page Two

A slightly elevated level of arsenic was previously detected by WRS in a shallow groundwater sample obtained from a temporary well in the boatyard area. As part of the present investigation, a permanent monitoring well was installed in this area and sampled for arsenic and copper. No arsenic or copper was detected in groundwater from this well.

Observations noted during the off-site survey indicated that properties adjacent to the site were limited to residential properties, waterways, and the Florida Cities Wastewater Treatment Plant. Water Resource Solutions did not observe off-site indicators of hazardous substance or petroleum product impacts during the site inspection.

Please call me at 574-1919 Ext. 106 if you have any questions.

Sincerely,



Donald W. Mayne, CFEA  
Project Manager  
Environmental Site Assessments

cc: Elwood Davis, WCSJRIV Corp.

dwm

## TABLE OF CONTENTS

1.0	SUMMARY .....	1
2.0	INTRODUCTION .....	3
	2.1 Purpose .....	3
	2.2 Special Terms and Conditions .....	4
	2.3 Limitations and Exceptions of Assessment .....	4
	2.4 Limiting Conditions and Methodology .....	4
3.0	SITE DESCRIPTION AND RECONNAISSANCE INFORMATION .....	5
	3.1 Location and Legal Description .....	5
	3.2 Site and Vicinity Characteristics .....	5
	3.3 Descriptions of Structures, Roads, and Other Improvements to Site .....	5
	3.4 Exterior and Interior Observations .....	7
	3.5 Information Reported from Interviews .....	8
	3.6 Current Uses of the Property .....	8
	3.7 Past Uses of the Property .....	8
	3.8 Uses of Adjoining Properties .....	9
	3.9 Indications of Polychlorinated Biphenyls (PCBs) .....	9
	3.10 Indications of Waste Disposal .....	9
	3.11 Physical Setting Analysis .....	9
	3.12 Previous Environmental Reports .....	10
4.0	ENVIRONMENTAL RECORDS REVIEW .....	13
	4.1 Standard Environmental Record Sources and Review .....	13
	4.2 Physical Setting Sources .....	15
	4.3 Review of Historical Sources .....	16
	4.3.1 Review of Aerial Photographs .....	16
	4.3.2 Review of Sanborn Fire Insurance Maps .....	18
	4.3.3 Review of Chain of Title .....	18
	4.3.4 Review of City Directories .....	18
5.0	PHASE II SOIL AND GROUNDWATER TESTING .....	20
6.0	FINDINGS AND CONCLUSIONS .....	24
7.0	REFERENCES .....	25
8.0	SIGNATURE OF ENVIRONMENTAL PROFESSIONAL .....	26
	FIGURE 1. Site Vicinity Map .....	6
	FIGURE 2. Soil sample and Monitor Well Location Map .....	22
	<u>APPENDICES</u>	
	A. Photographs	
	B. Previous Environmental Reports	
	C. Regulatory Agency Search Report	
	D. Phase II Laboratory Reports	
	E. Resumes of Participating Professionals	

## 1.0 SUMMARY

The site is on a man made island located at the end of Inlet Drive in North Fort Myers. The site is developed with a 52,000 square foot boat storage building, 5,000 square foot marina office and maintenance building, 4,000 square foot Shuckers Restaurant, a 500 square foot fire suppression pumphouse, and 4,000 gallon gasoline above ground fuel tank system.

Information obtained from the historical investigation revealed that the site was undisturbed forest until the island was developed in the early 1960's. The adjacent wastewater plant, a swimming pool, and parking lot were the first developments on the island. The swimming pool and parking areas were demolished in 1980. The marina office and boat maintenance facility was constructed in the middle 1970's. The large boat storage building was developed in 1990. Current marina activities at the site include boat storage and outboard engine repair in the large boat storage building.

A review of government agency listings indicated the previous use of three 4,000 gallon gasoline and diesel underground storage tanks (USTs) and one 5,000 gallon gasoline UST located southwest of the marina office and boat maintenance facility. The 5,000 gallon UST was abandoned in place in 1989. The three 4,000 gallon UST's were removed in 1993. Upon completion of an Initial Remedial Action and Contamination Assessment Report, the site was monitored on a quarterly basis until a Site Rehabilitation Completion Order was issued in June 17, 1997. A 4,000 gallon gasoline AST is currently maintained in the southeast corner of the site. No environmental impacts were observed near this AST system.

Observations noted during the off-site survey indicated that properties adjacent to the site were limited to residential properties, waterways, and the Florida Cities Wastewater Treatment Plant. Water Resource Solutions did not observe off-site indicators of hazardous substance or petroleum product impacts during the site inspection.

Previous Phase I and II environmental assessments were conducted at the site by three different environmental consulting firms in 1999 and 2002. These reports identified two general areas of concern located at a former boat sandblast area and larger boatyard area. Soils impacted with arsenic and copper were initially identified in each of these areas. The arsenic was subsequently detected in background samples throughout the site and was determined to be a background element. The copper was mainly encountered in the western portion of the site in areas where the soil has a green tint. The copper was confined to the upper 6 inches of soil in this area. During a 2002 groundwater investigation by WRS, slightly elevated levels of arsenic were detected in a shallow groundwater sample obtained from a temporary well in the boatyard area.

The present Phase II investigation included verifying that the green stained areas throughout the boatyard and sandblast areas contain elevated levels of copper. It also included the installation of a groundwater monitoring well in the boatyard to verify the presence of arsenic in the groundwater. Elevated levels of copper were detected in two soil samples obtained from the sandblast area and six samples obtained from the boatyard area. No arsenic or copper was detected in the groundwater sample obtained from the boatyard.

## 2.0 INTRODUCTION

This report presents the results of a Phase I Environmental Site Assessment (ESA) of the subject site, performed for Knott, Consoer, Ebelini, Hart, & Swett, P.A. (the client) during the period of July 18, 2003 through August , 2003. The services performed included limited historical research, a review of specified listings, and a site reconnaissance. Photographs taken during the site reconnaissance and referenced throughout this report are provided in Appendix A.

### 2.1 Purpose

The purpose of the ESA is to estimate the potential, as of the latest site visit and records review, for hazardous substances and petroleum products to exist at the site at levels likely to warrant mitigation pursuant to current local, state, and federal regulations.

Estimates and professional opinions of this potential are based upon information derived from the site reconnaissance and from other activities described herein. The most recent site reconnaissance was performed on July 31, 2003. The client is advised that the conditions observed by Water Resource Solutions are subject to change. Indicators of the presence of hazardous substances and petroleum products that were not present or observable at the time of the most recent site reconnaissance may subsequently have become present or observable.

The client is the only intended beneficiary of this report because the client is the only party which has been involved in the shaping of the scope of services needed to satisfactorily manage those risks from the client's point of view. With the consent of the client, Water Resource Solutions is available to work with other parties in developing probability estimates given other parties' unique risk management concerns. The scope of work was determined based on the services agreed to by the client at the time the project was initiated.

The guidelines used to define "hazardous substances" and "petroleum products" were obtained from the American Society for Testing and Materials (ASTM) Standard of Practice E 1527. For



the purposes of this report, the "vicinity" of the site is defined as properties located within an approximate one quarter-mile radius of the site.

## 2.2 Special Terms and Conditions

The client has requested that an ESA be performed prior to the transaction of the subject property.

## 2.3 Limitations and Exceptions of Assessment

This ESA does not include a radon survey, Chain-of-Title review, a wetlands delineation, or a lead paint survey. This ESA report is based on information obtained from a variety of usually reliable sources enumerated herein. Water Resource Solutions cannot and does not guarantee the authenticity or reliability of the information it has received from outside sources.

This report is not a comprehensive site characterization and should not be construed as such. This report presents opinions which are based on the findings of observable on-site and off-site conditions, a review of specified regulatory records and historical sources, and comments made by interviewees. ESA's, by their nature, are limited. Water Resource Solutions has endeavored to meet the applicable standard of care and, in so doing, is advising the client of ESA limitations. Water Resource Solutions believes this information is essential to help the client identify and manage risks. These risks can be reduced but cannot be completely eliminated through additional research. Water Resource Solutions will, on request, advise the client of the additional research opportunities available, their impact on risk, and their cost.

## 2.4 Limiting Conditions and Methodology

This ESA was not limited by legal or physical access. The site was walked and visually observed.

## 3.0 SITE DESCRIPTION

### 3.1 Location and Legal Description

The site location is illustrated on the Site Vicinity Map presented as Figure 1 on the following page. The site is located in Sections 16, Township 44 South, Range 24 East, in Lee County, Florida. A legal description was not provided by the client.

### 3.2 Site and Vicinity Characteristics

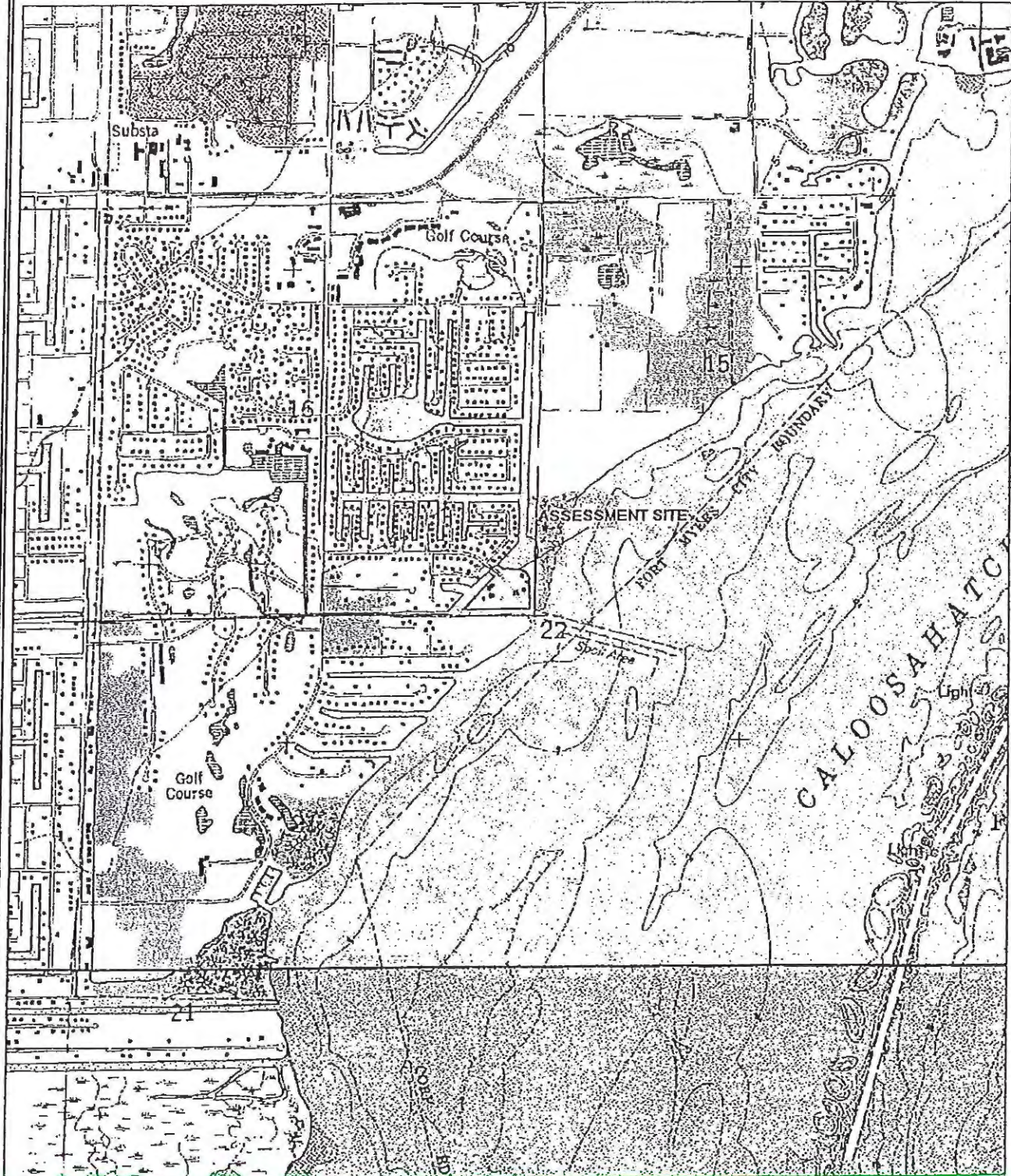
The site is located in a residential area. Developments in the vicinity of the assessment site consist of the Waterway Estates wastewater treatment plant and residential structures.

### 3.3 Description of Structures, Roads, and Other Improvements to Site

The site is developed with docks on the northern, eastern, southern, and northwestern boundaries. The site is developed with four buildings. Water and wastewater services are provided to these buildings by Lee County Utilities. No septic systems were identified on the site.

A 52,000 square foot boat storage building is in the central portion of the site (Photo 1). A small boat motor repair shop is in the southern end of this building (Photo 2). This repair shop is operated as the Caloosa Bobs repair shop. Motor parts are cleaned using a self contained solvent basin serviced quarterly by Safety Kleen. Motor oil is stored in a 275 gallon aboveground storage tank located adjacent to the southern wall of this building (Photo 3). Two additional 55-gallon drums of hydraulic oil were also in this area.

An approximate 500 square foot fire suppression pump house is located southwest of the boat storage building. One 300 gallon waste oil tank and three 55-gallon drums containing used oil filters are in this building (Photo 4). The pavement underneath the waste oil tank was stained with oil, however the oil did not appear to have run off the edge of the floor of this building.



3-D TopoQuad Copyright © 1999 DeLorme Yarmouth, ME 04096 Source Data USGS

550 ft Scale: 1:19,200 Detail 14.0 Datum NAD83

**Water Resource Solutions**

PROJECT NAME: CALOOSA ISLE MARINA

DWG. NUMBER:

PROJECT NUMBER: 01-04535.E1

DATE: 8/29/03



A boat sandblasting booth was formerly located east of the southern end of the boat storage building. A low depression in this area is the only evidence of the former presence of this booth. The booth was constructed of a concrete floor with three cinderblock sides approximately 8 feet tall. The booth was used from about 1990 until 2002.

A 4,000 gallon gasoline AST is in the southeast corner of the site (Photo 5). The AST is a double walled steel tank. The fuel line runs aboveground to the dispenser located approximately 15 feet south of the tank on the seawall. This AST system was installed in 1994. No soil stains were observed adjacent to this AST and dispenser.

A two story 4,000 square foot building is in the northeast portion of the site (Photo 6). The first floor of this building is occupied by the Shuckers Restaurant. Mr. Tom Flynn, Shuckers president, has been associated with this restaurant for the past two years. The restaurant has been at the site since 1992. The restaurant uses a 1,000 gallon propane tank. The second floor of this building is occupied by the Shuckers restaurant office and an apartment unit.

The Fish Tale Marina office is in the northwest portion of the site (Photo 7). A maintenance department formerly occupied the southern end of the building. No floor drains were observed in the vacant service area. Four UST's were formerly located south of this building. Five of the six monitoring wells installed during the UST Contamination Assessment remain on the site. These wells were inspected for hydrocarbon odors and sheens during the site inspection. MW-5 was the only monitoring well which had a diesel odor. MW-2, the downgradient well, did not have an odor or sheen. In November, 2002, WRS detected naphthalenes in MW-2 above the FDEP Cleanup Criteria. CRM subsequently re-sampled this well in January, 2003 and found no naphthalenes in this well. Since MW-5 had a diesel odor, WRS sampled this well for petroleum compounds to determine if these wells were inadvertently mislabeled during the November, 2002 sample collection. Laboratory analysis results indicated MTBE was the only analyte detected in MW-5 at 1.3 ug/L. MTBE was also the only analyte detected in this well during the November, 2002 sampling event at 1.6 ug/L. These monitoring wells are scheduled for abandonment by WRS on September 4, 2003.

The southeast portion of the site is used as a boat yard. Several areas of green stained soils were observed in this area (Photo's 8 and 9).

### 3.4 Exterior and Interior Observations

The HVAC system within the buildings are powered with electricity. Stoves inside the restaurant are powered with propane. No drains or sumps were identified within the facilities on the assessment site. Small stains and evidence of metal corrosion were observed within the metal buildings on the site. No ponds or lagoons associated with waste disposal or waste treatment were observed on the site. Stormwater at the site drains into a swale on the eastern edge of the site. No septic systems were observed on the site.

### 3.5 Information Reported from Interviews

Mr. Mike Wood, Fish Tale Marina, was interviewed regarding the use of the marina sales and service building. Mr. Tom Flynn, Shuckers Restaurant, was interviewed regarding the use of the restaurant building. Detailed information from these individuals was provided in the previous section.

### 3.6 Current Uses of the Property

The site is currently occupied by a restaurant, boat storage and repair business, and boat parts sales department.

### 3.7 Past Uses of the Property

Information obtained from the historical aerial photograph review suggests that the site was undeveloped with no evidence of prior use until the island was constructed in the early 1960's.

### 3.8 Uses of Adjoining Properties

The northwestern tip of the site is the access road to the site. Single family residences are northwest of this access area (Photo 10). Waterway inlets to the Caloosahatchee River are north, east, and south of the site. An outparcel along the south boundary of the site contains the Lee County Utilities wastewater treatment plant. Two approximate 2,000 gallon emergency generator AST's were observed on this property approximately 15 feet away from the assessment site. No environmental impacts were observed adjacent to these AST's.

### 3.9 Indications of Polychlorinated Biphenyls (PCBs)

Pole mounted and slab mounted transformers were observed on the site. These transformers were labeled as Non-PCB. No oil stains were observed near these transformers.

### 3.10 Indications of Waste Disposal

Solid wastes generated at the restaurant is deposited into a dumpster located at the northeast corner of the large boat storage building. Solid wastes generated at the boat storage building is deposited into a dumpster located north of the fire suppression house. These dumpsters are serviced by Onyx. No mounds, depressions, or other obvious non-natural soil disturbances suggesting buried trash or solid waste disposal were observed on the site.

### 3.11 Physical Setting Analysis

The site is generally flat with no obvious topographical trends. Groundwater in the water-table aquifer is anticipated to flow radially towards the closest seawall, but may change depending on seasonal fluctuations and other hydrogeologic factors. A review of the land uses in the vicinity of the site indicates that there is a low potential for impacts from off-site properties.

### 3.12 Previous Environmental Reports

The following environmental reports were reviewed by Water Resource Solutions as part of this investigation:

#### Contamination Assessment Report by Coastal Resource Management, January, 1994

Three 4,000 gallon diesel and gasoline UST's were removed from the site in 1994. As part of the initial remedial action, 100 tons of contaminated soil were removed from the site. A total of six groundwater monitoring wells were installed in this area to assess the vertical and horizontal groundwater impacts. The monitor wells were subsequently monitored on a quarterly basis until hydrocarbon levels naturally attenuated to levels below FDEP Groundwater Cleanup Criteria. A Site Rehabilitation Completion Order was subsequently issued by FDEP on June 17, 1997.

The text, tables, and figures from the following reports are provided in Appendix B.

#### Phase I ESA by Allied Environmental, May 4, 1999

Potential environmental concerns were identified at the sandblast/pressure wash area, boatyard maintenance area, fire suppression pump house, a former UST area, and the existing gasoline AST in the southeast corner of the site.

#### Phase II ESA by Allied Environmental, June 1, 1999

A total of 15 soil borings were installed throughout the site as well as a groundwater sample near an adjacent off-site Lee County Utilities aboveground storage tank. The three source wells from the original UST area were also sampled. No impacts were detected in any of the groundwater samples. Two additional soil samples were collected for laboratory analysis from

the boat maintenance and sandblast areas. Copper was the only analyte detected above the FDEP Soil Cleanup Goals.

Preliminary Soil Assessment by Earth Science, July, 2002

Arsenic was detected in soil samples obtained from 0.5 feet and 2 feet below land surface in 25 areas scattered throughout the site, some of which were background samples. That report referenced a recently published article (Arsenic Concentrations in Florida Surface Soils: Influence of Soil Type and Properties, 2002) indicating that naturally occurring arsenic has been detected in areas of Florida above the FDEP cleanup goal. Two areas of elevated copper were also detected in the sandblast and boatyard areas.

Phase II Investigation by Water Resource Solutions, November 5, 2002

Groundwater samples were obtained from temporary monitor wells in the boatyard maintenance and sandblast areas for analysis of the 8 RCRA metals. A confirmation soil sample was obtained at 1 foot below land surface from the two areas of elevated copper. Arsenic was the only elevated analyte detected in the well located proximal to the boatyard area. No groundwater impacts were detected in the sandblast area. Elevated levels of arsenic were detected in the soil samples obtained from 1 foot below land surface. Copper was detected below cleanup levels at this depth.

In addition to the metals analysis of the groundwater, two monitoring wells installed during the 1993 Contamination Assessment of the site by Coastal Resource Management were analyzed for hydrocarbon constituents. Arsenic was also analyzed from MW-2 as a background sample. No heavy metal or VOA analytes were detected in this groundwater sample. PAH compounds Naphthalene, 2-methylnaphthalene, and 1-methylnaphthalene were detected in this well at 311 ug/L, 51 ug/L, and 54 ug/L. These levels are well above the FDEP Groundwater Cleanup Target Levels of 20 ug/L for each of these analytes. These levels of naphthalenes are believed to be a lab error since no Total Recoverable Hydrocarbons were detected from this same well.



Six soil borings were also installed proximal to the 4,000 gallon gasoline AST currently in use at the site. Soil from the upper foot of a boring installed at the northwestern corner of the AST exhibited an elevated level of hydrocarbons, however soil from the lower interval and remaining soil borings installed proximal to this AST system were below detectable levels. Since this boring was the only soil boring which exhibited elevated organic vapors, it is likely that a small spill may have occurred in that area during filling of the tank. As long as no fuel spills occur in the future, the soil quality in this area is expected to improve in the future due to natural attenuation.

## 4.0

## ENVIRONMENTAL RECORDS REVIEW

### 4.1 Standard Environmental Record Sources and Review

Environmental Data Management, Inc. (EDM) was contracted by WRS to provide a tabulation of facilities that are listed on environmental government databases within the ASTM search distance criteria. These governmental databases contain information pertaining to potential and documented environmental impacts at each facility. A listing of the database files queried by EDM is as follows:

#### Federal Information

- National Priorities List (NPL)
- Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS) list
- Resource Conservation and Recovery Information System - Treatment, Storage, and Disposal Facilities (RCRIS-TSD)
- Corrective Action Report (CORRACTS)
- Emergency Response Notification System (ERNS)
- No Further Remedial Action Planned list (NFRAP)
- Facility Index System (FINDS)
- Toxic Chemical Release Inventory System (TRIS)

#### State Information

- Florida State Funded Action Sites (SFAS)
- Florida Sites List (SITES)
- Solid Waste Facilities (SLDWST) list
- Leaking Underground Storage Tank (LUST)
- Stationary Tanks Inventory System List (TANKS)

A summary of the listings queried by EDM, the corresponding ASTM minimum search distances for each respective listing, and the date of the last government version of each listing is provided in the EDM report in Appendix C.

Upon receipt and review of the database information, Water Resource Solutions identified two listings within the vicinity of the assessment site. The site is listed on the RCRA Non-TSD, FINDS, TANKS, and LUST listings. According to the Florida Department of Environmental Protection Storage Tank files, one 5,000 gallon gasoline UST was abandoned at the site in

1989. Two 4,000 gallon gasoline and one 4,000 gallon diesel UST were removed from the site in 1993 by Coastal Resource Management. A Contamination Assessment Report (CAR) was subsequently prepared by CRM dated February 10, 1994. As part of the CAR, 100 tons of contaminated soil were removed from the site. A total of six groundwater monitoring wells were installed in this area to assess the vertical and horizontal groundwater impacts. The monitor wells were subsequently monitored on a quarterly basis until hydrocarbon levels naturally attenuated to levels below FDEP Groundwater Cleanup Criteria. A Site Rehabilitation Completion Order was subsequently issued by FDEP on June 17, 1997.

Fish Tale Marina currently maintains one steel double walled 4,000 gallon gasoline AST. Previous Lee County inspections noted tank management violations such as not displaying a placard and not documenting visual tank inspections. A \$1,700.00 fine was subsequently paid and the violations were resolved on April 17, 2000. A violation was noted during an April 2002 inspection for failure to have an overfill protection. Lee County reinspected the AST in July, 2002 to find the violation resolved. The AST was inspected in April, 2003. No violations were noted during this most recent inspection.

The Fish Tale Marina was inspected by the FDEP in 1995, 1996, and 1998. According to the FDEP inspection reports, no hazardous waste violations were noted, however some waste management practices were recommended. Paint solvents were observed in a 55-gallon drum which had been stored on the site for over 2 years. Also the collection of sandblast material had accumulated to the point where disposal actions were necessary. FDEP recommended the material be sampled prior to disposal. Coastal Resource Management obtained three samples of this material and determined that it could be disposed of as a non-hazardous waste. An anonymous complaint about the dust emanating from the sandblast booth was called in to FDEP on July 10, 1998. FDEP responded by calling the marina on the phone. The marina indicated they would try to eliminate waste debris. No other actions were taken regarding the sandblast booth. According to Mike Wood, Fish Tale Marina, the sandblast material was loaded into a roll-off dumpster for off-site disposal. No waste manifests are available from the disposal of this material.

The Lee County Utilities wastewater treatment plant maintains four UST's. One 2,500 gallon diesel, one 3,000 gallon methane, one 7,000 gallon caustic soda, and one 7,000 gallon aluminum sulfate UST are in service at this facility. No environmental impacts have been reported for this facility's storage tanks. Two 2,000 gallon diesel emergency generator AST's are also in service at this facility.

## 4.2 Physical Setting Sources

### 4.2.1 Review of Topographic Maps

The 1958-Photorevised 1987 United States Geological Survey 7.5 minute series topographic map for the Fort Myers N.W., Florida quadrangle was reviewed to provide information regarding the topography of the site. A review of this map indicates that the site is situated at an elevation of approximately 5 feet above National Geodetic Vertical Datum.

### 4.2.2 Review of Site Geology Reports

According to the United States Department of Agriculture Soil Survey of Lee County, 1981, the soils in this area are composed of Matlacha-Urban land complex. This soil consists of nearly level Matlacha gravelly fine sand and areas of urban land. Typically, Matlacha soil is a mixture of light gray, gray, and light brown fine sands and shell fragments to a depth of three feet. Undisturbed fine sand is below the upper three feet of sand and shell material.

According to the Geologic Map of Florida, 2001, the Fort Thompson Group occurs within the shallow subsurface of the site. The Fort Thompson Group may be characterized as clastic (sands, silts, and clays) and shell deposits associated with Pleistocene (2.8 million to 10,000 years ago) stands of sea level.

### 4.2.3 Review of Groundwater Reports

According to the Lee County Water Management Project (1988), regional groundwater flow in this vicinity is anticipated to be in a southeastern direction. Site specific flow direction has not been determined, but is expected to flow radially towards the closest seawall.

According to the Hydrogeologic Reconnaissance of Lee County, Florida (South Florida Water Management District, 1992), the uppermost aquifer is the surficial aquifer which is composed of sand of Pleistocene-Holocene age with minor percentages of shell and clay and, in some areas, limestone of Pleistocene age. Occasional sand sized phosphate grains and trace heavy minerals are also present.

## 4.3 Review of Historical Sources

### 4.3.1 Review of Aerial Photographs

Historical aerial photographs obtained from the Lee County Property Appraiser's Office were reviewed for information about the history of development on the assessment site and adjacent properties. The date and scale of each photograph and the observations noted during the review are summarized below:

- 1958 Aerial Photograph - 1 inch = 1,320 feet

The site and adjacent properties are undeveloped forested land.

- 1966 Aerial Photograph - 1 inch = 300 feet

The island has been constructed. A small wastewater treatment facility is in the southern portion of the island. A parking lot and swimming pool are in the northern portion of the site. The restaurant building is east of the parking lot.

- 1968 Aerial Photograph - 1 inch = 300 feet

The assessment site and adjacent properties remain unchanged.

- 1970 Aerial Photograph - 1 inch = 300 feet

The assessment site and adjacent properties remain unchanged.

- 1972 Aerial Photograph - 1 inch = 300 feet

The assessment site and adjacent properties remain unchanged.

- 1974 Aerial Photograph - 1 inch = 300 feet

The assessment site and adjacent properties remain unchanged.

- 1975 Aerial Photograph - 1 inch = 300 feet

The building in the western portion of the site is present. The remainder of the assessment site and adjacent properties remain unchanged.

- 1977 Aerial Photograph - 1 inch = 300 feet

The assessment site and adjacent properties remain unchanged.

- 1980 Aerial Photograph - 1 inch = 300 feet

A boat dock and boat drop area have been added to the southwest portion of the site. The remainder of the assessment site remains unchanged. A large round tank and office facility have been constructed on the wastewater treatment plant site.

- 1981 Aerial Photograph - 1 inch = 300 feet

The swimming pool and parking lot are no longer present. The remainder of the assessment site and adjacent properties remain unchanged.

- 1984 Aerial Photograph - 1 inch = 300 feet

The assessment site and adjacent properties remain unchanged.

- 1986 Aerial Photograph - 1 inch = 300 feet

The assessment site and adjacent properties remain unchanged.

- 1990 Aerial Photograph - 1 inch = 200 feet

The large dry boat storage building has been constructed. The remainder of the assessment site and adjacent properties remain unchanged.

- 1993 Aerial Photograph - 1 inch = 200 feet

The sandblast area is present east of the southeast corner of the boat storage building. The remainder of the assessment site and adjacent properties remain unchanged.

- 1996 Aerial Photograph - 1 inch = 200 feet

The assessment site and adjacent properties remain unchanged.

- 1999 Aerial Photograph - 1 inch = 200 feet

The assessment site and adjacent properties remain unchanged.

- 2002 Aerial Photograph - 1 inch = 200 feet

The assessment site and adjacent properties remain unchanged.

#### 4.3.2 Review of Sanborn Fire Insurance Maps

Sanborn Fire Insurance Maps were not prepared for this portion of Lee County. Sanborn maps were usually generated for urban core areas developed prior to 1950.

#### 4.3.3 Review of Chain-of-Title

A Chain-of-Title review was not conducted as part of this investigation. According to Mr. Bob Caughey, Florida Geological Survey, no oil test wells were drilled within the township in which the site is located.

#### 4.3.4 Review of City Directories

The R.L. Polk Directories for the City of Fort Myers were reviewed at the Lee County Public Library at approximate 5 year intervals. The following is a summary of the city directory review:

1961	site not listed
1966	Waterway Marina Restaurant

1970	no listing
1975	Waterway Marina
1982, 1986	Island Club Marina
1990, 1993	Caloosa Isle Marina
1998	Don Ayotte Marine repair Caloosa Isle Marine Ingle Yacht Services Shuckers & Co
2002	Don Ayotte Marine repair Caloosa Isle Marine Fish Tale Marina Shuckers & Co



## 5.0 PHASE II SOIL AND GROUNDWATER TESTING

### 5.1 Methods of Investigation

One groundwater monitoring well was installed proximal to the location of the former temporary MW-1. That well was installed by WRS in October, 2002. The new monitoring well was installed by South Florida Testing and Drilling on August 25, 2003. The well was installed by auguring a 6-inch diameter borehole to approximately 13 feet below land surface utilizing the hollow stem auger drilling method. After the total depth of the borehole was reached, a 2.0 inch diameter monitoring well was installed inside the hollow stem auger flights. The well was constructed of approximately 10 feet of .010 inch machine slotted screen and 5 feet of PVC casing. A sand filter pack was subsequently backfilled around the well as the auger flights were removed. The sand pack extends to a depth of one foot below land surface. The well was grouted with portland cement to land surface and completed approximately 2 feet above grade. The well was developed for approximately 25 minutes using a centrifugal pump and then sealed with a slip cap.

Groundwater samples were collected from the well with a low flow submersible pump and pumped directly into a laboratory prepared sample containers, labeled, placed on ice, sealed and secured in a cooler, and then shipped via Federal Express to STL Environmental Laboratory in Miramar, Florida for analysis.

The groundwater sample was analyzed for copper and arsenic for both total (unfiltered) and dissolved (filtered) samples. The samples were filtered using a 1 micron filter as the water was being pumped from the well.

All groundwater sample collection and handling procedures were performed in accordance with the Florida Department of Environmental Protection document entitled "*Department of Environmental Protection Standard Operating Procedures for Field Activities, DEP-SOP-001/01*" (January 1, 2002).

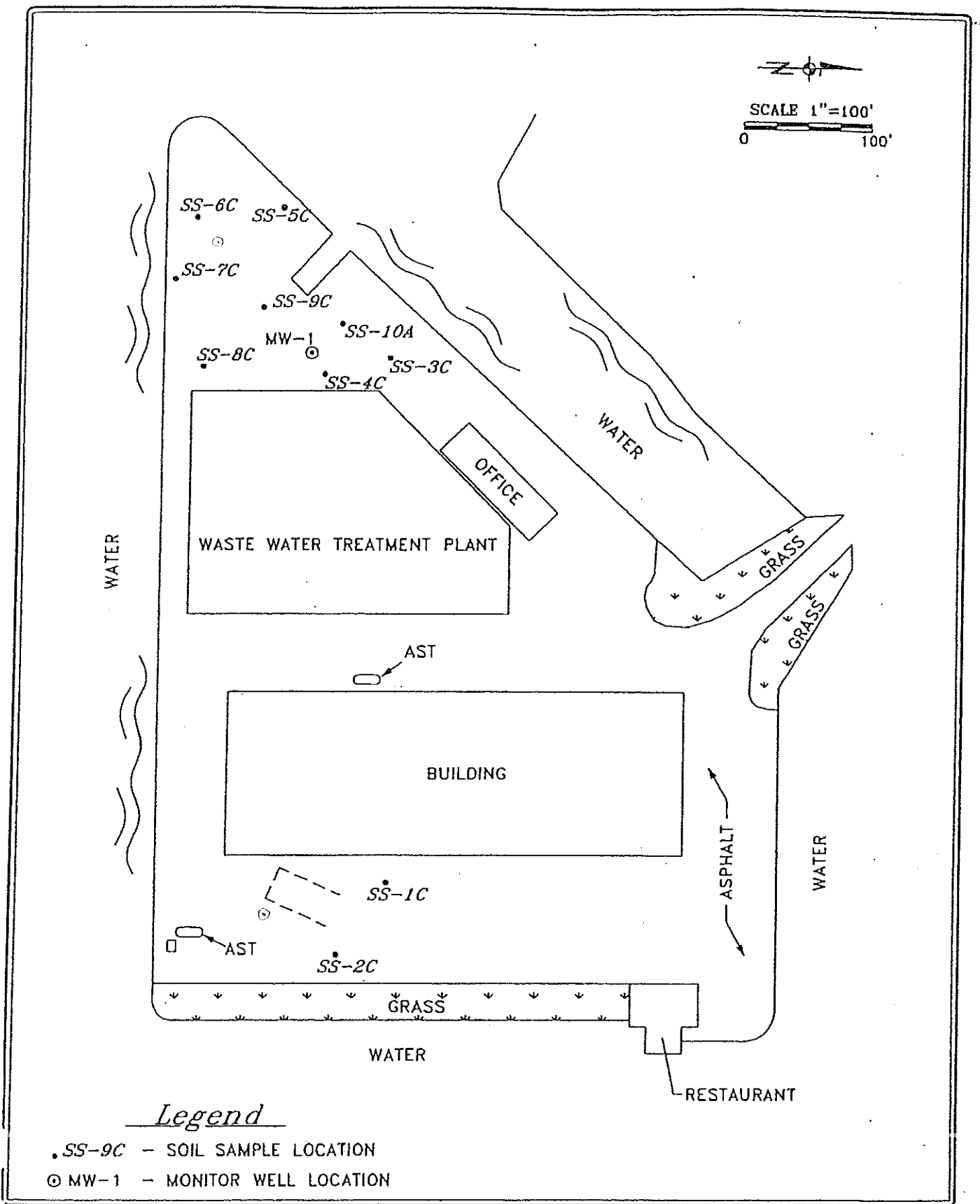
Additionally, ten soil samples were collected from areas throughout the site which had a green tint. Soil samples SS-1 through SS-9 were collected from the upper three inches of soil and analyzed for copper. SS-10A was collected from an area of elevated arsenic identified in the previous Earth Science report. This sample was collected at 18 inches below land surface and analyzed for arsenic. A soil sample and monitor well location map is provided as Figure 2.

## 5.2 Results of Investigation

Five of the six monitoring wells installed during the 1994 UST Contamination Assessment remain on the site. These wells were inspected for hydrocarbon odors and sheens during the site inspection. MW-5 was the only monitoring well which had a diesel odor. MW-2, the downgradient well, did not have an odor or sheen. In November, 2002, WRS detected naphthalenes in MW-2 above the FDEP Cleanup Criteria. CRM subsequently re-sampled this well in January, 2003 and found no naphthalenes in this well. Since MW-5 has a diesel odor, WRS resampled this well on August 14, 2003 for VOA and PAH compounds to determine if the wells were inadvertently mislabeled during the November, 2002 sample collection. Laboratory analysis results indicated MTBE was the only analyte detected in this well at 1.3 ug/L. MTBE was also the only analyte detected in this well during the November, 2002 sampling event at 1.6 ug/L.

No arsenic or copper was detected in the recently installed MW-1. The laboratory analysis report is provided in Appendix D.

All nine soil samples collected for copper analyses contained elevated levels of copper. Soil sample SS-3C contained the highest level of copper at 25,300 ppm. The remaining samples ranged from 775 ppm to 7,500 ppm. The residential FDEP soil cleanup goal is 110 ppm and the industrial soil cleanup goal is 76,000 ppm. The Florida Department of Environmental Protection was consulted regarding the best course of action regarding this issue on August 26, 2003. The FDEP indicated that as long as the soil is not leaching into the groundwater, the soil can be left in place if measures are taken to reduce human contact with the soil. If these measures are taken, FDEP was willing to write a letter



<i>Water Resource Solutions</i>	PROJECT NAME: CALOOSA ISLE MARINA	DWG. NUMBER: A-014528CM1-1
	PROJECT NUMBER: 02-04528.E1	DATE: 08/29/03

FIGURE 2. SOIL SAMPLE AND MONITOR WELL LOCATION MAP.

indicating the issues have been resolved to the FDEP's satisfaction. FDEP did concur with excavating and disposing of the approximate 2,000 square foot stained area, to a depth of approximately one foot, proximal to SS-3C.

Soil sample SS-10A was obtained from 18 inches below land surface between two soil sample locations where Earth Science had previously detected arsenic at 48 ppm and 59 ppm at the two foot interval. Arsenic was detected in SS-10A at 9.7 ppm. This level is within the range of arsenic levels detected in other areas of the site by Earth Science.

Water Resource Solutions has performed this Phase I and Phase II ESA in conformance with the scope and limitations of ASTM Standard Practice E 1527-00 of the site. Exceptions and deletions from the above-referenced Practice are described in Section 2.3 of this report. This assessment has provided the following evidence suggesting that recognized environmental conditions may affect the property:

- Copper impacted soils were detected above the FDEP Residential Soil Cleanup Goal in the boatyard area and former sandblasting area. These soils are in the upper six inches of soil and are stained green. No copper impacted groundwater was detected on the site. Meetings with FDEP indicated that if measures are taken to either dilute the concentration of copper in the soil or to encapsulate the soil to reduce human exposure, most of the soils can be left in place. A higher level of copper impacted soils detected in an approximate 25 foot diameter area in the boatyard should be removed from the site.

American Society for Testing and Materials, 2000, Environmental Site Assessments: Phase I Environmental Site Assessment Process, West Conshohocken, PA, 27 p.

Boggess, D.H., Missimer, T.M., & O'Donnell, T.H., 1981, Hydrogeologic Sections Through Lee County and Portions of Adjacent Collier and Hendry Counties, United States Geological Society.

James M. Montgomery Consulting Engineers, 1988, Lee County Water Resources Management Project, Prepared for Lee County Division of Natural Resources

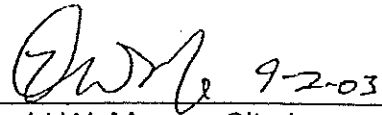
National Cooperative Soil Survey, 1981, Lee County Soil Survey, U.S. Department of Agriculture, Soil Conservation Service, Washington, D.C.

Scott, Campbell, Rupert, Arther, Missimer, Lloyd, Yon, & Duncan, 2001, Geologic Map of the State of Florida, Florida Geological Survey and Florida Department of Environmental Protection.

8.0

SIGNATURES OF ENVIRONMENTAL PROFESSIONALS

The following Water Resource Solutions professional certifies that he participated in the Phase I ESA of this site. A resume of this professional is provided in Appendix E.

Handwritten signature of Donald W. Mayne and the date 9-2-03.

Donald W. Mayne - Site Inspector  
Certified Florida Environmental Assessor #261  
Registered Environmental Property Assessor #6104



APPENDIX A

Photographs



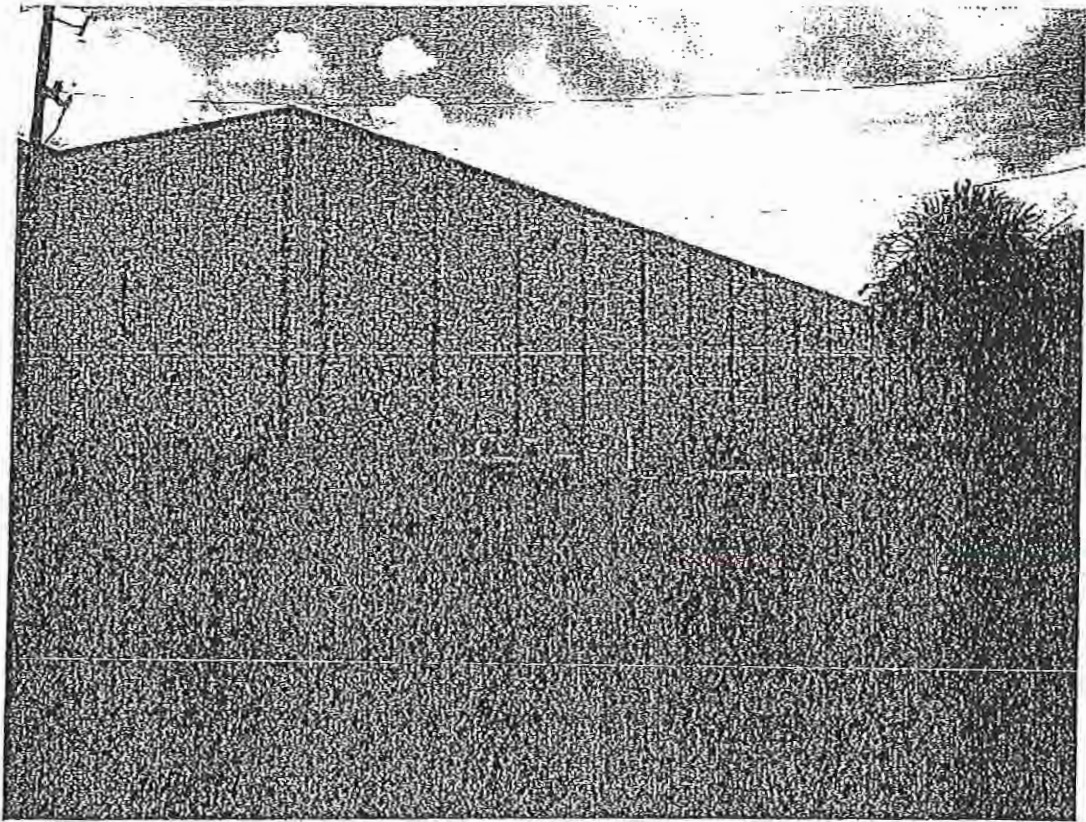


PHOTO 1 - BOAT STORAGE BUILDING



PHOTO 2 - CALOOSA BOBS REPAIR IN BOAT STORAGE BUILDING



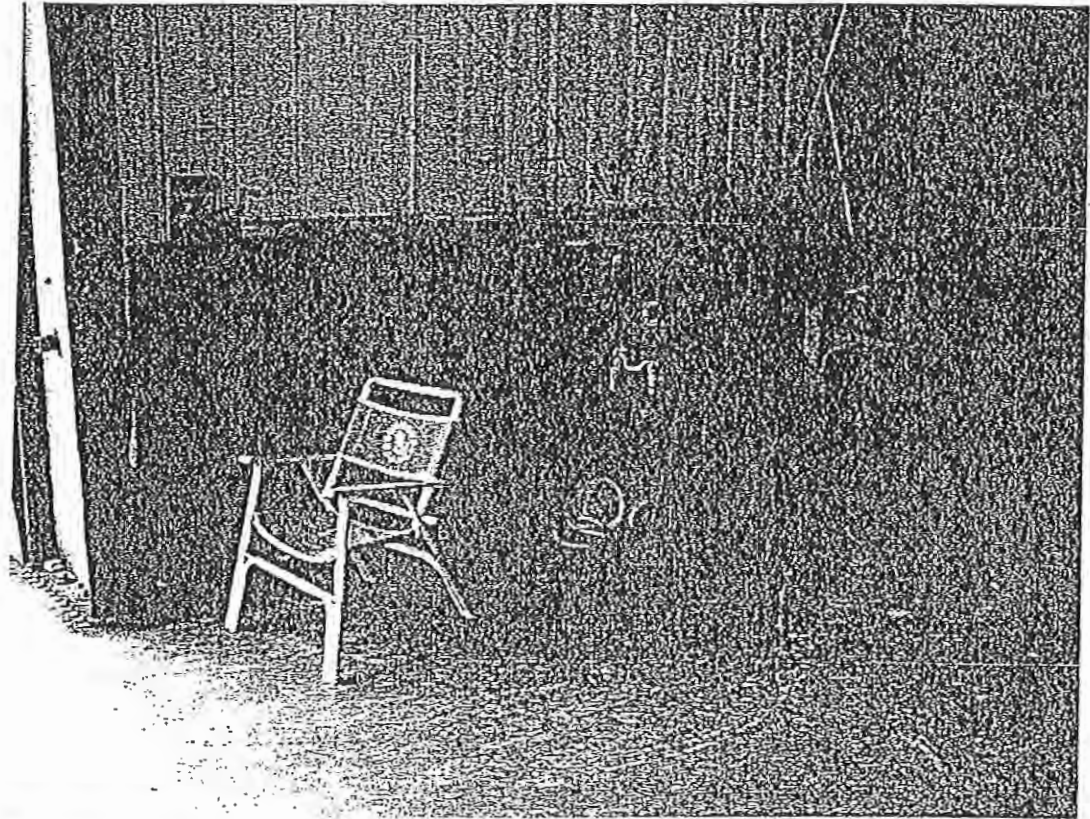


PHOTO 3 - OIL STORAGE IN BOAT STORAGE BUILDING



PHOTO 4 - WASTE OIL STORAGE IN FIRE SUPPRESSION PUMP HOUSE



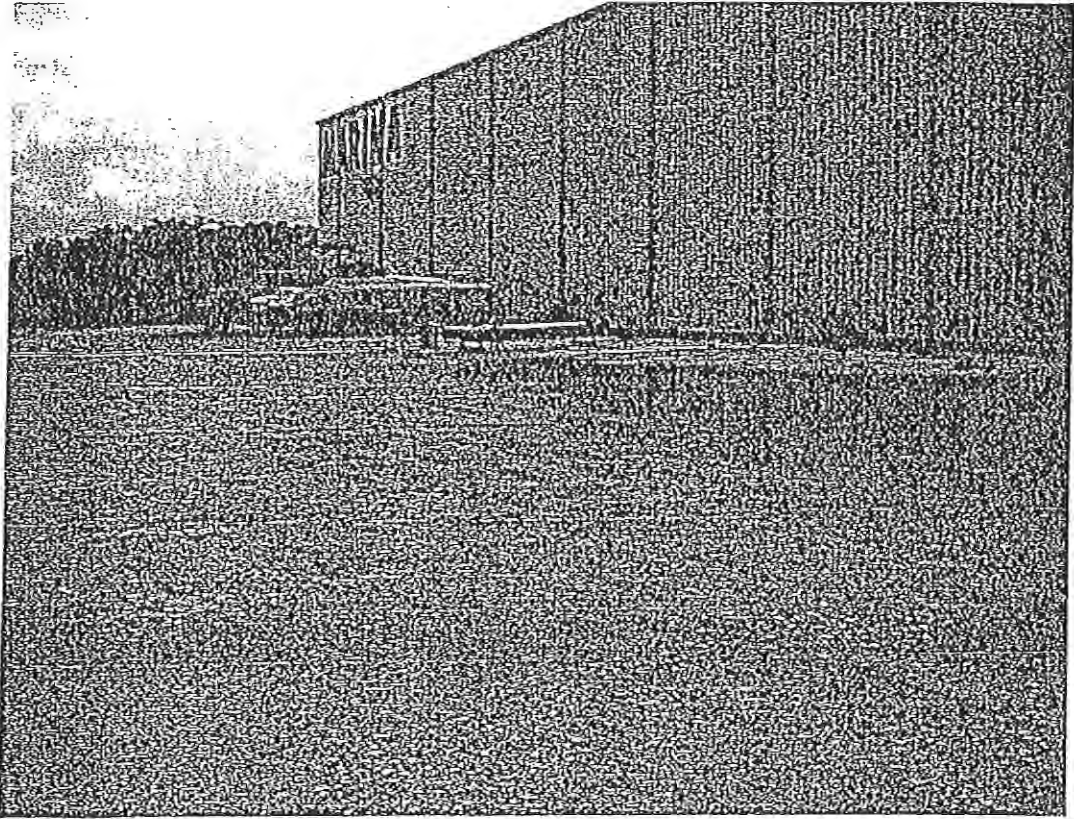


PHOTO 9 - FORMER SANDBLASTING AREA



PHOTO 10 - RESIDENCE NORTHWEST OF THE SITE



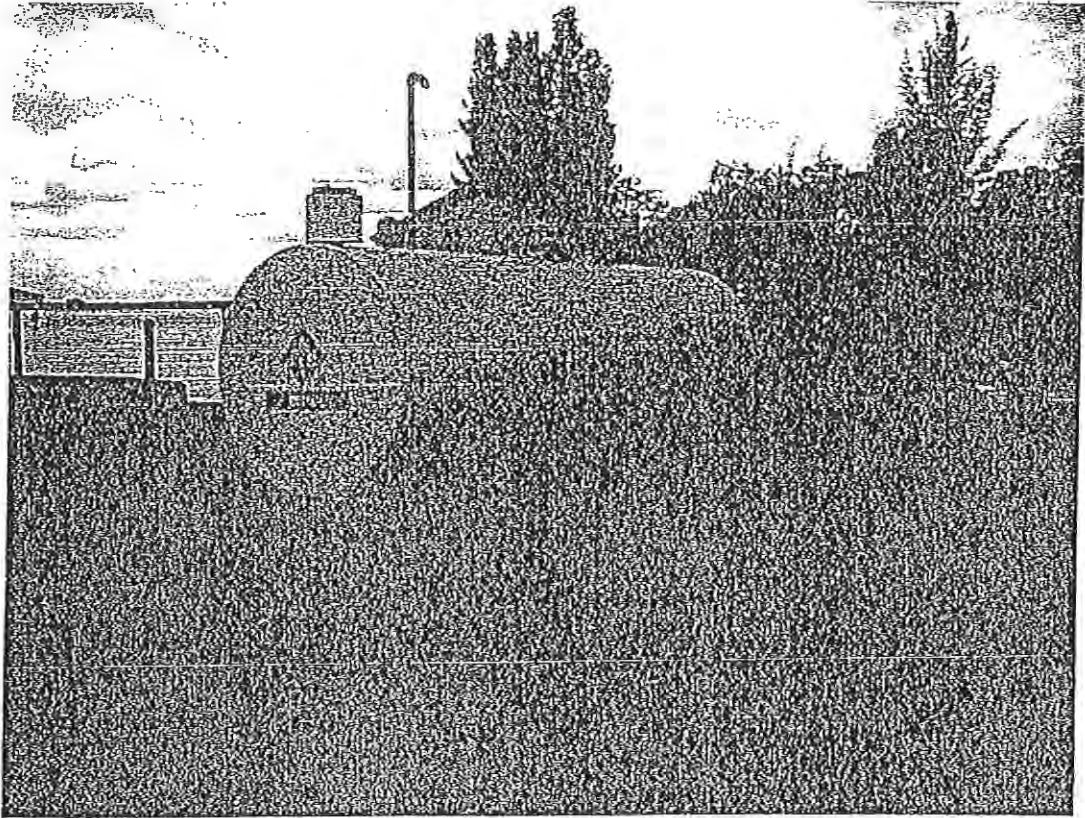


PHOTO 5 - EXISTING GASOLINE AST SYSTEM



PHOTO 6 - SHUCKERS RESTARUANT BUILDING





PHOTO 7 - FORMER MAINTENANCE BUILDING



PHOTO 8 - GREEN STAIN IN BOATYARD



**APPENDIX B**

**Previous Environmental Reports**

May 4, 1999.



Mr. Elwood B. Davis  
WCS/R Corporation  
P.O. Box 2630  
Westport, Connecticut 03880-0630

RE: Caloosa Isle Marina located at 1687 Inlet Drive in North Fort Myers, Florida

Dear Mr. Davis:

Allied Environmental Consultants, Inc. (AEC) has completed Phase I Environmental Site Assessment (ESA) activities at the above referenced site, hereafter referred to as the subject property. The Phase I ESA was completed in accordance with the American Society for Testing and Materials (ASTM) standard practice E1527-97. The findings of said assessment are discussed below.

**BACKGROUND AND SITE HISTORY:**

The facility is an active operating marina that is situated on an approximately 6.5 acre man-made island in North Fort Myers along the Caloosahatchee River. The site was made by constructing sea walls and canals in the mangrove wetlands and filling in behind the sea walls with materials dredged from the surrounding canals during the development of this area. The property access to the mainland is by Inlet Drive. An approximately 1 acre area of the "island" is occupied by the Florida Cities Water Company Waste Water Treatment Plant (WWTP) that is not part of the marina / boatyard. This WWTP handles all of the domestic waste water for the subject site as well as the surrounding Waterway Estates community located on the mainland. The waste water treatment plant is located in the south-southwest area of the "island" and is surrounded by the marina to the north,

east and west. The marina contains approximately 278 hi and dry storage racks, approximately 100 outside storage racks, and approximately 48 in water slips. The remaining approximately 5.5 acre area that is the Caloosa Isle Marina is comprised of the following buildings:

An approximately 52,000 square foot Hi and Dry sheet metal boat storage building that contains maintenance and mechanic shops located in the central area of the site;

An approximately 5,000 square foot concrete block building located in the west area of the site that contains the marina managers office, parts department, canvas shop and garage bays where storage of 55-gallon drums of new oil, polyester resins, fiberglass materials and boat paints occurs;

An approximately 500 square foot sheet metal pump house building located to the southwest of the Hi and Dry building and adjacent to the south canal that contains the fire suppression system influent pump;

An approximately 4,000 square foot two (2) story building constructed of concrete block and located in the northeast area of the site, along the eastern canal, is currently utilized as Shucker's Restaurant on the bottom floor with three (3) apartments on the second floor;

A small wooden shed located along the south dock and adjacent to the current in service 4,000 gallon gasoline aboveground storage tank (AST) is used to store boat oil and other products utilized during fueling events.



### AERIAL PHOTOGRAPH REVIEW

Aerial photographs were reviewed for the site for the years 1966, 1973, 1977, 1984, 1990, and 1996.

The results are summarized below:

1966 Scale 1" = 400' ; The island is visible. A few small buildings and structures which appear to be the initial waste water treatment plant are located in the southwest area of the site. Wet slips for boats are observed located on the north and east sides of the island. A parking lot, pool, and tennis courts are observed in the northeast area of the site.

1973 Scale 1" = 300' ; The site appears similar as it did in the 1966 photograph with the addition of a small building constructed in the northeast area of the site on the eastern canal where the current on-site restaurant and apartments are located.

1977 Scale 1" = 300' ; The site appears similar as it did in the 1973 photograph. Another building is observed in the northwest area of the site, the location of the current marina office building, and more structures have been added at the water treatment plant.

1984 Scale 1" = 300' ; The site appears similar as it did in the 1977 photograph; however what appears to be numerous boats are observed stored on-site in the southwest area of the subject site located behind the building currently utilized as the marina office building, indicative of a boatyard.

1990 Scale 1" = 200' ; The site appears similar as it did in the 1984 photograph; however with the larger scale provided greater detail of the property than the previous years. The construction of a

large building is observed in the central area of the site, where the current Hi and Dry building is located.


1996 Scale 1" = 200'; The site appears similar as it did in the 1990 photograph, with the addition of the large Hi and Dry storage building in the center of the site. The site appears similar as observed during the recent site visit.

No specific environmental concerns were identified as a result of the aerial photography review, however observances were made of when and where boat maintenance activities were conducted over the years. These areas of the site are recommended to be further investigated for environmental impacts concerns. Specific environmental concerns are discussed in the following section.


#### ENVIRONMENTAL CONCERNS:

As a result of the site visit, and from regulatory file review, the following environmental concerns were noted for the site:

#### AREA #1: SAND BLAST / PRESSURE WASH AREA

 This area is located along the east side of the Hi and Dry building where sandblasting, grinding, and pressure washing of boats is conducted, primarily to remove old bottom paint. Sand blasting and pressure washing occurs in a partial containment structure comprised of a concrete floor and three concrete block side walls. The spent sandblast material and bottom paint residue and grindings appear to have been disposed of by sweeping out and washing out the containment area onto the surrounding bare ground surface. The soil surrounding this area has a "blueish" color. These soils

are most likely impacted with heavy metals that are contained in bottom paints and possibly other petroleum and or solvent contaminants. The groundwater in this area of the site may also be impacted with heavy metals contamination from the metals leaching out of the soils. There is also a potential for solvents that are utilized in boat painting and fiberglass maintenance to have impacted the groundwater in this area.

 It is recommended that the impacted soils be laboratory analyzed and that spent sandblast materials and impacted soils be excavated and disposed of properly from the site. Furthermore, in the future a revised "house keeping" policy should be implemented for handling of these wastes. The installation of at least one (1) groundwater monitoring well in this area of the site is recommended to test for heavy metals and solvent contamination in the groundwater.

According to previous records and files reviewed at the Florida Department of Environmental Protection (FDEP), these issues have been an on-going problem for the marina as documented in the regulatory compliance inspections conducted by the FDEP in 1995, 1997 and in 1998. These files indicate that the facility has routinely been out of compliance for this problem. However, it appears the nothing has been done to remove the impacted soil and sand blast material. A sample was collected of the material in 1996 by Coastal Resource Management on behalf of the marina and was found to be non-hazardous. However, this material is still considered a specialized industrial waste and could cost up to \$60.00 per ton for disposal. There could be approximately 20-30 tons of soil and sand blast material to be removed from this area. A current sample of this material is recommended to be collected and tested to determine the proper disposal method.

## AREA #2: BOATYARD MAINTENANCE AND PETROLEUM UST AREA

A large boat maintenance area, "boatyard", is located in the southwest area of the site behind the office building. This area is adjacent to the large boat lift that is utilized to lift boats out of the water that are up to 50 to 60 feet in length. This area of the site is utilized for hauling and working on larger boats. Soils impacted with removed bottom paint particles and residue, boat finishes, and fiberglass grindings and residues, as well as numerous unlabeled 55-gallon drums, two (2) 55-gallon drums labeled diesel fuel and waste oil, empty paint and solvent containers, all stored on the bare ground, were observed in this area of the site.

The collection and analysis of soil samples for heavy metals, petroleum and solvent compounds, as well as the installation of up to two (2) groundwater monitoring wells to collect groundwater samples for analysis of heavy metals, solvent and petroleum compounds is recommended for this area of the site.

This area of the site is adjacent to petroleum AST's utilized at the adjacent waste water treatment plant to fuel backup generators. These adjacent tanks have no reported discharges, but the installation of the wells in this area will also evaluate the potential for possible discharges from the adjacent AST's.

Also located in this area, adjacent to the rear of the office building, is a 5,000 gallon petroleum (probably gasoline) underground storage tank (UST) that was apparently closed-in-place prior to 1990. No information regarding this closure was available and there is probably no tank closure report associated with this tank since there was no regulatory requirement to do so at that time. Only

since 1990 has a closure report been a requirement by the FDEP to document storage tank closure activities. The current owner of the marina took over marina operations in 1990 and should have information relative to the tank or closure activities, which may document if contamination was discovered. The conducting of soil borings with screening of soil samples by Organic Vapor Analyzer (OVA) is recommended in this area surrounding the closed-in-place UST. A temporary monitoring well for the collection of groundwater samples is recommended.

Immediately to the southwest of the closed-in-place UST is the former location of three (3) UST's (gas, diesel, and waste oil) that were removed in 1993. A large volume of petroleum contaminated soil was excavated in conjunction with the UST removal. A Discharge Reporting Form (DRF) for petroleum related contamination was filed for the site in 1993. A Contamination Assessment Report, Initial Remedial Action Plan, and other documents regarding the assessment and clean-up activities were not available for review at the local FDEP district office in Ft. Myers. These reports are currently filed in Tallahassee at the main FDEP office. (We are in the process of trying to get copies of the files for review via the site owner.) The site received a No Further Action (NFA) Order for this discharge in June of 1997, meaning it has been cleaned up to meet the regulatory standards as per Florida Administrative Code (FAC) Chapter 62-770 for Petroleum Contaminated Sites. AEC recommends the sampling of groundwater from one or two of the existing wells to verify contaminant levels have remained below the regulatory limits.

### AREA #3: FIRE SUPPRESSION PUMP HOUSE

A very poorly maintained waste oil tank, open unlabeled drums and buckets of oil filters, along with puddles of waste oil were observed in the pump house. This area was identified as a problem area.

regarding hazardous material storage by the FDEP Hazardous Waste Group based on their site visits conducted in 1995, 1997 and 1998. The site is considered as a conditionally exempt Small Quantity Generator (SQG) of hazardous waste for the used oil, parts cleaner, solvent, and paint wastes routinely generated at the site. However, as of the latest correspondence observed from the FDEP dated January 15, 1998 the site was out of compliance for their storage and disposal practices of these wastes as per Florida Administrative Code (FAC) Chapter 62-730 which adopts Federal Regulation 40 CFR Parts 260-280 and in violation of RCRA regulations.

As previously mentioned, numerous 55-gallon drums exist on-site. Most are unlabeled, some partially full of solvent and paint rags, fuel, spent parts washer liquid, used oil, paint, solvents, and resins. An inventory of all the drums existing on-site, disposal of drums with waste materials, and better storage (such as on impervious surfaces and inside secondary containment structures) and disposal practices for all waste material(s) that are generated on-site should be implemented. Ingle Yacht Service, Inc. also operates at the marina as an outside sub-contractor conducting engine repair, painting, and general boat maintenance. They too are a designated small quantity generator of hazardous waste. They were also found to be out of compliance by the FDEP during the site visit in 1998 for some of the same problems listed previously. The FDEP has also been urging the marina to designate an area where pressure washing can be conducted in a manner where wash water can be recycled or sent to the sewer system by possible construction of a wash bay with underground drains and filtration or direct feed into the sanitary sewer system. This type of wash water drain system may need to be installed at the existing sand blast area on the east side of the hi and dry because pressure washing, sand blasting and painting of smaller boats is conducted there as well. These issues are recommended to be resolved prior to closing and WCSJR taking over the property.

#### AREA #4: DIESEL FUEL AST

An approximately 300 gallon diesel fuel AST was observed located outside the southeast corner of the Hi and Dry building. This tank was located in a very crude secondary containment structure with petroleum staining evident on the surrounding bare ground surface(s). Upgrading the storage and containment structure for this tank is highly recommended. Construction of a roof to keep water off the tank and out of the containment structure is also recommended. Installation of soil borings and a temporary groundwater monitoring well to facilitate the collection of a groundwater sample is recommended in this area.

This area is immediately adjacent to the engine shop located inside the hi and dry building. Engine rebuilding, including degreasing and parts washing is conducted in this area. This area will also be evaluated for the presence of contaminants due to the potential for run-off to the surrounding bare ground surface. A second shop is located in the southwest corner of the Hi and Dry building. Oil staining was observed on the concrete apron located along the south side of the Hi and Dry building in the area of the shops. It appears that wash water impacted with waste oil and solvents gets washed out of the shop areas in the Hi and Dry building and onto the apron and into the canal. Soil borings will be installed in this area of the site as well.

#### AREA #5: GASOLINE AST

The active on-site 4,000 gallon gasoline AST and dispenser located in the southeast area of the site appear to be in good condition, with no discharges documented. There is a short underground piping run to the existing dispenser mounted on the dock. AEC is in the process of determining if the tank, dispensers, and piping systems are in compliance, and if upgrades to these systems are

needed. Soil borings will be installed along the piping run and near the AST to determine the potential for impacted soil and/or groundwater. A figure showing the site and depicting the areas of environmental concern is attached.

#### CONCLUSION:

The concerns identified are typical environmental concerns found at full service marinas / boatyards that also allow unsupervised do it your-selves and other outside contractors to conduct boat maintenance and repairs on-site. There are definite environmental issues that need to be addressed prior to closing, such as the removal of bottom paint and sand blast media impacted soils, and the inventory, disposal and proper storage of wastes, especially oil, solvents, and paints. The above mentioned concerns of petroleum and solvent impacts to the soil and groundwater at the site will be addressed by the conducting of soil borings, soil sampling, and installation of temporary monitor wells for collection of groundwater samples for laboratory analysis. The cost to conduct the Phase II Environmental Site Assessment (ESA) activities, installation of monitor wells and borings and soil and groundwater testing, at the subject site and preparation of a report to document the activities and results is approximately \$6,200. A proposal that discusses specific fees and costs associated with the Phase II ESA will be prepared and submitted for your review.

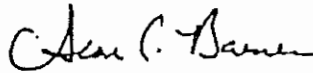
Additional activities such as characterizing and disposing of the spent sand blast media and bottom paint impacted soils can be accomplished as well as the characterizing, manifesting, and proper disposal of drums of wastes can be conducted by AEC. Preparing of a drum storage plan for raw materials and generated wastes at the site can also be completed by AEC, if needed. The cost of these additional activities can be addressed in a separate proposal.



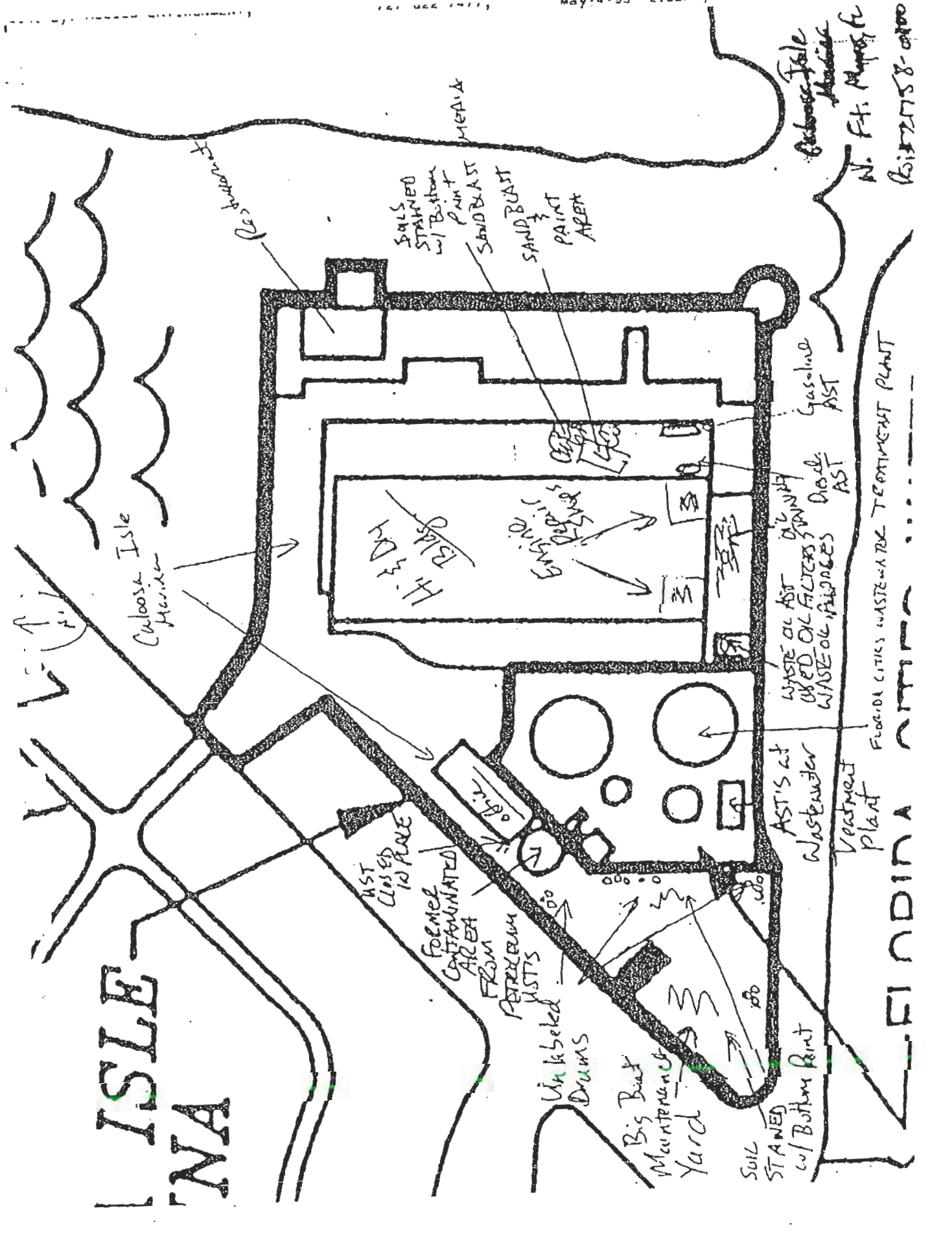
Please do not hesitate to call Rick Hagberg or myself if you have any questions or if I can be of any additional assistance to you in this matter.

Sincerely,

**ALLIED ENVIRONMENTAL CONSULTANTS**



Sean C. Barnes  
Project Manager





**PHASE II ENVIRONMENTAL SITE ASSESSMENT REPORT**

for

**THE CALOOSA ISLE MARINA  
1687 INLET DRIVE  
FORT MYERS, FLORIDA**

**JUNE 1, 1999  
AEC Project Number: 21758-0101**

**Submitted to:**

**MR. ELWOOD B. DAVIS  
WCSJR CORPORATION  
P.O. BOX 2630  
WESTPORT, CONNECTICUT 03880-0630**



June 1, 1999

Mr. Elwood B. Davis  
WCSJR Corporation  
P.O. Box 2630  
Westport, Connecticut 03880-0630

RE: Phase II Environmental Site Assessment (ESA) Calloosa Isle Marina

Dear Mr. Davis:

Allied Environmental Consultants, Inc. (AEC) has completed Phase II Environmental Site Assessment (ESA) activities at the above referenced site. Environmental conditions warranting inspection, via soil sampling and groundwater sampling had previously been identified in the Phase I ESA conducted by AEC and dated May 4, 1999.

The following areas of the site were identified to have environmental concerns: The portion of the "Big Boat" maintenance yard located in the southwest area of the site where "bottom jobs" are conducted, where unlabeled 55-gallon drums were located, and along the boundary adjacent to the pollutant storage tanks located at the Waste Water Treatment Plant. Also of concern was the area located behind the office in the southwest portion of the site, where a closed-in-place former petroleum underground storage tank (UST) was reported to exist, and the former UST area which had previously been assessed. Also of concern is the area of the site where the sand blasting containment structure is located, the gasoline and diesel fuel AST's, as well as the maintenance shops.

Soil borings (SBs) were installed in these areas of the site with soil samples collected at two (2) foot intervals down to the soil/groundwater interface. The soil samples were screened by use of an Organic Vapor Analyzer (OVA). Of the fifteen (15) soil borings conducted, no vapors attributable to petroleum or solvent contaminants were detected. See the attached figure for the soil boring locations.

A temporary monitoring well was installed in the boring SB-9, in the area of the pollutant storage tanks at the adjacent Waste Water Treatment Plant. Groundwater samples were collected from the well and laboratory analyzed via EPA Methods 624 and 625 to test for the presence of solvents or petroleum related contaminants. The results of the laboratory analysis indicated that no solvent or petroleum compounds were present in the groundwater above detection method limits in this area of the site. A copy of the laboratory analytical results is attached.

Three (3) permanent monitoring wells, MW-2, MW-5 and MW-6D, installed during the previous assessment activities were also sampled. Groundwater samples were collected from these wells and analyzed for the presence of petroleum compounds by EPA Methods 602 and 610. Trace levels of the gasoline constituent Methyl Tertiary Butyl Ether (MTBE) were detected in the deep well, MW-6D, at a concentration well below the State Regulatory Limits (SRLs). The samples collected from the other permanent wells did not indicate the presence of petroleum compounds.

Soil samples were collected from two (2) areas of the site where sand blasting and "bottom jobs" are conducted. The soil sample SS-1 was collected from a stained soil area in the "Big Boat" maintenance yard. The soil sample SS-2 was collected from the stained soil and sand blast media located adjacent to the containment area in the southeast area of the site. These samples were analyzed for the heavy metals arsenic, cadmium, chromium, copper, and lead. The sample SS-1 contained levels of arsenic and chromium at concentrations well below the SRL's. The levels of copper (at 26,200 mg/kg) and lead (at 288 mg/kg) were at considerably higher concentrations. The SRL for lead in soils is 500 mg/kg for residential sites and 1000 mg/kg for industrial sites. There is no SRL for copper in soil. However there is a groundwater SRL and being that the groundwater is so shallow, the potential for the copper and the lead to leach into the groundwater is very favorable. AEC recommends that the metals impacted surficial soils in this area of the site be excavated and disposed of properly.

Soil sample SS-2 was collected from the sand blast "bottom job" area located in the southeast portion of the site adjacent to the containment structure SS-2 was found to contain low levels of chromium below SRL's and copper at a concentration of 19,200 mg/kg. The surficial soils in this area should be excavated and disposed of because these metals have the potential to impact the groundwater in this area of the site.

AEC recommends the cleanup of the metals impacted surficial soils in the identified areas. The soils are considered an industrial waste, but could become a hazardous waste if metals concentrations increase to above the SRL's. There is also a concern for potential groundwater impacts. It is recommended that approximately twenty (20) to thirty (30) tons of impacted soils will require removal and disposal. Transportation and disposal cost are approximately \$60.00 a ton plus equipment and labor costs or approximately \$3,500 turnkey.

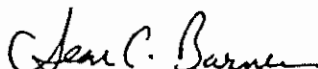
Furthermore, the aboveground gasoline storage tank appears to be in compliance. However, an enclosed dispenser pan is required beneath the dispenser at the dock, shear valve and/or pressure regulator #52 and dispenser hose breakaway. Other minor upgrades may also be necessary. These upgrades can be completed for approximately \$2,100.00.

Once the above issues are addressed, no other assessments or subsurface investigations are warranted at this time.

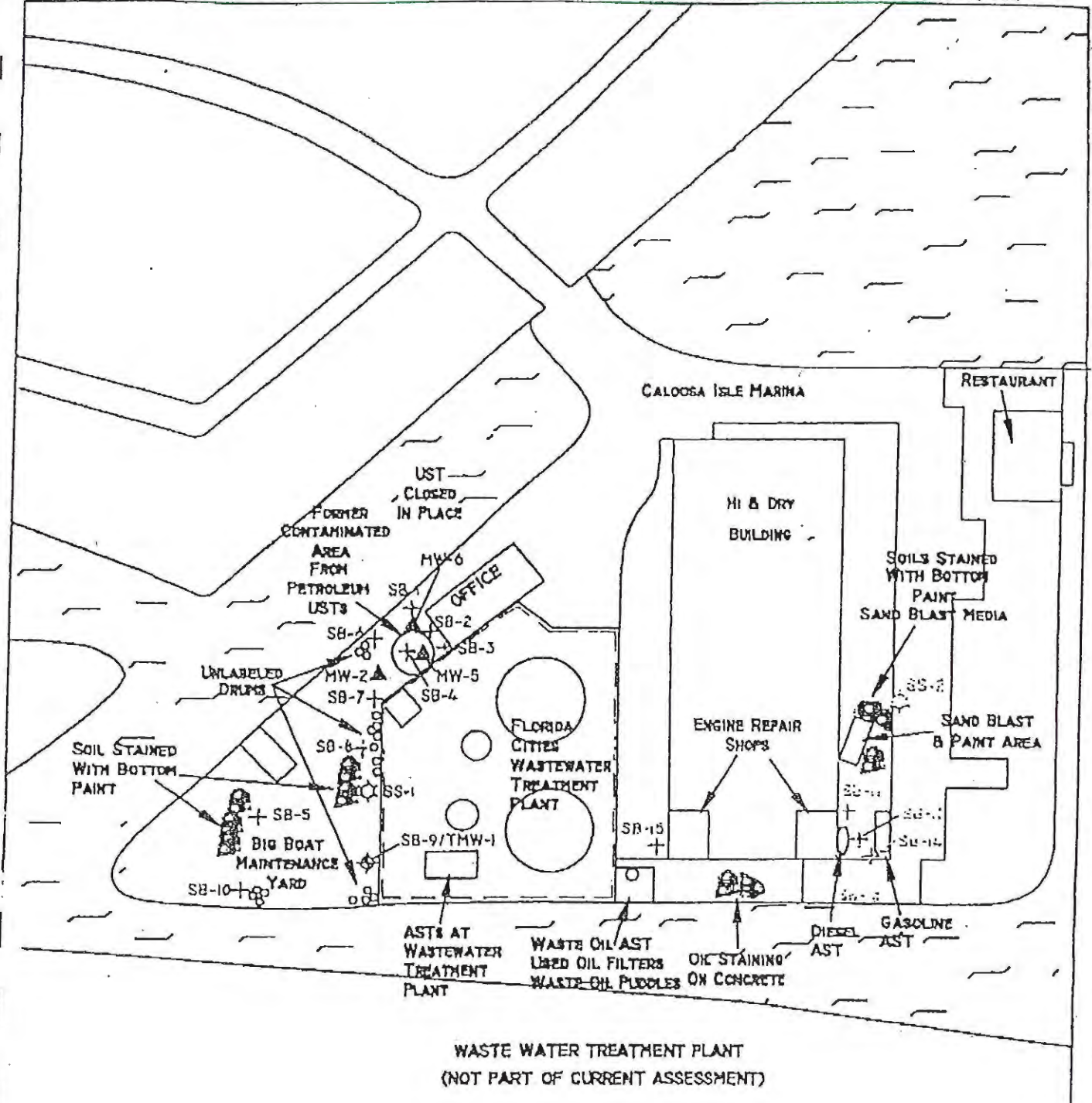
If you have any questions or if we can be of further assistance in this matter please give Rick Hagberg or myself a call.

Sincerely,



ALLIED ENVIRONMENTAL CONSULTANTS, INC.

  
Sean C. Barnes  
Project Manager





WASTE WATER TREATMENT PLANT  
(NOT PART OF CURRENT ASSESSMENT)

<b>LEGEND:</b> ▲ EXISTING PERMANENT MONITORING WELLS + SOIL BORING LOCATION ○ TEMPORARY MONITORING WELL LOCATION ⊕ SOIL SAMPLE LOCATION				<b>SOIL BORING AND MONITORING WELL LOCATION PLAN</b> CALOOSA ISLE MARINA N. FT. MYERS, FLORIDA	
DATE DRAWN:	08-26-00	PROJECT NUMBER:	21738-0101	PROJECT MANAGER:	SPARNES
REVISED:		SCALE:	N.T.S.	COURTY:	LEE
					690 FIRST AVENUE NORTH SUITE 100 ST. PETERSBURG, FL. 33701 (813) 822-7477
				CLIENT:	CALOOSA ISLE MARINA
				DRAWN BY:	JWRIGHT

# EARTH SCIENCE, INC.

*Assessments, Consulting, Remediation, Research & Development*

*8327 Coral Creek Loop, Hudson, FL 34667*

*Phone (616) 891-0764 ~ (616) 891-0762 (fax)*

*E-mail: earthscience1@earthlink.net*

September 26, 2002

Project #: 02-014

Mr. Elwood B. Davis  
WCSJR III Corporation  
PO Box 2630  
Westport, CT 06880

Dear Mr. Davis:

Subject: Preliminary Soil Assessment Report (Updated 9/26/02)  
Caloosa Isle Marina  
1687 Inlet Drive, Fort Myers, Lee County, FL

Earth Science, Inc. is pleased to provide you with this preliminary soil assessment report for the subject site. The preliminary soil assessment scope of services included the following:

- Utility clearances.
- Field Effort #1 – Advancement of a total of ten soil borings at two source areas.
- Field Effort #2 – Advancement of a total of 12 soil borings at two source areas and the collection of three, background soil samples.
- Field Effort #1 – The collection of 15 soil samples for laboratory analyses.
- Field Effort #2 – The collection of 21 soil samples for laboratory analyses.
- General report preparation and report update.

Reductions to the above authorized scope of work follows:

- High water table and surface water conditions present in Area 1 (former sand blast and paint area) precluded the collection of a soil sample at depth [proposed at 2 to 3-feet (ft) below land surface (BLS)].

## Soil Assessment

Hand auger soil borings were advanced at the site at the following source areas:

- Area 1: Former sand blast and paint area, located on the east side of the facility.
- Area 2: Big boat maintenance area, located on the west side of the facility.

Following a historical aerial photo review, background soil samples were collected from either side of the facility entrance, an area removed from the source areas, and near the restaurant. See Figure 1 for background soil sample locations.



For the purposes of the proposal it was estimated that the depth to groundwater was 4-ft BLS and that the site lithology permitted the advancement of the soil borings using a hand auger. The soil borings advanced at Area 1 encountered the water table at approximately 1.5-ft BLS and at Area 2 the water table was approximately 2.5 to 3-ft BLS. Surface water was also present at Area 1.

During the first field event, the soil borings advanced at Areas 1 and 2 were screened using a Foxboro 128 organic vapor analyzer (OVA), equipped with a flame ionization detector (FID). The soil screening procedure was in accordance with Florida Administrative Code (FAC) Chapter 62-770.200(12). The soil boring locations are shown on Figures 1 and 2 for Areas 1 and 2, respectively. Soil boring logs for the first field event are provided as Attachment 1. In summary, at Area 2, organic vapor readings, less methane/ethane, were detected by the OVA/FID at select boring locations at concentrations above 10 parts per million (ppm).

Soil samples were collected for laboratory analyses in accordance with the Florida Department of Environmental Protection (FDEP) Standard Operating Procedures for Field Activities, dated January 2002. Specifically, during the first field event a soil sample was collected at each area at a depth of 6-inches BLS for EPA method 8260 (priority pollutant volatile organics) and 8270 (priority pollutant extractable organics), FL PRO [total petroleum hydrocarbons (TPH)], 6010/7471 (RCRA 8 metals and total copper), and TCLP RCRA 8 metals. In addition, soil samples were collected during the first field event for RCRA 8 metals and total copper analyses from each additional boring advanced at Areas 1 and 2 at 6-inches BLS and with depth (e.g., approximately 2 to 3-ft BLS), as site conditions permitted. The sample designations represent the boring designation and sample depth.

Soil samples collected during the second field event were analyzed for total arsenic. In addition, select soil samples collected at Area 1 (e.g., soil borings 1-9, 1-10, and 1-11) and the background soil samples were analyzed for total copper. Also, TCLP arsenic analyses were performed on select soil samples from Area 2 (e.g., soil borings 2-9@2-ft and 2-10@2-ft).

The analytical data reports are provided as Attachment 2 and summarized in Table 1. The following summary is offered for analytes that exceed the FAC Chapter 62-777 cleanup target levels (CTL's):

#### Background

\* *Total arsenic* was detected at each background soil sample location at concentrations that exceeded the FAC Chapter 62-777 residential soil CTL of 0.8 milligrams per kilogram (mg/kg). Specifically, the concentrations ranged from 0.95 to 3.0 mg/kg. These concentrations however, do not exceed the groundwater leachability criteria of 29 mg/kg.

\* *Total copper* was detected in each background soil sample location at concentrations that did not exceed the FAC Chapter 62-777 residential soil CTL of 110 milligrams per kilogram (mg/kg). Specifically, the concentrations ranged from 15.3 to 97.8 mg/kg.

#### Area 1

*Total arsenic* was detected in each soil sample collected at a depth of 6-inch BLS (with the exception of soil boring location 1-6) at a concentration that exceeds the FAC Chapter 62-777 residential soil CTL of

0.8 mg/kg. Soil samples collected at soil boring locations ~~1-1, 1-3 and 1-4~~ also exceed the industrial soil CTL of 3.7 mg/kg and the maximum background soil concentration (3.0 mg/kg) detected at the site.

Total copper was detected in soil samples 1-4@6-in (419 mg/kg), 1-5@6-in (353 mg/kg), 1-9@6-in (1,820 mg/kg) and 1-10@6-in (932 mg/kg) at concentrations that exceed the FAC Chapter 62-777 residential soil CTL of 110 mg/kg. These concentrations do not exceed the industrial soil CTL of 76,000 mg/kg.

#### Area 2

Total arsenic was detected in each soil sample collected at a depth of 6-inch BLS and with depth (e.g., 2 to 3-ft BLS), with the exception of soil sampling location 2-7@2-ft, at a concentration that exceeds the FAC Chapter 62-777 residential soil CTL of 0.8 mg/kg. Also soil samples from Area 2, less soil samples 2-1@3-ft, 2-5@2-ft, 2-7@2-ft, 2-8@6-in, 2-9@6-in and 2-10@6-in, also exceed the industrial soil CTL of 3.7 mg/kg. With the exception of soil samples 2-1@3-ft and 2-7@2-ft all soil samples collected for laboratory analyses exceeded the maximum background soil concentration of 3.0 mg/kg detected at the site.

Total copper was detected in soil sample 2-1@6-in (563 mg/kg) at a concentration that exceeds the FAC Chapter 62-777 residential soil CTL of 110 mg/kg. This concentration does not exceed the industrial soil CTL.

Total petroleum hydrocarbons (TPH) were detected in soil sample 2-1@6-in (642 mg/kg) at a concentration that exceeds the residential soil CTL of 340 mg/kg. This concentration does not exceed the industrial soil CTL of 2,500 mg/kg.

*K* 1,2,4-Trimethylbenzene was detected in soil sample 2-1@6-in (0.496 mg/kg) at a concentration that exceeds the FAC Chapter 62-777 groundwater leachability criteria of 0.3 mg/kg. This concentration does not exceed the residential or industrial soil CTL's.

#### Summary and Recommendations

Earth Science, Inc. performed this preliminary soil assessment in accordance with our proposal dated July 3, 2002, less those scope of work reductions listed on page 1 of this report. The second field event was performed on August 22, 2002 following verbal authorization to proceed. During the first field event at Area 2, organic vapor readings, less methane/ethane, were detected by the OVA/FID at select boring locations at concentrations greater than 10 ppm (see Attachment 1). *△*

Soil samples collected from the two subject areas for laboratory analyses did reveal analyte concentrations in exceedance of their respective FAC Chapter 62-777 residential, industrial or groundwater leachability CTL's. Table 1 summarizes these analytical findings. Background soil samples also collected from the site indicate the presence of total arsenic at concentrations greater than the residential CTL. Provided as Attachment 3 is an article titled "Arsenic Concentrations in Florida Surface Soils: Influence of Soil Type and Properties," published in 2002. This study concluded that the background concentrations of total arsenic in Florida surface soils varies greatly based on soil type and properties and that caution should be taken when a single soil total arsenic concentration is used as a cleanup standard.

Based upon the background and source area analytical findings, as well as the horizontal extent in the unsaturated zone of the analytes detected, consideration should be given, with concurrence from the FDEP, to establishing appropriate engineering and institutional controls for the site. If consideration is given to the *L*

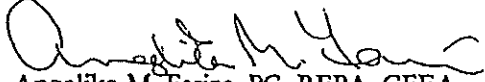
Mr. Elwood B. Davis  
September 26, 2002  
Page 4

excavation of any impacted soil identified herein, then proper handling treatment and disposal should be performed:

It was our pleasure to perform this preliminary soil assessment. Should you have any questions please contact the undersigned at (616) 891-0764.

Sincerely,

EARTH SCIENCE, INC.



Angelika M. Farina, PG, REPA, CFEA

Florida Licensed Professional Geologist #PG 0001389

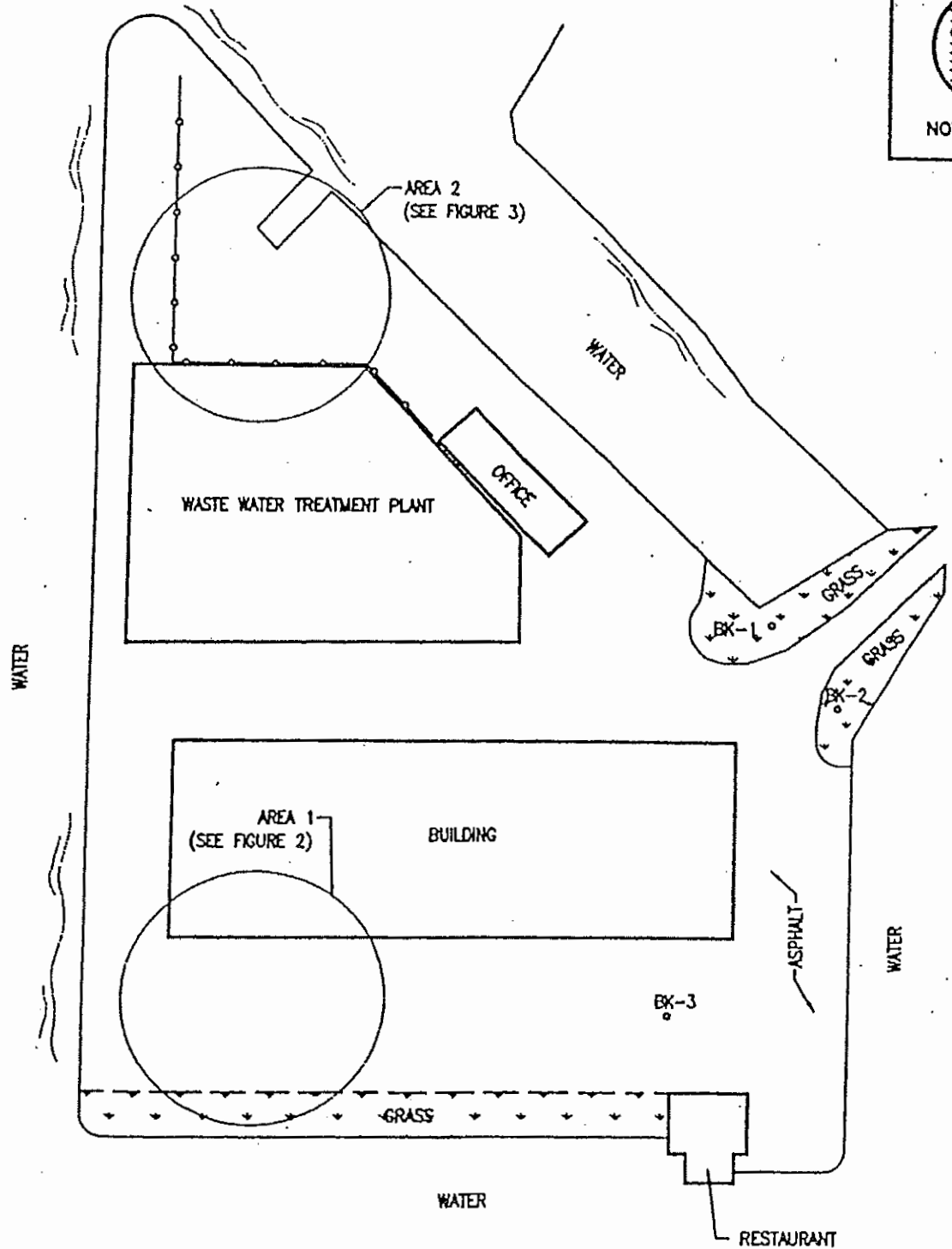
President

9/26/02  
Date

Attachments (3)  
Figures (2)  
Tables (1)



NOT TO SCALE



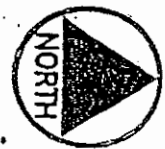
**LEGEND**

EX-1 • SOIL SAMPLE LOCATION AND DESIGNATION

FIGURE 1  
LAYOUT MAP  
COSA ISLE MARINA  
MYERS, FLORIDA

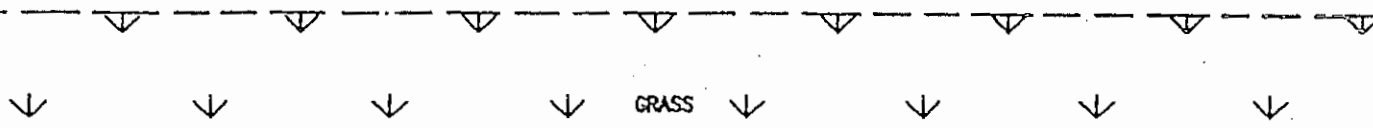
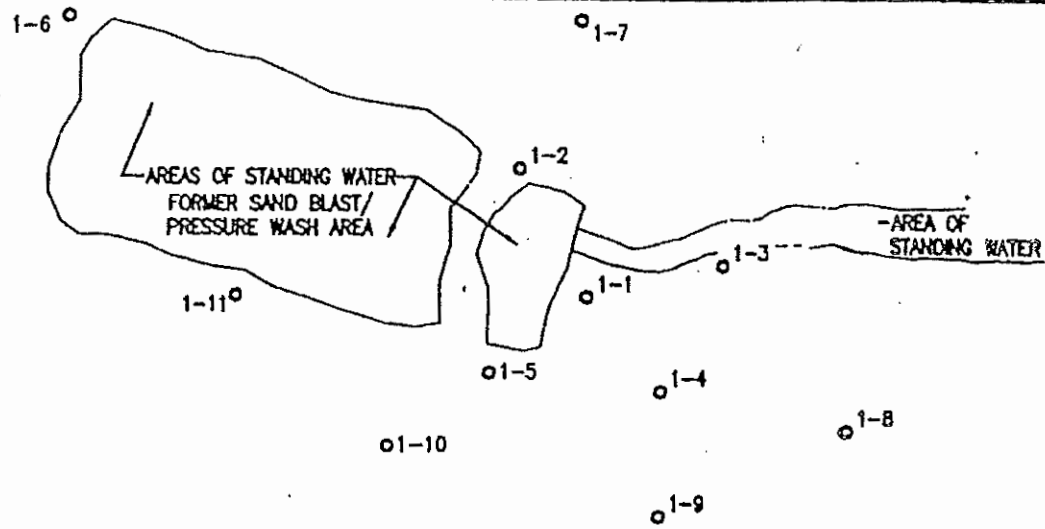
LIMITED  
SOIL  
ASSESSMENT

Earth Science, Inc.  
8327 CORAL CREEK LOOP  
HUDSON, FLORIDA 34687



0' 30'  
SCALE: 1"=30'  
APPROXIMATE

BOAT STORAGE BUILDING



CANAL

LEGEND

1-1 • SOIL SAMPLE LOCATION AND DESIGNATION

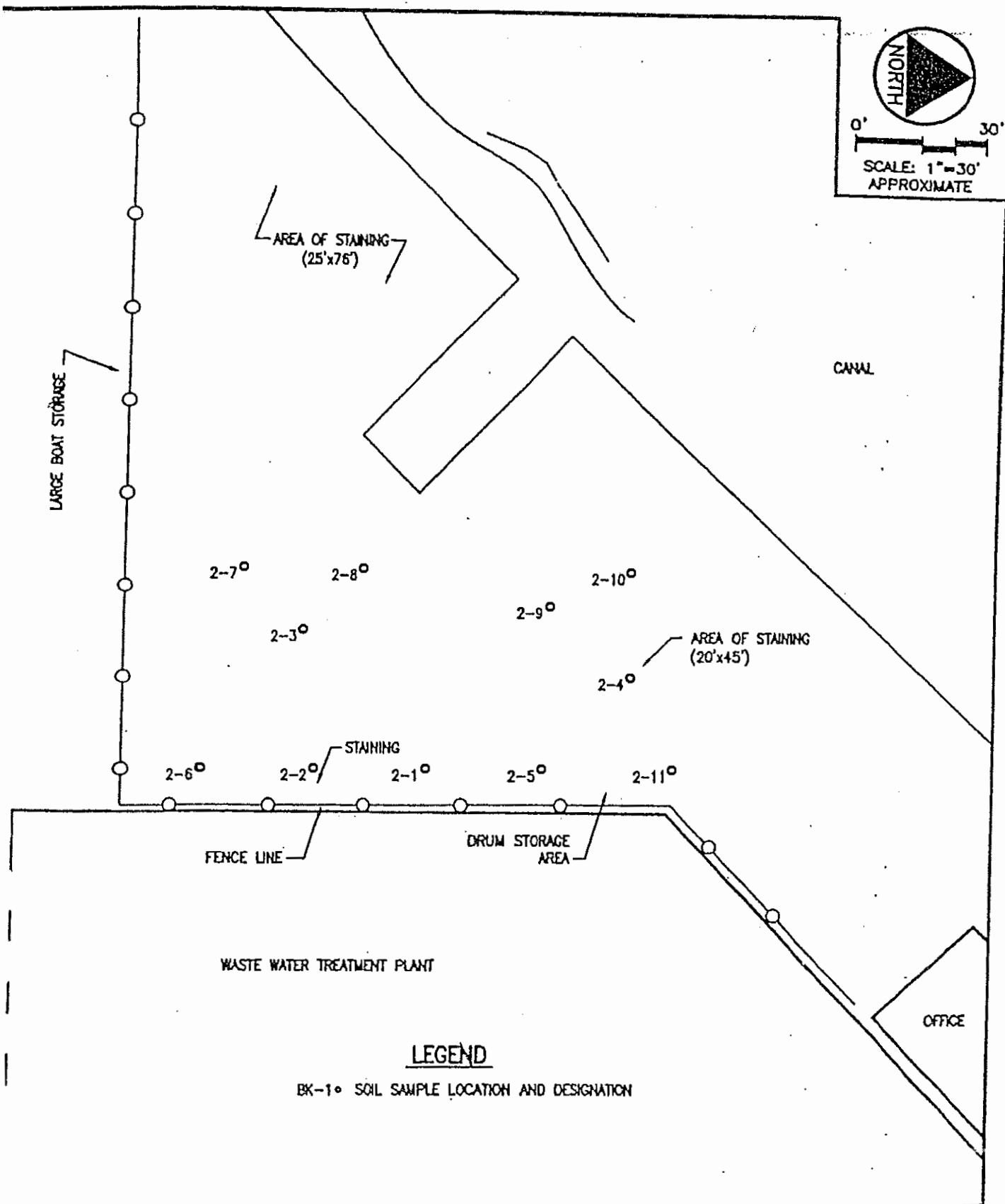
JRE 2  
LAYOUT MAP - AREA 1  
OSA ISLE MARINA  
MYERS, FLORIDA

LIMITED  
SOIL  
ASSESSMENT

Earth Science, Inc.  
8327 CORAL CREEK LOOP  
HUDSON, FLORIDA 34367



0' 30'  
SCALE: 1"=30'  
APPROXIMATE



LEGEND

BK-1° SOIL SAMPLE LOCATION AND DESIGNATION

FIGURE 3  
LAYOUT MAP - AREA 2  
JOSA ISLE MARINA  
MYERS, FLORIDA

LIMITED  
SOIL  
ASSESSMENT

Earth Science, Inc.  
8327 CORAL CREEK LOOP  
HUDSON, FLORIDA 34887



# SOIL ANALYTICAL DATA SUMMARY

Calaosa Isle Marina

Blank =  
Results

Cleanup Target Level	Soil Sample Designation		
	SW	GW	
Residential	Industrial	Leachability	BK-1@5-in   BK-2@5-in   BK-3@5-in
0.8	3.7	29	Aug-02 0.5   Aug-02 0.5   Aug-02 0.5
110	76,000	15.3	0.95   1.8   3.0   2.7   97.8

Cleanup Target Level	Soil Sample Designation															
	SW			GW			SW			GW						
Residential	Industrial	Leachability	Leachability	Leachability	Leachability	1-1@5-in	1-2@5-in	1-3@5-in	1-4@5-in	1-5@5-in	1-6@5-in	1-7@5-in	1-8@5-in	1-9@5-in	1-10@5-in	1-11@5-in
0.8	3.7	29	29	3.8	2.2	4.2	4.1	1.5	0.5	0.5	0.5	1.3	1.5	1.4	1.2	1.4
110	87,000	1,600	6.5	5.6	10.9	8.8	12.9									
7.5	1,300	8	<0.1	0.15	<0.1	0.12	<0.1									
210	420	38	5	7.2	5.9	8.5	7									
110	76,000	109	1.8	1.7	1.5	4.8	2.2									3.8
400	920	5.0	<0.05													
3.4	26	2.1	<0.02	<0.02	<0.02	<0.02	<0.02									

Cleanup Target Level	Soil Sample Designation															
	SW			GW			SW			GW						
Residential	Industrial	Leachability	Leachability	Leachability	Leachability	2-6@5-in	2-6@2-ft	2-7@5-in	2-7@2-ft	2-8@5-in	2-8@2-ft	2-9@5-in	2-9@2-ft	2-10@5-in	2-10@2-ft	2-11@5-in
0.8	3.7	29	29	7.0	4.1	11.7	0.58	3.5	7.8	3.5	0.54					
110	76,000	1.8	1.7	1.5	4.8	2.2										

Actual Results = parts per million (ppm)  
 Bolded exceed the residential CTL. Underlined values exceed GW Leachability Soil Cleanup Goal.  
 Cleanup Target Level = FAC Chapter 62-777, Table II, effective August 1999

4. L = Off-scale high Actual value is known to be greater than the value given  
 5. V = Analyte detected in both the sample and the associated method blank  
 6. \* = Leachability values may be derived from SPLP test, or TCLP if associated with an oil waste

# SOIL ANALYTICAL DATA SUMMARY

Caloosa Isle Marina

Cleanup Target Level

Soil Sample Designation

	SW		GW		Soil Sample Designation									
	Residential	Industrial	Leachability	Leachability	2-1-06-1n	2-1-03-1l	2-2-06-1n	2-2-02-1l	2-3-06-1n	2-3-02-1l	2-4-06-1n	2-4-02-1l	2-5-06-1n	2-5-02-1l
Maintenance Yard					Jul:02	Jul:02	Jul:02	Jul:02	Jul:02	Jul:02	Jul:02	Jul:02	Jul:02	Jul:02
	0.8	3.7	*	29	0.5	3.0	0.5	2.0	0.5	2.0	0.5	2.0	0.5	2.0
	110	87,000	*	1,600	<0.05	2.0	5.1	5.2	5.4	8.5	6.8	5.3	6.1	3.1
					19	4.9	16.3	11.1	10.2	6.1	7.1	12.8	7.3	2.9
					0.27									
	75	1,300	*	8	<0.1	<0.1	0.12	<0.1	0.14	<0.1	<0.1	<0.1	<0.1	<0.1
	210	420	*	38	5.5	6	5.5	5.7	4.6	5	5.4	4.8	6.0	2.4
					<0.02									
	110	76,000	*	*	563	4.8	77.6	84.3	5.9	1	7.9	6.9	9.3	0.67
	400	920	*	*	13.5	2	19.2	2	4.1	1.2	1.6	1.2	2.6	0.62
					<0.05									
	3.4	26	0.01	2.1	0.036	<0.02	0.024	<0.02	0.04	<0.02	<0.02	<0.02	<0.02	<0.02
	40	270	2.2	1.7	<0.002									
					0.638									
					0.594									
					0.0367									
	780	5,500	6.8	2.8	0.123									
	1,100	8,400	12	0.6	0.0024									
benzene	13	88	7.2	0.3	0.456									
toluene	11	74	6.7	0.3	0.0104									
xylene	3,100	21,000	490	17	0.034									
					0.0095									
	200	1,400	0.8	5.6	0.003									
	160	1,100	56	0.2	0.0454									
	54,000	920,000	5.9	86	0.507V									
	340	2,500	340	340	642									

Orators, Inc., 2002

ical Results = parts per million (ppm)

bolded exceed the residential CTL. Underlined Values Exceed GW/Leachability Soil Cleanup Goal.

up Target Level = FAC Chapter 62-777, Table II, effective August 1999

1-scale high Actual value is known to be greater than the value given.

ative detected in both the sample and the associated method blank.

achability values may be derived from SPLP test, or TCLP II associated with an oil waste.

# *Water Resource Solutions*

428 Pine Island Road SW • Cape Coral, Florida 33991

239 574-1919 Fax: 239 574-8106

---

November 5, 2002

Mr. Brown Collins  
Synecological Analysts  
2159 Morning Sun Lane - Suite 200  
Naples, Florida 34119

Re: Phase II Investigation at the Caloosa Isle Marina  
North Fort Myers, Lee County, Florida  
Water Resource Solutions Project No. 01-04428.E1

Dear Brown:

Water Resource Solutions, Inc. has completed the Phase II investigation requested for the above referenced site. Allied Environmental performed a Phase I ESA on the above referenced parcel in May, 1999. According to the Phase I ESA by Allied, potential environmental concerns were identified at the sandblast/pressure wash area, boatyard maintenance area, fire suppression pump house, a former UST area, and existing gasoline AST in the southeast corner of the site. Current on-site conditions appear to have changed since the Phase I ESA was conducted. The sandblast/pressure wash area was described as a three walled structure with a concrete floor. A shallow area which contains water is currently in this area. An additional approximate 4,000 gallon AST was observed along the west wall of the boat storage building. This tank is not in use.

A Preliminary Soil Assessment was recently conducted by Earth Science in July, 2002. Arsenic and copper were detected in soil samples obtained from 0.5 feet and 2 feet below land surface in 25 different areas throughout the site, some of which were background samples. That report referenced a recently published article indicating that naturally occurring arsenic has been detected in areas of Florida above the FDEP cleanup goal. The areas of elevated copper were defined in each of the two areas.

As part of this investigation, groundwater samples were obtained from the boatyard maintenance and sandblast areas for analysis of the 8 RCRA metals. A confirmation soil sample was obtained at 1 foot below land surface from the two areas of elevated copper.

In addition to the metals analysis of the groundwater, two monitoring wells which have remained on the site from the 1993 Contamination Assessment of the site by Coastal

Mr. Brown Collins  
November 5, 2002  
Page 2

Resource Management were analyzed for hydrocarbon constituents. Three 3,000 gallon gasoline and diesel UST's were formerly located in this area. Arsenic was also analyzed from one of these wells as a background sample.

Six soil borings were also installed proximal to the 4,000 gallon gasoline AST currently in use at the site. The following letter report summarizes of our scope of work and findings.

#### METHODS OF INVESTIGATION

Groundwater monitoring wells (MW-1 and MW-4) were installed by auguring a 2-inch diameter borehole to approximately 5 feet below land surface utilizing a stainless steel hand auger. After the total depth of the borehole was achieved, a new 1.5 inch diameter monitoring well was installed inside the boring. The wells were constructed of approximately 6 feet of .010 inch machine slotted screen.

A groundwater sample was collected from each well with a 0.5 inch diameter disposable tethlon bailer on October 31, 2002. The groundwater samples were poured directly into laboratory prepared sample containers, labeled, placed on ice, secured in a cooler, and then delivered to STL Environmental Laboratory in Miramar, Florida for analysis.

Soil samples were excavated using a decontaminated stainless steel auger, placed on aluminum foil, and subsequently packed into a sample container provided by the laboratory. All soil and groundwater sampling was collected in accordance with WRS's Florida Department of Environmental Protection (FDEP) approved Comprehensive Quality Assurance Plan.

#### RESULTS OF INVESTIGATION

The location of MW-1 and SS-1 are illustrated in Figures 1 and 2. Groundwater from MW-1 was analyzed for the 8 RCRA heavy metals. Arsenic was the only analyte detected in this sample. Arsenic was detected at 58 ug/L, which exceeds the FDEP Primary Drinking Water Standard of 50 ug/L. Since this groundwater sample was obtained from the upper one foot interval of the water table, it is highly probable that if a deeper monitoring well were installed in this area, a lower arsenic level would be detected.

Soil sample SS-1 was analyzed for arsenic, copper, and total petroleum organics. Arsenic was detected at 2.36 mg/Kg, which exceeds the FDEP Soil Cleanup Goal of 0.8



mg/Kg. Copper was detected at 13 mg/Kg, which is way below the FDEP Soil Cleanup goal of 110 mg/Kg. Total Petroleum Organics were detected at 69 mg/Kg, which is below the FDEP Soil Cleanup Goal of 340 mg/Kg. These soil samples were obtained from the 8" to 14" interval. The upper 6" of soil in this area had a green tint, indicating elevated levels of copper. A three inch layer of dark stained soil exhibiting a hydrocarbon odor was also prevalent in this area. It is recommended the green stained soil and shallow layer of hydrocarbon impacted soil be removed from the site.

Monitoring wells MW-2 and MW-3 were installed at the site in 1993 by Coastal Resource Management as part of a contamination assessment from four underground storage tanks formerly located in this area. MW-2 was sampled for 8 RCRA Metals, Volatile Organic Aeromatic (VOA) compounds by EPA 8260, and Polynuclear Aromatic Hydrocarbons (PAH) by EPA Method 8270. No heavy metal or VOA analytes were detected in this groundwater sample. PAH compounds Naphthalene, 2-methylnaphthalene, and 1-methylnaphthalene were detected in this well at 311 ug/L, 51 ug/L, and 54 ug/L. These levels are well above the FDEP Groundwater Cleanup Target Levels of 20 ug/L for each of these analytes. The installation of a 4" diameter well with a 30 day pump out water treatment system is recommended for this area.

MTBE and Total Petroleum Residual Organics were the only analytes detected in MW-3. MTBE was detected at 1.6 ug/L, which is below the FDEP Cleanup Target Level of 50 ug/L. Total Petroleum Residual Organics were detected at 0.531 mg/L, which is well below the FDEP Cleanup Target Level of 5 mg/L.

Monitoring Well MW-4 was analyzed for 8 RCRA metals (Figure 3). No heavy metal analytes were detected in this groundwater sample. SS-2 was analyzed for arsenic and copper. This soil sample was obtained at the 8" to 12" below land surface interval. Arsenic was detected at 3.65 mg/Kg, which exceeds the FDEP Soil Cleanup Goal of 0.8 mg/Kg. Copper was detected at 19 mg/Kg, which is way below the FDEP Soil Cleanup goal of 110 mg/Kg.

Soil borings SB-1 through SB-6 were installed adjacent to the existing 4,000 gallon gasoline AST system. The soil boring locations are illustrated on Figure 3. These soil samples were tested with a Foxboro Organic Vapor Analyzer. Soil from the upper foot of SB-1 exhibited an elevated level of hydrocarbons, however soil from the lower interval and remaining soil borings SB-2 through SB-6 were below detectable levels. Since SB-1 was the only soil boring which exhibited elevated organic vapors, it is likely that the spill originated during filling of the tank. As long as no fuel spills occur in the future, the soil quality in this area is expected to improve in the next several months.

Mr. Brown Collins  
November 5, 2002  
Page 4

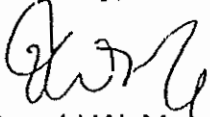
### SUMMARY

Arsenic levels were detected in the soil throughout the site by Earth Science. These levels, which exceeded the FDEP Soil Cleanup Goal, were confirmed in two soil samples obtained by Water Resource Solutions. Areas in Florida containing natural background levels of arsenic above the FDEP Soil Cleanup Goal have been well documented. Based on the background soil samples and recently achieved groundwater data, it is unlikely that FDEP would require remedial procedures regarding the arsenic levels at the site.

Based on soil analysis results from Earth Science and this investigation, areas of soil throughout the site having a green tint are impacted with copper at levels above the FDEP Soil Cleanup Goal. These areas of copper did not penetrate more than 6 inches of soil. It is recommended these areas be excavated and removed from the site.

Groundwater impacted with naphthalene was detected in a monitoring well installed at the site in 1993 as part of a UST Contamination Assessment. Since naphthalene was detected at such a high concentration, some form of remedial procedures would be anticipated prior to achieving a Site Rehabilitation Completion Order from FDEP. We would propose a 30 day pump out of this area. This would involve the installation of a 4" diameter recovery well in the area of impact, pumping the groundwater through a carbon filter, and subsequently discharging the treated water on the site. Following the 30 day pump out procedure, two consecutive quarters of groundwater data showing naphthalene levels below the cleanup target level would be required prior to achieving a Site Rehabilitation Order from FDEP. If you have any questions or comments regarding this report, please do not hesitate to contact me at 574-1919 Ext. 106.

Sincerely,



Donald W. Mayne, CFEA  
Certified Florida Environmental Assessor #261  
Registered Environmental Property Assessor #6104



**APPENDIX C**

**Regulatory Database Report**

# ENVIRONMENTAL DATA REPORT

Standard ASTM Research  
Caloosa Isle Marina  
1687 Inlet Drive  
North Fort Myers, Florida 33903  
Client Project #: 02-04528.E1

Prepared For:

Water Resource Solutions, Inc.  
428 Pine Island Rd SW  
Cape Coral, FL 33991

Prepared By:

ENVIRONMENTAL DATA MANAGEMENT, INC.  
12360 66th Street North  
Largo, Florida 33773

Tuesday, July 22, 2003

# EDM

Environmental Data Management, Inc.  
12360 66<sup>th</sup> Street North  
Largo, Florida 33773  
Tel. (727) 536-8989 Fax (727) 535-9757  
<http://www.edm-net.com>

Tuesday, July 22, 2003

Client Project #: 02-04528.E1

Don Mayne  
Water Resource Solutions, Inc.  
428 Pine Island Rd SW  
Cape Coral, FL 33991

Subject: Standard ASTM Research -- EDM Project #: 14516

Dear Mr. Mayne:

Thank you for using Environmental Data Management, Inc. The following report provides the results of our environmental data research that you requested for the following location:

Caloosa Isle Marina  
1687 Inlet Drive  
North Fort Myers, Florida 33903

The following is a summary of the components contained within this report:

- **Executive Summary** - a listing of the databases searched, search distance criteria and the number of sites identified for each database.
- **Map(s) of Study Area** - show the location of sites identified relative to the subject property. These sites are labeled with Map ID Numbers, used to correlate the map symbols with data detail within the report. *A non-mapped option is available.*
- **Summary Table** - summary information concerning the records identified within your study area. The table provides corresponding Map ID numbers, the site's Permit or Facility I.D. Number, the site's name and address and the government database(s) on which the site was listed.
- **Site Detail Reports** - data detail for each record identified. Grouped by database listing or by Map ID.
- **Proximal Records Table** - summary information listing potentially relevant sites identified just beyond the search criteria. These records may account for instances where a regulated site's boundary extends into the study area but its address is outside of the search radius or where the site is mis-mapped slightly.
- **Non-Mapped Records Table** - lists those government records that do not contain sufficient address information to plot within our GIS system, but may still exist within your study area.
- **Ancillary Information** - may include Title Search Report, City Directory Records or other additional research records.

At EDM we take great pride in our work, and continually strive to provide you with the most thorough and comprehensive service available. We accomplish this by manually screening your report against both computerized and hard copy maps, as well as additional address sources. This manual effort may add more time and effort to your report preparation, but we think a more thorough and accurate result is worth it. After all, what's the value of inaccurate information?

Thank you again for selecting EDM as your data research provider. Should you have any questions regarding this report or our service, please feel free to contact us. We appreciate the opportunity to be of service to you and look forward to working with **Water Resource Solutions, Inc.** in the future.

ENVIRONMENTAL DATA MANAGEMENT, INC.

---

## *Agency List Descriptions*

---

### **US Environmental Protection Agency (USEPA)**

#### **Comprehensive Env Response, Compensation & Liability Information System List(CERCLIS)**

The US EPA Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) is the Superfund database used to track facilities and/or locations that the USEPA is investigating to determine if an existing or threatened release of hazardous substances is present.

Agency File Date: 6/19/2003

Received by EDM: 6/24/2003

EDM Database Updated: 6/25/2003

#### **RCRIS Handlers with Corrective Action(CORRACTS)**

The US EPA Corrective Action Sites (CORRACTS) database is a listing of hazardous waste handlers that have undergone RCRA corrective action activity. This information is compiled by the EPA Regional and State RCRA program personnel, as well as the RCRA facilities themselves.

Agency File Date: 2/19/2003

Received by EDM: 6/20/2003

EDM Database Updated: 6/20/2003

#### **Emergency Response Notification System List(ERNS)**

The Emergency Response Notification System (ERNS) is a database used to store information on the notification of oil discharges and hazardous substance releases. The ERNS program is a cooperative data sharing effort among the EPA, DOT and the National Response Center (NRC).

Agency File Date: 12/31/2002

Received by EDM: 6/20/2003

EDM Database Updated: 6/20/2003

#### **Archived Cerclis Sites(NFRAP)**

The US EPA NFRAP list contains archived data on CERCLIS sites where the EPA has completed assessment activities and determined no further steps to list the site on the NPL will be taken. These NFRAP sites may be reviewed by the states in which they are located to determine if they should be returned to CERCLIS because of newly identified contamination problems at the site.

Agency File Date: 3/19/2003

Received by EDM: 6/21/2003

EDM Database Updated: 6/21/2003

#### **RCRA-LQG,SQG,CESQG and Transporters(NONTSD)**

The EDM NONTSD list is a subset of the US EPA RCRIS list and identifies facilities that generate and transport hazardous wastes. These facilities may be Large Quantity Generators (LQG), Small Quantity Generators (SQG), Conditionally Exempt SQG's (CESQG) as well as "Non-Notifiers" and "Non-Handlers".

Agency File Date: 6/16/2003

Received by EDM: 6/24/2003

EDM Database Updated: 6/26/2003

#### **National Priorities List(NPL)**

The US EPA National Priorities List (NPL) contains facilities and/or locations where environmental contamination has been confirmed and prioritized for cleanup activities. The NPL was devised as a method for the EPA to prioritize these sites for the purpose of taking remedial action as funded by the Hazardous Waste Substance Superfund program.

Agency File Date: 6/19/2003

Received by EDM: 6/24/2003

EDM Database Updated: 6/25/2003

#### **RCRA-Treatment, Storage and/or Disposal Sites(TSD)**

The EDM TSD list is a subset of the US EPA RCRIS list and identifies facilities that Treat, Store and/or Disposal of hazardous waste.

Agency File Date: 6/16/2003

Received by EDM: 6/24/2003

EDM Database Updated: 6/26/2003

## Florida Department of Environmental Protection (FDEP)

### Leaking Underground Storage Tanks List(LUST)

The FDEP LUST list identifies facilities and/or locations that have notified the FDEP of a possible release of contaminants from petroleum storage systems. This Report is generated from the FDEP Storage Tank and Contamination Monitoring Database (STCM).

Agency File Date: 1/13/2003

Received by EDM: 6/19/2003

EDM Database Updated: 6/20/2003

### Solid Waste Facilities List(SLDWST)

The FDEP SLDWST identifies locations that have been permitted to conduct solid waste handling activities including Landfills, Transfer Stations and sites handling Bio-Hazardous wastes. Sites listed with "##" after the GMS ID Number are historical locations, obtained from documents on record at local agencies.

Agency File Date: 1/2/2003

Received by EDM: 4/10/2003

EDM Database Updated: 4/11/2003

### State Sites List(STCERC)

The STCERC is a historical listing of sites that the Florida Department of Environmental Regulation (FDER) compiled to track suspect contamination sites. This list was known as the Florida SITES list and was last updated by the FDER in 1989.

Agency File Date: 12/1/1989

Received by EDM: 4/1/1995

EDM Database Updated: 4/25/1995

### State Funded Action Sites(STNPL)

The FDEP SFAS list contains facilities and/or locations that have been identified by the FDEP as having known environmental contamination and are currently being addressed through State funded cleanup action.

Agency File Date: 3/10/2003

Received by EDM: 6/24/2003

EDM Database Updated: 6/24/2003

### Underground Storage Tanks(TANKS)

The FDEP Storage Tank and Contamination Monitoring (STCM) database contains sites with registered aboveground and/or underground storage tanks containing regulated petroleum products. Please refer to the "Explanation of Florida Tank Codes" insert to interpret tank construction, monitoring and piping codes.

Agency File Date: 1/13/2003

Received by EDM: 6/24/2003

EDM Database Updated: 6/24/2003

## Supplemental Databases

### Facility Index System List(FINDS)

The US EPA Facility Index System ( FINDS) is a historical database containing an inventory of sites that are regulated by Program Offices of the EPA, such as Air, Water, and Waste. Each listed facility contains one or more "pointers" to indicate the facility's "Source Indicator". The Source Indicator represents the corresponding EPA Program Offices responsible for regulating the site.

Agency File Date:

Received by EDM: 11/23/1998

EDM Database Updated: 11/23/1998

### Toxic Release Inventory System(TRIS)

The US EPA TRIS list identifies those facilities that are required to submit annual reports relative to the estimated routine and accidental release of toxic chemicals to the environment, as stipulated under current federal laws.

Agency File Date: 9/14/2000

Received by EDM: 2/8/2001

EDM Database Updated: 2/28/2001

## EXPLANATION OF FLORIDA TANK CODES

### CONSTRUCTION TYPE CODES

A = BALL CHECK VALVE  
B = INTERNAL LINING  
C = STEEL  
D = UNKNOWN  
E = FIBERGLASS  
F = FIBERGLASS-CLAD STEEL  
G = CATHODIC PROTECTION-SACRIFICIAL ANODE  
H = CATHODIC PROTECTION -IMPRESSED CURRENT  
I = DBL WALL/SINGLE MATERIAL  
J = SYNTHETIC LINER IN TANK EXCAVATION  
K = AST CONTAINMENT: CONCRETE /SYNTHETIC MATERIAL AREA  
L = COMPARTMENTED  
M = SPILL CONTAINMENT BUCKET  
N = FLOW SHUT OFF  
O = TIGHT FILL  
P = LEVEL GAUGES, HI LEVEL ALARMS  
Q = OTHER DER APPROVED PROTECTION METHOD  
R = DBL WALL/DUAL MATERIAL/ (TANK "JACKET")  
S = OTHER DEP APPROVED SECONDARY CONTAINMENT SYSTEM  
T = SMALL USE TANK  
U = FIELD ERRECTED TANK  
V = PIPELESS UST W/SECONDARY CONTAINMENT  
W = BUILT ON SUPPORTS  
X = CONCRETE  
Y = POLYETHYLENE  
Z = OTHER DEP APPROVED TANK MATERIAL

### PIPING TYPE CODES

A = ABOVE GROUND-NO CONTACT W/SOIL  
B = STEEL OR GALVANIZED METAL  
C = FIBERGLASS  
D = EXTERNAL PROTECTIVE COATING  
E = CATHODIC PROTECTION (SACRIFICIAL ANODE/IMPRESSED CURRENT)  
F = DBLWALL/SINGLE MATERIAL  
G = SYNTHETIC OR BOX/TRENCH LINER  
H = AIRPORT/SEAPORT HYDRANT SYSTEM  
I = SUCTION PIPING SYSTEM  
J = PRESSURIZED PIPING SYSTEM  
K = DISPENSER LINERS  
L = BULK PRODUCT SYSTEM  
M = DOUBLE WALL/ DUAL MATERIAL (PIPE "JACKET")  
N = APPROVED SYNTHETIC MATERIAL  
O = SEVERE VIOLATION  
P = INTERNAL PIPING WITHIN INTERNAL SUMP RISER  
V = VIOLATION  
X = NO PIPING ASSOCIATED WITH TANK  
Y = UNKNOWN  
Z = OTHER DEP APPROVED PIPING MATERIAL

### LEAK MONITORING CODES

1 = CONTINUOUS ELECTRONIC SENSING EQUIPMENT  
2 = VISUAL INSPECTIONS OF PIPING SUMPS  
3 = ELECTRONIC MONITORING OF PIPING SUMPS  
4 = VISUAL INSPECTIONS OF DISPENSING LINERS  
5 = ELECTRONIC MONITORING OF DISPENSER LINERS  
6 = EXTERNAL PIPING MONITORING  
7 = AUTOMATICALLY SAMPLED WELLS  
8 = MANUALLY SAMPLED WELLS  
A = SITE SUITABILITY PLAN  
B = SITE SUITABILITY PLAN EXEMPTION  
C = GROUNDWATER MONITOR PLAN  
D = SPCC PLAN  
E = INTERSTITIAL MONITORING UST LINERS  
F = INTERSTITIAL SPACE-DOUBLE WALL TANK  
G = ELECTRONIC LINE LEAK DETECTOR W/FLOW SHUTOFF  
H = MECHANICAL LINE LEAK DETECTOR  
I = NOT REQUIRED-SEE RULE FOR EXEMPTIONS  
J = INTERSTITIAL MONITORING-PIPING LINER  
K = INTERSTITIAL MONITORING- DOUBLE WALL PIPING  
L = AUTOMATIC TANK GAUGING SYSTEM (USTS)  
M = MANUAL TANK GAUGING SYSTEM (USTS)  
N = GROUNDWATER MONITORING SYSTEM  
O = VAPOR MONITORING SYSTEM  
P = VAPOR MONITORING W/DILUTION PROCEDURES  
Q = VISUAL INSPECTION OF AST SYSTEMS  
R = INTERSTITIAL MONITORING OF TANK BOTTOM  
S = STATISTICAL INVENTORY RECONCILIATION (SIR/USTS)  
T = ANNUAL TIGHTNESS TEST WITH INVENTORY (UST)  
U = BULK PIPING PRESSURE TEST  
V = SUCTION PUMP CHECK VALVE  
W = FIBER-OPTIC TECHNOLOGIES  
X = NONE  
Y = UNKNOWN  
Z = OTHER DEP APPROVED MONITORING METHOD



## Executive Summary

Client Information	Project Information
Don Mayne Water Resource Solutions, Inc. 239-574-1919 ex106 Client Job No# 02-04528.E1 Client P.O. No	Standard ASTM Research Caloosa Isle Marina 1687 Inlet Drive North Fort Myers, Florida 33903 EDM Job No# 14516

The following table displays the databases that were included in the research provided, the respective search distance for each database, and the number of records identified for each database.

	Search Radius (Miles)	From 0 - .13 mi	From .13 - .25 mi	From .26 - .5 mi	From .51 - 1.0 mi	Greater than 1 Mile	Totals
<b>EPA DATABASES</b>							
National Priorities List(NPL)	1.00	0	0	0	0	N/A	0
Comprehensive Env Response, Compensation & Liability Information System List(CERCLIS)	0.50	0	0	0	N/A	N/A	0
Archived Cerclis Sites(NFRAP)	0.50	0	0	0	N/A	N/A	0
Emergency Response Notification System List(ERNS)	0.25	0	0	N/A	N/A	N/A	0
RCRIS Handlers with Corrective Action(CORRACTS)	1.00	0	0	0	0	N/A	0
RCRA-Treatment, Storage and/or Disposal Sites(TSD)	1.00	0	0	0	0	N/A	0
RCRA-LQG, SQG, CESQG and Transporters(NONTSD)	0.25	2	0	N/A	N/A	N/A	2
<b>FDEP DATABASES</b>							
State Funded Action Sites(STNPL)	1.00	0	0	0	0	N/A	0
State Sites List(STCERC)	0.50	0	0	0	N/A	N/A	0
Solid Waste Facilities List(SLDWST)	0.50	0	0	0	N/A	N/A	0
Leaking Underground Storage Tanks List(LUST)	0.50	1	0	0	N/A	N/A	1
Underground Storage Tanks(TANKS)	0.25	2	0	N/A	N/A	N/A	2
<b>SUPPLEMENTAL DATABASES</b>							
Facility Index System List(FINDS)	0.25	3	0	N/A	N/A	N/A	3
Toxic Release Inventory System(TRIS)	0.25	0	0	N/A	N/A	N/A	0

**\*\*\* Disclaimer \*\*\***

Please understand that the regulatory databases we utilize were not originally intended for our use, but rather for the source agency's internal tracking of sites for which they have jurisdiction or other interest. As a result of this difference in intended use, their data is frequently found to be incomplete or inaccurate, and is less than ideal for our use. Additionally, limitations exist in mapping data detail and accuracy. Our report is not to be relied upon for any purpose other than to "point" at approximate locations where further evaluation may be warranted. No conclusion can be based solely upon our report. Rather, our report should be used as a first step in directing your attention at potential problem areas, which should be followed up by site inspections, interviews with relevant personnel and regulatory file review. Readers proceed at their own risk in relying upon this data, in whole or in part, for use within any evaluation. The EDM Service Request Form, signed by all of our clients before EDM issues a report, contains more detailed language with regard to such limitations, the terms of which the reader must accept in their entirety before utilizing this report. If the signed contract is not available to the reader, EDM will gladly furnish a copy upon request.

**EDM**

Copyright © 2003 Environmental Data Management, Inc.

*For further information please contact us at 800-368-7376*

*Use of this information is strictly limited by EDM's authorization agreement, signed by our clients for each report.*

**\*\* ENVIRONMENTAL DATA MANAGEMENT \*\***

**Standard ASTM Research**

Jul 22, 2003

**SUMMARY TABLE**

Page 1 of 1

MAPID# FACILITY ID NUMBER, NAME AND LOCATION		REGULATORY LISTS									
		N P L	C F R G A P	E C O R R A C T S	T O N D S	S T O N T S L	S S T I C E W R T	L U S T K S	F I N D S	R I S	
1)	9102629 LEE CNTY WWTP-WATERWAY ESTATE 1667 INLET DR FORT MYERS, FL. 33903 DISTANCE FROM SUBJECT PROPERTY(mi) 0.05 DIRECTION FROM SUBJECT PROPERTY N									X	
1)	FLD980604862 FLORIDA CITIES WATER WATERWAY WWTP 1667 INLET DR NORTH FORT MYERS, FL. 33903 DISTANCE FROM SUBJECT PROPERTY(mi) 0.05 DIRECTION FROM SUBJECT PROPERTY N										X
2)	9045863 FISH TALE MARINA AT CALOOSA ISLE 1687 INLET DR NORTH FORT MYERS, FL. 339035006 DISTANCE FROM SUBJECT PROPERTY(mi) 0.05 DIRECTION FROM SUBJECT PROPERTY N							X	X		
2)	FL0001359926 CALOOSA ISLE MARINA 1687 INLET DR NORTH FORT MYERS, FL. 33903 DISTANCE FROM SUBJECT PROPERTY(mi) 0.05 DIRECTION FROM SUBJECT PROPERTY N										X
2)	FL0002355428 INGLE YACHT SVC 1687A INLET DR NORTH FORT MYERS, FL. 33903 DISTANCE FROM SUBJECT PROPERTY(mi) 0.05 DIRECTION FROM SUBJECT PROPERTY N										X
2)	FLR000005926 CALOOSA ISLE MARINA 1687 INLET DR NORTH FORT MYERS, FL. 33903 DISTANCE FROM SUBJECT PROPERTY(mi) 0.05 DIRECTION FROM SUBJECT PROPERTY N					X					
2)	FLR000038919 INGLE YACHT SERVICE 1687A INLET DR NORTH FORT MYERS, FL. 33903 DISTANCE FROM SUBJECT PROPERTY(mi) 0.05 DIRECTION FROM SUBJECT PROPERTY N					X					



Copyright © 2003 Environmental Data Management, Inc.  
 For further information please contact us at 800-368-7376  
 Use of this information is strictly limited by EDM's authorization agreement, signed by our clients for each report.

**RCRA NOTIFIERS  
WITH NO TREATMENT, STORAGE AND/OR DISPOSAL ACTIVITIES  
(COMPILED FROM U SEPA RCRIS LIST)**

Report Date: 7/22/2003

(NONTSD)

NONTSD Page 1 of 1

<p><b>FACILITY ID NUMBER, NAME AND LOCATION:</b></p> <p>FLR000005926 CALOOSA ISLE MARINA 1687 INLET DR NORTH FORT MYERS, FL 33903-0</p>	<p><b>MAILING ADDRESS AND CONTACT:</b></p> <p>1687 INLET DR NORTH FORT MYERS FL 33903-0 Contact: Contact Telephone: ( ) -</p>	<p>MAP ID NUMBER: 2</p>	<p>N O N T S D</p>
---	---	-------------------------	--

**RCRIS INFORMATION**

Notification Date: [REDACTED] Source: [REDACTED]

GENERATOR STATUS: CESQG-LESS THAN 100 KG DURING ANY MONTH  
TRANSPORTER STATUS:  
TSD STATUS:  
OTHER STATUS:

**VIOLATION INFO**

Violation Date:	19971222	
VIOL TYPE:	CITATION: 62-710.850(6)(A)	COMPL DATE: 19980122
VIOL TYPE:	CITATION: 62-710.850(6)(a)	COMPL DATE: 19980122

<p><b>FACILITY ID NUMBER, NAME AND LOCATION:</b></p> <p>FLR000038919 INGLE YACHT SERVICE 1687A INLET DR NORTH FORT MYERS, FL 33903</p>	<p><b>MAILING ADDRESS AND CONTACT:</b></p> <p>1687A INLET DR NORTH FORT MYERS FL 33903 Contact: Contact Telephone: ( ) -</p>	<p>MAP ID NUMBER: 2</p>	<p>N O N T S D</p>
--	--	-------------------------	--

**RCRIS INFORMATION**

Notification Date: [REDACTED] Source: [REDACTED]

GENERATOR STATUS: CESQG-LESS THAN 100 KG DURING ANY MONTH  
TRANSPORTER STATUS:  
TSD STATUS:  
OTHER STATUS:

**VIOLATION INFO**

Violation Date:	19980103	
VIOL TYPE: Generator-Special Conditions	CITATION: 261.5(g)(3)	COMPL DATE: 19980114
VIOL TYPE: Generator-Special Conditions	CITATION: 261.5(G)(3)	COMPL DATE: 19980114



Copyright © 2003 Environmental Data Management, Inc.  
For further information please contact us at 800-368-7376

*Use of this information is strictly limited by EDM's authorization agreement, signed by our clients for each report.*

FDEP LEAKING UNDERGROUND STORAGE TANKS  
(LUST)

Report Date: 7/22/2003

LUST Page 1 of 2

MAP ID NUMBER: 2

L  
U  
S  
T

FACILITY ID NUMBER, NAME AND LOCATION:

9045863  
FISH TALE MARINA AT CALOOSA ISLE  
1687 INLET DR  
NORTH FORT MYERS, FL 33903-5006

OWNERSHIP INFORMATION:

FISH TALE MARINA AT CALOOS  
1687 INLET DR  
NORTH FORT MYERS, FL 33903  
OWNER CONTACT TEL #: (941) 994-3786  
OWNER CONTACT MICHAEL WOOD

FAC TEL #: (239) 656-170 FACILITY STATUS:  
FAC OPERATOR MIKE WOOD FACILITY TYPE: MARINE FUELING FACILITY/COASTA  
FACILITY CLEANUP STATUS: ONGOING-AT LEAST ONE CLEANUP ACTIVITY IS IN PROGRESS AT A RELATED DISCHARGE

DISCHARGE INFORMATION

DISCHARGE DATE: 4/12/1993 DISCHARGE ID: 18137

SCORE: 27 SCORE EFF DATE: 1/6/1998 INSPECTION DATE: 4/22/1993  
LEAD AGENCY LOCAL PROGRAM CLEANUP WORK STATUS INACTIVE  
INFO SOURCE: DISCHARGE NOTIFICATION FDEP 62-770 DESCR: NEW CLEANUP REQUIRED  
DISCH CLNUP STATUS: 10/9/2000 6:28 SA ONGOING- SITE ASSESSMENT CLEANUP ACTIVITY IN PROGRESS

CONTAMINATED MEDIA? SOIL: Y SUR WATER: Y GR WATER: Y MON WELL: N # DW WELLS CONTAMINATED 0

POLLUTANT TYPE/ESTIMATED GALLONS (IF REPORTED):  
1) UNLEADED GAS/ 2) /  
3) / 4) /  
5) / 6) /  
7) / 8) /

CLEANUP INFORMATION

(for specific discharge noted above)

CLNUP PROG: PLIRP-PETROLEUM LIABILITY INSURANCE & RESTORATION PRO CLNUP LEAD: REIMBURSMT/SPECIAL  
APPL RCVD: 12/22/1994 ELIG STATUS: INELIGIBLE ELIG STATUS DATE: 12/5/1996 ELIG REDETERMINED?: N

FREE PRODUCT REMOVAL?(Y/N): SOIL REMOVAL? (Y/N): SOIL TONNAGE REMOVED:  
SOIL TREATMENT?(Y/N): OTHER TREATMENT?:

SITE ASSESSMENT

CLEANUP RESP: RESP PARTY  
ACTUAL COMPLETION DATE 10/27/1994  
PAYMENT DATE  
ACTUAL COST:

REMEDIAL ACTION PLAN

CLEANUP RESP:  
ORDER COMPL DATE  
ACTUAL COMPL DATE  
PAYMENT DATE  
ACTUAL COST:

REMEDIAL ACTION

CLEANUP RESP:  
ACTUAL COST:  
YEARS TO COMPL

SITE REHABILITATION COMPLETION REPORT

ACTION TYPE:  
SUBMIT DATE:  
REVIEW DATE:  
ISSUE DATE:  
STATUS EFFECTIVE DATE:  
COMMENTS:

SOURCE REMOVAL

CLEANUP RESP:  
ORAL DATE:  
WRITTEN DAT  
ACTUAL COMPLETION DATE:  
PAYMENT DATE:  
COST:  
COMPLETION STATUS:



Copyright © 2003 Environmental Data Management, Inc.  
For further information please contact us at 800-368-7376

Use of this information is strictly limited by EDM's authorization agreement, signed by our clients for each report.



# FDEP LEAKING UNDERGROUND STORAGE TANKS (LUST)

Report Date: 7/22/2003

LUST Page 2 of 2

**FACILITY ID NUMBER, NAME AND LOCATION:**

9045863  
FISH TALE MARINA AT CALOOSA ISLE  
1687 INLET DR  
NORTH FORT MYERS, FL 33903-5006

**OWNERSHIP INFORMATION:**

FISH TALE MARINA AT CALOOS  
1687 INLET DR  
NORTH FORT MYERS, FL 33903  
OWNER CONTACT TEL #: (941) 994-3786  
OWNER CONTACT MICHAEL WOOD

MAP ID NUMBER:

2

L  
U  
S  
T

FAC TEL #: (239) 656-170      FACILITY STATUS:  
FAC OPERATOR MIKE WOOD      FACILITY TYPE: MARINE FUELING FACILITY/COASTA  
FACILITY CLEANUP STATUS: ONGOING--AT LEAST ONE CLEANUP ACTIVITY IS IN PROGRESS AT A RELATED DISCHARGE

### DISCHARGE INFORMATION

**DISCHARGE DATE** 5/6/1993      **DISCHARGE ID#** 47801

SCORE: 27      SCORE EFF DATE: 1/6/1998      INSPECTION DATE: 3/30/1993  
LEAD AGENCY LOCAL PROGRAM      CLEANUP WORK STATUS COMBINED  
INFO SOURCE: CLOSURE REPORT      FDEP 62-770 DESCR: COMBINED CLEANUP REQUIRED  
DISCH CLNUP STATUS: 3/4/2001      INELIGIBLE FOR CLEANUP ASSISTANCE

<u>CONTAMINATED MEDIA?</u>	SOIL:	SUR WATER:	GR WATER:	MON WELL:	# DW WELLS CONTAMINATED
POLLUTANT TYPE/ESTIMATED GALLONS (IF REPORTED):	1) UNLEADED GAS/			2) /	
	3) /			4) /	
	5) /			6) /	
	7) /			8) /	

### CLEANUP INFORMATION

(for specific discharge noted above)

CLNUP PROG: PLIRP-PETROLEUM LIABILITY INSURANCE & RESTORATION PRO      CLNUP LEAD: REIMBURSMT/SPECIAL  
APPL RCVD: 12/22/1994      ELIG STATUS: INELIGIBLE      ELIG STATUS DATE: 12/5/1996      ELIG REDETERMINED?: N  
FREE PRODUCT REMOVAL?(Y/N):      SOIL REMOVAL? (Y/N):      SOIL TONNAGE REMOVED:  
SOIL TREATMENT?(Y/N):      OTHER TREATMENT?:

**SITE ASSESSMENT**

CLEANUP RESP:  
ACTUAL COMPLETION DATE  
PAYMENT DATE  
ACTUAL COST:

**REMEDIAL ACTION PLAN**

CLEANUP RESP:  
ORDER COMPL DATE  
ACTUAL COMPL DATE  
PAYMENT DATE  
ACTUAL COST:

**REMEDIAL ACTION**

CLEANUP RESP:  
ACTUAL COST:  
YEARS TO COMPL

**SITE REHABILITATION COMPLETION REPORT**

ACTION TYPE:  
SUBMIT DATE:  
REVIEW DATE:  
ISSUE DATE:  
STATUS EFFECTIVE DATE:  
COMMENTS:

**SOURCE REMOVAL**

CLEANUP RESP:  
ORAL DATE:  
WRITTEN DAT  
ACTUAL COMPLETION DATE:  
PAYMENT DATE:  
COST:  
COMPLETION STATUS:



Copyright © 2003 Environmental Data Management, Inc.  
For further information please contact us at 800-368-7376

*Use of this information is strictly limited by EDM's authorization agreement, signed by our clients for each report.*

# FDEP STORAGE TANKS REPORT (TANKS)

Report Date: 7/22/2003

TANKS Page 1 of 2

**FACILITY ID NUMBER, NAME AND LOCATION:**

9102620  
LEE CNTY WWTP-WATERWAY ESTATE  
1667 INLET DR  
FORT MYERS, FL 33903

MAP ID NUMBER: 1

**OWNERSHIP INFORMATION:**

LEE CNTY BD OF COMMISSIONERS  
PO BOX 398  
FORT MYERS, FL 33902

T  
A  
N  
K  
S

FACILITY TEL #: (941) 479-817

CONTACT TEL #: (941) 479-8129

FACILITY OPERATOR:

CONTACT TONY PELLICER

FACILITY TYPE: County Government

FACILITY STATUS: OPEN

<u>TANK #:</u>	<u>TANK VOL(GALS):</u>	<u>INST.DATE:</u>	<u>TANK CONTENTS:</u>	<u>TANK POSITION:</u>	<u>TANK STATUS (as of...):</u>
<span style="border: 1px solid black; padding: 1px;">1</span>	2500	01-Sep-1991	Emerg Generator Diesel	UNDERGROUND	IN SERVICE
<u>CONSTRUCTION TYPE(see code sheet):</u> E1NM					
<u>PIPING TYPE(see code sheet):</u> FI					
<u>LEAK MONITORING(see code sheet):</u> FK					

<span style="border: 1px solid black; padding: 1px;">2</span>	7000	01-Sep-1991	Hazardous Substance	UNDERGROUND	NONREGUL SUBSTANCE 14-Jan-2000
<u>CONSTRUCTION TYPE(see code sheet):</u> E1NM					
<u>PIPING TYPE(see code sheet):</u> FI					
<u>LEAK MONITORING(see code sheet):</u> FK					

<span style="border: 1px solid black; padding: 1px;">3</span>	7000	01-Sep-1991	Hazardous Substance	UNDERGROUND	IN SERVICE
<u>CONSTRUCTION TYPE(see code sheet):</u> E1NM					
<u>PIPING TYPE(see code sheet):</u> FI					
<u>LEAK MONITORING(see code sheet):</u> FK					

<span style="border: 1px solid black; padding: 1px;">4</span>	3000	01-Sep-1991	Hazardous Substance	UNDERGROUND	NONREGUL SUBSTANCE 14-Jan-2000
<u>CONSTRUCTION TYPE(see code sheet):</u> E1NM					
<u>PIPING TYPE(see code sheet):</u> FI					
<u>LEAK MONITORING(see code sheet):</u> FK					

<span style="border: 1px solid black; padding: 1px;">5</span>	2000	01-Jul-1997	Hazardous Substance	ABOVEGROUND	IN SERVICE 01-Jul-1997
<u>CONSTRUCTION TYPE(see code sheet):</u> CP					
<u>PIPING TYPE(see code sheet):</u> AB					
<u>LEAK MONITORING(see code sheet):</u> M					



Copyright © 2003 Environmental Data Management, Inc.

For further information please contact us at 800-368-7376

Use of this information is strictly limited by EDM's authorization agreement, signed by our clients for each report.



# FDEP STORAGE TANKS REPORT (TANKS)

Report Date: 7/22/2003

TANKS Page 2 of 2

**FACILITY ID NUMBER, NAME AND LOCATION:**  
 9045863  
 FISH TALE MARINA AT CALOOSA ISLE  
 1687 INLET DR  
 NORTH FORT MYERS, FL 33903

**OWNERSHIP INFORMATION:**  
 FISH TALE MARINA AT CALOOS  
 1687 INLET DR  
 NORTH FORT MYERS, FL 33903

MAP ID NUMBER: 2

T  
A  
N  
K  
S

FACILITY TEL #: (239) 656-170  
 FACILITY OPERATOR:  
 FACILITY TYPE: Marine Fueling/Coastal

CONTACT TEL #: (941) 994-3786  
 CONTACT MICHAEL WOOD  
 FACILITY STATUS: OPEN

TANK #:	TANK VOL(GALS):	INST.DATE:	TANK CONTENTS:	TANK POSITION:	TANK STATUS (as of...):
1	3000		Unleaded Gas	UNDERGROUND	REMOVED 30-Jun-1993
CONSTRUCTION TYPE(see code sheet): CMO PIPING TYPE(see code sheet): B LEAK MONITORING(see code sheet): 8					

TANK #:	TANK VOL(GALS):	INST.DATE:	TANK CONTENTS:	TANK POSITION:	TANK STATUS (as of...):
2	3000		Unleaded Gas	UNDERGROUND	REMOVED 30-Jun-1993
CONSTRUCTION TYPE(see code sheet): CMO PIPING TYPE(see code sheet): B LEAK MONITORING(see code sheet): 8					

TANK #:	TANK VOL(GALS):	INST.DATE:	TANK CONTENTS:	TANK POSITION:	TANK STATUS (as of...):
3	3000		Vehicle Diesel	UNDERGROUND	REMOVED 30-Jun-1993
CONSTRUCTION TYPE(see code sheet): CMO PIPING TYPE(see code sheet): B LEAK MONITORING(see code sheet): 8					

TANK #:	TANK VOL(GALS):	INST.DATE:	TANK CONTENTS:	TANK POSITION:	TANK STATUS (as of...):
4	5000		Leaded Gas	UNDERGROUND	CLOSED IN PLACE 30-Nov-1989
CONSTRUCTION TYPE(see code sheet): D PIPING TYPE(see code sheet): B LEAK MONITORING(see code sheet): Y					

TANK #:	TANK VOL(GALS):	INST.DATE:	TANK CONTENTS:	TANK POSITION:	TANK STATUS (as of...):
5	4000	01-Feb-1994	Unleaded Gas	ABOVEGROUND	IN SERVICE 01-Feb-1994
CONSTRUCTION TYPE(see code sheet): ICMP PIPING TYPE(see code sheet): AIK LEAK MONITORING(see code sheet): 4Q					



Copyright © 2003 Environmental Data Management, Inc.  
 For further information please contact us at 800-368-7376  
 Use of this information is strictly limited by EDM's authorization agreement, signed by our clients for each report.

# USEPA FACILITY INDEX SYSTEM LIST (FINDS)

Report Date: 7/22/2003

FINDS Page 1 of 1

FACILITY ID NUMBER, NAME AND LOCATION:	SOURCE INDICATOR:												MAP ID #:	FINDS				
	R C R I S	P C S	A F S	S S T B	G E R C L I S	P E T I G	D O C K E T	C O N T R O L	C R I M I N A L	F I G	C I S	S T A T E			P A D S	R C R A J	T R I S	C U S
FLD980604862 FLORIDA CITIES WATER WATERWAY WWTP 1667 INLET DR NORTH FORT MYERS, FL 33903							X										1	FINDS
FL0001350926 CALOOSA ISLE MARINA 1687 INLET DR NORTH FORT MYERS, FL 339030000	X																2	FINDS
FL0002355426 INGLE YACHT SVC 1687A INLET DR NORTH FORT MYERS, FL 33903	X																2	FINDS



Copyright © 2003 Environmental Data Management, Inc.  
For further information please contact us at 800-368-7376  
Use of this information is strictly limited by EDM's authorization agreement, signed by our clients for each report.

**APPENDIX D**

**Phase II Laboratory Reports**

WATERR000154  
Don Mayne  
Water Resource Solutions Inc.  
428 Pine Island Road S.W.  
Cape Coral, FL 33991

Page 1  
August 18, 2003  
Submission # 308000748  
Order # 69149  
FDEP CompQAP# 990102  
FL-DOH Certification# E86349,E86616

Site Location/Project  
02-04528.E1/Caloosa Isle Marina  
1687 Inlet Dr., N. Ft. Myers

Sample I.D.: MW-5  
Collected: 08/14/03 09:50  
Received: 08/15/03 10:00  
Collected by: Client

PARAMETER	RESULT	UNITS	METHOD	DETECTION LIMIT-RQL	DATE EXT.	DATE ANALY.	ANALYST
Lead	BDL	mg/L	SM3113B (239.2)	0.005	08/15/2003	08/16/2003	NM
260.B VOA (602) Compounds in Water by GC/MS			MEDF	1			
Methyl-tert-butyl-ether	1.30	ug/L	5030/8260B	1.000	08/16/2003	08/16/2003	AR
Benzene	BDL	ug/L	5030/8260B	1.000	08/16/2003	08/16/2003	AR
Toluene	BDL	ug/L	5030/8260B	1.000	08/16/2003	08/16/2003	AR
Chlorobenzene	BDL	ug/L	5030/8260B	1.000	08/16/2003	08/16/2003	AR
Ethylbenzene	BDL	ug/L	5030/8260B	1.000	08/16/2003	08/16/2003	AR
m & p Xylene	BDL	ug/L	5030/8260B	1.000	08/16/2003	08/16/2003	AR
o- Xylene	BDL	ug/L	5030/8260B	1.000	08/16/2003	08/16/2003	AR
Total Xylene	BDL	ug/L	5030/8260B	1.000	08/16/2003	08/16/2003	AR
1,3-Dichlorobenzene	BDL	ug/L	5030/8260B	1.000	08/16/2003	08/16/2003	AR
1,4-Dichlorobenzene	BDL	ug/L	5030/8260B	1.000	08/16/2003	08/16/2003	AR
1,2-Dichlorobenzene	BDL	ug/L	5030/8260B	1.000	08/16/2003	08/16/2003	AR
SURROGATE: Toluene D-8	100.50	%					
SURROGATE: Bromofluorobenzene	115.20	%					
SURROGATE: Dibromofluoromethane	89.50	%					
8270C PAHs (610) in WATER by GC/MS (Ion Trap)			MEDF	1			
Naphthalene	BDL	ug/L	3510/8270C	5.000	08/15/2003	08/15/2003	ME

WATERR000154  
 Don Mayne  
 Water Resource Solutions Inc.  
 428 Pine Island Road S.W.  
 Cape Coral, FL 33991

Page 2  
 August 18, 2003  
 Submission # 308000748  
 Order # 69149  
 FDEP CompQAP# 990102  
 FL-DOH Certification# E86349,E86616

Site Location/Project  
 02-04528.E1/Caloosa Isle Marina  
 1687 Inlet Dr., N. Ft. Myers

Sample I.D.: MW-5  
 Collected: 08/14/03 09:50  
 Received: 08/15/03 10:00  
 Collected by: Client

PARAMETER	RESULT	UNITS	METHOD	DETECTION LIMIT-RQL	DATE EXT.	DATE ANALY.	ANALYST
2-Methylnaphthalene	BDL	ug/L	3510/8270C	5.000	08/15/2003	08/15/2003	ME
1-Methylnaphthalene	BDL	ug/L	3510/8270C	5.000	08/15/2003	08/15/2003	ME
Acenaphthene	BDL	ug/L	3510/8270C	3.000	08/15/2003	08/15/2003	ME
Phenanthrene	BDL	ug/L	3510/8270C	5.000	08/15/2003	08/15/2003	ME
Fluoranthene	BDL	ug/L	3510/8270C	0.300	08/15/2003	08/15/2003	ME
Benzo(a)anthracene	BDL	ug/L	3510/8270C	0.200	08/15/2003	08/15/2003	ME
Benzo(b)fluoranthene	BDL	ug/L	3510/8270C	0.200	08/15/2003	08/15/2003	ME
Benzo(a)pyrene	BDL	ug/L	3510/8270C	0.200	08/15/2003	08/15/2003	ME
Benzo(ghi)perylene	BDL	ug/L	3510/8270C	0.200	08/15/2003	08/15/2003	ME
Acenaphthylene	BDL	ug/L	3510/8270C	3.000	08/15/2003	08/15/2003	ME
Fluorene	BDL	ug/L	3510/8270C	5.000	08/15/2003	08/15/2003	ME
Anthracene	BDL	ug/L	3510/8270C	0.300	08/15/2003	08/15/2003	ME
Pyrene	BDL	ug/L	3510/8270C	0.300	08/15/2003	08/15/2003	ME
Chrysene	BDL	ug/L	3510/8270C	1.000	08/15/2003	08/15/2003	ME
Benzo(k)fluoranthene	BDL	ug/L	3510/8270C	0.500	08/15/2003	08/15/2003	ME
Indeno(1,2,3-cd)pyrene	BDL	ug/L	3510/8270C	0.200	08/15/2003	08/15/2003	ME
Dibenzo(a,h)anthracene	BDL	ug/L	3510/8270C	0.200	08/15/2003	08/15/2003	ME
SURROGATE: D5-Nitrobenzene	69.30	%					

WATERR000154  
 Don Mayne  
 Water Resource Solutions Inc.  
 428 Pine Island Road S.W.  
 Cape Coral, FL 33991

Page 3  
 August 18, 2003  
 Submission # 308000748  
 Order # 69149  
 FDEP CompQAP# 990102  
 FL-DOH Certification# E86349,E86616

Site Location/Project  
 02-04528.E1/Caloosa Isle Marina  
 1687 Inlet Dr., N. Ft. Myers

Sample I.D.: MW-5  
 Collected: 08/14/03 09:50  
 Received: 08/15/03 10:00  
 Collected by: Client

PARAMETER	RESULT	UNITS	METHOD	DETECTION LIMIT-RQL	DATE EXT.	DATE ANALY.	ANALYST
SURROGATE: 2-Fluorobiphenyl	67.50	%					
SURROGATE: 4-Terphenyl-D14	72.20	%					

\*\*\*BDL: Indicates Analyte is Below Detection Limit\*\*\*MEDF: Matrix Effect Dilution Factor\*\*\*  
 \*\*\*Work Subcontracted to Outside Labs Denoted by HRS Cert ID in Analyst Field\*\*\*  
 \*\*\*Qualifier following result conforms to FAC 62-160 Table 7\*\*\*\*\*Unless otherwise noted, mg/Kg denotes wet weight\*\*\*  
 \*\*\*62-770: If the MDL using the most sensitive and currently available technology is higher than a specific criterion, the PQL shall be used.  
 Certs:CT. =#PH0217, LA. =#9601, MD. =#271, MA. =#M-FL535  
 SC. =#96023, TN. =#TN02826, P.R. =FL-00535, AL=41180  
 \*\*These test results meet all the requirements of NELAC. All questions regarding this test report should be directed to the STL representative who signed this report or the QC department.

*Wayne Khan*  
 \_\_\_\_\_  
 Project Manager.



**SEVERN TRENT LABORATORIES, INC.**  
CHAIN OF CUSTODY RECORD (DEP 62-770.900 - modified form)

10200 USA TODAY WAY, MIRAMAR, FLORIDA 33025  
(954) 431-4550 • NAT'L WATS (800) LAB-8550 • FAX (954) 431-1959 • SAMPLE CUSTODY FAX (954) 432-8675

Original - Return w/ Report

Yellow - Lab Copy

Pink - Sampler Copy

Water Resource Solutions

Report To Address: 428 Pine Island Rd Cape Coral FL 339  
Billing Address:

Client/Name: 02-04528.E1 / Caloosa Isle Marina

Site Location: 1087 Inlet Dr

Contact: Don Moynere

Phone: 239-574-1919 K106

FAX: 239-574-8106

N.F.H. mgys

Contact: Brian Barnes

Phone: 334-4435 x 23

FAX:

FDEP Facility No. \_\_\_\_\_ of \_\_\_\_\_  
Page: \_\_\_\_\_ of \_\_\_\_\_  
Sampling CompQAP No.) \_\_\_\_\_  
Approval Date: \_\_\_\_\_

(print):

Sampler's Signature:

SAMPLE ID	DATE COLLECTED	TIME COLLECTED	pH	TEMP °C	COND	MATRIX	SAMPLE LOCATION JOB DESCRIPTION	# CONTAINERS	ANALYSIS REQUIRED	PLACE NAME OR METHOD NUMBER OF TESTS NEEDED IN LARGE BOXES BELOW	Lot #	Temp Seal
W-5	8-14-03	9:50	7.2	22.2	150	GW	C9149	4	<input checked="" type="checkbox"/> pH <input checked="" type="checkbox"/> Lead <input checked="" type="checkbox"/> 8100 <input checked="" type="checkbox"/> 8021 (HTBE + BTEX only)			
Total # of Containers: 4												

Requested by Signature: *[Signature]* Date: 8-14-03  
 (2) Relinquished by Signature: \_\_\_\_\_  
 Company: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Time: 1:30  
 Company: \_\_\_\_\_

Date: 8/15/03  
 Time: 3:00  
 Company: \_\_\_\_\_

DUPLICATE DATE REQUESTED Confirmation # C375  
 Coating Code: \_\_\_\_\_  
 Misc. Charges: \_\_\_\_\_  
 SHADED AREAS ARE FOR LAB USE ONLY

WATERR000154  
Don Mayne  
Water Resource Solutions Inc.  
428 Pine Island Road S.W.  
Cape Coral, FL 33991

Page 1  
August 28, 2003  
Submission # 308001263  
Order # 72467  
FDEP CompQAP# 990102  
FL-DOH Certification# E86349,E86616

Site Location/Project  
Caloosa Isle Marina  
02-04528.E1 /Caloosa Isle Mar.

Sample I.D.: MW-1  
Collected: 08/25/03 12:30  
Received: 08/27/03 10:00  
Collected by: Dan Mayne

PARAMETER	RESULT	UNITS	METHOD	DETECTION LIMIT-RQL	DATE EXT.	DATE ANALY.	ANALYST
Arsenic by ICP	BDL	mg/L	4.1.3/200.7	0.008	08/27/2003	08/28/2003	ERA
Arsenic, Dissolved By ICP	BDL	mg/L	4.1.1/200.7	0.008	08/27/2003	08/28/2003	ERA
Copper	BDL	mg/L	SM3111B (220.1)	0.10	08/27/2003	08/28/2003	ERA
Copper, Dissolved	BDL	mg/L	220.1	0.10	08/27/2003	08/28/2003	ERA

\*\*\*BDL: Indicates Analyte is Below Detection Limit\*\*\*MEDF: Matrix Effect Dilution Factor\*\*\*  
 \*\*\*Work Subcontracted to Outside Labs Denoted by HRS Cert ID in Analyst Field\*\*\*  
 \*\*\*Qualifier following result conforms to FAC 62-160 Table 7\*\*\*\*\*Unless otherwise noted, mg/Kg denotes wet weight\*\*\*  
 \*\*\*62-770: If the MDL using the most sensitive and currently available technology is higher than a specific criterion, the PQL shall be used.  
 Certs:CT. =#PH0217, LA. =#9601, MD. =#271, MA. =#M-FL535  
 SC. =#96023, TN. =#TN02826, P.R. =FL-00535, AL=41180  
 \*\*These test results meet all the requirements of NELAC. All questions regarding this test report should be directed to the STL representative who signed this report or the QC department.

*Maria E. Castellano*  
Laboratory Manager

# SEVERN TRENT LABORATORIES, INC.

## CHAIN OF CUSTODY RECORD (DEP 62-770.900 - modified form)

10200 USA TODAY WAY, MIRAMAR, FLORIDA 33025  
 (954) 431-4550 • NAT'L WATS (800) LAB-8550 • FAX (954) 431-1959 • SAMPLE CUSTODY FAX (954) 432-8875

Original - Return w/Report

Yellow - Lab Copy

Pink - Sampler Copy

FDEP Facility No. \_\_\_\_\_ of \_\_\_\_\_  
 Page: \_\_\_\_\_ of \_\_\_\_\_  
 Sampling Comp/QAP No. \_\_\_\_\_  
 Approval Date: \_\_\_\_\_

Water Resource Solutions

Client Name: 01-04528 E11 Caloosa Isle Marina

Contact: Don Mayne Phone: 239 246 4819 Fax: 239 574 8106 Site Location: Caloosa Isle Marina

Printer: Don Mayne Sampler's Signature: [Signature]

SAMPLE ID	DATE COLLECTED	TIME COLLECTED	PH			TEMP			MATRIX	SAMPLE LOCATION JOB DESCRIPTION	#	ANALYSIS REQUIRED		Temp. sealed
			F	L	D	C	M	P				D	PL	
-1	8-25-03	12:30							GW	1	X	X	72467	
-1	8-25-03	12:32							GW	1	X	X		
									Total Filtered	1				

*One sample for total dissolved AS, CV per Don Mayne 8/27/03 CL*

Released by Signature: [Signature] Date: 8/25/03 (2) Relinquished by Signature: \_\_\_\_\_  
 Total # of Containers: 2 Report Format: \_\_\_\_\_ Standard \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ Other (specify) \_\_\_\_\_  
 (See price guide for applicat

Received by Signature: WRS Date: 8/27/03 (2) Received by Signature: \_\_\_\_\_  
 Date: 8/27/03 Time: 3:38 Company: \_\_\_\_\_  
 Date: 8/27/03 Time: 10:00 Company: \_\_\_\_\_  
 Coating Code: \_\_\_\_\_  
 Misc Charges: \_\_\_\_\_  
 DUE DATE REQUESTED Confirmation # CL 460 63

SHADED AREAS ARE FOR LAB USE ONLY

WATERR000154  
Don Mayne  
Water Resource Solutions Inc.  
428 Pine Island Road S.W.  
Cape Coral, FL 33991

Page 1  
August 25, 2003  
Submission # 308001109  
Order # 71234  
FDEP CompQAP# 990102  
FL-DOH Certification# E86349,E86616

Site Location/Project  
Caloosa Isle Marina/1687 Inlet Dr., N. Ft. Myers

Sample I.D.: SS-1C  
Collected: 08/21/03 13:30  
Received: 08/22/03 10:00  
Collected by: Don Mayne

PARAMETER	RESULT	UNITS	METHOD	DETECTION LIMIT-RQL	DATE EXT.	DATE ANALY.	ANALYST
Percent Solids	88.3	%	160.3(ASTM-D221	0.10	08/23/2003	08/23/2003	PR
Copper	1330	mg/Kg	3050/6010B	1.0	08/22/2003	08/25/2003	MAH

\*\*\*BDL: Indicates Analyte is Below Detection Limit\*\*\*MEDF: Matrix Effect Dilution Factor\*\*\*  
 \*\*\*Work Subcontracted to Outside Labs Denoted by HRS Cert ID in Analyst Field\*\*\*  
 \*\*\*Qualifier following result conforms to FAC 62-160 Table 7\*\*\*\*\*Unless otherwise noted, mg/Kg denotes wet weight\*\*\*  
 \*\*\*62-770: If the MDL using the most sensitive and currently available technology is higher than a specific criterion, the PQL shall be used.  
 Certs:CT. =#PH0217, LA. =#9601, MD. =#271, MA. =#M-FL535  
 SC. =#96023, TN. =#TN02826, P.R. =FL-00535, AL=41180  
 \*\*These test results meet all the requirements of NELAC. All questions regarding this test report should be directed to the STL representative who signed this report or the QC department.

*Wayne Khan*  
\_\_\_\_\_  
Project Manager.

WATERR000154  
 Don Mayne  
 Water Resource Solutions Inc.  
 428 Pine Island Road S.W.  
 Cape Coral, FL 33991

Page 2  
 August 25, 2003  
 Submission # 308001109  
 Order # 71235  
 FDEP CompQAP# 990102  
 FL-DOH Certification# E86349,E86616

Site Location/Project  
 Caloosa Isle Marina/1687 Inlet Dr., N. Ft. Myers

Sample I.D.: SS-2C  
 Collected: 08/21/03 13:35  
 Received: 08/22/03 10:00  
 Collected by: Don Mayne

PARAMETER	RESULT	UNITS	METHOD	DETECTION LIMIT-RQL	DATE EXT.	DATE ANALY.	ANALYST
Percent Solids	90.0	%	160.3(ASTM-D221)	0.10	08/23/2003	08/23/2003	PR
Copper	775	mg/Kg	3050/6010B	1.0	08/22/2003	08/25/2003	MAH

\*\*\*BDL: Indicates Analyte is Below Detection Limit\*\*\*MEDF: Matrix Effect Dilution Factor\*\*\*  
 \*\*\*Work Subcontracted to Outside Labs Denoted by HRS Cert ID in Analyst Field\*\*\*  
 \*\*\*Qualifier following result conforms to FAC 62-160 Table 7\*\*\*\*\*Unless otherwise noted, mg/Kg denotes wet weight\*\*\*  
 \*\*\*62-770: If the MDL using the most sensitive and currently available technology is higher than a specific criterion, the PQL shall be used.  
 Certs:CT. =#PH0217, LA. =#9601, MD. =#271, MA. =#M-FL535  
 SC. =#96023, TN. =#TN02826, P.R. =FL-00535, AL=41180  
 \*\*These test results meet all the requirements of NELAC. All questions regarding this test report should be directed to the STL representative who signed this report or the QC department.

*Wayne Khan*  
 \_\_\_\_\_  
 Project Manager.

WATERR000154  
 Don Mayne  
 Water Resource Solutions Inc.  
 428 Pine Island Road S.W.  
 Cape Coral, FL 33991

Page 3  
 August 25, 2003  
 Submission # 308001109  
 Order # 71236  
 FDEP CompQAP# 990102  
 FL-DOH Certification# E86349,E86616

Site Location/Project  
 Caloosa Isle Marina/1687 Inlet Dr., N. Ft. Myers

Sample I.D.: SS-3C  
 Collected: 08/21/03 13:58  
 Received: 08/22/03 10:00  
 Collected by: Don Mayne

PARAMETER	RESULT	UNITS	METHOD	DETECTION LIMIT-RQL	DATE EXT.	DATE ANALY.	ANALYST
Percent Solids	90.1	%	160.3(ASTM-D221)	0.10	08/23/2003	08/23/2003	PR
Arsenic	BDL	mg/Kg	3050/6010B	0.70	08/22/2003	08/23/2003	NMO
Copper	25300	mg/Kg	3050/6010B	1.0	08/22/2003	08/25/2003	MAH

\*\*\*BDL: Indicates Analyte is Below Detection Limit\*\*\*MEDF: Matrix Effect Dilution Factor\*\*\*  
 \*\*\*Work Subcontracted to Outside Labs Denoted by HRS Cert ID in Analyst Field\*\*\*  
 \*\*\*Qualifier following result conforms to FAC 62-160 Table 7\*\*\*\*\*Unless otherwise noted, mg/Kg denotes wet weight\*\*\*  
 \*\*\*62-770: If the MDL using the most sensitive and currently available technology is higher than a specific criterion, the PQL shall be used.  
 Certs:CT. =#PH0217, LA. =#9601, MD. =#271, MA. =#M-FL535  
 SC. =#96023, TN. =#TN02826, P.R. =FL-00535, AL=41180  
 \*\*These test results meet all the requirements of NELAC. All questions regarding this test report should be directed to the STL representative who signed this report or the QC Department.

*Wayne Khan*  
 \_\_\_\_\_  
 Project Manager.



WATERR000154  
 Don Mayne  
 Water Resource Solutions Inc.  
 428 Pine Island Road S.W.  
 Cape Coral, FL 33991

Page 4  
 August 25, 2003  
 Submission # 308001109  
 Order # 71237  
 FDEP CompQAP# 990102  
 FL-DOH Certification# E86349,E86616

Site Location/Project  
 Caloosa Isle Marina/1687 Inlet Dr., N. Ft. Myers

Sample I.D.: SS-4C  
 Collected: 08/21/03 14:11  
 Received: 08/22/03 10:00  
 Collected by: Don Mayne

PARAMETER	RESULT	UNITS	METHOD	DETECTION LIMIT-RQL	DATE EXT.	DATE ANALY.	ANALYST
Percent Solids	91.0	%	160.3(ASTM-D221)	0.10	08/23/2003	08/23/2003	PR
Copper	3730	mg/Kg	3050/6010B	1.0	08/22/2003	08/25/2003	MAH

\*\*\*BDL: Indicates Analyte is Below Detection Limit\*\*\*MEDF: Matrix Effect Dilution Factor\*\*\*

\*\*\*Work Subcontracted to Outside Labs Denoted by HRS Cert ID in Analyst Field\*\*\*

\*\*\*Qualifier following result conforms to FAC 62-160 Table 7\*\*\*\*\*Unless otherwise noted, mg/Kg denotes wet weight\*\*\*

\*\*\*62-770: If the MDL using the most sensitive and currently available technology is higher than a specific criterion, the PQL shall be used.

Certs:CT. =#PH0217, LA. =#9601, MD. =#271, MA. =#M-FL535

SC. =#96023, TN. =#TN02826, P.R. =FL-00535, AL=41180

\*\*These test results meet all the requirements of NELAC. All questions regarding this test report should be directed to the STL representative who signed this report or the QE department.

*Wayne Khan*

*Project Manager.*

WATERR000154  
 Don Mayne  
 Water Resource Solutions Inc.  
 428 Pine Island Road S.W.  
 Cape Coral, FL 33991

Page 5  
 August 25, 2003  
 Submission # 308001109  
 Order # 71238  
 FDEP CompQAP# 990102  
 FL-DOH Certification# E86349,E86616

Site Location/Project  
 Caloosa Isle Marina/1687 Inlet Dr., N. Ft. Myers

Sample I.D.: SS-5C  
 Collected: 08/21/03 14:14  
 Received: 08/22/03 10:00  
 Collected by: Don Mayne

PARAMETER	RESULT	UNITS	METHOD	DETECTION LIMIT-RQL	DATE EXT.	DATE ANALY.	ANALYST
Percent Solids	91.5	%	160.3(ASTM-D221)	0.10	08/23/2003	08/23/2003	PR
Copper	5600	mg/Kg	3050/6010B	1.0	08/22/2003	08/25/2003	MAH

\*\*\*BDL: Indicates Analyte is Below Detection Limit\*\*\*MEDF: Matrix Effect Dilution Factor\*\*\*  
 \*\*\*Work Subcontracted to Outside Labs Denoted by HRS Cert ID in Analyst Field\*\*\*  
 \*\*\*Qualifier following result conforms to FAC 62-160 Table 7\*\*\*\*\*Unless otherwise noted, mg/Kg denotes wet weight\*\*\*  
 \*\*\*62-770: If the MDL using the most sensitive and currently available technology is higher than a specific criterion, the PQL shall be used.  
 Certs:CT.=#PH0217, LA.=#9601, MD.=#271, MA.=#M-FL535  
 SC.=#96023, TN.=#TN02826,P.R.=FL-00535,AL=41180  
 \*\*These test results meet all the requirements of NELAC.All questions regarding this test report should be directed to the STL representative who signed this report or the QC department.

*Wayne Khan*

*Project Manager.*

WATERR000154  
 Don Mayne  
 Water Resource Solutions Inc.  
 428 Pine Island Road S.W.  
 Cape Coral, FL 33991

Page 6  
 August 25, 2003  
 Submission # 308001109  
 Order # 71239  
 FDEP CompQAP# 990102  
 FL-DOH Certification# E86349,E86616

Site Location/Project  
 Caloosa Isle Marina/1687 Inlet Dr., N. Ft. Myers

Sample I.D.: SS-6C  
 Collected: 08/21/03 14:15  
 Received: 08/22/03 10:00  
 Collected by: Don Mayne

PARAMETER	RESULT	UNITS	METHOD	DETECTION LIMIT-RQL	DATE EXT.	DATE ANALY.	ANALYST
Percent Solids	91.0	%	160.3(ASTM-D221	0.10	08/23/2003	08/23/2003	PR
Copper	7500	mg/Kg	3050/6010B	1.0	08/22/2003	08/25/2003	MAH

\*\*\*BDL: Indicates Analyte is Below Detection Limit\*\*\*MEDF: Matrix Effect Dilution Factor\*\*\*

\*\*\*Work Subcontracted to Outside Labs Denoted by HRS Cert ID in Analyst Field\*\*\*

\*\*\*Qualifier following result conforms to FAC 62-160 Table 7\*\*\*\*\*Unless otherwise noted, mg/Kg denotes wet weight\*\*\*  
 \*\*\*62-770: If the MDL using the most sensitive and currently available technology is higher than a specific criterion, the PQL shall be used.

Certs:CT. =#PH0217, LA. =#9601, MD. =#271, MA. =#M-FL535  
 SC. =#96023, TN. =#TN02826, P.R. =FL-00535, AL=41180

\*\*These test results meet all the requirements of NELAC. All questions regarding this test report should be directed to the STL representative who signed this report or the QC department.

*Wayne Khan*

*Project Manager.*

WATERR000154  
 Don Mayne  
 Water Resource Solutions Inc.  
 428 Pine Island Road S.W.  
 Cape Coral, FL 33991

Page 7  
 August 25, 2003  
 Submission # 308001109  
 Order # 71240  
 FDEP CompQAP# 990102  
 FL-DOH Certification# E86349,E86616

Site Location/Project  
 Caloosa Isle Marina/1687 Inlet Dr., N. Ft. Myers

Sample I.D.: SS-7C  
 Collected: 08/21/03 14:18  
 Received: 08/22/03 10:00  
 Collected by: Don Mayne

PARAMETER	RESULT	UNITS	METHOD	DETECTION LIMIT-RQL	DATE EXT.	DATE ANALY.	ANALYST
Percent Solids	90.1	%	160.3(ASTM-D221)	0.10	08/23/2003	08/23/2003	PR
Copper	1320	mg/Kg	3050/6010B	1.0	08/22/2003	08/25/2003	MAH

\*\*\*BDL: Indicates Analyte is Below Detection Limit\*\*\*MEDF: Matrix Effect Dilution Factor\*\*\*  
 \*\*\*Work Subcontracted to Outside Labs Denoted by HRS Cert ID in Analyst Field\*\*\*  
 \*\*\*Qualifier following result conforms to FAC 62-160 Table 7\*\*\*\*\*Unless otherwise noted, mg/Kg denotes wet weight\*\*\*  
 \*\*\*62-770: If the MDL using the most sensitive and currently available technology is higher than a specific criterion, the PQL shall be used.  
 Certs:CT.=#PH0217, LA.=#9601, MD.=#271, MA.=#M-FL535  
 SC.=#96023, TN.=#TN02826,P.R.=FL-00535,AL=41180  
 \*\*These test results meet all the requirements of NELAC.All questions regarding this test report should be directed to the STL representative who signed this report or the QC department.

*Wayne Khan*  
 \_\_\_\_\_  
 Project Manager.

WATERR000154  
 Don Mayne  
 Water Resource Solutions Inc.  
 428 Pine Island Road S.W.  
 Cape Coral, FL 33991

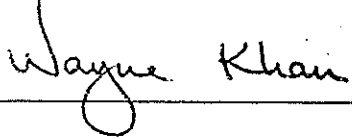
Page 8  
 August 25, 2003  
 Submission # 308001109  
 Order # 71241  
 FDEP CompQAP# 990102  
 FL-DOH Certification# E86349,E86616

Site Location/Project  
 Caloosa Isle Marina/1687 Inlet Dr., N. Ft. Myers

Sample I.D.: SS-8C  
 Collected: 08/21/03 14:20  
 Received: 08/22/03 10:00  
 Collected by: Don Mayne

PARAMETER	RESULT	UNITS	METHOD	DETECTION LIMIT-RQL	DATE EXT.	DATE ANALY.	ANALYST
Percent Solids	90.6	%	160.3(ASTM-D221)	0.10	08/23/2003	08/23/2003	PR
Copper	1350	mg/Kg	3050/6010B	1.0	08/22/2003	08/25/2003	MAH

\*\*\*BDL: Indicates Analyte is Below Detection Limit\*\*\*MEDF: Matrix Effect Dilution Factor\*\*\*  
 \*\*\*Work Subcontracted to Outside Labs Denoted by HRS Cert ID in Analyst Field\*\*\*  
 \*\*\*Qualifier following result conforms to FAC 62-160 Table 7\*\*\*\*\*Unless otherwise noted, mg/Kg denotes wet weight\*\*\*  
 \*\*\*62-770: If the MDL using the most sensitive and currently available technology is higher than a specific criterion, the PQL shall be used.  
 Certs:CT. =#PH0217, LA. =#9601, MD. =#271, MA. =#M-FL535  
 SC. =#96023, TN. =#TN02826, P.R. =FL-00535, AL=41180  
 \*\*These test results meet all the requirements of NELAC. All questions regarding this test report should be directed to the STL representative who signed this report or the QC department.


---

 Project Manager.

WATERR000154  
 Don Mayne  
 Water Resource Solutions Inc.  
 428 Pine Island Road S.W.  
 Cape Coral, FL 33991

Page 9  
 August 25, 2003  
 Submission # 308001109  
 Order # 71242  
 FDEP CompQAP# 990102  
 FL-DOH Certification# E86349,E86616

Site Location/Project  
 Caloosa Isle Marina/1687 Inlet Dr., N. Ft. Myers

Sample I.D.: SS-9C  
 Collected: 08/21/03 14:22  
 Received: 08/22/03 10:00  
 Collected by: Don Mayne

PARAMETER	RESULT	UNITS	METHOD	DETECTION LIMIT-RQL	DATE EXT.	DATE ANALY.	ANALYST
Percent Solids	94.5	%	160.3(ASTM-D221	0.10	08/23/2003	08/23/2003	PR
Copper	3700	mg/Kg	3050/6010B	1.0	08/22/2003	08/25/2003	MAH

\*\*\*BDL: Indicates Analyte is Below Detection Limit\*\*\*MEDF: Matrix Effect Dilution Factor\*\*\*  
 \*\*\*Work Subcontracted to Outside Labs Denoted by HRS Cert ID in Analyst Field\*\*\*  
 \*\*\*Qualifier following result conforms to FAC 62-160 Table 7\*\*\*\*\*Unless otherwise noted, mg/Kg denotes wet weight\*\*\*  
 \*\*\*62-770: If the MDL using the most sensitive and currently available technology is higher than a specific criterion, the PQL shall be used.  
 Certs:CT. =#PH0217, LA. =#9601, MD. =#271, MA. =#M-FL535  
 SC. =#96023, TN. =#TN02826, P.R. =FL-00535, AL=41180  
 \*\*These test results meet all the requirements of NELAC. All questions regarding this test report should be directed to the STL representative who signed this report or the QC department.

*Wayne Khan*  
 \_\_\_\_\_  
 Project Manager.



WATERR000154  
 Don Mayne  
 Water Resource Solutions Inc.  
 428 Pine Island Road S.W.  
 Cape Coral, FL 33991

Page 10  
 August 25, 2003  
 Submission # 308001109  
 Order # 71244  
 FDEP CompQAP# 990102  
 FL-DOH Certification# E86349,E86616

Site Location/Project  
 Caloosa Isle Marina/1687 Inlet Dr., N. Ft. Myers

Sample I.D.: SS-10A  
 Collected: 08/21/03 14:30  
 Received: 08/22/03 10:00  
 Collected by: Don Mayne

PARAMETER	RESULT	UNITS	METHOD	DETECTION LIMIT-RQL	DATE EXT.	DATE ANALY.	ANALYST
Percent Solids	85.6	%	160.3(ASTM-D221	0.10	08/23/2003	08/23/2003	PR
Arsenic	9.7	mg/Kg	3050/6010B	0.70	08/22/2003	08/23/2003	NMO

\*\*\*BDL: Indicates Analyte is Below Detection Limit\*\*\*MEDF: Matrix Effect Dilution Factor\*\*\*

\*\*\*Work Subcontracted to Outside Labs Denoted by HRS Cert ID in Analyst Field\*\*\*

\*\*\*Qualifier following result conforms to FAC 62-160 Table 7\*\*\*\*\*Unless otherwise noted, mg/Kg denotes wet weight\*\*\*

\*\*\*62-770: If the MDL using the most sensitive and currently available technology is higher than a specific criterion, the PQL shall be used.

Certs:CT. =#PH0217, LA. =#9601, MD. =#271, MA. =#M-FL535

SC. =#96023, TN. =#TN02826, P.R. =FL-00535, AL=41180

\*\*These test results meet all the requirements of NELAC. All questions regarding this test report should be directed to the STL representative who signed this report or the QC department.

*Wayne Khan*  
 \_\_\_\_\_  
 Project Manager.

# SEVERN TRENT LABORATORIES, INC.

## CHAIN OF CUSTODY RECORD (DEP 62-770.900 - modified form)

Q3108 1109  
 11234-11244  
 PA

10200 USA TODAY WAY, MIRAMAR, FLORIDA 33025  
 (954) 431-4550 • NAT'L WATS (800) LAB-8550 • FAX (954) 431-1959 • SAMPLE CUSTODY FAX (954) 432-8675

Original - Return w/Report Yellow - Lab Copy Pink - Sampler Copy

Alter Resource Solutions

Report To Address: 428 Pine Island Rd Cape Coral FL 339  
 Billing Address:

Site Location: Caloosa Island Waters 1887 Inlet Dr N Ft Myers

Print/Name: Donald Mayne  
 Phone: 339 574 1919 x 106 FAX: 574-8106  
 Fax: 334-6932  
 Print: Don Mayne  
 Phone: 334-4435  
 Sampler's Signature: [Signature]

SAMPLE ID	DATE COLLECTED	TIME COLLECTED	PH			TEMP			C O N D	MATRIX	SAMPLE LOCATION JOB DESCRIPTION <small>(optional if needed when samples are from different site location)</small>	#	ANALYSIS REQUIRED		Temp. Sealed
			F L D	F L D	F L D	E M P	S W	S E D					C O P P E R	A R S E N I C	
1C	8-21-03	1:30									71234	1			
2C		1:35									71235	1	X		
3C		1:58									71236	1	X	X	
4C		2:11									71237	1	X		
5C		2:14									71238	1	X		
6C		2:15									71239	1	X		
7C		2:18									71240	1	X		
8C		2:20									71241	1	X		
9C		2:22									71242	1	X		
10A		2:36									71244	1	X		
Total # of Containers:												10			

Report Format: Standard Other (specify) \_\_\_\_\_  
 Coating Code: Dwe-8-25-03  
 Lot # as Sampled: \_\_\_\_\_

Relinquished by Signature: [Signature] Date: 8-21-03  
 Received by Signature: [Signature] Date: 8/21/03  
 Company: [Signature] Time: 11:51

SHADED AREAS ARE FOR LAB USE ONLY

**APPENDIX E**

**Resumes of Participating Professionals**

**DONALD W. MAYNE, CFEA**

**PROJECT SCIENTIST**

**EDUCATION:**

B.S. Environmental Science  
Troy State University, 1992

**PROFESSIONAL  
REGISTRATION:**

Registered Environmental  
Property Assessor #6104

Certified Florida Environmental  
Assessor #261

**PROFESSIONAL  
AFFILIATIONS:**

Florida Association of  
Environmental Professionals

Florida Environmental  
Assessors Association

**YEARS IN PRACTICE:**

11 Years

**EXPERIENCE SUMMARY:**

Mr. Mayne has more than ten years of experience in managing and performing Phase I Environmental Site Assessments (ESA's). Phase I ESA's are designed to assess the potential of hazardous substance and/or petroleum product impacts on real property. This assessment is conducted by evaluating past and present on-site and off-site conditions in conjunction with natural conditions such as the local geology, surface water characteristics, and corresponding water-table aquifer flow directions. His clients have included land developers, local government agencies, realtors, lending institutions, and investors. Mr. Mayne also has experience in the project management of salt tracking monitoring services for water use permits.

**EXPERIENCE RECORD:**

- Managed and conducted Phase I ESA's on 16 golf course communities within 3 weeks for southwest Florida's largest developer as part of a debt consolidation/refinance deal.
- Performed numerous Phase I Environmental Site Assessments for Lee County as part of their Conservation 2020 land acquisition program.
- Conducted several Phase I Assessments for the expansion of the Southwest Florida International Airport as part of their 2010 Development program.
- Project manager for Phase I Environmental Site Assessment in an area of approximately one square mile along the south bank of the Estero River.
- Project manager for a Phase I Environmental Site Assessment and generic wetland evaluation for a site off of Andrea Lane.
- Management of an asbestos abatement and demolition project upon completion of an asbestos survey.
- Performed multi-site Phase I ESA and asbestos survey on 47 supermarket stores in the New England area.
- Team player in a multi-site Phase I containing 77 equipment rental facilities in the southeastern United States.
- Project manager of several salt tracking-monitoring plans as part of the South Florida Water Management Districts water use permits.
- Performs Aquifer Storage and Recovery operational cyclical testing at the Lee County North Reservoir and Olga water plants.

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

WHEREAS, Marine Holdings, LLC , filed an application on behalf of the property owners, Marine Holdings II, LLC, and Caloosa Isle Yacht Club, Inc., to rezone 5.77± acres from Commercial Planned Development (CPD) to Commercial Planned Development (CPD), in reference to Caloosa Isle Yacht Club; and,

WHEREAS, a public hearing was advertised and held on July 26, 2006, and with the record held open until August 4, 2006, for written submissions, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2005-00095; and

WHEREAS, a second public hearing was advertised and held on October 30, 2006, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to rezone 5.77± acres from CPD to CPD to permit the redevelopment of Caloosa Isle Marina, to allow a total of 334 boat slips (Wet and Dry), a 7,000-square-foot restaurant and approximately 7,500 square feet of ancillary uses. The property is located in the Suburban Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. The development of this project must be consistent with the single-page Master Concept Plan (MCP) entitled "Caloosa Isle Yacht Club, Concept Plan - Exhibit 6-J - DCI2005-00095," prepared by Vanasse & Daylor, LLP, dated November 30, 2005, last revised October 24, 2006, date stamped "Received Nov 03 2006 Community Development," and attached hereto as Exhibit C, except as modified by the conditions below.

This development must comply with all requirements of the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

2. The following Limits apply to the project and uses:

a. Schedule of Uses

Accessory Uses and Structures

Administrative offices

Boat:

Docks

Rental

Repair

Sales

Boardwalk (See condition 15)

Boat Storage:

44 Wet Slips

239 Dry Slips

Consumption on Premises (with outdoor seating) (See Conditions 6,7 & 8)

Personal Services, Group II (limited to a fitness center)

Pump-out Facilities

Restaurant, Group III

Recreational Facility; Private, On-site

Parking, accessory

Signs, in accordance with Chapter 30

Essential Services

On-site Fueling

b. Site Development Regulations

Setbacks:

Street : 25 feet

Waterbody: 25 feet (See Deviations 2 & 5)

Side: 15 feet (See Deviation 6)

Maximum Height: 45 feet (See Deviation 3)

Maximum Lot Coverage: 40 percent

Minimum Open Space: 30 percent

3. Environmental Conditions

- a. The Applicant will actively pursue the Clean Marina designation through the Florida Department of Environmental Protection.
- b. Prior to development order approval for the project, the Applicant must demonstrate compliance with Lee County Comprehensive Plan Policies 128.6.8 and 128.6.11 regarding marina environmental design. Environmental enhancements to the adjacent canal system through the creation of in-water habitat must be a part of this environmental design.



This enhancement can be accomplished through the placement of appropriately sized riprap rock along the shoreline to increase filtration of canal water and create habitat within the canal. A minimum of 260 feet of the project seawall shoreline must include this environmental enhancement. A conservation easement reserving riparian rights over Tract "D" (as shown on the MCP) must be recorded in the Public Records of Lee County, Florida prior to development order approval for the project.

The conservation easement must be dedicated to Lee County and be reviewed and approved by the County Attorney's Office prior to recording. At minimum the conservation easement must include provisions establishing the following:

- (1) Existing mangrove trees and other native plants will be retained;
  - (2) Trimming of mangrove trees is prohibited, except for limited trimming, approved by Lee County, to accommodate navigation, boat mooring docks and access walkways, if constructed in the future;
  - (3) Removal of exotic pest plants listed in §10-420(h); and
  - (4) Maintenance of the area in perpetuity free from exotic pest plants listed in §10-420(h) and trash.
- c. No direct canal discharge of bilge water from watercraft being lifted and stored in the dry storage building is allowed. Prior to development order approval, a surface water collection system must be designed into the forklift facility to capture bilge water for appropriate treatment prior to any release into the canal.
- d. Prior to development order approval for the project, the Applicant must submit a Marina Hurricane Plan that is approved by the Lee County Department of Public Safety.
4. A 10-foot-wide buffer consisting of a double staggered hedge row and five trees every 100-linear feet must be installed along the northwestern portion of the property between the seawall and parking lot. A 5-foot-wide buffer consisting of a double staggered hedge row must be installed along the northern portion of the property between the seawall and the parking area. All shrubs must be a minimum ten-gallon container size; planted in double staggered rows; at least 48 inches in height; and spaced 36 inches on center. They must be at least 60 inches in height within 12 months of time of planting and maintained in perpetuity at a height of no less than 60 inches above grade. All required buffer trees must be no

less than four (4) inches in diameter at 12 inches above the ground and no less than 16 feet in height at the time of planting.

One-half (50 percent) of the required buffer trees along the northwest portion of the property must be Sabal Palms planted in clusters with staggered heights ranging from 12 feet in overall height to a maximum of 20 feet in overall height. All required landscape planting material must be of native species.

5. Prior to issuance of local development order an access easement providing access for Lee County Utilities from Inlet Drive to the wastewater treatment plant must be recorded. Prior to recording the easement must be reviewed and approved by Lee County Utilities and the Lee County Attorney's office.
6. Consumption on Premises is approved only in conjunction with a restaurant pursuant to a 4-COP and/or 4-COP-SRX alcoholic beverage license. The service of alcoholic beverages is contingent on meeting the requirements for the applicable COP license.
7. Hours of operation for Consumption on Premises:

Indoor seating - limited to 10:00 a.m. until 12:00 a.m. (midnight),  
Monday through Sunday.

Outdoor seating - limited to Sunday through Thursday, 10:00 a.m.  
until 9:00 p.m., and Friday and Saturday, 10:00 a.m. until 11:00 p.m.

Outdoor pool-side area - limited to 10:00 a.m. through 8:00 p.m.,  
Monday through Sunday (See also Condition 8.)

Outdoor entertainment:

Outdoor entertainment is limited to piped and /or recorded music (amplified or non-amplified) which will not exceed a "conversational" level of volume, in the outdoor seating area, and cannot be heard by individuals located off the subject property. No live entertainment is permitted. The hours of operation for outdoor entertainment are limited to the hours of operation permitted for consumption on premises in conjunction with outdoor seating as specified above. Speakers and any sound amplification devices must be oriented towards the building, to minimize music from being conveyed off site.

8. The restaurant may serve alcoholic beverages to members of the marina in the outdoor pool side area. These hours of operation for the outdoor pool-side area are limited to 10:00 a.m. through 8:00 p.m., Monday through Sunday.
9. Boat repair and service are limited to the hours of 8:00 a.m. through 5:00 p.m., Monday through Saturday.

10. Valet Parking must be provided for the restaurant customers between the hours of 6:00 p.m. and close of business if needed to accommodate parking within the project. A minimum of 50 valet parking spaces must be provided in areas of the project other than those currently designated for parking areas.
11. Boat service, repair and storage:

No outdoor storage of boats or equipment is permitted. All boat service, repair, and maintenance must be done completely within the dry storage building. Boat service, repair and maintenance does not include boat preparation for storage or launch. Boat preparation may take place in the area designated for boat wash in the area south and southwest of the dry storage building.

The storage and removal of boats or equipment from the boat storage building must be accomplished using the door on the south side of the dry storage building. The existing (travel lift) boat drop located on the northwest portion of the peninsula is limited to use for emergency purposes or for boats which are too heavy to be handled by a fork lift.
12. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.
13. Approval of this zoning request does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee County Comprehensive Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee County Comprehensive Plan provisions.
14. This development must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development.
15. Prior to the issuance of a local development order authorizing construction of a boardwalk along the boundary line of the Lee County Utilities Wastewater Treatment Plant property, the property owner must secure a license from the Lee County Board of County Commissioners authorizing placement of a boardwalk for pedestrian access in that location and an administrative amendment to the zoning approval incorporating the license authorizing the boardwalk into zoning approval. The license must specifically address the property owner's ability to trim mangroves in conjunction with the installation of the boardwalk.

**SECTION C. DEVIATIONS:**

- (1) Deviation (1) seeks relief from the §34-2020 requirement to provide a total of 236 parking spaces, to allow a total of 164 defined parking spaces, with additional parking provided in the boat storage building by valet service. This deviation is APPROVED, SUBJECT TO Condition 10.
- (2) Deviation (2) seeks relief from the § 34-2194 requirement to provide a minimum 25-foot waterbody setback for structures, to allow a 5-foot waterbody setback for the proposed restaurant/office/gazebo building. This deviation is APPROVED.
- (3) Deviation (3) seeks relief from the §34-936(f) requirement to provide a maximum height of 45 feet above base flood elevation, to allow a maximum height of 55 feet above base flood elevation. This deviation is APPROVED.
- (4) Deviation (4) seeks relief from the §10-416(d) requirement to provide a minimum 15-foot-wide Type "B" buffer between a commercial development and an existing industrial development, to allow a 10-foot-wide buffer with the required Type B plantings. This deviation is APPROVED, SUBJECT TO Condition 4.
- (5) Deviation (5) seeks relief from the §34-2194 requirement to provide a minimum 25-foot setback for structures, to allow a zero-foot waterbody setback for proposed Fitness Center/Tiki Bar. This deviation is APPROVED.
- (6) Deviation (6) seeks relief from the §34-935(b)(1) requirement that all structures be setback a minimum width of any required buffer or 15 feet for properties zoned Commercial Planned Development (CPD), to allow a zero-foot setback for the proposed fuel storage tank, fire suppression tank, and the proposed storage shed. This deviation is APPROVED.

**SECTION D. EXHIBITS AND STRAP NUMBER:**

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: Legal description of the property  
Exhibit B: Zoning Map (with the subject parcel indicated)  
Exhibit C: The Master Concept Plan

The applicant has indicated that the STRAP numbers for the subject property are:  
16-44-24-03-00308.0000, 16-44-24-03-0030A.0000 & 16-44-24-03-0030D.0000

**SECTION E. FINDINGS AND CONCLUSIONS:**

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.

2. The rezoning, as approved:
  - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;
  - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;
  - c. is compatible with existing or planned uses in the surrounding area;
  - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and
  - e. will not adversely affect environmentally critical areas or natural resources.
  
3. The rezoning satisfies the following criteria:
  - a. the proposed use or mix of uses is appropriate at the subject location;
  - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
  - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
  
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
  
5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

Commissioner John E. Albion made a motion to adopt the foregoing resolution, seconded by Commissioner Douglas R. St. Cerny. The vote was as follows:

Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Tammara Hall	Absent
John E. Albion	Aye

DULY PASSED AND ADOPTED this 30th day of October, 2006.

ATTEST:  
CHARLIE GREEN, CLERK

BY: Insa Pierce  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: [Signature]  
Robert P. Janes, Chair

Approved as to form by:

John J. Fredyma  
John J. Fredyma  
Assistant County Attorney  
County Attorney's Office



RECEIVED  
MINUTES OFFICE  
2006 DEC 22 AM 9:54

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
Property located in Lee County, Florida



**Dagostino & Wood, Inc.**

Legal for Main Tract  
(5.925 acres)

A PARCEL OF LAND BEING A PORTION OF WATERWAY ESTATES UNIT 2 AS RECORDED IN PLAT BOOK 12, PAGE 63 OF THE PUBLIC RECORDS OF LEE COUNTY FLORIDA AND LYING IN SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST LEE COUNTY FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OF CURVATURE ON CURVE "K" ON THE SOUTH LINE OF TRACT "B" AS SHOWN ON SAID PLAT OF WATERWAY ESTATES OF FORT MYERS UNIT 2; THENCE NORTH 89°24'00" EAST, ALONG THE SOUTH LINE OF SAID TRACT "B", 200.94 FEET TO THE WEST LINE OF THE PARCEL DESCRIBED IN THE DEED RECORDED IN OFFICIAL RECORDS BOOK 145, PAGE 95 OF SAID PUBLIC RECORDS OF LEE COUNTY FLORIDA; THENCE NORTH 00°35'40" WEST, ALONG SAID WEST LINE 165.80 FEET; THENCE NORTH 43°52'37" EAST, ALONG SAID WEST LINE, 137.02 FEET TO THE NORTH LINE OF SAID PARCEL; THENCE NORTH 89°29'15" EAST, ALONG SAID NORTH LINE, 90.00 FEET TO THE EAST LINE OF SAID PARCEL; THENCE SOUTH 00°37'31" EAST, ALONG SAID EAST LINE 263.45 FEET TO THE SOUTH LINE OF SAID TRACT "B"; THENCE NORTH 89°23'35" EAST, ALONG SAID SOUTH LINE, 342.89 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST; THENCE EASTERLY, NORTHEASTERLY AND NORTHERLY 39.28 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°01'49", AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 45°04'58" EAST 35.36 FEET TO THE END OF SAID CURVE; THENCE NORTH 00°06'00" WEST, ALONG THE EAST LINE OF SAID TRACT "B" AND THE NORTHERLY PROLONGATION THEREOF, 490.23 FEET; THENCE SOUTH 89°53'58" WEST 309.71 FEET; THENCE SOUTH 44°21'45" WEST 28.12 FEET; THENCE NORTH 59°30'14" WEST 102.61 FEET TO THE SOUTHEASTERLY CORNER OF TRACT "A" OF SAID WATERWAY ESTATES OF FORT MYERS UNIT 2 AND THE POINT OF CURVATURE OF A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE SOUTHWEST; THENCE NORTHWESTERLY 72.75 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 718.68 FEET, A CENTRAL ANGLE OF 05°47'59", AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 48°46'15" WEST 72.72 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE EAST; THENCE NORTHWESTERLY, NORTHERLY, AND NORTHEASTERLY 41.72 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 95°36'51", AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 03°51'49" WEST 37.04 FEET TO THE SOUTHEASTERLY LINE OF HARBOUR LANE; THENCE SOUTH 43°56'37" WEST, ALONG SAID SOUTHEASTERLY LINE 100.56 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE SOUTHWEST; THENCE NORTHEASTERLY, EASTERLY AND SOUTH EASTERLY 36.44 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 83°30'36", AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 85°41'55" EAST 33.30 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE SOUTHWEST; THENCE SOUTHEASTERLY 77.91 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 668.68 FEET, A CENTRAL ANGLE OF 06°40'32", AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 49°12'31" EAST 77.86 FEET TO THE END OF SAID CURVE AND THE SOUTHEASTERLY CORNER OF SAID TRACT "A"; THENCE SOUTH 32°28'19" EAST 102.74 FEET THE NORTHWESTERLY LINE OF SAID TRACT "B"; THENCE SOUTH 43°55'47" WEST, ALONG SAID NORTHWESTERLY LINE, 540.48 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTHEAST BEING SAID CURVE "K" AS SHOWN ON THE PLAT OF SAID WATERWAY ESTATES OF FORT MYERS UNIT 2; THENCE SOUTHWESTERLY, SOUTHERLY AND SOUTHEASTERLY 58.66 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 134°26'42" AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 23°13'33" EAST 46.10 FEET TO THE POINT OF BEGINNING.

CONTAINING 5.925 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD

610 18<sup>th</sup> Avenue NE Naples, FL 34120  
Phone-(239)352-6085 Fax-(239)352-6095

**RECEIVED**

DEC 02 2005

DCI 2005-00095

COMMUNITY DEVELOPMENT  
DCI 2005-00095



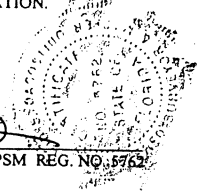


**Dagostino & Wood, Inc.**

BEARINGS SHOWN HEREON ARE BASED UPON THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1986 (1999 ADJUSTMENT). THE RECORD PLAT OF WATERWAYS OF FORT MYERS UNIT 2 IS ALSO BASED UPON THE SAME ROTATION.

PREPARED BY:

  
DAVID S. DAGOSTINO, PSM REG. NO. 5762



\*\*NOT VAILD WITHOUT SKETCH\*\*

Applicant's Legal Checked  
by Lgm 1/25/2006

DCI 2005-00095

**RECEIVED**

DEC 02 2005

COMMUNITY DEVELOPMENT

610 18<sup>th</sup> Avenue NE Naples, FL 34120  
Phone-(239)352-6085 Fax-(239)352-6095

**EXHIBIT "A"**  
(Page 2 of 5)



**Dagostino & Wood, Inc.**

Legal for Tract "D"  
(0.316 acres)

A PARCEL OF LAND BEING A PORTION OF WATERWAY ESTATES UNIT 2 AS RECORDED IN PLAT BOOK 12, PAGE 63 OF THE PUBLIC RECORDS OF LEE COUNTY FLORIDA AND LYING IN SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST LEE COUNTY FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF TRACT "D" LYING EASTERLY OF THE SOUTHERLY PROLONGATION OF BLOCK 1 OF SAID WATERWAY ESTATES OF FORT MYERS UNIT 2 AS PER SAID PLAT RECORDED IN PLAT BOOK 12 PAGE 64, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF CURVATURE OF CURVE "K" ON THE SOUTH LINE OF TRACT "B" AS SHOWN ON SAID PLAT OF WATERWAY ESTATES OF FORT MYERS UNIT 2 FOR A POINT OF REFERENCE; THENCE SOUTH 00°36'25" EAST 60.07 FEET TO THE NORTH LINE OF SAID TRACT "D" AND THE POINT OF BEGINNING; THENCE SOUTH 89°23'35" WEST, ALONG SAID NORTH LINE 259.08 FEET TO THE SOUTHERLY PROLONGATION OF BLOCK 1 OF SAID WATERWAY ESTATES OF FORT MYERS UNIT 2; THENCE SOUTH 43°56'37" WEST, ALONG SAID SOUTHERLY PROLONGATION 20.43 FEET TO THE SOUTH LINE OF SAID TRACT "B"; THENCE NORTH 89°23'04" EAST, ALONG SAID SOUTH LINE 962.11 FEET TO THE EAST LINE OF SAID TRACT "B"; THENCE NORTH 39°40'53" WEST, ALONG SAID EAST LINE, 18.56 FEET TO SAID NORTH LINE OF TRACT "B"; THENCE SOUTH 89°23'35" WEST, ALONG SAID NORTH LINE 677.00 FEET TO THE POINT OF BEGINNING.

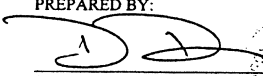
CONTAINING 0.316 ACRES MORE OR LESS.

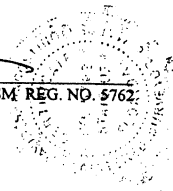
SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

BEARINGS SHOWN HEREON ARE BASED UPON THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1986 (1999 ADJUSTMENT). THE RECORD PLAT OF WATERWAYS OF FORT MYERS UNIT 2 IS ALSO BASED UPON THE SAME ROTATION.

Applicant's Legal Checked  
by lsm 1/25/2006

PREPARED BY:

  
DAVID S. DAGOSTINO, PSM REG. NO. 5762



\*\*NOT VAILD WITHOUT SKETCH\*\*

DCI 2005-00095

**RECEIVED**  
DEC 02 2005

COMMUNITY DEVELOPMENT  
610 18<sup>th</sup> Avenue NE Naples, FL 34120  
Phone-(239)352-6085 Fax-(239)352-6095

**SKETCH OF DESCRIPTION  
OF A PORTION OF WATERWAY ESTATES OF FORT MYERS UNIT 2  
LYING IN SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST,  
LEE COUNTY, FLORIDA**

**LEGAL DESCRIPTION**

A PARCEL OF LAND BEING A PORTION OF WATERWAY ESTATES UNIT 2 AS RECORDED IN PLAT BOOK 12, PAGE 43 OF THE PUBLIC RECORDS OF LEE COUNTY FLORIDA AND LYING IN SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST LEE COUNTY FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OF CURVATURE ON CURVE "A" ON THE SOUTH LINE OF TRACT "B" AS SHOWN ON SAID PLAT OF WATERWAY ESTATES OF FORT MYERS UNIT 2; THENCE NORTH 89°24'00" EAST, ALONG THE SOUTH LINE OF SAID TRACT "B", 200.84 FEET TO THE WEST LINE OF THE PARCEL DESCRIBED IN THE DEED RECORDED IN OFFICIAL RECORDS BOOK 144, PAGE 85 OF SAID PUBLIC RECORDS OF LEE COUNTY FLORIDA; THENCE NORTH 02°35'30" WEST, ALONG SAID WEST LINE 143.80 FEET; THENCE NORTH 43°32'37" EAST, ALONG SAID WEST LINE, 123.82 FEET TO THE NORTH LINE OF SAID PARCEL; THENCE NORTH 89°28'12" EAST, ALONG SAID NORTH LINE, 80.00 FEET TO THE EAST LINE OF SAID PARCEL; THENCE SOUTH 89°37'31" EAST, ALONG SAID EAST LINE 263.45 FEET TO THE SOUTH LINE OF SAID TRACT "B"; THENCE NORTH 89°27'51" EAST, ALONG SAID SOUTH LINE, 542.86 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST; THENCE EASTERLY, NORTHEASTERLY AND NORTHERLY 26.26 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 22.00 FEET, A CENTRAL ANGLE OF 90°01'49", AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 47°04'38" EAST 25.36 FEET TO THE END OF SAID CURVE; THENCE NORTH 89°28'12" WEST, ALONG THE EAST LINE OF SAID TRACT "B" AND THE NORTHERLY PROLONGATION THEREOF, 489.23 FEET; THENCE SOUTH 89°33'36" WEST 306.71 FEET; THENCE SOUTH 47°11'45" WEST 28.12 FEET; THENCE NORTH 56°30'14" WEST 102.61 FEET TO THE SOUTHWESTERLY CORNER OF TRACT "A" OF SAID WATERWAY ESTATES OF FORT MYERS UNIT 2 AND THE POINT OF CURVATURE OF A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE SOUTHWEST; THENCE NORTHEASTERLY 72.75 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 718.86 FEET, A CENTRAL ANGLE OF 62°47'38", AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 46°46'15" WEST 72.72 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE EAST; THENCE NORTHEASTERLY, NORTHERLY AND NORTHWESTERLY 41.72 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 82°32'51", AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 63°31'46" WEST 22.04 FEET TO THE SOUTHWESTERLY LINE OF HARBOR LANE; THENCE SOUTH 47°56'17" WEST, ALONG SAID SOUTHWESTERLY LINE 192.56 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE SOUTHWEST; THENCE NORTHEASTERLY, EASTERLY AND SOUTH EASTERLY 36.44 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 87°30'38", AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 49°12'35" EAST 32.36 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE SOUTHWEST; THENCE SOUTHWESTERLY 72.81 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 868.8 FEET, A CENTRAL ANGLE OF 96°05'27", AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 49°12'31" EAST 77.86 FEET TO THE END OF SAID CURVE AND THE SOUTHWESTERLY CORNER OF SAID TRACT "B"; THENCE SOUTH 32°28'14" EAST 182.24 FEET THE NORTHWESTERLY LINE OF SAID TRACT "B"; THENCE SOUTH 43°25'47" WEST, ALONG SAID NORTHWESTERLY LINE, 546.86 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTHEAST BEING SAID CURVE "A" AS SHOWN ON THE PLAT OF SAID WATERWAY ESTATES OF FORT MYERS UNIT 2; THENCE SOUTHWESTERLY, SOUTHERLY AND SOUTHWESTERLY 58.86 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 134°26'42" AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 22°12'47" EAST 46.16 FEET TO THE POINT OF BEGINNING.

CONTAINING 5.825 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

BEHINDS SPECIAL FEDERAL AND STATE RECORDS SYSTEMS, THE RECORD PLAT OF WATERWAY ESTATES OF FORT MYERS UNIT 2, LEE COUNTY, FLORIDA.

**THIS IS NOT A SURVEY**

DEC 02 2005

COMMUNITY DEVELOPMENT

Applicant's Legal Checked  
by Lyn 1/25/2006

DCI 2005-0095

LINE	BEARING	DISTANCE	POINT
11	S89°24'00" E	200.84	POINT A
12	N43°32'37" E	143.80	POINT B
13	N89°28'12" E	80.00	POINT C
14	S89°37'31" E	263.45	POINT D
15	N89°27'51" E	542.86	POINT E
16	N89°28'12" W	489.23	POINT F
17	S89°33'36" W	306.71	POINT G
18	N47°11'45" W	28.12	POINT H
19	N56°30'14" W	102.61	POINT I
20	S89°37'31" W	72.75	POINT J
21	N46°46'15" W	72.72	POINT K
22	N89°28'12" W	41.72	POINT L
23	N63°31'46" W	22.04	POINT M
24	S47°56'17" W	192.56	POINT N
25	N36°44'00" E	36.44	POINT O
26	N49°12'35" E	77.86	POINT P
27	S32°28'14" E	182.24	POINT Q
28	S43°25'47" W	546.86	POINT R
29	S58°86'00" E	58.86	POINT S
30	S22°12'47" E	46.16	POINT T

LINE	BEARING	DISTANCE	POINT
31	N89°24'00" E	200.84	POINT U
32	N43°32'37" E	143.80	POINT V
33	N89°28'12" E	80.00	POINT W
34	S89°37'31" E	263.45	POINT X
35	N89°27'51" E	542.86	POINT Y
36	N89°28'12" W	489.23	POINT Z
37	S89°33'36" W	306.71	POINT AA
38	N47°11'45" W	28.12	POINT AB
39	N56°30'14" W	102.61	POINT AC
40	S89°37'31" W	72.75	POINT AD
41	N46°46'15" W	72.72	POINT AE
42	N89°28'12" W	41.72	POINT AF
43	N63°31'46" W	22.04	POINT AG
44	S47°56'17" W	192.56	POINT AH
45	N36°44'00" E	36.44	POINT AI
46	N49°12'35" E	77.86	POINT AJ
47	S32°28'14" E	182.24	POINT AK
48	S43°25'47" W	546.86	POINT AL
49	S58°86'00" E	58.86	POINT AM
50	S22°12'47" E	46.16	POINT AN

RASIN

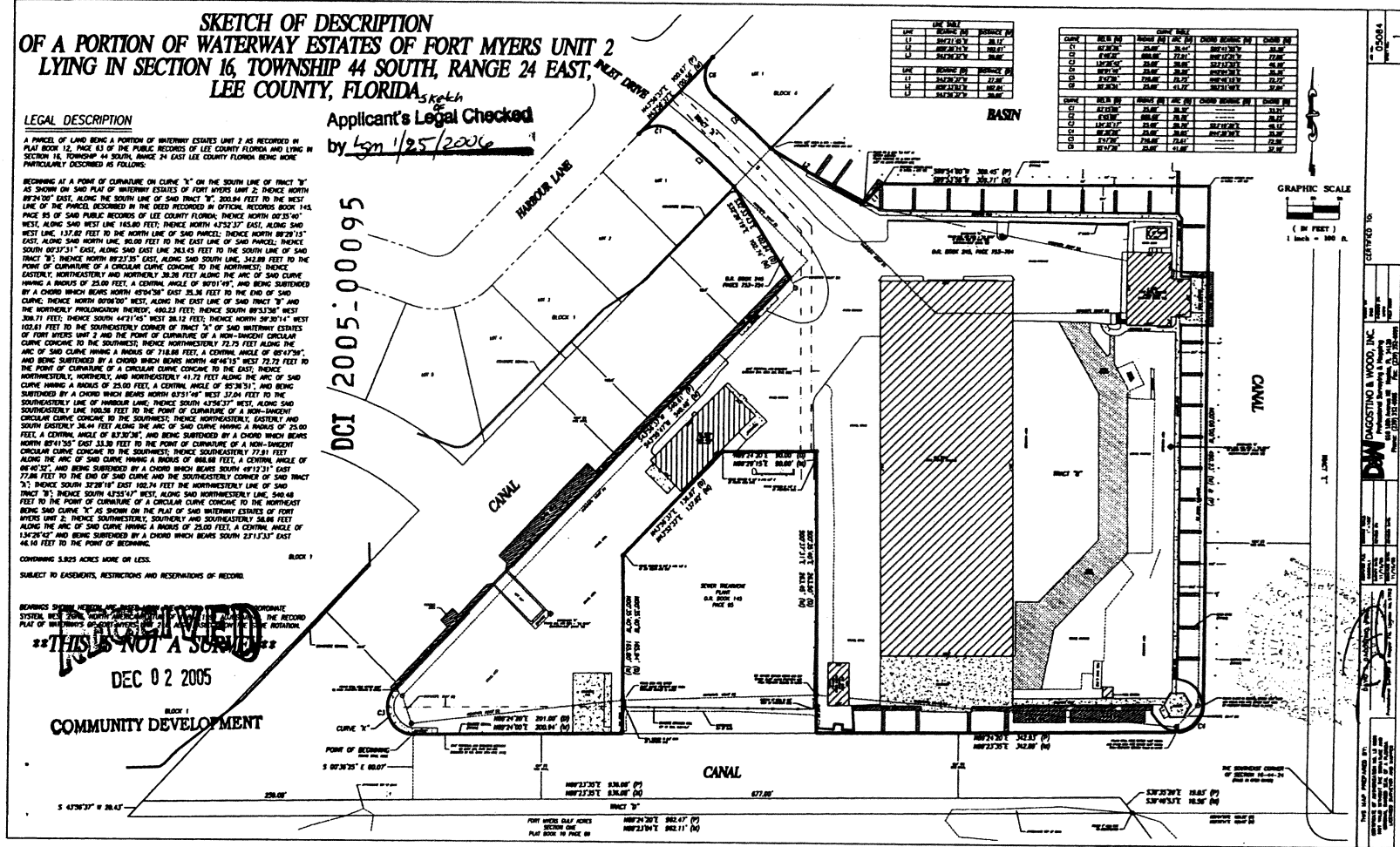
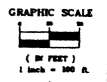


EXHIBIT "A"  
(Page 4 of 5)

DCI 2005-0095  
D.W. MAGUIRE & WOOD, INC.  
REGISTERED PROFESSIONAL SURVEYORS  
1111 W. PALM BLVD., SUITE 100  
FORT MYERS, FLORIDA 33902  
PHONE: (888) 333-3333  
FAX: (888) 333-3333  
WWW.DWMAGUIRE.COM

**SKETCH OF DESCRIPTION  
OF A PORTION OF WATERWAY ESTATES OF FORT MYERS UNIT 2  
LYING IN SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST,  
LEE COUNTY, FLORIDA**

**LEGAL DESCRIPTION**

A PARCEL OF LAND BEING A PORTION OF WATERWAY ESTATES UNIT 2 AS RECORDED IN PLAT BOOK 12, PAGE 63 OF THE PUBLIC RECORDS OF LEE COUNTY FLORIDA AND LYING IN SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST LEE COUNTY FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF TRACT 'D' LYING EASTERLY OF THE SOUTHERLY PROLONGATION OF BLOCK 1 OF SAID WATERWAY ESTATES OF FORT MYERS UNIT 2 AS PER SAID PLAT RECORDED IN PLAT BOOK 12 PAGE 64, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF CURVATURE OF CURVE 'C' ON THE SOUTH LINE OF TRACT 'B' AS SHOWN ON SAID PLAT OF WATERWAY ESTATES OF FORT MYERS UNIT 2 FOR A POINT OF REFERENCE; THENCE SOUTH 07°36'25" EAST 80.07 FEET TO THE NORTH LINE OF SAID TRACT 'D' AND THE POINT OF BEGINNING; THENCE SOUTH 89°23'35" WEST, ALONG SAID NORTH LINE 299.08 FEET TO THE SOUTHERLY PROLONGATION OF BLOCK 1 OF SAID WATERWAY ESTATES OF FORT MYERS UNIT 2; THENCE SOUTH 43°56'37" WEST, ALONG SAID SOUTHERLY PROLONGATION 20.43 FEET TO THE SOUTH LINE OF SAID TRACT 'D'; THENCE NORTH 89°23'04" EAST, ALONG SAID SOUTH LINE 962.11 FEET TO THE EAST LINE OF SAID TRACT 'D'; THENCE NORTH 38°40'31" WEST, ALONG SAID EAST LINE, 145.56 FEET TO SAID NORTH LINE OF TRACT 'D'; THENCE SOUTH 89°23'35" WEST, ALONG SAID NORTH LINE 677.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.316 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

BEARINGS SHOWN HEREON ARE BASED UPON THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1986 (1999 ADJUSTMENT). THE RECORD PLAT OF WATERWAYS OF FORT MYERS UNIT 2 IS ALSO BASED UPON THE SAME DATUM.

Applicant's Legal Checked

by Lym 1/25/2006

DCI 2005-00095

**\*\*THIS IS NOT A SURVEY\*\***

**RECEIVED**

DEC 02 2005

COMMUNITY DEVELOPMENT

DEC 02 2005

COMMUNITY DEVELOPMENT

DCI 2005-00095

LINE	BEARING	DISTANCE	AREA
1	S 89°23'35" W	299.08	0.0000
2	N 38°40'31" W	145.56	0.0000
3	S 89°23'35" W	677.00	0.0000
4	N 43°56'37" W	20.43	0.0000
5	N 89°23'04" E	962.11	0.0000
6	S 07°36'25" E	80.07	0.0000
TOTAL			0.0000

CURVE	BEARINGS	RADIUS	ARC	CHORD	AREA
1	S 07°36'25" E	100.00	80.07	13.96	0.0000
2	N 38°40'31" W	100.00	145.56	23.81	0.0000
3	S 89°23'35" W	100.00	677.00	110.00	0.0000
4	N 43°56'37" W	100.00	20.43	3.60	0.0000
5	N 89°23'04" E	100.00	962.11	152.00	0.0000
TOTAL					0.0000

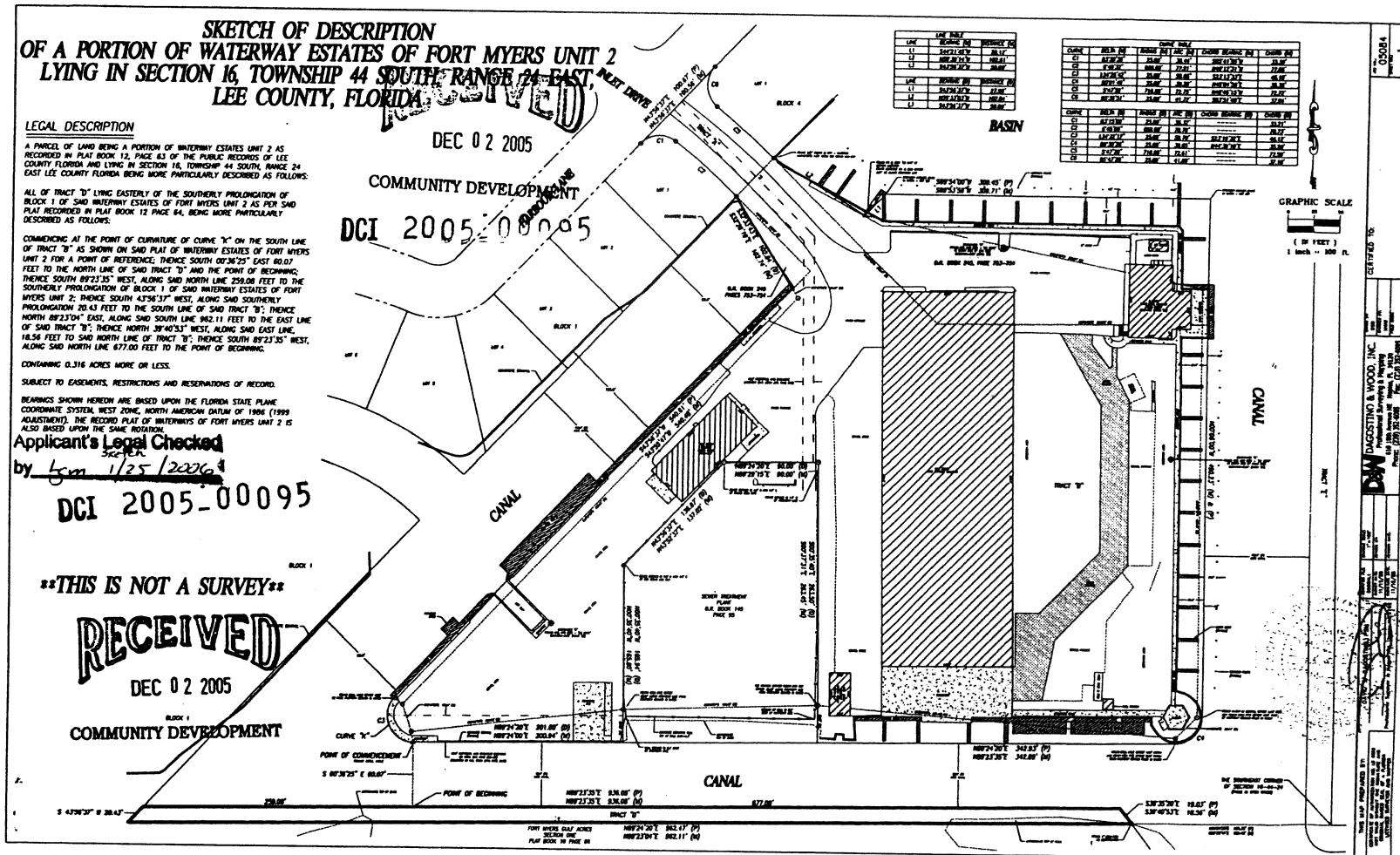


EXHIBIT "A"  
(Page 5 of 5)

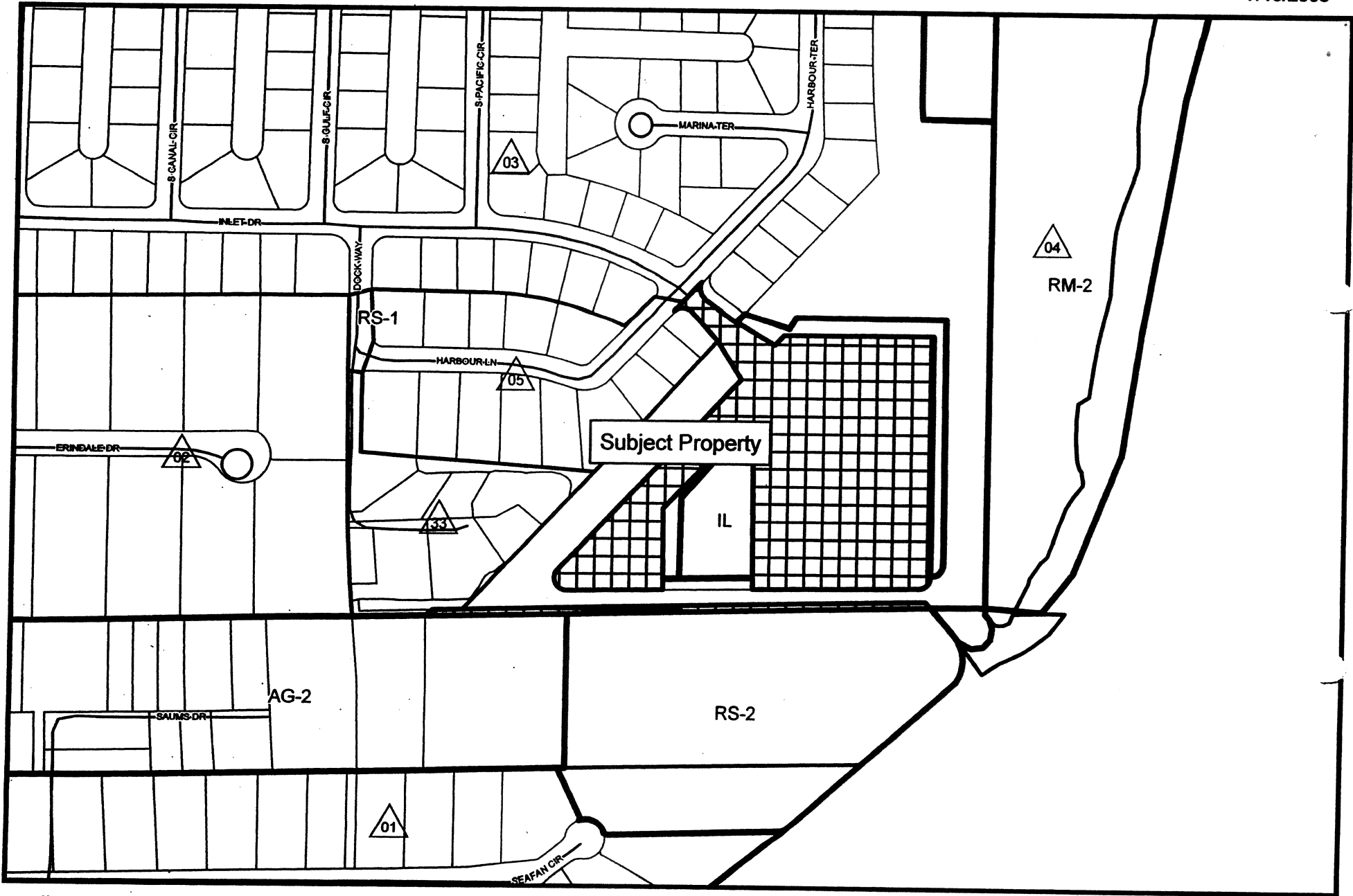
05084

GRAPHIC SCALE  
1 inch = 100 ft.

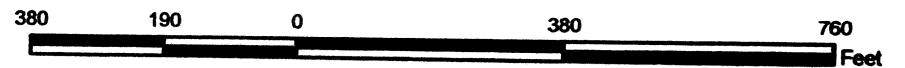
DCI 2005-00095

DAVID M. MAGOSTINO & WOOD, INC.  
1000 W. US HWY 90, SUITE 100  
FORT MYERS, FL 33907  
PHONE: (888) 333-6666 FAX: (888) 333-6666

# Zoning Map



**EXHIBIT "B"**  
(Zoning Map)



**LOT COVERAGE SUMMARY:**

PARCEL: 5.92 ACRES  
 BUILDINGS/ENCLOSED SERVICE & REPAIR: 61,380 SQ FT = 1.40 ACRES  
 PAVEMENTS (PARKING, ETC.): 115,723 S.F. = 2.66 ACRES (INCL STABILIZED SHELL)  
 WATER OPEN SPACE: 19,602 S.F. = 0.45 ACRE  
 LAND OPEN SPACE: 61,382 S.F. = 1.41 ACRES

**OPEN SPACE SUMMARY:**

OPEN SPACE REQUIRED: 9.92 AC + 30% = 1.78 ACRES  
 OPEN SPACE CREDIT FOR WATER: 1.78 ACRES  
 LAND OPEN SPACE: 1.41 ACRES  
 TOTAL OPEN SPACE: 0.45 + 1.41 = 1.86 ACRES

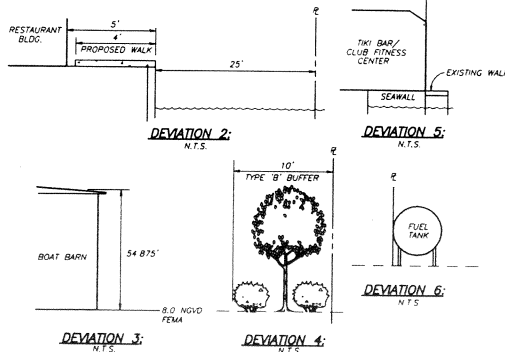
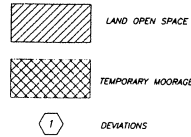
**EXISTING DEVELOPMENT**

EXISTING DRY STORAGE BUILDING: 44,312 S.F.  
 EXISTING SERVICE AREA (OUTDOOR): 35,345 S.F.  
 EXISTING STORE #1: 4,358 S.F.  
 EXISTING STORE #2 (2 STORY): 6,964 S.F.  
 TOTAL: 90,979 S.F.

**PROPOSED DEVELOPMENT**

PROPOSED DRY STORAGE BUILDING: 51,376 S.F.  
 PROPOSED STEEL SHED: 300 S.F.  
 PROPOSED RESTAURANT/BAR/OFFICE & GAZEBO: 9,900 S.F.  
 TIKI-BAR/CLUB FITNESS CENTER: 1,700 S.F.  
 TOTAL: 62,876 S.F.

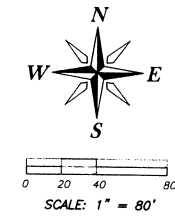
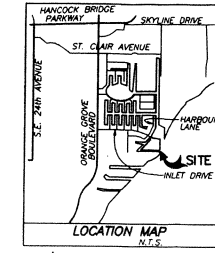
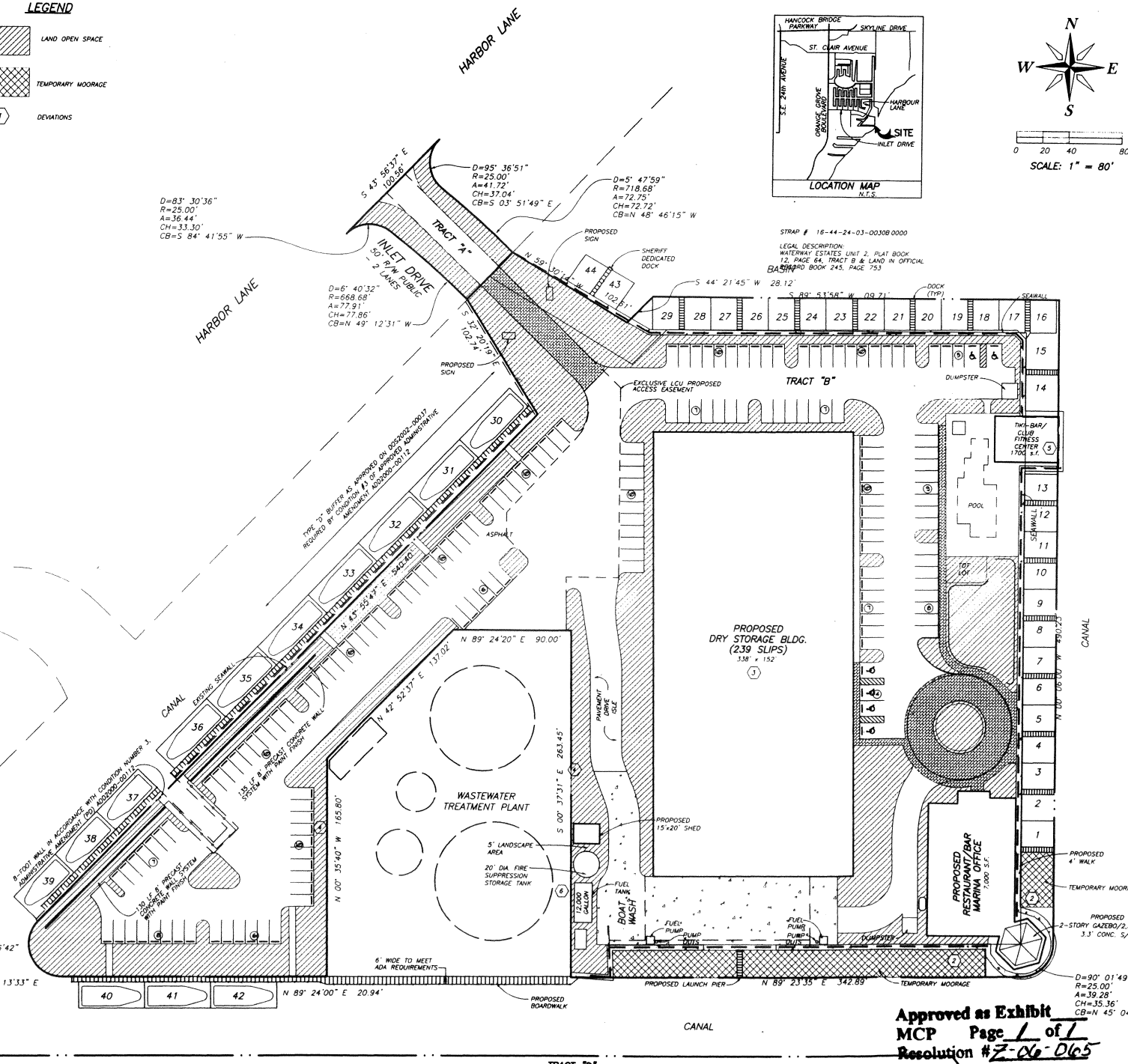
**LEGEND**



**RECEIVED**  
 NOV 03 2006

COMMUNITY DEVELOPMENT

DCI 2005-00095



STRAP # 16-44-24-03-00308.0000  
 LEGAL DESCRIPTION:  
 WATERWAY ESTATES UNIT 2, PLAT BOOK  
 12, PAGE 84; TRACT B & LAND IN OFFICIAL  
 BARRHOBO BOOK 245, PAGE 753

Approved as Exhibit  
 MCP Page 1 of 1  
 Resolution # 7-06-065

PREPARED BY: <b>Vanasse Daylor</b> Landscape Architecture Civil Engineering 1780 W. 17th Ave. Fort Lauderdale, FL 33304 PHONE: 954-575-1100 FAX: 954-575-1101 WWW: www.vandy.com	PROJECT NO.: 80899 ACAP NO.: 80899-SR04	PROPERTY OWNER: <b>Marine Holdings II, LLC</b> C/O RL Opportunities 10580 Lancelot Lane Bonita Springs, FL 34135	PROJECT LOCATION: Section 16, Township 44 S, Range 24 E Lee County, FL
		REVISIONS: 1. 12-02-06 2. 01-18-06 3. 04-11-06 4. 06-22-06 5. 07-13-06 6. 07-13-06 7. 10-24-06	REVISIONS PER CLIENT COMMENTS REVISIONS PER CLIENT COMMENTS REVISIONS PER CLIENT COMMENTS REVISIONS PER CLIENT COMMENTS REVISIONS PER CLIENT COMMENTS REVISIONS PER CLIENT COMMENTS

EXHIBIT "C"





Subject Property  
6.8 Acres

