

Form #0941 08/95

SOUTH FLORIDA WATER MANAGEMENT DISTRICT ENVIRONMENTAL RESOURCE STANDARD GENERAL PERMIT NO. 36-07287-P DATE ISSUED:May 13, 2010

PERMITTEE: TOWN OF FORT MYERS BEACH, FLORIDA

PUBLIC WORKS DEPARTMENT

2523 ESTERO BLVD

FORT MYERS BEACH, FL 33931

PROJECT DESCRIPTION: This application is a request for an Environmental Resource Permit authorizing

Construction and Operation of a surface water management system serving 10.38 acres of public road right-of-way project within a 49.14-acre project limit area covering residential and commercial development known as Basin Based Neighborhood Improvements, with discharge into Matanzas Pass via the proposed

improved conveyance system.

PROJECT LOCATION:

LEE COUNTY,

SEC 19 TWP 46S RGE 24E

PERMIT DURATION:

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

Code

This is to notify you of the District's agency action concerning Notice of Intent for Permit Application No. 091019-6, dated October 19, 2009. This action is taken pursuant to Rule 40E-1.603 and Chapter 40E-40, Florida Administrative Code (F.A.C.).

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

- Not receiving a filed request for a Chapter 120, Florida Statutes, administrative hearing.
- 2. the attached 19 General Conditions (See Pages 2 4 of 6),
- 3. the attached 16 Special Conditions (See Pages 5 6 of 6) and
- 4 the attached 5 Exhibit(s)

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a "Notice of Rights" has been mailed to the Permittee (and the persons listed in the attached distribution list) no later than 5:00 p.m. on this 13th day of May, 2010, in accordance with Section 120.60(3), Florida Statutes

BY:

Ricardo A. Valera, P.E.

Director, LWC Regulatory Division Lower West Coast Service Center

Certified mail number

7006 2150 0002 5479 3896

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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 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 and 120.57, 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, 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 Subsection 373.119(1), Fla. Stat. "Receipt of written notice of agency decision" means receipt of either written notice through mail, or electronic mail, or posting that the District 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.

Filing Instructions

The Petition must be filed with the Office of the District Clerk of the SFWMD. Filings with the District Clerk may be made by mail, hand-delivery or facsimile. **Filings by e-mail will not be accepted.** Any person wishing to receive a clerked copy with the date and time stamped must provide an additional copy. 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. Any document received by the office of the SFWMD Clerk after 5:00 p.m shall be 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 SFWMD Clerk, P.O. Box 24680, West Palm Beach, Florida 33416.
- Filings by hand-delivery must be delivered to the Office of the SFWMD Clerk. Delivery of a
 petition to the SFWMD's security desk does <u>not</u> constitute filing. To ensure proper filing, it
 will be necessary to request the SFWMD's security officer to contact the Clerk's office. An
 employee of the SFWMD's Clerk's office will receive and file the petition.
- Filings by facsimile must be transmitted to the SFWMD 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 SFWMD Clerk receives the complete document.

Rev. 07/01/2009

Initiation of an Administrative Hearing

Pursuant to 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 and 1/2 by 11 inch white paper All petitions shall contain:

- 1. Identification of the action being contested, including the permit number, application number, District file number or any other SFWMD identification number, if known.
- 2. The name, address 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

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 extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

If the District takes action with substantially different impacts on water resources 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.

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 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.

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GENERAL CONDITIONS

- All activities authorized by this permit shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit and Part IV, Chapter 373. F.S.
- 2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by District staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
- 3. Activities approved by this permit shall be conducted in a manner which does not cause violations of State water quality standards. The permittee shall implement best management practices for erosion and pollution control to prevent violation of State water quality standards. Temporary erosion control shall be implemented prior to and during construction, and permanent control measures shall be completed within 7 days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. All practices shall be in accordance with the guidelines and specifications described in Chapter 6 of the Florida Land Development Manual; A Guide to Sound Land and Water Management (Department of Environmental Regulation, 1988), incorporated by reference in Rule 40E-4.091, F.A.C. unless a project-specific erosion and sediment control plan is approved as part of the permit. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
- 4. The permittee shall notify the District of the anticipated construction start date within 30 days of the date that this permit is issued. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the District an Environmental Resource Permit Construction Commencement Notice Form Number 0960 indicating the actual start date and the expected construction completion date.
- 5. When the duration of construction will exceed one year, the permittee shall submit construction status reports to the District on an annual basis utilizing an annual status report form. Status report forms shall be submitted the following June of each year.
- 6. Within 30 days after completion of construction of the permitted activity, the permitee shall submit a written statement of completion and certification by a professional engineer or other individual authorized by law, utilizing the supplied Environmental Resource/Surface Water Management Permit Construction Completion/Certification Form Number 0881A, or Environmental Resource/Surface Water Management Permit Construction Completion Certification For Projects Permitted prior to October 3, 1995 Form No. 0881B, incorporated by reference in Rule 40E-1.659, F.A.C. The statement of completion and certification shall be based on onsite observation of construction or review of as-built drawings for the purpose of determining if the work was completed in compliance with permitted plans and specifications. This submittal shall serve to notify the District that the system is ready for inspection. Additionally, if deviation from the approved drawings are discovered during the certification process, the certification must be accompanied by a copy of the approved permit drawings with deviations noted. Both the original and revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawings. All surveyed dimensions and elevations shall be certified by a registered surveyor
- The operation phase of this permit shall not become effective: until the permittee has complied with the requirements of condition (6) above, and submitted a request for conversion of Environmental Resource Permit from Construction Phase to Operation Phase, Form No. 0920; the District determines the system to be in compliance with the permitted plans and specifications; and the entity approved by the District in accordance with Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit

GENERAL CONDITIONS

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.
- This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 40E-4 or Chapter 40E-40, F.A.C.
- 12. The permittee is hereby advised that Section 253.77, F.S. states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the State, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.
- 13. The permittee must obtain a Water Use permit prior to construction dewatering, unless the work qualifies for a general permit pursuant to Subsection 40E-20.302(3), F.A.C., also known as the "No Notice" Rule.
- 14. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any system authorized by the permit.
- 15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit

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GENERAL CONDITIONS

application, including plans or other supporting documentation, shall not be considered binding, unless a specific condition of this permit or a formal determination under Section 373.421(2), F.S., provides otherwise.

- 16. The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of a permitted system or the real property on which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of Rules 40E-1.6105 and 40E-1.6107, F.A.C.. The permittee transferring the permit shall remain liable for corrective actions that may be required as a result of any violations prior to the sale, conveyance or other transfer of the system.
- 17 Upon reasonable notice to the permittee, District authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.
- 18. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the appropriate District service center.
- 19. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.

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SPECIAL CONDITIONS

- 1 The construction phase of this permit shall expire on May 13, 2015.
- 2. Operation of the surface water management system shall be the responsibility of the permittee.
- 3. 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.
- 4. Measures shall be taken during construction to insure that sedimentation and/or turbidity violations do not occur in the receiving water.
- 5. 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.
- 6. Facilities other than those stated herein shall not be constructed without an approved modification of this permit.
- 7. 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.
- 8. 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.
- 9. 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.
- 10. The permittee acknowledges that, pursuant to Rule 40E-4.101(2), F.A.C., a notice of Environmental Resource or Surface Water Management Permit may be recorded in the county public records. Pursuant to the specific language of the rule, this notice shall not be considered an encumbrance upon the property.
- If prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, the permitted project should cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The permittee, or other designee, should contact the Florida Department of State, Division of Historical Resources, Review and Compliance Section at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Project activities should not resume without verbal and/or written authorization from the Division of Historical Resources. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, Florida Statutes.
- 12. The permittee shall utilize the criteria contained in the Construction Pollution Prevention Plan (Exhibit 4.0) and on the applicable approved construction drawings for the duration of the project's construction activities.
- 13. The Urban Stomwater Management Plan shall be implemented in accordance with Exhibit 5.0.
- 14. The following exhibits for the permit are incorporated by reference herein and are located in the permit file. In addition, these exhibits can be viewed on the District's ePermitting website under this application

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SPECIAL CONDITIONS

number.

Exhibit 4.0 (pages 1-10) - Construction Pollution Prevention Plan Exhibit 5.0 (pages 1-5) - Urban Stormwater Management Program

- 15. No construction dewatering is authorized.
- 16. The authorization for construction of the surface water management system is issued pursuant to the water quality net improvement provisions referenced in Rule Section 40E-4.303(1), Florida Administrative Code; therefore, the state water quality certification is waived.

Last Date For Agency Action: May 14, 2010

GENERAL ENVIRONMENTAL RESOURCE PERMIT STAFF REPORT

Project Name: Basin Based Neighborhood Improvements

Permit No.: 36-07287-P **Application No.:** 091019-6

Application Type: Environmental Resource (New General Permit)

Location: Lee County, S19/T46S/R24E

Permittee: Town Of Fort Myers Beach, Florida

Operating Entity: Permittee
Project Area: 49.14 acres

Project Land Use: Other

Drainage Basin: GULF OF MEXICO Sub Basin: SAN CARLOS BAY

Receiving Body: Matanzas Pass Class: CLASS III

Special Drainage District: NA

Conservation Easement To District: No

Sovereign Submerged Lands: No

PROJECT PURPOSE:

This application is a request for an Environmental Resource Permit authorizing Construction and Operation of a surface water management system serving 10.38 acres of public road right-of-way project within a 49.14-acre project limit area covering residential and commercial development known as Basin Based Neighborhood Improvements, with discharge into Matanzas Pass via the proposed improved conveyance system.

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PROJECT EVALUATION:

PROJECT SITE DESCRIPTION:

The project consists of improvements within the existing right-of-ways (ROWs) on Estero Boulevard (Blvd) and on 6 (six) separate streets that all intersect Estero Blvd to the west of Matanzas Pass Preserve in the Town of Fort Myers Beach, Lee County. The 6 streets are as follows: Pearl Street, Delmar Avenue, Fairweather Lane, Mango Street, Tropical Shores Way, and Miramar Avenue. A location map is attached as Exhibit 1.0.

There are no permitted surface water management facilities within the project area. The existing conditions within the ROW area pre-dates current District permitting requirements. The topography is flat with small elevation changes between the ROW and adjacent land parcels. In general, the existing ROWs represent typical rural roadway section adjacent to residential and commercial developments. The existing sections do not contain a continuous or functioning roadside ditch system. As such, no roadside conveyance (swales or culverts) exist to effectively convey stormwater flows, other than across the roadway pavement section once an "inertial" water depth is achieved. This condition results in intermittent flooding of the roads. Currently, stormwater runoff from the ROWs discharges directly into tidal waters of Matanzas Pass without treatment.

There is one mangrove dominated wetland located to the east of Mango Street. The project proposes to better the existing conditions by providing pre-treatment to the stormwater conveyed into the wetland. There are no wetland or other surface water (OSW) impacts associated with the proposed project.

PROPOSED PROJECT:

The applicant proposes to provide flooding related improvements to protect property and reduce traffic related impacts within the 10.38-acre ROW and 38.76-acre surrounding property. The surface water management system (SWMS) for the entire 49.14-acre project area was divided into six (6) street or system names: Pearl Street, Delmar Avenue, Fairweather Lane, Mango Street, Estero-Bayview, and Estero-Tropical Shores. Exhibit 2.1 contains additional information related to each basin's contributing area.

The SWMS design involves adding a limited number of inlets/associated conveyance pipes and some pavement grade modifications within the ROW. Due to the overall topography within the project area, only limited areas will have pavement grades modified. The majority of existing ROW grades will be maintained as a result of this project. The proposed project results in reducing the amount of flooding on existing roads, however, limited overland flows across the pavement are still anticipated. The proposed improvements are contained within the existing ROWs. The site details are attached as Exhibit 2.0.

The proposed water quality improvement is achieved via adding structural water quality improvement devices to the proposed SWMS. Within the Pearl Street, Delmar Avenue, Fairweather Lane, Estero-Bayview, and Estero-Tropical Shores basins water quality treatment will be provided by a "Stormceptor", or equivalent device designed to remove 80% of the Total Suspended Solids (TSS). Within the Mango Street basin water quality treatment will be provided by a "Grate Inlet Skimmer Box" manufactured by Suntree Technologies, or equivalent, which is designed to remove hydrocarbons with limited solids removal. Details of the proposed water quality treatment devices are provided in Exhibits 2.3 and 2.4.

LAND USE:

- The category "Other" indicates the existing residential and commercial area covered within the 49.14-acre project limit.
- The category "Right-of-Way" indicates the existing public right-of-way area covered within the 49.14-acre project limit.

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Construction:

Project:

	This Phase	Total Project	
Other	38.76	38.76	acres
Right-Of-Way	10.38	10.38	acres
Total:	49.14	49.14	

WATER QUANTITY:

Discharge Rate:

The proposed project discharges to a tidal water body. Details of the discharge rates from each basin are provided in Exhibit 2.2.

WATER QUALITY:

The existing SWMS does not provide treatment within the 6 basins. As a result of this project, discharge from the six basins will be directed into structural water quality treatment devices: either a "Stormceptor" (or equivalent) or "Grate Inlet Skimmer Box" (or equivalent) device. These devices provide additional water quality treatment over the existing conditions.

In addition to these elements the applicant will be implementing a Construction Pollution Prevention Plan during construction activities and an Urban Stormwater Management Program during post construction activities to address nutrients within the existing ROW, and long term maintenance of the proposed SWMS. These elements are attached as Exhibits 4.0 and 5.0 and will be implemented in accordance with Special Conditions 12 and 13.

The proposed project results in a net improvement to water quality.

WETLANDS:

The proposed project is adjacent to one mangrove dominated wetland located to the east of Mango Street which ends just short of the shoreline at Matanzas Pass. It is dominated by red, white and black mangroves, as well as buttonwoods. Gumbo limbo and seagrape were also present as native species. The wetland also contains several exotic/invasive vegetative species, including: carrotwood, Brazilian peper, rosary pea, strangler fig, Australian pine, seaside mahoe, and wedelia. A formal wetland delineation has been submitted to the District under Application Number 100406-12 for this adjacent property.

The most northern portion of the wetland is owned by the Sea Grape Bay Condominium Association. It remains unclear if this portion of the wetland was placed under a conservation easement as no public documentation of such easement was discovered. This portion of the wetland was well maintained and relatively free of exotic vegetation. The southern most portion of the wetland is owned by James Jamieson and Robert Linehan. It was platted for development, and since the Town of Fort Myers Beach has no domain over the area, no conservation easement will be recorded as a result of this project. This portion of the wetland contains up to 50% exotic vegetative species as well as various amounts of trash. Please see the wetland ownership map attached as Exhibit 3.0.

For the improvements associated with Mango Street (please see the proposed project section of this staff report) that outfall to the area encompassing the wetland, this project proposes to improve to the existing conditions. Currently, the existing subsurface system collects and conveys untreated stormwater to the existing outfall location directly into the wetland. Under the proposed condition, a filtering insert ("Grate

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Inlet Skimmer Box," by Suntree Technologies, Inc.) will be placed within the existing inlets so that inflows will be provided with treatment at the point of entrance to the existing conveyance system. In addition, the proposed 18" pipe will have its grated inlet such that the more frequent and low flow storms will be captured and treated throught the existing modified inlet system. As such, no direct or secondary wetland impacts will be assessed for this project.

Wildlife Issues:

The proposed roadway improvements do not contain preferred habitat for wetland-dependent endangered or threatened wildlife species or species of special concern. No wetland-dependent endangered/threatened species or species of special concern were observed onsite, and submitted information indicates that potential use of the site by such species is minimal. 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.

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RELATED CONCERNS:

Water Use Permit Status:

The applicant has indicated that no irrigation water will be required 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:

Not Applicable

Waste Water System/Supplier:

Not Applicable

Right-Of-Way Permit Status:

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

DRI Status:

This project is not a DRI.

Historical/Archeological Resources:

The District has received correspondence from the Florida Department of State, Division of Historical Resources indicating that the agency has no objections to the issuance of this permit.

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.

STAFF REVIEW:

App.no. 091019-6

DIVISION APPROVAL:

NATURAL RESOURCE MANAGEMENT:

DATE: 5/12/10

SURFACE WATER MANAGEMENT:

LOCATION MAP TOWN OF FORT MYERS BEACH FEMA HMGP 1609 - 48 - R FORT MYERS BEACH, LEE COUNTY, FLORIDA

APPLICATION NUMBER: 091019-6

Environmental Consulting & Technology, Inc. 4100 CENTER POINTE DRIVE, SUITE 112 FORT MYERS, FLORIDA 33916 Tel (239) 277-0003 Fax (239) 277-1211

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SITE MAP
TOWN OF FORT MYERS BEACH
FEMA HMGP 1609 - 48 - R
FORT MYERS BEACH, LEE COUNTY, FLORIDA
APPLICATION NUMBER: 091019-6



Environmental Consulting & Technology, Inc. 4100 CENTER POINTE DRIVE, SUITE 112 FORT MYERS, FLORIDA 33916 Tel (239) 277–0003 Fax (239) 277–1211

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LIST OF UTILITY SERVICE AREAS:

FLORIDA POWER AND LIGHT 15834 WINKLER ROAD FORT MYERS, FLORIDA 33908 (239) 415-1302

WATER
TOWN OF FORT MYERS BEACH
2523 ESTERO BOULEVARD
FORT MYERS BEACH, FLORIDA 33631

SEWER LEE COUNTY UTILITIES

NATURAL GAS TECO/PEOPLES GAS 5901 ENTERPRISE PARKWAY FORT MYERS, FLORIDA 33906

TELEPHONE EMBARO / UNITED TELEPHONE-FLORIDA P. O. BOX 370 FORT MYERS, FLORIDA 33901 (239) 336-2011

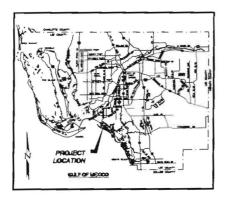
> COMCAST CABLE 1418 SE 10TH STREET
> CAPE CORAL, FLORIDA 19900
> (239) 574-2020

PLANS FOR

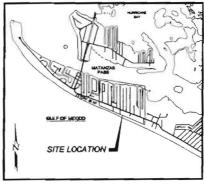
BASIN BASED

NEIGHBORHOOD FLOOD MITIGATION AND STORMWATER QUALITY IMPROVEMENT PROJECT TOWN OF FORT MYERS BEACH

SECTION 19, TOWNSHIP 46 SOUTH, RANGE 24 EAST LEE COUNTY, FLORIDA



PROJECT LOCATION MAP



PROJECT SITE MAP

PREPARED FOR:

ABBREVIATIONS, LEGENDS AND STANDARD NOTES

PLAN, PROFILE AND CROSS SECTIONS - BAYVIEW DRIVE

PLAN, PROFILE AND GROSS SECTIONS - CHAPEL STREET C-24 & C-25 PLAN, PROFILE AND CROSS SECTIONS - TROPICAL SHORES WAY C-26 PLAN, PROFILE AND GROSS-SECTIONS - AVENUE C-

PLAN, PROFILE AND CROSS SECTIONS - MIRAMAR ST. (GULF SIDE) PLAN, PROFILE AND CROSS SECTIONS - PALM AVENUE

PLAN, PROFILE AND CROSS SECTIONS - SOUTH ESTERO BLVD.

PLAN PROFILE AND CROSS SECTIONS - SOUTH ESTERO BLVD. PLAN, PROFILE AND CROSS SECTIONS - SOUTH ESTERO BLVD.

PLAN, PROFILE AND CROSS SECTIONS - SOUTH ESTERO BLVD.

PLAN, PROFILE AND GROSS SECTIONS - MANGO STREET (GULFSIDE) PLAN, PROFILE AND CROSS SECTIONS - COTTAGE AVENUE-PLAN, PROFILE AND CROSS SECTIONS - CHAPEL STREET (GULFSIDE)

C-08 & C-07 PLAN, PROFILE AND GROSS SECTIONS - OSTEGO DRIVE C-08 & C-09 PLAN, PROFILE AND GROSS SECTIONS - MIRAMAR STREET C-10 & C-11 - PLAN, PROFILE AND CROSS SECTIONS - OHIO AVENUE

6-13 & 6-14 - PLAN, PROFILE AND GROSS SECTIONS - VIRGINIA AVENUE C-15 & C-16 PLAN, PROFILE AND CROSS SECTIONS - PEARL STREET

C-17 & C-18 PLAN, PROFILE AND CROSS SECTIONS - DELMAR AVENUE PLAN, PROFILE AND CROSS SECTIONS - FAIRWEATHER LANE C-21 4-G-22- PLAN, PROFILE AND CROSS SECTIONS - MANGO STREET

FORT MYERS BEACH TOWN COUNCIL

LARRY KIKER

FLUGFCS MAP

INDEX OF DRAWINGS

C-03

C-12

-6-34

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DRAINAGE BASIN MAP

(NOT HIS WITH CONTROL PLAN, PROFILE AND CROSS SECTIONS - CAROLINA AVENUE

MAYOR

BOB RAYMOND

VICE MAYOR

TOM BABCOCK

COUNCIL MEMBER

JO LIST

COUNCIL MEMBER

ALAN MANDEL

COUNCIL MEMBER

FEDERAL COST-SHARE FUNDING SOURCE: FEMA HMGP 1609 - 48 - R

DEM ID No.: 09HM-37-09-46-02-017

ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDDT)
"STANDARD SPECIFICATIONS FOR ROAD AND BREDGE CONSTRUCTION" (ALTEST EDITION), UNLESS OTHERWISE
"SPECIFIED. ALL TYPICAL DETAILS ARE ETHER: PER FDGT. TOESOME STANDARDES (LATEST EDITION), LUCE COLANT
UTLITIES (REVERS), TOWN OF FORT INTERS BEACH (WATER), OR THE MANUFACTURER (PROPRIETARY PRODUCTS)

REVISIONS



DEPARTMENT OF PUBLIC WORKS

TERRANCE TERRY STEWART, TOWN MANAGER CATHIE LEWIS, PUBLIC WORKS DIRECTOR

> 2523 ESTERO BOULEVARD FORT MYERS BEACH, FLORIDA 33931

Environmental Consulting & Technology, Inc.

4100 CENTER POINTE DAME, SUITE 112 FORT MYERS, FLORIDA 33918 Tel (239) 277-0003 Fee (239) 277-1211

BRADLEY & VANCE, P.E.

C-01

091019-6

Exhibit 2.0 Application 1 of 15

LINETYPES SYMBOLS ME GHE WAY / PLUE WAY EXISTING PROPOSED IT TEL ASSEMBLY 200 N WAT D RESUCER LAKE MARTINANCE EASIMENT ----O PART HITTERNAT PUBLIC LIBERTY CASSIVENT ----THE HYDRANT ASSEMBLY ONWICE DIDNING SEMIRE LIME ------ HERED DND SECTION METUNG HOUSENY -----D MANAGE (EXISTING) - HENDMALL DRAMAGE INLET ___ MATER MAIN A COMORETE UNUTY HOLE 57084 WHITE PPE TERRETERS of woon ununy fine PERMITTER RESIDENCE TO THE PERMITTER PROPERTY OF THE PERMITTER PROPERT HONOW SHIM THE F A LIGHT POLE FERCE SINC SUI FORE O TELEPHONE SERVICE PEDESTA TO SEEN DENNESS BASIN DESIGNATY THAT I THE THAT O NITHE CAS HARRER CONSTAL CONSTRUCTION ______ · PEUPERTY CORNER · WHEN METER EL INCOLON MEADALION DENCE

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(OPEN CONST)

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EARTH CONCRETE

CAN'EL BICKTLE

WG00 POST

· CONCRETE WOULAND

S SUPPORT COLUMN

(I) CLECTRON, TRANSFORMER

SPECIFICATIONS, PERMITS, and CONDITIONS

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ALL CONSTRUCTION SHALL BE AN ACCOMMENCE WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FOOD) STANDARD SECTION STORY OF SECTION OF SE

PROPOSATION SHALL CONTACT THE PROJECT SHARES PRIOR TO THE WITHOUT OF MY DEFAULT SHARES PRIOR TO THE APPROPER SHARES. IN SIGN SEASONED SHARES, IN A SHARES SHARES, THE SHARES SHAR

PROVISIONS FOR EXCEPTS DRIVING PATTERNS SHALL IN PROVIDING CONSTRUCTION

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SURVEYS and MONUMENTATION

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PROPRIETARY PRODUCT(S) SUBSTITUTION APPROVAL

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PAVING, GRADING and DRAINAGE

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EXISTING UTILITIES

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ALL AGRESHMENTS OR RELOCATIONS OF MAY LITELY THALL BE IN ACCORDANCE WITH THE CHART'S SPECIFICATIONS AND DETAILS.

PROMISONS FOR PROTECTION AND CONTINUOUS OFFINATION OF THE WATER AND SOMER SERVICES SHALL HE THE CONTINUOUS RESPONSIBILITY.

HIS CONTRACTOR SHALL BE LIMBLE FOR ALL DAMACES INCURRED TO ANY UTILITIES. DURING CONSTRUCTION. THE CONTRACTOR SHALL HORSY THE UTILITY OWNERS AT URAST 22 HOLES FROM TO SEEDINGHOOD ANY ATTENDING HE UTILITY.

STORM WATER POLLUTION PREVENTION PLAN (SWP3)

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TRAFFIC CONTROL PLAN

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WASTE MANAGEMENT and DISPOSAL

THIS PROJECT SHALL HE TERMED BY PORTURE SANDAY FACILITIES CHANG CONTRACTION

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CONSTRUCTION DOCUMENTATION

THE CONTRACTOR SHALL MENTION ON THE MORE STEEL SUPPLIED COPY OF HET PRIMARY RECESSANT FOR CONCRETEDING AND AN EPHRATE SET OF "15-MART STANDARS AND AN ALL THE CONTRACTOR MADE ACCOUNTED THE MORECULT BEHAVIOR OF ALL CONTRACTOR AND PRIMARY AND PRIMAR

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TOWN OF RT MYERS BEACH 2823 ESTERO BLVD. TIMMERS BEACH, R. 33001 (739) 765-0202 FORT FORT

BASIN BASED
NEIGHBORHOOD FLOOD MITIGATION AND
STORMMATER QUALITY IMPROVEMENT PROJECT
TAWAN TO FROM MACES BRACK
TAWAN OF FORT WAS BRACK

ABBREVIATIONS, LEGENDS AND STANDARD NOTES

PROJECT NO. OR-108. PLE HO 19-46-2

C-02

THE STORMANTER MANAGEMENT EVETENCY, RESCALED WITHIN THIS PLAN SET DATED AS APPRIL 2010 AND APPRIL2D OR CONSTRUCTION OF CONJUNCTION WITH THE SPANCE PREMIT (APPLICATION NO. DEVINE). ATTEMORY IN SIZE DATED THAT OTHER THESE CURRENTLY SEVENT HITH AND STORMAN ADMINISTRATION OF THE STORMANTER MANAGEMENT STYTEM MAY SE IN INSIDERATIVE PRIVATED.

Exhibit 2.0 Application 091019-6 3 of 15

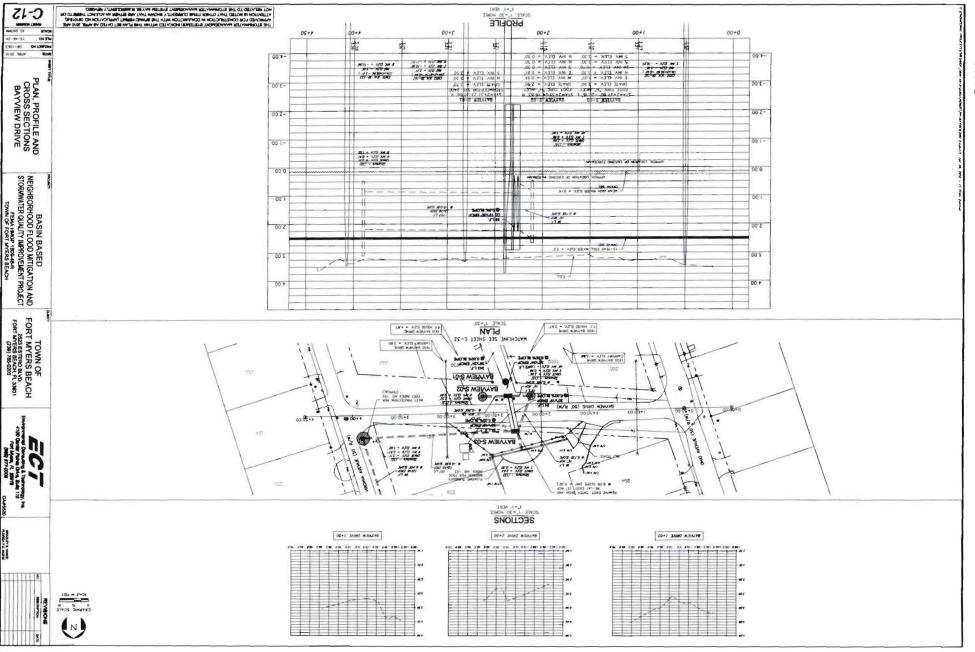


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Exhibit 2.0 Application 091019-6 8 of 15

Exhibit 2.0 Application 091019-6 9 of 15

Exhibit 2.0 Application 091019-6 10 of 15

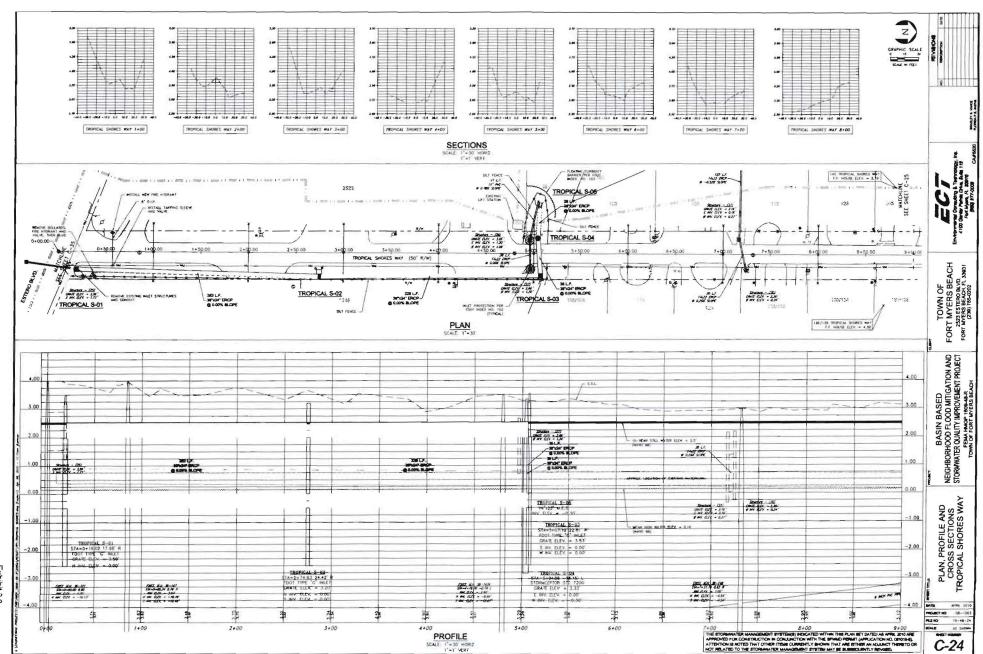
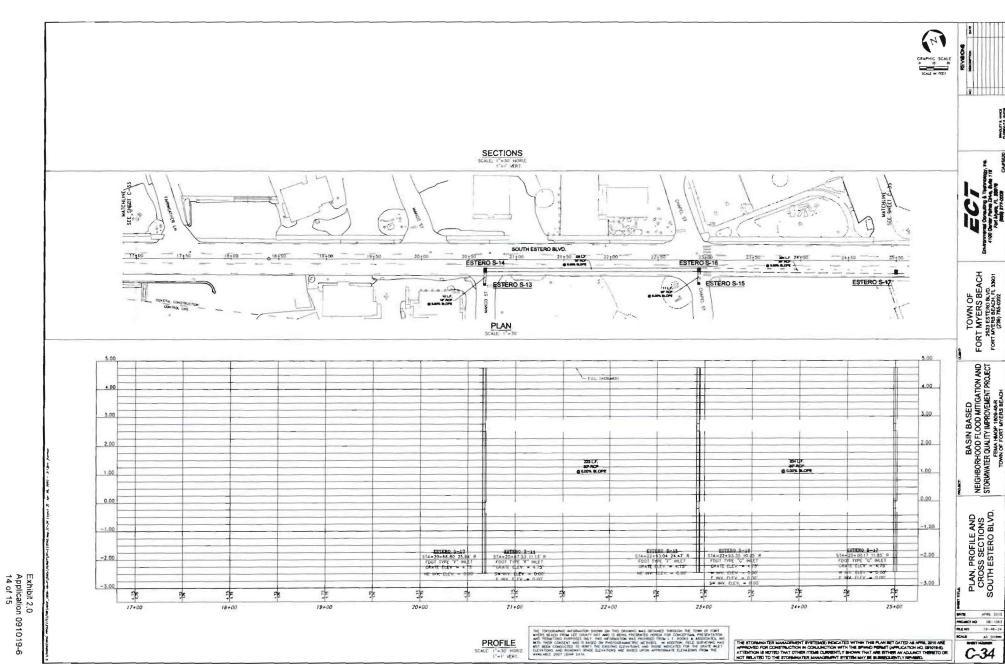


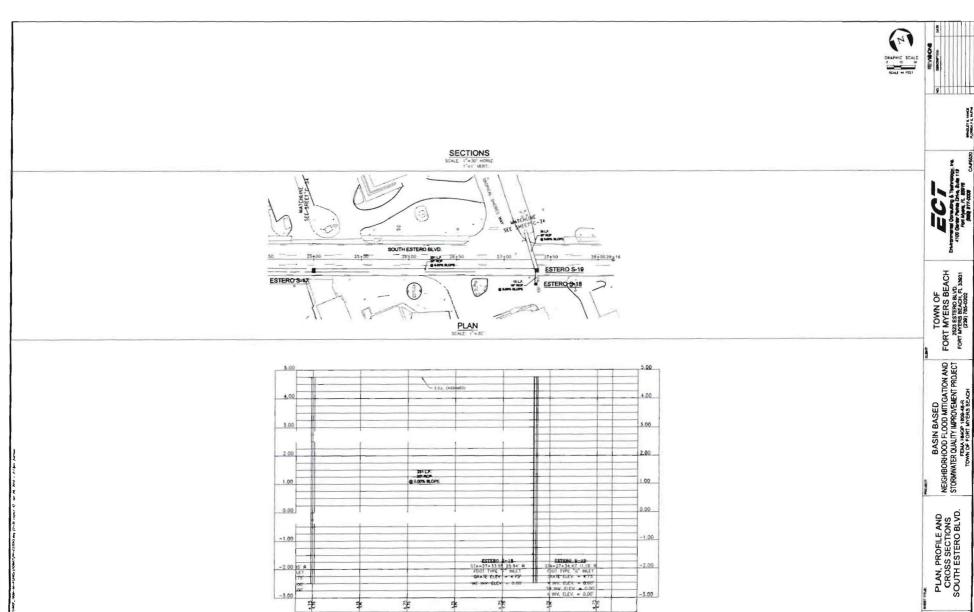
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Exhibit 2.0 Application 091019-6 13 of 15



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PROFILE SCALE 1'-30' HORZ 1'-1' VERT

27+00

26+00

25+00

28+0028+16

THE STORMANTER MANAGEMENT SYSTEMS) ROCKATED WITHIN THIS PLAN BET DATED AS AME, 2010 ARE APPROVED FOR COMMITMENTON IN COMMISSION WITH THE SHAME PREMET (APPLICATION HIS GRIGHIS). ATTERITION IS RECEIVED THAT OTHER STEMS CAMERITY, BEFORE THAT AND ASSESSED AND ASSESSED OF THE STORMANT FOR MANAGEMENT SYSTEM MAY BE MANAGEMENT, PROVIDED THE STORMANTER MANAGEMENT SYSTEM MAY BE MANAGEMENTLY REPORTED.

PLAN, PROFILE AND CROSS SECTIONS SOUTH ESTERO BLVD.

LAND USE TABLE

Basin Based Neighborhood Improvements
Application No: 091019-6

STREET or SYSTEM NAME	BASIN ID	TOTAL BASIN AREA (Acres)	PUBLIC RIGHT OF WAY (Acres)	PRIVATE COMMERCIAL PROPERTY (Acres)	PRIVATE RESIDENTIAL PROPERTY (Acres)
PEARL STREET	PRL N	4.23	0.78	0.00	3.45
	PRL S	3.72	0.77	0.52	2.42
		7.95	1.55	0.52	5.88
DELMAR AVENUE	DLM N	4.27	0.85	0.00	3.42
	DLMS	4.83	0.94	0.84	3.05
		9.10	1.79	0.84	6.47
FAIRWEATHER LANE	FWR N	2.66	0.83	0.00	1.84
MANGO STREET	MGO S	4.88	0.99	0.72	3.18
ESTERO-BAYVIEW					
	AVE E	0.85	0.24	0.41	0.20
	MIRMR G	2.50	0.27	1.81	0.42
	PALM	3.08	0.61	2.48	0.00
	SRFSNG	2.38	0.40	1.98	0.00
		8.81	1.51	6.67	0.62
ESTERO-TROPICAL					
	NEPTUNE	2.11	0.12	1.99	0.00
	COTTAGE	4.63	1.15	1.21	2.27
	EST2500	4.14	0.89	3.25	0.00
	TRP S	4.85	1.54	1.71	1.59
		15.74	3.71	8.16	3.87

TOTAL AREA = 49.14 acres

Computed Flowrate (Q):

Q = (1/2") (1/12) (Basin Area)/(Tc)

Times of Concentration (Tc):

Tc (overland) = 20 minutes

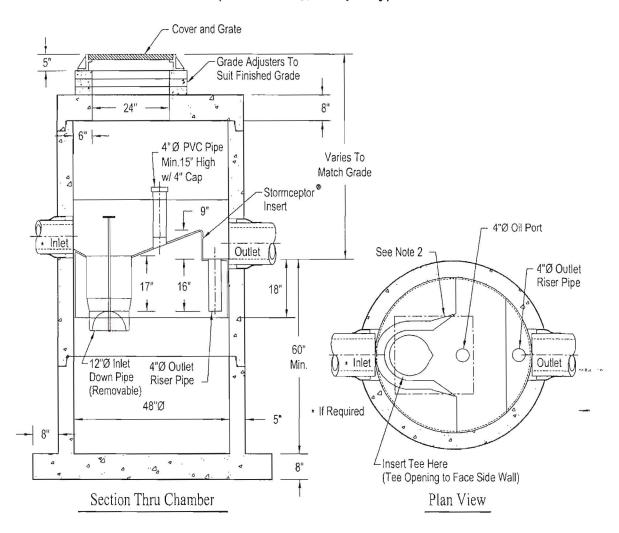
Tc (roadway) = (street length)/(0.25 feet/second)

Basin Name	Basin Area (in acres)	Street Length (in feet)	Discharge Rate Q (in cfs)
Pearl Street	7.95	1500	2.00
Delmar Avenue	9.10	1500	2.20
Fairweather Lane	2.66	800	1.10
Estero-Bayview	8.81	1300	2.50
Estero-Tropical Shores	15.74	1300	4.50



Concrete Pipe Division

STC 450i Precast Concrete Stormceptor® (450 U.S. Gallon Capacity)



Notes:

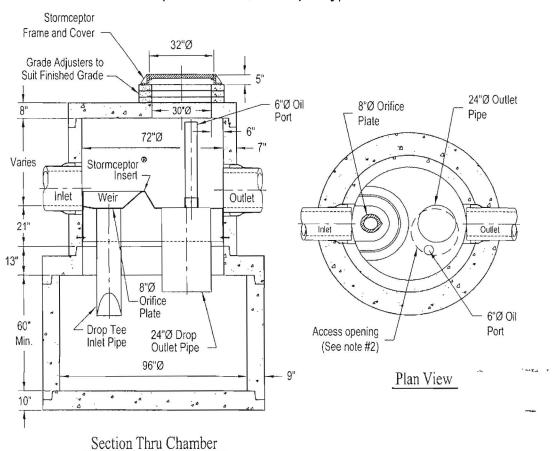
- 1. The Use Of Flexible Connection is Recommended at The Inlet and Outlet Where Applicable.
- 2. The Cover Should be Positioned Over The Inlet Drop Pipe and The Oil Port.
- 3. The Stormceptor System is protected by one or more of the following U.S. Patents: #4985148, #5498331, #5725760, #5753115, #5849181, #6068765, #6371690.
- 4. Contact a Concrete Pipe Division representative for further details not listed on this drawing.

Rinker 027



Concrete Pipe Division

STC 2400 Precast Concrete Stormceptor® (2400 U.S. Gallon Capacity)



Notes:

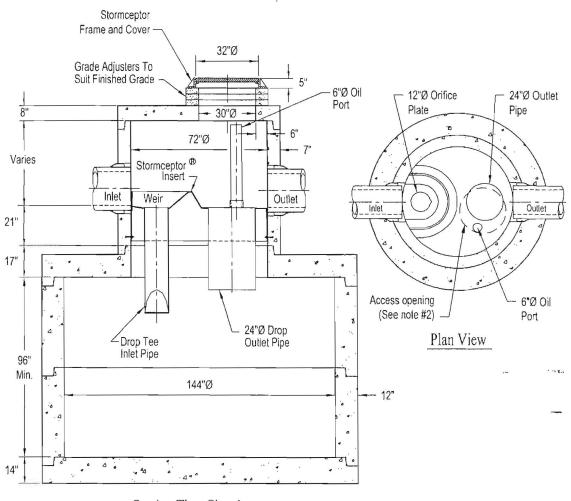
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- 2. The Cover Should be Positioned Over The Outlet Drop Pipe and The Oil Port.
- 3. The Stormceptor System is protected by one or more of the following U.S. Patents: #4985148, #5498331, #5725760, #5753115, #5849181, #6068765, #6371690.
- 4. Contact a Concrete Pipe Division representative for further details not listed on this drawing.

Rinker 031



Concrete Pipe Division

STC 7200 Precast Concrete Stormceptor (7200 U.S. Gallon Capacity)



Section Thru Chamber

Notes:

- 1. The Use Of Flexible Connection is Recommended at The Inlet and Outlet Where Applicable.
- 2. The Cover Should be Positioned Over The Outlet Drop Pipe and The Oil Port.
- 3. The Stormceptor System is protected by one or more of the following U.S. Patents: #4985148, #5498331, #5725760, #5753115, #5849181, #6068765, #6371690.
- 4. Contact a Concrete Pipe Division representative for further details not listed on this drawing.

Rinker 035



Technologies Inc.
798 Clearlake Road, Cocoa, FL 32922
Ph: 321-637-7552 FAX: 321-637-7554
www.suntreetech.com

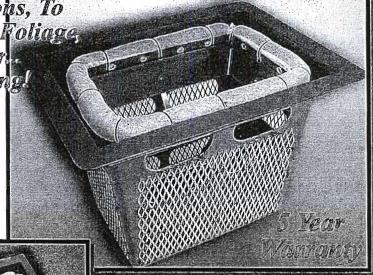
Grate Inlet Skimmer Box

Captures Stormwater Treatment System For A Grated Inlet

Everything From
Hydrocarbons, To
Sediment, To Foliage
To Litter
Everything

Installs Quickly

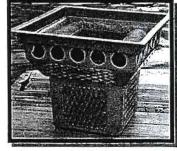
- · Remove the grate
- · Drop in the filter
- · Replace the grate



Patented







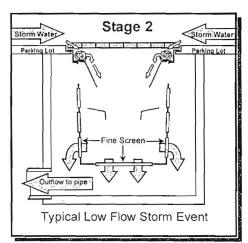
Custom Sizes...
No Problem



Grate Inlet Skimmer Box — Functional Description

Multi-Stage Filtration Utilizes Screens Of Different Sieve Sizes To Optimize Filtration And Water Flow

Stage 1: As stormwater enters the inletthrough the grate it comes in contact with and
passes through a Storm Boom located around
the top perimeter of the Grate Inlet Skimmer
Box. After making contact with the Storm
Boom, the stormwater flows down into the
lower filtration chamber which is equipped with
3 different sieve size filtration screens and
bypass openings.



Stage 1
Storm Water

Parking Lot

Slorm
Booms

Bypass

Skimmer

Bypass

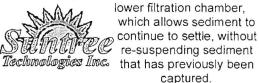
Skimmer

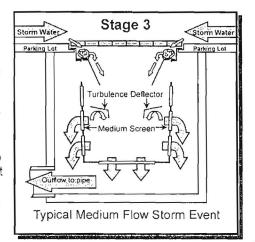
Fine Screen

As Stormwater Enters The Inlet

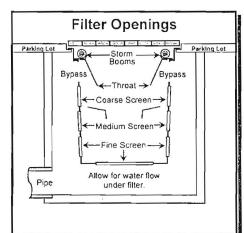
Stage 2: Throughout the entire storm event, stormwater continues to come in contact with the *Storm Boom* and then flow into the lower filtration chamber, adjacent to the fine sieve size screens. The fine sieve size screens are sized to be able to capture sediment such as sand, clay, phosphates, etc. A sand filter quickly forms across the bottom which has the potential to capture the finest of particles.

Stage 3: As the storm event increases in intensity the water level in the *Grate Inlet Skimmer box* rises to a level adjacent to the medium sieve size screens and the *turbulence deflector*. The medium screen provides additional flow with less chance of obstruction than the fine screen. The *turbulence deflector* dramatically reduces the turbulence in the





Grate Inlet Skimmer Box - Sizing and Flow Rates



Custom Sizes No Problem

The maximum flow rate of a *Grate Inlet Skimmer Box* is determined by the amount of flow that can pass through the throat, the exception is found only in very large units.

To determine the minimum flow rate of a Grate Inlet Skimmer Box, consider only the potential flow through the throat and bypass. If the potential flow through the throat is less than the potential flow through the bypass, then the throat determines the minimum flow. If the potential water flow through the bypass is less than that of the throat, then the bypass determines the minimum flow. Filtered Flow

represents the potential flow rate through all screens, and does not include the potential flow through the bypass. Water flow through the bypass happens only when the flow rate through the grate exceeds the flow rate through all the screens.

-							
	Flow Rate Table For 8 different Models						
		Dimensions of the flange around the top of the Grate Inlet Skimmer Box			Flow Rate (cubic feet per second)		
ĺ	Model Number	Width (inches)	Length (inches)	Depth (inches)	Throat	Filtered Flow	Bypass Flow
	CISB 134-24-25	24	24mm	25	4:4:	14.9	अस्त्र स्था दिल्ली सारक
	GISB-A-24-37-25	24	37	25	10.2	21.1	8.7
۲	GISB: C-28-37-25-	28		Parel Same	2000 12.2 Calona	10.4	was de Asses
	GISB-J-24-41-25	24	41	25	12	24.6	10
	GISB-NK-32-32-25	32	32	25	12.5	19.1	10.3
	GISB-36-36-25	36	36	25	18.8	23.4	13.4
	GISB-D-36-48-18	36	48	18	33.2	26.3	13.3
	GISB-G-52-58-18	52	58	18	89.3	40.1	25

The yellow blocks represent the minimum flow rates.

Drawings and flow specifications for any size Grate Inlet Skimmer Box is available upon request.

[·] Filtered flow is based on unobstructed screens.





4100 Center Pointe Drive, Suite 112 Fort Myers, Florida 33916 (239) 277 - 0003 CA # 5520

TOWN OF FORT MYERS BEACH

2523 Estero Boulevard Fort Myers Beach, Florida (239) 765 - 0202



WETLAND OWNERSHIP MAP

BASIN BASED NEIGHBORHOOD IMPROVEMENTS HMGP 1609 - 48 - R SFWMD App# 091019-6

> Exhibit 3.0 Application No. 091019-6 Page 1 of 1

APPLICATION 091019-6 PERMIT 36-07287-P

EXHIBIT 4.0
Pages 1-10 of 10
Construction Pollution Prevention
Plan

EXHIBIT 5.0
Pages 1-5 of 5
Urban Stormwater Management
Program

INCORPORATED BY REFERENCE

STAFF REPORT DISTRIBUTION LIST

BASIN BASED NEIGHBORHOOD IMPROVEMENTS

Application No: 091019-6

Permit No:

36-07287-P

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- X Rina Dalal
- X William Foley, P.E.
- X Laura Layman
- X ERC Engineering
- X ERC Environmental
- X Fort Myers Backup File
- X Permit File

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OTHER INTERESTED PARTIES

X Audubon of Florida - Charles Lee

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