



FLORIDA DEPARTMENT OF Environmental Protection

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

South District
PO Box 2549
Fort Myers FL 33902-2549
SouthDistrict@FloridaDEP.gov

CORRECTED

March 23, 2021

Lee County BOCC – Peter Winton
c/o Johanna Shifflette
Hans Wilson & Associates
1938 Hill Avenue
Fort Myers, FL 33901
johanna@hanswilson.com

File No.: 0397966-001 EE, Lee County

Dear Johanna Shifflette:

On January 28, 2021, we received your application for an individual permit to perform the following activities:

To maintenance dredge an existing channel within Whiskey Creek, Class III waters, to a depth of -5 feet Mean Low Water, removing approximately 7,880 cubic yards of material adjacent to the northwestern side of the Whiskey Creek bridge off of McGregor Blvd, Section 10, Township 45 South, Range 24 East, Lee County. The spoil shall be removed and deposited in uplands with the final spoil disposal location at 6944 Old Whiskey Creek Drive, Fort Myers, FL 33919.

Your application for an individual permit was processed as a request for verification of exemption pursuant to Rule 62-330.051(5), Florida Administrative Code (F.A.C.).

Your request has been reviewed to determine whether it qualifies for (1) a regulatory exemption, (2) proprietary authorization (related to state-owned submerged lands), and (3) federal approval that may be necessary for work in wetlands or waters of the United States.

Your project did not qualify for the ~~proprietary and federal review portions~~ of this verification request. Specifically, the activity is not covered by the State Programmatic General Permit. **Additional authorization must be obtained prior to commencement of the proposed activity.** This letter does not relieve you from the responsibility of obtaining other federal, state, or local authorizations that may be required for the activity. Please refer to the specific section(s) dealing with that portion of the review below for advice on how to proceed.

If you change the project from what you submitted, the authorization(s) granted may no longer be valid at the time of commencement of the project. Please contact us prior to beginning your project if you wish to make any changes.

If you have any questions regarding this matter, please contact Michael Baker by telephone at (239) 344-5602 or by e-mail at Michael.A.Baker@FloridaDEP.gov.

1. Regulatory Review – VERIFIED

Based on the information submitted, the Department has verified that the activity as proposed is exempt under Chapter 62-330.051(7)(a), Florida Administrative Code, and Section 403.813(1)(f) of the Florida Statutes from the need to obtain a regulatory permit under Part IV of Chapter 373 of the Florida Statutes.

This exemption verification is based on the information you provided the Department and the statutes and rules in effect when the information was submitted. This verification may not be valid if site conditions materially change, the project design is modified, or the statutes or rules governing the exempt activity are amended. In the event you need to re-verify the exempt status for the activity, a new request and verification fee will be required. Any substantial modifications to the project design should be submitted to the Department for review, as changes may result in a permit being required.

2. Proprietary Review – ~~PENDING~~ GRANTED

~~The Department acts as staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) and issues certain authorizations for the use of sovereign submerged lands. The Department has the authority to review activities on sovereign submerged lands under Chapters 253 and 258 of the Florida Statutes, and Chapters 18-18, 18-20, and 18-21, Florida Administrative Code, as applicable.~~

~~Sovereign submerged lands determinations in the vicinity have claimed the submerged lands lying below the mean high water line of Whiskey Creek as sovereign. Severed dredge fees are required at a rate of \$2.25/cy of material removed from state owned lands. Please provide the Severed Dredge Fee of \$17,730 (\$2.25 per cubic yard of material removed) required pursuant to Chapter 18-21.011(3)(a), F.A.C. to the Department. Please visit <http://www.fldepportal.com/go/pay-outstanding-balances/> to remit your balance so we may continue processing your application. The DEP Application No.: 0397966-002 will be used to locate your project in the system.~~

The Department acts as staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) and issues certain authorizations for the use of sovereign submerged lands. The Department has the authority to review activities on sovereign submerged lands under Chapters 253 and 258 of the Florida Statutes, and Chapters 18-18, 18-20, and 18-21, Florida Administrative Code, as applicable.

The activity appears to be located on sovereign submerged lands owned by the Board of Trustees. The activity is not exempt from the need to obtain the applicable proprietary authorization. As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that the activity qualifies for a letter of consent under Rule 18-21.005(1)(c), Florida Administrative Code, and Section 253.77 of the Florida Statutes to construct and use the activity on the specified sovereign submerged lands and as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein.

During this term of this Letter of consent you shall maintain satisfactory evidence of sufficient upland interest as required by paragraph 18-21.004(3)(b), Florida Administrative Code. If such interest is terminated or the Board of Trustees determines that such interest did not exist on the date of issuance of this Letter of Consent, this Letter of Consent may be terminated by the Board of Trustees at its sole option. If the Board of Trustees terminates this Letter of Consent, you agree not to assert a claim or defense against the Board of Trustees arising out of this Letter of Consent.

Special Consent Conditions

1. The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.
2. Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.
3. Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this

period will result in the automatic revocation of this authorization.

4. All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board of Trustees in writing of any change of address at least ten days before the change becomes effective.
5. This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

General Conditions for Authorizations for Activities

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

- (a) Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.
- (b) Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.
- (c) Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in Sections 253.04 and 258.46, F.S., or Chapter 18-14, F.A.C.
- (d) Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.
- (e) Construction, use, or operation of the structure or activity shall not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.
- (f) Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court's decision.
- (g) Structures or activities shall not create a navigational hazard.
- (h) Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of Rule 18-21.005,

F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.

Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities.

3. Federal Review - SPGP NOT APPROVED

Your proposed activity as outlined on your application and attached drawings does not qualify for Federal authorization pursuant to the State Programmatic General Permit and a SEPARATE permit or authorization shall be required from the Corps. You must apply separately to the Corps using their *APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT*, ENG FORM 4345, or alternative as allowed by their regulations. More information on Corps permitting may be found online in the Jacksonville District Regulatory Division Source Book at: <https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/>.

Authority for review an agreement with the USACOE entitled “Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection, or Duly Authorized Designee, State Programmatic General Permit”, Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

Additional Information

Please retain this letter. The activities may be inspected by authorized state personnel in the future to ensure compliance with appropriate statutes and administrative codes. If the activities are not in compliance, you may be subject to penalties under Chapter 373, F.S., and Chapter 18-14, F.A.C.

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department’s action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

(a) The name and address of each agency affected and each agency’s file or identification number, if known;

(b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;

(c) A statement of when and how the petitioner received notice of the agency decision;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;

(f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and

(g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. You cannot justifiably rely on the finality of this decision unless notice of this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While you are not required to publish notice of this action, you may elect to do so pursuant Rule 62-110.106(10)(a).

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you do not publish notice of this action, this waiver will not apply to persons who have not received written notice of this action.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us, before the deadline for filing a petition for an administrative hearing. 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.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000) and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within 30 days from the date this action is filed with the Clerk of the Department.

Executed in Orlando, Florida

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Megan Mills
Permitting Program Administrator
South District

Enclosures:

19 Project drawings
62-330.051(7)(a), F.A.C./403.813(1)(f), F.S.

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments, including all copies, were sent to the addressee and to the following listed persons:

U.S. Army Corps of Engineers, Fort Myers Office, fdep.other@usace.army.mil

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52(7), F.S., with the designated Department clerk, receipt of which is hereby acknowledged.



Clerk

January 31, 2022

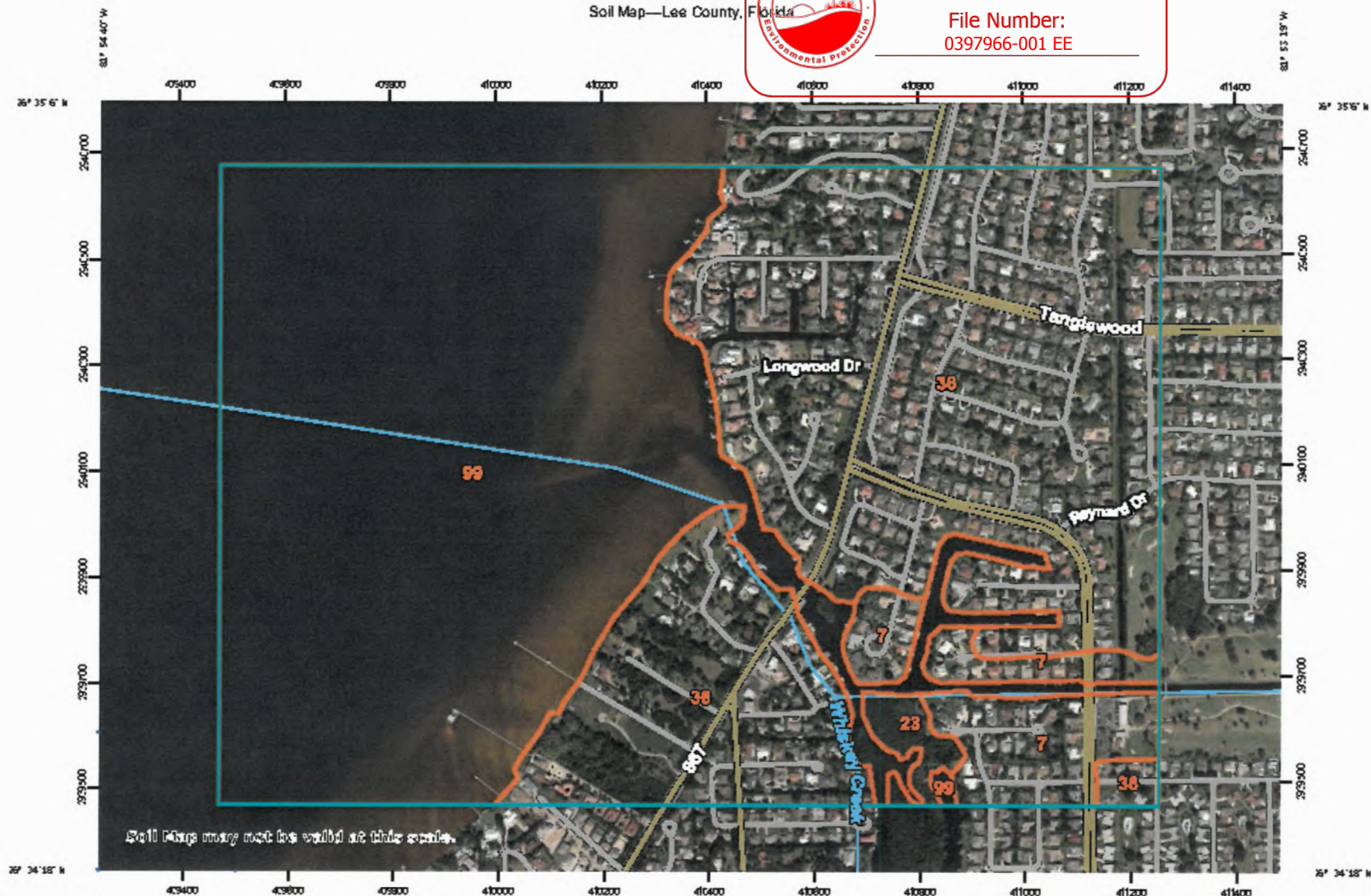
Date

Soil Map—Lee County, Florida



EXEMPT

File Number:
0397966-001 EE



Map Scale: 1:10,300 if printed on A landscape (11" x 8.5") sheet.

0 150 300 600 900 Meters

0 500 1000 2000 3000 Feet

Map projection: Web Mercator Corner coordinates: WGS84 EdgeIDs: LTM Zone L7N WGS84



Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

1/22/2021
Page 1 of 3



EXEMPT

File Number:
0397966-001 EE

MAP LEGEND

Area of Interest (AOI)		Spot Area
Area of Interest (AOI)		Stony Spot
Soils		Very Stony Spot
Soil Map Unit Polygons		Wet Spot
Soil Map Unit Lines		Other
Soil Map Unit Points		Special Line Features
Special Point Features		Water Features
Blowout		Streams and Canals
Borrow Pit		Transportation
Clay Spot		Rails
Closed Depression		Interstate Highways
Gravel Pit		US Routes
Gravelly Spot		Major Roads
Landfill		Local Roads
Lava Flow		Background
Marsh or swamp		Aerial Photography
Mine or Quarry		
Miscellaneous Water		
Perennial Water		
Rock Outcrop		
Saline Spot		
Sandy Spot		
Severely Eroded Spot		
Sinkhole		
Slide or Slip		
Sodic Spot		

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Lee County, Florida
Survey Area Data: Version 18, Jun 9, 2020

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Feb 3, 2020—Feb 23, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
7	Matlacha gravelly fine sand-Urban land complex, 0 to 2 percent slopes	30.6	5.7%
23	Wulfert muck, tidal, 0 to 1 percent slopes	5.4	1.0%
36	Immokalee sand-Urban land complex, 0 to 2 percent slopes	233.8	43.7%
99	Water	264.9	49.5%
Totals for Area of Interest		534.8	100.0%

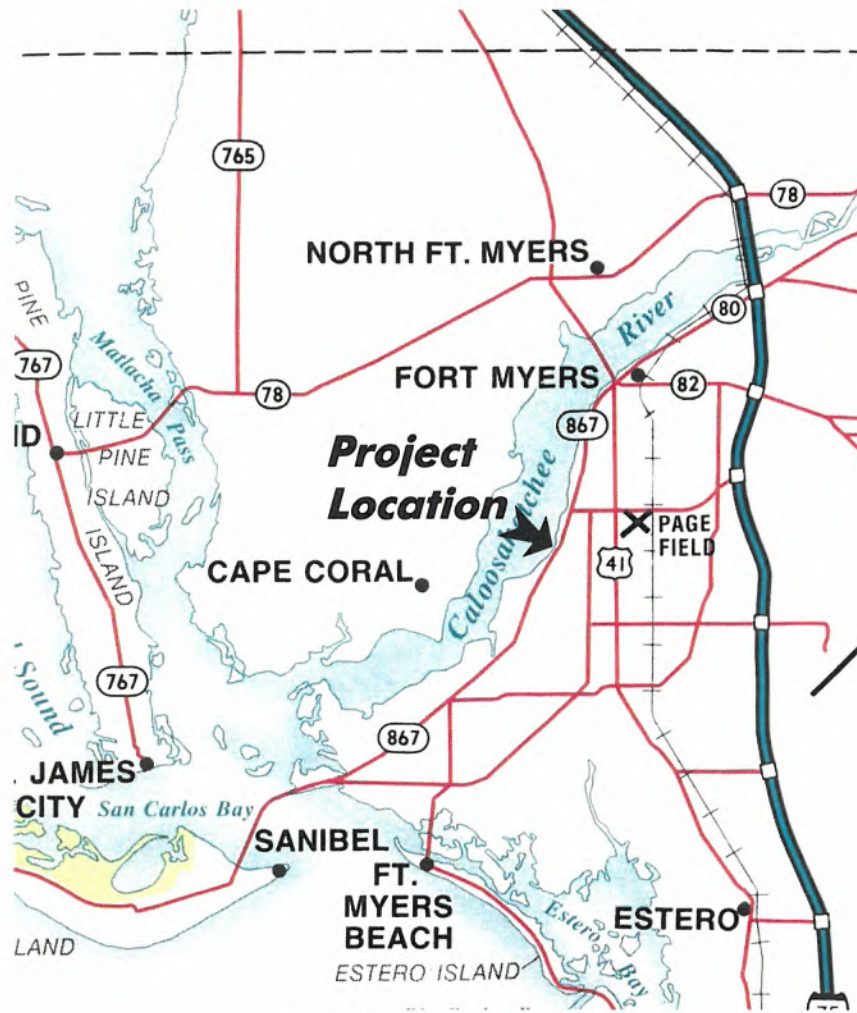


EXEMPT

File Number:
0397966-001 EE

SECTION: 10
TOWNSHIP: 45 South
RANGE: 24 East

0 2.5mi 5mi
SCALE FEET



Vicinity Map

SCALE: 1" = 5mi

PERMIT PLANS, NOT FOR CONSTRUCTION

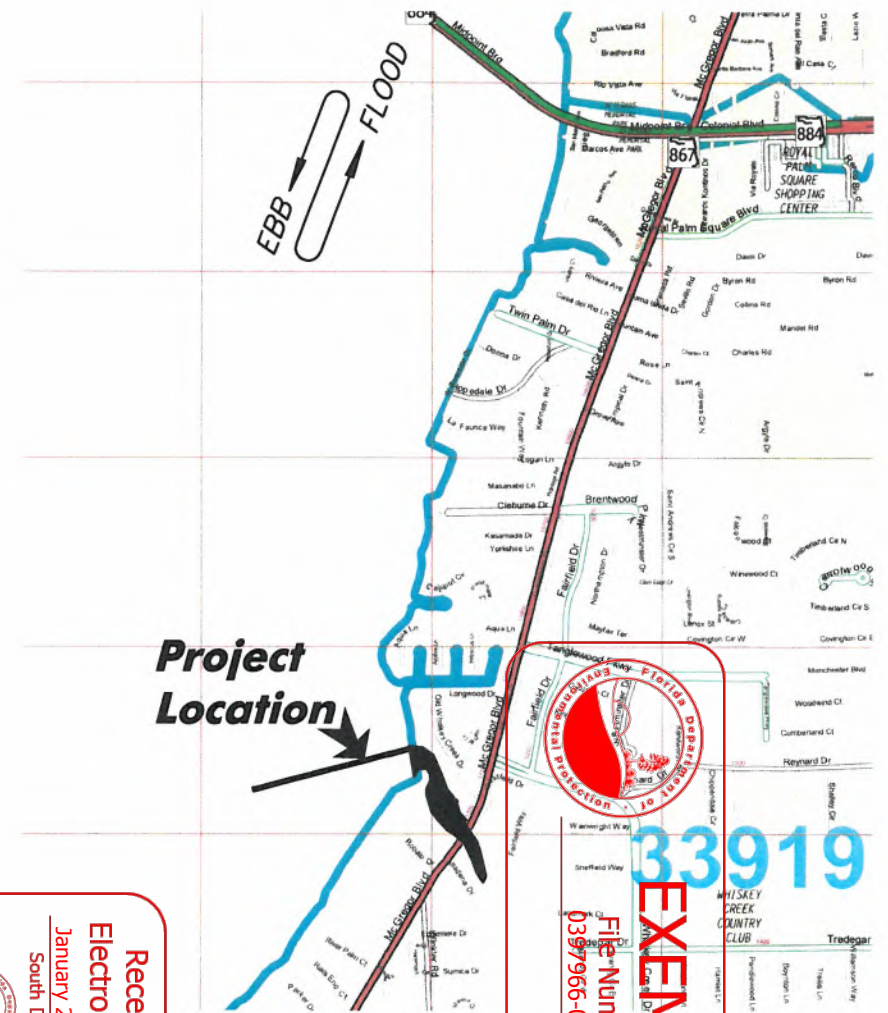


1938 Hill Avenue, Fort Myers, Florida 33901
Office: 239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

1.21.21

IMF

0 1000 2000
SCALE FEET



Project Location

Location Map

SCALE: 1" = 2000

EXEMPT
FILE NUMBER
0397966-001
JANS M WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
CA. LIC. NO. 8519
DATE: January 21, 2021 2:29:54 p.m.
Drawing: LEE29MASTER.DWG

Whiskey Creek

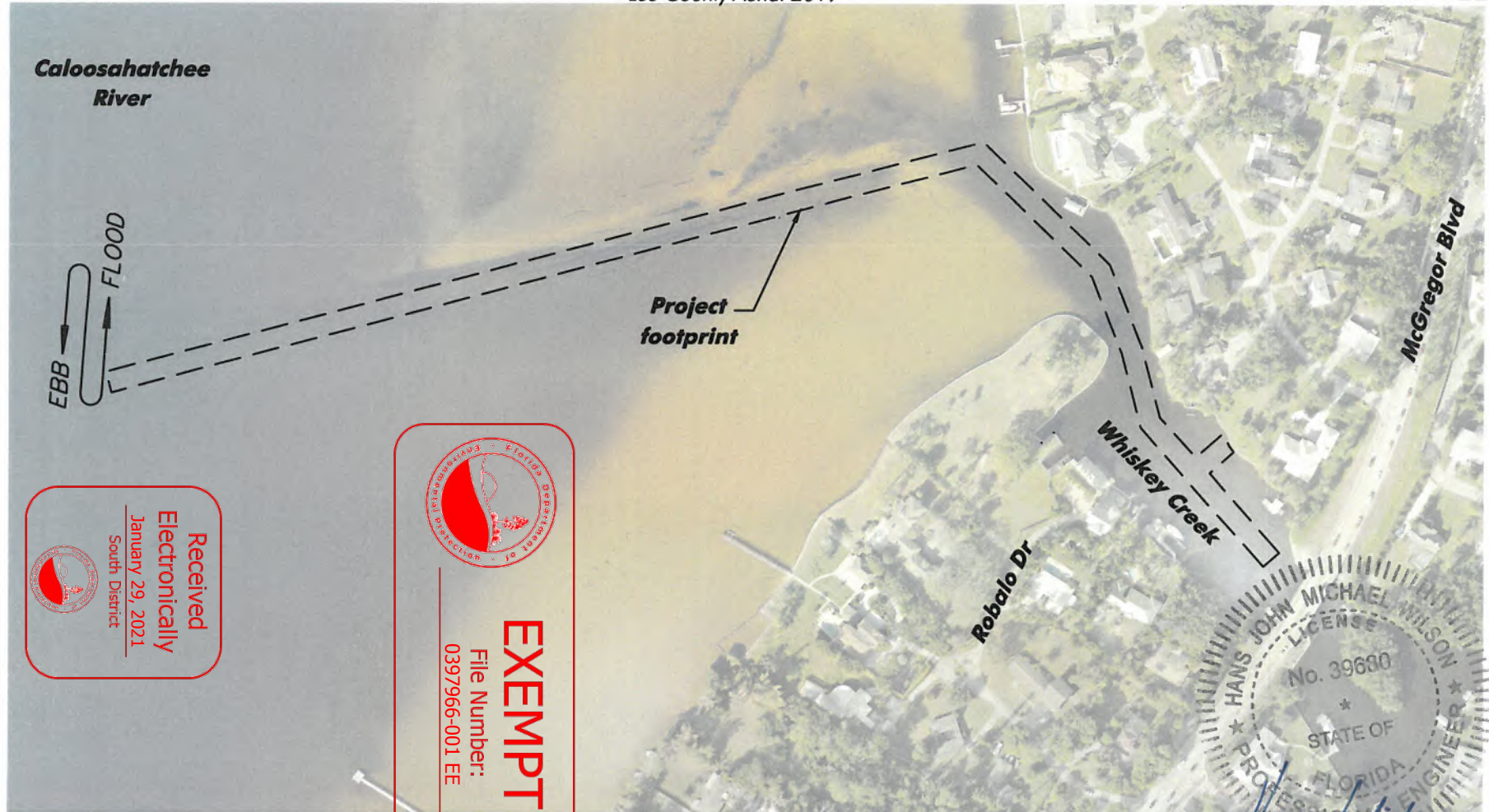
SHEET

1/16

SECTION: 10
TOWNSHIP: 45 South
RANGE: 24 East

Lee County Aerial 2019

0 150 300
SCALE FEET



Notes: Property line per Lee County Property Appraiser. Bathymetric Survey completed by HWA, Inc on 8-18-20. Depths reference MLW per DEP MHW Request, MLW = -0.71' NAVD88.

Overall Site Layout

SCALE: 1" = 300'

HANS JOHN MICHAEL WILSON
LICENSE
No. 39680
STATE OF
FLORIDA
PROFESSIONAL ENGINEER
Hans J.M. Wilson
HANS J.M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
CA. LIC. NO. 8519
DATE: January 21, 2021 2:29:54 p.m.
Drawing: LEE29MASTER.DWG



1938 Hill Avenue, Fort Myers, Florida 33901
Office: 239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

1.21.21

IMF

Whiskey Creek

SHEET

2/16

SECTION: 10
TOWNSHIP: 45 South
RANGE: 24 East

Lee County Aerial 2019

0 150 300
SCALE FEET

Contour Legend	
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	-2 to -3
	-3 to -4
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	-6 to -7
	-7 to -8
	-8 to -9
	-9 to -10
	> -10



File Number:
0397966-001 EE

EXEMPT

Notes: Property line per Lee County Property Appraiser. Bathymetric Survey completed by HWA, Inc on 8-18-20. Depths reference MLW per DEP MHW Request, MLW = -0.71' NAVD88.

PERMIT PLANS, NOT FOR CONSTRUCTION

Bathymetric Survey

SCALE: 1" = 300'



HANS J.M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
CA. LIC. NO. 8519
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1.21.21

IMF

Whiskey Creek

SHEET

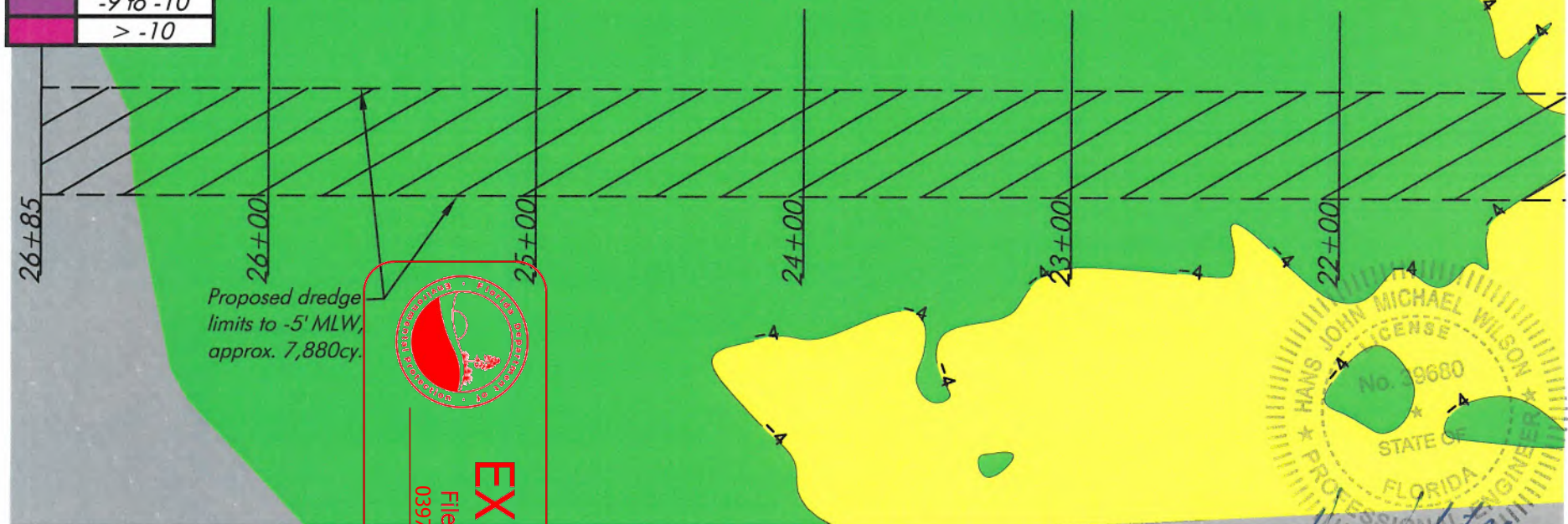
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SECTION: 10
TOWNSHIP: 45 South
RANGE: 24 East

Lee County Aerial 2019

0 30 60
SCALE FEET

Contour Legend	
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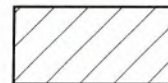


Notes: Property line per Lee County Property Appraiser. Bathymetric Survey completed by HWA, Inc on 8-18-20. Depths reference MLW per DEP MHW Request, MLW = -0.71' NAVD88

PERMIT PLANS, NOT FOR CONSTRUCTION

Detail A

SCALE: 1" = 60'



Dredge limits @ 7,880 cy
(Cut depth @ -5' MLW)

HANS J.M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
CA. LIC. NO. 8519
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MARINE and ENVIRONMENTAL CONSULTANTS

1.21.21

IMF

Whiskey Creek

SHEET

4/16

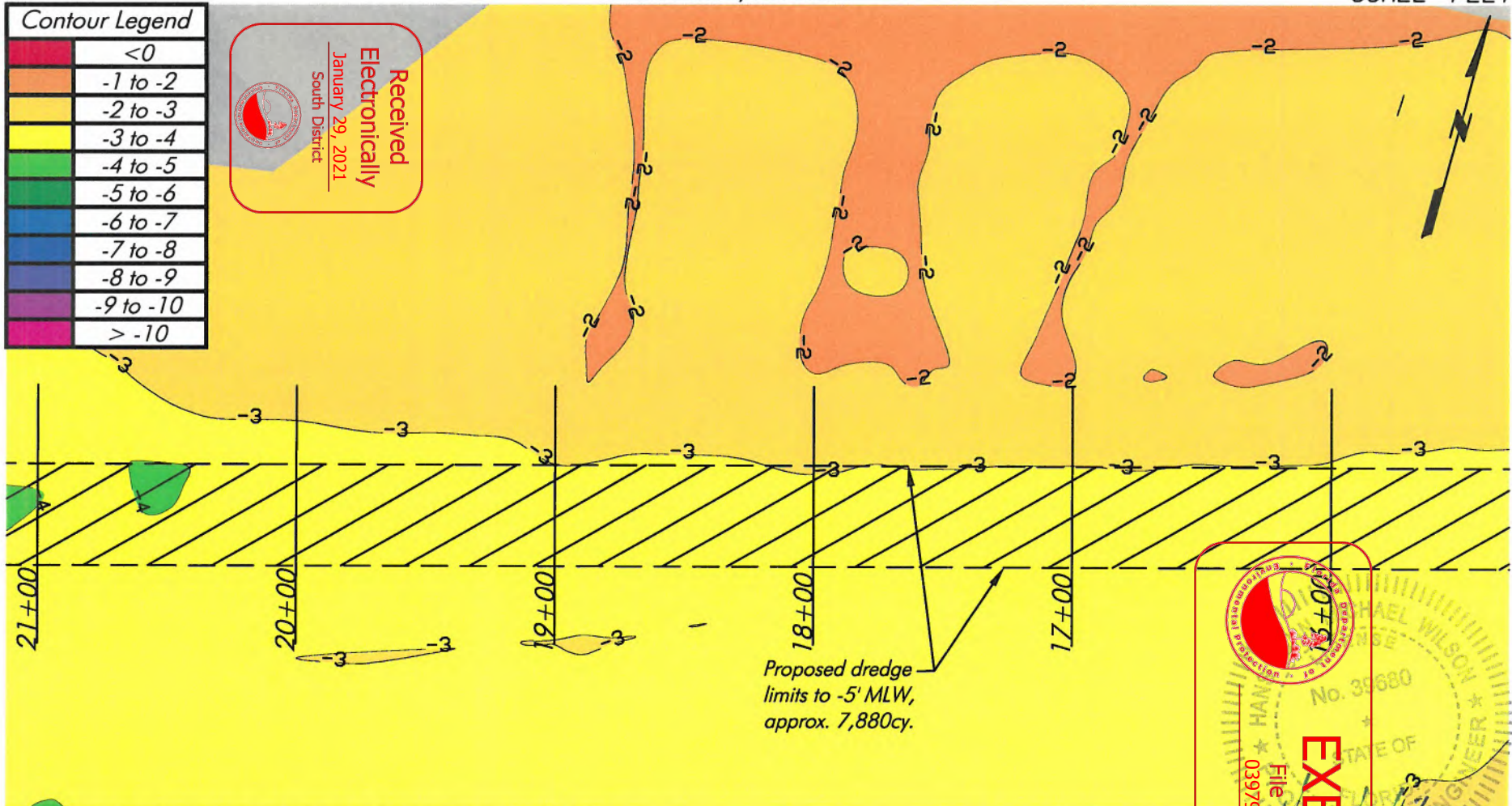
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TOWNSHIP: 45 South
RANGE: 24 East

Lee County Aerial 2019

0 30 60
SCALE FEET

Contour Legend	
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	-6 to -7
	-7 to -8
	-8 to -9
	-9 to -10
	> -10

Received
Electronically
January 29, 2021
South District



Proposed dredge
limits to -5' MLW,
approx. 7,880cy.

Notes: Property line per Lee County Property Appraiser. Bathymetric Survey completed by HWA, Inc on 8-18-20. Depths reference MLW per DEP MHW Request, MLW = -0.71' NAVD88.

PERMIT PLANS, NOT FOR CONSTRUCTION

Detail B

SCALE: 1" = 60'



Dredge limits @ 7,880 cy
(Cut depth @ -5' MLW)

EX-101
File Number
0397966-001
HANS J. M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
CA. LIC. NO. 1519
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1.21.21












IMF

Whiskey Creek

SHEET

5/16

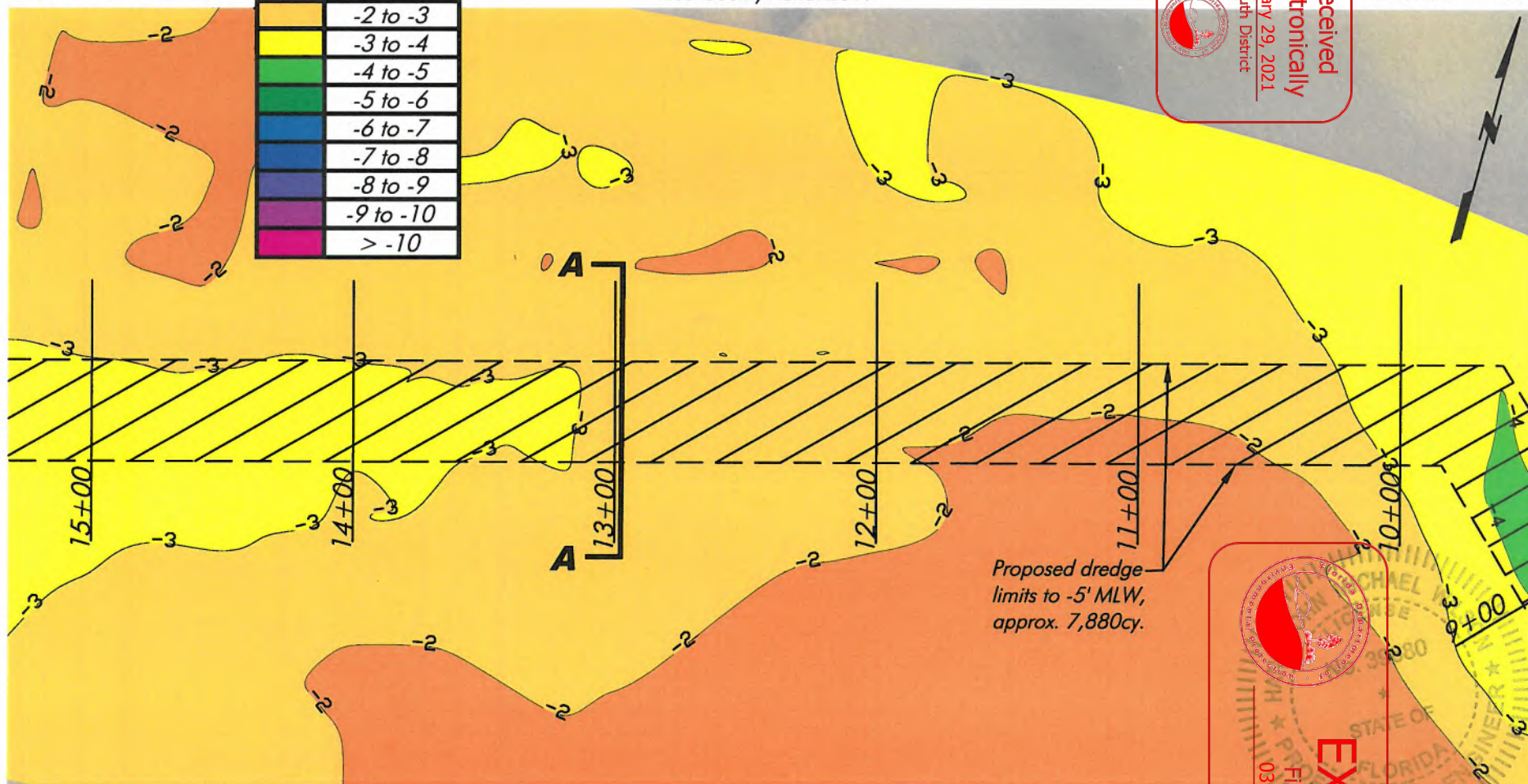
SECTION: 10
TOWNSHIP: 45 South
RANGE: 24 East

Contour Legend	
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	-6 to -7
	-7 to -8
	-8 to -9
	-9 to -10
	> -10

Lee County Aerial 2019



0 30 60
SCALE FEET



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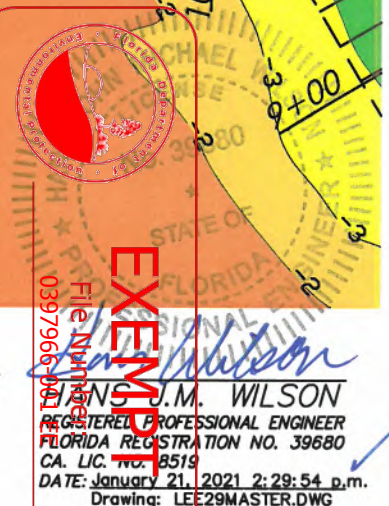
PERMIT PLANS, NOT FOR CONSTRUCTION

Detail C

SCALE: 1" = 60'



Dredge limits @ 7,880 cy
(Cut depth @ -5' MLW)



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IMF

Whiskey Creek

SHEET

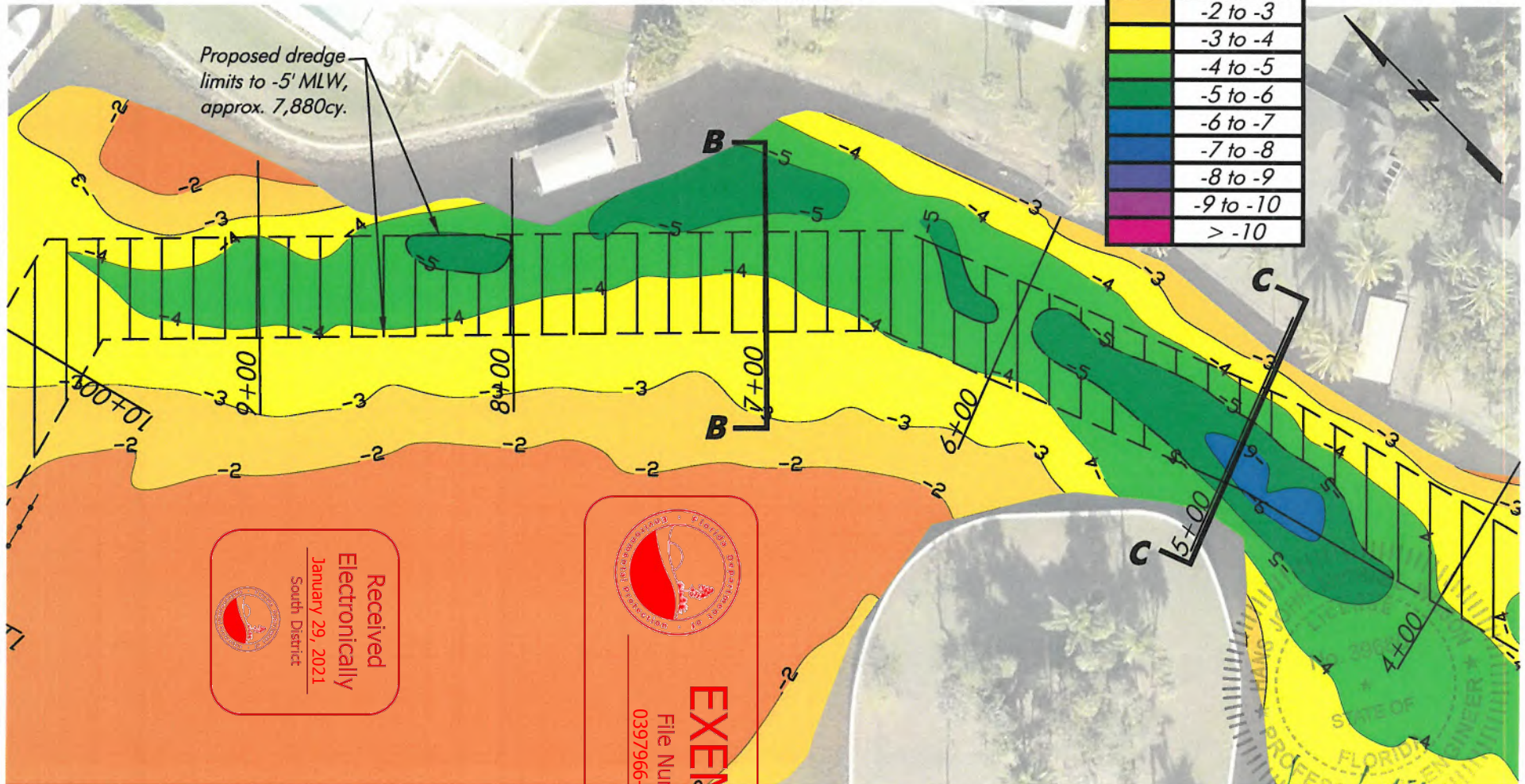
6/16

SECTION: 10
TOWNSHIP: 45 South
RANGE: 24 East

Lee County Aerial 2019

Contour Legend	
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	-1 to -2
	-2 to -3
	-3 to -4
	-4 to -5
	-5 to -6
	-6 to -7
	-7 to -8
	-8 to -9
	-9 to -10
	> -10

0 30 60
SCALE FEET



Received
Electronically
January 29, 2021
South District



EXEMPT
File Number:
0397966-001

Notes: Property line per Lee County Property Appraiser. Bathymetric Survey completed by HWA, Inc on 8-18-20. Depths reference MLW per DEP MHW Request, MLW = -0.71' NAVD88.

Detail D
SCALE: 1" = 60'



Dredge limits @ 7,880 cy
(Cut depth @ -5' MLW)

Hans J.M. Wilson
HANS J.M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
CA. LIC. NO. 8519
DATE: January 21, 2021 2:29:54 p.m.
Drawing: LEE29MASTER.DWG



1938 Hill Avenue, Fort Myers, Florida 33901
Office: 239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

1.21.21

IMF

Whiskey Creek

SHEET
7/16

SECTION: 10

TOWNSHIP: 45 South

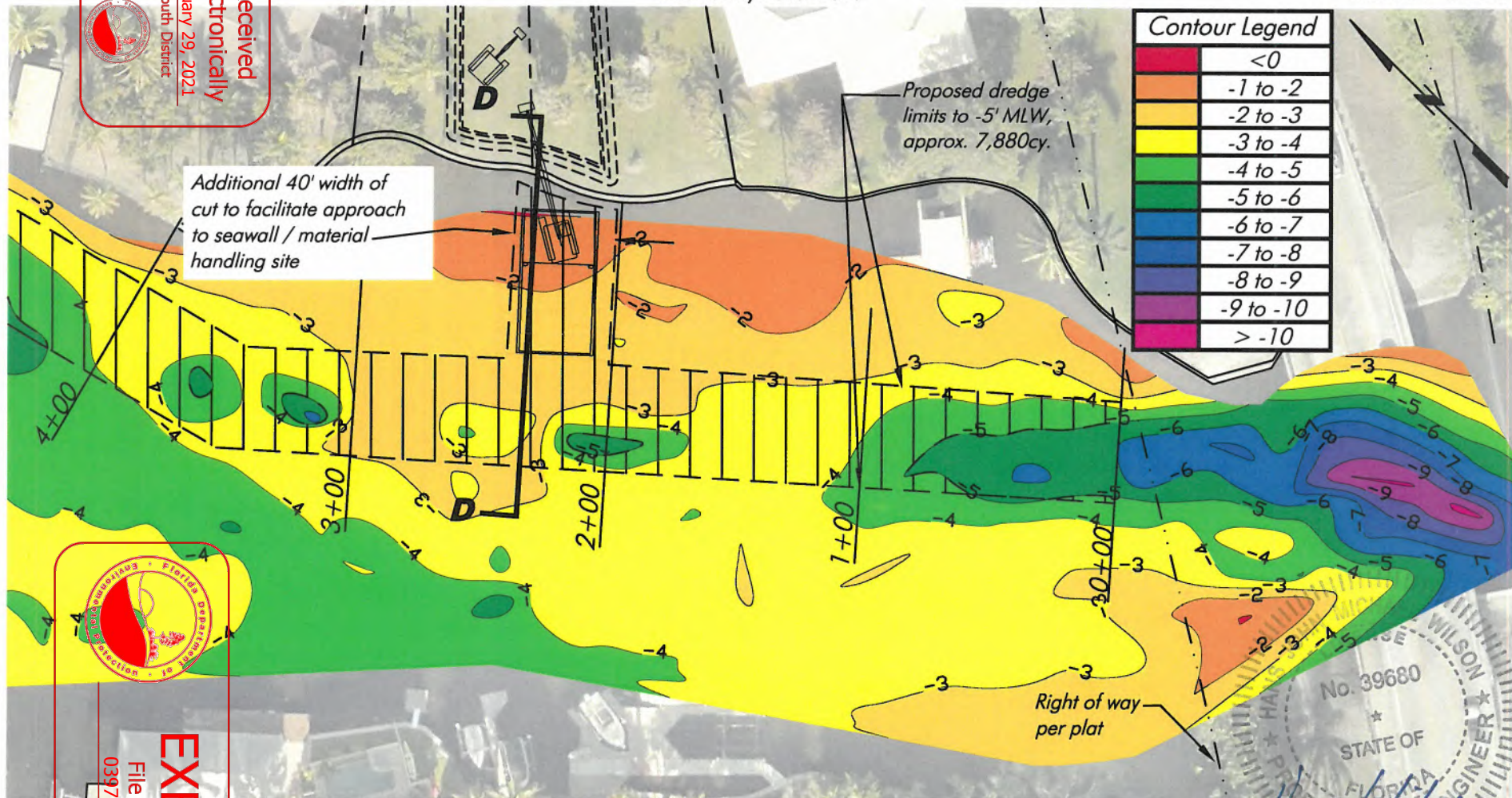
RANGE: 24 East



Received
Electronically
January 29, 2021
South District

Lee County Aerial 2019

0 30 60
SCALE FEET



Notes: Property line per Lee County Property Appraiser Bathymetric Survey completed by HWA, Inc. on 8-18-20. Depths reference MLW per DEP MHW Request, MLW = -0.71' NAVD88.

PERMIT PLANS, NOT FOR CONSTRUCTION

Detail E

SCALE: 1" = 60'



Dredge limits @ 7,880 cy
(Cut depth @ -5' MLW)

Hans J.M. Wilson
HANS J.M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
CA. LIC. NO. 8519
DATE: January 21, 2021 2:29:54 p.m.
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MARINE and ENVIRONMENTAL CONSULTANTS

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IMF

Whiskey Creek

SHEET
8/16

SECTION: 10
TOWNSHIP: 45 South
RANGE: 24 East

Lee County Aerial 2019

0 30 60
SCALE FEET



Notes: Property line per Lee County Property Appraiser. Bathymetric Survey completed by HWA, Inc on 8-18-20. Depths reference MLW per DEP MHW Request, MLW = -0.71' NAVD88.

Detail F Material Handling Site

SCALE: 1" = 60'

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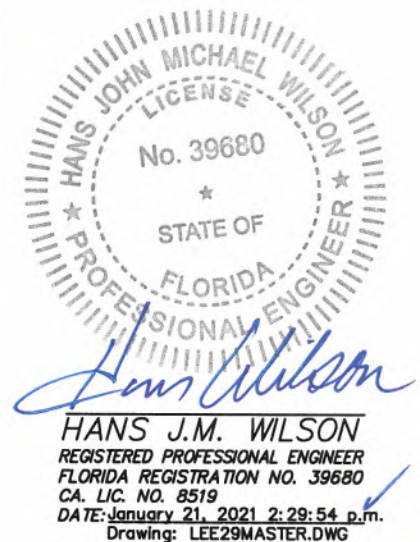
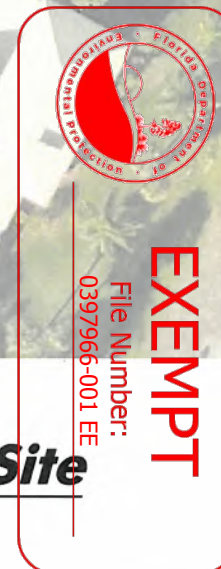
1.21.21

JWA

Whiskey Creek

SHEET

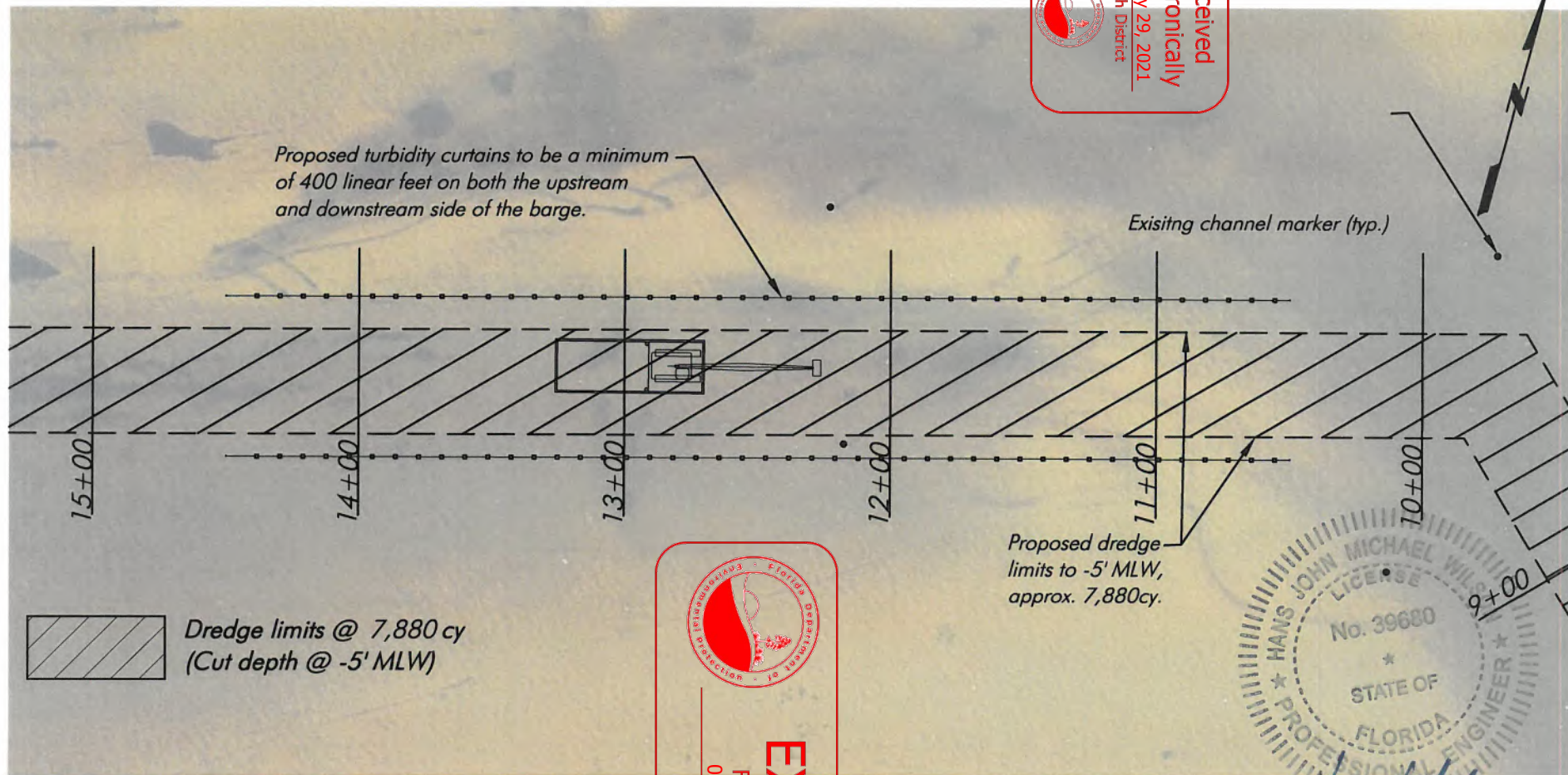
9/16



SECTION: 10
TOWNSHIP: 45 South
RANGE: 24 East

Lee County Aerial 2019

0 30 60
SCALE FEET



Proposed turbidity curtains to be a minimum of 400 linear feet on both the upstream and downstream side of the barge.

Existing channel marker (typ.)

Proposed dredge limits to -5' MLW, approx. 7,880cy.



Dredge limits @ 7,880 cy
(Cut depth @ -5' MLW)

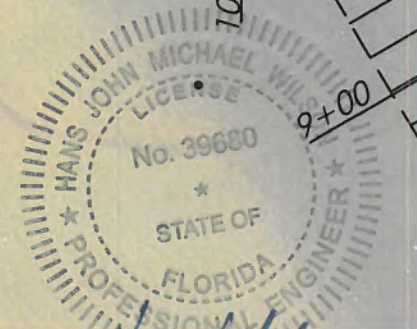


Turbidity Controls

SCALE = 60'

Notes: Property line per Lee County Property Appraiser. Bathymetric Survey completed by HWA, Inc on 8-18-20. Depths reference MLW per DEP MHW Request, MLW = -0.71' NAVD88.

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Hans J.M. Wilson
HANS J.M. WILSON

REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
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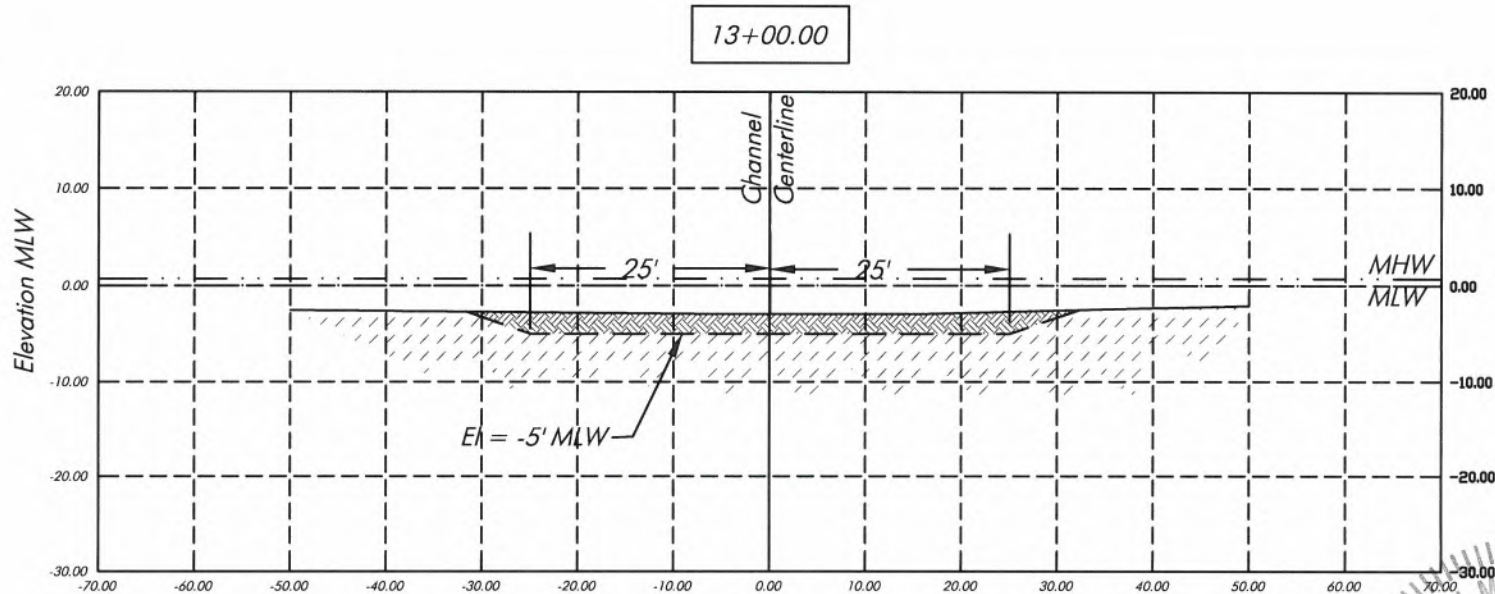
10/16

SECTION: 10
TOWNSHIP: 45 South
RANGE: 24 East

0 10 20
SCALE FEET



EXEMPT
File Number:
0397966-001 EE



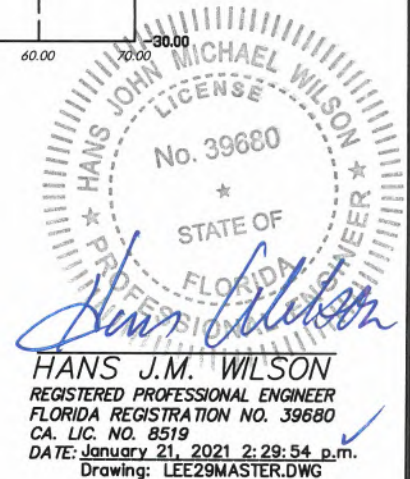
Total Cut Volume: 7,880cy.

Cross Section A-A

SCALE: 1" = 20'



Notes: Bathymetric Survey completed by HWA, Inc on
8-18-20. Depths reference MLW per DEP MHW Request,
MHW = 0.13' NAVD88 MLW = -0.71' NAVD88.
PERMIT PLANS, NOT FOR CONSTRUCTION



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Whiskey Creek

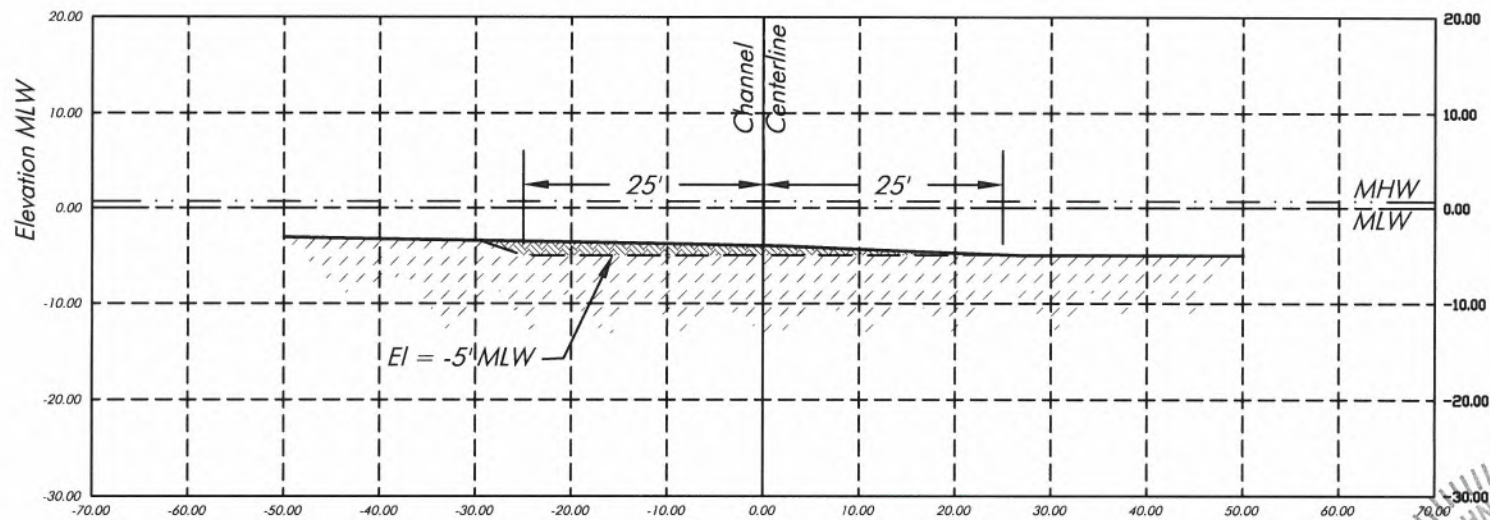
SHEET

11/16

SECTION: 10
TOWNSHIP: 45 South
RANGE: 24 East

0 10 20
SCALE FEET

7+00.00

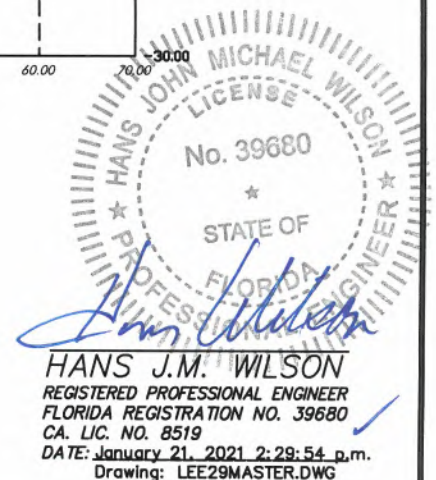


Total Cut Volume: 7,880cy.

Cross Section B-B

SCALE: 1" = 20'

Notes: Bathymetric Survey completed by HWA, Inc on
8-18-20. Depths reference MLW per DEP MHW Request,
MHW = 0.13' NAVD88 MLW = -0.71' NAVD88.
PERMIT PLANS, NOT FOR CONSTRUCTION



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Office: 239-334-6870 Fax: 239-334-7810
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IMF

Whiskey Creek

SHEET

12/16

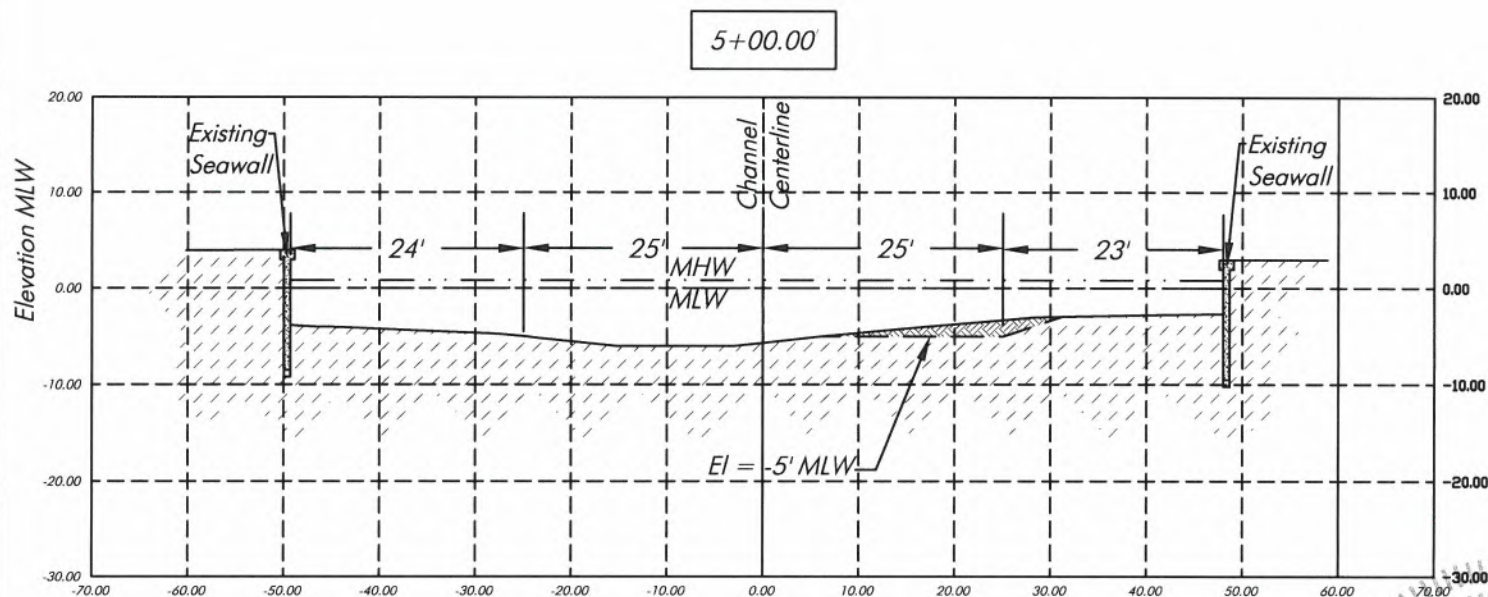
SECTION: 10
TOWNSHIP: 45 South
RANGE: 24 East

0 10 20
SCALE FEET



File Number:
0397966-001 EE

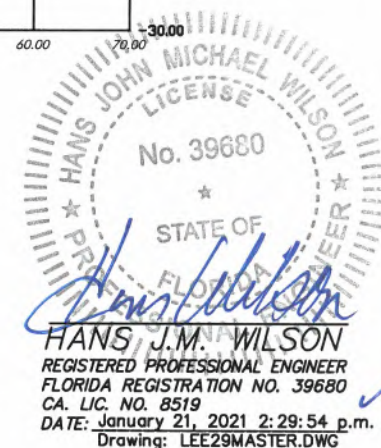
EXEMPT



Total Cut Volume: 7,880cy.

Cross Section C-C

SCALE: 1" = 20'



Notes: Bathymetric Survey completed by HWA, Inc on 8-18-20. Depths reference MLW per DEP MHW Request, MHW = 0.13' NAVD88 MLW = -0.71' NAVD88.
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IMF

Whiskey Creek

SHEET

13/16

SECTION: 10
TOWNSHIP: 45 South
RANGE: 24 East

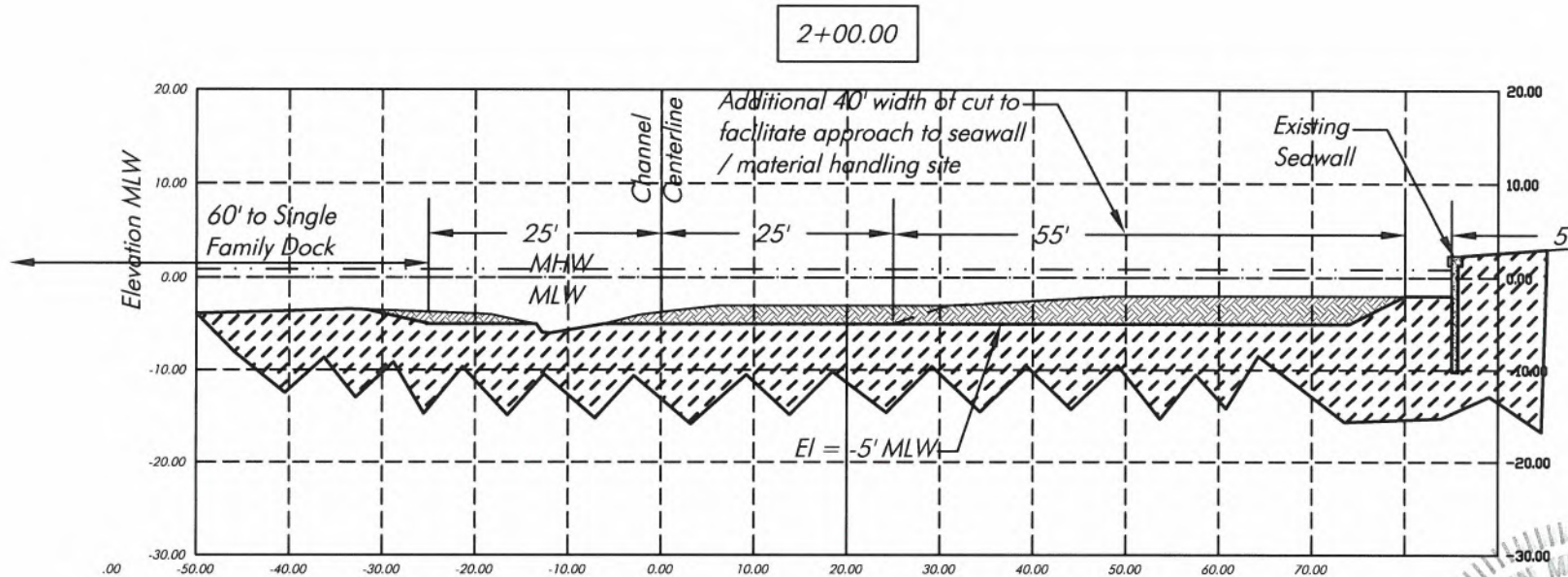
Additional 40' width of cut to
facilitate approach to seawall
/ material handling site

0 10 20
SCALE FEET



File Number:
0397966-001 EE

EXEMPT



Cross Section D-D

SCALE: 1" = 20'

Total Cut Volume: 7,880cy.

Notes: Bathymetric Survey completed by HWA, Inc on
8-18-20. Depths reference MLW per DEP MHW Request,
MHW = 0.13' NAVD88 MLW = -0.71' NAVD88.

PERMIT PLANS, NOT FOR CONSTRUCTION



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IMF

Whiskey Creek

SHEET

19/16

SECTION: 10
TOWNSHIP: 45 South
RANGE: 24 East

0 10 20
SCALE FEET

Dredged material to be unloaded from the barge into the material handling site and allowed to de-water before being loaded into trucks for hauling off-site for disposal in a permitted upland location.

Wire backed silt fence to be installed along back of seawall cap

Material excavated from upland to be used to create perimeter berm around material handling area.

Track out pad to be 3" - 5" Ø stones, minimum 9" thick laid atop woven filter fabric.

Gravel transition to be #57 stone laid on top of woven filter fabric.

Gravel transition from track out pad to edge of pavement

Track out pad minimum 75' long x 15' wide

Existing roadway

Cross Section E-E Material Handling Site

SCALE: 1" = 20'

Notes: Bathymetric Survey completed by HWA, Inc on 8-18-20. Depths reference MLW per DEP MHW Request, MHW = 0.1' NAVD88 MLW = -0.71' NAVD88.
PERMIT PLANS, NOT FOR CONSTRUCTION



EXHIBIT
 File Number
 037966-001-EE



1938 Hill Avenue, Fort Myers, Florida 33901
Office: 239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

01.21.21

JWA

Whiskey Creek

SHEET
15/16

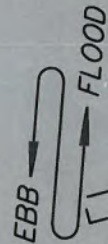
SECTION: 10
TOWNSHIP: 45 South
RANGE: 24 East



Lee County Aerial 2019

0 150 300
SCALE FEET

Caloosahatchee River



Project footprint

**Florida Land Cover Classification System
September 2018**

18221	Residential, Med. Density 2 - 5 / Acre
1841	Roads
4000	Riverine
5250	Mangrove Swamp



EXEMPT
File Number:
0397966-001 EE

FLUCCS

SCALE: 1" = 300'

Notes: Property line per Lee County Property Appraiser. Bathymetric Survey completed by HWA, Inc on 8-18-20. Depths reference MLW per DEP MHW Request, MLW = -0.71' NAVD88.

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Whiskey Creek

SHEET

16/16

62-330.051 Exempt Activities.

The activities meeting the limitations and restrictions below are exempt from permitting. However, if located in, on, or over state-owned submerged lands, they are subject to a separate authorization under chapters 253 and 258, F.S., as applicable.

(7) Maintenance and Restoration –

(a) Maintenance dredging under section 403.813(1)(f), F.S.

Rulemaking Authority 373.026(7), 373.043, 373.4131, 373.4145, 403.805(1) FS. Law Implemented 373.406, 373.4131, 373.4145, 373.415, 403.813(1) FS. History—New 10-1-13, Amended 6-1-18.

403.813 Permits issued at district centers; exceptions.—

(1) A permit is not required under this chapter, chapter 373, chapter 61-691, Laws of Florida, or chapter 25214 or chapter 25270, 1949, Laws of Florida, for activities associated with the following types of projects; however, except as otherwise provided in this subsection, this subsection does not relieve an applicant from any requirement to obtain permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund or a water management district in its governmental or proprietary capacity or from complying with applicable local pollution control programs authorized under this chapter or other requirements of county and municipal governments:

(f) The performance of maintenance dredging of existing manmade canals, channels, intake and discharge structures, and previously dredged portions of natural water bodies within drainage rights-of-way or drainage easements which have been recorded in the public records of the county, where the spoil material is to be removed and deposited on a self-contained, upland spoil site which will prevent the escape of the spoil material into the waters of the state, provided that no more dredging is to be performed than is necessary to restore the canals, channels, and intake and discharge structures, and previously dredged portions of natural water bodies, to original design specifications or configurations, provided that the work is conducted in compliance with s. [379.2431](#)(2)(d), provided that no significant impacts occur to previously undisturbed natural areas, and provided that control devices for return flow and best management practices for erosion and sediment control are utilized to prevent bank erosion and scouring and to prevent turbidity, dredged material, and toxic or deleterious substances from discharging into adjacent waters during maintenance dredging. Further, for maintenance dredging of previously dredged portions of natural water bodies within recorded drainage rights-of-way or drainage easements, an entity that seeks an exemption must notify the department or water management district, as applicable, at least 30 days prior to dredging and provide documentation of original design specifications or configurations where such exist. This exemption applies to all canals and previously dredged portions of natural water bodies within recorded drainage rights-of-way or drainage easements constructed prior to April 3, 1970, and to those canals and previously dredged portions of natural water bodies constructed on or after April 3, 1970, pursuant to all necessary state permits. This exemption does not apply to the removal of a natural or manmade barrier separating a canal or canal system from adjacent waters. When no previous permit has been issued by the Board of Trustees of the Internal Improvement Trust Fund or the United States Army Corps of Engineers for construction or maintenance dredging of the existing manmade canal or intake or discharge structure, such maintenance dredging shall be limited to a depth of no more than 5 feet below mean low water. The Board of Trustees of the Internal Improvement Trust Fund may fix and recover from the permittee an amount equal to the difference between the fair market value and the actual cost of the maintenance dredging for material removed during such maintenance dredging. However, no charge shall be exacted by the state for material removed during such maintenance dredging by a public port authority. The removing party may subsequently sell such material; however, proceeds from such sale that exceed the costs of maintenance dredging shall be remitted to the state and deposited in the Internal Improvement Trust Fund.