



FLORIDA DEPARTMENT OF Environmental Protection

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

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

July 19, 2024

Lee Co Parks & Rec - Ehab Guirguis
c/o Ehab Guirguis
Lee County
1500 Monroe St
Fort Myers, FL 33901
Eguirguis@leegov.com

File No.:0185569-002 EE, Lee County

Dear Lee Co Parks & Rec - Ehab Guirguis:

On July 8, 2024, we received your request for verification of exemption to perform the following activities:

To replace two previously permitted public boardwalks in the same location and configuration at 18500 N River Rd, Alva, FL 33920, Parcel ID No. 2 PID's...see below, in a(n) wetlands, Class III Waters, Section 19, Township 43 South, Range 27 East, Lee County.

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 **federal review portion** 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 us by telephone at (239) 344-5600 or by e-mail at SouthDistrict@floridadep.gov.

1. Regulatory Review – VERIFIED

Based on the information submitted, the Department has determined that the activity as proposed is exempt, under Section 373.406(6) of the Florida Statutes, from the need to obtain a regulatory permit under Part IV of Chapter 373 of the Florida Statutes. This determination is made because the activity, in consideration of its type, size, nature, location, use and operation, is expected to have only minimal or insignificant individual or cumulative adverse impacts on the water resources.

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.

3. When performed in waters accessible to federally- or state-listed aquatic species, such as manatees, marine turtles, smalltooth sawfish, and Gulf sturgeon, all in-water work shall comply with the following.

- a. All vessels associated with the project shall operate at “Idle Speed/No Wake” at all times while in the work area and where the draft of the vessels provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- b. All deployed siltation or turbidity barriers shall be properly secured, monitored, and maintained to prevent entanglement or entrapment of listed species.
- c. All in-water activities, including vessel operation, must be shut down if a listed species comes within 50 feet of the work area. Activities shall not resume until the animal(s) has moved beyond a 50-foot radius of the in-water work, or until 30 minutes elapses since the last sighting within 50 feet. Animals must not be herded away or harassed into leaving. All on-site project personnel are responsible for observing water-related activities for the presence of listed species.
- d. Any listed species that is killed or injured by work associated with activities performed shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1(888)404-3922 and ImperiledSpecies@myFWC.com. Copies of incorporated materials identified above may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C.

2. Proprietary Review - NOT REQUIRED

The activity does not appear to be located on sovereign submerged lands and does not require further authorization under Chapter 253 of the Florida Statutes, or Chapters 18-20 or 18-21 of the Florida Administrative Code.

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 Lee County, Florida

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Michael Baker
Environmental Administrator
South District

Enclosures:

7 Project drawings
373.406(6)

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

July 19, 2024

Date



EXEMPT

File Number:
185569-002 EE

CONSTRUCTION PLANS

FOR



CALOOSAHATCHEE REGIONAL PARK VARIOUS BOARDWALK REPAIRS

FEMA DI : 1305710

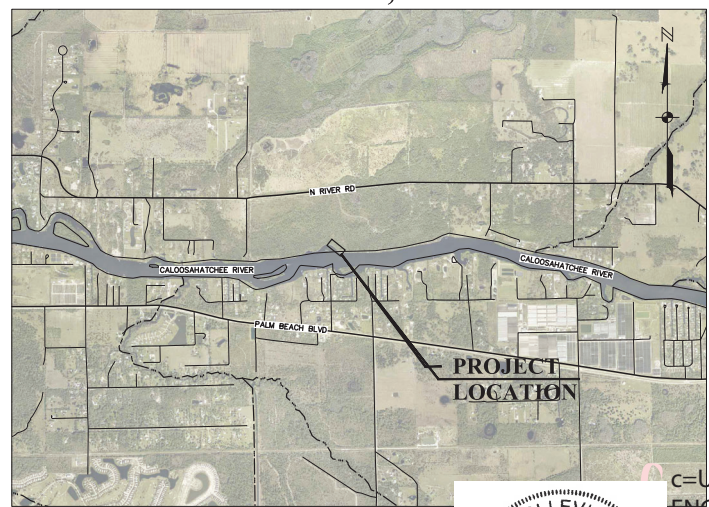
FEMA PROJECT # : 719522

SECTION 19, TOWNSHIP 43 S., RANGE 27 E.

LEE COUNTY, FLORIDA

INDEX OF PLANS

SHEET NO.	DESCRIPTION
C01	COVER
C02	GENERAL NOTES & ABBREVIATIONS
C03	AERIAL KEY MAP
C04	FLUCFCS MAP
C05	SOILS MAP
C06	EXISTING CONDITIONS AND DEMOLITION PLAN
C07	SITE PLAN & PAVING, GRADING, AND DRAINAGE PLAN



LOCATION MAP

0 1000 2000 4000
 INTENDED DISPLAY SCALE:
 22"X34" PLAN 1"=2000'
 11"X17" PLAN 1"=4000'

JULY 2024

This item has been digitally signed and sealed by Jordan L. Varble, P.E., on the date adjacent to the seal.

Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.



JOHNSON ENGINEERING
 c=US, o=JOHNSON ENGINEERING INC,
 dnQualifier=A0141
 0C0000017D9506
 DF600003491,
 cn=Jordan Varble
 2024.07.05
 13:51:43 -04'00'



WELER ENGINEERING CORP.
 201 WEST MARION AVENUE SUITE
 1306 PUNTA GORDA, FLORIDA 33950
 PHONE: (941) 505-1700
 FAX: (941) 505-1702



JOHNSON ENGINEERING, INC.
 2122 JOHNSON STREET
 FORT MYERS, FLORIDA 33901
 PHONE: (239) 334-0046
 E.B. #642 & L.B. #642

REGISTERED PROFESSIONAL ENGINEER
 FLORIDA LICENSE NO. 81414

JORDAN LEVI VARBLE, PE
 DATE



NOTICE TO ALL CONTRACTORS
 IT'S THE LAW IN FLORIDA,
 2 BUSINESS DAYS BEFORE
 YOU DIG
 CALL SUNSHINE
 1-800-452-4770
 STATE COURTESY & CITES
 ARE NOT PART OF THE
 ONE CALL SYSTEM THEY
 MUST BE CALLED
 INDIVIDUALLY.

OWNER

LEE COUNTY
 2115 SECOND ST
 FORT MYERS, FL 33901
 PHONE: (239) 533-2221
 FAX: (239) 485-2262

SITE ADDRESS

18500 N RIVER RD,
 ALVA, FL 33920

STRAP NUMBERS

19-43-27-00-00001.0000
 19-43-27-00-00001.0040

SIZE OF PARCEL

239.91 ACRES

ZONING

AG-2

BOARD OF COUNTY COMMISSIONERS

KEVIN RUANE	DISTRICT 1
CECIL PENDERGRASS	DISTRICT 2
RAY SANDELLI	DISTRICT 3
BRIAN HAMMAN	DISTRICT 4
FRANK MANN	DISTRICT 5

COUNTY MANAGER

DAVE HARNER

ASSISTANT COUNTY MANAGER

PETER WINTON
 CHRISTINE BRADY
 GLEN SALTER
 MARC MORA
 ROBERT CODIE

FACILITIES CONSTRUCTION & MANAGEMENT

EHAB GUIRGUIS, P.E.



EXEMPT

File Number:
185569-002 EE



0 50 100 200
INTENDED DISPLAY SCALE:
22"X34" PLAN 1"=100"
11"X17" PLAN 1"=200"

1. C-43 R/W LINE FROM 1991
BOUNDARY SURVEY BY
JOHNSON ENGINEERING, INC.

JOHNSON ENGINEERING

JOHNSON ENGINEERING, INC.
2122 JOHNSON STREET
FORT MYERS, FLORIDA 33901
PHONE: (239) 336-0345
E.O. 11942 & L.B. 8622



WELER ENGINEERING CORP.
201 WEST MADISON AVENUE, SUITE
1306 PLANTA GORDIA, FLORIDA 33959
PHONE: (841) 506-1700
FAX: (841) 506-1702

PROFESSIONAL ENGINEER
FL. License No. 001114



CALOOSAHATCHEE
REGIONAL PARK
VARIOUS BOARDWALK
REPAIRS
LEE COUNTY, FLORIDA

NO.	DATE	DESCRIPTION

DATE: JULY 2024
PROJECT NO. 20236180-000
FILE NO. 19-43-27
SCALE: AS SHOWN

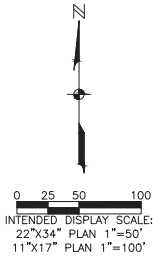
AERIAL KEY MAP

SHEET NUMBER
C03



EXEMPT

File Number:
185569-002 EE



INTENDED DISPLAY SCALE:
22"x34" PLAN 1"=50'
11"x17" PLAN 1"=100'

1. FLUCFCS MAPPING OBTAINED FROM CRP LAND STEWARDSHIP PLAN, WITH FIELD OBSERVATIONS CONDUCTED BY JEI ON JANUARY 11, 2024

JOHNSON ENGINEERING

JOHNSON ENGINEERING, INC.
2122 JOHNSON STREET
FORT MYERS, FLORIDA 33901
PHONE: (239) 336-0345
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201 WEST MARION AVENUE, SUITE
1306 PLANTA GORDA, FLORIDA 33950
PHONE: (841) 505-1702
FAX: (841) 505-1702

Scale: 1" = 50'
FLUCFCS No. 00114



CALOOSAHATCHEE REGIONAL PARK
VARIOUS BOARDWALK REPAIRS
LEE COUNTY, FLORIDA

NO.	DATE	DESCRIPTION

DATE: JULY 2024
PROJECT NO. 20236180-000
FILE NO. 19-43-27
SCALE: AS SHOWN

FLUCFCS Code	Description	Status	Area in Acres
617	Mixed Wetland Hardwoods	W	0.19
Total Site			0.19
Legend			Total N
N = Non Wetlands			0
W = Wetlands			Total W
SW = Surface Waters			0
Total Site			0.19

FLUCFCS MAP

SHEET NUMBER

C04



EXEMPT

File Number:
185569-002 EE



0 25 50 100
 INTENDED DISPLAY SCALE:
 22"X34" PLAN 1"=50'
 11"X17" PLAN 1"=100'

1. C-43 R/W LINE FROM 1991
 BOUNDARY SURVEY BY
 JOHNSON ENGINEERING, INC.

JOHNSON ENGINEERING

JOHNSON ENGINEERING, INC.
2122 JOHNSON STREET
FORT WYERS, FLORIDA 33901
PHONE: (239) 336-0345
E.O. 11912 & L.B. 4622



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201 WEST MARION AVENUE, SUITE
1306 PLANTA GORDA, FLORIDA 33569
PHONE: (641) 505-1702
FAX: (641) 505-1702

PROFESSIONAL ENGINEER
FL License No. 001114



CALOOSAHATCHEE REGIONAL PARK VARIOUS BOARDWALK REPAIRS
LEE COUNTY, FLORIDA

NO.	DATE	DESCRIPTION

DATE: JULY 2024
PROJECT NO. 20236180-000
FILE NO. 19-43-27
SCALE: AS SHOWN

SOILS MAP

SHEET NUMBER

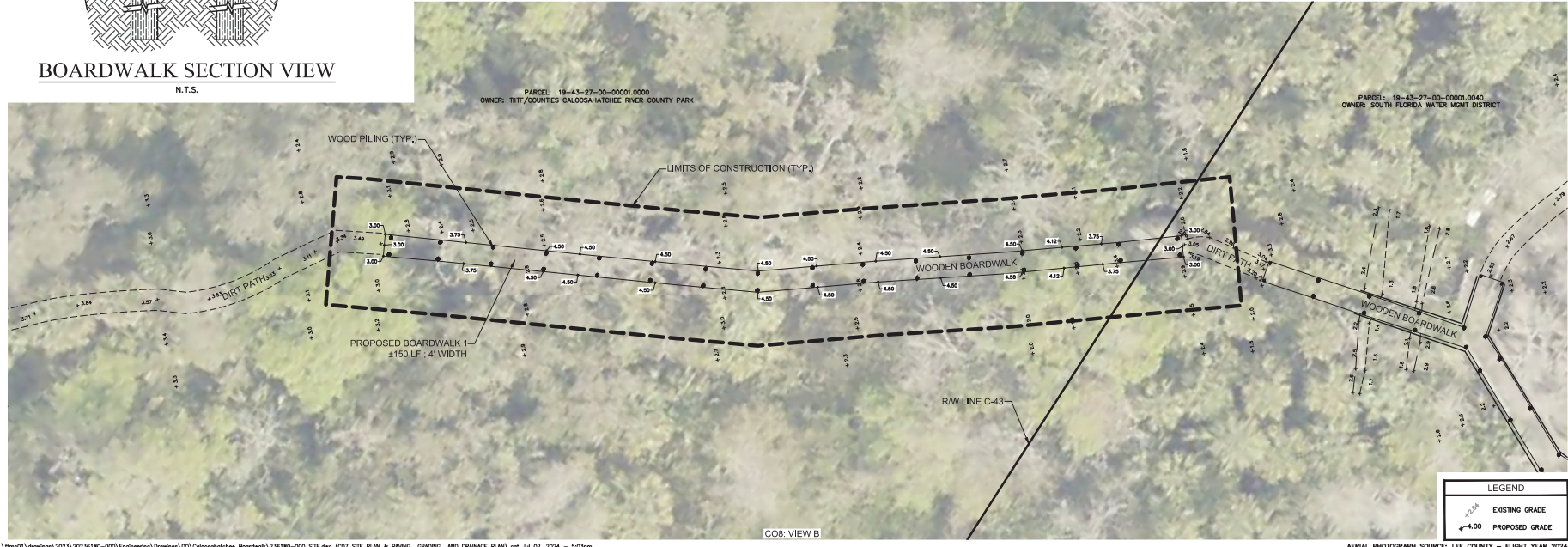
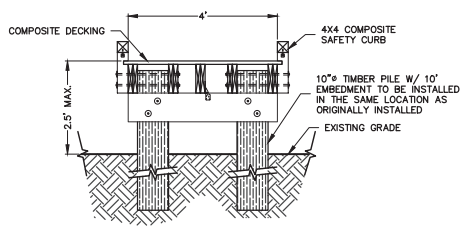
C05

NRCS SOILS		
Soil ID	Description	Hydric Status
45	Copeland Fine Sandy Loam, frequently ponded, 0 to 1 percent slopes	Hydric



EXEMPT

File Number:
185569-002 EE



JOHNSON ENGINEERING

JOHNSON ENGINEERING, INC.
2122 JOHNSON STREET
FORT MYERS, FLORIDA 33901
PHONE: (239) 336-0345
E.O. 11912 & L.R. 6642



WEILER ENGINEERING CORP.
201 WEST MARION AVENUE, SUITE
1306 PLANTA GORDA, FLORIDA 33959
PHONE: (813) 506-1700
FAX: (813) 506-1702

- ELEVATIONS REFERENCE TO NAVD 1988, CONVERSION TO NGVD 1929 IS: NAVD 1988 + 1.25 = NGVD 1929.
- C-43 R/W LINE FROM 1991 BOUNDARY SURVEY BY JOHNSON ENGINEERING, INC.



CALOOSAHATCHEE REGIONAL PARK
VARIOUS BOARDWALK REPAIRS
LEE COUNTY, FLORIDA

NO.	DATE	DESCRIPTION

DATE: JULY 2024
PROJECT NO. 20236180-000
FILE NO. 19-43-27
SCALE: AS SHOWN

SITE PLAN & PAVING, GRADING, AND DRAINAGE PLAN

SHEET NUMBER
C07

Title XXVIII
NATURAL RESOURCES;
CONSERVATION, RECLAMATION,
AND USE

Chapter 373
WATER RESOURCES

373.406 Exemptions. – The following exemptions shall apply:

(6) Any district or the department may exempt from regulation under this part those activities that the district or department determines will have only minimal or insignificant individual or cumulative adverse impacts on the water resources of the district. The district and the department are authorized to determine, on a case-by-case basis, whether a specific activity comes within this exemption. Requests to qualify for this exemption shall be submitted in writing to the district or department, and such activities shall not be commenced without a written determination from the district or department confirming that the activity qualifies for the exemption.