



South Florida Water Management District
Individual Environmental Resource Permit No. 36-108890-P
Date Issued: February 9, 2024

Permittee: Lee County Board Of County Commissioners
1500 Monroe St.
Fort Myers, FL 33901

Project: Caloosahatchee Creek Preserve

Application No. 220819-35635

Location: Lee County, See Exhibit 1

Your application for an Individual Environmental Resource Permit is approved. This action is taken based on Chapter 373, Part IV, of Florida Statutes (F.S.) and the rules in Chapter 62-330, Florida Administrative Code (F.A.C.). Unless otherwise stated, this permit constitutes certification of compliance with state water quality standards under section 401 of the Clean Water Act, 33 U.S.C. 1341, and a finding of consistency with the Florida Coastal Management Program. Please read this entire agency action thoroughly and understand its contents.

This permit is subject to:

- Not receiving a filed request for a Chapter 120, F.S., administrative hearing.
- The attached General Conditions for Environmental Resource Permits.
- The attached Special Conditions.
- All referenced Exhibits.

All documents are available online through the District's ePermitting site at www.sfwmd.gov/ePermitting.

If 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.

The District does not publish notices of action. If you wish to limit the time within which a person may request an administrative hearing regarding this action, you are encouraged to publish, at your own expense, a notice of agency action in the legal advertisement section of a newspaper of general circulation in the county or counties where the activity will occur. Legal requirements and instructions for publishing a notice of agency action, as well as a noticing format that can be used, are available upon request. If you publish a notice of agency action, please send a copy of the affidavit of publication provided by the newspaper to the District's West Palm Beach office for retention in this file.

If you have any questions regarding your permit or need any other information, please call us at 1-800-432-2045 or email epermits@sfwmd.gov.

A handwritten signature in black ink, appearing to read "Rich Batewell, III".

Rich Batewell, III, P.E.
Section Administrator

**South Florida Water Management District
Individual Environmental Resource Permit No. 36-108890-P**

Date Issued:	February 9, 2024	Expiration Date:	February 9, 2029
Project Name:	Caloosahatchee Creek Preserve		
Permittee:	Lee County Board Of County Commissioners 1500 Monroe St. Fort Myers, FL 33901		
Operating Entity:	Lee County Board Of County Commissioners 1500 Monroe St. Fort Myers, FL 33901		
Location:	Lee County		
Permit Acres:	317.43 acres		
Project Land Use:	Natural/Undeveloped Recreational		
Special Drainage District:	N/A		
Water Body Classification:	CLASS III CLASS III		
FDEP Water Body ID:	3240C 3240M		
Wetland and Surface Water Impacts:	0.073 acres		
Conservation Easement to District:	No		
Sovereign Submerged Lands:	No		

Project Summary

District Staff has reviewed the information submitted on August 19, 2022, for the permitted development known as Caloosahatchee Creek Preserve, construction for which was originally authorized under Permit No. 36-06163-P. This permit authorizes alterations to the existing development consisting of boardwalks, observation platforms, and implementing stabilized fill at 12 different locations along the perimeter berm, which functions as a nature trail.

The existing perimeter berm contains low points allowing existing runoff, and ten out of twelve locations implement concrete pipes to maintain conveyance. Therefore, no modifications to the SWM system are proposed with this project. Turbidity control measures will be maintained at all disturbed areas protecting environmentally sensitive lands. Refer to the Engineering Evaluation and Exhibit No. 2.0 for additional details.

Site Description

The site consists of a Lee County preserve area with public recreational use and associated facilities. The property is located in the southeast corner of the intersection between Interstate I-75 and Bayshore Road within the Caloosahatchee Creek Preserve (East), in North Fort Myers.

Location map is attached as Exhibit No. 1.0.

The site contains preserved land for recreational activities with surrounding preserved wetlands. For information on wetland and other surface water (OSW) impacts, please see the Wetlands and OSWs section of this permit.

Background

Permit No. 36-06163-P

The site was previously permitted in February, 2007 under Application No. 060626-2. This permit authorized the construction and operation of the stormwater management (SWM) serving a 3.19 acres project known as Caloosahatchee Creeks Preserve. The project included construction of nature trails, boardwalks, footpaths, picnic shelters, and restroom structures. The stormwater management facilities consisted of dry detention treatment areas discharging via control structures CS-1 and CS-2.

In November, 2008, a permit modification under Application No. 080118-28 authorized construction of a surface water management system to serve 205.4 acres of environmental restoration, as part of a 1,290 acres basin, known as Caloosahatchee Creeks Preserve Hydrologic Restoration Project.

In May, 2013, a permit modification under Application No. 130128-10 authorized construction of a surface water management system to serve a 66.09 acre project area for environmental restoration, part of the basin west of Interstate I-75, known as Caloosahatchee Creeks Preserve.

Ownership, Operation, and Maintenance

Perpetual operation and maintenance of the SWM system and preserve will be the responsibility of Lee County Board of County Commissioners. Upon conveyance or division of ownership or control of the property or the system, the permittee must notify the Agency in writing within 30 days, and the new owner must request transfer of the permit.

Engineering Evaluation:

Land Use

The proposed project is consistent with the previous permit land use assumptions, refer to Engineering Evaluation Tables for land use.

Stormwater Management System Design Parameters

The permittee provided reasonable assurance the proposed project will not create adverse impact to existing basin as the historical runoff will be maintained as authorized under Permit No. 36-06163-P. No adverse water quality impacts are anticipated as a result of the proposed project.

Certification and O&M

Pursuant to Chapter 62-330.310, F.A.C., Individual Permits will not be converted from the construction phase to the operation phase until construction completion certification (CCC) of the project is submitted to and accepted by the District. This includes compliance with all permit conditions, except for any long-term maintenance and monitoring requirements. It is suggested that the permittee retain the services of an appropriate professional registered in the State of Florida for periodic observation of construction of the project.

For projects permitted with an operating entity that is different from the permittee, it should be noted that until the CCC is accepted by the District and the permit is transferred to an acceptable operating entity pursuant to Sections 12.1 - 12.3, ERP AH Vol. I and Section 62-330.310, F.A.C., the permittee is liable for O&M in compliance with the terms and conditions of this permit.

In accordance with Section 373.416(2), F.S., unless revoked or abandoned, all SWM systems and works permitted under Part IV of Chapter 373, F.S., must be operated and maintained in perpetuity.

The efficiency of SWM systems, dams, impoundments, and most other project components will decrease over time without periodic maintenance. The O&M entity must perform periodic inspections to identify if there are any deficiencies in structural integrity, degradation due to insufficient maintenance, or improper operation of projects that may endanger public health, safety, or welfare, or the water resources. If deficiencies are found, the O&M entity is responsible for correcting the deficiencies in a timely manner to prevent compromises to flood protection and water quality. See Section 12.4, ERP AH Vol. I for Minimum Operation and Maintenance Standards.

Notable project components requiring routine inspection and maintenance include but are not limited to:

- Side slopes for stormwater lakes and ponds – maintain side slopes no steeper than 4:1 (horizontal:vertical) to a depth of 2.0 feet below the control elevation and nurtured or planted from 2.0 feet below to 1.0 feet above the control elevation pursuant to Section 5.4.2, ERP AH Vol. II.
- Conveyance pipes, conveyance structures and discharge structures – all pipes and structures must be inspected for structural integrity and be maintained clear of trash, sediment and vegetative debris.
- Exfiltration trenches – all pipes and structures must be inspected for structural integrity and be maintained clear of trash, sediment and vegetative debris.
- Swales – maintain the permitted cross-section and vegetative cover.
- Underground storage facilities – all facilities must be inspected for structural integrity and be maintained clear of trash, sediment and vegetative debris.
- Pumps – float switches should be inspected and any obstructions removed to ensure proper operation; intake and discharge pipes should be maintained clear of trash, sediment and vegetative debris; motors should be maintained to ensure proper operation.

Engineering Evaluation Tables:

Land Use

Basin	Land Type	Area (ac)	% of Total Basin
Permit	Upland	236.12	74.38
	Wetland	81.31	25.62
	Total:	317.43	100%

Environmental Evaluation:

Wetland and OSW Description

The project site contains wetlands totaling 0.455 acres. Please see Exhibit No. 3.0 for wetland locations within the project site. The wetlands can generally be described as freshwater marsh and hydric pine. Additional wetland descriptions are available in the ePermitting file.

Wetland Impacts

The project will result in 0.073 acres of direct wetland impacts and 0.382 acres of secondary wetland impacts (totaling 0.455 acres), as described in Environmental Data Table. The impacts are associated with the construction of the following public use facilities: a seating enclave, observation tower with access boardwalk, and two additional boardwalk areas. Exhibit No. 3.0 identifies the locations of the wetlands being impacted.

Secondary Impacts

Secondary impacts have been considered within 20 feet of all direct wetland impacts, as upland buffers could not be provided.

Elimination and Reduction of Impacts

Wetland impacts meet the elimination and reduction criteria in Section 10.2.1, Vol. I by proposing impacts only in areas necessary for the project. The project is found to be in the public interest as this is a public preserve area and the impacts are associated with proposed seating areas, observation tower, and boardwalks which will serve to increase public access to portions of the preserve.

Mitigation Plan

A permit modification to use 0.11 excess mitigation units from the Powell Creek Preserve Filter Marsh project was authorized under Application No. 231122-41383 (Permit No. 36-07386-P). The amount of required mitigation was determined using the Uniform Mitigation Assessment Method in Chapter 62-345, F.A.C. It was confirmed that the Powell Creek Preserve mitigation documented an excess functional gain in areas of similar habitat to the project (i.e. freshwater herbaceous and freshwater forested). The final scores can be found in the ePermitting file.

Offsite Mitigation

N/A

Cumulative Impact Analysis

The proposed mitigation is located within the same basin as the impacts, therefore pursuant to Section 10.2.8, ERP AH Vol. I, the project will not result in unacceptable cumulative impacts to the Tidal Caloosahatchee Basin.

Monitoring and Maintenance

There are no monitoring or maintenance requirements for the project area. All monitoring and maintenance requirements for the surrounding preserve area can be found under the original permit (Permit No. 36-06163-P).

Fish, Wildlife, and Listed Species

The wetlands to be impacted have the potential to provide habitat for wetland-dependent species. The areas of impact are minimal and are not anticipated to have an adverse impact on any Listed species that are associated with the preserve. The proposed mitigation will provide or improve habitat for wetland-dependent and aquatic species. No aquatic or wetland-dependent listed species or species having special protection were observed to be using the uplands within the project for nesting or denning.

This permit does not relieve the permittee from complying with all applicable rules and any other agencies' requirements if, in the future, endangered or threatened species or species of special concern are discovered on the site.

Environmental Evaluation Tables:**Summary**

Wetlands and Other
Surface Waters: 0.455 acres
Direct Impacts: 0.073 acres
Secondary impacts: 0.382 acres
Net UMAM Functional
Loss/ Gain: -0.106 units
Total Onsite Mitigation
Area: 0 acres
Total Offsite Mitigation
Area: 0 acres
Mitigation Provided in 36-07386-P
Permit No.:

Wetland Impacts**Activities in Wetlands or Other Surface Waters, Not Including Mitigation at a Bank**

ID	Acres	Action	Community Description	Current Score	With Project Score	UMAM Loss
W1-Encl	0.01	Direct Impact	Hydric Pine Flatwoods	0.97	0	-0.010
W2-Tower	0.02	Direct Impact	Hydric Pine Flatwoods	1	0	-0.020
W3-BW1	0.024	Direct Impact	Freshwater Marshes	0.87	0	-0.021
W4-BW2	0.019	Direct Impact	Freshwater Marshes	0.87	0	-0.017
W1b-Encl	0.028	Secondary Impact	Hydric Pine Flatwoods	0.97	0.87	-0.003
W2b-Tower	0.154	Secondary Impact	Hydric Pine Flatwoods	1	0.9	-0.015
W3b-BW1	0.113	Secondary Impact	Freshwater Marshes	0.87	0.77	-0.011
W4b-BW2	0.087	Secondary Impact	Freshwater Marshes	0.87	0.77	-0.009
Total:	0.455					-0.106

Related Concerns:

Water Use Permit Status

Neither irrigation nor dewatering are required for 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.

Historical/ Archaeological Resources

No information has been received that indicates the presence of archaeological or historical resources on the project site or indicating that the project will have any effect upon significant historic properties listed, or eligible for listing in the National Register of Historic Places.

This permit does not release the permittee from complying with any other agencies requirements in the event that historical and/or archaeological resources are found on the site.

General Conditions for Individual Environmental Resource Permits, 62-330.350, F.A.C.

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.
2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.
3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation, June 2007), and the Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.
4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice," (October 1, 2013), (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02505>), incorporated by reference herein, indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C., and shall be submitted electronically or by mail to the Agency. However, for activities involving more than one acre of construction that also require a NPDES stormwater construction general permit, submittal of the Notice of Intent to Use Generic Permit for Stormwater Discharge from Large and Small Construction Activities, DEP Form 62-621.300(4)(b), shall also serve as notice of commencement of construction under this chapter and, in such a case, submittal of Form 62-330.350(1) is not required.
5. Unless the permit is transferred under rule 62-330.340, F.A.C., or transferred to an operating entity under rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms, and conditions of the permit for the life of the project or activity.
6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:
 - a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex- "Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit"[Form 62-330.310(3)]; or
 - b. For all other activities- "As-Built Certification and Request for Conversion to Operational Phase" [Form 62-330.310(1)].
 - c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.
7. If the final operation and maintenance entity is a third party:
 - a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as-built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.4 of Volume I) as filed with the Florida Department of State, Division of Corporations, and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the

County in which the activity is located.

- b. Within 30 days of submittal of the as-built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation and Maintenance Entity" [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.
8. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.
9. This permit does not:
 - a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
 - b. Convey to the permittee or create in the permittee any interest in real property;
 - c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
 - d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.
10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.
11. The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.
12. The permittee shall notify the Agency in writing:
 - a. Immediately if any previously submitted information is discovered to be inaccurate; and
 - b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.
13. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.
14. If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, stone tools, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section (DHR), at (850)245-6333, as well as the appropriate permitting agency office. Project activities shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and the proper authorities notified in accordance with section 872.05, F.S. For project activities subject to prior consultation with the DHR and as an alternative to the above requirements, the permittee may follow procedures for unanticipated discoveries as set forth within a cultural resources assessment survey determined complete and sufficient by DHR and included as a specific permit condition herein.

15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.
16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.
17. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.
18. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with Rule 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

Special Conditions for Individual Environmental Resource Permits, 62-330.350, F.A.C.

1. The construction authorization for this permit shall expire on the date shown on page 2.
2. Operation and maintenance of the SWM system and preserve shall be the responsibility of Lee County Board Of County Commissioners. The permittee shall notify the Agency in writing within 30 days of any conveyance or division of ownership or control of the property of the system, and the new owner must request transfer of the permit in accordance with Rule 62-330.340, F.A.C.
3. A stable, permanent and accessible elevation reference shall be established on or within 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.
4. Prior to initiating construction activities associated with this ERP, the permittee is required to hold a pre-construction meeting with field representatives, consultants, contractors, District Environmental Resource Bureau (ERB) staff, and any other local government entities as necessary. The purpose of the pre-construction meeting is to discuss construction methods, sequencing, best management practices, identify work areas, staking and roping of preserves where applicable, and to facilitate coordination and assistance amongst relevant parties. To schedule a pre-construction meeting, please contact ERB staff from the Fort Myers Service Center at (239) 338-2929 or via e-mail at: precon@sfwmd.gov. When sending a request for a pre-construction meeting, please include the application number, permit number, and contact name and phone number.
5. This permit does not authorize the permittee to cause any adverse impact to or “take” of state listed species and other regulated species of fish and wildlife. Compliance with state laws regulating the take of fish and wildlife is the responsibility of the owner or permittee associated with this project. Please refer to Chapter 68A-27, F.A.C. for definitions of “take” and a list of fish and wildlife species. If listed species are observed onsite, FWC staff are available to provide decision support information or assist in obtaining the appropriate FWC permits. Most marine endangered and threatened species are statutorily protected and a “take” permit cannot be issued. Requests for further information or review can be sent to: FWCConservationPlanningServices@MyFWC.com.
6. Prior to any future construction, the permittee shall apply for and receive an Individual ERP. As part of the permit application, the applicant for that phase shall provide documentation verifying that the proposed construction is consistent with the design of the master stormwater management system, including the land use and site grading assumptions.
7. The permittee shall provide routine maintenance of all of the components of the SWM 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.
8. The exhibits and special conditions in this permit apply only to this application. They do not supersede or delete any requirements for other applications covered in Permit No. 36-06163-P unless otherwise specified herein.
9. All contractors must be provided with a copy of the staff report and permit conditions prior to the commencement of construction. The permittee is responsible for ensuring that all contractors adhere to the project construction details and methods indicated on the attached permit Exhibits and described herein.

10. The 0.11 units of excess mitigation utilized from the Powell Creek Preserve Filter Marsh permit has been authorized under Application No. 231122-41383 / Permit No. 36-07386-P.

Project Work Schedule for Permit No. 36-108890-P

The following activities are requirements of this Permit and shall be completed in accordance with the Project Work Schedule below. Please refer to General Conditions, Special Conditions and/or Specific Conditions for more information. Any deviation from these time frames will require prior approval from the District's Environmental Resources Bureau and may require a modification to this permit. Such requests must be made in writing and shall include: (1) reason for the change, (2) proposed start/finish and/or completion dates, and (3) progress report on the status of the project.

Condition No.	Date Added	Description (Application Number)	Due Date	Date Satisfied
GC 4	02/09/2024	Construction Commencement Notice	Prior to Construction	
GC 6	02/09/2024	Submit Certification	30 Days After Construction Completion	
GC 7	02/09/2024	Submit Operation Transfer Request	Within 30 days of Certification	
SC 4	02/09/2024	Pre-Construction Meeting	Prior to Construction	

GC = General Condition

SC = Special Condition

Distribution List

Johanna Shifflette, Hans Wilson & Associates, Inc.

Jesse Lavender, Lee County Parks & Recreation

Chester Young

Audubon of Florida

Div of Recreation and Park - District 4

US Army Corps of Engineers - Permit Section

Exhibits

The following exhibits to this permit are incorporated by reference. The exhibits can be viewed by clicking on the links below or by visiting the District's ePermitting website at <http://my.sfwmd.gov/ePermitting> and searching under this application number 220819-35635.

[Exhibit No. 1.0 Location Map](#)

[Exhibit No. 2.0 Construction Plans](#)

[Exhibit No. 3.0 FLUCFCS & Impact Map](#)

NOTICE OF RIGHTS

As required by Chapter 120, Florida Statutes, the following provides notice of the opportunities which may be available for administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes, or judicial review pursuant to Section 120.68, Florida Statutes, 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. Some of the legal proceedings detailed below may not be applicable or appropriate for your situation. 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 (District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Florida Statutes. Persons seeking a hearing on a District decision which affects or may affect their substantial interests shall file a petition for hearing in accordance with the filing instructions set forth herein within 21 days of receipt of written notice of the decision unless one of the following shorter time periods apply: (1) within 14 days of the notice of consolidated intent to grant or deny concurrently reviewed applications for environmental resource permits and use of sovereign submerged lands pursuant to Section 373.427, Florida Statutes; or (2) within 14 days of service of an Administrative Order pursuant to Section 373.119(1), Florida Statutes. "Receipt of written notice of agency decision" means receipt of written notice through mail, electronic mail, posting, or publication that the District has taken or intends to take final agency action. Any person who receives written notice of a District decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

If the District takes final agency action that materially differs from the noticed intended agency decision, persons who may be substantially affected shall, unless otherwise provided by law, have an additional point of entry pursuant to Rule 28-106.111, Florida Administrative Code.

Any person to whom an emergency order is directed pursuant to Section 373.119(2), Florida Statutes, shall comply therewith immediately, but on petition to the board shall be afforded a hearing as soon as possible.

A person may file a request for an extension of time for filing a petition. The District may grant the request for good cause. Requests for extension of time must be filed with the District 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 whether the District and any other parties agree to or oppose the extension. A timely request for an extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

FILING INSTRUCTIONS

A petition for administrative hearing must be filed with the Office of the District Clerk. Filings with the Office of the District Clerk may be made by mail, hand-delivery, or e-mail. Filings by facsimile will not be accepted. A petition for administrative hearing or other document is deemed filed upon receipt during normal business hours by the Office of the District Clerk at the District's headquarters in West Palm Beach, Florida. The District's normal business hours are 8:00 a.m. – 5:00 p.m., excluding weekends and District holidays. Any document received by the Office of the District Clerk after 5:00 p.m. shall be deemed filed as of 8:00 a.m. on the next regular business day.

Additional filing instructions are as follows:

- Filings by mail must be addressed to the Office of the District Clerk, 3301 Gun Club Road, West Palm Beach, Florida 33406.

- Filings by hand-delivery must be delivered to the Office of the District Clerk. Delivery of a petition to the District's security desk does not constitute filing. It will be necessary to request that the District's security officer contact the Office of the District Clerk. An employee of the District's Clerk's office will receive and process the petition.
- Filings by e-mail must be transmitted to the Office of the District Clerk at clerk@sfwmd.gov. The filing date for a document transmitted by electronic mail shall be the date the Office of the District Clerk receives the complete document.

INITIATION OF ADMINISTRATIVE HEARING

Pursuant to Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes, and Rules 28-106.201 and 28-106.301, Florida Administrative Code, initiation of an administrative hearing shall be made by written petition to the District in legible form and on 8 1/2 by 11 inch white paper. All petitions shall contain:

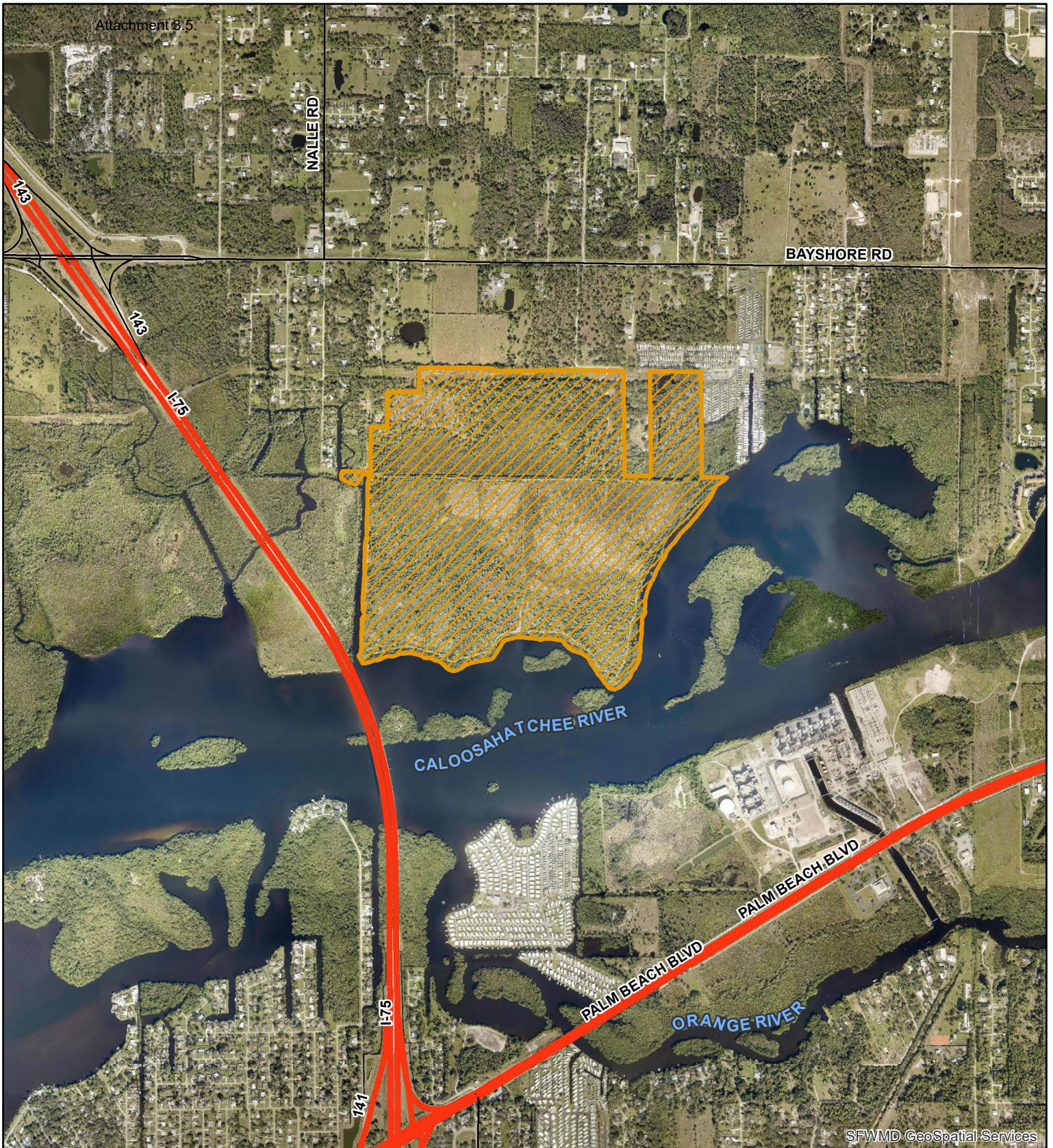
1. Identification of the action being contested, including the permit number, application number, District file number or any other District identification number, if known.
2. The name, address, any email address, any facsimile number, and telephone number of the petitioner, petitioner's attorney or qualified 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 District'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 District's proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the District'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 District to take with respect to the District's proposed action.

MEDIATION

The procedures for pursuing mediation are set forth in Section 120.573, Florida Statutes, and Rules 28-106.111 and 28-106.401–.405, Florida Administrative Code. The District is not proposing mediation for this agency action under Section 120.573, Florida Statutes, at this time.

RIGHT TO SEEK JUDICIAL REVIEW

Pursuant to Section 120.68, Florida Statutes, and in accordance with Florida Rule of Appellate Procedure 9.110, a party who is adversely affected by final District action may seek judicial review of the District's final decision by filing a notice of appeal with the Office of the District Clerk in accordance with the filing instructions set forth herein within 30 days of rendition of the order to be reviewed, and by filing a copy of the notice with the appropriate district court of appeals via the Florida Courts E-Filing Portal.



SFWMD GeoSpatial Services

Exhibit No: 1

Exhibit Created On:
2023-05-24

LEE COUNTY, FL

 Application



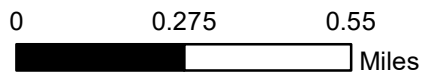
Permit No. 36-108890-P

Application Number: 220819-35635

REGULATION DIVISION

Project Name: Caloosahatchee Creek
Preserve

N



South Florida Water Management District

SECTION:
TOWNSHIP:
RANGE:



Vicinity Map

SCALE: 1" = 10 mi.

**Improvements on East River Loop Trail
and
Boardwalk at Live Oak Loop**

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CONSTRUCTION PERMIT PLANS



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MARINE and ENVIRONMENTAL CONSULTANTS

5-12-23

CRY

**Caloosahatchee
Creeks Preserve**

SHEET
1/20



Location Map

SCALE: 1" = 2,500'

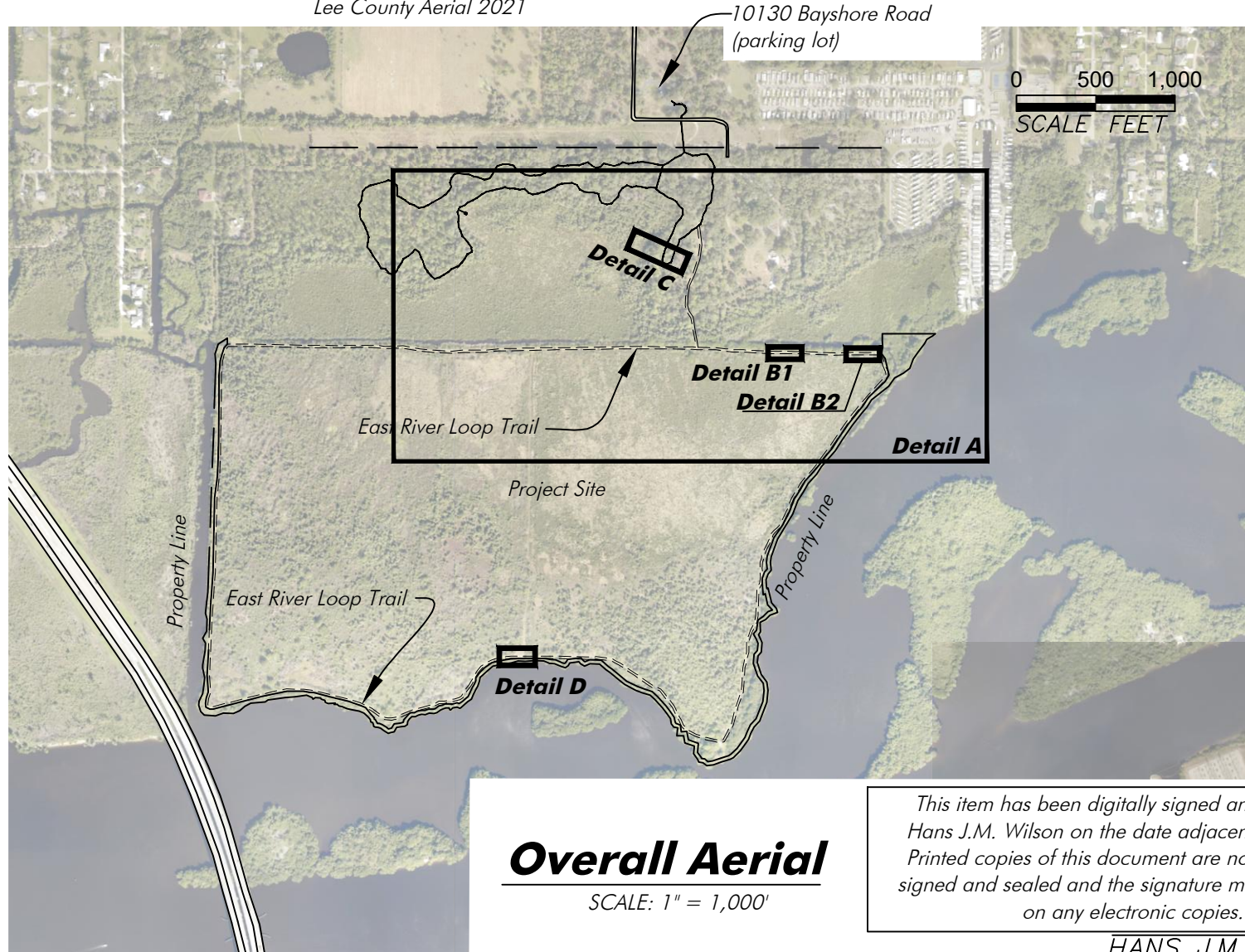


**Hans JM
Wilson** Digitally signed by
Hans JM Wilson
Date: 2023.05.16
11:07:38 -04'00'

HANS J.M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
CA. LIC. NO. 8519
DATE: May 13, 2023 12:11:10 p.m.
Drawing: LEE33MASTER.DWG

SECTION: 26
TOWNSHIP: 43 S
RANGE: 25 E

Lee County Aerial 2021



Overall Aerial

SCALE: 1" = 1,000'

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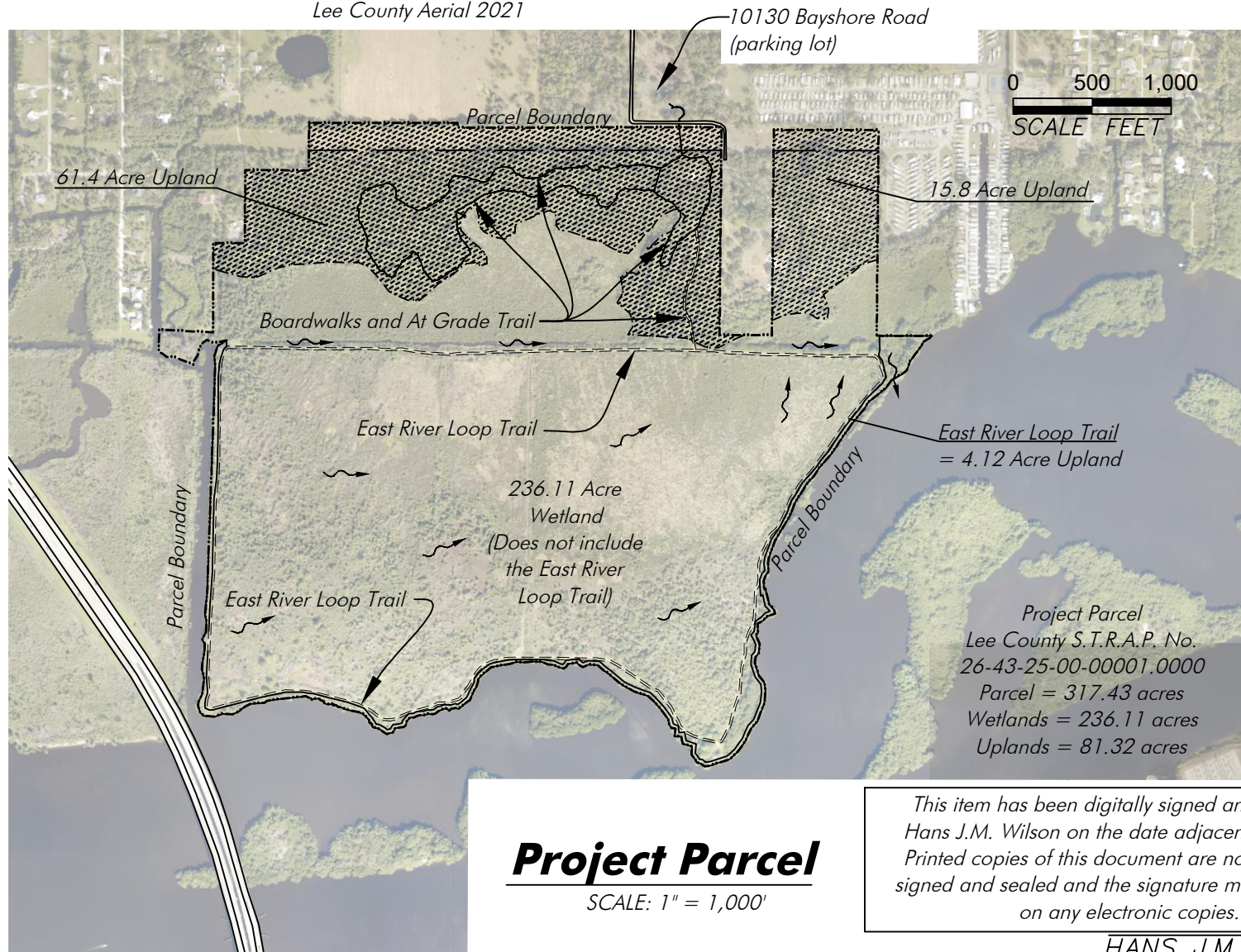
Caloosahatchee Creeks Preserve

SHEET

2/20

SECTION: 26
TOWNSHIP: 43 S
RANGE: 25 E

Lee County Aerial 2021



Project Parcel
 Lee County S.T.R.A.P. No.
 26-43-25-00-00001.0000
 Parcel = 317.43 acres
 Wetlands = 236.11 acres
 Uplands = 81.32 acres

Project Parcel

SCALE: 1" = 1,000'

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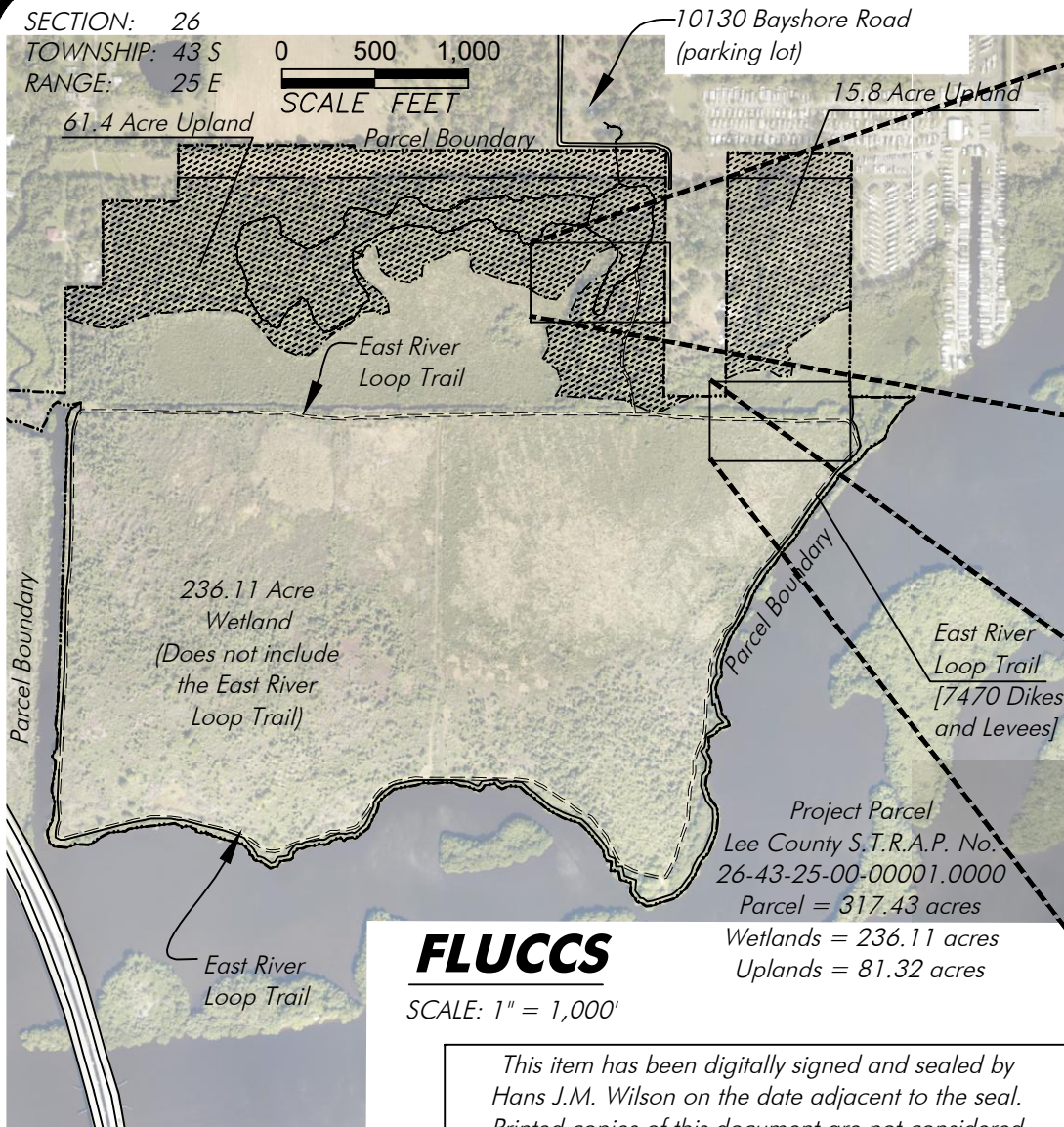
**Caloosahatchee
 Creeks Preserve**

SHEET

3/20

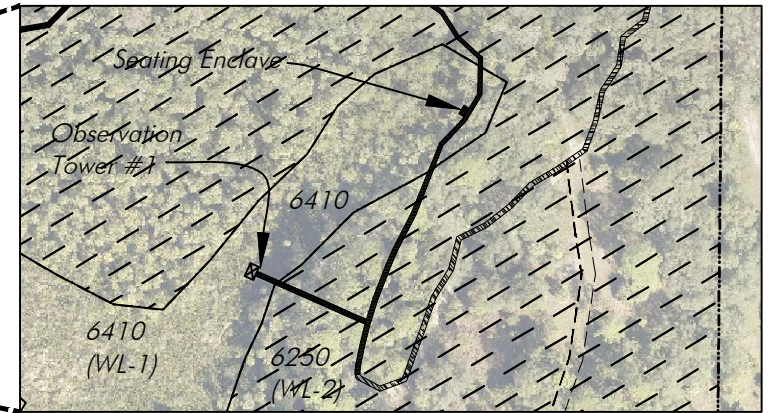
SECTION: 26
 TOWNSHIP: 43 S
 RANGE: 25 E

0 500 1,000
 SCALE FEET



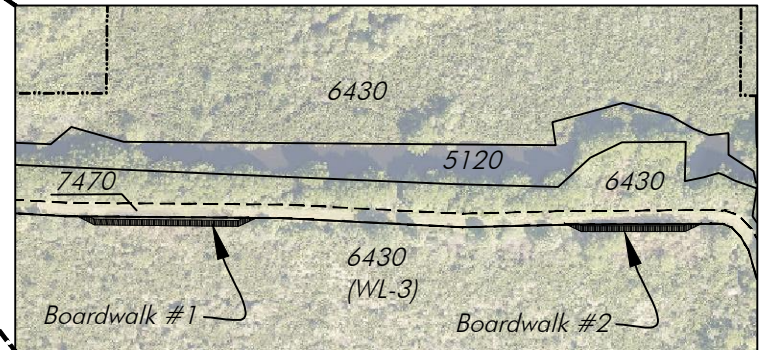
FLUCCS
 SCALE: 1" = 1,000'

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Observation Detail SCALE: 1" = 200'

- 5120 Channelized Waterways, Canals
- 6250 Wet Pinelands- Hydric Pine
- 6410 Freshwater Marsh - Graminoid Prairie Marsh
- 6430 Wet Prairie
- 7470 Dikes and Levees



Boardwalk Detail SCALE: 1" = 200'

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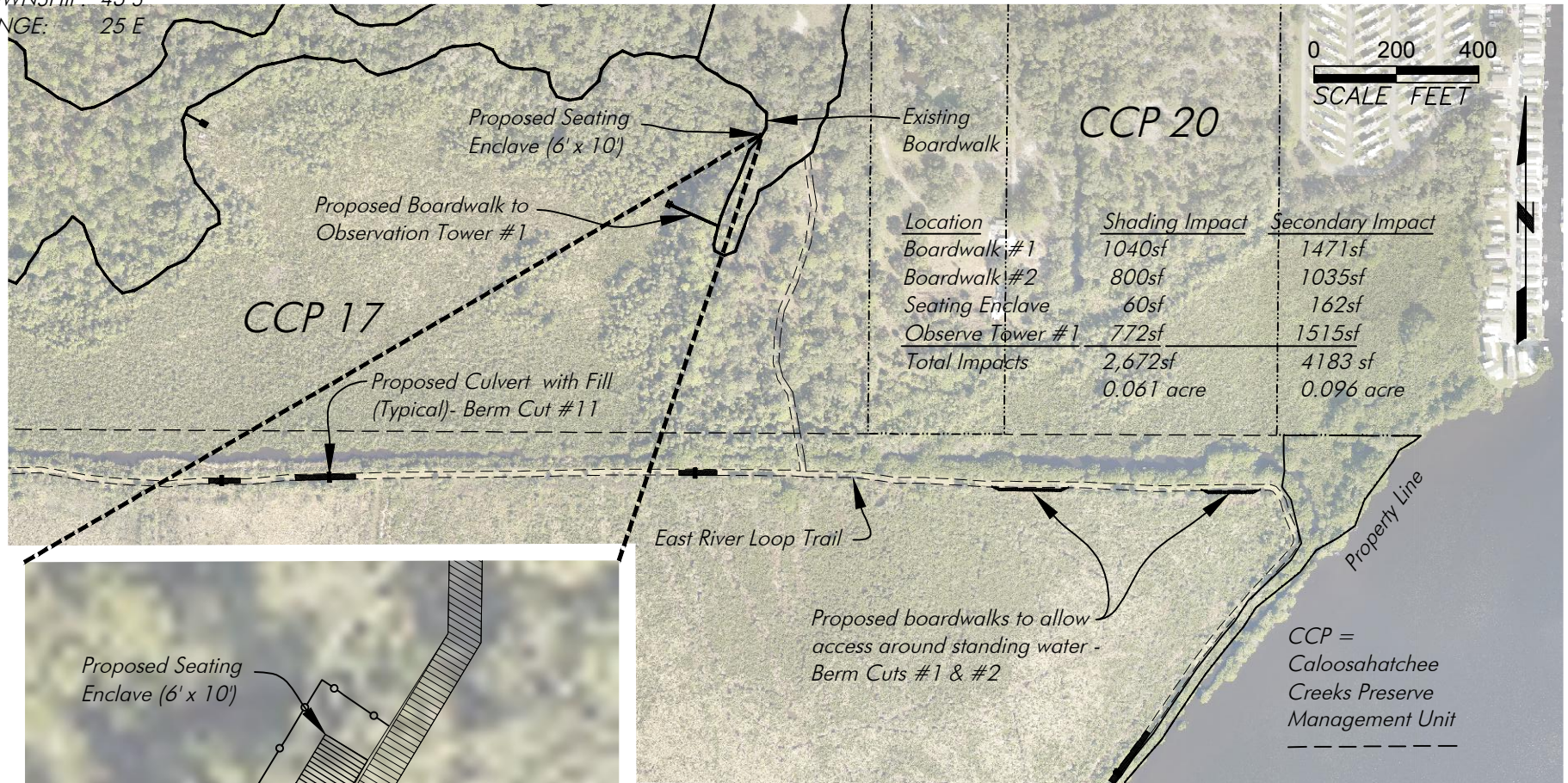
**Caloosahatchee
 Creeks Preserve**

SHEET

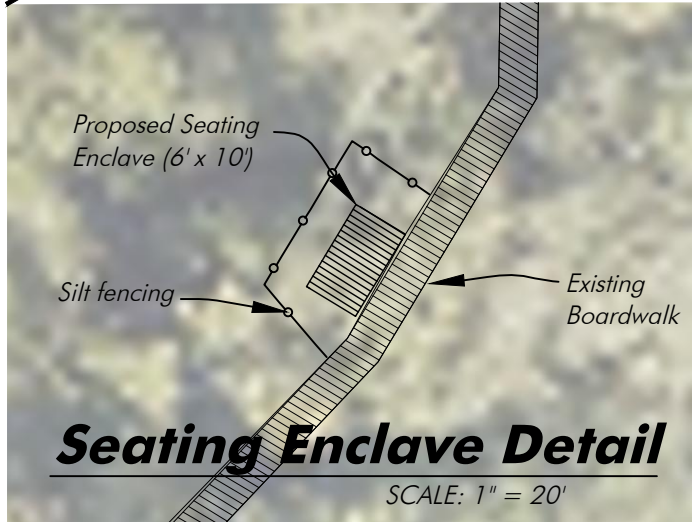
4/20

SECTION: 26
 TOWNSHIP: 43 S
 RANGE: 25 E

Lee County Aerial 2021



Location	Shading Impact	Secondary Impact
Boardwalk #1	1040sf	1471sf
Boardwalk #2	800sf	1035sf
Seating Enclave	60sf	162sf
Observe Tower #1	772sf	1515sf
Total Impacts	2,672sf 0.061 acre	4183 sf 0.096 acre



Seating Enclave Detail

SCALE: 1" = 20'

Proposed boardwalks to allow access around standing water - Berm Cuts #1 & #2

Prior to any work or other site preparation silt fencing is to be installed surrounding the seating enclave footprint. Silt fencing is to remain in place until all construction is complete.

Detail A

SCALE: 1" = 400'

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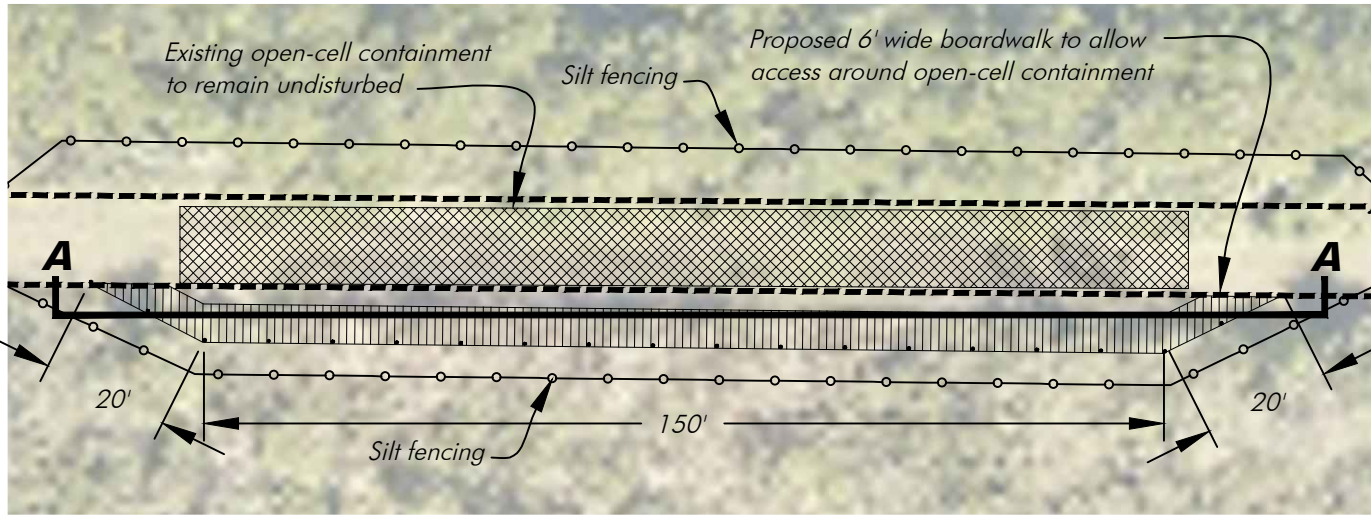
5-12-23

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**Caloosahatchee
 Creeks Preserve**

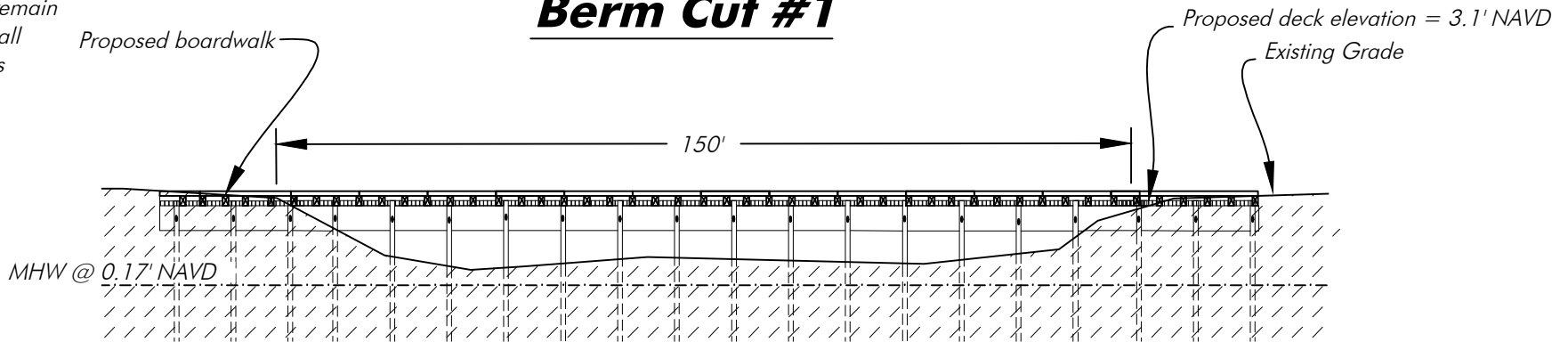
SHEET
5/20

SECTION: 26
 TOWNSHIP: 43 S
 RANGE: 25 E



Prior to any work or other site preparation silt fencing is to be installed along both sides of the berm depression terminating onto the top of berm at both ends of the berm depression. Silt fencing is to remain in place until all construction is complete.

Berm Cut #1



Longitudinal Section A-A

Scale: Horizontal 1" = 30' / Vertical 1" = 5'

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Detail B1

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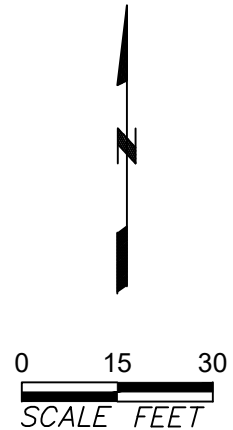
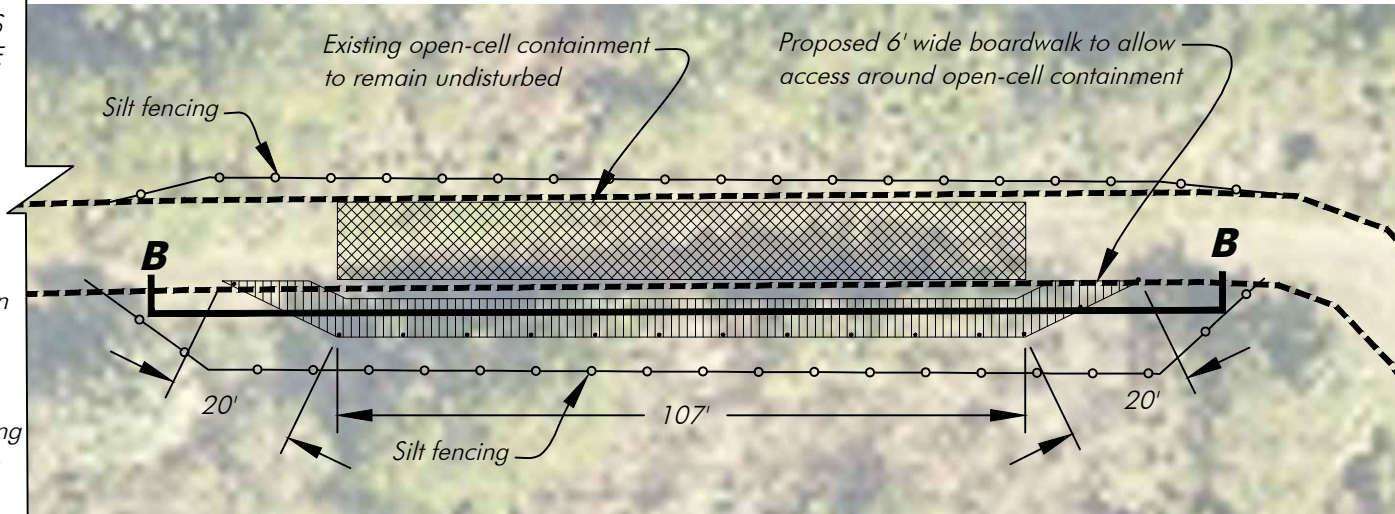
5-12-23

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**Caloosahatchee
 Creeks Preserve**

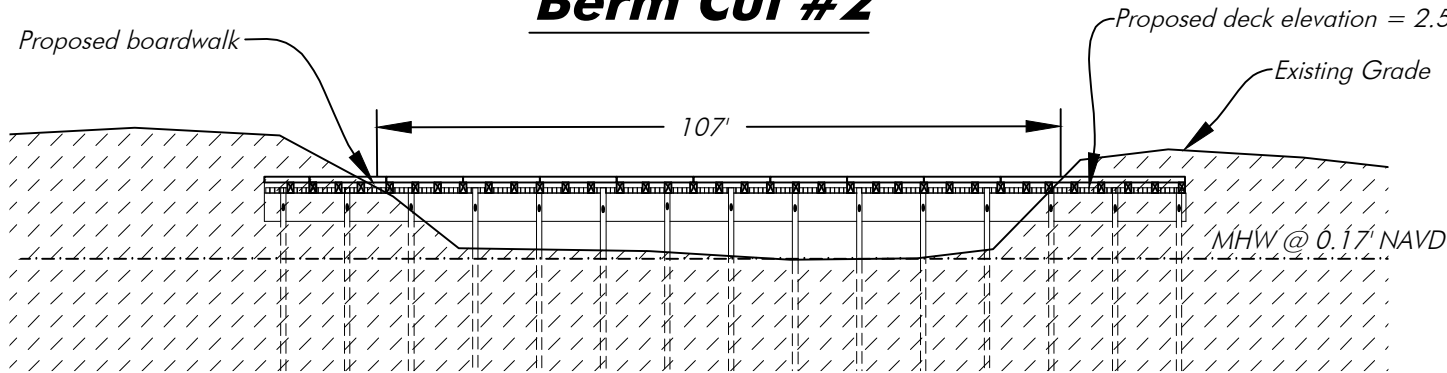
SHEET
6/20

SECTION: 26
 TOWNSHIP: 43 S
 RANGE: 25 E



Prior to any work or other site preparation silt fencing is to be installed along both sides of the berm depression terminating onto the top of berm at both ends of the berm depression. Silt fencing is to remain in place until all construction is complete.

Berm Cut #2



Longitudinal Section B-B

Scale: Horizontal 1" = 30' / Vertical 1" = 5'

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Detail B2

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12-28-2022

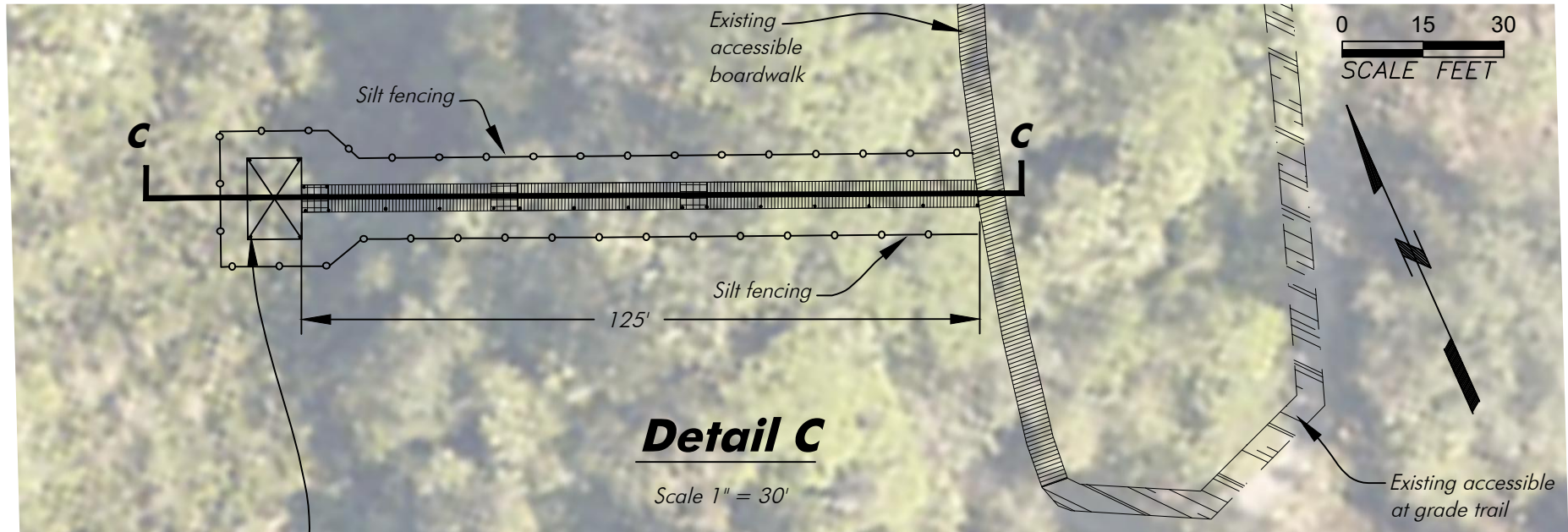
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**Caloosahatchee
 Creeks Preserve**

SHEET
7/20

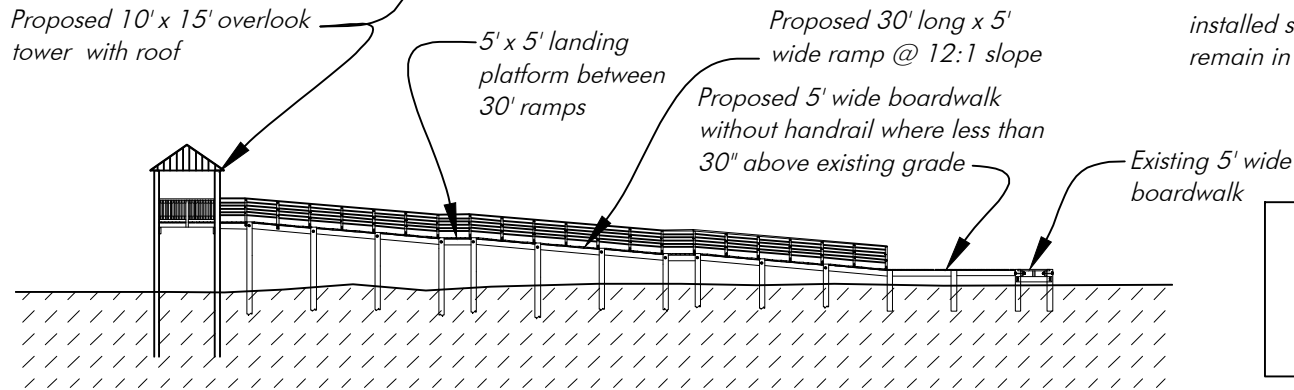
SECTION: 26
 TOWNSHIP: 43 S
 RANGE: 25 E

Lee County Aerial 2021



Detail C

Scale 1" = 30'



Longitudinal Section C-C

Scale 1" = 30'

Prior to any work or other site preparation silt fencing is to be installed surrounding the boardwalk footprint. Silt fencing is to remain in place until all construction is complete.

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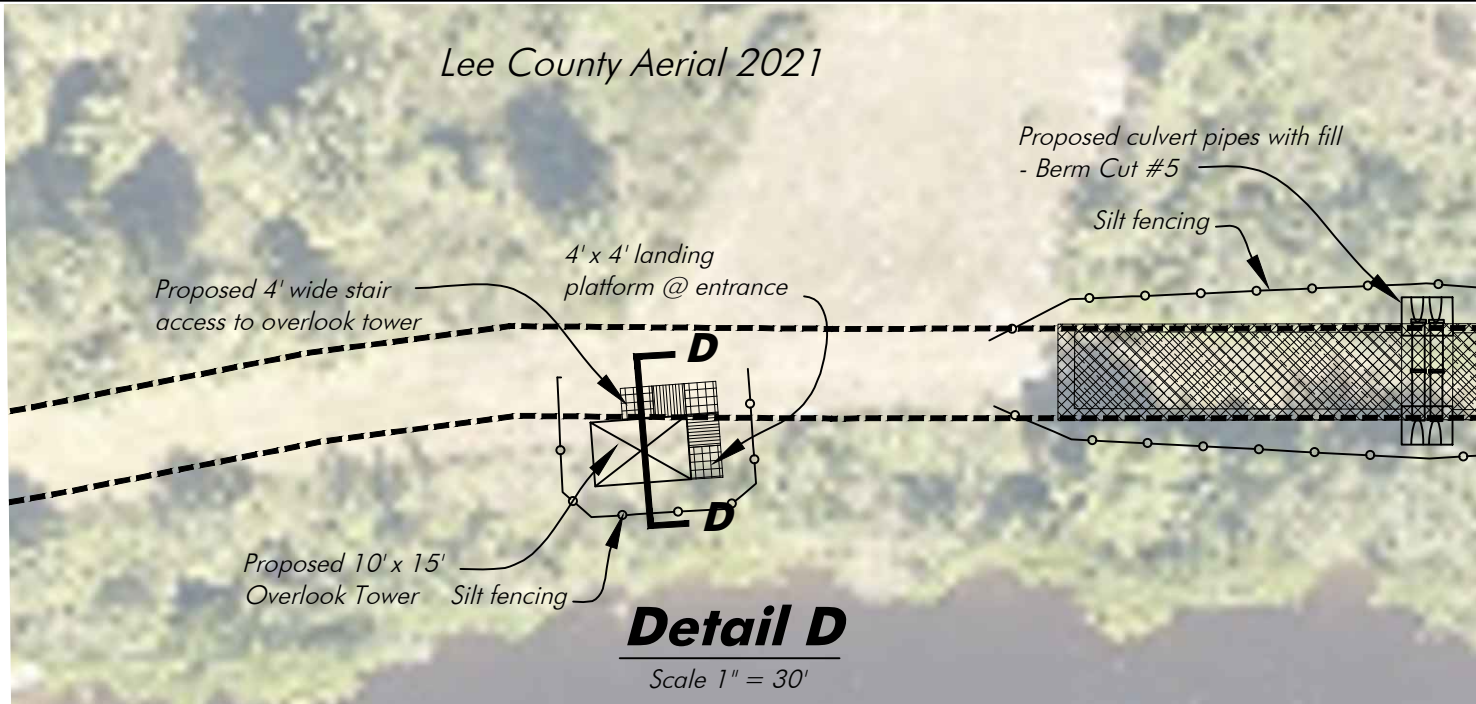
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Caloosahatchee Creeks Preserve

SHEET
8/20

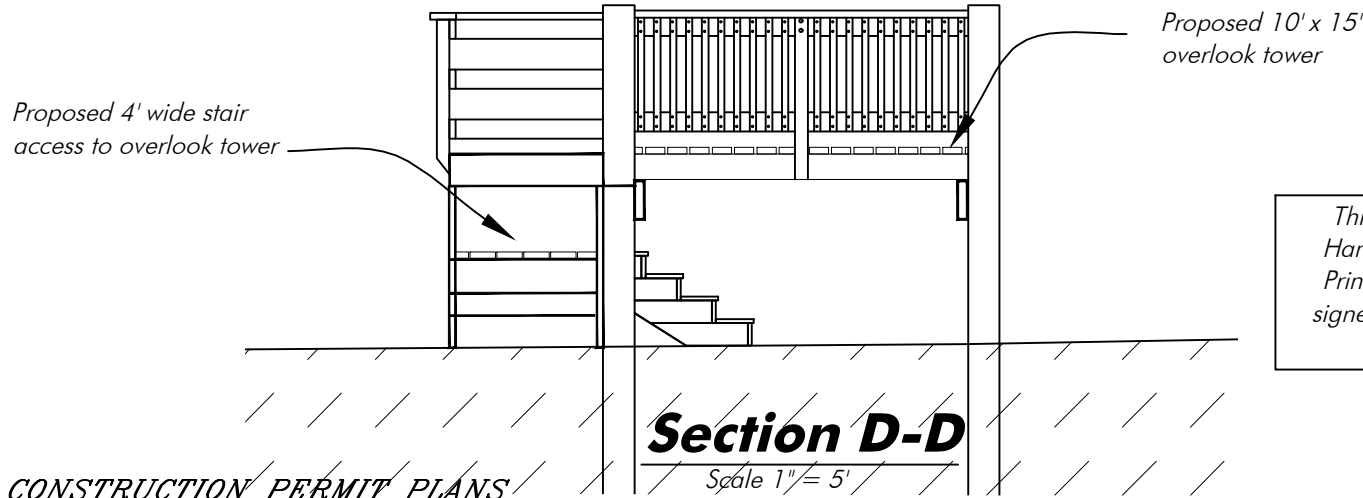
SECTION: 26
 TOWNSHIP: 43 S
 RANGE: 25 E

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Detail D

Scale 1" = 30'



Section D-D

Scale 1" = 5'

Prior to any work or other site preparation silt fencing is to be installed surrounding the observation platform footprint on the three down slope sides. Silt fencing is to remain in place until all construction is complete.

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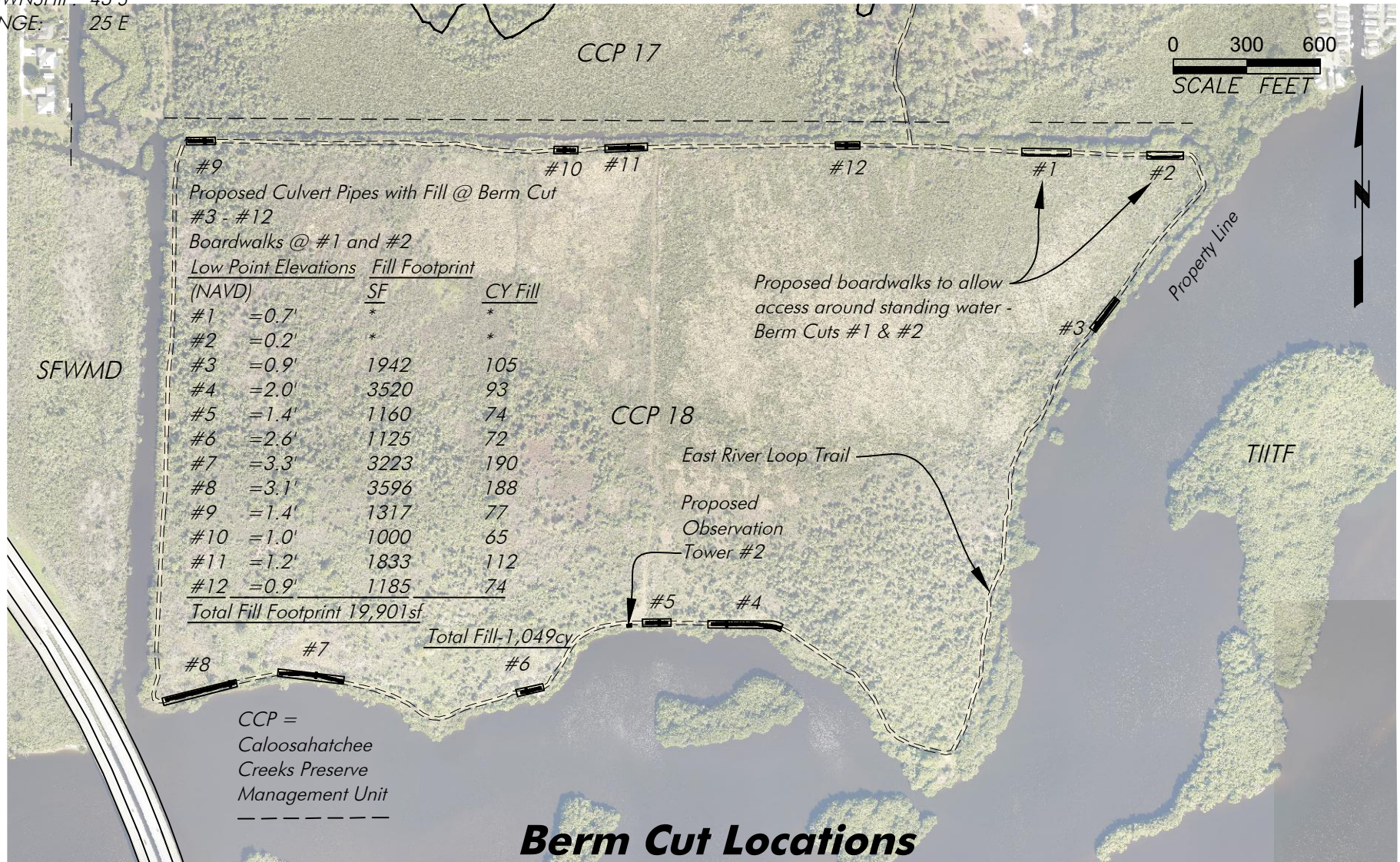
CRY

**Caloosahatchee
 Creeks Preserve**

SHEET
9/20

SECTION: 26
 TOWNSHIP: 43 S
 RANGE: 25 E

Lee County Aerial 2021



Berm Cut Locations

SCALE: 1" = 600'

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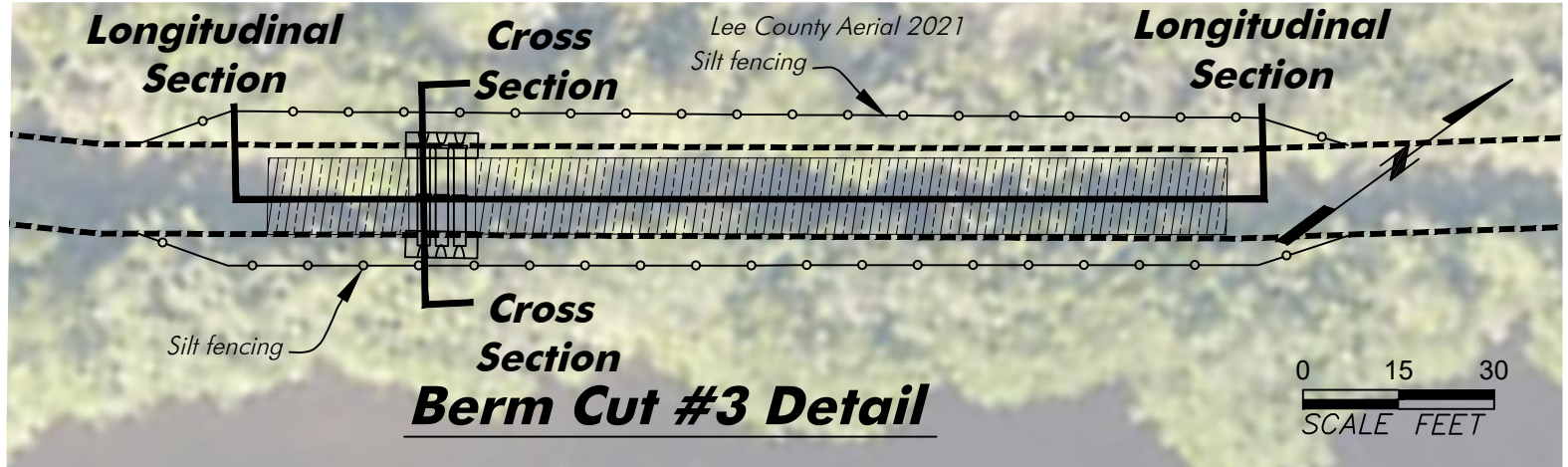
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**Caloosahatchee
 Creeks Preserve**

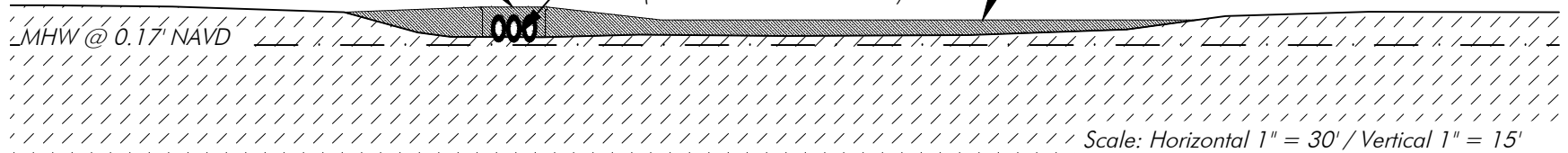
SHEET
10/20

SECTION: 26
 TOWNSHIP: 43 S
 RANGE: 25 E

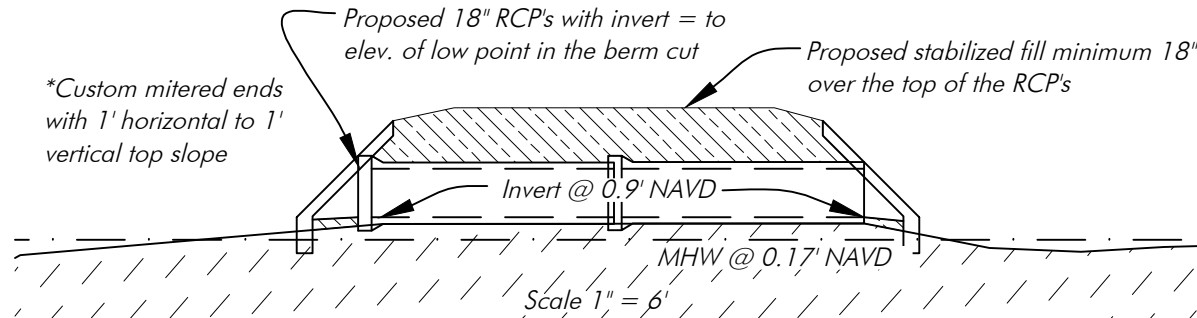
Prior to any work or other site preparation silt fencing is to be installed along both sides of the berm depression terminating onto the top of berm at both ends of the berm depression. Silt fencing is to remain in place until all construction is complete.



Proposed 18" RCP's placed at the low point in the berm cut
 low point = 0.9' NAVD (Varies with each berm cut)
 Proposed stabilized fill placed 18" above the low point of each berm cut.



Longitudinal Section at Berm Cut #3 with RCP's and Backfill



Cross Section of RCP's at Berm Cut #3

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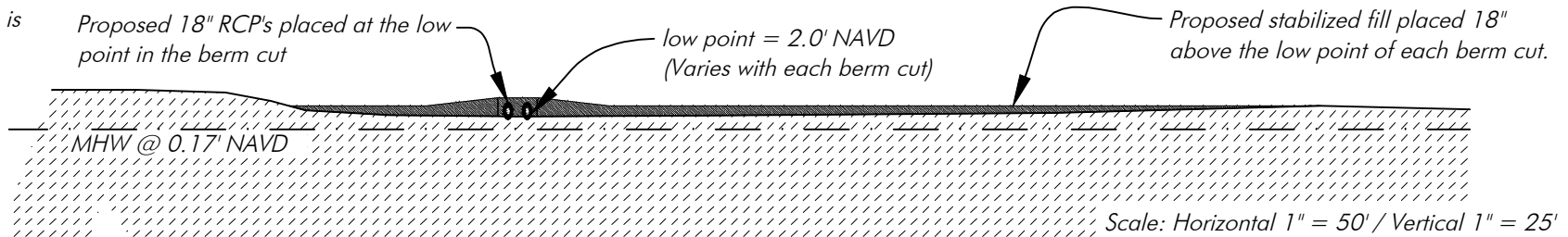
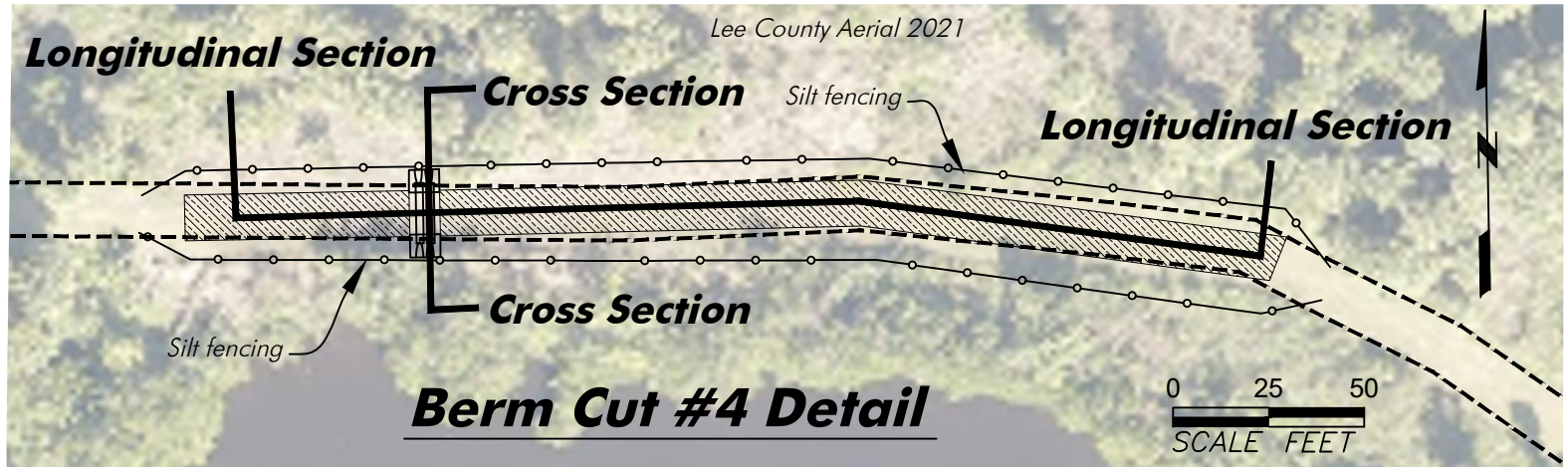
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**Caloosahatchee
 Creeks Preserve**

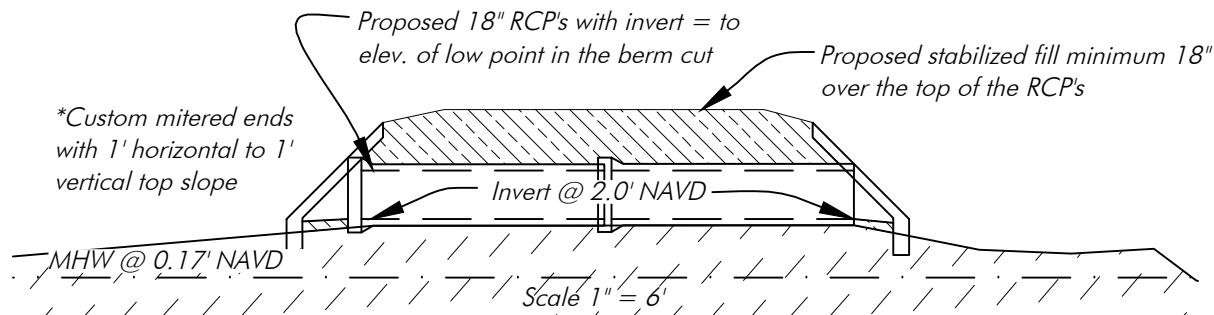
SHEET
11/20

SECTION: 26
 TOWNSHIP: 43 S
 RANGE: 25 E

Prior to any work or other site preparation silt fencing is to be installed along both sides of the berm depression terminating onto the top of berm at both ends of the berm depression. Silt fencing is to remain in place until all construction is complete.



Longitudinal Section at Berm Cut #4 with RCP's and Backfill



Cross Section of RCP's at Berm Cut #4

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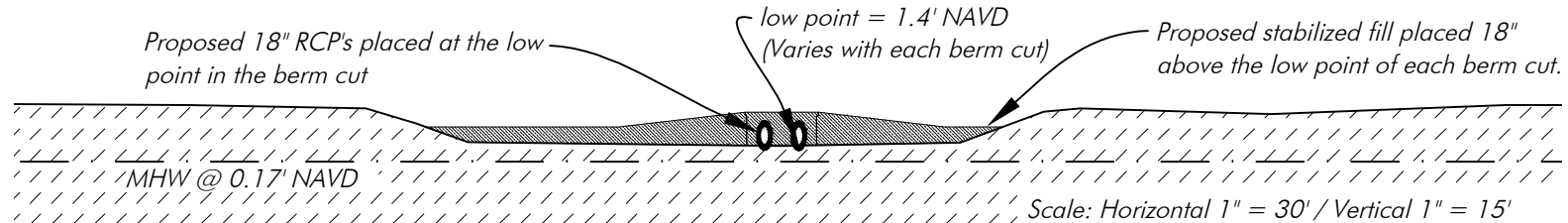
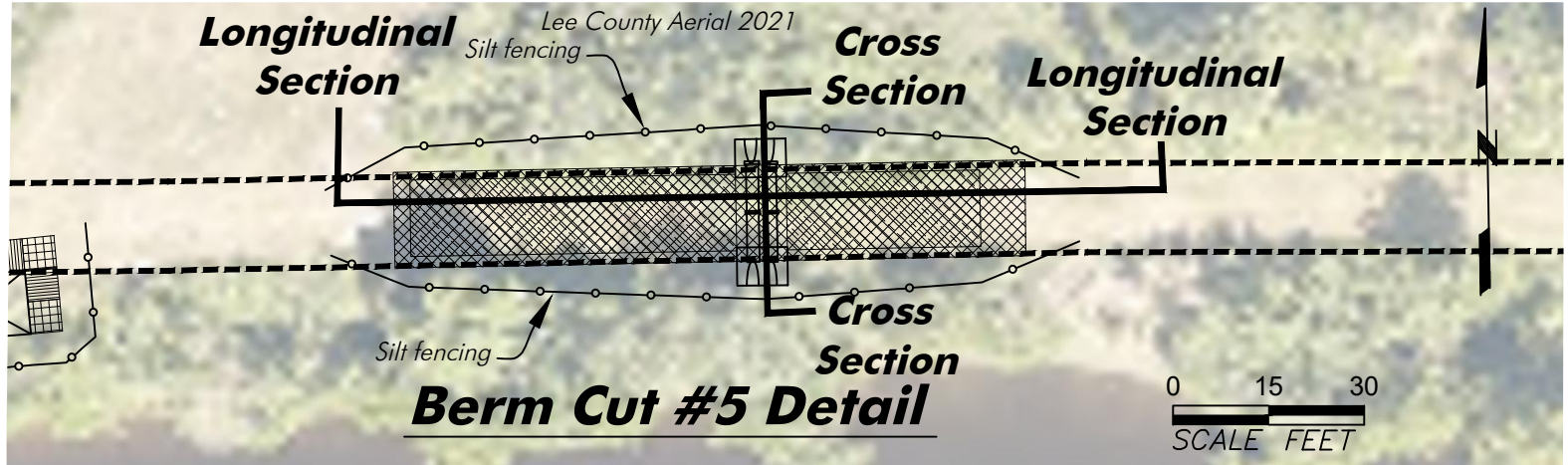
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**Caloosahatchee
 Creeks Preserve**

SHEET
12/20

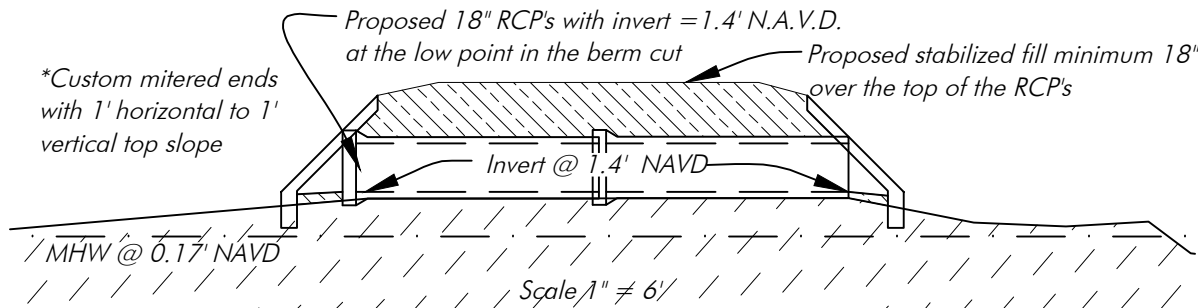
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 TOWNSHIP: 43 S
 RANGE: 25 E

Prior to any work or other site preparation silt fencing is to be installed along both sides of the berm depression terminating onto the top of berm at both ends of the berm depression. Silt fencing is to remain in place until all construction is complete.



Longitudinal Section at Berm Cut #5 with RCP's and Backfill

Scale: Horizontal 1" = 30' / Vertical 1" = 15'



Cross Section of RCP's at Berm Cut #5

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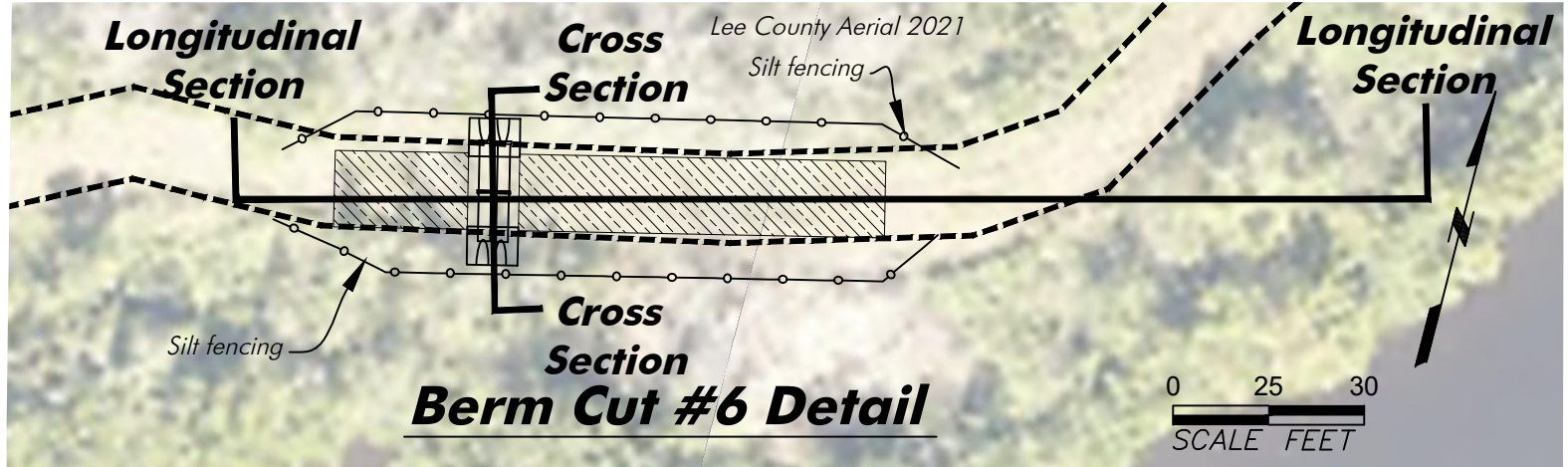
CRY

**Caloosahatchee
 Creeks Preserve**

SHEET
13/20

SECTION: 26
 TOWNSHIP: 43 S
 RANGE: 25 E

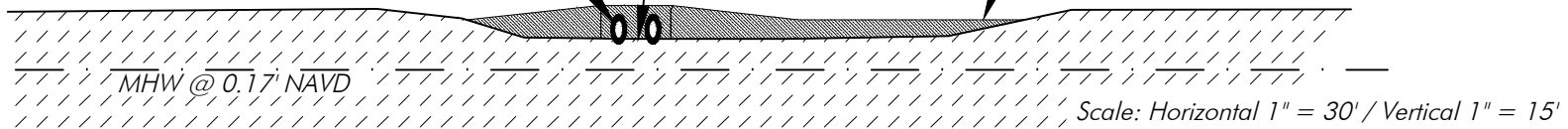
Prior to any work or other site preparation silt fencing is to be installed along both sides of the berm depression terminating onto the top of berm at both ends of the berm depression. Silt fencing is to remain in place until all construction is complete.



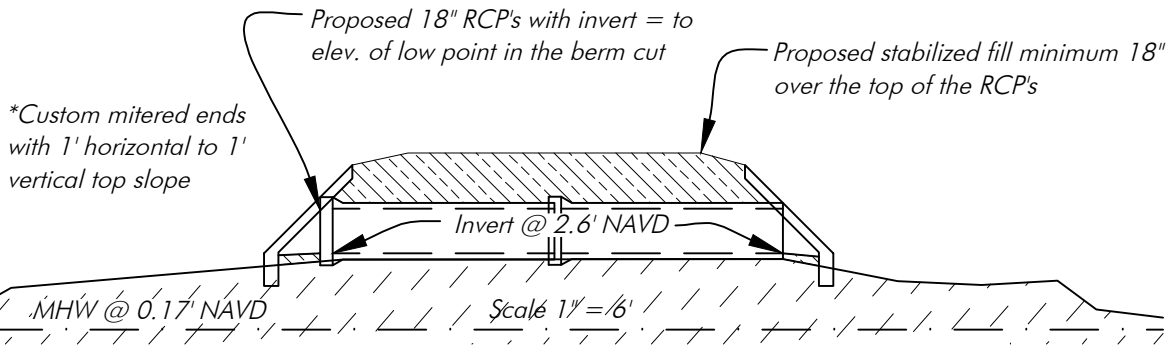
Proposed 18" RCP's placed at the low point in the berm cut

low point = 2.6' NAVD
(Varies with each berm cut)

Proposed stabilized fill placed 18" above the low point of each berm cut.



Longitudinal Section at Berm Cut #6 with RCP's and Backfill



Cross Section of RCP's at Berm Cut #6

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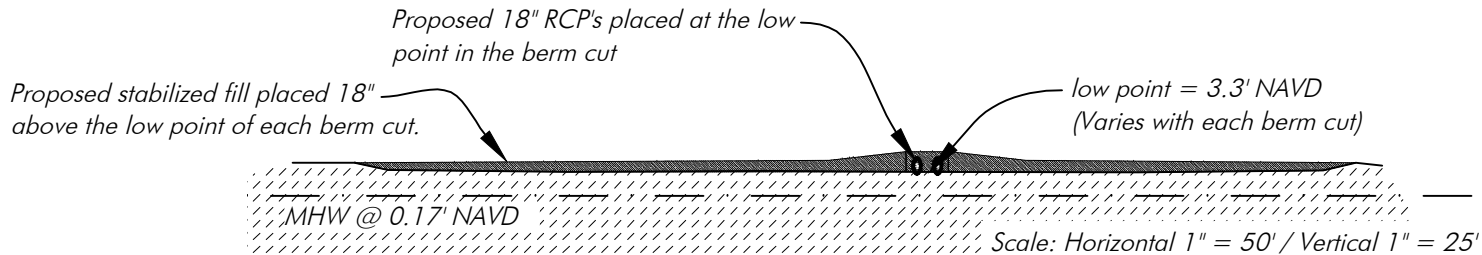
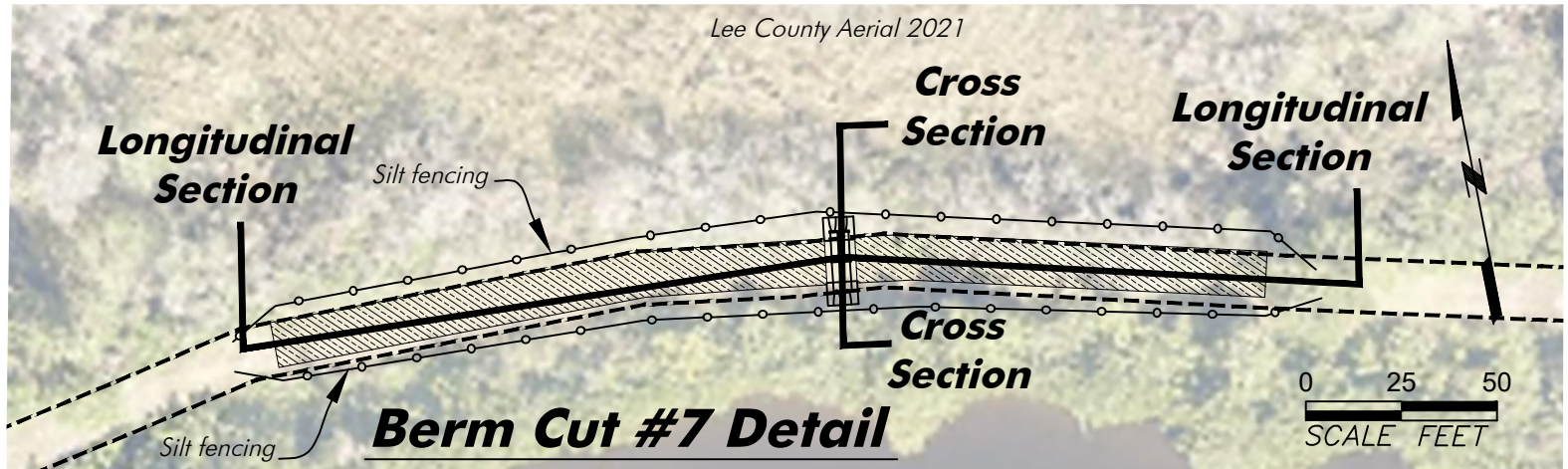
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**Caloosahatchee
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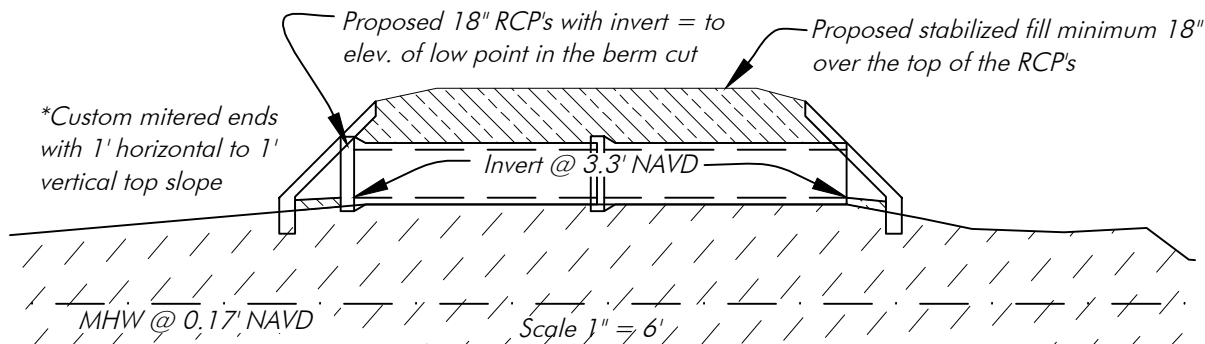
SHEET
14/20

SECTION: 26
 TOWNSHIP: 43 S
 RANGE: 25 E

Prior to any work or other site preparation silt fencing is to be installed along both sides of the berm depression terminating onto the top of berm at both ends of the berm depression. Silt fencing is to remain in place until all construction is complete.



Longitudinal Section at Berm Cut #7 with RCP's and Backfill



Cross Section of RCP's at berm Cut #7

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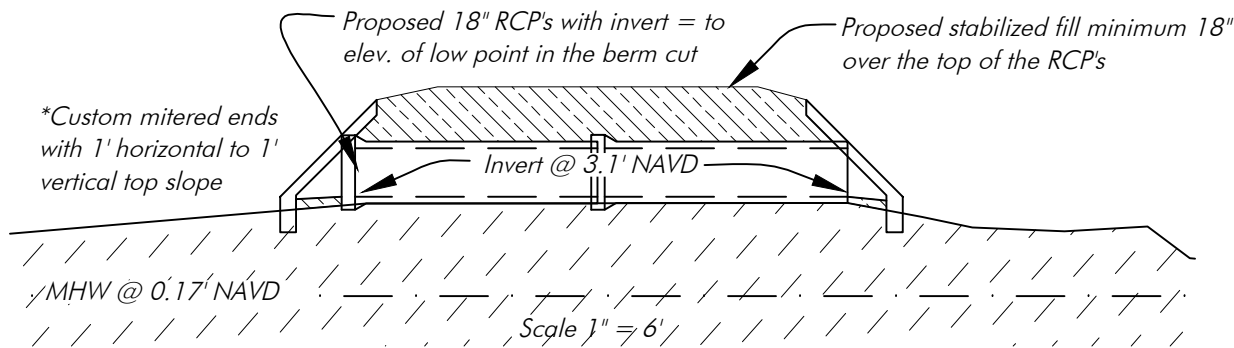
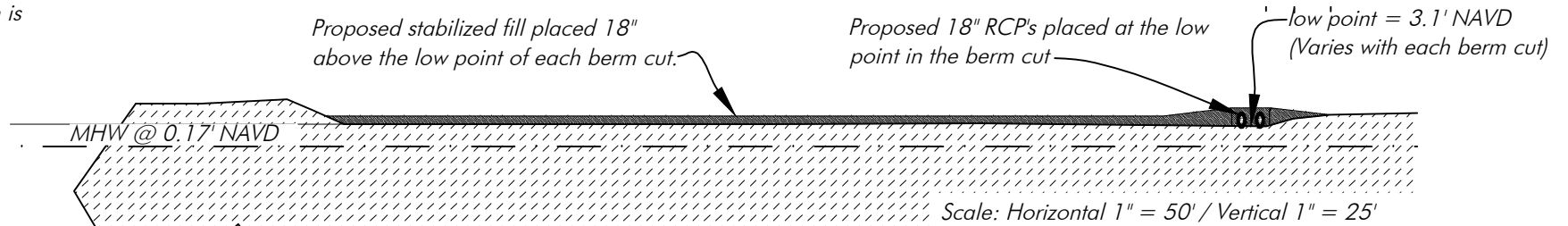
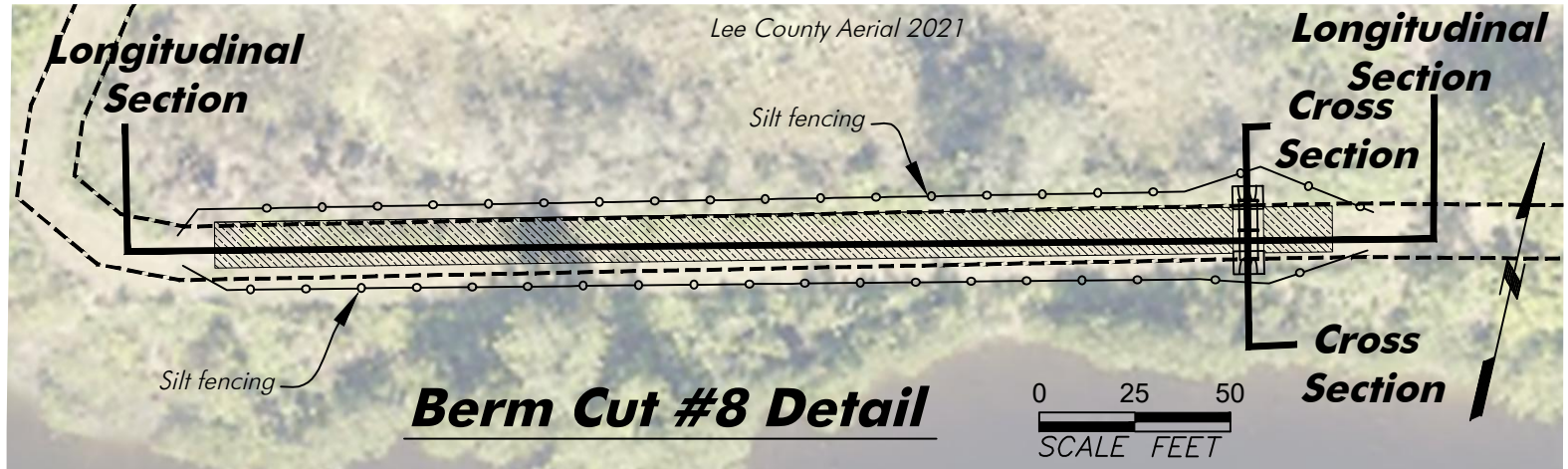
CRY

**Caloosahatchee
 Creeks Preserve**

SHEET
15/20

SECTION: 26
 TOWNSHIP: 43 S
 RANGE: 25 E

Prior to any work or other site preparation silt fencing is to be installed along both sides of the berm depression terminating onto the top of berm at both ends of the berm depression. Silt fencing is to remain in place until all construction is complete.



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 REGISTERED PROFESSIONAL ENGINEER
 FLORIDA REGISTRATION NO. 39680
 CA. LIC. NO. 8519
 DATE: May 13, 2023 12:11:10 p.m.
 Drawing: LEE33MASTER.DWG

CONSTRUCTION PERMIT PLANS



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5-12-23

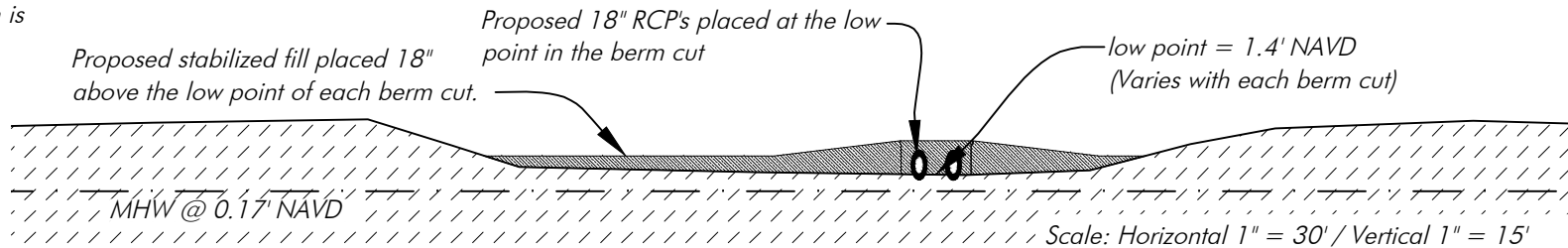
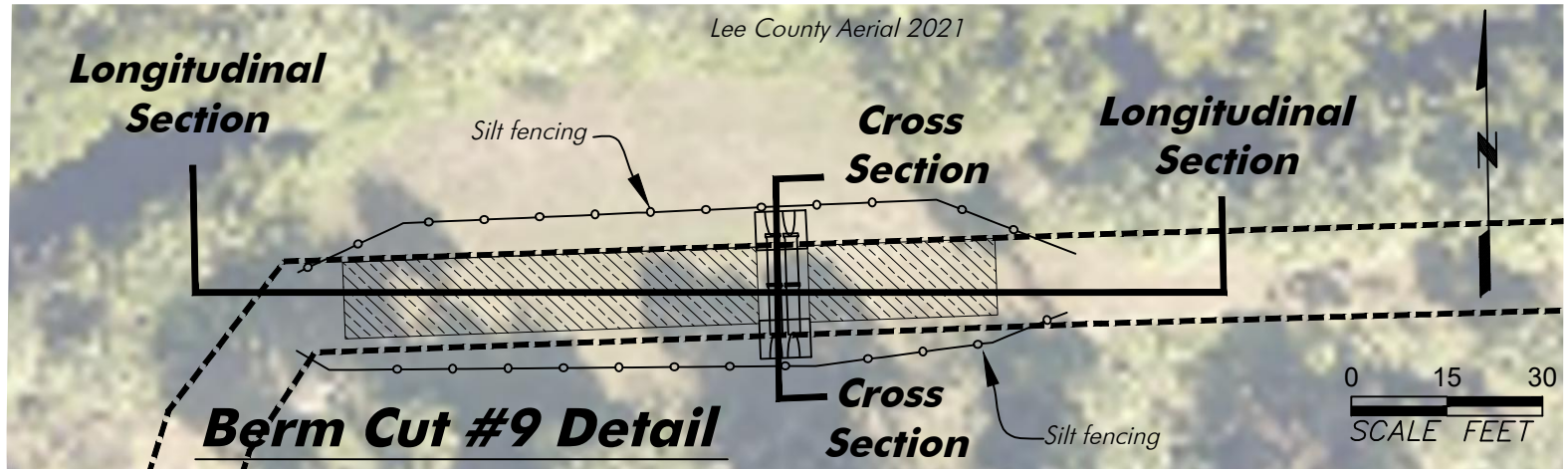
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**Caloosahatchee
 Creeks Preserve**

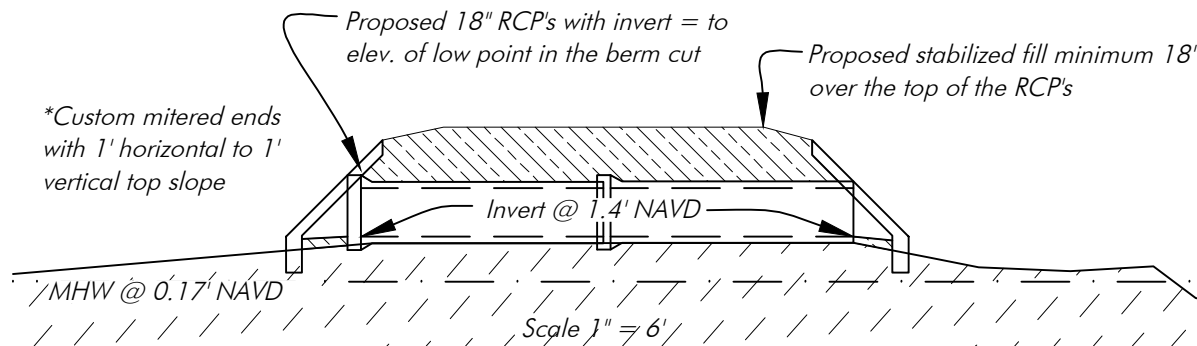
SHEET
16/20

SECTION: 26
 TOWNSHIP: 43 S
 RANGE: 25 E

Prior to any work or other site preparation silt fencing is to be installed along both sides of the berm depression terminating onto the top of berm at both ends of the berm depression. Silt fencing is to remain in place until all construction is complete.



Longitudinal Section at Berm Cut #9 with RCP's and Backfill



Cross Section of RCP's at Berm Cut #9

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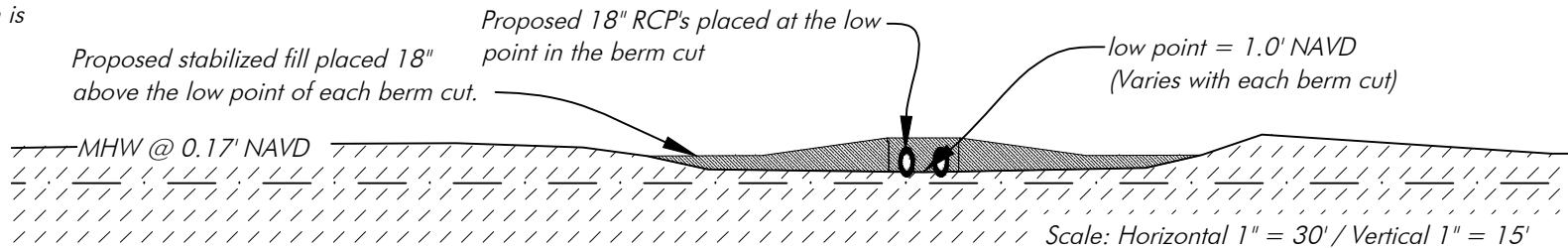
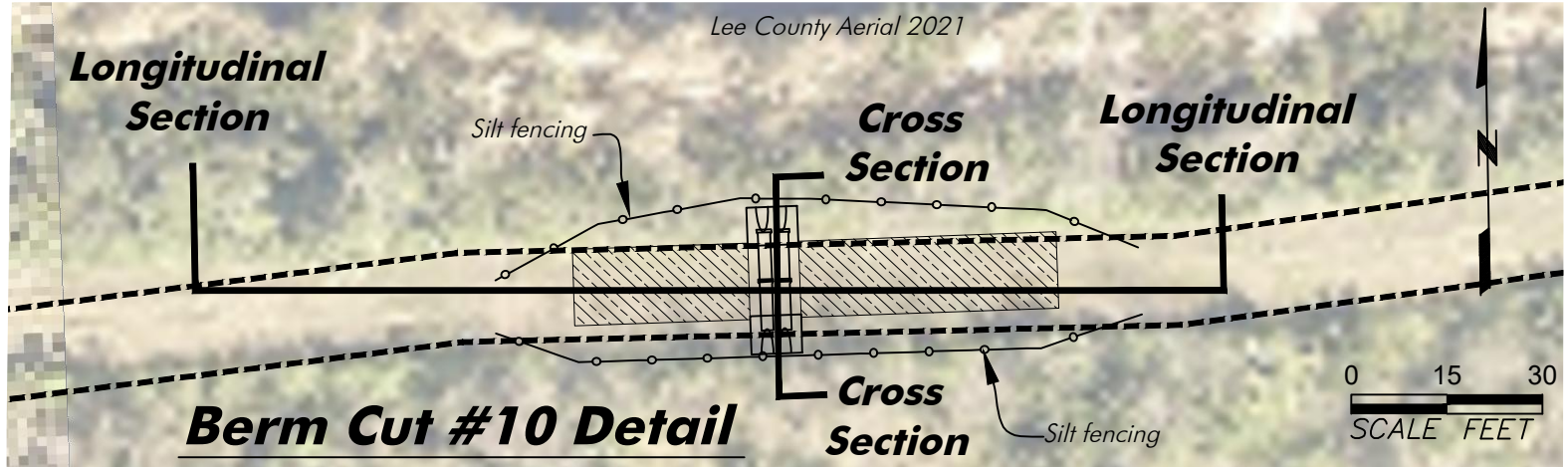
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**Caloosahatchee
 Creeks Preserve**

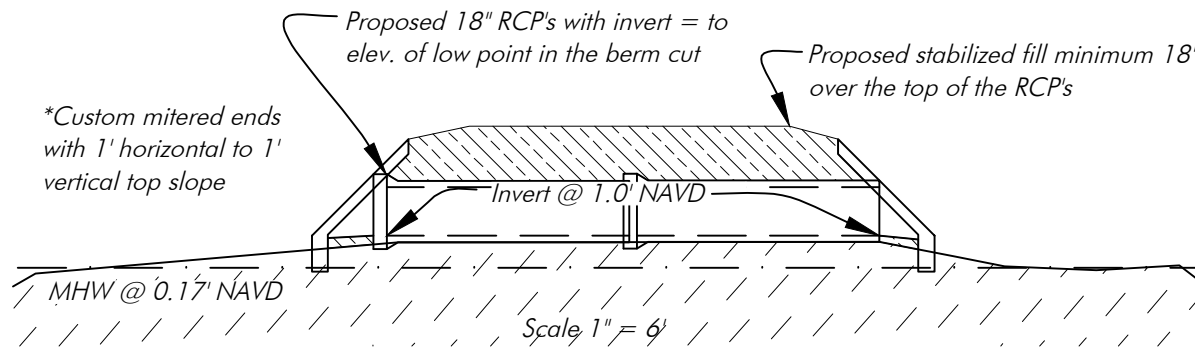
SHEET
17/20

SECTION: 26
 TOWNSHIP: 43 S
 RANGE: 25 E

Prior to any work or other site preparation silt fencing is to be installed along both sides of the berm depression terminating onto the top of berm at both ends of the berm depression. Silt fencing is to remain in place until all construction is complete.



Longitudinal Section at Berm Cut #10 with RCP's and Backfill



Cross Section of RCP's at Berm Cut #10

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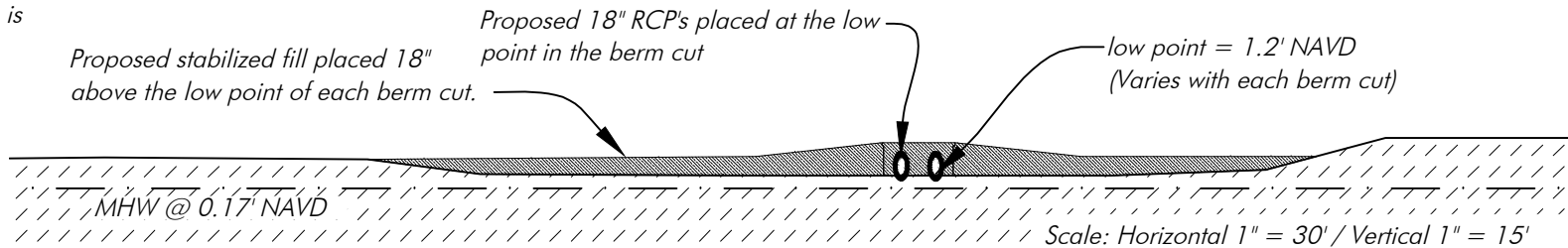
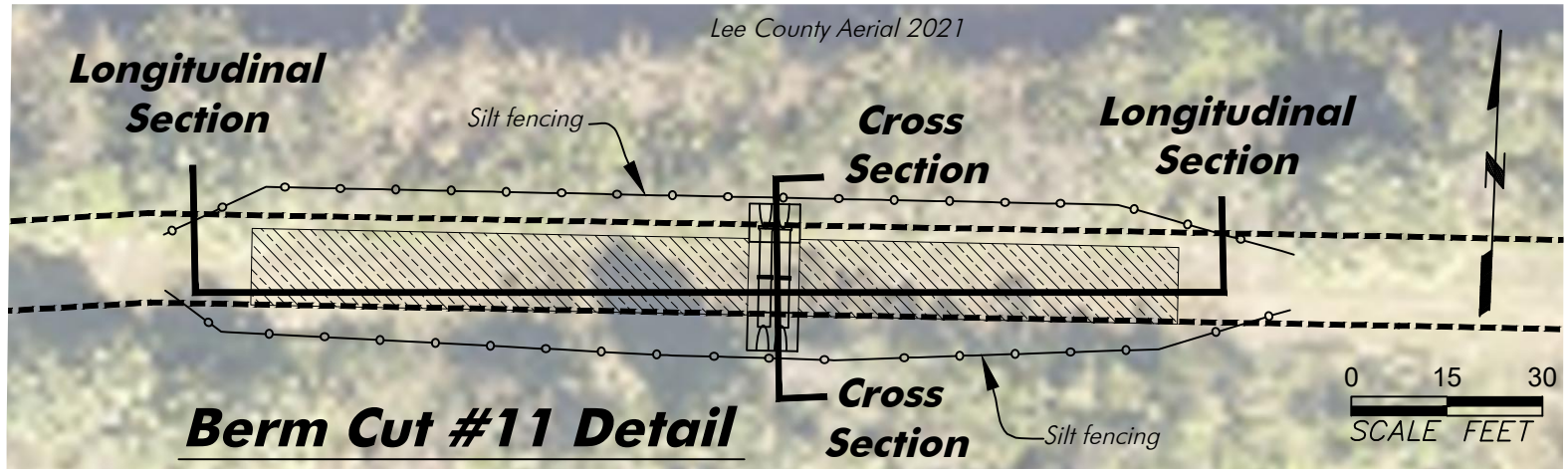
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**Caloosahatchee
 Creeks Preserve**

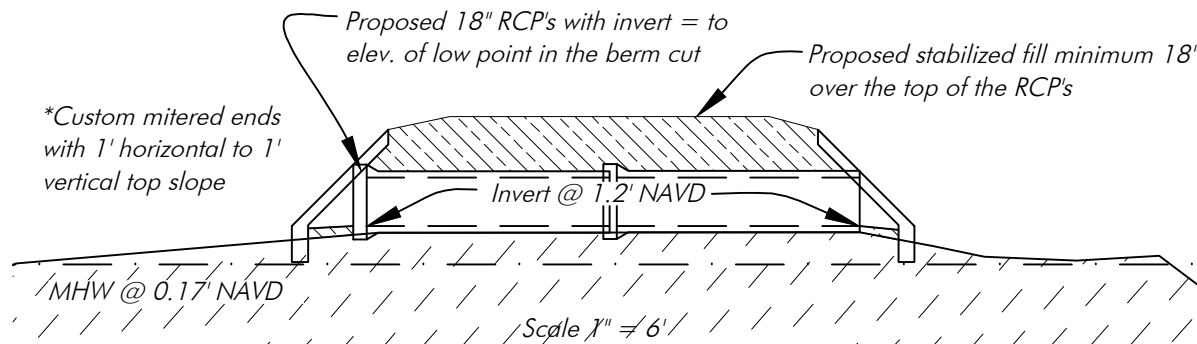
SHEET
18/20

SECTION: 26
 TOWNSHIP: 43 S
 RANGE: 25 E

Prior to any work or other site preparation silt fencing is to be installed along both sides of the berm depression terminating onto the top of berm at both ends of the berm depression. Silt fencing is to remain in place until all construction is complete.



Longitudinal Section at Berm Cut #11 with RCP's and Backfill



Cross Section of RCP's at Berm Cut #11

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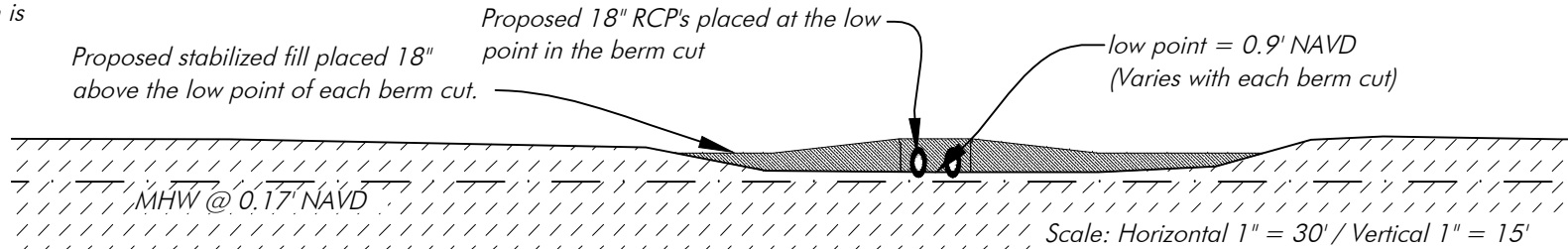
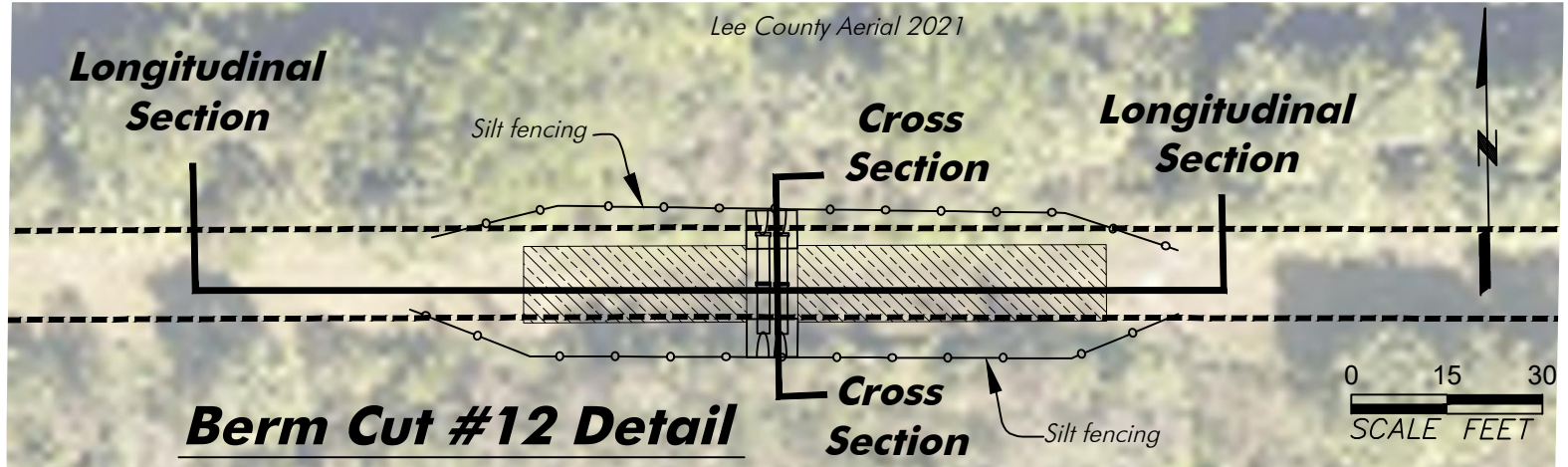
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**Caloosahatchee
 Creeks Preserve**

SHEET
19/20

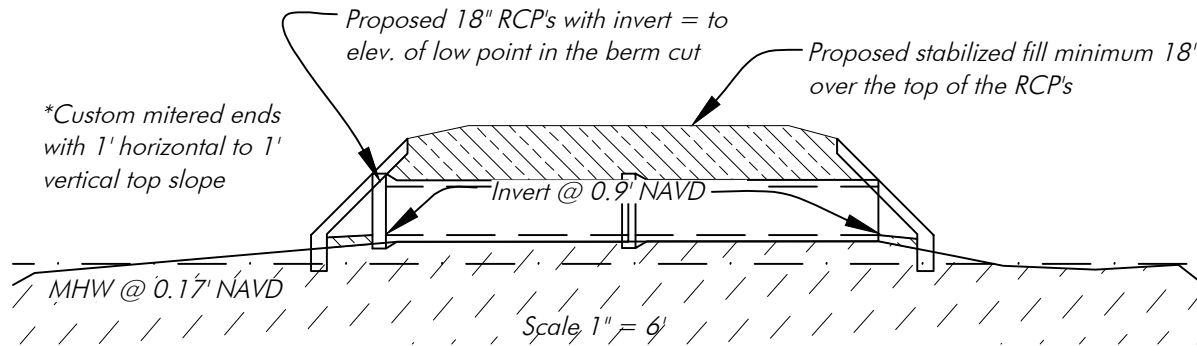
SECTION: 26
 TOWNSHIP: 43 S
 RANGE: 25 E

Prior to any work or other site preparation silt fencing is to be installed along both sides of the berm depression terminating onto the top of berm at both ends of the berm depression. Silt fencing is to remain in place until all construction is complete.



Longitudinal Section at Berm Cut #12 with RCP's and Backfill

Scale: Horizontal 1" = 30' / Vertical 1" = 15'



Cross Section of RCP's at Berm Cut #12

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5-12-23

CRY

**Caloosahatchee
 Creeks Preserve**

SHEET
20/20

SECTION:
TOWNSHIP:
RANGE:



Vicinity Map

SCALE: 1" = 10 mi.



Location Map

SCALE: 1" = 2,500'

**Improvements on East River Loop Trail
and
Boardwalk at Live Oak Loop**

UMAM Impact Plan Set

CONSTRUCTION PERMIT PLANS

October 24, 2023 1:17:38 p.m.
Drawing: LEE33MASTER.DWG



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10-24-23

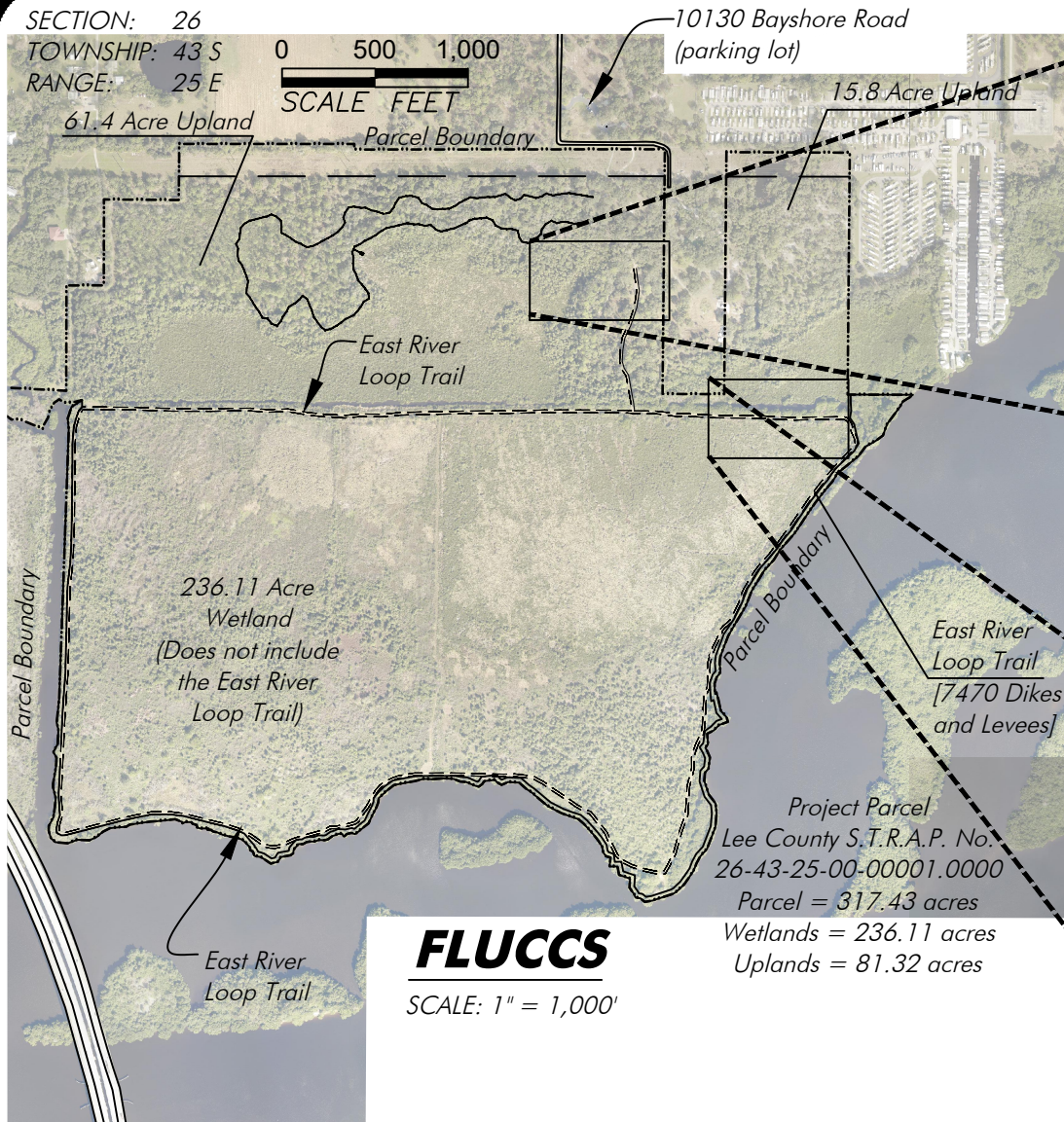
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**Caloosahatchee
Creeks Preserve**

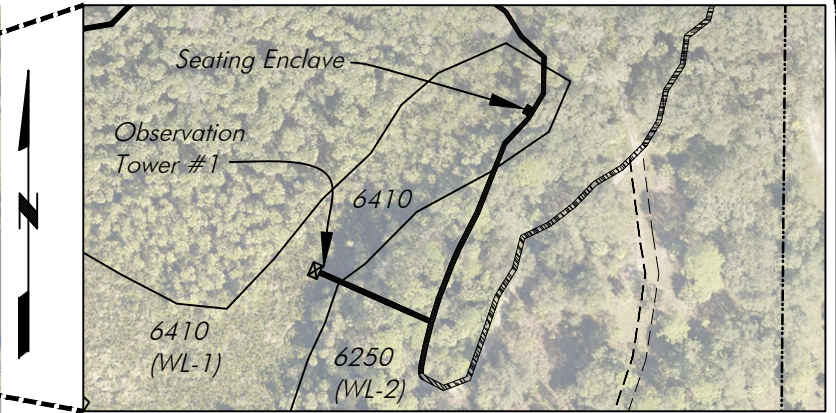
SHEET
1/6

SECTION: 26
 TOWNSHIP: 43 S
 RANGE: 25 E

0 500 1,000
 SCALE FEET

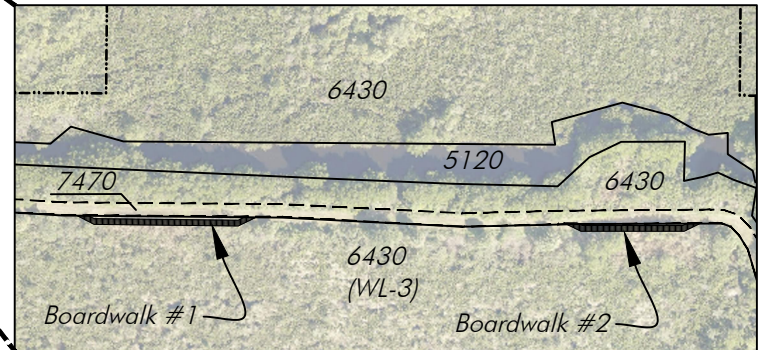


FLUCCS
 SCALE: 1" = 1,000'



Observation Detail SCALE: 1" = 200'

- 5120 Channelized Waterways, Canals
- 6250 Wet Pinelands- Hydric Pine
- 6410 Freshwater Marsh - Graminoid Prairie Marsh
- 6430 Wet Prairie
- 7470 Dikes and Levees



Boardwalk Detail SCALE: 1" = 200'

UMAM Impact Plan Set

CONSTRUCTION PERMIT PLANS

October 24, 2023 1:17:38 p.m.
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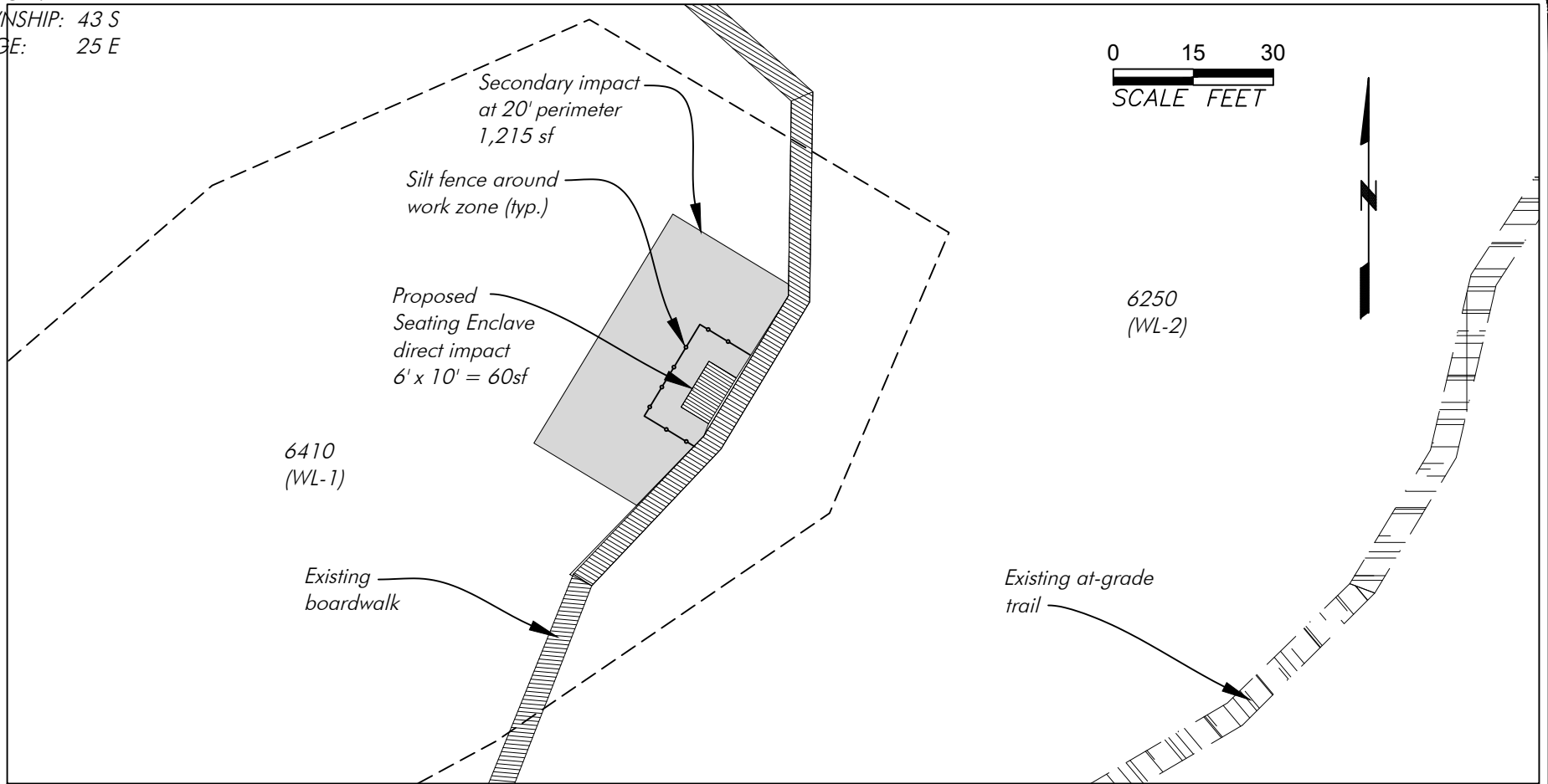
10-24-23

CRY

**Caloosahatchee
 Creeks Preserve**

SHEET
2/6

SECTION: 26
TOWNSHIP: 43 S
RANGE: 25 E



Seating Enclave
SCALE: 1" = 30'

6250 Wet Pinelands- Hydric Pine
6410 Freshwater Marsh - Graminoid Prairie Marsh

UMAM Impact Plan Set

CONSTRUCTION PERMIT PLANS

October 24, 2023 1:17:38 p.m.
Drawing: LEE33MASTER.DWG



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10-24-23

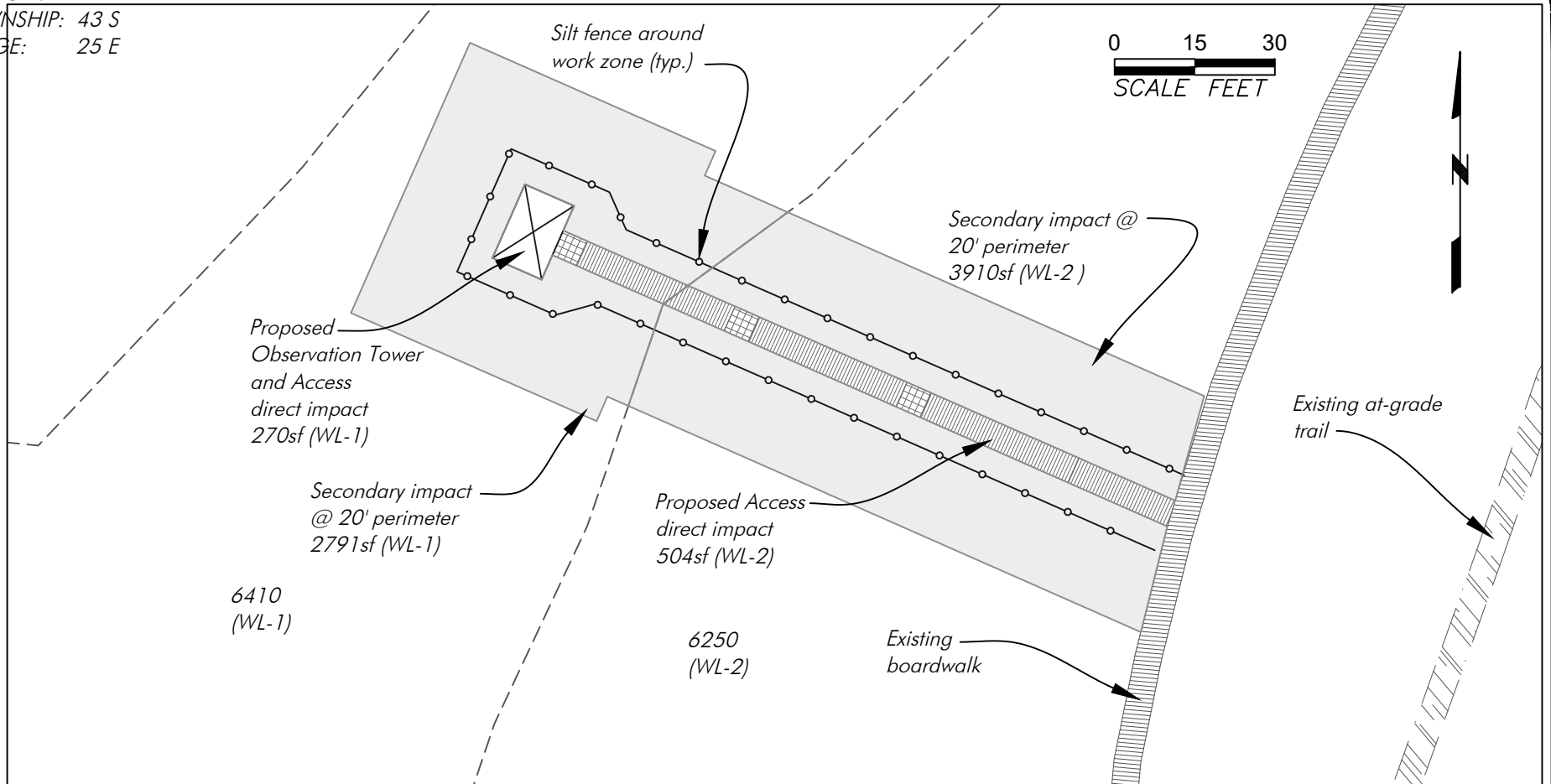
CRY

**Caloosahatchee
Creeks Preserve**

SHEET

3/6

SECTION: 26
TOWNSHIP: 43 S
RANGE: 25 E



Observation Tower & Access

SCALE: 1" = 30'

6250 Wet Pinelands- Hydric Pine
6410 Freshwater Marsh - Graminoid Prairie Marsh

UMAM Impact Plan Set

CONSTRUCTION PERMIT PLANS

October 24, 2023 1:17:38 p.m.
Drawing: LEE33MASTER.DWG



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10-25-23

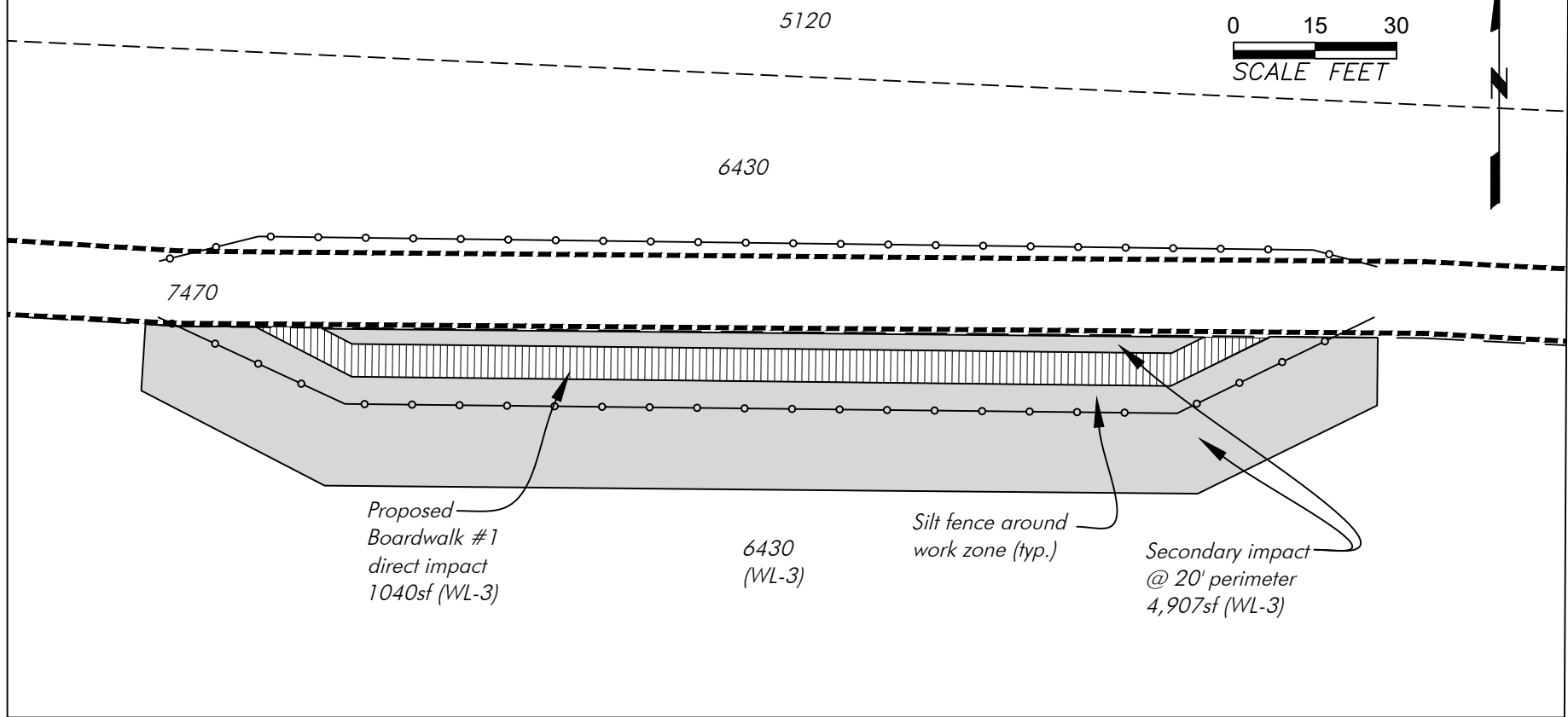
CRY

Caloosahatchee Creeks Preserve

SHEET

4/6

SECTION: 26
TOWNSHIP: 43 S
RANGE: 25 E



Boardwalk at Berm Cut #1

SCALE: 1" = 30'

5120 Channelized Waterways, Canals
6430 Wet Prairie
7470 Dikes and Levees

UMAM Impact Plan Set

CONSTRUCTION PERMIT PLANS

October 24, 2023 1:17:38 p.m.
Drawing: LEE33MASTER.DWG



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10-24-23

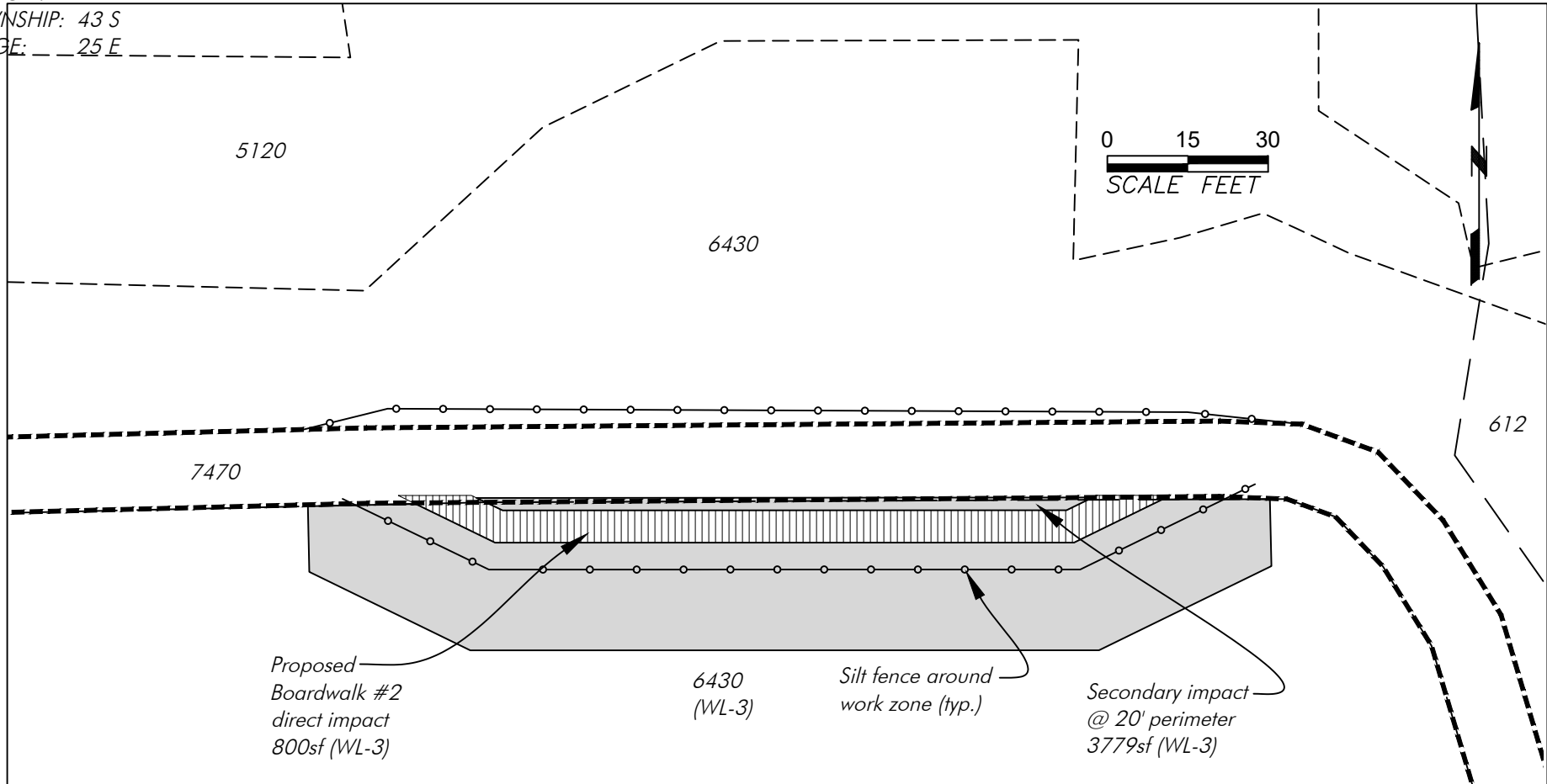
CRY

**Caloosahatchee
Creeks Preserve**

SHEET

5/6

SECTION: 26
TOWNSHIP: 43 S
RANGE: 25 E



Boardwalk at Berm Cut #2

SCALE: 1" = 30'

5120 Channelized Waterways, Canals
6430 Wet Prairie
7470 Dikes and Levees

UMAM Impact Plan Set

CONSTRUCTION PERMIT PLANS

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Drawing: LEE33MASTER.DWG



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10-24-23

CRY

**Caloosahatchee
Creeks Preserve**

SHEET

6/6