



**South Florida Water Management District
Individual Environmental Resource Permit No. 36-112839-P
Date Issued: February 9, 2026**

Permittee: Lee County Board of County Commissioners
c/o Solid Waste Division
10500 Buckingham Road. Suite 200
Ft Myers, FL 33905

Project: Recovered Materials Processing Facility

Application No. 250109-49028

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 RegPermitting site at www.sfwmd.gov/regpermitting.

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 regpermitting@sfwmd.gov.

A handwritten signature in blue ink, appearing to read "Jill Creech".

Jill Creech
Division Director - Regulation

**South Florida Water Management District
Individual Environmental Resource Permit No. 36-112839-P**

| | |
|---|---|
| Date Issued: February 9, 2026 | Expiration Date: February 9, 2031 |
| Project Name: | Recovered Materials Processing Facility |
| Permittee: | Lee County Board of County Commissioners c/o Solid Waste Division 10500 Buckingham Road. Suite 200 Ft Myers , FL 33905 |
| Operating Entity: | Lee County Board of County Commissioners c/o Solid Waste Division 10500 Buckingham Road. Suite 200 Ft Myers , FL 33905 |
| Location: | Lee County |
| Permit Acres: | 50.00 acres |
| Project Land Use: | Industrial including Utilities |
| Special Drainage District: | N/A |
| Water Body Classification: | CLASS III |
| FDEP Water Body ID: | 3258C6 |
| Wetland and Surface Water Impacts: | 24.17 acres |
| Conservation Easement to District: | No |
| Sovereign Submerged Lands: | No |

Project Summary

This Environmental Resource Permit (ERP) authorizes the construction and operation of a stormwater management (SWM) system serving 50.00 acres of an industrial project known as Recovered Materials Processing Facility.

This permit authorizes the construction of a recovered materials processing facility, internal access roads, truck scales, a large industrial building, a diesel fuel pump area, parking areas, utilities, and SWM facilities. The proposed developed area is located within the eastern 28.38 acres of the site, while the remaining 21.62 acres will remain mostly undeveloped except for improvements for a landscape berm at the southwest portion of the site. Stormwater runoff from the developed area will be collected and conveyed to dry pretreatment areas before discharging into a wet detention system consisting of two interconnected ponds. The SWM system will discharge to an existing off-site swale via control structure CS-1.

Refer to the Engineering Evaluation and Exhibit Nos. 2.0 for site plans, Exhibit No. 2.1 for SWM calculations, and Exhibit No. 2.2 for the Operation and Maintenance Plan of the SWM system.

Issuance of this permit constitutes certification of compliance with state water quality standards in accordance with Rule 62-330.062, FAC.

The application adequately demonstrates that the project is a grandfathered activity pursuant to Section 3.1.2(e), Vol. I (effective 6/28/2024).

Site Description

The site is a vacant, partially forested parcel located along State Road 82 (SR 82), south of Colonial Boulevard and adjacent to the existing landfill, in Fort Myers. Refer to Exhibit No. 1.0 for a location map. The site is partially disturbed consisting of two existing ponds, two existing swales, and an onsite berm crossing the site. The existing ponds on the southern portion of the site were part of the sanitary landfill located in the northeastern portion of the site.

For information on wetland and other surface water (OSW) impacts, please see the Wetlands and OSWs section of this permit.

Background

Permit No. 36-00334-S

A portion of the site was originally permitted in July 1982 under Application No. 03172-D with subsequent permit modifications. The facilities consisted of a sanitary landfill, and the permit was certified.

Ownership, Operation, and Maintenance (O&M)

Perpetual O&M of the SWM system 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.

Please be aware that properties within the South Florida Water Management District (District) may be subject to canal, road and/or oil, gas or mineral (OGM) reservations issued to the District or The Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (TIITF). These reservations encumber title to specific properties by granting certain rights to the District or TIITF to use the property to perform activities stated in the reservation documents, regardless of approvals/permits acquired or improvements constructed by the fee owner. It is the property owner's responsibility to verify whether reservations exist on the property. The property owner may apply to the District or TIITF (or both, if applicable) to release reservations on the property at ReleaseApplications@sfwmd.gov. Issuance of an ERP for a proposed project on a specific property does not obligate the District or TIITF to release any reservations encumbering the property. Construction of approved/permited works on property with unreleased reservations is at the risk of the fee owner.

Engineering Evaluation:

Land Use

Refer to the Engineering Evaluation Tables for land coverage details.

Water Quality

The project provides 2.75 ac-ft of wet detention water quality treatment and 1.18 ac-ft of dry detention pretreatment. The SWM system complies with Section 4.2.1, ERP Applicant's Handbook (AH) Volume (Vol.) II (effective May 22, 2016). The project also provides stormwater inlet filters on some of the catch-basins as an additional water quality BMP.

The project includes implementation of a Turbidity and Erosion Control Plan (Exhibit No. 2.0), as additional reasonable assurance of compliance with water quality criteria during construction.

Discharge

As found in the Water Quantity Data Table, and page 15 of Exhibit No. 2.0, the SWM design meets the criteria of Section 3.2(c), ERP AH Vol. II (effective May 22, 2016), based on the allowable discharge rate of 37.1 CSM for the Six Mile Cypress Basin per the Lee County Surface Water Management Plan (June 1991).

Discharge Structures

Refer to page 24 of Exhibit No. 2.0 for construction details of the control structures. Details of the main discharge structure, CS-1, are also provided in the tables below.

Parking Lot Design

As found in the Water Quantity Data Table and page 15 of Exhibit No. 2.0, the minimum parking lot elevations have been set at or above the peak design storm elevation.

Road Design

As found in the Water Quantity Data Table and page 15 of Exhibit No. 2.0, the minimum road crown elevations have been set at or above the peak design storm elevation.

Perimeter Berm

As found in the Water Quantity Data Table and page 15 of Exhibit No. 2.0, the minimum perimeter berm elevations have been set at or above the second peak design storm elevation.

Finished Floors

As found in the Water Quantity Data Table and page 15 of Exhibit No. 2.0, the minimum finished floor elevations have been set at or above the peak design storm elevation.

Flood Plain/Compensating Storage

According to Flood Insurance Map No. 12071C0432F, the site lies in Flood Zone "X" which does not have an associated Base Flood Elevation, and floodplain compensation is not required.

Construction Completion Certification (CCC) 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 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 the 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 (effective May 22, 2016).
- 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 |
|-------|---------------------|-----------|------------------|
| Basin | Building Cover New | 4.32 | 15.22 |
| | Dry Detention Areas | 2.61 | 9.20 |
| | Pavement | 9.61 | 33.86 |
| | Wet Detention | 4.07 | 14.34 |
| | Pervious | 7.77 | 27.38 |
| | Total: | 28.38 | 100% |

Water Quality Volumetric

| Basin | Treatment Type | Treatment System | Volume Required (ac-ft) | Volume Provided (ac-ft) | Area (ac) |
|-------|----------------|------------------|-------------------------|-------------------------|-----------|
| Basin | Treatment | WET DETENTION | 2.56 | 2.75 | 4.07 |
| | Pre-Treatment | DRY DETENTION | 1.18 | 1.18 | 2.61 |

Water Quantity

| Basin | Elevation Type | Storm Event (Yr/Day) | Precipitation Depth (in) | Peak Stage (ft NAVD88) | Min. EL (ft NAVD88) | Peak Discharge Rate (cfs) | Allowable Discharge Rate (cfs) |
|-------|---------------------------|----------------------|--------------------------|------------------------|---------------------|---------------------------|--------------------------------|
| Basin | Finished Floor | 100Y3D | 14.40 | 24.45 | 25.90 | N/A | N/A |
| | Perimeter Berm/ Discharge | 25YR3D | 10.80 | 23.75 | 24.50 | 1.51 | 1.65 |
| | Road Crown | 5YR1D | 5.94 | 22.96 | 23.10 | N/A | N/A |
| | Parking Lot | 5YR1D | 5.94 | 22.96 | 23.10 | N/A | N/A |

Bleeder

| Basin | Control EL (ft NAVD88) | Structure # | Structure Type | Count | Type | Width (in) | Height (in) | Invert EL (ft NAVD88) | Receiving Body |
|-------|------------------------|-------------|----------------|-------|---------------------|------------|-------------|-----------------------|----------------|
| Basin | 20.80 | CS-1 | Discharge | 1 | Rectangular Orifice | 4.00 | 5.00 | 20.80 | Existing Swale |

Inlets

| Basin | Structure # | Structure Type | Count | Type | Crest EL (ft NAVD88) | Receiving Body |
|-------|-------------|----------------|-------|-----------------------|----------------------|----------------|
| Basin | CS-1 | Emergency | 1 | FDOT MOD C DROP INLET | 24.50 | Existing swale |

Weir

| Basin | Structure # | Structure Type | Count | Type | Dia (in) | Crest EL (ft NAVD88) | Receiving Body |
|-------|-------------|----------------|-------|------------------|----------|----------------------|----------------|
| Basin | CS-1 | Water Quality | 1 | Circular Orifice | 4.00 | 21.60 | Existing swale |

Culvert

| Basin | Structure # | Structure Type | Count | Dia.(in) | Material | Receiving Body |
|-------|-------------|----------------|-------|----------|--------------------------|----------------|
| Basin | CS-1 | Discharge | 1 | 24.00 | Reinforced Concrete Pipe | Existing Swale |

Environmental Evaluation:

Wetland and OSW Description

The project site contains 36.27 acres of wetlands and 5.48 acres of Other Surface Waters (OSWs) for a total of 41.75 acres. Please see Exhibit No. 3.0 for wetland and OSW locations. The wetlands can generally be described as Hydric Pasture and Wetland Forested Mixed and the OSWs can be described as ditches, canals, and reservoirs. Additional wetland descriptions are available in the RegPermitting file.

Wetland and OSW Impacts

The project will result in 19.35 acres of wetland impacts and 4.82 acres of OSW impacts for a total of 24.17 acres, as described in the Environmental Data Table. Exhibit No.3.1 identifies the locations of the wetlands and OSWs being impacted.

Secondary Impacts

In accordance with Section 10.2.7(a) ERP AH Vol. I, 1.97 acres of secondary wetland impacts were assessed due to the lack of an upland buffer with a minimum width of 15-feet and an average width of 25-feet abutting on-site wetlands that will remain under permitted design. Secondary impacts from the project include 1.26 acres of on-site wetlands and 0.71 acres of off-site wetlands. Secondary impacts were assessed for areas 25 feet beyond the limits of the direct impacts. Exhibit No. 3.1 identifies the locations of the wetlands being secondarily impacted, and Exhibit No. 2.0 identifies the onsite preserve.

Elimination and Reduction of Impacts

Pursuant to Section 10.2.1, ERP AH Vol. I, the applicant, must implement practicable design modifications to reduce or eliminate adverse impacts to wetlands and OSWs. The elimination and reduction criteria were met via the utilization of functional gain units within the Lee County Section 33 Regional Mitigation, resulting in the perpetual preservation of wetlands that will provide for greater long-term ecological benefit to the region.

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 Estero Bay Drainage Basin. This conclusion is project-specific and does not apply to any other application.

Mitigation Plan

To mitigate the wetland impacts, the applicant will utilize the credit units at the Section 33 Regional Mitigation Site (Permit No. 36-07251-P). The deduction of the project's 4.25 units of functional loss (freshwater herbaceous) and 2.98 units of functional loss (Freshwater Forested), totaling 7.23 units, from the Section 33 Regional Mitigation Site ledger was authorized under Application No. 251016-58127. This 632.24-acre mitigation area is owned by Lee County and serves to offset wetland impacts associated with Lee County Public Works projects, which include projects for the Lee County Department of Transportation. The mitigation site is located south of Corkscrew Road, within the vicinity of the project area. The amount of mitigation was determined by using the Uniform Mitigation Assessment Method (UMAM) in Chapter 62-345, F.A.C. The final UMAM scores have been attached as Exhibit No. 3.2.

Monitoring and Maintenance

The project proposes to preserve the remaining 16.92 acres of on-site wetlands. These wetlands will not be used for mitigation; therefore, there are no District monitoring and maintenance requirements for this area. The on-site wetland will be preserved and enhanced by Lee County. Enhancement activities include the treatment of exotic vegetation. Please refer to Exhibit No. 3.1 for the preserve location details.

Fish, Wildlife, and Listed Species

The project site has the potential to contain significant habitat for wetland-dependent endangered or threatened wildlife species, or species of special concern. No wetland-dependent endangered or threatened species or species of special concern were observed onsite during a species survey conducted by ecologists from Johnson Engineering on August 23rd 2024. Submitted information indicates that

potential use of the site by such species is minimal. The property lies within the USFWS secondary zone of the Florida Panther (*Puma concolor coryi*) Focus Area; concurrence with the United States Fish and Wildlife (USFWS) is pending. Please see Special Condition No. 9 herein.

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: 41.75 acres
 Direct Impacts: 24.17 acres
 Secondary impacts: 1.97 acres
 Net UMAM Functional Loss/ Gain: 0 units
 Total Onsite Mitigation Area: 0 acres
 Total Offsite Mitigation Area: 0 acres
 Mitigation Provided in 36-07251-P Permit No.:

Total Mitigation Bank Credits Provided

| Mitigation Bank | Type | Total Credits |
|--------------------------|------|---------------|
| Panther Island Expansion | FF | 2.98 |
| Panther Island Expansion | FH | 4.25 |
| | | |
| Total: | | 7.23 |

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 |
|---------------|--------------|---------------|-----------------------|---------------|--------------------|--------------|
| SW Fill | 4.28 | Direct Impact | Ditches and Canals | 0 | 0 | 0.000 |
| SW Ex | 0.54 | Direct Impact | Ditches and Canals | 0 | 0 | 0.000 |
| Wetland | 15.66 | None | Freshwater Marshes | 0 | 0 | 0.000 |
| Total: | 20.48 | | | | | 0.000 |

Activities in Wetlands or Other Surface Waters, With Mitigation at a Bank

| ID | Acres | Community Description | Bank Name | Method | Current Score | With Score | Ratio or Add'l factor | Minimum Credits Needed |
|------|-------|-------------------------|--------------------------|--------|---------------|------------|-----------------------|------------------------|
| W-1 | 3.78 | Mixed Wetland Hardwoods | Panther Island Expansion | UMAM | 0.367 | 0 | 1 | 1.39 |
| W-2 | 0.5 | Freshwater Marshes | Panther Island Expansion | UMAM | 0.367 | 0 | 1 | 0.18 |
| W-3 | 4.12 | Mixed Wetland Hardwoods | Panther Island Expansion | UMAM | 0.367 | 0 | 1 | 1.51 |
| W-4 | 10.95 | Freshwater Marshes | Panther Island Expansion | UMAM | 0.367 | 0 | 1 | 4.02 |
| SI-1 | 0.26 | Mixed Wetland Hardwoods | Panther Island Expansion | UMAM | 0.367 | 0.3 | 1 | 0.02 |

| | | | | | | | | |
|---------------------|------|-------------------------|--------------------------|------|-------|-----|---|-------------|
| SI-2 | 0.9 | Mixed Wetland Hardwoods | Panther Island Expansion | UMAM | 0.367 | 0.3 | 1 | 0.06 |
| SI-3 | 0.81 | Freshwater Marshes | Panther Island Expansion | UMAM | 0.367 | 0.3 | 1 | 0.05 |
| Total: 21.32 | | | | | | | | 7.23 |

Related Concerns:**Water Use Permit Status**

The permittee has indicated dewatering will not be required for this project and that the source of irrigation water for this project will be obtained via permit number 36-113022-W. This water is sourced from the Sandstone Aquifer.

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.

Water and Wastewater Service

Lee County Utilities

Historical/ Archaeological Resources

The District has received correspondence from the Florida Department of State, Division of Historical Resources March 3rd 2025 indicating that no significant archaeological or historical resources are recorded on the project site; therefore, the project is unlikely to have an effect upon any such resources.

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. Perpetual O&M of the SWM system 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. Lake side slopes shall be no steeper than 4:1 (horizontal:vertical) to a depth of 2.0 feet below the control elevation. Side slopes shall be nurtured or planted from 2.0 feet below to 1.0 feet above control elevation to ensure vegetative growth.
4. 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.
5. 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.
6. 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.
7. 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.
8. In addition to the requirements of General Condition No. 6, the permittee shall provide the following at the time of certification and request to transfer the permit to the operation phase: a. Record drawings signed and sealed by a registered professional in the State of Florida per Subsection 12.2(b)2, ERP AH Vol. I. b. A copy of the O&M plan, revised as necessary to be applicable to the SWM system as designed and permitted per Subsection 12.2.1.(b)5, ERP AH Vol. I. c. An updated copy of the cost estimate per Subsections 12.2.1.(b)6 & 12.3.5(a)4, ERP AH Vol. I.
9. In accordance with Exhibit No. 2.2 and Sections 12.5 and 12.6, ERP AH Vol. I, the permittee shall inspect the SWM system and submit an inspection report.
10. To mitigate for the project's wetland impacts, 7.23 wetland functional gain units have been deducted

from the Section 33 Regional Mitigation Site ledger under Permit No. 36-07251-P/Application No. 251016-58127. See Exhibit No. 3.2.

11. Prior to construction the permittee shall provide a copy of the U.S. Fish and Wildlife Service comments regarding all wetland-dependent endangered or threatened species or species of special concern that are observed onsite. If U.S. Fish and Wildlife Service comments require design changes to the permitted project, then a permit modification will be required to incorporate those changes into the project design prior to construction commencing.
12. The District reserves the right to require remedial measures to be taken by the permittee if monitoring or other information demonstrates that adverse impacts to on- or off- site wetlands, upland conservation areas or buffers, or OSWs have occurred due to project related activities.

Project Work Schedule for Permit No. 36-112839-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 | 02/09/2026 | Construction Commencement Notice | Prior to Construction | |
| GC 6 | 02/09/2026 | Submit Certification | 30 Days After Construction Completion | |
| GC 7 | 02/09/2026 | Submit Operation Transfer Request | Within 30 days of Certification | |
| SC 6 | 02/09/2026 | Pre-Construction Meeting | Prior to Construction | |
| SC 8 | 02/09/2026 | Additional Certification Documents | 30 Days After Construction Complete Date | |
| SC 9 | 02/09/2026 | O&M Inspection Report 1 | Within 30 Days of Certification and Every 3 Years Thereafter | |
| SC 11 | 02/09/2026 | USFWS Comments | Prior to Construction | |

GC = General Condition

SC = Special Condition

Distribution List

Rebecca Rodriguez, P.E., Lee County Solid Waste Division

Erik Howard PE, Johnson Engineering Inc

John Curtis, Johnson Engineering

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 RegPermitting website at www.sfwmd.gov/regpermitting and searching under this application number 250109-49028.

[Exhibit No. 1.0 Location Map](#)

[Exhibit No. 2.0 Plans](#)

[Exhibit No. 2.1 Drainage Calculations](#)

[Exhibit No. 2.2 Operation & Maintenance Plan](#)

[Exhibit No. 3.0 FLUCCs Map](#)

[Exhibit No. 3.1 Impact Map](#)

[Exhibit No. 3.2 Letter of Reservation](#)

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.