



# FLORIDA DEPARTMENT OF Environmental Protection

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Shawn Hamilton**  
Secretary

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

December 2, 2022

Stuart Kaye, President  
Custom Homes by Kaye, Inc.  
163 Edgemere Way South,  
Naples, FL 34105  
[skaye@kayelifestylehomes.com](mailto:skaye@kayelifestylehomes.com)

Re: Consent Order  
OGC Case No. 22-2063  
Site No. 220891 / Project No. 401484  
Unnamed wetlands, Class III Waters  
Parcel No. 144725B1002002950 – 24299 Stillwell Parkway, Bonita Springs, FL 34135  
Lee County – SLERC / State 404 Program

Dear Mr. Kaye:

Enclosed is the signed and entered Consent Order, OGC No. **22-2063**, to resolve this case. This copy is for your records. Please note that all compliance dates for the Consent Order begin on the date of entry, which is December 2, 2022. Upon satisfactory completion of all conditions of the Order, we will close this case and place it in our inactive file.

If you have any questions, please contact Gabriella Zaharieff by email at [Gabriella.Zaharieff@floridadep.gov](mailto:Gabriella.Zaharieff@floridadep.gov) or by phone at 239-344-5640. Your cooperation in resolving this case is appreciated.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jennifer L. Carpenter".

Jennifer L. Carpenter  
Acting District Director  
South District  
Florida Department of Environmental Protection

JLC/gz

Enclosures: Consent Order (with Exhibit A, Exhibit B, and Exhibit C)

cc: Arielle Poulos, Turrell, Hall & Associates, Inc., [Arielle@thanaples.com](mailto:Arielle@thanaples.com)  
Peter Haigis, City of Bonita Springs, [phaigis@cityofbonitaspringscd.org](mailto:phaigis@cityofbonitaspringscd.org)  
Larry and Kathryn Ardito, [fuzz81548@outlook.com](mailto:fuzz81548@outlook.com)

BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT	)	IN THE OFFICE OF THE
OF ENVIRONMENTAL PROTECTION	)	SOUTH DISTRICT
	)	
Complainant,	)	
	)	OGC FILE NO. 22-2063
vs.	)	
	)	
LARRY ARDITO, KATHRYN J. ARDITO,	)	
and CUSTOM HOMES BY KAYE, INC.,	)	
	)	
Respondents.	)	
_____	)	

CONSENT ORDER

This Consent Order is entered into between the State of Florida Department of Environmental Protection ("Department"), and Larry Ardito, Kathryn J. Ardito, and Custom Homes by Kaye, Inc. ("Respondents") to reach settlement of certain matters at issue between the Department and Respondents.

The Department finds and the Respondents admit the following:

1. The Department is the administrative agency of the State of Florida having the power and duty to protect Florida's air and water resources and to administer and enforce Chapter 373, Part IV, and Chapter 403, Florida Statutes (F.S.), and the rules promulgated and authorized thereunder, Title 62, Florida Administrative Code (F.A.C.). The Department has jurisdiction over the matters addressed in this Consent Order.
2. Respondents are persons within the meaning of Section 373.019(15), Florida Statutes.
3. Respondent Larry Ardito and Respondent Kathryn J. Ardito are the owners of property located at 24299 Stillwell Parkway, Bonita Springs, FL 34135, Parcel ID 14-47-25-B1-00200.2950, Section 14, Township 47, Range 25E, Lee County (Property).
4. On November 14, 2018, the Department issued an Individual Environmental Resource Permit (Permit No. 0220891-002) to a previous owner of the Property to impact 6,604 square feet (0.15 acres) of freshwater forested wetlands, Class III Waters, for the purpose of

constructing a single-family residence and driveway (see Exhibit A, attached). To offset impacts associated with the permitted activities, and in accordance with Permit No. 0220891-002, 0.11 freshwater forested mitigation credits were purchased and deducted from the Panther Island Mitigation Bank ledger on January 20, 2021.

5. On February 27, 2019, the United States Army Corps of Engineers issued a permit (Permit No. SAJ-2018-02814) to the previous owner of the Property to fill 0.15 acres of freshwater wetlands to build a single-family residence (see Exhibit B, attached). To offset impacts associated with the permitted activities, and in accordance with Permit No. SAJ-2018-02814, 0.11 palustrine forested federal mitigation bank credits were purchased and deducted from Panther Island Expansion Mitigation Bank ledger on December 18, 2020. The Department considers and the Respondents agree that the wetlands associated with Permit No. SAJ-2018-02814 on the Property to be jurisdictional waters and an adjacent wetland, as defined in paragraph 1(iv) of Part 120 of 40 CFR.

6. Respondents Larry and Kathryn Ardito obtained ownership of the Property on January 29, 2021.

7. Respondents Larry and Kathryn Ardito hired Respondent Custom Homes by Kaye, Inc., to construct a single-family residence on the Property. Respondent Custom Homes by Kaye, Inc., is an active Florida for profit corporation registered to conduct business in the state of Florida.

8. On July 22, 2021, the City of Bonita Springs issued a permit (Permit No. RES21-814476-BOS), to Respondents Larry and Kathryn Ardito, to construct a single-family residence on the Property. The residential contractor listed for Permit No. RES21-814476-BOS is Respondent Custom Homes by Kaye, Inc.

9. On August 16, 2021, Respondents Larry and Kathryn Ardito submitted to the Department an Individual Environmental Permit application (File No. 0220891-003) to modify and transfer Permit No. 0220891-002 to themselves. A modification was requested to add an additional 4,032 square feet of fill to account for the slopes necessary to stabilize the single-family residence authorized in Permit No. 220891-002.

10. On October 29, 2021, Department personnel conducted an inspection of the Property. The Department's inspection revealed that the Respondents had already commenced

construction of the project proposed in Application No. 220891-003, resulting in the discharge of dredge and fill material in jurisdictional wetlands without valid authorization from the Department, in violation of Rule 62-330.020 and 62-331.020, Fla. Admin. Code, and Sections 373.430 and 403.161, Fla. Stat. An area of approximately 4,032 square feet of unauthorized wetland impacts on the Property is depicted on **Exhibit C**, attached hereto and incorporated herein.

Having reached a resolution of the matter Respondents and the Department mutually agree and it is,

**ORDERED:**

11. **Commencing immediately and henceforth**, Respondents shall forthwith comply with all applicable Department statutes and rules applicable to wetland protection and environmental resource permitting, including Chapters 403 and 373, Part IV, Fla. Stat., and the rules promulgated thereunder in Title 62, Fla. Admin. Code.

12. **Within 30 days of the effective date of this Consent Order**, Respondent Custom Homes by Kaye, Inc. shall pay the Department \$8,000.00 in settlement of the **regulatory** matters addressed in this Agreement. This amount includes \$7,500.00 in civil penalties and \$500.00 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Consent Order. Respondent Custom Homes by Kaye, Inc. shall make all payments required by this Consent Order by cashier's check, money order or on-line payment. Cashier's check or money order shall be made payable to the "Department of Environmental Protection" and shall include both the OGC number assigned to this Consent Order and the notation "Water Quality Assurance Trust Fund." Online payments by e-check can be made by going to the DEP Business Portal at <http://www.fldepportal.com/go/pay/>. It will take a number of days after this order becomes final and effective filed with the Clerk of the Department before ability to make online payment is available.

13. **Within 60 days of the effective date of this Order**, the Respondents shall obtain **0.07 Federal Mitigation Bank Credits (WRAP)** as well as **0.07 State Mitigation Bank Credits (UMAM)** to mitigate for the wetland fill impacts allowed to remain which is necessary for the construction of a single family residence as identified on **Exhibit C** herein. The

Mitigation Bank Credits shall be obtained within the same mitigation basin in which the Property is located. Upon obtaining the Mitigation Bank Credits, Respondents shall submit a copy of the credit allocation letters to the Department, confirming receipt of the required credits.

14. **Within 60 days of the effective date of this Consent Order**, Respondents must submit an "Application for Individual and Conceptual Approval Environmental Resource Permit, State 404 Program Permit, and Authorization to Use State-Owned Submerged Lands," Form 62-330.060(1), for a post-enforcement permit to allow the fill to remain on the Property. If the Department requires additional information or clarification to the application, Respondents shall submit all requested additional information, clarification, and modifications within 15 days of receipt of written notice. If the post-enforcement permit is denied, Respondent shall remove all fill depicted as "WETLAND IMPACT (SQ FT) 4,032" on Page 4 of 6 of Exhibit C, attached, within 60 days of Final Notice of Denial.

15. With the exception of the activities described in this Order, effective immediately and henceforth, Respondents shall not conduct any dredging, filling, or construction activities on or within wetlands or the landward extent of waters of the state without first obtaining a valid Department permit or written notification from the Department that the activities appear to be exempt as proposed from Department permitting requirements; nor shall Respondents conduct any activities on state owned lands below the ordinary or mean high water lines without first obtaining a lease, easement, or other consent of use from the Department.

16. Respondents agree to pay the Department stipulated penalties in the amount of \$100.00 per day for each and every day Respondents fail to timely comply with any of the requirements of this Consent Order. A separate stipulated penalty shall be assessed for each violation of this Consent Order. **Within 30 days** of written demand from the Department, Respondents shall make payment of the appropriate stipulated penalties to the "The Department of Environmental Protection" by cashier's check or money order and shall include thereon the OGC number assigned to this Consent Order and the notation "Water Quality Assurance Trust Fund." The Department may make demands for payment at any time after violations occur. Nothing in this paragraph shall prevent the Department from filing suit to specifically enforce any of the terms of this Consent Order. Any penalties assessed under this paragraph shall be in addition to the settlement sum agreed to in paragraph 12 of this Consent Order. If the

Department is required to file a lawsuit to recover stipulated penalties under this paragraph, the Department will not be foreclosed from seeking civil penalties for violations of this Consent Order in an amount greater than the stipulated penalties due under this paragraph.

17. If any event, including administrative or judicial challenges by third parties unrelated to the Respondents, occurs which causes delay or the reasonable likelihood of delay, in complying with the requirements of this Consent Order, Respondents shall have the burden of proving the delay was or will be caused by circumstances beyond the reasonable control of the Respondents and could not have been or cannot be overcome by Respondents' due diligence. Economic circumstances shall not be considered circumstances beyond the control of Respondents, nor shall the failure of a contractor, subcontractor, materialman or other agent (collectively referred to as "contractor") to whom responsibility for performance is delegated to meet contractually imposed deadlines be a cause beyond the control of Respondents, unless the cause of the contractor's late performance was also beyond the contractor's control. Upon occurrence of an event causing delay, or upon becoming aware of a potential for delay, Respondents shall notify the Department orally within 24 hours or by the next working day and shall, within seven calendar days of oral notification to the Department, notify the Department in writing of the anticipated length and cause of the delay, the measures taken or to be taken to prevent or minimize the delay and the timetable by which Respondents intend to implement these measures. If the parties can agree that the delay or anticipated delay has been or will be caused by circumstances beyond the reasonable control of the Respondents, the time for performance hereunder shall be extended for a period equal to the agreed delay resulting from such circumstances. Such agreement shall adopt all reasonable measures necessary to avoid or minimize delay. Failure of Respondents to comply with the notice requirements of this Paragraph in a timely manner shall constitute a waiver of Respondents' right to request an extension of time for compliance with the requirements of this Consent Order.

18. Respondents shall allow all authorized representatives of the Department access to the property at reasonable times for the purpose of determining compliance with the terms of this Consent Order and the rules and statutes of the Department.

19. Entry of this Consent Order does not relieve Respondents of the need to comply with applicable federal, state or local laws, regulations or ordinances.

20. The terms and conditions set forth in this Consent Order may be enforced in a court of competent jurisdiction pursuant to Sections 120.69 and 373.129, Florida Statutes. Failure to comply with the terms of this Consent Order shall constitute a violation of Section 373.430, Florida Statutes.

21. Respondents are fully aware that a violation of the terms of this Consent Order may subject Respondents to judicial imposition of damages, civil penalties of up to \$10,000 per day per violation and criminal penalties.

22. Persons who are not parties to this Consent Order but whose substantial interests are affected by this Consent Order have a right, pursuant to Sections 120.569 and 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, Florida 32399-3000, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes.

The petition shall contain the following information:

(a) The Department's Consent Order identification number and the county in which the subject matter or activity is located;

(b) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding;

(c) An explanation of how the petitioner's substantial interests will be affected by the Consent Order;

(d) A statement of when and how the petitioner received notice of the Consent Order;

(e) A statement of all material facts disputed by petitioner, if any;

(f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Consent Order;

(g) A statement of which rules or statutes the petitioner contends require reversal or modification of the Consent Order; and

(h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Consent Order.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Florida Administrative Code.

A person whose substantial interests are affected by the Consent Order may file a timely petition for an administrative hearing under Sections 120.569 and 120.57, Florida Statutes, or may choose to pursue mediation as an alternative remedy under Section 120.573, Florida Statutes, before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for pursuing mediation are set forth below.

Mediation may only take place if the Department and all the parties to the proceeding agree that mediation is appropriate. A person may pursue mediation by reaching a mediation agreement with all parties to the proceeding (which include the Respondents, the Department, and any person who has filed a timely and sufficient petition for a hearing) and by showing how the substantial interests of each mediating party are affected by the Consent Order. The agreement must be filed in (received by) the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within 10 days after the deadline as set forth above for the filing of a petition.

The agreement to mediate must include the following:



- (a) The names, addresses, and telephone numbers of any persons who may attend the mediation;
- (b) The name, address, and telephone number of the mediator selected by the parties, or a provision for selecting a mediator within a specified time;
- (c) The agreed allocation of the costs and fees associated with the mediation;
- (d) The agreement of the parties on the confidentiality of discussions and documents introduced during mediation;
- (e) The date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen;
- (f) The name of each party's representative who shall have authority to settle or recommend settlement; and
- (g) Either an explanation of how the substantial interests of each mediating party will be affected by the action or proposed action addressed in this notice of intent or a statement clearly identifying the petition for hearing that each party has already filed, and incorporating it by reference.
- (h) The signatures of all parties or their authorized representatives.

As provided in Section 120.573, Florida Statutes, the timely agreement of all parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57, Florida Statutes, for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons whose substantial interests will be affected by such a modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above, and must therefore file their petitions within 21 days of receipt of this notice. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under Sections 120.569 and 120.57, Florida Statutes, remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

23. The Department hereby expressly reserves the right to initiate appropriate legal action to prevent or prohibit any violations of applicable statutes, or the rules promulgated thereunder that are not specifically addressed by the terms of this Consent Order.

24. The Department, for and in consideration of the complete and timely performance by Respondents of the obligations agreed to in this Consent Order, hereby waives its right to seek judicial imposition of damages or civil penalties for alleged violations addressed in this Consent Order.

25. Respondents acknowledge and waive their right to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes, on the terms of this Consent Order. Respondents acknowledges its right to appeal the terms of this Consent Order pursuant to Section 120.68, Florida Statutes, and waives that right upon signing this Consent Order.

26. Electronic signatures or other versions of the parties' signatures, such as .pdf or facsimile, shall be valid and have the same force and effect as originals. No modifications of the terms of this Consent Order shall be effective until reduced to writing and executed by both Respondents and the Department.

27. All submittals and payments required by this Consent Order to be submitted to the Department shall be sent to the Florida Department of Environmental Protection, South District Office, P.O. Box 2549, Fort Myers, FL 33902-2549. Online e-check payment can be made by going to the DEP Business Portal at <http://www.fldepportal.com/go/pay/>.

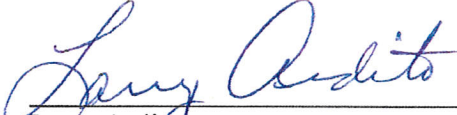
28. In the event of a sale or conveyance of the property, if all of the requirements of this Consent Order have not been fully satisfied, Respondent Larry Ardito and Respondent Kathryn J. Ardito shall, at least 30 days prior to the sale or conveyance of the property, (1) notify the Department of such sale or conveyance and (2) provide a copy of this Consent Order with all attachments to the new owner. The sale or conveyance of the property shall not relieve the Respondents of the obligations imposed in this Consent Order.

29. This Consent Order is a settlement of the Department's civil and administrative authority arising under Florida law to resolve the matters addressed herein. This Consent Order is not a settlement of any criminal liabilities which may arise under Florida law, nor is it a settlement of any violation which may be prosecuted criminally or civilly under federal law.

30. This Consent Order is a final order of the Department pursuant to Section 120.52(7), Florida Statutes, and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, Florida Statutes. Upon the timely filing of a petition this Consent Order will not be effective until further order of the Department.

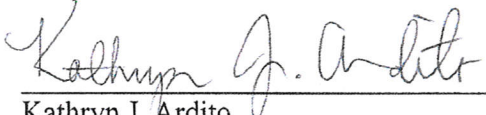
31. The undersigned certifies that he/she is authorized and empowered to negotiate, enter into and execute, in the name and on behalf of the Respondent, Custom Homes by Kaye, Inc., any agreements, documents, instruments, certificates, including and without limitation, this Consent Order entered into between Respondent and the State of Florida Department of Environmental Protection.

FOR THE RESPONDENT:  
LARRY ARDITO

  
Larry Ardito

12-2-22  
DATE

FOR THE RESPONDENT:  
KATHRYN J. ARDITO

  
Kathryn J. Ardito

12/2/22  
DATE

[THIS PORTION LEFT INTENTIONALLY BLANK]

FOR THE RESPONDENT:  
CUSTOM HOMES BY KAYE, INC.

11/30/22

DATE



Stewart O. Kaye, President

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Please do not write below this line. For DEP use only.

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DONE AND ORDERED this 2nd day of December, 2022 in Lee County, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

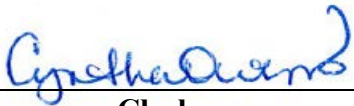


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Jennifer L. Carpenter

Acting District Director  
South District Office  
Florida Department of Environmental  
Protection  
P.O. Box 2549  
Fort Myers, Florida 33902-2549  
Telephone: (239) 344-5600

**Filed, on this date, pursuant to Section 120.52, F.S., with the designated Department Clerk,  
receipt of which is hereby acknowledged.**



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Clerk

December 2, 2022

Date

cc: Lea Crandall, Agency Clerk [ [agency\\_clerk@dep.state.fl.us](mailto:agency_clerk@dep.state.fl.us) ]  
City of Bonita Springs, Peter Haigis, [phaigis@cityofbonitaspringscd.org](mailto:phaigis@cityofbonitaspringscd.org)



# FLORIDA DEPARTMENT OF Environmental Protection

South District  
Post Office Box 2549  
Fort Myers, Florida 33902-2549  
SouthDistrict@FloridaDEP.gov

Rick Scott  
Governor  
Carlos Lopez-Cantera  
Lt. Governor  
Noah Valenstein  
Secretary

Exhibit A  
(Page 1 of 16)  
OGC Case No.  
22-2063

## **Permittee/Authorized Entity:**

Carl Flesher  
17585 Moorfield Drive  
Fort Myers, Florida 33908

## **Single-Family Residence in Wetlands**

### **Authorized Agent:**

Nick Pearson  
3584 Exchange Avenue  
Naples, Florida 34104  
[Nick@thanaples.com](mailto:Nick@thanaples.com)

**Environmental Resource Permit  
State-owned Submerged Lands Authorization – Not Applicable**

**U.S. Army Corps of Engineers Authorization – Separate Corps Authorization  
Required**

Permit No.: 0220891-002

**Permit Issuance Date: November 14, 2018  
Permit Construction Phase Expiration Date: November 14, 2023**

## Environmental Resource Permit

Permittee: Carl Flesher  
Permit No: 0220891-002

Exhibit A (Page 2 of 16) OGC Case No. 22-2063
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### PROJECT LOCATION

The activities authorized by this permit are located at 24299 Stillwell Parkway, Bonita Springs, Florida 34135 (PID# 14 47 25 B1 00200 2950) in Section 14, Township 47, Range 25 in Lee County.

### PROJECT DESCRIPTION

The permittee is authorized to impact 6,604 square feet (0.15 acres) of forested freshwater wetlands, Class III Waters, for the purpose of constructing a single-family residence and driveway. Authorized activities are depicted on the attached exhibits.

To offset unavoidable impacts that will occur from these authorized activities, the permittee shall purchase 0.11 credits from the Panther Island Mitigation Bank or Panther Island Expansion Mitigation Bank.

### AUTHORIZATIONS

#### Single Family Residence in Wetlands

##### Environmental Resource Permit

The Department has determined that the activity qualifies for an Environmental Resource Permit. Therefore, the Environmental Resource Permit is hereby granted, pursuant to Part IV of Chapter 373, Florida Statutes (F.S.), and Chapter 62-330, Florida Administrative Code (F.A.C.).

##### Sovereignty Submerged Lands Authorization

As staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), the Department has determined the activity is not on submerged lands owned by the State of Florida. Therefore, your project is not subject to the requirements of Chapter 253, F.S., or Rule 18-21, F.A.C.

##### Federal Authorization

Your proposed activity as outlined on your application and attached drawings **does not qualify** for Federal authorization pursuant to the State Programmatic General Permit and a **SEPARATE permit** or authorization **may be required** from the Corps. A copy of your permit application has been forwarded to the Corps for their review. **The Corps has assigned file number 2018-2814 to your project.** The Corps will issue their authorization directly to you or contact you if additional information is needed. If you have not heard from the Corps within 30 days from the date your application was received at the local FDEP Office, contact the Corps at Fort Myers Regulatory Field Office at 1520 Royal Palm Square Blvd, Ste 310, Fort Myers FL 33919-103, or by telephone at (239) 334-1975, or electronically at SF.New.Applications@usace.army.mil, for status and further information. **Failure to obtain Corps authorization prior to construction could subject you to federal enforcement action by that agency.**

### Coastal Zone Management

Issuance of this authorization also constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act.

### Water Quality Certification

This permit also constitutes a:

water quality certification under Section 401 of the Clean Water Act, 33 U.S.C. 1341

### Other Authorizations

You are advised that authorizations or permits for this activity may be required by other federal, state, regional, or local entities including but not limited to local governments or municipalities. This permit does not relieve you from the requirements to obtain all other required permits or authorizations.

The activity described may be conducted only in accordance with the terms, conditions and attachments contained in this document. Issuance and granting of the permit and authorizations herein do not infer, nor guarantee, nor imply that future permits, authorizations, or modifications will be granted by the Department.

### **PERMIT**

The activities described must be conducted in accordance with:

- **The Specific Conditions**
- **The General Conditions**
- **The limits, conditions and locations of work shown in the attached drawings**
- **The term limits of this authorization**

You are advised to read and understand these conditions and drawings prior to beginning the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings herein. If you are using a contractor, the contractor also should read and understand these conditions and drawings prior to beginning any activity. Failure to comply with these conditions, including any mitigation requirements, shall be grounds for the Department to revoke the permit and authorization and to take appropriate enforcement action.

Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit, as described.

### **SPECIFIC CONDITIONS – ADMINISTRATIVE**

1. All required submittals, such as certifications, monitoring reports, notifications, etc., shall be submitted to the Florida Department of Environmental Protection, South District Office, Submerged Lands and Environmental Resource Permitting, P.O. Box 2549, Fort Myers, FL 33902-2549 or via e-mail to [FTMERP\\_Compliance@dep.state.fl.us](mailto:FTMERP_Compliance@dep.state.fl.us) . All submittals shall include the project name and indicated permit number when referring to this project.

*Note: In the event of an emergency, the Permittee should contact the Department by calling (800)320-0519. During normal business hours, the permittee should call (239)344-5600.*



### **SPECIFIC CONDITIONS – MITIGATION**

2. Construction and operation of the project shall comply with applicable State Water Quality Standards, namely:
  - Rule 62-302.500, F.A.C. – Surface Waters: Minimum Criteria, General Criteria; and
  - Rule 62-302.530, F.A.C. – Table: Surface Water Quality Criteria - Class III Waters.
3. Those portions of the applicant’s property that are in wetlands as defined in Chapter 62-340, F.A.C., and not subject to permanent impacts authorized by this permit shall be left in their natural state. These areas shall not be used for parking, equipment storage, building supply storage or as a staging area for construction of the single-family residence, pool, detached garage, driveway or septic tank. These areas shall not be filled, sodded, or cleared without prior written consent from the Department in the form of an Environmental Resource Permit or a modification of this permit.
4. **Prior to commencement of construction**, the Permittee shall mitigate for the 6,604 square feet (0.15 acres) of primary impacts and 2,615 square feet (0.06 acres) of secondary impacts by the purchase of 0.11 credits of forested freshwater credits from Panther Island Mitigation Bank or Panther Island Expansion Mitigation Bank, 3200 Bailey Lane, Suite 158 Naples, Florida 34105. You may contact Desmond Duke at 239-530-8044, or via email at [dduke@ecoresolve.com](mailto:dduke@ecoresolve.com). **Within 10 days of purchase**, the Permittee shall provide the Department with documentation that 0.11 credits have been deducted from the credit ledger of the bank.

### **GENERAL CONDITIONS FOR INDIVIDUAL PERMITS**

The following general conditions are binding on all individual permits issued under chapter 62-330, F.A.C., except where the conditions are not applicable to the authorized activity, or where the conditions must be modified to accommodate project-specific conditions.

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], which is incorporated by reference in paragraph 62-330.350(1)(d), F.A.C., 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. If available, an Agency website that fulfills this notification requirement may be used in lieu of the form.

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 12.3.3 of Volume I) as filed with the 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 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 any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work 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 notification shall be provided in accordance with Section 872.05, F.S.

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 subsection 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

## **NOTICE OF RIGHTS**

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

### Petition for Administrative Hearing

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

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any email address, any facsimile number, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;

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

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

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

#### Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within **21** days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within **21** days of publication of the notice or within **21** days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within **21** days of receipt of such notice, regardless of the date of publication. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

#### Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

#### Mediation

Mediation is not available in this proceeding.

#### FLAWAC Review

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

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal.

[THIS SPACE IS INTENTIONALLY LEFT BLANK]

The Notice of Appeal must be filed within 30 days from the date this action is filed with the Clerk of the Department.

Executed in Lee County, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



Jon M. Iglehart  
District Director  
South District Office

JMI/rsh

**Attachments:**

6 project drawing(s)

'Post Issuance' forms: <http://www.dep.state.fl.us/water/wetlands/erp/forms.htm>

**Copies furnished to:**

U.S. Army Corps of Engineers, [Fort Myers](#)

Lee County Property Appraiser, [dataservices@leepa.org](mailto:dataservices@leepa.org)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this permit, including all copies, were mailed before the close of business on November 14, 2018, to the above listed persons.

FILING AND ACKNOWLEDGMENT

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

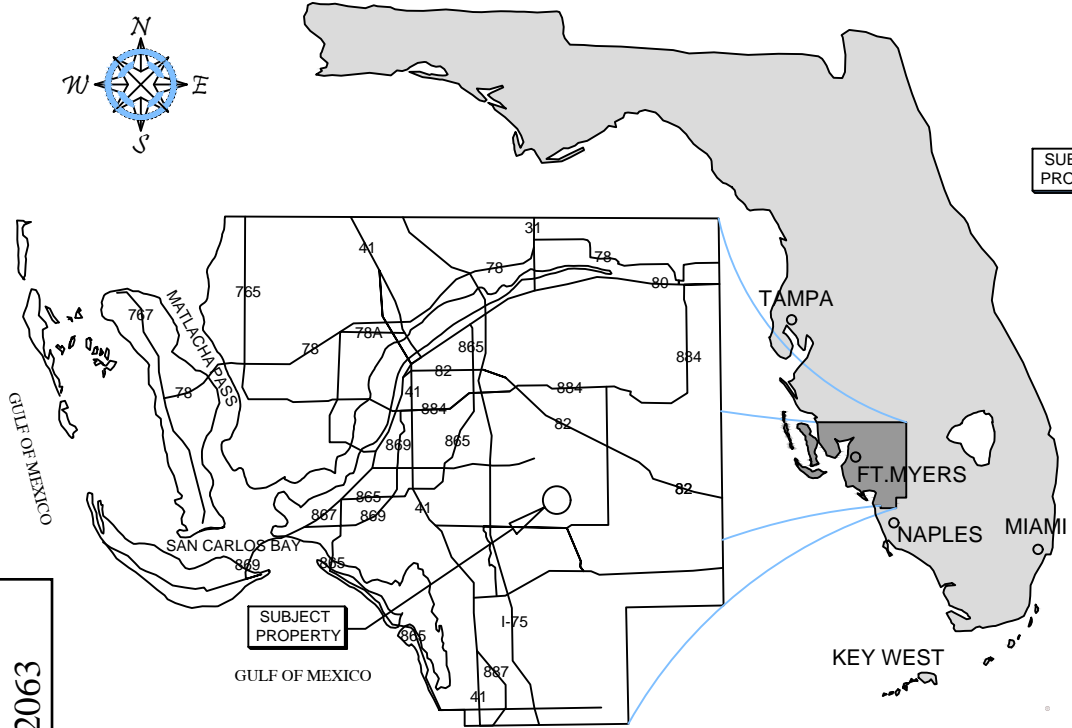
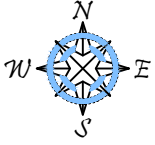
*Barbara Browning*

\_\_\_\_\_  
Clerk

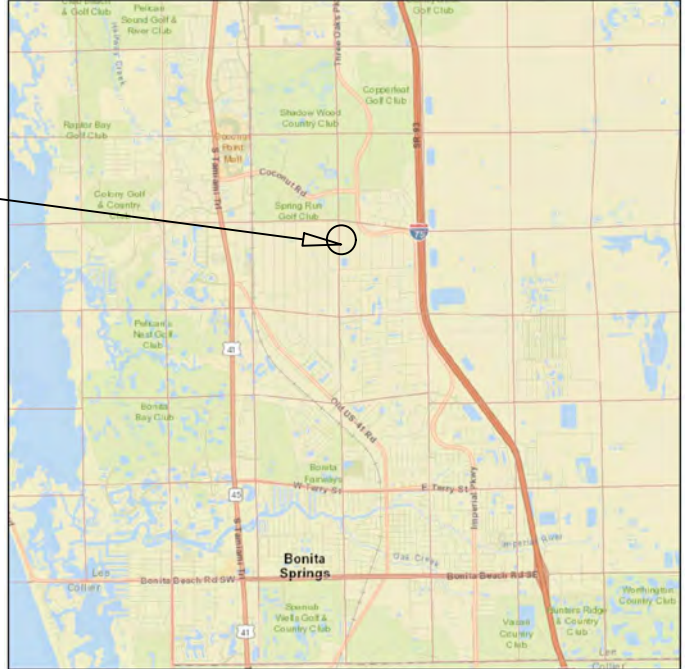
November 14, 2018

Date

# STATE OF FLORIDA



## LEE COUNTY



## VICINITY MAP



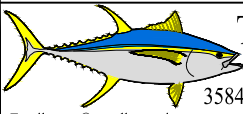
## COUNTY AERIAL

Exhibit A  
(Page 11 of 16)  
OGC Case No.  
22-2063



**SITE ADDRESS:**  
 <> 24299 STILLWELL PKWY  
 BONITA SPRINGS, FL 34135

**NOTES:**  
 <> THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.  
 <> LATITUDE: N 26.386668  
 <> LONGITUDE: W 81.787392



**Turrell, Hall & Associates, Inc.**  
 Marine & Environmental Consulting  
 3584 Exchange Ave. Naples, FL 34104-3732  
 Email: tuna@turrell-associates.com Phone: (239) 643-0166 Fax: (239) 643-6632

# FLESHER-STILLWELL PKWY LOCATION MAP

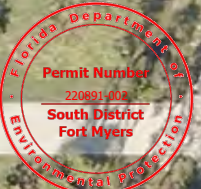
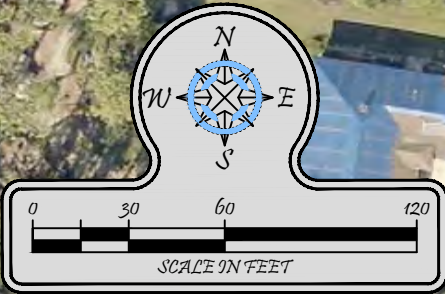
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

DESIGNED:	NP	REV#	REV BY:	DATE:	CHK BY:	CHANGES:
DRAWN BY:	RMJ	1.	-	-	-	-
CREATED:	09-12-18	2.	-	-	-	-
JOB NO.:	1877	3.	-	-	-	-
SHEET NO.:	01 OF 06	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 14      TOWNSHIP- 47 S      RANGE- 25 E



**Exhibit A**  
 (Page 12 of 16)  
 OGC Case No.  
 22-2063



STILLWELL PARKWAY

**SUBJECT PROPERTY**

FLUCFCS	DESCRIPTION	AREA (SF)
411	PINE FLATWOODS	0.27
624	CYPRESS - PINE - CABBAGE PALM	0.83
814	ROADS AND HIGHWAYS	0.12
TOTAL		1.22

 UPLAND (ACRES):	0.39
 WETLAND (ACRES):	0.83
PROJECT (ACRES):	1.22

**NOTES:**

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- SURVEY COURTESY OF: "NO SURVEY DATA AVAILABLE"
- SURVEY DATED: MM-DD-YYYY



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 Marine & Environmental Consulting  
 3584 Exchange Ave. Naples, FL 34104-3732  
 Email: tuna@turrell-associates.com Phone: (239) 643-0166 Fax: (239) 643-6632

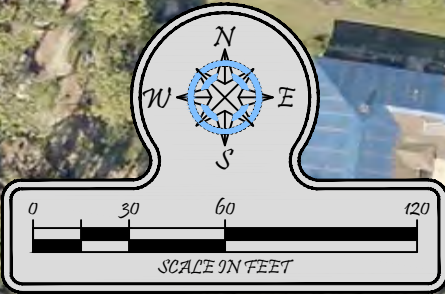
**FLESHER-STILLWELL PKWY  
 FLUCCS MAP**

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CREATED:	09-12-18	2.	-	-	-	-
JOB NO.:	1877	3.	-	-	-	-
SHEET NO.:	02 OF 06	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 14 TOWNSHIP- 47 S RANGE- 25 E

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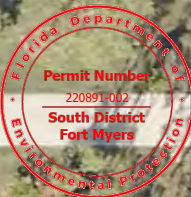
Exhibit A  
(Page 13 of 16)  
OGC Case No.  
22-2063



PROPOSED SITE

SUBJECT PROPERTY

STILLWELL PARKWAY



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Marine & Environmental Consulting  
3584 Exchange Ave. Naples, FL 34104-3732  
Email: tuna@turrell-associates.com Phone: (239) 643-0166 Fax: (239) 643-6632

# FLESHER-STILLWELL PKWY PROPOSED SITE

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DESIGNED:	NP	REV#	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	RMJ	1.	-	-	-	-
CREATED:	09-12-18	2.	-	-	-	-
JOB NO.:	1877	3.	-	-	-	-
SHEET NO.:	03 OF 06	4.	-	-	-	-
		5.	-	-	-	-
SECTION- 14		TOWNSHIP- 47 S		RANGE- 25 E		

P:\1877-00-Fletcher-Stillwell PKWY\CAD\PERMIT-STATE\1877-STATE.dwg IMPACTS 9/12/2018

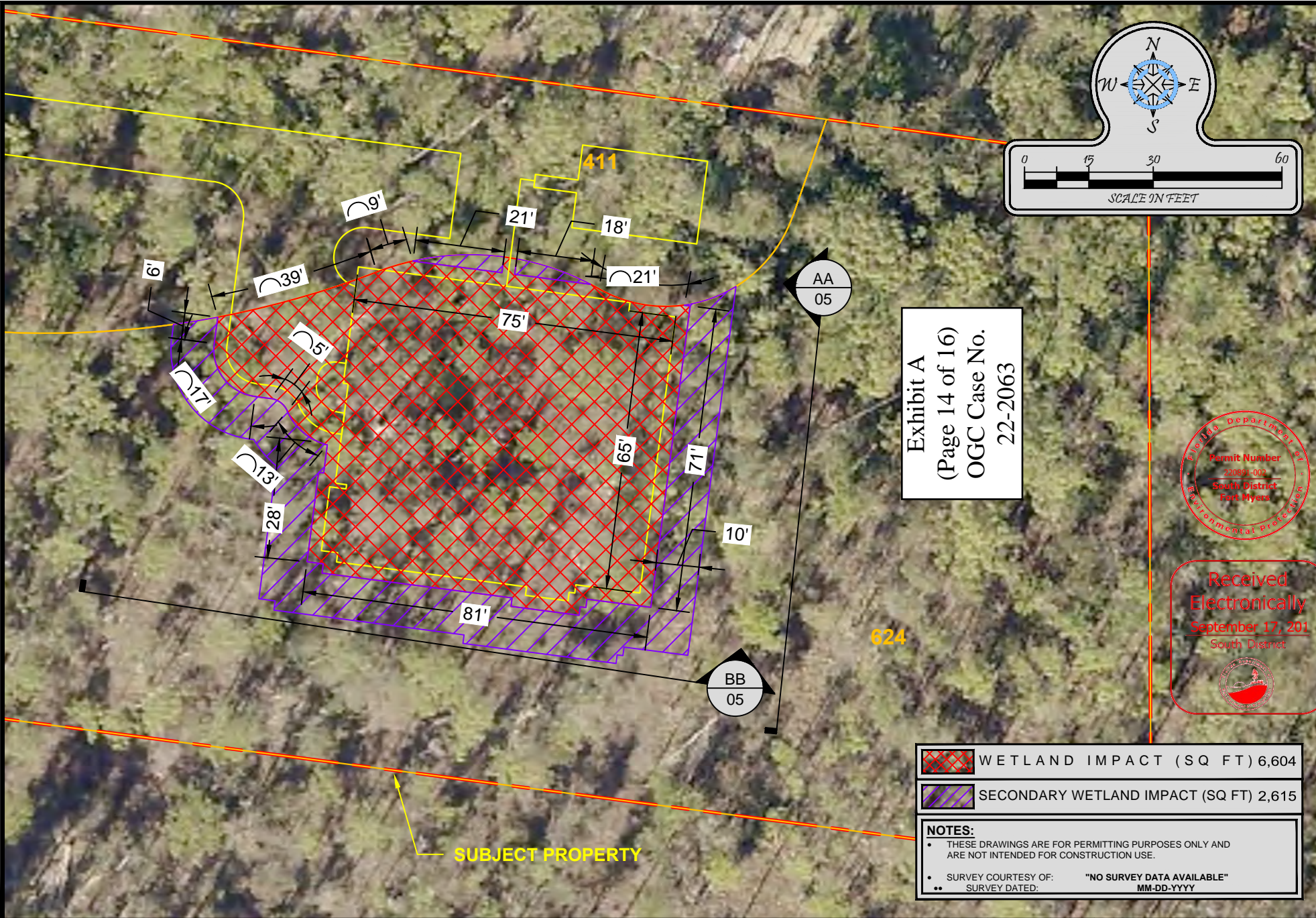


Exhibit A  
 (Page 14 of 16)  
 OGC Case No.  
 22-2063



	WETLAND IMPACT (SQ FT) 6,604
	SECONDARY WETLAND IMPACT (SQ FT) 2,615

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- SURVEY DATED: MM-DD-YYYY

**SUBJECT PROPERTY**



**Turrell, Hall & Associates, Inc.**  
 Marine & Environmental Consulting  
 3584 Exchange Ave. Naples, FL 34104-3732

**FLESHER-STILLWELL PKWY  
 IMPACTS MAP**

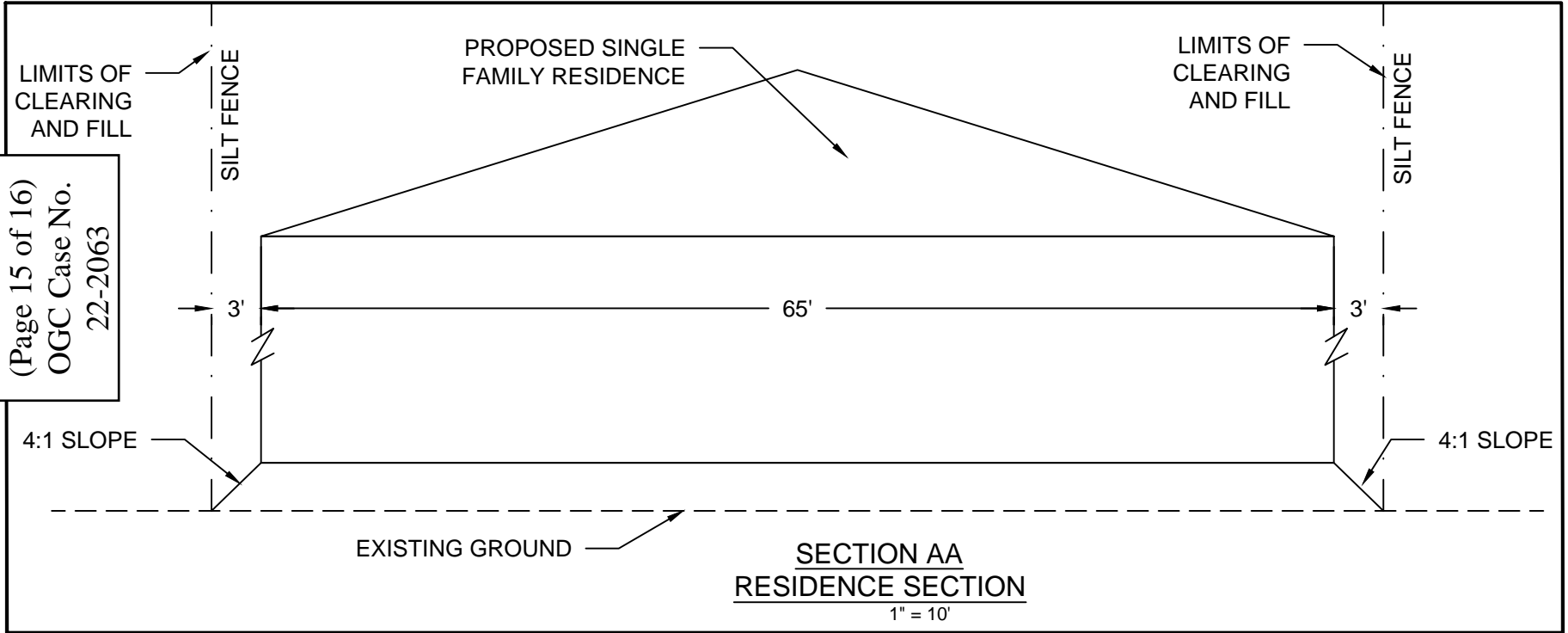
Email: tuna@turrell-associates.com Phone: (239) 643-0166 Fax: (239) 643-6632

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DESIGNED:	NP	REV#	REV BY:	DATE	CHK BY:	CHANGED:
DRAWN BY:	RMJ	1.	-	-	-	-
CREATED:	09-12-18	2.	-	-	-	-
JOB NO.:	1877	3.	-	-	-	-
SHEET NO.:	04 OF 06	4.	-	-	-	-
		5.	-	-	-	-

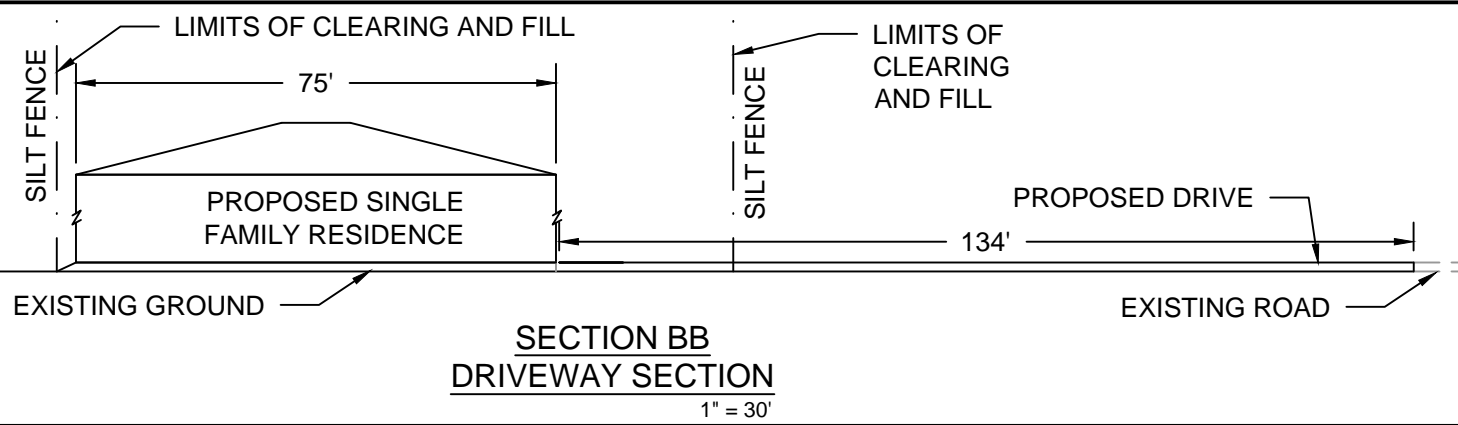
SECTION- 14 TOWNSHIP- 47 S RANGE- 25 E

**Exhibit A**  
 (Page 15 of 16)  
 OGC Case No.  
 22-2063



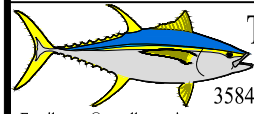
**Received Electronically**  
 September 17, 201  
 South District

**Permit Number**  
 220891-002  
 South District  
 Fort Myers



**NOTES:**

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- SURVEY COURTESY OF: "NO SURVEY DATA AVAILABLE"
- SURVEY DATED: MM-DD-YYYY



**Turrell, Hall & Associates, Inc.**  
 Marine & Environmental Consulting  
 3584 Exchange Ave. Naples, FL 34104-3732  
 Email: tuna@turrell-associates.com Phone: (239) 643-0166 Fax: (239) 643-6632

**FLESHER-STILLWELL PKWY**  
**CROSS SECTIONS**

DESIGNED:	NP	REV#	REV BY:	DATE	CHK BY:	CHANGED:
DRAWN BY:	RMJ	1.	-	-	-	-
CREATED:	09-12-18	2.	-	-	-	-
JOB NO.:	1877	3.	-	-	-	-
SHEET NO.:	05 OF 06	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 14 TOWNSHIP- 47 S RANGE- 25 E

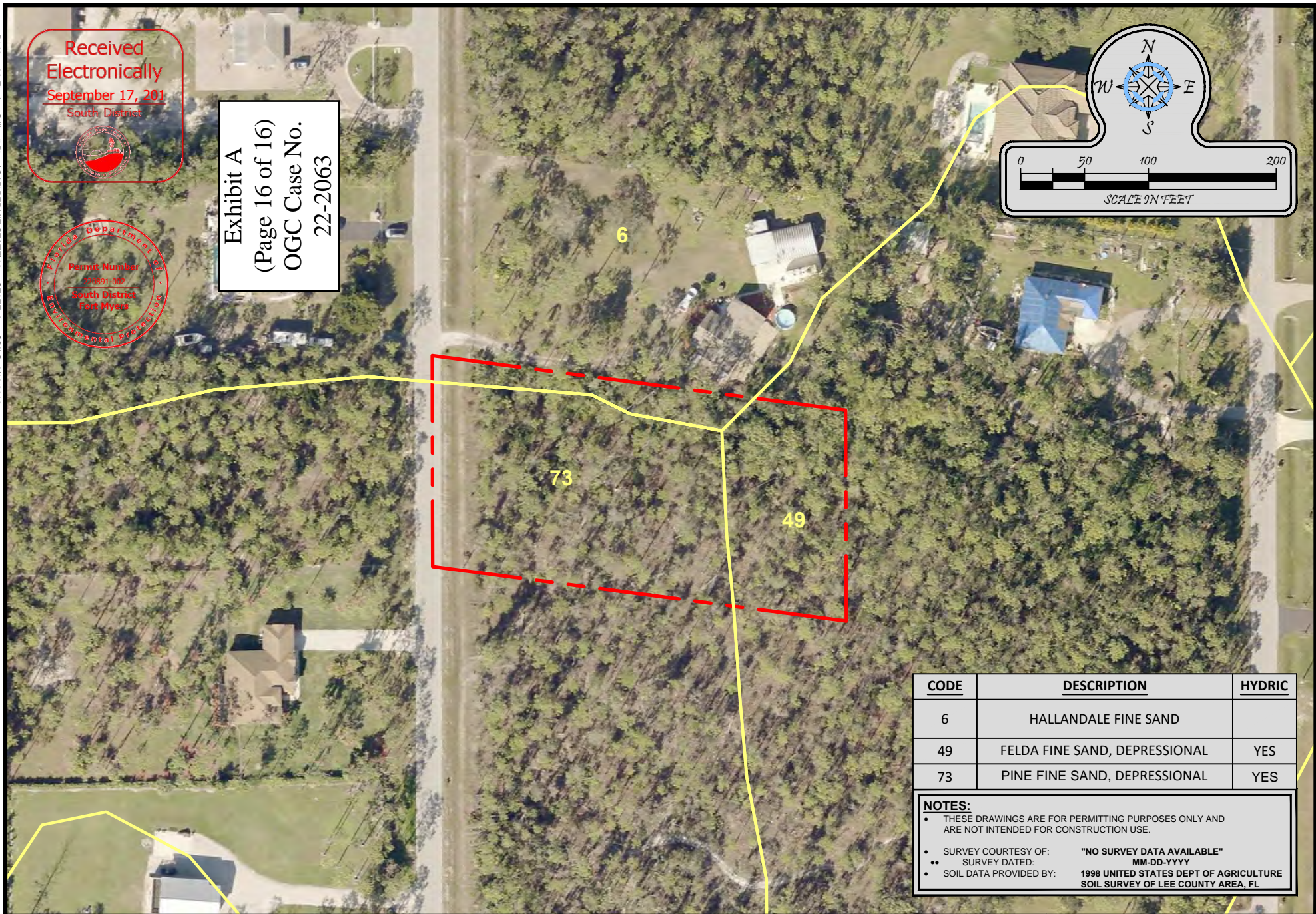
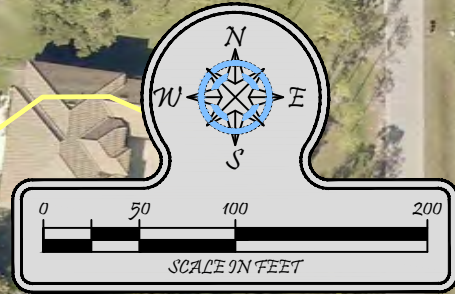
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

P:\1877-00-Flesher-Stillwell Pkwy\CAD\PERMIT-STATE\1877-STATE.dwg SOILS 9/12/2018

Received  
Electronically  
September 17, 2018  
South District

Florida Department of  
Environmental Protection  
Permit Number  
22091-002  
South District  
Fort Myers

Exhibit A  
(Page 16 of 16)  
OGC Case No.  
22-2063



CODE	DESCRIPTION	HYDRIC
6	HALLANDALE FINE SAND	
49	FELDA FINE SAND, DEPRESSIONAL	YES
73	PINE FINE SAND, DEPRESSIONAL	YES

**NOTES:**

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- SURVEY COURTESY OF: "NO SURVEY DATA AVAILABLE"
- SURVEY DATED: MM-DD-YYYY
- SOIL DATA PROVIDED BY: 1998 UNITED STATES DEPT OF AGRICULTURE SOIL SURVEY OF LEE COUNTY AREA, FL



**Turrell, Hall & Associates, Inc.**  
Marine & Environmental Consulting  
3584 Exchange Ave. Naples, FL 34104-3732  
Email: tuna@turrell-associates.com Phone: (239) 643-0166 Fax: (239) 643-6632

# FLESHER-STILLWELL PKWY SOILS MAP

DESIGNED:	NP	REV#	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	RMJ	1.	-	-	-	-
CREATED:	09-12-18	2.	-	-	-	-
JOB NO.:	1877	3.	-	-	-	-
SHEET NO.:	06 OF 06	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 14 TOWNSHIP- 47 S RANGE- 25 E

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DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT  
1520 ROYAL PALM SQUARE BLVD, SUITE 310  
FORT MYERS, FL 33919

27 February 2019

Exhibit B  
(Page 1 of 20)  
OGC Case No.  
22-2063

Regulatory Division  
West Permits Branch  
Fort Myers Permits Section  
SAJ-2018-02814 (NW-WDD)

Mr. Carl Flesher  
17585 Moorfield Drive  
Fort Myers, FL 33908

Dear Mr. Flesher:

The U.S. Army Corps of Engineers (Corps) assigned your application for a Department of the Army permit, which the Corps received on September 19, 2018, the file number SAJ-2018-02814. A review of the information and drawings provided indicates that the proposed work would result in the mechanical removal of wetland vegetation and the placement of clean fill in 0.15 acres of freshwater wetlands to build a single family residence. The activities subject to this permit are authorized pursuant to authorities under Section 404 of the Clean Water Act (33 U.S.C. § 1344). The project is located in Section 14, Township 47 South, Range 25 East, at 24299 Stillwell Pkwy, Bonita Springs, Lee County, Florida.

Your project, as depicted on the enclosed drawings, is authorized by Nationwide Permit (NWP) Number 29. In addition, project specific conditions have been enclosed. This verification is valid until **March 18, 2022**. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have 12 months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this nationwide permit. Please access the U.S. Army Corps of Engineers' (Corps) Jacksonville District's Regulatory Internet page to access Internet links to view the Final Nationwide Permits, Federal Register Vol. 82, dated January 6, 2017, specifically pages 1983 to 2008, and the table of Regional Conditions. The Internet page address is as follows:

<http://www.saj.usace.army.mil/Missions/Regulatory.aspx>

Please be aware this Internet address is case sensitive and should be entered as it appears above. Once there you will need to click on "Source Book"; and, then click on "Nationwide Permits." These files contain the description of the Nationwide Permit authorization, the Nationwide Permit general conditions, and the regional conditions, which apply specifically to this verification for NWP 29. Enclosed is a list of the six General Conditions, which apply to all Department of the Army authorizations. You must comply with all of the special and general conditions and any project specific condition of this authorization or you may be subject to enforcement action. In the event you have not

completed construction of your project within the specified time limit, a separate application or re-verification may be required.

The following special conditions are included with this verification:

1. All reports, documentation and correspondence required by the conditions of this permit shall be submitted to the following address: U.S. Army Corps of Engineers, Regulatory Division, Special Projects and Enforcement Branch, Miami Office, 9900 SW 107<sup>th</sup> Avenue, Suite 203, Miami, FL 33176. The permittee shall reference this permit number, SAJ-2018-02814 (NW-WDD), on all submittals. Electronic compliance documents may be submitted to the following email address: SAJ-RD-Enforcement@usace.army.mil
2. Within 60 days of completion of the work authorized by this permit, the permittee shall complete the attached "Self-Certification Statement of Compliance" form and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the "Self-Certification Statement of Compliance" form. The description of any deviations on the "Self-Certification Statement of Compliance" form does not constitute approval of any deviations by the Corps.
3. The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
4. Cultural Resources/Historic Properties:
  - a. No structure or work shall adversely affect impact or disturb properties listed in the *National Register of Historic Places* (NRHP) or those eligible for inclusion in the NRHP.
  - b. If during the ground disturbing activities and construction work within the permit area, there are archaeological/cultural materials encountered which were not the subject of a previous cultural resources assessment survey (and which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work and ground-disturbing activities within a 100-meter diameter of the discovery and notify the

Corps within the same business day (8 hours). The Corps shall then notify the Florida State Historic Preservation Officer (SHPO) and the appropriate Tribal Historic Preservation Officer(s) (THPO(s)) to assess the significance of the discovery and devise appropriate actions.

c. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition ; and if deemed necessary by the SHPO, THPO(s), or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.

d. In the unlikely event that unmarked human remains are identified on non-federal lands, they will be treated in accordance with Section 872.05 Florida Statutes. All work and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archeologist within the same business day (8-hours). The Corps shall then notify the appropriate SHPO and THPO(s). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume without written authorization from the State Archeologist and from the Corps.

5. Permittee shall comply with U.S. Fish and Wildlife Service's "Standard Protection Measures for the Eastern Indigo Snake" dated August 12, 2013, as provided in Enclosure 4 of this permit. All gopher tortoise burrows, active or inactive, shall be evacuated prior to site manipulation in the vicinity of the burrow. If excavating potentially occupied burrows, active or inactive, individuals must first obtain state authorization via a Florida Fish and Wildlife Conservation Commission (FWC) Authorized Gopher Tortoise Agent permit. The excavation method selected shall minimize the potential for injury of an indigo snake. The Permittee shall follow the excavation guidance provided in the most current FWC Gopher Tortoise Permitting Guidelines found at <http://myfwc.com/gophertortoise>. If an indigo snake is encountered, the snake must be allowed to vacate the area prior to additional site manipulation in the vicinity. Holes, cavities, and snake refugia other than gopher tortoise burrows shall be inspected each morning before planned site manipulation of a particular area, and if occupied by an indigo snake, no work shall commence until the snake has vacated the vicinity of the proposed work.
6. The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.
7. Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material outside the work area into waters of the United States.



Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas shall be stabilized using sod, degradable mats, barriers, or a combination of similar stabilizing materials to prevent erosion. The erosion control measures shall remain in place and be maintained until all authorized work is completed and the work areas are stabilized.

8. Within 30 days from the date of initiating the work authorized by this permit, the Permittee shall provide verification to the Corps that 0.11 of forested federal mitigation bank credits have been purchased from the Panther Island Mitigation Bank Expansion (SAJ-2014-01319). The required verification shall reference this project's permit number (SAJ-2018-02814).

This letter of authorization does not obviate the necessity to obtain any other Federal, State, or local permits, which may be required. Prior to the initiation of any construction, projects qualifying for this Nationwide permit must qualify for an exemption under section 403.813(1), Florida Statutes or 373.406, Florida Statutes, or otherwise be authorized by the applicable permit required under Part IV of Chapter 373, Florida Statutes, by the Department of Environmental Protection, a water management district under section 373.069, Florida Statutes, or a local government with delegated authority under section 373.441, Florida Statutes, and receive Water Quality Certification and applicable Coastal Zone Consistency Concurrence or waiver thereto, as well as any authorizations required for the use of state-owned submerged lands under Chapter 253, Florida Statutes, and, as applicable, Chapter 258, Florida Statutes. You should check State-permitting requirements with the Florida Department of Environmental Protection or the appropriate water management district.

This letter of authorization does not include conditions that would prevent the 'take' of a state-listed fish or wildlife species. These species are protected under sec. 379.411, Florida Statutes, and listed under Rule 68A-27, Florida Administrative Code. With regard to fish and wildlife species designated as species of special concern or threatened by the State of Florida, you are responsible for coordinating directly with the Florida Fish and Wildlife Conservation Commission (FWC). You can visit the FWC license and permitting webpage (<http://www.myfwc.com/license/wildlife/>) for more information, including a list of those fish and wildlife species designated as species of special concern or threatened. The Florida Natural Areas Inventory (<http://www.fnai.org/>) also maintains updated lists, by county, of documented occurrences of those species.

This letter of authorization does not give absolute Federal authority to perform the work as specified on your application. The proposed work may be subject to local

building restrictions mandated by the National Flood Insurance Program. You should contact your local office that issues building permits to determine if your site is located in a flood-prone area, and if you must comply with the local building requirements mandated by the National Flood Insurance Program.

If you are unable to access the internet or require a hardcopy of any of the conditions, limitations, or expiration date for the above referenced NWP, please contact me by telephone at 239-334-1975.

Thank you for your cooperation with our permit program. The Corps Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to complete our automated Customer Service Survey at [http://corpsmapu.usace.army.mil/cm\\_apex/f?p=regulatory\\_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey). Please be aware this Internet address is case sensitive; and, you will need to enter it exactly as it appears above. Your input is appreciated – favorable or otherwise.

Sincerely,

William DeFrance  
Project Manager

Enclosures

- 1) General Conditions
- 2) Department of The Army Transfer Request
- 3) Self Certification Statement of Compliance
- 4) Standard Protection Measures for the Eastern Indigo Snake
- 5) Project Plans

cc:

Nick Pearson, Turrell, Hall & Associates, Inc. (Nick@THAnaples.com)

GENERAL CONDITIONS  
33 CFR PART 320-330

1. The time limit for completing the work authorized ends on **March 18, 2022**.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow a representative from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

**DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST**

**PERMIT NUMBER: SAJ-2018-02814 (NW-WDD)**

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Section, Post Office Box 4970, Jacksonville, FL 32232-0019 or electronic mail at saj-rd-enforcement@usace.army.mil.

\_\_\_\_\_  
**(TRANSFEREE-SIGNATURE)**

\_\_\_\_\_  
**(SUBDIVISION)**

\_\_\_\_\_  
**(DATE)**

\_\_\_\_\_  
**(LOT)**

\_\_\_\_\_  
**(BLOCK)**

\_\_\_\_\_  
**(NAME-PRINTED)**

\_\_\_\_\_  
**(STREET ADDRESS)**

\_\_\_\_\_  
**(MAILING ADDRESS)**

\_\_\_\_\_  
**(CITY, STATE, ZIP CODE)**

**SELF-CERTIFICATION STATEMENT OF COMPLIANCE**

**Permit Number: NW-27 SAJ-2018-02814**

Permittee's Name & Address (please print or type): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Telephone Number: \_\_\_\_\_

Location of the Work: \_\_\_\_\_

\_\_\_\_\_

Date Work Started: \_\_\_\_\_ Date Work Completed: \_\_\_\_\_

\_\_\_\_\_

**PROPERTY IS INACCESSIBLE WITHOUT PRIOR NOTIFICATION: YES \_\_\_\_\_ NO \_\_\_\_\_**

**TO SCHEDULE AN INSPECTION PLEASE CONTACT \_\_\_\_\_**  
**AT \_\_\_\_\_**

Description of the Work (e.g. bank stabilization, residential or commercial filling, docks, dredging, etc.): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Acreage or Square Feet of Impacts to Waters of the United States: \_\_\_\_\_

Describe Mitigation completed (if applicable): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Describe any Deviations from Permit (attach drawing(s) depicting the deviations):

\_\_\_\_\_  
\_\_\_\_\_

\*\*\*\*\*

I certify that all work, and mitigation (if applicable) was done in accordance with the limitations and conditions as described in the permit. Any deviations as described above are depicted on the attached drawing(s).

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date

**STANDARD PROTECTION MEASURES FOR THE EASTERN INDIGO SNAKE**  
**U.S. Fish and Wildlife Service**  
**August 12, 2013**

The eastern indigo snake protection/education plan (Plan) below has been developed by the U.S. Fish and Wildlife Service (USFWS) in Florida for use by applicants and their construction personnel. At least **30 days prior** to any clearing/land alteration activities, the applicant shall notify the appropriate USFWS Field Office via e-mail that the Plan will be implemented as described below (North Florida Field Office: [jaxregs@fws.gov](mailto:jaxregs@fws.gov); South Florida Field Office: [verobeach@fws.gov](mailto:verobeach@fws.gov); Panama City Field Office: [panamacity@fws.gov](mailto:panamacity@fws.gov)). As long as the signatory of the e-mail certifies compliance with the below Plan (including use of the attached poster and brochure), no further written confirmation or “approval” from the USFWS is needed and the applicant may move forward with the project.

If the applicant decides to use an eastern indigo snake protection/education plan other than the approved Plan below, written confirmation or “approval” from the USFWS that the plan is adequate must be obtained. At least 30 days prior to any clearing/land alteration activities, the applicant shall submit their unique plan for review and approval. The USFWS will respond via e-mail, typically within 30 days of receiving the plan, either concurring that the plan is adequate or requesting additional information. A concurrence e-mail from the appropriate USFWS Field Office will fulfill approval requirements.

The Plan materials should consist of: 1) a combination of posters and pamphlets (see **Poster Information** section below); and 2) verbal educational instructions to construction personnel by supervisory or management personnel before any clearing/land alteration activities are initiated (see **Pre-Construction Activities** and **During Construction Activities** sections below).

**POSTER INFORMATION**

Posters with the following information shall be placed at strategic locations on the construction site and along any proposed access roads (a final poster for Plan compliance, to be printed on 11” x 17” or larger paper and laminated, is attached):

**DESCRIPTION:** The eastern indigo snake is one of the largest non-venomous snakes in North America, with individuals often reaching up to 8 feet in length. They derive their name from the glossy, blue-black color of their scales above and uniformly slate blue below. Frequently, they have orange to coral reddish coloration in the throat area, yet some specimens have been reported to only have cream coloration on the throat. These snakes are not typically aggressive and will attempt to crawl away when disturbed. Though indigo snakes rarely bite, they should NOT be handled.

**SIMILAR SNAKES:** The black racer is the only other solid black snake resembling the eastern indigo snake. However, black racers have a white or cream chin, thinner bodies, and WILL BITE if handled.

**LIFE HISTORY:** The eastern indigo snake occurs in a wide variety of terrestrial habitat types throughout Florida. Although they have a preference for uplands, they also utilize some wetlands

and agricultural areas. Eastern indigo snakes will often seek shelter inside gopher tortoise burrows and other below- and above-ground refugia, such as other animal burrows, stumps, roots, and debris piles. Females may lay from 4 - 12 white eggs as early as April through June, with young hatching in late July through October.

**PROTECTION UNDER FEDERAL AND STATE LAW:** The eastern indigo snake is classified as a Threatened species by both the USFWS and the Florida Fish and Wildlife Conservation Commission. “Taking” of eastern indigo snakes is prohibited by the Endangered Species Act without a permit. “Take” is defined by the USFWS as an attempt to kill, harm, harass, pursue, hunt, shoot, wound, trap, capture, collect, or engage in any such conduct. Penalties include a maximum fine of \$25,000 for civil violations and up to \$50,000 and/or imprisonment for criminal offenses, if convicted.

Only individuals currently authorized through an issued Incidental Take Statement in association with a USFWS Biological Opinion, or by a Section 10(a)(1)(A) permit issued by the USFWS, to handle an eastern indigo snake are allowed to do so.

**IF YOU SEE A LIVE EASTERN INDIGO SNAKE ON THE SITE:**

- Cease clearing activities and allow the live eastern indigo snake sufficient time to move away from the site without interference;
- Personnel must NOT attempt to touch or handle snake due to protected status.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Immediately notify supervisor or the applicant’s designated agent, **and** the appropriate USFWS office, with the location information and condition of the snake.
- If the snake is located in a vicinity where continuation of the clearing or construction activities will cause harm to the snake, the activities must halt until such time that a representative of the USFWS returns the call (within one day) with further guidance as to when activities may resume.

**IF YOU SEE A DEAD EASTERN INDIGO SNAKE ON THE SITE:**

- Cease clearing activities and immediately notify supervisor or the applicant’s designated agent, **and** the appropriate USFWS office, with the location information and condition of the snake.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Thoroughly soak the dead snake in water and then freeze the specimen. The appropriate wildlife agency will retrieve the dead snake.

**Telephone numbers of USFWS Florida Field Offices to be contacted if a live or dead eastern indigo snake is encountered:**

**North Florida Field Office – (904) 731-3336**  
**Panama City Field Office – (850) 769-0552**  
**South Florida Field Office – (772) 562-3909**

### **PRE-CONSTRUCTION ACTIVITIES**

1. The applicant or designated agent will post educational posters in the construction office and throughout the construction site, including any access roads. The posters must be clearly visible to all construction staff. A sample poster is attached.
2. Prior to the onset of construction activities, the applicant/designated agent will conduct a meeting with all construction staff (annually for multi-year projects) to discuss identification of the snake, its protected status, what to do if a snake is observed within the project area, and applicable penalties that may be imposed if state and/or federal regulations are violated. An educational brochure including color photographs of the snake will be given to each staff member in attendance and additional copies will be provided to the construction superintendent to make available in the onsite construction office (a final brochure for Plan compliance, to be printed double-sided on 8.5" x 11" paper and then properly folded, is attached). Photos of eastern indigo snakes may be accessed on USFWS and/or FWC websites.
3. Construction staff will be informed that in the event that an eastern indigo snake (live or dead) is observed on the project site during construction activities, all such activities are to cease until the established procedures are implemented according to the Plan, which includes notification of the appropriate USFWS Field Office. The contact information for the USFWS is provided on the referenced posters and brochures.

### **DURING CONSTRUCTION ACTIVITIES**

1. During initial site clearing activities, an onsite observer may be utilized to determine whether habitat conditions suggest a reasonable probability of an eastern indigo snake sighting (example: discovery of snake sheds, tracks, lots of refugia and cavities present in the area of clearing activities, and presence of gopher tortoises and burrows).
2. If an eastern indigo snake is discovered during gopher tortoise relocation activities (i.e. burrow excavation), the USFWS shall be contacted within one business day to obtain further guidance which may result in further project consultation.
3. Periodically during construction activities, the applicant's designated agent should visit the project area to observe the condition of the posters and Plan materials, and replace them as needed. Construction personnel should be reminded of the instructions (above) as to what is expected if any eastern indigo snakes are seen.

### **POST CONSTRUCTION ACTIVITIES**

Whether or not eastern indigo snakes are observed during construction activities, a monitoring report should be submitted to the appropriate USFWS Field Office within 60 days of project completion. The report can be sent electronically to the appropriate USFWS e-mail address listed on page one of this Plan.





# **ATTENTION:**

## **THREATENED EASTERN INDIGO SNAKES MAY BE PRESENT ON THIS SITE!!!**

Exhibit B  
(Page 12 of 20)  
OGC Case No.  
22-2063

### **IF YOU SEE A LIVE EASTERN INDIGO SNAKE ON THE SITE:**

- Cease clearing activities and allow the eastern indigo snake sufficient time to move away from the site without interference.
- Personnel must NOT attempt to touch or handle snake due to protected status.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Immediately notify supervisor or the applicant's designated agent, **and** the appropriate U.S. Fish and Wildlife Service (USFWS) office, with the location information and condition of the snake.
- If the snake is located in a vicinity where continuation of the clearing or construction activities will cause harm to the snake, the activities must halt until such time that a representative of the USFWS returns the call (within one day) with further guidance as to when activities may resume.

### **IF YOU SEE A DEAD EASTERN INDIGO SNAKE ON THE SITE:**

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- Take photographs of the snake, if possible, for identification and documentation purposes.
- Thoroughly soak the dead snake in water and then freeze the specimen. The appropriate wildlife agency will retrieve the dead snake.

### **USFWS Florida Field Offices to be contacted if a live or dead eastern indigo snake is encountered:**

**North Florida Field Office – (904) 731-3336**

**Panama City Field Office – (850) 769-0552**

**South Florida Field Office – (772) 562-3909**

### **Killing, harming, or harassing indigo snakes is strictly prohibited and punishable under State and Federal Law.**

**DESCRIPTION:** The eastern indigo snake is one of the largest non-venomous snakes in North America, with individuals often reaching up to 8 feet in length. They derive their name from the glossy, blue-black color of their scales above and uniformly slate blue below. Frequently, they have orange to coral reddish coloration in the throat area, yet some specimens have been reported to only have cream coloration on the throat. These snakes are not typically aggressive and will attempt to crawl away when disturbed. Though indigo snakes rarely bite, they should NOT be handled.

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**PROTECTION:** The eastern indigo snake is classified as a Threatened species by both the USFWS and the Florida Fish and Wildlife Conservation Commission. "Taking" of eastern indigo snakes is prohibited by the Endangered Species Act without a permit. "Take" is defined by the USFWS as an attempt to kill, harm, harass, pursue, hunt, shoot, wound, trap, capture, collect, or engage in any such conduct. Penalties include a maximum fine of \$25,000 for civil violations and up to \$50,000 and/or imprisonment for criminal offenses, if convicted.

Only individuals currently authorized through an issued Incidental Take Statement in association with a USFWS Biological Opinion, or by a Section 10(a)(1)(A) permit issued by the USFWS, to handle an eastern indigo snake are allowed to do so.

**IF YOU SEE A LIVE EASTERN  
INDIGO SNAKE ON THE SITE:**

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**South Florida ES Office – (772) 562-3909**

Exhibit B  
(Page 13 of 20)  
OGC Case No.  
22-2063

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Exhibit B  
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22-2063



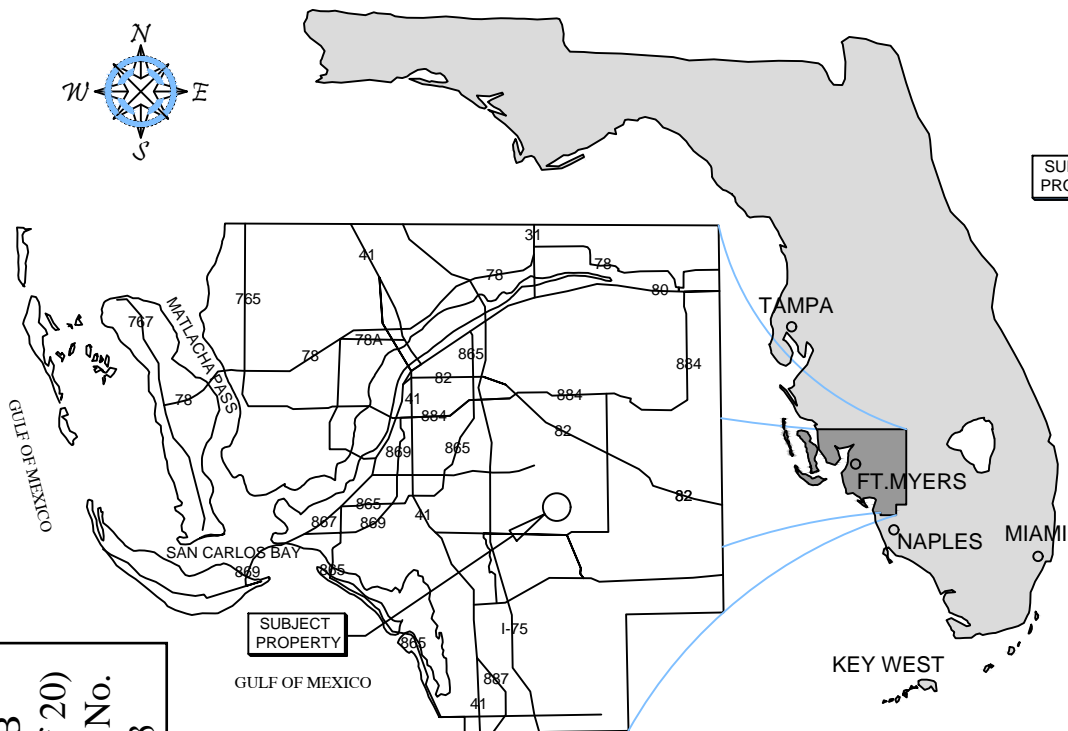
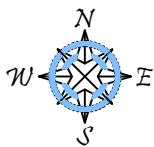
August 12, 2013

**ATTENTION:**  
THREATENED EASTERN INDIGO  
SNAKES MAY BE PRESENT ON  
THIS SITE!!!



Please read the following information provided by the U.S. Fish and Wildlife Service to become familiar with standard protection measures for the eastern indigo snake.

# STATE OF FLORIDA



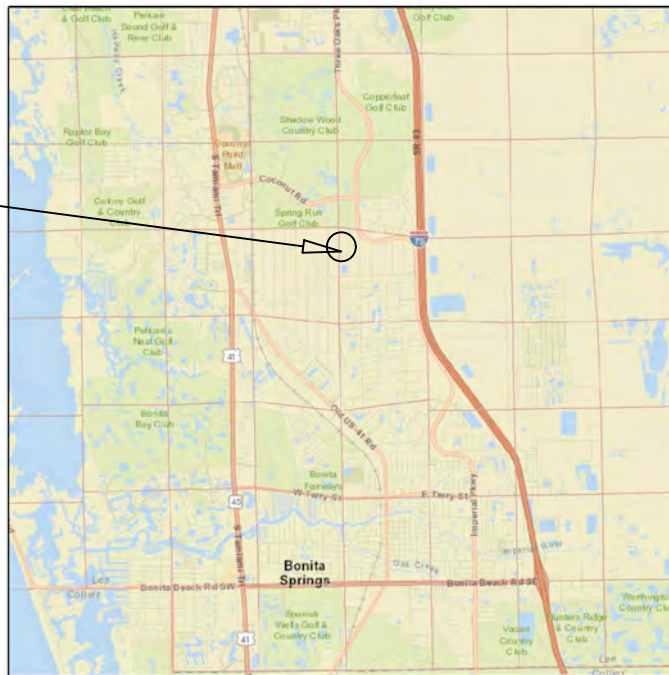
## LEE COUNTY

Exhibit B  
(Page 15 of 20)  
OGC Case No.  
22-2063

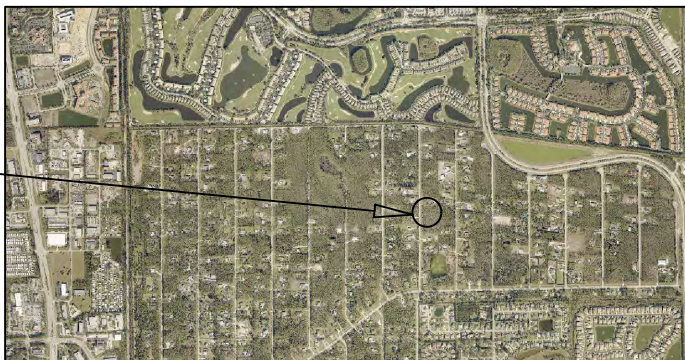


**SITE ADDRESS:**  
 <> 24299 STILLWELL PKWY  
 BONITA SPRINGS, FL 34135

**NOTES:**  
 <> THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY  
 AND ARE NOT INTENDED FOR CONSTRUCTION USE.  
 <> LATITUDE: N 26.386668  
 <> LONGITUDE: W 81.787392



## VICINITY MAP



## COUNTY AERIAL



**Turrell, Hall & Associates, Inc.**  
 Marine & Environmental Consulting  
 3584 Exchange Ave. Naples, FL 34104-3732

Email: tuna@turrell-associates.com Phone: (239) 643-0166 Fax: (239) 643-6632

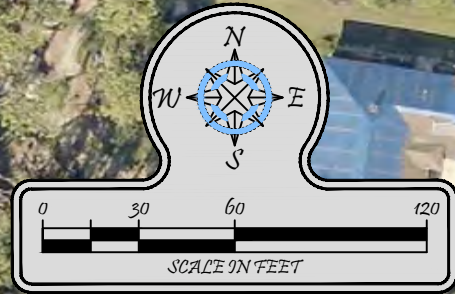
# FLESHER-STILLWELL PKWY LOCATION MAP

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

DESIGNED:	NP	REV#	REV BY:	DATE:	CHK BY:	CHANGES:
DRAWN BY:	RMJ	1.	-	-	-	-
CREATED:	09-12-18	2.	-	-	-	-
JOB NO.:	1877	3.	-	-	-	-
SHEET NO.:	01 OF 06	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 14      TOWNSHIP- 47 S      RANGE- 25 E

**Exhibit B**  
 (Page 16 of 20)  
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STILLWELL PARKWAY

SUBJECT PROPERTY

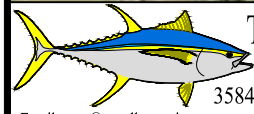
Received  
 Electronically  
 September 17, 2018  
 South District

FLUCFCS	DESCRIPTION	AREA (SF)
411	PINE FLATWOODS	0.27
624	CYPRESS - PINE - CABBAGE PALM	0.83
814	ROADS AND HIGHWAYS	0.12
TOTAL		1.22

UPLAND (ACRES):	0.39
WETLAND (ACRES):	0.83
PROJECT (ACRES):	1.22

**NOTES:**

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- SURVEY COURTESY OF: "NO SURVEY DATA AVAILABLE"
- SURVEY DATED: MM-DD-YYYY



**Turrell, Hall & Associates, Inc.**  
 Marine & Environmental Consulting  
 3584 Exchange Ave. Naples, FL 34104-3732  
 Email: tuna@turrell-associates.com Phone: (239) 643-0166 Fax: (239) 643-6632

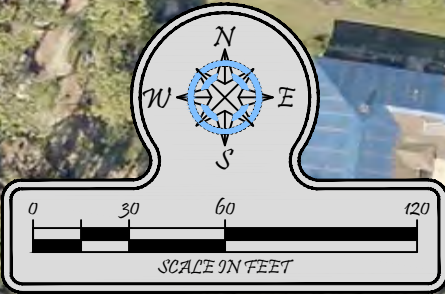
**FLESHER-STILLWELL PKWY  
 FLUCCS MAP**

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CREATED:	09-12-18	2.	-	-	-	-
JOB NO.:	1877	3.	-	-	-	-
SHEET NO.:	02 OF 06	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 14 TOWNSHIP- 47 S RANGE- 25 E

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

Exhibit B  
 (Page 17 of 20)  
 OGC Case No.  
 22-2063



STILLWELL PARKWAY



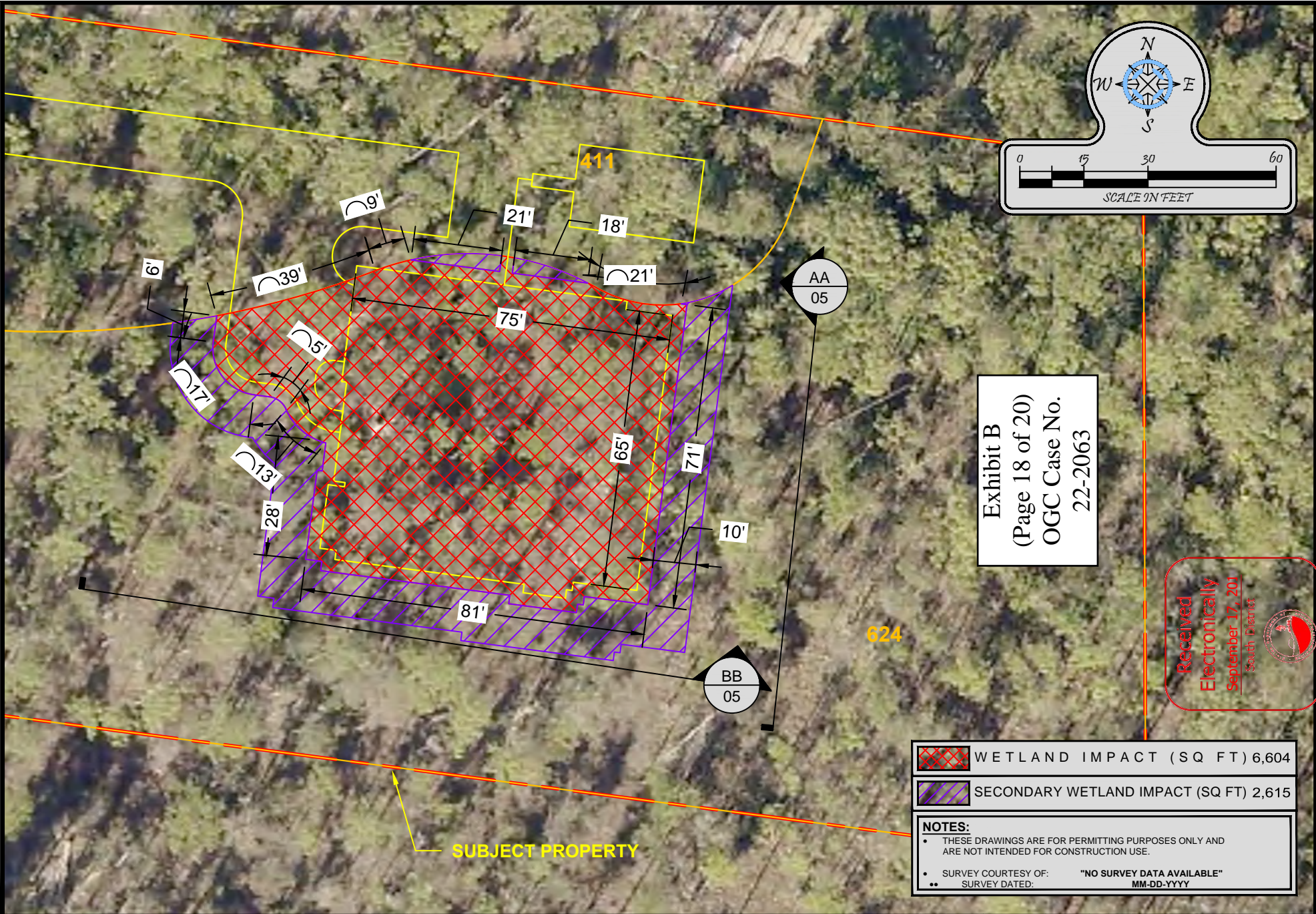
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**FLESHER-STILLWELL PKWY  
 PROPOSED SITE**

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DRAWN BY:	RMJ	1.	-	-	-	-
CREATED:	09-12-18	2.	-	-	-	-
JOB NO.:	1877	3.	-	-	-	-
SHEET NO.:	03 OF 06	4.	-	-	-	-
		5.	-	-	-	-
<b>SECTION- 14</b>		<b>TOWNSHIP- 47S</b>		<b>RANGE- 25E</b>		

P:\1877-00-Fletcher-Stillwell Pkwy\CAD\PERMIT-STATE\1877-STATE.dwg IMPACTS 9/12/2018



**SUBJECT PROPERTY**

	WETLAND IMPACT (SQ FT) 6,604
	SECONDARY WETLAND IMPACT (SQ FT) 2,615

**NOTES:**

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- SURVEY DATED: MM-DD-YYYY



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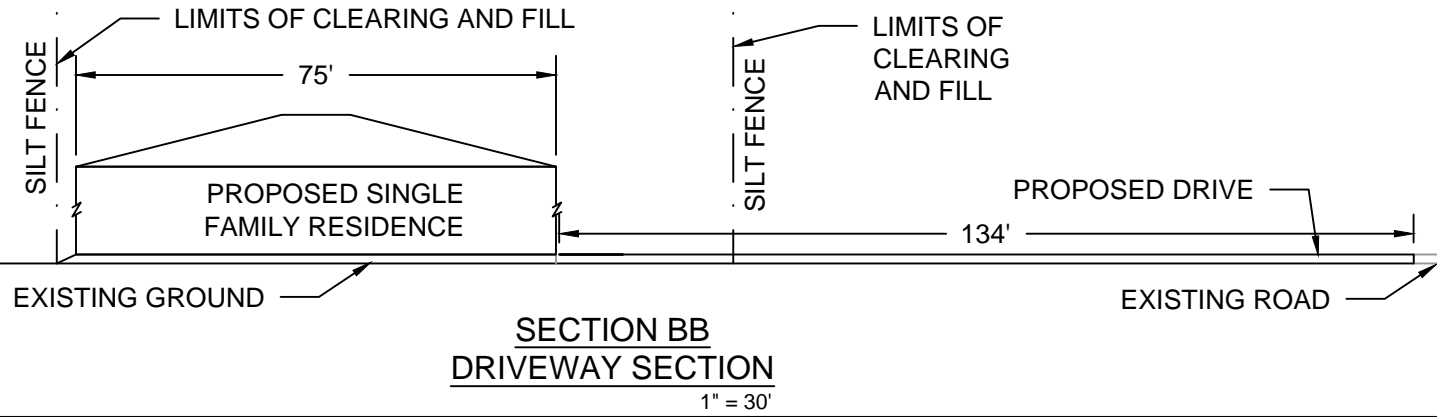
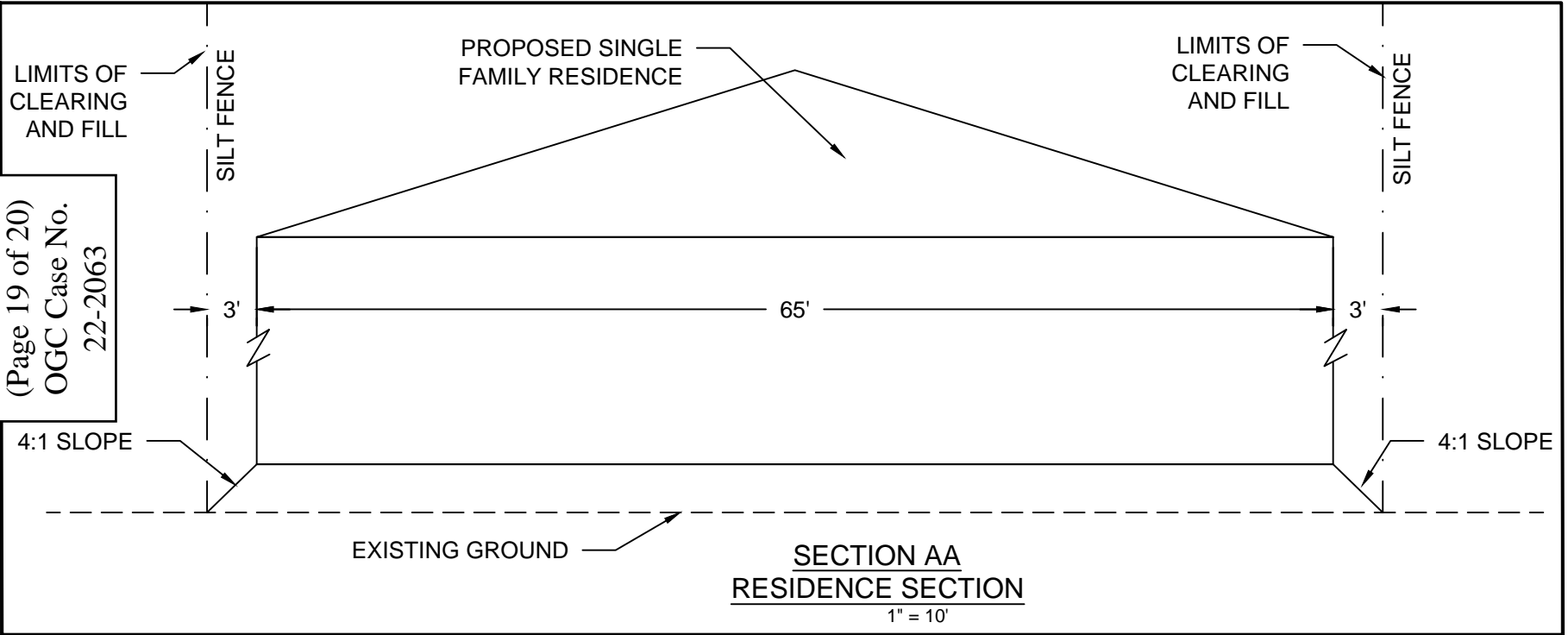
# FLESHER-STILLWELL PKWY IMPACTS MAP

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

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DRAWN BY:	RMJ	1.	-	-	-	-
CREATED:	09-12-18	2.	-	-	-	-
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SHEET NO.:	04 OF 06	4.	-	-	-	-
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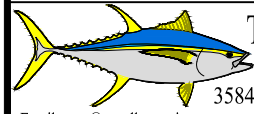
SECTION- 14 TOWNSHIP- 47 S RANGE- 25 E

**Exhibit B**  
 (Page 19 of 20)  
 OGC Case No.  
 22-2063



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- SURVEY DATED: MM-DD-YYYY



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**FLESHER-STILLWELL PKWY**  
**CROSS SECTIONS**

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DESIGNED:	NP	REV#	REV BY:	DATE	CHK BY:	CHANGED:
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CREATED:	09-12-18	2.	-	-	-	-
JOB NO.:	1877	3.	-	-	-	-
SHEET NO.:	05 OF 06	4.	-	-	-	-
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SECTION- 14 TOWNSHIP- 47 S RANGE- 25 E

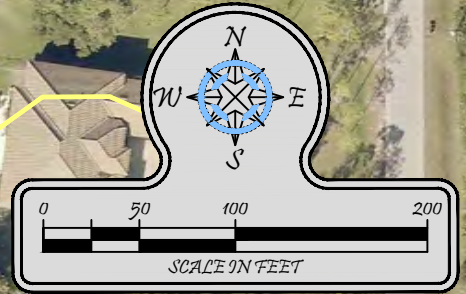


P:\1877-00-Flesher-Stillwell Pkwy\CAD\PERMIT-STATE\1877-STATE.dwg SOILS 9/12/2018

Received  
Electronically  
September 17, 2018  
South District



Exhibit B  
(Page 20 of 20)  
OGC Case No.  
22-2063



CODE	DESCRIPTION	HYDRIC
6	HALLANDALE FINE SAND	
49	FELDA FINE SAND, DEPRESSIONAL	YES
73	PINE FINE SAND, DEPRESSIONAL	YES

**NOTES:**

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- SURVEY COURTESY OF: "NO SURVEY DATA AVAILABLE"
- SURVEY DATED: MM-DD-YYYY
- SOIL DATA PROVIDED BY: 1998 UNITED STATES DEPT OF AGRICULTURE SOIL SURVEY OF LEE COUNTY AREA, FL



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# FLESHER-STILLWELL PKWY SOILS MAP

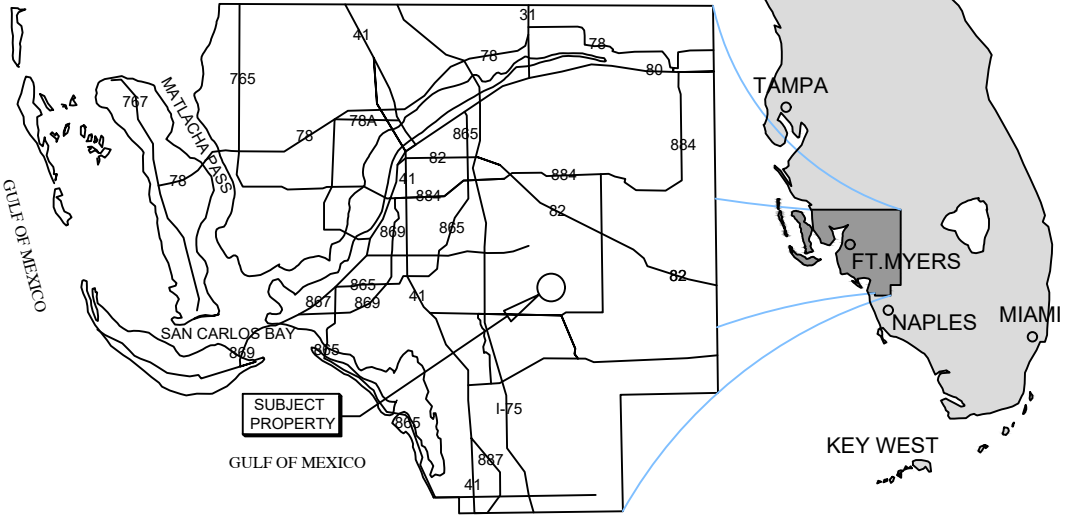
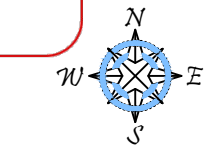
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RMJ	2.	-	-	-	-
09-12-18	3.	-	-	-	-
1877	4.	-	-	-	-
06 OF 06	5.	-	-	-	-

SECTION- 14 TOWNSHIP- 47S RANGE- 25E

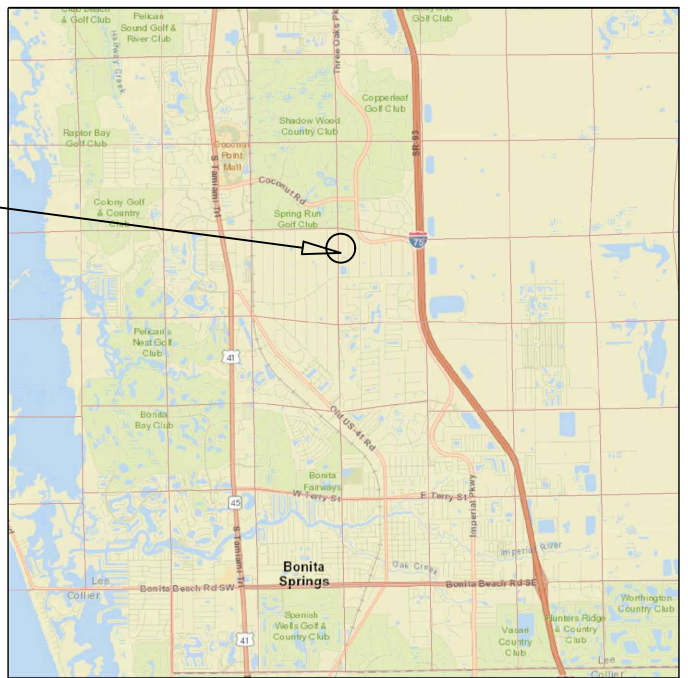
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Received  
 Digitally  
 Aug 16, 2022  
 South District

STATE OF FLORIDA



**LEE COUNTY**



**VICINITY MAP**

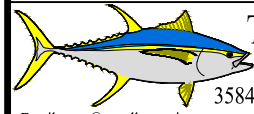


**COUNTY AERIAL**

**SITE ADDRESS:**  
 <> 24299 STILLWELL PKWY  
 BONITA SPRINGS, FL 34135

**NOTES:**  
 <> THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY  
 AND ARE NOT INTENDED FOR CONSTRUCTION USE.  
 <> LATITUDE: N 26.386668  
 <> LONGITUDE: W 81.787392

**Exhibit C (Page 1 of 6)**  
**OGC Case No. 22-2063**



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**ARDITO-STILLWELL PKWY  
 LOCATION MAP**

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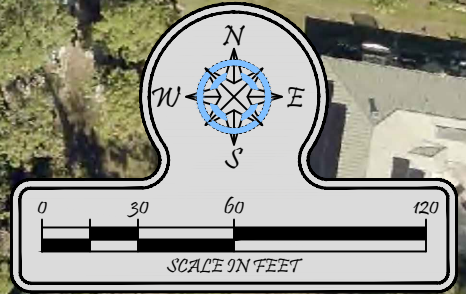
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CREATED:	09-12-18	2.	-	-	-	-
JOB NO.:	1877	3.	-	-	-	-
SHEET NO.:	01 OF 06	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 14 TOWNSHIP- 47 S RANGE- 25 E

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I:\Projects\ARDITO-STILLWELL PKWY\CAD\PERMIT-STATE\1877-STATE.dwg FLUCCS 8/16/2021



STILLWELL PARKWAY

**SUBJECT PROPERTY**

FLUCFCS	DESCRIPTION	AREA (SF)
411	PINE FLATWOODS	0.27
624	CYPRESS - PINE - CABBAGE PALM	0.83
814	ROADS AND HIGHWAYS	0.12
TOTAL		1.22

UPLAND (ACRES):	0.39
WETLAND (ACRES):	0.83
PROJECT (ACRES):	1.22

**NOTES:**

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- SURVEY COURTESY OF: **"NO SURVEY DATA AVAILABLE"**
- SURVEY DATED: **MM-DD-YYYY**

**Exhibit C (Page 2 of 6)**  
**OGC Case No. 22-2063**



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**ARDITO-STILLWELL PKWY  
 FLUCCS MAP**

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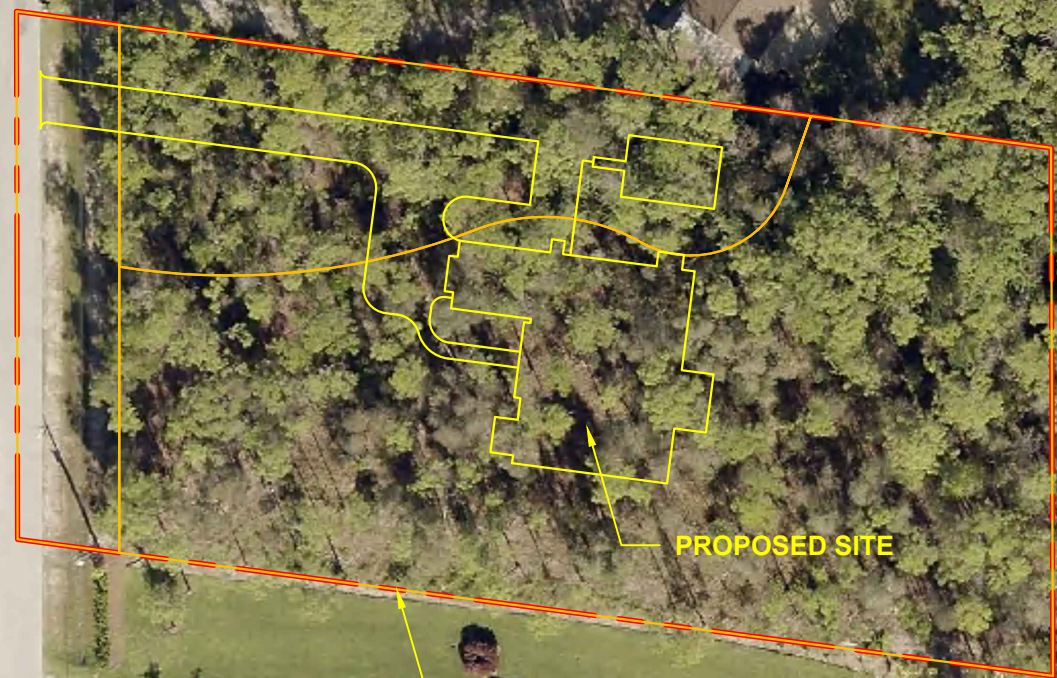
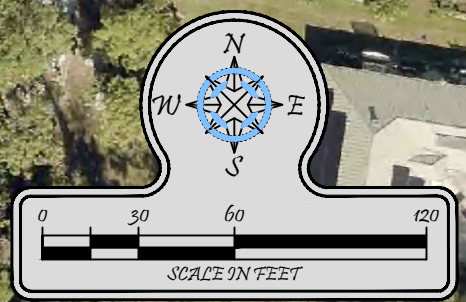
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SHEET NO.:	02 OF 06	4.	-	-	-	-
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SECTION- 14 TOWNSHIP- 47S RANGE- 25E

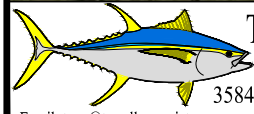
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 10/16/2021 10:44 AM  
 Aug 16, 2021  
 South District



ARDITO-STILLWELL PKWY/CD/PERMIT STATE/1877-STATE.DWG BR/CD/GENERAL 8/14/2021



**Exhibit C (Page 3 of 6)**  
**OGC Case No. 22-2063**



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**ARDITO-STILLWELL PKWY  
 PROPOSED SITE**

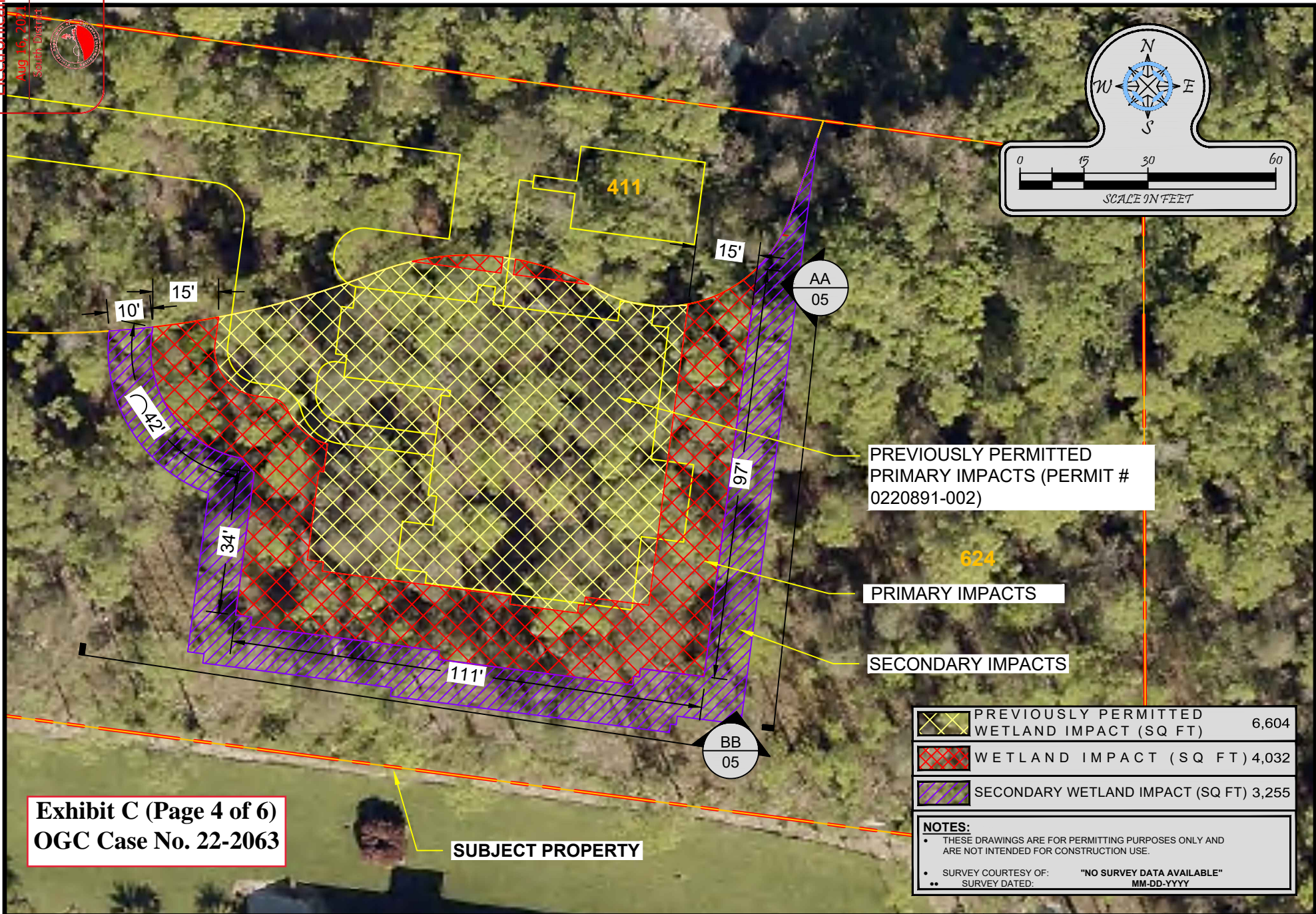
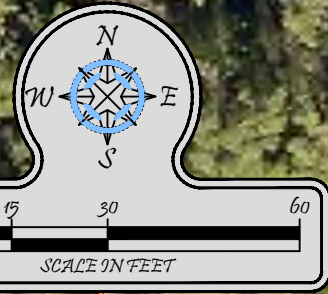
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CREATED:	09-12-18	2.	-	-	-	-
JOB NO.:	1877	3.	-	-	-	-
SHEET NO.:	03 OF 06	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 14      TOWNSHIP- 47S      RANGE- 25E

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 Electronically  
 AUG 16, 2021  
 South County

I:\Projects\1877\ARDITO-STILLWELL PKWY\CAD\PERMIT-STATE\1877-STATE.dwg IMPACTS MAP 8/4/2021



PREVIOUSLY PERMITTED  
 PRIMARY IMPACTS (PERMIT #  
 0220891-002)

PRIMARY IMPACTS

SECONDARY IMPACTS

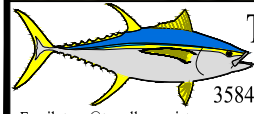
	PREVIOUSLY PERMITTED WETLAND IMPACT (SQ FT)	6,604
	WETLAND IMPACT (SQ FT)	4,032
	SECONDARY WETLAND IMPACT (SQ FT)	3,255

**NOTES:**

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- SURVEY DATED: MM-DD-YYYY

**Exhibit C (Page 4 of 6)**  
**OGC Case No. 22-2063**

**SUBJECT PROPERTY**



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**ARDITO-STILLWELL PKWY  
 IMPACTS MAP**

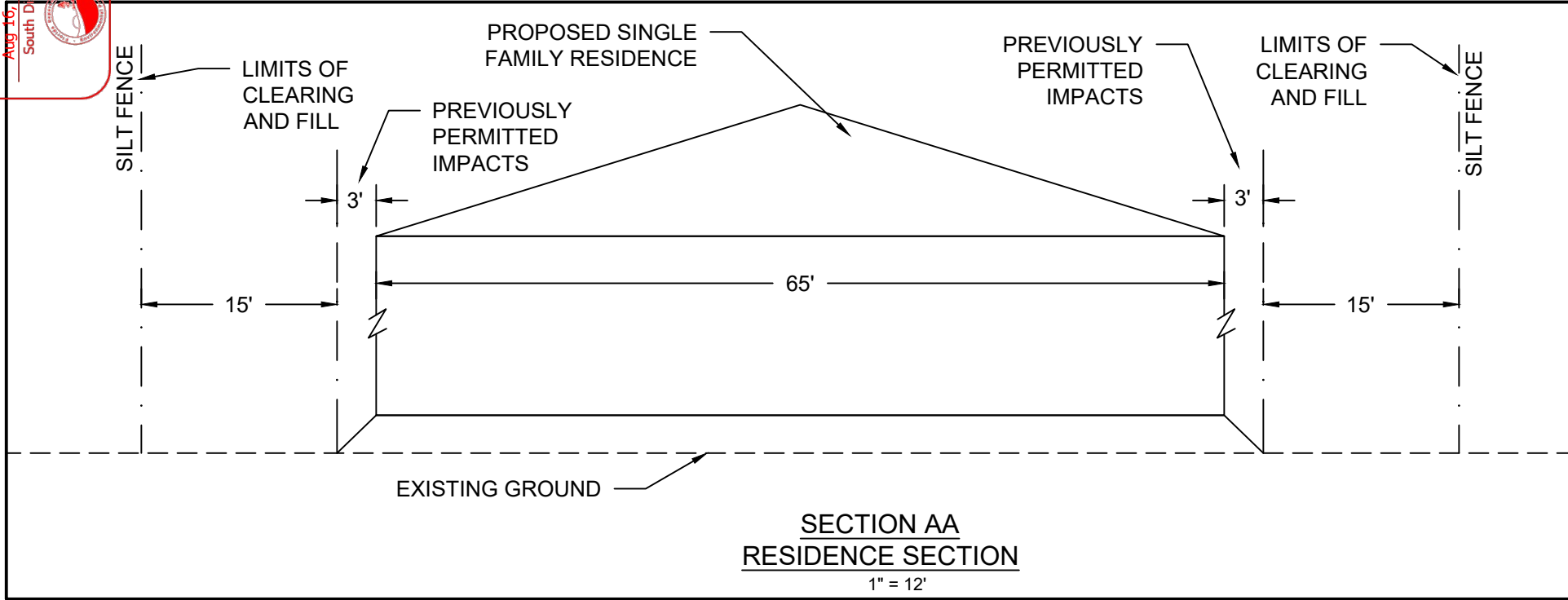
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JOB NO.:	1877	3.	-	-	-	-
SHEET NO.:	04 OF 06	4.	-	-	-	-
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SECTION- 14 TOWNSHIP- 47S RANGE- 25E

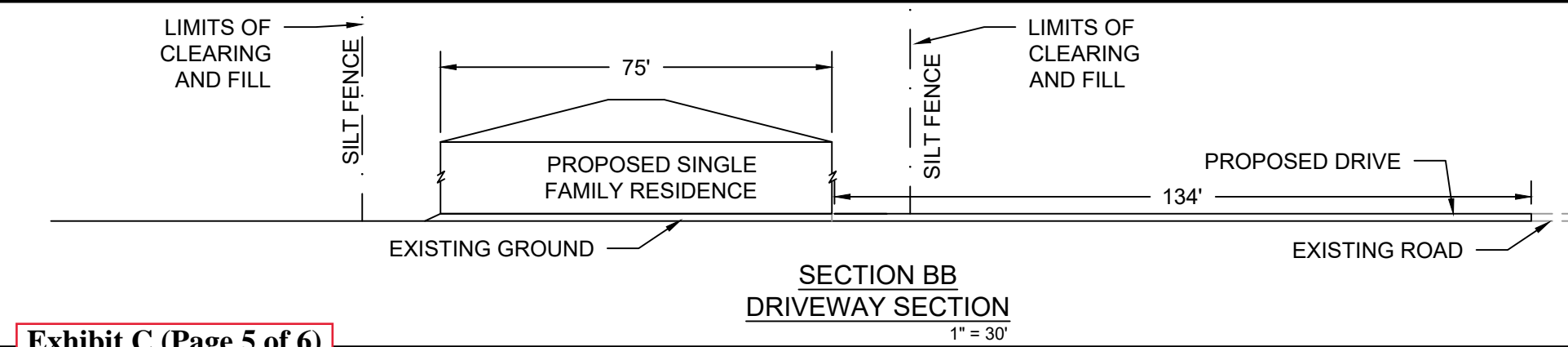
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Received  
 Digitally  
 Aug 16 2021  
 South District

I:\Projects\1877\ARDITO-STILLWELL PKWY\CAD\PERMIT-STATE\1877-STATE.DWG CROSS SECTIONS 04/12/21



**SECTION AA**  
**RESIDENCE SECTION**  
 1" = 12'

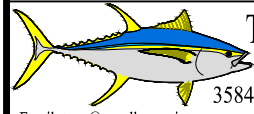


**SECTION BB**  
**DRIVEWAY SECTION**  
 1" = 30'

**Exhibit C (Page 5 of 6)**  
**OGC Case No. 22-2063**

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**ARDITO-STILLWELL PKWY**  
**CROSS SECTIONS**

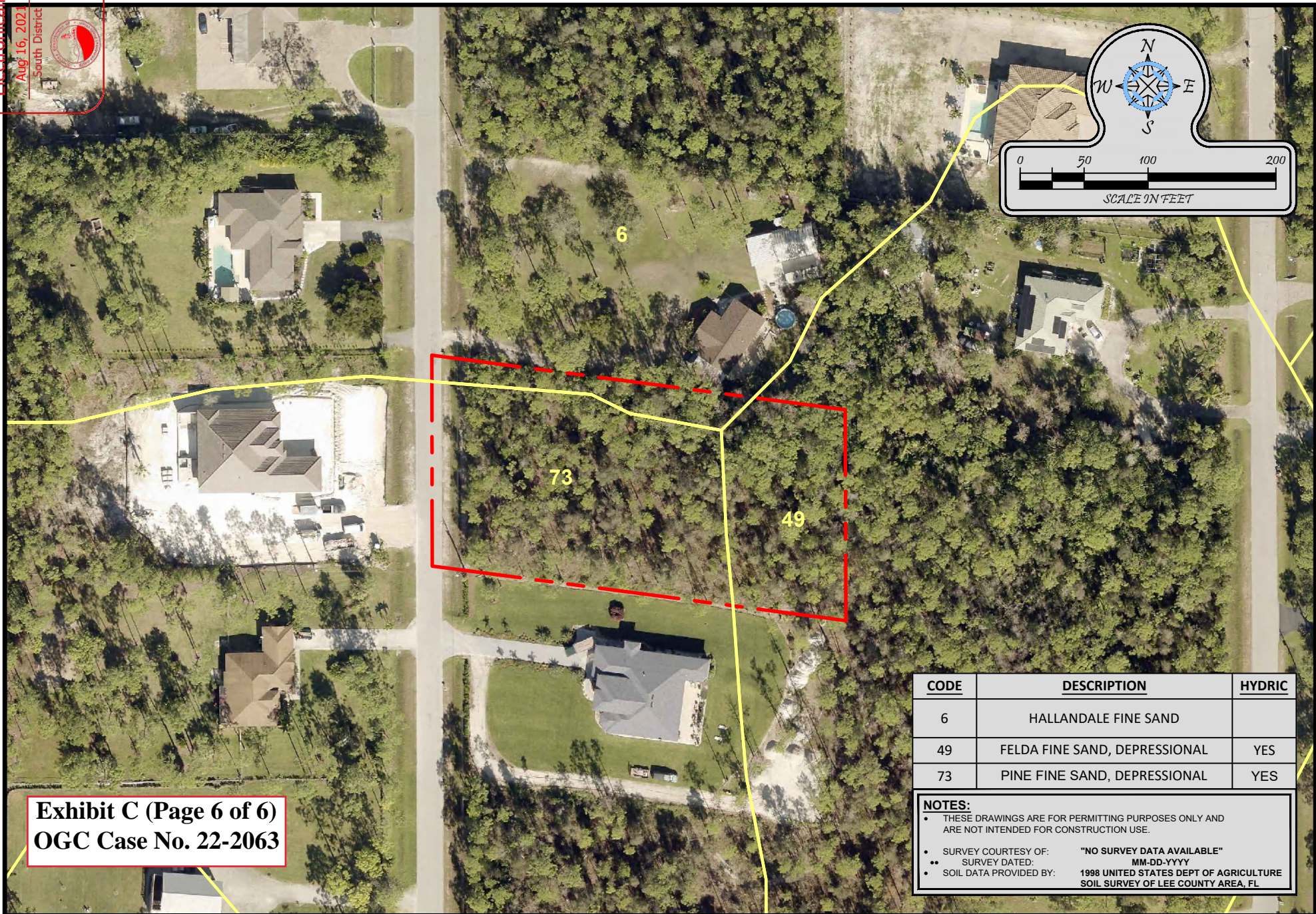
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JOB NO.:	1877	3.	-	-	-	-
SHEET NO.:	05 OF 06	4.	-	-	-	-
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SECTION- 14 TOWNSHIP- 47 S RANGE- 25 E

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 Digitally  
 Aug 16, 2023  
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C:\Users\jpkw\CAD\PERMIT-STATE\1877-STATE.dwg SOILS 8/4/2021



**Exhibit C (Page 6 of 6)**  
**OGC Case No. 22-2063**

CODE	DESCRIPTION	HYDRIC
6	HALLANDALE FINE SAND	
49	FELDA FINE SAND, DEPRESSIONAL	YES
73	PINE FINE SAND, DEPRESSIONAL	YES

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**ARDITO-STILLWELL PKWY**  
**SOILS MAP**

DESIGNED:	NP	REV#	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	RMJ	1.	-	-	-	-
CREATED:	09-12-18	2.	-	-	-	-
JOB NO.:	1877	3.	-	-	-	-
SHEET NO.:	06 OF 06	4.	-	-	-	-
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SECTION- 14 TOWNSHIP- 47S RANGE- 25E

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