JPWard and Associates LLC

TOTAL Commitment to Excellence

Flow Way

Community Development District

Board of Supervisors

May 16, 2019

Visit our web site at: www.flowaycdd.org

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FLOW WAY
COMMUNITY DEVELOPMENT DISTRICT

May 9, 2019

Board of Supervisors
Flow Way Community Development District

Dear Board Members:

The Regular Meeting of the Board of Supervisors of the Flow Way Community Development District will be held on **Thursday, May 16, 2019 at 1:00 p.m.** at the **offices of Coleman, Yovanovich & Koester, P.A., 4001 Tamiami Trail North, Suite 300, Naples, Florida 34103.**

1. Call to Order & Roll Call.
2. Consideration of Minutes.
    a) April 16, 2019 Regular Meeting Minutes
3. Consideration of Resolution 2019-8 amending 2018-12 Setting the Board Meeting dates, times and location for the balance of the Fiscal Year 2019 which ends on September 30, 2019.
4. Consideration of Resolution 2019-9 Approving the Proposed Fiscal Year 2020 Budget and setting the Public Hearing on **Thursday, August 20, 2019 at 3:00 P.M. at the offices of Coleman, Yovanovich & Koester, 4001 Tamiami Trail North, Suite 300, Naples, Florida 34103.**
5. Consideration of Retention of Cheffy Passidomo as counsel to review the documents related to the transfer of the preserves from Taylor Morrison to the District.
6. Staff Reports
    a) District Attorney
    b) District Engineer
    c) District Manager
        I. Financial Statements March 31, 2019 (Unaudited)
        II. Report on the Number of Registered Voter's in the District

Supervisor's Requests and Audience Comments
    I. Ron Miller – Request to Discuss Preserves

7. Adjournment

www.flowwaycdd.org

James P. Ward
District Manager

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OAKLAND PARK, FLORIDA 33334
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The second order of business is the consideration of the minutes for April 16, 2019 Regular Meeting Minutes.

The third order of business is the consideration of Resolution 2019-9 amending Resolution 2018-12 setting The Districts board meeting dates, times and location for the balance of Fiscal Year 2019.

The forth order of business is the consideration of Resolution 2019-8 Approving the Proposed Budget for Fiscal Year 2020 and Setting a Public Hearing for **Thursday, August 20, 2019 at 2:00 P.M. at 3:00 P.M. at the Naples Conference Center ("NABOR") 1455 Pine Ridge Road, Naples, Florida 34109** on the Proposed Budget.

The fifth order of business is Consideration of Retention of Cheffy Passidomo as counsel to review the documents related to the transfer of the preserves from Taylor Morrison to the District.

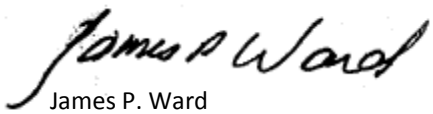
Under my report, is the statutory requirement that the District determine as of April 15th of each year the number of registered voter's residing with the District. The Statute provides that the Supervisor of Elections in the County where the District is located (Collier County) provides that information from the voter rolls of the County.

The significance of the report is based on the transition date and the number of qualified electors residing in the District which are enumerated in the Statute for the District to begin the transition from a landowner based election to a qualified elector based election.

The two thresholds are six years from the date of establishment which for the District is March 4, 2002 and the second is at least 250 qualifies electors. The District has met both thresholds under the statute, now 649 and has fully transitioned to qualified elector based elections. However, the statute, still requires this reporting and as such this item is provided as a matter of law and placed into the District's records, there is no action required by the Board.

The balance of the Agenda is standard in nature and I look forward to seeing you at the meeting, and if you have any questions and/or comments, please do not hesitate to contact me directly at (954) 658-4900.

Flow Way Community Development District



James P. Ward
District Manager

MINUTES OF MEETING
FLOW WAY
COMMUNITY DEVELOPMENT DISTRICT

The Regular Meeting of the Board of Directors of the Flow Way Community Development District was held on Wednesday, April 16, 2019 at 3:00 p.m., at the Offices of Coleman, Yovanovich & Koester, P.A., 4001 Tamiami Trail North, Suite 300, Naples, Florida 34103.

Present and constituting a quorum:

Drew Miller	Chairperson
John Wollard	Vice Chairperson
Tim Martin	Assistant Secretary
Ronald Miller	Assistant Secretary
Tom Kleck	Assistant Secretary

Also present were:

James P. Ward	District Manager
Greg Urbancic	District Counsel

Audience:
Tom Coffee

All resident's names were not included with the minutes. If a resident did not identify themselves or the audio file did not pick up the name, the name was not recorded in these minutes.

FIRST ORDER OF BUSINESS **Call to Order**

District Manager James P. Ward called the meeting to order at approximately 3:04 p.m. and all members of the Board were present at roll call.

SECOND ORDER OF BUSINESS **Administration of Oath of Office**

Administration of Oath of Office for Mr. Tim Martin

Mr. Ward indicated Mr. Tim Martin submitted his original Oath of Office; therefore the Oath of Office did not need to be administered. He stated Mr. Martin was now a sitting Member of the Board.

THIRD ORDER OF BUSINESS **Consideration of Resolution 2019-6**

Consideration of Resolution 2019-6 re-designating the officers of the Flow Way Community Development District.

Mr. Ward stated currently the officers were Mr. Drew Miller as Chairman, Mr. Tom Kleck as Assistant Secretary, Mr. Ronald Miller as Assistant Secretary, Mr. John Wollard as Vice Chairman and Mr. Tim Martin was newly selected. He indicated the Board could reorganize the officer's positions as it deemed appropriate.

Mr. Drew Miller suggested keeping the Board's structure as it was and adding Mr. Tim Martin as an Assistant Secretary. The Board concurred.

On MOTION made by Mr. Drew Miller, seconded by Mr. John Wollard, and with all in favor, Resolution 2019-6 was adopted as above and the Chair was authorized to sign.

FOURTH ORDER OF BUSINESS Consideration of Minutes

March 19, 2019 Regular Meeting Minutes

Mr. Ward asked if there were any additions, corrections or deletions for the March 19, 2019 Regular Meeting Minutes. Hearing none, he called for a motion.

On MOTION made by Mr. John Wollard, seconded by Mr. Drew Miller, and with all in favor, the Minutes from the March 19, 2019 Regular Meeting were accepted.

FIFTH ORDER OF BUSINESS Staff Reports

Staff Reports

a) District Attorney

No Report.

b) District Engineer

No Report.

c) District Manager

Financial Statements February 28, 2019 (Unaudited)

Mr. Ward stated he had no report unless there were questions regarding the Financial Statement. Mr. Ron Miller asked if the General Fund, Invested Funds, Reserve Account and Amount Available in Debt Services Balances reflected cash amounts in the bank. Mr. Ward responded in the affirmative; all bank accounts held cash, unless a "due to/due from" was indicated. Mr. R. Miller asked if the Reserve Account funds were invested in money market accounts. Mr. Ward responded in the affirmative; these were trust accounts, restricted

investments and were invested generally in "overnight" bank accounts. He explained these invested accounts did not earn much, less than 1% generally. Mr. R. Miller stated Federal Money Market accounts were yielding around 2.3%, which was more than twice what these accounts were currently earning. He asked if a change could be made to take advantage of higher yield rates. Mr. Ward responded the monies in the revenue accounts flowed out on May 1, and then again on November 1; therefore, it was difficult to take advantage of money market rates as the outflow would prevent full earning. Mr. R. Miller asked if there were other options to be considered. Mr. Ward responded the Board was limited in its investment options; accounts were required to be AAA securities, and the funds were much less from May until November annually. He stated he would research other options if Mr. R. Miller wished.

Discussion ensued regarding US Bank, the type of security required, restrictions, and liquidity. Mr. R. Miller stated he believed there was an opportunity to increase investment yields and wished to investigate further. Mr. Ward indicated he would research options.

SIXTH ORDER OF BUSINESS Supervisor's Requests and Audience Comments

Mr. Ron Miller: Discussion of meeting with Executive Director of CREW.

Mr. Ron Miller stated he wished to discuss the external preserves within the Community Development District, yet outside the general development. He stated he did not have any level of certainty regarding the preserves; he was in a discovery phase and wished to know more. He stated Esplanade as a community had gone through a lengthy and tortuous legal experience over a 10 year period regarding environmental implications, as several different developers wished to build a development in the Esplanade area: the Toll Brothers, then I.M. Collier and finally Mirasol (a.k.a. Taylor Morrison). Mr. Drew Miller stated Taylor Morrison purchased the property from Mirasol. Mr. Ron Miller reported the developers were challenged by various environmentalists. He stated on 07/24/2007 Judge Donald Alexander ruled in favor of I.M. Collier as the Judge believed the development I.M. Collier proposed would not negatively affect the environment and may improve it. He read from the judgment: "the preserve areas included 846.95 acres external preserve area to the north and northeast of the area to be developed" and reported it was anticipated that this northern preserve area would ultimately be donated to an existing mitigation area known as the Corkscrew Regional Ecosystem Watershed, otherwise known as CREW, along with an interest bearing fund to ensure perpetual management. He noted more litigation followed this judgment. He stated in August 2012 a Public Announcement was made by the Audubon Society, National Wildlife Federation, Conservancy of Southwest Florida: "Mirasol has committed to donating a bulk of the onsite preserves, over 1,000 acres, after restoration, and if accepted, to the Regional Wetland and Habitat Resources Partnership Project called the Corkscrew Regional Ecosystem Watershed (CREW) or other public entity." He stated he believed Mirasol was Taylor Morrison, but he was unsure. He stated recently he came across sales disclosure information from Taylor Morrison which was now on the sales contract, but this was not present in his sales contract. He asked if the firm was involved in changing the sales disclosure language. Mr. Drew Miller responded in the negative. He explained he understood this sales disclosure was included in the original sales contracts, but the contract software was changed and as a result there were a handful of contracts which did not include the sales disclosure; however, this was fixed and the disclosure was again included. Mr. Ron Miller read the disclosure: "Esplanade Golf and Country Club of Naples has conservation preserve areas consisting of approximately 36 acres of onsite, and 1,087 acres of offsite conservation areas. In the future the offsite conservation areas may be conveyed either to a public,

local, state or federal entity, or an environmental conservation group such as the CREW Land and Water Trust, a private nonprofit conservation organization dedicated… …If the offsite conservation area is conveyed to another entity, seller will attempt to retain a passive recreation easement over the existing pedestrian trails for continued use by the owners; however, there is no guarantee that such an assessment will be granted. If the offsite conservation areas are conveyed to a receiving entity such as CREW the trails could be opened to the general public." He stated he wished to know what would happen with the offsite conservation area. He noted Taylor Morrison had conveyed this acreage to the CDD and the CDD now owned the acreage. He asked if the CDD was legally obligated to give this conservation area to CREW or another entity, could CREW demand the preserves and what would happen with the nature trails. He pointed out the 2007 ruling also indicated the preserve acreage would be donated with an interest bearing fund to ensure continued maintenance. He stated Mr. Tim Hall, a consultant, provided information which indicated the escrow account should be a non-wasting account able to generate sufficient funds to maintain the preserve in perpetuity. He noted Mr. Hall had indicated based on recent bidding this would equal $100 dollars per acre, per year; therefore, an account would need to be large enough to generate approximately $109,000 dollars per year. He stated long term Treasury Bonds, 30 year Treasury Bonds, had an interest rate around 2.5% to maybe 4.25%, which would require a fund balance of approximately 2.5 million dollars to 3 million dollars in order to generate $109,000 dollars annually. He stated he was unsure if this was actually legally required; he was still just investigating. He stated he believed it was important to figure out what was to happen with these preserves.

Mr. Drew Miller stated private and public conservation entities always hoped for a perpetual entity to maintain conservation lands. He stated Taylor Morrison was at some point involved with this, but this project had many different developers considering this land. Mr. Ron Miller stated at some point Taylor Morrison took ownership of the land, including the preserves, and in 2018 Taylor Morrison conveyed the property to the CDD. He asked who would ultimately be the owner of the conservation property and who would fund it, because if the CDD was required to fund this land, then the CDD needed to ask Taylor Morrison for the funding. Mr. Drew Miller noted the CDD intended to maintain this preserve in perpetuity; therefore, the land would not go to CREW. Mr. Ron Miller stated if the CDD were required to maintain this property in perpetuity then the CDD should keep the property private for the enjoyment of the CDD residents. Mr. Ward noted for the CDD to continue to maintain the property in perpetuity, and keep it private, it would cost each home approximately $93 dollars per year, which he believed was a fair price. Mr. Ron Miller indicated he was in favor of the CDD retaining ownership, but worried the CDD might eventually lose control of the property and be required to donate it with funding. Mr. Drew Miller stated the CDD could request further legal opinion, but he understood the idea was for either CREW or a public entity to take this responsibility on in perpetuity. He explained the CDD was the public entity which would continue ongoing preservation maintenance, and only a Board action to give the preservation area away would change this.

Discussion ensued regarding the disclosure. Mr. Drew Miller stated he believed the disclosure was satisfied; Taylor Morrison was to transfer the preserves either to CREW or a public entity, which was done when it was transferred to the CDD, a public entity. Mr. Ron Miller asked Mr. Drew Miller to obtain clarification from Taylor Morrison. He requested CDD Counsel to provide a written opinion regarding the community preserves; an opinion to specifically address the obligation of the CDD to turn over preserves to CREW or any other agency at any future time. He asked to know if there was an obligation to turn over the preserves if requested by CREW or other agency at any future time, as well as whether existing walking trails were included or excluded from any turnover, and to address any funding obligation of any turnover. He asked counsel to provide sites when providing the written opinion. Mr.

Drew Miller stated he believed it would be beneficial to have Taylor Morrison give its opinion in this regard. Mr. Ron Miller stated he still wished to have Counsel's opinion. Mr. Drew Miller suggested asking the land use attorney, who worked for the CDD, to address this matter. Mr. Ron Miller stated the land use attorney could consult with Counsel and share information, but he still wished to have a written opinion for clarification purposes. Mr. Urbancic stated the land use attorney was his partner.

On MOTION made by Mr. Ron Miller, seconded by Mr. Drew Miller, and with all in favor, the request to have Counsel provide a written opinion regarding the community preserve and the obligation of the CDD to turn over said preserves, including potential funding obligations, was approved.

Mr. Drew Miller stated the walking trails were not within the preserve area, but residents could walk out into the preserves. Mr. Ron Miller thanked the Board for its attention to this matter.

Mr. Tom Coffee stated the map included in his paperwork clearly indicated the trail was located within the District property, as well as corners and pieces of the preserves. He stated in his business endeavors over the years he had always done due diligence to be certain of all sales and purchases prior to completion of sales. He asked why the CDD had accepted property without ensuring all liabilities, contingent or otherwise, were covered. He stated if land use counsel for Taylor Morrison was a partner in this firm, and CDD counsel was a partner in this firm, it was pointless to complete separate review assessments.

Mr. Ward explained intent in Florida: a public entity was required to maintain whatever facility it was given, utilities, preserves, roads, etc.; Districts throughout Florida consistently accepted preserve areas as a District was defined by law as a public agency. He explained under the stipulation Ron Miller mentioned, the CDD met the obligation of being able to take ownership of the preserve because the CDD was a public agency, and the CDD would not be obligated to give the preserve to CREW. He explained the funding obligation was written into the disclosure in case the preserve land went to CREW and CREW needed the money to maintain the preserves; however, the preserves did not go to CREW, the preserves went to the public agency (Flow Way Community Development District) for overall operation and maintenance. He stated the CDD had no obligation to give the preserves to CREW. He stated there was significant case law which indicated the CDD could not give the preserves to CREW regardless as it was a private not for profit agency. He explained Taylor Morrison, as a private company, could have given the preserves to CREW, but a public agency such as the CDD was not able to give the land to a private agency. Mr. Coffee stated he believed the CDD accepted this preserve land without ensuring the maintenance was funded properly and the CDD created a liability for itself as a result. He asked what the trade-off was in accepting this liability.

Discussion ensued regarding all properties accepted were liabilities including lakes, lakes being within the district and the preserves being outside the District. Mr. Coffee asked why the CDD would accept the preserve lands if the preserve lands created a liability. Mr. Ward explained it benefitted the overall development and benefitted the community to accept the preserve lands to keep them private; CREW would have had the right to make the lands public. Mr. Coffee stated he disagreed as the land could not be developed, being preserves, and the trails were not included on the preserve property. He stated he felt the CDD should not have accepted the preserve lands. Mr. Ward indicated all public agencies in Florida accepted public facilities such as roads, utilities, parks, preserves, etc., for operation and

maintenance on a long term basis. Mr. Coffee asked if the CDD could donate the preserves to another entity. Mr. Ward responded in the affirmative; the preserve land could be donated to another public entity, but not a private entity. Mr. Coffee asked if another public entity, such as the County would accept the preserve lands. Discussion ensued regarding the County not having the funds to maintain the preserves, the CDD being formed to manage the onsite infrastructure within the development, the CDD having the right to own lands outside the boundaries of the District, and CDD's being created to maintain public infrastructure for communities.

Mr. Coffee asked who was on the Board at the time this preserve land was accepted by the CDD. He stated he wondered how many Board Members were also Taylor Morrison representatives. Mr. Ward stated all Board Members would have been representatives of Taylor Morrison. Mr. Coffee asked if this was a conflict of interest. Mr. Ward responded in the negative. Mr. Coffee listed the facilities owned and maintained by the CDD. He noted there were several of these facilities owned by the CDD which were maintained by the HOA. He asked why this was. Mr. Ward explained the HOA was not required to maintain the facilities, it chose to through an agreement with the CDD, but the HOA chose not to maintain the preserve area due to the complicated nature of the maintenance.

Mr. Coffee asked if an independent engineer reviewed the design of the residential irrigation systems, stormwater management, lakes and ponds, ensuring these facilities were constructed according to specs, prior to the CDD acquiring these. Mr. Ward stated County Water certified all water facilities. Mr. Coffee stated he understood there were residential irrigation systems which were not working properly along some streets due to filters not being designed properly and snails were getting into the system. He stated there had been procrastination regarding fixing this. He stated he believed this problem might be due to a design flaw. He asked if the HOA assumed any responsibility for this. Mr. Ward responded in the affirmative. Mr. Coffee stated the CDD was ultimately held responsible and he wondered if there was any recourse if it was discovered that the design plans were flawed.

Mr. Drew Miller stated the agreement with the HOA indicated the HOA was responsible for all maintenance; however, if there was capital renewal or replacement of components in the system, then this would be the obligation of the CDD. He explained this was not an atypical arrangement, but every community was different. He stated at this point it was necessary to determine exactly what the problem was. Mr. Coffee asked if, when the CDD accepted the residential irrigation systems, the contract indicated the CDD was assuming the facilities based on the facilities being properly built and maintained and did the CDD have recourse if this was not the case. Mr. Drew Miller responded in the negative. Mr. Coffee asked what the CDD's means of recourse was if there were flaws in facilities it acquired. Mr. Greg Urbancic responded Mr. Coffee was asking hypothetical questions which he could not answer as a blanket statement. He explained all circumstances were different and would be analyzed and approached as such. He noted the CDD owned assets which would never bring in money, but money would be spent to maintain the assets for the benefit of the community. He stated Mr. Coffee was asking good questions, but he could not give a blanket answer as there were too many variables to consider. Mr. Drew Miller stated Taylor Morrison was required to fulfill certain steps throughout the permit process which ensured the developer's obligations were satisfied and the CDD would not be accepting facilities with subpar construction.

An Audience Member 58:02 stated on page 2 of the Maintenance Agreement between the CDD and HOA it read: "The Association agrees to meet with the District's representative no less than 1 time per month to walk the property, discuss conditions, schedules, terms of concern regarding this agreement..." He asked if this ever happened. Mr. Ward responded in the negative; the language was

for the District's benefit if it chose to enforce this point. He explained the agreements were standardized, but none of his Districts had ever enforced this. The Audience Member 59:35 asked about the provision that annually the association would certify in writing to the District Manager, with copies to the Chair of the Board of Supervisors and District Counsel, its compliance specifically with its duties under the agreement. Mr. Ward responded in the negative. Discussion ensued regarding the contracts, Mr. Urbancic and Mr. Ward not micromanaging the HOA, the CDD being informed of capital problems and fixing said problems. The Audience Member 1:02:40 stated it seemed the Agreement listed specific happenings which signified a cooperative effort between the CDD and HOA which simply did not happen.

Discussion ensued regarding the CDD being ultimately responsible for lake maintenance, the HOA working on behalf of the CDD, lake maintenance not being required early on with newer Districts, maintenance coming into play as time passed and/or hurricanes caused damage, and homeowners being responsible for property up to the lake bank edge. Mr. Ward explained HOA's were not required to do much in the way of maintenance besides spraying lakes to prevent algae buildup or weed growth. He explained this continued until restoration became necessary at which point responsibility fall back onto the CDD as the CDD had substantively more technical expertise and ability to perform restoration of a capital asset. An Audience Member 1:07:10 asked if reserve funds were being set up to pay for upcoming restorations. Mr. Ward responded in the negative. He explained the CDD had assessment authority and would assess over time in the future when needed.

Discussion ensued regarding reserve funds and future problems with lake banks. Mr. Coffee stated he believed it would be better to build a reserve fund for future problems and he listed the reasons he felt this was important. He stated he felt the preserves were accepted without due diligence. He stated he believed all contracts and agreements should be followed to the letter to prevent litigation. He stated he believed there was too much intertwining between the HOA and the CDD. Mr. Ward stated Mr. Coffee should not be concerned regarding intertwining; there were no conflicts of interest. He stated the HOA took care of minor simple maintenance such as spraying the lakes and looked to the CDD for capital restoration work. He indicated he did not foresee any difficulties with this arrangement. Mr. Coffee stated lake maintenance was more than just spraying the lake, sometimes trees would be removed by the HOA and plantings would be made. He stated last hurricane several trees fell into his lake and the HOA removed them.

An Audience Member 1:18:15 asked why some lakes had weeds and plants growing along the banks, while other lake banks were barren. Discussion ensued regarding littoral plantings, environmental factors affecting growth and non growth, seasons affecting growth, and being unable to control bank plant growth.

Mr. Ward stated he had a request to change the date of the Board Meetings. Discussion ensued regarding possible Board Meeting dates and the need to have at least three Board Members present to constitute a quorum. It was determined the next Board Meeting would be held on Thursday, May 16, 2019 at 1:00 p.m. Mr. Ward stated he would create a resolution labeled 2019-7 to this effect.

On MOTION made by Mr. Drew Miller, seconded by Mr. Tom Kleck, and with all in favor, the request to change the next Board Meeting date to Thursday, May 16, 2019 at 1:00 p.m. (Resolution 2019-7) was approved.

SEVENTH ORDER OF BUSINESS **Adjournment**

Mr. Ward adjourned the meeting at approximately 4:28 p.m.

On MOTION made by Mr. Drew Miller, seconded by Mr. Tom Kleck, and with all in favor, the Meeting was adjourned.

Flow Way Community Development District

_____ _____

James P. Ward, Secretary Drew Miller, Chairperson

RESOLUTION 2019-8

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE FLOW WAY COMMUNITY DEVELOPMENT DISTRICT AMENDING RESOLUTION 2018-12 WHICH DESIGNATED THE DATES, TIME AND LOCATION FOR REGULAR MEETINGS OF THE BOARD OF SUPERVISORS OF THE DISTRICT FOR MAY 16, 2019 TO PROVIDE FOR A DATE, TIME AND LOCATION CHANGE BEGINNING WITH THE JUNE 2019 MEETING; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Flow Way Community Development District (the "District") is a local unit of special-purpose government established pursuant to Chapter 190, Florida Statutes for the purpose of providing, operating and maintaining infrastructure improvements, facilities and services to the lands within the District; and

WHEREAS, in accordance with the provisions of Chapter 189.415, Florida Statutes, the District is required to file quarterly, semiannually, or annually a schedule of its regular meetings with the local governing authority or authorities; and

WHEREAS, in accordance with the above referenced Statute, the District shall also publish quarterly, semiannually, or annually it regular meeting schedule in a newspaper of general paid circulation in the County in which the District is located and shall appear in the legal notices section of the classified advertisements;

WHEREAS, the District desires to amend the date, time and location of meeting beginning with the June 2019 meeting, to the _____.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE FLOW WAY COMMUNITY DEVELOPMENT DISTRICT

SECTION 1. DESIGNATION OF DATES, TIME AND LOCATION OF REGULAR MEETINGS FOR THE PERIOD BEGINNING JUNE 2019 THROUGH THE END OF THE FISCAL YEAR, WHICH IS SEPTEMBER 30, 2019.

a. **Date:**

b. **Time:**

c. **Location:**

SECTION 2. SUNSHINE LAW AND MEEETING CANCELATIONS AND CONTINUATIONS. The meetings of the Board of Supervisors are open to the public and will be conducted in accordance with the provisions of Florida Law for Community Development Districts. The District by and through its District Manager may cancel any meeting of the Board of Supervisors and all meetings may be continued to a date, time, and place to be specified on the record at the hearings or meeting.

SECTION 3. SEVERABILITY AND INVALID PROVISIONS. If any one of the covenants, agreements or provisions herein contained shall be held contrary to any express provision of law or

contract to the policy of express law, but not expressly prohibited or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separable from the remaining covenants, agreements or provisions and shall in no way effect the validity of the other provisions hereof.

SECTION 4. CONFLICT. That all Sections or parts of Sections of any Resolutions, Agreements or actions of the Board of Supervisor's in conflict are hereby repealed to the extent of such conflict.

SECTION 5. PROVIDING FOR AN EFFECTIVE DATE. This Resolution shall become effective immediately upon passage

PASSED AND ADOPTED this 16th day of May, 2019.

ATTEST:	**FLOW WAY COMMUNITY DEVELOPMENT DISTRICT**
_____	_____
James P. Ward, Secretary	Andrew Miller, Chairman

RESOLUTION 2019-9

A RESOLUTION OF THE BOARD OF SUPERVISORS OF FLOW WAY COMMUNITY DEVELOPMENT DISTRICT APPROVING A PROPOSED BUDGET FOR FISCAL YEAR 2020 AND SETTING A PUBLIC HEARING THEREON PURSUANT TO FLORIDA LAW; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the District Manager has heretofore prepared and submitted to the Board of Supervisors of Flow Way Community Development District (the "Board"), a proposed Budget for Fiscal Year 2020 and

WHEREAS, the Board has considered the proposed Budget and desires to set the required public hearing thereon.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF FLOW WAY COMMUNITY DEVELOPMENT DISTRICT:

SECTION 1. That the foregoing whereas clauses are true and correct and incorporated herein as if written into this Section.

SECTION 2. The proposed Budget submitted by the District Manager for Fiscal Year 2019 and attached hereto as **Exhibit A** is hereby approved as the basis for conducting a public hearing to adopt said budget.

SECTION 3. A public hearing on said approved budget is hereby declared and set for the following date, hour and location:

DATE:	**Tuesday, August 20, 2019**
HOUR:	**3:00 P.M.**
LOCATION:	**Naples Conference Center ("NABOR")**
	1455 Pine Ridge Road
	Naples, Florida 34109

SECTION 4. The District Manager is hereby directed to submit a copy of the proposed budget to Collier County at least 60 days prior to the hearing set above.

SECTION 5. Notice of this public hearing on the budget shall be published in a newspaper of general circulation in the area of the district once a week for two (2) consecutive weeks, except that the first publication shall not be fewer than 15 days prior to the date of the hearing. The notice shall further contain a designation of the day, time, and place of the public hearing. At the time and place designated in the notice, the Board shall hear all objections to the budget as proposed and may make such changes as the board deems necessary.

SECTION 6. If any one of the covenants, agreements or provisions herein contained shall be held contrary to any express provision of law or contract to the policy of express law, but not expressly prohibited or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separable from the remaining covenants, agreements or provisions and shall in no way effect the validity of the other provisions hereof.

SECTION 7. That all Sections or parts of Sections of any Resolutions, Agreements or actions of the Board of Supervisor's in conflict are hereby repealed to the extent of such conflict.

RESOLUTION 2019-9

A RESOLUTION OF THE BOARD OF SUPERVISORS OF FLOW WAY COMMUNITY DEVELOPMENT DISTRICT APPROVING A PROPOSED BUDGET FOR FISCAL YEAR 2020 AND SETTING A PUBLIC HEARING THEREON PURSUANT TO FLORIDA LAW; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT AND PROVIDING FOR AN EFFECTIVE DATE.

SECTION 8. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 16th day of May, 2019.

ATTEST:

_____
James P. Ward, Secretary

FLOW WAY COMMUNITY DEVELOPMENT DISTRICT

_____
Andrew Miller, Chairman

BOARD OF SUPERVISOR'S

EXHIBIT A

FLOW WAY
COMMUNITY DEVELOPMENT DISTRICT

PROPOSED BUDGET

FISCAL YEAR 2020

October 1, 2019 through September 30, 2020

Visit our website at: www.flowwaycdd.org

Prepared by:
JPWard and Associates, LLC
TOTAL Commitment to Excellence

James P. Ward
District Manager
2900 NE 12th Terrace
Suite 1
Oakland Park, Florida 33334

Phone: 954-658-4900
E-mail:
JimWard@JPWardAssociates.com

CDD

FLOW WAY

TABLE OF CONTENTS

Flow Way Community Development District

General Fund - Budget
Fiscal Year 2020

Description	Fiscal Year 2019 Budget	Actual at 03/31/2019	Anticipated Year End 09/30/2019	Fiscal Year 2020 Budget
Revenues and Other Sources				
Carryforward	$ -	$ -	$ -	$ -
Interest Income - General Account	$ -	$ -	$ -	$ -
Assessment Revenue				
Assessments - On-Roll	$ 564,245	$ 540,051	$ 564,245	$ 564,208
Assessments - Off-Roll		$ -	$ -	$ -
Contribution - Private Sources	$ -	$ -	$ -	$ -
Total Revenue & Other Sources	**$ 564,245**	**$ 540,051**	**$ 564,245**	**$ 564,208**
Appropriations				
Legislative				
Board of Supervisor's Fees	$ -	$ 400	$ 1,600	$ 2,400
Board of Supervisor's - FICA	$ -	$ -	$ -	$ -
Executive				
Professional - Management	$ 40,000	$ 20,000	$ 40,000	$ 40,000
Financial and Administrative				
Audit Services	$ 4,400	$ 4,400	$ 4,400	$ 4,400
Accounting Services	$ 16,000	$ 6,000	$ 12,000	$ 16,000
Assessment Roll Preparation	$ 16,000	$ 4,000	$ 8,000	$ 16,000
Arbitrage Rebate Fees	$ 2,000	$ 1,600	$ 3,000	$ 3,000
Other Contractual Services				
Recording and Transcription	$ -	$ -	$ -	$ -
Legal Advertising	$ 7,500	$ 6,720	$ 7,500	$ 7,500
Trustee Services	$ 21,400	$ 11,486	$ 21,400	$ 21,400
Dissemination Agent Services	$ 25,000	$ 9,500	$ 25,000	$ 17,000
Property Appraiser & Tax Coll. Fees	$ 15,100	$ 3,599	$ 3,599	$ 4,000
Bank Service Fees	$ 300	$ 54	$ 400	$ 400
Travel and Per Diem	$ -			$ -
Communications and Freight Services				
Telephone	$ -	$ -	$ -	$ -
Postage, Freight & Messenger	$ 600	$ 135	$ 600	$ 600
Rentals and Leases				
Meeting Room Rental	$ -	$ -	$ -	$ -
Computer Services (Web Site)	$ 1,000	$ 300	$ 2,000	$ 3,000
Insurance	$ 6,100	$ 6,042	$ 6,042	$ 6,100
Subscriptions and Memberships	$ 175	$ 175	$ 175	$ 175
Printing and Binding	$ 750	$ 1,885	$ 750	$ 750
Office Supplies	$ -		$ -	$ -
Legal Services				
General Counsel	$ 20,000	$ 2,468	$ 6,500	$ 10,000
Series 2013 Bonds	$ -		$ -	$ -

Flow Way Community Development District

General Fund - Budget
Fiscal Year 2020

Description	Fiscal Year 2019 Budget	Actual at 03/31/2019	Anticipated Year End 09/30/2019	Fiscal Year 2020 Budget
Boundary Expansion	$ -		$ -	$ -
Series 2016 (Phase 5)	$ -	$ 125	$ 125	$ -
Series 2017 (Phase 6)	$ -	$ 263	$ 630	$ -
Requisitions	$ -	$ -	$ -	$ -
Other General Government Services				
Engineering Services	$ 1,000	$ -	$ 1,000	$ 2,000
Environmental Preserves - Engineering	$ 1,650		$ 4,000	$ -
Task 1 - Bid Documents	$ -	$ 1,663	$ 1,663	$ -
Task 2 Monthly site vitis	$ -	$ 1,200	$ 12,000	$ 13,350
Taxk 3 - Reporting to Regulatory Agencies	$ -	$ 4,375	$ 8,000	$ 8,000
Task 4 Fish Sampling to US Fish and Wildlife	$ -	$ 1,400	$ 10,350	$ 10,350
Task 5 - Attendance at Board Meeting				
Clearing Downed Trees/Cleanup			$ 3,000	$ 1,000
Code Enforcement for Incursion into Preserve			$ 3,000	$ 2,000
Contingencies	$ 3,000	$ -	$ -	$ 3,000
Capital Outlay	$ 1,000	$ -	$ -	$ -
Stormwater Management Services				
Environmental Engineering - Mitigation Areas	$ 31,700	$ -	$ -	$ -
Preserve Area Maintenance				
Wading Bird Foraging Areas	$ 5,000	$ -	$ 1,523	$ 1,523
Internal Preserves	$ 16,000	$ -	$ 6,598	$ 6,598
Western Preserve	$ 31,000	$ -	$ 37,960	$ 33,215
Northern Preserve Area 1	$ 100,000	$ -	$ 64,560	$ 64,560
Northern Preserve Area 2	$ 175,000	$ -	$ 113,120	$ 113,120
Clearing Downed Trees/Cleanup	$ -	$ -	$ 12,500	$ 5,000
Code Enforcement for Incursion into Preserve	$ -	$ -	$ 2,000	$ 2,500
Reserves for Future Operations				
Future Operations/Restorations	$ -	$ -	$ -	$ 122,700
Other Fees and Charges				
Discounts, Tax Collector Fee and Property Appraiser Fee	$ 22,570	$ -	$ 22,570	$ 22,568
Total Appropriations	**$ 564,245**	**$ 87,789**	**$ 447,564**	**$ 564,208**
Net Increase/(Decrease) in Fund Balance	$ -	$ 452,262	$ 116,681	$ -
Fund Balance - Beginning	$ 53,491	$ 53,491	$ 53,491	$ 170,173
Fund Balance - Ending (Projected)	**$ 53,491**	**$ 505,754**	**$ 170,173**	**$ 170,173**
Assessment Rate:	**$ 487.68**			**$ 487.65**
Total Units Subject to Assessment:				**1157**

Flow Way Community Development District

General Fund - Budget
Fiscal Year 2020

Revenues and Other Sources		
Carryforward	$	-
Interest Income - General Account	$	-
Appropriations		
Legislative		
Board of Supervisor's Fees	$	2,400
The Board's fees are statutorily set at $200 for each meeting of the Board of Supervisor's not to exceed $4,800 for each Fiscal Year. The Budgeted amount reflects that the anticipated meetings for the District. Two Members of the Board are paid. Estimated at six (6) meeting for the fiscal year		
Executive		
Professional - Management	$	40,000
The District retains the services of a professional management company - **JPWard and Associates, LLC** - which specializes in Community Develoment Districts. The firm brings a wealth of knowledge and expertise to Flow Way CDD.		
Financial and Administrative		
Audit Services	$	4,400
Statutorily required for the District to undertake an independent examination of its books, records and accounting procedures, if it's Revenues or Expenditures reach a certain threshold.		
Accounting Services	$	16,000
For the Maintenance of the District's books and records on a daily basis.		
Assessment Roll Preparation	$	16,000
For the preparation of the Methodology for the General Fund and the Assessment Rolls including transmittal to the Collier County Property Appraiser.		
Arbitrage Rebate Fees	$	3,000
For requied Federal Compliance - this fee is paid for an analysis of the District's earnings on all of the funds in trust for the benefit of the Bondholder's to insure that the earnings rate does not exceed the interest rate on the Bond's.		
Other Contractual Services	$	-
Recording and Transcription	$	-
Legal Advertising	$	7,500
Trustee Services	$	21,400
With the issuance of the District's Bonds, the District is required to maintain the accounts established for the Bond Issue with a bank that holds trust powers in the State of Florida. The primary purpose of the trustee is to safeguard the assets of the Bondholder's, to insure the timely payment of the principal and interest due on the Bonds, and to insure the investment of the funds in the trust are made pursuant to the requirments of the trust.		
Dissemination Agent Services	$	17,000
With the issuance of the District's Bonds, the District is required to report on a periodic basis the same information that is contained in the Official Statement that was issued for the Bonds. These requirements are pursuant to requirements of the Securities and Exchange Commission and sent to national repositories.		
Property Appraiser Fees	$	4,000

Flow Way Community Development District

General Fund - Budget
Fiscal Year 2020

Bank Service Fees	$	400
Travel and Per Diem	$	-
Communications and Freight Services		
Telephone	$	-
Postage, Freight & Messenger	$	600
Rentals and Leases		
Miscellaneous Equipment	$	-
Computer Services (Web Site Maintenance)	$	3,000
Insurance	$	6,100
Subscriptions and Memberships	$	175
Printing and Binding	$	750
Office Supplies	$	-
Legal Services		
General Counsel	$	10,000
The District's general council provides on-going legal representation relating to issues such as public finance, public bidding, rulemaking, open meetings, public records, real property dedications, conveyances and contracts. In this capacity, they provide services as "local government lawyers".		
Series 2013 Bonds	$	-
Other General Government Services		
Engineering Services - General	$	2,000
The District's engineering firm provides a broad array of engineering, consulting and construction services, which assists the District in crafting solutions with sustainability for the long term interests of the Community while recognizing the needs of government, the environment and maintenance of the District's facilities.		
Environmental Preserves - Engineering	$	34,700
Engineering Services required for the Preserve monitoring required by the SFWMD and USACE permits, fish sampling and monitoring required by FES BO, and site visits and contractor oversight for the monitoring of the exotic removal by the contractor.		
Capital Outlay	$	-
Contingencies	$	3,000
Stormwater Management Services		
Environmental Engineering - Mitigation Areas	$	-
MOVED TO OTHER GENERAL GOVERNMENT SERVICES		
Preserve Area Maintenance		
Wading Bird Foraging Areas	$	1,523
Internal Preserves	$	6,598
Western Preserve	$	33,215
Northern Preserve Area 1	$	64,560
Northern Preserve Area 2	$	113,120
Clearing Downed Trees/Cleanup	$	5,000
Code Enforcement for Incursion into Preserve	$	2,500
Reserves for Future Operations		

Flow Way Community Development District

General Fund - Budget
Fiscal Year 2020

Future Operations/Restorations	$ 122,700
Other Fees and Charges	
Discounts and Tax Collector Fees	$ 22,568
4% Discount permitted by Law for early payment and 3% Tax Collector Fee and Property Appraiser Fee	
Total Appropirations:	**$ 564,208**

Flow Way Community Development District

Debt Service Fund - Series 2013 Bonds - Budget
Fiscal Year 2020

Description	Fiscal Year 2019 Budget	Actual at 03/31/2019	Anticipated Year End 09/30/2019	Fiscal Year 2020 Budget
Revenues and Other Sources				
Carryforward	$ -	$ -	$ -	$ -
Interest Income				
Revenue Account	$ 600	$ 489	$ 975	$ 975
Reserve Account	$ 1,000	$ 802	$ 1,600	$ 1,600
Interest Account	$ 8	$ -	$ 8	$ 8
Special Assessment Revenue	-			-
Special Assessment - On-Roll	$ 577,069	$ 537,721	$ 577,069	$ 577,069
Special Assessment - Off-Roll	$ -	$ -	$ -	$ -
Special Assessment - Prepayment	$ -	$ -	$ -	$ -
Debt Proceeds				
Series 2013 Issuance Proceeds	$ -	$ -	$ -	$ -
Total Revenue & Other Sources	**$ 578,677**	**$ 539,012**	**$ 579,652**	**$ 579,652**
Expenditures and Other Uses				
Debt Service				
Principal Debt Service - Mandatory				
Series A Bonds	$ 105,000	$ 105,000	$ 105,000	$ 105,000
Principal Debt Service - Early Redemptions				
Series A Bonds	$ -	$ -	$ -	$ -
Interest Expense				
Series A Bonds	$ 430,775	$ 216,963	$ 430,775	$ 430,775
Other Fees and Charges				
Discounts for Early Payment	$ 37,725	$ -	$ 37,725	$ 37,725
Total Expenditures and Other Uses	**$ 573,500**	**$ 321,963**	**$ 573,500**	**$ 573,500**
Net Increase/(Decrease) in Fund Balance	$ -	$ 217,049	$ 6,152	$ 6,153
Fund Balance - Beginning	$ 919,789	$ 919,789	$ 919,789	$ 925,941
Fund Balance - Ending	**$ 872,262**	**$ 1,136,838**	**$ 925,941**	**$ 932,093**

Restricted Fund Balance:	
Reserve Account Requirement	$ 539,000
Restricted for November 1, 2019 Principal & Interest Payment	$ 323,813
Total - Restricted Fund Balance:	**$ 862,813**

Assessment Comparison

Description	Number of Units	Fiscal Year 2019	Fiscal Year 2019
SF - 52'	69	$ 1,229.38	$ 1,229.38
SF - 62'	82	$ 1,992.82	$ 1,992.82
SF - 76'	62	$ 3,282.90	$ 3,282.90
SF - 90'	7	$ 3,198.48	$ 3,198.48
Multi-Family	96	$ 1,071.89	$ 1,071.89
Total:	**316**		

Flow Way Community Development District

Debt Service Fund - Series 2013 Bonds - Budget

Description	Principal	Coupon Rate	Interest	Annual Debt Service
Par Amount Issued:	**$ 7,050,000**	**6.00%**		
11/1/2014			$ 225,062.50	
5/1/2015			$ 225,062.50	$ 450,125
11/1/2015	$ 85,000	6.00%	$ 225,062.50	
5/1/2016			$ 222,512.50	$ 532,575
11/1/2016	$ 90,000	6.00%	$ 222,512.50	
5/1/2017			$ 219,812.50	$ 532,325
11/1/2017	$ 95,000	6.00%	$ 219,812.50	
5/1/2018			$ 216,962.50	$ 531,775
11/1/2018	$ 105,000	6.00%	$ 216,962.50	
5/1/2019			$ 213,812.50	$ 535,775
11/1/2019	$ 110,000	6.00%	$ 213,812.50	
5/1/2020			$ 210,512.50	$ 534,325
11/1/2020	$ 115,000	6.00%	$ 210,512.50	
5/1/2021			$ 207,062.50	$ 532,575
11/1/2021	$ 120,000	6.00%	$ 207,062.50	
5/1/2022			$ 203,462.50	$ 530,525
11/1/2022	$ 130,000	6.00%	$ 203,462.50	
5/1/2023			$ 199,562.50	$ 533,025
11/1/2023	$ 135,000	6.00%	$ 199,562.50	
5/1/2024			$ 195,512.50	$ 530,075
11/1/2024	$ 145,000	6.00%	$ 195,512.50	
5/1/2025			$ 191,162.50	$ 531,675
11/1/2025	$ 155,000	6.00%	$ 191,162.50	
5/1/2026			$ 186,512.50	$ 532,675
11/1/2026	$ 165,000	6.00%	$ 186,512.50	
5/1/2027			$ 181,562.50	$ 533,075
11/1/2027	$ 175,000	6.00%	$ 181,562.50	
5/1/2028			$ 176,312.50	$ 532,875
11/1/2028	$ 185,000	6.50%	$ 176,312.50	
5/1/2029			$ 170,300.00	$ 531,613
11/1/2029	$ 195,000	6.50%	$ 170,300.00	
5/1/2030			$ 163,962.50	$ 529,263
11/1/2030	$ 210,000	6.50%	$ 163,962.50	
5/1/2031			$ 157,137.50	$ 531,100
11/1/2031	$ 220,000	6.50%	$ 157,137.50	
5/1/2032			$ 149,987.50	$ 527,125
11/1/2032	$ 235,000	6.50%	$ 149,987.50	
5/1/2033			$ 142,350.00	$ 527,338
11/1/2033	$ 250,000	6.50%	$ 142,350.00	
5/1/2034			$ 134,225.00	$ 526,575
11/1/2034	$ 270,000	6.50%	$ 134,225.00	
5/1/2035			$ 125,450.00	$ 529,675
11/1/2035	$ 285,000	6.50%	$ 125,450.00	
5/1/2036			$ 116,187.50	$ 526,638
11/1/2036	$ 305,000	6.50%	$ 116,187.50	

Flow Way Community Development District

Debt Service Fund - Series 2013 Bonds - Budget

Description	Principal	Coupon Rate	Interest	Annual Debt Service
5/1/2037			$ 106,275.00	$ 527,463
11/1/2037	$ 325,000	6.50%	$ 106,275.00	
5/1/2038			$ 95,712.50	$ 526,988
11/1/2038	$ 345,000	6.50%	$ 95,712.50	
5/1/2039			$ 84,500.00	$ 525,213
11/1/2039	$ 370,000	6.50%	$ 84,500.00	
5/1/2040			$ 72,475.00	$ 526,975
11/1/2040	$ 390,000	6.50%	$ 72,475.00	
5/1/2041			$ 59,800.00	$ 522,275
11/1/2041	$ 415,000	6.50%	$ 59,800.00	
5/1/2042			$ 46,312.50	$ 521,113
11/1/2042	$ 445,000	6.50%	$ 46,312.50	
5/1/2043			$ 31,850.00	$ 523,163
11/1/2043	$ 475,000	6.50%	$ 31,850.00	
5/1/2044			$ 16,412.50	$ 523,263
11/1/2044	$ 505,000	6.50%	$ 16,412.50	

Flow Way Community Development District

Debt Service Fund - Series 2015 Phase III Bonds - Budget
Fiscal Year 2020

Description	Fiscal Year 2019 Budget	Actual at 03/31/2019	Anticipated Year End 09/30/2019	Fiscal Year 2020 Budget
Revenues and Other Sources				
Carryforward				
Amount Required for 11/1/2016 Debt Service	$ -	$ -	$ -	$ -
Capitalized Interest Available	$ -	$ -	$ -	$ -
Interest Income				
Revenue Account	$ 300	$ 259	$ 300	$ 300
Reserve Account	$ 550	$ 366	$ 550	$ 550
Interest Account	$ -	$ -	$ -	$ -
Prepayment Account	$ -	$ -	$ -	$ -
Special Assessment Revenue	-			-
Special Assessment - On-Roll	$ 273,784	$ 255,204	$ 273,784	$ 273,784
Special Assessment - Off-Roll		$ -	$ -	
Special Assessment - Prepayment	$ -	$ -	$ -	$ -
Debt Proceeds				
Series 2015 Issuance Proceeds	$ -	$ -	$ -	$ -
Total Revenue & Other Sources	**$ 274,634**	**$ 255,830**	**$ 274,634**	**$ 274,634**
Expenditures and Other Uses				
Debt Service				
Principal Debt Service - Mandatory				
Series A Bonds	$ 70,000	$ 60,000	$ 60,000	$ 65,000
Principal Debt Service - Early Redemptions				
Series A Bonds	$ -	$ -	$ -	$ -
Interest Expense				
Series A Bonds	$ 190,406	$ 89,738	$ 179,475	$ 175,581
Other Fees and Charges				
Discounts for Early Payment	$ 17,911	$ -	$ 17,911	$ 17,911
Interfund Transfer Out	$ -	$ -	$ -	$ -
Total Expenditures and Other Uses	**$ 278,317**	**$ 149,738**	**$ 257,386**	**$ 258,492**
Net Increase/(Decrease) in Fund Balance	$ -	$ 106,092	$ 17,248	$ 16,141
Fund Balance - Beginning	$ 443,275	$ 443,275	$ 443,275	$ 460,523
Fund Balance - Ending	**$ 427,716**	**$ 549,367**	**$ 460,523**	**$ 476,664**

Restricted Fund Balance:	
Reserve Account Requirement	$ 246,188
Restricted for November 1, 2020 Debt Service	
Principal	$ 70,000
Interest	$ 87,100
Total - Restricted Fund Balance:	**$ 403,288**

Flow Way Community Development District

Debt Service Fund - Series 2015 Phase III Bonds - Budget
Fiscal Year 2020

Assessment Comparison

Description	Number of Units	Fiscal Year 2019	Fiscal Year 2020
SF - 52'			
Partial Phase buydown	4	$ 1,313.66	$ 1,313.66
Partial Phase buydown	28	$ 1,492.80	$ 1,492.80
Remaining Lots with Standard Buydown	0		
Total:	**32**		
SF - 76'			
Partial Phase buydown	11	$ 3,745.36	$ 3,745.36
Partial Phase buydown	12	$ 3,901.42	$ 3,901.42
Remaining Lots with Standard Buydown	0		
Total:	**23**		
SF - 90'	18	$ 3,866.11	$ 3,866.11
SF - 100'	17	$ 4,066.15	$ 4,066.15
Total: All Lots	**90**		N/A

Flow Way Community Development District

Debt Service Fund - Series 2015 Phase III Bonds - Budget

Description	Prepayment	Principal	Coupon Rate	Interest	Annual Debt Service
Par Amount Issued:		**$ 3,950,000**			
11/1/2015				$ 111,776.84	
5/1/2016				$ 99,603.13	$ 211,380
11/1/2016		$ 65,000	4.250%	$ 99,603.13	
5/1/2017	$ 260,000			$ 97,328.13	$ 261,931
11/1/2017		$ 65,000	4.250%	$ 97,328.13	
5/1/2018	$ 20,000			$ 95,946.88	$ 258,275
11/1/2018		$ 60,000	4.250%	$ 89,756.25	
5/1/2019				$ 88,481.25	$ 238,238
11/1/2019		$ 65,000	4.250%	$ 88,481.25	
5/1/2020				$ 87,100.00	$ 240,581
11/1/2020		$ 70,000	4.250%	$ 87,100.00	
5/1/2021				$ 85,612.50	$ 242,713
11/1/2021		$ 70,000	4.250%	$ 85,612.50	
5/1/2022				$ 84,125.00	$ 239,738
11/1/2022		$ 75,000	4.250%	$ 84,125.00	
5/1/2023				$ 82,531.25	$ 241,656
11/1/2023		$ 80,000	4.250%	$ 82,531.25	
5/1/2024				$ 80,831.25	$ 243,363
11/1/2024		$ 80,000	4.250%	$ 80,831.25	
5/1/2025				$ 79,131.25	$ 239,963
11/1/2025		$ 85,000	4.250%	$ 79,131.25	
5/1/2026				$ 77,325.00	$ 241,456
11/1/2026		$ 90,000	5.000%	$ 77,325.00	
5/1/2027				$ 75,075.00	$ 242,400
11/1/2027		$ 95,000	5.000%	$ 75,075.00	
5/1/2028				$ 72,700.00	$ 242,775
11/1/2028		$ 100,000	5.000%	$ 72,700.00	
5/1/2029				$ 70,200.00	$ 242,900
11/1/2029		$ 100,000	5.000%	$ 70,200.00	
5/1/2030				$ 67,700.00	$ 237,900
11/1/2030		$ 105,000	5.000%	$ 67,700.00	
5/1/2031				$ 65,075.00	$ 237,775
11/1/2031		$ 115,000	5.000%	$ 65,075.00	
5/1/2032				$ 62,200.00	$ 242,275
11/1/2032		$ 120,000	5.000%	$ 62,200.00	
5/1/2033				$ 59,200.00	$ 241,400
11/1/2033		$ 125,000	5.000%	$ 59,200.00	
5/1/2034				$ 56,075.00	$ 240,275
11/1/2034		$ 130,000	5.000%	$ 56,075.00	
5/1/2035				$ 52,825.00	$ 238,900
11/1/2035		$ 135,000	5.000%	$ 52,825.00	
5/1/2036				$ 49,450.00	$ 237,275
11/1/2036		$ 145,000	5.375%	$ 49,450.00	
5/1/2037				$ 45,553.13	$ 240,003
11/1/2037		$ 150,000	5.375%	$ 45,553.13	

Flow Way Community Development District

Debt Service Fund - Series 2015 Phase III Bonds - Budget

Description	Prepayment	Principal	Coupon Rate	Interest	Annual Debt Service
5/1/2038				$ 41,521.88	$ 237,075
11/1/2038		$ 160,000	5.375%	$ 41,521.88	
5/1/2039				$ 37,221.88	$ 238,744
11/1/2039		$ 170,000	5.375%	$ 37,221.88	
5/1/2040				$ 32,653.13	$ 239,875
11/1/2040		$ 180,000	5.375%	$ 32,653.13	
5/1/2041				$ 27,815.63	$ 240,469
11/1/2041		$ 185,000	5.375%	$ 27,815.63	
5/1/2042				$ 22,843.75	$ 235,659
11/1/2042		$ 195,000	5.375%	$ 22,843.75	
5/1/2043				$ 17,603.13	$ 235,447
11/1/2043		$ 205,000	5.375%	$ 17,603.13	
5/1/2044				$ 12,093.75	$ 234,697
11/1/2043		$ 220,000	5.375%	$ 12,093.75	
5/1/2044				$ 6,181.25	$ 238,275
11/1/2044		$ 230,000	5.375%	$ 6,181.25	

Flow Way Community Development District

Debt Service Fund - Series 2015 Phase IV Bonds - Budget
Fiscal Year 2020

Description	Fiscal Year 2019 Budget	Actual 03/31/2017	Anticipated Year End 09/30/2019	Fiscal Year 2020 Budget
Revenues and Other Sources				
Carryforward		$ -	$ -	
Interest Income				
Revenue Account	$ 250	$ 183	$ 400	$ 400
Reserve Account	$ 300	$ 241	$ 500	$ 500
Interest Account	$ -	$ -	$ -	$ -
Special Assessment Revenue	-			-
Special Assessment - On-Roll	$ 231,388	$ 215,729	$ 231,388	$ 231,388
Special Assessment - Off-Roll	$ -	$ -	$ -	$ -
Special Assessment - Prepayment	$ -	$ -	$ -	$ -
Debt Proceeds				
Series 2015 Phase IV Issuance Proceeds	$ -	$ -	$ -	$ -
Total Revenue & Other Sources	**$ 231,938**	**$ 216,152**	**$ 232,288**	**$ 232,288**
Expenditures and Other Uses				
Debt Service				
Principal Debt Service - Mandatory				
Series A Bonds	$ 50,000	$ 50,000	$ 50,000	$ 55,000
Principal Debt Service - Early Redemptions				
Series A Bonds	$ -	$ -	$ -	$ -
Interest Expense				
Series A Bonds	$ 161,556	$ 81,278	$ 161,556	$ 160,556
Other Uses of Funds				
Amount Available in Capitalized Interest				
Other Fees and Charges				
Discounts for Early Payment	$ 15,138	$ -	$ 15,138	$ 15,138
Interfund Transfer Out		$ 241	$ 241	
Total Expenditures and Other Uses	**$ 226,694**	**$ 131,519**	**$ 226,694**	**$ 230,694**
Net Increase/(Decrease) in Fund Balance	$ 5,244	$ 84,633	$ 5,594	$ 1,594
Fund Balance - Beginning	$ 307,103	$ 307,103	$ 307,103	$ 312,697
Fund Balance - Ending	**$ 294,468**	**$ 391,736**	**$ 312,697**	**$ 314,291**

Restricted Fund Balance:	
Reserve Account Requirement	$ 161,930
Restricted for November 1, 2020 Debt Service	
Principal	$ 55,000
Interest	$ 80,278
Total - Restricted Fund Balance:	**$ 297,208**

Assessment Comparison

Description	Number of Units	Fiscal Year 2019	Fiscal Year 2020
SF - 52'	51	$ 1,396.98	$ 1,398.88
SF - 62'	31	$ 2,184.02	$ 2,184.02
MF - Esplanade	30	$ 1,178.68	$ 1,178.68
MF - Vercelli	56	$ 1,017.51	$ 1,017.51
Total:	**168**		

Flow Way Community Development District

Debt Service Fund - Series 2015 Phase IV Bonds - Budget

Description	Principal	Coupon Rate	Interest	Annual Debt Service
Par Amount Issued:	**$ 3,190,000**			
5/1/2016			$ 65,365.40	
11/1/2016			$ 82,278.13	$ 147,644
5/1/2017		5.375%	$ 82,278.13	
11/1/2017	$ 50,000		$ 82,278.13	$ 214,556
5/1/2018		5.375%	$ 81,278.13	
11/1/2018	$ 50,000		$ 81,278.13	$ 212,556
5/1/2019		5.375%	$ 80,278.13	
11/1/2019	$ 55,000		$ 80,278.13	$ 215,556
5/1/2020		5.375%	$ 79,178.13	
11/1/2020	$ 55,000		$ 79,178.13	$ 213,356
5/1/2021		5.375%	$ 78,078.13	
11/1/2021	$ 55,000		$ 78,078.13	$ 211,156
5/1/2022		5.375%	$ 76,978.13	
11/1/2022	$ 60,000		$ 79,978.13	$ 216,956
5/1/2023		5.375%	$ 75,440.63	
11/1/2023	$ 60,000		$ 75,440.63	$ 210,881
5/1/2024		5.375%	$ 73,903.13	
11/1/2024	$ 65,000		$ 73,903.13	$ 212,806
5/1/2025		5.375%	$ 72,237.50	
11/1/2025	$ 70,000		$ 72,237.50	$ 214,475
5/1/2026		5.375%	$ 70,443.75	
11/1/2026	$ 75,000		$ 70,443.75	$ 215,888
5/1/2027		5.375%	$ 68,521.88	
11/1/2027	$ 75,000		$ 68,521.88	$ 212,044
5/1/2028		5.375%	$ 66,600.00	
11/1/2028	$ 80,000		$ 66,600.00	$ 213,200
5/1/2029		5.375%	$ 64,550.00	
11/1/2029	$ 85,000		$ 64,550.00	$ 214,100
5/1/2030		5.375%	$ 62,371.88	
11/1/2030	$ 90,000		$ 62,371.88	$ 214,744
5/1/2031		5.375%	$ 60,065.63	
11/1/2031	$ 95,000		$ 60,065.63	$ 215,131
5/1/2032		5.375%	$ 57,631.25	
11/1/2032	$ 100,000		$ 57,631.25	$ 215,263
5/1/2033		5.375%	$ 55,068.75	
11/1/2033	$ 105,000		$ 55,068.75	$ 215,138
5/1/2034		5.375%	$ 52,378.13	
11/1/2034	$ 110,000		$ 52,378.13	$ 214,756
5/1/2035		5.375%	$ 49,559.38	
11/1/2035	$ 115,000		$ 49,559.38	$ 214,119
5/1/2036		5.375%	$ 46,612.50	
11/1/2036	$ 120,000		$ 46,612.50	$ 213,225
5/1/2037		5.375%	$ 43,537.50	
11/1/2037	$ 125,000		$ 43,537.50	$ 212,075
5/1/2038		5.375%	$ 40,178.13	

Flow Way Community Development District

Debt Service Fund - Series 2015 Phase IV Bonds - Budget

Description	Principal	Coupon Rate	Interest	Annual Debt Service
11/1/2038	$ 135,000		$ 40,178.13	$ 215,356
5/1/2039		5.375%	$ 36,550.00	
11/1/2039	$ 140,000		$ 36,550.00	$ 213,100
5/1/2040		5.375%	$ 32,787.50	
11/1/2040	$ 150,000		$ 32,787.50	$ 215,575
5/1/2041		5.375%	$ 28,756.25	
11/1/2041	$ 155,000		$ 28,756.25	$ 212,513
5/1/2042		5.375%	$ 24,590.63	
11/1/2042	$ 165,000		$ 24,590.63	$ 214,181
5/1/2043		5.375%	$ 20,156.25	
11/1/2043	$ 175,000		$ 20,156.25	$ 215,313
5/1/2044		5.375%	$ 15,463.13	
11/1/2044	$ 185,000		$ 15,463.13	$ 215,926
5/1/2045		5.375%	$ 10,481.25	
11/1/2045	$ 190,000		$ 10,481.25	$ 210,963
5/1/2046		5.375%	$ 5,375.00	
11/1/2046	$ 200,000		$ 5,375.00	$ 210,750

Principal Balance - September 30, 2017 $ 3,190,000

Flow Way Community Development District

Debt Service Fund - Series 2016 Phase 5 Bonds - Budget
Fiscal Year 2020

Description	Fiscal Year 2019 Budget	Actual 03/31/2019	Anticipated Year End 09/30/2019	Fiscal Year 2020 Budget
Revenues and Other Sources				
Carryforward				
Interest Income				
Revenue Account	$ 220	$ 288	$ 220	$ 220
Reserve Account	$ 345	$ 260	$ 345	$ 345
Interest Account	$ 2	$ -	$ 2	$ 2
Special Assessment Revenue	-			-
Special Assessment - On-Roll	$ 374,564	$ 349,092	$ 374,564	$ 374,564
Special Assessment - Off-Roll	$ -	$ -	$ -	$ -
Special Assessment - Prepayment	$ -	$ -	$ -	$ -
Debt Proceeds				
Series 2016 Phase 5 Issuance Proceeds - Deposit to Reserve Account	$ -	$ -	$ -	$ -
Total Revenue & Other Sources	**$ 375,131**	**$ 349,639**	**$ 375,131**	**$ 375,131**
Expenditures and Other Uses				
Debt Service				
Principal Debt Service - Mandatory				
Series A Bonds	$ 95,000	$ 95,000	$ 95,000	$ 95,000
Principal Debt Service - Early Redemptions				
Series A Bonds	$ -	$ -	$ -	$ -
Interest Expense				
Series A Bonds	$ 250,993	$ 126,304	$ 250,993	$ 247,763
Other Uses of Funds				
Amount Available in Capitalized Interest				
Other Fees and Charges				
Discounts for Early Payment	$ 24,504	$ -	$ 24,504	$ 24,504
Interfund Transfer Out		$ -	$ -	
Total Expenditures and Other Uses	**$ 370,496**	**$ 221,304**	**$ 370,497**	**$ 367,267**
Net Increase/(Decrease) in Fund Balance	$ 4,635	$ 128,335	$ 4,634	$ 7,865
Fund Balance - Beginning	$ 410,092	$ 410,092	$ 410,092	$ 414,726
Fund Balance - Ending	**$ 414,727**	**$ 538,427**	**$ 414,726**	**$ 422,590**

Restricted Fund Balance:	
Reserve Account Requirement	$ 174,589
Restricted for November 1, 2020 Debt Service	
Principal	$ 100,000
Interest	$ 123,074
Total - Restricted Fund Balance:	**$ 397,663**

Assessment Comparison

Description	Number of Units	Fiscal Year 2019	Fiscal Year 2020
SF - 52'	90	$ 1,440.78	$ 1,440.78
SF - 62'	52	$ 2,176.05	$ 2,176.05
SF - 76'	24	$ 3,535.95	$ 3,538.95
MF - Vercelli	46	$ 1,017.51	$ 1,017.51
Total:	**212**	N/A	N/A

Flow Way Community Development District

Debt Service Fund - Series 2016 Phase 5 Bonds - Budget

Description	Principal	Coupon Rate	Interest	Annual Debt Service
Par Amount Issued:	**$ 5,425,000**			
5/1/2017		3.400%	$ 108,235.61	
11/1/2017	$ 110,000		$ 128,173.75	$ 346,409
5/1/2018		3.400%	$ 126,303.75	
11/1/2018	$ 95,000		$ 126,303.75	$ 347,608
5/1/2019		3.400%	$ 124,688.75	
11/1/2019	$ 95,000		$ 124,688.75	$ 344,378
5/1/2020		3.400%	$ 123,073.75	
11/1/2020	$ 100,000		$ 123,073.75	$ 346,148
5/1/2021		3.400%	$ 121,373.75	
11/1/2021	$ 105,000		$ 121,373.75	$ 347,748
5/1/2022		3.400%	$ 119,588.75	
11/1/2022	$ 110,000		$ 119,588.75	$ 349,178
5/1/2023		4.350%	$ 117,196.25	
11/1/2023	$ 110,000		$ 117,196.25	$ 344,393
5/1/2024		4.350%	$ 114,803.75	
11/1/2024	$ 115,000		$ 114,803.75	$ 344,608
5/1/2025		4.350%	$ 112,302.50	
11/1/2025	$ 120,000		$ 112,302.50	$ 344,605
5/1/2026		4.350%	$ 109,692.50	
11/1/2026	$ 125,000		$ 109,692.50	$ 344,385
5/1/2027		4.350%	$ 106,973.75	
11/1/2027	$ 135,000		$ 106,973.75	$ 348,948
5/1/2028		4.350%	$ 104,037.50	
11/1/2028	$ 140,000		$ 104,037.50	$ 348,075
5/1/2029		4.875%	$ 100,625.00	
11/1/2029	$ 145,000		$ 100,625.00	$ 346,250
5/1/2030		4.875%	$ 97,090.63	
11/1/2030	$ 150,000		$ 97,090.63	$ 344,181
5/1/2031		4.875%	$ 93,434.38	
11/1/2031	$ 160,000		$ 93,434.38	$ 346,869
5/1/2032		4.875%	$ 89,534.38	
11/1/2032	$ 170,000		$ 89,534.38	$ 349,069
5/1/2033		4.875%	$ 85,390.63	
11/1/2033	$ 175,000		$ 85,390.63	$ 345,781
5/1/2034		4.875%	$ 81,125.00	
11/1/2034	$ 185,000		$ 81,125.00	$ 347,250
5/1/2035		4.875%	$ 76,615.63	
11/1/2035	$ 195,000		$ 76,615.63	$ 348,231
5/1/2036		4.875%	$ 71,862.50	
11/1/2036	$ 205,000		$ 71,862.50	$ 348,725
5/1/2037		4.875%	$ 66,865.63	
11/1/2037	$ 215,000		$ 66,865.63	$ 348,731
5/1/2038		4.875%	$ 61,625.00	
11/1/2038	$ 225,000		$ 61,625.00	$ 348,250
5/1/2039		5.000%	$ 56,000.00	

Flow Way Community Development District

Debt Service Fund - Series 2016 Phase 5 Bonds - Budget

Description	Principal	Coupon Rate	Interest	Annual Debt Service
11/1/2039	$ 235,000		$ 56,000.00	$ 347,000
5/1/2040		5.000%	$ 50,125.00	
11/1/2040	$ 245,000		$ 50,125.00	$ 345,250
5/1/2041		5.000%	$ 44,000.00	
11/1/2041	$ 260,000		$ 44,000.00	$ 348,000
5/1/2042		5.000%	$ 37,500.00	
11/1/2042	$ 270,000		$ 37,500.00	$ 345,000
5/1/2043		5.000%	$ 30,750.00	
11/1/2043	$ 285,000		$ 30,750.00	$ 346,500
5/1/2044		5.000%	$ 23,625.00	
11/1/2044	$ 300,000		$ 23,625.00	$ 347,250
5/1/2045		5.000%	$ 16,125.00	
11/1/2045	$ 315,000		$ 16,125.00	$ 347,250
5/1/2046		5.000%	$ 8,250.00	
11/1/2046	$ 330,000		$ 8,250.00	$ 346,500

Flow Way Community Development District

Debt Service Fund - Series 2017 Phase 6 Bonds - Budget
Fiscal Year 2020

Description	Fiscal Year 2019 Budget	Actual 03/31/2017	Anticipated Year End 09/30/2019	Fiscal Year 2020 Budget
Revenues and Other Sources				
Carryforward				
Interest Income				
Revenue Account	$ -	$ 176	$ 400	$ -
Reserve Account	$ -	$ 129	$ 250	$ -
Interest Account	$ -	$ -	$ -	$ -
Special Assessment Revenue	-			-
Special Assessment - On-Roll	$ 253,323	$ 235,092	$ 253,323	$ 253,323
Special Assessment - Off-Roll	$ 166,388	$ 167,000	$ 167,000	
Special Assessment - Prepayment	$ -	$ -	$ -	$ -
Debt Proceeds				
Series 2017 Phase 6 Issuance Proceeds - Deposit to Reserve Account	$ -	$ -	$ -	$ -
Total Revenue & Other Sources	**$ 419,711**	**$ 402,397**	**$ 420,973**	**$ 253,323**
Expenditures and Other Uses				
Debt Service				
Principal Debt Service - Mandatory				
Series A Bonds	$ 80,000	$ 80,000	$ 80,000	$ 65,000
Principal Debt Service - Early Redemptions				
Series A Bonds	$ -	$ -	$ -	$ -
Interest Expense				
Series A Bonds	$ 171,375	$ 86,388	$ 171,375	$ 169,975
Other Uses of Funds				
Amount Available in Capitalized Interest				
Other Fees and Charges				
Discounts for Early Payment	$ 16,573	$ -	$ 16,573	$ 16,573
Interfund Transfer Out		$ -	$ -	
Total Expenditures and Other Uses	**$ 267,948**	**$ 166,388**	**$ 267,948**	**$ 251,548**
Net Increase/(Decrease) in Fund Balance	$ 151,763	$ 236,009	$ 153,025	$ 1,775
Fund Balance - Beginning	$ 118,375	$ 118,375	$ 118,375	$ 271,400
Fund Balance - Ending	**$ 270,138**	**$ 354,384**	**$ 271,400**	**$ 273,175**

Restricted Fund Balance:	
Reserve Account Requirement	$ 118,375
Restricted for November 1, 2020 Debt Service	
Principal	$ 65,000
Interest	$ 83,850
Total - Restricted Fund Balance:	**$ 267,225**

Assessment Comparison

Description	Number of Units	Fiscal Year 2019	Fiscal Year 2020
SF - 52'	3	$ 1,782.60	$ 1,782.60
SF - 62'	43	$ 2,690.48	$ 2,690.48
SF - 76'	25	$ 4,425.12	$ 4,425.12
MF - Esplanade	14	$ 1,370.23	$ 1,370.23
MF - Vercelli	2	$ 1,236.39	$ 1,236.39
Total:	**87**		

Flow Way Community Development District

Debt Service Fund - Series 2017 Phase 6 Bonds - Budget

Description	Prepayments	Principal	Coupon Rate	Interest	Annual Debt Service	Par Debt Outstanding
Par Amount Issued:		**$ 3,665,000**				
5/1/2018				$ 70,069.86		
11/1/2018		$ 80,000	3.500%	$ 86,387.50	$ 236,457	$ 3,585,000
5/1/2019				$ 84,987.50		$ 3,585,000
11/1/2019		$ 65,000	3.500%	$ 84,987.50	$ 234,975	$ 3,520,000
5/1/2020				$ 83,850.00		$ 3,520,000
11/1/2020		$ 65,000	3.500%	$ 83,850.00	$ 232,700	$ 3,455,000
5/1/2021				$ 82,712.50		$ 3,455,000
11/1/2021		$ 70,000	3.500%	$ 82,712.50	$ 235,425	$ 3,385,000
5/1/2022				$ 81,487.50		$ 3,385,000
11/1/2022		$ 70,000	3.500%	$ 81,487.50	$ 232,975	$ 3,315,000
5/1/2023				$ 80,262.50		$ 3,315,000
11/1/2023		$ 75,000	3.500%	$ 80,262.50	$ 235,525	$ 3,240,000
5/1/2024				$ 78,950.00		$ 3,240,000
11/1/2024		$ 75,000	4.000%	$ 78,950.00	$ 232,900	$ 3,165,000
5/1/2025				$ 77,450.00		$ 3,165,000
11/1/2025		$ 80,000	4.000%	$ 77,450.00	$ 234,900	$ 3,085,000
5/1/2026				$ 75,850.00		$ 3,085,000
11/1/2026		$ 80,000	4.000%	$ 75,850.00	$ 231,700	$ 3,005,000
5/1/2027				$ 74,250.00		$ 3,005,000
11/1/2027		$ 85,000	4.000%	$ 74,250.00	$ 233,500	$ 2,920,000
5/1/2028				$ 72,550.00		$ 2,920,000
11/1/2028		$ 90,000	4.000%	$ 72,550.00	$ 235,100	$ 2,830,000
5/1/2029				$ 70,750.00		$ 2,830,000
11/1/2029		$ 95,000	5.000%	$ 70,750.00	$ 236,500	$ 2,735,000
5/1/2030				$ 68,375.00		$ 2,735,000
11/1/2030		$ 95,000	5.000%	$ 68,375.00	$ 231,750	$ 2,640,000
5/1/2031				$ 66,000.00		$ 2,640,000
11/1/2031		$ 100,000	5.000%	$ 66,000.00	$ 232,000	$ 2,540,000
5/1/2032				$ 63,500.00		$ 2,540,000
11/1/2032		$ 105,000	5.000%	$ 63,500.00	$ 232,000	$ 2,435,000
5/1/2033				$ 60,875.00		$ 2,435,000
11/1/2033		$ 115,000	5.000%	$ 60,875.00	$ 236,750	$ 2,320,000
5/1/2034				$ 58,000.00		$ 2,320,000
11/1/2034		$ 120,000	5.000%	$ 58,000.00	$ 236,000	$ 2,200,000
5/1/2035				$ 55,000.00		$ 2,200,000
11/1/2035		$ 125,000	5.000%	$ 55,000.00	$ 235,000	$ 2,075,000
5/1/2036				$ 51,875.00		$ 2,075,000
11/1/2036		$ 130,000	5.000%	$ 51,875.00	$ 233,750	$ 1,945,000
5/1/2037				$ 48,625.00		$ 1,945,000
11/1/2037		$ 135,000	5.000%	$ 48,625.00	$ 232,250	$ 1,810,000
5/1/2038				$ 45,250.00		$ 1,810,000
11/1/2038		$ 145,000	5.000%	$ 45,250.00	$ 235,500	$ 1,665,000
5/1/2039				$ 41,625.00		$ 1,665,000
11/1/2039		$ 150,000	5.000%	$ 41,625.00	$ 233,250	$ 1,515,000

Flow Way Community Development District

Debt Service Fund - Series 2017 Phase 6 Bonds - Budget

Description	Prepayments	Principal	Coupon Rate	Interest	Annual Debt Service	Par Debt Outstanding
5/1/2040				$ 37,875.00		$ 1,515,000
11/1/2040		$ 160,000	5.000%	$ 37,875.00	$ 235,750	$ 1,355,000
5/1/2041				$ 33,875.00		$ 1,355,000
11/1/2041		$ 165,000	5.000%	$ 33,875.00	$ 232,750	$ 1,190,000
5/1/2042				$ 29,750.00		$ 1,190,000
11/1/2042		$ 175,000	5.000%	$ 29,750.00	$ 234,500	$ 1,015,000
5/1/2043				$ 25,375.00		$ 1,015,000
11/1/2043		$ 185,000	5.000%	$ 25,375.00	$ 235,750	$ 830,000
5/1/2044				$ 20,750.00		$ 830,000
11/1/2044		$ 195,000	5.000%	$ 20,750.00	$ 236,500	$ 635,000
5/1/2045				$ 15,875.00		$ 635,000
11/1/2045		$ 200,000	5.000%	$ 15,875.00	$ 231,750	$ 435,000
5/1/2046				$ 10,875.00		$ 435,000
11/1/2046		$ 210,000	5.000%	$ 10,875.00	$ 231,750	$ 225,000
5/1/2047				$ 5,625.00		$ 225,000
11/1/2047		$ 225,000	5.000%	$ 5,625.00	$ 236,250	$ -

Flow Way Community Development District

Assessment Comparison - Budget
Fiscal Year 2020

Description	Number of Units	Genaral Fund FY 2019	Genaral Fund FY 2020	Debt Service Fund FY 2019	Debt Service Fund FY 2020	Total FY 2019	Total FY 2020
Series 2013 Bonds - Phase 1 and 2							
SF - 52'	69	$ 487.68	$ 487.65	$ 1,229.38	$ 1,229.38	$ 1,717.06	$ 1,717.03
SF - 62'	82	$ 487.68	$ 487.65	$ 1,992.82	$ 1,992.82	$ 2,480.50	$ 2,480.47
SF - 76'	62	$ 487.68	$ 487.65	$ 3,282.90	$ 3,282.90	$ 3,770.58	$ 3,770.55
SF - 90'	7	$ 487.68	$ 487.65	$ 3,198.48	$ 3,198.48	$ 3,686.16	$ 3,686.13
Multi-Family	96	$ 487.68	$ 487.65	$ 1,071.89	$ 1,071.89	$ 1,559.57	$ 1,559.54
Total:	**316**						
Series 2015 Bonds - Phase 3							
SF - 52'							
Partial Phase buydown	4	$ 487.68	$ 487.65	$ 1,313.66	$ 1,313.66	$ 1,801.34	$ 1,801.31
Partial Phase buydown	28	$ 487.68	$ 487.65	$ 1,492.80	$ 1,492.80	$ 1,980.48	$ 1,980.45
SF - 76'							
Partial Phase buydown	11	$ 487.68	$ 487.65	$ 3,745.36	$ 3,745.36	$ 4,233.04	$ 4,233.01
Partial Phase buydown	12	$ 487.68	$ 487.65	$ 3,901.42	$ 3,901.42	$ 4,389.10	$ 4,389.07
SF - 90'	18	$ 487.68	$ 487.65	$ 3,866.11	$ 3,866.11	$ 4,353.79	$ 4,353.76
SF - 100'	17	$ 487.68	$ 487.65	$ 4,066.15	$ 4,066.15	$ 4,553.83	$ 4,553.80
Total:	**90**						
Series 2015 Bonds - Phase 4							
SF - 52'	51	$ 487.68	$ 487.65	$ 1,396.98	$ 1,398.88	$ 1,884.66	$ 1,886.52
SF - 62'	31	$ 487.68	$ 487.65	$ 2,181.28	$ 2,184.02	$ 2,668.96	$ 2,671.67
MF - Esplanade	30	$ 487.68	$ 487.65	$ 1,016.34	$ 1,017.51	$ 1,504.02	$ 1,505.15
MF - Vercelli	56	$ 487.68	$ 487.65	$ 1,017.51	$ 1,017.51	$ 1,505.19	$ 1,505.15
Total:	**168**						
Series 2016 Bonds - Phase 5							
SF - 52'	90	$ 487.68	$ 487.65	$ 1,440.78	$ 1,440.78	$ 1,928.46	$ 1,928.42
SF - 62'	52	$ 487.68	$ 487.65	$ 2,176.05	$ 2,176.05	$ 2,663.73	$ 2,663.70
SF - 76'	24	$ 487.68	$ 487.65	$ 3,535.95	$ 3,538.95	$ 4,023.63	$ 4,026.60
MF - Vercelli	46	$ 487.68	$ 487.65	$ 1,017.51	$ 1,017.51	$ 1,505.19	$ 1,505.15
Total:	**212**						
Series 2017 Bonds - Phase 6							
SF - 52'	3	$ -	$ 487.65	$ 1,782.60	$ 1,782.60	$ 1,782.60	$ 2,270.25
SF - 62'	43	$ -	$ 487.65	$ 2,690.48	$ 2,690.48	$ 2,690.48	$ 3,178.13
SF - 76'	25	$ -	$ 487.65	$ 4,425.12	$ 4,425.12	$ 4,425.12	$ 4,912.77
MF - Esplanade	14	$ -	$ 487.65	$ 1,370.23	$ 1,370.23	$ 1,370.23	$ 1,857.88
MF - Vercelli	2	$ -	$ 487.65	$ 1,236.39	$ 1,236.39	$ 1,236.39	$ 1,724.03
Total:	**87**						

Total Units subject to General Fund Assessment: **1157** **Difference is Remaining Units to be Developed**

Celebrating 25 Years
CHEFFY PASSIDOMO
ATTORNEYS AT LAW

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Board Certified Real Estate Lawyer
JOHN D. KEHOE
Board Certified Civil Trial Lawyer
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DEBBIE SINES CROCKETT
BRIAN J. THANASIU
Board Certified Real Estate Lawyer
JENNIFER C. JUCHNOWICZ

Of Counsel:
GEORGE L. VARNADOE

May 7, 2019

Flow Way CDD
c/o JPWard & Associates, LLC
Attn: James P. Ward
2900 Northeast 12th Terrace, Suite 1
Oakland Park, FL 33334

Re: **Engagement Letter**

Dear Mr. Ward:

Thank you for considering our firm to assist the Flow Way CDD with regard to ownership of the preserves within the community. At the beginning of a client relationship, our policy is to provide a written explanation of our fees. Our fees are based upon the time spent by attorneys on the matter and their hourly rates. My current hourly rate is $350, and I anticipate that I will be doing most, if not all, of the work on this matter. The hourly rates of other paralegals and attorneys who might work on the case (with your consent) range from $100 to $550. These rates are reviewed periodically and, with your prior written consent, may be increased while this matter is ongoing. During our relationship, I will be happy to answer any questions or concerns you may have with our fees. Also, for purposes of this engagement, I understand that I will report to the District Manager.

In general, we provide monthly statements for services rendered during the prior month. These statements will describe the services rendered and the amount of time they have taken. Payment of our invoices is due within thirty days, and we charge 12% interest on past due accounts. Unless you instruct otherwise, we will forward the invoices to you by e-mail only.

Our monthly statements will also include costs and expenses. These costs include such things as travel expenses and messenger service charges. If litigation occurs (which is not anticipated), the CDD will be responsible for filing fees and court costs. The CDD will also be

responsible for any expert witness fees, but we will not retain any expert without your prior approval.

As an advance against fees and expenses, we request a retainer of $-0-. The retainer will be held in a non-interest bearing account until the matter has been concluded, and then we will apply it to our final statement. If the final statement exceeds the amount of the retainer, we will bill you for the difference. If, on the other hand, the final statement is for less than the amount we are holding, we will refund the balance to you. Until the matter is concluded, the retainer will not be applied to our monthly statements, and they must be paid currently as indicated above. However, if any invoice remains unpaid for sixty days from the date of the invoice and if no written objection to the invoice is received within the sixty-day period, any objections to it will be deemed waived, and we will be authorized to apply the retainer to the unpaid invoice; furthermore, in this event, we will have the right to terminate the representation and withdraw from any pending case, subject to our rules of professional responsibility.

If these terms are satisfactory, please sign below and return this letter to me. We appreciate the opportunity to assist you and look forward to working with you.

Sincerely,

/s/ Clay C. Brooker

Clay C. Brooker
Cheffy Passidomo, P.A.

Agreed and Accepted:

Flow Way Community Development District.

By:_____ _____
Date

Print name:_____

Title:_____

Flow Way Community Development District

Financial Statements

March 31, 2019

Prepared by:

JPWARD AND ASSOCIATES LLC

2900 NE 12th TERRACE

Suite 1

OAKLAND PARK, FLORIDA 33334

Flow Way Community Development District

Table of Contents

JPWard & Associates, LLC
2900 NE 12th Terrace
Suite 1
Oakland Park, Florida 33334

Flowway Community Develoment District
Balance Sheet
for the Period Ending March 31, 2019

	Governmental Funds									Account Groups	Totals
		Debt Service Funds					Capital Project Fund				
	General Fund	Series 2013	Series 2015 (Phase 3)	Series 2015 (Phase 4)	Series 2016 (Phase 5)	Series 2017 (Phase 6)	Series 2015 (Phase 4)	Series 2016 (Phase 5)	Series 2017 (Phase 6)	General Long Term Debt	(Memorandum Only)
Assets											
Cash and Investments											
General Fund - Invested Cash	$ 540,784	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 540,784
Debt Service Fund											
Interest Account	-	-	-	-	-	-	-	-	-	-	-
Sinking Account	-	-	-	-	-	-	-	-	-	-	-
Reserve Account	-	539,000	246,188	161,930	174,589	118,375	-	-	-	-	1,240,081
Revenue	-	585,115	297,141	224,702	355,318	231,159	-	-	-	-	1,693,435
Prepayment Account	-	-	0	-	-	-	-	-	-	-	0
Construction	-	-	-	-	-	-	2,834	14,094	9,011	-	25,939
Cost of Issuance	-	-	-	-	-	-	-	-	-	-	-
Due from Other Funds											
General Fund	-	12,723	6,039	5,105	8,260	5,584	-	-	-	-	37,711
Debt Service Fund(s)		-	-	-	-	-	-	-	-	-	-
Capital Projects Fund(s)			-	-	-	-					-
Market Valuation Adjustments	-	-	-	-	-	-				-	-
Accrued Interest Receivable	-	-	-	-	-	-	-	-	-	-	-
Assessments Receivable/Deposits	-	-	-	-	-	-	-	-	-	-	-
Amount Available in Debt Service Funds	-	-	-	-	-	-	-	-	-	2,971,227	2,971,227
Amount to be Provided by Debt Service Funds	-	-	-	-	-	-	-	-	-	19,468,773	19,468,773
Investment in General Fixed Assets (net of depreciation)	-	-	-	-	-	-	-	-	-	-	-
Total Assets	**$ 540,784**	**$ 1,136,838**	**$ 549,367**	**$ 391,736**	**$ 538,167**	**$ 355,118**	**$ 2,834**	**$ 14,094**	**$ 9,011**	**$ 22,440,000**	**$ 25,977,950**

Flowway Community Develoment District
Balance Sheet
for the Period Ending March 31, 2019

	Governmental Funds									Account Groups	Totals
		Debt Service Funds					Capital Project Fund				
	General Fund	Series 2013	Series 2015 (Phase 3)	Series 2015 (Phase 4)	Series 2016 (Phase 5)	Series 2017 (Phase 6)	Series 2015 (Phase 4)	Series 2016 (Phase 5)	Series 2017 (Phase 6)	General Long Term Debt	(Memorandum Only)
Liabilities											
Accounts Payable & Payroll Liabilities	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Due to Other Funds											
General Fund	-	-	-	-	-	-	-	-	-	-	-
Debt Service Fund(s)	37,711	-	-	-	-	-	-	-	-	-	37,711
Capital Projects Fund(s)											-
Bonds Payable											-
Current Portion	-	-	-	-	-	-	-	-	-	390,000	390,000
Long Term										22,050,000	22,050,000
Unamortized Prem/Disc on Bds Pybl	-	-	-	-	-	-	-	-	176,123		176,123
Total Liabilities	**$ 37,711**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ 176,123**	**$ 22,440,000**	**$ 22,653,834**
Fund Equity and Other Credits											
Investment in General Fixed Assets	-	-	-	-	-	-	-	-	-	-	-
Fund Balance											
Restricted											
Beginning: October 1, 2018 (Audited)	-	919,789	443,275	307,103	410,092	118,377	2,589	13,814	(167,301)	-	2,047,737
Results from Current Operations	-	217,049	106,092	84,633	128,076	236,741	246	280	189	-	773,307
Unassigned											
Beginning: October 1, 2018 (Audited)	50,794	-	-	-	-	-	-	-	-	-	50,794
Results from Current Operations	452,279	-								-	452,279
Total Fund Equity and Other Credits	**$ 503,073**	**$ 1,136,838**	**$ 549,367**	**$ 391,736**	**$ 538,167**	**$ 355,118**	**$ 2,834**	**$ 14,094**	**$ (167,112)**	**$ -**	**$ 3,324,117**
Total Liabilities, Fund Equity and Other Credits	**$ 540,784**	**$ 1,136,838**	**$ 549,367**	**$ 391,736**	**$ 538,167**	**$ 355,118**	**$ 2,834**	**$ 14,094**	**$ 9,011**	**$ 22,440,000**	**$ 25,977,950**

Flowway Community Development District
General Fund
Statement of Revenues, Expenditures and Changes in Fund Balance
Through March 31, 2019

Description	October	November	December	January	February	March	Year to Date	Total Annual Budget	% of Budget
Revenue and Other Sources									
Carryforward	$ -	$ -	$ -	$ -	$ -	$ -	-		
Interest									
Interest - General Checking	-	-		-	-	-	-	-	N/A
Special Assessment Revenue									
Special Assessments - On-Roll	-	185,151	215,064	38,472	88,602	12,779	540,068	541,675	100%
Special Assessments - Off-Roll	-	-	-	-	-	-	-	-	N/A
Contributions Private Sources	-						-		N/A
Intragovernmental Transfer In	-	-	-	-	-	-	-	-	N/A
Total Revenue and Other Sources:	**$ -**	**$ 185,151**	**$ 215,064**	**$ 38,472**	**$ 88,602**	**$ 12,779**	**540,068**	**$ 541,675**	**100%**
Expenditures and Other Uses									
Legislative									
Board of Supervisor's Fees	-	-	-	-	-	400	400	-	N/A
Executive									
Professional Management	3,333	3,333	3,333	3,333	3,333	3,333	20,000	40,000	50%
Financial and Administrative									
Audit Services	-	-	-		4,400	-	4,400	4,400	100%
Accounting Services	1,000	1,000	1,000	1,000	1,000	1,000	6,000	16,000	38%
Assessment Roll Services	667	667	667	667	667	667	4,000	16,000	25%
Arbitrage Rebate Services	500	-	-	100	1,000	-	1,600	2,000	80%
Other Contractual Services									
Recording and Transcription	-	-	-	-	-	-	-	-	N/A
Legal Advertising	323	623	-	5,519	256	-	6,720	7,500	90%
Trustee Services	-	-	-	11,486	-	-	11,485.63	21,400	54%
Dissemination Agent Services	667	667	667	6,167	667	667	9,500	25,000	38%
Property Appraiser Fees	-	-	-	-	-	3,599	3,599	15,100	24%
Bank Services	20	20	14	-	-	-	54	300	18%
Travel and Per Diem	-	-	-	-	-	-	-	-	N/A
Communications & Freight Services									
Postage, Freight & Messenger	32	28	-	28	28	19	135	600	22%
Rentals & Leases									
Meeting Room Rental	-	-	-	-	-	-	-	-	N/A
Computer Services - Website Development	50	50	50	50	50	50	300	1,000	30%
Insurance	6,042	-	-	-	-	-	6,042	6,100	99%

Flowway Community Development District
General Fund
Statement of Revenues, Expenditures and Changes in Fund Balance
Through March 31, 2019

Description	October	November	December	January	February	March	Year to Date	Total Annual Budget	% of Budget
Printing & Binding	752	95	-	534	334	171	1,885	750	251%
Office Supplies	-	-	-	-	-	-	-	-	N/A
Subscription & Memberships	175	-	-	-	-	-	175	175	100%
Legal Services									
Legal - General Counsel	-	-	-	114	957	1,398	2,468	20,000	12%
Legal - Series 2013 Bonds	-	-	-	-	-	-	-	-	N/A
Legal - Series 2015(Phase 3)	-	-	-	-	-	-	-	-	N/A
Legal - Series 2015(Phase 4)	-	-	-	-	-	-	-	-	N/A
Legal - Series 2016(Phase 5)	-	-	125	-	-	-	125	-	N/A
Legal - Series 2017(Phase 6)	-	-	263	-	-	-	263	-	N/A
Other General Government Services									
Engineering Services - General Fund	-	-	-	-	-	-	-	1,000	0%
Environmental RFP-Engineering	-	-	-	5,775	-	2,863	8,637.50	1,650	523%
Contingencies	-	-	-	-	-	-	-	3,000	0%
Capital Outlay	-	-	-	-	-	-	-	1,000	N/A
Stormwater Management Services									
Environmental Engineering-Mitigation Area	-	-	-	-	-	-	-	31,700	0%
Preserve Area Maintenance									
Wading Bird Foraging Areas	-	-	-	-	-	-	-	5,000	N/A
Internal Preserves	-	-	-	-	-	-	-	16,000	N/A
Western Preserve	-	-	-	-	-	-	-	31,000	N/A
Northern Preserve Area 1	-	-	-	-	-	-	-	100,000	N/A
Northern Preserve Area 2	-	-	-	-	-	-	-	175,000	N/A
Intragovernmental Transfer Out	-	-	-	-	-	-	-	-	N/A
Sub-Total:	**13,560**	**6,483**	**6,119**	**34,772**	**12,690**	**14,165**	**87,789**	**541,675**	**16%**
Total Expenditures and Other Uses:	**$ 13,560**	**$ 6,483**	**$ 6,119**	**$ 34,772**	**$ 12,690**	**$ 14,165**	**$ 87,789**	**$ 541,675**	**16%**
Net Increase/ (Decrease) in Fund Balance	(13,560)	178,669	208,946	3,700	75,912	(1,386)	452,279	-	
Fund Balance - Beginning	50,794	37,234	215,903	424,848	428,548	504,460	50,794	-	
Fund Balance - Ending	**$ 37,234**	**$ 215,903**	**$ 424,848**	**$ 428,548**	**$ 504,460**	**$ 503,073**	**503,073**	**$ -**	

Flowway Community Development District
Debt Service Fund - Series 2013
Statement of Revenues, Expenditures and Changes in Fund Balance
Through March 31, 2019

Description	October	November	December	January	February	March	Year to Date	Total Annual Budget	% of Budget
Revenue and Other Sources									
Carryforward	$ -	$ -	$ -	$ -	$ -	$ -	-	$ -	N/A
Interest Income									
Interest Account	-	-	-	-	-	-	-	8	0%
Reserve Account	133	137	133	137	137	124	802	1,000	80%
Prepayment Account	-	-	-	-	-	-	-	-	N/A
Revenue Account	94	97	16	58	117	108	489	600	N/A
Special Assessment Revenue									
Special Assessments - On-Roll	-	184,347	214,130	38,305	88,217	12,723	537,721	539,344	100%
Special Assessments - Off-Roll	-	-	-	-	-	-	-	-	N/A
Intragovernmental Transfer In	-	-	-	-	-	-	-	-	N/A
Total Revenue and Other Sources:	**$ 227**	**$ 184,581**	**$ 214,278**	**$ 38,500**	**$ 88,471**	**$ 12,955**	**539,012**	**$ 540,952**	**N/A**
Expenditures and Other Uses									
Debt Service									
Principal Debt Service - Mandatory									
Series 2013 Bonds	$ -	$ 105,000	$ -	$ -	$ -	$ -	105,000	$ 105,000	100%
Principal Debt Service - Early Redemptions									
Series 2013 Bonds	-	-	-	-	-	-	-	-	N/A
Interest Expense									
Series 2013 Bonds	-	216,963	-	-	-	-	216,963	430,775	50%
Operating Transfers Out (To Other Funds)	-	-	-	-	-	-	-	-	N/A
Total Expenditures and Other Uses:	**$ -**	**$ 321,963**	**$ -**	**$ -**	**$ -**	**$ -**	**321,963**	**$ 535,775**	**N/A**
Net Increase/ (Decrease) in Fund Balance	227	(137,381)	214,278	38,500	88,471	12,955	217,049	5,177	
Fund Balance - Beginning	919,789	920,016	782,634	996,913	1,035,412	1,123,883	919,789		
Fund Balance - Ending	**$ 920,016**	**$ 782,634**	**$ 996,913**	**$ 1,035,412**	**$ 1,123,883**	**$ 1,136,838**	**1,136,838**	**$ 5,177**	

Flowway Community Development District
Debt Service Fund - Series 2015 (Phase 3)
Statement of Revenues, Expenditures and Changes in Fund Balance
Through March 31, 2019

Description	October	November	December	January	February	March	Year to Date	Total Annual Budget	% of Budget
Revenue and Other Sources									
Carryforward	$ -	$ -	$ -	$ -	$ -	$ -	-	$ -	N/A
Interest Income									
Interest Account	-	-	-	-	-	-	-	-	N/A
Reserve Account	61	63	61	63	63	57	366	550	67%
Prepayment Account	-	-	-	-	-	-	-	-	N/A
Revenue Account	49	50	12	32	60	56	259	300	86%
Special Assessment Revenue									
Special Assessments - On-Roll	-	87,492	101,627	18,180	41,868	6,039	255,204	255,873	100%
Special Assessments - Off-Roll	-	-	-	-	-	-	-	-	N/A
Special Assessments - Prepayment	-	-	-	-	-	-	-	-	N/A
Intragovernmental Transfers In	-	-	-	-	-	-	-		
Debt Proceeds	-	-	-	-	-	-	-	-	N/A
Total Revenue and Other Sources:	**$ 109**	**$ 87,605**	**$ 101,700**	**$ 18,275**	**$ 41,991**	**$ 6,151**	**255,830**	**$ 256,723**	**N/A**
Expenditures and Other Uses									
Debt Service									
Principal Debt Service - Mandatory									
Series 2015 Bonds (Phase 3)	$ -	$ 60,000	$ -	$ -	$ -	$ -	60,000	$ 70,000	86%
Principal Debt Service - Early Redemptions									
Series 2015 Bonds (Phase 3)	-	-	-	-	-	-	-	-	N/A
Interest Expense									
Series 2015 Bonds (Phase 3)	-	89,738	-	-	-	-	89,738	190,406	47%
Operating Transfers Out (To Other Funds)	-	-	-	-	-	-	-	-	N/A
Total Expenditures and Other Uses:	**$ -**	**$ 149,738**	**$ -**	**$ -**	**$ -**	**$ -**	**149,738**	**$ 260,406**	**N/A**
Net Increase/ (Decrease) in Fund Balance	109	(62,133)	101,700	18,275	41,991	6,151	106,092	(3,683)	
Fund Balance - Beginning	443,275	443,384	381,251	482,951	501,225	543,216	443,275	-	
Fund Balance - Ending	**$ 443,384**	**$ 381,251**	**$ 482,951**	**$ 501,225**	**$ 543,216**	**$ 549,367**	**549,367**	**$ (3,683)**	

Flowway Community Development District
Debt Service Fund - Series 2015 (Phase 4)
Statement of Revenues, Expenditures and Changes in Fund Balance
Through March 31, 2019

Description	October	November	December	January	February	March	Year to Date	Total Annual Budget	% of Budget
Revenue and Other Sources									
Carryforward	$ -	$ -	$ -	$ -	$ -	$ -	-	$ -	N/A
Interest Income									
Interest Account	-	-	-	-	-	-	-	-	N/A
Sinking Account	-	-	-	-	-	-	-	-	N/A
Reserve Account	40	41	40	41	41	37	241	300	80%
Prepayment Account	-	-	-	-	-	-	-	-	N/A
Revenue Account	36	37	4	21	44	41	183	250	73%
Special Assessment Revenue									
Special Assessments - On-Roll	-	73,958	85,907	15,367	35,392	5,105	215,729	216,250	100%
Special Assessments - Off-Roll	-	-	-	-	-	-	-	-	N/A
Debt Proceeds	-	-	-	-	-	-	-	-	N/A
Total Revenue and Other Sources:	**$ 76**	**$ 74,036**	**$ 85,951**	**$ 15,429**	**$ 35,477**	**$ 5,183**	**216,152**	**$ 216,800**	**N/A**
Expenditures and Other Uses									
Debt Service									
Principal Debt Service - Mandatory									
Series 2015 Bonds (Phase 4)	$ -	$ 50,000	$ -	$ -	$ -	$ -	50,000	$ 50,000	100%
Principal Debt Service - Early Redemptions									
Series 2015 Bonds (Phase 4)	-	-	-	-	-	-	-	-	N/A
Interest Expense									
Series 2015 Bonds (Phase 4)	-	81,278	-	-	-	-	81,278	161,556	50%
Operating Transfers Out (To Other Funds)	40	41	40	41	41	37	241	-	N/A
Total Expenditures and Other Uses:	**$ 40**	**$ 131,319**	**$ 40**	**$41.26**	**$ 41**	**$ 37**	**131,519**	**$ 211,556**	**N/A**
Net Increase/ (Decrease) in Fund Balance	36	(57,283)	85,911	15,388	35,436	5,145	84,633	5,244	
Fund Balance - Beginning	307,103	307,139	249,856	335,767	351,155	386,591	307,103		
Fund Balance - Ending	**$ 307,139**	**$ 249,856**	**$ 335,767**	**$ 351,155**	**$ 386,591**	**$ 391,736**	**391,736**	**$ 5,244**	

Flowway Community Development District
Debt Service Fund - Series 2016 (Phase 5)
Statement of Revenues, Expenditures and Changes in Fund Balance
Through March 31, 2019

Description	October	November	December	January	February	March	Year to Date	Total Annual Budget	% of Budget
Revenue and Other Sources									
Carryforward	$ -	$ -	$ -	$ -	$ -	$ -	-	$ -	N/A
Interest Income									
Interest Account	-	-	-	-	-	-	-	2	0%
Sinking Account	-	-	-	-	-	-	-	-	N/A
Reserve Account	43	44	43	44	44	40	260	345	75%
Prepayment Account	-	-	-	-	-	-	-	-	N/A
Revenue Account	58	60	4	31	70	64	288	220	131%
Special Assessment Revenue									
Special Assessments - On-Roll	-	119,679	139,014	24,868	57,271	8,260	349,092	350,060	100%
Special Assessments - Off-Roll	-	-	-	-	-	-	-	-	N/A
Debt Proceeds		-					-		
Operating Transfers In (To Other Funds)	-	-	-	-	-	-	-	-	N/A
Total Revenue and Other Sources:	**$ 101**	**$ 119,784**	**$ 139,062**	**$ 24,943**	**$ 57,385**	**$ 8,365**	**349,639**	**$ 350,627**	**N/A**
Expenditures and Other Uses									
Debt Service									
Principal Debt Service - Mandatory									
Series 2016 Bonds (Phase 5)	$ -	$ 95,000	$ -	$ -	$ -	$ -	95,000	$ 95,000	100%
Principal Debt Service - Early Redemptions									
Series 2016 Bonds (Phase 5)	-	-	-	-	-	-	-	-	N/A
Interest Expense									
Series 2016 Bonds (Phase 5)	-	126,304	-	-	-	-	126,304	250,993	50%
Operating Transfers Out (To Other Funds)	43	44	43	44	44	40	260	-	N/A
Total Expenditures and Other Uses:	**$ 43**	**$ 221,348**	**$ 43**	**$ 44**	**$ 44**	**$ 40**	**221,563**	**$ 345,993**	**N/A**
Net Increase/ (Decrease) in Fund Balance	58	(101,565)	139,019	24,899	57,340	8,324	128,076	4,634	
Fund Balance - Beginning	410,092	410,150	308,585	447,604	472,503	529,843	410,092		
Fund Balance - Ending	**$ 410,150**	**$ 308,585**	**$ 447,604**	**$ 472,503**	**$ 529,843**	**$ 538,167**	**538,167**	**$ 4,634**	

Flowway Community Development District
Debt Service Fund - Series 2017 (Phase 6)
Statement of Revenues, Expenditures and Changes in Fund Balance
Through March 31, 2019

Description	October	November	December	January	February	March	Year to Date	Total Annual Budget	% of Budget
Revenue and Other Sources									
Carryforward	$ -	$ -	$ -	$ -	$ -	$ -	-	$ -	N/A
Interest Income									
Interest Account	-	-	-	-	-	-	-	-	N/A
Sinking Account	-	-	-	-	-	-	-	-	N/A
Reserve Account	29	30	29	30	30	27	176	-	N/A
Prepayment Account	-	-	-	-	-	-	-	-	N/A
Revenue Account	-	23	1	19	45	41	129	-	N/A
Special Assessment Revenue									
Special Assessments - On-Roll	-	80,908	93,979	16,812	38,717	5,584	236,000	236,750	100%
Special Assessments - Off-Roll	167,000	-	-	-	-	-	167,000	166,388	100%
Debt Proceeds	-	-	-	-	-	-	-		
Operating Transfers In (To Other Funds)	-	-	-	-	-	-	-	-	N/A
Total Revenue and Other Sources:	**$ 167,029**	**$ 80,961**	**$ 94,009**	**$ 16,861**	**$ 38,792**	**$ 5,653**	**403,305**	**$ 403,138**	**N/A**
Expenditures and Other Uses									
Debt Service									
Principal Debt Service - Mandatory									
Series 2017 Bonds (Phase 6)	$ -	$ 80,000	$ -	$ -	$ -	$ -	80,000	$ 80,000	100%
Principal Debt Service - Early Redemptions									
Series 2017 Bonds (Phase 6)	-		-	-	-	-	-	-	N/A
Interest Expense									
Series 2017 Bonds (Phase 6)	-	86,388	-	-	-	-	86,388	171,375	50%
Debt Service-Other Costs	-	-	-	-	-	-	-	-	N/A
Operating Transfers Out (To Other Funds)	29	30	29	30	30	27	176	-	N/A
Total Expenditures and Other Uses:	**$ 29**	**$ 166,418**	**$ 29**	**$ 30**	**$ 30**	**$ 27**	**166,564**	**$ 251,375**	**N/A**
Net Increase/ (Decrease) in Fund Balance	167,000	(85,456)	93,980	16,830	38,762	5,626	236,741	151,763	
Fund Balance - Beginning	118,377	285,377	199,920	293,900	310,731	349,493	118,377		
Fund Balance - Ending	**$ 285,377**	**$ 199,920**	**$ 293,900**	**$ 310,731**	**$ 349,493**	**$ 355,118**	**355,118**	**$ 151,763**	

Flowway Community Development District
Capital Project Fund - Series 2015 (Phase 4)
Statement of Revenues, Expenditures and Changes in Fund Balance
Through March 31, 2019

Description	October	November	December	January	February	March	Year to Date	Total Annual Budget
Revenue and Other Sources								
Carryforward	$ -	$ -	$ -	$ -	$ -	$ -	-	$ -
Interest Income								
Construction Account	1	1	1	1	1	1	$ 4	-
Cost of Issuance	-	-	-	-	-	-	$ -	-
Debt Proceeds	-	-	-	-	-	-	$ -	-
Operating Transfers In (From Other Funds)	40	41	40	41	41	38	$ 242	-
Total Revenue and Other Sources:	**$ 41**	**$ 42**	**$ 41**	**$ 42**	**$ 42**	**$ 39**	**$ 246**	**$ -**
Expenditures and Other Uses								
Executive								
Professional Management	-	-	$ -	-	-	-	$ -	$ -
Other Contractual Services								
Trustee Services	-	-	$ -	-	-	-	$ -	$ -
Printing & Binding	-	-	$ -	-	-	-	$ -	$ -
Legal Services								
Legal - Series 2015 Bonds (Phase 4)	-	-	$ -	-	-	-	$ -	-
Other General Government Services			-					
Engineering Services - Capital Projects Fund	-	-	$ -	-	-	-	$ -	$ -
Capital Outlay								
Construction in Progress	-	-	$ -	-	-	-	$ -	-
Cost of Issuance								
Series 201 Bonds (Phase 3)	-	-	-	-	-	-	-	$ -
Underwriter's Discount	-	-	$ -	-	-	-	$ -	-
Operating Transfers Out (To Other Funds)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	-
Total Expenditures and Other Uses:	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**
Net Increase/ (Decrease) in Fund Balance	41	42	$ 41	$ 42	$ 42	$ 39	$ 246	-
Fund Balance - Beginning	2,589	2,629	$ 2,671	$ 2,712	$ 2,754	$ 2,796	2,589	-
Fund Balance - Ending	**$ 2,629**	**$ 2,671**	**$ 2,712**	**$ 2,754**	**$ 2,796**	**$ 2,834**	**$ 2,834**	**$ -**

Flowway Community Development District
Capital Project Fund - Series 2016 (Phase 5)
Statement of Revenues, Expenditures and Changes in Fund Balance
Through March 31, 2019

Description	October	November	December	January	February	March	Year to Date	Total Annual Budget
Revenue and Other Sources								
Carryforward	$ -	$ -	$ -	$ -	$ -	$ -	-	$ -
Interest Income								
Construction Account	3	4	3	4	4	3	21	-
Cost of Issuance	-	-	-	-	-	-	-	-
Debt Proceeds		-	-	-	-	-	$ -	-
Operating Transfers In (From Other Funds)	43	44	43	44	44	40	260	-
Total Revenue and Other Sources:	**$ 46**	**$ 48**	**$ 46**	**$ 48**	**$ 48**	**$ 43**	**$ 280**	**$ -**
Expenditures and Other Uses								
Executive								
Professional Management	-	-	$ -	-	-	-	$ -	$ -
Other Contractual Services								
Trustee Services	-	-	$ -	-	-	-	$ -	$ -
Printing & Binding	-	-	$ -	-	-	-	$ -	$ -
Legal Services								
Legal - Series 2016 Bonds (Phase 5)	-	-	$ -	-	-	-	$ -	-
Other General Government Services			-					
Stormwater Mgmt-Construction	-	-	$ -	-	-	-	$ -	$ -
Capital Outlay								
Construction in Progress	-	-	$ -	-	-	-	$ -	-
Cost of Issuance								
Series 2016 Bonds (Phase 5)	-	-	-	-	-	-	-	$ -
Underwriter's Discount	-	-	$ -	-	-	-	$ -	-
Operating Transfers Out (To Other Funds)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	-
Total Expenditures and Other Uses:	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**
Net Increase/ (Decrease) in Fund Balance	46	48	$ 46	$ 48	$ 48	$ 43	$ 280	-
Fund Balance - Beginning	13,814	13,860	$ 13,908	$ 13,955	$ 14,003	$ 14,051	13,814	-
Fund Balance - Ending	**$ 13,860**	**$ 13,908**	**$ 13,955**	**$ 14,003**	**$ 14,051**	**$ 14,094**	**$ 14,094**	**$ -**

Flowway Community Development District
Capital Project Fund - Series 2017 (Phase 6)
Statement of Revenues, Expenditures and Changes in Fund Balance
Through March 31, 2019

Description	October	November	December	January	February	March	Year to Date	Total Annual Budget
Revenue and Other Sources								
Carryforward	$ -	$ -	$ -	$ -	$ -	$ -	-	$ -
Interest Income								
Construction Account	2	2	2	2	2	2	13	-
Cost of Issuance	-	-	-	-	-	-	-	-
Debt Proceeds		-	-	-	-	-	-	-
Operating Transfers In (From Other Funds)	29	30	29	30	30	27	176	-
Total Revenue and Other Sources:	**$ 31**	**$ 32**	**$ 31**	**$ 32**	**$ 32**	**$ 29**	**$ 189**	**$ -**
Expenditures and Other Uses								
Executive								
Professional Management	-	-	$ -	-	-	-	$ -	$ -
Other Contractual Services								
Trustee Services	-	-	$ -	-	-	-	$ -	$ -
Printing & Binding	-	-	$ -	-	-	-	$ -	$ -
Legal Services								
Legal - Series 2016 Bonds (Phase 5)	-	-	$ -	-	-	-	$ -	-
Other General Government Services			-					
Stormwater Mgmt-Construction	-	-	$ -	-	-	-	$ -	$ -
Capital Outlay								
Construction in Progress	-	-	$ -	-	-	-	$ -	-
Cost of Issuance								
Series 2016 Bonds (Phase 5)	-	-	-	-	-	-	-	$ -
Underwriter's Discount	-	-	$ -	-	-	-	$ -	-
Operating Transfers Out (To Other Funds)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	-
Total Expenditures and Other Uses:	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**
Net Increase/ (Decrease) in Fund Balance	31	32	$ 31	$ 32	$ 32	$ 29	$ 189	-
Fund Balance - Beginning	(167,301)	(167,270)	$ (167,238)	$ (167,206)	$ (167,174)	$ (167,141)	(167,301)	-
Fund Balance - Ending	**$ (167,270)**	**$ (167,238)**	**$ (167,206)**	**$ (167,174)**	**$ (167,141)**	**$ (167,112)**	**$ (167,112)**	**$ -**

Jennifer J. Edwards
Supervisor of Elections

April 18, 2019

Mr. James Ward
Flow Way CDD
2900 NE 12th Terrace Suite 1
Oakland Park FL 3334

Dear Mr. Ward,

In compliance with 190.06 of the Florida Statutes this letter is to inform you that the official records of the Collier County Supervisor of Election indicate **649** registered voters residing in the Flow Way CDD as of April 15, 2019.

Should you have any questions regarding election services for this district, please free to contact our office,

Sincerely,

David B. Carpenter
Qualifying Officer
Collier County Supervisor of Elections
(239) 252-8501
Dave.Carpenter@CollierCountyFl.gov

Steven Devito

From: Ron Miller <ronmiller052645@gmail.com>
Sent: Sunday, April 14, 2019 9:33 AM
To: Jim Ward
Subject: Tuesday Meeting
Attachments: Settlement announced over Mirasol development (Collier County, Fla.) – Endangered Species & Wetlands Report.html; Land-Use-and-Zoning-00692535xBA9D6.pdf; TM Preserve Sales Contract Disclosure.docx

Attached is preserve material which has caught my attention. Will reference this material in my discussion. Hope to thoroughly air this matter. My three main concerns are;
1) Does the CDD have the right to own the preserves in perpetuity,
2) If the preserves are turned over to CREW (or other agency), is the existing trail part of the turn over,
3) Funding - is there a trust fund requirement at turn over to CREW.

I am in favor of retaining the preserves but the community should know the facts.

This brings me to a Sunshine question. Per your advice, I don't communicate with any other Board member outside of the Board meetings. However, I have been receiving resident questions and have been responding. Is that permissible or do I need to go through some formality?

Pending the our Board discussion I may want two things;
1) Written legal opinion from CDD counsel to Board members,
2) Meeting with CREW unless it is 100% certain of no turn over. Will be going north end of April. Will want to meet with CREW before I leave. Important, while all would be invited to participate, do I have the authority to meet alone or must I have Board approval?

Attachments:
1) 2007 court case - note page 12, item 16, turn over to CREW with funding
2) 2012 settlement announcement with commitment to turn over the preserves
3) TM sales disclosure material about turn over including the trail - think this was recently updated.

From: Ron Miller <ronmiller052645@gmail.com>
To: Carol & Ed <ejsone@aol.com>
Subject: Re: This is been in new Home contracts since 12/17
Date: Mon, Apr 8, 2019 5:09 pm

I cannot either print or save this info. I need a copy. Can you do something different, or I can drop by and pick up a copy.

Note - I have been succinctly advised that the trail is not part of the preserves, is not owned by the CDD, is owned by TM and will be given to the HOA. This sales material contradicts what I have been told. I have done much investigation with Jim Ward and a consultant Tim Hall. We need to get to the bottom of this.

On Mon, Apr 8, 2019 at 12:52 PM Carol & Ed <ejsone@aol.com> wrote:
Ron, FYI - see underlined sentences. Ed

-----Original Message-----
From: Gale Smith <galelsmith@hotmail.com>
To: Carol Staley <ejsone@aol.com>
Sent: Tue, Apr 10, 2018 7:59 pm
Subject: This is been in new Home contracts since 12/17

Hi Carol could you please pass this on to Ed . Should we be concerned about this ?
Can we really lose some of the preserves and have our walking trail go public, would love his opinion on this matter .
Thx
Gale

taylor morrison
Homes Inspired by You

EXHIBIT C
ESPLANADE GOLF & COUNTRY CLUB OF NAPLES
COMMUNITY DISCLOSURES
Last Updated as of December 4, 2017 ("Effective Date")

Community: **Esplanade Golf & Country Club of Naples**

This Disclosure Statement (the "**Disclosure**") is being provided to you by Taylor Morrison Esplanade Naples, LLC, a Florida limited liability company ("**Seller**") in connection with the Purchase Agreement (the "**Purchase Agreement**") that you, as Buyer ("**Buyer**"), have executed with Seller to purchase a Home in **Esplanade Golf & Country Club of Naples** (referred to in this Disclosure as the "**Community**"). The Community is located in Collier County, Florida, and is being developed by Seller. This Disclosure is intended to bring to your attention various matters that might affect your decision to purchase a Home in the Community. We encourage you to read this Disclosure carefully and, to the extent that you deem appropriate as part of your decision to purchase a Home in the Community, to take advantage of contacting the other sources of information presented in this Disclosure and in other documents that accompany your Purchase Agreement.

Because much of the information included in this Disclosure has been obtained from other sources (e.g., governmental and other public agencies, public records, established third-party consultants or hazard disclosure providers, etc.) and because the information is subject to change for reasons beyond Seller's control, Seller cannot guarantee the accuracy or completeness of any information disclosed. Further, Seller does not undertake any obligation to advise you of any changes in the information presented below that may occur at any time following your receipt of this Disclosure document. You should independently verify the information regarding any matter of concern to you regarding your purchase of a Home in the Community. We also strongly recommend that prospective buyers visit the Community and its surrounding areas on at least several occasions on different days and at different times of the day to familiarize yourself with physical and other conditions to determine whether there are material factors that might affect your decision to purchase a Home in the Community. Since we cannot predict every circumstance that may be material to you as a buyer of a Home in the Community, it is imperative that you satisfy yourself about your decision to purchase a Home from Seller by investigating matters of concern to you.

Except as otherwise provided herein, capitalized words and phrases used herein shall have the meanings given to those terms in the Purchase Agreement or the Declaration(s) (as defined in **Exhibit K** to the Purchase Agreement), which has been or will be recorded in the Official Records of the County in which the Community is located.

I. INTRODUCTION TO THE COMMUNITY

1. **The Community.** The Community is presently intended to be comprised of approximately seven hundred seventy six (776) single family homes and three hundred ninety two (392) multi-family units, for a total of one thousand one hundred sixty eight (1,168) homes ("**Lots**"), which number and type of residential units are subject to change, an eighteen (18) hole golf course, clubhouse and amenity center. As of the Disclosure's Effective Date, Seller currently plans that there will be up to approximately 850 Golf Members in the Club, which remains subject to change. Seller developed the Lots in the Community, upon which it is building and selling Homes. Seller may sell Lots as part of its homebuilding operations and Seller reserves the right to sell some of the Lots to other home builders who will build Homes on such Lots (each a "**Builder**"). The subdivision plan for the Community and the division of the Community into Lots, streets and other parcels is depicted on the final Subdivision Plat(s) for Esplanade Golf & Country Club of Naples, which have been or will be approved by Collier County, Florida (the "**County**"). During the entitlement process for the Community, the County imposed conditions of approval that Seller must satisfy in order to proceed with development of the Community, such as imposition of limitations on the maximum number of Homes that can be built and satisfaction of other development criteria and standards. So long as any necessary permits or approvals are obtained from the County or other governmental agencies with jurisdiction, Seller reserves the right to modify its development plans, which modifications may include, but are not limited to, increasing or decreasing the number of Lots within the Community and changing the style, square footage and appearance of the Homes in the Community. For purposes of this paragraph, the term "**Lot**" shall refer to both single-family Lots (upon which one or more single family housing types of attached and detached homes shall be constructed) and upon which one or more condominium unit types shall be constructed, both of which are planned for the Community. Each Condominium shall

constitute a separate Neighborhood and will be subject to its own condominium association.

The proposed development activity includes multiple phasing, manned and unmanned entries, an amenity campus, planned golf and non-golf single family lots and condominium units. All information relating to the Community (including but not limited to the planned amenities, prices, lots sizes, number and types of units, additional features, programs, development plans and fees) are in the conceptual stage only, reflect Seller's current vision and **remain subject to change or delay without obligation to Buyer**. Maps and Plans are an artist's rendering only, are not to scale and are not intended to show specific detailing.

Esplanade Golf & Country Club of Naples has conservation/preserve areas consisting of approximately 36 acres of on-site and 1,087 acres of off-site conservation areas. In the future, the off-site conservation areas may be conveyed to either a public (local, State or federal) entity or an environmental conservation group such as the CREW Land and Water Trust, a private, non-profit conservation organization dedicated to the preservation and stewardship of the water resources and natural communities in and around the Corkscrew Regional Ecosystem Watershed (CREW). If the off-site conservation area is conveyed to another entity, Seller will attempt to retain a passive recreation easement over the existing pedestrian trails for continued use by the Owners, however, there is no guarantee that such an easement will be granted to the

THIS IS AN IMPORTANT DOCUMENT. WE REQUIRE THAT YOU INITIAL EACH PAGE AND SIGN THE LAST PAGE AS AN INDICATION THAT YOU HAVE RECEIVED, READ AND UNDERSTOOD THIS DISCLOSURE. THE INFORMATION IN THIS DISCLOSURE IS CURRENT AS OF THE DISCLOSURE EFFECTIVE DATE SET FORTH ABOVE. INFORMATION CAN CHANGE RAPIDLY; THEREFORE, YOU ARE ENCOURAGED TO CALL THE APPLICABLE GOVERNMENTAL AND PUBLIC AGENCIES REFERENCED IN THIS DISCLOSURE AND IN THE PURCHASE DOCUMENTS PROVIDED TO YOU FOR THE MOST UP TO DATE INFORMATION.

Buyer Initials: _____ _____

Community. If the off-site conservation areas are conveyed to a receiving entity such as CREW, the trails could be open to the general public.

2. **Homeowner Association(s) Governing the Community**. Esplanade Golf & Country Club of Naples, Inc., a Florida not-for-profit corporation (the "**Club**"), has been established for the purpose of owning, operating and maintaining the Club Property and Golf Property and the facilities of the Subdivision/Community in which the Property is located. As of

Sent from my iPad

Audubon Florida page

Settlement announced over Mirasol development (Collier County, Fla.) Daily Links Tagged with: Cocohatchee Slough, Collier County, Mirasol, wood stork

9th applies legal imprimatur to Chukchi Sea oil and gas exploration

TVA found responsible for 2008 coal fly ash spill in Tennessee

Recent Posts

- Rich Guadagno September 11, 2018
- ESWR reaches end of the road November 28, 2015
- Riverside fairy shrimp CH upheld, but more briefing ordered November 13, 2015
- BLM releases final EIS for Desert Renewable Energy Conservation Plan November 10, 2015
- EPA report finds nearly half of nation's wetlands in "good" condition November 5, 2015
- NRCS nixed webinars on neonic risk to aquatic ecosystems, pollinators November 5, 2015
- Senate votes, 57-41, to drop consideration of S. 1140 November 3, 2015
- Judicial panel decides against centralizing WOTUS cases in D.C. October 14, 2015
- Panel declines to centralize WOTUS litigation in D.C. October 14, 2015
- 6th Circuit halts implementation of WOTUS rule October 9, 2015
- FWS decides against listing for 19 species, including American eel October 8, 2015
- Pebble Mine report released October 6, 2015
- Rough transcript of BP press conference from DOJ October 5, 2015
- DOJ press conference on BP settlement October 5, 2015
- Fish and Wildlife Service announces listing decisions: No to Sonoran desert tortoise, yes to black pinesnake and Florida bristle fern, maybe for Suwannee moccasinshell October 5, 2015
- Politics trumps science at FWS, UCS survey finds October 2, 2015
- Military macaw, great green macaw listed as endangered October 1, 2015
- Tenth Circuit releases audio of arguments in prairie dog case September 30, 2015
- House Natural Resources Committee hearing on ESA, states; Senate EPW to examine USACE role in development of WOTUS September 30, 2015
- FWS proposes to list a lot of plants and animals: 39 plants, seven bees, shrimp, damselfly and petrel from Hawaii, eastern Massasauga rattlesnake, and Puerto Rican warbler September 29, 2015

August 2012

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

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Settlement announced over Mirasol development (Collier County, Fla.)

Posted by Steve Davies on August 21, 2012
Aug 212012

Audubon Florida | Collier County Audubon Society | Conservancy of Southwest Florida | National Wildlife Federation | Florida Wildlife Federation

For Immediate Release

Contacts (alphabetical order):

Brad Cornell, Collier County Audubon Society, 239-280-6278
Jan Goldman-Carter, National Wildlife Federation, 202-797-6894
Jason Lauritsen, Audubon Florida, 239-229-8170
Andrew McElwaine, Conservancy of Southwest Florida, 239-403-4210
Nancy Payton, Florida Wildlife Federation, 239-643-4111

Important Wetland Gains Achieved in Mirasol Settlement near Corkscrew Sanctuary

NAPLES, FL (August 21, 2012) — Five conservation groups achieved hundreds of acres of additional wetland protection and restoration in a landmark settlement over the Mirasol project, a proposed golf course development in northern Collier County they had opposed and litigated for almost a decade. The settlement, with landowner IM Collier Joint Venture and developer Taylor Morrison, Inc., follows on the groups' previous settlement, with a different developer, of two adjacent contested projects in 2010 called Saturnia Falls and Parklands. All three developments were proposed originally in 1999 in the ecologically sensitive Cocohatchee Slough, a natural wetland flowway emanating from Audubon's Corkscrew Swamp Sanctuary. The Slough plays a vital role in providing foraging habitat for the endangered wood stork, whose largest nesting rookery in the nation is at Corkscrew Swamp. The Cocohatchee Slough also provides vital regional watershed benefits, like water supply and flood protection.

The environmental coalition of Audubon Florida, Collier County Audubon Society, Conservancy of hwest Florida, and National and Florida Wildlife Federations settled with the developer and owner in exchange for greatly increased on- and off-site preserves, reduced development footprint, and a restored arm of the Cocohatchee Slough. On-site enhanced and restored wetland and

habitat preserves will now total more than 1100 acres. An additional 1000 acres of off-site farm fields will be restored to those critically scarce shallow wetlands which are essential to nesting success for the endangered wood storks at nearby Corkscrew Swamp. Mirasol has committed to donating a bulk of the on-site preserves - over 1,000 acres - after restoration and if accepted, to the regional wetland and habitat resources partnership project called the Corkscrew Regional Ecosystem Watershed (CREW), or other public land entity. Combined with the preserves of adjacent Saturnia Falls and Parklands, all the Conservation Groups' Cocohatchee Slough settlements have resulted in 3,500 acres of permanently protected and managed wetlands and habitats.

"Research indicates wood storks are declining in southwest Florida due to the loss of quality foraging habitat early in their nesting season. This settlement will result in the restoration and protection of many hundreds of acres of shallow, seasonal wetlands and should add significantly to foraging opportunity for storks nesting in the Western Everglades," said Jason Lauritsen, Director and wood stork researcher at Audubon's Corkscrew Swamp Sanctuary.

Conservancy of Southwest Florida President Andrew McElwaine underscored the significant water resources and habitat regulatory accomplishments. "This settlement is the result of ten years of advocacy and litigation by Florida's conservationists. We established a basic principle - development should avoid and minimize impacts to wetlands. In addition, we reaffirmed the policy that cumulative impacts from all surrounding development must be addressed in the permitting process. Taken in conjunction with the neighboring Saturnia Falls and Parklands agreement, this represents a major win for water and wildlife."

Mirasol was granted a state permit in 2002, then denied a federal permit by the Army Corps of Engineers in 2005, but then granted a subsequent revised permit in 2007. That was followed by litigation over the state and federal permits, which confirmed the state permit, but revoked the federal permit in 2009. A slightly revised federal application was again approved in 2011, and the conservation groups were preparing another round of litigation when settlement discussions were revived in 2011.

Jan Goldman-Carter, Water Resources Counsel for National Wildlife Federation, praised the cumulative ecological benefits of this landmark Mirasol settlement in conjunction with the previous Saturnia Falls and Parklands settlements in 2010. However, she also pointed to the need to persevere on regulatory reforms. "There remain shortcomings in state and federal wetland regulatory reviews, including inaccurate accounting of wetland values, which we continue work to correct. But, at the end of the day, these three settlements offer undeniable meaningful gains for wetlands and wildlife in this critical watershed."

As originally proposed and permitted by state and federal agencies, Mirasol's destruction of wetland habitats, combined with other wetland losses in the region, would have had devastating effects on the wood stork nesting colonies at Corkscrew Swamp, the largest in the nation and vital to the species' recovery. Instead, the settlement should now render an overall positive influence on the regional landscape. Wood storks are also a primary biological indicator of the status of Everglades Restoration across all of South Florida. That status currently is precarious, including no nesting at Corkscrew in five of the last six years.

Looking for further opportunities to prevent regulatory destruction of wetlands and habitat, the environmental groups are working with state and federal agencies to improve the way they permit and compensate for Florida wetland losses. Recommendations currently under consideration could significantly reduce or eliminate such impacts before proposed projects end up in court, wasting time and money, or worse, irrevocably destroying habitat for declining wildlife throughout Florida and harming the public's interest in protection of vital water resources.

Beyond the regulatory arena, the groups are also working with local governments and private and public landowners to directly improve ecological outcomes on future developments and existing wetlands and habitat. There are many innovative tools and opportunities being crafted and explored, such as incentives, partnerships, grants, tax strategies, acquisition and land use policies, which offer great promise in complement to improved Clean Water Act and state Environmental Resource permitting.

- end -

Previous announcement (NWF release, 7/8/10)

More species and wetlands news

Opponents: Proposed LNG plant in wildlife corridor The development of liquefied natural gas plants along an ocelot corridor could set back decades of work in the struggle to save the endangered species. rss.trove.com | Oct 24th

Steelheads Protected - Santa Barbara News - Edhat The Environmental Defense Center has settled with the federal govenment to protect endangered steelhead. rss.trove.com | Oct 22nd

The Science of Wetlands Conservation Research by the University of Nebraska-Lincoln's Zhenghong Tang is helping conserve key south-central Nebraska wetlands that provide habitat for millions of migratory birds. rss.trove.com | Nov 19th

Md. board OKs wetlands license for Kent Island development ANNAPOLIS, Md. (AP) — A Maryland board has approved a wetlands license needed to build more than 1,000 homes for senior citizens on Kent Island. The Board of Public Works voted 2-1 Wednesday for a license needed for the Four Seasons developm... rss.trove.com | Nov 18th

U.S. Fish and Wildlife Service Issues Updated Guidance to Streamline Day 90 and 12-Month Petition Findings On October 27, 2015 the U.S. Fish and Wildlife Service (“Service”) issued a memorandum to the Service Regional Directors announcing new guidance to streamline findings on petitions to... rss.trove.com | Nov 16th

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- Legal Planet UC-Berkeley and UCLA law school collaboration
- Environmental Law Prof Blog A Member of the Law Professor Blogs Network
- ASWM blog Assn. of State Wetland Managers’ blog
- ASWM Breaking News Assn. of State Wetland Managers’ Wetland Breaking News: Excellent monthly roundup.
- Endangered Species Law & Policy Nossaman LLP’s blog on ESA legal developments
- N.Y. Times environmental coverage
- Mother Jones: Blue Marble
- ConservAmerica’s blog Founded as Republicans for Environmental Protection in 1995.
- Environment 360 Published by Yale’s School of Forestry and Environmental Studies
- Ted Williams’ blog Longtime conservation journalist for Audubon and Fly Rod & Reel. Also Environment 360.
- Somach Simmons & Dunn env'l alerts Law firm w/ offices in California, D.C.
- The Wildlife News Run by Ralph Maughan of Western Watersheds Project
- The Wildlife News Editor is Ralph Maughan, who is on the board of directors of Western Watersheds Project

Agencies

- Fish and Wildlife Service FWS endangered species program page
- Nat'l Marine Fisheries Service NMFS’ main page
- Army Corps of Engineers U.S. Army Corps’ regulatory page
- Env'l Protection Agency Wetlands laws and regs from EPA
- FWS National Digital Library A searchable collection of selected images, historical artifacts, audio clips, publications, and video, all in the public domain. “Use them as you wish – no permission is necessary. We do ask that you please give credit to the photographer.”
- (MORE) More agency links

Enviros

- American Rivers Founded 1973. Regional offices covering Northwest/Pacific, California, Southwest, Midwest, Great Lakes, Mid-Atlantic, Northeast and Southeast.
- National Audubon Society Founded in 1905, Audubon says its mission is “to conserve and restore

natural ecosystems, focusing on birds, other wildlife, and their habitats for the benefit of humanity and the earth's biological diversity."

- Ctr. for Biological Diversity From CBD website: "Because diversity has intrinsic value, and because its loss impoverishes society, we work to secure a future for all species, great and small, hovering on the brink of extinction."
- Defenders of Wildlife Founded in 1947, DoW is "focused solely on wildlife and habitat conservation and the safeguarding of biodiversity. We believe in the inherent value of wildlife and the natural world."
- Ducks Unlimited "Ducks Unlimited is the world's leader in wetlands and waterfowl conservation. DU got its start in 1937 during the Dust Bowl when North America's drought-plagued waterfowl populations had plunged to unprecedented lows."
- Envt'l Defense Fund "Guided by science, [EDF] evaluates environmental problems and works to create and advocate solutions that win lasting political, economic and social support because they are nonpartisan, cost-efficient and fair."
- National Wildlife Federation "Global warming, the loss of habitat, and people becoming more disconnected from nature than past generations are converging on a dangerous path for our planet. The work of NWF and our affiliates across the country provides answers to these challenges."
- Oceana Founded 2001. "Oceana has achieved dozens of concrete policy victories for marine life and habitats, stopping bottom trawling in sensitive habitat areas [and] protecting sea turtles from commercial fishing gear."
- Ocean Conservancy "We educate and empower people to defend not only the ocean and its wildlife, but also the millions who earn their living from the ocean."
- WildEarth Guardians "We defend wildness, empower life, end injustice, and stand for healthy, sustainable ecosystems and human communities. We embrace conflict, and cooperate without compromising our values."
- (MORE) More links for environmental groups

Industry

- American Farm Bureau Fed. Founded in 1919, "Farm Bureau is local, county, state, national and international in its scope and influence and is non-partisan, non-sectarian and non-secret in character. Farm Bureau is the voice of agricultural producers at all levels."
- AF&PA American Forest & Paper Association. Home page says "significant reform of the U.S. tax system, leading to a lower tax burden, is necessary for the U.S. forest products industry to better compete in the global marketplace."
- Nat'l Ass'n of Home Builders From web page: "NAHB is a trade association that helps promote the policies that make housing a national priority. Since 1942, NAHB has been serving its members, the housing industry, and the public at large."
- Nat'l ESA Reform Coalition NESARC's been around since 1991. Board of directors includes NAHB, AFBF, EEI and AF&PA. Go to nesarc.org/members-and-staff/ for more on the organization
- U.S. Chamber of Commerce Link to the Institute for 21st Century Energy, a Chamber affiliate
- (MORE) All links for industry groups

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STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

NATIONAL AUDUBON SOCIETY, INC.; COLLIER COUNTY AUDUBON SOCIETY, INC.; FLORIDA WILDLIFE FEDERATION; CONSERVANCY OF SOUTHWEST FLORIDA; and FRANKLIN ADAMS,	)	
Petitioners,	)	
vs.	)	Case No. 06-4157
SOUTH FLORIDA WATER MANAGEMENT DISTRICT and I.M. COLLIER, J.V.,	)	
Respondents.	)	

RECOMMENDED ORDER

Pursuant to notice, this matter was heard before the Division of Administrative Hearings by its assigned Administrative Law Judge, Donald R. Alexander, on April 24-27 and May 1 and 2, 2007, in Naples, Florida.

APPEARANCES

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ISSUE

The issue is whether to approve an application by Respondent, I.M. Collier, J.V. (Collier), to modify its Environmental Resource Permit (ERP) No. 11-02031P (2002 Permit) by changing the surface water management system (SWMS) for a proposed residential and golf course development in Collier County (County), Florida, known as Mirasol.

BACKGROUND

In February 2002, Respondent, South Florida Water Management District (District), issued the 2002 Permit authorizing Collier to construct and operate a SWMS for a project known as Mirasol. Among other things, that ERP contained a flow-way and conveyance channel along the northern

and western development boundaries and associated control structures. In May 2006, Collier filed an application to modify the 2002 Permit by removing the flow-way and associated control structures and proposing an alternative SWMS. It also proposed to revise the wetland preservation, wetlands impacts, and wetland mitigation areas contained within the internal preserve areas of the development site and to modify the proposal for the flow-way within the external preserve site. On October 12, 2006, the District's Governing Board issued its notice of intent to grant the application.

On October 20, 2006, Petitioners, National Audubon Society, Inc., Collier County Audubon Society, Inc., Florida Wildlife Federation, Conservancy of Southwest Florida, and Franklin Adams, filed their Petition for Hearing (Petition) challenging the District's proposed agency action on numerous grounds.

The Petition was forwarded by the District to the Division of Administrative Hearings on October 26, 2006, with a request that an administrative law judge be assigned to conduct a hearing.

By Notice of Hearing dated November 14, 2006, the matter was scheduled for final hearing on February 13-16 and February 26-March 2, 2007, in Fort Myers, Florida. At the request of the parties, venue was changed to Collier County and the hearing was continued to April 24-27, May 1-4, and May 8-11,

2007, in Naples, Florida. However, the hearing was completed on May 2, 2007.

By Order dated December 26, 2006, the undersigned granted in part Collier's Motion to Strike and/or Motion to Dismiss (supported in part by the District), which struck the following paragraphs in the Petition: 36(C) and (D), which sought to invalidate a statute and rule on constitutional grounds; those portions of paragraphs 1, 3, 20, 23, 26-30, 32, 35A.5, 36A and E, and 37, which were based on the application of federal law; paragraphs 35A(7) and 36K, which sought to use this proceeding as a means of revoking the 2002 Permit; and those portions of paragraphs 4B, 5B, 6B, 7B, and 8B, in which reference to Section 403.412(7), Florida Statutes (2006)[1], was made. By Order dated April 10, 2007, Petitioners were authorized to file an Amended Petition asserting an "as applied" challenge to the constitionality of the public interest balancing test in Section 373.414(1)(a), Florida Statutes, and a related standard (Section 4.2.3) found in the Basis of Review for Environmental Applications Within the South Florida Water Management District (BOR).

By Order dated April 19, 2007, Collier's Motion for a View was denied. In addition, other procedural rulings are found in various preliminary Orders entered prior to the hearing.

At the final hearing, Petitioners presented the testimony of Jason Lauritsen, a science coordinator with the National Audubon Society and accepted as an expert; Robert B. Boler, project manager/ecologist with the United States National Park Service and accepted as an expert; Dr. Thomas Van Lent, a senior scientist with the Everglades Foundation and accepted as an expert; and Dr. Thomas L. Crisman, a professor of environment at the University of South Florida and accepted as an expert. Also, they offered Petitioners' Exhibits 1-4, 7, 10-18, 30-32, 34, 37-41, 44, 46, 47, 55, 60, 62, 63, 69, and 72, and 73. All were received except Exhibits 30, 31, 34, 37-41, 44, 60, 62, and 63, which were proffered by Petitioners. In addition, Exhibits 11-18 were conditionally received subject to a relevancy objection by Respondents. To the extent they are relevant, they have been considered. Finally, Petitioners' Exhibits 6A-O and Q-U (a power point presentation by witness Lauritsen) were marked for identification purposes but were never formally moved in evidence. However, to the extent his testimony concerning those documents is relevant, that testimony has been considered. The District presented the testimony of Anthony M. Waterhouse, Director of the District's Surface Water Management Division and accepted as an expert, and Anita R. Bain, Director of the District's Natural Resource Management Division and accepted as an expert. Also, it offered District Exhibits 6 and 7, which

were received in evidence. Collier presented the testimony of Frederick T. Barber, III, a professional engineer and accepted as an expert; Richard S. Tomasello, a professional engineer and accepted as an expert; Timothy C. Hall, an environmental consultant and accepted as an expert; Dr. Harvey H. Harper, III, a professional engineer and accepted as an expert; and Dr. Mark A. Ross, a professor with the University of South Florida and accepted as an expert. Also, it offered Collier's Exhibits 1-9, 12, 19, 22-27, and 38; all were received in evidence except Exhibit 38, upon which a ruling was reserved. That exhibit is received in evidence. In addition, the District and Collier offered Respondents' Joint Exhibits 1-3, 5, 7, 8, 10, 11, and 13, which were received in evidence. Finally, at the request of the District, the undersigned took official recognition of portions of Parts I and IV, Chapter 373, Florida Statutes; Florida Administrative Code Rule Chapters 40E-1 and 40E-4; and the BOR.

The Transcript of the hearing (six volumes) was filed on May 10, 2007. By agreement of the parties, Proposed Findings of Fact and Conclusions of Law were filed by Petitioners, the District, and Collier on June 11, 2007, and they have been considered in the preparation of this Recommended Order.

FINDINGS OF FACT

Based on the evidence presented by the parties, the following findings of fact are made:

I. The Parties

1. National Audubon Society, Inc. is a not-for-profit corporation (incorporated outside the State of Florida) while Collier County Audubon Society, Inc., Florida Wildlife Federation, and Conservancy of Southwest Florida are Florida not-for-profit corporations. All are environmental organizations. Franklin Adams is a resident of the County and a member of each of the above organizations. Respondents have not contested Petitioners' standing based upon the stipulated facts set forth in the parties' Pre-Hearing Stipulation.

2. The District is a water management district with the power and duty to exercise regulatory jurisdiction over the administration and enforcement of ERP criteria pursuant to Chapter 373, Florida Statutes, and Florida Administrative Code Title 40E.

3. Collier is the holder of the 2002 Permit authorizing the construction of a SWMS to serve the Mirasol project, a large development located in the County. The parties have stipulated that Collier has the administrative, legal, and financial capabilities to undertake the proposed activity. Fla. Admin. Code R. 40E-4.301(1)(j).

II. The Project Site

4. The Mirasol project consists of approximately 1,713.45 acres located on the north side of Immokalee Road and the Cocohatchee Canal (Canal) in the northern half of the County, approximately three miles east of the intersection with Interstate 75. The property spans three sections of land, the northern third of the property encompassing Section 10, the middle third encompassing Section 15, and the southern third encompassing most of Section 22. The site also includes a peninsula of land extending east of Section 10, encompassing the northernmost quarter of Section 11.

5. The site is bounded on the south by the Canal and Immokalee Road and on the east by an existing residential development known as Heritage Bay, which was previously a rock-mining quarry. To the west of the site, running north to south, are two other proposed residential developments known as Parklands Collier and Terafina/Saturnia Falls and an existing residential and golf course community known as Olde Cypress. There are other existing and proposed residential developments and farm fields to the north of the site.

6. The site is located southwest of the Corkscrew Swamp Sanctuary (Corkscrew Swamp), which is owned by the National Audubon Society, Inc., and appears to stretch from Immokalee (in the northeastern part of the County) south and southwestward

through parts of the County. Corkscrew Swamp sits roughly at the center of a 315-mile watershed, much of which is comprised of short hydroperiod wetlands which dry down completely during the late winter and spring and become inundated again in the late summer and fall during the wet season. This water gradually sheet flows down a very slight downhill gradient toward the south and west. A portion of the sheet flow travels southwest in the vicinity of the site.

7. The region has experienced occasional floods, the most severe of which occurred in 1995. At the direction of the District, the cause of the flooding was investigated in the South Lee County Watershed Study (Study), which concluded that the watershed discharges through a variety of outfalls, but that historic connections to downstream conveyances like the Canal were severed by the construction. While downstream conveyances exist, the Study concluded that connections between upstream flows and downstream conveyances should be enhanced or restored.

8. In the late 1990s, the Canal was improved to increase its conveyance capacity. A berm was constructed by the Big Cypress Basin Board (Basin Board), a legislatively-created entity which manages water resources in the County, on the northern bank in the vicinity of, and across from, the Mirasol site. This berm prevented historic wet season sheet flow from reaching the Canal through the project site, except for a few

culverts located along that water body. The Basin Board also built a 1,000-foot-long hardened concrete weir on the north side of the Canal a few thousand yards west of the project site. This weir provides the primary outlet for sheet flow in and around the Mirasol site.

9. Currently, upstream drainage flows in a southwesterly direction across Section 10. As the water moves south to the Canal, the flow becomes constricted down to a 580-foot wide gap between the Olde Cypress residential development and commercial developments along Immokalee Road to the east. This constricted area further narrows to a 270-foot wide opening before the sheet flow reaches the 1,000-foot weir and discharges into the Canal.

10. During a 3-day, 25-year storm event, a combined peak flow of 553 cubic feet per second (cfs) of water is discharged into the Canal through the 1,000-foot weir, but the Mirasol property only conveys a small portion of this water (around 20 cfs) through culverts in the Canal berm. Most of the water flows to the west of Mirasol where it passes through the narrow gap and over the 1,000-foot weir.

11. Around 1,431 acres of the 1,714-acre site are jurisdictional wetlands. However, these wetlands are in poor condition due to existing impediments to sheet flow, artificially high water levels during the wet season, and heavy infestation of exotic species, principally melaleuca.

III. Permit History

12. In February 2002, the District issued the 2002 Permit approving the construction of a SWMS to serve two 18-hole golf courses, a single-family residential community, a golf course clubhouse and parking area, golf course maintenance facilities, sales facility, and parking area. The issuance of the 2002 Permit was not challenged.

13. The SWMS included a 36.5-acre flow-way (Flow-Way) that encircled the northern boundary of the development in Section 15 and extended off-site and across adjacent properties to the west. (If constructed, the Flow-Way would be a 200-foot wide, 4-foot deep, 89-acre channel, more than half of which would have been located on the Saturnia Falls/Terafina and Olde Cypress properties.) Besides providing a conveyance function for the Mirasol site, the Flow-Way also enhanced flood protection for other properties by accelerating conveyance of floodwaters to the Canal and reducing peak flood stages by 0.4 feet during a three-day, 25-year storm event. The District included Special Condition 26 in the 2002 Permit, which required construction of the Flow-Way before the remainder of the project could be constructed.

14. The 2002 Permit authorized Collier to directly impact (fill or excavate) 568.66 acres of wetlands within the footprint of the development. Additionally, 39.5 acres of wetlands, which

were isolated remnant strips along the golf courses within the development, were considered secondarily impacted and assessed a thirty-three percent reduction in functional value.

15. Mitigation for the project consisted of preservation and enhancement of wetlands and uplands on site. Enhancement of the preserve areas was primarily credited to the eradication of malaleuca and other exotic species and replanting with appropriate native vegetation. Permit conditions required management of the preserve areas to prevent a recurrence of exotic species.

16. The preserve areas included an 846.95-acre external preserve area to the north and northeast of the area to be developed. It was anticipated that this northern preserve area would ultimately be donated to an existing mitigation area known as the Corkscrew Regional Ecosystem Watershed, along with an interest-bearing fund to ensure perpetual management.

17. In December 2005, the United States Army Corps of Engineers (Corps) denied Collier's federal wetlands permit application for the project and the Flow-Way.

18. Because of this denial, in May 2006 Collier submitted an ERP application with the District seeking to modify the 2002 Permit by revising the SWMS and removing the Flow-Way.

19. On October 12, 2006, the District Governing Board approved a modification to the 2002 Permit, which authorized an

alternate SWMS to serve the golf course and residential development (2006 Permit). Petitioners' challenge to the proposed modification followed.

IV. The 2006 Modification

20. Because of the Corps' denial of its application, Collier was required to remove the Flow-Way and redesign the project's SWMS. The most substantial change in the project was the removal of the Flow-Way and associated control structures and its replacement with a series of interconnected lakes running from north to south through the property allowing for the pass-through of surface waters from the area north of the development site into the Canal.

21. The modification does not alter the boundaries and location of the development. However, the revised SWMS includes: five controlled basins with a total area of 718.43 acres, each of which provides treatment of stormwater prior to discharging into the pass-through system; 45.16 acres of interconnected lakes serving as a pass-through for surface waters from the north; 2.12 acres of perimeter berm backslope/ buffers/spreader swales; and 7.27 acres along the Canal for the existing 100-foot wide canal easement and proposed canal contouring.

22. These changes also required elimination of the 39.5 acres of remnant wetlands inside the development that had

previously been assessed as secondarily impacted. Also, there were 0.68 acres of additional impacts resulting from slight changes in the internal site design due to the SWMS. To partially offset these impacts, the internal wetland preserves were enlarged by 13.32 acres. The remaining impacts were mitigated with mitigation credits from the Panther Island Mitigation Bank (PIMB). (The PIMB holds a mitigation bank permit issued by the District for a wetland restoration project in Southwest Florida.)

23. The main preserve was left unchanged, except that 36.5 acres previously dedicated to construction of the Flow-Way will be added to the main preserve and similarly enhanced and preserved.

24. In summary, as modified under the 2006 Permit, the total onsite mitigation consists of the preservation and enhancement of 830.89 acres of wetlands, preservation of 109.58 acres of uplands, and the purchase of a total of 5.68 credits from the PIMB. At hearing, Collier also agreed to purchase from the PIMB an additional 5.68 credits within the Basin for a total of 11.36 credits.

V. The ERP Permitting Criteria

25. To obtain an ERP, an applicant must satisfy the conditions in Florida Administrative Code Rules 40E-4.301 and 40E-4.302. The first rule focuses primarily on water quantity,

environmental impacts, and water quality, while the second rule generally requires that a public interest balancing test be made, that cumulative impacts, if any, be considered, and that the District consider past violations, if any, by the applicant of District or Department of Environmental Protection (DEP) rules. (The parties have cited no prior violations by the applicant that should be considered.) Besides these two rules, a number of BOR provisions which implement the rule criteria must also be taken into account.

26. If an applicant proposes to modify an existing ERP, as it does here, Florida Administrative Code Rule 40E-4.331(2)(a) comes into play and requires that the District review the application to modify the ERP "using the same criteria as new applications for those portions of the project proposed for, or affected by, the modification." Under this rule, those portions of the project altered or affected by the modification are reviewed under the current ERP criteria, but otherwise the 2002 Permit is not the subject of review in this case. Therefore, the District's review includes only that portion of the existing permit that is proposed to be modified or affected by the modification. In this case, the 2006 design is very similar to the 2002 design, and the project's footprint, control elevations, roadway network, southern outfall, and main preserve are unchanged. However, as pointed out below, since most of the

engineering-related components of the SWMS were affected by the Flow-Way's removal, the District reassessed the hydrologic components of the internal water management system and the pass-through lake system for levels of flood protection and water quality treatment.

27. Because most of the engineering-related components of the SWMS for the project were modified as a result of the removal of the Flow-Way, the District staff reassessed the project's hydrologic calculations associated with levels of flood protection and reassessed the project's water quality treatment volumes applying the currently existing ERP criteria. As to wetland impacts and mitigation, review of the wetland impacts for the 2006 Permit was limited to an analysis of additional wetlands impacts associated with the modification. This was primarily the elimination of the previously permitted, secondarily impacted wetlands. Thus, only the additional wetlands impacts due to the revised SWMS are considered under the currently existing ERP criteria.

28. The 2006 Permit made only slight changes to the project's wetland impacts and mitigation components authorized under the 2002 Permit. The project's footprint was not changed and the main mitigation area (the Northern Preserve) was unaffected by the changes except that 36.50 acres were actually added to that preserve as a result of the removal of the Flow-

Way. Collier did not receive any credit in its mitigation analysis for the additional acreage that will become part of the preserve due to the removal of the Flow-Way.

A. Surface Water Management Criteria

29. As noted above, the ERP criteria in Florida Administrative Code Rule 40E-4.301 focus primarily on three areas of concern: water quantity, environmental impacts, and water quality. Related BOR provisions must also be considered. These areas of concern are discussed below.

a. Water Quantity

30. Florida Administrative Code Rule 40E-4.301(1)(a) requires that an applicant provide reasonable assurance that the construction of a SWMS "[w]ill not cause adverse water quantity impacts to receiving waters and adjacent lands." BOR Section 6.2 implements that provision and requires that a project be designed so that it is consistent with the downstream carrying capacity of the receiving waters. In other words, it must not exceed the capacity of downstream receiving waters, which in this case is the Canal. In making this determination, Section 6.3 of the BOR requires that the 25-year, 3-day design storm event be used.

31. Collier complied with this requirement through an extensive hydrologic study conducted by its expert, Richard S. Tomasello, a former District employee. Applying a hydrologic

model simulation known as S2DMM, the witness determined the appropriate amount of upstream sheet flow that would need to be routed through the project to avoid adverse water quantity and flooding impacts and calculated the correct dimensions of the intake weir to admit that flow into the project's pass-through system. The S2DMM model is a combination of other accepted models including the Sheet 2d, Massmod, and MBR models, which were developed by Mr. Tomasello, and they have been evaluated and used by the District on numerous occasions. In addition, the S2DMM model has been used for other flood studies in Collier and Lee Counties, and it will be used on a restoration project in Martin County.

32. Based upon Mr. Tomasello's analysis, Collier incorporated a 100-foot-long intake weir with a crest elevation of 14.95 NGVD (National Geodetic Vertical Datum) along the northern boundary of the project to maintain existing upstream water elevations. Collier also complied with BOR Section 6.3, which requires the use of a 25-year, 3-day storm event to be used when computing the discharge rate for the project.

33. The modified intake weir on the northern boundary includes two 3.5-foot wide rectangular notches set at an elevation of 14.00 NGVD, which will provide a "base flow" of up to 20 cfs into the pass-through lakes to mimic the current flow through the property. The determination of this base flow was

made through an analysis of the existing culverts at the southern end of the property.

34. While not required by the ERP criteria, Collier also performed a long-term analysis (using a four-year period of record) of the SWMS's effect upon water levels. This analysis demonstrated that the modified system would leave water levels in the wetland areas upstream of the project unchanged during normal rainfall and low-flow periods. This analysis provides additional assurances that the modifications to the SWMS will not affect the Northern Preserve.

35. While Petitioners questioned the accuracy and reliability of the hydrologic study, and its specific application to this project, the criticisms are considered to be vague and unsubstantiated. As noted above, the model has been previously accepted for use in South Florida, and Petitioners' expert conceded he did not have enough information to determine the model's accuracy. The more persuasive evidence established that the hydrologic study submitted by Collier included the relevant available data and was prepared by competent professionals knowledgeable in the field. The claim of Petitioners' experts that they lacked sufficient information to form an opinion on the accuracy of the modeling is not a sufficient basis to overcome the evidence submitted by Collier to meet this criterion.

36. The project's discharge rate in 2006 will not exceed what was permitted in the 2002 Permit. During the 25-year, 3-day storm event, the existing discharge from the project site and the natural area west of the project site into the Canal is 553 cfs. Based on modeling of the modified SWMS, the total discharge from the pass-through system will be 529 cfs, or 24 cfs less than the project's existing pre-development discharge. The discharges resulting from the project as modified in 2006 will not exceed the capacity of the Canal as required by Section 6.3 of the BOR. Accordingly, Collier has provided reasonable assurance that the discharge rate allowed for its project would not be exceeded, as required in Section 6.2 of the BOR.

37. Section 6.8 of the BOR requires that a project allow the passage of drainage from offsite areas to downstream areas, which is necessary to demonstrate that off-site receiving water bodies are not being adversely affected. Collier complied with this provision by conducting the hydrologic analysis using the 25-year, 3-day design storm event, which demonstrated that the discharge rate would be directed to the southern discharge point allowing for the passage of drainage from offsite areas to the downstream areas. The evidence also shows that the current predominant sheetflow from areas outside the project passes through a narrowly constricted area west of the project and

discharges into the Canal over an existing concrete weir. See Finding of Fact 9, supra. Only a small portion of the upstream waters currently discharge through the Mirasol site. Petitioners' allegation that the construction of the project will further constrict the sheetflow area is rejected, as the constriction of sheetflow will continue to exist whether the project is built or not. The evidence also shows that the project will not further constrict the flow because it will allow for the pass-through of water from outside the project area.

38. Under the 2002 Permit, the Flow-Way was designed to aid in the diversion of upstream flows around the project. Under the 2006 modifications, the pass-through lake system will convey up to forty percent of the upstream flow through the development which complies with the provisions of Section 6.8 of the BOR. As indicated above, during periods of lower water levels, the notches in the weir along the northern boundary will allow for the flow to pass onto the project site consistent with existing conditions. During major storm events, water will pass over the weir into the pass-through lake system to be conveyed to the Canal. Therefore, Collier has provided reasonable assurance that the criteria in Section 6.8 have been met.

39. Section 6.10 of the BOR requires that the project be designed to conserve water and site environmental values and not

lower the water table or groundwater or over-drain wetlands. Section 6.11 of the BOR provides that the control and detention elevations for the project must be established at elevations to accomplish the objectives of Section 6.10. The latter section is adhered to when the control elevations proposed for a project are established consistent with the onsite wetland conditions. In this case, the control elevations for the wetlands and surface water management lakes are essentially the same as the design in the 2002 Permit. Collier has set the control elevations above the average wet season water table (WSWT) for the area, thereby ensuring that the SWMS will not over-drain and will conserve fresh water.

40. Section 6.11 of the BOR addresses Detention and Control Elevations which are intended to assist in complying with the provisions of Section 6.10. The SWMS design control elevation maintains the detention component and the control (wetland protection) elevations in the previously approved SWMS.

41. The control elevations were set by the design engineers in consultation with Collier's wetland ecologist taking into account the ground elevations and biological indicators. The control elevation for the pass-through system and internal drainage basins work in conjunction with the control elevation along the northern boundary of the project and the control elevation for the discharge point along the southern

boundary to ensure that the project does not overdrain the wetlands and to preserve the project site's environmental values. By setting the control elevation above the WSWT, the design ensures that the wetlands will not be drawn down below the average WSWT and the SWMS will not over-drain them.

42. Section 6.10 also requires that a project not lower water tables so that the existing rights of others would be adversely affected. Again, based on the control elevations, the water table is not expected to be lowered so there should be no effect on the existing rights of others.

43. Collier must further demonstrate that the site's groundwater recharge characteristics will be preserved through the design of the SWMS. Collier complied with this requirement by setting the control elevations above the average WSWT, allowing standing water in the wetland preserves to recharge the groundwater. The ability of the SWMS to accept flows from the Northern Preserve conserves freshwater by preventing that water from being discharged downstream.

44. The SWMS leaves water elevations in the Northern Preserve unchanged. Consequently, water will remain in the wetlands for the same duration and elevations as in the existing conditions, thereby preserving groundwater recharge characteristics.

45. Section 6.12 of the BOR prohibits lake designs that create an adverse gradient between the control elevations of the lakes and the adjacent wetlands. To satisfy this requirement, Collier set all control elevations at 13.4 - 13.5 NGVD while controlling the internal wetland preserves at a slightly higher elevation. Consequently, there is no adverse gradient and no potential for an adverse effect upon the internal preserves from adjacent lakes.

46. Petitioners argued that the pass-through system would quickly lower water levels in the internal wetland preserves. However, the internal wetlands are still protected from drawdown because there are control structures set at or above the wet season elevation between the pass-through lakes and internal wetlands. They also argued that the internal wetlands would be overdrained during the dry season by the deep lakes. However, no witness presented any real analysis to back up this contention. Indeed, the pass-through lakes are only twelve feet deep, and the wetlands are separated from all the lakes by protective berms to avoid any drawdown.

47. In summary, Collier has provided reasonable assurances that the proposed modification in the 2006 Permit will not cause adverse water quantity impacts to receiving waters or adjacent lands and will not exceed the capacity of the downstream receiving waters (the Canal).

b. Flooding

48. Florida Administrative Code Rule 40E-4.301(1)(b) requires Collier to demonstrate that the project "[w]ill not cause adverse flooding to on-site or off-site property." BOR Section 6.4 sets forth criteria and standards for implementing this requirement and provides that building floors be designed to be protected from a 100-year, 3-day storm event. BOR Section 6.5 provides criteria and standards for flood protection for the project's roads and parking lots. Collier complied with these provisions by providing construction plans demonstrating that the building floors and roads will be built higher than the 100-year, 3-day storm event.

49. BOR Section 6.6 provides that a project may not result in any net encroachment into the 100-year floodplain. Collier was also required to comply with the historic basin provision in Section 6.7 of the BOR, which requires the project to replace or otherwise mitigate the loss of historic basin storage provided by the site. The level of encroachment into the 100-year flood plain and loss of historic basin storage attributed to the project are essentially unchanged from the 2002 design. The only difference between the 2002 Permit and the 2006 Permit is how the conveyance of flood water is provided. In 2002, the Flow-Way served this function, while the pass-through system provides it in the 2006 Permit.

50. Collier's flood simulations demonstrated that the project will not alter flood stages during the 25-year and 100-year design storms, while the testimony of witnesses Tomasello and Waterhouse established that the project will not have adverse flooding impacts on adjacent properties, either alone or in conjunction with neighboring developments.

c. Storage and Conveyance

51. Florida Administrative Code Rule 40E-4.301(1)(c) requires that an applicant demonstrate that the proposed development "[w]ill not cause adverse impacts to existing surface water storage and conveyance capabilities." This criterion is closely related to paragraph (1)(b) of the same rule, which prohibits adverse flooding to onsite or offsite property.

52. Section 6.6 of the BOR implements this provision and specifies the parameters for applying this criterion and prohibits a net encroachment between the WSWT and the 100-year event which will adversely affect the existing rights of others. Collier addressed this criterion through the hydrologic analysis submitted. As previously found, that model is the appropriate model to determine flood stages and to calculate the floodplain.

d. Engineering Design Principles

53. Florida Administrative Code Rule 40E-4.301(1)(i) requires an applicant to provide reasonable assurances that the

SWMS "[w]ill be capable, based on generally accepted engineering and scientific principles, of being performed and of functioning as proposed." Section 7.0 of the BOR contains the specific standards and criteria to implement this rule. The evidence demonstrates that the SWMS is based on generally accepted engineering and scientific principles and is capable of performing and functioning as proposed.

54. Section 8.0 of the BOR includes various assumptions and information regarding the design of the SWMS. By incorporating these assumptions into the design, Collier complied with Section 8.0.

e. Water Quality Impacts

55. Florida Administrative Code Rule 40E-4.301(1)(e) requires that the proposed modification "[w]ill not adversely affect the quality of the receiving waters such that the water quality standards set forth in Chapters 62-4, 62-302, 62-520, 62-522 and 62-550, F.A.C., including any antidegradation provisions of paragraphs 62-4.242(1)(a) and (b), subsections 62-4.242(2) and (3), and Rule 62-302.300, F.A.C., and any special standards for Outstanding Florida Waters and Outstanding National Resource Waters set forth in subsections 62-4.242(2) and (3), F.A.C., will be violated." Stated more plainly, the proposed modifications must not adversely affect the quality of

the Canal's waters such that State water quality standards will be violated.

56. Section 5.2 of the BOR describes the District's standard water quality criteria. This provision, which requires a minimum of one-inch detention of stormwater, is referred to as a "presumptive criteria" because it is presumed that if an applicant provides the required one inch of detention, it meets Class III water quality standards, thereby satisfying the rule. As it did under the 2002 Permit, Collier satisfies the presumptive criteria with the 2006 design by providing the one-inch wet detention in its lake system. In fact, the system is designed to provide one and a half inches of treatment in the lake system thereby providing additional treatment.

57. The receiving body of water for the project is the Canal. When the 2002 Permit was issued, the Canal was classified as a Class III water body. It is now classified by DEP as impaired for iron and dissolved oxygen. Because of this new classification, Collier must now comply with Section 4.2.4.5 of the BOR, which reads as follows:

> If the site of the proposed activity currently does not meet water quality standards, the applicant must demonstrate compliance with the water quality standards by meeting the provisions in 4.2.4.1, 4.2.4.2, and 4.2.4.3, as applicable, and for the parameters which do not meet water quality standards, the applicant must demonstrate that the proposed activity will

not contribute to the existing violation. If the proposed activity will contribute to the existing violation, mitigation may be proposed as described in subsection 4.3.1.4.

58. Collier demonstrated that neither short-term (during construction) nor long-term (during operation) water quality impacts will occur. It complied with the short-term requirements by submitting a Construction Pollution Prevention Plan detailing how water quality will be protected during the construction process. As to long-term impacts, the Terrie Bates Water Quality Memorandum (Bates Memo) prepared by District staff on June 11, 2004, provides guidance on the implementation of Section 4.2.4.5 for projects which discharge into an impaired water body. The document sets forth a number of design and operational criteria for the types of additional measures that can be incorporated into a project design to provide the necessary reasonable assurance.

59. The Bates Memo suggests that an additional fifty percent of treatment be incorporated into a SWMS. Collier complied with this suggestion by designing the treatment lakes to provide an additional one-half inch of treatment for the additional fifty percent treatment.

60. In addition to the one and one-half inch treatment, Collier is implementing six of the seven items the Bates Memo lists as potential options to consider. The long-term water

quality requirement is addressed by Collier, in part, through an Urban Stormwater Management Plan, which details various source controls or best management practices to be implemented once the project is built and operating. Best management practices assist in ensuring that pollutants will not enter into the lake system.

61. Collier is also implementing a stormwater pollution prevention plan and will utilize the lake system for additional treatment downstream.

62. Collier has further agreed to planting the littoral zones as part of its design of the treatment lakes to provide additional pollutant removal. The design calls for an amount of littoral zones equal to twenty percent of the surface area of the treatment lakes. Collier has agreed to make a Water Quality Monitoring Plan a permit condition, even though such a condition was not included in the staff report. See Collier Exhibit 25.

63. The Bates Memo includes as an option for meeting the long-term requirement a site-specific water quality evaluation of pre vs. post-development pollutant loadings. Collier has presented several such analyses, all of which indicate the post-development pollutant discharges from the site will be less than the pre-development. Mr. Barber prepared a pre vs. post-analysis using a 2003 methodology developed by Dr. Harper. The 2003 version of the Harper methodology is currently accepted by

the Corps. (Although Petitioners' witness, a former Corps employee, suggested that the Corps' acceptance of the study was a "political" rather than a scientific decision, there is insufficient evidence to support this contention.) Besides his first analysis, at the direction of the District staff, Mr. Barber prepared a second analysis using the 2003 methodology with certain conservative assumptions that limited the pollutant residents time to fifty days and utilized lower starting concentrations for phosphorous and nitrogen than were recorded in the nearby monitoring stations. Based upon those reports, the District's staff concluded that Collier had provided reasonable assurances that the project met the criteria in BOR Sections 5.2 and 4.2.4.5.

64. At the hearing, Mr. Barber presented a third analysis utilizing an updated methodology developed by Dr. Harper in February 2006. The 2006 methodology was developed after Dr. Harper conducted a study of water management district criteria throughout the state for DEP. All three of the analyses prepared by Mr. Barber concluded that the project would discharge less nitrogen and phosphorous into the receiving body in the post-development condition than is currently being discharged in the pre-development condition.

65. In addition to the three water quality submittals from Mr. Barber, Collier provided an additional water quality

analysis specific to the project prepared by Dr. Harper. See Collier Exhibit 26, which is commonly referred to as the Harper Report. The analysis evaluated the project's pre vs. post-development water quality loads and also concluded the project would not contribute to the impairment of the Canal. In preparing his analysis, Dr. Harper relied solely on the lakes for estimating removal of pollutants without accounting for any of the additional treatment expected to occur from the source control best management practices contained in the Urban Stormwater Management Plan, which means his report errs on the conservative side.

66. The Harper Report concluded that iron discharges from the SWMS would be extremely low and substantially less than the Class III standard of 1 mg/L. Petitioners presented no specific evidence to counter these conclusions. Petitioners questioned the Harper Report's use of wetlands as part of the loading calculations and attacked his underlying methodology. However, the evidence is clear that wetlands contribute to the water quality constituents in the pre-development condition. This finding is based on data from monitoring stations located in the middle of Corkscrew Swamp, a statewide study on stormwater treatment and wetlands, and the United States Environmental Protection Agency's (EPA) assignment of nutrient loading rates to wetlands in its regional pollutant loading model. Ignoring

the actual water quality in pre-development conditions would not be a true pre vs. post-development analysis. Finally, Petitioners' contention that the Harper methodology should not be considered as admissible evidence because it constitutes "novel" (and therefore unreliable) scientific evidence under the rationale of Frye v. United States, 293 F. 1013 (D.C. Cir. 1923), has been rejected. To begin with, the Frye test has not been accepted in Florida administrative proceedings. Moreover, the methodology is the basis for a new statewide rulemaking effort, has been accepted by the EPA, the Corps, and by the Division of Administrative Hearings in at least two proceedings, and has been subjected to two peer reviews.

67. Petitioners also alleged that Collier failed to show that it complied with Florida Administrative Code Rule 62-40.432(2)(a)1., a rule administered by DEP which requires that a new SWMS "[a]chieve at least 80 percent reduction of the average annual load of pollutants that would cause or contribute to violations of state water quality standards." However, this is a broad overstatement of DEP's rule. Also, there is no eighty percent removal efficiency requirement adopted or incorporated into any District rule or BOR criteria. See, e.g., Conservancy of Southwest Florida, Inc. v. G.L. Homes of Naples Associates II, LTD et al., DOAH Case No. 06-4922 (DOAH May 15, 2007, SFWMD July 11, 2007). Instead, the District's "presumptive criteria"

is that one inch of volumetric treatment required in Section 5.2 of the BOR meets the Class III standards. If, as in this case, additional assurances are required, those assurances are met through implementation of the BOR Section 4.2.4.5.

68. Finally, Florida Administrative Code Rule 62-40.110(2) provides that Rule Chapter 62-40 is "intended to provide water resource implementation goals, objectives, and guidance for the development and review of programs, rules, and plans relating to water resources." Also, Florida Administrative Code Rule 62-40.110(4) states that "[t]his chapter, in and of itself, shall not constitute standards or criteria for decisions on individual permits. This chapter also does not constitute legislative authority to the Districts for the adoption of rules if such rules are not otherwise authorized by statute." Even if an eighty percent reduction standard applied, Collier has demonstrated that the project very likely will remove eighty percent or more of pollutants when additional low-impact development techniques, pollutant source reduction practices, and additional uncredited wet and dry detention capacity are considered.

69. Based upon the evidence presented, Section 4.2.8 of the BOR regarding cumulative impacts for water quality is not applicable in this case. Collier's submittals provide reasonable assurances that the project will not be contributing

to the water quality impairment of the Canal or contribute to any other water quality violation. Indeed, the information submitted indicates there will be an incremental improvement in the post-development condition as compared to existing. Since no contribution or impacts to water quality are expected, a cumulative impact analysis is not necessary to assess the extent of the impacts.

70. The combination of all these water quality measures, when taken together, demonstrates that the 2006 Permit will not adversely affect the quality of receiving waters such that state water quality standards will be violated. Therefore, reasonable assurance has been given that Florida Administrative Code Rule 40E-4.301(1)(e) will be satisfied.

f. Wetland Impacts

71. Florida Administrative Code Rule 40E-4.301(1)(d) requires Collier to provide reasonable assurance that the modification of the SWMS "[w]ill not adversely impact the value of functions provided to fish and wildlife and listed species by wetlands and other surface waters." In determining whether this criterion has been satisfied, it is also necessary to determine whether any 2002 permitted impacts should be subject to a second review in this case.

72. Mitigation is a method by which an applicant can propose to impact certain wetlands on the project site in

exchange for providing compensation in the form of preserving, enhancing, restoring, or creating wetlands or uplands to offset those impacts. As noted earlier, there has been no change to the wetland impacts or mitigation proposal as it relates to the Northern Preserve. See Findings of Fact 27 and 28, supra. As a result of the modified SWMS, there has been some additional impact to wetlands within the development area of the project. An additional 40.18 acres will be impacted under the 2006 Permit mostly due to the modified SWMS system. However, 39.5 acres of those wetlands were already considered secondarily impacted under the 2002 Permit. In addition, the preserve areas were expanded by 13.32 acres in the 2006 design. Thus, a portion of the impacts to those wetlands was already factored into the mitigation plan that was developed and approved for the 2002 Permit. As a result, there are 26 acres for which mitigation is necessary under the 2006 Permit.

73. Section 4.3 of the BOR specifies criteria for mitigation proposed as part of an ERP application. Collier has proposed an acceptable mitigation plan for the new wetland impacts that will result from the project due to the proposed modifications incorporated in the 2006 Permit.

74. Except for the mitigation for the additional wetland impacts, the mitigation plan for the 2006 Permit remains essentially unchanged from the 2002 Permit, including the

Grading and Planting Plan, Monitoring Plan, and Mitigation, Monitoring, and Maintenance Plan. The onsite mitigation proposal includes preservation and restoration of wetlands through the removal of melaleuca and other exotic plants and replanting in areas of dense exotic species coverage.

75. Significantly, Collier has not proposed any modifications that would change the effectiveness of the Northern Preserve in providing mitigation for the wetland impacts proposed and approved in the 2002 Permit. While Petitioners claim that the wetlands in the Northern Preserve may be subject to some changes in the level and seasonality of inundation as a result of the SWMS modifications, the evidence does not support those assertions. The revised SWMS will continue to allow water to flow through the Northern Preserve in a manner consistent with existing conditions while providing some flood control protection for extreme rainfall events.

76. Petitioners also suggest that additional analysis regarding the timing and levels of inundation in the wetland preserves is necessary to fully determine the impacts of the modified SWMS on the wetlands. However, the more persuasive testimony indicates that the timing and levels within the wetlands will not be affected by the revised SWMS. The control elevations within the development area have not changed from the

2002 Permit, and these protect the onsite wetlands and ensure that those wetlands will function as expected.

77. With respect to the internal wetlands within the development area, the control elevations have not changed from the 2002 Permit and the evidence establishes that the internal wetlands will continue to function and operate as contemplated in the 2002 Permit. There has been some relocation and reconfiguration of the internal wetland preserve areas that will actually enhance the value of the mitigation by connecting those wetland areas to other preserve areas.

78. Petitioners further suggested that the wetland mitigation within the development area would not function as permitted in the 2002 Permit due to the spill over from the lakes to the wetlands. However, when the water reaches those internal wetland preserves, it has been treated to Class III water quality standards. Therefore, the mitigation values of those wetlands preserves will not be changed or affected due to water quality.

79. Petitioners' objections to the wetland impacts and mitigation were primarily directed at the overall impacts rather than to the 2006 modifications. However, their witness was unaware of the values provided by the additional acres that will be impacted through the 2006 Permit. Therefore, a challenge to

2002 permitted wetlands impacts and mitigation is inappropriate in this proceeding.

g. Functions To Fish and Wildlife and Listed Species

80. Section 4.2.2 of the BOR implements Florida Administrative Code Rule 40E-4.301(1)(d) and provides that an applicant must provide reasonable assurances that a project will not cause adverse impact to the abundance and diversity of fish, wildlife, and listed species or their habitat. With respect to the 586.66 acres of wetland impacts permitted in the 2002 Permit, the 2006 Permit does not modify or affect the values that the wetlands provide to either the abundance or diversity of fish and wildlife. Review of the wetlands criteria as to those acres was finally determined in the 2002 Permit and should not be reopened. By relocating thirteen of the previously impacted acres so they are most closely connected to other wetlands, their value to fish and wildlife will increase.

81. As explained by the District's witness Bain, if Collier had moved the preserve area and changed its functional value, the District would have been required to reevaluate the mitigation that had been accepted for the wetland impacts in the 2002 permit. In this case, however, because the Northern Preserve area did not change, the District's review is limited to the newly impacted wetlands internal to the development for which mitigation was not provided in the 2002 Permit.

82. Section 4.2.2.3 of the BOR addresses the functional assessment of the values provided by the project's wetlands. The only wetland values assessed in the 2006 Permit were the additional wetland impacts that were not mitigated in the 2002 Permit. The evidence establishes that the current value of the wetlands is low due to the heavy melaleuca infestation, which is greater than fifty percent coverage in most locations and seventy-five percent or more in much of the area. Melaleuca has the effect of draining short hydroperiod wetlands. While Petitioners may disagree with how the wetlands were previously evaluated, nothing in the 2006 modification allows or requires a reassessment of their value.

83. Section 4.2.2.4 of the BOR requires that a regulated activity not adversely impact the hydroperiod (the depth, duration, or frequency of inundation) of wetlands or other surface waters. Subsection (a) of this standard applies if the project is expected to reduce the hydroperiod in any of the project's wetlands. Conversely, subsection (b) applies if the project is expected to increase the hydroperiod through changing the rate or method of discharge of water to wetlands or other surface waters. Subsection (c) requires monitoring of the wetlands to determine the effects of the hydrological changes. Again, there is no basis for the District to reopen and reevaluate the wetlands for which mitigation has already been

permitted. No evidence was presented to indicate that there would be any obstacles or problems to accomplishing the mitigation that was proposed and accepted in 2002. In any event, the engineering and biological testimony demonstrated that no change (neither a reduction nor an increase) in the hydrology on the preserved wetlands or the Northern Preserve will occur from what was permitted in the 2002 Permit. By analyzing the various biological indicators onsite and setting the control elevations within the SWMS and the wetlands (both the Northern Preserve and onsite preserve wetlands) above the WSWT, the project ensures that the appropriate hydrology will be maintained. Though the fish and wildlife are not expected to be adversely affected by the 2006 Permit, Collier will be conducting monitoring of plants and animals on the site as an extra measure of assurance as contemplated under BOR Section 4.2.3.4(c).

84. Focusing on just the changes from 2002 to 2006, Petitioners' two experts conceded that the hydrology in the Northern Preserve and its value to wildlife and listed species (including the wood stork) would be benefited in the 2006 Permit over that contemplated in the 2002 Permit due to the removal of the Flow-Way.

h. Secondary Impacts to Water Resources

85. Florida Administrative Code Rule 40E-4.301(1)(f) requires a demonstration that the proposed activities "[w]ill not cause adverse secondary impacts to the water resources." A similar demonstration is required by Sections 4.1.1(f) and 4.2.7 of the BOR. In this case, the secondary impacts considered by the District were potential impacts due to the relocation and expansion of the buffer preserve areas to the perimeter of the project site. In conducting a secondary impact analysis, BOR Section 4.2.7 requires that the District consider only those future projects or activities which would not occur "but for" the proposed system. Here, the evidence demonstrated that no wetlands or other surface waters will be secondarily impacted by the modifications to the SWMS as part of the 2006 Permit.

86. The undersigned has rejected Petitioners' contention that a proposed extension of County Road 951 through the development site should be considered a secondary impact in evaluating this project. This extension has been proposed for at least fifteen years and its precise configuration is unclear. It is not required to be built as a result of the project and there are no firm plans or contracts in place to construct the road. Although the road is listed on the County's transportation plan, it remains speculative as to if and when it will be built. Additionally, there is no evidence the County

has any ownership interest in property for a road in the area identified by Petitioners. Witness Bain testified that the District examined the Collier County Public Records and an easement had not been granted to the County to build the road.

i. Elimination and Reduction

87. Florida Administrative Code Rule 40E-4.301((3) provides in part that "the provisions for elimination or reduction of impacts contained in the [BOR] shall determine whether the reasonable assurances required by subsection 40E-4.301(1) and Rule 40E-4.302, F.A.C., have been provided." Section 4.2.1.1 of the BOR implements that provision and provides that elimination and reduction of impacts is not required when:

> The ecological value of the function provided by the area of wetland or other surface water to be adversely affected is low based on site specific analysis using the factors in subsection 4.2.2.3 and the proposed mitigation will provide greater long term ecological value than the area of wetland or other surface water to be adversely affected; . . .

In accordance with that section, Collier was not required to implement practicable design modifications to reduce or eliminate impacts.

88. The District did a site-specific analysis of the quality of the 39.5 acres of adversely affected wetlands, taking into consideration the condition of the wetlands, hydrologic

connection, uniqueness, location, and fish and wildlife utilization. The unrebutted testimony is that the quality of the 39.5 acres of wetlands to be impacted by the 2006 Permit is low and these wetlands were already previously authorized to be secondarily impacted. The low quality wetlands are melaleuca dominated making them not unique.

89. The mitigation will provide greater long-term ecological value than the impacted wetlands. As noted on page 10 of the Staff Report, there will be a larger, contiguous mitigation area to offset direct impacts to previously preserved, but secondarily impacted wetlands and the preservation/enhancement of the external preserve area.

90. The 2006 Permit provides that 5.68 credits are required to be purchased in the PIMB. Collier has advised the District that 27.68 credits are being purchased pursuant to its Corps permit. Thus, Collier will be purchasing more credits than required by the District. Witness Bain took this additional mitigation into account in determining whether the proposed mitigation will provide greater long term ecological value than the area impacted. While the Corps permit is an entirely separate permit action, Collier has agreed to include an additional 5.68 credits within the Basin beyond what is required in the Staff Report as a condition to this 2006 Permit.

Therefore, the mitigation is clearly of greater long-term ecological value than the area impacted.

B. Additional Requirements

91. Florida Administrative Code Rule 40E-4.302 imposes additional requirements on an ERP applicant, including a cumulative impact assessment, if appropriate, and satisfaction of a public interest test.

a. Cumulative Impacts

92. Florida Administrative Code Rule 40E-4.302(1)(b) requires that an applicant demonstrate the project "[w]ill not cause unacceptable cumulative impacts upon wetlands and other surface waters as set forth in subsections 4.2.8 through 4.2.8.2 of the [BOR]." Cumulative impacts are the summation of unmitigated wetland impacts within a drainage basin, and a cumulative impact analysis is geographically based upon the drainage basins described in Figure 4.2.8-1 of the BOR. See Florida Wildlife Federation et al. v. South Florida Water Management District et al., 2006 Fla. ENV LEXIS 49 at *49, DOAH Case Nos. 04-3064 and 04-3084 (DOAH Dec. 3, 2006, SFWMD Dec. 8, 2006). Also, Section 373.414(8)(a), Florida Statutes, requires the District to consider the cumulative impacts upon surface water and wetlands within the same drainage basin. Thus, the cumulative impact analysis applies only when mitigation is proposed outside of the drainage basin within which the impacts

are to occur. Broward County v. Weiss et al., 2002 Fla. ENV LEXIS 298 at *29, DOAH Case No. 01-3373 (DOAH Aug. 27, 2002, SFWMD Nov. 14, 2002).

93. In this case, all of the proposed mitigation associated with the 2006 Permit modifications is located within the West Collier Basin. The evidence shows that the mitigation will offset the impacts to wetlands proposed in the 2006 Permit. Therefore, since the mitigation will be performed in the same Basin as the impacts and will offset the adverse impacts, the District must "consider the regulated activity to meet the cumulative impact requirements" of Section 373.414(8)(a), Florida Statutes.

94. A new cumulative impacts analysis based on removal of the Flow-Way is not necessary because the modification does not change the cumulative impacts analysis conducted in the 2002 Permit. Since the Flow-Way was not considered a wetland impact or contributing to the mitigation in the 2002 Permit, its removal does not affect the adequacy of the previously conducted cumulative impacts analysis or the mitigation. Accordingly, there is no need for a new cumulative impact analysis with regards to the Northern Preserve. Finally, contrary to Petitioners' assertion, there is no rule or BOR provision which requires Collier to mitigate for the alleged prior impacts of other projects.

b. Public Interest Test

95. In addition to complying with the above criteria, because the project is located in, on, or over wetlands or other surface waters, Collier must also address the criteria contained in the Public Interest Test in Florida Administrative Code Rule 40E-4.302(1) and Section 4.2.3 of the BOR by demonstrating that the project is not contrary to the public interest. See also § 373.414(1)(a), Fla. Stat. Since the project does not discharge into an OFW or significantly degrade an OFW, the higher standard of "clearly in the public interest" does not apply.

96. In determining compliance with the test, Florida Administrative Code Rule 40E-4.302(1)(a) requires that the District do so by "balancing the [seven] criteria [in the rule]." Findings with respect to each of the seven criteria are set out below. (Except for pointing out that the District does not have an adopted rule which provides more specific detail on how to perform the balancing test than is now found in paragraph (1)(a), and a contention that witness Bain's testimony was insufficient to explain how the staff balanced those factors, Petitioners did not present any evidence at hearing or argument in their Proposed Recommended Order in support of their contention that the above rule, BOR section, or the associated

statute have been applied by the District in an unconstitutional manner.)

(i) Whether the regulated activity will adversely affect the public health, safety, or welfare or the property of others (40E-4.302(1)(a)1.)

97. Collier provided reasonable assurances that the project will not cause any onsite or offsite flooding nor cause any adverse impacts to adjacent lands because the SWMS is designed in accordance with District criteria. Also, the post-development peak rate of discharge does not exceed the allowable discharge rate. Further, the project will not cause any environmental hazards affecting public health, safety, or welfare. The project is considered neutral as to this factor.

(ii) Whether the regulated activity will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats (40E-4.302(1)(a)2.)

98. For the direct wetland impacts under the 2006 Permit, Collier proposes mitigation which has not changed from the 2002 Permit. The mitigation proposed was previously determined to offset potential impacts to fish and wildlife and particularly wood stork habitats. The evidence indicates that the mitigation plan for the Northern Preserve will improve wood stork habitat from its current melaleuca infested condition. For the additional 40.18 acres of wetland impacts authorized in 2006, the mitigation is of greater long-term value. Thus, the project should be considered positive as to this factor.

(iii) Whether the regulated activity will adversely affect navigation or the flow of water or cause harmful erosion or shoaling (40E-4.302(1)(a)3.)

99. The parties have stipulated that the project will not adversely affect navigation. In addition, no evidence was introduced to suggest that the project's construction would result in harmful erosion or shoaling.

(iv) Whether the regulated activity will adversely affect the fishing or recreational values or marine productivity in the vicinity of the activity (40E-4.302(1)(a)4.)

100. The project does not provide any fishing, recreational values, or marine productivity. Therefore, the project is neutral as to this factor.

(v) Whether the regulated activity will be of a temporary or permanent nature (40E-4.302(1)(a)5.)

101. It is undisputed that the project is permanent in nature. Even though the project is permanent, it is considered neutral as to this factor because mitigation will offset the permanent wetland impacts.

(vi) Whether the regulated activity will adversely affect or will enhance significant historical and archaeological resources under the provisions of Section 267.061, F.S. (40E-4.302(1)(a)6.)

102. The parties have stipulated that no significant archeological or historical resources have been identified on this site. Therefore, the project is considered neutral as to this factor.

(vii) The current condition and relative value of functions being performed by areas affected by the proposed regulated activity (40E-4.302(1)(a)7.)

103. The current condition and relative value of functions being performed by the areas affected by the project is low due to the melaleuca infestation. Project mitigation will restore 940 acres of poor quality wetlands and uplands, greatly enhancing their function and value. Therefore, the project should be considered positive as to this factor because the implementation of the mitigation offsets the wetland impacts and improves the current value.

(viii) Summary of Public Interest Factors

104. Overall, the project is no worse than neutral measured against any one of the criteria individually. Therefore, the project is not contrary to the public interest.

CONCLUSIONS OF LAW

105. The Division of Administrative Hearings has jurisdiction over this matter pursuant to Sections 120.569 and 120.57(1), Florida Statutes.

106. The burden of proof is on the party asserting the affirmative of an issue before an administrative tribunal. Balino v. Department of Health & Rehabilitative Servs., 348 So. 2d 349, 350 (Fla. 1st DCA 1977). Therefore, Collier has the burden of proving by a preponderance of the evidence that it is entitled to the proposed modification of its 2002 Permit.

107. By stipulation of the parties, Petitioners have standing to file their Amended Petition.

108. District rules and statutory provisions require that an applicant give reasonable assurance that the conditions for the issuance of a permit have been met. §§ 373.413 and 373.414, Fla. Stat.; Fla. Admin. Code R. 40E-4.301 and 40E-4.302. Reasonable assurance contemplates a substantial likelihood that the project will be successfully implemented. Metropolitan Dade County v. Coscan Florida, Inc. et al., 609 So. 2d 644, 648 (Fla. 3d DCA 1992). However, this does not require an absolute guarantee of compliance with environmental standards. See, e.g., Save Our Suwannee, Inc. v. Department of Environmental Protection et al., 1996 Fla. ENV LEXIS 37 at *17-18, DOAH Case Nos. 95-3899 and 95-3900 (DOAH Dec. 22, 1995, DEP Feb. 5, 1996). Indeed, "[a] party seeking a regulatory permit from DEP or a water management district is not required to disprove all 'possibilities,' 'theoretical impacts,' or 'worst case scenarios' by a permit challenger in order to be entitled to a permit." Charlotte County et al. v. IMC-Phosphates Company et al., 2003 Fla. ENV LEXIS 169 at *46, DOAH Case No. 02-4134 (DOAH Aug. 1, 2003, DEP Sept. 15, 2003).

109. By a preponderance of the evidence, Collier has established its entitlement to the requested modification. While there is conflicting evidence regarding many of the

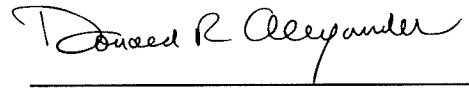
findings which support this conclusion, the more credible and persuasive evidence has been accepted in favor of the applicant. Therefore, the application to modify the 2002 Permit should be approved.

RECOMMENDATION

Based on the foregoing Findings of Fact and Conclusions of Law, it is

RECOMMENDED that the South Florida Water Management District enter a final order granting the application of I. M. Collier, J.V. for a modification to Environmental Resource Permit No. 11-02031P.

DONE AND ENTERED this 24th day of July, 2007, in Tallahassee, Leon County, Florida.



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Filed with the Clerk of the
Division of Administrative Hearings
this 24th day of July, 2007.

ENDNOTE

1/ All references are to the 2006 version of the Florida Statutes.

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NOTICE OF RIGHT TO FILE EXCEPTIONS

All parties have the right to submit written exceptions within 15 days of the date of this Recommended Order. Any exceptions to this Recommended Order should be filed with the agency that will render a final order in this matter.

Steven Devito

From: Ron Miller <ronmiller052645@gmail.com>
Sent: Tuesday, April 23, 2019 10:54 AM
To: Jim Ward
Subject: Preserves
Attachments: USCOURTS-flsd-2_08-cv-14115-0.pdf; ACOE Permit (SAJ-2000-01926(IP-HWB)).pdf; mirasol-development-amendment-five.pdf

More follow up. It's amazing what you can find on the internet. I have found more, rather succinct, info that the preserves will be turned over to CREW or other Agency, and there will be a funding requirement for perpetual maintenance. I am now at a high level of certainty, but will still not draw that certainty until we have Counsel's written opinion. Hope Counsel is not conflicted, this looks ominous for Taylor Morrison.

My concerns are twofold, ownership of the preserves and the funding. The community should be aware if ownership is only transitional. The CDD must not become liable for any funding requirement. All the documentation puts that liability on IM Collier, Mirasol, Taylor Morrison, etc. The CDD has no involvement and we must make that clear.

Please put this on the May Board agenda. "Preserve ownership follow up".

Attaching documentation.

US District Court, 10/23/2009. See page 45, turn over to CREW with a fund. See page 56, this case is closed.

Corps of Engineers 12/7/2012 permit, to IM Collier Joint Venture, based upon Taylor Morrison revised development plan pf 1,121 units and one golf course. See pages 1 and 2. See page 4, conservation easement special condition of permit. See page 8, are to be donated to CREW. See page 11, transfer to CREW under conditions of attached Biological Opinion with maintenance fund. See page 8 of that report prepared by Tim Hall, donate to CREW with non-wasting escrow fund. Also see page 12 of that report - owner developer responsibility in perpetuity. May be turned over to the CDD once the project is "turned over". This has not occured, the preserves should go back to Taylor Morrison. Preserve may entail CDD ownership prior to CREW transfer. After restoration, transfer to CREW with escrow funds. We must not let Taylor Morrison transfer their funding obligation to the CDD. By the way, Tim Hall advised the annual maintenance is $109,000. A non wasting escrow fund based upon 30 year treasury bonds is $4,225,000.

September 18, 2012 US Department of the Interior Permit. See page 5, Donated to CREW within 6 months of Agency sign off with non wasting escrow fund.

In summary, the evidence seems overwhelming that neither Taylor Morrison or the CDD will be the ultimate owner of the preserves and a fund will be required. I certainly hope that Taylor Morrison does not have the authority to transfer their obligation to the CDD. I am not an attorney, but all of these applications and permits were with Taylor Morrison, not the CDD.

This will create tension within the CDD Board. All Board members must act in the best interests of the CDD.

United States Department of the Interior

FISH AND WILDLIFE SERVICE
South Florida Ecological Services Office
1339 20th Street
Vero Beach, Florida 32960

September 18, 2012

Alan M. Dodd, Colonel
U.S. Army Corps of Engineers
Fort Myers Regulatory Office
1520 Royal Palm Square Boulevard, Suite 310
Fort Myers, Florida 33919

Service Federal Activity Code: 41420-2006-FA-1500
Service Consultation Code: 41420-2006-F-0674-R002
Corps Application No.: SAJ-2000-01926 (IP-HWB)–Mod 1
Date Received: April 23, 2012
Applicant: I.M. Collier Joint Venture
Project: Mirasol Development
County: Collier

Dear Colonel Dodd:

The U.S. Fish and Wildlife Service (Service) has reviewed the U.S. Army Corps of Engineers' (Corps) request to reinitiate consultation dated April 23, 2012, for the permit modification listed above. This letter is submitted in accordance with section 7 of the Endangered Species Act of 1973, as amended (Act) (87 Stat. 884; 16 U.S.C. 1531 *et seq.*) and the provisions of the Fish and Wildlife Coordination Act (FWCA) of 1958, as amended (48 Stat. 401; 16 U.S.C. 661 *et seq.*).

Corps Permit No. SAJ-2000-01926 (IP-HWB) was issued on July 28, 2011, and authorized the discharge of dredge or fill material to waters of the United States. On February 8, 2012, the Service received correspondence from the applicant that the project was being modified with the addition of 322 residential units and the addition of 85 acres of onsite preserve (total project acreage increased from 1,713.45 acres to 1,798.35 acres). Additional information was provided to the Service on March 15, 2012, and the Corps requested reinitiation of consultation on April 23, 2012. The project site is located north of Immokalee Road and east of Interstate 75 in Sections 10, 11, 15, and 22; Township 48 South; Range 26 East; in Collier County, Florida (Figure 1).

Consultation History

The consultation history for the Mirasol Development spans a 12-year period and is detailed in Service Biological Opinions dated February 21, 2003; March 9, 2005; March 1, 2007; May 3, 2007; April 22, 2011; and June 3, 2011. Therefore, the consultation history referenced in this reinitiation request is specific to the project as permitted by the Corps on July 28, 2011, including the Service's consultation for the permitted project. Additional detail is reviewable in any of the referenced Biological Opinions.

On May 11, 2010, the Corps, requested consultation with the Service and provided determinations of "may affect" for the endangered Florida panther (*Puma concolor coryi*) and the endangered wood stork (*Mycteria americana*) and "may affect, not likely to adversely affect" (MANLAA) for the endangered red-cockaded woodpecker (RCW; *Picoides borealis*) and the threatened eastern indigo snake (*Drymarchon corais couperi*). The project proposed impacts to 773 acres (645 acres of wetlands) and the preservation of 941 acres (831 acres of wetlands) onsite (total acreage is 1,713.45 acres). The applicant also proposed the acquisition of 27.68 wetland credits on 82 acres at Panther Island Mitigation Bank (PIMB) and the acquisition of the equivalent of 2,330 panther habitat units (PHUs), which is approximately 291 acres in the panther Primary Zone.

On April 22, 2011, the Service provided a Biological Opinion (Service Log No. 41420-2006-F-0674) concluding that the proposed project was not likely to jeopardize the survival and recovery of the Florida panther and wood stork and concurred with MANLAA determinations for the RCW and eastern indigo snake. The April 22, 2011, Biological Opinion was revised on June 3, 2011, clarifying several consultation history dates and a discrepancy in the onsite compensation acreage.

On July 28, 2011, the Corps issued permit SAJ-2000-01926 (IP-HWB) to I.M. Collier Joint Venture for the project known as "Mirasol." The permitted site plan included 799 residential units, a 36-hole golf course, a clubhouse, lakes, an entrance road, and onsite preserves. The project area was about 1,713.45 acres and included 772.98 acres of development, 36.86 acres of preserves and buffers internal to the development and not accessible to the Florida panther (total panther impact 809.84 acres), and 903.66 acres of additional preserves and buffers onsite, external to the development and available to the Florida panther. In addition to the above compensation, the permit requires the applicant to purchase and protect about 291.10 acres (the equivalent of 2,330 PHUs) within the panther Primary Zone, and to purchase 27.68 wetland credits (about 82.21 acres representing 709 PHUs) from PIMB. The total compensation proposal, including both onsite and offsite properties, provided protection and restoration of about 1,276.97 acres of panther habitat in areas surrounded by previously restored and protected panther habitat (903.66 acres onsite, 82.21 acres in PIMB, and 291.10 acres in the Primary Zone).

On February 8, 2012, the applicant met with the Service and provided information on proposed revisions to the permitted project. During applicant discussions with various Conservation Organizations, additional wood stork foraging improvements were agreed upon. Two upland mesic pine areas will be scraped down and contoured to provide depression areas, which will concentrate forage fish as water levels recede. The current proposal for modification entails the following:

- Approximately 85 acres are being added into the project boundary as additional preserve (project boundary change from 1,713.45 acres to 1,798.35 acres).
- The maximum number of residential units will increase from 799 to 1,121.
- 18 holes of golf are being eliminated.
- The pass-through system of lakes currently permitted is being modified to an open channel that will run along the western development boundary.
- The development (impact) footprint is being reduced from 809.84 to 709.76 acres.

- Wetland impacts associated with the project are being reduced from 645.35 acres to 561.87 acres.
- Wetland creation will occur on the southern uplands that were previously in the development footprint but are now within the new preserve area.
- Removal of the berm around the farm field and creation of depressions within the existing farm field and adjacent upland areas will be undertaken to create improved wood stork foraging opportunities.

During the February 8, 2012, meeting, the applicant provided current site information that supports the Corps' original determination that the project "may affect" the Florida panther and wood stork and MANLAA the eastern indigo snake and RCW. Due to the amount of changes proposed by the applicant, the Service requested a reevaluation of the pre- and post-project panther PHU calculations, and pre- and post-project wood stork foraging biomass calculations. The Service also requested updated data on the Florida panther population and panther/vehicle mortality within a 5-mile radius, as well as an updated traffic pattern model projection for the proposed additional residential units. Details were requested on the proposed wetlands to be created in the southwestern portion of the project site.

On February 23, 2012, the Service received an updated figure of the traffic pattern model projections from Turrell, Hall & Associates, Inc. (THA).

On March 26, 2012, the Service received correspondence from the Collier County Audubon Society and Florida Wildlife Federation, providing supporting reviews of the proposed permit modification.

On April 30, 2012, the Service received the updated traffic pattern model projections from JMB Transportation Engineering, Inc. (JMBT).

On July 13, 2012, additional data was received from THA. Data provided by THA (2012) included updated Panther PHU and wood stork biomass calculations, and site drawings showing proposed contours for the proposed wetlands to be created in the southwestern portion of the project site. The data also included information on overall changes in the status of the Florida panther within and around the project site.

On August 10, 2012, the Service received additional details on the pass-through flow-way and offsite regional drainage effects.

On August 14, 2012, the Service received correspondence from Collier County Audubon Society providing supporting reviews of the revised flow-way design.

BIOLOGICAL OPINION REINITIATION

On April 23, 2012, the Corps requested reinitiation with the Service for Formal consultation on the Florida panther and wood stork and provided determinations of MANLAA for the eastern indigo snake and RCW.

Eastern Indigo Snake

The Corps' determination for the eastern indigo snake is supported through the Corps' application of the Service's Eastern Indigo Snake Programmatic Determination Key (2012) (A→B→C→D→E→MANLAA) and the Corps commitment to include the Service's (2004) *Standard Protection Measures for the Eastern Indigo Snake* as a permit condition.

Red-cockaded Woodpecker

The Corps' determination for the RCW is also appropriate. The Service provided a concurrence determination of MANLAA as a component of the June 3, 2011, Biological Opinion. Although the surveys were conducted in 2010 and several nesting and foraging seasons have passed, habitat conditions that were present on the project site that adversely affect RCW foraging and nesting suitability (mid-story vegetation density and dominance by exotic species) continues to adversely affect habitat suitability for the RCW. The restoration component proposed for the onsite preserve, (*i.e.*, the removal of the exotic vegetation and the implementation of the management plan) is expected to provide improved foraging and nesting habitat for the RCW. In addition, although not a project requirement, the applicant has expressed interest in reintroduction of RCWs into the onsite preserve. This could include translocation of donor birds from a recipient site or installation of artificial nest cavity boxes and/or pre-drilling suitable pines as surrogate nest sites to allow for passive RCW migration from adjacent colonies. The Service is supportive of efforts to reintroduce the RCW into the onsite preserve and welcomes the opportunity to further assist the applicant in this effort.

Florida Panther

In order to assess if adverse effects will occur to the Florida panther in a manner or extent not previously considered in the Service's June 3, 2011, Biological Opinion, we requested additional traffic data on the proposed increase in residential units from 799 units to 1,121 units, and updated information on overall changes in the status of the Florida panther within and around the project site. Data was specifically requested on population and mortality data within a 5-mile radius of the project and an assessment of PHUs pre- and post-development.

The PHU assessment was modified for the project as currently proposed. According to the modified PHU assessment (THA 2012), the revised project will impact 709.77 acres (Figure 2), result in a loss of about 3,493.21 PHUs, and provide a recommended compensation of 8,733.88 PHUs. The onsite mitigation area (Figure 3), which includes about 1,088.56 acres of preserves, following restoration, will generate 7,936.30 PHUs. The applicant proposes to purchase an additional 797.58 PHUs from the Panther Passage Conservation Bank (Bank) to comply with the recommended compensation. The PHU acquisition from the Bank represents an equivalent of 33.22 acres (24.01 PHUs/acre) of habitat preservation. The applicant will provide a certificate of purchase from the Bank to the Service within 90 days of permit issuance and/or prior to any onsite land clearing; whichever is earliest. Total preserves, including the offsite compensation, are 1,121.78 acres.

The onsite preserve for the Mirasol project will be placed under a conservation easement granted to the South Florida Water Management District (District), with enforcement rights granted to the Service and Corps. Once the exotic vegetation has been removed and the native vegetation

restored, the preserve lands outside of the development footprint (about 1,089 ac) are to be maintained by the applicant or the homeowner's association until they can be donated to the CREW Trust, or another appropriate public entity capable of providing such services, and approved by the Service. The land transfer to the public management entity is to be completed within 6 months of final agency sign-off on the mitigation activities referenced in the Corps/District permit applications.

In addition to the donation of the property to an appropriate entity, a non-wasting escrow fund for the perpetual maintenance and monitoring of the preserve shall be established. The amount of the endowment will be determined at the time the preserve is transferred to the public management entity, and will be based on the perpetual management, maintenance and monitoring needs as determined and approved through coordinated discussions with the land recipient and the Service at the time of the proposed transfer. The amount of the endowment funds and the entity to receive the funds must be determined prior to the final agency sign-off on the mitigation activities referenced in the Corps/South Florida Water Management District permit applications. The monies generated from the non-wasting endowment fund will be sufficient to fund all land management costs including: site fencing and fire break maintenance, taxes, liability insurance (if necessary), site management and maintenance, monitoring reports, escrow holder handling fee, and a 10 percent contingency. A capitalization rate will be determined in coordination with, and approved by, the Service at the time the property is turned over to insure that the endowment fund is non-wasting.

To assist the Service in further assessing indirect affects to the Florida panther (*i.e.*, those affects not directly tied to habitat loss), the Service reviewed the additional traffic data provided on the proposed increase in residential units from 799 units to 1,121 units, and updated information on overall changes in the status of the Florida panther within and around the project site.

The revised traffic report compared the traffic model for the site plan reflected in the Corps' permit (*i.e.*, 799 residential units with 36 holes of golf) and the current traffic model for the revised site plan (*i.e.*, 1,121 residential units and one 18-hole golf course). The April 30, 2012, traffic report prepared by JMBT (2012) noted the original traffic profile would result in 5,433 average weekday trip-ends. The revised development proposal is expected to generate a traffic profile of 8,051 average weekday trip-ends, which is an increase of 2,608 weekday trip-ends over the permitted project. The report suggests 4 percent of this increase will travel east or west on Immokalee Road east of CR 951, with the remainder travelling north or south on Collier Boulevard (CR 951) or east and west on Immokalee Road west of the project site. The new project trips will constitute about 0.3 percent increase of the total traffic load on Immokalee Road and a 1.1 percent increase on Collier Boulevard. We believe the minimal increases in traffic on Immokalee Road and Collier Boulevard are insignificant in terms of the overall traffic already present on these roadways, and will have no additional adverse impacts to any protected species above and beyond those assessed in the June 3, 2011, Biological Opinion.

Another component of the Service's assessment of indirect effects to the Florida panther is consideration of a project's proposed actions to minimize traffic effects and reduce vehicle-caused panther mortalities in the adjacent Florida panther core lands. Such actions can include both

installation of fencing and/or wildlife underpasses in traffic/panther mortality hot-spots and development density reduction programs that allow for the transfer of development densities (transfer of development rights - TDR) from lands in the panther core lands to lands proposed for development in more urban settings. One such program in Collier County is the Rural Lands Assessment (RLA), which was adopted in 2002. This program established Rural Lands Stewardship Areas and Rural Fringe Mixed Use Overlay Districts. Within these designations, undeveloped lands not designated as conservation or in public ownership could be designated as either Sending Lands or Receiving Lands. Sending Lands have the highest degree of environmental value and sensitivity, with significant wetlands, uplands, and habitat for listed species. Sending Lands are principal targets for acquisition, preservation, and conservation. Receiving Lands have a significantly lesser degree of environmental or listed species habitat value and have been determined to be most appropriate for development. A third classification, Neutral Lands, falls in the middle in terms of value between Receiving Lands and Sending Lands; Neutral Lands generally retain the development rights that existed when the Rural Assessment was undertaken.

The proposed Mirasol Development crosses three different zoning districts. Section 22 is in the Urban Residential Subdistrict with a base density of 4 units per acre and is outside of the boundaries of the RLA program. Sections 10 and 15 are in the RLA program and are designated as Rural Fringe Mixed Use "Neutral" Lands with a base density of 1 unit per 5 acres. Section 11 is also in the RLA program and is designated as Rural Fringe Mixed Use "Sending" Lands with a base density of 1 unit per 5 acres and bonuses associated with the TDR program.

The County Planned Unit Development zoning defines the property boundary as the lands within Sections 22, 10, and 15. Section 11 is accounted for as off-site lands and Section 11 is the only one associated with the TDRs. Density calculations for the original project include 425.76 acres in Section 22 or 1,703 units (425.76*4=1,703) and 1,212.79 acres within Sections 10 and 15 or 242.6 units (1,212.79/5=242.6) for a total maximum density of 1,945.6 residential units (1,703+242.6=1,945.6). The applicant previously committed to only construct 799 units. The additional 322 units now being requested are generated from the 80 additional acres being added to the preserve from Section 22 (80*4 = 320) and 10 additional acres being added from Section 15 (10/5=2). The density request for this project is now the 799 originally permitted plus the extra 322, for a total of 1,121 units.

Because Section 11 is designated as Sending Lands, the density from these 159.79 acres can only be transferred to Receiving Lands through the TDR program. Since there are no Receiving Lands associated with the Mirasol project, the TDR credits from Section 11 have to be severed and held (banked) until such time as they may be transferred to a project in the Receiving Lands area. The Section 11 Sending Lands are eligible for Base Density Credits (1 TDR credit per 5 acres or 31.95 credits) plus Early Entry Bonus (1 bonus credit per TDR credit, or 31.95 credits) plus Restoration & Maintenance Bonus (also 1 bonus credit per TDR credit) plus Conveyance Bonus (also 1 bonus credit per TDR credit). Therefore, the total number of TDRs that have been banked and eligible for density development credit for a future project in the Rural Fringe Mixed Use Overlay Districts is 127.8 TDRs Although the Service generally does not support transferring development rights from lands that are being protected for conservation by one project to another future project, the Service understands the use of the TDRs in this instance and is supportive of

Collier County's Rural Lands Assessment and Density Reduction program. However, should a future project using the 127.8 TDRs result in impacts to listed species, compensation for those impacts will be required in a manner consistent with the then-current science. Since the Section 11 lands are part of the Mirasol project, they will not be considered compensation to offset future impacts to listed species from use of the TDRs.

The Service, during the February 8, 2012, meeting, also requested information regarding overall changes in the status of the Florida panther within and around the project site. Specifically, we requested panther population and mortality data within a 5-mile radius around the project to determine if the population and mortalities increased or decreased in this area from when the project was reviewed and permitted in 2011(Service Biological Opinion: June, 3, 2011) compared to the species current status in 2012 (July 30, 2012). No new telemetry data since the previous Biological Opinion is available to the Service. However FP186 (male) was reported as alive in the previous Biological Opinion and died from intraspecific aggression on June 20, 2011, 6.1 miles northeast of the project. Historically, eight radio-collared male and female panthers were recorded on 53 occasions based on telemetry data from February 1981 through May 13, 2011. In our 2011 Biological Opinion, the closest and most-recent occurrence of a live, radio-collared panther was FP186, recorded on May 13, 2011, 4.50 miles northeast of the project. Since FP186 is now dead, the most recent occurrence of a live, radio-collared panther is FP159, recorded on April 28, 2008, 3.7 miles northeast of the project. In addition, an un-collared male panther was reported on July 18, 2012, adjacent to the southwest border of the site on Rose Boulevard. The Service believes the project site, as determined in the previous Biological Opinion, may occasionally be used by collared and other non-collared panthers because it contains habitat types used by panthers and their prey, and the project vicinity has been used historically by panthers as indicated by telemetry locations. Therefore, the Service believes the conclusions provided in the June 3, 2011, Biological Opinion are applicable to the project as modified and concludes the revised project will have no additional adverse impacts to the Florida panther greater than those previously addressed by the Service.

Wood Stork

In order to assess if adverse effects will occur to the wood stork in a manner or extent not previously considered in the Service's June 3, 2011, Biological Opinion, we requested additional data on wood stork foraging biomass and changes in wetland impacts. The project as originally permitted proposed impact to 645.35 acres and a loss of 190.06 kilograms (kg) of foraging biomass. The permitted project proposed the protection and restoration of 831.35 acres of onsite preserve with a biomass gain following restoration of 2,181.87 kg. The net change following project development would be an increase of 1,991.81 kg (2,181.87-190.06=1,991.81 kg).

The revised project proposes impacts to 561.87 acres and a loss of 160.87 kg of foraging biomass. The revised project also proposes the protection and restoration of 949.56 acres and the creation of 14.55 acres, totaling 964.11 acres, with a biomass gain following restoration and creation of 1,441.24 kg. The net change following project development will be an increase of 1,280.37 kg (1,441.24 -160.87=1,280.37 kg).

The previously permitted project included an internal conveyance flow-way that consisted of a series of lakes, swales, and pipes. The conveyance ran from an intake weir at the northern development boundary, through the project development area, and eventually outfalling into the Cocohatchee Canal at the southern development boundary. This conveyance system covered approximately 38.4 acres and was designed to ensure that water levels outside of the project development footprint were not elevated during the wet season over the existing pre-development levels.

The current proposal still includes an internal conveyance flow-way, but it has been re-designed as an open swale instead of a series of connected lakes, and it has been relocated to run along the western property boundary instead of through the center of the development (Figure 4). The conveyance will still originate at the intake weir at the northern development boundary and outfall into the Cocohatchee Canal at the southern development boundary. The currently proposed conveyance will cover approximately 25.1 acres and will ensure that water levels outside of the project development footprint are not elevated over the existing pre-development levels. The Service has reviewed the data provided and concludes the revised project does not propose adverse effects to the wood stork in a manner or extent not previously considered in the Service's June 3, 2011, Biological Opinion.

In summary, the Service concurs with the Corps' determinations of "may affect, but not likely to adversely affect" for the eastern indigo snake and RCW. The Service has reviewed the information and determinations in the June 3, 2011, Biological Opinion and concludes that the effects to the Florida panther and wood stork resulting from the proposed project modifications do not exceed those effects evaluated in a manner or extent not previously considered. All reasonable and prudent measures and terms and conditions referenced in the June 3, 2011, Biological Opinion are also applicable to this consultation. This concludes Formal consultation for the Florida panther and wood stork.

REINITIATION NOTICE

As provided in 50 CFR § 402.16, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been retained (or is authorized by law) and if: (1) the amount or extent of incidental take is exceeded; (2) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat not considered in this opinion; (3) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion; or (4) a new species is listed or critical habitat designated that may be affected by the action. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease pending reinitiation.

Thank you for your cooperation in the effort to protect fish and wildlife resources. If you have any questions regarding this project, please contact Allen Webb at 772-469-4246.

Sincerely yours,

Craig A. Grey

for Larry Williams
Field Supervisor
South Florida Ecological Services Office

cc: electronic only
Corps, Fort Myers, Florida (Monika Dey)
EPA, West Palm Beach, Florida (Ron Meidema)
FWC, Naples, Florida (Darrell Land)
FWC, Tallahassee, Florida (FWC-CPS, Kipp Frohlich)
Service, Atlanta, Georgia (Ken Graham)
Service, Florida Panther NWR, Naples, Florida (Kevin Godsea)

LITERATURE CITED

JMB Transporation Engineering, Inc. 2012. Traffic impact statement for Mirasol PUD Amendment. Revised April 30, 2012. Naples Florida.

Turrell, Hall & Associates, Inc. 2012. Biological assessment updating Florida panther mortality data, panther habitat units, wood stork biomass data, created wetland couture data, and vehicle traffic projections for the Mirasol Development. Naples, Florida.

U.S. Fish and Wildlife Service. 2004. Standard protection measures for the eastern indigo snake. South Florida Ecological Services Office; Vero Beach, Florida.

U.S. Fish and Wildlife Service. 2011. Biological opinion, Mirasol Golf Club, Collier County, Florida. South Florida Ecological Services Office; Vero Beach, Florida.

U.S. Fish and Wildlife Service. 2012. Eastern Indigo Programmatic Effect Determination Key. South Florida Ecological Services Office; Vero Beach, Florida.

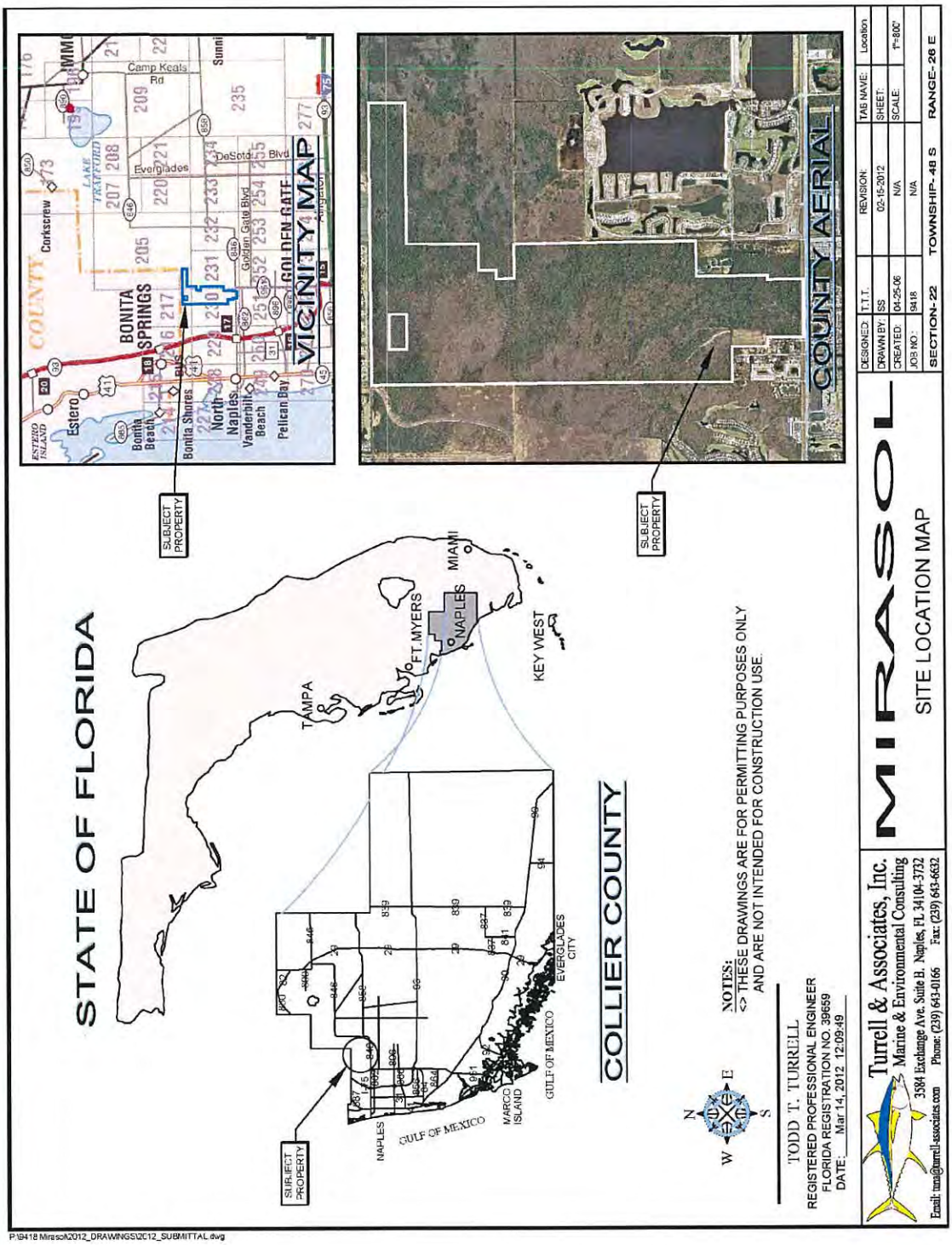

Figure 1. Regional Aerial

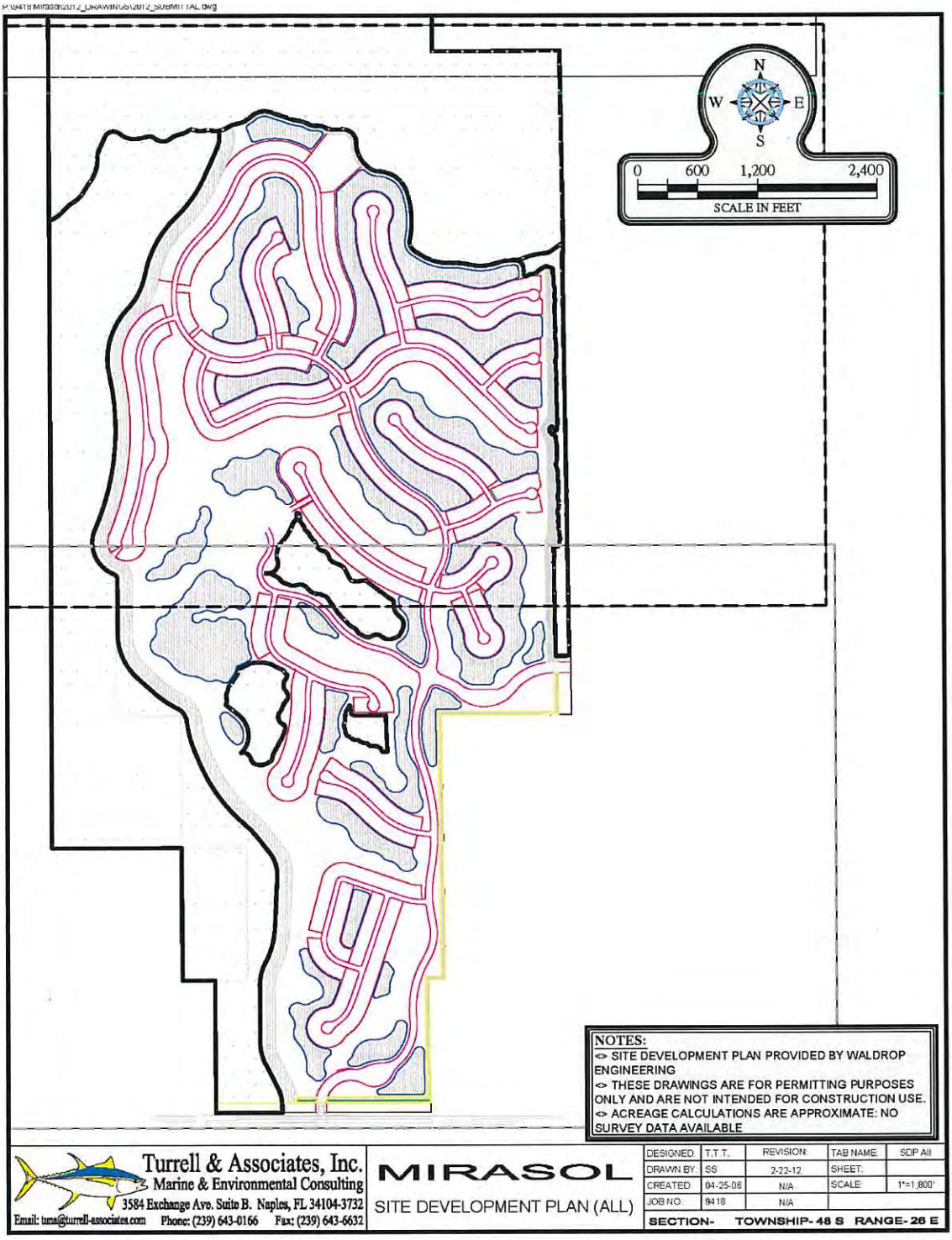

Figure 2. 2012 - Site Plan Development Footprint

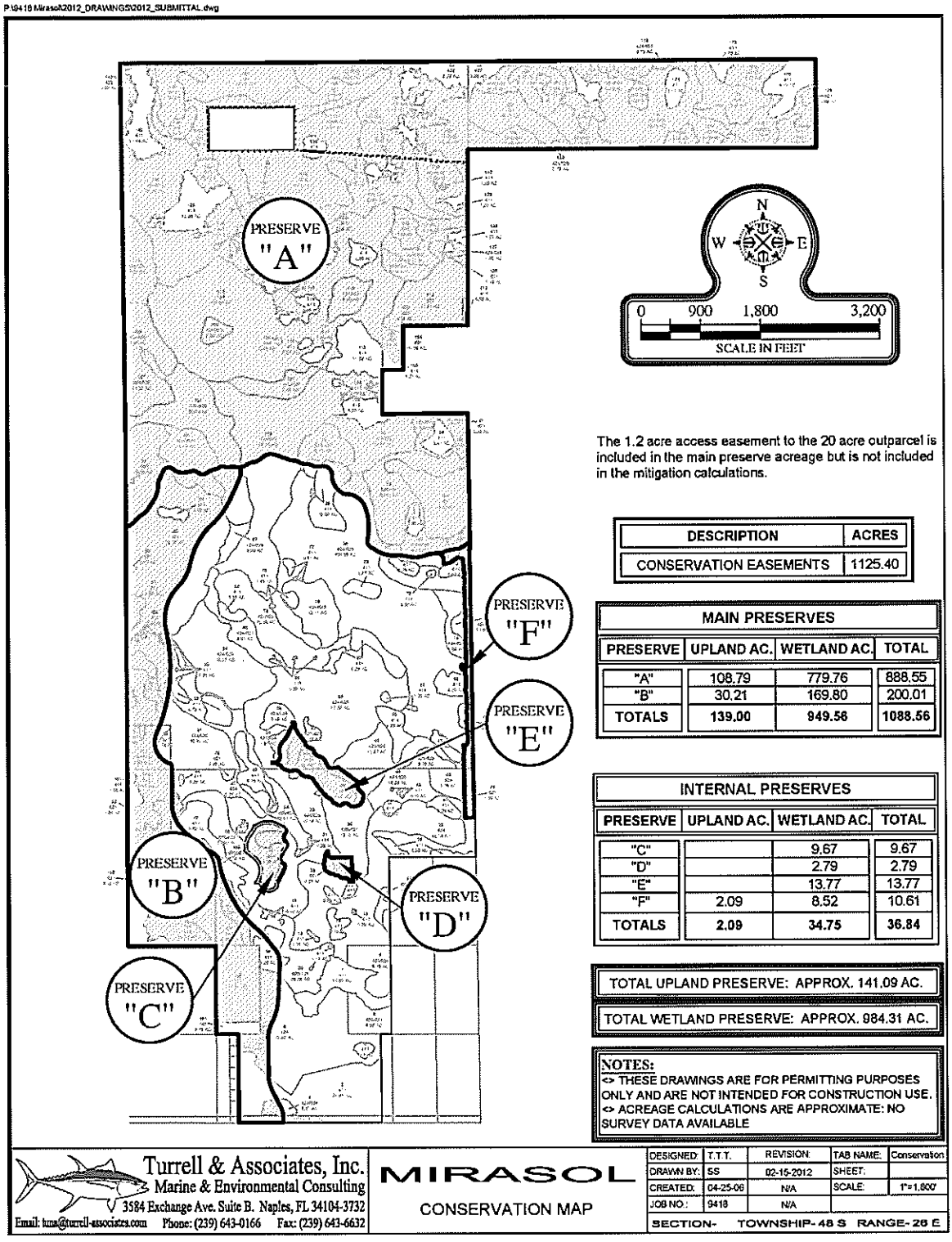

Figure 3. 2012 - Site Plan Preserves

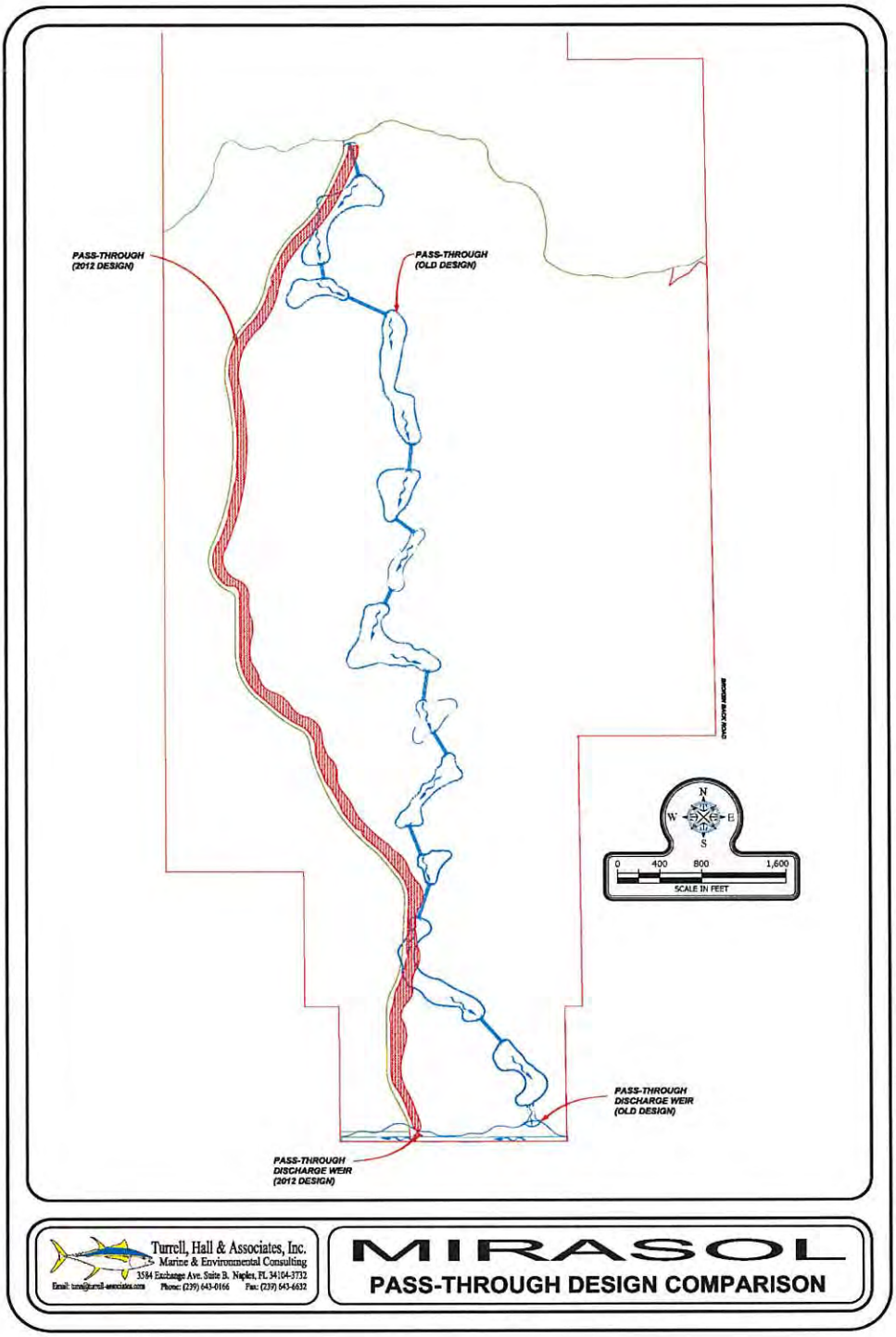

Figure 4. 2012 – Pass-Through Flow way Design

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

REPLY TO
ATTENTION OF

December 7, 2012

Fort Myers Section
SAJ-2000-01926(IP-HWB)
Modification-1 to 28 July 2011 Permit

Mr. Don Milarcik
IM Collier Joint Venture
6080 Cypress Hollow Way
Naples, Florida 34109

Dear Mr. Milarcik:

The U.S. Army Corps of Engineers has completed the review and evaluation of your modification request received March 16, 2012 in which you asked to revise the plans authorized by Department of the Army permit number SAJ-2000-01926, for construction of a golf/residential development to be known as "Mirasol", dated July 28, 2011. The 1,798-acre project is located north of Immokalee Road and east of I-75 in Sections 10, 11, 15 and 22, Township 48 South, Range 26 East, Collier County, Florida.

The proposed modification has added approximately ±84 acres to the project on the approximately 80 acres on the west and 4.92 acres on the east boundary allowing an increase in the development density from 799 units to 1,121 (322 additional units). The modification includes removing eighteen (18) holes of golf, reducing the size of lots/type of residential units condensing the development footprint to the south/west providing wider preserve connections with adjacent properties which reduced wetland impacts and increased the area of wetlands/uplands enhanced and preserved. The modification must be completed in accordance with the ***22*** enclosed construction drawings, eight attachments and the sixteen special conditions (which replace the nineteen special conditions of the 28 July 2011 permit), which are incorporated in, and made a part of the permit.

The project description is revised

From: Authorization for the construction of a residential development, a thirty-six (36) hole golf course and storm water management system on a 1713.45-acre site for the project known as "Mirasol". The project will require the discharge approximately 2,100,000 cubic yards of fill material into 518.67 acres of wetlands and the excavation of approximately 1,800,000 cubic yards of fill material from 126.68 acres of wetlands. The project also includes contouring the north bank of the Cocohatchee Canal. All work is to be completed in accordance with the attached plans numbered SAJ-2000-1926 (IP-HWB), 24 pages dated 12 December 2006.

To: Authorization for the construction of a residential development, an eighteen (18) hole golf course and storm water management system on a 1,798-acre site for the project known as "Mirasol". 2,560,000 cy of fill into 426.35 acres of wetlands and the excavation of approximately 2,450,000 cy of material from 135.32 acres of wetlands. The project also includes contouring the north bank of the Cocohatchee Canal and replacing the conveyance, chain of lakes internal to the project with a peripheral conveyance on the west boundary of the

project. All work is to be completed in accordance with the attached plans numbered SAJ-2000-01926 (IP-MJD), 22 pages dated 7 December 2012.

Special Conditions:

1. **Reporting Address:** 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, Enforcement Section, 1520 Royal Palm Square Blvd., Suite 310, Fort Myers, FL 33919. The Permittee shall reference this permit number, SAJ-2000-01926-(IP-MJD), on all submittals.

2. **Commencement Notification:** Within 10 days from the date of initiating the authorized work, the Permittee shall provide to the Corps a written notification of the date of commencement of work authorized by this permit.

3. **Erosion Control:** 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. 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 has been completed and the site has been stabilized.

4. **Compensatory Mitigation:** Within 12 months from the date of initiating the authorized work the Permittee shall complete the following mitigation objectives in accordance with the revised compensatory mitigation plans (Attachment C & D) as detailed on Drawings 12 through 19 of 22 of Attachment 1:

a. Onsite Mitigation

(1) Wetland Enhancement: Manually remove Category I and II invasive exotic plant species from 34.7 acres of wetlands and 2.1 acres of uplands in preserves (C-F) located within the development footprint. Only specific area depicted as "shaded" as shown on Exhibit 1 of Attachment C within Preserve Areas E & F are subject to mechanical removal if necessary. All other removal of nuisance and exotic vegetation will be accomplished by hand according to Attachment C (pages 1-10 of 10 (text), and accompanying tables, monitoring map.

(2) Areas of potential replanting (existing < 50% exotic vegetation) will be monitored for understory recruitment from native seedbed for one growing season prior to supplemental planting to facilitate a more diverse natural community type and natural distribution of groundcover species according to Attachment C (pages 1-10 of 10 (text).

(3) Areas requiring supplemental planting (mechanized clearing areas) to meet the minimum coverage rate for the appropriate wetland community type will be planted with species according to the tables found on page 7 & 8 of Attachment C.

b. Main Preserve Mitigation (Outside Project footprint)

(1) Wetland Enhancement: – Manually remove Category I and II invasive exotic plant species from 932.25 acres of wetlands and 122.93 acres of uplands in preserves designated as A & B. Approximately 245.08 acres of mechanical removal of exotics is authorized if necessary within Preserve A and B in areas with a prevalence (>75%) exotic vegetation. These areas are depicted as "shaded" on Exhibits 1, 5-7 of 7, Attachment D. Exotic vegetation will be removed from all other areas of the Main Preserve by hand removal methods.
(2) Wetland Enhancement – Wading Bird Habitat Enhancement: Enhance 17.31 acres of wet pasture (Preserve B polygon 190) to create wading bird habitat as shown on Exhibit 1 of Attachment D. These areas will be planted with appropriate wetland vegetation in Zones 1-4 according to the table on page 6 of 13 of Attachment D. The wading bird foraging areas planting density shall be appropriate for wood stork foraging rather than the 80% coverage specified in Special Condition 5(a) below.
(3) Wetland Creation: Convert 14.55 acres of uplands (portions of polygons 2, 3 & 10) to wetlands to create wood stork foraging habitat as shown on Exhibit 2 of Attachment D. These areas will be planted with appropriate wetland vegetation in Zones 1-4 according to the table on page 6 of 13 and Exhibit 7(a) of Attachment D. The wading bird foraging area planting density shall be appropriate for wood stork foraging rather than the 80% coverage specified in Special Condition 5(a) below.
(4) Areas where mechanized exotic removal (or selective trails used for exotic removal) will be restored to existing, natural wetland grade and all ruts removed to prevent abnormal hydrological flow through enhanced wetlands and facilitate natural sheet flow through preserve areas.
(5) Areas of mechanized clearing or selective trail construction in mechanized clearing areas will be immediately restored to surrounding wetland grade and replanted according to the planting tables included on pages 5 & 6 of Attachment D.
(6) Areas of replanting (existing < 50% exotic vegetation) will be monitored for understory recruitment from native seedbed for one growing season after removal of exotic vegetation prior to supplemental planting to facilitate a more diverse natural community type and natural distribution of groundcover species according to the tables on pages 4 & 6 in Attachment D (pages 1-13 of 13 (text).
(7) Approximately 1.2 acres of an access easement to a 20-acre outparcel in Preserve Area A will not be placed under a conservation easement and was not used for mitigation.

Mitigation Summary Table – Main Preserve Areas A & B

Preserve	Enhance Wetlands	Wading Bird Wetland Habitat enhancement	Convert uplands to Wetlands	Enhance Uplands	Preserve area Total
A	779.76			108.79	888.55
B	152.49	17.31	14.55	14.14	198.49
Total	932.25	17.31	14.55	122.93	1087.04

These onsite and offsite compensatory mitigation areas shall be preserved in perpetuity in accordance with the **Conservation Easement** Special Condition of this permit.

5. **Performance Standards:** To meet the objectives of the approved compensatory mitigation plan, the Permittee shall achieve the following performance standards:

a. At least 80 percent cover by appropriate wetland species (i.e., FAC or wetter). The created wading bird habitats (31.86 acres in Preserve B) shall be evaluated as appropriate coverage to provide short-hydroperiod foraging for wood storks.

b. Cover of Category I and II invasive exotic plant species, pursuant to the most current list established by the Florida Exotic Pest Plant Council at http://www.fleppc.org, and the nuisance species, dogfennel (Eupatorium capillifolium), Bermudagrass (Cynodon spp.), Bahiagrass (Paspalum notatum), and cattail (Typha spp.). shall total less than 5 percent with no more than 1 % in any one strata.

c. Less than 20 percent mortality of planted wetland species.

The Permittee shall achieve the above performance standards by the end of the 5-year monitoring period, with no maintenance during the 5th year of monitoring and must meet the success criteria for three consecutive years. In the event that the above performance standards have not been achieved, the Permittee shall undertake a remediation program approved by the Corps in accordance with the **Remediation** Special Condition of this permit.

6. **Monitoring and Reporting Timeframes:** To show compliance with the performance standards the Permittee shall complete the following:

a. Perform a time-zero monitoring event of the wetland mitigation area(s) within 60 days of completion of the compensatory mitigation objectives identified in the **Compensatory Mitigation** Special Condition of this permit.

b. Submit the time-zero report to the Corps within 60 days of completion of the monitoring event. The report will include at least one paragraph depicting baseline conditions of the mitigation site(s) prior to initiation of the compensatory mitigation objectives and a detailed plan view drawing of all created, enhanced and/or restored mitigation areas.

c. Subsequent to completion of the compensatory mitigation objectives, perform semi-annual monitoring of the wetland mitigation areas for the first 3 years and annual monitoring thereafter for a total of no less than 5 years of monitoring.

d. Submit annual monitoring reports to the Corps within 60 days of completion of the monitoring event. Semi-annual monitoring will be combined into one annual monitoring report.

e. Monitor the mitigation area(s) and submit annual monitoring reports to the Corps until released in accordance with the **Mitigation Release** Special Condition of this permit.

7. **Reporting Format:** Annual monitoring reports shall follow a 10-page maximum report format for assessing compensatory mitigation sites. The Permittee shall submit all documentation to the Corps on 8½-inch by 11-inch paper, and include the following:

a. Project Overview (1 Page):

(1) Department of the Army Permit Number

(2) Name and contact information of Permittee and consultant

(3) Name of party responsible for conducting the monitoring and the date(s) the inspection was conducted

(4) A brief paragraph describing the purpose of the approved project, acreage and type of aquatic resources impacted, and mitigation acreage and type of aquatic resources authorized to compensate for the aquatic impacts.

(5) Written description of the location, any identifiable landmarks of the compensatory mitigation project including information to locate the site perimeter(s), and coordinates of the mitigation site (expressed as latitude, longitudes, UTMs, state plane coordinate system, etc.).

(6) Dates compensatory mitigation commenced and/or was completed

(7) Short statement on whether the performance standards are being met

(8) Dates of any recent corrective or maintenance activities conducted since the previous report submission

(9) Specific recommendations for any additional corrective or remedial actions.

b. Requirements (1 page): List the monitoring requirements and performance standards, as specified in the approved mitigation plan and special conditions of this permit, and evaluate whether the compensatory mitigation project site is successfully achieving the approved performance standards or trending towards success. A table is a recommended option for comparing the performance standards to the conditions and status of the developing mitigation site.

c. Summary Data (maximum of 4 pages): Summary data should be provided to substantiate the success and/or potential challenges associated with the compensatory mitigation project. Photo documentation may be provided to support the findings and recommendations referenced in the monitoring report and to assist the PM in assessing whether the compensatory mitigation project is meeting applicable performance standards for that monitoring period. Submitted photos should be formatted to print on a standard 8 ½" x 11" piece of paper, dated, and clearly labeled with the direction from which the photo was taken. The photo location points should also be identified on the appropriate maps.

d. Maps and Plans (maximum of 3 pages): Maps shall be provided to show the location of the compensatory mitigation site relative to other landscape features, habitat types, locations of photographic reference points, transects, sampling data points, and/or other features pertinent to the mitigation plan. In addition, the submitted maps and plans should clearly delineate the mitigation site perimeter(s). Each map or diagram should be formatted to print on a standard 8 ½" x 11" piece of paper and include a legend and the location of any photos submitted for review. As-built plans may be included.

e. Conclusions (1 page): A general statement shall be included that describes the conditions of the compensatory mitigation project. If performance standards are not being met, a brief explanation of the difficulties and potential remedial actions proposed by the Permittee or sponsor, including a timetable, shall be provided. The District Commander will ultimately determine if the mitigation site is successful for a given monitoring period.

8. **Remediation:** If the compensatory mitigation fails to meet the performance standards 5 years after completion of the compensatory mitigation objectives, the compensatory mitigation will be deemed unsuccessful. Within 60 days of notification by the Corps that the compensatory mitigation is unsuccessful, the Permittee shall submit to the Corps an alternate compensatory mitigation proposal sufficient to create the functional lift required under this permit. The alternate compensatory mitigation proposal may be required to include additional mitigation to

compensate for the temporal loss of wetland function associated with the unsuccessful compensatory mitigation activities. The Corps reserves the right to fully evaluate, amend, and approve or reject the alternate compensatory mitigation proposal. Within 120 days of Corps approval, the Permittee will complete the alternate compensatory mitigation proposal.

9. **Mitigation Release:** The Permittee's responsibility to complete the required compensatory mitigation, as set forth in the **Compensatory Mitigation** Special Condition of this permit will not be considered fulfilled until mitigation success has been demonstrated and written verification has been provided by the Corps. A mitigation area which has been released will require no further monitoring or reporting by the Permittee; however the Permittee, Successors and subsequent Transferees remain perpetually responsible to ensure that the mitigation area(s) remain in a condition appropriate to offset the authorized impacts in accordance with General Condition 2 of this permit.

10. **As-Builts:** Within 60 days of completion of the authorized work (and ground disturbing mitigation construction) or at the expiration of the construction authorization of this permit, whichever occurs first, the Permittee shall submit as-built drawings of the authorized work and a completed As-Built Certification Form (Attachment E) to the Corps. The drawings shall be signed and sealed by a registered professional engineer and include the following:

a. A plan view drawing of the location of the authorized work footprint (as shown on the permit drawings) with an overlay of the work as constructed in the same scale as the attached permit drawings (8½-inch by 11-inch). The drawing should show all "earth disturbance," including wetland impacts, water management structures, and any on-site mitigation construction such as wood stork foraging creation areas.

b. List any deviations between the work authorized by this permit and the work as constructed. In the event that the completed work deviates, in any manner, from the authorized work, describe on the As-Built Certification Form the deviations between the work authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings any deviations that have been listed. Please note that the depiction and/or description of any deviations on the drawings and/or As-Built Certification Form does not constitute approval of any deviations by the U.S. Army Corps of Engineers.

c. The Department of the Army Permit number.

d. Include pre- and post-construction aerial photographs of the project site, if available.

11. **Notice of Permit:** The Permittee shall complete and record the Notice of Department of the Army Permit (Attachment F) with the Clerk of the Circuit Court, Registrar of Deeds or other appropriate official charged with the responsibility of maintaining records of title to or interest

in real property within the county of the authorized activity. Within 90 days from the effective date of this permit the Permittee shall provide a copy of the recorded Notice of Permit to the Corps clearly showing a stamp from the appropriate official indicating the book and page at which the Notice of Permit is recorded and the date of recording. The permittee shall record the original permit and this modification.

12. **Conservation Easement:** The Permittee shall have a legally sufficient conservation easement prepared to ensure to the Corps' satisfaction that the areas referenced in the **Compensatory Mitigation** Special Condition will remain in their natural state in perpetuity. The conservation easement will encompass approximately 984.31 acre(s) of wetlands, 14.55 acres of uplands converted to wetlands and 125.02 acre(s) of uplands for a total of approximately1123.88 acres placed under conservation easements. These natural preserve areas will not be disturbed by any dredging, filling, land clearing, agricultural activities, planting, or other construction work whatsoever except as required or authorized by this permit. The Permittee agrees that the only future utilization of the preserved areas in question will be as a purely natural area. The total preserve areas A-F are shown in the following table. Preserve Areas A & B are proposed to be donated to the adjacent CREW preserve or another conservation land management agency upon meeting performance criteria and receiving release from monitoring requirements from the Corps and the SFWMD.

Preserve Area	Acres Wetland	Acres Upland	Total Acres in Preserve Area	Donated to CREW	Maintained by HOA in perpetuity
A	779.76	108.79	888.55	Yes	No
B*	184.35	14.14	198.49	Yes	No
C	9.67		9.67	No	Yes
D	2.79		2.79	No	Yes
E	13.77		13.77	No	Yes
F	8.52	2.09	10.61	No	Yes
Totals	998.86	125.02	1123.88		

*Preserve B wetland acres includes 14.55 acres of uplands converted to wetlands.

To show compliance with this condition the Permittee shall complete the following:

a. Within 30 days from the date of initiating the authorized work submit to the Corps the draft conservation easement document with a legal description, survey, and scale drawings, of the area in question. The Corps, as a third party beneficiary, shall have the right to enforce the terms and conditions of the site protection instrument, including:

1. The right to take action to preserve and protect the environmental value of the Property;

2. The right to prevent any activity on or use of the Property that is inconsistent with the purpose of this Conservation Easement, and to require the restoration of areas or features of the Property that may be damaged by any inconsistent activity or use;

3. The right to enter upon and inspect the Property in a reasonable manner and at reasonable times to determine if Grantor or its successors and assigns are complying with the covenants and prohibitions contained in this Conservation Easement; and

4. The right to enforce this Conservation Easement by injunction or proceed at law or in equity to enforce the provisions of this Conservation Easement and the covenants set forth herein, to prevent the occurrence of any of the prohibited activities hereinafter set forth, and the right to require Grantor to restore such areas or features of the Property that may be damaged by any inconsistent activity or use. The Grantee and the Corps each will coordinate with the other prior to taking any enforcement action.

5. The Grantor, its successors or assigns shall provide the Corps at least 60 days advance notice in writing before any action is taken to modify, amend, release, or revoke this instrument.

b. Within 30 days of Corps' approval of the draft conservation easement, record the easement in the public records of Collier County, Florida. A certified copy of the recorded document, plat, and verification of acceptance from the grantee shall be forwarded to the Corps within 60 days of Corps' approval of the draft conservation easement.

c. Within 30 days from the date of initiating the authorized work submit to the Corps a title insurance commitment with the draft conservation easement document, IN FAVOR OF THE GRANTEE, for the property which is being offered for preservation to show that the Permittee has clear title to the real property and can legally place it under a conservation easement. Any existing liens or encumbrances on the property shall be subordinated to the conservation easement. At the time of recordation of the conservation easement, a title insurance policy shall be provided to the Corps in an amount equal to the current market value of the property.

d. In the event this permit is transferred, proof of delivery of a copy of the recorded conservation easement to the subsequent Permittee or Permittees shall be submitted to the Corps together with the notification of permit transfer.

The Grantee shall not assign its rights or obligations under this conservation easement except to another organization qualified to hold such interests under the applicable state and federal laws, including §704.06 Florida Statutes, and committed to holding this conservation easement exclusively for conservation purposes. The Corps shall be notified in writing of any intention to reassign the conservation easement to a new grantee and shall approve the selection of the grantee. The new grantee shall accept the assignment in writing and a copy of this acceptance delivered to the Corps. The conservation easement shall then be re-recorded and indexed in the same manner as any other instrument affecting title to real property and a copy of the recorded conservation easement furnished to the Corps.

13. **Biological Opinion:** This Corps permit does not authorize the Permittee to take an endangered species, in particular the Florida panther or thewood stork. In order to legally take a listed species, the Permittee must have separate authorization under the Endangered Species Act (ESA) (e.g., an ESA Section 10 permit, or a BO under ESA Section 7, with "incidental take" provisions with which the Permittee must comply). The enclosed amendment (dated September 18, 2012) (Attachment G)to the US Fish and Wildlife Service (FWS) Biological Opinion dated 2 June 2011 (BO) contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that is also specified in the BO. Authorization under this Corps permit is conditional upon compliance with all of the mandatory terms and conditions associated with incidental take of the attached BO and amendment, which terms and conditions are incorporated by reference in this permit. Failure to comply with the terms and conditions associated with incidental take of the BO, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute non-compliance with this Corps permit. The FWS is the appropriate authority to determine compliance with the terms and conditions of its BO, and with the ESA.

14. **Eastern Indigo Snake Protection Measures:** The Permittee shall comply with U.S. Fish and Wildlife Service's "Standard Protection Measures for the Eastern Indigo Snake" dated February 12, 2004 and provided in Attachment H of this permit."

15. **Fill Material**: 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.

16. **Regulatory Agency Changes**: Should any other regulatory agency require changes to the work authorized or obligated by this permit, the Permittee is advised that a modification to this

permit instrument is required prior to initiation of those changes. It is the Permittee's responsibility to request a modification of this permit from the Fort Myers Regulatory Office.

17. At such time as the permittee proposes to transfer Preserve Areas A & B to CREW or another acceptable land conservation entity, a permit modification application shall be submitted to the Corps for review and approval in accordance with the terms and conditions of the attached Biological Opinion (USFWS) requiring approval of the perpetual maintenance fund and management entity proposed by the permittee.

The impact of your proposal on navigation and the environment has been reviewed and found to be insignificant. The permit is hereby modified in accordance with your request. You should attach this letter to the permit. All other conditions of the permit remain in full force and effect.

If you have any questions concerning permit modification, please contact the project manager Monika Dey at the letterhead address, by telephone at 239-334-1975 X 29 or by electronic mail at monika.j.dey@usace.army.mil.

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 take a few minutes to visit http://per2.nwp.usace.army.mil/survey.html and complete our automated Customer Service Survey. Your input is appreciated – favorable or otherwise. Please be aware this web address is case sensitive and should be entered as it appears above.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

for Monika J Dey

Alan M. Dodd
Colonel, U.S. Army
District Commander

Enclosure

Copy/ies Furnished:

SFWMD
CESAJ-RD-PE
USFWS-Vero Beach
USEPA-West Palm Beach

ATTACHMENT A:
Permit Drawings

Pages 1-22 of 22
Dated December 7, 2012

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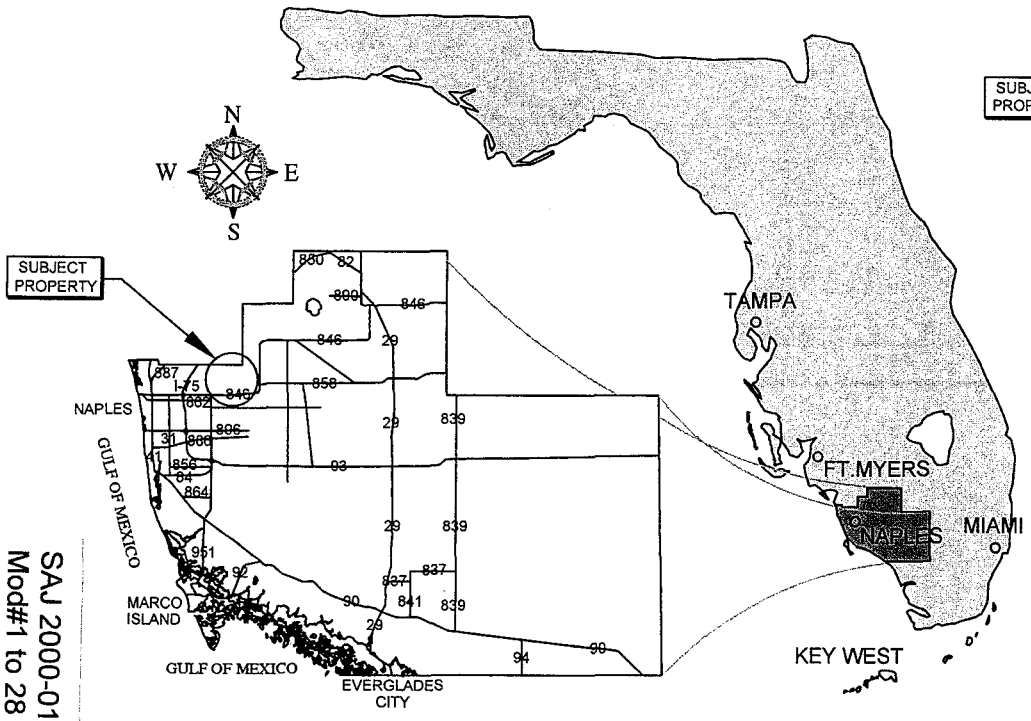
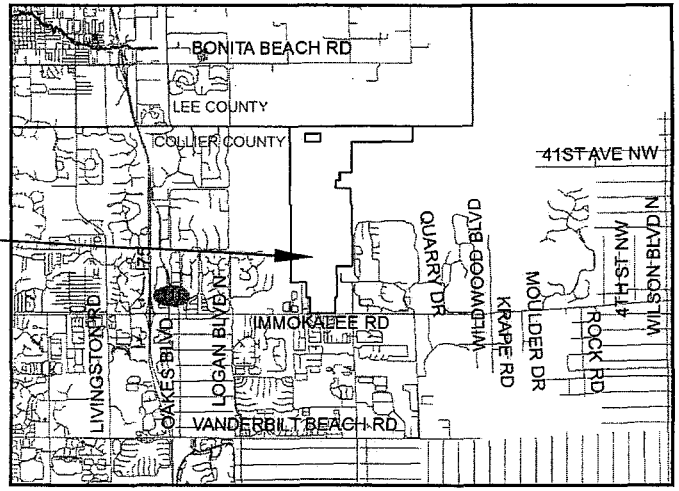
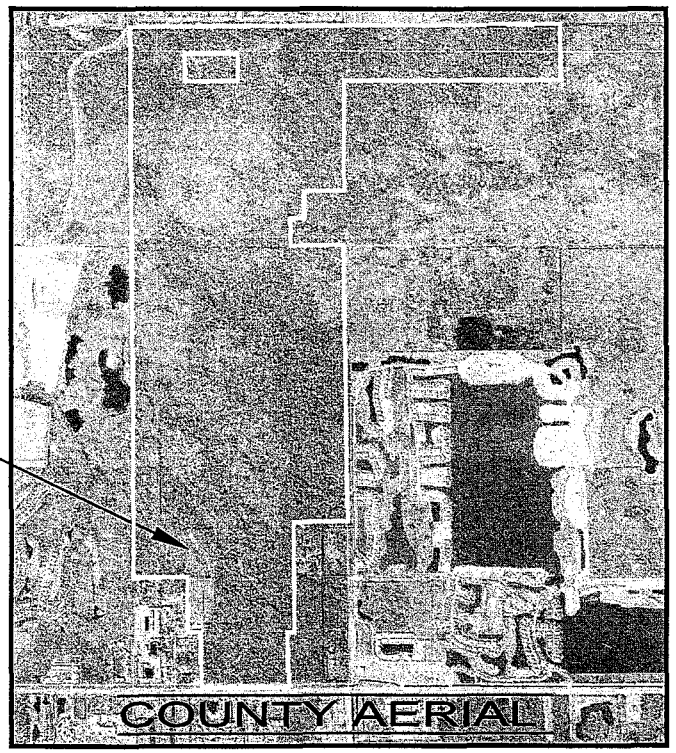
STATE OF FLORIDA



COLLIER COUNTY





NOTES:
<> THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

<> LATITUDE: N 26° 17' 51.497"
<> LONGITUTDE: W 81° 42' 0.888"

DIRECTIONS TO SITE:
FROM I-75 EXIT 111 TURN EAST ONTO IMMOKALEE RD (CR 846). TRAVEL APPROXIMATELY 2.5 MILES, PROJECT SITE IS ON NORTH SIDE OF ROAD.

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

MIRASOL

SITE LOCATION MAP

DESIGNED:	T.T.T.	REVISION:	TAB NAME:	Location
DRAWN BY:	SS	02-15-2012	SHEET:	
CREATED:	04-25-06	06-05-2012	SCALE:	1"=800'
JOB NO.:	9418	N/A		
SECTION- 10,11,15,22 TOWNSHIP- 48 S			RANGE- 26 E	

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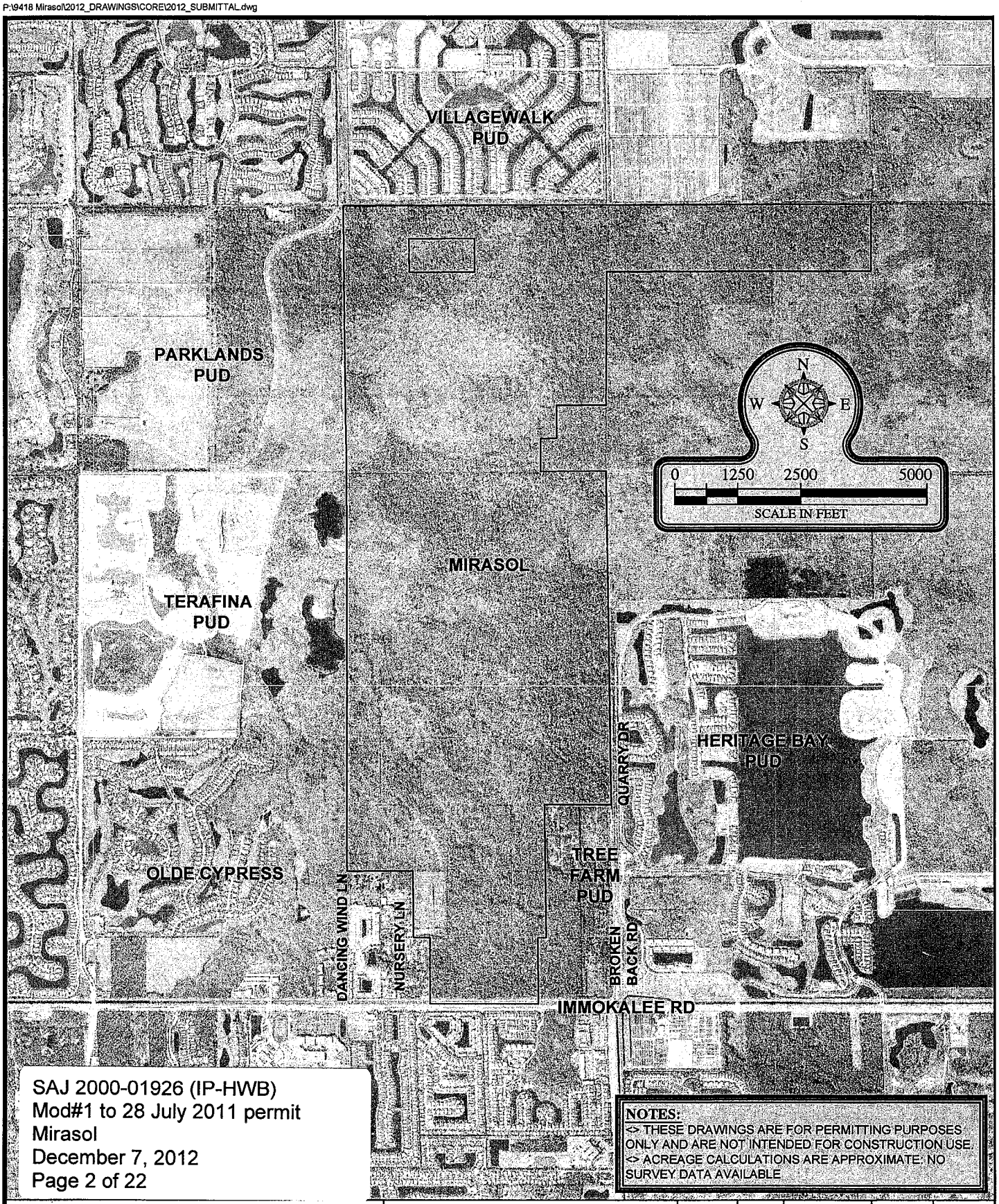

SAJ 2000-01926 (IP-HWB)
Mod#1 to 28 July 2011 permit
Mirasol
December 7, 2012
Page 2 of 22

NOTES:
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<> ACREAGE CALCULATIONS ARE APPROXIMATE. NO SURVEY DATA AVAILABLE

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MIRASOL

2011 SITE AERIAL

DESIGNED:	T.T.T.	REVISION:	TAB NAME:	Aerial
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CREATED:	04-25-06	06-05-2012	SCALE:	1"=1,800'
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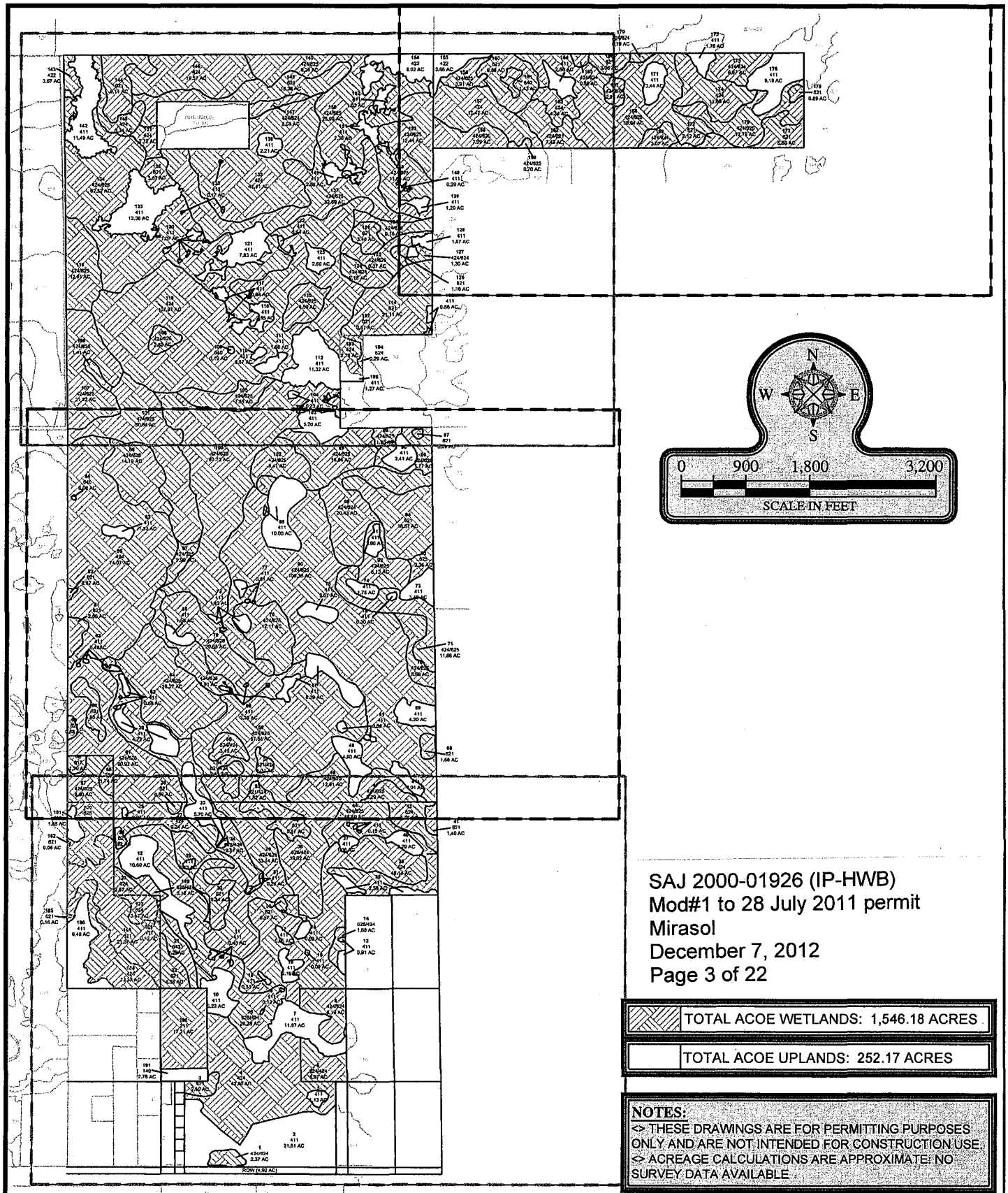

SAJ 2000-01926 (IP-HWB)
Mod#1 to 28 July 2011 permit
Mirasol
December 7, 2012

	TOTAL ACOE WETLANDS: 1,546.18 ACRES
	TOTAL ACOE UPLANDS: 252.17 ACRES

NOTES:
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<> ACREAGE CALCULATIONS ARE APPROXIMATE: NO SURVEY DATA AVAILABLE

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MIRASOL

ACOE FLUCFCS MAP (ALL)

DESIGNED:	T.T.T.	REVISION:	TAB NAME:	Flucfcs All
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CREATED:	04-25-06	06-05-2012	SCALE:	1"=1,800'
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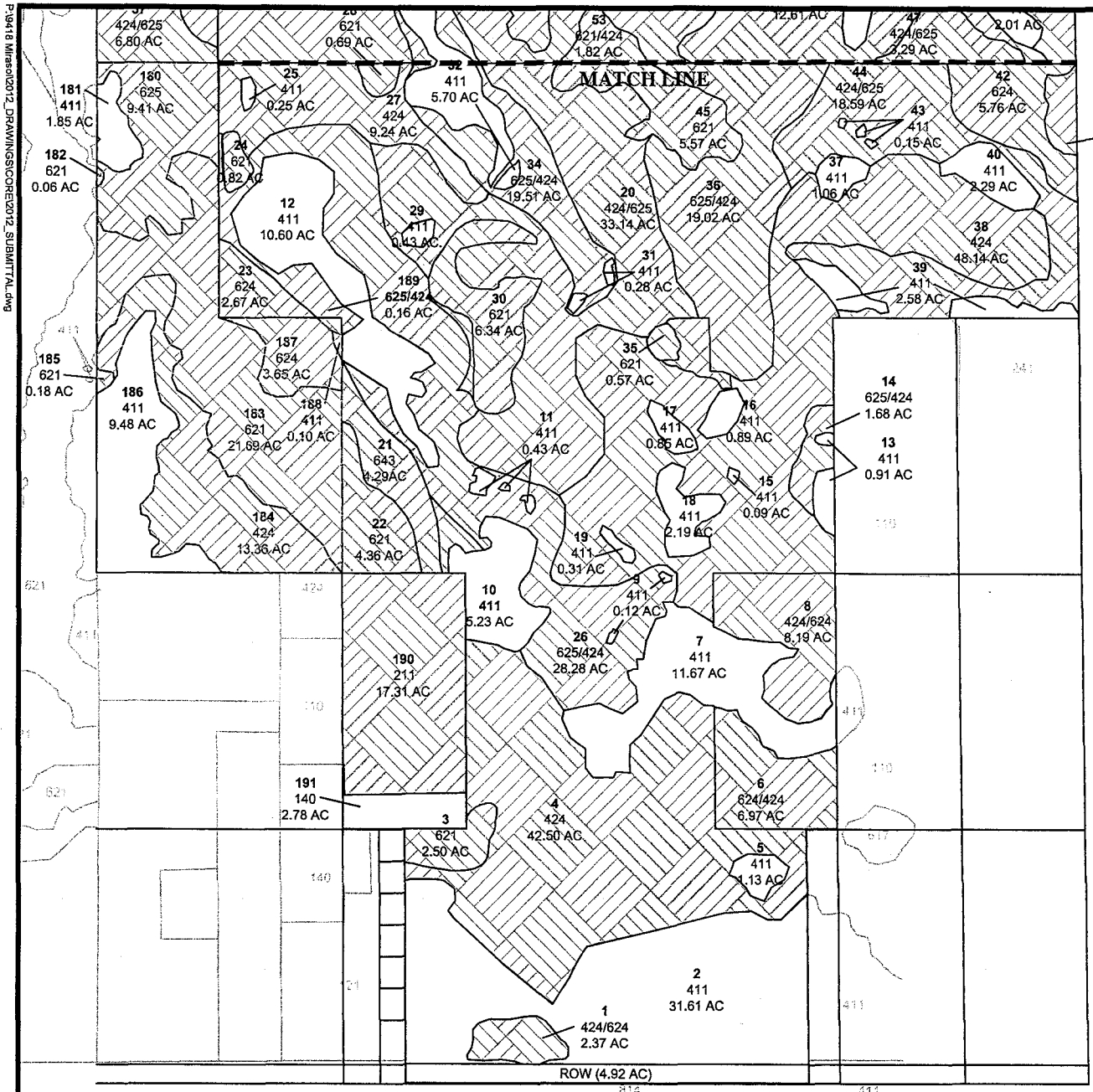
SECTION-	TOWNSHIP- 48 S	RANGE- 26 E		



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SAJ 2000-01926 (IP-HWB)
Mod#1 to 28 July 2011 permit
Mirasol
December 7, 2012
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	TOTAL ACOE WETLANDS: 1,546.18 ACRES
	TOTAL ACOE UPLANDS: 252.17 ACRES

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<> ACREAGE CALCULATIONS ARE APPROXIMATE. NO SURVEY DATA AVAILABLE

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MIRASOL

FLUCFCS MAP (SECTION 22)

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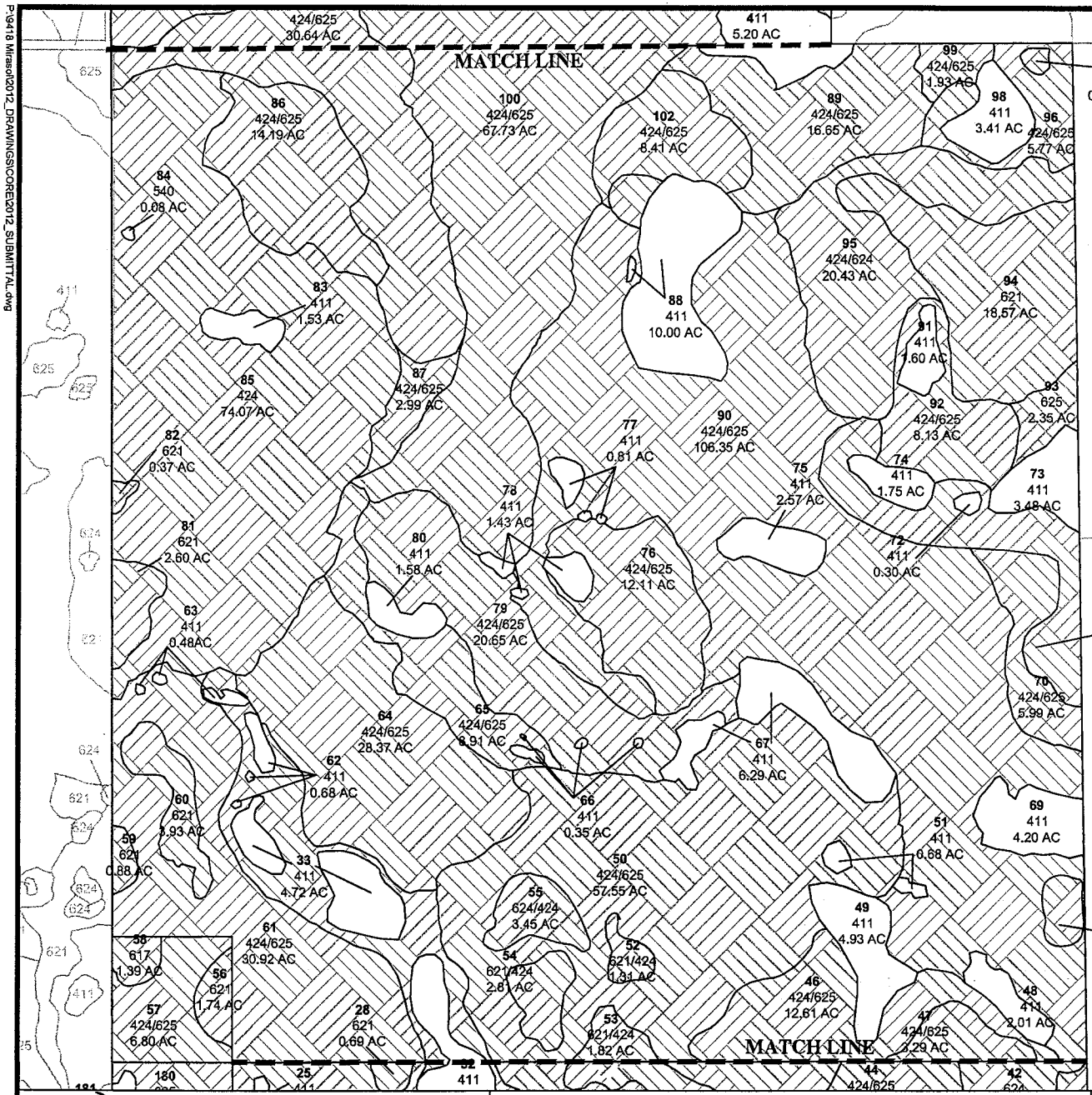

SAJ 2000-01926 (IP-HWB)
Mod#1 to 28 July 2011 permit
Mirasol
December 7, 2012
Page 5 of 22

	TOTAL ACOE WETLANDS: 1,546.18 ACRES
	TOTAL ACOE UPLANDS: 252.17 ACRES

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

MIRASOL

FLUCFCS MAP (SECTION 15)

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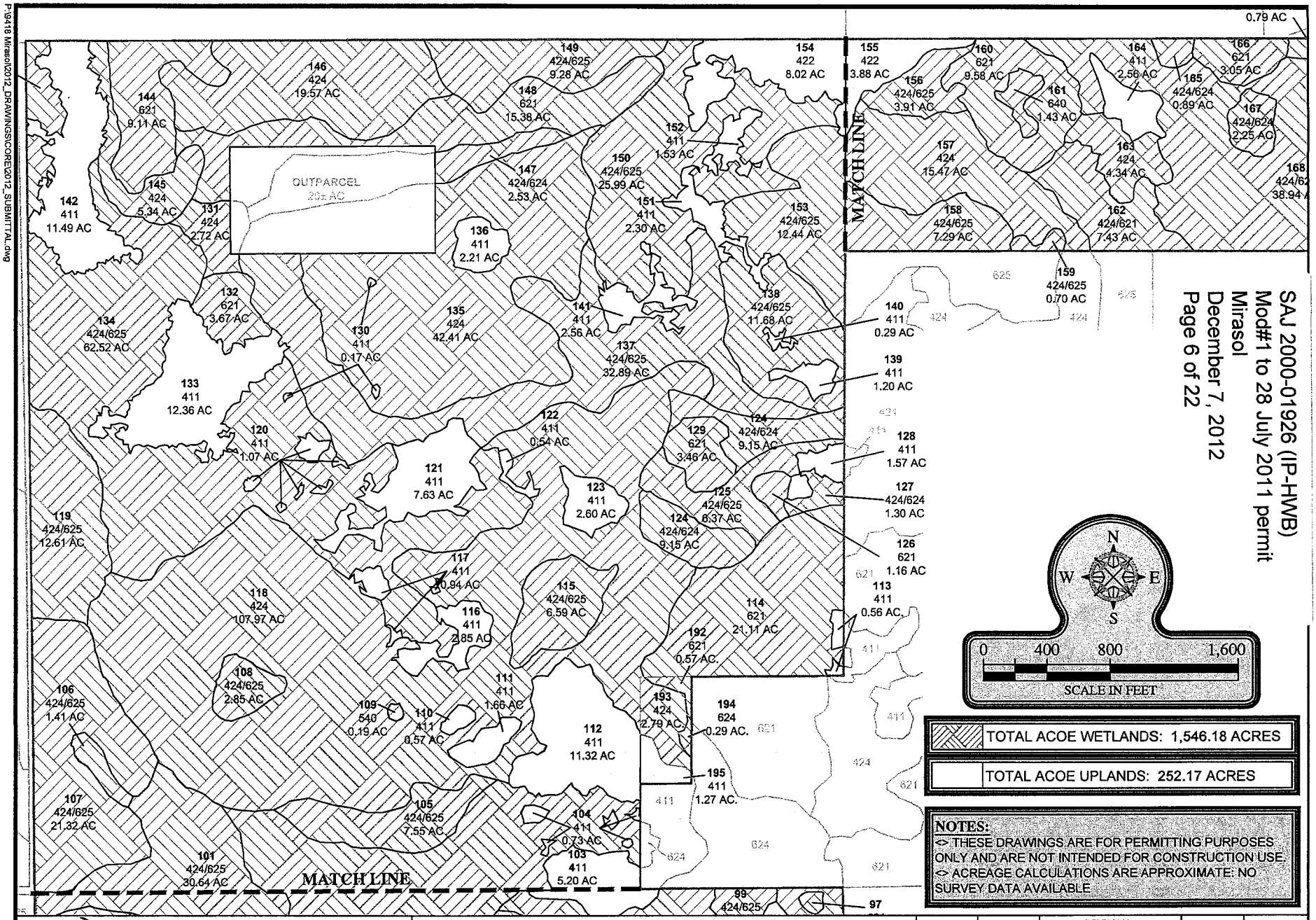
CREATED:	04-25-06	06-05-2012	SCALE:	1"=800'
JOB NO.:	9418	N/A		

SECTION- 15 TOWNSHIP- 48 S RANGE- 26 E



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December 7, 2012
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TOTAL ACOE WETLANDS: 1,546.18 ACRES
TOTAL ACOE UPLANDS: 252.17 ACRES

NOTES:
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<> ACREAGE CALCULATIONS ARE APPROXIMATE: NO SURVEY DATA AVAILABLE

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

MIRASOL

FLUCFCS MAP (SECTION 10)

DESIGNED:	T.T.T.	REVISION:	TAB NAME:	Flucfcs 10
DRAWN BY:	SS	02-15-2012	SHEET:	
CREATED:	04-25-06	06-05-2012	SCALE:	1"=800'
JOB NO.:	9418	N/A		

SECTION- 15 TOWNSHIP- 48 S RANGE- 26 E

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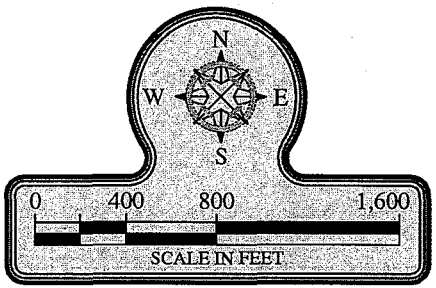

SAJ 2000-01926 (IP-HWB)
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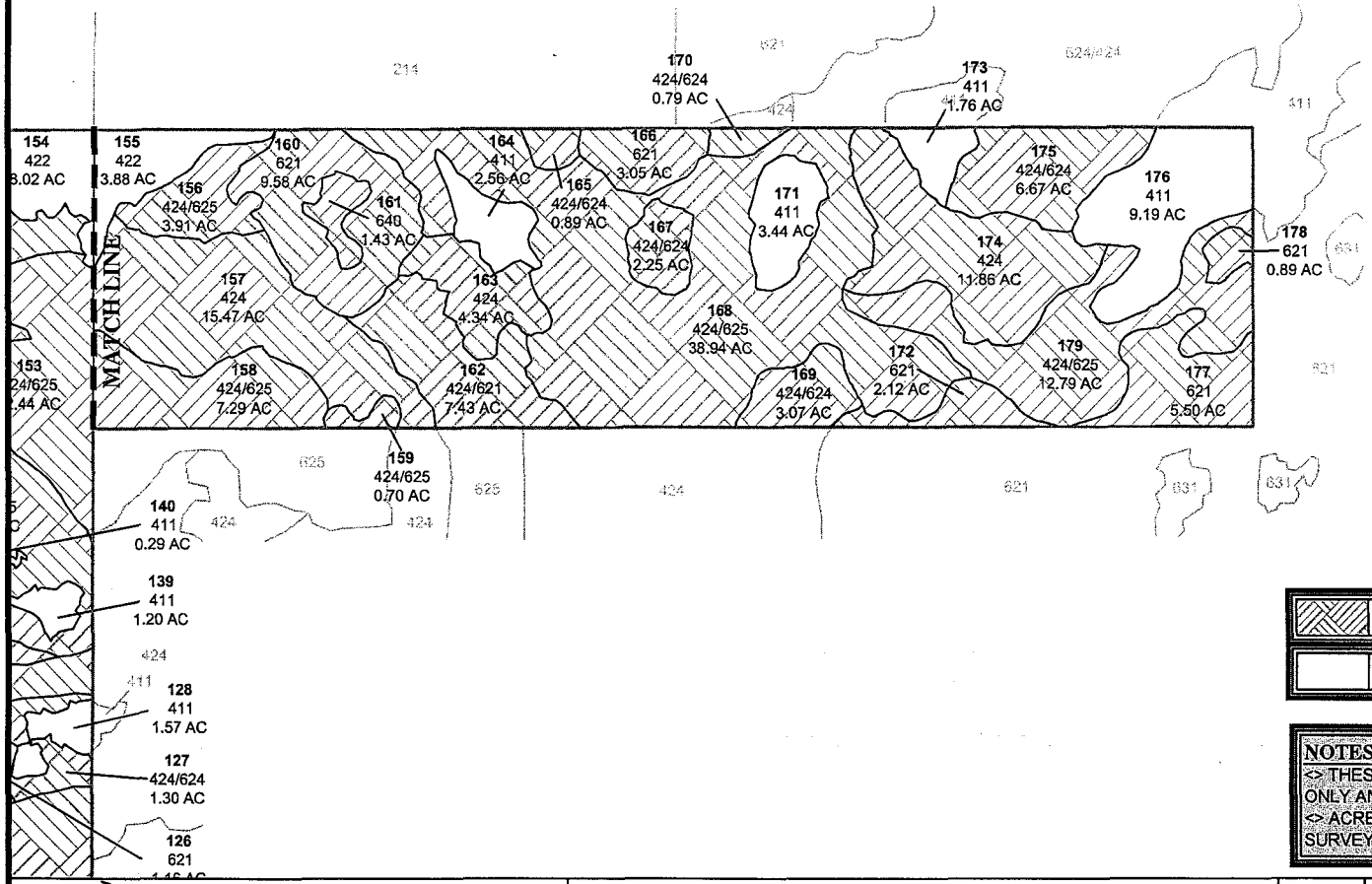

	TOTAL ACOE WETLANDS: 1,546.18 ACRES
	TOTAL ACOE UPLANDS: 252.17 ACRES

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MIRASOL

FLUCFCS MAP (SECTION 11)

DESIGNED:	T.T.T.	REVISION:	TAB NAME:	Flucfcs 11
DRAWN BY:	SS	02-15-2012	SHEET:	
CREATED:	04-25-06	06-05-2012	SCALE:	1"=800'
JOB NO.:	9418	N/A		
SECTION- 15		TOWNSHIP- 48 S	RANGE- 26 E	

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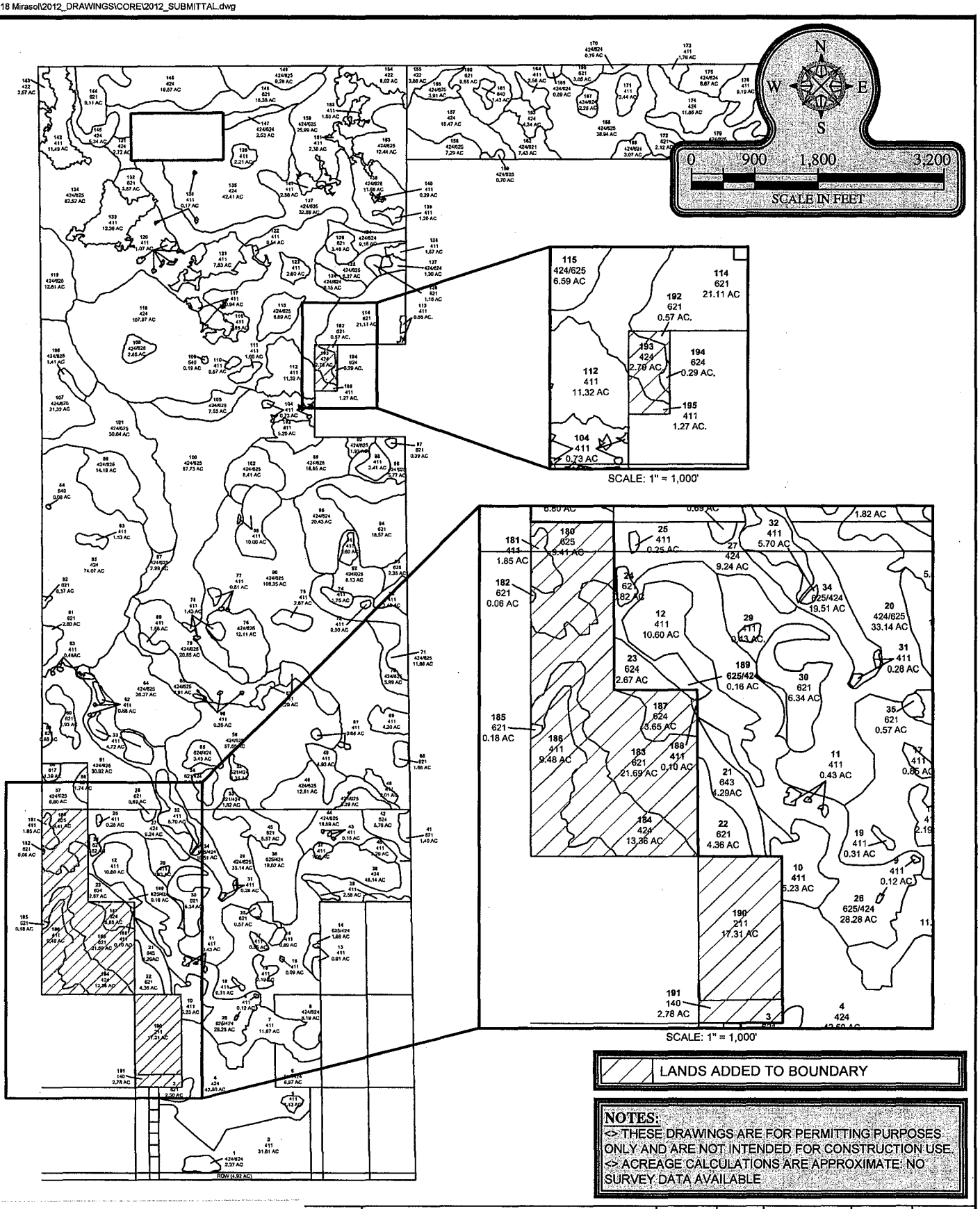

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Mirasol
December 7, 2012

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4104-3732
) 643-6632

MIRASOL
ADDITIONAL LANDS

DESIGNED:	T.T.T.	REVISION:	TAB NAME:	ADD BNDRY
DRAWN BY:	SS	02-15-2012	SHEET:	
CREATED:	04-25-06	06-05-2012	SCALE:	1"=1,800'
JOB NO.:	9418	N/A		
SECTION-	TOWNSHIP- 48 S	RANGE- 26 E		

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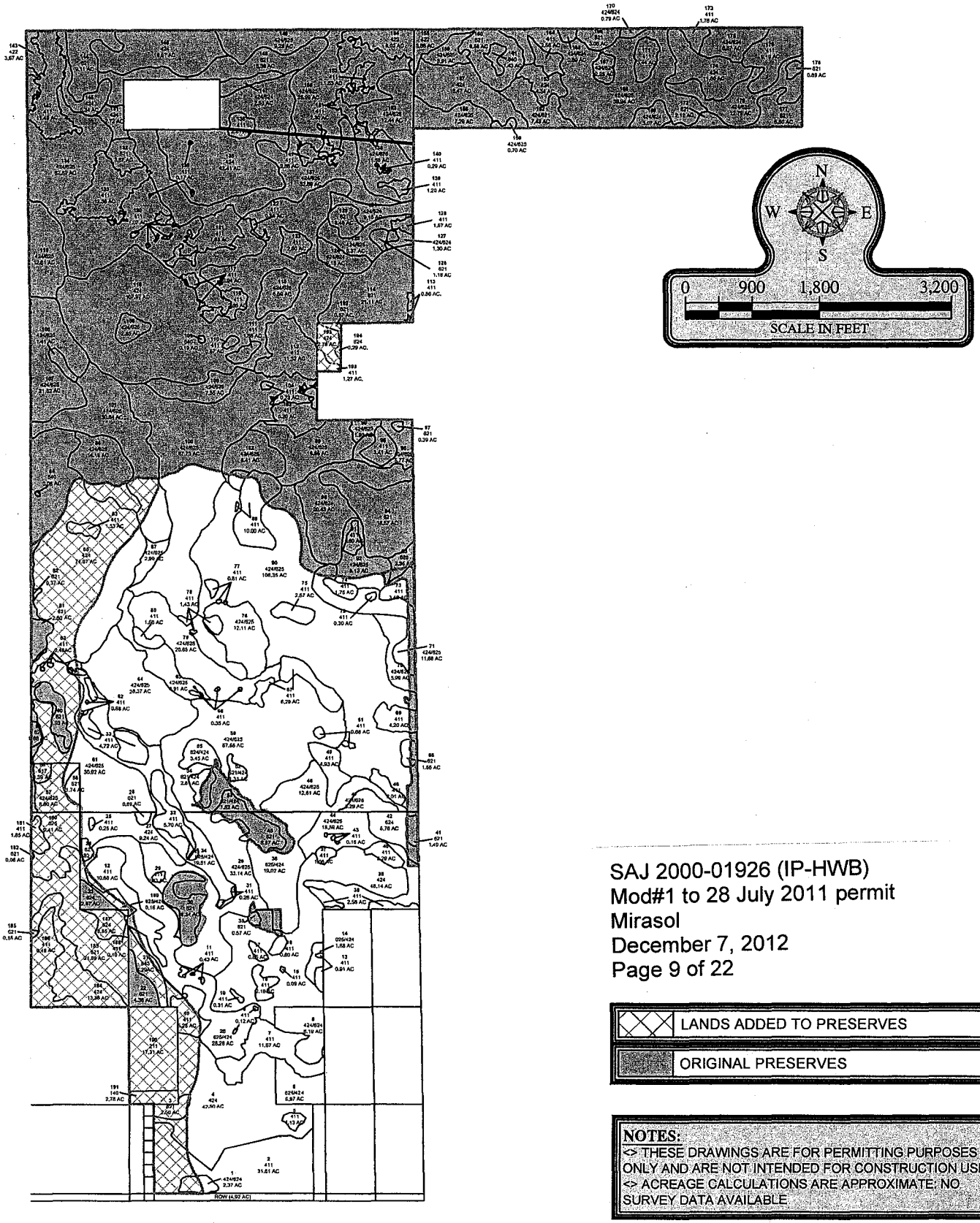

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December 7, 2012

	LANDS ADDED TO PRESERVES
	ORIGINAL PRESERVES

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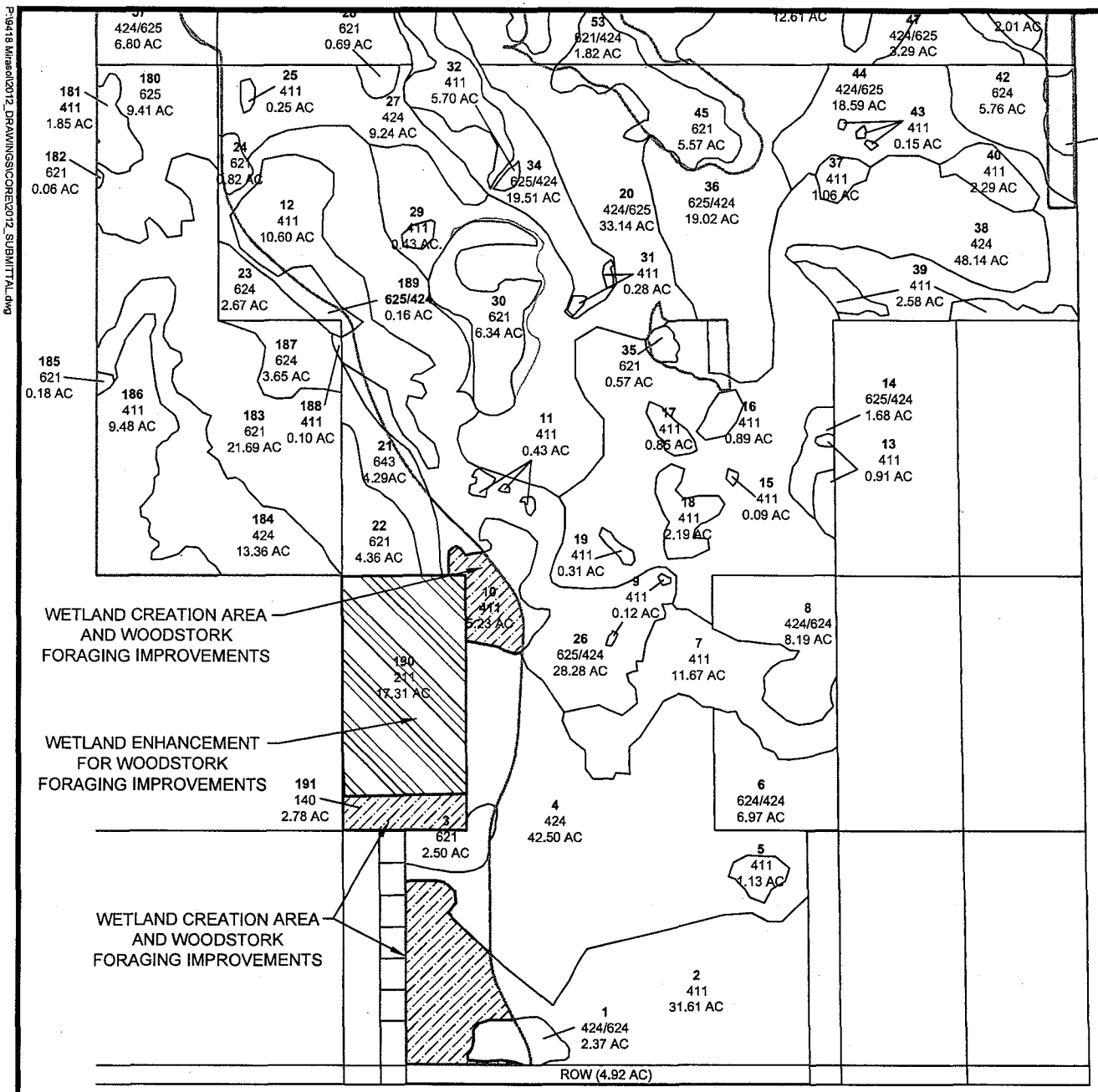
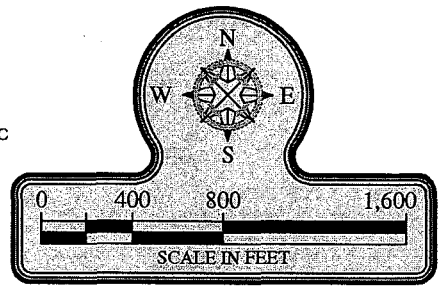
MIRASOL
ADDITIONAL PRESERVES

DESIGNED:	T.T.T.	REVISION:	TAB NAME:	ADD PRESERVE
DRAWN BY:	SS	02-15-2012	SHEET:	
CREATED:	04-25-06	06-05-2012	SCALE:	1"=1,800'
JOB NO.:	9418	N/A		
SECTION-	TOWNSHIP- 48 S	RANGE- 26 E		





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December 7, 2012
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	CREATED WETLANDS: 14.55 ACRES
	FARM SITE ENHANCED WETLANDS: 17.31 ACRES
	TOTAL WOODSTORK FORAGING IMPROVEMENTS: 31.86 ACRES

NOTES:
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WETLAND CREATION AND ENHANCEMENTS FOR WOODSTORK FORAGING IMPROVEMENTS

DESIGNED:	T.T.T.	REVISION:	TAB NAME:	WET CREATE
DRAWN BY:	RMJ	06-05-2012	SHEET:	
CREATED:	02-20-2012		SCALE:	1"=800'
JOB NO.:	9418			

SECTION- 22 TOWNSHIP- 48 S RANGE- 26 E

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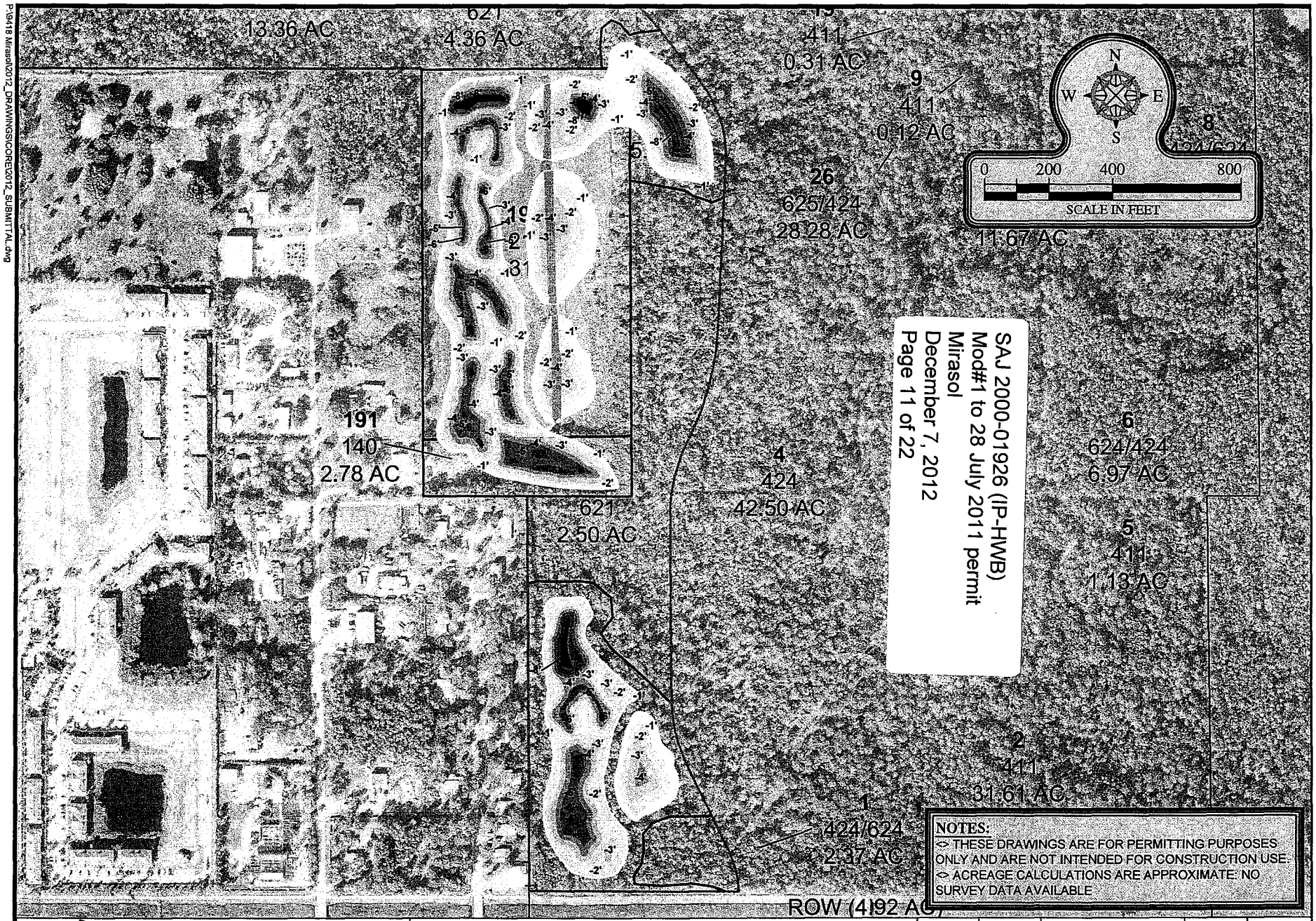

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FORAGING IMPROVEMENTS

DESIGNED:	T.T.T.	REVISION:	TAB NAME:	FORAGING
DRAWN BY:	RMJ	06-05-2012	SHEET:	
CREATED:	04-06-2012		SCALE:	1"=200'
JOB NO.:	9418			
SECTION- 22		TOWNSHIP- 48 S	RANGE- 26 E	

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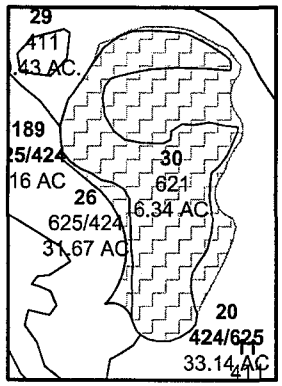
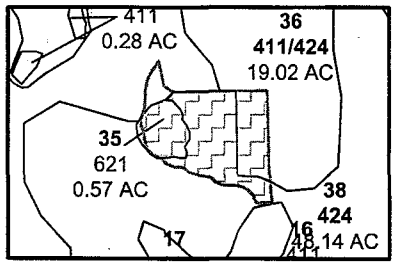
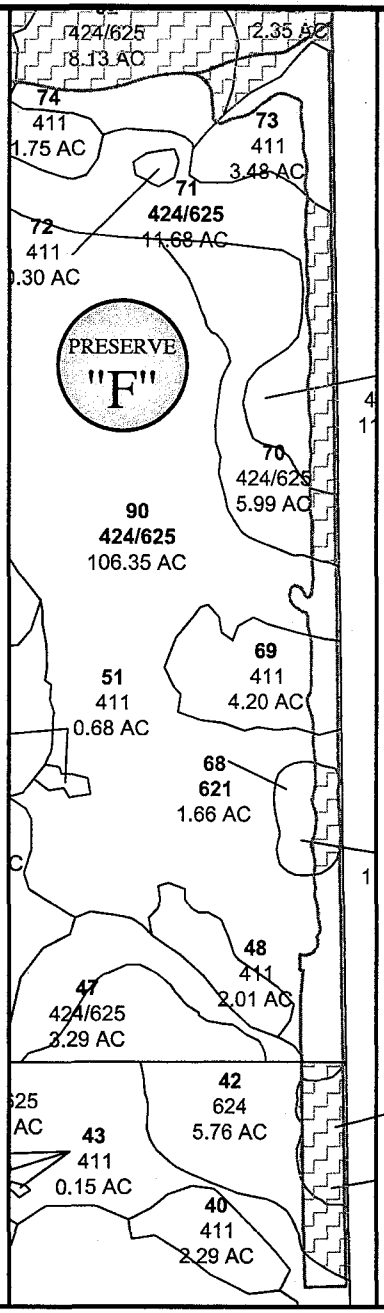
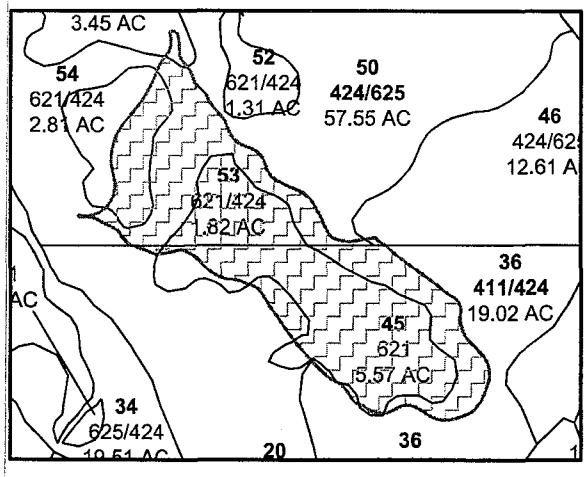


PRESERVE "C"

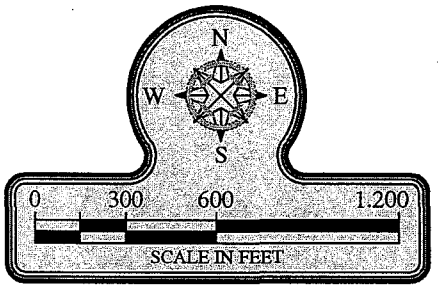


PRESERVE "D"





PRESERVE "E"



INTERNAL PRESERVES			
PRESERVE	UPLAND AC.	WETLAND AC.	TOTAL
"C"		9.67	9.67
"D"		2.79	2.79
"E"		13.77	13.77
"F"	2.09	8.52	10.61
TOTALS	2.09	34.75	36.84

NOTES:
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SAJ 2000-01926 (IP-HWB)
Mod#1 to 28 July 2011 permit
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INTERNAL PRESERVES (DETAILED)

DESIGNED:	T.T.T.	REVISION:	TAB NAME:	Internal
DRAWN BY:	SS	02-16-2012	SHEET:	
CREATED:	04-25-06	06-05-2012	SCALE:	1"=600'
JOB NO.:	9418	N/A		
SECTION- 15		TOWNSHIP- 48 S	RANGE- 26 E	

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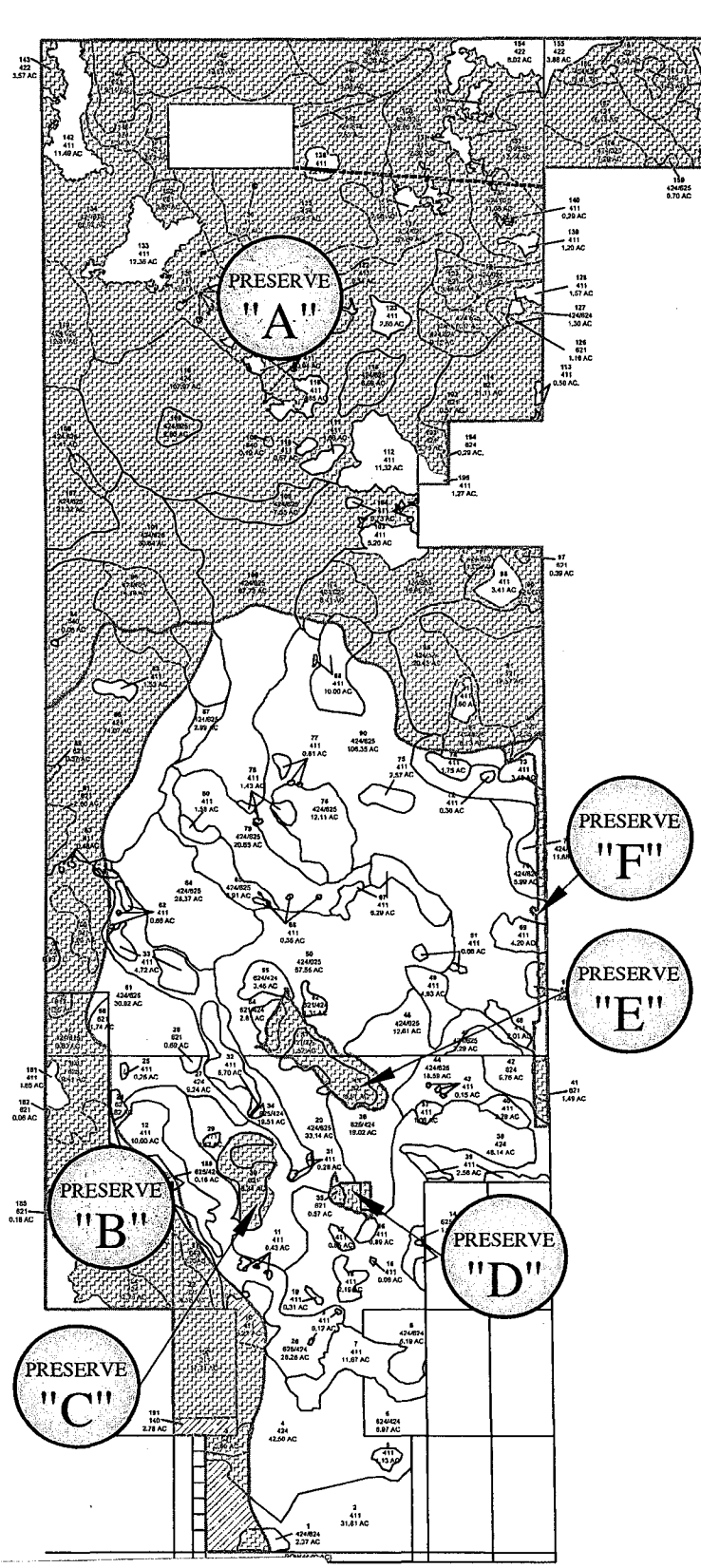

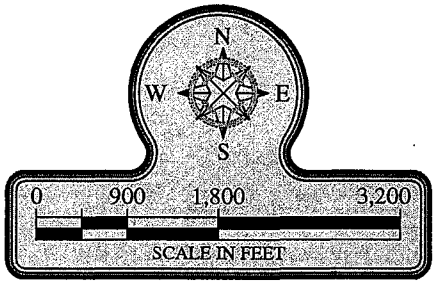

The 1.2 acre access easement to the 20 acre outparcel is included in the main preserve acreage but is not included in the mitigation calculations.

	UPLANDS
	WETLANDS
	CREATED WETLANDS

DESCRIPTION	ACRES
CONSERVATION EASEMENTS	1123.88

MAIN PRESERVES

PRESERVE	UPLAND AC.	WETLAND AC.	TOTAL
"A"	108.79	779.76	888.55
"B"	28.69	169.80	198.49
TOTALS	137.48	949.56	1087.04

INTERNAL PRESERVES

PRESERVE	UPLAND AC.	WETLAND AC.	TOTAL
"C"		9.67	9.67
"D"		2.79	2.79
"E"		13.77	13.77
"F"	2.09	8.52	10.61
TOTALS	2.09	34.75	36.84

TOTAL UPLAND PRESERVE: APPROX. 139.57 AC.

TOTAL WETLAND PRESERVE: APPROX. 984.31 AC.

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643-6632

MIRASOL

CONSERVATION MAP

DESIGNED:	T.T.T.	REVISION:	TAB NAME:	Conservation
DRAWN BY:	SS	02-15-2012	SHEET:	
CREATED:	04-25-06	06-05-2012	SCALE:	1"=1,800'
JOB NO.:	9418	N/A		

SECTION- TOWNSHIP- 48 S RANGE- 26 E

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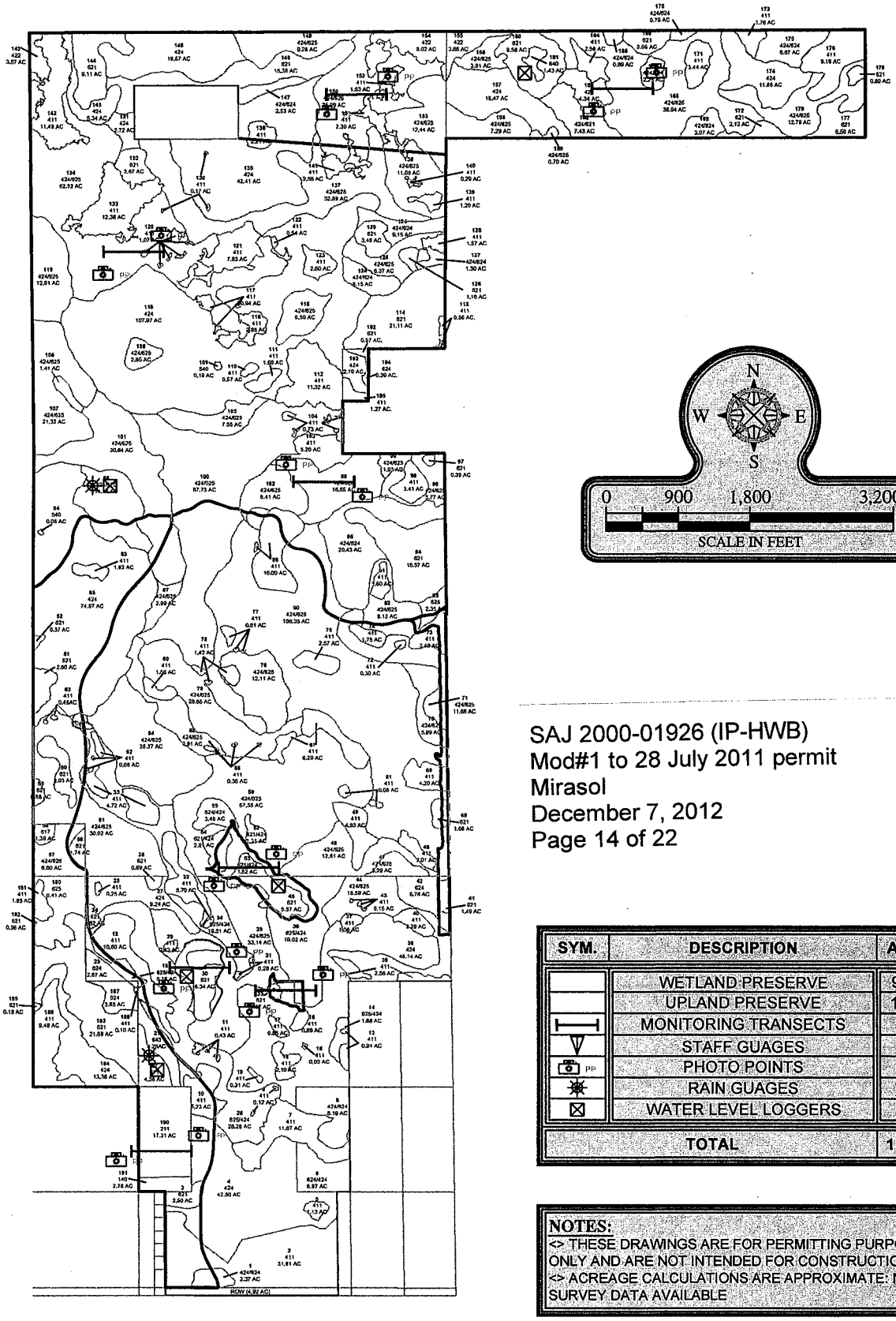

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SYM.	DESCRIPTION	ACRES
	WETLAND PRESERVE	984.31
	UPLAND PRESERVE	141.09
	MONITORING TRANSECTS	N/A
	STAFF GUAGES	N/A
PP	PHOTO POINTS	N/A
	RAIN GUAGES	N/A
	WATER LEVEL LOGGERS	N/A
	TOTAL	1125.40

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MONITORING MAP

DESIGNED:	T.T.T.	REVISION:	TAB NAME:	Monitoring
DRAWN BY:	SS	02-16-2012	SHEET:	
CREATED:	04-25-06	06-05-2012	SCALE:	1"=1,800'
JOB NO.:	9418	N/A		
SECTION-	TOWNSHIP- 48 S	RANGE- 26 E		

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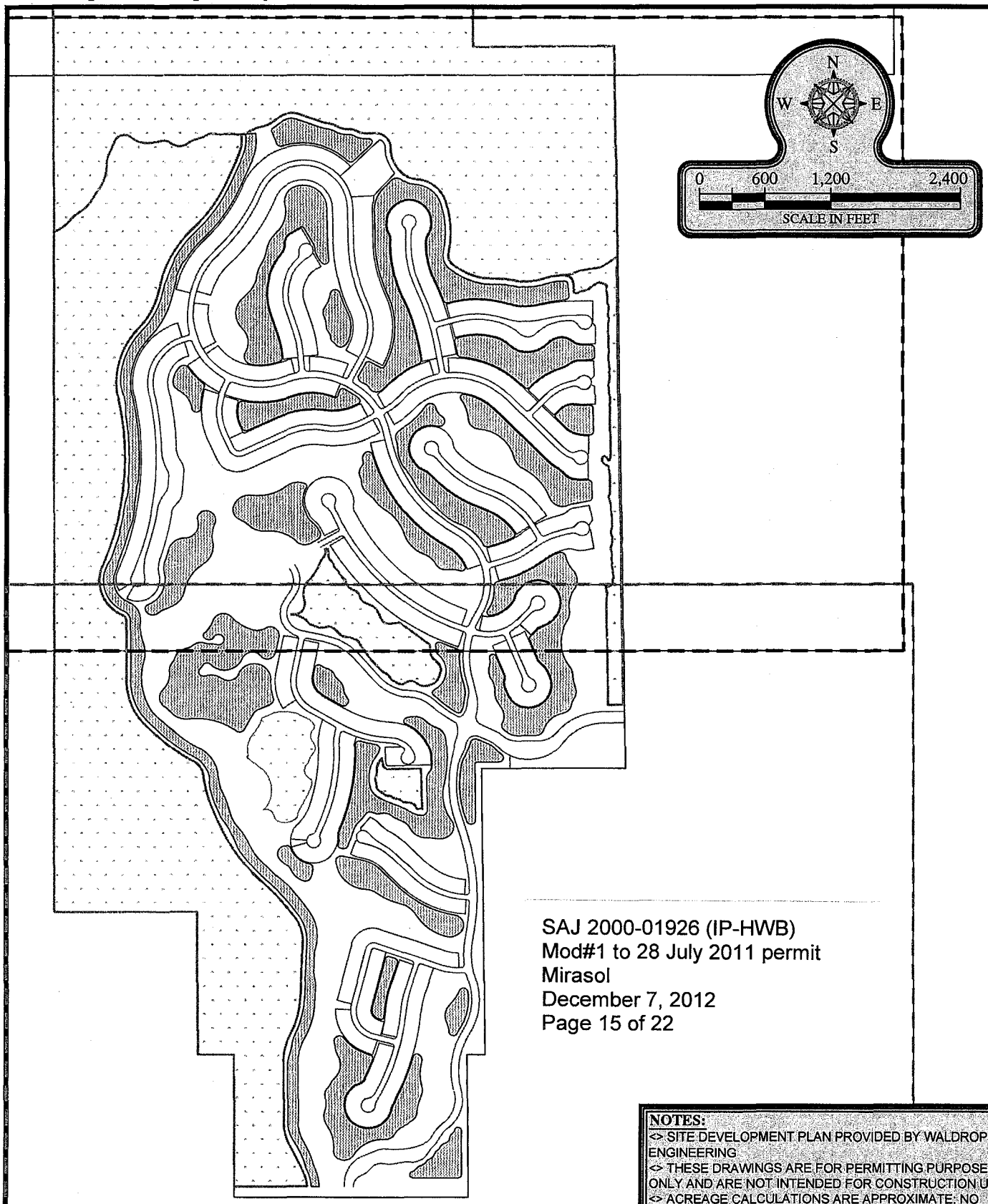

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December 7, 2012
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NOTES:
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MIRASOL

SITE DEVELOPMENT PLAN (ALL)

DESIGNED:	T.T.T.	REVISION:	TAB NAME:	SDP All
DRAWN BY:	SS	2-22-12	SHEET:	
CREATED:	04-25-06	06-05-2012	SCALE:	1"=1,800'
JOB NO.:	9418	N/A		

SECTION- TOWNSHIP- 48 S RANGE- 26 E

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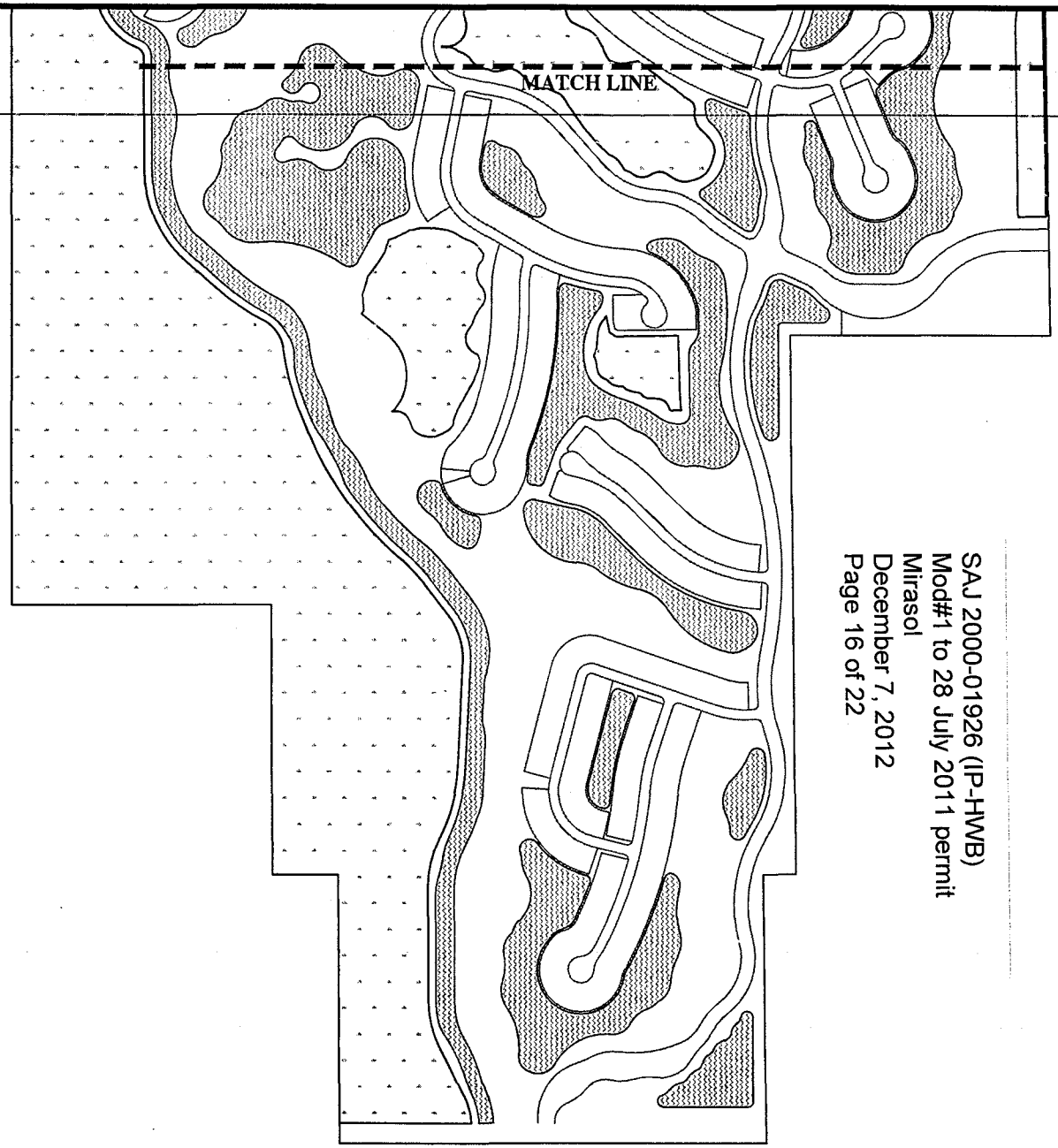

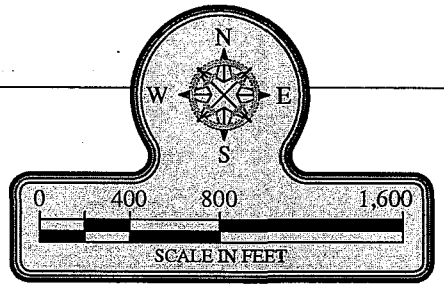

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SITE DEVELOPMENT PLAN (SECTION 22)

DESIGNED:	T.T.T.	REVISION:	TAB NAME:	SDP 22
DRAWN BY:	SS	02-22-12	SHEET:	
CREATED:	04-25-06	06-05-2012	SCALE:	1"=800'
JOB NO.:	9418	N/A		

SECTION- 22 TOWNSHIP- 48 S RANGE- 26 E

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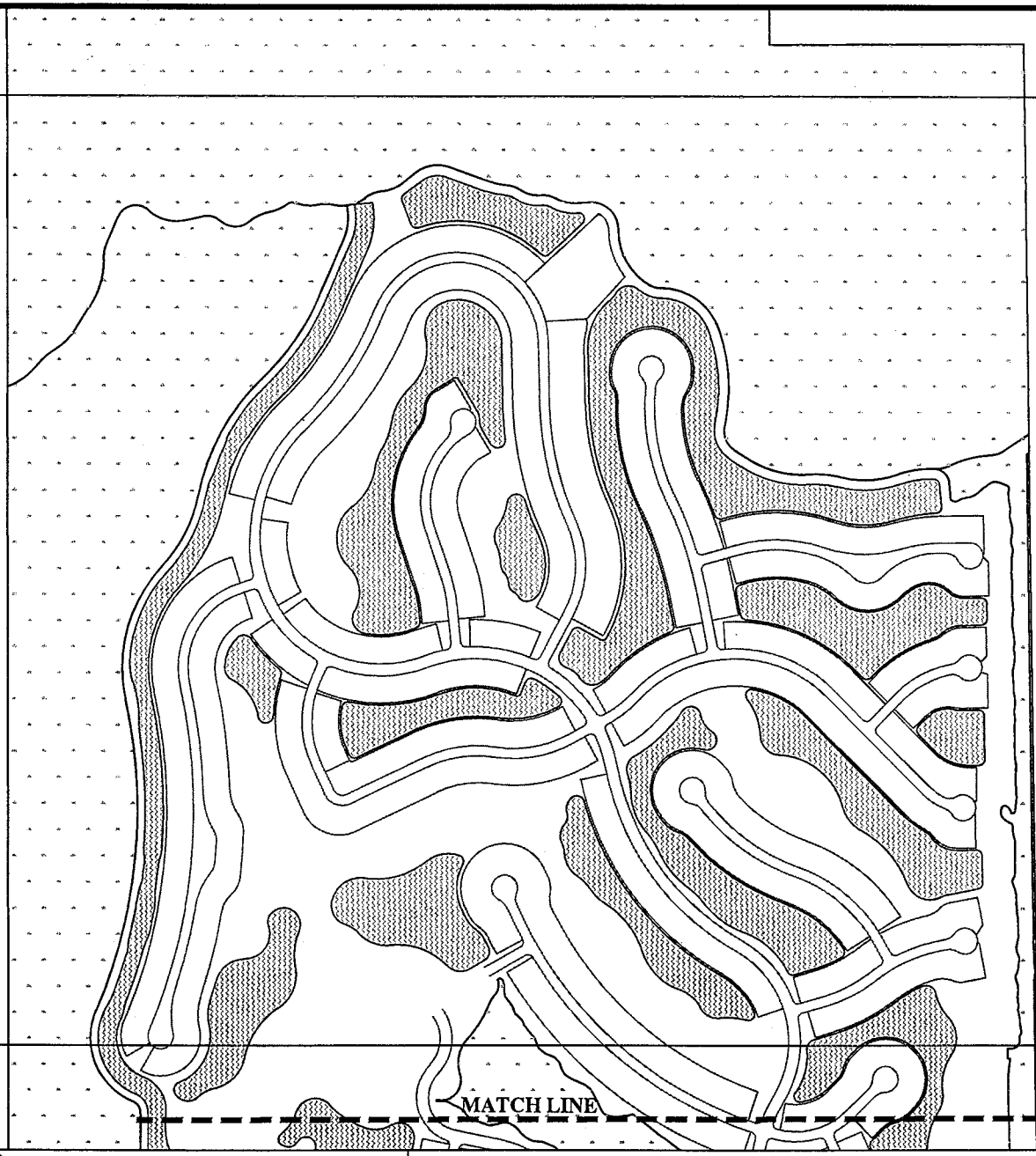

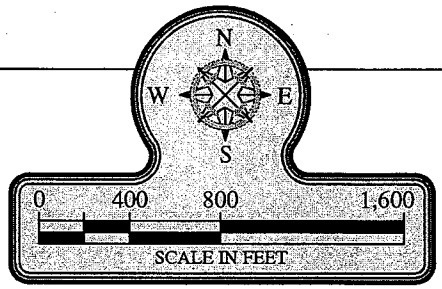

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MIRASOL

SITE DEVELOPMENT PLAN (SECTION 15)

DESIGNED:	T.T.T.	REVISION:	TAB NAME:	SDP 15
DRAWN BY:	SS	02-22-12	SHEET:	
CREATED:	04-25-06	06-05-2012	SCALE:	1"=800'
JOB NO.:	9418	N/A		
SECTION- 15		TOWNSHIP- 48 S	RANGE- 26 E	

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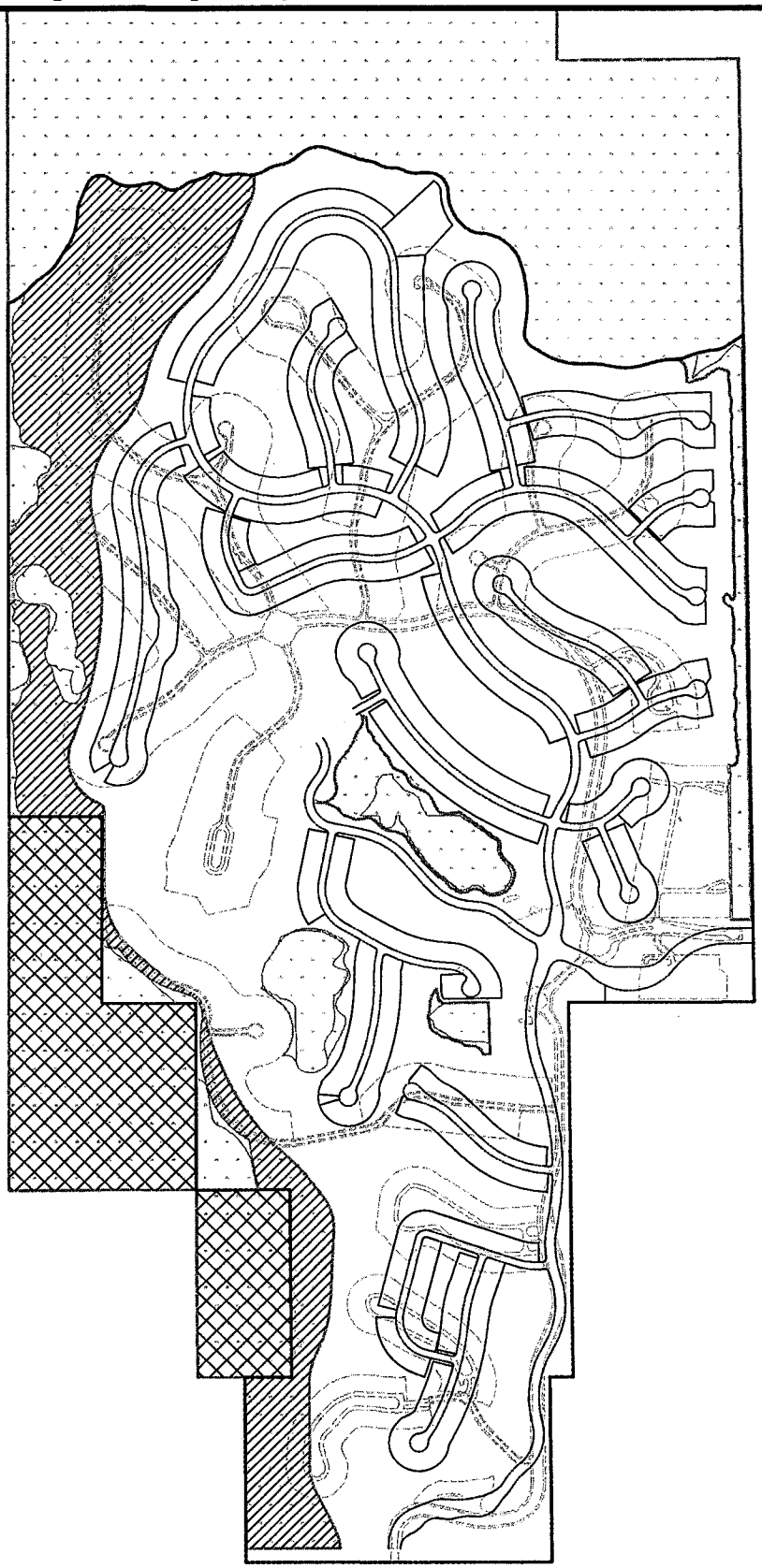

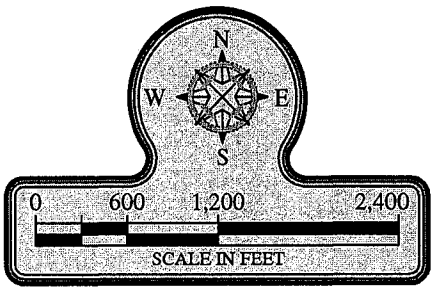

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Mirasol
December 7, 2012

	REDUCTION IN DEVELOPMENT FOOTPRINT FROM LAST PERMIT
	ADDITIONAL PRESERVE LANDS ADDED FROM LAST PERMIT
- - - -	PERMIT SDP LINEWORK
———	CURRENT SDP LINEWORK
	PERMIT DEVELOPMENT LINE
	CURRENT DEVELOPMENT LINE

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SITE DEVELOPMENT PLAN PRESERVE COMPARISON

DESIGNED:	T.T.T.	REVISION:	TAB NAME:	SDP All
DRAWN BY:	SS	2-22-12	SHEET:	
CREATED:	04-25-06	06-05-2012	SCALE:	1"=1,800'
JOB NO.:	9418	N/A		

SECTION- TOWNSHIP- 48 S RANGE- 26 E

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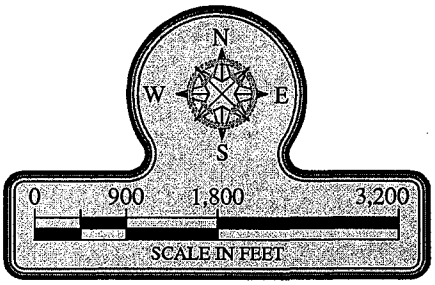

DIMENSIONS ARE APPROXIMATE

NOTES:
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<> ADJACENT LINE WORK GENERATED FROM AERIAL AND COLLIER COUNTY GOVERNMENT GIS
<> THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE
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MIRASOL

SITE DEVELOPMENT PLAN WITH DIMENSIONS

DESIGNED:	T.T.T.	REVISION:	TAB NAME:	SDP All
DRAWN BY:	SS	2-22-12	SHEET:	
CREATED:	04-25-06	06-05-2012	SCALE:	1"=1,800'
JOB NO.:	9418	N/A		

SECTION- TOWNSHIP- 48 S RANGE- 26 E

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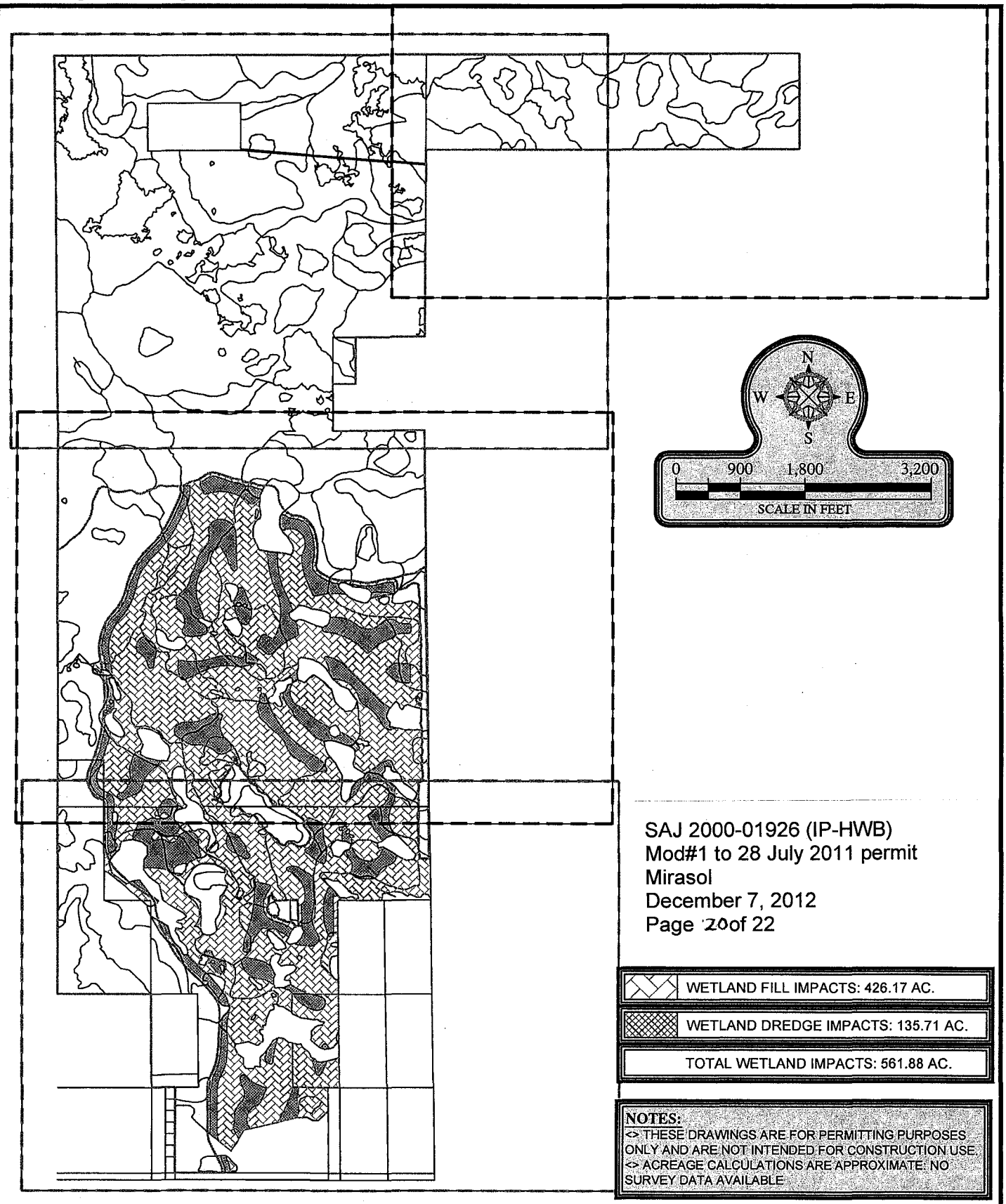

SAJ 2000-01926 (IP-HWB)
Mod#1 to 28 July 2011 permit
Mirasol
December 7, 2012
Page 20 of 22

	WETLAND FILL IMPACTS: 426.17 AC.
	WETLAND DREDGE IMPACTS: 135.71 AC.
	TOTAL WETLAND IMPACTS: 561.88 AC.

NOTES:
<> THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
<> ACREAGE CALCULATIONS ARE APPROXIMATE. NO SURVEY DATA AVAILABLE

Turrell & Associates, Inc.
Marine & Environmental Consulting
3584 Exchange Ave. Suite B. Naples, FL 34104-3732
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MIRASOL

IMPACTS (ALL)

DESIGNED:	T.T.T.	REVISION:	TAB NAME:	Imp All
DRAWN BY:	SS	02-22-12	SHEET:	
CREATED:	04-25-06	06-05-2012	SCALE:	1"=1,800'
JOB NO.:	9418	N/A		
SECTION-	TOWNSHIP- 48 S	RANGE- 26 E		

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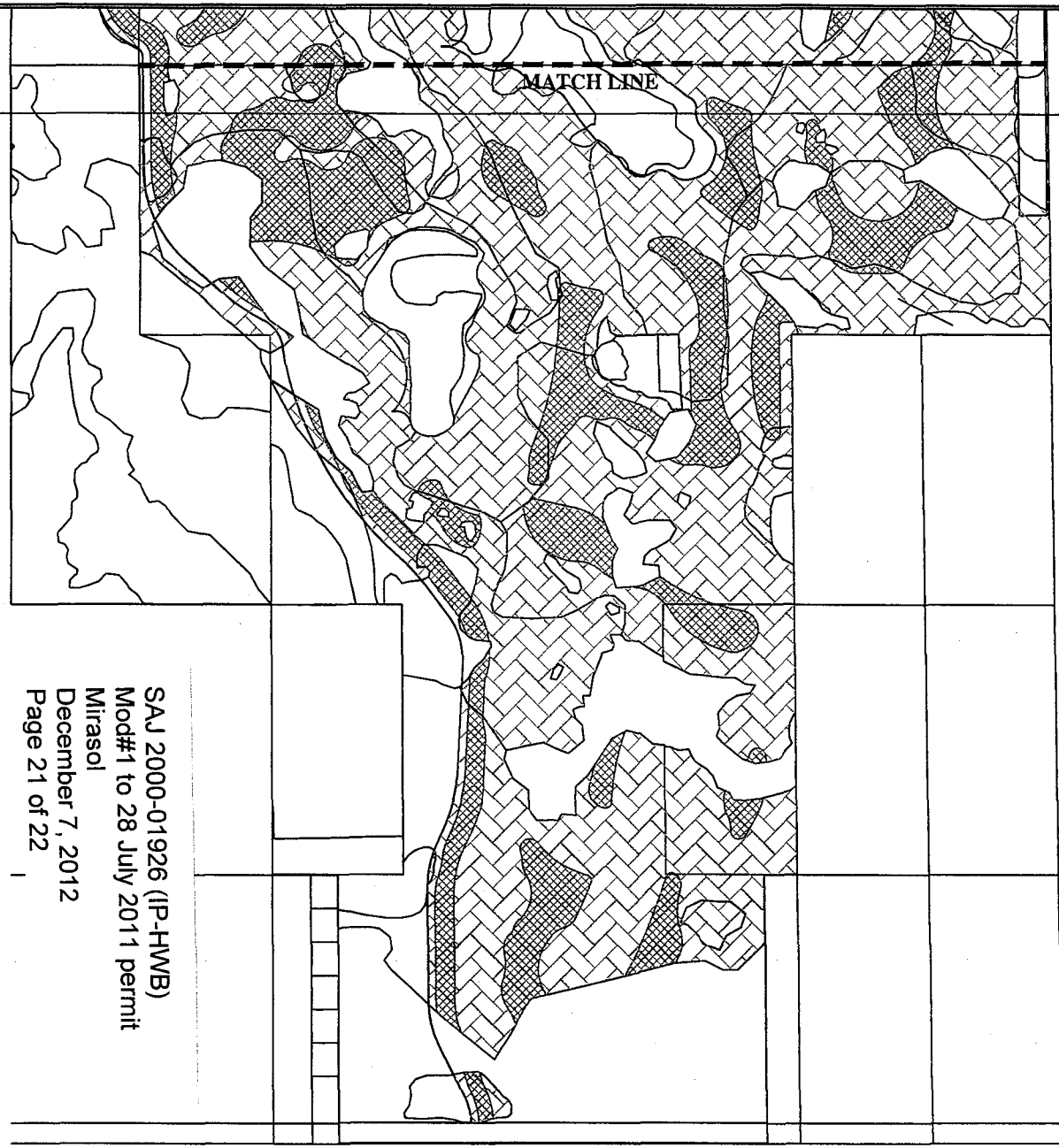

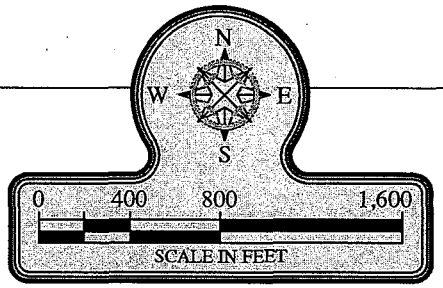

SAJ 2000-01926 (IP-HWB)
Mod#1 to 28 July 2011 permit
Mirasol
December 7, 2012
Page 21 of 22

WETLAND FILL IMPACTS: 426.17 AC.
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TOTAL WETLAND IMPACTS: 561.88 AC.

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MIRASOL

IMPACTS (SECTION 22)

DESIGNED:	T.T.T.	REVISION:	TAB NAME:	Imp & Pre 22
DRAWN BY:	SS	02-22-12	SHEET:	
CREATED:	04-25-06	06-05-2012	SCALE:	1"=800'
JOB NO.:	9418	N/A		

SECTION- 22 TOWNSHIP- 48 S RANGE- 26 E

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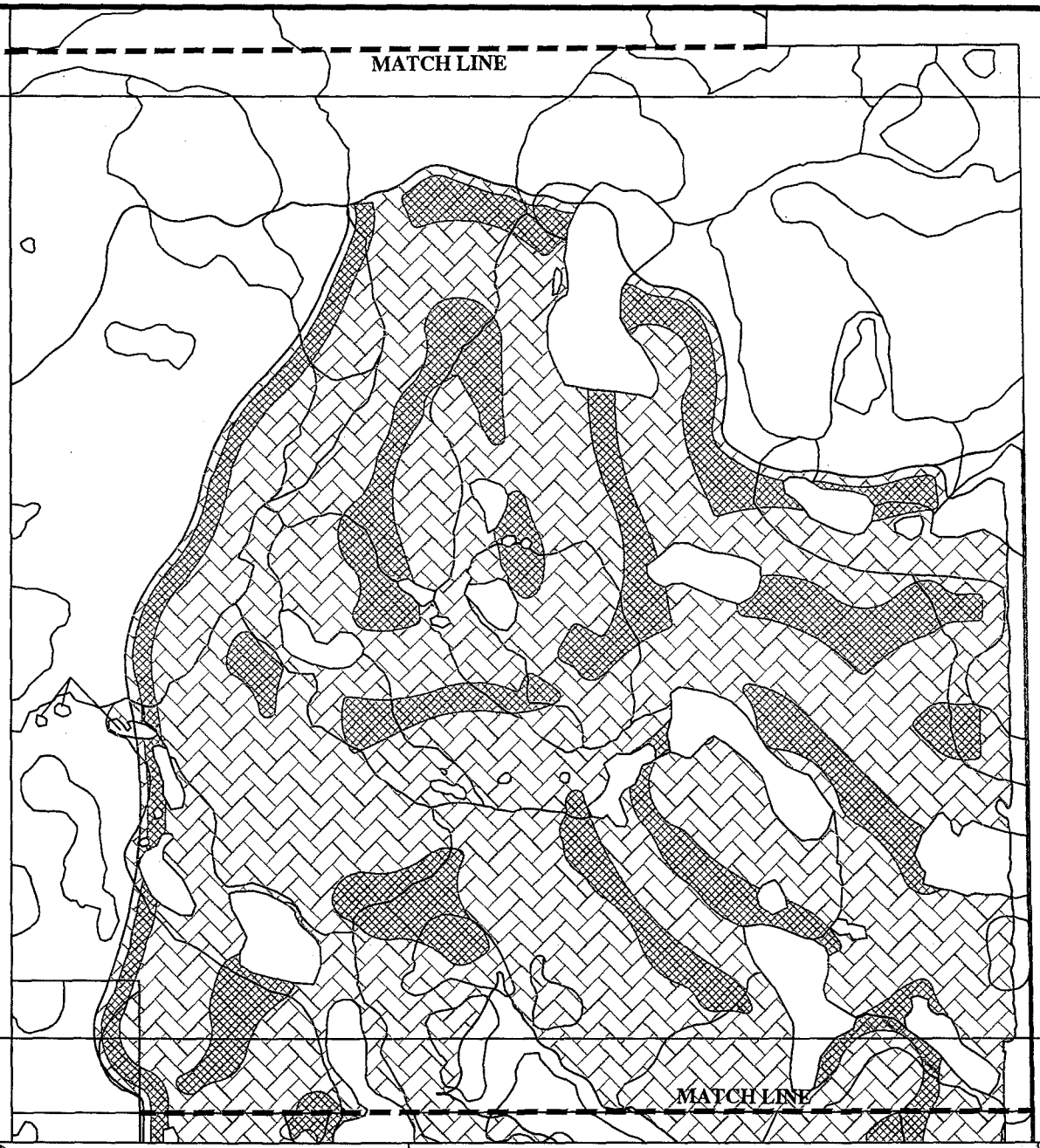

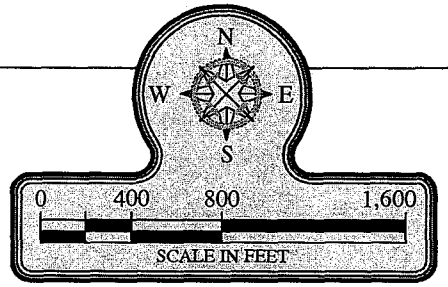

SAJ 2000-01926 (IP-HWB)
Mod#1 to 28 July 2011 permit
Mirasol
December 7, 2012
Page 22 of 22

	WETLAND FILL IMPACTS: 426.17 AC.
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MIRASOL

IMPACTS (SECTION 15)

DESIGNED:	T.T.T.	REVISION:	TAB NAME:	Imp 15
DRAWN BY:	SS	2-22-12	SHEET:	
CREATED:	04-25-06	06-05-2012	SCALE:	1"=800'
JOB NO.:	9418	N/A		

SECTION- 15 TOWNSHIP- 48 S RANGE- 26 E

ATTACHMENT B:
ENVIRONMENTAL RESOURCE PERMIT

SFWMD Permit Modification to Permit No. 11-02031-P issued November 5, 2012
34 Special Conditions
7 pages

SPECIAL CONDITIONS

1. The conceptual phase of this permit shall expire on November 5, 2017.
   The construction phase of this permit shall expire on November 5, 2017.

2. Operation of the surface water management system shall be the responsibility of the Homeowner's Association.

3. Discharge Facilities:

   Basin: Basin 1-1, Structure: CS-DC
   1-24" W X 36" H DROP INLET weir with crest at elev. 18.4' NGVD 29.
   1-3" dia. CIRCULAR ORIFICE with invert at elev. 13.4' NGVD 29.
   Receiving body : Lake #1
   Control elev : 13.4 feet NGVD 29.

   Basin: Basin 1-2, Structure: DS1-2
   1-49" W X 8" H RECTANGULAR weir with crest at elev. 16.2' NGVD 29.
   1-12" W X 7.1" H RECTANGULAR ORIFICE with invert at elev. ' NGVD 29.
   Receiving body : ON-SITE FLOW WAY
   Control elev : 13.4 feet NGVD 29.

   Basin: Basin 2-1, Structure: DS2-1
   1-49" W X 8" H RECTANGULAR weir with crest at elev. 16.1' NGVD 29.
   1-10.2" W X 6" H RECTANGULAR ORIFICE with invert at elev. 13.5' NGVD 29.
   1-16" W X 5" H RECTANGULAR ORIFICE with invert at elev. 14' NGVD 29.
   Receiving body : ON-SITE FLOW WAY
   Control elev : 13.5 feet NGVD 29.

   Basin: Basin 2-2, Structure: CS2-2 / PA2
   1-24" W X 36" H DROP INLET weir with crest at elev. 14' NGVD 29.
   Receiving body : Preserve D
   Control elev : 14.0 feet NGVD 29.

   Basin: Basin 2-4b, Structure: CS-MF
   1-24" W X 36" H DROP INLET weir with crest at elev. 15.5' NGVD 29.
   1-3" dia. CIRCULAR ORIFICE with invert at elev. 13.5' NGVD 29.
   Receiving body : Lake #11
   Control elev : 13.5 feet NGVD 29.

   Basin: Basin 2-5, Structure: CS 2-5 / PA3
   1-24" W X 36" H DROP INLET weir with crest at elev. 14' NGVD 29.
   Receiving body : Preserve E
   Control elev : 14.0 feet NGVD 29.

   Basin: Basin 2-7, Structure: CS 2-7 / PRES C
   1-24" W X 36" H DROP INLET weir with crest at elev. 14' NGVD 29.
   Receiving body : Preserve C
   Control elev : 14.0 feet NGVD 29.

   Basin: Basin 2-7, Structure: DS 2-7
   1-49" W X 8" H RECTANGULAR weir with crest at elev. 16.1' NGVD 29.
   1-14.1" W X 6" H RECTANGULAR ORIFICE with invert at elev. 13.5' NGVD 29.
   1-19.5" W X 5" H RECTANGULAR ORIFICE with invert at elev. 14' NGVD 29.
   Receiving body : ON-SITE FLOW WAY

Control elev : 13.5 feet NGVD 29.

Basin: Basin 2-9, Structure: CS 2-9 / PRES3
1-24" W X 36" H DROP INLET weir with crest at elev. 14' NGVD 29.
Receiving body : Preserve C
Control elev : 14.0 feet NGVD 29.

Basin: Basin 2-9, Structure: CS CH
1-24" W X 36" H DROP INLET weir with crest at elev. 15.5' NGVD 29.
1-3" dia. CIRCULAR ORIFICE with invert at elev. 13.5' NGVD 29.
Receiving body : Lake #23
Control elev : 13.5 feet NGVD 29.

Basin: Basin 2-16, Structure: DS 2-16
1-49" W X 8" H RECTANGULAR weir with crest at elev. 16.1' NGVD 29.
1-12" W X 10" H RECTANGULAR ORIFICE with invert at elev. 13.5' NGVD 29.
Receiving body : ON-SITE FLOW WAY
Control elev : 13.5 feet NGVD 29.

Basin: Flowway, Structure: Intake Weir
1-100' W RECTANGULAR weir with crest at elev. 14.95' NGVD 29.
2-3.5' W X 0.95' H RECTANGULAR ORIFICE with invert at elev. 14.0' NGVD 29.
Receiving body : ON-SITE FLOW WAY
Control elev : 14.0 feet NGVD 29.

Basin: Flowway, Structure: Outfall Weir
1-175' W RECTANGULAR weir with crest at elev. 13.4' NGVD 29.
Receiving body : COCOHATCHEE CANAL
Control elev : 13.4 feet NGVD 29.

4. The permittee shall be responsible for the correction of any erosion, shoaling or water quality problems that result from the construction or operation of the surface water management system.

5. Measures shall be taken during construction to insure that sedimentation and/or turbidity violations do not occur in the receiving water.

6. The District reserves the right to require that additional water quality treatment methods be incorporated into the drainage system if such measures are shown to be necessary.

7. Lake side slopes shall be no steeper than 4:1 (horizontal:vertical) to a depth of two feet below the control elevation. Side slopes shall be nurtured or planted from 2 feet below to 1 foot above control elevation to insure vegetative growth, unless shown on the plans.

8. Facilities other than those stated herein shall not be constructed without an approved modification of this permit.

9. A stable, permanent and accessible elevation reference shall be established on or within one hundred (100) feet of all permitted discharge structures no later than the submission of the certification report. The location of the elevation reference must be noted on or with the certification report.

10. The permittee shall provide routine maintenance of all of the components of the surface water management system in order to remove all trapped sediments/debris. All materials shall be properly disposed of as required by law. Failure to properly maintain the system may result in adverse flooding conditions.

11. This permit is issued based on the applicant's submitted information which reasonably demonstrates that adverse water

resource related impacts will not be caused by the completed permit activity. Should any adverse impacts caused by the completed surface water management system occur, the District will require the permittee to provide appropriate mitigation to the District or other impacted party. The District will require the permittee to modify the surface water management system, if necessary, to eliminate the cause of the adverse impacts.

12. The permittee acknowledges that, pursuant to Rule 40E-4.101(2), F.A.C., a notice of Environmental Resource or Surface Water Management Permit may be recorded in the county public records. Pursuant to the specific language of the rule, this notice shall not be considered an encumbrance upon the property.

13. If 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, the permitted project should cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The permittee, or other designee, should contact the Florida Department of State, Division of Historical Resources, Review and Compliance Section at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Project activities should not resume without verbal and/or written authorization from the Division of Historical Resources. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, Florida Statutes.

14. Minimum building floor elevation:

    BASIN: Basin 1 - 16.70 feet NGVD 29.
    BASIN: Basin 2 - 16.70 feet NGVD 29.

15. Minimum road crown elevation:
    Basin: Basin 1 - 16.20 feet NGVD 29.
    Basin: Basin 2 - 16.20 feet NGVD 29.

16. Minimum parking lot elevation:
    Basin: Basin 1 - 15.4 feet NGVD 29.
    Basin: Basin 2 - 15.5 feet NGVD 29.

17. Prior to the commencement of construction, the permittee shall conduct a pre-construction meeting with field representatives, contractors and District staff. The purpose of the meeting will be to discuss construction methods and sequencing, including type and location of turbidity and erosion controls to be implemented during construction, mobilization and staging of contractor equipment, phasing of construction, methods of vegetation clearing, construction dewatering, coordination with other entities on adjacent construction projects, wetland/buffer protection methods, and endangered species protection with the permittee and contractors. The permittee shall contact District Environmental Resource Compliance staff from the Lower West Coast Service Center at 239-338-2929 to schedule the pre-construction meeting.

18. Success of the mitigation activities proposed herein is heavily dependent on proper grading to achieve the design ground elevations necessary to recruit the expected vegetation or to sustain the proper hydrology for the targeted vegetation communities. The permittee shall submit as-built topography of the proposed created marsh areas prior to planting (31.86-acre woodstork habitat creation areas). The permittee shall correct any deficiencies in the project grade within 14 days of being notified of such deficiencies by District staff.

19. The District reserves the right to require remedial measures to be taken by the permittee if monitoring or other information demonstrates that adverse impacts to onsite or offsite wetlands, upland conservation areas or buffers, or other surface waters have occurred due to project related activities.

20. A mitigation program for Mirasol shall be implemented in accordance with Exhibit Nos. 3.5 and 3.6. The permittee shall preserve and enhance 127.92 acres of uplands and 995.96 acres of wetlands (1123.88 acres total).

21. A maintenance program shall be implemented in accordance with Exhibit Nos. 3.5 and 3.6 for the preserved/enhanced wetlands and uplands on a regular basis to ensure the integrity and viability of those areas as permitted. Maintenance shall be conducted in perpetuity to ensure that the conservation areas are maintained free from Category 1 and Category 2 exotic vegetation immediately following a maintenance activity. Maintenance in perpetuity shall also insure that conservation areas, including buffers, maintain the species and coverage of native, desirable vegetation specified in the permit. Coverage of exotic and nuisance plant species shall not exceed 4% total cover in the internal preserves and 5% of total cover in the external preserves between maintenance activities. In addition, the permittee shall manage the conservation areas such that exotic/nuisance plant species do not dominate any one section of those areas.

22. Prior to the commencement of construction, the perimeter of protected wetland/buffer zones/upland preservation areas/conservation areas shall be staked/roped/fenced to prevent encroachment into the protected areas. Using Global Positioning System (GPS) technology, the perimeter of the preserve area(s) shall be identified for future reference. The data shall be differentially corrected and accurate to less than a meter (+/- one meter or better). Electronic copies of the GPS data shall be provided to the District's Environmental Resource Compliance staff in accordance with Exhibit 3.7. The permittee shall notify the District's Environmental Resource Compliance staff in writing upon completion of staking/roping/fencing and schedule an inspection of this work. The staking/roping/fencing shall be subject to District staff approval. The permittee shall modify the staking/roping/fencing if District staff determines that it is insufficient or is not in conformance with the intent of this permit. Staking/roping/fencing shall remain in place until all adjacent construction activities are complete.

23. Endangered species, threatened species and/or species of special concern have been observed onsite and/or the project contains suitable habitat for these species. It shall be the permittee's responsibility to coordinate with the Florida Fish and Wildlife Conservation Commission and/or the U.S. Fish and Wildlife Service for appropriate guidance, recommendations and/or necessary permits to avoid impacts to listed species. Please see Exhibits 3.9 and 3.10 for endangered species management plans.

24. Activities associated with the implementation of the mitigation, monitoring and maintenance plan(s) shall be completed in accordance with the work schedule attached as Exhibit No. 3.7. Any deviation from these time frames will require prior approval from the District's Environmental Resource Compliance staff. Such requests must be made in writing and shall include (1) reason for the change, (2) proposed start/finish and/or completion dates; and (3) progress report on the status of the project development or mitigation effort.

25. Prior to the commencement of construction and in conformance with the work schedule in Exhibit 3.7, the permittee shall provide original bonds in the amount of $612,112, $117,513, $310,635, $1,229,911, and $343,816 to ensure the permittee's financial ability and commitment to complete the proposed mitigation, monitoring and maintenance plan as shown on Exhibit Nos. 3.5 and 3.6. The financial assurance shall be in substantial conformance with Exhibit No. 3.12. The financial assurance shall be in effect for the entire period of the mitigation and monitoring program. Notification to the District by the financial institution or surety that the financial assurance will not be renewed or is no longer in effect shall constitute non-compliance with the permit.

    Should the permit be transferred from the construction to operational phase prior to the completion of the mitigation and monitoring program, it will be incumbent upon the original permittee to either keep the existing financial assurance in force or provide replacement financial assurance in the name of the operational entity. The existing financial assurance cannot be released until a replacement document is received and accepted by the District.

26. A monitoring program shall be implemented in accordance with Exhibit Nos. 3.5 and 3.6. The monitoring program shall extend for a period of 5 years with annual reports submitted to District staff.

    For the Internal Preserves, the replanting plan is as follows:

    The internal preserve areas will be left to regenerate naturally for at least a year after time zero before deciding if supplemental planting is necessary. If no immediate seed source is available, replanting will help to re-establish any

denuded areas more rapidly and contributes to the restoration success. The preserve areas will be evaluated once the initial exotic removal activities are completed and any plantings that are necessary will be coordinated with District staff as part of the Time Zero Monitoring Report.

Replanting will also be considered one year after the exotic removal activities for any area that shows less than 50% coverage by appropriate native vegetation. Additionally, replanting will be considered after two years for any area that shows less than 75% coverage by appropriate native vegetation. Please see Exhibit 3.5 for details.

For the External Preserves, the replanting plan is as follows:

The supplementl planting plan for the external preserve areas differs from that of the internal preserve areas. The preserve areas will be left to regenerate naturally for at least a year after time zero before decideing if complete replanting is necessary. In areas that are more than 75% melaleuca and that have no suitable groundcover vegetation present, replanting may be done immediately follwoing the exotic eradication activities. If no immediate seed sources are available in these areas, immediate replanting will re-establish the denuded areas more rapidly and contributes to the success of the enhancement. The entire preserve area will be evaluated once the initial exotic removal activities are completed and any planting that is necessary will be proposed and coordinated with District staff as a part of the Time Zero Report.

Replanting will also be considered two years after the exotic removal activities for any area that shows less than 50% coverage by appropriate native vegetation. Additionally, replanting will be considered after three years for any area that shows less than 75% coverage by appropriate native vegetation. Please see Exhibit 3.6 for details.

Replanting will occur immediately after any mechanical removal of exotic vegetation. Areas disturbed by the removal will be re-graded to match adjacent elevations and remove any rutting, then planted with the appropriate plant palette.

Target Success Criteria:

All exotic vegetation will be killed within the preserve areas. The hydric flatwood and pine/cypress target condition is a very open canopy with little to no shrub layer, prairie-type groundcover, and widely spaced trees. Trees will be a mix of slash pine and cypress depending on site specific hydrology. Tree density in the open flatwood and pine cypress areas should be between 10 to 50 trees per acre. Cypress dome target conditions are as a more closed canopy (110 to 175 trees per acre) with more sparse ground cover. A minimum of 80% appropriate vegetative coverage will be maintained in all strata. Mesic pine areas will contain tree densities in the 50 to 100 trees per acre range with midstory vegetation of saw palmetto, wax myrtle, and other appropriate plantings. Ground cover densities may vary depending on canopy coverage.

Forested and Prairie Habitats:

After two years, all preserve areas will contain a minimum of 50% coverage by appropriate vegetation in all three strata combined. After three years, all preserve areas will contain a minimum of 75% coverage by appropriate vegetation in all three strata combined. After five years, preserves will contain a minimum of 80% coverage by appropriate vegetation in all three strata combined. Any areas not meeting the minimum appropriate vegetative coverage will be subject to supplemental planting plans as outlined in Exhibit 3.6.

Created Marsh Habitats:

Since the main component of these areas is foraging improvement, dense vegetative coverage is not desired. Shallow open water areas and sparse emergent vegetation will be the desired condition during the wet season in these freshwater marsh areas. More vegetation may grow in the depressional areas during the dry season, but should die off or substantially thin out as water levels rise. Vegetative coverage of 50% will be considered successful in these foraging improvement areas. Please see Exhibit 3.6 for details.

27. Prior to commencement of construction and in accordance with the work schedule in Exhibit 3.7, the permittee shall submit the following in an electronic or hard copy version for review and approval. Electronic versions shall be submitted via the District's ePermitting/eCompliance website and hard copy versions shall reside on CD disk and be submitted to the District's Environmental Resource Compliance Division in the service area office where the application was submitted.

    The applicant shall submit a:

    1) Project map identifying conservation area(s)

    2) Legal description of conservation area(s)

    3) Signed conservation easement

    4) Sealed boundary survey of conservation area(s) by professional Land surveyor

    5) Title insurance commitment for conservation easement naming District as beneficiary using approved valuation.

    6) Formatting in accordance with paragraph F (below) if available.

    The above information shall be submitted to the Environmental Resource Compliance staff in the District service center where the application was submitted or via the District's ePermitting website.

    B) The real estate information referenced in paragraph (A) above shall be reviewed by the District in accordance with the District's real estate review requirements described in the attached Exhibit 3.7. The easement shall not be recorded until such approval is received.

    C) The permittee shall record a conservation easement(s) over the real property designated as a conservation / preservation / mitigation area(s) on attached Exhibit 3.5 and 3.6. The easement shall be granted free of encumbrances or interests which the District determines are contrary to the intent of the easement. The conservation easement shall be granted to the District utilizing the form attached as Exhibit 3.11. Any proposed modifications to the approved form must receive prior written consent from the district.

    D) The permittee shall record the conservation easement in the public records within 14 days of receiving the District's approval of the real estate information. Upon recordation, the permittee shall submit two certified copies of the recorded conservation easement for the mitigation area and associated buffers and title insurance policy, to the Environmental Resource Compliance staff in the District service center where the application was submitted.

    E) In the event the conservation easement real estate information reveals encumbrances or interests in the easement which the District determines are contrary to the intent of the easement, the permittee shall be required to provide release or subordination of such encumbrances or interests. If such are not obtained, permittee shall be required to apply for a modification to the permit for alternative acceptable mitigation.

    F) The permittee shall submit an electronic or hard copy version of the recorded conservation easement for the mitigation area(s) and associated buffer(s). Electronic versions shall be submitted via the District's ePermitting/eCompliance website and hard copy versions shall reside on CD disk and be submitted to the District's Environmental Resource Compliance Division in the service area office where the application was submitted. The data should also be supplied in a digital CAD (.dxf) or GIS (ESRI Coverage) format. The files should be in the Florida State Plane coordinate system, East Zone (3601) with a data datum of NAD83, HARN with the map units in feet.

28. The Urban Stormwater Management Plan shall be implemented in accordance with Exhibit No. 2.1.

29. The permittee shall utilize the criteria contained in the Construction Pollution Prevention Plan (Exhibit No. 2.2) and on

the applicable approved construction drawings for the duration of the project's construction activities.

30. In order to maintain adequate conveyance capacity during construction, the flowway shall be constructed concurrently with the filling of the site. The flowway shall be constructed starting from the southern property boundary and fill material may only be placed as far north as the location of the northern extent of the flowway.

31. The following exhibits for the permit are incorporated by reference herein and are located in the permit file. In addition, these exhibits can be viewed on the District's ePermitting website under this application number.

    Exhibit No. 2.1- Stormwater Pollution Prevention Plan
    Exhibit No. 2.2- Urban Stormwater Management Program
    Exhibit No. 3.10- Listed Species Management Plans
    Exhibit No. 3.11- Conservation Easements
    Exhibit No. 3.12- Cost Estimate, Performance Bonds, Standby Trust Fund Agreements (financial assurances documents)

32. If monitoring reports or other information show the preserved wetlands have been negatively affected by the permitted development in a manner that is irreversible (such as impounding the wetland and drowning the existing vegetation or a reduction in the hydroperiod resulting in the transition of wetlands into upland/transitional habitat), the permittee shall be required to submit a remediation plan within 30 days of notification by the District's Environmental Resource Compliance staff of such conditions. The remediation plan may include onsite or offsite mitigation as necessary to address any deficiences.

33. All contractors must be provided with a copy of the staff report and permit conditions prior to the commencement of construction. The permittee is responsible for ensuring that all contractors adhere to the project construction details and methods indicated on the attached permit Exhibits and described herein.

34. The internal preserve areas include 8.19 acres of 100% secondarily impacted habitat. This includes a total of 7.57 acres of wetland and 0.62 acres of upland within Preserve Areas C, D, E and F. While these areas have been mitigated in full, the applicant has proposed to preserve these areas in the onsite conservation easements. Temporary wetland impacts to these areas during construction are allowed, but any such areas that are temporarily impacted must be restored to natural conditions, consistent with the proposed mitigation, monitoring, and maintenance plan.

ATTACHMENT C:
Mitigation, Maintenance & Monitoring Plan
On-Site

Pages 1-10 of 10 (text)
Dated December, 2012
Tables 1 & 2
Exhibits 1 & 2

MITIGATION / MONITORING / MAINTENANCE PLAN FOR INTERNAL PRESERVES

REVISED: NOVEMBER 26, 2012

PREPARED BY:

TURRELL HALL & ASSOCIATES, INC
3584 EXCHANGE AVENUE
NAPLES, FL 34104

I. INTRODUCTION:

The purpose of this document is to outline and describe the proposed mitigation and monitoring activities for preserves internal to the development project known as ***Mirasol***. It is submitted to the U.S. Army Corps of Engineers (ACOE) in conjunction with a permit modification for the proposed development. A Mitigation and Monitoring Plan for the large preserve (Main Preserve) that is proposed outside of the development footprint is presented in its own, independent document.

The proposed project encompasses a total of approximately 1,798 acres in four sections of northern Collier County north of CR 846 and east of Interstate 75. A residential and golf course community is planned, with access to be provided from Immokalee Road (CR 846) along the southern property boundary. Most of the southern two sections were historically mowed and these two Sections (15 & 22) in addition to the northern Section (10) were used as cattle pasture. Altered sheet flows from further north and east currently flow across the property and because of constricted and limited outfall, the property is abnormally flooded (to increased depths) on an annual basis.

The historic use of the property as cattle pasture coupled with the annual flooding now occurring has contributed to unchecked proliferation of melaleuca across the entire property. A majority of the site has melaleuca densities of greater than 50% coverage. This infestation in conjunction with the flooding has led to a degradation of the uplands and severely depressed the functional values for the entire area. Native vegetation, wildlife forage value, and actual wildlife utilization have all suffered drastic reductions due to the existing conditions of the site.

To characterize surrounding land use, active farm fields exist to the north of the property while lands to the east consist of undeveloped parcels, a mitigation parcel, and several single-family home-sites. The properties to the west of the subject parcel consist of the proposed Parklands (north) and Saturnia (central) developments, and the existing Olde Cypress (south) development. The southern property boundary abuts the drainage easement and Cocohatchee canal alongside of Immokalee Road (CR 846).

The development site plan proposes to directly impact approximately 561.9 acres of ACOE jurisdictional wetlands. The plan also proposes to preserve approximately 984.3 acres of wetlands and 139.6 acres of uplands. The majority of the proposed preserve area (949.6 acres of wetlands and 137.5 acres of uplands) is located to the north and west of the development area. Within the development area the project proposes to preserve 34.7 acres of wetlands and 2.1 acres of uplands. It is towards these 36.8 acres of internal preserves that this document is dedicated.

II. EXISTING CONDITIONS:

The project site consists of 1,798 acres located in four sections of northern Collier County north of CR 846 and east of Interstate 75. There are limited upland (252.2 acres)

and substantial wetland (1,546.2 acres) communities present on the site, which have all been heavily impacted by melaleuca infestation and altered hydrology.

Habitat Descriptions:

The following paragraphs outline the basic composition of species assemblages found on-site. While many more species are present than presented in this report, the following gives a brief description of the vegetative communities.

411 - Pine Flatwoods

This is the predominant upland habitat present on the property. The canopy component of this area consists of mature slash pines (*Pinus elliottii*) and melaleuca *(Melaleuca quinquenervia)*. Melaleuca concentrations vary in these upland areas but some areas exhibit densities approaching 75%. Wax myrtle *(Myrica cerifera)* and small melaleuca form the midstory. These uplands exist as remnant islands throughout the site, most likely due to the altered, elevated water levels present. Understory species include saw palmetto *(Serenoa repens)*, gallberry *(Ilex glabra)* and wild grape vine (*Vitis rotundifolia*).

422 - Brazilian Pepper

These two small areas are present in the northeast and northwest corners of the property. There are both upland and wetland areas present. Brazilian pepper (*Schinus terebinthifolius)* dominates this vegetative community.

617 - Disturbed Mixed Hydric Hardwoods

This small community in the southwestern corner of Section 15 is the only example of this community on the site. The dominant plant species are bald cypress *(Taxodium distichum*), melaleuca, wax myrtle, swamp bay *(Persea palustris)*, saltbush *(Baccharris halimifolia)*, and live oak *(Quercus virginiana)*. A few cabbage palms (*Sabal palmetto*) are also present. Herbaceous understory vegetation consists of sawgrass *(Cladium jamaicense)* and swamp fern *(Blechnum serrulatum)*.

621 - Cypress Swamp

This habitat contains predominately bald cypress with scattered dahoon holly (*Ilex cassine)*, wax myrtle, and rare swamp bays. Ground covers are sparse but consist mainly of swamp fern.

424 - Hydric Melaleuca

These areas are dominated by melaleuca *(Melaleuca quinquenervia)* with minimal groundcover of swampfern, sawgrass and several grasses. Melaleuca concentrations are 90 to 100 % of the canopy cover.

624 – Cypress / Pine / Cabbage palm

This habitat contains predominately bald cypress with scattered slash pine, wax myrtle, and rare cabbage palms. Ground covers are limited but consist mainly of swamp fern and assorted grasses and sedges.

643 - Disturbed Wet Prairie

This community appears as a disturbed area alongside a road in western Section 22 and in the northeast corner of Section 10. Little to no canopy is present and groundcovers include red root (*Lachnocaulon caroliniana*), Crinum lily (*Crinum americanum),* Broomsedge (*Andropogon spp.),* Pipeworts (*Eriocaulon spp*), Hat pins (*Eriocaulon spp.*), Yellow-eyed grass (*Xyris spp.*), dog fennel (*Eupatorium leptophyllum*), etc.

640 - Flag Pond

This community appears in only one small area within the 160-acre adjacent mitigation parcel in Section 11. No canopy is present and the area is dominated by emergent vegetation, mostly alligator flag (*Thalia geniculata*).

424 / 411 – Mixed Melaleuca / Pine flatwoods

These areas contain vegetation from both communities as listed above. Areas are differentiated by the concentration of melaleuca found in each. The majority of the site contains melaleuca concentrations close to or over 50% of canopy cover. Concentrations of individual areas are shown on the FLUCCS map that is a part of the permit submittal.

621(624) / 424 – Cypress or Cypress / Pine and Melaleuca

As above, these areas are a mix of the different communities differentiated by Melaleuca concentration.

534 – Ponds

These are small areas excavated as watering holes for the cattle kept on-site.

WETLAND IMPACT AREAS:

The development plan proposes to directly impact approximately 561.9 acres and preserve about 34.7 acres of ACOE jurisdictional wetlands within the development. The aerial extent of impacts is high but the vast majority of the wetlands impacted are highly disturbed, and in some cases, created from historic uplands by the elevated water levels now occurring on-site. A breakdown of the impacted areas by FLUCFCS category is presented in the attached Table 1.

III. MITIGATION ACTIVITIES

Conservation areas within the project site are identified with two (2) different labels; Development preserves, and the Main preserve. This distinction was made in order to outline the proposed mitigation activities for each individual preserve. This plan details the activities planned for the development preserves while the mitigation and monitoring activities planned for the Main preserve are presented under separate cover.

The development preserves are identified as 4 distinct areas labeled C, D, E, and F, on the attached map (Exhibit 1). The management activities associated with these preserve areas are outlined within this document and will be a requirement for the project.

All of the preserves shall be placed into conservation easements with the South Florida Water Management District, and enforcement rights shall be granted to the South Florida Water Management District and the US Army Corps of Engineers. A draft copy of the conservation easement documents will be provided to the ACOE prior to the commencement of construction. Easement documents will be finalized and recorded as outlined in the DA permit conditions.

As stated above, there are four areas included within the development as preserves. These areas combined are approximately 36.8 acres in size and are identified individually on the attached map (Exhibit 1).

Preserve C

This is a predominately cypress preserve located in the north central portion of Section 22. It is 9.67 acres in size all of which are wetlands. This preserve contains some hydric pine flatwoods around the central cypress area that have been heavily infested by melaleuca. All of the exotic vegetation will be cut by hand and removed from this preserve area. The hydrology will be maintained by a direct connection to the adjacent lake. Water from the lake will be able to enter the preserve as the water level rises but only after it has undergone treatment within the lake. The boundary will be clearly delineated as a preserve.

Preserve D

This is a small preserve located immediately east of Preserve C in the central portion of Section 22. It is 2.79 acres in size all of which are wetlands. This preserve also contains hydric pine flatwoods around the central cypress dome that have been heavily infested by melaleuca. All of the exotic vegetation will be cut by hand and removed from this preserve area. The hydrology will be maintained by a direct connection to the adjacent lake. Water from the lake will be able to enter the preserve as the water level rises but only after it has undergone treatment within the lake. The boundary will be clearly delineated as a preserve.

Preserve E

This is the largest preserve area within the development footprint. It is 13.77 acres in size all of which are wetlands. This preserve is located along the border of Sections 22 and 15. It is composed of two cypress areas surrounded by hydric pine flatwoods. Melaleuca has extensively infested this preserve area. The current intent is for all of the exotic vegetation to be cut by hand and removed from the preserve. However, because of the density of melaleuca, a portion of this preserve area may be mechanically cleared if hand removal is shown to be logistically and fiscally unfeasible. The area in which mechanical clearing will be authorized is depicted on the map included as Exhibit 1. If any mechanical clearing is done, the cleared portion will be immediately planted as hydric pine flatwoods according to the planting plan outlined below in this report. Like Preserves C and D, this preserve will have a direct connection to the lake system and will receive water from the lakes once it has been treated. Since this is the largest internal preserve it offers the best opportunity to help educate the residents about the preserves and about wetlands in general. Should the owner (or homeowner's association) later explore the possibility of constructing an elevated, hand-railed boardwalk into this preserve to facilitate educational opportunities and access into the preserve, a permit modification request will be submitted the Corps of Engineers and SFWMD for review and approval prior to implementation. The boundary will be clearly delineated as a preserve.

Preserve F

This preserve is located linearly along the eastern boundary of Section 15. The preserve is 10.61 acres in size and is composed of 8.52 acres of wetlands and 2.09 acres of uplands. The wetlands are a mix of cypress and hydric pine with widely varying melaleuca concentrations. All exotic vegetation will be removed from this preserve area and the boundary will be clearly delineated as a preserve. All exotic removal is currently anticipated to be done by hand clearing but a couple of very dense areas, as depicted on Exhibit 1, may be mechanically cleared. If any mechanical clearing is done, the cleared portion will be immediately planted according to the planting plan for hydric pine flatwoods outlined below in this report. The boundary will be clearly delineated as a preserve.

Exotic Vegetation Eradication

Melaleuca infestation is rampant throughout the site and extensive eradication efforts will be implemented to eliminate this noxious plant from all preserve spaces. This program will entail quarterly clearing for the first year and biannual efforts thereafter until the infestation is under control and annual treatment can take over. All cleared debris, both hand and mechanical, will be removed from these internal preserves.

Because of the potential damage and destruction to groundcover vegetation and likely rutting of the ground by machinery, no mechanical clearing is currently proposed in

Preserve areas C and D. If any mechanical clearing is done in preserves E or F, the cleared portion will be immediately planted according to the hydric pine planting plan outlined below in this report.

Quarterly maintenance inspections and treatments for the first year will be necessary to eliminate the melaleuca that has already gained a stranglehold on the property. Thereafter, biannual removal efforts will be undertaken for a couple of additional years to insure removal efforts have been successful. Once the removal efforts have been successful, annual maintenance treatments should be sufficient to control future exotic growth. The preserve areas will be exotic free immediately following a maintenance activity. At no time shall the density of exotic and nuisance plant species within these preserves exceed 4% of the total aerial cover.

Replanting Plans

The preserve areas which have undergone hand removal efforts will be left to regenerate naturally for at least a year (through one wet season and the planted prior to the next wet season) before deciding if supplemental planting is necessary. The decision to install supplemental plantings will be based on the amount of growth and recruitment documented in the annual monitoring report and the likelihood that the areas will reach the success criteria within the 5 year monitoring time frame. The decision to plant or not will be coordinated with ACOE and SFWMD compliance staff. Any preserve areas that have been mechanically cleared (Preserve E or F as depicted in Exhibit 1) will be planted immediately in conjunction with the start of the rainy season. The preserve areas will be evaluated once the initial exotic removal activities are completed and any plantings felt necessary will be proposed and coordinated with ACOE and SFWMD staff as part of the Time Zero Report.

Replanting will also be considered one year after the exotic removal activities for any area that shows less than 50% coverage by appropriate native vegetation. Appropriate vegetation will include canopy, mid-story, and ground cover vegetation. The one year of natural regeneration is proposed to allow for existing vegetation remaining after the exotic removal to re-establish itself in the newly opened areas. Natural regeneration is preferable to immediate planting because it allows for the local plants that will grow in the restoration areas to establish, and it allows for more natural biodiversity of plants. Replanting will be considered after two years for any area that shows less than 75% coverage by appropriate native vegetation.

Appropriate plant palettes will be applied for the affected areas. They will be dependant on existing ground elevations, anticipated high water elevations, and historic vegetative cover. Also, all areas disturbed as part of the construction or mitigation activities will be replanted as outlined below:

Cypress: Cypress areas will be planted primarily with sapling cypress trees. Slightly higher areas and interfaces with adjacent flatwood communities may also include slash pine, dahoon holly and a few red maple trees. All trees planted will be containerized stock with minimum heights of 4 feet above the substrate. Depending on the size of the area being planted and the density of the adjacent vegetation, planting will be done on 10 foot or 15 foot centers. Planting will be clumped to imitate a more natural community instead of in linear rows. Midstory plantings will be done with minimum 5-gal container stock and will be planted to mimic natural clumps or thickets within the cypress area. It is anticipated that adjacent ground cover vegetation will rapidly colonize the areas so no ground cover planting will be done until a full growing season has passed. If ground cover colonization has not occurred, sawgrass, cordgrass, and other appropriate, available vegetation will be planted in those areas. The ground cover plantings will be with bare root or container stock. Bare root plantings will have minimum 3 inch diameter root masses. These plantings will be done essentially on 3 foot centers to fill in areas that have not regenerated naturally.

The following table shows some of the representative species that can be considered for planting and restoration of the cypress preserve areas.

CYPRESS PLANTING AREAS		
Canopy	Mid-story	Ground Cover
Cypress *(Taxodium distichum)*	Button Bush *(Cephalanthus occidentals)*	Sawgrass *(Cladium jamaicense)*
Red Maple *(Acer rubrum)*	Marlberry *(Ardisia escallonioides)*	Cinnamon Fern *(Osmunda cinnamomea)*
Dahoon Holly *(Ilex cassine)*	Pond Apple *(Annona glabra)*	Swamp Fern *(Blechnum serrulatum)*
Laurel Oak *(Quercus laurifolia)*	Cocoplum *(Chrysobalanus icaco)*	Alligator Flag *(Thalia geniculata)*
Slash Pine *(Pinus elliottii)*	Wax Myrtle *(Myrica cerifera)*	Crinum Lily *(Crinum americanum)*

Flatwoods: Pine flatwood areas will be planted with sapling slash pine on 50 to 75 foot centers. Trees will be from containerized stock and be between 4' to 6' in height. In very hydric areas, up to 15% cypress saplings may also be used. Few midstory plantings are proposed because of the future management plan for the areas as potential fox squirrel and red-cockaded woodpecker habitat. As above, no ground cover plantings will be done for a full growing season unless no existing vegetation is present. Wiregrass, cordgrass, broomsedge, and other appropriate native vegetation will be used if no regeneration is seen within the first year. These will be from both bare root and container stock and will be planted on the equivalent of 3-foot centers in clusters to fill in open areas.

PINE FLATWOOD PLANTING AREAS		
Canopy	Mid-story	Ground Cover
Slash Pine *(Pinus elliottii)* Cypress *(Taxodium distichum)* Cabbage Palm *(Sabal palmetto)*	Wax Myrtle *(Myrica cerifera)* St. John's Wort *(Hypericum fasciculatum)*	Wiregrass *(Aristida stricta, Aristida purpurascens)* Swamp Fern *(Blechnum serrulatum)* Sand Cordgrass *(Spartina alterniflora)* Broom Grass *(Andropogon virginicus var. glaucus)* Yellow-eyed Grass *(Xyris fimbriata, Xyris caroliniana)*

These lists are not all inclusive and alternative appropriate native wetland vegetation may be used.

All plantings will be coordinated with the wet season so that expected rains will serve to keep the new plantings hydrated and no outside irrigation source will be needed.

Educational Displays

The applicant will establish two (2) wildlife displays for the proposed preserve areas. They will feature 'Cypress Domes of Southwest Florida' and 'Pine Flatwoods of Southwest Florida' along with their associated flora and fauna. They briefly describe the uniqueness of these communities, while highlighting plant and animal species which are typical of these habitats. Several 3' x 4' displays will be installed in prominent locations throughout the development. Additional 8.5 x 11 copies will also be available in the club house.

The proposed mitigation activities shall offset unavoidable, adverse wetland impacts and achieve mitigation success by providing viable and sustainable ecological and hydrological functions.

Target Criteria

All woody exotic vegetation will be removed from the internal preserve areas. Preserves will contain a minimum of 80% coverage by appropriate vegetation in all three strata combined. Hydric flatwood target conditions are as a very open canopy, prairie type ground cover with widely spaced trees. Trees will be a mix of slash pine and cypress depending on site specific hydrology. Tree density in the open flatwood areas should be between 10 to 50 trees per acre. Cypress dome target conditions are as a more closed canopy (110 to 175 trees per acre) with sparser ground cover. A minimum of 80% appropriate vegetative coverage will still be maintained. Mesic pine areas will contain tree densities in the 50 to 100 trees per acre range with midstory vegetation of saw

palmetto, wax myrtle, myrsine, and other appropriate plantings. Ground cover may be scarce in dense midstory areas.

Financial Assurances

A cost estimate for the enhancement and maintenance activities has been presented to the SFWMD. Assurances that the project has the financial capability to undertake the work will be provided in the form of a letter of credit, performance bond, or other appropriate surety instrument. Once the activities have been completed as outlined in this document and the permit special conditions, the District will release the surety back to the project.

Mitigation Calculations

Pre and post development WRAP analysis were conducted. The proposed development consists of 561.9 acres of wetland impacts. The functional assessment depicting the mitigation credits and deficits associated with the preserve areas has been provided as part of the permit application.

IV. MONITORING / MAINTENANCE / MANAGEMENT:

The goals and objectives of this monitoring plan will be to provide for ongoing progress and ultimate success of preserved and enhanced areas in a series of scheduled monitoring reports. The reports will quantify and describe conditions within the managed areas, comparing observations with the proposed standards and offering advice for corrective actions if needed.

Visual inspection for exotic plant invasion will be made on quarterly, bi-annual, or annual basis depending on the state and status of the exotic eradication efforts. All exotic vegetation found will be flagged, mapped and reported for treatment. Removal of observed exotic vegetation will occur within 30 days of the observations. Meandering transects will be followed in the preserve areas for vegetative inventory and observation of wildlife during regular monitoring. Photo points will be established along with plot sampling stations to determine percent survival and percent coverage of planted and recruited plant species. Transect locations have been provided on the included exhibit (Exhibit 2). Plot sampling station locations will be determined at time zero, after exotic eradication and plantings are installed. The mitigation efforts shall be deemed successful when the area contains a minimum of 80% coverage of appropriate native vegetation, with less than 5% exotic and nuisance vegetation for a continuous period of 2 years. The preserve areas will be maintained in this exotic-free state in perpetuity. Once restoration and enhancement activities are deemed successful, the internal preserve areas will continue to be maintained in perpetuity and the homeowner's association or the Community Development District will be responsible for this perpetual maintenance.

A Baseline Monitoring Report will describe the existing conditions of the conservation areas prior to exotic eradication and supplemental planting. The Time Zero Monitoring Report will describe the aerial extent of exotic removal and other mitigation work, i.e. revegetation, photographs from referenced locations, qualitative observations of wildlife usage and other information such as climatic and hydrological conditions and health of existing vegetation. Annual Monitoring reports shall document changes from the baseline conditions the success of the exotic eradication and identifies ways to maintain or improve these conditions.

Baseline, Time Zero and Annual Reports will include the following:

- quantification of any revegetation of exotic species and recommendations for remedial actions.
- quantification of revegetation of cleared areas by native species including dominant species and % cover by species.
- percent coverage, open space and water depths as appropriate.
- direct and indirect wildlife observations.
- site hydrological characteristics.
- photographs from a referenced location and panoramic photographs. A photo point station will be identified with a PVC labeled stake.
- Automatic monitoring groundwater loggers will be installed in the two largest internal preserves (C and E as depicted on Exhibit 2) with monthly readings, high, and low water levels provided in each annual monitoring report.

The maintenance and management of the preserve areas will be the responsibility of the owner/developer in perpetuity. When the property owners association or CDD acquires ownership of the property, maintenance and management responsibilities will transfer to that entity as well. At that time the said association(s) shall assume responsibility for the perpetual maintenance and management of the preserve and retained areas. Association documents will indicate the responsibilities, restrictions and limitations associated with the conservation areas.

The maintenance activities will be performed on a quarterly basis for the first year, then biannually as needed until annual maintenance is adequate to keep preserve areas clean. Perpetual maintenance after the monitoring period will be on an annual basis.

In addition to the exotic removal efforts, the maintenance activities may include, but are not limited to the following.

- maintenance, repair and/or replacement of monitoring wells,
- eradication of nuisance vegetation such as vines or cattails,
- supplemental herbicidal treatment of stumps to prevent re-growth after initial treatment.
- Upkeep and replacement of signage delineating preserve areas.

ACOE AREA	FLUCCS CODE	DESCRIPTION	ACOE Upland Acreage	ACOE Wetland Acreage	Internal Wetland Preserve	Internal Upland Preserve	Main Wetland Preserve	Main Upland Preserve	Created Wetlands	Wetland Dredge Impacts	Wetland Fill Impacts	Total Wetland Impacts
1	624/424	Pine / Cypress / Melaleuca (>75%)		2.37			1.35			0.57	0.45	1.02
2	411	Pine Flatwoods	31.61						8.68			
3	621/424	Cypress / Melaleuca (>50%)		2.50			2.42				0.08	0.08
4	424	Melaleuca		42.50			7.00			8.91	26.59	35.50
5	411	Pine Flatwoods	1.13									
6	624/424	Pine / Cypress / Melaleuca (>50%)		6.97						0.44	6.53	6.97
7	411	Pine Flatwoods	11.67									
8	624/424	Pine / Cypress / Melaleuca (>75%)		8.19						1.41	6.78	8.19
9	411	Pine Flatwoods	0.12									
10	411	Pine Flatwoods	5.23						3.09			
11	411	Pine Flatwoods	0.43									
12	411	Pine Flatwoods	10.60					0.86				
13	411	Pine Flatwoods	0.91									
14	625/424	Pine Flatwoods / Melaleuca (>50%)		1.68						0.08	1.60	1.68
15	411	Pine Flatwoods	0.09									
16	411	Pine Flatwoods	0.89									
17	411	Pine Flatwoods	0.85									
18	411	Pine Flatwoods	2.19									
19	411	Pine Flatwoods	0.31									
20	625/424	Pine Flatwoods / Melaleuca (>50%)		33.14	3.42					6.23	23.49	29.72
21	643	Disturbed Wet Prairie		4.29			3.96				0.33	0.33
22	621	Cypress		4.36			4.36					
23	624	Pine / Cypress		2.67			2.67					
24	621	Cypress / Melaleuca (>25%)		0.82						0.47	0.35	0.82
25	411	Pine Flatwoods	0.25									
26	625/424	Pine Flatwoods / Melaleuca (>75%)		31.67	0.49		2.90			11.25	17.03	28.28
27	424	Melaleuca		9.24			0.16			4.04	5.04	9.08
28	621	Cypress / Melaleuca (>50%)		0.69						0.66	0.03	0.69
29	411	Pine Flatwoods	0.43									
30	621	Cypress		6.34	6.34						0.00	0.00
31	411	Pine Flatwoods	0.28									
32	411	Pine Flatwoods	5.70									
33	411	Pine Flatwoods	4.72									
34	625/424	Pine Flatwoods / Melaleuca (>25%)		19.51			0.64			2.00	16.87	18.87
35	621	Cypress		0.57	0.54						0.03	0.03
36	625/424	Pine Flatwoods / Melaleuca (>25%)		19.02	2.77					3.22	13.03	16.25
37	411	Pine Flatwoods	1.06									
38	424	Melaleuca		48.14	1.39					13.68	33.07	46.75
39	411	Pine Flatwoods	2.58									
40	411	Pine Flatwoods	2.29									
41	621	Cypress / Melaleuca (>25%)		1.49	1.27						0.22	0.22
42	624	Pine / Cypress / Melaleuca (>25%)		5.76	0.88					1.53	3.35	4.88
43	411	Pine Flatwoods	0.15									
44	625/424	Pine Flatwoods / Melaleuca (>50%)		18.59	0.21					2.95	15.43	18.38
45	621	Cypress / Melaleuca (>25%)		5.57	4.89						0.68	0.68
46	625/424	Pine Flatwoods / Melaleuca (>50%)		12.61	0.02					1.84	10.75	12.59
47	625/424	Pine Flatwoods / Melaleuca (>75%)		3.29						0.58	2.71	3.29
48	411	Pine Flatwoods	2.01									
49	411	Pine Flatwoods	4.93									
50	625/424	Pine Flatwoods / Melaleuca (>75%)		57.55	3.15					12.64	41.76	54.40
51	411	Pine Flatwoods	0.68									
52	621/424	Cypress / Melaleuca (>50%)		1.31							1.31	1.31
53	621/424	Cypress / Melaleuca (>25%)		1.82	1.82							
54	621/424	Cypress / Melaleuca (>50%)		2.81	1.31						1.50	1.50
55	624/424	Pine / Cypress / Melaleuca (>50%)		3.45	0.09					0.61	2.75	3.36
56	621/424	Cypress / Melaleuca (>50%)		1.74			0.06			0.84	0.84	1.68
57	624/424	Pine / Cypress / Melaleuca (>50%)		6.80			6.04			0.37	0.39	0.76
58	617	Mixed Wetland Hardwoods		1.39			1.39					
59	621	Cypress		0.88			0.88					
60	621	Cypress		3.93			3.93					
61	625/424	Pine Flatwoods / Melaleuca (>75%)		30.92			13.61			5.18	12.13	17.31
62	411	Pine Flatwoods	0.68									
63	411	Pine Flatwoods	0.48					0.30				
64	625/424	Pine Flatwoods / Melaleuca (>75%)		28.37						2.33	26.04	28.37
65	625/424	Pine Flatwoods / Melaleuca (>75%)		8.91						1.48	7.43	8.91
66	411	Pine Flatwoods	0.35									
67	411	Pine Flatwoods	6.29									
68	621	Cypress / Melaleuca (>25%)		1.66	0.64						1.02	1.02
69	411	Pine Flatwoods	4.20			0.63						
70	625/424	Pine Flatwoods / Melaleuca (>50%)		5.99	0.42					2.44	3.13	5.57
71	625/424	Pine Flatwoods / Melaleuca (>25%)		11.68	1.76		0.87			1.00	8.05	9.05
72	411	Pine Flatwoods	0.30									
73	411	Pine Flatwoods	3.48			1.46						
74	411	Pine Flatwoods	1.75									
75	411	Pine Flatwoods	2.57									
76	625/424	Pine Flatwoods / Melaleuca (>50%)		12.11						3.20	8.91	12.11
77	411	Pine Flatwoods	0.81									

ACOE AREA	FLUCCS CODE	DESCRIPTION	ACOE Upland Acreage	ACOE Wetland Acreage	Internal Wetland Preserve	Internal Upland Preserve	Main Wetland Preserve	Main Upland Preserve	Created Wetlands	Wetland Dredge Impacts	Wetland Fill Impacts	Total Wetland Impacts
78	411	Pine Flatwoods	1.43									
79	625/424	Pine Flatwoods / Melaleuca (>75%)		20.65						4.55	16.10	20.65
80	411	Pine Flatwoods	1.58									
81	621	Cypress / Melaleuca (>50%)		2.60			2.60					
82	621	Cypress / Melaleuca (>50%)		0.37			0.37					
83	411	Pine Flatwoods	1.53					1.53				
84	540	Cattle Pond		0.08			0.08					
85	424	Melaleuca		74.07			59.21			4.60	10.26	14.86
86	625/424	Pine Flatwoods / Melaleuca (>75%)		14.19			14.19					
87	625/424	Pine Flatwoods / Melaleuca (>25%)		2.99							2.99	2.99
88	411	Pine Flatwoods	10.00					2.33				
89	625/424	Pine Flatwoods / Melaleuca (>50%)		16.65			15.90			0.15	0.60	0.75
90	625/424	Pine Flatwoods / Melaleuca (>75%)		106.35	2.41		5.31			24.78	73.85	98.63
91	411	Pine Flatwoods	1.60					1.60				
92	625/424	Pine Flatwoods / Melaleuca (>25%)		8.13	0.30		5.79			1.09	0.95	2.04
93	625	Hydric Pine Flatwoods		2.35	0.63		1.72					
94	621	Cypress		18.57			18.57					
95	624/424	Pine / Cypress / Melaleuca (>25%)		20.43			20.43					
96	625/424	Pine Flatwoods / Melaleuca (>25%)		5.77			5.77					
97	621	Cypress		0.39			0.39					
98	411	Pine Flatwoods	3.41					3.41				
99	625/424	Pine Flatwoods / Melaleuca (>50%)		1.93			1.93					
100	625/424	Pine Flatwoods / Melaleuca (>50%)		67.73			40.25			8.88	18.60	27.48
101	625/424	Pine Flatwoods / Melaleuca (>50%)		30.64			25.96			1.47	3.21	4.68
102	625/424	Pine Flatwoods / Melaleuca (>75%)		8.41			8.27			0.05	0.09	0.14
103	411	Pine Flatwoods	5.20					5.20				
104	411	Pine Flatwoods	0.73					0.73				
105	625/424	Pine Flatwoods / Melaleuca (>75%)		7.55			7.55					
106	625/424	Pine Flatwoods / Melaleuca (>25%)		1.41			1.41					
107	625/424	Pine Flatwoods / Melaleuca (>50%)		21.32			21.32					
108	625/424	Pine Flatwoods / Melaleuca (>75%)		2.85			2.85					
109	540	Cattle Pond		0.19			0.19					
110	411	Pine Flatwoods	0.57					0.57				
111	411	Pine Flatwoods	1.66					1.66				
112	411	Pine Flatwoods	11.32					11.32				
113	411	Pine Flatwoods	0.56					0.56				
114	621	Cypress		21.11			21.11					
115	625/424	Pine Flatwoods / Melaleuca (>75%)		6.59			6.59					
116	411	Pine Flatwoods	2.85					2.85				
117	411	Pine Flatwoods	0.94					0.94				
118	424	Melaleuca		107.97			107.97					
119	625/424	Pine Flatwoods / Melaleuca (>25%)		12.61			12.61					
120	411	Pine Flatwoods	1.07					1.07				
121	411	Pine Flatwoods	7.63					7.63				
122	411	Pine Flatwoods	0.54					0.54				
123	411	Pine Flatwoods	2.60					2.60				
124	624/424	Pine / Cypress / Melaleuca (>50%)		9.15			9.15					
125	625/424	Pine Flatwoods / Melaleuca (>50%)		6.37			6.37					
126	621	Cypress		1.16			1.16					
127	624/424	Pine / Cypress / Melaleuca (>50%)		1.30			1.30					
128	411	Pine Flatwoods	1.57					1.57				
129	621/424	Cypress / Melaleuca (>25%)		3.46			3.46					
130	411	Pine Flatwoods	0.17					0.17				
131	424	Melaleuca		2.72			2.72					
132	621/424	Cypress / Melaleuca (>25%)		3.67			3.67					
133	411	Pine Flatwoods	12.36					12.36				
134	625/424	Pine Flatwoods / Melaleuca (>75%)		62.52			62.52					
135	424	Melaleuca		42.41			42.41					
136	411	Pine Flatwoods	2.21					2.21				
137	625/424	Pine Flatwoods / Melaleuca (>75%)		32.89			32.89					
138	625/424	Pine Flatwoods / Melaleuca (>50%)		11.68			11.68					
139	411	Pine Flatwoods	1.20					1.20				
140	411	Pine Flatwoods	0.29					0.29				
141	411	Pine Flatwoods	2.56					2.56				
142	411	Pine Flatwoods	11.49					11.49				
143	422	Brazilian Pepper		3.57			3.57					
144	621	Cypress		9.11			9.11					
145	424	Melaleuca		5.34			5.34					
146	424	Melaleuca		19.57			19.57					
147	624/424	Pine / Cypress / Melaleuca (>50%)		2.53			2.53					
148	621/424	Cypress / Melaleuca (>25%)		15.38			15.38					
149	625/424	Pine Flatwoods / Melaleuca (>25%)		9.28			9.28					
150	625/424	Pine Flatwoods / Melaleuca (>75%)		25.99			25.99					
151	411	Pine Flatwoods	2.30					2.30				
152	411	Pine Flatwoods	1.53					1.53				
153	625/424	Pine Flatwoods / Melaleuca (>50%)		12.44			12.44					
154	422	Brazilian Pepper	8.02					8.02				
155	422	Brazilian Pepper	3.88					3.88				

ACOE AREA	FLUCCS CODE	DESCRIPTION	ACOE Upland Acreage	ACOE Wetland Acreage	Internal Wetland Preserve	Internal Upland Preserve	Main Wetland Preserve	Main Upland Preserve	Created Wetlands	Wetland Dredge Impacts	Wetland Fill Impacts	Total Wetland Impacts
156	625/424	Pine Flatwoods / Melaleuca (>50%)		3.91			3.91					
157	424	Melaleuca		15.47			15.47					
158	625/424	Pine Flatwoods / Melaleuca (>50%)		7.29			7.29					
159	625/424	Pine Flatwoods / Melaleuca (>25%)		0.70			0.70					
160	621	Cypress		9.58			9.58					
161	640	Flag Pond		1.43			1.43					
162	624/424	Pine / Cypress / Melaleuca (>50%)		7.43			7.43					
163	424	Melaleuca		4.34			4.34					
164	411	Pine Flatwoods	2.56					2.56				
165	624/424	Pine / Cypress / Melaleuca (>50%)		0.89			0.89					
166	621	Cypress		3.05			3.05					
167	624/424	Pine / Cypress / Melaleuca (>50%)		2.25			2.25					
168	625/424	Pine Flatwoods / Melaleuca (>75%)		38.94			38.94					
169	624/424	Pine / Cypress / Melaleuca (>50%)		3.07			3.07					
170	624/424	Pine / Cypress / Melaleuca (>50%)		0.79			0.79					
171	411	Pine Flatwoods	3.44					3.44				
172	621	Cypress		2.12			2.12					
173	411	Pine Flatwoods	1.76					1.76				
174	424	Melaleuca		11.86			11.86					
175	624/424	Pine / Cypress / Melaleuca (>25%)		6.67			6.67					
176	411	Pine Flatwoods	9.19					9.19				
177	621	Cypress		5.50			5.50					
178	621	Cypress		0.89			0.89					
179	625	Hydric Pine Flatwoods		12.79			12.79					
180	625	Hydric Pine Flatwoods		9.41			9.41					
181	411	Pine Flatwoods	1.85					1.85				
182	621	Cypress		0.06			0.06					
183	621	Cypress		21.69			21.69					
184	424	Melaleuca		13.36			13.36					
185	621	Cypress		0.18			0.18					
186	411	Pine Flatwoods	9.48					9.48				
187	624	Pine / Cypress		3.65			3.65					
188	411	Pine Flatwoods	0.1					0.10				
189	625/424	Pine Flatwoods / Melaleuca (>50%)		0.16			0.16					
190	211	Improved Pasture		17.31			17.31					
191	140	Commercial Services	2.78						2.78			
192	621	Cypress		0.57			0.57					
193	424	Melaleuca		2.79			2.79					
194	624	Pine / Cypress		0.29			0.29					
195	411	Pine Flatwoods	1.27					1.27				
ROW	ROW	Road Right of Way	4.92									
		TOTALS	**252.17**	**1546.18**	**34.75**	**2.09**	**949.56**	**122.93**	**14.55**	**135.52**	**426.35**	**561.87**

	PRE PROJECT ACREAGES BY HABITAT TYPE										
FLUCCS CODE	DESCRIPTION	ACOE Upland Acreage	ACOE Wetland Acreage	Internal Wetland Preserve	Internal Upland Preserve	Main Wetland Preserve	Main Upland Preserve	Created Wetlands	Wetland Dredge Impacts	Wetland Fill Impacts	Total Wetland Impacts
140	Commercial Services	2.78						2.78			
211	Improved Pasture		17.31			17.31					
411	Pine Flatwoods	232.57			2.09		111.03	11.77			
422	Brazilian Pepper	11.90	3.57			3.57	11.90				
424	Melaleuca		399.78	1.39		292.20			31.23	74.96	106.19
540	Cattle Pond		0.27			0.27					
617	Mixed Wetland Hardwoods		1.39			1.39					
621	Cypress		110.06	6.88		103.15				0.03	0.03
621/424	Cypress / Melaleuca (>25%)		33.87	8.62		22.51			0.47	2.27	2.74
621/624	Cypress / Melaleuca (>50%)		12.02	1.31		5.45			1.50	3.76	5.26
624	Pine / Cypress		6.61			6.61					
624/424	Pine / Cypress / Melaleuca (>25%)		32.86	0.88		27.10			1.53	3.35	4.88
624/424	Pine / Cypress / Melaleuca (>50%)		44.63	0.09		33.45			1.42	9.67	11.09
624/424	Pine / Cypress / Melaleuca (>75%)		10.56			1.35			1.98	7.23	9.21
625	Hydric Pine Flatwoods		24.55	0.63		23.92					
625/424	Pine Flatwoods / Melaleuca (>25%)		91.10	4.83		37.07			7.31	41.89	49.20
625/424	Pine Flatwoods / Melaleuca (>50%)		264.24	4.07		147.21			27.24	85.72	112.96
625/424	Pine Flatwoods / Melaleuca (>75%)		487.64	6.05		221.61			62.84	197.14	259.98
640	Flag Pond		1.43			1.43					
643	Disturbed Wet Prairie		4.29			3.96				0.33	0.33
DEV	Development	4.92									
	TOTALS	**252.17**	**1546.18**	**34.75**	**2.09**	**949.56**	**122.93**	**14.55**	**135.52**	**426.35**	**561.87**

	POST PROJECT ACREAGES BY HABITAT TYPE (TARGETS)					
FLUCCS CODE	DESCRIPTION		Internal Wetland Preserve	Internal Upland Preserve	Main Wetland Preserve	Main Upland Preserve
411	Pine Flatwoods			2.09		122.93
540	Cattle Pond				0.27	
617	Mixed Wetland Hardwoods				1.39	
621	Cypress		16.81		131.11	
624	Pine / Cypress		0.97		357.91	
625	Hydric Pine Flatwoods		16.97		436.18	
640	Flag Pond				1.43	
641	Freshwater Marsh				31.86	
643	Disturbed Wet Prairie				3.96	
DEV	Development	674.47				
	TOTALS	**674.47**	**34.75**	**2.09**	**964.11**	**122.93**

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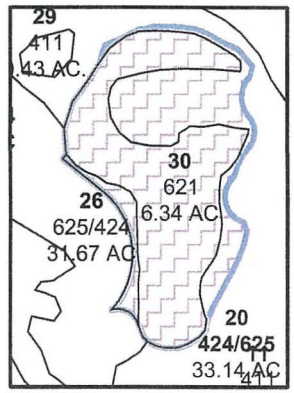
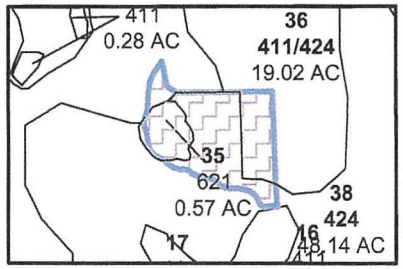


PRESERVE "C"



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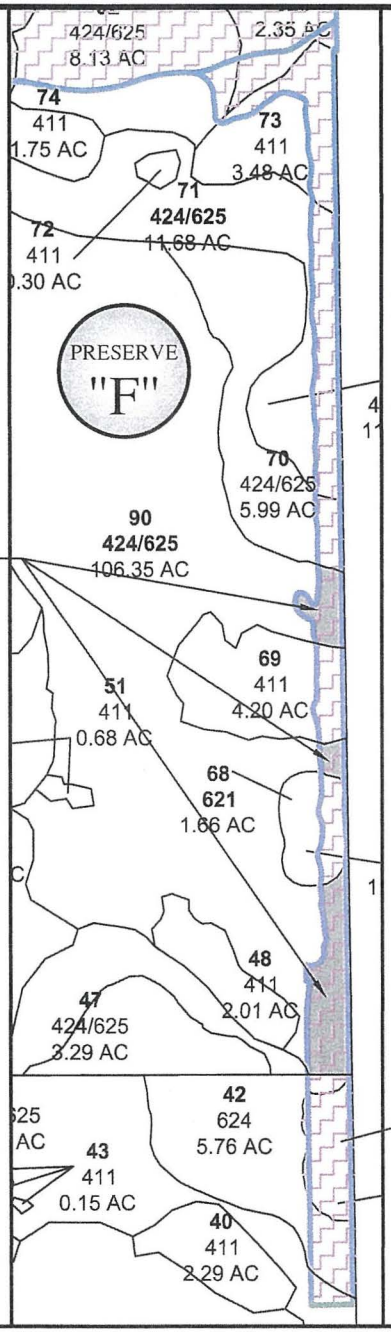
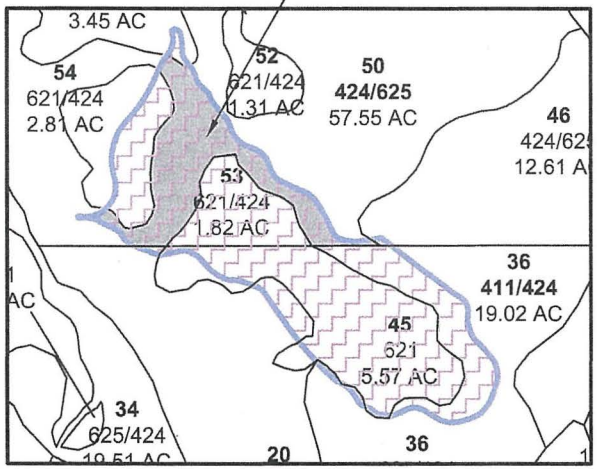


MECHANICAL CLEARING OF EXOTICS MAY OCCUR IN THESE AREAS



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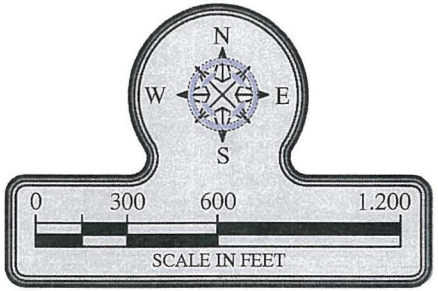

SAJ 2000-01926 (IP-HWB)
Mod#1 to 28 July 2011 permit
Mirasol
December 7, 2012
Exhibit 1

INTERNAL PRESERVES			
PRESERVE	UPLAND AC.	WETLAND AC.	TOTAL
"C"		9.67	9.67
"D"		2.79	2.79
"E"		13.77	13.77
"F"	2.09	8.52	10.61
TOTALS	**2.09**	**34.75**	**36.84**

NOTES:
<> THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
<> ACREAGE CALCULATIONS ARE APPROXIMATE: NO SURVEY DATA AVAILABLE

Turrell & Associates, Inc.
Marine & Environmental Consulting
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Email: tuna@turrell-associates.com Phone: (239) 643-0166 Fax: (239) 643-6632

MIRASOL

INTERNAL PRESERVES CLEARING

DESIGNED:	T.T.T.	REVISION:	TAB NAME:	Internal
DRAWN BY:	SS	02-16-2012	SHEET:	
CREATED:	04-25-06	06-05-2012	SCALE:	1"=600'
JOB NO.:	9418	N/A		
SECTION- 15		TOWNSHIP- 48 S	RANGE- 26 E	

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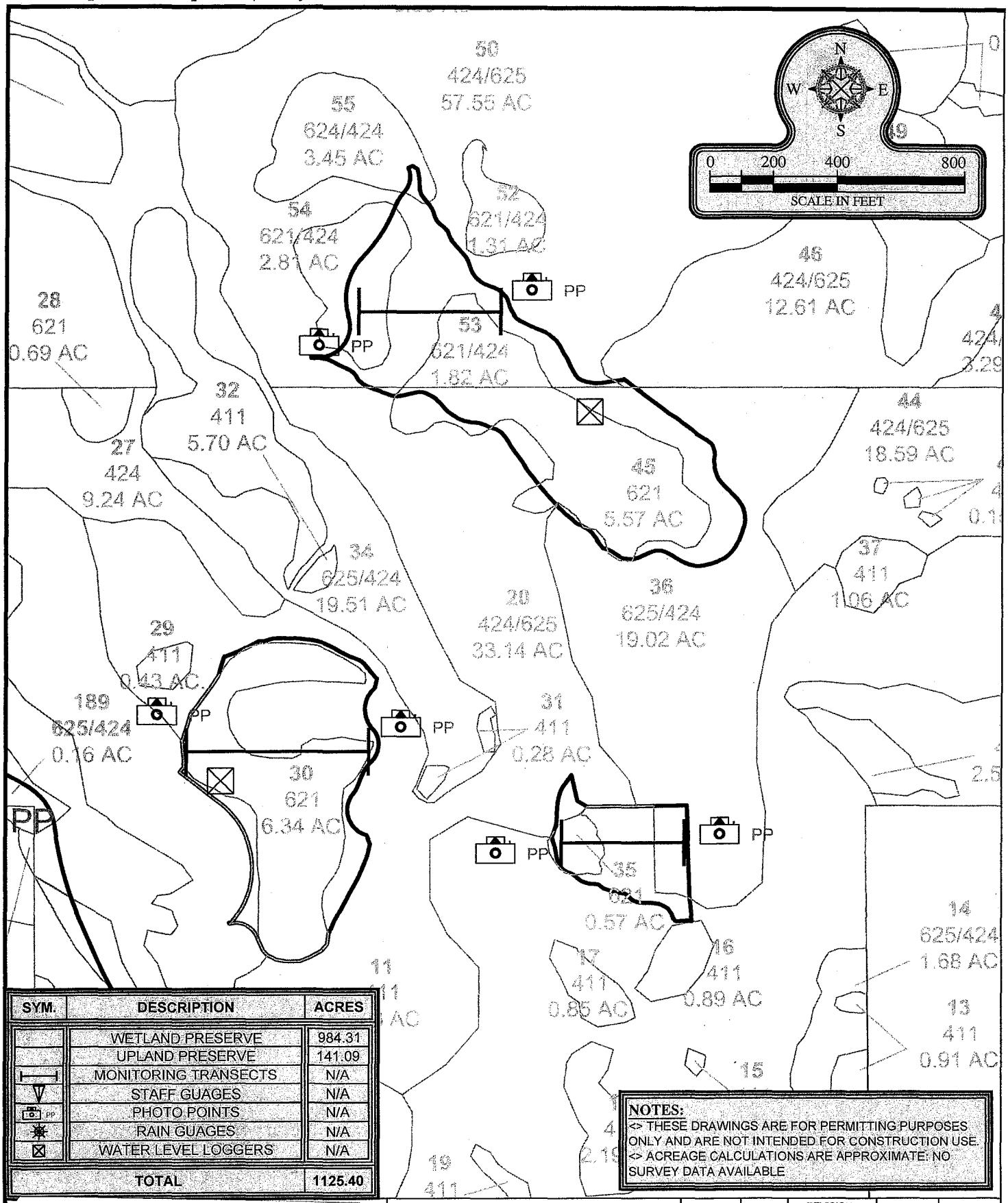

SYM.	DESCRIPTION	ACRES
	WETLAND PRESERVE	984.31
	UPLAND PRESERVE	141.09
	MONITORING TRANSECTS	N/A
	STAFF GUAGES	N/A
PP	PHOTO POINTS	N/A
	RAIN GUAGES	N/A
	WATER LEVEL LOGGERS	N/A
	TOTAL	1125.40

NOTES:
<> THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
<> ACREAGE CALCULATIONS ARE APPROXIMATE: NO SURVEY DATA AVAILABLE

SAJ 2000-01926 (IP-HWB)
Mod#1 to 28 July 2011 permit
Mirasol
December 7, 2012
Exhibit 2

MIRASOL

INTERNAL PRESERVES MONITORING

DESIGNED:	T.T.T.	REVISION:	TAB NAME:	Monitoring
DRAWN BY:	SS	02-16-2012	SHEET:	
CREATED:	04-25-06	06-05-2012	SCALE:	1"=1,800'
JOB NO.:	9418	N/A		
SECTION-	TOWNSHIP- 48 S	RANGE- 26 E		

ATTACHMENT D:
Mitigation, Maintenance & Monitoring Plan
Main Preserve

Pages 1-13 of 13 (text)
Dated December, 2012
Tables 1 & 2
Exhibits 1 - 7a

MITIGATION / MONITORING / MAINTENANCE PLAN FOR MAIN PRESERVE

REVISED: NOVEMBER 26, 2012

PREPARED BY:

TURRELL HALL & ASSOCIATES, INC
3584 EXCHANGE AVENUE
NAPLES, FL 34104

I. INTRODUCTION:

The purpose of this document is to outline and describe the proposed mitigation activities for preserves external to the development project known as ***Mirasol.***

II. EXISTING CONDITIONS:

The project site consists of 1,798 acres located in four sections of northern Collier County north of CR 846 and east of Interstate 75. There are limited upland (302.5 acres) and substantial wetland (1,495.8 acres) communities present on the site, which have all been heavily impacted by melaleuca infestation and altered hydrology.

The Main preserve is approximately 1,087 acres in size and is composed of 949.6 acres of wetlands and 137.4 acres of uplands. 14.5 acres of the preserved uplands will be converted into wetlands as part of the wood stork enhancement activities. This will result in a total of 964.1 acres of wetlands and 122.9 acres of wetlands within this preserve area. The Main preserve encompasses the northern portion of the project site as well as approximately 200 acres along the western boundary of the site. There are no currently proposed impact areas within the main preserve but there is an access easement that has to be provided to the privately owned out parcel located in the center of Section 10. The access area is approximately 1.2 acres in size. Boardwalks and at grade pedestrian access may be considered in the future but are not currently proposed. No vehicular or other motorized access will be allowed into the preserve except for monitoring or maintenance purposes.

III. MITIGATION ACTIVITIES

This preserve is the main preserve on the site and it is from activities conducted within this area that the majority of mitigation credit for the development impacts is achieved. Historical vegetation communities within the preserve include cypress swamp, hydric and mesic pine flatwoods, and wet prairie. All of these habitats have been impacted by widespread exotic vegetation infestation as well as altered hydrological regimes.

Exotic Vegetation Eradication

Melaleuca infestation is rampant throughout the site and an extensive eradication program will be implemented to eliminate this noxious plant from all preserve spaces. This program will include hand clearing, and kill-in-place methods within the preserve. Because of the potential damage and destruction to groundcover vegetation and likely rutting of the ground by machinery, no mechanical clearing is currently proposed. However, mechanical clearing may be undertaken if the density of killed-in-place trees would prohibit recolonization of the preserve areas by appropriate native species. Hand cleared debris will be removed from the preserve where feasible but in areas where removal would cause additional, unwanted damage, the trees will be killed in place (>6"

dbh), or cut and stacked into piles (<6" dbh). If stacked in piles, the trunks will be cut into manageable sections and stacked "teepee" or "log cabin" style and the piles will be placed no closer than 100 feet from each other. If possible, burn permits will be obtained from the local fire control district and the pile will be burned in place. If obtaining burn permits is not possible, the piles will simply be left to decompose.

While mechanical removal is not currently contemplated, it may be utilized on isolated pockets where exotic density is felt to be too great to achieve enhancement success within the 5 year time frame. If mechanical clearing is undertaken, the area to be cleared, timing, and other specifics associated with the clearing will be coordinated with appropriate ACOE and SFWMD staff. If any mechanical clearing is done, the cleared area(s) will be immediately planted according to the planting plans outlined below in this report.

In addition to melaleuca, Brazilian pepper and several other exotics are also present on the property. All Category I and Category II exotics, as defined by the Florida Pest Plant Council, are included in this eradication program.

Initially, quarterly maintenance inspections and treatments will be necessary to eliminate the melaleuca that has already gained a stranglehold on the property. All category I and II exotic vegetation will be brought under control before any re-planting or species management techniques (i.e. fire or mowing) are employed. Once the removal efforts have been successful, annual maintenance treatments should be sufficient to control future exotic growth. The preserve areas will be exotic free immediately following a maintenance activity. At no time shall the density of exotic and nuisance plant species exceed 1% relative coverage in any vegetative strata or 4% of the relative coverage in all strata.

Wetland Creation

Three upland areas in the south west portion of the preserve will be scraped down and contoured similarly to the wood stork foraging improvements of the farm field which is described below. Two of these areas are existing mesic pine communities (8.68 acres and 3.09 acres respectively) while the third area is a small commercial (2.78 acre) area that has been used for storage and repair work located at the south end of the farm field. The existing vegetation will be removed and the fill from the contouring activities will be utilized within the development area. Random inter-connected depressions and contours will concentrate prey as water levels recede and further enhance opportunities on the site for wood stork foraging (See Exhibit 3). Planting will be with ground cover vegetation only and maintenance of the areas will include removal of any canopy or midstory vegetation that may recruit into the areas. Long term maintenance may occur through hand removal of vegetation, controlled burns, or mowing.

Berm Removal

An existing berm that currently surrounds the farm field area will be removed from the northern and eastern sides of the field. If specimen trees are present on or adjacent to portions of the berm or would be adversely impacted by the berm removal, then small sections of berm may be left as long as sufficient breaches are created to allow for free flows across the area. This will allow for open sheet flow of surface waters onto and across the site during periods of high water. The berm will be scraped down to the adjacent natural ground elevation and the disturbed area will be planted with appropriate plantings to match the adjacent vegetative communities.

Wood Stork and Other Wading Bird Foraging Improvements

The existing (17.31 acre) farm field will be scraped down and contoured to create a series of depressional areas of varying depths. This work will also tie into and include the three wetland creation areas described above. The depressions will serve to concentrate forage fish and provide enhanced foraging opportunities to wood storks and other wading birds. Fill from the construction of these areas will be utilized as needed in the development portion of the project.

Wood stork foraging sites are generally composed of a prey source and prey concentration areas. The foraging area concept is essentially a shallow trough 80 to 200 feet wide pocked with depressions which, depending on their depth serve either as aquatic fauna refugia, or as prey concentration zones to facilitate foraging. The trough is basically a small scale shallow slough, with a wet prairie hydroperiod target of around 3-4 months. This is slightly deeper than the existing ground elevations of the mesic and hydric pine flatwoods, or farm field habitats that make up the areas under consideration for these activities so the refuge and foraging depressions would be created in a scattered pattern within the improvement areas.

The dry season refuge for aquatic fauna should not be large deep open water lakes. The entire dry season refuge can be as simple as a circular depression only 50' in diameter, the outer ring supporting a hydroperiod of 8-10 months, the intermediate ring 10-12 months and the center a permanently wet open water depression that may be as much as 6-8 feet deep during the peak of the wet season. The determining factor is that this center location retains about a foot of water during the average dry season. Since the proposed design will incorporate refuges within the same trough as the forage concentration areas, a hydrologic connection will form between them in advance of sheet flow conditions on the site. This will allow prey to populate the adjacent foraging areas sooner than would occur without the connectivity provided by the trough.

The foraging depressions will be designed as shallow cones excavated within the trough. These depressions will be shallower than the refuges and will serve to concentrate prey as the water table drops. The foraging depression size will vary between 0.15 and 0.50 acre

in area. The target hydroperiod within the foraging depressions will be 4-5 months along the outer edge and around 6 months nearing the center. A 300-400 square foot "dimple" in the middle of foraging depression will serve as the actual foraging footprint. This "dimple" will be approximately six inches deeper than the immediate surrounding area feeding into it. Incorporating narrow, shallow channels between the refuges and foraging depressions will mimic an alligator/wildlife trail and should provide prey access to the foraging areas earlier in the wet season. This will allow for more space and more time to reproduce which will in turn provide more biomass in the foraging depressions as the water levels recede.

Depressions will range from one foot to eight feet in depth. Shallow contours will encourage and facilitate concentration of the forage fish as water levels recede and will provide foraging access over and extended period of time. Planting of this area will be with low herbaceous and graminoid vegetation only to insure that foraging access to the area is maintained.

Since the main component of these areas is foraging improvement, dense vegetative coverage is not desired. Planting of the scraped down areas will be done in conjunction with the wet season immediately following the contouring work as outlined below. Shallow open water areas and sparse emergent vegetation will be the desired condition during the wet season. More vegetation may volunteer into the depressions areas during the dry season should die off or substantially thin out as water levels rise. Vegetative coverage of 50% will be considered successful in these foraging improvement areas.

Replanting Plans

The preserve areas subject to exotic removal efforts will be left to regenerate naturally for at least a year (through a wet and following dry season) before deciding if replanting is necessary. The decision on whether or not to plant will be based on the target success criteria outlined below. In areas that are more than 75% melaleuca and that have no suitable groundcover vegetation present, replanting will be done immediately following the exotic eradication and contouring activities. If no immediate seed sources are available in these areas, immediate replanting helps to re-establish the denuded areas more rapidly and contributes to the restoration of canopy components more efficiently. The entire preserve area will be evaluated once the initial exotic removal activities are completed and any plantings felt necessary will be proposed and coordinated with ACOE and SFWMD staff as part of the Time Zero Report.

Replanting will be considered two years after the exotic removal activities for any area that shows less than 50% coverage by appropriate native vegetation. Appropriate vegetation will include canopy, mid-story, and ground cover vegetation. The one year of natural regeneration is proposed to allow for existing vegetation remaining after the exotic removal to re-establish itself in the newly opened areas. Natural regeneration is preferable to immediate planting because it allows for more natural biodiversity of plants.

Replanting will be considered after three years for any area that shows less than 75% coverage by appropriate native vegetation.

Replanting will also occur immediately after any mechanical removal of exotic vegetation and in the wood stork foraging improvement areas. Areas disturbed by the exotic removal will be re-graded to match adjacent elevations and remove any rutting, and then planted with the appropriate plant palette.

Appropriate plant palettes will be applied for the affected areas that will be dependant on existing ground elevations, anticipated high water elevations, and historic vegetative cover. Also, all areas disturbed as part of the construction or mitigation activities will be replanted as outlined below:

Cypress: Cypress areas will be planted primarily with sapling cypress trees. Slightly higher areas and interfaces with adjacent flatwood communities may also include slash pine, dahoon holly and a few red maple trees. All trees planted will be containerized stock with minimum heights of 4 feet above the substrate. Depending on the size of the area being planted and the density of the adjacent vegetation, planting will be done on 10 foot or 15 foot centers. Planting will be clumped to imitate a more natural community instead of in linear rows. Midstory plantings will be done with minimum 5-gal container stock and will be planted to mimic natural clumps or thickets within the cypress area. It is anticipated that adjacent ground cover vegetation will rapidly colonize the areas so no ground cover planting will be done until a full growing season has passed. If ground cover colonization has not occurred, sawgrass, cordgrass, and other appropriate, available vegetation will be planted in those areas. The ground cover plantings will be with bare root or container stock. Bare root plantings will have minimum 3 inch diameter root masses. These plantings will be done essentially on 3 foot centers to fill in areas that have not regenerated naturally. The following table shows some of the representative species that can be considered for planting and restoration of the cypress preserve areas.

CYPRESS PLANTING AREAS		
Canopy	Mid-story	Ground Cover
Cypress *(Taxodium distichum)*	Button Bush *(Cephalanthus occidentals)*	Sawgrass *(Cladium jamaicense)*
Red Maple *(Acer rubrum)*	Marlberry *(Ardisia escallonioides)*	Cinnamon Fern *(Osmunda cinnamomea)*
Dahoon Holly *(Ilex cassine)*	Pond Apple *(Annona glabra)*	Swamp Fern *(Blechnum serrulatum)*
Laurel Oak *(Quercus laurifolia)*	Cocoplum *(Chrysobalanus icaco)*	Alligator Flag *(Thalia geniculata)*
Slash Pine *(Pinus elliottii)*	Wax Myrtle *(Myrica cerifera)*	Crinum Lily *(Crinum americanum)*

Flatwoods: Pine flatwood areas will be planted with sapling slash pine on 50 to 75 foot centers. Trees will be from containerized stock and be between 4' to 6' in height. In very hydric areas, up to 15% cypress saplings may also be used. Few midstory plantings are proposed because of the future management plan for the areas as potential fox squirrel and red-cockaded woodpecker habitat. As above, no ground cover plantings will be done for a full growing season unless no existing vegetation is present. Wiregrass, cordgrass, broomsedge, and other appropriate native vegetation will be used if no regeneration is seen within the first year. These will be from both bare root and container stock and will be planted on the equivalent of 3-foot centers in clusters to fill in open areas.

PINE FLATWOOD PLANTING AREAS		
Canopy	Mid-story	Ground Cover
Slash Pine *(Pinus elliottii)*	Wax Myrtle *(Myrica cerifera)*	Wiregrass *(Aristida stricta, Aristida purpurascens)*
Cypress *(Taxodium distichum)*	St. John's Wort *(Hypericum fasciculatum)*	Swamp Fern *(Blechnum serrulatum)*
Cabbage Palm *(Sabal palmetto)*		Sand Cordgrass *(Spartina alterniflora)*
		Yellow-eyed Grass *(Xyris fimbriata, Xyris caroliniana)*

These lists are not all inclusive and alternative appropriate native wetland vegetation may be used.

Wetland Creation and Wood Stork Enhancement: Scraped down and contoured areas will be planted with ground cover herbaceous and graminoid species in clustered groups to more closely mimic natural communities. Plantings will be dependant on anticipated water depths and duration of inundation as outlined in the table below. Areas deeper than shown will not be planted.

Zone 1: ≥ high water (12.75' – 14' NGVD)	**Zone 2**: ≤ 1' below high water (11.75' – 12.5' NGVD)	**Zone 3**: 1' to 2' below high water (10.75' – 11.5' NGVD)	**Zone 4**: 2' to 4' below high water (8.75' – 9.5' NGVD)
Sand Cordgrass *(Spartina alterniflora)*	Bacopa *(Bacopa caroliniana)*	Duck Potato *(Sagittaria latifolia)*	Spatterdock *(Nuphar advena)*
Wiregrass *(Aristida purpurascens)*	Iris *(Iris virginica)*	Bulrush *(Schoenoplectus californicus)*	Water Lily *(Nymphaea odorata)*
Yellow-eyed Grass *(Xyris fimbriata)*	Alligator Flag *(Thalia geniculata)*	Spike Rush *(Eleocharis interstincta)*	Soft-stem bulrush *(Schoenoplectus tabernaemontani)*
Swamp Fern *(Blechnum serrulatum)*	Pickerelweed *(Pontedaria cordata)*	Alligator Flag *(Thalia geniculata)*	
Crinum Lily *(Crinum americanum)*	Canna Lily *(Canna generalis)*	Pickerelweed *(Pontedaria cordata)*	
Sawgrass *(Cladium jamaicense)*	Sand Cordgrass *(Spartina alterniflora)*	Creeping Primrosewillow *(Ludwigia repens)*	
Red root *(Lachnanthes caroliana)*	Duck Potato *(Sagittaria latifolia)*		
St. John's Wort *(Hypericum fasciculatum)*	Maidencane *(Panicum hemitomon)*		

These lists are not all inclusive and alternative appropriate native wetland vegetation may be used. All plantings will be coordinated with the wet season so that expected rains will serve to keep the new plantings hydrated and no outside irrigation source will be needed.

Prescribed Burning

The predominate long-term management technique proposed is the use of periodic burning to control vegetation growth and promote the native pine flatwood communities desired as the result of the restoration activities. Home-owners will be made aware as part of their purchase agreements that prescribed burning will be undertaken on the preserve. Controlled burning will only be proposed for those areas where exotic vegetation has been successfully removed. These will be amended as the details are coordinated with the relevant agencies. The proposed burning will be done in coordination with the land managers of the CREW Trust preserve, Division of Forestry, and the Corkscrew Swamp Sanctuary preserve.

The CREW General Management Plan 2001-2006 (Sec. 6.3.3.1 pgs 47-51) outlines the general prescribed burn guidelines followed by CREW. It generally states that since each habitat has its own optimum fire frequency ranging from one or two years, to several decades, the systems will be monitored and prescribed burns will be conducted when it is felt that the burn would best help the target and adjacent communities. Also, the burns will be conducted when prevailing winds are in the right direction to minimize smoke impacts on the adjacent residential communities and roadways. CREW does not have any restriction for burning adjacent to residences but wind and humidity are taken into account to insure that smoke and ash side effects are minimized on adjacent developments. CREW staff have been contacted regarding this project and prescribed burns will be a management tool used on the property as needed to maintain viable healthy habitats. Following the initial exotic removal activities and prior to the transfer of the property to CREW, the owner will consult with CREW land managers regarding the need to burn all or part of the property prior to the transfer.

Homeowner Education

In addition to the prescribed burning information mentioned above, all homeowners will be given informational pamphlets regarding south Florida ecosystems and local wildlife. Preserve related information will also be included in the home-owners documents for the development so that residents are well informed that fire management techniques will be used on the property and pet controls will be required throughout the property.

Long-Term Protection

The 964.1 acres of wetlands and 122.9 acres of uplands composing the Main Preserve shall be placed into conservation easements, and enforcement rights shall be granted to the South Florida Water Management District and the US Army Corps of Engineers. The

conservation easement for this area will be filed and recorded as required in the ACOE and SFWMD permits.

Once the exotic vegetation has been removed and the native vegetation restored, the intent of the applicant is to donate the preserve to CREW or another appropriate land management entity for perpetual preservation. Until such time as that may happen however, it will be the responsibility of the CDD or homeowner's association to maintain the preserve. In addition to meeting the success criteria of the preserve with respect to the exotic removal and native vegetation re-establishment and the future donation of the property to an appropriate land management entity, the applicant will also establish a non-wasting escrow fund for the long-term maintenance of the preserve. The amount of the escrow fund will be determined at the time the preserve is turned over and be based on the expected long-term maintenance requirements. It is felt that the donation of the preserve to an entity specifically charged with property maintenance and preservation, in lieu of perpetual management by a homeowners association that may not be fully equipped or experienced in preservation management techniques, will be more appropriate for a preserve of this size. It is important to note that the applicant will be responsible for reaching the success criteria outlined below before donation of the preserve occurs.

Target Criteria

All exotic vegetation will be killed within the preserve areas. Hydric flatwood target conditions are as a very open canopy, prairie type ground cover with widely spaced trees. Trees will be a mix of slash pine and cypress depending on site specific hydrology. Tree density in the open flatwood areas should be between 10 to 50 trees per acre. Cypress dome target conditions are as a more closed canopy (110 to 175 trees per acre) with sparser ground cover. A minimum of 80% appropriate vegetative coverage will still be maintained. Mesic pine areas will contain tree densities in the 50 to 100 trees per acre range with midstory vegetation of saw palmetto, wax myrtle, myrsine, and other appropriate plantings. Ground cover may be scarce in dense midstory areas.

Forested and prairie habitats
After 2 years, all preserve areas will contain a minimum of 50% coverage by appropriate native vegetation in all three strata combined. After 3 years, all preserve areas will contain a minimum of 75% coverage by appropriate native vegetation in all three strata combined. After 5 years time, preserves will contain a minimum of 80% coverage by appropriate vegetation in all three strata combined. Any areas not meeting the minimum appropriate native vegetative coverage will be subject to supplemental planting plans as outlined above.

Created marsh habitats
As outlined above, the created marsh areas will be subject to a slightly different review with regards to target criteria. After 2 years, all created marsh will contain a minimum of 50% ground cover coverage by appropriate native wetland vegetation. Since the main

component of these areas is foraging improvement, dense vegetative coverage is not desired. Shallow open water areas and sparse emergent vegetation will be the desired condition during the wet season. More vegetation may volunteer into the depressions areas during the dry season should die off or substantially thin out as water levels rise. Vegetative coverage of 50% will be considered successful in these foraging improvement areas.

Financial Assurances

Because of the size, different components, and nature of the proposed mitigation activities, the mitigation program will be broken up into the following 5 different areas.

1 – Wood Stork Foraging Improvements
2 – Internal Preserves
3 – Western Preserve
4 – Northern Preserve
5 – Section 11

Financial assurances will be broken down to cover each of these areas rather than one document to cover the entire preserve. This will allow the ACOE and SFWMD compliance staff to review and act on the separate areas independently. If there is an issue with one of the preserves, the remainder of the areas can still achieve success criteria and obtain sign-offs from the agencies.

Assurances that the project has the financial capability to undertake the work will be provided in the form of letters of credit, performance bonds, or other appropriate surety instruments. Once the activities have been completed for an area as outlined in this document and the permit special conditions, and the ACOE and SFWMD compliance staff have signed off on the success criteria being met, the District can then release the surety back to the project.

Success Criteria

The creation, enhancement, and preservation activities proposed for the preserve will generate mitigation credit that is being applied towards the project's impacts. In order to adequately gauge the appropriateness and eventual success of the mitigation, certain benchmarks must be set to compare against over time. A set of surety documents (letters of credit, bond, etc.) will be put in place in order to insure success of the enhancement, creation, and wood stork foraging improvement areas. The bond(s) will remain until the areas meet the success criteria regarding exotic removal, re-vegetation and plant coverage.

Vegetation

The base planting and vegetation restoration efforts shall be deemed, in part, successful when the area contains a minimum of 80% coverage of native vegetation, with less than 4% exotic and nuisance vegetation for a period of 3 consecutive years. The preserve areas will be maintained in this exotic-free state in perpetuity.

Ground cover diversity has been limited by the altered hydrology and exotic infestation throughout the site. It is expected that species diversity will increase as the exotic vegetation is removed. The restoration of a prescribed burning regimen will also help to restore a more diverse, natural native habitat. Monitoring of the preserves will include species composition and diversity monitoring of identified plots to document this increase.

IV. MONITORING / MAINTENANCE / MANAGEMENT:

The goals and objectives of this monitoring plan will be to provide for ongoing progress and ultimate success of preserved and enhanced areas in a series of scheduled monitoring reports. The reports will quantify and describe conditions within the managed areas, comparing observations with the proposed standards and offering advice for corrective actions if needed.

Visual inspection for exotic plant invasion will be made on quarterly, bi-annual, or annual basis depending on the state and status of the exotic eradication efforts. All exotic vegetation found will be flagged, mapped and reported for treatment. Removal of observed exotic vegetation will occur within 30 days of the observations. Meandering transects will be followed in the preserve areas for vegetative inventory and observation of wildlife during regular monitoring. Photo points will be established along with plot sampling stations to determine percent survival and percent coverage of planted and recruited plant species. Transect locations have been provided on the included exhibit (Exhibit 4). Plot sampling station locations will be determined at time zero, after exotic eradication and plantings are installed. The mitigation efforts shall be deemed successful when the area contains a minimum of 80% coverage of appropriate native vegetation, with less than 4% exotic and nuisance vegetation for a continuous period of 3 years. The preserve areas will be maintained in this exotic-free state in perpetuity. Once creation and enhancement activities are deemed successful, the preserve will be offered to CREW and an escrow fund will be established for the long-term maintenance of the preserve.

Water Levels and Rainfall

In order to document that hydrological impacts do not occur as a result of the project, the project will place four water level data loggers and two logging type rain gauges within the Main preserve boundaries. The water level loggers will be placed inside of two (2)

inch PVC pipe wells and sunk to a depth of approximately eight (8) feet below ground level. This will place the loggers below the water table and will allow for continuous monitoring of the water levels, above and below ground, experienced on the site. The rain gauges will be set to collect and record rainfall events on a daily basis so that comparisons can be made with the on-site rainfall and water levels experienced. Approximate locations for the loggers, both rainfall and water level, are shown on the monitoring exhibit (Exhibit 4).

The surface water levels and rainfall data will be included in a report that will be given to the ACOE and to the SFWMD on an annual basis. This monitoring will be done in conjunction with the vegetative and exotic removal monitoring conducted within the forested preserves for the project. The reports will be produced annually for five years after the completion of the initial exotic removal.

Wood Stork Activity

The National Audubon Society Corkscrew Sanctuary staff currently monitors the productivity of the Corkscrew wood stork colony in the form of the number of nests constructed as well as the number of young fledged.

The project will also document the utilization of the preserve areas by wood storks. This information will be useful in conjunction with the available productivity and hydrological data to determine if the project design serves to increase or decrease foraging opportunities. Since the FWS reviewed potential incidental take based on forage production the project will implement a monitoring program to estimate the forage fish production on the project site.

Forage Fish Monitoring

Sampling sites will be established along transects that will incorporate the different wetland communities on the site. The four main habitats to be sampled are hydric pine flatwoods, pine/cypress flatwoods, hypericum prairie, and cypress. The sampling devices will consist of, $1m^2$ throw traps, seines, and acrylic Breder traps. All fish caught will be identified and counted. Results will be presented in the annual report to the agencies.

Reports

A Baseline Monitoring Report will describe the existing conditions of the conservation areas prior to exotic eradication and supplemental planting. The Time Zero Monitoring Report will describe the aerial extent of exotic removal and other mitigation work, i.e. revegetation, photographs from referenced locations, qualitative observations of wildlife usage and other information such as climatic and hydrological conditions and health of existing vegetation. The Time Zero Report will be completed within 30 days of the completion of the initial exotic removal work. Annual Monitoring reports shall

document changes form the baseline conditions the success of exotic eradication and identifies ways to maintain or improve these conditions.

Baseline, Time Zero and Annual Reports will include the following:

- Quantification of any re-growth of exotic species and recommendations for remedial actions.
- Quantification of restoration of cleared areas by native species including dominant species and % cover by species.
- Percent coverage, open space and diversity as appropriate of restored vegetation.
- Direct and indirect wildlife observations.
- Photographs from a referenced location and panoramic photographs. A photo point station will be identified with a PVC labeled stake.
- The current status of the construction of the project as well as any construction phases or milestones that have been completed.
- A summary of the rainfall data collected on-site as well as data from the other agency rainfall monitoring stations identified in the report.
- A summary of the on-site water level data as well as the off-site data available from the other agency monitoring stations.
- Current status of the plantings and exotic removal as well as regeneration of the native vegetation throughout the preserve area.
- Ongoing results of the forage fish sampling including species diversity and densities broken down by habitat types and water depths.
- Any observed on-site foraging by wood storks. Included in this information will be, number of storks observed, habitat or general area observed, number of days or duration of observation, and estimated foraging efficiency.

The maintenance and management of the preserve areas will be the responsibility of the owner/developer in perpetuity. The responsibility for the preserve maintenance can be transferred to the property owners association or CDD once the project is "turned-over" to the appropriate association. The transfer will include all documentation associated with the restoration and enhancement activities as well as the long term responsibilities associated with the preserves.

This may entail the property owner's association or CDD acquiring ownership of the preserve prior to the CREW transfer. The maintenance and management responsibilities for the preserves will transfer to that entity. At this time the said associations shall assume responsibility for the perpetual maintenance and management of the preserve and retained areas. Association documents will indicate the responsibilities, restrictions and limitations associated with the conservation areas. Once the restoration activities have met the success criteria, the Preserve will be offered to CREW (or another suitable land management entity) along with the escrow funds to perpetually maintain the preserve.

The maintenance activities will be performed on a quarterly basis for the first year, then biannually or annually as needed for the remaining five (5) years of the monitoring period. Monitoring may continue past the 5 year time period if additional time is needed to meet the success criteria for the preserve. The annual monitoring requirement will be released once the success criteria have been met for a period of three consecutive years. Perpetual maintenance after the monitoring period will be on an annual or as needed basis.

ACOE AREA	FLUCCS CODE	DESCRIPTION	ACOE Upland Acreage	ACOE Wetland Acreage	Internal Wetland Preserve	Internal Upland Preserve	Main Wetland Preserve	Main Upland Preserve	Created Wetlands	Wetland Dredge Impacts	Wetland Fill Impacts	Total Wetland Impacts
78	411	Pine Flatwoods	1.43									
79	625/424	Pine Flatwoods / Melaleuca (>75%)		20.65						4.55	16.10	20.65
80	411	Pine Flatwoods	1.58									
81	621	Cypress / Melaleuca (>50%)		2.60			2.60					
82	621	Cypress / Melaleuca (>50%)		0.37			0.37					
83	411	Pine Flatwoods	1.53					1.53				
84	540	Cattle Pond		0.08			0.08					
85	424	Melaleuca		74.07			59.21			4.60	10.26	14.86
86	625/424	Pine Flatwoods / Melaleuca (>75%)		14.19			14.19					
87	625/424	Pine Flatwoods / Melaleuca (>25%)		2.99							2.99	2.99
88	411	Pine Flatwoods	10.00					2.33				
89	625/424	Pine Flatwoods / Melaleuca (>50%)		16.65			15.90			0.15	0.60	0.75
90	625/424	Pine Flatwoods / Melaleuca (>75%)		106.35	2.41		5.31			24.78	73.85	98.63
91	411	Pine Flatwoods	1.60					1.60				
92	625/424	Pine Flatwoods / Melaleuca (>25%)		8.13	0.30		5.79			1.09	0.95	2.04
93	625	Hydric Pine Flatwoods		2.35	0.63		1.72					
94	621	Cypress		18.57			18.57					
95	624/424	Pine / Cypress / Melaleuca (>25%)		20.43			20.43					
96	625/424	Pine Flatwoods / Melaleuca (>25%)		5.77			5.77					
97	621	Cypress		0.39			0.39					
98	411	Pine Flatwoods	3.41					3.41				
99	625/424	Pine Flatwoods / Melaleuca (>50%)		1.93			1.93					
100	625/424	Pine Flatwoods / Melaleuca (>50%)		67.73			40.25			8.88	18.60	27.48
101	625/424	Pine Flatwoods / Melaleuca (>50%)		30.64			25.96			1.47	3.21	4.68
102	625/424	Pine Flatwoods / Melaleuca (>75%)		8.41			8.27			0.05	0.09	0.14
103	411	Pine Flatwoods	5.20					5.20				
104	411	Pine Flatwoods	0.73					0.73				
105	625/424	Pine Flatwoods / Melaleuca (>75%)		7.55			7.55					
106	625/424	Pine Flatwoods / Melaleuca (>25%)		1.41			1.41					
107	625/424	Pine Flatwoods / Melaleuca (>50%)		21.32			21.32					
108	625/424	Pine Flatwoods / Melaleuca (>75%)		2.85			2.85					
109	540	Cattle Pond		0.19			0.19					
110	411	Pine Flatwoods	0.57					0.57				
111	411	Pine Flatwoods	1.66					1.66				
112	411	Pine Flatwoods	11.32					11.32				
113	411	Pine Flatwoods	0.56					0.56				
114	621	Cypress		21.11			21.11					
115	625/424	Pine Flatwoods / Melaleuca (>75%)		6.59			6.59					
116	411	Pine Flatwoods	2.85					2.85				
117	411	Pine Flatwoods	0.94					0.94				
118	424	Melaleuca		107.97			107.97					
119	625/424	Pine Flatwoods / Melaleuca (>25%)		12.61			12.61					
120	411	Pine Flatwoods	1.07					1.07				
121	411	Pine Flatwoods	7.63					7.63				
122	411	Pine Flatwoods	0.54					0.54				
123	411	Pine Flatwoods	2.60					2.60				
124	624/424	Pine / Cypress / Melaleuca (>50%)		9.15			9.15					
125	625/424	Pine Flatwoods / Melaleuca (>50%)		6.37			6.37					
126	621	Cypress		1.16			1.16					
127	624/424	Pine / Cypress / Melaleuca (>50%)		1.30			1.30					
128	411	Pine Flatwoods	1.57					1.57				
129	621/424	Cypress / Melaleuca (>25%)		3.46			3.46					
130	411	Pine Flatwoods	0.17					0.17				
131	424	Melaleuca		2.72			2.72					
132	621/424	Cypress / Melaleuca (>25%)		3.67			3.67					
133	411	Pine Flatwoods	12.36					12.36				
134	625/424	Pine Flatwoods / Melaleuca (>75%)		62.52			62.52					
135	424	Melaleuca		42.41			42.41					
136	411	Pine Flatwoods	2.21					2.21				
137	625/424	Pine Flatwoods / Melaleuca (>75%)		32.89			32.89					
138	625/424	Pine Flatwoods / Melaleuca (>50%)		11.68			11.68					
139	411	Pine Flatwoods	1.20					1.20				
140	411	Pine Flatwoods	0.29					0.29				
141	411	Pine Flatwoods	2.56					2.56				
142	411	Pine Flatwoods	11.49					11.49				
143	422	Brazilian Pepper		3.57			3.57					
144	621	Cypress		9.11			9.11					
145	424	Melaleuca		5.34			5.34					
146	424	Melaleuca		19.57			19.57					
147	624/424	Pine / Cypress / Melaleuca (>50%)		2.53			2.53					
148	621/424	Cypress / Melaleuca (>25%)		15.38			15.38					
149	625/424	Pine Flatwoods / Melaleuca (>25%)		9.28			9.28					
150	625/424	Pine Flatwoods / Melaleuca (>75%)		25.99			25.99					
151	411	Pine Flatwoods	2.30					2.30				
152	411	Pine Flatwoods	1.53					1.53				
153	625/424	Pine Flatwoods / Melaleuca (>50%)		12.44			12.44					
154	422	Brazilian Pepper	8.02					8.02				
155	422	Brazilian Pepper	3.88					3.88				

ACOE AREA	FLUCCS CODE	DESCRIPTION	ACOE Upland Acreage	ACOE Wetland Acreage	Internal Wetland Preserve	Internal Upland Preserve	Main Wetland Preserve	Main Upland Preserve	Created Wetlands	Wetland Dredge Impacts	Wetland Fill Impacts	Total Wetland Impacts
1	624/424	Pine / Cypress / Melaleuca (>75%)		2.37			1.35			0.57	0.45	1.02
2	411	Pine Flatwoods	31.61						8.68			
3	621/424	Cypress / Melaleuca (>50%)		2.50			2.42				0.08	0.08
4	424	Melaleuca		42.50			7.00			8.91	26.59	35.50
5	411	Pine Flatwoods	1.13									
6	624/424	Pine / Cypress / Melaleuca (>50%)		6.97						0.44	6.53	6.97
7	411	Pine Flatwoods	11.67									
8	624/424	Pine / Cypress / Melaleuca (>75%)		8.19						1.41	6.78	8.19
9	411	Pine Flatwoods	0.12									
10	411	Pine Flatwoods	5.23						3.09			
11	411	Pine Flatwoods	0.43									
12	411	Pine Flatwoods	10.60					0.86				
13	411	Pine Flatwoods	0.91									
14	625/424	Pine Flatwoods / Melaleuca (>50%)		1.68						0.08	1.60	1.68
15	411	Pine Flatwoods	0.09									
16	411	Pine Flatwoods	0.89									
17	411	Pine Flatwoods	0.85									
18	411	Pine Flatwoods	2.19									
19	411	Pine Flatwoods	0.31									
20	625/424	Pine Flatwoods / Melaleuca (>50%)		33.14	3.42					6.23	23.49	29.72
21	643	Disturbed Wet Prairie		4.29			3.96				0.33	0.33
22	621	Cypress		4.36			4.36					
23	624	Pine / Cypress		2.67			2.67					
24	621	Cypress / Melaleuca (>25%)		0.82						0.47	0.35	0.82
25	411	Pine Flatwoods	0.25									
26	625/424	Pine Flatwoods / Melaleuca (>75%)		31.67	0.49		2.90			11.25	17.03	28.28
27	424	Melaleuca		9.24			0.16			4.04	5.04	9.08
28	621	Cypress / Melaleuca (>50%)		0.69						0.66	0.03	0.69
29	411	Pine Flatwoods	0.43									
30	621	Cypress		6.34	6.34						0.00	0.00
31	411	Pine Flatwoods	0.28									
32	411	Pine Flatwoods	5.70									
33	411	Pine Flatwoods	4.72									
34	625/424	Pine Flatwoods / Melaleuca (>25%)		19.51			0.64			2.00	16.87	18.87
35	621	Cypress		0.57	0.54						0.03	0.03
36	625/424	Pine Flatwoods / Melaleuca (>25%)		19.02	2.77					3.22	13.03	16.25
37	411	Pine Flatwoods	1.06									
38	424	Melaleuca		48.14	1.39					13.68	33.07	46.75
39	411	Pine Flatwoods	2.58									
40	411	Pine Flatwoods	2.29									
41	621	Cypress / Melaleuca (>25%)		1.49	1.27						0.22	0.22
42	624	Pine / Cypress / Melaleuca (>25%)		5.76	0.88					1.53	3.35	4.88
43	411	Pine Flatwoods	0.15									
44	625/424	Pine Flatwoods / Melaleuca (>50%)		18.59	0.21					2.95	15.43	18.38
45	621	Cypress / Melaleuca (>25%)		5.57	4.89						0.68	0.68
46	625/424	Pine Flatwoods / Melaleuca (>50%)		12.61	0.02					1.84	10.75	12.59
47	625/424	Pine Flatwoods / Melaleuca (>75%)		3.29						0.58	2.71	3.29
48	411	Pine Flatwoods	2.01									
49	411	Pine Flatwoods	4.93									
50	625/424	Pine Flatwoods / Melaleuca (>75%)		57.55	3.15					12.64	41.76	54.40
51	411	Pine Flatwoods	0.68									
52	621/424	Cypress / Melaleuca (>50%)		1.31							1.31	1.31
53	621/424	Cypress / Melaleuca (>25%)		1.82	1.82							
54	621/424	Cypress / Melaleuca (>50%)		2.81	1.31						1.50	1.50
55	624/424	Pine / Cypress / Melaleuca (>50%)		3.45	0.09					0.61	2.75	3.36
56	621/424	Cypress / Melaleuca (>50%)		1.74			0.06			0.84	0.84	1.68
57	624/424	Pine / Cypress / Melaleuca (>50%)		6.80			6.04			0.37	0.39	0.76
58	617	Mixed Wetland Hardwoods		1.39			1.39					
59	621	Cypress		0.88			0.88					
60	621	Cypress		3.93			3.93					
61	625/424	Pine Flatwoods / Melaleuca (>75%)		30.92			13.61			5.18	12.13	17.31
62	411	Pine Flatwoods	0.68									
63	411	Pine Flatwoods	0.48					0.30				
64	625/424	Pine Flatwoods / Melaleuca (>75%)		28.37						2.33	26.04	28.37
65	625/424	Pine Flatwoods / Melaleuca (>75%)		8.91						1.48	7.43	8.91
66	411	Pine Flatwoods	0.35									
67	411	Pine Flatwoods	6.29									
68	621	Cypress / Melaleuca (>25%)		1.66	0.64						1.02	1.02
69	411	Pine Flatwoods	4.20			0.63						
70	625/424	Pine Flatwoods / Melaleuca (>50%)		5.99	0.42					2.44	3.13	5.57
71	625/424	Pine Flatwoods / Melaleuca (>25%)		11.68	1.76		0.87			1.00	8.05	9.05
72	411	Pine Flatwoods	0.30									
73	411	Pine Flatwoods	3.48			1.46						
74	411	Pine Flatwoods	1.75									
75	411	Pine Flatwoods	2.57									
76	625/424	Pine Flatwoods / Melaleuca (>50%)		12.11						3.20	8.91	12.11
77	411	Pine Flatwoods	0.81									

ACOE AREA	FLUCCS CODE	DESCRIPTION	ACOE Upland Acreage	ACOE Wetland Acreage	Internal Wetland Preserve	Internal Upland Preserve	Main Wetland Preserve	Main Upland Preserve	Created Wetlands	Wetland Dredge Impacts	Wetland Fill Impacts	Total Wetland Impacts
156	625/424	Pine Flatwoods / Melaleuca (>50%)		3.91			3.91					
157	424	Melaleuca		15.47			15.47					
158	625/424	Pine Flatwoods / Melaleuca (>50%)		7.29			7.29					
159	625/424	Pine Flatwoods / Melaleuca (>25%)		0.70			0.70					
160	621	Cypress		9.58			9.58					
161	640	Flag Pond		1.43			1.43					
162	624/424	Pine / Cypress / Melaleuca (>50%)		7.43			7.43					
163	424	Melaleuca		4.34			4.34					
164	411	Pine Flatwoods	2.56					2.56				
165	624/424	Pine / Cypress / Melaleuca (>50%)		0.89			0.89					
166	621	Cypress		3.05			3.05					
167	624/424	Pine / Cypress / Melaleuca (>50%)		2.25			2.25					
168	625/424	Pine Flatwoods / Melaleuca (>75%)		38.94			38.94					
169	624/424	Pine / Cypress / Melaleuca (>50%)		3.07			3.07					
170	624/424	Pine / Cypress / Melaleuca (>50%)		0.79			0.79					
171	411	Pine Flatwoods	3.44					3.44				
172	621	Cypress		2.12			2.12					
173	411	Pine Flatwoods	1.76					1.76				
174	424	Melaleuca		11.86			11.86					
175	624/424	Pine / Cypress / Melaleuca (>25%)		6.67			6.67					
176	411	Pine Flatwoods	9.19					9.19				
177	621	Cypress		5.50			5.50					
178	621	Cypress		0.89			0.89					
179	625	Hydric Pine Flatwoods		12.79			12.79					
180	625	Hydric Pine Flatwoods		9.41			9.41					
181	411	Pine Flatwoods	1.85					1.85				
182	621	Cypress		0.06			0.06					
183	621	Cypress		21.69			21.69					
184	424	Melaleuca		13.36			13.36					
185	621	Cypress		0.18			0.18					
186	411	Pine Flatwoods	9.48					9.48				
187	624	Pine / Cypress		3.65			3.65					
188	411	Pine Flatwoods	0.1					0.10				
189	625/424	Pine Flatwoods / Melaleuca (>50%)		0.16			0.16					
190	211	Improved Pasture		17.31			17.31					
191	140	Commercial Services	2.78						2.78			
192	621	Cypress		0.57			0.57					
193	424	Melaleuca		2.79			2.79					
194	624	Pine / Cypress		0.29			0.29					
195	411	Pine Flatwoods	1.27					1.27				
ROW	ROW	Road Right of Way	4.92									
		TOTALS	**252.17**	**1546.18**	**34.75**	**2.09**	**949.56**	**122.93**	**14.55**	**135.52**	**426.35**	**561.87**

	PRE PROJECT ACREAGES BY HABITAT TYPE										
FLUCCS CODE	DESCRIPTION	ACOE Upland Acreage	ACOE Wetland Acreage	Internal Wetland Preserve	Internal Upland Preserve	Main Wetland Preserve	Main Upland Preserve	Created Wetlands	Wetland Dredge Impacts	Wetland Fill Impacts	Total Wetland Impacts
140	Commercial Services	2.78						2.78			
211	Improved Pasture		17.31			17.31					
411	Pine Flatwoods	232.57			2.09		111.03	11.77			
422	Brazilian Pepper	11.90	3.57			3.57	11.90				
424	Melaleuca		399.78	1.39		292.20			31.23	74.96	106.19
540	Cattle Pond		0.27			0.27					
617	Mixed Wetland Hardwoods		1.39			1.39					
621	Cypress		110.06	6.88		103.15				0.03	0.03
621/424	Cypress / Melaleuca (>25%)		33.87	8.62		22.51			0.47	2.27	2.74
621/624	Cypress / Melaleuca (>50%)		12.02	1.31		5.45			1.50	3.76	5.26
624	Pine / Cypress		6.61			6.61					
624/424	Pine / Cypress / Melaleuca (>25%)		32.86	0.88		27.10			1.53	3.35	4.88
624/424	Pine / Cypress / Melaleuca (>50%)		44.63	0.09		33.45			1.42	9.67	11.09
624/424	Pine / Cypress / Melaleuca (>75%)		10.56			1.35			1.98	7.23	9.21
625	Hydric Pine Flatwoods		24.55	0.63		23.92					
625/424	Pine Flatwoods / Melaleuca (>25%)		91.10	4.83		37.07			7.31	41.89	49.20
625/424	Pine Flatwoods / Melaleuca (>50%)		264.24	4.07		147.21			27.24	85.72	112.96
625/424	Pine Flatwoods / Melaleuca (>75%)		487.64	6.05		221.61			62.84	197.14	259.98
640	Flag Pond		1.43			1.43					
643	Disturbed Wet Prairie		4.29			3.96				0.33	0.33
DEV	Development	4.92									
	TOTALS	**252.17**	**1546.18**	**34.75**	**2.09**	**949.56**	**122.93**	**14.55**	**135.52**	**426.35**	**561.87**

	POST PROJECT ACREAGES BY HABITAT TYPE (TARGETS)					
FLUCCS CODE	DESCRIPTION		Internal Wetland Preserve	Internal Upland Preserve	Main Wetland Preserve	Main Upland Preserve
411	Pine Flatwoods			2.09		122.93
540	Cattle Pond				0.27	
617	Mixed Wetland Hardwoods				1.39	
621	Cypress		16.81		131.11	
624	Pine / Cypress		0.97		357.91	
625	Hydric Pine Flatwoods		16.97		436.18	
640	Flag Pond				1.43	
641	Freshwater Marsh				31.86	
643	Disturbed Wet Prairie				3.96	
DEV	Development	674.47				
	TOTALS	**674.47**	**34.75**	**2.09**	**964.11**	**122.93**

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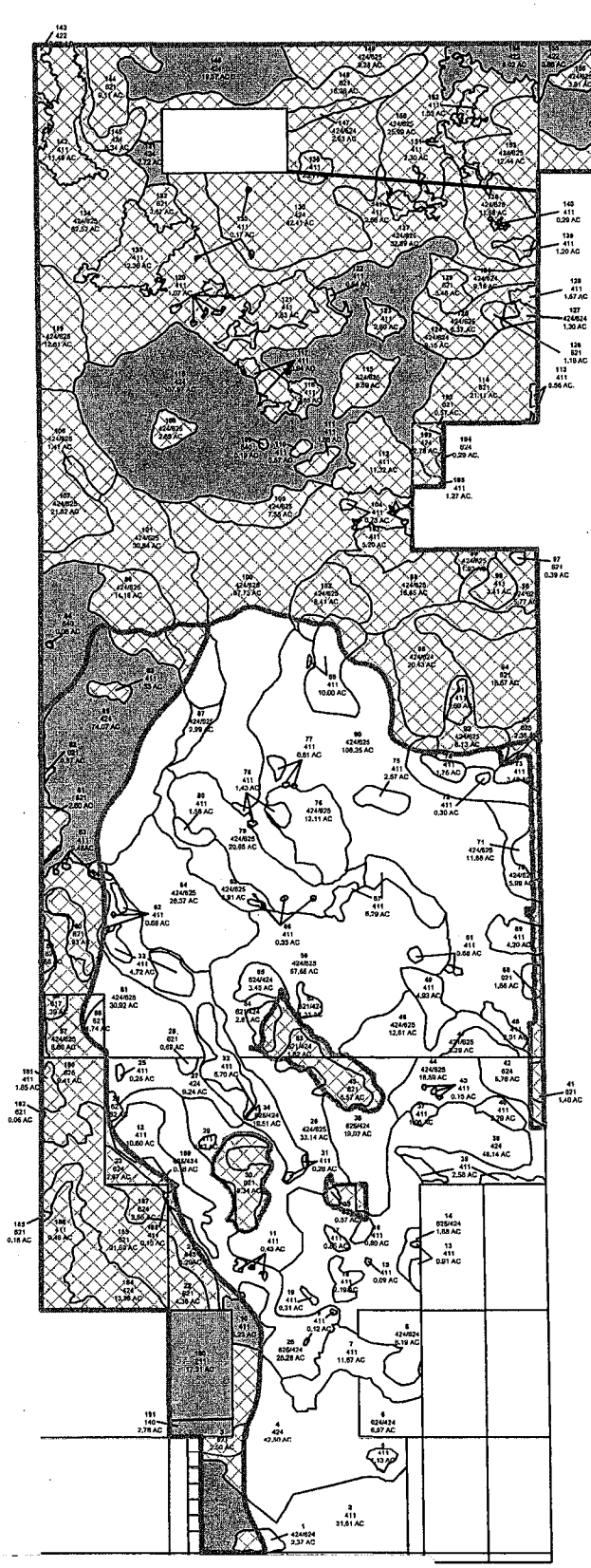

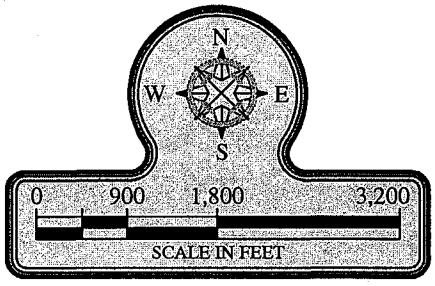

DESCRIPTION	ACRES
CONSERVATION EASEMENTS	1123.88

MAIN PRESERVES			
PRESERVE	UPLAND AC.	WETLAND AC.	TOTAL
"A"	108.79	779.76	888.55
"B"	28.69*	169.80	198.49
TOTALS	137.48	949.56	1087.04

* 14.55 ACRES OF UPLAND WILL BE CONVERTED TO WETLANDS

INTERNAL PRESERVES			
PRESERVE	UPLAND AC.	WETLAND AC.	TOTAL
"C"		9.67	9.67
"D"		2.79	2.79
"E"		13.77	13.77
"F"	2.09	8.52	10.61
TOTALS	2.09	34.75	36.84

TOTAL UPLAND PRESERVE: APPROX. 139.57 AC.
TOTAL WETLAND PRESERVE: APPROX. 984.31 AC.

	PRESERVES
	AREAS WHERE MECHANICAL CLEARING MAY BE AUTHORIZED.

NOTES:
<> THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
<> ACREAGE CALCULATIONS ARE APPROXIMATE: NO SURVEY DATA AVAILABLE

SAJ 2000-01926 (IP-HWB)
Mod#1 to 28 July 2011 permit
Mirasol
December 7, 2012
Exhibit 1

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-6632

MIRASOL
MAIN PRESERVES CLEARING

DESIGNED:	T.T.T.	REVISION:	TAB NAME:	ADD PRESERVE
DRAWN BY:	SS	02-15-2012	SHEET:	
CREATED:	04-25-06	06-05-2012	SCALE:	1"=1,800'
JOB NO.:	9418	N/A		
SECTION-	TOWNSHIP- 48 S	RANGE- 26 E		

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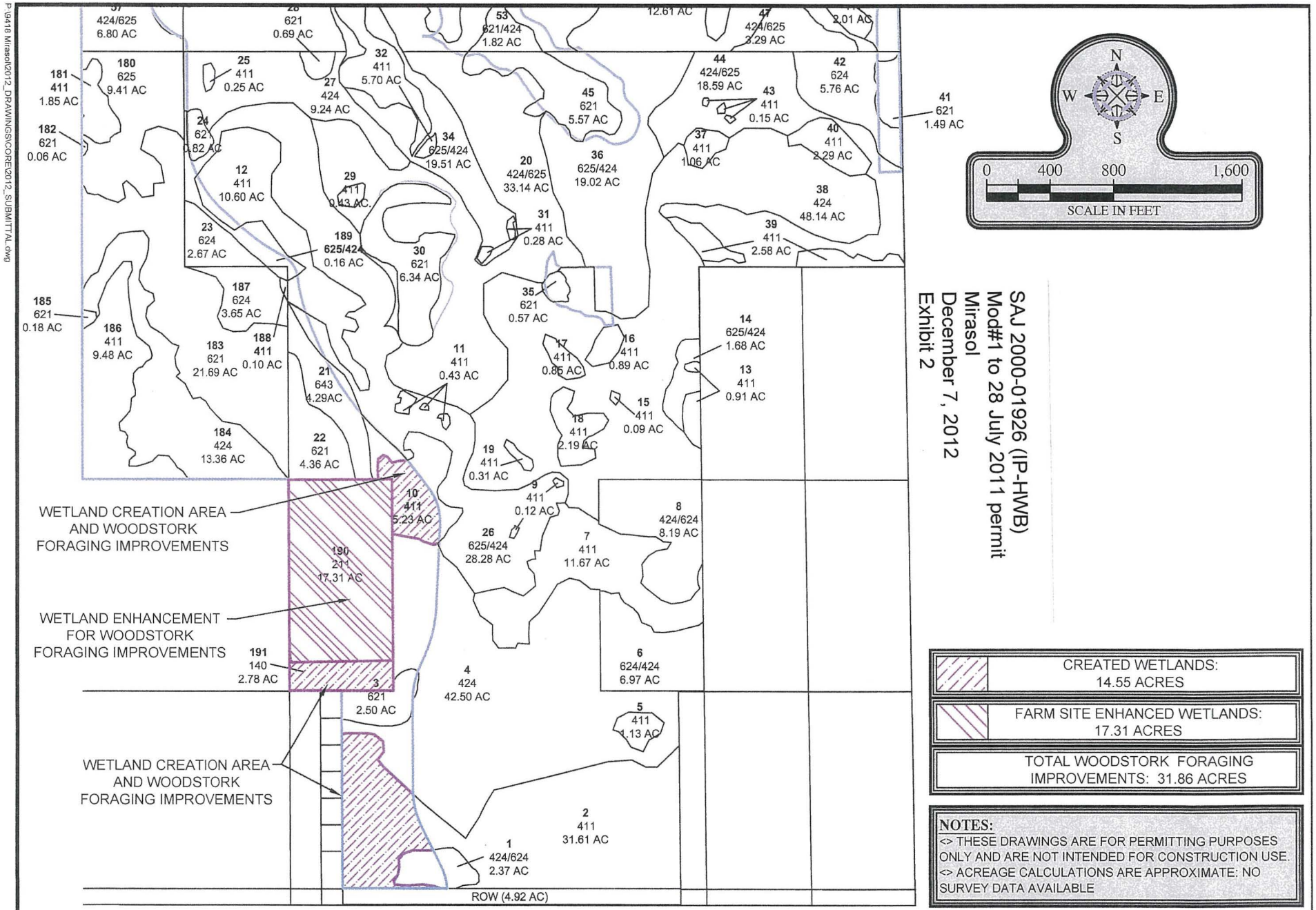

SAJ 2000-01926 (IP-HWB)
Mod#1 to 28 July 2011 permit
Mirasol
December 7, 2012
Exhibit 2

	CREATED WETLANDS: 14.55 ACRES
	FARM SITE ENHANCED WETLANDS: 17.31 ACRES
	TOTAL WOODSTORK FORAGING IMPROVEMENTS: 31.86 ACRES

NOTES:
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<> ACREAGE CALCULATIONS ARE APPROXIMATE: NO SURVEY DATA AVAILABLE

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

MIRASOL

WETLAND CREATION AND ENHANCEMENTS FOR WOODSTORK FORAGING IMPROVEMENTS

DESIGNED:	T.T.T.	REVISION:	TAB NAME:	WET CREATE
DRAWN BY:	RMJ	06-05-2012	SHEET:	
CREATED:	02-20-2012		SCALE:	1"=800'
JOB NO.:	9418			

SECTION- 22 TOWNSHIP- 48 S RANGE- 26 E

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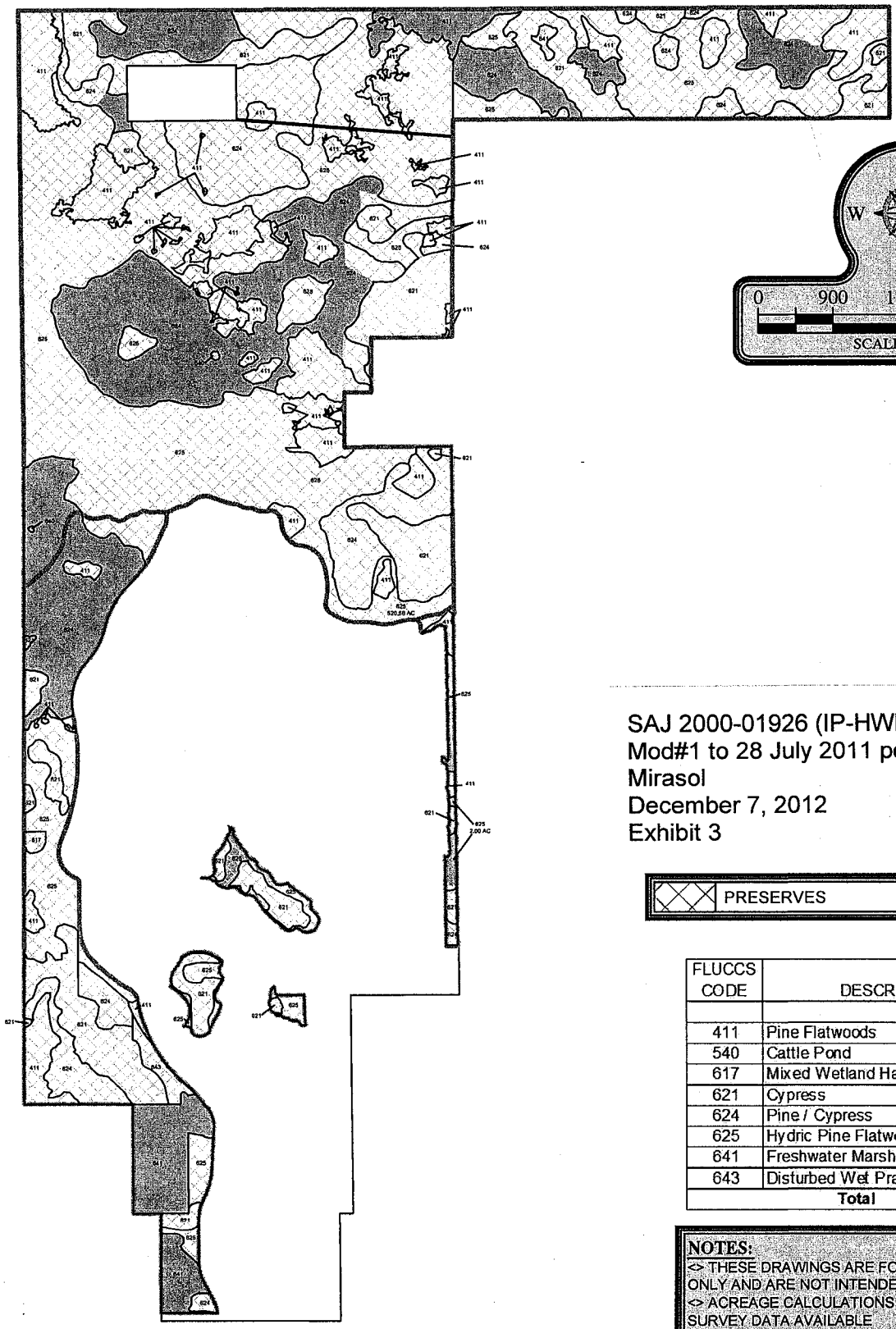

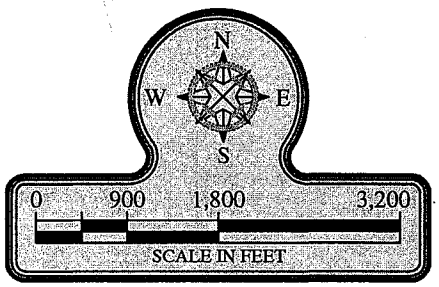

SAJ 2000-01926 (IP-HWB)
Mod#1 to 28 July 2011 permit
Mirasol
December 7, 2012
Exhibit 3

PRESERVES

FLUCCS CODE	DESCRIPTION	Acreage
411	Pine Flatwoods	122.93
540	Cattle Pond	0.27
617	Mixed Wetland Hardwoods	1.39
621	Cypress	131.11
624	Pine / Cypress	357.91
625	Hydric Pine Flatwoods	436.18
641	Freshwater Marsh	33.29
643	Disturbed Wet Prairie	3.96
	Total	**1087.04**

NOTES:
<> THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
<> ACREAGE CALCULATIONS ARE APPROXIMATE. NO SURVEY DATA AVAILABLE

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MIRASOL
PRESERVES POST FLUCCS

DESIGNED:	T.T.T.	REVISION:		TAB NAME:	ADD PRESERVE
DRAWN BY:	SS	02-15-2012		SHEET:	
CREATED:	04-25-06	06-05-2012		SCALE:	1"=1,800'
JOB NO.:	9418	N/A			
SECTION-	TOWNSHIP- 48 S	RANGE- 26 E			

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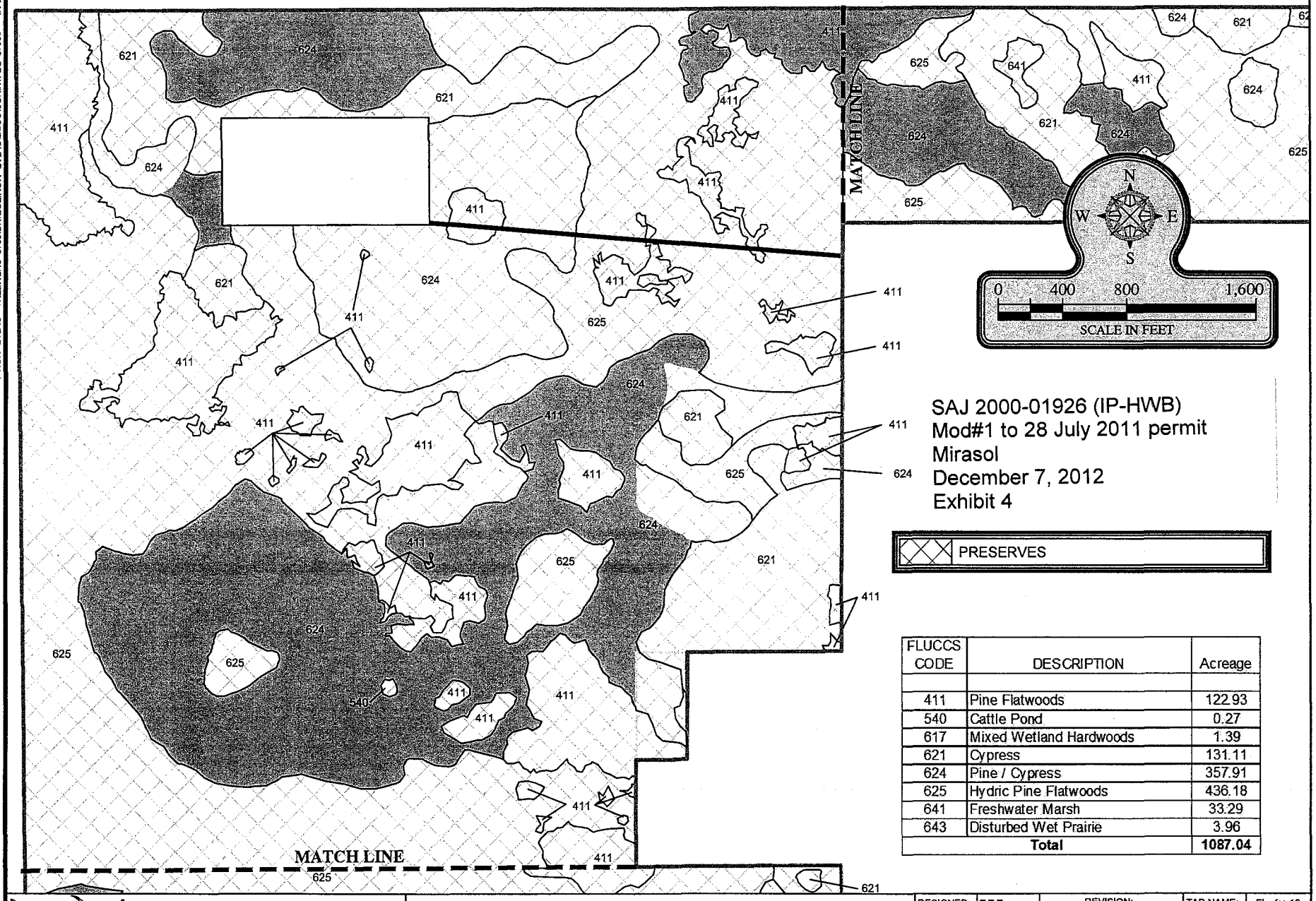

FLUCCS CODE	DESCRIPTION	Acreage
411	Pine Flatwoods	122.93
540	Cattle Pond	0.27
617	Mixed Wetland Hardwoods	1.39
621	Cypress	131.11
624	Pine / Cypress	357.91
625	Hydric Pine Flatwoods	436.18
641	Freshwater Marsh	33.29
643	Disturbed Wet Prairie	3.96
Total		**1087.04**

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MIRASOL

PRESERVES POST FLUCCS (SECTION 10)

DESIGNED:	T.T.T.	REVISION:	TAB NAME:	Flucfcs 10
DRAWN BY:	SS	02-15-2012	SHEET:	
CREATED:	04-25-06	06-05-2012	SCALE:	1"=800'
JOB NO.:	9418	N/A		
SECTION- 15		TOWNSHIP- 48 S	RANGE- 26 E	

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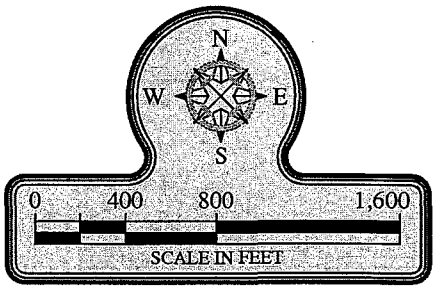
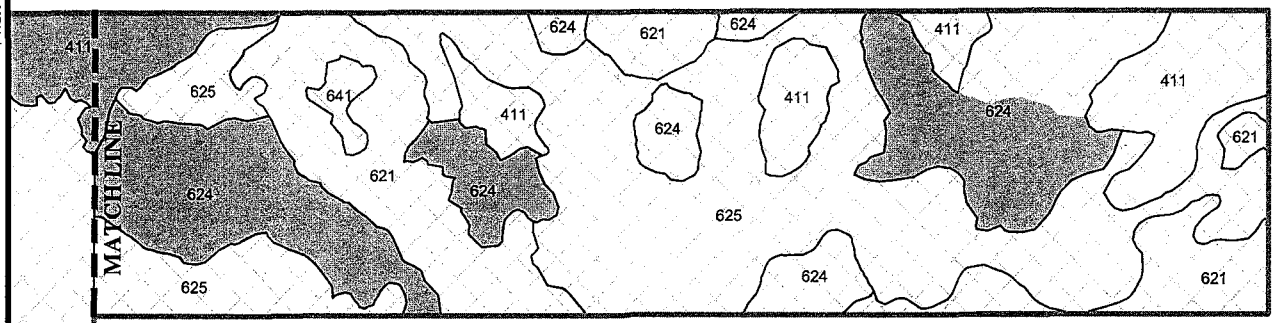
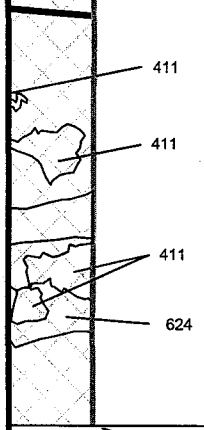


SAJ 2000-01926 (IP-HWB)
Mod#1 to 28 July 2011 permit
Mirasol
December 7, 2012
Exhibit 5





PRESERVES

FLUCCS CODE	DESCRIPTION	Acreage
411	Pine Flatwoods	122.93
540	Cattle Pond	0.27
617	Mixed Wetland Hardwoods	1.39
621	Cypress	131.11
624	Pine / Cypress	357.91
625	Hydric Pine Flatwoods	436.18
641	Freshwater Marsh	33.29
643	Disturbed Wet Prairie	3.96
Total		**1087.04**

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PRESERVES POST FLUCCS (SECTION 11)

DESIGNED:	T.T.T.	REVISION:	TAB NAME:	Flucfcs 11
DRAWN BY:	SS	02-15-2012	SHEET:	
CREATED:	04-25-06	06-05-2012	SCALE:	1"=800'
JOB NO.:	9418	N/A		
SECTION- 15		TOWNSHIP- 48 S	RANGE- 26 E	

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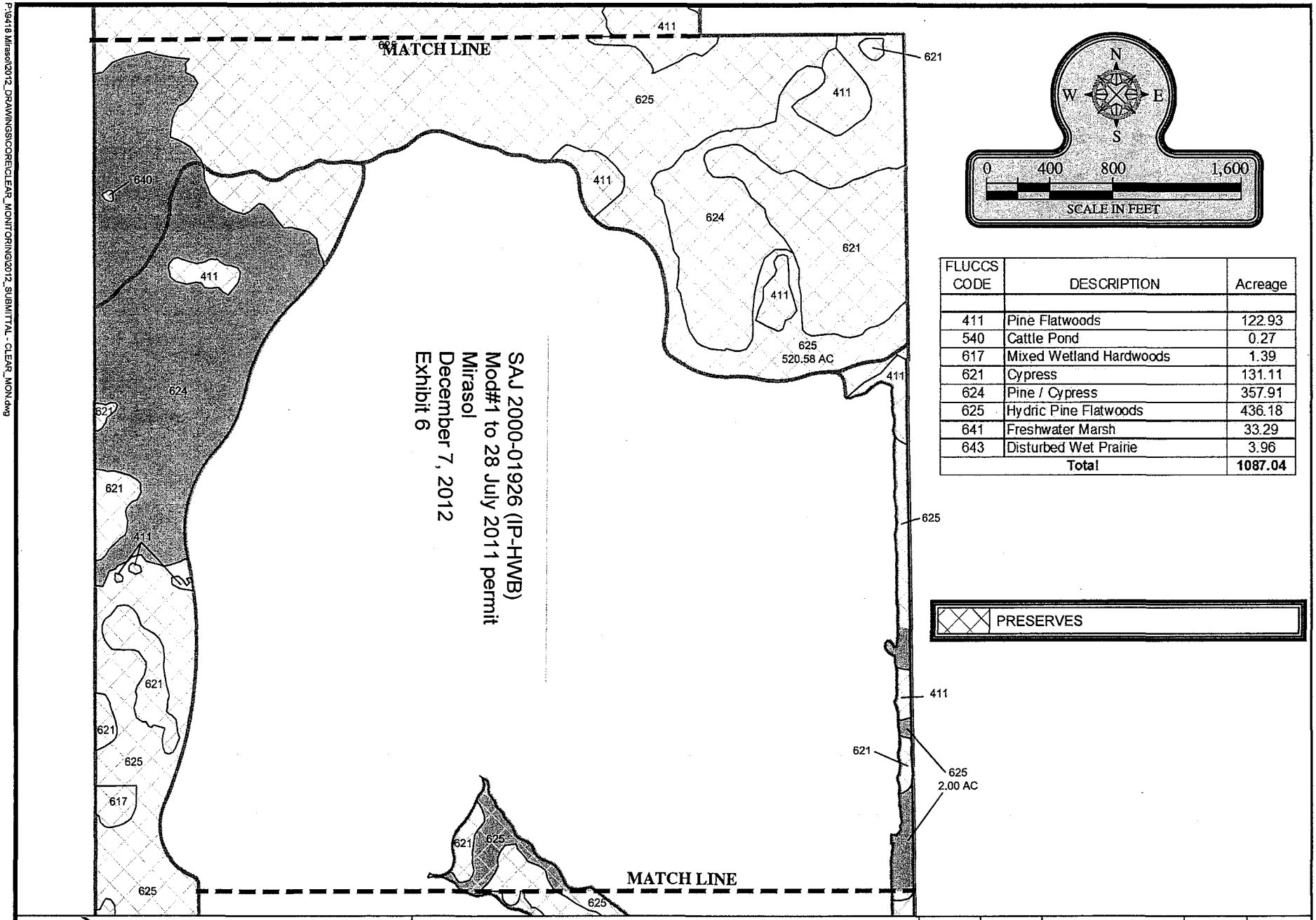

SAJ 2000-01926 (IP-HWB)
Mod#1 to 28 July 2011 permit
Mirasol
December 7, 2012
Exhibit 6

FLUCCS CODE	DESCRIPTION	Acreage
411	Pine Flatwoods	122.93
540	Cattle Pond	0.27
617	Mixed Wetland Hardwoods	1.39
621	Cypress	131.11
624	Pine / Cypress	357.91
625	Hydric Pine Flatwoods	436.18
641	Freshwater Marsh	33.29
643	Disturbed Wet Prairie	3.96
Total		**1087.04**

PRESERVES

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MIRASOL

PRESERVES POST FLUCCS (SECTION 15)

DESIGNED:	T.T.T.	REVISION:	TAB NAME:	Flucfcs 15
DRAWN BY:	SS	02-15-2012	SHEET:	
CREATED:	04-25-06	06-05-2012	SCALE:	1"=800'
JOB NO.:	9418	N/A		
SECTION- 15		TOWNSHIP- 48 S	RANGE- 26 E	

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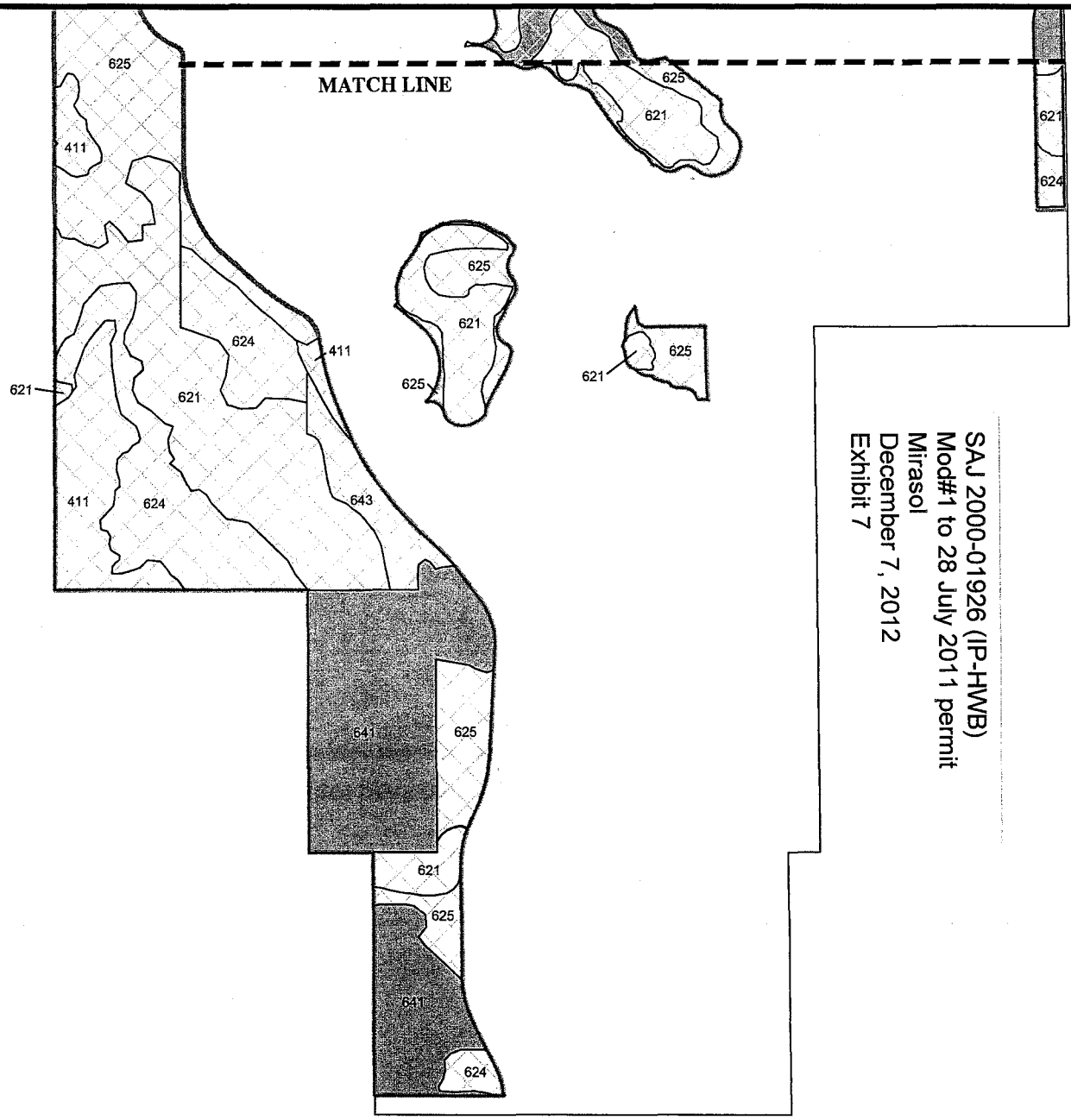

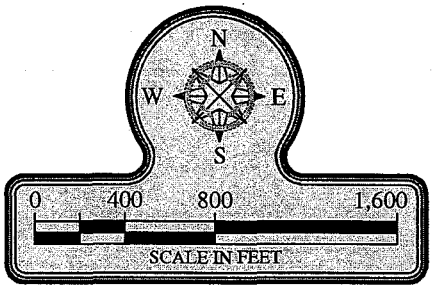

SAJ 2000-01926 (IP-HWB)
Mod#1 to 28 July 2011 permit
Mirasol
December 7, 2012
Exhibit 7

PRESERVES

FLUCCS CODE	DESCRIPTION	Acreage
411	Pine Flatwoods	122.93
540	Cattle Pond	0.27
617	Mixed Wetland Hardwoods	1.39
621	Cypress	131.11
624	Pine / Cypress	357.91
625	Hydric Pine Flatwoods	436.18
641	Freshwater Marsh	33.29
643	Disturbed Wet Prairie	3.96
Total		**1087.04**

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MIRASOL

PRESERVES POST FLUCCS (SECTION 22)

DESIGNED:	T.T.T.	REVISION:	TAB NAME:	Flucfcs 22
DRAWN BY:	SS	02-15-2012	SHEET:	
CREATED:	04-25-06	06-05-2012	SCALE:	1"=800'
JOB NO.:	9418	N/A		
SECTION- 22		TOWNSHIP- 48 S		RANGE- 26 E

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

MIRASOL

FORAGING IMPROVEMENTS

DESIGNED:	T.T.T.	REVISION:	TAB NAME:	FORAGING
DRAWN BY:	RMJ	06-05-2012	SHEET:	
CREATED:	04-06-2012		SCALE:	1"=200'
JOB NO.:	9418			
SECTION- 22		TOWNSHIP- 48 S	RANGE- 26 E	

ATTACHMENT E:
As Built Conditions/
Self Certification

2 pages

AS-BUILT CERTIFICATION BY PROFESSIONAL ENGINEER

Submit this form and one set of as-built engineering drawings to the U.S. Army Corps of Engineers, Special Projects and Enforcement Branch, 1520 Royal Palm Square Blvd., Suite 310, Ft. Myers, Florida 33919. If you have questions regarding this requirement, please contact the Special Projects and Enforcement Branch at 239-334-1975 X 24.

1. Department of the Army Permit Number: SAJ-2011-01135(IP-MJD)

2. Permittee Information:

Name _____

Address _____

_____

3. Project Site Identification:

Physical location/address _____

_____

4. As-Built Certification:

I hereby certify that the authorized work, including any mitigation required by Special Conditions to the permit, has been accomplished in accordance with the Department of the Army permit with any deviations noted below. This determination is based upon on-site observation, scheduled and conducted by me or by a project representative under my direct supervision. I have enclosed one set of as-built engineering drawings.

_____ _____

Signature of Engineer **Name (Please type)**

_____ _____

(FL, PR or VI) Reg. Number **Company Name**

_____

Address

_____

City **State** **ZIP**

(Affix Seal)

_____ _____

Date **Telephone Number**

Deviations from the approved permit drawings and special conditions: (attach additional pages if necessary)

Attachment F

Notice of Permit Recordation

2 Pages

Prepared by:

Permittee: _____

Address: _____

_____

Phone:_____

NOTICE OF DEPARTMENT OF THE ARMY PERMIT

TAKE NOTICE that the United States Army Corps of Engineers has issued Department of the Army Permit SAJ- - - to (Permittee) on , 201 , authorizing impacts to waters of the United States (including wetlands) in accordance with Section 404 of the Clean Water Act on a parcel of land known as Folio/Parcel ID: _____ encompassing _____ acres located within a portion of Section _____, Township _____ South, Range _____ East, _____, _____ County, Florida.

Within thirty (30) days of any transfer of interest or control of that portion of the premises containing the area authorized to be filled (or any portion thereof), the Permittee must notify the U.S. Army Corps of Engineers in writing of the property transfer by submitting the completed permit transfer page of the permit. Notification of the transfer does not by itself constitute a permit transfer. Therefore, purchasers of that portion of the premises containing the area authorized to be filled (or any portion thereof) are notified that it is unlawful for any person to construct, alter, operate, maintain, remove or abandon any works, including dredging or filling, without first having obtained a permit from the Corps of Engineers in the purchaser's name.

The subject Permit concerns only that portion of the property determined to fall within the jurisdiction of the U.S. Army Corps of Engineers and this notice is applicable only to those portions of the subject property containing areas authorized to be filled and wetland mitigation/conservation areas subject to the Permit.

Conditions of the Permit: The Permit is subject to General Conditions and Special Conditions which may affect the use of the subject property. Accordingly, interested parties should closely examine the entire Permit, all associated applications, and any subsequent modifications.

To obtain a copy of the permit in its entirety submit a written request to:
U.S. Army Corps of Engineers
Regulatory Division - Special Projects & Enforcement Branch
1520 Royal Palm Square Blvd., Suite 310
Fort Myers, Florida 33919

Questions regarding compliance with these conditions should be directed to:
U.S. Army Corps of Engineers
Enforcement Section
1520 Royal Palm Square Blvd., Suite 310
Fort Myers, Florida 33919

Conflict Between Notice and Permit
This Notice of Permit is not a complete summary of the Permit. Provisions in this Notice of Permit shall not be used in interpreting the Permit provisions. In the event of conflict between this Notice of Permit and the Permit, the Permit shall control.

This Notice is Not an Encumbrance
This Notice is for informational purposes only. It is not intended to be a lien, encumbrance, or cloud on the title of the premises.

Release
This Notice may not be released or removed from the public records without the prior written consent of the U.S. Army Corps of Engineers.

This Notice of Permit is executed on this _____ day of _____, 20____.

This document is being submitted for recordation in the Public Records of _____ County, Florida as part of the requirement imposed by Department of the Army Permit No SAJ- - issued by the United States Army Corps of Engineers.

Permittee: _____

Address: _____

_____

Phone:_____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____day of _____, 20____, by _____, who is personally known to me or has produced _____ as identification.

_____
Notary Public

(seal)

_____
Print

My Commission Expires_____

Attachment G

U.S. Fish & Wildlife Service
Biological Opinion Amendment
(41420-2006-FA-0674-R002)
Dated September 18, 2012
13 pages

United States Department of the Interior

FISH AND WILDLIFE SERVICE
South Florida Ecological Services Office
1339 20th Street
Vero Beach, Florida 32960

September 18, 2012

Alan M. Dodd, Colonel
U.S. Army Corps of Engineers
Fort Myers Regulatory Office
1520 Royal Palm Square Boulevard, Suite 310
Fort Myers, Florida 33919

Service Federal Activity Code:	41420-2006-FA-1500
Service Consultation Code:	41420-2006-F-0674-R002
Corps Application No.:	SAJ-2000-01926 (IP-HWB)–Mod 1
Date Received:	April 23, 2012
Applicant:	I.M. Collier Joint Venture
Project:	Mirasol Development
County:	Collier

Dear Colonel Dodd:

The U.S. Fish and Wildlife Service (Service) has reviewed the U.S. Army Corps of Engineers' (Corps) request to reinitiate consultation dated April 23, 2012, for the permit modification listed above. This letter is submitted in accordance with section 7 of the Endangered Species Act of 1973, as amended (Act) (87 Stat. 884; 16 U.S.C. 1531 *et seq.*) and the provisions of the Fish and Wildlife Coordination Act (FWCA) of 1958, as amended (48 Stat. 401; 16 U.S.C. 661 *et seq.*).

Corps Permit No. SAJ-2000-01926 (IP-HWB) was issued on July 28, 2011, and authorized the discharge of dredge or fill material to waters of the United States. On February 8, 2012, the Service received correspondence from the applicant that the project was being modified with the addition of 322 residential units and the addition of 85 acres of onsite preserve (total project acreage increased from 1,713.45 acres to 1,798.35 acres). Additional information was provided to the Service on March 15, 2012, and the Corps requested reinitiation of consultation on April 23, 2012. The project site is located north of Immokalee Road and east of Interstate 75 in Sections 10, 11, 15, and 22; Township 48 South; Range 26 East; in Collier County, Florida (Figure 1).

Consultation History

The consultation history for the Mirasol Development spans a 12-year period and is detailed in Service Biological Opinions dated February 21, 2003; March 9, 2005; March 1, 2007; May 3, 2007; April 22, 2011; and June 3, 2011. Therefore, the consultation history referenced in this reinitiation request is specific to the project as permitted by the Corps on July 28, 2011, including the Service's consultation for the permitted project. Additional detail is reviewable in any of the referenced Biological Opinions.

On May 11, 2010, the Corps, requested consultation with the Service and provided determinations of "may affect" for the endangered Florida panther (*Puma concolor coryi*) and the endangered wood stork (*Mycteria americana*) and "may affect, not likely to adversely affect" (MANLAA) for the endangered red-cockaded woodpecker (RCW; *Picoides borealis*) and the threatened eastern indigo snake (*Drymarchon corais couperi*). The project proposed impacts to 773 acres (645 acres of wetlands) and the preservation of 941 acres (831 acres of wetlands) onsite (total acreage is 1,713.45 acres). The applicant also proposed the acquisition of 27.68 wetland credits on 82 acres at Panther Island Mitigation Bank (PIMB) and the acquisition of the equivalent of 2,330 panther habitat units (PHUs), which is approximately 291 acres in the panther Primary Zone.

On April 22, 2011, the Service provided a Biological Opinion (Service Log No. 41420-2006-F-0674) concluding that the proposed project was not likely to jeopardize the survival and recovery of the Florida panther and wood stork and concurred with MANLAA determinations for the RCW and eastern indigo snake. The April 22, 2011, Biological Opinion was revised on June 3, 2011, clarifying several consultation history dates and a discrepancy in the onsite compensation acreage.

On July 28, 2011, the Corps issued permit SAJ-2000-01926 (IP-HWB) to I.M. Collier Joint Venture for the project known as "Mirasol." The permitted site plan included 799 residential units, a 36-hole golf course, a clubhouse, lakes, an entrance road, and onsite preserves. The project area was about 1,713.45 acres and included 772.98 acres of development, 36.86 acres of preserves and buffers internal to the development and not accessible to the Florida panther (total panther impact 809.84 acres), and 903.66 acres of additional preserves and buffers onsite, external to the development and available to the Florida panther. In addition to the above compensation, the permit requires the applicant to purchase and protect about 291.10 acres (the equivalent of 2,330 PHUs) within the panther Primary Zone, and to purchase 27.68 wetland credits (about 82.21 acres representing 709 PHUs) from PIMB. The total compensation proposal, including both onsite and offsite properties, provided protection and restoration of about 1,276.97 acres of panther habitat in areas surrounded by previously restored and protected panther habitat (903.66 acres onsite, 82.21 acres in PIMB, and 291.10 acres in the Primary Zone).

On February 8, 2012, the applicant met with the Service and provided information on proposed revisions to the permitted project. During applicant discussions with various Conservation Organizations, additional wood stork foraging improvements were agreed upon. Two upland mesic pine areas will be scraped down and contoured to provide depression areas, which will concentrate forage fish as water levels recede. The current proposal for modification entails the following:

- Approximately 85 acres are being added into the project boundary as additional preserve (project boundary change from 1,713.45 acres to 1,798.35 acres).
- The maximum number of residential units will increase from 799 to 1,121.
- 18 holes of golf are being eliminated.
- The pass-through system of lakes currently permitted is being modified to an open channel that will run along the western development boundary.
- The development (impact) footprint is being reduced from 809.84 to 709.76 acres.

- Wetland impacts associated with the project are being reduced from 645.35 acres to 561.87 acres.
- Wetland creation will occur on the southern uplands that were previously in the development footprint but are now within the new preserve area.
- Removal of the berm around the farm field and creation of depressions within the existing farm field and adjacent upland areas will be undertaken to create improved wood stork foraging opportunities.

During the February 8, 2012, meeting, the applicant provided current site information that supports the Corps' original determination that the project "may affect" the Florida panther and wood stork and MANLAA the eastern indigo snake and RCW. Due to the amount of changes proposed by the applicant, the Service requested a reevaluation of the pre- and post-project panther PHU calculations, and pre- and post-project wood stork foraging biomass calculations. The Service also requested updated data on the Florida panther population and panther/vehicle mortality within a 5-mile radius, as well as an updated traffic pattern model projection for the proposed additional residential units. Details were requested on the proposed wetlands to be created in the southwestern portion of the project site.

On February 23, 2012, the Service received an updated figure of the traffic pattern model projections from Turrell, Hall & Associates, Inc. (THA).

On March 26, 2012, the Service received correspondence from the Collier County Audubon Society and Florida Wildlife Federation, providing supporting reviews of the proposed permit modification.

On April 30, 2012, the Service received the updated traffic pattern model projections from JMB Transportation Engineering, Inc. (JMBT).

On July 13, 2012, additional data was received from THA. Data provided by THA (2012) included updated Panther PHU and wood stork biomass calculations, and site drawings showing proposed contours for the proposed wetlands to be created in the southwestern portion of the project site. The data also included information on overall changes in the status of the Florida panther within and around the project site.

On August 10, 2012, the Service received additional details on the pass-through flow-way and offsite regional drainage effects.

On August 14, 2012, the Service received correspondence from Collier County Audubon Society providing supporting reviews of the revised flow-way design.

BIOLOGICAL OPINION REINITIATION

On April 23, 2012, the Corps requested reinitiation with the Service for Formal consultation on the Florida panther and wood stork and provided determinations of MANLAA for the eastern indigo snake and RCW.

Eastern Indigo Snake

The Corps' determination for the eastern indigo snake is supported through the Corps' application of the Service's Eastern Indigo Snake Programmatic Determination Key (2012) (A→B→C→D→E→MANLAA) and the Corps commitment to include the Service's (2004) *Standard Protection Measures for the Eastern Indigo Snake* as a permit condition.

Red-cockaded Woodpecker

The Corps' determination for the RCW is also appropriate. The Service provided a concurrence determination of MANLAA as a component of the June 3, 2011, Biological Opinion. Although the surveys were conducted in 2010 and several nesting and foraging seasons have passed, habitat conditions that were present on the project site that adversely affect RCW foraging and nesting suitability (mid-story vegetation density and dominance by exotic species) continues to adversely affect habitat suitability for the RCW. The restoration component proposed for the onsite preserve, (*i.e.*, the removal of the exotic vegetation and the implementation of the management plan) is expected to provide improved foraging and nesting habitat for the RCW. In addition, although not a project requirement, the applicant has expressed interest in reintroduction of RCWs into the onsite preserve. This could include translocation of donor birds from a recipient site or installation of artificial nest cavity boxes and/or pre-drilling suitable pines as surrogate nest sites to allow for passive RCW migration from adjacent colonies. The Service is supportive of efforts to reintroduce the RCW into the onsite preserve and welcomes the opportunity to further assist the applicant in this effort.

Florida Panther

In order to assess if adverse effects will occur to the Florida panther in a manner or extent not previously considered in the Service's June 3, 2011, Biological Opinion, we requested additional traffic data on the proposed increase in residential units from 799 units to 1,121 units, and updated information on overall changes in the status of the Florida panther within and around the project site. Data was specifically requested on population and mortality data within a 5-mile radius of the project and an assessment of PHUs pre- and post-development.

The PHU assessment was modified for the project as currently proposed. According to the modified PHU assessment (THA 2012), the revised project will impact 709.77 acres (Figure 2), result in a loss of about 3,493.21 PHUs, and provide a recommended compensation of 8,733.88 PHUs. The onsite mitigation area (Figure 3), which includes about 1,088.56 acres of preserves, following restoration, will generate 7,936.30 PHUs. The applicant proposes to purchase an additional 797.58 PHUs from the Panther Passage Conservation Bank (Bank) to comply with the recommended compensation. The PHU acquisition from the Bank represents an equivalent of 33.22 acres (24.01 PHUs/acre) of habitat preservation. The applicant will provide a certificate of purchase from the Bank to the Service within 90 days of permit issuance and/or prior to any onsite land clearing; whichever is earliest. Total preserves, including the offsite compensation, are 1,121.78 acres.

The onsite preserve for the Mirasol project will be placed under a conservation easement granted to the South Florida Water Management District (District), with enforcement rights granted to the Service and Corps. Once the exotic vegetation has been removed and the native vegetation

restored, the preserve lands outside of the development footprint (about 1,089 ac) are to be maintained by the applicant or the homeowner's association until they can be donated to the CREW Trust, or another appropriate public entity capable of providing such services, and approved by the Service. The land transfer to the public management entity is to be completed within 6 months of final agency sign-off on the mitigation activities referenced in the Corps/District permit applications.

In addition to the donation of the property to an appropriate entity, a non-wasting escrow fund for the perpetual maintenance and monitoring of the preserve shall be established. The amount of the endowment will be determined at the time the preserve is transferred to the public management entity, and will be based on the perpetual management, maintenance and monitoring needs as determined and approved through coordinated discussions with the land recipient and the Service at the time of the proposed transfer. The amount of the endowment funds and the entity to receive the funds must be determined prior to the final agency sign-off on the mitigation activities referenced in the Corps/South Florida Water Management District permit applications. The monies generated from the non-wasting endowment fund will be sufficient to fund all land management costs including: site fencing and fire break maintenance, taxes, liability insurance (if necessary), site management and maintenance, monitoring reports, escrow holder handling fee, and a 10 percent contingency. A capitalization rate will be determined in coordination with, and approved by, the Service at the time the property is turned over to insure that the endowment fund is non-wasting.

To assist the Service in further assessing indirect affects to the Florida panther (*i.e.*, those affects not directly tied to habitat loss), the Service reviewed the additional traffic data provided on the proposed increase in residential units from 799 units to 1,121 units, and updated information on overall changes in the status of the Florida panther within and around the project site.

The revised traffic report compared the traffic model for the site plan reflected in the Corps' permit (*i.e.*, 799 residential units with 36 holes of golf) and the current traffic model for the revised site plan (*i.e.*, 1,121 residential units and one 18-hole golf course). The April 30, 2012, traffic report prepared by JMBT (2012) noted the original traffic profile would result in 5,433 average weekday trip-ends. The revised development proposal is expected to generate a traffic profile of 8,051 average weekday trip-ends, which is an increase of 2,608 weekday trip-ends over the permitted project. The report suggests 4 percent of this increase will travel east or west on Immokalee Road east of CR 951, with the remainder travelling north or south on Collier Boulevard (CR 951) or east and west on Immokalee Road west of the project site. The new project trips will constitute about 0.3 percent increase of the total traffic load on Immokalee Road and a 1.1 percent increase on Collier Boulevard. We believe the minimal increases in traffic on Immokalee Road and Collier Boulevard are insignificant in terms of the overall traffic already present on these roadways, and will have no additional adverse impacts to any protected species above and beyond those assessed in the June 3, 2011, Biological Opinion.

Another component of the Service's assessment of indirect effects to the Florida panther is consideration of a project's proposed actions to minimize traffic effects and reduce vehicle-caused panther mortalities in the adjacent Florida panther core lands. Such actions can include both

installation of fencing and/or wildlife underpasses in traffic/panther mortality hot-spots and development density reduction programs that allow for the transfer of development densities (transfer of development rights - TDR) from lands in the panther core lands to lands proposed for development in more urban settings. One such program in Collier County is the Rural Lands Assessment (RLA), which was adopted in 2002. This program established Rural Lands Stewardship Areas and Rural Fringe Mixed Use Overlay Districts. Within these designations, undeveloped lands not designated as conservation or in public ownership could be designated as either Sending Lands or Receiving Lands. Sending Lands have the highest degree of environmental value and sensitivity, with significant wetlands, uplands, and habitat for listed species. Sending Lands are principal targets for acquisition, preservation, and conservation. Receiving Lands have a significantly lesser degree of environmental or listed species habitat value and have been determined to be most appropriate for development. A third classification, Neutral Lands, falls in the middle in terms of value between Receiving Lands and Sending Lands; Neutral Lands generally retain the development rights that existed when the Rural Assessment was undertaken.

The proposed Mirasol Development crosses three different zoning districts. Section 22 is in the Urban Residential Subdistrict with a base density of 4 units per acre and is outside of the boundaries of the RLA program. Sections 10 and 15 are in the RLA program and are designated as Rural Fringe Mixed Use "Neutral" Lands with a base density of 1 unit per 5 acres. Section 11 is also in the RLA program and is designated as Rural Fringe Mixed Use "Sending" Lands with a base density of 1 unit per 5 acres and bonuses associated with the TDR program.

The County Planned Unit Development zoning defines the property boundary as the lands within Sections 22, 10, and 15. Section 11 is accounted for as off-site lands and Section 11 is the only one associated with the TDRs. Density calculations for the original project include 425.76 acres in Section 22 or 1,703 units (425.76*4=1,703) and 1,212.79 acres within Sections 10 and 15 or 242.6 units (1,212.79/5=242.6) for a total maximum density of 1,945.6 residential units (1,703+242.6=1,945.6). The applicant previously committed to only construct 799 units. The additional 322 units now being requested are generated from the 80 additional acres being added to the preserve from Section 22 (80*4 = 320) and 10 additional acres being added from Section 15 (10/5=2). The density request for this project is now the 799 originally permitted plus the extra 322, for a total of 1,121 units.

Because Section 11 is designated as Sending Lands, the density from these 159.79 acres can only be transferred to Receiving Lands through the TDR program. Since there are no Receiving Lands associated with the Mirasol project, the TDR credits from Section 11 have to be severed and held (banked) until such time as they may be transferred to a project in the Receiving Lands area. The Section 11 Sending Lands are eligible for Base Density Credits (1 TDR credit per 5 acres or 31.95 credits) plus Early Entry Bonus (1 bonus credit per TDR credit, or 31.95 credits) plus Restoration & Maintenance Bonus (also 1 bonus credit per TDR credit) plus Conveyance Bonus (also 1 bonus credit per TDR credit). Therefore, the total number of TDRs that have been banked and eligible for density development credit for a future project in the Rural Fringe Mixed Use Overlay Districts is 127.8 TDRs Although the Service generally does not support transferring development rights from lands that are being protected for conservation by one project to another future project, the Service understands the use of the TDRs in this instance and is supportive of

Collier County's Rural Lands Assessment and Density Reduction program. However, should a future project using the 127.8 TDRs result in impacts to listed species, compensation for those impacts will be required in a manner consistent with the then-current science. Since the Section 11 lands are part of the Mirasol project, they will not be considered compensation to offset future impacts to listed species from use of the TDRs.

The Service, during the February 8, 2012, meeting, also requested information regarding overall changes in the status of the Florida panther within and around the project site. Specifically, we requested panther population and mortality data within a 5-mile radius around the project to determine if the population and mortalities increased or decreased in this area from when the project was reviewed and permitted in 2011(Service Biological Opinion: June, 3, 2011) compared to the species current status in 2012 (July 30, 2012). No new telemetry data since the previous Biological Opinion is available to the Service. However FP186 (male) was reported as alive in the previous Biological Opinion and died from intraspecific aggression on June 20, 2011, 6.1 miles northeast of the project. Historically, eight radio-collared male and female panthers were recorded on 53 occasions based on telemetry data from February 1981 through May 13, 2011. In our 2011 Biological Opinion, the closest and most-recent occurrence of a live, radio-collared panther was FP186, recorded on May 13, 2011, 4.50 miles northeast of the project. Since FP186 is now dead, the most recent occurrence of a live, radio-collared panther is FP159, recorded on April 28, 2008, 3.7 miles northeast of the project. In addition, an un-collared male panther was reported on July 18, 2012, adjacent to the southwest border of the site on Rose Boulevard. The Service believes the project site, as determined in the previous Biological Opinion, may occasionally be used by collared and other non-collared panthers because it contains habitat types used by panthers and their prey, and the project vicinity has been used historically by panthers as indicated by telemetry locations. Therefore, the Service believes the conclusions provided in the June 3, 2011, Biological Opinion are applicable to the project as modified and concludes the revised project will have no additional adverse impacts to the Florida panther greater than those previously addressed by the Service.

Wood Stork

In order to assess if adverse effects will occur to the wood stork in a manner or extent not previously considered in the Service's June 3, 2011, Biological Opinion, we requested additional data on wood stork foraging biomass and changes in wetland impacts. The project as originally permitted proposed impact to 645.35 acres and a loss of 190.06 kilograms (kg) of foraging biomass. The permitted project proposed the protection and restoration of 831.35 acres of onsite preserve with a biomass gain following restoration of 2,181.87 kg. The net change following project development would be an increase of 1,991.81 kg (2,181.87-190.06=1,991.81 kg).

The revised project proposes impacts to 561.87 acres and a loss of 160.87 kg of foraging biomass. The revised project also proposes the protection and restoration of 949.56 acres and the creation of 14.55 acres, totaling 964.11 acres, with a biomass gain following restoration and creation of 1,441.24 kg. The net change following project development will be an increase of 1,280.37 kg (1,441.24 -160.87=1,280.37 kg).

The previously permitted project included an internal conveyance flow-way that consisted of a series of lakes, swales, and pipes. The conveyance ran from an intake weir at the northern development boundary, through the project development area, and eventually outfalling into the Cocohatchee Canal at the southern development boundary. This conveyance system covered approximately 38.4 acres and was designed to ensure that water levels outside of the project development footprint were not elevated during the wet season over the existing pre-development levels.

The current proposal still includes an internal conveyance flow-way, but it has been re-designed as an open swale instead of a series of connected lakes, and it has been relocated to run along the western property boundary instead of through the center of the development (Figure 4). The conveyance will still originate at the intake weir at the northern development boundary and outfall into the Cocohatchee Canal at the southern development boundary. The currently proposed conveyance will cover approximately 25.1 acres and will ensure that water levels outside of the project development footprint are not elevated over the existing pre-development levels. The Service has reviewed the data provided and concludes the revised project does not propose adverse effects to the wood stork in a manner or extent not previously considered in the Service's June 3, 2011, Biological Opinion.

In summary, the Service concurs with the Corps' determinations of "may affect, but not likely to adversely affect" for the eastern indigo snake and RCW. The Service has reviewed the information and determinations in the June 3, 2011, Biological Opinion and concludes that the effects to the Florida panther and wood stork resulting from the proposed project modifications do not exceed those effects evaluated in a manner or extent not previously considered. All reasonable and prudent measures and terms and conditions referenced in the June 3, 2011, Biological Opinion are also applicable to this consultation. This concludes Formal consultation for the Florida panther and wood stork.

REINITIATION NOTICE

As provided in 50 CFR § 402.16, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been retained (or is authorized by law) and if: (1) the amount or extent of incidental take is exceeded; (2) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat not considered in this opinion; (3) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion; or (4) a new species is listed or critical habitat designated that may be affected by the action. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease pending reinitiation.

Thank you for your cooperation in the effort to protect fish and wildlife resources. If you have any questions regarding this project, please contact Allen Webb at 772-469-4246.

Sincerely yours,

Craig Aubrey
for Larry Williams
Field Supervisor
South Florida Ecological Services Office

cc: electronic only
Corps, Fort Myers, Florida (Monika Dey)
EPA, West Palm Beach, Florida (Ron Meidema)
FWC, Naples, Florida (Darrell Land)
FWC, Tallahassee, Florida (FWC-CPS, Kipp Frohlich)
Service, Atlanta, Georgia (Ken Graham)
Service, Florida Panther NWR, Naples, Florida (Kevin Godsea)

LITERATURE CITED

JMB Transporation Engineering, Inc. 2012. Traffic impact statement for Mirasol PUD Amendment. Revised April 30, 2012. Naples Florida.

Turrell, Hall & Associates, Inc. 2012. Biological assessment updating Florida panther mortality data, panther habitat units, wood stork biomass data, created wetland couture data, and vehicle traffic projections for the Mirasol Development. Naples, Florida.

U.S. Fish and Wildlife Service. 2004. Standard protection measures for the eastern indigo snake. South Florida Ecological Services Office; Vero Beach, Florida.

U.S. Fish and Wildlife Service. 2011. Biological opinion, Mirasol Golf Club, Collier County, Florida. South Florida Ecological Services Office; Vero Beach, Florida.

U.S. Fish and Wildlife Service. 2012. Eastern Indigo Programmatic Effect Determination Key. South Florida Ecological Services Office; Vero Beach, Florida.

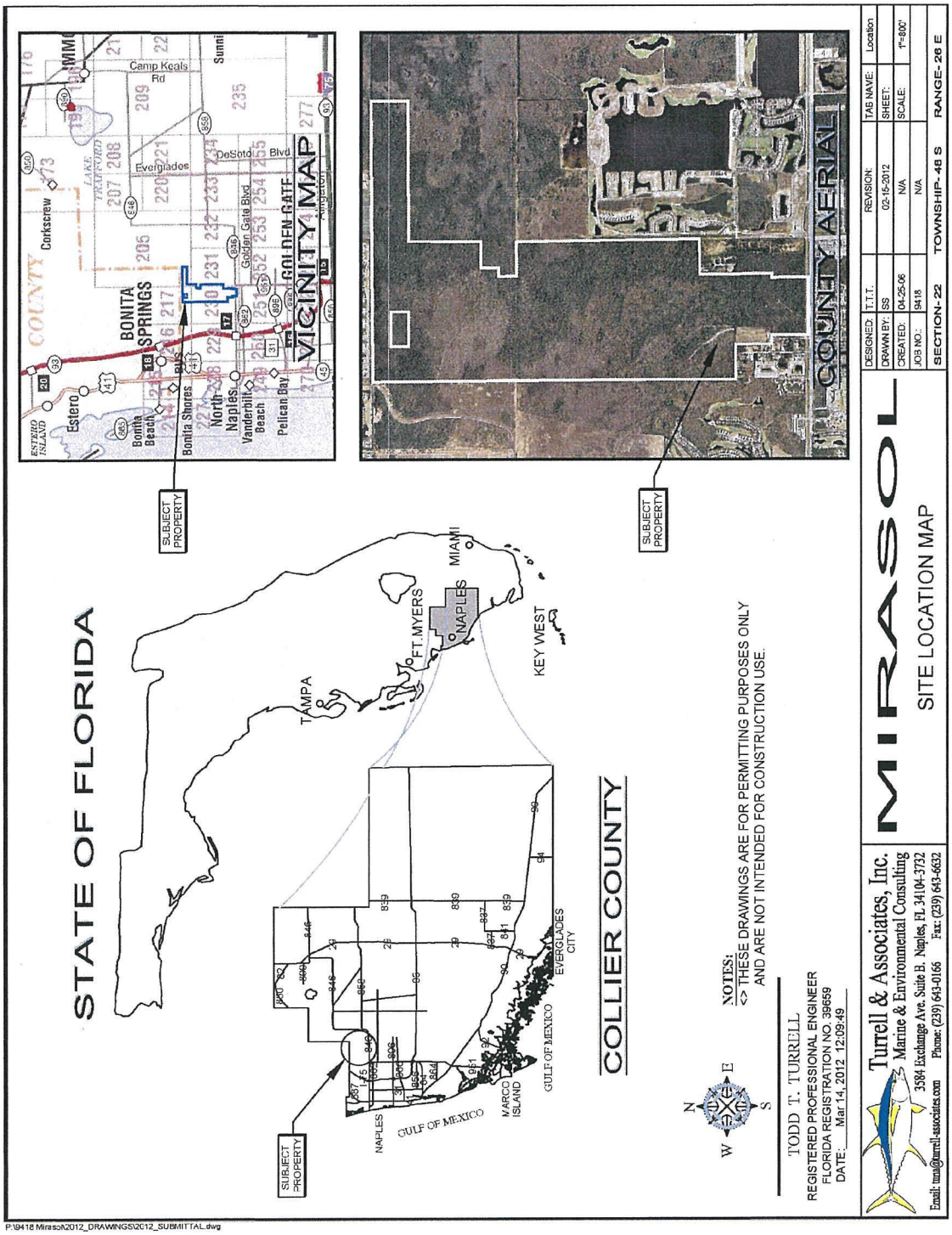

Figure 1. Regional Aerial

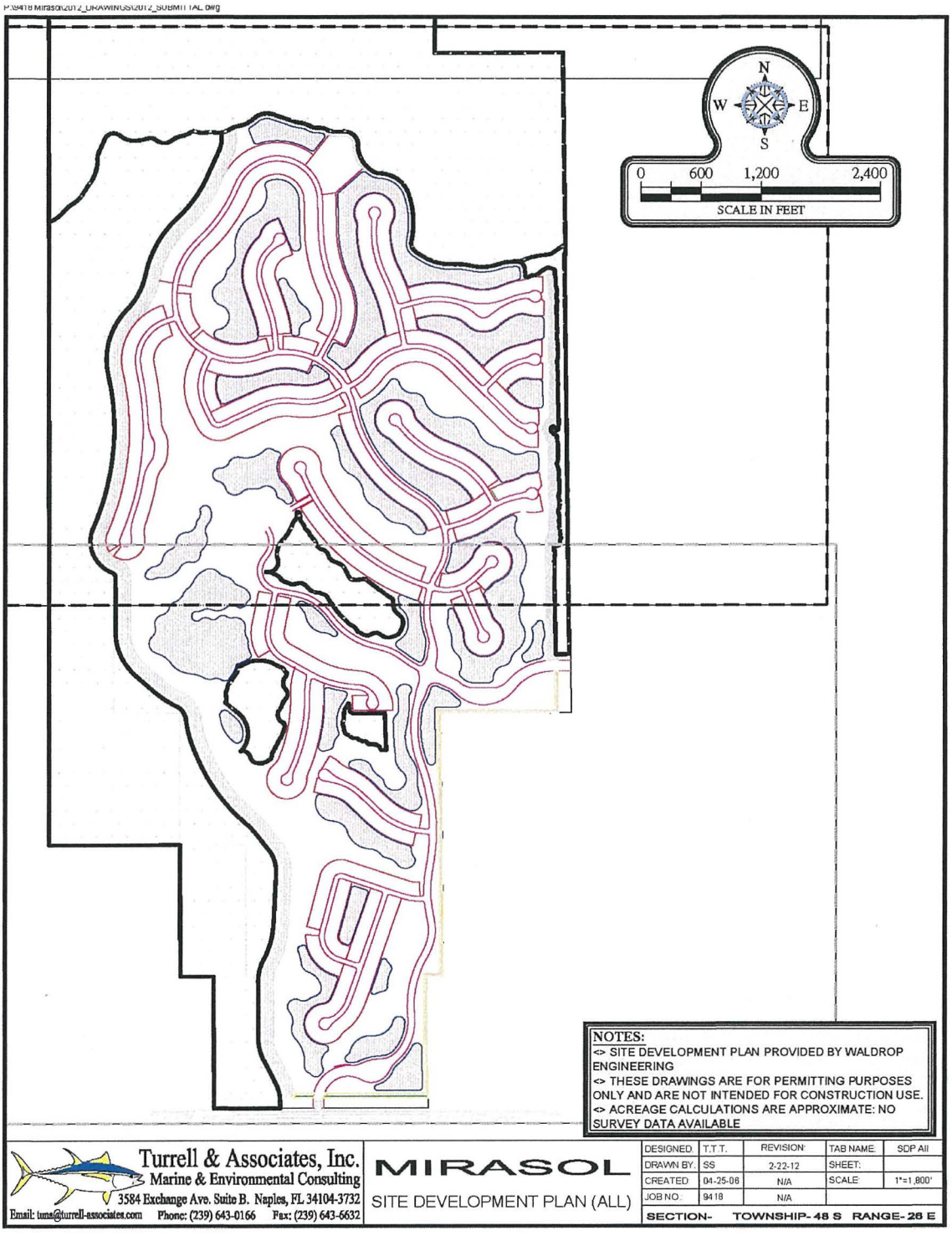

Figure 2. 2012 - Site Plan Development Footprint

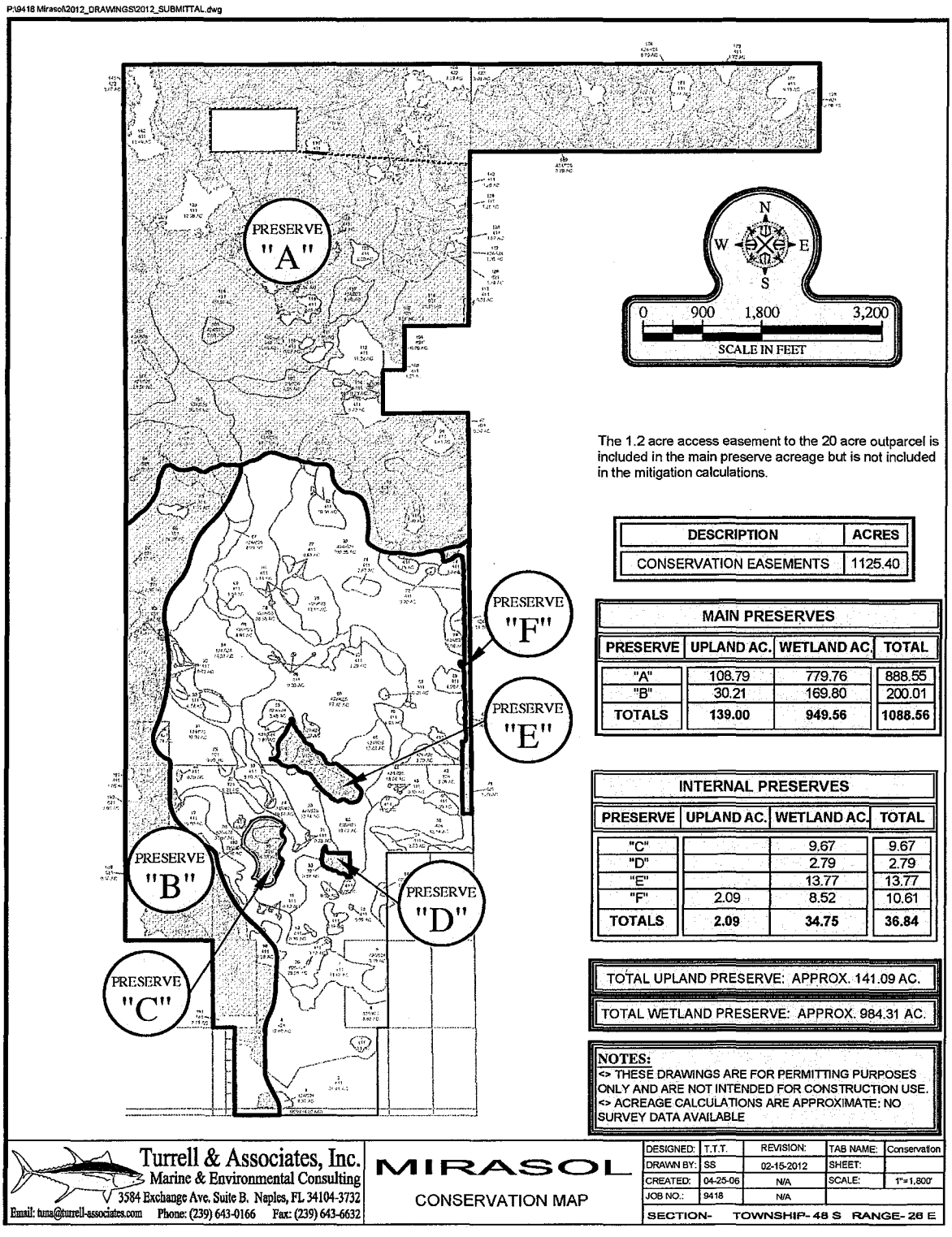

Figure 3. 2012 - Site Plan Preserves

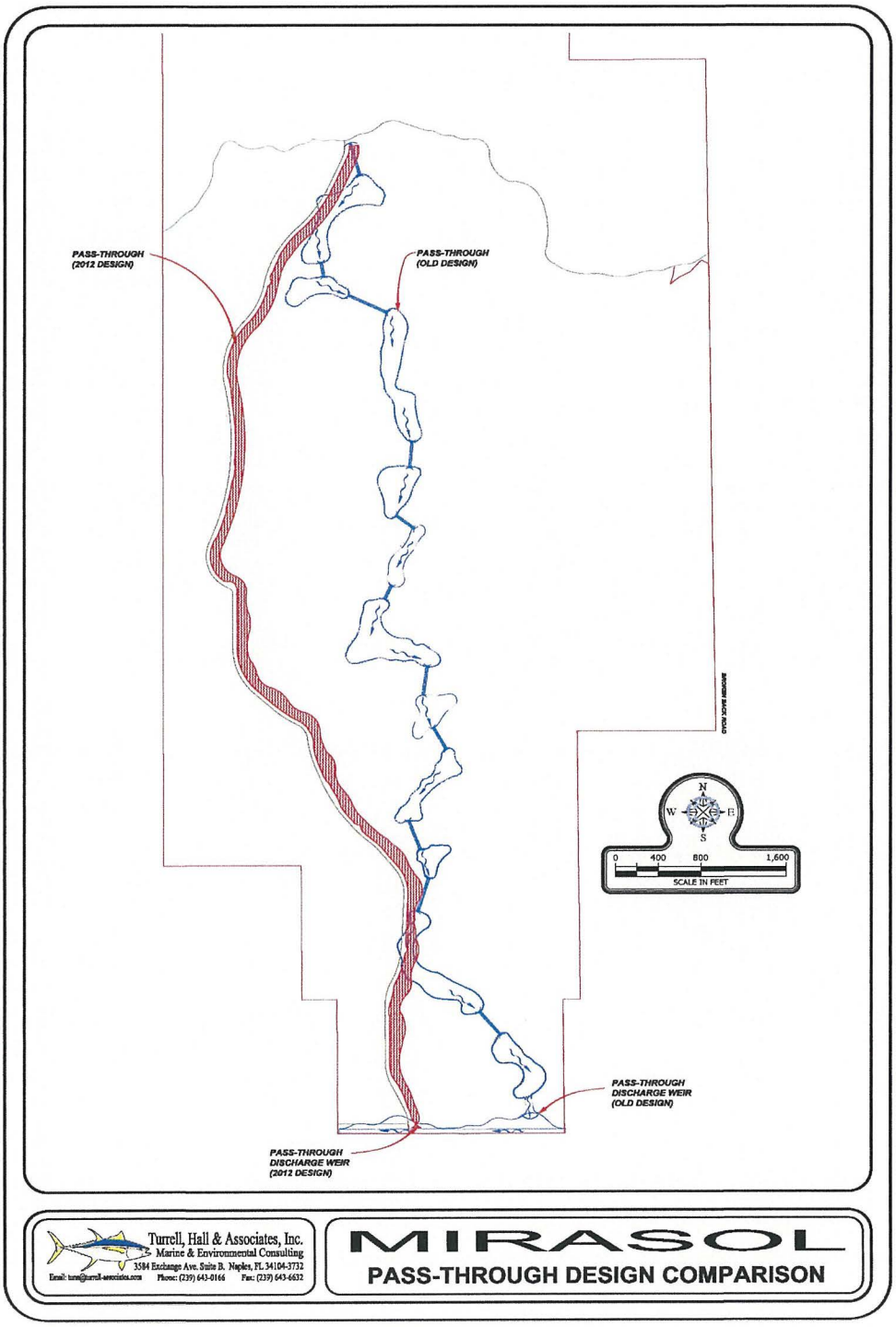

Figure 4. 2012 – Pass-Through Flow way Design

Attachment H

Standard Protection Measures
for the
Eastern Indigo Snake
(revised February 12, 2004)
(1 Page)

STANDARD PROTECTION MEASURES FOR THE EASTERN INDIGO SNAKE

1. An eastern indigo snake protection/education plan shall be developed by the applicant or requestor for all construction personnel to follow. The plan shall be provided to the Service for review and approval at least 30 days prior to any clearing activities. The educational materials for the plan may consist of a combination of posters, videos, pamphlets, and lectures (*e.g.*, an observer trained to identify eastern indigo snakes could use the protection/education plan to instruct construction personnel before any clearing activities occur). Informational signs should be posted throughout the construction site and along any proposed access road to contain the following information:

    a. a description of the eastern indigo snake, its habits, and protection under Federal Law;
    b. instructions not to injure, harm, harass or kill this species;
    c. directions to cease clearing activities and allow the eastern indigo snake sufficient time to move away from the site on its own before resuming clearing; and,
    d. telephone numbers of pertinent agencies to be contacted if a dead eastern indigo snake is encountered. The dead specimen should be thoroughly soaked in water and then frozen.

2. If not currently authorized through an Incidental Take Statement in association with a Biological Opinion, only individuals who have been either authorized by a section 10(a)(1)(A) permit issued by the Service, or by the State of Florida through the Florida Fish Wildlife Conservation Commission (FWC) for such activities, are permitted to come in contact with an eastern indigo snake.

3. An eastern indigo snake monitoring report must be submitted to the appropriate Florida Field Office within 60 days of the conclusion of clearing phases. The report should be submitted whether or not eastern indigo snakes are observed. The report should contain the following information:

    a. any sightings of eastern indigo snakes and
    b. other obligations required by the Florida Fish and Wildlife Conservation Commission, as stipulated in the permit.

Revised February 12, 2004