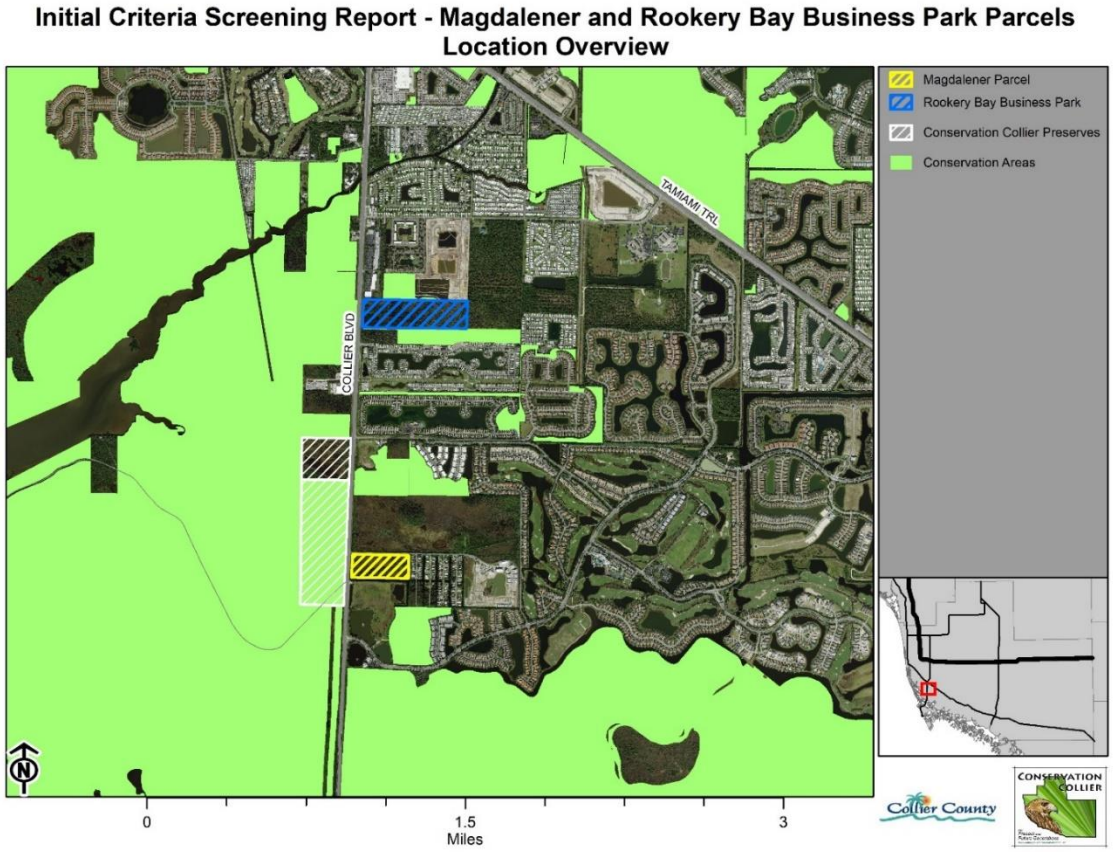
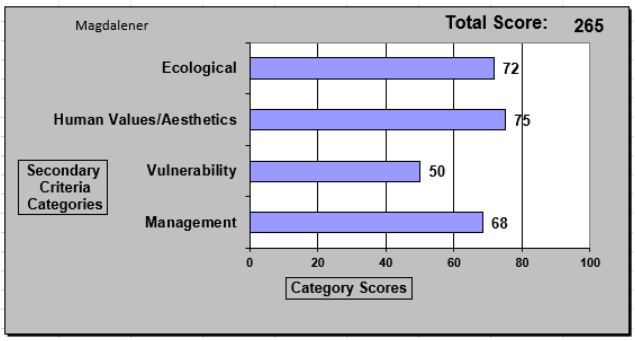
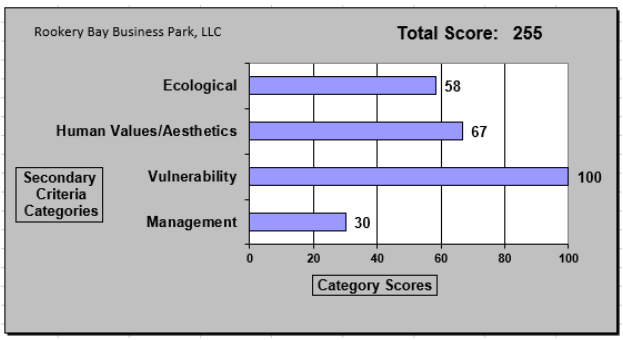
Conservation Collier
Initial Criteria Screening Report



Owner Name(s):
Magdalener, Josef and Rookery Bay Business Park, LLC

Folio Number(s): 00742040001 (Magdalener) and 00732800002 (Rookery Bay Business Park, LLC)
Staff Report Date: October 2021





Contents

I. Introduction....6
II. Summary of Property Information....7
Table 1: Summary of Property Information....7
Figure 1: Location Overview....8
Figure 2: Location Overview Aerial with Surrounding Conservation Areas....9
Figure 3: Location Close-up Aerials....10
Summary of Assessed Value and Property Costs Estimates....13
Table 2: Assessed & Estimated Value....13
Figure 4: Planned Unit Developments....14
III. Statements for Satisfying Initial Screening Criteria....15
Criteria 1: Native Habitats....15
Vegetative Communities....15
FLUCCS....15
Characterization of Plant Communities Present Magdalener:....16
Statement for Satisfaction of Criteria....17
Criteria 2: Human Social Values....17
Statement for Satisfaction of Criteria....17
Criteria 3: Water Resources....17
General Hydrologic Characteristics....18
Table 3: Wetland Dependent Plant Species Observed....18
Table 3 continued: Wetland Dependent Plant Species Observed....19
Table 4: Wetland Dependent Wildlife Species Observed....19
Other Hydrologic Indicators Observed....20
Soils....20
Aquifer Recharge Potential....20
Table 5: Aquifer Recharge, Wellfield Protection, and FEMA Flood Zone Characteristics....20
Statement for Satisfaction of Criteria....21
Criteria 4: Biological and Ecological Value....21
Listed Plant Species....21
Table 6: Observed Listed Plant Species....21
Listed Wildlife Species....22
Table 7: Observed Listed Wildlife Species....22

Table 8: Potential Listed Wildlife Species 22
Table 9: Non-Listed Wildlife Species Observed 23
Bird Rookery 23
Table 10. USFWS Consultation Areas 23
Statement for Satisfaction of Criteria 23
Criteria 5: Enhancement of Current Conservation Lands 24
Statement for Satisfaction of Criteria 24
IV. Potential Uses and Recommended Site Improvements 24
Potential Uses 24
Table 11: Appropriate Uses 24
Recommended Site Improvements 25
Access 25
V. Assessment of Management Needs and Costs 26
Non-native Vegetation 26
Table 12: Non-native Plant Species Observed 26
Invasive Vegetation Removal and Control 27
Figure 5. Rookery Bay Business Park Heavy Melaleuca Infestation 28
Public Parking 29
Public Access Trails 29
Security and General Maintenance 30
Table 13: Summary of Estimated Needs and Costs 31
VI. Acquisition Considerations 32
VII. Potential for Matching Funds 33
Florida Communities Trust - Parks and Open Space Florida Forever grant program 33
Florida Forever Program 33
Additional Funding Sources 33
VIII. Summary of Secondary Screening Criteria 34
Table 14: Secondary Criteria Scoring 34
Ecological 34
Human Values/Aesthetics 35
Vulnerability 35
Management 35
Parcel Size 35

IX. Figures, Tables, and Photos 36
Scoring 36
Table 15a: Secondary Scoring Criteria Form- Magdalener 36
Table 15b: Secondary Scoring Criteria Form-Rookery Bay Business Park 41
Critical Lands and Waters Identification Maps (CLIP) 48
Figure 6. Biodiversity CLIP4 Map 48
Figure 7. Potential Habitat Richness CLIP4 Map 49
Vegetation and Habitat 50
Figure 8: Department of Environmental Protection and Water Management District Florida Land Use and Cover Classification System (FLUCCS) 50
Figure 9: Historic Aerial Imagery 52
Photoset 1a: Listed Plant Species- Magdalener 54
Photoset 1b: Listed Plant Species- Rookery Bay Business Park 55
Photoset 2a: Invasive and Non-native Plant Species- Magdalener 57
Photoset 2b: Invasive and Non-native Plant Species- Rookery Bay Business Park 59
Photoset 3a: Representative Habitat- Magdalener 62
Photoset 3b: Representative Habitat- Rookery Bay Business Park 65
Wildlife 69
Figure 10: Wildlife Telemetry 69
Photoset 4a: Wildlife and Wildlife Indicators- Magdalener 70
Photoset 4b: Wildlife and Wildlife Indicators- Rookery Bay Business Park 71
Soils, Elevation, and Hydrology 72
Figure 11: Soil Survey of Collier County 72
Figure 12a: Light Detection and Ranging Surface Elevation Map (LIDAR)- Magdalener 73
Figure 12b: Light Detection and Ranging Surface Elevation Map (LIDAR)- Rookery Bay Business Park 74
Figure 13: Wellfield Protection Zones 75
Figure 14: Precipitation Recharge/Discharge Areas - Floridan, Sandstone and Tamiami Aquifers 76
Figure 15: Precipitation Recharge Areas - Surficial and Biscayne Aquifers 76
Figure 16: FEMA Flood Zones 77
Photoset 5: Hydrologic indicators 79
Zoning 81
Figure 17: Collier County Growth Management Department Zoning Overlay 81
Figure 18: Collier County Growth Management Department Comprehensive Planning Division Future Land Use Overlay 82

Management 83
Photoset 6a: Magdalener Management Considerations 83
Photoset 6b: Rookery Bay Business Park Management Considerations 83
Additional Figures, Tables, and Photos 86
Photoset 7a: Magdalener Additional Photos 86
Photoset 7b: Rookery Bay Business Park, LLC Additional Photos 89
APPENDIX 91

I. Introduction

The Conservation Collier Program (Program) is an environmentally sensitive land acquisition and management program approved by the Collier County Board of County Commissioners (Board) in 2002 and by Collier County Voters in 2002 and 2006. The Program was active in acquisition between 2003 and 2011, under the terms of the referendum. Between 2011 and 2016, the Program was in management mode. In 2017, the Collier County Board re-authorized Conservation Collier to seek additional lands (2/14/17, Agenda Item 11B). On November 3, 2020, the Collier County electors approved the Conservation Collier Re-establishment referendum with a 76.5% majority.

This Initial Criteria Screening Report (ICSR) has been prepared for the Conservation Collier Program in its 10th acquisition cycle to meet requirements specified in the Conservation Collier Implementation Ordinance, 2002-63, as amended, and for purposes of the Conservation Collier Program. The sole purpose of this report is to provide objective data to demonstrate how properties meet the criteria defined by the ordinance.

The following sections characterize the property location and assessed value, elaborate on the initial and secondary screening criteria scoring, and describe potential funding sources, appropriate use, site improvements, and estimated management costs.

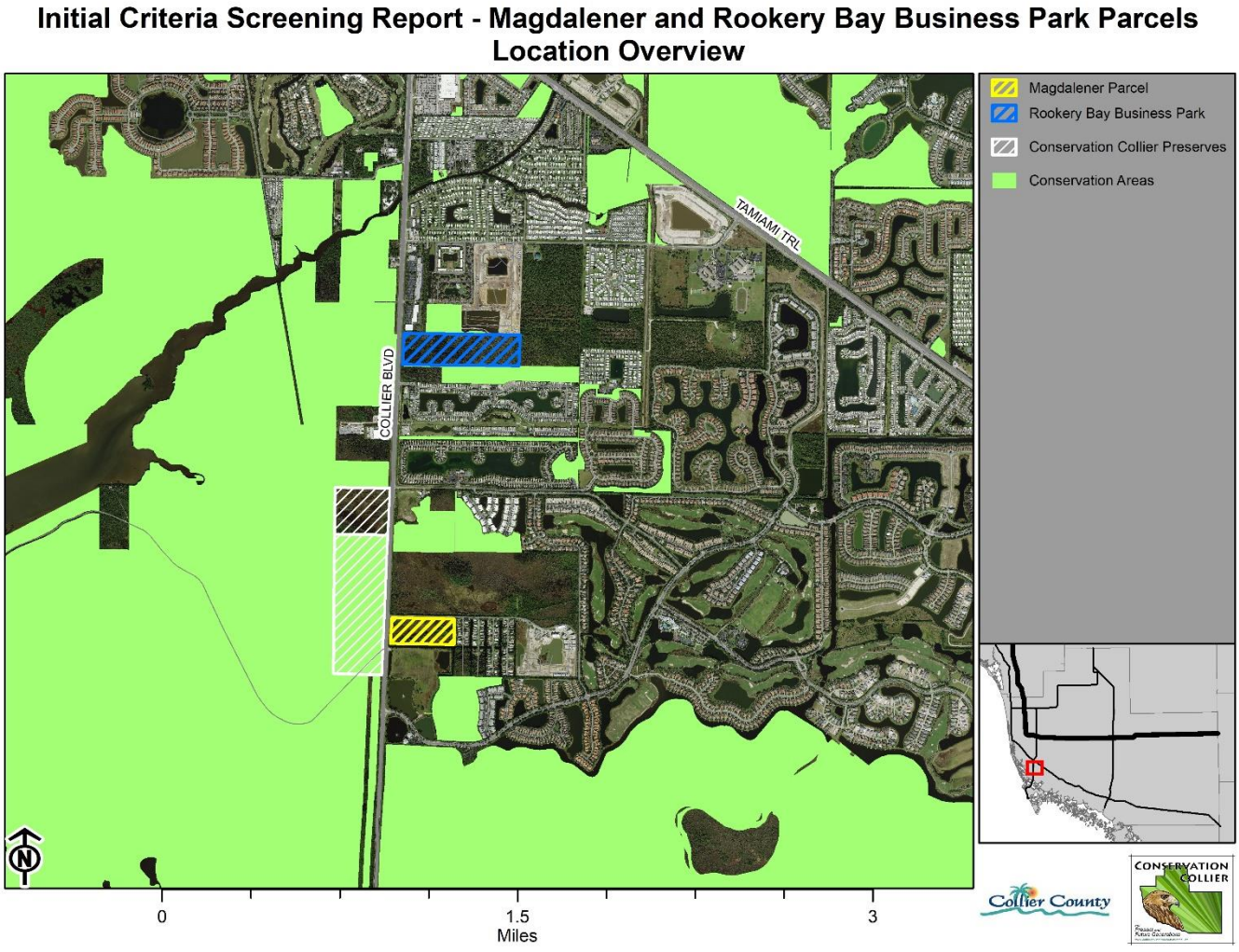
II. Summary of Property Information

Table 1: Summary of Property Information

Characteristic	Madalener	Rookery Bay Business Park	Comments
Name	Josef Magdalener	Rookery Bay Business Park	
Folio Numbers	00742040001	00732800002	
Target Protection Area	Urban	Urban	
Size	18.73	40.88	
Section, Township, and Range	S15 T51 R26E	S10 T51S R26E	
Zoning Category/TDRs	RSF-3 Residential Single Family District, 3 units per acre	PUD A.S.G.M. Business Center	Rookery Bay Business Park PUD has tolled, remains entitled for development
FEMA Flood Map Category	AE	AE	Subject to inundation by 1% annual chance flood event
Existing structures	None	none	
Adjoining properties and their Uses	Bordered to the north by undeveloped land not designated as a PUD, to the south by Fiddlers Creek PUD, to the east by Port au Prince Mobile Homes, and to the west by Conservation Collier Shell Island Preserve.	Bordered to the north by new residential development Enbrook and commercial business park, to the south by Silver Lakes and Pelican Lake RV Resort, and to the west by Rookery Bay National Estuarine Research Reserve	
Development Plans Submitted	No	Yes, rezoned PUD A.S.G.M. Business Center	
Known Property Irregularities	Historic canal that was later filled through property creates elevated berm	Series of cut ditches in grid pattern throughout parcel	
Other County Dept Interest	The Public Transit and Neighborhood Enhancement (PTNE) Division would like to reserve right of way (ROW) for its bus stop improvements. PTNE will need to compensate the seller for the portion of	none	

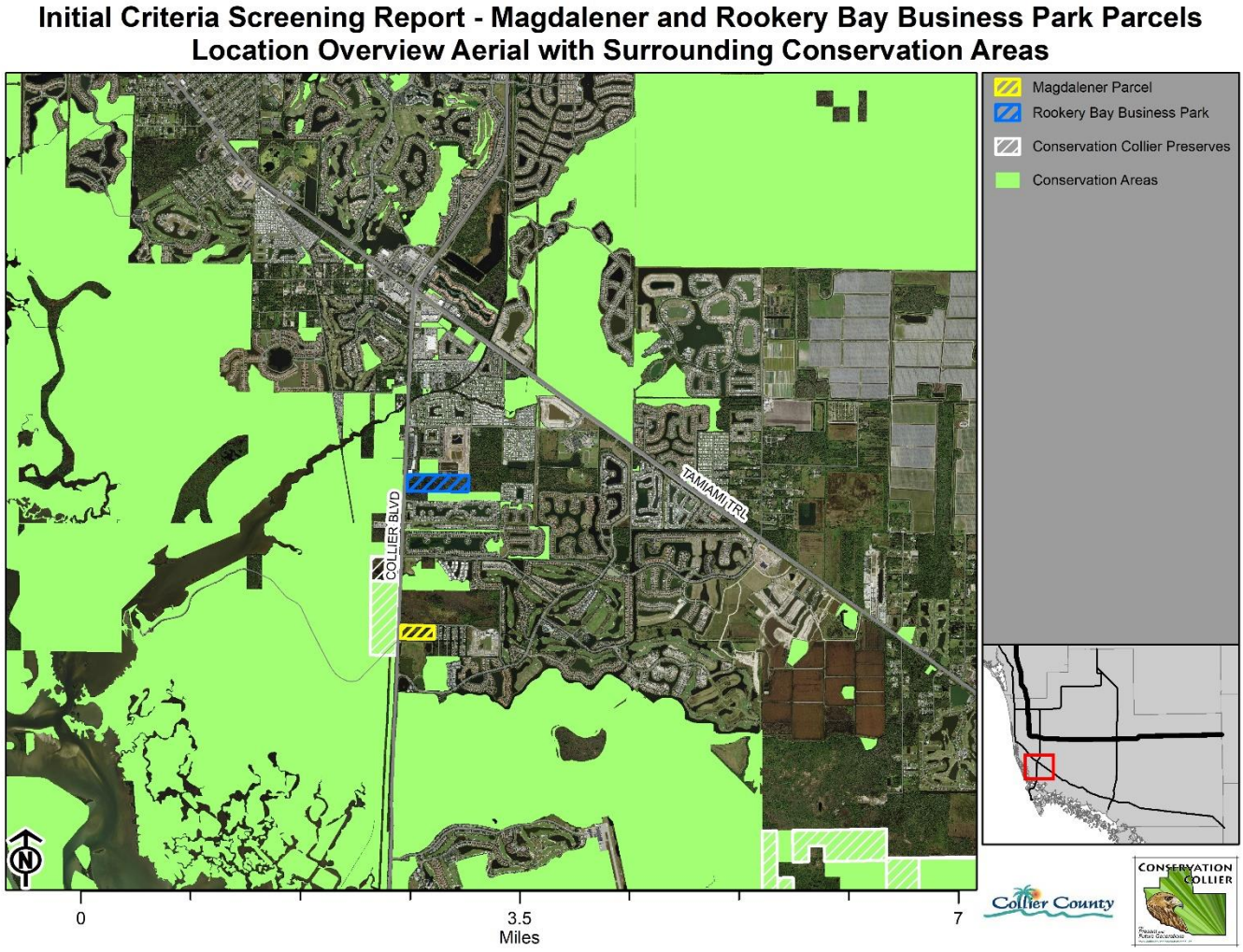
	property needed for the bus stop improvements; this area will be excluded from the purchase by Conservation Collier.		

Figure 1: Location Overview



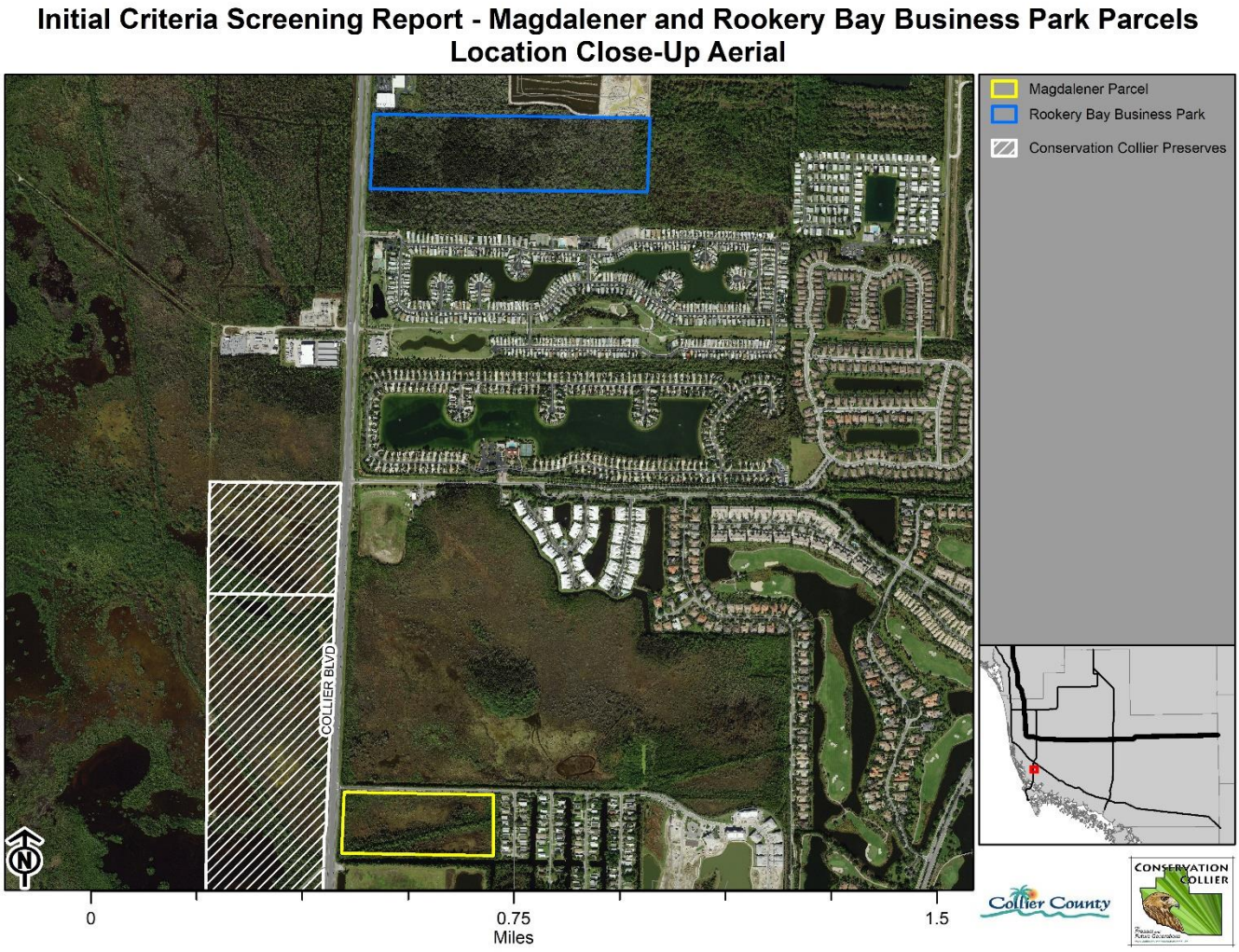
Magdalener and Rookery Bay Business Park parcels are located east of Collier Blvd and South of US 41 between Naples and Isle of Capri and Marco Island.

Figure 2: Location Overview Aerial with Surrounding Conservation Areas

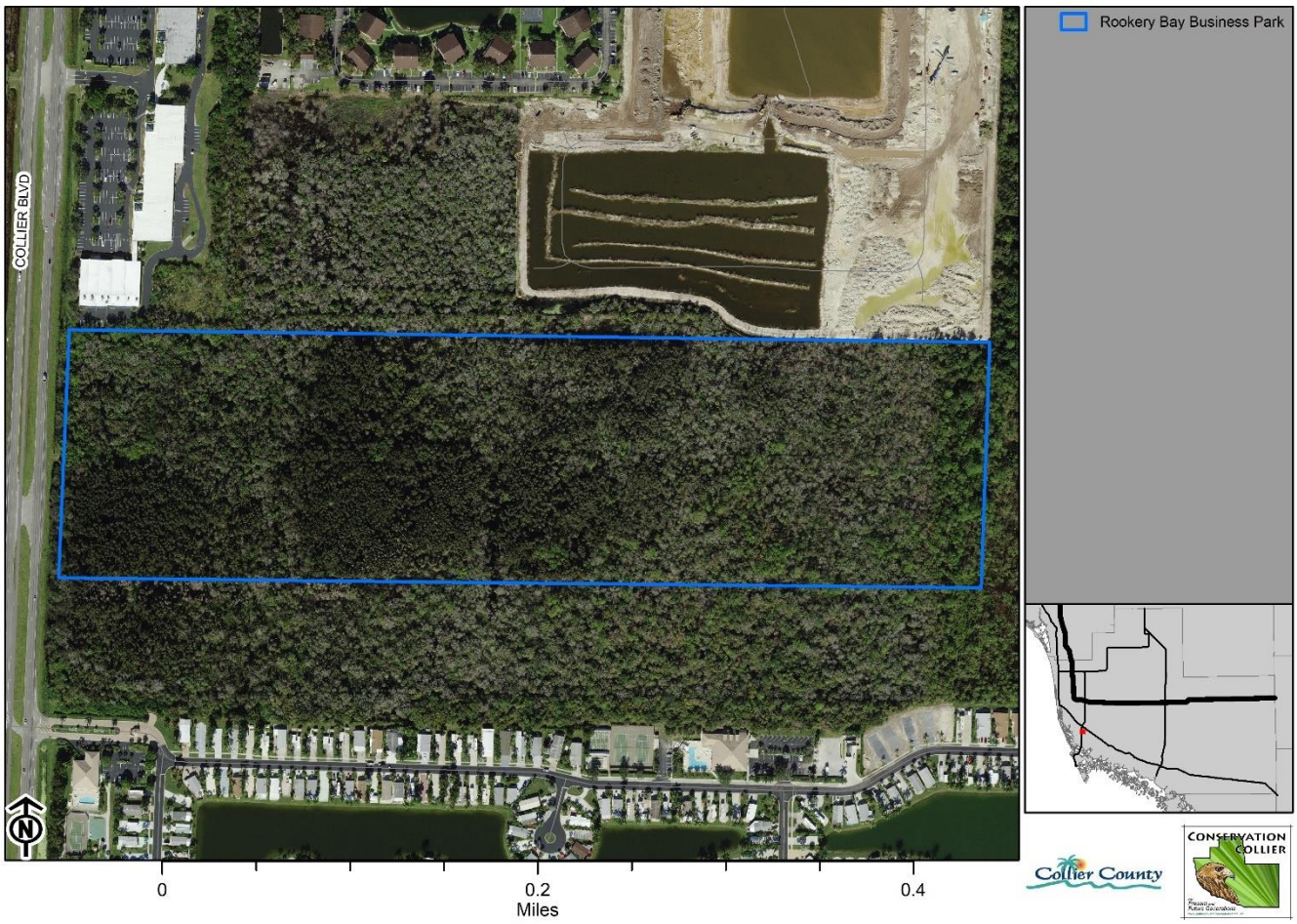


Both properties are adjacent to the Rookery Bay National Estuarine Research Reserve. The Magdalener parcel is adjacent to the Conservation Collier Shell Island Preserve. The Rookery Bay Business Park parcel is within 0.5 miles of Shell Island Preserve and adjacent to existing conservation easements.

Figure 3: Location Close-up Aerials



Initial Criteria Screening Report - Rookery Bay Business Park
Location Close-Up Aerial



Initial Criteria Screening Report - Magdalener
Location Close-Up Aerial

Summary of Assessed Value and Property Costs Estimates

The interest being appraised is fee simple "as is" for the purchase of the site(s). A value of the parcel was estimated using only one of the three traditional approaches to value, the sales comparison approach. Each is based on the principal of substitution that an informed purchaser would pay no more for the rights in acquiring a particular real property than the cost of acquiring, without undue delay, an equally desirable one. Three properties were selected for comparison, each with similar site characteristics, utility availability, zoning classification and road access. No inspection was made of the property or comparable used in this report and the Real Estate Services Department staff relied upon information solely provided by program staff. The valuation conclusions are limited only by the reported assumptions and conditions that no other known or unknown adverse conditions exist. Pursuant to the Conservation Collier Purchase Policy, two appraisals will be required if the property is selected to move forward for acquisition.

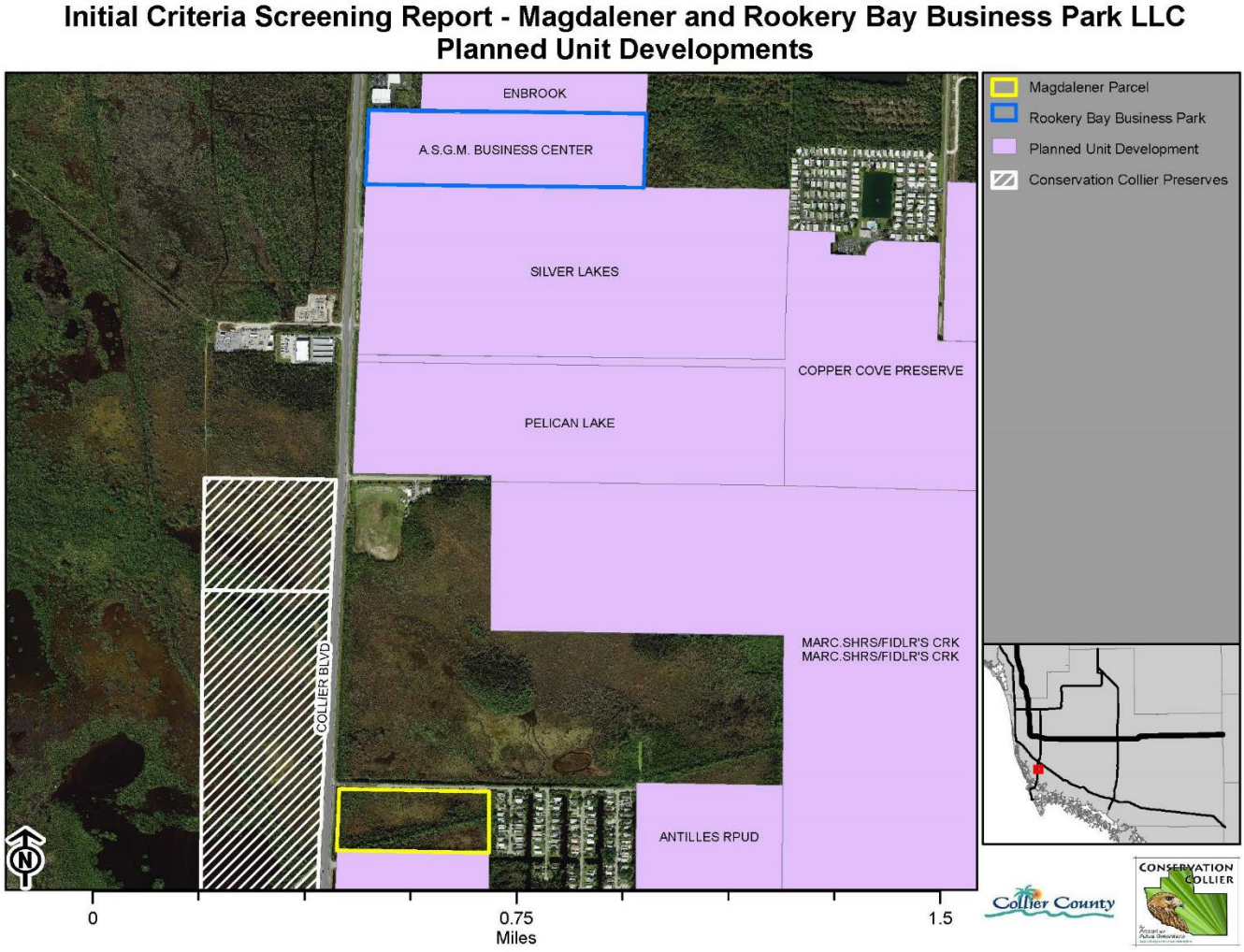
Table 2: Assessed & Estimated Value

Property owner	Folio	Acreage	Assessed Value*	Estimated Value**
Josef Magdalener	00742040001	18.73	$655,550	$1,180,000
Rookery Bay Business Pk, LLC	00732800002	40.88	$2,565,956	$11,242,000

* Assessed Value is obtained from the Property Appraiser's Website. The Assessed Value is based off the current use of the property for taxing purposes.

**The Estimated Market Value for Magdalener and Rookery Bay Business Park LLC was obtained from the Collier County Real Estate Services Department.

Figure 4: Planned Unit Developments



Rookery Bay Business Park, LLC rezoned as Planned Unit Development (PUD) ASGM Business Center to be developed as a business park providing for a mixture of light industrial and non-industrial. The PUD has sunset (tolled), however the property is still considered entitled for development.

III. Statements for Satisfying Initial Screening Criteria

The purpose of this section is to provide a closer look at how the property meets initial criteria. Conservation Collier Program staff conducted a site visit during October 2021.

Criteria 1: Native Habitats

Are any of the following unique and endangered plant communities found on the property? Order of preference as follows: Ord. 2002-63, Sec. 10 (1)(a) **YES**

		Magdalener	**Rookery Bay Business Park**
i.	Tropical Hardwood hammock	No	No
ii.	Xeric oak scrub	No	No
iii.	Coastal strand	No	No
iv.	Native beach	No	No
v.	Xeric pine	No	No
vi.	Riverine Oak	No	No
vii.	High marsh (saline)	No	No
viii.	Tidal freshwater marsh	Yes	No
ix.	Other native habitats	Pine flatwoods, mangrove swamp, wetland forested mixed, mixed wetland hardwoods	Pine flatwood, mixed shrub wetland

Vegetative Communities

Staff used two methods to determine native plant communities present: review of South Florida Water Management District (SFWMD) electronic databases for Department of Transportation's Florida Land Use, Cover and Forms (FLUCCS) (1994/1995) and field verification of same.

FLUCCS

The electronic database identified:

Magdalener:
6172- Mixed Shrubs
6410- Freshwater Marshes

Rookery Bay Business Park:
6300- Wetland Forested Mixed
6172-Mixed Shrubs

The following native plant communities were observed:

Magdalener:
6120- Mangrove Swamp
6413- Freshwater Marsh Spike Rush
617 Mixed Wetland Hardwoods
6300- Wetland Forested Mixed
6250- Hydric Pine Flatwoods
4110 Pine Flatwood

Rookery Bay Business Park:
6170- Mixed Wetland Hardwoods
6172- Mixed Shrubs
6300- Wetland Forested Mixed

Characterization of Plant Communities Present

Magdalener:

6120- Mangrove Swamp
Ground cover: submerged aquatic vegetation
Midstory: Brazilian pepper, coinvine
Canopy: buttonwood, red mangrove, white mangrove, melaleuca, Australian pine

6413- Freshwater Marsh Spike Rush
Ground cover: spikerush, sawgrass, arrowhead, maidencane
Midstory: wax myrtle, buttonwood
Canopy: melaleuca, red mangrove

617 Mixed Wetland Hardwoods
Ground cover: saw grass, spike rush
Midstory: coin vine, wax myrtle, buttonwood
Canopy: Brazilian pepper, melaleuca

6300- Wetland Forested Mixed
Ground cover: swamp fern, saw grass
Midstory: coinvine, cocoplum
Canopy: laurel oak, live oak, cabbage palm

6250- Hydric Pine Flatwoods
Groundcover: swamp fern, saw grass
Midstory: wax myrtle, myrsine, cabbage palm, saw palmetto
Canopy: Florida slash pine, cabbage palm, melaleuca

4110 Pine Flatwood:
Groundcover: swamp fern
Midstory: cabbage palm, myrsine, coinvine, saw palmetto, slash pine, cocoplum
Canopy: Florida slash pine, melaleuca, earleaf acacia, live oak, Australian pine

Rookery Bay Business Park:

6170- Mixed Wetland Hardwoods
Ground cover: swamp fern, saw grass, submerged aquatic vegetation
Midstory: cabbage palm, brazillian pepper, myrsine, wax myrtle
Canopy: laurel oak, live oak, melaleuca, cabbage palm, red maple

6172- Mixed Shrubs
Ground cover: swamp fern, saw grass, cattail, dog fennel, Andropogon spp
Midstory: cabbage palm, wax myrtle, lygodium
Canopy: brazillian pepper, live oak, cabbage palm, melaleuca

6300- Wetland Forested Mixed
Ground cover: swamp fern, flatsedge, saw grass
Midstory: cabbage palm, myrsine
Canopy: Florida slash pine, laurel oak, live oak, red maple, Brazilian pepper, melaleuca

Statement for Satisfaction of Criteria

Six native plant communities are identified within the boundary of the Magdalener parcel. Three native plant communities are identified within the Rookery Bay Business Park.

Criteria 2: Human Social Values

Does land offer significant human social values, such as equitable geographic distribution, appropriate access for nature-based recreation, and enhancement of the aesthetic setting of Collier County? Ord. 2002-63, Sec. 10 (1)(b) **YES**

Statement for Satisfaction of Criteria

Magdalener:

This property is within the Urban Coastal Fringe and visible from a major County Road. It is adjacent to other Conservation Collier land and is accessible via Port Au Prince Rd.

Rookery Bay Business Park:

This property is within the Urban Coastal Fringe and visible from a major County Road. It is within 0.5 miles of other Conservation Collier preserve land, adjacent to Rookery Bay National Estuarine Research Reserve land and may be accessible from Collier Blvd as a mowed right of way with culvert infrastructure exists along the western boundary of the parcel

Criteria 3: Water Resources

Does the property offer opportunities for protection of water resource values, including aquifer recharge, water quality enhancement, protection of wetland dependent species habitat, and flood control? Ord. 2002-63, Sec. 10 (1)(c) **YES**

General Hydrologic Characteristics

Table 3: Wetland Dependent Plant Species Observed

Magdalener Parcel		
Common Name	**Scientific Name**	**Wetland Status**
Cladium jamaicense	Sawgrass	OBL
Ilex cassine	Dahoon holly, Dahoon	OBL
Salix caroliniana	Coastal Plain willow	OBL
Quercus laurifolia	Laurel oak, Diamond oak	FACW
Solidago sempervirens	Seaside goldenrod	FACW
Baccharis glomeruliflora	Saltbush	FAC
Eupatorium capillifolium	Dogfennel	FAC
Morella cerifera (=Myrica cerifera)	Wax myrtle, Southern bayberry	FAC
Schinus terebinthifolia	Brazilian pepper	FAC
Acacia auriculiformis	ear-leaf acacia	FAC
Myrsine cubana	Myrsine	FAC
Dalbergia brownei	Coinvine	FACW
Telmatoblechnum serrulatum	Swamp fern	FACW
Laguncularia racemosa	white mangrove	OBL
Rhizophora mangle	red mangrove	OBL
Conocarpus erectus	buttonwood	FACW
Sagittaria lancifolia	Arrowhead	OBL
Panicum hemitomon	maidencane	OBL
Panicum repens	Torpedograss	OBL
Persicaria hydropiperoides (=Polygonum hydropiperoides)	Mild waterpepper; Swamp smartweed	OBL
Rhynchospora colorata	Starrush whitetop	FACW
Mikania scandens	Climbing hempvine	FACW
Acrostichum danaeifolium	Giant leather fern	OBL
Chrysobalanus icaco	Cocoplum	FACW
Syzygium cumini	Java plum	FAC
Andropogon glomeratus	Bushy bluestem	FACW
Melaleuca quinquenervia	Melaleuca	FAC
Sabal palmetto	Cabbage palm	FAC

Table 3 continued: Wetland Dependent Plant Species Observed

Rookery Bay Business Park LLC		
Common Name	**Scientific Name**	**Wetland Status**
Cladium jamaicense	Sawgrass	OBL
Ilex cassine	Dahoon holly, Dahoon	OBL
Quercus laurifolia	Laurel oak, Diamond oak	FACW
Eupatorium capillifolium	Dogfennel	FAC
Morella cerifera (=Myrica cerifera)	Wax myrtle, Southern bayberry	FAC
Schinus terebinthifolia	Brazilian pepper	FAC
Acacia auriculiformis	ear-leaf acacia	FAC
Myrsine cubana	Myrsine	FAC
Telmatoblechnum serrulatum	Swamp fern	FACW
Sagittaria lancifolia	Arrowhead	OBL
Panicum repens	Torpedograss	OBL
Persicaria hydropiperoides (=Polygonum hydropiperoides)	Mild waterpepper; Swamp smartweed	OBL
Mikania scandens	Climbing hempvine	FACW
Acrostichum danaeifolium	Giant leather fern	OBL
Spartina bakeri	Baker's cordgrass	OBL
Sabal palmetto	Cabbage palm	FAC
Nymphaea odorata	American white waterlily	OBL
Acer rubrum	Red maple	FACW
Melaleuca quinquenervia	Punktree	FAC
Ficus aurea	Strangler fig, Golden fig	FAC

OBL = Obligate Species, FACW = Facultative Wet Species, FAC = Facultative Species

Table 4: Wetland Dependent Wildlife Species Observed

Magdalener Parcel			
Common Name	**Scientific Name**	**State Status**	**Federal Status**
Great egret	*Ardea alba*	N/A	N/A
Anhinga	*Anhinga anhinga*	N/A	N/A
Osprey	*Pandion haliaetus*	N/A	N/A
Mosquitofish	*Gambusia holbrooki*		
Rookery Bay Business Park LLC			
Common Name	**Scientific Name**	**State Status**	**Federal Status**
Great egret	*Ardea alba*	N/A	N/A
Anhinga	*Anhinga anhinga*	N/A	N/A
Green treefrog	*Hyla cinerea*	N/A	N/A

Other Hydrologic Indicators Observed

Magdalener: Algal mats, periphyton, standing water, water marks, elevated lichen line

Rookery Bay Business Park: standing water, water marks, elevated lichen line

Soils

Magdalener:

Estero and Peckish, frequently flooded soils are found on the Magdalener parcel. These nearly level and very poorly drained soils are found in flooded tidal marshes. Under natural conditions, the water table fluctuates with tidal action and seasonal rainfall. It is at or near the surface for long periods. These soils are frequently flooded. These soils are not suitable for agriculture or urban development.

Rookery Bay Business Park:

Soils found on the Rookery Bay Business Park parcel are nearly level and poorly drained. Holopaw fine sand is typically found in sloughs and poorly defined drainage ways and has moderate permeability. Under natural conditions, the seasonal high-water table is within a depth of 12 inches for 3 to 6 months during most years. Oldsmar fine sand is typically found in pine flatwoods and has slow permeability. Under natural conditions, the seasonal high-water table is within a depth of 6-18 inches for 1 to 6 months during most years. With a good water control system both soils are suitable for agriculture including citrus and pasture/range. Both have severe limitations for urban development.

Aquifer Recharge Potential

Aquifer recharge map data was developed by Fairbank, P. and S. Hohner in 1995 and published as Mapping recharge (infiltration and leakage) throughout the South Florida Water Management District, Technical publication 95-20 (DRE # 327), South Florida Water Management District, West Palm Beach, Florida.

Table 5: Aquifer Recharge, Wellfield Protection, and FEMA Flood Zone Characteristics

Magdalener Parcel		
Characteristic	**Value**	**Comment**
Lower Tamiami Recharge Capacity	-48” to <-32”	moderate discharge site
Surficial Aquifer Recharge Capacity	43” to <56”	Moderate recharge
Wellfield Protection Zone	none	n/a
FEMA Flood Zone	AE	Subject to inundation by 1% annual chance flood event
Rookery Bay Business Park LLC		
Characteristic	**Value**	**Comment**
Lower Tamiami Recharge Capacity	-167” to < -48”	High discharge site
Surficial Aquifer Recharge Capacity	43” to <56”	Moderate recharge
Wellfield Protection Zone	none	n/a
FEMA Flood Zone	AE	Subject to inundation by 1% annual chance flood event

Statement for Satisfaction of Criteria

Magdalener:

The parcel has a mapped surficial recharge capacity of 43 to 56" annually, considered moderate. The parcel has a mapped Lower Tamiami recharge capacity of -48" to -32" indicating it a discharge area. Surface water is present throughout the property during the wet season, wetland dependent vegetation exists on site and the property provides foraging habitat for wading birds.

Rookery Bay Business Park:

The parcel has a mapped surficial recharge capacity of 43 to 56" annually, considered moderate. The parcel has a mapped Lower Tamiami recharge capacity of -167" to -48" indicating it a discharge area. There is a significant infestation of exotic melaleuca trees that exist in the wetland portions of the preserve. The presence of this non-native indicates that surface water is present throughout the site for a large portion of the year, and once removed could be restored to wet prairie/freshwater marsh habitat that would support imperiled wading birds and freshwater fish, amphibian, and reptile species.

Criteria 4: Biological and Ecological Value

Does the property offer significant biological values, including biodiversity, listed species habitat, connectivity, restoration potential and ecological quality?
Ord. 2002-63, Sec. 10 (1)(d)

Listed Plant Species

The federal authority to protect land-based plant species is administered by the U.S. Fish and Wildlife Service (FWS) and published in 50 Code of Federal Regulations (CFR) 23. Lists of protected plants can be viewed on-line at https://www.fws.gov/endangered/. The Florida state lists of protected plants are administered and maintained by the Florida Department of Agriculture and Consumer Services (FDACS) via chapter 5B-40, Florida Administrative Code (F.A.C.) and can be found on their website.

Table 6: Observed Listed Plant Species

Magdalener Parcel			
Common Name	**Scientific Name**	**State Status**	**Federal Status**
Giant air plant	*Tillandsia utriculata*	SE	
Reflexed wild-pine, Northern needleleaf	*Tillandsia balbisiana*	ST	
Stiff-leaved wild-pine, Cardinal airplant	*Tillandsia fasciculata*	SE	
Rookery Bay Business Park LLC			
Common Name	**Scientific Name**	**State Status**	**Federal Status**
Stiff-leaved wild-pine, Cardinal airplant	*Tillandsia fasciculata*	SE	
Reflexed wild-pine, Northern needleleaf	*Tillandsia balbisiana*	ST	
Giant air plant	*Tillandsia utriculata*	SE	
Twisted airplant	*Tillandsia flexuosa*	ST	

Listed Wildlife Species

Federal wildlife species protection is administered by the FWS with specific authority published in 50 CFR 17. Lists of protected wildlife can be viewed on-line at: https://www.fws.gov/endangered/
FWC maintains the Florida state list of protected wildlife in accordance with Rules 68A-27.003, 68A-27.004, and 68A-27.005, respectively, of the Florida Administrative Code (F.A.C.). A list of protected Florida wildlife species can be viewed at: https://myfwc.com/wildlifehabitats/wildlife/.

Table 7: Observed Listed Wildlife Species

Common Name	Scientific Name	State Status	Federal Status
None observed during site visit at the time of either on-site survey			

Table 8: Potential Listed Wildlife Species

Magdalener Parcel		
Common Name	**Scientific Name**	**Listed Status**
Florida bonneted bat	*Eumops floridanus*	FE
Florida panther	*Puma concolor coryi*	FE
Everglade snail kite	*Rostrhamus sociabilis plumbeus*	FE
Wood stork	*Mycteria americana*	FT
Audubon's crested caracara	*Polyborus plancus audubonii*	FT
Mangrove fox squirrel	*Sciurus niger avicennia*	ST
Tricolored heron	*Egretta tricolor*	ST
Roseate spoonbill	*Platalea ajaja*	ST
American alligator	*Alligator mississippiensis*	FT (S/A)
Rookery Bay Business Park LLC		
Common Name	**Scientific Name**	**Listed Status**
Florida bonneted bat	*Eumops floridanus*	FE
Florida panther	*Puma concolor coryi*	FE
Everglade snail kite	*Rostrhamus sociabilis plumbeus*	FE
Wood stork	*Mycteria americana*	FT
Audubon's crested caracara	*Polyborus plancus audubonii*	FT
Mangrove fox squirrel	*Sciurus niger avicennia*	ST
Tricolored heron	*Egretta tricolor*	ST
Roseate spoonbill	*Platalea ajaja*	ST
American alligator	*Alligator mississippiensis*	FT (S/A)

Table 9: Non-Listed Wildlife Species Observed

Magdalener Parcel	
Common Name	**Scientific Name**
Great egret	*Ardea alba*
Anhinga	*Anhinga anhinga*
Osprey	*Pandion haliaetus*
Mosquitofish	*Gambusia holbrooki*
Turkey vulture	*Cathartes aura*
Spiny orbweaver	*Gasteracantha cancriformis*
Rookery Bay Business Park LLC	
Common Name	**Scientific Name**
Great egret	*Ardea alba*
Anhinga	*Anhinga anhinga*
Green treefrog	*Hyla cinerea*
Grey catbird	*Dumetella carolinensis*
White ibis	*Eudocimus albus*
Belted kingfisher	Megaceryle alcyon
Palm warbler	*Setophaga palmarum*

Bird Rookery

While no known bird rookeries exist at either parcel, both the Magdalener parcel and the Rookery Bay Business Park parcel provide foraging habitat for imperiled and non-listed wading bird species throughout the year.

Table 10. USFWS Consultation Areas

USFWS Species Consultation Area	Magdalener	Rookery Bay Business Park LLC
Audubon's Crested Caracara	no	no
Everglade snail kite	no	no
Florida bonneted bat	yes	yes
Florida panther	no	no

Statement for Satisfaction of Criteria

Magdalener:

This parcel enhances connectivity with adjacent Conservation Collier Preserve and Rookery Bay National Estuarine Research Reserve. Existing plant communities indicate utilization by imperiled bird species. Florida panther telemetry location data indicates utilization of habitat within 1000ft of the parcel boundary.

Rookery Bay Business Park

This parcel enhances connectivity with a Conservation Collier Preserve and Rookery Bay National Estuarine Research Reserve. Florida panther telemetry points of a collared panther exist within the parcel boundary indicating that movement of wildlife like large mammals occur between this parcel and the adjacent state conservation lands.

Criteria 5: Enhancement of Current Conservation Lands

Does the property enhance and/or protect the environmental value of current conservation lands through function as a buffer, ecological link or habitat corridor? Ord. 2002-63, Sec. 10 (1)(e)

Is this property within the boundary of another agency's acquisition project?

Magdalener:
Yes, this parcel is within the Rookery Bay National Estuarine Research Reserve's acquisition project area.

Rookery Bay Business Park:
Yes, this parcel is within the Rookery Bay National Estuarine Research Reserve's acquisition project area.

If yes, will use of Conservation Collier funds leverage a significantly higher rank or funding priority for the parcel?

Magdalener:
No

Rookery Bay Business Park:
No

Statement for Satisfaction of Criteria

Magdalener:
The parcel provides connectivity with Conservation Collier Shell Island Preserve and the Rookery Bay National Estuarine Research Reserve.

Rookery Bay Business Park:
The parcel provides connectivity with Conservation Collier Shell Island Preserve and the Rookery Bay National Estuarine Research Reserve and would protect a portion of the remaining undeveloped wildlife corridor that exists between the Picayune Strand State Forest and Rookery Bay/ Ten Thousand Islands NWR conservation lands.

IV. Potential Uses and Recommended Site Improvements

Potential Uses

Potential Uses as Defined in Ordinance No. 2002-67, as amended by Ordinance No. 2007-65, section 5.9:

Table 11: Appropriate Uses

	Magdalener	**Rookery Bay Business Park LLC**	
Activity	**Appropriate**		**Comments**
Hiking	Yes	Yes	Both suitable for seasonally wet hiking. Magdalener suitable for guided wet walks

Photography	Yes	Yes	Both suitable for photography
Birdwatching	Yes	Yes	Both suitable for bird watching
Kayaking/Canoeing	No	No	Not suitable for kayak/canoeing
Swimming	No	No	Not suitable for swimming, although wet walks may be seasonally available on both parcels
Hunting	No	No	Acreage too small at both parcels with adjacent developments making sites unsuitable for hunting opportunities
Fishing	Yes	No	Potential fishing access at Magdalener in adjacent canal

Recommended Site Improvements

Magdalener: Removal of exotics and installation of a low-impact, seasonally flooded walking trail.

Rookery Bay Business Park: Removal of exotics, restoration of native plant species, installation of a low-impact, seasonally flooded walking trail.

Access

Magdalener:
This parcel is accessible via Collier Blvd as well as Port au Prince Road.

Rookery Bay Business Park:
This parcel is accessible via Collier Blvd.

V. Assessment of Management Needs and Costs

Management of this property will address the costs of exotic vegetation removal and control. The following assessment addresses both the initial and recurring costs of management. These are very preliminary estimates; Ordinance No. 2002-67, as amended by Ordinance No. 2007-65, requires a formal land management plan be developed for each property acquired by Conservation Collier.

Non-native Vegetation

Non-native, invasive species noted here are taken from the Florida Exotic Pest Plant Council's (FLEPPC) 2016 List of Invasive Plant Species (Category I and Category II). FLEPPC is an independent incorporated advisory council created to support the management of invasive exotic plants in Florida's natural areas by providing a forum for exchanging scientific, educational, and technical information. Its members come primarily from public educational institutions and governmental agencies. Annual lists of invasive plant species published by this organization are used widely in the state of Florida for regulatory purposes.

The current FLEPPC list (2019) can be viewed on-line at
http://bugwoodcloud.org/CDN/fleppc/plantlists/2019/2019_Plant_List_ABSOLUTE_FINAL.pdf

Category I plants are those which are altering native plant communities by displacing native species, changing community structures or ecological functions, or hybridizing with natives. This definition does not rely on the economic severity or geographic range of the problem, but on the documented ecological damage caused. Category II invasive exotics have increased in abundance or frequency but have not yet altered Florida plant communities to the extent shown by Category I species. These species may become Category I if ecological damage is demonstrated.

Table 12: Non-native Plant Species Observed

Magdalener Parcel		
Common Name	Scientific Name	FLEPPC Status
Earleaf acacia	*Acacia auriculiformis*	I
Peruvian primrosewillow	*Ludwigia peruviana*	I
Melaleuca	*Melaleuca quinquenervia*	I
Brazilian pepper	*Schinus terebinthifolia*	I
Java Plum	*Syzygium cumini*	I
Australian pine	Casuarina equisetifolia	I
Rookery Bay Business Park LLC Parcel		
Common Name	Scientific Name	FLEPPC Status
Old world climbing fern	*Lygodium microphyllum*	I
Brazilian pepper	*Schinus terebinthifolia*	I
Caesarweed	*Urena lobata*	I
Earleaf acacia	*Acacia auriculiformis*	I
Peruvian primrosewillow	*Ludwigia peruviana*	I
Melaleuca	*Melaleuca quinquenervia*	I
torpedo grass	*Panicum repen*	I

Invasive Vegetation Removal and Control

Magdalener: Invasive vegetation is primarily found along property boundary adjacent to roadside swales, old growth melaleuca is present on the site in areas impacted by the filling of a historic canal through the center of the property. Melaleuca impacts ~15% of the property, however native ground cover such as sawgrass is present beneath the canopy indicating that the site could be effectively restored through an initial exotics treatment where old growth trees are dropped and treated, and any new growth is managed through regular maintenance sweeps. This restoration technique has been utilized at Conservation Collier Preserves such as McIlvane Marsh and Shell Island Preserve and has proven effective at creating dramatic improvement to a site's exotic load as well as aesthetics. Brazilian pepper and ear leaf acacia are present along the property boundary intermixed within the mangrove/buttonwood habitat as well as the higher elevation pine flatwoods along the raised berm. Invasive exotic plant coverage observed during the site visit indicated that the bulk of removal to achieve site restoration could be accomplished through an initial exotics removal treatment with annual to bi-annual maintenance treatments occurring at a reduced cost. The exotics removal needed to restore this site can be accomplished utilizing ground crews and treat in place techniques, similar to what is utilized to maintain the Conservation Collier Shell Island Preserve.

Rookery Bay Business Park: This site was heavily impacted by invasive exotic vegetation throughout the parcel, most notably by melaleuca, Brazilian pepper, and lygodium at an estimated density of 65%, with the greatest coverage by melaleuca. Efforts to restore native plant communities would require significant input of initial funding and continued maintenance funding, likely requiring both herbicidal and mechanical treatment. Hydrologic alterations exist in the form of cut ditches and berms in a grid network throughout the parcel which impact the flow and drainage of surface water, the types of native plant communities the site can support and affect the accessibility by vehicles and equipment for land management and public use activities.

When possible, and in an effort to use the most cost-effective method, land managers tasked with removing 5-50% melaleuca infestations on other natural lands often opt to have ground crews cut, drop, and stack melaleuca trees and leave the stacked piles on-site to decompose over a 5–10-year period. This method is typically done on sites where funding is limited, no public access is planned to the treatment area, and the enhanced risk of wildfire from heavy ground fuels is not a concern. Due to the urban nature of this parcel and extent of the mature melaleuca infestation observed on-site (estimated to be 15+ acres), it would not be recommended to use this approach for restoration. Alternative approaches include the use of mechanical removal through chipping or mulching which can range from $5,000-$10,000 per acre depending on site access conditions, to treating in place which results in dead, standing trees that fall in various stages of decomposition over the course of 10-20 years and reduce the success of native plant community restoration.

On properties where dense monoculture stands of old-growth melaleuca exist, as is seen in this parcel, restoration often requires the use of plantings to restore the impacted area after treatment as the existing seed bank is not sufficient to recover the site naturally over time. While conducting a site visit of the property in October, staff observed a die-off of a significant proportion of native canopy trees throughout the parcel, including areas where melaleuca trees had limited impact to the plant communities. This die-off was most notable in species such as live oak, laurel oak, and Florida slash pine and appeared to impact 50-75% of the remaining native canopy trees on-site. Conservation Collier staff reached out to Mike Barry, Senior Biologist and accomplished botanist with the Institute for Regional Conservation regarding the potential causes of the die-off

in this area, and he noted causes to likely be the result of hydrologic changes to the site that are increasing the duration of the hydroperiod and effectively "drowning the native trees". Causes of these hydrologic changes are likely to be due to sea level rise, where higher tides affect the outflow of freshwater wetlands causing hydroperiods to lengthen, a phenomena that is being increasingly observed within freshwater wetlands in our region. Other contributing factors may be surface water increases to the site as a result of the new development directly north of the parcel as seen in the figure below. Most of the trees observed as part of this die-off appear to have died in the last 1-2 years as speculated by the condition of the bark and small twigs and branches still present on the dead snags.

The observed die-off of native canopy trees throughout this site leads to concern about the effectiveness and success of carrying out restoration plantings to restore the areas of this site impacted by exotic melaleuca following mechanical removal. It is likely the re-planting of these areas would be most effective if the approach was to restore the previously impacted forested areas to open canopy, wetland marsh habitat as the wetland forested mixed coverage that exists outside of the densely impacted areas is likely transitioning to a freshwater marsh, mixed shrub coverage over the next 10+ years. Costs for exotic removal at this site are anticipated to be high and will likely require the additional funding of restoration planting in order to achieve enhanced restoration of wildlife habitat at the site.

Figure 5. Rookery Bay Business Park Heavy Melaleuca Infestation

Public Parking

Magdalener:
A suitable area for public parking was not observed to currently exist at the Magdalener parcel. Residential neighborhoods exist close to the site and there may be opportunities to discuss off-site parking options with adjacent landowners.

Rookery Bay Business Park:
A suitable area for public parking was not observed to currently exist at the Rookery Bay Business Park Parcel. It may be possible to approach the managers of the commercial business park in the NW corner of the property to request whether parking space access could be provided in their existing parking lot. There is a ROW entrance from Collier Blvd into the parcel that is overgrown with Brazilian pepper. No turn lane into this right of way currently exists. The area of the parcel behind the overgrown ROW entrance holds water in the wet season.

Public Access Trails

Magdalener:
Narrow wildlife trails currently exist on the parcel for wet walkers to follow that provide sweeping views of the landscape. This preserve could provide a unique seasonal wet-walk hike experience to visitors by trimming a narrow, marked visitor path in the vegetation in the dry season and providing some deeper water crossings for connectivity. This parcel is similar in sweeping views and plant community makeup to the existing Shell Island Preserve and has the potential for improved accessibility opportunities given the location off of Port au Prince Rd.

Rookery Bay Business Park:
A seasonally flooded walking trail could be installed on this parcel. This site is heavily impacted by exotic vegetation. It is likely that the bulk of exotic removal would need to take place prior to installing public use trails due to safety concerns as there is the potential for significant risk of falling trees along the trail following exotics treatment due to the density of infestation. Installation and maintenance of trails may be difficult due to the grid network of ditches and berms throughout the property which would limit access to the site for machinery like lawn mowers and skid steers even in the dry season. Trail maintenance costs may be higher as a result of these ditches if machinery is able to access the site, if it is not, man-power needs may be significantly increased depending on the length of the trail due to the limitation of being able to use only hand tools like weedwhackers and trimmers seasonally. It is likely this site holds water of varying depths for 6-8 months out of the year with water depths in the ditches ranging from knee deep to waist deep.

Security and General Maintenance

Magdalener:
While not apparent during the site visit, research into historic aerials of the site show this parcel has been targeted by off-road vehicles and incurred significant damage to the native vegetation in the past. This photo from 2010 shows the historic access and ORV damage to the parcel during the dry season.

Historic ATV impact from 2010 Aerial

It appears the main access point is the backyard of a residence on Salinas Drive along the eastern boundary of the property. Security could be enhanced, and illegal off-road vehicle traffic reduced or eliminated by installing a barrier or fence along the eastern boundary of the preserve preventing unwanted access via Salinas Drive.

Rookery Bay Business Park:
Evidence of minor dumping was found during the site visit along the NW portion of the parcel. The material consisting of rusted kitchen appliances appeared to have been present on the site for many decades and there was no indication that illegal dumping is an ongoing issue at the site.

Table 13: Summary of Estimated Needs and Costs

Magdalener			
Management Element	**Initial Cost**	**Annual Recurring Cost**	**Comments**
Invasive Vegetation	$16,857	$5,150	18.73 ac @$900 per acre. Increased price due to initial melaleuca treatment. Maintenance treatment @$275 per acre
Parking Facility	$5000		If an offsite parking lot can be created, pricing reflects a small, unimproved parking area for 1-3 cars
Trails	$2500		Trails can be created and maintained in the wet season with a weedwhacker similar to the technique utilized at Panther Walk Preserve. Price reflects cost to outsource initial trimming
Fencing	$20,000		Installation of 600 feet of fencing along eastern boundary to prevent off road vehicle access. Alternative is to fence only 300 feet of boundary at the location of historic property trespass access. This management action would be proactive to prevent any additional trespass and is not required.
Debris Removal	n/a		No debris located during site visit
Signs	$5000		Entrance sign and interpretive trail signage
Other		$2000	Preserve supplies and amenities maintenance
Total	$49,357	$7150	$56,507
Rookery Bay Business Park			
Management Element	**Initial Cost**	**Annual Recurring Cost**	**Comments**
Invasive Vegetation	140,000	16,352	Initial melaleuca removal- 15 acres mechanical @ 8,000 per acre, treat in place of remaining 25.88 acres @ 775 per acre. Maintenance estimate @400 per acre
Restoration Planting	20,000		Plants and labor to restore 15+ acres of melaleuca removal area with native plants
Parking Facility	15,000	1,000	Vegetation clearing and parking lot installation if creating a parking area within parcel adjacent to existing ROW
Trails	8,000		Installation costs include estimate for hand cutting via hand crews in the event that machinery is unable to access the site
Fencing	n/a		
Debris Removal	1500		Labor and disposal fee for pile in NW corner
Signs	5,000		Entrance sign and interpretive signs along trail
Other		2,000	Preserve supplies and amenities maintenance
Total	$189,500	$19,352	$209,041

VI. Acquisition Considerations

Staff would like to bring the following items to the attention of the Advisory Committee during the review of this property. The following does not affect the scoring. The following are items that will be addressed in the Executive Summary to the Board of County Commissioners if this property moves forward for ranking.

Examples: Removal of debris, property survey for parcels, parcels need to be divided, contamination (Phase I & II testing needed)

Magdalener:

No additional acquisition considerations were noted during the review and site visit for this parcel.

Rookery Bay Business Park:

Minor dumping of what appeared to once be home appliances was uncovered during the site visit to the property. It is recommended that this debris be removed prior to acquisition. Photo of dumping below:

Dumping of old appliances on Rookery Bay Business Park

VII. Potential for Matching Funds

The primary partnering agencies for conservation acquisitions, and those identified in the ordinance are the Florida Communities Trust (FCT), and The Florida Forever Program. The following highlights potential for partnering funds, as communicated by agency staff:

Florida Communities Trust - Parks and Open Space Florida Forever grant program

The FCT Parks and Open Space Florida Forever grant program provides grant funds to local governments and nonprofit organizations to acquire conservation lands, urban open spaces, parks and greenways. Application for this program is typically made for pre-acquired sites up to two years from the time of acquisition. The Parks and Open Space Florida Forever grant program assists the Department of Environmental Protection in helping communities meet the challenges of growth, supporting viable community development and protecting natural resources and open space. The program receives 21 percent Florida Forever appropriation.

Florida Forever Program

Staff has been advised that the Florida Forever Program has limited funds and is concentrating on parcels already included on its ranked priority list. This parcel is not inside a Florida Forever priority project boundary. Additionally, the Conservation Collier Program has not been successful in partnering with the Florida Forever Program due to conflicting acquisition policies and issues regarding joint title between the programs.

Additional Funding Sources

Staff will apply for invasive exotic plant treatment funds from the FWC Invasive Plant Management Section once per year. If awarded, a State Contractor would be selected to complete the work.

VIII. Summary of Secondary Screening Criteria

Table 14: Secondary Criteria Scoring

Category	Subcategory	Magdalener	Rookery Bay Business Park	Possible Points
Ecological	**Total Score (Sum of 1a, 1b, 1c, 1d then divided by 4)**	**72**	**58**	**100**
	1a. Unique and Endangered Plant Communities	45	15	100
	1b. Significance for Water Resources	58	58	100
	1c. Resource Ecological/Biological Value	83	60	100
	1d. Protection and Enhancement of Current Conservation Lands	100	100	100
Human Values/Aesthetics	**Total Score (Obtained by dividing the subtotal by 3)**	**75**	**67**	**100**
	2a. Human Social Values/Aesthetics	225	200	300
Vulnerability to Development/Degradation	**Total Score (Sum of 3a)**	**50**	**100**	**100**
	3a. Zoning/Land Use Designation	50	100	100
Feasibility and Costs of Management	**Total Score (Sum of 4a, 4b, and 4c, then divided by 3)**	**68**	**30**	**100**
	4a. Hydrologic Management Needs	75	50	100
	4b. Exotics Management Needs	60	0	100
	4c. Land manageability	70	40	100
Total		**265**	**255**	**400**

Ecological

Magdalener: 72/100
Rookery Bay Business Park: : 58/100

Magdalener parcel scored well for ecological given the diversity of native habitats present and the minimal amount of alteration needed to restore to high ecological function. Rookery Bay Business Park scored moderate for the diversity of native plant communities present and received a lower score related to the major alterations that will be needed to restore the parcel to high ecological function.

Human Values/Aesthetics

Magdalener: 75/100
Rookery Bay Business Park: : 67/100

Magdalener scored high for access via two paved roads and visibility of 50% of the property from those roads. A seasonally wet hiking trail is an available option for public use of the site. Rookery Bay Business Park scored high for access via a paved roadway, the ability for a seasonally wet hiking trail to be installed and 25% of the property boundary being visible from a major roadway.

Vulnerability

Magdalener: 50/100
Rookery Bay Business Park: 100/100

Magdalener scored high for vulnerability as it is in the Urban area and zoning designates use for single family residences of up to 3 per acre. Rookery Bay Business Park scored high for vulnerability as it is an assigned PUD with rezoning and a SFWMD and USACOE permit has been issued.

Management

Magdalener: 68/100
Rookery Bay Business Park: 30/100

Magdalener scored moderately for management for minimal alterations needed to sustain qualities of the site in perpetuity. Exotics load was deemed to be 25% and maintenance of public use trails could be minimal with occasional dry season trimming maintained by wet season water levels. Rookery Bay Business Park scored low for management due to the alterations needed to address ditches and berms cut into the property, the extent of the exotics infestation and feasibility of treatment and restoration, and potential management concerns over machinery access to maintain the public use trails given the ditches throughout the property.

Parcel Size

While parcel size was not scored, the ordinance advises that based on comparative size, the larger of similar parcels is preferred.

IX. Figures, Tables, and Photos

Scoring

Table 15a: Secondary Scoring Criteria Form- Magdalener

Property Name: Josef Magdalener **Geograhical Distribution (Target Protection Area): Urban**			**Folio Numbers: 00742040001**
1. Confirmation of Initial Screening Criteria (Ecological)			
1.A Unique and Endangered Plant Communities	**Possible points**	**Scored points**	**Comments**
Select the highest Score: 1. Tropical Hardwood Hammock 2. Xeric Oak Scrub 3. Coastal Strand 4. Native Beach 5. Xeric Pine 6. Riverine Oak 7. High Marsh (Saline) 8. Tidal Freshwater Marsh 9. Other Native Habitats	 90 80 70 60 50 40 30 20 10	 20 10	6120- Mangrove Swamp, 6413- Freshwater Marsh Spike Rush, 617 Mixed Wetland Hardwoods, 6300- Wetland Forested Mixed, 6250- Hydric Pine Flatwoods, 4110 Pine Flatwood
10. Add additional 5 points for each additional FNAI critically imperilled to rare listed plant community found on the parcel	5 each	15	Reported Hardwood hammocks S3, Mangrove Swamp S4, Hydric Flatwood S4
11. Add 5 additional points if plant community represents a unique feature, such as maturity of vegetation, outstanding example of plant community, etc.	5		
1.A. Total	***100***	***45***	
1.B Significance for Water Resources	**Possible points**	**Scored points**	**Comments**
1. Aquifer Recharge *(Select the Highest Score)* a. Parcel is within a wellfield protection zone	 100		

b. Parcel is not in a wellfield protection zone but will contribute to aquifer recharge	50	50	43-56" surfical aquifer moderate recharge
c. Parcel would contribute minimally to aquifer recharge	25		
d. Parcel will not contribute to aquifer recharge, eg., coastal location	0		
2. Surface Water Quality *(Select the Highest Score)*			
a. Parcel is contiguous with and provides buffering for an Outstanding Florida Waterbody	100		
b. Parcel is contiguous with and provides buffering for a creek, river, lake or other surface water body	75		
c. Parcel is contiguous with and provides buffering for an identified flowway	50		
d. Wetlands exist on site	25	25	soils are 100% hydric
e. Acquisition of parcel will not provide opportunities for surface water quality enhancement	0		
3. Strategic to Floodplain Management *(Calculate for a and b; score c if applicable)*			
a. Depressional soils	80	80	100% depressional soils - Estero and Peckish (53)
b. Slough Soils	40		
c. Parcel has known history of flooding and is likely to provide onsite water attenuation	20	20	standing water seasonally throughout site
Subtotal	300	175	
1.B Total	***100***	**58**	*Obtained by dividing the subtotal by 3.*

1.C Resource Ecological/Biological Value	**Possible points**	**Scored points**	**Comments**
1. Biodiversity *(Select the Highest Score for a, b and c)*			
a. The parcel has 5 or more FLUCCS native plant communities	100	100	6120- Mangrove Swamp, 6413- Freshwater Marsh Spike Rush, 617 Mixed Wetland Hardwoods, 6300- Wetland Forested Mixed, 6250- Hydric Pine Flatwoods, 4110 Pine Flatwood
b. The parcel has 3 or 4 FLUCCS native plant communities	75		
c. The parcel has 2 or or less FLUCCS native plant communities	50		
d. The parcel has 1 FLUCCS code native plant communities	25		
2. Listed species			
a. Listed wildlife species are observed on the parcel	80	80	*fresh American Alligator FT/SA trails observed on-site*
b. Listed wildlife species have been documented on the parcel by wildlife professionals	70		
c. Species Richness score ranging from 10 to 70	70		
d. Rookery found on the parcel	10		

e. Listed plant species observed on parcel - add additional 20 points	20	20	*Tillandsia fasciculata, Tillandsia utriculata, Tillandsia balbisiana*
3. Restoration Potential			
a. Parcel can be restored to high ecological function with minimal alteration	100		
b. Parcel can be restored to high ecological function but will require moderate work, including but not limited to removal of exotics and alterations in topography.	50	50	Exotic infestation sutiable for control and successful restoration with initial and maintenance treatment
c. Parcel will require major alterations to be restored to high ecological function.	15		
d. Conditions are such that parcel cannot be restored to high ecological function	0		*explain limiting conditions*
Subtotal	300	250	
1.C Total	***100***	**83**	*Divide the subtotal by 3*
1.D Protection and Enhancement of Current Conservation Lands	**Possible points**	**Scored points**	**Comments**
1. Proximity and Connectivity			
a. Property immediately contiguous with conservation land or conservation easement.	100	100	Shell Island Preserve and Rookery Bay National Estuarine Research Reserve
b. Property not immediately contiguous, parcels in between it and the conservation land are undeveloped.	50		
c. Property not immediately contiguous, parcels in-between it and conservation land are developed	0		
d. If not contiguous and developed, add 20 points if an intact ecological link exists between the parcel and nearest conservation land	20		
1.D Total	***100***	100	
1. Ecological Total Score	**100**	**72**	*Sum of 1A, 1B, 1C, 1D then divided by 4*
2. Human Values/Aesthetics			
2.A Human Social Values/Aesthetics	**Possible points**	**Scored points**	**Comments**
1. Access *(Select the Highest Score)*			
a. Parcel has access from a paved road	100	100	Port Au Prince Rd and Collier Blvd
b. Parcel has access from an unpaved road	75		
c. Parcel has seasonal access only or unimproved access easement	50		
d. Parcel does not have physical or known legal access	0		
2. Recreational Potential *(Select the Highest Score)*			

a. Parcel offers multiple opportunities for natural resource-based recreation consistent with the goals of this program, including but not limited to, environmental education, hiking, nature photography, bird watching, kayaking, canoeing, swimming, hunting (based on size?) and fishing.	100		
b. Parcel offers only land-based opportunities for natural resource-based recreation consistent with the goals of this program, including but not limited to, environmental education, hiking, and nature photography.	75	75	hiking and wildlife observation /photography
c. Parcel offers limited opportunities for natural-resource based recreation beyond simply accessing and walking on it	50		
d. Parcel does not offer opportunities for natural-resource based recreation	0		
3. Enhancement of Aesthetic Setting a. Percent of perimeter that can me seen by public. Score based on percentage of frontage of parcel on public thoroughfare	80	40	*50% of the perimeter can be seen from Port Au Prince Rd and Collier Blvd*
b. Add up to 20 points if the site contains outstanding aesthetic characteristic(s), such as but not limited to water view, mature trees, native flowering plants, or archeological site	20	10	*Sweeping vista views of marsh and native plant communities*
Subtotal	300	225	
2. Human Social Values/Aesthetics Total Score	**100**	**75**	*Obtained by dividing the subtotal by 3.*
3. Vulnerability to Development/Degradation			
3.A Zoning/Land Use Designation	**Possible points**	**Scored points**	**Comments**
1. Zoning allows for Single Family, Multifamily, industrial or commercial	50	50	RSF-3 Residential single family district, 3 units per acre
2. Zoning allows for density of no greater than 1 unit per 5 acres	45		
3. Zoning allows for agricultural use /density of no greater than 1 unit per 40 acres	40		
4. Zoning favors stewardship or conservation	0		
5. If parcel has ST overlay, remove 20 points	-20		
6. Property has been rezoned and/or there is SDP approval	25		
7. SFWMD and/or USACOE permit has been issued	25		
8. A rezone or SDP application has been submitted	15		
9. SFWMD and/or USACOE permit has been applied for	15		
3. Vulnerability Total Score	**100**	**50**	

4. Feasibility and Costs of Management			
4.A Hydrologic Management Needs	**Possible points**	**Scored points**	**Comments**
1. No hydrologic changes are necessary to sustain qualities of site in perpetuity	100		enhancing water flow could be enhanced on site by providing flow through the historic berm through center of property
2. Minimal hydrologic changes are required to restore function, such a cut in an existing berm	75	75	
3. Moderate hydrologic changes are required to restore function, such as removal of existing berms or minor re-grading that require use of machinery	50		
4. Significant hydrologic changes are required to restore function, such as re-grading of substantial portions of the site, placement of a berm, removal of a road bed, culvert or the elevation of the water table by installing a physical structure and/or changes unlikley	0		
5.A Total	***100***	***75***	
4.B Exotics Management Needs	**Possible points**	**Scored points**	**Comments**
1. Exotic Plant Coverage			
a. No exotic plants present	100		
b. Exotic plants constitute less than 25% of plant cover	80		25% coverage by exotic plant species- melaleuca and brazillian pepper
c. Exotic plants constitute between 25% and 50% of plant cover	60	60	
d. Exotic plants constitute between 50% and 75% of plant cover	40		
e. Exotic plants constitute more than 75% of plant cover	20		
f. Exotic characteristics are such that extensive removal and maintenance effort and management will be needed (e.g., heavy infestation by air potato or downy rosemytle)	-20		
g. Adjacent lands contain substantial seed source and exotic removal is not presently required	-20		
5.B Total	***100***	***60***	
4.C Land Manageability	**Possible points**	**Scored points**	**Comments**
1. Parcel requires minimal maintenance and management, examples: cypress slough, parcel requiring prescribed fire where fuel loads are low and neighbor conflicts unlikely	80	80	if a trail were installed, water levels on-site would assist with reducing maintenance to dry season trimming similar to the trails at Panther Walk Preserve. Current exotic load can be

			reduced/removed substantially with initial treatment and require occasional maintenance sweeps to maintain
2. Parcel requires moderate maintenance and management, examples: parcel contains trails, parcel requires prescribed fire and circumstances do not favor burning	60		
3. Parcel requires substantial maintenance and management, examples: parcel contains structures that must be maintained, parcel requires management using machinery or chemical means which will be difficult or expensive to accomplish	40		
4. Add 20 points if the mainenance by another entity is likely	20		
5. Subtract 10 points if chronic dumping or trespass issues exist	-10	-10	historic atv trespass-indications that pressure has reduced in the past 5 years
5.C Total	***100***	***70***	
4. Feasibility and Management Total Score	**100**	**68**	*Sum of 5A, 5B, 5C, then divided by 3*
Total Score	**400**	**265**	

Table 15b: Secondary Scoring Criteria Form-Rookery Bay Business Park

Property Name: Rookery Bay Business Park, LLC **Geograhical Distribution (Target Protection Area): Urban**			**Folio Numbers: 00732800002**
1. Confirmation of Initial Screening Criteria (Ecological)			
1.A Unique and Endangered Plant Communities	**Possible points**	**Scored points**	**Comments**
Select the highest Score: 1. Tropical Hardwood Hammock 2. Xeric Oak Scrub 3. Coastal Strand 4. Native Beach	 90 80 70 60		

5. Xeric Pine	50		
6. Riverine Oak	40		
7. High Marsh (Saline)	30		
8. Tidal Freshwater Marsh	20		
9. Other Native Habitats	10	10	6170 Mixed Wetland Hardwoods, 6172 Mixed Shrubs, 6300- Wetland Forested Mixed
10. Add additional 5 points for each additional FNAI critically imperilled to rare listed plant community found on the parcel	5 each	5	Wetland hardwood hammock S3
11. Add 5 additional points if plant community represents a unique feature, such as maturity of vegetation, outstanding example of plant community, etc.	5		
1.A. Total	***100***	***15***	

1.B Significance for Water Resources	**Possible points**	**Scored points**	**Comments**
1. Aquifer Recharge *(Select the Highest Score)*			
a. Parcel is within a wellfield protection zone	100		
b. Parcel is not in a wellfield protection zone but will contribute to aquifer recharge	50	50	43" to < 56" surficial aquifer recharge
c. Parcel would contribute minimally to aquifer recharge	25		
d. Parcel will not contribute to aquifer recharge, eg., coastal location	0		
2. Surface Water Quality *(Select the Highest Score)*			
a. Parcel is contiguous with and provides buffering for an Outstanding Florida Waterbody	100		Collier Blvd and associated ditches affect the water continuity with Rookery Bay Research Reserve which is an Outstanding Florida Waterbody
b. Parcel is contiguous with and provides buffering for a creek, river, lake or other surface water body	75		
c. Parcel is contiguous with and provides buffering for an identified flowway	50		
d. Wetlands exist on site	25	25	Surface water present throughout wetlands seasonally
e. Acquisition of parcel will not provide opportunities for surface water quality enhancement	0		
3. Strategic to Floodplain Management *(Calculate for a and b; score c if applicable)*			
a. Depressional soils	80	80	100% depressional soils - Holopaw soils (22) and Oldsmar fine sand (21)
b. Slough Soils	40		
c. Parcel has known history of flooding and is likely to provide onsite water attenuation	20	20	surface water present throughout site in wet season
Subtotal	300	175	

1.B Total	***100***	**58**	*Obtained by dividing the subtotal by 3.*
1.C Resource Ecological/Biological Value	**Possible points**	**Scored points**	**Comments**
1. Biodiversity *(Select the Highest Score for a, b and c)*			
a. The parcel has 5 or more FLUCCS native plant communities	100		
b. The parcel has 3 or 4 FLUCCS native plant communities	75	75	6170 Mixed Wetland Hardwoods, 6172 Mixed Shrubs, 6300- Wetland Forested Mixed
c. The parcel has 2 or or less FLUCCS native plant communities	50		
d. The parcel has 1 FLUCCS code native plant communities	25		
2. Listed species			
a. Listed wildlife species are observed on the parcel	80		
b. Listed wildlife species have been documented on the parcel by wildlife professionals	70	70	*Florida panther telemetry*
c. Species Richness score ranging from 10 to 70	70		
d. Rookery found on the parcel	10		
e. Listed plant species observed on parcel - add additional 20 points	20	20	*Tillandsia fasciculata, Tillandsia utriculata, Tillandsia flexuosa*
3. Restoration Potential			
a. Parcel can be restored to high ecological function with minimal alteration	100		
b. Parcel can be restored to high ecological function but will require moderate work, including but not limited to removal of exotics and alterations in topography.	50		
c. Parcel will require major alterations to be restored to high ecological function.	15	15	significant exotics load and indications that native woody species experiencing die off from high water leading to sucessional changes to plant communities
d. Conditions are such that parcel cannot be restored to high ecological function	0		*explain limiting conditions*
Subtotal	300	180	
1.C Total	***100***	**60**	*Divide the subtotal by 3*
1.D Protection and Enhancement of Current Conservation Lands	**Possible points**	**Scored points**	**Comments**
1. Proximity and Connectivity			
a. Property immediately contiguous with conservation land or conservation easement.	100	100	Parcel adjacent to Rookery Bay National Estuarine Research Reserve

b. Property not immediately contiguous, parcels in between it and the conservation land are undeveloped.	50		
c. Property not immediately contiguous, parcels in-between it and conservation land are developed	0		
d. If not contiguous and developed, add 20 points if an intact ecological link exists between the parcel and nearest conservation land	20		
1.D Total	***100***	100	
1. Ecological Total Score	**100**	**58**	*Sum of 1A, 1B, 1C, 1D then divided by 4*
2. Human Values/Aesthetics			
2.A Human Social Values/Aesthetics	**Possible points**	**Scored points**	**Comments**
1. Access *(Select the Highest Score)*			
a. Parcel has access from a paved road	100	100	Collier Blvd. Turn lane does not currently exist
b. Parcel has access from an unpaved road	75		
c. Parcel has seasonal access only or unimproved access easement	50		
d. Parcel does not have physical or known legal access	0		
2. Recreational Potential *(Select the Highest Score)*			
a. Parcel offers multiple opportunities for natural resource-based recreation consistent with the goals of this program, including but not limited to, environmental education, hiking, nature photography, bird watching, kayaking, canoeing, swimming, hunting (based on size?) and fishing.	100		
b. Parcel offers only land-based opportunities for natural resource-based recreation consistent with the goals of this program, including but not limited to, environmental education, hiking, and nature photography.	75	75	hiking and wildlife observation /photography
c. Parcel offers limited opportunities for natural-resource based recreation beyond simply accessing and walking on it	50		
d. Parcel does not offer opportunities for natural-resource based recreation	0		
3. Enhancement of Aesthetic Setting			
a. Percent of perimeter that can me seen by public. Score based on percentage of frontage of parcel on public thoroughfare	80	25	*25% of the perimeter can be seen from Collier Blvd*
b. Add up to 20 points if the site contains outstanding aesthetic characteristic(s), such as but not limited to water view, mature trees, native flowering plants, or archeological site	20		
Subtotal	300	200	

2. Human Social Values/Aesthetics Total Score	**100**	**67**	*Obtained by dividing the subtotal by 3.*
3. Vulnerability to Development/Degradation			
3.A Zoning/Land Use Designation	**Possible points**	**Scored points**	**Comments**
1. Zoning allows for Single Family, Multifamily, industrial or commercial	50	50	Zoned PUD A.S.G.M. Business Center
2. Zoning allows for density of no greater than 1 unit per 5 acres	45		
3. Zoning allows for agricultural use /density of no greater than 1 unit per 40 acres	40		
4. Zoning favors stewardship or conservation	0		
5. If parcel has ST overlay, remove 20 points	-20		
6. Property has been rezoned and/or there is SDP approval	25	25	
7. SFWMD and/or USACOE permit has been issued	25	25	
8. A rezone or SDP application has been submitted	15		
9. SFWMD and/or USACOE permit has been applied for	15		
3. Vulnerability Total Score	**100**	**100**	
4. Feasibility and Costs of Management			
4.A Hydrologic Management Needs	**Possible points**	**Scored points**	**Comments**
1. No hydrologic changes are necessary to sustain qualities of site in perpetuity	100		
2. Minimal hydrologic changes are required to restore function, such a cut in an existing berm	75		
3. Moderate hydrologic changes are required to restore function, such as removal of existing berms or minor re-grading that require use of machinery	50	50	Site may benefit from removing existing berms adjacent to ditches throughout parcel
4. Significant hydrologic changes are required to restore function, such as re-grading of substantial portions of the site, placement of a berm, removal of a road bed, culvert or the elevation of the water table by installing a physical structure and/or changes unlikley	0		
5.A Total	***100***	***50***	
4.B Exotics Management Needs	**Possible points**	**Scored points**	**Comments**
1. Exotic Plant Coverage			

a. No exotic plants present	100		
b. Exotic plants constitute less than 25% of plant cover	80		
c. Exotic plants constitute between 25% and 50% of plant cover	60		
d. Exotic plants constitute between 50% and 75% of plant cover	40	40	65% of site impacted by exotics. Heavy infestation of melelauca monoculture across 36% of parcel. Melaleuca, Brazillian pepper significant with observations of lygodium
e. Exotic plants constitute more than 75% of plant cover	20		
f. Exotic characteristics are such that extensive removal and maintenance effort and management will be needed (e.g., heavy infestation by air potato or downy rosemytle)	-20	-20	mechanical removal of melaleuca likely required
g. Adjacent lands contain substantial seed source and exotic removal is not presently required	-20	-20	adjacent undeveloped land infested with exotics. Evidence of previous treatment for melaleuca on parcel to the north but maintenance needed to prevent additional seed source
5.B Total	***100***	***0***	

4.C Land Manageability	**Possible points**	**Scored points**	**Comments**
1. Parcel requires minimal maintenance and management, examples: cypress slough, parcel requiring prescribed fire where fuel loads are low and neighbor conflicts unlikely	80		
2. Parcel requires moderate maintenance and management, examples: parcel contains trails, parcel requires prescribed fire and circumstances do not favor burning	60		
3. Parcel requires substantial maintenance and management, examples: parcel contains structures that must be maintained, parcel requires management using machinery or chemical means which will be difficult or expensive to accomplish	40	40	Exotic infestation will likely require heavy machinery to carry out initial control. Ditches and berms on site will make access for maintenance and exotic removal challenging and limited to 1-3 months during the dry season
4. Add 20 points if the mainenance by another entity is likely	20		
5. Subtract 10 points if chronic dumping or trespass issues exist	-10		
5.C Total	***100***	***40***	
4. Feasibility and Management Total Score	**100**	**30**	*Sum of 5A, 5B, 5C, then divided by 3*

Total Score	**400**	**255**	

Critical Lands and Waters Identification Maps (CLIP)

This report makes use of data layers from the Florida Natural Areas Inventory and University of Florida Critical Lands and Waters Identification Project (CLIP4). CLIP4 is a collection of spatial data that identify statewide priorities for a broad range of natural resources in Florida. It was developed through a collaborative effort between the Florida Areas Natural Inventory (FNAI), the University of Florida GeoPlan Center and Center for Landscape Conservation Planning, and the Florida Fish and Wildlife Conservation Commission (FWC). It is used in the Florida Forever Program to evaluate properties for acquisition. CLIP4 is organized into a set of core natural resource data layers which are representative of 5 resource categories: biodiversity, landscapes, surface water, groundwater and marine. The first 3 categories have also been combined into the Aggregated layer, which identifies 5 priority levels for natural resource conservation.

Figure 6. Biodiversity CLIP4 Map

This is the CLIP version 4.0 Biodiversity Resource Priorities model, which combines conservation priorities from the SHCA, Vertebrate Richness, FNAIHAB, and Priority Natural Communities Core Data layers. Grid Value 5 = Priority 1 (highest conservation priority), 4 = Priority 2, 3 = Priority 3, 2 = Priority 4, 1 = Priority 5 (lowest), and 0 = no resource value identified.

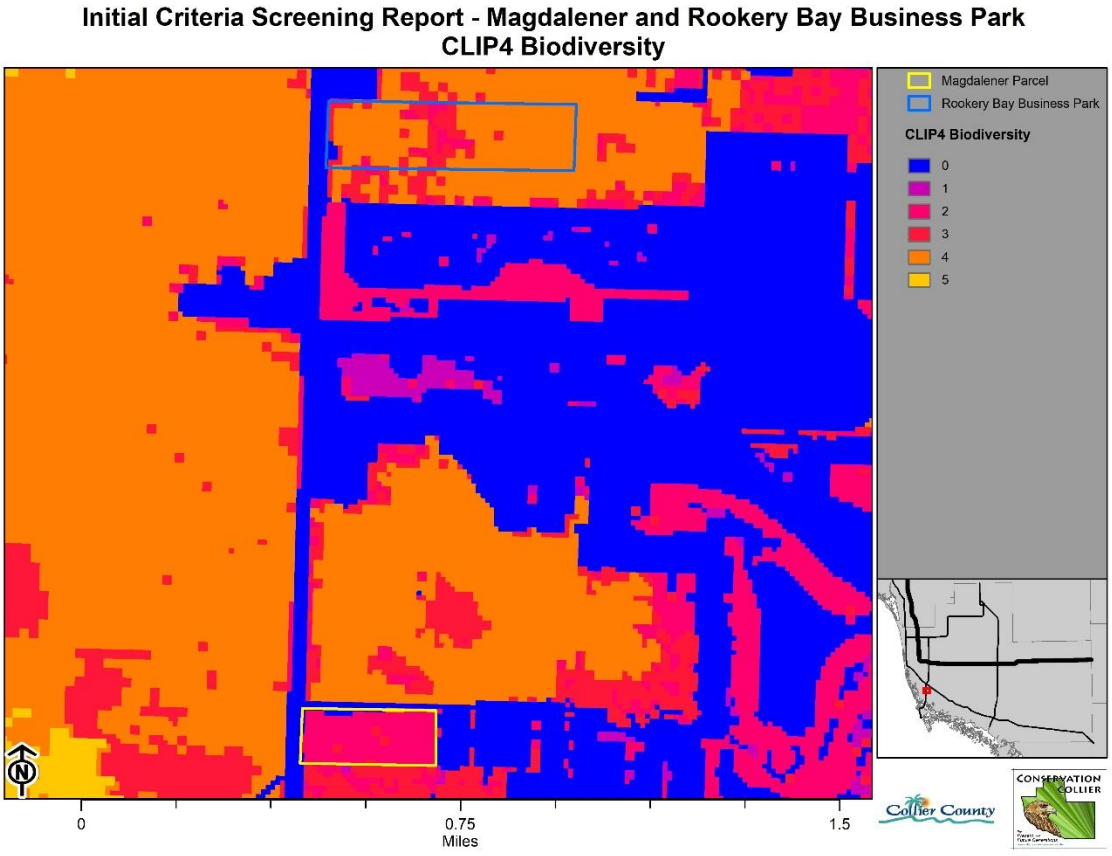
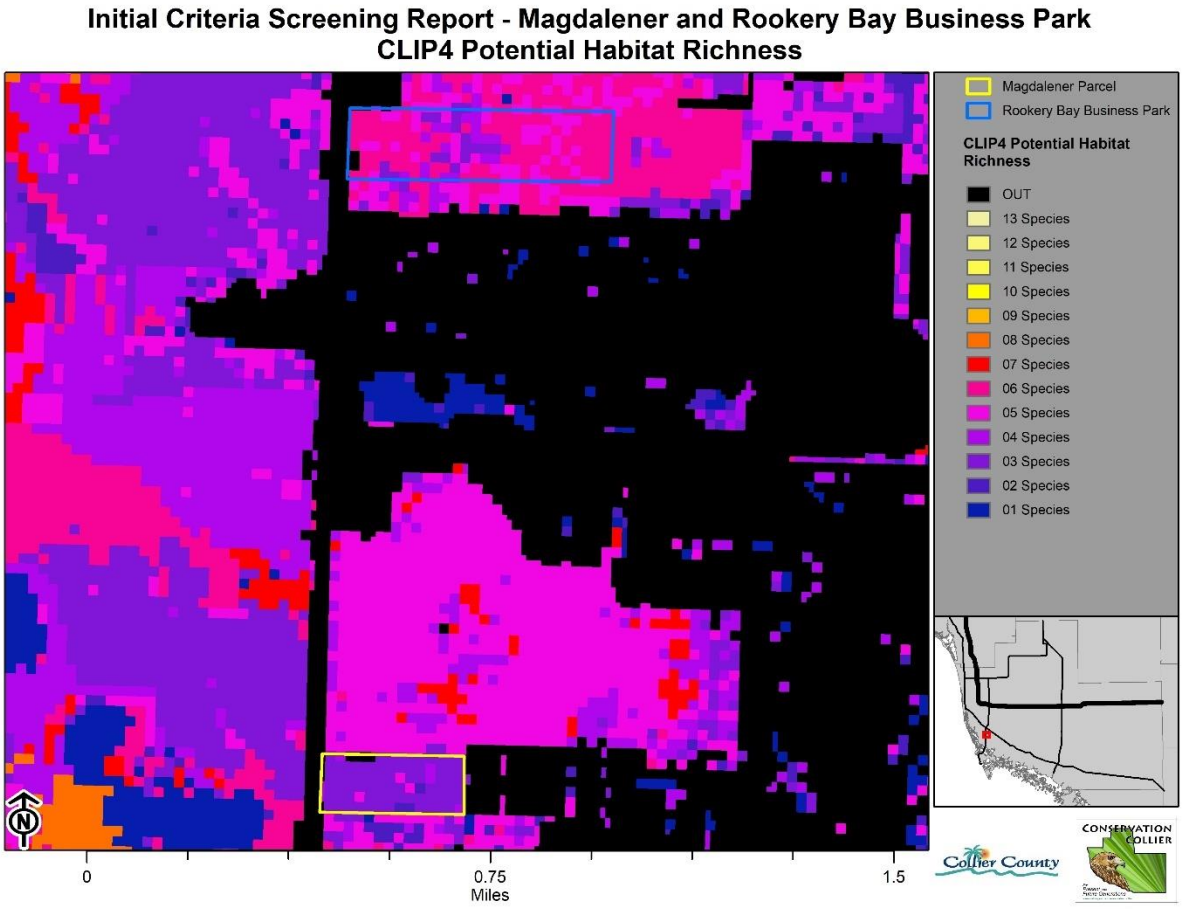


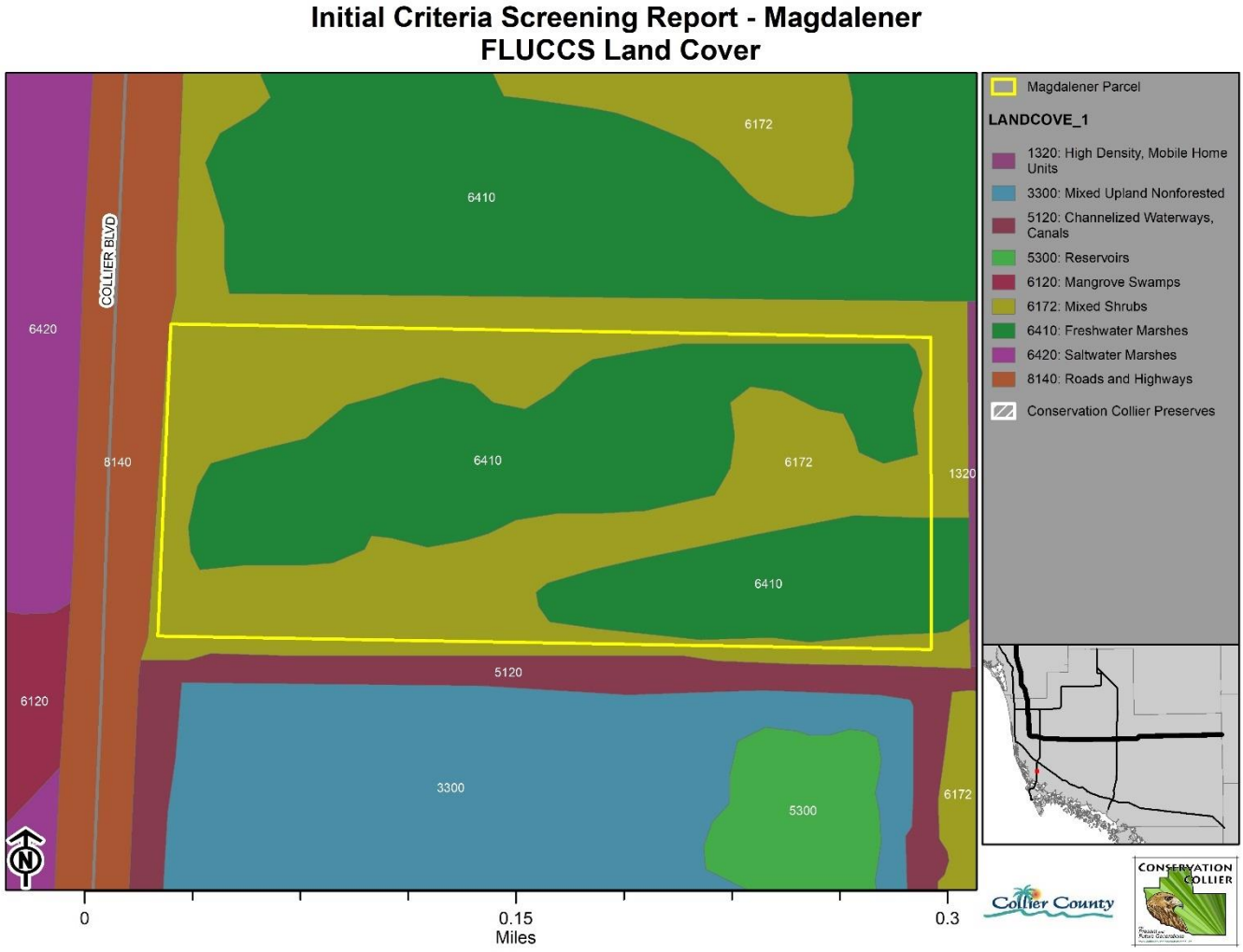
Figure 7. Potential Habitat Richness CLIP4 Map

This CLIP version 4.0 data layer is unchanged from CLIP v3.0. FWC Potential Habitat Richness. Because SHCAs do not address species richness, FWC also developed the potential habitat richness layer to identify areas of overlapping vertebrate species habitat. FWC created a statewide potential habitat model for each species included in their analysis. In some cases, only a portion of the potential habitat was ultimately designated as SHCA for each species. The Potential Habitat Richness layer includes the entire potential habitat model for each species and provides a count of the number of species habitat models occurring at each location. The highest number of focal species co-occurring at any location in the model is 13.



Vegetation and Habitat

Figure 8: Department of Environmental Protection and Water Management District Florida Land Use and Cover Classification System (FLUCCS)



Initial Criteria Screening Report -Rookery Bay Business Park LLC
FLUCCS Land Cover

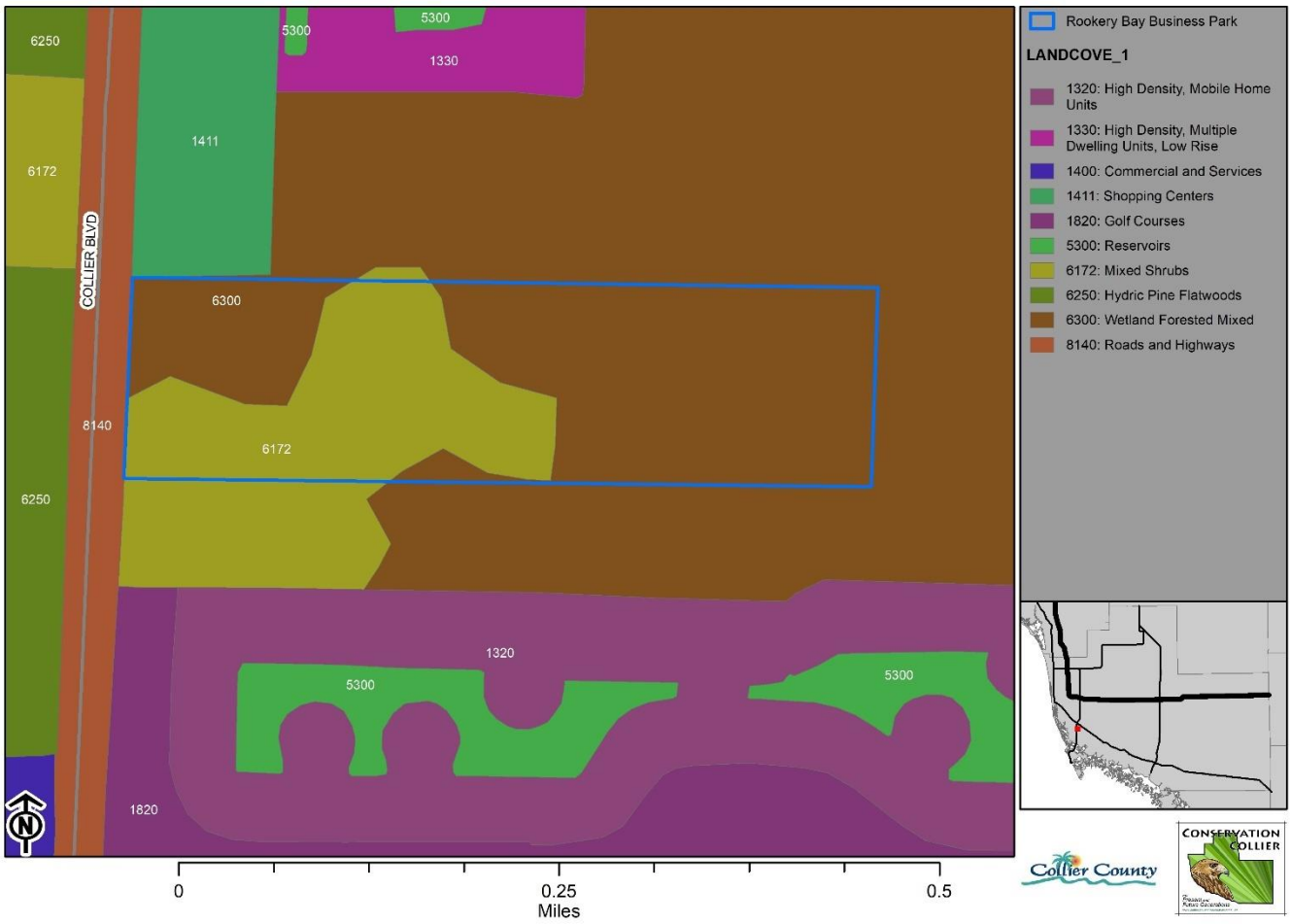
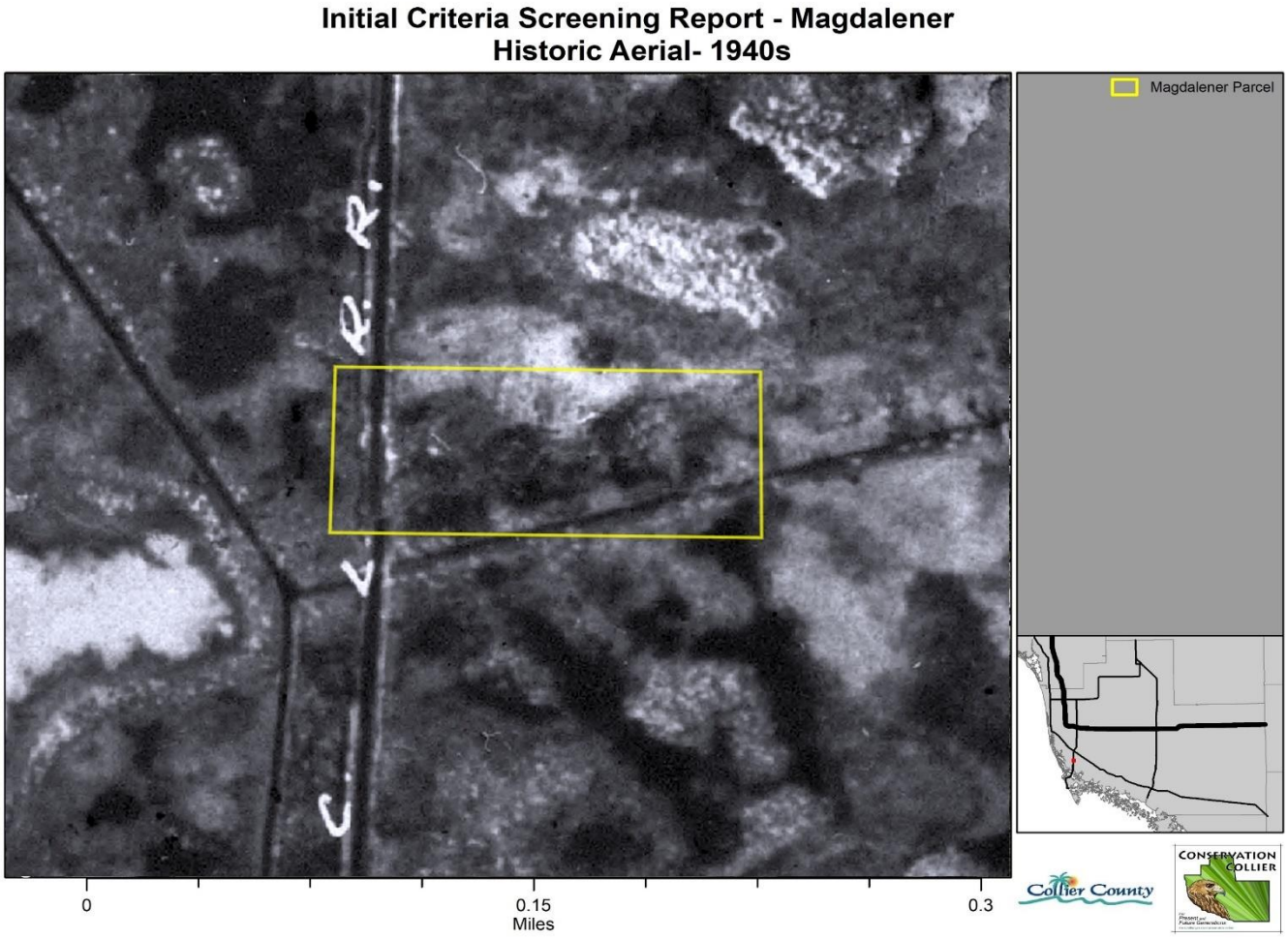
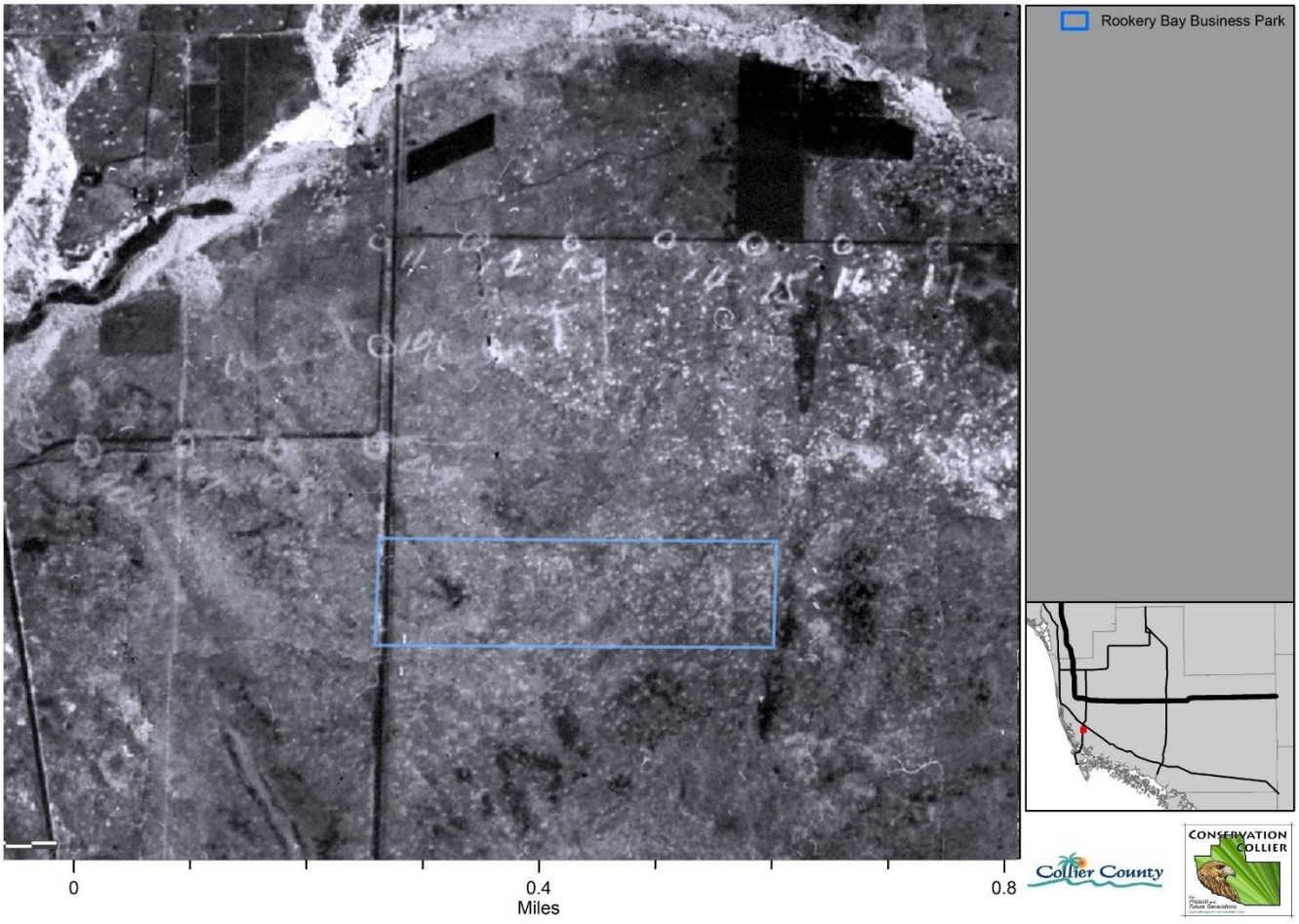


Figure 9: Historic Aerial Imagery

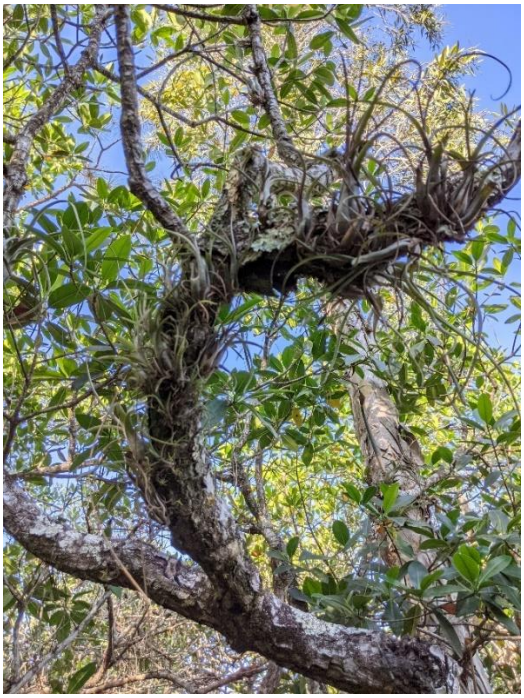


Initial Criteria Screening Report - Rookery Bay Business Park
Historic Aerial- 1940s

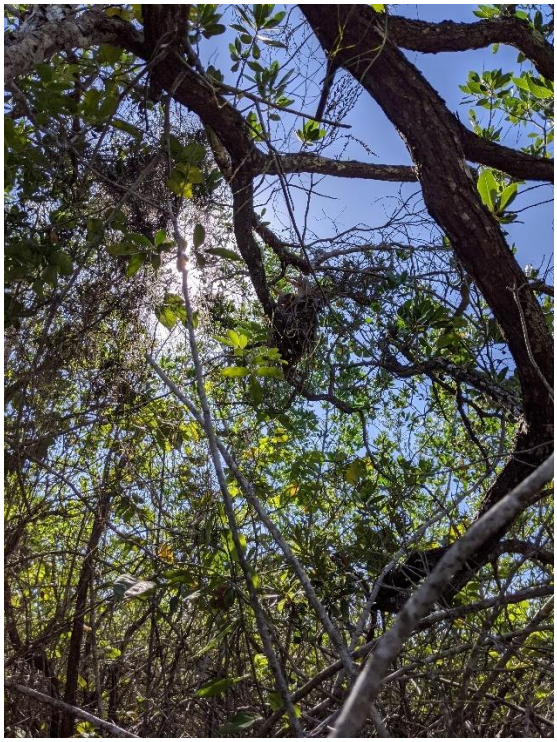


Photoset 1a: Listed Plant Species- Magdalener

Tillandisa balbisiana

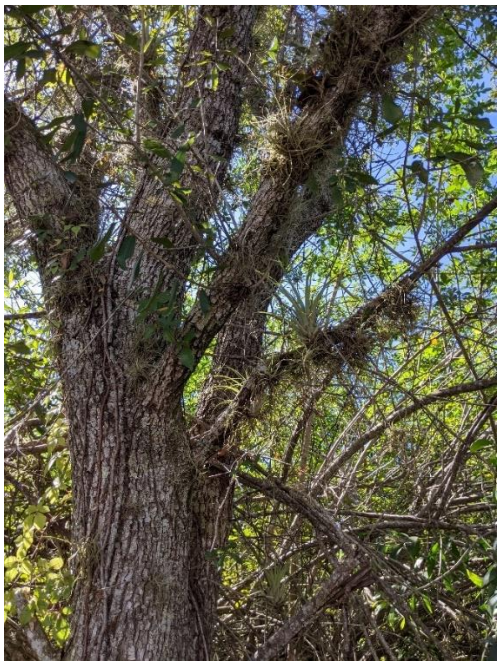


Tillandisa balbisiana



Tillandsia urtriculata

Photoset 1b: Listed Plant Species- Rookery Bay Business Park



Tillandsia balbisiana

Tillandsia utriculata

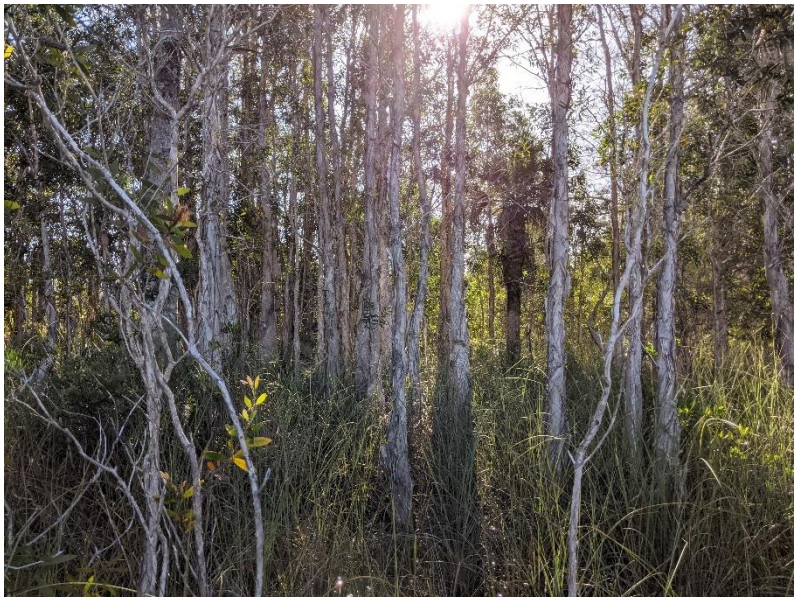
Tillandsia fasciculata

Tillandsia flexuosa

Tillandsia paucifolia

Photoset 2a: Invasive and Non-native Plant Species- Magdalener

Melaleuca infestation



Melaleuca infestation

Melaleuca infestation

Melaleuca infestation

Melaleuca infestation

Photoset 2b: Invasive and Non-native Plant Species- Rookery Bay Business Park

Brazilian pepper at ROW

Old world climbing fern (Lygodium)

Brazillian pepper

Melaleuca

Melaleuca

Melaleuca

Melaleuca

Photoset 3a: Representative Habitat- Magdalener

Freshwater marsh

Mangrove swamp

Mangrove swamp

Pine flatwoods

Mangrove swamp

Freshwater marsh

Photoset 3b: Representative Habitat- Rookery Bay Business Park

Mixed Shrubs

Mixed Wetland Hardwoods

Wetland Forest Mix with native tree die off

Mixed Shrub with melaleuca

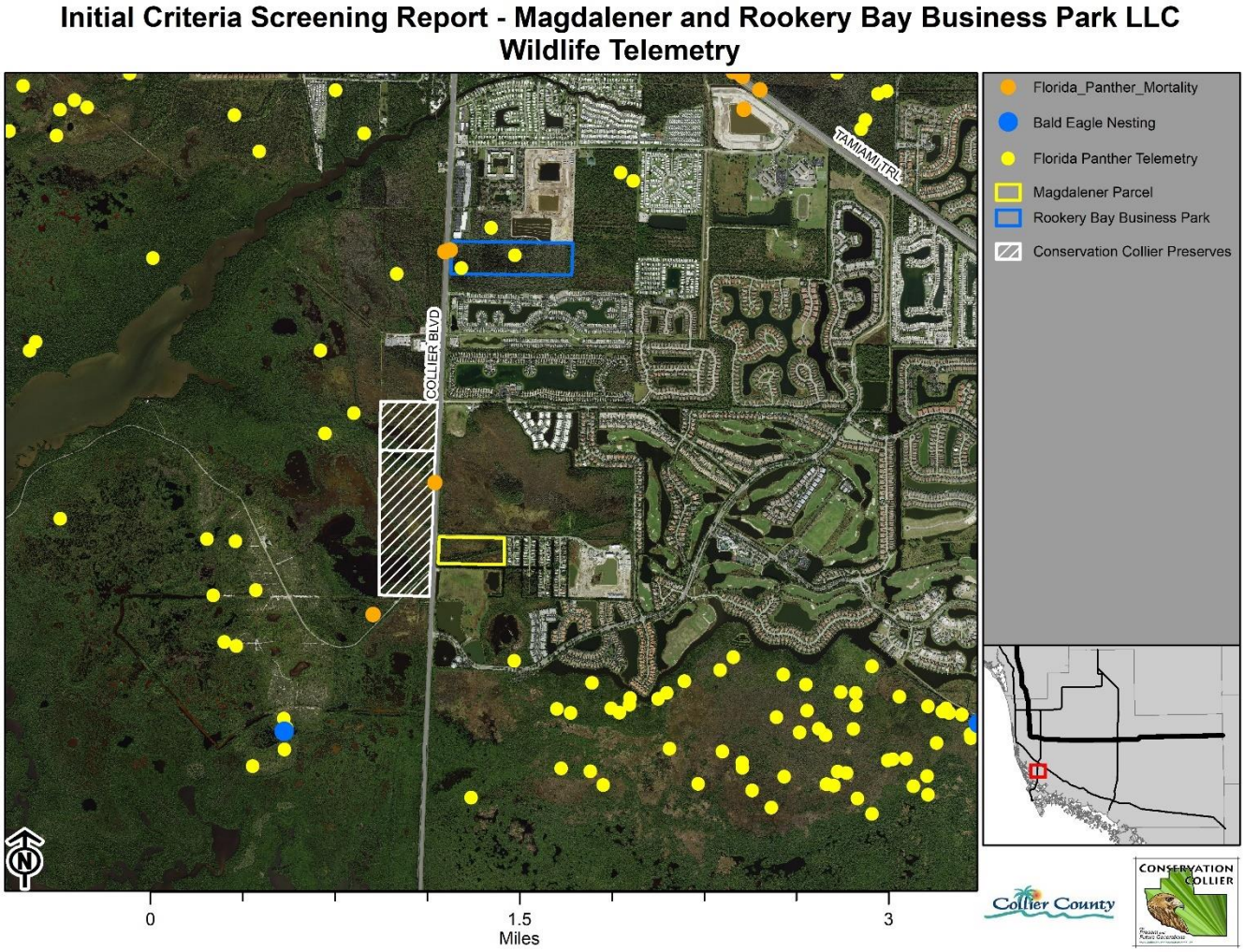
Wetland Forest Mixed with native tree die off

Mixed Shrub with melaleuca

Wetland Forest Mixed with Melaleuca

Wildlife

Figure 10: Wildlife Telemetry



Photoset 4a: Wildlife and Wildlife Indicators- Magdalener

Mosquitofish observed throughout the freshwater marsh

Wildlife trail- American alligator

Photoset 4b: Wildlife and Wildlife Indicators- Rookery Bay Business Park

White-tailed deer rub

Soils, Elevation, and Hydrology

Figure 11: Soil Survey of Collier County

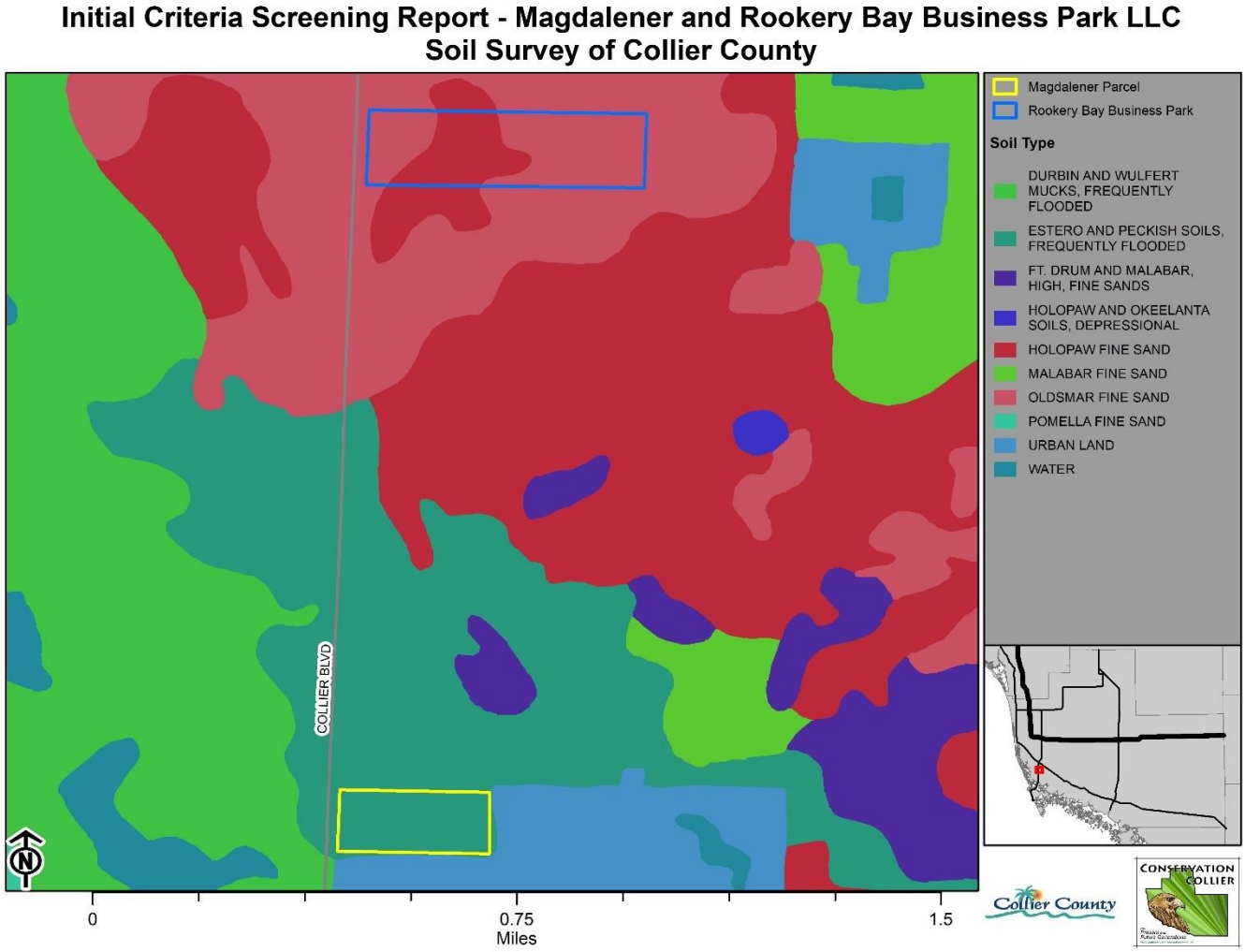


Figure 12a: Light Detection and Ranging Surface Elevation Map (LIDAR)- Magdalener

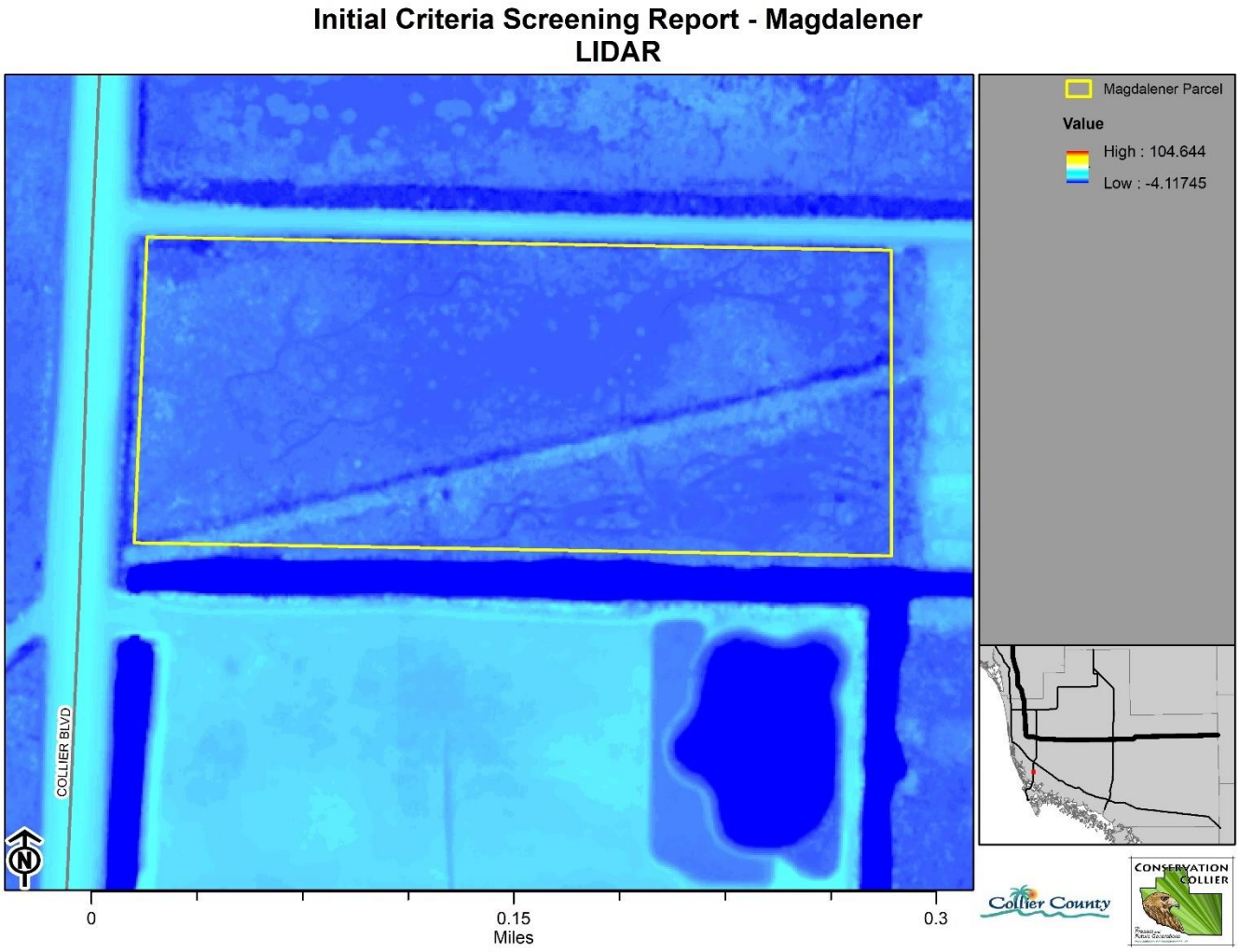


Figure 12b: Light Detection and Ranging Surface Elevation Map (LIDAR)- Rookery Bay Business Park

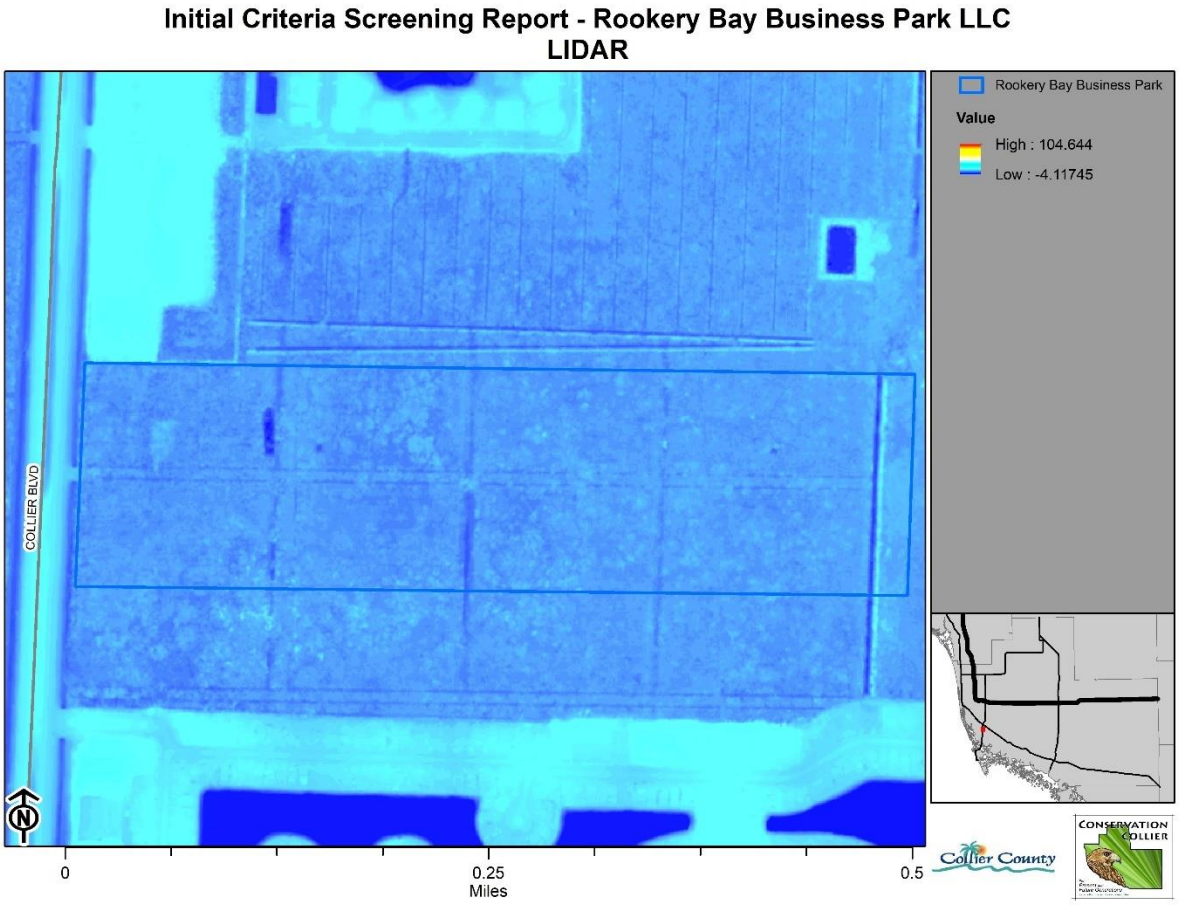


Figure 13: Wellfield Protection Zones

Collier County Wellfield Protection Zones as referenced in the Land Development Code updated in 2010 by Pollution Control and Prevention Department Staff. The public water supply wellfields, identified in section 3.06.06 and permitted by the SFWMD for potable water to withdraw a minimum of 100,000 average gallons per day (GPD), are identified as protected wellfields, around which specific land use and activity (regulated development) shall be regulated under this section.

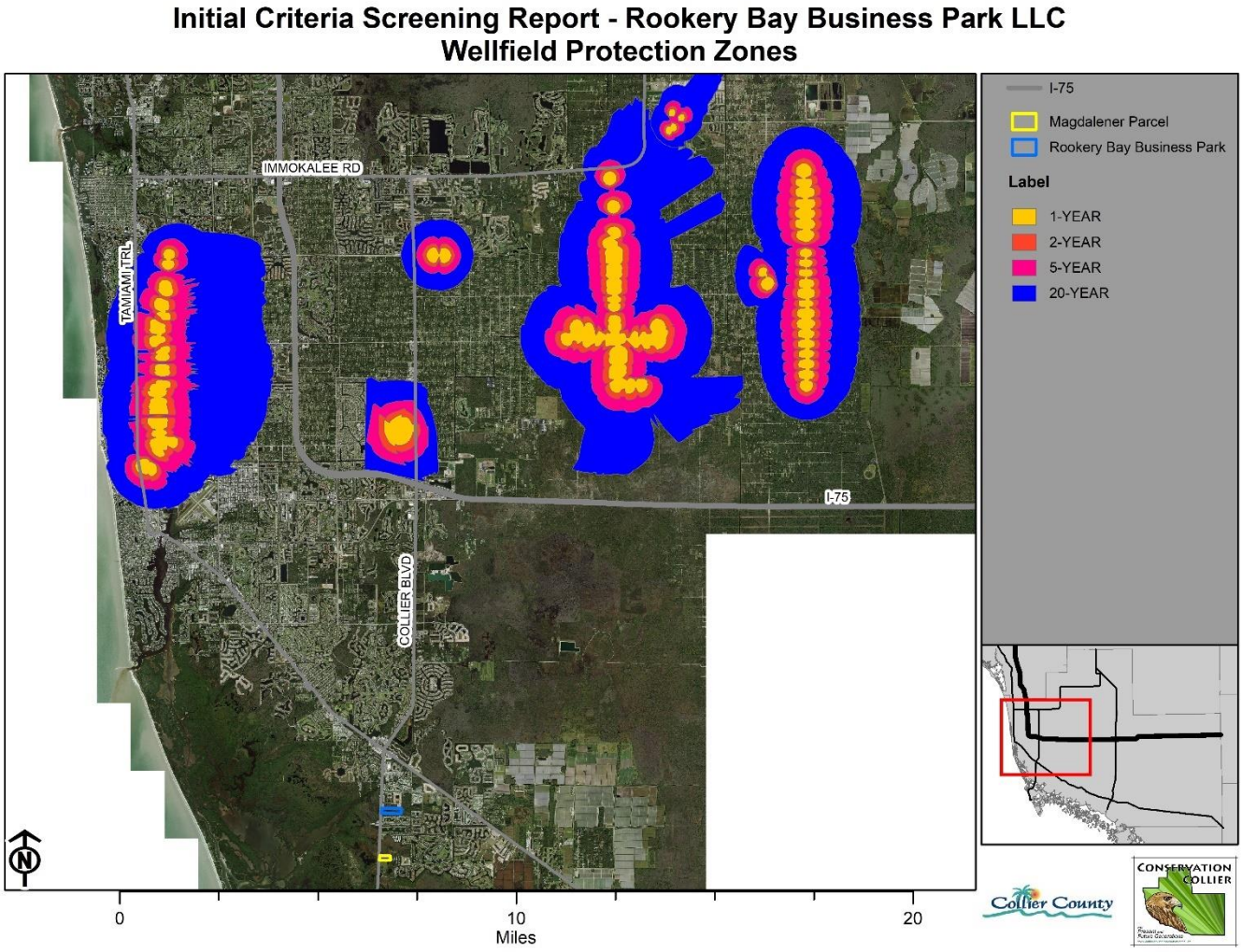


Figure 14: Precipitation Recharge/Discharge Areas - Floridan, Sandstone and Tamiami Aquifers

The maps delineate average yearly rates of precipitation recharge or leakage, depending on the type of aquifer system(s) portrayed, as well as excess precipitation estimates (i.e. rainfall minus actual evapotranspiration losses) for each planning region.

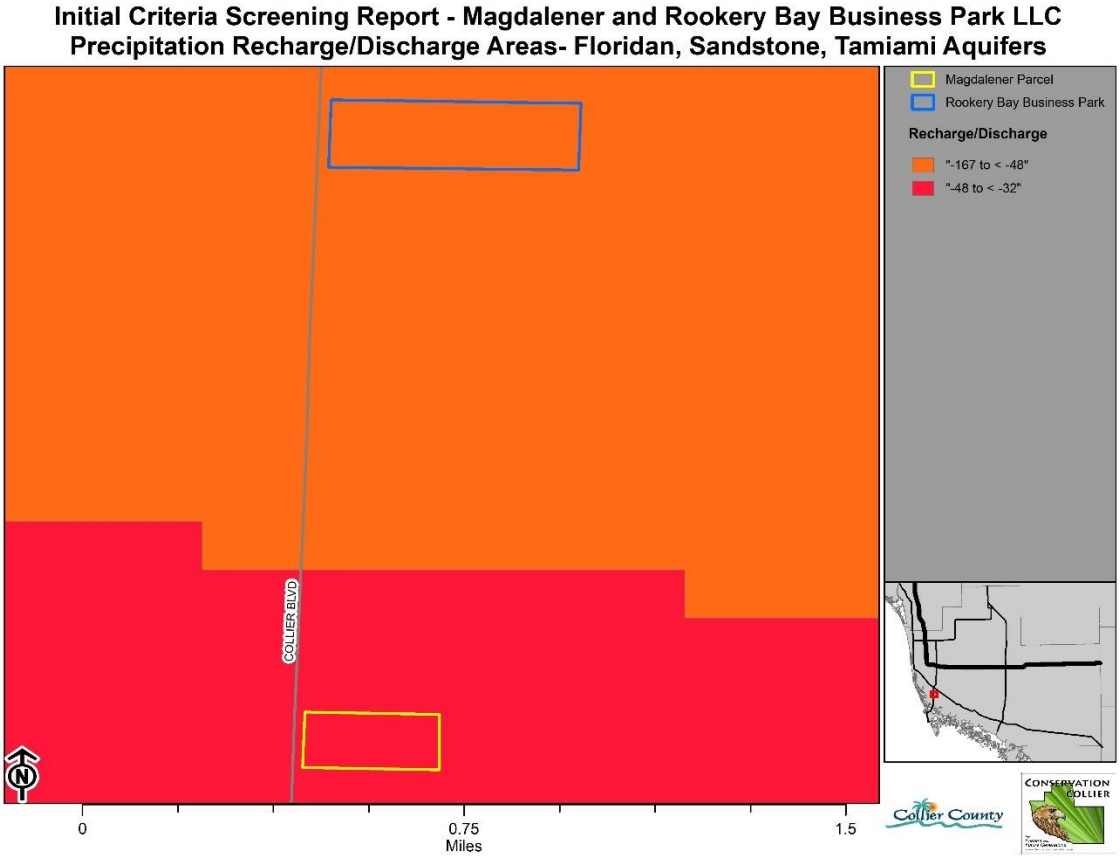


Figure 15: Precipitation Recharge Areas - Surficial and Biscayne Aquifers

The maps delineate average yearly rates of precipitation recharge or leakage, depending on the type of aquifer system(s) portrayed, as well as excess precipitation estimates (i.e. rainfall minus actual evapotranspiration losses) for each planning region.

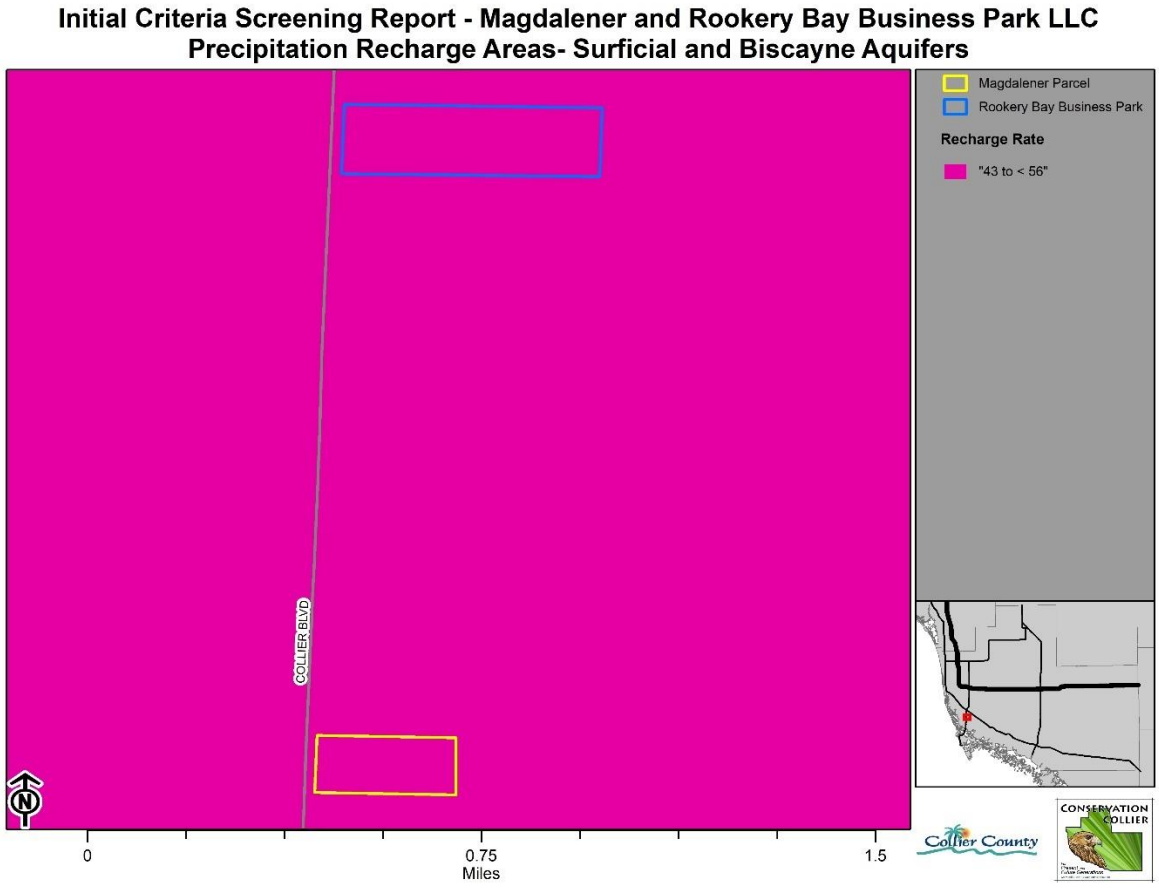
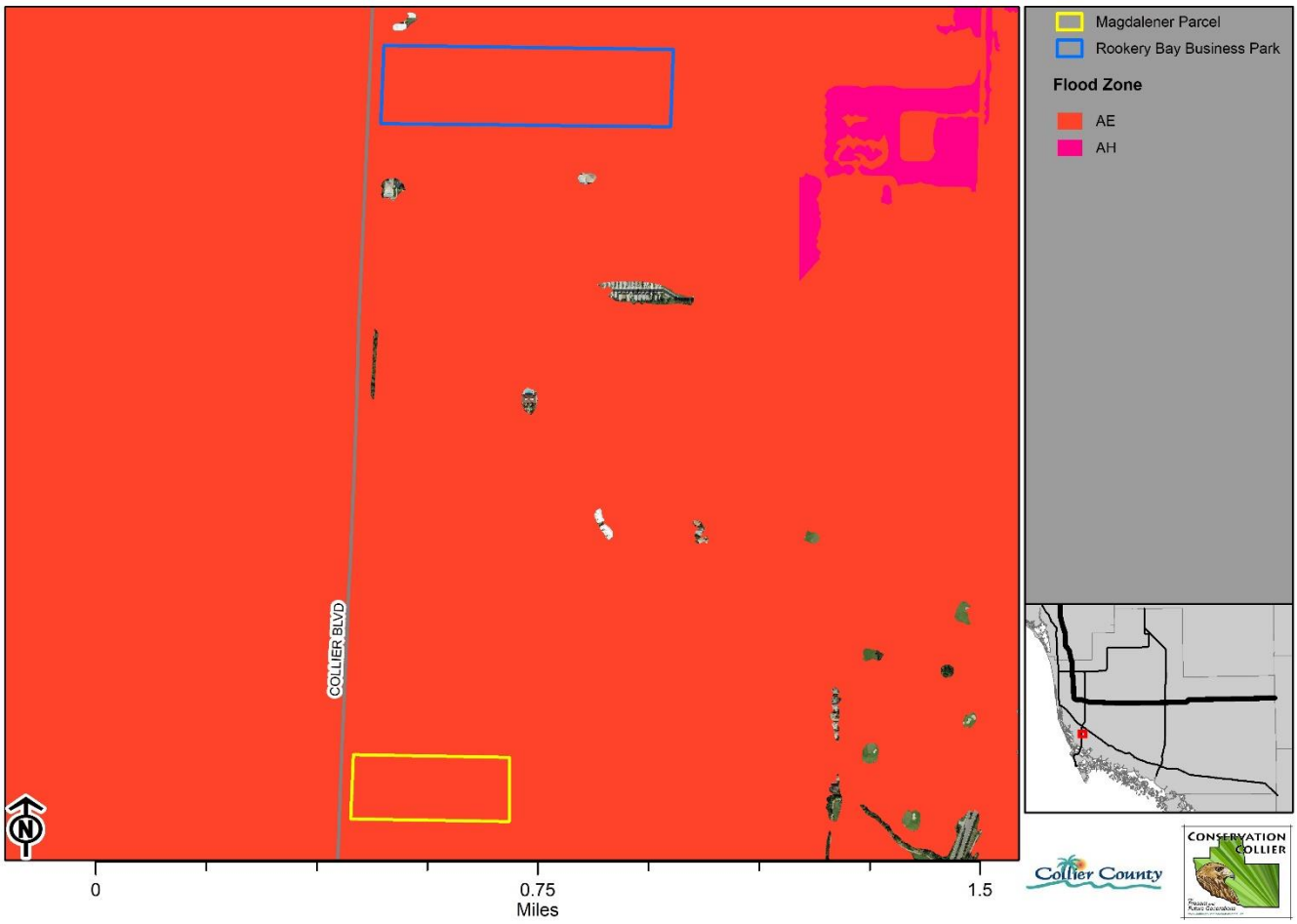


Figure 16: FEMA Flood Zones

Data was extracted from the 2011 FEMA DFIRM to provide only the remaining regulated areas; the adjusted Special Flood Hazard Area. Excluded areas were removed from the original DFIRM map including Federal Lands and FEMA Approved Mass LOMAs, MREMs and PREMs. Incorporated areas, Lake Trafford and coastal waters excluded from the Physical County Boundary were also excluded.

Initial Criteria Screening Report - Magdalener and Rookery Bay Business Park LLC
FEMA Flood Zones



Photoset 5: Hydrologic indicators

Magrove, water marks and standing water on site

Seasonal surface water throughout marsh

Algal mats and periphyton observed

Standing water and aquatic vegetation

Zoning

Figure 17: Collier County Growth Management Department Zoning Overlay

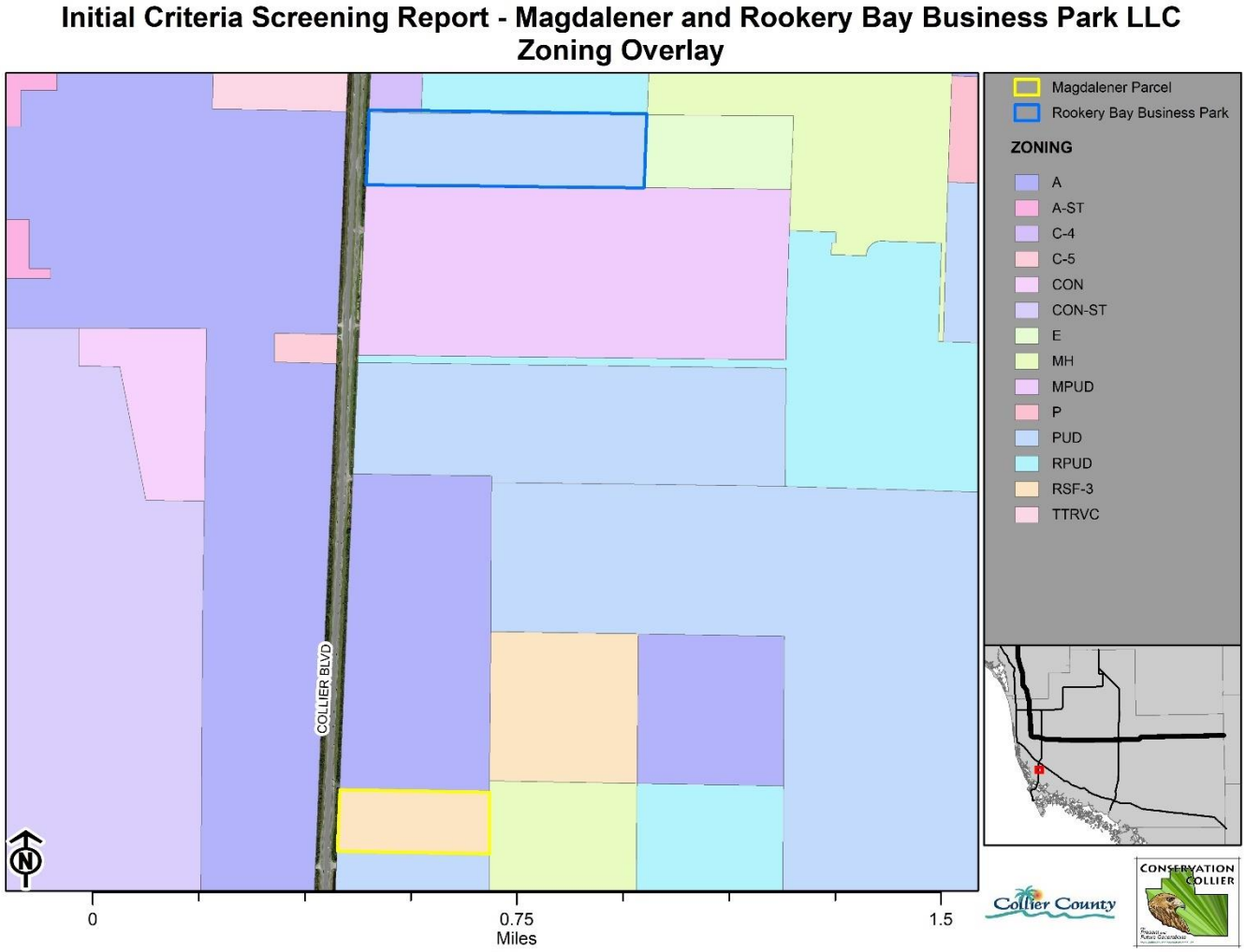
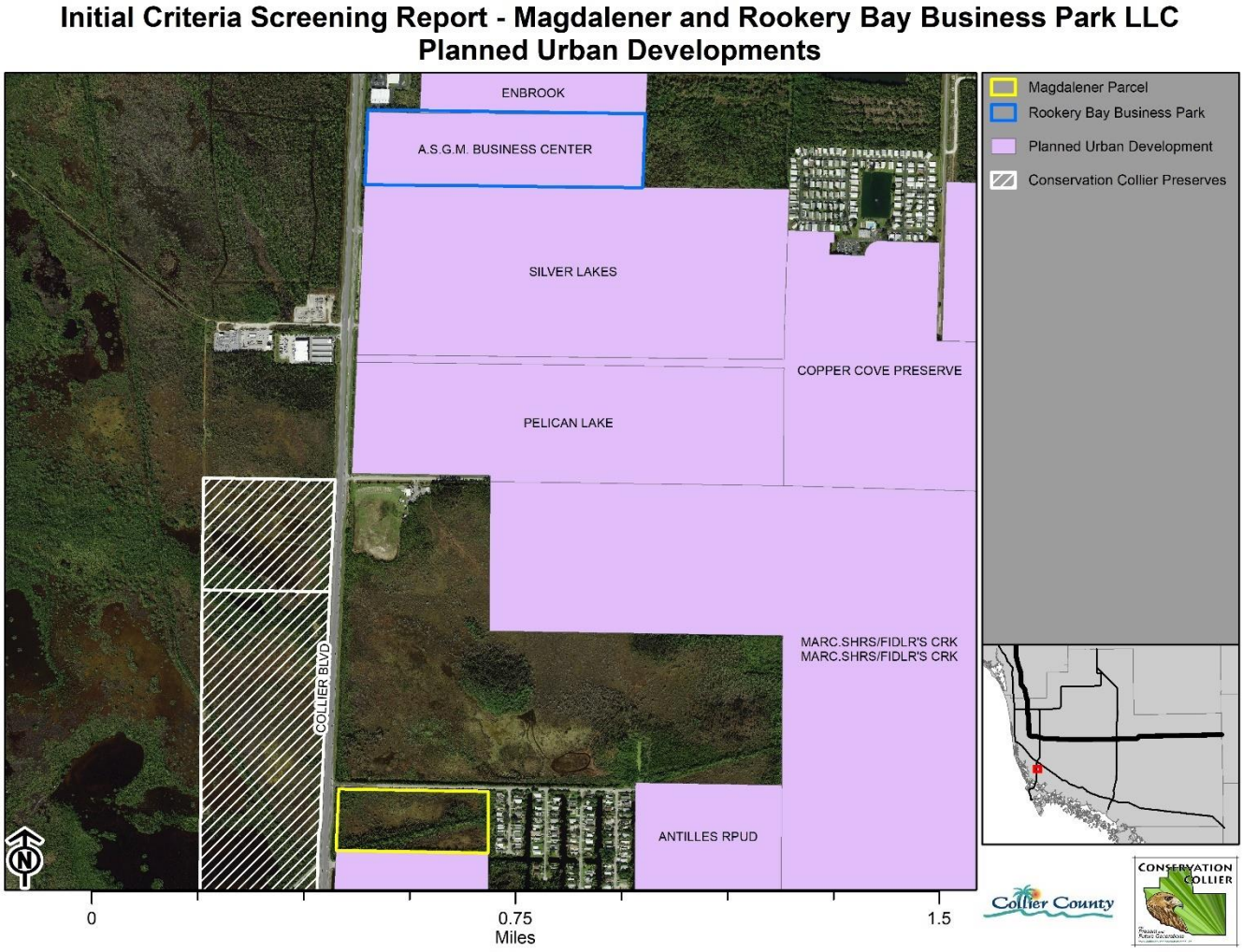


Figure 18: Collier County Growth Management Department Comprehensive Planning Division Future Land Use Overlay



Rookery Bay Business Park is a designated PUD

Management

Photoset 6a: Magdalener Management Considerations

A canal borders the southern boundary which leads to residential canals

Powerlines exist along the northern boundary of the property

Photoset 6b: Rookery Bay Business Park Management Considerations

Ditches and berms cut into the parcel in a grid network affects hydrology and may limit equipment access year round

Native tree die off observed during site visit

Native tree die off observed during site visit

Native tree die off observed during site visit

Native tree die off observed during site visit

Additional Figures, Tables, and Photos

Photoset 7a: Magdalener Additional Photos

Sweeping vista views of the marsh

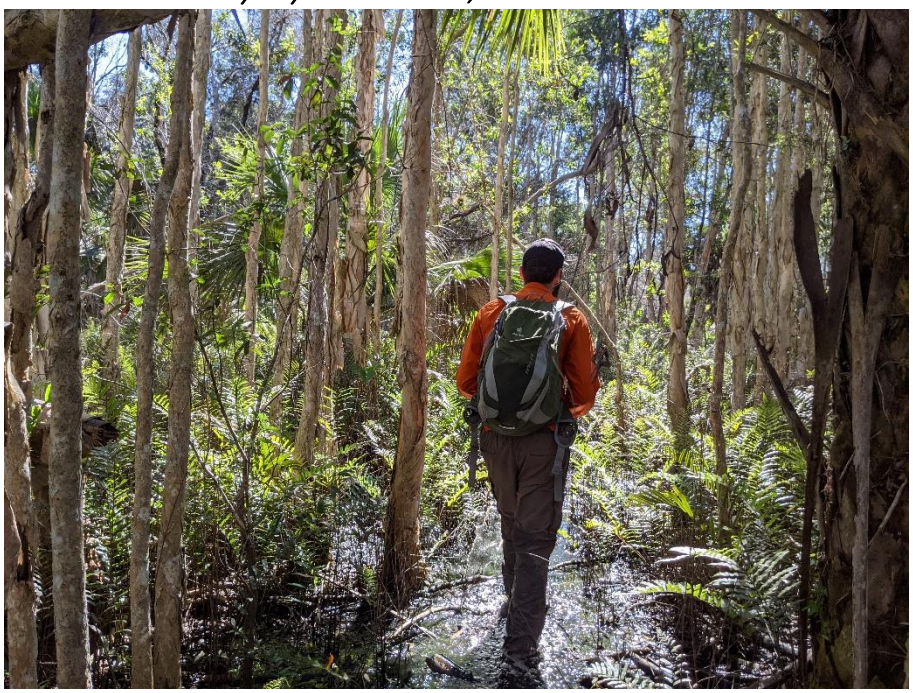
Freshwater marsh

Freshwater marsh with wildlife trail

View from Port Au Prince Rd

Wetland vegetation throughout marsh

Photoset 7b: Rookery Bay Business Park, LLC Additional Photos



Melaleuca infestation on site

Standing water behind ROW entrance from Collier Blvd

Water at various depths throughout parcel. This is a cut ditch in the unit

Understory dominated by swamp fern

APPENDIX

APPENDIX

Magdalener Environmental Assessment

Rookery Bay Business Park Army Corps of Engineers Permit

Rookery Bay Business Park SFWMD Permit

MAGDALENER
18.5± ACRE PARCEL 00742040007
COLLIER BOULEVARD & PORT AU PRINCE DRIVE

ENVIRONMENTAL ASSESSMENT

SEPTEMBER 30, 2020

PREPARED BY:
TURRELL, HALL & ASSOCIATES, INC.
3584 EXCHANGE AVENUE
NAPLES, FL 34104
(239) 643-0166
TUNA@THANAPLES.COM

TABLE OF CONTENTS

1.0 INTRODUCTION **Page 3**

2.0 SITE DESCRIPTION **Page 4**

3.0 WILDLIFE **Page 5**

4.0 POTENTIAL JURISDICTIONAL WETLANDS **Page 6**

4.1 Vegetation **Page 6**
4.2 Soils **Page 8**
4.3 Hydrology **Page 8**

5.0 PERMITTING AND MITIGATION SCENARIOS **Page 8**

5.1 Collier County **Page 9**
5.2 State and Federal **Page 10**

TABLES

Table 1: FLUCFCS codes and description of community types found within the project site **Page 4**
Table 2- Potential Listed Species Associated with Habitats Found Onsite **Page 5**
Table 3- 411 Pine Flatwood **Page 6**
Table 4- 625 Hydric Pine Flatwood **Page 7**
Table 5- 612 Mangrove Habitat **Page 7**
Table 6- 617 Mixed Wetland Hardwoods & Exotic Wetland Hardwood **Page 7**
Table 7- 6413 Freshwater Marsh-Spike Rush **Page 7**

EXHIBITS

1- Location Map
2- FLUCFCS (Habitat Map) with Wetland Hatch
3- FLUCFCS Map Aerial
4- Soils Map

APPENDICES

I Photographs

1.0 INTRODUCTION

Turrell, Hall & Associates, Inc. (THA) conducted a preliminary environmental assessment on an 18.5±-acre parcel without address along Collier Boulevard (C..R. 951) and Port Au Prince Drive approximately 2.7 miles south of U.S. 41 East in Naples, Florida. It is situated within Section 15, Township 51 South, and Range 26 East in Collier County, Florida. The parcel can be further identified by folio number 00742040007. Parcel acreage was determined through lines provided from the Collier County Property Appraiser GIS department, though the legal description indicates the acreage to be 18.73.

Assessment goals were:

- To map and identify existing vegetative communities on the property,
- To estimate the extent of state and federal jurisdictional wetlands,
- To research the presence or absence of state and federal listed species,
- To determine if the site was situated within an area set aside for development by the Delton Settlement Agreement, and
- To assess the environmental permitting requirements for development.

This report documents the findings of the assessment in order to establish a wetland boundary (if present) based on criteria used by the South Florida Water Management District (SFWMD) in Chapter 62-340, F.A.C. and by criteria used by the United States Army Corps of Engineers (USACE) in the Wetlands Regulatory Assistance Program Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (ver. 2.0). This evaluation did not include a Phase I Environmental Site Assessment that may be necessary for the reduction of liability for hazardous materials under the provisions of Federal Comprehensive Environmental Response, Compensation and Liability Act.

The assessment did not research or consider zoning, deed restrictions, easements, or other encumbrances that might be present and could affect the development of the property. This assessment was limited to the environmental factors only and is presented solely to assist with the planning process.

2.0 SITE DESCRIPTION

Historically, prior to 1960s development of the general area, this parcel had a canal running north-south through the western quarter of the site and an angled canal situated just south of the existing raised berm onsite (Figure 1). The current berm (seen on Figure 2) is a result of the canals being filled and relocated over time.

The site is now ringed with mangrove on all sides, with primarily buttonwood wetland or marsh present elsewhere with a wide degree of exotic species present. A ditch which also runs diagonally across the site with red and white mangroves. Just south of the ditch is a berm dominated by pine flatwood habitat. Most of the berm would be considered upland pine flatwood with the exception of the lower third.

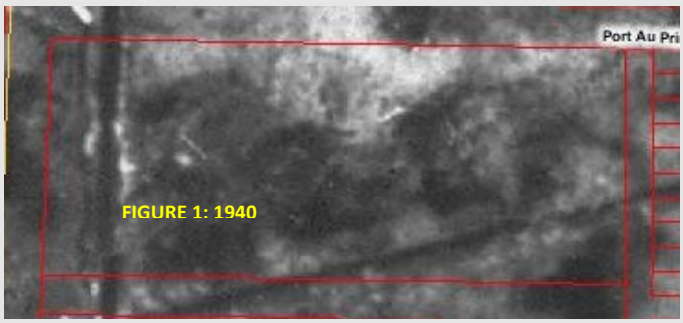


FIGURE 1: 1940

FIGURE 2: 2020

The Florida Land Use, Cover, and Forms Classification System (FLUCFCS) manual was used to classify all of the vegetative communities occurring within the site boundaries. The attached FLUCFCS exhibit (2) shows the subject property, its vegetative cover, and depicts the approximate limits of the wetland and upland areas. A general description is provided below in Table 1 along with any site-specific nuances that may be relevant to the assessment.

Table 1: FLUCFCS codes and description of community types found within the project site

FLUCFCS Code	Description	Acres	Jurisdictional Wetlands
411E2	Pine Flatwood 25-50% Exotic	0.94	NO
411E3	Pine Flatwood 50-75% Exotic	0.27	NO
612	Mangrove	2.23	YES
617E1	Mixed Wetland Hardwood 0-25% Exotic	4.79	YES
617E1*	Mixed Wetland Hardwood 0-25% Exotic, Emergent Vegetation	0.69	YES
619E4	Exotic Wetland Hardwood	3.00	YES
625E2	Hydric Pine Flatwood 25-50% Exotic	0.68	YES
630E1	Wetland Forested Mixed 0-25% Exotic	0.26	YES
6413	Freshwater Marsh- Spike Rush	5.10	YES
6413E1	Freshwater Marsh- Spike Rush 0-25% Exotic	0.54	YES
Total Project Acres		**18.50**	
Wetland Acres		**17.29**	
Upland Acres		**1.21**	

3.0 WILDLIFE

Endangered Wildlife Species is defined as any species of fish or wildlife naturally occurring in Florida, whose prospects of survival are in jeopardy due to modification or loss of habitat; over-utilization for commercial, sporting, scientific or educational purposes; disease; predation; inadequacy of regulatory mechanisms; or other natural or manmade factors affecting its continued existence (F.S. 372.072).

Threatened species include any species of fish or wildlife naturally occurring in Florida which may not be in immediate danger of extinction, but which exists in such small populations as to become endangered if it is subjected to increased stress as a result of further modification of its environment.

Species of Special Concern are animals that:

- have a significant vulnerability to habitat modification, environmental alteration, human disturbance, or human exploitation which, in the foreseeable future, may result in it becoming a threatened species unless appropriate protective or management techniques are initiated or maintained,
- data are limited or lacking,
- may occupy such an unusually vital or essential ecological niche that should it decline significantly in numbers or distribution other species would be adversely affected to a significant degree, and/or
- has not sufficiently recovered from a past population depletion.

Considering the location and condition of the property listed wildlife species that could potentially be found on or around the site by habitat type include:

Table 2- Potential Listed Species Associated with Habitats Found Onsite

FLUCFCS Code	Description	Common Name	Scientific Name	Seen	Fed	State
617, 641, 625, 612	**Mixed Wetland Hardwood, Marsh, Hydric Pine Flatwood, Mangrove**	little blue heron	*Egretta caerulea*	N		T
		reddish egret	*Egretta rufescens*	N		T
		roseate spoonbill	*Platalea ajaja*	N		T
		tri-color heron	*Egretta tricolor*	N		T
		woodstork	*Mycteria americana*	N	T	
		osprey	*Pandion haliaetus*	N		SSC
		Sherman's fox squirrel	*Sciurus niger shermani*	N		SSC
		Big Cypress fox squirrel	*Sciurus niger avicennia*	N		T
		Everglades snail kite	*Rostrhamus sociabilis plumbeus*	N	E	FE
		Florida bonneted bat	*Eumops glaucinus floridanus*	N	E	FE
		American alligator	*Alligator mississippiensis*	N	T	SSC
		American crocodile	*Crocodylus acutus*	N	E	FE
411	**Pine Flatwood**	gopher tortoise	*Gopherus polyphemus*	N	T	T
		Eastern Indigo snake	*Drymarchon corais couperi*	N	T	FT
		Big Cypress fox squirrel	*Sciurus niger avicennia*	N		T
		Sherman's fox squirrel	*Sciurus niger shermani*	N		SSC

A full Threatened and Endangered Species survey was not done but would be required prior to permit application submission. Although no listed species or evidence thereof was observed

during the initial site visit, the habitat may still be utilized by listed species. During any permitting processes, snags, burrows, cracks, or crevasses may need to be further inspected for presence of threatened or endangered species such as the Florida bonneted bat.

4.0 POTENTIAL JURISDICTIONAL WETLANDS

The wetlands definitions in Chapter 62-340(19), F.A.C. and 33CFR 328.3 state that wetlands are those areas "inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils." The methodologies used to delineate a wetland boundary as described in Chapter 62-340, F.A.C. and in Version 2.0 of the Atlantic and Gulf Coastal Plain Regional Supplement to the Corps of Engineers Wetland Delineation Manual use a series of tests in order to determine the presence of a wetland. On a portion of this site, these definitions were met.

In order to be considered a wetland at the state level, a property must have at least two (2) of three (3) defined wetland characteristics: hydrophytic vegetation, hydric soils, and hydrologic indicators. In order to qualify as a wetland at the federal level, all three (3) characteristics must be present.

4.1 Vegetation

With the exception of two (2) areas that appear to be slightly elevated, the site had a prevalence of wetland vegetation which an agency could use to claim one (1) of the three (3) wetland criteria.

In describing the habitats and wetland status of individual species below the following acronyms apply.

- C = Canopy
- M = Mid-story
- G = Groundcover
- V = Vine
- *Exotic Species
- Native Species

- OBL = Obligate Wetland
- FACW = Facultative Wetland
- FAC = Facultative (Can exist in both wetland and upland communities)
- FACU = Facultative Upland
- UPL = Upland

Table 3- 411 Pine Flatwood

Common Name	Scientific Name	Stratum	%	Wetland Status
slash pine	*Pinus elliottii*	C	60	UPL (St), FACW (Fed)
*ear-leaf acacia	*Acacia auriculiformis*	C, M	10	FAC
cabbage palm	*Sabal palmetto*	C, M	20	FAC
*Brazilian pepper	*Schinus terebinthifolia*	M	8	FAC
myrsine	*Myrsine cubana*	M, G	40	FAC
saw palmetto	*Serenoa repens*	M, G	25	UPL (St), FACU (Fed)
cocoplum	*Chrysobalanus icaco*	M, G	15	FAC
coinvine	*Dalbergia brownei*	M, G	5	FACW (Fed)
swamp fern	*Telmatoblechnum serrulatum*	G	20	FACW

Table 4- 625 Hydric Pine Flatwood

Common Name	Scientific Name	Stratum	%	Wetland Status
slash pine	*Pinus elliottii*	C	30	UPL (St), FACW (Fed)
*melaleuca	*Melaleuca quinquenervia*	C, M	50	FACW
cabbage palm	*Sabal palmetto*	C, M	20	FAC
saw palmetto	*Serenoa repens*	M, G	50	UPL (St), FACU (Fed)
myrsine	*Myrsine cubana*	M, G	20	FAC
wax myrtle	*Morella cerifera*	M, G	8	FAC
saw grass	*Cladium jamaicense*	G	8	OBL
swamp fern	*Telmatoblechnum serrulatum*	G	15	FACW
*climbing fern	*Lygodium microphyllum*	V	10	FACW

Table 5- 612 Mangrove Habitat

Common Name	Scientific Name	Stratum	%	Wetland Status
white mangrove	*Laguncularia racemosa*	C, M	40	OBL
red mangrove	*Rhizophora mangle*	C, M	40	OBL
buttonwood	*Conocarpus erectus*	C, M	5	FACW
*melaleuca	*Melaleuca quinquenervia*	C, M	5	FAC
*Australian pine	*Casuarina equisetifolia*	C, M	5	FACU
*Brazilian pepper	*Schinus terebinthifolia*	M	15	FAC
coin vine	*Dalbergia brownei*	M	5	FACW (Fed)

Table 6- 617 Mixed Wetland Hardwood & 619 Exotic Wetland Hardwood

Common Name	Scientific Name	Stratum	%	Wetland Status
buttonwood	*Conocarpus erectus*	C, M	10-65	FACW
*melaleuca	*Melaleuca quinquenervia*	C, M, G	15-85	FAC
*Brazilian pepper	*Schinus terebinthifolia*	M	10-25	FAC
coin vine	*Dalbergia brownei*	M	5	FACW (Fed)
wax myrtle	*Morella cerifera*	M. G	10	FAC
spike rush	*Eleocharis*	G	40	OBL
saw grass	*Cladium jamaicense*	G	40	OBL

Table 7- 6413 Freshwater Marsh- Spike Rush

Common Name	Scientific Name	Stratum	%	Wetland Status
spike rush	*Eleocharis*	G	75	OBL
saw grass	*Cladium jamaicense*	G	25	OBL
*melaleuca	*Melaleuca quinquenervia*	C, M, G	0-12	FAC
buttonwood	*Conocarpus erectus*	M, G	5	OBL
wax myrtle	*Morella cerifera*	M. G	2	FAC
arrowhead	*Sagittaria spp.*	G	2	OBL
maidencane	*Panicum hemitomon*	G	2	OBL
*torpedo grass	*Panicum repens*	G	4	OBL

4.2 Soils

The Collier County soil survey depicts this site as being dominated by #53- Estero and Peckish Soils, Frequently Flooded. This soil type is generally reserved for tidal marshes and contains more saltwater vegetation than this site, however with the installation of Collier Boulevard and severing of old canals in the area much of the lands both east and west of Collier Boulevard are an odd mixture of saltwater and freshwater wetland habitat types. The soil survey did not account for the berm onsite, so a small portion of that designation would be incorrect.

In terms of wetland permitting having a soil with a designation "frequently flooded" provides two (2) of the (3) criteria an agency needs to assert wetland jurisdiction, hydrology, and wetland soils.

4.3 Hydrology

Hydrology on a site describes water table levels being near the surface, at the surface or above the surface for a period of time that creates an environment to sustain a dominance of wetland vegetation. At the time of the site visit this site had standing water up to 18 inches nearly everywhere onsite. In addition to inundation other hydrological indicators noted included algal matting, aquatic plants, water marks on trees and prop roots.

5.0 PERMITTING AND MITIGATION SCENARIOS

It is estimated that 17.29 acres (93%) of jurisdictional wetlands exist onsite in varying degrees of quality. Of that 17.29 acres, 2.23 are classified as mangrove habitat. Mangroves fringe the entire site and then run the length of the north side a diagonal berm across the middle of the site. Mangrove permitting is significantly more complicated than general freshwater wetlands because of their protected status and the number of marine and avian species which are dependent on their presence.

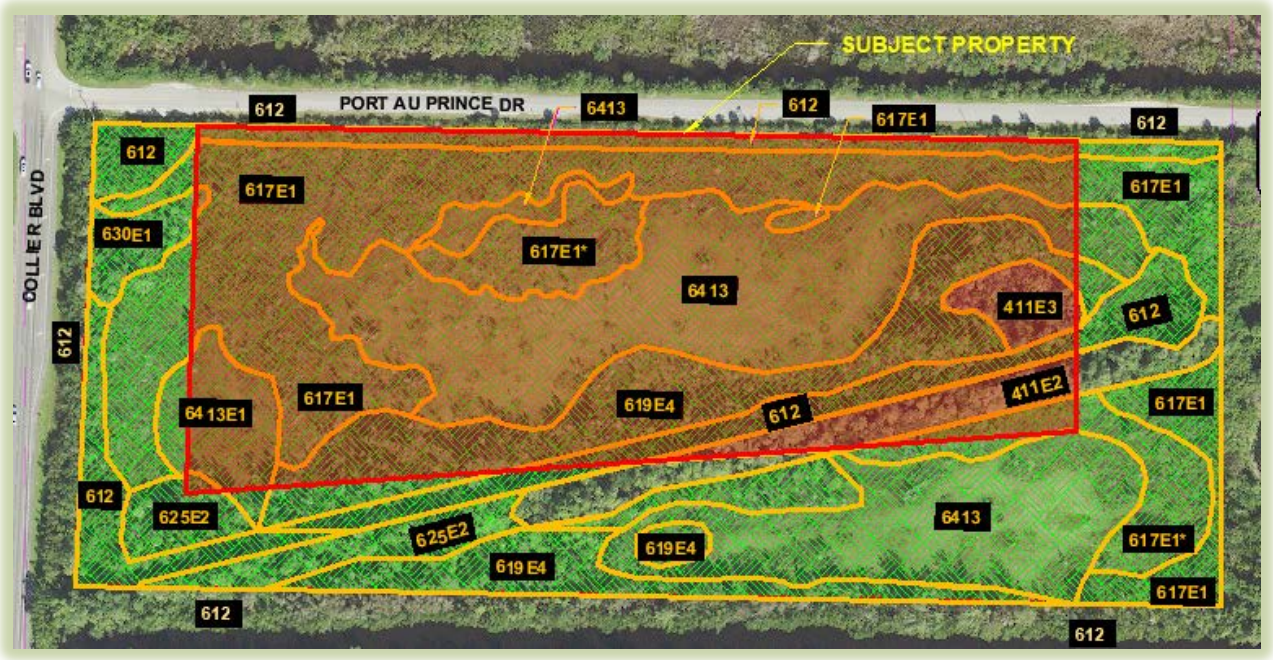
Habitat layouts onsite are complex in terms of carving out a project which accomplishes the economic goals while minimizing mangrove impacts and leaving enough non-quality habitat as to provide the needed mitigation lift to offset the mangrove impacts. A number of scenarios were run and ultimately it will involve some creativity to create a development footprint since all federal mangrove mitigation must be kept onsite and the only way to provide enough compensation is to create mangrove habitat out of freshwater remaining habitat Another mitigation option would be to do something similar offsite, but this option will other permitting hurdles in terms of the preservation and management mechanisms palatable to agencies.

A quick point of reference for planning purposes in terms of providing compensation for mangrove impacts are the following approximate mitigation ratios onsite:

- upland converted to mangrove 4:1
- lower quality wetland (E4) converted to mangrove 6:1
- higher quality wetland (E0-E2) converted to mangrove 8:1
- mangrove preservation and enhancement 10:1

For Example, using 1 acre of mangrove impacts you would be required to preserve/enhance 10 acres of mangroves elsewhere onsite. The more risk you take by creating habitat or restoring an impacted area to mangrove the more replacement acreage you get (i.e. the lower the ratio number the higher the return).

As an example, in the development plan below shown inside the red box totaling 10.25 acres, there are 0.97 acres worth of mangrove impacts out of the potential 2.23. Assuming all of the area outside of the box (in green) will become created mangrove habitat or enhanced mangrove if already existing, the various improved habitats provide enough lift which should compensate for the direct mangrove impacts and any secondary impacts not discussed in this analysis. A small amount of lift will be left over to compensate for some of the freshwater wetland impacts as well, though a very small percentage.



Once a potential scenario for mangrove mitigation has been sorted out onsite, the applicant would then have to mitigate for freshwater wetland impacts at a mitigation bank. Bank credits run approximately $120,000 per credit at this time.

Given the impacts under the example plan shown above, it was determined that approximately 6.3 credits would be needed ($756,000). As mentioned above, surplus mitigation might account for roughly 0.2 of the 6.3 needed credits, but the remaining credits would require offsite bank mitigation.

5.1 Collier County

In terms of location, this site falls within the Coastal High Hazard Area and given its size, any kind of residential and/or residential mixed use would require preservation of 25% of the native habitat onsite (any vegetative designation that is not E4 or >75% exotic). For this property native habitat totals approximately 15.5 acres, which equates to 3.88 acres of native preserve required

by the County. With the requirements for mangrove mitigation onsite, county native preserves will be easily accommodated.

5.2 State and Federal

Timeframes for permitting are always a consideration for development loans and such. With mangrove impacts, the permit application process will likely require 9 to 12 months with the State and 14 to 24 with the Army Corps of Engineers. Part of this timeframe includes a public notice process whereby state and federal wildlife and historical agencies comment and unlike the South Florida Water Management District and the U.S. Army Corps of Engineers, they have no time clock.

An important footnote to this section is warranted because of the dominance of buttonwood onsite. Generally, buttonwood is considered a saltwater plant and is found in saline or brackish water locations. Groundcover onsite indicated that water there is fresh in nature and not brackish by the species present, so our entire permitting scenario is based on the fact that the entire site would be considered freshwater habitat, except the mangrove locations. Mangroves can grow in freshwater too, but do not generally do so naturally. If one of the permitting agencies decided that the buttonwood onsite constituted a saltwater habitat and not freshwater as we believe can be argued, then there is not a permitting scenario for the site other than offsite mitigation at this time. For several years now the only mangrove mitigation bank in southwest Florida has been in application with the federal government to extend their service area to cover all of Collier County, but the approval has not been issued to-date. At this time, the federal service limits for mangrove mitigation banking are northwest Collier County (Wiggins Pass). The bank has been expecting federal expansion approval for several years but has not received it and does not have an idea of when it will be issued, so for the moment this assessment has been completed assuming no federal saltwater mitigation banking options are available at this time.

EXHIBITS

1- Location Map

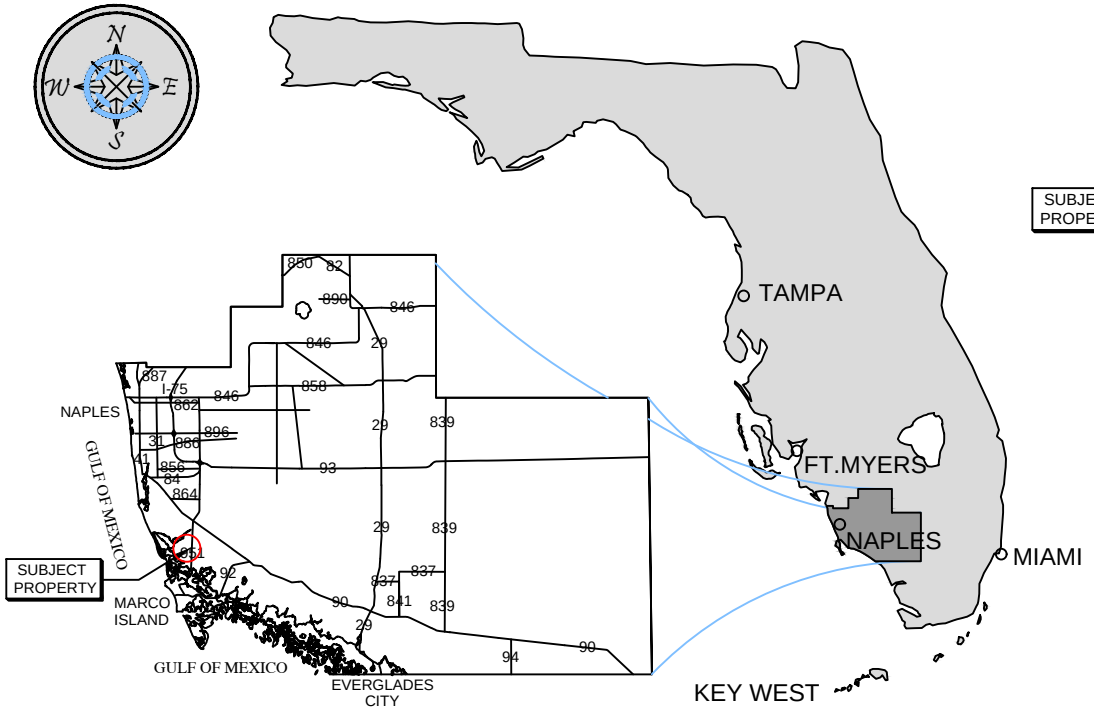
2- FLUCFCS Map with Wetland Hatch

3- FLUCFCS Map Aerial

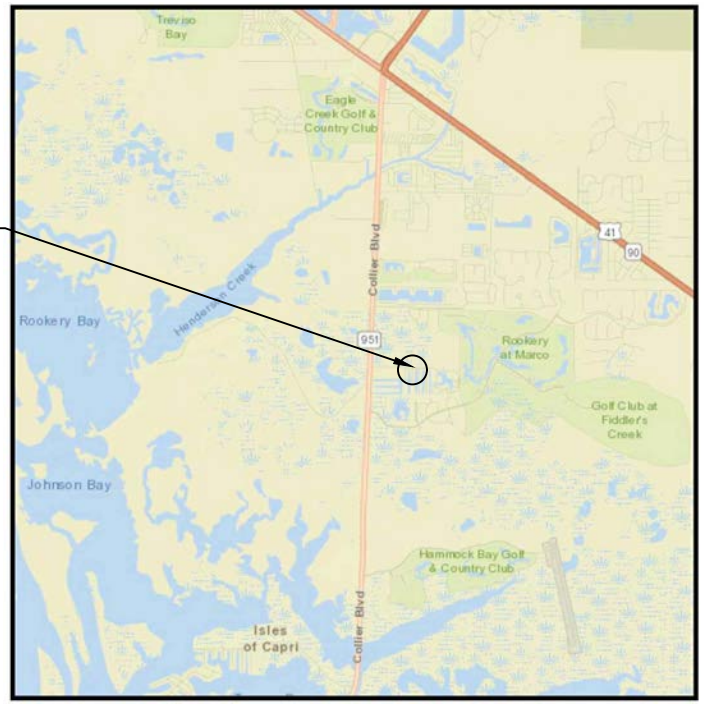
4- Soils Map

p:\20094 magdalener collier blvd env assessment\CAD\EIA\20094-EIA.dwg LOCATION 9/28/2020

STATE OF FLORIDA



COLLIER COUNTY



VICINITY MAP

COUNTY AERIAL

SITE ADDRESS:

<> FOLIO: 00742040001
COLLIER BLVD
NAPLES, FL 34113

<> LATITUDE: N 26.023776
<> LONGITUDE: W -81.697808

NOTES:

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

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

MAGDALENER-COLLIER BLVD

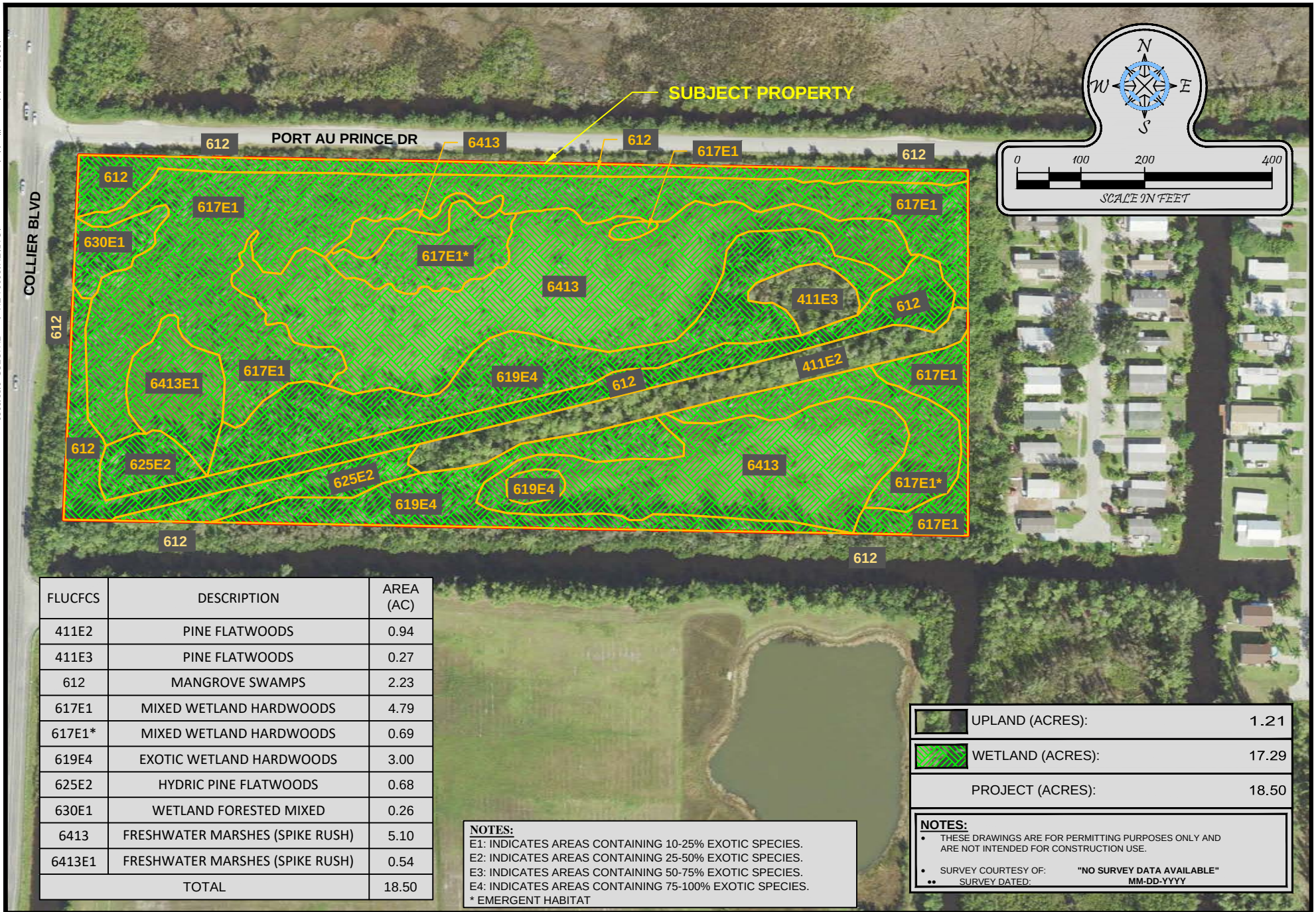
LOCATION MAP

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

		REV#:	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	MN	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	09-27-20	3.	-	-	-	-
JOB NO.:	20094	4.	-	-	-	-
SHEET NO.:	01 OF 04	5.	-	-	-	-

SECTION- 15 TOWNSHIP- 51 S RANGE- 26 E

p:\20094 magdalener collier blvd env assessment\CADE\A\20094-EIA.dwg FLUCFCS 9/28/2020



FLUCFCS	DESCRIPTION	AREA (AC)
411E2	PINE FLATWOODS	0.94
411E3	PINE FLATWOODS	0.27
612	MANGROVE SWAMPS	2.23
617E1	MIXED WETLAND HARDWOODS	4.79
617E1*	MIXED WETLAND HARDWOODS	0.69
619E4	EXOTIC WETLAND HARDWOODS	3.00
625E2	HYDRIC PINE FLATWOODS	0.68
630E1	WETLAND FORESTED MIXED	0.26
6413	FRESHWATER MARSHES (SPIKE RUSH)	5.10
6413E1	FRESHWATER MARSHES (SPIKE RUSH)	0.54
TOTAL		18.50

NOTES:
E1: INDICATES AREAS CONTAINING 10-25% EXOTIC SPECIES.
E2: INDICATES AREAS CONTAINING 25-50% EXOTIC SPECIES.
E3: INDICATES AREAS CONTAINING 50-75% EXOTIC SPECIES.
E4: INDICATES AREAS CONTAINING 75-100% EXOTIC SPECIES.
* EMERGENT HABITAT

UPLAND (ACRES):	1.21
WETLAND (ACRES):	17.29
PROJECT (ACRES):	18.50

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

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

MAGDALENER-COLLIER BLVD

FLUCFCS MAP

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

		REV#:	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	MN	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	09-27-20	3.	-	-	-	-
JOB NO.:	20094	4.	-	-	-	-
SHEET NO.:	02 OF 04	5.	-	-	-	-

SECTION- 15 TOWNSHIP- 51S RANGE- 26E

p:\20094 magdalener collier blvd env assessment\CADE\A\20094-EIA.dwg FLUCFCS (LINE) 9/28/2020

FLUCFCS	DESCRIPTION	AREA (AC)
411E2	PINE FLATWOODS	0.94
411E3	PINE FLATWOODS	0.27
612	MANGROVE SWAMPS	2.23
617E1	MIXED WETLAND HARDWOODS	4.79
617E1*	MIXED WETLAND HARDWOODS	0.69
619E4	EXOTIC WETLAND HARDWOODS	3.00
625E2	HYDRIC PINE FLATWOODS	0.68
630E1	WETLAND FORESTED MIXED	0.26
6413	FRESHWATER MARSHES (SPIKE RUSH)	5.10
6413E1	FRESHWATER MARSHES (SPIKE RUSH)	0.54
TOTAL		18.50

NOTES:
E1: INDICATES AREAS CONTAINING 10-25% EXOTIC SPECIES.
E2: INDICATES AREAS CONTAINING 25-50% EXOTIC SPECIES.
E3: INDICATES AREAS CONTAINING 50-75% EXOTIC SPECIES.
E4: INDICATES AREAS CONTAINING 75-100% EXOTIC SPECIES.
* EMERGENT HABITAT

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

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

MAGDALENER-COLLIER BLVD

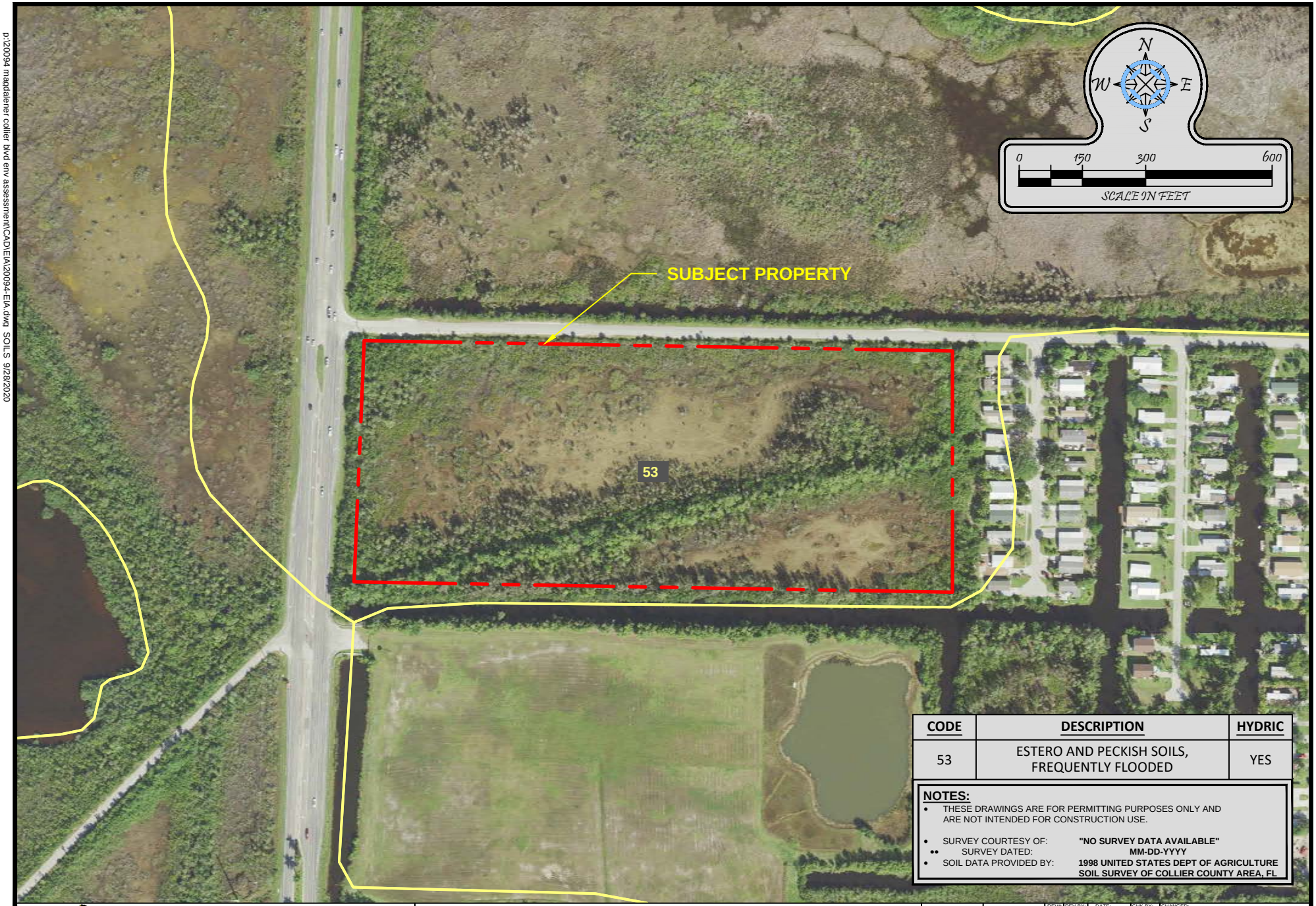
FLUCFCS MAP WITH NO HATCH

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

		REV#:	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	MN	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	09-27-20	3.	-	-	-	-
JOB NO.:	20094	4.	-	-	-	-
SHEET NO.:	03 OF 04	5.	-	-	-	-

SECTION- 15 TOWNSHIP- 51S RANGE- 26E

p:\20094 magdalener collier blvd env assessment\CAD\EIA\20094-EIA.dwg SOILS 9/28/2020



CODE	DESCRIPTION	HYDRIC
53	ESTERO AND PECKISH SOILS, FREQUENTLY FLOODED	YES

NOTES:

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- SURVEY COURTESY OF: **"NO SURVEY DATA AVAILABLE"**
- SURVEY DATED: **MM-DD-YYYY**
- SOIL DATA PROVIDED BY: **1998 UNITED STATES DEPT OF AGRICULTURE SOIL SURVEY OF COLLIER COUNTY AREA, FL**

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

MAGDALENER-COLLIER BLVD

SOILS MAP

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

		REVS:	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	MN	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	09-27-20	3.	-	-	-	-
JOB NO.:	20094	4.	-	-	-	-
SHEET NO.:	04 OF 04	5.	-	-	-	-

SECTION- 15 TOWNSHIP- 51 S RANGE- 26 E

APPENDIX I
Photographs

Typical Buttonwood habitat

Typical Marsh Habitat

Typical Pine flatwood (less mesic)

Typical Pine flatwood (more mesic)

Mangrove habitats

(Mangrove, buttonwood and cattail along roadway)

Mixed Wetland Hardwood (dense exotics)

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
FORT MYERS REGULATORY OFFICE
1520 Royal Palm Square Boulevard, Suite 310
FORT MYERS, FLORIDA 33919

DEPARTMENT OF THE ARMY PERMIT

Permittee: Rookery Bay Business Park, LLC
1307 Riverhead Avenue
Marco Island, Florida 34145

Permit No: SAJ-2004-1813(IP-MAE)

Issuing Office: US Army Engineer District, Jacksonville

NOTE: The term "you" and its derivatives, as used in this permit, mean the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the US Army Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: Authorization for the construction of a commercial / light industrial commerce park to be known as "ASGM Business Center" on a 40.88± acre project site. The project will require impacts to 30.71± acres of jurisdictional wetlands and 0.30± acres of open waters by filling with approximately 161,346 cubic yards of fill. The work is to be completed in accordance with the attached plans numbered SAJ-2004-1813(IP-MAE) 3 sheets dated 7 September 2004. These drawings can be found in Attachment A, which is attached to, and becomes part of, this permit.

Project Location: The 40.88± acre project site is located in freshwater-forested and herbaceous wetlands in the West Collier Drainage Basin. The project site is located on the east side of S.R. 951 in Section 10, Township 51 South, Range 26 East, Collier County, Florida. Latitude 26°02'22" North, Longitude 81°41'53" West

Permit Conditions:
General Conditions:

1. The time limit for completing the work authorized ends on **4 January 2012.** If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature and mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached (see Attachment B).

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

7. The permittee understands and agrees that, if in the future, operation by the United States require the removal, relocation or other alteration of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of such removal or alteration.

Special Conditions:

1) The permittee shall notify the Corps of Engineers in writing at least 48 hours prior to commencement of the work authorized by this permit and shall provide a written status report every six months until the authorized work has been completed.

2) Within 60 days of completion of the work authorized and mitigation, the permittee shall complete and submit a Self-Certification Statement of Compliance (Attachment C) to the U.S. Army Corps of Engineers.

3) The Standard Protection Measures for Eastern Indigo Snakes shall be implemented throughout project construction. (Attachment E)

4) The permittee shall perform on-site compensatory mitigation for unavoidable wetland impacts by preserving and enhancing 7.93 acres of wetland habitat. The on-site mitigation areas shall be enhanced, maintained, managed and preserved in perpetuity.

5) The applicant shall purchase 13.65 credits from Panther Island Mitigation Bank.

6) The applicant shall commence construction of the on-site mitigation concurrent with the onset of wetland impacts.

7) The permittee shall monitor the on-site 7.93 mitigation acres. Monitoring shall consist of baseline monitoring (prior to mitigation construction), time-zero monitoring (within 30 days following completion of the mitigation work), and annual monitoring reports thereafter. The baseline monitoring and time-zero monitoring reports shall be submitted to the Corps within 60 days of data collection. All monitoring reports shall be mailed to the U.S. Army Corps of Engineers, Regulatory Division, Enforcement & Special Studies Branch, P.O. Box 4970, Jacksonville, Florida 32232-0019. Each monitoring report shall include data collected on vegetation, wildlife, rainfall, wetland water levels and other information as described in the Mitigation Plan and shall also include the following items:

    1. Department of the Army Permit number;
    2. Sequence number of the report being submitted;
    3. Date the next report is expected to be submitted, and
    4. Brief summary of the status of the mitigation including any problems encountered and the remedial actions taken.

8) Annual monitoring shall continue for a minimum of five years or until the success criteria has been met for three consecutive years following the last supplemental planting of native vegetation. A request for a final inspection shall be submitted with the last monitoring report. The Corps of Engineers shall make the success determination.

9) The 7.93 acres of on-site mitigation areas shall be enhanced and managed in perpetuity for the control of invasive exotic vegetation as defined by the Florida Exotic Pest Plant Council's 2001 List of Invasive Species (Category 1) (http://fleppc.org). There shall be no invasive exotic vegetation or nuisance plant species of seed bearing size in the mitigation area. Plants over three feet in height are considered to be seed bearing in size. At no time should the density of invasive exotic vegetation or nuisance plant species smaller than seed bearing size exceed 1% of the areal cover in any individual stratum. At no time shall the total density of invasive exotic vegetation or nuisance plant species smaller than seed bearing size exceed a total of 5% for all strata. At the end of the five-year monitoring, the mitigation area will contain 80% desirable native vegetation. If 80% desirable native vegetation is not achieved, a supplemental vegetation-planting plan will be coordinated with SFWMD staff and submitted to Corps of Engineers staff for approval. Preparation of the supplemental planting plan and installation of the plantings, if necessary, will be the responsibility of the permittee.

10) The permittee shall ensure that the 7.93 acres of on-site preserve areas would remain in a natural state in perpetuity. The natural preserve areas are not to be disturbed by any dredging, filling, land clearing, agricultural activities, planting or any other construction work whatsoever, except as necessary to comply with the exotic removal and any supplemental plantings. The permittee shall agree that the only future utilization of the preserved areas will be as a natural area. With the exception of the mitigation plan, any work within the 7.93 acres of on-site preserves must be approved by the Corps of Engineers and may require a modification to the DA permit, additional mitigation or may require re-initiation of consultation with the FWS.

11) The permittee shall prepare a legally sufficient conservation easement for the 7.93-acre on-site preserve. The SFWMD will be the grantee for the on-site conservation areas. Any impacts or work in the 7.93-acre on-site preserve not authorized by the permit or specifically identified in the Mitigation and Monitoring plan (Attachment D) will require Department of the Army authorization, either as a modification or a separate authorization and may require additional mitigation.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

( ) Section 10 of the Rivers and Harbors Act of 1899
(33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, and local authorization required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces, which this office did not consider in reaching the original public interest, decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Maury Dailey 1/4/07

(PERMITTEE) (DATE)

Maury Dailey, Rookery Bay Business Park, LLC.

(TYPE OR PRINT PERMITTEE NAME AND TITLE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

(DISTRICT ENGINEER) (DATE)
Loren M. Mason, Ph.D.
Acting Chief, Regulatory Division

THIS PERMIT CONTAINS 5 ATTACHMENTS, TOTALING 13 PAGES

Attachment A – PERMIT DRAWINGS (3 Sheets dated 7 September 2004)

Attachment B – WATER QUALITY CERTIFICATION (South Florida Water Management District Special Conditions in accordance with the General Condition number 5 on page 2 of this DA permit – 4 Pages)

Attachment C – SELF-CERTIFICATION STATEMENT OF COMPLIANCE (1 Page)

Attachment D – MITIGATION PLANS 4 August 2003 (4 pages)

Attachment E – STANDARD PROTECTION MEASURES FOR THE EASTERN INDIGO SNAKE (1 Page)

Permit Transfer: When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

_____ _____

(PERMITTEE – SIGNATURE AND TITLE DATE
Rookery Bay Business Park, LLC
1307 Riverhead Avenue
Marco Island, Florida 34145

PERMIT NUMBER: SAJ-2004-1813(IP-MAE)

LOCATION & AUTHORIZED WORK: The 40.88± acre project site is located in freshwater-forested and herbaceous wetlands in the West Collier Drainage Basin. The project site is located on the east side of S.R. 951 in Section 10, Township 51 South, Range 26 East, Collier County, Florida. Latitude 26°02'22" North, Longitude 81°41'53" West

Authorization for the construction of a commercial / light industrial commerce park to be known as "ASGM Business Center" on a 40.88± acre project site. The project will require impacts to 30.71± acres of jurisdictional wetlands and 0.30± acres of open waters by filling with approximately 161,346 cubic yards of fill.

_____ _____

(TRANSFEREE - SIGNATURE) (DATE)

_____

(NAME AND TITLE - PRINTED/TYPED)

_____

(NAME AND ADDRESS (CITY, STATE, AND ZIP CODE) - PRINTED/TYPED)

_____

(TELEPHONE NUMBER)

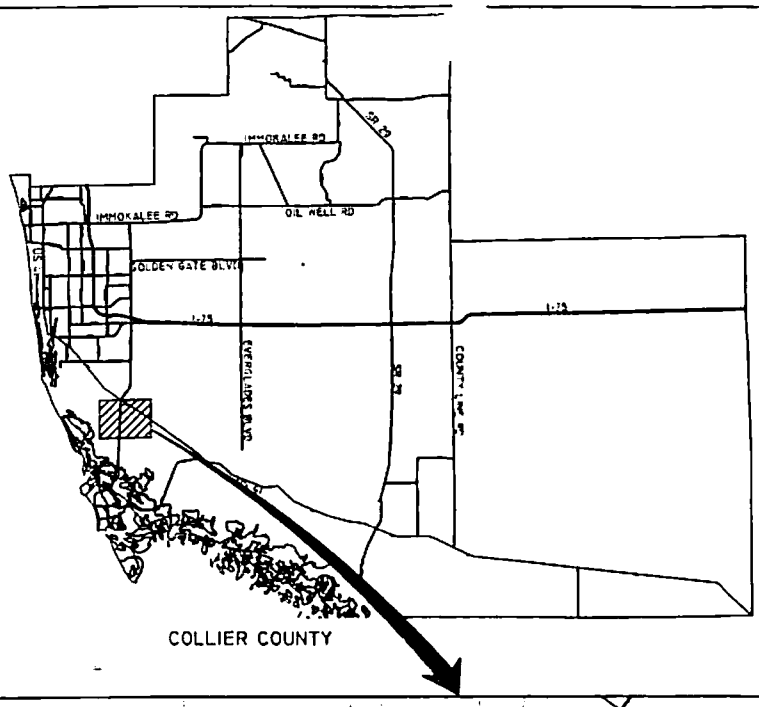
The above transfer agreement should be completed and mailed to the local Corps of Engineers Regulatory Office or to:

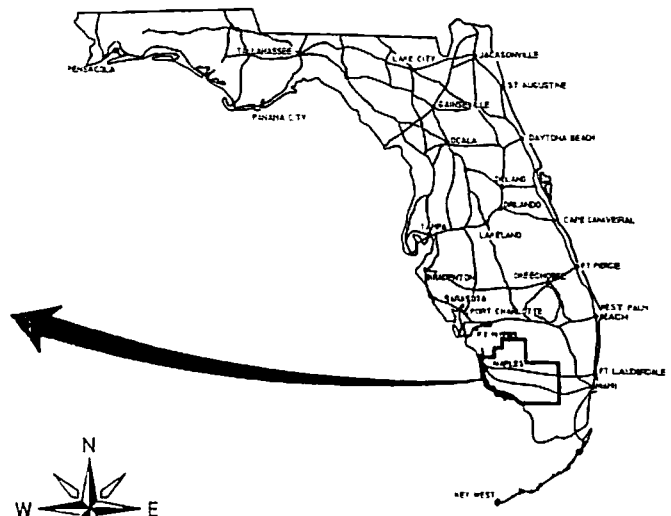
U.S. Army Corps of Engineers, Jacksonville District
ATTN: Regulatory Division, Enforcement Branch
P.O. Box 4970
Jacksonville, Florida 32232-0019

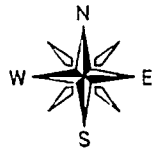
SAJ-2004-1813 (IP-MAE)
ASGM Business Park

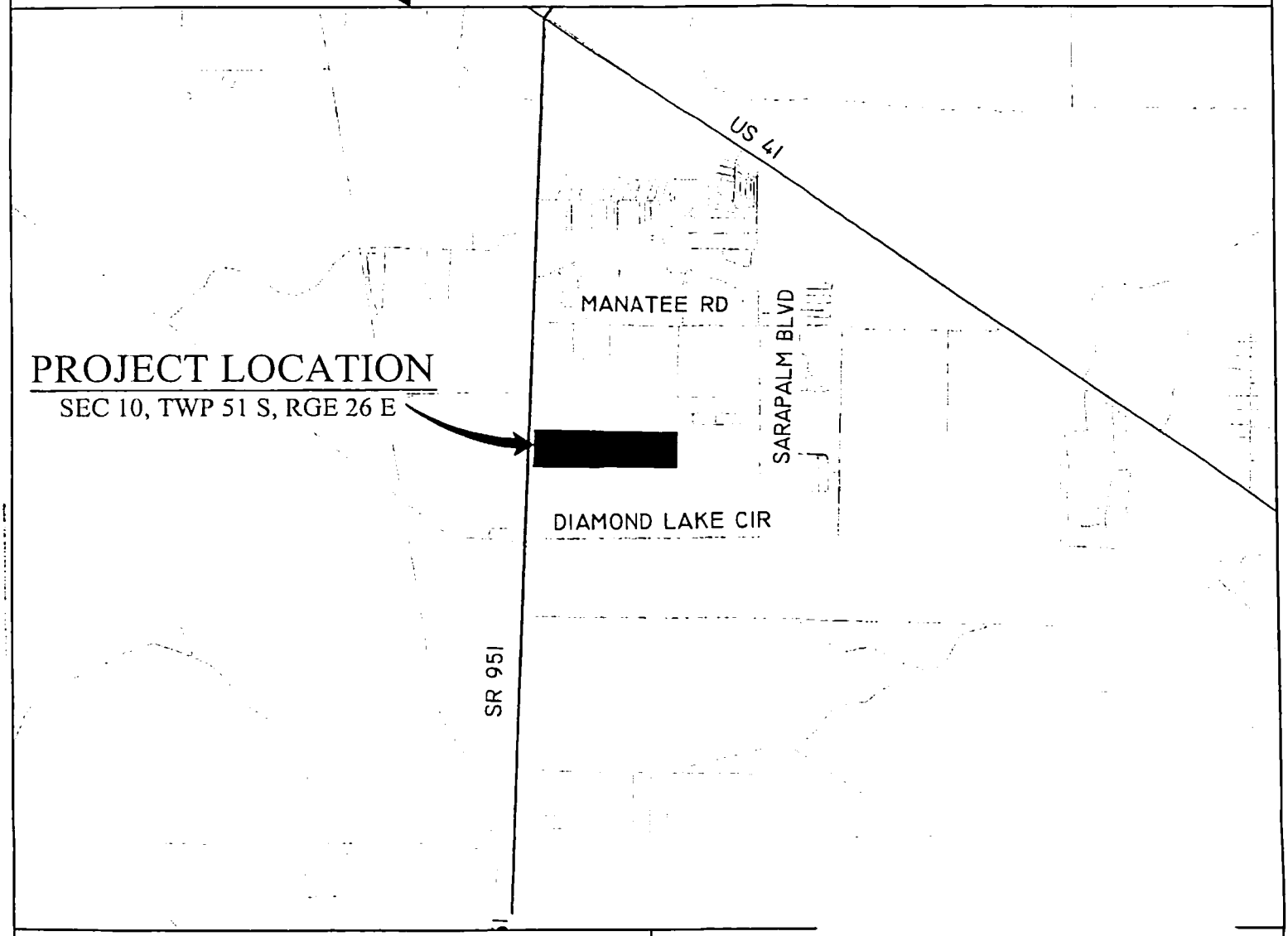
ATTACHMENT A:
PERMIT DRAWINGS

3 Sheets dated 7 September 2004







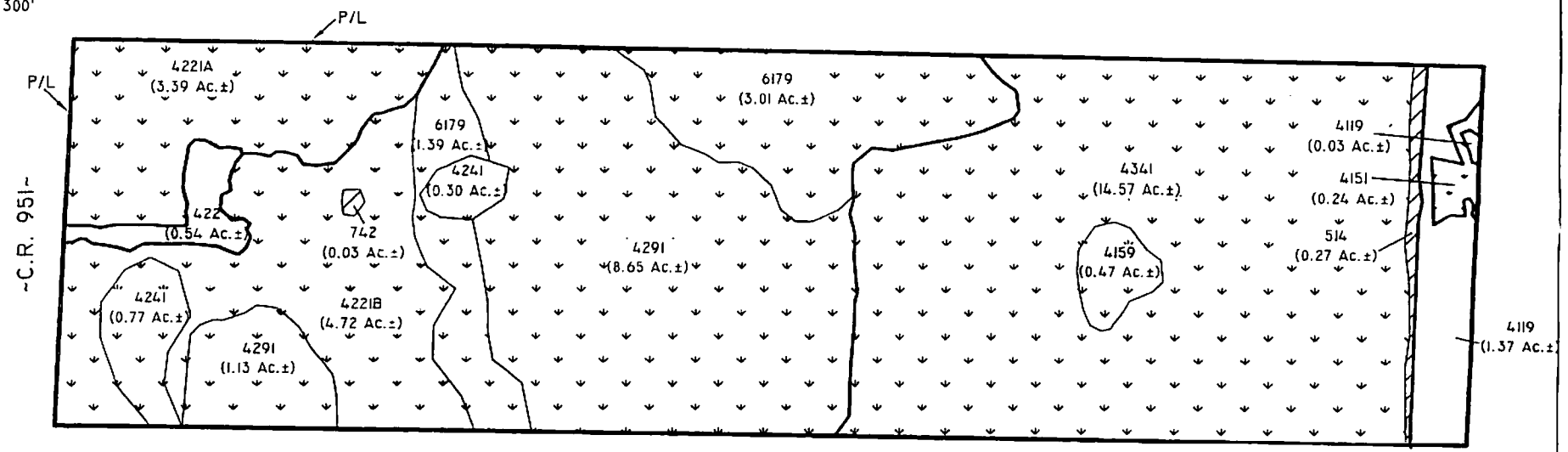


PROJECT LOCATION

SEC 10, TWP 51 S, RGE 26 E

PROJECT NAME: ASGM BUSINESS CENTER OF NAPLES PUD	PROJECT LOCA SAJ-2004-1813 (IP-MAE)
	DWG. NO. 00M ASGM Business Park
APPLICANT: MARTIN L. ADLER	DRAWN BY: D. 7 September 2004
	REVISIONS:

SCALE: 1" = 300'



LEGEND:

COE WETLANDS (38.64 Ac.±)

COE "WATERS OF THE U.S." (0.30 Ac.±)

SURVEYED WETLAND LINE

FLUCFCS CODE	DESCRIPTION	ACREAGE	% OF TOTAL
4119	PINE FLATWOODS, DISTURBED	1.40Ac.±	3.4%
4151	PINE, HYDRIC	0.24Ac.±	0.6%
4159	PINE, DISTURBED, HYDRIC	0.47Ac.±	1.1%
422	BRAZILIAN PEPPER	0.54Ac.±	1.3%
4221	BRAZILIAN PEPPER, HYDRIC	8.11Ac.±	19.8%
4241	MELALEUCA, HYDRIC	1.07Ac.±	2.6%
4291	WAX-MYRTLE/WILLOW, HYDRIC	9.78Ac.±	23.9%
4341	HARDWOOD-CONIFER, MIX	14.57Ac.±	35.6%
514	DRAINAGE CANAL	0.27Ac.±	0.7%
6179	MIXED WETLAND HARDWOODS, DISTURBED	4.40Ac.±	10.8%
742	BORROW AREA	0.03Ac.±	0.1%
	TOTAL	40.88Ac.±	100.0%

NOTES:

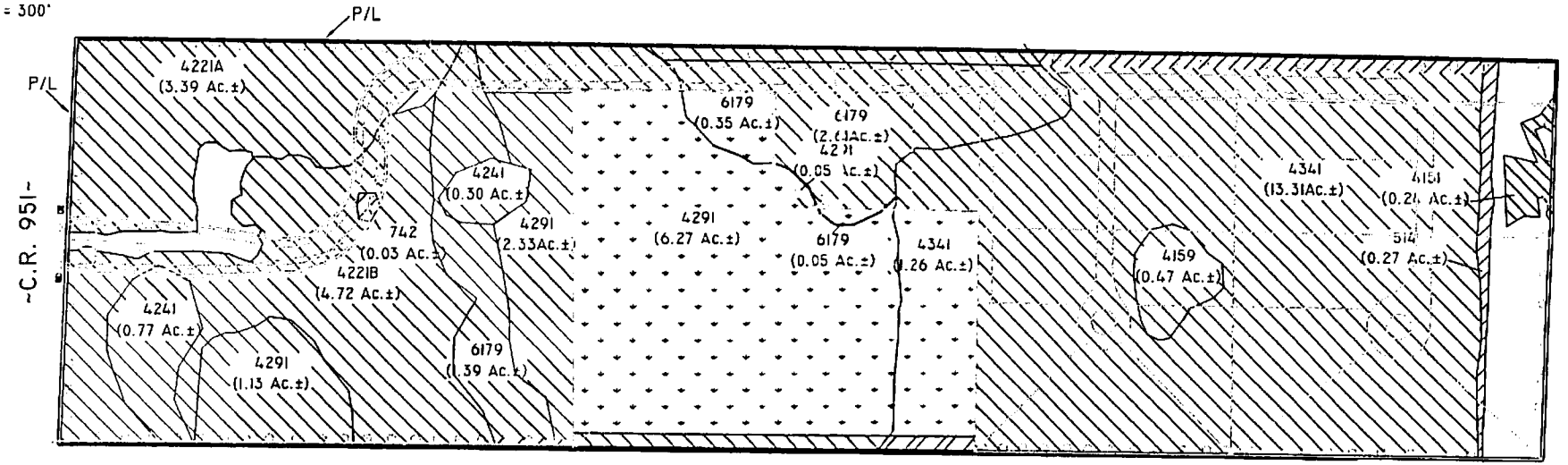
FLUCFCS LINES ESTIMATED FROM 1"=200' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

FLUCFCS PER FLORIDA LAND USE, COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FDOT 1985).

PROPERTY BOUNDARY AND WETLAND LINES PER CONSUL-TECH ENGINEERING, INC. DRAWING No. C-687 DATE 4/2/01.

PROJECT NAME: ASGM BUSINESS CENTER OF NAPLES PUD	COE FLUCFCS AND WETLANDS MAP	SAJ-2004-1813 (IP-MAE)
	DWG. No. 00MDD560-4	ASGM Business Park
APPLICANT: MARTIN L. ADLER	DRAWN BY: D.B.	7 September 2004
	REVISIONS:	Page 2 of 3

SCALE: 1" = 300'



LEGEND:

- WETLAND PRESERVE (7.93 Ac.±)
- WETLAND FILL (30.71 Ac.±)
- WATERS OF THE U.S. FILL (0.30 Ac.±)

FLUCFCS CODE	WETLAND PRESERVE	WETLAND FILL	WATERS OF THE U.S. FILL	TOTAL
4151	-	0.24 Ac.±	-	0.24 Ac.±
4159	-	0.47 Ac.±	-	0.47 Ac.±
4221A	-	3.39 Ac.±	-	3.39 Ac.±
4221B	-	4.72 Ac.±	-	4.72 Ac.±
4241	-	1.07 Ac.±	-	1.07 Ac.±
4291	6.27 Ac.±	3.51 Ac.±	-	9.78 Ac.±
4341	1.26 Ac.±	13.31 Ac.±	-	14.57 Ac.±
514	-	4.00 Ac.±	0.27 Ac.±	4.27 Ac.±
6179	0.40 Ac.±	-	-	0.40 Ac.±
742	-	-	0.03 Ac.±	0.03 Ac.±
TOTAL	7.93 Ac.±	30.71 Ac.±	0.30 Ac.±	38.94 Ac.±

NOTES:

FLUCFCS LINES ESTIMATED FROM 1"=200' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

FLUCFCS PER FLORIDA LAND USE, COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FDOT 1985).

PROPERTY BOUNDARY AND WETLAND LINES PER CONSUL-TECH ENGINEERING, INC. DRAWING No. C-687 DATE 4/2/01.

SITE PLAN PER Q. GRADY MINOR AND ASSOCIATES, INC. DRAWING No. ADL-BSE.DWG DATED JULY 23, 2003.

SAJ-2004-1813 (IP-MAE)
ASGM Business Park
7 September 2004
Page 3 of 3

PROJECT NAME: ASGM BUSINESS CENTER OF NAPLES PUD	COE WETLAND IMPACT MAP	
	DWG. No. 00MDD560-5	
APPLICANT: MARTIN L. ADLER	DRAWN BY: D.B.	
	REVISIONS:	SCALE: 1"=300'

SAJ-2002-2926 (IP-MAE)
The Forum

ATTACHMENT B:
WATER QUALITY CERTIFICATION

SFWMD Permit No. 11-02506-P issued 14 June 2006
20 Special Conditions
(4 Pages)

PERMIT FILE

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL RESOURCE PERMIT NO. 11-02506-P
DATE ISSUED: JUNE 14, 2006

FORM #0145
Rev. 05/96

PERMITTEE: MARTIN S ADLER
(ASGM BUSINESS PARK)
4 CARAMEL COURT,
COMACK, NY 11725

PROJECT DESCRIPTION: CONSTRUCTION AND OPERATION OF A SURFACE WATER MANAGEMENT SYSTEM SERVING 16.35 ACRES OF COMMERCIAL DEVELOPMENT KNOWN AS ASGM BUSINESS CENTER OF NAPLES AND CONCEPTUAL APPROVAL OF A SURFACE WATER MANAGEMENT SYSTEM SERVING THE REMAINING 24.53 ACRES OF THE PROJECT WITH DISCHARGE INTO WATERS OF THE GULF OF MEXICO VIA THE EXISTING C.R. 951 ROADSIDE SWALE.

PROJECT LOCATION: COLLIER COUNTY, SECTION 10 TWP 51S RGE 26E

PERMIT DURATION: See Special Condition No:1. See attached Rule 40E-4.321, Florida Administrative Code.

This Permit is issued pursuant to Application No. 040210-15, dated June 25, 2004. Permittee agrees to hold and save the South Florida Water Management District and its successors harmless from any and all damages, claims or liabilities which may arise by reason of the construction, operation, maintenance or use of activities authorized by this Permit. This Permit is issued under the provisions of Chapter 373, Part IV Florida Statutes (F.S.), and the Operating Agreement Concerning Regulation Under Part IV, Chapter 373 F.S., between South Florida Water Management District and the Department of Environmental Protection. Issuance of this Permit constitutes certification of compliance with state water quality standards where neccessary pursuant to Section 401, Public Law 92-500, 33 USC Section 1341, unless this Permit is issued pursuant to the net improvement provisions of Subsections 373.414(1)(b), F.S., or as otherwise stated herein.

This Permit may be transferred pursuant to the appropriate provisions of Chapter 373, F.S, and Sections 40E-1.6107(1) and (2), and 40E-4.351(1), (2), and (4), Florida Administrative Code (F.A.C.). This Permit may be revoked, suspended, or modified at any time pursuant to the appropriate provisions of Chapter 373, F.S. and Sections 40E-4.351(1), (2), and (4), F.A.C.

This Permit shall be subject to the General Conditions set forth in Rule 40E-4.381, F.A.C., unless waived or modified by the Governing Board. The Application, and the Environmental Resource Permit Staff Review Summary of the Application, including all conditions, and all plans and specifications incorporated by reference, are a part of this Permit. All activities authorized by this Permit shall be implemented as set forth in the plans, specifications, and performance criteria as set forth and incorporated in the Environmental Resource Permit Staff Review Summary. Within 30 days after completion of construction of the permitted activity, the Permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual, pursuant to the appropriate provisions of Chapter 373, F.S. and Sections 40E-4.361 and 40E-4.381, F.A.C.

In the event the property is sold or otherwise conveyed, the Permittee will remain liable for compliance with this Permit until transfer is approved by the District pursuant to Rule 40E-1.6107, F.A.C.

SPECIAL AND GENERAL CONDITIONS ARE AS FOLLOWS:

SEE PAGES 2 - 4 OF 7 (20 SPECIAL CONDITIONS).
SEE PAGES 5 - 7 OF 7 (19 GENERAL CONDITIONS).

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT, BY ITS GOVERNING BOARD

On ORIGINAL SIGNED BY:
By ELIZABETH VEGUILLA
DEPUTY CLERK

SPECIAL CONDITIONS

1. The conceptual phase of this permit shall expire on June 14, 2008. The construction phase of this permit shall expire on June 14, 2011.

2. Operation of the surface water management system shall be the responsibility of ASGM BUSINESS OF NAPLES OWNERS ASSOCIATION, INC. Within one year of permit issuance or concurrent with the engineering certification of construction completion, whichever comes first, the permittee shall submit a copy of the recorded deed restrictions (or declaration of condominium, if applicable), a copy of the filed articles of incorporation, and a copy of the certificate of incorporation for the association.

3. Discharge Facilities:

Structure: CS-1

1-.7' W X 1.55' H SHARP CRESTED weir with crest at elev. 5' NGVD.
1-.55' dia. CIRCULAR ORIFICE with invert at elev. 4.2' NGVD.

Receiving body : S.R. 951 roadside ditch
Control elev : 4.2 feet NGVD.

Structure: Overflow structure

1-32' W X .5' H SHARP CRESTED weir with crest at elev. 5.8' NGVD.
1-.25' dia. CIRCULAR ORIFICE with invert at elev. 4.2' NGVD.

Receiving body : Conservation Area
Control elev : 4.2 feet NGVD.

4. Prior to to commencement of construction in wetlands and in accordance with the work schedule in Exhibit No. 3.6, the permittee shall submit documentation from the Florida Department of Environmental Protection that 14.11 freshwater forested mitigation bank credits have been deducted from the ledger for Panther Island Mitigation Bank.

5. Permanent physical markers designating the preserve status of the wetland preservation areas and buffer zones shall be placed as shown within the plans. The markers shall be maintained in perpetuity.

6. Prior to the commencement of construction resulting in wetland impacts and in accordance with the work schedule in Exhibit No. 3.6, the permittee shall submit two certified copies of the recorded conservation easement for the mitigation area and associated buffers. 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. This data should reside on a CD or floppy disk and be submitted to the District's Environmental Resource Compliance Division in the service area office where the application was submitted.

The recorded easement shall be in substantial conformance with Exhibit 3.4. Any proposed modifications to the approved form must receive prior written consent from the District. The easement must be free of encumbrances or interests in the easement which the District determines are contrary to the intent of the easement. In the event it is later determined that there are 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.

7. 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.

8. An average 25' wide, minimum 15', buffer of undisturbed upland vegetation shall be maintained between the proposed development and existing wetlands. Buffers shall be staked and roped and District environmental staff notified for inspection prior to clearing..

9. Prior to any future construction, the permittee shall apply for and receive a permit modification. As part of the permit application, the applicant for that phase shall provide documentation verifying that the proposed construction is consistent with the design of the master surface water management system, including the land use and site grading assumptions.

10. A maintenance program shall be implemented in accordance with Exhibit No. 3.2 for the preserved wetland and other surface waters 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 area is maintained free from Category 1 exotic vegetation (as defined by the Florida Exotic Pest Plant Council at the time of permit issuance) immediately following a maintenance activity. Coverage of exotic and nuisance plant species shall not exceed 5% of total cover 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.

11. A monitoring program shall be implemented in accordance with Exhibit No. 3.2. The monitoring program shall extend for a period of 5 years with annual reports submitted to District staff. At the end of the first monitoring period the mitigation area shall contain an 80% survival of planted vegetation. The 80% survival rate shall be maintained throughout the remainder of the monitoring program, with replanting as necessary. If native wetland, transitional, and upland species do not achieve an 80% coverage within the initial two years of the monitoring program, native species shall be planted in accordance with the maintenance program. At the end of the 5 year monitoring program the entire mitigation area shall contain an 80% survival of planted vegetation and an 80% coverage of desirable obligate and facultative wetland species.

12. 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. 3.6. 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.

13. The wetland conservation areas and other surface water buffer zones shown on Exhibit 3.3 may in no way be altered from their natural or permitted state. Activities prohibited within the conservation areas include, but are not limited to: construction or placing of buildings on or above the ground; dumping or placing soil or other substances such as trash; removal or destruction of trees, shrubs, or other vegetation - with the exception of exotic vegetation removal; excavation, dredging, or removal of soil materials; diking or fencing; and any other activities detrimental to drainage, flood control, water conservation, erosion control, or fish and wildlife habitat conservation or preservation.

14. 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.

15. The areas to be temporarily disturbed by the installation of control structures in wetlands will be backfilled and replanted in accordance with Exhibit No. 3.2 within 30 days of installation. Monitoring of the replanted areas shall consist of photos

taken from fixed point photostations as shown on Exhibit No. 3.3. Monitoring of temporary impact areas shall be done concurrently with other required monitoring for the ASGM Business Park.

16. The Permittee shall utilize the criteria contained in the Stormwater Pollution Prevention Plan (Exhibit "D" of the Property Owners Association documents) and on the applicable approved construction drawings for the duration of the projects construction activities

17. The Permittee shall utilize the criteria contained in the Urban Stormwater Management Program (Exhibit "E" of the Property Owners Association Documents) for post construction activities.

18. All commercial lots shall provide a minimum dry pre-treatment volume of 1/2 inch of runoff prior to discharge into the master surface water management system based on the 82% of impervious cover. Additional water quality and attenuation shall be provided onsite if the impervious area on these tracts exceeds the allowable percentage.

19. Prior to submittal of any application for additional construction authorization within the conceptual authorization, including the commercial lots, the permittee shall coordinate with the DEP CERP project staff to address potential for the incorporation of an easement to convey runoff in association with the Henderson Creek / Belle Meade Restoration CERP project.

20. A mitigation program for ASGM Business Park shall be implemented in accordance with Exhibit No. 3.2. The permittee shall enhance and preserve 6.67 acres of wetland compensation areas.

SAJ-2004-1813 (IP-MAE)
ASGM Business Park

ATTACHMENT C:
SPECIAL CONDITIONS

Self-Certification Statement of Compliance
(1 page)

SELF-CERTIFICATION STATEMENT OF COMPLIANCE

Permit Number: SAJ-2004-1813(IP-MAE)

Permittee's Name and Address (please print or type):

_____

_____

_____

Telephone Number: _____

Location of the Work:

_____

_____

_____

Date Work Started: _____

Date Work Completed: _____

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

_____

Describe Mitigation Completed (if applicable):

_____

_____

_____

Describe any Deviations from the approved permit drawings and special conditions (attach drawing(s) depicting the deviations):

_____

_____

_____

_____

****

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

_____ _____

Signature of Permittee Date

SAJ-2004-1813 (IP-MAE)
ASGM Business Park

ATTACHMENT D:
SPECIAL CONDITIONS

Mitigation Plans
4 August 2003
(4 pages)

ASGM BUSINESS CENTER OF NAPLES PUD
SOUTH FLORIDA WATER MANAGEMENT DISTRICT
WETLAND MITIGATION/MONITORING/MAINTENANCE PLAN

August 4, 2003

INTRODUCTION

The following outlines the wetland mitigation, monitoring, and maintenance plan for the 40.88± acre ASGM Business Center of Naples Planned Unit Development located in Section 10, Township 51 South, Range 26 East, Collier County, Florida. In order to offset the loss of wetland functions due to proposed construction activities, a total of 7.93± acres of on-site wetlands and "other surface waters" will be enhanced and preserved. Enhancement activities will include the removal and long-term maintenance of exotic species. The mitigation work will be done concurrently with the construction of infrastructure and surface water management system.

ON-SITE MITIGATION PLAN

The wetland mitigation plan consists of the following:

- 6.67± acres of wetland enhancement by hand removal of exotics
- 1.26± acres of "other surface waters" enhancement by hand removal of exotics

The location of the mitigation areas is shown on the mitigation and monitoring plan (Figure 5). Table 1 provides a breakdown of the existing and proposed habitat types within the mitigation area.

Table 1. Mitigation Acreages and Existing and Proposed Habitats

Mitigation Area	Existing Habitat	Exotic Coverage	Existing FLUCFCS Code	Mitigation Area Target Habitat	Approximate Mitigation Acreage
1	Wax-Myrtle-Willow, Hydric	<50%	4291	Wax-Myrtle-Willow, Hydric	6.27
	Hardwood-Conifer Mix	<50%	4341	Hardwood-Conifer Mix	1.26
	Mixed Wetland Hardwoods, Disturbed	<50%	6179	Mixed Wetland Hardwoods	0.40
	Total				7.93

Mitigation Area No. 1

Wax-Myrtle/Willow, Hydric (FLUCFCS Code 4291)
The canopy includes slash pine (*Pinus elliottii*) and cabbage palm (*Sabal palmetto*). The sub-canopy includes slash pine, cabbage palm, wax-myrtle (*Myrica cerifera*), primrose willow (*Ludwigia peruviana*), Brazilian pepper (*Schinus terebinthifolius*), and Java plum (*Syzigium cumini*). The ground cover includes saltbush (*Baccharis halimifolia*), swamp fern (*Blechnum serrulatum*), red root (*Lachnanthes caroliniana*), bushy bluestem grass (*Andropogon* sp.), muscadine grape (*Vitis munsoniana*), rosy camphorweed (*Pluchea rosea*), climbing hempweed (*Mikania scandens*), yellow-eyed grass (*Xyris* sp.), and St. John's wort (*Hypericum* sp.).

Hardwood-Conifer, Mix (FLUCFCS Code 4341)
The canopy includes swamp laurel oak (*Quercus laurifolia*) and slash pine. The sub-canopy includes swamp laurel oak, slash pine, wax-myrtle, Brazilian pepper, live oak (*Quercus virginiana*), and myrsine (*Rapanea punctata*). The ground cover includes bushy bluestem grass, swamp fern, red root, beak-rush (*Rhynchospora inundata*), saw grass (*Cladium jamaicense*), and climbing hempvine.

Mixed Wetland Hardwoods, Disturbed (FLUCFCS Code 6179)
The canopy is dominated by swamp laurel oak. The sub-canopy includes cabbage palm, swamp laurel oak, melaleuca (*Melaleuca quinquenervia*), and Brazilian pepper. The ground cover includes bushy bluestem grass, saltbush, and chain fern (*Woodwardia virginica*).

Mitigation habitats will be enhanced by the hand removal of exotic plant species. Hand removal will be either: (1) felling of exotic trees, hand removal, and herbicide treatment of the stumps; (2) girdling of exotic trees, herbicide treatment of the cambium, and left standing; (3) foliar application of herbicide and left standing; or (4) hand pulling. In areas where the density of melaleuca trees exceeds 50 percent, cuttings will either be removed from the site or stacked in piles at approximately 100 foot intervals. If left on the site, smaller cuttings will be stacked butt end to the ground into a nearly vertical position. Larger cuttings will be cut and stacked side by side into an area approximately six feet on a side. Cuttings will be stacked perpendicular to the previous layer up to a height of approximately four feet.

MITIGATION SUCCESS CRITERIA FOR ON-SITE ENHANCEMENT AREAS

The on-site mitigation within the enhancement areas shall be considered successful if at the end of five years the wetland enhancement areas contain at least 80 percent cover by desirable obligate and facultative wetland plant species and the enhancement areas contain no more than five percent total cover by exotic and nuisance plant species. The enhancement areas shall be free from exotic vegetation immediately following a maintenance activity and should consist of no more than five percent of total coverage of exotic and nuisance vegetation between maintenance activities. Exotic and nuisance vegetation species are identified as those species listed by the Exotic Pest Plant Council at the time of permit issuance.

ON-SITE MONITORING

Monitoring Methodology

Monitoring of the enhanced wetlands will consist of baseline and annual monitoring of vegetation, wildlife, rainfall, and wetland water levels. The baseline report will document conditions in the preserves as they currently exist. The annual reports will document conditions following enhancement activities and document the extent of success of the project. If needed, the annual reports will identify specific actions to be taken to improve the conditions within the project area. Sampling methodology for the baseline and annual reports will utilize identical methods of data collection from identical sampling stations.

Vegetation Monitoring

Wetland vegetation will be monitored prior to and following enhancement activities. Vegetation sampling in wetland enhancement areas will involve a visual estimate of canopy, sub-canopy, and ground cover stratum. Species richness and visual estimate of percent cover will be calculated for canopy, sub-canopy, and ground cover stratum.

Wildlife Monitoring

Regular observations of wildlife will be made during the monitoring event by qualified ecologists. Observations will consist of recording evidence and signs of wildlife (i.e., direct sightings, vocalizations, burrows, nests, tracks, droppings, etc.).

Photographic Documentation

Permanent fixed-point photograph stations will be established in the monitored areas providing physical documentation of the condition and appearance of an area, as well as any changes taking place within it. Panoramic photographs will accompany vegetation data in each report. Locations of photo stations will remain the same throughout the duration of the monitoring program.

Rainfall and Staff Gauge

A staff gauge will be installed within the enhanced wetland area. The gauges will be read approximately every 30 days during the dry season (November through May) and every 14 days during the wet season (June through October). Staff gauge data will be summarized in the annual monitoring reports along with available rainfall data for the area.

MONITORING REPORTS

The permittee will submit annual monitoring reports to the SFWMD documenting the success of the maintenance program and general condition of the preservation areas. Within 60 days of permit issuance, the baseline wetland monitoring report will be submitted to the SFWMD. The

first annual monitoring report will be submitted within 60 days of completion of exotic eradication. Annual monitoring reports will include the following information:

- Brief description of maintenance work performed since the previous report along with a discussion of any modifications to the maintenance program.
- Brief description of anticipated maintenance work to be conducted over the next year.
- Results of qualitative vegetation monitoring conducted in the enhanced wetlands. A list of observed wildlife species.
- Panoramic photographs taken at photo stations within the enhanced wetlands.
- Staff gauge data and available local rainfall data.

LONG-TERM MAINTENANCE

Enhancement Areas

Following the completion of the initial exotic removal effort, semi-annual inspections of the enhancement areas will occur for the first two years. During these inspections, the area will be traversed by a qualified ecologist. Locations of nuisance and/or exotic species will be identified for immediate treatment with an approved herbicide. Any additional potential problems will also be noted and corrective actions taken. Once exotic/nuisance species levels within the enhancement areas have been reduced to acceptable limits (i.e., no more than five percent cover), inspections of the enhancement areas will be conducted annually. Maintenance will be conducted in perpetuity to ensure that the enhanced wetlands are free of exotic vegetation (as currently defined by the Exotic Pest Plant Council) immediately following maintenance and that exotic and nuisance species will constitute no more than five percent of total cover.

SAJ-2004-1813 (IP-MAE)
ASGM Business Park

ATTACHMENT E:
SPECIAL CONDITIONS

Standard Protection Measures
for the
Eastern Indigo Snake
(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, 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 and Wildlife Conservation Commission for such activities, are permitted to come in contact with or relocate an eastern indigo snake.

3. If necessary, eastern indigo snakes shall be held in captivity only long enough to transport them to a release site; at no time shall two snakes be kept in the same container during transportation.

4. 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;
    b. summaries of any relocated snakes if relocation was approved for the project (*e.g.*, locations of where and when they were found and relocated);
    c. other obligations required by the Florida Fish and Wildlife Conservation Commission, as stipulated in the permit.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL RESOURCE PERMIT NO. 11-02506-P
DATE ISSUED: JUNE 14, 2006

FORM #0145
Rev. 08/95

PERMITTEE: MARTIN S ADLER
(ASGM BUSINESS PARK)
4 CARAMEL COURT,
COMACK , NY 11725

PROJECT DESCRIPTION: CONSTRUCTION AND OPERATION OF A SURFACE WATER MANAGEMENT SYSTEM SERVING 16.35 ACRES OF COMMERCIAL DEVELOPMENT KNOWN AS ASGM BUSINESS CENTER OF NAPLES AND CONCEPTUAL APPROVAL OF A SURFACE WATER MANAGEMENT SYSTEM SERVING THE REMAINING 24.53 ACRES OF THE PROJECT WITH DISCHARGE INTO WATERS OF THE GULF OF MEXICO VIA THE EXISTING C.R. 951 ROADSIDE SWALE.

PROJECT LOCATION: COLLIER COUNTY , SECTION 10 TWP 51S RGE 26E

PERMIT DURATION: See Special Condition No:1. See attached Rule 40E-4.321, Florida Administrative Code.

This Permit is issued pursuant to Application No. 040210-15 , date(June 25, 2004. Permittee agrees to hold and save the South Florida Water Management District and its successors harmless from any and all damages, claims or liabilities which may arise by reason of the construction, operation, maintenance or use of activities authorized by this Permit. This Permit is issued under the provisions of Chapter 373 , Part IV Florida Statutes (F.S.), and the Operating Agreement Concerning Regulation Under Part IV, Chapter 373 F.S., between South Florida Water Management District and the Department of Environmental Protection. Issuance of this Permit constitutes certification of compliance with state water quality standards where neccessary pursuant to Section 401, Public Law 92-500, 33 USC Section 1341 , unless this Permit is issued pursuant to the net improvement provisions of Subsections 373.414(1)(b), F.S., or as otherwise stated herein.

This Permit may be transferred pursuant to the appropriate provisions of Chapter 373, F.S, and Sections 40E-1.6107(1) and (2), and 40E-4.351(1), (2), and (4), Florida Administrative Code (F.A.C.). This Permit may be revoked, suspended, or modified at any time pursuant to the appropriate provisions of Chapter 373, F.S. and Sections 40E-4.351(1), (2), and (4), F.A.C.

This Permit shall be subject to the General Conditions set forth in Rule 40E-4.381, F.A.C., unless waived or modified by the Governing Board. The Application, and the Environmental Resource Permit Staff Review Summary of the Application, including all conditions, and all plans and specifications incorporated by reference, are a part of this Permit. All activities authorized by this Permit shall be implemented as set forth in the plans, specifications, and performance criteria as set forth and incorporated in the Environmental Resource Permit Staff Review Summary. Within 30 days after completion of construction of the permitted activity, the Permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual, pursuant to the appropriate provisions of Chapter 373, F.S. and Sections 40E-4.361 and 40E-4.381, F.A.C.

In the event the property is sold or otherwise conveyed, the Permittee will remain liable for compliance with this Permit until transfer is approved by the District pursuant to Rule 40E-1.6107, F.A.C.

SPECIAL AND GENERAL CONDITIONS ARE AS FOLLOWS:

SEE PAGES 2 - 4 OF 7 (20 SPECIAL CONDITIONS).
SEE PAGES 5 - 7 OF 7 (19 GENERAL CONDITIONS).

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT, BY ITS GOVERNING BOARD

On **ORIGINAL SIGNED BY:**
By **ELIZABETH VEGUILLA**
DEPUTY CLERK

SPECIAL CONDITIONS

1. The conceptual phase of this permit shall expire on June 14, 2008. The construction phase of this permit shall expire on June 14, 2011.

2. Operation of the surface water management system shall be the responsibility of ASGM BUSINESS OF NAPLES OWNERS ASSOCIATION, INC. Within one year of permit issuance or concurrent with the engineering certification of construction completion, whichever comes first, the permittee shall submit a copy of the recorded deed restrictions (or declaration of condominium, if applicable), a copy of the filed articles of incorporation, and a copy of the certificate of incorporation for the association.

3. Discharge Facilities:

Structure: CS-1

1-.7' W X 1.55' H SHARP CRESTED weir with crest at elev. 5' NGVD.
1-.55' dia. CIRCULAR ORIFICE with invert at elev. 4.2' NGVD.

Receiving body : S.R. 951 roadside ditch
Control elev : 4.2 feet NGVD.

Structure: Overflow structure

1-32' W X .5' H SHARP CRESTED weir with crest at elev. 5.8' NGVD.
1-.25' dia. CIRCULAR ORIFICE with invert at elev. 4.2' NGVD.

Receiving body : Conservation Area
Control elev : 4.2 feet NGVD.

4. Prior to to commencement of construction in wetlands and in accordance with the work schedule in Exhibit No. 3.6, the permittee shall submit documentation from the Florida Department of Environmental Protection that 14.11 freshwater forested mitigation bank credits have been deducted from the ledger for Panther Island Mitigation Bank.

5. Permanent physical markers designating the preserve status of the wetland preservation areas and buffer zones shall be placed as shown within the plans. The markers shall be maintained in perpetuity.

6. Prior to the commencement of construction resulting in wetland impacts and in accordance with the work schedule in Exhibit No. 3.6, the permittee shall submit two certified copies of the recorded conservation easement for the mitigation area and associated buffers. 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. This data should reside on a CD or floppy disk and be submitted to the District's Environmental Resource Compliance Division in the service area office where the application was submitted.

The recorded easement shall be in substantial conformance with Exhibit 3.4. Any proposed modifications to the approved form must receive prior written consent from the District. The easement must be free of encumbrances or interests in the easement which the District determines are contrary to the intent of the easement. In the event it is later determined that there are 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.

7. 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.

8. An average 25' wide, minimum 15', buffer of undisturbed upland vegetation shall be maintained between the proposed development and existing wetlands. Buffers shall be staked and roped and District environmental staff notified for inspection prior to clearing..

9. Prior to any future construction, the permittee shall apply for and receive a permit modification. As part of the permit application, the applicant for that phase shall provide documentation verifying that the proposed construction is consistent with the design of the master surface water management system, including the land use and site grading assumptions.

10. A maintenance program shall be implemented in accordance with Exhibit No. 3.2 for the preserved wetland and other surface waters 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 area is maintained free from Category 1 exotic vegetation (as defined by the Florida Exotic Pest Plant Council at the time of permit issuance) immediately following a maintenance activity. Coverage of exotic and nuisance plant species shall not exceed 5% of total cover 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.

11. A monitoring program shall be implemented in accordance with Exhibit No. 3.2. The monitoring program shall extend for a period of 5 years with annual reports submitted to District staff. At the end of the first monitoring period the mitigation area shall contain an 80% survival of planted vegetation. The 80% survival rate shall be maintained throughout the remainder of the monitoring program, with replanting as necessary. If native wetland, transitional, and upland species do not achieve an 80% coverage within the initial two years of the monitoring program, native species shall be planted in accordance with the maintenance program. At the end of the 5 year monitoring program the entire mitigation area shall contain an 80% survival of planted vegetation and an 80% coverage of desirable obligate and facultative wetland species.

12. 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. 3.6. 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.

13. The wetland conservation areas and other surface water buffer zones shown on Exhibit 3.3 may in no way be altered from their natural or permitted state. Activities prohibited within the conservation areas include, but are not limited to: construction or placing of buildings on or above the ground; dumping or placing soil or other substances such as trash; removal or destruction of trees, shrubs, or other vegetation - with the exception of exotic vegetation removal; excavation, dredging, or removal of soil materials; diking or fencing; and any other activities detrimental to drainage, flood control, water conservation, erosion control, or fish and wildlife habitat conservation or preservation.

14. 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.

15. The areas to be temporarily disturbed by the installation of control structures in wetlands will be backfilled and replanted in accordance with Exhibit No. 3.2 within 30 days of installation. Monitoring of the replanted areas shall consist of photos

taken from fixed point photostations as shown on Exhibit No. 3.3. Monitoring of temporary impact areas shall be done concurrently with other required monitoring for the ASGM Business Park.

16. The Permittee shall utilize the criteria contained in the Stormwater Pollution Prevention Plan (Exhibit "D" of the Property Owners Association documents) and on the applicable approved construction drawings for the duration of the projects construction activities

17. The Permittee shall utilize the criteria contained in the Urban Stormwater Management Program (Exhibit "E" of the Property Owners Association Documents) for post construction activities.

18. All commercial lots shall provide a minimum dry pre-treatment volume of 1/2 inch of runoff prior to discharge into the master surface water management system based on the 82% of impervious cover. Additional water quality and attenuation shall be provided onsite if the impervious area on these tracts exceeds the allowable percentage.

19. Prior to submittal of any application for additional construction authorization within the conceptual authorization, including the commercial lots, the permittee shall coordinate with the DEP CERP project staff to address potential for the incorporation of an easement to convey runoff in association with the Henderson Creek / Belle Meade Restoration CERP project.

20. A mitigation program for ASGM Business Park shall be implemented in accordance with Exhibit No. 3.2. The permittee shall enhance and preserve 6.67 acres of wetland compensation areas.

GENERAL CONDITIONS

1. All activities authorized by this permit shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit and Part IV, Chapter 373. F.S.

2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by District staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.

3. Activities approved by this permit shall be conducted in a manner which does not cause violations of State water quality standards. The permittee shall implement best management practices for erosion and pollution control to prevent violation of State water quality standards. Temporary erosion control shall be implemented prior to and during construction, and permanent control measures shall be completed within 7 days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. All practices shall be in accordance with the guidelines and specifications described in Chapter 6 of the Florida Land Development Manual; A Guide to Sound Land and Water Management (Department of Environmental Regulation, 1988), incorporated by reference in Rule 40E-4.091, F.A.C. unless a project-specific erosion and sediment control plan is approved as part of the permit. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.

4. The permittee shall notify the District of the anticipated construction start date within 30 days of the date that this permit is issued. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the District an Environmental Resource Permit Construction Commencement Notice Form Number 0960 indicating the actual start date and the expected construction completion date.

5. When the duration of construction will exceed one year, the permittee shall submit construction status reports to the District on an annual basis utilizing an annual status report form. Status report forms shall be submitted the following June of each year.

6. Within 30 days after completion of construction of the permitted activity, the permitee shall submit a written statement of completion and certification by a professional engineer or other individual authorized by law, utilizing the supplied Environmental Resource/Surface Water Management Permit Construction Completion/Certification Form Number 0881A, or Environmental Resource/Surface Water Management Permit Construction Completion Certification - For Projects Permitted prior to October 3, 1995 Form No. 0881B, incorporated by reference in Rule 40E-1.659, F.A.C. The statement of completion and certification shall be based on onsite observation of construction or review of as-built drawings for the purpose of determining if the work was completed in compliance with permitted plans and specifications. This submittal shall serve to notify the District that the system is ready for inspection. Additionally, if deviation from the approved drawings are discovered during the certification process, the certification must be accompanied by a copy of the approved permit drawings with deviations noted. Both the original and revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawings. All surveyed dimensions and elevations shall be certified by a registered surveyor.

7. The operation phase of this permit shall not become effective: until the permittee has complied with the requirements of condition (6) above, and submitted a request

for conversion of Environmental Resource Permit from Construction Phase to Operation Phase, Form No. 0920; the District determines the system to be in compliance with the permitted plans and specifications; and the entity approved by the District in accordance with Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, accepts responsibility for operation and maintenance of the system. The permit shall not be transferred to such approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall initiate transfer of the permit to the approved responsible operating entity if different from the permittee. Until the permit is transferred pursuant to Section 40E-1.6107, F.A.C., the permittee shall be liable for compliance with the terms of the permit.

8. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of the phase or portion of the system to a local government or other responsible entity.

9. For those systems that will be operated or maintained by an entity that will require an easement or deed restriction in order to enable that entity to operate or maintain the system in conformance with this permit, such easement or deed restriction must be recorded in the public records and submitted to the District along with any other final operation and maintenance documents required by Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit applications within the South Florida Water Management District, prior to lot or units sales or prior to the completion of the system, whichever comes first. Other documents concerning the establishment and authority of the operating entity must be filed with the Secretary of State, county or municipal entities. Final operation and maintenance documents must be received by the District when maintenance and operation of the system is accepted by the local government entity. Failure to submit the appropriate final documents will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system and any other permit conditions.

10. Should any other regulatory agency require changes to the permitted system, the permittee shall notify the District in writing of the changes prior to implementation so that a determination can be made whether a permit modification is required.

11. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 40E-4 or Chapter 40E-40, F.A.C..

12. The permittee is hereby advised that Section 253.77, F.S. states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the State, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.

13. The permittee must obtain a Water Use permit prior to construction dewatering, unless the work qualifies for a general permit pursuant to Subsection 40E-20.302(3), F.A.C., also known as the "No Notice" Rule.

14. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any system authorized by the

permit.

15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding, unless a specific condition of this permit or a formal determination under Section 373.421(2), F.S., provides otherwise.

16. The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of a permitted system or the real property on which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of Rules 40E-1.6105 and 40E-1.6107, F.A.C.. The permittee transferring the permit shall remain liable for corrective actions that may be required as a result of any violations prior to the sale, conveyance or other transfer of the system.

17. Upon reasonable notice to the permittee, District authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.

18. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the appropriate District service center.

19. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.

40E-4.321 Duration of Permits

(1) Unless revoked or otherwise modified the duration of an environmental resource permit issued under this chapter or Chapter 40E-40, F.A.C. is as follows:

(a) For a conceptual approval, two years from the date of issuance or the date specified as a condition of the permit, unless within that period an application for an individual or standard general permit is filed for any portion of the project. If an application for an environmental resource permit is filed, then the conceptual approval remains valid until final action is taken on the environmental resource permit application. If the application is granted, then the conceptual approval is valid for an additional two years from the date of issuance of the permit. Conceptual approvals which have no individual or standard general environmental resource permit applications filed for a period of two years shall expire automatically at the end of the two year period.

(b) For a conceptual approval filed concurrently with a development of regional impact (DRI) application for development approval (ADA) and a local government comprehensive plan amendment, the duration of the conceptual approval shall be two years from whichever one of the following occurs at the latest date:

1. the effective date of the local government's comprehensive plan amendment.
2. the effective date of the local government development order.
3. the date on which the District issues the conceptual approval, or
4. the latest date of the resolution of any Chapter 120.57, F.A.C., administrative proceeding or other legal appeals.

(c) For an individual or standard general environmental resource permit, five years from the date of issuance or such amount of time as made a condition of the permit.

(d) For a noticed general permit issued pursuant to chapter 40-E-400, F.A.C., five years from the date the notice of intent to use the permit is provided to the District.

(2)(a) Unless prescribed by special permit condition, permits expire automatically according to the timeframes indicated in this rule. If application for extension is made in writing pursuant to subsection (3), the permit shall remain in full force and effect until:

1. the Governing Board takes action on an application for extension of an individual permit, or
2. staff takes action on an application for extension of a standard general permit.

(b) Installation of the project outfall structure shall not constitute a vesting of the permit.

(3) The permit extension shall be issued provided that a permittee files a written request with the District showing good cause prior to the expiration of the permit. For the purpose of this rule, good cause shall mean a set of extenuating circumstances outside of the control of the permittee. Requests for extensions, which shall include documentation of the extenuating circumstances and how they have delayed this project, will not be accepted more than 180 days prior to the expiration date.

(4) Substantial modifications to Conceptual Approvals will extend the duration of the Conceptual Approval for two years from the date of issuance of the modification. For the purposes of this section, the term "substantial modification" shall mean a modification which is reasonably expected to lead to substantially different water resource or environmental impacts which require a detailed review.

(5) Substantial modifications to individual or standard general environmental resource permits issued pursuant to a permit application extend the duration of the permit for three years from the date of issuance of the modification. Individual or standard general environmental resource permit modifications do not extend the duration of a conceptual approval.

(6) Permit modifications issued pursuant to subsection 40E-4.331(2)(b), F.A.C. (letter modifications) do not extend the duration of a permit.

(7) Failure to complete construction or alteration of the surface water management system and obtain operation phase approval from the District within the permit duration shall require a new permit authorization in order to continue construction unless a permit extension is granted.

Specific authority 373.044, 373.113 F.S. Law Implemented 373.413, 373.416, 373.419, 373.426 F.S. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.07(4), Amended 7-1-86, 4/20/94, Amended 7-1-86, 4/20/94, 10-3-95