Field Rep

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

ENVIRONMENTAL RESOURCE PERMIT NO. 36-03178-P

Form #0145
Rev 08/95

DATE ISSUED: FEBRUARY 13, 1997

RECEIVED
FEB 18 1997

PERMITTEE: ALICO LAKES, INC.
(CORKSCREW WOODS/CORKSCREW RD BETWEEN I-75 & ALICO RD.)
15465 PINE RIDGE ROAD,
FORT MYERS , FL 33908

PROJECT DESCRIPTION: TO AUTHORIZE CONSTRUCTION AND OPERATION OF A SURFACE WATER MANAGEMENT SYSTEM TO SERVE A 173.70 ACRE MINING PROJECT WITH A TOTAL ONSITE RETENTION SYSTEM OF THE 25 YEAR - 3 DAY STORM EVENT.

PROJECT LOCATION: LEE COUNTY , SECTION: 21,28 TWP: 46S RGE: 26E

This Permit is issued pursuant to Application No. 961122-6 , dated November 18, 1996. 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 Governing Board. The Application, and the Surface Water Mananagement 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 Surface Water Management 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 2-2 OF 5 - 9 SPECIAL CONDITIONS.
SEE PAGES 3-5 OF 5 - 19 GENERAL CONDITIONS.

FILED WITH THE CLERK OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT

ON Original signed by:

BY Vern Kaiser
DEPUTY CLERK

SOUTH FLORIDA WATER MANAGEMENT DISTRICT BY ITS, GOVERNING BOARD

Original signed by
By TONY BURNS
ASSISTANT SECRETARY

SCANNED

SPECIAL CONDITIONS

1. DISCHARGE FACILITIES: TOTAL ON-SITE RETENTION.

2. THE PERMITTEE SHALL BE RESPONSIBLE FOR THE CORRECTION OF ANY EROSION, SHOALING OR WATER QUALITY PROBLEMS THAT RESULT FROM THE CONSTRUCTION OR OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM.

3. MEASURES SHALL BE TAKEN DURING CONSTRUCTION TO INSURE THAT SEDIMENTATION AND/OR TURBIDITY PROBLEMS ARE NOT CREATED IN THE RECEIVING WATER.

4. THE DISTRICT RESERVES THE RIGHT TO REQUIRE THAT ADDITIONAL WATER QUALITY TREATMENT METHODS BE INCORPORATED INTO THE DRAINAGE SYSTEM IF SUCH MEASURES ARE SHOWN TO BE NECESSARY.

5. FACILITIES OTHER THAN THOSE STATED HEREIN SHALL NOT BE CONSTRUCTED WITHOUT AN APPROVED MODIFICATION OF THIS PERMIT.

6. OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM SHALL BE THE RESPONSIBILITY OF ALICO LAKES, INC..

7. THE SFWMD RESERVES THE RIGHT TO REQUIRE REMEDIAL MEASURES TO BE TAKEN BY THE PERMITTEE IF WETLAND AND/OR UPLAND MONITORING OR OTHER INFORMATION DEMONSTRATES THAT ADVERSE IMPACTS TO PROTECTED, CONSERVED, INCORPORATED OR MITIGATED WETLANDS OR UPLANDS HAVE OCCURRED DUE TO PROJECT RELATED ACTIVITIES.

8. THE EXCAVATION OF THE LAKE SHALL NOT PRODUCE A GRADIENT GREATER THAN 0.005 WHICH WILL RESULT IN ADVERSE IMPACTS TO WETLANDS ADJACENT TO THE PROJECT SITE.

9. THIS PERMIT IS NOT CONCEPTUAL OR CONSTRUCTION/OPERATION APPROVAL FOR THE PROPOSED RESIDENTIAL DEVELOPMENT DEPICTED AS DOTTED AND DASHED LINES ON EXHIBIT 2, 3, 4 AND 5. THE PROPOSED RESIDENTIAL DEVELOPMENT IS CURRENTLY UNDER SEPARATE PERMIT APPLICATION REVIEW (APPLICATION NUMBER 960516-6).

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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 THE 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 NO. 0960 INDICATING THE ACTUAL START DATE AND THE EXPECTED 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 PERMITTEE SHALL SUBMIT A WRITTEN STATEMENT OF COMPLETION AND CERTIFICATION BY A REGISTERED PROFESSIONAL ENGINEER OR OTHER APPROPRIATE INDIVIDUAL AS AUTHORIZED BY LAW, UTILIZING THE SUPPLIED ENVIRONMENTAL RESOURCE PERMIT CONSTRUCTION COMPLETION/CONSTRUCTION CERTIFICATION FORM NO.0881. THE STATEMENT OF COMPLETION AND CERTIFICATION SHALL BE BASED ON ONSITE OBSERVATION OF CONSTRUCTION OR REVIEW OF ASBUILT 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

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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 "ASBUILT" OR "RECORD" DRAWING. 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, HAS 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 - AUGUST 1995, 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 - AUGUST 1995, PRIOR TO LOT OR UNIT SALES OR PRIOR TO THE COMPLETION OF THE SYSTEM, WHICHEVER OCCURS FIRST. OTHER DOCUMENTS CONCERNING THE ESTABLISHMENT AND AUTHORITY OF THE OPERATING ENTITY MUST BE FILED WITH THE SECRETARY OF STATE WHERE APPROPRIATE. FOR THOSE SYSTEMS WHICH ARE PROPOSED TO BE MAINTAINED BY THE 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

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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(4), 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.

SCANNED

LAST DATE FOR GOVERNING BOARD ACTION:
FEBRUARY 13, 1997

DRAFT
Subject to Governing Board Approval

ENVIRONMENTAL RESOURCE PERMIT STAFF REVIEW SUMMARY

I. ADMINISTRATIVE

APPLICATION NUMBER: 961122-6

PROJECT NAME: CORKSCREW WOODS/CORKSCREW RD BETWEEN I-75 & ALICO RD.

LOCATION: LEE COUNTY, S21,28/T46S/R26E

APPLICANT'S NAME: ALICO LAKES INC.

OWNERS NAME AND ADDRESS: ALICO LAKES, INC.
15465 PINE RIDGE ROAD
FORT MYERS, FL 33908

DEVELOPER: ALICO LAKES INC.

ENGINEER: MORRIS-DEPEW ASSOCIATES, INC.

II. PROJECT DESCRIPTION

PROJECT AREA: 173.70 acres DRAINAGE AREA: 173.70 acres

DISTRICT DRAINAGE BASIN: IMPERIAL RIVER

RECEIVING BODY: ON-SITE RETENTION

CLASSIFICATION:

PURPOSE:

This application is a request for an Environmental Resource Permit to authorize construction and operation of a surface water management system to serve a 173.70 acre mining project with a total onsite retention system of the 25 year - 3 day storm event. Staff recommends approval with conditions.

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BACKGROUND:

This proposal was originally part of a larger project (635.55 acres total) which proposes a residential development with a large lake (200+ acres) in the center of the property to serve as a surface water management lake.

The site (635.55 acres) obtained a Lee County Development Order and approved Zoning for a borrow pit and residential subdivision which will expire on January 9, 1998. The zoning density is presently 1 unit per acre. A new density of 1 unit per 10 acres will apply unless the applicant complies with the following two items:

- An application for a Final Development Order shall be submitted and approved not later than three years from January 9, 1995 and;

- All on-site and off-site improvements permitted by the Final Development Order (including turn lanes, internal roadways, sewer, water, and surface water management system) shall be completed and a Certificate of Completion requested from Lee County not later than five years from the date that the Final Development Order is issued.

To comply with the county requirements, the project has been divided into two permit applications. The first application is this mining operation which may take several years (150 acres - 50 feet deep) to complete the excavation. The surface water management system for the mining operation may be certified when the surface water management system has been completed which does not include the full excavation of the pit as would be required if the pit was a lake within a residential project. The second permit application (#960516-6) is for residential development. The residential development shown on Exhibit 2, 3, 4 and 5 is under review and has not been authorized at this time. This will require a modification of the permit. The addition of the twelve lots within the mining area shown on Exhibit 4 will be part of that modification. The twelve lots are not permitted at this time.

Application 961122-6 and 960516-6 can function independently.

EXISTING FACILITIES:

The site is a farming operation over a majority of the area. The typical drainage pattern is from the northeast to the southwest via existing farm ditches and sheetflow.

PROPOSED FACILITIES:

The project proposes to construct a surface water management system to serve a 173.7 acre mining operation with on-site retention of the 25 year - 3 day storm event via a perimeter berm set at elevation 20.0' NGVD. The operation will be wet mining with an area of 149.6 acre and 50' deep. Temporary mining equipment will be transported to the site, erected and temporarily attached to

a foundation. At completion of mining, the equipment will be disassembled and removed from the site.

The residential development shown on Exhibit 2, 3, 4 and 5 is under review and has not been authorized at this time.

BASIN INFORMATION:

Basin	Area Acres	WSWT Elev (ft, NGVD)	Normal/Dry Ctrl Elev (ft, NGVD)	Method of Determination
1	173.70	17.50	17.5	USGS WELL DATA

III. PROJECT EVALUATION

WATER QUALITY:

The surface water management system is total on-site retention, therefore the system exceeds the water quality quantities.

Basin	Treatment Method	Vol Req'd. (ac-ft)	Vol Prov'd (ac-ft)
1	149.6 acres WET RETENTION	7.24	215.95

IV. ENVIRONMENTAL ASSESSMENT

PROJECT SITE DESCRIPTION:

The project site consists of row crops, fallow cropland, upland pine flatwoods, upland pine flatwoods with melaleuca, Brazilian pepper dominated areas, and melaleuca dominated areas, as shown on Exhibit 6. There are no wetlands within the boundaries of this borrow pit operation.

The surrounding lands (571.33 acres) are proposed to be developed as a residential development (Application Number 960516-6) of which 132.03 acres are wetlands. The wetlands consist of cypress, wet prairie, and freshwater marsh; the uplands consist of row crops, upland pine flatwoods, upland pine flatwoods with melaleuca, areas dominated by Brazilian pepper, areas dominated by melaleuca, and disturbed areas.

The borrow pit operation will be contained within a perimeter berm. There are no wetland impacts associated with the borrow pit operation and no adverse

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environmental impacts are anticipated.

EXISTING ON SITE UPLAND COMMUNITIES:

ID NO	TOTAL ACREAGE	BIOLOGICAL CONDITION	COMMUNITY TYPE	COMMUNITY ACREAGE
1	135.00	N/A	ROW CROPS	135.00
2	10.22	N/A	FALLOW CROP LAND	10.22
3	.33	GOOD	PINE FLATWOODS	.33
4	12.26	FAIR/POOR	PINE FLATWOODS MELALEUCA	12.26
5	2.60	POOR	BRAZILIAN PEPPER	2.60
6	13.29	POOR	MELALEUCA	13.29

TOTAL ON SITE UPLAND ACREAGE: 173.70

ENDANGERED, THREATENED & SPECIES OF SPECIAL CONCERN SUMMARY:

The project site does not contain preferred habitat for endangered, threatened, or species of special concern. No endangered/threatened or species of special concern were observed on site, and submitted information indicates that endangered/threatened or species of special concern use of the site is not an issue. This permit does not relieve the applicant from complying with all applicable rules and any other agencies' requirements if in the future, endangered/threatened or species of special concern are discovered on the site.

SYSTEM OPERATION:

Alico Lakes, Inc.

PROPOSED LAND USE(S):

Mining

WATER USE PERMIT STATUS:

A Water Use permit is not required for this project at this time.

POTABLE WATER SUPPLIER:

Lee County Utilities

DRI STATUS:

This project is not a DRI.

SAVE OUR RIVERS:

The project is not within or adjacent to lands under consideration by the Save Our Rivers program.

SWIM BASIN:

The project is not within nor does it discharge directly to a designated SWIM basin.

RIGHT-OF-WAY PERMIT STATUS:

A Right-of-Way Permit is not required for this project.

ENFORCEMENT ACTIVITY:

There has been no enforcement activity associated with this application.

THIRD PARTY INTEREST:

No third party has contacted the District with concerns about this application.

WELL FIELD ZONE OF INFLUENCE:

The project is not located within the zone of influence of a wellfield.

PRIMARY ISSUES RESOLVED:

No primary issues.

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V. APPLICABLE LAND AREA

PROJECT

	TOTAL PROJECT	PREVIOUSLY PERMITTED	THIS PHASE	
TOTAL ACRES	173.70	.00	173.70	acres
WTRM ACREAGE	149.60	.00	149.60	acres
PAVEMENT	1.00	.00	1.00	acres
BUILD COVERAGE	.50	.00	.50	acres
PERVIOUS	22.60	.00	22.60	acres

VI. STAFF RECOMMENDATION

The Staff recommends that the following be issued:

An Environmental Resource Permit to authorize construction and operation of a surface water management system to serve a 173.70 acre mining project with a total onsite retention system of the 25 year - 3 day storm event.

Based on the information provided, District rules have been adhered to.

Staff recommendation is for approval subject to the attached General and Special Conditions.

DRAFT
Subject to Governing Board Approval

VII. STAFF REVIEW

AREA MANAGER

Benjamin C. Pratt, P.E.

DATE: 1-14-97

NATURAL RESOURCE MANAGEMENT DIVISION APPROVAL

APPLICATION REVIEWER

Susan Davis

SUPERVISING PROFESSIONAL

Karen M. Johnson

DIVISION DIRECTOR:

Robert G. Robbins

DATE: 1/16/97

SURFACE WATER MANAGEMENT DIVISION APPROVAL

APPLICATION REVIEWER

Jacqueline G. Rippe, P.E.

SUPERVISING PROFESSIONAL

Richard H. Thompson, P.E.

DIVISION DIRECTOR:

Anthony M. Waterhouse, P.E.

DATE: 1/27/97

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GENERAL CONDITIONS

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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.

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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 PERMITTEE SHALL SUBMIT A WRITTEN STATEMENT OF COMPLETION AND CERTIFICATION BY A REGISTERED PROFESSIONAL ENGINEER OR OTHER APPROPRIATE INDIVIDUAL AS AUTHORIZED BY LAW, UTILIZING THE SUPPLIED ENVIRONMENTAL RESOURCE PERMIT CONSTRUCTION COMPLETION/CONSTRUCTION CERTIFICATION FORM NO.0881. THE STATEMENT OF COMPLETION AND CERTIFICATION SHALL BE BASED ON ONSITE OBSERVATION OF CONSTRUCTION OR REVIEW OF ASBUILT 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 "ASBUILT" OR "RECORD" DRAWING. 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, HAS 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 - AUGUST 1995, 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 - AUGUST 1995, PRIOR TO LOT OR UNIT

SCANNED

SALES OR PRIOR TO THE COMPLETION OF THE SYSTEM, WHICHEVER OCCURS FIRST. OTHER DOCUMENTS CONCERNING THE ESTABLISHMENT AND AUTHORITY OF THE OPERATING ENTITY MUST BE FILED WITH THE SECRETARY OF STATE WHERE APPROPRIATE. FOR THOSE SYSTEMS WHICH ARE PROPOSED TO BE MAINTAINED BY THE 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(4), 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.

SCANNED

SPECIAL CONDITIONS

1. DISCHARGE FACILITIES: TOTAL ON-SITE RETENTION.

2. THE PERMITTEE SHALL BE RESPONSIBLE FOR THE CORRECTION OF ANY EROSION, SHOALING OR WATER QUALITY PROBLEMS THAT RESULT FROM THE CONSTRUCTION OR OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM.

3. MEASURES SHALL BE TAKEN DURING CONSTRUCTION TO INSURE THAT SEDIMENTATION AND/OR TURBIDITY PROBLEMS ARE NOT CREATED IN THE RECEIVING WATER.

4. THE DISTRICT RESERVES THE RIGHT TO REQUIRE THAT ADDITIONAL WATER QUALITY TREATMENT METHODS BE INCORPORATED INTO THE DRAINAGE SYSTEM IF SUCH MEASURES ARE SHOWN TO BE NECESSARY.

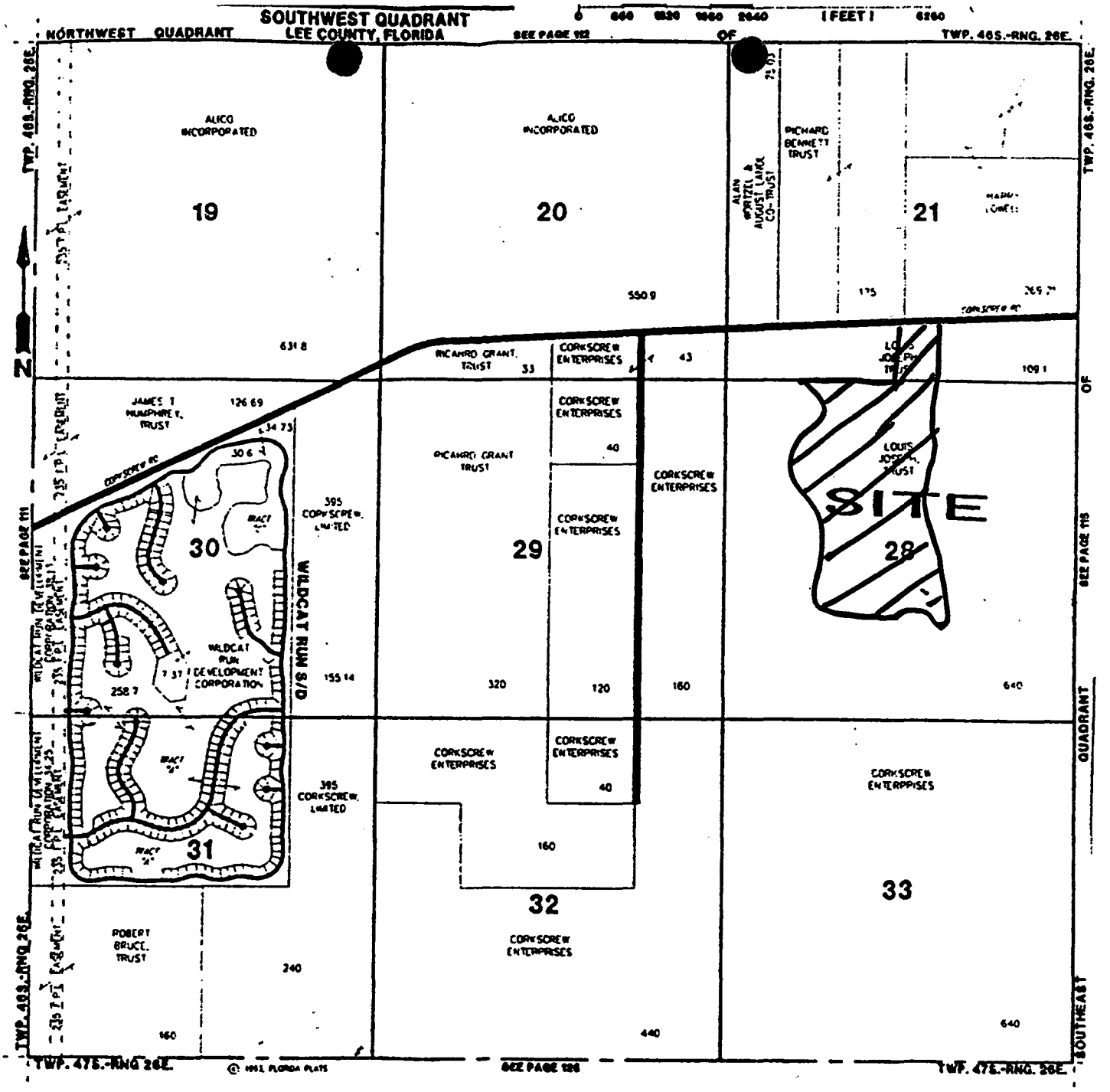
5. FACILITIES OTHER THAN THOSE STATED HEREIN SHALL NOT BE CONSTRUCTED WITHOUT AN APPROVED MODIFICATION OF THIS PERMIT.

6. OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM SHALL BE THE RESPONSIBILITY OF ALICO LAKES, INC..

7. THE SFWMD RESERVES THE RIGHT TO REQUIRE REMEDIAL MEASURES TO BE TAKEN BY THE PERMITTEE IF WETLAND AND/OR UPLAND MONITORING OR OTHER INFORMATION DEMONSTRATES THAT ADVERSE IMPACTS TO PROTECTED, CONSERVED, INCORPORATED OR MITIGATED WETLANDS OR UPLANDS HAVE OCCURRED DUE TO PROJECT RELATED ACTIVITIES.

8. THE EXCAVATION OF THE LAKE SHALL NOT PRODUCE A GRADIENT GREATER THAN 0.005 WHICH WILL RESULT IN ADVERSE IMPACTS TO WETLANDS ADJACENT TO THE PROJECT SITE.

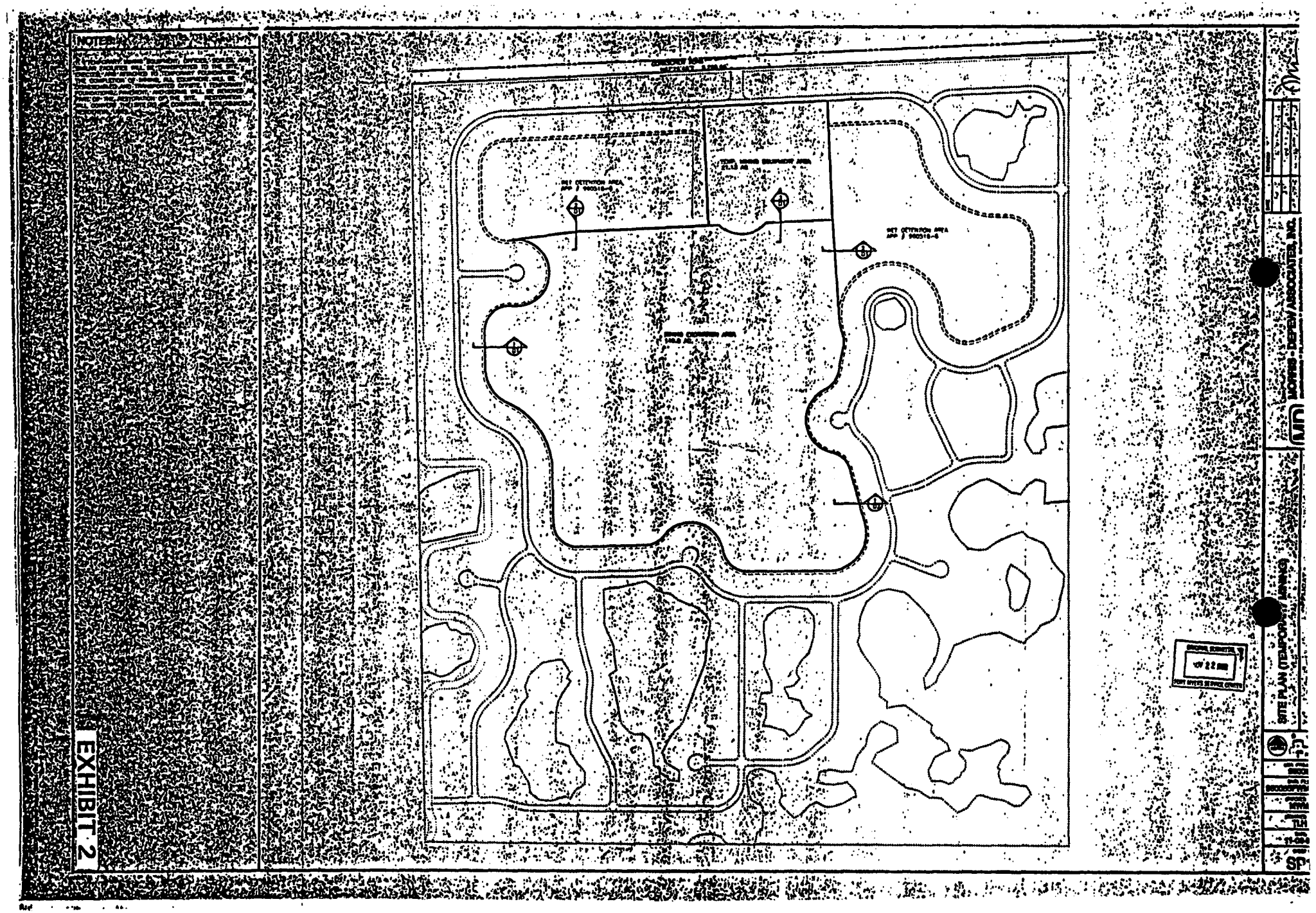
9. THIS PERMIT IS NOT CONCEPTUAL OR CONSTRUCTION/OPERATION APPROVAL FOR THE PROPOSED RESIDENTIAL DEVELOPMENT DEPICTED AS DOTTED AND DASHED LINES ON EXHIBIT 2, 3, 4 AND 5. THE PROPOSED RESIDENTIAL DEVELOPMENT IS CURRENTLY UNDER SEPARATE PERMIT APPLICATION REVIEW (APPLICATION NUMBER 960516-6).



LOCATION MAP

EXHIBIT 1

SCANNED

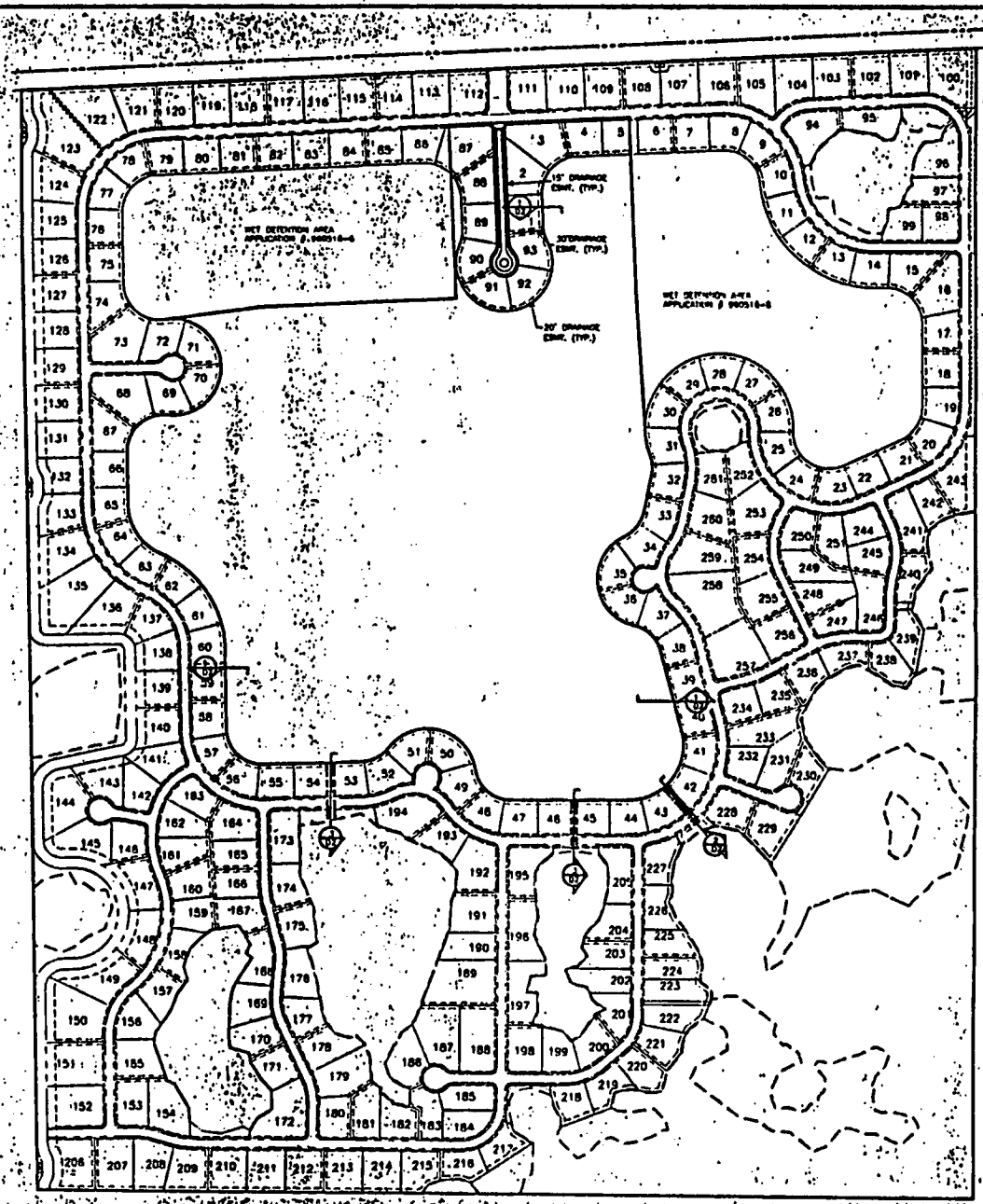

NOTES:
EXHIBIT 2
SITE PLAN (TEMPORARY MINING)
MORRIS - DEPEW ASSOCIATES, INC.
SP1

LAKE CROSS-SECTION
EXCAVATION BERM
EQUIPMENT AREA BERM
EXHIBIT 3

SCANNED

NOTES:

LEGEND:



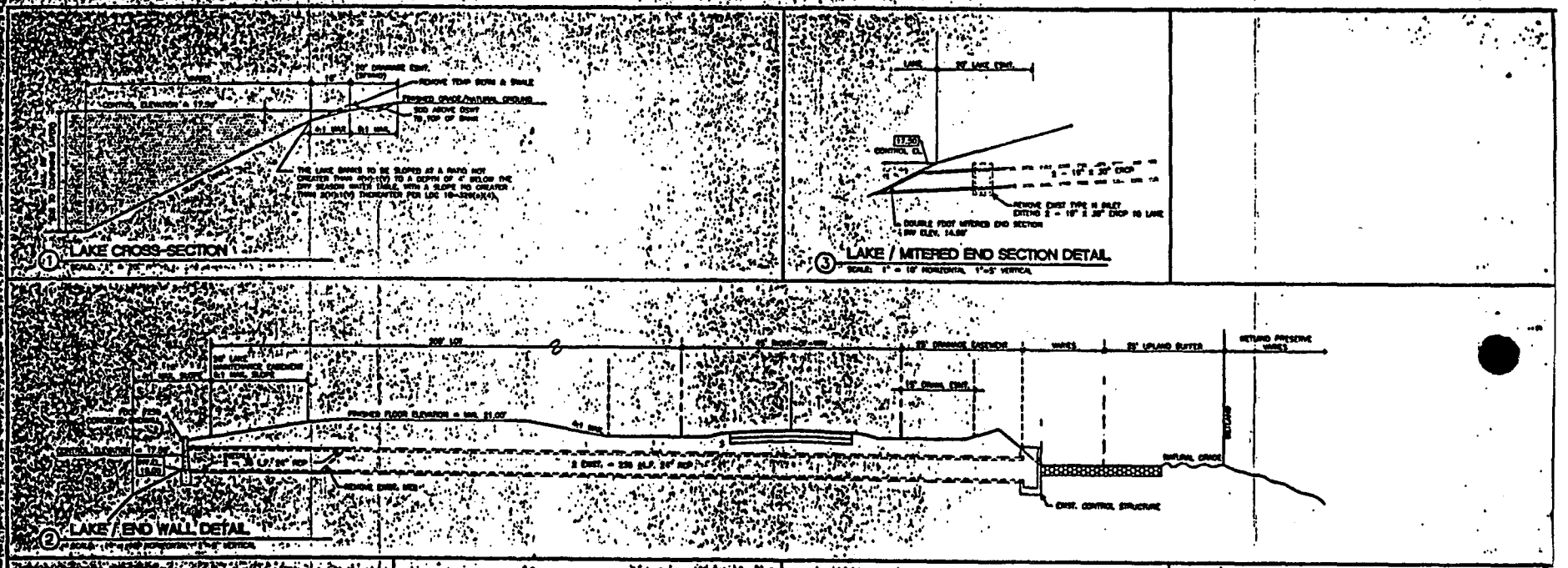
ORIGINAL SUBMITTAL
NOV 22 2000
PORT RIVERS SERVICE CENTER

MORRIS - DEFEW ASSOCIATES, INC.

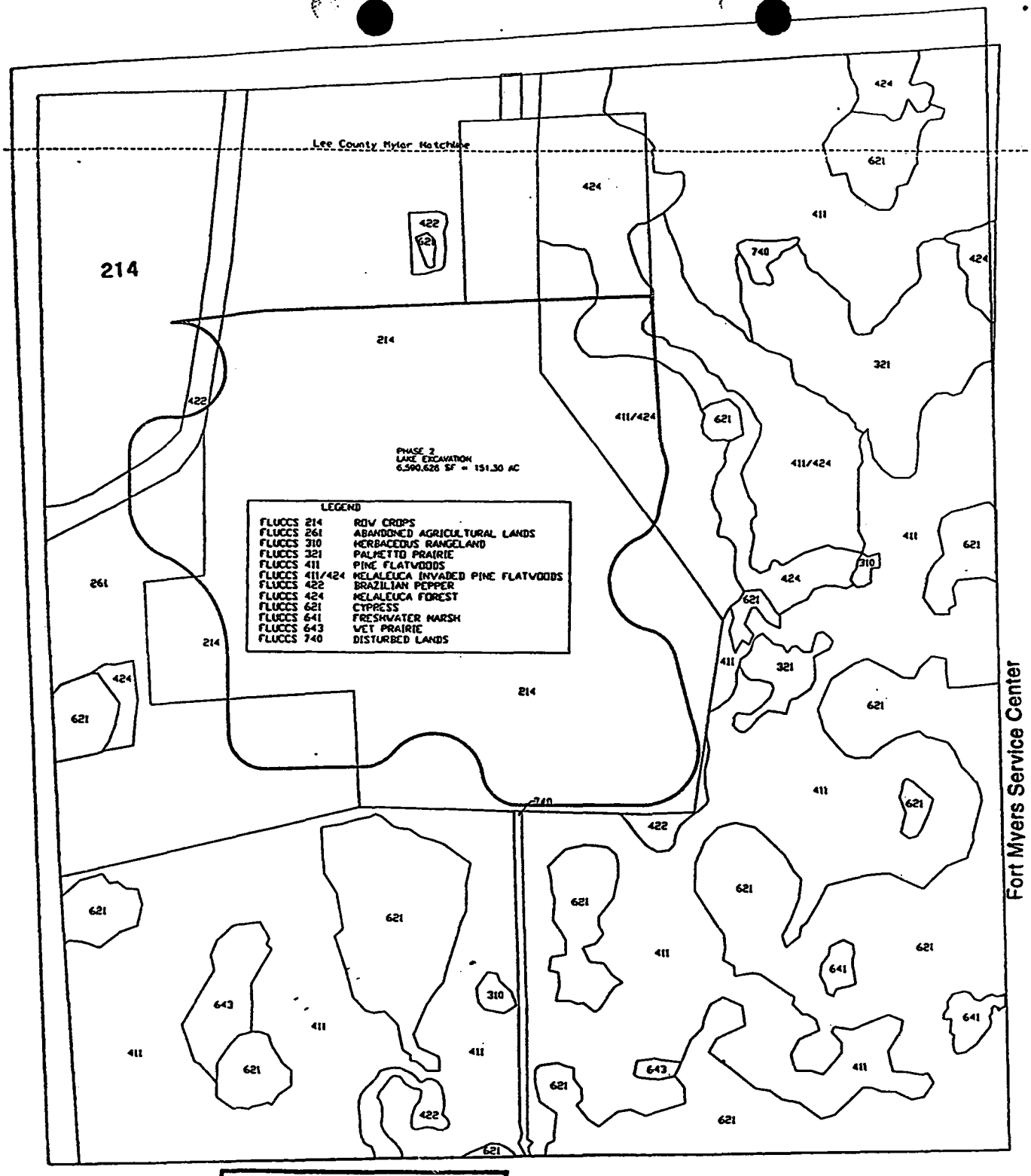
SITE PLAN (RESTORATION)

SP

EXHIBIT 4


LAKE CROSS-SECTION
LAKE / MITERED END SECTION DETAIL
LAKE / END WALL DETAIL
EXHIBIT 5

SCANNED



ADDL/REVISED SUBMITTAL

JAN 3 1997

FORT MYERS SERVICE CENTER

JOB NUMBER		SCALE	1"=800'	Boylan Environmental Consultants, Inc.
960017	Corkscrew Woods	DATE	03/11/96	10231 Metro Parkway, Suite 202
SHEET OF	FLUCCS Mapping	FILE	9617fluc.dwg	Ft. Myers, FL 33912
		DRAWN BY	J.S.	(941) 418-0671

EXHIBIT 6

STAFF REPORT DISTRIBUTION LIST

PROJECT: CORKSCREW WOODS/CORKSCREW RD BETWEEN I-75 & ALICO RD.
APPLICATION NUMBER: 961122-6

INTERNAL DISTRIBUTION

Reviewer:
X Jacqueline G. Rippe, P.E.
X Susan Davis
X Karen M. Johnson
X Richard H. Thompson, P.E.
X M. Cruz - REG
X J. Golden - REG
X E. Hopkins - UDP
X C. Merriam - GPA
X R. Robbins - NRM
X A. Waterhouse - REG
X Enforcement
X Environmental PPC Reviewer
X Field Engineering
X Office of Counsel

GOVERNING BOARD MEMBERS

Ms. Valerie Boyd
Mr. William Graham
Mr. William Hammond
Ms. Betsy Krant
Mr. Richard Machek
Mr. Eugene K. Pettis
Mr. Nathaniel P. Reed
Ms. Miriam Singer
Mr. Frank Williamson, Jr.

DEPT. OF ENVIRONMENTAL PROTECTION

X Ft. Myers

EXTERNAL DISTRIBUTION

X Owner:
ALICO LAKES, INC.

X Applicant:
ALICO LAKES INC.

X Applicant's Consultant:
MORRIS-DEPEW ASSOCIATES, INC.

X Engineer, County of:
LEE

Engineer, City of:

Local Drainage District:

COUNTY

X Lee
-Dept of Environmental Protection
-Development & Review
-Mosquito Control

BUILDING AND ZONING

OTHER

X Brian Kenedy
X Clara Anne Graham-Elliott
X Div of Recreation and Park - District 8
F.G.F.W.F.C.
Florida Audubon - Charles Lee
X Irene Quincy - Pavese, Garner
X S.W.F.R.P.C. - Glenn Heath

EXHIBIT 7

SCANNED

PPLICAT UMBER

961122-6

FT. MYERS SERVICE CENTER

OWNER(S) OF LAND	ENTITY TO RECEIVE PERMIT (IF OTHER THAN OWNER)
NAME Bill Hughes, Trustee	NAME Harvey Youngquist
ADDRESS 1470 Royal Palm Sq Blvd	ADDRESS 15401 Alico Road
CITY, STATE, ZIP Ft. Myers, FL 33919	CITY, STATE, ZIP Ft Myers, FL 33913
COMPANY AND TITLE Trustee	COMPANY AND TITLE Alico Lakes, Inc. Owner
TELEPHONE (941) 939-2233 FAX (941) 939-0554	TELEPHONE (941) 267-2700 FAX (941) 267-5060
AGENT AUTHORIZED TO SECURE PERMIT (IF AN AGENT IS USED)	CONSULTANT (IF DIFFERENT FROM AGENT)
NAME Michael W. Morris	NAME
COMPANY AND TITLE Chairman, Morris-Depew Associates, Inc.	COMPANY AND TITLE
ADDRESS 2216 Altamont Avenue	ADDRESS
CITY, STATE, ZIP Ft Myers, FL 33901	CITY, STATE, ZIP
TELEPHONE (941) 337-3993 FAX (941) 337-3994	TELEPHONE ( ) FAX ( )

Name of project, including phase if applicable Corkscrew Woods

Is this application for part of a multi-phase project? X yes _ no

Total applicant-owned area contiguous to the project 745 ac

Total project area for which a permit is sought 173.7 ac

Impervious area for which a permit is sought 151.1 ac

What is the total area (metric equivalent for federally funded projects) of work in, on, or over wetlands or other surface waters?

0.0 acres _____ square feet _____ hectares _____ square meters

Number of new boat slips proposed. 0

Project location (use additional sheets, if needed)

County(ies) Lee County

Section(s) 21 Township 46 Range 26

Section(s) 28 Township 46 Range 26

Land Grant name, if applicable n/a

Tax Parcel Identification Number 21-46-26-00-00001.0010 & 21-46-26-00-00001.0000

Street address, road, or other location Corkscrew Road between I-75 and Alico Road

City, Zip Code if applicable

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FORT MYERS SERVICE CENTER

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Describe in general terms the proposed project, system, or activity.

Construction and operation of a surface water management system serving a 173.3 acre mining operation via a series of swales and a 100% on-site retention system. A perimeter berm will be constructed so as to provide 100% on-site retention.

APPLICAT NUMBER
961122-6
FT. MYERS SERVICE CENTER

If there have been any pre-application meetings, including at the project site, with regulatory staff, please list the date(s), location(s), and names of key staff and project representatives.
10/96 at the Fort Myers office of the SFWMD with Jackie Rippe of SWFMD and Mike Morris of Morris-Depew Associates

Please identify by number any MSSW/Wetland resource/ERP/ACOE Permits pending, issued or denied for projects at the location, and any related enforcement actions.

Agency	Date	No.\Type of Application	Action Taken
SWFMD		**960516-6 / ERP**	**Pending**

Note: The following information is required **only** for projects proposed to occur in,on or over wetlands that need a federal dredge and fill permit and/or authorization to use state owned submerged lands and is not necessary when applying solely for an Environmental Resource Permit. Please provide the names, addresses and zip codes of property owners whose property directly adjoins the project (excluding applicant). Please attach a plan view showing the owner's names and adjoining property lines. Attach additional sheets if necessary.

1. _____
2. _____
3. _____
4. _____

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NOV 22 1996
FORT MYERS SERVICE CENTER

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APPLICAT NUMBER
961122-6
FT. MYERS SERVICE CENTER

By signing this application form, I am applying, or I am applying on behalf of the applicant, for the permit and any proprietary authorizations identified above, according to the supporting data and other incidental information filed with this application. I am familiar with the information contained in this application and represent that such information is true, complete and accurate. I understand this is an application and not a permit, and that work prior to approval is a violation. I understand that this application and any permit issued or proprietary authorization issued pursuant thereto, does not relieve me of any obligation for obtaining any other required federal, state, water management district or local permit prior to commencement of construction. I agree, or I agree on behalf of my corporation, to operate and maintain the permitted system unless the permitting agency authorizes transfer of the permit to a responsible operation entity. I understand that knowingly making any false statement or representation in this application is a violation of Section 373.430, F.S. and 18 U.S.C. Section 1001.

Michael W. Morris, P.E. #18302; Chairman, Morris-Depew Associates, Inc
Typed/Printed Name of Applicant (If no Agent is used) or Agent (If one is so authorized below)

Michael Morris 11/20/96
Signature of Applicant/Agent Date

(Corporate Title if applicable)

AN AGENT MAY SIGN ABOVE ONLY IF THE APPLICANT COMPLETES THE FOLLOWING:

I hereby designate and authorize the agent listed above to act on my behalf, or on behalf of my corporation, as the agent in the processing of this application for the permit and/or proprietary authorization indicated above; and to furnish, on request, supplemental information in support of the application. In addition, I authorize the above-listed agent to bind me, or my corporation, to perform any requirement which may be necessary to procure the permit or authorization indicated above. I understand that knowingly making any false statement or representation in this application is a violation of Section 373.430, F.S. and 18 U.S.C. Section 1001.

Harvey Youngquist 11/20/96
Typed/Printed Name of Applicant Signature of Applicant Date

(Corporate Title if applicable)

Please note: The applicant's original signature (not a copy) is required above.

PERSON AUTHORIZING ACCESS TO THE PROPERTY MUST COMPLETE THE FOLLOWING:

I either own the property described in this application or I have legal authority to allow access to the property, and I consent, after receiving prior notification, to any site visit on the property by agents or personnel from the Department of Environmental Protection, the Water Management District and the U.S. Army Corps of Engineers necessary for the review and inspection of the proposed project specified in this application. I authorize these agents or personnel to enter the property as many times as may be necessary to make such review and inspection. Further, I agree to provide entry to the project site for such agents or personnel to monitor permitted work if a permit is granted.

Bill Hughes William C. Hughes 11/18/96
Typed/Printed Name Signature Date

Trustee
(Corporate Title if applicable)

ORIGINAL SUBMITTAL
NOV 22 1996
FORT MYERS SERVICE CENTER

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ENVIRONMENTAL RESOURCE COMPLIANCE
Permit Status Report

Report Run Date: JAN-10-02 11:30 AM

Permit Number: 36-03178-P

21, 28 / 46 / 26

App No	Project Name/ Parcel	Permit Type App Kind	App Status Final Action	Cert. Required	Construction Status	Certification Status	Conversion Status
000207-25	CORKSCREW WOODS MINING	ERP MOD	COMPLETE 03-OCT-2000	N	PERMIT EXPIRED		
961122-6	CORKSCREW WOODS/CORKSCREW RD BETWEEN I-75 & ALICO RD.	ERP NEW	COMPLETE 13-FEB-1997	Y			
971202-9	CORKSCREW WOODS MINING	ERP MOD	COMPLETE 08-JAN-1998	Y			
980120-18	CORKSCREW WOODS MINING	ERP MOD	COMPLETE 19-FEB-1998	Y		INITIAL REVIEW	

Number of Modifications Issued for Permit No. 36-03178-P: 4

Laura G. 1-23-02

Corkscrew Wood Mining.

Spoke to engineer (Morris Depew) about application.

- app certified is pretty done.

Total Number of Modifications Issued: 4

SCANNED

SCANNED

South Florida Water Management District

Fort Myers Service Center • 2301 McGregor Boulevard • Fort Myers, FL 33901
(941) 338-2929 • Fax (941) 338-2936 • 1-800-248-1201 • Suncom 748-2929

CON 24-06

Regulation Department
Application No.: 980120-18

February 19, 1998

Alico Lakes Inc
C/O Morris-Depew Associates Inc
2216 Altamont Avenue
Fort Myers, FL 33901

Dear Permittee:

SUBJECT: PERMIT MODIFICATION NO.: 36-03178-P
Project: CORKSCREW WOODS MINING
Location: Lee County, S21,28/T46S/R26E

District staff has reviewed the information submitted on January 20, 1998, for increasing the depth of excavation to (-) 52.5' NGVD on the confining layer as shown on Exhibit 1. No other changes were proposed or approved by this modification. Based on that information, District staff has determined that the proposed activities are in compliance with the original environmental resource permit and appropriate provisions of FAC Rule 40E-4.331(2)(b). Therefore, these changes have been recorded in our files. Please understand that your permit remains subject to the General Conditions and all other Special Conditions not modified and as originally issued.

Sincerely,

Richard Thompson

Richard H. Thompson, P.E.
Sr Supv Engineer
Ft Myers Service Center

RT/rt

c: Lee County Engineer

Governing Board:
Frank Williamson, Jr., Chairman
Eugene K. Pettis, Vice Chairman
Mitchell W. Berger
Vera M. Carter
William E. Graham
William Hammond
Richard A. Machek
Michael D. Minton
Miriam Singer
Samuel E. Poole III, Executive Director
Michael Slayton, Deputy Executive Director

SCANNED

South Florida Water Management District

Fort Myers Service Center • 2301 McGregor Boulevard • Fort Myers, FL 33901
(941) 338-2929 • Fax (941) 338-2936 • 1-800-248-1201 • Suncom 748-2929

CON 24-06

Regulation Department
Application No.: 971202-9

January 8, 1998

Alico Lakes Inc
C/O Morris-Depew Associates Inc
2216 Altamont Avenue
Fort Myers, FL 33901

Dear Permittee:

SUBJECT: PERMIT MODIFICATION NO.: 36-03178-P
Project: CORKSCREW WOODS MINING
Location: Lee County, S21,28/T46S/R26E

District staff has reviewed the information submitted on December 02, 1997, for site reconfiguration of: 1. A 6.10-acre residential cul-de-sac previously part of the residential ERP (No. 36-03254-P)is to be excavated as part of this permit. 2. The 38.70-acres of the southeast mining excavation area is to be included as part of the residential ERP (No. 36-03254-P). 3. A 400' x 955' (8.77-acres) parcel from the residential ERP is to be included as part of the mining equipment area. 4. The 32.54-acre residential ERP northwest lake is to be excavated as part of the mining ERP as shown on plan sheet 1 by Morris-DePew Associates, Inc., signed and sealed by Michael W. Morris, P.E., on November 26, 1997 is incorporated by reference into this modification and will be retained in the permit file. Based on that information, District staff has determined that the proposed activities are in compliance with the original environmental resource permit and appropriate provisions of FAC Rule 40E-4.331(2)(b). Therefore, these changes have been recorded in our files. Please understand that your permit remains subject to the General Conditions and all other Special Conditions not modified and as originally issued.

Sincerely,

Richard Thompson

Richard H. Thompson, P.E.
Sr Supv Engineer
Ft Myers Service Center

RT/rt

c: Lee County Engineer
MORRIS-DEPEW ASSOCIATES INC.

Governing Board:
Frank Williamson, Jr., Chairman
Eugene K. Pettis, Vice Chairman
Mitchell W. Berger
Vera M. Carter
William E. Graham
William Hammond
Richard A. Machek
Michael D. Minton
Miriam Singer
Samuel E. Poole III, Executive Director
Michael Slayton, Deputy Executive Director

SCANNED

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

FORT MYERS SERVICE CENTER 2301 McGregor Boulevard, Fort Myers, FL 33901
(941) 338-2929 • FL WATS 1-800-248-1201 • Suncom 748-2929 • Fax (941) 338-2936 • www.sfwmd.gov/org/exo/ftmyers/

CON 24-05

ENVIRONMENTAL RESOURCE REGULATION

March 4, 2002

SINGELTARY CONCRETE PRODUCTS, INC
59 SARASOTA CENTER BOULEVARD
SARASOTA, FL 34240

Dear Mr Koepke:

Subject: Acceptance of Construction Completion Certification & Conversion to Operation Phase
Permit No. 36-03178-P, Application No. 961122-6 , 971202-9, 980120-18
CORKSCREW WOODS/CORKSCREW RD BETWEEN I-75 & ALICO RD.
Lee County, S21,28/T46S/R26E

This letter is to acknowledge receipt of your consulting engineer's construction completion certification pertaining to the subject parcel's surface water management system. The submitted information has been **accepted** and incorporated into the permit file.

By accepting the engineer's certification, District staff considers the surface water management system permitted under the above listed application number(s) to be constructed in substantial conformance with the plans and specifications approved by the District. This satisfies your permit conditions regarding submittal of an engineer's certification for construction completion of the permitted drainage facilities and the above referenced permit is hereby ***converted from the construction phase to the operation phase.***

Please call the undersigned at (941) 338-2929-7731 if you have any questions.

Sincerely,

Brian Roberts, Staff Engineer, E.I.
Environmental Resource Compliance
Fort Myers Service Center
South Florida Water Management District
/br

GOVERNING BOARD

Trudi K. Williams, P.E., *Chair*
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DISTRICT HEADQUARTERS: 3301 Gun Club Road, P.O. Box 24680, West Palm Beach, FL 33416-4680 • (561) 686-8800 • FL WATS 1-800-432-2045

SCANNED

South Florida Water Management District

Construction Completion/Construction Certification

Form #0881
94

RECEIVED

1 08 1998

FT MYERS

TO: South Florida Water Management District
Director, Field Engineering Division
Regulation Department
P.O. Box 24680
West Palm Beach, FL 33416-4680

SUBJECT:

Permit Number: 36-03178-P

Application Number: 980120-18

Project Name: Corkscrew Woods Mining

Phase: N/A

Location: County: Lee S 21,28 T 465 R 26E

The subject surface water management system has been designed, constructed and completed as follows: (use additional sheets if needed):

Completion Date: 01 (Month) 28 (Day) 99 (Year)

Discharge Structure:	PERMITTED		EXISTING	
Weir N/A	Width	Crest	Width	Crest
Bleeder/	Dimensions	Invert	Dimensions	Invert

Retention/Detention Area: (if applicable) Total onsite retention system

ID	ID	ID	ID
Size	Size	Size	Size
Side Slopes 3:1 (H:V)	Side Slopes 3:1 (H:V)	Side Slopes (H:V)	Side Slopes (H:V)

Please indicate the location of the appropriate bench mark(s) that were used to determine the above information on the record drawings (Reference ***Florida Administrative Code (F.A.C.)*** 40E-4.381 (2)(k) Appendix 1,I.b). All elevations should be according to National Geodetic Verticle Datum (NGVD) (Reference 2.8 of the Basis of Review- B.O.R.)

I HEREBY NOTIFY THE DISTRICT OF THE COMPLETION OF CONSTRUCTION OF ALL THE COMPONENTS OF THE SURFACE WATER MANAGEMENT FACILITIES FOR THE ABOVE REFERENCED PROJECT AND CERTIFY THAT THEY HAVE BEEN CONSTRUCTED IN SUBSTANTIAL CONFORMANCE WITH THE PLANS AND SPECIFICATIONS PERMITTED BY THE DISTRICT. [A COPY OF THE APPROVED PERMIT DRAWINGS IS ATTACHED WITH DEVIATIONS NOTED, IF APPLICABLE.] I HEREBY AFFIX MY SEAL THIS 03 DAY OF February 19 99 (REFERENCE 373.117, 373.419, F.S.)

See attached letter with deviations

Engineer's Signature and Seal

MICHAEL W. MORRIS, FL 18302
Name (Please Print) FLA. Registration No.

Figure A-II-4

SCANNED

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Brian
2/14/02 [illegible]

Environmental Resource/Surface Water Management Permit Construction Completion/Construction Certification

FORM 0881
08/95

TO: SOUTH FLORIDA WATER MANAGEMENT DISTRICT
Environmental Resource Compliance Division *Please see page 2 of 2

FEB FEB 2002 2002
13

SUBJECT:

PERMIT NO.	36-03178-P	APPLICATION NO.	971202-9, 96112~~2~~6
PROJECT NAME:	Corkscrew Woods Mining	PHASE:	N/A
LOCATION: COUNTY	Lee	SEC / TWP / RGE	S 21,28, T 465, R26E

The subject surface water management system has been designed, constructed and completed as follows: (use additional sheets if needed):

Completion Date: Month 01 Day 28 Year 99

Discharge Structure:		PERMITTED			EXISTING		
Weir	Width	____	Crest	____	Width	____	Crest	____
Bleeder	Dimensions	____	Invert	____	Dimensions	____	Invert	____
Type	____							

Retention/Detention Area: (if applicable)

ID	____	ID	____	ID	____	ID	____
Size	____	Size	____	Size	____	Size	____
Side Slopes	3:1 (H:V)	Side Slopes	3:1 (H:V)	Side Slopes	____ (H:V)	Side Slopes	____ (H:V)

Please indicate the location of the appropriate bench mark(s) used to determine the above information on the record drawings (Reference 40E-4.381(1)(f), Florida Administrative Code). All elevations should be according to National Geodetic Vertical Datum (NGVD) (Reference 2.9 of the *Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District*). ____

I HEREBY NOTIFY THE DISTRICT OF THE COMPLETION OF CONSTRUCTION OF ALL THE COMPONENTS OF THE SURFACE WATER MANAGEMENT FACILITIES FOR THE ABOVE REFERENCED PROJECT AND CERTIFY THAT THEY HAVE BEEN CONSTRUCTED IN SUBSTANTIAL CONFORMANCE WITH THE PLANS AND SPECIFICATIONS PERMITTED BY THE DISTRICT. [A COPY OF THE APPROVED PERMIT DRAWINGS IS ATTACHED WITH DEVIATIONS NOTED, IF APPLICABLE]. I HEREBY AFFIX MY SEAL THIS 03 DAY OF February 1999.

[signature]
Engineer's Signature and Seal

Michael W. Morris, FL 18302
Name (Please Print) FLA. Registration No.

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MORRIS-DEPEW ASSOCIATES, INC.
ENGINEERS • PLANNERS • SURVEYORS & MAPPERS

February 13, 2002

FEB 13 2002

Mr. Richard H. Thompson, PE
South Florida Water Management District
2301 McGregor Boulevard
Fort Myers, FL 33901

Re: Corkscrew Woods Mining
RMC South Florida Materials (99149.p6)

Dear Mr. Thompson:

Attached you will find a copy of a construction completion certification submitted in February of 1999. We inadvertently transposed the application number for this permit. The permit number of 36-03178-P was accurate however. To correct this, we have prepared an amended construction certification form with the correct application numbers. These numbers are 961122-6 and 971202-9.

It is our understanding the field representatives inspected the perimeter berm of the project back in 1999. We have recently observed that it is still in place.

If you need additional information in this regard please do not hesitate to call.

Thank you,

Morris-Depew Associates, Inc.

Ryan M. Shute, PE
Vice President

RMS/smh

Attachments

2216 Altamont Avenue • Fort Myers, Florida 33901 • (941) 337-3993 • FAX (941) 337-3994

SCANNED

Mr Koepke
Subject: Construction Completion Certification
March 4, 2002

bc: Vault File - Pemit No. 36-03178-P / App. No. 961122-6, 971202-9, 980120-18
Laura Gray, P.E.
Richard Thompson, P.E.
Brian Roberts
PPC File
ERC File

SCANNED

FORM 0543
10/87

Request for Final Inspection
Field Engineering Division

Date 2/19/99

Final Inspection Requested By: Michael Morris

County: Lee Section(s) 21, 28 Twp. 46 Rge. 26

Project Name: Corkscrew Woods Mining

Permit No.: 36-03178-P Application No. 980120-13

Project Engineer: Michael Morris

Certification Letter Received? Yes ✓ No _____

"As-Built" Drawings Received? Yes ✓ No _____

Area Engineer: Ben Pratt Field Representative ~~Joe Amorosa~~ Ronnie Searcy

Date of Final Inspection: _____

Final Inspection Report

At the time of inspection, the perimeter berm wasn't constructed in compliance with the permit.

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South Florida Water Management District

Construction Commencement Notice

Form #0960

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
Field Engineering Division
Post Office Box 24680
West Palm Beach, FL 33416-4680

PROJECT: Corkscrew Woods Residential PHASE: _____

I hereby notify the South Florida Water Management District's Field Engineering Division that construction of the surface water management system, authorized by Surface Water Management Permit No. 36-03254-P under Application No. 980120-18 has commenced/~~is expected to commence on _____ 199____ or~~ will require a duration of approximately 12 months 0 /weeks 0 /days to complete. It is understood that should the construction term extend beyond one year, I am obligated to submit the Annual Status Report for Surface Water Management System Construction (Reference Form #961) to the District.

PLEASE NOTE: If the actual construction commencement date is not known, District staff should be so notified in writing in order to satisfy permit conditions.

Michael Morris, Agent — Permittee's or Authorized Agent's

Chairman, Morris-Depew Assoc. — Title and Company

1/29/99 — Date

337-3993 — Phone

Figure A-II-6

SCANNED

MORRIS-DEPEW ASSOCIATES, INC.

ENGINEERS • PLANNERS • SURVEYORS & MAPPERS

February 2, 1999

Richard Thompson, P.E.
South Florida Water Management District
2301 McGregor Boulevard
Fort Myers, FL 33901

Re: Corkscrew Woods Mining Construction Completion
(SFWMD No 36-03178-P)

Dear Mr. Thompson:

The perimeter berm for the above referenced project has been completed. There is however a temporary deviation from the proposed berm alignment. The east portion of the perimeter berm has been constructed at the location of the final lake excavation limits (see allied plans). This berm will be relocated to the mining proposed limits prior to completion of the residential surface water management system. The berm is constructed to the minimum elevation and is designed to retain a 100-year storm event.

Additionally a 40 +/- foot high berm has been constructed as a buffer on the west & north property line. These berms will be removed prior to the completion of the mining activities.

Please let me know if you have any questions in this regard.

Sincerely,

Morris-Depew Associates, Inc.

Ryan M. Shute, EI

RMS/sry

Cc Harvey Youngquist
Richard Friday

SCANNED

2216 Altamont Avenue • Fort Myers, Florida 33901 • (941) 337-3993 • FAX (941) 337-3994

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