

FLORIDA DEPARTMENT OF TRANSPORTATION
SECTION 4(F) DETERMINATION OF APPLICABILITY

650-050-45
Environmental
Management
01/19

Project Name:	State Road (SR) 29 from Oil Well Road to SR 82		
FM#:	417540-1-22-01	ETDM#:	3752
FAP#:	3911 022 P		
Project Review Date:	5/10/2019		
FDOT District:	1		
County(ies):	Collier		

Project Description including Section 4(f) Specific Information:

SR 29 is designated as an Emerging Strategic Intermodal System (SIS) and is a major north-south corridor in Collier County. The project extends from Oil Well Road to SR 82 and is approximately 15.6 miles in length. The project proposes to widen existing SR 29 from two lanes to four lanes from Oil Well Road to south of Farm Worker Way and from north of Westclox Street/New Market Road (CR 29A) to SR 82, as well as include a new four-lane alignment from north of Seminole Crossing Trail to north of Westclox Street/New Market Road (CR 29A) (Central Alternative #2). Based on comments received at the Public Hearing held on November 15, 2018 and further coordination with Collier County, the Central Alternative #2 alignment was shifted to the east to avoid impacts to Immokalee Airport Park. The shifted Central Alternative #2 (Preferred Alternative) is now anticipated to impact 5.49 acres of the Immokalee Airport Conservation Easement.

Type of Property

Check all that apply:

- Public Parks and Recreation Areas
- Wildlife and Waterfowl Refuges
- Historic Sites

Description of Property: The Immokalee Airport Conservation Easement, totaling 154.28 acres, located along the western edge of the Immokalee Regional Airport property, is owned by Collier County and the easement is managed by the Florida Fish and Wildlife Conservation Commission (FWC). The deed granted by Collier County to the FWC establishes the purpose of the Immokalee Airport Conservation Easement along with the Immokalee Regional Airport Upland Management Area (which includes the easement area) (see Attachment 1). The referenced management plan (included as part of the Gopher Tortoise Incidental Take Permit issued by FWC to the airport) is provided as Attachment 2; the management plan may be found specifically within Attachment 2 on pp. 45-47 of this pdf document. The Federal Aviation Administration (FAA), in response to their review of the project Environmental Assessment, indicated that airport use is the primary purpose of the Immokalee Airport Conservation Easement; conservation use is ancillary as this area was designated for mitigation as part of the Gopher Tortoise Incidental Take Permit. FAA also requested to serve as the Official With Jurisdiction (OWJ) since the conservation easement is located on Immokalee Regional Airport property (see Attachment 3). The Florida Department of Transportation (FDOT) Office of Environmental Management (OEM) and legal staff reviewed the deed and management plan along with correspondence received from the FAA as part of their review of the Environmental Assessment. The FDOT OEM and legal staff determined that the easement serves as conservation for the airport property permit. The FDOT OEM and legal staff additionally agreed that the FAA is the OWJ over the conservation easement and concurs with FAA's determination that the primary purpose of the land is airport use. Therefore, Section 4(f) does not apply.

Criteria of Selected Property Type(s):

- Public Parks and Recreation Areas**
 - Must be publicly owned which refers to ownership by local, state or federal government
 - Ownership can also include permanent easements and long-term lease agreements
 - Must be open to the public during normal hours of operation
 - The major purpose must be for park or recreation activities
 - Must be designated or function as a significant park or recreational area.
 - Applies to the entire park or recreation area not just a specific feature

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Wildlife and Waterfowl Refuge

- Must be publicly owned which refers to ownership by local, state or federal government;
 - Ownership can also include permanent easements and long-term lease agreements;
- Must be open to the public but **refuges are able to restrict access for the protection of refuge habitat and species;**
- The major purpose must be for wildlife and waterfowl refuges;
- Must be designated or function as a significant as a wildlife and waterfowl refuges; -
 - Applies to the entire wildlife and waterfowl refuges not just a specific feature

Historic Sites- includes historic buildings, historic transportation facilities, archeological sites, traditional cultural places, historic & archeological districts and historic trails.

- Must be of national, state or local significance and it must be eligible for listing or is listed in the National Register of Historic Places (NRHP); or
- If a site is determined not to be eligible OEM may determine that the application of Section 4(f) is otherwise appropriate when an official (such as the Mayor, president of a local historic society) provides information to support that the historic site is of local importance.

Does the identified resource meet all of the criteria for the selected property type?

Yes, continue to complete the form

No, STOP Section 4(f) does not apply

Identify the Official(s) with Jurisdiction (OWJ) contacted: _____

Date correspondence sent to the OWJ: [Click here to enter a date.](#)

Has the Official(s) with Jurisdiction (OWJ) responded?

Yes No

Has the 30-day response period passed since the initial OWJ correspondence was sent?

Yes No

Please answer the questions below about the resource:

Note: A potential source for this information can include the property management plan, resource website and/or communications with the OWJ (be sure to document these communications in writing).

What is the size and location of the property (include a map of the resource)?

Who/what organization owns/manages the property?

What is the primary function (activities, features and attributes) within the meaning of Section 4(f) of the facility or property?

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█
Please describe the location of available appurtenances and facilities (e.g. tennis courts, pools, shelter houses, sports fields, beaches) on the property:

█
What is the function of/or the available activities on the property?

█
Access and Usage of the property by the Public:

█
Relationship to other similarly used lands/facilities in the vicinity:

█
Are there any unusual characteristics of the property that either limit or enhance the value of the resource? If so please explain:

█
Describe project activities that could potentially “use” the resource:

█
If applicable, give a general description of the history of the Historic Site, Archaeological Site or Historic District:

█
Based on the above information the recommended type of documentation for this property is:

Select the appropriate documentation (i.e. No Use, Exception, de minimis approval, etc.): Choose an Item

Reason the selected level is appropriate:

█
Supporting Documentation

The following items **must** be attached to this form:

1. A map of the resource based on the guidelines in Part 2, Chapter 7 of the PD&E Manual, including the proposed alternative being evaluated.
2. Statement of Significance from OWJ or FDOT’s presumption of significance.
3. Determination of Eligibility or Listing in the National Register of Historic Places, Archaeological Site (*include criterion of eligibility*) or a Historic District if applicable.

Signatures

The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being, or have been, carried out by FDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 14, 2016, and executed by FHWA and FDOT.

Adam Purcell, AECOM
Preparer

5/10/2019
Date

FLORIDA DEPARTMENT OF TRANSPORTATION
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Gwen G. Pipkin
Environmental Manager, or designee

5/10/2019
Date

**OEM
Concurrence:**


OEM Subject Matter Expert

5/20/2019
Date

ATTACHMENT 1

AFFIDAVIT

STATE OF FLORIDA)
COUNTY OF COLLIER)

BEFORE ME, an officer duly qualified to administer oaths and take acknowledgments in Collier County, Florida, personally appeared the undersigned Affiant, who by me being first duly sworn, deposes and says:

1. I, the undersigned Affiant, am employed by the Collier County Airport Authority, a dependent district of the County of Collier, a political subdivision of the State of Florida. I am authorized to submit this Affidavit on behalf of the Airport Authority.

2. I hereby certify that attached hereto as Exhibit "A" is a "true copy" of a Deed of Conservation Easement that is yet to be recorded in the Public Records of Collier County. Exhibit "A" is exactly similar to a prior Deed of this same Conservation Easement, which prior Deed is recorded at book 2614, Page 0666, public records of Collier County, Florida.

3. I hereby certify that the only difference between the attached Exhibit "A" and the prior recorded Deed of Conservation Easement is that the words "incorporated herein by reference" have been inserted in the 5th line of paragraph numbered 1 of page 1 in the Deed. These words have been inserted into the Deed as only a clarification of the prior Deed. The initials on the right hand side of page one (1) are also additional for approval of change. Nothing substantive in the prior Deed of Easement is being changed by this amendment to the Deed.

SWORN TO AND SUBSCRIBED before me by _____;
who is personally known to me, this 13th day of September 2001.



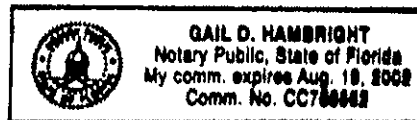
John Drury, Affiant



Notary Public, State of Florida at Large

Commission Number: CC 763562

My Commission expires: Aug 19, 2002



DEED OF CONSERVATION EASEMENT

THIS DEED OF CONSERVATION EASEMENT is hereby granted by the Collier County Airport Authority and the County of Collier, a political subdivision of the State of Florida, whose mailing address is 3301 Tamiami Trail, Administration Building, Naples, Florida, 34112, ("Grantor") to the Fish and Wildlife Conservation Commission, an Agency of the State of Florida, whose address is 620 South Meridian Street, Tallahassee, Florida, 32399-1600, ("Grantee").

WITNESSETH:

WHEREAS, the Grantor is the owner of certain lands situated in Collier County, Florida, hereinafter referred to as the "Property," more specifically described in Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, Grantor desires to protect and conserve certain uplands preserve areas; and

WHEREAS, Grantor in consideration of the consents of the Grantee to that certain Gopher Tortoise Incidental Take Permit issued to Grantor on the 3rd day of November, 1999, by Grantee, hereinafter referred to as the "Permit," whereby Grantor is required to grant and secure the enforcement of a perpetual conservation easement as defined in Section 704.06, *Florida Statutes* (1991), over the Easement Area.

NOW THEREFORE, consistent with the issuance of the Permit, Grantor hereby grants, creates, and establishes a perpetual conservation easement upon the Easement Area, which is depicted by the "cross-hatched" areas (generally west of runway 18-36) as shown on Exhibit "B." The Easement Area does not include 50 ft. wide existing roads and their associated rights-of-way and that proposed road to the hangar located within the Easement Area all identified on Exhibit "B." The easement shall run with the land within the Easement Area and shall be binding upon Grantor, its heirs, successors and assigns, and shall remain in full force and effect forever unless released by Grantee, its successors or assigns, as the case may then be.

1. The scope, nature, and character of this easement is to ensure, to the greatest extent now and/or hereafter allowed by law, that uplands preserve areas, including buffer zones, (Easement Area) shall be used only as conservation areas pursuant to Section 704.06, *Florida Statutes*, consistent with the Permit and the Management Plan ^(incorporated herein by reference). To carry out these purposes, the following rights are conveyed to Grantee by this easement:

(a) Authorized representatives of Grantee may enter upon the Property at reasonable times to enforce any and all rights herein granted upon prior notice to Grantor (or Grantor's successors or assigns as the case may then be) in a manner that will

PSM

MW

09H

Deed of Conservation Easement
Page 2

not unreasonably interfere with the use and quiet enjoyment of the Property by Grantor (its successors or assigns as the case may be) at the time of each such entry; and,

(b) Authorized representatives of (1) Grantee and/or (2) any other then authorized government entity may enjoy any activity on, or use of, the Property that is inconsistent with the purpose of this easement, and may enforce restoration of such areas or features of the Property that may be damaged by any inconsistent activity or use.

2. Collier County reserves to itself, its successors and/or assigns all rights as a non-charter County and as owner of the Airport, including rights to engage in all uses of the Airport that are not expressly prohibited herein and which are not inconsistent with the purposes of this easement as set forth in Section 704.06, *Florida Statutes*, as now exists or may hereafter be amended. Within the Easement Area, the following are prohibited uses/activities except as otherwise authorized elsewhere in this document, or as then required by applicable law(s), including Chapter 333, *Florida Statutes*, or the then current FAA FAR Part 77 Standards (or successor) in function of any of same:

(a) Construction or placing of buildings, roads, signs, billboards and other advertising, utilities, and/or other structures on or above the ground.

(b) Dumping or otherwise placing of trash, waste, or unsightly or offensive materials.

(c) Removal or alteration of trees, shrubs, or other vegetation unless allowed or mandated by the then current Management Plan and/or officials of Grantee.

(d) Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface except as necessary for maintenance of drainage ditches.

(e) Surface use except for purposes that permit the land or water area to remain predominantly in its natural condition.

(f) Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, and/or fish and/or wildlife habitat preservation.

(g) Acts and/or uses that are detrimental to such retention of land.

(h) Alteration of the Easement Area except to the extent authorized by the Permit, by then applicable law(s) and/or the then current Management Plan.

Deed of Conservation Easement
Page 3

(i) Use of any pesticides within the Property without the prior written consent of the Grantee, which consent(s) will not be unreasonably withheld.

3. No right of access by any members of the general public to any portion of the Easement Area is conveyed by this easement.

4. Grantor agrees to bear all reasonable costs related to the normal operation, upkeep and maintenance of the Easement Area.

5. Grantor agrees that taxes and/or assessments levied on the Airport by competent authority will be paid.

6. Enforcement of this easement shall be at the discretion of Grantee. Any forbearance on behalf of Grantee to exercise any of its rights hereunder in the event of any breach hereof by Grantor (or its successors, personal representatives or assigns, as the case may be) shall not be deemed or construed to be any waiver of Grantee's rights hereunder in the event of any subsequent breach hereof.

7. Grantee will hold this easement exclusively for conservation purposes and will not assign this easement or any of its rights and/or obligations hereunder except to another organization then (a) qualified by law to hold such interests and/or perform those obligations under any then applicable law(s), and (b) then and thereafter committed to holding this easement exclusively for conservation purposes. If Grantor sells or otherwise conveys title to any part of the Airport or Easement Area to any person or entity, Grantor shall deliver written notice of such transfer to Grantee not later than thirty (30) days after recordation of the respective transfer in the public records of Collier County.

8. If any provision of this easement, or the application thereof to any person or circumstance, is found to be invalid, all other provisions of this easement, and the applications of any such provision(s) to persons or circumstances other than those as to which it is found to be invalid, shall not be affected thereby to the greatest extent then allowed by law.

9. All notices, consents, approvals or other communications pursuant hereto shall be in writing and shall be deemed properly received by the recipient if actually received via United States mail, certified, return receipt requested, addressed to the appropriate party (or successor-in-interest), at the addresses above set forth or such new address as either party may in writing deliver to the other party.

10. This easement may be amended, altered, released or revoked only by written agreement between the parties hereto, or their successors or assigns.

11. Grantor certifies to Grantee that the Airport is not subject to any mortgage or any other form of security that is superior to this easement or which needs to be subordinated.

12. This easement shall be recorded by Grantor in the public records of Collier County after receipt of acknowledgment of acceptance hereof by the Grantee.

13. Grantor agrees that if the property is subject to a mortgage or any form of security interest, Grantor shall provide documentation to verify that mortgage or security interest is subordinate to this Conservation Easement and such verification shall be provided and recorded either before or concurrent with execution of this Easement.

TO HAVE AND TO HOLD unto Grantees, their respective successors and assigns forever. The covenants, terms, conditions, restrictions and purposes imposed with this easement shall not only be binding upon Grantor but also upon its agents, authorized representatives, assigns, and all other successors in interest to it, and shall continue as a servitude running in perpetuity with the Airport unless and until released by Grantee or its successor or assigns, and then only to the extent of any such release(s).

IN WITNESS WHEREOF, Grantor has executed this easement on the 14 day of Sept, 1999.

ATTEST:
Dwight E. Brock, Clerk

BOARD OF COUNTY COMMISSION
OF COLLIER COUNTY, FLORIDA

By: [Signature]
Deputy Clerk
Attest as to Chairman's
signature only.

By: [Signature]
Pamela S. Mac'Kie, Chairwoman

Approved as to form
and legal sufficiency:

COLLIER COUNTY AIRPORT AUTHORITY
By: [Signature]
Michael Williams, Chairman

By: [Signature]
Thomas C. Palmer
Assistant County Attorney

GRANTEE'S ACCEPTANCE

The Fish and Wildlife Conservation Commission hereby approves and accepts the foregoing Conservation Easement and agrees to all of its terms and provisions this 26th Day of October, 1999.

**FLORIDA FISH AND WILDLIFE
CONSERVATION COMMISSION**

WITNESSES:

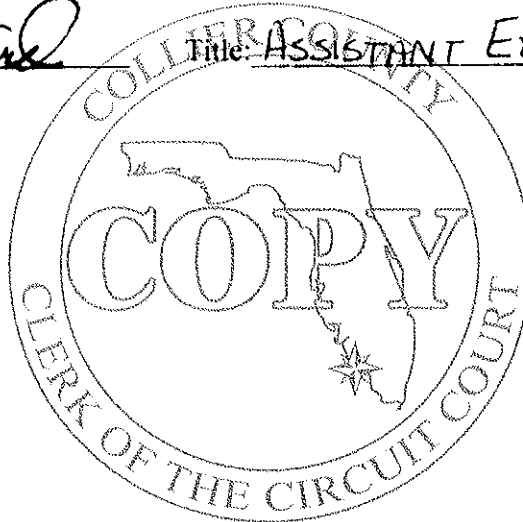
By: *Victor Heller*

Brenda Collins

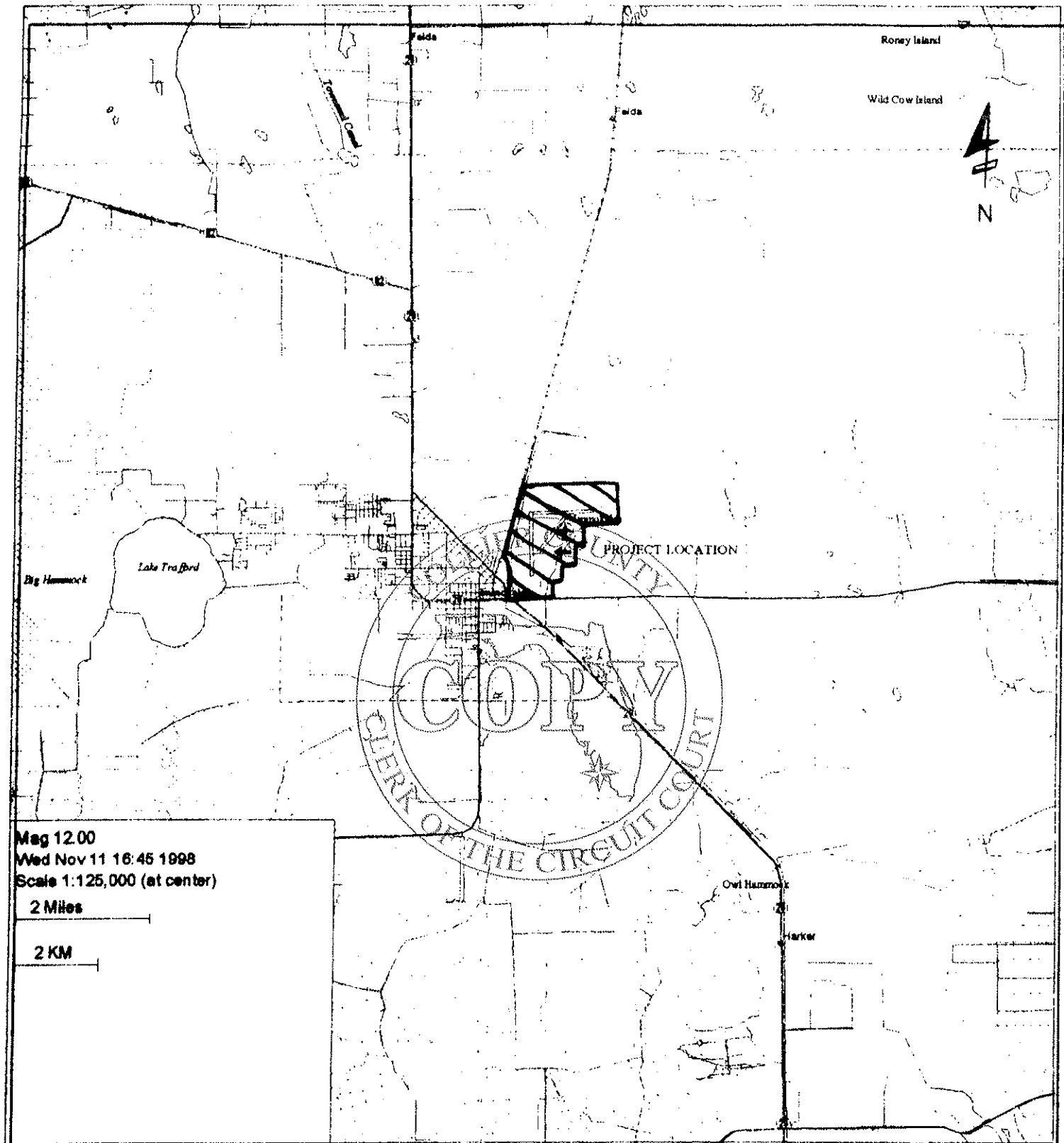
Name VICTOR J. Heller

Cynthia Ward

Title: ASSISTANT Executive Director



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
Victor J. Heller
Commission Attorney



OR: 2614 PG: 0671

DATE: 11-12-98

**IMMOKALEE REGIONAL AIRPORT
LOCATION MAP**

SCALE:

PROJECT NO: 94067.8

EXHIBIT A

**FLORIDA
ENVIRONMENTAL
INCORPORATED**

18505 Paulson Drive, Bldg. B
Port Charlotte, FL 33954
Tel (941) 624-2911
Fax (941) 629-7210

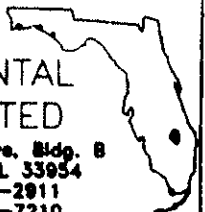
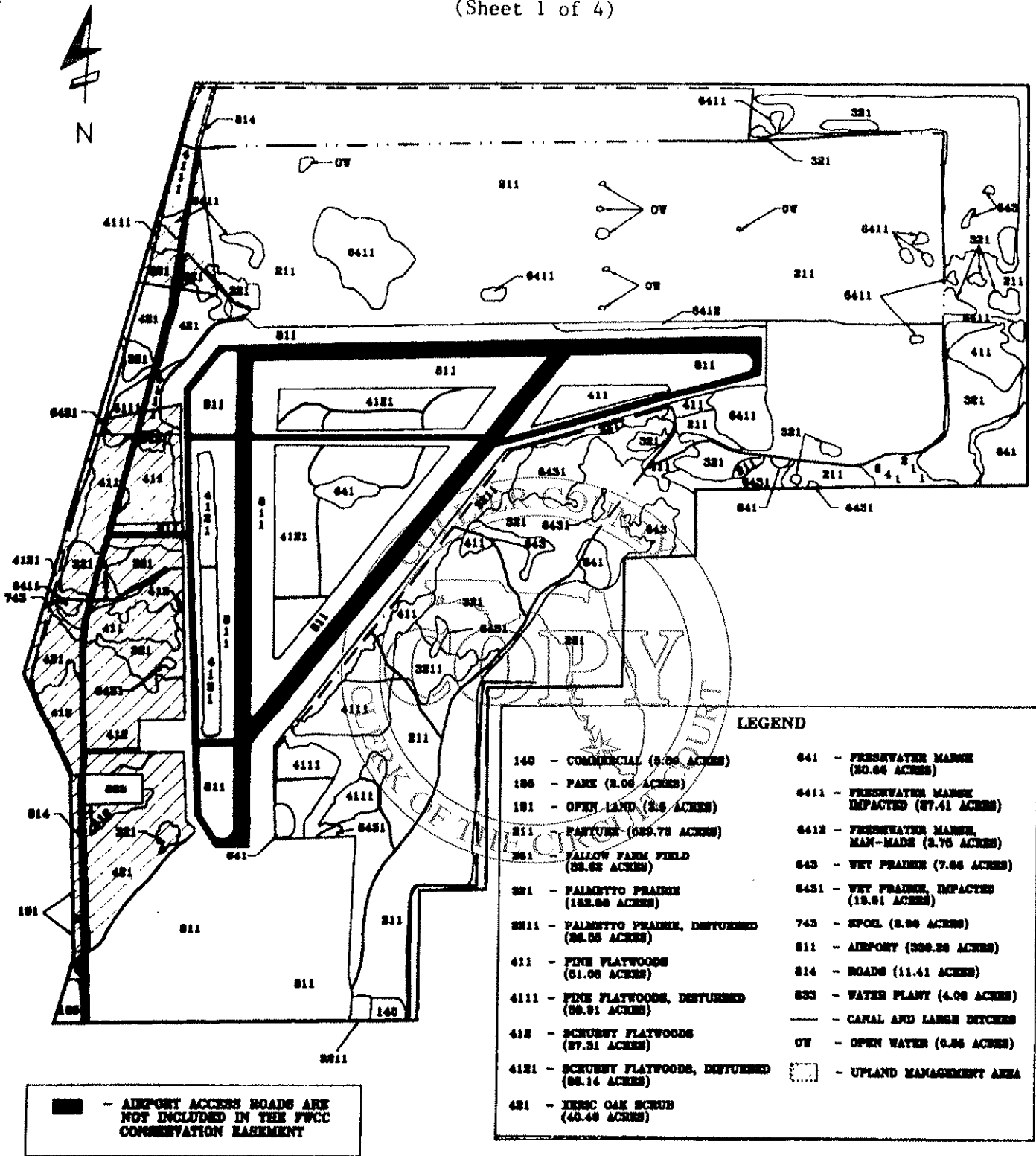


Exhibit B
(Sheet 1 of 4)



DATE: 7/12/99

SCALE: 1" = 1400'

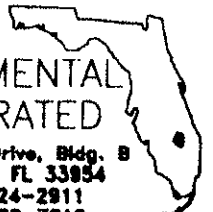
PROJECT NO: 94067.10

IMMOKALEE REGIONAL AIRPORT
UPLAND
MANAGEMENT AREA

EXHIBIT B SHEET 1 OF 4

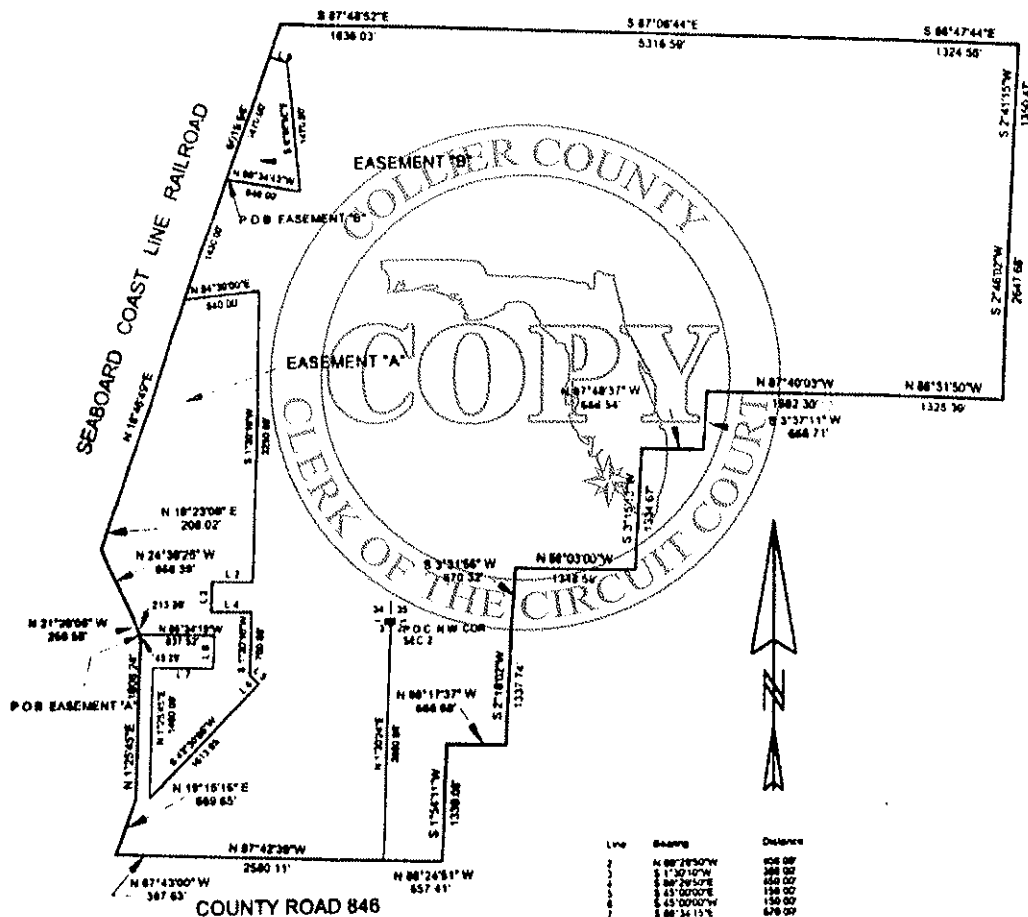
FLORIDA
ENVIRONMENTAL
INCORPORATED

18505 Paulson Drive, Bldg. B
Port Charlotte, FL 33954
Tel (941) 624-2911
Fax (941) 629-7210



PUBLIC WORKS ENGINEERING DEPARTMENT
3301 EAST TAMiami TRAIL. NApLES, FLORIDA 34112
(941) 774-8192

SKETCH OF DESCRIPTION
NOT A SURVEY



Line	Bearing	Distance
1	N 88°29'50"W	105.00'
2	S 1°30'10"W	288.00'
3	S 88°29'50"E	550.00'
4	S 43°00'00"E	194.00'
5	S 43°00'00"W	150.00'
6	S 88°34'15"E	470.00'
7	N 1°25'43"E	170.00'
8	S 1°15'11"E	210.00'

- GENERAL NOTES**
- 1) P.O.C. = POINT OF COMMENCEMENT
 - 2) P.O.B. = POINT OF BEGINNING
 - 3) SEC. = SECTION
 - 4) TWP. = TOWNSHIP
 - 5) RGE. = RANGE
 - 6) RAW = RIGHT OF WAY
 - 7) ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF
 - 8) NOT VALID UNLESS SIGNED AND SEALED WITH THE EMBOSSED SEAL OF A PROFESSIONAL LAND SURVEYOR

CHECKED BY	CHECKED BY	SCALE	DATE	FILE NO	SHEET 2 OF 4
		NOT TO SCALE	OCTOBER 25, 1999	IAFSJE	

PUBLIC WORKS ENGINEERING DEPARTMENT
3301 EAST TAMiami TRAIL NAPLES, FLORIDA 34112
(941) 774-8192

Easement Parcel "A"

PROJECT NO...

PARCEL NO...

FOLIO NO...

LEGAL DESCRIPTION (NOT A SURVEY)

COMMENCING AT THE NORTHWEST CORNER OF SECTION 2, TOWNSHIP 47 SOUTH, RANGE 29 EAST, COLLIER COUNTY, FLORIDA; THENCE SOUTH 1 DEGREE 30 MINUTES 24 SECONDS WEST, A DISTANCE OF 2680.88 FEET; THENCE NORTH 87 DEGREES 42 MINUTES 39 SECONDS WEST ALONG THE NORTH RIGHT OF WAY LINE OF COUNTY ROAD 846, A DISTANCE OF 2580.11 FEET; THENCE NORTH 87 DEGREES 43 MINUTES 00 SECONDS WEST, A DISTANCE OF 307.67 FEET; THENCE LEAVING SAID NORTH RIGHT OF WAY LINE NORTH 19 DEGREES 15 MINUTES 15 SECONDS EAST, A DISTANCE OF 669.65 FEET; THENCE NORTH 1 DEGREE 25 MINUTES 45 SECONDS EAST, A DISTANCE OF 1808.24 FEET; THENCE NORTH 21 DEGREES 20 MINUTES 05 SECONDS WEST, A DISTANCE OF 45.29 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH ALONG SAID LINE, A DISTANCE OF 213.26 FEET; THENCE NORTH 24 DEGREES 38 MINUTES 25 SECONDS WEST, A DISTANCE OF 856.39 FEET; THENCE NORTH 18 DEGREES 23 MINUTES 08 SECONDS EAST ALONG THE EAST RIGHT OF WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A DISTANCE OF 208.02 FEET; THENCE NORTH 18 DEGREES 46 MINUTES 49 SECONDS EAST, A DISTANCE OF 2728.00 FEET; THENCE LEAVING SAID EAST RIGHT OF WAY LINE NORTH 84 DEGREES 30 MINUTES 00 SECONDS EAST, A DISTANCE OF 840.00 FEET; THENCE SOUTH 1 DEGREE 30 MINUTES 10 SECONDS WEST, A DISTANCE OF 3250.00 FEET; THENCE NORTH 88 DEGREES 29 MINUTES 50 SECONDS WEST, A DISTANCE OF 450.00 FEET; THENCE SOUTH 1 DEGREE 30 MINUTES 10 SECONDS WEST, A DISTANCE OF 360.00 FEET; THENCE SOUTH 88 DEGREES 29 MINUTES 50 SECONDS EAST, A DISTANCE OF 450.00 FEET; THENCE SOUTH 1 DEGREE 30 MINUTES 10 SECONDS WEST, A DISTANCE OF 700.00 FEET; THENCE SOUTH 45 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 150.00 FEET; THENCE SOUTH 45 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 150.00 FEET; THENCE SOUTH 43 DEGREES 30 MINUTES 06 SECONDS WEST, A DISTANCE OF 1613.95 FEET; THENCE NORTH 1 DEGREE 25 MINUTES 45 SECONDS EAST, A DISTANCE OF 1480.00 FEET; THENCE SOUTH 18 DEGREES 04 MINUTES 15 SECONDS EAST, A DISTANCE OF 670.00 FEET; THENCE NORTH 1 DEGREE 25 MINUTES 45 SECONDS EAST, A DISTANCE OF 370.00 FEET; THENCE NORTH 88 DEGREES 34 MINUTES 15 SECONDS WEST, A DISTANCE OF 837.52 FEET TO THE POINT OF BEGINNING, SAID DESCRIBED TRACT CONTAINING 137.084 ACRES (5,971,401) SQUARE FEET), MORE OR LESS.

IAFSJEA

PREPARED BY: *George R. Richmond*

GEORGE R. RICHMOND

DATE: *11/2/89*

PROFESSIONAL LAND SURVEYOR-FL. REG. # 2406
PUBLIC WORKS ENGINEERING DEPARTMENT.
COLLIER COUNTY GOVERNMENT COMPLEX
3301 EAST TAMiami TRAIL
NAPLES, FLORIDA 34112

SHEET 3 OF 4

PUBLIC WORKS ENGINEERING DEPARTMENT
3301 EAST TAMiami TRAIL NAPLES, FLORIDA 34112
(941) 774-8192

PROJECT NO.

PARCEL NO...

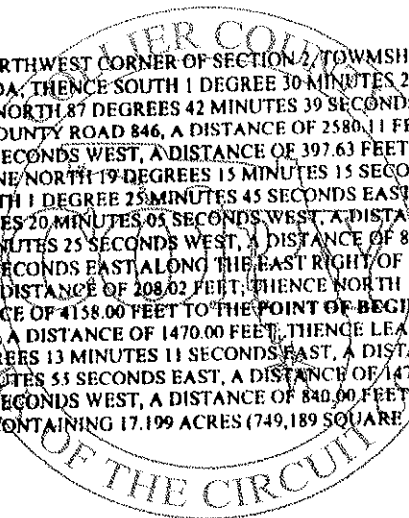
FOLIO NO...

LEGAL DESCRIPTION (NOT A SURVEY)

Easement Parcel "B"

COMMENCING AT THE NORTHWEST CORNER OF SECTION 2, TOWNSHIP 47 SOUTH, RANGE 29 EAST, COLLIER COUNTY, FLORIDA, THENCE SOUTH 1 DEGREE 30 MINUTES 24 SECONDS WEST, A DISTANCE OF 2680.88 FEET; THENCE NORTH 87 DEGREES 42 MINUTES 39 SECONDS WEST ALONG THE NORTH RIGHT OF WAY LINE OF COUNTY ROAD 846, A DISTANCE OF 2580.11 FEET; THENCE NORTH 87 DEGREES 43 MINUTES 00 SECONDS WEST, A DISTANCE OF 397.63 FEET; THENCE LEAVING SAID NORTH RIGHT OF WAY LINE NORTH 19 DEGREES 15 MINUTES 15 SECONDS EAST, A DISTANCE OF 669.65 FEET; THENCE NORTH 1 DEGREE 25 MINUTES 45 SECONDS EAST, A DISTANCE OF 1808.24 FEET; THENCE NORTH 21 DEGREES 20 MINUTES 05 SECONDS WEST, A DISTANCE OF 258.55 FEET; THENCE NORTH 24 DEGREES 38 MINUTES 25 SECONDS WEST, A DISTANCE OF 856.39 FEET; THENCE NORTH 18 DEGREES 23 MINUTES 08 SECONDS EAST ALONG THE EAST RIGHT OF WAY LINE OF THE SEABOARD COAST LINE RAILROAD A DISTANCE OF 208.02 FEET; THENCE NORTH 18 DEGREES 46 MINUTES 49 SECONDS EAST, A DISTANCE OF 4158.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH ALONG SAID LINE, A DISTANCE OF 1470.00 FEET; THENCE LEAVING SAID EAST RIGHT OF WAY LINE SOUTH 71 DEGREES 13 MINUTES 11 SECONDS EAST, A DISTANCE OF 210.00 FEET; THENCE SOUTH 6 DEGREES 06 MINUTES 53 SECONDS EAST, A DISTANCE OF 1470.00 FEET; THENCE NORTH 90 DEGREES 34 MINUTES 43 SECONDS WEST, A DISTANCE OF 840.00 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED TRACT CONTAINING 17.199 ACRES (749,189 SQUARE FEET), MORE OR LESS.

IAFSJEB



PREPARED BY *George R. Richmond* DATE *1/25/12*
GEORGE R. RICHMOND

PROFESSIONAL LAND SURVEYOR-FL. REG. # 2406
PUBLIC WORKS ENGINEERING DEPARTMENT
COLLIER COUNTY GOVERNMENT COMPLEX
3301 EAST TAMiami TRAIL
NAPLES, FLORIDA 34112

PUBLIC WORKS ENGINEERING DEPARTMENT
 3301 EAST TAMiami TRAIL NAPLES, FLORIDA 34112
 (941) 774-8192

PROJECT NO..

PARCEL NO..

FOLIO NO..

LEGAL DESCRIPTION (NOT A SURVEY)

COMMENCING AT THE NORTHWEST CORNER OF SECTION 2, TOWNSHIP 47 SOUTH, RANGE 29 EAST, COLLIER COUNTY, FLORIDA; THENCE SOUTH 1 DEGREE 30 MINUTES 24 SECONDS WEST, A DISTANCE OF 2680.88 FEET; THENCE NORTH 87 DEGREES 42 MINUTES 39 SECONDS WEST ALONG THE NORTH RIGHT OF WAY LINE OF COUNTY ROAD 846, A DISTANCE OF 2580.11 FEET; THENCE NORTH 87 DEGREES 43 MINUTES 00 SECONDS WEST, A DISTANCE OF 397.63 FEET; THENCE LEAVING SAID NORTH RIGHT OF WAY LINE NORTH 19 DEGREES 15 MINUTES 15 SECONDS EAST, A DISTANCE OF 669.65 FEET; THENCE NORTH 1 DEGREE 25 MINUTES 45 SECONDS EAST, A DISTANCE OF 1808.24 FEET; THENCE NORTH 21 DEGREES 20 MINUTES 05 SECONDS WEST, A DISTANCE OF 258.55 FEET; THENCE NORTH 24 DEGREES 38 MINUTES 25 SECONDS WEST, A DISTANCE OF 856.39 FEET; THENCE NORTH 18 DEGREES 23 MINUTES 08 SECONDS EAST, ALONG THE EAST RIGHT OF WAY LINE OF THE SEABOARD COAST LINE RAILROAD A DISTANCE OF 208.02 FEET; THENCE NORTH 18 DEGREES 46 MINUTES 49 SECONDS EAST, A DISTANCE OF 4158.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH ALONG SAID LINE, A DISTANCE OF 1470.00 FEET; THENCE LEAVING SAID EAST RIGHT OF WAY LINE SOUTH 71 DEGREES 13 MINUTES 11 SECONDS EAST, A DISTANCE OF 210.00 FEET; THENCE SOUTH 6 DEGREES 06 MINUTES 35 SECONDS EAST, A DISTANCE OF 1470.00 FEET; THENCE NORTH 80 DEGREES 34 MINUTES 43 SECONDS WEST, A DISTANCE OF 840.00 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED TRACT CONTAINING 17.199 ACRES (749,140 SQUARE FEET), MORE OR LESS.

IAFSJEB

PREPARED BY *George R. Richmond* DATE *10/25/75*

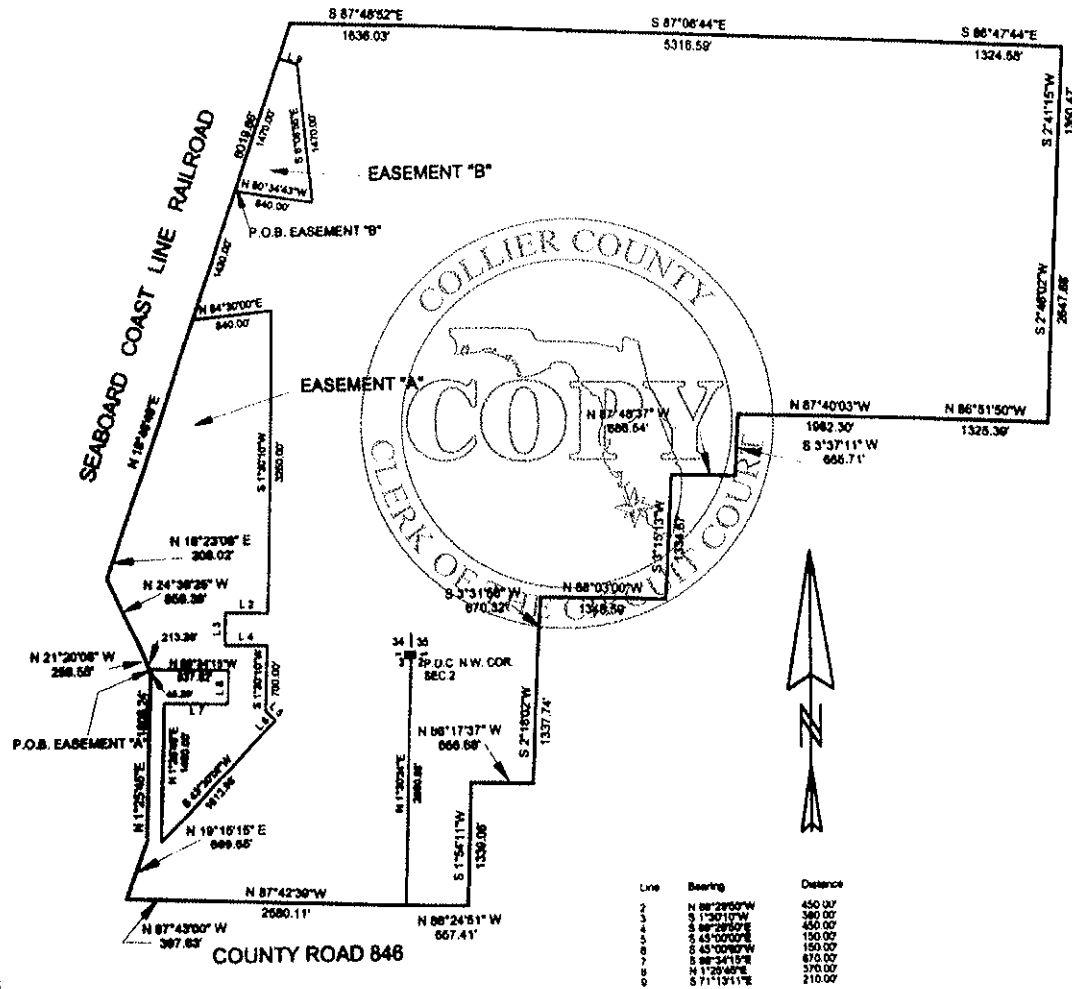
GEORGE R. RICHMOND

PROFESSIONAL LAND SURVEYOR-FL. REG. # 2406
 PUBLIC WORKS ENGINEERING DEPARTMENT.
 COLLIER COUNTY GOVERNMENT COMPLEX
 3301 EAST TAMiami TRAIL
 NAPLES, FLORIDA 34112

SHEET 1 OF 2

PUBLIC WORKS ENGINEERING DEPARTMENT
 3301 EAST TAMiami TRAIL NAPLES, FLORIDA 34112
 (941) 774-8192

SKETCH OF DESCRIPTION
 NOT A SURVEY



GENERAL NOTES

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DRAWN BY	CHECKED BY	SCALE	DATE	FILE NO	
		NOT TO SCALE	OCTOBER 25, 1999	IAFSJE	SHEET 2 OF 2

ATTACHMENT 2



ENV 3-2/5

Florida Fish and Wildlife Conservation Commission

James L. "Jamie" Adams, Jr. Bushnell	Barbara C. Barsh Jacksonville	Quinton L. Hedgepeth, DDS Miami	H.A. "Herky" Huffman Deltona	Thomas B. Kibler Lakeland
David K. Meehan St. Petersburg	Julie K. Morris Sarasota	Tony Moss Miami	Edwin P. Roberts, DC Pensacola	John D. Rood Jacksonville

ALLAN L. EGBERT, Ph.D., Executive Director
 VICTOR J. HELLER, Assistant Executive Director

November 3, 1999

OFFICE OF ENVIRONMENTAL SERVICES
 BRADLEY J. HARTMAN, DIRECTOR
 620 South Meridian Street
 Tallahassee, FL 32399-1600
 www.state.fl.us/fwc
 (850)488-6661
 FAX (850)922-5679
 TDD (850)488-9542

Mr. John H. Drury, Executive Director
 Collier Airport Authority
 2003 Mainsail Drive
 Naples, FL 34112

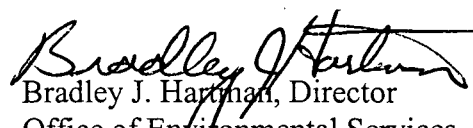
Re: Gopher Tortoise Incidental Take Permit
 #COL-36, Collier County

Dear Mr. Drury:

Enclosed is permit COL-36 for the incidental taking of gopher tortoises, their eggs and their burrows within the development boundaries specified. The application for this permit was complete as of November 2, 1999.

Please contact me or Mr. Jim Beever at (941) 575-5765 if you have any questions regarding this permit.

Sincerely,


 Bradley J. Hartman, Director
 Office of Environmental Services

BJH/tgw
 ENV 3-2/5
 Enclosure
 gtpermit.ltr

- cc: Collier County Planning Department
- Mr. Joseph Bozzo, Naples Office, FWC
- Major Ries, Everglades Region, FWC
- Mr. Jim Beever, OES, FWC
- Ms. Sunny Diver, Florida Environmental, Inc.
- Ms. Angela Williams, Division of Wildlife, FWC

**PERMIT FOR TAKING OF GOPHER TORTOISES AND
THEIR BURROWS**

Chapter 39-27.002(4) F.A.C.

STATE OF FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

Issuance Date: November 3, 1999

Permittee: Collier Airport Authority
Permittee Address: 2003 Mainsail Drive
Naples, Florida 34112
Attn.. Mr. John H. Drury, Executive Director

Consultant: Ms. Sunny Diver
Consultant Address: Florida Environmental, Inc.
18505 Paulson Drive, Building B
Port Charlotte, Florida 33954

Permit Number: COL-36

Location of Affected Site: Approximately 1,145 acres of the 1,300-acre Immokalee Regional Airport site, including 267.5 acres of gopher tortoise habitat, located north of SR 848 (Immokalee Road), east and west of Airport Road in portions of Section 3, T47S, R29E, and Sections 25, 26, 27, 34, 35, and 36, T46S, R29E, in northeastern Collier County (see attachments 1 and 2).

Permitted Action: The permittee or its agents are authorized to take gopher tortoises, their eggs and their burrows within its development boundaries where such taking is incidental to development activities. The criteria of Rule 39-27.002(4), F.A.C., have been satisfied and the taking, as conditioned below, will not be detrimental to the survival potential of the species.

Provisions/Conditions:

1. The permittee shall protect at least 114 acres of gopher tortoise habitat within 154 acres of the "Upland Management Area (UMA) easement parcels of the Immokalee Regional Airport" depicted on the attached map (Figure 3), by placing these lands under a perpetual conservation easement granted to the Florida Fish and Wildlife Conservation Commission (FWC). The permittee shall provide a copy of the certified as recorded easement to the FWC.
2. This permit will not go into effect until the date that the permittee is in possession of a notice from the FWC acknowledging receipt of the recorded easement. This notice shall be kept with the permit. As described in the permit Notice of Rights Statement, issuance of this permit may be appealed by a concerned party within 21 days of the permittee's receipt of this notice. If a Petition for Administrative Hearing is timely filed within this prescribed time period, the permittee will be notified by the FWC. Upon such notification, the permittee shall cease all work authorized by this permit until the petition is resolved.


3. The permittee shall have the obligation to manage and maintain the designated preservation areas and access corridors to provide suitable habitat for the gopher tortoise as specified in the FWC-approved upland preserve management plan, "Upland Management Area (UMA) of the Immokalee Regional Airport," incorporated herein by reference.
4. The permittee shall keep written records of the vegetation management activities conducted and provide a copy of these records upon request of the FWC.
5. The conservation area shall have no other designated uses, nor shall any other site modifications be allowed, except as specified in the FWC-approved upland preserve management plan and the conservation easement. Where conflicts occur in the wording of these two documents, regarding uses allowed within the easement areas, the more restrictive provisions shall prevail.
6. This permit does not relieve the permittee from any other "taking" requirements by the U.S. Fish and Wildlife Service (USFWS) or the FWC as to other listed species. Specifically, this permit does not authorize any destruction of scrub jays or scrub jay habitat. Consultation with the USFWS should be sought if this species is present.
7. The permittee or its approved agents are authorized to move tortoises, at their discretion, within the property boundaries to minimize taking. This permit does not authorize the permittee or its agents to possess or move tortoises off the contiguous ownership of the permittee nor to move tortoises into areas previously authorized as a relocation site by a FWC permit. A separate relocation permit from the FWC shall be required for those activities.
8. This permit does not authorize any taking of gopher tortoises beyond that which is a direct result of development activities or the on-site movement of animals addressed in condition #7. Any other form of taking or relocation will require a separate permit from the Executive Director.
9. This permit must be available for inspection at all times while engaged in the permitted activities.
10. This permit is transferrable to subsequent owners of the property.

Notice of Rights Statement: In accordance with Rules 28-5.111 and 28-6.008, F.A.C., and Section 120.60, F.S., any party may request a hearing on this matter pursuant to Section 120.57, F.S., by filing a completed Election of Rights form (copy attached) by certified mail, return receipt requested, with the undersigned within twenty-one (21) days of receipt of this notice. If timely requested and a hearing is granted, the hearing will be conducted under the procedures established by Section 120.57, F.S. A party will be given the opportunity to be represented by

Collier Airport Authority
Gopher Tortoise Incidental Take Permit #COL-36
November 3, 1999
Page 3

counsel or other qualified representative, to take testimony, to call and cross-examine witnesses, and to have subpoenas issued on your behalf.

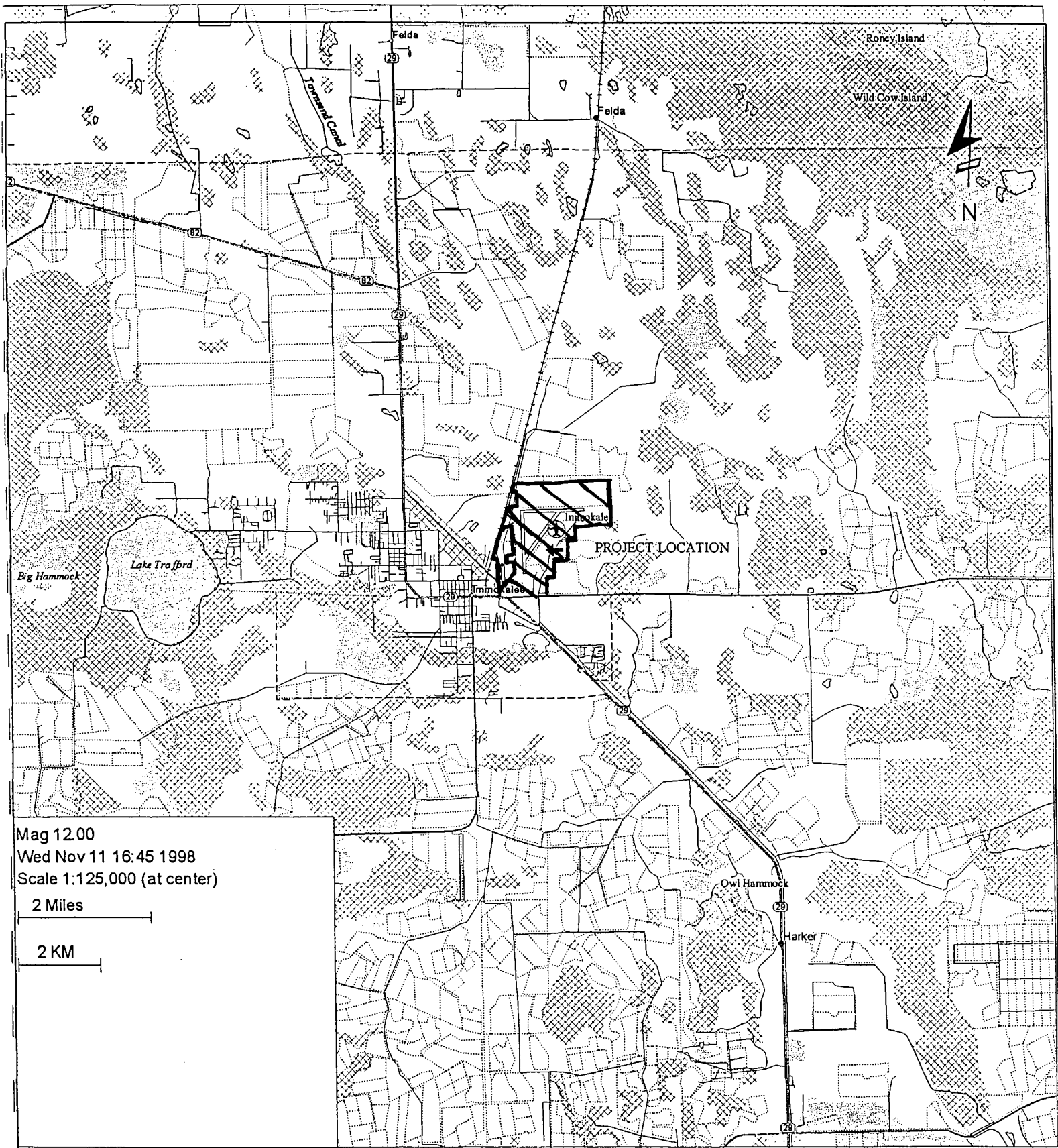
Allan L. Egbert, Ph.D.
Executive Director

By: 

ALE/JWB
ENV 3-2/5
imregair.gtp

Attachments:

1. Location map
2. Project boundaries map
3. Habitat conservation areas A and B location map
4. Election of Rights form



Mag 12.00
 Wed Nov 11 16:45 1998
 Scale 1:125,000 (at center)

2 Miles

2 KM

DATE: 11-12-98

SCALE:

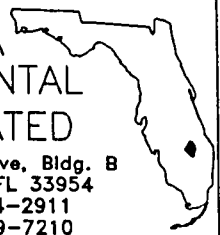
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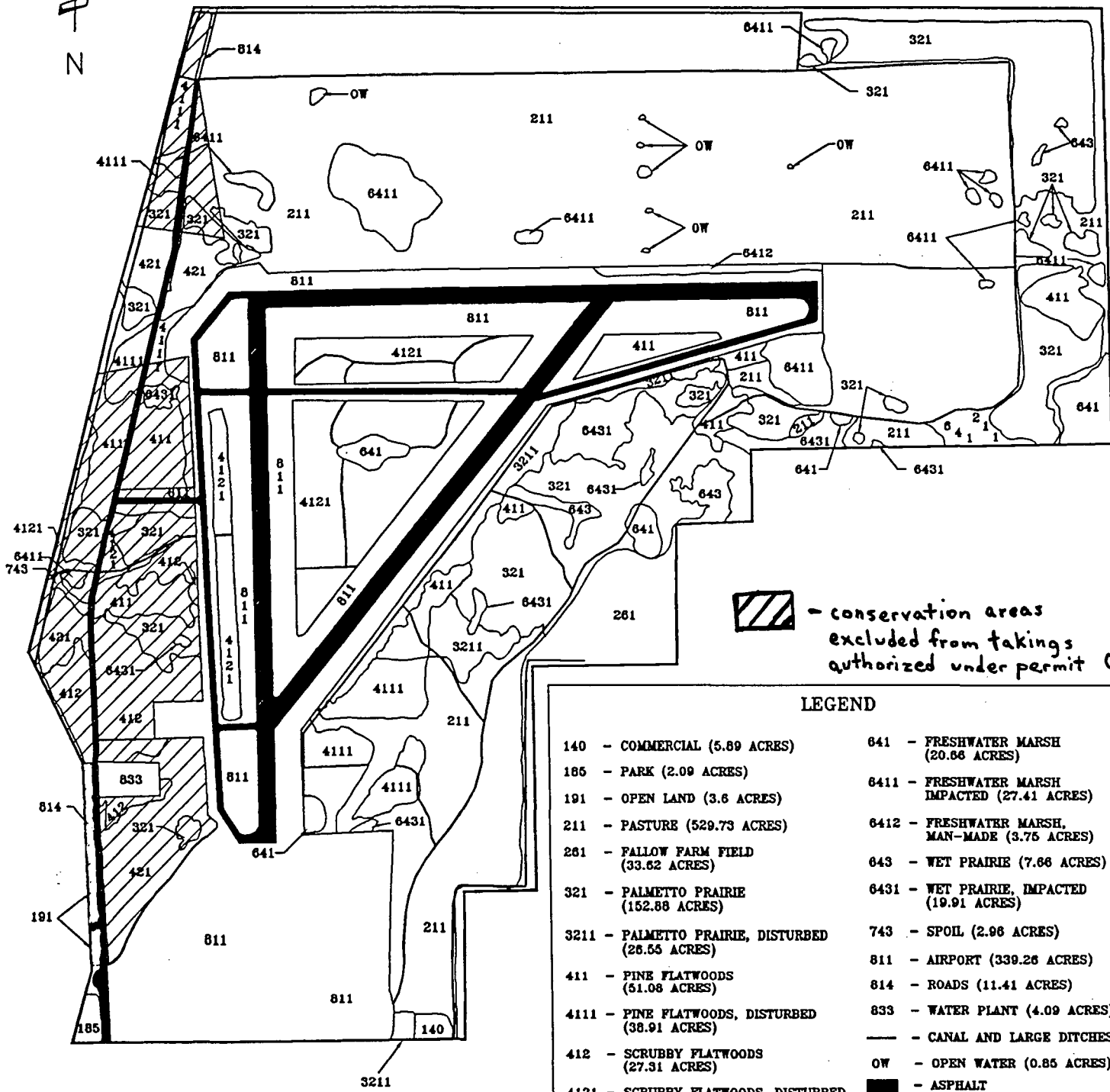
**IMMOKALEE REGIONAL AIRPORT
 LOCATION MAP**


EXHIBIT 1


**FLORIDA
 ENVIRONMENTAL
 INCORPORATED**

18505 Paulson Drive, Bldg. B
 Port Charlotte, FL 33954
 Tel (941) 624-2911
 Fax (941) 629-7210





 - conservation areas excluded from takings authorized under permit COL-36

LEGEND	
140 - COMMERCIAL (5.89 ACRES)	641 - FRESHWATER MARSH (20.66 ACRES)
185 - PARK (2.09 ACRES)	6411 - FRESHWATER MARSH IMPACTED (27.41 ACRES)
191 - OPEN LAND (3.6 ACRES)	6412 - FRESHWATER MARSH, MAN-MADE (3.75 ACRES)
211 - PASTURE (529.73 ACRES)	643 - WET PRAIRIE (7.66 ACRES)
261 - FALLOW FARM FIELD (33.62 ACRES)	6431 - WET PRAIRIE, IMPACTED (19.91 ACRES)
321 - PALMETTO PRAIRIE (152.88 ACRES)	743 - SPOIL (2.96 ACRES)
3211 - PALMETTO PRAIRIE, DISTURBED (26.55 ACRES)	811 - AIRPORT (339.26 ACRES)
411 - PINE FLATWOODS (51.08 ACRES)	814 - ROADS (11.41 ACRES)
4111 - PINE FLATWOODS, DISTURBED (38.91 ACRES)	833 - WATER PLANT (4.09 ACRES)
412 - SCRUBBY FLATWOODS (27.31 ACRES)	— - CANAL AND LARGE DITCHES
4121 - SCRUBBY FLATWOODS, DISTURBED (80.14 ACRES)	OW - OPEN WATER (0.85 ACRES)
421 - XERIC OAK SCRUB (40.49 ACRES)	 - ASPHALT
	— - PROPOSED ACCESS TO EXISTING HANGAR

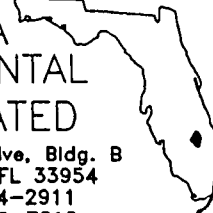
DATE: 11-11-98
 SHEET:
 SCALE: 1" = 1400'
 PROJECT NO: 94067.46

**IMMOKALEE REGIONAL
 AIRPORT
 UPLAND MANAGEMENT AREA**

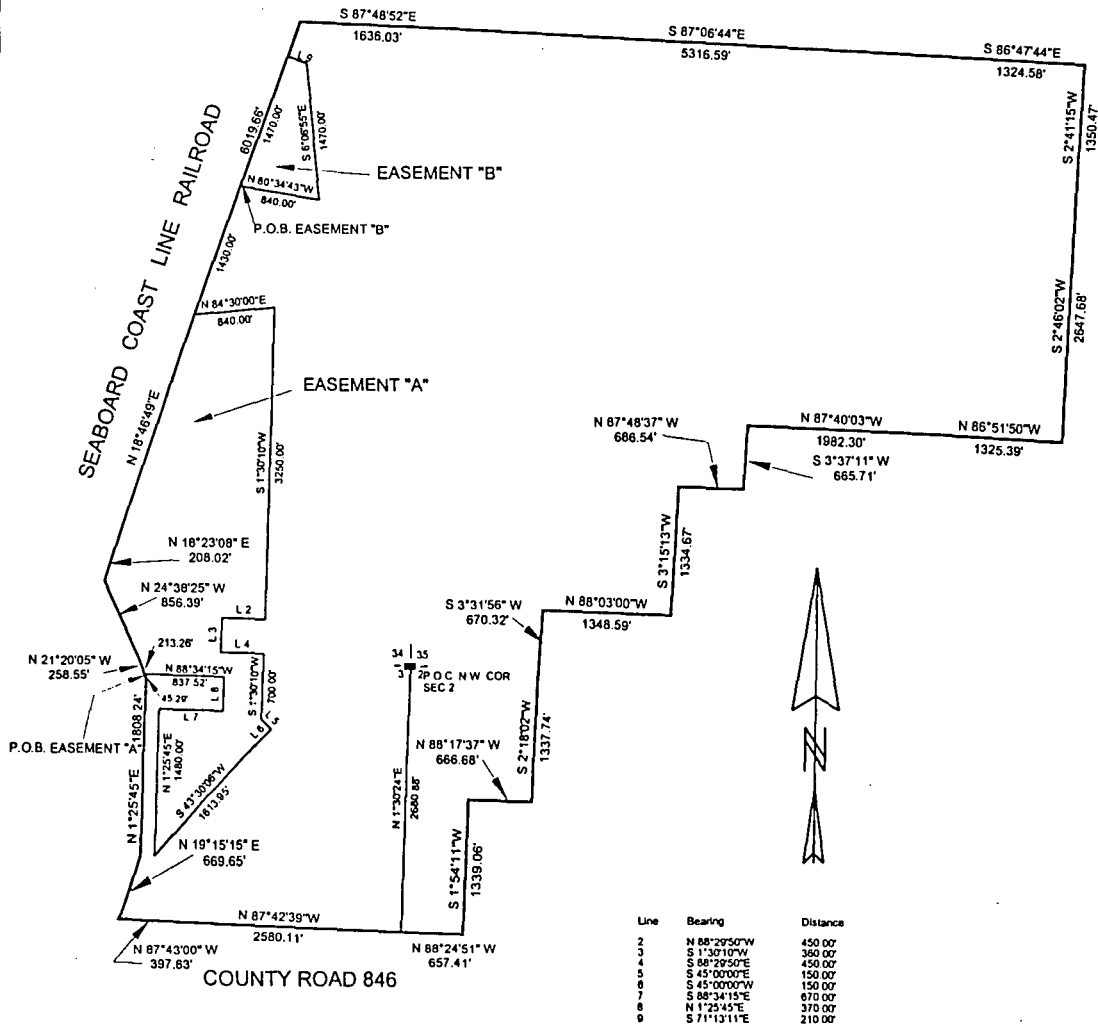
EXHIBIT 2

**FLORIDA
 ENVIRONMENTAL
 INCORPORATED**

18505 Paulson Drive, Bldg. B
 Port Charlotte, FL 33954
 Tel (941) 624-2911
 Fax (941) 629-7210



SKETCH OF DESCRIPTION
 NOT A SURVEY



GENERAL NOTES

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DRAWN BY	CHECKED BY	SCALE	DATE	FILE NO.	
		NOT TO SCALE	OCTOBER 25, 1999	IAFSJE	Exhibit 3

STATE OF FLORIDA
FISH AND WILDLIFE CONSERVATION COMMISSION

ELECTION OF RIGHTS

I have read the Explanation of Rights form and understand my options.

(You may select one of the options below and return with this form to the Florida Fish and Wildlife Conservation Commission (Commission) no later than twenty-one (21) days from the receipt of the Notice of Agency Action).

1. () I do not dispute the allegations of fact in the Notice of Agency Action but do wish to be accorded an informal hearing or proceeding, pursuant to Section 120.57(2), Florida Statutes, at which time I will be permitted to submit oral or written evidence in mitigation of the complaint to the agency head or his representative.
2. () I do dispute the allegations of fact contained in the Notice of Agency Action, submit an attached statement of all disputed allegations of fact, and request a formal hearing, pursuant to Section 120.57(1), Florida Statutes, before a hearing officer appointed by the Division of Administrative Hearings.
3. () I do not dispute the allegations of fact in the Notice of Agency Action and waive my right to object or to be heard.

I have read and understand the Election of Rights form and understand that I have the right to be represented by counsel at either the informal or formal hearing. I also

understand that I must attach a petition or written statement of the disputed issues of fact to this request if I have requested a formal hearing.

Please sign and state your current address and telephone number:

<hr/>	<hr/>
Date	Signature
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
Attorney's name and address	Address

Please mail form to:

Office of the General Counsel
Florida Fish and Wildlife Conservation
Commission
620 South Meridian Street
Tallahassee, FL 32399-1600

COL-36

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 Mr. John H. Drury Exec. Dir.
 Collier Airport Authority
 2003 Mainsail Drive
 Naples, FL 34112

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature Agent
 Addressee

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Copy from service label) 2 108 603 564

GT PERMIT LOG FORM

County: Collier

Regional Planning Council: (Circle One)

- West Florida RPC (WFRPC)
- Apalachee RPC (ARPC)
- North Central Florida RPC (NCFRPC)
- Northeast Florida RPC (NEFRPC)
- Withlacoochee RPC (WRPC)
- East Central Florida RPC (ECFRPC)
- Central Florida RPC (CFRPC)
- Tampa Bay RPC (TBRPC)
- X Southwest Florida RPC (SWFRPC)
- Treasure Coast RPC (TCRPC)
- South Florida RPC (SFRPC)

COL-36

Applicant: Collier County Airport Authority
203 Mainsail Drive
Naples, Florida 34112
 (Complete Name)

DRI? Yes _____ No X

If yes, DRI name: _____

If no, project name: Immokalee Regional Airport

Biologist: Jim Beever

Total Acreage: ~~1,300~~ 1,145 ac
 (Total acreage for project site)

GT Acres: ~~381.36~~ 267.5 ac
 (Total acreage with gopher tortoises)

GT Population: ~~637.4~~ 405
 (Total number of gopher tortoises)

GT Habitat Protected: ~~151.5~~ 114 ac
 (Total GT habitat acreage protected)

Protected Habitat Location: B A - Mitigation Park
 (Enter A, B, C, D or E) B - On-site Protection
 C - Adjacent to existing conservation land
 D - Combination of A & B
 E - FDOT mitigation bank

X
X
X
X

Cost: \$ 0.00

Date of Site Inspection: December 3, 1998

Date Application was Complete: Nov. 2, 1999



Florida Fish and Wildlife Conservation Commission

James L. "Jamie" Adams, Jr. Bushnell	Barbara C. Barsh Jacksonville	Patrick E. Geraghty Ft. Myers	Quinton L. Hedgepeth, DDS Miami	H.A. "Herky" Huffman Deltona	
Thomas B. Kibler Lakeland	David K. Meehan St. Petersburg	Julie K. Morris Sarasota	Tony Moss Miami	Edwin P. Roberts, DC Pensacola	John D. Rood Jacksonville

ALLAN L. EGBERT, Ph.D., Executive Director
VICTOR J. HELLER, Assistant Executive Director

OFFICE OF ENVIRONMENTAL SERVICES
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TDD (850)488-9542

GOPHER TORTOISE TAKE PERMIT RECEIPT

Chapter 39-37.002(4), FAC

PERMIT NUMBER:

COL-36

APPLICANT:

Collier County Airport Authority

DATE:

November 24, 1999

THIS RECEIPT ACKNOWLEDGES THAT THE EASEMENT CONSIDERATION SPECIFIED IN THE ABOVE-REFERENCED PERMIT HAS BEEN MET.

DEBORAH ROBERTS-WILLIAMS
(Staff Assistant)

OR

TRACI WALLACE
(Executive Secretary)

cc: OES Field Office - Jim Beever

LETTER OF TRANSMITTAL



FLORIDA ENVIRONMENTAL, INC.
 18505 Paulson Drive, Building B
 Port Charlotte, FL 33954
 (813) 624-2911/FAX (813) 629-7210

TO: Rick McCann Florida Fish and Wildlife Commission 620 S. Meridian St. Room 235 Tallahassee, FL 32399-1600	DATE: November 1, 1999 PROJECT NO.: 94067.10 PROJECT: Immokalee Regional Airport Gopher Tortoise ITP
--	---

We are sending you: Enclosed Under separate cover

VIA: U.S. Mail

Copies	Date	No.	Description
1 each			Signed and sealed legal description

These are transmitted as indicated below:

- | | | | |
|-------------------------------------|--------------------------|--------------------------|----------------------|
| <input checked="" type="checkbox"/> | Per your request | <input type="checkbox"/> | For your approval |
| <input type="checkbox"/> | For your review/comments | <input type="checkbox"/> | For your information |
| <input checked="" type="checkbox"/> | For your action | <input type="checkbox"/> | To be returned |

COMMENTS:

Rick:

Enclosed is one copy of the legal description of the Upland Management Area for the Immokalee Regional Airport as you requested for the Incidental Take Permit Conservation Easement.

Let me know if you need anything else.

Thanks

Signed *Sunny L. Dyer*
 Sunny L. Dyer
 Senior Biologist

PUBLIC WORKS ENGINEERING DEPARTMENT

3301 EAST TAMiami TRAIL

NAPLES, FLORIDA 34112

(941) 774-8192

PROJECT NO..

PARCEL NO...

FOLIO NO...

LEGAL DESCRIPTION (NOT A SURVEY)

COMMENCING AT THE NORTHWEST CORNER OF SECTION 2, TOWNSHIP 47 SOUTH, RANGE 29 EAST. COLLIER COUNTY, FLORIDA; THENCE SOUTH 1 DEGREE 30 MINUTES 24 SECONDS WEST, A DISTANCE OF 2680.88 FEET; THENCE NORTH 87 DEGREES 42 MINUTES 39 SECONDS WEST ALONG THE NORTH RIGHT OF WAY LINE OF COUNTY ROAD 846, A DISTANCE OF 2580.11 FEET; THENCE NORTH 87 DEGREES 43 MINUTES 00 SECONDS WEST, A DISTANCE OF 397.63 FEET; THENCE LEAVING SAID NORTH RIGHT OF WAY LINE NORTH 19 DEGREES 15 MINUTES 15 SECONDS EAST, A DISTANCE OF 669.65 FEET; THENCE NORTH 1 DEGREE 25 MINUTES 45 SECONDS EAST, A DISTANCE OF 1808.24 FEET; THENCE NORTH 21 DEGREES 20 MINUTES 05 SECONDS WEST, A DISTANCE OF 258.55 FEET; THENCE NORTH 24 DEGREES 38 MINUTES 25 SECONDS WEST, A DISTANCE OF 856.39 FEET; THENCE NORTH 18 DEGREES 23 MINUTES 08 SECONDS EAST, ALONG THE EAST RIGHT OF WAY LINE OF THE SEABOARD COAST LINE RAILROAD A DISTANCE OF 208.02 FEET; THENCE NORTH 18 DEGREES 46 MINUTES 49 SECONDS EAST, A DISTANCE OF 4158.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH ALONG SAID LINE, A DISTANCE OF 1470.00 FEET; THENCE LEAVING SAID EAST RIGHT OF WAY LINE SOUTH 71 DEGREES 13 MINUTES 11 SECONDS EAST, A DISTANCE OF 210.00 FEET; THENCE SOUTH 6 DEGREES 06 MINUTES 55 SECONDS EAST, A DISTANCE OF 1470.00 FEET; THENCE NORTH 80 DEGREES 34 MINUTES 43 SECONDS WEST, A DISTANCE OF 840.00 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED TRACT CONTAINING 17.199 ACRES (749,189 SQUARE FEET), MORE OR LESS.

IAFSJEB

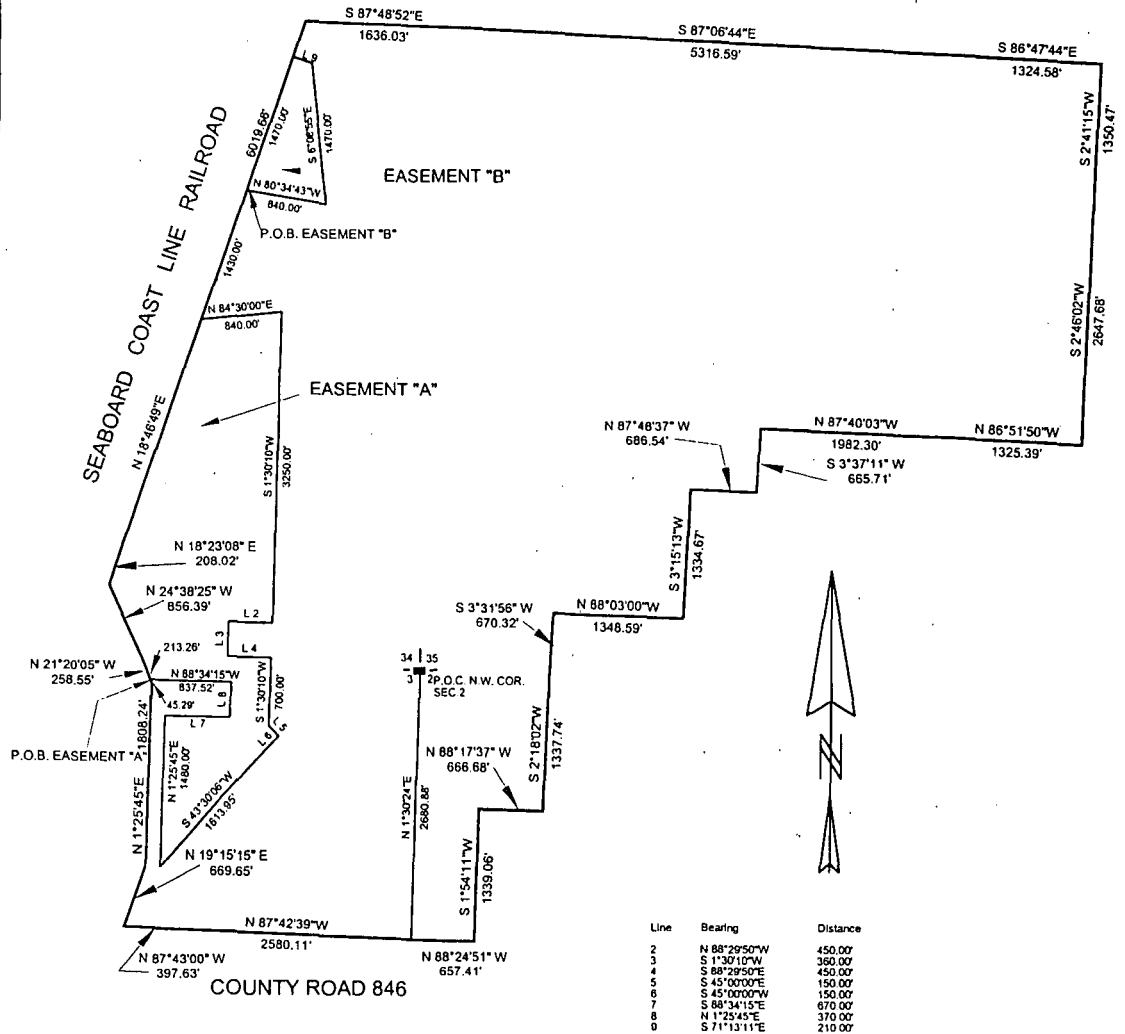
PREPARED BY *George R. Richmond* DATE *2/25/12*

GEORGE R. RICHMOND

PROFESSIONAL LAND SURVEYOR-FL. REG. # 2406
PUBLIC WORKS ENGINEERING DEPARTMENT.
COLLIER COUNTY GOVERNMENT COMPLEX
3301 EAST TAMiami TRAIL
NAPLES, FLORIDA 34112

SHEET 1 OF 2

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DRAWN BY	CHECKED BY	SCALE	DATE	FILE NO.	
		NOT TO SCALE	OCTOBER 25, 1999	IAFSJE	SHEET 2 OF 2

PUBLIC WORKS ENGINEERING DEPARTMENT
3301 EAST TAMiami TRAIL NAPLES, FLORIDA 34112
(941) 774-8192

PROJECT NO..

PARCEL NO..

FOLIO NO..

LEGAL DESCRIPTION (NOT A SURVEY)

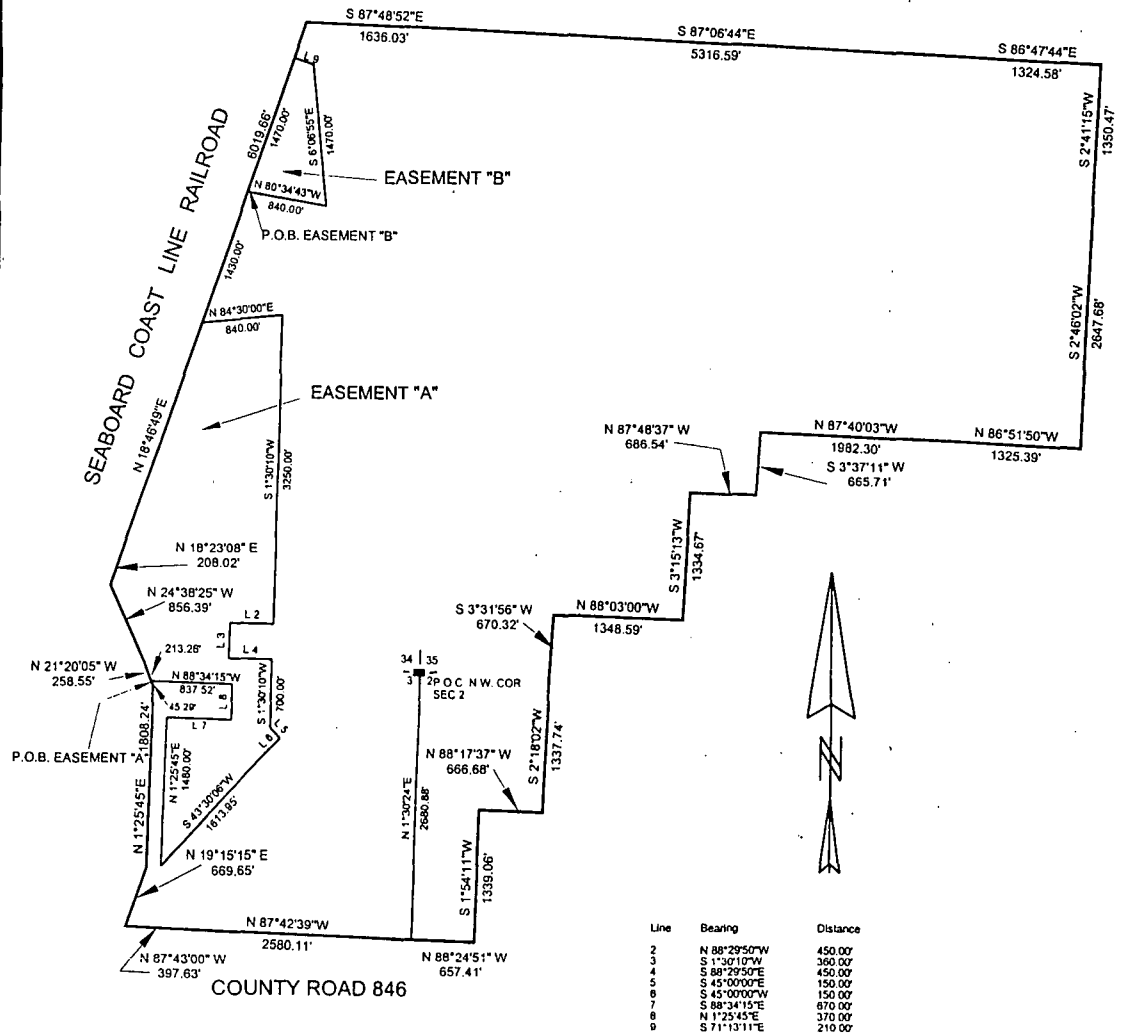
COMMENCING AT THE NORTHWEST CORNER OF SECTION 2, TOWNSHIP 47 SOUTH, RANGE 29 EAST, COLLIER COUNTY, FLORIDA; THENCE SOUTH 1 DEGREE 30 MINUTES 24 SECONDS WEST, A DISTANCE OF 2680.88 FEET; THENCE NORTH 87 DEGREES 42 MINUTES 39 SECONDS WEST ALONG THE NORTH RIGHT OF WAY LINE OF COUNTY ROAD 846, A DISTANCE OF 2580.11 FEET; THENCE NORTH 87 DEGREES 43 MINUTES 00 SECONDS WEST, A DISTANCE OF 397.63 FEET; THENCE LEAVING SAID NORTH RIGHT OF WAY LINE NORTH 19 DEGREES 15 MINUTES 15 SECONDS EAST, A DISTANCE OF 669.65 FEET; THENCE NORTH 1 DEGREE 25 MINUTES 45 SECONDS EAST, A DISTANCE OF 1808.24 FEET; THENCE NORTH 21 DEGREES 20 MINUTES 05 SECONDS WEST, A DISTANCE OF 45.29 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH ALONG SAID LINE, A DISTANCE OF 213.26 FEET; THENCE NORTH 24 DEGREES 38 MINUTES 25 SECONDS WEST, A DISTANCE OF 856.39 FEET; THENCE NORTH 18 DEGREES 23 MINUTES 08 SECONDS EAST ALONG THE EAST RIGHT OF WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A DISTANCE OF 208.02 FEET; THENCE NORTH 18 DEGREES 46 MINUTES 49 SECONDS EAST, A DISTANCE OF 2728.00 FEET; THENCE LEAVING SAID EAST RIGHT OF WAY LINE NORTH 84 DEGREES 30 MINUTES 00 SECONDS EAST, A DISTANCE OF 840.00 FEET; THENCE SOUTH 1 DEGREE 30 MINUTES 10 SECONDS WEST, A DISTANCE OF 3250.00 FEET; THENCE NORTH 88 DEGREES 29 MINUTES 50 SECONDS WEST, A DISTANCE OF 450.00 FEET; THENCE SOUTH 1 DEGREE 30 MINUTES 10 SECONDS WEST, A DISTANCE OF 360.00 FEET; THENCE SOUTH 88 DEGREES 29 MINUTES 50 SECONDS EAST, A DISTANCE OF 450.00 FEET; THENCE SOUTH 1 DEGREE 30 MINUTES 10 SECONDS WEST, A DISTANCE OF 700.00 FEET; THENCE SOUTH 45 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 150.00 FEET; THENCE SOUTH 45 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 150.00 FEET; THENCE SOUTH 43 DEGREES 30 MINUTES 06 SECONDS WEST, A DISTANCE OF 1613.95 FEET; THENCE NORTH 1 DEGREE 25 MINUTES 45 SECONDS EAST, A DISTANCE OF 1480.00 FEET; THENCE SOUTH 88 DEGREES 34 MINUTES 15 SECONDS EAST, A DISTANCE OF 670.00 FEET; THENCE NORTH 1 DEGREE 25 MINUTES 45 SECONDS EAST, A DISTANCE OF 370.00 FEET; THENCE NORTH 88 DEGREES 34 MINUTES 15 SECONDS WEST, A DISTANCE OF 837.52 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED TRACT CONTAINING 137.084 ACRES (5,971,401) SQUARE FEET), MORE OR LESS.

IAFSJEA

PREPARED BY  DATE 10/25/99
GEORGE R. RICHMOND

PROFESSIONAL LAND SURVEYOR-FL. REG. # 2406
PUBLIC WORKS ENGINEERING DEPARTMENT.
COLLIER COUNTY GOVERNMENT COMPLEX
3301 EAST TAMiami TRAIL
NAPLES, FLORIDA 34112 SHEET 1 OF 2

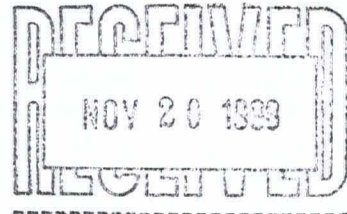
SKETCH OF DESCRIPTION
 NOT A SURVEY



GENERAL NOTES

- 1) P.O.C. = POINT OF COMMENCEMENT
- 2) P.O.B. = POINT OF BEGINNING
- 3) SEC. = SECTION
- 4) TWP. = TOWNSHIP
- 5) RGE. = RANGE
- 6) RW = RIGHT OF WAY
- 7) ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF
- 8) NOT VALID UNLESS SIGNED AND SEALED WITH THE EMBOSSED SEAL OF A PROFESSIONAL LAND SURVEYOR

DRAWN BY	CHECKED BY	SCALE	DATE	FILE NO.	
		NOT TO SCALE	OCTOBER 25, 1999	IAFSJE	SHEET 2 OF 2



**Immokalee Regional Airport
Gopher Tortoise Incidental Take
Permit Application**

submitted for:
Collier County Airport Authority
2003 Mainsail Drive
Naples, FL

submitted by:
Florida Environmental, Inc.
18505 Paulson Dr. Bld. B
Port Charlotte, FL

November, 1998

APPLICATION FOR GOPHER TORTOISE INCIDENTAL TAKE PERMIT

Applicant/Property Owner:

Collier County Airport Authority
Att: John H. Drury, Executive Director
2003 Mainsail Drive
Naples, FL 34112

Location: *Exhibit A*

Collier County, FL
Immokalee Regional Airport

Sec/Twp/Rge 3,34,35/46S/29E

Background/Summary:

The Immokalee Regional Airport (IRA) occupies approximately 1,300 acres on the outskirts of the city of Immokalee in Collier County. It was originally built as a U.S. Army training facility in World War II and has three 5,000 foot runways with two parallel taxiways. A general-aviation terminal building with a vehicle parking lot, apron area, two 10-unit T-hangars, fuel farm, industrial park and a surface-water management system have been constructed recently in the southeastern portion of the airport.

Past attempts to develop other portions of airport property have met with opposition from Florida Game and Fresh Water Fish Commission (GFC) and U.S. Fish and Wildlife Service (FWS) because xeric oak scrub and adjacent vegetative communities on the airport provide habitat for the Florida scrub jay (*Aphelocoma coerulescens*), the gopher tortoise (*Gopherus polyphemus*) and associated upland-dependent species.

In 1996 Collier County Airport Authority developed an Airport Master Plan which outlined the design of future land uses and phases of development over a 20-year period. (*Exhibit B - Airport Land Use Plan*). In conjunction with the AMP, an Environmental Master Plan was developed that identified vegetation communities, wildlife habitat use and other environmental issues to consider in the development and implementation of the Master Plan. Due to the presence of scrub jays and the location of the historical oak-scrub communities on the west side of the airport, the Land Use Plan was designed to maximize preservation and enhancement of xeric oak scrub and scrubby flatwoods on the western side of the airport.

Although much of the interior scrubby flatwoods have the long-term potential to be impacted, an effort was also made at the planning stage of the Master Plan to minimize

impacts on areas of high tortoise density through design of proposed taxiways and management of remaining interior scrubby flatwoods with fire and/or mowing to a three to four foot height.

At GFC's urging, this application is for one Incidental Take Permit that takes into account all of the airport property. Development at the airport is not based on a set schedule but will occur, following the Airport Master Plan design, as aviation and industrial needs of the Immokalee area grow. As such, this permit application proposes to mitigate for all future impacts to gopher tortoise habitat.

In May 1997, the Federal Aviation Administration requested a Section 7 consultation with FWS for airport safety design criteria at the airport and subsequently submitted *Habitat Modification Design for the Immokalee Regional Airport, Collier County, Florida, June 1997*, FWS Log #4-1-97-F-556. This Habitat Modification Design is a habitat conservation plan that will compensate for all future impacts to currently occupied scrub jay habitat on airport property.

The Airport Authority, with approval from the FAA, will preserve and manage approximately 151.5 acres of upland habitat on the west side of the airport (*Exhibit C - UMA*). This Upland Management Area (UMA) is the highest quality, largest, contiguous tract of scrub habitat on site and contains all Type I xeric oak scrub on airport property. Also included in the UMA are palmetto prairie, pine flatwoods, and scrubby flatwoods. The restoration and management of this site has been accepted by the U.S. Fish and Wildlife Service (FWS) for mitigation to potential Florida scrub jay habitat impacts on the rest of airport property.

Addressing the needs of the Florida scrub jay as a focal species within the scrub habitat serves the broader purpose of protecting whole assemblages of scrub organisms and communities as well. In this sense the scrub jay is an 'umbrella' species whose survival automatically protects a host of other upland and fire dependent species of plants and animals.

The Airport Authority proposes to utilize the approved scrub jay Upland Management Area to compensate for potential impacts to gopher tortoises, commensals and their habitat. There is an additional 22 acres of adjacent xeric oak scrub, pine flatwoods and palmetto prairie in the approach to Runway 9 that will be maintained in the same manner

as other portions of the UMA but is designated for airport use.

The UMA is Collier County property managed by the Collier County Airport Authority. This area has been set aside as preservation land in the Airport Master Plan, approved by the FAA and is under a FWS approved habitat conservation plan.

Gopher Tortoise Survey Methods

A FLUCCS map of airport property, depicted in **Exhibit D**, was used to determine potential gopher tortoise habitat. The following FLUCCS habitats were surveyed for gopher tortoises in August 1998:

FLUCCS	Description	% Surveyed
191	Open Land	39.7
211	Pasture	15.3
261	Fallow Farm Field	18.5
321	Palmetto Prairie	15.8
3211	Palmetto Prairie, Disturbed	20.1
411	Pine Flatwoods	17.7
4111	Pine Flatwoods, Disturbed	19.0
412	Scrubby Flatwoods	63.8
4121	Scrubby Flatwoods, Disturbed	15.8
421	Xeric Oak Scrub	63.4
743	Spoil	26.4

Greater than 15 percent of each type of potential gopher tortoise habitat was surveyed using the line transect method with the exception of a more intensive survey in the xeric oak scrub and adjacent scrubby flatwoods. As recommended in the Florida Game and Fresh Water Fish Commission's Nongame Wildlife Program Technical Report No. 4, "Ecology and Habitat Protection Needs of Gopher Tortoise (*Gopherus Polyphemus*) Populations Found on Lands Slated for Large-Scale Development in Florida", transects were randomly laid out to cover each gopher tortoise habitat as extensively as possible.

(Exhibit E - Transects).

Transects were walked by two trained biologists spaced approximately 30 feet apart. Since most of the airport property is generally open, it was assumed that each biologist could see at least 15 feet to each side, resulting in 60 foot transect widths. Areas with heavy ground cover were compensated for by additional coverage. Locations of all active and inactive burrows were marked on aerial photographs.

Prior to mowing operations in the UMA, a 100% survey of gopher tortoise burrows was conducted in a collaborative effort between FWS, Collier County and Florida Environmental personnel in portions of the dense, overgrown oak scrub and an area of adjacent scrubby flatwoods and palmetto prairie. FWS utilized their Global Positioning System (GPS) to mark locations of all active and inactive burrows in the southern scrub area. Information on the active or inactive status is stored in a computer file that is not available from FWS at this time.

All burrows were flagged to keep mowing equipment 50 feet from the burrows. In areas of concentrated burrows where mowing equipment could not enter, oak trees were subsequently cut by hand.

Results

Exhibit F is an aerial photograph showing airport property boundaries, FLUCCS codes and the location of all active and inactive burrows that were located.

Open land surrounding the runways, pasture and fallow farm field are not considered gopher tortoise habitat. These areas were surveyed, at the suggestion of GFC, to ascertain if they were being utilized. No tortoise burrows were located in these areas and these FLUCCS codes were deleted from the density calculations. Nevertheless, there is approximately 2.6 acres of open land and 4.8 acres of pasture that will be preserved within the Upland Management Area.

The calculated gopher tortoise densities, acres of habitat to preserve and the acres of onsite habitat within the UMA are presented in Table 1.

TABLE 1
GOPHER TORTOISE DENSITY AND PRESERVATION ACREAGE CALCULATIONS

FLUCCS	Total Acres*	% Surveyed	A+I Burrows	Conver Factor	Total Est. # GT	GT Density	GT Habitat Value	Habitat preservation	Acres of habitat to preserve	Acres onsite in UMA	% habitat preserved in UMA
321 Palmetto Prairie	152.8	15.8	24	0.614	93.9	0.61	significant	15%	19.4	22.9	15.4%
3211 Palmetto Prairie Dist.	26.6	20.1	30	0.614	91.6	3.44	valuable	25%	6.7	0	0
411 Pine Flatwoods	51.1	17.7	6	0.614	20.8	0.41	significant	15%	7.7	23.9	46.8%
4111 Pine Flatwoods Dist.	38.9	19.0	0	0.614	0	0	—	0	0	12.6	32.4%
412 Scrubby Flatwoods	27.3	63.8	76	0.614	73	2.68	valuable	25%	6.8	27.3	100%
4121 Scrubby Flatwoods Dist.	80.1	15.8	51	0.614	198	2.47	valuable	25%	20.0	8.1	10.1%
421 Oak Scrub	40.5	63.4	158	0.614	153	3.78	valuable	25%	10.1	28.7	70.8%
743 Spoil	2.96	26.4	3	0.614	7.5	2.36	valuable	25%	0.74	2.96	100%

3814

$$\frac{(\# \text{ A+I}) \times (\text{Conversion factor})}{(\text{total Acres habitat}) \times (\% \text{ surveyed})} = \text{density of GT/acre}$$

75

$$(\% \text{ of habitat required for preservation}) \times (\text{acres of habitat}) = \text{acres of habitat to be preserved}$$

* Acres not ground surveyed

113.86 gt habitat
~~12.6~~ non-occupied
 126.46 acres

Mitigation

Proposed mitigation for impacts to gopher tortoise habitat utilizes the on-site habitat protection option by maintaining an upland management area (UMA) for gopher tortoises that has already been accepted by the U.S. Fish and Wildlife Service (FWS) for Florida scrub jays. This is a contiguous area of approximately 151.5 acres that encompasses xeric oak scrub, scrubby flatwoods, disturbed scrubby flatwoods, palmetto prairie, pine flatwoods, disturbed pine flatwoods, a small spoil area, and an access road.

The UMA is bounded on the west by a canal, the north by agricultural lands, the south by a paved road to the fire department, and the east by a fence that serves as runway security to keep people and wildlife off the runway. The access road is closed to the public by a locked gate and the UMA is routinely patrolled by airport personnel and the Immokalee sheriff's department.

The objective of the UMA is to protect, enhance, and manage native scrub and adjacent plant communities for the benefit of the Florida scrub-jay and other upland dependent species while not creating habitat to attract wildlife that would be a hazard to aviation.

Within the UMA approximately 31 percent of the total gopher tortoise habitat on airport property will be preserved. In addition to the UMA there are approximately 22 acres of xeric oak scrub, pine flatwoods and palmetto prairie in the approach to Runway 9 that will be maintained in the same manner. Gopher tortoise habitat preservation in the Upland Management Area exceeds GFC recommendations for every habitat type except disturbed palmetto prairie and disturbed scrubby flatwoods. However, these habitats are more than compensated for by overall greater preservation of undisturbed gopher tortoise habitats than guidelines require.

Most importantly, all xeric oak scrub on the airport property is on the western side of the airport and is within the UMA and the approach to Runway 9. All undisturbed scrubby flatwoods located on airport property are also located in the UMA.

Loss of gopher tortoise habitat in disturbed scrubby flatwoods outside the UMA, especially in the areas between the runways and taxiways, has also been minimized in the ultimate airport design as much as possible. These areas will be left as gopher tortoise habitat to the extent that airport operations can be maintained.

UMA Management Plan

The UMA is being restored by the combination of fire and mechanical clearing.

Along the west side of the airport, scrub habitat is occupied by gopher tortoises but has been overgrown to the point of scrub jay exclusion. The primary objective for the UMA is to restore and preserve native scrub and adjacent vegetative communities for scrub jays, gopher tortoises and other associated upland species.

The xeric oak, scrubby flatwoods and pine flatwoods habitats are fire-dependent communities that depend on periodic burning to maintain their intrinsic floral and faunal characteristics. Many plant species require fire to flower or otherwise naturally propagate.

In areas where natural fire has been suppressed, prescribed or controlled burns are necessary to maintain a healthy, natural ecosystem. Scrub habitat needs to maintain a burn frequency that allows the scrub oak to become mature enough to produce acorns but not become so densely vegetated that it loses habitat value for the Florida scrub jay. This is good habitat for gopher tortoises as well. After the initial year-one treatment, scrubby flatwoods and xeric oak communities will not be burned until the trees reach three meters in height. To maintain high-quality scrub habitats in Southwest Florida, this is about three years.

For the initial treatment, all densely vegetated areas of xeric oak scrub in non-scrub jay habitat were cut to ground level, as approved by FWS, allowed to dry and will be burned as soon as environmental conditions allow; in the fall of 1998.

This is a technique that has been used to successfully restore oak scrub habitat (and scrub jay use) in Southwest Florida. The fire is easier to control if the fuel load is on the ground and there is a more complete burn of the scrub that will eventually establish a more open ground cover. In areas where the trees were too large or gopher tortoise burrows precluded the use of mechanical equipment, the trees were cut by hand.

Also for the initial treatment, the pine flatwoods, palmetto prairie and scrubby flatwoods have been burned and the pine flatwoods thinned to less than 30 percent canopy coverage. The tallest and largest diameter pines were felled first, by hand, to preclude large birds

such as great horned owls from nesting close to the runway and to clear obstructions from the obstruction free airspace as regulated by the FAA.

Long-Term Maintenance

Long-term maintenance of the oak scrub and scrubby flatwoods in the UMA will be dependant on scrub jay occupation. Scrub jay use will be monitored and approximately one-third of each scrub jay territory will be selectively trimmed and/or burned approximately every three years to maintain an open canopy and provide a mosaic of different-aged oak scrub trees.

Long-term burn management will target the more natural timing of summer burns. If a summer burn is too wet to be effective, a winter burn will be substituted.

If heavy equipment is to be used to cut the scrub, or enter the UMA for any other purpose, gopher tortoise burrows will be marked prior to cutting and equipment will stay at least 50 feet from the burrows.

Pine flatwoods, scrubby flatwoods and palmetto prairie within the upland management area will be burned approximately every three years to keep palmetto height and coverage within acceptable limits.

Because the upland management site is a mixture of habitat types, this burn frequency should facilitate a much more open habitat. By following this management plan, "it is the FWS's biological opinion that the ALP and habitat modification design as proposed by the CCAA, are not likely to jeopardize the continued existence of the Florida scrub-jay" (January 14, 1998).

Prescribed Burn Management

Prescribed burns are being conducted under the direction of the Immokalee Fire Department with assistance from FWS and coordinated with the Department of Forestry. The Immokalee fire station is located adjacent to the UMA. These prescribed burns not only help to restore the scrub habitat but provide prescribed-burn training for fire department personnel.

Site specific elements of the burn plan such as smoke management, residential buffers, contingency planning and preparedness, site preparation and necessary equipment are developed by the Immokalee Fire Department in cooperation with the Collier County Airport Authority.

All burning is done in accordance with local laws, ordinances and regulations. Burning must coincide with prevailing winds so that smoke will not traverse the active operating runway or its approaches.

Financial Assurances

Capital improvements funding is available through various grant-in-aid programs at the state and federal levels. Recently passed legislation provides funds for non-commercial/general aviation airports which are incapable of receiving FAA funds on a regular basis. Florida Department of Transportation ("FDOT") will fund 80 percent of non revenue generating developmental projects at non-commercial/general aviation airports.

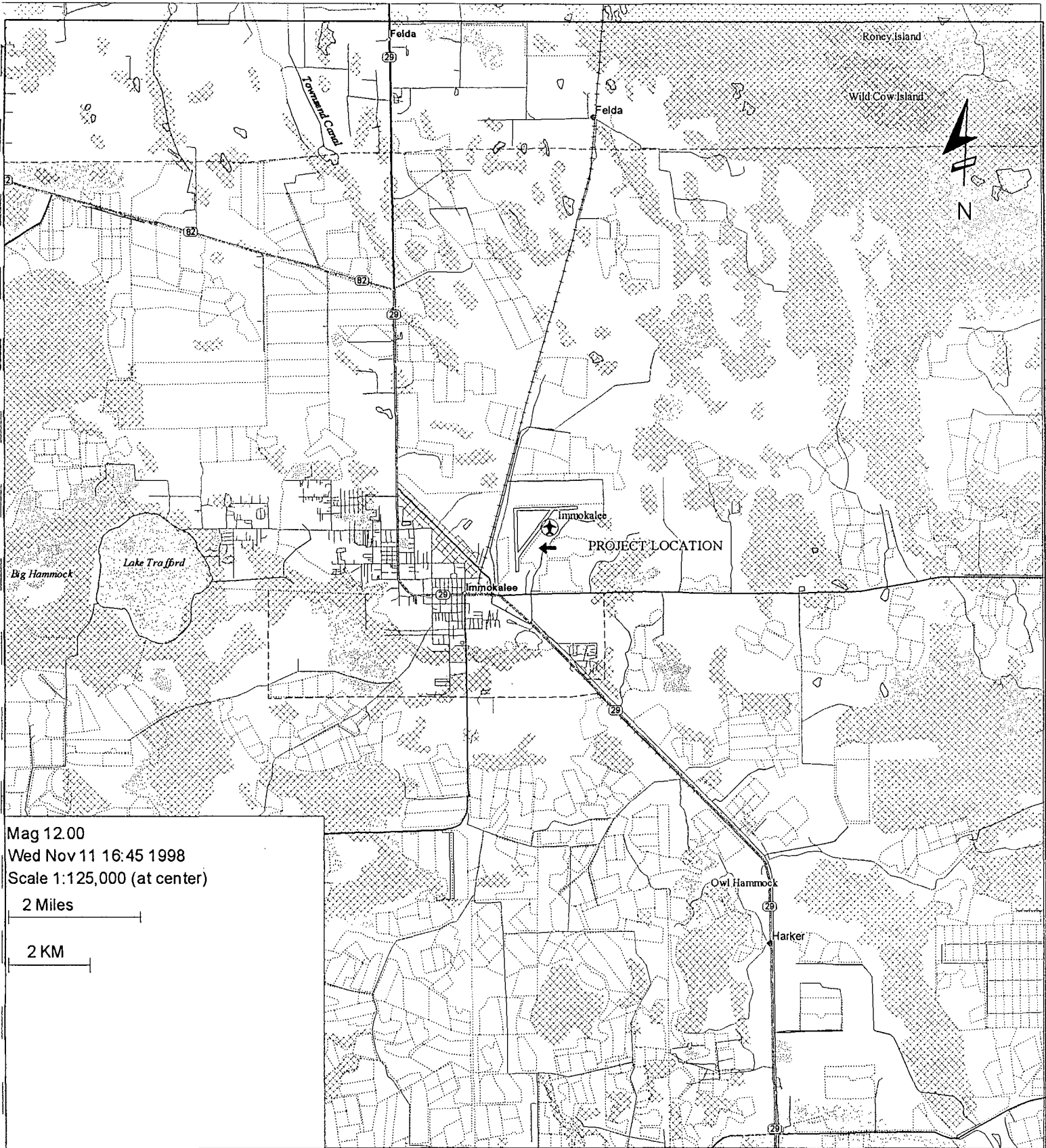
Federal grants through the Aviation Trust Fund (ATF) are also available to provide funding for aviation capital-investment programs, distributed each year by the FAA. However the majority of airport improvements at Immokalee Regional Airport are planned to receive state funding.

The cost of implementing the proposed habitat modification and management plan for the west side of the Airport has been procured through a ("FDOT") Grant, WPI #1823350. Eighty percent is to be paid by FDOT and 20 percent by Collier County.

Another grant has been procured for implementation of obstruction removal in the approaches, the runway visibility zone and all obstructions that fall within FAA obstruction free areas. Some of these areas coincide with areas in the proposed upland management area.

The Collier County Airport Authority will be responsible for procuring funds to maintain the habitat modification design as planned. Long-term maintenance will be funded by Collier County through annual appropriations or from airport revenue sources as they are developed.

EXHIBITS



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 Wed Nov 11 16:45 1998
 Scale 1:125,000 (at center)

2 Miles

2 KM

DATE: 11-12-98

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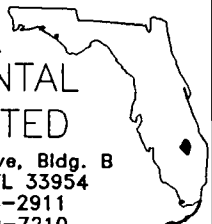
PROJECT NO: 94067.8

**IMMOKALEE REGIONAL AIRPORT
 LOCATION MAP**

EXHIBIT A

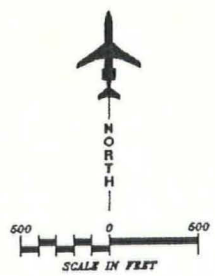
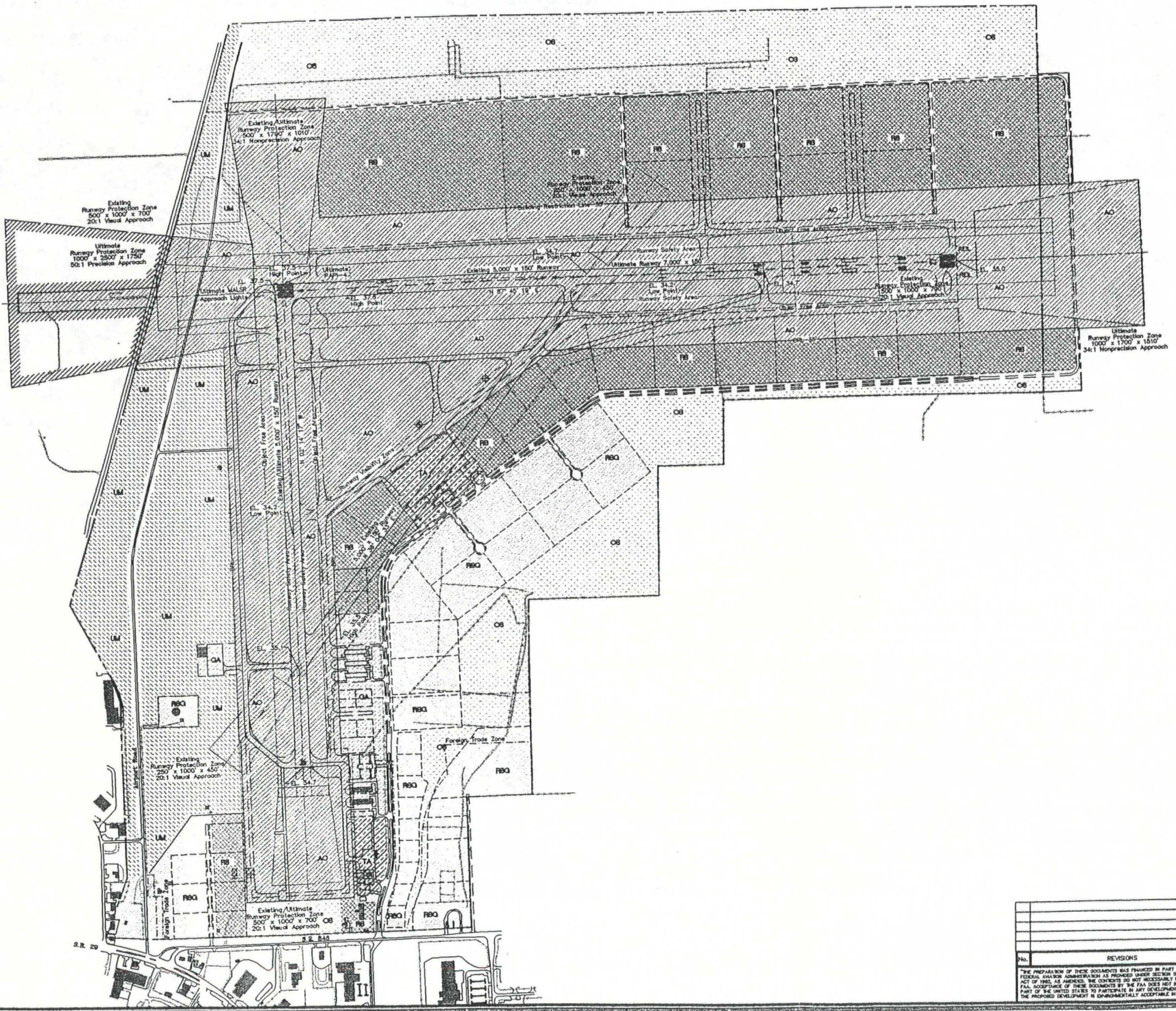
**FLORIDA
 ENVIRONMENTAL
 INCORPORATED**

18505 Paulson Drive, Bldg. B
 Port Charlotte, FL 33954
 Tel (941) 624-2911
 Fax (941) 629-7210



EXISTING	ULTIMATE	DESCRIPTION
---	---	ABANDONED OR REMOVE PAVEMENT
---	---	AIRPORT PROPERTY LINE
+	+	AIRPORT REFERENCE POINT (ARP)
○	○	AIRPORT ROTATING BEACON
---	---	AVIATION EASEMENT (if applicable)
---	---	BUILDING
---	---	BUILDINGS TO BE REMOVED
---	---	BUILDING RESTRICTION LINE (BRL)
---	---	DRAINAGE
---	---	FACILITY CONSTRUCTION
---	---	FENCING
---	---	FOREIGN TRADE ZONE
---	---	INTERNATIONAL AID INSTALLATION
---	---	RUNWAY END IDENTIFICATION LIGHTS (REIL)
---	---	RUNWAY THRESHOLD LIGHTS
---	---	SECTION CORNER
---	---	SEGMENTED CIRCLE/WIND INDICATOR
---	---	WIND INDICATOR (Lighted)

AIRPORT LAND USE LEGEND	
AO	AFFIELD OPERATIONS
TA	TERMINAL AREA
GA	GENERAL AVIATION
RB	REVENUE SUPPORT AVIATION RELATED
RBG	REVENUE SUPPORT GENERAL USE
OS	OPEN SPACE/RESERVE FOR FUTURE CONSIDERATION
LM	UPLAND MANAGEMENT AREA



Immokalee Regional Airport
AIRPORT LAND USE PLAN

Immokalee, Florida

PLANNED BY: *Mike W. Douglas*
 DETAILED BY: *Richard A. Luby*
 APPROVED BY: *Shawn S. Swann*

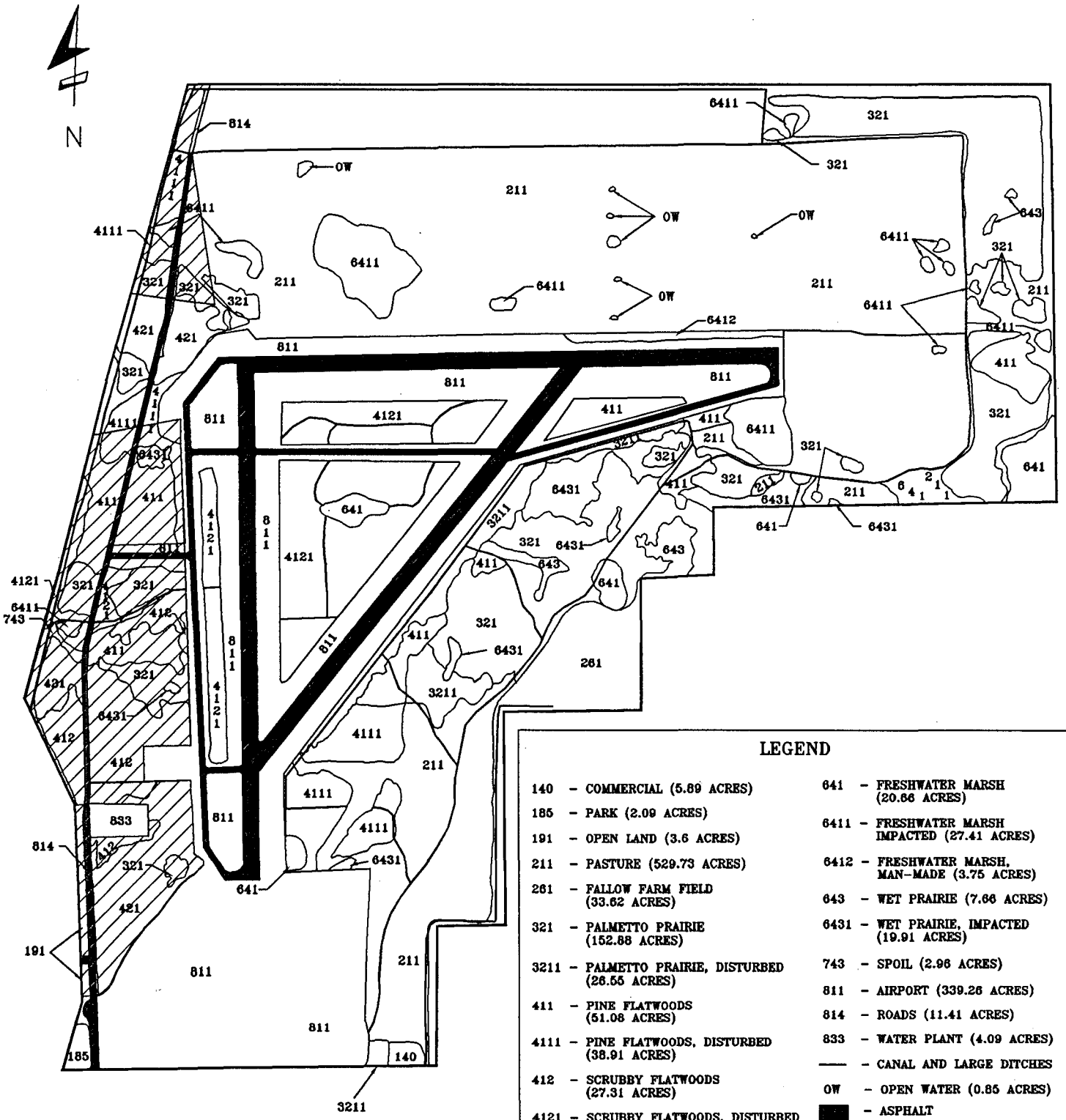
Coffman Associates
Airport Consultants

June 13, 1997 SHEET 7 OF 7

No.	REVISIONS	DATE	BY	APP'D.

THE PREPARATION OF THESE DOCUMENTS WAS FINANCED IN PART THROUGH A PLANNING GRANT FROM THE FEDERAL AVIATION ADMINISTRATION AS PROVIDED UNDER SECTION 105(b) OF THE AIRPORT AND AIRWAY IMPROVEMENT ACT OF 1982, AS AMENDED. THE CONTENTS DO NOT NECESSARILY REFLECT THE OFFICIAL VIEWS OR POLICY OF THE FAA. ACCEPTANCE OF THESE DOCUMENTS BY THE FAA DOES NOT IN ANY WAY CONSTITUTE A COMMITMENT ON THE PART OF THE UNITED STATES TO PARTICIPATE IN ANY DEVELOPMENT OFFERED HEREIN, NOR DOES IT IMPLY THAT THE PROPOSED DEVELOPMENT IS ENVIRONMENTALLY ACCEPTABLE IN ACCORDANCE WITH APPROPRIATE PUBLIC LAWS.

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LEGEND

140 - COMMERCIAL (5.89 ACRES)	641 - FRESHWATER MARSH (20.86 ACRES)
185 - PARK (2.09 ACRES)	6411 - FRESHWATER MARSH IMPACTED (27.41 ACRES)
191 - OPEN LAND (3.6 ACRES)	6412 - FRESHWATER MARSH, MAN-MADE (3.75 ACRES)
211 - PASTURE (529.73 ACRES)	643 - WET PRAIRIE (7.66 ACRES)
261 - FALLOW FARM FIELD (33.82 ACRES)	6431 - WET PRAIRIE, IMPACTED (19.91 ACRES)
321 - PALMETTO PRAIRIE (152.88 ACRES)	743 - SPOIL (2.96 ACRES)
3211 - PALMETTO PRAIRIE, DISTURBED (26.55 ACRES)	811 - AIRPORT (339.26 ACRES)
411 - PINE FLATWOODS (51.08 ACRES)	814 - ROADS (11.41 ACRES)
4111 - PINE FLATWOODS, DISTURBED (38.91 ACRES)	833 - WATER PLANT (4.09 ACRES)
412 - SCRUBBY FLATWOODS (27.31 ACRES)	— - CANAL AND LARGE DITCHES
4121 - SCRUBBY FLATWOODS, DISTURBED (80.14 ACRES)	OW - OPEN WATER (0.85 ACRES)
421 - XERIC OAK SCRUB (40.49 ACRES)	■ - ASPHALT
	— - PROPOSED ACCESS TO EXISTING HANGAR

DATE: 11-11-98
 SHEET:
 SCALE: 1" = 1400'
 PROJECT NO: 94067.46

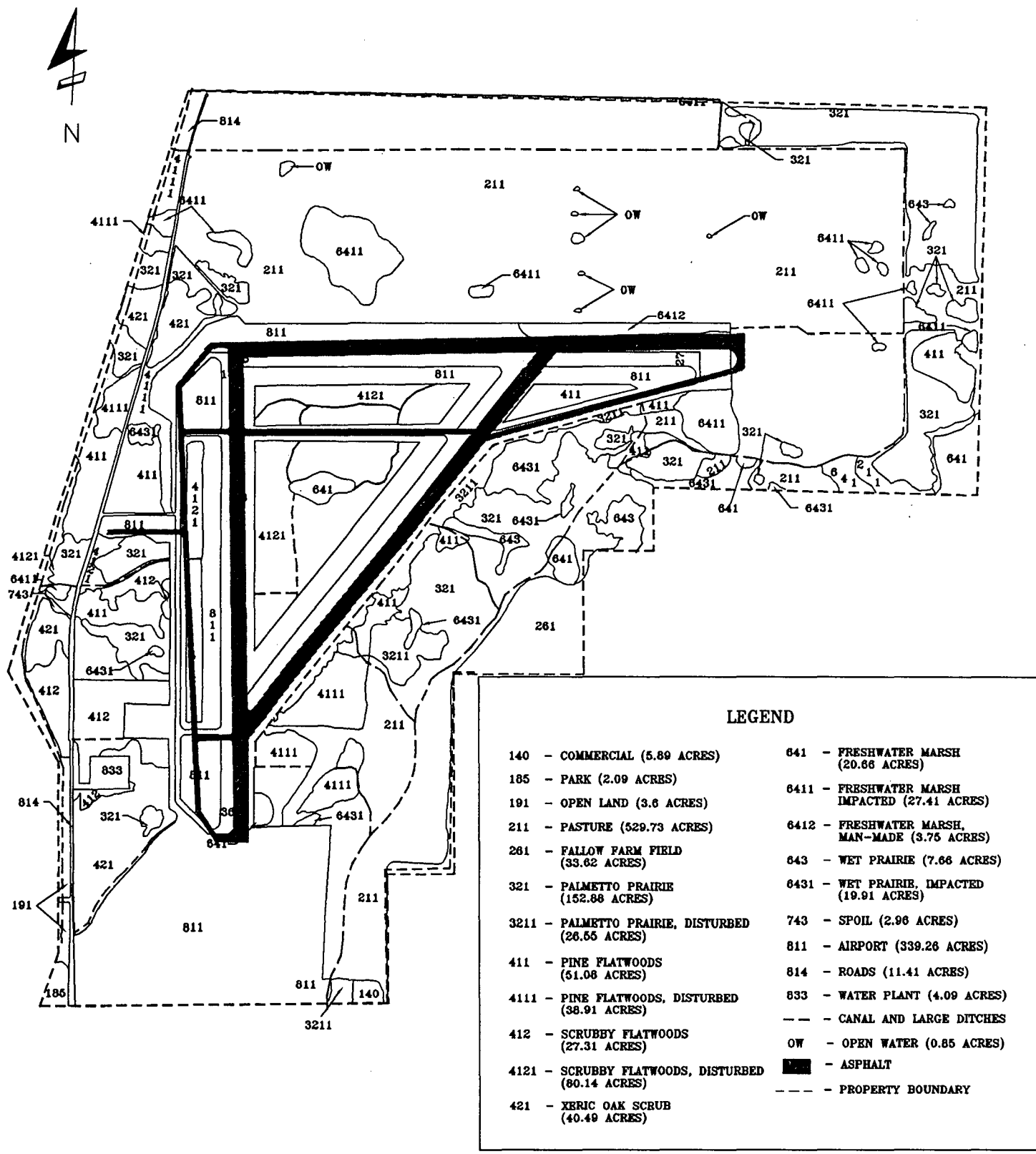
**IMMOKALEE REGIONAL
 AIRPORT
 UPLAND MANAGEMENT AREA**

EXHIBIT C

**FLORIDA
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 INCORPORATED**

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 Tel (941) 624-2911
 Fax (941) 629-7210



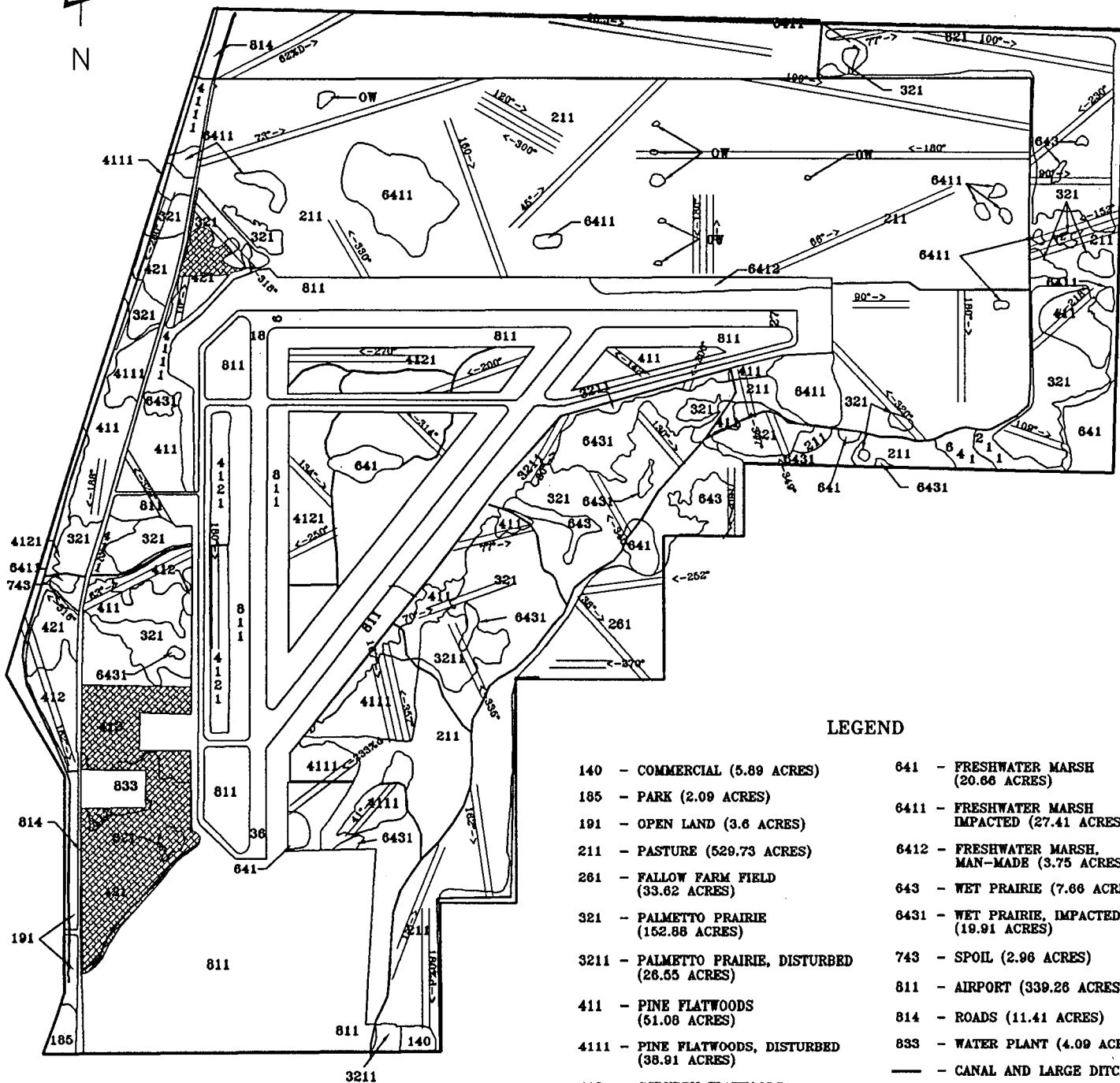


DATE: NOVEMBER 11, 1998
 SHEET:
 SCALE: 1" = 1400'
 PROJECT NO: 94067.46

IMMOKALEE REGIONAL
 AIRPORT VEGETATIVE
 COMMUNITY DELINEATION

EXHIBIT D

FLORIDA ENVIRONMENTAL INCORPORATED
 18505 Paulson Drive, Bldg. B
 Port Charlotte, FL 33954
 Tel (941) 624-2911
 Fax (941) 629-7210



LEGEND

- | | |
|---|--|
| 140 - COMMERCIAL (5.89 ACRES) | 641 - FRESHWATER MARSH (20.66 ACRES) |
| 185 - PARK (2.09 ACRES) | 6411 - FRESHWATER MARSH IMPACTED (27.41 ACRES) |
| 191 - OPEN LAND (3.6 ACRES) | 6412 - FRESHWATER MARSH, MAN-MADE (3.75 ACRES) |
| 211 - PASTURE (529.73 ACRES) | 643 - WET PRAIRIE (7.66 ACRES) |
| 261 - FALLOW FARM FIELD (33.62 ACRES) | 6431 - WET PRAIRIE, IMPACTED (19.91 ACRES) |
| 321 - PALMETTO PRAIRIE (152.88 ACRES) | 743 - SPOIL (2.96 ACRES) |
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| 421 - XERIC OAK SCRUB (40.49 ACRES) | ■ - ASPHALT |
| | — - GOPHER TRANSECTS |
| | — - PROPERTY BOUNDARY |
| | ▨ 100% COVERAGE |

DATE: 11-11-98
 SHEET:
 SCALE: 1"=1400'
 PROJECT NO: 94067.46

**IMMOKALEE REGIONAL AIRPORT
 GOPHER TORTOISE
 SURVEY TRANSECTS**

EXHIBIT E

**FLORIDA
 ENVIRONMENTAL
 INCORPORATED**

18505 Paulson Drive, Bldg. B
 Port Charlotte, FL 33954
 Tel (941) 624-2911
 Fax (941) 629-7210





- A - ACTIVE BURROWS
- I - INACTIVE BURROWS
- GPS SURVEYED BURROWS

DATE: 11-11-98

SHEET:

SCALE: 1"=1400'

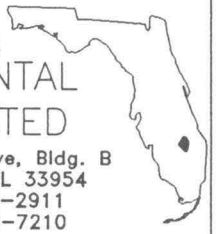
PROJECT NO: 94067.46

IMMOKALEE REGIONAL AIRPORT
GOPHER TORTOISE
BURROW LOCATIONS

EXHIBIT F

FLORIDA
ENVIRONMENTAL
INCORPORATED

18505 Paulson Drive, Bldg. B
Port Charlotte, FL 33954
Tel (941) 624-2911
Fax (941) 629-7210



MEMORANDUM

To: Rick McCann, OES, Tallahassee

From: Jim Beaver, OES, Punta Gorda

Re: Gopher Tortoise Take Permit for Immokalee Regional Airport, Collier County

Date: March 2, 1999

Please see attached permit. The remaining unresolved issue is whether the UMA lands can be placed in easement to GFC given the federal FAA issues. There was a meeting between the airport and federal entities in Orlando last month about this but I have not heard of the results. I informed Sunny Diver, the consultant that this must be resolved and she said she would inform us of the outcome of the meeting. Please hold this until you get confirmation of the ability to place the easement on the UMA. The consultant indicates you have all needed backup paperwork.

JWB
ENV 3-2/1
imregair.mem



RECEIVED BY GFC
 JUL 12 1999
 OFFICE OF
 ENVIRONMENTAL SERVICES

R. McCann



FLORIDA GAME AND FRESH WATER FISH COMMISSION

THOMAS B. KIBLER JAMES L. "JAMIE" ADAMS Jr. JULIE K. MORRIS QUINTON L. HEDGEPEETH, DDS EDWIN P. ROBERTS, D.C.
 Lakeland Bushnell Sarasota Miami Pensacola

ALLAN L. EGBERT, Ph.D., Executive Director
 VICTOR J. HELLER, Assistant Executive Director

Florida Fish and Wildlife
 Conservation Commission
 Office of Environmental Services
 29200 Tuckers Grade
 Punta Gorda, Florida 33955
 July 1, 1999

Ms. Sunny Diver
 Florida Environmental, Inc.
 18505 Paulson Drive, Bldg. B
 Port Charlotte, Florida 33954

RE: Immokalee Airport Gopher Tortoise
 Incidental Take Permit, Collier
 County, Conservation Easement
 Language

Dear Ms. Diver:

The Office of Environmental Services of the Florida Fish and Wildlife Conservation Commission (FWCC) has reviewed the draft Deed of Conservation Easement for the Immokalee Airport Incidental Take Permit. We have the following comments and recommendations.

There are three items that need to be revised.

- 1) Condition 2 (d) needs to be amended to provide that prior approval from the FWCC is needed for any soil alteration within the easement area. If areas within the conservation easement are proposed to be altered to create drainage or other water management features, and it is known at this time that this will be proposed, then those areas should not be placed in the easement, and alternative, equivalent areas and habitat quality, should be included in the easement to constitute the total easement acreage.

- 2) A standard mortgage subordination agreement needs to be included as a condition within the easement. It should read as follows:

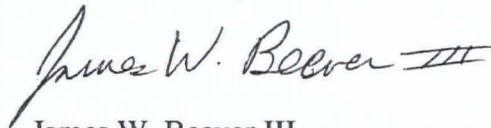
"Grantor agrees that if the Property is subject to a mortgage or any form of security interest, Grantor shall provide documentation to verify that such

mortgage or security interest is subordinate to this conservation easement, and such verification shall be provided and recorded either before or concurrent with execution of this easement.”

- 3) Change references to the Florida Game and Fresh Water Fish Commission to the Florida Fish and Wildlife Conservation Commission. The address remains the same.

Please modify the easement to reflect these two changes. Record the amended conservation easement and forward a copy of the document to Mr. Rick McCann with a copy to me. We will then continue to process the gopher tortoise incidental take permit. You will receive confirmation of receipt of the recorded easement from FWCC in Tallahassee. If you have any questions, please contact me at (941) 575-5765.

Sincerely,



James W. Beever III
Biological Scientist IV

JWB/jwb
ENV 3-2/5
immoairp.let

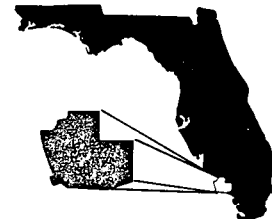
CC: Mr. John H. Drury
Executive Director
Collier County Airport Authority
2003 Mainsail Drive
Naples, Florida 34114

Mr. Rick McCann, OES, FWCC



COLLIER COUNTY AIRPORT AUTHORITY

2003 Mainsail Drive
Naples, Florida 34114
(941) 642-7878
Fax (941) 394-3515



www.collierairports.com

September 24, 2001

RECEIVED BY FWC

SEP 27 2001

Mr. Rick McCann
Florida Fish and Wildlife Conservation Commission
620 S. Meridian Street, Room 236
Tallahassee, Florida 32399-1600

OFFICE OF
ENVIRONMENTAL SERVICES

RE: Deed of Conservation Easement
Immokalee Regional Airport

Dear Mr. McCann:

Please find enclosed the above referenced document. The Board of County Commissioners approved the changes at their September 11, 2001 Board meeting. The document has been signed and recorded.

If you have any questions, please don't hesitate to contact me at (941) 642-7878 Ext. 1.

Sincerely,

John H. Drury, A.A.E.
Executive Director

Enclosure

JHD/gdh

H:9.24.0McCannDeedOfConservationEasement

Marco Island Executive Airport
2003 Mainsail Drive
Naples, FL 34114
(941) 394-3355
(941) 394-3515 Fax

Immokalee Regional Airport
165 Airport Boulevard
Immokalee, FL 34142
(941) 657-9003
(941) 657-9191 Fax

Everglades Airpark
P.O. Box 689
650 E.C. Airpark Road
Everglades City, FL 34139
(941) 695-2778
(941) 695-3558 Fax

AFFIDAVIT

STATE OF FLORIDA)
COUNTY OF COLLIER)

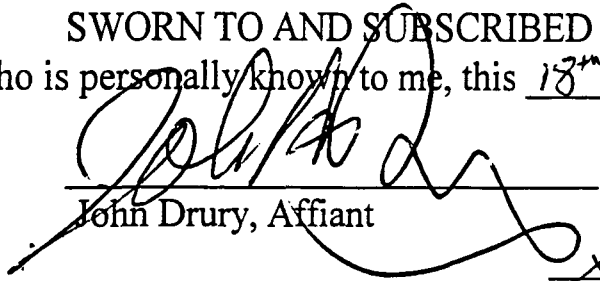
BEFORE ME, an officer duly qualified to administer oaths and take acknowledgments in Collier County, Florida, personally appeared the undersigned Affiant, who by me being first duly sworn, deposes and says:

1. I, the undersigned Affiant, am employed by the Collier County Airport Authority, a dependent district of the County of Collier, a political subdivision of the State of Florida. I am authorized to submit this Affidavit on behalf of the Airport Authority.

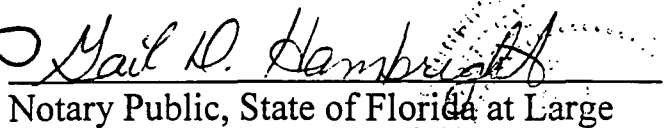
2. I hereby certify that attached hereto as Exhibit "A" is a "true copy" of a Deed of Conservation Easement that is yet to be recorded in the Public Records of Collier County. Exhibit "A" is exactly similar to a prior Deed of this same Conservation Easement, which prior Deed is recorded at book 2614, Page 0666, public records of Collier County, Florida.

3. I hereby certify that the only difference between the attached Exhibit "A" and the prior recorded Deed of Conservation Easement is that the words "incorporated herein by reference" have been inserted in the 5th line of paragraph numbered 1 of page 1 in the Deed. These words have been inserted into the Deed as only a clarification of the prior Deed. The initials on the right hand side of page one (1) are also additional for approval of change. Nothing substantive in the prior Deed of Easement is being changed by this amendment to the Deed.

SWORN TO AND SUBSCRIBED before me by _____;
who is personally known to me, this 13th day of September 2001.

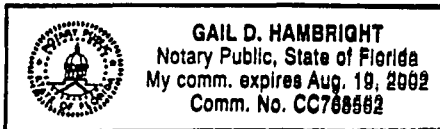


John Drury, Affiant



Notary Public, State of Florida at Large

Commission Number: CC768562
My Commission expires: Aug 19, 2002



ATTACHMENT 3



Review Comments
SR 29 Immokalee PD&E Study from Oil Well Road to SR 82, Collier County, Florida
October 23, 2018

Topic	Section / Page	Comment	Response / Resolution
		County and FAA will take place during the project's design phase.	the commitment that will be included in the document.
Mobility	Section 3.1.4 Page 3-4	This section should include a brief mention of IMM and the intermodal connectivity the proposed project would have with the airport. The project would improve access to the airport for pilots, passengers, businesses, airport employees, and air cargo.	Section 3.1.4, 1 st paragraph, page 3-9 will be revised to include the following statement: "This roadway will provide improved access to the Immokalee Regional Airport for passengers, businesses, pilots, airport employees, and air cargo."
Section 4(f)	Section 3.2.1 Page 3-12	<p>As the lead federal agency on matters involving IMM, the FAA questions the designation of approximately 132 acres of airport property as a "significant resource" subject to the provisions of the Section 4(f) of the DOT Act. The property was put under a conservation easement as mitigation for a gopher tortoise take permit. The January 2014 <i>Section 4(f) Determination of Applicability Addendum</i> (DOA) described the property as "publicly held", which is true, but did not mention key property and operational issues involved. IMM property, including the easement area, is encumbered through grant-related assurances and obligations to the federal government. The statement in the DOA that the easement area is used "exclusively for conservation purposes" should have been explained in light of overriding operational requirements and obligations.</p> <p>One test FHWA utilizes for Section 4(f) applicability is that one of the resource's <i>major purposes</i> must be for park, recreation, or refuge activities. The mitigation land at IMM does not satisfy this test because the primary purpose of the land, even if it remains undeveloped, is airport use. Essentially, the conservation easement can be viewed as a development agreement on property dedicated for and associated with the safe and efficient operation of the airport. The DOA implies that mitigation measures undertaken on public land, when accompanied by a conservation easement, automatically qualify as a significant Section 4(f) resource.</p> <p>Even if the easement area may qualify as a Section 4(f) resource, Collier County and the FAA would appear to be the officials with jurisdiction to determine if conservation area was significant. Other than holding the easement, the Florida Fish and Wildlife Conservation Commission's sole jurisdiction for making the determination is not clear as full authority over 132 acres of airport property was not delegated or relinquished to that agency. For example, if the land within the conservation area attracts wildlife hazardous to aviation, the County is obligated to remove the attractants (modify habitat) and/or control (harass or take) the hazardous wildlife.</p> <p>FAA requests that FDOT/FHWA consider and respond to this comment prior to conducting a Public Hearing or rendering a decision on the EA.</p>	<p>FDOT Office of Environmental Management (OEM) and legal staff has reviewed the deed granted by Collier County to the Florida Fish and Wildlife Conservation Commission (FWC) which establishes the purpose of the conservation easement along with the management plan. The easement serves as conservation for the airport property permit.</p> <p>FDOT agrees that FAA is the Official With Jurisdiction (OWJ) over the conservation easement and concurs with FAA's determination that the primary purpose of the land is airport use. Therefore, Section 4(f) does not apply.</p> <p>Per NEPA Assignment, FDOT is now the lead federal agency. Unfortunately, FAA's comments were not received in time for FDOT to address them prior to approval of the EA on October 17, 2018 for public notice and the Public Hearing which was held on November 15, 2018.</p> <p>A new DOA is being prepared to document that Section 4(f) does not apply to the conservation easement and will be included in the file. Section 3.2.1 of the EA will be updated to indicate this as well.</p>