

# San Carlos Bay Bunche Beach Preserve

Photo by Charlie Ewell



Photo by Charlie Ewell



Photo by Charlie Ewell



## Land Management Plan

## 2013

# San Carlos Bay - Bunche Beach Preserve Land Management Plan

18201 John Morris Road  
Fort Myers, FL 33908

*Second Edition*



Prepared by the Land Management Section  
Lee County Department of Parks and Recreation

Approved by the Lee County Board of County Commissioners: November 5, 2013

## **Acknowledgements**

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Sherry Furnari

## Table of Contents

<b>VISION STATEMENT</b> .....	<b>1</b>
<b>I. EXECUTIVE SUMMARY</b> .....	<b>2</b>
<b>II. INTRODUCTION</b> .....	<b>4</b>
<b>III. LOCATION AND SITE DESCRIPTION</b> .....	<b>5</b>
<b>IV. NATURAL RESOURCES DESCRIPTION</b> .....	<b>9</b>
A. Physical Resources .....	9
<i>i. Climate</i> .....	9
<i>ii. Geology</i> .....	9
<i>iii. Topography</i> .....	9
<i>iv. Soils</i> .....	12
<i>v. Hydrologic Components and Watershed</i> .....	14
B. Biological Resources .....	17
<i>i. Ecosystem Function</i> .....	17
<i>ii. Natural Plant Communities</i> .....	17
<i>iii. Fauna</i> .....	22
<i>iv. Designated Species</i> .....	22
<i>v. Biological Diversity</i> .....	23
C. Cultural Resources .....	24
<i>i. Archaeological Features</i> .....	24
<i>ii. Land Use History</i> .....	26
<i>iii. Public Interest</i> .....	38
<b>V. FACTORS INFLUENCING MANAGEMENT</b> .....	<b>39</b>
A. Natural Trends and Disturbances .....	39
B. Internal Influences.....	39
C. External Influences .....	42
D. Legal Obligations and Constraints .....	44
<i>i. Permitting</i> .....	44
<i>ii. Other Legal Constraints</i> .....	44
<i>iii. Relationship to Other Plans</i> .....	45
E. Management Constraints.....	45
F. Public Access and Resource-Based Recreation .....	46

G. Acquisition .....	49
<b>VI. MANAGEMENT ACTION PLAN .....</b>	<b>55</b>
A. Management Unit Descriptions .....	55
B. Goals and Strategies.....	58
C. Management Work to Date .....	63
<b>VII. PROJECTED TIMETABLE FOR IMPLEMENTATION .....</b>	<b>65</b>
<b>VIII. FINANCIAL CONSIDERATIONS.....</b>	<b>66</b>
<b>IX. LITERATURE CITED.....</b>	<b>67</b>
<b>X. APPENDICES .....</b>	<b>69</b>

## List of Exhibits

Figure 1: Location Map.....	7
Figure 2: 2012 Aerial Map.....	8
Figure 3: Topographic Map.....	10
Figure 4: LiDAR Map.....	11
Figure 5: Soils Map.....	13
Figure 6: Watershed Map .....	15
Figure 7: Hydrologic Features Map .....	16
Figure 8: Plant Communities Map .....	21
Figure 9: Archaeological Sensitivity Map .....	25
Figure 10: 1944 Aerial.....	29
Figure 11: 1953 Aerial.....	30
Figure 12: 1968 Aerial.....	31
Figure 13: 1979 Aerial.....	32
Figure 14: 1986 Aerial.....	33
Figure 15: 1990 Aerial.....	34
Figure 16: 1998 Aerial.....	35
Figure 17: 2002 Aerial.....	36
Figure 18: 2011 Aerial.....	37
Figure 19: Internal Influences Map.....	41
Figure 20: External Influences Map.....	43
Figure 21: Public Use & Amenities Map.....	48

**Figure 22: STRAP Map .....51**

**Figure 23: Acquisitions & Nominations Map.....52**

**Figure 24: Future Land Use Map .....53**

**Figure 25: Zoning Map.....54**

**Figure 26: Management Units Map.....57**

**Figure 27: Invasive Exotic Plant Control Map .....60**

**Table 1: San Carlos Bay – Bunche Beach Preserve Acquisition Information  
.....49**

## List of Acronyms

ADA	Americans with Disabilities Act
BOCC	Board of County Commissioners
C20/20	Conservation 20/20
CLASAC	Conservation Lands Acquisition and Stewardship Advisory Committee
CPD	Commercial Planned Development
ESA	Endangered Species Act
FCT	Florida Communities Trust
FDACS	Florida Department of Agriculture and Consumer Services
FDEP	Florida Department of Environmental Protection
FGCU	Florida Gulf Coast University
FLU	Future Land Use
FNAI	Florida Natural Areas Inventory
FWC	Florida Fish and Wildlife Conservation Commission
IDD	Iona Drainage District
IRC	Institute for Regional Conservation
LCDOT	Lee County Department of Transportation
LCDP	Lee County Division of Planning
LCPA	Lee County Property Appraiser
LCPR	Lee County Department of Parks and Recreation
LCSO	Lee County Sheriff's Office
LMP	Land Management Plan
LSOM	Land Stewardship Operations Manual
LiDAR	Light Detecting and Ranging
NGVD	National Geodetic Vertical Datum
OAC	Outdoor Activity Center
<b>SCB-BBP</b>	<b>San Carlos Bay – Bunche Beach Preserve</b>
SFWMD	South Florida Water Management District
SOODA	Save Our Off-leash Dog Area
STRAP	Section-Township-Range-Area-Block.Lot (Parcel)
SUP	Stand Up Paddle boarding
TDC	Tourist Development Council
USFWS	United States Fish and Wildlife Service



## VISION STATEMENT

*It is the vision of the Lee County Department of Parks and Recreation and the Conservation 20/20 Program to conserve, protect and restore all the natural resources found at San Carlos Bay - Bunche Beach Preserve so that they are productive, functional and viable. The Preserve will continue to serve as a haven for wildlife, especially avian life. The Preserve will provide an exceptional resource-based experience for visitors through opportunities such as canoeing/kayaking, wildlife viewing from the beach and boardwalks, guided nature walks and safe bicycle and pedestrian access from Summerlin Road. Visitors to the Preserve will experience clean beaches and facilities that are environmentally compatible.*

## I. EXECUTIVE SUMMARY

This document serves as the required, ten-year update of the San Carlos Bay – Bunche Beach Preserve Land Stewardship Plan dated 2003. The purpose of this Land Management Plan is to identify Preserve resources, create strategies to protect the natural resources and implement the plan in accordance with Lee County Parks and Recreation’s Land Stewardship Operations Manual while taking staffing and budgetary resources (and limitations) into consideration. A balance for the needs of the public while also creating protection for the natural resources is a major component of this management plan.

San Carlos Bay – Bunche Beach Preserve consists of four parcels of land acquired in different manners and with different funding sources. “The Park” areas will refer to the three parcels acquired without Conservation 20/20 funding. To minimize confusion throughout the plan, “the Preserve” will refer to all land within the entire boundary managed by Lee County staff.

San Carlos Bay – Bunche Beach Preserve (SCB-BBP) is located in southwestern, coastal Lee County in Sections 11-14, Township 46S, Range 23E along the shore of San Carlos Bay, south of the Caloosahatchee River and landward of Estero and Sanibel Islands. This 718-acre Preserve is bisected by John Morris Road running from north to south.

The smallest acquisition, a half-acre, was purchased for one hundred dollars in 1949 by the county as the only public beach for African Americans during Lee County’s days of official segregation. This Park section of the Preserve is located bay front, directly at the end of John Morris Road and was named in honor of Dr. Ralph Bunche, the first African American to receive the Nobel Peace Prize in 1950.

The largest portion of the Preserve, 704 acres, was purchased in August of 2001 through the Conservation 20/20 Program. The Conservation 20/20 Program was established in 1996 after Lee County voters approved a referendum that added .5 mil to property taxes for the purpose of purchasing and protecting environmentally sensitive lands. While the Conservation 20/20 Program is part of the Lee County Department of Parks and Recreation, funds from this referendum-approved tax may only be used to manage properties purchased via the program. A partnership between Conservation 20/20 and Florida Communities Trust was formed and each entity provided nearly \$3,200,000 toward the total purchase price of \$6,380,000 for the Preserve.

In 2005, Sanibel Beach Place of Southwest Florida, LTD gave Lee County approximately 12 acres of land located in the northwestern section of the Preserve. A conservation easement was placed on these 12 acres and mitigation requirements have been met. The maintenance of invasive exotic

plants will be conducted by Lee County Parks & Recreation staff towards the appropriate management of the Preserve. In 2008, the most recent parcel (1.5 acres) was acquired for \$2,567,857 with funding from Regional Park Impact Fee Reserves.

During the last ten years increasing rates of erosion, high visitation to the Preserve and the addition of 1.5-acres have led to substantial changes. Little beach was left for people or wildlife with the ever increasing encroachment of high tide from erosion. The original parking area landward of the high tide line at the end of John Morris Road was eroding away. The boulders that separated the parking from the beach were moved back to the street and plantings were placed along the beach (old parking area) to help stabilize the sand. Parking was made available along John Morris Road.

In June of 2010, a new Outdoor Activity Center was completed on the 1.5-acre parcel adjacent to Rock Creek. Two kayak launches with access to Rock Creek, two overlook/fishing piers, a Clivus Multrum composting restroom with an observation deck and a parking lot with storm tech system to catch storm water runoff were designed and located with minimal impact to natural resources. Additionally, educational information signs were installed. The creation of parking at the Outdoor Activity Center opened up the western shoulder of John Morris Road to be developed into a shell trail to the beach. The original primitive kayak launch on the east side of the end of John Moris Road is still available to non-motorized, small paddlecraft.

Natural elevations range from zero to over five feet above sea level with the highest point being John Morris Road. The beach rises out of San Carlos Bay then slopes down into mangrove swamps then into the salt flats until the elevation increases to the north toward Summerlin Road and the Mastique developed area.

There are five soil types in the Preserve; all are wet, sandy or have excess humus, with broad tidal swamps. Areas are subject to tidal flooding as the water table fluctuates with the tides. The beach area consists of narrow strips of nearly level mixed shell and sand fragments along San Carlos Bay. These areas are subject to movement by wind and tide. The beach is used intensively for recreation during the entire year.

SCB-BBP is within the Greater Charlotte Harbor Watershed that extends approximately 130 miles from the northern headwaters of the Peace River in Polk County to southern Estero Bay in Lee County (CHNEP 2000). The watershed is divided into basins and sub basins with SCB-BBP being designated as Cow Creek sub basin. John Morris Road and mosquito ditches are the only man-made features that impede or generate tidal flow across the preserve from east to west or create runoff from the road.

SCB-BBP is made up of beaches, buttonwood forest, mangrove swamps, salt flats, salt marshes and coastal grasslands. All are important habitats for shore and wading birds, mammals, reptiles and amphibians. The Preserve consists of seven natural plant communities as described by the Florida Natural Areas Inventory. An estimated 70 percent of the Preserve is mangrove swamp with coastal land types making up the rest.

Restoration and protection of the natural resources for wildlife and native plant communities include exotic pest plant and animal control, scheduled marine debris removal, protecting nesting birds, sea turtles and other fauna, along with educating and encouraging appropriate behavior for the Preserve.

Natural disasters, winds, tides and long shore drift are elements to be considered in the plan and will have a direct impact on how the plan is implemented. The Management Action Plan outlines restoration and stewardship goals with strategies and a time table for completion. This plan will be updated in ten years (2023).

## **II. INTRODUCTION**

The acquisition of the parcels that make up SCB-BBP began with the half-acre beach front site at the end of John Morris Road in 1949. This area of beach was purchased for one hundred dollars from the Lowdermilk family by Lee County to create a beach for the African American community. In 1950, during a dedication ceremony it was named Bunche Beach in honor of Dr. Ralph Bunche, the first African American to receive the Nobel Peace Prize.

On August 14, 2001, the Lee County Board of County Commissioners (BOCC) unanimously approved the \$6.38 million dollar purchase of the surrounding 704 acres. Purchased by the Conservation 20/20 Program along with a partnership grant from Florida Communities Trust (FCT); it was renamed San Carlos Bay-Bunche Beach Preserve. The Preserve was designated a critical habitat by the U.S. Fish and Wildlife Service (USFWS) because of the federally threatened snowy plovers (*Charadrius nivosus*) reported at this site. The designation was a positive move in the eyes of conservationist, but led to disappointment for pet owners. Many years of action to allow leashed dogs to this sensitive area led to a legal determination that if pets were allowed on the beach, Lee County would be vulnerable to a legal challenge under the Endangered Species Act.

In 2005, a 12-acre parcel was donated in the northwest area of the Preserve. In 2006, the order of taking began on the 1.5 acre spoil island site and public meetings were held with discussions and designs on what should be placed on this site. In 2008, this site was acquired by eminent domain. This acquisition provided the least sensitive area to place the Outdoor Activity Center (OAC), which is compliant with the Americans with Disabilities Act (ADA), and includes

mulching (composting) restrooms, kayak/canoe launches, overlook/ fishing piers and added parking. The Ribbon Cutting Ceremony for the OAC was held June 19, 2010.

Plant communities consist of ever changing coastal berm, coastal grassland, mangrove swamp, buttonwood forest, salt marsh and salt flats. Sections of erosion on the beachfront over the last ten years has enabled longer durations of salt water through high tides to seep through the mangroves into the salt marsh and salt flats creating a change or transition of the vegetation. The salt flats are shrinking into salt marsh and the salt marsh is transitioning into buttonwood (*Conocarpus erectus*) and black mangrove forests. The entire ecotone is pushing inland. SCB-BBP is mostly mangrove swamp with areas of beach shoreline on San Carlos Bay and salt flats that are important habitat for a variety of wildlife. Many state and federally listed species use the Preserve for foraging, resting and nesting including snowy plovers, piping plovers (*Charadrius melodus*), least terns (*Sterna antillarum*), red knots (*Calidris canutus*) and loggerhead sea turtles (*Caretta caretta*).

The Preserve is unique because the natural areas were not disturbed until the mosquito ditches were dug in the late 1950s and early 1960s. This construction not only disturbed plant communities and hydrology, but also brought the influence of human behavior to the site. Beside the ditches and John Morris Road little else has been disturbed in the transitioning natural areas.

The purpose of this land management plan (LMP) is to define conservation goals for SCB-BBP that will address the above concerns. It will serve as a guide for Lee County's Department of Parks and Recreation (LCPR) to use best management practices to ensure proper management and protection of the Preserve. It also serves as a reference guide of field studies and research of scientific literature and historic records conducted by staff that help to explain the Preserve's ecosystem functions, its natural history and its influences from human use.

### **III. LOCATION AND SITE DESCRIPTION**

San Carlos Bay-Bunche Beach Preserve is located in southwestern Lee County in Sections 11-14, Township 46S, Range 23E on San Carlos Bay, south of the mouth of the Caloosahatchee and between Sanibel and Estero Islands. The Preserve consists of an estimated 718 acres that includes county-managed lands of Conservation 20/20 nomination #59 (704 acres), Lee County Parks & Recreation's (LCPR) three parcels (14 acres) and Lee County Department of Transportation's (LCDOT) John Morris Road.

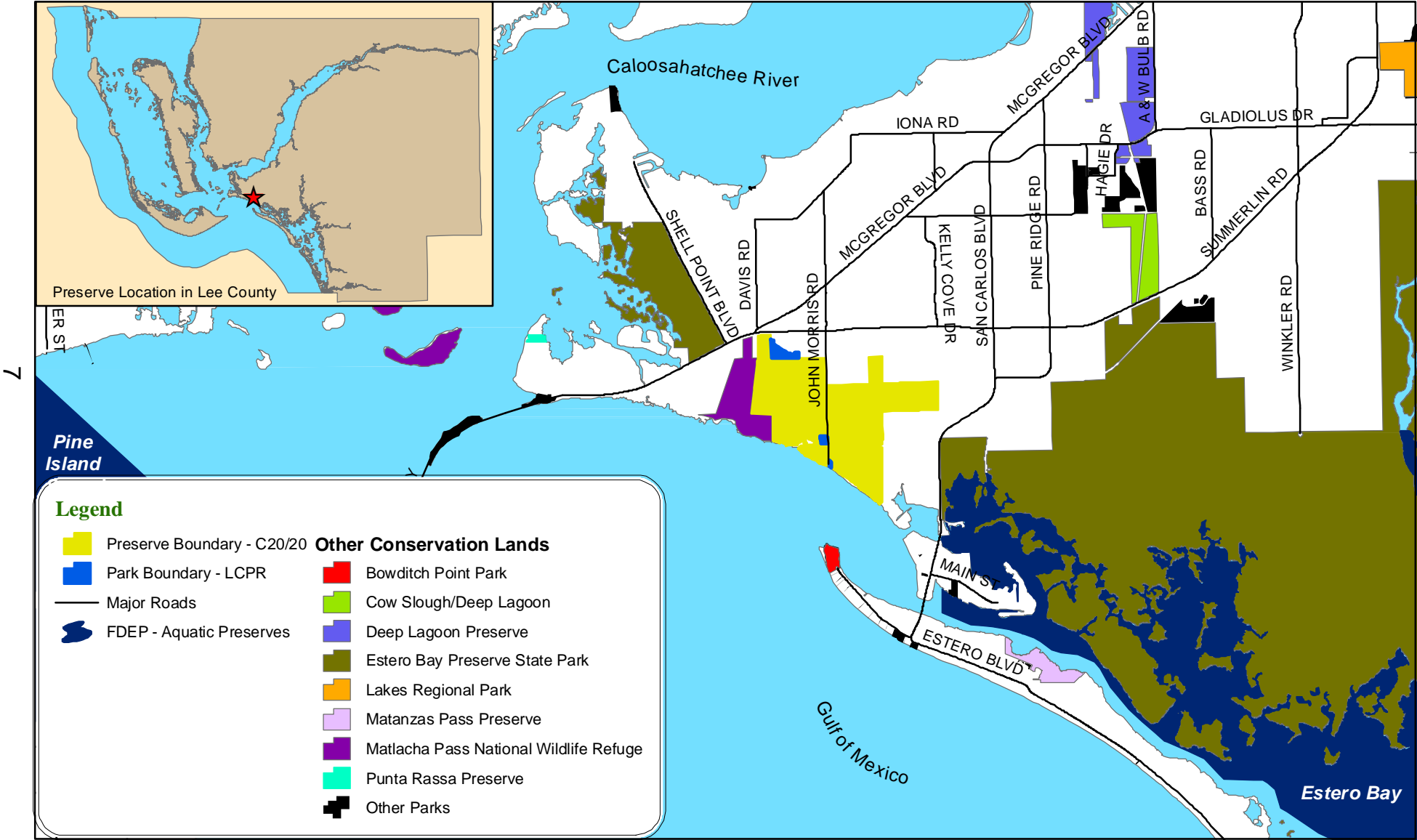
The Preserve is irregularly shaped and at its widest point is approximately 1.5 miles north/south and east/west. Summerlin Road defines the north boundary

and John Morris Road runs north/south through the middle of the Preserve. The north and east boundaries are surrounded by development (primarily mobile home communities), some portions currently have a buffer of undeveloped property between the housing area and the Preserve. The neighbor to the west is the USFWS property known as the Matlacha Pass National Wildlife Refuge. The Preserve is adjacent to and in close proximity to other conservation lands. The southern boundary is San Carlos Bay with a narrow strip of natural beach and mud flats.

The majority of the Preserve is mangrove swamp with mangrove tunnels and small creeks. Rock Creek, the largest creek in the Preserve, is used for kayaking, fishing and stand up paddle boarding (SUP). Figure 1 shows SCB-BBP's location in Lee County while Figure 2 identifies the Preserve (C20/20) and Park (LCPR) parcels' boundaries in a 2012 aerial photograph.

This back-bay Preserve has island dynamics due to the three mile wide pass between Bowditch Point and Sanibel. The beaches here respond to wind, tide and storms similarly to a barrier island. The portion of the Preserve known as Plover Island (Figure 2) is owned by both Lee County and USFWS and is accessible only by boat or walking across Rock Creek.

# Figure 1: Location Map



### Legend

- |                            |  |
|----------------------------|--|
| Preserve Boundary - C20/20 | <b>Other Conservation Lands</b>        |
| Park Boundary - LCPR       | Bowditch Point Park                    |
| Major Roads                | Cow Slough/Deep Lagoon                 |
| FDEP - Aquatic Preserves   | Deep Lagoon Preserve                   |
|                            | Estero Bay Preserve State Park         |
|                            | Lakes Regional Park                    |
|                            | Matanzas Pass Preserve                 |
|                            | Matlacha Pass National Wildlife Refuge |
|                            | Punta Rassa Preserve                   |
|                            | Other Parks                            |



## San Carlos Bay - Bunche Beach Preserve

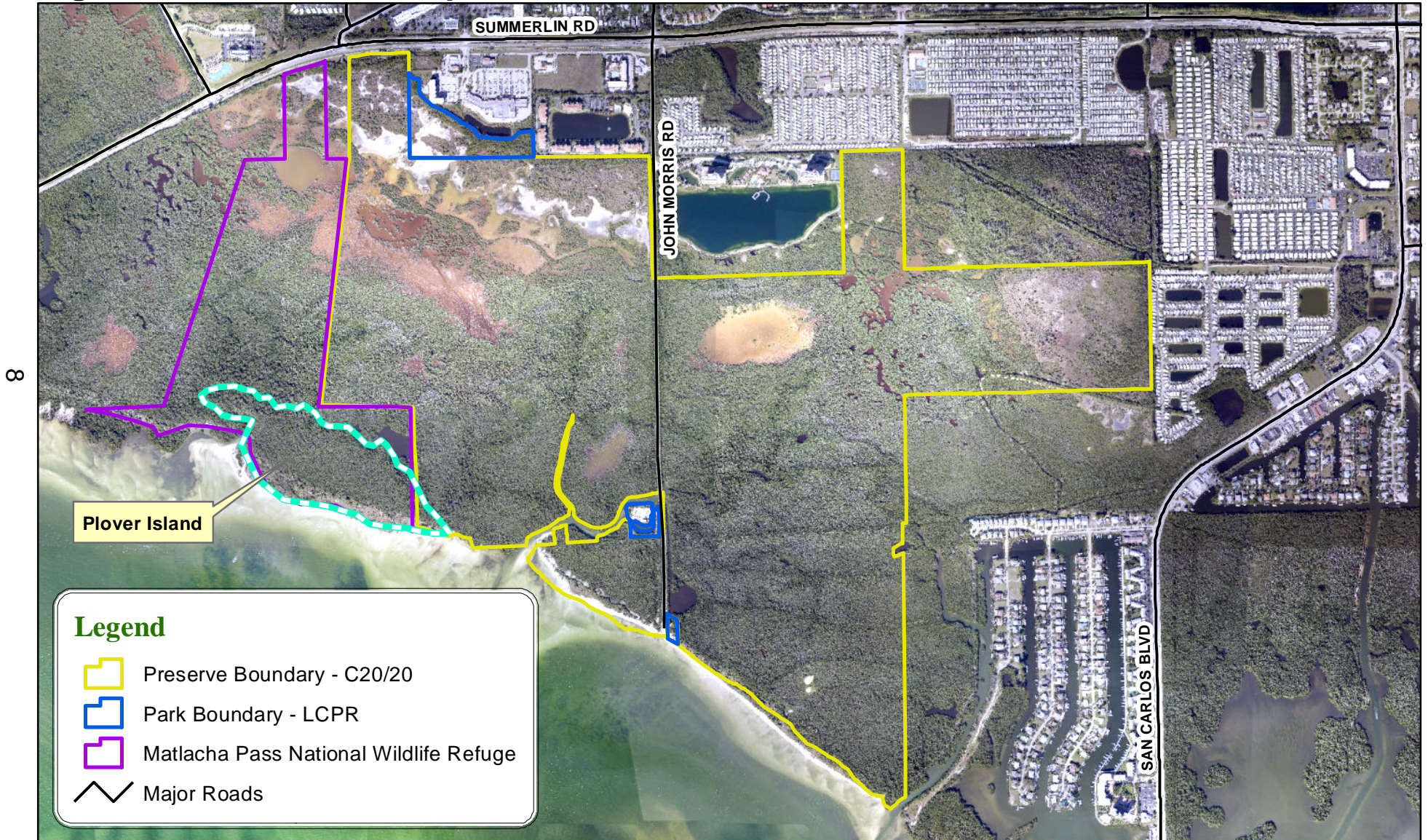


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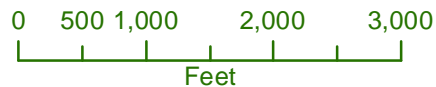
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**Figure 2: 2012 Aerial Map**



**San Carlos Bay -  
Bunche Beach Preserve**



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## IV. NATURAL RESOURCES DESCRIPTION

### A. Physical Resources

#### *i. Climate*

General information on the climate of southwest Florida is located in the Land Stewardship Operations Manual's (LSOM) Land Stewardship Plan Development and Supplemental Information section (<http://www.conservation2020.org/Documents/LSOM.pdf>).

#### *ii. Geology*

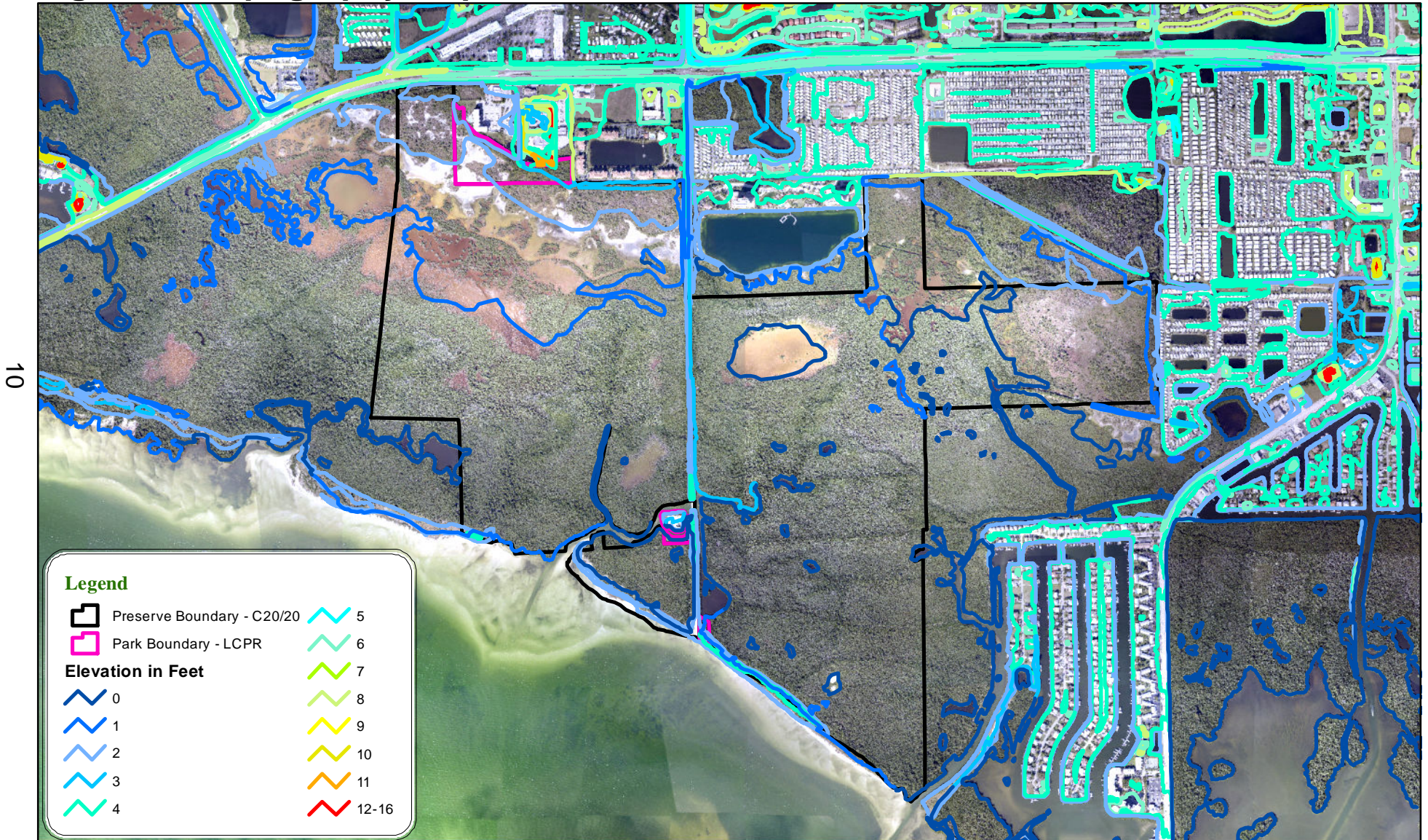
Specific information on the geologic features such as physiographic regions, formations and maps can be found in the LSOM's Land Stewardship Plan Development and Supplemental Information section.

#### *iii. Topography*

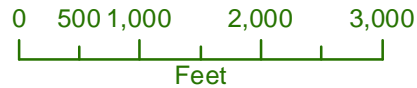
The elevation of SCB-BBP ranges from zero to over five feet in elevation (Figure 3). The topographic map shows the areas of elevation change. A majority of the site falls between zero and two-feet in elevation as the beach area rises out of San Carlos Bay. When the intertidal zone is exposed at mean low water level, a feeding area is created for resident avian life. Within the Preserve there is a decrease in elevation as the beach dune areas slopes down on the west side into the mangrove swamp. The highest elevations of five feet are the road way within the Preserve boundaries. All elevations are based on the National Geodetic Vertical Datum (NGVD).

The LiDAR map (Figure 4) includes light detecting and ranging data that is an optical remote sensing technology measuring properties of scattered light to find range and/or other information of a distant target that shows elevation ranges from low to high.

**Figure 3: Topography Map**



**San Carlos Bay -  
Bunche Beach Preserve**

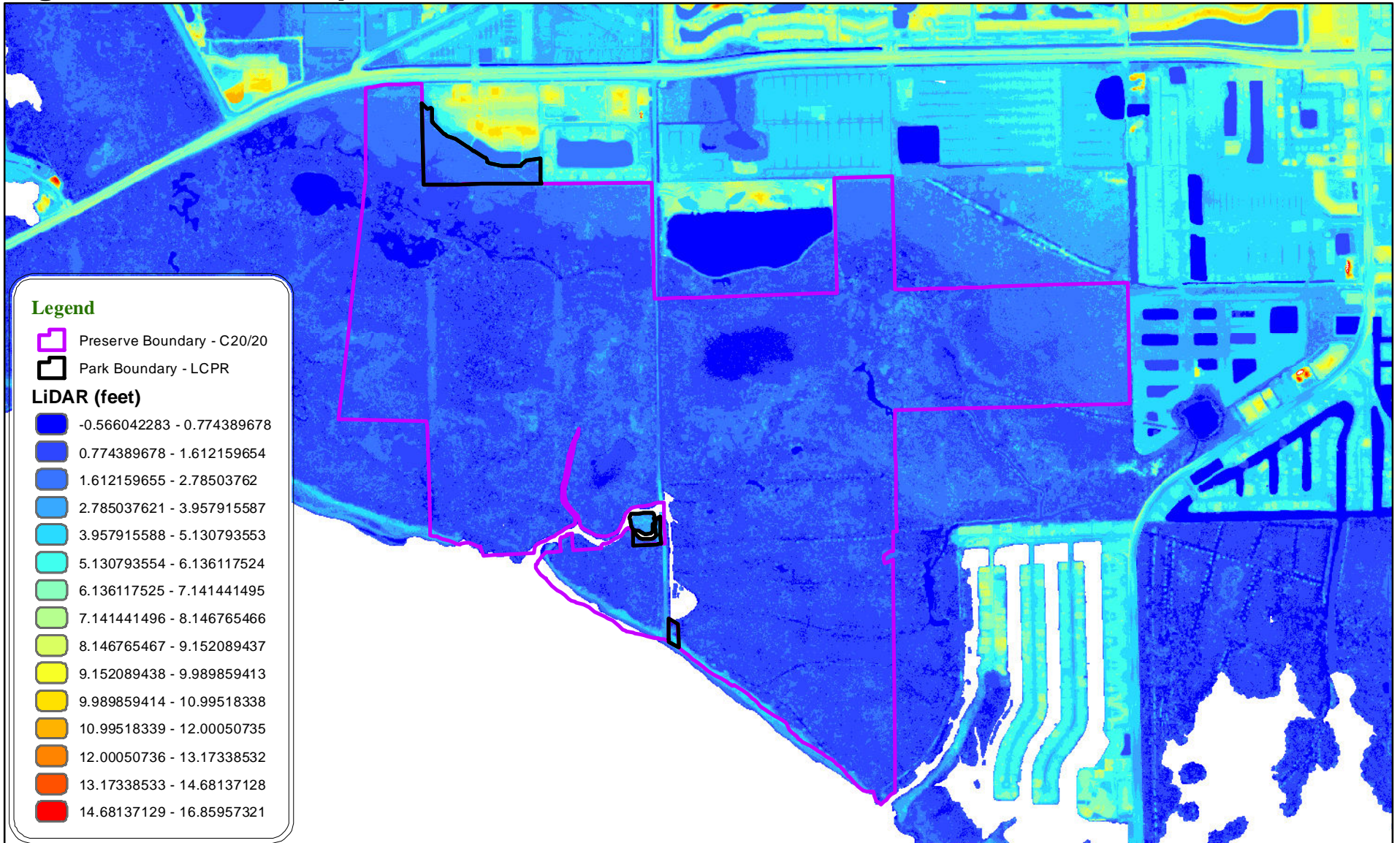


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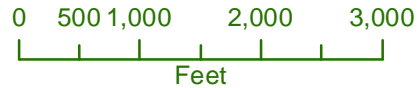
**Figure 4: LiDAR Map**



11



**San Carlos Bay -  
Bunche Beach Preserve**



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#### *iv. Soils*

SCB-BBP contains five soil types and an urban classification for the public amenities area (Figure 5 and Appendix A). Boca Fine Sand, Boca Fine Sand Tidal and Estero Muck run along the northern areas of the Preserve. Peckish Mucky Fine Sand makes up the majority of the Preserve and the southwest area is made up of Wulfert Muck. There are also narrow strips of nearly level mixed sand and shell fragments making up the beach. These areas are subject to movement by wind and tide and are bare of vegetation. Soils play an important role in dictating the location and types of appropriate recreation that the Preserve can provide. This soil has severe limitations for sanitary facilities and recreational uses and dictates limitations for most building site development. The high water table and sandy surface texture are major limitations.

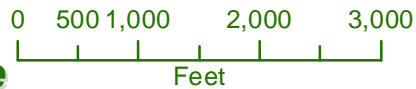
Refer to the LSOM's Land Stewardship Plan Development and Supplemental Information section for additional information on soil types and limitation.

**Figure 5: Soils Map**

13



**San Carlos Bay -  
Bunche Beach Preserve**



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#### *v. Hydrologic Components and Watershed*

SCB-BBP is located within the Greater Charlotte Harbor Watershed. The Greater Charlotte Harbor Watershed extends over an area of 4,400 square miles and is divided into basins and sub basins.

The Lower Charlotte Harbor Watershed covers more than 2,230 square miles in the Lower West Coast Region of Florida, including Cape Coral and Fort Myers metropolitan areas. Many creeks and rivers contribute flows to form a series of bays, sounds, passes and natural harbors along the Gulf of Mexico. Major passes from Gasparilla Sound to San Carlos Bay are Little Gasparilla Pass, Boca Grande Pass, Captiva Pass and Blind Pass. Major passes on Estero Bay are Matanzas Pass, Big Carlos Pass, Big Hickory Pass, Little Hickory Pass and Wiggins Pass.

SCB-BBP is within the Cow Creek watershed sub basin of the South Florida Water Management District's (SFWMD) Lower West Coast Region (Figure 6). The Preserve is located along the northern shoreline of San Carlos Bay, adjacent to Estero Bay. Over half of the Preserve consists of mangrove swamp that is influenced by tidal and fresh water runoff. The tides bring relatively clean water to the mangroves, and in turn, flush out accumulations of hydrogen sulfide and salts. The mangrove swamp helps to buffer the estuary from water pollution by filtering nutrients such as phosphorus and nitrogen from terrestrial runoff.

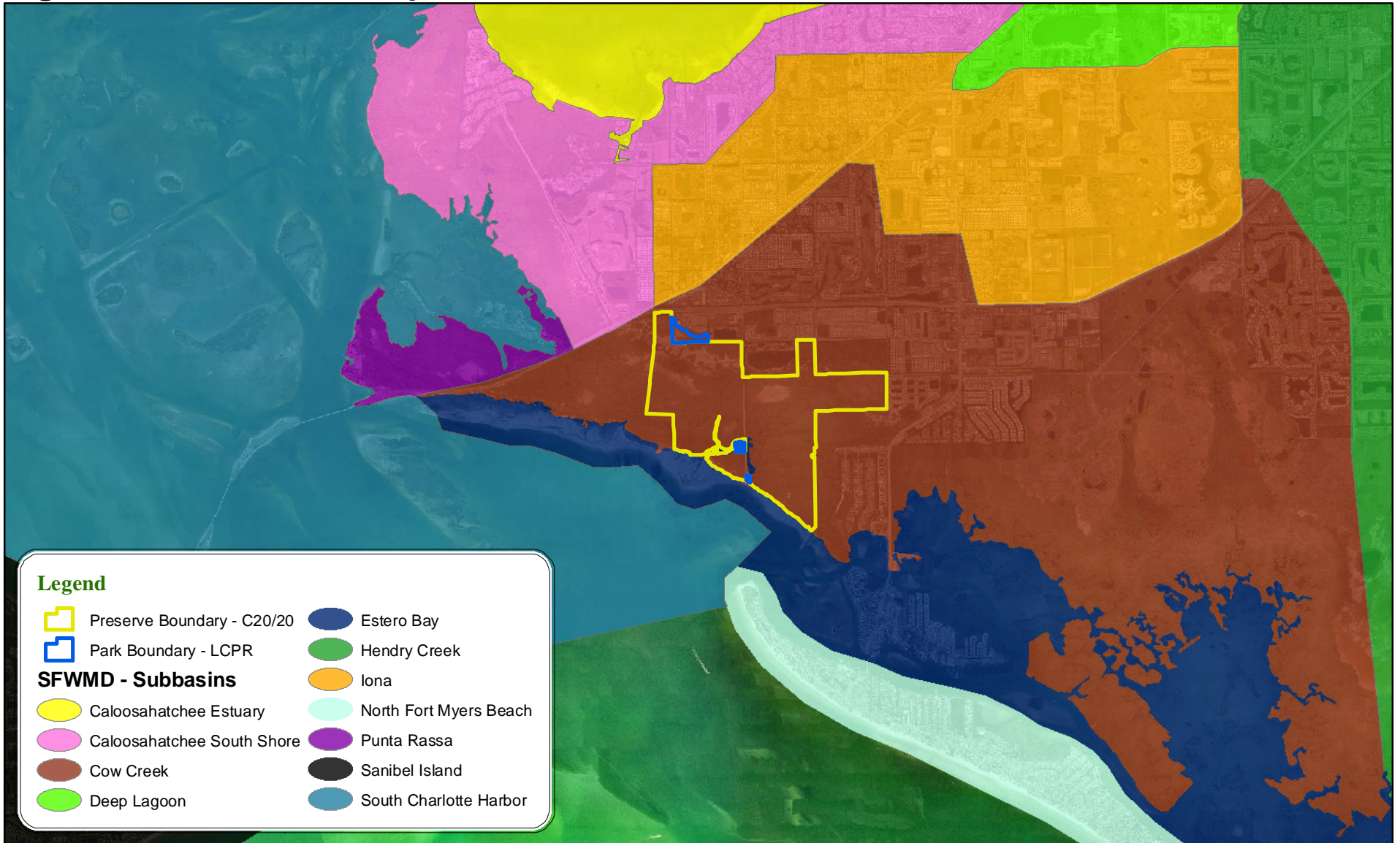
There are remnants of tidal creeks that flow through the Preserve that are virtually pristine, as well as several smaller tributaries. The largest tidal creek, Rock Creek, is heavily used by fishermen, kayakers and stand up paddle boarders (Figure 7).

In 1974, the USFWS directed its Office of Biological Services to conduct an inventory of the nation's wetlands. Wetlands were identified on aerial photography by vegetation, visible water features and geography, and subsequently classified in general accordance with the Classification of Wetlands and Deep Water Habitats of the United States.














More information about the different classifications can be found there, or in the LSOM's Land Stewardship Plan Development and Supplemental Information section. The unnatural features, the ditches, are further discussed in the Internal Influences section of this plan.

**Figure 6: Watershed Map**

15



**Legend**

-  Preserve Boundary - C20/20
-  Park Boundary - LCPR
- SFWMD - Subbasins**
-  Caloosahatchee Estuary
-  Caloosahatchee South Shore
-  Cow Creek
-  Deep Lagoon
-  Estero Bay
-  Hendry Creek
-  Iona
-  North Fort Myers Beach
-  Punta Rassa
-  Sanibel Island
-  South Charlotte Harbor



**San Carlos Bay -  
Bunche Beach Preserve**

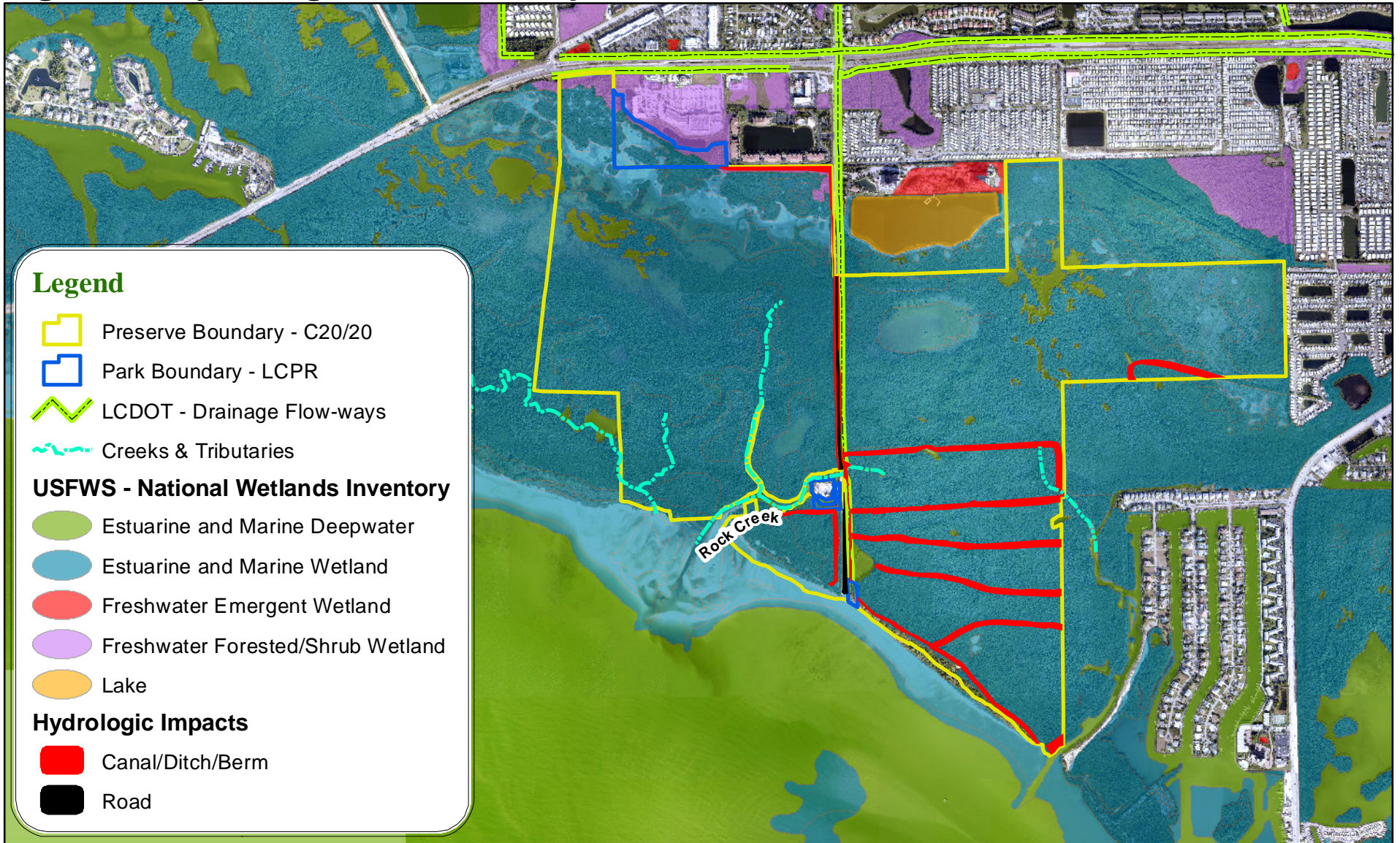


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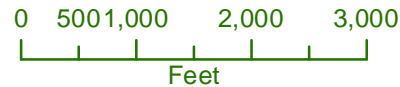
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**Figure 7: Hydrologic Features Map**



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Bunche Beach Preserve**



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## **B. Biological Resources**

### *i. Ecosystem Function*

Lee County's preserves contain a diversity of plant communities that provide habitat for numerous plant and animal species. Most of these preserves are not islands of habitat, but are pieces of a larger conservation effort striving to create or maintain a healthy and viable ecosystem.

Refer to the LSOM's Land Stewardship Plan Development section for additional information.

### *ii. Natural Plant Communities*

The term "plant community" refers to the suite of floristic (plant) species that form the natural (i.e., native) vegetation of any place. In addition to anthropogenic influences, the combination of factors such as geologic, topographic and hydrologic assemblages, underlying soils and climate determine the types of plants found in an area. These plants, in turn, determine the animal species that may be found there.

SCB-BBP consists of eleven natural or altered plant communities; a majority of the Preserve (88%) is comprised of mangrove swamp, coastal grassland and salt flats (Figure 8). Approximately 15% of the plant communities are designated by the Florida Natural Areas Inventory (FNAI) as altered or disturbed landcover types which are typically created by previous land clearing activities, man-made ditches, developed areas or roads. The remaining 85% of the SCB-BBP plant communities are in an unaltered, natural state. Figure 8 shows the location of the plant communities found at SCB-BBP. The plant communities are defined using the Guide to the Natural Communities of Florida (2010) prepared by FNAI. FNAI ranks natural areas as significant on a Global (G) or State (S) basis and numerically from 1 to 5. A rank of 1 designates an area as critically imperiled (G1-S1) and a rank of 5, (G5-S5) as demonstrably secure, although it may be quite rare in part of its range. The seven natural plant communities of SCB-BBP are ranked below.

Acres and percent of cover for each community are listed below. Descriptions of the plant communities and characteristic animals found within each community, as well as management suggestions are found in the LSOM. A complete list of plant species identified during site inspections to SCB-BBP can be found in Appendix B. This list will be updated on a seasonal basis to identify plants in their inflorescence phase.

**Mangrove Swamp** – 444.4 acres or 60% coverage of SCB-BBP (G5/S4)

Mangrove swamp is a dense forest occurring along relatively flat, low wave energy, marine and estuarine shorelines. This estuarine wetland is on muck/sand or limestone substrate inundated with saltwater by daily tides. Little or no fire and is dominated by mangrove and mangrove associated species; red mangrove (*Rhizophora mangle*), black mangrove (*Avicennia germinans*) white mangrove (*Laguncularia racemosa*) and buttonwood. Red mangrove often dominates the lowest (or deep-water) zone, followed by black mangrove in the intermediate zone and white mangrove and buttonwood in the highest, least tidally-influenced zone. Buttonwood often occupies an ecotone or transition zone to the adjacent upland community.

**Mangrove Swamp (Disturbed)** – 73.6 acres or 10% coverage of SCB-BBP (G5/S4)

Sections in the northwestern and northeastern areas of the Preserve had mangrove cover that was altered by earth clearing machines to make way for development in 1986. Mangroves have reestablished in these areas.

**Coastal Grassland** – 72.1 acres and 9.80% coverage of SCB-BBP (G3/S2)

The coastal flatland behind the dunes has a stable sand substrate with mesic-hydric conditions common statewide excluding the Keys. Occasional fire; marine influences and herbaceous vegetation with no canopy and salt-tolerant grasses and herbs such as sea oats (*Uniola paniculata*), bitter panicum (*Panicum amarum*), camphorweed (*Heterotheca subaxillaris*), hairawn muhly (*Muhlenbergia capillaris* var. *filipes*) are found here. Coastal grasslands may be flooded by salt water and covered with sand and marine debris during summer storms and hurricanes.

**Salt Flat** - 42.5 acres or 5.80% coverage of SCB-BBP (G4/S4)

This community has slightly higher areas within the marsh. Sometimes flooded by storm tides or extreme high tides and isolated from fresh water influx, this area can become very saline and desiccated due to evaporation, with much exposed bare soil. These areas are dominated by species that can tolerate high salinities, consisting of succulents, such as saltwort (*Batis maritima*), perennial glasswort (*Sarcocornia ambigua*), annual glasswort (*Salicornia bigelovii*) and bushy seaside oxeye (*Borrichia frutescens*). Grasses include saltgrass (*Distichlis spicata*), seashore paspalum (*Paspalum vaginatum*), and shoregrass (*Monantherochloe littoralis*). The bare ground areas appear on aerial photographs as white patches within the marsh.

**Coastal Dune Lake** – 33.0 acres or 4.50% coverage of SCB-BBP (G1/S1)

Coastal dune lakes are generally permanent water bodies, although water levels may fluctuate substantially. They are typically lentic (standing or relatively still water) water bodies without significant surface inflows or outflows. Instead, water is largely derived from lateral ground water seepage through the surrounding well-drained coastal sands. Storms occasionally provide large

inputs of salt water and consequently, salinities vary dramatically over the long term. Wading birds and ducks use these lakes as feeding and resting areas. In SCB-BBP these newly formed lakes are surrounded by red and black mangroves.

**Buttonwood Forest** – 20.6 acres or 2.80% coverage of SCB-BBP (G5/S4)

Buttonwood Forest is a common variant of mangrove swamps that occurs within Florida. The upper tidal area is dominated by buttonwood and often transitions to rockland hammock. Extreme northern or eastern areas of the Preserve include small sections of this transitioning plant community. These forests may have an understory dominated by sea oxeye daisy (*Borrchia frutescens*), Christmas berry (*Lycium carolinianum*), and Carolina sealavender (*Limonium carolinianum*).

**Coastal Berm** – 9.1 acres or 1.25 % coverage of SCB-BBP (G3/S2)

Along the southern bay beach area of the Preserve is a ridge that has been created by storm deposits of sand, shell, and marine debris. Plants associated with this formation include thickets of large shrubs and small trees, hammocks or sparse shrubby vegetation with spiny xerophytic plants. Tree species include gumbo limbo (*Bursera simaruba*) and seagrape (*Coccoloba uvifera*). More seaward berms or those more recently affected by storm deposition may support a suite of plants similar to beaches including shoreline seapurslane (*Sesuvium portulacastrum*), saltgrass, and seashore dropseed (*Sporobolus virginicus*). Fires are rare to non-existent in this community. Invasion by exotics including Australian pine (*Casuarina equisetifolia*), Brazilian pepper (*Schinus terebinthifolius*), beach naupaka (*Scaevola taccada var. sericea*) and portia (*Thespesia populnea*) following storm disturbance is an ongoing threat to this community. This area is heavily used by visitors and has evidence of trails into the vegetation. This causes the destruction of vegetation which leads to habitat depletion for wildlife usage. “Do not enter” signs have been placed to prevent pedestrian disturbances.

**Unconsolidated Substrate** – 3.9 acres or 0.60% coverage of SCB-BBP (G5/S5)

Unconsolidated substrates are unsolidified material and include coralgall, marl, mud, mud/sand, sand or shell. While these areas may seem relatively barren, the densities of infaunal organisms in subtidal zones can reach the tens of thousands per meter square making these areas important feeding grounds for many bottom feeding fish and the intertidal and supratidal zones are extremely important feeding grounds for many shorebirds and invertebrates. These communities are the most important recreational areas in Florida, attracting millions of residents and tourists annually. This community is resilient and may recover from recreational disturbances. Another type of disturbance involves the accumulation of toxic levels of heavy metals, oils, and pesticides. Significant amounts of these compounds in the sediments will kill the infaunal organisms, thereby eliminating a food source for certain fishes, birds and other organisms.

## **Altered Landcover Types:**

### **Canal/Ditch** – 34.3 acres or 4.75% coverage of SCB-BBP

The canal/ditch area in Figure 8 refers to the ditches along the roadway and many ditches dug by the Lee County Mosquito Control District in the late 1950s and early 1960s on the southeast side of the Preserve. These ditches were used in Florida to drain wetlands and theoretically, to reduce mosquito breeding habitat. However, spoil piles were left in place and are now where exotic pest plants, such as Brazilian pepper, grow and continue to be treated in place.

### **Road** – 2.8 acres or 0.40% coverage of SCB-BBP

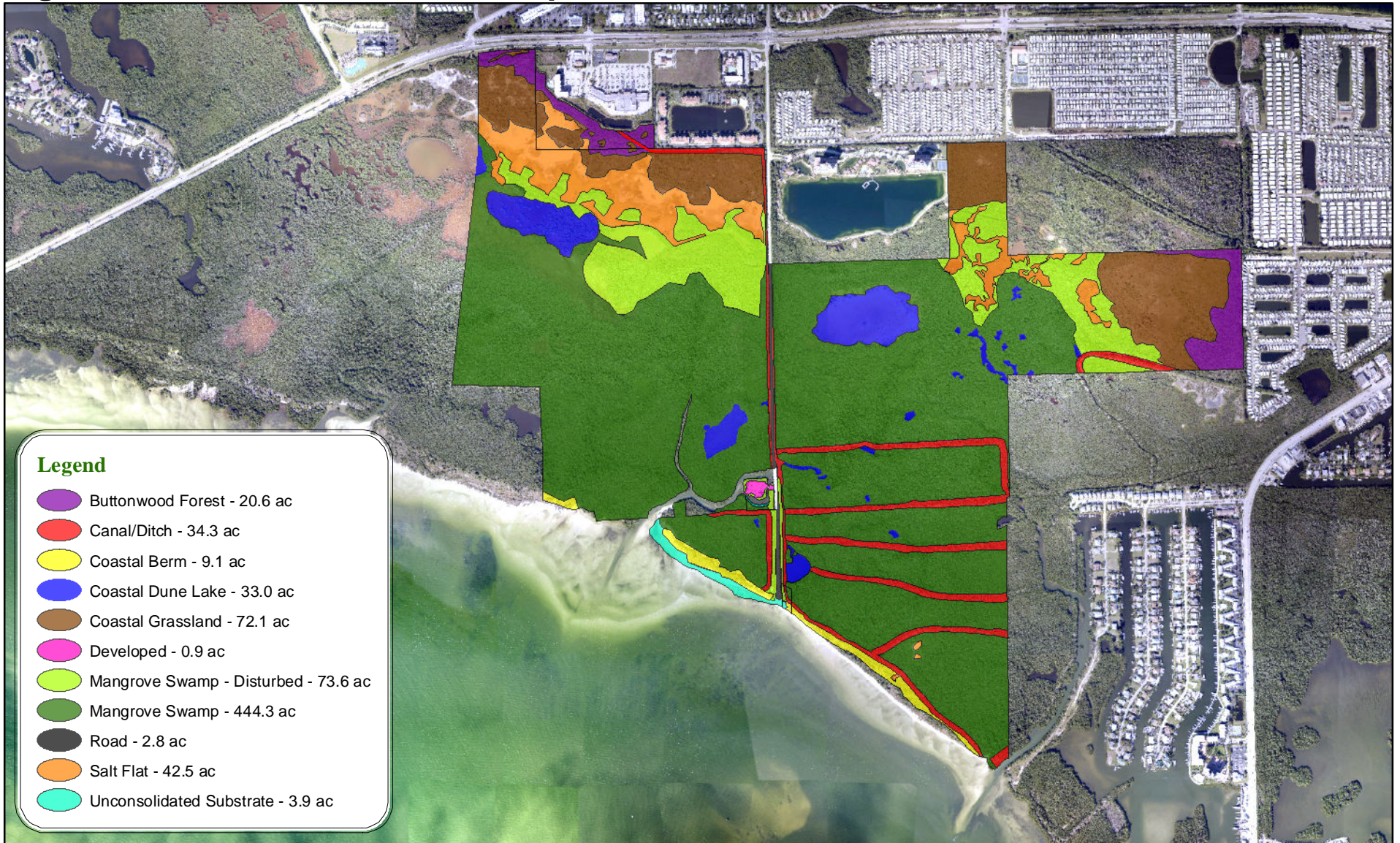
Addresses John Morris Road that divides the Preserve into an east and west section and is the only access to the Preserve.

### **Developed** - 0.9 acres or 0.15% coverage of SCB-BBP

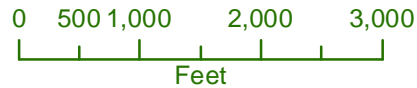
Developed area refers to the spoil island that was cleared of exotic plants and developed into an activity area with two overlook/fishing piers, two kayak launches, a restroom facility, car parking and replanted with native vegetation.

**Figure 8: Plant Communities Map**

21



**San Carlos Bay -  
Bunche Beach Preserve**



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### *iii. Fauna*

SCB-BBP is mostly mangrove forest. This community is significant because it functions as nursery grounds for most of the state's important commercial and recreational fish and shellfish. The continuous shedding of mangrove leaves and other plant components produce as much as 80% of the total organic material available in the estuarine aquatic food web.

The Preserve provides a variety of marine habitats for wildlife including those that are state and federally listed. Appendix C has the complete list of wildlife documented in the Preserve as recorded through staff and volunteer field work, site inspections, Lee County Bird Patrol volunteers, and a wildlife disease study performed by representatives from the University of Georgia and National Veterinary Services Laboratory.

Additional general information about fauna on all C20/20 preserves can be found in the LSOM's Land Stewardship Plan Development and Supplemental information section.

### *iv. Designated Species*

There are a variety of designated animal and plant species found at SCB-BBP. Although all native plant and animal species found on the Preserve have some protection due to the preservation of this property, certain species need additional attention. The USFWS has designated the Preserve as a wintering critical habitat for the plover (Appendix D). Snowy and piping plovers are two of the listed species noted using the Preserve and have been protected by the designation of the critical wildlife habitat. Critical wildlife habitat areas are specific areas within the geographic area, occupied by the species at the time it was listed, which contain the physical or biological features that are essential to the conservation of endangered and threatened species and that may need special management or protection.

The coastline of Lee County is available to the public and many of these locations are available to pets. It is imperative that some of these coastal areas are put aside for designated species so they may survive. SCB-BBP has one mile of shoreline where pets are prohibited due to the shore birds and wading birds that uses this area for resting, feeding and nesting. The mangrove cuckoo (*Coccyzus minor*) is another species that needs protection and is highly sought after by birders. Because of its elusive nature, bird calls and calling tapes that mimic bird sounds will not be allowed in the Preserve.

The red knot (*Calidris canutus*) is a candidate species and as such, receives no statutory protection under the Endangered Species Act (ESA). The USFWS

encourages cooperative conservation efforts for these species because they are, by definition, species that may warrant future protection under the ESA.

The first loggerhead sea turtle nest reported on the Preserve since being purchased by Conservation 20/20 was recorded in 2007. Since then, two nests were reported in 2011, one nest in 2012, and none so far in 2013. Turtle Time Inc. has documented nests and false crawls on SCB-BBP since 2007 (Haverfield 2013).

Stewardship of the native biological communities will benefit all species in the Preserve including protection of designated species in Florida's Endangered Species, Threatened Species and Species of Special Concern document maintained by the Florida Fish and Wildlife Conservation Commission (FWC), Florida Department of Agriculture and Consumer Services (FDACS), the Institute for Regional Conservation (IRC), FNAI and as well as those species listed by the federal government in the Endangered Species Act.

Management practices conducted in the Preserve include the control of exotic pest plant and animal communities, removing marine debris and litter, wildlife monitoring and restoring native plant communities.

Enforcement of unacceptable behavior in the Preserve such as camp fires, grilling, drinking alcohol and the presence of pets will also protect the many species in the Preserve.

Additional natural history on these species and management measures to protect them can be found in the LSOM's Land Stewardship Plan Development and Supplemental Information section.

#### *v. Biological Diversity*

General information on biological diversity and measures used to help promote biological diversity can be found in the LSOM's Land Stewardship Plan Development and Supplemental Information section.

Many species of birds, reptiles, invertebrates, fish and mammals inhabit, forage, nest, or rest in SCB-BBP. The mangroves provide nesting and roosting area for birds such as the mangrove cuckoo. Many species of fish either breed or spend some part of their juvenile life in the protection of the mangroves. The integrity and diversity of SCB-BBP and its associated waters must be protected when and where possible. Management staff will perform the following actions in this regard:

- Control of invasive exotic plants and animals with tri-annual follow-up maintenance will provide suitable habitat for native wetland and terrestrial species.

- Removal of any debris and prevention of future littering on site will improve and protect water quality.
- Removal of hazardous debris such as monofilament line and other potential entrapment debris will also contribute to the quality of surrounding waters and protect wildlife species that utilize this area.
- On-going sea turtle, bird and plant species surveys conducted by volunteers from Turtle Time Inc., Lee County Bird Patrol and staff will confirm and protect the diversity that is present.
- Provide educational opportunities for visitors through both interpretive signs and programs.

## **C. Cultural Resources**

### *i. Archaeological Features*

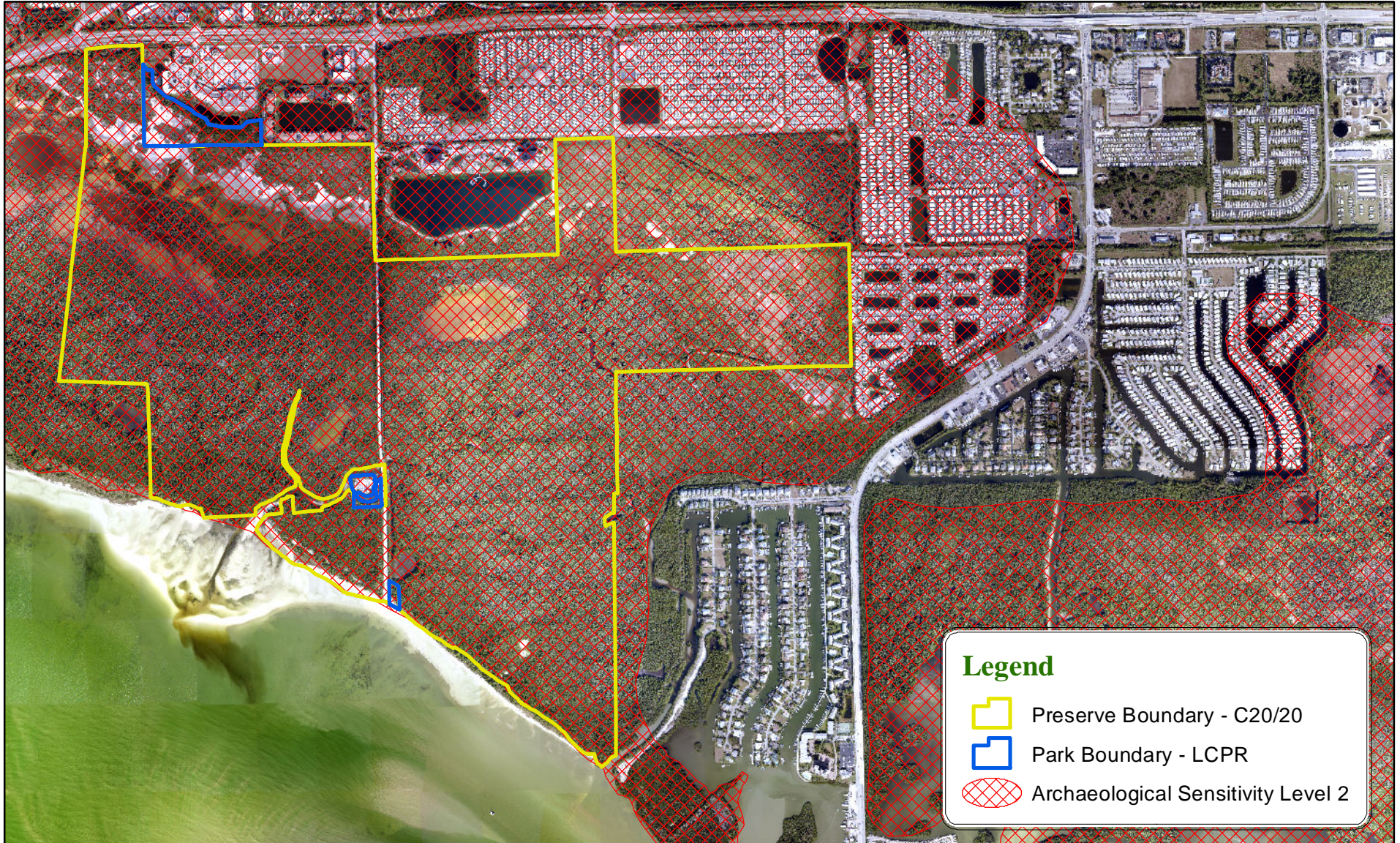
In 1987, Piper Archaeological Research, Inc. conducted an archaeological site inventory of Lee County. SCB-BBP along with all coastline areas, lie in the study's "Sensitivity Level 2" area (Figure 9). Suncoast Archaeological Consultants, Inc. was hired to conduct a reconnaissance level cultural resource survey of the area in 2009. One previously recorded archaeological site was located and assessed and one newly recorded historic resource group was identified, the International Ocean and Telegraph Company's telegraph line route. To further protect these cultural resources, they are not identified on the map. Occasionally, Calusa pottery sherds wash up along the beach.

General information on archaeological features in Lee County can be found in the LSOM.






**Figure 9: Archaeological Sensitivity Map**

25

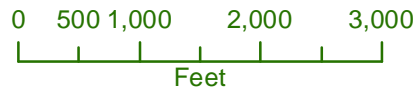


**Legend**

-  Preserve Boundary - C20/20
-  Park Boundary - LCPR
-  Archaeological Sensitivity Level 2



**San Carlos Bay -  
Bunche Beach Preserve**



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This is not a survey. Land Stewardship Staff has prepared this map for informational and planning purposes.



## *ii. Land Use History*

With the exception of the construction of John Morris Road, Iona Drainage District canal, the mosquito ditches, and the alteration of mangrove swamp community in the northwestern and northeastern areas of the Preserve (Figure 8) the majority of the area has remained nearly untouched because of its environmental sensitivity.

Prior to the 1900s, John Morris Road was known as Viewer Road. Common of the era, roads were named after the plot owners. John Morris owned the surrounding plots in the early 1900s; hence the name John Morris Road. John Morris was not only a land owner, but was also on the Lee County Board of County Commissioners from 1922 to 1928 (Coachman 2013).

In November of 1916, the Iona Drainage District (IDD) was recorded in the office Clerk Circuit Court of Lee County (UFDC 2013). The IDD was created as a drainage system for an area south of Fort Myers. Canal "D" was created in 1920 and runs along both sides of John Morris Road, ending at Rock Creek ([http://leegov.com/gov/dept/publicworks/dot/publishingimages/idd\\_planprofile.pdf](http://leegov.com/gov/dept/publicworks/dot/publishingimages/idd_planprofile.pdf)). Landowners either granted voluntary easements or provided titles to the district. The remaining easements were completed by a condemnation suit. In 1953, the IDD was dissolved and easement rights were assigned to Lee County.

Very few people know that John Morris Road was the only way to get to Fort Myers Beach. "The first road from Fort Myers Beach was devious. Travelers came out McGregor Boulevard from the city, continuing toward Punta Rassa to the road which leads to the present Bunche Beach" (Brown et al. 1965). San Carlos Road (now known as, San Carlos Boulevard) to Fort Myers Beach was built in 1926-1927, after a hurricane came through and drastically altered our shoreline and took many lives in Moore Haven and also caused loss of life at Punta Rassa (September 18, 1926) (Brown et al. 1965). John Morris Road was cut off and no longer the access to Fort Myers Beach. Even today, south of Summerlin Road, Bunche Beach Road is a popular alias for John Morris Road.

The 1944 aerial (Figure 10) shows the Preserve in a natural state with the contiguous salt flats and salt ponds. In the northwest corner of the Preserve is a linear feature that follows approximately the same course as the International Ocean and Telegraph's Company's telegraph line. John Morris Road is no longer used to go to Fort Myers Beach. The highway to the east of the Preserve is San Carlos Boulevard and the highway to the northwest of the Preserve is McGregor Boulevard. Farm plots are evident north and east of the salt flats beyond the Preserve boundary.

In 1949, the county purchased a half-acre just east of the southernmost point of John Morris Road (southernmost blue rectangle seen in Figure 10). At this time, the rest of what we know as the Preserve today was still privately owned.

In 1950, the beach was officially named in honor of Dr. Ralph Bunche during a dedication ceremony that was held on the beach with officials, a beauty pageant, barbecue and 5,000 people in attendance from as far away as Tampa. Annual beauty pageants during the summer, Sundays or holidays you would find all of Dunbar at the Beach (LCBHS 2012). According to Harlem Heights' resident Clarence Hogg, "There was a grease joint at the beach that the county rented to a local black family to operate the restaurant that sold sandwiches, fries, ribs and soft drinks to their customers. Over time the house just rotted away after 1969 and nobody came to the beach anymore because we all went to Bonita Beach with integration" (Anonymous 1994).

In the 1953 aerial (Figure 11), a ditch has been dug on the northwest boundary of the Preserve, most likely to drain the land for more farming. The salt flats are still intact except along John Morris Road and additional farm plots are seen to the east and north of the boundary. Mangroves along the beach east of John Morris Road have been scrapped back (~2.5 acres) and a building is located in this general area.

Prior to the 1968 aerial (Figure 12) the spoil island has been created from dredging, two vegetation plots have been cleared on the western point of the beach and another building was added to the east of the existing buildings. The 1968 aerial illustrates that mosquito ditches have been dug in the southeast section of the Preserve to drain the land and/or to bring mosquito fish (*Gambusia affinis*) inland to feed on mosquito larva. The spoil piles are evident by the white spots along the sides of the ditches. The salt flats outside of the Preserve to the northwest have begun to be scraped for future development. The area to the east of the Preserve boundary has been dredged and homes appear on the man-made canals. A zoomed in view of this aerial shows three buildings along the beach front.

"In 1974, the county began the seesaw battle of the bathrooms, with restroom facilities built, vandalized, and rebuilt in an endless cycle until the county gave up on the effort, demolishing the remnants of the ill-fated restrooms in 1987" (Waters 2006). Today, with erosion, small pilings can be seen in this area and these may be the remains of the old house reported by Mr. Hogg or remnants of the old restrooms.

Through the years, because "Bunche Beach" is a remote location, it became known as the local party spot after dark and Lee County Sheriff's deputies made routine trips to respond to noise and disruptive behavior complaints. Pets also roamed freely on the beach, because except for the half-acre of county-owned

beach just to the east of John Morris Road, the rest of the property was privately-owned.

The 1979 aerial (Figure 13) shows growth all around the Preserve and especially to the east. The salt flats to the northeast are being scraped and will eventually be dug to supply fill for development and will later locally be known as Crystal Lake with new owners calling it Mastique Lake.

In the 1986 and 1990 aerials (Figures 14 & 15), a shaded out area just below the salt flats in the northwest section of the Preserve shows where mangroves have been cut and will become a legal case with a decision allowing counties to deny development rights for large projects on environmentally sensitive land. Lakes have been dug and growth has exploded outside the north and east sides of the Preserve. Change has taken place in the salt flats when compared to the 1944 aerial.

The 1998 aerial (Figure 16) shows great change to the salt flats in the eastern section of the Preserve. Flats are turning into ponds in the center area of the east side and in the east section of the Preserve; the flats are transitioning into herbaceous vegetation.

By 2002, the salt flats are almost totally gone in the east side of the Preserve and have transitioned into grasslands, a salt flat has been created below Mastique Lake, mosquito ditches are still evident in the southeast and development all around the Preserve has exploded (Figure 17).



By the 2011, the salt flat below the Mastique Condominiums has transitioned into a black mangrove swamp and has died back and become a salt pond. The spoil island has been developed into the OAC (Figure 18).

Figure 10: 1944 Aerial

29

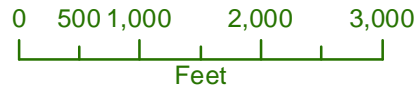


**Legend**

-  Preserve Boundary - C20/20
-  Park Boundary - LCPR



**San Carlos Bay -  
Bunche Beach Preserve**



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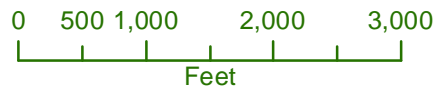
This is not a survey. Land Stewardship Staff has prepared this map for informational and planning purposes.



Figure 11: 1953 Aerial



**San Carlos Bay -  
Bunche Beach Preserve**

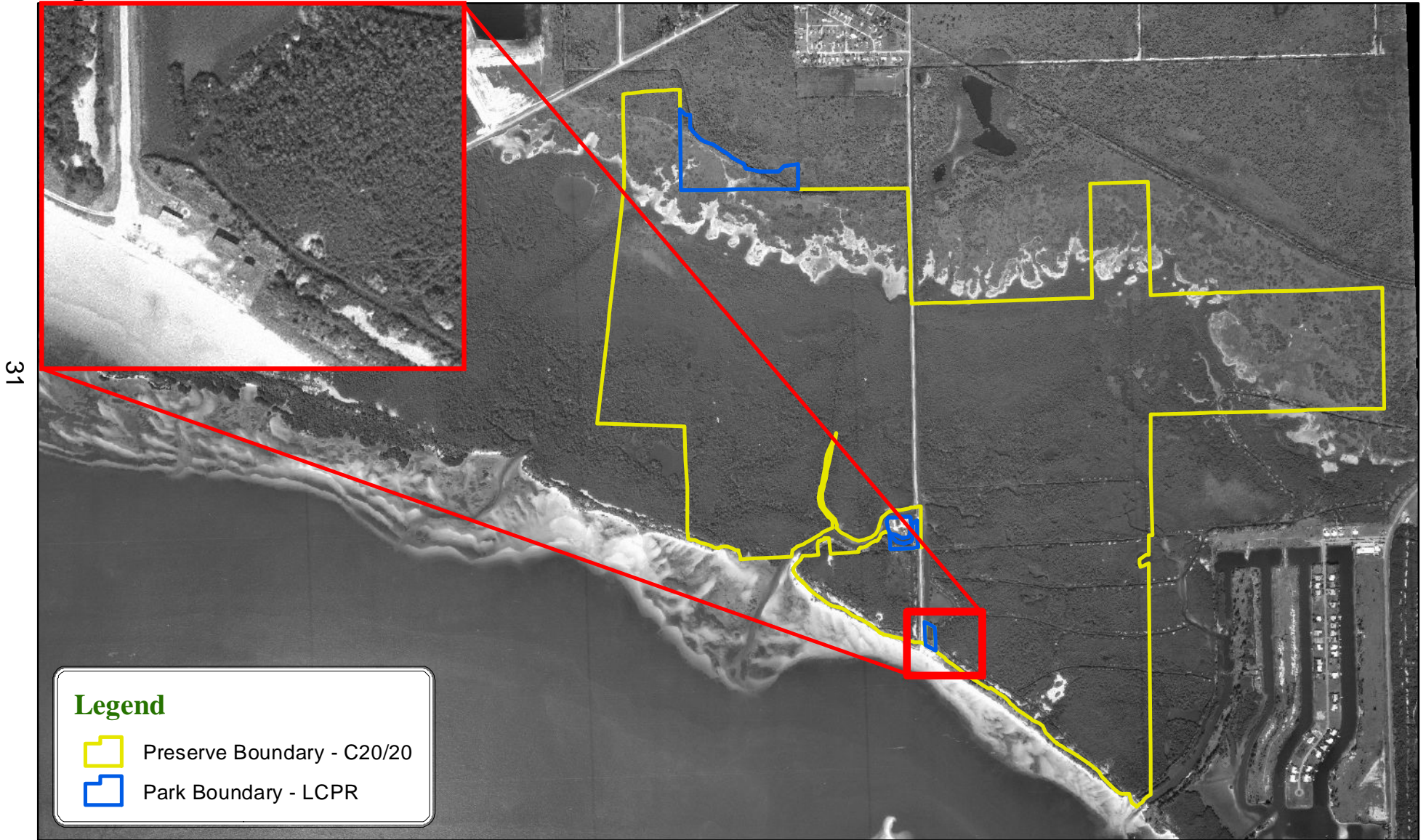


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SCBBBBP\_1953 Date Saved: 7/12/2013

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for informational and planning purposes.



Figure 12: 1968 Aerial



**San Carlos Bay -  
Bunche Beach Preserve**





Figure 13: 1979 Aerial

32

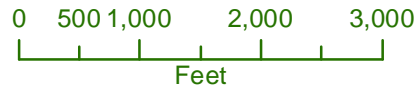


**Legend**

-  Preserve Boundary - C20/20
-  Park Boundary - LCPR



**San Carlos Bay -  
Bunche Beach Preserve**



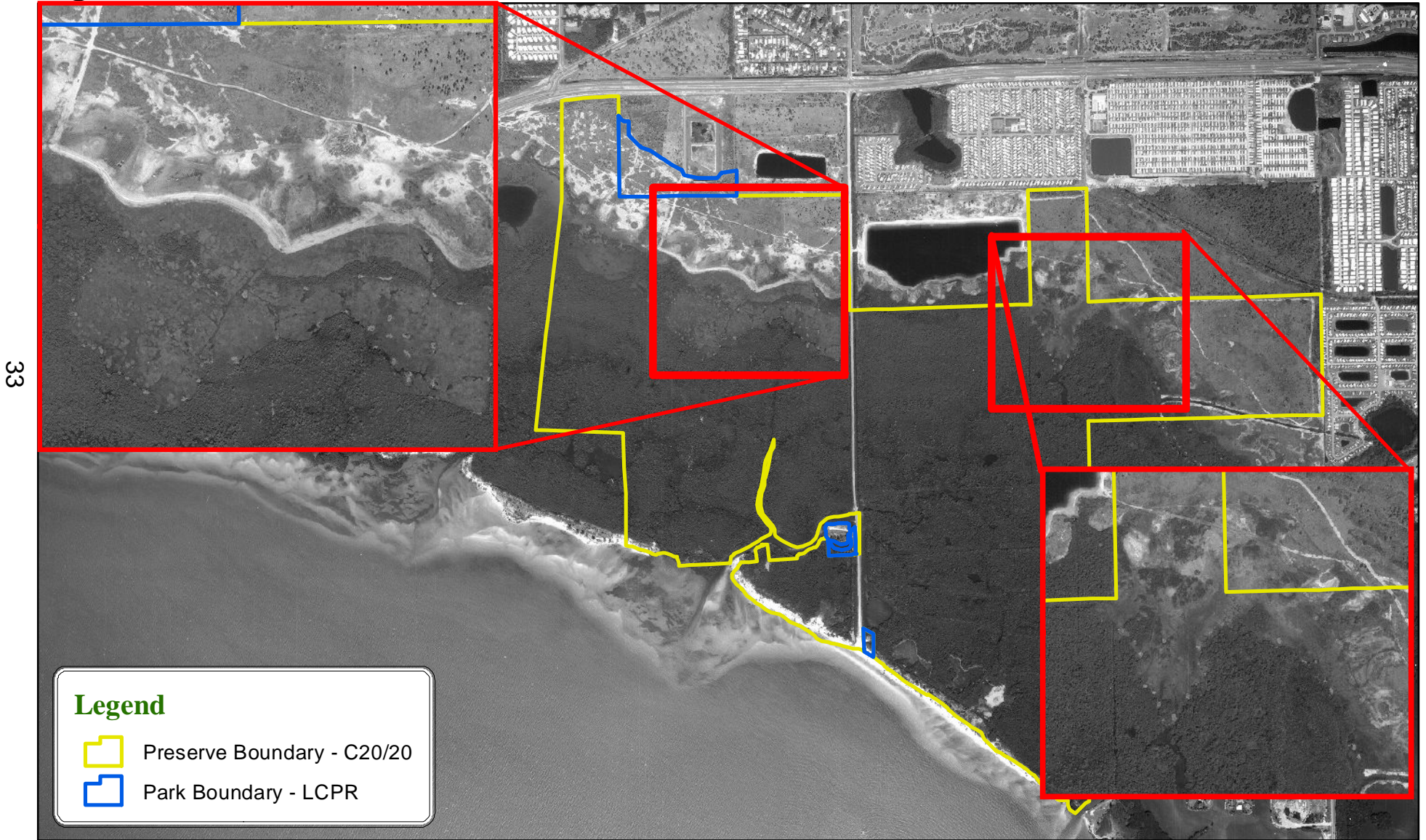
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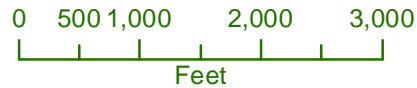




Figure 14: 1986 Aerial



**San Carlos Bay -  
Bunche Beach Preserve**



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This is not a survey. Land Stewardship Staff has prepared this map for informational and planning purposes.





Figure 15: 1990 Aerial

34

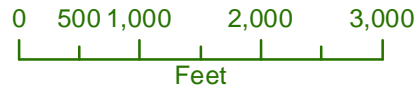


**Legend**

-  Preserve Boundary - C20/20
-  Park Boundary - LCPR



**San Carlos Bay -  
Bunche Beach Preserve**



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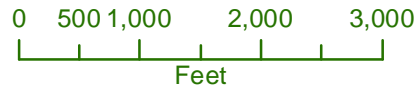
This is not a survey. Land Stewardship Staff has prepared this map for informational and planning purposes.



Figure 16: 1998 Aerial



**San Carlos Bay -  
Bunche Beach Preserve**



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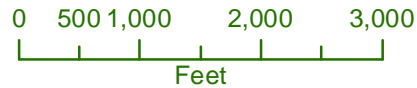


Figure 17: 2002 Aerial

36



# San Carlos Bay - Bunche Beach Preserve



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Figure 18: 2011 Aerial

37

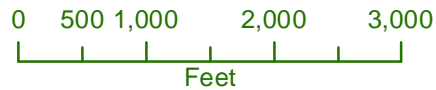


**Legend**

-  Preserve Boundary - C20/20
-  Park Boundary - LCPR
-  Major Roads



**San Carlos Bay -  
Bunche Beach Preserve**



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This is not a survey. Land Stewardship Staff has prepared this map for informational and planning purposes.



### *iii. Public Interest*

Historically, the public has used this area because it was the only access to Fort Myers Beach. In 1926, this changed; it was used as a beach on private lands until the owners sold the half-acre site to the county in 1949 as the only public beach for African Americans during Lee County's days of official segregation. This Park section was named Bunche Beach in honor of Dr. Ralph Bunche.

The 704 acres of SCB-BBP was purchased through a partnership between C20/20 and FCT for the preservation of environmentally sensitive land and future public use. This purchase had the support of the City of Sanibel, Florida Department of Environmental Protection (FDEP) (Estero Bay Aquatic & State Buffer Preserves), USFWS (J.N. "Ding" Darling National Wildlife Refuge) and the Town of Fort Myers Beach (News-Press 1998). The Preserve is located within the boundaries of the state's Estero Bay Buffer, a Florida Forever Project.

The Preserve has always been a popular spot for fishing, sun bathing, swimming, walking, viewing nature and canoe/kayaking. Both the federally threatened piping plover and the state threatened snowy plover utilize this beach for resting and feeding.

Dogs are not allowed in county parks unless the park is specifically designated for dog use. Prior to the Conservation 20/20 acquisition of the property adjacent to the half-acre Park property, visitors regularly brought their pets to the beach. In 2003, a legal analysis was requested on the act of allowing dogs on the beach, either leashed or unleashed. The legal position determined if pets were allowed on the beach, Lee County would be vulnerable to a challenge under the Endangered Species Act.

The School District of Lee County uses the Preserve for elementary school field trips to explore marine life; Florida Gulf Coast University (FGCU) and Edison State College use the site for lessons in native plants and ecosystems of Florida. SCB-BBP is on the Great Florida Birding Trail as well as Trail Marker number 1 on the Estero Bay portion of the Great Calusa Blueway Paddling Trail. The "Ding Darling Days" event organizers hold birding field trips annually and Keep Lee County Beautiful has events four times a year to educate the public on marine debris.

SCB-BBP is a point of interest for coastal cleanup projects for different organizations including FGCU, Edison State College, Boy and Girl Scout Troops, Florida Paddlers Association and Keep Lee County Beautiful.

## **V. FACTORS INFLUENCING MANAGEMENT**

### **A. Natural Trends and Disturbances**

Natural trends influencing management include hurricanes, drought, tropical storms, tidal flooding and patterns of wet and dry seasons, bird migration and nesting seasons. Coastal grassland communities depend on occasional saltwater flooding to keep from transforming into a coastal strand community. High winds and long durations of standing salt water from tidal flooding or storm surge effect even salt tolerant plant species by weakening or eventually contributing to their mortality. Bird nesting and migration will be considered when work is conducted in the Preserve to minimize disturbance to the foraging birds resting, feeding and raising young.

Significant storms can cause damage to the vegetation in the Preserve with mortality and dieback of vegetation. If restoration needs to take place after a significant storm, plant community and site elevation will be taken into consideration. It is not unusual to have a storm tide wash over this area. No precautions need to be taken other than the removal of the Mobi-Mat® (used for ADA access to the beach), picnic tables, bike racks and trash bins.

General information on natural trends and disturbances influencing native communities and management at SCB-BBP can be found in the LSOM's Land Stewardship Plan Development and Supplemental Information section.

### **B. Internal Influences**

There are two Conservation Easements associated with this Preserve. The first easement (on the west and east sides) was received with the settlement reached with the FDEP over the destruction of wetlands by Robert Troutman. The second Conservation Easement is on the entire 12-acre donation parcel held by SFWMD. These Conservation Easements will limit any future development for those areas (Figure 19).

Mosquito ditch spoil piles continue to be monitored for litter and invasive exotic plants. When applying any chemicals for invasive exotic plant control Land Management staff will follow the procedures described in the Land Stewardship Operations Manual.

With the increase of public use and enforcement, public nudity is not the problem it was in the past. Some visitors continue to bring alcoholic beverages, other drinks and food items to the Preserve creating a litter issue, while others create

issues when they illegally feed wildlife. Enforcement of Preserve and Park rules with education has created improved compliance.

Organized trash removal is a goal with volunteers to help address the heavy public use. This problem has decreased over time as trash is regularly picked up and educational efforts continue.

Fishing is allowed at the Preserve, which leads to a problem with monofilament line litter. Monofilament line can cause injury and death to birds and other wildlife when tangled or ingested. Coordinating with the Monofilament Recovery and Recycling Program (<http://fishinglinerecycling.org/>) to organize volunteer clean-up days and set up recycling bins will help with this problem. Keep Lee County Beautiful coordinates Monofilament Madness annually for all coastal areas.

Because parts of the Preserve are in secluded areas, enforcing regulations that apply to all county Parks and Preserves is difficult. It takes time for visitors to the Preserve to learn that these and other illegal activities will not be tolerated.

Frequent trips to the Preserve by LCPR Rangers, Land Management staff as well as volunteer groups improve visitors' behavior.







**Figure 19: Internal Influences Map**

41



**Legend**

-  Preserve Boundary - C20/20
-  Park Boundary - LCPR
-  Conservation Easements
-  LCDOT - Drainage Flow-ways
-  Canal/Ditch/Berm
-  Road



**San Carlos Bay -  
Bunche Beach Preserve**



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### **C. External Influences**

The Preserve is located in the Iona / McGregor Planning Community designated by the BOCC as discussed in the Lee Plan (LCDCD 2011). There are a variety of external influences that affect SCB-BBP (Figure 20). One of the biggest external influences is the fact that John Morris Road runs through the middle of the Preserve. John Morris Road (aka: Bunche Beach Road) is functionally classified by Lee County Administrative Code AC-11-1 as a minor collector south of Summerlin Road. South of Mastique Beach Boulevard, John Morris Road is the only road that provides public access to the Preserve and all the usual effects of traffic are seen here including noise, litter and automobile emissions.

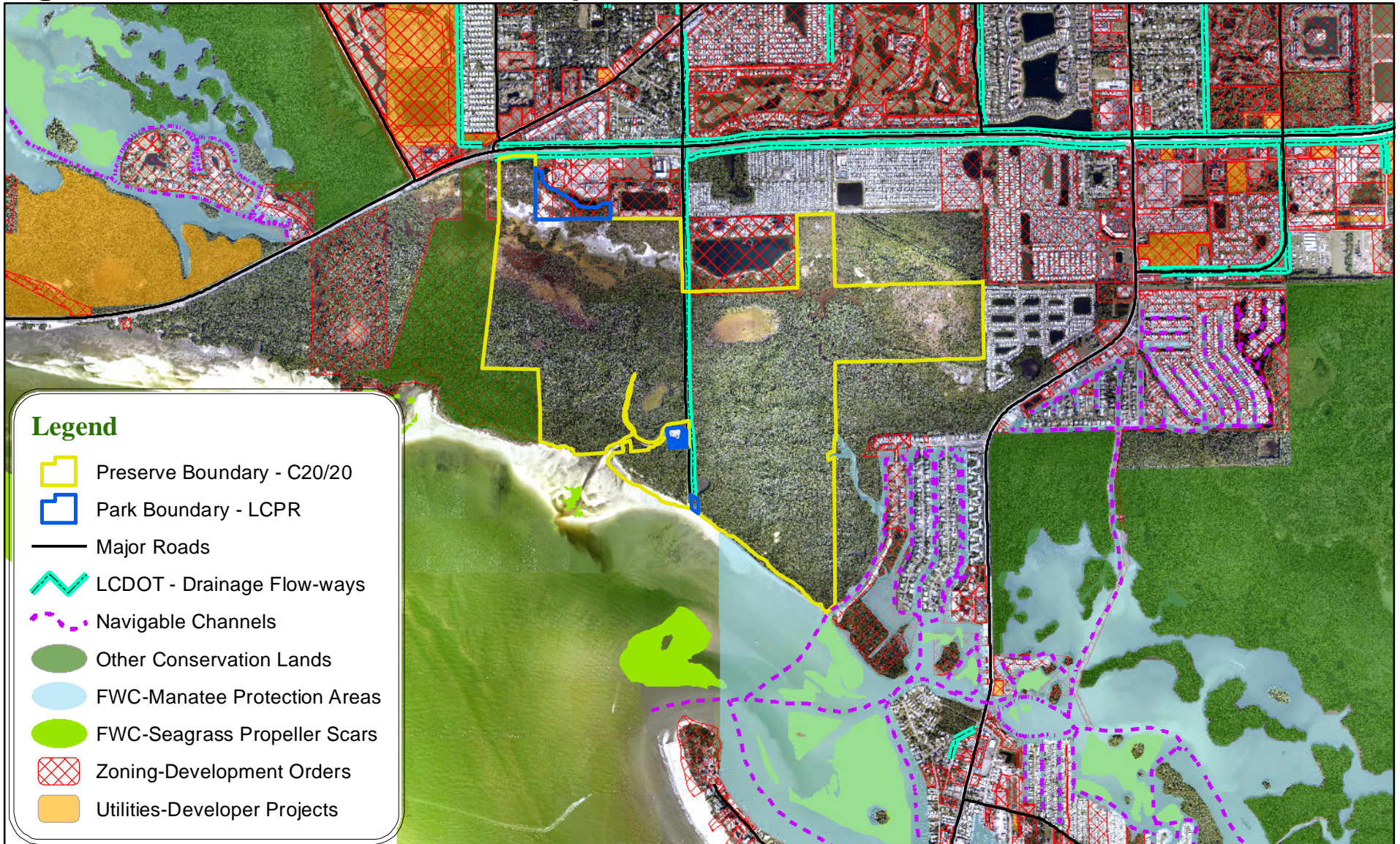
During 2007, a representative from Mastique Condominium community had complained about vehicles driving or drag racing down the road after hours. Representatives from LCPR and LCDOT had explored and addressed the option of gating, but due to geographic constraints, this wasn't a viable option. It was explained that a gate cannot be installed across the roadway, since there isn't enough room for vehicles to safely turn around. An even larger turning radius would be required for emergency vehicles such as fire trucks.

LCDOT maintains the former IDD canal "D" that runs alongside John Morris Road, which is a drainage flow-way for the Iona-McGregor area. This brings with it litter and poor water quality. John Morris Road and the former IDD canal are within the right-of-way owned by Lee County and maintained by LCDOT. LCDOT maintains John Morris Road south of Mastique Beach Boulevard in coordination and cooperation with LCPR. In 2007, the speed limit was lowered along the roadway to 35 MPH south of Summerlin Road and 25 MPH in the vicinity of SCB-BBP. A paved shoulder has been added on John Morris Road for bicycle access. Parking for SCB-BBP has been added along John Morris Road near the end of the roadway. County staff will continue to explore engineering options and creative solutions to mitigate traffic effects and address operational concerns within the constraints of available right-of-way, drainage and permitting (Getch 2013).

Growth still continues to surround all areas of the Preserve and puts pressure on the waterways and natural resources. There are a few development projects noted on Figure 20 that illustrate yet to be built projects, as well as other open lands, conservation areas, navigation channels and protection zones.

**Figure 20: External Influences Map**

43

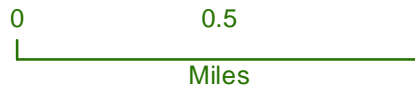


**Legend**

-  Preserve Boundary - C20/20
-  Park Boundary - LCPR
-  Major Roads
-  LCDOT - Drainage Flow-ways
-  Navigable Channels
-  Other Conservation Lands
-  FWC-Manatee Protection Areas
-  FWC-Seagrass Propeller Scars
-  Zoning-Development Orders
-  Utilities-Developer Projects



**San Carlos Bay -  
Bunche Beach Preserve**



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## **D. Legal Obligations and Constraints**

### *i. Permitting*

Because the Preserve is comprised mainly of wetland plant communities, should any construction be considered, required permits would need to be obtained from various agencies, including the U. S. Army Corps of Engineers, FDEP and the SFWMD. Since the entire area of the Preserve is located within the Lee County Storm Surge / Coastal High Hazard Area, any construction plans will need to take this into consideration (Appendix E).

Lee County's Local Mitigation Strategy supports natural resource protection activities that preserve or maintain natural areas through restoration and nourishment, as well as efforts to purchase environmentally sensitive areas in high hazard flood zones through Conservation 20/20 funds. The management of this Preserve implements this strategy.

### *ii. Other Legal Constraints*

The entire area of SCB-BBP is zoned Environmentally Critical, except for the Park's donated parcel, which is zoned as Commercial Planned Development (CPD).

In addition, the entire Preserve falls within one of the county's archaeological sensitivity zones and currently two sites are recorded within the Florida Master Site File; overseen by the Florida Division of Historical Resources. This protection will have to be taken into consideration if expansion of future amenities is ever considered.

Conservation Easements exist on over 500 acres of SCB-BBP (Figure 19). The first easement resulted from an earlier landowner's unpermitted removal of mangrove cover altered by earth clearing machines to make way for development circa 1986. This action led to a Final Judgment dated September 1, 1988, in the case of Department of Environmental Regulation, Plaintiff vs. Robert Troutman Jr., ect. et al. Defendants in Case No. 833360CA, the same having been consolidated with Case Nos. 82-5077CA, 83853CA and 82-3388CA, all pending in the Circuit Court of the Twentieth Judicial Circuit in and for Lee County Florida was dismissed and satisfied of record as and against the lands owned by Summerlin with the execution and delivery of a Conservation Easement in October 1997" (Appendix F). The second Conservation Easement was received by the previous landowners, Sanibel Beach Place of SW FL, LTD. who developed the northern portion of their property for commercial purposes. This easement is with SFWMD and includes a third party enforcement rights to

the U.S. Army Corps of Engineers and covers the entire 12-acre donation parcel (Appendix F).

### *iii. Relationship to Other Plans*

The Lee Plan, Lee County's comprehensive plan, is written to depict Lee County as it will appear in the year 2030. Several themes have been identified as having "great importance as Lee County approaches the planning horizon" (LCDCD 2011). These themes are:

- The growth patterns of the county will continue to be dictated by the Future Land Use map.
- The continued protection of the county's natural resource base.
- The diversification of the county's traditional economic base.
- The expansion of cultural, educational and recreational opportunities.
- A significant expansion in the county's physical and social infrastructure.

The entire Lee Plan is found on the Internet at:

<http://www.leegov.com/gov/dept/dcd/Planning/Documents/LeePlan/Leeplan.pdf>.

The sections of the Lee Plan which may pertain to Conservation 20/20 Preserves have been identified in the LSOM.

New Horizon 2035 is a comprehensive review and update of the Lee Plan that began in 2010. Although still under review through 2013, this new *sustainable vision for growth and development through the year 2035* will be the basis to updating the Lee Plan's goals, objectives and policies

(<http://leegov.com/gov/dept/dcd/Planning/NewHorizon/Pages/default.aspx>).

## **E. Management Constraints**

The main constraints to management of the Preserve are funding and staffing. Obtaining funds through grants and other sources will be researched.

Coordination with other agencies and adjacent landowners is an important part of managing the Preserve. SCB-BBP is adjacent to the Matlacha Pass National Wildlife Refuge and staff will continue to coordinate activities that would affect these areas when necessary.

Environmental education relating to the dynamics of beaches, mangrove swamps and salt flats will be productive for both Park and Preserve areas.

## **F. Public Access and Resource-Based Recreation**

The public has used SCB-BBP for boating, fishing, swimming, sun bathing and wildlife viewing for many years. Public use of this Preserve will always need to be monitored and controlled to ensure that it does not interfere with the health of the ecosystem or the wildlife. Staff will make sure that the public is complying with Lee County Parks & Recreation's Ordinance: 06-26 (<http://www.lee-county.com/gov/BoardofCountyCommissioners/ordinances/Ordinances/06-26.pdf>).

In accordance with the LSOM, SCB-BBP is currently classified as Primary Use Preserve. Educating visitors about the Preserve and what makes it such a unique and important area with environmental education programs will be important for vacationers and residents, instilling respect for the resources while enjoying the Preserve.

Many things are taken into consideration when planning resource-based activities in preserves including but not limited to: access, plant and animal communities, soil constraints, hydrologic components and archaeological/cultural resources. Restoration and land management activities can impact resource-based activities in designated areas of a preserve. The most utilized areas of this Preserve are the beach and waterways. The existing resource-based recreation activities are appropriate for this Preserve.

Some visitor use is limited to the car parking areas allotted. Parking is designated to the east side of John Morris Road which leaves the west side of the right of way as an area for walking and biking to the Preserve. Car parking is also available in the OAC area. Car parking is limited geographically due to the area being surrounded by water, either by Rock Creek or mosquito ditches. Access to the Preserve is also available by paddle craft due to the shallow nature of the San Carlos Bay with many landing areas.

This Preserve is Trail Marker number 1 (GPS coordinates N 26° 28' 34" W 81° 58' 02") on the Estero Bay portion of The Great Calusa Blueway, which is Lee County's paddling trail that provides an ecological tour of the bays, rivers, backwaters and shorelines of southwest Florida. Information on this kayak/canoe trail can be found at [www.thegreatcalusablueway.com](http://www.thegreatcalusablueway.com). A map of the Estero Bay portion of this trail is located in Appendix G.

Within a few miles of SCB-BBP there are many preserves, beaches and boat ramps that provide recreational opportunities for the public and cooperative adventures for different government entities.

As shown in the Public Use & Amenities map for the Preserve (Figure 21) improvements such as areas to off-load kayaks/canoes, a restroom, fishing piers/overlooks, car parking, picnic tables, wildlife viewing boardwalk and

interpretive signs exist today. Visitors that don't bring their own kayaks can rent one from an on-site vendor (if present). LCPR manages Park amenities with their general fund budget and staff through the assistance of Tourist Development Council (TDC) funding.

Historically and addressed in the first Land Stewardship Plan was the issue of dogs on the beach. SOODA (Save Our Off-leash Dog Area) is a group that lobbied Lee County BOCC, CLASAC and LCPR for a portion of the beach in the Preserve to contain both on-leash and off-leash dog areas. Birds view dogs as predators; consequently, it was deemed that having an off-leash dog area at SCB-BBP is not compatible with the protection of birds and other wildlife. The coastline from the Caloosahatchee almost to Hurricane Bay Pass including Bowditch Point is designated Critical Habitat for the wintering piping plover (Appendix D). Visitors, on occasion, still bring their pets to the Preserve and have to be reminded pets are not allowed. Enforcement of Lee County Ordinances along with education has enhanced compliance. Dogs are allowed at the Causeway Islands and Fort Myers Beach on-leash except for Crescent Beach Family Park, Lynn Hall Memorial Park and Bowditch Point Park. LCPR provides a nearby dog-friendly beach south of Lovers Key known as Dog Beach.

The OAC, the beaches, bay and creek areas are all accessible to the public. The salt flats and salt marshes are not open to the public. This is for the protection of the wildlife and birds that use this area for nesting, resting and foraging for food. Lee County Bird Patrol monitors this area and FGCU and Edison State College use this area for classes and scheduled clean ups of marine debris that washes in during high tides.

The challenge of providing a positive experience for visitors, while protecting the fragile ecosystem of the Preserve, will always be a focus for C20/20 and LCPR staff. Recreational amenities will be reexamined during the next revision of this plan (2023).

**Figure 21: Public Use & Amenities Map**

48





## G. Acquisition

The majority of SCB-BBP was owned by Robert B. Troutman and was at the center of a development rights battle that went all the way to the Florida Supreme Court. In the end, the planned “Estuaries” development was denied development rights due to several proposed environmental impacts. Due to illegal clearing done by Mr. Troutman, a Conservation Easement was established on the property by the settlement. The property was then purchased by the Summerlin Sands, Ltd. in 1995 for \$101,000 (News-Press 1998).

SCB-BBP was acquired through the C20/20 Program for a cost of \$6,380,000 for 704 acres (approximately \$9,063 per acre). The seller, Summerlin Sands, Ltd., had an original asking price of \$20,000,000. Nomination #59, which was later named SCB-BBP, was purchased on August 30<sup>th</sup>, 2001.

LCPR has three parcels that total 14 acres. The first parcel of “Bunche Beach” began as a half-acre beach front site at the end of John Morris Road in 1949. This area of beach was purchased for one hundred dollars from the Lowdermilk’s by Lee County to create a beach for the African American community. In 2005, the second parcel was given to Lee County as an approximate 12-acre donation site located in the northwestern section of the Preserve from Sanibel Beach Place of Southwest Florida, LTD. This parcel has a Conservation Easement on it and the mitigation work (exotic plant removal) was completed prior to its donation to Lee County.

The third parcel, nearly 1.5 acre disturbed/spoil area, was acquired as an Order of Taking that was filed in 2006 and \$1,670,000 was deposited in the registry of the court. In 2008, a Final Judgement was recorded with an additional \$897,857 being provided as full compensation for the property taken. The total cost for this parcel was \$2,567,857 with acquisition funding received from Regional Park Impact Fee Reserves. The OAC amenities are situated on this parcel.

Table 1 shows the acquisition information, STRAP numbers associated with each of the four acquisitions and estimated acreage (based on estimates from Lee County Property Appraiser (LCPA). Since digital boundary surveys were not received on any of the acquired properties, GIS calculations are not given here. Appendix H contains the Legal Descriptions for all parcels that make up SCB-BBP, while Figure 22 shows each parcel and its’ associated STRAP number.

**Table 1: San Carlos Bay – Bunche Beach Preserve Acquisition Information**

LCPR or C20/20	STRAP #	Acres	Acquisition \$	Date Acquired
LCPR	13-46-23-00-00002.0000	.46	\$100	12/27/1949
#59	11-46-23-00-00008.0000	250	\$6,380,000	08/30/2001

“	11-46-23-00-00009.0000	17	-	“
“	11-46-23-00-00009.0020	1	-	“
“	11-46-23-00-00009.0030	1	-	“
“	11-46-23-00-00010.0000	10	-	“
“	11-46-23-00-00011.0000	16.82	-	“
“	12-46-23-00-00007.0000	79.85	-	“
“	12-46-23-00-00010.0000	140.00	-	“
“	12-46-23-00-00011.0000	40.00	-	“
“	13-46-23-00-00001.0000	34	-	“
“	13-46-23-00-00003.0000	83.37	-	“
“	14-46-23-00-00001.0010	.51	-	“
“	14-46-23-00-00002.0000	6.00	-	“
“	14-46-23-00-00003.0000	15.90	-	“
“	14-46-23-00-00004.0000	9.46	-	“
LCPR	11-46-23-02-0000P.00CE	12.08	\$0 (donation)	12/01/2005
LCPR	11-46-23-00-00009.0040	1.43	\$2,567,857	04/14/2008

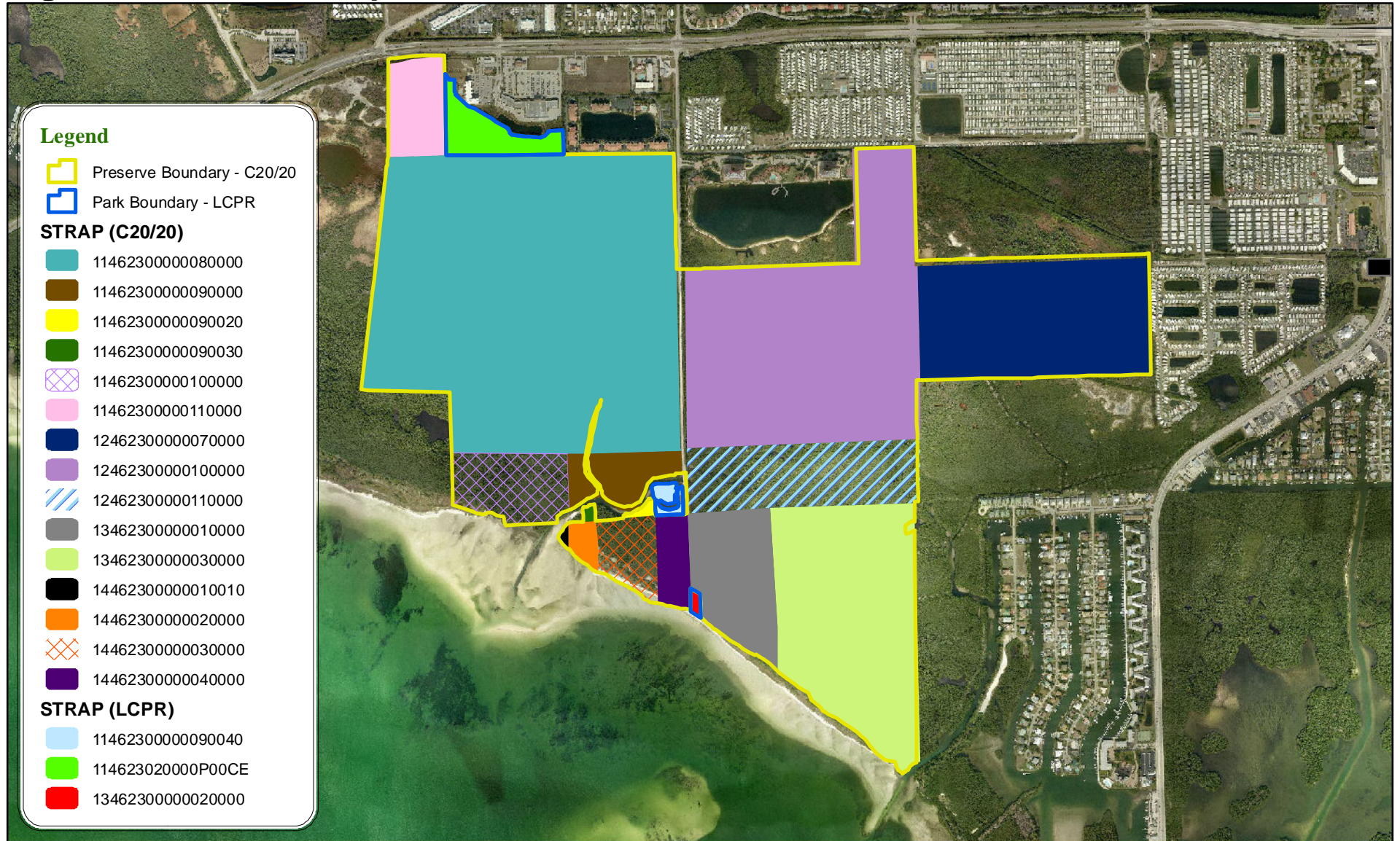
**Note:** Acreage estimates for acquisition from LCPA. Acreage calculations made in other sections of the plan are different and are based on GIS mapping from “probable” property boundaries.

Figure 23 illustrates the acquired and nominated parcels to the C20/20 Program located near the Preserve (as of August 2013). Within a mile of the Preserve’s boundary, nearly 700 acres were nominated to the acquisition program over several years. With the exception of one small parcel (#497, located along San Carlos Blvd.), these nominations were withdrawn by the property owners or their representatives. There are several other adjacent lands that are privately-owned and are not under consideration for acquisition as C20/20 has not been approached by “willing sellers.” If any of these properties were to be considered in the future, it would be an addition of waterways and mangrove shoreline to the Preserve.

SCB-BBP has four Future Land Use (FLU) categories shown on Figure 24. Most of the site is listed as Conservation Lands Wetland. A small sliver of land along the west side of John Morris Road and in the northwest corner is listed as Conservation Lands Uplands. Most of the ditch along the eastern roadway is listed as Wetlands, including the OAC site. About 2/3 of the roadway and small pieces of the donated parcel are listed as Outlying Suburban. Staff will coordinate with Lee County Department of Community Development, Division of Planning (LCDP) to change the FLU to “Conservation Lands” and to combine STRAP numbers for nomination #59 to a more appropriate level, where feasible.

Except for the donated 12-acre parcel, all other areas of the Preserve have had the zoning changed to Environmentally Critical “EC” (Figure 25). The donated parcel is currently zoned as “CPD,” which is under the general category of Moderate Commercial. Land Management staff will coordinate with LCDP to change its’ zoning to “Environmentally Critical.”

**Figure 22: STRAP Map**



51



**San Carlos Bay -  
Bunche Beach Preserve**

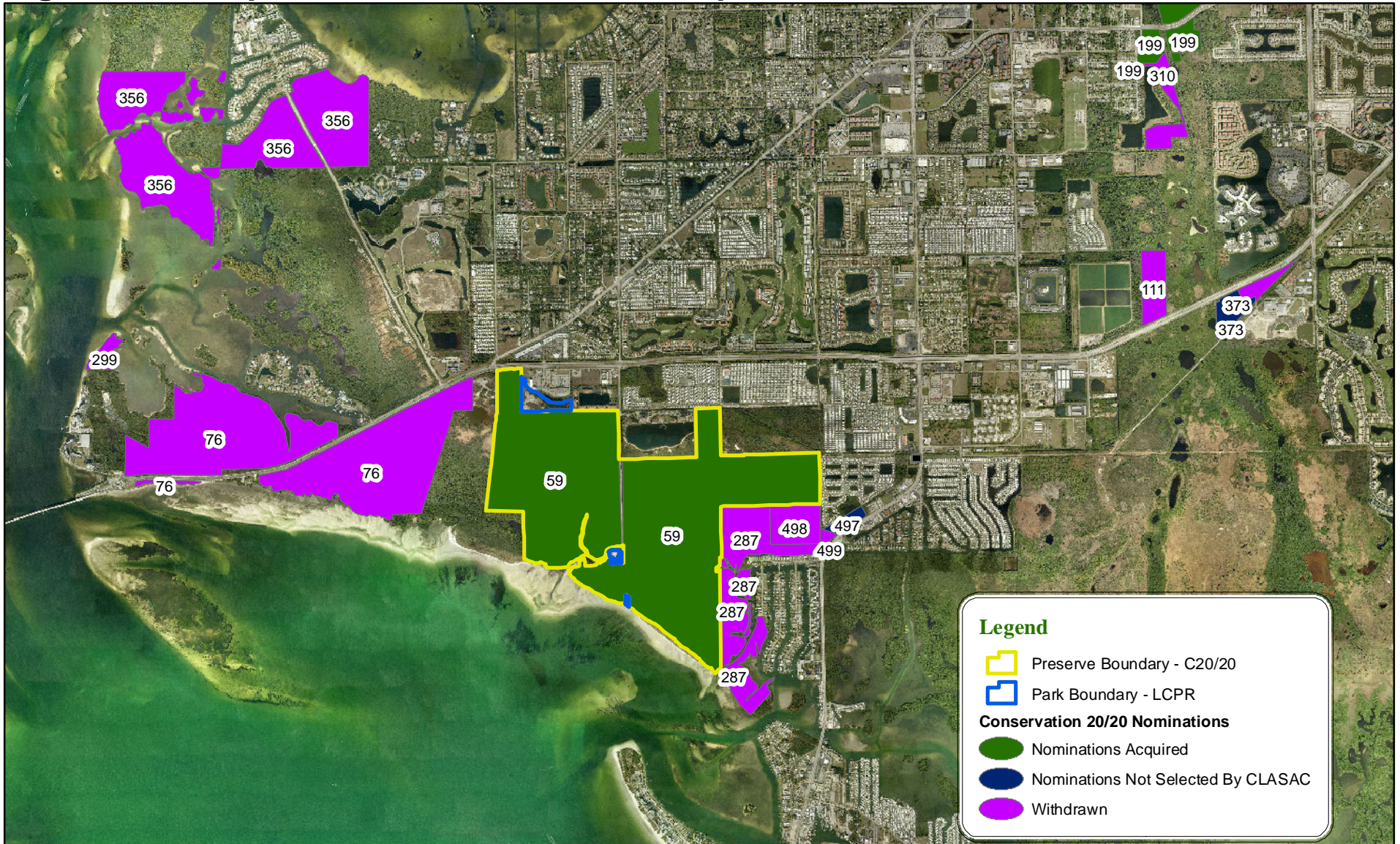


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**Figure 23: Acquisitions & Nominations Map**



52

**Legend**

-  Preserve Boundary - C20/20
-  Park Boundary - LCPR
- Conservation 20/20 Nominations**
-  Nominations Acquired
-  Nominations Not Selected By CLASAC
-  Withdrawn



**San Carlos Bay -  
Bunche Beach Preserve**



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**Figure 24: Future Land Use Map**

53

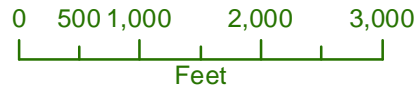


**Legend**

- |  |   |
|--|---|
|  Preserve Boundary - C20/20 |  Outlying Suburban |
|  Park Boundary - LCPR       |  Public Facilities |
| <b>Future Land Use</b>   |  Suburban          |
|  Central Urban              |  Urban Community   |
|  Conservation Lands Upland  |  Wetlands          |
|  Conservation Lands Wetland |   |



**San Carlos Bay -  
Bunche Beach Preserve**



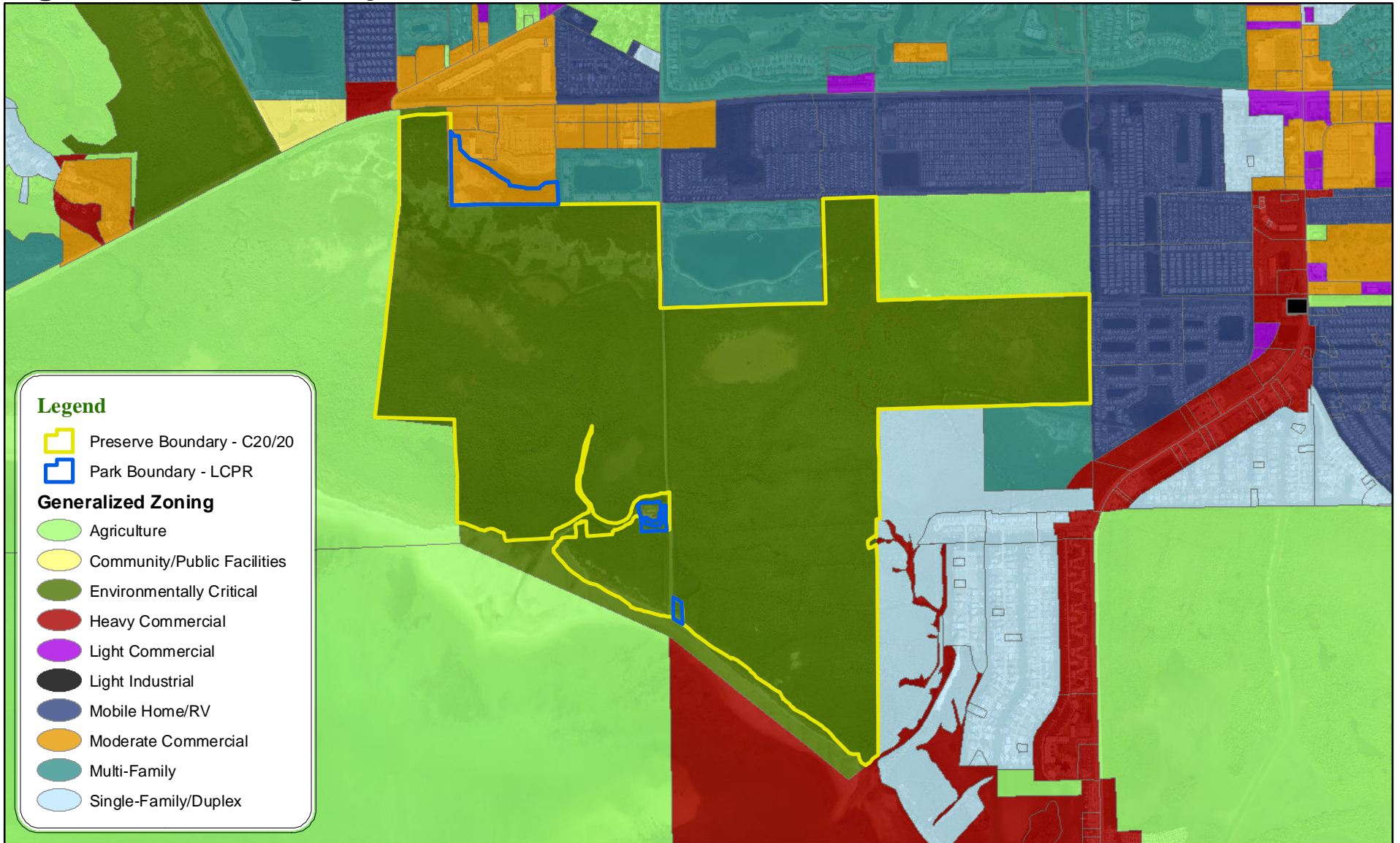
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**Figure 25: Zoning Map**

54



**Legend**

-  Preserve Boundary - C20/20
-  Park Boundary - LCPR

**Generalized Zoning**

-  Agriculture
-  Community/Public Facilities
-  Environmentally Critical
-  Heavy Commercial
-  Light Commercial
-  Light Industrial
-  Mobile Home/RV
-  Moderate Commercial
-  Multi-Family
-  Single-Family/Duplex



**San Carlos Bay -  
Bunche Beach Preserve**



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## VI. MANAGEMENT ACTION PLAN

### A. Management Unit Descriptions

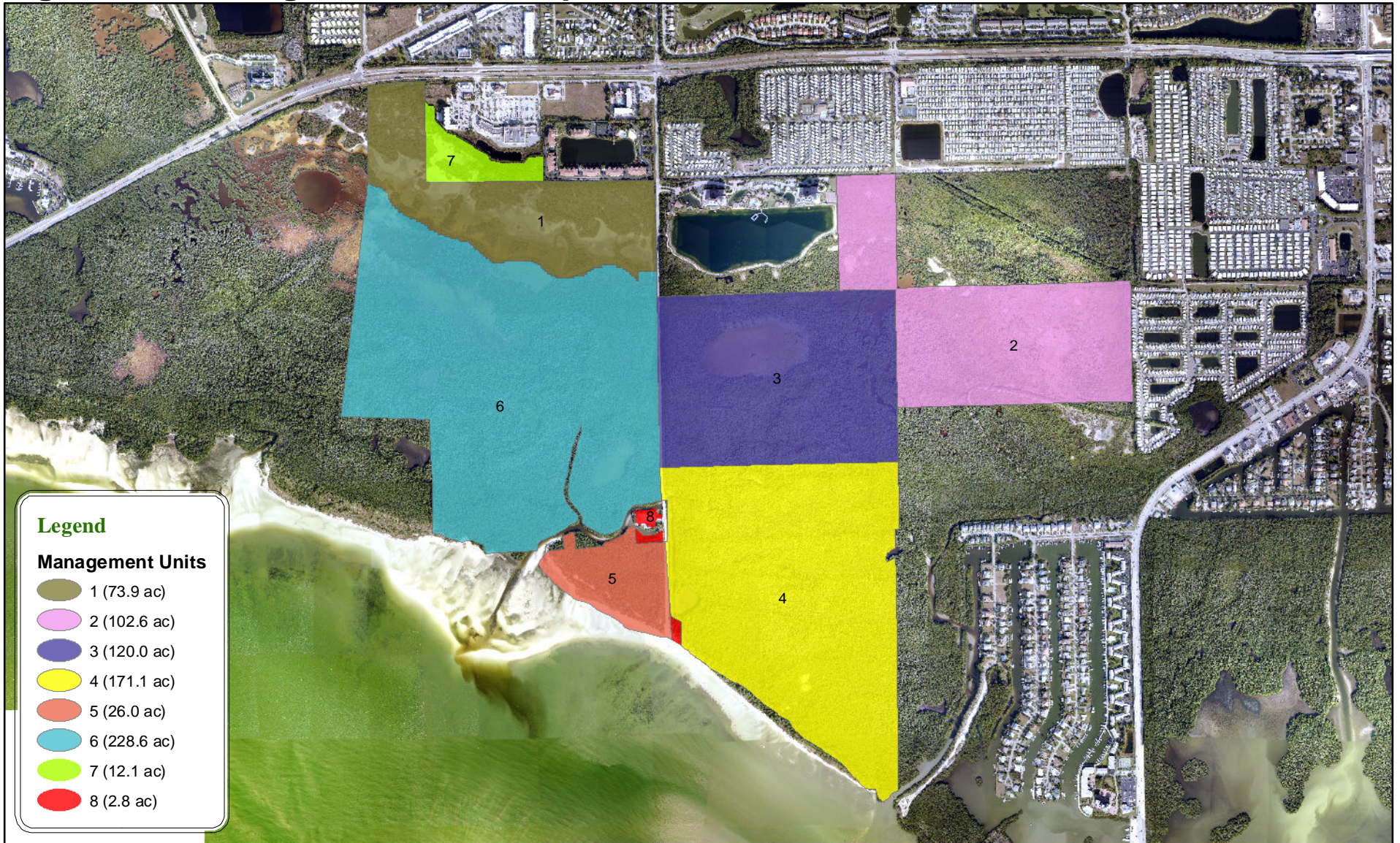
SCB-BBP has been divided into eight management units to better organize and achieve management goals. Figure 26 delineates the management units, which were created based on community types, management needs, hydrologic features, and location of John Morris Road.

- **Management unit #1** (73.9 acres) is located in the northwestern portion of the Preserve. All of STRAP number 11-46-23-00-00011.0000 and part of STRAP number 11-46-23-00-00008.0000 make up this unit. This area consists of the highest elevation within the Preserve and includes a limited number of live oaks (*Quercus virginiana*), buttonwoods, strangler figs (*Ficus aurea*), black mangroves and mahoganies (*Swietenia mahagoni*) as well as some salt marsh. Unit 1 is bordered on the north by Summerlin Road and Sanibel View Condominiums. To the east is John Morris Road, to the south the Preserve and to the west private lands, Gasper Phillip Trust, of similar make up. This area includes a ditch that is wet in the rainy season.
- **Management unit #2** (102.6 acres) is located in the northeastern part of the Preserve. All of STRAP number 12-46-23-00-00007.0000 and part of STRAP number 12-46-23-00-00010.0000 make up this unit. This area consists mostly of coastal grassland, salt flats, mangrove swamp, disturbed mangrove swamp, and buttonwood forest and is adjacent to high density residential housing as well as natural areas with some ditching.
- **Management unit #3** (120.0 acres) is located in the central eastern part of the Preserve with STRAP number 12-46-23-00-00010.0000. This area consists mostly of mangroves and newly formed coastal dune lakes with the ditch along John Morris Road as the western boundary of the management unit and the Mastique Condominium community to the north.
- **Management unit #4** (171.1 acres) is located in the southeastern part of the Preserve with STRAP numbers 12-46-23-00-00011.0000, 13-46-23-00-00001.0000 and 13-46-23-00-00003.0000 making up this area. Unit 4 has San Carlos Bay as a southern border and a private conservation easement natural area for the eastern border. John Morris Road is the western border with the Preserve to the north. This area consists mostly of mangroves, several mosquito ditches, beach, and coastal berm with a ditch just behind the coastal area. One of the linear mosquito ditches is being used as part of a paddling trail. There are no plans for restoration activities on any of these mosquito ditches.

- **Management unit #5** (26.0 acres) is located in the southwestern part of the Preserve with STRAP numbers 11-46-23-00-00009.0020, 11-46-23-00-00009.0030 and 14-46-23-00-00001.0010, 14-46-23-00-00002.0000, 14-46-23-00-00003.0000, 14-46-23-00-00004.0000 making up this area. Unit 5 has San Carlos Bay as a southern border, Rock Creek as a western and northern border and John Morris Road is the eastern boundary. This area consists of mangroves, coastal berm and beach (unconsolidated substrate).
- **Management unit #6** (228.6 acres) is located in the western part of the Preserve with STRAP numbers 11-46-23-00-00008.0000, 11-46-23-00-00009.0000 and 11-46-23-00-00010.0000. Unit 6 has San Carlos Bay and Rock Creek as a southern boundary, John Morris Road is the eastern boundary and the natural area of Matlacha Pass National Wildlife Refuge as the western boundary. Unit 6 consists of mangroves, disturbed mangrove swamp, coastal berm, salt flats, newly formed coastal dune lakes and unconsolidated substrate (beach).
- **Management unit #7** (12.1 acres) is located in the northern part of the Preserve with STRAP number 11-46-23-02-0000P.00CE. Unit 7 has a Conservation Easement and the drainage ponds of the Publix shopping center for the northern boundary, Sanibel View Condominiums is the eastern boundary and the Preserve is the southern and western boundaries. This area consists of buttonwood forest, coastal grassland, a man-made berm susceptible to exotic plants, and salt flats/marsh. This management unit (like management unit #8) is not part of the Conservation 20/20 inventory; instead it is categorized as non-20/20 LCPR land.
- **Management unit #8** (2.8 acres) is two separate sites. One being the first site acquired (Bunche Beach) on the beach front at the southern end of John Morris Road with STRAP number 13-46-23-00-00002.0000. This is a beach area with picnic tables and direct access to San Carlos Bay. The second site is the last acquisition in the Preserve and is the location of the OAC with STRAP number 11-46-23-00-00009.0040. This area is surrounded by Rock Creek and is a small spoil island with a natural mangrove fringe and planted native coastal plants. This management unit (like management unit #7) is not part of the Conservation 20/20 inventory; instead it is categorized as non-20/20 LCPR land.



**Figure 26: Management Units Map**



57

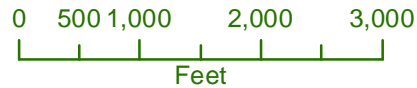
**Legend**

**Management Units**

- 1 (73.9 ac)
- 2 (102.6 ac)
- 3 (120.0 ac)
- 4 (171.1 ac)
- 5 (26.0 ac)
- 6 (228.6 ac)
- 7 (12.1 ac)
- 8 (2.8 ac)



**San Carlos Bay -  
Bunche Beach Preserve**



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## **B. Goals and Strategies**

The primary management objectives for SCB-BBP are continued treatment of invasive exotic pest plants, natural and cultural resource protection, continued removal of marine debris and litter and environmental education.

### **Natural Resource Management**

- ✓ Exotic plant control/maintenance
- ✓ Exotic animal control and maintenance
- ✓ Monitor and protect listed species

### **Overall Protection**

- ✓ Safeguard cultural and natural resources
- ✓ Boundary sign installation and maintenance
- ✓ Boundary fence installation and/or maintenance
- ✓ Change Zoning and Future Land Use categories
- ✓ Debris removal and prevent dumping

### **Public use**

- ✓ Educational interpretive panels
- ✓ Guided walks

### **Volunteers**

- ✓ Lee County Bird Patrol
- ✓ Publicize marine clean up days
- ✓ Target special interest groups

The following is a description of how each of these goals will be carried out, the success criteria used to measure accomplishment of each goal and a projected timetable outlining which units each activity will take place in and when.

### **Natural Resource Management**

#### **Exotic plant control and maintenance**

All parcels have received initial invasive exotic plant treatment. Figure 27 identifies the locations of past treatments and where re-infestations are most likely to occur. These areas represent previously disturbed sites and transitional hydric-to-upland communities, nearly 140 acres. Staff will continue to maintain a vigilant watch for other invasive exotic plants that may infiltrate other wetland communities. The most current Florida Exotic Pest Plant Council's (FLEPPC) List of Invasive Species will be consulted in determining the invasive exotic plants to be controlled in each management unit. The goal is to remove/control these exotic species, followed with treatments of resprouts and new seedlings as

needed. This goal will bring the entire Preserve to a maintenance level, defined as less than 5% invasive exotic plant coverage.

Prior to each invasive exotic plant control project at SCB-BBP performed by contractors, a Prescription Form (located in the LSOM) will be filled out by the contractor(s), reviewed & approved by the Land Management staff. Final project information will be entered into the GIS database.

- Uplands and Wetlands with light infestations:

In areas where invasive plants are sporadic and below 25% of the vegetation cover, hand removal work crew will be utilized for control. Specific methodology will depend on stem size, plant type and season, location within a plant community, but generally the stem will be cut near the ground and the stump will be sprayed with appropriate herbicide, or a foliar application will be applied to the entire plant. Hand pulling will be utilized when possible with appropriate species in order to minimize herbicide use. Basal bark treatment may be used at some locations.

### **Exotic and feral animal removal**

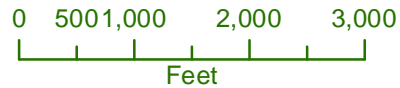
Seven exotic animal species have been recorded on SCB-BBP (Appendix C). Although not noted at this Preserve, any future feral hog issues noted will use the services of a licensed contracted trapper. If practical, a methodology will be established and implemented against other unwanted exotic animal species.

This Preserve, like other C20/20 preserves, does not contain nor will it support feral cat colonies. FWC's Feral and Free Ranging Cats policy is *"To protect native wildlife from predation, disease, and other impacts presented by feral and free-ranging cats"* (FWC 2003). All feral cats will be trapped and taken to Lee County Animal Services.

**Figure 27: Invasive Exotic Plant Control Map**



**San Carlos Bay -  
Bunche Beach Preserve**



M:\GISLAYERS\Projects\Parks\_Rec\C2020\San Carlos B. P\LSP\_2013\SCBBBP\_Exotics Date Saved: 8/8/2013

This is not a survey. Land Stewardship Staff has prepared this map for informational and planning purposes.



## **Monitor and protect listed species**

There are several listed species that have been documented on the Preserve including snowy & piping plovers, wood stork (*Mycteria americana*), loggerhead sea turtle, leatherback (*Dermochelys coriacea*), giant airplant (*Tillandsia utriculata*), and stiff-leaved wild pine (*Tillandsia fasciculata* var. *densispica*). These species will benefit from exotic plant control and protection from human disturbances. During stewardship activities, efforts will be made to minimize negative impacts to listed species.

SCB-BBP is part of a countywide tri-annual site inspection program conducted for all C20/20 preserves. The site inspection spreadsheet is available on the LCPR's computer server ("S" drive). These inspections allow staff to monitor for impacts and/or changes to each preserve and includes lists of all animal sightings and new plant species that are found. If, during these inspections, staff finds FNAI listed species, they will be reported using the appropriate forms.

### **Overall Protection**

#### **Safeguard cultural and natural resources**

To protect natural resources, designated areas of the Preserve are reserved for wildlife only. Cultural resources are within this reserved area so no other protection is needed. These areas are monitored by staff and Lee County Bird Patrol to ensure the protection of wildlife.

As a result of the reconnaissance level cultural resource survey performed in 2009, one previously recorded archaeological site, a shell midden, was located and assessed and one newly recorded historic resource was identified, the International Ocean Telegraph Company telegraph line.

#### **Boundary sign installation and maintenance**

Boundary sign installation will need to be completed along the entire perimeter boundary to further protect the Preserve. Missing or damaged signs will be replaced. Land Management staff or C20/20 Rangers will check boundary signs during their patrols and replace them immediately. Boundary signs need to be placed every 500 feet to be enforceable.

#### **Boundary fence installation and/or maintenance**

Perimeter fencing was installed at locations experiencing inappropriate access and/or dumping problems. If additional fencing is warranted in other areas

experiencing issues, appropriate fencing will be installed. Vandalized, damaged and/or dilapidated fence will be repaired/replaced as required.

### **Change Zoning and Future Land Use categories**

Staff will coordinate with LCDP staff to change the zoning and future land use categories for SCB-BBP. All zoning designations will be changed to “Environmentally Critical” from “Commercial Planned Development” and where feasible, future land use designations will be modified to either “Conservation Lands – Uplands” or “Conservation Lands - Wetlands.”

### **Debris removal and prevent dumping**

SCB-BBP will continue to receive debris either washed up along the shoreline or the roadway. Over the last decade, staff has removed previously dumped items and debris during various on-going stewardship activities from all areas of the Preserve. Fences have been installed along problematic perimeter areas to prevent future illegal dumping. During tri-annual site inspections, any additional objects that are encountered will be removed. C20/20 Rangers will also assist with removing small items when they are on patrol at the Preserve.

## **Public Use**

### **Educational interpretive panels**

Interpretive educational panels regarding wildlife and the naming of Bunche Beach were created and installed for visitors to learn about our wildlife, how to view wildlife and the history of the beach. These panels will need to be replaced as they will degrade overtime either by daily harsh environmental conditions or by vandals.

### **Guided Walks**

Currently, guided walks are offered monthly by Lee County Bird Patrol and Low Tide Loafing walks are offered bi-monthly during winter season by Lee County Parks and Recreation volunteers.

## **Volunteers**

The LSOM identifies the Land Stewardship Volunteer Program’s mission statement as:

*To aid in the management and preservation of Lee County resource-based public parks and preserves and to provide volunteers with rewarding experiences in nature.*

## **Lee County Bird Patrol**

Since 2001, the Lee County Bird Patrol volunteer group has performed bird monitoring surveys at SCB-BBP on a monthly basis.

## **Publicize marine clean-up days**

There are four annual marine clean-up days for the beach and mangrove areas in coordination with Keep Lee County Beautiful. The Boy Scouts, several college and high school groups, and business groups organize clean-up efforts during various times of the year.

## **Target special interest groups**

If there is interest from the community to form a volunteer group, staff will work with them to assist with the many diverse stewardship activities that include beach and salt flats clean-ups, exotic plant control, hosting guided walks, disseminate information to beach visitors and up keeping (clearing) mangrove tunnels (canoe/kayak trails).

## **C. Management Work to Date**

Major management activities from the first plan have been completed. Initial and follow-up treatment of invasive exotic plants has been performed and will need to continue to prevent future infestations. The OAC and several amenities allowing many recreational opportunities have been completed.

The OAC was completed entirely with grant funding for \$1.4 million; except for \$200,000 which came from Lee County Regional Park Impact Fees. Since 2003, invasive exotic plant control work has been completed with over \$133,000 in grant funding. This does not include in-kind matches for the grants, which totaled nearly \$105,000 (C20/20 & LCPR). Almost \$17,000 has been used out of the C20/20 managed SCB-BBP FCT Fund for exotic plant control.

When Conservation 20/20 purchased the 704 acres of SCB-BBP some of the issues included infestation of exotic pest plants, poor human behaviors such as prostitution, drinking and drug use, dogs on the beach, cars in the salt flats and on the beach, camping, littering, nude sunbathing, hazardous parking, no restroom facilities and drag racing down John Morris Road.

Since 2001, all of the above issues have been addressed. In 2003, exotic plant removal began in the coastal grassland and coastal berm communities. These areas are now in a manageable state with the removal of Australian pine, Brazilian pepper and melaleuca (*Melaleuca quinquenervia*). New exotic pest plants occur and are controlled as soon as they are sighted. Volunteer groups

and staff continually clean the beach from intentional and unintentional litter. The property is managed as a preserve so poor human behavior and dogs on the beach are not much of an issue today due to LCPR staff & Rangers, C20/20 staff & Rangers, volunteers, Lee County Sherriff's Office (LCSO), and families making frequent visits to the Preserve.

Gates and fences were placed along John Morris and Summerlin Road to prevent cars from driving on the salt flats. This and new buildings on Summerlin Road have stopped the motor dirt bikes and cars from this abuse. Camping is no longer permitted on the beach and the parking area has been reconfigured at the end of John Morris Road and a new area constructed to park cars. Restrooms have been built at the OAC and because of increased public use and increased visits by LCSO, drag racing has subsided.

The Preserve's designation as a Critical Wildlife Area and area of interest on the Great Florida Birding Trail as well as a stop on the Great Calusa Blueway enhances visitors experience to the Preserve.

Monitoring for birds and sea turtles by Lee County Bird Patrol and Turtle Time Inc. adds to the educational information disseminated to the public along with guided beach walks and educational signs placed along the boardwalk and on the beach.

The following "Prioritized Projected Timetable for Implementation" is based on obtaining necessary funding for remaining and on-going land management projects. Implementation of these (future) goals may be delayed due to changes in staff, budgetary constraints, extreme weather conditions or a change in priorities on properties managed by Lee County.



**VII. PROJECTED TIMETABLE FOR IMPLEMENTATION**

Management Activity	July-13	Oct-13	Jan-14	Apr-14	July-14	Oct-14	Jan-15	Apr-15	July-15	Oct-15	Jan-16	Apr-16	July-16	Oct-16	Jan-17	Apr-17	July-17	Oct-17	2018 or later
<b>Natural Resource Management</b>																			
<b>Maintenance (On-going/Annual)</b>																			
Exotic plant control follow-up			X				X				X				X				X
Animal control follow-up	On-going	→	→	→	→	→	→	→	→	→	→	→	→	→	→	→	→	→	→
<b>Overall Protection</b>																			
Safeguard natural & cultural resources	On-going	→	→	→	→	→	→	→	→	→	→	→	→	→	→	→	→	→	→
Boundary sign installation & maintenance		X	→	→	→	→	→	→	→	→	→	→	→	→	→	→	→	→	→
Boundary fence installation &/or maintenance	On-going	→	→	→	→	→	→	→	→	→	→	→	→	→	→	→	→	→	→
Trash removal	On-going	→	→	→	→	→	→	→	→	→	→	→	→	→	→	→	→	→	→
Change Zoning & Land Use categories; combine STRAP numbers					LU	Zoning								STRAP #					
<b>Public Recreation</b>																			
Interpretive signage design and installation		X	X																
Guided walks	On-going	→	→	→	→	→	→	→	→	→	→	→	→	→	→	→	→	→	→
<b>Volunteers</b>																			
Partnership with Lee County Bird Patrol	On-going	→	→	→	→	→	→	→	→	→	→	→	→	→	→	→	→	→	→
Assist Marine clean-ups	X	X		X	X	X		X	X	X		X	X	X		X	X	X	X
Assist volunteer group work days		X				X				X				X				X	X

## **VIII. FINANCIAL CONSIDERATIONS**

There is a management fund established in perpetuity for all C20/20 preserves. Monies from this fund primarily serve to meet the operational needs of the Management section of the C20/20 Program, but a certain amount of this fund will be set aside for on-going management projects on nomination #59. The three “Park” obtained parcels (management units 7 & 8) will be operated and maintained through funds from the LCPR budget, future Capital Improvement Program budget, TDC, or additional grant funds.

Other possible funding for exotic plant removal and restoration projects may be requested through grants from agencies such as SFWMD, FWC Invasive Plant Management, and USFWS or include additional mitigation opportunities. Expenditures to date and projected costs and funding sources are listed in Appendix I.

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## **X. APPENDICES**

Appendix A: Soils Characteristics Table

Appendix B: Plant Species List

Appendix C: Wildlife Species List

Appendix D: USFWS Critical Habitat Map

Appendix E: Lee County Storm Surge Map

Appendix F: Conservation Easements

Appendix G: Great Calusa Blueway Map

Appendix H: Legal Descriptions

Appendix I: Expended and Projected Costs & Funding Sources

## Appendix A: Soils Characteristics Table

**Appendix A: Soil Characteristics Table**

Soil Types	Map Symbol	Total Acres	% of Preserve	Habitats (Range Site)	Physical Attributes			Biological Attributes				Limitations for Recreational Paths & Trails
					Wetland Class (1)	Hydrologic Group (2)	% Organic Matter	Potential as habitat for wildlife in--				
								Openland	Woodland	Wetland	Rangeland	
Boca Fine Sand	13	27.2	3.69	South Florida flatwoods		B/D	1-3%	fair	poor	fair	good	Severe: wetness, too sandy
Boca Fine Sand, Tidal	57	68.6	9.31	salt water marsh	F	D	1-3%	very poor	very poor	poor	very poor	Severe: wetness, too sandy
Estero Muck	15	72.50	9.84	salt water marsh	F	D	--	very poor	very poor	good	--	Severe: wetness, excess humus
Peckish Mucky Fine Sand	16	505.80	68.66	salt water marsh	F	D	--	very poor	very poor	fair	--	Severe: wetness, too sandy
Urban Land	59	0.8	0.11	--		--	--	--	--	--	--	-
Wulfert Muck	23	61.80	8.39	salt water marsh	F	D	--	very poor	very poor	fair	--	Severe: wetness, excess humus

Color Key:

Upland
Wetlands Rarely Present (Under 20%)
Wetlands Sometimes Present (20-40%)
Wetlands Often Present (75-95%)
Wetlands Very Often Present (100%)

- (1) F - Flooding: The temporary inundation of an area caused by overflowing streams, runoff from adjacent slopes or tides.  
 S - Slough (sheet flow): A broad nearly level, poorly defined drainage way that is subject to sheet-flow during the rainy season.  
 P - Ponding: Standing water on soils in closed depressions. The water can be removed only by percolation or evapotranspiration.
- (2) \* Water table is above the surface of soil  
 B - Soils having a moderate infiltration rate (low to moderate runoff potential) when thoroughly wet.  
 C - Soils having a slow infiltration rate (moderate to high runoff potential) when thoroughly wet.  
 D - Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet.

## Appendix B: Plant Species List



## Appendix B: Plant Species List at San Carlos Bay - Bunche Beach Preserve

Scientific and Common names from this list were obtained from Wunderlin 2003.

Scientific Name	Common Name	Native Status	EPPC	FDACS	IRC	FNAI
<b>Family: Pteridaceae (brake fern)</b>						
<i>Acrostichum aureum</i>	golden leather fern	native		T	R	G3/S3
<b>Family: Agavaceae (agave)</b>						
<i>Agave sisalana</i>	sisal hemp	exotic	II			
<i>Yucca aloifolia</i>	Spanish bayonet	native				
<b>Family: Amaryllidaceae (amaryllis)</b>						
<i>Hymenocallis latifolia</i>	mangrove spiderlily	native				
<b>Family: Arecaceae (palm)</b>						
<i>Cocos nucifera</i>	coconut palm					
<i>Sabal palmetto</i>	cabbage palm	native				
<b>Family: Bromeliaceae (pineapple)</b>						
<i>Tillandsia fasciculata</i> var. <i>densispica</i>	stiff-leaved wild pine	native		E		
<i>Tillandsia recurvata</i>	ballmoss	native				
<i>Tillandsia usneoides</i>	Spanish moss	native				
<i>Tillandsia utriculata</i>	giant airplant	native		E		
<b>Family: Commelinaceae (spiderwort)</b>						
<i>Commelina diffusa</i>	common dayflower	exotic				
<b>Family: Cyperaceae (sedge)</b>						
<i>Cyperus ligularis</i>	swamp flat sedge	native				
<i>Fimbristylis cymosa</i>	hurricane grass	native				
<i>Fimbristylis spadiacea</i>	marsh fimbry	native				
<i>Rhynchospora colorata</i>	starrush whitetop	native				
<b>Family: Dioscoreaceae (yam)</b>						
<i>Dioscorea bulbifera</i>	air potato	exotic	I			
<b>Family: Poaceae (grass)</b>						
<i>Cenchrus spinifex</i>	coastal sandbur	native				
<i>Dactyloctenium aegyptium</i>	Durban crowfootgrass	native				
<i>Distichlis spicata</i>	saltgrass	native			R	
<i>Eustachys petraea</i>	pinewoods fingergrass	native				
<i>Monanthochloe littoralis</i>	shoregrass, keygrass	native			R	
<i>Muhlenbergia capillaris</i> var. <i>filipes</i>	Gulf hairawn muhly	native				
<i>Panicum amarum</i>	bitter panicgrass	native				
<i>Panicum maximum</i>	Guineagrass	exotic	II			
<i>Paspalum vaginatum</i>	seashore paspalum	native				
<i>Spartina bakeri</i>	sand cordgrass	native				
<i>Spartina patens</i>	saltmeadow cordgrass	native				
<i>Sporobolus virginicus</i>	seashore dropseed	native				
<i>Stenotaphrum secundatum</i>	St. Augustinegrass	native				
<i>Uniola paniculata</i> L.	sea oats	native				
<b>Family: Smilacaceae (smilax)</b>						
<i>Smilax auriculata</i>	earleaf greenbrier	native				
<b>Family: Typhaceae (cattail)</b>						
<i>Typha domingensis</i>	southern cattail	native				
<b>Family: Acanthaceae (acanthus)</b>						
<i>Blechnum pyramidatum</i>	Browne's blechnum	exotic	II			
<b>Family: Aizoaceae (mesembryanthemum)</b>						
<i>Sesuvium portulacastrum</i>	shoreline seapurslane	native				
<b>Family: Amaranthaceae (amaranth)</b>						
<i>Atriplex cristata</i>	crested saltbush	native				
<i>Blutaparon vermiculare</i>	samphire, silverhead	native				
<i>Iresine diffusa</i>	Juba's bush	native				
<i>Salicornia bigelovii</i>	annual glasswort	native			R	
<i>Suaeda linearis</i>	sea blite	native				
<b>Family: Anacardiaceae (cashew)</b>						

## Appendix B: Plant Species List at San Carlos Bay - Bunche Beach Preserve

Scientific and Common names from this list were obtained from Wunderlin 2003.

Scientific Name	Common Name	Native Status	EPPC	FDACS	IRC	FNAI
<i>Schinus terebinthifolius</i>	Brazilian pepper	exotic	I			
<i>Toxicodendron radicans</i>	eastern poison ivy	native				
<b>Family: Annonaceae (custard-apple)</b>						
<i>Annona glabra</i>	pondapple	native				
<b>Family: Asteraceae (aster)</b>						
<i>Ambrosia artemisiifolia</i>	common ragweed	native				
<i>Baccharis angustifolia</i>	saltwater falsewillow	native			R	
<i>Baccharis halimifolia</i>	groundsel tree	native				
<i>Bidens alba</i>	Spanish needles	native				
<i>Borrchia arborescens</i>	tree sea oxeye	native				
<i>Borrchia frutescens</i>	bushy sea oxeye	native				
<i>Coreopsis leavenworthii</i>	Leavenworth's tickseed	native				
<i>Erigeron quercifolius</i>	oakleaf fleabane	native				
<i>Eupatorium capillifolium</i>	dogfennel	native				
<i>Flaveria linearis</i>	narrowleaf yellowtop	native				
<i>Helianthus debilis</i>	dune sunflower	native				
<i>Iva imbricata</i>	seacoast marshelder	native				
<i>Pluchea rosea</i>	rosy camphorweed	native				
<i>Rayjacksonia phyllocephala</i>	camphor daisy	native			I	
<i>Solidago sempervirens</i>	seaside goldenrod	native			R	
<b>Family: Avicenniaceae (black mangrove)</b>						
<i>Avicennia germinans</i>	black mangrove	native				
<b>Family: Bataceae (saltwort)</b>						
<i>Batis maritima</i>	saltwort	native				
<b>Family: Boraginaceae (borage)</b>						
<i>Heliotropium angiospermum</i>	scorpionstail	native				
<b>Family: Burseraceae (gumbo-limbo)</b>						
<i>Bursera simaruba</i>	gumbo-limbo	native				
<b>Family: Cactaceae (cactus)</b>						
<i>Opuntia humifusa</i>	pricklypear	native				
<b>Family: Casuarinaceae (sheoak)</b>						
<i>Casuarina equisetifolia</i>	Australian pine	exotic	I			
<b>Family: Combretaceae (combretum)</b>						
<i>Conocarpus erectus</i>	buttonwood	native				
<i>Laguncularia racemosa</i>	white mangrove	native				
<b>Family: Convolvulaceae (morning-glory)</b>						
<i>Ipomoea alba</i>	moonflowers	native				
<i>Ipomoea pes-caprae</i>	railroad vine; bayhops	native				
<i>Ipomoea sagittata</i>	saltmarsh morning-glory	native				
<b>Family: Cucurbitaceae (gourd)</b>						
<i>Momordica charantia</i>	balsampear	exotic				
<b>Family: Euphorbiaceae (spurge)</b>						
<i>Chamaesyce thymifolia</i>	Gulf sandmat	native			I	
<i>Poinsettia cyathophora</i>	paintedleaf	native				
<b>Family: Fabaceae (pea)</b>						
<i>Abrus precatorius</i>	rosary pea	exotic	I			
<i>Acacia auriculiformis</i>	earleaf acacia	exotic	I			
<i>Caesalpinia bonduc</i>	gray nicker bean	native				
<i>Chamaecrista nictitans var. nictitans</i>	sensitive pea	native				
<i>Crotalaria pumila</i>	low rattlebox	native				
<i>Dalbergia ecastaphyllum</i>	coinvine	native				
<i>Delonix regia</i>	royal poinciana	exotic				
<i>Desmodium paniculatum</i>	panicked ticktrefoil	native				
<i>Lupinus diffusus</i>	skyblue lupine	native			R	

## Appendix B: Plant Species List at San Carlos Bay - Bunche Beach Preserve

Scientific and Common names from this list were obtained from Wunderlin 2003.

Scientific Name	Common Name	Native Status	EPPC	FDACS	IRC	FNAI
<i>Sophora tomentosa</i> var. <i>accidentalis</i>	yellow necklacedod	exotic				
<i>Sophora tomentosa</i> var. <i>truncata</i>	yellow necklacedod	native			R	
<b>Family: Fagaceae (beech)</b>						
<i>Quercus virginiana</i>	live oak	native				
<b>Family: Goodeniaceae (goodenia)</b>						
<i>Scaevola plumieri</i>	beachberry; inkberry	native		T	R	
<i>Scaevola taccada</i>	beach naupaka	exotic	I			
<b>Family: Lamiaceae (mint)</b>						
<i>Callicarpa americana</i>	American beautyberry	native				
<i>Monarda punctata</i>	spotted beebalm	native			I	
<b>Family: Malvaceae (mallow)</b>						
<i>Kosteletzkya pentacarpos</i>	Virginia saltmarsh mallow	native				
<i>Talipariti tiliaceum</i>	sea hibiscus; mahoe	exotic	II			
<i>Thespesia populnea</i>	portia tree, seaside mahoe	exotic	I			
<b>Family: Meliaceae (mahogany)</b>						
<i>Swietenia mahagoni</i>	West Indian mahogany	native		T	R	
<b>Family: Moraceae (mulberry)</b>						
<i>Ficus aurea</i>	strangler fig	native				
<i>Ficus microcarpa</i>	Indian laurel	exotic	I			
<b>Family: Myricaceae (bayberry)</b>						
<i>Myrica cerifera</i>	wax myrtle	native				
<b>Family: Myrsinaceae (myrsine)</b>						
<i>Ardisia escallonioides</i>	marlberry	native				
<b>Family: Myrtaceae (myrtle)</b>						
<i>Melaleuca quinquenervia</i>	punktree	exotic	I			
<b>Family: Oleaceae (olive)</b>						
<i>Forestiera segregata</i>	Florida swamprivet	native				
<b>Family: Orobanchaceae (broomrape)</b>						
<i>Agalinis maritima</i>	saltmarsh false foxglove	native				
<b>Family: Passifloraceae (passionflower)</b>						
<i>Passiflora suberosa</i>	corkystem passionflower	native				
<b>Family: Phytolaccaceae (pokeweed)</b>						
<i>Phytolacca americana</i>	American pokeweed	native				
<b>Family: Plumbaginaceae (leadwort)</b>						
<i>Limonium carolinianum</i>	Carolina sealavender	native				
<b>Family: Polygonaceae (buckwheat)</b>						
<i>Coccoloba uvifera</i>	seagrape	native				
<b>Family: Portulacaceae (purslane)</b>						
<i>Portulaca pilosa</i>	pink purslane	native				
<b>Family: Rhizophoraceae (mangrove)</b>						
<i>Rhizophora mangle</i>	red mangrove	native				
<b>Family: Rubiaceae (madder)</b>						
<i>Randia aculeata</i>	white indigoberry	native				
<b>Family: Salicaceae (willow)</b>						
<i>Salix caroliniana</i>	Carolina willow, coastalplain willow	native				
<b>Family: Sapindaceae (soapberry)</b>						
<i>Cupaniopsis anacardioides</i>	carrotwood	exotic	I			
<b>Family: Solanaceae (nightshade)</b>						
<i>Lycium carolinianum</i>	christmasberry	native				
<i>Physalis walteri</i>	Walter's groundcherry	native				
<b>Family: Verbenaceae (vervain)</b>						
<i>Lantana camara</i>	lantana	exotic	I			
<i>Phyla nodiflora</i>	capeweed, turkey tangle fogfruit	native				
<b>Family: Vitaceae (grape)</b>						

## Appendix B: Plant Species List at San Carlos Bay - Bunche Beach Preserve

Scientific and Common names from this list were obtained from Wunderlin 2003.

Scientific Name	Common Name	Native Status	EPPC	FDACS	IRC	FNAI
<i>Parthenocissus quinquefolia</i>	Virginia creeper	native				

### Key

\* = Plants not recorded on preserve before 2012 restoration planting of spoil areas

### **Florida EPPC Status**

I = species that are invading and disrupting native plant communities

II = species that have shown a potential to disrupt native plant communities

### **FDACS (Florida Department of Agriculture and Consumer Services)**

E = Endangered

T = Threatened

CE = Commercially Exploited

### **IRC (Institute for Regional Conservation)**

CI = Critically Imperiled

I = Imperiled

R = Rare

### **FNAI (Florida Natural Areas Inventory)**

G= Global Status

T= Threatened

CE= Commercially Exploited

1= Critically imperiled because of extreme rarity (5 or fewer occurrences or less than 1000 individuals) or because of extreme vulnerability to extinction due to some natural or man-made factor.

2= Imperiled because of rarity (6 to 20 occurrences or less than 3000 individuals) or because of vulnerability to extinction due to some natural or man-made factor.

3= Either very rare and local throughout its range (21-200 occurrences or less than 10,000 individuals) or found locally in a restricted range or vulnerable to extinction from other factors.

4= Apparently secure

5= Demonstrably secure

## Appendix C: Wildlife Species List

**Appendix C: Wildlife Species List for San Carlos Bay - Bunche Beach Preserve**

Scientific Name	Common Name	Designated Status		
		FWC	FWS	FNAI
<b>MAMMALS</b>				
<b>Family: Dasypodidae (armadillo)</b>				
<i>Dasyopus novemcinctus</i>	nine banded armadillo *			
<b>Family: Didelphidae (opossums)</b>				
<i>Didelphis virginiana</i>	Virginia opossum			
<b>Family: Leporidae (rabbits and hares)</b>				
<i>Sylvilagus palustris</i>	marsh rabbit			
<b>Family: Felidae (cats)</b>				
<i>Lynx rufus</i>	bobcat			
<b>Family: Muridae (rodent)</b>				
<i>Sigmodon hispidus</i>	hispid cotton rat			
<i>Rattus rattus</i>	black rat *			
<b>Family: Mustelidae (weasel)</b>				
<i>Lutra canadensis</i>	North American river otter			
<b>Family: Procyonidae (raccoons)</b>				
<i>Procyon lotor</i>	raccoon			
<b>BIRDS</b>				
<b>Family: Podicipedidae (grebes)</b>				
<i>Podilymbus podiceps</i>	pie-billed grebe			
<i>Podiceps auritus</i>	horned grebe			
<b>Family: Anatidae (swans, geese and ducks)</b>				
<i>Aix sponsa</i>	wood duck			
<i>Anas platyrhynchos</i>	mallard			
<i>Anas fulvigula</i>	mottled duck			
<i>Anas discors</i>	blue-winged teal			
<i>Anas crecca</i>	green-winged teal			
<i>Aythya affinis</i>	lesser scaup			
<i>Melanitta americana</i>	black scoter			
<i>Melanitta perspicillata</i>	surf scoter			
<i>Mergus serrator</i>	red-breasted merganser			
<b>Family: Ciconiidae (stork)</b>				
<i>Mycteria americana</i>	wood stork	E	E	G4/S2
<b>Family: Frigatidae (frigatebirds)</b>				
<i>Fregata magnificens</i>	magnificent frigatebird			
<b>Family: Phalacrocoracidae (cormorants)</b>				
<i>Phalacrocorax auritus</i>	double-crested cormorant			
<b>Family: Anhingidae (anhingas)</b>				
<i>Anhinga anhinga</i>	anhinga			
<b>Family: Gaviidae (loons)</b>				
<i>Gavia immer</i>	common loon			
<b>Family: Sulidae (gannets and boobies)</b>				
<i>Morus bassanus</i>	northern gannet			
<b>Family: Pelecanidae (pelicans)</b>				
<i>Pelecanus erythrorhynchos</i>	American white pelican			
<i>Pelecanus occidentalis</i>	brown pelican	SSC		G4/S3
<b>Family: Ardeidae (herons, egrets, bitterns)</b>				
<i>Ardea herodias</i>	great blue heron			
<i>Ardea alba</i>	great egret			G5/S4
<i>Egretta thula</i>	snowy egret	SSC		G5/S3
<i>Egretta caerulea</i>	little blue heron	SSC		G5/S4
<i>Egretta tricolor</i>	tricolored heron	SSC		G5/S4
<i>Egretta rufescens</i>	reddish egret	SSC		G4/S2

**Appendix C: Wildlife Species List for San Carlos Bay - Bunche Beach Preserve**

Scientific Name	Common Name	Designated Status		
		FWC	FWS	FNAI
<i>Bubulcus ibis</i>	cattle egret			
<i>Butorides virescens</i>	green heron			
<i>Nycticorax nycticorax</i>	black-crowned night heron			G5/S3
<i>Nyctanassa violacea</i>	yellow-crowned night heron			G5/S3
<b>Family: Threskiornithidae (ibises and spoonbills)</b>				
<i>Eudocimus albus</i>	white ibis	SSC		G5/S4
<i>Plegadis falcinellus</i>	glossy ibis			G5/S3
<i>Platalea ajaia</i>	roseate spoonbill	SSC		G5/S2
<b>Family: Cathartidae (new world vultures)</b>				
<i>Coragyps atratus</i>	black vulture			
<i>Cathartes aura</i>	turkey vulture			
<b>Family: Accipitridae (hawks, kites, accipiters, harriers, eagles)</b>				
<i>Pandion haliaetus</i>	osprey			G5/S3
<i>Elanoides forficatus</i>	swallow-tailed kite			G5/S2
<i>Circus cyaneus</i>	northern harrier			
<i>Accipiter striatus</i>	sharp-shinned hawk			
<i>Accipiter cooperii</i>	Copper's hawk			
<i>Haligaeetus leucocephalus</i>	American bald eagle	T		G5/S3
<i>Buteo lineatus</i>	red shouldered hawk			
<i>Buteo brachyurus</i>	short-tailed hawk			G4/S5
<i>Buteo jamaicensis</i>	red-tailed hawk			
<b>Family: Rallidae (rails, gallinules, coots)</b>				
<i>Rallus longirostris</i>	clapper rail			
<i>Fulica americana</i>	American coot			
<i>Gallinula chloropus</i>	common gallinule			
<b>Family: Charadriidae (plovers)</b>				
<i>Charadrius nivosus</i>	snowy plover	T		G4/S1
<i>Charadrius melodus</i>	piping plover	T	T	G3/S2
<i>Charadrius semipalmatus</i>	semipalmated plover			
<i>Charadrius wilsonia</i>	Wilson's plover			
<i>Charadrius vociferus</i>	killdeer			
<i>Pluvialis squatarola</i>	black-bellied plover			
<i>Pluvialis dominica</i>	American golden-plover			
<b>Family: Haematopodidae (oystercatchers)</b>				
<i>Haematopus palliatus</i>	American oystercatcher	SSC		G5/S2
<b>Family: Recurvirostridae (stilts, avocets)</b>				
<i>Himantopus mexicanus</i>	black-necked stilt			
<i>Recurvirostra americana</i>	American avocet			
<b>Family: Scolopacidae (sandpipers and phalaropes)</b>				
<i>Actitis macularia</i>	spotted sandpiper			
<i>Tringa solitaria</i>	solitary sandpiper			
<i>Arenaria interpres</i>	ruddy turnstone			
<i>Numenius americanus</i>	long-billed curlew			
<i>Limosa fedoa</i>	marbled godwit			
<i>Calidris alba</i>	sanderling			
<i>Calidris canutus</i>	red knot			
<i>Calidris pusilla</i>	semipalmated sandpiper			
<i>Calidris mauri</i>	western sandpiper			
<i>Calidris minutilla</i>	least sandpiper			
<i>Calidris fuscicollis</i>	white-rumped sandpiper			
<i>Calidris melanotos</i>	pectoral sandpiper			
<i>Calidris alpina</i>	dunlin			
<i>Calidris himantopus</i>	stilt sandpiper			

**Appendix C: Wildlife Species List for San Carlos Bay - Bunche Beach Preserve**

Scientific Name	Common Name	Designated Status		
		FWC	FWS	FNAI
<i>Catoptrophorus semipalmatus</i>	willet			
<i>Limnodromus griseus</i>	short-billed dowitcher			
<i>Limnodromus scolopaceus</i>	long-billed dowitcher			
<i>Limosa fedoa</i>	marbled godwit			
<i>Phalaropus lobatus</i>	red-necked phalarope			
<i>Gallinago gallinago</i>	Wilson's snipe			
<i>Numenius phaeopus</i>	whimbrel			
<i>Tringa melanoleuca</i>	greater yellowlegs			
<i>Tringa flavipes</i>	lesser yellowlegs			
<b>Family: Laridae (gulls, tern, skimmers)</b>				
<i>Larus atricilla</i>	laughing gull			
<i>Larus argentatus</i>	herring gull			
<i>Larus delawarensis</i>	ring-billed gull			
<i>Larus fuscus</i>	lesser black-backed gull			
<i>Larus marinus</i>	greater black-backed gull			
<i>Larus philadelphia</i>	Bonaparte's gull			
<i>Hydroprogne caspia</i>	Caspian tern			G5/S2
<i>Sterna forsteri</i>	Foster's tern			
<i>Thalasseus maxima</i>	royal tern			G5/S3
<i>Thalasseus sandvicensis</i>	sandwich tern			G5/S2
<i>Sterna hirundo</i>	common tern			
<i>Sternula antillarum</i>	least tern	T		G4/S3
<b>Family: Rynchopinae (skimmers)</b>				
<i>Rynchops niger</i>	black skimmer	SSC		G5/S3
<b>Family: Alcidae</b>				
<i>Alca torda</i>	razorbill			
<b>Family: Columbidae (pigeons and doves)</b>				
<i>Zenaida macroura</i>	mourning dove			
<i>Columbina passerina</i>	common ground dove			
<i>Streptopelia decaocto</i>	Eurasian collared-dove *			
<b>Family: Cuculidae (cuckoos and their allies)</b>				
<i>Coccyzus minor</i>	mangrove cuckoo			G5/S3
<b>Family: Caprimulgidae (goatsuckers)</b>				
<i>Chordeiles minor</i>	common nighthawk			
<b>Family: Apodidae (swifts)</b>				
<i>Chaetura pelagica</i>	chimney swift			
<b>Family: Alcedinidae (kingfishers)</b>				
<i>Megaceryle alcyon</i>	belted kingfisher			
<b>Family: Picidae (woodpeckers)</b>				
<i>Melanerpes carolinus</i>	red-bellied woodpecker			
<i>Melanerpes erythrocephalus</i>	red-headed woodpecker			
<i>Picoides pubescens</i>	downy woodpecker			
<i>Colaptes auratus</i>	northern Flicker			
<i>Dryocopus pileatus</i>	pileated woodpecker			
<b>Family: Falconidae (caracaras, falcons)</b>				
<i>Falco sparverius</i>	American kestrel			
<i>Falco columbarius</i>	merlin			G5/S2
<i>Falco peregrinus</i>	peregrine falcon			G4/S2
<b>Family: Tyrannidae (tyrant flycatchers)</b>				
<i>Sayornis phoebe</i>	eastern phoebe			
<i>Myiarchus crinitus</i>	great crested flycatcher			
<i>Tyrannus tyrannus</i>	eastern kingbird			
<i>Tyrannus dominicensis</i>	gray kingbird			



**Appendix C: Wildlife Species List for San Carlos Bay - Bunche Beach Preserve**

Scientific Name	Common Name	Designated Status		
		FWC	FWS	FNAI
<b>Family: Laniidae (shrikes)</b>				
<i>Lanius ludovicianus</i>	loggerhead shrike			
<b>Family: Vireonidae (vireos)</b>				
<i>Vireo griseus</i>	white-eyed vireo			
<i>Vireo olivaceus</i>	red-eyed vireo			
<b>Family: Corvidae (crows, jays, ect.)</b>				
<i>Cyanocitta cristata</i>	blue jay			
<i>Corvus brachyrhynchos</i>	American crow			
<i>Corvus ossifragus</i>	fish crow			
<b>Family: Hirundinidae (swallows)</b>				
<i>Progne subis</i>	purple martin			
<i>Stelgidopteryx serripennis</i>	northern rough-winged swallow			
<i>Hirundo rustica</i>	barn swallow			
<i>Tachycineta bicolor</i>	tree swallow			
<i>Riparia riparia</i>	bank swallow			
<i>Petrochelidon pyrrhonota</i>	cliff swallow			
<b>Family: Troglodytidae (wren)</b>				
<i>Troglodytes aedon</i>	house wren			
<i>Cistothorus platensis</i>	sedge wren			
<b>Family: Muscicapidae (old world warblers, kinglets, gnatcatchers)</b>				
<i>Poliophtila caerulea</i>	blue-grey gnatcatcher			
<i>Turdus migratorius</i>	American robin			
<b>Family: Mimidae (mockingbirds and thrashers)</b>				
<i>Mimus polyglottos</i>	northern mockingbird			
<i>Dumetella carolinensis</i>	grey catbird			
<i>Toxostoma rufum</i>	brown thrasher			
<b>Family: Sturnidae (starlings)</b>				
<i>Sturnus vulgaris</i>	European starling *			
<b>Family: Motacillidae (wagtails and pipits)</b>				
<i>Anthus rubescens</i>	American pipit			
<b>Family: Bombycillidae (waxwings)</b>				
<i>Bombycilla cedrorum</i>	cedar waxwing			
<b>Family: Parulidae (wood-warblers)</b>				
<i>Seiurus aurocapillus</i>	ovenbird			
<i>Seiurus motacilla</i>	Louisiana waterthrush			G5/S2
<i>Seiurus noveboracensis</i>	northern waterthrush			
<i>Limnothlypis swainsonii</i>	Swainson's warbler			
<i>Vermivora celata</i>	orange-crowned warbler			
<i>Geothlypis trichas</i>	common yellowthroat			
<i>Parula americana</i>	northern parula			
<i>Setophaga petechia</i>	yellow warbler			
<i>Setophaga striata</i>	blackpoll warbler			
<i>Setophaga caeruleascens</i>	black-throated blue warbler			
<i>Setophaga palmarum</i>	palm warbler			
<i>Setophaga pinnus</i>	pine warbler			
<i>Setophaga coronata</i>	yellow-rumped warbler			
<i>Setophaga dominica</i>	yellow-throated warbler			
<i>Setophaga discolor</i>	prairie warbler			G5/S3
<b>Family: Emberizidae (sparrows)</b>				
<i>Passerculus sandwichensis</i>	Savannah sparrow			
<i>Ammodramus caudacutus</i>	saltmarsh sparrow			
<i>Metospiza georgiana</i>	swamp sparrow			
<b>Family: Cardinalidae (cardinals, some grosbeaks, new world buntings, ect.)</b>				

**Appendix C: Wildlife Species List for San Carlos Bay - Bunche Beach Preserve**

Scientific Name	Common Name	Designated Status		
		FWC	FWS	FNAI
<i>Cardinalis cardinalis</i>	northern cardinal			
<i>Guiraca caerulea</i>	blue grosbeak			
<i>Passerina cyanea</i>	Indigo bunting			
<i>Passerina ciris</i>	painted bunting			G5/S3
<b>Family: Icteridae (blackbirds, orioles, ect.)</b>				
<i>Dolichonyx oryzivorus</i>	bobolink			
<i>Agelaius phoeniceus</i>	red-winged blackbird			
<i>Quiscalus major</i>	boat-tailed grackle			
<i>Quiscalus quiscula</i>	common grackle			
<i>Molothrus ater</i>	brown-headed cowbird			
<i>Icterus galbula</i>	Baltimore oriole			
<b>Family: Fringillidae (finches)</b>				
<i>Carpodacus mexicanus</i>	house finch			
<i>Carduelis tristis</i>	American goldfinch			
<b>Family: Passeridae (old world sparrows)</b>				
<i>Passer domesticus</i>	house sparrow *			
<b>REPTILES</b>				
<b>Family: Emydidae (box and water turtles)</b>				
<i>Malaclemys macrospilota</i>	ornate diamondback terrapin			
<b>Family: Cheloniidae (sea turtles)</b>				
<i>Caretta caretta</i>	loggerhead	T	T	G3/S3
<b>Family: Dermochelyidae (leatherback turtles)</b>				
<i>Dermochelys coriacea</i>	leatherback	E	E	G2/S2
<b>Family: Testudinidae (gopher tortoises)</b>				
<i>Gopherus polyphemus</i>	gopher tortoise	T		G3/S3
<b>Family: Polychridae (anoles)</b>				
<i>Anolis carolinensis</i>	green anole			
<i>Anolis sagrei</i>	brown anole *			
<b>Family: Scincidae</b>				
<i>Eumeces fasciatus</i>	five lined skink			
<b>Family: Colubridae (colubrids)</b>				
<i>Coluber constrictor priapus</i>	southern black racer			
<i>Nerodia compressi cauda</i>	mangrove salt marsh snake			
<b>AMPHIBIANS</b>				
<b>Family: Hylidae (treefrogs and their allies)</b>				
<i>Osteopilus septentrionalis</i>	Cuban treefrog *			
<b>INSECTS</b>				
<b>Family: Cyrtacanthacridinae (spurthroated grasshoppers)</b>				
<i>Schistocerca americana</i>	American grasshopper			
<b>Family: Romaleidae (lubber grasshopper)</b>				
<i>Romalea gutta</i>	lubber			
<b>Family: Pieridae (whites and sulphurs)</b>				
<b>Subfamily: Pierinae (whites, marbles and orange tips)</b>				
<i>Ascia monuste</i>	great southern white			
<b>Subfamily: Coliadinae (sulphurs)</b>				
<i>Phoebis philea</i>	orange-barred sulphur			
<b>Family: Nymphalidae (brushfoots)</b>				
<b>Subfamily: Heliconiinae (longwings)</b>				
<i>Argaulis vanillae</i>	Gulf fritillary			
<b>Subfamily: Nymphalinae (brushfoots)</b>				
<i>Junonia evarete</i>	mangrove buckeye			
<i>Anartia jatrophae</i>	white peacock			

## Appendix C: Wildlife Species List for San Carlos Bay - Bunche Beach Preserve

Scientific Name	Common Name	Designated Status		
		FWC	FWS	FNAI
<b>Family: Hesperidae (skippers)</b>				
<b>Subfamily: Pyrginae (open winged skippers)</b>				
<i>Phocides pigmalion</i>	mangrove skipper			
<b>ARACHNIDS</b>				
<i>in the order of spiders, scorpions, mites and ticks</i>				
<b>Family: Araneidae (orb weaver)</b>				
<i>Gasteracantha elipsoides</i>	crab-like spiny orb weaver			
<b>Family: Trichodectidae (biting lice)</b>				
<i>Stachiella octomaculatus</i>	raccoon chewing lice			
<b>CRUSTACEANS</b>				
<b>Family: Grapsidae (marsh, shore and talon crabs)</b>				
<i>Aratus pisonii</i>	mangrove tree crab			
<b>Family: Ocypodoidea (ghost and fiddler crabs)</b>				
<b>Subfamily: Ocypodinae (fiddler crabs)</b>				
<i>Uca stylifera</i>	fiddler crab			
<b>Family: Limulidae (horseshoe crabs)</b>				
<i>Limulus polyphemus</i>	horseshoe crab			

### KEY:

**FWC = Florida Fish & Wildlife Conservation Commission**

**FWS = U.S. Fish & Wildlife Service**

E - Endangered

T - Threatened

SSC - Species of Special Concern

**FNAI = Florida Natural Areas Inventory**

G - Global rarity of the species

S - State rarity of the species

T - Subspecies of special population

1 - Critically imperiled

2 - Imperiled

3 - Rare, restricted or otherwise vulnerable to extinction

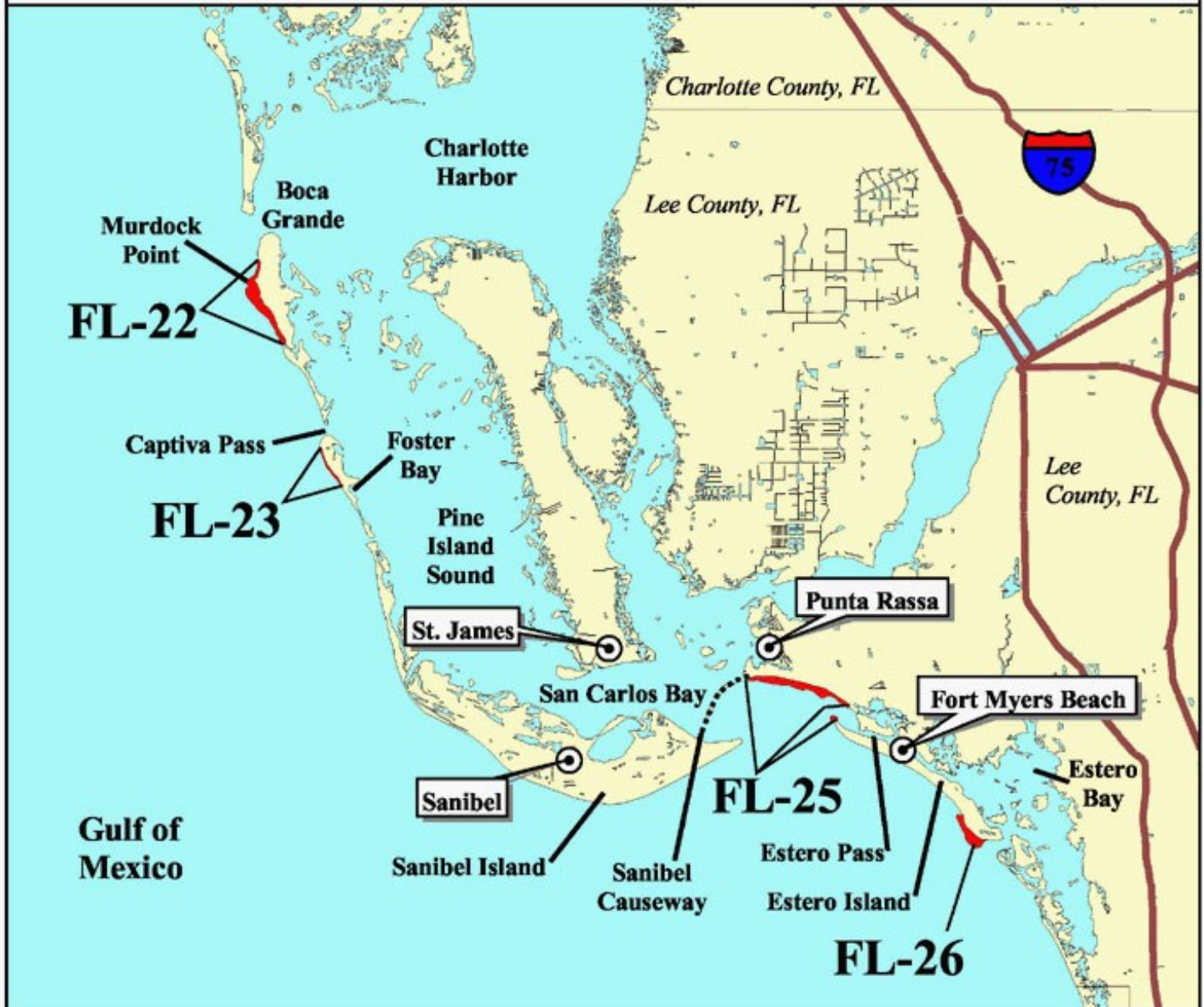
4 - Apparently secure

5 - Demonstrably secure

\* = Non-native

## Appendix D: USFWS Critical Habitat Map

# General locations of the designated critical habitat for the Wintering Piping Plover.



## General Area



## Distance: Miles



## Legend

- City / Town
- Major Road / Highway
- Land
- Critical Habitat

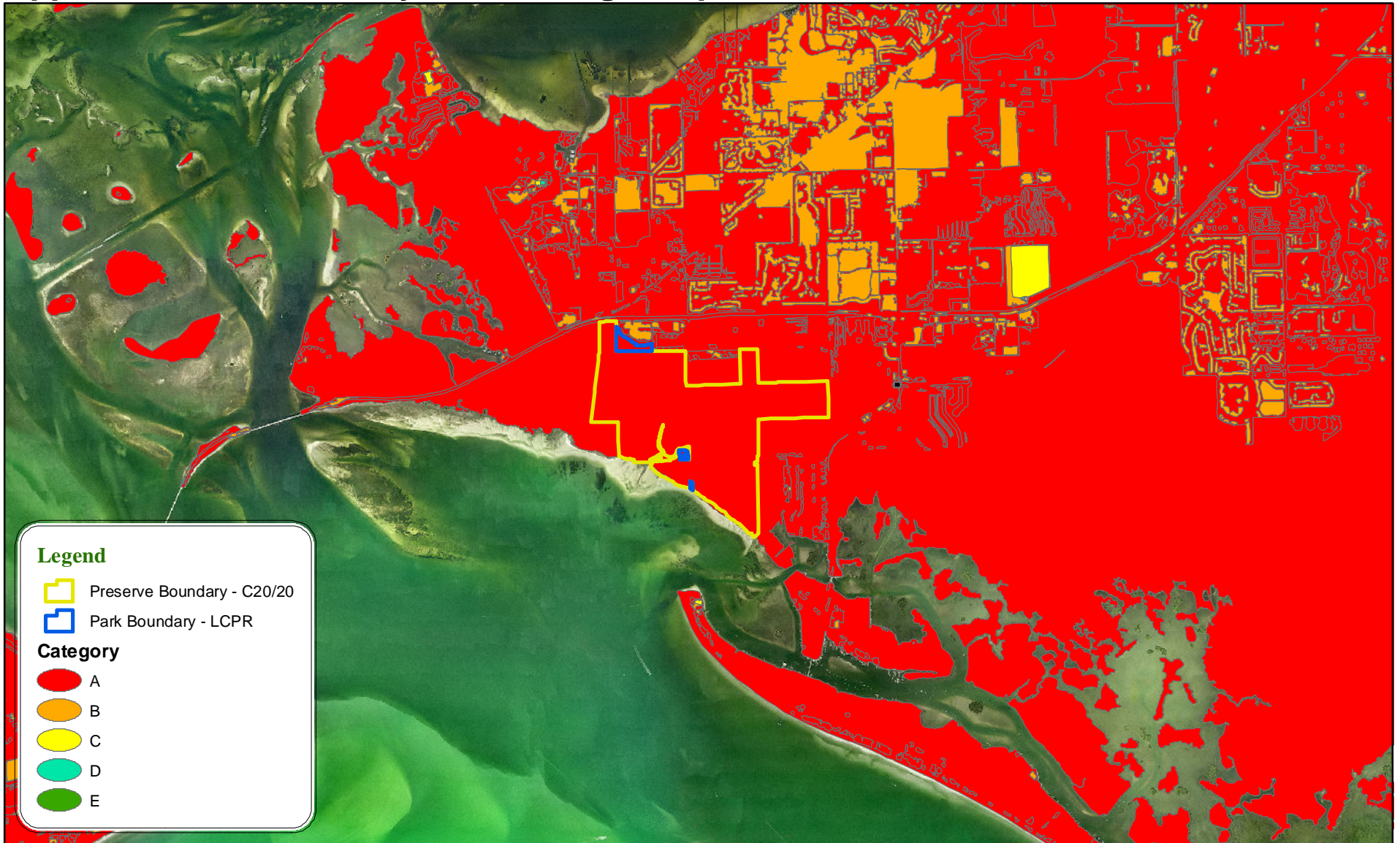
**Use Constraints:** This map is intended to be used as a guide to identify the general areas where Wintering Piping Plover critical habitat has been designated. Included within the designation of critical habitat are all land areas to the mean lower low water. Refer to the narrative unit descriptions as the precise legal definition of critical habitat.

# Florida Units: 22, 23, 25 and 26

**Some locations have been slightly enlarged for display purposes only.**

## Appendix E: Lee County Storm Surge Map

# Appendix E: Lee County Storm Surge Map



**San Carlos Bay -  
Bunche Beach Preserve**



M:\GISLAYERS\Projects\Parks\_Rec\C2020\San Carlos B. P\LSP\_2013\  
SCBBBP\_StormSurge Date Saved: 8/28/2013

This is not a survey. Land Stewardship Staff has prepared this map  
for informational and planning purposes.



## **Appendix F: Conservation Easements**



OR2894 P63892

4285130

Prepared by and return to:  
John K. Aurell  
Ausley & McMullen  
227 South Calhoun Street  
Tallahassee, Florida 32301

CONSERVATION EASEMENT

This Deed of Conservation Easement ("Conservation Easement") is given this 29 day of October, 1997 by Summerlin Sands Limited Partnership, a Georgia Limited Partnership, whose address is 1000 Abernathy Road, N.E., Suite 1800, Atlanta, GA 30328 (hereinafter referred to as "Grantor" or "Summerlin") to the State of Florida Department of Environmental Protection whose address is Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32399, its successors and assigns (hereinafter referred to as "Grantee").

WITNESSETH

WHEREAS, Summerlin is the owner of certain lands situated in Lee County, Florida and more specifically described in Exhibit "A" attached hereto and by this reference made a part hereof, and

WHEREAS, Summerlin and Grantee have entered into a certain Settlement Agreement dated the 22nd day of September, 1997, wherein Summerlin as Grantor and the Grantee did agree that in consideration of this Conservation Easement and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, all outstanding and unresolved issues and claims still pending and open under that certain consent Final Judgment dated September 1, 1988, in the case of Department of Environmental

1000  
78 pp  
700

RECORD VERIFIED - CHARLIE GREEN, CLERK  
BY: G. SHERWOOD, D.C.

Documentary Tax Pd. \$  
Intangible Tax Pd.  
CHARLIE GREEN, CLERK, LEE COUNTY  
G. Sherwood Deputy Clerk

OR2894 PG3893

Regulation, Plaintiff vs. Robert B. Troutman, Jr., etc. et al., Defendants in Case No. 833360CA, the same having been consolidated with Case Nos. 82-5077CA, 83853CA and 82-3388CA, all pending in the Circuit Court of the Twentieth Judicial Circuit in and for Lee County, Florida ("Consent Final Judgment") would be dismissed and satisfied of record as and against the lands owned by Summerlin and described on Exhibit "A" attached; and

WHEREAS, Grantee has contemporaneously with the execution and delivery of this Conservation Easement executed and delivered to Summerlin a Satisfaction of Judgment in the form required by the terms and conditions of the referenced Settlement Agreement; and

WHEREAS, Summerlin is agreeable to granting and securing to the Grantee a perpetual Conservation Easement as defined in Section 704.06, Florida Statutes (1995) over portions of the Exhibit "A" land;

NOW THEREFORE, in consideration of the execution and delivery of the Settlement Agreement, the Satisfaction of Judgment, the premises and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Summerlin hereby grants, creates and establishes a perpetual Conservation Easement for the benefit of the Grantee, its successors and assigns upon the designated portions of the Exhibit "A" land which Conservation Easement shall run with the land and be binding upon Summerlin, its

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heirs, successors and assigns and the same shall remain in full force and effect forever; said Conservation Easement lands being described on Exhibit "B" attached hereto and by this reference made a part hereof ("the Conservation Property").

The scope, nature and character of this Conservation Easement shall be as follows:

1. It is the purpose of this Conservation Easement to retain the land and water areas of the Conservation Property in their restored and/or natural state in order that such areas be preserved as natural, scenic and open areas suitable as mangrove dominated wetland habitat for fish, plants and wildlife and to assure that the Conservation Property will be retained and maintained forever in its restored and/or natural state such that the vegetative and hydrologic conditions presently in existence on the Conservation Property shall be maintained and preserved forever.

To carry out this purpose, the following rights are conveyed to Grantee by this Conservation Easement:

(a) To enter upon the Conservation Property in a reasonable manner and at reasonable times to ensure compliance with and to enforce the rights granted herein.

(b) To enjoin any activity on or use of the Conservation Property that is inconsistent with this Conservation Easement and to enforce the restoration of such areas or features of the

Conservation Property that may be damaged by any inconsistent activity and/or use.

2. The following activities are prohibited in or on the Conservation Property except for the restoration, creation, enhancement, maintenance and other activities and improvements related to the Conservation Property, to-wit:

(a) Construction or placing of buildings, road, billboards or other advertising, utilities or other structures on, above or in the ground;

(b) Dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, solid waste, or unsightly or offensive materials;

(c) Removal or destruction of trees, shrubs, or other vegetation;

(d) Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface;

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

(f) Activities which are materially adverse to surface or groundwater flow patterns or quantities or are detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation; including but not limited to diking and fencing;

(g) Acts or uses detrimental to the retention and

maintenance of land and water areas within the Conservation Property; and

(h) Acts or uses detrimental to the preservation of any features or aspect of the Conservation Property having historical, archeological or cultural significance.

3. Summerlin and Grantee recognize, understand and agree that within a portion of the Conservation Property described on Exhibit "B" Summerlin may apply for a permit to develop and construct a system of observation boardwalks and/or trails to be accessible by the general public for nonconsumptive uses, including but not limited to, photography, wildlife observation, hiking and the like. To the extent Summerlin determines to develop and construct the same, the plans, specifications, location, maintenance and operational parameters of the observation boardwalk and/or trails shall be subject to independent review, approval and permitting of the Grantee and/or other appropriate governmental authorities and as such Summerlin will be subject to the terms and conditions of such permits as will be required for the construction and operation of such observation boardwalks and trails. Nothing contained in this Conservation Easement shall be construed to prohibit the construction and operation of such observation boardwalks and trails provided the same are independently permitted as required by law.

4. Summerlin and Grantee recognize, understand and agree

OR2894 P63897

that portions of the Exhibit "A" lands that are outside of the Conservation Property ("Retained Property") are being planned for development and as such Summerlin is likely to propose modifications to surface water management and operational protocols that may alter how such water enters the Conservation Property. Nothing contained in this Conservation Easement shall be construed to prohibit the development of the Retained Property of Summerlin or to restrict the right of Summerlin to propose, in the ordinary course, such modifications to the management and operational protocols of the surface water retention and discharge system as it deems appropriate to allow for the reasonable utilization of those portions of the Retained Property. Further, nothing contained in this Conservation Easement shall be construed to sanction or approve of the development of the Retained Property of Summerlin, it being understood and agreed that Summerlin will, to the extent it desires to develop all or a portion of its Retained Property, be subject to independent review, approval and permitting of the Grantee and/or other appropriate governmental authorities and as such Summerlin shall be subject to such terms and conditions as the permits will impose. It is the intention of the parties that such applications for development of the Retained Property of Summerlin be evaluated independent of the constraints of this Conservation Easement.

5. No right of access by the general public to any portion of the Conservation Property is conveyed by this Conservation

OR2894 P63898

Easement; provided however, the Grantee may, without the consent of Summerlin, allow controlled access to the Conservation Property for the purpose of educational or scientific inquiry or for managed recreational uses when administered by the State of Florida, Lee County, or qualified and approved designee of either, such as The Nature Conservancy.

6. Summerlin reserves all rights as owner of the Conservation Property that are not specifically prohibited herein.

7. Summerlin shall assume and be responsible for any costs or liabilities related to the operation, upkeep and maintenance of the Conservation Property where, subsequent to the delivery, acceptance and recordation of this Conservation Easement, activities undertaken by Summerlin have given rise to a need for maintenance and upkeep. The obligations and liabilities of the Grantor shall run with the land and as such shall exist as to the Grantor only so long as the Grantor owns the underlying fee simple title to the Conservation Property.

8. Summerlin shall, to the extent required by law, pay any and all real property taxes and assessments levied on the Conservation Property.

9. The terms and conditions of this Conservation Easement may be enforced by the Grantee by injunctive relief and other

OR2894 P63899

appropriate remedies at law. Any costs, including but not limited to reasonable attorney's fees and administrative, trial and appellate court costs which are incurred in enforcing, judicially or otherwise, the terms and conditions of this Conservation Easement, shall be borne by and recoverable against the non-prevailing party in such proceedings. In any action in which the Grantee prevails, Grantee shall, in addition to the above, be entitled to recover the cost of restoring the Property to the vegetative and hydrologic condition reasonably necessary to have a functioning mangrove dominated wetland. Venue for such actions shall be exclusively in Lee County, Florida.

10. Enforcement of the terms and conditions of the Conservation Easement shall be at the reasonable discretion of the Grantee, and any forbearance on behalf of the Grantee to exercise its rights hereunder, shall not be deemed or construed to be a waiver of the Grantee's rights hereunder.

11. Grantee will hold this Conservation Easement exclusively for conservation purposes. Grantee will not assign or attempt to transfer its rights and obligations under this Conservation Easement except to another organization qualified to hold such interests under applicable state law.

12. The obligation of Summerlin to retain the Conservation Property forever as a mangrove dominated wetland with the naturally



OR2894 PG3900

attendant vegetative mix and hydrology shall run with the land and shall be binding upon the successors and assigns of Summerlin and shall inure to the benefit of the Grantee and its successors and assigns.

13. If any provision of this Conservation Easement or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of this Conservation Easement shall not be affected thereby, as long as the purpose of the Conservation Easement is preserved.

14. All notices, consents, approvals or other communications hereunder shall be in writing and shall be deemed properly given if sent by United States certified mail, return receipt requested, addressed to the appropriate party or its successor-in-interest. As of the date of this Conservation Easement, notices shall be sent to the following:

Summerlin Sands Limited Partnership  
Attention: Hilburn O. Hillestad, Ph.D.  
Jacoby Development Corporation  
1000 Abernathy Road, NE, 1800  
Atlanta, GA 30328

Ms. Lucianne Blair  
Branch Office Manager  
Department of Environmental  
Protection  
7451 Golf Course Boulevard  
Punta Gorda, Florida 33982

Any present or future party acquiring any interest in either the underlying fee simple time to the Conservation property or the Conservation Easement may notify the other party of any change in

address required for effective notice hereunder.

15. A reference sufficient to put any subsequent Grantee on notice of the terms and conditions of this Conservation Easement shall be inserted by Summerlin, as well as all subsequent Grantees of the same, in any subsequent deed or other legal instrument by which Summerlin divests itself of any interest in the Conservation Property or its interests in the Exhibit "A" land.

16. This Conservation Easement may be amended, altered, released or revoked only by written instrument executed between the parties hereto or their successors and/or assigns, and such amendments, alterations, releases and/or revocation shall be filed and recorded in the Public Records in Lee County, Florida.

TO HAVE AND TO HOLD unto the Grantee, its successors and assigns forever. This Conservation Easement shall be recorded in the Public Records of Lee County, Florida and the covenants, terms, conditions, restrictions and purpose shall be binding upon the Grantor, its successors and assigns and shall continue as a servitude running with the land in perpetuity.

Summerlin hereby covenants with said Grantee that it is lawfully seized of the Conservation Property in fee simple; that it has good right and lawful authority to grant and convey this Conservation Easement; and that it fully warrants and will defend title to this Conservation Easement against the lawful claims of

OR2894 PG3902

all persons whomsoever when, and to the extent asserted, against the Conservation Property.

IN WITNESS WHEREOF, the parties hereto have affixed their hand and seal in manner and form sufficient to bind them on the 29 day of October, 1997.

SUMMERLIN SANDS LIMITED PARTNERSHIP

By: James F. Jacoby, Chairman  
Jacoby Development, Inc.

James F. Jacoby, CHAIRMAN  
General Partner

Signed in the presence of:

Mitchell B. Jacoby  
Print Name: MITCHELL B. JACOBY

Deborah L. Rowland  
Print Name: Deborah L. Rowland

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

By:

Margaret L. Hogness  
Grantee

Signed in the presence of:

Lucianne Blair  
Print Name: Lucianne Blair

Abdul B. Ahmedi  
Print Name: Abdul B. Ahmedi

STATE OF GEORGIA  
COUNTY OF FULTON

The foregoing instrument was acknowledged and subscribed before me by James F. Jacoby, Chairman, Jacoby Development, Inc, General Partner, Summerlin Sands Limited Partnership, on behalf of the Partnership, on this 29<sup>th</sup> day of October, 1997.



Elizabeth L. Mowry  
Signature of Notary Public  
State of Georgia

Print, type or stamp commissioned name of Notary Public; Personally known   
OR Produced Identification   
Type of Identification Produced

OR2894 P63903

STATE OF FLORIDA  
COUNTY OF Lee

The foregoing instrument was acknowledged and subscribed before me by Margaret S. Highsmith, Director, Dept. of Env't., State of Florida Department of Environmental Regulation, now known as the Florida Department of Environmental Protection, on behalf of the department, on this 24<sup>th</sup> day of November, 1997.



Jane R. Helmlinger  
MY COMMISSION # CC620220 EXPIRES  
March 19, 2001  
BONDED THRU TROY FAIN INSURANCE, INC.

Jane R. Helmlinger  
Signature of Notary Public  
State of Florida

Jane R. Helmlinger  
Print, type or stamp commissioned name of Notary Public; Personally known   
OR Produced Identification   
Type of Identification Produced  
N/A

**JANE R. HELMLINGER**  
Notary Public  
# CC 269906

EXHIBITS TO CONSERVATION EASEMENT

EXHIBIT "A" . . . SUMMERLIN LEGAL

EXHIBIT "B" . . . SUMMERLIN CONSERVATION PROPERTY

OR2894 PG3904

LEGAL DESCRIPTION

Tracts or parcels of lands lying in Sections 11, 12, 13, and 14, Township 46 South, Range 23 East, Lee County, Florida, described as follows:

Section 11

A tract or parcel of land lying in Section 11, Township 46 South, Range 23 East, described as follows: That part of the East Half (E 1/2) of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) lying south of Summerlin Road (SR 869) right of way, and the East Half (E 1/2) of the Southeast Quarter (SE 1/4) of the Northwest Quarter (NW 1/4), and the East Half (E 1/2) of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4), and that parcel of land beginning at the southwest corner of the East Half (E 1/2) of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of said Section 11; thence south along the west line of the East Half (E 1/2) of the Southeast Quarter (SE 1/4) of the Northwest Quarter (NW 1/4) and the west line of the East Half (E 1/2) of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) for 2540 feet, more or less, to the southwest corner of the East Half (E 1/2) of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4); thence west along the south line of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) for 330 feet, more or less, to a point 333 feet east of the southwest corner of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4); thence northeasterly to the point of beginning.

AND

The South Half (S 1/2) of the Northeast Quarter (NE 1/4); the North Half (N 1/2) of the Southeast Quarter (SE 1/4); Government Lot 1 and the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) lying north of Rock Creek, all lying and being in Section 11, Township 46 South, Range 23 East, LESS AND EXCEPT right of way for John Morris Road (Bunche Beach Road).

AND

The east 210 feet of the West Half (W 1/2) of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of said Section 11, lying southerly of Summerlin Road.

AND

The Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) lying south of Rock Creek, and that part of the East Three Quarters (E 3/4) of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) lying south of Rock Creek, Section 11, Township 46 South, Range 23 East, Lee County, Florida.

Section 12

The Southwest Quarter (SW 1/4) and the East Half (E 1/2) of the Southeast Quarter (SE 1/4) of the Northwest Quarter (NW 1/4) and the North Half (N 1/2) of the Southeast Quarter (SE 1/4) all lying and being in Section 12, Township 46 South, Range 23 East, LESS AND EXCEPT right of way for John Morris Road (Bunche Beach Road).

Section 13

The Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section 13, Township 46 South, Range 23 East.

AND

Government Lot 2 in Section 13, Township 46 South, Range 23 East lying northwesterly of the following described line:  
Commence at the northeast corner of said Section 13; thence S87°34'40"W along the north line of said Section 13 as shown on Plot of Siesta Isles, Unit No. 4, a subdivision as recorded in Plat Book 29, Page 108 of the Lee County, Florida Public Records for 1744.21 feet to the Point of Beginning; thence S02°25'20"E for 205.00 feet; thence S87°34'40"W for 61.47 feet; thence S00°59'30"E for 1525.99 feet to the point of curvature of a tangent curve to the right having a radius of 352.68 feet; thence southwesterly along the arc of said curve for 255.50 feet to the point of tangency; thence S40°31'00"W for 300.58 feet; thence S28°07'12"W for 611.13 feet; thence S51°47'20"W for 600 feet, more or less to the waters of San Carlos Bay.

OR2894 PG3905

AND

Government Lot 1 in Section 13, Township 46 South, Range 23 East, LESS AND EXCEPT right of way for John Morris Road (Bunche Beach Road);

LESS AND EXCEPT the following:

From the northwest corner of said Section 13, run S00°53'30"E along the west line of said section and the centerline of county road, known as John Morris Road (Warren Road) (Bunche Beach Road) for 995 feet to the Point of Beginning of the lands excepted. From said point of beginning run S55°57'30"E for 300 feet; thence S00°53'30"E parallel with the west line of said Section 13 for 200 feet, more or less, to the waters of San Carlos Bay; thence northwesterly along said waters to a point on the west line of said Section 13; thence N00°53'30"W along said section line for 200 feet, more or less, to the point of beginning.

OR2894 PG3906

LEGAL DESCRIPTION  
CONSERVATION LANDS

A tract or parcel of land lying in Section 11, Township 46 South, Range 23 East, Lee County, Florida, described as follows:

Commencing at the southeast corner of said Section 11; thence N89°07'52"W (Bearings based on the Florida West Zone State Plane Coordinate System, 1990 Adjustment of NAD 1983) along the south line of the Southeast Quarter (SE 1/4) of said Section 11 for 1426.06 feet, more or less, to the northerly waters of Rock Creek and the POINT OF BEGINNING; thence continue N89°07'52"W along said south line, leaving said northerly waters of Rock Creek, for 792.71 feet, more or less, to the waters of San Carlos Bay; thence N38°24'29"W along said waters for 31.91 feet, more or less; thence S64°44'44"W for 56.10 feet, more or less, to the south line of said Section 11; thence N89°07'52"W along said south line, leaving said waters, for 332.29 feet, more or less; to the waters of said San Carlos Bay; thence N74°15'02"W along said waters for 51.52 feet, more or less, to the west line of Government Lot 1 of said Section 11; thence N00°43'21"W along said west line, leaving said waters, for 1325.74 feet, more or less, to the southeast corner of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of said Section 11; thence N89°33'04"W along the south line of said fraction of section for 998.75 feet to a point 333.00 feet east of the southwest corner of said fraction of section; thence N06°28'39"E, leaving said south line, for 2683.59 feet to the southwest corner of the East Half (E 1/2) of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of said Section 11; thence S31°45'59"E for 292.69 feet; thence S50°11'44"E for 340.59 feet; thence S60°33'00"E for 291.93 feet; thence S67°35'54"E for 853.76 feet; thence S80°12'43"E for 471.83 feet; thence S59°11'22"E for 273.54 feet; thence S80°11'28"E for 294.28 feet; thence N87°17'52"E for 420.13 feet; thence S68°33'20"E for 410.77 feet to a point on the north line of the Southeast Quarter (SE 1/4) of said Section 11, said point being N89°58'25"W and 90.01 feet from the northeast corner of said fraction of section; thence S00°53'42"E parallel with and 90.00 feet west of the east line of said fraction of section for 2256.19 feet, more or less, to the northerly waters of aforesaid Rock Creek; thence along said northerly waters, more or less, for the following 20 courses: 1) S38°51'14"W for 41.02 feet; 2) S61°17'16"W for 34.31 feet; 3) S89°19'09"W for 112.76 feet; 4) S81°33'29"W for 125.21 feet; 5) S61°19'32"W for 46.12 feet; 6) S40°50'45"W for 85.46 feet; 7) S14°11'35"W for 182.06 feet; 8) S42°13'30"W for 62.81 feet; 9) S64°37'19"W for 57.63 feet; 10) S83°43'37"W for 59.48 feet; 11) N73°32'25"W for 74.27 feet; 12) N56°49'20"W for 71.86 feet; 13) N65°52'24"W for 85.72 feet; 14) N55°24'24"W for 79.33 feet; 15) N15°31'00"W for 77.94 feet; 16) S58°51'09"W for 35.00 feet; 17) S07°39'08"W for 41.16 feet; 18) S68°46'54"W for 170.59 feet; 19) S58°45'00"W for 112.78 feet; 20) S66°43'15"W for 168.97 feet, more or less, to the POINT OF BEGINNING. Containing 217.2 acres, more or less.

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LEGAL DESCRIPTION  
CONSERVATION LANDS

A tract or parcel of land lying in Sections 12 and 13, Township 46 South, Range 23 East, Lee County, Florida, described as follows:

Commencing at the southwest corner of said Section 12; thence N87°14'02"E (Bearings based on the Florida West Zone State Plane Coordinate System, 1990 Adjustment of NAD 1983) along the south line of the Southwest Quarter (SW 1/4) of said Section 12 for 100.05 feet to the POINT OF BEGINNING; thence N06°11'18"W, leaving said south line, for 498.62 feet to the east right-of-way line of former Iona Drainage District Canal "D"; thence N00°53'42"W along said east line, which is parallel with and 54.00 feet east of the west line of said fraction of section, for 2218.55 feet to the north line of said fraction of section; thence N88°05'12"E along said north line for 2584.04 feet to the north east corner of said fraction of section; thence continue N88°05'12"E along the north line of the North Half (N 1/2) of the Southeast Quarter (SE 1/4) of said Section 12 for 900.00 feet; thence S28°04'29"E, leaving said north line, for 635.06 feet; thence S34°51'36"E for 628.38 feet; thence N83°23'48"W for 836.33 feet; thence S02°20'20"E for 360.00 feet to the south line of said fraction of section; thence S87°39'40"W along said south line for 720.00 feet to the southwest corner of said fraction of section; thence S00°56'37"E along the east line of the Southwest Quarter (SW 1/4) of said Section 12 for 1339.00 feet to the southeast corner of said fraction of section; thence S01°06'53"E along the east line of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section 13 for 1339.97 feet to the southeast corner of said fraction of section; thence continue S01°06'53"E along the east line of Government Lot 2 of said Section 13 for 1212.49 feet; thence N54°11'14"W, leaving said east line, for 3180.38 feet; thence N00°53'42"W parallel with and 100.00 feet east of the west line of Government Lot 1 of said Section 13 for 568.43 feet to the POINT OF BEGINNING. Containing 283.8 acres, more or less.

OR2894 PG3908



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INSTR # 5544714  
OR BK 03712 PG 1474

**DEED OF CONSERVATION EASEMENT**

RECORDED 08/23/2002 01:01:55 PM  
CHARLIE GREEN, CLERK OF COURT  
LEE COUNTY

THIS DEED OF CONSERVATION EASEMENT is given this 26 day of July, 2002, by Sanibel Beach Place of Southwest Florida, Ltd. a Florida limited partnership ("Grantor") to the South Florida Water Management District ("Grantee") with third party enforcement rights to the U.S. Army Corps of Engineers (Corps). As used herein, the term Grantor shall include any and all heirs, successors or assigns of the Grantor, and all subsequent owners of the "Property" (as hereinafter defined) and the term Grantee shall include any successor or assignee of Grantee.

WITNESSETH

WHEREAS, the Grantor is the owner of certain lands situated in Lee County, Florida, and more specifically described in **Exhibit A** attached hereto and incorporated herein ("Property"); and

WHEREAS, the Grantor desires to construct Sanibel Beach Place ("Project") at a site in Lee County, which is subject to the regulatory jurisdiction of the District and the Corps; and

WHEREAS, District Permit No. 36-04192-P and Department of the Army (DA) Permit No. 199900014 (IP-DEY) issued by the Corps ("Permits") authorize certain activities, which affect surface waters in or of the State of Florida; and

WHEREAS, these Permits require that the Grantor preserve and/or mitigate wetlands under the District's and the Corps' jurisdiction; and

WHEREAS, the Grantor has developed and proposed as part of the permits' conditions a conservation tract and maintenance buffer involving preservation of certain wetland and/or upland systems on the Property; and

WHEREAS, the Grantor, in consideration of the consent granted by the Permits, is agreeable to granting and securing to the Grantee a perpetual conservation easement as defined in Section 704.06, Florida Statutes (1995), over the Property.

NOW, THEREFORE, in consideration of the issuance of the Permits to construct and operate the permitted activity, and as an inducement to the District and the Corps in issuing the Permits, together with other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, Grantor hereby grants, creates, and establishes a perpetual conservation easement for and in favor of the Grantee upon the Property which shall run with the land and be binding upon the Grantor, and shall remain in full force and effect forever.

The scope, nature, and character of the conservation easement shall be as follows:

1. It is the purpose of this conservation easement to retain land or water areas in their natural, vegetative, hydrologic, scenic, open, agricultural or wooded condition and to retain such areas as suitable habitat for fish, plants or wildlife. Those wetland and/or upland areas included in the conservation easement which are to be enhanced or created pursuant to the Permits shall be retained and maintained in the enhanced or created conditions required by the Permits.

To carry out this purpose, the following rights are conveyed to Grantee and the Corps by this easement:

a. To enter upon the Property at reasonable times with any necessary equipment or vehicles to enforce the rights herein granted in a manner that will not unreasonably interfere with the use and quiet enjoyment of the Property by Grantor at the time of such entry; and

b. To enjoin any activity on or use of the Property that is inconsistent with this conservation easement and to enforce the restoration of such areas or features of the Property that may be damaged by any inconsistent activity or use.

2. Except for restoration, creation, enhancement, maintenance and monitoring activities, or surface water management improvements, which are permitted or required by the Permit, the following activities are prohibited in or on the Property;

a. Construction or placing of buildings, roads, signs, billboards, or other advertising, utilities, or other structures on or above the ground;

b. Dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, waste, or unsightly or offensive materials;

c. Removal or destruction of trees, shrubs, or other vegetation, except for the removal of exotic vegetation in accordance with a District and Corps approved maintenance plan;

d. Excavation, dredging, or removal of loan, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface;

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

f. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation including, but not limited to, ditching, diking and fencing;

g. Acts or uses detrimental to such aforementioned retention of land or water areas;

h. Acts or uses which are detrimental to the preservation of the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or cultural significance.

3. **Passive Recreational Facilities.** Grantor reserves all rights as owner of the Property, including the right to engage in uses of the Property that are not prohibited herein and which are not inconsistent with any District or Corps Rule, criteria, the Permits and the intent and purposes of this Conservation Easement. Passive recreational activities which are not contrary to the purpose of this conservation easement may be permitted upon written approval by the District and the Corps.

a. The Grantor may conduct limited land clearing for the purpose of constructing such pervious facilities as docks, boardwalks, or mulched walking trails. Grantor shall submit plans for the construction of proposed facilities to the District and the Corps for review and written approval prior to construction.

b. The construction and use of the approved passive recreational facilities shall be subject to the following conditions:

i. Grantor shall minimize and avoid, to the fullest extent possible, impact to any wetland or upland buffer areas within the Conservation Easement Area and shall avoid materially diverting the direction of the natural surface water flow in such area;

ii. Such facilities and improvements shall be constructed and maintained utilizing Best Management Practices;

iii. Adequate containers for litter disposal shall be situated adjacent to such facilities and improvements and periodic inspections shall be instituted by the maintenance entity, to clean any litter from the area surrounding the facilities and improvements;

iv. This conservation easement shall not constitute permit authorization for the construction and operation of the passive recreational facilities. Any such work shall be subject to all applicable federal, state, District or local permitting requirements.

4. No right of access by the general public to any portion of the Property is conveyed by this conservation easement.

5. Grantee shall not be responsible for any costs or liabilities related to the operation, upkeep or maintenance of the Property.

6. Grantor shall pay any and all real property taxes and assessments levied by competent authority on the Property.

7. Any costs incurred in enforcing, judicially or otherwise, the terms, provisions and restrictions of this conservation easement shall be borne by and recoverable against the non-prevailing party in such proceedings.

8. Enforcement of the terms, provisions and restrictions of this conservation easement shall be at the discretion of Grantee, or the District, and the Corps and any forbearance on behalf of Grantee or the Corps to exercise its rights hereunder in the event of any breach hereof by Grantor, shall not be deemed or construed to be a waiver of Grantee's or Corps' rights hereunder.

9. Grantee will hold this conservation easement exclusively for conservation purposes. Grantee will not assign its rights and obligations under this conservation easement except to another organization qualified to hold such interests under the applicable state laws.

10. If any provision of this conservation easement or the application thereof to any person or circumstances is found to be invalid, the remainder of the provisions of this conservation easement shall not be affected thereby, as long as the purpose of the conservation easement is preserved.

11. All notices, consents, approvals or other communications hereunder shall be in writing and shall be deemed properly given if sent by United States certified mail, return receipt requested, addressed to the appropriate party or successor-in-interest.

12. This conservation easement may be amended, altered, released or revoked only by written agreement between the parties hereto or their heirs, assigns or successors-in-interest, which shall be filed in the public records in Lee County.

TO HAVE AND TO HOLD unto Grantee forever. The covenants, terms, conditions, restrictions and purpose imposed with this conservation easement shall be binding upon Grantor, and shall continue as a servitude running in perpetuity with the Property.

Grantor hereby covenants with said Grantee that Grantor is lawfully seized of said Property in fee simple; that the Property is free and clear of all encumbrances that are inconsistent with the terms of this conservation easement and all mortgages have been joined or subordinated; that Grantor has good right and lawful authority to convey this conservation easement hereby conveyed against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Robert E. Schmidt, Jr. has hereunto set its authorized hand this 26<sup>th</sup> day of July 2002.

Signed, sealed and delivered in our presence as witnesses:

Sanibel Beach Place of Southwest Florida, Ltd.  
A Florida limited partnership

Gina M. Rundall  
Julie P. Clark

By: KB Investment Holdings, Ltd., a Florida limited partnership

By: [Signature]  
Robert E. Schmidt, Jr., General Partner

STATE OF FLORIDA

) ss:

COUNTY OF Hillsborough

On this 26<sup>th</sup> day of July, 2002 before me, the undersigned notary public, personally appeared ROBERT E. SCHMIDT, JR., personally known to me to be the person who subscribed to the foregoing instrument and did not take an oath, as the (position) general partner of KB Investment Holdings, Ltd., which is, in turn, the general partner of Sanibel Beach Place of Southwest Florida, Ltd., and acknowledged that he executed the same on behalf of said company and that he was duly authorized to do so.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

NOTARY PUBLIC, STATE OF Florida

Shari L. Noriega

Print Name: Shari L. Noriega

My Commission Expires: 6/25/05



South Florida Water Management District  
Legal Form Approved: SFWMD - January, 1998

**LEGAL DESCRIPTION  
WETLAND PRESERVE  
SANIBEL BEACH PLACE**

A PORTION OF SECTION 11 TOWNSHIP 46 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:


COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 11; THENCE S.00°38'30"E., ALONG THE WEST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 423.93 FEET TO THE **POINT OF BEGINNING** OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE S.38°38'27"E., A DISTANCE OF 67.49 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING: A RADIUS OF 20.40 FEET, A CENTRAL ANGLE OF 52°06'45", A CHORD BEARING OF S.64°41'49"E., AND A CHORD LENGTH OF 17.92 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 18.55 FEET; THENCE N.89°14'48"E., A DISTANCE OF 43.27 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING: A RADIUS OF 10.00 FEET, A CENTRAL ANGLE OF 90°00'00", A CHORD BEARING OF S.45°45'12"E., AND A CHORD LENGTH OF 14.14 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 15.71 FEET; THENCE S.00°45'12"E., A DISTANCE OF 124.87 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING: A RADIUS OF 58.40 FEET, A CENTRAL ANGLE OF 45°00'00", A CHORD BEARING OF S.23°15'12"E., AND A CHORD LENGTH OF 44.70 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 45.87 FEET; THENCE S.45°45'12"E., A DISTANCE OF 162.26 FEET; TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING: A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 23°52'46", A CHORD BEARING OF S.57°41'35"E., AND A CHORD LENGTH OF 20.69 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 20.84 FEET; THENCE S.69°37'58"E., A DISTANCE OF 79.45 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING: A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 11°08'54", A CHORD BEARING OF S.64°03'31"E., AND A CHORD LENGTH OF 9.71 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 9.73 FEET; THENCE S.58°29'04"E., A DISTANCE OF 135.52 FEET; THENCE S.60°10'02"E., A DISTANCE OF 41.36 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 100.00

FEET, A CENTRAL ANGLE OF  $07^{\circ}18'19''$ , A CHORD BEARING OF  $S.56^{\circ}30'00''E.$ , AND A CHORD LENGTH OF 12.74 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 12.75 FEET; THENCE  $S.52^{\circ}50'50''E.$ , A DISTANCE OF 65.88 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING: A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF  $07^{\circ}18'19''$ , A CHORD BEARING OF  $S.56^{\circ}30'00''E.$ , AND A CHORD LENGTH OF 12.74 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 12.75 FEET; THENCE  $S.60^{\circ}09'09''E.$ , A DISTANCE OF 154.02 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING: A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF  $48^{\circ}45'11''$ , A CHORD BEARING OF  $S.35^{\circ}46'34''E.$ , AND A CHORD LENGTH OF 41.27 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 42.55 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT HAVING: A RADIUS OF 52.00 FEET, A CENTRAL ANGLE OF  $44^{\circ}46'28''$ , A CHORD BEARING OF  $S.33^{\circ}47'12''E.$ , AND A CHORD LENGTH OF 39.61 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 40.64 FEET; THENCE  $S.81^{\circ}12'01''E.$ , A DISTANCE OF 159.52 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING: A RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF  $06^{\circ}50'55''$ , A CHORD BEARING OF  $S.84^{\circ}37'29''E.$ , AND A CHORD LENGTH OF 35.84 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 35.86 FEET; THENCE  $S.88^{\circ}02'56''E.$ , A DISTANCE OF 139.80 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING: A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF  $46^{\circ}13'35''$ , A CHORD BEARING OF  $N.68^{\circ}50'16''E.$ , AND A CHORD LENGTH OF 39.25 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 40.34 FEET; THENCE  $N.45^{\circ}43'29''E.$ , A DISTANCE OF 60.55 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING: A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF  $38^{\circ}11'09''$ , A CHORD BEARING OF  $N.64^{\circ}49'03''E.$ , AND A CHORD LENGTH OF 32.71 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 33.32 FEET; THENCE  $N.83^{\circ}54'38''E.$ , A DISTANCE OF 141.55 FEET; THENCE  $S.00^{\circ}45'54''E.$ , A DISTANCE OF 280.96 FEET; THENCE  $S.89^{\circ}38'48''W.$ , A DISTANCE OF 1,329.76 FEET TO SAID WEST LINE; THENCE  $N.00^{\circ}38'25''W.$ , ALONG SAID WEST LINE, A DISTANCE OF 916.43 FEET TO THE **POINT OF BEGINNING**. PARCEL CONTAINS 12.08 ACRES, MORE OR LESS.

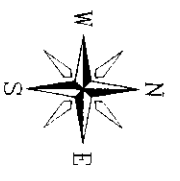
BEARINGS SHOWN HEREON REFER TO AN ASSUMED BEARING OF  $N.89^{\circ}14'48''E.$  ALONG THE SOUTHERLY RIGHT OF WAY LINE OF SUMMERLIN ROAD.



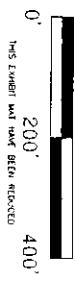
THIS PROPERTY IS SUBJECT TO EASEMENTS , RESTRICTIONS AND  
RESERVATIONS OF RECORD.

  
07/10/02  
STEPHEN E. BERRY, STATE OF FLORIDA, (L.S. #5296)  
BBL SURVEYORS & MAPPERS INC., (L.B. #6753)  
ZLEGAL AID DESCRIPTIONS\0125\PRESERVE EASE.LWP  
PROOFED BY MAC SSB

(SEE ATTACHED SKETCH - PRESERVE L&S.DWG)



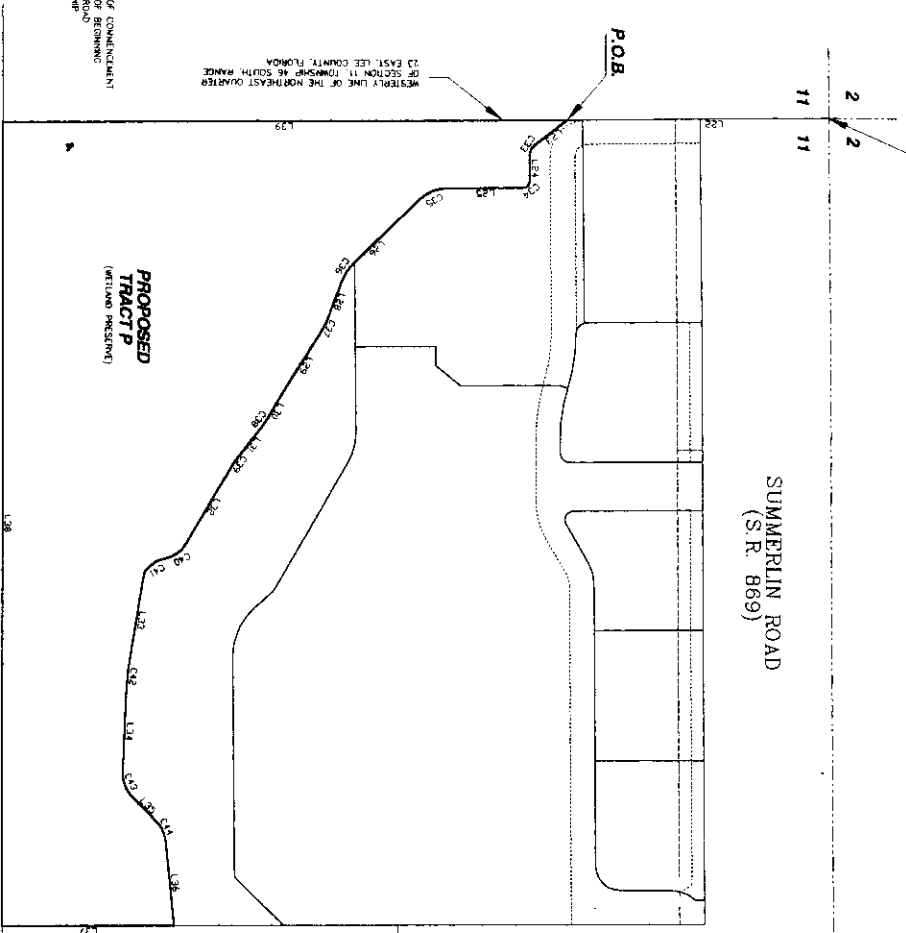
SCALE: 1" = 200'



THIS LENGTH MAY HAVE BEEN REDUCED

**P.O.C.**  
NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA

SUMMERLIN ROAD  
(S.R. 869)



- NOTES:**
- 1.) BEARINGS REFER TO AN ASSUMED BEARING OF N 89° 45' 47" E ALONG THE SOUTHERLY BOUNDARY OF THE MAIN LINE OF SUMMERLIN ROAD.
  - 2.) THIS PROPERTY IS SUBJECT TO RESTRICTIONS, EASEMENTS, OR ENCUMBRANCES OF RECORD.
  - 3.) DIMENSIONS SHOWN HEREIN ARE IN FEET AND DECIMALS THEREOF.

**LEGEND**

P.O.C. POINT OF COMMENCEMENT  
P.O.B. POINT OF BEGINNING  
TWP? TOWNSHIP  
RNG? RANGE

**PROPOSED TRACT P**  
(WETLAND PRESERVE)

**CURVE TABLE**

CHORD	RADIUS	ARC	DELTA	TANGENT	CHORD	BEARING
C01	20.00	16.53	52°06'43"	9.97	17.92	S44°41'49"E
C02	20.00	16.53	52°06'43"	9.97	17.92	S44°41'49"E
C03	20.00	16.53	52°06'43"	9.97	17.92	S44°41'49"E
C04	20.00	16.53	52°06'43"	9.97	17.92	S44°41'49"E
C05	20.00	16.53	52°06'43"	9.97	17.92	S44°41'49"E
C06	20.00	16.53	52°06'43"	9.97	17.92	S44°41'49"E
C07	20.00	16.53	52°06'43"	9.97	17.92	S44°41'49"E
C08	20.00	16.53	52°06'43"	9.97	17.92	S44°41'49"E
C09	20.00	16.53	52°06'43"	9.97	17.92	S44°41'49"E
C10	20.00	16.53	52°06'43"	9.97	17.92	S44°41'49"E
C11	20.00	16.53	52°06'43"	9.97	17.92	S44°41'49"E
C12	20.00	16.53	52°06'43"	9.97	17.92	S44°41'49"E
C13	20.00	16.53	52°06'43"	9.97	17.92	S44°41'49"E
C14	20.00	16.53	52°06'43"	9.97	17.92	S44°41'49"E
C15	20.00	16.53	52°06'43"	9.97	17.92	S44°41'49"E
C16	20.00	16.53	52°06'43"	9.97	17.92	S44°41'49"E
C17	20.00	16.53	52°06'43"	9.97	17.92	S44°41'49"E
C18	20.00	16.53	52°06'43"	9.97	17.92	S44°41'49"E
C19	20.00	16.53	52°06'43"	9.97	17.92	S44°41'49"E
C20	20.00	16.53	52°06'43"	9.97	17.92	S44°41'49"E
C21	20.00	16.53	52°06'43"	9.97	17.92	S44°41'49"E
C22	20.00	16.53	52°06'43"	9.97	17.92	S44°41'49"E
C23	20.00	16.53	52°06'43"	9.97	17.92	S44°41'49"E
C24	20.00	16.53	52°06'43"	9.97	17.92	S44°41'49"E
C25	20.00	16.53	52°06'43"	9.97	17.92	S44°41'49"E
C26	20.00	16.53	52°06'43"	9.97	17.92	S44°41'49"E
C27	20.00	16.53	52°06'43"	9.97	17.92	S44°41'49"E
C28	20.00	16.53	52°06'43"	9.97	17.92	S44°41'49"E
C29	20.00	16.53	52°06'43"	9.97	17.92	S44°41'49"E
C30	20.00	16.53	52°06'43"	9.97	17.92	S44°41'49"E
C31	20.00	16.53	52°06'43"	9.97	17.92	S44°41'49"E
C32	20.00	16.53	52°06'43"	9.97	17.92	S44°41'49"E
C33	20.00	16.53	52°06'43"	9.97	17.92	S44°41'49"E
C34	20.00	16.53	52°06'43"	9.97	17.92	S44°41'49"E
C35	20.00	16.53	52°06'43"	9.97	17.92	S44°41'49"E
C36	20.00	16.53	52°06'43"	9.97	17.92	S44°41'49"E
C37	20.00	16.53	52°06'43"	9.97	17.92	S44°41'49"E
C38	20.00	16.53	52°06'43"	9.97	17.92	S44°41'49"E
C39	20.00	16.53	52°06'43"	9.97	17.92	S44°41'49"E
C40	20.00	16.53	52°06'43"	9.97	17.92	S44°41'49"E
C41	20.00	16.53	52°06'43"	9.97	17.92	S44°41'49"E
C42	20.00	16.53	52°06'43"	9.97	17.92	S44°41'49"E
C43	20.00	16.53	52°06'43"	9.97	17.92	S44°41'49"E
C44	20.00	16.53	52°06'43"	9.97	17.92	S44°41'49"E

**LINE TABLE**

LINE	BEARING	LENGTH
L.01	S20°38'30"E	423.97
L.02	S20°38'30"E	423.97
L.03	S20°38'30"E	423.97
L.04	S20°38'30"E	423.97
L.05	S20°38'30"E	423.97
L.06	S20°38'30"E	423.97
L.07	S20°38'30"E	423.97
L.08	S20°38'30"E	423.97
L.09	S20°38'30"E	423.97
L.10	S20°38'30"E	423.97
L.11	S20°38'30"E	423.97
L.12	S20°38'30"E	423.97
L.13	S20°38'30"E	423.97
L.14	S20°38'30"E	423.97
L.15	S20°38'30"E	423.97
L.16	S20°38'30"E	423.97
L.17	S20°38'30"E	423.97
L.18	S20°38'30"E	423.97
L.19	S20°38'30"E	423.97
L.20	S20°38'30"E	423.97
L.21	S20°38'30"E	423.97
L.22	S20°38'30"E	423.97
L.23	S20°38'30"E	423.97
L.24	S20°38'30"E	423.97
L.25	S20°38'30"E	423.97
L.26	S20°38'30"E	423.97
L.27	S20°38'30"E	423.97
L.28	S20°38'30"E	423.97
L.29	S20°38'30"E	423.97
L.30	S20°38'30"E	423.97
L.31	S20°38'30"E	423.97
L.32	S20°38'30"E	423.97
L.33	S20°38'30"E	423.97
L.34	S20°38'30"E	423.97
L.35	S20°38'30"E	423.97
L.36	S20°38'30"E	423.97
L.37	S20°38'30"E	423.97
L.38	S20°38'30"E	423.97

DATE: 07/09/02  
FIELD BOOK & PAGE: N/A  
DRAWN BY: MJC  
APPROVED: SEB  
SCALE: 1" = 250'

**SKETCH TO ACCOMPANY LEGAL DESCRIPTION**  
(WETLAND PRESERVE)  
A PORTION OF SECTION 11,  
TOWNSHIP 46 SOUTH, RANGE 23 EAST,  
LEE COUNTY, FLORIDA

**BBL SURVEYORS & MAPPERS INC.**  
1502-A RAIL HEAD BLVD.  
NAPLES, FLORIDA 34110 (941) 597-1315

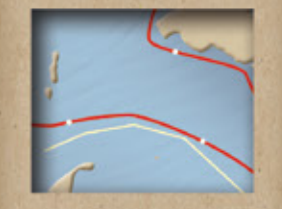
## Appendix G: Great Calusa Blueway Map



# The Great Calusa Blueway - Estero Bay



## THE GREAT CALUSA BLUEWAY



Estimated mile marks



Advanced paddlers No trail markers



Trail marker GPS coordinates



Channels Major boating channels



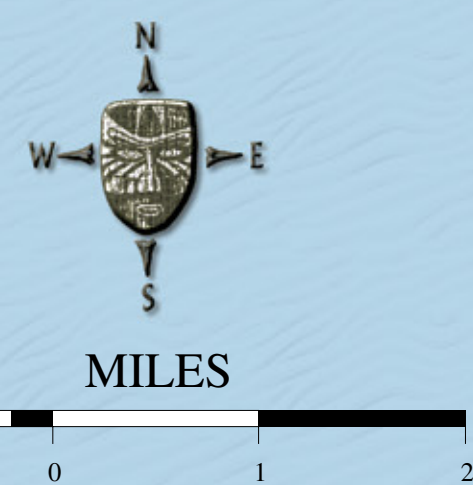
Trail markers Selected markers shown

Accessible Public Land  
County sites  
State sites

**Wading Bird Feeding & Loafing Areas**  
At low and medium tides, these areas are the main formations of oyster beds in Estero Bay, providing habitat for all species of shellfish feeders, probers and fish foragers.

**TRAIL MARKER NOTE**  
Please note that trail markers are not numbered sequentially due to forks in the trail

**NOT FOR NAVIGATIONAL USE**  
For local navigation charts, see those listed below:  
**NOAA Charts:**  
#11426 Charlotte Harbor - Estero Bay  
#11427 ICW from Estero to Boca Grande  
**Waterproof Charts:**  
#15F Fish Dive Sites-Marco to Tampa  
#20 ICW Fort Myers to Stewart  
#21 ICW Fort Myers to Tampa  
#25 Cape Romano to Boca Grande  
#121F Sanibel to Venice



## Highlights & Access Points

- 1 SAN CARLOS BAY - BUNCHE BEACH PRESERVE**  
GPS: N26 28 34 W81 58 02  
This Lee County property offers varied ecosystems including sandy beaches, salt flats and mangroves. The 730-acre site offers excellent opportunities for observation of shorebirds. Kayak / SUP rentals and guided trips available through concessionaire Kayak Excursions, 239-297-7011. 239-533-7444.
- 2 BOWDITCH POINT REGIONAL PRESERVE**  
GPS: N26 27 48 W81 57 58  
An unspoiled 17-acre Lee County recreation area with sandy beaches on both the bay and the gulf, and a boardwalk to the beach. Grills, changing facilities and outdoor showers are available. Named for the famous navigator, Nathaniel Bowditch. Kayak / SUP rentals and guided trips available through concessionaire Calusa Ghost Tours at Bowditch Park, 239-938-5342. 239-533-7444.
- 3 HOLIDAY ADVENTURE TOURS & BOAT RENTAL AT PINK SHELL RESORT & MARINA**  
GPS: N26 27 38 W81 57 51  
Kayak / SUP rentals, parking (fee) and beachside restaurants. 239-463-8661.
- 4 SAN CARLOS RV PARK & ISLAND RESORT**  
GPS: N26 28 05 W81 56 54  
Camp or stay in rentals in family-owned and operated resort surrounded by the bay. Tenters welcome. Stay along the water's edge and for paddling, fishing and birding. Launch sites for guests of campground only. 239-466-3133 or 800-525-7275.
- 5 SALTY SAM'S MARINA**  
GPS: N26 27 28 W81 56 36  
In addition to kayak rentals, this marina offers boat/paddle craft launching (fee), parking (fee), food, restaurant, and powerboat rentals. 239-463-7333.
- 6 MATANZAS PASS PRESERVE**  
GPS: N26 27 05 W81 56 11  
A 60-acre preserve where visitors can explore a maritime oak hammock and mangrove forest via two miles of boardwalk; boardwalk includes paddle craft landing. Historic cottage on site. 239-533-7444.
- 7 THE MOUND HOUSE**  
GPS: N26 26 46 W81 55 39  
The oldest home on Fort Myers Beach sits atop a Calusa shell mound that dates back 2,000 years. Facility is open for launching Monday-Saturday, 9 a.m.-4 p.m. Grounds open sunrise-sunset daily. Guided kayak tours occasionally offered. 239-765-0865.
- 8 FISH TALE MARINA**  
GPS: N26 24 47 W81 53 52  
Kayak rentals, classes and guided tours available through Crazy Woman Kayaks, 239-220-0525. 239-463-3600.
- 9 LOVERS KEY STATE PARK**  
GPS: N26 23 29 W81 50 23  
Gulf to bay state park offers a variety of amenities. Three launch sites within park, which has three entrances; admission fee. 239-463-4588. Kayak and canoe rentals and guided tours available through Nature Recreation Management of Lee County. 239-765-7788.
- 10 DOG BEACH**  
GPS: N26 22 49 W81 51 44  
Dogs run free in this beach setting on protected water. Launch byside across from Dog Beach. 239-533-7444.
- 11 BIG HICKORY ISLAND AREA LANCHES**  
GPS: N26 22 0 W81 51 24  
Squaw Creek  
GPS: N26 22 34 W81 51 37  
Big Hickory Island West  
GPS: N26 22 49 W81 51 42 W  
Kayak Beach  
Primitive launches with free parking and access to barrier island beach of Big Hickory. Landmark is the Bonita Springs water tower. 239-533-7444.
- 12 BOW TIE ISLAND**  
GPS: N26 22 35 W81 51 13  
Blueway Marker 8 is near this primitive site for tent camping, picnicking and landing. Practice Leave No Trace principles. 239-533-7444.
- 13 MOUND KEY ARCHAEOLOGICAL STATE PARK**  
GPS: N26 25 12 W81 51 43  
This man-made island, consisting of large shell middens rising as high as 31 feet, is one of the foremost preserved sites within the Calusa domain. Mound Key is believed to be the capital of the Calusa when the Spanish arrived in Florida and the location of the first Jesuit mission in the Spanish New World. Accessible only by boat; canoe and kayak landings are located at trail heads on the northwest and southeast portions of the island. 239-992-0311.
- 14 ESTERO RIVER SCRUB**  
GPS: N26 26 21 W81 50 24  
Part of Estero Bay Preserve State Park, this site features six miles of hiking, mountain biking and running trails through 1,260 acres of scrub habitat. These scrub ridges are historic dune systems providing habitat for gopher tortoises and other plants and animals that tolerate dry conditions. Paddlecraft landing only. 239-992-0311.
- 15 KORESHAN STATE HISTORIC SITE**  
GPS: N26 26 11 W81 49 10  
One of Florida's most unusual riverside parks features the remains of a utopian pioneer settlement founded in 1894 by Dr. Cyrus Teed. The group was based on a religious illumination that led the Koreshans to believe that the earth was a hollow sphere with life existing on the interior surface. Canoe rentals are available. Entrance fee. 239-992-0311.
- 16 ESTERO RIVER CANOE & TACKLE OUTFITTERS**  
GPS: N26 26 06 W81 48 38  
Canoe / kayak / SUP rentals with kayak fishing information available. 239-992-4050.
- 17 HICKORY BAIT & TACKLE AT WEEKS LANDING**  
GPS: N26 23 60 W81 50 25  
One of the oldest marina sites on Estero Bay. Launch fee includes all day parking. Ramp for powerboats; separate launch for kayakers. Kayak rentals, bait, tackle and pontoon boat "ferry" service to fishing spots for kayakers. 239-498-0090.
- 18 BIG HICKORY FISHING NOOK & MARINA**  
GPS: N26 21 31 W81 51 26  
Offers kayak and boat rentals, parking and restaurant. Paddle craft launch available nearby. 239-992-3945.
- 19 IMPERIAL RIVER PRESERVE**  
GPS: N26 20 10 W81 50 15  
A 39-acre Lee County Conservation 20/20 preserve ringed by mangroves with great bird watching. No facilities. 239-533-7275.
- 20 RIVER PARK**  
GPS: N26 20 14 W81 48 29  
This site has green space, boardwalks through mangroves and floating docks. Within walking distance of places to purchase lunch, provisions. 239-992-2556.
- 21 IMPERIAL RIVER BOAT RAMP**  
GPS: N26 20 19 W81 48 17  
A Lee County Parks & Recreation facility. Canoe and kayak launch separate from boat ramp. 239-533-7444.
- 22 RIVERSIDE PARK**  
GPS: N26 20 30 W81 46 46  
Spacious riverfront park with frequent art shows and festivals. Grounds showcase historic Lile's Hotel and Imperial River Cottages. Kayak rentals and tours available through concessionaire Calusa Ghost Tours at Riverside Park, 239-938-5342. 239-949-6262.

- Boat Launch
- Paddle Craft Launch
- Parking (not always free)
- Restaurant or Concession
- Phone
- Picnic Facilities
- Restrooms
- Lodging
- Hiking
- Biking
- Camping
- Historic Site

A COMPLETE LIST OF GUIDES AND OUTFITTERS CAN BE FOUND AT [WWW.CALUSABLUEWAY.COM](http://WWW.CALUSABLUEWAY.COM)

Great Florida Birding Trail  
[www.floridabirdingtrail.com](http://www.floridabirdingtrail.com)

Florida Greenways & Trails  
[www.dep.state.fl.us/gwt/guide/](http://www.dep.state.fl.us/gwt/guide/)



## **Appendix H: Legal Descriptions**

126241

This indenture made this the 27th day of December, 1949, between Fred M. Lowdermilk and Bertna B. Lowdermilk, husband and wife, of the County of Collier in the State of Florida, the parties of the first part, and Lee County, a county and political subdivision of the State of Florida, the party of the second part;

WITNESSETH: That the said parties of the first part for and in consideration of the sum of one dollar and other valuable and good considerations to them in hand paid by the said party of the second part, the receipt of which is hereby acknowledged, have granted, bargained and sold to the said party of the second part, its successors and assigns forever, the following described lands situated in Lee County, Florida, to-wit:

A tract or parcel of land lying in Government Lot 1 of Section 13 in Township 46 South of Range 28 East, and particularly described as follows:

From the Northeast corner of said Section 13 run South 53 minutes and 30 seconds East along the West line of said Section 13 (and the center line of the public highway, "Warren Road") for 995 feet to the point of beginning of the land hereby conveyed; from said point of beginning run South 58 degrees fifty-seven minutes and 30 seconds East for one hundred feet, thence run South 53 minutes and 30 seconds East parallel to the West line of said Section 13 for 200 feet, more or less, to the waters of San Carlos Bay; thence run Northwesterly along said waters to the West line of said Section 13; thence run North 43 minutes and 30 seconds West along said section line 200 feet, more or less, to the point of beginning of the land here conveyed. (All bearings used are for Florida West Zone plane co-ordinate system.)

TO HAVE AND TO HOLD with all riparian rights, privileges, tenancies and appurtenances, unto the party of the second part for the purpose of establishing and maintaining a public park, bathing beach and things pertaining to such park and bathing beach.

IN WITNESS WHEREOF the parties of the first part have hereunto set their hands and seals on the day and year first aforesaid.

Signed, sealed and delivered in the presence of us:

*[Handwritten signatures of witnesses]*

*Fred M. Lowdermilk* (seal)  
*Bertna B. Lowdermilk* (seal)

December  
#####

*2.11*  
*Pratt*

*...*



NOTARY PUBLIC  
STATE OF FLORIDA



THIS INDENTURE made this the 4<sup>th</sup> day of January, 1950, between Fred M. Lowdermilk and Bertha B. Lowdermilk, husband and wife, of the County of Lee and State of Florida, the parties of the first part, and Lee County, a county and political subdivison of the State of Florida, the party of the second part:

WITNESSETH: That the said parties of the first part for and in consideration of the sum of one dollar and other good and valuable considerations to them in hand paid by the said party of the second part, the receipt of which is hereby acknowledged, have granted, bargained and sold to the said party of the second part, its successors and assigns forever, the following described lands situated in Lee County, Florida, to-wit:

A tract or parcel of land in Government Lot 1 of Section 13 in Township 46 South of Range 23 East, and particularly described as follows:

From the Northwest corner of said Section 13 run South 53 minutes and 30 seconds East along the West line of said Section 13 (the center line of the public highway, "Warren Road") for 995 feet, thence run South 58 degrees, 57 minutes and 30 seconds East for 100 feet, to the point of beginning of the land hereby conveyed; from said point of beginning continue South 58 degrees, 57 minutes and 30 seconds East for 200 feet; thence run South 53 minutes and 30 seconds East parallel to the West line of said Section 13 200 feet, more or less, to the waters of San Carlos Pass; thence run Northwesterly along said waters to a point that is South    minutes and 30 seconds East of the point of beginning of the land here conveyed, thence run North 53 minutes and 30 seconds West parallel to the West line of said Section 13 to the point of beginning of the land hereby conveyed. (All bearings used are Florida West Zone plane co-ordinate system.)

TO HAVE AND TO HOLD with riparian rights, privileges, immunities and appurtenances, unto the party of the second part for the purposes of establishing and maintaining a public park, bathing beach and things pertaining to such park and bathing beach.

IN WITNESS WHEREOF the parties of the first part have hereunto set their hands and seals on the day and year first above written.

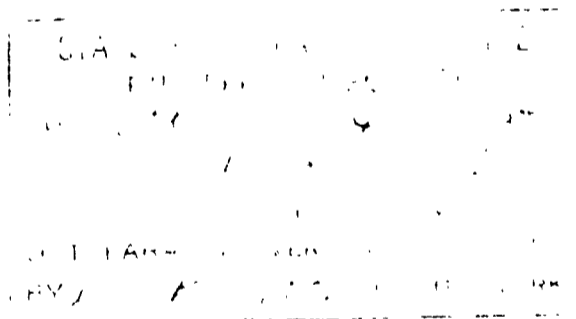
Signed, sealed and delivered in the presence of us:

Scott Houak  
Thomas H. Shande

Fred M. Lowdermilk (seal)  
Bertha B. Lowdermilk (seal)

RV-2





STATE OF FLORIDA

COUNTY OF LEE

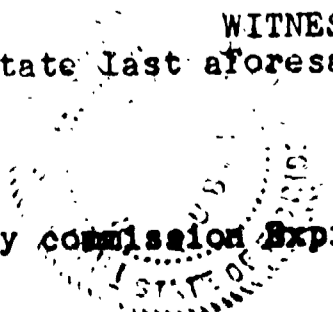
I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgements, personally appeared Fred M. Lowdermilk and Bertha B. Lowdermilk, husband and wife,

to me known to be the persons described in and who executed the foregoing instrument and they acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 4<sup>th</sup> day of January 1950.

*Henry W. Shanks*  
Notary Public

My commission Expires Oct 3, 1953 19 .



RY-2

127058

THIS INDENTURE Made this the 21st day of February, 1960, between Fred M. Lowdermilk and Bertha B. Lowdermilk, husband and wife, of the County of Collier in the State of Florida, the parties of the first part, and Lee County, a county and political subdivision of the State of Florida, the party of the second part:

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of one dollar and other valuable considerations, to them in hand paid by the said party of the second part, the receipt of which is hereby acknowledged, have granted, bargained and sold to the said party of the second part, its successors and assigns forever, the following described land situated in Lee County, Florida, to-wit:

A tract of land lying in Government Lot one in Section 13 in Township 40 South of Range 23 East, and particularly described as follows:

From the Northwest corner of said Section 13 run South 53 minutes and 30 seconds East along the West line of said Section 13 (and the center of the public highway, "Warren Road") for 995 feet to the point of beginning of the land hereby conveyed; from said point of beginning run South 58 degrees 57 minutes and 30 seconds East for 100 feet, thence South 53 degrees 30 seconds East parallel with the West line of said Section 13 for 200 feet, more or less, to the waters of San Carlos Bay; thence run Northwesterly along said waters to the West line of said Section 13, thence run North 53 minutes and 30 seconds West along said section line 200 feet, more or less, to the point of beginning hereby conveyed. (All bearings used are Florida West Zone plane co-ordinate system).

TO HAVE AND TO HOLD with all riparian rights, privileges and immunities and the appurtenances, unto the party of the second part for the purposes of establishing and maintaining a public park, bathing beach and things pertaining to such park and bathing beach.

This deed is made, executed and delivered to correct an error in the description of the land conveyed in that deed made by the parties of the first part to the party of the second part dated December 27, 1949, and recorded in the public records of Lee County, Florida, in Deed Book 198 at page 462 under file number 126241.

IN WITNESS WHEREOF the parties of the first part have

RV-2

hereunto set their hands and seals on the day and year first aforesaid.

Signed, sealed and delivered in the presence of us:

Fred M. Lowdermilk (Seal)

Bertha B. Lowdermilk (Seal)

Elizabeth M. McLean

Paul H. Jones



STATE OF FLORIDA, COUNTY OF LEE  
FILED FOR RECORD  
THIS 27th DAY OF FEBRUARY 1950  
IN DEED BOOK 199  
PAGE 513 AND RECORD VERIFIED  
BY T. FARABEL, CLERK CIRCUIT COURT  
DEPUTY CLERK

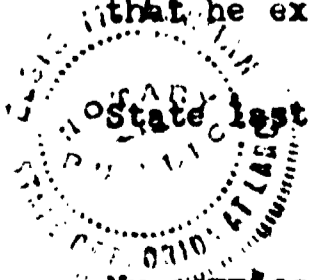
STATE OF FLORIDA

COUNTY OF COLLIER

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgements, personally appeared Fred M. Lowdermilk and Bertha B. Lowdermilk, husband and wife,

to me known to be the persons described in and who executed the foregoing instrument and they severally acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 25 day of February 1950.



Elizabeth M. McLean  
Notary Public

My commission Expires

19

Notary Public, State of Florida at Large  
My Commission expires June 13, 1951.  
Bonds: American Surety Co. of N. Y.



RV-2

**INSTR # 5225763**  
**OR BK 03478 PG 2319**

Recording Fees: \$ 19.50  
Documentary Stamp Taxes: \$ 44,660.00

RECORDED 09/04/01 02:10 PM  
CHARLIE GREEN CLERK OF COURT  
LEE COUNTY  
RECORDING FEE 19.50  
DOC TAX PD(F.S.201.02) 44,660.00  
DEPUTY CLERK B Cruz

Property Appraiser's Parcel  
Identification Numbers:  
11-46-23-00-00008.0000 11-46-23-00-00009.0000  
11-46-23-00-00009.0020 11-46-23-00-00009.0030  
11-46-23-00-00010.0000 11-46-23-00-00011.0000  
12-46-23-00-00007.0000 12-46-23-00-00010.0000  
12-46-23-00-00011.0000 13-46-23-00-00001.0000  
13-46-23-00-00003.0000 14-46-23-00-00001.0010  
14-46-23-00-00002.0000 14-46-23-00-00003.0000  
14-46-23-00-00004.0000 07-46-24-00-00013.001A

This Instrument Was Prepared By:  
Steven W. Hubbard, Esq.  
ROETZEL & ANDRESS, A Legal Professional Association  
2320 First Street, Suite 1000  
Fort Myers, FL 33901-2904  
(941) 337-3850

**WARRANTY DEED**

**THIS WARRANTY DEED**, made as of the 30th day of August, 2001, between **SUMMERLIN SANDS LIMITED PARTNERSHIP**, a Georgia limited partnership, whose address is c/o Jacoby Development, Inc., 1000 Abernathy Road NE, Suite 1250, Atlanta, GA 30328, (hereinafter the "GRANTOR"), and **LEE COUNTY**, a political subdivision of the State of Florida, whose post office address is P.O. Box 398, Fort Myers, FL 33902-0398 (hereinafter the "GRANTEE").

**WITNESSETH**, that the Grantor, for and in consideration of the sum of Ten and No/100ths Dollars (\$10.00) and other good and valuable consideration to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the Grantee, and Grantee's heirs, successors and assigns forever, the following described land, situate, lying and being in Lee County, Florida (the "Property"), to wit:

See Exhibit A attached hereto and incorporated herein by reference.

Together with any and all statutory, common law and other rights of way, ways of necessity, implied or other easements and other rights of access over the Property to any other lands of Grantor, including, without limitation, any lands "lessed out" of any legal description set forth on Exhibit A.

and the Grantor does hereby fully warrant the title to the Property, and will defend the same against the lawful claims of all persons whomever.

**IN WITNESS WHEREOF**, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

GRANTOR:  
SUMMERLIN SANDS LIMITED  
PARTNERSHIP, a Georgia limited partnership

By: Jacoby Development, Inc., a Georgia corporation

By: James F. Jacoby  
James F. Jacoby, Chairman

Address:  
c/o Jacoby Development, Inc.  
1000 Abernathy Road NE, Suite 1250  
Atlanta, GA 30328

Witnesses:

Mitchell B. Jacoby  
Print Name: MITCHELL B. JACOBY

Derek C. Jacoby  
Print Name: DEREK C. JACOBY

Acquisition approved by the Lee County Board  
of Commissioners action on 8-14-2001

(Notary language on following page)

and accepted on behalf of the board by  
Paul R. Reynolds on 8-30-2001

in accordance with BLUESHEET # 20010875

WO# 1

STATE OF GEORGIA )  
COUNTY OF FULTON )

THE FOREGOING INSTRUMENT was acknowledged before me this 24<sup>th</sup> day of August, 2001, by JAMES F. JACOBY, as Chairman of Jacoby Development, Inc., a Georgia corporation, the sole general partner of Summerlin Sands Limited Partnership, a Georgia limited partnership, on behalf of such corporation and limited partnership, who  is personally known to me or who  has produced \_\_\_\_\_ (type of ID) as identification.

Elizabeth L. Mowry  
Notary Public - State of Georgia

Elizabeth L. Mowry  
Printed Name

\_\_\_\_\_  
Commission No.                      Expiration Date

NOTARY RUBBER STAMP SEAL  
OR EMBOSSED SEAL

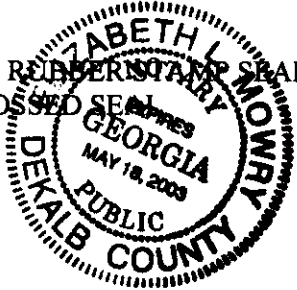


EXHIBIT A

(Legal Description)

Parcels 1-A & 1-C

That part of the South 1/4 of the Southeast 1/4 lying North of Rock Creek, all lying and being in Section 11, Township 46 South, Range 23 East.

LESS AND EXCEPT right of way for Bunche Beach Road.

Parcel 1-B

The East Half (E 1/2) of the Southeast Quarter (SE 1/4) of the Northwest Quarter (NW 1/4), and the East Half (E 1/2) of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4), and that parcel of land beginning at the southwest corner of the East Half (E 1/2) of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of said Section 11; thence south along the west line of the East Half (E 1/2) of the Southeast Quarter (SE 1/4) of the Northwest Quarter (NW 1/4) and the west line of the East Half (E 1/2) of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) for 2640 feet, more or less, to the southwest corner of the East Half (E 1/2) of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4); thence west along the south line Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) for 330 feet, more or less, to a point 333 feet east of the southwest corner of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4); thence northeasterly to the point of beginning.

AND

The South Half (S 1/2) of the Northeast Quarter (NE 1/4) and the North Three Quarters (N-3/4) of the Southeast Quarter (SE 1/4), all lying and being in Section 11, Township 46 South, Range 23 East.

LESS AND EXCEPT right of way for Bunche Beach Road.

Parcel 1-D

The Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) lying south of Rock Creek, Section 11, Township 46 South, Range 23 East, Lee County, Florida.

Parcel 1-E

The East Half (E 1/2) of the West Half (W 1/2) of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) lying south of Rock Creek, Section 11, Township 46 South, Range 23 East, Lee County, Florida.

Parcel 1-F

The North 1/2 of the Southeast 1/4 of Section 12, Township 46 South, Range 23 East, Lee County, Florida, less and except the following land: Commence at the Northeast corner of the Southeast 1/4 of said section 12; thence S 00°42'31" E along the east line of said Southeast 1/4 for 88.00 feet to the Point of Beginning; thence continue S 00°42'31" E along said line for 733.00 feet; thence S 89°17'29" W leaving said east line for 12.00 feet; thence N 00°14'22" W for 733.02 feet; thence N 89°17'29" E for 6.00 feet to the Point of Beginning.

Parcel 1-G

A tract or parcel of land lying in Section 11, Township 46 South, Range 23 East, described as follows: That part of the East Half (E 1/2) of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) lying South of SR 869 right of way.

Parcel. 1-H

The North 1/2 of the Southwest 1/4 and the East 1/2 of the Southeast 1/4 of the Northwest 1/4 and the North 1/2 of the South 1/2 of the Southwest 1/4 less railroad right of way, all lying and being in Section 12, Township 46 South, Range 23 East, Lee County, Florida.

LESS AND EXCEPT right of way for Bunche Beach Road.

Parcel 1-I

The Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section 13, Township 46 South, Range 23 East.

AND Government Lot 2 in Section 13, Township 46 South, Range 23 East, lying northwesterly of the following described line: Commence at the northeast corner of said Section 13; thence S87°34'40"W along the north line of said Section 13 as shown on Plat of Siesta Isles, Unit No. 4, a subdivision as recorded in Plat Book 29, Page 108 of the Lee County, Florida Public Records for 1744.21 feet to the Point of Beginning; thence S02°25'20"E for 205.00 feet; thence S87°34'40"W for 61.47 feet; thence S00°59'30"E for 1525.99 feet to the point of curvature of a tangent curve to the right having a radius of 352.68 feet; thence southwesterly along the arc of said curve for 255.50 feet to the point of tangency; thence S40°31'00"W for 300.58 feet; thence S28°07'12"W for 611.13 feet; thence S51°47'20"W for 600 feet, more or less, to the waters of San Carlos Bay.

Parcel 1-J

The South 1/2 of the South 1/2 of the Southwest 1/4 less railroad right of way, lying and being in Section 12, Township 46 South, Range 23 East, Lee County, Florida.

LESS AND EXCEPT right of way for Bunche Beach Road.

Parcel 1-K

Government Lot 1 in Section 13, Township 46 South, Range 23 East, LESS AND EXCEPT right of way for Bunche Beach Road; LESS AND EXCEPT the following: From the northwest corner of said Section 13, run S00°53'30"E along the west line of said section and the centerline of county road known as John Morris Road (Warren Road) (Bunche Beach Road) for 995 feet to the Point of Beginning of the lands excepted. From said point of beginning run S58°57'30"E for 300 feet; thence S00°53'30"E parallel with the west line of said Section 13 for 200 feet, more or less, to the waters of San Carlos Bay; thence northwesterly along said waters to a point on the west line of said Section 13; thence N00°53'30"W along said section line for 200 feet, more or less, to the point of beginning.

Parcel 1-L

That part of the West Half (W 1/2) of the Northeast Quarter (NE 1/4), lying South and East of Rock Creek, of Section 14, Township 46 South, Range 23 East.

Parcel 1-M

The West Half (W 1/2) of the West Half (W 1/2) of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section 14, Township 46 South, Range 23 East.

Parcel 1-O

The East Half (E 1/2) of the West Half (W 1/2) of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4), and the West Half (W 1/2) of the East Half (E 1/2) of the East Half (E 1/2) of the Northeast Quarter (NE 1/4) of Section 14, Township 46 South, Range 23 East.

Parcel 1-P

Beginning at the Northeast corner of Section 14, Township 46 South, Range 23 East; thence westerly along the North line of said Section 14 three hundred thirty feet; thence Southerly on a line parallel with the Easterly line of said Section to the North shore of San Carlos Bay; thence Southeasterly along the shore of San Carlos Bay to the Easterly line of said Section; thence Northerly to the point of beginning; LESS AND EXCEPT the right of way for the county road along the Easterly line of said Section 14.

Prepared by and Return to:  
Jeanette B. Goff  
Attorneys Escrow & Title Company, LLC  
11922 Fairway Lakes Drive, Suite 3, Ft. Myers, Florida 33913  
Parcel ID No: 12-46-23-01-0000G.0010

### Corrective Quit Claim Deed

Made this March 22, 2006 A.D. by **J. SCOTT CALLAN, individually and as Trustee**, hereinafter called the grantor, to **SUMMERLIN SANDS LIMITED PARTNERSHIP, a Georgia Limited Partnership**, whose address is, 1800 Century Place, Suite 200, Atlanta, Georgia 30345, hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal re-presentatives and assigns of individuals, and the successors and assigns of corporations)

**Witnesseth**, that the grantor, for and in consideration of the sum of \$ TEN AND NO/100 DOLLARS (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, does hereby remise, release, and quit claim unto the grantee forever, all the right, title, interest, claim and demand which the said grantor has in and to, all that certain land situate in Lee County, Florida, viz:

SEE ATTACHED EXHIBIT "A"

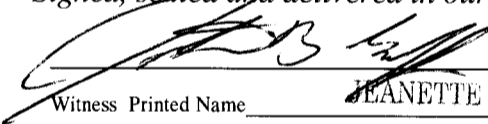
THIS CORRECTIVE DEED IS BEING RE-EXECUTED, RE-ACKNOWLEDGED, AND RE-RECORDED IN ORDER TO CORRECT THE LEGAL DESCRIPTION AS RECORDED IN OFFICIAL RECORDS BOOK 2605, PAGE 1238, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**To Have and to Hold**, the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said grantor, either in law or equity, to the only proper use, benefit and behoof of the said grantee forever.

**In Witness Whereof**, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

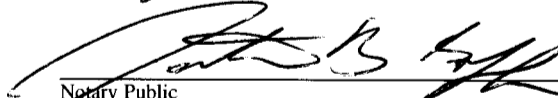
  
Witness Printed Name JEANETTE B. GOFF

  
J. Scott Callan, individually and as Trustee (Seal)

  
Witness Printed Name KENNETH GORE

State of Florida  
County of Lee

The foregoing instrument was acknowledged before me this 7<sup>th</sup> day, of April, 2006, by **J. SCOTT CALLAN, Individually and as Trustee**, who is personally known to me or who has produced Driver's License as identification.

  
Notary Public  
Print Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

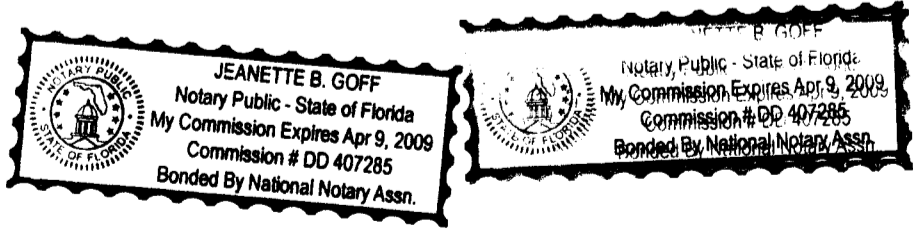




EXHIBIT A

The South 1/2 of the South 1/2 of the Southwest 1/4 and the North 1/2 of the Southwest 1/4 and the East 1/2 of the Southeast 1/4 of the Northwest 1/4 and the North 1/2 of the South 1/2 of the Southwest 1/4, less railroad right of way and the North 1/2 of the Southeast 1/4 all lying and being in Section 12, Township 46 South, Range 23 East, AND LESS AND EXCEPT right of way for Bunche Beach Road.

AND

Government Lot 1 in Section 13, Township 46 South, Range 23 East, LESS AND EXCEPT right of way for Bunche Beach Road;

AND LESS AND EXCEPT the following:

From the Northwest corner of said Section 13, run South 0 deg 53 min 30 sec East along the West line of said section and the centerline of county road, sometimes known as Warren Road and sometimes known as Bunche Beach Road, for 995 feet to the Point of Beginning of the lands excepted. From said Point of Beginning run South 58 deg 57 min 30 sec East for 300 feet; thence South 0 deg 53 min 30 sec East parallel with the West line of said Section 13 for 200 feet, more or less, to the waters of San Carlos Bay; thence run Northwesterly along said waters to a point on the West line of said Section 13; thence run North 0 deg 53 min 30 sec West along said section line for 200 feet, more or less, to the Point of Beginning. All bearings referred to herein being for the Florida West Zone Plane Coordinate System.

AND

The Northeast quarter (NE 1/4) of Northwest quarter (NW 1/4) of Section 13, Township 46 South, Range 23 East;

AND

Government Lot 2 in Section 13, Township 46 South, Range 23 East;

AND

Lots 1 through 23, inclusive, Block G; Lots 8 through 13, inclusive, Block I; Lots 1 through 24, inclusive, Block J; Lots 1 through 24, inclusive, Block K; Lots 1, 5, 6, 7, 8, 9, 10 and 12, Block N and Lots 14 and 15, Block R, Gulf City Subdivision, according to the map or plat thereof recorded in Plat Book 8, Page 60, public records of Lee County, Florida.

JSC

OR2605 Pg1240

tract or parcel of land lying in Section 11, Township 46 South, Range 23 East; described as follows:

That part of the East half (E 1/2) of the Northeast quarter (NE 1/4) of the Northwest quarter (NW 1/4) lying South of SR 869 right of way, and the East half (E 1/2) of the Southeast quarter (SE 1/4) of the Northwest quarter (NW 1/4) and the East half (E 1/2) of the Northeast quarter (NE 1/4) of the Southwest quarter (SW 1/4), and that parcel of land beginning at the Southwest corner of the East half (E 1/2) of the Northeast quarter (NE 1/4) of the Northwest quarter (NW 1/4) of said Section 11; thence run South along the West line of the East half (E 1/2) of the Southeast quarter (SE 1/4) of the Northwest quarter (NW 1/4) and the West line of the East half (E 1/2) of the Northeast quarter (NE 1/4) of the Southwest quarter (SW 1/4) for 2640 feet, more or less, to the Southwest corner of the East half (E 1/2) of the Northeast quarter (NE 1/4) of the Southwest quarter (SW 1/4); thence run West along the South line of the Northeast quarter (NE 1/4) of the Southwest quarter (SW 1/4) for 330 feet, more or less, to a point 333 feet East of the Southwest corner of the Northeast quarter (NE 1/4) of the Southwest quarter (SW 1/4); thence run Northeasterly to the point of beginning.

AND

That part of the Northwest 1/4 of the Northeast 1/4 lying South of Summerlin Road (SR 869); and the South 1/2 of the Northeast 1/4; the North 3/4 of the Southeast 1/4 and that part of the South 1/4 of the Southeast 1/4 lying North of Rock Creek, all lying and being in Section 11, Township 46 South, Range 23 East, LESS AND EXCEPT right of way for Bunche Beach Road..

AND

Government Lot 2 and the Northwest 1/4 of the Southwest 1/4, and the Southwest 1/4 of the Northwest 1/4 and that part of the West 1/2 of the Northeast 1/4 of the Northwest 1/4 lying South of Summerlin Road (SR 869); and beginning at the Southwest corner of the East 1/2 of the Northeast 1/4 of the Northwest 1/4; thence Westerly along the North line of the Southeast 1/4 of the Northwest 1/4, 664 feet, more or less, to the Northwest corner of the said Southeast 1/4 of the Northwest 1/4; thence Southerly along the West line of the Southeast 1/4 of the Northwest 1/4 and the Northeast 1/4 of the Southwest 1/4 to the Southwest corner of the Northeast 1/4 of the Southwest 1/4; thence Easterly along the Southerly line of the Northeast 1/4 of the Southwest 1/4 for 333 feet; thence Northeasterly to the point of beginning, all in Section 11, Township 46 South, Range 23 East.

LESS AND EXCEPT:

A tract or parcel of land lying in Section 11, Township 46 South, Range 23 East, described as follows:

The West 230.00 feet of the East 440.00 feet of the West one half (W 1/2) of the Northeast one quarter (NE 1/4) of the Northwest one quarter (NW 1/4) of said Section 11, lying Southerly of

**AND LESS AND EXCEPT:**

Beginning at the Southwest corner of the West 230.00 feet of the East 440.00 feet of the West one half (W 1/2) of the Northeast one quarter (NE 1/4) of the Northwest one quarter (NW 1/4) of Section 11, Township 46 South, Range 23 East; thence run Southwesterly to the waters of San Carlos Bay passing through a point 275.00 feet Westerly of the Southeast corner of the Northwest one quarter (NW 1/4) of the Southwest one quarter (SW 1/4) of said Section 11, as measured along the Southerly line of said fraction of a section; thence Easterly and Southeasterly along said waters to the East line of the West one half (W 1/2) of said Section 11, said line also being the East line of Government Lot 2 of said section; thence North along said East line to the North line of said Government Lot 2; thence West along said North line to a point 333 feet Easterly of, as measured along said fractional line, the Southwest corner of the Northeast one quarter (NE 1/4) of the Southwest one quarter (SW 1/4) of said Section 11; thence Northeasterly to the Southeast corner of the West one half (W 1/2) of the Northeast one quarter (NE 1/4) of the Northwest one quarter (NW 1/4) of said section; thence West on the South line of said fraction of a section 440 feet more or less to the Point of Beginning.

**AND LESS AND EXCEPT**

That part of the West one half (W 1/2) of the Northeast one quarter (NE 1/4) of the Northwest one quarter (NW 1/4) less the East 440.00 feet, lying Southerly of Summerlin Road (S.R. 869), lying and being in Section 11, Township 46 South, Range 23 East.

**AND LESS AND EXCEPT**

Beginning at the Northeast corner of the Southwest one quarter (SW 1/4) of the Northwest one quarter (NW 1/4) of Section 11, Township 46 South, Range 23 East; thence run Easterly along the South line of the West one half (W 1/2) of the Northeast one quarter (NE 1/4) of the Northwest one quarter (NW 1/4) of said Section 11 for approximately 224 feet to the Southwest corner of the East 440.00 feet of said fraction of a section; thence run Southwesterly to the waters of San Carlos Bay passing through a point 275.00 feet Westerly of the Southeast corner of the Northwest one quarter (NW 1/4) of the Southwest one quarter (SW 1/4) of said Section 11, as measured along the Southerly line of said fraction of a section; thence Westerly and Northwesterly along said waters to an intersection with the West line of said Section 11; thence Northerly along said section line to the Southwest corner of the Northwest one quarter (NW 1/4) of the Southwest one quarter (SW 1/4) of said Section 11; thence Northeasterly to a point on the North line of the Southwest one quarter (SW 1/4) of the Northwest one quarter (NW 1/4) of said Section 11, said point being 900.00 feet Easterly of, as measured along said fractional line, the Northwest corner of said fractional section; thence Easterly along said line to the Point of Beginning.

**AND LESS AND EXCEPT**

A parcel of land lying in the Northeast quarter (NE 1/4) of Section 11, Township 46 South, Range 23 East, described as follows:

JSC

Commencing at a found concrete monument marking the North quarter corner of said Section 11; thence S. 00 deg 35 min 25 sec E for 210.00 feet to the Southerly right of way of Summerlin Road (SR No. 869) (215 feet wide); thence N. 89 deg 14 min 48 sec E along said Southerly right of way for 663.64 feet to the Point of Beginning. From said Point of Beginning thence S. 0 deg 42 min 11 sec E for 1135.00 feet; thence S. 89 deg 38 min 48 sec W for 664.88 feet; thence N. 00 deg 38 min 25 sec W for 1130.36 feet to the said Southerly right of way of Summerlin Road; thence N. 89 deg 14 min 48 sec E for 663.46 feet to the Point of Beginning.

**AND LESS AND EXCEPT**

A parcel of land lying in the Northeast quarter (NE 1/4) of Section 11, Township 45 South, Range 23 East, described as follows:

Commencing at a found concrete monument marking the North quarter corner of said Section 11; thence S. 00 deg 35 min 25 sec E for 210.00 feet to the Southerly right of way of Summerlin Road (SR No. 869) (215 feet wide); thence N. 89 deg 14 min 48 sec E along said Southerly right of way for 1327.27 feet to the Point of Beginning. From said Point of Beginning thence S. 00 deg 45 min 54 sec E for 1139.64 feet to a found concrete post stamped F-642; thence S. 89 deg 38 min 48 sec W for 664.88 feet; thence N. 0 deg 42 min 11 sec W for 1135.00 feet to said Southerly right of way line of Summerlin Road; thence N. 89 deg 14 min 48 sec E for 663.63 feet to the Point of Beginning.

**AND**

The Southwest quarter (SW 1/4) of the Southeast quarter (SE 1/4) of the Southeast quarter (SE 1/4) of the Southeast quarter (SE 1/4), lying South of Rock Creek, and that part of the East half (E 1/2) of the West half (W 1/2) of the Southwest quarter (SW 1/4) of the Southeast quarter (SE 1/4) of the Southeast quarter (SE 1/4), lying South of Rock Creek, Section 11, Township 46 South, Range 23 East, Lee County, Florida.

**ALSO**

The East half (E 1/2) of the West half (W 1/2) of the Northeast quarter (NE 1/4) of the Northeast quarter (NE 1/4), and the West half (W 1/2) of the East half (E 1/2) of the East half (E 1/2) of the Northeast quarter (NE 1/4) of Section 14, Township 46 South,

Range 23 East, and that part of the West half (W 1/2) of the Northeast quarter (NE 1/4), lying South and East of Rock Creek, and the West half (W 1/2) of the West half (W 1/2) of the Northeast quarter (NE 1/4) of the Northeast quarter (NE 1/4) of Section 14, Township 46 South, Range 23 East.

**ALSO**

Beginning at the Northeast corner of Section 14, Township 46 South, Range 23 East; thence Westerly along the North line of said Section 14 three hundred thirty feet; thence Southerly on a line parallel with the Easterly line of said Section to the North shore of San Carlos Bay; thence Southeasterly along the shore of San Carlos Bay to the Easterly line of said Section; thence Northerly to the point of beginning; LESS AND EXCEPT the right of way for the County Road along the Easterly line of said Section 14.

AND

The southerly 300 feet of the following described parcel:

Beginning at the Southwest corner of the Southwest quarter of the Southwest quarter of Section 7, Township 46 South, Range 24 East; thence East 100 feet to the centerline of State Road 865; thence run 660 feet in a Northeasterly direction over and along the centerline of State Road 865; thence run in a Northwesterly direction to a point on the West line of said quarter-quarter Section 660 feet North of the place of beginning; thence run South along the West line of said quarter-quarter section 660 feet to the place of beginning.

Being a portion of Section 7, Township 46 South, Range 24 East.

OR2605 P01244

CHARLIE GREEN LEE, CIV. PL.  
95 JUN -2 AM 11:37

JSC

This Instrument Prepared by:

AND RETURN TO:

County Lands Division

Post Office Box 398

Fort Myers, Florida 33902-0398

Project: Sanibel Beach Place

STRAP Number: 11-46-23-02-0000P.0000

Current STRAP No. 11-46-23-02-0000P.00CE

WARRANTY DEED and GRANTOR'S COVENANT TO MAINTAIN

THIS INDENTURE, Made this 14<sup>th</sup> day of June 2004, between SANIBEL BEACH PLACE OF SOUTHWEST FLORIDA, LTD, a Florida limited partnership, whose address is 2226 S.R. 580, Clearwater, Florida 33763, GRANTOR, and LEE COUNTY, a political subdivision of the State of Florida whose address is P.O. Box 398, Ft. Myers, Florida, 33902-0398, GRANTEE;

WITNESSETH, That the GRANTOR, for and in consideration of the sum of \$10.00 Dollars, to them in hand paid by the GRANTEE, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the GRANTEE, their heirs and assigns forever, the following described land:

A parcel of land in Section 11, Township 46 South, Range 23 East, identified as Tract "P" of the plat of Sanibel Beach Place, recorded in Plat Book 74, Pages 15 and 16, of the Public Records of Lee County Florida.

The herein described property is being conveyed subject to and with the benefits of the terms of a Deed of Conservation Easement given by the within Grantor to the South Florida Water Management District by instrument dated July 26, 2002 and recorded on August 23, 2002, in Official Records Book 3712, Page 1474, of the Public Records of Lee County, Florida.

The within Grantor, for itself, its successors and assigns agrees to remain fully responsible for any permit related maintenance and monitoring in accordance with South Florida Water Management District Permit No. 36-04192-P, and U.S. Army Corps of Engineering Permit No. 199900014 (IP-DEY). In addition, the herein Grantor, its successor and assigns retain all responsibility for compliance with the terms and conditions of the Consent Final Judgment and Settlement Agreement Between Robert B. Troutman, Jr., and the Florida Department of Environmental Regulation as stipulated in Official Records Book 2014, Page 1005, as re-recorded in Official Records Book 2032, Page 2116 and Official Records Book 2587, Page 418, of the Public Records of Lee County, Florida.

The GRANTOR does hereby fully warrant the title to the land, and will defend the title against the lawful claims of all persons.

IN WITNESS WHEREOF, The GRANTOR has hereunto set their hands and seals on the date set forth above.

Signed, sealed and delivered in presence of two separate witnesses:

[Signature]
1st Witness Signature

Tom O'Reilly
Printed Name of 1st Witness

[Signature]
2nd Witness Signature

Nancy L. Gillespie
Printed Name of 2nd Witness

STATE OF FLORIDA
COUNTY OF DWELLAS

SANIBEL BEACH PLACE OF SOUTHWEST FLORIDA, LTD., a Florida limited partnership

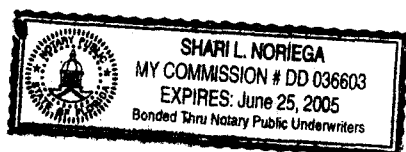
By: KB INVESTMENT HOLDINGS, LTD., a Florida limited partnership, its Sole General Partner

[Signature]
Robert E. Schmidt, Jr., Its Sole General Partner

Acquisition approved by the Lee County Board of Commissioners action on NOV. 22, 2005 and accepted on behalf of the board by Paul R. Schmitt on DEC. 1, 2005 in accordance with BS 20051614, C6A

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of June, 2004, by Robert E. Schmidt, Jr., Sole General Partner of KB Investment Holdings, LTD., a Florida limited partnership, Sole General Partner of Sanibel Beach Place of Southwest Florida, LTD., a Florida limited partnership, on behalf of the Partnership. He is personally known to me or has produced \_\_\_\_\_ as identification. (type of identification)

SEAL



[Signature]
(Signature of Notary Public)

(Name typed, printed or stamped)
(Title or Rank)
(Serial Number, if any)

6

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT  
IN AND FOR LEE COUNTY, FLORIDA

LEE COUNTY, FLORIDA, a political subdivision  
of the State of Florida,

Petitioner,

vs.

CASE NO. 06CA-91-I

CATHY D. KELLY; DANNY M. KELLY;  
CYNTHIA KAY TANT; and LEE COUNTY  
TAX COLLECTOR,

Respondents.

\_\_\_\_\_ /

**ORDER OF TAKING**

THIS CAUSE, coming on to be heard by the Court and it appearing that proper notice was first given to Respondents and all persons having any equity, lien, title or other interest in or to the real property described in the Petition, that Petitioner would apply to this Court on March 27, 2006, for an Order of Taking and the Court being fully advised in the premises, upon consideration, the Court finds as follows:

1. That this Court has jurisdiction of the subject matter and the parties to this cause.
2. That the pleadings in this cause are sufficient and the Petitioner is properly exercising its delegated authority.
3. That it is necessary to take a fee simple interest in the property described as follows:

SEE EXHIBIT "A" ATTACHED.

4. That the property is necessary for the purpose of improving traffic flow, parking, public access and public safety to San Carlos Bay/Bunche Beach Preserve.
5. That the property is taken for a public purpose.

FILED LEE CO. FLORIDA  
CLERK OF CIRCUIT  
2006 MAY -4 AM 11:02  
BY \_\_\_\_\_

6. That the estimate of value in this cause made by Petitioner was made in good faith and based upon a valid appraisal.

7. That the Petitioner is entitled to immediate possession of the property described in the Petition and Exhibit "A", prior to the entry of Final Judgment.

8. That said deposit of money will secure the persons lawfully entitled to the compensation which will ultimately be determined by Final Judgment.

9. Pursuant to F.S. 73.061, the Lee County Tax Collector is entitled to payment of the current (pro-rated from January 1 of the current year through date of deposit) ad valorem taxes and any delinquent ad valorem taxes levied upon the lands to be taken hereunder, with such taxes to be assessed against the owner and paid over to the Lee County Tax Collector before disbursement of the Court Registry's deposit by the Clerk of Courts.

**IT IS THEREFORE ORDERED AND ADJUDGED:**

1. That the sum of money to be deposited in the registry of the court within twenty (20) days of the entry of this Order shall be in the amount of ONE MILLION SIX HUNDRED SEVENTY THOUSAND AND 00/100 (\$1,670,000.00) to be apportioned as follows: Parcel Strap No. 11-46-23-00-00009-0040: \$1,670,000.00.

2. Upon deposit of the good faith estimate of value by LEE COUNTY, the Clerk is directed to pay from the deposit to the Lee County Tax Collector current (pro-rated from January 1<sup>st</sup> of the current year through the date of deposit) ad valorem taxes and any delinquent ad valorem taxes levied upon the lands taken.

3. That on deposit as set forth above and without further notice or order of this Court title or the interest sought in the Petition shall vest in LEE COUNTY and LEE COUNTY shall be entitled to immediate possession of the property described in the Petition.



4. If Petitioner shall default in the depositing of said sum of money within the time provided, this Order shall be void and of no further force or effect.

DONE AND ORDERED in Fort Myers, Lee County, Florida, on this 3 day of May, 2006.

  
\_\_\_\_\_  
JOHN S. CARLIN  
CIRCUIT JUDGE

Pursuant to Rule 1.080,  
Florida Rules of Civil Procedure,  
a copy of the foregoing was  
mailed to:

John J. Renner, Chief Assistant County Attorney  
All parties on attached service list

on May 3, 2006.

By:   
\_\_\_\_\_  
Judicial Assistant

**SERVICE LIST**

Cathy D. Kelly  
Danny M. Kelly  
c/o Kenneth A. Jones, Esq.  
Roetzel & Andress  
2320 First Street, Suite 1000  
Fort Myers, FL 33901

Lee County Tax Collector  
c/o Anne Dalton, Esq.  
P. O. Box 850  
Fort Myers, FL 33902-0850

## Exhibit "A"

That portion of the North Half ( $N\frac{1}{2}$ ) of the Southeast Quarter ( $SE\frac{1}{4}$ ) of the Southeast Quarter ( $SE\frac{1}{4}$ ) of the Southeast Quarter ( $SE\frac{1}{4}$ ) and the Southeast Quarter ( $SE\frac{1}{4}$ ) of the Southeast Quarter ( $SE\frac{1}{4}$ ) of the Southeast Quarter ( $SE\frac{1}{4}$ ) of the Southeast Quarter ( $SE\frac{1}{4}$ ) of Section 11, Township 46 South, Range 23 East, Lee County, Florida, lying South of Rock Creek.

(3)

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT  
IN AND FOR LEE COUNTY, FLORIDA

LEE COUNTY, FLORIDA, a political subdivision  
of the State of Florida,

Petitioner,

vs.

CATHY D. KELLY; DANNY M. KELLY;  
CYNTHIA KAY TANT; and LEE COUNTY  
TAX COLLECTOR,

Respondents.

INSTR # 2008000100091, Pages 3  
Doc Type JUD, Recorded 04/16/2008 at 08:53 AM,  
Charlie Green, Lee County Clerk of Circuit Court

Deputy Clerk SHUGHES  
#20

CASE NO. 06CA-91-I

2008 APR 15 AM 11:37  
D.C.

**STIPULATED FINAL JUDGMENT**

**THIS CAUSE** having come upon joint motion for the entry of a Final Judgment made by the Petitioner, **LEE COUNTY**, and the Respondents, **CATHY D. KELLY and DANNY M. KELLY**, set forth herein below, and it appearing to the Court that the parties were authorized to enter into such a motion, and the Court finding the compensation to be paid by the Petitioner is full, just and reasonable for all parties concerned, and the Court being fully advised in the premises, it is therefore

**ORDERED AND ADJUDGED:**

1. That the Petition in this action has been fully and finally adjudicated.
2. That the vesting of title to the real property described in Exhibit "A" attached hereto, which vested in the Petitioner by Order of Taking dated May 3, 2006, effective as of May 17, 2006, is ratified and confirmed.
3. That the Respondents do have and recover from the Petitioner, **LEE COUNTY**, the following sums, less ad valorem taxes previously paid to the Tax

Collector, as full compensation for the property taken and for any and all damages of any nature:

Bunche Beach Parcel: \$2,567,857.00.

4. That Lee County, having previously deposited \$1,670,000.00 in the Court Registry, shall be entitled to a credit for that amount.

5. That within 30 days of service of this judgment, **LEE COUNTY** shall issue a check in the amount of **\$897,857.00**, payable to **ROETZEL & ANDRESS TRUST ACCOUNT**, c/o Kenneth A. Jones, Esq., 2320 First Street, Suite 1000, Fort Myers, Florida 33901.

6. That the Court reserves jurisdiction to adjudicate any claims for taxable costs, expert fees and attorney fees.

**DONE AND ORDERED** in Chambers at the Lee County Justice Center, Fort Myers, Lee County, Florida, this \_\_\_\_ day of APR 14 2008, 2008.

  
HON. SHERRA WINESETT  
Circuit Judge

Conformed copies to:

John J. Renner, Chief Assistant County Attorney  
Kenneth A. Jones, Esq.

on APR 14 2008, 2008.

By: S/ LINDA J. HAYSLIP  
JUDICIAL ASSISTANT  
Judicial Assistant

## Exhibit "A"

That portion of the North Half ( $N\frac{1}{2}$ ) of the Southeast Quarter ( $SE\frac{1}{4}$ ) of the Southeast Quarter ( $SE\frac{1}{4}$ ) of the Southeast Quarter ( $SE\frac{1}{4}$ ) and the Southeast Quarter ( $SE\frac{1}{4}$ ) of the Southeast Quarter ( $SE\frac{1}{4}$ ) of the Southeast Quarter ( $SE\frac{1}{4}$ ) of the Southeast Quarter ( $SE\frac{1}{4}$ ) of Section 11, Township 46 South, Range 23 East, Lee County, Florida, lying South of Rock Creek.

## **Appendix I: Expended and Projected Costs & Funding Sources**

## Appendix I - Expended and Projected Costs and Funding Sources

### EXPENDED \$

#### Structures and Improvements

Item	Funding Source	Costs
Clear vegetation & prep area for construction of facilities	C20/20 & LCPR	in-house
Outdoor Activity Center (design, permits & development costs of: parking, fishing piers, hurricane rated Clivus Multrum restrooms, kayak/canoe launches, picnic tables, trash cans, boardwalk, kiosk - 2010)	FCT	\$500,000
	Lee Co. TDC	\$500,000
	Lee Co. RPIF	\$200,000
	Florida Recreational Development Assistance Program (FRDAP)	\$200,000
Plant gumbo limbo	LCPR	\$70
Install Interpretative Signs	LCPR	\$1,500
<b>total</b>		<b>\$1,401,570</b>

#### Resource Enhancement and Protection

Item	Funding Source	Costs
Exotic Plant Removal - 2003	FDEP Bureau of Invasive Plant Management (BIPM)	\$50,000
Exotic Plant Removal - 2003	FCT (match to BIPM)	\$15,000
Exotic Plant Removal (MU 2) - 2005	USFWS Partners for Fish & Wildlife	\$25,000
Exotic Plant Removal (MU 2) - 2005	C20/20 & LCPR (grant match to USFWS)	\$25,000
Exotic Plant Removal (behind Sanibel View MU 1) - 2007	FCT	\$10,000
Reconnaissance Level Cultural Resource Survey - 2009	FCT	\$2,300
Exotic plant removal from Piping Plover Habitat - 2010	USFWS Cooperative Grant Agreement	\$58,000
Exotic plant follow-up work (5-years in Plover Habitat) & burning piles of exotic vegetation - 2010+	C20/20 & LCPR (grant match with staff, equipment & supplies)	\$64,800
Exotic Plant Removal - 2011	FCT	\$4,345
<b>total</b>		<b>\$254,445</b>

#### Overall Protection

Item	Funding Source	Costs
Natural Areas Closed Signs (wildlife & vegetation protection - 2005)	FCT	\$300
Ordinance & No Dogs Sign - 2004	FCT	\$160
No Kite Boarding Sign - 2010	FCT	\$50
New Ordinance Sign	LCPR	\$655
Boundary signs 2011-12	C20/20	\$270
Trash removal	LCPR staff & volunteers	in-house
<b>total</b>		<b>\$1,435</b>

**TOTAL COST TO DATE**

**\$1,657,450**



## Appendix I - Expended and Projected Costs and Funding Sources

### PROJECTED \$

#### Education Programs

Item	Possible Funding Sources	Costs
Information Kiosk & Educational Markers	Tourist Development Council (TDC) &/or Charlotte Harbor National Estuary Program (CHNEP)	\$5,000
Education Program Material including Trail Guides	LCPR	\$5,000
<b>Total Cost Estimate</b>		<b>\$10,000</b>

#### Overall Protection

Item	Possible Funding Sources	Costs
Fence repairs	C20/20	\$100
Fence Installation/Replacement	FCT & C20/20	\$10,000
Boundary Signs	C20/20	\$1,000
Information Signs	C20/20, Tourist Development Council (TDC) &/or Program Grants (FRDAP)	\$5,000
<b>Total Cost Estimate</b>		<b>\$16,100</b>

**Grand Total Cost Estimate                      \$26,100**

#### Site Management and Maintenance

Item	Possible Funding Sources	Costs
Exotic plant control	FCT & C20/20	\$5,000
Replace Vandalized Boundary Signs	C20/20	\$90
Maintenance Staff	TDC	\$40,000-\$60,000
<b>Yearly Maintenance Estimate</b>		<b>\$45,090-\$65,090</b>