



MEMORANDUM

To: Chuck Adams – Manager River Ridge CDD
From: Charlie Krebs, P.E. – District Engineer
Date: May 21, 2024
Subject: Conservation Area – Do and Don't List

HM Project No. 1996028

The onsite conservation areas that are owned by the River Ridge Community Development District (District) are subject to a recorded conservation easement that is in favor of the South Florida Water Management District (SFWMD). This easement is recorded in the records of Lee County under OR Book 3819 Page 1936. The conservation easement is a requirement of the SFWMD Environmental Resource Permit 36-03219-P which was issued to WCI on May 19, 1997 and recorded on January 1, 2003.

The purpose of the conservation easement is to “*retain land or water areas in their natural, scenic, open, or wooded condition and to retain such areas as suitable habitat for fish, plants or wildlife.*”

The easement grants the following rights to Grantee, SFWMD.

- *To enter upon the Property at reasonable times to observe and inspect the Property to enforce the rights granted herein in a manner that will not unreasonably interfere with the use and quiet enjoyment of the Property by the District, provided however, that SFWMD shall provide 24 hours notice to Grantor prior to its inspection of the Property;*
 - This allows SFWMD staff access to the property with a 24 hour notice to inspect the property for compliance to the approved permits.
- *To enforce, by any proceeding in law and equity, any and all terms of this conservation easement including the right to enjoin any activity on or use of the Property that is inconsistent with the purpose of this conservation easement and to enforce the restoration of such areas or feature of the Property that may be damaged by any inconsistent activity or use.*
 - This is the enforcement mechanism for SFWMD that would allow them to enforce the conditions of permit approval for violations discovered during an inspection.

The conservation easement **prohibits** the following activities.

- *Construction or placing of structures, including but not limited to boardwalks, gazebos and buildings.*
 - This condition excludes the approved boardwalks, bridges and trails that are included in the ERP.
- *Dumping or placing of soil or other substance or materials as landfill, or dumping or placing of trash, waste, or unsightly or offensive materials, except where the placement of soil is necessary to install*

and maintain underground culverts and surface water management structures, subject to written approval of SFWMD, Grantor and other appropriate regulatory agencies.

- If the proposed maintenance activities require the clearing of any vegetation within the conservation area, written approval from SFWMD is required as this can place the District in a non-compliance situation, subject to fines and penalties.
- *Removal or destruction of native trees, shrubs or vegetation, except for trimming or removing dead or diseased trees or removal of exotic and nuisance vegetation in accordance with the permit.*
 - The wetland mitigation plan connected with the ERP approval is Exhibit 29B. This plan outlines the mitigation, enhancement restoration and monitoring and maintenance of the onsite conservation areas. Monitoring occurred for the first 5 years after enhancement and restoration work was completed. Ongoing maintenance activities are described as maintaining exotic species at 1% or less and nuisance species at 10% or less.
 - In practice, removal of dead trees must be approved by SFWMD as dead trees are labeled as “snags” and provide habitat for different species. Trees that pose a possible danger to people and property may be trimmed to the limits of the conservation line. Notification and approval from SFWMD of proposed trimming activities is required before the activities commence. Exception would be of a dead tree that has fallen outside of the conservation area. Trimming of the fallen trees to the conservation line is allowed.
- *Excavation, dredging, or removal of loam, peat, gravel, soil rock or other materials substance in such manner as to affect the surface, except where such excavation or dredging is necessary to install, repair or maintain culverts, flowways, discharge basins or other surface water management features, subject to the written approval by SFWMD, Grantor and other appropriate regulatory agencies.*
 - This condition allows for the continued maintenance of the surface water management system and their elements that may be located within the limits of the conservation easements. Activities that would require clearing or impacts to the existing wetland vegetation will require approval from SFWMD.
- *Surface use except for purposes that permit the land or water area to remain in its natural condition and which are approved, in writing, by SFWMD and Grantor. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation;*
 - Some passive recreational uses can be approved. Currently there are boardwalks and trails that have been approved in some conservation areas.
- *Acts or uses detrimental to such aforementioned retention of land or water areas.*
 - Any activity that is harmful to the conservation easement is prohibited.
- *Acts or uses which are detrimental to the preservation of any features or aspects of the Property having historical or archaeological significance.*
 - Activities that could impact any historic features, such as to the existing Koreshan cemetery, would be prohibited.

The following rights were reserved by the Grantor, and/or their successors, agents and authorized representatives and assigns, the right of ingress and egress on, over and across the Property and for the purposes authorized herein and the following rights:

- *To implement and perform, and to maintain and repair in perpetuity, all elements of the permit, with respect to the Property only, including without limitation, the following:*
 - This allows for the grantor and their successor to maintain and repair the water management system and conservation areas in line with the approved permit.

- *To excavate, construct, and maintain water flowways and discharge basins, where such water management features, and structure are authorized by permit.*
 - This allows for the continued maintenance of the surface water management system and their elements that may be located within the limits of the conservation easements. Activities that would require clearing or impacts to the existing vegetation within the conservation easement will require written approval from SFWMD.
- *To install and maintain stormwater culverts and water levels control structures, where such water management structures are authorized by the Permit, for the purpose of routing surface water into and out of the property.*
 - This allows for the continued maintenance of the surface water management system and their elements that may be located within the limits of the conservation easements. Activities that would require clearing or impacts to the existing vegetation will require written approval from SFWMD.
- *To trim or remove dead or diseased trees and shrubs and to remove or eradicate exotic and nuisance vegetation from the Property.*
 - In practice, this condition is subject to the conditions approved in the permit and maintenance plan. Unapproved trimming activities within the conservation easements can place the District in a non-compliance situation, subject to fines and penalties. Trimming of any trees or vegetation located within the conservation easement require written approval from SFWMD.
- *To revegetate and maintain certain wetlands areas on the Property pursuant to the permit,*
 - This allows for plants to be install that are in compliance with the approved maintenance plan.

DO's and DON'T List			
Activity	Do	Don't	Requires written approval
Removal of Exotics and nuisance plants	X		
Trimming of vegetation		X	X
Removal of Dead or diseased trees		X	X
Maintenance of water management facilities with no veg removal.	X		
Maintenance activities that require vegetation removal		X	X
Passive Recreation (Trails and Boardwalks)		X	X
Construction Activities		X	X
Removal of trash and foreign objects	X		
Revegetation Activities	X		

To summarize, activities within the conservation easement are limited to those approved in the permit and those required to maintain the conservation easement in compliance with the approved permit conditions. Trimming and removal of non-exotic and non- nuisance trees and vegetation must obtain written approval from SFWMD before the activities can commence. The removal of trash and other foreign objects from the conservation area is allowed by the District's staff, agents or assigns. Removal of dead or diseased trees cannot be done without prior SFWMD written approval.