DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
TAMPA REGULATORY OFFICE
P.O. BOX 19247
TAMPA, FLORIDA 33686-9247

REPLY TO
ATTENTION OF

Nationwide Permit Verification: 200106579 (NW-MGH)
Nationwide Permit Number: 27

October 9, 2002

Ms. Judy Haner
Rookery Bay National Estuarine Research Reserve
300 Tower Road
Naples, Florida 34113

RECEIVED

Dear Ms. Haner:

Reference is made to your request for verification of your proposed project under nationwide permit number 27 Stream and Wetland Restoration Activities. Your proposed project is to restore the hydrology between Tarpon Bay and Johnson Bay by enlarging and improving flows under three existing bridges. The project includes clearing and excavating mangrove wetlands and open water and installing riprap to stabilize the improved channels for the project known as "Tarpon Bay Restoration Project". The application has been assigned number **200106579 (NW-MGH)**. The project is bounded on the north by Johnson Bay, east by County Road 951, west by Johnson Bay, and south by Isles of Capri and Tarpon Bay and is located in Section 32, Township 51 South, Range 26 East, Collier County, Florida.

This verifies that your proposal is authorized by this Nationwide Permit (NWP) 27 in accordance with the enclosed copy of our regulations as stated in the January 15, 2002, Federal Register, Issuance of Nationwide Permits (67 FR 2020), and the February 13, 2002, Federal Register, Issuance of Nationwide permits: Notice: Correction (67 FR 6692). **This verification will remain in effect until October 7, 2004**. It is incumbent on you to remain informed of changes in these nationwide permits. We will issue a public notice announcing any changes when they occur. You may also find updates regarding this subject on the World Wide Web at http://www.usace.army.mil.

This letter does not obviate the requirement to obtain any State or local permits, which may be necessary for your proposed work. You should check State-permitting requirements with the Florida Department of Environmental Protection or the appropriate Water Management District. In Florida, projects qualifying for this NWP must be authorized under Part IV of Chapter 373 by the Department of Environmental Protection, a water management district under s. 373.069, F.S., or a local government with delegated authority under s. 373.441, F.S. and receive Water Quality Certification (WQC) and Coastal Zone Consistency Concurrence (CZCC) or waiver thereto, as well as any authorizations required for the use of sovereignty submerged lands that must be obtained as part of the associated WQC or CZCC (WQC/CZM-FL).

Permittee: Rookery Bay National Estuarine Research Reserve
Application Number: 200106579(NW-MGH)

In the event that you have not completed construction of your project within the above time limit, a separate application or re-verification will be required. A separate Department of the Army permit is not required providing the work is done in accordance with the approved drawings and information as provided in your request; the conditions listed in January 15, 2002, Federal Register, Issuance of Nationwide Permits (67 FR 2020), Paragraph C (Nationwide Permit Conditions); the following **added Special Conditions** and any appropriate regional conditions enclosed.

Special Conditions Issued With Your Nationwide Verification: If any work is performed under this permit, the following must be performed:

1. **WATER QUALITY CERTIFICATION**: The South Florida Water Management District (SFWMD) has issued a conditioned water quality certification permit. The "Special Conditions" in permit number 11-02063-P, are attached and are therefore, made part of this permit. You must comply with the conditions specified in the certification as Special Conditions to this permit.

2. **MITIGATION:** Compensatory mitigation is not required as a condition of the Department of the Army permit.

3. **SELF-CERTIFICATION:** A special condition of all the nationwide permits is to provide a certification of compliance. This certifies that the work performed under this verification was in accordance with the Corps of Engineers authorization, including any general or specific conditions. Once your project is completed, the attached compliance certification must be sent the US Army Corps of Engineers office at the letterhead address.

4. **ENDANGERED SPECIES:** This verification includes special conditions for protection of Endangered Species. The **STANDARD MANATEE PROTECTION CONSTRUCTION CONDITIONS for AQUATIC-RELATED ACTIVITIES** are enclosed.

Nationwide permit verification does not give absolute authority to perform the work as specified on your application. The proposed work may be subject to local building permits to determine if your site is located in a flood-prone or floodway area, and if you must comply with the local building requirements mandated by the National Flood Insurance Program. If the local office cannot provide you the necessary information, you may provide a letter with a small-scale map showing the location of the site, requesting a flood-hazard evaluation of the site. The request should be addressed to the Chief, Flood Control and Floodplain Management Branch, Jacksonville District, US Army Corps of Engineers, Post Office Box 4970, Jacksonville, Florida 32232-0019.

Permittee: Rookery Bay National Estuarine Research Reserve
Application Number: 200106579(NW-MGH)

Thank you for your cooperation with our regulatory program. If you have any questions regarding this verification or the Corps of Engineers Regulatory program, please contact Ms. Mindy Hogan at the letterhead address, or by telephone at (813) 840-2908 extension 243.

Sincerely,

for Ronald H. Silver, C.E.P.
Chief, West Permits Branch

Enclosures

Enclosures to Department of the Army
Nationwide Permit Verification for Application Number
200106579 (NW-MGH)

1. **NATIONWIDE PERMIT (67 FR 2020) and NATIONWIDE PERMIT GENERAL CONDITIONS Federal Register - January 2002; and Notice; Correction (67 FR 6692) February 2002**

2. **GENERAL CONDITIONS Federal Register - November 1986 and Memorandum for Record dated April 18, 2000**

3. **LOCATION MAP and APPROVED PROJECT PLAN DRAWINGS:** 8 pages

4. **REQUEST PERMIT VERIFICATION TRANSFER:** In accordance with Federal Register- November 1986 33 CFR PART 320-330 General Condition number 4.

5. **NATIONWIDE PERMIT COMPLINACE CERTIFICATION FORM:** In accordance with Federal Register- January 2002 Part C General Condition Number 14.

6. **STANDARD MANATEE CONDITIONS:** 5 pages

7. **STATE WATER QUALITY CERTIFICATION**: The South Florida Water Management District permit number **11-02063-P** dated **April 4, 2002** (7 Pages)

GENERAL CONDITIONS

33 CFR PART 320-330 PUBLISHED FR DATED 13 NOVEMBER 1986
and
Memorandum for Record dated 18 April 2000

1. The time limit for completing the work authorized ends on **October 7, 2004**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

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

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

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

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

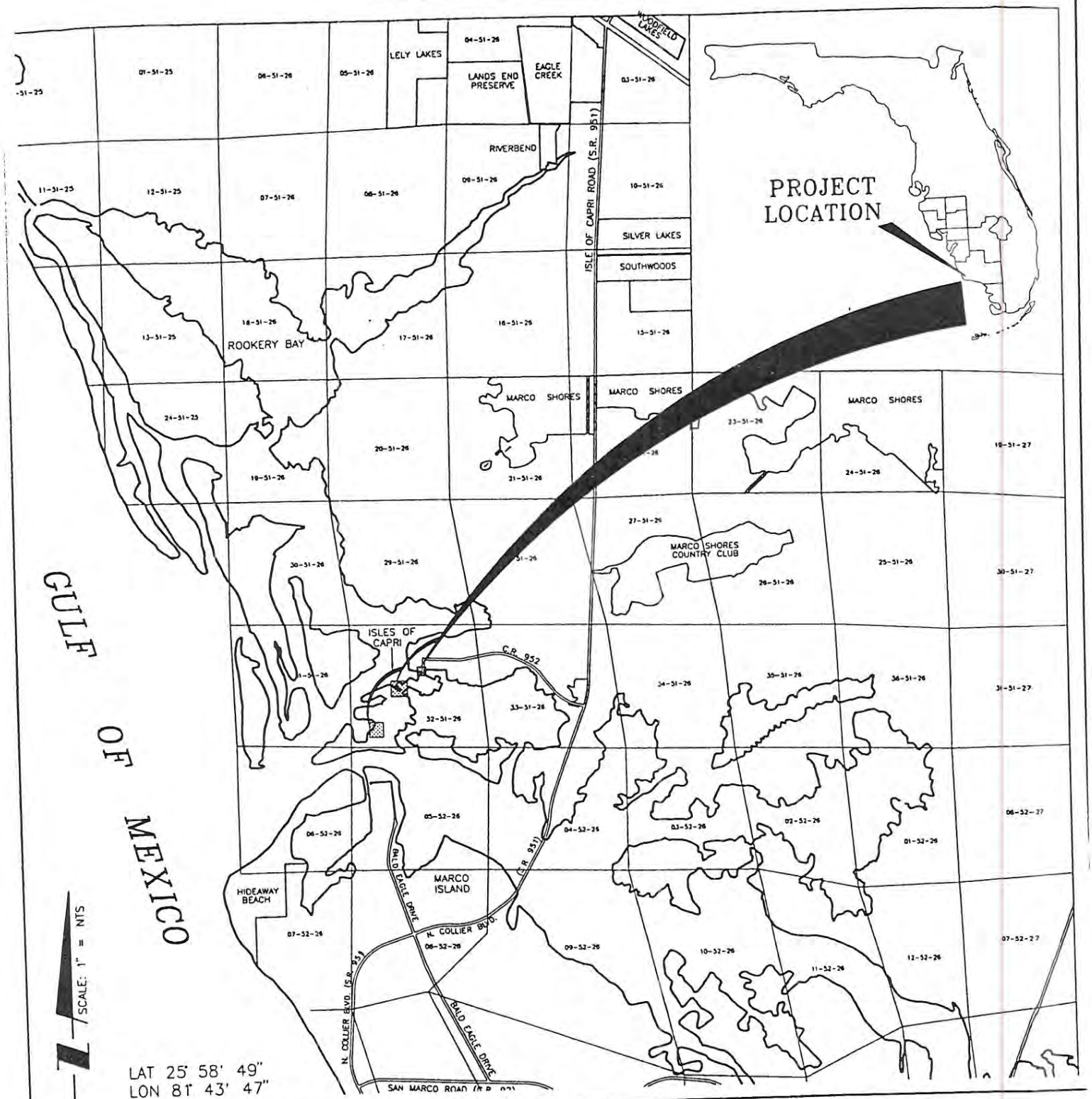
6. You must allow a representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

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

ENCLOSURE 3

LOCATION MAP
and
APPROVED PROJECT PLAN DRAWINGS
8 pages dated 09 October 2002

LOCATION MAP



PROJECT: TARPON BAY HYDROLOGIC RESTORATION/CORPS PERMIT

APPLICANT: ROOKERY BAY NATIONAL ESTUARINE RESEARCH RESERVE

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FLA. REG. #			
COUNTY: COLLIER			DATE: NOV. 200
SEC. 32&33	TWP. 51S	RGE. 26E	REV NO:
PROJECT NO. 03447-000-000			FILE NO. A-3447-C
DRWN BY/EMP NO. KLE/865			SHEET NO: 1 OF 8

Tarpon Bay Restoration Project
200106579 (NW27-MGH)
October 9, 2002
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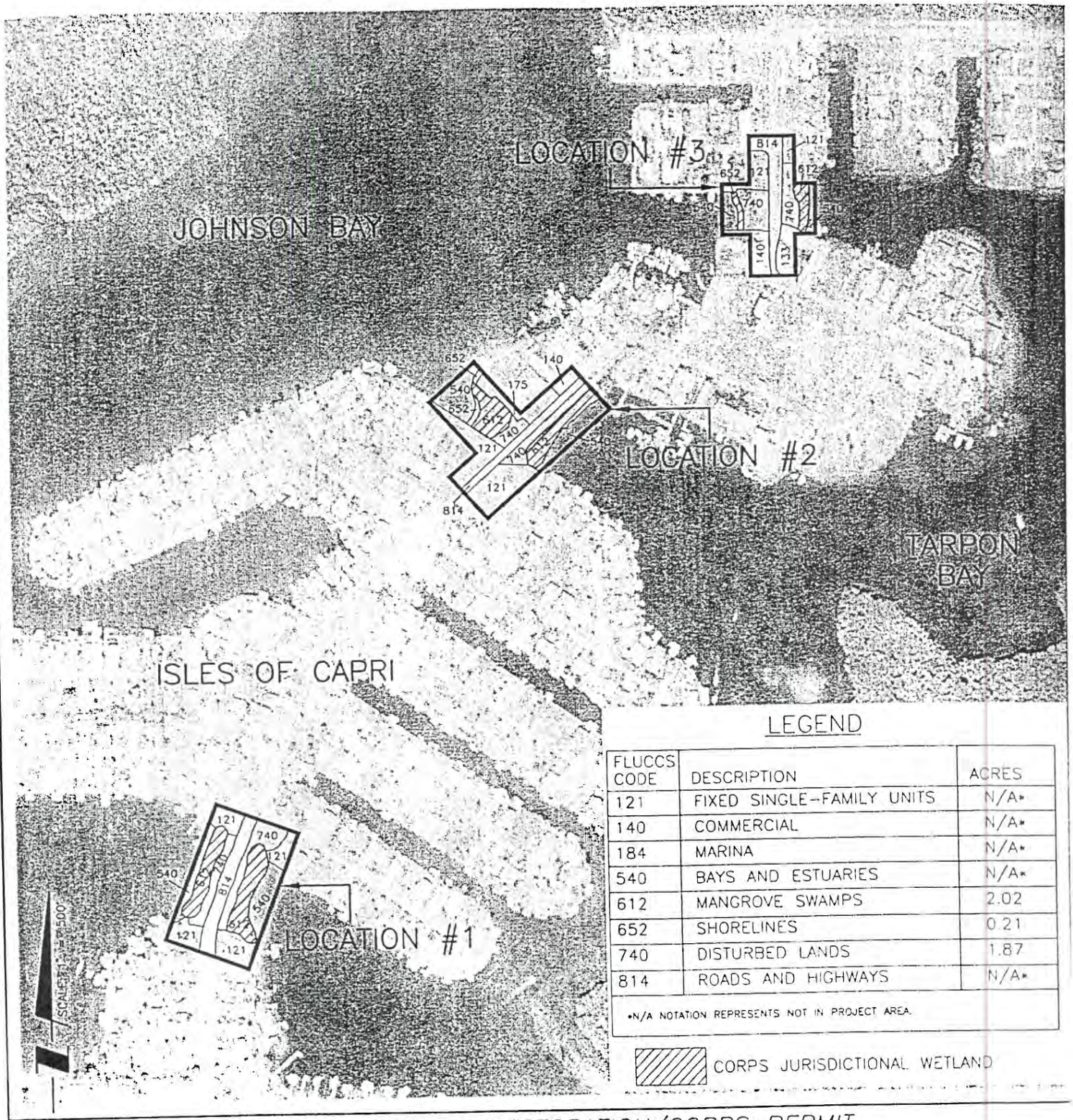
Enclosure 3

Nov 1.

EXISTING CONDITIONS



LEGEND

FLUCCS CODE	DESCRIPTION	ACRES
121	FIXED SINGLE-FAMILY UNITS	N/A*
140	COMMERCIAL	N/A*
184	MARINA	N/A*
540	BAYS AND ESTUARIES	N/A*
612	MANGROVE SWAMPS	2.02
652	SHORELINES	0.21
740	DISTURBED LANDS	1.87
814	ROADS AND HIGHWAYS	N/A*

*N/A NOTATION REPRESENTS NOT IN PROJECT AREA.

CORPS JURISDICTIONAL WETLAND

PROJECT: TARPON BAY HYDROLOGIC RESTORATION/CORPS PERMIT

APPLICANT: ROOKERY BAY NATIONAL ESTUARINE RESEARCH RESERVE

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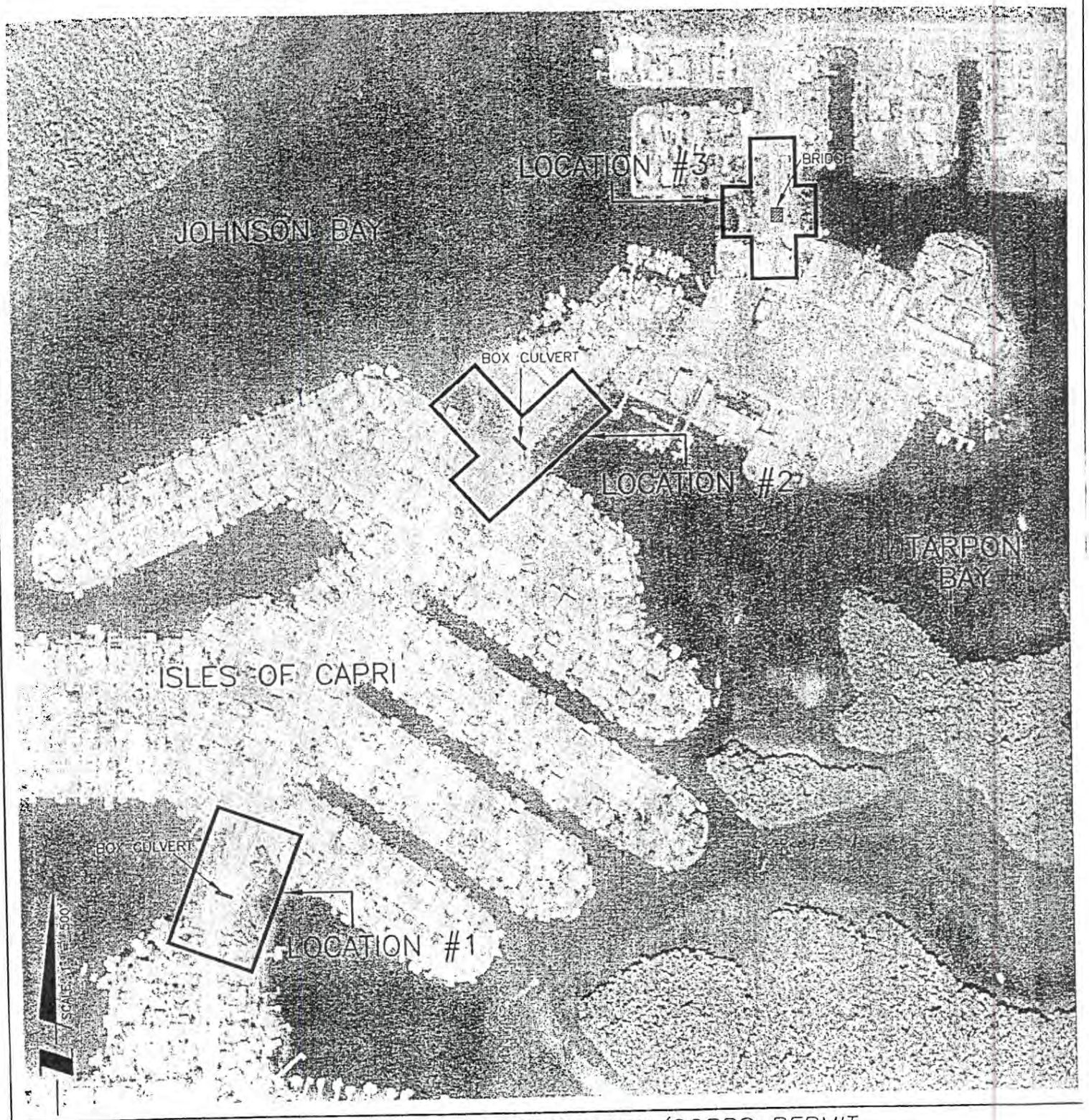
FLA. REG. #	
COUNTY: COLLIER	DATE: NOV. 20
SEC. 32&33 TWP. 51S RGE. 26E	REV. NO.
PROJECT NO. 03447-000-000	FILE NO. A-3447-
DRWN. BY/EMP. NO. KLE/865	SHEET NO. 2 OF

PROPOSED CONDITIONS KEYSHEET



PROJECT: TARPON BAY HYDROLOGIC RESTORATION/CORPS PERMIT

APPLICANT: ROOKERY BAY NATIONAL ESTUARINE RESEARCH RESERVE

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200106579 (NW27-MGH)
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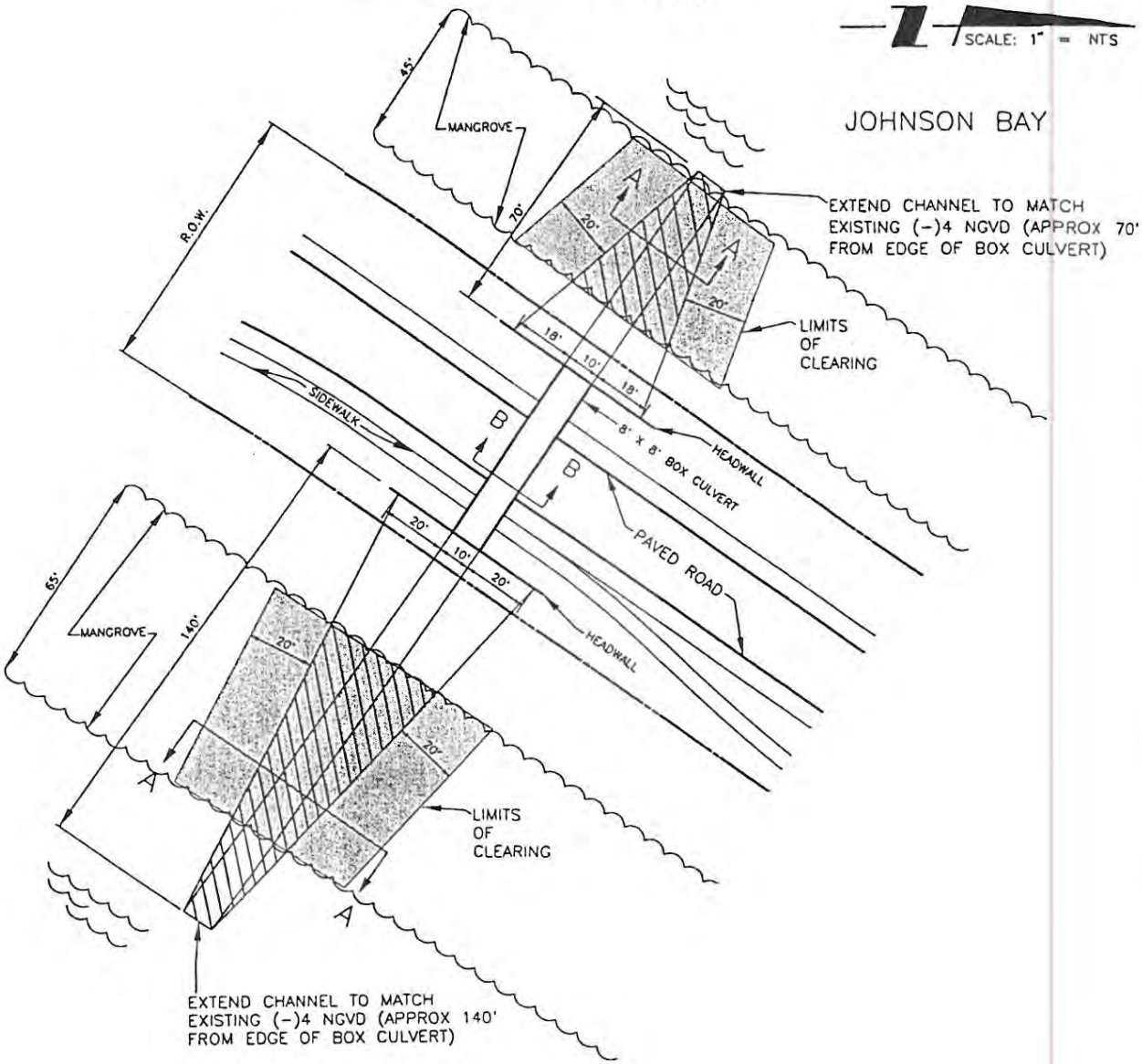
FLA. REG. #	
COUNTY: COLLIER	DATE: NOV. 200
SEC: 32&33 TWP: 51S RGE: 26E	REV. NO.
PROJECT NO.: 03447-000-000	FILE NO.: A-3447-0
DRWN. BY/EMP. NO.: KLE/865	SHEET NO.: 3 OF 8

LOCATION 1, PLAN VIEW
NTS



LEGEND

LIMITS OF EXCAVATION IN WETLANDS AND WATERS OF U.S. (0.07 ACRES)

LIMITS OF CLEARING IN CORPS JURISDICTIONAL WETLANDS (0.17 ACRES)

FOR PERMITTING PURPOSES ONLY-NOT FOR CONSTRUCTION

PROJECT: *TARPON BAY HYDROLOGIC RESTORATION/CORPS PERMIT*

APPLICANT: *ROOKERY BAY NATIONAL ESTUARINE RESEARCH RESERVE*

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200106579 (NW27-MGH)
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FLA. REG. #	
COUNTY: COLLIER	DATE: NOV. 200
SEC: 32&33 TWP: 51S RGE: 26E	REV NO:
PROJECT NO. 03447-000-000	FILE NO: A-3447-C
DRWN BY/EMP NO. KLE/865	SHEET NO: 4 OF 8

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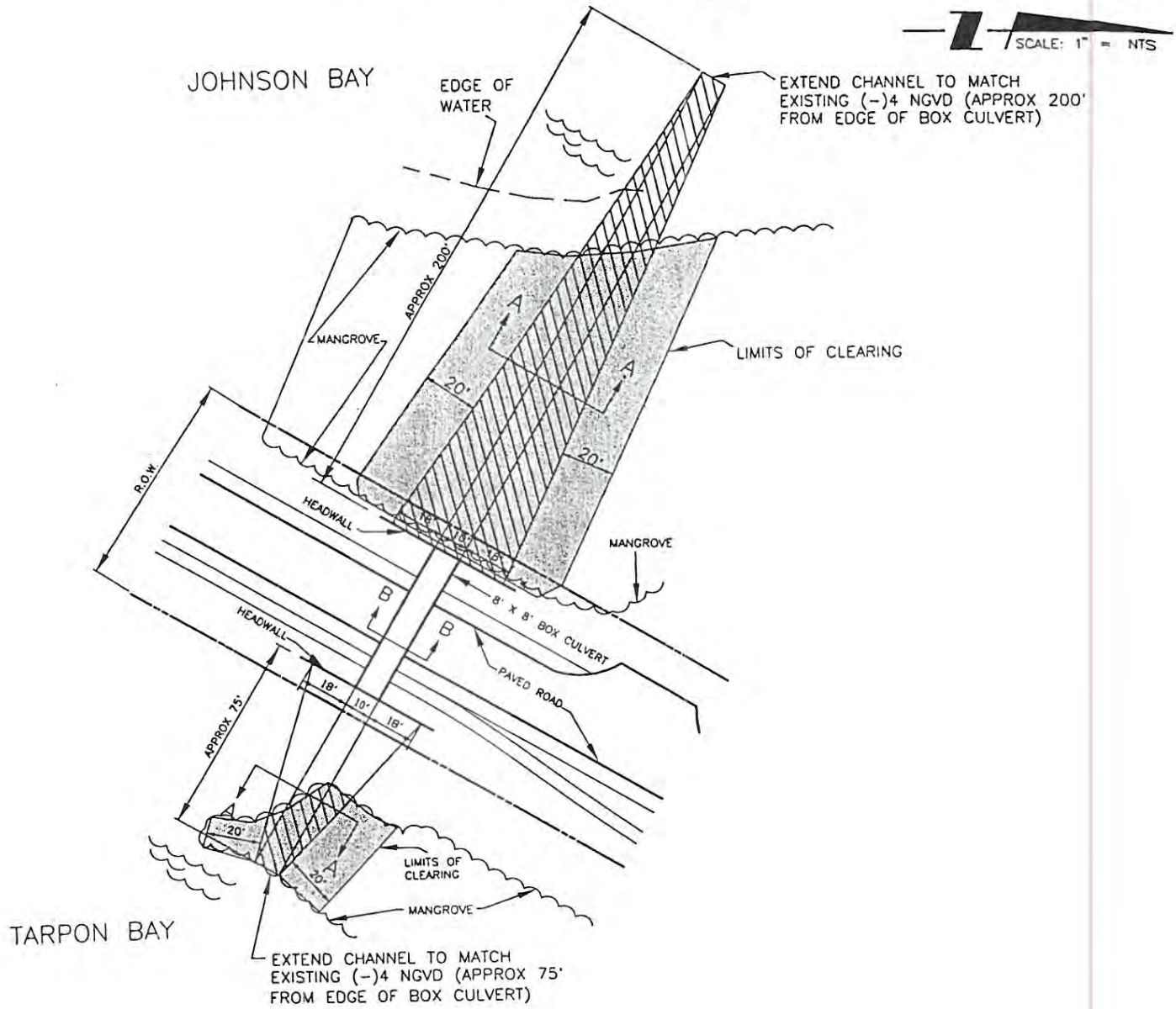
LOCATION 2, PLAN VIEW
NTS



LEGEND

LIMITS OF EXCAVATION IN WETLANDS AND WATERS OF U.S. (0.14 ACRES)

LIMITS OF CLEARING IN CORPS JURISDICTIONAL WETLANDS (0.26 ACRES)

FOR PERMITTING PURPOSES ONLY-NOT FOR CONSTRUCTIO

PROJECT: *TARPON BAY HYDROLOGIC RESTORATION/CORPS PERMIT*

APPLICANT: *ROOKERY BAY NATIONAL ESTUARINE RESEARCH RESERVE*

Tarpon Bay Restoration Project
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COUNTY: COLLIER	DATE: NOV. 20(
SEC: 32&33 TWP: 51S RGE: 26E	REV NO
PROJECT NO. 03447-000-000	FILE NO. A-3447-
DRWN BY/EMP NO. KLE/865	SHEET NO: 5 OF 8

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LOCATION 3. PLAN VIEW

NTS

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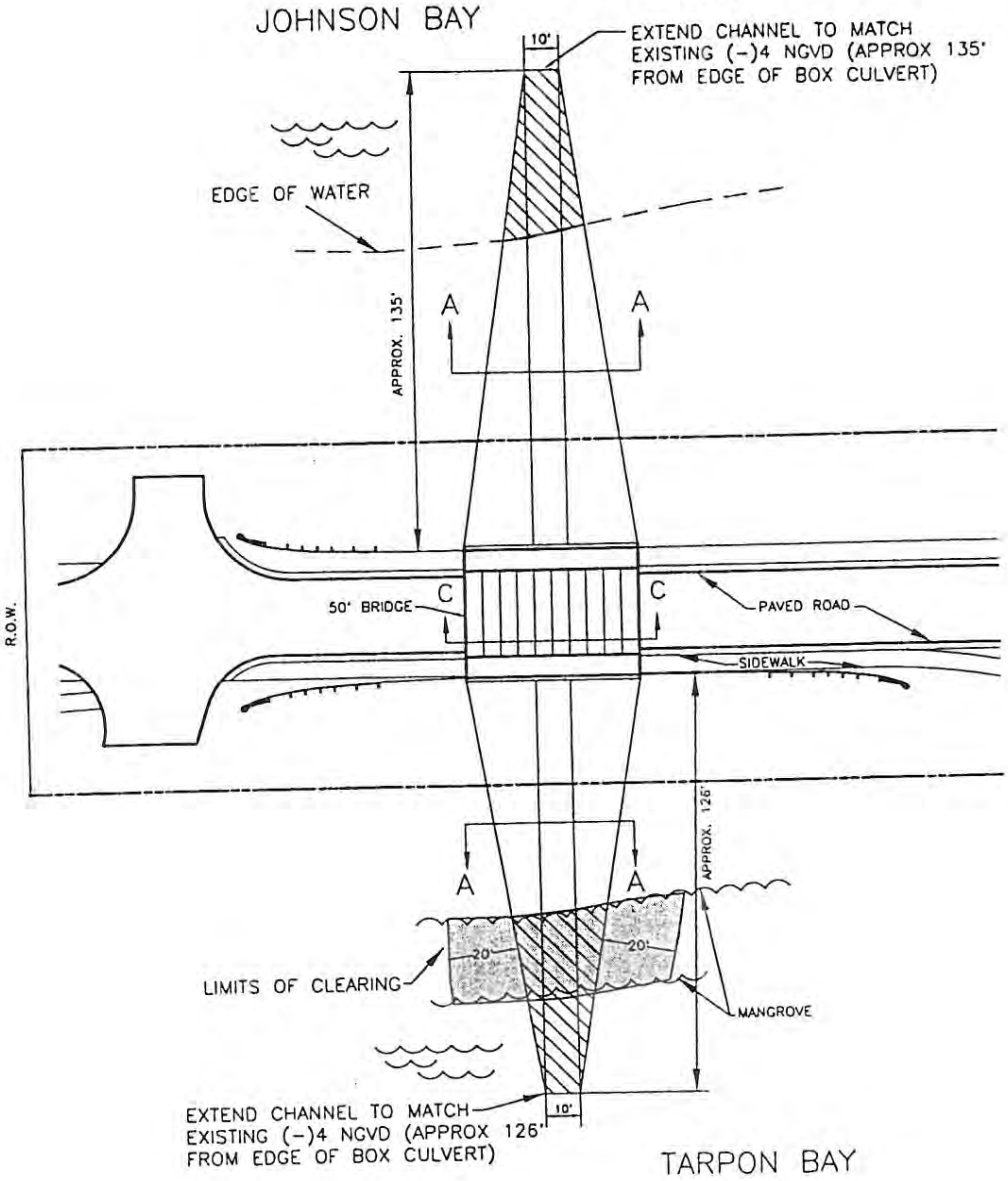

LEGEND

LIMITS OF EXCAVATION IN WETLANDS AND WATERS OF U.S. (0.05 ACRES)

LIMITS OF CLEARING IN CORPS JURISDICTIONAL WETLANDS (0.04 ACRES)

FOR PERMITTING PURPOSES ONLY-NOT FOR CONSTRUCTION

PROJECT: *TARPON BAY HYDROLOGIC RESTORATION/CORPS PERMIT*

APPLICANT: *ROOKERY BAY NATIONAL ESTUARINE RESEARCH RESERVE*

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COUNTY: COLLIER		DATE: NOV. 200
SEC. 32&33	TWP: 51S	RGE: 26E	REV NO:
PROJECT NO. 03447-000-000		FILE NO. A-3447-
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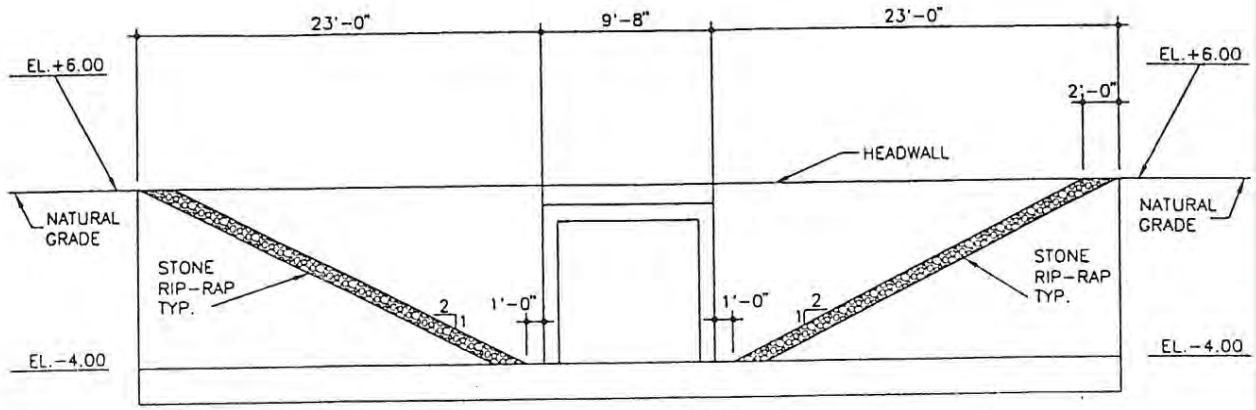
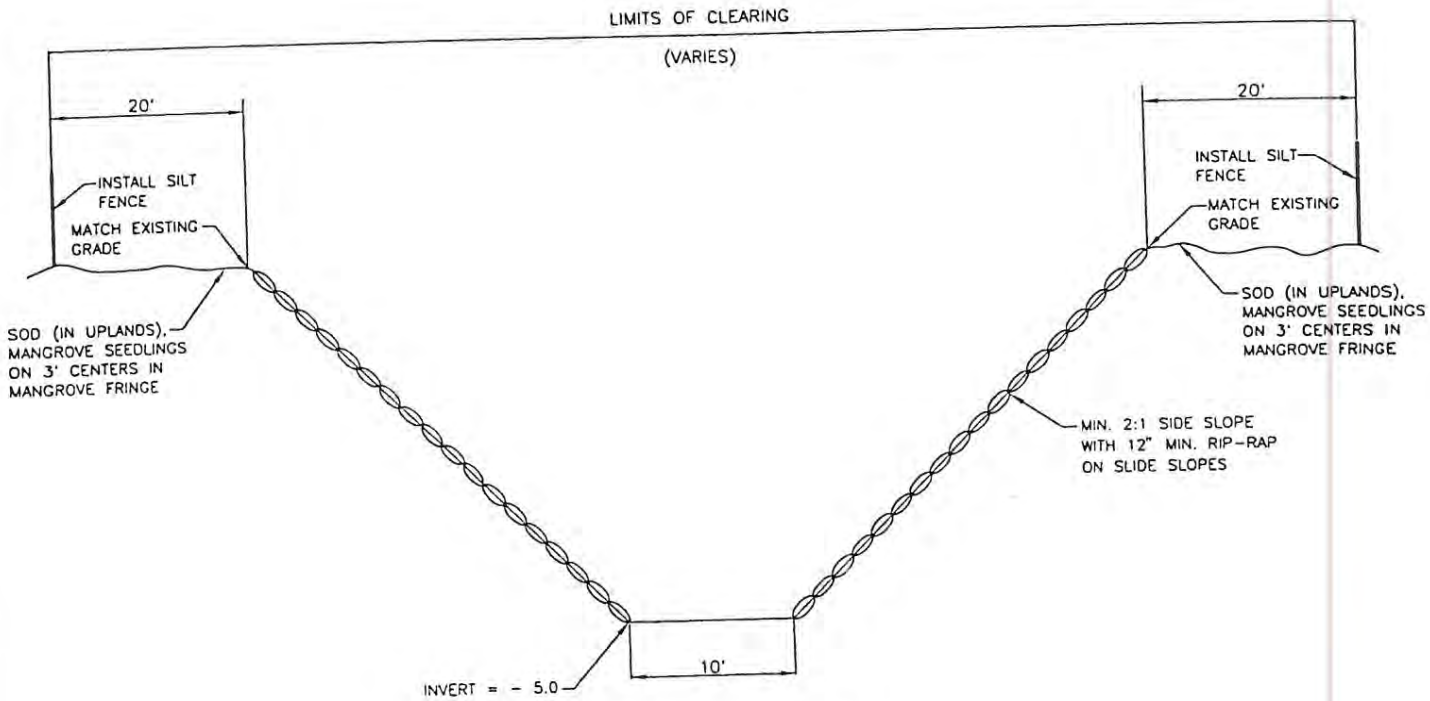


CULVERT SECTION B-B
(TYPICAL)
NTS



CHANNEL SECTION A-A
(TYPICAL)
NTS

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PROJECT: *TARPON BAY HYDROLOGIC RESTORATION/CORPS PERMIT*

APPLICANT: *ROOKERY BAY NATIONAL ESTUARINE RESEARCH RESERVE*

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FLA. REG. #	
COUNTY: COLLIER	DATE: NOV. 200
SEC: 32&33 TWP: 51S RGE: 26E	REV NO:
PROJECT NO. 03447-000-000	FILE NO. A-3447-
DRWN BY/EMP NO. KLE/865	SHEET NO: 7 OF 8

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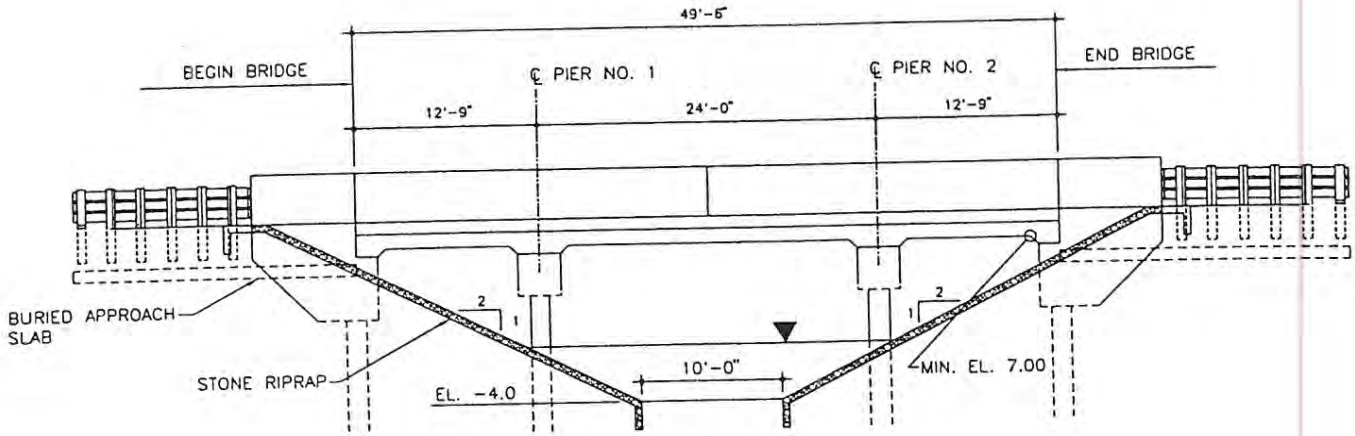

BRIDGE SECTION C–C
NTS

FOR PERMITTING PURPOSES ONLY-NOT FOR CONSTRUCTI

PROJECT: TARPON BAY HYDROLOGIC RESTORATION/CORPS PERMIT

APPLICANT: ROOKERY BAY NATIONAL ESTUARINE RESEARCH RESERVE

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FLA. REG. #			
COUNTY: COLLIER			DATE: NOV. 2
SEC: 32&33	TWP: 51S	RGE: 26E	REV NO:
PROJECT NO. 03447-000-000			FILE NO. A-3447
DRWN BY/EMP NO. KLE/865			SHEET NO. 8

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DEPARTMENT OF THE ARMY NATIONWIDE PERMIT TRANSFER REQUEST

PERMIT NUMBER: 200106579 (NW27-MGH)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.

To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Branch, Post Office Box 4970, Jacksonville, Florida 32232-0019.

ISSUED TO: Ms. Judy Haner, Resource Management Coordinator
Rookery Bay National Estuarine Research Reserve
300 Tower Road
Naples, Florida 34113

PROJECT LOCATION: The project site is bounded on the north by Johnson Bay, east by County Road 951, west by Johnson Bay, and south by Isles of Capri and Tarpon Bay and is located in Section 32, Township 51 South, Range 26 East, Collier County, Florida.

_____ _____ _____
(SUBDIVISION) (LOT) (BLOCK)

_____ _____
(TRANSFEREE-SIGNATURE) (DATE)

_____
(NAME-PRINTED)

_____
(MAILING ADDRESS)

_____
(CITY, STATE, AND ZIP CODE)

NATIONWIDE PERMIT COMPLIANCE CERTIFICATION

Nationwide Permit Number: 200106579 (NW27-MGH)

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

_____

_____

_____

_____

Telephone Number: _____

Location of Work:

_____

_____

_____

Date Work Started: _____

Date Work Completed: _____

Type and acreage (or square feet) of the loss of waters of the United States (jurisdictional wetlands)(e.g. 1/10 acre of marsh and 50 square feet of a stream):

_____

_____

_____

Description of the Work (e.g. bank stabilization, residential fill, etc.):

_____

_____

_____

Description of Mitigation Completed (if applicable):

_____

_____

_____

I, _____, certify that the work was done as described in the authorization letter dated _____. All work and required mitigation (if applicable) was completed in accordance with the permit conditions. Any deviations as described above are depicted on the attached drawing (s).

_____ _____

Signature of Permittee Date

ENCLOSURE 6

SPECIAL CONDITIONS

Standard Manatee Construction Conditions for Aquatic Related Activities

5 pages dated 09 October 2002

Manatee Construction Conditions[1]: June 1, 2001

1. The permittee shall instruct all personnel associated with the project of the potential presence of manatees and the need to avoid collisions with manatees. All construction personnel are responsible for observing water-related activities for the presence of manatee(s).

2. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act of 1972, the Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act of 1978.

3. Siltation barriers shall be installed and shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be monitored regularly to avoid manatee entrapment. Barriers shall not block manatee entry to or exit from essential habitat.

4. All vessels associated with the project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water where the draft of the vessel provides less than four feet clearance from the bottom. All vessels shall follow routes of deep water whenever possible.

5. If manatee(s) are seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure protection of the manatee. These precautions shall include the operation of all moving equipment no closer than 50 feet of a manatee. Operation of any equipment closer than 50 feet to a manatee shall necessitate immediate shutdown of that equipment. Activities will not resume until the manatee(s) has departed the project area of its own volition.

6. Any collision with and/or injury to a manatee shall be reported immediately to the "Manatee Hotline" at 1-888-404-FWCC (1-888-404-3922). **Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for north Florida or Vero Beach (1-561-562-3909) in south Florida.**

7. Temporary signs concerning manatees shall be posted prior to and during all construction/dredging activities. All signs are to be removed by the permittee upon completion of the project. A sign measuring at least 3 feet by 4 feet which reads *Caution: Manatee Area* will be posted in a location prominently visible to water-related construction crews. A second sign should be posted if vessels are associated with the construction, and should be placed visible to the vessel operator. The second sign should be at least 8 1/2 inches by 11 inches which reads:

> Caution: Manatee Habitat. Idle speed is required if operating a vessel in the construction area. All equipment must be shutdown if a manatee comes within 50 feet of the operation. Any collision with and/or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC (1-888-404-3922). The U.S. Fish and Wildlife Service should also be contacted in Jacksonville (1-904-232-2580) for north Florida or in Vero Beach (1-561-562-3909) for south Florida.

[1]At this time manatee construction precautions #3 and #7 are not required in Escambia Santa Rosa, Okaloosa, Walton, Bay, Gulf, Franklin, Wakulla, or Jefferson Counties except for the St. Marks and Wakulla River areas.

CAUTION

MANATEE HABITAT

IDLE SPEED is required if operating a vessel
in the construction area.
All Equipment must be SHUT DOWN if a manatee
comes within 50 feet of operation.

Any collision with and/or injury to a manatee shall be reported immediately
to the **FWC** at:

1-888-404-FWCC

(1-888-404-3922)

Permanent Manatee Sign Information

(Revised June 2001)

There are two types of approved permanent manatee signs that may be required by permit or lease: educational signs and awareness signs (see page 2 for detailed descriptions). These educational signs are non-regulatory in nature.

The permit/lease holder should forward a project site plan to the Bureau of Protected Species Management (620 South Meridian Street, OES-BPS, Tallahassee, FL 32399-1600) with the type, number, and location of signs indicated on the site plan. The applicant should also include a location map of the facility in relation to waterways, a county location map, and the permit and/or lease number associated with the project. BPSM will review the sign placement proposed for the project and notify the applicant within 30 days of receiving the plan if the signs and locations are unacceptable. Correspondence may be sent to offer suggestions on the type, number, and location of the signs. If the applicant has not received a response within 30 days, the proposed signs and their locations should be considered approved. Letters indicating approval of a sign site plan are available upon request.

The educational signs must be placed in a prominent location for maximum visibility, such as near walkways, dockmaster offices, restrooms, or foot traffic access points to piers/docks. The awareness signs should be placed facing land on walkways or docks. Permanent manatee signs should not be installed on pilings in the water nor be attached to navigational markers. If a facility has multiple docks with separate walkways, signs should be installed near each walkway or dock. These signs should be oriented so that boaters using the facility will be reminded of the presence of manatees. The signs are not required to be in view of the general boating public. If approved signs and their locations are found to be out of accordance with these guidelines, the permit/lease holder will have to relocate or install additional signs.

The following specifications should only be considered guidelines for typical projects. Project locations near manatee important habitat, or involving other special circumstances may warrant additional signs.

Facility (wet, dry, temporary, or permanent)	Recommended Signs
Residential with less than 10 slips	• Site by site determination required
Boat ramps, charters or cruises, boat rental or restaurant facilities	• Educational Signs • Awareness Signs (may require multiple signs - site by site determination for quantity)
Facilities with greater than 10 slips	• Educational Signs (may require multiple signs - site by site determination for quantity) • Awareness Signs (may require multiple signs - site by site determination for quantity)

Manatee Awareness Sign

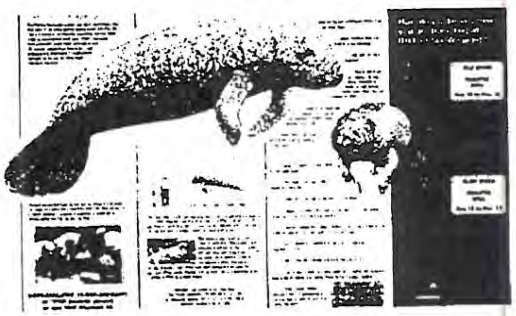
The **"Caution: Manatee Area"** sign is 3' by 4' and is available from all of the companies listed on the sign supplier list. These caution signs are intended to remind boaters using the facility of the presence of manatees while on the water. This sign will meet the manatee awareness display condition required by lease/permit.

Manatee Educational Signs

These signs are 2' by 3' and are available only through Wilderness Graphics. **"Protecting the Gentle Giant"** lists the potential threats to manatees and what the public can do to help protect them. **"The Florida Manatee"** provides a general description of manatees and their behavior. These two signs must be displayed as a pair to meet the manatee educational display condition required by lease/permit.

Manatee Basics for Boaters

The **"Manatee Basics for Boaters"** sign is 3' by 4' and is available from all of the companies listed on the sign supplier list. This educational sign provides information on the characteristics of manatees and the potential threat to this endangered species from boat operation. This sign will meet the manatee educational display required by lease/permit.



Approved Sign Suppliers for Manatee Signs

Revised June 2001

Permanent manatee educational and awareness signs are available through the companies listed below or from other local suppliers throughout the state. Permit/lease holders, marinas, and boat docking/launching facilities should contact the sign companies directly to arrange for shipping and billing of the signs.

- **ASAP Signs & Designs**
  624-B Pinellas Street
  Clearwater, FL 33756
  Phone: (727) 443-4878
  Fax: (727) 442-7573

- **Wilderness Graphics, Inc.**
  P. O. Box 1635
  Tallahassee, FL 32302
  Phone: (850) 224-6414
  Fax: (850) 561-3943
  www.wildernessgraphics.com

- **Municipal Supply & Sign Co.**
  1095 Fifth Avenue, North
  P. O. Box 1765
  Naples, FL 33939-1765
  Phone: (800) 329-5366 or
  (941) 262-4639
  Fax: (941) 262-4645
  www.municipalsigns.com

- **Universal Signs & Accessories**
  2912 Orange Avenue
  Ft. Pierce, FL 34947
  Phone: (800) 432-0331 or
  (561) 461-0665
  Fax: (561) 461-0669

- **Cape Coral Signs & Designs**
  1311 Del Prado Boulevard
  Cape Coral, FL 33990
  Phone: (941) 772-9992
  Fax: (941) 772-3848

- **United Rentals Highway Technologies**
  309 Angle Road
  Ft. Pierce, FL 34947
  Phone: (561) 489-8772
  or (800) 489-8758 (FL only)
  Fax: (561) 489-8757

- **New City Signs**
  1829 28th Street North
  St. Petersburg, FL 33713
  Phone: (727) 323-7897
  Fax: (727) 323-1897

ENCLOSURE 7

WATER QUALITY CERTIFICATION

South Florida Water Management District Permit Number 11-02063-P
Issued on 04 April 2002
7 pages dated 09 October 2002