



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

RECEIVED
JUL - 5 2007

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

June 29, 2007

Save Our Rivers
Initials: _____

Mariner Properties Development, Inc.
c/o Raymond A. Pavelka
13451 McGregor Blvd. #31
Fort Myers, FL 33919

Dear Mr. Pavelka:

Permit #0198035-001, Lee County
Corkscrew Regional Mitigation Bank

Your request to modify this permit has been reviewed and approved by Department staff. The request is to release 89.42 credits (76.53 freshwater forested and 12.89 freshwater herbaceous) for Phase I of the Corkscrew Regional Mitigation Bank (CRMB) permit based upon the satisfactory completion of the following activities for Phase I: Conservation Easement and Financial Assurance; Initial Exotic Vegetation Treatment; Grade/Plant Farm Field and Complete Construction; and Prescribed Burn in accordance with the credit release schedule detailed in Specific Condition 19 of the permit, as modified on November 8, 2006.

The conservation easement was recorded on June 16, 2004 in Book 4336, Pages 2700-2711 with Lee County, Clerk of Court. The entire parcel which includes Phase I was recorded. The permittee has provided copies of the recorded easement of this property as required by Specific Condition 8. The permittee has also provided satisfactory documentation of financial assurance for both the remaining implementation of Phase I and for its perpetual management. Standby trusts have been established for these two purposes and have been secured by surety bonds, in compliance with Ch 62-342.700 F.A.C. and Specific Condition 9. Appropriate cost estimates were also provided. Specific Condition 14 details the required security provisions of the site including gates and signage. Security information was updated in an email to the Department on June 20, 2007. These activities are allocated 21.13 forested and 3.6 herbaceous credits.

The initial exotic vegetation treatment and follow-up treatment in the native areas of Phase I (cells 3 and 4) was completed in early 2006, and several spot treatments have occurred since, as attested to in a December 6, 2006 letter to CRMB from the Qualified

Mitigation Specialist (QMS) and the Licensed Professional Herbicide Applicator. The list of treated species include Brazilian pepper, melaleuca, West Indian marsh grass, Bahia grass, torpedo grass, Caesar weed, dog fennel, cattail, and primrose willow. Herbicide and/or physical removal were used in accordance with Specific Condition 12. These activities are allocated 24.64 forested and 3.09 herbaceous credits.

The farm fields in Phase I (cells 1 and 5) were also treated with herbicide, and contoured by cross-disking to eliminate the pasture grasses and the existing drainage swales. Subsequently, the hydric pine-designated polygons were direct-seeded with a variety of wet prairie species collected from a local, high quality donor site. Bare root pine seedlings were subsequently installed at a rate of 300/acre, and shrub species were added as well. Marshes were planted with several species of marsh plants at a rate of 3000/acre. Cypress and mixed wetland hardwood communities were planted with cypress and several other hydrophyllic tree species, along with understory species. Planting was conducted in accordance with Specific Condition 11.

The farm fields were separated from other cells and Phases of the bank with a temporary earthen berm equipped with water control structures to allow for water manipulation during plant establishment. In addition, two permanent water control structures were constructed on the southern corners of Cell 1. These construction activities were conducted in conformance with Specific Condition 10 as documented by the as-built drawings submitted by the engineer of record, and by a site inspection by the Department on December 27, 2006. The planting and construction activities were allocated 23.72 forested and 5.32 herbaceous credits.

After the bulk of the native areas were treated for exotic vegetation, the area was divided into 9 burn units ranging from 7 to 53 acres. These were burned in January and February of 2006. A detailed fire report from the fire contractor was included in the documentation, which verified that the fire was implemented in accordance with Specific Condition 13. This activity is allocated 7.04 forested and 0.88 herbaceous credits.

Therefore, in accordance with the permit's credit release schedule in Specific Condition 19 (modified 11/8/06), a total of 89.42 credits (76.53 freshwater forested and 12.89 freshwater herbaceous) are hereby released for use.

By copy of this letter and accompanying ledger, we are notifying all necessary parties of the modification.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) in accordance with Section 120.57, Florida Statutes. The petition must contain the information set forth below and must be

Ledger Modification
Corkscrew Regional Mitigation Bank
Permit #0198035-001

filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000. Petitions filed by the permittee and the parties listed below must be filed within 21 days of receipt of this letter. Petitioner shall mail a copy of the petition to the permittee at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, F.S.

The Petition shall contain the following information:

- (a) The name, address, and telephone number of each petitioner, the permittee's name and address, the Department Permit File Number and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department's action; or proposed action;
- (d) A statement of the material facts disputed by petitioner, if any;
- (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and
- (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this letter. Persons whose substantial interests will be affected by any decision of the Department with regard to the permit have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

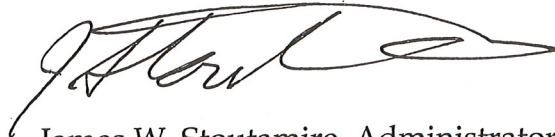
This Notice constitutes final agency action unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition. Upon timely filing of a petition or

Ledger Modification
Corkscrew Regional Mitigation Bank
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a request for an extension of time this Notice will not be effective until further Order of the Department.

Any party to this letter has the right to seek judicial review of the Order pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; and by filing a copy with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date the Notice of Permit Modification is filed with the Clerk of the Department.

Sincerely,



James W. Stoutamire, Administrator
Office of Submerged Lands and
Environmental Resources

Attachment - ledger

cc:

Marjorie Moore, SFWMD, West Palm Beach
Ed Cronyn, SFWMD, Ft. Myers
Lucy Blair, DEP, Ft. Myers
Mike Nowicki, COE, Jacksonville

FILING AND ACKNOWLEDGMENT:

FILED, on this date, pursuant to 120.52(9),
Florida Statutes, with the designated Department Clerk,
receipt of which is hereby acknowledged.

MWM 6/29/07

CORKSCREW REGIONAL MITIGATION BANK

Ledger (All Phases)

Permit No. 0198035-001

June 29, 2007

Forested Freshwater	total =	271.4	
I. Forested Freshwater Wetlands: Total Credits Assigned =			140.84
II. Forested Freshwater Wetlands: Total Credits Assigned =			40.86
III. Forested Freshwater Wetlands: Total Credits Assigned =			46.32
IV. Forested Freshwater Wetlands: Total Credits Assigned =			43.38

<u>Release Mod./</u> <u>Impact Permit</u>	<u>Permit</u> <u>Date</u>	<u>Issuing</u> <u>Agency</u>	<u>Ledger</u> <u>Modification</u>	<u>Credits</u> <u>Added</u>	<u>Credits</u> <u>Used</u>	<u>Balance</u>	<u>Notes</u>
release Phase I		DEP	6/29/2007	21.13		21.13	CE, Financial,QMS
release Phase I		DEP	6/29/2007	24.64		45.77	Exotic Treatment
release Phase I		DEP	6/29/2007	23.72		69.49	Construction/Planting
release Phase I		DEP	6/29/2007	7.04		76.53	Prescribed Burn

Herbaceous Freshwater	total =	79.97	
I. Herbaceous Freshwater Wetlands: Total Credits Assigned =			24.02
II. Herbaceous Freshwater Wetlands: Total Credits Assigned =			26.27
III. Herbaceous Freshwater Wetlands: Total Credits Assigned =			0.00
IV. Herbaceous Freshwater Wetlands: Total Credits Assigned =			29.68

<u>Release Mod./</u> <u>Impact Permit</u>	<u>Permit</u> <u>Date</u>	<u>Issuing</u> <u>Agency</u>	<u>Ledger</u> <u>Modification</u>	<u>Credits</u> <u>Added</u>	<u>Credits</u> <u>Used</u>	<u>Balance</u>	<u>Notes</u>
release Phase I		DEP	6/29/2007	3.60		3.60	CE, Financial,QMS
release Phase I		DEP	6/29/2007	3.09		6.69	Exotic Treatment
release Phase I		DEP	6/29/2007	5.32		12.01	Construction/Planting
release Phase I		DEP	6/29/2007	0.88		12.89	Prescribed Burn