



# 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

March 3, 2008

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

Save Our Rivers  
Initials: \_\_\_\_\_

EarthMark Southwest Florida Mitigation, LLC  
c/o Doug Cordello  
12800 University Dr., Suite 400  
Fort Myers, FL 33907

Dear Mr. Pavelka and Mr. Cordello:

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

Your request to modify this permit has been reviewed and approved by Department staff. The modification is to transfer ownership of the above referenced permit from Mariner Properties Development, Inc. to EarthMark Southwest Florida Mitigation, LLC. The permittee has provided assurance from the landowner, South Florida Water Management District (SFWMD), that EarthMark has successfully entered into SFWMD contract C-8302 to serve as permittee for the permit. Further, EarthMark has executed financial assurance in their name for both implementation and long-term management of the permit, according to recently updated cost estimates. A review of the permit indicates no outstanding compliance problems, and the implementation of the permit will continue to be conducted under the supervision of the Qualified Mitigation Specialist (QMS), Mr. Kevin L. Erwin.

By copy of this letter, we are notifying all necessary parties of the transfer. All future requests for permit modifications or ledger debits must be signed by Doug Cordello on behalf of EarthMark; however, Mr. Cordello may authorize an agent to act on his behalf.

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 filed (received) in the Office of General Counsel of the Department at 3900

Transfer Modification  
Corkscrew Regional Mitigation Bank  
Permit #198035-001

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.



Transfer Modification  
Corkscrew Regional Mitigation Bank  
Permit #198035-001

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 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,

A handwritten signature in black ink, appearing to read 'V. Tauxe', written over a horizontal line.

Victoria Tauxe, Environmental Manager  
Office of Submerged Lands and  
Environmental Resources

cc:

Marjorie Moore, SFWMD, West Palm  
Laura Layman, SFWMD, Ft. Myers  
Lucy Blair, DEP, Ft. Myers  
Mike Nowicki, COE, Jacksonville