



C: David Black

Department of Environmental Protection

Jeb Bush
Governor

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Colleen M. Castille
Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

February 10, 2006

Mr. Kevin L. Erwin
2077 Bayside Parkway
Ft. Myers, FL 33901

RECEIVED
FEB 16 2006

Dear Mr. Erwin:

File No: 0198035-001, Lee County
Project: Corkscrew Regional Mitigation Bank

Save Our Rivers
Initials: _____

Your request to modify this permit has been received, reviewed and approved by Department staff. The modifications are to the construction and configuration of the temporary berm and temporary water control structures that separate the Phase I and Phase II boundaries. The changes include the following:

- a) the location of the berm will now coincide with an existing drainage swale system within the pasture (see revised drawing 6A);
- b) there will be a borrow swale on the inward side of the berm (see modified insert on drawing 6D);
- c) there will be eight temporary water control structures (24' culverts with risers) built into the Cell 5 perimeter berm and agricultural drainage system, rather than three adjustable weirs (see modified drawings 6A and 6D).

During the initial implementation of the Phase I portion of the project, an intensive topographic survey was conducted. Based on the survey data, the QMS concluded it would be advantageous to work with the existing grid-work of drainage swales when locating the berm. Thus the re-configuration of the berm is along those straight line swales, as shown in the enclosed figure. Further, the berm will be constructed from adjacent fill, thus creating a borrow swale and altering the cross section of the berm, as shown in the cutout portion of drawing 6A. After the Cell 5 vegetation is established, the berm and swale will be re-contoured to match adjacent topography grade and planted in accordance with Specific Condition 10.c.

In addition to the reconfiguration of the berm, the QMS concluded that additional adjustable control structures would provide greater ability to regulate water levels during the planting and re-vegetation phase than the three weirs permitted. Thus, eight 24" culverts with adjustable risers will be installed along the berm and agricultural drainage system, as shown in the attached drawings.

"More Protection, Less Process"

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The re-configuration will result in slightly greater acreage of the Phase I restoration area, so this construction modification will result in no loss of ecological function. Other than the temporary berm and structure construction location and details, no other changes of permit conditions, mitigation plan, credits or release schedule is authorized by this modification. By copy of this letter and attached figures, 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 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 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,



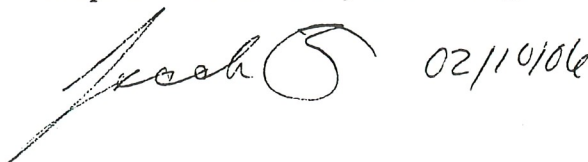
Constance Bersok, Administrator
Office of Submerged Lands and
Environmental Resources

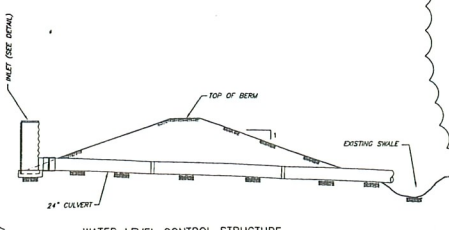
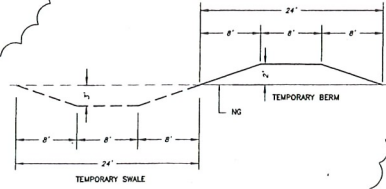
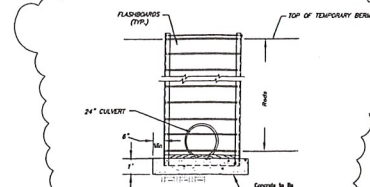
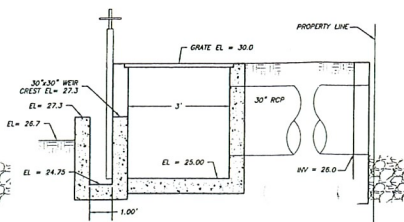
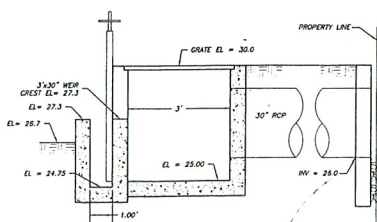
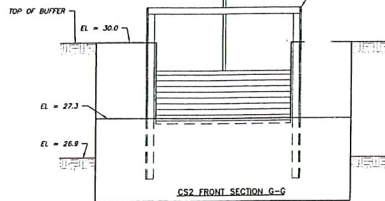
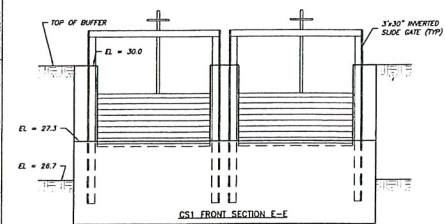
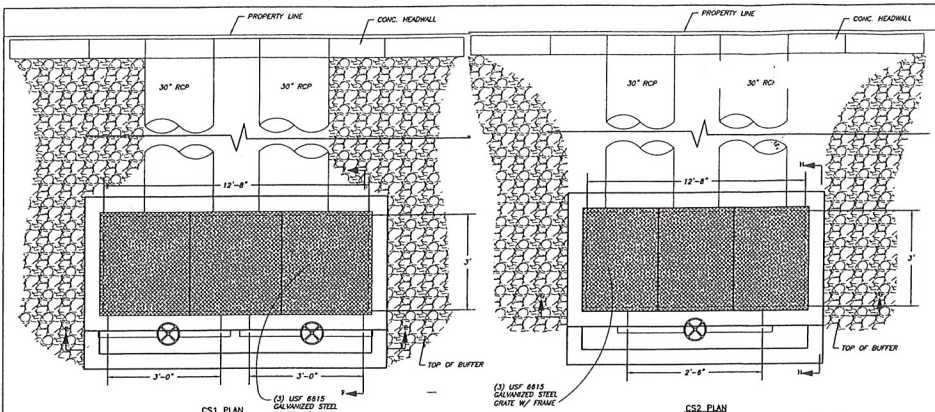
cc:

Lucy Blair, DEP, Southwest District Office, Ft. Myers
Michael Nowicki, U. S. Army Corps of Engineers, Jacksonville
Marjorie Moore, SFWMD, West Palm Beach
Matt Fisher, BCMB, 12800 University Dr, Suite 400, Ft Myers, FL 33907

CERTIFIED MAIL NUMBER/RETURN RECEIPT REQUESTED

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.





TKW
CONSULTING ENGINEERS, INC.
environmental • civil • structural
8821 Manning Drive
Fort Worth, Texas 76112
(214) 378-1812 • Fax (214) 378-0912
E-Mail: tkw@tkwinc.com
Certification # 5782

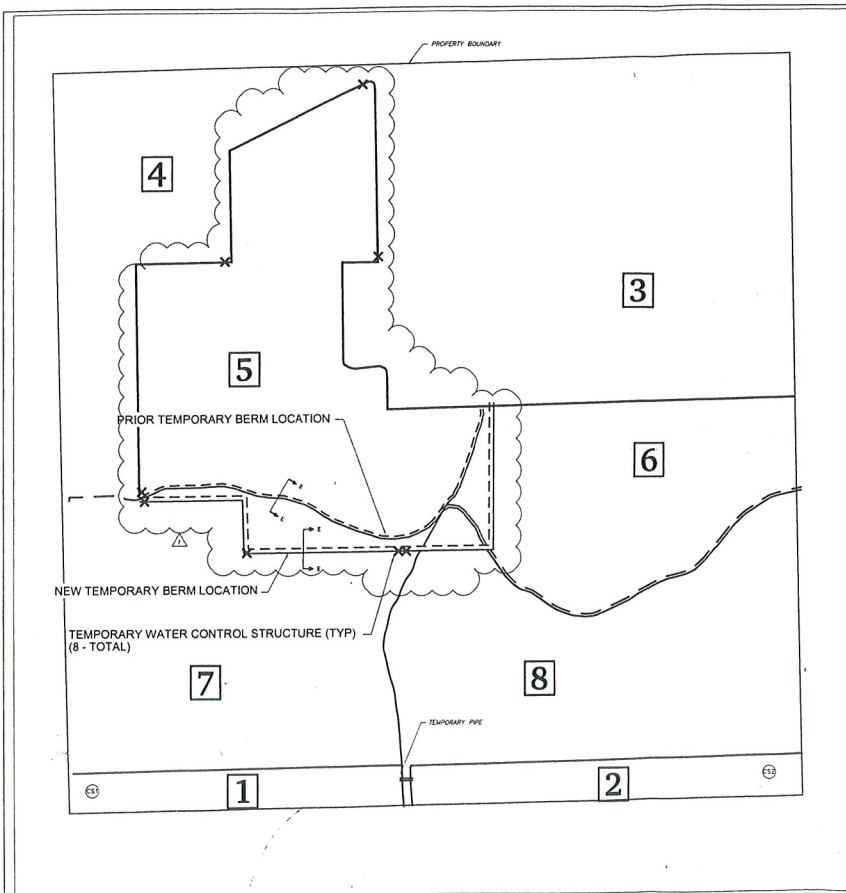
Consultants:

PROJECT ENGINEER
DANIEL P. JOHNSON, P.E.
FL REGISTRATION No. 37573

CORKSCREW
REGIONAL
MITIGATION BANK

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Sheet Title:
TYPICAL
SECTIONS & DETAILS
6-D



NOTES

CELL 1
Remove pasture grasses and exotic vegetation from the Cell 1 area.
Construct berm and plant buffer along Cutoffline Road.
Place main water control structure at southeast corner of site.
Grade Cell 1 area per plan.
Plant buffer along Cutoffline Road.
Plant Cutoffline per restoration plan.

CELL 2
Remove pasture grasses and exotic vegetation from the Cell 2 area.
Construct berm and plant buffer along Cutoffline Road.
Grade Cell 2 area per plan.
Place auxiliary water control structure at southeast corner of site.
Plant buffer along Cutoffline Road.
Plant Cutoffline per restoration plan.

CELL 3
Removal of problematic exotic vegetation species in Cell 3 natural area.

CELL 4
Removal of problematic exotic vegetation species in Cell 4 natural area.

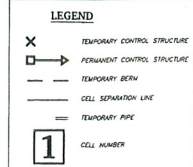
CELL 5
Remove pasture grasses and exotic vegetation from the Cell 5 area.
Construct temporary berm along southern boundary of Cell 5 and install temporary water control structure.
Regrade working berm and fill in perimeter along in specified areas of Cell 5.
Install temporary water control structure at southeast corner of Cell 5.
Grade Cell 5 area per plan.
Plant Cell 5 area per restoration plan.
Remove temporary berm and control structure from Cell 5.

CELL 6
Remove pasture grasses and exotic vegetation from the Cell 6 area.
Construct berm and plant buffer along southern boundary of Cell 6 and install temporary water control structure.
Regrade working berm and fill in perimeter along in specified areas of Cell 6.
Grade Cell 6 area per plan.
Plant Cell 6 area per restoration plan.
Remove temporary berm and control structure from Cell 6.

CELL 7
Remove pasture grasses and exotic vegetation from the Cell 7 area.
Construct berm and plant buffer along western perimeter of property.
Grade Cell 7 area per plan.
Plant Cell 7 area per restoration plan.

CELL 8
Remove pasture grasses and exotic vegetation from the Cell 8 area.
Construct berm and plant buffer along eastern perimeter of property.
Grade Cell 8 area per plan.
Plant Cell 8 area per restoration plan.

* All Natural Areas are to be protected from sedimentation via installation of all fencing.



T&W
CONSULTING ENGINEERS, INC.
environmental • civil • structural
1203 New Century Road
Fort Myers, Florida 33901
(239) 378-1812 • Fax (239) 378-0822
E-mail: twengineering.com
Certification # 3762

Consultants:

PROJECT ENGINEER
DANIEL P. JOHNSON, P.E.
FL REGISTRATION No. 37573
Daniel P. Johnson
7/5/2006

FOR CORKSCREW REGIONAL MITIGATION BANK

REV. NO.	DATE	DESCRIPTION
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Sheet Title:
CONSTRUCTION IMPLEMENTATION PLAN
DRAWING
6-A
1 OF 8 SHEETS



Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Colleen M. Castille
Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

June 4, 2004

Mr. Raymond A. Pavelka
Mariner Properties Development, Inc.
13451 McGregor Blvd. #31
Ft. Myers, FL 33919

Dear Mr. Pavelka:

File No: 0198035-001, Lee County
Project: Corkscrew Regional Mitigation Bank

Enclosed is Mitigation Bank Permit, Permit No. 0198035-001 issued pursuant to Part IV of Chapter 373, Florida Statutes, and Title 62, Florida Administrative Code.

The permit contains conditions that must be met when permitted activities are undertaken. Please review this document carefully to ensure compliance with both the general and specific conditions contained herein. If you have any questions about the document, please contact me at 850-245-8492.

Sincerely,

Victoria K. Tauxe
Office of Submerged Lands and
Environmental Resources

Enclosure

cc: DEP, Office of General Counsel
Lucy Blair, DEP, Southwest District Office, Ft. Myers
Michael Nowicki, U. S. Army Corps of Engineers, Jacksonville
Ross T. Mortin, SFWMD
Marjorie Moore, SFWMD, West Palm Beach
Ron Miedema, USEPA, West Palm Beach
Spencer Simon, US Fish & Wildlife Service, Vero Beach
Jim Beever, Fish and Wildlife Conservation Commission, Ft. Myers
Rosiland Moore, NRCS, Gainesville

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