

Jeb Bush
Governor

Department of Environmental Protection

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

David B. Struhs
Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

February 11, 2002

Mr. Jonathan Weiss
Foster Wheeler Environmental Corporation
759 S. Federal Highway, Suite 100
Stuart, Florida 34994

RECEIVED

FEB 19 2002

Save Our River
Initials: _____

Dear Mr. Weiss:

Permit Number: 0140969-001, Palm Beach County
Loxahatchee Mitigation Bank

Your request to modify this permit has been received and reviewed by Department staff. The modification is to add three areas (50,000 ft², 62,000 ft², and 25,000 ft²) for the temporary stockpiling of clean fill material to be used for berm construction, to add a 750 ft² temporary office pad, and to move the permitted temporary office pad 100 feet to the west. A site inspection conducted on February 6, 2002 confirmed that the stockpile areas are within and adjacent to the footprint of the permitted berm in areas cleared of Brazilian Pepper. All areas within the bank will be restored and planted to achieve the final mitigation plan. The locations of these temporary fill areas are shown in the attached Figure 5A.

The permit language for the second paragraph in Specific Condition 10(a.) is changed, as follows:

Prior to release of final retained credits for construction and initial eradication activities under Specific Condition 18, the temporary construction features, which include a 20,000-square-foot storage pad, a 750 square foot office pad, and 3 stockpile/storage areas (50,000 ft², 62,000 ft², and 25,000 ft²), shall be removed and restored in accordance with the proposed mitigation plan in Figure 3. These areas are shown in Figure 5A. Permanent construction to implement the designed hydrologic improvements includes the following elements (beginning at the upper right corner of Figure 6-Key and moving clockwise):

By copy of this letter and associated new drawing (Figure 5A), we are notifying all necessary parties of the modification.

Notice of Modification
Loxahatchee Mitigation Bank
Permit No. 0140969-001
Page 2

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

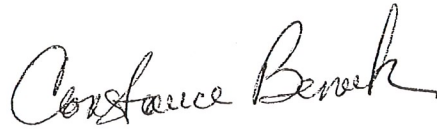
Notice of Modification
Loxahatchee Mitigation Bank
Permit No. 0140969-001
Page 3

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,

A handwritten signature in black ink that reads "Constance Bersok". The signature is written in a cursive, flowing style.

Constance Bersok, Administrator
Bureau of Beaches and Wetland Resources

Attachment

cc:

ERCPPC, SFWMD, West Palm Beach, permit # 50-05107-P and 06-03326-P
Tori Agramonte, US Army Corps of Engineers, Vero Beach
File


CERTIFIED MAIL NUMBER
RETURN RECEIPT REQUESTED


FILING AND ACKNOWLEDGMENT

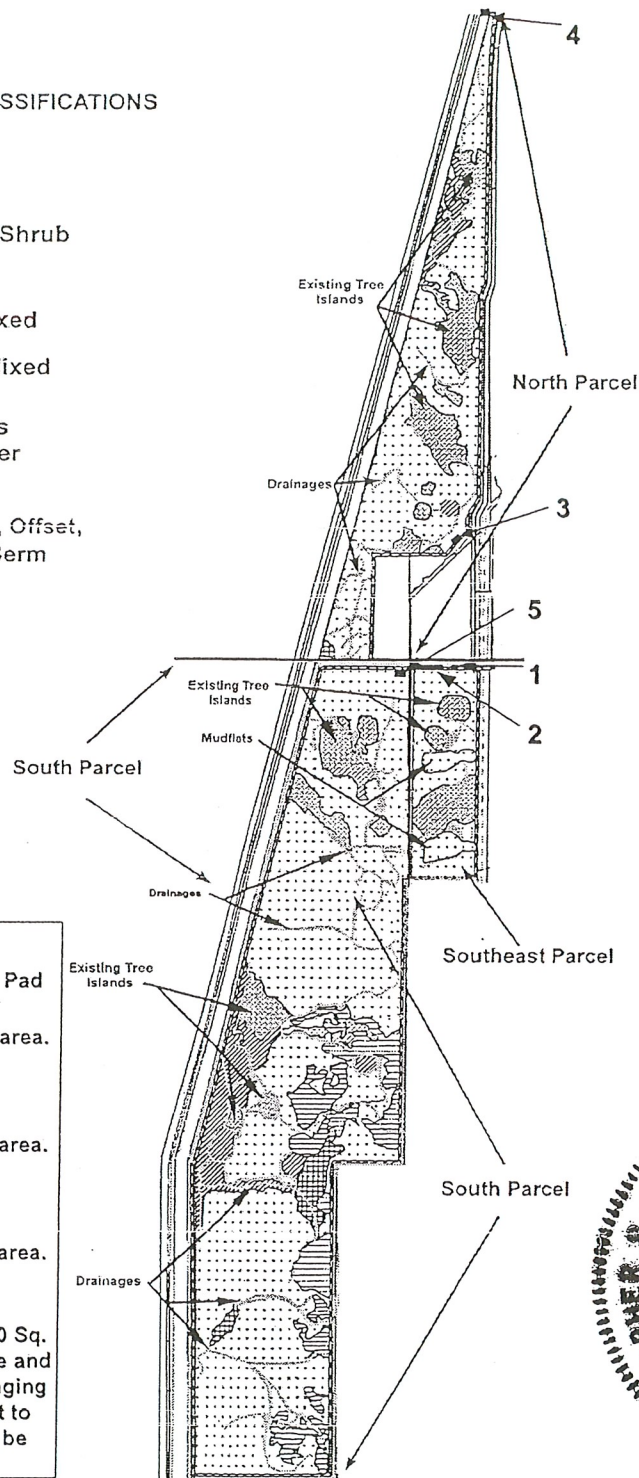
FILED, on this date, pursuant to 120.52(9),
Florida Statutes, with the designated Department Clerk,
receipt of which is hereby acknowledged.

LAND COVER CLASSIFICATIONS
AND ACREAGES

-  Marsh
-  Willow - High Density Shrub
-  Cypress
-  Red Maple/Mixed
-  Pond Apple/Mixed

 Canals/Ditches
and Open Water

 Access Roads, Offset,
Containment Berm



Temporary staging areas

1. 750 ft² Office Trailer temporary Pad
2. Requested new 50,000 ft² soil stockpile and material storage area. The Pad will be removed after construction.
3. Requested new 62,500 ft² soil stockpile and material storage area. The Pad will be removed after construction.
4. Requested new 25,000 ft² soil stockpile and material storage area. The Pad will be removed after construction.
5. Permitted temporary Pad 20,000 Sq. Ft. for office, equipment storage and possible vegetation nursery staging area. Need to move 100 ft. west to edge of FPL ROW. The Pad will be removed after construction

Source: Foster Wheeler Environmental Corporation
759 South Federal Highway Suite 100
Stuart, FL 34994

January 2002

Loxahatchee Mitigation Bank
TEMPORARY CONSTRUCTION ACTIVITIES AT THE BANK
FIGURE 5A

Engineering Certificate
of Authorization No. 7130

PERMIT NO. 140696

Christopher S. Smith, P.E.
Florida P.E. No. 57255

