> marjorie moore, F&I.



Jeb Bush Governor

Department of Environmental Protection

RECEIVED
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AVIRONMENTAL SECTION NRA

Twin Towers Office Building 2600 Blair Stone Road Tallahassee, Florida 32399-2400 IENTAL SECTION NE David B. Struhs Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

July 22, 2003

Rob Rellin

Mr. Jonathan Weiss Tetra Tech FW, Inc. 759 S. Federal Highway, Suite 100 Stuart, Florida 34994

AUG U 6 2003

Dear Mr. Weiss:

Save Our Rivers Initials: _____

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

Your request to transfer the above referenced permit to Tetra Tech FW, Inc. has been approved by the Department. All permit conditions and modifications remain in effect. The project manager, agent, and QMS staff also remain unchanged.

By copy of this letter, we are notifying all necessary parties of the transfer.

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:

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

- (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.

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

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

Bureau of Beaches and Wetland Resources

cc:

Tim Rach, DEP Southeast District Rob Robbins, SFWMD, West Palm Beach Tori White, US Army Corps of Engineers, Vero Beach Eric Myers, Broward County Commission Sandy Mann, Palm Beach County Dept. of Environmental Management File

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.

FOSTER WHEELER

FOSTER WHEELER ENVIRONMENTAL CORPORATION

SOUTH FLORIDA WATER MANAGEMENT DISTRICT LOXAHATCHEE MITIGATION BANK

PROJECT CORRESPONDENCE

Document Type: Date of Correspondence: $5/24/2$ Subject: ERP Modifical TO: J. Weiss FROM: C. Bersok – F	☐ letter ☐ memo	PROJECT FI FILE LOG #: PRIGINAL IN FILE Teport	
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