

September 23, 2026

VIA EMAIL AND REQUEST FOR PLACEMENT IN THE OFFICIAL AGENCY RECORD

Southwest Florida Water Management District
Environmental Resource Permit Bureau, Regulation Division
Tampa Service Office
7601 U.S. Highway 301 North
Tampa, Florida 33637-6759

Attention: Lee Hughes, P.W.S.; Todd Boyle; Cliff Ondercin; and David Kramer, P.E., Bureau Chief

Re: Second Supplemental Objection to the September 18 and September 21 Submissions; Demand for a Written RAI Status Determination, Clarification Request, and Substantive Disposition of Unresolved Public Concerns

Project: Brooker Creek Mitigation Bank

Application: ERP Application No. 930235 / Permit No. 47575.002

Related records: Application Nos. 889588 and 907654

Dear Mr. Hughes, Mr. Boyle, Mr. Ondercin, and Mr. Kramer:

I submit this letter as a formal supplement to, and not a replacement for, my August 27, September 2, and September 16, 2026 submissions concerning Brooker Creek Mitigation Bank Application 930235. Every objection, request, demand, and reservation stated in those submissions remains pending. The purpose of this letter is narrower and immediate: to address the applicant-related documents posted on September 18 and September 21, identify what those documents do and do not establish, summarize the material RAI and public concerns that remain unresolved, and require a written explanation of SWFWMD's review and next action.

As of the latest public record reviewed on September 23, the application remained identified as incomplete. The August 18 extension approval stated that the requested information was due September 14 and that, absent another extension, the application would be processed for denial if the response was not received by that date. The applicant filed its principal RAI response on August 26, but later submitted three proposed legal instruments on September 18 and reposted them on September 21. No later extension request or approval appears in the public docket reviewed for this letter.

The central issue is not whether files were uploaded. It is whether the applicant supplied accurate, internally consistent, legally effective, and technically sufficient evidence that answers the District's December 14, 2025 RAI and provides the reasonable assurances required for a mitigation-bank permit. The September filings do not accomplish that. They may be reviewed as proposed forms, but they are unsigned, undated, unnotarized, unrecorded, internally inconsistent, and incapable of establishing present ownership, an operative access easement, a sworn affidavit, an effective waiver, perpetual effluent delivery, or satisfaction of the unresolved title and long-term-management requirements.

I therefore request that SWFWMD keep the application formally incomplete, issue an item-by-item RAI status matrix, send an authorized clarification request addressing the conflicts and omissions described below, and make no completeness determination, staff recommendation, conservation-easement acceptance, permit preparation, or credit authorization until the public record shows how each material issue has been resolved.

I. Procedural posture of the September submissions

The September filings must be evaluated according to their substance rather than their docket labels. The record presently shows the following sequence:

Date	Docket event	Material significance
September 14	Approved response date	The August 18 approval said the requested information was due and the application would be processed for denial unless a later extension was granted.
September 18	Applicant-counsel transmittal	Three documents were transmitted: a draft access easement, a proposed Crossroads affidavit, and a proposed Ridgemoor sewer notice. The access file name expressly included 'DRAFT.'
September 21	Three new docket entries	The same three documents were reposted under 'Response to RAI,' 'RAI/CLAR Partial Response,' and 'RAI/CLAR Supplemental Response.' The visible text contains no substantive cure.
September 23	General correspondence	A signed opposition letter from Rob and Marianne Colbeck was posted. It is public comment, not an applicant submission or cure.

SWFWMD should state whether it treats the August 26 package as the applicant's timely RAI response, whether it treats the September documents as part of that response or as later supplemental information, the date on which it considers the last item of additional information received, and the corresponding review period under section 373.4141(1), Florida Statutes. If a waiver, extension, or other event changed that period, the District should identify and docket it.

II. The September 18 and September 21 documents do not cure the application

A. The three documents were submitted twice without a substantive change

The September 18 applicant-counsel transmittal attached three documents and described the access easement by the file name 'Brooker Creek MB - SWFWMD-DEP Access Easement (DRAFT)(9.26)(CLEAN).docx.' The September 21 docket then presented the same visible text as three separately classified responses. Comparison of the documents reveals no added signature, date, witness, notarial acknowledgment, recording information, corrected legal description, or other substantive cure. Reposting the same proposed forms does not create three additional answers or restart a response period.

SWFWMD should identify the precise RAI item assigned to each document, whether staff considers the item satisfied or only partially answered, why the forms were docketed twice under different classifications, and whether any substantive difference exists that is not apparent from the public copies.

B. The proposed access easement remains incomplete and may not provide dependable access

I recognize that RAI Item 12 requested a revised draft access easement. I do not contend that a document requested only as a draft must already be recorded. The distinction is nevertheless critical: a draft may be reviewed as proposed language, but it cannot establish that an easement has been granted or that SWFWMD and FDEP presently hold legally effective access rights.

The proposed access easement contains the following blanks and omissions:

- the execution date is blank;
- the ERP number is blank;
- the Official Records book and page for the conservation easement are blank;
- the grantor signature, printed name, date, two witness sections, notarial acknowledgment, notary signature, notary name, and commission information are blank;
- the file contains no embedded signature image or digital-signature component;
- Exhibit A includes Parcels 1 and 3 but not the Parcel 2 easement estate included in the proposed Foundation affidavit; and
- Exhibit B describes an approximately 0.08-acre, 12-foot-wide access corridor without a signed-and-sealed sketch showing its relationship to the entire proposed bank, monitoring locations, management areas, and emergency-access needs.

The substantive terms also create a long-term reliability problem. Section 7 states that neither the grantor nor the agencies must improve, maintain, repair, or pay for the access area and disclaims any warranty that the route will remain suitable for motor vehicles or all-terrain vehicles. Section 9 would permit the grantor to relocate the route and require the grantees to terminate the original easement after an alternate is supplied, but it contains no objective equal-or-better standard, all-weather or emergency-access standard, prior written agency-approval requirement, signed-and-sealed survey requirement, or record-before-release condition preventing a gap in enforceable access.

A permanent mitigation bank cannot depend on nominal access that no party must keep passable. SWFWMD should require continuous, practical, all-weather access for inspection, monitoring, maintenance, enforcement, emergency response, corrective work, and Surface Water Monitoring Station 21116. Any relocation must require prior written agency approval, a signed-and-sealed survey, equal-or-better access, recordation of the replacement before release of the existing route, and a prohibition on any gap in enforceable access.

C. The unsigned Crossroads document is not present proof of ownership or a sworn affidavit

The document captioned 'AFFIDAVIT' has not been signed by Jan Stephenson, sworn, witnessed, dated, or notarized. Its identification method, notary signature, notary name, stamp, and commission information remain blank. In its present form it is proposed text, not sworn evidence.

Its language also does not reconcile RAI Items 15 and 16(b). The document states that Jan Stephenson's Crossroads Foundation, Inc. has continuously been a fee-simple owner since February 27, 2017, while parenthetically stating that, 'based on certain transactions,' Tarpon Woods Properties, LLC 'has also had an ownership interest' during an unspecified part of that period. It identifies no transaction, date, deed, instrument number, Official Records book and page, acreage allocation, parcel allocation, present ownership matrix, or legal basis on which Tarpon Woods Properties may encumber the entire proposed bank.

The document's principal subject is the alleged absence of golf-course membership agreements. Even if later executed, it would address only that limited title question. It would not substitute for a recorded deed, a current title commitment, a parcel-by-parcel ownership schedule, joinders and subordinations from every necessary interest holder, or other proof of sufficient legal or equitable interest. Its internal metadata retains the title 'BORROWER'S NO-LIEN AFFIDAVIT.' That metadata is not proof of fraud or misconduct, but it is a document-control indicator that warrants careful review of substance rather than reliance on the caption.

D. The proposed Ridgemoor notice does not guarantee perpetual effluent delivery

The proposed notice concerning the June 14, 1988 Ridgemoor Sewer Agreement is unsigned, undated, unwitnessed, unacknowledged, and unrecorded. It says that the conservation easement 'has been executed and is recorded contemporaneously with this Notice,' while providing no conservation-easement recording information and remaining unexecuted itself. That may be anticipatory closing language, but it cannot be treated as evidence that either instrument has been executed or recorded.

The first page of Exhibit A also retains the literal placeholder '[LEGAL DESCRIPTION OF CONSERVATION EASEMENT AREA]'. A perpetual real-property instrument should not be approved for execution with a placeholder where the controlling protected area should appear.

More fundamentally, the proposed notice would waive certain Tarpon Woods Properties rights to seek sewer-system expansion, secure additional capacity, or require additional facilities. It does not bind Pinellas County, a utility provider, or any independent entity to deliver treated effluent in perpetuity. It establishes no delivery quantity, timing, quality, pressure, maintenance obligation, interruption remedy, replacement-source requirement, funding mechanism, water-budget obligation, or successor duty. It therefore does not answer RAI Item 16(d): how the applicant will provide reasonable assurance of perpetual effluent delivery necessary for long-term ecological viability.

E. The parcel structure and legal descriptions are not uniform

The proposed instruments do not use the same parcel structure. The Foundation document includes Parcels 1, 2, and 3 and identifies Parcel 2 as an easement estate. The access easement and sewer notice include Parcels 1 and 3 but omit Parcel 2. SWFWMD should require a parcel matrix identifying every fee parcel and easement interest within or serving the bank, the current record owner or holder, the recorded instrument establishing the interest, whether the interest lies inside the bank boundary, conservation easement, access route, work area, or credit area, and every party whose signature, joinder, consent, release, or subordination is required.

The descriptions also repeat facial transcription defects. All three include 'South 07 degrees 56 minutes 92 seconds East,' even though 92 seconds is not conventional degrees-minutes-seconds notation. All three include 'South 04 degrees 56 minutes 41 West,' with the seconds notation incomplete. The proposed Foundation affidavit additionally contains 'South 69 degrees 00 seconds West,' which omits a minutes value. These may prove to be clerical errors; they are not, standing alone, proof that the entire title fails. They do require correction and a certified reconciliation before the descriptions are used in perpetual instruments.

SWFWMD should require a Florida-licensed surveyor and the proposed title insurer to certify one corrected, internally consistent description across the deed, current survey, title commitment, conservation easement, access easement, sewer notice, mitigation plan, bank boundary, credit polygons, and permit exhibits. The reconciliation should include a call-by-call comparison, closure report, acreage calculation, and signed-and-sealed composite exhibit.

F. The other September records are not applicant cures

The September 23 general-correspondence filing is a signed opposition letter from residents Rob and Marianne Colbeck bearing a SWFWMD received stamp. It reiterates the absence of publicly posted ownership evidence and the lack of substantive answers concerning the survey, floodway, hydrology, drainage, wetland credits, soil, wildlife, costs, and perpetual maintenance. It is a public objection, not evidence curing an applicant deficiency.

The September 18 email record also contains an FDACS investigation package. The FDACS material reports that cacodylic acid and MSMA were not detected above a 1,500-parts-per-billion method detection limit in one 32-ounce soil sample described as coming from a 'hole/tee'; the GPS field is blank. FDACS stated that it could not confirm the reported unauthorized use or drift and separately noted anti-siphon or air-gap discrepancies at the mix/load site. One sample from one unidentified hole or tee is not a 172-acre environmental clearance. It does not characterize proposed planting, ditch work, access, staging, equipment-travel, soil-disturbance, or disposal areas. The email record also lists an attachment named 'PinellasCountyBCMBResponse.pdf.' SWFWMD should confirm whether that complete attachment was captured and separately docket any omitted material.

III. SWFWMD's own RAI remains materially unresolved

The September documents address only a narrow portion of the December 14 RAI. They do not cure the following items, and the public docket contains no itemized staff determination explaining why any of them should be considered satisfied:

- **Item 2 — current wildlife information.** The August response acknowledged that no new FWC letter was obtained for Application 930235 and reused a June 2025 letter associated with withdrawn Application 907654. No current, project-wide wildlife survey or current-project agency evaluation is publicly identified.
- **Item 4 — current field and UMAM verification.** The applicant referred to a January meeting, but the public file does not clearly document current project-specific field verification, findings, acceptance of proposed scores, or resolution of conflicts raised by the current design.
- **Item 6 — certified construction and perpetual-management cost estimate.** The submitted estimate lacks visible professional certification, signature, seal, license identification, dated vendor support, documented market sources, and complete third-party substantiation. Apparent arithmetic and quantity problems remain.
- **Item 10 — monitoring-station protection and access.** A narrative assurance does not substitute for a recorded, maintainable, all-weather route to Station 21116 and the surrounding areas that may require inspection or corrective work.
- **Item 11 — ditch classification and treatment.** The ditch may have been restored to certain maps, but the application does not reconcile ditch treatment with the categorical 'no earthwork' statement, disturbance volumes, hydrologic effects, material handling, cost, and credit treatment.
- **Item 12 — access easement.** A draft was supplied, but its blanks, parcel mismatch, maintenance disclaimer, relocation clause, narrow corridor, and absence of a signed-and-sealed access exhibit remain unresolved.
- **Item 13 — conservation easement and subordinations.** The September submissions do not supply a newly corrected conservation-easement draft or evidence resolving every necessary mortgage, lien, easement, joinder, consent, and subordination issue. Any earlier draft remains subject to reconciliation with the current title and corrected legal descriptions; no executed or recorded instrument is established by the September forms.
- **Item 14 — performance bond.** The September submissions do not provide a newly corrected performance-bond draft. SWFWMD has not publicly determined whether the earlier proposed amount, penal sum, liability limit, cost basis, duration, adjustment mechanism, and default protections satisfy the rule, or identified the conditions for later execution and funding.
- **Item 15 — sufficient legal interest.** The recorded deed promised by the applicant remains absent from the public record reviewed for this letter. An unsigned proposed affidavit neither conveys land nor proves the applicant's legal or equitable interest.
- **Item 16(a)-(b) — current title amount and fee holders.** No complete current title package and parcel-by-parcel reconciliation establishes the present owner, the interest held by each entity, the instruments creating those interests, and each entity's authority to bind the land.
- **Item 16(c), (e), (f), and (g) — title exceptions and recorded rights.** The public file does not contain a complete title-and-survey matrix showing the disposition, location, effect, release, termination, repair obligation, noncredit treatment, or preservation-score treatment for every listed exception. A proposed waiver is not an executed release.
- **Item 16(d) — perpetual effluent delivery.** The proposed Ridgemoor notice waives selected applicant rights but does not require perpetual treated-effluent delivery or provide a quantified water budget for continuation, reduction, interruption, and cessation scenarios.
- **Item 17 — existing wells.** The response states that two wells will be abandoned when a restroom is decommissioned, but no controlling map, permit path, abandonment method, responsible professional, schedule, water-quality protection plan, or completion evidence is supplied.

- **Item 18 — adverse water quantity and quality effects.** The unresolved floodway, drainage, storage, hydrology, soil, effluent, ditch, planting, and easement conflicts create directly related questions that require a documented District analysis.

Other RAI items may have corresponding documents in the August package—including a pond cross-section, upland credit-allocation figure, security map and fencing language, post-construction criteria, a draft conservation easement, a draft bond, and title-exception explanations. Their presence is not the same as acceptance. SWFWMD should identify whether each submission is accepted, rejected, partially sufficient, or in need of clarification, and cite the exact document and page supporting that decision.

IV. Previously raised technical and public-interest concerns also remain unanswered

The September forms do not address the broader technical issues raised in my prior filings, the Pinellas County comments, or later resident submissions. Those concerns remain relevant to the District's independent reasonable-assurance review and can be summarized as follows:

- **Ownership, title, survey, boundaries, and acreage.** The applicant must provide recorded ownership evidence, one current title record, and a signed-and-sealed composite reconciling Parcels 1 through 3, the bank boundary, conservation easement, access, title exceptions, acreage figures, Figure 14, security features, wetlands, floodway, work areas, and credit areas.
- **Prior applications and changing designs.** Applications 889588, 907654, and 930235 contain materially different acreage, excavation, fill, ditch, pond, structure, and credit proposals. A version-controlled crosswalk must show what was retained, eliminated, relocated, redesigned, or superseded and the consequence for hydrology, soil, costs, credits, access, and perpetual protection.
- **Floodway, floodplain, drainage, storage, and hydraulic modeling.** The property lies within a historically flood-prone watershed and includes a FEMA regulatory floodway. The record still lacks one controlling overlay and reproducible existing- and proposed-condition analysis showing that construction, planting, mature vegetation, maintenance, failure, access, and fencing will not increase flood elevations, obstruct conveyance, reduce storage, redirect drainage, or shift risk to surrounding homes. Brooker Creek, ditch, pipe, drainage-easement, and downstream-conveyance capacities must be addressed.
- **Hydrologic success and treated-effluent water budget.** The project proposes pond and ditch conversions but relies heavily on vegetative success criteria. It needs measurable hydroperiod, surface-water, groundwater, connectivity, water-quality, drought, extreme-rainfall, failure, and corrective-action standards, together with quantified water budgets for effluent continuation, reduction, interruption, and cessation.
- **Existing wetlands and mitigation-credit accounting.** Every acre must be classified by surveyed polygon as existing wetland, surface water, pond, ditch, upland, floodway, buffer, preservation, enhancement, rehabilitation, restoration, establishment, credit, or noncredit area. Existing functions cannot be represented as newly created benefits, and each claimed credit must show verified incremental functional gain, risk, time lag, release milestone, conservation protection, and protection against double counting.
- **Earthwork, planting, soil, and belowground biological disturbance.** The categorical 'no earthwork' claim conflicts with ditch treatment, more than 60,000 plant installations, vegetation work, fencing, signs, cameras, monitoring equipment, well abandonment, structure decommissioning, vehicle travel, and staging. Even an illustrative one cubic foot per plant would disturb more than 60,000 cubic feet, or approximately 2,222 cubic yards, before larger trees, ditch work, compaction, access, and corrective planting are counted. The applicant must disclose the methods, volumes, equipment, routes, displaced-material disposition, grade effects, soil-horizon disruption, root and fungal-network effects, and hydrologic consequences.
- **Planting feasibility and quantities.** A survey-grade planting plan must show species, size, stock type, density, exact planting zones, exclusions, equipment access, soil suitability, canopy overlap, and the

acreage remaining after wetlands, floodway, utilities, easements, root zones, drainage facilities, access, setbacks, and structures are deducted. Plant counts, cost tables, work plans, and monitoring criteria must reconcile.

- **Soil, sediment, groundwater, and chemical history.** One FDACS sample cannot characterize the site. Before soil disturbance, the applicant should supply a professionally prepared, systematic plan covering greens, tees, fairways, maintenance and mix/load areas, drainage paths, ditches, pond margins, planting zones, access routes, staging areas, multiple depths, background samples, appropriate analytes, accredited laboratory methods, quality control, planting suitability, delineation of any exceedance, worker and community safeguards, lawful transport and disposal, replacement soil, confirmation sampling, and certified contingency costs.
- **Current wildlife and habitat review.** A letter prepared for a withdrawn and materially different application is background information, not current-project concurrence. Current review should address listed species, nests, burrows, denning and foraging areas, aquatic habitat, corridors, fencing, cameras, vegetation removal, mowing, herbicide use, installation activity, and long-term management.
- **Security, access, and monitoring.** Conditional fencing, signs, cameras, and voluntary neighbor cooperation are not a surveyed, objective, and fully funded security program. The applicant must provide measurable triggers, inspection and reporting intervals, repair deadlines, repeated-encroachment procedures, enforceable access, and funding for the complete protected boundary and all monitoring and corrective-work areas.
- **Cost, financial assurance, default, and perpetuity.** A generic plant price and twenty-year table do not establish construction, replacement, testing, corrective action, default response, or perpetual-management costs. Estimates must be professionally certified, market supported, itemized by labor, material, equipment, professional service, testing, monitoring, security, replacement, contingency, and disposal, and periodically adjusted. Financial mechanisms must survive transfer, default, abandonment, dissolution, insolvency, permit surrender, foreclosure, and institutional failure. No credit should be released until required conservation protection and financial assurances are executed and effective.
- **Recorded drainage, utility, sewer, access, and maintenance rights.** A complete recorded-instrument chain and composite overlay must show every right to enter, excavate, clear, repair, relocate, drain, operate, or maintain facilities. Labeling an area noncredit does not eliminate those rights or their effect on habitat, hydrology, plantings, monitoring, and restoration funding.
- **Pinellas County's December comments.** SWFWMD instructed the applicant to respond to the County comments with the RAI response, but no complete County-response matrix appears in the file. The District should identify which issues it adopted as information needed for its own review and require an answer or explain why each issue is resolved or outside its authority.
- **Application history, fees, and carried-forward documents.** The District should provide a clear account of every fee, transfer, credit, adjustment, withdrawal, and document carried across Applications 889588, 907654, and 930235, with authority and current applicability identified.
- **Deadline and extension history.** The prior June 14 lapse, the later post-deadline approval, the August and September dates, and the absence of a reasoned public explanation remain outstanding. The September filings add a new question: whether documents submitted after September 14 were accepted as part of the RAI response and, if so, on what procedural basis.

V. SWFWMD has notice of the public concerns but has not shown their substantive disposition

SWFWMD has actual notice of the issues raised by residents. My August 27 and September 2 filings are in the official record, and my September 16 consolidated follow-up renewed those demands. On September 17, Regulatory Support Manager Michelle L. Eddy advised Rob and Marianne Colbeck that she had copied Lee Hughes and Todd Boyle 'for their information/review' and for inclusion in the file. On September 22, Field Services Supervisor Joseph Hagin forwarded the Colbecks' related inquiry to Lee Hughes after the District

had stated that it would investigate and follow up. The Colbecks' signed objection was posted on September 23.

Those records establish receipt and internal routing. They do not show a substantive response, an item-by-item staff disposition, or any publicly posted communication by which SWFWMD transmitted the relevant technical questions to the applicant or required the applicant to address them. I recognize that the absence of a document from the public viewer does not conclusively establish that no communication occurred. The District should therefore state whether such communications occurred and produce any existing nonexempt records documenting them.

The District is not merely a forwarding service. Its duty is to conduct its own review. Section 373.4141(1), Florida Statutes, requires review of additional information within 30 days after receipt and permits further requests for information needed to clarify that submission or answer new questions raised by or directly related to it. Applicant's Handbook Volume I, section 5.5.3.1, requires review for the applicable application information, supporting reasonable assurances, and mitigation-bank information required by chapter 62-342, Florida Administrative Code. Section 5.5.3.2 provides that an application remains incomplete when required items are absent or the application appears to contain conflicts or errors. Section 5.5.5.2 expressly permits objectors to submit information for agency review.

The new defects identified here are directly related to the applicant's September submissions and the existing RAI. They concern the parties purporting to grant property interests, the legal descriptions used in those instruments, the scope and reliability of access, overlapping ownership assertions, and the absence of an enforceable perpetual water source. They are appropriate subjects for a written clarification request and cannot be dismissed as unrelated public commentary.

The burden remains on the applicant. Section 373.4136(1), Florida Statutes, requires reasonable assurance of viable and sustainable ecological and hydrological functions, effective management in perpetuity, mitigation success, sufficient legal or equitable interest, and financial responsibility. A docket entry cannot substitute for those showings.

VI. Formal demands

Before any completeness determination, staff recommendation, proposed agency action, conservation-easement acceptance, permit preparation, or credit authorization, I request that SWFWMD provide the following:

1. Keep Application 930235 formally incomplete unless and until every required item, conflict, and error is resolved in the public record.
2. Identify the date SWFWMD treats as receipt of the applicant's last item of additional information and state the corresponding review period under section 373.4141(1), including every extension, waiver, agreement, or other event the District contends affects that period.
3. State whether the August 26 package was accepted as the timely RAI response and whether the September 18 and September 21 documents are being treated as part of that response, later clarification, or untimely supplemental material. Explain the legal and procedural basis for the classification.
4. Produce an itemized matrix addressing every December 14 RAI item. For each item, cite the exact document and page relied upon and classify it as satisfied, partially satisfied, unresolved, superseded, or not submitted, with a brief technical and legal explanation.
5. Identify every conflict, error, omission, and new directly related question found in the September submissions and issue an authorized written clarification or additional-information request addressing them.

6. Confirm that the proposed access easement, Crossroads affidavit, and Ridgemoor notice are drafts without present legal effect and will not be treated as proof of execution, recordation, ownership, waiver, access, or perpetual water availability.
7. Require recorded ownership evidence, a current title commitment, a parcel-by-parcel ownership and interest matrix, and every necessary joinder, consent, release, and subordination before accepting perpetual instruments or making an issuance recommendation.
8. Require a surveyor- and title-verified legal-description reconciliation, closure report, acreage calculation, and signed-and-sealed composite exhibit used consistently across every controlling instrument and plan.
9. Require continuous, all-weather, enforceable access to the complete bank and monitoring facilities, with an identified maintenance obligation and strict prior-approval, equal-or-better, record-before-release, and no-gap conditions for any relocation.
10. Require an enforceable showing of perpetual treated-effluent availability or a technically defensible alternative water budget demonstrating success under continuation, reduction, interruption, and cessation scenarios.
11. Require the unresolved hydrologic, floodway, drainage, storage, wetland-credit, earthwork, planting, soil, contamination, wildlife, security, cost, financial-assurance, default, abandonment, well, utility, and perpetual-management materials summarized above.
12. State whether SWFWMD or its staff transmitted my August 27, September 2, and September 16 submissions, the Colbeck objections, or any summary of those technical concerns to the applicant, GreenSource, applicant counsel, the title company, or another representative. If so, identify the date, sender, recipients, and subject and docket the existing nonexempt transmittal records. If not, state that plainly.
13. For each material public concern that SWFWMD declines to present to the applicant or address independently, state whether the District considers it resolved, outside its authority, unsupported, or not lawfully requestable, and identify the factual and legal basis for that determination.
14. Identify the responsible staff member and discipline reviewing ownership and title, access, effluent, survey and legal descriptions, floodway and hydrology, wetlands and credits, soil and contamination, wildlife, costs, and financial assurance.
15. Locate and docket the complete 'PinellasCountyBCMBResponse.pdf' attachment identified in the September 18 email record, or state that the District did not receive or retain it.
16. Provide a substantive signed response to this letter and the still-unanswered prior submissions before any material agency action. If the applicant cannot cure the outstanding deficiencies and provide the required reasonable assurances within the authorized process, proceed with denial or closure under the governing provisions.
17. Treat this letter as a renewed request for notice of every completeness determination and every intended or final agency action under Applicant's Handbook sections 5.5.5.1 and 5.5.5.4.

VII. Requested response and preservation

Please confirm that this letter has been placed in the official record and identify the responsible lead reviewer and records contact. Please provide the requested itemized status determination and substantive response before taking any material agency action. These are requested response measures intended to protect a transparent record; they are not represented as independently created statutory deadlines.

I also renew my request that unique responsive records concerning Applications 889588, 907654, and 930235 be preserved in accordance with applicable law and established retention schedules, including communications among SWFWMD staff, the applicant, consultants, counsel, title professionals, other

agencies, and affected interest holders. This request is not intended to claim that this letter independently creates a legal hold or expands any person's possession, custody, control, or otherwise applicable duty.

Florida residents have entrusted SWFWMD to scrutinize applications that may affect wetlands, flood storage, water quality, wildlife habitat, and surrounding homes. The applicant is represented by professional corporations and consultants pursuing a commercial mitigation bank across more than 172 acres within an established and historically flood-prone community. Complete, accurate, internally consistent, and enforceable evidence is a baseline requirement. The public has identified the conflicts and omissions in detail. SWFWMD is now on actual notice of them and must address them before any approval can lawfully or responsibly be considered.

Sincerely,

William R. Nobles, Jr.
172 Annwood Road
Palm Harbor, Florida 34685
admin@SaveTarponWoods.com

Copies

- Brian Werthmiller, Inspector General, Southwest Florida Water Management District
- Chris Tumminia, General Counsel, Southwest Florida Water Management District
- Brian Armstrong, Executive Director, Southwest Florida Water Management District
- Jack Bispham, Chair, and members of the Southwest Florida Water Management District Governing Board
- Kelli Hammer Levy, Director, Pinellas County Public Works
- The Honorable Brian Scott and The Honorable Dave Eggers, Pinellas County Board of County Commissioners
- The Honorable James Uthmeier, Attorney General of Florida, Office of the Attorney General
- Office of the Chief Inspector General, Executive Office of the Governor
- Alexis A. Lambert, Secretary, Florida Department of Environmental Protection
- Office of Inspector General, Florida Department of Environmental Protection
- Kerrie J. Stillman, Executive Director, Florida Commission on Ethics
- The Honorable Ashley Moody, United States Senator for Florida

Principal authorities and record sources

1. Section 373.4141(1), Florida Statutes (2026), governing review of applications and additional information.
2. Section 373.4136(1) and (5), Florida Statutes (2026), governing mitigation-bank reasonable assurances and credit release.
3. ERP Applicant's Handbook Volume I, effective June 28, 2024, sections 5.5.3.1, 5.5.3.2, 5.5.3.5, 5.5.4, 5.5.5.1, 5.5.5.2, and 5.5.5.4.
4. SWFWMD December 14, 2025 Request for Additional Information, Application 930235, SW-930235-040.
5. Pinellas County agency comments filed December 22, 2025, SW-930235-039.
6. Applicant's August 26, 2026 Response to Request for Additional Information and attachments.
7. SWFWMD August 18, 2026 Time Extension Request Approval, SW-930235-001, stating a September 14 due date.
8. September 18, 2026 applicant-counsel transmittal and proposed access easement, Crossroads affidavit, and Ridgemoor notice; corresponding September 21 docket entries.
9. September 16-22, 2026 SWFWMD email records concerning Colbeck public objections and internal routing.
10. September 18, 2026 resident email record and attached FDACS materials.
11. September 23, 2026 general correspondence containing the signed Colbeck opposition letter.
12. William R. Nobles, Jr. August 27, September 2, and September 16, 2026 submissions concerning Application 930235.