September 1, 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; and Cliff Ondercin

Copies: David Kramer, P.E., Bureau Chief, Environmental Resource Permit Bureau; Brian Werthmiller, Inspector General; Chris Tumminia, General Counsel; Brian Armstrong, Executive Director; Jack Bispham, Chair, and the members of the SWFWMD Governing Board; Kelli Hammer Levy, Director, Pinellas County Public Works; 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; and The Honorable Ashley Moody, United States Senator for Florida

Re: **Supplemental Notice of Additional Deficiencies and Formal Demand for a Written Deadline Determination, Administrative Denial if No Valid Extension Exists, Closure, Public Accounting, Independent Procedural Review, and Preservation of Records**

Project: Brooker Creek Mitigation Bank

ERP Application No. 930235 / Permit No. 47575.002

Related records subject to preservation: Application No. 889588 / Permit No. 47575.000 and Application No. 907654 / ERP 47575.001

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 detailed August 27, 2026 challenge letter concerning the applicants' August 26 response to the District's Request for Additional Information ("RAI"), as well as my July 17 and July 20 correspondence concerning the expiration of the June 14 response deadline and the later post-deadline extension. The District has not yet provided the substantive, point-by-point response requested in those prior communications. Every objection, request, demand, and reservation stated in them remains pending and is incorporated here by reference. Nothing in this supplemental letter withdraws, narrows, supersedes, or waives any prior issue.

This supplemental notice identifies additional facts and deficiencies arising from the newly uploaded boundary and topographic survey; the extension correspondence and approvals; the applicants' cost and financial-assurance materials; corporate, title, recorded-instrument, County, FWC, Corps, and other relevant agency records; the pool and floodway record; the County watershed-model appeal procedure; the August 26 resident filing by Michelle Hollidge; and the three related application histories. These findings materially reinforce the conclusion that Application 930235 remains incomplete, internally inconsistent, and unsupported by the reasonable assurances required for a mitigation-bank permit.

The newly documented extension history also raises a separate institutional issue. The record appears to show that the stated June 14 response date passed and that a new request was filed thirty-three days later. The applicant's July 17 request cited a pending revised title commitment expected within the next couple of weeks and an asserted prior partial-response understanding. It did not explain the June 14-July 17 lapse or why sixty days was reasonable and necessary. The visible internal recommendation supplied only the observation that sixty days would keep the application under 365 days "in-house," and the supervisory response was "That's fine." The public record examined to date does not identify whether the District treated the request as the one additional period available upon written notice of circumstances, as a later extension requiring good cause, or under some other authority; nor does it identify a statute, rule, handbook provision, or written District procedure making a 365-day in-house period a substitute for the governing extension requirements.

The timing makes a neutral procedural review especially important. My formal demand for denial and closure was received by District personnel on Friday, July 17, 2026, at 2:52 p.m. The District's public file later date-stamped the email-record package containing that demand at 8:43:02 a.m. on Monday, July 20. At 8:46 a.m.—approximately three minutes after that public-file timestamp—Cliff Ondercin responded "That's fine" to Lee Hughes's extension request. At 10:13:01 a.m., approximately ninety minutes after the demand package was date-stamped in the file, the District posted the formal extension approval. The record identifies the demand's direct recipients and the later public-file timestamp, but it does not establish whether any decision-maker had opened, read, or considered the demand before approving the extension. The timing therefore does not establish motive or misconduct; it does justify preservation of the available audit trail and a documented explanation of the procedure followed.

Florida citizens have entrusted SWFWMD and its employees to apply environmental permitting requirements consistently, independently, and transparently. The sparse public record creates an avoidable appearance of inconsistency. I request a neutral procedural review and written explanation to protect public confidence. The present record does not establish motive, favoritism, or misconduct. The review should preserve relevant evidence, identify the governing standard and delegated authority, determine whether documentation and routing were adequate and consistent, and recommend corrective measures if warranted.

Accordingly, I formally request an immediate written determination whether the applicable response period remained open or was validly extended. If no lawful, record-supported extension existed, I demand administrative denial and closure of Application 930235 without prejudice, application of the governing no-refund consequence, and a transparent accounting of any separate fee rule applicable to a future filing. I also request a public written explanation of the authority relied upon, a neutral procedural review, preservation of unique responsive records as required by applicable law and retention schedules, and a substantive point-by-point response to this supplemental notice and my still-unanswered August 27 letter.

I. The governing ERP provisions require a demonstrated basis for a post-deadline extension

Rule 62-330.010(4)(a), Florida Administrative Code, incorporates ERP Applicant's Handbook Volume I, and Rule 62-330.090(1) directs that individual and conceptual ERP applications be processed under section 5.5.3. Section 5.5.3.1 identifies the information required for review—including the Chapter 62-342 information applicable to mitigation banks—and limits later requests after a response. Section 5.5.3.2 provides that an application is incomplete when it omits items listed in section 5.5.3.1 or appears to contain conflicts or errors. Section 5.5.3.5 establishes the response and extension framework:

1. The applicant has 90 days from a timely request for additional information to submit the requested information.
2. If more than 90 days is required, the applicant must notify the agency in writing of the circumstances, at which time the application shall remain active for one additional period of up to 90 days.
3. Additional extensions shall be granted for good cause. The Handbook provides that diligent effort to obtain the requested information, together with a showing that the additional period is reasonable and necessary, shall constitute good cause; the agency and applicant then mutually agree to a specified period. The text does not state that this is the exclusive possible showing of good cause.
4. If the applicant chooses not to, or is unable to, respond within those authorized periods, the application "shall be administratively denied without prejudice."
5. Following that denial, Handbook section 5.5.3.5 provides that the fee is not refunded or applied to a later application or notice. Rule 62-330.071(3) separately states that the fee on a denied application shall not be applied to a new or revised application. The October 1, 2013 version of SWFWMD Rule 40D-1.607 incorporated through Rule 62-330.071(1)(d) as Ref-02536 likewise makes District processing fees nonrefundable subject to the exceptions actually stated in that incorporated text.

Section 120.60(1), Florida Statutes, likewise requires an agency to grant a requested extension for good cause shown; it does not expressly address a request made after the existing response period has elapsed. Section 373.4141(1), Florida Statutes, limits a later request after a response to clarification of that response or answers to new questions directly related to it, while subsection (2) establishes the agency-action deadline. Applicant's Handbook section 5.5.3.7 addresses a voluntary withdrawal before agency action and a fee credit for a qualifying new filing within 365 days. Rule 62-330.071(3), Florida Administrative Code, states that the fee on a denied application shall not be applied to a new or revised application, while the incorporated October 1, 2013 version of Rule 40D-1.607 separately supplies SWFWMD's nonrefundability rule and its stated exceptions.

These provisions protect more than the applicant. They protect the integrity, predictability, and equal administration of the permitting system. Neither section 5.5.3.5 nor section 120.60(1) expressly addresses whether an additional-extension request may be granted after the preceding period has elapsed, and neither makes 365 days "in-house" a substitute for good cause. Rule 40D-1.6051(1) expressly provides that Chapter 62-330 ERP matters are processed under Chapter 62-330 and the ERP Applicant's Handbooks and not under Rule 40D-1.6051; consequently, the more-than-365-days incomplete-application provision in Rule 40D-1.6051(2) does not govern this ERP. If staff relied on another adopted rule or written policy, the District should identify and produce it.

Rule 62-330.090(4) also provides that a substantial revision to a pending application—other than a revision proposed to reduce adverse impacts identified by the agency—requires payment of any fee difference and restarts the section 5.5.3 timeframes. The visible July extension record predates the August 26 response and does not identify any submission treated under subsection (4). If the District relies on that provision, it must identify the particular submission deemed a substantial revision, the date of that determination, the restarted timeframe, and any fee difference assessed.

On the public record presently available, the consequence prescribed by Handbook section 5.5.3.5 appears to be administrative denial without prejudice unless the District concludes, on a lawful and record-supported basis, that the applicable response period remained open or was validly extended. If the District contends that the July 20 action was authorized, it should identify the legal authority and record facts supporting that determination, including which Handbook extension period applied and, if an additional extension requiring good cause was invoked, the facts supporting good cause and any specified period mutually agreed upon.

II. The public record shows a material deadline lapse and an unexplained post-deadline approval

The material chronology is as follows:

Date	Public-record event	Procedural significance
December 14, 2025	SWFWMD issued its RAI.	The Handbook response period commenced.
March 13, 2026	The applicants filed an expressly partial response.	Material matters, including title and legal-interest evidence, remained outstanding.
April 17, 2026	The applicants requested additional time to submit a complete response.	The request did not explain why more time was required. The District should identify whether it treated this as the one additional period available upon written notice of circumstances or as an additional extension requiring good cause, and explain how the March 13 partial response affected the clock and how June 14 was calculated.
April 29, 2026	SWFWMD approved an extension through June 14, 2026.	The approval expressly warned that the application would be processed for denial if the information was not received unless another extension was granted.
June 14, 2026	The approved deadline expired.	No complete response had been filed, and the public record identifies no further extension request submitted by that date.
July 17, 2026, 2:52 p.m.	SWFWMD received William R. Nobles, Jr.'s formal demand that the expired application be denied and closed.	The demand was sent to Bob Dasta, Executive Director Brian Armstrong, and Lee Hughes and expressly objected to any retroactive extension without a written legal basis.

Date	Public-record event	Procedural significance
July 17, 2026, 5:38 p.m.	GreenSource requested another sixty-day extension.	The request was submitted two hours and forty-six minutes after SWFWMD received Mr. Nobles's demand and thirty-three days after the June 14 date. It cited a pending revised title commitment expected within the next couple of weeks and an asserted prior partial-response understanding, but it did not explain the lapse or why sixty days was reasonable and necessary.
July 20, 2026, 7:51 a.m.	Lee Hughes asked Cliff Ondercin whether a sixty-day extension could be granted, stating that it would not place the application over 365 days in-house.	The visible recommendation supplied the 365-day observation but did not state which Handbook extension period applied, identify the accepted good-cause showing if one was required, or address the already-passed June 14 date.
July 20, 2026, 8:43:02 a.m.	The WMIS public file date-stamped the email-record package containing Mr. Nobles's July 17 closure demand.	The file timestamp establishes that the demand was in the formal record immediately before the supervisory approval and formal extension posting.
July 20, 2026, 8:46 a.m.	Cliff Ondercin replied, "That's fine."	The response came approximately three minutes after the demand package's public-file timestamp and contains no stated factual findings or legal analysis.
July 20, 2026, 10:13:01 a.m.	SWFWMD posted the formal approval signed by David Kramer, P.E., extending the due date to August 14.	The approval was posted approximately ninety minutes after the demand package was date-stamped; it cites Chapter 62-330 and sections 373.4141 and 120.60 but does not explain the post-deadline basis or the good-cause showing actually accepted, if good cause was required.
August 14-18, 2026	The applicants requested another extension on August 14; Lee Hughes sought approval; Cliff Ondercin responded "Sure" on August 17; and David Kramer signed an extension through September 14 on August 18.	The same abbreviated approval pattern continued.
August 26, 2026	The applicants submitted the present RAI response.	The filing arrived before the latest stated date but remained incomplete and internally inconsistent.

The July 20 approval did not add time to an unexpired stated date; it granted additional time after June 14 had passed by more than a month. Neither the Handbook nor section 120.60(1) expressly states whether an extension request must precede the existing period, and section 5.5.3.5 directs the agency to administratively deny rather than making an application automatically void at the instant a period expires. The applicant's July 17 request did identify a pending title commitment and an asserted partial-response understanding. The remaining problem is that the visible record does not identify which extension provision the District applied, the basis for treating the application as active during the intervening thirty-three days, the good-cause showing actually accepted and—if the District relied on the Handbook's specified safe harbor—the evidence of diligent effort and why the requested period was reasonable and necessary, or the legal relevance of the 365-day observation.

The order of events warrants a documented explanation, not an accusation. The applicant's request received rapid internal action and formal approval on the next business morning, while my resident correspondence remains substantively unanswered. The agency had a statutory responsibility to process the applicant's request, and no authority cited here imposes an identical response timetable for resident correspondence. The present record therefore does not prove favoritism or improper preference. It does, however, support a request that the District identify its routing and documentation practices, explain whether the same extension standard is available to similarly situated applicants, and show how the July 20 decision was made.

The applicant's July 17 message asserted that it had been "agreed upon with the District" that the application would remain a partial response until a revised title commitment and the remaining materials could be supplied. If such an agreement existed, produce the contemporaneous written agreement, identify every official who authorized it, state its duration and conditions, and cite the authority allowing an informal partial-response arrangement to displace the dates and consequences in the Handbook and the District's April 29 approval. If no such written agreement exists, the District should say so plainly and explain why the applicant described one.

The subsequent receipt of materials on August 26 does not itself establish that the application remained active during the earlier lapse. Nor does it cure the absence of a documented factual and legal basis for the District's action. An agency cannot create a reliable and equal permitting process if a stated deadline and prescribed consequence are announced to the public and applicant, then displaced by an informal approval without a reviewable record showing how the governing standard was satisfied.

I therefore demand an immediate written determination whether the applicable response period remained open or was validly extended. If the District finds no lawful, record-supported basis, it should administratively deny and close Application 930235 without prejudice under Handbook section 5.5.3.5. If it continues processing, it should identify the authority and record facts supporting that determination, explain why the denial language did not apply, address the post-deadline timing and the 365-day in-house observation, state whether Rule 62-330.090(4) was invoked, and identify whether the same treatment is available under a written policy to every similarly situated applicant.

III. Requested independent procedural review and public explanation

The sparse public record creates an avoidable appearance of inconsistency. I request that the Office of Inspector General, Office of General Counsel, Executive Director, Governing Board, or another appropriately independent official conduct a neutral procedural review supervised outside the immediate extension-approval chain. This is a request for fact-finding, not an accusation or a demand for a predetermined personnel result. The present record does not establish motive, favoritism, improper preference, or misconduct.

Copies are also provided for notice and referral, as appropriate, to the Florida Attorney General's Office, the Office of the Chief Inspector General in the Executive Office of the Governor, the Florida Department of Environmental Protection Secretary and Inspector General, the Florida Commission on Ethics, and Senator Ashley Moody. FDEP's statutory general supervisory authority over the water management districts makes notice to the Department particularly relevant. Each office has distinct jurisdiction and procedures, and copying this letter does not substitute for a jurisdiction-specific complaint, sworn ethics complaint, or authorized referral. These offices are copied for notice or referral only. This letter does not assert that any copied office has jurisdiction, that an ethics violation occurred, or that copying the letter initiates a complaint. No recipient is asked to presume misconduct or a predetermined result.

I request that the neutral reviewer determine and publicly explain:

1. The exact rule, statute, handbook language, procedure, delegation, or legal advice relied upon for the July 20 extension;
2. Whether the June 14 response period had expired for purposes of Handbook section 5.5.3.5 before the July 17 request was received, recognizing that expiration does not itself automatically deny or void an application;
3. Which Handbook extension period the District applied, what written circumstances it accepted, and how the March 13 partial response affected the clock and the calculation of June 14;
4. The good-cause showing actually accepted and, if the District relied on the Handbook's specified safe harbor, the evidence of diligent effort and why the requested period was reasonable and necessary;
5. Whether the approval was treated as effective for the June 14-July 20 interval and, if so, the authority and reasoning for doing so;
6. Why the internal recommendation referred to 365 days in-house and what rule, written policy, or decisional practice made that consideration relevant;
7. The delegated approval authority and whether legal review was sought or supplied before the extension was issued;

8. Whether the written routing, documentation, supervisory, records, and public-file procedures were adequate and followed;
9. Whether the applicant's asserted prior partial-response understanding is supported by a contemporaneous record and, if so, its terms and authority; and
10. Whether the handling was consistent with any written policy or documented practice applicable to similarly situated ERP applicants, and what policy clarification, training, documentation improvement, or other corrective measure is warranted if the record was inadequate.

To the extent lawful and nonexempt, I request that the District place a signed statement containing the review's findings, legal analysis, and any corrective measures in the official permit file and consider publishing it on the District's website. If the District concludes that the rules were followed, it should explain how. If it concludes that a rule, procedure, or approval standard was misapplied or inadequately documented, it should explain what occurred, how the issue will be corrected in this application, and how recurrence will be prevented, while respecting legally required confidentiality and employee process. The authorities cited in this letter do not themselves guarantee this review or publication; both are expressly requested to protect public confidence.

IV. Request for preservation of records concerning all three related applications

This section requests preservation of unique, potentially responsive records to the extent required by applicable public-records law, retention schedules, and any independently applicable preservation duty. It does not itself create a legal hold, expand any recipient's possession, custody, or control, or impose duties on nonparties.

The request concerns all three related application records: (1) Application No. 889588 / Permit No. 47575.000; (2) Application No. 907654 / ERP 47575.001; and (3) current Application No. 930235 / Permit No. 47575.002. It includes records transferred, reused, carried forward, incorporated, cross-referenced, credited, or generated among those files, but only to the extent they are within a recipient's possession, custody, or control and subject to an applicable retention or preservation duty. I ask the District to identify the responsible records contact, apply the appropriate retention measures, and transmit this request to the current applicant or another custodian only where lawful and appropriate so that each recipient may evaluate its own obligations.

Potential categories of custodians whose records may be relevant include, without limitation:

1. Every present or former applicant, property owner, mitigation-bank sponsor, affiliated entity, successor, assign, officer, manager, member, employee, agent, or representative involved with any of the three applications;
2. Tarpon Woods Properties, LLC; Avalon Building Corporation of Tampa Bay; GreenSource Environmental Professionals; Bryan J. Stanley, P.A.; Chicago Title; and each of their present and former personnel, agents, representatives, and affiliates;
3. Every surveyor, engineer, environmental professional, biologist, hydrologist, attorney, law firm, title or closing agent, title insurer, accountant, appraiser, lender, investor, financial institution, surety, bond provider, insurer, contractor, subcontractor, vendor, or other consultant involved with the property, survey, title, financing, design, construction, planting, monitoring, maintenance, conservation easement, or credit generation for the mitigation-bank applications;
4. Every SWFWMD employee, manager, executive, attorney, inspector-general employee, contractor, reviewer, records custodian, information-technology custodian, or other person who handled, discussed, reviewed, routed, approved, rejected, signed, posted, audited, or supervised any part of any of the three applications; and
5. Every involved Pinellas County, FWC, FDEP, FDACS, FEMA, United States Army Corps of Engineers, state, federal, or local official, employee, consultant, or custodian, together with any other person or entity that communicated with an applicant or agency concerning any of the three applications.

Potentially responsive record categories include, without limitation:

1. Unique emails and complete email threads, including native messages, attachments, headers, routing data, message identifiers, available read or delivery receipts, forwarding history, drafts, archived items, mailbox

audit information, and retention changes, to the extent subject to applicable law, retention schedules, or another preservation duty;

2. Teams, text, SMS, iMessage, instant-message, collaboration-platform, social-media direct-message, voicemail, mobile-device, and personal-account communications used for application-related or public business;
3. Calendar entries, meeting invitations, call logs, telephone notes, voicemail, handwritten notes, memoranda, drafts, redlines, internal comments, photographs, videos, recordings, presentations, and supervisory instructions;
4. Complete native WMIS and other permit-system audit logs, upload histories, rejected or superseded uploads, hidden or access-restricted records, document-version histories, creation and modification timestamps, status changes, task assignments, workflow routing, access logs, approval records, and records identifying who entered, changed, viewed, downloaded, approved, or posted each item;
5. All records concerning the creation, prosecution, withdrawal, closure, fee payment, fee transfer, fee credit, refund status, or attempted revival of Application 889588 / Permit 47575.000, Application 907654 / ERP 47575.001, and Application 930235 / Permit 47575.002;
6. All records concerning the June 14 deadline, the July 17 extension request, my July 17 closure demand, its receipt and internal routing, the July 20 approval process and posting, the August extension process, the August 26 RAI filing, and the August 27 challenge letter;
7. All records explaining the 365-day in-house statement, any internal practice concerning the age of an ERP application, every claimed good-cause determination, and every comparison to treatment of other applicants who missed an RAI or extension deadline;
8. All applicant-agency communications, including communications involving Tarpon Woods Properties, GreenSource, Avalon, their counsel or consultants, and any District employee, whether formal, informal, oral, written, direct, or through an intermediary;
9. All survey contracts, proposals, work orders, instructions, invoices, payment records, raw observations, field books, point files, CAD, GIS, terrain, surface, LiDAR, photogrammetry, GNSS, total-station, calibration, adjustment, digital-signature, revision-history, title, exception, easement, legal-description, and certification records;
10. All records concerning current ownership, assignment, dissolution, winding up, corporate authority, title commitments, Schedule B-II exceptions, conservation-easement terms, Parcel 2, Parcel 3, the 172.46-acre calculation, the bank boundary, the credit boundary, the floodway, existing wetlands, recorded water or well rights, production and monitoring wells, pipelines, power and communications easements, sewer and reclaimed-water facilities, drainage easements, access and maintenance rights, waivers, releases, terminations, reversions, and successor obligations, to the extent relevant to the applicant's authority, legal control, and the proposed mitigation bank;
11. All records concerning proposed earthwork or assertions that no earthwork is proposed, ditch work, planting holes, removed soil or biomass, equipment routes, contamination, Target 6 or arsenic-related investigation, soil sampling, disposal, transportation, hydrology, hydraulics, watershed and floodway models, native model files, model revisions, calibration, peer review, no-rise analysis, compensatory storage, wellhead protection, groundwater, regulated substances, floodplain-administrator consultation, FEMA map revision, flooding, wildlife, fencing, security, maintenance, financial assurance, cost estimates, credit release, project default, abandonment, insolvency, successor responsibility, and perpetual stewardship;
12. Records of legal, ethics, conflict, Inspector General, or management review to the extent subject to applicable retention or preservation duties, without requesting disclosure of privileged or exempt substance; and
13. Public-business records stored on personal devices, private email accounts, personal cloud accounts, home computers, removable media, or third-party systems, to the extent they are public records or otherwise subject to an applicable retention or preservation duty.

Please preserve unique responsive records and native metadata reasonably necessary to understand them, subject to applicable law and retention schedules. This request does not require preservation of every duplicate or inaccessible backup absent an independent duty. Where an applicable duty requires suspension of routine deletion, overwriting, recycling, account deactivation, or device replacement, please apply the appropriate measure and preserve necessary links among native records, attachments, versions, and audit data.

This request does not demand public disclosure of a lawfully exempt or privileged record. If a later Chapter 119 public-records request is made and material is withheld, please identify the exemption and statutory basis to the extent required by applicable law. This letter does not claim an independent right to a litigation-style privilege log.

As a requested response date—not an assertion of a statutory deadline—please identify within five business days the District contact responsible for these records and the preservation or retention measures applied to the three application files. If a special hold is issued, please identify its effective date and general scope to the extent lawful. If no special hold is issued, please identify the routine retention measures applicable to these records. I also request notice if responsive materials are transferred to another custodian or system in a manner that changes the responsible contact.

V. The August 26 filing remains incomplete on its face

Even if the District assumes for argument that the extension was lawful, the August 26 filing did not make the application complete.

A. Recorded ownership and legal-interest evidence remains missing

RAI Item 15 required evidence that Tarpon Woods Properties, LLC possesses sufficient property interest in the complete proposed bank area. The response states that the deed "is in the process of being recorded" and will be supplied after recording. Item 16(b) similarly promises that evidence of the recorded deed will be provided "shortly and prior to the issuance of the ERP."

Those are promises of future performance. They are not the recorded deed, a final title determination, or present evidence of sufficient legal interest. The information was requested in December. It remains an unanswered original RAI item and, while missing, supports an incompleteness finding under Handbook sections 5.5.3.1 and 5.5.3.2. The original item remains unresolved; any follow-up must remain within the clarification and new-related-question limits of section 373.4141(1).

B. The application omitted the prior withdrawn application number and reports no new payment

The current application form contains a field requiring the prior permit or application number when reapplying after an expired, denied, or withdrawn filing. That field was left blank despite the related withdrawn records identified as Applications 889588 and 907654. The applicant should identify which prior filing or filings are responsive to the form and explain the relationship among all three record families. The same form reports "Amount Paid $0."

The newly recovered applicant narrative SW-907654-096 states that the applicant was withdrawing conceptual Application 889588 and asks SWFWMD to apply the earlier **$2,724 fee** to the new individual application. Page 3 of the same public PDF is a SWFWMD payment receipt identifying Application 889588, the transaction category “Conceptual,” a July 31, 2024 transaction date, an amount paid of $2,724, and receipt number IN2460180254001. The Application 889588 withdrawal was effective December 6, 2024; SWFWMD's acknowledgment was dated December 11. The public document therefore establishes the original payment receipt and the applicant's transfer request, but it does not establish whether the requested transfer was approved or how the amount was subsequently accounted for. Application 930235 was filed within 365 days of the withdrawal of Application 907654, so the zero-dollar entry could reflect the withdrawal-credit mechanism if the new filing was received from the same applicant and concerned an activity on all or part of the same parcel/project area, as Handbook section 5.5.3.7 and Rule 62-330.071(3) respectively require. A complete fee ledger should identify which mechanism was used at each step and confirm the accounting. The omission of the prior application number is a specific facial defect. The District should disclose the complete fee history, including whether and when the $2,724 was transferred, credited, adjusted, refunded, or otherwise accounted for across Application 889588 / Permit 47575.000, Application 907654 / ERP 47575.001, and Application 930235 / Permit 47575.002.

Upon administrative denial, Handbook section 5.5.3.5 provides no refund and no application of the fee to a later filing; Rule 62-330.071(3) separately provides that a denied application's fee shall not be applied to a new or revised application. The public is entitled to a complete accounting of how the $2,724 docket amount was treated across the serial filings and of any later credit or fee adjustment claimed under an identified, controlling provision.

C. Pinellas County's requested information remains unanswered

On December 22, 2025, Lee Hughes forwarded Pinellas County's comments to the applicants and stated: "Please respond to these comments when you respond to our RAI." The August 26 response does not provide a separate, complete response to those County comments.

Michelle Hollidge's August 26 filing independently identifies this omission and explains the downstream importance of the County's boundary, maintenance, hydrology, financial, and local-compliance concerns. Those concerns should remain fully preserved and addressed. Where the application of a County provision requires an interpretation by the County, SWFWMD should obtain that written interpretation rather than disregard the issue or expect residents to prove it. This includes a written, mapped determination concerning the applicability and location of any required fifty-foot maintenance or access area adjacent to residential properties and the resulting effect on bank acreage, credit polygons, plantable area, security, perpetual maintenance, and costs.

SWFWMD should identify which County comments it adopted as timely requests for information that the District is legally authorized to require. For each such item, the District should require a complete response or explain in writing why the item was resolved or is not an authorized ERP requirement. Section 373.4141(4), Florida Statutes, generally prohibits a state agency from requiring another local, state, or federal permit or approval as an application-completion item or permit condition unless explicit statutory authority provides otherwise. Accordingly, this request seeks the technical information and interagency input necessary for SWFWMD's own decision; it does not ask SWFWMD to make an outside permit or approval a completeness condition without identifying the explicit statutory authority required by subsection (4).

Section 373.4136(8), Florida Statutes, separately provides that local governments may not regulate the operation of a mitigation bank, while preserving local authority to require authorization under local ordinances for construction activities associated with the bank. County input requested here should therefore be confined to construction authorization, floodplain and floodway requirements, and technical information relevant to SWFWMD's own statutory review—not local regulation of mitigation-bank operations.

D. The official County consultation records disclose a materially different prior earthwork plan that must be reconciled with the current filing

The agency-coordination table reviewed in current Application 930235 appears to identify only an April 10, 2023 SWFWMD meeting. Other current-file materials separately refer to a March 31, 2025 FWC/SWFWMD site visit connected to Application 907654 / ERP 47575.001, a November 5, 2025 FDEP/County meeting, a January 21, 2026 District meeting, and an unnamed subsequent District meeting. Official Pinellas County records add at least two applicant-side development-review consultations concerning the proposed Brooker Creek Mitigation Bank. The issue is therefore an internal chronology and disclosure gap requiring a complete, project- and application-specific coordination log—not a claim that no other coordination occurred or that an omission was intentional.

County record **DRM-23-00102**, shown as closed, documents a 2023 early-assistance or pre-submittal request concerning the mitigation-bank application process, utility requirements, and related public-utility issues. The record shows the meeting milestone scheduled for September 6, 2023 and “Meeting Notes Completed” on September 26, 2023. It proves that those issues were raised in a County consultation record; it does not prove a County approval or that every issue remains operative.

County record **DRM-24-00066**, shown as continued, is more consequential. It identifies Jesus Antonio Merly of 5M Civil as the applicant contact for a Brooker Creek Mitigation Bank consultation and asks, among other things, "What are the permitting requirements for the excavation?" The applicant-entered conceptual pre-application description states 168.40 acres, an **estimated cut of 273,000 cubic yards**, and an **estimated fill of 31,000 cubic yards**. Guy Shoemaker, Development Project Manager I, issued "DRM-24-00066 – Pre-Application Review Comments" on June 27, 2024 for a July 1 Development Review Committee meeting. Those preliminary staff comments—not a permit, County finding approving the quantities, or final County determination—stated, among other things, that no fill is permitted in the floodway; cut and fill must demonstrate no net fill with cut contiguous to the floodplain; whole-watershed modeling may be required; the applicant must show no effect on 10-, 25-, and 100-year flood elevations; an altered floodway must be reestablished at no more than a 0.1-foot rise; floodway and floodplain lines must be overlaid; a CLOMR must precede construction and a LOMR follow where applicable; and an environmental site assessment must be provided. The record also addressed land use, excavation and fill permitting, utilities, easement vacations, and community consultation and identifies a conceptual plan, project description, checklist, and meeting recording; several reviewing disciplines are marked "Revisions Required."

The official C-1 master site plan within that design history adds a separate acreage conflict. Its site-data block reports 6,407,200 square feet, or **147.09 acres**, rather than the applicant-entered 168.40-acre description, while stating **"NO PROPOSED BUILDINGS."** SWFWMD should require reconciliation of that acreage and boundary with the later 172.59- and 172.46-acre figures and the current "no earthwork" design.

Those applicant-entered prior quantities are not proof that the present design still proposes the same cut or fill, and the numerical difference between them does not establish export, disposal, or net removal because reuse, shrink or swell, water content, stockpiling, and disposition remain unresolved. The earlier record contains both a 168.40-acre description and a 147.09-acre engineering sheet, while the present application uses later 172.59- and 172.46-acre figures, different treatments and drawings, and a "no earthwork" characterization. Those differences are precisely why a signed-and-sealed, version-by-version reconciliation is required. The applicants should identify every excavation, fill, ditch, pond, fairway, spoil, access, grading, and hydrologic component that was removed, retained, relocated, or redesigned; identify the drawing and date on which each change occurred; quantify the resulting change in hydrology, floodplain and floodway effects, credits, costs, spoil disposition, and conservation-easement coverage; and explain why each technical requirement identified by the County does or does not remain applicable. County land-use and construction-approval requirements are not automatically SWFWMD ERP criteria; the District should use the County record for independently relevant technical facts and coordination and should not make an outside approval a completion requirement contrary to section 373.4141(4). A traceable design history is required.

The recovered 102-document public docket for Application 907654 / ERP 47575.001 makes the missing design bridge concrete

The District's official public viewer for intervening **Application 907654 / ERP 47575.001** listed 102 public documents at retrieval, spanning December 6, 2024 through November 13, 2025. The recovered set is an archive of those 102 publicly listed documents; it is not represented as the District's entire internal file. The viewer identifies an Individual/MITBANK application received December 6, 2024, a 172.59-acre project, and a November 13, 2025 withdrawal. The applicant's filed application, SW-907654-102, page 3, separately reports 172.59 applicant-owned contiguous acres and 172.59 project acres, then displays 345.18 as "total land area"; it also reports 17.8 acres of proposed impact and no proposed impervious area. The two 172.59-acre entries may describe the same overlapping land and may have been summed automatically, but the apparent double-count should be expressly reconciled. These are docket and applicant-reported facts, not a completeness determination or approval.

More importantly, applicant Environmental Information SW-907654-100, pages 13, 15, and 21–22, proposed a materially different physical design: excavating golf-course uplands to create **55.54 acres of freshwater marsh**; restoring another **20.64 acres of golf-course uplands by excavation**; filling and restoring **17.27 acres**

of ponds and **0.53 acre of ditch**; placing a conservation easement over 172.59 acres; and stating a total of **79.57 potential credits**. The same displayed table components—13.86 and 65.72—sum to 79.58. That one-hundredth difference may reflect rounding from unshown underlying values, but it should be reconciled rather than labeled a proven arithmetic error. Applicant partial response SW-907654-009, page 7, later proposed that excess fill would be sold to an unidentified buyer, "such as FDOT or any nearby project"; it did not identify a specific buyer or receiving project or site. These were applicant proposals in a withdrawn design. They are not proof that excavation occurred, that fill was sold or transported, that any credit was approved or released, or that the same work remains in Application 930235.

The public docket through September 19, 2025 shows unresolved engineering and legal questions. SWFWMD's January 3, 2025 RAI, SW-907654-089, pages 3–8, requested additional information concerning legal control, wildlife and historic-resource review, credit methodology, excess-fill disposition, excavation and fill cross-sections, drainage and pipes, access, title, and financial documents. SWFWMD's September 19 clarification, SW-907654-004, pages 1 and 3–8, again requested material on ownership or control, site protection, wildlife, credit calculations, fill disposition, construction details, drainage, access, title, and financial assurance. The District should identify and produce any later internal or applicant record that resolved those issues and require a version-by-version crosswalk to the present application.

This newly recovered record is not collateral history. It is the direct intervening design between conceptual Application 889588 and current Application 930235. It demonstrates that the prior design history cannot accurately be reduced to a single 2024 concept followed by a present planting plan. The applicant should provide a signed-and-sealed three-application crosswalk identifying, polygon by polygon and structure by structure, what happened to the 55.54-acre marsh-creation excavation, the 20.64-acre upland excavation, the 17.27 acres of pond filling, the 0.53 acre of ditch filling, the proposal to sell excess fill without an identified specific buyer or receiving project or site, every proposed, removed, or replacement pipe and control structure, each staging and access route, the 172.59-acre easement, the application form's displayed 345.18-acre total, and the stated 79.57-credit total—including reconciliation of the displayed 13.86- and 65.72-credit components. For every item, the applicant should state whether it was removed, retained, relocated, redesigned, or merely omitted; identify the controlling current sheet and narrative; quantify the hydrologic, hydraulic, wetland, floodway, contamination, soil-handling, planting, cost, and credit consequences; and explain why the earlier agency questions are or are not independently relevant to the present design. Unless that reconciliation is complete and independently reviewable, "no earthwork" is a conclusion without an auditable design path.

The same reconciliation duty extends to all agency contacts. FDEP Title and Land Records Worksheet 133182, associated with withdrawn Application 889588, identifies Lee Hughes and SWFWMD as the requesting party and was internally approved on August 28, 2024. It expressly states that FDEP had not performed the research necessary to locate the original mean-high-water line and that the worksheet was not a sovereignty-land-boundary determination; it recommended only that proprietary authorization normally required for state-owned land was not required "at this time." It was not an environmental approval, wetland or contamination review, federal authorization, or final adjudication of every title or jurisdictional boundary. The District should obtain a current FDEP confirmation addressing whether that limited conclusion remains applicable to the present applicant, boundary, survey, work plan, and conservation easement.

SWFWMD should therefore require a complete coordination ledger and copies of project-specific submissions, requests, pre-application-meeting materials, correspondence, recordings, notes, and attachments exchanged with Pinellas County, FDEP, and the United States Army Corps of Engineers that bear on boundaries, hydrology, wetlands, earthwork, crediting, financial assurance, or regulatory status. The response should specifically address DRM-23-00102, DRM-24-00066, FDEP Worksheet 133182, Corps file SAJ-2025-02276-JLA, and any other Corps permit, jurisdictional-determination, prospectus, Interagency Review Team, Regulatory Request System, or RIBITS contact; reconcile those records with the current agency-coordination table; and state expressly when no responsive contact or record exists. This request seeks records and technical facts needed to evaluate the present application; it does not ask SWFWMD to make another agency's approval an ERP completeness item contrary to section 373.4141(4).

E. The 2019 waiver and current assessor indexing require a careful, limited reconciliation

Pinellas Clerk Instrument **2019338177**, Official Records Book 20738, Page 2541, is an earlier and important property-rights checkpoint. The recorded instrument waives the County's rights to manage, operate, and maintain the specifically described **3.40-acre property**, including its irrigation systems, solely for effluent-disposal purposes, and waives the County's right of first refusal to acquire that property. It expressly says the waiver applies to that tract and **"not to the remainder of the Golf Course Property."** The 2019 instrument further states that, as of its execution and recording, the other agreement terms remained in force on the balance, including continued acceptance of treated effluent. Whether a post-2019 instrument later modified those provisions requires verification through the complete official-record chain. A comparison of the description courses shows that the same courses in Exhibit A to Clerk Instrument 2019338177 appear in Application 930235 title material as **Parcel 3 (Fee Estate)**.

Those facts do not establish present title, adjudicate the legal effect of the complete governing agreement, or prove whether any later recorded instrument changed the stated rights. They do establish that the 2019 instrument cannot accurately be described as a whole-property release and that the applicant's title, survey, utility, access, perpetual-management, and conservation-easement showing should identify the 3.40-acre tract and explain the status and project effect of the agreement on the remainder. The matching description is a document-reconciliation fact, not a title opinion.

The current Pinellas County Property Appraiser pages provide a later but limited checkpoint. Both folios—**34-27-16-00000-140-0000** and **34-27-16-00000-110-0400**—are indexed to **TARPON WOODS PROPERTIES LLC**. On both pages, however, the "Last Recorded Deed / Book-Page" field displays **"AAAAA/AAAA"** rather than an identifiable Clerk instrument number and Official Records book/page. The assessor entries may support current ownership, folio, and acreage checks, but they are not a Clerk deed citation, title opinion, surveyed boundary, or proof of authority to encumber every project acre. The applicant should produce the controlling recorded deed and reconcile it with the current title commitment, survey, conservation easement, and all project and credit boundaries.

The current survey, legal-interest showing, conservation-easement geometry, utility and access obligations, and credit acreage should be reconciled against the 2019 tract-specific waiver, both current folios, and the current title and survey materials. That inquiry should remain confined to independently relevant present facts.

F. Schedule B exceptions and recorded County and utility instruments require a complete current-status chain and composite overlay

The current survey's Schedule B identifies numerous recorded agreements and easements affecting or benefiting the surveyed property. A survey's listing or depiction of an exception is not a legal determination that the instrument remains enforceable, has been released or terminated, has reverted, or is compatible with the proposed conservation easement. A review of the available official Clerk images confirms that several instruments contain rights and obligations directly relevant to access, hydrology, utilities, construction conflicts, and perpetual management. The reviewed images do not contain the complete later chain needed to determine the present status of every right. The applicant and District must therefore resolve these instruments through current title evidence and official confirmation rather than through labels such as "noncredit" or "not plottable."

The recorded water agreement at **Official Records Book 4148, Page 174**, recorded March 15, 1974, conveyed specified deep-aquifer water rights for its stated term and authorized County access for as many as four production wells, pumps, pump houses, raw-water pipelines, power lines, and related facilities. It also contains provisions concerning monitoring wells, well casing, pipeline depth and relocation, restoration after excavation, debris removal, hydrologic reporting, assignment, successors, conditional reversion, and environmental response. Its face states a ninety-nine-year term from County approval, but the reviewed record does not establish the complete later assignment, amendment, release, abandonment, reversion, or termination chain. The applicant's assertion that the County does not presently operate a production well within the proposed bank boundary is not a County title or operational certification and does not resolve pipeline, access, restoration, successor, or reversion questions.

The underground power and communications easements recorded at **O.R. 4261/1747 and O.R. 4261/1749** authorize operation, repair, alteration, clearing, and reasonable entry, contain relocation and interference provisions, and bind successors and assigns. The sewer and treated-effluent chain at **O.R. 4906/799, O.R. 4906/805, O.R. 6231/1641, and O.R. 6428/940** addresses County operation and maintenance, sewer-system connections, land application and acceptance of treated effluent, excessive-rainfall storage or alternate disposal, transmission easements, irrigation and vegetation repair, and successor obligations. The 1987 supplemental agreement states a volume of 382,000 gallons per day and ratifies the remaining agreement terms. Pinellas Clerk Instrument **2019338177 / O.R. 20738/2541** later waived the County's management, operation, and maintenance rights for the separately described 3.40-acre property, including its irrigation systems, solely for effluent-disposal purposes, and waived the County's right of first refusal to acquire that property. It expressly stated that the waiver did not apply to the remainder of the Golf Course Property. A post-2019 instrument could still alter that result; none should be presumed without the complete chain.

The drainage easement at **O.R. 5621/136** grants a nonexclusive perpetual easement for natural drainage and stormwater flow across its described area, restricts material adverse interference with drainage, gives beneficiaries and successors a right to maintain drainage ponds, and states that its covenants run with the land. The sanitary-sewer instruments at **O.R. 4906/822** and **O.R. 6272/1496** grant specifically described perpetual corridors, including a 20-foot easement and a 15-foot easement extending 7.5 feet from each side of an existing wastewater-line centerline. Those facilities require current as-built centerlines and realistic emergency access, excavation, repair, clearing, and restoration footprints; survey linework alone does not show the complete foreseeable disturbance area.

Other listed instruments demonstrate why document titles and Schedule B summaries cannot substitute for the underlying text. The rerecorded sewer-service agreement at **O.R. 6197/104** states a twenty-year term, so present operation cannot be inferred merely because it appears as a blanket exception. The instrument at **O.R. 6411/843**, despite being described in some local files as ingress or egress, is an approximately 1,800-square-foot golf-tee easement on Lot 50 with maintenance, irrigation, restriction, nonuse, and termination provisions; it is not a general access easement. The historic pipeline deeds, road easement, and general golf-course easements require current as-builts and a complete title chain before any stronger present parcel nexus is asserted.

The applicants' ecological statement that restoration success does not depend on perpetual effluent delivery does not answer the legal and operational questions. It does not establish whether County or utility rights, landowner obligations, transmission facilities, rainfall-management duties, access and repair corridors, vegetation-restoration duties, or successor provisions remain operative or compatible with the conservation easement, hydrologic plan, planting plan, credit polygons, and perpetual-management plan.

Before accepting the conservation easement or releasing any credit, SWFWMD should require: (1) a current title opinion and complete official-record chain identifying every present holder, operator, assignment, amendment, waiver, release, termination, reversion, relocation, abandonment, and successor obligation; (2) written confirmation from Pinellas County and each affected utility identifying the present operating status and exact maintenance and emergency-access footprint of every well, line, facility, or easement; (3) a signed-and-sealed composite CAD/GIS exhibit overlaying every recorded legal description and as-built facility against the bank, conservation-easement, credit, noncredit, floodway, wetland, planting, access, and proposed-work boundaries; (4) an explanation whether consent, joinder, subordination, amendment, exclusion, or relocation is required; and (5) a hydrologic and perpetual-management analysis reconciling the drainage and effluent chains with water budgets, rainfall storage, drought conditions, vegetation success, ditch work, grading, nutrient and contaminant loading, and corrective maintenance. The response must distinguish work proposed to generate mitigation credit from preexisting contractual, utility, drainage, repair, restoration, and maintenance obligations. A noncredit designation does not resolve off-corridor access, excavation, clearing, relocation, hydrologic effects, or restoration responsibility.

VI. The new survey cannot presently be relied upon to satisfy the application requirements

A. The survey is certified to a dissolved corporation rather than the current applicant and owner

Florida Division of Corporations records identify Avalon Building Corporation of Tampa Bay, document number P95000031389, as inactive following a voluntary dissolution filed December 18, 2024. The Department of Business and Professional Regulation lists Avalon's separate Real Estate Corporation license, CQ1004261, as null and void after a March 31, 2024 expiration. That entity-license status should not be confused with Ralph Zuckerman's individual broker license, BK395805, which DBPR lists as current and active through September 30, 2027; neither license record decides the corporation's legal existence or whether the present applicant may rely on the survey.

The Division of Corporations identifies Ralph Zuckerman as Avalon's registered agent and officer. Those public fields do not, standing alone, establish shareholder ownership, beneficial ownership, or the authority under which he or any other individual commissioned later survey work. The relevant ERP question is narrower: whether the current applicant and owner have authorized or received an assignment of the right to rely on the survey and whether the surveyor has certified a current product to the proper relying parties.

Nevertheless, Sheet 1 of the submitted survey is certified to "Avalon Building Corp of Tampa Bay," Bryan J. Stanley, P.A., and Chicago Title Insurance Company. Its face reports fieldwork completed February 27, 2025; a plat or map date of February 27, 2025; drawing on March 3, 2025; checking on March 17, 2025; and a digital signature and revision dated May 13, 2026 to "REVISE TO ADDRESS NEW TITLE AND COMMENTS." Every one of those stated survey events occurred after Avalon's dissolution.

Florida law allows a dissolved corporation to continue only for activities appropriate to winding up and does not automatically render every post-dissolution act void. That limitation does not cure the evidentiary problem here. The application record does not establish who engaged the surveyor, who paid for the work, who authorized the post-dissolution instructions, what authority that individual possessed, whether the work was part of lawful winding up, whether any engagement was assigned or ratified by the current applicant or owner, or why the survey remains certified to Avalon rather than Tarpon Woods Properties, LLC and the present fee owner.

Until those foundational facts are established, the District should not accept the survey as sufficient current applicant-specific proof of title geometry, project boundaries, or the present applicant's right to rely on the work. At minimum, require:

1. Current applicant-and-owner authorization, assignment, ratification, or another competent instrument establishing the present right to rely on the survey;
2. A surveyor affidavit identifying the client, the scope and date of every field and office revision, the applicable ALTA/NSPS edition, the controlling title commitment, and every party entitled to rely upon the product; and
3. A newly dated, signed-and-sealed survey or update certified to the present applicant, present fee owner, title insurer, conservation-easement parties, and every other current relying party, followed by a written agency determination in the public file that the corrected survey is adequate for this application.

Engagement, payment, corporate winding-up, instruction, or related communications should be requested only if needed to resolve a stated conflict over authority, assignment, timing, or the right to rely on the survey.

B. The stated ALTA standard and 2026 revision require proof

The survey recites the 2021 ALTA/NSPS Minimum Standard Detail Requirements, while the operative revision and signature are dated May 13, 2026. It supplies no later fieldwork date showing that current ground conditions were reobserved for that revision. The 2026 ALTA/NSPS standards took effect February 23, 2026 and state that prior editions were superseded. Official ALTA/NSPS transition guidance generally applies the 2026 edition to an update contracted on or after that date, subject to a narrow delayed-closing transition. The May 13 revision date does not disclose when the update was contracted.

The District should not assume either compliance or noncompliance. It should require the surveyor's affidavit to identify when the May 2026 update was contracted and the applicable ALTA/NSPS edition under the engagement and certification. If the affidavit leaves a material conflict unresolved, the District should request the targeted engagement or update authorization needed to decide it. The survey should not be declared invalid solely from its signature date, but a corrected product should be required if the surveyor cannot establish a proper basis for using the 2021 edition.

C. The survey is not tied to the current title commitment

The survey identifies a Chicago Title commitment dated February 18, 2026. The August 26 RAI response relies upon a later revised title commitment dated July 14, 2026. A survey revised and signed in May could not have mapped, evaluated, or cross-referenced changes first appearing in a July commitment.

The February-based survey marks Items 9, 14, 15, 17, 19, 20, 23, 24, 33, and 34 "Intentionally Deleted," while the August response separately says that Exception 13 was intentionally deleted from the July commitment. That notation may reflect title-commitment numbering or underwriting practice; it should not be treated as proof of concealment without evidence. It does, however, make a complete version history and crosswalk essential. Require the February and July commitments, all marked revisions, the underwriter's explanation for every deleted or renumbered exception, the recorded release, satisfaction, termination, merger, or other instrument supporting every substantive deletion, and a surveyor-prepared matrix showing where each current exception is plotted, why it is not plottable, or why it does not affect the property or proposed easement.

No survey tied to a superseded commitment should be accepted as final title, boundary, access, easement, or conservation-restriction support.

D. The bank boundary, Parcel 3, security map, and gross acreage do not reconcile

The survey's legal description includes Parcel 1 and Parcel 3 and reports a combined area of approximately 172.46 acres. Figure 14 in the RAI response depicts a red bank boundary and white signage points that appear to include the northern wooded area commonly identified as Parcel 3. Its fence labels point only to selected segments; it is not a surveyed full-perimeter fence plan. The submitted survey depicts boundary geometry and segmented or dashed lines that do not match Figure 14 in an immediately reproducible way. Surveyor's Note 9 says the client requested removal of Parcel 2, an easement estate. Because an easement benefiting the subject property is not necessarily part of the fee-area calculation, its removal would not by itself require a change from 172.46 acres. The applicant should nevertheless identify whether Parcel 2 was ever included in any project, conservation-easement, access, management, security, or acreage calculation and explain the legal and operational effect of its proposed termination.

The applicant's market-valuation table in SW-930235-044, page 181, states that its source is the Property Appraiser website and reports 146.91 and 28.11 total acres, or 175.02 acres combined, while other Phase I text in the same filing describes the second folio as 28.15 acres. Those assessment figures are not boundary-survey conclusions, and the Property Appraiser warns against using them as such. The District should require dated assessor exports and reconcile them with the 172.59-acre table figure and the survey's 172.46-acre figure. The difference may reflect a less-and-except tract, another exclusion, or a distinction between assessment geometry and surveyed title geometry, but the application does not provide the calculation needed to determine which.

The filing history contains several noninterchangeable acreage figures. In withdrawn Application 889588, SW-889588-138 describes a 168.40-acre bank. SW-889588-142 is a C-1 master site plan revised February 2, 2024 and filed March 1, 2024; its Existing Land Use Data reports 6,407,200 square feet, or 147.09 acres—not 172.59 acres. In Application 930235, SW-930235-044, page 181, reports 175.02 total tax acres and 172.59 bank acres, consisting of 144.48 plus 28.11 acres. But the ALTA/NSPS survey SW-930235-048, filed on the same date, states 172.46 acres, and the May 13, 2026 survey revision and current RAI retain 172.46. The 0.13-acre conflict therefore existed within the original 930235 filing itself. The 168.40-, 147.09-, 172.59-, and 172.46-acre figures require a source-by-source ledger and cannot be treated as interchangeable versions of “about 172 acres.”

The prior ALTA survey describes Parcel 2 as a nonexclusive easement benefiting Parcel 1 under Official Records Book 6411, Page 843 and gives calls that close to roughly 1,800 square feet, or about 0.04 acre. The official instrument grants that approximately 1,800-square-foot easement solely for a golf tee or portion of a golf tee, together with maintenance and irrigation. It is not a general access easement. The instrument provides for termination after six continuous months of nonuse and nonmaintenance, followed by execution of a recordable termination; whether that condition occurred and whether a termination was recorded remain unresolved. Its removal cannot by itself explain the approximately 2.56-acre arithmetic difference. A call-based review indicates that the survey's separate less-and-except tract may explain most of the variance, but the public materials do not supply a CAD closure or acreage ledger proving the exact result. The separate 2017 Parcel 3 deed, Official Records Book 19542, Page 1397, contains the same general Parcel 3 metes-and-bounds description carried by the Property Appraiser and the applicant's survey. These official records do not prove that the assessor acreage controls; they do make the remaining acreage reconciliation a concrete title-and-survey issue rather than a matter of visual impression.

The Pinellas County Property Appraiser's online description for folio 110-0400 begins with North 00 degrees 15 minutes 02 seconds East for 1,937.90 feet, while the recorded Parcel 3 deed and the applicant's current signed survey use North 00 degrees 15 minutes 02 seconds West for the same distance. The District should require a dated official assessor export before treating that display as an established transcription conflict. An assessor transcription cannot substitute for the recorded deed, and the applicant should provide a certified call-by-call reconciliation of the deed, title commitment, survey, assessor display, project boundary, conservation easement, and credit acreage.

These graphics should not be reconciled by visual guesswork. The District must require one signed-and-sealed, georeferenced composite prepared from the controlling legal description and supplied in PDF and GIS or CAD form. It must show:

1. Parcels 1, 2, and 3, with legal descriptions and separate acreages;
2. Every fee-owned, easement-only, removed, excluded, non-credit, credit-generating, and supporting-habitat area;
3. The proposed mitigation-bank boundary, conservation-easement boundary, security boundary, fence segments, gates, signage, and access routes;
4. Every assessment area and credit polygon;
5. A closed boundary calculation and parcel-by-parcel ledger summing precisely to the asserted 172.46 acres; and
6. A written explanation of every difference among Figure 14, the survey, title materials, property-appraiser parcels, conservation-easement exhibit, work-plan maps, and credit calculations.

Until that reconciliation is complete, the District cannot know which land is being protected, fenced, planted, managed, or used to generate credits.

E. Sheet 9 adjoining-property linework, topographic data, and floodway require clarification

Several segmented lines on Sheet 9 cross or adjoin the platted lots without their legal or technical function being clear to a non-surveyor. Those lines should not be characterized by visual assumption as a fence, ownership boundary, easement, water line, or other feature. Before relying on Sheet 9, the District should require the applicant's surveyor to identify each relevant line expressly and to certify the relationship among the applicant's fee boundary, adjoining recorded property lines, project boundary, conservation-easement boundary, credit polygons, access areas, security features, and recovered monuments. A signed-and-sealed, georeferenced composite should identify whether any project or credit area overlaps adjoining private property and, if none does, certify that result. It should also explain any gap, overlap, or unresolved boundary condition affecting project acreage.

The topographic information also requires clarification. The survey reports a general fieldwork-completion date of February 27, 2025, while displaying water-edge observations dated April 4, 2023. It does not clearly identify the source and observation date of every contour, spot elevation, or interpolated surface shown on Sheet 9. My Limited Topographic Survey uses NAVD 88 and a stated local benchmark, but no licensed professional has compared matching physical points using the same vertical reference and established that either survey is correct or incorrect. The District should require the applicant's surveyor to identify the source, date, method, datum, benchmark control, contour interval, interpolation process, and achieved accuracy of the topographic information. If the proposed design or hydrologic analysis relies upon elevations in this area, the District should require the raw point file, point descriptions, field observations, terrain model, breaklines, and quality-control information necessary for an independent same-point reconciliation.

The floodway presentation contains an objective error requiring correction. The applicant's survey assigns an August 24, 2021 effective date to all four cited FEMA panels. FEMA's records identify Panels 12103C0077G and 12103C0081G as effective September 3, 2003, and Panels 12103C0079H and 12103C0083H as effective August 24, 2021. The applicant should correct those dates and place the effective FEMA and County floodway and floodplain information, base-flood elevations, cross sections, and applicable map revisions directly on the controlling signed-and-sealed survey.

FEMA's National Flood Hazard Layer shows a regulatory floodway in the immediate vicinity, but the online viewer is not survey-grade proof of the floodway's exact relationship to a parcel or proposed activity. The District should require a signed-and-sealed georeferenced overlay before determining whether any planting, access, ditch work, fencing, soil disturbance, equipment travel, management activity, or proposed credit area lies within or may affect the floodway. Any such activity should then be evaluated under the applicable hydraulic, no-rise, floodplain, and ERP reasonable-assurance requirements. This is a request to verify topography, linework, and floodway conditions—not an assertion that the available PDFs establish a private-title encroachment.

F. The pool record confirms the no-rise standard; a proposal to change mapped flood data triggers watershed and FEMA review

My own pool-permit record provides direct evidence of the technical burden Pinellas County imposed for proposed work affecting this same floodway and this same creek. The attribution is specific. On November 12, 2024, Jessica “Jessie” Hummel of WhiteWater Pools and Spas transmitted a written exchange in which she identified the County official as **Dayne M. Morris, Engineer II, Building & Development Review Services, Pinellas County Government**. The response she attributed to Morris stated that engineering analyses could be used to verify, modify, or show no impact to the mapped floodway, but that doing so would involve "modeling and re-modeling the entirety of Brooker Creek." The response explained that Brooker Creek is a large, complex watershed; that the required analysis and documentation would generally be out of reach for an individual owner and not cost-effective even for a medium commercial or subdivision project; and that favorable results were not guaranteed. The precise whole-Creek language therefore appears in Hummel's contemporaneous transmittal of an identified County engineer's written response—not in an unattributed resident summary.

Morris later wrote directly on November 27, 2024 that the submitted survey confirmed the proposed pool was within the FEMA-designated floodway and that, if the mapped floodway were claimed to be wrong, the applicant would have to provide modeling to **Pinellas County and FEMA** to demonstrate the error and change the maps. He concluded that the pool could not be permitted under section 158-221. **Gene E. Crosson, Division Manager, Pinellas County Building & Development Review Services**, wrote on June 11 and June 17, 2025 that County Engineering staff had coordinated with the County Floodplain Administrator; that the submitted information did not adequately demonstrate that the project was outside the floodway or would cause no rise; and that the available paths were to move the work outside the floodway, pursue a FEMA floodway modification, or appeal. **John C. Landon, P.E., of Landon, Moree & Associates, Inc.**, confirmed in an August 22, 2025 signed-and-sealed engineering letter that federal and local law required a hydraulic no-rise analysis and that Pinellas County ordinarily required an exhaustive hydraulic analysis followed by peer review. The pool record also identifies a November 13, 2025 special-magistrate proceeding in Case CCM-25-00086; the signed order should accompany the transmittal if its disposition is relied upon.

Patrick Knapp, P.E. (Florida PE No. 41059), then issued a November 5, 2025 digitally signed-and-sealed Technical Appeal Letter for Pool Permit Application BR-POL-24-002. He identified the proposed floodway encroachment as an approximately 27-foot by 31-foot by 41-foot triangular corner, reported a nearby one-percent-annual-chance flood elevation of 12.8 feet, and identified surveyed ground elevations of 13.0 to 13.1 feet NAVD 1988 within that area. He explained that floodway encroachment ordinarily requires a before-and-after study and modeling demonstrating zero increase in flood depth or velocity, but opined that modeling was not warranted for this narrowly confined pool proposal because the encroaching ground was above the stated design-flood elevation, fill would remain confined to the pool/deck footprint, and grades outside that footprint would remain unchanged. He concluded that the proposed pool/deck would cause no rise or velocity increase during the anticipated design event. I submitted that signed-and-sealed analysis as evidence in the November 13, 2025 special-magistrate proceeding, yet the pool permit remained denied. This record does not determine the outcome of the mitigation-bank application, but it reinforces the need for project-scale hydraulic evidence rather than a narrative assurance.

The contractor-relayed pool review identified a base flood elevation of 12.10 feet NAVD, while later direct County material in the pool record used 12.8 feet. The County should identify the controlling panel, cross section, model, and datum and explain that discrepancy. The pool record also required one-for-one compensatory storage for fill placed above existing grade and below the applicable elevation and demanded a survey of existing and proposed grades, complete fill calculations, the locations and calculations for compensatory-storage cuts, and a habitat inspection. That one-for-one direction is evidence of the County's project-specific treatment of my pool proposal; it is not quoted here as the text of section 158-222. The ordinance itself requires compensatory excavation and an engineering demonstration of hydraulic balance, subject to its stated criteria and any lawfully granted waiver. The County did not accept a civil engineer's signed and sealed assurance that a limited improvement would have no meaningful effect; it required complete, measurable, professionally reviewable proof.

The copy of Pinellas County Public Works Floodplain Determination Appeal Standard Operating Guidelines PWADM-27.5 in my permit record, revised October 20, 2022, states that when a party seeks to revise regulatory flood studies, watershed models, or maps, the process calls for a complete revised existing-conditions watershed model; peer review by a County-approved qualified third party at the applicant's expense; demonstrated recent experience with watershed models of this scale and SWFWMD modeling requirements; review signed by a Florida-licensed professional engineer; iterative requests for additional information; notice to affected property owners for any increase in base flood elevation, 25-year or 100-year floodplain, or floodway extent; County acceptance; and a FEMA Letter of Map Revision when the FIRM changes. The District should obtain written County confirmation that this version remains operative and identify any superseding procedure, particularly after the County's 2024 appeal-process amendments. This full map-revision process is not a universal checklist for every ordinary no-rise analysis and may not be triggered if the applicant accepts every effective boundary and proposes no activity affecting it. It becomes directly relevant if the applicant disputes, relocates, modifies, or relies upon a different floodway, floodplain, elevation, or existing-conditions model.

Current Pinellas County Code defines “development” broadly to include filling, grading, excavation, storage of equipment or materials, other land disturbance, and placement of fences or walls. Section 158-23 adopts FEMA flood data as minimum information, requires use of the best available local data, and assigns data conflicts to the County Floodplain Administrator. Section 158-221 generally prohibits development in the 100-year and 25-year floodways, subject to stated exceptions. A floodplain-maintenance or improvement project, including drainage work or habitat restoration, may be approved only by the Floodplain Administrator when contour disturbance is minimal and sections 158-83(1) and 158-222 are satisfied. Section 158-83(1) requires a Florida-licensed engineer's signed-and-sealed floodway-encroachment analysis demonstrating no increase in base-flood elevation. Section 158-222 requires a hydraulic-balance and compensatory-excavation showing, but permits a written waiver when the applicant demonstrates floodplain benefit and no adverse impact. Section 158-223 separately restricts encroachments near the stream bank absent professional no-rise certification; sections 158-

331 and 158-332 extend the floodway rules to other development and require fences and walls to remain stable and avoid harmful diversion. The exact applicability of these local provisions, and any waiver, must be determined in writing by the Pinellas County Floodplain Administrator.

Federal NFIP criteria likewise require the participating community to prohibit encroachments within an adopted regulatory floodway unless hydrologic and hydraulic analyses performed according to standard engineering practice demonstrate no increase in flood levels during the base-flood discharge. 44 C.F.R. section 60.3(d)(3). If a proposed encroachment would cause any increase within that adopted floodway, the community must apply for conditional FEMA approval under sections 60.3(d)(4) and 65.12 before permitting it. Where no regulatory floodway has been designated in Zones A1-30 or AE, sections 60.3(c)(10) and 65.12 are instead triggered when cumulative encroachments would increase base-flood elevations by more than one foot. A proposed FEMA floodway revision also requires the data, certification, and notice procedures of section 65.7. These are County and FEMA obligations, not direct SWFWMD permit duties. A County-only model or data revision triggers FEMA review only if it also changes FEMA-regulated data or exceeds the applicable federal threshold. SWFWMD nevertheless should not rely on a changed FEMA boundary, base-flood elevation, regulatory floodway, or other FEMA-regulated conclusion without written evidence that the responsible County and FEMA processes have been completed.

This mitigation-bank proposal is not a smaller or less consequential activity than my residential pool. It encompasses approximately 172 acres and proposes ditch-related work, tens of thousands of plant installations—many of which may require localized soil disturbance depending on stock size and installation method—mowing or roller-chopping, repeated equipment access, fencing, potential displaced-soil or spoil handling, and long-term vegetation and maintenance changes in a flood-sensitive watershed. Those actions can change roughness, blockage, compaction, storage, cross-sectional area, velocity, erosion, sediment transport, and conveyance even if the applicants label the plan "no earthwork." The County/NFIP no-rise criteria govern community floodway authorization, while SWFWMD's separate ERP reasonable-assurance criteria govern the state permitting decision. Consistency, proportionality, and the public-trust obligation require both standards to be addressed with technical rigor commensurate with this project's much larger scale, using the same reliable hydraulic evidence where relevant.

Sections 373.4136(1)(b), (c), (g), (h), and (i), Florida Statutes, and Rule 62-330.301(1)(a)-(d), (i)-(j), and (5)-(6), Florida Administrative Code, require the mitigation bank to meet ecological, hydrologic, legal-interest, financial-responsibility, and accepted-engineering criteria and to provide reasonable assurance against adverse water-quantity, flooding, storage, conveyance, and wildlife effects. To obtain those assurances, SWFWMD should require the following technical evidence before intended agency action, permit issuance, construction authorization, or credit release. Consistent with section 373.4141(4), this is a request for evidence necessary to SWFWMD's own decision, not a demand that another agency's permit or approval be made an application-completion item absent explicit statutory authority:

To the extent section 1.0 makes the current SWFWMD Applicant's Handbook Volume II applicable to the proposed works and flood-impact review, it supplies an additional, direct District basis for this analysis. Section 3.0 requires reasonable assurance against adverse water-quantity impacts, onsite or offsite flooding, and harm to existing storage and conveyance. It further requires additional analyses using different storm durations, frequencies, or rainfall depths where credible historical flooding evidence or limited downstream capacity shows that ordinary design storms may be insufficient. Section 3.1(b) uses the 24-hour/25-year event for ordinary open-basin offsite-discharge and peak-stage calculations, while section 3.1(f) requires storage modeling or additional retention volume up to the 24-hour/100-year storm when an open basin has limited downstream conveyance capacity or the basin contains retention storage. Sections 3.3 and 3.4 require evaluation of 100-year floodplain encroachment, equivalent compensating storage, the most accurate available flood-elevation information, and comparison of site-specific observed or measured elevations with modeled or existing-study data. Sections 3.7 and 3.8 protect historic basin storage and require offsite drainage to pass from upgradient to downgradient lands without adverse changes in time, stage, volume, point, manner, or dispersion.

Hydraulic performance and easement geometry are distinct requirements. Pinellas County Stormwater Manual sections 1.14 and 2.2.1 require a project-specific classification and analysis. SWFWMD should require the applicant and Pinellas County to identify in writing whether each affected Brooker Creek reach is a “Major Stormwater/Drainage Channel” or “Canal or Major Waterway”; where the major-waterway provision applies, plot the ultimate design top-of-bank width and the minimum twenty-five-foot level maintenance area on both sides; demonstrate no adverse offsite impact for the 10-year and 25-year, 24-hour events; and perform the additional SWFWMD section 3.1(f) analysis up to the 100-year, 24-hour event when limited downstream capacity or retention storage triggers it. The analysis must state the required and available hydraulic capacity of every affected channel, pipe, ditch, flow path, drainage easement, and receiving conveyance—not merely show an easement line on a survey.

The recorded O.R. 5621/136 easement establishes perpetual drainage rights and a condition-referenced flow limitation—drainage and stormwater runoff may not be significantly greater than the stated existing and 148-unit conditions, and the grantor may not materially adversely affect that drainage—but the instrument does not itself establish a numeric 10-year, 25-year, or 100-year design-storm capacity. That capacity must be demonstrated through current, project-specific modeling. The available title and applicant materials also identify a 0.161-acre Pinellas County drainage easement at O.R. 14766/2450 as Survey Exception 31, but the operative recorded instrument itself has not been supplied in the materials reviewed. SWFWMD should require that complete instrument and should not accept any release, narrowing, obstruction, subordination, planting, fencing, or ditch treatment within either drainage interest unless signed-and-sealed analysis proves that the protected drainage function, required capacity, inspection, maintenance, emergency access, and repair will be preserved or lawfully replaced.

The County/SWFWMD 2010 Brooker Creek watershed study modeled 5-year, 25-year, and 100-year events; stated that Tarpon Woods benefits from Channel A improvements were contingent on adequate capacity between the subdivision and Brooker Creek; recommended assessment of all drainage easements and rights-of-way; and warned that main conveyances lacked complete easement or right-of-way protection and that maintenance was hampered by inadequate access. County Engineering's DRM-24-00066 comments separately called for demonstrating no impact to 10-year, 25-year, and 100-year flood elevations. Those official records and the documented flooding history support a complete current capacity, easement, access, and maintenance analysis under the governing criteria; this request does not depend solely on what the County required for my pool.

1. A signed-and-sealed, georeferenced overlay of the effective FEMA floodway, County 25-year and 100-year floodways and floodplains, base-flood elevations, cross sections, watershed-model limits, every proposed planting and management polygon, every ditch action, every equipment route and staging area, all fencing, and every credit area;
2. For any work accepted as lying within the effective regulatory floodway, the signed-and-sealed no-rise analysis required by Pinellas County Code section 158-83(1) and the community standard in 44 C.F.R. section 60.3(d)(3), using the effective model and a domain with sufficient upstream, downstream, and lateral extent to evaluate connected and off-site effects;
3. If the applicant proposes to revise a FEMA FIRM boundary, base-flood elevation, or regulatory floodway, require the applicable submissions under 44 C.F.R. sections 65.7 and 65.12. A revision only to a County watershed model, 25-year boundary, watershed-management-plan result, or other County data should follow the operative County procedure and triggers FEMA review only if it also changes FEMA-regulated data or exceeds the applicable federal threshold;
4. Separate analysis of construction, initial planting, establishment, mature vegetation, maintenance, ditch performance, vegetation failure, clogged or debris-loaded fences and structures, soil or biomass displacement, equipment compaction, and reasonably foreseeable corrective work, including cumulative upstream, downstream, and lateral effects;

5. Results for the applicable 25-year and 100-year events and future-condition assumptions, reporting water-surface elevation, depth, velocity, shear stress, duration, storage, conveyance, erosion, sedimentation, and effects on neighboring property and the Preserve;
6. Native model files, input and output, terrain and breakline data, cross sections, hydrographs, roughness coefficients, calibration and validation records, sensitivity tests, flood profiles, difference maps, and a transparent model-change log sufficient for independent reproduction;
7. Independent technical peer review at the applicant's expense where the applicable County process calls for it, signed by a Florida-licensed professional engineer with relevant Brooker Creek-scale and SWFWMD-modeling experience, together with written technical input from the Pinellas County Floodplain Administrator to the extent authorized and practicable;
8. Identification of every potentially applicable County floodplain permit, signed-and-sealed no-rise certification, and section 158-222 hydraulic-balance and compensatory-excavation analysis—including any one-for-one volumetric calculation the County requires or any written, fact-supported waiver. Require FEMA conditional map approval before the community permits an encroachment that would increase base-flood elevations above the limit in section 60.3(c)(10), or above the zero-rise limit within an adopted regulatory floodway under section 60.3(d)(3), followed by the as-built submission and final revision required by section 65.12(c), where applicable; require notice under PWADM-27.5 or sections 65.7 and 65.12 as applicable; require proof that the ERP design does not depend on an unapproved change; and, if SWFWMD proposes to make an outside permit or approval a completion item or permit condition, identify the explicit statutory authority required by section 373.4141(4); and
9. A written comparison explaining how the applicable County/NFIP no-rise requirement and SWFWMD's separate ERP reasonable-assurance criteria have each been addressed with technical rigor proportionate to the mitigation bank's scale.

If the applicants contend that no work, access, planting, fencing, soil movement, vegetation manipulation, or hydrologic effect will occur within or affect the floodway, the District should require that representation to be plotted, signed, sealed, and made an enforceable permit condition. As a requested protective state-permit condition—not as a requirement imposed by 44 C.F.R. section 60.3 or federal section 404 rules—the District should consider evidence-based disturbance limits and an appropriate buffer. Any state or federal credit claimed in or near the floodway must be evaluated separately under the applicable crediting criteria: restoration, rehabilitation, enhancement, or establishment credit should require demonstrated functional improvement, while any preservation credit should satisfy the separate preservation criteria. Surveyed limits, field staking, inspection, stop-work authority, and enforceable restoration and financial-assurance provisions should apply. The applicant may not avoid modeling by saying "no earthwork" while retaining work methods, access, credit acreage, or future discretion capable of affecting the floodway.

VII. The prior FWC letter is not current-project review

The applicants admit that they did not receive an additional FWC letter for Application 930235. They instead attach a June 12, 2025 technical-assistance letter expressly addressing withdrawn Application 907654 / ERP 47575.001. That earlier project included materially different fairway excavation, pond filling, possible prescribed fire, and Carolina-willow work. The current proposal asserts no earthwork, relies upon planting-based pond and ditch treatment, substitutes mowing or roller-chopping for prescribed fire, and presents revised fencing and security measures.

The old letter also states that no formal wildlife survey was supplied. It may remain part of the historical record, but it is insufficient standing alone to establish current-project referral, review, or satisfaction of Applicant's Handbook section 10.2.2 for the proposal now under review.

For an individual or conceptual approval permit application proposing regulated activities in, on, or over wetlands or other surface waters, section 10.2.2 requires the agency to provide FWC, for review and comment, a copy of the notice of application. The Handbook does not require FWC concurrence, an FWC response, or a new concurrence letter. SWFWMD should place in the record proof that any required copy of the notice for Application 930235 was provided to FWC, together with any resulting comments; if no comments were received, it should document the referral and absence of response. SWFWMD should then make a current, record-supported determination whether a wildlife survey is needed based on the likelihood of listed-species or bald-eagle use and the potential impacts. If a survey is required, its methodology must reasonably assure presence or absence and account for relevant seasonality and day-and-night activity patterns; the functional assessment should address condition, hydrologic connection, uniqueness, location, and use for resting, feeding, breeding, nesting, or denning, as identified in section 10.2.2.3.

VIII. The applicant must disclose and reconcile the project-specific federal record

The United States Army Corps of Engineers' official ORM Project Locations record identifies a project-specific federal file, SAJ-2025-02276-JLA, for “TARPON WOODS PROPERTIES, LLC / BROOKER CREEK MITIGATION BANK / 1100 TARPON WOODS BLVD / PINELLAS,” and lists the request type as NWP. The applicant should place the complete federal record in the ERP file and identify the responsible Corps office and project manager; the exact Nationwide Permit or other authority asserted; filing, verification, decision, and expiration dates; current status; every jurisdictional determination and map; all conditions and consultations; and any prospectus, Interagency Review Team correspondence, mitigation-banking instrument, and RIBITS record. SWFWMD should obtain direct Corps confirmation rather than infer authorization from a location-layer entry.

The District should nevertheless require every independently relevant state-law fact necessary to evaluate reasonable assurance and to resolve apparent conflicts or errors under Handbook sections 5.5.3.1 and 5.5.3.2. The controlling plans should show, in one internally consistent signed-and-sealed georeferenced record, the property boundary; state wetlands and surface waters; the applicant's claimed federal waters; the effective FEMA and County floodway and floodplain; project, conservation-easement, assessment, and credit boundaries; and every ditch block, excavation, planting area, access route, staging area, temporary stockpile, fill or spoil location, grading limit, and disposal location. The applicant should provide a crosswalk explaining every difference among the state wetland line, any federal jurisdictional line, the survey, the RAI figures, Figure 14, the conservation-easement exhibit, the work plan, and the credit ledger.

State wetlands and federal waters are not necessarily coterminous. The applicant must identify the federal jurisdictional basis for every proposed activity and explain whether it relies on an approved jurisdictional determination, preliminary jurisdictional determination, permit processing without a jurisdictional determination, individual Department of the Army permit, Nationwide Permit, another general permit, or an exemption. SWFWMD should require one crosswalk among the state wetland line, any federal jurisdictional line, the survey, RAI figures, Figure 14, conservation-easement exhibit, work plan, and credit ledger, while recognizing that the Corps—not SWFWMD—determines federal jurisdiction and federal authorization.

The applicant's characterization of the project as involving "no earthwork" cannot substitute for project-specific construction methods and quantities. Under 33 C.F.R. section 323.2(d), redeposit of excavated material associated with mechanized clearing, ditching, channelization, or other excavation in federally jurisdictional waters may constitute a discharge of dredged material. A proponent relying on the limited non-degrading excavation exclusion bears the burden of demonstrating to the Corps or EPA, before work, that the activity will not destroy or degrade waters of the United States. Soil or other material that changes bottom elevation may constitute fill under section 323.2(e)-(f). The applicant should therefore disclose the excavation, displacement, temporary stockpiling, redeposit, transport, and final disposition associated with every ditch action, planting hole, access route, structure, and other ground-disturbing activity. The present record is not sufficient to conclude that a section 404 permit is definitely required or definitely unnecessary; that determination belongs to the Corps on a complete site-specific record.

If the applicant relies on 2026 Nationwide Permit 27, it should identify the eligibility basis and provide the required preconstruction report, baseline habitat map and field verification, project overlay, objectives, methods, and every applicable regional or case-specific condition. The applicant should also identify the applicable section 401 water-quality certification and coastal-zone concurrence and explain how all conditions will be satisfied before work.

If the proposed bank is intended to sell credits for compensatory mitigation required by Department of the Army permits, the applicant should identify its federal prospectus, Interagency Review Team review, mitigation-banking instrument, and RIBITS status. Under 33 C.F.R. section 332.8(a), such credits cannot be used for Department of the Army permit mitigation until an instrument has been approved and signed by the sponsor and Corps district engineer. A federal banking instrument authorizes federal credit use; it does not itself authorize physical construction or discharges at the bank site.

The mitigation-plan provisions in 33 C.F.R. section 332.4(c) reinforce the need for complete state technical information and require the listed plan elements at a level commensurate with the project's scale. Baseline information may include historic and existing plant communities, hydrology, and soil conditions and should include a delineation of waters of the United States. The work plan separately requires project boundaries, construction methods and sequence, water sources and connections, planting, grading, soil management, and erosion controls. Section 332.4(c) also addresses maintenance, objective performance standards, monitoring, adaptive management, long-term management and financing, and financial assurances. Section 332.8 further requires default and closure provisions, accounting, monitoring, performance-based credit release, and Corps approval of each federal credit release. These are federal requirements only if the bank will provide federal credits, but the same underlying facts are directly relevant to the District's state reasonable-assurance determination.

Neither state nor federal law categorically bars credit associated with an existing wetland. Restoration, rehabilitation, enhancement, and, in restricted circumstances, preservation may generate credit. But a credit must represent demonstrated ecological lift, protected value, or other qualifying compensation—not the mere continued existence of baseline wetland function. The applicant should provide a polygon-by-polygon table separating existing state wetlands, claimed federal waters, uplands, buffers, restoration, rehabilitation, enhancement, establishment, creation, and preservation. For each polygon, the table should disclose baseline acreage and function, treatment, credit type, methodology, pre-project score, projected post-project score, claimed functional delta, release milestone, and safeguards against duplicate crediting. Any preservation-only area eligible for front-loaded credit under section 373.4136(5), Florida Statutes, should be identified separately.

Federal rules distinguish completion assurance from long-term-management financing. Under 33 C.F.R. section 332.3(n), the district engineer generally must require sufficient financial assurance to provide a high level of confidence that a compensatory-mitigation project will be successfully completed, although the district engineer may determine that financial assurance is unnecessary when a formal, documented alternate mechanism provides equivalent confidence. The district engineer determines the form and amount, must consider the cost of replacement mitigation, and phases the assurance out after verified achievement of the applicable performance standards. Sections 332.7(b), 332.7(d), and 332.8(u) separately address long-term management, the responsible party, and any necessary financing. A long-term-management plan should identify management needs, annual cost estimates, and a funding mechanism; necessary financing provisions must be addressed in the original permit or instrument, and the district engineer may require inflationary adjustments and other contingencies. Appropriate mechanisms may include non-wasting endowments, trusts, contractual arrangements, and other financial instruments. Federal law therefore does not mandate a perpetual performance bond, a particular endowment, or inflation-adjusted perpetual funding in every case. The defensible federal request is for disclosure of, and compliance with, the performance-assurance and long-term-financing arrangements required by the Corps and the federal instrument. Florida Rule 62-342.700 independently controls the state mechanisms for construction and implementation and perpetual management, and the District should require the state mechanism or combination that actually secures every enforceable project obligation and successor.

An ERP is not a Corps authorization or an approved federal mitigation-banking instrument. If section 404 authorization is required, the applicant must identify and obtain the applicable Corps coverage before work; if federal mitigation credits are proposed, they may not be used until a federal instrument has been approved and signed and the relevant credits have been released. SWFWMD should transmit the project-specific federal questions to the Corps and ensure that the state permit record does not rely on contradictory, obsolete, or unverified federal assertions.

IX. Proposed ground disturbance must be reconciled with documented site history

Official FDEP records for 1100 Tarpon Woods Boulevard identify current and former fuel tanks and a historical 1990 fuel-release and soil-removal matter. Those records do not prove current contamination or justify treating the entire property as contaminated. They do, however, identify a specific site-history issue that should be reconciled with the current work plan before ditch work, planting, mechanized clearing, soil displacement, stockpiling, reuse, transport, or disposal occurs.

The applicant should have a qualified environmental professional plot the documented tank and release locations against the proposed disturbance and soil-handling areas. If a proposed work area overlaps a documented location or a credible migration pathway, require a proportionate, site-specific sampling and soil-and-groundwater-management plan, including controls protecting water quality and planting success, lawful transport or disposal procedures, and certified contingency costs if impacted material is encountered. No broader contamination conclusion should be drawn without current, site-specific evidence.

X. The cost estimate and financial-assurance materials fail the required level of detail and contain material errors

Rule 62-342.450(7), Florida Administrative Code, requires a mitigation-bank application to include draft documentation of financial responsibility meeting Rule 62-342.700. Rule 62-342.700(1)-(2) requires nongovernmental mitigation bankers to demonstrate financial responsibility for both construction and implementation and perpetual management and to submit draft cost estimates and draft mechanisms with the application, with executed final mechanisms due at the permit-specified times. Subsection (13) requires detailed, current-dollar estimates; certification by a Florida-licensed professional whose license authorizes that certification; a verifiable basis and identified source; and third-party fair-market costs. Applicable costs include planting, earthmoving, nuisance and exotic control, prescribed fire, surveying, structures, consultants, taxes, monitoring, reports, and other construction, implementation, and perpetual-management obligations.

Attachment 8 does not visibly identify a certifying professional, license, signature, seal, vendor quotation, comparable bid, cost database, estimate date, or other verifiable source for its unit prices. The generic $3-per-plant figure does not disclose whether it includes plant stock, delivery, layout, installation labor, augering or mechanical equipment, mobilization, access protection, soil handling, amendments, watering and establishment, mortality replacement, warranty, overhead, taxes, contaminated-soil controls, or disposal.

The $3 figure is not unlawful merely because it is low. It is unacceptable because the filing does not establish that it is a certified, current, third-party, fair-market, all-in installed cost covering the actual scope. A bundled rate can be audited only if the supporting quote defines every included and excluded item.

The submitted figures also contain material arithmetic and quantity defects:

1. The Year 15 "General Maintenance" line states a $5,000 unit cost and a quantity of one but gives a total of only $250. Correcting that line increases the twenty-year perpetual-management total from $140,499 to $145,249.
2. Using the applicants' own apparent method—a ten-percent addition followed by capitalization at the rule's assumed six-percent return—the corrected total produces approximately $133,144.92 rather than $128,790.75, an apparent $4,354.17 difference. This is an illustrative correction of the applicants' methodology, not a conclusion that a twenty-year average is itself the legally required annual-cost basis; the applicant must prove that any recurring cycle and annual-cost assumption adequately funds perpetual management.

3. The supplemental-planting base of 60,347.14 appears to add 35.14 acres of wetland-forest planting as though those acres were 35.14 individual plants. At 150 trees per acre, that component is approximately 5,271 plants, yielding a corrected listed base of approximately 65,583 and a difference of about 5,236 units.
4. At the applicants' own $3 rate, three years of ten-percent replacement for that omitted quantity underfunds direct replacement by approximately $4,712.27, or approximately $5,183.50 after applying 110-percent construction assurance.
5. The narrative states approximately 75 slash pines per acre over 105.13 acres, approximately 7,885 trees. The restoration and cost table funds only approximately 4,205, a difference of about 3,680 initial trees.
6. The ten-percent planting or seeding replacement line does not clearly include seed and prices all replacement units at $3 even though initial shrubs are listed at $4.
7. Only 3,000 linear feet of fence and sign installation is priced while the response discusses securing the entire site if needed. No surveyed full-perimeter quantity or complete cost for fences, gates, signs, cameras, inspections, repairs, and replacement is supplied.
8. A table extending for twenty years does not establish perpetual funding. The applicants must explain how the cycle repeats after year twenty and fund future replacement, corrective work, security, administration, taxes, monitoring, structure or equipment failure, contamination response, adaptive management, and catastrophic events.

Flood-zone residential work commonly requires an auditable FEMA or County cost packet with quantities, materials, separate labor or trade costs, overhead, profit, and complete line items. That building packet is not the legal standard for a mitigation bank, but it illustrates the scrutiny government routinely requires before evaluating work on a single home. A project seeking environmental credits and assuming perpetual obligations over approximately 172 acres should not receive less financial scrutiny. Rule 62-342.700 independently supplies the controlling legal requirement for a detailed, certified, verifiable, market-based estimate.

The corrected filing must therefore provide species-by-species, size-by-size, zone-by-zone, and method-by-method quantities, together with dated independent vendor quotations or comparable market data and separate auditable costs for materials, delivery, labor, equipment, mobilization, access protection, watering, establishment, replacement, surveys, professional services, soil testing, soil management, contamination response, transportation, disposal, monitoring, reporting, taxes, fees, overhead, and contingencies.

The record reviewed contains a draft construction bond and an unexecuted document titled “Perpetual Management Escrow Agreement,” together with a perpetual-management cost estimate in Attachments G16–G17. The issue is whether the draft and estimate satisfy Rule 62-342.700(12) and (13); whether the perpetual-management mechanism provides—and, if an escrow or trust is used, funds—the amount required by subsection (12)(b); and whether the final mechanisms are executed and effective at their distinct rule-specified times: construction and implementation assurance before release of any mitigation credit under subsection (4)(d), and perpetual-management assurance before withdrawal of any credit under subsection (12)(c). Insurance may not be used for perpetual management. The District should require a document-and-page compliance matrix, corrected certified estimate, identified funding source and corpus where applicable, execution and funding milestones, account-control terms, and proof of effectiveness at each rule-specified time.

Credit release must follow the schedule in section 373.4136(5), Florida Statutes—including the statutory release tied to recordation of the conservation easement and establishment of required financial assurances—or an alternative schedule approved under subsection (5)(b), together with the distinct release and withdrawal timing requirements in Rule 62-342.700. “Release” and “withdrawal” are not interchangeable: an agency release milestone does not itself authorize withdrawal before the separately applicable financial-assurance requirement is effective. Within that framework, no release milestone should be approved and no credit withdrawal allowed except as authorized by the governing schedule and after each applicable prerequisite below is satisfied:

1. Construction and implementation assurance equals at least 110 percent of the complete corrected estimate, as Rule 62-342.700(4)(c) requires;

2. Construction and implementation assurance is approved and effective before release of any mitigation credits, as subsection (4)(d) requires;
3. Financial assurance expressly covering perpetual management is effective before any credit withdrawal, as subsection (12)(c) requires;
4. The required perpetual-assurance amount—or corpus, if an escrow or trust is used—is reasonably expected to generate annual revenue equal to the complete annual perpetual-management cost at the rule's assumed six-percent return;
5. A construction bond, letter of credit, or insurance policy uses the standby escrow or trust required by Rule 62-342.700(5)(d), (6)(c), or (7)(f), as applicable, and subsections (9)-(10), while any perpetual bond or letter of credit uses the standby trust required by subsection (12)(a); insurance is not used for perpetual management;
6. The mechanisms guarantee every project-specific obligation made enforceable through the permit, including any required response to default, abandonment, insolvency, successor failure, contamination, hydrologic correction, plant failure, security, monitoring, corrective work, or catastrophic loss; and
7. Estimates and assurance are adjusted at least every two years, whenever the agency determines that compliance costs exceed existing assurance and additional assurance is needed, and whenever the banker learns that actual costs exceed the estimate by more than twenty-five percent, as subsection (14) provides.

XI. Formal demands

For the reasons above, and in addition to every request in my August 27 letter, I formally demand that SWFWMD:

1. Immediately determine that the August 26 submission did not make Application 930235 complete.
2. Determine whether the July extension validly preserved active status under Handbook section 5.5.3.5 and section 120.60(1), Florida Statutes. Identify which Handbook extension period applied, the good-cause showing actually accepted if good cause was required, and, if the District relied on the Handbook's specified safe harbor, the evidence of diligent effort and why the requested period was reasonable and necessary. Unless the District identifies a lawful, record-supported basis for continued processing, administratively deny the application without prejudice and close the file.
3. Apply the no-refund and no-later-application consequence governing an administrative denial under Handbook section 5.5.3.5 and Rule 62-330.071(3), and publicly identify the legal basis and accounting for any later fee credit or adjustment claimed under another provision.
4. Produce a complete public fee ledger authenticating and tying to the official account the SWFWMD receipt reproduced at page 3 of SW-907654-096—Application 889588, “Conceptual,” July 31, 2024, $2,724, receipt IN2460180254001—and identifying whether the applicant's express request to transfer that fee from Application 889588 / Permit 47575.000 to Application 907654 / ERP 47575.001 was approved; how the amount was adjusted, transferred, credited, exempted, refunded, or otherwise accounted for at each later step; every later transfer, credit, exemption, or balance; the zero-dollar entry for Application 930235; and the disposition of any fee upon final action.
5. Issue a signed public statement explaining the legal and factual basis for the July 20 extension, the meaning and authority of the 365-day in-house reference, and how the applicable ERP response and extension provisions were applied.
6. Refer the extension procedure, to the extent lawful and within the recipient's jurisdiction, to the District's Office of Inspector General, Office of General Counsel, Executive Director, Governing Board, or another authority for a neutral review supervised outside the immediate approval chain.
7. Request that the review evaluate the governing standard, delegated authority, record-supported basis, routing, documentation, and public-file treatment of the July and August extensions without presuming misconduct by any employee.
8. To the extent lawful and nonexempt, request publication of the review's findings and implementation of any corrective, supervisory, training, policy, or documentation measures the neutral reviewer finds warranted.
9. Preserve unique responsive records concerning Applications 889588, 907654, and 930235 to the extent required by applicable public-records law, retention schedules, and any independently applicable

preservation duty, consistent with Section IV. Identify the responsible records contact and the applicable routine retention measures or any special hold that the District independently determines is required.

10. Preserve and, through any applicable public-records process, produce any native audit trail that exists within the District's possession, custody, or control for my July 17 closure demand, including available receipt, delivery, opening, forwarding, reading, indexing, access, discussion, and routing data and the identity and time of each person shown by those records to have handled or viewed it before or after the July 20 extension decision. The public record already identifies the direct recipients and the later public-file timestamp; this request seeks the remainder of the trail rather than presuming what it will show.
11. Provide the requested point-by-point written response to my July 17 closure demand, my August 27 letter, and this supplemental notice; this is expressly a request for a substantive response, not an assertion that the cited authorities mandate a particular response format.
12. Explain the timing and routing of the applicant's extension request and my resident correspondence, while recognizing that the agency had a statutory responsibility to process the applicant's request and that no authority cited here imposes an identical response timetable for resident correspondence.
13. Require competent, current evidence that the applicant has sufficient legal or equitable interest to ensure perpetual protection and management under section 373.4136(1)(h) and Rule 62-342.450(6), including the recorded deed if the applicant relies on the stated fee-title transfer.
14. Require a newly dated, signed-and-sealed survey certified to the current applicant and owner, tied to the July 2026 or later title commitment and every current exception.
15. Require current applicant-and-owner authorization or assignment establishing the right to rely on the survey, the surveyor affidavit and corrected current-party certification described in Section VI.A, and any targeted engagement, payment, corporate winding-up, instruction, or related record only if needed to resolve a stated authority or timing conflict.
16. Require the surveyor to establish the applicable ALTA/NSPS standard and correct the survey if the 2026 standard governs.
17. Require a complete Schedule B-II version history and an exception-by-exception title and survey crosswalk covering the February 18, 2026 commitment identified by the submitted survey; the July 14, 2026 revised commitment cited in the RAI response; and every intervening or later revision. The crosswalk must identify the instrument represented by each numbered item in each version and the documentary basis for every deletion, release, termination, satisfaction, merger, waiver, abandonment, reversion, or renumbering. It must distinguish a survey notation from a current title opinion and must state when present enforceability remains unresolved.
18. Require a signed-and-sealed georeferenced composite reconciling Parcels 1, 2, and 3, the complete 172.46 acres, Figure 14, the security and fence plan, the conservation easement, all assessment and credit areas, and every excluded or removed estate. Plot the 3.40-acre tract described and sketched in Exhibit A to Pinellas Clerk Instrument 2019338177 against each current boundary, explain why the current survey calls that tract "not protractible," and identify which portions of the recorded management, operation, maintenance, irrigation, effluent-disposal, and right-of-first-refusal provisions remain operative on the balance, including any later recorded modification on which the applicant relies. The same composite and current-title matrix must plot and resolve O.R. 4148/174, O.R. 4261/1747, O.R. 4261/1749, O.R. 4906/799, O.R. 4906/805, O.R. 4906/822, O.R. 5621/136, O.R. 6197/104, O.R. 6231/1641, O.R. 6272/1496, O.R. 6411/843, O.R. 6428/940, and every later assignment, amendment, waiver, release, termination, reversion, quitclaim, relocation, or successor instrument. Require a current title opinion; current as-built well, pipeline, utility, sewer, reclaimed-water, drainage, access, maintenance, clearing, repair, relocation, and restoration footprints; written County and utility confirmation of operating status and present rights; and an explanation whether consent, joinder, subordination, amendment, exclusion, or relocation is required. Distinguish credit-generating work from preexisting contractual or maintenance duties. This demand seeks a factual title-and-project crosswalk and does not ask the District to adjudicate private title.
19. Reconcile the application's own 175.02-acre market table, every dated Property Appraiser export, and the survey's 172.46-acre figure, identifying the arithmetic difference under each source and proving every less-and-except, exclusion, easement, gap, overlap, or assessment-versus-title distinction. Produce the controlling

recorded deed establishing the current owner's interest, explain the "AAAAA/AAAA" placeholder displayed on both current assessor pages, and crosswalk the deed, current title commitment, survey, applicant authority, conservation easement, and credit areas without treating assessor indexing as a Clerk deed citation or title opinion.

20. Require the applicant's surveyor to identify every relevant segmented line on Sheet 9 and provide a signed-and-sealed, georeferenced composite showing the applicant's fee boundary, adjoining recorded property lines, project boundary, conservation-easement boundary, credit polygons, access and security areas, and recovered monuments, together with sufficient raw topographic data, observation dates and methods, datum and benchmark control, terrain-model information, and same-point reconciliation to support the hydrologic review. This demand does not ask the District to adjudicate private title or assert that the available PDFs establish an encroachment on Lots 53 or 54.
21. Correct the FEMA panel dates and require the effective regulatory floodway and floodplain information to be plotted on every controlling project, credit, planting, access, disturbance, and security map.
22. For work in the effective regulatory floodway, require the signed-and-sealed no-rise analysis and native reproducible model record needed to establish the applicable local and federal standard. If the applicant disputes or proposes to revise a mapped boundary, base-flood elevation, floodway, or existing-conditions model, require the complete revised watershed analysis, technical peer review, and County/FEMA process described in Section VI.F.
23. Identify the applicable section 158-222 hydraulic-balance and compensatory-excavation analysis, including any County-required one-for-one calculation or written waiver and applicable notice. Require FEMA conditional map approval before the community permits an encroachment that would increase base-flood elevations above the limit in 44 C.F.R. section 60.3(c)(10), or above the zero-rise limit within an adopted regulatory floodway under section 60.3(d)(3), followed by the as-built submission and final revision required by section 65.12(c), where applicable. Do not rely upon any changed FEMA floodway, floodplain, or base-flood-elevation conclusion without the responsible County and FEMA record. A revision only to a County watershed model, 25-year boundary, watershed-management-plan result, or other County data should follow the operative County procedure and triggers FEMA review only if it also changes FEMA-regulated data or exceeds the applicable federal threshold. Do not make an outside permit or approval an ERP completion item or condition unless the District identifies the explicit statutory authority required by section 373.4141(4).
24. If the applicants rely upon a no-work or no-earthwork position instead of modeling, make complete exclusion of all floodway disturbance, access, planting, fencing, soil movement, vegetation manipulation, and credit an enforceable, surveyed, inspected, and financially secured permit condition.
25. Withhold disturbance in or affecting the floodway absent an accepted hydraulic showing of no adverse effect. Evaluate any credit separately under the applicable state and, if claimed, federal crediting criteria; do not award restoration, rehabilitation, enhancement, or establishment credit without demonstrated functional improvement, and require any preservation credit to satisfy the separate preservation criteria.
26. Refuse to treat the June 2025 FWC letter for withdrawn Application 907654 / ERP 47575.001 as current FWC concurrence or as a complete response to RAI Item 2.
27. Confirm and document any notice of Application 930235 required by Handbook section 10.2.2, place any resulting FWC comments in the record, and make a current, project-specific wildlife-survey determination; if a survey is required, require methodology suited to relevant seasonality and day-and-night patterns.

To the extent Demands 28 through 34 request information that clarifies the August 26 response or answers new questions raised by or directly related to that response, SWFWMD should require it under section 373.4141(1), Florida Statutes. To the extent an item falls outside that authority, SWFWMD should obtain and evaluate it through lawful interagency coordination, the District's own public-record review, or a voluntary applicant submission and should not misstate it as an ERP completeness item.

28. Separate and address the following three record categories, and identify the legal basis used for each request rather than treating all missing material as an applicant-completeness item:

a. Applicant completeness and clarification. To the extent authorized by section 373.4141(1), require the current applicant to supply a complete agency-coordination ledger and the project-specific submissions, plans, requests, meeting materials, correspondence, notes, and attachments within its possession, custody, or control that directly bear on the current application's boundaries, hydrology, wetlands, earthwork, crediting, financial assurance, or claimed regulatory status. Require a County-comment response matrix limited to independently relevant ERP facts and a signed-and-sealed design-history matrix for the independently relevant portions of DRM-23-00102, DRM-24-00066, and Applications 889588, 907654, and 930235. The matrix should identify each plan, boundary, cut, fill, stockpile, haul route, reuse or disposal method, floodway treatment, model, ditch, pond, pipe, fairway, access route, grading component, hydrologic component, and credit area; mark each item current or superseded; and explain how the applicant-entered prior 168.40-acre concept with estimated cut of 273,000 cubic yards and estimated fill of 31,000 cubic yards, the C-1 sheet's 147.09-acre total, Application 907654's proposed 55.54-acre marsh excavation, 20.64-acre upland excavation, 17.27-acre pond fill, 0.53-acre ditch fill, 172.59-acre easement, displayed 345.18-acre total, proposal to sell excess fill without an identified specific buyer or receiving project or site, stated 79.57-credit total and displayed 13.86-plus-65.72 component values, and the later 172.46-acre survey figure became the current “no earthwork” design.

b. Agency and public records. Through lawful interagency coordination and the District's own public-record review, obtain and evaluate the independently relevant portions of County records DRM-23-00102 and DRM-24-00066; the recovered 102-document public docket for Application 907654 / ERP 47575.001 and every additional internal, native, superseded, or nonpublic District record not exposed by the viewer; FDEP Title and Land Records Worksheet 133182 and any current-boundary update; and the complete public or obtainable administrative record for Corps DA number SAJ-2025-02276-JLA, together with any other jurisdictional-determination, permit, prospectus, Interagency Review Team, Regulatory Request System, or RIBITS contact.

c. **Narrow third-party confirmation.** Request a surveyor, title company, consultant, or other third party's private engagement, instruction, payment, native, or metadata record only where it is reasonably necessary to resolve a specifically identified conflict concerning authority, timing, certification, title exception, boundary, calculation, or representation on which the current application relies. This letter does not ask SWFWMD to conduct unrestricted civil discovery or demand collateral private records without an identified ERP or agency-record purpose.

For purposes of Demand 28's historical and title reconciliation, the record set should also include Pinellas Clerk Instrument 2019338177 and current dated Property Appraiser exports for both folios, but only to the extent they bear on the current applicant's legal interest, survey authority, project or easement boundaries, utility obligations, access, perpetual management, or other independently relevant present facts. The response should distinguish the 2019 instrument's release of the 3.40-acre tract described in Exhibit A to Clerk Instrument 2019338177 from the agreement expressly continuing on the remainder, identify the later controlling deed and any modification of those rights, and explain the assessor pages' “AAAAA/AAAA” deed-field placeholder. Do not use assessor indexing as a substitute for a title opinion.

29. Require a single signed-and-sealed crosswalk map and table reconciling state wetlands and surface waters, any claimed federal waters, the effective FEMA and County floodway and floodplain, every recorded and as-built well, pipeline, utility, sewer, reclaimed-water, drainage, access, and maintenance corridor, every project and credit boundary, and every ditch, excavation, planting, access, staging, stockpile, fill, grading, and disposal area.

30. Require the applicant to produce and explain the complete administrative or permit record associated with DA number SAJ-2025-02276-JLA and its current status, including any PCN or application, exact Nationwide Permit number, responsible Corps district, Technical Regional Execution Center if applicable, project manager, jurisdictional materials, plans, reports, correspondence, verification or decision, conditions, and section 401 or coastal-zone materials. Require it to identify whether that record or any other federal position relies on an approved jurisdictional determination, preliminary jurisdictional determination, permit processing without a jurisdictional determination, an individual Department of the Army permit, a 2021 or 2026 Nationwide Permit, another general permit, or an asserted exemption. If a 2021 Nationwide Permit is

claimed, require identification of the verification and any claimed transition authorization under 33 C.F.R. section 330.6(b). Identify every other jurisdictional map, application, report, verification, section 401 request, prospectus, Interagency Review Team communication, draft or final mitigation-banking instrument, and RIBITS record; where a category does not exist, require a clear statement to that effect. If Rule 62-330.062(1)(a) applies, require the applicable certification materials, including the federal application copy and readily available water-quality materials identified by FDEP's current procedure. This demand seeks disclosure and independently relevant state-review facts; it does not make a Corps permit, verification, jurisdictional determination, or other federal approval an ERP completion item or permit condition absent the explicit authority required by section 373.4141(4), Florida Statutes.

31. Require complete methods and quantities for all ditching, planting, mechanized clearing, soil displacement, stockpiling, reuse, transport, fill, and disposal. Require a qualified environmental professional to overlay those areas against the documented current and former tanks and historical fuel-release and soil-removal locations identified in FDEP facility 8624510. Where overlap or a credible migration pathway exists, require a proportionate, site-specific sampling and soil-and-groundwater-management plan sufficient to protect water quality and planting success, together with lawful handling or disposal procedures and certified contingency costs if impacted material is encountered. The historical record is not proof of current contamination, but it should be expressly evaluated rather than ignored.
32. If the applicant intends to provide credits for Department of the Army permits, require it to identify the federal prospectus, Interagency Review Team process, RIBITS status, and mitigation-banking instrument; if it relies on Nationwide Permit 27 for physical work, require it to identify the applicable 2021 or 2026 authorization, any claimed transition protection under 33 C.F.R. section 330.6(b), the mandatory thirty-day report under the 2026 permit where applicable, and any separately required preconstruction notification, verification, consultation, or regional or case-specific condition. Do not treat a federal banking instrument as physical-work authorization or a work permit as authority to sell federal credits.
33. Require a polygon-by-polygon credit table separating existing state wetlands, claimed federal waters, uplands, buffers, restoration, rehabilitation, enhancement, establishment, creation, and preservation, and showing baseline acreage and function, proposed treatment, credit type, method, pre-project score, projected post-project score, claimed functional delta, release milestone, and protection against duplicate crediting. Identify every preservation-only area that the applicant contends could receive front-loaded credit.
34. State expressly in any agency action that the ERP is not a Corps permit, federal jurisdictional determination, or approved federal mitigation-banking instrument; that, except for activities exempt from section 404, no discharge requiring section 404 authorization may occur unless covered by a valid pre-vacatur Florida State 404 permit that remains effective under the court's prospective remedy or by an applicable Corps individual or general permit; that any required preconstruction notification, verification, consultation, or case-specific pre-work approval must be completed before work; that federal credits may not be used without the approved instrument, released credits, and district-engineer approval applicable to the permit; and that this demand does not make another agency's approval an ERP completeness item or permit condition absent the explicit statutory authority required by section 373.4141(4), Florida Statutes.
35. Reject the present cost tables and require professionally certified, source-supported, third-party fair-market estimates correcting every arithmetic, unit, planting-density, fencing, and perpetual-management defect identified above.
36. Require the applicants to correct and substantiate the draft construction bond, the unexecuted “Perpetual Management Escrow Agreement,” and the Attachments G16–G17 cost materials so they satisfy Rules 62-342.450(7) and 62-342.700 at the application and permit-specified stages. Require executed, funded, and effective final mechanisms at the times the rule requires, covering construction and implementation and perpetual management, consistent with the statutory schedule in section 373.4136(5) or any alternative schedule lawfully approved under subsection (5)(b). Distinguish credit release from credit withdrawal and allow neither before its separately applicable statutory, permit, and financial-assurance prerequisites are satisfied. If federal credits are intended, require disclosure of the distinct federal performance-assurance and long-term-financing arrangements without mischaracterizing a perpetual performance bond as federally mandatory.

37. Place this letter, the July 17 closure demand, the still-unanswered August 27 letter, and the District's complete response in the official public record for Application 930235 and cross-reference the preservation notice in the records for Applications 889588 and 907654.
38. Provide prompt written notice of any completeness determination, intended agency action, staff report, proposed permit, denial, withdrawal request, or point of entry for administrative challenge.

If the District declines immediate denial and closure, please treat this letter as a demand for a signed written determination identifying every factual finding and legal authority supporting continued processing. That determination should be issued before any further extension, completeness finding, staff recommendation, permit preparation, conservation-easement acceptance, or credit authorization.

XII. Response deadline and reservation of rights

As requested response dates—not assertions of statutory deadlines—please provide the records-contact and retention-measures information described in Section IV within five business days of receipt and a substantive written acknowledgment within ten business days. I request a complete point-by-point response before any material agency action or within any time otherwise required by applicable law. If the District cannot complete the requested neutral procedural review promptly, please identify the reviewing authority, scope, anticipated completion date, and any interim records-preservation measures. These are requests; the cited authorities do not independently create the requested response format or timetable.

This letter places the District on actual notice of the procedural, evidentiary, survey, title, corporate-authority, wildlife, floodway, financial, and public-trust issues stated above. The District should not later characterize these matters as unanticipated or undisclosed. Continued processing without resolving them would create a record that the District proceeded despite specific notice of missing information, internal conflicts, apparent rule noncompliance, and foreseeable environmental and public consequences.

Nothing in this letter concedes the validity of any extension, the completeness of the application, the applicants' legal interest, the reliability of the survey, the validity of any proposed credit, the sufficiency of any financial instrument, or the District's authority to approve the project. Nothing waives any right to seek public records, inspector-general review, administrative relief, judicial review, injunctive relief, declaratory relief, or any other remedy available under applicable law. The matters identified are not exhaustive, and I reserve the right to supplement the record as additional documents and facts become available.

I remain willing to review a complete and transparent response. I continue to request administrative denial and closure based on the unresolved substantive deficiencies identified in this letter and my August 27 filing. Separately, as to the deadline issue, if the District continues processing it should identify the lawful, record-supported basis for treating the response period as open or validly extended, the good-cause showing actually accepted if good cause was required, and competent evidence resolving the application's remaining deficiencies.

Respectfully submitted,

William R. Nobles, Jr.
172 Annwood Rd
Palm Harbor, FL 34685
admin@SaveTarponWoods.com

Tarpon Woods resident, adjoining property owner, and administrator of SaveTarponWoods.com

Copies requested to:
David Kramer, P.E., Bureau Chief, Environmental Resource Permit Bureau, Regulation Division
Kelli Hammer Levy, Director, Pinellas County Public Works
Brian Werthmiller, Inspector General, SWFWMD
Chris Tumminia, General Counsel, SWFWMD
Brian Armstrong, Executive Director, SWFWMD
Jack Bispham, Chair, and the members of the SWFWMD Governing Board

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 (via official constituent-contact portal; copy to Tampa district office)

Owner-supplied exhibits to accompany the final transmittal

The following owner-supplied materials must accompany any final transmitted copy of this letter so the recipients can evaluate the underlying source rather than rely on my characterization alone. They are not represented as SWFWMD filings unless separately present in the District's docket:

- **Exhibit A:** "Pool Perimeter Survey 4-30-25.pdf," Limited Topographic Survey for Lots 53 and 54, field date April 14, 2025.
- **Exhibit B:** the November 2024 Pinellas County pool-permit correspondence identifying Jessica "Jessie" Hummel and the written floodway/modeling response attributed to Dayne M. Morris, Engineer II.
- **Exhibit C:** Pinellas County Public Works Procedure PWADM-27.5, "Floodplain Determination Appeal Standard Operating Guidelines (SOG)," as supplied in the pool-permit record.
- **Exhibit D:** the cited pool-permit determination and appeal package containing the Morris, Crosson, Landon, Knapp, and Fuller records identified below, organized by date and author.
- **Exhibit E:** a contemporaneous official print or export of the cited current Pinellas County Code sections 158-23, 158-83, 158-221, 158-222, 158-223, 158-331, and 158-332, with the access date shown.

If any exhibit is not enclosed, the final letter should identify that omission and should not ask the recipient to treat the unsupported description as independently filed proof.

Authorities and record materials

1. Rule 62-330.010(4)(a) (official rule) and Rule 62-330.090(1) and (4), Florida Administrative Code (official rule); ERP Applicant's Handbook Volume I, effective June 28, 2024, sections 5.5.2.1, 5.5.3.1, 5.5.3.2, 5.5.3.5, 5.5.3.7, and 10.2.2 through 10.2.2.3 (official incorporated handbook).
2. Sections 120.60(1) (official statute), 373.4136(1)(b), (c), (g), (h), and (i), (5), and (8) (official statute), and 373.4141(1)-(2) and (4), Florida Statutes (official statute).
3. Rule 40D-1.6051(1)-(2) (official rule); Rule 62-330.071(1)(d) and (3) (official rule); and the October 1, 2013 version of SWFWMD Rule 40D-1.607 incorporated through Rule 62-330.071(1)(d) (official incorporated reference, Ref-02536).
4. Rule 62-330.301(1)(a)-(d), (i)-(j), and (5)-(6), Florida Administrative Code (official rule).
5. Rule 62-342.450(6)-(7) (official rule) and Rule 62-342.700(1)-(14), Florida Administrative Code (official rule).
6. Section 607.1405, Florida Statutes (official statute).
7. SWFWMD Application 930235 public-file documents: SW-930235-040 (December 14, 2025 RAI); SW-930235-036 (partial response dated March 13 and posted March 16, 2026); SW-930235-033 and -030 (April 17 request and April 29 approval); SW-930235-027, -024, -023, and -022 (July 17 request and the July 20 record package, correspondence, and approval); and SW-930235-004, -002, and -001 (August 14 request, August 17 correspondence, and August 18 approval), including the WMIS document-index timestamps (official application docket).
8. William R. Nobles, Jr. July 17, 2026 formal demand email, received at 2:52 p.m. and included in SW-930235-024, the District's July 20 email-record package (official SW-930235-024 PDF).
9. Applicant's August 26, 2026 RAI response (official PDF).

10. Current boundary and topographic survey (official PDF).
11. William R. Nobles, Jr. August 27, 2026 challenge letter (official filing).
12. Michelle Hollidge August 26, 2026 public filing (official filing).
13. Limited Topographic Survey for Lots 53 and 54, field date April 14, 2025, supplied by the owner under the filename "Pool Perimeter Survey 4-30-25.pdf" (Exhibit A).
14. SW-930235-039, Pinellas County Agency Comments, posted December 22, 2025 at 7:43:15 a.m. (official PDF).
15. Florida Division of Corporations record for Avalon Building Corporation of Tampa Bay, document P95000031389, identifying the entity as inactive after voluntary dissolution filed December 18, 2024 (official Sunbiz record).
16. Florida Department of Business and Professional Regulation records for Avalon's Real Estate Corporation license CQ1004261, listed as null and void after expiration March 31, 2024 (official entity-license record), and Ralph Zuckerman's separate broker license BK395805, listed as current and active through September 30, 2027 (official relationship record).
17. 2026 ALTA/NSPS Minimum Standard Detail Requirements, a private industry standard effective February 23, 2026 and superseding prior versions as of that date (official standards PDF); ALTA's official standards page (official ALTA page); and NSPS transition guidance addressing contract timing and transition scenarios (official NSPS page). The surveyor must identify the engagement date, work commencement, governing edition, and basis for any transition treatment rather than assume applicability from the revision date alone.
18. FEMA National Flood Hazard Layer exact FIRM-panel query for Panels 12103C0077G and 12103C0081G, effective September 3, 2003, and Panels 12103C0079H and 12103C0083H, effective August 24, 2021 (official FEMA panel query); FIRM Panels layer description and field definitions (official FEMA layer).
19. SW-907654-038, FWC June 12, 2025 technical-assistance letter for withdrawn Application 907654 / ERP 47575.001, reproduced in the applicants' current RAI package (official three-page agency-comments PDF).
20. Pinellas County Property Appraiser record for 172 Annwood Road, folio 34-27-16-90009-000-0530 (official property record).
21. Pinellas County Property Appraiser records for the golf-course fee folio 34-27-16-00000-140-0000 (official property record) and Parcel 3 folio 34-27-16-00000-110-0400 (official property record).
22. Pinellas County Property Appraiser Website and Parcel Map Use Disclaimer (official disclaimer).
23. Special Warranty Deed, Official Records Book 19542, Page 1389, Instrument 2017070229 (official recorded instrument); Parcel 2 easement identified in the prior survey at Official Records Book 6411, Page 843 (official recorded-instrument page); and Parcel 3 Deed, Official Records Book 19542, Page 1397, Instrument 2017070231 (official recorded instrument).
24. Jessica "Jessie" Hummel November 12, 2024 pool-permit email transmitting the identified written response of Dayne M. Morris, Engineer II, Building & Development Review Services, Pinellas County Government, concerning the floodway, whole-Brooker-Creek modeling, compensatory storage, grades, fill, and habitat review (Exhibit B).
25. Pinellas County Public Works Department, "Floodplain Determination Appeal Standard Operating Guidelines (SOG)," Procedure No. PWADM-27.5, effective October 12, 2020, revised October 20, 2022, and approved by Kelli Hammer-Levy, Public Works Director, as contained in the pool-permit record; written County confirmation of its present status is requested (Exhibit C).
26. Current codified Pinellas County Code Chapter 158, including sections 158-23, 158-83, 158-221, 158-222, 158-223, 158-331, and 158-332 (current codified chapter); a contemporaneous official export of those sections should accompany the final transmittal as **Exhibit E** because subsection anchors on the hosted code can change. Ordinance 21-25 is cited only as amendment history and not as a substitute for the current codified text (official ordinance PDF).
27. 44 C.F.R. sections 60.3(c)(10) and 60.3(d)(3)-(4) (current eCFR), 65.7 (current eCFR), and 65.12 (current eCFR).
28. Plan Pinellas Surface Water Management policies and strategies, including protection of floodways as conveyance and storage systems and the no-increase-in-base-flood-elevation standard (official plan page); these are County comprehensive-plan policies, not independent SWFWMD ERP criteria.
29. Application 889588: SW-889588-138 Section G narrative (168.40 acres) (official PDF); SW-889588-142 C-1 master site plan, revised February 2, 2024 and filed March 1, 2024, reporting 147.09 acres in Existing Land Use Data (official PDF); SW-889588-002 applicant withdrawal request, filed December 6, 2024 (official PDF); and SW-889588-001 District withdrawal acknowledgment dated December 11, 2024, identifying the effective withdrawal date as December 6 (official PDF). Application 930235: SW-930235-044, page 181, reporting 175.02 total tax acres and 172.59 bank acres (official PDF), and SW-930235-048 ALTA/NSPS survey, filed November 14, 2025, fieldwork February 27, 2025, reporting 172.46 acres (official PDF).
30. Pool-permit record: Morris direct correspondence, November 27, 2024; Crosson determinations, June 11 and 17, 2025; Landon signed-and-sealed letter, August 22, 2025; Patrick Knapp, P.E., digitally signed-and-sealed Technical Appeal Letter dated November 5, 2025 and digitally signed November 6, 2025; and records concerning the November 13, 2025 special-magistrate proceeding in Case CCM-25-00086, including the signed order if its disposition is cited (Exhibit D, with each item labeled by date and author).
31. Current SWFWMD Environmental Resource Permit Applicant's Handbook Volume II, effective October 31, 2025 and incorporated by Rules 40D-1.660 and 62-330.010, Florida Administrative Code, sections 1.0, 3.0, 3.1(b), 3.1(f), 3.3, 3.4, 3.7, and 3.8 (SWFWMD-incorporated copy; FDEP-incorporated copy).

32. Brooker Creek Watershed Alternative BMP Analysis, Final Report, May 25, 2010, prepared for Pinellas County and SWFWMD, including the 5-year, 25-year, and 100-year model runs; the finding that Tarpon Woods benefits were contingent on adequate downstream-system capacity; and the drainage-easement, right-of-way, and maintenance-access recommendations (official County report; also filed in the current District docket as SW-930235-037).

33. Pinellas County Stormwater Manual, sections 1.14 and 2.2.1 and Appendix G, addressing case-specific drainage-easement geometry and maintenance access, 10-year and 25-year open-watershed analysis, and the definitions relevant to a major stormwater or drainage channel (official County manual).

34. *Sackett v. EPA*, 598 U.S. 651 (2023) (official Supreme Court opinion); EPA Definition of Waters of the United States—Rule Status and Litigation Update, identifying the regime presently applied in Florida (official EPA page); and EPA Current Implementation of Waters of the United States, addressing approved and preliminary jurisdictional determinations and permit processing without a jurisdictional determination (official EPA page).

35. 33 C.F.R. sections 320.4 (current eCFR); 323.2 and 323.3 (current Part 323); 325.1 (current eCFR); and 332.3, 332.4, 332.7, and 332.8 (current Part 332).
36. FDEP Section 401 Water Quality Certification procedure (official FDEP page) and Rule 62-330.062, Florida Administrative Code (official rule).
37. 2026 Nationwide Permit 27, Aquatic Ecosystem Restoration, Enhancement, and Establishment Activities (official Corps PDF); Jacksonville District 2026 Nationwide Permit Regional Conditions (official Corps PDF); 33 C.F.R. section 330.6(b) (current eCFR); and the 2026 Nationwide Permit final action, 91 Federal Register 768 (official Federal Register PDF).
38. Sections 373.026(6), Florida Statutes, concerning FDEP's general supervisory authority over water management districts (official statute); 373.079(4)(b), Florida Statutes, requiring a water management district inspector general who reports directly to the governing board and performs the applicable duties of a state agency inspector general (official statute); SWFWMD's official statement that its Office of Inspector General serves as a primary accountability, effectiveness, efficiency, fraud-prevention, and abuse-detection point and reports directly to the Governing Board (official District organization page); section 14.32, Florida Statutes, establishing the Chief Inspector General's duties with respect to agencies under the Governor's jurisdiction (official statute); and section 112.324, Florida Statutes, governing Commission on Ethics investigations and procedures (official statute).
39. Pinellas County Development Review Meeting records DRM-23-00102 (official County record) and DRM-24-00066 (official County record), including the County-posted attachments, comments, meeting materials, and recordings identified in those records.
40. FDEP Title and Land Records Worksheet 133182 associated with withdrawn Application 889588: SWFWMD clarification request SW-889588-035 (official PDF) and FDEP response SW-889588-036 (official PDF).
41. U.S. Army Corps of Engineers ORM Project Locations record for SAJ-2025-02276-JLA, OBJECTID 5732140, identifying the Brooker Creek Mitigation Bank and request type “NWP” (official Corps record).
42. FDEP storage-tank facility 8624510, “TARPON WOODS GOLF & TENNIS CLUB”: current DOPPLER cover report, August 28, 1990 discharge-notification file, and closure-report package received March 25, 1991 (official FDEP records).
43. Pinellas County Clerk Instrument 2019338177, Official Records Book 20738, Page 2541, recording a tract-specific County waiver and release concerning the 3.40-acre tract described in Exhibit A to that Clerk instrument and expressly excluding the remainder of the Golf Course Property (official recorded instrument PDF).
44. Application 907654 / ERP 47575.001: official application docket; SW-907654-096 applicant narrative requesting withdrawal of Application 889588 and transfer of its $2,724 fee, with the SWFWMD receipt reproduced at page 3 (official PDF); SW-907654-102 application form reporting 172.59 project acres and 17.8 acres of proposed impact (official PDF); SW-907654-100 Environmental Information containing the applicant's excavation, pond/ditch-fill, conservation-easement, and potential-credit proposal (official PDF); SW-907654-101 Section C (official PDF); SW-907654-089 District RAI (official PDF); SW-907654-009 applicant partial response addressing excess-fill disposition (official PDF); SW-907654-004 District clarification (official PDF); SW-907654-002 applicant withdrawal request (official PDF); and SW-907654-001 District withdrawal record (official PDF). These applicant submissions and agency records belong to the withdrawn intervening design and do not establish approval or the current Application 930235 design.
45. Pinellas County water agreement, Official Records Book 4148, Page 174, recorded March 15, 1974, including the recorded water, well, pipeline, access, restoration, assignment, successor, conditional-reversion, and environmental-response provisions (official Clerk image). The instrument establishes recorded history; present enforceability and the later chain require official confirmation.
46. Underground power and communications easements, Official Records Book 4261, Pages 1747 and 1749 (official O.R. 4261/1747; official O.R. 4261/1749).
47. Sewer and treated-effluent chain: Official Records Book 4906, Pages 799 and 805; O.R. 6231/1641; and O.R. 6428/940 (official O.R. 4906/799; official O.R. 4906/805; official O.R. 6231/1641; official O.R. 6428/940). These instruments establish recorded obligations and amendments at their respective dates; their current status requires the complete later chain.
48. Drainage and sewer instruments: perpetual drainage easement at O.R. 5621/136; perpetual sewer easement at O.R. 4906/822; sanitary-sewer easement at O.R. 6272/1496; and the rerecorded sewer-service agreement at O.R. 6197/104 (official O.R. 5621/136; official O.R. 4906/822; official O.R. 6272/1496; official O.R. 6197/104).
49. Golf-tee easement at O.R. 6411/843, affecting an approximately 1,800-square-foot area on Lot 50 and containing maintenance, irrigation, restriction, nonuse, and termination provisions (official recorded instrument). It should not be characterized as a general ingress-and-egress easement without a separate supporting instrument.