

DEPARTMENT OF ENVIRONMENTAL REGULATION



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SOUTHWEST DISTRICT

7601 HIGHWAY 301 NORTH  
TAMPA, FLORIDA 33610-9544

January 17, 1984

Mr. Dave Tackney, P.E.  
Tackney & Associates  
1053 5th Avenue North  
Naples, FL 33941

and

Mr. Cal Livingston  
Holland & Knight  
P.O. Drawer B.W.  
Lakeland, FL 33802



Dear Sirs:

Request to Modify the Permit and Emergency Order, Carter/  
Solomon, File No. 580749543, Sarasota County

We have received your letters of 12-21, 12-22 and 12-29-83 requesting that we allow the experimental use of a fluidizing line to maintain the new Pass opening and to modify the permit application's scope and extent.

As I discussed with you on the telephone, we feel the applicants have a continuing obligation to maintain the new Pass but will not require that they continue to repeat to use methodologies that have failed. The fluidization methodology is a new technology to our coast and we therefore have a limited understanding of its capabilities and or environmental drawbacks. However, we are willing to allow its use for a limited time (i.e., we are not authorizing this method as a permanent facility) with the hope that it will meet our needs of maintaining an open Pass without driving your clients into bankruptcy. Please submit a monthly report indicating the system's extent and period of use and an evaluation of its success or failure. Repeated failure or significant negative environmental effects caused by the fluidization will be grounds for revocation of this emergency authorization.

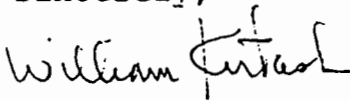
Your second series of requests, to modify your current application to include the filling of Mr. Solomon's land and the Potrykus' property with the spoil generated by repeated Pass openings, can be added to your pending application but will not be authorized under the emergency order as neither modification presents an emergency condition.

In order to modify your application to include these areas we will need the following items:

1. New plan and cross-sectional view drawings of the spoil areas including previous, current and proposed mean high water lines, area of fill placement and property lines.
2. Authorization from Ms. Potrykus to act as her agent and to access her uplands and areas of riparian ownership. (Your DNR application will also need to be modified.)

If you have any further questions, please contact me as needed.

Sincerely,



William Kutash  
Dredge & Fill Supervisor

WK/mh

cc: U.S. Corps of Engineers, Jacksonville  
Rob Patten, Sarasota County  
Tom Reese  
Ralph Clark, DNR