

February 22, 2022

Ms. Megan Mills
 Permitting Program Administrator
 Florida Department of Environmental Protection
 PO Box 2549
 Fort Myers FL 33902-2549

**Re: Tamiami and Nobles Grade Access Drives and Pads
 Withdrawal Request for ERP and State 404 Applications
 Filed Electronically**

Dear Ms. Mills:

Burnett appreciates the time and attention the Department has given to its applications and looks forward to continuing these productive conversations as we move forward. As stated in the Department’s comment letter dated December 20, 2021, the project is undergoing review by the National Park Service (“NPS”) in accordance with their permitting authority for activities located within the Big Cypress National Preserve. The NPS has recently decided to conduct an Environmental Impact Statement (“EIS”), rather than an Environmental Assessment (“EA”), to address the potential impacts associated with Burnett’s proposed project. For the reasons stated below, Burnett requests that its applications previously submitted to the Department be withdrawn until the project is further along in the design process to adequately assess the Department’s permitting criteria. The specific applications that Burnett requests be withdrawn are listed below:

FDEP Application	FDEP Application No.
Nobles Grade Access Road and Pads ERP	0323836-003
Nobles Grade Access Road and Pads State 404	0323836-004
Tamiami Access Road and Pads ERP	0397879-001
Tamiami Access Road and Pads State 404	0397879-002

Prior to the NPS’s recent decision, it was our understanding that the agency was going to conduct an Environmental Assessment, rather than an Environmental Impact Statement. Based on a tentative schedule provided by the NPS for that Environmental Assessment, the applicant believed that the project design was ready for review by the Department when the applications were submitted. However, conducting an EIS will entail a longer review period by the NPS, and potentially additional design changes.

Since the Department has indicated that it does not want significant changes to Burnett’s application in the review process, and the new NPS decision increases the chance that such changes might occur in the coming months, we believe that withdrawing the applications to the Department, in order to allow the NPS’s review to progress further, is an appropriate measure that ultimately should streamline the review for the Department when the applications are resubmitted.

Burnett appreciates the time and attention given to this matter and we look forward to resubmitting Burnett's applications with the Department as soon as possible. Should you have any questions, or require any additional information, please do not hesitate to contact me by phone at 239-403-6700, or via email at dwaters@pen-eng.com.

Sincerely,

PENINSULA ENGINEERING



Dan Waters, PE
VP of Engineering

c: Kevin Vermillion, Burnett Oil Company, Inc.