

NPR is not a permit; it is a formal statement that no §404 authorization would be issued.

By recording it as a “permit obtained,” FDOT misrepresented its regulatory status, allowing the project to move forward without the protections required under §404 of the Clean Water Act and Chapter 62-331, F.A.C.

This single entry in FDOT’s own official document is self-proving evidence of non-compliance.

II. Core Evidence of False Representation and Inadequate Jurisdictional Basis

1) Documentary Proof

- **SEIR Re-Evaluation (Aug 2, 2024):** Lists “**State 404 Permit – Obtained 05/10/2023.**”
- **FDEP NPR Letter (May 10, 2023):** States “**No Permit Required under the State 404 Program.**”
“Based on a review of the information submitted and the site inspection conducted by staff, the department has verified that the activity, as proposed, does not involve discharge of dredged or fill material into the waters of the United States and therefore does not require a permit or other form of authorization under the State 404 Program as described in Chapter 62-331, F.A.C.”
- **FDEP WOTUS Verification (DEP Nexus):** Field reviews **2/23/23** and **4/14/23**; **CWE approval 4/19/23**; concludes wetlands and surface waters are “**isolated and non-WOTUS.**”