

Howard E. Nelson, P.A.

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January 10, 2007

Via Facsimile

Carlos Espinosa, Director
Miami-Dade County DERM
33 S.W. Second Avenue
Miami, FL 33130

Re: EQCB Variance - Cutler Properties, LC

Dear Mr. Espinosa:

This firm represents Cutler Properties, LC with respect to the above-referenced application for a variance before the Environmental Quality Control Board ("EQCB"). At 5:00 p.m. last evening, I received a phone call from staff at the South Florida Water Management District (the "District") advising me that, as local program managers for the Biscayne Bay Coastal Wetlands ("BBCW") portion of the Comprehensive Everglades Restoration Plan ("CERP"), they were still unable to determine consistency of our proposed project with the current version of the BBCW project.

Additionally, District staff asked that we refrain from moving forward with our variance application until such time as they may finalize their determination and advise us of its relationship to our current proposed plan of development.

As you know, both your staff and our office have been seeking a final determination from District staff on this issue for many months. While we are not pleased with the timing of the District's decision, we do not believe we have any alternative but to accede to their request. Therefore, please accept this letter as a withdrawal of our application for a variance before the EQCB. At the point when we are able to receive a more definitive determination from the District and the CERP working group, we will contact your staff to discuss our development plans.

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Carlos Espinosa, Director
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Thank you in advance for your diligent attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'HEN', with a long horizontal flourish extending to the right.

Howard E. Nelson

HEN/mp

cc: Enrique Cuellar

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