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December 10, 2007

Michael D. Wilson
Chief, State and Local Assistance Programs
National Park Service (Org. Code 2225)
1849 C Street, NW
Washington, DC 20240

Edwelyn Dooley-Higgins
Chief, Recreation Programs Branch
National Park Service
1924 Building, 100 Alabama Street, S.W.
Atlanta, GA 30303

RE: Land and Water Conservation Fund ("LWCF") conversion proposal for Centennial Park, Ft. Myers, Florida.

Dear Mr. Wilson and Ms. Dooley-Higgins:

I represent a coalition called the "Friends of the Riverfront" in connection with the above LWCF conversion application. The reason for the application is to facilitate a private condominium development called "The VUE." The developer is Throgmartin Development Corporation, Inc., and you received a letter dated 29 November 2007 from Mr. Pettit, who is the developer's attorney, responding to my letter of 21 November 2007.

Mr. Pettit seems to think that private citizens are not entitled to participate in this public process, which includes compliance with the NEPA requirements. The underlying LWCF agreement is between the City, the State of Florida, and NPS, and the agreement clearly mandates that the Park remain dedicated for public use until NPS approves the conversion application. Apparently, Mr. Pettit believes his client has a greater entitlement to the application and Park than the public. Even though the City, in my opinion, has already illegally converted part of the Park for private use, we will not retreat from our position that we have as much a right as the developer, if not more, to participate in this process. You will note that Circuit Court Judge Winesett, in the order that I previously provided to you, validated this position on page 23: "...therefore it is a departure from the essential requirements of the law for the City to approve the VUE project without NPS approval." Even if the District Court reverses her decision, we still have the right to participate under Federal law.

Therefore, we will continue to request information from NPS, and we will continue to provide information to NPS, which I trust you will not "disregard" at the urging of the developer's attorney.

Thank you very much for your cooperation.

Sincerely,



ANDREW DICKMAN

cc: Michael W. Pettit, Esq. (counsel for Throgmartin)
Grant Alley, Esq. (counsel for City of Ft. Myers)
Susan Brantely, Esq. (counsel for FDEP)
The Honorable Bill McCollum, Florida Attorney General

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