

MEMORANDUM

TO: Governing Board
FROM: Jon Dinges, ^{JWD} Director, Resource Management
THRU: David Still, Executive Director DS
DATE: July 30, 2009
RE: Denial of Environmental Resource Permit 08-0319

RECOMMENDATION

Staff recommends the Governing Board deny, without prejudice, Individual Environmental Resource Permit application number ERP08-0319 to Carl E. Kraus, TerraPointe, LLC, for Meng Dairy Farms in Bradford County.

BACKGROUND

Staff has reviewed the application. The application is incomplete because the applicant did not supply information needed to complete the review.

PW/rl



SUWANNEE RIVER WATER MANAGEMENT DISTRICT

July 30, 2009

TerraPointe, LLC
C/o Carl E. Krause
50 N. Laura St., Suite 1900
Jacksonville, FL 32202

Subject: Denial of Environmental Resource Permit Application Number
08-0319, Meng Dairy Farms, Bradford County

Dear Mr. Krause:

Suwannee River Water Management District (District) staff proposes to recommend to the Governing Board that your project located in Township 7 South, Range 22 East, Section 22, in Bradford County, be denied without prejudice. Staff intends to recommend denial of this permit application because of failure to supply information necessary to complete the application.

This proposed action is subject to final decision of the Governing Board at their regularly scheduled meeting on August 11, 2009, which is open to the public.

Persons considered to be affected by this proposed agency action may request an administrative hearing. The request must be written and must adhere to the requirements of Chapter 28-106, Florida Administrative Code. Please see the enclosed Notice of Rights. All requests for administrative hearings shall be sent to the District at 9225 County Road 49, Live Oak, Florida 32060. Please call the Resource Management Department at 386.362.1001 if you have any questions.

Sincerely,



Jon Dinges, P.E.
Director, Resource Management

JD/rl

Enclosure

cc: Bradford County Board of Commissioners
Certified Mail Receipt Number: 7007 1490 0002 7883 4480

Water for Nature, Water for People

NOTICE OF RIGHTS

1. A person whose substantial interests are or may be determined has the right to request an administrative hearing by filing a written petition with the Suwannee River Water Management District (District), or may choose to pursue mediation as an alternative remedy under Section 120.569 and 120.573, Florida Statutes, before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for pursuing mediation are set forth in Sections 120.569 and 120.57 Florida Statutes. Pursuant to Rule 28-106.111, Florida Administrative Code, the petition must be filed at the office of the District Clerk at District Headquarters, 9225 C.R. 49, Live Oak, Florida 32060 within twenty-one (21) days of receipt of written notice of the decision or within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail actual notice). A petition must comply with Chapter 28-106, Florida Administrative Code.
2. If the Governing Board takes action which substantially differs from the notice of District decision to grant or deny the permit application, a person whose substantial interests are or may be determined has the right to request an administrative hearing or may chose to pursue mediation as an alternative remedy as described above. Pursuant to Rule 28-106.111, Florida Administrative Code, the petition must be filed at the office of the District Clerk at District Headquarters, 9225 C.R. 49, Live Oak, Florida 32060 within twenty-one (21) days of receipt of written notice of the decision or within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail actual notice). Such a petition must comply with Chapter 28-106, Florida Administrative Code.
3. A substantially interested person has the right to a formal administrative hearing pursuant to Section 120.569 and 120.57(1), Florida Statutes, where there is a dispute between the District and the party regarding an issue of material fact. A petition for formal hearing must comply with the requirements set forth in Rule 28-106.201, Florida Administrative Code.
4. A substantially interested person has the right to an informal hearing pursuant to Section 120.569 and 120.57(2), Florida Statutes, where no material facts are in dispute. A petition for an informal hearing must comply with the requirements set forth in Rule 28-106.301, Florida Administrative Code.
5. A petition for an administrative hearing is deemed filed upon receipt of the petition by the Office of the District Clerk at the District Headquarters in Live Oak, Florida.
6. Failure to file a petition for an administrative hearing within the requisite time frame shall constitute a waiver of the right to an administrative hearing pursuant to Rule 28-106.111, Florida Administrative Code.

NOTICE OF RIGHTS

7. The right to an administrative hearing and the relevant procedures to be followed is governed by Chapter 120, Florida Statutes, and Chapter 28-106, Florida Administrative Code.
8. Pursuant to Section 120.68, Florida Statutes, a person who is adversely affected by final District action may seek review of the action in the District Court of Appeal by filing a notice of appeal pursuant to the Florida Rules of Appellate Procedure, within 30 days of the rendering of the final District action.
9. A party to the proceeding before the District who claims that a District order is inconsistent with the provisions and purposes of Chapter 373, Florida Statutes, may seek review of the order pursuant to Section 373.114, Florida Statutes, by the Florida Land and Water Adjudicatory Commission, by filing a request for review with the Commission and serving a copy of the Department of Environmental Protection and any person named in the order within 20 days of adoption of a rule or the rendering of the District order.
10. For appeals to the District Courts of Appeal, a District action is considered rendered after it is signed on behalf of the District, and is filed by the District Clerk.
11. Failure to observe the relevant time frames for filing a petition for judicial review described in paragraphs no. 11 and 12, or for Commission review as described in paragraph no. 13, will result in waiver of the right to review.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Rights has been sent by U.S. Mail to:

**TerraPointe, LLC
C/o Carl E. Krause
50 N. Laura St., Suite 1900
Jacksonville, FL 32202**

At 4:00 p.m. this 30 day of July, 2009



Jon Dinges
Deputy Clerk
Suwannee River Water Management District
9225 C.R. 49
Live Oak, Florida 32060
386.362.1001 or 800.226.1066 (Florida only)

cc: File Number: ERP08-0319

STAFF REPORT

ENVIRONMENTAL RESOURCE PERMIT APPLICATION

DATE: July 30, 2009

PROJECT: Meng Dairy Farms

APPLICANT:

TerraPointe, LLC
c/o Carl E. Krause
50 N. Laura Street, Suite 1900
Jacksonville, Florida 32202

PERMIT APPLICATION NO.: ERP08-0319

DATE OF APPLICATION: 9/17/2008

APPLICATION COMPLETE: N/A

DEFAULT DATE: N/A

REGISTERED AGENT:

C. T. Corporation System
1200 S. Pine Island Rd.
Plantation, FL 33324

MANAGER/MEMBER DETAIL

MGRM: Rayonier TRS Holdings, Inc.

CHRM: Thomas M. Lee

CONT: Hans E. Vanden Noort

SECR: W. E. Frazier

VP: Michael Herman
50 N. Laura St., Suite 1900
Jacksonville, FL 32202

VP: Tracy K. Arthur
1901 Island Walkway
Fernandina Beach, FL 32034

Recommended Agency Action

Staff recommends denial, without prejudice, of the Environmental Resource Permit application because the applicant failed to supply the information necessary to complete the application.

Project Review Staff

Patrick Webster, P.E., CFM, Senior Professional Engineer, reviewed the project.

Project Location

The proposed project is located in Township 7 South, Range 22 East, Section 22 in Bradford County.

Project Description

The permit application was for the applicant to subdivide a 125 acre parcel into 10 lots. The latest Request for Additional Information (RAI) letter was mailed to the applicant on October 1, 2008, with a response deadline of January 1, 2009.

No response was received. On April 27, 2009, another letter was sent to the applicant requesting responses by May 15, 2009. No response was received.

Site inspection to ensure project was not constructed

Staff inspected the project site on July 21, 2009. Based on inspection, it appears that one single family residence has been built and a sign showing the subdivision layout indicates four lots have been sold. The site appears to be in violation because the subdivision layout shows more than three lots and the applicant has no permit.



SUWANNEE RIVER WATER MANAGEMENT DISTRICT

April 27, 2009

Mr. Carl E. Krause
TerraPointe, LLC
50 North Laura Street, Suite 1900
Jacksonville, Florida 32202

Subject: Request for Additional Information, Meng Dairy Farm,
ERP08-0319, Bradford County

Dear Mr. Krause:

On October 1, 2008, the Suwannee River Water Management District (District) mailed you a Request for Additional Information (RAI) in response to your permit modification application. The deadline to respond to the comments was January 1, 2009. To date, we have not received the requested information for this project.

Please submit your response to the RAI to the District within **18 days** of the date of this letter. If we do not receive a formal response from you or a valid request for an extension with an acceptable explanation by **May 15, 2009**, a recommendation to deny your permit application will be submitted to our Governing Board.

Feel free to contact me at 386.362.1001, toll free at 800.226.1066 or via email at PJW@srwmd.org if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Patrick Webster PE".

Patrick Webster, PE, CFM
Resource Management Department

PW/rl

cc: Anne Barnett

DON QUINCEY, JR
Chairman
Chiefland, Florida

N DAVID FLAGG
Vice Chairman
Gainesville, Florida

GEORGIA JONES
Secretary/Treasurer
Lake City, Florida

C LINDEN DAVIDSON
Lamont, Florida

HEATH DAVIS
Cedar Key, Florida

OLIVER J LAKE
Lake City, Florida

J P MAULTSBY
Madison, Florida

LOUIS SHIVER
Mayo, Florida

DAVID STILL
Executive Director
Lake City, Florida

Water for Nature. Water for People



SUWANNEE RIVER WATER MANAGEMENT DISTRICT

October 1, 2008

Carl E. Krause
TerraPointe LLC
50 North Laura Street, Suite 1900
Jacksonville, FL 32202

LOUIS SHIVER
Chairman
Mayo, Florida

J P MAULTSBY
Vice Chairman
Madison, Florida

GEORGIA JONES
Secretary/Treasurer
Lake City, Florida

DON CURTIS
Lake Bird, Florida

C. LINDEN DAVIDSON
Lamont, Florida

HEATH DAVIS
Cedar Key, Florida

N DAVID FLAGG
Gainesville, Florida

OLIVER J LAKE
Lake City, Florida

DON QUINCEY, JR
Chiefland, Florida

DAVID STILL
Executive Director
Lake City, Florida

Subject: Request for Additional Information, ERP08-0319, Meng Dairy Farms, Bradford County

Dear Mr. Krause:

The items discussed below must be provided before project review can be completed, as per Chapters 40B-4 and 40B-400, Florida Administrative Code (F.A.C.). Please submit the following items to the Suwannee River Water Management District (District) by January 1, 2009.

- 1) Please provide finished floor elevations for areas located in the 100-year flood zone.
- 2) Please delineate wetland boundaries and add to the survey map for District review.

This letter constitutes a request for additional information pursuant to Chapters 28 and 40B-4, F.A.C., and Chapters 120 and 373, Florida Statutes. It is a violation of District rules to begin any work on the project before a permit is issued.

If we do not receive either the requested information or a request for time extension within 90 days from the date of this letter, a recommendation to deny the application will be submitted to our Governing Board.

If you have any questions, please contact me at 386.362.1001, or toll free at 800.226.1066.

Sincerely,

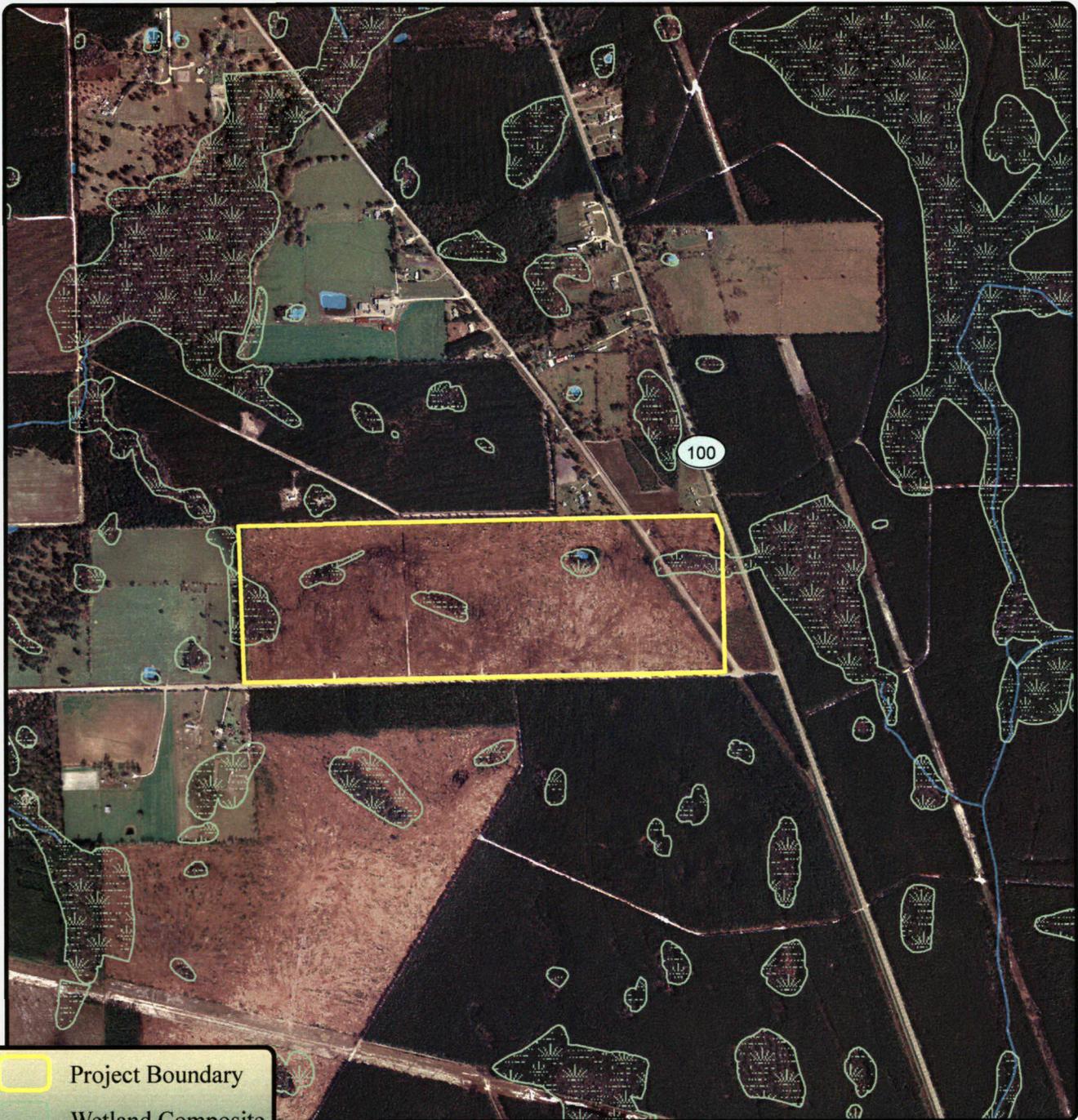
A handwritten signature in cursive script that reads "Kristen Femminella RL".

Kristen Femminella
Resource Management Staff

KF/rl

cc: Anne Barnett

Water for Nature. Water for People

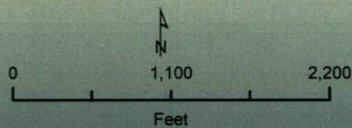


-  Project Boundary
-  Wetland Composite
-  Lake or Pond
-  Stream

Meng Dairy Farms

ERP08-0319

August 2009



Note: This map was created by the Suwannee River Water Management District (SRWMD) to be used for planning purposes only. SRWMD shall not be held liable for any injury or damage caused by the use of data distributed as a public records request regardless of their use or application. SRWMD does not guarantee the accuracy, or suitability for any use of these data, and no warranty is expressed or implied. For more information please contact the SRWMD at 386-362-1001.

MEMORANDUM

TO: Governing Board
FROM: Jon Dinges, Director, Resource Management ^{JMD}
THRU: David Still, Executive Director ^{DS}
DATE: July 30, 2009
RE: Denial of District Floodway Application Number 08-0372M

RECOMMENDATION

Staff recommends the Governing Board deny, without prejudice, District Floodway Permit application number 08-0372M to Iris Townsend for Iris Townsend District Floodway Bank Restoration Project in Lafayette County.

BACKGROUND

Staff has reviewed the application. The application is incomplete because the applicant did not supply information needed to complete the review.

JD/rl



SUWANNEE RIVER WATER MANAGEMENT DISTRICT

July 30, 2009

Iris Townsend
PO Box 158
Mayo, FL 32066

Subject: Denial of District Floodway Permit Application Number
08-0372M, Iris Townsend Bank Restoration Project, Lafayette
County

Dear Ms. Townsend:

Suwannee River Water Management District (District) staff proposes to recommend to the Governing Board that your project located in Township 6 South, Range 14 East, Section 28, in Lafayette County, be denied without prejudice. Staff intends to recommend denial of this permit application because of failure to supply information necessary to complete the application.

This proposed action is subject to final decision of the Governing Board at their regularly scheduled meeting on August 11, 2009, which is open to the public.

Persons considered to be affected by this proposed agency action may request an administrative hearing. The request must be written and must adhere to the requirements of Chapter 28-106, Florida Administrative Code. Please see the enclosed Notice of Rights. All requests for administrative hearings shall be sent to the District at 9225 County Road 49, Live Oak, Florida 32060. Please call the Resource Management Department at 386.362.1001 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Dinges".

Jon Dinges, P.E.
Director, Resource Management

JD/rl

Enclosure

cc: Lafayette County Board of Commissioners
Brett Crews, P.E.

Certified Mail Receipt Number: 7007 1490 0002 7883 4497

Water for Nature, Water for People

RM 11.

NOTICE OF RIGHTS

1. A person whose substantial interests are or may be determined has the right to request an administrative hearing by filing a written petition with the Suwannee River Water Management District (District), or may choose to pursue mediation as an alternative remedy under Section 120.569 and 120.573, Florida Statutes, before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for pursuing mediation are set forth in Sections 120.569 and 120.57 Florida Statutes. Pursuant to Rule 28-106.111, Florida Administrative Code, the petition must be filed at the office of the District Clerk at District Headquarters, 9225 C.R. 49, Live Oak, Florida 32060 within twenty-one (21) days of receipt of written notice of the decision or within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail actual notice). A petition must comply with Chapter 28-106, Florida Administrative Code.
2. If the Governing Board takes action which substantially differs from the notice of District decision to grant or deny the permit application, a person whose substantial interests are or may be determined has the right to request an administrative hearing or may chose to pursue mediation as an alternative remedy as described above. Pursuant to Rule 28-106.111, Florida Administrative Code, the petition must be filed at the office of the District Clerk at District Headquarters, 9225 C.R. 49, Live Oak, Florida 32060 within twenty-one (21) days of receipt of written notice of the decision or within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail actual notice). Such a petition must comply with Chapter 28-106, Florida Administrative Code.
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NOTICE OF RIGHTS

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8. Pursuant to Section 120.68, Florida Statutes, a person who is adversely affected by final District action may seek review of the action in the District Court of Appeal by filing a notice of appeal pursuant to the Florida Rules of Appellate Procedure, within 30 days of the rendering of the final District action.
9. A party to the proceeding before the District who claims that a District order is inconsistent with the provisions and purposes of Chapter 373, Florida Statutes, may seek review of the order pursuant to Section 373.114, Florida Statutes, by the Florida Land and Water Adjudicatory Commission, by filing a request for review with the Commission and serving a copy of the Department of Environmental Protection and any person named in the order within 20 days of adoption of a rule or the rendering of the District order.
10. For appeals to the District Courts of Appeal, a District action is considered rendered after it is signed on behalf of the District, and is filed by the District Clerk.
11. Failure to observe the relevant time frames for filing a petition for judicial review described in paragraphs no. 11 and 12, or for Commission review as described in paragraph no. 13, will result in waiver of the right to review.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Rights has been sent by U.S. Mail to:

Iris Townsend
PO Box 158
Mayo, FL 32066

At 4:00 p.m. this 30 day of July, 2009



Jon Dinges
Deputy Clerk
Suwannee River Water Management District
9225 C.R. 49
Live Oak, Florida 32060
386.362.1001 or 800.226.1066 (Florida only)

cc: File Number: ERP08-0372M

STAFF REPORT

DISTRICT FLOODWAY PERMIT APPLICATION

DATE: July 30, 2009

PROJECT: Iris Townsend District Floodway Bank Restoration Project

APPLICANT:

Iris Townsend
PO Box 158
Mayo, FL 32066

PERMIT APPLICATION NO.:ERP08-0372M

DATE OF APPLICATION: 03/31/09

APPLICATION COMPLETE: N/A

DEFAULT DATE: N/A

Recommended Agency Action

Staff recommends denial, without prejudice, of the District Floodway permit application because the applicant failed to supply the information necessary to complete the application.

Project Review Staff

Leroy Marshall II, P.E., Water Resource Engineer, reviewed the project.

Project Location

The proposed project is within Township 6 South, Range 14 East, Section 28 in Lafayette County, Florida. The project site is located adjacent to the Suwannee River on Southeast River Drive.

Project Description

The proposed project consisted of a sloped rip-rap wall for bank restoration. A request to modify the existing permit was received on March 31, 2009. Staff mailed a request for additional information (RAI) on April 14, 2009. The applicant did not submit a response to the RAI.

Site inspection to ensure project was not constructed

Staff inspected the project site on July 17, 2009. The project has not been constructed.



SUWANNEE RIVER WATER MANAGEMENT DISTRICT

April 14, 2009

Ms. Iris Townsend
Post Office Box 158
Mayo, FL 32066

Subject: Permit Application, ERP08-0372M, Townsend Works of the
District Project Modification, Lafayette County

Dear Ms. Townsend:

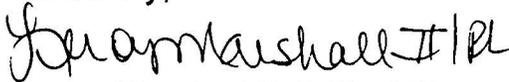
The items discussed below must be provided before project review can commence, as per Chapters 40B-4 and 40B-400, Florida Administrative Code (F.A.C.). Please submit the following to the Suwannee River Water Management District (District) by May 14, 2009.

1. There was not an application submitted. Please complete and submit an application for the bank stabilization.
2. The modification request submitted on March 31, 2009, did not include the application fee for the project. According to 40B-1.706, F.A.C., the fee shall be due at the time of filing an application. The application fee must be provided before review of the application may begin. The application fee is \$250. Please submit the application fee of \$250. When the application fee is received, review of the application package will begin.

If we do not receive the requested fee on or before May 14, 2009, a recommendation to deny the application will be submitted to our Governing Board.

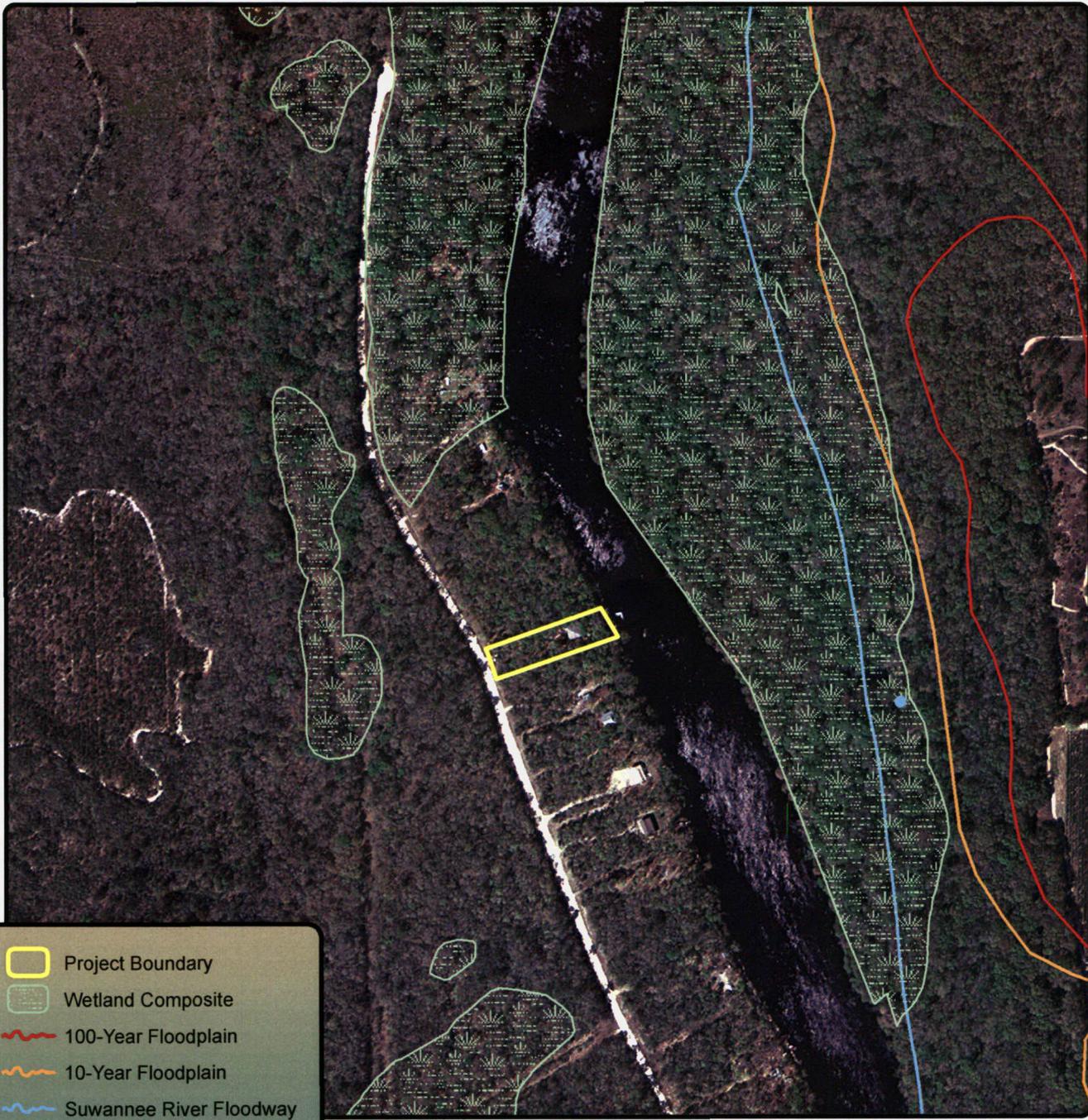
If you have any questions, please contact me at 386.362.1001, or toll free at 800.226.1066.

Sincerely,


Leroy Marshall II, P.E., CFM
Water Resource Engineer

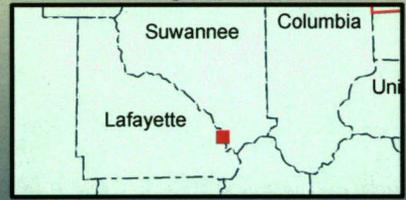
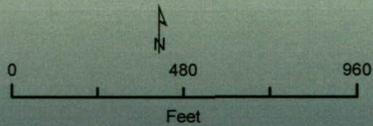
LM/rl
Enclosure

Water for Nature, Water for People



-  Project Boundary
-  Wetland Composite
-  100-Year Floodplain
-  10-Year Floodplain
-  Suwannee River Floodway
-  Springs

**Townsend
District Floodway Project
ERP08-0372M
August 2009**



Note: This map was created by the Suwannee River Water Management District (SRWMD) to be used for planning purposes only. SRWMD shall not be held liable for any injury or damage caused by the use of data distributed as a public records request regardless of their use or application. SRWMD does not guarantee the accuracy, or suitability for any use of these data, and no warranty is expressed or implied. For more information please contact the SRWMD at 386-362-1001.

MEMORANDUM

TO: Governing Board
FROM: Jon Dinges, ^{JMD} Director, Resource Management
THRU: David Still, Executive Director
DATE: July 30, 2009
RE: Denial of Environmental Resource Permit 09-0012

RECOMMENDATION

Staff recommends the Governing Board deny, without prejudice, General Environmental Resource Permit application number 09-0012 to John O'Neal, MOD Development, LLC, for Forest Hills Townhouses in Columbia County.

BACKGROUND

The application is incomplete because the applicant did not supply information needed to complete the review. Staff requested additional information on February 10, 2009. The applicant has not responded.

JD/rl



SUWANNEE RIVER WATER MANAGEMENT DISTRICT

July 30, 2009

MOD Development, LLC
C/o John O'Neal
212 SE Hickory Dr.
Lake City, FL 32025

Subject: Denial of Environmental Resource Permit Application Number
09-0012, Forest Hills Townhouses, Columbia County

Dear Mr. O'Neal:

Suwannee River Water Management District (District) staff proposes to recommend to the Governing Board that your project located in Township 3 South, Range 17 East, Section 33, in Columbia County, be denied without prejudice. Staff intends to recommend denial of this permit application because of failure to supply information necessary to complete the application.

This proposed action is subject to final decision of the Governing Board at their regularly scheduled meeting on August 11, 2009, which is open to the public.

Persons considered to be affected by this proposed agency action may request an administrative hearing. The request must be written and must adhere to the requirements of Chapter 28-106, Florida Administrative Code. Please see the enclosed Notice of Rights. All requests for administrative hearings shall be sent to the District at 9225 County Road 49, Live Oak, Florida 32060. Please call the Resource Management Department at 386.362.1001 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Dinges".

Jon Dinges, P.E.

Director, Resource Management

JD/rl

Enclosure

cc: GTC Design Group – Lake City
Columbia County Board of Commissioners

Certified Mail Receipt Number: 7007 1490 0002 7883 4503

DON QUINCEY, JR
Chairman
Chiefland, Florida

N DAVID FLAGG
Vice Chairman
Gainesville, Florida

GEORGIA JONES
Secretary/Treasurer
Lake City, Florida

C LINDEN DAVIDSON
Lamont, Florida

HEATH DAVIS
Cedar Key, Florida

OLIVER J LAKE
Lake City, Florida

J P MAULTSBY
Madison, Florida

LOUIS SHIVER
Mayo, Florida

DAVID STILL
Executive Director
Lake City, Florida

Water for Nature, Water for People

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11. Failure to observe the relevant time frames for filing a petition for judicial review described in paragraphs no. 11 and 12, or for Commission review as described in paragraph no. 13, will result in waiver of the right to review.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Rights has been sent by U.S. Mail to:

**MOD Development, LLC
C/o John O'Neal
212 SE Hickory Dr.
Lake City, FL 32025**

At 4:00 p.m. this 30 day of July, 2009



Jon Dinges
Deputy Clerk
Suwannee River Water Management District
9225 C.R. 49
Live Oak, Florida 32060
386.362.1001 or 800.226.1066 (Florida only)

cc: File Number: ERP09-0012

STAFF REPORT

ENVIRONMENTAL RESOURCE PERMIT APPLICATION

DATE: July 30, 2009

PROJECT: Forest Hills Townhouses

APPLICANT:

MOD Development, LLC
C/o John O'Neal
212 SE Hickory Dr.
Lake City, FL 32025

PERMIT APPLICATION NO.:ERP09-0012
DATE OF APPLICATION: 01/16/09
APPLICATION COMPLETE: N/A
DEFAULT DATE: N/A

REGISTERED AGENT:

John W. O'Neal
212 SE Hickory Dr.
Lake City, FL 32025

MANAGER/MEMBER DETAIL

MGRM John W. O'Neal
PO Box 2166
Lake City, FL 32056

Recommended Agency Action

Staff recommends denial, without prejudice, of the environmental resource permit application because the applicant did not supply the information necessary to complete the application.

Project Review Staff

Leroy Marshall II, P.E., Water Resource Engineer, reviewed the project.

Project Location

The proposed project is within Township 3 South, Range 17 East, Section 33, in Columbia County. The project site is located at the southern end of Magnolia Loop south of Baya Avenue.

Project Description

The proposed project consisted of 16 townhouses, driveways, and a stormwater system that included one retention pond. Staff mailed a Request for Additional Information (RAI) on February 10, 2009. The applicant did not submit a response to the RAI.

Site inspection to ensure project was not constructed

Staff inspected the project site on July 17, 2009. The project has not been constructed.



SUWANNEE RIVER WATER MANAGEMENT DISTRICT

February 10, 2009

Mr. John O'Neal
MOD Development, LLC
818 Hickory Lane
Lake City, FL 32025

Subject: Incomplete Application, ERP09-0012, Forest Hills Townhouses,
Columbia County

Dear Mr. O'Neal:

The items discussed below must be provided before project review can be completed, as per Chapters 40B-4 and 40B-400, Florida Administrative Code (F.A.C.). Please submit the following items to the Suwannee River Water Management District (District) by May 10, 2009.

1. Please provide reasonable assurance that the fill placed on the site will not direct runoff that may have flowed across the project area onto adjacent land owners.
2. It appears that portions of the project do not get into the system. It appears that the concrete driveways are not directed to the system. How does runoff from the buildings get to the drains? How does runoff from the back of the proposed townhomes and yards get into the system?
3. It appears that the finished floor elevations for B5 and D13 are only 6 inches above the yard drains. Do you want the floor elevations that close to drain elevations?
4. Are there existing impervious surfaces in the post construction impervious surface amount? Please clarify. If not please provide a demolition plan that specifies that all impervious surfaces are removed.
5. Time of concentration in the post construction was calculated to be 9 minutes, but 15 minutes was used in the routing calculations. Please change the TOC in the post construction computer model.
6. Please note: your project may require a Generic Permit for Stormwater Discharge for Large and Small Construction Activities, as part of the Florida NPDES stormwater program regulated by the Florida Department of Environmental Protection (FDEP). This permit is separate from the Environmental Resource Permit for which you are applying. Please refer to FDEP's program website, <http://www.dep.state.fl.us/water/stormwater/npdes/>, for more information.

Water for Nature, Water for People

RM 22

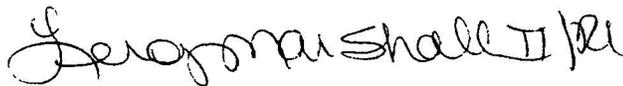
Mr. John O'Neal
February 10, 2009
Page 2

This letter constitutes a request for additional information pursuant to Chapter 28, F.A.C, and Chapters 120 and 373, Florida Statutes. It is a violation of District rules to begin any work on the project before a permit is issued.

If we do not receive the requested information within 90 days from the date of this letter, a recommendation to deny the application will be submitted to our Governing Board.

If you have any questions, please contact me at 386.362.1001, or toll free at 800.226.1066.

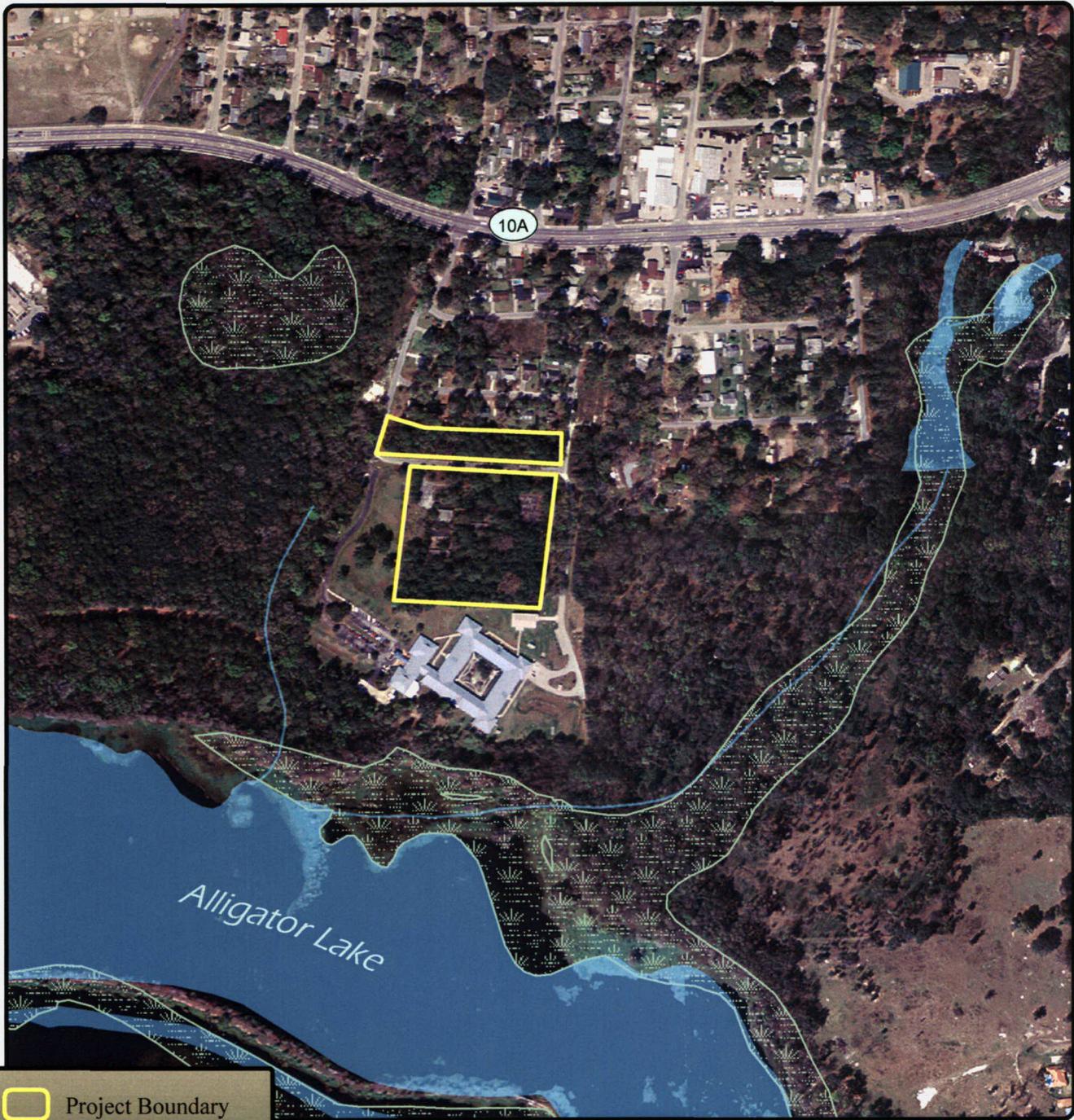
Sincerely,

A handwritten signature in black ink that reads "Leroy Marshall II". The signature is written in a cursive style with a vertical line at the end.

Leroy Marshall II, P.E., CFM
Water Resource Engineer

LMII/rl

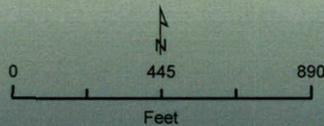
cc: GTC Design Group



-  Project Boundary
-  Wetland Composite
-  Lake or Pond
-  Stream

Forest Hills Townhouses ERP09-0012

August 2009



Note: This map was created by the Suwannee River Water Management District (SRWMD) to be used for planning purposes only. SRWMD shall not be held liable for any injury or damage caused by the use of data distributed as a public records request regardless of their use or application. SRWMD does not guarantee the accuracy, or suitability for any use of these data, and no warranty is expressed or implied. For more information please contact the SRWMD at 386-362-1001.

MEMORANDUM

TO: Governing Board
FROM: Jon Dinges, Director, Resource Management *JMD*
THRU: David Still, Executive Director *DS*
DATE: July 30, 2009
RE: Transfer of Water Use Permit and Modification of Water Use Permit to Cancel for Otter Springs

RECOMMENDATION

Staff recommends the Governing Board hereby transfer water use permit 2-98-00041M, for campground use, to the District, as referenced in the closing document entitled Assignment of Water Use Permit. In addition, staff recommends the Governing Board transfer and cancel water use permit 2-00-00114 for water bottling.

BACKGROUND

The District executed a Bill of Sale on September 30, 2008, officially purchasing the property known as "Otter Springs". At the time of the purchase, there were two existing permits for water use on the Otter Springs property. One permit authorized water use for the campground on the property and one permit authorized water use for water bottling.

In the closing document entitled Assignment of Water Use Permit, with regard to water use permit 2-98-00041M, it is stated that the "Assignor (former owner Gelema Betz Jackson) desires to assign the Permits to Assignee (District)." In accordance with this document, this permit should be transferred to the District.

In accordance with the closing document Assignment of Water Use Permit, with regard to water use permit 2-00-00114 for water bottling, this permit should also be transferred to the District. It is understood that the District will not be using this water use permit for bottling and the permit should therefore be transferred and cancelled.

A copy of the document entitled Assignment of Water Use Permit is attached to this memorandum.

/lgw

ASSIGNMENT OF WATER USE PERMIT

THIS ASSIGNMENT OF WATER USE PERMIT ("Assignment") made and entered into this 30th day of September, 2008, by and between the **GELEMA BETZ JACKSON A/K/A GELEMA JACKSON** and **CHARITY PLACE, INC.**, a Florida corporation (collectively, "**Assignor**") and **SUWANNEE RIVER WATER MANAGEMENT DISTRICT**, a Florida Statutes Chapter 373 Water Management District ("**Assignee**").

WHEREAS, on May 6, 1998, Assignee issued Water Use Permit No. 2-98-00041 ("Permit") to Elite Resorts at Otter Springs, a copy of which is attached hereto and made a part hereof, as Exhibit "A". Said Permit was modified August 6, 2001 and re-issued to George MacKay and Elite Resorts at Otter Springs, a copy of the modified Permit WUP 2-98-00041M ("Modified Permit") is attached hereto and made a part hereof as Exhibit "B". (Both WUP 2-98-00041 and WUP 2-98-00041M, are collectively hereinafter sometimes referred to as "Permits"). Said Permits were subsequently assigned to Gelema Betz Jackson, by Assignment of Permit dated June 4, 2003, a copy of which is attached hereto and made a part hereof, as Exhibit "C"; and

WHEREAS, on April 22, 2004, Assignee re-issued said Permits to Gelema Jackson and Charity Place, Inc., a copy of which is attached hereto and made a part hereof, Exhibit "D"; and

WHEREAS, Assignor is the current holder of said Permits which relate to the withdrawal of water from the Florida Aquifer on property owned by Charity, located in Section 6, Township 10 South, Range 14 East, Gilchrist County, Florida ("Property"); and

WHEREAS, Assignor has sold the Property to Assignee; and

WHEREAS, Assignor desires to assign the Permits to Assignee.

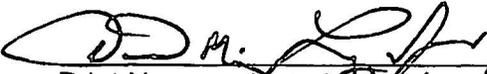
NOW, THEREFORE, in consideration of \$10.00 to each in hand paid to the other and the conditions and covenants herein contained, the parties agree as follows:

1. Assignor hereby assigns, transfers, and sets over unto Assignee all right, title, and interest of Assignor in and to said Permits.
2. Assignor hereby represents and warrants to Assignee that said Permits have not been modified, amended or revoked and remains in good standing.
3. The assignment of said Permits shall be effective as of the date first above written.

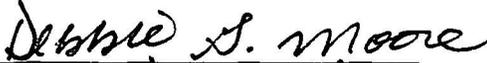
IN WITNESS WHEREOF, the parties have caused this Assignment to be duly executed as of the day and year first written above.

Signed, sealed and delivered
in the presence of:

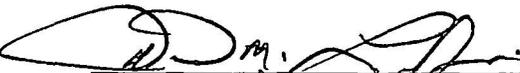
"ASSIGNOR"

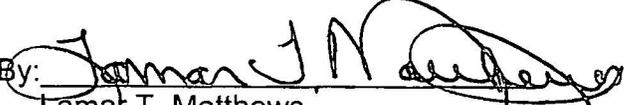

Print Name: David M. Luby, Jr.

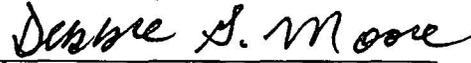

Gelema Betz Jackson


Print Name: Debbie G. Moore

CHARITY PLACE, INC.


Print Name: David M. Luby, Jr.

By: 
Lamar T. Matthews
President


Debbie G. Moore

Signed, sealed and delivered
in the presence of:

"ASSIGNEE"

SUWANNEE RIVER WATER
MANAGEMENT DISTRICT



Gwendolyn A. Lord
Print Name: Gwendolyn A. Lord

By: David Still
David Still
Executive Director



Richard P. Penco
Print Name: RICHARD PENCO

APPROVED AS TO FORM & LEGALITY

William J. Haley
WILLIAM J. HALEY

STATE OF FLORIDA
COUNTY OF COLUMBIA

The foregoing instrument was acknowledged before me this 30th day of
September, 2008, by Gelema Betz Jackson, who is personally known to me or
 whom has produced FL Driver's License as identification.



Debbie G. Moore
Commission # DD400475
Expires March 16, 2009
Bonded Troy Fain - Insurance, Inc. 800-385-7016

Debbie G. Moore
Print Name: _____
Notary Public, State of Florida

STATE OF FLORIDA
COUNTY OF COLUMBIA

The foregoing instrument was acknowledged before me this 30th day of
September, 2008, by Lamar T. Matthews, as President of Charity Place, Inc., a Florida
corporation, on behalf of the corporation, who is personally known to me or whom has
produced FL Driver's License as identification.

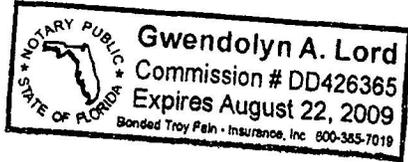


Debbie G. Moore
Commission # DD400475
Expires March 16, 2009
Bonded Troy Fain - Insurance, Inc. 800-385-7019

Debbie G. Moore
Print Name: _____
Notary Public, State of Florida

STATE OF FLORIDA
COUNTY OF COLUMBIA

October The foregoing instrument was acknowledged before me this 2nd day of ~~September~~, 2008, by David Still, as Executive Director of the Suwannee River Water Management District, a Florida Statutes Chapter 373 Water Management District, on behalf of said District, who is personally known to me or whom has produced _____ as identification.



Gwendolyn A. Lord
Print Name: _____
Notary Public, State of Florida



WATER USE PERMIT
NO. 2-98-00041

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

ROUTE 3, BOX 64
LIVE OAK, FLORIDA 32060
TELEPHONE (904) 362-6908
(904) 362-1001

DATE ISSUED 05/06/1998 EXPIRATION DATE 05/06/2018

ISSUED TO ELITE RESORTS AT OTTER SPR
6470 SOUTHWEST BOTH AVENUE
TRENTON FL 32693

AUTHORIZING The average daily withdrawal and use of 0.1873 million
gallons per day or a maximum daily withdrawal and use of
0.3168 million gallons per day for a total annual alloca-
tion not to exceed 68,3645 million gallons per calendar
year.

LOCATED IN Gilchrist COUNTY, TWP 10 South RGE 14 East SEC 06

This Permit is issued pursuant to Application 2-98-00041 dated 03/06/1998, for the Use
of Water as specified above and subject to the Conditions as set forth below. Said Application, including all
plans and specifications attached thereto, is by reference made a part hereof.

Upon written notice to the permittee, this permit may be temporarily modified, or restricted under a Declaration of Water Shortage or a
Declaration of Emergency due to Water Shortage in accordance with provisions of Ch. 373, Fla. Statutes, 1973 and applicable rules and regula-
tions of the Suwannee River Water Management District.

This Permit may be permanently or temporarily revoked, in whole or in part, for the violation of the conditions of the permit or for the
violation of any provision of the Water Resources Act and regulations thereunder.

This Permit does not convey to permittee any property rights or privileges other than those specified herein, nor relieve the permittee from
complying with any law, regulation, or requirement affecting the rights of other bodies or agencies.

CONDITIONS ARE AS FOLLOWS

- 1. Nothing in this permit should be construed to limit the authority
of the Suwannee River Water Management District to declare a
water shortage and issue orders pursuant to Section 373.175,
Florida Statutes, or to formulate a rule for implementation
during times of water shortage pursuant to Section 373.246,
Florida Statutes. In the event of water shortage as declared by
the Board, the permittee shall adhere to any limitations on
withdrawal or use ordered by the District.
2. This permit is classified as Unconfined Floridan Aquifer for
privately owned non-community public water system.
3. Permittee shall allow District personnel at reasonable times and
at District expense or with District equipment to monitor
withdrawal rates and volumes authorized by this permit.
4. The permittee shall allow District personnel reasonable access
for the purpose of collecting water quality samples from any
permitted withdrawal site.
5. The permittee shall allow District personnel reasonable access
for the purpose of measuring water levels in any well for which
a withdrawal is authorized as part of this permit.
6. The permittee shall submit to the District copies of the
FDEP 'Monthly Operation Report for Public Water Systems...'
[Forms 62-555.910(2-5)] showing daily pumpage. Reports shall
be submitted monthly in the month following either the first
month of pumpage or permit issuance, and shall display the
SRWMD Water Use Permit Number on all forms.



SEAL

SUWANNEE RIVER WATER MANAGEMENT
DISTRICT, BY ITS GOVERNING BOARD

By [Signature]

SECRETARY

DISTRICT RULES CLERK

May 11, 1998

DATE

EXHIBIT '30'



**WATER USE PERMIT
NO. 2-98-00041M**

**SUWANNEE
RIVER
WATER
MANAGEMENT
DISTRICT**

9225 CR 49
LIVE OAK, FLORIDA 32060
TELEPHONE (904) 362-1001
FL TOLL FREE 800-226-1066 FAX (904)
362-1056

DATE ISSUED: 08/06/2001

EXPIRATION DATE: 05/06/2018

ISSUED TO: GEORGE MACKAY
ELITE RESORTS AT OTTER SPRINGS
6470 SOUTHWEST 80TH AVENUE
TRENTON, FL 32693

AUTHORIZING: The average daily withdrawal and use of 0.0936 million gallons per day or a maximum daily withdrawal and use of 0.0936 million gallons per day for a total annual allocation not to exceed 34.164 million gallons per calendar year.

LOCATED IN: Gilchrist County, Township 10 South, Range 14 East, Section 6

This Permit is issued pursuant to Application 2-98-00041M dated 07/30/2001, for the Use of Water as specified above and subject to the Conditions as set forth below. Said Application, including all plans and specifications attached thereto, is by reference made a part hereof.

Upon written notice to the permittee, this permit may be temporarily modified, or restricted under a Declaration of Water Shortage or a Declaration of Emergency due to Water Shortage in accordance with provisions of Ch. 373, Fla. Statutes, 1973 and applicable rules and regulations of the Suwannee River Water Management District.

This Permit may be permanently or temporarily revoked, in whole or in part, for the violation of the conditions of the permit or for the violation of any provision of the Water Resources Act and regulations thereunder

This Permit does not convey to permittee any property rights or privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation, or requirement affecting the rights of other bodies or agencies

CONDITIONS ARE AS FOLLOWS:

1. Nothing in this permit should be construed to limit the authority of the Suwannee River Water Management District to declare a water shortage and issue orders pursuant to Section 373.175, Florida Statutes, or to formulate a rule for implementation during times of water shortage pursuant to Section 373.246, Florida Statutes. In the event of water shortage as declared by the Board, the permittee shall adhere to any limitations on withdrawal or use ordered by the District.
2. This permit is classified as confined flordan aquifer for privately owned non-community public water system (DER)
3. Permittee shall allow District personnel at reasonable times and at District expense or with District equipment to monitor withdrawal rates and volumes authorized by this permit.



SUWANNEE RIVER WATER MANAGEMENT
DISTRICT, BY ITS GOVERNING BOARD

By Wynn McDonald
SECRETARY
DISTRICT RULES CLERK
September 7, 2001
DATE

EXHIBIT "A"

ASSIGNMENT OF PERMIT

THIS ASSIGNMENT is entered into this 4th day of June, 2003, by and between GEORGE MACKAY, ELITE RESORTS AT OTTER SPRINGS and OTTER SPRINGS CORP., a Florida corporation (collectively, "Assignor"), and GELEMA BETZ JACKSON ("Assignee").

RECITALS

A. Assignor is the holder of that certain Suwannee River Water Management District Permit No. WUP 2-98-00041M ("Permit") relating to the withdrawal of water from the Florida Aquifer for use in connection with a campground and RV park in Gilchrist County, Florida ("Property").

B. Assignor has sold the Property and desires to assign the Permit to Assignee

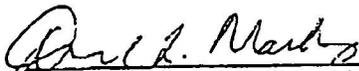
NOW, THEREFORE, in consideration of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

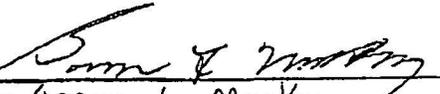
- 1. Assignment of Permit Assignor hereby assigns, transfers, and sets over unto Assignee all right, title, and interest of Assignor in and to the Permit.
- 2. Representations. Assignor hereby represents and warrants to Assignee that the Permit has not been modified, amended or revoked and remains in good standing.
- 3. Further Assurances. Assignor and Assignee shall execute and deliver to one another such transfer notices as may be reasonably required to provide notice to the applicable governmental agencies issuing the Permit of the rights and responsibilities of the respective parties.

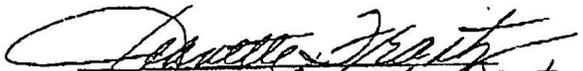
The undersigned have executed this Assignment the day and year first above written.

Signed, sealed and delivered
in the presence of:

OTTER SPRINGS CORP., a Florida
corporation


Name printed: DAVID L. MACKAY

By: 
Name: George L. Mackay
Title: Vice-President


Name printed: Gelema Betz Jackson

OTTER SPRINGS CORP., a Florida corporation, d/b/a Elite Resorts at Otter Springs

David L. Mackay
Name printed: DAVID L. MACKAY

By: George L. Mackay
Name: George L. Mackay
Title: Vice-President

Jeanette Frantz
Name printed: Jeanette Frantz

David L. Mackay
Name printed: DAVID L. MACKAY

George MacKay
George MacKay

Jeanette Frantz
Name printed: Jeanette Frantz

STATE OF FLORIDA }
 }SS
COUNTY OF Marion }

The foregoing instrument was acknowledged before me this 4th day of June, 2003 by George L. Mackay, as Vice-President of Otter Springs Corp., a Florida corporation, on behalf of the corporation.

Jeanette Frantz
(Print Name Jeanette Frantz)
NOTARY PUBLIC
State of Florida at Large
Commission # CC846719
My Commission Expires:



Jeanette Frantz
MY COMMISSION # CC846719 EXPIRES
July 27, 2003
BONDED THRU TROY FAY INSURANCE, INC

Personally known X
or Produced I.D. _____
[check one of the above]

Type of Identification Produced

STATE OF FLORIDA)
)SS
COUNTY OF Marion)

The foregoing instrument was acknowledged before me this 4th day of June, 2003 by George L. MacKay, as Vice-President of Otter Springs Corp., a Florida corporation, d/b/a Elite Resorts at Otter Springs, on behalf of the corporation.



Jeanette Frantz
(Print Name Jeanette Frantz)
NOTARY PUBLIC
State of Florida at Large
Commission # CC846719
My Commission Expires:

Personally known X
or Produced I.D. _____
[check one of the above]

Type of Identification Produced

STATE OF FLORIDA)
)SS
COUNTY OF Marion)

The foregoing instrument was acknowledged before me this 4th day of June, 2003 by George MacKay.



Jeanette Frantz
(Print Name Jeanette Frantz)
NOTARY PUBLIC
State of Florida at Large
Commission # CC846719
My Commission Expires:

Personally known X
or Produced I.D. _____
[check one of the above]

Type of Identification Produced



**SUWANNEE
RIVER
WATER
MANAGEMENT
DISTRICT**

9225 CR 49
LIVE OAK, FLORIDA 32060
TELEPHONE (386) 362-1001
TELEPHONE 800-226-1086
FAX (386) 362-1056

**WATER USE PERMIT
NO. 2-98-00041M**

ISSUED TO:
GELEMA JACKSON
CHARITY PLACE, INCORPORATED
6480 SOUTHWEST 80TH AVENUE
TRENTON, FL 32693

DATE MODIFIED 08/06/2001
DATE EXPIRES: 05/06/2018

PROJECT: FAITH PLACE, INCORPORATED

AUTHORIZING: The average daily withdrawal and use of 0.0936 million gallons per day or a maximum daily withdrawal and use of 0.0936 million gallons per day for a total annual allocation not to exceed 34.164 million gallons per calendar year.

LOCATED IN: Gilchrist County, Township 10 South, Range 14 East, Section 6

This Permit is issued pursuant to Application 2-98-00041M, dated July 30, 2001, for the Use of Water as specified above and subject to the Conditions as set forth below. Said Application, including all plans and specifications attached thereto, is by reference made a part hereof. If there is any conflict between the Application and the conditions of this Permit, the Permit shall supersede.

Upon written notice to the permittee, this permit may be temporarily modified, or restricted under a Declaration of Water Shortage or a Declaration of Emergency due to Water Shortage in accordance with provisions of Ch. 373, Fla. Statutes, 1973 and applicable rules and regulations of the Suwannee River Water Management District.

This Permit may be permanently or temporarily revoked, in whole or in part, for the violation of the conditions of the permit or for the violation of any provision of the Water Resources Act and regulations thereunder.

This Permit does not convey to permittee any property rights or privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation, or requirement affecting the rights of other bodies or agencies.

STANDARD CONDITIONS ARE AS FOLLOWS:

1. Nothing in this permit should be construed to limit the authority of the Suwannee River Water Management District to declare a water shortage and issue orders pursuant to Section 373.175, Florida Statutes, or to formulate a rule for implementation during times of water shortage pursuant to Section 373.246, Florida Statutes. In the event of water shortage as declared by the Board, the permittee shall adhere to any limitations on withdrawal or use ordered by the District.
2. This permit is classified as confined floridan aquifer for privately owned non-community public

**EXHIBIT "D"
RM 35**

Permit No.: 2-98-00041M

Project: FAITH PLACE, INCORPORATED

Page 2 of 2

water system (DEP).

3. Permittee shall allow District personnel at reasonable times and at District expense or with District equipment to monitor withdrawal rates and volumes authorized by this permit.

SUWANNEE RIVER WATER MANAGEMENT
DISTRICT, BY ITS GOVERNING BOARD

By _____


SECRETARY

DISTRICT RULES CLERK

April 22, 2004

DATE

SEAL

EXHIBIT "D"
RM 36

ASSIGNMENT OF WATER USE PERMIT

THIS ASSIGNMENT OF WATER USE PERMIT ("Assignment") made and entered into this 30th day of September, 2008, by and between **CHARITY PLACE, INC.**, a Florida corporation ("**Assignor**") and **SUWANNEE RIVER WATER MANAGEMENT DISTRICT**, a Florida Statutes Chapter 373 Water Management District ("**Assignee**") and.

WHEREAS, on July 31, 2001, Assignee issued Water Use Permit No 2-00-00114 ("Permit") to George MacKay and Otter Springs Corporation, a copy of which is attached hereto and made a part hereof, as Exhibit "A". Said Permit was subsequently assigned to Charity Place, Inc., by Assignment of Permit dated June 4, 2003, a copy of which is attached hereto and made a part hereof, as Exhibit "B".

WHEREAS, Assignor is the current holder of the Permit which relates to the withdrawal of water from the Florida Aquifer on property owned by Assignor, located in Sections 5 and 6, Township 10 South, Range 14 East, Gilchrist County, Florida ("Property"); and

WHEREAS, Assignor has sold the Property to Assignee; and

WHEREAS, Assignor desires to assign the Permit to Assignee;

NOW, THEREFORE, in consideration of \$10 00 to each in hand paid to the other and the conditions and covenants herein contained, the parties agree as follows:

1. Assignor hereby assigns, transfers, and sets over unto Assignee all right, title, and interest of Assignor in and to said Permit
2. Assignor hereby represents and warrants to Assignee that said Permit has not been modified, amended or revoked and remains in good standing.

3. The assignment of said Permit shall be effective as of the date first above written.

IN WITNESS WHEREOF, the parties have caused this Assignment to be duly executed as of the day and year first written above.

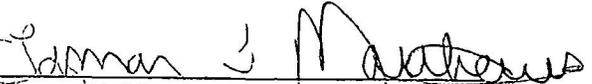
Signed, sealed and delivered

in the presence of:

“ASSIGNOR”

CHARITY PLACE, INC.


Print Name: Tammy Reynolds

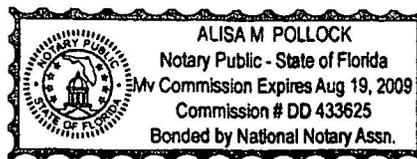
By: 
Lamar T. Matthews
President


Print Name: Alisa M. Pollock

STATE OF FLORIDA
COUNTY OF ~~COLUMBIA~~ Duval

The foregoing instrument was acknowledged before me this 13th day of October, 2008, by Lamar T. Matthews, as President of Charity Place, Inc., a Florida corporation, on behalf of the corporation, who is personally known to me or who has produced Florida Drivers License as identification.


Print Name: ALISA M. POLLOCK
Notary Public, State of Florida



Signed, sealed and delivered

in the presence of:

"ASSIGNEE"

**SUWANNEE RIVER WATER
MANAGEMENT DISTRICT**

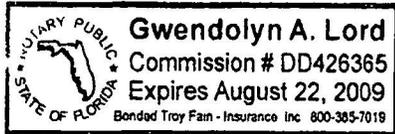
Melanie Roberts
Print Name: Melanie Roberts

By: David Still
David Still
Executive Director

Gwendolyn A. Lord
Print Name: Gwendolyn A. Lord

**STATE OF FLORIDA
COUNTY OF SUWANNEE**

The foregoing instrument was acknowledged before me this 29th day of October, 2008, by David Still, as Executive Director of the Suwannee River Water Management District, a Florida Statutes Chapter 373 Water Management District, on behalf of said District, who is personally known to me ~~or~~ whom has produced as identification.



Gwendolyn A. Lord
Print Name: Gwendolyn A. Lord
Notary Public, State of Florida



WATER USE PERMIT
NO. 2-00-00114

SUWANNEE
RIVER
WATER
MANAGEMENT
DISTRICT

9225 CR 4
LIVE OAK, FLORIDA 3201
TELEPHONE (904) 362-1066
FL TOLL FREE 800-226-1066 FAX (904) 362-1066

DATE ISSUED: 07/31/2001

EXPIRATION DATE: 07/31/2011

ISSUED TO: GEORGE MACKAY
OTTER SPRINGS CORPORATION
25250 EAST HIGHWAY 316
SALT SPRINGS, FL 32134

AUTHORIZING: The average daily withdrawal and use of 0.4000 million gallons per day or a maximum daily withdrawal and use of 0.4000 million gallons per day for a total annual allocation not to exceed 146 000 million gallons per calendar year.

LOCATED IN: Gilchrist County, Township 10 South, Range 14 East, Section 5, Township 10 South, Range 14 East, Section 6

This Permit is issued pursuant to Application 2-00-00114 dated 09/06/2000, for the Use of Water as specified above and subject to the Conditions as set forth below. Said Application, including all plans and specifications attached thereto, is by reference made a part hereof.

Upon written notice to the permittee, this permit may be temporarily modified, or restricted under a Declaration of Water Shortage or a Declaration of Emergency due to Water Shortage in accordance with provisions of Ch. 373, Fla Statutes, 1973 and applicable rules and regulations of the Suwannee River Water Management District

This Permit may be permanently or temporarily revoked, in whole or in part, for the violation of the conditions of the permit or for the violation of any provision of the Water Resources Act and regulations thereunder

This Permit does not convey to permittee any property rights or privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation, or requirement affecting the rights of other bodies or agencies

CONDITIONS ARE AS FOLLOWS:

1. Nothing in this permit should be construed to limit the authority of the Suwannee River Water Management District to declare a water shortage and issue orders pursuant to Section 373.175, Florida Statutes, or to formulate a rule for implementation during times of water shortage pursuant to Section 373.246, Florida Statutes. In the event of water shortage as declared by the Board, the permittee shall adhere to any limitations on withdrawal or use ordered by the District.
2. This permit is classified as unconfined floridan aquifer for privately owned bottled water plant.
3. Permittee shall allow District personnel at reasonable times and at District expense or with District equipment to monitor withdrawal rates and volumes authorized by this permit

SUWANNEE RIVER WATER MANAGEMENT
DISTRICT, BY ITS GOVERNING BOARD

By _____

SECRETARY

DISTRICT RULES CLERK

7/31/01
DATE

SEAL

EXHIBIT "A"
RM 40

WATER USE PERMIT NO. 2-00-00114
OTTER SPRINGS CORPORATION
Date Issued: 07/31/2001

The Suwannee River Water Management District is issuing Otter Springs Corporation (OSC) a Water Use Permit (WUP) pursuant to Application 2-00-00114 dated September 6, 2000, for the use of water specified in the conditions outlined in the permit and set forth below. Said Application, including all plans and specifications attached thereto, is by reference made a part hereof.

ADDITIONAL CONDITONS ARE AS FOLLOWS:

1. OSC will submit a groundwater-monitoring plan to the District prior to the collection of any water measurements at the site. The groundwater-monitoring plan will include scaled maps depicting the locations of all wells on the OSC property and the spring locations. Additionally, permanent-gauging stations at each spring location will be depicted on the scaled map. Elevation data for the monitoring wells, production wells, and measuring points located on the OSC property will be established by a Professional Licensed Surveyor (PLS) to NGVD elevations and those measurements will be included in the report. The frequency of data collection will be included in the groundwater-monitoring plan.
2. OSC will conduct monitoring of the water levels at the Otter and Little Otter Spring pools using continuous water level recorders. The placement of the water level recorders at each pool will be coordinated with the District. Measurements at these locations will be collected simultaneously every hour during a 24-hour period, seven days a week.
3. OSC will collect water level measurements in onsite wells at a upgradient and a downgradient location from the proposed production wells (P1 through P4). Water level measurements will be collected in these wells using continuous water level recorders in accordance with the criteria outlined above in paragraph two.
4. All existing wells located on the OSC property will be monitored monthly and water levels for these wells will be recorded and used to assess the long term effects on the confined and unconfined aquifer during production pumping at the OSC site. Additionally, OSC will continue attempts in obtaining permission for the use of offsite monitoring wells preferably in the Waccasassa Flats area. These wells will be used to collect water levels at upgradient locations from the production zone. Ground water levels at all wells will be collected from a predetermined location visibly marked at the top of each well casing.

5. OSC will collect discharge measurements (open channel flow measurements) at the Otter and Little Otter Springs on a bi-monthly basis. The open channel flow measurements will be collected in the spring runs at a pre-determined location (permanent gauging station) determined by the District and OSC. OSC and the District can use the information collected from the gauging stations to develop a stage discharge relationship between the Otter and Little Otter Springs and the Wilcox gauge on the Suwannee River.
6. The open channel flow measurements will be collected at each spring location using a vertical axis flowmeter that has been calibrated in accordance with the United States Geological Surveys Hydrologic Instrumentation Facility (HIF) calibration requirements. OSC will be required to provide the District with proof that the vertical axis flowmeter equipment used for open channel flow measurements has been HIF calibrated.
7. OSC will be required to continue the biological assessment of the Otter and Little Otter Spring runs and the adjacent floodplain areas from Otter Spring to the Suwannee River on a bi-annual basis. The assessments should be conducted to provide the District with seasonal conditions within the area of concern. The assessment will establish permanent transects for vegetation studies, establish species inventories of all plant life and percent of cover. OSC will establish at least three station plots within the spring runs to observe and record benthic invertebrates, including mussels and selected insect larvae. OSC will collect and observe fish at station plots and other selected locations within the spring runs. OSC will measure the dissolved oxygen concentrations at the station plots and other selected locations within the spring runs. OSC will conduct a survey for threatened and endangered species, to include Florida species of concern, and will also establish a photographic record of observations made during the biological assessments. Attenuation of withdrawals from Otter Spring may be necessary if any biological assessment report indicates that pumping operations may have negatively impacted the overall health of the spring runs or associated floodplain.
8. In accordance with the District policy on complaints, OSC will assist the SRWMD to determine if wells within a conceived "zone of influence", including those wells adjacent to the OSC site, may have been negatively impacted by pumping operations at Otter Springs. If it is proved that the pumping operations have negatively impacted any well(s), then OSC will pay for the costs necessary to repair the well(s).
9. The ADR/MDR for this permit is 400,000 gallons per day. Based on criteria contained in Section 373.223, Florida Statutes, OSC will cease

pumping in all production wells (P1 through P4), when the following conditions occur.

- A. When the two-year/one-day low, as recorded at the Wilcox gauging station is achieved, OSC will begin the process of attenuating the withdrawal from Otter Spring. The two-year/one-day low is listed for a 12 month period from December through January at the Wilcox gauging station on page 33 of the Magnitude and Frequency of Low Flows in the Suwannee River Water Management District, Florida (USGS Water-Resources Investigative Report 96-4308). The two year/one-day low will be calculated to reflect tidally influenced conditions at the Wilcox gauging station. The two-year/one day low will be calculated by averaging the previous days stream flow measurements at the Wilcox gauging station.
- B. When the two-year/one-day low is reached at the Wilcox gauging station OSC will cease pumping operations at Otter Spring upon notification by the District. OSC and the District will then review spring discharge measurement data, spring pool measurement data, and water level data for all monitoring wells identified in the groundwater monitoring plan.
- C. Based on the data review, OSC and the District will determine the appropriate rate of withdrawal from Otter Springs that will be maintained until the time when daily average static conditions at the Wilcox gauging station rise above the two-year/one-day low.

EXHIBIT "A"
RM 43

ASSIGNMENT OF PERMIT

THIS ASSIGNMENT is entered into this 4th day of June, 2003, by and between GEORGE MACKAY and OTTER SPRINGS CORP., a Florida corporation (collectively, "Assignor"), and CHARITY PLACE, INC., a Florida [not for profit] corporation ("Assignee").

RECITALS

A. Assignor is the holder of that certain Suwannee River Water Management District Permit No. 2-00-00114 ("Permit") relating to the withdrawal of water from the Florida Aquifer on property located in Gilchrist County, Florida ("Property").

B. Assignor has sold the Property to Assignee and desires to assign the Permit to Assignee as well.

NOW, THEREFORE, in consideration of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. Assignment of Permit. Assignor hereby assigns, transfers, and sets over unto Assignee all right, title, and interest of Assignor in and to the Permit.

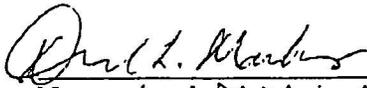
2. Representations. Assignor hereby represents and warrants to Assignee that the Permit has not been modified, amended or revoked and remains in good standing.

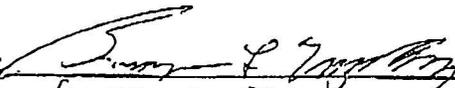
3. Further Assurances. Assignor and Assignee shall execute and deliver to one another such transfer notices as may be reasonably required to provide notice to the applicable governmental agencies issuing the Permit of the rights and responsibilities of the respective parties.

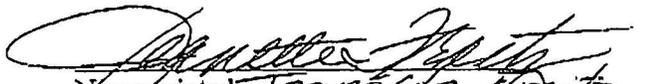
The undersigned have executed this Assignment the day and year first above written.

Signed, sealed and delivered
in the presence of:

OTTER SPRINGS CORP., a Florida
corporation


Name printed: DAVID L. MACKAY

By: 
Name: George L. Mackay
Title: Vice - President


Name printed: Jennette Reitz

David L. MacKay
Name printed: DAVID L. MACKEY

George MacKay
George MacKay

Jeanette Frantz
Name printed: Jeanette Frantz

STATE OF FLORIDA)
)SS
COUNTY OF Marion)

The foregoing instrument was acknowledged before me this 4th day of June, 2003 by George L. MacKay, as Vice-President of Otter Springs Corp., a Florida corporation, on behalf of the corporation.



Jeanette Frantz
MY COMMISSION # CCB46719 EXPIRES
July 27, 2003
BONDED THRU TROY FAIN INSURANCE, INC

Jeanette Frantz
(Print Name Jeanette Frantz)

NOTARY PUBLIC
State of Florida at Large
Commission # CC 846719
My Commission Expires:

Personally known X
or Produced I.D. _____
[check one of the above]

Type of Identification Produced

STATE OF FLORIDA }
COUNTY OF MANALAPAN }SS

The foregoing instrument was acknowledged before me this 14th day of June, 2003 by George MacKay.

Jeanette Frantz
(Print Name Jeanette Frantz)

NOTARY PUBLIC
State of Florida at Large
Commission # CC 846719
My Commission Expires:



Jeanette Frantz
MY COMMISSION # CC846719 EXPIRES
July 27, 2003
BONDED THRU TROY FAIN INSURANCE, INC

Personally known X
or Produced I D. _____
[check one of the above]

Type of Identification Produced

MEMORANDUM

TO: Governing Board
FROM: Jon Dingés, ^{JMD} Director, Resource Management
THRU: David Still, Executive Director ^{DS}
DATE: July 30, 2009
RE: Final Order Number 2009-0010 Denying Variance Request, Permit
Application Number 08-0245, Dixie County

RECOMMENDATION

Staff recommends the Governing Board enter Final Order number 2009-0010 denying Ryan Bell's variance request for subsection 40B-4.3030(12)(b), Florida Administrative Code (FAC). Staff also recommends the Governing Board direct staff to continue processing of the permit application to seek resolution.

BACKGROUND

Ryan Bell (Petitioner) constructed a deck without a permit. The structure does not meet the conditions in subsection 40B-4.3030(12)(b), FAC, which allows for construction of a deck not to exceed 200 square feet in the front 75 feet of and area immediately adjacent to and including the normally recognized bank of water.

Petitioner filed an application for General Works of the District permit on November 7, 2008. Petitioner filed a petition for variance on March 19, 2009. Petitioner filed an amended petition on June 29, 2009, requesting a variance from subsection 40B-4.3030(12)(b), FAC.

Petitioner has failed to demonstrate the following:

- That the principles of fairness would be violated by requiring Petitioner to comply with these rules.
- That a substantial hardship would be created by requiring Petitioner to comply with these rules.
- That the purposes of the underlying statutes will be or has been achieved by other means.

Therefore, Petitioner has not met the requirements for a variance under 120.542, Florida Statutes.

JD/rl



SUWANNEE RIVER WATER MANAGEMENT DISTRICT

July 30, 2009

Ryan Bell
13 NE 3rd Street
Chiefland, FL 32626

Subject: Denial of Variance Request Regarding Permit Application
Number ERP08-0245, Dixie County

Dear Mr. Bell:

Suwannee River Water Management District (District) staff proposes to recommend to the Governing Board that the variance request for your project located in Township 10 South, Range 14 East, Section 31, in Dixie County, be denied.

Staff intends to recommend denial of this variance request because the Petitioner has not demonstrated that the principles of fairness would be violated by requiring Petitioner to comply with Florida Administrative Code (F.A.C.) subsection 40B-4.3030(12)(b); nor has Petitioner demonstrated a substantial hardship would be created by requiring Petitioner to comply with F.A.C. subsection 40B-4.3030(12)(b); therefore, Petitioner has not met the requirements for a variance under Fla. Stat. § 120.542. Petitioner has not demonstrated that the underlying statute will be or has been achieved by other means.

This proposed action is subject to final decision of the Governing Board at their regularly scheduled meeting on August 11, 2009, which is open to the public.

Persons considered to be affected by this proposed agency action may request an administrative hearing. The request must be written and must adhere to the requirements of Chapter 28-106, F.A.C. Please see the enclosed Notice of Rights. All requests for administrative hearings shall be sent to the District at 9225 County Road 49, Live Oak, Florida 32060.

Water for Nature, Water for People

RM 48

Ryan Bell
July 30, 2009
Page 2

Please call the Resource Management Department at 386.362.1001 if you have any questions.

Sincerely,



Jon Dinges, P. E.

Director, Resource Management

JD/rl

Enclosure

cc: Dixie County Board of County Commissioners
Certified Mail Receipt Number: 7007 1490 0002 7883 4473

NOTICE OF RIGHTS

1. A person whose substantial interests are or may be determined has the right to request an administrative hearing by filing a written petition with the Suwannee River Water Management District (District), or may choose to pursue mediation as an alternative remedy under Section 120.569 and 120.573, Florida Statutes, before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for pursuing mediation are set forth in Sections 120.569 and 120.57 Florida Statutes. Pursuant to Rule 28-106.111, Florida Administrative Code, the petition must be filed at the office of the District Clerk at District Headquarters, 9225 C.R. 49, Live Oak, Florida 32060 within twenty-one (21) days of receipt of written notice of the decision or within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail actual notice). A petition must comply with Chapter 28-106, Florida Administrative Code.
2. If the Governing Board takes action which substantially differs from the notice of District decision to grant or deny the permit application, a person whose substantial interests are or may be determined has the right to request an administrative hearing or may chose to pursue mediation as an alternative remedy as described above. Pursuant to Rule 28-106.111, Florida Administrative Code, the petition must be filed at the office of the District Clerk at District Headquarters, 9225 C.R. 49, Live Oak, Florida 32060 within twenty-one (21) days of receipt of written notice of the decision or within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail actual notice). Such a petition must comply with Chapter 28-106, Florida Administrative Code.
3. A substantially interested person has the right to a formal administrative hearing pursuant to Section 120.569 and 120.57(1), Florida Statutes, where there is a dispute between the District and the party regarding an issue of material fact. A petition for formal hearing must comply with the requirements set forth in Rule 28-106.201, Florida Administrative Code.
4. A substantially interested person has the right to an informal hearing pursuant to Section 120.569 and 120.57(2), Florida Statutes, where no material facts are in dispute. A petition for an informal hearing must comply with the requirements set forth in Rule 28-106.301, Florida Administrative Code.
5. A petition for an administrative hearing is deemed filed upon receipt of the petition by the Office of the District Clerk at the District Headquarters in Live Oak, Florida.
6. Failure to file a petition for an administrative hearing within the requisite time frame shall constitute a waiver of the right to an administrative hearing pursuant to Rule 28-106.111, Florida Administrative Code.

NOTICE OF RIGHTS

7. The right to an administrative hearing and the relevant procedures to be followed is governed by Chapter 120, Florida Statutes, and Chapter 28-106, Florida Administrative Code.
8. Pursuant to Section 120.68, Florida Statutes, a person who is adversely affected by final District action may seek review of the action in the District Court of Appeal by filing a notice of appeal pursuant to the Florida Rules of Appellate Procedure, within 30 days of the rendering of the final District action.
9. A party to the proceeding before the District who claims that a District order is inconsistent with the provisions and purposes of Chapter 373, Florida Statutes, may seek review of the order pursuant to Section 373.114, Florida Statutes, by the Florida Land and Water Adjudicatory Commission, by filing a request for review with the Commission and serving a copy of the Department of Environmental Protection and any person named in the order within 20 days of adoption of a rule or the rendering of the District order.
10. For appeals to the District Courts of Appeal, a District action is considered rendered after it is signed on behalf of the District, and is filed by the District Clerk.
11. Failure to observe the relevant time frames for filing a petition for judicial review described in paragraphs no. 11 and 12, or for Commission review as described in paragraph no. 13, will result in waiver of the right to review.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Rights has been sent by U.S. Mail to:

Ryan Bell
13 NE 3rd Street
Chiefland, FL 32626

At 4:00 p.m. this 30 day of July, 2009



Jon Dinges

Deputy Clerk
Suwannee River Water Management District
9225 C.R. 49
Live Oak, Florida 32060
386.362.1001 or 800.226.1066 (Florida only)

cc: File Number: ERP08-0245

STAFF REPORT

DENIAL OF VARIANCE REQUEST

DATE: July 30, 2009

PROJECT: Ryan Bell District Floodway Variance Request

APPLICANT:

Ryan Bell
13 NE 3rd Street
Chiefland, FL 32626

PERMIT APPLICATION NO: ERP08-0245

DATE OF APPLICATION: 11/7/08

APPLICATION COMPLETE: N/A

DEFAULT DATE: N/A

Recommended Agency Action

Staff recommends the Governing Board enter Final Order number 2009-0010 denying variance for subsection 40B-4.3030(12)(b), Florida Administrative Code (FAC). Staff also recommends that the Governing Board direct staff to continue processing the permit application and bring the project into compliance.

SRWMD Project Review Staff

John Hastings, P.E., Water Resource Engineer, reviewed the project application.

Project Location

The project is located on County Road 317 adjacent to the Suwannee River in Township 10 South, Range 14 East, Section 31, Dixie County.

Project Description

The applicant is seeking an after-the-fact permit and requesting a variance to 40B-4.3030(12)(b), FAC, for a 1,480 square foot deck within the 75-foot setback. The rule limits decks within the 75-foot setback to a footprint of 200 square feet.

Site inspection

Staff inspected the project site on March 31, 2009. The project has been constructed.

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

IN RE:

RYAN BELL,

Petitioner,

ORDER No. 2009-0010

v.

**SUWANNEE RIVER WATER
MANAGEMENT DISTRICT,**

Respondent.

FINAL ORDER DENYING VARIANCE

The Suwannee River Water Management District ("District") received a petition on June 29, 2009, from Ryan Bell ("Petitioner"), seeking a variance from Florida Administrative Code ("Fla. Admin. Code") paragraph 40B-4.3030(12)(b). Petitioner seeks this variance for an existing un-permitted deck within a Work of the District in Township 10 South, Range 14 East, Section 31, Dixie County.

PROCEDURE AND ALLEGATIONS

1. Pursuant to Fla. Stat. § 120.542, Petitioner seeks a variance from Fla. Admin. Code paragraph 40B-4.3030(12)(b) for file number ERP08-0245.
2. The Petition for Variance was received on June 29, 2009. A true copy of the Petition for Variance is attached to this Order as Exhibit "A".
3. District caused a notice to be published in the Florida Administrative Weekly ("FAW") on July 17, 2009, informing the public that District had received the Petition for

Variance and providing an opportunity to comment or object within fourteen days of the date of publication in the FAW. A true copy of the notice is attached to this Order as Exhibit "B".

District received no comments or objections to the petition.

4. Petitioner's address is 13 Northeast 3rd Street, Chiefland, FL 32626, and the property affected by this order is described as the following parcel identification number: 31-10-14-7048-0000-0090 (Account # 1339).

As To Set-back Requirements

5. Petitioner seeks to obtain a variance to Fla. Admin. Code 40B-4.3030(12)(b) for the existing un-permitted 1,480 square-foot deck, which encroaches within the 75-foot setback of the Suwannee River. Petitioner alleges that he was unaware of construction regulations within the regulatory floodway of the Suwannee River. Petitioner alleges that the property was subdivided prior to January 1, 1985, and therefore may be excepted to the regulations of Fla. Admin. Code 40B-4.3030(12)(a) through (d).

APPLICABLE LAW

9. The variance is requested pursuant to Fla. Stat. § 120.542, which provides that:

Variations and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person and when application of a rule would create a substantial hardship or would violate principles of fairness. For purposes of this section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance or waiver.

10. Petitioner is required to demonstrate that (1) the purpose of the underlying statute will be or has been achieved by other means and (2) that application of Fla. Admin.

Code paragraph 40B-4.3030(12)(b) would create a substantial hardship or would violate the principles of fairness.

11. The purpose of Chapter 373 of the Florida Statutes is to prevent harm to the water resources of the state. To achieve this purpose, District is authorized to require permits for the construction of structures within a Work of the District. To obtain a permit under Chapter 373, an applicant must provide reasonable assurance that the construction will not obstruct the free flow of waters of rivers and streams within the District. *See*, Fla. Stat. § 373.086 (Providing for works of the district).

12. Florida Admin. Code rule 40B-4.3030 became effective as District rule on September 25, 1985, and the most recent amendment became effective on August 8, 2007.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

13. Petitioner has not demonstrated that the principles of fairness would be violated by requiring Petitioner to comply with Fla. Admin. Code paragraph 40B-4.3030(12)(b); nor has Petitioner demonstrated a substantial hardship would be created by requiring Petitioner to comply with Fla. Admin. Code paragraph 40B-4.3030(12)(b); therefore, Petitioner has not met the requirements for a variance under Fla. Stat. § 120.542. Petitioner has not demonstrated that the underlying statute will be or has been achieved by other means.

14. District concludes that the variance request should be denied.

IT IS HEREBY ORDERED that the Petition for Variance from Fla. Admin. Code rule 40B-4.3030(12)(b), is DENIED.

DONE AND ORDERED this _____ day of _____ 2009.

SUWANNEE RIVER WATER
MANAGEMENT DISTRICT

By: _____
Its Chair

Attest: _____
Its Secretary

RENDERED on this _____ day of _____ 2009.

Jon Dinges
District Clerk

Copies furnished to: Tom Brown
Ryan Bell
Suzanne Printy, JAPC

Mr. Ryan Bell
13 NE 3rd Street
Chiefland, FL 32626

June 24, 2009

RECEIVED
SRWMD

Suwannee River Water Management District
Mr. John Hastings, P.E.
9225 C.R. No. 49
Live Oak, FL 32060

JUN 29 2009

ORIGINAL TO FILE ERP08-0245
COPIES TO _____ JH

PETITION FOR VARIANCE FROM CH 40B-4 FLORIDA ADMINISTRATIVE CODE

Ryan Bell Works of the District Project, Dixie County,
ERP08-0245, CE08-0040

Petitioner: Mr. Ryan Bell
13 NE 3rd Street
Chiefland, FL 32626

Pursuant to section 120.542(5) Florida Statutes Mr. Ryan Bell is petitioning the Suwannee River Water Management District for a variance from Chapter 40B-4.3030 (12)(b) Florida Administrative Code to allow construction of a deck exceeding 200 square feet in the front 75 feet of an area immediately adjacent to and including the normally recognized bank of a water.

Specifically: The petitioner has had a deck of one thousand four hundred eighty square feet constructed within seventy five feet of the normally recognized bank of the river. At the time of the construction the petitioner was not aware that in some cases the Suwannee River Water Management District may regulate and permit construction along the river bank. The deck includes a bar, a masonry fire pit and two covered areas of approximately 256 square feet each. The roof structures of the covered areas are above the 100 year flood elevation of 20.0 as established by the Suwannee River Water Management District for this location (River Mile 32).

Section 40B-4.3030 (12) states **"The following conditions shall apply to all works of the district development permits issued for development on lands subdivided after January 1, 1985"**.

(a.) No clearing of trees and vegetation shall occur (except as provided in paragraphs (d) and (e) below) other than what is necessary to remove diseased vegetation, construct structures, associated water supply, wastewater disposal, and private driveway access facilities.

(b.) No construction, additions or reconstruction shall occur in the front 75 feet of an area immediately adjacent to and including the normally recognized bank of a water, except for one deck per parcel located at the top of the bank no larger than 200 square feet and a boardwalk no wider than five feet to provide reasonable pedestrian access to water dependent structures such as docks.

June 24, 2009

The subject property was subdivided prior to January 1, 1985. A copy of a Warranty Deed dated the 24th day of May, 1982 is enclosed. This deed references the parcel as the North ½ of Lot 9 of the R.D. Hogue unrecorded Subdivision. A copy of the certified boundary survey of the subject parcel is also enclosed.

Since the property was subdivided prior to January 1, 1985 Section 40B-4.3030(12)(e) F.A.C. appears to apply. This states:

“As to those lands subdivided prior to January 1, 1985, the governing board shall, in cases of extreme hardship, issue works of the district development permits with exceptions to the conditions listed in paragraphs 40B-4.3030(12) (a) through (d), F.A.C.

The petitioner had the existing improvements constructed at considerable cost, believing that those improvements would enhance the appearance of his property and provide for recreational use of the water front. Removing a significant portion of the structure would not only result in the loss of the funds expended to construct the deck it will also require additional expenditure to have a contractor perform the demolition and dispose of the debris.

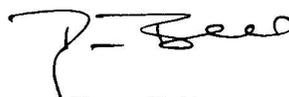
In his effort to have the District grant an exemption the petitioner has retained an engineer to assist in preparation of exhibits and had a “Zero Rise” calculation performed by Mr. Gary Dounson, P.E. This calculation demonstrates that the structure as it exists meets the requirement of Chapter 40B-4.3030 (9) Florida Administrative Code. A copy of that certification is attached hereto.

Although vegetation was removed prior to the construction no record was retained as to the size or species of that vegetation. As a condition of approval the petitioner is amenable to replanting such native species on the site as the District may find acceptable to further stabilize the existing bank.

The requested variance to allow the structure to remain would conform to Section 40B-4.3030(12)(e) since the property was subdivided prior to January 1, 1985 and removal of a substantial portion of the improvements would cause significant financial harm to the applicant.

Based upon the above, the petitioner, Mr. Ryan Bell, requests a variance from Section 40B-4.3030(12)(b) F.A.C. “No construction, additions or reconstruction shall occur in the front 75 feet of an area immediately adjacent to and including the normally recognized bank of a water, except for one deck per parcel located at the top of the bank no larger than 200 square feet and a boardwalk no wider than five feet to provide reasonable pedestrian access to water dependent structures such as docks”.

Sincerely,


Ryan Bell

RECEIVED
SRWMD

JUN 29 2009

ORIGINAL TO FILE _____
COPIES TO _____

ERP 08 - 0245

RM 58

EXHIBIT A

THE PERSON TO BE CONTACTED REGARDING THESE CHANGES IS: Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-12.002
RULE TITLE: Procedure for Licensing a Monument Establishment

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 9, March 6, 2009 issue of the Florida Administrative Weekly has been withdrawn.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 69O-164.040
RULE TITLE: Determining Reserve Liabilities for Preneed Life Insurance

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 20, May 22, 2009 issue of the Florida Administrative Weekly. Subsection (9) will read, "This rule is applicable to preneed life policies and certificates as defined in paragraph (4)(c) issued on or after January 1, 2009."

**Section IV
Emergency Rules**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**Section V
Petitions and Dispositions Regarding Rule Variance or Waiver**

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN THAT on June 30, 2009, the Criminal Justice Standards and Training Commission, received a petition for rule waiver from Clemente Martin. Petitioner wishes to waive subsection 11B-27.002(4), F.A.C. The Petitioner wishes to waive that portion of the rule requiring an officer to become employed within four years of starting basic recruit training. Petitioner was in the process of becoming employed at the time his four year window expired.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302, (850)410-7676.

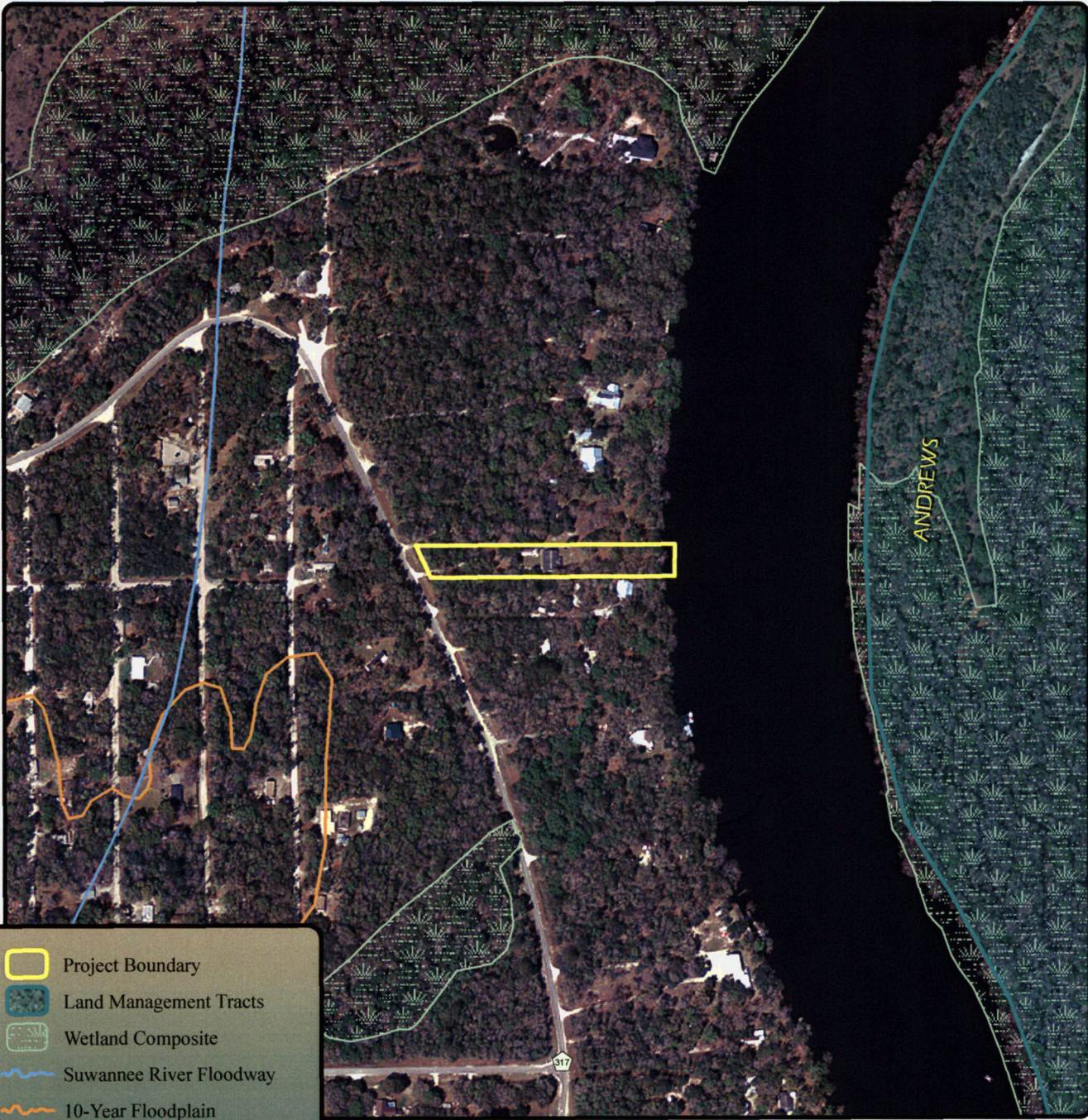
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

WATER MANAGEMENT DISTRICTS

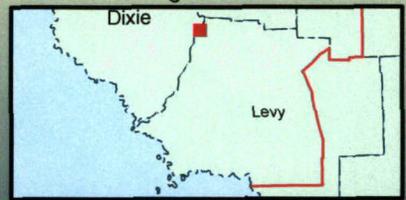
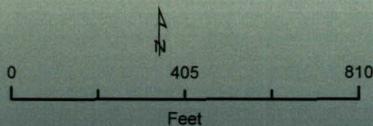
NOTICE IS HEREBY GIVEN THAT on July 29, 2009, the Suwannee River Water Management District, received a petition for variance from Ryan Bell, 13 N. E. 3rd Street, Chiefland, FL 32626, pursuant to Section 120.542, F.S. Petitioner is seeking a variance from paragraph 40B-4.3030(12)(b), F.A.C., as to the 75-foot setback requirement. The property owner has constructed an unpermitted deck within the 75-foot setback of the Suwannee River, located in Township 10 South, Range 14 East, Section 31, Dixie County. These rules are intended to set forth criteria for development activities within a Work of the District. Comments on this petition should be filed with: Jon Dinges, District Clerk, SRWMD, 9225 CR 49, Live Oak, FL 32060, within 14 days of publication of this notice. The petition has been assigned ERP Number 08-0245.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Robin Lamm, Business Resource Specialist, Suwannee River Water Management District, 9225 CR 49, Live Oak, FL 32060, (386)362-1001 or 1(800)226-1066 in Florida only



-  Project Boundary
-  Land Management Tracts
-  Wetland Composite
-  Suwannee River Floodway
-  10-Year Floodplain
-  100-Year Floodplain

Ryan Bell
District Floodway Project
ERP08-0245
 August 2009



Note: This map was created by the Suwannee River Water Management District (SRWMD) to be used for planning purposes only. SRWMD shall not be held liable for any injury or damage caused by the use of data distributed as a public records request regardless of their use or application. SRWMD does not guarantee the accuracy, or suitability for any use of these data, and no warranty is expressed or implied. For more information please contact the SRWMD at 386-362-1001.

MEMORANDUM

TO: Governing Board
FROM: Jon Dinges, Director, Resource Management ^{JMD}
THRU: David Still, Executive Director ^{DS}
DATE: July 30, 2009
RE: Entry of Final Order for Suwannee Lake Plantation, Inc., CE07-0069

RECOMMENDATION

Staff recommends the Governing Board enter Final Order number 2009-0011 adopting Consent Agreement number CE07-0069 for Suwannee Lake Plantation, Inc.

BACKGROUND

Consent Agreement CE07-0069 was executed on July 17, 2009. Entry of the Final Order will serve as final agency action in this matter.

/lgw



**SUWANNEE
RIVER
WATER
MANAGEMENT
DISTRICT**

9225 CR 49
Live Oak, FL 32060
TELEPHONE 386-362-1001
TELEPHONE 800-226-1066
FAX 386-362-1056

SUWANNEE RIVER WATER)
MANAGEMENT DISTRICT,)
)
Petitioner,)
vs.)
)
SUWANNEE LAKE PLANTATION, INC.)
)
Respondent)

FILE NO. CE07-0069
FINAL ORDER NO. 2009-0011

FINAL ORDER

This matter appeared before this Governing Board on August 11, 2009, to be heard on the Consent Agreement signed by the Respondent and, having considered the record in this proceeding and the Consent Agreement, this Board orders:

The Consent Agreement and Order dated July 17, 2009, a copy of which is attached hereto and made a part hereof, is adopted as the Final Order in this proceeding and constitutes final action of this agency in this proceeding.

This order entered by the Governing Board of the Suwannee River Water Management District this 11th day of August 2009.

By: _____
Its Chair

Attest: _____
Its Secretary

Filed with the SRWMD District Clerk
on this _____ day of _____, 2009.

Jon Dinges
Deputy Clerk

Copies furnished to: Tom Brown
David K. Meehan, Suwannee Lake Plantation, Inc.

BEFORE THE SUWANNEE RIVER WATER MANAGEMENT DISTRICT

RECEIVED
SRWMD

JUL 17 2009

**SUWANNEE RIVER WATER
MANAGEMENT DISTRICT,**

ORIGINAL TO FILE _____
COPIES TO _____

PETITIONER,

CE07-0069

VS.

SUWANNEE LAKE PLANTATION, INC.,

RESPONDENT.

_____ /

CONSENT AGREEMENT CE07-0069 AND ORDER

Pursuant to sections 120.57(4) and 373.083, Florida Statutes ("F.S."), and Chapter 28, Florida Administrative Code, ("F.A.C."), this Consent Agreement and Order is made and entered into by Suwannee River Water Management District, ("District"), and Suwannee Lake Plantation, Inc., ("Respondent"), to settle certain matters at issue between the parties. The District and Respondent hereby voluntarily agree to the following Findings of Fact, Regulations or Laws Violated, Penalty, Administrative Costs and Attorneys Fees, and Remedial Actions.

FINDINGS OF FACT

1. Respondent is Suwannee Lake Plantation, Inc., Post Office Box 15707, St. Petersburg, Florida, 33733-5707.
2. The District is a governmental agency of the State of Florida created and empowered by Chapter 373, F.S., and pursuant to the authority therein, most particularly Chapter 373, Part IV, F.S., has adopted regulations for construction and alteration of surfacewater management systems in Chapters 40B-1, 40B-4 and 40B-400, F.A.C.
3. On August 17, 2007, District staff observed an un-permitted fill pad placed in wetlands, un-permitted construction of five buildings with walkways and decks, two docks and boardwalks, and a boat ramp and seawalls, within parcel number 22-09-15-0000-0001-0000, Gilchrist County, FL, owned by Suwannee Lake Plantation, Inc. ("Property".)

4. On September 27, 2007, District staff met with Respondent's representatives who agreed to submit a site plan with existing and planned construction along with the wetland line established by Respondent's consultant.
5. On February 14, 2008, Respondent submitted an Environmental Resource Permit application to the District, which included a site plan with existing and planned construction.

REGULATIONS OR LAWS VIOLATED

6. Without an admission of liability, it appears Respondent violated provisions of Chapters 40B-1, 40B-4, and 40B-400, F.A.C. Specifically, it appears that Rule 40B-4.1040(1)(a), F.A.C., has been violated by Respondent's failure to obtain a permit for initiating a project that includes dredging, filling and constructing a surfacewater management system.
7. In addition, section 12.0 of the Environmental Resource Permit Applicant's Handbook ("Handbook"), adopted by reference in Rule 40B-400.091, F.A.C., requires permits for the construction, alteration, operation, maintenance, abandonment, and removal of systems. The term "systems" includes areas of dredging or filling, as those terms are defined in sections 373.403(13) and 373.403(14), F.S.

PENALTY, ADMINISTRATIVE COSTS AND ATTORNEYS FEES

8. Pursuant to section 373.129, F.S., District finds and it is agreed that Respondent shall pay the following:

Penalty:	\$5,000.00;
Administrative Costs:	\$2,554.84;
Attorneys' fees:	\$ 170.00;
TOTAL:	\$7,724.84.

9. Notwithstanding the foregoing, if Respondent completes, to District's satisfaction, the remedial actions set forth in paragraphs 11 and 12 of this Consent Agreement within the time frame required in said paragraphs, the District will return the assessed penalty to Respondent .
10. If Respondent fails to complete the requirements set forth in paragraphs 11 and 12 within the time frame required in said paragraphs, Respondent shall, within fifteen (15) days from receipt of written notice from the District, pay to the District all additional administrative costs incurred by the District,

all additional attorneys fees at a rate of \$170.00 per hour from the date of this Consent Agreement.

REMEDIAL ACTIONS

11. Within ninety (90) days of approval of this Consent Agreement by the Governing Board of the District, Respondent shall submit to the District for its approval:
 - A. A signed and sealed survey of all existing structures and improvements within parcel number 22-09-15-0000-0001-0000 in the vicinity of Suwannee Lake, Gilchrist County. .
 - B. A response to the District's May 23, 2008, Request for Additional Information letter, attached as Exhibit A, including all existing structures that do not have a permit from the District.
12. Within ninety (90) days of approval of this Consent Agreement by the Governing Board of the District, Respondent shall remove the 0.47 acre fill area from the wetlands on the Property.
13. For each day of delay beyond the due dates specified in paragraphs 11 and 12 of this Consent Agreement, Respondent shall pay to the District an additional sum of \$50.00 per day until all remedial actions required in paragraphs 11 and 12 are completed to the satisfaction of the District. Said \$50.00 per day sum is exclusive of and in addition to any amounts required pursuant to the terms of paragraphs 8, 9, and 10 above. This provision shall not be construed to preclude the District's right to undertake other administrative, civil, or criminal action as appropriate in the event any due date is not met.
14. By execution of this Consent Agreement, Respondent waives its right to an administrative hearing pursuant to section 120.57, F.S., and its right of appeal pursuant to section 120.68 or Chapter 373, F.S., with regard to the terms and conditions of this Consent Agreement.
15. Nothing herein shall be construed to limit the authority of the District to undertake enforcement or legal actions against Respondent in response to conditions that may present an imminent hazard to the public health, welfare, or the environment.
16. This Consent Agreement is not a license or a permit. Respondent shall not undertake any further construction activities on the Property without the

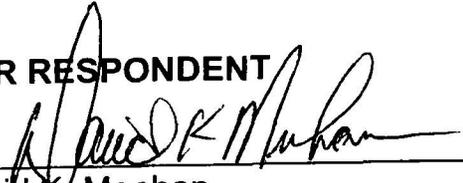
necessary authorizations from the District. Moreover, entry of this Consent Agreement does not relieve Respondent of the need to comply with any applicable federal, state, or local laws, regulations, or ordinances.

17. Respondent shall allow authorized representatives of the District access to the Property at all reasonable times without prior consent or notice for the purpose of determining compliance with this Consent Agreement, Chapter 373, F.S., the rules of the District, and the terms of any permit.
18. The District may elect to record this Consent Agreement or a Notice of Consent Agreement in the official records of the County wherein the Property is located. Respondent acknowledges by the execution of this Consent Agreement that the District may record this Consent Agreement or a notice thereof, and consents to the recordation. Whether or not this Consent Agreement or a Notice of Consent Agreement is recorded, Respondent shall make any sale or conveyance or all or any portion of the Property subject to the remedial actions required by this Consent Agreement.
19. The terms and conditions set forth in this Consent Agreement may be enforced in a court of competent jurisdiction, pursuant to section 120.69, F.S., and Chapter 28, F.A.C., or any other applicable rule or statute, and Respondent consents to entry of final judgment by a court of competent jurisdiction to enforce the terms of this agreement plus attorneys' fees and costs, pursuant to section 373.129, F.S., if Respondent fails to comply. Failure to comply with the terms of this Consent Agreement shall constitute a violation of Chapter 28, F.A.C., and the appropriate statutes.
20. The District hereby expressly reserves the right to initiate appropriate administrative or legal action to prevent or prohibit future violation of applicable statutes or any rules promulgated thereunder, or to protect the public health, safety, or general welfare.
21. The effectiveness of this Consent Order is subject to review and approval by the District's Governing Board. In the event the District's Governing Board does not approve this Consent Agreement, this Consent Agreement shall be null, void and of no legal effect. After this Consent Agreement has been executed by Respondent, Respondent may not withdraw its approval or terminate this Consent Agreement under any circumstances unless the District's Governing Board fails to approve this Consent Agreement.
22. This Consent Agreement is final agency action of the Suwannee River Water Management District pursuant to section 120.69, F.S., and Chapter

28, F.A.C., and becomes final and effective on the date the Consent Agreement is approved and the Order is signed by the Chairman of the District's Governing Board and filed with the District Clerk of the Suwannee River Water Management District.

23. No modification of the terms of this Consent Agreement shall be effective until put into writing and executed by both Respondent and the District.

FOR RESPONDENT



David K. Meehan
Suwannee Lake Plantation, Inc.
Post Office Box 15707
St. Petersburg, Florida 33733-5707

Date Signed: July 6, 2009

ATTORNEY FOR RESPONDENT

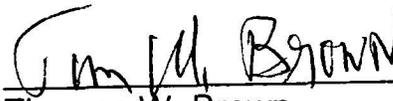


**SUWANNEE RIVER WATER
MANAGEMENT DISTRICT**



David Still
Executive Director
9225 County Road 49
Live Oak, Florida 32060
Telephone: 386/362-1001

**BRANNON, BROWN, HALEY &
BULLOCK, P.A.**



Thomas W. Brown
Florida Bar No. 0091332
10 North Columbia Street
Post Office Box 1029
Lake City, Florida 32056-1029
Telephone: 386/752-3213

ORDER

The Parties hereto having entered into the above Consent Agreement, it is therefore ORDERED that the terms of said Consent Agreement are incorporated in this Order and said Consent Agreement is hereby the Order of the Suwannee River Water Management District.

DONE AND ORDERED this _____ day of _____, _____, in Live Oak, Florida.

**SUWANNEE RIVER WATER
MANAGEMENT DISTRICT**

By: _____
Don Quincey, Jr.
Governing Board Chairman
9225 County Road 49
Live Oak, Florida 32060
Telephone: 386/362-1001

MEMORANDUM

TO: Governing Board

FROM: Jon Dinges, Director, Resource Management *JWD/jmd*

THRU: David Still, Executive Director *DS*

DATE: July 30, 2009

RE: Authorization to Publish Notice of Proposed Rule and File Amendments to 40B-1, Florida Administrative Code

RECOMMENDATION

Staff recommends that the Governing Board authorize publication of Notice of Proposed Rules for sections 40B-1.703 and 40B-1.709, Florida Administrative Code (F.A.C.). In addition, staff recommends that the Governing Board authorize filing the rules with Department of State if no comments or objections are received.

BACKGROUND

The Governing Board authorized rule development at the April 8, 2008, meeting. Staff published Notices of Rule Development on May 9, 2008 and July 1, 2009.

The proposed rule changes will revise existing language to include a new type of water use permit—a minor water use permit by rule. The proposed rule also revises permit suspension, revocation, and modification language for consistency with Chapter 120, Florida Statutes (F.S.), and section 28-106.2015, F.A.C., of the Uniform Rules of Procedure.

If no objections or requests for workshop are filed within 21 days after publication, the District will file the proposed rules with the Joint Administrative Procedures Committee (JAPC) for review.

Governing Board authorization is required by 120.54(3), F.S., for filing of the rules for adoption. Filing with the Department of State will occur following JAPC review. The rules will become effective 20 days after filing with the Department of State.

A copy of the Notice of Proposed Rule is included with this memorandum.

/lgw

NOTICE OF PROPOSED RULE

NAME OF AGENCY:

Suwannee River Water Management District

RULE CHAPTER TITLE:

General and Procedural Rules

RULE CHAPTER NUMBER:

40B-1

RULE TITLES:

Procedures for Consideration of Permit Applications

RULE NOS.:

40B-1.703

Suspension, Revocation, and Modification of District Permits

40B-1.709

PURPOSE AND EFFECT:

The purpose of the proposed rule is to revise the above sections of Chapter 40B-1, F.A.C., so that they are consistent with changes being proposed to Chapter 40B-2, F.A.C.

SUBJECT AREAS TO BE ADDRESSED:

This proposed rule will revise existing rule language for consistency with Chapter 40B-2, F.A.C., to include a new type of water use permit - a general permit by rule. The proposed rule also revises permit suspension, revocation, and modification language for consistency with Chapter 120, Florida Statutes, and section 28-106.2015, F.A.C., of the Uniform Rules of Procedure.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No additional costs will be incurred to the public as a result of the amendments.

SPECIFIC AUTHORITY: 373.044, 383.083, 373.113, 373.118, 373.171, 373.4141 F.S.

LAW IMPLEMENTED: 120.53, 120.57, 120.59, 120.60, 373.084, 373.085, 373.086, 373.106, 373.116, 373.118, 373.119, 373.229, 373.313, 373.413, 373.416, 373.426, 373.429 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AMENDMENTS:

Linda Welch, Rules Coordinator, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida, 32060, (386)362-1001 or (800)226-1066 (FL only).

THE FULL TEXT OF THE PROPOSED RULE IS:

CHAPTER 40B-1 General and Procedural Rules

40B-1.703 Procedures for Consideration of Permit Applications.

(1)(a) through (c) No change.

(d) Minor water use permits by rule as defined in 40B-2.041(2)(a) through (c), F.A.C., are a category of general permits. A permit application is not required provided the use complies with the applicable requirements of 40B-2.041(2)(a), (b), or (c), F.A.C.

(2) through (3) No change.

Specific Rulemaking Authority 373.044, 373.083, 373.113, 373.118, 373.171, 373.4141 FS.

Law Implemented 120.57, 120.59, 120.60, 373.084, 373.085, 373.086, 373.106, 373.116, 373.118, 373.229, 373.313, 373.413, 373.416, 373.426 FS.

History—New 6-16-88, Amended 12-22-92, 10-3-95, 1-29-01, 12-10-07, DATE.

40B-1.709 Suspension, Revocation, and Modification of District Permits.

~~(1) The District may suspend or revoke a permit, in whole or in part, when it determines that the permittee or his agent has:~~

~~(a) Submitted false or inaccurate information on his application or operational report.~~

~~(b) Violated Chapter 373, Florida Statutes, and the rules promulgated thereunder, or any other provision of Florida law related to the operation of the District.~~

~~(c) Failed to comply with an administrative order issued pursuant to Section 373.119, Florida Statutes.~~

~~(d) Violated a condition of the permit.~~

~~(e) Failed to permit inspection of the subject property.~~

~~(2) The District may modify the terms and conditions of the permit when it determines that the modification is necessary to protect the public health, safety, and welfare, prevent a public or private nuisance, or when the continued utilization of the permit becomes inconsistent with the objective of the District. In such instances, due consideration shall be given to the extent to which the permittee has detrimentally relied upon the permit.~~

~~(31) The Executive Director shall initiate proceedings to suspend, revoke, or modify a permit or other authorization by serving a written Notice of rights intention upon the permittee by certified mail or by service of process, or by newspaper publication as provided in section 120.60(5), F.S. The administrative complaint which shall include all of the information required by subsection 28-106.2015(4), F.A.C., of the Uniform Rules of Procedure. state the nature of the intended action, and those findings of fact and conclusions of law which support the action.~~

~~(42) The permittee may request an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes, by filing a petition for an administrative hearing with the District within 14 days of receipt of District's complaintthe Notice of Intention. Petitions are deemed filed upon receipt by the~~

District Clerk. The petition must contain all of the following information required by subsection 28-106.2015(5), F.A.C., of the Uniform Rules of Procedure:

~~(a) Name and address of the party making the request;~~

~~(b) A reference to the case number of the Notice of Intention; and~~

~~(c) A statement as to whether the party is requesting a formal subsection 120.57(1), Florida Statutes, or informal subsection 120.57(2), Florida Statutes, hearing.~~

~~(d) When a formal hearing is requested, the permittee shall admit or deny each finding of fact contained in the Notice of Intention or state that the permittee is without knowledge as to the same, which shall be deemed to be a denial. The District may decline to hold a formal hearing when there are no disputed issues of material fact.~~

~~(53) Failure to comply with the provisions of subsection (42), shall constitute a waiver of the right to a Ssection 120.69 or section 120.57, Florida Statutes, administrative hearing. In such event, the administrative complaint shall become a final order of the District and all findings of fact and conclusions of law contained in therein Notice of Intention shall be deemed uncontested and true in any further judicial or administrative proceedings.~~

~~(64) The Board shall consider any timely filed the Notice of Intention for which a valid petition for a Ssection 120.569 and 120.57, Florida Statutes, hearing has not been timely filed at the next available regulatory meeting following the expiration of the 14-day time period mentioned in subsection (42). The permittee~~

~~or other affected persons may state their objections to or comment in favor of the intended action, but the appearance shall not constitute grounds for an administrative appeal pursuant to Chapter 120, Florida Statutes.~~

~~(75) In the case of an emergency, the District may take any action necessary to protect the public interest in accordance with subsection 120.60(6), F.S. Executive Director may enter an order which suspends or revokes a permit, in whole or in part, or modifies the terms and conditions of the permit. The permittee shall take whatever immediate action is necessary to cause achieve immediate compliance with the emergency order, but shall have the right of to request an administrative appeal/hearing in accordance with, subject to the provisions of subsections (42) through (74) above.~~

Specific Rulemaking Authority 373.044, 373.113 FS.

Law Implemented ~~120.53(1)(b), (c),~~ 120.569, 120.57, 120.60(2), 373.119, 373.239, 373.243, 373.429 FS.

History—New 9-15-81, Repromulgated 3-17-88, Amended 12-21-88, DATE.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jon Dinges, Director,
Resource Management, Suwannee River Water Management District, 9225
County Road 49, Live Oak, Florida 32060, (386)362-1001.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED
RULE: Governing Board of the Suwannee River Water Management District.

DATE PROPOSED RULE APPROVED: July 14, 2009.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

May 9, 2008 and July 2, 2009.

MEMORANDUM

TO: Governing Board

FROM: Jon Dinges, Director, Resource Management ^{JMD}

THRU: David Still, Executive Director ^{DS}

DATE: July 30, 2009

RE: Authorization to Publish Revised Notice of Proposed Rule and File Amendments to Chapter 40B-2, Florida Administrative Code

RECOMMENDATION

Staff recommend that the Governing Board authorize publication of a revised Notice of Proposed Rule for amendments to chapter 40B-2, Florida Administrative Code. In addition, staff recommends that the Governing Board authorize the filing of the amendments with the Department of State if no comments or objections are received.

BACKGROUND

The Governing Board authorized rule development at the February 12, 2008, meeting. Staff published Notices of Rule Development on February 29, 2008 and May 1, 2009. Staff has held several workshops with the Governing Board and the public concerning proposed changes to chapter 40B-2. At its June 9, 2009, regular meeting, the Governing Board authorized publication of a Notice of Proposed Rule and filing of the amendments with the Department of State if no comments or objections were received.

Based on recent legislation and additional comments received from the Department of Environmental Protection, District staff and counsel have reviewed the proposed amendments to chapter 40B-2 and determined that additional changes are recommended. The additional changes are set forth below.

If no objections or requests for a public hearing are filed within 21 days after publication of the Notice of Proposed Rule, the District will file the proposed amendments to chapter 40B-2 with the Joint Administrative Procedures Committee (JAPC) for its review.

Governing Board authorization is required by subsection 120.54(3), Florida Statutes, for the filing of the amendments for adoption. Filing with the Department of State will occur following JAPC review, provided no request for public hearing is received. The rules will become effective 20 days after filing with the Department of State.

Staff is still working on amended application forms and additional new forms to be incorporated by reference. These forms will be made available to you during the week of August 3, 2009.

Amendments to 40B-2

40B-2.021(21): Definition of "Public Interest"

(21) "Public Interest" means those broad-based interests or benefit accruing to society generally, rather than to any individuals or groups of individuals in the society and concerns that are collectively shared by members of a community or residents of the District or the State.

40B-2.041:

(2) The District issues three types of water use permits: minor water use permit by rule, general water use permit, and individual water use permit.

Minor Water Use Permit by Rule

Form 40B-2.041A Water Use Permit Status Form is hereby incorporated by reference. This form is available at District headquarters and on the District's website.

(2)(b)e. Minor water use permit by rule for landscape irrigation
e. Irrigation of established landscape during ~~the months of December through February~~ Eastern Standard Time shall not occur more than 1 day per week and not between the hours of 10:00 a.m. and 4:00 p.m., at a rate of no more than 3/4 inch application on such irrigation days. Irrigation of established landscape during ~~the months of March through November~~ Daylight Savings Time shall not occur more than 2 days per week and not between the hours of 10:00 a.m. and 4:00 p.m., at a rate of no more application than 3/4 1/2-inch of water on such irrigation days.

40B-2.301: Conditions for Issuance of Permits

(i) The use is otherwise a reasonable-beneficial use as defined in subsection 373.019(2), FS, with consideration given to the factors set forth in subsection 62-40.410(2), FAC.

(k) A permit applicant's proposed reasonable-beneficial use of an alternative water supply is presumed to be in the public interest.

(3j) The standards and criteria set forth in the Water Use Permitting Guide, hereby published by reference and incorporated into this chapter, must be used to provide the reasonable assurances required in this section. Additional information and explanation concerning Permit applicants that provide reasonable assurance that the conditions for issuance are contained applicable criteria in the Water Use Permitting Guide, which are met will be presumed to meet the conditions for issuance in (a) through (i) above.

~~(k) A permit applicant's proposed reasonable-beneficial use of an alternative water supply is presumed to be in the public interest.~~

~~The Water Use Permitting Guide is hereby published by reference and incorporated into this chapter. A current version of this document is available on the District's website and at its headquarters.~~

40B-2.321: Duration of Permits

~~(1) Unless revoked, modified, or specifically identified as a limiting condition pursuant to s. 40B-2.381(2)(d), the duration of permits shall be as provided in s. 373.236, Florida Statutes, the District Governing Board shall issue permits with 20-year durations when the applicant requests a 20-year duration as part of its permit application and provides reasonable assurance that the District's conditions for permit issuance will be met for 20 years. The Legislature has established four ~~two~~ exceptions to the 20-year maximum permit duration:~~

~~(a) The District Governing Board may issue permits with up to a 50-year duration to a municipality or other governmental body, or to a public works or public service corporation, when required to provide for the retirement of bonds for the construction of waterworks or waste disposal facilities, and~~

~~(b) The District Governing Board shall issue permits with at least a 20-year duration when the permit is approved for the development of alternative water supplies.~~

(c) The District may issue permits with up to a 50-year duration to a municipality, county, special district, regional water supply authority, multi-jurisdictional water supply entity, and public or private utilities except those created for or by a private landowner after April 1, 2008, which have an agreement with the landowner in order to more efficiently pursue an alternative public water supply development project identified in the District's regional water supply plan and meeting water demands of both the applicant and the landowner, provided reasonable assurances are provided that the conditions for issuance will be met for the duration of the permit. All such permits will require submittal of a

compliance report every five years to maintain reasonable assurance that the conditions for permit issuance applicable at the time of review of the compliance report are met. Following which the Governing Board may modify the permit as necessary to ensure that the use meets the conditions for issuance.

(d) The District shall issue permits with at least a 25-year duration when the permit is approved for a renewable energy generating facility or the cultivation of agricultural products on lands consisting of 1,000 acres or more for use in the production renewable energy, as defined in subsection 366.91(2)(d), FS. The duration shall be based on the facility's anticipated life provided reasonable assurances are provided that the conditions for issuance will be met for that time period. Otherwise, the permit will be issued for a shorter duration that reflects the longest period for which such reasonable assurances are provided.

(2) The Governing Board shall require five-year compliance reports for permits with 20-year or longer durations issued pursuant to paragraphs (1)(a), (b) or (d) above when necessary to maintain reasonable assurance that the initial conditions for permit issuance will continue to be met for the 20-year or longer duration.

40B-2.331(1)(d): Modification of Permits

(d) If the expiration date of the permit is not changed and the location of the withdrawal is not changed.

Either the Executive Director, the Assistant Executive Director, or the Deputy Executive Director shall approve qualifying proposed letter modifications under this subsection without a hearing, except that any request for modification recommended for denial shall be presented to the Governing Board for final agency action.

40B-2.341(2): Revocation of Permits

(2) The Governing Board may revoke a permit permanently and in whole for non-use of the water for a period of two years or more, unless the permittee can prove that the non-use was due to extreme hardship caused by factors beyond the permittee's control, unless the permit is for a renewable energy generating facility or the cultivation of agricultural products on lands consisting of 1,000 acres or more for use in the production renewable energy, as defined in subsection 366.91(2)(d), FS, in which case the Governing Board may only revoke the permit for non-use of the water for a period of four or more years.

Amendments to the Guide

1.3. Definitions

51. Public Interest – Broad-based interests and concerns that are collectively shared by members of a community, or residents of the District or the State. An interest or benefit accruing to society generally, rather than to any individuals or groups of individuals in the society.

3.1.1. Alternative Water Supply Feasibility Determination

(b) Water Resource Caution Areas: For projects located either wholly or in part within water resource caution areas, the applicant shall provide a feasibility assessment for alternative water supplies. ~~Determination of feasibility shall be made by the District.~~ The following criteria will be used to demonstrate feasibility:

(c) For Projects Not Located in a Water Resource Recovery Area or Water Resource Caution Area

The applicant shall provide a feasibility assessment for alternative water supplies. ~~Determination of feasibility shall be made by the District.~~ The following criteria will be used to demonstrate feasibility:

3.5.1. General Duration Provision

Pursuant to section 373.236, FS, when requested by an applicant, a water use permit shall have a duration of 20 years, provided the applicant demonstrates reasonable assurance that the proposed use meets the conditions for issuance as stated in 40B-2.301, FAC, for the requested duration. ~~Otherwise, permits may be issued for shorter durations that reflect the time periods for which such reasonable assurances can be provided.~~

The ~~District Governing Board~~ may issue permits with up to a 50-year duration to a municipality or other governmental body, or to a public works or public service corporation, when required to provide for the retirement of bonds for the construction of waterworks or waste disposal facilities.

The ~~District Governing Board~~ shall issue permits with at least a 20-year duration when the permit is approved for the development of alternative water supplies.

The District may issue permits with up to a 50-year duration to a municipality, county, special district, regional water supply authority, multi-jurisdictional water supply entity, and public or private utilities except those created for or by a private landowner after April 1, 2008, which have an agreement with the landowner in order to more efficiently pursue an alternative public water supply development project identified in the District's regional water supply plan and meeting water demands of both the applicant and the landowner.

The District shall issue permits with at least a 25-year duration when the permit is approved for a renewable energy generating facility or the cultivation of agricultural products on lands consisting of 1,000 acres or more for use in the production renewable energy, as defined in subsection 366.91(2)(d), FS. The duration shall be based on the facility's anticipated life. Otherwise, the permit will be issued for a shorter duration that reflects the longest period for which such reasonable assurances are provided.

Otherwise, permits may be issued for shorter durations that reflect the time periods for which such reasonable assurances can be provided.

/lgw



Application for
Water Use Permit
Agricultural Use

Suwannee River Water
Management District

9225 CR 49
Live Oak, FL 32060
TELEPHONE: 386.362.1001
FAX: 386.362.1056
www.mysuwanneeriver.com

Please Print or Type

Application #:

Application Type: <input type="checkbox"/> Original <input type="checkbox"/> Modification <input type="checkbox"/> Renewal	Related Permits: (i.e., other Water Use Permits, ERPs)
Name of Project: (i.e., John Smith Farm)	
Property Owner's Name:	Applicant's/Agent's Name/Leasee: (If different than owner)
Title and Company: (if applicable)	Title and Company:
Address:	Address:
City, State and Zip:	City, State and Zip:
Telephone/ Fax Numbers (including area code):	Telephone/ Fax Numbers (including area code):
Email Address:	Email Address:

Choose the option(s) that best describe your project:

- Livestock Aquaculture Nursery Crops/Fruits/Vegetables Forage/Pasture/Sod

Water Supply Source(s): Please complete the following items using the best information available at the time of application for each well or point of diversion.

Well # Diversion and Name	Well Status (existing, new, proposed)	Diameter (inches)	Capacity (gpm)	Water Well Permit#	Latitude	Longitude
EXAMPLE 1-back field	EXAMPLE Existing	EXAMPLE 10	EXAMPLE 1000	EXAMPLE 12345	EXAMPLE 28°42'56.12"	EXAMPLE 83°12'27.52"

Do you have additional water supply sources? Yes No If yes, please attach Section A.

Parcel Location Information

Township	Range	Section	County	Parcel Identification

Please be advised that you must provide proof of ownership for the property on which the water use(s) will occur.

Total applicant-owned acreage: _____ acres

Total proposed irrigated acreage: _____ acres

Quantity applied for in Average Daily Rate (in million gallons per day) _____

List all crops irrigated by above system(s). Please indicate maximum acreage for each crop irrigated by system(s) during a 365-day period, and please indicate if the crops are rotated.

Well #	Crop	Acres	Season (if rotated)	Type of Irrigation System *

***Types of Irrigation Systems:** Low-pressure/low-volume; high-pressure/high-volume; flood/seepage systems; soil flooding; freeze protection

Describe any livestock or other use (including livestock type, number, drinking, washing). For aquaculture, please provide total gallons used per year in the maintenance/filling of tanks.

Permit duration requested: _____

Applicants may request a water use permit for a duration up to 20 years, pursuant to section 373.236, Florida Statutes. However, in order to issue a 20-year permit, there must be sufficient data to provide reasonable assurance that the conditions for permit issuance will be met for the permit duration.

Applicant's Signature

Date

Owner's Signature

Date



Application for
Water Use Permit
Augmentation/Other Use

Please Print or Type

**Suwannee River Water
Management District**
9225 CR 49
Live Oak, FL 32060
TELEPHONE: 386.362.1001
FAX: 386.362.1056
www.mysuwanneeriver.com

Application #:

Application Type: <input type="checkbox"/> Original <input type="checkbox"/> Modification <input type="checkbox"/> Renewal	Related Permits: (i.e., other Water Use Permits, ERPs)
Name of Project:	
Property Owner's Name:	Applicant's/Agent's Name: (If different than owner)
Title and Company: (if applicable)	Title and Company:
Address:	Address:
City, State and Zip	City, State and Zip
Telephone/ Fax Numbers (including area code):	Telephone/ Fax Numbers (including area code):
Email Address:	Email Address:

Describe in general terms the proposed project, system, or activity.

Water Supply Source(s): Please complete the following items using the best information available at the time of application for each well or point of diversion.

Well # Diversion and Name	Well Status (existing, new, proposed)	Diameter (inches)	Capacity (gpm)	Water Well Permit#	Latitude EXAMPLE 28°42'56.12"	Longitude EXAMPLE 83°12'27.52"

Do you have additional water supply sources? Yes No If yes, please attach Section A.

Parcel Location Information

Township	Range	Section	County

Please be advised that you must provide proof of ownership for the property on which the project will occur.

Type of Use: (please check all that apply)

Augmentation Other (please describe) _____

Total applicant-owned area contiguous to the project: _____ acres

Total project area for which permit is sought: _____ acres

Quantity applied for in Average Daily Rate (in million gallons per day) _____

Please describe the schedule for draining, filling and augmenting ponds, pools, flumes, and aquatic habitats. Please describe method used to drain, fill and/or augment.

If you are applying for a use other than augmentation, please describe the activity and indicate the volume of water needed on a yearly basis. Please describe how it will be supplied and describe the beneficial use of the requested allocation.

Permit duration requested: _____

Applicant's Signature

Date

Owner's Signature

Date



Application for
Water Use Permit
Commercial Use

Suwannee River Water
Management District

9225 CR 49
Live Oak, FL 32060
TELEPHONE: 386.362.1001
FAX: 386.362.1056
www.mysuwanneeriver.com

Please Print or Type

Application #:

Application Type: <input type="checkbox"/> Original <input type="checkbox"/> Modification <input type="checkbox"/> Renewal	Related Permits: (i.e., other Water Use Permits, ERPs)
Name of Project:	
Property Owner's Name:	Applicant's/Agent's Name: (If different than owner)
Title and Company:	Title and Company:
Address:	Address:
City, State and Zip	City, State and Zip
Telephone/ Fax Numbers (including area code):	Telephone/ Fax Numbers (including area code):
Email Address:	Email Address:

Describe in general terms the proposed project, system, or activity.

Water Supply Source(s): Please complete the following items using the best information available at the time of application for each well or point of diversion.

Well # Diversion and Name	Well Status (existing, new, proposed)	Diameter (inches)	Capacity (gpm)	Water Well Permit#	Latitude EXAMPLE 28°42'56.12"	Longitude EXAMPLE 83°12'27.52"

Do you have additional water supply sources? Yes No If yes, please attach Section A.

Parcel Location Information

Township	Range	Section	County

Please be advised that you must provide proof of ownership for the property on which the project will occur.

Type of Use: (please check all that apply)

- Commercial
 Industrial
 Mining
 Power Plant
 Recreation
 Hydrostatic Testing
 Golf Course
 Landscape
 Bottled Water

Total applicant-owned area contiguous to the project: _____ acres

Total project area for which permit is sought: _____ acres

Quantity applied for in Average Daily Rate (in million gallons per day) _____

Please indicate the following to aid in determining the permitted allocation:

Well #	Number of Employees	Work hours (per week)	Season (if applicable)

Please describe the activity and indicate the volume of water needed on a yearly basis. Please describe how it will be supplied and describe the beneficial use of the requested allocation.

Permit duration requested: _____

Applicant's Signature

Date

Owner's Signature

Date



Application for
Water Use Permit
Potable Water Supply Use

Suwannee River Water
Management District

9225 CR 49
Live Oak, FL 32060
TELEPHONE: 386.362.1001
FAX: 386.362.1056
www.mysuwanneeriver.com

Please Print or Type

Application #:

Application Type: <input type="checkbox"/> Original <input type="checkbox"/> Modification <input type="checkbox"/> Renewal	Related Permits: (i.e., other Water Use Permits, ERPs)
Name of Project or Utility:	
Property Owner's Name: (if applicable)	Applicant's/Agent's Name: (If different than owner)
Title and Company:	Title and Company:
Address:	Address:
City, State and Zip	City, State and Zip
Telephone/ Fax Numbers (including area code):	Telephone and Fax Numbers (including area code):
Email Address:	Email Address:

Describe in general terms the proposed project, system, or activity.

Water Supply Source(s): Please complete the following items using the best information available at the time of application for each well or point of diversion.

Well # Diversion and Name	Well Status (existing, new, proposed)	Diameter (inches)	Capacity (gpm)	Water Well Permit#	Latitude EXAMPLE 28°42'56.12"	Longitude EXAMPLE 83°12'27.52"

Do you have additional water supply sources? Yes No If yes, please attach Section A.

Parcel Location Information

Township	Range	Section	County

Please be advised that you must provide proof of ownership for the property on which the project will occur.

Type of Use: (please check all that apply)

- Public Supply Private Utility Non-Community Water Supply

Quantity applied for in Average Daily Rate (in million gallons per day) _____

Please indicate the following to aid in determining the permitted allocation:

Well #	Population Number to be Served	Number of Service Connections	Type of Service Connections

Indicate below the per capita rate and describe the method used to determine, and describe the unaccounted water loss. Please attach a map of the service area boundary.

Permit duration requested: _____

Applicant's Signature

Date

Owner's Signature

Date



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WATER USE PERMIT STATUS FORM

Name: _____

Street Address: _____

City/State/Zip: _____

Phone Number: _____

WATER USE PERMIT #: _____

Please check one of the boxes below, sign and date, and return to the District

MINOR WATER USE PERMIT BY RULE: I understand that I meet the criteria in 40B-2.041,

Florida Administrative Code (as shown on the reverse side of this form) for a minor water use permit by rule. I also understand that if I make modifications to my current water use, I will need to notify the Suwannee River Water Management District and I may be required to apply for a water use permit.

VOID: I am requesting that the above Water Use Permit be voided since I am no longer

using the well(s) identified under this permit for the current permitted use. I also verify that the well(s) identified under this permit have been properly capped, abandoned, or are being used for residential use. I understand that if I change the use of the well(s), I will need to notify the Suwannee River Water Management District.

Signature of Owner

Date

Status of wells: Size: _____

Active

Capped

Abandoned

Residential Use

Florida Administrative Code 40B-2.041 Permits Required.

(1) A water use permit is required prior to the withdrawal or diversion of water for any water use except those expressly exempted by law or District rule.

(2) The District issues three types of water use permits: minor water use permit by rule, general water use permit, and individual water use permit.

Minor Water Use Permit by Rule

Form 40B-2.041A Water Use Permit Status Form is hereby incorporated by reference. This form is available at District headquarters and on the District's website.

(a) Except as provided in paragraphs 40B-2.041(2)(b), (c) and (d), a minor water use permit by rule is hereby granted for the following withdrawal classes of water uses as referenced in paragraphs 40B-2.501(3)(a) through (e), F.A.C.: agriculture, commercial, potable water supply, augmentation and other uses, provided they meet the criteria specified below:

1. The average daily use is less than 100,000 gallons per day and the maximum daily use is less than 250,000 gallons per day.

2. The water will be either withdrawn from a single well with a uniform casing diameter of four inches or less or from a single withdrawal point with a pipe diameter of four inches or less.

3. The water is not transported across water management district boundaries.

4. All uses shall employ standard water conservation practices for the use type, such as the District's water conservation requirements in the Water Use Permitting Guide.

5. In the event of a water shortage as declared by the Board, the permittee shall adhere to all limitations on withdrawal or use ordered by the District pursuant to chapter 40B-21, F.A.C.

6. The permittee shall allow District personnel access at reasonable times and at District expense, or with District equipment, to monitor withdrawal rates and volumes authorized by this permit.

(b) Except as provided in paragraphs 40B-2.041(2)(d) and (e), a minor permit by rule is hereby granted for landscape irrigation uses, provided they meet the criteria specified below:

1. The average daily use is less than 100,000 gallons per day and the maximum daily use is less than 250,000 gallons per day.

2. The source of water will be:

a. Withdrawn from a single groundwater well with a uniform casing diameter of four inches or less;

or

b. Withdrawn from a single withdrawal point with a pipe diameter of four inches or less from surface waters; or

c. Withdrawn from a water utility.

d. Irrigation of new landscape is allowed on Monday through Friday at any time of day for the initial 30 days following installation and on Monday, Wednesday, and Friday for the following 30 days for a total of one 60-day period, provided that the irrigation is limited to the minimum amount necessary for such landscape establishment.

e. Irrigation of established landscape during Eastern Standard Time shall not occur more than 1 day per week and not between the hours of 10:00 a.m. and 4:00 p.m., at a rate of no more than 3/4 inch application on such irrigation days. Irrigation of established landscape during Daylight Savings Time shall not occur more than 2 days per week and not between the hours of 10:00 a.m. and 4:00 p.m., at a rate of no more application than 3/4 inch of water on such irrigation days.

Any landscape irrigation uses that deviate from these criteria shall be required to obtain a permit in accordance with paragraphs 40B-2.041(2)(d) and (e), Florida Administrative Code.



Suwannee River Water
Management District
9225 CR 49
Live Oak, FL 32060
TELEPHONE: 386.362.1001
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www.mysuwanneeriver.com

WATER USE PERMIT TRANSFER FORM

SRWMD WATER USE PERMIT #: _____

Please transfer the above-referenced permit to the person listed below. I agree to comply with the terms and conditions of the permit. A copy of the warranty deed (or other evidence of ownership) is enclosed. I verify that the previously permitted use remains the same.

Please print the information below.

Project Name _____

Property Owner's Name _____

Title and Company _____

Address _____

City/State/Zip _____

Telephone/Fax Numbers _____

Email Address _____

Signature of New Owner

Date

MEMORANDUM

TO: Governing Board
FROM: Jon Dinges, Director, Resource Management *JMD*
THRU: David Still, Executive Director *DS*
DATE: July 30, 2009
RE: Authorization to Publish Notice of Rule Development for 40B-4.3020, Florida Administrative Code (F.A.C.)

RECOMMENDATION

Staff recommends the Governing Board authorize publication of Notice of Proposed Rule Development to amend rule 40B-4.3020, F.A.C., regarding Application for General District Floodway Development Permit.

BACKGROUND

Staff has determined a need to amend the Application for General District Floodway Development Permit, incorporated by reference in 40B-4.3020, F.A.C. The form was last updated on July 7, 2008, at which time the previous page two of the application was removed. Staff has determined that the previous page two needs to be re-included on the application, as it is necessary for the applicant to verify that the applicant understands certain requirements for projects in District Floodways.

/lgw

MEMORANDUM

TO: Governing Board
FROM: Jon Dinges, Director, Resource Management ^{JMD}
THRU: David Still, Executive Director ^{DS}
DATE: July 30, 2009
RE: Authorization to Amend the District's Statement of Agency Organization and Operation

RECOMMENDATION

Staff recommends the Governing Board authorize amendments to the District's Statement of Agency Organization and Operation concerning regulatory delegations of authority to the Executive Director.

BACKGROUND

During the 2009 session, the Legislature passed Senate Bill 2080 amending sections 373.079(4)(a) and 373.083(5), Florida Statutes, requiring the Governing Board to delegate authority to the Executive Director "...to take final action on permit applications under Part II or Part IV or petitions for variances or waivers...under Part II or Part IV, except for denials of such actions as provided in section 373.083(5), F.S." Other amendments within Senate Bill 2080 allow the Executive Director to delegate such authority to designated staff. These delegations are not subject to rulemaking requirements of Chapter 120, F.S.

On June 30, 2009, Governor Crist signed Senate Bill 2080 into law, and requested that permits under part II and Part IV be included "...on all board meeting agendas or other public meetings for discussion and transparency purposes." Based on this request, staff recommends amendments to the Statement of Agency Organization and Operation to maintain consistency with Senate Bill 2080.

The proposed draft Statement of Agency Organization and Operation follows this memorandum.

/lgw

STATEMENT OF AGENCY ORGANIZATION AND OPERATION

INTRODUCTION

The purpose of the Suwannee River Water Management District (District) is to manage the water and water-related resources within its boundaries. The District's mission is maintaining the balance between the water needs of current and future users as well as protecting and maintaining natural systems.

AGENCY HEAD

The Governing Board of the Suwannee River Water Management District is the agency head. As set forth in Section 373.073, F.S., the Board members are appointed by the Governor, must be confirmed by the Florida Senate, and serve staggered four-year terms. The Board meets on the second Tuesday of every month, unless otherwise announced. Its duties include directing a wide-range of programs, initiatives, and actions, to carry out the District's duties and responsibilities under Chapter 373, F.S., and several delegated portions of Chapter 403, F.S. These programs include, but are not limited to, nonstructural flood control, regulatory programs, water conservation, water resource and supply development, associated data collection and analysis efforts, land acquisition, and education. The Governing Board employs an Executive Director who is charged with overseeing the day-to-day activities of the District.

DISTRICT ORGANIZATION

The District functions through the following departments. Each of these departments carries out the District's duties and responsibilities under Chapter 373, F.S., and the delegated portions of Chapter 403, F.S.

- A. **EXECUTIVE OFFICE:** This office contains the Executive Director, Executive Office Coordinator, and Director of Governmental Affairs. The Executive Office is responsible for monitoring legislation related to District areas of concern and is responsible for the overall management of the District and implementation of District policy, rules, plans, studies, and programs. This office also offers support to all departments, information services to the public, and communication with local governments and other governmental agencies. The District's ombudsman program operates out of this Office. The District ombudsman is responsible for assisting the public in its dealings with the District.

- B. DEPARTMENT OF RESOURCE MANAGEMENT: This department processes environmental resource, water use, and well construction permit applications as well as permitting compliance issues. The Resource Management Department's duties include reviewing permit applications, monitoring permitted activities, enforcing District rules and permit conditions, and maintaining regulatory records for the District. It is also responsible for permit application processing, tracking permit conditions, providing regulatory support and issuing well construction permits, administering the licensing exam for well contractors and offering well contractor point-reduction workshops. The Quality Communities Project is housed in this department and is responsible for assisting communities with their stormwater, wastewater, and water supply needs. The Department provides technical and scientific expertise and training related to environmental, hydrogeologic, engineering, well construction, compliance matters and rulemaking. It also provides the official District interpretation of existing rules for any technical discrepancies.

REGULATORY DELEGATIONS

1. Environmental Resource Permitting:

(A) The Executive Director and other District staff designated by the Executive Director are delegated the authority to approve:

1. Applications for conceptual approval permits, individual permits, and general permits, pursuant to Chapters 40B-4 and 40B-400, Florida Administrative Code (F.A.C.);
2. Applications for formal wetland determinations;
3. Requests to use sovereign submerged lands for activities that also require a District permit under Part IV of Chapter 373;
4. Applications for modifications of permits referenced in B.1.(A)1. above; and
5. Petitions for variance or waiver of any permitting requirements adopted pursuant to Part IV of Chapter 373.

Any application, request or petition described above in B.1.(A)1.-4. shall be presented to the Governing Board for final action if the Executive Director, or other District staff designated by the Executive Director, recommend that it be denied. Any individual permit application not issued pursuant to the delegation in 40B-1.703, F.A.C., conceptual permit application, request or petition described in B.1.(A) above that District staff intends to issue shall be presented to the Governing Board as an informational item. If any matter described in B.1.(A)1.-4. is the subject of an administrative proceeding pursuant to sections 120.595 and 120.57, F.S., the matter shall be presented to

the Governing Board for final action if the proposed final order recommends that the application, request or petition be denied. Pursuant to section 373.083(5), F.S., no Governing Board member shall intervene in any manner during the review of an application prior to such application being referred to the Board for final action to deny.

2. Water Use Permitting

(A) The Executive Director and other District staff designated by the Executive Director are delegated the authority to approve:

1. Applications for conceptual, individual and general permits pursuant to Chapter 40B-2, F.A.C.;
2. Applications for modifications of permits referenced above in B.2.(A)1.;
3. Applications for temporary water use permits;
4. Petitions for variance or waiver of any permitting requirements adopted pursuant to Part II of Chapter 373;
5. Five-year compliance reports submitted pursuant to section 373.236, F.S.; and
6. Agency reports required by the Florida Electrical Power Plant Siting Act, the Florida Electric Transmission Line Siting Act, and the Natural Gas Transmission Pipeline Siting Act, regarding the District's non-procedural requirements under Part II and Part III of Chapter 373.

Any application, request or petition described above in B.2.(A)1.-6. shall be presented to the Governing Board for final action if the Executive Director, or other District staff designed by the Executive Director, recommends that it be denied. Any conceptual or individual permit application, request or petition described in B.2.(A) above that District staff intends to issue shall be presented to the Governing Board as an informational item. If any matter described in B.2.(A)1.-6. is the subject of an administrative proceeding pursuant to sections 120.595 and 120.57, F.S., the matter shall be presented to the Governing Board for final action if the proposed final order recommends that the application, request or petition be denied. Pursuant to section 373.083(5), F.S., no Governing Board member shall intervene in any manner during the review of an application prior to such application being referred to the Board for final action to deny.

- C. DEPARTMENT OF WATER RESOURCES: This department collects and stores water data, monitors surfacewater and groundwater quality and quantity, manages the Minimum Flows and Levels Project, and provides environmental planning and assessment through engineering hydrologic,

and hydraulic research and analyses and investigations for water quality improvement and restoration programs. This department provides financial and technical assistance as a member of the Suwannee River Partnership and The Ichetucknee Partnership.

- D. DEPARTMENT OF LAND ACQUISITION AND MANAGEMENT: This department is responsible for acquisition of real property interests to achieve non-structural flood control and water resource protection. Management focuses on the restoration, enhancement, and maintenance of hydrologic systems and natural communities. The department also provides compatible, resource-based recreation on lands to which the District holds fee title.
- E. DEPARTMENT OF ADMINISTRATION: The department is responsible for providing administrative support for the District in the area of finance and accounting, contract coordination, maintenance of the District's technical library, inventory center, records, and District-wide facilities and vehicles, supporting District staff with visual and audio services, administering the benefits program for District staff, assuring that human resource policy and procedures are in compliance with federal/state laws, coordinating Governing Board activities, recruiting new staff, training of staff, and telecommunications infrastructure, handling the District's insurance and risk management and safety needs, including loss prevention and loss control. It is also responsible for database management, mapping and geographic information systems (GIS), and computer services.

INFORMATION

A. PERMIT AND LICENSE APPLICATIONS

Permit applications and license applications may be obtained from the District's headquarters.

Suwannee River Water Management District
9225 County Road 49
Live Oak, Florida 32060
Telephone: 386.362.1001 or 800.226.1066 (Florida only)
Fax: 386.362.1056

B. PUBLIC INFORMATION AND INSPECTION OF RECORDS

1. All public records, as defined by Section 119.011(1), F.S., maintained by the District, and not otherwise exempt by law, may be copied or

inspected at reasonable times and under reasonable conditions. Any member of the public wishing to inspect and copy District public records may contact any District employee who may have custody of the records. Upon receipt of a public records request, the District employee receiving the request will contact the District Records Management Coordinator. The coordinator will determine the location and supervise the compilation of the records. Inspection and copying of District public records must be done at the office where the records are located. All records will be provided in the form of media in which they are maintained (e.g. paper form, computer files, video tapes, audio tapes) and duplication of the records will be in the same media.

2. Any person requesting to copy public records may bring their own means of duplication (e.g. computer disks and photocopier) to the District to duplicate the records. Otherwise, charges for duplication of District public records is prescribed by Forms 14a, Request for Services, and 14b, Request for Magnetic Media Services (copies of the forms may be obtained by writing or calling the District Headquarters). Fees may be paid in cash, money order, cashier's check or personal check. All fees must be paid in advance before the requested copies will be released to the requester.
3. As prescribed by Section 119.07(1)(b), when the nature or volume of records requires extensive clerical or supervisory assistance by District personnel, or extensive use of information technology resources, the District may charge, in addition to the actual cost of duplication, a reasonable charge based on the cost incurred by the District in providing the service.

AGENCY CLERK

The Agency Clerk for the District is the Executive Director, Suwannee River Water Management District, 9225 County Road 49, Live Oak, FL, 32060, 386.362.1001. The Agency Clerk's duties include, but are not limited to, the following:

1. Dating and filing all orders entered by the Board or the Executive Director;
2. Forwarding copies of all orders rendered after a proceeding affecting a substantial interest to the District's official reporter that is located at the Live Oak headquarters;

3. Acting as the "Clerk of the Lower Tribunal" for purposes of the Florida Rules of Appellate Procedure;
4. Receiving and filing the original of any pleading received by the District;
5. Transmitting all necessary files to the Division of Administrative Hearings (Division) upon transfer of a matter to the Division;
6. Appointing such deputy clerks as are necessary to perform any of the duties of the Agency Clerk; and
7. Performing other such duties as may be authorized by District Governing Board or District rules.

The Executive Director has appointed a number of Deputy Clerks to whom he has delegated many of the above duties. A copy of the delegation and list of deputy clerks may be obtained by writing or calling District Headquarters in Live Oak, Attention: Director of Resource Management.

ELECTRONIC FILING OF DOCUMENTS

Any document that is required to be filed with the District except for bids where the invitation to bid states otherwise, may be filed by hand delivery, U.S. mail, or by electronic transmission (facsimile) to the Agency Clerk, at 386.362.1056. Documents filed with the Agency Clerk by electronic transmission (facsimile) are subject to the following requirements pursuant to Section 28-101.001, Florida Administrative Code:

1. A party who files a document by electronic transmission must represent that the original physically signed document will be retained by that party for the duration of the proceeding and of any subsequent appeal or subsequent proceeding in that cause, and that the party will produce it upon the request of other parties.
2. A party who elects to file a document by electronic transmission is responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed with the clerk as a result.
3. The filing date for an electronically transmitted document is the date the Agency Clerk receives the complete document.

VARIANCES FROM OR WAIVER OF AGENCY RULES

Information concerning variance from or waivers of District rules may be obtained by contacting the Director of Resource Management at 386.362.1001.

MEMORANDUM

TO: Governing Board

FROM: Jerry Bowden, Water Resources Engineer *JB/rl*

THRU: David Still, Executive Director *DS*
Jon Dinges, Director, Resource Management *JMD*

DATE: July 30, 2009

RE: As-built Compliance Summary

As-Built Summary March 2003-June 2009

Permits Expired	1027
Projects Constructed	782
Projects in Compliance	685
Projects not in Compliance	101
Percentage of Projects in Compliance	86%
<u>For permits expired but not constructed:</u>	
Project Modifications	82
Project Extensions	38
Projects not Constructed	76
Projects in Compliance & Enforcement	7
Projects not Requiring As-Built Certification	35

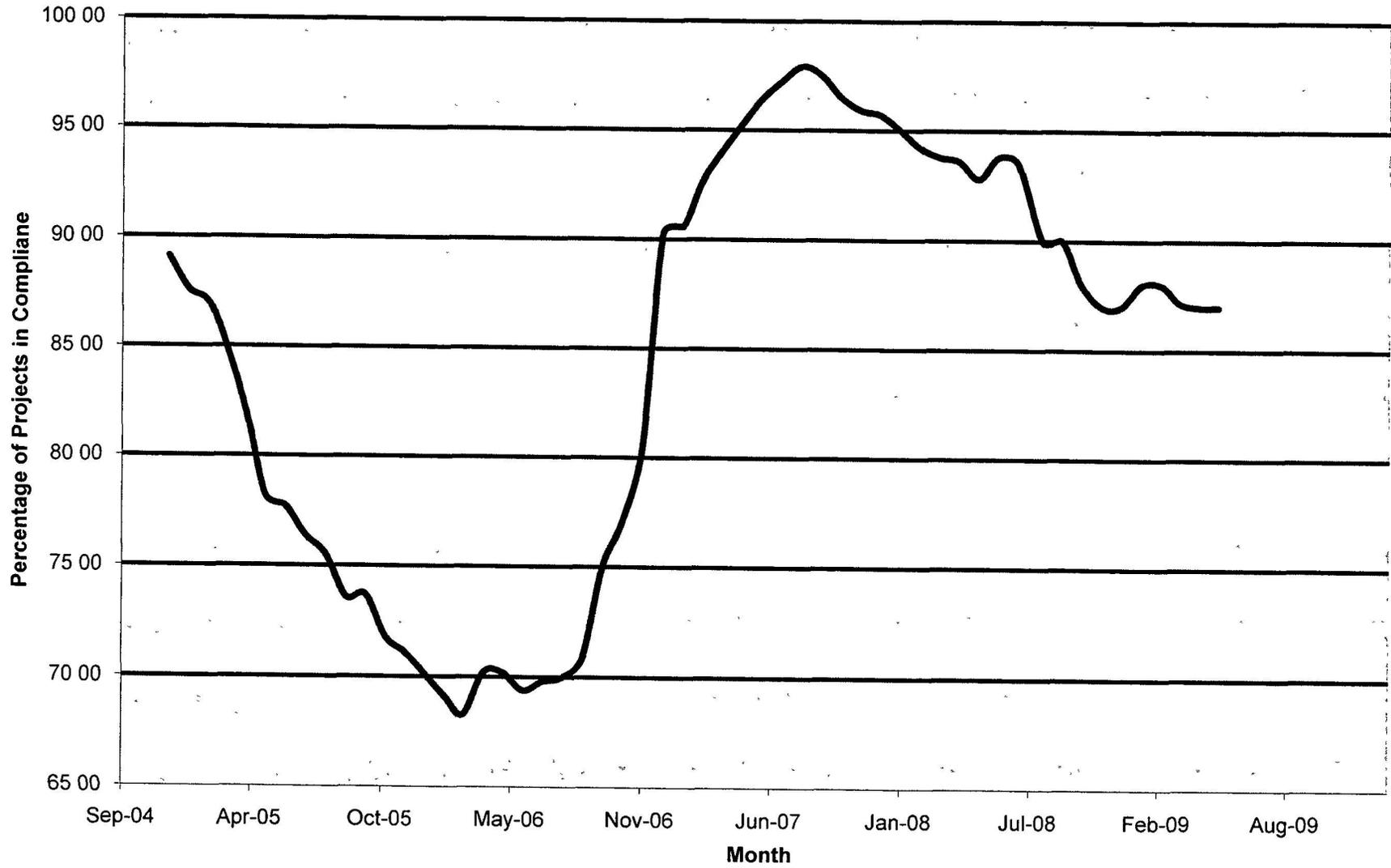
As-Built Summary June 1998-February 2003

Projects Constructed	660
Projects in Compliance	567
Percentage of Projects in Compliance	85%

Please see the attached report for a detailed list of as-builts from March 2003 to present. Section A is filled out by the applicant and states the project is complete, section B by the accepted operation and maintenance entity, section C (As-built certification) by a registered professional engineer, and section D (Transfer to Operation and Maintenance Entity) by District staff.

JB/rl

As-Built Compliance Trend



COUNTY	PROJECT NAME	PERMIT NO.	DATE EXPIRED	AS-BUILT STATUS	MISSING FORMS
ALACHUA	GREENS AT WESTEND, PHASE III	ERP00-0070M	8/29/2005	INCOMPLETE	ABC
	ALACHUA GATEWAY CENTER	ERP01-0042	6/8/2003	INCOMPLETE	ABC
	ALACHUA GATEWAY CENTER/HERITAGE OAKS	ERP01-0042M2	1/27/2009	INCOMPLETE	ABC
	COUNTRY WAY SUBDIVISION MODIFICATION #3	ERP01-0043M3	2/22/2008	INCOMPLETE	C
	UTOPIA/DALTON PINES/WELCH/WYNDSONG SUBDIVISIONS MOD	ERP01-0283M	1/13/2009	INCOMPLETE	ABC
	SUN STATE FEDERAL CREDIT UNION	ERP01-0470	10/11/2003	INCOMPLETE	ABC
	SHOWTIME MOTORSPORTS PARK	ERP02-0045	2/20/2004	INCOMPLETE	C
	BRIGHTON BEACH CAR WASH MODIFICATION	ERP02-0243M	1/30/2005	INCOMPLETE	ABC
	BUDD MEDIA & EMERGENCY OPERATIONS CENTER	ERP06-0266	6/28/2009	INCOMPLETE	ABC
	OAK LEAVES AT HIGH SPRINGS	ERP06-0227	6/20/2009	INCOMPLETE	ABC
	NEWBERRY ELEMENTARY SCHOOL ADDITION	ERP02-0555	2/23/2005	INCOMPLETE	ABC
	PINERIDGE PLACE	ERP03-0026	2/3/2006	INCOMPLETE	ABC
	PINE ISLES VILLAS	ERP03-0026M	3/21/2009	INCOMPLETE	AC
	SANDY PINES ESTATES	ERP03-0033	8/12/2008	INCOMPLETE	ABC
	SPANISH GATES UNIT 2 & 3 MODIFICATION	ERP03-0049M	2/10/2009	INCOMPLETE	ABC
	SAINT FRANCIS HIGH SCHOOL MODIFICATION	ERP03-0083M	9/18/2005	INCOMPLETE	ABC
	ST FRANCIS HIGH SCHOOL MODIFICATION #2	ERP03-0083M2	2/14/2009	INCOMPLETE	ABC
	COX LUMBER COMPANY	ERP03-0233	7/9/2005	INCOMPLETE	ABC
	OLD OAK ESTATES SUBDIVISION	ERP04-0378	3/2/2008	INCOMPLETE	C
	CHAMBERS INDUSTRIAL SUBDIVISION	ERP04-0495	3/10/2008	INCOMPLETE	ABC
	FLETCHER PARK SUBDIVISION	ERP04-0535	1/24/2008	INCOMPLETE	ABC
	MAUPIN HOUSE PUBLISHERS	ERP05-0229	5/25/2008	INCOMPLETE	ABC
	BARTLEY LANE SUBDIVISION	ERP05-0243	10/27/2008	INCOMPLETE	ABC
	ASHTON RIDGE SUBDIVISION	ERP05-0383	1/25/2009	INCOMPLETE	ABC
	441 MINI WAREHOUSES	ERP05-0384	11/18/2008	INCOMPLETE	ABC
	JONESVILLE PARK SOCCER FACILITY	ERP05-0461	10/31/2008	INCOMPLETE	ABC
	LTD MOTORS PARKING LOT	ERP05-0476	10/20/2008	INCOMPLETE	ABC
	FARNSWORTH PUD OFFICE BUILDING	ERP05-0522	12/7/2008	INCOMPLETE	ABC
	MORTON BUILDINGS	ERP05-0532	2/9/2009	INCOMPLETE	C
	ATM ALACHUA OFFICE PARK	ERP05-0542	11/17/2008	INCOMPLETE	ABC
	WESTON OAKS SUBDIVISION	ERP05-0559	4/5/2009	INCOMPLETE	ABC
	ACE HARDWARE OF HIGH SPRINGS	ERP05-0565	1/9/2009	INCOMPLETE	ABC
	WALDO 301 TRAVEL CENTER	ERP05-0578	1/25/2009	INCOMPLETE	ABC
	SCHERER CONSTRUCTION SPEC BUILDING	ERP06-0008	2/23/2009	INCOMPLETE	ABC
	MEL'S TACK ROOM AT MARLBORO FARMS	ERP06-0061	3/22/2009	INCOMPLETE	ABC
	SAVANNAH STATION PHASE I	ERP06-0064	3/20/2009	INCOMPLETE	ABC
	OAK RIDGE SUBDIVISION	ERP06-0094	3/13/2009	INCOMPLETE	ABC
	CPC INDUSTRIAL PARK	ERP06-0102	3/10/2009	INCOMPLETE	ABC
	HIGH SPRINGS ANTIQUE STORE MODIFICATION	ERP94-0152M	11/18/2007	INCOMPLETE	ABC
	TOWN OF TIOGA-PHASES 8 & 9	ERP95-0126M5	3/9/2009	INCOMPLETE	ABC
	THE TRAILS-UNITS 3 & 4	ERP96-0298M2	3/9/2004	INCOMPLETE	ABC
	FAMILY CHURCH MODIFICATION	ERP96-0303M	1/31/2004	INCOMPLETE	ABC
	ST ALBANS WOOD/MACDOUGALL CONDO MOD	ERP99-0424M	5/31/2008	INCOMPLETE	ABC
	NEWBERRY GARDENS	ERP99-0525	1/11/2005	INCOMPLETE	ABC
BRADFORD	MADISON STREET BAPTIST CHURCH MULTI-PURPOSE BUILDING	ERP86-0057M4	10/19/2008	INCOMPLETE	C
	STARKE SONIC DRIVE-IN	ERP04-0364	10/4/2007	INCOMPLETE	ABC
COUNTY	PROJECT NAME	PERMIT NO.	DATE EXPIRED	AS-BUILT STATUS	MISSING FORMS
COLUMBIA	ISLAMIC CENTER OF LAKE CITY	ERP06-0002	4/25/2009	INCOMPLETE	ABC
	LAKE CITY MUNICIPAL AIRPORT CONTROL TOWER	ERP00-0290	5/8/2005	INCOMPLETE	ABC

COUNTY	PROJECT NAME	PERMIT NO.	DATE EXPIRED	AS-BUILT STATUS	MISSING FORMS
COLUMBIA	RED BUD ENTERPRISES SHOP & OFFICE	ERP01-0003	7/23/2004	INCOMPLETE	ABC
	WINDSWEPT INDUSTRIAL S/D, PHASE I	ERP01-0407	12/26/2003	INCOMPLETE	C
	PETE RICHARDSON PROJECT MODIFICATION	ERP02-0011M	8/10/2008	INCOMPLETE	AC
	HAIGHT-ASHBURY SUBDIVISION	ERP02-0021	3/16/2006	INCOMPLETE	ABC
	RECORD STORAGE OF LAKE CITY MODIFICATION	ERP02-0091M	8/17/2008	INCOMPLETE	ABC
	MAGNOLIA PLACE	ERP02-0109	10/24/2004	INCOMPLETE	ABC
	COBBLESTONE SUBDIVISION	ERP02-0437	10/14/2008	INCOMPLETE	ABC
	C.R 231 FROM S R 100 TO BAKER COUNTY LINE	ERP02-0497	3/11/2008	INCOMPLETE	ABC
	U S. 90 WEST CAR WASH	ERP02-0510	2/19/2005	INCOMPLETE	ABC
	S.R. 47 FROM I-75 TO S R 25	ERP03-0103	3/9/2009	INCOMPLETE	ABC
	GERALD RIGGLE DEVELOPMENT	ERP03-0144M	6/29/2008	INCOMPLETE	ABC
	ELLISVILLE SUBDIVISION/MAGNOLIA PLACE	ERP03-0197	10/14/2008	INCOMPLETE	BC
	HUNNINGTON PLACE SUBDIVISION-PHASE 1	ERP03-0390	9/26/2008	INCOMPLETE	ABC
	CARDINAL FARMS SUBDIVISION	ERP03-0484	3/9/2009	INCOMPLETE	ABC
	BROOK LOOP DRAINAGE	ERP04-0024	2/2/2006	INCOMPLETE	C
	COUNTRY SIDE ESTATES	ERP04-0117	4/23/2006	INCOMPLETE	ABC
	M&M FITNESS	ERP04-0161	8/25/2007	INCOMPLETE	ABC
	DEER HAMMOCK SUBDIVISION	ERP05-0025	2/29/2008	INCOMPLETE	ABC
	BULLARD COMMERCIAL BUILDING	ERP05-0159	1/25/2009	INCOMPLETE	ABC
	HIDDEN LAKE	ERP05-0319	4/19/2009	INCOMPLETE	ABC
	BRANFORD CROSSING	ERP05-0400	11/4/2008	INCOMPLETE	ABC
	HUNTER CREEK SUBDIVISION	ERP05-0401	4/13/2009	INCOMPLETE	ABC
	CHEEK & SCOTT DRUGS-LAKE CITY	ERP05-0439	3/14/2009	INCOMPLETE	ABC
	SUNSET MEADOWS SUBDIVISION	ERP05-0520	4/12/2009	INCOMPLETE	ABC
	ELLISVILLE MINI STORAGE	ERP07-0238	6/25/2009	INCOMPLETE	ABC
	MILLER BEARING PROJECT	ERP06-0109	6/22/2009	INCOMPLETE	ABC
	HAVEN HOSPICE OF THE SUWANNEE VALLEY	ERP05-0528	1/3/2009	INCOMPLETE	ABC
	ROYAL OAKS SUBDIVISION	ERP05-0572	3/2/2009	INCOMPLETE	ABC
	LAKE CITY AIR AND REFRIGERATION	ERP06-0023	3/10/2009	INCOMPLETE	C
	WINGATE ESTATES	ERP06-0050	2/15/2009	INCOMPLETE	ABC
	HOME TOWN TITLE	ERP86-0003M	3/3/2008	INCOMPLETE	ABC
	WESTFIELD SQUARE ADDITION	ERP86-0062M	3/15/2009	INCOMPLETE	ABC
	MORRELL'S INC MODIFICATION	ERP89-0162M2	10/24/2008	INCOMPLETE	C
	FIVE POINTS ELEMENTARY MODIFICATION	ERP91-0120M	9/11/2003	INCOMPLETE	ABC
	L & L COMMERCIAL CENTER MODIFICATION	ERP92-0122M	8/18/2008	INCOMPLETE	ABC
	EMERALD LAKES SUBDIVISION, UNIT 6	ERP93-0177M2	4/8/2008	INCOMPLETE	C
	EPIPHANY CHURCH MULTIPURPOSE COURT	ERP94-0204M3	10/4/2008	INCOMPLETE	ABC
	MINI STORAGE OF LAKE CITY MODIFICATION	ERP96-0357M	3/7/2008	INCOMPLETE	ABC
	GENESIS MODEL HOME CENTER	ERP97-0044M	12/11/2003	INCOMPLETE	AC
	FLORIDA GATEWAY CENTER SOUTH-LOTS 7 & 8 (HAMPTON INN)	ERP97-0044M3	3/21/2008	INCOMPLETE	ABC
	DEER CREEK/LAUREL LAKE SUBDIVISION UNITS 2 & 3	ERP97-0308M2	11/17/2007	INCOMPLETE	ABC
	ACTION SIGNS & GRAPHICS	ERP98-0021M	3/3/2009	INCOMPLETE	C
	NEXTRAN TRUCK CENTER	ERP98-0083M2	3/30/2003	INCOMPLETE	C
	NEXTRAN SHED ADDITION	ERP98-0083M3	9/30/2004	INCOMPLETE	ABC
COUNTY	PROJECT NAME	PERMIT NO.	DATE EXPIRED	AS-BUILT STATUS	MISSING FORMS
DIXIE	SUWANNEE PLACE RESORT, INC.	ERP05-0540	1/30/2009	INCOMPLETE	ABC
	HUDSON FOOD STORE MODIFICATION 3	ERP92-0138M3	11/14/2004	INCOMPLETE	ABC
	STEINHATCHEE STORAGE-PHASE 1 MODIFICATION	ERP99-0590M	8/15/2008	INCOMPLETE	ABC
	ROYAL COAST CONDOMINIUMS	ERP05-0538	11/28/2008	INCOMPLETE	ABC

COUNTY	PROJECT NAME	PERMIT NO.	DATE EXPIRED	AS-BUILT STATUS	MISSING FORMS
GILCHRIST	HIDDEN OAKS SUBDIVISION-FIRST ADDITION	ERP06-0041	3/1/2009	INCOMPLETE	ABC
	TROFFER ADDITION	ERP02-0227M	7/2/2004	INCOMPLETE	C
	STARETT BUILDING MODIFICATION	ERP03-0464M	4/6/2007	INCOMPLETE	C
	QUAIL RUN SUBDIVISION (10/15/21)	ERP04-0257	10/28/2007	INCOMPLETE	ABC
	WACASASSA PLANTATION	ERP05-0188M	11/9/2008	INCOMPLETE	ABC
	FORT FANNING HISTORICAL PARK IMPROVEMENTS	ERP05-0447	10/26/2008	INCOMPLETE	ABC
	FORT FANNING HISTORICAL PARK TRAILHEAD-PHASE 2	ERP05-0447M	12/15/2008	INCOMPLETE	C
	FOOTHILL FARMS-PHASES I AND II	ERP99-0190	6/8/2004	INCOMPLETE	ABC
HAMILTON	ADAMS PEANUT DRYING PLANT MODIFICATION	ERP04-0323M	10/29/2008	INCOMPLETE	ABC
	OAK RIDGE ESTATES-HAMILTON COUNTY	ERP00-0377	6/4/2004	INCOMPLETE	C
	PCS INDUSTRIAL PARK-HAMILTON COUNTY	ERP00-0440	4/23/2003	INCOMPLETE	C
	ALTON CHURCH OF GOD MODIFICATION	ERP01-0383M	11/27/2004	INCOMPLETE	ABC
	JOSEPH HART PROJECT	ERP03-0093	3/18/2005	INCOMPLETE	ABC
	THUMPER'S RIVER RUN	ERP03-0277	7/21/2005	INCOMPLETE	ABC
	HAMILTON 48 SUBDIVISION	ERP05-0287	7/7/2008	INCOMPLETE	ABC
	TIMBERLAND OAKS SUBDIVISION	ERP05-0288	7/7/2008	INCOMPLETE	ABC
	THE STORAGE PLACE-MAYO	ERP05-0412	9/2/2008	INCOMPLETE	BC
LAFAYETTE	AIRLINE BAPTIST CHURCH	ERP06-0119	4/5/2009	INCOMPLETE	ABC
LEVY	MEADOW WOOD SUBDIVISION	ERP05-0593	3/17/2009	INCOMPLETE	ABC
	LEVY COUNTY JAIL MODIFICATION	ERP86-0202M2	8/29/2004	INCOMPLETE	ABC
	WHITE CONSTRUCTION	ERP01-0367	9/11/2006	INCOMPLETE	C
	NELSON OFFICE BUILDING MODIFICATION	ERP04-0407M	10/21/2007	INCOMPLETE	ABC
	E & D FARMS SUBDIVISION	ERP04-0529	3/2/2008	INCOMPLETE	ABC
	ARROWHEAD MEADOWS SUBDIVISION	ERP05-0101	3/3/2008	INCOMPLETE	ABC
	DOLLAR GENERAL-CEDAR KEY	ERP05-0094	3/28/2008	INCOMPLETE	ABC
	WALGREEN'S PHARMACY-CHIEFLAND	ERP95-0109M	5/2/2008	INCOMPLETE	ABC
	SOUTHERN RANCH ESTATES	ERP05-0301	7/5/2008	INCOMPLETE	C
	CEDAR KEY PLANTATION MODIFICATION	ERP97-0217M	9/9/2008	INCOMPLETE	ABC
	BEASLEY ACRES	ERP05-0500	11/23/2008	INCOMPLETE	C
	WELLINGTON SUBDIVISION	ERP05-0460	1/10/2009	INCOMPLETE	ABC
	CHIEFLAND MIDDLE SCHOOL GYM	ERP06-0039	2/10/2009	INCOMPLETE	ABC
	ROSEWOOD PARK MODIFICATION	ERP97-0113M	2/23/2009	INCOMPLETE	ABC
MADISON	ARBOURS AT MADISON	ERP06-0112	4/3/2009	INCOMPLETE	ABC
	NFCC SCIENCE BUILDING	ERP89-0190M2	2/10/2009	INCOMPLETE	ABC
	MADISON LIMEROCK STABILIZATION PROJECT	ERP04-0059	3/29/2006	INCOMPLETE	ABC
COUNTY	PROJECT NAME	PERMIT NO.	DATE EXPIRED	AS-BUILT STATUS	MISSING FORMS
SUWANNEE	TIMBERWOOD ESTATES	ERP06-0060	4/25/2009	INCOMPLETE	ABC
	K-MART/WALGREENS	ERP92-0182M	10/5/2008	INCOMPLETE	ABC
	SPIRIT OF THE SUWANNEE MODULAR BUILDING	ERP94-0123M5	1/27/2009	INCOMPLETE	ABC
	SUWANNEE RIVER WILDERNESS TRAIL-WOODS FERRY	ERP04-0099	4/13/2009	INCOMPLETE	ABC
	TAYLORVILLE RESIDENTIAL SUBDIVISION	ERP05-0395	9/14/2008	INCOMPLETE	C
	DDJ DEVELOPMENT WEST	ERP00-0353M	7/3/2004	INCOMPLETE	ABC
	PARKER PAVILION	ERP01-0369	8/1/2003	INCOMPLETE	ABC
	POUCHER TRACT WETLANDS	ERP01-0439M	4/9/2004	INCOMPLETE	ABC
	SPEARS RIVER LOT RESTORATION	ERP02-0279	6/17/2004	INCOMPLETE	ABC
	SUWANNEE BELL ESTATE LOT 98	ERP02-0325	7/25/2004	INCOMPLETE	ABC
	BEACHVILLE MALL	ERP03-0461	12/4/2006	INCOMPLETE	ABC
	OBRIEN ESTATES	ERP05-0275	8/24/2008	INCOMPLETE	ABC
	EAGLE'S POINTE SUBDIVISION	ERP05-0313	8/9/2008	INCOMPLETE	ABC

COUNTY	PROJECT NAME	PERMIT NO.	DATE EXPIRED	AS-BUILT STATUS	MISSING FORMS
SUWANNEE	WADE'S BAILED PINE STRAW	ERP07-0406	7/23/2008	INCOMPLETE	ABC
	BULLDOG STORAGE MODIFICATION	ERP87-0316M	3/19/2006	INCOMPLETE	ABC
	SUWANNEE COUNTY AIRPORT MODIFICATION	ERP90-0035M2	10/17/2003	INCOMPLETE	ABC
	CAMP WEED YOUTH CABIN	ERP90-0072M3	5/23/2004	INCOMPLETE	ABC
	GOLD KIST/TRAY PLANT EXPANSION	ERP91-0008M3	3/29/2008	INCOMPLETE	ABC
	GOLD KIST/TRAY PLANT EXPANSION-PHASE 2	ERP91-0008M4	8/23/2008	INCOMPLETE	ABC
TAYLOR	TRADEWINDS SUBDIVISION	ERP05-0562	2/27/2009	INCOMPLETE	ABC
	KEATON BEACH LANDINGS MODIFICATION	ERP03-0502M	3/9/2009	INCOMPLETE	C
	WALGREEN'S-PERRY	ERP05-0494	3/30/2009	INCOMPLETE	ABC
	STEINHATCHEE HIGH POINT SUBDIVISION	ERP06-0053	3/9/2009	INCOMPLETE	C
	SEVEN OAKS SUBDIVISION	ERP06-0085	3/13/2009	INCOMPLETE	ABC
	KEATON BEACH LANDINGS	ERP03-0502	2/12/2006	INCOMPLETE	C
	SUMMER POINTE SUBDIVISION	ERP04-0128	6/28/2006	INCOMPLETE	C
	GULF COAST ESTATES	ERP04-0153	10/27/2007	INCOMPLETE	ABC
	PREMIER MEDICAL CLINIC ADDITIONS	ERP04-0190	5/7/2006	INCOMPLETE	ABC
	BUCCANEER TRACE SUBDIVISION	ERP04-0311	6/17/2008	INCOMPLETE	C
	ECONFINA RESORT INCORPORATED MODIFICATION	ERP04-0494M	5/5/2008	INCOMPLETE	C
	STEINHATCHEE GYM	ERP04-0526	11/3/2007	INCOMPLETE	ABC
	MARK SCHUMAKER FILL PROJECT	ERP05-0008	3/1/2008	INCOMPLETE	ABC
	CARROLL WETLAND PROJECT	ERP05-0145M	10/21/2008	INCOMPLETE	ABC
	BIRD SONG SUBDIVISION-FIRST ADDITION	ERP05-0173M	5/19/2008	INCOMPLETE	ABC
UNION	C. R. 241 BRIDGE REPLACEMENT OVER SWIFT CREEK	ERP05-0409	2/28/2009	INCOMPLETE	ABC
	SMUGGLER'S TOWNHOMES	ERP05-0502	11/4/2008	INCOMPLETE	ABC
	GULF BREEZE CONDOMINIUMS	ERP05-0616	2/23/2009	INCOMPLETE	ABC
	MARTIN MARIETTA MOD	ERP99-0481M	7/10/2006	INCOMPLETE	ABC
	PRITCHETT TRUCKING OFFICE AND PARKING ADDITION	ERP93-0180M	12/12/2008	INCOMPLETE	ABC
	BUTLER TOWNHOMES,LLC	ERP05-0389	10/17/2008	INCOMPLETE	ABC
	OAK RIDGE ESTATES	ERP05-0302	10/12/2008	INCOMPLETE	ABC
	CHASTAIN-SEAY PARK MODIFICATION	ERP00-0409M	1/9/2006	INCOMPLETE	ABC
	HOWARD BROTHERS FARM	ERP01-0623	12/18/2004	INCOMPLETE	ABC

MEMORANDUM

TO: Governing Board

FROM: Jon Dinges, ^{JMD} Director, Resource Management

THRU: David Still, Executive Director. ^{DS}

DATE: July 29, 2009

RE: Activity Report, Quality Communities, Informational Item

Edwards Bottomland Wetlands Restoration Project, Bradford County: The Fish and Wildlife Conservation Commission (FWC) has authorized funding for the project for the next funding cycle. The engineering firm, BCI, has provided a proposal for survey and engineering services for the project which is being reviewed by staff. The District has received the \$25,000 payment from the City of Starke for their contribution to the project. FWC has contracted directly with BCI to get the survey done. The survey was completed. The District is waiting for a draft agreement from FWC.

Cedar Key Reuse: The reclaimed water re-pump station start-up for Third and A Streets occurred on July 27th and is now on-line.

Columbia County Stormwater: The County is in the planning stages with several projects. There will be no construction of projects in fiscal year 2008/2009, because the County and the District mutually agreed to suspend construction due to budget constraints.

FEMA Map Modernization: The District has received acknowledgement that RiskMAP funds from FEMA have been allocated. The District will release a Request for Qualifications (RFQ) before the end of July to qualify firms which will assist the District with RiskMAP tasks. Preliminary maps for Bradford and Levy County are expected in September.

Jasper Stormwater: The permit has been issued by staff. District staff has told the City of Jasper that they will be responsible for obtaining all necessary drainage and construction easements for this project. The easements would appear to be the delay in getting this project into the construction phase. The Governing Board has authorized the Executive Director to amend the contract with Bailey Bishop & Lane for construction phase services. The contract has been executed. Staff and the City have also requested funds from the Florida Department of Transportation for two other priority projects within the FDOT right-of-way. Responses from FDOT were favorable about being able to fund

these two other priority projects, but funding may not be available for several years.

Lake City Reuse Project: The filter influent line, filter backwash line, and recirculation line are being put into place and pressure checked.

Live Oak Stormwater: The City is constructing the Sherwood Forest project, which was the top-ranked priority project under the stormwater utility program. Engineering design has commenced on a new alternative to handle the flooding associated with US 90 and Houston Street. This project was originally going to drain north to an existing FDOT detention pond, but due to historical resource issues the new design will pipe the stormwater south to existing ponds owned by the City and County. Survey and design is moving forward with this new alternative. The District is in the process of reviewing the permit application for this project.

Monticello Reuse Project: The City is coordinating with FDEP to obtain a NPDES permit for the existing nursery ponds for use as reclaimed water storage.

Thank you for your attention to this summary of current activities associated with Quality Communities projects. Please feel free to contact staff prior to the August 11, 2009, Governing Board meeting if you would like further information.

MEMORANDUM

TO: Governing Board

FROM: Robin Lamm, Business Resource Specialist II *RL*

THRU: Jon Dinges, Director, Resource Management *JMD*
David Still, Executive Director *DS*

DATE: July 30, 2009

RE: Individual Environmental Resource Permits Issued by Staff

The following Individual Environmental Resource Permit was issued by staff, pursuant to 40B-1.703(2)(c), Florida Administrative Code.

ERP Number	Project Name	County
ERP09-0132	Interstate Sand Pit (I-75)	Columbia

Enclosed is a copy of the staff report and permit.

/rl

STAFF REPORT

**INDIVIDUAL ENVIRONMENTAL RESOURCE PERMIT APPLICATION ISSUED
BY STAFF**

DATE: July 10, 2009

PROJECT: Interstate Sand Pit

APPLICANT

**Brian Schreiber
Anderson Columbia Co., Inc.
2 Guerdon Road
Lake City, Florida 32055**

**PERMIT APPLICATION NO.: ERP09-0132
DATE OF APPLICATION: 06/02/09
APPLICATION COMPLETE: 06/30/09
DEFAULT DATE: 09/28/09**

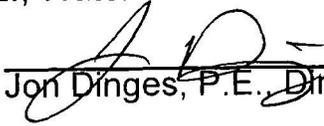
Agency Action

Staff issued an individual permit for the project with thirty-one standard conditions. The ERP is attached to this staff report.

SRWMD Project Review Staff

John Hastings, P.E., Water Resources Engineer reviewed the project application.

Approved By:


Jon Dinges, P.E., Director, Resource Management

Project Location

The project is located adjacent to Interstate 75 West of Lake Jeffery Road, North of Lake City in Township 3 South, Range 16 East, Section 16, in Columbia County.

Project Description

Excavation of a 14.92 acre sand pit.

Interagency Coordination

Columbia County, the Florida Fish and Wildlife Conservation Commission, the Florida Department of State-Division of Historical Resources, and the United States Army Corps of Engineers are aware of the proposed project.

Who is the authorized Operation and Maintenance Entity?

Anderson Columbia Company, Inc. is the authorized operation and maintenance entity.



**SUWANNEE
RIVER
WATER
MANAGEMENT
DISTRICT**

9225 CR 49
LIVE OAK, FLORIDA 32060
TELEPHONE (386) 362-1001
TELEPHONE 800-226-1066
FAX (386) 362-1056

INDIVIDUAL PERMIT

PERMITTEE:

ANDERSON COLUMBIA COMPANY, INC.
2 GUERDON ROAD
LAKE CITY, FL 32055

PERMIT NUMBER: ERP09-0132

DATE ISSUED: 07/10/2009

DATE EXPIRES: 07/10/2014

COUNTY: COLUMBIA

TRS: S16/T3S/R16E

PROJECT: INTERSTATE SAND PIT (I-75 COLUMBIA COUNTY)

Approved entity to whom operation and maintenance may be transferred pursuant to rule 40B-4.1130, Florida Administrative Code (F.A.C.):

BRIAN SCHREIBER
ANDERSON COLUMBIA COMPANY, INC.
2 GUERDON ROAD
LAKE CITY, FL 32055

Based on information provided, the Suwannee River Water Management District's (District) rules have been adhered to and an environmental resource individual permit is in effect for the permitted activity description below:

Excavation of a 14.92 acre sand pit in a manner consistent with the application package submitted by Statewide Engineering, Inc. certified on June 29, 2009.

It is your responsibility to ensure that adverse off-site impacts do not occur either during or after construction. Any additional construction or alterations not authorized by this permit may result in flood control or water quality problems both on and off site and will be a violation of District rule.

You or any other substantially affected persons are entitled to request an administrative hearing or mediation. Please refer to enclosed notice of rights.

This permit is issued under the provisions of chapter 373, F.S., chapter 40B-4, and chapter 40B-400, F.A.C. A general permit authorizes the construction, operation, maintenance, alteration, abandonment, or removal of certain minor surface water management systems. This permit

authorizes the permittee to perform the work necessary to construct, operate, and maintain the surface water management system shown on the application and other documents included in the application. This is to notify you of District's agency action concerning Notice Of Intent. This action is taken pursuant to rule 40B-4 and 40B-400, F.A.C.

Standard Conditions for All Individual Permits:

1. The permittee shall perform all construction authorized in a manner so as to minimize adverse impacts to fish, wildlife, natural environmental values, and water quality. The permittee shall institute necessary measures during construction including riprap, reinforcement, or compaction of any fill materials placed around newly installed structures, to minimize erosion, turbidity, nutrient loading, and sedimentation in the receiving waters.
2. Water quality data representative of the water discharged from the permitted system, including, but not limited to, the parameters in chapter 62-302, F.A.C., shall be submitted to the District as required. If water quality data are required, the permittee shall provide data as required on the volume and rate of discharge including the total volume discharged during the sampling period. All water quality data shall be in accordance with and reference the specific method of analysis in "Standard Methods for the Examination of Water and Wastewater" by the American Public Health Association or "Methods for Chemical Analysis of Water and Wastes" by the U.S. Environmental Protection Agency.
3. The operational and maintenance phase of an environmental resource permit will not become effective until the owner or his authorized agent certifies that all facilities have been constructed in accordance with the design permitted by the District. If required by the District, such as-built certification shall be made by an engineer or surveyor. Within 30 days after the completion of construction of the system, the permittee shall notify the District that the facilities are complete. If appropriate, the permittee shall request transfer of the permit to the responsible entity approved by the District for operation and maintenance. The District may inspect the system and, as necessary, require remedial measures as a condition of transfer of the permit or release for operation and maintenance of the system.
4. Off-site discharges during and after construction shall be made only through the facilities authorized by the permit. Water discharged from the project shall be through structures suitable for regulating upstream stage if so required by the District. Such discharges may be subject to operating schedules established by the District.
5. The permit does not convey to the permittee any property right nor any rights or privileges other than those specified in the permit and chapter 40B-1, F.A.C.

6. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, operation, maintenance, alteration, abandonment, or development in a Works of the District which is authorized by the permit.
7. The permit is issued based on the information submitted by the applicant which reasonably demonstrates that adverse off-site water resource impacts will not be caused by the permitted activity. It is the responsibility of the permittee to insure that such adverse impacts do not in fact occur either during or after construction.
8. It is the responsibility of the permittee to obtain all other clearances, permits, or authorizations required by any unit of local, state, or federal government.
9. The surfacewater management system shall be constructed prior to or concurrent with the development that the system is intended to serve and the system shall be completed within 30 days of substantial completion of the development which the system is intended to serve.
10. Except for General Permits After Notice or permits issued to a unit of government, or unless a different schedule is specified in the permit, the system shall be inspected at least once every third year after transfer of a permit to operation and maintenance by the permittee or his agent to ascertain that the system is being operated and maintained in a manner consistent with the permit. A report of inspection is to be sent to the District within 30 days of the inspection date. If required by chapter 471, F.S., such inspection and report shall be made by an engineer.
11. The permittee shall allow reasonable access to District personnel or agents for the purpose of inspecting the system to insure compliance with the permit. The permittee shall allow the District, at its expense, to install equipment or devices to monitor performance of the system authorized by their permit.
12. The surfacewater management system shall be operated and maintained in a manner which is consistent with the conditions of the permit and chapter 40B-4.2040, F.A.C.
13. The permittee is responsible for the perpetual operation and maintenance of the system unless the operation and maintenance is transferred pursuant to chapter 40B-4.1130, F.A.C., or the permit is modified to authorize a new operation and maintenance entity pursuant to chapter 40B-4.1110, F.A.C.
14. All activities shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit.

15. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications, shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by District staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.

16. Activities approved by this permit shall be conducted in a manner which do not cause violations of state water quality standards.

17. Prior to and during construction, the permittee shall implement and maintain all erosion and sediment control measures (best management practices) required to retain sediment on-site and to prevent violations of state water quality standards. All practices must be in accordance with the guidelines and specifications in the Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual unless a project specific erosion and sediment control plan is approved as part of the permit, in which case the practices must be in accordance with the plan. If site-specific conditions require additional measures during any phase of construction or operation to prevent erosion or control sediment, beyond those specified in the erosion and sediment control plan, the permittee shall implement additional best management practices as necessary, in accordance with the Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.

18. Stabilization measures shall be initiated for erosion and sediment control on disturbed areas as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than seven days after the construction activity in that portion of the site has temporarily or permanently ceased.

19. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the District a Construction Commencement Notice Form No. 40B-1.901(14) indicating the actual start date and the expected completion date.

20. When the duration of construction will exceed one year, the permittee shall submit construction status reports to the District on an annual basis utilizing an Annual Status Report Form No. 40B-1.901(15). These forms shall be submitted during June of each following year.

21. For those systems which will be operated or maintained by an entity requiring an easement or deed restriction in order to provide that entity with the authority necessary to operate or maintain the system, such easement or deed restriction, together with any other final operation or maintenance documents as are required by Paragraph 40B-4.2030(2)(g), F.A.C., and Rule 40B-4.2035, F.A.C., must be submitted to the District for approval. Documents meeting the requirements set forth in these subsections of District rules will be approved. Deed restrictions, easements and other

operation and maintenance documents which require recordation either with the Secretary of State or Clerk of the Circuit Court must be so recorded prior to lot or unit sales within the project served by the system, or upon completion of construction of the system, whichever occurs first. For those systems which are proposed to be maintained by county or municipal entities, final operation and maintenance documents must be received by the District when maintenance and operation of the system is accepted by the local governmental entity. Failure to submit the appropriate final documents referenced in this paragraph will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system.

22. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of that phase or portion of the system to a local government or other responsible entity.

23. Within 30 days after completion of construction of the permitted system, or independent portion of the system, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, using the supplied As-Built Certification Form No. 40B-1.901(16) incorporated by reference in Subsection 40B-1.901(16), F.A.C. When the completed system differs substantially from the permitted plans, any substantial deviations shall be noted and explained and two copies of as-built drawings submitted to the District. Submittal of the completed form shall serve to notify the District that the system is ready for inspection. The statement of completion and certification shall be based on on-site observation of construction (conducted by the registered professional engineer, or other appropriate individual as authorized by law, or under his or her direct supervision) or review of as-built drawings for the purpose of determining if the work was completed in compliance with approved plans and specifications. As-built drawings shall be the permitted drawings revised to reflect any changes made during construction. Both the original and any revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawing. All surveyed dimensions and elevations shall be certified by a registered surveyor. The following information, at a minimum, shall be verified on the as-built drawings:

- a. Dimensions and elevations of all discharge structures including all weirs, slots, gates, pumps, pipes, and oil and grease skimmers;
- b. Locations, dimensions, and elevations of all filter, exfiltration, or underdrain systems including cleanouts, pipes, connections to control structures, and points of discharge to the receiving waters;
- c. Dimensions, elevations, contours, or cross-sections of all treatment storage areas sufficient to

determine stage-storage relationships of the storage area and the permanent pool depth and volume below the control elevation for normally wet systems, when appropriate;

d. Dimensions, elevations, contours, final grades, or cross-sections of the system to determine flow directions and conveyance of runoff to the treatment system;

e. Dimensions, elevations, contours, final grades, or cross-sections of all conveyance systems utilized to convey off-site runoff around the system;

f. Existing water elevation(s) and the date determined; and

g. Elevation and location of benchmark(s) for the survey.

24. The operation phase of this permit shall not become effective until the permittee has complied with the requirements of the condition in paragraph 23 above, the District determines the system to be in compliance with the permitted plans, and the entity approved by the District in accordance with Rule 40B-4.2035, F.A.C., accepts responsibility for operation and maintenance of the system. The permit may not be transferred to such approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall request transfer of the permit to the approved responsible operation and maintenance operating entity if different from the permittee. Until the permit is transferred pursuant to Rule 40B-4.1130, F.A.C., the permittee shall be liable for compliance with the terms of the permit.

25. Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to the District of the changes prior to implementation so that a determination can be made whether a permit modification is required.

26. This permit does not eliminate the necessity to obtain any required federal, state, local and special District authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and in this chapter and Chapter 40B-4, F.A.C.

27. The permittee is hereby advised that Section 253.77, F.S., states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary

authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.

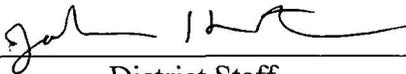
28. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered specifically approved unless a specific condition of this permit or a formal determination under 40B-400.046, F.A.C., provides otherwise.

29. The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of Rule 40B-4.1130, F.A.C. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale, conveyance or other transfer.

30. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the District.

31. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.

WITHIN 30 DAYS AFTER COMPLETION OF THE PROJECT, THE PERMITTEE SHALL NOTIFY THE DISTRICT, IN WRITING, THAT THE FACILITIES ARE COMPLETE.

Approved by  Date Approved 7-10-09
District Staff

 Clerk  Executive Director



NOTICE OF RIGHTS

1. A person whose substantial interests are or may be determined has the right to request an administrative hearing by filing a written petition with the Suwannee River Water Management District (District), or may choose to pursue mediation as an alternative remedy under Section 120.569 and 120.573, Florida Statutes, before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for pursuing mediation are set forth in Sections 120.569 and 120.57 Florida Statutes. Pursuant to Rule 28-106.111, Florida Administrative Code, the petition must be filed at the office of the District Clerk at District Headquarters, 9225 C.R. 49, Live Oak, Florida 32060 within twenty-one (21) days of receipt of written notice of the decision or within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail actual notice). A petition must comply with Chapter 28-106, Florida Administrative Code.
2. If the Governing Board takes action which substantially differs from the notice of District decision to grant or deny the permit application, a person whose substantial interests are or may be determined has the right to request an administrative hearing or may chose to pursue mediation as an alternative remedy as described above. Pursuant to Rule 28-106.111, Florida Administrative Code, the petition must be filed at the office of the District Clerk at District Headquarters, 9225 C.R. 49, Live Oak, Florida 32060 within twenty-one (21) days of receipt of written notice of the decision or within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail actual notice). Such a petition must comply with Chapter 28-106, Florida Administrative Code.
3. A substantially interested person has the right to a formal administrative hearing pursuant to Section 120.569 and 120.57(1), Florida Statutes, where there is a dispute between the District and the party regarding an issue of material fact. A petition for formal hearing must comply with the requirements set forth in Rule 28-106.201, Florida Administrative Code.
4. A substantially interested person has the right to an informal hearing pursuant to Section 120.569 and 120.57(2), Florida Statutes, where no material facts are in dispute. A petition for an informal hearing must comply with the requirements set forth in Rule 28-106.301, Florida Administrative Code.
5. A petition for an administrative hearing is deemed filed upon receipt of the petition by the Office of the District Clerk at the District Headquarters in Live Oak, Florida.
6. Failure to file a petition for an administrative hearing within the requisite time frame shall constitute a waiver of the right to an administrative hearing pursuant to Rule 28-106.111, Florida Administrative Code.

7. The right to an administrative hearing and the relevant procedures to be followed is governed by Chapter 120, Florida Statutes, and Chapter 28-106, Florida Administrative Code.

8. Pursuant to Section 120.68, Florida Statutes, a person who is adversely affected by final District action may seek review of the action in the District Court of Appeal by filing a notice of appeal pursuant to the Florida Rules of Appellate Procedure, within 30 days of the rendering of the final District action.

9. A party to the proceeding before the District who claims that a District order is inconsistent with the provisions and purposes of Chapter 373, Florida Statutes, may seek review of the order pursuant to Section 373.114, Florida Statutes, by the Florida Land and Water Adjudicatory Commission, by filing a request for review with the Commission and serving a copy of the Department of Environmental Protection and any person named in the order within 20 days of adoption of a rule or the rendering of the District order.

10. For appeals to the District Courts of Appeal, a District action is considered rendered after it is signed on behalf of the District, and is filed by the District Clerk.

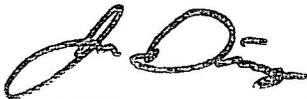
11. Failure to observe the relevant time frames for filing a petition for judicial review, or for Commission review, will result in waiver of the right to review.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Rights has been sent by U.S. Mail to:

ANDERSON COLUMBIA COMPANY, INC.
2 GUERDON ROAD
LAKE CITY, FL 32055

At 4:00 p.m. this 15 day of July, 2009.



Jon M. Dinges
Deputy Clerk
Suwannee River Water Management District
9225 C.R. 49
Live Oak, Florida 32060

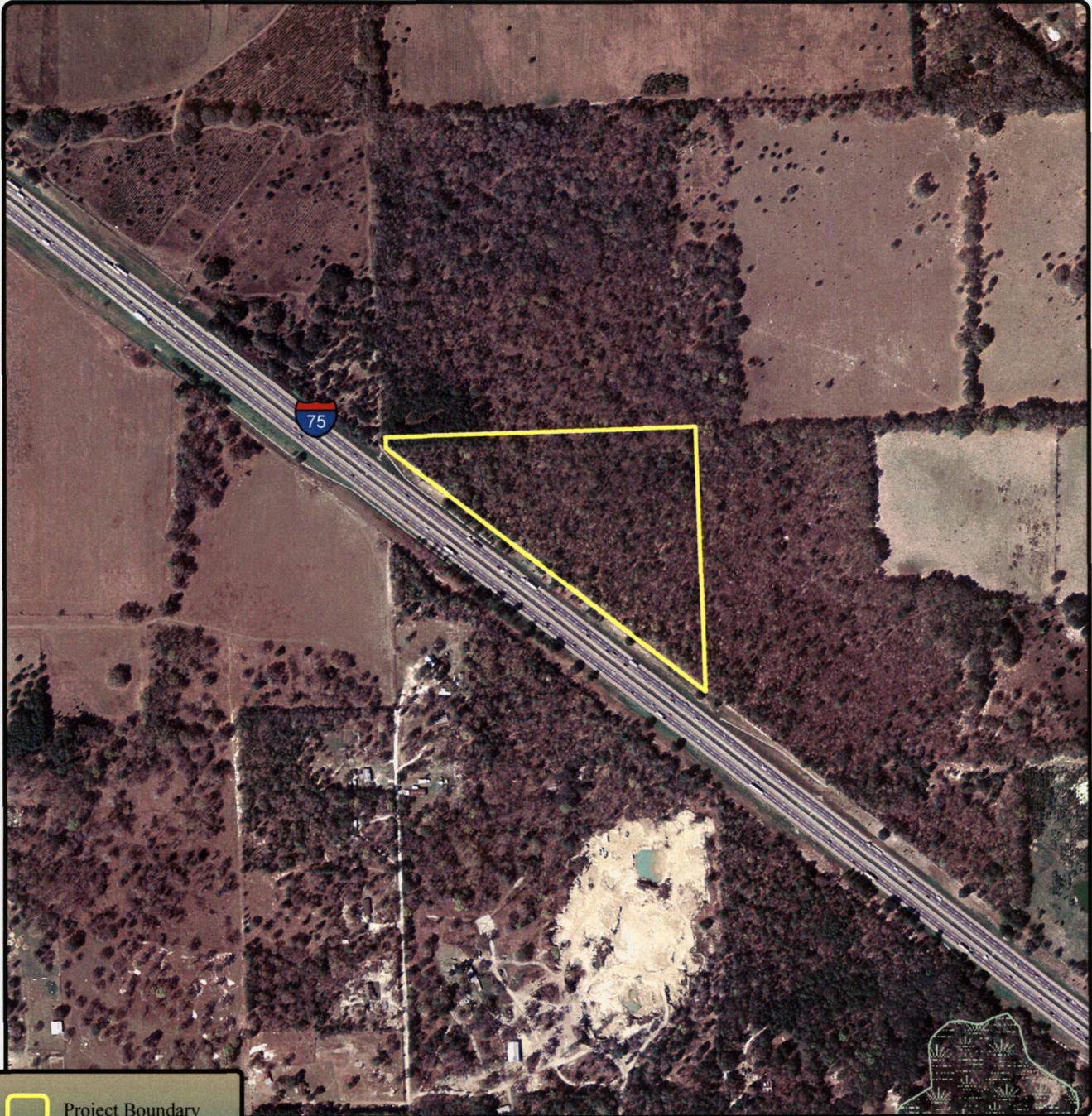
Permit No.: ERP09-0132

Project: INTERSTATE SAND PIT (I-75 COLUMBIA COUNTY)

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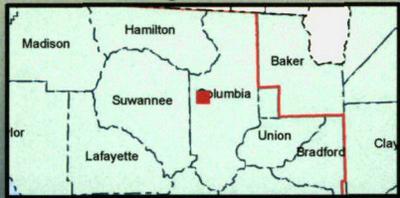
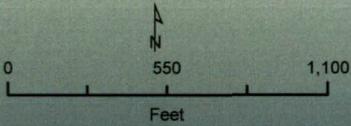
386.362.1001 or 800.226.1066 (Florida only)

cc: File Number: ERP09-0132



 Project Boundary
 Wetland Composite

Interstate Sand Pit
(I-75 Columbia County)
ERP09-0132
 August 2009



Note: This map was created by the Suwannee River Water Management District (SRWMD) to be used for planning purposes only. SRWMD shall not be held liable for any injury or damage caused by the use of data distributed as a public records request regardless of their use or application. SRWMD does not guarantee the accuracy, or suitability for any use of these data, and no warranty is expressed or implied. For more information please contact the SRWMD at 386-362-1001.

MEMORANDUM

TO: Governing Board
 FROM: Jon Dinges, ^{JMD}Director, Resource Management
 THRU: David Still, Executive Director *DS*
 DATE: July 30, 2009
 RE: Regulatory Activity Report, Informational Item

Rules 40B-3.101 and 40B-3.411, Florida Administrative Code, became effective on July 1, 2009, requiring parcel identification and proof of property ownership with the water well construction permit application and latitude and longitude to the nearest second on well completion reports. Staff mailed a memorandum on July 10, 2009, to all District-licensed water well contractors to apprise them of the new rules.

The following table summarizes permitting activities during the month of June.

June 2009	Issued	Received
Environmental Resource Permits	33	28
Water Use Permits	6	10
Water Well Permits	140	140
Water well permits issued and received according to well use:		
Abandoned/destroyed: 3		Livestock: 1
Agricultural Irrigation: 3		Monitor: 17
Commercial/Industrial: 2	Self-supplied Residential: 105	
Landscape Irrigation: 8		Other 1

Staff has implemented an environmental resource permit inspection program for construction and as-built certification. Staff inspected 1 project under construction

and 32 projects for as-built compliance. Please see the attached charts for a summary of construction and as-built inspections.

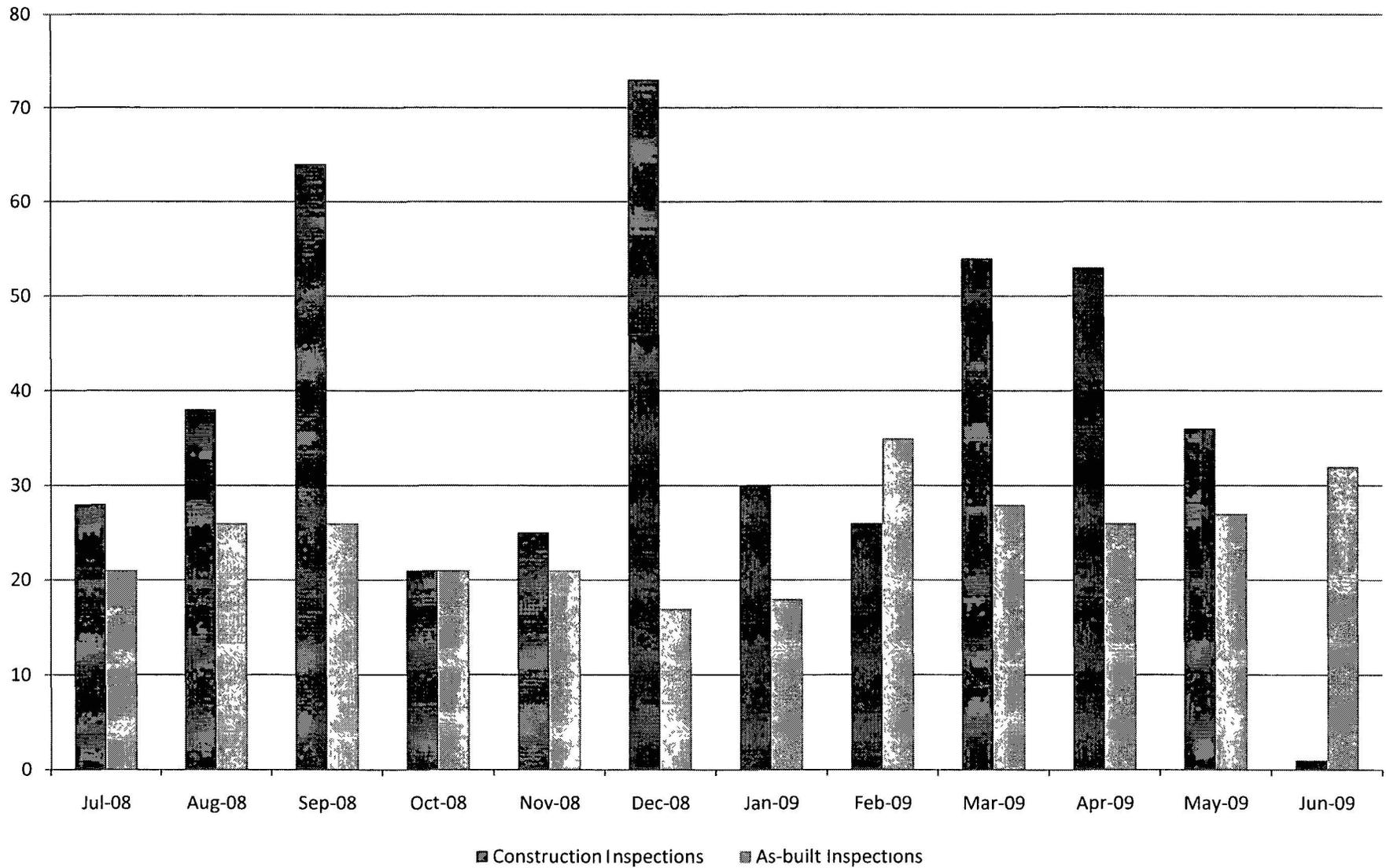
The Rulemaking Schedule, Compliance and Enforcement Report, and the Complaints Report follow this memorandum.

JD/lgw

**Upcoming Rulemaking
2009**

Rule & Description	Request Bd. Auth. for RD	Notice of Rule Dev.	Request Bd. Auth. for PR	Notice of Proposed Rule	Send to JAPC	Mail to DOS (tentative)	Effective Date (tentative)
40B-1.703, .709, .901	4/8/08	5/9/08	8/11/09	8/21/09	8/11/09		
Changes Relating to 40B-2 Major Revisions							
40B-1.704	6/9/09	6/19/09					
As-built bonding							
40B-2	2/12/08	2/22/08	6/9/09 8/11/09	8/21/09	8/11/09		
Major changes to WUP process							
WUP Guide	2/12/08	2/22/08	6/9/09				
Adoption of Water Use Permitting Guide							
40B-2.041	5/8/08	5/17/08	6/9/09 8/11/09	8/21/09	8/11/09		
Landscape Irrigation Conservation							
40B-3.902	2/10/09	2/27/09					
Water Well Construction Application							
40B-4.1090	6/9/09	6/19/09	6/9/09	6/26/09	6/26/09		
Taylor County FEMA Flood Studies							
40B-4.2010	5/14/09	5/29/09					
Noticed General Permit Application (This was going to be incorporated into 40B-1.901.)							
40B-400.046	5/14/09	5/29/09					
Petition for Formal Wetland Determination							
40B-400.051	5/14/09	5/29/09	7/14/09	7/24/09	7/16/09		
Exemptions							
40B-400.091	12/9/08	12/19/08					
ERP Handbook-Bald Eagle De-listing							

Construction & As-built Inspections



Compliance and Enforcement

updated 7/28/2009 8:07:38 AM

<i>CE #</i>	<i>County</i>	<i>Discovery Date</i>	<i>Date Action Required</i>	<i>Violation Summary</i>	<i>Respondent</i>	<i>Comments</i>	<i>Staff</i>
CE04-0025	COLUMBIA	10/8/2004		Stormwater system not constructed as permitted	Jeffrey Hill/Smithfield Estates	Enforcement documentation sent to attorney 9/22/05 and 12/9/2005 Governing Board denied application on 12/13/05 Staff met with Mr Hill 3/1/06 to discuss violations and solutions Site inspection 10/30/06 No additional work except for a home on Phase 1 Site inspection 5/16/07 No change Administrative complaint served 8/13/07 30 days to correct violation Hill filed with the District a Request for Hearing on 8/27/07 The District issued an Order Denying Hearing, served 9/22/07 Petition to enforce agency final order pending with Circuit Court Hearing scheduled with Judge Leandra Johnson on 9/8/08, Judge granted Mr Hill additional time to resolve violations Hearing 11/17/08 with Judge Johnson Motion to rehear filed 11/26/08 Judge had ordered mediation with Mr Hill Court-ordered mediation held on 6/30/09 Mr and Mrs Hill have not yet signed the mediation agreement as of 7/24/09	Dinges, Jon
CE05-0017	COLUMBIA	4/14/2005		Alteration of dam without a permit	Jeffery Hill	Staff met with Respondant & Tom Brown 1/11/06 to discuss violations Staff met with Mr Hill 3/1/06 and discussed violations and solutions Jennifer Springfield prepared Circuit Court Complaint Received copy via mail 5/26/06 Hearing date for temporary injunction 7/11/06 Hearing rescheduled for District motion for temporary injunction set to 11/7/206 Hearing conducted on 2/7/07 Waiting on verdict Received order denying motion for dismissal 7/12/07 Hill has appealed to Court, case pending Hearing held on 4/16/08 regarding civil penalties Penalty of \$100,000 awarded Periodic inspections will be made by staff to determine compliance with Circuit Court Order Staff took control of dam in September (Emergency Court Order) and drained the dam Received notice of Bankruptcy 11/21/08 Retained bankruptcy attorney for hearing 1/9/09 First District Court of Appeals 2/12/09 Inspected dam on 4/4/09, dam is filling up again Spillway seems to be closed Memo & pictures to Tom Brown on 2/4/09 Staff to attend bankruptcy hearing for El Rancho No Tengo, Inc. on 3/25/09	Dinges, Jon
CE05-0031	COLUMBIA	6/13/2005	8/8/2008	Failure to maintain stormwater system as permitted	Ray Sessions/Commander Row & Cannon Creek North	Draft Notice of Violation received from Jennifer Springfield on April 20, 2006 Staff will review the Notice and return it to Ms Springfield no later than 4/25/06 Response received 5/16/06, indicating Mr Sessions was not responsible Ms Springfield sent letter to Mr Sessions' attorney on 5/24/06 Received Construction Remediation Schedule from Bill Freeman 5/30/06 Work to be complete by 9/15/06 Southern Approaches complete Staff to inspect Staff inspected S Approaches complete Others under review Letter from B Freeman 12/12/06 Work to be completed by 12/15/06 Applications received RA1 mailed 11/6/06 See Board memo for updates Letter to Mr Freeman mailed 4/16/07 18 days to install culverts (SWM4-91-00187) File sent to J Springfield 9/6/07 Letter sent from J Springfield to Mr Saunol, HOA President on 12/20/07, 60 days to correct violations Letter from J Springfield mailed on 1/18/08, 30 day extension granted 30 days to submit application Received letter from Cannon Creek HOA 2/8/08, 180 day extension requested Received letter from attorneys regarding resolution on 9/22/08 Legal comments District staff met with Greg Bailey of Bailey, Bishop & Lane who stated that he is working on the flooding problem as part of a master plan for the entire basin In the event Mr Bailey's plan is approved and constructed, it will also address the compliance issue under this permit	Sagul, Tim

CE #	County	Discovery Date	Date Action Required	Violation Summary	Respondent	Comments	Staff
CE06-0014	COLUMBIA	8/31/2005	8/14/2009	Operation & Maintenance issues	Dale Williams/Columbia County	Four projects remain outstanding as of 6/21/06 Peacock Road, Brown Road, Hunter Panels and Emerald Forest Received Brown Road ERP application 11/6/06 Staff to prepare Peacock Road, Hunter Panels & Emerald Forest for legal Received application for Emerald Forest Street Culvert 7/26/07 Staff to prepare letter to Columbia County by 8/31/07 Staff (Louis Mantini) to meet on 9/21/07 to discuss Hunter Panels mitigation with Dennis Price, consultant (SE Environmental Geology) representing Columbia County Staff to follow-up on mitigation for Hunter Panels Letter sent 1/5/09 regarding Hunter Panels conservation easement requirements Letter sent 1/21/09 regarding Brown Road, 30 days to submit RAI material or deny at February Board and refer to legal Letter to Mr Williams sent 3/11/09 regarding Hunter Panel mitigation and WSMDD Land Trust Staff issued a permit for Peacock Road in March 2009 Brown Road for denial at May 2009 Board Brown Road denied at May 2009 Board Staff to prepare for legal Sent letter 7/14/09, 30 days to remove culvert under Brown Road and return to grade	Dinges, Jon
CE05-0046	COLUMBIA	12/5/2005	10/10/2008	Failure to maintain stormwater system	Justin Fitzhugh	Waiting on as-builts New owners Engineer to submit application for modification Application received 8/11/06 Redesign to be submitted by 12/01/06 by Arnold Terry Reviewing design submitted 11/29/06 RAI mailed 11/29/06 Extension letter mailed 3/22/07 Engineer working on project Denied at October Board Site inspection 3/20/08 Sent NOV 3/26/08, 60 days to submit as-builts and pay penalties and fees Sent 18 day letter 6/25/08 Staff met with Mr Fitzhugh on 7/7/08 A follow-up letter was sent 7/8/08 giving him until 9/7/08 to provide a solution No solution as of 9/24/08 Staff has giving Mr Fitzhugh until 10/10/08 to provide solution Received email 10/2/08 Mr Fitzhugh working with surveyor Staff to follow up by 5/29/09	Marshall, Leroy
CE09-0006	DIXIE	9/26/2008	8/3/2009	Unpermitted dock on the river	Michael Manion	14 days to contact District Scheduled a meeting with Mrs Manion on 2/2/09 Met with Mrs Manion on 2/17/09 at her property Received WOD application 2/25/09, no fee Sent RAI letter 3/19/09 Information due 6/19/09 Sent RAI letter 5/4/09 info due 8/3/09	Robinson, Vince
CE09-0014	COLUMBIA			Permit violations	Ray Sessions/Faye Carroll (Country Landings)	Administrative Order and Complaint prepared by J Springfield and sent certified 2/4/09 to Ray Sessions, Faye Carroll, K&M Development & Austin Sessions Administrative complaint filed by Mr Sessions Letter sent from J Springfield to Mr Sessions attorney 3/19/09, verbal 60 day extension to complete work give to Mr Sessions from DAS Mr Sessions to withdraw Petition for Administrative Hearing Construction complete & as-builts complete Legal working on HOA documents Letter sent by legal counsel on 6/24/09 to Vicki Berman, Esq, stating that District will not accept HOA has O & M entity until developer amends articles & by-laws to allow residents to control HOA Letter also agrees that based on Third Amendment to Declaration, a separate drainage easement from lot 12 owner is no longer needed Letter sent from J Springfield 7/22/09 regarding HOA responsibility	Marshall, Leroy
CE09-0028	COLUMBIA	4/1/2009	4/25/2009	No as-builts	Tom Kesling / Lake City Home Depot	45 days to submit as-builts & pay costs Staff to follow up Call from Mr Kesling and Engineer Working on as-builts and required forms Granted extension until 5/25/09 Received all sections of as-builts 5/28/09 Several Calls and e-mails to Home Depot in Atlanta including Attorney and Store District Manager All as built have been received but fine has not been paid Staff to prepare for legal by 6/19/09 File sent to legal 6/18/09	Bowden, Jerry
CE09-0027	LEVY	3/1/2009	4/19/2009	Unpermitted development	Marvin Franks / Cedars Airfield, Inc	14 days to contact District Spoke with Mr Franks on 3/10/09 He will call me to set up a meeting when he returns to town in two weeks Met with Mr Franks on 3/19/09 He has 30 days to hire an engineer Engineer has been hired (Mills) Mills Engineering has called and is working on the application and plans	Webster, Patrick
CE09-0031	DIXIE	3/26/2009	4/30/2006	Unpermitted structure & fill in floodway	Dale Herring	30 days to submit WOD application Waiting on WOD application Reminder letter sent 7/23/09	Hastings, John

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CE09-0039	DIXIE	3/25/2009	4/23/2009	Fill in floodway	Benje Thomas / Forestview Joint Venture, LLC	14 days to contact District Spoke with Mr Thomas by phone on 4/13/09 about setting up a meeting Waiting for river level to fall before scheduling meeting Set up meeting with Mr Thomas on 5/14/09 Staff to reinspect by 6/30/09 Spoke to Mr Thomas on 5/28/09 He will remove the fill as soon as his property is dry	Robinson, Vince
CE09-0034	DIXIE	3/31/2009	4/14/2009	Unpermitted construction in wetlands & floodway	Terrie G Patterson	SWO & NOV mailed, 14 days to contact District Received phone call on 4/3/2009 Respondent will schedule a meeting to discuss permitting issues Respondent agreed to stop work Staff waiting on flood waters to schedule meeting by 6/30/09 Called 6/18/09 and left message for Mr Patterson to call me back Will send letter by 8/7/09	Spencer, William
CE09-0037	COLUMBIA	3/19/2009	4/21/2009	Unpermitted structure in floodway	Alex & Joyce Carswell	14 days to contact District Spoke with Mrs Carswell by phone on 4/7/09 about setting up a meeting Waiting for river levels to go down to schedule meeting Staff to schedule meeting by 5/30/09 Called the Carswells on 5/18/09 but made no contact Spoke with Mrs Carswell on 5/28/09 Site visit next week Spoke with Mrs Carswell by phone on 6/8/09 She agreed to remove structures within a couple of weeks Staff to inspect by 6/30/09 Did a site inspection on 7/27/09 and found one dock removed and one dock still there Spoke with Mrs Carswell by phone and she said the remaining dock would be removed by 8/09/09	Robinson, Vince
CE09-0038	COLUMBIA	3/25/2009	8/21/2009	Unpermitted structure in floodway	Larry & Cindy Fulford	14 days to contact District Mr Fulford called District on 4/9/09 and talked to Bill Spencer He was asked to halt construction and that an appointment would be scheduled for a site visit Waiting for river level to go down to set up meeting Set up meeting with Mr Fulford on 5/11/09 Met with Mr Fulford on 5/11/09 Received WOD application and fee 5/18/09 RAI sent 5/21/09	Robinson, Vince
CE09-0044	BRADFORD	5/15/2009	6/2/2009	Dredge & fill impacts in wetlands	Jon E Hartman	14 days to contact District On-site meeting held on 05/29/09 Certified letter to be mailed on 6/8/09 requesting NG permit application submission, \$125 late fee, and buffer restoration Staff to follow-up by 6/30/09 Received ERP application and \$125 penalty 7/22/09	Mantini, Louis
CE09-0047	BRADFORD	5/29/2009	6/17/2009	Deviation from permitted plans	Mark McGuigan	14 days to contact District Meeting 6/17/09 Revised plans for ERP09-0029M were received by the District on 6/18/09 A modification fee of \$750 00 and revised plans were received by 7/20/09, but the receipt of application for modification is pending	Mantini, Louis
CE09-0049	MADISON	5/21/2009	6/24/2009	Unpermitted road construction & dredge/fill in wetlands	Jimmy Augustine	14 days to contact District Mr Augustine called the District on 6/16/09 Mr Augustine purchased the property 7/17/09 He asked if we could postpone the investigation until the end of July because of travel associated with his business I agreed to contact him again by 7/27/09	Spencer, William
CE09-0050	JEFFERSON	5/21/2009	6/24/2009	Unpermitted road construction & dredge/fill in wetlands	Jefferey Marion	14 days to contact District Ms Carla Roberts contacted the District on 6/17/09 by phone Ms Roberts called 7/13/09 and asked for time to discuss issues with neighbors	Spencer, William
CE09-0051	COLUMBIA	6/1/2009	7/7/2009	Stormwater discharge violations	Palmer Daughtry / Emerald Cove	21 days to contact District	Bowden, Jerry
CE09-0054	ALACHUA	7/1/2009	8/15/2009	Permit conditions violations	Christopher Almond / Deerhaven Citgo	30 days to submit plan, drawings, calculations & timeframe to complete corrective action Received letter 7/22/09 requesting copy of permit and determination that permit conditions have been violated Sent revised NOV 7/23/09 2 weeks to provide requested information	Bowden, Jerry
CE09-0055	COLUMBIA	7/14/2009	8/7/2009	Wetland dredge & fill	Suwannee Investment Corp /Packaging Corp of America	21 days to contact District W Spencer talked to Mr David George, PCA on July 27, 2009 regarding the need for a permit for the construction of a pond and filling in wetlands associated with CE09-0055 Mr George said he will refer issue to his company's legal staff Recommend referring to District legal Contacted FL Div of Forestry to inquire whether silvicultural exemptions or Best Management Practices allow construction of fire ponds within wetlands Left several messages on 7/27/09/	Spencer, William

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CE09-0058	TAYLOR	6/1/2009	8/22/2009	Unpermitted borrow pit	Wayne Padgett	30 days to contact District	Hastings, John
CE09-0059	DIXIE	10/23/2008		Unpermitted structure within floodway	Ronald Berg	File to legal 7/28/09	Hastings, John
CE09-0057	COLUMBIA	7/9/2009	8/5/2009	Unpermitted structure within floodway	Wilson Springs, Inc	14 days to contact District Mr Wilson called on 7/24/09 and said the property no longer belongs to him He thinks it is owned by an association	Robinson, Vince
CE06-0058	LEVY	8/2/2006	1/30/2009	Unpermitted construction	Douglas McKoy	45 days to submit application package Due 9/14/06 Received permit application 9/15/06 Permit application received on 9/18/06 RAI mailed on 10/4/06 Deadline 1/2/06 12/18/06 received request for time extension Left a message to Donnie Ellington to get back to me on the status on 4/11/07 Letter from Mr Ellington 4/12/07 requesting extension He called and said he would be sending in an application soon Meeting scheduled with Donnie Ellington on 7/23/07 to discuss project Meeting to be rescheduled McCoy called on 9/18/07 requesting an extension due to Ellington's issues Received letter on 9/21/07 Extension until 12/10/07 In the process of selling this parcel Received ERP fee 12/5/07 RAI letter mailed 1/3/08, 60 days to respond Met with Mr McCoy on 2/13/08 Wetland jurisdictional conducted at the site on 3/11/08 Waiting on determination to arrive from Mr McCoy Should arrive by 4/18/08 Received determination 4/28/08 Staff to review Bill Spencer visited site on 5/1/08 to inspect wetland delineation Recommend that wetland line be placed on site plan survey RAI sent out on 5/12/08 with a 60 day response deadline RAI sent 7/25/08, 45 days to respond Received letter from Mr McCoy on 8/28/08 He is working on the survey On 10/30/08 prepared ERP permit for denial, and prepared legal fact sheet to give to Tom Brown File sent to legal 11/4/08 Met with Mr McCoy on 11/13/08 to go over a plan to permit the subdivision Must have a site layout and an engineer hired by 1/7/09 Had a discussion with Mr McCoy and he has hired Donnie Ellington as his engineer and the wetland jurisdictional plans should be submitted to the District in few weeks Per email date 3/12/09, he has hired an engineer and they are working on submittal Staff to follow up by 6/30/09 Received e-mails concerning his intentions Lack of money has prevented him from moving forward The environmental consultant and engineer will not move forward until they are paid	Webster, Patrick

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CE06-0063	LEVY	8/8/2006	5/2/2009	Fill in wetlands	Ron Woods	Mailed NOV 8/11/06 Submit application package by 9/25/2006 He has called several times to keep me updated Received ERP application 11/30/06 Sent out RAI on 12/19/06 Deadline for responses 3/19/07 Conducted a field review with applicant on 1/30/07 Sent out an email to his consultant to find out the status on 4/11/07 Mailed RAI 5/7/07 Response due 8/7/07 Sent out 18 day letter on 8/21/07 Received RAI responses on 9/10/07 Extension request letter received 10/3/07 Waived the 90 day time clock, permit know pending Owner wants to try to repair damage Conducted another field review 11/2/07 Consent Agreement being finalized by staff for signatures Signed Consent Agreements mailed to respondents for signature 1/31/08 Received letter from Mr Woods on 2/28/08 requesting aenal & time for his attorney to review the agreement Provided aerial As of 4/10/08, still waiting on Consent Agreement to be returned to District Consultant is preparing restoration plan Once plan is accepted, Mr Woods will execute the the agreement According to Tom Brown that was acceptable Sent email to Tom Brown concerning status on 7/11/08 Sent letter requesting signed Consent Agreement or Restoration Plan by 8/12/08 Letter received 8/6/08, wetland plan to be submitted withn 30 days Received wetland restoration plan on 9/2/08 from Tom Brown Staff needs to review it Restoration plan unacceptable Mailed RAI 9/22/08, 30 days to submit corrected plan 10/21/08, extension request and records request received Reveiced update ERP application 11/7/08 We had a meeting with them on 11/25/08 Compliance Agreement sent out 11/25/08 RAI sent out on 12/2/08 Received signed Agreement 12/12/08 Currently removing fill from the wetlands Mailed copy of executed Consent Agreement 12/16/08 Staff to inspect 1/12/09 Final inspection was conducted by staff and it appears the fill has been removed from the wetlands RAI letter sent 2/2/09, revisions to be made on UMAM analysis Received update UMAM analysis 3/18/09 ERP permit issued 4/8/09 Staff to reinspect when mitigation is complete Mitigation is close to completion Bill Spencer will conduct a filed review by 7/31/09	Webster, Patrick
CE06-0073	GILCHRIST	9/5/2006	6/30/2009	Unpermitted constuction in floodway	Lex & Deborah Walker	30 days to remove structure or submit application Received copy of permit and additional information on 9/12/06 Application to be submbitted by 10/31/06 Received application 10/27/06 RAI sent 11/21/06 Deadline for response 2/20/07 Received a call from owner saying that the engineering firm is working on the responses Met with engineer on 3/26/07 Extension requested to 5/25/07 Sent 18 day letter 6/28/07 30 day extension requested on 7/16/07 Received RAI material 8/16/07 Sent RAI letter 9/10/07 Extension request granted until 1/11/08 RAI inforamtion received 1/23/08 Sent additional RAI 2/13/08, 90 days to provide information Received RAI material 4/15/08 Staff to review Sent RAI 5/9/08 Received response from applicant on 5/29/08 Conducted final field review on 5/6/08 Sent RAI 6/13/08, 30 days to respond Extension request received 9/4/08 Sent out RAI on 9/10/08 Received RAI response on 9/25/08 Sent another RAI out on 10/17/08, 30 days to respond Staff to contacted Mr Walker on 12/2/08 Received RAI response on 12/3/08 After the fact Permit issued on 12/22/08 Inspection required on 2/22/09 to see if plantings installed and unauthorized structures are removed Per staff inspection the deck and walkway have been removed according to the permit conditions Will recheck to see if plantings and floats have been installed after the flood recedes Staff inspected 5/18/09, 30 days to install floats Letter sent 5/17/09 18 days to contact District regarding removal plans They responded by asking for an extension do to flood damage	Webster, Patrick

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CE06-0086	COLUMBIA		9/1/2008	No as-builts	Richard Cole / Grandview Village	30 days to submit as-builts File to legal 11/14/06 Received Sections A,B, & C on December 1, 2006 Sent second NOV 2/9/07 Extension letter mailed 3/13/07 Clay & Leroy to revise NOV with additional violations Met on site with Engineer and contractor 3/21/07 and the ditch will be constructed in correct place Re-inspect by 4/30/07 to ensure project is in compliance Site Visit conducted 5/2/07 and 5/10/07 and no work had been performed Extension until 5/20/07 to complete work 5/25/07 Mike Renfro called and they are supposed to be installing 2-18" pipes in the backyards along with yard drains There are numerous problems that still need to be addressed in this subdivision ie fill in pond from power poles, size of rear lot bypass swale system, maintenance of pond, stabilization of site File to legal 7/24/07 Letter from contractor 8/1/07 Told by property owners to stop work Legal returned file due to conflict of interest File forwarded to J Springfield 9/11/07 for review Letter sent from J Springfield, 15 days to submit fines & work Site visit conducted on 10/31/07 and the sub-contractor is working on installing the pipes on the east side of the by-pass ditch Site visit conducted 11/16/07 and the pipes are installed on the eastside No stabilization measures have been implemented Inspection 1/2/08 and no changes from previous inspection 1/25/08 site inspection shows no changes from previous inspection Home construction has constncted conveyance of by-pass swale Other than that no changes since 11/16/07 inspection On 3/11/08, the Board authorized staff to proceed with an Administrative Complaint, which has been drafted and sent to J Springfield on 3/31/08 Received property ID information for property owners from J Springfield on 4/9/08 Meeting 5/16/08 with legal to discuss alternative solutions District to meet with City on constructing by-pass swale on City property Administrative complaint & Order mailed certified 8/1/08, 30 days to complete work necessary to bring property into compliance & 60 days to submit as-builts Received request for Administrative Hearing 8/25/08 Request for Admin Hearing denied at September 2008 Board Meeting due to untimley filing of motion Mailed denial 9/10/08 10 days to respond File with J Springfield J Springfield sent letter 3/20/09 proposing a settlement Letter from J Springfield sent 7/24/09, propsed consent agreement sent to Mr Cole for review and approval	Dinges, Jon
CE06-0107	LAFAYETTE	12/12/2006	4/28/2009	Construction without a permit	Linda Fennell	90 days to remove structure from 75 foot setback & submit WOD application Received WOD application 12/15/06 Sent RAI Information due 3/14/07 Sent 18 day or deny letter 4/13/07 June 2007 Board for denial File to legal 9/11/07 Legal sent NOV 9/14/07, requesting penalties, costs & fees or application & fee submittal by 10/5/07 Memos & pictures from site visit sent to legal 10/5/07 Received variance request & \$250 application fee (no application was included) on 1/23/08 RAI mailed 1/25/08 Vanance faxed to legal 4/10/08, waiting on comments 4/28/08, 18 days to submit RAI information June Board for denial and Final Order Denial of variance request and Final Order executed at June 2008 Board meeting Meeting with Mr Buckels scheduled for 8/8/08 Letter mailed 8/12/08, 30 days to remove structure, provide written proof the structure was in place prior to 1985 or provide WOD application WOD application received 8/14/08 for dock, no agent letter received Sent RAI 8/22/08, has until 9/12/08 to resolve issues Application denial to November Governing Board with approval to initiate enforcement action Received letter from Mr Buckels 11/10/08 Denied at November Board Meeting without pred Staff to investigate property ownership Quit Claim deed and property information to legal 11/24/08 to verify ownership Memo to Governing Board 12/4/08 updating status of project Legal reviewing ownership of property Legal verified ownership to Linda Fennell County to provide documentation of construction by 1/13/09 Sent NOV to Ms Fennell via Process Server on 1/28/09, 90 days to comply and submit a WOD application NOV served on 2/9/09 Received letter from Ms Fennell on 4/27/09 stating she did not recognize any violations on her property Staff prepared memo to Governing Board for May, requesting authorization to file complaint in Circuit Court Staff preparing for Circuit Court complaint as per approval at May 2009 Board meeting Circuit Court complaint being prepared by staff and legal Site visit by boat 6/26/09, GPS location	Marshall, Leroy

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CE07-0065	GILCHRIST	5/16/2007	9/5/2008	Unpermitted construction within the floodway	Steven A Midyette	14 days to contact District Respondent contacted staff on 9/7/07 Staff will follow-up with a site visit on 9/19/07 Consent Agreement being finalized by staff for signatures Signed Consent Agreements mailed to respondents for signature 1/31/08 As of 8/18/08, waiting on Consent Agreements to be returned to District Staff will send notice that the District will allow a deadline of 9/5/08, for signed Consent Agreement If a response is not received, then the case will be forwarded to legal counsel Staff preparing to resend to legal Received Administrative Complaint & Order filed by legal 12/9/08 Returned signed Administrative Order to legal 1/6/09 Order in the process of being served by legal as of 1/28/09 Letter from T Brown received 2/24/09, Administrative Complaint to be served by Duval County Sheriff Office Complaint served by Duval County Shenff Office on 3/2/09 Received request for Administrative hearing on 3/30/09 Denial of hearing issued at April 2009 Board Second request for hearing received May 4, 2009, GB authorized referral to DOAH at May 14, 2009 meeting File sent to DOAH on 5/18/09	Mantini, Louis
CE07-0069	GILCHRIST	8/1/2007	10/1/2008	Fill in wetlands & unpermitted construction	David Meehan Suwannee Lake Plantation	Site visit on 8/17/2007 Under investigation Owners met with District staff on 9/27/07 Owner will submit site plan with existing and planned construction along with the wetland line established by owner's consultant No submission date given No response as of 11/7/07 No response as of 11/30/07 ERP application received 2/14/08 Sent RAI letter 3/6/08 Received letter from WRA 3/31/08 Applicant's environmental consultant called today (3/31/08) and stated that the owner will remove the pad out of the wetlands, restore the site, and redesign the project Sent RAI 5/23/08, 90 days to respond Received letter from David Mehan and Robert Menke on July 2, 2008 detailing the notes of a meeting re closure of the violation Responded to 7/2/08 letter with conceptual terms of Consent Agreement Extension request granted 8/25/08 Received letter 9/12/08 Sent letter 10/16/08, staff preparing Consent Agreement Draft Consent Agreement sent 12/5/08 Waiting on response as of 1/13/09 Responded to Mr Brubaker's question re delineation of conservation area by a phone message left on 2/18/09 Asked that he call or email me with his questions/concerns Mr Brubaker returned call on 2/20/09 and left message indicating he will call first of next week Mr Brubaker sent (3/9/09) a revised Consent Agreement to Resource Management for review Staff preparing response Staff preparing revised Consent Agreement (5/6/09) Consent Agreement sent to legal for review 5/7/09 Consent Agreement mailed 6/10/09 for signatures Received signed Consent Agreements 7/17/09, August 2009 Board for Final Order	Spencer, William
CE07-0087	MADISON	9/26/2007	3/2/2009	Unpermitted structure within the floodway	Charley Hicks Jr	30 days to contact staff Certified letter returned 10/30/07 unclaimed As of 12/17/07, Mr Hicks has made no contact with staff Sent letter via process server 1/8/08, 30 days to contact staff Return of service received on 1/28/08 from process server Contacted the District on 2/20/08 Staff informed Mr Hicks of his options Staff expects extension letter Staff conducted site visit on 5/8/08 Structures are still on site Staff conducted site visit on 8/14/08, structure still in place Called Mr Hicks on 8/19/08, he plans to write an extension letter and apply for a variance shortly Call today Tried to reach Mr Hicks by phone on 10/16/08 and 10/22/08 Contacted Mr Hicks on 10/28/08 Mr Hicks explained his view using profanity and threatened to sue File to legal 10/30/08 Letter from legal sent 2/2/09, 30 days to pay fines and correct violations No response has been received Staff prepared memo to Governing Board for May, requesting authorization to file complaint in circuit court Approved for circuit court Staff preparing for circuit court Counsel filed complaint with Madison County Clerk of Court Awaiting return of summons (6/4/09) Return of Service received from legal 6/30/09 Letter sent to Mr Hicks from legal 7/20/09, all penalties and fees due by 8/7/09	Robinson, Vince

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CE08-0014	GILCHRIST	1/9/2008	4/14/2008	Improperly abandoned wells	Mac Johnson	Respondent must contact staff by 2/1/08 to make arrangements to pay fine and have violations corrected by 2/22/08 File to legal 2/28/08 Letter sent from legal 4/1/08, 13 days to contact legal to resolve violation Mr Johnson met with District staff on 4/14/08 He plans to have the work completed within two weeks Would like staff to reconsider the penalty Staff to monitor progress and then discuss penalty reduction Notice of Filings and Administrative Complaint and Order received from legal on 6/26/08, however, changes need to be made Emailed legal on 6/26/08 requesting changes Received updated information from legal on 6/27/08 One original executed document to file and one returned to legal for service on 6/30/08 Final order returned by legal on 10/1/08, preparing for Governing Board on 10/14/08 with Final Order number 08-0013 On 10/7/08 Mr Kim Cullen (employee of Mac Johnson) called and wanted the location of the wells so he could dig them up Sagul indicated that a Final Order was going to Bd next week Cullen should call Tom Brown or have a licensed well driller contact the District for locations Cullen indicated that he would relay the information to Mac Johnson Final Order executed on 10/14/08, a copy of the Final Order was mailed to Mr Johnson and legal counsel on 10/16/08 File with legal A complaint was filed in circuit court on 1/9/09 Permits for well abandonment issued on 4/1/09 Wells are to be abandoned within 3 weeks of 4/14/09, and Respondent is to pay \$10,000 in penalty and attorneys fees and costs Abandonment complete Final administrative costs sent to legal 5/20/09	Sagul, Tim
CE08-0015		1/17/2008	4/11/2009	Wetland excavation	L E Crawford	14 days to contact staff Mr Crawford contacted staff as required, and an appointment was made for an on-site meeting to occur on 2/14/08 to determine a strategy for stabilization Met on 03/06/08 to discuss design modifications to address offsite water quality A letter was sent regarding this subject on 03/18/08 LE Crawford will contact District for on-site meeting with site contractor Staff to contact owner by 5/13/08 if LE Crawford does not contact District Clay talked with LE Crawford on 5/13/08 and he has a man hired to do the work His excavator is in Jacksonville for about 4 more weeks Mr Crawford will contact the District when the excavator is on site to meet and go over restoration plan As of 08/18/08, staff has been unable to contact Mr Crawford by telephone Mailed letter 8/18/08, to both Mr Rentz (property owner) and Mr Crawford (resident) to inform that the District is repairing a Consent Agreement to guarantee resolution of this violation Site inspection 8/26/08 On 8/29/08, District staff conducted a site visit with a prospective contractor to assess implementation of Consent Agreement drafted on 9/5/08 Updated NOV sent to Mr Rentz 10/15/08, 21 days to contact staff NOV mailed 10/21/08 with correct name and address to Larry T Rentz Staff to follow up Larry Rentz contacted the District on 11-24-08 and stated that the property is now officially in Mr L E Crawford's ownership Mr Rentz will follow-up with record of this transaction that evidently occurred prior to 10/21/08 NOV mailing Record of settlement statement (transactions without sellers) received on 11/25/08 Staff preparing for legal (Mr Crawford) File to legal 1/14/09 Letter from legal, 30 days to pay fines & correct violation Legal served Mr Crawford 3/11/09, 30 days to pay fines and resolve violation Work to begin 4/27/09 I spoke with Mr Crawford on 04/20/09, and he will meet with Louis Mantini and his contractor on 04/27/09 Mr Crawford was also informed on 04/20/09 that the 04/27/09 meeting will not substitute for his responsibility to contact District legal staff Staff to reinspect by 5/30/09 Staff inspected site on 5/20/09 and determined that measures were conducted to level the berm on Mr Crawford's southern property, west of the ditch entering his pond from the south Hydrologic connections were maintained in both inflow from the south and outfall to the west In addition, a berm was constructed to split the original pond into two halves, with the eastern half of the pond isolated from inflow from the south Mr Crawford and I discussed this plan prior to his mobilization of equipment Equipment mobilization and earthwork occurred prior to a formal consent agreement was be formulated, but Mr Crawford was not required to stop work Mr Crawford has completed the earthwork to the District's satisfaction, although there remain issues regarding fees and penalties Referred back to Tom Brown on 5/21/09 to pursue fees and penalties	Mantini, Louis
CE07-0005	ALACHUA	1/10/2007	6/10/2007	Unpermitted construction	Patricia Rhinesmith / Turkey Creek	30 days to provide permit modification File to legal for review pertaining to ownership Engineering firm to develop alternative Staff to contact engineering firm by 4/18/08 Respondent to set up meeting	Wright, Kevin

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CE07-0049	UNION	3/18/2004	8/15/2009	No as-builts	James Cason / Town of Worthington Springs	File to legal 7/18/07 Letter from legal 8/3/07 requesting all costs & as-builts by 8/17/07 CHC talked with Bill Whitley on 8/16/07 and he is working with John Rimes III to get Section C completed As of 3/18/08 still missing Section C Report to Tom Brown if as-builts are not received by 4/16/08 Met on site with Mayor Cason and came to decision to place small berm around spring to divert runoff from parking lot away from spring They will be submitting application for a permit modification and include this on the application ERP application received 9/9/08 Kristin, Bill, & Jon working on letter to town in response to permit submittable, variance request and possible non-permitted structures Permit issued for pier Staff to contact by 12/1/08 Letter sent 11/24/08, for site plan Staff to review by 5/30/09 Contacted Mr Rimes 5/26/09 and requested a copy of the site plan Will submit by 6/15/09 Extension request for site plan received 6/22/09, water levels high Letter sent 6/24/09, site plan due by 7/15/09 Extension letter received 7/15/09 Letter received 7/14/09 from Mr Rimes requesting an extension until the Santa Fe River returns to within its banks He is unable to do the required inventory work Extension granted to 8/15/09	Spencer, William
CE07-0050	COLUMBIA	3/25/2006	7/17/2008	No as-builts	Frank Soucinek / Countryside Estates	File to legal 7/18/07 Letter from legal sent 8/3/07 requesting all fees & as-builts by 8/17/07 Received a phone call from Nelson Bedenbaugh on 8/15/07 and he said they were working on finishing up some survey work to complete as-builts 8/29/07 District received a copy of Section C of the as-built Inspection was conducted on 9/5/07 and the pond on Country Club Road is not in compliance Staff emailed legal to make them aware of this Susan from the office called on 9/19/07 and staff emailed her a copy of the Section C and explained what needed to be done to bring the project into compliance 12/7/07 inspection conducted and no work has been done to bring the project into compliance Received call from Tom Brown regarding this project at the beginning of February and received a message to call Frank Soucinek Called Frank Soucinek and left a message for him to call me back As of 2/20/08 have received no return phone call 2/20/08 inspection conducted and no work has been done to bring the project into compliance 3/18/08 Site inspection revealed no work has been done to bring the project into compliance 4/2/08 let Nelson know that he would need to apply for a permit modification in order to change the pond to a wet pond 5/6/08 Tom Brown called and Frank Soucinek says that Nelson will be dropping of new plans by Friday 5/9/08 Calculations received 5/9/08 Received call from Marinda Kane 6/3/08 and she will be hand deliver application tomorrow 6/4/08, application and fee received 6/17/08 RAI sent with a deadline for submittal of 7/17/08 Received call from Nelson Bedenbaugh on 6/25/08 and they will be doing soil borings to determine how to construct a properly function dry pond 8/28/08 received email from Nelson Bedenbaugh stating that they planned on cleaning the pond and possibly overexcavating and backfilling No confining layer was found in the borings 9/24/08 Leroy will go by and look at this one for me to see if any remediation work has been done to bring the project into compliance Leroy visited site on 9/25/08 and took photos No work has been done to bring the project into compliance Emailed Tim and Tom pictures of site Staff inspected site 11/4/08 Vegetation cut and cleared Copy of inspection report & pictures sent to legal 11/7/08 See legal enforcement report CHC received a phone call from Susan asking for a copy of permitted plans and permit so they could fix the pond I let her know the District would get back with her since the permitted plans may not fix the problem Met with respondent 11/21/08, seeking different engineering services Site visit 1/13/09 No contact from Soucinek regarding engineer Staff to refer back to legal by 5/22/09 Denied at July Governing Board Updated administrative costs and copy of file with last inspection report (7/22/09) sent to legal	Dinges, Jon
CE04-0003				Unpermitted construction	Jeff Hill / Haight Ashbury	Administrative complaint served 8/13/07 by process server 30 days to complete construction of SW system Hill filed with the District a Request for Hearing on 8/27/07 The District issued an Order Denying Hearing, served 9/22/07 Petition to enforce agency final order pending with Circuit Court Hearing scheduled with Judge Leandra Johnson on 9/8/08 Hearing 11/17/08 before Judge Johnson Motion to re-hear filed 12/1/08 Court-ordered mediation held on June 30 Mr and Mrs Hill have not yet signed the mediation agreement as of 7/24/09	Hastings, John

<i>CE #</i>	<i>County</i>	<i>Discovery Date</i>	<i>Date Action Required</i>	<i>Violation Summary</i>	<i>Respondent</i>	<i>Comments</i>	<i>Staff</i>
CE07-0053	GILCHRIST	8/2/2007	6/30/2009	Unpermitted construction in the 75-foot setback	Kathleen Harrell Allred	14 days to contact District & schedule site visit Talked with Jeff Allred on 8/23/07 Will call me to set up a field review by 9/30/07 Conducted field review on 9/21/07 Sent out compliance letter on 10/12/07 Resent compliance letter to another address on 12/10/07 Called and left a message on 1/14/08 File to legal 1/25/08 Letter sent from legal 2/8/08,has until 2/26/08 to bring property into compliance and pay all costs Spoke with Mr Allred on 2/11/08 and he said he would remove all structures within two weeks Letter received from complainant 2/20/08, extension request Granted extension until 8/1/08 Conducted field review on 8/15/08 Sheds were removed but the deck and dock is still there They either need to get a permit or remove them Another letter to be sent out by 9/1/08 Received letter from Ms Allred's mother 9/10/08 Kathleen Allred has been redeployed and her mother has not had a chance to talk with her yet They will most likely want to permit the remaining structures but can't do this until she returns Granted extension until 12/31/08 Meeting onsite with Mother and brother on 12/19/08 Received letter requesting another extension on 12/31/08 Sent letter 1/8/09, 45 days to submit application, 30 days to submit zero-rise & 30 days to remove structure Conducted field review on 2/20/09 The deck and dock have been removed, but the stairs have not been removed The wood still needs to be removed from the site 90% removed Staff to send letter by 3/30/09 Staff to reinspect by 5/30/09 Site inspection 5/15/09, some work complete Reinspected and work is still not complete	Webster, Patrick
CE07-0054	LAFAYETTE	1/6/2007	6/21/2009	Clearing within the 75-foot setback	Jerry C Wilks & David Strickland	Owners called to stated planting completed Bill Spencer to schedule inspection by 10/30/07 Met with Mr Wilks and Mr Strickland on 12/11/07 Corrections to be completed by 4/30/08 Site inspection 5/23/08 Staff to inspect by 8/31/08 Fill sent to legal 9/25/08 Letter sent from legal 10/6/08, 30 days to submit fees and restore site District staff performed a site visit on 11/13/08, no changes Sent inspection report & pictures to legal 11/19/08 Legal sent letter 12/11/08 to PO Box 1152, Trenton, FL address Site visit 1/16/09, site has been replanted Will conduct follow-up visit Spring 2009 to check status of plant survival Staff to inspect by 5/1/09 Inspected by W Spencer and L Marshall on 3/24/09 Survival and recruitment of native trees acceptable Recommend closing file Staff to send letter by 6/1/09 Sent letter 5/21/09 30 days to pay administrative costs of \$1,287 55	Marshall, Leroy
CE08-0057	TAYLOR	9/12/2008	7/20/2009	Unpermitted fill in wetlands	Wade & Leslie Lorang	14 days to contact District Mr Lorang contacted District by phone message on 10/27/08 Mr Dale Rowell (Delta Surveying) will be his agent District contacted Mr Rowell 10/28/08 and discussed the violation Mr Rowell requested that District draft a compliance agreement for review Compliance Agreement being finalized by staff as of 11/17/08 Met with Respondent on Dec 5, 2008 and discussed resolution I will meet with surveyor onsite to estimate impact acreage Waiting for surveyor to call Meeting scheduled 1/8/09 Did soils study with Louis Mantini on 1/21/09 Found hydric soils Estimate 0.65 acre wetland impact Waiting to discuss issues with respondent's agent NRCS soil scientist from Palatka visited the site with W Spencer on 2/10/09 to review the hydric soils He agreed that the line was correct but should have been extended to include additional acreage Respondent's agent requested a meeting during the week of 2/16/09 Met with NRCS soil scientist onsite 2/10/09 who commented that the flagged area was too small and that the hydric soils indicated that the wetland area should be larger I commented that I wanted to be conservative and he said that he could support the existing wetland line Meeting scheduled with Mr Rowell (agent) on Monday 2/23/09 Met with Mr Rowell (2/23/09) and Tim Sagul Mr Rowell agreed to contact owner to determine his plans for restoration/mitigation Mr Rowell sent email (3/17/09) requesting District prepare plans for restoration Staff responded by asking whether Mr Lorang intends to restore 100% or partially mitigate Staff also suggested that it would be best to meet with Mr Lorang's restoration consultant Letter sent 6/8/09 requesting restoration plan by 7/20/09 Mr Drew Taylor from Delta Surveyors called (7/16/09) requesting an extension because the Respondent's agent (Mr Dale Rowell) will not return until September 2009 Respondent would like to continue using the same agent Extension granted to September 15, 2009 Mr Taylor called back 7/16/09 indicating that Mr Rowell and Delta will no longer be the Respondent's agent An environmental firm will be retained and will send the extension letter Mr Andy Barth called 7/16/09 and will send an extension request He will talk to Mr Lorang to determine whether to restore or mitigate Received extension request 7/22/09	Spencer, William

<i>CE #</i>	<i>County</i>	<i>Discovery Date</i>	<i>Date Action Required</i>	<i>Violation Summary</i>	<i>Respondent</i>	<i>Comments</i>	<i>Staff</i>
CE08-0053	SUWANNEE	10/1/2008	8/7/2009	Clearing in setback	Marian Harris	14 days to contact District No contact has been made as of 10/16/08 Certified letter returned 10/27/08 unclaimed after 3 attempts File to legal 11/7/08 Letter from legal sent 7/17/09, all penalties & cost due by 8/7/09	Robinson, Vince
CE08-0043	LAFAYETTE	6/26/2008	6/30/2009	Unpermitted construction	Derrick Freeman	90 to days to remove structure Staff to follow up by 4/15/09 Site visit 3/26/09 Sent reminder letter 3/30/09 Staff to inspect by 6/30/09	Marshall, Leroy
CE08-0044	MADISON	8/11/2008	8/13/2009	Wetland impacts & construction without a permit	Marrone Investments, Inc	Staff preparing Compliance Agreement Mr Marrone is reviewing agreement Staff to follow up & prepare for legal Received penalty of \$918 & ERP application fee 12/1/08 Signed & executed agreement sent to Mr Marrone 12/9/08 Compliance Agreement approval letter mailed 12/29/08 Extension request granted until 8/13/09	Wright, Kevin
CE08-0035	COLUMBIA	4/15/2008	9/30/2008	Non-conformance with Erosion Control Plan	Robert F Jordan / Turkey Creek Subdivision	3 days to correct violation Email received 4/16/08 Staff to re-inspect by 4/25/08 Received email 4/23/08 regarding status of partial completion & discussion with engineer 4/24/08 Rick Johnston, Kevin Wright, & Chad McCormick, BB&L teleconference to discuss changes to Erosion Control Plan Chad will draft & send to Kevin Sent letter 4/29/08, \$5,000 per day penalty until site is in compliance 4/29 & 4/30/08 work with Engineer to update erosion control plan for silt fence requirements 5/2/08 inspected site and all silt fence has been installed per plan 05/07/08 Temporary Gravel Entrance Installed 5/16/08 SWMF 5, 6 finished and seeded and mulched Working on SWMF 4 and will seed & mulch when complete Mr Jordan told me he will not temporary stabilize any of the exposed (bare) areas until he completes them He does seed and mulch the pond banks when complete and has bought a water truck for this job and is watering the seed to get it established 5/29/08, Mr Jordan email asks for Jon Dinges to send letter "withdrawing the daily fine letter " 5/30/08, SWMF 2 is complete and the banks have been seeded and mulched No temporary stabilization observed in exposed areas where no work is ongoing 6/2/08 Rick Johnston sent email to Mr Jordan requesting him to send a letter to Jon Dinges explaining how he brought the works permitted by ERP07-0081 into conformance 6/2/08, Mr Jordan responded that he would get us a letter by the weekend 6/5/08, Mr Jordan responded that "I will be in Tampa for a deposition tomorrow I will get the letter to Jon by early next week " 06/17/08, NOV mailed 8/1/08, 5 days to reinstall or repair silt fence, clean sediment, & stabilize site Staff to continue to monitor during construction	Johnston, Rick
CE08-0036	COLUMBIA	4/19/2008	7/19/2009	Construction without a permit	Joanie LeRoy(Secretary/Treasurer)LC Airpark	Stop work and 30 days to submit application Mr Gjoen called the District on 4/22 to ask about the stop work order and the enforcement process Staff informed Mr Gjoen that if he ignored that stop work order he could face penalties Staff visited the site on 4/23 and work was continuing Staff informed Mr Gjoen about the ERP process and that the project would require an engineer Per phone conversation with Ms LaRoy on 5/22/08, the Lake City Air Park LOA have signed a contract with GTC Design Group for engineering services Received letter LOA 5/28/08 Site visit 6/6/08 with Tim & Kevin Received letter from GTC 7/16/08 Received ERP application on 8/19/08 RAI mailed 9/18/08 Received RAI extension request on 11/10/08 Sent extension request approval 11/26/08 Property owner dispute Update was given on 5/18/2009 - mediation between the two parties is being scheduled Once date is decided upon, the District will be notified	Wright, Kevin
CE08-0037	BRADFORD	8/2/2006	9/15/2008	Non-functioning pond	Bill McCans	30 days to repair erosion problems and provide as-builts 6/4/08 talked with Sam Smith and they will be submitting as-builts and requesting extension to stabilize pond Chad Williams is working on a plan to get the ponds in compliance Staff to follow up Respondent working on resolution Staff to schedule site inspection by 1/20/09 Staff to reinspect 3/26/09 Waiting to hear from engineer on as-builts Staff to write letter by 6/30/09 Sent out email on 6/15/09 to Chad Williams, engineer, with photos of the ponds leaking Mr Williams is trying to address the issue with the owner	Webster, Patrick

CE #	County	Discovery Date	Date Action Required	Violation Summary	Respondent	Comments	Staff
CE08-0040	DIXIE	6/2/2008	6/24/2009	Unpermitted construction	Ryan Bell	30 days to submit WOD application Resend with updated address 6/13/08 No response as of 6/30/08 Received WOD application 7/8/08 RAI sent 8/7/08 18 day letter mailed 10/27/08 Vince Robinson received phone calls from neighbors who want to know status and voicing concerns that if he is able to keep his construction they want to build the same thing Mr Bell called Bill Spencer Nov 2, 2008 and said that he is having his plans drawn and will submit before the deadline I informed him that he will need to make modifications to the construction in order to meet District requirements RAI material received 11/7/08 Third RAI sent 11/18/08 Received RAI material 2/18/09 Staff reviewing material received Zero-rise analysis received 3/6/09 Sent letter 3/11/09, 30 days to submit demolition plan Received inadequate variance request 3/19/09 Sent letter informing Mr Bell of proper procedure for requesting variance on 3/25/09 Received variance request 7/9/09 Being review by Jon Dinges Variance denial to August 2009 Board	Hastings, John
CE08-0029	SUWANNEE	3/26/2008	9/15/2008	Erosion & sediment control problems during construction	Fred Treadway / Pennington Trails	30 days to pay penalty & remove, repair, install, maintain and/or correct all violation Site visit with D Pnce 4/10/08, problems still present Staff inspected site 5/15/08, project site is in partial compliance Staff to re-inspect 5/23/08 Staff inspected the site on 6/16/08 The site is still having problems with sedimentation Staff to meet with Respondent by 9/15/08 Meeting with Dennis Price to be scheduled Staff inspection 11/4/08 File to J Springfield 11/5/08 Administrative Complaint forwarded to J Springfield 3/30/09 with updated costs Site inspection 7/15/09 by R Johnston Report in file Letter from J Springfield 7/22/09 with Consent agreement to be reviewed by Mr Treadway	Marshall, Leroy
CE08-0020	BRADFORD	10/11/2007	2/6/2009	Failure to maintain system according to permitted plans & SWQ standards	Shaun & Christine Ritch & Roy Baker	File to legal 2/20/08 Letter sent from legal 6/6/08, 18 days to pay penalties and bring project into compliance Jon D to contact Ms Ritch Staff to re-inspect by 12/31/08 Sent letter 11/24/08, site visit scheduled for 1/6/09 Meeting 1/6/09, Mr Ritch to remove berm within next 3-4 weeks Response letter mailed 2/18/09 regarding emails sent by Mr Ritch Certified letter returned unclaimed 3/16/09 Staff to inspect site on 3/25/09 File to legal 7/15/09	Dinges, Jon
CE08-0022	SUWANNEE	3/3/2008	8/1/2009	Construction without a permit	Donald Edwards	90 days to submit application package & pay penalties Sent letter 6/6/08, 18 days to submit application package and pay \$8,000 penalty Sent letter 7/2/08, 90 days to submit application & pay penalty Extension request received 10/1/08 Extension granted 10/1/08 Items to be submitted on or before 10/20/08 Extension granted until 10/20/08 Received ERP application 10/20/08 RAI sent 11/6/08 Extension granted 2/18/09 Additional extension request granted	Marshall, Leroy
CE08-0072	COLUMBIA	12/16/2008	5/18/2009	Dredging and filling of an approximate 13 acre cypress pond	Larry R and Eva Joyce Sigers	Discovered by investigation of aerial photographs 14 days to contact District Met w/ Mr Sigers and Tim Sagul 1/6/2008 Called 1/22/09 to schedule meeting for 1/28/2009 but got no answer and no answering machine Met onsite on Feb 11, 2009 with Mr Sigers, Jon Dinges, Tim Sagul and Bill Spencer Verified presence of hydric soils and hydrophytic vegetation Discussed the need to either restore or permit after the fact with mitigation We were asked to leave his property Staff preparing letter to Mr Sigers Letter sent 2/18/09 requiring restoration plan and penalty by 3/18/09 Received letter from Mr Sigers attorney requesting a 60 extension Letter sent 3/19/09, 60 day extension granted Meeting 5/12/09, consultant working on plan Working on impact estimate, should have material in by 6/19/09 Met with Mr Carl Saifrio 7/8/09 Impact map was submitted Preliminary discussions regarding resolution were continued Mr Saifrio will return with a proposed plan	Spencer, William

Complaint Database Inquiry List

Complaint Number	Complainant / Property Owner	Complaint Description	Date Opened	Initial Response Date	Staff	Date Closed	County
CMP09-0072	Evans Brown / Shaun Randall	Digging Concerns	6/3/2009	6/3/2009	Mantini, Louis	6/5/2009	MADISON
CMP09-0073	Anonymous / Sen Richard Mitchell	Dam Concerns	6/3/2009	6/3/2009	Spencer, William	6/8/2009	HAMILTON
CMP09-0074	Anonymous / Mark Wray	Fill Concerns	6/10/2009	6/10/2009	Webster, Patrick		GILCHRIST
CMP09-0075	Anonymous / Robert Bracewell	Wetland Concerns	6/10/2009	6/11/2009	Mantini, Louis	7/27/2009	HAMILTON
CMP09-0076	Harrell Randolph / Crab Shack, Anthony Martin	Stormwater Concerns	6/11/2009	6/12/2009	Johnston, Rick	6/12/2009	SUWANNEE
CMP09-0077	Anonymous / Poole - Pickett Lake resident	Lake Concerns	6/12/2009	6/15/2009	Mantini, Louis	6/19/2009	LAFAYETTE
CMP09-0078	Ed Wagner / George Lovell, et al	Ditch Concerns	6/15/2009	6/16/2009	Spencer, William		BRADFORD
CMP09-0079	Dr Tom Howard / Unknown (Waters Lake)	Lake Level Concerns, Water Use Concerns, Berm Concerns	6/16/2009	6/17/2009	Webster, Patrick		GILCHRIST
CMP09-0080	Linda Crews / Earl Peeler	Retention Pond Concerns	6/16/2009	6/22/2009	Spencer, William	6/22/2009	COLUMBIA
CMP09-0081	Ed Wagner / Hope Baptist Church	As-built Concerns	6/18/2009	6/22/2009	Bowden, Jerry		BRADFORD
CMP09-0082	Royce Mitchell / Unknown	Fill Concerns	6/19/2009	6/22/2009	Webster, Patrick		GILCHRIST
CMP09-0083	SRWMD / James and Melissa Olin (Mucho Mulch)	Digging Concerns	6/19/2009	6/19/2009	Mantini, Louis	7/20/2009	COLUMBIA
CMP09-0084	Gino / Unknown	Ditch Concerns	6/23/2009	6/23/2009	Spencer, William	6/23/2009	BRADFORD
CMP09-0085	John Aldous / Ray Sessions Cannon Creek Airpark	Flooding Concerns	6/23/2009	6/24/2009	Bowden, Jerry	7/27/2009	COLUMBIA

Complaint Number	Complainant / Property Owner	Complaint Description	Date Opened	Initial Response Date	Staff	Date Closed	County
CMP09-0086	Sam Mutch / Capital City Bank	Flooding Concerns	6/23/2009	6/24/2009	Webster, Patrick		BRADFORD
CMP09-0087	Lillian Johnson / City of Jasper	Stormwater Concerns	6/23/2009	6/24/2009	Webster, Patrick		HAMILTON
CMP09-0088	Judy / Three Rivers POA	Dumping Concerns	6/30/2009	6/30/2009	Robinson, Vince	7/13/2009	COLUMBIA
CMP09-0089	Rick Perry / Unknown	Overflow Concerns	6/30/2009	7/2/2009	Johnston, Rick	7/13/2009	BRADFORD