MEMORANDUM

TO: Governing Board

FROM: Jon Dinges, Director, Resource Management JMD

THRU: David Still, Executive Director DS

DATE: October 6, 2009

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

RECOMMENDATION

Staff recommends the Governing Board authorize publication of a Notice of Change to the amendments proposed 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 additional comments or objections are received.

BACKGROUND

On February 12, 2008, the Governing Board authorized rule development and on August 11, 2009, authorized publication of a Notice of Proposed Rule.

On September 12, 2009, the District received a proposed Lower Cost Regulatory Alternative from Gainesville Regional Utilities (GRU) regarding section 1.8 of the Water Use Permitting Guide (Guide). Section 1.8 concerns legal control requirements and is proposed to be incorporated by reference in 40B-2.301, F.A.C. On September 13, 2009, the Division of Administrative Hearings (DOAH) received a Petition for Administrative Hearing from Seven Springs Water Company (Seven Springs) also regarding section 1.8. of the Guide. Finally, the District has received comments from the Joint Administrative Procedures Committee (JAPC) that require additional changes. GRU also requested that a public hearing be held on the proposed rule amendments.

District staff and legal counsel have been working with both interested persons and JAPC staff to draft revised language to address their comments and concerns. District's legal counsel and counsel for Seven Springs have requested DOAH to hold the matter in abeyance until the Governing Board considers the changes on October 13, 2009.

If no objections or requests for a public hearing are filed within 21 days after publication of the Notice of Change and staff has addressed all of the comments and concerns from JAPC, the District will file the proposed amendments to chapter 40B-2 with Department of State.

A copy of GRU's letter, the Seven Springs petition, and JAPC's letter, together with staff's recommended changes to the proposed rule language are attached.

/lgw

Hopping Green & Sams

Attorneys and Counselors

September 10, 2009

Submitted via Email and U.S. Postal Service

Linda Welch
Rules Coordinator
Suwannee River Water Management District
9225 CR 49
Live Oak, Florida 32060

Re: SRWMD Water Use Permitting Rule, Lower Cost Regulatory Alternative

Dear Ms. Welch,

On behalf of Gainesville Regional Utilities (GRU), this letter contains a lower cost regulatory alternative to the Suwannee River Water Management District's (SRWMD's) proposed Water Use Permitting Guide, which is incorporated by reference in proposed amendments to Chapter 40B-2.301, Florida Administrative Code. By way of background, GRU is a multi-service utility owned by the City of Gainesville and is the fifth largest municipal electric utility in Florida. GRU's combined services make it the most comprehensive utility service provider in the state. GRU serves approximately 90,000 retail and wholesale customers in Gainesville and surrounding areas, including portions of the SRWMD.

On August 21, 2009, SRWMD proposed comprehensive amendments to its water use permitting rules found in Chapter 40B-2, Florida Administrative Code, including the incorporation of a new Water Use Permitting Guide. Section 1.8 of the proposed Water Use Permitting Guide included the following new requirement for "legal control" over the project site:

> 1.8. Legal Control Requirements
>
> 1.8.1. Legal Control over Project Site
>
> The District issues permits to owners of real property, therefore, the applicant must demonstrate ownership of the real property that comprises the project site. Lessees may be co-applicants with the owner of real property and therefore, co-permittees. Otherwise, lessees are not eligible to apply for water use permits, except where the lessor is the District.

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Post Office Box 6526 Tallahassee, Florida 32314 119 S Monroe Street, Suite 300 (32301) 850 222 7500 850 224 8551 fax www hgslaw com

1.8.2. Legal Control over Withdrawal and Diversion Facilities

All applicants for general or individual permits proposing to lease the lands on which the proposed water use will occur must maintain legal control to access and maintain the withdrawal and diversion facilities through the conditions of the lease as necessary to ensure permit compliance.

GRU is concerned that these new legal control requirements would create unintended consequences for water use permit applicants and permittees in the SRWMD, particularly when lessees apply for water use permits. The proposed rule would require a co-permittee relationship between lessees and lessors, and it could thereby inadvertently inhibit essential public infrastructure projects, such as electric generation facilities and water supply well fields. Additionally, based on our review of chapter 373, Florida Statutes, there appears to be an inadequate statutory basis to support these proposed legal control requirements.

Lower Cost Regulatory Alternative

GRU hereby formally proposes the following amendment to section 1.8 of the proposed Water Use Permitting Guide as a lower cost regulatory alternative pursuant to section 120.541(1)(a), Florida Statutes:

~~1.8. Legal Control Requirements~~

~~1.8.1. Legal Control over Project Site~~

~~The District issues permits to owners of real property, therefore, the applicant must demonstrate ownership of the real property that comprises the project site. Lessees may be co-applicants with the owner of real property and therefore, co-permittees. Otherwise, lessees are not eligible to apply for water use permits, except where the lessor is the District.~~

~~1.8.2. Legal Control over Withdrawal and Diversion Facilities~~

~~All applicants for general or individual permits proposing to lease the lands on which the proposed water use will occur must maintain legal control to access and maintain the withdrawal and diversion facilities through the conditions of the lease as necessary to ensure permit compliance.~~

1.8. Control over Withdrawal and Diversion Facilities

For permits issued by the District pursuant to chapter 373, Florida Statutes, the Applicant must either have the power of eminent domain or provide reasonable assurance of its ability to operate and maintain the withdrawal and/or diversion facilities for the duration of the permit in accordance with the permit terms and conditions.

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This lower cost regulatory alternative would require a lessee water use permit applicant to demonstrate the ability to have control over the water withdrawal facilities for the duration of the permit without requiring the lessee to be a co-permittee with the real property lessor. This amendment significantly reduces the administrative burdens and contractual hurdles for lessees seeking water use permits, and it would remove rule requirements that appear to lack a statutory basis in chapter 373, Florida Statutes. The regulatory alternative also clarifies that the duration requirement is limited to permits issued by the District pursuant to chapter 373, Florida Statutes, and it thus ensures that the durational aspect of the legal control requirement does not conflict with the Florida Power Plant Siting Act's primacy regarding procedural requirements. Notably, this regulatory alternative would still protect the SRWMD's interests in ensuring compliance with district rules during the operation of withdrawal facilities by requiring all water use permit applicants to demonstrate legal control over the project site either via eminent domain authority or by providing reasonable assurances of ability to comply with the permit's terms and conditions for the duration of the permit.

In filing this lower cost regulatory alternative, GRU notes for your reference section 120.54(1)(d), Florida Statutes:

> In adopting rules, all agencies must, among the alternative approaches to any regulatory objective and to the extent allowed by law, choose the alternative that does not impose regulatory costs on the regulated person, county, or city which could be reduced by the adoption of less costly alternatives that substantially accomplish the statutory objectives.

If the proposed lower cost regulatory alternative is not adopted, GRU requests that SRWMD amend its prior statement of estimated regulatory costs in accordance with section 120.541(1)(b), Florida Statutes, and explain its decision in accordance with section 120.541(2)(f), Florida Statutes. GRU also hereby requests party status and a public hearing pursuant to section 120.54(3)(c), Florida Statutes.

I would be happy to have further discussions with SRWMD staff regarding this lower cost regulatory alternative, including the potential withdrawal of a request for hearing if this proposal is accepted by SRWMD.

Kind Regards,

David W. Childs
Hopping Green & Sams
On behalf of Gainesville Regional Utilities

CC: Jennifer Springfield, Esq.

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BEFORE THE STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

SEVEN SPRINGS WATER COMPANY,

09-4940 RU

Petitioners,

v.

DOAH Case No. _____

SUWANNEE RIVER WATER MANAGEMENT DISTRICT,

Respondent.

_____/

FILED
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DIVISION OF ADMINISTRATIVE HEARINGS

PETITION FOR ADMINISTRATIVE HEARING TO CHALLENGE PROPOSED AMENDMENTS TO CHAPTER 40B-2, FLORIDA ADMINISTRATIVE CODE

Pursuant to Section 120.54(2), Florida Statutes (herein "F.S."), the SEVEN SPRINGS WATER COMPANY, a Florida corporation, (herein "SEVEN SPRINGS"), hereby files this petition for an administrative determination that certain proposed amendments to Chapter 40B-2, Florida Administrative Code (herein "F.A.C."), are an invalid exercise of delegated legislative authority as defined in section 120.52(8), F.S. In support of this petition, SEVEN SPRINGS (herein also "PETITIONER") states:

Affected Agency

1. The affected agency is the Suwannee River Water Management District (herein "SRWMD" or "DISTRICT"), 9225 C.R. 49, Live Oak, Florida 32060.

Agency File Numbers

2. According to the notice appearing in the Florida Administrative Weekly, Volume 35, Number 33, August 21, 2009, the DISTRICT seeks to update Chapter 40B-2, F.A.C. and also incorporates by reference a Water Use Permitting Guide (herein "WUP GUIDE"). Proposed Rule 40B-2.301(3) incorporates by reference the WUP GUIDE. More specifically, Provision 1.8.1 Legal Control over Project Site, as provided on page 14, of the WUP Guide, dated 7-16-09, is the proposed rule subject to this PETITION. The DISTRICT did not assign a file number to this proposed rule. Copies of the notice are attached as EXHIBIT A.

Petitioner

3. SEVEN SPRINGS' address and telephone number are:

5600 NE 60th Avenue
High Springs, FL 32643
386/454-3234

4. SEVEN SPRINGS is a Florida corporation and pursuant to an agreement with the landowner, Barbara D. Wray, has the right to construct and operate wells, water lines and pumping stations as it deems necessary in order to withdraw and use water from certain property in Gilchrist County, Florida. SEVEN SPRINGS file an application for and received an approved consumptive use permit (CUP No. 2-93-00093M) from the SRWMD, dated June 25, 1999. A copy of the consumptive use permit is attached as EXHIBIT B. SEVEN SPRINGS makes

water withdrawals consistent with the approved consumptive use permit and sells said water to a third party. The sale of the water to the third party is pursuant to a long term agreement with the third party.

5. SEVEN SPRINGS and its attorney have been actively involved in SRWMD's development of the proposed amendments to Chapter 40B-2, F.A.C., including the revisions to the WUP Guide.

Invalid Exercise of Delegated Legislative Authority

6.. On August 21, 2009, the SRWMD published in the Florida Administrative Weekly (Volume 35, Number 33) a series of proposed rule amendments, including proposed amendments to update Chapter 40B-2, F.A.C. (pages 3964 through and including 3972). See EXHIBIT A.

7. Proposed rule 40B-2.301(3) on page 3968 of EXHIBIT A was amended to read as follows: "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. A current version of this document is available on the District's website and at its headquarters."

8. Attached as EXHIBIT C is the draft WUP guide, dated 7/16/09. On page 14 of the WUP Guide, provision 1.8.1 Legal Control over Project Site reads as follows: "The District issues permits to owners of real property, therefore, the

applicant must demonstrate ownership of the real property that comprises the project site. Lessees may be co-applicants with the owner of real property and therefore, co-permittees. Otherwise, lessees are not eligible to apply for water use permits, except where the lessor is the District.

9. As reflected on EXHIBIT B, SEVEN SPRINGS WATER COMPANY holds a valid consumptive use permit that was issued on June 25, 1999. At the time of the permit issuance and today SEVEN SPRINGS rights to withdraw and use the water described in the consumptive use permit are derived from its agreement with Barbara D. Wray, dated July 6, 1994. A copy of said agreement is attached as EXHIBIT D.

10. Pursuant to EXHIBIT D, SEVEN SPRINGS has the right to withdraw and use the water described in the consumptive use permit and no further authorization or approval from the landowner is required.

11. Part II of Chapter 373, F.S., imposes no limitation on whom may be an applicant for a water use permit. SEVEN SPRINGS has been an applicant for and a permittee of a consumptive use permit. SEVEN SPRINGS has the right to withdraw water from the property described in the agreement with Barbara D. Wray. Even though SEVEN SPRINGS has the right to withdraw and use water from the particular site, subject to reasonable regulations of the SRWMD, the

SRWMD seeks to modify its rules to deprive SEVEN SPRINGS of its right to file an application to modify or renew its current consumptive use permit.

12. Parties who have the right to withdraw and use water are the appropriate parties to be applicants for a consumptive use permit. SEVEN SPRINGS is such a party. Under the proposed rule SRWMD seeks to limit the applicants to the owners of real property, who may or may not have the right to withdraw and use the water.

13. The SRWMD is without the statutory authority to prohibit a party who has the rights to withdraw and use water from filing an application for a consumptive use permit.

14. SEVEN SPRINGS rights to withdraw and use the water is a property right and SRWMD's proposed rule would deprive SEVEN SPRINGS of its property right without just compensation.

Attorney's Fees and Costs

15. PETITIONER has retained undersigned counsel and is obligated to pay a fee for their services.

16. PETITIONER is entitled to the recovery of reasonable attorney's fees and costs pursuant to Section 120.595(2), F.S.

Request for Relief

WHEREFORE, PETITIONER respectfully requests that the Division of Administrative Hearings:

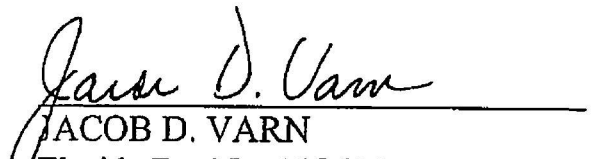
a) grant an evidentiary hearing regarding the invalidity of the proposed rules, allowing at least thirty (30) days in preparation therefore;

b) enter a Final Order declaring the proposed rules to be an invalid exercise of delegated legislative authority as defined in Section 120.52(8), F.S. on the grounds set forth in this petition;

c) award the PETITIONER its reasonable attorney's fees and costs; and

d) grant the PETITIONER such other relief as may be just and proper.

Respectfully submitted this 11th day of September, 2009.



JACOB D. VARN
Florida Bar No. 139615
FOWLER WHITE BOGGS
101 North Monroe Street, Suite 1090
Tallahassee, FL 32399
Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that the original and one copy of this document was furnished by hand delivery to the Clerk, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, FL 32301 and copies sent electronically to those listed below on this 11th day of September, 2009:

David Still (district@srwmd.org)
Jon Dinges (jmd@srwmd.org)
Linda Welch (welch_l@srwmd.org)
Suwannee River Water Management District
9225 C.R. 49
Live Oak, FL 32060

Jennifer Springfield (jennifer@springfieldlawpa.com)
Springfield Law, P.A.
605 Northeast First Street
Gainesville, FL 32601

Tom Brown (twb@bbattorneys.com)
General Counsel
P.O. Box 1029
Lake City, FL 32056

Jack D. Van
Attorney

EXHIBITS

EXHIBIT A: Notice in Florida Administrative Weekly 8/21/09

EXHIBIT B: Consumptive Use Permit

EXHIBIT C: Draft WUP Guide dated 7/16/09

EXHIBIT D: Agreement dated July 6, 1994

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021-031

JEFF ATWATER
President

LARRY CRETUL
Speaker

THE FLORIDA LEGISLATURE

JOINT ADMINISTRATIVE PROCEDURES COMMITTEE

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Representative Scott Plakon

F. SCOTT BOYD
EXECUTIVE DIRECTOR
AND GENERAL COUNSEL
Room 120, Holland Building
Tallahassee, Florida 32399-1300
Telephone (850) 488-9110

September 23, 2009

Mr. Jon Dinges
Director, Resource Management
Suwannee River Water Management District
9225 County Road 49
Live Oak, Florida 32060

Re: Suwannee River Water Management District
Proposed Amendments to Rule Chapter 40B-2, F.A.C.

Dear Mr. Dinges:

I have completed a review of the above-referenced rule package, which was advertised in the Florida Administrative Weekly on **August 21, 2009**. The following comments are for your consideration and response:

40B-2.041(2) The incorporation language for Form 40B-2.041A, Water Use Permit Status Form, must include the effective date of the form, and instructions on how a copy of the form can be obtained, as required by s.120.55(1)(a)4., F.S.

40B-2.041(2)(d) The reference to paragraph (d) in this rule should probably be changed to paragraph (e), as paragraph (d) was renumbered in this amendment to (e).

40B-2.101(2) This rule incorporates several application forms, 40B-2.101A through D. Subparagraph 120.55(1)(a)4., F.S., states, in part: "Any form or instruction which meets the definition of 'rule' provided in s. 120.52 shall be incorporated by reference into the *appropriate* rule." (e.s.) The same chapter law that added this provision, Ch. 84-203, L.O.F., repealed a portion of s.120.53(1)(b), F.S., which had required that all forms used by an agency were to be listed in a single rule. That statute had included all of the requirements for incorporation of forms now required in

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s.120.55(1)(a)4., F.S. This combination of legislative actions is interpreted to mean that forms are not to be incorporated in a rule listing forms, but rather in the "appropriate" rule, the rule which requires the use of the form.

40B-2.101(4) This provision does not logically follow the beginning of the rule, which indicates that the remainder of the rule is to list the content of the permit applications.

40B-2.310(3) This rule incorporates the Water Use Permitting Guide. Subparagraph 120.54(1)(i)1., F.S., limits the incorporation of material to material as it exists on the date the rule is adopted. For that reason, the effective date of the Water Use Permitting Guide must be included in the rule.

In addition, the rule states that a current version of the guide is available on the Water Management District's website. This implies that the guide is incorporated and made a part of the rule as it is amended in the future. As stated above, s.120.54(1)(i)1., F.S., limits incorporation of material to the version in existence on the date the rule is adopted. Future versions of the guide that are not incorporated into the rule by amendment are not part of the rule and are not enforceable as rules.

40B-2.321(1)(a) This rule states that the District "may" issue permits with up to a 50-year duration when certain conditions are met. Use of the word "may" necessarily implies that the District either may or may not choose to issue such permits based upon whim or caprice. This constitutes an arrogation of unbridled discretion to the District. See, Barrow v. Holland, 125 So.2d 749 (Fla.1960). Section 120.52(8)(d), F.S., defines invalid exercise of delegated legislative authority as the vesting of unbridled discretion in an agency by rule.

40B-2.321(1)(b) This rule states that the District shall issue permits with a least a 20-year duration when the permit is approved for the development of alternative water supplies. However, by failing to also include the possibility of a 50-year extension for the retirement of bonds, as authorized by s.373.236(5), F.S., the rule appears to modify the law implemented.

40B-2.321(1)(c) This rule states that private, rural landowners making an "extraordinary contribution of land or construction funding" to enable the expeditious implementation of an alternative water supply development project may be issued permits with up to 50-year duration. In this rule, the District reiterates the statutory language contained in s.373.236(6)(a), F.S. Regarding rules of the Game and Fresh Water Fish Commission, the

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Florida Supreme Court in State v. Cumming, 365 So.2d 153, 156 (Fla. 1978), followed in State v. Reisner, 584 So.2d 141 (Fla. 5th DCA 1991), stated, "Although the statutory guidelines are adequate to avoid [the] charge of unlawful delegation, they are far too vague and overbroad to be suitable as standards [of the Commission] for the issuing of permits." The Court went on to state that the Commission's use of statutory guidelines and inadequate standards resulted in an unconstitutional application of the statute. The Court stated, "It is the failure of the Commission to implement through its rules the statute's guidelines that has left the statute to require 'the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application . .' State v. Wershow, [343 So.2d 605 (Fla. 1977)], quoting from Brock v. Hardie, 114 Fla. 670, 154 So. 690 (1934)."

Similarly, here, the District has failed to explain or define the phrase "extraordinary contribution of land or construction funding." By using language which may be properly included in statutes as agency guidelines, the District has failed to use its expertise to specifically inform the public of what they may expect or of what is required of them. In so doing, the District has written a rule which paraphrases or reiterates s.373.236(6)(a), F.S., is unacceptably vague and appears to vest unbridled discretion in the District to interpret that phrase on a case-by-case basis, contrary to s.120.545(1)(a) and s.120.52(8)(d), F.S.

See comment above regarding use of the word "may" with respect to the issuance of permits with up to a 50-year duration.

40B-2.331(1) Please explain how the conditions for a permit modification listed in paragraphs (a) through (d) of this rule do not modify the conditions listed in the law implemented, s.373.239(2), F.S.

40B-2.331(5) See comment above regarding use of the word "may" with respect to the issuance of an order by the Governing Board to modify an existing use.

40B-2.341(1) See comment above regarding use of the word "may" with respect to the Governing Board's revocation of a permit.

In addition, the reference in s.373.243(1), F.S., to violations of "this chapter," which subsection is being implemented by this rule, is to Chapter 373, F.S. When used in this rule, the phrase "this chapter" means rule chapter 40B. Therefore, the statement that the Governing Board may revoke a permit for a violation of any provision of "this chapter" impermissibly modifies the language of the law implemented.

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40B-2.341(3) This rule provision states that the permittee may request in writing the Governing Board to revoke the permit. Without a result of the request, such as a statement that the Governing Board shall revoke a permit upon the permittee's written request, this statement is essentially meaningless.

40B-2.341(4) See comment above regarding use of the word "may" with respect to the Governing Board's revocation of a permit.

In addition, this rule appears to define "reasonable or beneficial use" as the use is not detrimental to other water users or to the water resources of the state. Please explain why this definition is not a modification of the definition in s.373.019(16), F.S., "the use of water in such quantity as is necessary for economic and efficient utilization for a purpose and in a manner which is both reasonable and consistent with the public interest."

40B-2.351 This rule begins by attempting to incorporate the Water Use Permit Transfer Form. However, the rule fails to include the form number, effective date, and how a copy of the form can be obtained, as required by s.120.55(1)(a)4., F.S.

Further comments on this rule will be reserved until the conclusion of actions before the Division of Administrative Hearings regarding this or related matters.

40B-2.381(1) See comment above regarding use of the term "may" with respect to imposition of conditions upon water user permits.

In addition, the statement that conditions may be imposed upon permits necessary to assure that the proposed use is consistent with the "overall objectives, policy, and purpose of the District" without an explanation of or reference to the location of such policies is impermissibly vague, forcing the reader to guess at the meaning of the rule.

40B-2.441(1) This rule requires the existence of a "serious set of unforeseen or unforeseeable circumstances" for the issuance of a temporary permit. The law implemented for this rule, s.373.244, F.S., requires simply that conditions meet the requirements of s.373.223(1), F.S., and that "such temporary permit is necessary for consumptive use of water prior to final action on an application for a permit." Because none of these statutory conditions appear to require a serious set of unforeseen or unforeseeable circumstances, please explain why this rule does not enlarge upon the law implemented.

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40B-2.441(3) This rule provides conditions for the Governing Board to "extend, modify or terminate a temporary permit." The law implemented by this rule, s.373.244(4), F.S., requires the Governing Board to "review temporary permits at each regular meeting and may terminate a temporary permit or refuse to extend" such permit. Please explain why this rule does not modify the law implemented.

40B-2.781 This rule states that the District "is authorized" to file an administrative complaint for corrective action, and that the District is "authorized" to seek civil penalties and recovery of its costs. Like the use of the word "may," the statement that the District is "authorized" to take certain action necessarily implies that the District either may or may not choose to take that action based upon whim or caprice. This constitutes an arrogation of unbridled discretion to the District. Section 120.52(8)(d), F.S., defines invalid exercise of delegated legislative authority as the vesting of unbridled discretion in an agency by rule.

Water Use Permitting Guide

1.8.1 Legal Control over Project Site
Comments on this provision will be reserved until the conclusion of actions before the Division of Administrative Hearings regarding this or related matters.

3.3.1.4(d) Water Conservation Plans for Public Supply Uses
This provision states that "where the applicant for a water use permit is a local government or owned by a local government, the applicant must submit a copy of any Florida-friendly ordinances which have been adopted." This provision continues, "In accordance with either section 125.568 or section 166.048, FS, the applicant must submit documentation demonstrating that the applicant has considered the adoption of a Florida-friendly ordinance." Please provide the specific statutory language imposing these two requirements.

In addition, the law being implemented by this provision, s.373.185, F.S., requires water management districts to implement incentive programs to encourage the adoption of Florida-friendly landscaping ordinances, to assist local governments by providing a model ordinance and other technical assistance, and requires the districts to develop their own model ordinances or to use a model from the "Florida-Friendly Landscape Guidance Models for Ordinances, Covenants, and Restrictions" manual developed by the Department of Environmental Protection. Please explain how this provision meets those requirements.

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3.3.3.8. A. Water Conservation Plans for Golf Course, Recreation and Landscape Uses
This provision requires Florida-friendly landscaping principles to be used in constructing proposed projects, and for these principles to be used when modifications to existing projects are requested. Please provide and explain the specific law implemented requiring compliance with Florida-friendly landscaping principles.

3.6.1. A. Standard Permit Conditions
This provision requires use of an application for permit renewal. If this application is a form and has been incorporated in District rules, the rule or rules should be referenced here as the rule in which the form is incorporated. If the application form has not been incorporated, it should be incorporated in the appropriate rule as discussed in my comment to Rule 40B-2.101(2), above.

3.6.1. P. This provision states that a permittee may be required to apply for a permit modification upon notice to the District of any changes in the water use that may alter permit allocations. The changes that would require such application, or a reference to a list or discussion or such changes, should be included in this provision.

5.4 The second paragraph of this provision states that under paragraph 40B-2.331(1)(a), FAC, qualified applicants may apply for a letter modification to be authorized to modify a permit. See my comment regarding rule subsection 40B-2.331(1), above, as it applies to this paragraph.

These comments have been provided for your consideration and response. Final notice of any substantive change must be noticed in the FAW and filed with this Committee no later than 21 days prior to the date these rules are filed for adoption. Notices of technical change or no change must be submitted to this Committee no later than 7 days prior to adoption. Therefore, if you could provide me with a response within two to three weeks of the date of this letter in the form of corrections, explanations, or additional authority it will help us to meet these deadlines.

Sincerely,

Suzanne G. Printy
Chief Attorney

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NOTICE OF CHANGE

NAME OF AGENCY:

Suwannee River Water Management District

RULE CHAPTER TITLE:

Permitting of Water Use

RULE CHAPTER NUMBER:

40B-2

RULE TITLES:	RULE NOS.:
Processing of Water Use Permit Applications	40B-2.025
Permits Required	40B-2.041
Content of Application	40B-2.101
Conditions for Issuance of Permits	40B-2.301
Duration of Permits	40B-2.321
Modification of Permits	40B-2.331
Revocation of Permits	40B-2.341
Transfer of Permits	40B-2.351
Limiting Conditions	40B-2.381

Notice is hereby given that these rules, and sections 1.8.1., 3.3.1.4., 3.6.1., and 5.4. of the proposed Water Use Permitting Guide, proposed to be incorporated in Rule 40B-2.301(3), F.A.C., published in the Florida Administrative Weekly, Volume 35, Number 33, on August 21, 2009, have been changed to reflect comments received from interested persons. When changed, these shall read as noted below:

40B-2.025 Processing of Water Use Permit Applications.

(1) Water use permit applications will be processed pursuant to section 120.60, F.S. and chapter 28-107, F.A.C., Part II of chapter 373, F.S. and this chapter, and Part VII of chapter 40B-1.

(2) Proposed uses of water associated with an electrical power plant as defined in subsection 403.503(14), FS, that are within the scope of the Florida Power Plant Siting Act, will be processed in accordance with such Act and Part I, chapter 62-17, FAC.

Rulemaking Authority: 120.54(5), 373.044, 373.113, 373.171 FS.

Law Implemented: 120.60, 373.116, 373.229, 373.239 FS.

History: New DATE.

40B-2.041 Permits Required.

(1) No change.

(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~~

(a) To obtain a minor water use permit by rule, persons must qualify and comply with the conditions specified in subsection (3) below. Permittees who wish to modify a general or individual water use permit to a minor water use permit by rule as provided in subsection (3) below, or who wish to abandon a water use permit, must complete and submit Form 40B-2.041A: Water Use Permit Status Form, effective DATE, which is hereby incorporated by reference. This form is available at District headquarters and on the District's website.

(b) To obtain a permit for water uses that require a general or individual permit, the applicant must complete and submit one of the following forms, as appropriate, which are hereby incorporated by reference:

1. 40B-2.101A Application for Water Use Permit Agricultural Use (DATE);

2. 40B-2.101B Application for Water Use Permit Augmentation/Other Use (DATE);

3. 40B-2.101C Application for Water Use Permit Commercial Use (DATE); and

4. 40B-2.101D Application for Water Use Permit Potable Water Supply Use (DATE).

(3) Minor Water Use Permit by Rule

(a) Except as provided in paragraphs (4) and (5)~~(b), (c) and (d)~~ below, a minor water use permit by rule is hereby granted for the following withdrawal classes of water use~~s~~ 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:

(3)(a)1. through (3)(a)5. No change.

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 subsections (4) and (5)~~paragraphs (d) and (e)~~ below, a minor permit by rule is hereby granted for landscape irrigation uses, provided they meet the criteria specified below:

(3)(b)1. through (3)(b)2. e. No change.

Any landscape irrigation uses that deviate from these criteria shall be required to obtain a permit in accordance with subsections (4) and (5)~~paragraphs (d) and (e)~~ below.

(3)(c) through (3)(c)5. No change.

(4) General Water Use Permit

Except as provided in subsection (3) above or (5) below ~~paragraph (a) and (b) above or (d) below~~, a general water use permit is required under the general permit procedures in s. 40B-1.703(1)(c), F.A.C., for all withdrawals or diversions which are less than ten million gallons per day maximum daily rate of withdrawal and less than ~~one~~ two million gallons per day average daily rate of withdrawal. Either the Executive Director, the Assistant Executive Director, or the Deputy Executive Director shall approve general permit applications under this paragraph without a hearing, except that any application recommended for denial shall be presented to the Governing Board for final agency action.

(5) Individual Water Use Permit

An individual water use permit is required under the individual permit procedures in subsection 40B-1.703(2), F.A.C., for all withdrawals or diversions which exceed the limits established in subsection (4) above~~paragraph 40B-2.041 (2)(d), F.A.C.~~, and for all bottled water uses regardless of the quantity of the withdrawal or diversion.

(6)~~(3)~~ In the event the proposed water use is associated with a project that requires a water well permit under chapter 373, Part III, F.S., and District rules, the water well application will be deemed part of the water use application and processed as one application under the WUP procedures.

Rulemaking Authority: 373.044, 373.113, 373.118, 373.171 F.S.

Law Implemented: 373.103, 373.118, 373.219, 373.226, 373.244 F.S.

History: New 10-1-82, Amended 5-1-83, 6-16-88, 4-14-08, AMEND DATE.

40B-2.101 Content of Application.

Applications for permits required by this chapter shall be filed with the District and ~~shall~~ contain the following:

(1) No change.

(2) The appropriate application form ~~hereby~~ incorporated by reference in 40B-2.041, F.A.C., available at District headquarters and on the District's website., ~~as follows:~~

~~(a) 40B-2.101A Application for Water Use Permit Agricultural Use (DATE);~~

~~(b) 40B-2.101B Application for Water Use Permit Augmentation/Other Use (DATE);~~

~~(c) 40B-2.101C Application for Water Use Permit Commercial Use (DATE); and~~

~~(d) 40B-2.101D Application for Water Use Permit Potable Water Supply Use (DATE).~~

(3) Best available technical and other supporting information sufficient to demonstrate that the use meets the conditions for issuance as specified in subsection 373.223(1), F.S., and section 40B-2.301, F.A.C. Any supporting information or calculations required to be prepared by a profession regulated under Florida law shall bear the certification of such professional.

~~(4) Any supporting information or calculations required to be prepared by a profession regulated under Florida law shall bear the certification of such professional.~~

(5) No change.

Rulemaking Authority: 373.044, 373.113, 373.171 FS.

Law Implemented: 373.103, 373.116, 373.117, 373.1175, 373.219, 373.223, 373.229 FS.

History: New 10-1-82, Amended DATE.

40B-2.301 Conditions for Issuance of Permits.

(1) through (2)(k) No change.

(3) The standards and criteria set forth in the Water Use Permitting Guide, effective DATE, hereby published by reference and incorporated into this chapter, must be used to provide the reasonable assurances required in this section. This~~A current version of this~~ document is available on the District's website and at its headquarters.

Rulemaking Authority: 373.044, 373.113, 373.171 FS.

Law Implemented: 373.042, 373.0421, 373.219, 373.223, 373.226 ~~373.236~~, 373.227, 373.229, 373.232, 373.236, 373.239, 373.250 FS.

History: New 10-1-82, Amended 5-1-83, AMEND DATE.

40B-2.321 Duration of Permits.

(1) No change.

(a) The District shall ~~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.

(b) The District shall issue permits with at least a 20-year duration when the permit is approved for the development of alternative water supplies. The District shall extend the duration of such permits up to 50 years when the following conditions are met:

1. The permittee has issued bonds for construction of the alternative water supply project.

2. The permittee submits a written request to extend the duration of the permit to the District prior to the permit expiration date.

3. The Governing Board determines that the water use will continue to meet the conditions for issuance in section 40B-2.301, FAC, for such additional time as is required for the retirement of the issued bonds.

(c) In accordance with paragraph 373.236(6)(a), FS, ~~When a private, rural landowner makes an extraordinary contribution of land or construction funding to enable the expeditious implementation of an alternative water supply development project,~~ the District shall ~~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 for the implementation of an alternative water supply development project. However, this provision does not apply to public or private utilities created for or by a private landowner after April 1, 2008. An applicant that requests a longer duration permit under this paragraph must have an agreement with the landowner to efficiently pursue an alternative public water supply development project identified in the District's regional water supply plan and meeting the water demands of both the applicant and the landowner. In addition, reasonable assurances must be provided that the District's 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.

(1)(d) Through (4) No change.

Rulemaking Authority: 373.044, 373.113, 373.171 FS.

Law Implemented: 373.236 FS.

History: New 10-1-82, Amended DATE.

40B-2.331 Modification of Permits.

(1) A permittee may seek modification of ~~any terms of~~ an unexpired permit ~~as follows and~~ consistent with section 40B-1.709, F.A.C~~:~~. Either the Executive Director, the Assistant Executive Director, or the Deputy Executive Director shall approve proposed modifications without a hearing, in the following circumstances.

~~(1) A permittee may apply for modification by letter to the District:~~

(a) If the proposed modification involves ~~an increase of~~ water use ~~of~~ less than 100,000 gallons per day ~~provided that the type of permit required does not change, and such modification does not change the water use class~~; or

(b) If the proposed modification would result in a more efficient use of water than is possible under the existing permit.~~; or~~

~~(c) if the proposed modification is for replacement of the source with an alternative water supply source, and~~

~~(d) If the expiration date of the permit is not changed and the location of the withdrawal is not changedpursuant to s. 373.239, Florida Statutes.~~

~~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.~~

(2) All ~~other~~ permit modification applications other than subsection (1) above shall comply with the requirements of section 373.229, F.S., and shall contain all

of the information required by the permit conditions and by rule 40B-2.101, F.A.C. This shall include all permits that have been previously considered by the Governing Board for issuance.

(3) through (4) No change.

(5) The Governing Board shall ~~may~~ issue an order to modify an existing use when conditions warrant such action in order to obtain the most beneficial use of the water resources of the state and to protect the public health, safety, and welfare and the interests of the water users affected. Such order must include a finding by the Governing Board that the use proposed to be modified is detrimental to other water users or to the water resources of the state.

Rulemaking Authority: 373.044, 373.113, 373.171, FS.

Law Implemented: 120.60, 373.083, 373.171, 373.219, 373.223, 373.229, 373.239, 373.246 FS.

History: New 10-1-82, Amended 5-1-83, AMEND DATE.

40B-2.341 Revocation of Permits.

(1) The Governing Board may revoke a permit in whole or in part, permanently or for a lesser period, as provided in subsections 373.243(1), (2) and (3), F.S., for any material false statement, a willful violation of a permit condition, or a violation of any provision of ~~this~~ chapter 373, F.S.

(2) No change.

(3) The Governing Board shall revoke a permit permanently and in whole upon receiving written consent from the permittee to revoke the permit permanently and in whole.~~The permittee may formally request, in writing, the Governing Board to revoke the permit permanently and in whole~~.

(4) The Governing Board may revoke a permit when it finds that the water use has ceased to be reasonable or beneficial~~ as the use is detrimental to other water users or to the water resources of the state~~.

Rulemaking Authority: 373.044, 373.113, 373.171 FS.

Law Implemented: 120.60, 373.171, 373.243 FS.

History: New 10-1-82, Amended DATE.

40B-2.351 Transfer of Permits.

Form 40B-2.351A: Water Use Permit Transfer Form, effective DATE, is hereby incorporated by reference. This form is available at District headquarters and on the District's website.

(1) through (5) No change.

Rulemaking Authority: 373.044, 373.113, 373.171 FS.

Law Implemented: 373.239 FS.

History: New 10-1-82, Amended DATE.

40B-2.381 Limiting Conditions.

(1) The Governing Board shall ~~may~~ impose such reasonable conditions upon any water use permit as are necessary to assure that the proposed use of water is consistent with the overall objectives, policy, and purpose of the District as set forth in chapter 373, F.S., and will not be harmful to the water resources of the District.

(2) through (3) No change.

Rulemaking Authority: 373.044, 373.113, 373.171 FS.

Law Implemented: 373.116, 373.216, 373.219, 373.223, 373.227, 373.236, 373.250 FS.

History: New 10-1-82, Amended 5-1-83, AMEND DATE.

40B-2.441 Temporary Water Use Permits.

~~(1) In order for a temporary permit to be necessary prior to final action on the application, there must exist a serious set of unforeseen or unforeseeable circumstances. Temporary permits expire on the day following the next regular meeting of the Governing Board.~~

(1)~~(2)~~ The Governing Board hereby delegates to the Executive Director the authority to issue temporary permits in accordance with 373.244(1), Florida Statutes, provided that an application for a water use permit is pending pursuant

to 373.219 and 373.229, F.S. Such temporary permits expire on the day following the next regular meeting of the Governing Board.~~:~~

~~(a) an application for a water use permit is pending;~~

(2) At the next regular meeting of the Governing Board and each subsequent regular meeting, the Governing Board, in deciding whether to extend the temporary permit, shall consider:

(a)~~(b)~~ Whether the proposed use is a ~~appears~~ reasonable-beneficial use, will not interfere with any presently existing legal use, and is consistent with the public interest ~~based on information submitted by the applicant at the time of the request for the temporary water use permit~~; and

(b)~~(c)~~ Whether a temporary permit is necessary prior to final action on the application. In order for a temporary permit to be necessary prior to final action on the application, there must exist a serious set of unforeseen or unforeseeable circumstances. Such temporary permits expire on the day following the next regular meeting of the Governing Board.

(3) In accordance with 373.244(4), F.S., the Governing Board, in deciding whether to terminate or refuse to extend a temporary permit, shall consider ~~the following in determining whether to either extend, modify or terminate a temporary permit~~:

(a) Whether the proposed use is a reasonable-beneficial use, will not interfere with any presently existing use, and is consistent with the public interest; or~~the water use appears reasonable-beneficial; or~~

(b) Whether adverse effects are occurring as a result of the water use; or

(c) Whether the water use is no longer required~~an emergency~~ .

Rulemaking Authority: 373.044, 373.113, 373.171 FS.

Law Implemented: 373.219, 373.223, 373.229, 373.244 FS.

History: New DATE.

Water Use Permitting Guide

1.8.1. Control over Withdrawal and Diversion Facilities~~Legal Control over Project Site~~

The Applicant must provide reasonable assurance of its ability to operate and maintain the withdrawal and/or diversion facilities for the duration of the permit in accordance with the permit terms and conditions. If the Applicant is a governmental entity with eminent domain authority, demonstration of its intent to condemn the property where the withdrawal and/or diversion facilities are located shall be sufficient for the District to issue a permit conditioned upon the exercise of such authority. The requirements of this section shall not apply to proposed water uses reviewed in accordance with 40B-2.025(2), F.A.C., under the Florida Power Plant Siting Act.

~~The District issues permits to owners of real property, therefore, the applicant must demonstrate ownership of the real property that comprises the project site. Lessees may be co-applicants with the owner of real property and therefore, co-permittees. Otherwise, lessees are not eligible to apply for water use permits, except where the lessor is the District.~~

3.3.1.4. Water Conservation Plans for Public Supply Uses

All public water supply utilities applying for a general or individual permit are required to develop and implement a water conservation plan. The water conservation elements of each plan need to be identified as part of the application. A schedule outlining the implementation of each of the required water conservation elements will be required to be submitted or shown to already exist prior to issuance or renewal of a public water supply water use permit. The conservation plan shall be prepared and implemented for the service area incorporating, at a minimum, the following mandatory elements. For those elements which require ordinance adoption, such ordinance shall incorporate the entire boundary of the enacting jurisdiction. The permittee shall provide a copy of the ordinances for each of the mandatory elements for which ordinances are adopted. The mandatory water conservation elements are as follows:

(a) No change.

(b) No change.

(c) No change.

(d) The Governing Board finds that the use of Florida-friendly landscaping, as defined in section 373.185, FS, contributes to the conservation of water. Further, the Governing Board supports the adoption of Florida-friendly landscaping ordinances by local governments as a significant means of achieving water conservation. Therefore, where the applicant for a water use permit is a local government or owned by a local government, the applicant must submit a copy of any Florida-friendly ordinances which have been adopted. If the applicant has not adopted any Florida-friendly ordinances, ~~In accordance with either section 125.568 or section 166.048, FS,~~ the applicant must submit documentation demonstrating that the applicant has considered the adoption of a Florida-friendly ordinance in accordance with either section 125.568 or section 166.048, FS. In the event such a Florida-friendly ordinance is proposed for adoption, the ordinance must include ~~the~~ all of the elements listed in paragraphs 373.185(2)(a) through (f), FS.

(e) No change.

(f) No change.

3.6.1. Standard Permit Conditions

A. This permit shall expire on (expiration date). The permittee must submit the appropriate ~~an~~ application form incorporated by reference in subsection 40B-2.041(2), FAC, to renew the permit ~~for permit renewal~~ and the required fee to the District pursuant to section 40B-2.361, FAC, prior to this expiration date in order to continue the use of water.

B. through O. No change.

P. Permittee must notify the District in writing prior to implementing any changes in the water use that may alter the permit allocations. Such changes include, but are not limited to, change in irrigated acreage, crop type, irrigation system, water treatment method, or entry into one or more large water use agreements. In the event a proposed change will alter the allocation, p~~P~~ermittee must first obtain ~~may be required to apply for~~ a permit modification.

Q. through S. No change.

5.4. Modification and Renewals

Permits may be modified as provided in section 40B-2.331, FAC.

~~Under paragraph 40B-2.331(1)(a), FAC, qualified applicants may apply for a letter modification, to obtain authorization for modifying a permit for changes to the terms and conditions of the permit that do not result in water resource impacts.~~

~~Modifications to permits that do not qualify for a letter modification will be processed as new water uses in accordance with subsection 40B-2.331(2), FAC, and section 373.229, FS.~~

Applications for permit renewal shall be made pursuant to section 40B-2.361, FAC. Permits for which renewal applications have been submitted prior to the expiration date shall remain in effect until final agency action occurs.

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

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: August 11, 2009.

DATE NOTICE OF PROPOSED RULE PUBLISHED IN FAW: August 21, 2009.

DATE PROPOSED CHANGES APPROVED: October 13, 2009.

MEMORANDUM

TO: Governing Board

FROM: Jon Dinges, Director, Resource Management

THRU: David Still, Executive Director

DATE: September 24, 2009

RE: Denial of Water Use Permit Application 95-0076M

RECOMMENDATION

Staff recommends the Governing Board deny, without prejudice, General Water Use Permit application number 95-0076M to Madison Environmental Services, Inc., in Madison County.

BACKGROUND

Staff has reviewed the application. The application is incomplete because the applicant did not submit information necessary to process the permit application.

/lgw

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

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

September 24, 2009

Madison Environmental Services, Inc.
c/o Kin Johnson
PO Box 157
Madison, FL 32341

Subject: Water Use Permit Application Number 95-0076M, Madison Environmental Services, Madison County

Dear Mr. Johnson:

Suwannee River Water Management District (District) staff proposes to recommend to the Governing Board that water use permit application number WUP95-0076M for your project located in Township 1 South, Range 10 East, Section 18, in Madison County, be denied without prejudice. Staff intends to recommend denial of this permit application because the applicant did not provide the requested information necessary to complete the review.

This proposed action is subject to final decision of the Governing Board at their regularly scheduled meeting on October 13, 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

Enclosure

JD/lgw
Certified Return Receipt #: 7007 1490 0002 7883 6200

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 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:

Madison Environmental Services, Inc.
PO Box 157
Madison, FL 32341

At 4:00 p.m. this 24 day of Sept, 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)

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

DON QUINCEY, JR
Chairman
Chiefland, Florida

N. DAVID FLAGG
Vice Chairman
Gainesville, Florida

GEORGIA JONES
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HEATH DAVIS
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J.P MAULTSBY
Madison, Florida

LOUIS SHIVER
Mayo, Florida

DAVID STILL
Executive Director
Lake City, Florida

May 28, 2009

Mr. Kin Johnson
Madison Environmental, Inc.
PO Box 157
Madison, FL 32340

Subject: WUP95-0076M, Request for Additional Information, Madison County

Dear Mr. Johnson:

The Suwannee River Water Management District (District) has not received your response to the District's February 12, 2009, Request for Additional Information (RAI) for Water Use Permit (WUP) application WUP95-0076M. A copy of the letter is attached for your reference.

If you are not interested in pursuing completion of this application, please provide the District with a letter withdrawing the application. If you choose to pursue completion of the application, the requested information must be received by June 15, 2009.

Failure to withdraw the application or provide the requested information will result in District staff issuing a notice of proposed agency action to deny the WUP in accordance with District rule 40B-1.703, Florida Administrative Code.

If you have any questions regarding this action, **please contact me at 800.226.1066** to further discuss this matter.

Sincerely,

John Kruse
Water Use Specialist

JK/lgw

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

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

February 12, 2009

Mr. Kin Johnson
Madison Environmental, Inc.
PO Box 157
Madison, FL 32340

Subject: WUP95-0076M, Request for Additional Information, Madison County

Dear Mr. Johnson:

The Suwannee River Water Management District (District) has reviewed the above-referenced Water Use Permit (WUP) application that was received on January 20, 2009. The following information is required before the District can continue review of the application:

1. In section II of the water use permit application, the requested Average Daily Rate (ADR) of withdrawal is 0.1000 million gallons per day (MGD). One of the criteria of Rule 40B-2.301, F.A.C., Conditions for Issuance of Permits, requires that an applicant must demonstrate that the water use is necessary to supply a certain reasonable need or demand; and only the portion of demand that is supported by adequate documentation will be permitted. Therefore, please re-evaluate your requested average daily rate of withdrawal and provide supporting documentation for the quantity requested. Refer to Rule 40B2-2.301, F.A.C.

2. In section VII of the water use permit application, the requested permit duration is 25 years. Under Chapter 373.236(1), Florida Statutes, a permit may be granted for a period of 20 years, if there is sufficient data to provide reasonable assurance that the conditions for permit issuance will be met for the duration of the permit; otherwise, permits may be issued for shorter durations which reflect the period for which such reasonable assurances can be provided. Please provide sufficient data that would support your request for a longer term permit over the current expiration date of September 7, 2015.

3. Special condition # 6 of the existing permit requires a copy of the "Drinking Water Treatment Plan Daily Operation Summary" or (monthly operating report (MOR)) to be submitted to the District. A review of the files indicates that these reports have not been submitted as required. Please submit the past 5 years of monthly operating reports to the District for review.

4. The Florida Department of Environmental Protection has the current plant design capacity at 63,000 gallons per day. Please provide documentation from the Department of Environmental Protection that indicates the plant design capacity has been increased to 100,000.

This letter constitutes a request for additional information pursuant to Chapters 28 and 40B-2, Florida Administrative Code, and Chapters 120 and 373, Florida Statutes. 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.

Please feel free to contact me at 800.226.1066 to further discuss this matter.

Sincerely,

John Kruse
Water Use Specialist

JK/lgw

SmeadSoft Reprint Date Wednesday, September 23, 2009 - 16 30 01 - WUPDocs 4513. Attachment Id 1. Page 2

STAFF REPORT

WATER USE PERMIT APPLICATION

DATE: **September 24, 2009**

PROJECT: **Madison Environmental Services, Inc.**

APPLICANT:
Madison Environmental Services, Inc.
PO Box 157
Madison, FL 32340

PERMIT APPLICATION NO.: WUP95-0076M

DATE OF APPLICATION: February 12, 2009
APPLICATION COMPLETE: N/A
DEFAULT DATE: N/A

Corporate Officers of Madision Environmental Serivces, Inc.

Registered Agent	Jacob K. Johnson, Sr.
President	Jacob K. Johnson, Sr.

Recommended Agency Action

Staff recommends denial, without prejudice, of the permit application because the applicant did not supply information requested by staff in order to deem the application complete. Staff requested documentation supporting the applicant's request for an increase in the average daily rate of withdrawal for the existing permit.

Project Review Staff

John Kruse and Tim Sagul, P.E., reviewed the project.

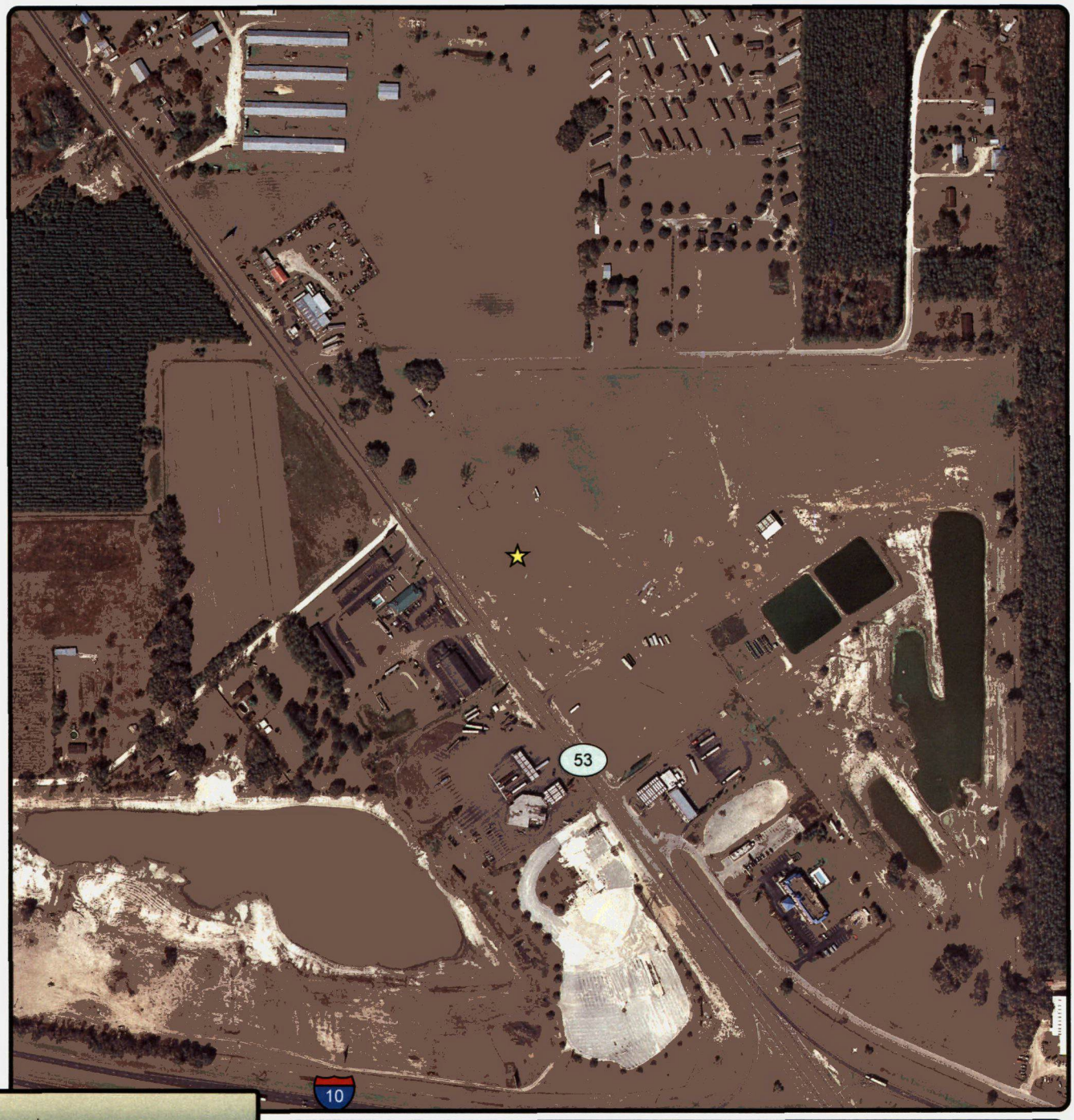
Approved By: _____
Jon Dinges, P. E., Director, Resource Management

Project Location

The project is located in Township 01 South, Range 10 East, Section 18 in Madison County. The project site is a privately-owned public supply water treatment system.

Project Description

The permit applicant is requesting to withdraw up to an additional 0.1000 million gallons a day of ground water to be used for Potable Water Supply private utility.

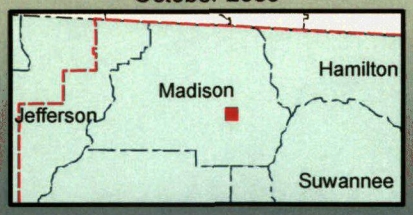


Well location

Madison Environmental Inc.

WUP95-0076M

October 2009



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Feet

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: Patrick Webster, Resource Management

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

DATE: September 24, 2009

RE: Denial of Environmental Resource Permit Application 06-0509 and Authorization to Initiate Legal Action

RECOMMENDATION

Staff recommends the Governing Board authorize denial, without prejudice, of Environmental Resource Permit application ERP06-0509 to Douglas McKoy for Cedar Key Heights-Blocks 18, 119-131 in Levy County. In addition, staff recommends the Governing Board authorize the initiation of legal action because the project has been constructed without a permit.

BACKGROUND

Staff has reviewed the after the fact permit application. The application is incomplete because the applicant did not supply information needed to complete the review. The subdivision roads have been constructed without a permit.

PW/rl
cc: CE06-0058

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

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

September 24, 2009

Douglas K. McKoy
PO Box 1300
Bronson, FL 32621

Subject: Denial of Environmental Resource Permit Application Number 06-0509, Cedar Key Heights-Blocks 18, 129-131, Levy County

Dear Mr. McKoy:

Suwannee River Water Management District (District) staff will recommend denial, without prejudice, of the above-mentioned application, located in Township 14 South, Range 13 East, Section 35, in Levy County.

Staff will make this recommendation to the Governing Board at their regularly scheduled meeting on October 13, 2009, which is open to the public.

This application is being denied because of failure to supply information necessary to complete the application. Staff is also requesting authorization from the Governing Board to initiate legal action because the subdivision roads have been constructed without a permit.

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: Levy County Board of Commissioners
CE06-0058
Certified Mail Receipt Number: 7009 0820 0000 0505 1997

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:

Douglas K. McKoy
PO Box 1300
Bronson, FL 32621

At 4:00 p.m. this 24 day of Sept., 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)

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

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

July 25, 2008

Douglas K. McCoy
PO Box 1300
Bronson, FL 32621

Subject: Request for Additional Information, ERP06-0509, CE06-0058, Cedar Key Heights Blocks 18, 129-131, Levy County

Dear Mr. McCoy:

On May 12, 2008, the Suwannee River Water Management District (District) mailed you a Request for Additional Information (RAI) in response to your permit application. The deadline for responding to District comments was July 12, 2008. To date, we have not received the requested information for this project and this violation has seen little progress since the initial discovery letter was mailed to you on August 2, 2006.

Please either submit your response to the RAI or provide a site restoration plan to the District by **September 2, 2008**.

If we do not receive a substantially complete RAI response or see a site restoration plan, which includes removal of the limerock roads and a plan to restore the wetland impacts by this deadline, a recommendation to deny your permit application will be submitted to our Governing Board and your case will be subject to enforcement proceedings.

The District as per Chapters 120 and 373, Florida Statutes (F.S.) will begin assessing penalties for this violation which will include a per day fine and reimbursement of the District's administrative costs and attorneys' fees.

If you have any questions, please contact me at 386.362.1001 or 800.226.1066 or via e-mail at PJW@srwmd.org

Sincerely,

Patrick Webster/RL

Patrick Webster, P.E.
Water Resource Engineer

PW/rl

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

LOUIS SHIVER
Chairman
Mayo, Florida

J P MAULTSBY
Vice Chairman
Madison, Florida

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Secretary/Treasurer
Lake City, Florida

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Chiefland, Florida

DON CURTIS
Lake Bird, Florida

C LINDEN DAVIDSON
Lamont, Florida

N DAVID FLAGG
Gainesville, Florida

OLIVER J LAKE
Lake City, Florida

SYLVIA J TATUM
Lawtey, Florida

DAVID STILL
Executive Director
Lake City, Florida

May 12, 2008

Douglas K. McCoy
PO Box 1300
Bronson, FL 32621

Subject: Request for Additional Information, Cedar Key Heights Blocks 18, 129-131, ERP06-0509, CE06-0058, Levy County

Dear Mr. McCoy:

The item(s) 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 July 12, 2008.

1. You have submitted a permit fee for $700 which was based on no wetland impacts. Depending on the acreage of wetland impact determined by the wetland jurisdictional determination lines located on the construction plans, additional permit fees may be required. Please see comment 11. Once the impact acreage has been determined, the District will calculate the additional permit fee required by the applicant.
2. When was clearing and roadway work conducted?
3. Construction plans must be provided signed and sealed by a professional engineer. Plans should include a site plan, roadway cross section, and plans and details providing the necessary stormwater management facilities needed to meet District criteria.
4. Provide proposed lot sizes on the plans and the average impervious per lot in the calculations.
5. Provide a topographic survey indicating contour intervals at a minimum of two feet for the site per 40B-4.2020(3)(b)1.c.
6. Provide water quality, water quantity, and drawdown calculations meeting District criteria signed and sealed by a registered professional engineer as per 40B-4.2030.
7. Provide a signed and sealed geotechnical report including soil borings, recommended percolation rates, and wet season water table elevations.

8. Minimum finish floor elevations must be provided on the construction plans.
9. Please place the entire stormwater system in drainage easements as required.
10. If more construction is proposed in order to meet District criteria, an erosion control and stabilization plan must be provided.
11. The wetland jurisdictional lines for the site, provided by Dennis Price on April 28, 2008, should be placed on a set of construction plans. These wetland lines must indicate what wetland areas have been impacted or disturbed by the unauthorized road construction. Please quantify the acreage of wetland impact.
12. It has been determined that clearing and construction occurred in jurisdictional wetlands. Please provide a mitigation plan offsetting these impacts or provide a plan to restore the impacted wetland areas. If mitigation is being provided, please provide the necessary Uniform Mitigation Assessment Method (UMAM) documentation.
13. An average wetland buffer of 25' (minimum 15') is required adjacent to all wetlands. Please indicate the wetland buffers on the construction plans or consider potential secondary impacts to wetlands.
14. According to District GIS layers, wetlands exist on the site. Pursuant to paragraph 12.2.1 of the Environmental Resource Permit (ERP) Applicant's Handbook, the applicant must provide reasonable assurance that a regulated activity will not cause adverse secondary impacts to the water resource. Aquatic or wetland dependent fish and wildlife are an integral part of the water resources that the District is authorized to protect under Part IV, chapter 373, Florida Statutes (F.S.). Wetlands within the proposed 25-foot wide buffer must be specifically protected in order for the applicant to provide reasonable assurance to prevent secondary impacts to the water resource. Please provide deed restrictions based on the provisions of section 704.06, F.S., for protection of these wetlands and buffers. Please find below how the deed restrictions should be worded. Also, please attach a survey to the deed indicating the location of any wetlands for any parcels that this item applies.

    (A) The owner of any real property covered by the restrictions shall refrain from obstructing the natural drainage of the real property herein and shall keep any natural drainage ways as may exist on said real property clear so as not to interfere with drainage plans approved by the Suwannee River Water Management (hereafter "SRWMD"). No activity of any type shall be conducted within any area described as a wetland (as defined in 373.019(22), Fla. Stat.

(2003) and other related definitions set forth in 40B-400.021, F.A.C. (2003)) on the Cedar Key Heights Blocks 18, 129-131 plan. Furthermore, the owner of any real property covered by these restrictions shall refrain from any activity inconsistent with the permit and/or easement issued by the SRWMD, including but not limited to (1) constructing or placing buildings roads, signs, billboards or other advertising, utilities or other structures on or above any area described as a wetland (as defined in 373.019(22), Fla. Stat. (2003) and other related definitions set forth in 40B-400.021, F.A.C. (2003)) on the Cedar Key Heights Blocks 18, 129-131 plan; (2) Dumping or placing soil or other substances or material as land fill or dumping or placing or trash, waste or unsightly or offensive materials on or above any area described as a wetland (as defined in 373.019(22), Fla. Stat. (2003) and other related definitions set forth in 40B-400.021, F.A.C. (2003)) on the Cedar Key Heights Blocks 18, 129-131 plan; (3) Removing or destroying any trees, shrubs or other vegetation on or above and area described as a wetland (as defined in 373.019(22), Fla. Stat. (2003) and other related definitions set forth in 40B-400.021, F.A.C. (2003)) on the Cedar Key Heights Blocks 18, 129-131 plan; (4) Excavating, dredging or removing loam, peat, gravel, soil rock or other material substances in such a manner as to effect any area described as a wetland (as defined in 373.019(22), Fla. Stat. (2003) and other related definitions set forth in 40B-400.021, F.A.C. (2003)) on the Cedar Key Heights Blocks 18, 129-131 plan; (5) Activities detrimental to drainage, flood control, water conservation, or fish and wildlife habitat preservation of any area described as a wetland (as defined in 373.019(22), Fla. Stat. (2003) and other related definitions set forth in 40B-400.021, F.A.C. (2003)) on the Cedar Key Heights Blocks 18, 129-131 plan; and (6) Acts or uses detrimental to the retention of any area described as a wetland (as defined in 373.019(22), Fla. Stat. (2003) and other related definitions set forth in 40B-400.021, F.A.C. (2003)) on the Cedar Key Heights Blocks 18, 129-131 plan.

(B) In addition to any available administration remedies, the SRWMD shall retain the right to institute a civil action on any Court of Competent jurisdiction to enforce these restrictions in an action at law or in equity. The prevailing party in any administrative or other civil action shall be entitled to an award of reasonable attorney's fee and cost.

15. Please provide the Operation and Maintenance Entity for improvements onsite and on SW 70th Street. Will the County, Homeowner's Association or owner be responsible for operation and maintenance?
16. Provide an Operation and Maintenance Plan for all surfacewater management and roadway facilities.
17. Who owns SW 70th Street? Who authorized the limerock surface to be placed on this roadway?
18. Since plans and calculations have not yet been provided, further comments and requests for information may occur.

Note: This permit has been open and incomplete since September 15, 2006. It is imperative that proper responses be provided to the comments above. The information requested in this Request for Additional Information must be provided within 60 days or your application will be recommended for denial to the District Governing Board. Then the project will be submitted to legal for further action which may include penalties and fines. It is imperative that a sufficient response be provided to the comments above.

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 you have any questions, please contact me at 386.362.1001 or 800.226.1066 or via e-mail at webster_p@srwmd.state.fl.us.

Sincerely,

Patrick Webster/rl

Patrick Webster, P.E.
Water Resource Engineer

PW/rl
cc: Dennis Price, P.G.

STAFF REPORT

ENVIRONMENTAL RESOURCE PERMIT APPLICATION

DATE: **September 24, 2009**

PROJECT: **Cedar Key Heights-Blocks 18, 129-131**

APPLICANT:
Douglas K. McCoy
PO Box 1300
Bronson, Florida 32621

PERMIT APPLICATION NO.: ERP06-0509
DATE OF APPLICATION: 9/15/2006
APPLICATION COMPLETE: N/A
DEFAULT DATE: N/A

Recommended Agency Action

Staff recommends denial, without prejudice, of the environmental resource permit application because of failure to supply the information necessary to complete the application. Staff is also requesting Governing Board authorization to initiate legal action because the subdivision roads have been constructed without a permit.

Project Review Staff

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

Approved By: _____
Jon Dinges, P. E., Director, Resource Management

Project Location

The proposed project is located in Township 14 South, Range 13 East, Section 35 in Levy County near Rosewood.

Project Description

The application is for an after the fact permit to develop a subdivision and associated roads. A Request for Additional Information (RAI) letter was mailed to the applicant on May 12, 2008, with a response deadline of July 12, 2008. No information was received. On July 25, 2008, District staff sent another request for this information with a deadline of September 2, 2008. On August 28, 2008, the applicant provided an update to the District explaining the status on the engineering design and that progress was being made. After several weeks with no information being provided by the applicant, on November 4, 2008, a copy of the enforcement file was provided to Legal Counsel. After several e-mail requests to the applicant to find out the status of the applicant's responses, it has become apparent that the applicant is not responsive.

Site inspection to ensure project was not constructed

This is an after the fact permit. Construction has already occurred.

Project Boundary

Wetland Composite

Cedar Key Heights Blocks 18, 129-131

ERP06-0509

October 2009

N

0 445 890

Feet

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

THRU: David Still, Executive Director

DATE: September 24, 2009

RE: Denial of Variance Request and Entry of Final Order for Environmental Resource Permit Application 07-0006M

RECOMMENDATION

Staff recommends the Governing Board enter Final Order number 2009-0013 denying the variance request to Hamilton County (Petitioner) for Alapaha River at County Road 150 Boat Ramp and Variance Request and direct staff to continue processing of the permit application.

BACKGROUND

Petitioner proposes to construct a boat ramp and parking lot along an existing dirt trail road. The dirt trail road is within the 75-foot setback of the Alapaha River. The proposed road improvement and parking lot should be removed from the 75-foot setback in accordance with the conditions in rule 40B-4.3030, Florida Administrative Code (FAC), which does not allow for construction within the 75-foot setback.

Petitioner filed a permit application on January 26, 2009. Petitioner filed a petition for variance from subsection 40B-4.3030(12)(b), FAC, on April 6, 2009.

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.

LM/rl

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

DON QUINCEY, JR
Chairman
Chiefland, Florida

N DAVID FLAGG
Vice Chairman
Gainesville, Florida

GEORGIA JONES
Secretary/Treasurer
Lake City, Florida

C LINDEN DAVIDSON
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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

September 24, 2009

Danny Johnson
Hamilton County Board of Commissioners
207 NE 1st Street, Room 112
Jasper, FL 32053

Subject: Denial of Variance Request, ERP07-0006M, Alapaha River at County Road 150 Boat Ramp, Hamilton County

Dear Mr. Johnson:

Suwannee River Water Management District (District) staff will recommend denial, without prejudice, of the above-mentioned variance request, located in Township 2 North, Range 12 East, Section 1, in Hamilton County.

Staff will make this recommendation to the Governing Board at their regularly scheduled meeting on October 13, 2009, which is open to the public.

The variance request fails to demonstrate 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, and that the purposes of the underlying statutes will be or has been achieved by other means.

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: Bailey Bishop & Lane
Certified Mail Receipt Number: 7009 0820 0000 0505 2000

Water for Nature, Water for People
9225 CR 49 • LIVE OAK, FLORIDA 32060 • TELEPHONE 386/362-1001 • 800/226-1066 (FL) • FAX 386/362-1056
mysuwanneeriver com

RECYCLED PAPER

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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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.

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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:

Danny Johnson
Hamilton County Board of Commissioners
207 NE 1st Street, Room 112
Jasper, FL 32053

At 4:00 p.m. this 24 day of Sept., 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)

STAFF REPORT
ENVIRONMENTAL RESOURCE PERMIT & VARIANCE REQUEST

DATE: **September 24, 2009**

PROJECT: **Alapaha River at County Road 150 Boat Ramp Variance Request**

APPLICANT:
Hamilton County Board of Commissioners
207 NE 1st Street, Room 112
Jasper, FL 32053

PERMIT APPLICATION NO.:ERP07-0006M

DATE OF VARIANCE REQUEST: 11/7/08
APPLICATION COMPLETE: N/A
DEFAULT DATE:N/A

Recommended Agency Action

Staff recommends the Governing Board issue a Final Order denying the Variance Request for subsection 40B-4.3030(12)(b),Florida Administrative Code. Staff will continue to process the permit application.

SRWMD Project Review Staff

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

Approved By: _____
Jon Dinges, P.E., Director, Resource Management

Project Location

The project is northeast of the crossing of County Road 150 over the Alapaha River in Township 2 North, Range 12 East, and Section 01 in Hamilton County. The property is owned by Suwannee River Water Management District, leased to Hamilton County.

Project Description

The applicant is requesting a variance to subsection 40B-4.3030(12)(b), Florida Administrative Code (F.A.C.), the requirement of no construction within the 75 foot setback. Staff recommends that the variance request be denied and that the applicant provide all information as required by rule in order to bring the project into compliance with F.A.C.

Site inspection to ensure project was not constructed

Staff inspected the project site on August 27, 2009. The project has not been constructed.

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

IN RE:

HAMILTON COUNTY BOARD OF COUNTY COMMISSIONERS,

Petitioner, **ORDER No. 09-0013**

v.

SUWANNEE RIVER WATER MANAGEMENT DISTRICT,

DRAFT

Respondent.

FINAL ORDER DENYING VARIANCE

The Suwannee River Water Management District ("District") received a petition on March 30, 2009, from Hamilton County Board of County Commissioners ("Petitioner"), seeking a variance from Florida Administrative Code ("Fla. Admin. Code") rule 40B-4.3030(12)(b). Petitioner seeks this variance to construct a gravel road and a portion of gravel parking area within a Work of the District in Township 2 North, Range 12 East, Section 1, Hamilton County.

PROCEDURE AND ALLEGATIONS

1. Pursuant to Fla. Stat. § 120.542, Petitioner seeks a variance from Fla. Admin. Code rule 40B-4.3030(12)(b) for file number ERP07-0006M.

2. The Petition for Variance was received on March 30, 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 April 10, 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 207 NE First Street, Jasper, FL 32052, and the property affected by this order is described as the following parcel identification number: 3624-010.

As To Set-back Requirements

5. Petitioner seeks to obtain a variance to Fla. Admin. Code 40B-4.3030(12)(b) for a gravel road and a portion of a gravel parking area atop an existing graded road, which encroaches within the 75-foot setback of the Alapaha River. Petitioner alleges that construction of a new access roadway would most likely cause more harm to the environment, including erosion and sedimentation.

APPLICABLE LAW

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

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> Variances 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.

DRAFT

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

DRAFT

Attest:_____
Its Secretary

RENDERED on this _____ day of _____ 2009.

_____
Jon Dinges
District Clerk

Copies furnished to: Tom Brown
Hamilton County Board of County Commissioners
Gregory G. Bailey
Suzanne Printy, JAPC

March 27, 2009

Suwannee River Water Management District
Jon Dinges, P.E., Director, Resources Management Department
9225 CR 49
Live Oak, FL 32060

(a) Petition for variance from Ch 40B-4, Florida Administrative Code

Subject: Alapaha Boat Ramp, ERP 07-0006M, Hamilton County

(b) Petitioner: Hamilton County Board of County Commissioners
207 NE 1st Street
Jasper, Florida 32052
(386) 792-188

(c) Agent: Gregory G. Bailey
Bailey, Bishop & Lane, Inc.
1923 Capital Circle NE
Tallahassee, Florida 32303
Phone: (386) 752-5640 Fax: (386) 755-7771
gbailey@bblmail.com

(d) The applicable portion of the rule:
The portion of the rule in which the variance is requested is Ch.40B-4.3030(12b).

(e) The citation to the statue the rule is implementing:
The citation of the statue the rule is implementing is rule Ch. 40B-4.3030(12b) (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).

(f) Type of variance requested:
The type of action requested is for a variance from rule Ch. 40B-4.3030(12b). This would allow for a gravel road and a portion of the gravel parking area to be constructed within the 75' setback.

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SRWMD
APR 06 2009

ERP07 0006M

ORIGINAL TO FILE
COPIES TO

EXHIBIT A

(g) Facts that demonstrate hardship:
This would allow for a gravel road and a portion of the gravel parking area to be constructed within limits of the existing road which is currently being used. The current graded road is a small "two-trail" road. By using the existing road to access the proposed boat ramp, no existing trees and vegetation will have to be removed from access road area. Also, by using the existing road for access, the trees which have to be removed for the parking area can be minimized. Based on engineering judgement, the gravel for the proposed roadway will be placed in such a manner that allows for the storage of the water quality volume for the runoff generated by the driveway entrance and the gravel area. The calculations have been attached to show that the gravel road and parking areas provide adequate water quality volume storage. No net fill is intended for the construction of the proposed site. The calculations have also been attached which shows the areas within the buffer are less than the required post development composite curve number of 82 for Hydrologic Soil Group "D". The calculations were performed to obtain the calculated buffer and the worst case scenario is 74.6'. Therefore, the 75' minimum can be used as the buffer requirement for this particular project.

(h) The reason the variance or waiver requested would serve the purpose of the underlying statute:
In lieu of using the existing graded roadway, the construction of a new access roadway would most likely cause more harm to the environment. The removal of the trees from the area of a new road could cause more erosion and cause sedimentation to be deposited into the Alapaha River. The existing road has virtually no vegetation growing at current, and removing established trees from the natural setting would be much more invasive than using the existing road location. Also, loss of animal habitat is possible by removing the established trees, in that it could be a few years at minimum before trees replace the existing graded road and allow for habitat to be established by small animals and birds. Granting this waiver would allow for the least invasive measures to be taken to preserve the existing ecosystem, while providing a quality boat ramp in which local residents can enjoy the Alapaha River. Due to the restraints the property faces, our design cannot completely comply with Florida Administrative Code, however with the variance request approval, we can provide a design that will cause the least amount of invasive activities to the environment as possible and as much of the rule as possible.

(i) **<u>Permanent waiver/variance requested</u>**

It is our wish that a permanent waiver or variance be granted for the following:

1.) Ch. 40B-4.3030(12b) (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). Thus, a permanent variance is requested to place a gravel access roadway on the existing location of the current access graded road and a portion of the gravel parking area.

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Please take into consideration the above request for variance. Approval of the request would allow for local residents to have an exceptional location to launch recreational watercraft into the Alapaha River and greatly reduce the impacts on established vegetation.

Thank you for your consideration.

Sincerely,

Gregory G. Bailey, P.E.
President

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SRWMD
APR 06 2009

EXHIBIT A

ERP FORM 710006M

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COPIES TO

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 STATE

NOTICE IS HEREBY GIVEN that on February 6, 2009, the Department of State received the City of Boynton Beach's Petition for Variance of Section VIII.B. of the Department of State's Guidelines for the State Aid Program, which are incorporated into paragraph 1B-2.011(2)(a), Florida Administrative Code. These Guidelines provide that grant applicants have 30 days to cure an application deficiency. The City/Petitioner requested a 45-day extension of this deadline so that the City would have time to complete and submit the required, City-wide audit with its grant application. Notice of the petition was published in the March 6, 2009 issue of the Florida Administrative Weekly. On March 31, 2009, the Department of State entered an order granting the rule variance. The general basis for the Department of State's decision is that even though the City exercised due diligence in completing its grant application, it was unable to submit the required City-wide financial audit. This audit had been delayed due to turnover of all (four) professional positions in the Department of Financial Services, which was the agency in charge of the City-wide audit. Relief was granted because strict application of the rule at issue would have violated principles of fairness: the City would have forfeited $55,791 in grant funds if the Department of State had not granted the extension to cure its application deficiency due to circumstances outside of the control of the City.

A copy of the Order may be obtained by contacting: Charlotte Wheeler, Agency Clerk, Office of the General Counsel, Department of State, 500 South Bronough Street, Tallahassee, FL 32399-0250.

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN THAT on March 25, 2009, the Criminal Justice Standards and Training Commission, received a petition for permanent waiver of paragraph 11B-35.0024(2)(a), F.A.C., by Kathy Merus. The petitioner wishes to waive that portion of the rule which limits a basic recruit to retaking EITHER one high-liability proficiency OR one test of cognitive knowledge during his or her basic recruit training. The Petitioner's training school permitted her to retake one of each. The Petitioner passed her State Officer Certification Examination and is employed as an officer.

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 March 30, 2009, the Suwannee River Water Management District, received a petition for variance from Hamilton County Board of Commissioners, 207 N. E. First Street, Jasper, FL 32052, 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 intends to construct a gravel road and a portion of a gravel parking area within the 75-foot setback, located in Township 2 North, Range 12 East, Section 1, Hamilton 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 07-0006M.

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

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SRWMD
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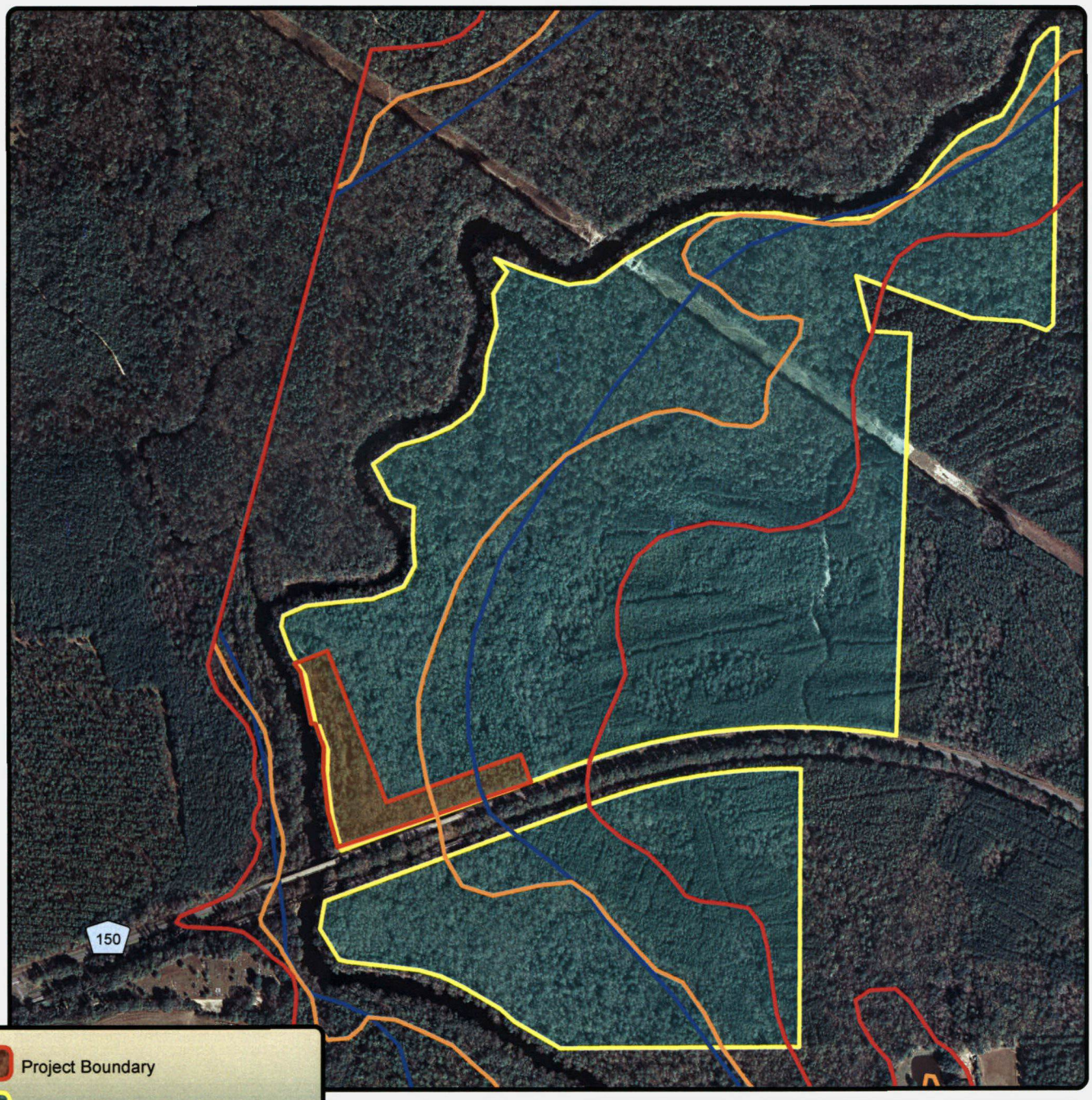
COPIES TO LM II

EXHIBIT B

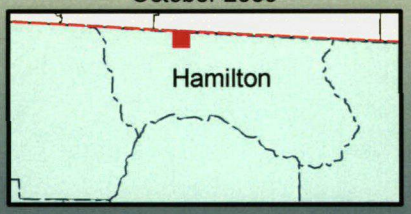


Project Boundary
Property Boundary
Suwannee River Floodway
Suwannee River 10- Year Floodplain
Suwannee River 100-Year Floodplain

Alapaha Boat Ramp at CR 150
Variance Request

ERP07-0006M

October 2009



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0 700 1,400
Feet

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: Patrick Webster, Senior Professional Engineer

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

DATE: September 24, 2009

RE: Authorization to Initiate Legal Action, Meng Dairy Farm

RECOMMENDATION

Staff recommends the Governing Board authorize the initiation of legal action regarding Meng Dairy Farm in Bradford County.

BACKGROUND

An Environmental Resource Permit application was submitted to the District on September 17, 2008, to subdivide a 125-acre parcel into 10 lots. The last 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, a letter was sent to the applicant requesting responses by May 15, 2009. No response was received.

Staff inspected the site on July 21, 2009, and discovered that the site was already subdivided and one home has been constructed on one of the lots.

The Governing Board denied application number ERP08-0319 without prejudice on August 11, 2009. A Notice of Violation letter was sent to the owner (TerraPointe, LLC, c/o Karl E. Krause) on August 18, 2009, with a response deadline of August 31, 2009. No response was received.

PW/rl
cc: Files ERP08-0319 and CE09-0063

MEMORANDUM

TO: Governing Board

FROM: Rick Johnston, Senior Professional Engineer RJ/RL

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

DATE: September 23, 2009

RE: Authorization to Enter into Contract with AECOM USA, Inc. for the FEMA RiskMAP Program

RECOMMENDATION

Staff recommends the Governing Board authorize the Executive Director to enter into a contract with AECOM USA, Inc. for implementation of the Federal Emergency Management Agency (FEMA) RiskMAP program for activities within FEMA's FY2009 for an amount not to exceed $150,000.

BACKGROUND

The District is a Cooperative Technical Partner (CTP) assisting in the implementation of FEMA's RiskMAP Program. A five-year business plan has been approved by FEMA that identifies the District's vision and level of participation for supporting RiskMAP for each county. Dixie, Gilchrist, Lafayette and Suwannee Counties are designated as project areas for FY2009.

The Governing Board approved AECOM USA, Inc. as one of six qualified firms. AECOM USA, Inc. will develop a Digital Flood Insurance Rate Map (DFIRM) and Flood Insurance Study (FIS) report for Lafayette County DFIRM updates. These updates will be based on new detailed studies for flood prone areas identified by the Counties, municipalities and the SRWMD. The special study areas for Lafayette County are Pickett Lake, Adams Lake, and Ten Mile Pond.

AECOM USA, Inc. has served as a Map Modernization consultant for FEMA, state, and local agencies since the beginning of the program. They are a key member of a team selected for a Production & Technical Services contract to support FEMA as they transition to the Risk Map program.

The District will be reimbursed actual expenses by FEMA on a monthly basis for work performed. Total reimbursements shall not exceed $150,000.

/rj

MEMORANDUM

TO: Governing Board

FROM: Rick Johnston, Senior Professional Engineer RJ/RL

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

DATE: September 23, 2009

RE: Authorization to Enter into Contract with AMEC Earth & Environmental, Inc. for the FEMA RiskMAP Program

RECOMMENDATION

Staff recommends the Governing Board authorize the Executive Director to enter into a contract with AMEC Earth & Environmental, Inc. for implementation of the Federal Emergency Management Agency (FEMA) RiskMAP program for activities within FEMA's FY2009 for an amount not to exceed $106,835.

BACKGROUND

The District is a Cooperative Technical Partner (CTP) assisting in the implementation of FEMA's RiskMAP Program. A five-year business plan has been approved by FEMA that identifies the District's vision and level of participation for supporting RiskMAP for each county. Dixie, Gilchrist, Lafayette and Suwannee Counties are designated as project areas for FY2009.

The Governing Board approved AMEC Earth & Environmental, Inc. as one of six qualified firms. AMEC Earth & Environmental, Inc. will develop a Digital Flood Insurance Rate Map (DFIRM) and Flood Insurance Study (FIS) report for Suwannee County DFIRM updates. These updates will be based on new detailed studies for flood prone areas identified by the Counties, municipalities and the SRWMD. The special study area for Suwannee County includes the City of Live Oak using Light Detection and Ranging (LiDAR) technology.

AMEC Earth & Environmental, Inc. has served as a Map Modernization consultant for FEMA, state, and local agencies nationwide. They are providing Map Modernization services to 10 Cooperating Technical Partners in 10 states and have been reselected by FEMA for a five year Indefinite Delivery Indefinite Quantity contract.

The District will be reimbursed actual expenses by FEMA on a monthly basis for work performed. Total reimbursements shall not exceed $106,835.

/rj

MEMORANDUM

TO: Governing Board

FROM: Rick Johnston, Senior Professional Engineer RJ

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

DATE: September 23, 2009

RE: Authorization to Enter into Contract with Cardno TBE for the FEMA RiskMAP Program

RECOMMENDATION

Staff recommends the Governing Board authorize the Executive Director to enter into a contract with Cardno TBE for implementation of the Federal Emergency Management Agency (FEMA) RiskMAP program for activities within FEMA's FY2009 for an amount not to exceed $125,000.

BACKGROUND

The District is a Cooperative Technical Partner (CTP) assisting in the implementation of FEMA's RiskMAP Program. A five-year business plan has been approved by FEMA that identifies the District's vision and level of participation for supporting RiskMAP for each county. Dixie, Gilchrist, Lafayette and Suwannee Counties are designated as project areas for FY2009.

The Governing Board approved Cardno TBE as one of six qualified firms. Cardno TBE will develop a Digital Flood Insurance Rate Map (DFIRM) and Flood Insurance Study (FIS) report for Dixie County DFIRM updates. These updates will be based on new detailed studies for flood prone areas identified by the Counties, municipalities and the SRWMD. The special study area for Dixie County is East Cross City.

Cardno TBE has extensive experience in Florida working with Cooperating Technical Partners including Water Management Districts and County Governments in the Map Modernization Program to provide scoping and develop DFIRMs and FIS reports.

The District will be reimbursed actual expenses by FEMA on a monthly basis for work performed. Total reimbursements shall not exceed $125,000.

/rj

MEMORANDUM

TO: Governing Board

FROM: Rick Johnston, Senior Professional Engineer RJ\RL

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

DATE: September 23, 2009

RE: Authorization to Enter into Contract with Jones Edmunds & Associates, Inc. for the FEMA RiskMAP Program

RECOMMENDATION

Staff recommends the Governing Board authorize the Executive Director to enter into a contract with Jones Edmunds & Associates, Inc. for implementation of the Federal Emergency Management Agency (FEMA) RiskMAP program for activities within FEMA's FY2009 for an amount not to exceed $225,000.

BACKGROUND

The District is a Cooperative Technical Partner (CTP) assisting in the implementation of FEMA's RiskMAP Program. A five-year business plan has been approved by FEMA that identifies the District's vision and level of participation for supporting RiskMAP for each county. Dixie, Gilchrist, Lafayette and Suwannee Counties are designated as project areas for FY2009.

The Governing Board approved Jones Edmunds & Associates, Inc. as one of six qualified firms. Jones Edmunds & Associates, Inc. will develop a Digital Flood Insurance Rate Map (DFIRM) and Flood Insurance Study (FIS) report for Gilchrist County DFIRM updates. These updates will be based on new detailed studies for flood prone areas identified by the Counties, municipalities and the SRWMD. The special study areas for Gilchrist County are Water Lake, Christmas Lake, Waccassa Lake, and the Northeast portion of Trenton.

Jones Edmunds & Associates, Inc. staff has extensive experience working with the SRWMD's Map Modernization Program and other Florida Water Management Districts and Counties.

The District will be reimbursed actual expenses by FEMA on a monthly basis for work performed. Total reimbursements shall not exceed $225,000.

/rj

MEMORANDUM

TO: Governing Board

FROM: Rick Johnston, Senior Professional Engineer RJ\ru

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

DATE: September 23, 2009

RE: Authorization to Enter into Contract with PBSJ Corporation for the FEMA RiskMAP Program

RECOMMENDATION

Staff recommends the Governing Board authorize the Executive Director to enter into a contract with PBSJ Corporation (PBSJ) for implementation of the Federal Emergency Management Agency (FEMA) RiskMAP program for activities within FEMA's FY2009 for an amount not to exceed $256,000.

BACKGROUND

The District is a Cooperative Technical Partner (CTP) assisting in the implementation of FEMA's RiskMAP Program. A five-year business plan has been approved by FEMA that identifies the District's vision and level of participation for supporting RiskMAP for each county. Dixie, Gilchrist, Lafayette and Suwannee Counties are designated as project areas for FY2009.

The Governing Board approved PBSJ as one of six qualified firms. PBSJ will conduct administrative and financial tasks for RiskMAP FY2009. PBSJ will also assist with website design and implementation of a technology transfer with our local communities.

PBSJ has completed extensive work with FEMA including implementing the Map Modernization Program for the State of Georgia.

The District will be reimbursed actual expenses by FEMA on a monthly basis for work performed. Total reimbursements shall not exceed $256,000.

/rj

MEMORANDUM

TO: Governing Board

FROM: Jon Dinges, Director, Resource Management

THRU: David Still, Executive Director

DATE: September 24, 2009

RE: Environmental Resource Permit Number 07-0431

Staff intends to issue Individual Environmental Resource Permit number 07-0431, with thirty-one standard conditions and one special limiting condition to Charles R. Thomas for Heritage Estates in Gilchrist County.

Staff has determined that the application is complete and satisfies the conditions for issuance in Chapters 40B-4 and 40B-400, Florida Administrative Code.

PW/rl

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

September 24, 2009

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

Charles R. Thomas
219 Court Street
Live Oak, FL 32064

Subject: Environmental Resource Permit Application Number 07-0431, Heritage Estates, Gilchrist County

Dear Mr. Thomas:

The Suwannee River Water Management District (District) staff proposes to issue Individual Environmental Resource Permit Number 07-0431 for your project located in Township 8 South, Range 16 East, Section 12, in Gilchrist County. This proposed action will be discussed by the Governing Board at their regularly scheduled meeting on October 13, 2009.

It is a violation of District rules to begin any work on the project before a permit is issued.

Persons considered to be potentially affected by this proposed agency action may request an administrative hearing. The request must be in writing and must adhere to the guidelines set forth in Chapter 28-106, Florida Administrative Code. Please see the enclosed Notice of Rights. All requests for administrative hearings are required to be sent to the Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060. Questions regarding the proposed action should be directed to the Department of Resource Management, 386.362.1001.

Sincerely,

Jon Dinges, P. E.
Director, Resource Management

Enclosure
JD/rl
cc: GTC Design Group
Gilchrist County Board of Commissioners
Certified Mail Receipt #: 7009 0820 0000 0505 2048

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 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:

Charles R. Thomas
219 Court Street
Live Oak, FL 32064

At 4:00 p.m. this 24 day of Sept., 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)

STAFF REPORT

ENVIRONMENTAL RESOURCE PERMIT APPLICATION

DATE: **September 24, 2009**

PROJECT: **Heritage Estates**

APPLICANT
Charles R. Thomas
219 Court Street
Live Oak, FL 32064

PERMIT APPLICATION NO.: ERP07-0431
DATE OF APPLICATION: 08/31/07
APPLICATION COMPLETE: 08/17/09
DEFAULT DATE: 11/16/09

Agency Action

Staff intends to issue an individual permit with thirty-one standard conditions and one special limiting condition. A copy of the proposed permit is attached to this staff report.

SRWMD Project Review Staff

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

Project Location

The project is located in Township 8 South, Range 16 East, Section 12, in Gilchrist County at the intersection of County Road 337 and Northeast 40th Street.

Project Description

The Project involves the construction of a 44 lot subdivision with an average lot size of approximately 4.5 acres. The project area is 220 acres consisting of 9.22 acres of impervious surface with no wetlands or flood zones on the site.

Interagency Coordination

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

Who is the authorized Operation and Maintenance Entity?

Charles Thomas 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:
CHARLES THOMAS
219 COURT ST
LIVE OAK, FL 32064

PERMIT NUMBER: ERP07-0431
DATE ISSUED: 10/13/2009
DATE EXPIRES: 10/13/2014
COUNTY: GILCHRIST
TRS: S12/T8S/R16E

PROJECT: HERITAGE ESTATES

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

CHARLES THOMAS
219 COURT ST
LIVE OAK, FL 32064

DRAFT

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:

Construction and operation of a surfacewater management system serving a 44 lot subdivision with 9.22 acres of impervious surface on a total project area of 220.48 acres in a manner consistent with the application package submitted August 31, 2007, and plans certified by Chad Williams, P.E., of GTC Design Group, on July 2, 2009 and September 8, 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: DRAFT

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.

DRAFT

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.

DRAFT

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.

DRAFT

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.

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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.

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

Special limiting conditions made part of this permit are as follows:

32. The plat for Heritage Estates Subdivision with the easements for all surfacewater management facilities shall be recorded and a copy furnished to the District prior to any construction or sale of any lot.

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_____
District Staff

DRAFT

_____ _____
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.

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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:

CHARLES THOMAS
219 COURT ST
LIVE OAK, FL 32064

At 4:00 p.m. this _____day of _____, _____.

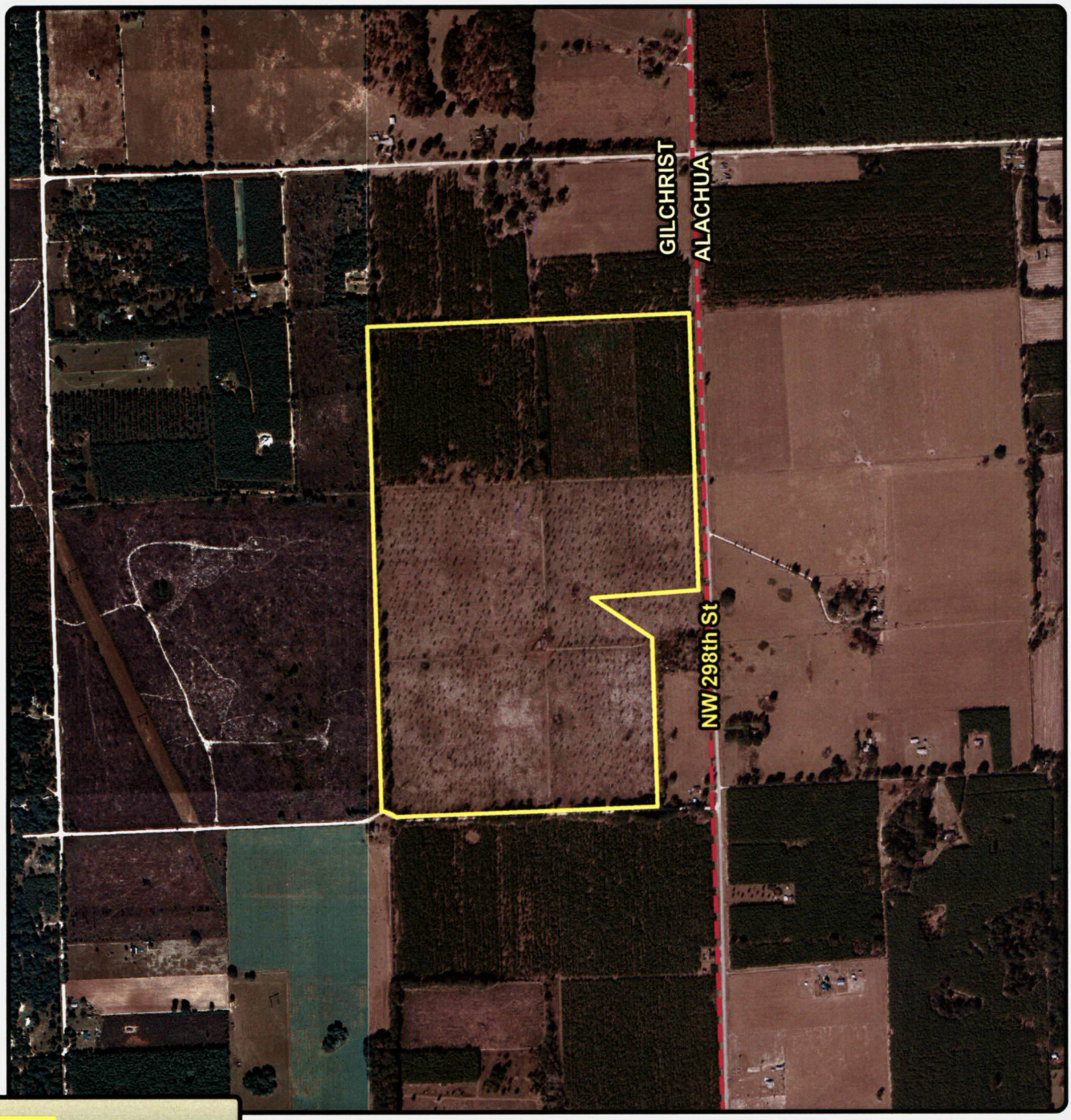
DRAFT

_____
Jon M. 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: ERP07-0431

DRAFT



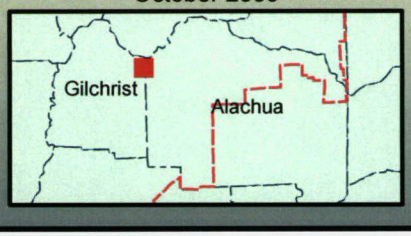
Project Boundary

County Boundary

Heritage Estates

ERP07-0431

October 2009



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0 1,125 2,250

Feet

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

THRU: David Still, Executive Director

DATE: September 24, 2009

RE: Environmental Resource Permit Number 88-0002M4

Staff intends to issue Individual Environmental Resource Permit number 88-0002M4, with thirty-one standard conditions and two special limiting conditions to Florida Department of Corrections for Mayo Correctional Institute Annex Firing Range in Lafayette County.

Staff has determined that the application is complete and satisfies the conditions for issuance in Chapters 40B-4 and 40B-400, Florida Administrative Code.

RJ/rl

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

September 24, 2009

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

Bailey Barefoot
Florida Department of Corrections
2601 Blair Stone Road
Tallahassee, FL 32399

Subject: Environmental Resource Permit Application Number 88-0002M4, Mayo Correctional Institute Annex-Firing Range, Lafayette County

Dear Mr. Barefoot:

The Suwannee River Water Management District (District) staff proposes to issue Individual Environmental Resource Permit Number 88-0002M4 for your project located in Township 4 South, Range 10 East, Section 15, in Lafayette County. This proposed action will be discussed by the Governing Board at their regularly scheduled meeting on October 13, 2009.

It is a violation of District rules to begin any work on the project before a permit is issued.

Persons considered to be potentially affected by this proposed agency action may request an administrative hearing. The request must be in writing and must adhere to the guidelines set forth in Chapter 28-106, Florida Administrative Code. Please see the enclosed Notice of Rights. All requests for administrative hearings are required to be sent to the Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060. Questions regarding the proposed action should be directed to the Department of Resource Management, 386.362.1001.

Sincerely,

Jon Dinges, P. E.
Director, Resource Management

Enclosure
JD/rl
cc: Hatch Mott MacDonald
Lafayette County Board of Commissioners
Certified Mail Receipt #: 7009 0820 0000 0505 2024

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 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:

Bailey Barefoot
Florida Department of Corrections
2601 Blair Stone Road
Tallahassee, FL 32399

At 4:00 p.m. this 24 day of Sept., 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)

STAFF REPORT

ENVIRONMENTAL RESOURCE PERMIT APPLICATION

DATE: **September 24, 2009**

PROJECT: **Mayo Correctional Institute Annex – Firing Range**

APPLICANT
Bailey Barefoot
Florida Department of Corrections
2601 Blair Stone Road
Tallahassee, FL 32399

PERMIT APPLICATION NO.: ERP88-0002M4
DATE OF APPLICATION: 06/10/09

APPLICATION COMPLETE: 09/15/09
DEFAULT DATE: 12/16/09

Agency Action

Staff intends to issue an individual permit with thirty-one standard conditions and two special limiting conditions. A copy of the proposed permit is attached to this staff report.

SRWMD Project Review Staff

Rick Johnston, P.E., Senior Professional Engineer, reviewed the project application.

Project Location

The project is located in Township 4 South, Range 10 East, Section 15, in Lafayette County one mile west of the intersection of US 27 and County Rd 53.

Project Description

The project consists of constructing a new firing range west of the existing work camp. The range consists of a 25 foot high U-shaped earthen berm surrounding the target area with a pole barn like structure to fire from.

Interagency Coordination

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

Who is the authorized Operation and Maintenance Entity?

Florida Department of Corrections 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:
FLORIDA DEPARTMENT OF CORRECTIONS
2601 BLAIR STONE RD.
TALLAHASSEE, FL 32399

PERMIT NUMBER: ERP88-0002M4
DATE ISSUED: 10/13/2009
DATE EXPIRES: 10/13/2014
COUNTY: LAFAYETTE
TRS: S15/T4S/R10E

PROJECT: MAYO CORRECTIONAL INSTITUTE ANNEX - FIRING RANGE

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

BAILEY BAREFOOT
FLORIDA DEPARTMENT OF CORRECTIONS
2601 BLAIR STONE RD.
TALLAHASSEE, FL 32399

DRAFT

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:

Previous permit issued for 26.76 acres of impervious surface on 240 acres. Modification consists of construction and operation of a surfacewater management system serving 0.60 acres of impervious surface on a total project area of 240.00 acres in a manner consistent with the application package submitted by Hatch, Mott, McDonald, certified on September 3,2009.

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.

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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.

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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.

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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.

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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

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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.

Special limiting conditions made part of this permit are as follows:

32. SRWMD is to be notified a minimum of 48 hours prior to installation of the berm drainage system.

33. The Engineer of Record or his/her representative and appropriate Mayo Correctional Institution staff will be present for installation of the berm drainage system.

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_____

District Staff

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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.

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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:

FLORIDA DEPARTMENT OF CORRECTIONS
2601 BLAIR STONE RD.
TALLAHASSEE, FL 32399

At 4:00 p.m. this _____day of _____, _____.

DRAFT

_____
Jon M. 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: ERP88-0002M4

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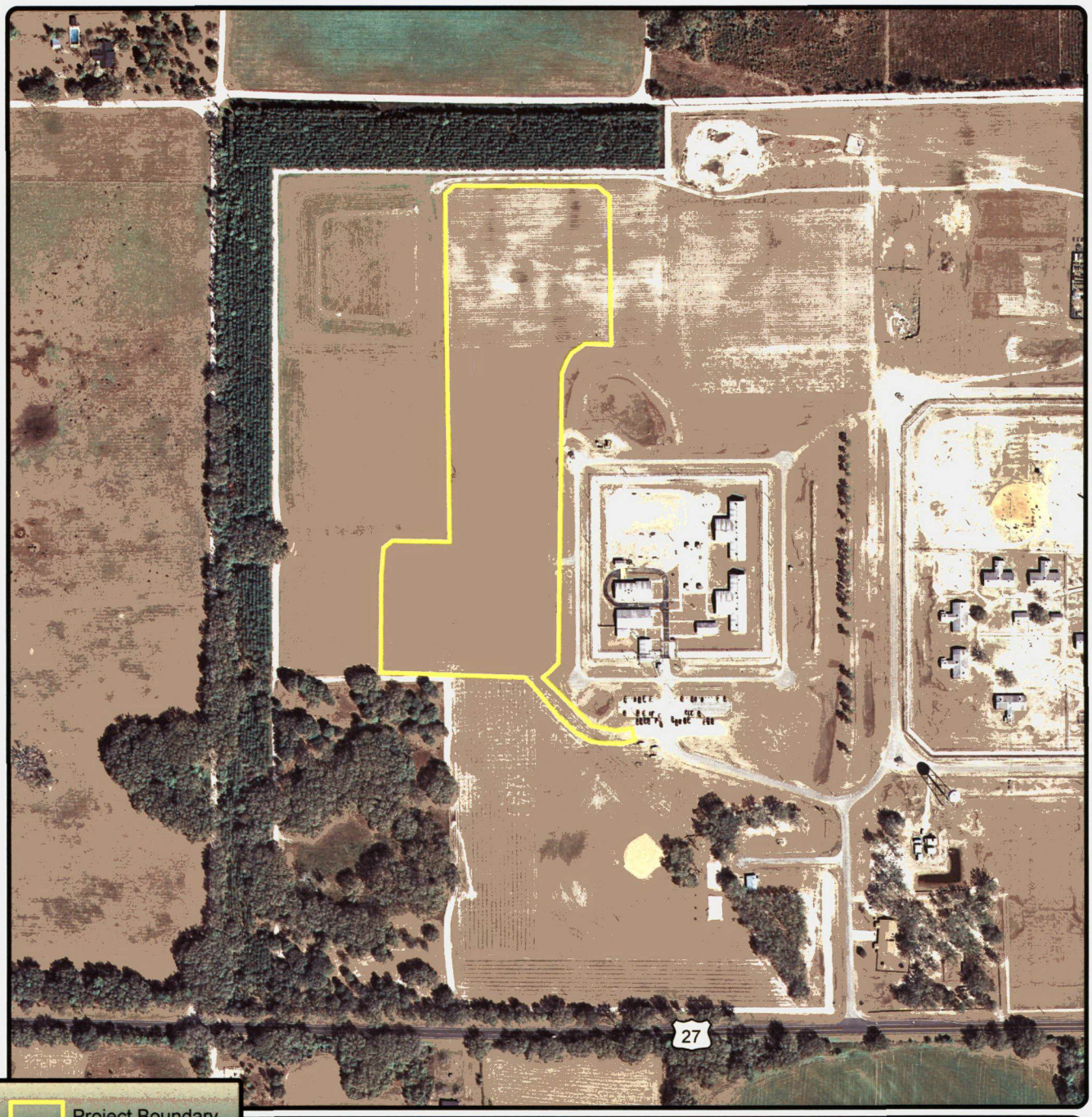

Project Boundary

Mayo Correctional Institute
Annex-Firing Range

ERP88-0002M4

October 2009

N

0 400 800

Feet

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

THRU: David Still, Executive Director

DATE: September 24, 2009

RE: Environmental Resource Permit Number 07-0336

Staff intends to issue Individual Environmental Resource Permit number 07-0336, with thirty-one standard conditions and two special limiting conditions to John Sherrill, Gulf Coast Supply Holding, LLC, for Palmetto Ridge in Dixie County.

Staff has determined that the application is complete and satisfies the conditions for issuance in Chapters 40B-4 and 40B-400, Florida Administrative Code.

/rl

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

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

September 24, 2009

John Sherrill
Gulf Coast Supply Holdings LLC
4020 SW 449th Street
Horseshoe Beach, FL 32648

Subject: Environmental Resource Permit Application Number 07-0336, Palmetto Ridge, Dixie County

Dear Mr. Sherrill:

The Suwannee River Water Management District (District) staff proposes to issue Individual Environmental Resource Permit Number 07-0336 for your project located in Township 11 South, Range 10 East, Section 25 and Township 11 South, Range 11 East, Sections 19 and 30, in Dixie County. This proposed action will be discussed by the Governing Board at their regularly scheduled meeting on October 13, 2009.

It is a violation of District rules to begin any work on the project before a permit is issued.

Persons considered to be potentially affected by this proposed agency action may request an administrative hearing. The request must be in writing and must adhere to the guidelines set forth in Chapter 28-106, Florida Administrative Code. Please see the enclosed Notice of Rights. All requests for administrative hearings are required to be sent to the Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060. Questions regarding the proposed action should be directed to the Department of Resource Management, 386.362.1001.

Sincerely,

Jon Dinges, P. E.
Director, Resource Management

Enclosure
JD/rl
cc: Gary Dounson
Jack Spivey
Dixie County Board of Commissioners
Certified Mail Receipt #: 7009 0820 0000 0505 2017

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 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:

John Sherrill
Gulf Coast Supply Holdings LLC
4020 SW 449th Street
Horseshoe Beach, FL 32648

At 4:00 p.m. this 24 day of Sept, 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)

STAFF REPORT
ENVIRONMENTAL RESOURCE PERMIT APPLICATION

DATE: **September 24, 2009**

PROJECT: **Palmetto Ridge**

APPLICANT
John Sherrill
Gulf Coast Supply Holdings LLC
4020 SW 449th Street
Horseshoe Beach, FL 32648

PERMIT APPLICATION NO.: ERP07-0336
DATE OF APPLICATION: 10/06/08
APPLICATION COMPLETE: 09/26/09
DEFAULT DATE: 12/24/09

Corporate Officers of Gulf Coast Supply Holdings, LLC

Registered Agent	**John Sherrill**
Manager	**John Sherrill**
Manager	**Jeff Reed**

Agency Action

Staff intends to issue an individual permit with thirty-one standard and two special limiting conditions. A copy of the permit is attached to this staff report.

SRWMD Project Review Staff

William Spencer, PhD, and John Hastings, P.E., Water Resources Engineer reviewed the project application.

Project Location

The project is located on County Road 351, north of Horseshoe Beach in Township 11 South, Range 10 East, Section 25, Township 11 South, Range 11 East, Section 19 and Township 11 South, Range 11 East, Section 30, in Dixie County.

Project Description

The project consists of the construction of a 218-acre, 26-lot subdivision and restoration of previously impacted wetlands.

Interagency Coordination

Dixie County, the Florida Fish and Wildlife Conservation Commission, and the United States Army Corps of Engineers are aware of the proposed project.

Who is the authorized Operation and Maintenance Entity?

John Sherrill, Gulf Coast Supply Holdings, is the authorized operation and maintenance entity.

WETLAND MITIGATION STAFF REPORT

ENVIRONMENTAL RESOURCE PERMIT APPLICATION

DATE: **August 26, 2009**

PROJECT: **Palmetto Ridge Subdivision**

APPLICANT:
Mr. John Sherrill
Gulf Coast Supply Holdings
4020 SW 449 Street
Horseshoe Beach, FL 32684

PERMIT APPLICATION NO.: ERP07-0336
DATE OF APPLICATION: 10/06/08
APPLICATION COMPLETE: 08/26/09
DEFAULT DATE:11/24/09

BACKGROUND:

Mr. John Sherrill submitted an application to develop a 26-lot rural subdivision on 218 acres within Dixie County. Review of the wetland lines established by the applicant's consultant revealed recent dredge and fill activities in wetlands within the project area, including Mr. Sherrill's personal home site. Mr. Sherrill was unaware of the wetlands because the drought had removed obvious hydrologic indicators of wetlands. Mr. Sherrill immediately hired biologists and an engineer to develop restoration and mitigation plans.

PROPOSED PROJECT:

This application proposes a 26-lot rural subdivision with wetland impacts. Wetland impacts associated with the subdivision include, an after-the-fact wetland impact associated with the construction of a home, driveway, and outbuildings that occurred in 2004. Applicant will restore 1 acre of impacted wetlands associated with the home site.

Wetland impacts associated with the proposed construction of the 26 lot subdivision include:

1) 0.97 acres of fill (after-the-fact) within a 5 acre lot on the corner of SR 351 and Blimp Road (Figure 1, Impact Area A), and
2) 0.13 acre of fill for proposed improvement of an existing gravel road for access to lots (Figure 1, Impact Area B).

For permitting efficiency resolution of the wetland impacts associated with Mr. Sherrill's home site construction are included with this application:

1) 5.99 acres of fill for structures and driveways (Figure 1, Impact Area C), approximately 1.0 acre of impacted wetlands will be restored within Impact Area C, and
2) 1.74 acres of dredging for creation of ponds (Figure 1, Impact Areas C and D).

A total of 7.09 acres of fill and 1.74 acres of dredging impacts are associated with this 218 acre development.

The Uniform Mitigation Assessment Method (UMAM) in 62-345, Florida Administrative Code, was used to determine the amount of functional loss (FL) by the wetland impacts. The FL associated with the 7.09 acres of fill impacts is 4.96 units. The FL associated with the 1.74 acres of dredging impacts is 0.47 units.

Applicant proposes on-site mitigation to provide at least 5.43 units of Functional Gain. Mitigation and restoration activities include:

1) Restoration of natural wetland hydrology by installation of culverts (Figure 2, Culverts 1, 2, and 3), and
2) Removal of portions of two old roads that block surface water flow (Figure 2, Road Removal Areas 1 and 2).
3) Removal of fill and re-vegetation (Figure 2, Restoration Area)

A total of 48.32 acres of existing wetlands will be enhanced by returning natural surface water flow to improve wetland hydrology. The Uniform Mitigation Assessment Method (UMAM) was used to determine the amount of functional gain (FG) provided by the proposed mitigation activities. The FG associated with the return of natural surface water flow to 48.32 acres of wetlands is 5.67 units. Because the FG units exceed the FL units by 0.24 units, the proposed mitigation is acceptable. Staff received final mitigation plan on 8/25/2009.

STAFF EVALUATION:

Recommend issuance of permit with special permit conditions requiring restoration and mitigation activities and receipt of annual monitoring reports.

Prepared By: William Spencer, Ph.D., Sr. Regulatory Scientist

Approved By: _____
Jon Dinges, P.E., Director, Resource Management

Figure 1. Location of wetland impacts.

N

0 315 630
Feet

ERP07-0336
Palmetto Ridge Subdivision
Dixie County

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.
Map Created on 3/9/2009

Figure 2. Location of mitigation activities.

N

0 410 820
Feet

ERP07-0336
Palmetto Ridge Subdivision
Dixie County

RM 122

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.

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:
GULF COAST SUPPLY HOLDINGS, LLC
4020 SW 449 STREET
HORSESHOE BEACH, FL 32648

PERMIT NUMBER: ERP07-0336
DATE ISSUED: 10/13/2009
DATE EXPIRES: 10/13/2014
COUNTY: DIXIE
TRS: S25/T11S/R10E, S19/T11S/R11E, S30/T11S/R11E

PROJECT: PALMETTO RIDGE

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

JOHN SHERRILL
GULF COAST SUPPLY HOLDINGS, LLC
4020 SW 449 STREET
HORSESHOE BEACH, FL 32648

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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:

Construction and operation of a surfacewater management system serving a 26 lot 218.00 acre subdivision and restoration of 1.0 acre of impacted wetlands in a manner consistent with the application package submitted by Gary Dounson and Associates, Inc. certified on May 18, 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:

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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.

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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.

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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.

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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

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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.

Special limiting conditions made part of this permit are as follows:

32. Applicant will submit a final mitigation and restoration plan to the District by June 30, 2009.

33. Applicant agrees to restore 1.0 acre of impacted wetlands as described in the mitigation and restoration plan.

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_____
District Staff

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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.

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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:

GULF COAST SUPPLY HOLDINGS, LLC
4020 SW 449 STREET
HORSESHOE BEACH, FL 32648

At 4:00 p.m. this _____day of _____, _____.

DRAFT

_____
Jon M. 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: ERP07-0336

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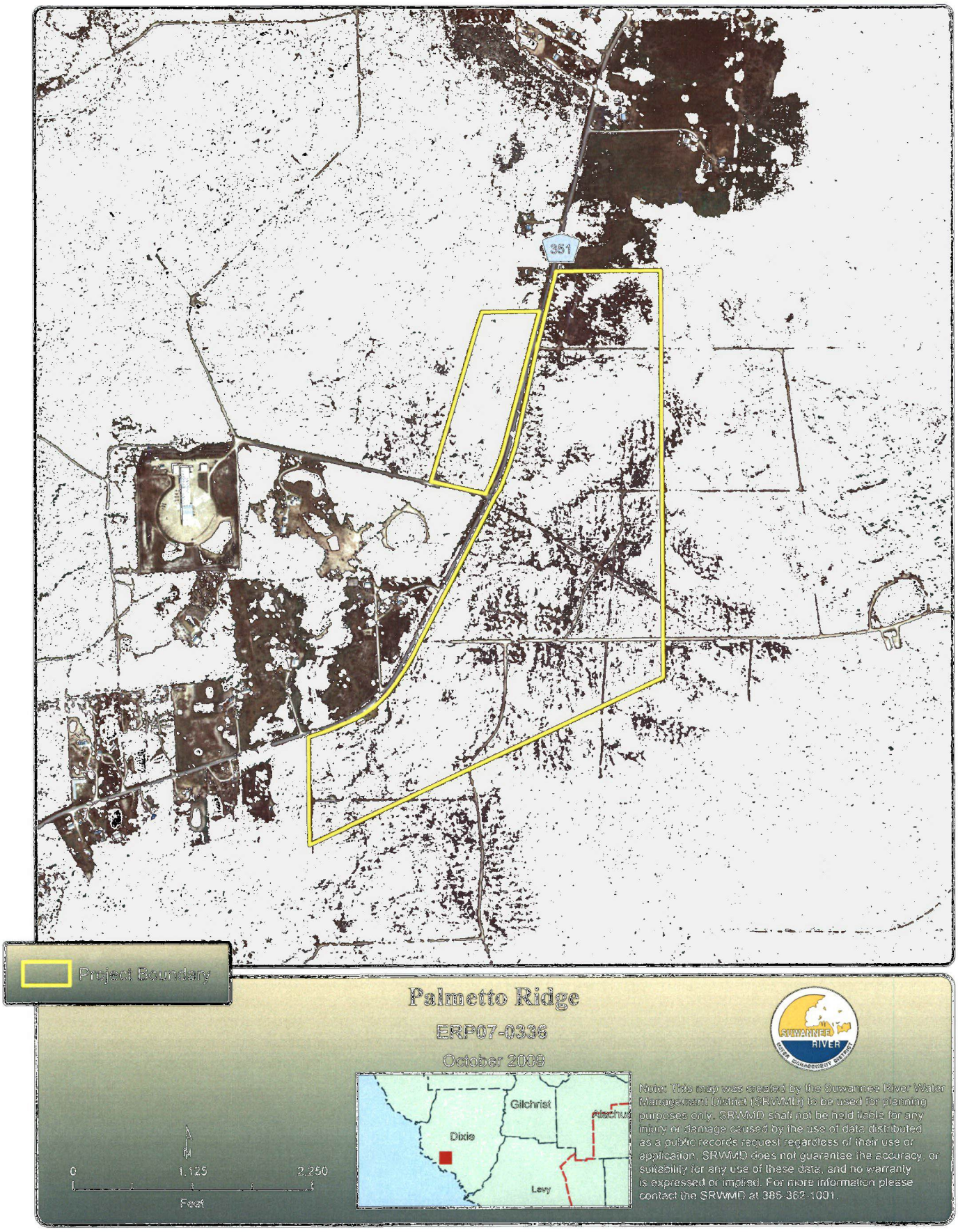

351
Project Boundary
Palmetto Ridge
ERP07-0336
October 2009
Gilchrist
Dixie
Levy
0
1,125
2,250
Feet
SUWANNEE RIVER
WATER MANAGEMENT DISTRICT
Note: This map was created by the Suwannee River Water Management District (SRWMD) to be used for planning purposes only. SRWMD shall not be held liable for any 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

THRU: David Still, Executive Director

DATE: September 23, 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 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. The District is waiting for a draft agreement from FWC. The District will request approval from the Governing Board to contract with BCI for engineering design services.

Cedar Key Reuse: The reclaimed water re-pump station is now operational.

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: In August FEMA Region 4 sent the communities in Hamilton and Madison Counties the final appeal resolution letter. A detailed study for Lake Sampson, Bradford County, is preliminarily completed. Staff will be requesting Governing Board approval for contracting with five firms for FY2009 RiskMAP tasks.

Jasper Stormwater: District staff has told the City of Jasper that they will be responsible for obtaining all necessary drainage and construction easements for the Vickers Court project. The easements would appear to be the delay in getting this project into the construction phase. The draft bid documents are being prepared by staff. 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: Approximately 40 percent of the wastewater treatment upgrades have been completed.

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 been completed on the new alternative to handle the flooding associated with US 90 and Houston Street. The District has issued the permit for this project. A majority of the construction funding will be provided by FDOT. A revised agreement between the City of Live Oak and FDOT is being prepared for the 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. FDEP is presently drafting the permit.

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 October 13, 2009, Governing Board meeting if you would like further information.

MEMORANDUM

TO: Governing Board

FROM: Jon Dinges, Director, Resource Management

THRU: David Still, Executive Director

DATE: September 24, 2009

RE: Regulatory Activity Report, Informational Item

Staff has received comments from the Florida Small Business Regulatory Advisory Council (SBRAC) and Joint Administrative Procedures Committee (JAPC) regarding proposed language for chapter 40B-2, Florida Administrative Code and the Water Use Permitting Guide. Staff has responded to SBRAC; staff is requesting a Notice of Change in the October Governing Board agenda in response to comments from JAPC and other interested persons.

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

August 2009	**Issued**	**Received**
Environmental Resource Permits	36	33
Water Use Permits	13	9
Water Well Permits	128	128

Water well permits issued and received according to well use:

Abandoned/destroyed:	1	Livestock:	2
Agricultural Irrigation:	1	Monitor:	16
Commercial/Industrial:	0	Self-supplied Residential:	95
Landscape Irrigation:	5	Public Supply:	8

Staff has implemented an environmental resource permit inspection program for construction and as-built certification. Staff inspected 2 projects under construction and 53 projects for as-built compliance. Please see the attached charts for a summary of construction and as-built inspections.

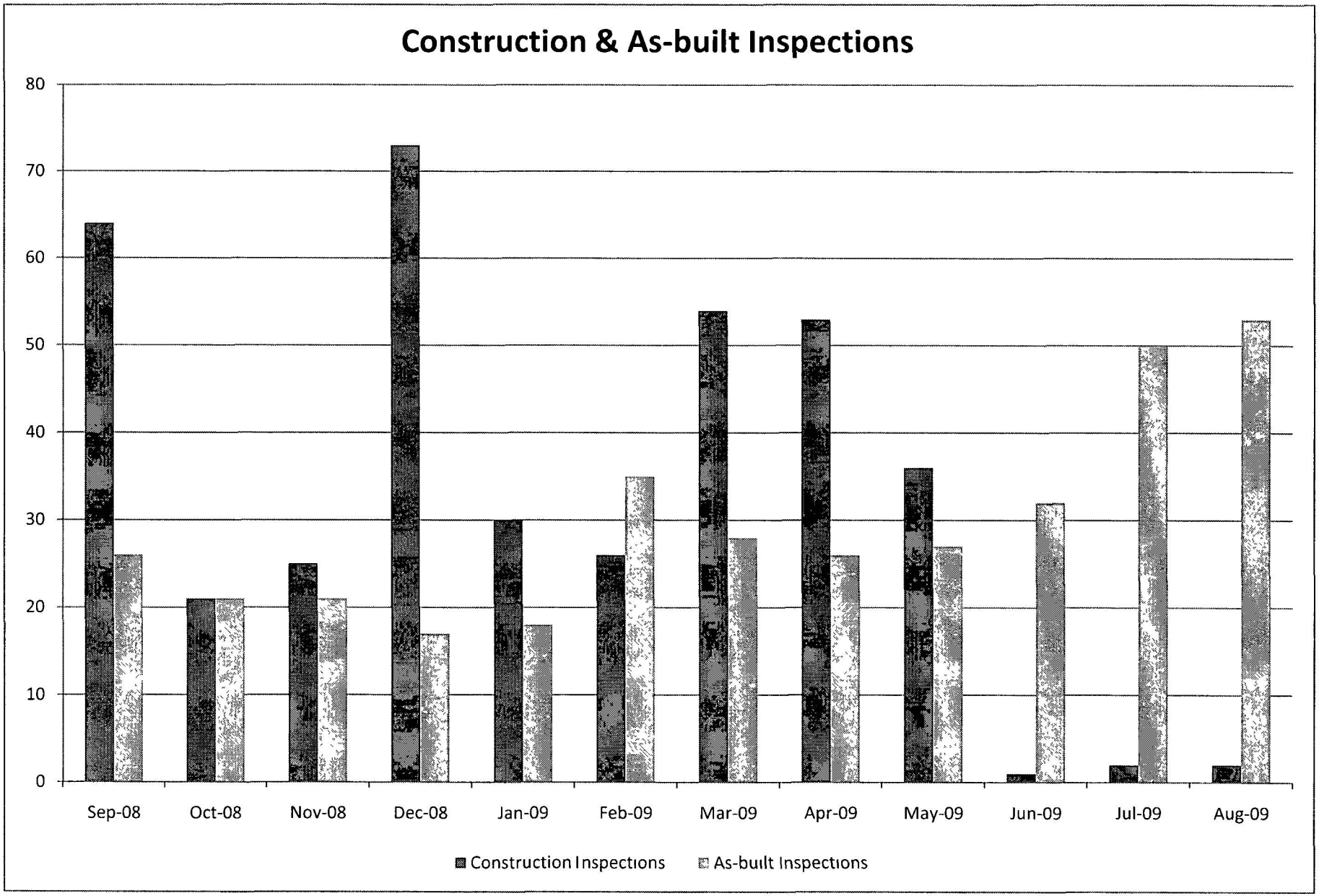
The Rulemaking Schedule, Compliance and Enforcement Report, and the Complaints Report follow this memorandum.

JD/lgw

Upcoming Rulemaking

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, 40B-1.709	4/8/08	5/9/08	8/11/09	8/21/09	8/13/09	**10/5/09**	**10/25/09**
Changes Relating to 40B-2 Major Revisions							
40B-1.704	6/9/09	6/19/09	9/8/09	**9/18/09**	**9/18/09**		
As-built bonding							
40B-2**	2/12/08	2/22/08	6/9/09 8/11/09	8/21/09	8/13/09		
Major changes to WUP process							
WUP Guide**	2/12/08	2/22/08	6/9/09 8/11/09	8/21/09	8/13/09		
Adoption of Water Use Permitting Guide							
40B-2	9/8/09	**9/18/09**					
Upper Santa Fe River Basin Permit Duration							
40B-3.902	2/10/09	2/27/09					
Water Well Construction Application							
40B-4.2010	5/14/09	5/29/09					
Noticed General Permit Application							
40B-4.3020	8/11/09	8/21/09					
Works of the District/District Floodway Application-Back Page							
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	**9/16/09**	**10/5/09**
Exemptions							
40B-400.091	12/9/08	12/19/08					
ERP Handbook-Bald Eagle De-listing							

**40B-2 and the WUP Guide require a Notice of Change, to be presented to the Governing Board at its October 13, 2009, meeting.


Construction & As-built Inspections
80
70
60
50
40
30
20
10
0
Sep-08
Oct-08
Nov-08
Dec-08
Jan-09
Feb-09
Mar-09
Apr-09
May-09
Jun-09
Jul-09
Aug-09
Construction Inspections
As-built Inspections

Compliance and Enforcement

updated 9/23/2009 1:27.09 PM

CE #	County	Discovery Date	Date Action Required	Violation Summary	Respondent	Comments	Staff
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 Petiton 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 RAI 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 Sauriol, 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 sumbmit 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

RM 141

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	5/29/2009	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 on7/7/08 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
CE09-0014	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 builts have been received but fine has not been paid 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 Need to follow up with owner on status by 8/31/09	Webster, Patrick
CE09-0031	DIXIE	3/26/2009	9/24/2009	Unpermitted structure & fill in floodway	Dale Herring	30 days to submit WOD application Waiting on WOD application Reminder letter sent 7/23/09 Received WOD application 7/30/09 Sent RAI 8/25/09 30 days to submit fee and information to complete submittal	Hastings, John
CE09-0034	DIXIE	3/31/2009	9/14/2009	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 Letter send 8/24/09	Spencer, William

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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 Instructions for completing permit application e-mailed on 08/06/09	Mantini, Louis
CE09-0049	MADISON	5/21/2009	7/27/2009	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
CE09-0054	ALACHUA	7/1/2009	10/9/2009	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 Received correspondence from Mr Almond questioning violations Second letter sent from District on August 17, 2009 Mr Almond is to submit plans and construction schedule for bringing project into compliance by 9/30/09 File to legal 8/28/09 Received letter from Mr Almond 9/15/09 File to legal 9/16/09 Letter from legal sent 9/22/09, has until 10/9/09 to pay penalty, modifiy application & submit plans	Bowden, Jerry
CE09-0055	COLUMBIA	7/14/2009	8/7/2009	Wetland drege & 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 Received response letter 8/3/09 from attorney Met with Division of Forestry and US Forest Service 8/19/09 to discuss resolution Email sent 8/24/09 asking for letter of exemption request	Spencer, William
CE09-0059	DIXIE	10/23/2008	9/21/2009	Unpermitted structure within floodway	Ronald Berg	File to legal 7/28/09 Letter sent from legal 9/4/09 18 days to pay penalty, restore site & apply for ERP permit	Hastings, John
CE09-0061	GILCHRIST	7/23/2009	8/17/2009	Unpermitted clearing, debris deposition & destabilization	Chuck Farmer / Anderson Columbia, Inc	3 days to control erosion & sediment Sent letter 8/10/09 7 days to correct measures	Mantini, Louis
CE09-0066	SUWANNEE	7/28/2009	9/2/2009	Unpermitted structure in floodway	Tillman Richardson	14 days to contact District	Robinson, Vince
CE09-0057	COLUMBIA	7/9/2009	9/7/2009	Unpermitted structure within floodway	Wilson Springs, Inc (Hugh Wilson)	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 Sent 18 day letter 8/29/09 Mr Wilson contacted me on 8/24/09 and stated he would work with me on getting the dock permitted I am trying to set up a meeting with Don Thomas Apparently he owns the dock Met with Mr Thomas on 9/9/09 and he will be sending in his application	Robinson, Vince
CE09-0062	COLUMBIA	7/7/2009	8/21/2009	Unpermitted pond	Don Thomas C/O Susan thomas	14 days to contact District ERP application received 9/18/09	Mantini, Louis

CE #	County	Discovery Date	Date Action Required	Violation Summary	Respondent	Comments	Staff
CE09-0067	DIXIE	5/29/2009	9/24/2009	Non-conformance with permitted plans	Robert Hawkins	30 days to send in ERP application WOD application received 9/17/09	Hastings, John
CE09-0068	LAFAYETTE	8/21/2009	8/7/2009	Unpermitted fill in floodway	Stephen Douglas	14 days to contact District Mr Douglas contacted the District on 09/10/09	Mantini, Louis
CE09-0071	UNION	9/9/2009	9/28/2009	Ditch blocking & desposition of solid waste	Donald Glenn	14 days to contact District Received call from Linda Glenn 9/17/09 Louis Mantini to schedule site visit	Mantini, Louis
CE09-0072	SUWANNEE	8/28/2009	10/15/2009	Unpermitted construction	Anthony Martin	30 days to contact District regarding ERP application	Johnston, Rick
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 McKoy Should arrive by 4/18/08 Received determination 4/28/08 Staff to review Bill Spencer visited site on5/1/08 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 McKoy 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 October Board meeting for denial of ERP and request for legal action	Webster, Patrick
CE06-0073	GILCHRIST	9/5/2006	11/19/2009	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 sumbitted 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 Sent letter 8/21/09, 90 day extension due to flooding issues	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 Renfroe 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 constricted 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 Variance 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 Legal sent letter 7/28/09 to Lafayette County to serve Ms Fennell	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 Sheriff 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 5/14/09 meeting File sent to DOAH on 5/18/09 Received Abeyance Order on 9/3/09 No Administrative Hearing	Mantini, Louis
CE07-0069	GILCHRIST	8/1/2007	9/19/2009	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 Mailed executed Final Order & Consent Agreement 8/13/09 Restoration plan submitted 7/23/09 30-day extension requested and granted 8/19/09 Received RAI material 9/2/09	Spencer, William
CE07-0087	MADISON	9/26/2007	8/7/2009	Unpermitted structure within the floodway	Charley Hicks Jr	30 days to contact staff Certifed 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
CE09-0063	BRADFORD	8/1/2009	8/31/2009	Unpermitted subdivision	Carl E Krause / Meng Dairy Farm	ERP application denied at August 2009 Board Meeting NOV sent 8/18/09 14 days to contact District On the Board agenda to refer to legal in October Remailed NOV 9/21/09 with updated address	Webster, Patrick

CE #	County	Discovery Date	Date Action Required	Violation Summary	Respondent	Comments	Staff
CE09-0070	TAYLOR	8/12/2009	9/14/2009	Unpermitted mud bog	Eldon Sadler	14 days to contact District Contacted 09/08/09	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
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 extention 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 Property closed due to high water 8/14/09 Site visit 9/16/09 planned	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 tommorow 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 a 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

CE #	County	Discovery Date	Date Action Required	Violation Summary	Respondent	Comments	Staff
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 Petiton 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
CE08-0057	TAYLOR	9/12/2008	10/22/2009	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 the 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 send 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 Responsent would like to continue using the same agent Extension granted to Septermber 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 J7/16/09 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 District contacted by new consultant 90-day extension granted.	Spencer, William
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

CE #	County	Discovery Date	Date Action Required	Violation Summary	Respondent	Comments	Staff
CE08-0035	COLUMBIA	4/15/2008	8/21/2009	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 ERP07-0081M 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 8/6/09 NOV mailed to Mr Jordan with four issues 1) Did not install cross drain & swale at Sta 20+33 39 2) Road side ditches pond water 3) Irrigation system needs to be certified & Emergency Contact Sign at pump electric panels need to be installed 4) As-Built Certification submitted for only part of the project Complete work by Sept 1, 2009 Pay fee of $41,000 00 Contact Rick Johnston by August 21, 2009 to discuss resolving these issues 8/10/09 Rick Johnston received a telephone call from Robert Jordan He was in Canada, he received 8/6/09 NOV via his office staff He will be back to Lake City 8/24/09 and would like to meet the week of 8/31/09 We are in the process of setting a meeting date of 9/10 or 9/11/09 9/10/09, Rick Johnston, Jon Dinges, Kevin Wright met with Mr Jordan and Phil Bishop, BB&L, Engineer of Record Mr Jordan has completed two of our request and will work on the remaining issues per agreement at this meeting We told Mr Jordan we would re-evaluate the penalties based on his good-faith effort to complete deficiencies in a timely manner We followed up with a letter, 9/16/09, documenting the resolutions established in the meeting	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 scheduled within 60 days of 9/1/09	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 conerns 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 denied at August 2009 Board Final Order mailed 8/13/09	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 Price 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 Received signed Consent Agreement & $7,772 67 for fines and penalties thru J Springfield on 8/20/09 Final Order to September 2009 Board Mailed executed FO 9/10/09	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 Salifrio 7/8/09 Impact map was submitted Preliminary discussions regarding resolution were continued Mr Salifrio will return with a proposed plan Will send 18-day letter by 8/18/09 requesting information Contacted consultant 8/24/09 A restoration plan will be submitted this week (8/24/09) Received restoration plan 8/25/09	Spencer, William

Complaint Database Inquiry List

Complaint Number	Complainant / Property Owner	Complaint Description	Date Opened	Initial Response Date	Staff	Date Closed	County
CMP09-0050	Deb Stevenson / Amelia Landings	Earthwork Concerns	8/5/2009	8/6/2009	Bowden, Jerry		COLUMBIA
CMP09-0100	Tammy McCarley / Grego??	Flooding Concerns	8/3/2009	8/5/2009	Spencer, William	8/5/2009	
CMP09-0101	Ms Rogers / Suwannee Middle School	Flooding Concerns	8/5/2009	8/5/2009	Bowden, Jerry	8/6/2009	SUWANNEE
CMP09-0102	Theron Hudson / Waters Lake-Gilchrist County	Road Concerns	8/6/2009	8/5/2009	Spencer, William		GILCHRIST
CMP09-0103	John Bradley / Richard Weis	Wetland Concerns, Other Concerns	8/10/2009	8/10/2009	Spencer, William	8/11/2009	BRADFORD
CMP09-0104	Legislative Member (Minnis) / SRWMD	Drainage Concerns	8/10/2009	8/11/2009	Spencer, William	8/24/2009	LAFAYETTE
CMP09-0105	Maude Tanner / Maude Tanner	Road Concerns	8/17/2009	8/18/2009	Webster, Patrick	9/15/2009	ALACHUA
CMP09-0106	Larry / Drew	River Concerns	8/19/2009	8/19/2009	Robinson, Vince		DIXIE
CMP09-0107	Gail Lundy / Maddox, Dyal	Creek Concerns	8/19/2009	8/19/2009	Jensen, Don	8/19/2009	TAYLOR
CMP09-0108	Frank Johnson / Unknown	Fill Concerns	8/21/2009	8/21/2009	Mantini, Louis		LAFAYETTE
CMP09-0109	Anonymous / Unknown	River Concerns	8/24/2009	8/24/2009	Spencer, William	9/1/2009	ALACHUA
CMP09-0110	Ed Poitevint / Jom & Carol Pogue	Clearing Concerns	8/25/2009	8/25/2009	Robinson, Vince		GILCHRIST
CMP09-0111	Anonymous / Donald Ricard	Wetland Concerns	8/26/2009	8/26/2009	Spencer, William	9/23/2009	GILCHRIST
CMP09-0112	Phyllis Mangle / Phyllis Mangle	Well Concerns	8/27/2009	8/27/2009	White, David	9/2/2009	COLUMBIA

Complaint Number	Complainant / Property Owner	Complaint Description	Date Opened	Initial Response Date	Staff	Date Closed	County
CMP09-0113	Shon Spikes / Unknown Pickett Lake	Lake Concerns near Mallory Swamp	8/27/2009	8/28/2009	Spencer, William		LAFAYETTE
CMP09-0114	Anonymous / Steven Braswell	Clearing Concerns	8/31/2009	9/1/2009	Spencer, William		LAFAYETTE

MEMORANDUM

TO: Governing Board

FROM: Jerry Bowden, Senior Engineer JB/RL

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

DATE: September 24, 2009

RE: As-built Compliance Summary

As-Built Summary March 2003-August 2009

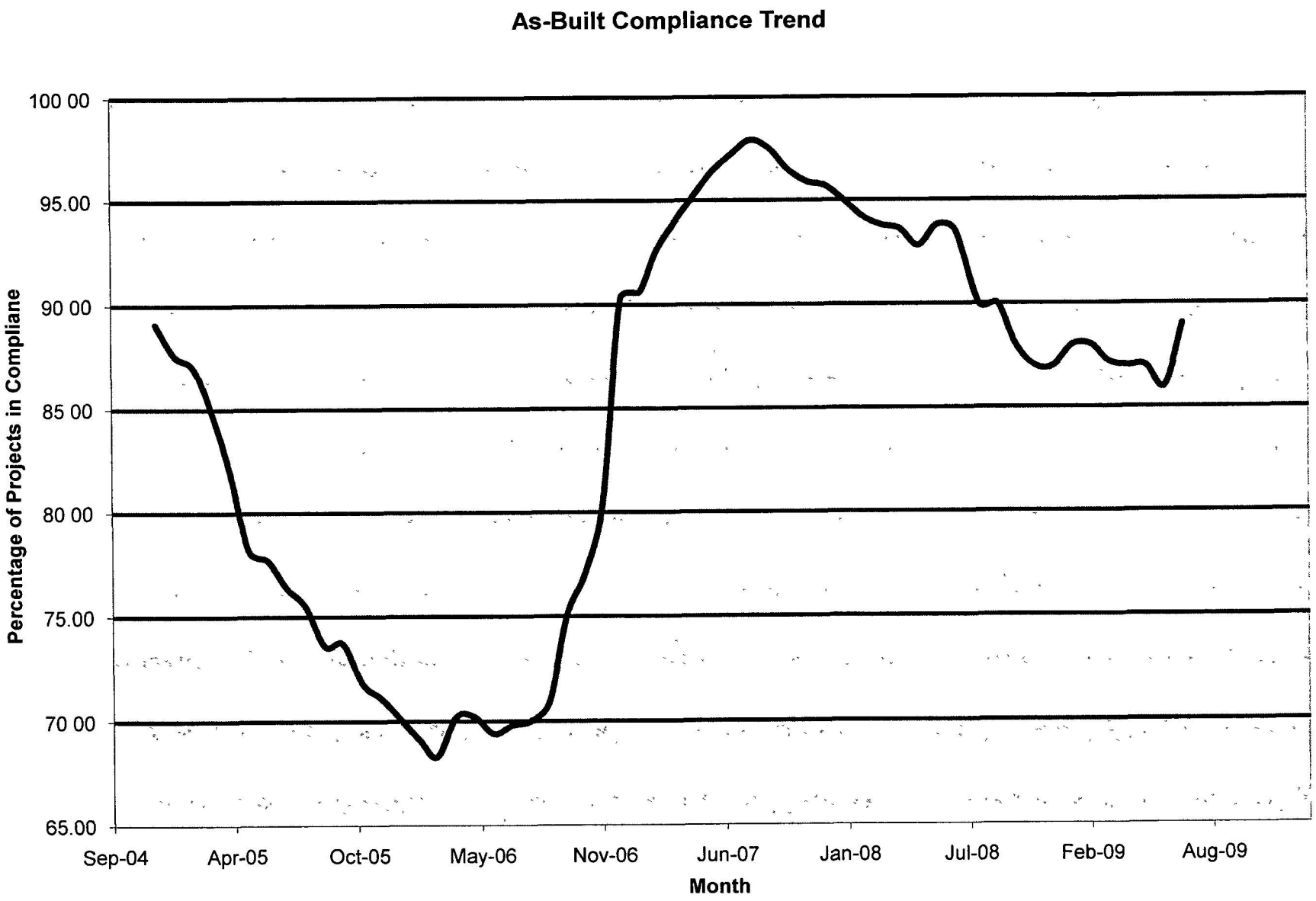
Permits Expired	1042
Projects Constructed	791
Projects in Compliance	703
Projects not in Compliance	84
Percentage of Projects in Compliance	89%
For permits expired but not constructed:	
Project Modifications	86
Project Extensions	38
Projects not Constructed	80
Projects in Compliance & Enforcement	**8**
Projects not Requiring As-Built Certification	41

As-Built Summary January 1998-February 2003

Projects Constructed	696
Projects in Compliance	602
Percentage of Projects in Compliance	87%

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
100 00
95.00
90 00
85 00
80 00
75.00
70 00
65.00
Percentage of Projects in Compliane
Sep-04
Apr-05
Oct-05
May-06
Nov-06
Jun-07
Jan-08
Jul-08
Feb-09
Aug-09
Month

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
	WALDO 301 TRAVEL CENTER MODIFICATION	ERP05-0578M	8/14/2009	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
	WAL-MART SUPERCENTER #3873 - ALACHUA	ERP05-0518	6/13/2009	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
	PINES AT FALLING CREEK	ERP05-0490	8/10/2009	INCOMPLETE	ABC
	STEWARTVILLE ESTATES SUBDIVISION	ERP05-0458	8/30/2009	INCOMPLETE	ABC
	PROJECT SUNSHINE CLEARING & GRUBBING	ERP06-0405	8/8/2009	INCOMPLETE	ABC
	THE HERMITAGE SUBDIVISION	ERP06-0385	8/21/2009	INCOMPLETE	ABC
	THE OAKS AT WOODBOROUGH	ERP06-0252	8/9/2009	INCOMPLETE	ABC
	LAKE CITY MUNICIPAL AIRPORT CONTROL TOWER	ERP00-0290	5/8/2005	INCOMPLETE	ABC
	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 MULITPURPOSE 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 2 & 3	ERP97-0308M2	11/17/2007	INCOMPLETE	ABC
	ACTION SIGNS & GRAPHICS	ERP98-0021M	3/3/2009	INCOMPLETE	C
COUNTY	**PROJECT NAME**	**PERMIT NO.**	**DATE EXPIRED**	**AS-BUILT STATUS**	**MISSING FORMS**
COLUMBIA	NEXTRAN TRUCK CENTER	ERP98-0083M2	3/30/2003	INCOMPLETE	C
	NEXTRAN SHED ADDITION	ERP98-0083M3	9/30/2004	INCOMPLETE	ABC
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
GILCHRIST	HIDDEN OAKS SUBDIVISION-FIRST ADDITION	ERP06-0041	3/1/2009	INCOMPLETE	ABC
	BELL OAKS SUBDIVISION	ERP06-0344	8/10/2009	INCOMPLETE	ABC
	PINE RIDGE PLANTATION I	ERP06-0086	8/9/2009	INCOMPLETE	ABC
	OAK WALK SUBDIVISION	ERP06-0291	8/15/2009	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
	GILCHRIST COURTHOUSE PARKING & STORAGE MODIFICATION	ERP02-0283M	6/8/2009	INCOMPLETE	
	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
	HOLTON CREEK PRIMITIVE CAMPSITE	ERP04-0329	10-Aug-09	INCOMPLETE	ABC
	PCS INDUSTRIAL PARK-HAMILTON COUNTY	ERP00-0440	4/23/2003	INCOMPLETE	C
	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
	WELLINGTEN 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 DRIVING & FIRING RANGE	ERP06-0345	8/7/2009		
	NFCC SCIENCE BUILDING	ERP89-0190M2	2/10/2009	INCOMPLETE	ABC
	MADISON LIMEROCK STABILIZATION PROJECT	ERP04-0059	3/29/2006	INCOMPLETE	ABC
	ZEPHYRHILLS WATER STATION	ERP02-0138	6/11/2004	INCOMPLETE	ABC
SUWANNEE	TIMBERWOOD ESTATES	ERP06-0060	4/25/2009	INCOMPLETE	ABC
COUNTY	**PROJECT NAME**	**PERMIT NO.**	**DATE EXPIRED**	**AS-BUILT STATUS**	**MISSING FORMS**
SUWANNEE	SPIRIT OF THE SUWANNEE HORSE CAMP BATH HOUSE	ERP94-0123M6	8/14/2009	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
	KEATON BEACH LANDINGS MODIFICATION	ERP03-0502M	3/9/2009	INCOMPLETE	C
	OBRIEN ESTATES	ERP05-0275	8/24/2008	INCOMPLETE	ABC
	EAGLE'S POINTE SUBDIVISION	ERP05-0313	8/9/2008	INCOMPLETE	ABC
	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
	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	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