

MEMORANDUM

TO: Governing Board
FROM: Jon Dinges, Director, Resource Management
THRU: David Still, Executive Director.
DATE: December 17, 2009
RE: Authorization to Publish Notice of Proposed Rule and File Amendments to Chapter 40B-4, Florida Administrative Code (F.A.C.)

RECOMMENDATION

Staff recommends that the Governing Board authorize:

1. Publication of Notice of Proposed Rule for section 40B-4.3020, Florida Administrative Code (F.A.C.);
2. Filing 40B-4.3020, F.A.C., with Department of State if no comments or objections are received.

BACKGROUND

The Governing Board authorized rule development for 40B-4.3020, F.A.C., at the August 11, 2009, meeting. Staff published a Notice of Rule Development for 40B-4.3020, F.A.C., on August 21, 2009.

The proposed rule changes to 40B-400.046, F.A.C., will revise the *Application for General Work of the District Development Permit for District Floodways* form, and incorporate the form within the corresponding rule.

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

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

Copies of the Notice of Proposed Rule and the *Application for General Work of the District Development Permit for District Floodways* form follow this memorandum.

/lgw

NOTICE OF PROPOSED RULE

NAME OF AGENCY:

Suwannee River Water Management District

RULE CHAPTER TITLE:

Environmental Resource and Works of the District Permits

RULE CHAPTER NUMBER:

40B-4

RULE TITLES:

RULE NOS.:

Content of Works of the District Development Permit
Applications

40B-4.3020

PURPOSE AND EFFECT:

The purpose of the proposed rule is to update this section of Chapter 40B-4, F.A.C., based on staff review of the current *Application for General Works of the District Development Permit*. Additional content will be included on the application form for the applicants to verify that the applicant understands certain requirements for projects within works of the District. In accordance with subparagraph 120.55(1)(a)4., Florida Statutes, the form will also be incorporated by reference into the appropriate corresponding rule.

SUBJECT AREAS TO BE ADDRESSED:

This proposed rule will include additional content on the form, thereby ensuring better comprehension of the subject rules, and decreasing cost of rules compliance and enforcement.

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.413 F.S.

LAW IMPLEMENTED: 373.084, 373.085, 373.086 F.S.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AMENDMENTS:

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

THE FULL TEXT OF THE PROPOSED RULE IS:

CHAPTER 40B-4 Environmental Resource and Works of the District Permits

40B-4.3020 Content of Works of the District Development Permit Applications.

(1) Applications for a general district floodway development permit shall be

filed with the district and shall contain the following:

(a) Form ~~40B-1.901(11)~~40B-4.3020A, "Application for General Work of the District Development Permit for District Floodways," Suwannee River Water Management District, ~~July 7, 2008~~DATE, hereby incorporated by reference. This form is available at District headquarters and on the District's website at www.mysuwanneeriver.com. The application form ~~and which~~ contains the following:

1. The applicant's name and complete address including zip code;
2. The owner's name and complete address if applicant is other than the owner;
3. If applicable, the name, complete address, phone number, and contact person of the applicant or owner;

(b) through (2)(h) No change.

Specific Rulemaking Authority 373.044, 373.113, 373.171, 373.413 FS.

Law Implemented 373.084, 373.085, 373.086 FS.

History—New 9-25-85, Amended 3-19-86, 9-13-04, 8-8-07, 7-6-08, DATE.

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

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

DATE PROPOSED RULE APPROVED: January 12, 2010.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

January 22, 2009.



APPLICATION FOR
GENERAL WORK OF THE
DISTRICT DEVELOPMENT
PERMIT FOR
DISTRICT FLOODWAYS
40B-1.901(11)

**Suwannee
River
Water
Management
District**

9225 CR 49
Live Oak, FL 32060
TELEPHONE 386 362 1001
TELEPHONE 800 226 1066
FAX 386 362.1056

Application #: _____ FOR AGENCY USE ONLY

Please provide complete information for the items on this application. Applicants should consult the listings of content and conditions for use of a general permit in 40B-4.3020 and 40B-4.3030, Florida Administrative Code (F.A.C.). This information may be found on www.mysuwanneeriver.com. For a general permit to be valid, all of the information required on this application must be supplied and the proposed development must meet the conditions listed in 40B-4.3030, F.A.C.

Application Type: New Permit Modification to Existing Permit

Existing Permit Number and/or Related District Permit Numbers: _____

Name of Project (if applicable)		Parcel Identification Number(s)		
Applicant's Name		Project Description (please check all that apply) <input type="checkbox"/> Buildings <input type="checkbox"/> Boardwalk <input type="checkbox"/> Deck <input type="checkbox"/> Floating Dock <input type="checkbox"/> Non-floating Dock <input type="checkbox"/> Boat Ramp/Seawalls/Retaining Walls/Rip-Rap <input type="checkbox"/> Other (please specify)		
Title and Company				
Mailing Address:				
City, State and Zip.				
Telephone Number (including area code).		Owner's Name, Title and Company (if different than applicant).		
Fax Number (including area code).		Owner's Address (including city, state and zip code)		
Email Address:		Telephone Number	Email Address	
County of Project	Project Size (acres)	Section.	Township.	Range:
Property Address (if applicable).				

A General Works of the District Development Permit For District Floodways is authorized by paragraph 40B-4.3010(1), F.A.C., and requires permittees to comply with all limiting conditions listed in rule 40B-4.3030, F.A.C. Submission of this application and subsequent development under the provisions of the general permit constitutes agreement by the permittee to abide by these conditions. Failure to abide by these conditions may constitute a violation of District rules and result in District enforcement action.

Signature of the OWNER of the property on which the development will occur.

Date

CONDITIONS FOR ISSUANCE OF A GENERAL WORKS OF THE DISTRICT DEVELOPMENT PERMIT

Rule 40B-4 3030, Florida Administrative Code, states in part

"The district will not approve the issuance of a works of the district development permit for any work, structures, road, or other facilities which have the potential of individually or cumulatively reducing floodway conveyance or increasing water-surface elevations above the 100-year flood/one percent annual chance of flood elevation, or increasing soil erosion" [see 40B-4 3030(2)].

The rules go on to list a series of criteria (or conditions) for development which if met will result in issuance of District permit(s) for the development [see ss 40B-4 3030(2) through (12)] Certain of these conditions are applicable to the type of development that a general permit is intended to cover, namely construction of structures for single-family residential or agricultural use, including necessary land leveling, and construction of associated water supply, wastewater disposal, and private driveways The conditions which apply are:

-Buildings in the floodway are elevated on piles without the use of fill such that the lowest structural member of the building is at an elevation at least one foot above the 100-year flood/one percent annual chance of flood elevation

-The area below the first floor of elevated buildings is left clear and unobstructed except for the piles or stairways.

-A permanent elevation monument is established on the property to be developed by a surveyor The monument shall be adequate to establish land surface and minimum buildup elevations to the nearest 1/100 of a foot.

-No permanent fill or other obstructions are to be placed above the natural grade of the ground.

-No activities are proposed which would result in the filling or conversion of wetlands.

-Clearing of land shall be limited to that necessary to remove diseased vegetation, construct structures, associated water supply, wastewater disposal, and private driveway access facilities, and no construction shall occur in the front 75 feet of an area immediately adjacent to a water. Clearing of vegetation within the front 75 feet immediately adjacent to a water shall be limited to that necessary to gain access or remove diseased vegetation [see ss 40B-4 3030(4) through (12)]

To determine if your proposed development qualifies for a General Works of the District development permit, answer the following questions with "YES" or "NO"

1 ____ Are you planning to develop a single-family residential (private home including mobile homes, vacation homes, etc) or an agricultural structure or are you planning to add improvements including wells, septic tanks, driveways, or an addition to such a structure?

2. ____ Will the structure described above be elevated at least one (1) foot above the 100-year flood level on piles and without any above-grade fill?

3. ____ Will the area below the first floor of the structure described above be left clear and unobstructed with the exception of the piles or a stairway?

4 ____ Has (or will) a surveyor established a permanent elevation monument on your property for the purpose of establishing land elevations and minimum buildup elevations?

5. ____ Will all associated facilities, such wells, driveways, and sheds, be constructed with no fill material placed above the grade of the natural ground?

6 ____ Will all components of the development be located such that no portion of the development will occur in a wetland area (muck or "wet" soils, swampy cypress, or hardwood areas)?

7 ____ Are you planning to build a dock or boat ramp, etc ?

8 ____ Will all components of the development be located at least 75 feet from the normal top of bank of the river and will any clearing in the front 75 feet be limited to removing diseased vegetation or creating access?

If you have answered "YES" to all of the questions above, your proposed development may qualify for a General Works of the District development permit. Complete the application on the front side of the form, attach the necessary information, and mail or deliver the application to the District If you answered "NO" to one or more of the questions, your development probably does not qualify for a general permit. Please contact the District for further instructions.

MEMORANDUM

TO: Governing Board
FROM: Jon Dinges, Director, Resource Management ^{JMD}
THRU: David Still, Executive Director DS
DATE: December 17, 2009
RE: Authorization to Publish Notices of Rule Development, Proposed Rule, and File Amendments to 40B-1, F.A.C.

RECOMMENDATION

Staff recommends that the Governing Board authorize:

1. Publication of Notice of Rule Development for section 40B-1.901, F.A.C.;
Publication of Proposed Rule for section 40B-1.901, F.A.C.;
2. Filing 40B-1.901, F.A.C., with Department of State if no comments or objections are received.

BACKGROUND

The proposed rule changes to 40B-1.901, F.A.C., will unincorporate the forms in 40B-1.901(1) through (9) and (11) through (12) from this rule, as the forms will be incorporated within the corresponding rule.

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

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

A copy of the Notice of Proposed Rule follows this memorandum.

/lgw

NOTICE OF PROPOSED RULE

NAME OF AGENCY:

Suwannee River Water Management District

RULE CHAPTER TITLE:

General and Procedural Rules

RULE CHAPTER NUMBER:

40B-1

RULE TITLES:

General

RULE NOS.:

40B-1.901

PURPOSE AND EFFECT:

The purpose of the proposed rule is to unincorporate the forms in 40B-1.901(1) through (9) and (11) through (12), F.A.C. In accordance with subparagraph 120.55(1)(a)4., Florida Statutes, the forms will be incorporated by reference into the appropriate corresponding rules.

SUBJECT AREAS TO BE ADDRESSED:

This proposed rule will unincorporate these forms from this rule.

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, F.S.

LAW IMPLEMENTED: 373.118, 373.413, 373.416, 373.426, F.S.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AMENDMENTS:

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

THE FULL TEXT OF THE PROPOSED RULE IS:

CHAPTER 40B-1 General and Procedural Rules

40B-1.901 General.

The District maintains a list of forms which is updated annually and is available upon request. All district forms and instructions may be obtained at the District headquarters or requested by mail or telephone and are hereby incorporated by reference as follows:

(1) The form entitled Water Use Permit Status Form, form number 40B-2.041A, is incorporated by reference in 40B-2.041, F.A.C.40B-2-1 Application for General Water Use Permit—Agricultural Irrigation and Livestock Uses, Effective January 29, 2001;

(2) The form entitled Application for Water Use Permit Agricultural Use, form

~~number 40B-2.041B, is incorporated by reference in 40B-2.041, F.A.C.40B-2-2 Application for General Water Use Permit — Commercial/Industrial, Water Utility, and Other Uses, Effective January 29, 2001;~~

(3) ~~The form entitled Application for Water Use Permit Augmentation/Other Use, form number 40B-2.041C, is incorporated by reference in 40B-2.041, F.A.C.40B-2-3 Application for General Water Use Permit — Nursery, Landscape Irrigation, and Other Uses, Effective January 29, 2001;~~

(4) ~~The form entitled Application for Water Use Permit Commercial Use, form number 40B-2.041D, is incorporated by reference in 40B-2.041, F.A.C.40B-2-4 General Water Use Permit — Supplemental Public Supply Information, October 1, 1982;~~

(5) ~~The form entitled Application for Water Use Permit Potable Water Supply Use, form number 40B-2.041E, is incorporated by reference in 40B-2.041, F.A.C.40B-2-5 Application for an Individual Water Use Permit, October 1, 1982;~~

(6) ~~The form entitled Water Use Permit Transfer Form, form number 40B-2.351A, is incorporated by reference in 40B-2.351, F.A.C.40B-2-6 Individual Water Use Permit Application — Supplemental Groundwater Withdrawal Site Description, October 1, 1982;~~

(7) ~~The form previously incorporated in this subsection is no longer valid40B-2-7 Individual Water Use Permit Application — Supplemental Surfacewater Withdrawal Site Description, October 1, 1982;~~

(8) ~~The form previously incorporated in this subsection is no longer valid40B-~~

~~2-8 Water Use Consent Form, October 1, 1982;~~

(9) The form previously incorporated in this subsection is no longer valid~~40B-2-9 Water Use Permit, Effective January 29, 2001;~~

(10) 40B-1.901(10) Notice of Intent to Construct a Minor Surface Water Management System Pursuant to paragraph 40B-4.2010(1) or (2)(a), F.A.C., Effective January 29, 2001;

(11) The form entitled 40B-1.901(11) Application for General Work of the District Development Permit for District Floodways, form number 40B-4.3020A, is incorporated by reference in 40B-4.3020, F.A.C., Effective July 7, 2008;

(12) The form entitled 40B-1.901(12) Petition for a Formal Wetland and Surface Water Determination, form number 40B-400.046A, is incorporated by reference in 40B-400.046, F.A.C., Effective January 29, 2001;

(13) through (17) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.171 FS.

Law Implemented 373.118, 373.413, 373.416, 373.426 FS.

History—New 9-15-81, Amended 3-17-88, 12-21-88, 10-8-89, 6-17-93, 10-3-95, 1-3-96, 6-22-99, 1-29-01, 5-15-05, 7-7-08, AMEND DATE.

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED

RULE: Governing Board of the Suwannee River Water Management District.

DATE PROPOSED RULE APPROVED: December 8, 2009 and January 12, 2010.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

January 22, 2009.

MEMORANDUM

TO: Governing Board
FROM: Jon Dinges, Director, Resource Management *JMD*
THRU: David Still, Executive Director *DS*
DATE: December 17, 2009
RE: Entry of Final Order for Charles Troy Wadford

RECOMMENDATION

Staff recommends the Governing Board enter Final Order number 10-0002 on Consent Agreement number CE09-0093 for Charles Troy Wadford

BACKGROUND

Staff expects Consent Agreement CE09-0093 to be executed prior to the January 12, 2010, Governing Board meeting. Entry of the Final Order will serve as final agency action in this matter.

/lgw



SUWANNEE RIVER WATER MANAGEMENT DISTRICT

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

SUWANNEE RIVER WATER MANAGEMENT DISTRICT,)
)
)
Petitioner,)
vs.)
)
CHARLES TROY WADFORD,)
Respondent)

FILE NO. CE09-0093
FINAL ORDER NO. 10-0002

FINAL ORDER

This matter appeared before this Governing Board on January 12, 2009, to be heard on the Consent Agreement signed by the Respondent and, having considered the record in this proceeding and the Consent Agreement, this Board orders:

The Consent Agreement and Order dated [Click here to enter a date.](#), a copy of which is attached hereto and made a part hereof, is adopted as the Final Order in this proceeding and constitutes final action of this agency in this proceeding.

This order entered by the Governing Board of the Suwannee River Water Management District this 12th day of January 2010.

By: _____
Its Chair

Attest: _____
Its Secretary

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

Jon Dinges
Deputy Clerk

Copies furnished to: Tom Brown
Charles Troy Wadford



SUWANNEE RIVER WATER MANAGEMENT DISTRICT

**SUWANNEE RIVER WATER
MANAGEMENT DISTRICT,**

PETITIONER

VS.

CHARLES TROY WADFORD,

RESPONDENT

CONSENT AGREEMENT CE09-0093 AND ORDER

This Consent Agreement and Order is made and entered into by Suwannee River Water Management District, hereinafter referred to as "District" or "Petitioner", and Charles Troy Wadford, hereinafter referred to as "Respondent", to settle certain matters at issue between Petitioner and Respondent pursuant to Chapters 120 and 373, Florida Statutes (F.S.), and Chapter 28, Florida Administrative Code (F.A.C.), as follows:

FACTS

1. Respondent is Charles Troy Wadford, Water Well Contractor license number 2639, 9432 129th Drive, Live Oak, Florida 32060.
2. Petitioner is a special taxing district of the State of Florida created by F.S. Chapter 373, and pursuant to the authority therein, most particularly Chapter 373, Part III, F.S., has adopted regulations for permitting of well construction in F.A.C. Chapters 40B-1 and 40B-3.
3. On November 30, 2009, District staff conducted a site inspection, at which it was noted that a water well had been constructed without a permit by Respondent on property owned by Jacqueline and E. W. Hill Dewey, identified as Parcel Number 19-2S-16-01653-000, in Columbia County, Florida.
4. On December 1, 2009, an after-the-fact water well construction permit (99590) was issued to Respondent, for the property of Jacqueline and E. W. Hill Dewey.

5. On December 1, 2009, District issued to Respondent a Notice of Violation pursuant to F.A.C. Chapter 40B-3.041.

REGULATIONS OR LAWS VIOLATED

6. Without Respondent admitting liability, it appears provisions of F.A.C. Chapters 40B-1 and 40B-3, have been violated. Specifically, F.A.C. 40B-3.041, appears to have been violated for Respondent's failure to obtain a permit for construction of a water well.

THE NOTICE OF VIOLATION IS HEREBY RESOLVED AS FOLLOWS:

A. ASSESSED PENALTY AND ADMINISTRATIVE COSTS:

Pursuant to F.S. § 120.57, Respondent shall pay a penalty of \$500. Payments may be in monthly installments, beginning in February 2009. The payment dates and amounts shall be as follows:

February 1:	\$100;
March 1:	\$100;
April 5:	\$100;
May 3:	\$100;
June 7:	\$100;
TOTAL:	\$500.

The complete \$500 penalty shall be paid in full no later than June 7, 2009. If a monthly payment is delinquent, the full remaining amount shall be paid immediately upon notice from the District.

- B. REMEDIAL ACTION:** Eight (8) points are hereby assessed against Respondent's water well contractor's license. In addition, water well contractor's license is hereby placed on probation for a period of one year from the date of execution of this Consent Agreement, as set forth in the Disciplinary Guidelines, Florida Department of Environmental Protection.

IN GENERAL

7. By execution of this Consent Agreement, Respondent waives his right to an administrative hearing pursuant to F.S. § 120.57, and his right of

appeal pursuant to F.S. § 120.68 or F.S. Chapter 373, with regard to the terms of this Consent Agreement.

8. Nothing herein shall be construed to limit the authority of the District to undertake enforcement or legal actions against Respondent in response to conditions that may present an imminent hazard to the public health, welfare, or the environment.
9. Entry of this Consent Agreement does not relieve Respondent of the need to comply with any applicable federal, state, or local laws, regulations, or ordinances.
10. The terms and conditions set forth in this Consent Agreement may be enforced in a court of competent jurisdiction, pursuant to F.S. § 120.69, and F.A.C. Chapter 28, or any other applicable rule or statute. If Respondent fails to comply with this Consent Agreement, Respondent consents to entry of final judgment by a court of competent jurisdiction to enforce the terms of this agreement plus attorneys' fees and costs, pursuant to F.S. § 373.129.
11. Petitioner hereby expressly reserves the right to initiate appropriate administrative or legal action to prevent or prohibit future violation of applicable statutes or any rules promulgated there under, or to protect the public health, safety, or general welfare.
12. This Consent Agreement is final agency action of the Suwannee River Water Management District pursuant to F.S. § 120.69, and F.A.C. Chapter 28, and is final and effective on the date signed by the Chairman and filed with the District Clerk of the Suwannee River Water Management District.
13. No modification of the terms of this Consent Agreement shall be effective until put into writing and executed by Respondent and Petitioner.

RESPONDENT

Charles Troy Wadford
9432 129th Drive
Live Oak, FL 32060
Date Signed: _____

**SUWANNEE RIVER WATER
MANAGEMENT DISTRICT**

David Still
Executive Director
9225 County Road 49
Live Oak, Florida 32060
Telephone: 386.362.1001

**BRANNON, BROWN, HALEY &
BULLOCK,**

Thomas W. Brown
Florida Bar No. 0091332
10 North Columbia Street
Post Office Box 1029
Lake City, Florida 32056-1029
Telephone: 386.752.3213

ORDER

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

DONE AND ORDERED this _____ day of _____, 2010, in Live Oak, Florida.

**SUWANNEE RIVER WATER
MANAGEMENT DISTRICT**

By: _____

Don Quincey, Jr.
Governing Board Chairman
9225 County Road 49
Live Oak, Florida 32060
Telephone: 386.362.1001

MEMORANDUM

TO: Governing Board
FROM: Jon Dinges, Director, Resource Management ^{JMD}
THRU: David Still, Executive Director ^{DS}
DATE: December 17, 2009
RE: Denial of General Works of the District Permit Application Number 09-0001 and Initiation of Legal Action

RECOMMENDATION

Staff recommends the Governing Board authorize denial, without prejudice, of General Works of the District Permit Application number 09-0001 to Joseph Coffman for Coffman General Works of the District Project in Lafayette County. In addition, staff recommends the Governing Board authorize the initiation of legal action because the project has been constructed without a permit.

BACKGROUND

The application was received on January 5, 2009. Staff mailed Requests for Additional Information (RAI) on January 12, 2009 and May 8, 2009. The applicant did not respond to the RAIs and the applicant constructed the work without a permit.

JD/rl



SUWANNEE RIVER WATER MANAGEMENT DISTRICT

December 17, 2009

Joseph Coffman
1609 Fullers Cross Road
Winter Garden, FL 34787

Subject: Denial of General Works of the District Permit Application
Number 09-0001, Joseph Coffman General Works of the District
Project, Lafayette County

Dear Mr. Coffman:

Suwannee River Water Management District (District) staff proposes to recommend to the Governing Board that your project be denied without prejudice. Staff intends to recommend denial of this permit application because of failure to supply information necessary to complete the application.

This proposed action is subject to final decision of the Governing Board at their regularly scheduled meeting on January 12, 2010, which is open to the public.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Dinges", is written over the typed name.

Jon Dinges, P.E.
Director, Resource Management

JD/rl

Enclosure

cc: CE08-0064

Lafayette County Board of Commissioners

Certified Mail Receipt Number: 7009 0820 0000 0505 4950

Water for Nature Water for People

NOTICE OF RIGHTS

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

NOTICE OF RIGHTS

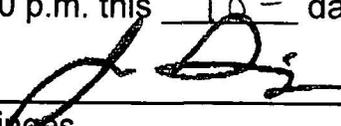
7. The right to an administrative hearing and the relevant procedures to be followed is governed by Chapter 120, Florida Statutes, and Chapter 28-106, Florida Administrative Code.
8. Pursuant to Section 120.68, Florida Statutes, a person who is adversely affected by final District action may seek review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

CERTIFICATE OF SERVICE

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

Joseph Coffman
1609 Fullers Cross Road
Winter Garden, FL 34787

At 4:00 p.m. this 18th day of December, 2009



Jon Digges
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

May 8, 2009

Mr. Joseph Coffman
1609 Fullers Cross Road
Winter Garden, FL 34787

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

Subject: Incomplete Application, ERP09-0001, J. Coffman Works of the
District Project, Lafayette County

Dear Mr. Coffman:

The items discussed below must be provided before project review can be completed, as per Chapters 40B-4 and 40B-400, Florida Administrative Code (F.A.C.). Please submit the following items to the Suwannee River Water Management District (District) by August 8, 2009.

1. Although the structures were existing when you purchased the property, they are not permitted and therefore are illegal structures in violation of state law. If you wish to keep the structures, you must provide the following information that is required in order to obtain the proper permits and bring the structures into compliance. Your other option is to remove the structures
2. From pictures in the file, it appears that the deck is greater than 1 foot above natural ground. This being the case, please provide a zero-rise certification prepared by a Florida licensed engineer.
3. From pictures in the file, it appears that the deck has a roof. Please provide reasonable assurance that the lowest horizontal member of the roof is above the 100-year flood elevation. This information should be completed by a surveyor or licensed engineer. If it is not above the 100-year flood elevation, please include the height of the roof in the zero-rise certification.
4. From the submitted survey in the file, it appears that the floating dock may not be within your riparian rights. Please provide a survey that determines and shows your riparian rights lines and move the floating dock to be within your riparian rights or please remove the floating dock.
5. District staff does not agree with the location of the river bank and 75-foot setback on the submitted survey. Please have your surveyor schedule an onsite meeting with District staff such that the river bank and 75-foot setback can be located and agreed upon by the surveyor and district staff.

Water for Nature, Water for People

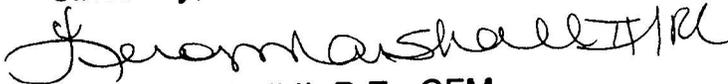
Mr. Joseph Coffman
May 8, 2009
Page 2

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

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

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

Sincerely,

A handwritten signature in black ink that reads "Leroy Marshall II". The signature is written in a cursive style with a large initial "L" and "M".

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

LMII/ri



SUWANNEE RIVER WATER MANAGEMENT DISTRICT

August 28, 2009

Mr. Joseph Coffman
1609 Fullers Cross Road
Winter Garden, FL 34787

Subject: Incomplete Application, ERP09-0001, Joseph Coffman District
Floodway Project, Lafayette County

Dear Mr. Coffman:

The above-mentioned application received by the Suwannee River Water Management District (District) on January 5, 2009, is not complete. A Request for Additional Information (RAI) was mailed to you on May 8, 2009. The time limit to respond to that RAI was August 8, 2009. To date, we have not received the requested information for this project. Please submit the requested information to the District within **18 days** from the date of this letter or provide a written withdrawal letter.

If we do not receive the requested information by **September 14, 2009**, a recommendation to deny the application will be submitted to our Governing Board. Please remember that construction without a valid permit is a violation of District rules as per Chapter 40B-4 and 40B-400, F.A.C., and will be subject to enforcement action.

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

Sincerely,

A handwritten signature in black ink that reads "Leroy Marshall II".

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

LM/rl

DON QUINCEY, JR.
Chairman
Chiefland, Florida

N DAVID FLAGG
Vice Chairman
Gainesville, Florida

GEORGIA JONES
Secretary/Treasurer
Lake City, Florida

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Executive Director
Lake City, Florida

Water for Nature, Water for People

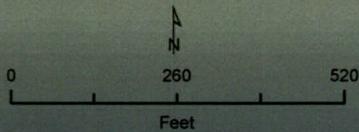


-  Property Boundary
-  Suwannee River 100-Year Floodplain
-  Suwannee River 10-Year Floodplain
-  Suwannee River Floodway

J. Coffman District Floodway Project

ERP09-0001

January 2010



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
JNW

FROM: Jon Dinges, Director, Resource Management

THRU: David Still, Executive Director DS

DATE: December 17, 2009

RE: Denial of General Works of the District Permit Application Number 09-0024 and Initiation of Legal Action

RECOMMENDATION

Staff recommends the Governing Board authorize denial, without prejudice, of General Works of the District Permit Application number 09-0024 to Chris Topping for Topping General Works of the District Project 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

The application was received on February 23, 2009. Staff mailed Requests for Additional Information (RAI) on March 4, 2009, July 2, 2009, and November 17, 2009. The applicant did not submit a response to the RAIs.

JD/rl



SUWANNEE RIVER WATER MANAGEMENT DISTRICT

December 17, 2009

Chris Topping
PO Box 664
Cedar Key, FL 32625

Subject: Denial of General Works of the District Permit Application
Number 09-0024, Chris Topping General Works of the District
Project, Levy County

Dear Mr. Topping:

Suwannee River Water Management District (District) staff proposes to recommend to the Governing Board that your project be denied without prejudice. Staff intends to recommend denial of this permit application because of failure to supply information necessary to complete the application.

This proposed action is subject to final decision of the Governing Board at their regularly scheduled meeting on January 12, 2010, which is open to the public.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Dinges, P.E.", is written over the typed name.

Jon Dinges, P.E.
Director, Resource Management

JD/rl

Enclosure

cc: CE09-0003

Levy County Board of Commissioners

Certified Mail Receipt Number: 7009 0820 0000 0505 7517

Water for Nature Water for People

NOTICE OF RIGHTS

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

NOTICE OF RIGHTS

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

CERTIFICATE OF SERVICE

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

Chris Topping
PO Box 664
Cedar Key, FL 32625

At 4:00 p.m. this 18th day of December, 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

GENERAL WORKS OF THE DISTRICT PERMIT APPLICATION

DATE: December 17, 2009

PROJECT: Chris Topping General Works of the District Project

APPLICANT

Chris Topping
PO Box 664
Cedar Key, FL 32625

PERMIT APPLICATION NO.: ERP09-0024

DATE OF APPLICATION: 02/23/09

APPLICATION COMPLETE: N/A

DEFAULT DATE: N/A

Recommended Agency Action

Staff recommends denial, without prejudice, of the permit application because of failure to supply the information necessary to complete the review. In addition, staff recommends the Governing Board authorize the initiation of legal action because the project has been constructed without a permit.

Project Review Staff

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

Project Location

The project is located on NW 93 Lane in Township 12 South, Range 13 East, Section 2, in Levy County, in Camp Azalea.

Project Description

The permit application is for the applicant's walkway and floating dock built in the Big Bend Seagrasses Aquatic Preserve without a permit (CE09-0003). Requests for Additional Information (RAI) were mailed on March 4, 2009, July 2, 2009, and November 17, 2009. The applicant did not submit a response to the RAIs.

Site inspection to ensure project was not constructed

The walkway and dock have been constructed.



SUWANNEE RIVER WATER MANAGEMENT DISTRICT

March 4, 2009

Chris Topping
P.O. Box 664
Cedar Key, Florida 32625

Subject: Request for Additional Information, Chris Topping Works of the District Dock, ERP09-0024, CE09-0003, Levy County

Dear Mr. Topping:

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 June 3, 2009.

1. The fixed terminal platform and the floating dock are located within the Big Bend Aquatic Preserve which was established in 1985. In order for the terminal platform to be considered grandfathered, please provide proof of the date it was constructed either via a permit, aerial photography or other means.
2. If satisfactory proof cannot be provided of the date of construction of the terminal platform, then no new structure (floating dock) can be added without getting the existing structure into compliance with 18-20, Florida Administrative Code. If you keep the existing terminal platform, it must be reduced in size to 120 square feet. The floating dock must be reduced in size to 40 square feet. The total for both structures must not exceed 160 square feet.
3. Provide the existing dimensions of the boardwalk, terminal platform, access walkway and the floating dock on the survey.
4. Provide a cross sectional view of the terminal platform with the elevation of the lowest structural member.
5. Planking must be a maximum 8" wide and a 1/2" spacing must be provided between planks. Has this requirement been met?
6. Indicate the setback distance from the riparian rights line (property line extended into the water) and the end of the terminal platform and dock. There must be a minimum 25' setback.

LOUIS SHIVER
Chairman
Mayo, Florida

J P MAULTSBY
Vice Chairman
Madison, Florida

GEORGIA JONES
Secretary/Treasurer
Lake City, Florida

DON CURTIS
Lake Bnd, 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

Water for Nature Water for People

RECYCLED PAPER

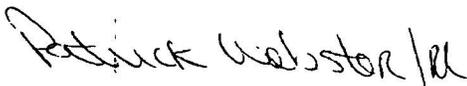
Chris Topping
March 4, 2009
Page 2

7. Please indicate the mean/ordinary high water line elevation and locate it on the survey adjacent to your river frontage. You can contact Rod Maddox (850-245-9490) of the Florida Department of Environmental Protection to assist you with determining the elevation. Your project is located between river miles 23 and 24 on the Suwannee River.
8. What is the size and draft of the vessel to be moored at the dock? The draft must have a minimum of 1 foot of clearance at mean/ordinary low water.
9. The dock will extend out from the shoreline no further than to a maximum depth of minus (-4) feet mean low water. What is the elevation at the end of the dock?
10. Provide the referenced elevation datum on all plans, surveys.
11. Based on the review of additional information, further comments may be generated.

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 PJW@srwmd.org.

Sincerely,



Patrick Webster, P.E.
Water Resource Engineer

PW/rl



SUWANNEE RIVER WATER MANAGEMENT DISTRICT

July 2, 2009

Chris Topping
PO Box 664
Cedar Key, FL 32625

Subject: Request for Additional Information, Chris Topping District
Floodway Dock, ERP09-0024, CE09-0003, Levy County

Dear Mr. Topping:

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 October 1, 2009.

The District has coordinated with the Coastal Aquatic Managed Areas (CAMA) Division of the Florida Department of Environmental Protection (FDEP) concerning your existing deck and new dock. Based on a lack of proof or record that the structures were grandfathered, the addition of any new structure, regardless of when it was built, has to be brought into compliance with the Aquatic Preserve rule 18-20, Florida Administrative Code. Since the dock was never permitted, it could not be grandfathered. The FDEP also does not give any type of variance in Aquatic Preserves. With this in mind, the following comments apply:

1. The fixed terminal platform and the floating dock are located within the Big Bend Aquatic Preserve which was established in 1985. In order for the terminal platform to be considered grandfathered, please provide proof of the date it was constructed either via a permit, aerial photography or other means.
2. If satisfactory proof cannot be provided of the date of construction of the terminal platform, then no new structure (floating dock) can be added without getting the existing structure into compliance with 18-20, Florida Administrative Code. If you keep the existing terminal platform, it must be reduced in size to 120 square feet. The floating dock must be reduced in size to 40 square feet. The total for both structures must not exceed 160 square feet. Another option is to

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Chris Topping
July 2, 2009
Page 2

remove the fixed terminal platform and reduce the floating dock to 160 square feet.

3. Provide a cross sectional view of the revised terminal platform with the elevation of the lowest structural member.
4. Indicate the setback distance from the riparian rights line (property line extended into the water) and the end of the terminal platform and dock. There must be a minimum 25' setback.
5. The dock will extend out from the shoreline no further than to a maximum depth of minus (-4) feet mean low water. What is the elevation of the river bottom at the end of the dock?
6. Provide the referenced elevation datum on all plans, surveys.
7. Based on the review of additional information, further comments may be generated.

Please note that the dock was installed without a permit and this action is under a Notice of Violation (CE09-0003). If the violation is not resolved under this permit application, then your permit request will be denied, and the issue will be forwarded to the enforcement section of FDEP since this is a proprietary issue involving state owned submerged lands.

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 PJW@srwmd.org.

Sincerely,



Patrick Webster, P.E., CFM
Senior Professional Engineer

PW/rl



SUWANNEE RIVER WATER MANAGEMENT DISTRICT

November 17, 2009

Mr. Chris Topping
PO Box 664
Cedar Key, FL 32625

Subject: Request for Additional Information, Chris Topping District
Floodway Dock, ERP09-0024, CE09-0003, Levy County

Dear Mr. Topping:

On July 2, 2009, the Suwannee River Water Management District (District) mailed you a Request for Additional Information (RAI) in response to your permit modification application. The deadline to respond to the comments was October 1, 2009. To date, we have not received the requested information for this project.

Please submit your response to the RAI to the District within **18** days of the date of this letter or withdraw your application and remove the unauthorized floating dock. If we do not receive a formal response from you or a valid request for an extension with an acceptable explanation by **December 5, 2009**, a recommendation to deny your permit application will be submitted to our Governing Board.

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

Sincerely,

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

Patrick Webster, PE, CFM
Senior Professional Engineer

PW/rl

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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HEATH DAVIS
Cedar Key, Florida

JAMES L FRALEIGH
Madison, Florida

OLIVER J LAKE
Lake City, Florida

CARL E MEECE
O'Brien, Florida

DAVID STILL
Executive Director
Lake City, Florida

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

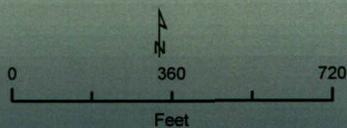
RM 39 mysuwanneeriver.com



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

Chris Topping District Floodway Project

ERP09-0024
January 2010



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

MEMORANDUM

TO: Governing Board
FROM: Jon Dinges, Director, Resource Management ^{JMD}
THRU: David Still, Executive Director ^{DS}
DATE: December 17, 2009
RE: Denial of Environmental Resource Permit Application 09-0012

RECOMMENDATION

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

BACKGROUND

The application is incomplete because the applicant did not supply information needed to complete the review. Staff requested additional information on February 10, 2009. Staff granted an extension request with a due date of November 11, 2009. The applicant has not responded.

JD/rl



SUWANNEE RIVER WATER MANAGEMENT DISTRICT

December 17, 2009

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

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

JAMES L FRALEIGH
Madison, Florida

OLIVER J LAKE
Lake City, Florida

CARL E MEECE
O'Brien, Florida

DAVID STILL
Executive Director
Lake City, Florida

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

Dear Mr. O'Neal:

Suwannee River Water Management District (District) staff proposes to recommend to the Governing Board that your project be denied without prejudice. Staff intends to recommend denial of this permit application because of failure to supply information necessary to complete the application.

This proposed action is subject to final decision of the Governing Board at their regularly scheduled meeting on January 12, 2010, which is open to the public.

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

Sincerely,

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

Jon Dinges, P.E.

Director, Resource Management

JD/rl

Enclosure

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

Certified Mail Receipt Number: 7009 0820 0000 0505 4967

Water for Nature Water for People

RM 42

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

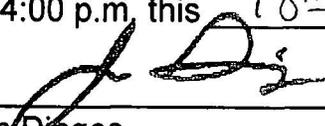
7. The right to an administrative hearing and the relevant procedures to be followed is governed by Chapter 120, Florida Statutes, and Chapter 28-106, Florida Administrative Code.
8. Pursuant to Section 120.68, Florida Statutes, a person who is adversely affected by final District action may seek review 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:

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

At 4:00 p.m. this 18th day of December, 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: December 17, 2009

PROJECT: Forest Hills Townhouses

APPLICANT:

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

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

REGISTERED AGENT:
John W. O'Neal

MANAGER/MEMBER DETAIL
MGRM John W. O'Neal

Recommended Agency Action

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

Project Review Staff

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

Project Location

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

Project Description

The proposed project consisted of 16 townhouses, driveways, and a stormwater system that included one retention pond.

Site inspection to ensure project was not constructed

Staff inspected the project site on November 20, 2009. The project has not been constructed.



SUWANNEE RIVER WATER MANAGEMENT DISTRICT

February 10, 2009

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

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

Dear Mr. O'Neal:

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

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

Water for Nature Water for People

RM 46.

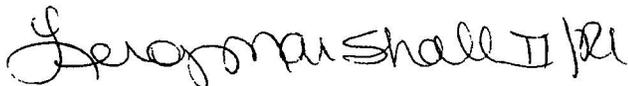
Mr. John O'Neal
February 10, 2009
Page 2

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

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

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

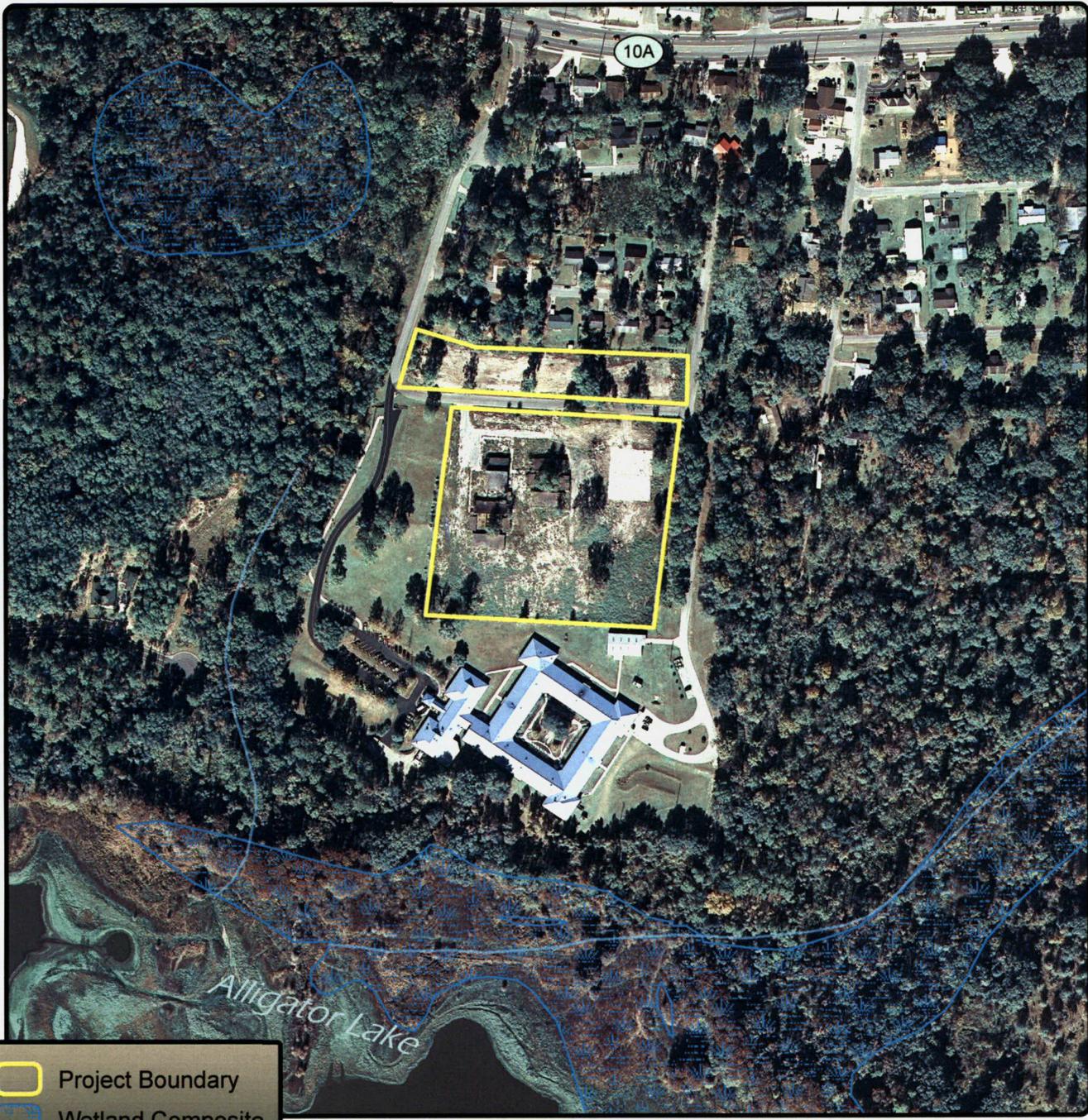
Sincerely,

A handwritten signature in cursive script that reads "Leroy Marshall II".

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

LMII/ri

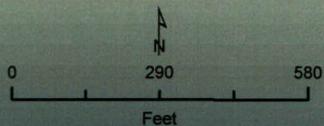
cc: GTC Design Group



-  Project Boundary
-  Wetland Composite
-  Stream

Forest Hills Townhouses

ERP09-0012
January 2010



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

MEMORANDUM

TO: Governing Board
FROM: Jon Dinges, Director, Resource Management ^{JMD}
THRU: David Still, Executive Director ^{DS}
DATE: December 17, 2009
RE: Denial of Water Use Permit Application Number 88-0024R

RECOMMENDATION

Staff recommends that Governing Board deny, with prejudice, General Water Use Permit application number 88-0024R to Dean Hendrick for Dean Hendrick Farm, in Lafayette County.

BACKGROUND

Staff has reviewed the application. The application does not meet criteria for issuance because the applicant has not provided reasonable assurance of ownership or control of the withdrawal or diversion facilities.

/lgw



SUWANNEE RIVER WATER MANAGEMENT DISTRICT

December 17, 2009

Mr. Dean Hendrick
5533 NE CR 354
Mayo, FL 32066

Subject: Water Use Permit Application Number 88-0024R, Dean
Hendrick Farm, Lafayette County

Dear Mr. Hendrick:

Suwannee River Water Management District (District) staff proposes to recommend to the Governing Board that water use permit application number 88-0024R for your project located in Township 4 South, Range 12 East, Section 29, in Lafayette County, be denied with prejudice. Staff intends to recommend denial of this permit application because the applicant did not provide reasonable assurance of ownership or control of the withdrawal or diversion facilities.

This proposed action is subject to final decision of the Governing Board at their regularly scheduled meeting on January 12, 2010, 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 6132

Water for Nature Water for People

RM 50

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:

Mr. Dean Hendrick
5533 NE CR 354
Mayo, FL 32066

At 4:00 p.m. this 18th day of December, 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
WATER USE PERMIT APPLICATION

DATE: December 8, 2009

PROJECT: Dean Hendrick Farm

APPLICANT:

Dean Hendrick
5533 NE CR 354
Mayo, FL 32066

PERMIT APPLICATION NO.: WUP88-0024R

DATE OF APPLICATION: May 6, 2008

APPLICATION COMPLETE: N/A

DEFAULT DATE: N/A

Recommended Agency Action

Staff recommends denial, with prejudice, of the permit application because the applicant has not provided reasonable assurance for control of the point of diversion for the proposed water use.

Project Review Staff

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

Project Location

The project is located in Township 04 South, Range 12 East, Section 29 in Lafayette County.

Project Description

The permit applicant, Mr. Dean Hendrick, is requesting to withdraw up to 0.0305 million gallons a day of surface water from the Suwannee River to be used for agriculture for crops, fruits and vegetables.

Background

The applicant applied for a water use permit in 1988 to withdraw surface water from the Suwannee River to be used for irrigation of agricultural crops. The applicant was leasing the land from the property owner at that time, Ace Ranch Enterprise. A water use permit, 2-88-00024, was issued to Mr. Hendrick for 20 years to withdraw water for this use.

A renewal notice was sent to Mr. Hendrick on March 19, 2008, indicating that water use permit 2-88-00024 would expire on May 19, 2008. A water use permit application for renewal was received by the District on May 6, 2008. Mr. Hendrick requested continued withdrawals for irrigation of 40 acres of

watermelons and 5 acres of cantaloupes. On section 1 of the application (see Exhibit 1), Mr. Hendrick indicated that he was the property owner. Section III (C) of the application indicated that the property was leased from Wayne Ward.

The District sent Mr. Hendrick a letter on May 16, 2008, requesting additional information (see Exhibit 2) regarding the property ownership issue. No response was received by Mr. Hendrick. A second letter (see Exhibit 3) from the District was sent October 9, 2008 to Mr. Hendrick requesting clarification of the property ownership issue. Several other attempts were made via phone, email, fax, and in person by District staff to get Mr. Hendrick to clarify this issue.

The District received a water use permit application on February 4, 2009, from J. Brent Wainwright for a proposed withdrawal site located in Township 4 South, Range 12 East, Section 32. The property owned by J. Brent Wainwright is within Township 4 South, Range 12 East, Sections 29, 30, 31, and 32. The water use permit application was for irrigation of 140 acres of watermelon on a 695-acre parcel. It was discovered during this review that this was the same property Mr. Hendrick was trying to obtain a water use renewal for permit 2-88-00024. A search of the Lafayette County Property Appraiser's records indicates that the property was owned by Mr. Wayne Lane until November 1, 2005. At that time, it was sold to Suwannee River Development LLC, and J. Brent Wainwright is the manager. The water use permit was deemed complete and issued on March 4, 2009.

The District has suggested repeatedly that Mr. Hendrick withdraw his application for consideration since he does not own the property or cannot demonstrate he has legal control to withdrawal water from the proposed location. Mr. Hendrick indicated that he would not give up his permit (see Exhibit 4).

Summary

Due to the applicant's inability to document ownership or legal control to the withdrawal site, District staff recommends denial of water use permit application WUP88-0024R.

APPLICATION FOR GENERAL
WATER USE PERMIT

Agricultural Irrigation,
and Livestock Uses

SUWANNEE
RIVER
WATER
MANAGEMENT
DISTRICT

9225 CR 49
LIVE OAK, FLORIDA 32060
TELEPHONE (904) 362-1001

SRWMD USE ONLY		RECEIVED
Application File No	<u>WUP 88-0024R</u>	Date Received <u>MAY - 6 2008</u>
Fee Paid <u>50</u>	Check <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Fee Waived: Reason _____	
SRWMD Const. Permit No _____	SRWMD MSS Permit No _____	
Site ID No. _____	INSTID No _____	Located <input type="checkbox"/> Yes
Average Daily Rate at Withdrawal (ADR) _____		<input type="checkbox"/> No
Maximum Daily Rate of Withdrawal (MDR) _____		

I. Applicant's Name: Don Hendrick
Address: 55 33 NE CR 354 Mayo Fla 32066
Contact: Don Hendrick Title: Owner
Phone: 386-294-2160 Date: 4-30-08

II. Quantity Applied For Average Daily Rate of Withdrawal (ADR) < 10,000

III. Water Supply Source: Well Lake River or Stream Pond or Impoundment
Suwannee River

PLEASE COMPLETE THE FOLLOWING ITEMS USING THE BEST INFORMATION AVAILABLE AT THE TIME OF APPLICATION FOR EACH WELL OR POINT OF DIVERSION.

A. For Surfacewater Diversion:
Name of Water Body Suwannee River
Pump Manufacturer Berkley Capacity (gpm) 900/gal/min
Intake Diameter 6 in Horse power of 100 Hp
Discharge Diameter 4 in Power Unit _____

B. For Withdrawals from Wells.
1. Applicant's Well No. _____
2. Date Drilled _____ By _____
3. Casing diameter _____ Casing Depth _____ Total Depth _____
4. Pump Capacity _____ gpm Horsepower _____
5. Pump Manufacturer _____ Pump Serial No _____

C. Is This Well or Point of Diversion on Leased Property? Yes
If So, Please Indicate Owner's Name Wayne Howard

EXHIBIT 1

RM 55



SUWANNEE RIVER WATER MANAGEMENT DISTRICT

May 16, 2008

Mr. Dean Hendrick
5533 NE CR 354
Mayo, FL 32066

Subject: WUP88-0024R Request for Additional Information (RAI),
Lafayette County

Dear Mr. Hendrick:

The Suwannee River Water Management District (District) has reviewed the above-referenced Water Use Permit (WUP) application that was received on May 6, 2008. The following information is required before the District can continue review of the application:

1. On page one of the application, under section I, it is indicated that that you are the applicant. In the contact section, it is indicated that you are the owner. However, under section III.C, it is indicated that the point of diversion is on leased property. The property owner's name is listed as Wayne Ward. Please provide proof of ownership for the property with the proposed well. In addition, the property owner must apply for this water use.
2. On page two of the application, under section VI, the permit duration requested is 20 years. Please provide documentation to support this request, since your indicated crop is watermelons.

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 be advised that the District does not issue permits for water use that are speculative.

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

Sincerely,

John Kruse
Water Use Specialist

JK/lgw

EXHIBIT 2

Water for Nature Water for People



SUWANNEE RIVER WATER MANAGEMENT DISTRICT

October 9, 2008

Mr. Dean Hendrick
5533 NE CR 354
Mayo, FL 32066

Subject: WUP88-0024R Incomplete Application, Lafayette County

Dear Mr. Hendrick:

The Suwannee River Water Management District (District) has not received a response to the District's May 16, 2008, Request for Additional Information (RAI) for Water Use Permit (WUP) application WUP88-0024R. A copy of the letter is enclosed.

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 the application, the requested information must be received by November 10, 2008.

Failure to withdraw the application or provide the requested information will result in the District issuing a notice of proposed agency action to deny the WUP, in accordance with District rule 40B-1.703, Florida Administrative Code. Once the application has been denied, your file will be referred to our legal counsel to begin enforcement proceedings if you are using water without the appropriate permit. Enforcement proceedings will include a penalty, reimbursement of the District's administrative costs and attorneys' fees.

If you have any questions, please contact John Kruse at 800.226.1066.

Sincerely,

Tim Sagul, P.E.
Assistant Director, Resource Management Department

TS/lgw
Enclosure

EXHIBIT 3

Water for Nature Water for People

RECYCLED PAPER

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

RM 57

www.suwanneeriver.com

Welch, Linda

WUP88-0024R

From: Hendrick, Dean [hendril@doacs.state.fl.us]
Sent: Tuesday, December 08, 2009 5:35 AM
To: Kruse, John
Cc: Sagul, Tim; Welch, Linda
Subject: RE: Water Use Permit application

John

I plan to keep my permit that I was issued I do not want to give up my permit At some point I will need to pump out of the river and this permit was not issued on the Wainwright ownership so this is my permit I have not done anything to loose my permit and at sometime I might need my permit again

A lot of people have been issued permits on lease land and what if the land is lost due to non payment of Loans who will own the permit then?

This is my permit I was issued prior to you working for the Water Management so I am not giving up my permit I was issued because of some rule change and leaser should be allowed to keep permits.

Let me know when my permit will be taken and I will appear before the board and talk about why my permit is being taken.

From: Kruse, John [mailto:kruse_j@srwmd.state.fl.us]
Sent: Monday, December 07, 2009 3:23 PM
To: Hendrick, Dean
Cc: Sagul, Tim; Welch, Linda
Subject: Water Use Permit application

Mr. Hendrick,

We are trying to close out some files by the end of the year and we still have a pending application in house for you. It is our understanding that you do not have the lease on the property and a new water use permit was issued to the new property owner, J. Brent Wainwright farm. There have been numerous attempts to get this issue cleared up with you, but with no success. Therefore; I need to move forward and prepare the denial notice to go before the Governing Board. I would appreciate your assistance in this matter by completing the attached form and sending it back as quickly as possible to avert this process. If you would like to discuss this further, you can contact me at the number below.

Sincerely,

John Kruse
Water Use Specialist
Suwannee River Water Management District
9225 CR 49
Live Oak, FL 32060
(800) 226-1066, Toll free in FL
(386) 362-1001, Office

All E-mail sent to and from this address may be public records. The Suwannee River Water Management District does not allow use of the District E-mail system and other equipment for non-business related purposes.

WUP88-0024R

Suwannee River Water Management District
Attn: Water Use Permitting Section
9225 CR 49
Live Oak, FL 32060

To whom it may concern;

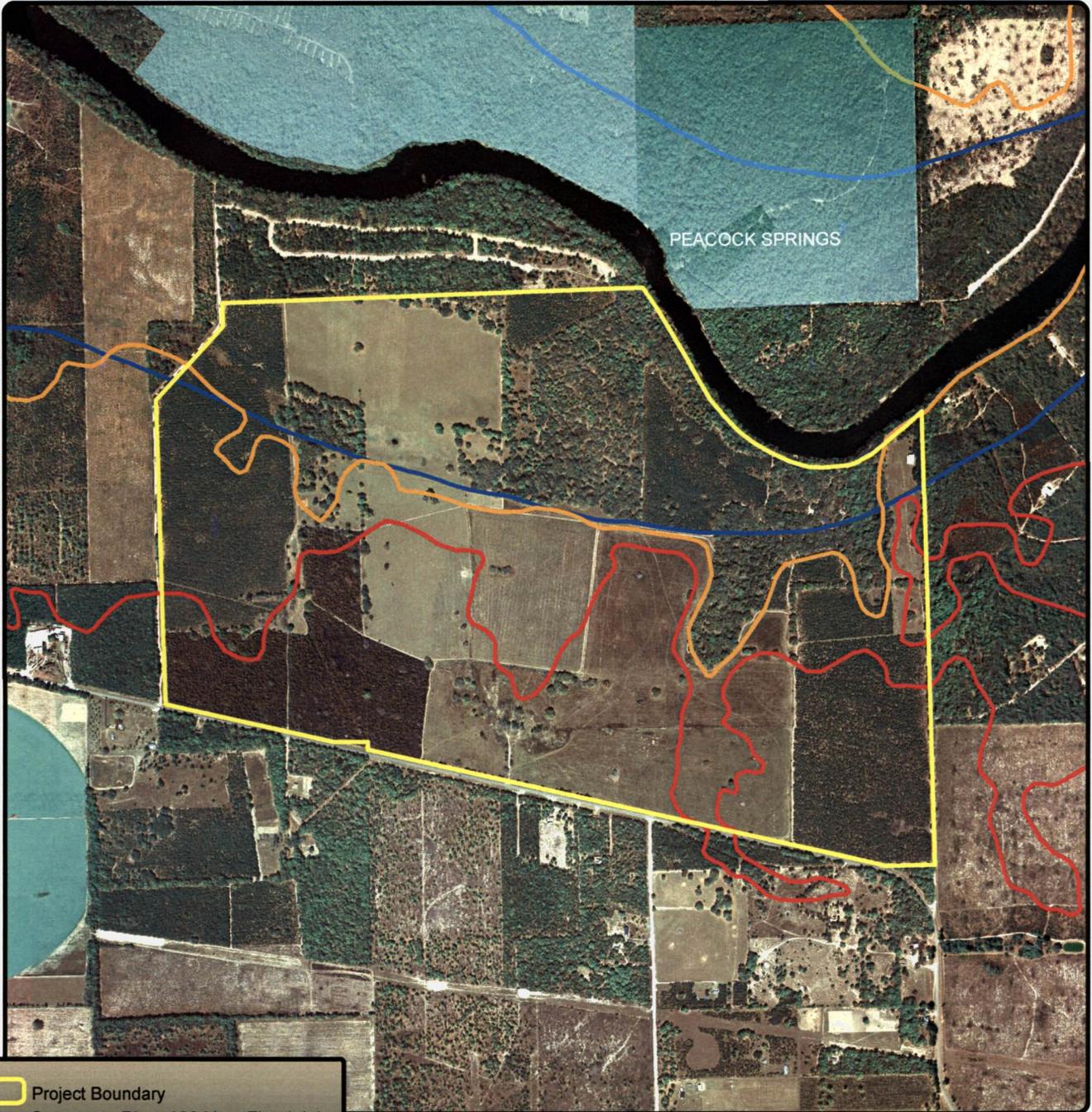
I, Dean Hendrick, applied for a Water Use Permit renewal for WUP 88-0024R. I was previously leasing the land from the property owner, Wayne Ward. However; the land has since been sold to another owner and I am no longer leasing the land. I am not planning on withdrawing water as proposed in the application. Therefore; by sending this letter, I would like to withdrawal the application.

Sincerely,

Dean Hendrick

Telephone Number: _____

Date: _____

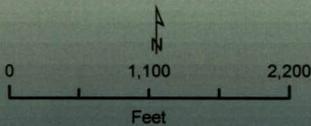


-  Project Boundary
-  Suwannee River 100-Year Floodplain
-  Suwannee River 10-Year Floodplain
-  Suwannee River Floodway

Dean Hendrick

WUP88-0024R

January 2010



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 *PW*

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

DATE: December 17, 2009

RE: Authorization to Enter into Contract with the Lowest Qualified Bidder for Vickers Court Stormwater Management Facility

RECOMMENDATION

Staff recommends that the Governing Board authorize the Executive Director to enter into a contract with the lowest qualified bidder, J. L. Dupree Construction Services, Inc., for construction of a stormwater management facility in the area of Vickers Court located in Jasper in Hamilton County for an amount not to exceed \$131,925. The requested contract value of \$131,925 includes the low bid plus a contingency of approximately 20 percent.

BACKGROUND

The Suwannee River Water Management District is working with the City of Jasper to address stormwater management problems within the City. This project will address the City's number one priority project which is to relieve flooding problems on Vickers Court.

The District advertised an Invitation to Bid for construction of the stormwater management facility. Bids were opened December 15, 2009, at 4:00 PM. Seven bids were received and opened as follows:

Company Name	Lump Sum Base Bid	Additive Alternative #1	Additive Alternative #2
J. L. Dupree Construction Services, Inc.	103,132.92	6,048.00	756.00
R & E Site Development, Inc.	109,367.30	2,011.50	3,600.00
R & B Contracting, Inc.	125,790.00	7,340.00	1,130.00
Tim Prep, Inc.	141,553.00	5,755.00	300.00
Florida Fill & Grading, Inc.	175,641.00	1,760.00	500.00
Hager Construction Company	185,000.00	11,257.00	3,675.00
Curt's Construction, Inc.	229,763.00	6,500.00	2,400.00

If you have questions or need additional information regarding this recommendation prior to the January 12 Board meeting, please feel free to contact me.

MEMORANDUM

TO: Governing Board
FROM: Jon Dinges, Director, Resource Management
THRU: David Still, Executive Director
DATE: December 17, 2009
RE: Approval and Execution of Resolution 2009-29

RECOMMENDATION

Staff recommends the Governing Board approve Resolution 2009-29 authorizing the Executive Director to request the release of funds, not to exceed \$25,003.76, from the Florida Forever Trust Fund for the Cedar Key Cooperative Reclaimed Water Program.

BACKGROUND

The District and Cedar Key Water and Sewer District have collaborated to develop and implement a reclaimed water program to improve the efficiency of the Cedar Key Water and Sewer District existing reuse program. Project components consist of storage and transmission distribution lines.

The Cedar Key Cooperative Reclaimed Water Program project was approved as an environmental water resource development project at the October 14, 2008, Governing Board meeting. This project is included in the Florida Forever Work Plan, and funding for the project is available through funds deposited in the Florida Forever Trust Fund.

The purpose of Resolution 2009-29 is to request approval from the Secretary of the Department of Environmental Protection to approve the release of funds from the Florida Forever Trust Fund for costs associated with the Cedar Key Cooperative Reclaimed Water Program.

**SUWANNEE RIVER WATER MANAGEMENT DISTRICT
RESOLUTION NO. 2009-29**

**APPROVING THE ALLOCATION OF FUNDS FROM THE FLORIDA
FOREVER TRUST FUND FOR THE CEDAR KEY COOPERATIVE
RECLAIMED WATER PROGRAM**

WHEREAS, the Suwannee River Water Management District has collaborated with the Cedar Key Water & Sewer District to develop and implement a reclaimed water program to improve the efficiency of the existing reuse program; and

WHEREAS, the Governing Board approved the Cedar Key Cooperative Reclaimed Water Program project as an environmental water resource development project; and

WHEREAS, costs associated with the Cedar Key Cooperative Reclaimed Water Program total \$25,003.76; and

WHEREAS, the Cedar Key Cooperative Reclaimed Water Program meets one or more goals of the Florida Forever Act as described in Florida Statutes 259.105 and contributes specifically to the achievement of Florida Forever goals (4)(d)2; and

WHEREAS, the Cedar Key Cooperative Reclaimed Water Program is consistent with the Florida Forever Five-Year Work Plan filed with the Legislature and the Florida Department of Environmental Protection; and

WHEREAS, funds are available for this project through funds deposited in the Florida Forever Trust Fund to the credit of the Suwannee River Water Management District.

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of the Suwannee River Water Management District:

1) The above statements are hereby certified and declared to be true and correct.

2) The Suwannee River Water Management District hereby requests the Secretary of the Department of Environmental Protection to approve the release funds from the Florida Forever Trust Fund in the sum of \$25,003.76 for costs associated with the Cedar Key Cooperative Reclaimed Water Program.

DRAFT

RESOLUTION 2009-29, PASSED AND ADOPTED THIS 12th DAY OF
JANUARY, 2009.

SUWANNEE RIVER WATER MANAGEMENT DISTRICT
BY ITS GOVERNING BOARD MEMBERS:

DON QUINCEY, JR.

HEATH DAVIS

DAVID FLAGG

JAMES FRALEIGH

DRAFT

GEORGIA JONES

OLIVER J. LAKE

LINDEN DAVIDSON

CARL MEECE

ATTEST:

MEMORANDUM

TO: Governing Board
FROM: Jon Dinges, Director, Resource Management *JWD*
THRU: David Still, Executive Director *DS*
DATE: December 17, 2009
RE: Final Order Granting Variance and Permit, Advent Christian Village
Carter House Project Permit Application Number 09-0159

Staff intends to issue Individual Environmental Resource Permit number 09-0159 with thirty one standard conditions and Final Order number 10-0001 granting variance to Advent Christian Village, Inc, (Petitioner) in Suwannee County.

The Petitioner seeks to obtain a variance to Fla. Admin. Code rule 40B-4.3030(9), for the replacement and removal of an existing retaining wall that is not structurally sound. Petitioner assures that no fill is being added in any portion of the project. Petitioner is also seeking variance from paragraph 40B-4.3030(12)(b), for replacement of and removal of a stormwater system and confirm that the replacement of the retaining wall will allow removal of direct stormwater discharges to the Suwannee River by abandoning those pipes and providing treatment on site in the existing parking area.

The Petitioner has demonstrated that there will be no net increase in impervious area and the project will require no fill.

The Petitioner filed an application for Individual Environmental Resource Permit on July 13, 2009. The Petitioner submitted a variance request on August 17, 2009, requesting a variance from 40B-4.3030(9) and 40B-4.3030(11)(b) F.A.C. An addendum to the petition was submitted on August 17, 2009, changing the request from subsection 40B-4.3030(11)(b) to 40B-4.3030(12)(b), F.A.C.

LM/rl



SUWANNEE RIVER WATER MANAGEMENT DISTRICT

December 17, 2009

James Schenck
Advent Christian Village, Inc.
PO Box 4329
Dowling Park, FL 32024

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

JAMES L FRALEIGH
Madison, Florida

OLIVER J LAKE
Lake City, Florida

CARL E MEECE
O'Brien, Florida

DAVID STILL
Executive Director
Lake City, Florida

Subject: Final Order Granting Variance, Advent Christian Village Carter House Project, Permit Application Number 09-0159, Suwannee County

Dear Mr. Schneck:

The Suwannee River Water Management District (District) staff intends to issue Individual Environmental Resource Permit Number 09-0159 and approve Final Order 10-0001, granting variance for your project in Suwannee County. This proposed action will be discussed by the Governing Board at their regularly scheduled meeting on January 12, 2010.

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

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

Certified Mail Receipt Number: 7009 0820 0000 0505 4974

Water for Nature Water for People

NOTICE OF RIGHTS

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

NOTICE OF RIGHTS

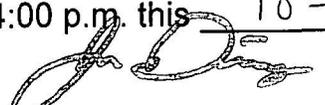
7. The right to an administrative hearing and the relevant procedures to be followed is governed by Chapter 120, Florida Statutes, and Chapter 28-106, Florida Administrative Code.
8. Pursuant to Section 120.68, Florida Statutes, a person who is adversely affected by final District action may seek review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

CERTIFICATE OF SERVICE

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

James Schenck
Advent Christian Village, Inc.
PO Box 4329
Dowling Park, FL 32024

At 4:00 p.m. this 18th day of December, 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
INDIVIDUAL ENVIRONMENTAL RESOURCE PERMIT AND VARIANCE
REQUEST**

DATE: December 17, 2009

PROJECT: Advent Christian Village Carter House Project

APPLICANT:

Advent Christian Village, Inc.
PO Box 4329
Dowling Park, FL 32024

PERMIT APPLICATION NO: ERP09-0159
DATE OF APPLICATION: 7/13/09
APPLICATION COMPLETE: 11/04/09
DEFAULT DATE: 2/04/10

CORPORATE OFFICERS

Registered Agent	John Moxley
Officers	Craig Carter
	W. C. Nickerson
	Jim Davis
	Don Churchill
	Sandra Hugg
	Steven Hitt

Recommended Agency Action

Staff intends to issue Environmental Resource Permit Application 09-0159 and Final Order number 10-0001 granting variance for subsection 40B-4.3030(9) and 40B-4.3030(12)(b), Florida Administrative Code, (FAC).

SRWMD Project Review Staff

Leroy Marshall, P.E., Professional Engineer, and William Spencer, PWS, Senior Regulatory Scientist, reviewed the project application.

Project Location

The project is located between the Suwannee River and the Carter House in Township 3 South, Range 11 East, Section 05, in Dowling Park, Suwannee County.

Project Description

The applicant is seeking a permit for the re-construction of a retaining wall, stormwater system, and bank restoration on the Suwannee River in Suwannee County without the use of fill.

The proposed retaining wall will be inland of the existing retaining wall which is to be removed. The existing stormwater system shall be removed and replaced with a piped system that shall provide water quality treatment. The bank restoration shall restore the bank of the Suwannee River back to natural elevations. The applicant is requesting a variance to the following subsections of chapter 40B-4, FAC:

- 40B-4.3030(9), FAC; the requirement of a zero-rise certification
- 40B-4.3030(12)(b), FAC; the requirement of no reconstruction in the setback

Site inspection

Staff inspected the project site on November 20, 2009. The project has not been constructed.

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

IN RE:

ADVENT CHRISTIAN VILLAGE, INC.,

PETITIONER,

ORDER No. 10-0001

v.

**SUWANNEE RIVER WATER
MANAGEMENT DISTRICT,**

DRAFT

Respondent.

FINAL ORDER GRANTING VARIANCE

The Suwannee River Water Management District ("District") received a petition on August 17, 2009, from Advent Christian Village, Inc. ("Petitioner"), seeking a variance from Florida Administrative Code ("Fla. Admin. Code") rule 40B-4.3030(9) and paragraph 40B-4.3030(12)(b). Petitioner seeks this variance for reconstruction of a retaining wall within a Work of the District in Township 3 South, Range 11 East, Section 5, Suwannee County.

PROCEDURE AND ALLEGATIONS

1. Pursuant to Fla. Stat. § 120.542, Petitioner seeks a variance from Fla. Admin. Code rule 40B-4.3030(9) and paragraph 40B-4.3030(12)(b) for file number ERP09-0159.
2. The Petition for Variance was received on August 17, 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 August 28, 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 Post Office Box 4329, Dowling Park, FL 32064, and the property affected by this order is described as the following parcel identification number: 05-3S-11E-1134400.2000.

As to Zero-Rise Certification Requirements

5. Petitioner seeks to obtain a variance to Fla. Admin. Code rule 40B-4.3030(9). Petitioner proposes to replace and remove an existing retaining wall that is not structurally sound. Petitioners allege that no fill is being added in any portion of the project.

As to Setback Requirements

6. Petitioner seeks to obtain a variance to Fla. Admin. Code paragraph 40B-4.3030(12)(b) for replacement of and removal of a stormwater system. Petitioner avers that the replacement of the retaining wall will allow removal of direct stormwater discharges to the Suwannee River by abandoning those pipes and providing treatment on site in the existing parking area. Petitioner has demonstrated that there will be no net increase in impervious area and the project will require no fill.

APPLICABLE LAW

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

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

“substantial hardship” means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance or waiver.

8. 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.

9. 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).

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

11. District determined:

A. The original retaining wall was constructed prior to the original effective date of Fla. Admin. Code rule 40B-4.3030(9) and paragraph 40B-4.3030(12)(b);

B. Petitioners intend to replace an existing retaining wall, and remove direct stormwater discharges to the Suwannee River by abandoning those pipes and providing treatment on site;

C. The removal and replacement of the stormwater system will be a public and natural system benefit by allowing for cleaner stormwater runoff;

D. Petitioner has demonstrated that the principles of fairness would be violated by requiring Petitioner to comply with Fla. Admin. Code rule 40B-4.3030(9) and paragraph 40B-4.3030(12)(b); a zero-rise certification will result in identical solutions for pre and post conditions, based on how the model is performed; Petitioner has demonstrated that the underlying statute will be or has been achieved by other means as to the requirement for a zero-rise certification; Petitioner alleges that a substantial hardship would be created by requiring Petitioner to comply with Fla. Admin. Code paragraph 40B-4.3030(12)(b); however, Petitioner has demonstrated that the principles of fairness would be violated by requiring Petitioner to comply with the rules. Therefore, Petitioners have met the requirements for a variance under Fla. Stat. § 120.542.

12. District concludes that the variance request should be granted.

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IT IS HEREBY ORDERED:

1. The Petition for Variance from Fla. Admin. Code rule 40B-4.3030(9) is GRANTED.
2. The Petition for Variance from Fla. Admin. Code paragraph 40B-4.3030(12)(b), is

GRANTED.

DONE AND ORDERED this ____ day of _____ 2010.

SUWANNEE RIVER WATER
MANAGEMENT DISTRICT

DRAFT

By: _____
Executive Director

RENDERED on this ____ day of _____ 2010.

Jon Dinges
District Clerk

Copies furnished to: Tom Brown
Suzanne Printy, JAPC
Advent Christian Village, Inc.

August 12, 2009

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

(a) Petition for variance from Ch 40B-4 and 40B-400, Florida Administrative Code

Subject: ACV Carter House Project, ERP #09-0159, Suwannee County, Florida

(b) Petitioner: Jim Schenck, Vice President
Village Properties, LLC
P.O. Box 4329
Dowling Park, Florida 32064
(386) 658-5319
jschenck@acvillage.net

(c) Agent: N/A

(d) The applicable portion of the rule:

The portion of the rule in which the variance is requested is Ch.40B-4.3030(11b) and 40B-4.3030(9).

(e) The citation to the statute the rule is implementing:

The citation of the statute the rule is implementing is rule Ch. 40B-4.3030(11b)

(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) and rule 40B-4.3030(9) (For any structure placed within a floodway, the

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ERP09-0159

RM 76

EXHIBIT A

district shall require as a condition for issuance of a work of the district development permit that an engineer certify that such a structure will not obstruct flows or increase 100-year flood elevations. Such certification shall include step-backwater calculations using the 100-year flood discharge rate.).

(f) Type of variance requested:

The type of action requested is for a variance from rule Ch. 40B-4.3030(11b) and Ch. 40B-4.3030(9). This would allow us to construct a new retaining wall on the upland side to replace the existing wooden retaining wall that has fallen into disrepair. It will also allow us to remove the direct stormwater discharges to the Suwannee River by abandoning those pipes and providing treatment on-site in the existing parking area. Lastly, waive the requirement for having a zero rise certification since no fill is being added in any portion of the project.

(g) Facts that demonstrate hardship:

The existing wooden retaining wall is in need of replacement as it is beginning to sag in several areas. The proposed wall will be installed within two feet of the existing wall using sheet piling. After construction of the new wall, the existing wooden wall will be removed. The existing direct stormwater discharge pipes are also causing severe erosion along the river bank.

(h) The reason the variance or waiver requested would serve the purpose of the

under ~~RECEIVED~~ statute:
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ERD09-0159

The construction of the new wall and removal of the existing wall will provide structural integrity in the area and prevent any potential for collapse.

Furthermore, the abandonment of the existing direct stormwater pipe discharges will remove the severe erosion along the banks of the Suwannee River. By treating this water on-site, the new discharge will meet the current standards of the Suwannee River Water Management District (SRWMD). As part of this project, the riverbank area below the retaining wall will be cleaned up and restored to pristine condition. A zero rise calculation is not necessary for this project since there will be no fill added and no net increase in impervious area.

(i) **Permanent waiver/variance requested**

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

1.) Ch. 40B-4.3030(11b) (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 remove the existing retaining wall and to build a new retaining wall in the same general location of the existing structure. This variance will also allow for removal of direct stormwater discharge in the area as well as landscape restoration.

2.) Wave the requirement for having a zero rise certification 40B-4.3030(9)

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(For any structure placed within a floodway, the district shall require as a

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EXHIBIT A

condition for issuance of a work of the district development permit that an engineer certify that such a structure will not obstruct flows or increase 100-year flood elevations). This request is due to the fact that the project will require no fill and there will be no net increase in impervious area. The stormwater discharge will also be controlled by on-site treatment to prevent excess water from leaving the project site. Under existing conditions, the stormwater discharge is not controlled and will potentially allow large volumes of water to leave the site during major storm events.

Please take into consideration the above request for variance. Approval of the request would allow for the existing area to be improved, brought up to current SRWMD standards and greatly reduce the negative impact the current area has on the Suwannee River during a storm event.

Thank you for your consideration.

Sincerely,



Jim Schenck
Vice President
Village Properties, LLC
(386) 658-5319
jschenck@acvillage.net

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AUG 17 2009

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spend its matching share until such time that funds are appropriated by the legislature for the Cultural Endowment Program.

A copy of the Petition for Variance or Waiver may be obtained by contacting Charlotte Wheeler, Agency Clerk, Office of the General Counsel, Department of State, 500 Bronough Street, Tallahassee, FL 32399-0250, (850)245-6536.

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN THAT on August 6, 2009, the Criminal Justice Standards and Training Commission has issued an order.

A petition for waiver of subsection 11B-27.002(4), F.A.C., was received from Orange County Sheriff's Office and Deputy Clemente Martin on June 20, 2009. Notice of the petition was published in the Florida Administrative Weekly, Vol. 35, No. 28, July 17, 2009. Deputy Martin requested a waiver of subsection 11B-27.002(4), F.A.C. He wished to waive that portion of the rule requiring an officer to become employed within four years of starting basic recruit training. Deputy Martin completed cross-over correctional to law enforcement basic recruit training on August 14, 2000. At that time he had four years from August 14, 2000, to obtain employment. He applied for employment as a deputy with the Orange County Sheriff's Office (OCSO) on June 24, 2004. Deputy Martin was conditionally employed by OCSO on August 2, 2004. He was officially hired on October 1, 2004. He believed that he had four years from the date he passed the State Officer Certification Examination to become employed. Deputy Martin was employed continuously as a deputy after his initial employment and met all of the mandatory requirements for continuing as an active duty law enforcement officer. The Commission met on August 6, 2009, and considered Deputy Martin's petition. The Commission found that Deputy Martin's circumstances are unique and that he demonstrated a that strict application of the rule in his case would violate the principles of fairness. Specifically, Deputy Martin was employed actively as a certified law enforcement officer by his agency from the inception after laboring under a misunderstanding concerning the timeframe under which he was to become employed. Neither the deputy, nor his agency, were aware of the problem until an audit disclosed the timing issue. Deputy Martin demonstrated that the requirements of the underlying statute have been met and will continue to be met through granting this waiver. Accordingly, the Commission granted Deputy Martin's request for a waiver of subsection 11B-27.002(4), F.A.C., on August 6, 2009, at its regularly scheduled Business Agenda meeting in Ponte Vedra Beach, Florida. Deputy Martin's law enforcement certification will be activated retroactive to November 5, 2004, the date his processed fingerprints were received. His employment date, October 1,

2004, is the valid and correct hiring date. He is eligible to resume his duties as a law enforcement officer as of August 6, 2009, following the Commission's action.

A copy of the Order may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, Post Office 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 August 11, 2009, the Suwannee River Water Management District has issued an order.

This Order (2009-0010) denies variance under Section 120.542, F.S., to Ryan Bell, for a Works of the District existing deck (ERP08-0245). A petition for variance was received on June 29, 2009. Notice of receipt of petition requesting variance was published in F.A.W. in Vol. 35, No. 28, July 17, 2009. No public comment was received. This Order denies variance of SRWMD's criteria for paragraph 40B-4.3030(12)(b), F.A.C., as to the 75-foot setback requirements within Township 10 South, Range 14 East, Section 31, Dixie County. SRWMD denied the petition because the petitioner did not demonstrate that underlying statute will be or has been achieved by other means.

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

NOTICE IS HEREBY GIVEN THAT on August 17, 2009, the Suwannee River Water Management District, received a petition for variance from Village Properties, LLC, P. O. Box 4329, Dowling Park, FL 32064, pursuant to Section 120.542, F.S. Petitioner is seeking variance from subsection 40B-4.3030(9), F.A.C., as to the zero rise certification requirement, and paragraph 40B-4.3030(12)(b), F.A.C., as to the 75-foot setback requirement. Petitioner intends to reconstruct a retaining wall in the same location of the existing structure, in Suwannee County, in Township 3 South, Range 11 East, Section 5. 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,

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SRWMD

SEP 09 2009

Section V - Petitions and Dispositions Regarding Rule Variance or Waiver 4133

ORIGINAL TO FILE ERP 09-0159
COPIES TO LM II

RM 80

EXHIBIT B



**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:

ADVENT CHRISTIAN VILLAGE, INC.
PO BOX 4329
DOWLING PARK, FL 32064

PERMIT NUMBER: ERP09-0159

DATE ISSUED: 01/12/2010

DATE EXPIRES: 01/12/2015

COUNTY: SUWANNEE

TRS: S5/T3S/R11E

PROJECT: ADVENT CHRISTIAN VILLAGE CARTER HOUSE PROJECT

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

JAMES SCHENCK
ADVENT CHRISTIAN VILLAGE, INC.
PO BOX 4329
DOWLING PARK, 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:

The permit consists of the re-construction of a retaining wall, stormwater system, and bank restoration on the Suwannee River in Suwannee County without the use of fill.

The proposed retaining wall will be inland of the existing retaining wall which is to be removed. The existing stormwater system shall be removed and replaced with a piped system that shall provide water quality treatment. The bank restoration shall restore the bank of the Suwannee River back to natural elevations.

There shall be no clearing of vegetation except that required to construct the project. All work will be completed pursuant to the conditions specified in District Rule 40B-4.3030 Florida Administrative Code and in a manner consistent with the site plan and application package information submitted on and before November 4, 2009.

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

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

This permit is issued under the provisions of chapter 373, F.S., chapter 40B-4, and chapter 40B-400, F.A.C. A general permit authorizes the construction, operation, maintenance, alteration, abandonment, or removal of certain minor surface water management systems. This permit authorizes the permittee to perform the work necessary to construct, operate, and maintain the surface water management system shown on the application and other documents included in the application. This is to notify you of District's agency action concerning Notice Of Intent. This action is taken pursuant to rule 40B-4 and 40B-400, F.A.C.

Standard Conditions for All Individual Permits:

1. The permittee shall perform all construction authorized in a manner so as to minimize adverse impacts to fish, wildlife, natural environmental values, and water quality. The permittee shall institute necessary measures during construction including riprap, reinforcement, or compaction of any fill materials placed around newly installed structures, to minimize erosion, turbidity, nutrient loading, and sedimentation in the receiving waters.
2. Water quality data representative of the water discharged from the permitted system, including, but not limited to, the parameters in chapter 62-302, F.A.C., shall be submitted to the District as required. If water quality data are required, the permittee shall provide data as required on the volume and rate of discharge including the total volume discharged during the sampling period. All water quality data shall be in accordance with and reference the specific method of analysis in "Standard Methods for the Examination of Water and Wastewater" by the American Public Health Association or "Methods for Chemical Analysis of Water and Wastes" by the U.S. Environmental Protection Agency.
3. The operational and maintenance phase of an environmental resource permit will not become

effective until the owner or his authorized agent certifies that all facilities have been constructed in accordance with the design permitted by the District. If required by the District, such as-built certification shall be made by an engineer or surveyor. Within 30 days after the completion of construction of the system, the permittee shall notify the District that the facilities are complete. If appropriate, the permittee shall request transfer of the permit to the responsible entity approved by the District for operation and maintenance. The District may inspect the system and, as necessary, require remedial measures as a condition of transfer of the permit or release for operation and maintenance of the system.

4. Off-site discharges during and after construction shall be made only through the facilities authorized by the permit. Water discharged from the project shall be through structures suitable for regulating upstream stage if so required by the District. Such discharges may be subject to operating schedules established by the District.

5. The permit does not convey to the permittee any property right nor any rights or privileges other than those specified in the permit and chapter 40B-1, F.A.C.

6. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, operation, maintenance, alteration, abandonment, or development in a Works of the District which is authorized by the permit.

7. The permit is issued based on the information submitted by the applicant which reasonably demonstrates that adverse off-site water resource impacts will not be caused by the permitted activity. It is the responsibility of the permittee to insure that such adverse impacts do not in fact occur either during or after construction.

8. It is the responsibility of the permittee to obtain all other clearances, permits, or authorizations required by any unit of local, state, or federal government.

9. The surfacewater management system shall be constructed prior to or concurrent with the development that the system is intended to serve and the system shall be completed within 30 days of substantial completion of the development which the system is intended to serve.

10. Except for General Permits After Notice or permits issued to a unit of government, or unless a different schedule is specified in the permit, the system shall be inspected at least once every third year after transfer of a permit to operation and maintenance by the permittee or his agent to ascertain that the system is being operated and maintained in a manner consistent with the permit. A report of inspection is to be sent to the District within 30 days of the inspection date. If required by chapter 471, F.S., such inspection and report shall be made by an engineer.

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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.

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

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

18. Stabilization measures shall be initiated for erosion and sediment control on disturbed areas as soon as practicable in portions of the site where construction activities have temporarily or

permanently ceased, but in no case more than seven days after the construction activity in that portion of the site has temporarily or permanently ceased.

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

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

21. For those systems which will be operated or maintained by an entity requiring an easement or deed restriction in order to provide that entity with the authority necessary to operate or maintain the system, such easement or deed restriction, together with any other final operation or maintenance documents as are required by Paragraph 40B-4.2030(2)(g), F.A.C., and Rule 40B-4.2035, F.A.C., must be submitted to the District for approval. Documents meeting the requirements set forth in these subsections of District rules will be approved. Deed restrictions, easements and other operation and maintenance documents which require recordation either with the Secretary of State or Clerk of the Circuit Court must be so recorded prior to lot or unit sales within the project served by the system, or upon completion of construction of the system, whichever occurs first. For those systems which are proposed to be maintained by county or municipal entities, final operation and maintenance documents must be received by the District when maintenance and operation of the system is accepted by the local governmental entity. Failure to submit the appropriate final documents referenced in this paragraph will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system.

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

23. Within 30 days after completion of construction of the permitted system, or independent portion of the system, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, using the supplied As-Built Certification Form No. 40B-1.901(16) incorporated by reference in Subsection 40B-1.901(16), F.A.C. When the completed system differs substantially from the permitted plans, any substantial deviations shall be noted and explained and two copies of as-built drawings submitted to the District. Submittal of the completed form shall serve to notify the District that the

system is ready for inspection. The statement of completion and certification shall be based on on-site observation of construction (conducted by the registered professional engineer, or other appropriate individual as authorized by law, or under his or her direct supervision) or review of as-built drawings for the purpose of determining if the work was completed in compliance with approved plans and specifications. As-built drawings shall be the permitted drawings revised to reflect any changes made during construction. Both the original and any revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawing. All surveyed dimensions and elevations shall be certified by a registered surveyor. The following information, at a minimum, shall be verified on the as-built drawings:

- a. Dimensions and elevations of all discharge structures including all weirs, slots, gates, pumps, pipes, and oil and grease skimmers;
- b. Locations, dimensions, and elevations of all filter, exfiltration, or underdrain systems including cleanouts, pipes, connections to control structures, and points of discharge to the receiving waters;
- c. Dimensions, elevations, contours, or cross-sections of all treatment storage areas sufficient to determine stage-storage relationships of the storage area and the permanent pool depth and volume below the control elevation for normally wet systems, when appropriate;
- d. Dimensions, elevations, contours, final grades, or cross-sections of the system to determine flow directions and conveyance of runoff to the treatment system;
- e. Dimensions, elevations, contours, final grades, or cross-sections of all conveyance systems utilized to convey off-site runoff around the system;
- f. Existing water elevation(s) and the date determined; and
- g. Elevation and location of benchmark(s) for the survey.

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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.

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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.

Permit No.: ERP09-0159

Project: ADVENT CHRISTIAN VILLAGE CARTER HOUSE PROJECT

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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.
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.

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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:

ADVENT CHRISTIAN VILLAGE, INC.
PO BOX 4329
DOWLING PARK, FL 32064

At 4:00 p.m. this ____ day of _____, _____.

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

Permit No.: ERP09-0159

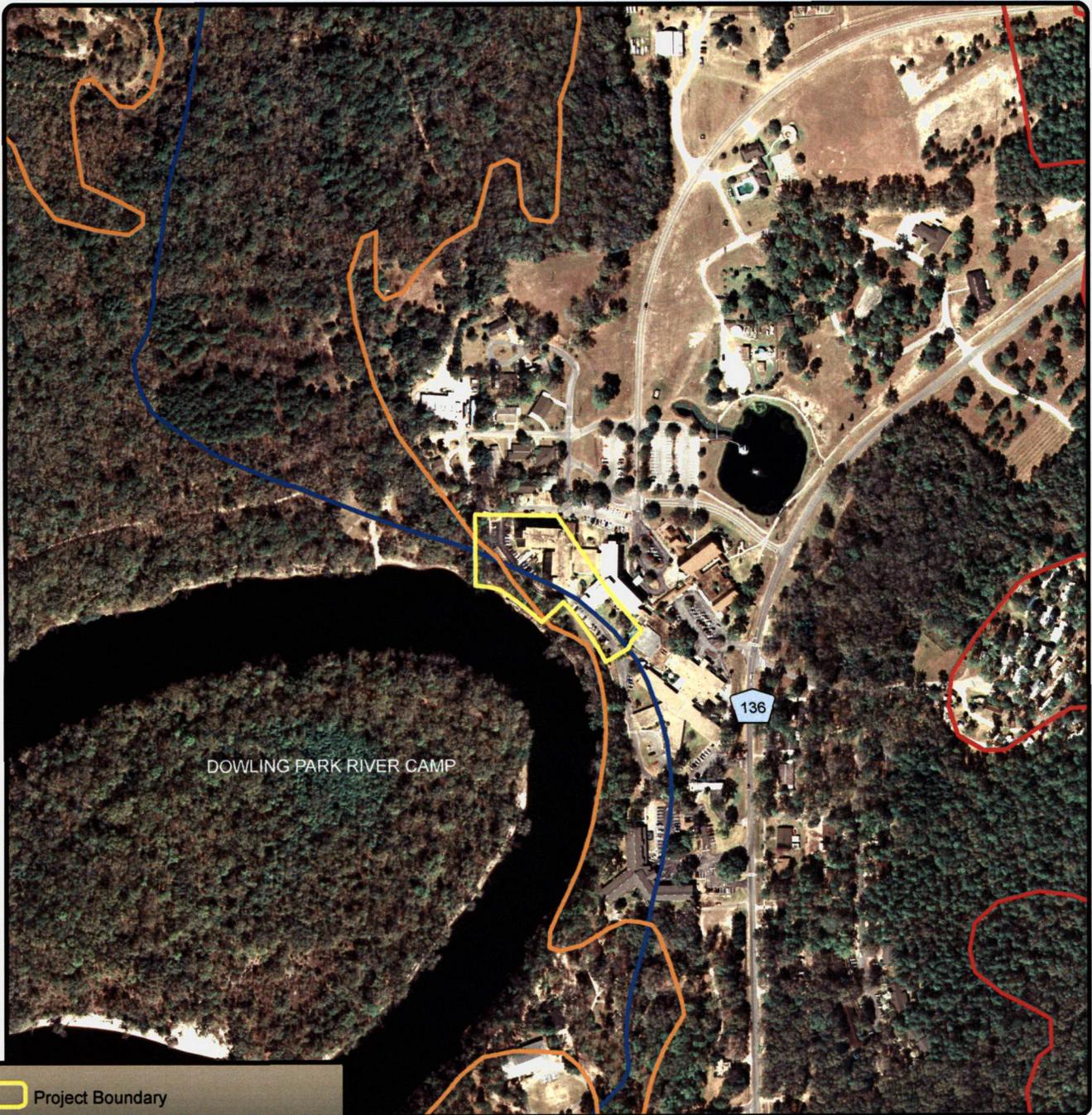
Project: ADVENT CHRISTIAN VILLAGE CARTER HOUSE PROJECT

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386.362.1001 or 800.226.1066 (Florida only)

cc: File Number: ERP09-0159

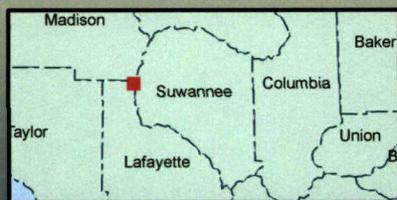
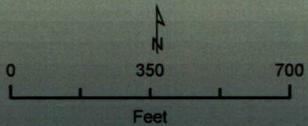
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-  Project Boundary
-  Suwannee River 100-Year Floodplain
-  Suwannee River 10-Year Floodplain
-  Suwannee River Floodway

Advent Christian Village Carter House Project

ERP09-0159
January 2010



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: Jerry Bowden, Senior Professional Engineer ^{JBK}

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

DATE: December 17, 2009

RE: As-built Compliance Summary

As-Built Summary March 2003-November 2009

Permits Expired	1063
Projects Constructed	797
Projects in Compliance	714
Projects not in Compliance	87
Percentage of Projects in Compliance	88%
<u>For permits expired but not constructed:</u>	
Project Modifications	88
Project Extensions	38
Projects not Constructed	83
Projects in Compliance & Enforcement	49
Projects not Requiring As-Built Certification	45

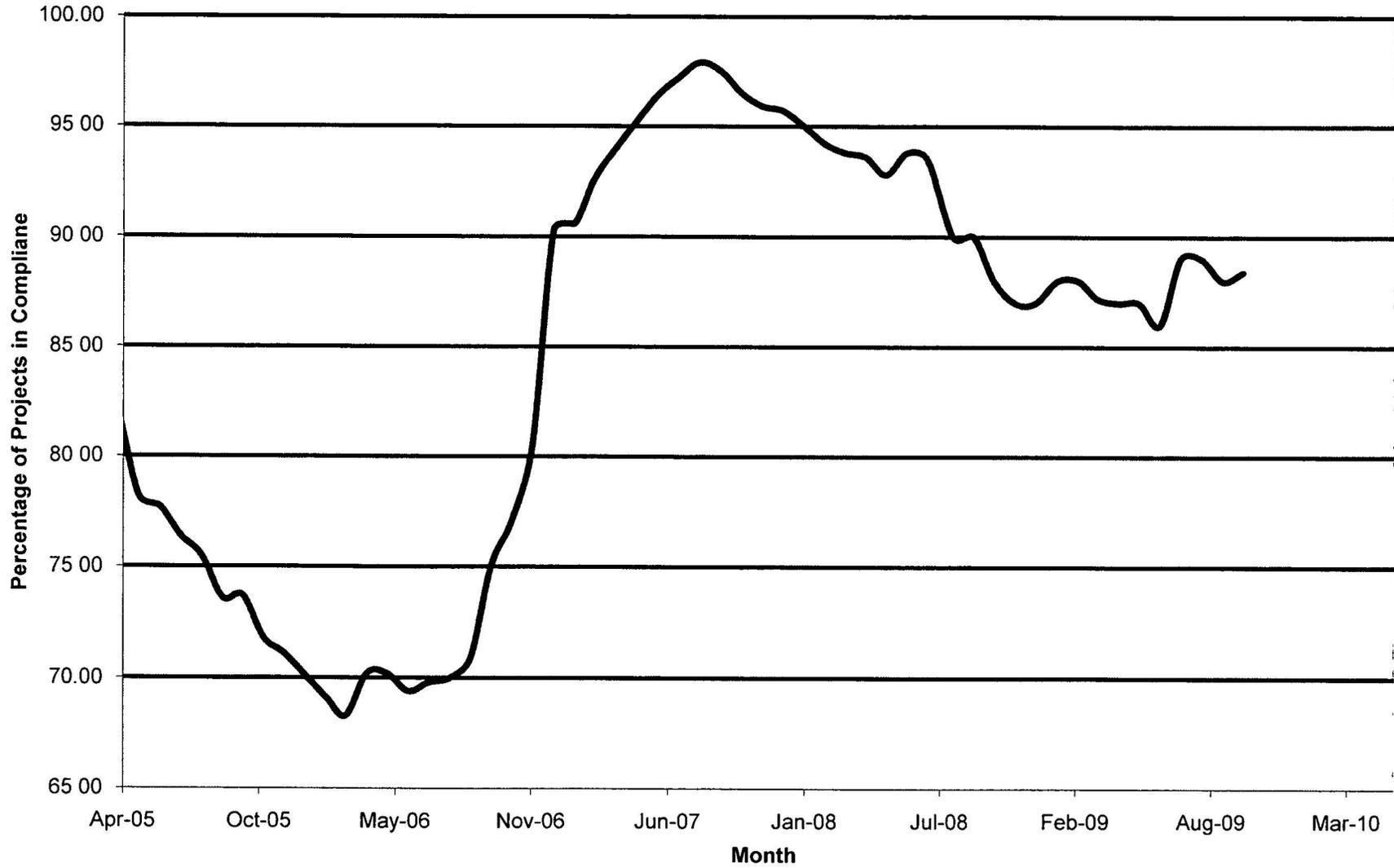
As-Built Summary January 1998-February 2003

Projects Constructed	700
Projects in Compliance	620
Percentage of Projects in Compliance	88%

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

JB/rl

As-Built Compliance Trend



COUNTY	PROJECT NAME	PERMIT NO.	DATE EXPIRED	MISSING FORMS
ALACHUA	GREENS AT WESTEND, PHASE III	ERP00-0070M	8/29/2005	ABC
	LONCALA, INC	ERP06-0472	10/24/2009	ABC
	ALACHUA GATEWAY CENTER	ERP01-0042	6/8/2003	ABC
	BAILEY ESTATES SUBDIVISION MOD	ERP06-0256M	9/11/2009	ABC
	WALDO 301 TRAVEL CENTER MODIFICATION	ERP05-0578M	8/14/2009	ABC
	ALACHUA GATEWAY CENTER/HERITAGE OAKS	ERP01-0042M2	1/27/2009	C
	COUNTRY WAY SUBDIVISION MODIFICATION #3	ERP01-0043M3	2/22/2008	ABC
	UTOPIA/DALTON PINES/WELCH/WYNDSONG SUBDIVISIONS MOD.	ERP01-0283M	1/13/2009	ABC
	SUN STATE FEDERAL CREDIT UNION	ERP01-0470	10/11/2003	C
	SHOWTIME MOTORSPORTS PARK	ERP02-0045	2/20/2004	ABC
	BRIGHTON BEACH CAR WASH MODIFICATION	ERP02-0243M	1/30/2005	ABC
	BUDD MEDIA & EMERGENCY OPERATIONS CENTER	ERP06-0266	6/28/2009	ABC
	WAL-MART SUPERCENTER #3873 - ALACHUA	ERP05-0518	6/13/2009	ABC
	OAK LEAVES AT HIGH SPRINGS	ERP06-0227	6/20/2009	ABC
	NEWBERRY ELEMENTARY SCHOOL ADDITION	ERP02-0555	2/23/2005	ABC
	PINERIDGE PLACE	ERP03-0026	2/3/2006	AC
	PINE ISLES VILLAS	ERP03-0026M	3/21/2009	ABC
	SANDY PINES ESTATES	ERP03-0033	8/12/2008	ABC
	SPANISH GATES UNIT 2 & 3 MODIFICATION	ERP03-0049M	2/10/2009	ABC
	SAINT FRANCIS HIGH SCHOOL MODIFICATION	ERP03-0083M	9/18/2005	ABC
	ST. FRANCIS HIGH SCHOOL MODIFICATION #2	ERP03-0083M2	2/14/2009	ABC
	COX LUMBER COMPANY	ERP03-0233	7/9/2005	C
	OLD OAK ESTATES SUBDIVISION	ERP04-0378	3/2/2008	ABC
	CHAMBERS INDUSTRIAL SUBDIVISION	ERP04-0495	3/10/2008	ABC
	FLETCHER PARK SUBDIVISION	ERP04-0535	1/24/2008	ABC
	MAUPIN HOUSE PUBLISHERS	ERP05-0229	5/25/2008	ABC
	BARTLEY LANE SUBDIVISION	ERP05-0243	10/27/2008	ABC
	ASHTON RIDGE SUBDIVISION	ERP05-0383	1/25/2009	ABC
	441 MINI WAREHOUSES	ERP05-0384	11/18/2008	ABC
	JONESVILLE PARK SOCCER FACILITY	ERP05-0461	10/31/2008	ABC
	LTD MOTORS PARKING LOT	ERP05-0476	10/20/2008	ABC
	FARNSWORTH PUD OFFICE BUILDING	ERP05-0522	12/7/2008	C
	MORTON BUILDINGS	ERP05-0532	2/9/2009	ABC
	ATM ALACHUA OFFICE PARK	ERP05-0542	11/17/2008	ABC
	WESTON OAKS SUBDIVISION	ERP05-0559	4/5/2009	ABC
	ACE HARDWARE OF HIGH SPRINGS	ERP05-0565	1/9/2009	ABC
	WALDO 301 TRAVEL CENTER	ERP05-0578	1/25/2009	ABC
	SCHERER CONSTRUCTION SPEC BUILDING	ERP06-0008	2/23/2009	ABC
	MEL'S TACK ROOM AT MARLBORO FARMS	ERP06-0061	3/22/2009	ABC
	SAVANNAH STATION PHASE I	ERP06-0064	3/20/2009	ABC
	OAK RIDGE SUBDIVISION	ERP06-0094	3/13/2009	ABC
	CPC INDUSTRIAL PARK	ERP06-0102	3/10/2009	ABC
	HIGH SPRINGS ANTIQUE STORE MODIFICATION	ERP94-0152M	11/18/2007	ABC
	TOWN OF TIOGA-PHASES 8 & 9	ERP95-0126M5	3/9/2009	ABC
	THE TRAILS-UNITS 3 & 4	ERP96-0298M2	3/9/2004	ABC
	FAMILY CHURCH MODIFICATION	ERP96-0303M	1/31/2004	ABC
	ST ALBANS WOOD/MACDOUGALL CONDO MOD	ERP99-0424M	5/31/2008	ABC

COUNTY	PROJECT NAME	PERMIT NO.	DATE EXPIRED	MISSING FORMS
ALACHUA	BUDD MEDIA & EMERGENCY OPERATIONS CENTER	ERP06-0266	6/28/2009	ABC
	WAL-MART SUPERCENTER #3873 - ALACHUA	ERP05-0518	6/13/2009	ABC
	OAK LEAVES AT HIGH SPRINGS	ERP06-0227	6/20/2009	ABC
	NEWBERRY GARDENS	ERP99-0525	1/11/2005	C
BRADFORD	MADISON STREET BAPTIST CHURCH MULTI-PURPOSE BUILDING	ERP86-0057M4	10/19/2008	ABC
	STARKE SONIC DRIVE-IN	ERP04-0364	10/4/2007	ABC
COLUMBIA	ISLAMIC CENTER OF LAKE CITY	ERP06-0002	4/25/2009	AC
	LITTLE ROAD BRIDGE REPLACEMENT	ERP06-0364	9/14/2009	ABC
	FOREST COUNTRY SUBDIVISION - 6TH ADDITION	ERP90-0209M	9/11/2009	ABC
	OAK MEADOWS PLANTATION-UNIT 3	ERP96-0036M3	10/12/2009	ABC
	NORTHWEST BASCOM NORRIS DRIVE	ERP98-0459M3	10/12/2009	ABC
	PROJECT SUNSHINE CLEARING & GRUBBING #2	ERP06-0538	10/6/2009	ABC
	WALTER AVENUE BRIDGE REPLACEMENT	ERP06-0363	9/14/2009	ABC
	PINES AT FALLING CREEK	ERP05-0490	8/10/2009	ABC
	STEWARTVILLE ESTATES SUBDIVISION	ERP05-0458	8/30/2009	ABC
	PROJECT SUNSHINE CLEARING & GRUBBING	ERP06-0405	8/8/2009	ABC
	THE HERMITAGE SUBDIVISION	ERP06-0385	8/21/2009	C
	THE OAKS AT WOODBOROUGH	ERP06-0252	8/9/2009	AC
	LAKE CITY MUNICIPAL AIRPORT CONTROL TOWER	ERP00-0290	5/8/2005	ABC
	RED BUD ENTERPRISES SHOP & OFFICE	ERP01-0003	7/23/2004	ABC
	WINDSWEPT INDUSTRIAL S/D, PHASE I	ERP01-0407	12/26/2003	ABC
	PETE RICHARDSON PROJECT MODIFICATION	ERP02-0011M	8/10/2008	ABC
	HAIGHT-ASHBURY SUBDIVISION	ERP02-0021	3/16/2006	ABC
	RECORD STORAGE OF LAKE CITY MODIFICATION	ERP02-0091M	8/17/2008	ABC
	MAGNOLIA PLACE	ERP02-0109	10/24/2004	ABC
	COBBLESTONE SUBDIVISION	ERP02-0437	10/14/2008	ABC
	C R 231 FROM S R 100 TO BAKER COUNTY LINE	ERP02-0497	3/11/2008	BC
	U.S. 90 WEST CAR WASH	ERP02-0510	2/19/2005	ABC
	S.R. 47 FROM I-75 TO S R 25	ERP03-0103	3/9/2009	ABC
	GERALD RIGGLE DEVELOPMENT	ERP03-0144M	6/29/2008	C
	ELLISVILLE SUBDIVISION/MAGNOLIA PLACE	ERP03-0197	10/14/2008	ABC
	HUNNINGTON PLACE SUBDIVISION-PHASE 1	ERP03-0390	9/26/2008	ABC
	CARDINAL FARMS SUBDIVISION	ERP03-0484	3/9/2009	ABC
	BROOK LOOP DRAINAGE	ERP04-0024	2/2/2006	ABC
	COUNTRY SIDE ESTATES	ERP04-0117	4/23/2006	ABC
	M&M FITNESS	ERP04-0161	8/25/2007	ABC
	DEER HAMMOCK SUBDIVISION	ERP05-0025	2/29/2008	ABC
	BULLARD COMMERCIAL BUILDING	ERP05-0159	1/25/2009	ABC
	HIDDEN LAKE	ERP05-0319	4/19/2009	ABC
	BRANFORD CROSSING	ERP05-0400	11/4/2008	ABC
	HUNTER CREEK SUBDIVISION	ERP05-0401	4/13/2009	ABC
	CHEEK & SCOTT DRUGS-LAKE CITY	ERP05-0439	3/14/2009	ABC
	SUNSET MEADOWS SUBDIVISION	ERP05-0520	4/12/2009	ABC
	ELLISVILLE MINI STORAGE	ERP07-0238	6/25/2009	C
	MILLER BEARING PROJECT	ERP06-0109	6/22/2009	ABC
	HAVEN HOSPICE OF THE SUWANNEE VALLEY	ERP05-0528	1/3/2009	ABC
	ROYAL OAKS SUBDIVISION	ERP05-0572	3/2/2009	ABC

COUNTY	PROJECT NAME	PERMIT NO.	DATE EXPIRED	MISSING FORMS
COLUMBIA	LAKE CITY AIR AND REFRIGERATION	ERP06-0023	3/10/2009	C
	WINGATE ESTATES	ERP06-0050	2/15/2009	ABC
	HOME TOWN TITLE	ERP86-0003M	3/3/2008	ABC
	WESTFIELD SQUARE ADDITION	ERP86-0062M	3/15/2009	C
	MORRELL'S INC. MODIFICATION	ERP89-0162M2	10/24/2008	ABC
	FIVE POINTS ELEMENTARY MODIFICATION	ERP91-0120M	9/11/2003	ABC
	L & L COMMERCIAL CENTER MODIFICATION	ERP92-0122M	8/18/2008	AC
	EMERALD LAKES SUBDIVISION, UNIT 6	ERP93-0177M2	4/8/2008	ABC
	EPIPHANY CHURCH MULTIPURPOSE COURT	ERP94-0204M3	10/4/2008	ABC
	MINI STORAGE OF LAKE CITY MODIFICATION	ERP96-0357M	3/7/2008	C
	GENESIS MODEL HOME CENTER	ERP97-0044M	12/11/2003	C
	FLORIDA GATEWAY CENTER SOUTH-LOTS 7 & 8 (HAMPTON INN)	ERP97-0044M3	3/21/2008	ABC
	DEER CREEK/LAUREL LAKE SUBDIVISION UNITS 2 & 3	ERP97-0308M2	11/17/2007	ABC
	ACTION SIGNS & GRAPHICS	ERP98-0021M	3/3/2009	ABC
	NEXTRAN TRUCK CENTER	ERP98-0083M2	3/30/2003	ABC
	NEXTRAN SHED ADDITION	ERP98-0083M3	9/30/2004	ABC
DIXIE	SUWANNEE PLACE RESORT, INC.	ERP05-0540	1/30/2009	ABC
	RIVER SHORES AT JENA	ERP06-0214	10/6/2009	ABC
	HUDSON FOOD STORE MODIFICATION 3	ERP92-0138M3	11/14/2004	ABC
	STEINHATCHEE STORAGE-PHASE 1 MODIFICATION	ERP99-0590M	8/15/2008	ABC
	ROYAL COAST CONDOMINIUMS	ERP05-0538	11/28/2008	C
GILCHRIST	HIDDEN OAKS SUBDIVISION-FIRST ADDITION	ERP06-0041	3/1/2009	C
	LOUDO ENTERPRISES	ERP06-0400	10/2/2009	ABC
	BELL OAKS SUBDIVISION	ERP06-0344	8/10/2009	ABC
	PINE RIDGE PLANTATION I	ERP06-0086	8/9/2009	ABC
	OAK WALK SUBDIVISION	ERP06-0291	8/15/2009	C
	TROFFER ADDITION	ERP02-0227M	7/2/2004	
	STARETT BUILDING MODIFICATION	ERP03-0464M	4/6/2007	ABC
	QUAIL RUN SUBDIVISION (10/15/21)	ERP04-0257	10/28/2007	ABC
	WACASASSA PLANTATION	ERP05-0188M	11/9/2008	ABC
	FORT FANNING HISTORICAL PARK IMPROVEMENTS	ERP05-0447	10/26/2008	C
	FORT FANNING HISTORICAL PARK TRAILHEAD-PHASE 2	ERP05-0447M	12/15/2008	C
	GILCHRIST COURTHOUSE PARKING & STORAGE MODIFICATION	ERP02-0283M	6/8/2009	ABC
	FOOTHILL FARMS-PHASES I AND II	ERP99-0190	6/8/2004	ABC
HAMILTON	ADAMS PEANUT DRYING PLANT MODIFICATION	ERP04-0323M	10/29/2008	ABC
	HOLTON CREEK PRIMITIVE CAMPSITE	ERP04-0329	8/10/2009	ABC
	OAK RIDGE ESTATES-HAMILTON COUNTY	ERP00-0377	6/4/2004	ABC
	PCS INDUSTRIAL PARK-HAMILTON COUNTY	ERP00-0440	4/23/2003	BC
	ALTON CHURCH OF GOD MODIFICATION	ERP01-0383M	11/27/2004	ABC
	JOSEPH HART PROJECT	ERP03-0093	3/18/2005	ABC
	THUMPER'S RIVER RUN	ERP03-0277	7/21/2005	ABC
	HAMILTON 48 SUBDIVISION	ERP05-0287	7/7/2008	ABC
	TIMBERLAND OAKS SUBDIVISION	ERP05-0288	7/7/2008	C
	THE STORAGE PLACE-MAYO	ERP05-0412	9/2/2008	ABC
LAFAYETTE	AIRLINE BAPTIST CHURCH	ERP06-0119	4/5/2009	ABC

COUNTY	PROJECT NAME	PERMIT NO.	DATE EXPIRED	MISSING FORMS
LEVY	MEADOW WOOD SUBDIVISION	ERP05-0593	3/17/2009	ABC
	CHIEFLAND EMS STATION	ERP06-0418	9/1/2009	ABC
	LEVY COUNTY JAIL MODIFICATION	ERP86-0202M2	8/29/2004	ABC
	WHITE CONSTRUCTION	ERP01-0367	9/11/2006	C
	NELSON OFFICE BUILDING MODIFICATION	ERP04-0407M	10/21/2007	ABC
	E & D FARMS SUBDIVISION	ERP04-0529	3/2/2008	C
	ARROWHEAD MEADOWS SUBDIVISION	ERP05-0101	3/3/2008	ABC
	DOLLAR GENERAL-CEDAR KEY	ERP05-0094	3/28/2008	ABC
	WALGREEN'S PHARMACY-CHIEFLAND	ERP95-0109M	5/2/2008	ABC
	SOUTHERN RANCH ESTATES	ERP05-0301	7/5/2008	ABC
	CEDAR KEY PLANTATION MODIFICATION	ERP97-0217M	9/9/2008	ABC
	BEASLEY ACRES	ERP05-0500	11/23/2008	ABC
	WELLINGTON SUBDIVISION	ERP05-0460	1/10/2009	ABC
	CHIEFLAND MIDDLE SCHOOL GYM	ERP06-0039	2/10/2009	ABC
	ROSEWOOD PARK MODIFICATION	ERP97-0113M	2/23/2009	ABC
MADISON	ARBOURS AT MADISON	ERP06-0112	4/3/2009	ABC
	NORTON CREEK SUBDIVISION	ERP04-0409	10/12/2009	ABC
	HAMMOCK RIDGE SUBDIVISION	ERP06-0032	10/11/2009	ABC
	CHERRY LAKE 4H CAMP MODIFICATION	ERP97-0124M4	9/22/2009	ABC
	NFCC DRIVING & FIRING RANGE	ERP06-0345	8/7/2009	ABC
	NFCC SCIENCE BUILDING	ERP89-0190M2	2/10/2009	ABC
	MADISON LIMEROCK STABILIZATION PROJECT	ERP04-0059	3/29/2006	ABC
	ZEPHYRHILLS WATER STATION	ERP02-0138	6/11/2004	C
SUWANNEE	TIMBERWOOD ESTATES	ERP06-0060	4/25/2009	ABC
	NOBLES GREENHOUSE	ERP06-0286	9/15/2009	ABC
	SPIRIT OF THE SUWANNEE HORSE CAMP BATH HOUSE	ERP94-0123M6	8/14/2009	ABC
	K-MART/WALGREENS	ERP92-0182M	10/5/2008	ABC
	SPIRIT OF THE SUWANNEE MODULAR BUILDING	ERP94-0123M5	1/27/2009	ABC
	SUWANNEE RIVER WILDERNESS TRAIL-WOODS FERRY	ERP04-0099	4/13/2009	C
	TAYLORVILLE RESIDENTIAL SUBDIVISION	ERP05-0395	9/14/2008	ABC
	DDJ DEVELOPMENT WEST	ERP00-0353M	7/3/2004	ABC
	PARKER PAVILION	ERP01-0369	8/1/2003	ABC
	POUCHER TRACT WETLANDS	ERP01-0439M	4/9/2004	C
	SPEARS RIVER LOT RESTORATION	ERP02-0279	6/17/2004	ABC
	SUWANNEE BELL ESTATE LOT 98	ERP02-0325	7/25/2004	ABC
	BEACHVILLE MALL	ERP03-0461	12/4/2006	ABC
	KEATON BEACH LANDINGS MODIFICATION	ERP03-0502M	3/9/2009	ABC
	OBRIEN ESTATES	ERP05-0275	8/24/2008	ABC
	EAGLE'S POINTE SUBDIVISION	ERP05-0313	8/9/2008	ABC
	WALGREEN'S-PERRY	ERP05-0494	3/30/2009	ABC
	STEINHATCHEE HIGH POINT SUBDIVISION	ERP06-0053	3/9/2009	ABC
	SEVEN OAKS SUBDIVISION	ERP06-0085	3/13/2009	C
	WADE'S BAILED PINE STRAW	ERP07-0406	7/23/2008	C
	BULLDOG STORAGE MODIFICATION	ERP87-0316M	3/19/2006	ABC
	SUWANNEE COUNTY AIRPORT MODIFICATION	ERP90-0035M2	10/17/2003	ABC
	CAMP WEED YOUTH CABIN	ERP90-0072M3	5/23/2004	C
	GOLD KIST/TRAY PLANT EXPANSION	ERP91-0008M3	3/29/2008	C
	GOLD KIST/TRAY PLANT EXPANSION-PHASE 2	ERP91-0008M4	8/23/2008	ABC
TAYLOR	TRADEWINDS SUBDIVISION	ERP05-0562	2/27/2009	ABC
	SEVEN OAKS SUBDIVISION MODIFICATION	ERP06-0085M	10/31/2009	ABC

COUNTY	PROJECT NAME	PERMIT NO.	DATE EXPIRED	MISSING FORMS
TAYLOR	BLANTON FARMS SUBDIVISION	ERP05-0244	10/27/2009	ABC
	KEATON BEACH LANDINGS	ERP03-0502	2/12/2006	ABC
	SUMMER POINTE SUBDIVISION	ERP04-0128	6/28/2006	ABC
	GULF COAST ESTATES	ERP04-0153	10/27/2007	ABC
	PREMIER MEDICAL CLINIC ADDITIONS	ERP04-0190	5/7/2006	ABC
	BUCCANEER TRACE SUBDIVISION	ERP04-0311	6/17/2008	ABC
	ECONFINA RESORT INCORPORATED MODIFICATION	ERP04-0494M	5/5/2008	ABC
	STEINHATCHEE GYM	ERP04-0526	11/3/2007	ABC
	MARK SCHUMAKER FILL PROJECT	ERP05-0008	3/1/2008	ABC
	CARROLL WETLAND PROJECT	ERP05-0145M	10/21/2008	ABC
	BIRD SONG SUBDIVISION-FIRST ADDITION	ERP05-0173M	5/19/2008	ABC
UNION	C. R 241 BRIDGE REPLACEMENT OVER SWIFT CREEK	ERP05-0409	2/28/2009	ABC
	WHISPERING OAKS SUBDIVISION	ERP06-0228	10/12/2009	C
	SMUGGLER'S TOWNHOMES	ERP05-0502	11/4/2008	ABC
	GULF BREEZE CONDOMINIUMS	ERP05-0616	2/23/2009	ABC
	MARTIN MARIETTA MOD	ERP99-0481M	7/10/2006	ABC
	PRITCHETT TRUCKING OFFICE AND PARKING ADDITION	ERP93-0180M	12/12/2008	ABC
	BUTLER TOWNHOMES,LLC	ERP05-0389	10/17/2008	ABC
	OAK RIDGE ESTATES	ERP05-0302	10/12/2008	ABC
	CHASTAIN-SEAY PARK MODIFICATION	ERP00-0409M	1/9/2006	ABC
	HOWARD BROTHERS FARM	ERP01-0623	12/18/2004	ABC

MEMORANDUM

TO: Governing Board
 FROM: Jon Dinges, ^{JNW}Director, Resource Management
 THRU: David Still, Executive Director ^{DS}
 DATE: December 17, 2009
 RE: Regulatory Activity Report, Informational Item

Resource Management (RM) staff received the site certification package on December 1, 2009, for Gainesville Renewable Energy Center (GREC) in Alachua County. Staff is coordinating with FDEP and other state agencies for review of this proposed project.

Staff filed amendments to chapter 40B-2, FAC for adoption on December 16, 2009. The amendments will be effective the second week of January 2010.

Staff filed amendments to 40B-1.704, FAC, for adoption on December 14, 2009. This amended rule requires bonds or other forms of assurance for as-built certification. The amendments will be effective the second week of January 2010.

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

November 2009	Issued	Received
Environmental Resource Permits	30	34
Water Use Permits	9	4
Water Well Permits	93	93
Water well permits issued and received according to well use:		
Abandoned/destroyed: 2		Monitor: 11
Agricultural Irrigation: 7		Self-supplied Residential: 69
Public Supply: 4		

Staff has implemented an environmental resource permit inspection program for construction and as-built certification. Staff inspected 2 projects under construction and 27 projects for as-built compliance. Please see the attached charts for a summary of construction and as-built inspections.

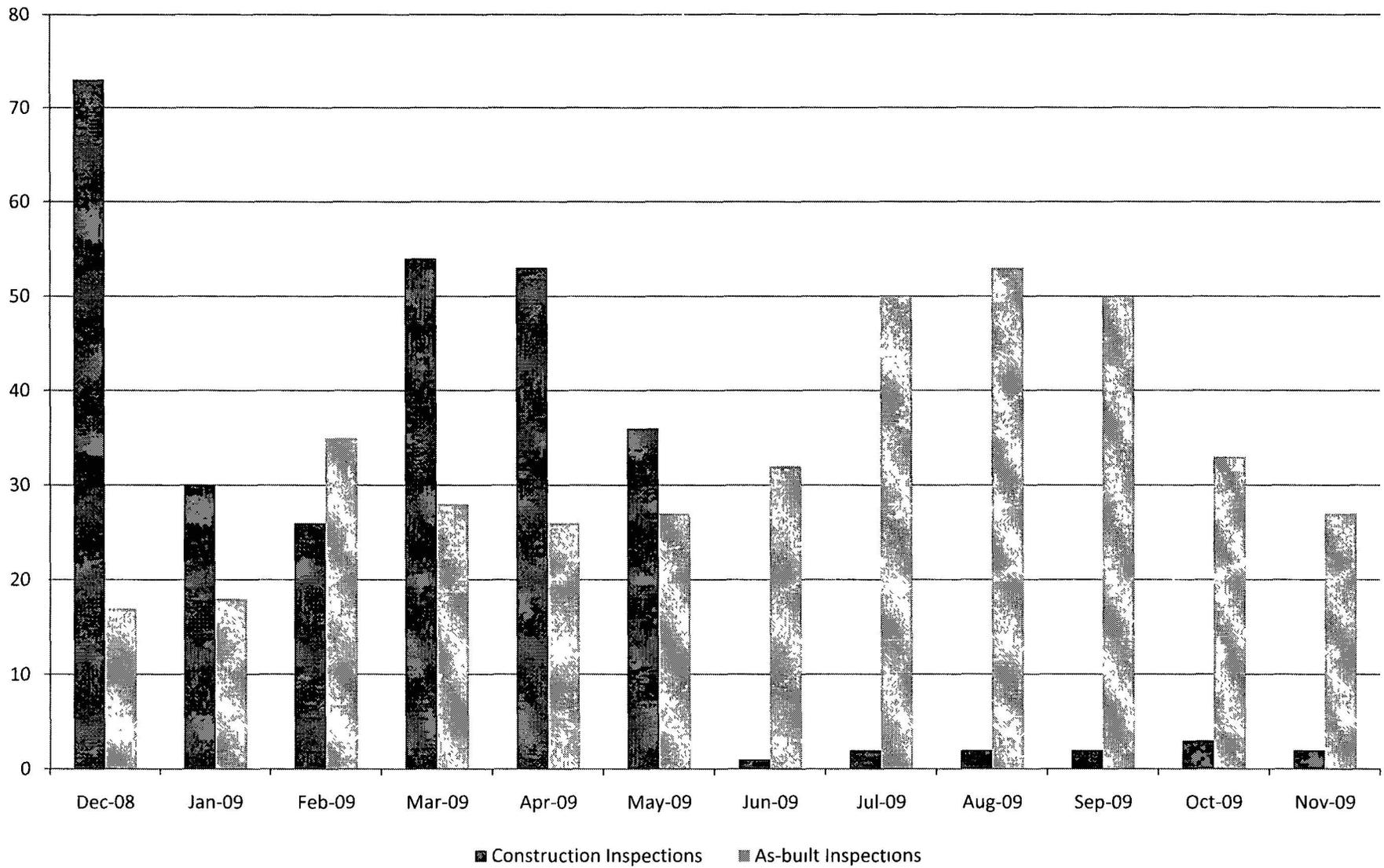
The Rulemaking Schedule and Compliance and Enforcement Report follow this memorandum.

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-1.704	6/9/09	6/19/09	9/8/09	9/18/09	9/18/09	12/16/09	1/5/10
As-built bonding							
40B-1.901	12/8/09 1/12/10	1/22/10	12/8/09 1/12/10	1/29/10	1/22/10		
Unincorporate Forms							
40B-2	2/12/08	2/22/08	6/9/09 8/11/09	8/21/09	8/13/09	12/16/09	1/5/10
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	12/16/09	1/5/10
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	1/12/10	1/22/10	1/12/10	2/22/10	3/14/10
Works of the District/District Floodway Application-Back Page							
40B-400.046	5/14/09	5/29/09	12/8/09	12/18/09	12/8/09	1/19/10	2/8/10
Petition for Formal Wetland Determination							
40B-400.091	12/9/08	12/19/08					
ERP Handbook-Bald Eagle De-listing							

Construction & As-built Inspections



Compliance and Enforcement

updated 12/16/2009 2 19 33 PM

<i>CE #</i>	<i>County</i>	<i>Discovery Date</i>	<i>Date Action Required</i>	<i>Violation Summary</i>	<i>Respondent</i>	<i>Comments</i>	<i>Staff</i>
CE04-0025	COLUMBIA	10/8/2004		Stormwater system not constructed as permitted	Jeffrey Hill/Smithfield Estates	Enforcement documentation sent to attorney 9/22/05 and 12/9/2005 Governing Board denied application on 12/13/05 Staff met with Mr Hill 3/1/06 to discuss violations and solutions Site inspection 10/30/06 No additional work except for a home on Phase 1 Site inspection 5/16/07 No change Administrative complaint served 8/13/07 30 days to correct violation Hill filed with the District a Request for Hearing on 8/27/07 The District issued an Order Denying Hearing, served 9/22/07 Petition to enforce agency final order pending with Circuit Court Hearing scheduled with Judge Leandra Johnson on 9/8/08, Judge granted Mr Hill additional time to resolve violations Hearing 11/17/08 with Judge Johnson Motion to rehear filed 11/26/08 Judge had ordered mediation with Mr Hill Court-ordered mediation held on 6/30/09 Mr and Mrs Hill have not yet signed the mediation agreement as of 7/24/09	Dinges, Jon
CE05-0017	COLUMBIA	4/14/2005		Alteration of dam without a permit	Jeffery Hill	Staff met with Respondant & Tom Brown 1/11/06 to discuss violations Staff met with Mr Hill 3/1/06 and discussed violations and solutions Jennifer Springfield prepared Circuit Court Complaint Received copy via mail 5/26/06 Hearing date for temporary injunction 7/11/06 Hearing rescheduled for District motion for temporary injunction set to 11/7/2006 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 Tenco, 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 submit application Received letter from Cannon Creek HOA 2/8/08, 180 day extension requested Received letter from attorneys regarding resolution on 9/22/08 Legal comments District staff met with Greg Bailey of Bailey, Bishop & Lane who stated that he is working on the flooding problem as part of a master plan for the entire basin In the event Mr Bailey's plan is approved and constructed, it will also address the compliance issue under this permit	Sagul, Tim

<i>CE #</i>	<i>County</i>	<i>Discovery Date</i>	<i>Date Action Required</i>	<i>Violation Summary</i>	<i>Respondent</i>	<i>Comments</i>	<i>Staff</i>
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 District staff and Tom Brown met with John Colson and Marlin Feagle of Columbia County on December 4 Colson to submit permit for culvert	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 on 7/7/08 A follow-up letter was sent 7/8/08 giving him until 9/7/08 to provide a solution No solution as of 9/24/08 Staff has giving Mr Fitzhugh until 10/10/08 to provide solution Received email 10/2/08 Mr Fitzhugh working with surveyor Mr Fitzhugh wants an 18 month extension to complete work Staff to discuss with leadership	Marshall, Leroy
CE09-0003	LEVY	9/26/2008	12/5/2009	Unpermitted dock on river	Christopher Topping	14 days to contact District Spoke with Mr Topping about a time to meet on 1/22/09 Meeting with Mr Topping on 1/29/09 Received WOD application 1/29/09, no fee or supporting documentation Fees and documentation have been received Close file Sent RAI 3/4/09 Send 18 day or deny letter 6/16/09 Sent 18 day letter 11/16/09 January 2010 GB for denial	Webster, Patrick
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 Received HOA documents to transfer O & M 11/18/09 from J Springfield	Marshall, Leroy
CE09-0028	COLUMBIA	4/1/2009	1/5/2010	No as-builts	Tom Kesling / Lake City Home Depot	45 days to submit as-builts & pay costs Staff to follow up Call from Mr Kesling and Engineer Working on as-builts and required forms Granted extension until 5/25/09 Received all sections of as-builts 5/28/09 Several Calls and e-mails to Home Depot in Atlanta including Attorney and Store District Manager All as built have been received but fine has not been paid File sent to legal 6/18/09 Letter mailed 12/8/09 30 days to submit penalty & admin costs	Bowden, Jerry
CE09-0027	LEVY	3/1/2009	8/31/2009	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 Engineer says permit application and plans should be submitted by 12/31/09	Webster, Patrick

<i>CE #</i>	<i>County</i>	<i>Discovery Date</i>	<i>Date Action Required</i>	<i>Violation Summary</i>	<i>Respondent</i>	<i>Comments</i>	<i>Staff</i>
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 Mr Patterson called 9/11/09 District will accommodate his request to meet on a Friday during hunting season when he is in town Waiting for a confirmation call No contact as of 10/19/09 Will try one more contact before referring to legal Mr Patterson agrees (11/17/09) to a field meeting Contacted Mr Patterson by phone on 12/15/09 He said he has not been able to schedule a meeting because his family has been sick with the swine flu Meeting scheduled 1/15/10	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, modify application & submit plans Meeting with Mr Almond on 10/01/09 He will hire an engineer to evaluate the site and submit design plans and calculations on or before October 30, 2009 These will be submitted to the District, and after approval, be implemented on or before November 30, 2009 Modification of the permit and action regarding the current legal issues were not resolved at this meeting Mr Alomnd was informed that these issues will be resolved upon completion of the design and construction Meeting at the District with Mr Almond and Engineer (Brent Whitman, Madison Engineering) set for 10/21/09 Meeting with Mr Almond on 10/21/09 He will hire consultant by November 1st, 2009 Sent requested District files on Deerhaven via e-mail on 10/29/07 11-09-09 [hone call to Chris Almond requesting return call 11-10-09 sent e-mail requesting compliance by 11-13-09 11-16-09 received e-mail asking if Rick from Stillwater Technology contacted District Return e-mail on 11-16-09 stating no contact and informing Mr Almond the file would be returned to legal on 11-17-09 11-16-09 Call from Rick Blecca 407 206 7222)from Stillwater Tehcnology His company is doing survey work for Almond this week Rick is to contact district with a time frame for data submission prior to 11/24/09 Will update John Hastings and transfer project	Bowden, Jerry
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 Sent photos to legal 12/14/09	Hastings, John
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 Mr Thomas is in the process of buying this property and is the one that had the dock built Called Mr Thomas on 10/19/09 and left a message As of 10/19/09 no application has been received Spoke with Mrs Thomas on 11/04/09 and she said Mr Thomas would contact me on 11/05/09 Mr Thomas contacted me on 11/05/09 to tell me it will probably take a few more weeks Called Mr Thomas on 12/16/09 and was unable to make contact	Robinson, Vince
CE09-0067	DIXIE	5/29/2009	1/16/2010	Non-conformance with permitted plans	Robert Hawkins	30 days to send in ERP application WOD application received 9/17/09 Sent RAI 10/16/09	Hastings, John

<i>CE #</i>	<i>County</i>	<i>Discovery Date</i>	<i>Date Action Required</i>	<i>Violation Summary</i>	<i>Respondent</i>	<i>Comments</i>	<i>Staff</i>
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 Mr Douglas was advised to submit a WOD permit application, along with participating neighbors, for seawall construction The fill is planned to be utilized for backfill in a common seawall to be shared between Mr Douglas and at least two adjacent neighbors Staff will follow-up on November 6, 2009, and contact Mr Douglas to discuss a Compliance Agreement Discussed permitting and engineering with Mr Douglas on 11/16/09 Mr Douglas plans to submit application by 11/20/09 Received WOD application 11/16/09 The application is incomplete, and a request for additional information will be sent by 12/17/09 to provide Mr Douglas and his neighbors some time to obtain their engineering	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 NOV returned unclaimed 10/7/09 Dunning a September 22, 2009, site visit, it was determined that the upstream neighbor must initiate remedial efforts to 1) apply for a permit of the intermittent stream crossing, 2) re-direct the flow to its original path, including removal or moving the culvert that has been placed in the existing crossing Staff will call on November 6, 2009, to set-up a meeting with Ms Glenn, Jerry Grant (neighbor), and County Commissioner-Wayne Smith to address compliance District staff met with Mr Grant, Ms Glenn, and County Commissioner Wayne Smith to discuss resolution of the drainage concerns associated with this CE-file A correspondence was mailed to Mr Smith defining the District's position towards a solution Since the resolution is contingent upon the County's goodwill and the property owner's cooperation, this file will remain open, and District staff will monitor the site monthly to determine if the problem is solved Sent letter 11/16/09	Mantini, Louis
CE06-0058	LEVY	8/2/2006	1/30/2009	Unpermitted construction	Douglas McKoy	45 days to submit application package Due 9/14/06 Received permit application 9/15/06 Permit application received on 9/18/06 RAI mailed on 10/4/06 Deadline 1/2/06 12/18/06 received request for time extension Left a message to Donnie Ellington to get back to me on the status on 4/11/07 Letter from Mr Ellington 4/12/07 requesting extension He called and said he would be sending in an application soon Meeting scheduled with Donnie Ellington on 7/23/07 to discuss project Meeting to be rescheduled McCoy called on 9/18/07 requesting an extension due to Ellington's issues Received letter on 9/21/07 Extension until 12/10/07 In the process of selling this parcel Received ERP fee 12/5/07 RAI letter mailed 1/3/08, 60 days to respond Met with Mr McCoy on 2/13/08 Wetland jurisdictional conducted at the site on 3/11/08 Waiting on determination to arrive from Mr McCoy Should arrive by 4/18/08 Received determination 4/28/08 Staff to review Bill Spencer visited site on 5/1/08 to inspect wetland delineation Recommend that wetland line be placed on site plan survey RAI sent out on 5/12/08 with a 60 day response deadline RAI sent 7/25/08, 45 days to respond Received letter from Mr McCoy on 8/28/08 He is working on the survey On 10/30/08 prepared ERP permit for denial, and prepared legal fact sheet to give to Tom Brown File sent to legal 11/4/08 Met with Mr McCoy on 11/13/08 to go over a plan to permit the subdivision Must have a site layout and an engineer hired by 1/7/09 Had a discussion with Mr McCoy and he has hired Donnie Ellington as his engineer and the wetland jurisdictional plans should be submitted to the District in few weeks Per email date 3/12/09, he has hired an engineer and they are working on submittal Staff to follow up by 6/30/09 Received e-mails concerning his intentions Lack of money has prevented him from moving forward The environmental consultant and engineer will not move forward until they are paid October Board meeting for denial of ERP and request for legal action Item pulled from Board agenda per GB members Received email 10/15/09 Waiting for Mr McCoy to set up a meeting to discuss progress on the permit application Project was on the Governing Board agenda for denial in December, but it was pulled since we received notices that an engineer and surveyor are back working on the plans as of 12/7/09	Webster, Patrick

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CE06-0073	GILCHRIST	9/5/2006	11/19/2009	Unpermitted construction 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 submitted 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 information 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 contact 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 Received letter 12/12/09, staff to review	Webster, Patrick
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 constructed 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 untimely 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, proposed consent agreement sent to Mr Cole for review and approval	Dinges, Jon

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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
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 Received letter from legal 10/9/09 case in abeyance until further notification 11/24/09 - Staff (Louis Mantini) responded to Chris Costello, legal counsel - A modification of the Consent Agreement was proposed by the Respondent's consultant, and a compromise Consent Agreement was initiated by District staff We will wait for a reply Received updated Order Continuing Case in Abeyance 12/7/09	Mantini, Louis

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CE07-0087	MADISON	9/26/2007	8/7/2009	Unpermitted structure within the floodway	Charley Hicks Jr	30 days to contact staff Certified letter returned 10/30/07 unclaimed As of 12/17/07, Mr Hicks has made no contact with staff Sent letter via process server 1/8/08, 30 days to contact staff Return of service received on 1/28/08 from process server Contacted the District on 2/20/08 Staff informed Mr Hicks of his options Staff expects extension letter Staff conducted site visit on 5/8/08 Structures are still on site Staff conducted site visit on 8/14/08, structure still in place Called Mr Hicks on 8/19/08, he plans to write an extension letter and apply for a variance shortly Call today Tried to reach Mr Hicks by phone on 10/16/08 and 10/22/08 Contacted Mr Hicks on 10/28/08 Mr Hicks explained his view using profanity and threatened to sue File to legal 10/30/08 Letter from legal sent 2/2/09, 30 days to pay fines and correct violations No response has been received Staff prepared memo to Governing Board for May, requesting authorization to file complaint in circuit court Approved for circuit court Staff preparing for circuit court Counsel filed complaint with Madison County Clerk of Court Awaiting return of summons (6/4/09) Return of Service received from legal 6/30/09 Letter sent to Mr Hicks from legal 7/20/09, all penalties and fees due by 8/7/09	Robinson, Vince
CE09-0076	TAYLOR	10/1/2009 4 12 45 PM	10/20/2009	Failure to submit completion report, permit number 99122	Jesse High	NOV being sent 10/2/2009, requesting submittal of completion reports and \$100 penalty Received completion report 10/5/09 Return receipt received 10/8/09	Hancock, Gloria
CE09-0078	DIXIE	10/1/2009 4 34 21 PM	10/20/2009	Failure to submit completion reports, permit numbers 99093, 99094, 99095, 99096, and 99097	Fred McKay	NOV being sent 10/2/2009, requiring submittal of completion reports and \$500 penalty Certified NOV returned unclaimed 10/26/09 Completion reports received 12/1/09	Hancock, Gloria
CE09-0088	LEVY	10/15/2009	11/5/2009	Unpermitted structure in floodway	Jeffrey Maddox	14 days to contact District Meeting set for 11/5/09 Received Notice of Code Violation from Ley County on 11/9/08 Received information 12/9/09	Webster, Patrick
CE09-0091	HAMILTON	10/15/2009	11/20/2009	Dredge & fill in wetlands	White Springs Agricultural Chemical, Inc	Satisfied requirement to contact District by 11/20/09 District staff (Louis Mantini) met on-site with Don Dahlgren (Potash Corp), and Greg Isom of Claw Forestry It was determined that the dredge and fill activity was a firebreak done by DOF Will prepare follow-up correspondence to PCS and call Keith Osteen [DOF, Lake City, (386) 758-5700] to arrange remediation Sent letter 11/23/029, DOF to handle violation	Mantini, Louis
CE09-0093	COLUMBIA	11/30/2009 4 04 18 PM	12/7/2009	Unpermitted water well construction on property owned or controlled by Jacqueline & E W Hill	Troy Wadford	NOV sent on 12/1/2009, requiring submittal of completion report by 12/7/09 Points, penalty and administrative costs will be assessed later, subject to final determination by the Governing Board License is to be placed on probation for a minimum of one year Completion report received 12/8/2009 Draft Consent Agreement sent to legal for review on 12/7/09	Hancock, Gloria
CE09-0095	GILCHRIST	11/18/2009	12/22/2009	Unauthorized structure within floodway	Peter Vitulli & Nancy Fecso	14 days to contact District	Link, James
CE09-0096	MADISON	12/10/2009	12/11/2009	Unpermitted activity	Richard & Billie J Ballard	SWO hand delivered 12/11/09 by Louis 12/14/09 - Louis to site visit with the Ballards and issue verbal authorization to resume earthwork in order to prevent threats to water quality Permit will be issued after-the-fact	Mantini, Louis
CE09-0092	GILCHRIST		12/8/2009	Unauthorized dock partially on neighbors property	Lex & Deborah Walker	14 days to contact District Received a letter on 12/1/09 agreeing to remove the dock	Webster, Patrick

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CE09-0094	GILCHRIST	12/1/2009	12/27/2009	Unpermitted construction	DeWayne Yates / Trenton Medical Center	Sent letter requiring work to be stopped and respond with RAI information by deadline of 12/27/09	Webster, Patrick	
CE07-0005	ALACHUA	1/10/2007	6/10/2007	Unpermitted construction	Patricia Rhinesmith / Turkey Creek	30 days to provide permit modification Engineering firm to develop alternative Respondent to set up meeting	File to legal for review pertaining to ownership Staff to contact engineering firm by 4/18/08	Wright, Kevin
CE07-0050	COLUMBIA	3/25/2006	7/17/2008	No as-builts	Frank Soucinek / Countryside Estates	File to legal 7/18/07 Letter from legal sent 8/3/07 requesting all fees & as-builts by 8/17/07 Received a phone call from Nelson Bedenbaugh on 8/15/07 and he said they were working on finishing up some survey work to complete as-builts 8/29/07 District received a copy of Section C of the as-built Inspection was conducted on 9/5/07 and the pond on Country Club Road is not in compliance Staff emailed legal to make them aware of this Susan from the office called on 9/19/07 and staff emailed her a copy of the Section C and explained what needed to be done to bring the project into compliance 12/7/07 inspection conducted and no work has been done to bring the project into compliance Received call from Tom Brown regarding this project at the beginning of February and received a message to call Frank Soucinek Called Frank Soucinek and left a message for him to call me back As of 2/20/08 have received no return phone call 2/20/08 inspection conducted and no work has been done to bring the project into compliance 3/18/08 Site inspection revealed no work has been done to bring the project into compliance 4/2/08 let Nelson know that he would need to apply for a permit modification in order to change the pond to a wet pond 5/6/08 Tom Brown called and Frank Soucinek says that Nelson will be dropping of new plans by Friday 5/9/08 Calculations received 5/9/08 Received call from Marinda Kane 6/3/08 and she will be hand deliver application tomorrow 6/4/08, application and fee received 6/17/08 RAI sent with a deadline for submittal of 7/17/08 Received call from Nelson Bedenbaugh on 6/25/08 and they will be doing soil borings to determine how to construct a properly function dry pond 8/28/08 received email from Nelson Bedenbaugh stating that they planned on cleaning the pond and possibly overexcavating and backfilling No confining layer was found in the borings 9/24/08 Leroy will go by and look at this one for me to see if any remediation work has been done to bring the project into compliance Leroy visited site on 9/25/08 and took photos No work has been done to bring the project into compliance Emailed Tim and Tom pictures of site Staff inspected site 11/4/08 Vegetation cut and cleared Copy of inspection report & pictures sent to legal 11/7/08 See legal enforcement report CHC received a phone call from Susan asking for a copy of permitted plans and permit so they could fix the pond I let her know the District would get back with her since the permitted plans may not fix the problem Met with respondent 11/21/08, seeking different engineering services Site visit 1/13/09 No contact from Soucinek regarding engineer Staff to refer back to legal by 5/22/09 Denied at July Governing Board Updated administrative costs and copy of file with last inspection report (7/22/09) sent to legal	Dinges, Jon	
CE04-0003				Unpermitted construction	Jeff Hill / Haight Ashbury	Administrative complaint served 8/13/07 by process server 30 days to complete construction of SW system Hill filed with the District a Request for Hearing on 8/27/07 The District issued an Order Denying Hearing, served 9/22/07 Petition to enforce agency final order pending with Circuit Court Hearing scheduled with Judge Leandra Johnson on 9/8/08 Hearing 11/17/08 before Judge Johnson Motion to re-hear filed 12/1/08 Court-ordered mediation held on June 30 Mr and Mrs Hill have not yet signed the mediation agreement as of 7/24/09	Dinges, Jon	
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 11/15/09	Marshall, Leroy	

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CE08-0044	MADISON	8/11/2008	2/10/2010	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 Conservation Easement documents received on 10/30/2009 Documents sent to legal for acceptance Letter from legal received 11/13/09, Easement documentation unacceptable Sent letter 11/16/09 to revise easement documentation and resubmit	Wright, Kevin
CE08-0035	COLUMBIA	4/15/2008	12/30/2009	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 Sent letter 11/20/09 to contact District by 12/4/09 and repair problems by 12/30/09 Received response letter 11/30/09 11/27/09 received telephone call from Robert Jordan requesting a teleconference with him, Phil Bishop and SRWMD to review As-Built requirements determined in 9/10/09 meeting We teleconned on 12/02/09 and determined that Phil Bishop would resubmit As-Built drawings with culvert & swale at Sta 20+33 Locate the second spill way in SWMF Pond # #2 by 12/25/09 Robert Jordan will submit marked up plan drawings showing the irrigation pipe located with the domestic water pipe Robert Jordan also agreed to grade the roadside ditches to flow property when the ground dries out	Johnston, Rick

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CE08-0036	COLUMBIA	4/19/2008	12/1/2009	Construction without a permit	Joane 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 11/3/09 E-mailed Mr Williams and no response as of 11/16/09	Webster, Patrick
CE08-0040	DIXIE	6/2/2008	6/24/2009	Unpermitted construction	Ryan Bell	30 days to submit WOD application Resend with updated address 6/13/08 No response as of 6/30/08 Received WOD application 7/8/08 RAI sent 8/7/08 18 day letter mailed 10/27/08 Vince Robinson received phone calls from neighbors who want to know status and voicing concerns that if he is able to keep his construction they want to build the same thing Mr Bell called Bill Spencer Nov 2, 2008 and said that he is having his plans drawn and will submit before the deadline I informed him that he will need to make modifications to the construction in order to meet District requirements RAI material received 11/7/08 Third RAI sent 11/18/08 Received RAI material 2/18/09 Staff reviewing material received Zero-rise analysis received 3/6/09 Sent letter 3/11/09, 30 days to submit demolition plan Received inadequate variance request 3/19/09 Sent letter informing Mr Bell of proper procedure for requesting variance on 3/25/09 Received variance request 7/9/09 Being review by Jon Dinges Variance denied at August 2009 Board Final Order mailed 8/13/09	Hastings, John
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	12/20/2009	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 Extension granted until 12/20/09	Marshall, Leroy
CE08-0066	LAFAYETTE	11/6/2008	3/15/2010	Unpermitted structure within floodway Closed file 1/12/09, Reopened 12/15/09, Unpermitted structures, oversized deck & structure within 75 foot setback	Richard & Mary Keen	14 days to contact District Spoke with Mr Keen on the phone 12/08/08 Should have his application in within two weeks Tried to contact Mr Keen by phone on 01/05/09 Received WOD application with fee and penalty of \$350 Closed file on 1/12/09 FILE RE-OPENED 12/14/09 Unpermitted structure within 75 foot setback, oversized deck, unpermitted enclosed structure NOV sent 12/15/09, penalty & RAI information requested	Robinson, Vince

<i>CE #</i>	<i>County</i>	<i>Discovery Date</i>	<i>Date Action Required</i>	<i>Violation Summary</i>	<i>Respondent</i>	<i>Comments</i>	<i>Staff</i>
CE08-0072	COLUMBIA	12/16/2008	2/2/2010	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 Draft restoration plan approved with changes and compliance agreement will be drafted by staff Mr Salifrio indicated by phone (9/25/09) that an application for the pond will be submitted ERP application received 10/13/09 RAI letter for ERP sent 11/4/09	Spencer, William

MEMORANDUM

TO: Governing Board
FROM: Jon Dinges, Director, Resource Management 
THRU: David Still, Executive Director 
DATE: December 17, 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. District staff has received authorization from the Governing Board to contract with BCI and FWC to proceed with project design. Contracts are being prepared.

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

FEMA Map Modernization: The Levy County Digital Flood Insurance Rate Maps (DFIRM) are now at preliminary status as of November 30, 2009. We will be scheduling the public meetings for the County, municipalities, and public in January 2010.

Jasper Stormwater: Staff is advertising for construction bids on November 13, 2009. The pre-bid meeting is scheduled for November 23, 2009. Bids were opened on December 15, 2009.

Lake City Reuse Project: The project is 90 percent complete.

Lake City Reclaimed Water Filter: The agreement has been drafted.

Monticello Reuse Project: The City has received a draft NPDES permit from the FDEP to allow the use of the existing nursery ponds for reclaimed water storage.

Thank you for your attention to this summary of current activities associated with Quality Communities projects. Please feel free to contact staff prior to the January 12, 2010, Governing Board meeting if you would like further information.