

Suwannee River Water Management District

Governing Board Materials

Water Supply and Resource Management

The following materials have been reviewed and approved for distribution to the Governing Board and the public.

Director of Water Supply and
Resource Management

Assistant Executive Director

Executive Director

MEMORANDUM

TO: Governing Board

FROM: Darrell Smith, Suwannee Partnership Coordinator

DATE: October 21, 2010

SUBJECT: Suwannee River Partnership (SRP) FY 2011 Crop Tool Cost Share Funding Request

RECOMMENDATION

Staff recommends the Governing Board authorize the Executive Director to amend contracts with the Suwannee County Conservation District (SCCD) and the Levy Soil and Water Conservation District (LSWCD) for an additional \$500,000 to continue the SRP Best Management Practices (BMP) crop tool cost share program.

BACKGROUND

The amendments will allow for an additional \$250,000 per Conservation District to provide 75 percent cost share to farmers for the purchase of tools up to a maximum of \$10,000 per farmer. There is a list of fifty-five eligible crop farmers waiting for this cost share.

Staff recommends allocating up to \$100,000 (\$50,000 per Conservation District) of the total \$500,000 for nursery operations. Currently, there are twelve nursery operations that have signed a Notice of Intent to implement Florida Department of Agriculture adopted Best Management Practices.

With assistance from the SRP staff, the SCCD will administer funding (up to \$250,000) for 25 or more farmers from Jefferson, Taylor, Madison, Hamilton, Suwannee, and Lafayette counties. The LSWCD will administer funding (up to \$250,000) for 25 or more farmers from Alachua, Bradford, Columbia, Dixie, Gilchrist, Levy, and Union counties. The District will provide a 5 percent administrative fee to each of the Soil and Water Conservation Boards.

The purpose of this program is to help farmers/nurserymen with nutrient and irrigation management to reduce nitrogen entering groundwater, which can degrade springs. SRP staff will select farms based on locations within high recharge areas, spring sheds, and other sensitive areas on a first come, first served basis. Staff will work with farmers to select crop/nursery tools that are most effective at conserving water and reducing nitrogen inputs to groundwater, and will then provide farmer training as needed. Past experience has shown farms using a combination of these tools reduce nitrogen inputs by an average of 50 pounds per acre per year.

Some of the tools eligible for cost share include the following:

- **GPS Guidance Unit** - Several different units are available. A basic Light Bar unit is about \$1400, and the price goes up for units capable of mapping fields.
- **Fertilizer Application Equipment** - (Approximately \$10,000) Equipment used for split application of nitrogen. Purchase of a GPS/Light Bar is required for dry broadcast equipment.
- **Nurse Tank and Injection Pump for Fertigation** - (Approximately \$7,000) Nurse tanks and fertigation equipment allow for split applications of fertilizer to minimize leaching from large rain events.
- **Electronic Soil Moisture Probe** - (Approximately \$2,500) This probe can have four sensors: 4", 12", 20", and 32" (i.e. 80 cm) and is used with a **CR 200 Data Logger** and a **Lap Top Computer** with graphing software. This equipment can also be used with a permanently mounted **time-domain reflectometer (TDR)** probe. Multiple probes can be purchased for use in several fields.
- **Portable TDR 100 Probe (or comparable probe)** - (Approximately \$850) This stand-alone unit is portable and gives a percent moisture reading.
- **SPAD 502 Meter (or comparable meter)** - (Approximately \$1,500) This meter is used to determine chlorophyll content in certain agronomic crops.
- **Cardy Meters** - These units measure plant sap nitrate and potassium levels instantly in the field. Cost for the unit with toolbox and miscellaneous equipment is approximately \$730.
- **Laptop Computer and/or Record Keeping Software** - Price is dependent upon unit.

- **Automated Fertigation and Irrigation Controllers for Irrigation Systems** - Price depends on system requirements.
- **Automated Weather Station System** - System is used to manage irrigation systems and the price varies.

Staff will provide monthly updates to the Governing Board on the status of implementation.

Funds for amending these contracts (09/10-98 and 09/10-99) are available in the fiscal year 2011 budget in Fund 44.

DS/dd

MEMORANDUM

TO: Governing Board
FROM: Carlos Herd, Senior Hydrogeologist
DATE: October 21, 2010
RE: Denial of Water Use Permit Application Number 2-09-00017

RECOMMENDATION

Staff recommends that Governing Board deny, with prejudice, General Water Use Permit application number 2-09-00017 to Richard E. Corbin, individually and as Trustee of the Richard E. Corbin Trust, and John A. Barley for Lilly Springs Bottled Water in Gilchrist County.

BACKGROUND

Staff recommends denial, with prejudice, of the permit application because the applicants have not provided reasonable assurances that the proposed use of water is a reasonable-beneficial use and is consistent with the public interest in accordance with 40B-2.301(1) and 40B-2.301(2), Florida Administrative Code.

/tm

October 21, 2010

Mr. Wayne E. Flowers, Attorney
Lewis, Longman & Walker, P.A.
245 Riverside Avenue
Suite 150
Jacksonville, FL 32202

Subject: Water Use Permit Application Number 2-09-00017, Lilly Springs
Bottled Water, Gilchrist County

Dear Mr. Flowers:

Suwannee River Water Management District (District) staff proposes to recommend to the Governing Board that water use permit application number 2-09-00017 (formerly known as WUP09-0017) for your project located in Township 8 South, Range 16 East, Section 01, in Gilchrist County, be denied with prejudice. Staff intends to recommend denial of this permit application because the applicants have not provided reasonable assurances that the proposed use of water is a reasonable-beneficial use and is consistent with the public interest in accordance with 40B-2.301, Florida Administrative Code. This proposed action is subject to final decision of the Governing Board at their regularly scheduled meeting on November 9, 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, Water Supply and Resource Management

Enclosure
JD/tm

cc: Concerned Parties
Certified Return Receipt #: 7008 1300 0001 7732 0029

NOTICE OF RIGHTS

1. A person whose substantial interests are or may be determined has the right to request an administrative hearing by filing a written petition with the Suwannee River Water Management District (District), or may choose to pursue mediation as an alternative remedy under Section 120.569 and 120.573, Florida Statutes, before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for pursuing mediation are set forth in Sections 120.569 and 120.57 Florida Statutes. Pursuant to Rule 28-106.111, Florida Administrative Code, the petition must be filed at the office of the District Clerk at District Headquarters, 9225 C.R. 49, Live Oak, Florida 32060 within twenty-one (21) days of receipt of written notice of the decision or within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail actual notice). A petition must comply with Chapter 28-106, Florida Administrative Code.
2. If the Governing Board takes action which substantially differs from the notice of District decision to grant or deny the permit application, a person whose substantial interests are or may be determined has the right to request an administrative hearing or may chose to pursue mediation as an alternative remedy as described above. Pursuant to Rule 28-106.111, Florida Administrative Code, the petition must be filed at the office of the District Clerk at District Headquarters, 9225 C.R. 49, Live Oak, Florida 32060 within twenty-one (21) days of receipt of written notice of the decision or within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail actual notice). Such a petition must comply with Chapter 28-106, Florida Administrative Code.
3. A substantially interested person has the right to a formal administrative hearing pursuant to Section 120.569 and 120.57(1), Florida Statutes, where there is a dispute between the District and the party regarding an issue of material fact. A petition for formal hearing must comply with the requirements set forth in Rule 28-106.201, Florida Administrative Code.
4. A substantially interested person has the right to an informal hearing pursuant to Section 120.569 and 120.57(2), Florida Statutes, where no material facts are in dispute. A petition for an informal hearing must comply with the requirements set forth in Rule 28-106.301, Florida Administrative Code.
5. A petition for an administrative hearing is deemed filed upon receipt of the petition by the Office of the District Clerk at the District Headquarters in Live Oak, Florida.
6. Failure to file a petition for an administrative hearing within the requisite time frame shall constitute a waiver of the right to an administrative hearing pursuant to Rule 28-106.111, Florida Administrative Code.
7. The right to an administrative hearing and the relevant procedures to be followed is governed by Chapter 120, Florida Statutes, and Chapter 28-106, Florida Administrative Code.

8. Pursuant to Section 120.68, Florida Statutes, a person who is adversely affected by final District action may seek review of the action in the District Court of Appeal by filing a notice of appeal pursuant to the Florida Rules of Appellate Procedure, within 30 days of the rendering of the final District action.
9. A party to the proceeding before the District who claims that a District order is inconsistent with the provisions and purposes of Chapter 373, Florida Statutes, may seek review of the order pursuant to Section 373.114, Florida Statutes, by the Florida Land and Water Adjudicatory Commission, by filing a request for review with the Commission and serving a copy of the Department of Environmental Protection and any person named in the order within 20 days of adoption of a rule or the rendering of the District order.
10. For appeals to the District Courts of Appeal, a District action is considered rendered after it is signed on behalf of the District, and is filed by the District Clerk.
11. Failure to observe the relevant time frames for filing a petition for judicial review, or for Commission review, will result in waiver of the right to review.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Rights has been sent by overnight mail to:

Mr. Wayne Flowers
 Lewis, Longman & Walker, P.A.
 245 Riverside Ave, Suite 150
 Jacksonville, FL 32202

Mr. Richard Corbin
 c/o Lewis, Longman & Walker, P.A.
 245 Riverside Avenue, Suite 150
 Jacksonville, FL 32202

Mr. John A. Barley
 c/o Lewis, Longman & Walker, P.A.
 245 Riverside Avenue, Suite 150
 Jacksonville, FL 32202

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

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)

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Rights has been sent by electronic mail to:

Concerned Parties Attached

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

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

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STAFF REPORT

WATER USE PERMIT APPLICATION

DATE: October 21, 2010

PROJECT: Lilly Springs Bottled Water – Gilchrist County

APPLICANT:

Richard E. Corbin, individually
and as Trustee of the
Richard E. Corbin Trust, and
John A. Barley
8962 NE County Road 340
High Springs, FL 32643

AGENT:

Wayne E. Flowers
Lewis, Longman & Walker, P.A.
245 Riverside Avenue
Suite 150
Jacksonville, FL 32202

PERMIT APPLICATION NO.: 2-09-00017 (formerly known as WUP09-0017)

DATE OF APPLICATION: April 15, 2009

APPLICATION COMPLETE: April 29, 2010

DEFAULT: November 16, 2010

Project Review Staff

Carlos D. Herd, P.G., John Kruse, and Louis Mantini reviewed the application.

Recommended Agency Action

Staff recommends denial, with prejudice, of the permit application because the applicants have not provided reasonable assurances that the proposed use of water is a reasonable-beneficial use and is consistent with the public interest in accordance with 40B-2.301(1) and 40B-2.301(2), Florida Administrative Code.

Project Location

The proposed project location is a 3.5-acre site located in Township 8 South, Range 16 East, Section 01, Gilchrist County, adjacent to Poe Springs Park in Alachua County. The project is located on the northwest corner of the intersection of NE CR 340 and NE 90th Avenue. Below is a photograph of the project site as seen from the intersection.



Project Description

Applicants requested a groundwater withdrawal for 1.000 million gallons per day (MGD) from the Floridan aquifer for bottled spring water. After two Requests for Additional Information (RAI) letters were sent by the District, May 15, 2009 and December 23, 2009, the requested amount was revised from 1.000 MGD to 0.4000 MGD in RAI response received on April 29, 2010.

Applicants' proposed wellfield consists of two 10-inch diameter production wells placed in the center of the project site. Well # 1 will extend to a total depth of 300 feet with a casing depth of 200 feet. Well # 2 will extend to a total depth of 500 feet with a casing depth of 400 feet. Well # 1 would be primarily relied upon for withdrawals. Well # 2 would be a backup that would primarily be used when or if, water quality or color in Well # 1 is temporarily affected by flood stages in the Santa Fe River. The revised application did not indicate the pumping capacity of either well # 1 or well # 2.

Applicants propose to withdraw water, temporarily store it onsite in an above-ground storage tank, and use pumping stations to fill 7,000-gallon tanker trucks

for off-site bottling. Applicants submitted a site plan showing the location of the proposed improvements. Applicants submitted an engineering feasibility report that indicates the operations and supporting calculations for the proposed project.

Permit Duration

Applicants have requested a twenty year permit duration. Applicants have proposed an increasing withdrawal amount over the permit duration. The following table shows the Applicants proposed allocation:

Year of Water Use Permit	Allocation
First year	100,000 gallons per day
Second year	200,000 gallons per day
Third year	300,000 gallons per day
Fourth through Twentieth year	400,000 gallons per day

Applicants have not provided documentation supporting the need to increase the withdrawal by these amounts over time.

Evaluation of Conditions for Issuance of Permit

Will the project interfere with any presently existing legal use of water?
40B-2.301(1)(b)

Applicants have provided reasonable assurances that the proposed project will not interfere with any presently existing legal use of water. District staff has reviewed the well inventory and drawdown analysis supplied by the Applicants. District staff has concluded that it is unlikely the proposed project will interfere with any presently existing legal use of water.

Is the project consistent with the public interest?
40B-2.301(1)(c)

Applicants have not provided reasonable assurances demonstrating that the project is consistent with the public interest. District has defined “Public Interest” as *those broad-based interests and concerns that are collectively shared by members of a community or residents of the District or the State* (see subsection 40B-2.021(21). Section 3.3.3.6 of the Water Use Permitting Guide (Guide) states that in determining whether a proposed bottled water use is reasonable-

beneficial and consistent with the public interest, the Governing Board will consider the following information:

- a) Whether there is a need for the requested amount of water;
- b) The location of the withdrawal;
- c) The location of the water bottling facility;
- d) Plan to convey water from withdrawal facility to water bottling facility;
- e) A site plan for the water bottling facility;
- f) Existing land use and zoning designations;
- g) A market analysis;
- h) Schedule for completion of construction of the water bottling facility;
- i) Contractual obligation to provide water for bottling;
- j) Other evidence of physical and financial ability to bottle the requested amount;
- k) Other documentation necessary to complete the application.

Although this information was requested by District in its December 2009 RAI, Applicants have only provided the location of the withdrawal. Applicants' lack of response effectively prevents the Governing Board from being able to determine whether the proposed use of water is a reasonable beneficial use and consistent with the public interest. See below staff analysis of need demonstration under the heading: Is the project reasonable-beneficial? 40B-2.301(1)(a).

Is the project reasonable-beneficial?

40B-2.301(1)(a)

Applicants have not provided reasonable assurances that the project is a reasonable-beneficial use of water. In order to be considered a reasonable-beneficial use, Applicants must provide reasonable assurances that the criteria listed in paragraphs 40B-2.301(2)(a) through (k), FAC, are met. Specifically, Applicants have failed to demonstrate compliance with the requirements of paragraphs 40B-2.301(2)(a) through (d), (f) through (h), and (j).

Furthermore, Part II of the Florida Water Resources Act of 1972, chapter 373, F.S., and the District's water use permitting rule, chapter 40B-2, require a proposed use of water to be reasonable-beneficial. See paragraph 373.223(1)(a), F.S. and paragraph 40B-2.301(1)(a). A *reasonable-beneficial use* is defined as the use of water in such quantity as is necessary for economic and efficient consumption for a purpose and in a manner which is both reasonable and consistent with the public interest. See subsection 373.019(16), F.S., and subsection 40B-2.021(22). As part of providing reasonable assurances that this criterion is met, the applicant must include a demonstration of need for the requested amount of water based on the specific use class, which in this case is commercial bottled water.

Applicants' demonstration of need consists of a business plan ("Exhibit A"), a letter dated November 23, 2009, addressed to John Barley from Diana Villarreal, President, Panther Creek, Inc., in Telogia, Florida ("Exhibit B" attached), and a letter dated April 28, 2010, addressed to Wayne E. Flowers from John Barley in Tallahassee, Florida ("Exhibit C"). In summary, the business plan, as modified, is to pump 400,000 gal/day (0.4000 MGD) of spring water from two proposed wells on property in the vicinity of Lilly Springs into tanker trucks for distribution to *the Florida-based bottled water industry*.

The letter by Panther Creek, Inc. ("PCI"), states that it is a broker of spring water to clients engaged in the business of producing bottled water and whose total present need is approximately 350,000 gpd (0.3500 MGD). In its letter, PCI conditionally agrees to broker the purchase and sale of spring water withdrawn at Applicants' property. Mr. Barley's letter references the PCI letter and states that PCI is presently either unable or unwilling to provide the specific information requested by the District ("Exhibit C, page 2" attached).

Applicants also provided information indicating that market data from between 2000 and 2007 shows that sales of bottled water are increasing. No other details, information or documentation concerning the locations of the water bottling plants that would purchase this water or the facilities and operations at these plants was provided. Bottled water is defined in paragraph 500.03(1)(d), F.S., as *a beverage, as described in 21 C.F.R. part 165 (2006) that is processed in compliance with 21 C.F.R. part 129 (2006)*. This definition contemplates the creation of a commercial finished product to be sold for human consumption. Applicants have failed to show how they will create a bottled water product for sale to consumers. Without the benefit of the requested additional information, the District cannot determine whether the proposed use is reasonable-beneficial and, therefore, Applicants have failed to demonstrate a need for the requested amount of water.

The use is in such quantity and of such quality as is necessary for economic and efficient use.

40B-2.301(1).and 40B-2.301(2)

Applicants have not provided reasonable assurance that the use is in such quantity and of such quality as is necessary for economic and efficient use.

As part of the demonstration that a water use is reasonable-beneficial, Applicants must show a demand for the water in the requested amount (§3.3, Guide). Applicants have not demonstrated a need for the quantity requested. See above

staff analysis of need demonstration under the heading: **Is the project reasonable-beneficial?** 40B-2.301(1)(a)

Applicants have not provided reasonable assurance that the use is of such quality as is necessary for economic use. Applicants have stated that the water withdrawn will be marketed for bulk sale as spring water. However, no documentation has been submitted indicating that water proposed to be withdrawn meets any applicable federal and/or state criteria for spring water.

The use is for a purpose that is both reasonable and consistent with the public interest.

40B-2.301(2)(b)

Applicants have not provided reasonable assurances to demonstrate that the use is for a purpose that is both reasonable and consistent with the public interest. Bottling water for human consumption is considered reasonable and consistent with the public interest provided that all of the criteria in section 40B-2.301, as explained in the Guide are met. However, Applicants have not demonstrated that all the criteria in section 40B-2.301 have been met. Specifically, Applicants have failed to demonstrate compliance with the requirements of paragraphs 40B-2.301(2)(a) through (d), (f) through (h), and (j).

The source of water is capable of producing the requested amounts and appropriate quality of water.

40B-2.301(2)(c)

Applicants failed to provide sufficient information to determine if the proposed withdrawal will cause harm to nearby springs, in particular Hornsby Spring. Modeling performed by District staff using the District's North Florida Regional Groundwater Model (NFM) indicates that unacceptable impacts to Hornsby Spring will occur.

Applicants have stated that there is a possibility that groundwater quality and/or color will be adversely affected during flood stages in the Santa Fe River. Applicants have also stated that the water withdrawn will be marketed for bulk sale as spring water. However, no documentation has been submitted showing that the water proposed to be withdrawn meets applicable federal and/or state criteria for spring water.

The use will not degrade the source from which it is withdrawn.

40B-2.301(2)(d)

Based upon the Draft Lower Santa Fe and Ichetucknee MFL Technical Report (2008) for Hornsby Spring, it is anticipated that the proposed withdrawal will harm the source from which it is withdrawn.

The use will not cause or contribute to flooding.

40B-2.301(2)(e)

It does not appear that the proposed use will cause or contribute to flooding.

The use will not harm offsite land uses.

40B-2.301(2)(f)

Based upon the analysis above concerning whether the source of water is capable of producing the requested amount and the analysis below concerning whether the use will cause harm to wetlands or other surface waters, Applicants have failed to provide reasonable assurances that the use will not harm offsite land uses. The project site is proximate to environmentally protected areas including the Santa Fe River, which is designated an Outstanding Florida Water, and Alachua County's Poe Springs Nature Park, which provide significant recreational opportunities. Applicants have not provided reasonable assurance that the predicted reduction in flows will not harm these water resources and dependent recreational uses.

The use will not cause harm to wetlands or other surface waters.

40B-2.301(2)(g)

Based upon the analysis above concerning whether the source of water is capable of producing the requested amount and the analysis below, Applicants have failed to provide reasonable assurances that the use will not cause harm to wetlands or other surface waters.

Applicants performed a calculation at Lilly Springs for a 1:1 withdrawal to impact ratio. The results show that a reduction in flow of 0.60 cubic feet per second (cfs) at Lilly Springs would occur. This assumption is acceptable for analyzing impacts to Lilly Springs because the stated intent of Applicants is to produce spring water and details of the karst features under the site and the exact connectivity of the finished production wells is unknown. A 1:1 analysis is a worst-case scenario for Lilly Springs. However, this is not appropriate for assessing possible impacts to other nearby springs and water resources because of all the assumed withdrawal impacts occur at Lilly Springs.

To analyze other resources, Applicants utilized the District's North Florida Regional Groundwater Model (NFM) with approximately 5000 x 5000 foot grid spacing. Applicants failed to provide a District requested analysis using a local scale groundwater model, or to refine the grid of a regional groundwater model (such as the NFM), to ensure that impacts to other resources would not occur from their proposed use, (see RAI dated December 23, 2009). The analysis by Staff using the current NFM indicates unacceptable impacts to Hornsby Spring. This is documented in the Summary table 1 below.

	Lilly Springs				Hornsby Spring				Ft White gage			
Water Uses	pre (cfs)	post (cfs)	delta (cfs)	percent reduction	pre (cfs)	post (cfs)	delta (cfs)	percent reduction	pre (cfs)	post (cfs)	delta (cfs)	percent reduction
Post 2005 Allocated	29.8938	29.5841	0.3097	1.04%	4.2549	4.0454	0.2095	4.92%	731.9301	722.0218	9.9083	1.35%
Lilly Springs Bottled Water (400,00gpd)	29.8938	29.8514	0.0424	0.14%	4.2549	4.2485	0.0064	0.15%	731.9301	731.4116	0.5185	0.07%
Totals	29.8938	29.5417	0.3521	1.18%	4.2549	4.039	0.2159	5.07%	731.9301	721.5033	10.4268	1.42%

Table 1. Summary of Impact Analysis from GW modeling

Summary Table 1 above shows the allocations the District has permitted since October 1, 2005, for projects using more than 100,000 gpd (first row). As a result there is potential for harm at Hornsby Spring based on the Draft Lower Santa Fe and Ichetucknee MFL Technical Report (2008), which allows a 4.7% reduction in spring flow calculated as of October 1, 2005. Regional Ground Water Modeling of the proposed use at Lilly Springs indicates that it will cause a reduction of spring flow at Hornsby Spring of 0.0064 cfs, which is in excess of the allowable 0.0013 cfs.

Further, Applicant's response to staff's RAI requesting submittal of a Biological and Environmental Monitoring Plan (BEMP) failed to provide sufficient detail to protect against harm to wetlands and other surface waters. Wetland systems within the project impact area are sustained by flows from the springs and in the Santa Fe River. Therefore, Applicants have not provided reasonable assurances that the predicted reduction in flows will not harm wetland systems or other surface waters.

Finally, Applicants state that due to the minimally measurable flow reduction predicted to occur in springs (other than Lilly Springs) within the model, they do not believe a BEMP is warranted or necessary for any of these other springs. District staff disagrees with the assertion that no BEMP is required for any

springs other than Lilly Springs. However, the data submitted by Applicants indicate a reduction in spring flow at Hornsby Spring that will harm the water resource as defined by the Draft Lower Santa Fe and Ichetucknee MFL Technical Report (2008).

The use will not cause or contribute to a violation of either minimum flows or levels.

40B-2.301(2)(h)

Minimum flows and levels have not been adopted for the Lower Santa Fe River and springs.

The use will not cause or contribute to a violation of state water quality standards in waters of the state as set forth in Chapters 62-301, 32-302, 62-520, and 62-550, F.A.C.

40B-2.301(2)(i)

The proposed use is not anticipated to cause or contribute to a violation of state water quality standards in water of the state as set forth in Chapters 62-301, 32-302, 62-520, and 62-550. Nevertheless, Applicants have proposed water quality sampling of the production wells on a monthly basis for all primary and secondary drinking water standards and quarterly reporting of the results to the District.

The use is otherwise a reasonable-beneficial use as defined in Section 373.019(2), F.S., with consideration given to the factors set forth in subsection 62-40.410(2), F.A.C.

40B-2.301(2)(j)

Applicants have not demonstrated that the use is otherwise a reasonable-beneficial use as defined in Section 373.019(2), F.S., considering the factors in 62-40(2) Florida Administrative Code, particularly (a) and (b), (d) and (e), (g), (k), and (l), (p), and (r).

Other Project Concerns

The WUP application lists the Applicants as “John A. Barley and Richard Corbin, Individually and as Trustee of the Richard E. Corbin Trust.” An Ownership and Encumbrance Report dated April 26, 2010, issued by U.S. Title Company, indicates the apparent owner as Richard E. Corbin, a single man. Applicants have not provided reasonable assurance that John A. Barley or the Richard E.

Corbin Trust has the ability to operate the withdrawal and or diversion facilities for the duration of the permit.

40B-2.101(4), Section 1.8.1 of the Water Use Permitting Guide

In both RAI letters from the District, Applicants were requested to submit a revised survey that identifies the location of all existing wells and septic systems on the 3.5-acre parcel. Applicants submitted a copy of the original survey with handwritten notes presumably by someone other than the professional surveyor showing approximate locations. 40B-2.101(4) Section 2.8 of the Water Use Permitting Guide requires all documents containing supporting information or calculations required by Florida law to be prepared by a regulated professional required to bear the certification of such individual.

Applicants submitted water well construction applications that are incomplete and inaccurate. Revisions need to be made to correct and complete these applications. 40B-2.041(6)

**2009 BUSINESS PLAN FOR PRODUCTION OF SPRING WATER
FROM LILLY SPRINGS, GILCHRIST COUNTY, FLORIDA
FOR BOTTLING FOR HUMAN CONSUMPTION**

John A. Barley and Richard A. Corbin, individually and as Trustee of the Richard E. Corbin Trust (hereinafter "Applicants"), are co-owners of the property surrounding Lily Spring in Gilchrist County, Florida. Applicants have made application to the Suwannee River Water Management District ("SRWMD") for a water use permit ("WUP"). In addition to owning the acreage surrounding Lily Spring, the Applicants also control a 3.5 acre parcel on the corner of N.E. 90th Street and County Road 340 on which spring water production facilities will be located. The application seeks authorization to withdraw up to one million gallons per day ("mgd") of spring water from wells to proposed to be located on the 3.5 acre parcel from the same hydrogeologic formation from that supplies the spring water discharged at Lilly Springs. Attached to this Business Plan is a site plan for water production facilities to be located on the 3.5 acre parcel.

Market data for bottled water sales in the United States produced by the Beverage Marketing Association for the period from 2000-2007 is attached. The data shows that production of bottled water in the U.S., in millions of gallons, has increased by an average of 9% per year for each of the past eight years. Sales of bottled water in the U.S. have increased by an average of 9.4% per year for each of the past eight years. This pace of growth represents a continuation of rapid growth in production and in sales that occurred through the 1990s. Per capita consumption of bottled water in the United States for the period from 1997-2007 has increased by an average of 8% per year during this period. While the economic slowdown of 2008 may impact the rate of growth on a short term basis, the decided trend is upward. Applicants seek, through issuance of the WUP requested from the SRWMD to capture part of the market for this growing industry as described in this Business Plan.

Applicants are committed to undertaking the following actions to develop their spring water enterprise to support the bottled water industry in Florida:

- Applying to SRWMD for a WUP that authorizes withdrawal of up to 1 mgd of spring water through wells proposed to be located on the 3.5 acre parcel from the same hydrogeologic formation that supplies spring water discharged at Lilly Springs.
- After acquiring the SRWMD permit, applicants will acquire any approvals and permits from Gilchrist County to authorize development and use of the approximate 3.5 acre site and adjacent roadways in the manner proposed by the accompanying engineer's drawing and narrative, as the same may be revised during the process of obtaining such approvals and permits.
- Within two (2) years from the date of acquiring the Gilchrist County approvals and permits, applicants must commence and complete the work necessary to develop such property in accord with such approvals and permits.
- Upon completing the work necessary to develop the approximate 3.5 acre site in accord with the Gilchrist County approvals and permits, applicants would begin the operations necessary to supply spring water to the Florida based bottled water industry.

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WUP09-0017

2-09-00017 Lilly Springs
Exhibit "A"

by pumping, storing, loading, and shipping spring water for the term of the WUP and all extensions or renewals thereof.

Applicants estimate the work force necessary to support operation of their spring water enterprise will consist of 2-3 persons working each 8-hour period and that the frequency and duration of work will be dictated by demand for the spring water applicants can daily produce and load onto tanker trucks. Based on consistent growth of consumer demand for bottled spring water over the past ten (10) years and the interest Florida based spring water bottlers have expressed to date in purchasing spring water from applicants, applicants anticipate the demand for the spring water they can daily produce and load will reach the graduated levels of withdrawal sought in the WUP application sooner than provided by the graduated withdrawal schedule included with this application.

Development of the approximate 3.5 acre site and adjacent roadways in accord with the Gilchrist County approvals and permits and operation of the spring water enterprise thereby facilitated will result in benefitting the local economy in the following ways:

- Procurement of manpower, services, materials and equipment needed to plan, design, and perform the work required to complete such development, and to facilitate operation of the spring water enterprise thereby facilitated;
- Increase the tax revenue generated from enhancing the market value of such property and selling spring water produced on the property;
- Applicants must pay the cost of planning, designing, and constructing the improvements to adjacent roadways required by such approvals and permits;
- Increase the capacity, efficiency, and safety of adjacent roadways;
- Provide for payment of the cost of all impacts on Gilchrist County public facilities and services that result from development and operation of the spring water enterprise .
- Procurement of transport services from persons and entities who operate tanker trucks to facilitate delivery of spring water sold to Florida based water bottlers;
- Employment of personnel needed to operate the spring water enterprise.

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WSRM 24

2-09-00017 Lilly Springs
Exhibit "B"

Panther Creek Inc.

P.O Box 95
Telogia Fla., 32360

November 23, 2009

Received
SRWMD

John A. Barley
4927 Heathe Drive
Tallahassee, Florida 32309

Re: Lilly Springs Water Plant

Dear Mr. Barley:

NOV 30 2009
WUP09-0017
Original to File _____
Copies to _____

Thank you for contacting Panther Creek, Inc. (PCI), to inform us of your plans to produce and market the sale of spring water. PCI understands you and your partner, Richard E. Corbin, own Lilly Springs, a second magnitude spring in the Santa Fe River basin, and are presently applying to the Suwannee River Water Management District (SRWMD) for issuance of a consumptive use permit (CUP) that would allow you to withdraw up to 1 million gallons of spring water per day from a site approximately 1/2 mile south of Lilly Springs at the northwest corner of NE CR 340 and NE 90th Avenue, High Springs, Gilchrist County, Florida 32643. We further understand you are seeking prospective buyers of the spring water you would produce if your CUP application is granted.

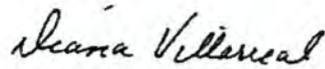
PCI is a broker of spring water to numerous clients who are engaged in the business of producing bottled water. Our clients have a continuing need for more good quality spring water than the springs they own can produce. There has been and remains a shortage of good quality spring water available to the bottled water industry. Your proposed spring water production site is ideally located for distribution to our clients. Currently, our clients have a collective need of approximately 350,000 gallons of good quality spring water per day to supplement the spring water presently available to them. Our clients expect that need to increase as facility storage expands to meet distribution requirements over the next 2-5 years. Accordingly, we request that you amend the Business Plan submitted with your CUP application to authorize you to withdraw spring water at a rate of 400,000 gallons per day for the first 2 years of operation, and to authorize you to increase that rate by 200,000 gallons per day in each of the three 2-year period subsequent to the initial 2-year period to allow you to meet the increased growth of production and distribution of bottled water our clients anticipate during that period of time.

Subject to you obtaining the CUP for which you are applying, and subject to the spring water meeting required regulatory and other quality standards demanded by our clients, and subject to such spring water being available to us at a price that allows us to profitably broker the sale and purchase of such spring water to our clients, we hereby commit to brokering the sale and purchase of such spring water to our clients in the volumes indicated above for the foreseeable future.

2-09-00017 Lilly Springs
Exhibit "B"

We look forward to working with you toward development of a long term mutually beneficial business relationship based on production and distribution of the spring water your pending CUP application seeks authorization for you to withdraw.

Sincerely yours,



Diana Villarreal
President, Panther Creek, Inc.

Received
SRWMD

NOV 30 2009
WUP09-0017
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2-09-00017 Lilly Springs
Exhibit "C"

John A. Barley
4927 Heath Drive
Tallahassee, Florida 32309
johnabarley@earthlink.net
(850) 545-4155

April 28, 2010

Wayne E. Flowers, Esquire
Lewis, Longman & Walker, P. A.
245 Riverside Avenue
Suite 150
Jacksonville, Florida 32202

Re: WUPO9-0017; December 23, 2009, Request for Additional
Information (RAI) #2; Lilly Springs, Gilchrist County, Florida.

Dear Wayne:

The November 23, 2009, letter (the 11/23/09 letter) from Panther Creek, Inc. (PCI), included with your November 30, 2009, letter (11/30/09 letter) to Suwannee River Water Management District (SRWMD) in response to its April 15, 2009, Request for Additional Information (the 4/15/09 RAI) provided the additional information the 4/15/09 RAI requested in respect of the business plan included with our February 2009 application for a Consumptive Use Permit (CUP); namely, a conditional commitment from a well-established company engaged in the business of supplying spring water to Florida-based bottlers to contract to purchase in bulk the spring water we could produce under the CUP to the extent required to meet the market demands of its customers.

Item #12 of RAI #2 acknowledges the 11/30/09 letter submitted in response to the 4/15/09 RAI includes the 11/23/09 letter from PCI but says "[t]he response does not adequately demonstrate a need for the water requested," and requests the following information:

- a. The name and location of each water bottling facility that will receive water withdrawn on the applicants' property;
- b. A ^{RECEIVED}market _{SRWMD} analysis;

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WSRM 27

2-09-00017 Lilly Springs
Exhibit "C"

- c. Evidence of contractual obligations to provide water from this property for bottling at the identified facilities; and
- d. Other information demonstrating physical and financial ability to bottle water in the requested amounts.

After receiving a copy of RAI #2, I forwarded a copy to PCI and thereafter reviewed and discussed with PCI our initial application for a CUP, the RAI in respect of that CUP, our response to that RAI, the subsequent communications between you and SRWMD that resulted in withdrawal of our initial application, our second application for a CUP, the initial RAI in respect of our second application, our response to that RAI, and the second RAI in respect of that application, which is identified above as RAI #2, and, in particular, item #12 a-d of RAI #2.

In the course of my discussion and its subsequent communications with PCE, PCI advised it considers its November 23, 2009, letter to me to be a strong commitment to purchase the volume of spring water the permit for which we have applied could authorize, and a reliable estimate of the volume of additional spring water it now needs to meet its water bottler customers require to meet market demand. PCI further advised that it can and, if necessary, will identify its water bottler customers and the location of their respective bottling facilities, will assist us in developing a viable market analysis and other information demonstrating physical and financial ability to bottle water in the requested amounts, but is unwilling to provide any of such information and assistance unless and until it is afforded reasonable opportunity to meet and confer with responsible SRWMD staff to identify the unresolved issues that remain an obstacle to us obtaining the CUP requested by our pending application and determine the feasibility of resolving those issues. Last, PCI advised it is unable and unwilling to provide certain additional information that may be included in the request stated in item #12 a-d of RAI #2 for the following reasons.

All information PCI provides in response to item #12 a-d of RAI #2 will be available for public consumption. There are many present and potential suppliers of water of various types (e.g., spring water, purified water, mineral water) who would try to use certain elements of the information requested by item #12 a-d to take that business away from PCI and its customers and diminish the advantageous business expectancies secured by maintaining the confidentiality of such information.

2-09-00017 Lilly Springs
Exhibit "C"

The bottled water business is highly competitive. Since its inception, PCI has worked very hard to establish lasting business relationships with Florida-based water bottlers and presently enjoys an excellent record of meeting those bottlers' ongoing needs for supply of the additional spring water each requires to meet market demand.

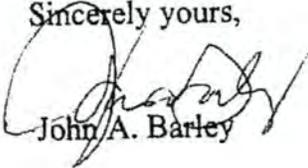
The contracts between PCI and its water bottler customers provide that the volume of spring water the customer purchases from PCI and the volume of bottled water produced and sold by the customer from each such facility is proprietary information that is confidential to PCI and each such customer. PCI and each of its water bottler customers are prohibited from disclosing such information without becoming subject to injunctive relief and financial liability for the economic consequences of such disclosure. The legitimate business objective served by prohibiting disclosure of such information is to protect and preserve the respective advantageous business expectancies PCI and each of its water bottler customers enjoy by maintaining the confidentiality of such information.

Item #12 of RAI #2 acknowledges the respective rates of withdrawal requested by the part of your 11/30/09 letter that addressed and revised the business plan proposed in our application for each successive two-year term during the first 8 years of the permit, and states that SRWMD interprets that information as a request for an 8-year permit. The respective rates of withdrawal requested in the business plan provided by the 11/30/09 letter are hereby revised as follows: "400,000 gpd for each year the permit is in effect."

It appears SRWMD misread the business plan included in our application, as amended by your 11/30/09 letter, which requested a 20-year permit duration.

Please let me know if there is any additional information you need that I can provide to assist you in appropriately responding to RAI #2.

Sincerely yours,



John A. Barley

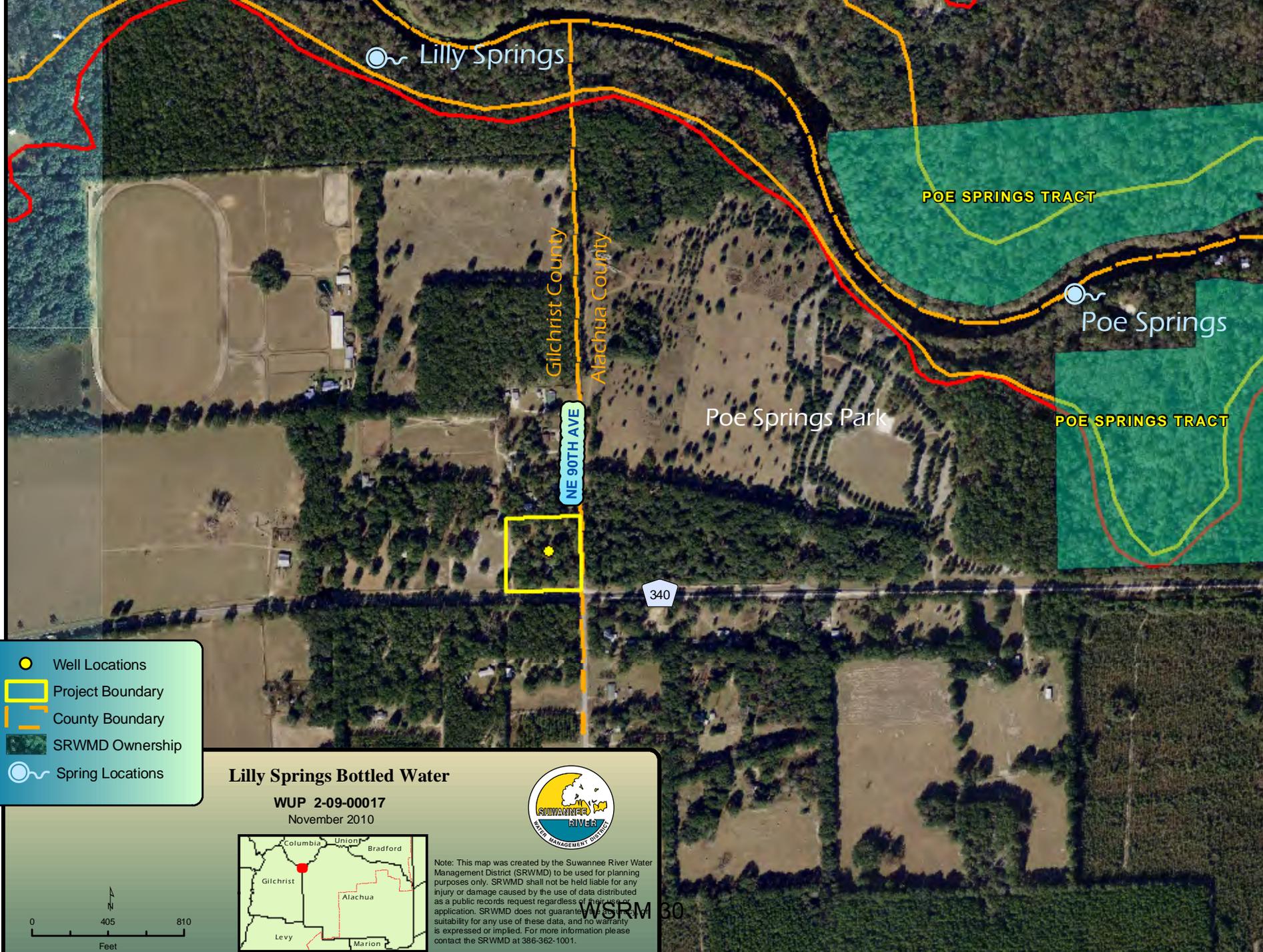
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Lilly Springs

POE SPRINGS TRACT

Poe Springs

Poe Springs Park

POE SPRINGS TRACT

Gilchrist County
Alachua County

NE 90TH AVE

340

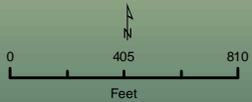
-  Well Locations
-  Project Boundary
-  County Boundary
-  SRWMD Ownership
-  Spring Locations

Lilly Springs Bottled Water

WUP 2-09-00017
November 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 in application. SRWMD does not guarantee the 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.



SRWMD 80

MEMORANDUM

TO: Governing Board

FROM: Jon Dinges, Department Director

DATE: October 21, 2010

RE: Authorization to Amend the District's Statement of Agency Organization and Operation

RECOMMENDATION

Staff recommends the Governing Board amend the District's Statement of Agency Organization and Operation concerning regulatory delegations of authority to the Executive Director to issue water use permits.

BACKGROUND

The 2009 Legislature mandated delegation of water use permits and environmental resource permits to the Executive Director. Subsequently, at its August 11, 2009 meeting, the Governing Board authorized staff to amend the District's Statement of Agency Organization and Operation.

The 2010 Legislature approved Senate Bill 550 that deletes mandatory delegation of water use permit approvals to the Executive Director and authorizes the Governing Board to establish the scope and terms of any such delegation. At its June 2010 meeting, the Governing Board approved a staff recommendation to revise the rule by providing that the Governing Board consider the following water use permit applications:

1. Applications equal to or greater than 1.0 million gallons per day;
2. All bottled water use applications;
3. All denials; and
4. All Division of Administrative Hearings Final Orders.

Staff proposed to amend section 40B-2.041, Florida Administrative Code, to implement this legislation. However, staff has determined that the most appropriate procedure is to put these delegations in the District's Statement of Agency Organization and Operation, as was previously done. Since Florida

Statutes section 373.083 specifies that no rulemaking is required, staff has withdrawn this rule.

The proposed draft Statement of Agency Organization and Operation reads as follows:

STATEMENT OF AGENCY ORGANIZATION AND OPERATION

INTRODUCTION

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

AGENCY HEAD

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

DISTRICT ORGANIZATION

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

- A. EXECUTIVE OFFICE: This office contains the Executive Director, ~~Executive Office Coordinator~~, Assistant Executive Director, and Director of Governmental Affairs. The Executive Office is responsible for monitoring legislation related to District areas of concern and is responsible for the overall management of the District and implementation of District policy,

rules, plans, studies, and programs. This office also offers support to all departments, information services to the public, and communication with local governments and other governmental agencies. The District's ombudsman program operates out of this Office. The District ombudsman is responsible for assisting the public in its dealings with the District.

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

REGULATORY DELEGATIONS

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

Any application, request or petition described above in B.1.(A)1.-4. shall be presented to the Governing Board for final action if the Executive Director, or other District staff designated by the Executive Director, recommend that it be denied. Any individual permit

application not issued pursuant to the delegation in 40B-1.703, F.A.C., conceptual permit application, request or petition described in B.1.(A) above that District staff intends to issue shall be presented to the Governing Board as an informational item. If any matter described in B.1.(A)1.-4. is the subject of an administrative proceeding pursuant to sections 120.595 and 120.57, F.S., the matter shall be presented to the Governing Board for final action if the proposed final order recommends that the application, request or petition be denied. Pursuant to section 373.083(5), F.S., no Governing Board member shall intervene in any manner during the review of an application prior to such application being referred to the Board for final action to deny.

2. Water Use Permitting

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

1. Applications for general permits for all withdrawals or diversions less than 1.0 million gallons per day average daily rate of withdrawal except for bottled water use applications and any application recommended for denial.
1. ~~Applications for conceptual, individual and general permits pursuant to Chapter 40B-2, F.A.C.;~~
2. ~~Applications for modifications of permits referenced above in B.2.(A)1.;~~
3. ~~Applications for temporary water use permits;~~
4. ~~Petitions for variance or waiver of any permitting requirements adopted pursuant to Part II of Chapter 373;~~
5. ~~Five-year compliance reports submitted pursuant to section 373.236, F.S.; and~~
6. ~~Agency reports required by the Florida Electrical Power Plant Siting Act, the Florida Electric Transmission Line Siting Act, and the Natural Gas Transmission Pipeline Siting Act, regarding the District's non-procedural requirements under Part II and Part III of Chapter 373.~~

~~Any application, request or petition described above in B.2.(A)1.-6. shall be presented to the Governing Board for final action if the Executive Director, or other District staff designated by the Executive Director, recommends that it be denied. Any conceptual or individual permit application, request or petition described in B.2.(A) above that District staff intends to issue shall be presented to the Governing Board as an informational item. If any matter described in B.2.(A)1.-6. is the subject of an administrative proceeding pursuant to sections 120.595 and 120.57, F.S., the matter shall be presented to the Governing Board for final action if the proposed final order~~

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

~~DEPARTMENT OF WATER RESOURCES:~~The Department of Water Supply and Resource Management also collects and stores water data, monitors surfacewater and groundwater quality and quantity, manages the Minimum Flows and Levels Project, and provides environmental planning and assessment through engineering hydrologic, and hydraulic research and analyses and investigations for water quality improvement and restoration programs. This department provides financial and technical assistance as a member of the Suwannee River Partnership and The Ichetucknee Partnership.

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

INFORMATION

A. PERMIT AND LICENSE APPLICATIONS

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

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

B. PUBLIC INFORMATION AND INSPECTION OF RECORDS

1. All public records, as defined by Section 119.011(1), F.S., maintained by the District, and not otherwise exempt by law, may be copied or inspected at reasonable times and under reasonable conditions. Any member of the public wishing to inspect and copy District public records may contact any District employee who may have custody of the records. Upon receipt of a public records request, the District employee receiving the request will contact the District Records Management Coordinator. The coordinator will determine the location and supervise the compilation of the records. Inspection and copying of District public records must be done at the office where the records are located. All records will be provided in the form of media in which they are maintained (e.g. paper form, computer files, video tapes, audio tapes) and duplication of the records will be in the same media.
2. Any person requesting to copy public records may bring their own means of duplication (e.g. computer disks and photocopier) to the District to duplicate the records. Otherwise, charges for duplication of District public records is prescribed by Forms 14a, Request for Services, and 14b, Request for Magnetic Media Services (copies of the forms may be obtained by writing or calling the District Headquarters). Fees may be paid in cash, money order, cashier's check or personal check. All fees must be paid in advance before the requested copies will be released to the requester.
3. As prescribed by Section 119.07(1)(b), when the nature or volume of records requires extensive clerical or supervisory assistance by District personnel, or extensive use of information technology resources, the District may charge, in addition to the actual cost of duplication, a reasonable charge based on the cost incurred by the District in providing the service.

AGENCY CLERK

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

following:

1. Dating and filing all orders entered by the Board or the Executive Director;
2. Forwarding copies of all orders rendered after a proceeding affecting a substantial interest to the District's official reporter that is located at the Live Oak headquarters;
3. Acting as the "Clerk of the Lower Tribunal" for purposes of the Florida Rules of Appellate Procedure;
4. Receiving and filing the original of any pleading received by the District;
5. Transmitting all necessary files to the Division of Administrative Hearings (Division) upon transfer of a matter to the Division;
6. Appointing such deputy clerks as are necessary to perform any of the duties of the Agency Clerk; and
7. Performing other such duties as may be authorized by District Governing Board or District rules.

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

ELECTRONIC FILING OF DOCUMENTS

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

1. A party who files a document by electronic transmission must represent that the original physically signed document will be retained by that party for the duration of the proceeding and of any subsequent appeal or subsequent proceeding in that cause, and that the party will

produce it upon the request of other parties.

2. A party who elects to file a document by electronic transmission is responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed with the clerk as a result.
3. The filing date for an electronically transmitted document is the date the Agency Clerk receives the complete document.

VARIANCES FROM OR WAIVER OF AGENCY RULES

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

MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, Senior Professional Engineer

DATE: October 21, 2010

RE: Authorization to Initiate Litigation Regarding Justin Fitzhugh,
CE05-0046

RECOMMENDATION

Staff recommends the Governing Board authorize initiation of litigation regarding Justin Fitzhugh, Movie Gallery, Columbia County.

BACKGROUND

This enforcement has been ongoing since December 2005. The current owner, Mr. Fitzhugh, has repeatedly assured staff that he would resolve the problem by constructing the surface water management system as permitted. Staff referred the file to legal counsel in July 2010.

In an attempt to bring the enforcement action to closure, District staff, with direction of legal counsel, has prepared a Compliance Agreement. Negotiations are currently underway between Counsel and Mr. Fitzhugh regarding possible settlement. However, it is recommended that the Board grant authority to initiate litigation against Mr. Fitzhugh so that this matter may proceed to Circuit Court if no settlement is reached.

TS/rl

MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, Senior Professional Engineer

DATE: October 21, 2010

RE: Authorization to Publish Notice of Proposed Rule and File Amendments to 40B-4.1090, F.A.C.

RECOMMENDATION

Staff recommends the Governing Board authorize staff to:

1. Publish Notice of Proposed Rule for section 40B-4.1090, F.A.C.; and
2. File 40B-4.1090, F.A.C., with Department of State if no comments or objections are received.

BACKGROUND

On June 8, 2010, the Governing Board approved the publication of notices of rule development, proposed rule, and filing 40B-4.1090, Florida Administrative Code (F.A.C.), if no comments or objections were received. Staff subsequently determined that inclusion of a statement of estimated regulatory costs (SERC) is necessary to the previously approved notice of proposed rule.

Staff has determined that changes were made to the regulatory floodway of the rivers within Hamilton and Madison counties. Therefore, the adoption of the Hamilton and Madison county flood studies by reference may cause some regulatory costs to be incurred by the public. Eighteen (18) parcels within Hamilton County and three (3) parcels within Madison County previously had no portions mapped within the regulatory floodway. Costs incurred by the property owners of these parcels are estimated to be \$1,450 (\$250 for works of the district permit and \$1,200 for zero-rise certification).

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

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

A copy of the updated notice of proposed rule is attached to 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:

Publications and Agreements Incorporated by Reference

RULE NOS.:

40B-4.1090

PURPOSE AND EFFECT:

The purpose of the proposed rule is to adopt the most current version of the items incorporated by reference. The effect of the proposed rule amendments will incorporate the new flood insurance studies for the Alapaha, Suwannee and Withlacoochee rivers within Hamilton County and the Aucilla, Suwannee and Withlacoochee rivers within Madison County.

SUBJECT AREAS TO BE ADDRESSED:

This proposed rule will address items incorporated by reference.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The regulatory floodway boundaries for these counties were changed by converting the river model from HEC-2 to HEC-RAS. In this conversion the floodway boundary has changed on many parcels; however, 18 parcels in Hamilton County and 3 parcels in Madison County had changes that were not already somewhat in the floodway. Therefore, only those whose parcel(s) have been newly added to the floodway and wish to perform regulated activities within a portion of the floodway would incur costs that would not have already been due. The regulatory costs per newly added parcels are estimated to be \$1,450. These costs consist of a works of the district permit fee for \$250, and engineering services to provide a zero-rise certification, which are estimated to be \$1,200. Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative, must do so within 21 days of this notice.

SPECIFIC AUTHORITY: 373.044 FS.

LAW IMPLEMENTED: 373.083, 373.084, 373.085, 373.086, 373.413, 373.416 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AMENDMENTS:

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

THE FULL TEXT OF THE PROPOSED RULE IS:

CHAPTER 40B-4 ENVIRONMENTAL RESOURCE AND WORKS OF THE DISTRICT PERMITS

40B-4.1090 Publications and Agreements Incorporated by Reference.

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

(e) Hamilton County, Florida and Incorporated Areas, Effective June 4, 2010;

~~(e)~~ (f) Lafayette County, Florida and Incorporated Areas, Effective September 29, 2006;

(g) Madison County, Florida and Incorporated Areas, Effective May 3, 2010;

~~(f)~~(h) Suwannee County, Florida and Incorporated Areas, Effective September 28, 2007;

~~(g)~~(i) Taylor County, Florida and Incorporated Areas, Effective May 4, 2009;

~~(h)~~(j) Union County, Florida and Incorporated Areas, Effective February 4, 2009.

Rulemaking Authority 373.044 FS. Law Implemented 373.083, 373.084, 373.085, 373.086, 373.413, 373.416 FS. History—New 11-21-02, Amended 5-13-07, 4-21-08, 4-30-09, 8-31-09, DATE.

Copies of the items incorporated by reference may be obtained by contacting Linda Welch, SRWMD, 9225 CR 49, Live Oak, FL 32060, (386)362-1001.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jon Dinges, Director, Water Supply & 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: November 9, 2010.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:
June 18, 2010.

MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, Senior Professional Engineer I

DATE: October 21, 2010

RE: Contract with the U.S. Geological Survey (USGS) for LIDAR Data and Quality Control Services

RECOMMENDATION

Staff recommends the Governing Board authorize the Executive Director to enter into contract for an amount not to exceed \$351,000 with the USGS to provide light detection and ranging (LIDAR) data in the middle Suwannee River area and other selected flood risk areas.

BACKGROUND

In September 2010, the District, through the USGS, was awarded a project grant to receive 1,150 square miles of LIDAR data. The Federal Emergency Management Agency (FEMA) has awarded additional funds to acquire LIDAR data for the middle Suwannee River area and other selected flood risk areas. In an effort to be cost effective, staff recommends using the existing USGS contract to acquire additional LIDAR data with FEMA and District funds.

In addition to FEMA's requirements, the technical specifications for LIDAR data will be required to meet USGS standards and State of Florida technical requirements. The USGS contractors working on the LIDAR data collection, processing, and quality control tasks have all been approved and selected by the USGS. This data will also be added to the USGS National Elevation Dataset (NED).

LIDAR will provide elevation data that can be used in the determinations of flood elevations for the FEMA flood maps. It will also be useful in future minimum flows and levels work.

The funding source for this LIDAR is \$300,000 from Federal Emergency Management Agency (FEMA) and \$51,000 from the District.

Please feel free to contact staff prior to the November 9 Governing Board meeting if you would like additional information.

/jl

Budget Codes

45-2-586-3-1300-12-02-010

01-2-586-2-6202-20-02-015

MEMORANDUM

TO: Governing Board

FROM: Carlos Herd, Senior Hydrogeologist

DATE: October 21, 2010

RE: Authorization to Enter into Master Contracts with Selected Minimum Flows and Levels Consultants

RECOMMENDATION

Staff recommends the Governing Board authorize the Executive Director to enter into master contracts with selected minimum flows and levels (MFL) consultants, for a total amount, in aggregate, not to exceed \$705,000 to provide technical assistance in the development of MFLs on an as needed, when needed basis.

BACKGROUND

Staff submitted a memorandum to the Governing Board at the July 2010 meeting requesting authorization to initiate a consultant qualification process for MFL technical assistance pursuant to the District's procurement procedures. The Southwest Florida Water Management District (SWFWMD) also initiated a similar process and has completed its selection. Staff has reviewed this process, and the selected firms, and request authorization to procure services under the SWFWMD request for qualifications as allowed by Florida law and District procedures. The selection process was not conducted in accordance with the Consultants' Competitive Negotiation Act, section 287.055, Florida Statutes. Any engineering services required will be incidental to scientific services.

Under this proposal, the District would contract with firms identified from the SWFWMD list (see attached). A master contracting agreement would be developed with the firm(s) most qualified for the services required; the negotiated hourly rates would be no greater than those developed by SWFWMD for each respective firm. Prior to issuance of a Work Order, the scope of work and total

cost for each task would be negotiated with the respective firm. Subsequently, upon written notice from the District, the consultant would provide the required services on an as-needed basis.

The expected term of the master contracts is one year, renewable each year up to five years total if required. Staff will issue Work Orders only during the first three years of a contract. The remaining two years would be available, if needed, for completion of work products that are authorized prior to the end of the third year.

The contractors on the attached list are grouped into three different categories as follows:

- Category 1 – Hydrologic and Hydraulic Modeling
- Category 2 – Water Quality/Quantity Assessment
- Category 3 – Biological Assessment

Products developed by the consultants will be analyses, models and/or reports, and will include full documentation of results. District staff will use these materials to develop a final technical report for each water body that defines the recommended MFLs. After independent peer review and Governing Board review and approval, the recommended MFLs would be adopted into 40B-8 F.A.C.

The estimated budget for this work for FY 2011, focused on the Lower Santa Fe and Ichetucknee River, including associated priority springs, is \$705,000. Funds not expended in each fiscal year will carry forward to subsequent years.

Funds for this contract are in the FY 2011 budget in Fund Code 36 and 01.

/dd



Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899
(352) 796-7211 or 1-800-423-1476 (FL only)
TDD only: 1 800 231 6103 (FL only)
On the Internet at WaterMatters.org

Bartow Service Office
170 Century Boulevard
Bartow, Florida 33830 7700
(863) 534-1448 or
1-800-492-7862 (FL only)

Sarasota Service Office
6750 Fruitville Road
Sarasota, Florida 34240 9711
(941) 377-3722 or
1-800-320-3503 (FL only)

Tampa Service Office
7601 Highway 301 North
Tampa, Florida 33637 6759
(813) 985-7481 or
1-800-536-0797 (FL only)

- Ronald E. Oakley**
Chair, Pasco
- Hugh M. Gramling**
Vice Chair, Hillsborough
- H. Paul Senft, Jr.**
Secretary, Polk
- Douglas B. Tharp**
Treasurer, Sumter
- Neil Combee**
Former Chair, Polk
- Todd Pressman**
Former Chair, Pinellas
- Judith C. Whitehead**
Former Chair, Hernando
- Jeffrey M. Adams**
Pinellas
- Carlos Beruff**
Manatee
- Bryan K. Beswick**
DeSoto
- Jennifer E. Closshey**
Hillsborough
- Albert G. Joerger**
Sarasota
- Maritza Rovira-Forino**
Hillsborough
- David L. Moore**
Executive Director
- William S. Bilenky**
General Counsel

August 27, 2010

REVISION 2

All Respondents to RFQ No. 010-10

Subject: Short List of Qualified Vendors for RFQ No. 010-10
Qualification for Minimum Flows and Levels Consultants

Pursuant to the responses received on the above-referenced qualification, the District has qualified the following firms in accordance with the evaluation criteria set forth in Part VI of the Request for Qualifications:

Category 1

- HSW Engineering, Inc.
- Intera Incorporated
- Jones Edmunds & Associates, Inc.
- Engineering & Applied Science, Inc.
- Dynamic Solutions, LLC

Category 2

- Janicki Environmental, Inc.
- HSW Engineering, Inc.
- Mote Marine Laboratory
- Post, Buckley, Schuh & Jernigan, Inc.
- Vanasse Hangen Brustlin, Inc.

Category 3

- HSW Engineering, Inc.
- Janicki Environmental, Inc.
- BCI Engineers & Scientists, Inc.
- GPS Southeast, Inc.
- WilsonMiller, Inc.
- Mote Marine Laboratory

If you have any questions concerning this qualified list, please contact the Contracts Administration Section of the Finance Department, 352-796-7211, extension 4146.

Thank you for your participation in our Request for Qualifications process.

Sincerely,

Ellen F. Cuarta

Ellen F. Cuarta
Contracts Administrator

EFC:alh



MEMORANDUM

TO: Governing Board

FROM: Carlos Herd, Senior Hydrogeologist

DATE: October 21, 2010

RE: Authorization to Enter into a Contract with Delta Land Surveyors, Inc.

RECOMMENDATION

Staff recommends the Governing Board authorize the Executive Director to enter into a contract with Delta Land Surveyors, Inc., for an amount not to exceed \$35,000, to provide technical support in the development of minimum flows and levels (MFLs).

BACKGROUND

Surveying of river bathymetry and river wetland elevations is needed for establishment of MFLs. This data is used in river model development as well as determination of in-stream habitat and wetland inundation requirements. Staff submitted a memorandum to the Governing Board at the August 2010 meeting recommending approval of a pre-qualified list of contractors for surveying services. Delta Land Surveying, Inc. (Delta), of Perry, Florida, is one of the approved firms.

Under this proposal, the District would contract with Delta for technical assistance during fiscal year 2011. Delta has prior experience assisting the District on the Lower Santa Fe and Ichetucknee Rivers. The proposed agreement would include additional work on these systems and also work in support of minimum flows for White Springs in Hamilton County.

The estimated budget for this work for fiscal year 2011 will not to exceed \$35,000. Staff will expend only the funds necessary to gather essential data.

Funds for this contract are in the fiscal year 2011 budget in Fund Code 36 and 01.

JG/dd

MEMORANDUM

TO: Governing Board

FROM: Jon Dinges, Department Director

DATE: October 21, 2010

RE: Activity Report, Water Supply and Resource Management

Water Supply Assessment:

- Staff is compiling comments from the Governing Board, the public, and St. Johns River Water Management District.
- The District hosted public meetings to present the draft Water Supply Assessment and gather citizen comments. Meetings were held at 7 p.m. on October 7 in Starke at the Andrews Center Auditorium; October 12 in Fanning Springs at the City Hall meeting room; and October 19 in Perry at the Holiday Inn Express.
- Staff will present the draft results of the Water Supply Assessment to the Georgia Environmental Protection Division's Suwannee-Satilla Water Council meeting on October 27 at the East Central Technical College in Fitzgerald, Georgia.

Upper Santa Fe River Basin Water Supply Plan:

- SJRWMD has postponed completion of their Water Supply Plan until the spring of 2011.

Spring Protection, Surfacewater, Groundwater and Biological Monitoring:

- Staff collected water chemistry samples at 20 groundwater sites.
- Staff observed levels and maintained gaging stations at 181 wells, 21 lakes, and 19 stream stations.
- Staff updated flood totems at the Stephen Foster State Park in White Springs.
- Staff assisted United States Geological Survey in re-installing their equipment at Blue Hole Spring and the Ichetucknee River at Dampier's Landing.
- Staff met with Nestle Waters North America for the second time to discuss data sharing.
- Rainfall from 39 telemetered sites was reported to the Southeast River Forecast Center.

Numeric Nutrient Criteria:

- Staff participated in statewide meetings on numeric nutrient criteria on August 24 in Tallahassee and September 3 in Pinellas Park, Florida.

Water Use Monitoring:

- Staff monitored 134 telemetered water use monitoring devices on 40 agricultural operations. Water use on monitored wells in September was 677 million gallons, averaging 22.6 million gallons per day.
- Staff continues the assessment of water use permits that use between 100,000 and 500,000 gallons per day in the Upper Santa Fe Basin.

Minimum Flows and Levels (MFLs):

- At the June 2010 workshop staff apprised the Governing Board of a plan to “piggy-back” on the MFL contractor selection by the Southwest Florida Water Management District (SWFWMD). Final selection results have been obtained from SWFWMD and are being reviewed by staff.
- Staff is conducting selection of field data sites along the Lower Santa Fe River to support project planning efforts and upcoming work on minimum flows and levels.
- Staff is reviewing work products prepared by SJRWMD related to MFLs, water supply assessment, and planning. Currently under review are draft model files for version four of the Northeast Florida Model.
- Staff has finalized a contract for engineering services for revisions to the North Florida Groundwater Model. Project kick-off is being planned.

Suwannee River Partnership Activities:

- Staff helped producers enroll in the Cow-Calf Best Management Practice (BMP) and also assisted with the first Cow-Calf regional workshop held at the University of Florida Santa Fe Beef Research Unit.
- Staff has continued to work with the Suwannee and Levy Soil & Water Conservation Districts to assist farmers with the BMP Crop Tools cost share program. To date the program has provided 25 farmers with cost share to purchase nutrient and irrigation management tools. A full status report will be given to the Board at the December workshop.
- Staff gave presentations at county Farm Bureaus, Soil and Water Conservation Districts, and Cattlemen’s meetings.
- Staff has attended springs workgroup meetings to help facilitate awareness of agriculture BMP programs.

- Staff helped coordinate a forage workshop in Madison County where producers will hear speakers discuss the Cow-Calf BMP manual, forage management, and other items on November 5.
- Staff assisted Pilgrim's Pride with researching the United States Department of Agriculture Disaster program designed to help those growers that lost contracts several years ago.
- Staff assisted with development of a draft guidance document for the Florida Department of Environmental Protection Animal Feeding Operations rule.
- Meetings and Events
 - Cow-Calf BMP Manual Workshops - October 28th in Lake Wales
November 18th in Marianna
 - SRP Leadership Committee Meeting - October 29th in Live Oak
 - FFA State Environmental Contest - November 2nd in Live Oak

Regulatory Activities:

Water Use

- Staff conducted a site review for the Moukhtara Aquaculture Farm in Hamilton County.
- Staff has participated in a field demonstration of real-time monitoring and sensing at a local farm along with NRCS, UF, UGA, RC&D, and Suwannee River Soil Conservation District.
- Staff participated in a Water Conservation subgroup meeting in Palatka on October 15.
- Staff participated in a statewide regulatory coordination meeting on September 30 in Tampa.

Environmental Resource Permitting

- Staff participated in a statewide regulatory coordination meeting on environmental resource permitting on September 29 in Tampa.
- Staff met on site on October 19 at Mr. Reddish's property to review the concerns of Cleo Elder, who appeared before the Governing Board on October 12. Staff is currently evaluating Mr. Reddish's permit application.

Permitting Activities:

- The following table summarizes permitting activities during the month of September.

September 2010	Received			Issued		
	Noticed General	General	Individual	Noticed General	General	Individual
Environmental Resource Permits	5	7	1	11	15	1
Water Use Permits	4			4		
Water Well Permits	124			124		
Water well permits issued and received according to well use:						
Abandoned/destroyed:	1	Livestock		4		
Agricultural Irrigation:		Monitor:		20		
Aquaculture:	0	Nursery		0		
Climate Control	0	Other:		0		
Fire Protection)	0	Public Supply:		0		
Garden (Non Commercial):	1	Self-supplied Residential:		87		
Landscape Irrigation:	2	Test		0		

- Columbia County Stormwater: District staff is working with a contractor to develop mitigation concepts and costs for wetland mitigation within the Cannon Creek Basin. Staff intends to present the mitigation concepts and costs to Columbia County at a meeting proposed for November 17, 2010.

FEMA Map Modernization:

- Levy County: Preliminary map panels will be issued, an advertisement in the Federal Register will be published, and then the official 90-day appeal period can begin. Staff continues to coordinate with the county and municipalities. The preliminary Digital Flood Insurance Rate Maps (DFIRMs) are expected to be published within the next 30 days.
- Bradford County: The official 90-day appeal period to the preliminary DFIRM began July 1, 2010, and ended October 1, 2010. A list of appeal and protest resolutions has been created and will be submitted to FEMA for review.
- Jasper Stormwater: Construction is ongoing. Drainage pipe replacement has been completed and 95 percent of the proposed pond site has been dredged. Regrading and sodding is complete in all drainage easement locations where pipe was replaced. Final grading of pond will occur next week.

- Monticello Reuse Project: The wet weather pond is near completion. Electrical contractor was granted a 30-day extension due to the delay in rerouting of the power lines. Final completion is anticipated to be mid-December.
- Greenville Stormwater: The District has developed a revised Interlocal Agreement (ILA) with the Town of Greenville (Town) to provide financial aid for the Town's efforts in solving its stormwater problems. The revised ILA provides matching funds, upon Town's purchase and request for reimbursement, of construction materials used to enhance and improve its drainage problems. The revised ILA includes additional funds provided by the Florida Department of Transportation in the amount of \$46,760. This provides a total of \$96,760; however, the District's matching funds will still not exceed \$50,000.

Thank you for your attention to this summary of current activities. Please feel free to contact staff prior to the November 9, 2010, Governing Board meeting if you would like further information.

/dd

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-1.706	9/14/10	9/24/10	9/14/10	10/1/10	9/24/10		
Fee Schedule-Consistency with 40B-2 Citations							
40B-2	9/8/09	9/18/09					
Upper Santa Fe River Basin Permit Duration							
40B-2.025*	5/13/10	6/4/10	5/13/10	6/11/10	6/7/10		
Review of Unsolicited Information							
40B-2.041	9/14/10	9/24/10	9/14/10	10/1/10	9/24/10		
Water Use Permit-Thresholds to Board							
40B-4.1020	10/12/10	10/22/10	10/12/10	10/29/10	10/22/10		
Clearing Definition							
40B-4.1090	6/8/10	6/18/10	6/8/10	12/3/2010	11/23/10		
Incorporation of Hamilton and Madison FEMA Flood Studies							
40B-4.2010	5/14/09	5/29/09					
Noticed General Permit Application							
40B-4.3030	10/12/10	10/22/10	10/12/10	10/29/10	10/22/10		
Diseased Vegetation Determination							
40B-400.091	12/9/08	12/19/08					
ERP Handbook-Bald Eagle De-listing							

* This rule is under review by Joint Administrative Procedures Committee (JAPC) and rulemaking is temporarily on hold. Staff is working with legal counsel to resolve concerns from JAPC.

Compliance and Enforcement

updated 10/20/2010 10:22:03 AM

<i>CE #</i>	<i>County</i>	<i>Discovery Date</i>	<i>Date Action Required</i>	<i>Violation Summary</i>	<i>Respondent</i>	<i>Comments</i>	<i>Staff</i>
CE04-0025	COLUMBIA	10/8/2004		Stormwater system not constructed as permitted.	Jeffrey Hill/Smithfield Estates	See the enforcement and litigation report from legal counsel for information.	Dinges, Jon
CE05-0017	COLUMBIA	4/14/2005		Alteration of dam without a permit.	Jeffery Hill	See the enforcement and litigation report from legal counsel for information.	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 4/20/06. Staff reviewed the Notice and returned 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 inspected. S. Approaches complete. Other projects 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 who 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
CE05-0046	COLUMBIA	12/5/2005	8/6/2010	Failure to maintain stormwater system.	Justin Fitzhugh / Movie Gallery	Application received 8/11/06. Redesign submitted 11/29/06. RAI mailed 11/29/06. Extension letter mailed 3/22/07. Denied at October Board. Site inspected 3/20/08. Sent NOV 3/26/08; 60 days to submit as-builts and pay penalties and fees. 18 day letter sent 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 given 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. Sent letter 5/21/10; deadline of 7/1/10 to fix retention pond. Met Mr. Fitzhugh on site on 5/26/10. Work to begin prior to 7/1/10. Staff inspected site on 7/7/10. Construction had not begun. File to legal 7/9/10. Letter sent from legal 7/22/10; 15 days to submit application, pay penalties & fines. 10/7/10; legal working with Fitzhugh on compliance agreement.	Marshall, Leroy
CE09-0027	LEVY	3/1/2009	11/15/2010	Unpermitted development.	Marvin Franks / Cedars Airfield, Inc.	14 days to contact District. Spoke with Mr. Franks on 3/10/09. Met with Mr. Franks on 3/19/09. Mills Engineering hired and will submit application and plans by 12/31/09. Received ERP application 12/18/09. As of 5/12/10, we have not received any additional information as requested. Mitigation plans, UMAM & engineering information received. RAI letter sent 8/16/10. Received additional information from engineer on 9/22/10 and on 10/11/10. Currently under review by staff.	Webster, Patrick
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. 3/9/10; Board approved authorization to file complaint. Legal preparing Administrative Complaint. 5/17/10; staff sent Mr. Berg an engineers list. Received WOD application from Mr. Berg 9/9/10. Permit ready to issue pending receipt of cost & penalties. Legal in contact with Berg regarding costs.	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>
CE06-0058	LEVY	8/2/2006	10/18/2010	Unpermitted construction.	Douglas McKoy	45 days to submit application package. Due 9/14/06. Received permit application 9/15/06. RAI mailed on 10/4/06. 12/18/06 received request for time extension. 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. Mr. McKoy 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; Met with Mr. McKoy on 2/13/08. Wetland jurisdictional conducted at the site on 3/11/08. Waiting on determination to arrive from Mr. McKoy. Received determination 4/28/08. Bill Spencer visited site on 5/1/08 to inspect wetland delineation. Recommend that wetland line be placed on site plan survey. RAI sent on 5/12/08. RAI sent 7/25/08; Received letter from Mr. McKoy on 8/28/08; working on the survey. 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. McKoy 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. Per email date 3/12/09, an engineer has been hired and they are working on submittal. Received e-mails; lack of money has prevented him from moving forward. Issue went to the October 2009 Board for denial of ERP and request for legal action. Item pulled from Board agenda per GB members. Received email 10/15/09. Project pulled from December 2009 Board agenda since we received notices that an engineer and surveyor are back working on the plans as of 12/7/09. Received email from engineer, and he said that nothing has happened since December 2009. Tabled at April 2010 Board (denial) until May 2010 Board meeting. Received emails from applicant's. Permit denial was pulled from the Governing Board agenda. Spoke with engineer 8/2/10; has received information from Mr. McCoy. Should have plans and calculations submitted by 9/1/10. Sent email 9/13/10; for submittal date. Spoke with engineer, Walter Jarvis, and he said he would have plans and calculations to the District by 10/18/10. No information received as of 10/20/10.	Webster, Patrick
CE06-0107	LAFAYETTE	12/12/2006	4/28/2009	Construction without a permit.	Linda Fennell	See the enforcement and litigation report from legal counsel for information. Court date scheduled for 2/2/11.	Marshall, Leroy
CE07-0087	MADISON	9/26/2007	8/7/2009	Unpermitted structure within the floodway.	Charley Hicks, Jr.	See the enforcement and litigation report from legal counsel for information.	Robinson, Vince
CE10-0006	GILCHRIST	1/25/2010	10/1/2010	Unpermitted structure within floodway.	Everett & Marie Masters	14 days to contact District. Met Mr. Masters on his property on 3/2/10. Gave him an application and a copy of the rules. Will not be able to completely evaluate the site until river levels go down. Spoke with Mr. Masters by phone on 5/11/10; stated the river level is still too high to make an evaluation. Site visit 7/21/10; gave Mr. Masters a list of things needed to clear violation and permit project. Should have information in by 10/01/10. As of 10/13/10, no information received.	Robinson, Vince

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CE10-0016	JEFFERSON	2/9/2010	8/21/2010	Unpermitted construction.	Judy Miller	45 days to submit ERP modification or restore site. The Respondent(s) have hired Environmental Consulting and Technology (ECT) from Tallahassee, to determine how to bring the dam into compliance with District rules. Louis Mantini was contacted by a representative from ECT on 03/8/10, and informed of their being retained for this work. No designs have been received as of 03/12/10. 4/19/10; compliance meeting between District staff and the property owner's engineering consultant, Ronald Potts. Plans are forthcoming, as of 05/13/10 - conceptually, there will be additional culverts added to the dam for drainage. A visit was conducted at the request of Mr. Tuten on 06/01/10, to make a rough-estimate of the additional culvert cross-sectional area that might be required for the site. Discussion regarding the results is pending as of 06/21/10, but it remains necessary that the Respondent will require the services of a P.E. 18 day letter sent 8/3/10. The District received a correspondence from Ms. Miller on 8/18/10, requesting "an extension of up to five years to complete any necessary changes to our as built site dam". This is a response to the District's request for a compliance schedule. Ms. Miller was informed during a 09/08/10 phone conversation that the District will negotiate a compliance schedule but cannot accept duration of five years for compliance; she understood and will wait for the District to draft a compliance agreement. Staff preparing compliance agreement for review.	Mantini, Louis
CE10-0026		4/20/2010	11/10/2010	Unpermitted construction.	Sam Oosterhoudt-Lake City Developers, LLC.	SWO had delivered 4/20/10. NOV sent 4/26/10. 14 days to contact District. File sent to legal 5/21/10. Call from Mr. Oosterhoudt on 5/26/10. Engineer has been hired and no other work to be done until permit is modified. Informed legal to hold off. Email to legal, no contact from owner since 5/26/10 phone call. Received ERP application 7/26/10. Sent RAI 8/11/10.	Marshall, Leroy
CE10-0036	COLUMBIA	7/29/2010	8/16/2010	Failure to maintain surfacewater management system.	Michelle O'Brien - Lake City Home Depot	14 days to contact District. The Home Depot responded in a timely fashion to the Notice of Non-compliance. District staff met on-site with Marilyn Combs from Home Depot on 08/30/10. A follow-up correspondence was sent on 09/14/10 to address the repair of the berm and weir that controls the water elevation in their created wetland/ stormwater storage basin. Staff to meet with Home Depot contractors on 10/27/10.	Mantini, Louis
CE10-0029	LEVY	5/25/2010	8/21/2010	Wetland impacts.	Anthony & Stephanie Beckham	14 days to contact District. Met on-site 5/25/2010, and made an initial assessment of the impacts. Spoke with Ms. Beckham on 6/8/10, and discussed both submittal for a General ERP and fine-tuning the District's approximation of wetland boundaries to alleviate the requirement for mitigation. An example General ERP engineered site plan was e-mailed to Ms. Beckham similar to hers and her husband's project on 06/08/10. Sent 18 day letter 8/3/10. Received letter from Mills Engineering on 8/18/10 requesting a 90-day extension to bring project into compliance. The request was granted, and staff discussed proposed site development plan with Mill's Engineering on 09/08/10. Staff scheduled to meet with Mr. and Ms. Beckham on 09/17/10 to discuss their plan. The 09/17/10, site visit was conducted under extremely wet conditions due to recent inclement weather, and on-site vegetative indicators provided evidence that the excavated area could have been a wetland. In order to fine-tune the impacted wetland boundaries, National Wetland Inventories (NWI) were grossly out of registered and not considered for this reason, and for the reason that the delineation rule (62-340, F.A.C.) did not allow their use. A soils survey was downloaded from the USDA-NRCS Soil Mapper website, and the nearest depressional soil mapping units were Placid and Samsula, and Placid and Popash. The excavated area was neither. An e-mail pre-application correspondence was prepared on 09/20/10, providing the Beckhams instruction on applying for a Noticed General ERP, per 40B-4.2010(1)(a), 10, F.A.C. This CE-file will be closed upon receipt of an ERP application. A telephone message was left on 10/14/10, with Ms. Beckham in order to confirm current mailing address; when confirmed, the pre-application correspondence will also be mailed.	Mantini, Louis

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CE10-0037	BRADFORD	7/30/2010	11/7/2010	Unpermitted fill in drainage ditches within drainage easements.	Roger Griffis	7 days to contact District. Site inspection 8/12/10 and on 9/17/10. Working on resolution to violation with Matt Mitchell. On 9/24/10 Matt instructed staff to send future correspondence letters to Ed Burns and the Homeowners Association about Mr. Griffis from this point forward. Then the Homeowners Association can deal directly with Mr. Griffis. Called and Left a message for Ed Burns on 9/28/10 to give him a heads up on this future course of action. Sent out a letter to Mr. Burns and the Homeowners Association about the concerns with Mr. Griffis and his work on 10/7/10.	Webster, Patrick
CE10-0045	LEVY		10/11/2010	Unpermitted road construction.	Scott McNulty	14 days to contact District and County Road Department. Conducted a meeting with County, Mr. McNulty, and Lee Mills, P.E., on 10/12/10. Mr. Mills needed to determine how to proceed towards devising a plan for his client, Mr. McNulty. Staff will call for update on 11/01/10.	Mantini, Louis
CE10-0046	LEVY		10/11/2010	Unpermitted road construction.	Donny Crews / Levy County Road Department	14 days to schedule meeting with District. Conducted a meeting with County, Mr. McNulty, and Lee Mills, P.E., on 10/12/10. Mr. Mills needed to determine how to proceed towards devising a plan for his client, Mr. McNulty. Staff will call for update on 11/01/10.	Mantini, Louis
CE10-0047		9/24/2010	10/11/2010	Unpermitted construction and wetland impacts.	Richard Taylor	SWO & NOV hand-delivered and refused by Mr. Taylor in the AM on 9/28/10. NOV, dated 09/27/10, states 14 days to set up meeting with staff. Mr. Taylor contacted staff (Louis Mantini) and informed that he had received the SWO and NOV in the mail and "is" deciding to accept the SWO and NOV. Mr. Taylor was informed that the SWO would only apply if he were to continue impacting wetlands, as he said that he was going to return to grade all excavated areas on 09/28/10 in the PM. He is currently limited in completion of restoration, because he needs a bulldozer and only has a backhoe and excavator on site; so he will begin restoration on 09/28/10. A site visit will be conducted on 10/01/10, to determine status of restoration and to guide Mr. Taylor through the process of permitting the expansion of the existing farm pond in an upland direction. Permit application submitted on 10/6/10. Also, a compliance inspection was conducted on 10/6/10, and Mr. Taylor has begun filling the area that was excavated within wetland boundaries back to the existing natural grade. Mr. Taylor plans to expand the existing farm pond into the surrounding uplands. Received ERP application 10/6/10, and will complete application review pending compliance with rule violations.	Mantini, Louis
CE04-0003				Unpermitted construction.	Jeff Hill / Haight Ashbury	See the enforcement and litigation report from legal counsel for information.	Dinges, Jon
CE08-0043	SUWANNEE	6/26/2008	8/24/2010	Unpermitted construction.	Derrick Freeman	90 to days to remove structure. Staff to follow up by 4/15/09. Site visit 3/26/09. Sent reminder letter 3/30/09. Staff to inspect by 6/15/10. Sent letter 5/24/10; 30 days to remove structure. File to Legal 7/30/10. Letter sent from legal 8/9/10; 15 days to pay fines and penalties & remove structure. Letter returned to legal undeliverable. Legal to serve Mr. Freeman.	Marshall, Leroy
CE08-0035	COLUMBIA	4/15/2008	12/30/2009	Non-conformance with Erosion Control Plan.	Robert F. Jordan / Turkey Creek Subdivision	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. 1/27/10; received as-built plans. 3/11/10; no update. 4/4/10; Mr. Jordan has prepared his portion of the as-built drawings, BB&L has submitted their portion. Jerry Bowden is reviewing.7/20/10; Jerry Bowden & Rick Johnston reviewed the site for as-built certification.	Johnston, Rick

<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>
CE08-0037	BRADFORD	8/2/2006	8/7/2010	Non-functioning pond.	Bill McCans	30 days to repair erosion problems and provide as-builts. 6/4/08 talked with Sam Smith, Chad Williams is working on a plan to get the ponds in compliance. Respondent working on resolution. Sent out email on 6/15/09 to Chad Williams, engineer, with photos of the ponds leaking. 11/3/09; emailed Mr. Williams with no response. Second NOV 1/28/10; 18 days to contact District with plans. Spoke with Chad Williams on 2/23/10. Owner agrees to move forward with fix outlined by engineer. Engineer said that he would get back to me with the required plan to fix the site around 3/23/10. Inspected site on 5/12/10, no fix has been implemented. They have been pumping out the pond, but permanent fix has to be implemented. 18 day deadline letter sent 5/13/10. 6/1/10 deadline to respond. File sent to legal 6/21/10. Letter sent from legal 7/22/10; 15 days to pay fines. Received letter 8/16/10; Respondent has retained engineering firm to correct violation.	Webster, Patrick
CE08-0040	DIXIE	6/2/2008	10/25/2010	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 11/2/08 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. Reviewed by Jon Dinges. Variance denied at August 2009 Board. Final Order mailed 8/13/09. Sent RAI letter 5/12/10; 30 days to submit RAI material. Received RAI response 7/14/10. Permit issued 7/26/10; 60 days to remove structure. Site inspection 9/14/10; structure still in place. Visited the site by boat on 9/23/10. There has been no change. NOV sent 10/7/10; 18 days to correct violation & submit \$2,500 penalty.	Hastings, John
CE08-0022	SUWANNEE	3/3/2008	9/13/2010	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. 3/15/10; applicant wants to withdraw application. File to legal. Sent letter 7/13/10; fine of \$8,000 reinstated and permits conditions must be met by 9/13/10. As of 9/16/10, no fines or fees have been submitted.	Marshall, Leroy
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	14 days to contact District. Met w/ Mr. Sigers and Tim Sagul 1/6/08. Called 1/22/09 to schedule meeting for 1/28/09 but got no answer and no answering machine. Met onsite on 2/11/09 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 day 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. Contacted consultant 8/24/09. Received restoration plan 8/25/09. Draft restoration plan approved with changes. ERP application received 10/13/09. RAI letter for ERP sent 11/4/09. Mailed Consent Agreements to Mr. Sigers for signature 3/29/10. No response as of 5/10/10. Received email from FDEP on 6/24/10 indicating FDEP was not interested in taking land donation as mitigation preservation. Emailed respondent's consultant 6/25/10. Mailed Consent Agreements to Siger 10/19/10.	Spencer, William

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CE10-0024	BRADFORD	3/22/2010	8/24/2010	Unpermitted pond and fill.	Richard Oldham	Site visit 3/30/10, with Mr. Oldham. During the site visit it was determined that Mr. Oldham extended a pond into an adjacent upland site without a permit. This activity can be permitted. However, spoils from the excavation were deposited within the floodplain mapped on the Oldham's property that could potentially jeopardize his neighbor, who is likely the individual that called-in the complaint. The complaint was a flooding complaint. Mr. Oldham was mailed a request for a compliance schedule, due on 05/18/10, addressing pond permitting and fill removal from the floodplain. Called and left message on 07/07/10, requesting a return call to discuss compliance. No return call was received in response to the 07/07/10, phone call. Called and left message on 07/13/10, requesting a return call and advising that District staff will refer enforcement to legal counsel and set a compliance deadline with a Compliance Agreement. Mr. Oldham returned the 07/13/10, phone call and stated that he was slowly moving the fill material. Staff informed him that a deadline must be established and is drafting an Enforcement Worksheet. In the meantime, Mr. Oldham is contacting local contractors to determine if they can assist in fill removal for a more timely compliance schedule. District staff will give Mr. Oldham the chance to draft a contract for the fill removal prior to referring enforcement to legal counsel. File to legal 8/3/10.	Mantini, Louis
CE10-0028	GILCHRIST	5/28/2010	10/1/2010	Fill in floodway.	Alex Stevens	Contacted the District on 6/8/10. Conducted field meeting with owner on 6/18/10. Owner provided staff an email stating that the unauthorized fill would be removed by 6/29/10. Site visit 7/16/10; most fill removed. Sent letter 7/20/10; conducted follow up site visit with him on 8/12/10. He agreed to plant some vegetation down on the exposed areas. Follow-up inspection scheduled for 10/18/10.	Webster, Patrick
CE10-0048	COLUMBIA	8/12/2010	10/18/2010	Unpermitted fill in floodway.	Marvin Buchanan	14 days to contact District. Mr. Buchanan contacted me and stated that he would have the sand removed by 10/11/10. Staff to schedule site inspection by 10/28/10.	Robinson, Vince
CE10-0039	COLUMBIA	6/22/2010	9/17/2010	Lack of maintenance on SW system.	Johnny Dudley - Windsor Court	30 days to bring project into compliance. Site visit 8/19/10; no work has been done. File to legal 10/19/2010.	Marshall, Leroy
CE10-0041	BRADFORD	9/15/2010	9/30/2010	Unpermitted pond.	Douglas Reddish	14 days to submit ERP application. Application received on 9/24/10 and is under review as of 10/14/10. Letter from Bradford County Health Department 10/18/10, approving new setback of pond.	Mantini, Louis
CE10-0042	UNION		10/25/2010	Unpermitted construction.	John Rimes, Jr. - New River Forest Villas	14 days to contact District. Jeff Rimes called on 10/04/10, and it was determine the property in question (-061`927) is under the control of the City of Worthington Springs and called New River Forest Villas. Staff to follow-up and correctly identify/notify respondent. Resent NOV 10/13/10; 14 days to contact District. Resent NOV 10/12/10 with correct Respondent. John Rimes, Jr., called on 10/18/10, and spoke with Tim Sagul and Louis Mantini. He was not interested in meeting until the District disclosed the name of the anonymous complainant. He stated that he would be out of town the following week and said he would call staff when he returned. His anticipated phone call will hopefully result in a site visit to clarify the limits of the unpermitted activities, but he did not seem very cooperative or forthcoming during the 10/8/10 conversation. Staff will also follow-up on 11/1/10 to schedule a site visit.	Mantini, Louis
CE10-0043	ALACHUA			No as-builts.	Edwin Dix	Staff preparing file for legal review.	Bowden, Jerry

MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, Senior Professional Engineer

DATE: October 21, 2010

RE: As-built Compliance and Works of the District Permit Summaries

Staff is auditing the compliance status of all projects on the as-built compliance list. Staff will provide a revised report prior to the December 2010 Governing Board meeting.

Works of the District Summary January 2009-September 2009

Permits Issued	34
Projects Constructed	20
Projects Inspected/Updated	14

Please see the attached report for a summary of Works of the District permits issued January 2009 to October 2009.

JB/rl

WORKS OF THE DISTRICT - OCTOBER 2010

COUNTY	PERMIT #	PROJECT NAME	PERMITTED
ALACHUA	ERP09-0066	NYSTROM DISTRICT FLOODWAY PROJECT	8/12/09
	ERP09-0127	J. C. MARSHALL WORKS OF THE DISTRICT PROJECT	6/9/09
	ERP09-0031	THEODORE BROCK WORKS OF THE DISTRICT PROJECT	2/18/09
COLUMBIA	ERP09-0222	TED SMITH DISTRICT FLOODWAY PROJECT	10/6/09
	ERP09-0146	RICHARD & RENA SCAFF DISTRICT FLOODWAY RESIDENCE	10/15/09
	ERP08-0337	ROCKY FORD DISTRICT FLOODWAY DOCK	7/21/09
	ERP09-0115	JOHN GARTNER DISTRICT FLOODWAY PROJECT	7/13/09
DIXIE	ERP07-0550M	EDWARD LEWIS WORKS OF THE DISTRICT MODIFICATION	3/9/09
	ERP09-0075	CLINTON RAY WORKS OF THE DISTRICT PROJECT	5/15/09
	ERP08-0361M	BEARDSLEY WORKS OF THE DISTRICT MODIFICATION	3/16/09
	ERP09-0130	MARK WEVER WORKS OF THE DISTRICT PROJECT	6/8/09
	ERP08-0230M	JOHN TYRONE WORKS OF THE DISTRICT MODIFICATION	5/14/09
GILCHRIST	ERP09-0190	ALAN BAILES DISTRICT FLOODWAY PROJECT	10/26/09
	ERP09-0217	BRUCE NODINE DISTRICT FLOODWAY PROJECT	10/6/09
	ERP09-0080	LESLIE HODGE DISTRICT FLOODWAY DECK AND DOCK	8/11/09
	ERP09-0129	LAVON & LIBBY SINGLETARY DISTRICT FLOODWAY DOCK	8/6/09
	ERP09-0040	SHELTON HOOK WORKS OF THE DISTRICT DOCK	3/23/09
	ERP08-0381	MARTIN ORLICK WORKS OF THE DISTRICT DOCK	3/5/09
	ERP04-0333	BUCHANAN RIVER ACCESS	1/26/09
	ERP00-0338M2	FAIRCLOTH WORKS OF THE DISTRICT MODIFICATION #2	5/5/09
HAMILTON	ERP09-0119	H. J. RAULERSON WORKS OF THE DISTRICT PROJECT	6/23/09
	ERP09-0118	TINA COX WORKS OF THE DISTRICT RESIDENCE	6/1/09
	ERP09-0204	LELAND STEPHENSON DISTRICT FLOODWAY DOCK	9/10/09
LAFAYETTE	ERP08-0387	JANICE WOOD DISTRICT FLOODWAY DECK	10/14/09
	ERP01-0024M	NANCY KARLTON CREWS DISTRICT FLOODWAY MODIFICATION	8/12/09
LEVY	ERP99-0159M	VONA HORNE WORKS OF THE DISTRICT PROJECT MODIFICATION	5/21/09
MADISON	ERP09-0046	NORMA FOURAKER WORKS OF THE DISTRICT PROJECT	4/2/09
	ERP09-0206	BETTY WARE DISTRICT FLOODWAY PROJECT	10/2/09
SUWANNEE	ERP05-0086M	AULETTA WORKS OF THE DISTRICT RESIDENCE MODIFICATION	3/25/09
	ERP07-0372	FOSTER, METTE, MINSHEW & JOHNS WORKS OF THE DISTRICT	6/19/09
	ERP09-0215	BROOKS HANEY DOCK	9/18/09
	ERP09-0141	GEORGE NEELY DISTRICT FLOODWAY RESIDENCE	7/8/09
	ERP08-0395	JAMES PREVATT WORKS OF THE DISTRICT DOCK	3/13/09
	ERP08-0396	CHARLES MORRIS WORKS OF THE DISTRICT DOCK	3/13/09