

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: Jon Dinges, Department Director

DATE: December 23, 2010

RE: North Central Florida Regional Planning Council's Proposed Policy Regarding "Inter-basin" Transfers of Water

RECOMMENDATION

Staff recommends the Governing Board propose the following language to the North Central Florida Regional Planning Council regarding its proposed policy on transfers of water:

Encourage cooperative efforts to develop local and regional water supplies within water management districts, instead of the transport of water across district boundaries, and use water from sources nearest the area of use whenever practicable, while recognizing the requirements of chapter 373, Florida Statutes, and chapter 62-40, Florida Administrative Code.

BACKGROUND

In response to concerns regarding water resources in northeastern Florida, the North Central Florida Regional Planning Council (NCFRPC) initiated a proposed policy amendment to its Strategic Regional Policy Plan regarding what it termed "inter-basin" transfers of water. The policy amendment would replace an existing policy that reads as follows:

Ensure that state policy is adopted which would require water shortage areas to establish other alternatives, such as desalination, prior to the interbasin transfer of water to serve other needs.

The NCFRPC's proposed policy amendment states:

Discourage any form of interbasin transfer of water until the receiving jurisdiction has exhausted all available water supply alternatives and conservation measures.

While the NCFRPC's concerns are justified and welcomed by both the St. Johns River and Suwannee River water management districts, the language of the proposed policy amendment can be improved by restating it as a positive statement that is also clearly not a mandate, which would conflict with the exclusive authority of the water management districts to regulate consumptive uses of water pursuant to sections 373.217 and 373.223(2), Florida Statutes.

The language recommended above is also consistent with a proposal by the St. Johns River Water Management District and does not encroach on the districts' exclusive regulatory authority in the area of water use.

JD/dd

MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, Senior Professional Engineer

DATE: December 23, 2010

RE: Rulemaking Efforts for 40B-4.1020 and 40B-4.3030, F.A.C.

RECOMMENDATION

Staff recommends the Governing Board authorize staff to:

1. Submit sections 40B-4.1020 and 40B-4.3030, F.A.C., to the Governor's Office of Fiscal Accountability and Regulatory Reform for review;
2. Publish Notices of Proposed Rule for sections 40B-4.1020 and 40B-4.3030, F.A.C.; and
3. File 40B-4.1020 and 40B-4.3030, F.A.C., with Department of State if no comments or objections are received.

BACKGROUND

In October 2010, the Governing Board authorized publication of rule development and proposed rule for 40B-4.1020 and 40B-4.3030, F.A.C., to include a definition for "clearing" and amend language to remove confusing terminology. Subsequent to Governing Board approval, staff received additional suggestions regarding the definition for the term "clearing". Staff has revised the definition based on these suggestions and additional staff review.

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 rules will become effective 20 days after filing with the Department of State.

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

/lgw

NOTICE OF PROPOSED RULE

NAME OF AGENCY:
Suwannee River Water Management District

RULE CHAPTER TITLE:
Environmental Resource and Works of the District Permits

RULE CHAPTER NUMBER:
40B-4

RULE TITLES:	RULE NOS.:
Definitions	40B-4.1020
Conditions for Issuance of Works of the District	40B-4.3030
Development Permits	

PURPOSE AND EFFECT: The purpose of the proposed rule is to adopt a definition for the term “clearing” and remove confusing language to be consistent with recently adopted language, which will allow for better comprehension of the rules within part III of this chapter by the public and District staff.

SUBJECT AREAS TO BE ADDRESSED: This proposed rule will provide a definition for clearing and remove confusing language, with respect to works of the district permits and environmental resource permits.

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.
LAW IMPLEMENTED: 373.019, 373.084, 373.085, 373.086, 373.403 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 and Contracts Coordinator, SRWMD, 9225 C.R. 49, Live Oak, Florida, 32060, (386)362-1001 or (800)226-1066 (FL only).

THE FULL TEXT OF THE PROPOSED RULE IS:

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

40B-4.1020 Definitions

(1) No change.

(2) "Clearing" means removal of either vegetation or structures for any purpose other than to place the property into agricultural or silvicultural use or to perpetuate the maintenance of the property in agricultural or silvicultural use in accordance with applicable best management practices adopted by the Florida Department of Agriculture and Consumer Services. Clearing includes, but is not limited to, cutting brush, removal of trees, burning, root-raking, de-stumping, land leveling, earthwork, chopping, grinding, and any other activity intended to convert property from its current condition to a developable condition.

(3)(2) "Conservation Plan" means a formal document, prepared or approved by the local Soil and Water Conservation District organized pursuant to Chapter 582, F.S., which outlines a system of management practices to control soil erosion, reduce sediment loss, or protect the water quality on a specific parcel of property.

(4)(3) "Conversion" means a man-made change to a wetland as defined in Section 373.019(22), F.S., or surface water by draining, filling, or other means which results in the permanent change of the wetland or surface water to an upland.

(5)(4) "Critical Duration" means the duration of a specific storm event (i.e., 100-year storm) which creates the largest volume or highest rate of net stormwater runoff (post-development runoff less pre-development runoff) for typical durations up through and including the 10-day duration event. The critical duration is determined by comparing various durations of the specified storm and calculating the peak rate and volume of runoff for each. The duration resulting in the highest peak rate or largest total volume is the "critical duration" storm.

(6)(5) "Detention" or "To Detain" means the collection and temporary storage of stormwater in such a manner as to provide for treatment through physical, chemical, or biological processes with subsequent gradual release of stormwater.

(7)(6) "Development" means any man-made change to improved or

unimproved real estate within a work of the district including but not limited to, construction of surfacewater management systems, works, appurtenant works, structures, mining, dredging, filling, grading, paving, excavation, drilling operations, development of sewage disposal systems, or the alteration of the topography of a tract of land for purposes consistent with the occupation of agriculture, silviculture, floriculture, or horticulture including agricultural closed systems.

~~(8)~~(7) “Direct Hydrologic Connection” means a natural connection which occurs on an average of 30 or more consecutive days per year. In the absence of reliable hydrologic records, a continuum of naturally occurring wetlands may be used to establish a direct hydrologic connection.

~~(9)~~(8) “Effective Grain Size” means the diameter of filter sand or other aggregate that corresponds to the 10th percentile finer by dry weight on the grain size distribution curve.

~~(10)~~(9) “Engineer” means a professional engineer registered in Florida, or other person exempted pursuant to the provisions of Chapter 471, F.S., who is competent in the fields of hydrology and stormwater control.

~~(11)~~(10) “Existing Surfacewater Management System” means any surfacewater management system including an individual work upon which construction is complete and the system is in operation on the effective date of this chapter, or any system which has received construction authorization pursuant to a permitting program established under the authority of Chapter 373 or 403, F.S., prior to the effective date of this chapter. In addition, a redevelopment project, including drainage improvements, street paving, or stormwater improvements, which has received funding approval in a local unit of government’s fiscal year 1985-1986 budget or for which federal or state grant funds have been committed prior to the effective date of this chapter shall be considered an existing system.

~~(12)~~(11) “Filtration” or “To Filter” means selective removal of suspended matter from stormwater by passing the water through at least two feet of suitable fine textured granular media such as porous soil, uniformly graded sand and gravel, or other natural or artificial aggregate, which may be used in conjunction with filter fabric and/or underdrain pipe.

~~(13)~~(12) “Floodway” or “Regulatory Floodway” means the channel of a river, stream, or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood/one percent annual change of flood without cumulatively increasing the 100-year flood/one percent annual chance of flood elevation more than a designated height. Unless otherwise noted, all regulatory floodways in the Suwannee River Water Management District provide for no more than one-foot rise in water surface elevations.

~~(14)~~(13) “Governing Board” means the governing board of a water management district. Unless used in a different context, “governing board” or “board” means the governing board of the Suwannee River Water Management

District.

~~(15)~~(14) “Impervious” means land surfaces which do not allow, or minimally allow, the penetration of water; included as examples are building roofs and normal concrete and asphalt pavements.

~~(16)~~(15) “Minimum Level” means the level of the water table or of the potentiometric surface in an aquifer or the level of surface water at which further withdrawals would be significantly harmful to the water resources of the area.

~~(17)~~(16) “Minimum Rate of Flow” means the limit at which further withdrawals from a stream or other watercourse would be significantly harmful to water resources or ecology of the area.

~~(18)~~(17) “New Surfacewater Management System” or “New Works” means any system or work which is not an existing system.

~~(19)~~(18) “New Development” means any development as defined herein which:

(a) Was not complete on the effective date of this chapter; or

(b) Involves substantial improvement to any structure in a work of the district;

or

(c) Involves alteration of any work or appurtenant works or surfacewater management system in a work of the district.

~~(20)~~(19) “Obstruction” means any fill, structure, work, appurtenant work, or surfacewater management system placed in waters, a floodway, or a work of the district which may impede the flow of water or otherwise result in increased water surface elevations.

~~(21)~~(20) “Project Area” means the total land area owned or controlled by the applicant which will be serviced or affected by a surfacewater management system or work.

~~(22)~~(21) “Retention” or “To Retain” means the prevention of, or to prevent the discharge of, a given volume of stormwater runoff by complete on-site storage.

~~(23)~~(22) “Stormwater” means the flow of water which results from, and which occurs immediately following a rainfall event.

~~(24)~~(23) “Structure” means anything constructed, installed, or portable, the use of which requires a location on a parcel of land. It includes a movable structure while it is located on the land which can be used for housing, business, commercial, agricultural, or office purposes either temporarily or permanently.

~~(25)~~(24) “Subdivision” means the platting of real property into three or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division. Subdivision includes the establishment of new streets and alleys, additions, and resubdivisions; and, when appropriate to the context, subdivision applies to the process of subdividing or to the lands or area to be subdivided.

~~(26)~~(25) “Substantial Improvement” means any repair, reconstruction, rehabilitation or improvement of a structure, the cost of which exceeds, over a five year period a cumulative total of 50 percent of the market value of the structure either:

- (a) Before the improvement or repair is started; or
- (b) If the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of a building commences whether or not that alteration affects the external dimensions of the building. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are necessary to assure safe conditions or any alteration of a structure listed on the National Register of Historic Places.

~~(27)~~(26) “Surveyor” or “Professional Land Surveyor” means a person who is registered to engage in the practice of land surveying under Sections 472.001 through 472.039, F.S.

~~(28)~~(27) “Uniformity Coefficient” means the number representing the degree of homogeneity in the distribution of particle sizes of filter sand or other granular material. The coefficient is calculated by determining the D60/D10 ratio where D10 and D60 refer to particle diameter corresponding to the 10th and 60th percentile of the material which is finer by dry weight.

~~(29)~~(28) “Water Management District” means any flood control, resource management, or water management district operating under the authority of Chapter 373, F.S. Unless otherwise stated, water management district or district shall refer to the Suwannee River Water Management District.

~~(30)~~(29) “Watershed” means the land area which contributes to the flow of water into a receiving body of water. Watersheds are subdivided into the following types;

Coastal: watershed areas contributing runoff to the Gulf of Mexico by sheet flow or coastal streams which are subject to tidal effect.

Stream: watershed areas contributing runoff to a stream or river.

Lake-Open: watershed areas contributing runoff to a lake which has an outfall.

Lake-Closed: watershed areas contributing runoff to a lake which does not have an outfall.

Stream-Sink: watershed areas contributing runoff to a stream which recharges an aquifer through a sinkhole under normal flow.

Internal Drainage: watershed areas without well defined surfacewater drainage patterns and where runoff, if it occurs, infiltrates as recharge following a rain event.

~~(31)~~(30) “Work of the District” means those projects and works including, but not limited to, structures, impoundments, wells, streams, and other watercourses, together with the appurtenant facilities and accompanying lands, which have been officially adopted by the governing board as works of the district. Works of the district officially adopted by the board are adopted by rule in Rule 40B-4.3000, F.A.C., of this chapter.

Specific Authority 373.044, 373.113, 373.171 FS.

Law Implemented 373.019, 383.084, 373.085, 373.086, 373.403 FS.

History—New 9-25-85, Amended 12-22-92, 10-3-95, 5-13-07, AMEND DATE.

40B-4.3030 Conditions for Issuance of Works of the District Development Permits.

(1) through (11) No change.

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

(b) No change.

(c) Clearing of ~~vegetation~~ within the front 75 feet immediately adjacent to and including the normally recognized bank of a water body shall be limited to that necessary to gain access to the water body or ~~remove diseased vegetation~~.

(12)(d) through (f) No change.

Rulemaking Authority 373.044, 373.113, 373.171 FS.

Law Implemented 373.084, 373.085, 373.086 FS.

History—New 9-25-85, Amended 2-12-87, 2-1-89, 12-22-92, 10-18-04, 5-13-07, 8-8-07, 8-11-10, AMEND DATE.

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

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

DATE PROPOSED RULE APPROVED: January 11, 2010.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 22, 2010.

MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, Senior Professional Engineer

DATE: December 23, 2010

RE: Rulemaking Efforts for 40B-400.103 and 40B-400.091, F.A.C.

RECOMMENDATION

Staff recommends the Governing Board authorize staff to:

1. Submit sections 40B-400.103 and 40B-400.091, F.A.C., to the Governor's Office of Fiscal Accountability and Regulatory Reform for review;
2. Publish Notice of Rule Development for section 40B-400.103, F.A.C.;
3. Publish Notices of Proposed Rule for sections 40B-400.091 and 40B-400.103, F.A.C.; and
4. File 40B-400.091 and 40B-400.103, F.A.C., with Department of State if no comments or objections are received.

BACKGROUND

On May 14, 2009, the Governing Board authorized publication of rule development for 40B-400.091, F.A.C., to delist the bald eagle from the Environmental Resource Permit Applicant's Handbook (Handbook). The Notice of Rule Development appeared on December 19, 2008. This rulemaking to delist the bald eagle was a statewide effort. Additionally, staff intends to amend and make the Handbook consistent with statewide efforts regarding "Class II Waters; Waters approved for shellfish harvesting". Included in this rulemaking effort is moving the Handbook into 40B-400.103, F.A.C., as it is required by

120.55(1)(a)4., Florida Statutes, that reference materials are incorporated into the appropriate corresponding rule, and removing species from the Handbook that do not occur within SRWMD boundaries.

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 rules will become effective 20 days after filing with the Department of State.

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

/lgw

NOTICE OF PROPOSED RULE

NAME OF AGENCY:
Suwannee River Water Management District

RULE CHAPTER TITLE:
Environmental Resource Permits

RULE CHAPTER NUMBER:
40B-400

RULE TITLES:	RULE NOS.:
Publications and Agreements Incorporated by Reference	40B-400.091
Conditions for Issuance of Permits	40B-400.103

PURPOSE AND EFFECT:
The purpose of the proposed rule is to update this section of Chapter 40B-400, Florida Administrative Code (F.A.C.), to amend an item incorporated by reference in 40B-400.091, F.A.C. The effect of the proposed rule will be to amend the ERP Applicant’s Handbook to de-list the bald eagle as threatened species and amend language regarding “Class II Waters; Waters approved for shellfish harvesting” to maintain consistency with statewide efforts. Included in

this rulemaking effort is moving the Handbook to the appropriate corresponding rule, and removing species from the Handbook that do not occur within SRWMD boundaries.

SUBJECT AREAS TO BE ADDRESSED:

This proposed rule will incorporate the most recent version of the Environmental Resource Permit (ERP) Applicant's Handbook, which de-lists the bald eagle and amends language regarding shellfish harvesting waters to maintain consistency with statewide efforts. The Handbook will also be relocated to 40B-400.103, F.A.C., as required by 120.55(1)(a)4., Florida Statutes.

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

SPECIFIC AUTHORITY: 373.044, 373.046(4), 373.113, 373.118, 373.171, 373.415, 373.421(2), 373.461(3) FS.

LAW IMPLEMENTED: 373.046, 373.118, 373.413, 373.4135, 373.415, 373.416, 373.421(2)-(6), 373.426, 373.461(3) 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 1(800)226-1066 (FL only).

THE FULL TEXT OF THE PROPOSED RULE IS:

CHAPTER 40B-400 ENVIRONMENTAL RESOURCE PERMITS

40B-400.091 Publications and Agreements Incorporated by Reference.

The Governing Board hereby adopts by reference:

(1) ~~"Environmental Resource Permit Applicant's Handbook—May 2002."~~

(2) Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., Between Suwannee River Water Management District and Department of Environmental Protection, effective July 1, 2007.

Specific Authority 373.044, 373.046(4), 373.113, 373.118, 373.171, 373.415, 373.421(2), 373.461(3) FS.

Law Implemented 373.046, 373.118, 373.413, 373.4135, 373.415, 373.416, 373.421(2)-(6), 373.426, 373.461(3) FS.

History–New 10-3-95, Amended 12-3-98, 3-7-02, 5-15-02, 7-1-07, AMEND DATE.

40B-400.103 Conditions for Issuance of Permits.

(1) through (2) No change.

(3) The standards and criteria, including the mitigation provisions and the provisions for elimination or reduction of impacts, contained in the Environmental Resource Permit Applicant's Handbook ~~hereby incorporated~~ adopted by reference in ~~Rule 40B-400.091, F.A.C.~~, shall determine whether the reasonable assurances required by subsection 40B-400.103(1) and Rule 40B-400.104, F.A.C., have been provided. The Environmental Resource Permit Applicant's Handbook is available at District headquarters and on the District's website at www.mysuwanneeriver.com.

Specific Authority 373.044, 373.113, 373.118 FS.

Law Implemented 373.118, 373.413, 373.416, 373.426 FS.

History–New 10-3-95, AMEND DATE.

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: January 11, 2011.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 19, 2008 and January 21, 2010.

MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, Senior Professional Engineer

DATE: December 23, 2010

RE: Denial of Environmental Resource Permit Application Number 07-0288M, Josephine Recreational Project, Columbia County and Direct Legal Counsel to Pursue Resolution

RECOMMENDATION

Staff recommends that the Governing Board authorize denial, without prejudice, of General Environmental Resource Permit application number 07-0288M to Lake City Development, LLC, for Josephine Recreational Project, Columbia County and direct Legal Counsel to pursue resolution.

BACKGROUND

District staff discovered the violation and delivered a Stop Work Order to workers on site on April 20, 2010. On April 26, 2010, a Notice of Violation was mailed to Lake City Development, LLC, care of Sam Oosterhoudt, informing him of the specific permit condition violations and a time limit of 14 days to contact District staff. On May 21, 2010, District staff forwarded the enforcement file to Legal Counsel due to no contact from Mr. Oosterhoudt.

On May 26, Mr. Oosterhoudt contacted District staff indicating his engineer had informed him everything was complete. Staff requested legal counsel to hold the enforcement action in abeyance while Mr. Oosterhoudt completed the permit application.

On July 21, 2010, an application was submitted for the project site. On August 11, 2010, District staff wrote a request for additional information (RAI) giving Mr. Oosterhoudt until November 11, 2010, to respond to the letter. On November 15, 2010, District staff wrote a letter to Mr. Oosterhoudt informing him that the time

limit to respond to the RAI had past and he had 18 days to respond or the application would be denied and further enforcement action pursued. Mr. Oosterhoudt has not responded as of December 23, 2010.

The application is incomplete because the applicant did not supply information needed to complete the review. The project is in enforcement because work started prior to obtaining a permit.

LMII/rl

cc: CE10-0026

December 23, 2010

Lake City Development, LLC
C/o Sam Oosterhoudt
186 SE Newell Dr.
Lake City, FL 32025

Subject: Denial of ERP07-0288M, Josephine Recreational Project,
Columbia County

Dear Mr. Oosterhoudt:

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

This proposed action is subject to final decision of the Governing Board at their regularly scheduled meeting on January 11, 2011, 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 permitting staff at 386.362.1001 if you have any questions.

Sincerely,

Jon Dinges, P. E.
Department Director

JD/rl

Enclosure

cc: Columbia County Board of Commissioners
GTC Design Group
CE10-0026

Certified Mail Receipt Number: 7009 0820 0000 0505 4790

NOTICE OF RIGHTS

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

NOTICE OF RIGHTS

7. The right to an administrative hearing and the relevant procedures to be followed is governed by Chapter 120, Florida Statutes, and Chapter 28-106, Florida Administrative Code.
8. Pursuant to Section 120.68, Florida Statutes, a person who is adversely affected by final District action may seek review of the action in the District Court of Appeal by filing a notice of appeal pursuant to the Florida Rules of Appellate Procedure, within 30 days of the rendering of the final District action.
9. A party to the proceeding before the District who claims that a District order is inconsistent with the provisions and purposes of Chapter 373, Florida Statutes, may seek review of the order pursuant to Section 373.114, Florida Statutes, by the Florida Land and Water Adjudicatory Commission, by filing a request for review with the Commission and serving a copy of the Department of Environmental Protection and any person named in the order within 20 days of adoption of a rule or the rendering of the District order.
10. For appeals to the District Courts of Appeal, a District action is considered rendered after it is signed on behalf of the District, and is filed by the District Clerk.
11. Failure to observe the relevant time frames for filing a petition for judicial review, or for Commission review, will result in waiver of the right to review.

CERTIFICATE OF SERVICE

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

**Lake City Development, LLC
C/o Sam Oosterhoudt
186 SE Newell Dr.
Lake City, FL 32025**

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)

**STAFF REPORT
ENVIRONMENTAL RESOURCE PERMIT APPLICATION**

DATE: December 21, 2010

PROJECT: Josephine Recreational Project

APPLICANT:

Lake City Development, LLC
C/o Sam Oosterhoudt
186 SE Newell Dr.
Lake City, FL 32025

PERMIT APPLICATION NO.: ERP07-0288M
DATE OF APPLICATION: 7/22/10
APPLICATION COMPLETE: N/A
DEFAULT DATE: N/A

REGISTERED AGENT:

Terri Andrews
186 SE Newell Dr
Lake City, FL 32025

MANAGER/MEMBER DETAIL

Manager Francis Sam Oosterhoudt
186 SE Newell Dr.
Lake City, FL 32025

Recommended Agency Action

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

Project Review Staff

Leroy Marshall II, P.E., Professional Engineer, reviewed the project.

Project Location

The proposed project is within Township 2 South, Range 17 East, Section 32, in Columbia County. The project site is located just west of Highway 441 and north of Falling Creek Road.

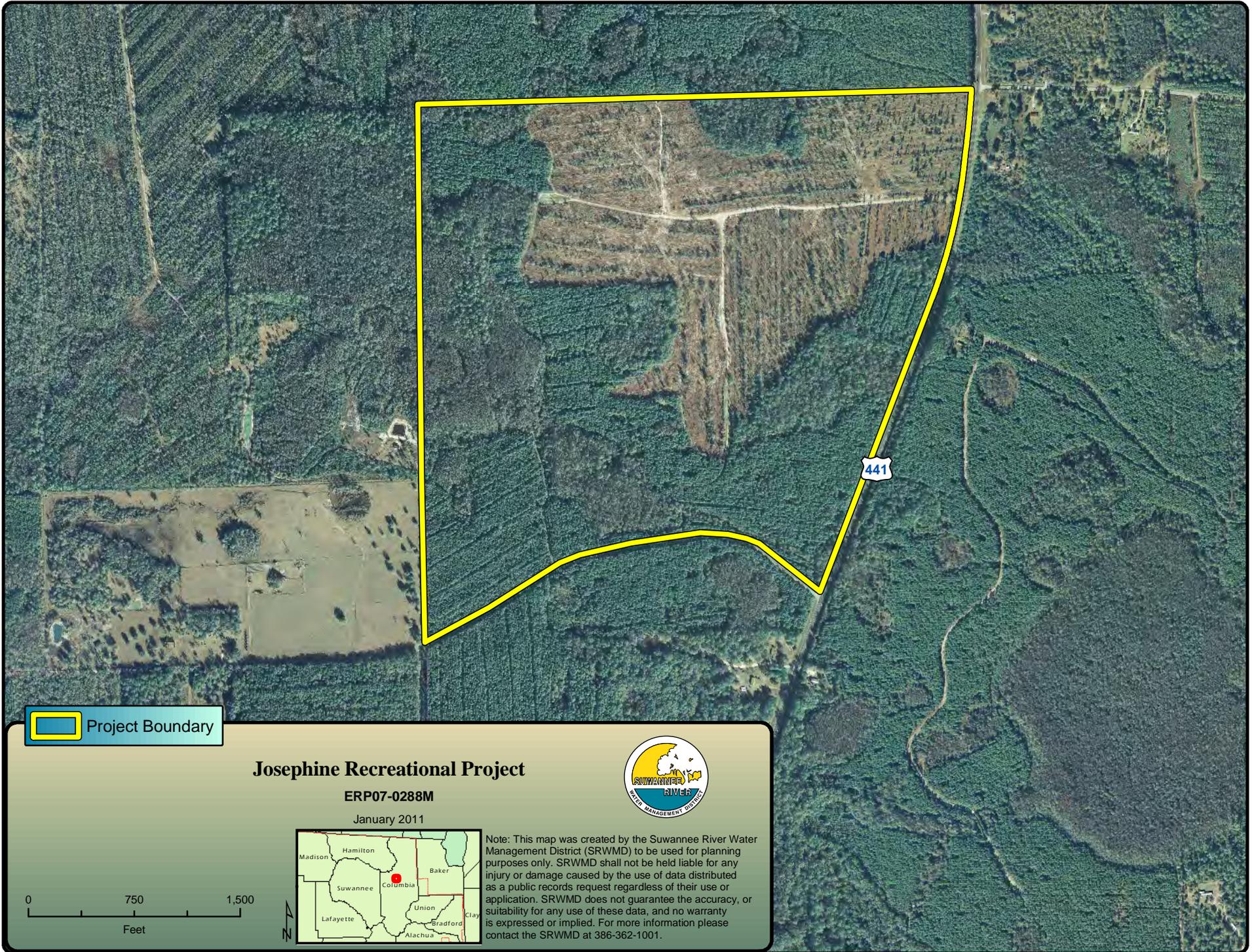
Project Description

The proposed project consisted of the construction of a motocross track, go cart track, other racing features, parking and drives. The stormwater system was designed to be four wet stormwater ponds. All runoff would be directed to the retention ponds which would provide the required water quality and quantity treatment volumes.

Staff mailed a request for additional information (RAI) on August 11, 2010. A letter was mailed on November 15, 2010, reminding the applicant that the information was due. To date, the applicant has not responded.

Site inspection to ensure project was not constructed

Staff inspected the project site on December 21, 2010. Construction of the project started prior to permit issuance.



 Project Boundary

Josephine Recreational Project

ERP07-0288M

January 2011



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



MEMORANDUM

TO: Governing Board
FROM: Jon Dinges, Department Director
DATE: December 23, 2010
RE: Activity Report, Water Supply and Resource Management

Upper Santa Fe River Basin Water Supply Plan:

- Staff received model files from the St. Johns River Water Management District on December 14, 2010, required to complete the impact assessment for the Water Supply Plan.
- Staff continues to meet regularly with St. Johns River Water Management District via conference calls to coordinate activities in the water supply planning process.

Staff attended a meeting on December 9, 2010, with the State of Georgia Environmental Protection Division staff, Florida Department of Environmental Protection, and the St. Johns River Water Management District to coordinate water resource issues across state boundaries.

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.
- Rainfall from 39 telemetered sites was reported to the Southeast River Forecast Center.
- Staff met with the Florida Division of Forestry to discuss cooperative efforts to monitor rainfall and other weather-related data on forest towers.

Water Use Monitoring:

- Staff monitored 145 telemetered water use monitoring devices on 41 agricultural operations. Water use on monitored wells in November was 506 million gallons, averaging 16.9 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):

- Staff is continuing development of project scopes, plan, budget, and schedule to establish MFLs as presented to the Governing Board.
- Contractor submittals are being reviewed by staff for task selection.

- Staff is developing a template for the “master contracts” for use with the selected firms.
- Staff is identifying field data sites along the Lower Santa Fe River to support project planning efforts and upcoming work on minimum flows and levels.
- A contract is under development for surveying on the Lower Santa Fe River following Board approval of Delta Surveying.
- A contract is under development for surveying on the Upper Suwannee River following Board approval of J. Sherman Frier & Associates.

Water Conservation:

- Staff is collecting information from the other water management districts on their approach to water conservation retrofit cost sharing. Staff is developing a proposal for consideration by the Governing Board in upcoming months.

Suwannee River Partnership Activities:

- Staff helped organize a watermelon farmer educational meeting that included water supply assessment and nutrient/irrigation management information.
- Staff met with nurserymen to discuss nutrient and irrigation management tools for nurseries and to get their input.
- Staff had a Partnership display at the Live Oak Christmas on the Square celebration.
- Staff met with Pilgrim’s Pride managers to give a Suwannee Partnership update and seek their input on BMPs and EPA numeric nutrient criteria.
- Staff has continued to work with the Suwannee and Levy Soil and Water Conservation Districts to assist farmers with the BMP crop tool cost share program.
- Staff is working with dairy industry representatives to develop advanced nutrient management record keeping programs.
- Staff has attended springs workgroup meetings to help facilitate awareness of agricultural BMP programs.
- Staff visited farmers to help with BMP implementation assurance, BMP follow-up, sampling assistance, record keeping assistance, and other education.
- Staff continued to work on the BMP implementation assurance program for dairy and poultry operations.
- Staff assisted farmers with water use permit renewals.

Regulatory Activities:

Water Use

- Staff conducted a site visit with URS representatives at the Boland Land, LLC, site in Wacissa. This is the site of the monitoring wells for Nestle Waters North America.
- District staff continues to coordinate with the Department of Environmental Protection and water management districts on reclaimed water policy.
- Staff received a Water Use Permit application from City of Lake City to consolidate previous permits.
- Camp Weed has requested a meeting with staff regarding the Request for Additional Information for their lake augmentation application.
- Staff is contacting electric utilities to gather information about peaking charges for agricultural irrigation and determine if there is flexibility in times for peaking charges.

Environmental Resource Permitting

Staff is participating in the Statewide Storm Water Treatment rule development through meetings and conference calls.

Permitting Activities:

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

November 2010	Received			Issued		
	Noticed General	General	Individual	Noticed General	General	Individual
Environmental Resource Permits	10	9	0	11	10	0
Water Use Permits	10			10		
Water Well Permits	122			122		
Water well permits issued and received according to well use:						
Abandoned/destroyed	0	Livestock		1		
Agricultural Irrigation	7	Monitor		30		
Aquaculture	0	Nursery		0		
Climate Control	0	Other		3		
Fire Protection	0	Public Supply		3		
Garden (Non Commercial)	0	Self-supplied Residential		76		
Landscape Irrigation	0	Test		2		

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

- Edwards Road Bottomlands Wetlands Restoration Project, Bradford County: BCI Engineers and Scientists are in the process of modeling and designing the proposed system. Preliminary modeling results were completed on November 15, 2010. Staff provided comments on the modeling results at the end of November, 2010, and now BCI is working on conceptual plans.
- FEMA Map Modernization:
 - Levy County: Preliminary map panels will be issued, an advertisement in the Federal Register will be published, then the official 90-day appeal period can begin. Staff continues to coordinate with the county and municipalities. The preliminary 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.
 - Fiscal Year 2009 projects: Scoping is being completed for detailed studies in Live Oak, Lafayette County, Dixie County, and Gilchrist County.
 - Fiscal Year 2010 projects: Seeking Governing Board approval to expend awarded FEMA grant funds and to use previously selected contractors for upcoming Risk MAP projects in the Lower Suwannee basin. Negotiations with USGS to acquire LiDAR with FEMA grant funds are taking place.
- Jasper Stormwater: Construction is complete. The seed around the pond did not all grow so another round of hydroseeding was completed in mid December. District staff is waiting on the final as-built certification.
- 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 \$93,520; however, the District's matching funds will still not exceed \$50,000.
- Monticello Reuse Project – The City started pumping reuse water to Simpsons Nursery on a trial basis to test the operating systems.
- Lake Sampson Water Control Structure – District staff has provided technical assistance to Bradford County regarding repair of the water control structure.

Staff obtained a contractor's proposal for repair and developed a cost-share agreement for consideration by the Bradford County Board of County Commissioners that provides reimbursement up to \$3,000 on a fifty-percent cost share basis.

Thank you for your attention to this summary of current activities. Please feel free to contact staff prior to the January 11, 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-4.1020	10/12/10	10/22/10	1/11/11	1/21/11	1/21/11		
Clearing Definition							
40B-4.1090	6/8/10	6/18/10	6/8/10	12/3/10	11/23/10		
Incorporation of Hamilton and Madison FEMA Flood Studies							
40B-4.3030	10/12/10	10/22/10	1/11/11	1/21/11	1/21/11		
Diseased Vegetation Determination							
40B-400.091	12/9/08	12/19/08	1/11/11	1/21/11	1/21/11		
ERP Handbook-Bald Eagle De-listing and Other Various Changes							

* This proposed rule was reviewed by Joint Administrative Procedures Committee (JAPC) and JAPC had concerns that staff has addressed with the proposed Notice of Change in the December 2010 Governing Board materials.

Compliance and Enforcement

updated 12/21/2010 11:01:54 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	See the enforcement and litigation report from legal counsel for information.	Marshall, Leroy
CE09-0027	LEVY	3/1/2009	1/19/2011	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. RAI sent by staff to owner on 10/20/10. Response deadline is 1/19/11.	Webster, Patrick
CE09-0059	DIXIE	10/23/2008	9/21/2009	Unpermitted structure within floodway.	Ronald Berg	See the enforcement and litigation report from legal counsel for information.	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 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 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. On 11/1/10, the engineer stated that the response submittal was in the mail. As of 12/22/10, no response received.	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	1/21/2011	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. Received application on 11/4/10. 12/9/10; received letter withdrawing WOD application stating he will remove structure. Letter sent 12/21/10; 30 days to remove structure.	Robinson, Vince

<i>CE #</i>	<i>County</i>	<i>Discovery Date</i>	<i>Date Action Required</i>	<i>Violation Summary</i>	<i>Respondent</i>	<i>Comments</i>	<i>Staff</i>
CE10-0016	JEFFERSON	2/9/2010	1/9/2011	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 extension of up to five years to complete any necessary changes to our as built site dam. 09/08/10 phone conversation that the District will negotiate a compliance schedule but cannot accept duration of five years for compliance. Compliance Agreement mailed 11/29/10. Received signed agreement 12/6/10. Returned executed agreement to Ms. Miller 12/9/10. Staff to monitor.	Mantini, Louis
CE10-0026		4/20/2010	12/3/2010	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. 18 day letter sent 11/15/10. February 2011 Board for denial of application and permission to send to legal.	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. The District met on-site on 10/27/10 with Home Depot's contractors and engineering consultant. The original hydrologic study was sent to the engineering consultant on 10/28/10 with aerial imagery. The engineering consultant will contact the District to discuss their plan prior to submitting any requests for authorization of permit modifications. E-mail sent to on 11/12/10, requesting the status of the Home Depot's actions and informing that the District will need to soon formulate a compliance agreement to resolve issue. The following response was received on 11/15/10, from Darin Ross, a contractor for Home Depot: " FMGI has presented pricing for the Topo Survey and initial due diligence as we discussed on site. Mr. Bryan is expecting budget approval shortly and will turn us loose upon receipt. I will let you know the schedule once I have a purchase order". Staff to follow up by 1/3/11.	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. 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. An e-mail pre-application correspondence was prepared on 09/20/10, providing the Beckhams instruction on applying for a Noticed General ERP. A telephone message and an e-mail correspondence were left for Ms. Beckham on 12/3/10. Ms. Beckham returned my phone call on 12/6/10, and I repeated the request that she and her husband complete and submit a permit application. She promised to submit prior to the Holiday. Staff to follow up by 1/3/11.	Mantini, Louis

<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>
CE10-0037	BRADFORD	7/30/2010	11/30/2010	Unpermitted fill in drainage ditches within drainage easements.	Roger Griffis	7 days to contact District. Site inspection 8/12/10 and 9/17/10. Working on resolution to violation with legal. On 9/24/10 legal instructed staff to send future correspondence letters to Ed Burns and the HOA about Mr. Griffis from this point forward. The HOA can deal directly with Mr. Griffis. Called and left a message for Ed Burns on 9/28/10 to give update on this course of action. Sent letter to Mr. Burns and HOA about the concerns with Mr. Griffis and his work on 10/7/10. District staff conducted a field review on 11/23/10, which indicated that not much had been done. It appears that the complainant, who represents the HOA is reluctant to deal directly with Mr. Griffis. Until the HOA contacts Mr. Griffis, nothing will be resolved. Staff will send a letter by 12/23/10 to Mr. Burns and the HOA to this effect.	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. Received message from Mills Engineering on 11/19/10; will not take this job due to conflicting interests. Staff sent letter setting deadline of 12/15/10 to submit credible resolution schedule. Mr. McNulty received this letter by certified mail on 11/30/10. January 2011 Board for permission to send to legal.	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. Please refer to CE10-0045 for updates regarding this enforcement file. January 2011 Board for permission to send to legal.	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	See the enforcement and litigation report from legal counsel for information.	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. February 2011 Board for permission to refer to legal.	Johnston, Rick
CE08-0037	BRADFORD	8/2/2006	8/7/2010	Non-functioning pond.	Bill McCans - Starke Sonic	See the enforcement and litigation report from legal counsel for information.	Webster, Patrick
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 12/21/10, no fines or fees have been submitted. February 2011 Board for authorization to initiate legal action.	Marshall, Leroy
CE08-0072	COLUMBIA	12/16/2008	1/6/2011	Dredging and filling of a pond.	Larry R. and Eva Joyce Sigers	Mailed Consent Agreements to Siger on 10/19/10. As of 11/22/10, no response. Sent letter 12/16/10; 30 days to sign Consent Agreements. February 2011 Board to authorize initiation of legal action.	Spencer, William
CE10-0024	BRADFORD	3/22/2010	8/24/2010	Unpermitted pond and fill.	Richard Oldham	See the enforcement and litigation report from legal counsel for information.	Mantini, Louis

<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>
CE10-0050	LEVY	10/26/2010	1/5/2011	Unpermitted pond.	Ismael Alcantara	14 days to contact District. No response as of 11/23/10 - will contact after Thanksgiving. Unsuccessfully attempted to contact by telephone on 12/3/10. Sent 18 day letter 12/10/10.	Mantini, Louis
CE10-0051	BRADFORD	10/12/2010	11/11/2010	Violation of permit conditions.	Brad Carter-Bradford County Board of Commissioners	14 days to contact District & schedule meeting. Meeting scheduled for 11/23/10. Meeting held and resolution discussed. Contractor has submitted bid to repair structure.	Hastings, John
CE10-0052	DIXIE	11/1/2010	1/11/2011	Unpermitted fill in floodway.	Ralph McLeod	14 days to contact District. Mr. McLeod contacted me on 11/8 /10 and said he would remove the fill by 12/1/10. Spoke with Mr. Mcleod on 11/30/10 and he stated that the fill would be removed by 12/6/10. Letter sent 12/21/10; 18 days to remove fill. I spoke to Mr. Mcleod by phone on 12/21/10 and he said the fill would be removed on 12/23/10.	Robinson, Vince
CE10-0058	DIXIE	10/26/2010	12/16/2010	Unpermitted structure in floodway.	Paul Weber	14 days to contact District. Contacted me by phone on 12/6/10. I met with Mr. Weber on 12/16/10 at his river house and went over the application process. He is working on his application at this time.	Robinson, Vince
CE10-0060	HAMILTON	12/14/2010	12/30/2010	Unpermitted construction.	Karamchand Doobay - Florida Gateway Resort	SWO & NOV sent 12/16/10. Owner contacted District 12/21/10. They will cease work and respond to RAI.	Hastings, John
CE10-0039	COLUMBIA	6/22/2010	9/17/2010	Lack of maintenance on SW system.	Johnny Dudley - Windsor Court	See the enforcement and litigation report from legal counsel for information.	Marshall, Leroy
CE10-0042	UNION		1/31/2011	Unpermitted construction.	John Rimes, Jr. - New River Forest Villas	An NOV was sent on 10/11/10, and Respondent given 14 days to contact District. Jeff Rimes responded on 10/04/10 and it stated the property in question (New River Forest Villas) is under the control of the City of Worthington Springs; but the Union County Property Appraiser's website indicated New River Forest Villas was under control of John Rimes, Jr., principal officer of New River Forest Villas, Inc. Staff 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 is not interested in meeting with the District. The District received information from Jeff Rimes on 11/02/10, indicating that Worthington Springs Town resolutions 2008-1 and 2006-01 accepted the dedication of the street around Worthington Springs Municipal Airport, and established the municipal airport, respectively. Additional documentation received on 11/29/10 confirmed the existence of unpermitted activities on the airpark site on properties owned or controlled by both Mr. Rimes and the City of Worthington Springs. The activities appear to be related to runway and taxiway construction. A meeting will be scheduled with the Rimes and City of Worthington Springs by 1/31/11.	Mantini, Louis
CE10-0043	ALACHUA	2/4/2010	12/15/2010	No as-builts.	Edwin Dix - 441 Mini Warehouses	File to legal 10/20/10. EDA engineers contacted District and submitted as-builts on 10/22/10. District notified legal to hold enforcement until they hear from District. Inspected project on 10/26/10 and found it incomplete and not constructed as shown in as-builts. 10/26/10; contacted EDA regarding discrepancy. EDA to contact the owner and respond within 2 days. 10/28/10; EDA responded that the owner was getting prices and would install items by 11/30/10. Contacted Mr. Dix, he had delays in obtaining pricing information. Project will be in compliance by 12/15/10. Site visit on 12/17/10; project has not been completed. Called EDA on 12/20/10. EDA does not know if the project has been completed but will let the District know as soon as possible.	Bowden, Jerry

<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>
CE10-0055	DIXIE	11/10/2010	12/2/2010	Unpermitted ditch construction.	Glenn O'Steen - Bascom Gulf, LLC	14 days to contact District. Received a response on 11/29/10. A compliance meeting was conducted on 12/7/10 to discuss resolution. Resource Management staff and Mr. Osteen (and Doyle Pridgeon) agreed upon a conceptual plan to install ditch blocks to resolve the excessive ditching; and there is ample rock available on-site for ditch block construction. Mr. LeFleur (concerned neighbor) called-in subsequently and was apprised of the conceptual agreement. A follow-up meeting will be conducted with Bascom-Gulf in January to determine optimal check dam locations onsite. In the interim a CA will be drafted, and the District will determine if permitting is necessary.	Mantini, Louis
CE10-0057	GILCHRIST	10/26/2010	12/16/2010	Unpermitted structure in floodway.	James Batson	14 days to contact District. 12/15/10; meeting to discuss the violation. I met Mr. Batson at his river lot and went over the application process with him. He stated that he would get to work on it right away. 12/20/10; received WOD application.	Robinson, Vince
CE10-0059	UNION	11/29/2010	12/21/2010	Unpermitted construction.	Ms. Pat Harrell - City of Worthington Springs	Staff scheduling meeting with City in January 2011. This is related to CE10-0042, John Rimes, Jr., New River Villas.	

MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, Senior Professional Engineer

DATE: December 23, 2010

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

As-Built Summary January 2005 through November 2010

Permits Issued For Construction	1042
Projects in Compliance	1022
Projects not in Compliance	20
• Projects in Enforcement	1
Project Extensions (Senate Bill 1752)	17

Works of the District Summary January 2009- December 2009

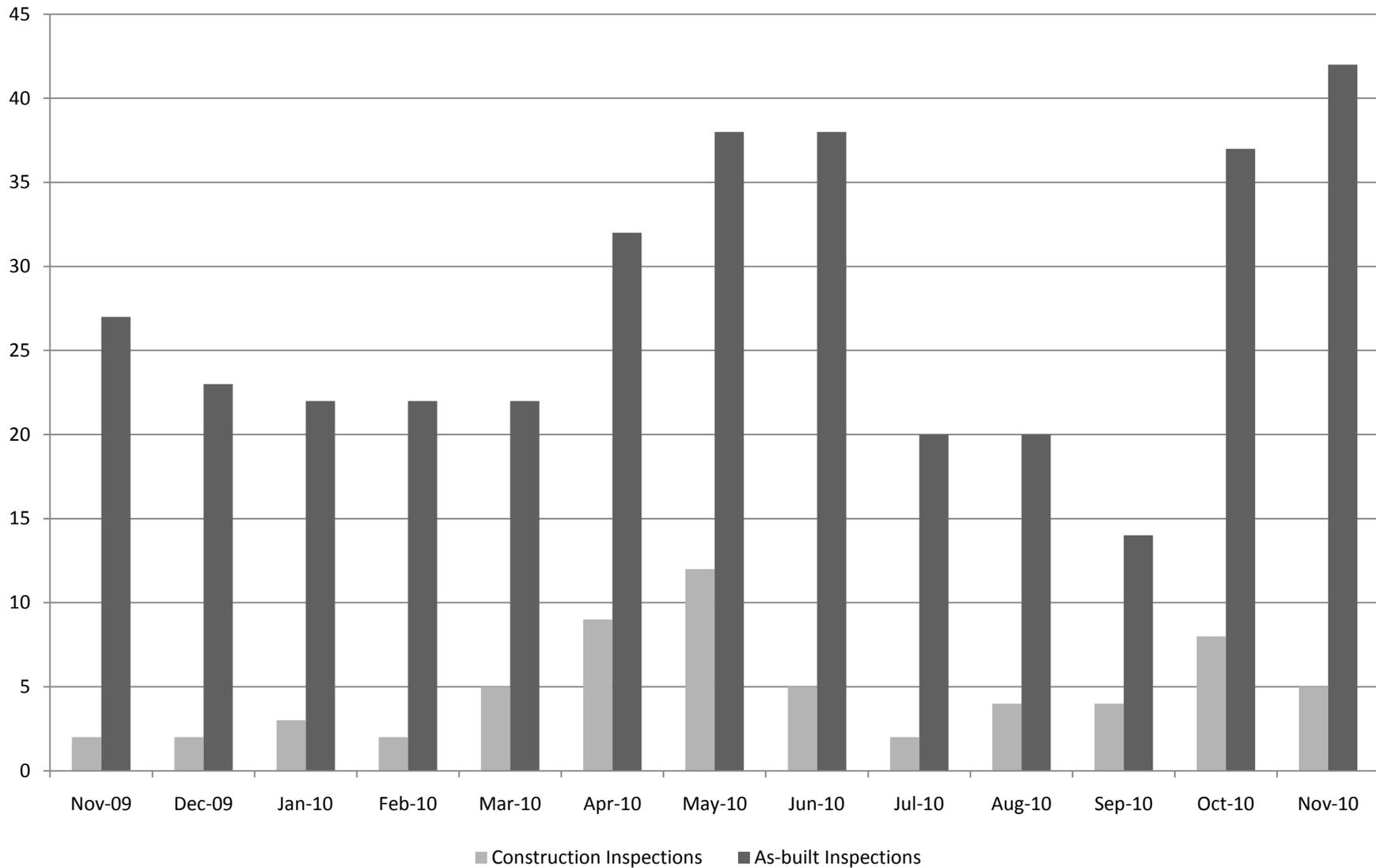
Permits Issued	42
Projects Constructed	22
Projects Inspected/Updated	20

Staff has implemented an environmental resource permit inspection program for construction and as-built certification. This month staff inspected five projects under construction and 42 projects for as-built compliance. Please refer to the attachments showing:

- Inspection trendline,
- Detailed list of projects that have not submitted as-builts, and
- Works of the District permits issued from January 2009 to November 2009.

JB/rl

Construction & As-built Inspections



AS-BUILT LIST NOT IN COMPLIANCE

COUNTY	PERMIT #	PROJECT_NAME	EXPIRES
ALACHUA	ERP05-0559	WESTON OAKS SUBDIVISION	04/05/09
	ERP05-0243	BARTLEY LANE SUBDIVISION	10/27/08
	ERP07-0527	ALARION BANK	11/19/10
	ERP07-0088	WHITFIELD WINDOW & DOOR, INC. / HIGH SPRINGS INDUSTRIAL PARK	03/19/10
	ERP06-0185	CREEL - WILCOX 2006 SPEC BUILDING	05/17/09
	ERP05-0476	LTD MOTORS PARKING LOT	10/20/08
	ERP06-0008	SCHERER CONSTRUCTION SPEC BUILDING	02/23/09
COLUMBIA	ERP07-0267	BASCOM SQUARE SOUTH	08/13/10
	ERP07-0296	CHURCH OF CHRIST - LAKE CITY	09/06/10
	ERP07-0308	COMFORT INN & SUITES	08/02/10
	ERP07-0422	HONDA OF LAKE CITY	09/13/10
	ERP07-0033	FAIRFIELD INN & SUITES - LAKE CITY	02/22/10
	ERP96-0357M	MINI STORAGE OF LAKE CITY MODIFICATION	03/07/08
LEVY	ERP06-0039	CHIEFLAND MIDDLE SCHOOL GYM	02/10/09
	ERP06-0356	NATURE COAST MIDDLE SCHOOL	03/05/10
MADISON	ERP06-0605	MADISON COMMONS RETAIL & OFFICE BUILDING	12/28/09
	ERP06-0281	SONIC FAST FOODS - MADISON	06/05/09
UNION	ERP05-0389	BUTLER TOWNHOMES,LLC.	10/17/10

COUNTY	PERMIT #	PROJECT NAME	ISSUED
ALACHUA	ERP09-0031	THEODORE BROCK WORKS OF THE DISTRICT PROJECT	2/18/09
	ERP09-0066	NYSTROM DISTRICT FLOODWAY PROJECT	8/12/09
	ERP09-0127	J. C. MARSHALL WORKS OF THE DISTRICT PROJECT	6/9/09
	ERP09-0197	O'NEIL / REGENSDORF DISTRICT FLOODWAY PROJECT	12/8/09
COLUMBIA	ERP08-0337	ROCKY FORD DISTRICT FLOODWAY DOCK	7/21/09
	ERP09-0222	TED SMITH DISTRICT FLOODWAY PROJECT	10/6/09
	ERP09-0115	JOHN GARTNER DISTRICT FLOODWAY PROJECT	7/13/09
	ERP09-0146	RICHARD & RENA SCAFF DISTRICT FLOODWAY RESIDENCE	10/15/09
DIXIE	ERP08-0361M	BEARDSLEY WORKS OF THE DISTRICT MODIFICATION	3/16/09
	ERP09-0285	HICKEY DISTRICT FLOODWAY DOCK	12/8/09
	ERP09-0130	MARK WEVER WORKS OF THE DISTRICT PROJECT	6/8/09
	ERP09-0280	FORESTVIEW JOINT VENTURE DISTRICT FLOODWAY PROJECT	12/15/09
	ERP07-0550M	EDWARD LEWIS WORKS OF THE DISTRICT MODIFICATION	3/9/09
	ERP09-0075	CLINTON RAY WORKS OF THE DISTRICT PROJECT	5/15/09
	ERP08-0230M	JOHN TYRONE WORKS OF THE DISTRICT MODIFICATION	5/14/09
GILCHRIST	ERP04-0333	BUCHANAN RIVER ACCESS	1/26/09
	ERP08-0381	MARTIN ORLICK WORKS OF THE DISTRICT DOCK	3/5/09
	ERP09-0040	SHELTON HOOK WORKS OF THE DISTRICT DOCK	3/23/09
	ERP09-0217	BRUCE NODINE DISTRICT FLOODWAY PROJECT	10/6/09
	ERP09-0190	ALAN BAILES DISTRICT FLOODWAY PROJECT	10/26/09
	ERP09-0129	LAVON & LIBBY SINGLETARY DISTRICT FLOODWAY DOCK	8/6/09
	ERP00-0338M2	FAIRCLOTH WORKS OF THE DISTRICT MODIFICATION #2	5/5/09
	ERP09-0080	LESLIE HODGE DISTRICT FLOODWAY DECK AND DOCK	8/11/09
HAMILTON	ERP09-0118	TINA COX WORKS OF THE DISTRICT RESIDENCE	6/1/09
	ERP09-0204	LELAND STEPHENSON DISTRICT FLOODWAY DOCK	9/10/09
	ERP09-0119	H. J. RAULERSON WORKS OF THE DISTRICT PROJECT	6/23/09
LAFAYETTE	ERP08-0387	JANICE WOOD DISTRICT FLOODWAY DECK	10/14/09
	ERP01-0024M	NANCY KARLTON CREWS DISTRICT FLOODWAY MODIFICATION	8/12/09
	ERP09-0266	HOWELL RIVER HOUSE WORKS OF THE DISTRICT	12/21/09
	ERP09-0256	KENNETH MCCALL DISTRICT FLOODWAY PROJECT	11/4/09
	ERP09-0228	JAMES HELMS DISTRICT FLOODWAY PROJECT	11/3/09
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
	ERP09-0208	MEZIERE DISTRICT FLOODWAY PROJECT	11/17/09
SUWANNEE	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
	ERP09-0227	DAVID LEADBEATER DISTRICT FLOODWAY PROJECT	11/10/09
	ERP08-0395	JAMES PREVATT WORKS OF THE DISTRICT DOCK	3/13/09
	ERP08-0396	CHARLES MORRIS WORKS OF THE DISTRICT DOCK	3/13/09
	ERP05-0086M	AULETTA WORKS OF THE DISTRICT RESIDENCE MODIFICATION	3/25/09