

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: February 17, 2011

RE: Adoption of Updated Compliance and Enforcement Policy

RECOMMENDATION

**Staff recommends the Governing Board approve the updated Compliance and Enforcement Policy as attached to this memorandum.**

BACKGROUND

The attached compliance and enforcement policy is an update to the policy last approved by the Governing Board in January 1999.

TS/rl

**Suwannee River Water Management District  
Compliance and Enforcement Policy  
March 2011**

**Reference to Prior Policy**

This updated Policy supersedes previous versions of the District's Enforcement Policy dated January 1999, and implements statutory authority to enforce District rules pursuant to Chapter 28, Florida Administrative Code (F.A.C.), and applicable laws in Chapters 120 and 373, Florida Statutes (F.S.).

**Definitions**

Compliance - actions taken by staff and respondents to remedy a violation.

Compliance Agreement - a written agreement between staff and respondents which resolves violations without enforcement action. This agreement is for violations that are readily resolvable.

Consent Order - an agreement executed by a respondent and approved by order of the Governing Board to resolve a violation.

Enforcement - formal administrative or circuit court action(s) taken against respondents to achieve adherence to District rules, permit conditions, agreements and orders.

**Violations of District Rules**

Staff shall pursue resolution of violations involving water well construction and water well contractor licensing in accordance with Chapter 40B-3, F.A.C. Enforcement includes the imposition of an administrative fine pursuant to the authority in s.373.333(5)(b), F.S., and may be accomplished through a Compliance Agreement, Consent Order, Administrative Complaint and Proposed Order, or Circuit Court Complaint. Penalties for violations involving water well construction and well contractor licensing shall be consistent with the most current version of the Florida Unified Citations Dictionary for Water Well Contractors.

Violations regarding Environmental Resource, Works of the District and Water Use Permits may be resolved through a Compliance Agreement, Consent Order or Administrative Complaint and Proposed Order.

Staff shall present to the Board, at least monthly, a written report on the status of all matters in compliance. Counsel shall prepare a similar report on the status of all matters in enforcement.

**Compliance**

When staff discovers a violation, staff shall notify the respondent by phone, if possible, and with a written Notice of Violation via certified and regular mail. Staff will include a Stop Work Order if the respondent's activity will result in continuing harm to water resources. The Notice of Violation describes the violation and gives the respondent 20 days to contact District staff to schedule a resolution meeting. If the respondent fails to contact staff within 20 days of mailing the Notice of Violation and the District receives no certified mail return receipt, staff will have a process server deliver the Notice of Violation with the same schedule for contact.

At the resolution meeting, staff and the respondent will attempt to agree upon corrective actions, time frames, penalties and reimbursement of costs. Staff will inform the respondent that if the Governing Board directs legal counsel to pursue enforcement, any contact must be through counsel and the

District will seek reimbursement of attorneys' fees. At the conclusion of the resolution meeting, staff will prepare a compliance agreement and mail it to the respondent for signature. The use of compliance agreements is limited to certain projects (see Appendix 2). In the compliance agreement, a maximum timeframe of 45 days will be given to the respondent for substantial progress in achieving compliance.

If the respondent fails to contact staff within 20 days of receipt of a Notice of Violation, meet in a timely manner, fails to follow through on any stipulations of the compliance agreement or misses a time frame in the compliance agreement then staff will recommend that the Governing Board direct counsel to initiate enforcement at the next regularly-scheduled Governing Board meeting.

If the respondent achieves compliance in a timely manner, then no enforcement action will be taken.

### **Enforcement**

Enforcement begins when the Governing Board directs counsel to initiate formal proceedings to resolve a violation.

Once the Governing Board has directed counsel to pursue enforcement against the respondent, counsel will attempt to initiate resolution without litigation by giving the respondent 20 days to pay a penalty, attorneys' fees and costs, and District costs and demonstrate substantial progress in achieving compliance.

If the respondent fails to perform the required actions within 20 days, counsel shall recommend that the Governing Board authorize further enforcement such as an administrative complaint, civil complaint or criminal complaint. Counsel shall keep the Governing Board and staff informed during litigation.

### **Considerations for Compliance and Enforcement Proceedings**

During either compliance or enforcement proceedings, staff or counsel shall impose a penalty appropriate to the situation. Penalty calculations shall be consistent with the Penalty Matrix attached in Appendix 1. If a respondent remedies an inadvertent Works of the District violation that requires no after-the-fact permit then the penalty will be waived.

Counsel may conduct mediation to resolve litigation proceedings. Mediation conducted by court order or stipulation while the case is in the jurisdiction of circuit court will be conducted under the provisions of Rules 1.700-1.730, Florida Rules of Civil Procedure.

Mediation conducted in administrative proceedings will be conducted in accordance with Section 120.573, Florida Statutes and the Uniform Rules of Administrative Procedure, specifically those rules set forth in sections 28-106.401-405, Florida Administrative Code.

The Governing Board may authorize the Executive Director to either represent the District or designate a staff member to represent the District at mediation. The outcome of the mediation shall be considered by the Governing Board at their next regularly scheduled meeting.

**SUWANNEE RIVER WATER  
MANAGEMENT DISTRICT**

**DATE** \_\_\_\_\_

\_\_\_\_\_  
**Don Quincey, Jr.  
Governing Board Chairman**

## APPENDIX 1 - PENALTY MATRIX

### **Environmental Resource and Water Use Permits**

The penalty matrix has two uses. It guides District requests to the courts for imposition of civil penalties in accordance with s. 373.129, F.S. It is also used by staff and Legal Counsel to draft Compliance Agreements, Consent Orders or other settlement agreements and assess settlement amounts in a consistent manner.

Subsection 373.129(5), F.S., provides for penalties not to exceed \$10,000 per violation, with each day a violation continues being considered a separate violation. Given the policy of the legislature, the penalty matrix establishes guidelines for assessment of maximum amounts for the more severe violations and lesser amounts for less severe to minor violations. Two measures of severity are used: extent of deviation from requirements and, more importantly, severity of water resource impact.

Within each category, three recommended amounts are shown--minimum, nominal, and maximum. Minimum amounts represent the lowest amount to be requested for each category of violation and presumes that the Respondent is willing to settle. The nominal amount is the target or default amount to be requested of the courts or Respondent in settlement negotiations. The maximum amount represents the highest amount to be requested for each category of violation and presumes an uncooperative Respondent or circumstances that would otherwise justify escalating the violation to the next category. Additionally, staff shall take into consideration other circumstances involved in either raising or lowering the penalty. Such consideration may include economic gain by the violator and good faith efforts to resolve the violation.

### **Water Well Construction and Well Contractor Licensing**

Penalties for violations involving water well construction standards and permitting or well contractor licensing will be consistent with the most current version of the Florida Unified Citations Dictionary for Water Well Contractors.

# SRWMD PENALTY MATRIX

			<b>EXTENT OF DEVIATION FROM SRWMD RULE REQUIREMENTS</b>		
			<b>MAJOR</b>	<b>MODERATE</b>	<b>MINOR</b>
			<ul style="list-style-type: none"> <li>Flagrant or repeated (willful) violations of District Rules or permit requirements.</li> <li>Failure to comply with final orders.</li> <li>Falsification of completion reports, as-built reports, or other information required by rule, order, or permit condition.</li> <li>Flagrant or repeated deviation or disregard of permit conditions or orders.</li> </ul>	<ul style="list-style-type: none"> <li>Deviation (exceeding) permit authorization.</li> <li>Significant deviation from permitted plans, specifications, or designs.</li> <li>Significant deviation from permit conditions.</li> <li>Activity prior to obtaining required permits.</li> </ul>	<ul style="list-style-type: none"> <li>Violations where no permit is required from SRWMD but where the District has enforcement authority.</li> <li>Inadvertent violations. <b>DOES NOT INCLUDE ANY VIOLATION OF PERMIT CONDITIONS OR THE TERMS OF A DISTRICT FINAL ORDER!</b></li> <li>Failure to submit completion reports, as-built reports, or other information required by rule, order or permit conditions.</li> </ul>
<b>POTENTIAL FOR ADVERSE IMPACTS TO WATER AND RELATED NATURAL RESOURCES OR PUBLIC SAFETY</b>	<b>MAJOR</b>	<ul style="list-style-type: none"> <li>Violation results in an eminent threat to public health, safety, or general welfare.</li> <li>Violation results in a permanent or continuing increase in flood hazard; drainage of surface waters; dewatering of groundwater aquifers; loss of surfacewater storage; loss of floodway conveyance; or, source of pollution that is (are) not confined to the project area; or which impact offsite waters.</li> <li>Violation results in the destruction or loss of wetland habitat by drainage, filling, or other means.</li> </ul>	<p>Maximum: \$10,000 Nominal: \$8,000 Minimum \$6,000</p> <p>(for each acre of wetland loss)</p>	<p>Maximum: \$5,000 Nominal: \$4,000 Minimum \$3,000</p> <p>(for each acre of wetland loss)</p>	<p>Maximum: \$1,250 Nominal: \$1,000 Minimum \$750</p> <p>(for each acre of wetland loss)</p>
	<b>MODERATE</b>	<ul style="list-style-type: none"> <li>Violation results in a permanent or continuing increase in flood hazard; drainage of surface waters; dewatering of groundwater aquifers; loss of surfacewater storage; loss of floodway conveyance; or, source of pollution that is (are) confined to the project area; and which does not impact offsite waters.</li> <li>Violation results in a temporary or non-continuing increase in flood hazard; drainage of surfacewaters; dewatering of groundwater aquifers; loss of surfacewater storage; loss of floodway conveyance; or, source of pollution.</li> </ul>	<p>Maximum: \$5,000 Nominal: \$4,000 Minimum \$3,000</p>	<p>Maximum: \$2,500 Nominal: \$2,000 Minimum \$1,500</p>	<p>Maximum: \$750 Nominal: \$500 Minimum \$375</p>
	<b>MINOR</b>	<ul style="list-style-type: none"> <li>Violation results in no apparent adverse impacts to water and related natural resources.</li> <li>Impacts resulting from the violation are (have been) corrected immediately after notice; and, there are no apparent permanent or continuing adverse impacts to water and related natural resources.</li> </ul>	<p>Maximum: \$1,500 Nominal: \$1,000 Minimum \$750</p>	<p>Maximum: \$750 Nominal: \$500 Minimum \$375</p>	<p>Maximum: \$350 Nominal: \$250 Minimum \$125</p> <p>(or at least \$25 per day reporting violations)</p>

## APPENDIX 2 - THRESHOLDS FOR USING COMPLIANCE AGREEMENTS

Specified District staff has been delegated the authority to resolve environmental resource permit (ERP), water use permit (WUP) and water well permit (WWP) violations through a Compliance Agreement for the following types of violations:

1. ERP, WUP and WWP violations that can be resolved by issuance of a staff-issued permit or modification.
2. Violations of ERP, WUP and WWP permit conditions.

ERP, WUP and WWP violations involving the following circumstances cannot be processed with a Compliance Agreement and must be processed through a Consent Order for consideration by the Governing Board:

1. All unauthorized work that does not cease within one day of Respondent receiving written notification (i.e. Stop Work Order) from the District;
2. Written objection to the violation or project is received during the time that the Compliance Agreement is being processed;
3. Unauthorized impacts to a total of one or more acres of wetlands, other surface waters, uplands in riparian habitat protections zones (RHPZ), upland buffers and conservation easement areas.
4. The unauthorized work impacts or has the potential to impact aquatic or wetland dependent species that are listed in Table 12.2.7-1, ERP Handbook as threatened, endangered or species of special concern;
5. A violation of state water quality standards where turbidity exceeds 200 Nephelometric Turbidity Units (NTUs) above natural background;
6. Any violation of state water quality standards which exceeds 25 percent above a state water quality standard other than turbidity;
7. Any violation of state water quality standards in Outstanding Florida Waters (OFWs); or
8. Respondents who in the last five years have: (a) entered into a compliance agreement or consent order with the District, (b) been the subject of a final order on a District administrative complaint, or (c) received an adverse judgment in an enforcement lawsuit filed by the District.

All violations resolved by compliance agreements shall be brought to the next timely Governing Board meeting for informational purposes. At the discretion of the Executive Director, any compliance matter that can be resolved by a compliance agreement may be brought to the Governing Board for action.

**MEMORANDUM**

TO: Governing Board  
FROM: Tim Sagul, Senior Professional Engineer  
DATE: February 17, 2011  
RE: Denial of Environmental Resource Permit Application Number  
05-0092M2, Hills of Huntsville - Unit 2, Columbia County

RECOMMENDATION

**Staff recommends that the Governing Board authorize denial, without prejudice, of General Environmental Resource Permit application number 05-0092M2 to Chris Bullard, for Hills of Huntsville - Unit 2, Columbia County.**

BACKGROUND

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

LMII/rl

February 17, 2011

Chris Bullard  
PO Box 1432  
Lake City, FL 32056

Subject: Denial of ERP05-0092M2, Hills of Huntsville – Unit 2, Columbia  
County

Dear Mr. Bullard:

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 March 8, 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.  
Director, Water Supply & Resource Management

JD/rl

Enclosure

cc: Columbia County Board of Commissioners  
GTC Design Group

Certified Mail Receipt Number: 7009 0820 0000 0505 4165

## 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:

**Chris Bullard**  
**PO Box 1432**  
**Lake City, FL 32056**

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:** February 17, 2011

**PROJECT:** Hills of Huntsville - Unit 2

**APPLICANT:**  
Chris Bullard  
PO Box 1432  
Lake City, FL 32056

**PERMIT APPLICATION NO.:** ERP05-0092M2  
**DATE OF APPLICATION:** 9/03/10  
**APPLICATION COMPLETE:** N/A  
**DEFAULT DATE:** N/A

#### **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, and Louis Mantini, Regulatory Scientist I, reviewed the project.

#### **Project Location**

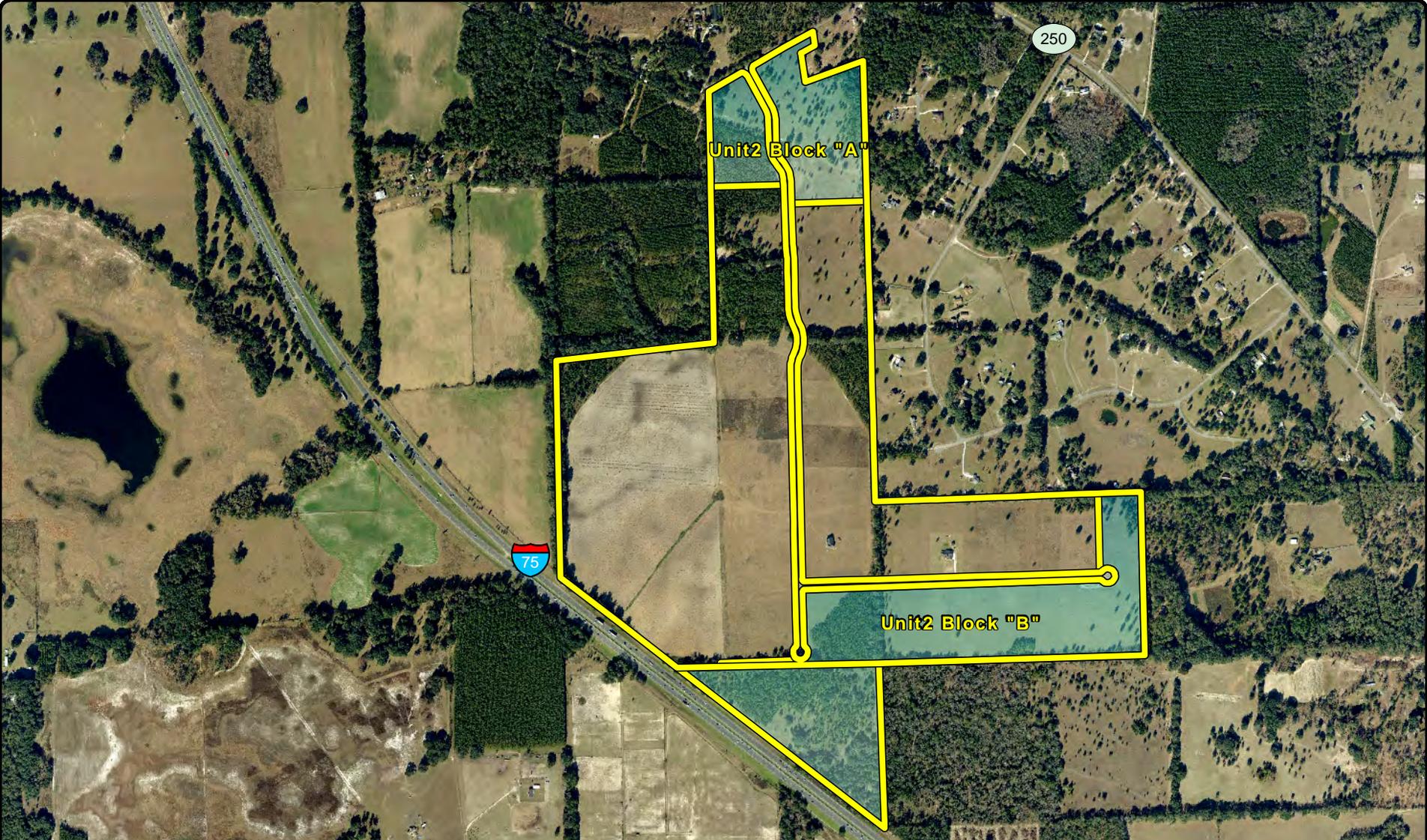
The proposed project is within Township 3 South, Range 16 East, Sections 8 and 9, in Columbia County. The project site is located just north of I-75 and just south of Huntsville Church road.

#### **Project Description**

The proposed project consists of subdividing property off an existing, permitted road. The applicant did not propose a stormwater system; instead the runoff will be directed to existing low areas. Staff mailed a Request for Additional Information (RAI) on September 24, 2010. A letter was mailed on January 12, 2011, reminding the applicant that the information was due. The applicant has not responded.

#### **Site inspection to ensure project was not constructed**

Staff inspected the project site on February 2, 2011. Construction of the project has not begun.



250

Unit 2 Block "A"

75

Unit 2 Block "B"

 Project Boundary

### Hills of Huntsville-Unit 2

ERP05-0092M2

March 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 warrant 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.



WSRMD 12

MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, Senior Professional Engineer

DATE: February 17, 2011

RE: Denial of General Environmental Resource Permit Application  
Number 09-0068, Myrick Enterprises Apartments, Madison County

RECOMMENDATION

**Staff recommends that the Governing Board authorize denial, without prejudice, of General Environmental Resource Permit Application Number 09-0068, to Myrick Enterprises Corporation, for Myrick Enterprises Apartments in Madison County.**

BACKGROUND

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

/rl

February 17, 2011

Roderick Myrick  
Myrick Enterprises, Corp.  
9180 Silver Glen Way  
Lake Worth, FL 33467

Subject: Denial of ERP02-0300M2, Myrick Enterprises Apartments,  
Madison County

Dear Mr. Myrick:

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 March 8, 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.  
Director, Water Supply & Resource Management

JD/rl

Enclosure

cc: Madison County Board of Commissioners  
GBF Engineering, Inc.

Certified Mail Receipt Number: 7009 0820 0000 0505 4172

## 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:

**Roderick Myrick  
Myrick Enterprises, Corp.  
9180 Silver Glen Way  
Lake Worth, FL 33467**

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:** February 17, 2011

**PROJECT:** Myrick Enterprises Apartments

**APPLICANT:**

Roderick Myrick  
Myrick Enterprises Corp.  
9180 Silver Glen Way  
Lake Worth, FL 33467

**PERMIT APPLICATION NO.:** ERP89-0068  
**DATE OF APPLICATION:** 07/01/09  
**APPLICATION COMPLETE:** N/A  
**DEFAULT DATE:** N/A

**Recommended Agency Action**

District staff recommends denial, without prejudice, of the environmental resource permit application because the applicant did not supply the information needed to complete the review.

**SRWMD Project Review Staff**

John Hastings, P.E., Senior Professional Engineer, and Louis Mantini, Regulatory Scientist I, reviewed the project application.

**Project Location**

The project is located in the City of Madison north of US 90, Township 1 North, Range 9 East, Section 23, in Madison County.

**Project Description**

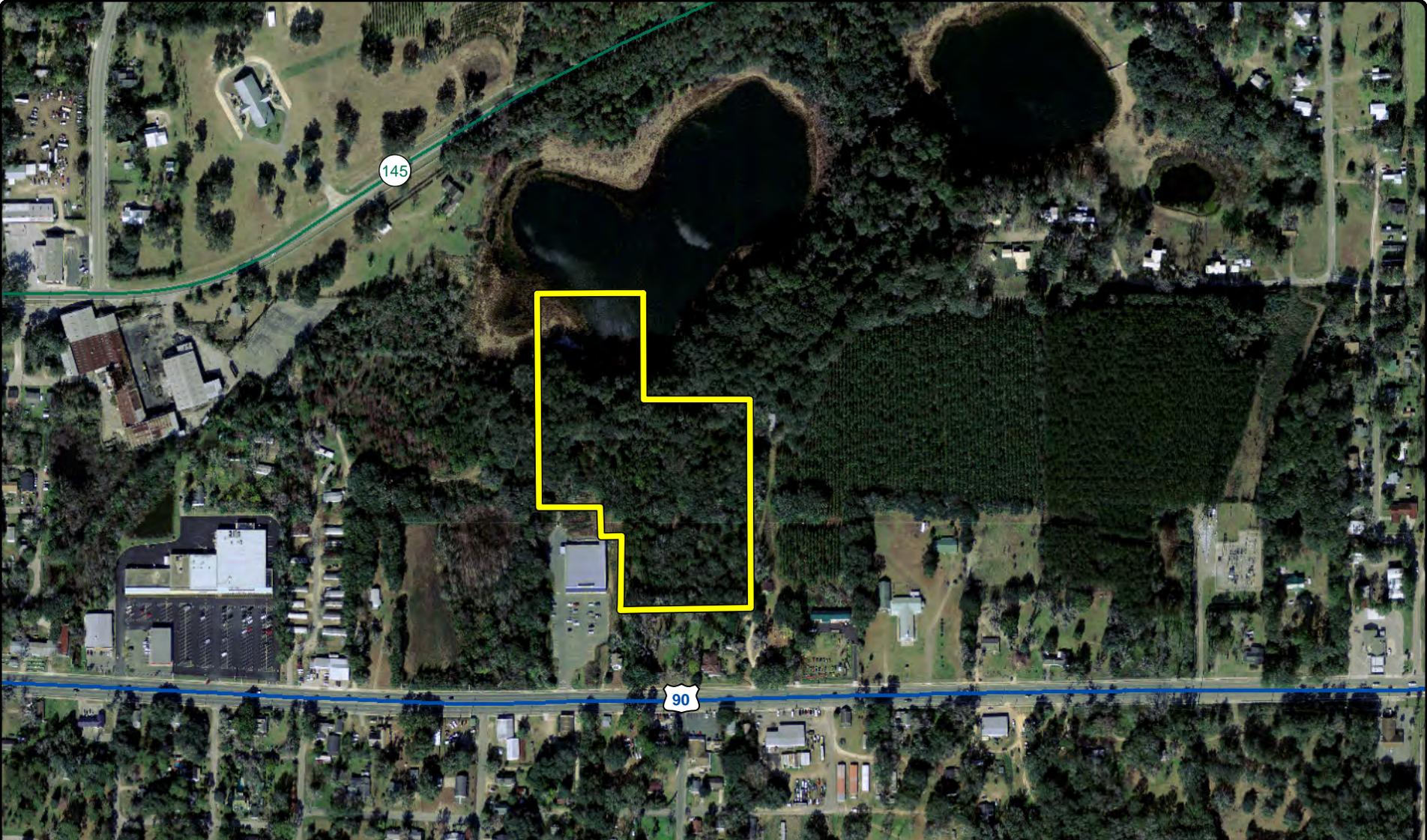
The proposed project is a seven-acre apartment complex. Information was received on June 2, 2009. The applicant was notified that an application and fee was required. An environmental resource permit application and fee was received on July 1, 2009. A request for additional information was sent on July 13, 2009. A time extension request was received on September 4, 2009. No further information has been received.

**Interagency Coordination**

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

**Site inspection to ensure project was not constructed**

The site has been inspected intermittently, with the latest inspection on January 19, 2011. No construction has occurred.



# Myrick Enterprises Apartments

ERP09-0068

March 2011



 Project Boundary



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 warrant 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: Tim Sagul, Senior Professional Engineer  
DATE: February 17, 2011  
RE: Entry of Final Order 11-0001 for Larry Sigers, Columbia County

RECOMMENDATION

**Staff recommends the Governing Board enter Final Order number 11-0001 adopting Consent Agreement number CE08-0072 for Larry Sigers.**

BACKGROUND

Permit number ERP09-0244 is for after-the-fact authorization of 4.66 acres of wetland impacts for the construction of a farm pond. Mr. Larry Sigers received a Notice of Violation for unpermitted pond construction involving dredge and fill activities within wetlands on December 19, 2008. A total of 13.5 acres of wetlands were impacted. Mr. Sigers will restore 8.84 acres of impacted wetlands, and District will permit 4.66 acres of impacts with mitigation

Consent Agreement CE08-0072 was executed on December 17, 2010. Entry of the Final Order will serve as final agency action in this matter.

WES/rl



SUWANNEE RIVER WATER  
MANAGEMENT DISTRICT,  
PETITIONER

VS.

Larry R. Sigers,  
RESPONDENT

---

FILE OF RECORD  
CONSENT AGREEMENT CE08-0072 AND ORDER

This Consent Agreement is notice to Respondent that the Suwannee River Water Management District (District) is initiating a formal enforcement action pursuant to Chapters 120 and 373, Florida Statutes (F.S.), and Chapter 28, Florida Administrative Code (F.A.C.), to cause correction of the violations noted.

Petitioner finds the following:

FACTS

1. Respondent is Larry R. Sigers, 15287 Ryba Road, Glen St. Mary, FL 32040.
2. Petitioner is a governmental agency of the State of Florida created and empowered by Chapter 373, F.S., and pursuant to the authority therein, most particularly Chapter 373, Part IV, F.S., has adopted regulations for construction and alteration of surface water management systems in Chapters 40B-1, 40B-4 and 40B-400.
3. On December 16, 2008, Petitioner's staff discovered unpermitted dredge and fill activities of approximately 13.5 acres within a forested wetland on property owned by the Respondent on a parcel of land identified as Parcel Number 32-1N-17-04463-000 in Columbia County, Florida.
4. On December 19, 2008, Respondent received a Notice of Violation prepared by Petitioner pursuant to Chapter 40B-4.1170, F.A.C.
5. The Respondent was informed that this activity required a permit per District rule 40B-4.3010, F.A.C., and conditions of such permit including mitigation for wetland impacts were explained. The Respondent agreed to restore 8.84 acres of the impacted wetlands, and the District agreed to permit 4.66 acres of the impacted wetlands with mitigation. The Respondent's agent submitted both a Restoration

Plan, and a Mitigation Plan. Penalty associated with the 4.66 acres of wetland impacts is \$13,980. In lieu of the \$13,980 penalty respondent agrees to donate a certain parcel of land fee-simple to the District.

**REGULATIONS OR LAWS VIOLATED**

6. Without an admission of liability, it appears conditions of Chapters 40B-1, 40B-4, and 40B-400, F.A.C., have been violated. Specifically, 40B-4.1040(1)(a), F.A.C., appears to have been violated for failure to obtain a permit for initiating a project that includes dredging and filling and the construction of surface water management systems. In addition, section 12.0 of the Environmental Resource Permit Applicant's Handbook (Handbook), adopted by reference in 40B-400.091, F.A.C., states that by statute or rule, permits are required for the construction, alteration, operation, maintenance, abandonment, and removal of systems so that the District can conserve the beneficial functions of these communities. The term "systems" includes areas of dredging or filling, as those terms are defined in Sections 373.403(13) and 373.403(14), F.S.
7. The Parties, in an attempt to quickly resolve issues at dispute in this case pursuant to Chapters 40B-1, 40B-4, and 40B-400, F.A.C., and Section 12.3 of the Handbook; have agreed that the Respondent shall provide suitable restoration and mitigation for the unpermitted impacts to wetlands.

**ASSESSED PENALTY, ADMINISTRATIVE COSTS AND ATTORNEYS FEES**

8. Pursuant to § 120.57 F.S., District finds and it is agreed that Respondent shall pay the following:

Assessed Penalty:	\$ (land donation in lieu of penalty)
Administrative Costs:	\$1,752.99
Attorneys' fees:	\$ 500.00
<b>TOTAL:</b>	<b>\$2,252.99</b>

If Respondent does not complete, to District's satisfaction, the remedial actions set forth below in Paragraph 10 (A), (B), (C) within the time frame required in said Paragraph, the District will require the assessed \$13,980 penalty, and will terminate land donation. Respondent shall be required to pay administrative costs and attorneys fees, currently amounting to \$2,252.99. Should Respondent

fail to successfully complete the requirements set forth below in Paragraph 10 (A), (B), (C) within the time frame required in said Paragraphs, Respondent shall pay within fifteen (15) days subsequent to failing to timely complete the remedial actions: the assessed penalty stated above, current administrative costs, all additional administrative costs, current attorneys' fees and all additional attorneys' fees at a rate of \$140.00 per hour.

### **REMEDIAL ACTION**

9. The Parties, in an attempt to quickly resolve issues in dispute in this case, pursuant to Chapters 40B-1, 40B-4, and 40B-400, F.A.C., and Section 12.3 of the Handbook, have agreed that the Respondent shall:
  
10. Within ninety (90) days of execution of this Consent Agreement, Respondent shall complete the following activities:
  - A. Submit evidence of a fee-simple land donation of approximately 31 acres (more or less) parcel number 09-1S-17-04513-000, Columbia County, FL to the District.
  
  - B. Submit a written Baseline Restoration Report with photos to Petitioner as described in the Restoration Plan submitted on December 4, 2009.
  
  - C. An appropriate monitoring plan that specifies three (3) annual reports shall be submitted to District. The monitoring shall be conducted by a knowledgeable and experienced third party. Monitoring will be conducted annually for three (3) years after the date of planting and after the Baseline Restoration Report is submitted. Vegetation will be replaced after each monitoring event in order to achieve a survival rate of 80% at the end of each monitoring period. The first annual report shall be submitted one (1) year after submission of the Baseline Restoration Report. Subsequent annual reports shall be submitted on the same calendar date.
  
11. By execution of this Consent Agreement, Respondent waives his rights to an administrative hearing pursuant to Section 120.57, F.S., and right of appeal pursuant to Section 120.68 or Chapter 373, F.S., with regard to the terms of this Consent Agreement.

**CONSENT AGREEMENT – LARRY R. SIGERS**  
**FILE OF RECORD CE08-0072**  
**PAGE 4 OF 6**

12. Nothing herein shall be construed to limit the authority of the District to undertake enforcement or legal actions against Respondent in response to conditions that may present an imminent hazard to the public health, welfare, or the environment.
13. Entry of this Consent Agreement does not relieve Respondent of the need to comply with any applicable federal, state, or local laws, regulations, or ordinances.
14. The terms and conditions set forth in this Consent Agreement may be enforced in a court of competent jurisdiction, pursuant to Section 120.69, F.S., and Chapter 28, F.A.C., or any other applicable rule or statute, and Respondent consents to entry of final judgment by a court of competent jurisdiction to enforce the terms of the agreement plus attorneys' fees and costs, pursuant to 373.129, F.S., if Respondent fails to comply. Failure to comply with the terms of this Consent Agreement shall constitute a violation of Chapter 28, F.A.C., and the appropriate statutes.
15. Petitioner hereby expressly reserves the right to initiate appropriate administrative or legal action to prevent or prohibit future violation of applicable statutes or any rules promulgated there under, or to protect the public health, safety, or general welfare.
16. This Consent Agreement is final agency action of the Suwannee River Water Management District pursuant to Section 120.69, F.S., and Chapter 28, F.A.C., and it is final and effective on the date filed with the District Clerk of the Suwannee River Water Management District.
17. Respondent agrees District shall have 30 days from receipt of this document, to accept and sign this Consent Agreement and Order.
18. No modification of the terms of this Consent Agreement shall be effective until put in writing and executed by both Respondent and Petitioner.
19. Respondent and District hereby waive any and all rights and options which they have or might have to bring or maintain any such litigation or action in the federal court system of the United States or in any United States Federal District Court. Respondent and District hereby waive any and all rights and options which they have or might have to a trial by jury. Venue and exclusive jurisdiction for any such action shall lie and be only in the appropriate state courts of the State of Florida in and for Suwannee County, Florida. If any court action is necessary to enforce this Consent Agreement and Order, the prevailing party shall be entitled to their reasonable attorneys' and paralegals'

fees, costs and expenses from the non-prevailing party, in addition to any other relief to which they may be entitled.

12-17-2010  
DATE

**RESPONDENT**

Larry R. Sigers  
Larry R. Sigers  
15287 Ryba Road  
Glen St. Mary, FL 32040

**SUWANNEE RIVER WATER  
MANAGEMENT DISTRICT**

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

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

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

**ORDERED**

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

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

**SUWANNEE RIVER WATER  
MANAGEMENT DISTRICT**

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

## MEMORANDUM

TO: Governing Board

FROM: Darrell Smith, Suwannee Partnership Coordinator

DATE: February 17, 2011

RE: Suwannee River Partnership (SRP) FY 2011 Suwannee Farms Nitrogen and Phosphorous Budget Project Funding Request

### RECOMMENDATION

**Staff recommends the Governing Board authorize the Executive Director to amend Contract 09/10-060 with the Florida Department of Agriculture and Consumer Services (FDACS) to continue the Suwannee Farms nitrogen and phosphorous evaluation project for an additional amount not to exceed \$15,000.**

### BACKGROUND

As part of the Suwannee River Partnership's efforts to work with land owners to solve water quality and quantity issues, a nutrient budget project, in cooperation with Suwannee Farms, was started in fiscal year 2010. Last year's partners, Florida Department of Environmental Protection, University of Florida – Institute of Food and Agricultural Sciences, and the farm, helped fund (\$10,000 each) this University of Florida led project to help evaluate how nutrients are being used on the farm and to help determine where management changes may be made to help reduce losses to the groundwater.

The development and optimization of a nutrient mass balance budget can be an effective nutrient management tool for agricultural operations such as Suwannee Farms. Suwannee Farms is a large, diversified vegetable, row crop, and cattle feeding operation in Suwannee County along the Suwannee River. The diversity of cropping systems employed on this farm makes it an ideal operation for determining nutrient budgets for a large farm operation. In addition, the 5,000 head cattle feeding operation utilizes anaerobic digestion for wastes generated from this portion of the farm.

The incorporation of the feeding operation with the digester on a crop farm is a unique aspect for this type of study, compared to other studies in the country. The cattle feeding operation offers an opportunity for determining a nutrient budget for that part of the farm. Further, determining nutrient budgets for the crop aspects of the farm operation will support decisions on how the feeding operation and the crop operations can be integrated to maximize the efficiency of nutrient management on the farm while reducing nutrient losses to the environment.

Specific work to be accomplished under the amended agreement is as follows:

- Nutrient mass budget calculations will include leaching and lagoon waste components for the crop systems and comparisons will be made to first year's data.
- Develop a list of potential management strategies that may be adjusted or adopted on the farm.
- Work with grower to try a revised management strategy and calculate an associated mass budget for it in succeeding year(s). This approach would show if we can improve the mass balance by making changes in the production practices based on what we have learned to that point.
- Develop an educational fact sheet, drawing on project results, for nutrient mass balances.
- Evaluate the results to date and determine a plan to promote through the Partnership.

Funds for this project are available in the fiscal year 2011 budget in Fund 44, the Suwannee River Water Quality Improvement Initiative Fund.

DS/dd

## MEMORANDUM

TO: Governing Board  
FROM: Carlos Herd, Program Leader  
DATE: February 17, 2011  
RE: Water Supply January 2011 Activity Report

### **Water supply planning:**

- The District's contractor completed impact analysis and continues preparation of the draft report for the Upper Santa Fe River basin.
- St. Johns River Water Management District remains indefinitely postponed completion of their Water Supply Assessment and 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.

### **Interstate coordination:**

Staff has scheduled a technical meeting for March 2, 2011, with State of Georgia Environmental Protection Division staff to discuss instream flows and our methodologies for development of minimum flows and levels.

Staff has a tentative meeting scheduled for May 19, 2011, with staff from the State of Georgia Environmental Protection Division, Florida Department of Environmental Protection, and the St. Johns River Water Management District to coordinate water resource issues across state boundaries.

### **Minimum flows and levels (MFLs):**

- Staff anticipates that all signed master contracts will be delivered for contractor signature by the end of February. These twelve firms, and their subcontractors, constitute the pool of expertise to assist staff with MFL development over the next five years.
- Staff has prepared draft project scopes for the Lower Santa Fe and Ichetucknee Rivers. These scopes include the following tasks; other tasks are under development:

- Determine the elevations and areal extent of soils and plant communities, and identify hydrologic indicators, within 15 floodplain transects
- Development of a Hydrologic Engineering Centers – River Analysis System (HEC-RAS) model for the Lower Santa Fe and Ichetucknee Rivers
- In preparation for the above scope development, staff has been on the river numerous times locating the best transect sites, and then securing landowner permissions and/or Florida State Park research permits. Seven temporary water level recorders are being deployed to augment HEC-RAS model calibration. Delta Surveying is in the field establishing benchmarks and surveying cross-sections and transects.
- MFL contractor submittals are being reviewed by staff for task selection.
- J. Sherman Frier & Associates is surveying cross-sections and setting benchmarks in the Suwannee River at Big Shoals. This data will have significant importance in future upper Suwannee River MFL establishment.
- Revisions to the North Florida Groundwater Model (NFM) are underway. The contractor has shifted the grid to align with the United States Geological Survey (USGS) “Mega-Model” and is now reducing the cell size to 2500 feet square, transforming existing parameters to the new cells. The contractor is using a “step-wise” approach where each enhancement to the model is tested to determine the impact prior to implementing the next change. Staff is also working on a new well file for 1995 to be supplied to the contractor.

**Water use regulation:**

- District staff continues to coordinate with the Department of Environmental Protection (DEP) and water management districts on reclaimed water policy.
- Camp Weed requested an additional 30-days to respond to the Request for Additional Information (RAI).
- Staff attended a two-day Water Conservation Coordinator Course.
- Staff mailed a second RAI letter to the Florida Fish and Wildlife Commission for the proposed testing of the acceptance rate of a sinkhole near Sneads Smokehouse Lake on the Aucilla River.
- Staff attended a community meeting on January 27, 2011, in Leon County and gave a presentation on water use permitting to a group of citizens concerned about the future of the Wacissa River.
- The following table summarizes water use permitting activities during the month of January.

<b>January 2011</b>	<b>Received</b>		<b>Issued</b>
Water Use Permits	17		17
Water Well Permits	85		85
Water well permits issued and received according to well use:			
Abandoned/destroyed	3	Livestock	0
Agricultural Irrigation	7	Monitor	10
Aquaculture	0	Nursery	0
Climate Control	0	Other	3
Fire Protection	0	Public Supply	1
Garden (Non Commercial)	0	Self-supplied Residential	58
Landscape Irrigation	2	Test	1

### **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 during the budget and workplan review process.

Thank you for your attention to this summary of current activities. Please feel free to contact staff prior to the March 8, 2011, Governing Board meeting if you would like further information.

CH/dd

## MEMORANDUM

TO: Governing Board  
FROM: Megan Wetherington, Program Leader  
DATE: February 17, 2011  
RE: Water Resource Monitoring January 2011 Activity Report

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 reported rainfall from 39 telemetered sites to the Southeast River Forecast Center.

Staff participated in the Ichetucknee Research Planning Workshop and the North Central Florida Regional Planning Council quarterly meeting.

Staff addressed the Santa Fe Springs Working Group regarding current hydrologic conditions.

Staff monitored 150 telemetered water use monitoring devices on 43 agricultural operations. Water use on monitored wells in January was 198 million gallons, averaging 6.4 million gallons per day.

Thank you for your attention to this summary of current activities. Please feel free to contact staff prior to the March 8, 2011, Governing Board meeting if you would like further information.

MW/dd

MEMORANDUM

TO: Governing Board  
FROM: Tim Sagul, Program Leader  
DATE: February 17, 2011  
RE: Environmental Resource Permitting January 2011 Activity Report

**Permitting activities:**

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

January 2011	Received			Issued		
Environmental Resource Permits	Noticed General	General	Individual	Noticed General	General	Individual
	11	9	0	11	9	0

The following Individual Environmental Resource Permit was issued by staff, pursuant to 373.079(4)(a), Florida Statutes.

File Number	Project Name	County	Issue Date
ERP09-0244	Larry Sigers Project	Columbia	02/09/2011

A copy of the staff report and map for the project follows this report.

**Compliance and enforcement report:**

Staff will transmit an updated compliance and enforcement report on March 4, 2011.

**Rule development and adoption:**

The Rulemaking Schedule follows this report. Staff is working with the Governor's Office of Fiscal Accountability and Regulatory Reform as required by Executive Order 11-01.

**Inspections and as-built certification:**

In January 2011, staff inspected six projects under construction and 14 projects for as-built compliance. The total number of projects constructed from January 2005 through January 2011 is 768. The number in compliance with certification requirements is 741, with 27 permits not in compliance.

The total number of Works of the District permits issued from January 2009 through January 2010 is 57 with 24 inspected to verify construction.

### **Edwards Road Bottomlands Wetlands Restoration Project, Bradford County:**

BCI Engineers and Scientists is 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. BCI has completed the conceptual plans. District staff met with BCI on January 19, 2011, to review the conceptual plans. Staff requested more details on the control structure options prior to moving to preliminary plans. Once details are provided a meeting will be scheduled with the City of Starke.

### **Federal Emergency Management Agency (FEMA) Map Modernization:**

Levy County: Preliminary map panels have been issued, an advertisement in the Federal Register has been published, and the official 90-day appeal period is pending on the advertisements of base flood elevations (BFEs) on the web. Staff continues to coordinate with the county and municipalities.

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: Staff will be holding a meeting to distribute tasks to contractors and update contracts. A contract with the United States Geological Survey to acquire light detection and ranging data with FEMA grant funds is being finalized.

### **Lake Sampson Water Control Structure:**

Staff provided technical assistance to Bradford County regarding repair of the water control structure. The work is complete and the contract has been closed. Staff is developing a surface water modeling approach to determine the feasibility of replacing the water control structure.

### **Algal Turf Scrubber Pilot System at Boston Farm:**

The District contracted with Hydromentia and the University of Florida (IFAS) to install a mobile pilot unit Algal Turf Scrubber on district property. The unit was installed in 2009 and was operational in 2010. On January 20, 2011, Hydromentia provided their third quarter nutrient removal progress report.

Thank you for your attention to this summary of current activities. Please feel free to contact staff prior to the March 8, 2011, Governing Board meeting if you would like further information.

**WETLAND MITIGATION STAFF REPORT  
ENVIRONMENTAL RESOURCE PERMIT APPLICATION**

**DATE:** February 09, 2011

**PROJECT:** Larry Sigers Project

**APPLICANT:**

Larry Sigers  
15287 Ryba Road  
Glen St. Mary, FL 32040

**PERMIT APPLICATION NO.:** ERP09-0244  
**DATE OF APPLICATION:** 10/13/09  
**APPLICATION COMPLETE:** 01/14/11  
**DEFAULT DATE:** 02/14/11

**Agency Action**

Staff issued Individual permit for the project with thirty-one standard conditions and four special limiting conditions.

**SRWMD Project Review Staff**

William Spencer, Ph.D., Senior Regulatory Scientist, reviewed the project application.

**Project Location**

The project is located in Township 1 North, Range 13 East, Section 32, in Columbia County.

**BACKGROUND**

Mr. Larry Sigers received a Notice of Violation for unpermitted pond construction involving dredge and fill activities within wetlands on 12/19/08. Approximately 13.5 acres of wetlands within a 281 acre parcel were impacted. Subsequent to several meetings and letters, the District received a signed Consent Agreement from Mr. Sigers on 01/14/11. District and Mr. Sigers reached an agreement where District would permit 4.46 acres of wetland impacts associated with pond construction, and Mr. Sigers would restore 8.84 acres of impacted wetlands. The agreement included mitigation for the permitted wetland impacts, a \$13,980 penalty, and \$2,252.99 for administrative costs and attorneys' fees. District agreed to accept 5.1 acres of uplands and wetlands adjacent to Little Creek, which is a small tributary of the Suwannee River, as a fee-simple land donation in lieu of the assessed penalty. Each acre of donated land will provide approximately \$2,741 towards satisfaction of the penalty.

The Consent Agreement requires that restoration and land donation be completed within 90 days of execution of the Consent Agreement. The land donation is significant in that it lies within the general area of Pinhook Swamp, which is a state acquisition site, and is within an area designated as “essential parcels remaining”. In addition, the parcel lies between the Osceola National Forest and the Okefenokee National Wildlife Refuge.

### **PROPOSED PROJECT**

The application was for an after-the-fact permit for 4.66 acres of wetland impacts for the construction of a farm pond. Applicant will restore 8.84 acres of impacted wetlands as described in the Restoration Plan Addendum received on December 04, 2009. Wetland impacts were assessed using the Uniform Mitigation Assessment Method (UMAM) as proscribed by 62-345, Florida Administrative Code (FAC). A total of 1.90 wetland Functional Loss Units were associated with the impacts.

Mitigation for wetland impacts will be by land preservation. Applicant offered 18.6 acres of wetlands and 7.3 acres of uplands as a fee-simple donation to the District for mitigation. UMAM analysis showed that the proposed land donation would provide 2.95 wetland Functional Gain Units. Because the Functional Gain Units exceed the Functional Loss Units by 1.05 units the proposed mitigation is acceptable.

The land donation in lieu of the penalty together with that for mitigation of wetland impacts is 31 acres (more or less) and consists of parcel #09-1S-17-04513-000 Columbia County. Applicant satisfied the penalty and mitigation requirements by proposed donation of this parcel of land to the District.

### **STAFF EVALUATION:**

Recommend issuance of permit with thirty-one standard, and four special limiting conditions.

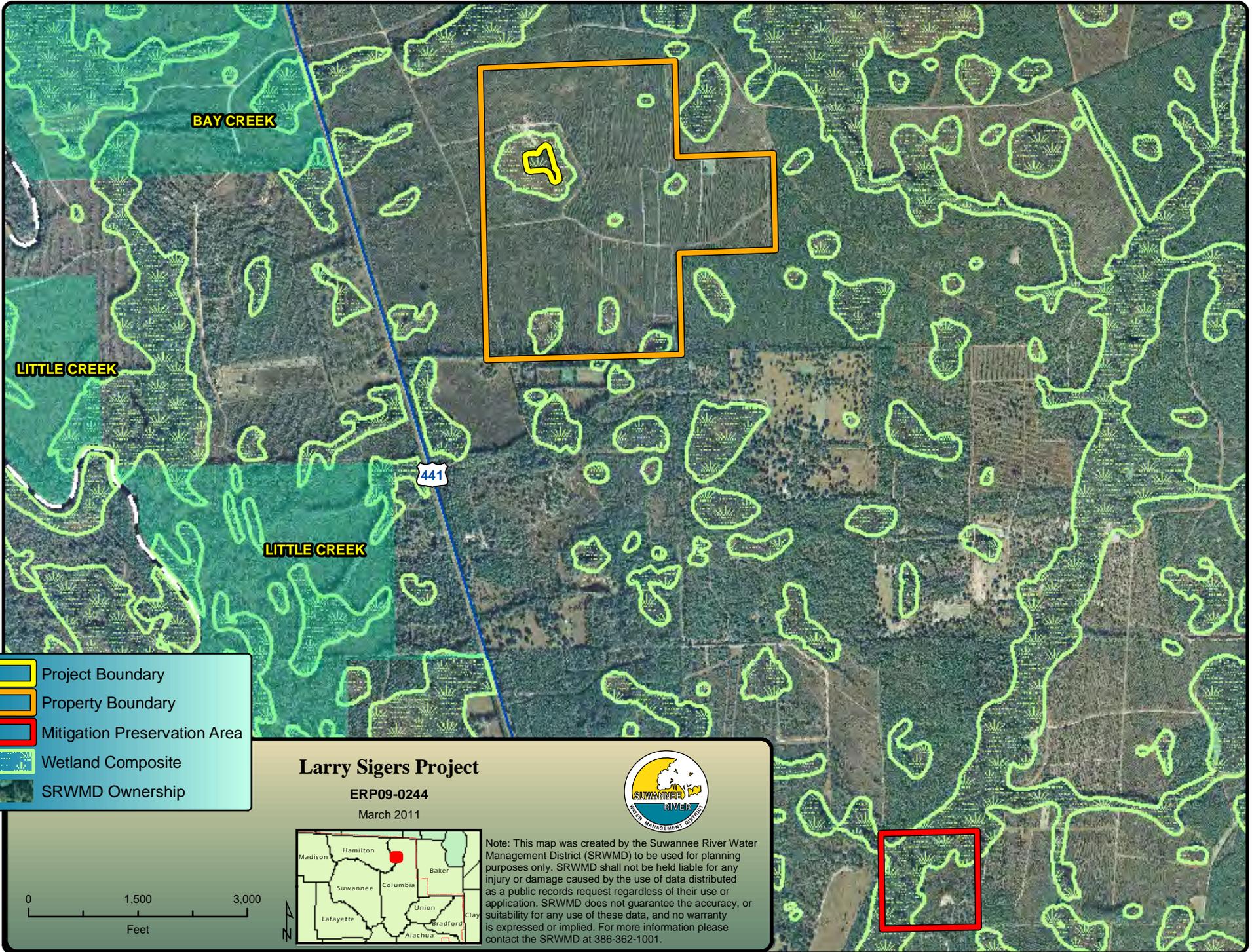
### **SPECIAL LIMITING CONDITIONS ON PERMIT**

*The permittee shall submit evidence to the District, by June 8, 2011, of a fee-simple land donation of approximately 31 acres (parcel number 09-1S-17-04513-000) with legal description of access indicated on the deed.*

*The permittee shall complete restoration by June 8, 2011, as described in the Restoration Plan Addendum submitted December 4, 2009.*

*The permittee shall submit to the District a written Baseline Restoration Report with photos by June 8, 2011, as described in the Restoration Addendum submitted December 4, 2009.*

*The permittee shall submit to the District a Monitoring Plan by June 8, 2011, that specifies the dates of three written annual reports as described in the Remedial Action part of the Consent Agreement (CE08-0072).*



-  Project Boundary
-  Property Boundary
-  Mitigation Preservation Area
-  Wetland Composite
-  SRWMD Ownership

**Larry Sigers Project**

ERP09-0244

March 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.



**ERP Activity Report  
Upcoming Rulemaking Schedule**

**40B-2**

Upper Santa Fe River Basin Permit Duration

Send to OFARR	
GB Rule Dev. Auth.	9/8/09
Notice of Rule Dev.	9/18/09
GB Proposed Rule Auth.	
Notice of Proposed Rule	
Send to JAPC	
Mail to DOS (tentative)	
Effective Date (tentative)	

**40B-4.1090**

Incorporation of Hamilton & Madison FEMA Flood Studies

GB Rule Dev. Auth.	6/8/10
Notice of Rule Dev.	6/18/10
GB Proposed Rule Auth.	6/8/10
Notice of Proposed Rule	12/3/10
Send to JAPC	11/23/10
Send to OFARR	
Mail to DOS (tentative)	
Effective Date (tentative)	

**40B-4.1020**

Clearing Definition

GB Rule Dev. Auth.	10/12/10
Notice of Rule Dev.	10/22/10
GB Proposed Rule Auth.	1/11/11
Send to OFARR	
Notice of Proposed Rule	
Send to JAPC	
Mail to DOS (tentative)	
Effective Date (tentative)	

**40B-400.091**

ERP Handbook

GB Rule Dev. Auth.	12/9/08
Notice of Rule Dev.	2/4/11
GB Proposed Rule Auth.	1/11/11
Send to OFARR	
Notice of Proposed Rule	
Send to JAPC	
Mail to DOS (tentative)	
Effective Date (tentative)	

**40B-4.3030**

Diseased Vegetation Determination

GB Rule Dev. Auth.	10/12/10
Notice of Rule Dev.	10/22/10
GB Proposed Rule Auth.	1/11/11
Send to OFARR	
Notice of Proposed Rule	
Send to JAPC	
Mail to DOS (tentative)	
Effective Date (tentative)	

**40B-400.103**

ERP Handbook

GB Rule Dev. Auth.	1/11/11
Notice of Rule Dev.	2/4/11
GB Proposed Rule Auth.	1/11/11
Send to OFARR	
Notice of Proposed Rule	
Send to JAPC	
Mail to DOS (tentative)	
Effective Date (tentative)	

## MEMORANDUM

TO: Governing Board  
FROM: Darrell Smith, Suwannee River Partnership Coordinator  
DATE: February 17, 2011  
RE: Suwannee River Partnership January 2011 Activity Report

Staff submitted a USDA Agriculture Water Enhancement Project (AWEP) grant proposal for \$1.43 million to continue the work of the earlier Partnership funded project. The project helps farmers convert less efficient irrigation pumps and motors to more efficient systems. Approximately 88 farms with 125 irrigation systems were left unfunded from the initial project.

Staff assisted with the Suwannee Farms Nutrient Budget project.

Staff has continued to work with the Suwannee and Levy Soil and Water Conservation Districts to assist farmers with the best management practice (BMP) crop tool cost share program.

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.

Thank you for your attention to this summary of current activities. Please feel free to contact staff prior to the March 8, 2011, Governing Board meeting if you would like further information.

DS/dd