

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: Tim Sagul, Senior Professional Engineer

DATE: April 21, 2011

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

RECOMMENDATION

Staff recommends the Governing Board authorize initiation of litigation regarding Justin Fitzhugh, Columbia County, for failure to maintain the surfacewater management system as required by Environmental Resource Permit number 96-0173.

BACKGROUND

Counsel mailed a Notice of Violation to Justin Fitzhugh on July 22, 2010, regarding a non-functioning surface water management system and failure to submit as-built certification forms. The Notice of Violation required a response from Mr. Fitzhugh on or before August 22, 2010.

After numerous contacts with Mr. Fitzhugh, a Compliance Agreement was executed by Mr. Fitzhugh and the District on January 11, 2011.

Staff performed a site inspection on March 15, 2011, and discovered that no work has been done to bring the pond into compliance with permit conditions. The Compliance Agreement specified a monthly payment schedule for the assessed penalty, administrative costs and attorney's fees. As of April 21, 2011, no payments have been received.

Staff intends to enforce the terms of the Compliance Agreement in Circuit Court.

Attachment
LM/rl

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

COMPLIANCE AGREEMENT

IN RE: SUWANNEE RIVER WATER
MANAGEMENT DISTRICT

VS.

Justin M. Fitzhugh
310 SE Hernando Avenue
Lake City, FL 32025

CE NUMBER 05-0046

This Environmental Resource Permit (ERP) Compliance Agreement is entered into by Justin M. Fitzhugh ("Respondent"), and the Suwannee River Water Management District ("District"), to settle certain matters at issue between them under chapter 373, Florida Statutes (FS), and chapters 40B-1, 40B-4, and 40B-400, Florida Administrative Code (FAC).

1. The District is a special taxing district established by chapter 373, FS, and charged with the duty to administer and enforce chapter 373, FS, and the rules promulgated thereunder, including chapters' 40B-1, 40B-4, and 40B-400, FAC.

2. Respondent owns or controls real property (the "subject property") located in Township 3 South, Range 16 East, Section 36, Columbia County and referred to as Parcel ID 36-3S-16-02619-001.

3. On July 13, 2005, Respondent violated section 373.430(1)(b), FS, and 40B-1.702(3), 40B-4.1040(1) and 40B-4.1140, FAC, by failing to maintain the surface water management system permitted under ERP96-0173 and to provide as-built certifications as required by the referenced ERP.

4. The District has jurisdiction over this matter, Respondent, and the subject property. See sections 373.069(2)(c), 373.413, and 373.416, FS.

5. The District is authorized under section 373.129, FS, to seek injunctive relief and/or a civil penalty not to exceed ten thousand dollars (\$10,000.00), per offense per day, for violations of chapter 373, FS, and the rules promulgated thereunder.

Respondent agrees to pay staff costs of **\$818.16** and attorneys fees of **\$1,000 for a total cost of \$1,818.16** Payments may be in monthly installments, beginning January 20, 2011. The payment dates and amounts shall be as follows:

By January 20, 2011	\$300.00
By February 20, 2011	\$300.00
By March 20, 2011	\$300.00
By April 20, 2011	\$300.00
By May 20, 2011	\$300.00
By June 20, 2011	\$318.16
Total	\$1,818.16

Respondent shall deliver to the District cashier's checks or money orders made payable to the Suwannee River Water Management District, 9225 CR 49, Live Oak, FL 32060.

The total cost of \$1,818.16 shall be paid in full no later than June 20, 2011. If a monthly payment is delinquent, the full remaining amount shall be paid immediately upon notice from the District.

If any sums are unpaid within the time frame provided herein, the District shall have the right to immediately sue upon the Compliance Agreement in any court of competent jurisdiction.

6. Respondent agrees to complete the following corrective actions:

Remediation

a. No later than 10 days from the date of the attached cover letter of this order, Respondent shall:

i. Provide written documentation to the District detailing how the non-functioning system will be corrected and brought into proper functioning capacity and into compliance with ERP96-00173, District rules and Florida Statutes; and

ii. Within 10 days of District approval of the proposed corrective actions, Respondent shall perform to the satisfaction of the District all work necessary to bring the system into a properly functioning condition and into compliance with ERP96-0173; and

iii. Within 15 days after the approved work is completed, provide properly completed as-built certification forms Sections A, B and C to the District.

7. Respondent shall not undertake any further construction on the subject property except as authorized by District permit and this Compliance Agreement.

8. Entry of this Compliance Agreement does not relieve Respondent of the need to comply with any applicable federal, state, or local laws, regulations, or ordinances.

9. Respondent shall implement and maintain all erosion and sediment control measures (best management practices) required to retain sediment on-site and to prevent violations of state water quality standards, in accordance with the guidelines

and specifications in the latest version of The Florida Stormwater, Erosion and Sedimentation Control Inspectors Manual.

10. The complete and timely performance of the obligations set forth herein shall be dispositive of the violation(s).

11. By execution of this Compliance Agreement, Respondent waives his rights to an administrative hearing pursuant to F.S. § 120.57, and his right of appeal pursuant to F.S. § 120.68 or F.S. Chapter 373, with regard to the terms of this Compliance Agreement.

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.

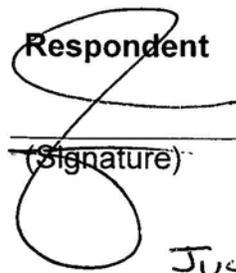
13. District hereby expressly reserves the right to initiate appropriate administrative or legal action to prevent or prohibit future violation of applicable statutes or any rules promulgated there under, or to protect the public health, safety, or general welfare.

14. The terms and conditions set forth in this Compliance Agreement may be enforced in a court of competent jurisdiction, pursuant to F.S. § 120.69, and F.A.C. Chapter 28, or any other applicable rule or statute, 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 F.S. § 373.129, if Respondent fails to comply. Failure to comply with the terms of this Compliance Agreement shall constitute a violation of F.A.C. Chapter 28, and the appropriate statutes.

15. Either party failing to comply with the terms hereof shall be liable to the other party for reasonable attorneys' fees and costs incurred by such other party by virtue of such failure.

16. This Compliance Agreement contains the entire agreement between the parties, and any agreement to amend or modify this Compliance Agreement will be ineffective unless it is in writing and signed by both parties.

1/6/2011
Date

Respondent


(Signature)
Justin M. Fitzhugh
(Printed Name)

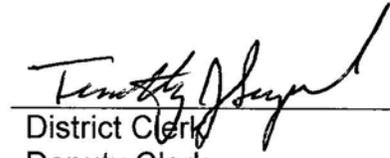
**Suwannee River Water
Management District Staff**

1/6/11
Date



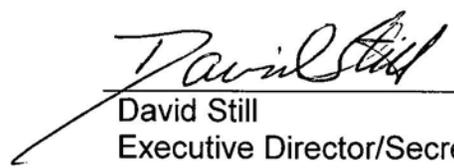
(Signature)
Lee Marshall II
(Printed Name)

1/7/11
Date



District Clerk
Deputy Clerk

Rendered this 10 day of Jan, 2011.



David Still
Executive Director/Secretary

**Notice of Rights is herewith attached to this document

NOTICE OF RIGHTS

1. Subject to the provisions set forth in paragraph 11 of this Compliance Agreement, 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 choose 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. Subject to the provisions set forth in paragraph 11 of this Compliance Agreement, 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. Subject to the provisions set forth in paragraph 11 of this Compliance Agreement, a substantially interested person has the right to an informal hearing pursuant to Section 120.569 and 120.57(2), Florida Statutes, where no material facts are in dispute. A petition for an informal hearing must comply with the requirements set forth in Rule 28-106.301, Florida Administrative Code.
5. A petition for an administrative hearing is deemed filed upon receipt of the petition by the Office of the District Clerk at the District Headquarters in Live Oak, Florida.

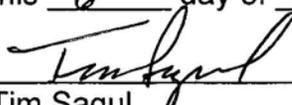
6. Failure to file a petition for an administrative hearing within the requisite time frame shall constitute a waiver of the right to an administrative hearing pursuant to Rule 28-106.111, Florida Administrative Code.
7. The right to an administrative hearing and the relevant procedures to be followed is governed by Chapter 120, Florida Statutes, and Chapter 28-106, Florida Administrative Code.
8. Subject to the provisions set forth in paragraph 11 of this Compliance Agreement, 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 furnished to:

Justin M. Fitzhugh
310 SE Hernando Avenue
Lake City, FL 32025

this 6th day of January, 2011



Tim Sagul
Deputy Clerk
Suwannee River Water Management District
9225 C.R. 49
Live Oak, Florida 32060
386.362.1001 or 800.226.1066 (Florida only)

MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, Senior Professional Engineer

DATE: April 21, 2011

RE: Authorization to Initiate Litigation Regarding Lake City Management, LLC, CE10-0026, Columbia County

RECOMMENDATION

Staff recommends the Governing Board authorize initiation of litigation regarding Lake City Management, LLC, for ERP07-0288M, Josephine Recreational Project, in Columbia County.

BACKGROUND

A Stop Work Order was hand delivered to Mr. Sam Oosterhoudt, Manager of Lake City Management, LLC, on April 20, 2010 for construction without a permit and a Notice of Violation was sent April 26, 2010. The Notice of Violation required a response from Mr. Oosterhoudt within 14 days. After no response, staff referred the file to counsel on May 21, 2010.

Mr. Oosterhoudt called on May 26, 2010, indicating that an engineer had been hired and no other work would be done until the permit was modified. At that time, staff informed counsel to stop enforcement proceedings.

An Environmental Resource Permit (ERP) application was received on July 26, 2010, and a Request for Additional Information (RAI) was sent on August 11, 2010. After no response to the RAI, staff notified Mr. Oosterhoudt that the application would be denied at the next timely Governing Board meeting and enforcement proceedings would begin.

Staff met with Mr. Oosterhoudt on February 4, 2011, and a Compliance Agreement (CA) was signed by Mr. Oosterhoudt on March 4, 2011. The CA specified a monthly payment schedule for the assessed penalty and administrative costs as well as other remedial actions. The first payment was

due March 31, 2011. As of April 21, 2011, no payments have been received. Additionally, none of the other required remediation as set forth in the CA has been performed.

Staff intends to enforce the terms of the Compliance Agreement in Circuit Court.

Attachment
TS/rl

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

COMPLIANCE AGREEMENT

**IN RE: SUWANNEE RIVER WATER
MANAGEMENT DISTRICT**

VS.

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

CE NUMBER 10-0026

This Environmental Resource Permit (ERP) Compliance Agreement is entered into by Lake City Development, LLC ("Respondent"), and the Suwannee River Water Management District ("District"), to settle certain matters at issue between them under chapter 373, Florida Statutes (FS), and chapters 40B-1, 40B-4, and 40B-400, Florida Administrative Code (FAC).

1. The District is a special taxing district established by chapter 373, FS, and charged with the duty to administer and enforce chapter 373, FS, and the rules promulgated thereunder, including chapters' 40B-1, 40B-4, and 40B-400, FAC.

2. Respondent owns or controls real property (the "subject property") located in Township 2 South, Range 17 East, Section 32, Columbia County and referred to as Parcel ID 32-2S-17-04821-005.

3. On April 20, 2010, Respondent violated section 373.430(1)(b), FS, and 40B-1.702(3), 40B-4.1040(1) and 40B-4.1140, FAC, by constructing a surface water management system not consistent with the approved plans authorized under Environmental Resource Permit (ERP) no. 07-0288.

4. The District has jurisdiction over this matter, Respondent, and the subject property. See sections 373.069(2)(c), 373.413, and 373.416, FS.

5. The District is authorized under section 373.129, FS, to seek injunctive relief and/or a civil penalty not to exceed ten thousand dollars (\$10,000.00), per offense per day, for violations of chapter 373, FS, and the rules promulgated thereunder.

Respondent agrees to pay staff costs of **\$317.01** and a penalty of **\$749.99** **for a total cost of \$1,067.00**. Payments may be in monthly installments, beginning March 31, 2011. The payment dates and amounts shall be as follows:

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SRWMD

MAR 10 2011

By March 31, 2011	\$350.00
By April 30, 2011	\$350.00
By May 31, 2011	\$367.00
Total	\$1,067.00

Respondent shall deliver to the District cashier's checks or money orders made payable to the Suwannee River Water Management District, 9225 CR 49, Live Oak, FL 32060.

The total cost of \$1,067.00 shall be paid in full no later than May 31, 2011. If a monthly payment is delinquent, the full remaining amount shall be paid immediately upon notice from the District.

If any sums are unpaid within the time frame provided herein, the District shall have the right to immediately sue upon the Compliance Agreement in any court of competent jurisdiction.

6. Respondent agrees to complete the following corrective actions:

Remediation

a. No later than 20 days from the date of the attached cover letter of this order, Respondent shall:

- i. Provide written documentation (including a realistic time schedule) to the District detailing how the non-conforming system will be restored; or
- ii. Provide written documentation including the appropriate permit modification fee to the District that will complete the application for modification of ERP07-0288.
- iii. If option "i" is chosen, Respondent shall perform to the satisfaction of the District all work necessary to bring the system into a properly functioning condition as permitted or restore the property to pre construction conditions.

7. Respondent shall not undertake any further construction on the subject property except as authorized by District permit and this Compliance Agreement.

8. Entry of this Compliance Agreement does not relieve Respondent of the need to comply with any applicable federal, state, or local laws, regulations, or ordinances.

9. Respondent shall implement and maintain all erosion and sediment control measures (best management practices) required to retain sediment on-site and to prevent violations of state water quality standards, in accordance with the guidelines and specifications in the latest version of The Florida Stormwater, Erosion and Sedimentation Control Inspectors Manual.

RECEIVED
SRWMD

MAR 10 2011

10. The complete and timely performance of the obligations set forth herein shall be dispositive of the violation(s).

11. By execution of this Compliance Agreement, Respondent waives his rights to an administrative hearing pursuant to F.S. § 120.57, and his right of appeal pursuant to F.S. § 120.68 or F.S. Chapter 373, with regard to the terms of this Compliance Agreement.

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. District 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.

14. The terms and conditions set forth in this Compliance Agreement may be enforced in a court of competent jurisdiction, pursuant to F.S. § 120.69, and F.A.C. Chapter 28, or any other applicable rule or statute, 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 F.S. § 373.129, if Respondent fails to comply. Failure to comply with the terms of this Compliance Agreement shall constitute a violation of F.A.C. Chapter 28, and the appropriate statutes.

15. Either party failing to comply with the terms hereof shall be liable to the other party for reasonable attorneys' fees and costs incurred by such other party by virtue of such failure.

16. This Compliance Agreement contains the entire agreement between the parties, and any agreement to amend or modify this Compliance Agreement will be ineffective unless it is in writing and signed by both parties.

RECEIVED
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MAR 10 2011

ORIGINAL TO FILE _____
COPIES TO _____

Respondent

3-2-11
Date

[Signature]
(Signature)

Sam Oosterhoudt / Manager
Lake City Development, LLC

FS Oosterhoudt
(Printed Name)

**Suwannee River Water
Management District Staff**

2/25/11
Date

[Signature]
(Signature) TS

Levy Marshall
(Printed Name)

3-11-11
Date

[Signature]
District Clerk/
Deputy Clerk

Rendered this 14 day of March, 2011.

David Still
David Still
Executive Director/Secretary

**Notice of Rights is herewith attached to this document



RECEIVED
SRWMD

MAR 10 2011

ORIGINAL TO FILE _____
COPIES TO _____

NOTICE OF RIGHTS

1. Subject to the provisions set forth in paragraph 11 of this Compliance Agreement, 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 choose 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. Subject to the provisions set forth in paragraph 11 of this Compliance Agreement, 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. Subject to the provisions set forth in paragraph 11 of this Compliance Agreement, 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.

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SRWMD

MAR 10 2011

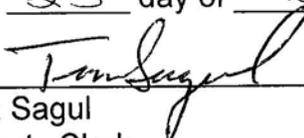
6. Failure to file a petition for an administrative hearing within the requisite time frame shall constitute a waiver of the right to an administrative hearing pursuant to Rule 28-106.111, Florida Administrative Code.
7. The right to an administrative hearing and the relevant procedures to be followed is governed by Chapter 120, Florida Statutes, and Chapter 28-106, Florida Administrative Code.
8. Subject to the provisions set forth in paragraph 11 of this Compliance Agreement, 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 furnished to:

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

this 25 day of February, 2011



Tim Sagul
Deputy Clerk
Suwannee River Water Management District
9225 C.R. 49
Live Oak, Florida 32060
386.362.1001 or 800.226.1066 (Florida only)

RECEIVED
SRWMD

MAR 10 2011

ORIGINAL TO FILE _____
COPIES TO _____

MEMORANDUM

TO: Governing Board
FROM: Tim Sagul, Senior Professional Engineer
DATE: April 21, 2011
RE: Authorization to Initiate Litigation Regarding NFLG Land Trust, Donald Edwards, CE08-0022, Suwannee County

RECOMMENDATION

Staff recommends the Governing Board authorize initiation of litigation regarding NFLG Land Trust, Donald Edwards, for ERP04-0373M, Shady Hollow Estates Modification, in Suwannee County.

BACKGROUND

A Notice of Violation was sent to Donald Edwards of NFLG Land Trust on March 3, 2008, for conducting site alterations without a valid permit modification. Numerous letters were sent as reminders to remedy the violation.

The District received an Environmental Resource Permit (ERP) application on October 20, 2008, and a Request for Additional Information (RAI) letter was mailed to Mr. Edwards on November 6, 2008. Multiple pieces of correspondence indicated that Mr. Edwards' consultants were working on a response to the RAI when a request from Mr. Edwards to withdraw the ERP modification was received (March 15, 2010). The District acknowledged the withdrawal on July 13, 2010, and informed Mr. Edwards further enforcement proceedings would occur if the violation was not remedied.

Since then, staff has had several conversations with Mr. Edwards in an attempt to resolve this matter. A site inspection was performed on April 18, 2011; no work has been done to bring the system into compliance. Staff believes that the project may be in foreclosure proceedings. Additionally, the site alterations are contributing to off-site flooding issues.

Staff recommends that the Governing Board authorize initiation of appropriate action against Mr. Edwards and NFLG Land Trust to enforce the terms of the original Environmental Resource Permit or to obtain a permit modification to bring the site into compliance with existing District rules.

TS/rl

MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, Senior Professional Engineer

DATE: April 21, 2011

RE: Revocation of Environmental Resource Permit Number 99-0187 and Authorization to Operate, Maintain, and Replace the Sampson Lake Control Structure, Bradford County

RECOMMENDATION

Staff recommends the Governing Board authorize the Executive Director to revoke Environmental Resource Permit number 99-0187 and operate, maintain, and replace the Sampson Lake control structure.

BACKGROUND

On November 9, 1999, the District issued to Bradford County Board of County Commissioners (County) an Environmental Resource Permit (ERP) for the construction and maintenance of a water control structure at County Road 225 and the Sampson River. The structure was a hydraulic replacement of an existing deteriorating structure. The permit did not authorize operation of the structure.

Over the years, the County has requested permission from the District to open or close the structure due to impending storms or low lake levels. These requests have been compounded by numerous complaints from the public regarding the same issues. Despite the District's response that the permit did not authorize operation, the structure has been routinely opened and closed, thus putting the County in a position of non-compliance with the ERP. Recently, the structure was stuck in an open position from a log becoming jammed in one of the gates.

Haphazard opening and closing of the structure may cause flooding both upstream and downstream of the structure. Additionally, this type of operation may harm the environment associated with low flows in the channel downstream of the structure.

Operation of the structure by the County is a violation of ERP99-0187; therefore District staff recommends that the Governing Board authorize revocation of the permit. Staff will then commence maintenance of the structure and design and build a non-operable structure following approval of the fiscal year 2012 budget.

TS/rl

MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, Senior Professional Engineer

DATE: April 21, 2011

RE: Authorization to Initiate Litigation Regarding Scott McNulty,
CE10-0045, Levy County

RECOMMENDATION

Staff recommends the Governing Board authorize initiation of litigation regarding Scott McNulty, Levy County.

BACKGROUND

This enforcement has been ongoing since July 2010. A road was constructed without an Environmental Resource Permit (ERP). Portions of the construction are in wetlands.

Numerous contacts including meetings, phone conversations and letters have occurred. On the direction of the Governing Board, Counsel mailed a Notice of Violation to Scott McNulty on March 22, 2011, requesting resolution of the violation. The letter included permitting or restoration options along with a demand for penalties, administrative costs and attorney's fees. The Notice of Violation required a response from Mr. McNulty on or before April 10, 2010.

Counsel received an April 7, 2011, response from Ms. Edith Richman (Mr. McNulty's attorney). A copy of this letter is attached. The letter states that:

1. Mr. McNulty does not intend to pay the penalty, cost and fees;
2. The project is grandfathered and does not need permits from the District;
3. It is the responsibility of the County to apply for permits since the road was constructed in dedicated right-of-way; and
4. Despite the above, counsel will attempt to work with the District to resolve the issue.

Staff does not intend to hold Levy County responsible for this matter. Staff intends to retain counsel to initiate litigation to resolve this matter through restoration of the property or permitting.

Attachment
TS/rl

Edith R. Richman
Attorney and Counselor at Law
Certified Family Mediator
Email: erichman@cox.net

16650 SW 134th Avenue
(fka 105 West Main Street)
Post Office Box 10
Archer, Florida 32618
(352) 495-9123
Fax (352) 495-1400
www.edithrichman.com

April 7, 2011

Matthew C. Mitchell, Esquire
P.O. Box 1029
Lake City, FL 32056-4524

and by fax (386) 755-4524

Re: Scott McNulty Notice of Violation
Compliance No. CE10-0045

Dear Mr. Mitchell:

Please be advised that I represent Scott McNulty. I have reviewed with Mr. McNulty your Notice of Violation dated 22 March stating your office's intent to pursue enforcement proceedings as a result of Mr. McNulty's alleged construction of an unpermitted road.

Mr. McNulty denies that he is in violation of the District's permitting process and does not intend to pay the \$5,204.58 demanded in your letter.

It is Mr. McNulty's position that the subject access road in Cedar Key Heights is a county right-of-way that has existed since the subdivision was platted in 1928, and is therefore not subject to the permitting process as a "grandfathered" access road. In addition, since the road is a dedicated right-of-way the permitting application is the responsibility of Levy County.

As your file may indicate, personnel from Levy County, including the county engineer, Lee Mills, have been at meetings involving this issue. Mr. McNulty has also met personally with, and had several conversations with Louis Mantini and came away with the impression that any enforcement action by the District would be a misuse of authority.

In spite of Mr. McNulty's position, my office stands ready to work with your office to attempt to resolve this issue. I welcome any reasonable suggestions to that end. Of course, if your office pursues enforcement, Mr. McNulty will likewise take any legal action necessary to protect his rights.

Sincerely,



Edith R. Richman

cc: Scott McNulty

MEMORANDUM

TO: Governing Board

FROM: Darrell Smith, Suwannee River Partnership Coordinator

DATE: April 21, 2011

RE: Authorization to Amend Contract Number 03/04-258 with the Florida Department of Agriculture and Consumer Services (FDACS) for Continuation of the Two Positions for the Suwannee River Partnership for the Period July 1, 2011 through June 30, 2012

RECOMMENDATION

Staff recommends the Governing Board authorize the Executive Director to amend Contract Number 03/04-258 with FDACS to continue funding a third of the costs associated with providing two Suwannee River Partnership positions at a cost not to exceed \$60,000 for the period covering July 1, 2011 through June 30, 2012.

BACKGROUND

On October 13, 1998, the District first contracted with FDACS to provide an Environmental Manager who would have the responsibility of providing staff leadership to the Suwannee River Partnership. Another position (Environmental Specialist III) has been added to work in the Santa Fe Basin. The present contract, which was signed by FDACS in October 2004, has a provision to allow this contract to be renewed for additional years.

These positions are jointly funded by FDACS, the Florida Department of Environmental Protection and the District. They coordinate the local development and implementation of an overall work plan for the Suwannee River Partnership in the Suwannee and Santa Fe River Basins.

This amendment provides for the District's share (33.33 percent of the total salary and benefits associated with these positions) of funding during FDACS Fiscal Year 2011-2012 which runs July 1, 2011 through June 30, 2012.

/dd

MEMORANDUM

TO: Governing Board

FROM: Carlos D. Herd, P.G., Senior Hydrogeologist

DATE: April 21, 2011

RE: Approval of Water Use Permit Application Number
2-09-00020M, Camp Weed & Cerveny Conference Center – White
Lake Augmentation, Suwannee County

RECOMMENDATION

Staff recommends issuance of a modification to Water Use Permit Application Number 2-09-00020M, with seventeen standard conditions and sixteen special limiting conditions to Camp Weed & Cerveny Conference Center in Suwannee County.

BACKGROUND

Staff has determined that the application is complete and satisfies the conditions for issuance in Chapter 40B-2, Florida Administrative Code.

/tm

April 21, 2011

Camp Weed & Cerveny Conference Center
C/o Joe Chamberlain
11057 Camp Weed Place
Live Oak, FL 32060

Subject: Approval of Water Use Permit Application Number
2-09-00020M, Camp Weed & Cerveny Conference Center-
White Lake Augmentation, Suwannee County

Dear Mr. Chamberlain:

Suwannee River Water Management District (District) staff proposes to recommend to the Governing Board that the above-mentioned project be approved.

This proposed action is subject to final decision of the Governing Board at their regularly scheduled meeting on May 19, 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/tm

Enclosure

Certified Mail Receipt Number:7008 1300 0001 7732 0036

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 choose 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:

Camp Weed & Cerveny Conference Center
C/o Joe Chamberlain
11057 Camp Weed Place
Live Oak, FL 32060

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

WATER USE PERMIT APPLICATION

DATE: April 21, 2011

PROJECT: Camp Weed and Cerveny Conference Center – White Lake Augmentation

OWNER:
The Episcopal Church in
the Diocese of Florida, Inc.
325 Market Street
Jacksonville, FL 32202

APPLICANT:
Camp Weed and Cerveny
Conference Center
11057 Camp Weed Place
Live Oak, FL 32060

PERMIT APPLICATION NO.: 2-09-00020M

DATE OF APPLICATION: February 26, 2010

APPLICATION COMPLETE: February 28, 2011

EXPIRATION DATE: May 27, 2029

	Previous Quantities:		Proposed Quantities:	
Average Daily Rate (ADR)	0.0060	mgd	0.4110	mgd
Maximum Daily Rate (MDR)	0.2880	mgd	1.4832	mgd

Recommended Agency Action

Staff recommends approval of a permit modification to a public supply water use permit located within Suwannee County. The permit will include seventeen standard conditions and sixteen special limiting conditions. The modified permit will expire on May 27, 2029.

Project Review Staff

Kevin Wright, P.E., John Kruse, and Carlos D. Herd, P.G., have reviewed the application.

Project Location

The withdrawal facilities are currently located in Township 03 South, Range 14 East, Sections 03 and 10 in Suwannee County. The project is located within the middle Suwannee River basin.

Project Description

The applicant has requested a modification to an existing water use permit, which was issued in 2009 for public supply use to the conference center. The modification consists of adding one 10-inch diameter well to be used to augment that portion of White Lake owned by the Applicant. The project area consists of approximately 518 acres owned by The Episcopal Church in the Diocese of Florida, Inc., including the southern portion of White Lake, approximately 78.5 acres of surface area at elevation 114 feet above sea level.

Groundwater will be used to augment the southern portion of White Lake to an elevation of 113 feet above sea level. Groundwater use is based upon receipt of reclaimed water from the City of Live Oak (City) through an existing contract with the Applicant. The Applicant will use groundwater to augment the lake at the rate of 90 percent of a 12-month rolling average receipt of reclaimed water from the City.

The City initially plans to deliver up to 450,000 gallons per day of reclaimed water to two percolation ponds located within the project area. Application of reclaimed water will be rotated between the ponds to maximize infiltration. This volume may be lowered in the future based on agreements between the City and the Applicant. Starting 6 months after the Applicant has been receiving reclaimed water from the City; groundwater may be pumped by the Applicant up to 90% of the average volume of reclaimed water received in the previous 12 months. There will be a net overall benefit to the resource of 10% of the volume received of reclaimed water. For example, the Applicant will use up to 405,000 gallons per day of groundwater if the Applicant received an average of 450,000 gallons per day of reclaimed water in the previous 12 months. This volume shall be measured using flow meters at both the reclaimed water discharge point and at the groundwater augmentation wellhead location. The Applicant will be required to receive reclaimed water from the City for at least 6 months prior to pumping of groundwater.

The Applicant has designated an elevation above 113 feet above sea level when augmentation of White Lake will be shut off and an elevation 114 feet above sea level as to when the City will stop discharging reclaimed water. These elevations

were set to best manage the natural fluctuations of the lake while minimizing any potential adverse impacts associated with receiving reclaimed water.

The City has provided documentation concerning their storage capacity during wet weather conditions. The Applicant will apply the groundwater through a natural wetland system, which will then discharge into White Lake. The maximum Average Daily Rate (ADR) of groundwater pumping, including all of the Applicant's needs, will be 0.4110 MGD.

The project area includes 3 existing wells and 1 proposed well. Use of the wells will be for public supply and augmentation.

The well table is listed below. The number/name was provided by the applicant.

Name	Status	Diameter	Capacity (gpm)	Water Use
Augmentation Well	Proposed	10	800	Augmentation
Old 6" Well	Active	6	100	Public Supply
New 6" Well	Active	6	100	Public Supply
RV & Cabin Well	Active	4	30	Public Supply

Demonstration of Need

The Applicant has provided information that supports the requested allocation, based upon amount of reclaimed water they should receive from the City of Live Oak, requested level of White Lake, and public supply needs. Augmentation of White Lake will enhance fish and wildlife habitat, as well as recreational value.

Water Conservation

The Applicant will only pump up to 90% of the average volume of reclaimed water received in the previous 12 months on a rolling average basis. The groundwater will be managed in a way to reduce infiltration losses while maximizing the potential for augmentation of White Lake.

Minimum Flows and Levels Compliance

Staff determined through the SRWMD North Florida Model, version 1.0, that the proposed water use would not violate minimum flows and levels (MFLs) at any downstream MFL points established along the Suwannee River or its tributaries. However, a special limiting condition has been included in the permit for the District to seek a modification to the permit to assist in the recovery and/or prevention strategy associated with an adopted MFL.

Conclusions

After verification of all current and proposed water use activities, District staff was able to determine the following:

1. Public supply water use will occur 365 days each year, with augmentation as needed.
2. The augmentation results in an increase of the permitted ADR up to a maximum of 0.4110 MGD and MDR to 1.4832 MGD.
3. The proposed use meets the requirements outlined in 40B-2.301, Florida Administrative Code and Staff recommends approval of this permit modification.

Standard Conditions

1. Nothing in this permit should be construed to limit the authority of the Suwannee River Water Management District to declare a water shortage and issue orders pursuant to Section 373.175, Florida Statutes, or to formulate a rule for implementation during times of water shortage pursuant to Section 373.246, Florida Statutes. In the event of water shortage as declared by the Board, the permittee shall adhere to any limitations on withdrawal or use ordered by the District.
2. This permit is classified as confined Floridan aquifer for augmentation uses.
3. Permittee shall allow District personnel at reasonable times and at District expense or with District equipment to monitor withdrawal rates and volumes authorized by this permit.
4. Capping of Withdrawals Not In Use: Any wells not in use, and in which pumping equipment is not installed shall be capped or valved in a water tight manner in accordance with Chapter 62-532.500(3)(a)(4), F.A.C.
5. The permittee may apply for a permit modification at any time in accordance with section 40B-2.331, FAC.
6. In the event of a District-declared water shortage, the permittee must immediately comply with any restrictions or requirements ordered in accordance with the District's Water Shortage Plan, chapter 40B-21, FAC.

7. Permittee must mitigate interference with existing legal uses caused in whole or in part by the permittee's withdrawals, consistent with a District-approved mitigation plan. As necessary to offset such interference, mitigation may include, but is not limited to, reducing pumpage, replacing the existing legal user's withdrawal equipment, relocating wells, changing withdrawal source, supplying water to existing legal user, or other means needed to mitigate the impacts.
8. Permittee must mitigate harm to existing off-site land uses caused by the permittee's withdrawals. When harm occurs, or is imminent, the permittee must modify withdrawal rates or mitigate the harm.
9. Permittee must mitigate harm to the natural resources caused by the permittee's withdrawals. When harm occurs or is imminent, the permittee must modify withdrawal rates or mitigate the harm.
10. If any condition of the permit is violated, the permittee shall be subject to enforcement action pursuant to chapter 373, FS.
11. Authorized representatives of the District, upon reasonable notice to the permittee, shall be permitted to enter and inspect the permitted water use to determine compliance with the permit conditions.
12. This permit does not relieve the permittee from complying with any applicable local government, state, or federal law, rule, or ordinance.
13. This permit does not convey to the permittee any property rights or privileges other than those specified herein.
14. Permittee shall notify the District in writing within 90 days of any sale, conveyance, or other transfer of ownership or control of the real property on which the permitted water use activities are located. All water use permit transfers are subject to the requirements of section 40B-2.301, FAC.
15. Permittee must notify the District in writing prior to implementing any changes in the water use that may alter the permit allocations. Such changes include, but are not limited to, change in irrigated acreage, crop type, irrigation system, water treatment method, or entry into one or more large water use agreements. In the event a proposed change will alter the allocation, permittee must first obtain a permit modification.
16. When the District provides a permanent identification tag, the tag shall be prominently displayed at the withdrawal site by permanently affixing such tag to the pump, headgate, valve, or other withdrawal facility. If the permit covers

several facilities such as a well field, a tag shall be affixed to each facility. Failure to display a tag as prescribed herein shall constitute a violation of the permit. The permittee shall be allowed ten (10) days after the notice of violation of this section to obtain a replacement tag.

17. The District reserves the right to open this permit, following notice to the permittee, to include a permit condition prohibiting withdrawals for resource protection.

Special Limiting Conditions

18. All correspondence sent to the District regarding this permit must include the permit number 2-09-00020M.

19. If water use causes or contributes to a violation of Minimum Flows and Levels (MFLs), the District reserves the right to curtail future withdrawal rates or otherwise modify the site certification as described in the recovery or prevention strategy associated with the MFL.

20. Lake augmentation with groundwater is authorized when lake levels fall below elevation 113.0 feet above sea level.

21. The Applicant is authorized to use groundwater to augment the lake at the rate of 90-percent of a 12 month rolling average receipt of reclaimed water from the City of Live Oak. The applicant shall not pump groundwater for purposes of augmentation for 6 months following the receipt of reclaimed water from the City of Live.

22. The applicant shall establish a staff gage for monitoring the lake elevation, based on the appropriate datum. The staff gage shall be established prior to receipt of reclaimed water. The lake elevation shall be monitored at least weekly with electronic elevation reports sent to the District, no later than 15 working days after the end of each quarter.

23. The applicant shall maintain an accurate, non-resettable, totalizing flow meter(s) at each water withdrawal point and reclaimed water discharge point. The meters shall be accurate to within 5 percent of actual flow. The meters shall be calibrated at a minimum every 5 years with a report of the calibration submitted to the District within 30 days of completion. Meters found to be outside the 5 percent flow measurement requirement shall be repaired or replaced within 30 days of discovery. The District shall be notified of any broken meters within 10-days of discovery and the reported flow shall be estimated and submitted to the District for the time the meter was out-of-service.

24. The applicant shall provide to the District an electronic copy of the monthly pumpage report of groundwater, no later than 15 working days after the end of each quarter. Report shall include the rolling 12-month average of reclaimed water received from City of Live Oak. The water use permit number shall be displayed on all reports.

25. The applicant shall provide to the District copies of any reports submitted to Florida Department of Environmental Protection no later than 15 working days after the end of each month. The water use permit number shall be displayed on all reports.

26. The permitted water withdrawal facilities consist of the following table:

Name	Status	Diameter	Capacity (gpm)	Water Use
Augmentation Well	Proposed	10	800	Augmentation
Old 6" Well	Active	6	100	Public Supply
New 6" Well	Active	6	100	Public Supply
RV & Cabin Well	Active	4	30	Public Supply

27. This permit and operation will be reviewed by the District staff and the permittee every five years starting in the year 2016. Results of the review will be presented to the Governing Board with staff recommendations for consideration of any further action, if needed. The review will consist of comparing current use to the previously permitted use based upon use type, addition or deletion of withdrawal points or irrigation points, changes in ownership, improved conservation practices/best management practices, change in project area, and/or other factors identified during the review that are warranted for discussion.

28. This permit shall expire on May 27, 2029. The permittee must submit the appropriate application form incorporated by reference in subsection 40B-2.041(2), FAC and the required fee to the District pursuant to section 40B-2.361, FAC, prior to this expiration date in order to continue the use of water.

29. If the application of reclaimed water causes impacts to natural systems or existing legal users, the applicant shall mitigate the impacts.

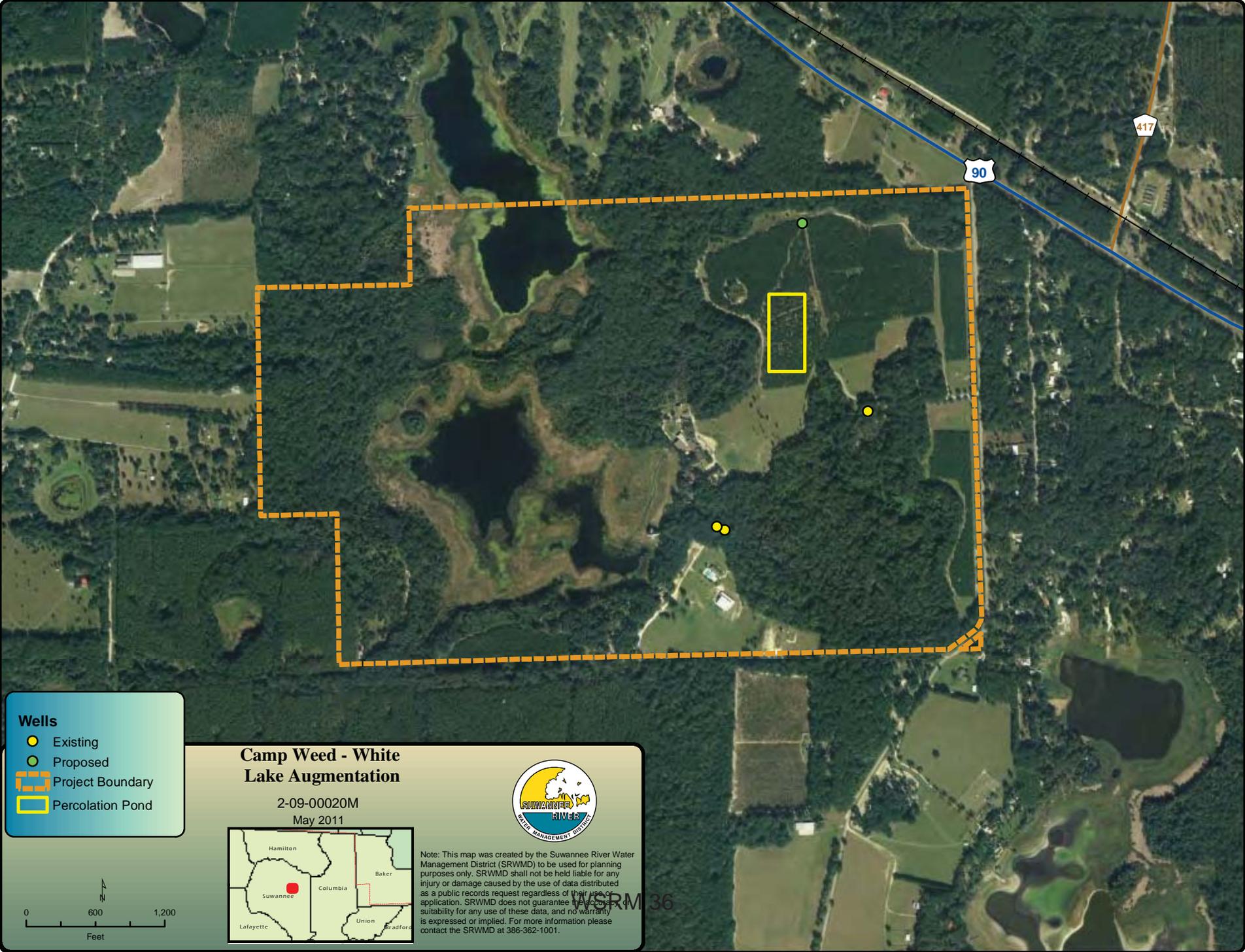
30. If the District's Governing Board enters into a Water Shortage Order, the permittee shall immediately cease groundwater use for augmentation until such time as the Governing Board lifts the restrictions.

31. Prior to the receipt of reclaimed water, the permittee shall implement a groundwater and rainfall monitoring program in cooperation with the District. The

permittee shall grant the District access to any existing production or monitor wells located on property owned or controlled by the permittee. The permittee shall also allow the District to install other atmospheric monitoring equipment on the property as necessary.

32. If the agreement with the City of Live Oak regarding reclaimed water becomes void or expires, then the augmentation quantities associated with the permit will be eliminated from the permitted quantities.

33. The permittee shall cooperate with the District in the performance of aquifer performance tests (APT) on the proposed 10" diameter augmentation well. The permittee shall operate the well at its expense during the APT. The permittee shall also provide access to all on-site production and monitoring wells for purposes of water level monitoring.



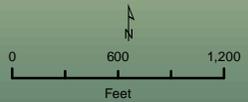
- Wells**
- Existing
 - Proposed
 - Project Boundary
 - Percolation Pond

Camp Weed - White Lake Augmentation

2-09-00020M
May 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, 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.



SRM 36

MEMORANDUM

TO: Governing Board
FROM: Carlos Herd, Senior Hydrogeologist
DATE: April 21, 2011
RE: Water Supply Program Activity Report

Water supply planning:

- The District's contractor is finalizing the minimum flow and levels recovery and prevention strategies and continues preparation of the draft Regional Water Supply Plan for the Upper Santa Fe River basin.
- St. Johns River Water Management District (SJRWMD) has indefinitely postponed completion of their Water Supply Assessment and Water Supply Plan.
- Staff continues to meet regularly with SJRWMD via conference calls to coordinate activities in the water supply planning process.
- Staff attended a Northeast Florida Utility Coordination Group meeting at the SJRWMD office in Palatka on March 16, 2011.
- Staff presented the results of the 2010 Water Supply Assessment to the agricultural community in a meeting hosted by Farm Bureau at the Lulu Community Center on March 29, 2011.
- Staff presented the results of the 2010 Water Supply Assessment to the Gilchrist County Ag Advisory Committee on April 5, 2011, in Trenton.
- Staff attended a joint groundwater modeling meeting with SJRWMD staff and consultants with the Northeast Florida Utility Coordination Group on April 7, 2011.
- RFQ 10/11-022WR, Upper Florida Aquifer Regional Recharge Concepts, was released on March 18. On April 19, qualifications were received from the following firms:
 - Reynolds, Smith and Hill
 - Environmental Consulting & Technology, Inc.
 - URS
 - CardnoENTRIX
 - Atkins
 - MWH

The selection committee meets on May 3 to determine the short-list of the most qualified firms.

Interstate coordination:

Staff attended the 2011 Georgia Water Resources Conference in Athens, Georgia on April 11 through April 13, 2011. This was a very successful networking event with Georgia Environmental Protection Division staff. Several talks focused on groundwater supply issues in Georgia and north Florida.

Minimum flows and levels (MFLs):

- The two primary firms selected for assisting staff on the lower Santa Fe River and springs MFL work are Janicki Environmental and INTERA Engineering. Staff has issued a work order for database development and unimpaired flow estimation to INTERA. The product will be a MS Access file providing consistent stage and flow data for all aspects of MFL development on this system.
- Delta Surveying continues work in the field establishing benchmarks and surveying cross-sections and transects on the lower Santa Fe and Ichetucknee Rivers.
- J. Sherman Frier & Associates has surveyed cross-sections in the Suwannee River at White Spring and surrounding river gages. Details of the spring house structure will also be surveyed. This work is in anticipation of modeling a portion of the Suwannee River downstream of the spring. The model could be used to estimate base-flow requirements in the river and the proportion of required flow contributed by the spring in the past.
- Staff is reviewing the possible methods for establishment of an MFL for White Springs and should review these with the Governing Board in a workshop setting.
- Revisions to the North Florida Groundwater Model (NFM) continue. Staff continues working on a new well file for 1995 to be supplied to the contractor.

Monticello Reuse Project:

- Reuse water continues to be pumped to Simpson's Nursery. Monticello is still making a few operational adjustments. The fence around the wet weather storage pond is scheduled to be installed along with several other miscellaneous improvements (a grate to keep trash out of the wetwell from the pond intake and a shelter over the pump control panels).

Water use regulation:

- In response to the discussion at the April 2011 Governing Board meeting about the JEA permit, staff attended a meeting with SJRWMD and JEA on April 15, 2011. Staff is preparing a framework for an interagency agreement with SJRWMD.

- District staff continued to coordinate with the Department of Environmental Protection and water management districts on reclaimed water policy.
- District staff served on the Conserve Florida Clearinghouse Steering Committee meeting on April 11.
- District staff attended a meeting at PCS Phosphate on April 13 to discuss water supply issues.
- District staff had a pre-application meeting with North Florida Holstein. A modification application has been submitted and is anticipated to be brought for approval at the June Governing Board meeting.
- District staff presented a water conservation presentation to the High Springs Women’s Club on April 7.
- District staff attended the Madison County Farm Bureau Farm Tour to southern Alabama and Jackson County, Florida.
- The following table summarizes water use permitting activities during the month of March.

March 2011	Received		Issued
Water Use Permits	11		8
Water Well Permits	133		133
Water well permits issued and received according to well use:			
Abandoned/destroyed	4	Livestock	0
Agricultural Irrigation	10	Monitor	9
Aquaculture	0	Nursery	0
Climate Control	0	Other	3
Fire Protection	0	Public Supply	3
Garden (Non Commercial)	0	Self-supplied Residential	100
Landscape Irrigation	3	Drainage or injection	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 during the budget and workplan review process.

Rule development:

Staff has been reviewing existing rules, as required by the Governor’s Executive Order 11-01. Review of these existing rules has been concurrent with other water management districts to maintain consistency, where applicable.

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

CH/dd

MEMORANDUM

TO: Governing Board
FROM: Megan Wetherington, Senior Professional Engineer
DATE: April 21, 2011
RE: Water Resource Monitoring Program Activity Report

Staff collected water chemistry samples at 20 groundwater sites; recorded levels and maintained stations at 181 wells, 21 lakes, and 19 stream stations; and reported rainfall from 39 sites to the National Weather Service.

Cell modems allowing the transmission of real-time data were installed at 7 existing surfacewater and groundwater sites. In addition, two rain gage stations were upgraded to cellular to replace unreliable phone service.

The District's new Water Data Portal, which enables internet access to water data using interactive maps, was made available on April 12.

Staff continued discussions with Division of Forestry personnel regarding use of forestry tower sites and infrastructure to transmit water level and rainfall data efficiently.

Staff met with surfacewater quality contractor to discuss strategies for analysis of historic data.

Staff attended the United States Geologic Survey National Surfacewater Conference and training in Tampa.

Staff gave presentations on hydrologic conditions to the Ichetucknee Partnership, the San Pedro Bay Landowners' Association, and the Ichetucknee Springs Working Group.

Staff monitored 162 telemetered water use monitoring devices on 47 agricultural operations.

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

MW/dd

MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, Program Leader

DATE: April 21, 2011

RE: Environmental Resource Permitting Program Activity Report

Permitting activities:

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

March 2011	Received			Issued		
Environmental Resource Permits	Noticed General	General	Individual	Noticed General	General	Individual
	16	13	2	20	4	1

Compliance and enforcement report:

Staff will transmit updated compliance and enforcement reports prior to the Board meeting.

Rule development and adoption:

The Rulemaking Schedule follows this report. Staff has reviewed existing rules, as required by the Governor's Executive Order 11-01. Review of these existing rules was concurrent with other water management districts to maintain consistency, where applicable.

Inspections and as-built certification:

In March 2011, staff inspected seven projects under construction and 22 projects for as-built compliance. The total number of projects constructed from January 2005 through March 2011 is 775. The number in compliance with certification requirements is 764, with 11 permits not in compliance.

The total number of Works of the District permits issued from January 2009 through March 2010 is 58 with 28 completed and 30 in the construction process.

Edwards Road Bottomlands Wetlands Restoration Project, Bradford County:

District staff met with BCI on January 19, 2011, to review the conceptual plans. Additional details on the control structure options have been provided by BCI for review prior to moving to preliminary plans. On March 11, 2011, District staff and BCI met with representatives from the City of Starke, FWC and Bradford County Soil Conservation Commission to discuss the conceptual design. On March 31, 2011, District staff responded to public comments. Staff is waiting for feedback from the City of Starke on the conceptual plans. Meetings are being set up with adjacent property owners to discuss the project.

Federal Emergency Management Agency (FEMA) Map Modernization:

Levy County: The official 90-day appeal period began on February 24, 2011 through May 25, 2011. Staff continues to coordinate with the county and municipalities.

Bradford County: Appeal and protest resolutions are being reviewed by FEMA staff and the expected date for the Letter of Final Determination is July 6th.

Fiscal Year 2009 projects: Detailed studies in Live Oak, Lafayette County, Dixie County, and Gilchrist County have begun though some portions will be delayed for the acquisition of light detection and ranging (LiDAR) data that will enhance the studies.

Fiscal Year 2010 projects: Preparations are being made to conduct a Discovery meeting for the Lower Suwannee River Basin. LiDAR acquisition has been contracted and is underway.

Lake Sampson Water Control Structure:

Pending Governing Board approval, staff will initiate operations and maintenance of the control structure and relieve Bradford County of its responsibilities. Staff will then design and build a non-operable structure following approval of the fiscal year 2012 budget.

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. Due to initial set up problems, low water flow conditions in the Santa Fe River and power

outages, the contract was extended to June 1, 2011. Hydromentia completed Task HMI-6 / ATS Pilot Operation for Weeks #40 thru #52.

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

Upcoming Rulemaking

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	2/10/11
Mail to DOS	2/18/11
Effective Date	3/14/11

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	3/15/11
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	3/15/11
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	3/15/11
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	3/15/11
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: April 21, 2011

RE: Suwannee River Partnership Program Activity Report

Staff met with the Partnership Agriculture Water Conservation working group to begin evaluating focus areas and develop recommendations related to water supply issues.

Staff met with University of Florida - Institute of Food and Agricultural Sciences (UF-IFAS) Extension staff to discuss ways to enhance education outreach programs related to water quality and water supply.

Staff assisted with resolving irrigation and other agriculture related complaints.

Staff met with the UF-IFAS Public Issue Education Center to discuss ways to assist with water supply issues.

Staff helped coordinate the watermelon farmer field day.

Staff continued to work with USDA-NRCS on a Conservation Innovation Grant to help develop an advanced irrigation scheduling package for farmers.

Staff continued planning for this year's CARES dinner that will be held on June 30th at the UF-IFAS Research Center in Live Oak.

Staff continued to work with the Suwannee and Levy Soil and Water Conservation Districts to assist farmers with the Best Management Practices (BMP) crop tool cost share program.

Staff visited farmers to assist 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 May Governing Board meeting if you would like further information.

DS/dd