

Suwannee River Water Management District

Governing Board Materials

Supplemental

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

Assistant Executive Director

Executive Director

MEMORANDUM

TO: Governing Board

FROM: Jon Dinges, Department Director

DATE: May 11, 2011

RE: Authorization to Enter Into an Interagency Agreement for
Coordination of Consumptive Use Permitting and Regional Water
Supply Planning

RECOMMENDATION

Staff recommends the Governing Board authorize the Executive Director to enter into an interagency agreement with St. Johns River Water Management District (SJRWMD) and the Florida Department of Environmental Protection (FDEP) formalizing the coordination of consumptive use permitting and regional water supply planning within the geographic areas of mutual concern that affects all parties.

BACKGROUND

Suwannee River Water Management District (SRWMD) and SJRWMD each conduct consumptive use permitting under Part II, and regional water supply planning under Part VII of Chapter 373, F.S., within their respective districts. SJRWMD and SRWMD have been making strides in implementing various efforts to coordinate these programs. Increasing concern about resource constraints, including protection of minimum flows and levels in each district, point to the need for increased coordination.

SRWMD and SJRWMD staff recommend that current coordination efforts between the two districts in regional water supply planning and consumptive use permitting be formalized and further developed under an interagency agreement, as the SJRWMD has done previously in memorandum of understanding with the

South and Southwest Florida Water Management districts. Further, SRWMD staff recommends that FDEP be a party to the interagency agreement, which is agreeable to all parties.

SJRWMD and SRWMD staff are completing a set of mutually agreeable components for the interagency agreement that are included in the attachment to this memorandum.

CDH/dd

Northeast Florida Water Supply Coordination Interagency Agreement (Agreement) Outline

Purpose: Coordinate regulation of water use under part II of chapter 373, F.S., and water supply planning under part VII of chapter 373, F.S., to ensure the sustainability of water supplies from the Floridan aquifer system and the protection of natural systems in Northeast Florida. The need for coordination results from identification of existing and predicted impacts during the water supply planning process, which indicates that we cannot continue to solely rely upon the Floridan aquifer system to meet all current and future water use needs in all areas of this region.

Parties: St. Johns River Water Management District (SJRWMD), Suwannee River Water Management District (SRWMD), and Florida Department of Environmental Protection (FDEP).

Roles of each party: Staff from both districts and FDEP (collectively referred to as “the parties”) will closely coordinate on technical and policy matters identified by any of the parties through regular meetings and will timely provide input to one another prior regarding decisions being made. FDEP will assist by ensuring that the districts’ activities remain consistent with chapters 373 and 403, F.S., and Chapter 62-40, F.A.C., and by providing guidance and direction for resolving conflicts and achieving the purpose of the Agreement. The parties should use “lessons learned” from the multi-district water supply coordination process in Central Florida to develop the most effective and efficient coordination processes and tools. A facilitator may be jointly selected to assist the parties in the implementation of the Agreement. If implementation of the Agreement results in costs (consulting services, etc.), the parties may negotiate a cost-sharing arrangement, as appropriate.

Geographic area: Within the counties of Alachua, Baker, Bradford, Clay, Columbia, Duval, Gilchrist, Hamilton, Nassau, Putnam, St. Johns, Suwannee, and Union.

Components:

The parties will develop an agreement by June 30, 2011, which shall include the following concepts:

General

- State that time is of the essence in implementing the agreement and solutions
- Consolidate the technical information developed by both districts to identify specific geographic areas of concern within the larger geographic area covered by the agreement

- Evaluate whether jointly funding a study of trends (and their drivers) in the Upper Floridan aquifer system, specifically relating to the groundwater divide migration and regional lowering of the potentiometric surface, by the National Research Council's Water Science and Technology Board is needed and appropriate
- Establish a joint strategy to prioritize water conservation as the preferred means of reducing demand for potable water, groundwater withdrawals, and the need for more expensive alternative water supply (AWS) projects

Consumptive Use Permitting

- Require each district to notify the other when a water use permit application is received for a use proposed to exceed a certain pre-established threshold within the geographic area
- Coordinate review of those applications that may result in impacts in both districts, including technical input and joint interpretation and application of key permitting criteria
- Compare the districts' existing conditions for issuance for consistency and, if necessary, establish consistent conditions for issuance appropriate for specific areas of concern identified
- Agree to use, in the permit application review process, flow constraints developed using the best data and analysis available
- Establish a cooperative process to review and analyze permit compliance data, and to prevent or mitigate existing or predicted impacts
- Continue cooperative efforts to develop a regional groundwater flow model to be used by both districts, which will be capable of evaluating cumulative impacts from consumptive uses in either district, including those withdrawals and impacts which cross district boundaries
- Establish a cooperative process to review and analyze resource monitoring data and to determine any needed actions
- Consider entering into or modifying existing delegation agreements for water utilities with withdrawals in both districts
- Establish mutually agreed upon tolerance limits for surfacewater and groundwater models

- Agree to use the technical information on which the other district based its minimum flows and levels (MFLs) during the permit application and compliance review processes when impacts are occurring or may occur across district boundaries

Regional Water Supply Planning

- Develop and implement a coordinated regional water supply planning process with mutually agreed upon goals and timeframes
- Jointly review existing regional groundwater monitoring networks and develop recommendations for needed refinements
- Jointly develop and implement consistent and reliable methods and tools, including groundwater and surfacewater flow models and statistical data analysis from regional monitoring networks, to predict and identify cumulative impacts, including those which cross district boundaries (this shall not prevent the districts from using the best available tools and information in jointly conducting interim permitting and planning activities)
- Agree to consider flow constraints developed with the best data and analysis available
- Jointly develop and implement MFL prevention and recovery strategies when withdrawals in one district contribute to impacts to water resources in the other district
- Establish a cooperative process to assist water users in the region, including public/private partnerships, in planning and implementing AWS projects
- Jointly engage with the Florida Department of Agriculture and Consumer Services and other affected stakeholders in the coordinated regional water supply planning process, as appropriate

Water Shortage

- Establish a cooperative process to develop and implement short-term restrictions when needed to protect the water resources within the specific areas of concern

MEMORANDUM

TO: Governing Board

FROM: Jon Dinges, Department Director

DATE: May 11, 2011

RE: Florida Water Reuse Week Proclamation

RECOMMENDATION

Staff recommends the Governing Board declare the 3rd week in May 2011 as Water Reuse Week.

BACKGROUND

Florida Water Reuse Week provides the citizens of Florida with an awareness of the importance of Water Reuse—the utilization of highly treated wastewater effluent for beneficial purposes—to the sustainability of Florida’s water supply and ecosystem. Water Reuse Week was first celebrated in Florida in 2007, the year after Florida Department of Environmental Protection’s (FDEP) Reuse Program was recognized by the United States Environmental Protection Agency (EPA) as a Leader in Water Efficiency. The Board of Trustees of WaterReuse Florida, in partnership with Water Environment Federation and FDEP, supported Florida’s Governor for the last two years in celebrating Florida Water Reuse Week during one week in May.

This designation provides an opportunity to increase public awareness about the importance of water reuse and its potential as an alternative water supply. It also encourages citizens to conserve and protect our state and local water resources now and in the future.

Therefore, staff recommends the Governing Board adopt the following proclamation, designating May 15-21, 2011, as Water Reuse Week.

Proclamation

Suwannee River Water Management District
Live Oak, Florida

WHEREAS, safe, clean, and sustainable water resources are essential to North Florida's environment, economy, citizens and visitors; and

WHEREAS, although Florida's water supplies are finite, the state's population and need for water resources continues to increase; and

WHEREAS, water reuse provides a means for conserving and augmenting Florida's precious water resources and is key to the State's sustainable water future; and

WHEREAS, Florida has established the encouragement and promotion of water reuse as state objectives in Chapters 373 and 403, Florida Statutes, and

WHEREAS, Florida has risen to be the national leader in water reuse, reusing 243 billion gallons of reclaimed water in 2009 to conserve freshwater supplies and replenish our rivers, streams, lakes, and aquifers; and

WHEREAS, Florida's permitted reuse capacity in 2009 exceeded 1.5 billion gallons per day (over 62 percent of Florida's total permitted capacity) for all domestic wastewater treatment facilities; and

WHEREAS, the State of Florida has declared the 3rd week of May to be Water Reuse Week in Florida; and

WHEREAS, Suwannee River Water Management District has joined with the State of Florida, and the Florida Department of Environmental Protection in encouraging and promoting water reuse and conservation; and

NOW, THEREFORE, be it resolved that the Governing Board of the Suwannee River Water Management District hereby proclaims the 3rd week of May as Water Reuse Week.

Water Reuse Week

PASSED AND ADOPTED this 19th day of May, A.D., 2011.

ATTEST:

SUWANNEE RIVER WATER
MANAGEMENT DISTRICT

By: _____

(Printed) _____

Title: _____

Date: _____

Compliance

updated 5/11/2011 11:25:58 AM

<i>CE #</i>	<i>County</i>	<i>Discovery Date</i>	<i>Date Action Required</i>	<i>Violation Summary</i>	<i>Respondent</i>	<i>Comments</i>	<i>Staff</i>
CE09-0027	LEVY	3/1/2009	6/8/2011	Unpermitted development.	Marvin Franks - Cedars Airfield, Inc.	14 days to contact District. Spoke with Mr. Franks on 3/10/09. Site visit 3/19/09. Mills Engineering hired and will submit application and plans by 12/31/09. Received ERP application 12/18/09. As of 5/12/10, we have not received any additional information as requested. RAI letter sent 8/16/10. Received additional information on 9/22/10 and 10/11/10. RAI sent 11/22/10. Partial RAI response received 12/20/10. No response to comments concerning the Conservation Easement. RAI sent 1/19/11. Revised Conservation Easement received on 1/20/11 which has been approved by legal. Received Conservation Easement on 4/11/11. 5/9/11; RAI sent requesting Easement legal description.	Webster, Patrick
CE06-0058	LEVY	8/2/2006	6/2/2011	Unpermitted construction.	Douglas McKoy	Tabled at April 2010 Board (Denial) for one month. Received emails from applicant. Permit denial was pulled from the Governing Board agenda. Spoke with engineer 8/2/10; has received information from Mr. McCoy. Plans and calculations should be submitted by 9/1/10. Sent email 9/13/10; requesting submittal date. Spoke with engineer. RAI materials to be sent to District by 10/18/10. 11/1/10; engineer stated that the response submittal was in the mail. RAI response received 1/3/11. RAI sent 1/25/11. Response due 4/24/11. Received a 30 day request for an extension on 4/21/11. Extension granted until 6/2/11.	Webster, Patrick
CE10-0016	JEFFERSON	2/9/2010	3/21/2011	Unpermitted construction.	Judy Miller	Compliance Agreement mailed 11/29/10. Received signed agreement 12/6/10. Returned executed agreement to Ms. Miller 12/9/10. Compliance Agreement executed on 12/9/10, requires fees for a settlement penalty and staff costs to be paid no later than 12/19/10. Ms. Miller informed District staff during a 03/14/11 telephone discussion that she would re-purchase money order to pay penalties and staff costs, as the original purchased on 12.02/10 never cleared or received by the District. RAI sent 1/14/11. Staff to monitor Compliance Agreement stipulations. Consultant has requested an extension until 3/21/11. Extension request granted. 3/21/11; received fee & penalty check for \$2,305.65 and RAI material. Permit issued 4/8/11. Staff to monitor Compliance Agreement stipulations.	Mantini, Louis

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CE10-0026	COLUMBIA	4/20/2010	2/10/2011	Unpermitted construction.	Sam Oosterhoudt-Lake City Developers, LLC.	SWO had delivered 4/20/10. NOV sent 4/26/10. 14 days to contact District. File sent to legal 5/21/10. Call from Mr. Oosterhoudt on 5/26/10. Engineer has been hired and no other work to be done until permit is modified. Informed legal to hold enforcement. Email to legal, no contact from owner since 5/26/10 phone call. Received ERP application 7/26/10. Sent RAI 8/11/10. 18 day letter sent 11/15/10. Meeting scheduled with applicant. Extension letter sent 1/11/11. Staff met with applicant on 2/4/11. 2/25/11; Compliance Agreement sent to Mr. Oosterhoudt for signature. Executed Compliance Agreement sent to Mr. Oosterhoudt 3/14/11. Awaiting monthly payments beginning 3/31/11 and ending 5/31/11. As of 4/4/11, no payment received. May 2011 Board for initiation of legal action.	Marshall, Leroy
CE10-0036	COLUMBIA	7/29/2010	5/17/2011	Failure to maintain surfacewater management system.	Michelle O'Brien - Lake City Home Depot	14 days to contact District. District staff met on-site on 08/30/10. A follow-up correspondence was sent on 09/14/10 to address the repair of the berm and weir. District met on-site on 10/27/10 with contractors and engineering consultant. The original hydrologic study was sent to the engineering consultant on 10/28/10 with aerial imagery. E-mail sent to on 11/12/10, requesting the status of the Home Depot's actions and informing that the District would formulate a compliance agreement to resolve issue. Site review conducted on 2/21/11. No change in site. 18 day letter sent 2/7/11. Received compliance schedule 2/17/11, and remediation is proposed to be completed by 05/06/11. Meeting conducted on 3/9/11 and telephone conference on 3/14/11 with the Home Depot's engineering consultant. It was determined from current (as-built) survey of the site that remedial efforts will require more planning, staff will determine status of engineering design on 03/31/11 and determine best strategy for modification of the current compliance deadline of 5/6/11. On 4/4/11, staff received grading plan and ICPR report. Staff reviewing reports submitted. On 04/21/11, staff requested the status of the Home Depot's 05/17/11 compliance deadline. Remedial action in progress during site inspection conducted on 5/5/11. Site inspection planned for 05/11/11, and staff expects job to be completed at this time.	Mantini, Louis
CE10-0046	LEVY	9/23/2010	10/11/2010	Unpermitted road construction.	Donny Crews / Levy County Road Department	14 days to schedule meeting with District. Conducted a meeting with County, Mr. McNulty, and Lee Mills, P.E., on 10/12/10. Please refer to CE10-0045 (McNulty) for updates regarding this enforcement file.	Mantini, Louis

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CE08-0022	SUWANNEE	3/3/2008	9/13/2010	Construction without a permit.	Donald Edwards	90 days to submit application package & pay penalties. Sent letter 6/6/08; 18 days to submit application package and pay \$8,000 penalty. Sent letter 7/2/08; 90 days to submit application & pay penalty. Extension request received and extended 10/1/08. Information to be submitted on or before 10/20/08. Received ERP application 10/20/08. RAI sent 11/6/08. Extension granted 2/18/09. Extension granted until 12/20/09. 3/15/10; applicant requests withdrawal of application. File to legal. Sent letter 7/13/10; fine of \$8,000 reinstated and permits conditions must be met by 9/13/10. As of 12/21/10, no fines or fees have been submitted. 4/18/11: onsite meeting. Discussed resolution to violation. May 2011 Board for initiation of legal action.	Marshall, Leroy
CE08-0072	COLUMBIA	12/16/2008	1/6/2011	Dredging and filling of a pond.	Larry R. and Eva Joyce Sigers	Mailed Consent Agreements to Siger on 10/19/10. As of 11/22/10, no response. Sent letter 12/16/10; 30 days to sign Consent Agreements. March 2011 Board for execution of Consent Agreement and Final Order. Staff to monitor Consent Agreement conditions.	Spencer, William
CE10-0058	DIXIE	10/26/2010	6/3/2011	Unpermitted structure in floodway.	Paul Weber	14 days to contact District. Site visit 12/6/10; discussed application process. Letter sent 1/10/11; 30 days to submit WOD application. Received WOD application 1/12/11. Mailed RAI 1/18/11. Received partial response 3/14/11. 4/18/11; sent second RAI. 45 days to respond RAI. Mr. Weber called 5/2/11 and stated that he is working on the zero rise.	Robinson, Vince
CE10-0060	HAMILTON	12/14/2010	7/10/2011	Unpermitted construction.	Karamchand Doobay - Florida Gateway Resort	SWO & NOV sent 12/16/10. Owner contacted District 12/21/10. They will cease work and respond to RAI. Site visit 1/19/11; not additional work reported. Staff was contacted 2/14/11 by new project owner/management. Site visit 2/16/11. Short term compliance issues as well as how to approach the permitting for the expanded scope of work were discussed. Compliance efforts are temporarily on hold until new engineer works out all details. Staff to contact respondent 4/13/11 for update. Discussed this project and the county entrance road with the paving contractor on 4/13/11. Excerpts from file(s) transmitted to paving contractor. 4/13/11; reminder letter sent to applicant.	Hastings, John

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CE11-0001	GILCHRIST	1/13/2011	5/31/2011	Unpermitted water use.	Rodney O. Tompkins Trustee - Misty Farms	20 days to submit water use application. NOV returned unclaimed. Second NOV sent 2/11/11 to be served by Alachua & Gilchrist County Sheriff Offices. WU application due 3/2/11. Ms. Tompkins called on 2/18/11. The application process was explained. Ms. Tompkins explained they would be out of town for a week, however when they arrived back they would contact the District to set up a site visit. Received receipt from Alachua County Sherriff's Office; date served was 2/24/11. Received receipt from Gilchrist County Sherriff's Office 3/3/2011, papers were served on 2/16/2011. Ms. Tompkins called on 3/15/2011 with further questions about 40B-2 FAC. Ms. Tompkins also requested a copy of the District's Enforcement policy. Staff faxed the Enforcement policy on 3/15/2011. Ms. Tompkins called on 4/5/2011 with additional questions about the application and our enforcement policy. Ms. Tompkins stated she was working on the application. Ms. Tompkins left a message with District staff on 4/26/11. District staff has left several messages trying to contact Ms. Tompkins. Staff spoke with Ms. Tompkins on 5/3/11 regarding the District's penalty matrix. Staff spoke with Ms. Tompkins on 5/11/11 regarding the application process. 5/12/11; letter sent. WUP application due 5/31/11.	Wright, Kevin
CE10-0042	UNION	10/10/2010	6/11/2011	Unpermitted construction.	John Rimes, III - New River Forest Villas	Initial NOV sent on September 20, 2010. Jeff Rimes responded on 10/04/10 and it stated the property (New River Forest Villas) is under the control of the City of Worthington Springs; but the Union County Property Appraiser's website indicated it was under control of John Rimes, Jr. Resent NOV 10/12/10 with correct Respondent. John Rimes, Jr., called on 10/18/10. District received information from Jeff Rimes on 11/02/10, indicating that Worthington Springs Town resolutions 2008-1 and 2006-01 accepted the dedication of the street around Worthington Springs Municipal Airport, and established the municipal airport, respectively. Meeting 2/4/11 at District. Mr. Rimes requested letter stating what is required by property owner and promised to hire an engineering consultant to meet requirements. Letter sent 2/7/11, with information requested. John Rimes, III sent property records on 2/25/11. Additional ownership information received 3/2/11. Received sketch from Scott Britt on 04/04/11. Letter sent 5/11/11; 30 days submit compliance deadline.	Mantini, Louis

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CE11-0005	BRADFORD	2/24/2011	5/31/2011	Unpermitted dredge & fill in wetlands.	Jacob Hake	20 days to contact District. Mr. Hake contacted the District on 2/26/11 and a site visit conducted on 3/11/11 with staff. A Compliance Agreement will be drafted to insure removal of vegetative and earthen debris from (AE) flood zone following an approximate delineation of this zone by staff using best available (GIS) data on 03/17/11. Compliance Agreement hand-delivered to Mr. Hake 4/1/11. Meeting 4/8/11 with staff to discuss Compliance Agreement. Mr. Hake was advised not to follow-through with his compliance agreement until he has formulated a site plan for activities he wishes to conduct on his property. He is discussing proposals with prospective engineering consultants. Staff will follow-up by 05/31/11.	Mantini, Louis
CE11-0006	GILCHRIST	1/12/2011	3/17/2011	Unpermitted dredge & fill in wetlands.	Donald Barselou	20 days to contact District. Mr. Barselou contacted the District within the 20-day deadline, and a site visit was conducted with staff on 3/21/11. Compliance Agreement mailed 3/29/11 for signatures. Staff to meet on-site with Mr. Barselou and his consultants on 04/26/11. 5/2/11; received signed Compliance Agreements & penalty (\$1,716.93).	Mantini, Louis
CE10-0043	ALACHUA	2/4/2010	5/20/2011	No as-builts.	Edwin Dix - 441 Mini Warehouses	File to legal 10/20/10. Received as-builts on 10/22/10. District notified legal to hold enforcement until they hear from District. Inspected project on 10/26/10 and found it not constructed as shown in as-builts. 10/28/10; Eng, Denman & Associates (EDA) responded that owner would install items by 11/30/10. Project will be in compliance by 12/15/10. Site visit on 12/17/10, project has not been completed. Email sent 12/23/10 for update. As of 1/21/11, no response received. Sent e-mail asking for update by 2/17/11 or the file will be sent to legal. 2/28/11; NOV to be served by Alachua County Sheriff Office (ACSO). Received e-mail from Mr. Dix on 02/28/11; gutters will be installed on or before 3/14/11. Will hold service of NOV until 3/14/11. 03/14/11; no response. 3/15/11; called for progress report, left message. 3/22/11; NOV delivered to ACSO for service. 4/6/11; received phone call from Mr. Dix. Contractor experienced delay in obtaining materials. Estimates project completion by 04/29/11. Field inspection 05/03/11. No progress on required revisions. 05/06/11; received e-mail from Mr. Dix, work will begin on Monday 05/09/11. Staff to inspect by 5/20/11.	Bowden, Jerry

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CE11-0007	GILCHRIST	2/9/2011	7/14/2011	Unpermitted structure in floodway.	Richard & Rebecca Tenaglia	20 days to contact District. Received WOD application 3/2/11. 3/30/11: sent RAI. District staff met with Mr. Tenaglia on 4/8/11 to discuss draft compliance agreement (CA).CA mailed for signature 4/13/11. RAI mailed 4/15/11. CA returned unclaimed 5/2/11. 5/2/11; remailed regular mail per Respondent's request.	Robinson, Vince
CE11-0008	BRADFORD	6/23/2009	4/15/2011	No as-builts and no maintenance and repair of SW system.	Jeff Oody - Capital City Bank	20 days to contact District. 03/16/11; received phone call from Mr. Oody said he would contact the engineer to discuss as-built drawings and the problems with the retention pond. Informed him that the 20 day clock still applied. He needs to submit the a proposal and the adjusted as-builts. On-site meeting 3/23/11. Meeting with Jeff Oody, Jerome Kelley, Pat Webster and Jerry Bowden. Mr. Oody presented documentation stating that the flooding complaint against the bank has been dropped. Mr. Kelley provided updated documents resolving the as built concerns. In addition, the bank will have Mr. Kelley evaluate the surfacewater management pond problems and recommend corrective action. Proposal to be submitted to the District by 4/15/11. 04/21/11; telephone call to Mr. Oody. He related that he thought Mr. Kelley had submitted information to the District, but would check and confirm. If nothing is received by 4/25/11, staff will contact engineer and Respondent.05/02/11 E-mail sent from Patrick Webster to Jerome Kelley requesting update. 05/02/11, response e-mail from Jerome Kelley relating that bank area is being surveyed. After engineers receive and evaluate survey results they will make a remommendation to the District and Bank. No time frame stated for this action. If no correction proposal and timing is submitted by 05/20/11, staff will contact bank manager.	Bowden, Jerry
CE11-0009	UNION	3/4/2011	4/7/2011	Unpermitted well abandonmnet & not constructed according to permitted plans.	Brian Crawford - Dollar General Raiford	20 days to contact District. Contacted District 4/6/11. Working on resolution. 5/11/11; Compliance Agreement mailed.	Link, James

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CE11-0010	GILCHRIST	3/17/2011	6/21/2011	Unpermitted development.	Richard Roberts	20 days to contact District. 3/22/11: Compliance Agreement being prepared & RAI sent. Mr. Roberts contacted the District on 3/22/11. Compliance Agreement received by Mr. Roberts on 3/21/11. 4/5/11; meeting at District. Executed the compliance agreement and paid penalty. 4/11/11; mailed executed Compliance Agreement. Conducted site inspection on 4/15/11, fill was removed and regraded but large mounds of cleared vegetation must still be removed from the floodway. RAI responses received on 4/21/11. Permit issued 4/28/11. Owner has a burn permit to burn vegetative piles.	Webster, Patrick
CE11-0011	LEVY	3/15/2011	6/3/2011	Unpermitted construction.	Kenneth & Anita Roesch-Treasure Camp	20 days to contact District. Contacted the District on 3/23/11. Staff conducted field review on 3/25/11 with owner. District sent email to owner requesting a meeting to discuss preliminary compliance agreement on 3/31/11. Staff met with Roesch's on 4/8/11. 4/18/11; sent letter requesting information to resolve violation. 4/25/11; received letter modification request and affidavit. Waiting on final revised survey due by 6/3/11.	Webster, Patrick
CE10-0055	DIXIE	11/10/2010	4/3/2011	Unpermitted ditch construction.	Glenn O'Steen - Bascom Gulf, LLC	14 days to contact District. Received a response on 11/29/10. Meeting 12/7/10 to discuss resolution. Staff and Mr. Osteen agreed upon a plan to install ditch blocks to resolve the excessive ditching. Concerned party updated of the resolution plan. Staff has scheduled to meet on 2/22/11 to discuss check-dam installation. During the 2/22/11 meeting, a suitable location for check-dam installation was identified in the field. The check-dam construction contractor requested that the site drain adequately, so equipment may be mobilized at this location. District staff contacted The Campbell Group will mobilize the week of 4/25-4/29/11, and staff inspected on 04/28/11. One check-dam was installed per our discussions.	Mantini, Louis
CE10-0059	UNION	11/29/2010		Unpermitted construction.	Ms. Pat Harrell - City of Worthington Springs	Staff scheduling meeting with City in January 2011. This is related to CE10-0042, John Rimes, Jr., New River Villas.	
CE11-0012	MADISON	3/24/2011	4/24/2011	No as-builts.	Bill McCans - Sonic Foods Madison	30 days to submit as-builts. Letter sent to Mr. McCans requesting updated status. The business is closed. 04/25/11; No response to NOV. 5/02/11; phone call, left message to return call. Second call on 05/04/11. Third call on 05/06/11. No response as of 05/09/11. Staff to prepare for June 2011 Board for initiation of litigation.	Bowden, Jerry

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CE11-0015	BRADFORD	4/13/2011	5/22/2011	Unpermitted construction & clearing.	John Curles - Handi House of Starke, Inc.	20 days to contact District. Scheduled conducted a site review with owner on 4/20/11. Staff sent out summary email to resolve NOV on 4/22/11. Staff to follow up on status.	Webster, Patrick
CE11-0017	SUWANNEE	5/2/2011	6/9/2011	Unpermitted activities in wetlands.	Dennis Music - Live Oak Tractor Supply	30 days to pay penalty.	Mantini, Louis
CE11-0016	LAFAYETTE	3/23/2011	5/22/2011	Unpermitted structure in floodway.	Shaun Freeman	20 days to contact District. 5/3/11; met Mr. Freeman to discuss his violation. WOD application to be submitted.	Robinson, Vince

MEMORANDUM

TO: Governing Board

FROM: Jon Dinges, Director, Water Supply & Resource Management

THRU: David Still, Executive Director

DATE: May 9, 2011

RE: Enforcement Status & Litigation Report

ADMINISTRATIVE MATTERS WITHIN THE DISTRICT

Justin M. Fitzhugh/Movie Gallery (CE05-0046) – Columbia County

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.

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 May 8, 2011, no payments have been received.

Staff proposes to request Governing Board approval at the May 2011 Governing Board meeting for initiation of litigation to enforce the terms of the compliance agreement.

Derrick Freeman (CE08-0043) – Suwannee County

This file was sent to counsel on August 9, 2010. Counsel has attempted to notify Mr. Freeman repeatedly of the violation. Counsel has discovered that Mr. Freeman has been unavoidably detained in South Florida due to health issues.

Counsel has not received a response from Mr. Freeman, but has been informed by Express Legal Support Services that Mr. Freeman is still located in South Florida due to health concerns. Staff is working with counsel to determine alternate legal party on behalf of Mr. Freeman. **No action since last report.**

Richard Oldham (CE01-0024) – Bradford County

A Notice of Violation was sent to Mr. Oldham on April 13, 2010, for an unpermitted pond and deposition of spoil material in a flood hazard area. After numerous attempts to correct this violation, the file was sent to counsel. Counsel notified Mr. Oldham twice (letters dated August 9, 2010, and November 4, 2010 – this letter being hand delivered) regarding the action needed to remedy the situation.

Staff met with Mr. Oldham on-site on December 6, 2010, to again explain the steps necessary to resolve the violation. As of March 16, 2011, Mr. Oldham has not responded to Counsel or staff regarding his intention to comply.

In order to resolve this enforcement action, either the site needs to be restored to pre-existing conditions or the pond must be permitted and the spoil material removed from the flood-hazard area.

Mr. Oldham has recently commenced corrective work. **Staff is negotiating possible settlement terms with Mr. Oldham and he has been given until June 2, 2011, to execute a Compliance Agreement to resolve the outstanding violations.**

Johnny Dudley/Windsor Court (CE10-0039) – Columbia County

This file was sent to counsel on October 20, 2010, after numerous attempts to contact Mr. Dudley were unsuccessful. The violation consists of failure to maintain a surface water management system in accordance with permitted plans (large erosion scar on the inflow swale that discharges into the stormwater pond as well as large volumes of sediment in the basin).

A Compliance Agreement was executed on March 29, 2011, by Johnny Dudley, which requires Mr. Dudley to perform all work necessary to bring the surface water management system into proper functioning condition and into compliance with ERP98-0036 within forty-five (45) days from rendition of the Compliance Agreement and requires payment of a penalty, attorneys fees and staff costs within ten (10) days from rendition of the Compliance Agreement. Payment of penalty, attorneys fees, and staff costs received by the District on April 1, 2011. Staff will monitor the compliance agreement.

Mr. Dudley has complied with all stipulations of the compliance agreement. This matter has been closed.

Scott McNulty (CE10-0045) - Levy County

This file was sent to counsel on March 7, 2011. On July 14, 2010, the District discovered that unpermitted excavation and road construction had occurred in the Cedar Key Heights Subdivision, within portions of SW 126th Terrace and SW 127th Court and may have occurred in jurisdictional wetlands within the SW 77th Place rights-of-way. A violation letter was sent to Mr. McNulty via certified mail, which requires a

response from him on or before April 10, 2011. Received letter April 8, 2011, from Respondent's counsel indicating that Mr. McNulty is not in violation of the District permitting process and does not intend to pay any fees or fines.

Staff proposes to request Governing Board approval at the May 2011 meeting to retain counsel to initiate litigation to resolve this matter through restoration of the property or permitting.

CIRCUIT COURT MATTERS

Suwannee River Water Management District v. El Rancho No Tengo, Inc.

This enforcement matter has been ongoing since 2006. After multiple court hearings, and in accordance with Court rulings, a Notice of Sheriff's Sale was sent to the parties by certified mail. The sale date is May 3, 2011. Counsel is coordinating with staff regarding the District's presence at the sale.

The Sheriff's sale of Defendant's real property pursuant to two writs of execution occurred on May 3, 2011. An oral report will be presented to the Governing Board at the May 2011 meeting.

Linda Fennell/Stephen Buckles (CE06-0107) – Lafayette County

This enforcement action has been ongoing since 2007. After many attempts to resolve the violation (construction of a building, dock and walkway within the 75' setback and floodway of the Suwannee River without a permit), staff referred this matter to counsel.

At this time, the parties have been unable to agree upon a date for the mediation, but are currently planning a mediation to be conducted in early to mid-April. It is currently believed by the parties that a settlement of this case is possible; therefore, in an effort to save legal fees and costs, the trial in this matter has been continued until May 16-17, 2011, to give the parties an opportunity to mediate the issues.

On April 15, 2011, Counsel and Ms. Fennell's attorney participated in an informal settlement meeting. Ms. Fennell's attorney is scheduled to meet with Ms. Fennell on May 5, 2011, to present her with possible settlement terms and will relay the decision to counsel.

Charlie Hicks, Jr. (CE07-0087) — Madison County

This enforcement case has been ongoing since 2008. The violation consists of construction of a structure in the floodway, without obtaining a Works of the District permit. The case has been before this court several times.

On March 1, 2011, the Court granted the District's Motion for Appointment of the Madison County Sheriff or Other Neutral Party to Perform the Acts Required by the Court's June 8, 2010, Order. The Sheriff of Madison County is unable to accept appointment to perform the acts required the Court's June 8, 2010, Order due to a lack of finances, resources, equipment and personnel. Therefore, a neutral third party will

be appointed by the Court to carry out the terms of the Court's Order. **No action since last report.**

Steven Midyette (CE07-0065) – Gilchrist County

The is an ongoing enforcement case which involved clearing of wetland vegetation within a riverine wetland slough without a permit, filling in wetlands and constructing a boat ramp within a riverine wetland slough without a permit. Mr. Midyette eventually signed a Consent Agreement and Order on March 29, 2010. The Governing Board adopted Final Order 10-0010 on July 13, 2010, adopting the Consent Agreement.

Mr. Midyette failed to timely obtain a permit for his floating dock and submit a restoration plan as required by the Final Order.

A Complaint was filed with the Circuit Court of Gilchrist County and it was served on Mr. Midyette on March 30, 2011. We are awaiting his Answer to the Complaint, which is due on April 19, 2011.

The Defendant filed his answer on April 14, 2011, denying that he has breached the Consent Agreement. The Court on its own scheduled a status conference for May 24, 2011. District counsel will initiate discovery to prosecute the case.

Paul Moody (CE10-0009) - Bradford County

Staff referred this matter to Counsel on February 18, 2010. Counsel was unsuccessful in negotiations with Mr. Moody in an attempt to resolve this matter. This violation was unpermitted construction of a water well by an unlicensed contractor. A complaint has been filed with the Clerk of Circuit Court of Bradford County.

A Process Server located and served Mr. Moody with the Complaint on March 2, 2011. As of March 29, 2011, Mr. Moody has not filed an answer to the Complaint. Counsel will file a Motion for Default in this matter on or before April 6, 2011.

A Motion for Default was filed and an Order of Default entered in this case. Counsel will file a Motion for Final Judgment on Liability with the Circuit Court on or before May 12, 2011.

Bill McCans/Starke Sonic Drive-In (CE08-0037) – Bradford County

Staff referred this matter to Counsel on July 1, 2010. The violation consists of failure to fix a non-functioning surface water management system that poses off-site impacts to the water resources and it is a public safety concern. Also, Mr. McCans has failed to submit as-built certification forms. After numerous attempts to resolve this matter, a complaint was filed in the Circuit Court of Bradford County. Sonic Restaurants, Inc. was served on February 24, 2011, and Mr. McCans was served on February 22, 2011. An Answer to the Complaint was served by Mr. McCans on March 25, 2011. Sonic Restaurants, Inc. was served on February 24, 2011, and a Motion to Dismiss was served by Sonic on March 25, 2011. However, Mr. McCans has employed the services of an engineering firm to either bring the pond into proper functioning condition under

the terms of the original permit, or submit plans for a permit modification if necessary to bring the pond into proper functioning condition. By April 17, 2011, District counsel to contact Mr. McCans Counsel to discuss settlement agreement.

Counsel discussed settlement options with Mr. McCans' counsel and the parties are currently drafting a settlement agreement to be presented to the Court for adoption.

Jeff Hill/Smithfield Estates, Phase I and Haight-Ashbury Subdivision

Haight-Ashbury Subdivision:

This enforcement activity has been ongoing for several years. At the most recent hearing (January 31, 2011), the Court granted the motion for summary judgment in this case. The judge's order requires Mr. Hill to comply with the corrective actions specified in the District's final order, imposes a civil penalty, and awards the District its costs and attorney's fees. The order, which was reduced to writing on February 15th, also sets a date for a case management conference with Judge Parker on April 25, 2011, for the purpose of determining compliance.

District staff discussed the corrective actions needed to bring the stormwater management system into compliance with the permit with a contractor, Sam Oosterhoudt, on March 15, 2011, and Mr. Oosterhoudt is going to complete the work prior to the case management conference on April 25, 2011.

Respondent has failed to perform the corrective action District staff was expecting to be completed prior to April 25, 2011. Neither Respondent nor Mr. Oosterhoudt contacted District staff after the site meeting on March 15, 2011. At the case management conference with Judge Parker on April 25, 2011, Respondent and Counsel for Columbia County both stated it was their understanding that the work was completed towards the end of March/beginning of April. However, when District staff inspected the property on April 21st, no work had been done. Judge Parker ordered the parties to appear at a second case management conference in approximately 30 days to confirm that the repairs to the pond have been made.

In the Smithfield Matter: This enforcement activity has been ongoing for several years. At the last hearing (January 31, 2011), the Court granted the motion for summary judgment in this case. The judge's order requires Mr. Hill to comply with the corrective actions specified in the District's final order, imposes a civil penalty, and awards the District its costs and attorney's fees. The order, which was reduced to writing on February 17th, also sets a date for a case management conference with Judge Parker on April 25, 2011, for the purpose of determining compliance.

District staff met with a contractor, Sam Oosterhoudt, at the site on March 15, 2011, to review the corrective actions needed to bring the stormwater management system into compliance with the permit. Staff agreed with Mr. Oosterhoudt that there are physical

obstacles. Therefore, staff also agreed to allow Mr. Oosterhoudt two weeks to explore with the Columbia County Engineer the possibility of modifying the permit.

Mr. Oosterhoudt failed to contact District staff as expected on or about March 29, 2011, to provide additional information concerning a possible permit modification. Neither Respondent nor Mr. Oosterhoudt contacted District staff after the site meeting on March 15, 2011. District staff inspected the property on April 21, 2011, and no work had been done. A case management conference with Judge Parker was held on April 25, 2011, at which both Respondent and Counsel for Columbia County stated that a meeting between Respondent and the County occurred within the two-week period. Respondent also stated that since that meeting, the County has performed survey work within the subdivision. Judge Parker ordered the parties to appear at a second case management conference in approximately 30 days to confirm that an application to modify the permit has been submitted.

Cannon Creek Airpark ERP Violation

This enforcement action has been on-going for a number of years. This involves work that was done within the subdivision to alleviate flooding. The work was done without a permit. Columbia County officials are working on a stormwater project that may alleviate the practical need to obtain compliance with the existing District permit, but instead would require that the permit be modified to reflect the system as constructed.

District staff is currently reviewing an ERP application to implement one phase of the County's master stormwater plan that includes the Cannon Creek area, which should address the remaining drainage problems for this project.

On April 20, 2011, District staff granted the County's request for an extension to respond to the District's request for additional information (RAI). The new deadline for the County to submit its RAI response is July 5, 2011. The need for the extension arose from uncertainty regarding approval by the District of a proposed mitigation bank which the County is considering using to satisfy mitigation requirements associated with the construction of the master stormwater plan.

PENDING COMPLIANCE MATTERS:

For a list of pending compliance matters, please see the supplemental board material packet in the WSRM section.

MEMORANDUM

TO: Governing Board
FROM: Terry E. Demott, Senior Land Resource Coordinator
DATE: May 5, 2011
RE: Andrews Family/Cedar Key Conservation Lands Addition

RECOMMENDATION

Subject to public comment that may be received, staff recommends approval and execution of Resolution 2011-08 authorizing the Executive Director to exercise an Option to Purchase the 662-acre ± Dennis and Roberta Andrews parcel, and the Dennis, Kelby and Miles Andrews parcel in Levy County, and requesting approval from the Secretary of the Department of Environmental Protection for the use of funds from the Florida Forever Trust Fund.

BACKGROUND

In accordance with Section 373.59, Florida Statutes a public hearing is scheduled for May 19, 2011 to take comments on the proposed acquisition of approximately 662 acres in Levy County for surface water and marsh protection purposes. A summary of salient facts is attached.

The Andrews Family Property has been offered to the District in two separate ownerships: Dennis and Roberta Andrews (222 acres), and Dennis, Kelby and Miles Andrews (440 acres). The property is primarily upland islands and salt marsh. Fee simple appraisals of the property by James Miller and Robert Sutte have been reviewed and approved by District review appraiser Mike Candler.

gal
Andrews Family 10-009
Attachment

PUBLIC HEARING SUMMARY
ANDREWS FAMILY/CEDAR KEY CONSERVATION LANDS ADDITION
MAY 19, 2011

SELLERS: Dennis and Roberta Andrews
Dennis, Kelby and Miles Andrews

AREA: 662 acres ±

LOCATION: Cedar Key, Levy County

WATER RESOURCE VALUES: The Andrews Family property will be used for public recreation purposes and will protect the marsh estuary system in the Cedar Key area of the Gulf of Mexico.

WATER RESOURCE PROTECTION:

Storm Surge Velocity Zone: 100% (662 acres)

Surfacewater and Wetlands: 85% (563 acres)

Aquifer Recharge: None

Springs Protection: None

INTEREST TO BE ACQUIRED: Fee simple, to be granted by warranty deed.

TITLE ISSUES: Title exceptions may occur regarding oil, gas and mineral interests.

PRICE: \$3,304,450 lump sum.

ACCESS: Public roads and legal easements.

CLOSING COSTS: The District will pay all closing costs including but not limited to survey, environmental assessment, title insurance, documentary stamps and recording.

SURPLUS LANDS ANALYSES: This project configuration has been reviewed from both a water resources perspective and management perspective. The review determined that the entire 662 acres is needed for conservation purposes. No portion of this tract is recommended for declaration as surplus.

SPECIAL CONDITIONS: Title to the purchased properties will be vested in the District

MANAGEMENT: Although no agreement has been reached, it may be possible that the Cedar Key Scrub State Preserve/Waccasassa Bay State Reserve of the Department of Environmental Protection could manage the property for specific uses. Otherwise the District could manage the property specifically for low impact, public recreational purposes.

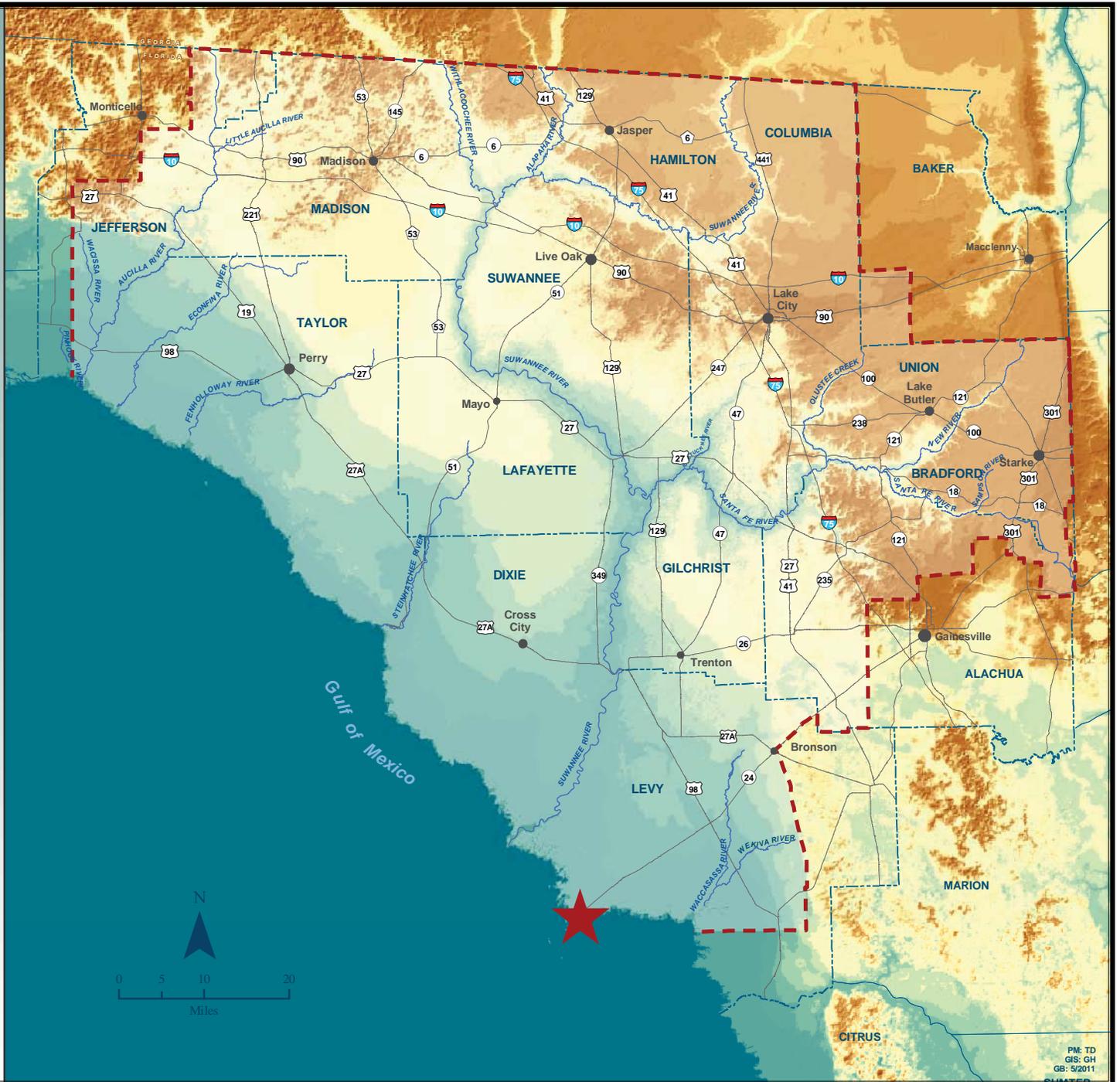
Andrews Family/Cedar Key Conservation Lands Addition 10-009

Andrews Family Cedar Key Levy County Florida

 SRWMD Boundary
 Project Location

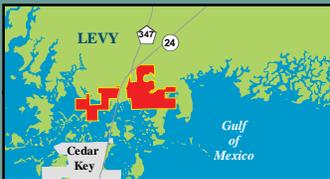


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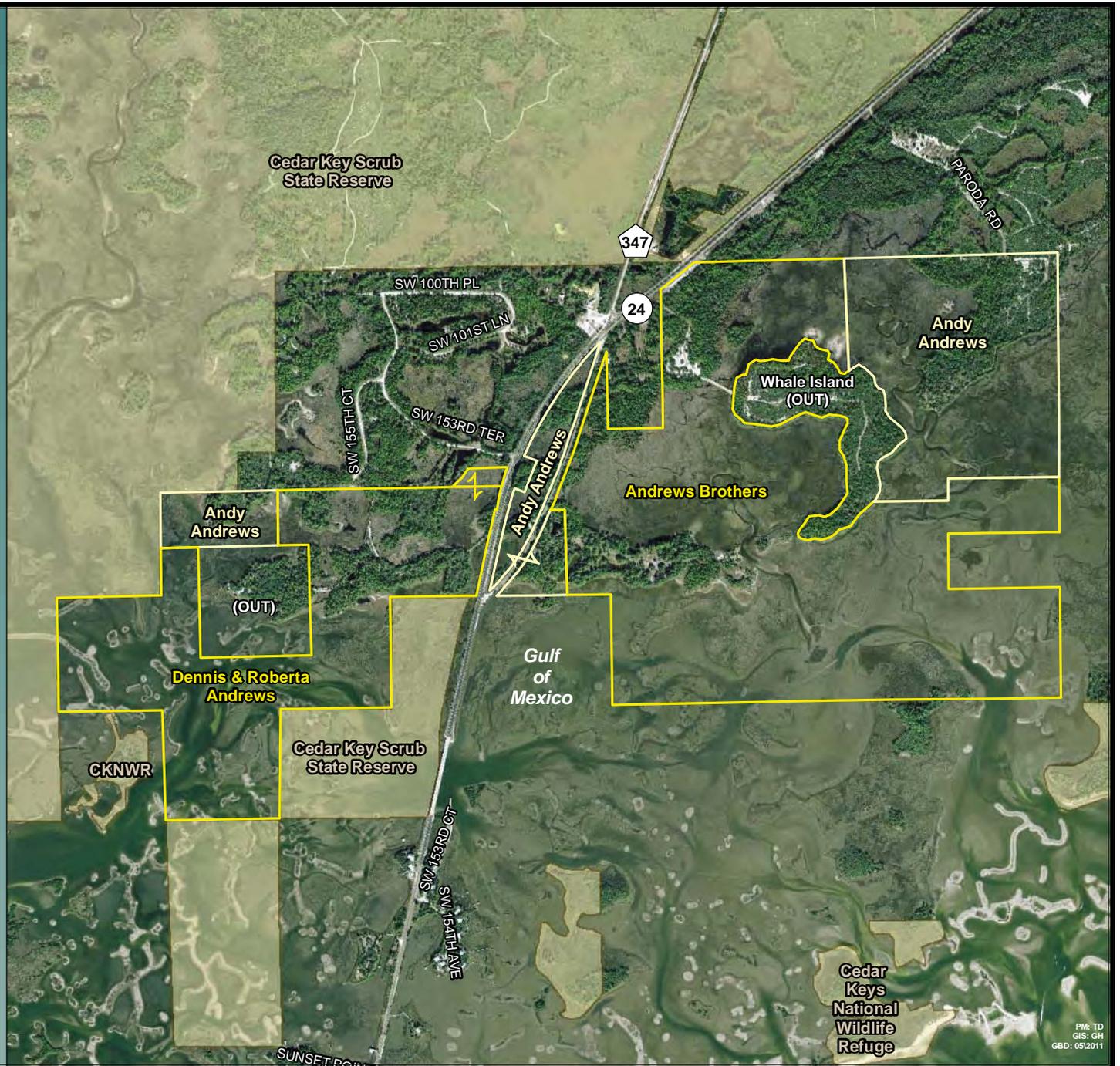


**Andrews Family
Cedar Key
Levy County
Florida**

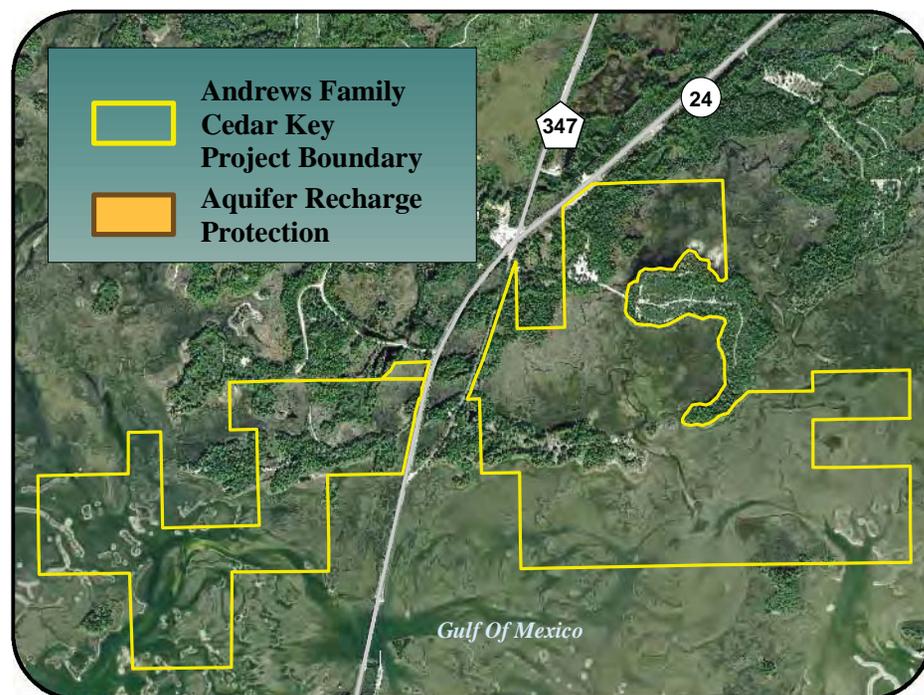
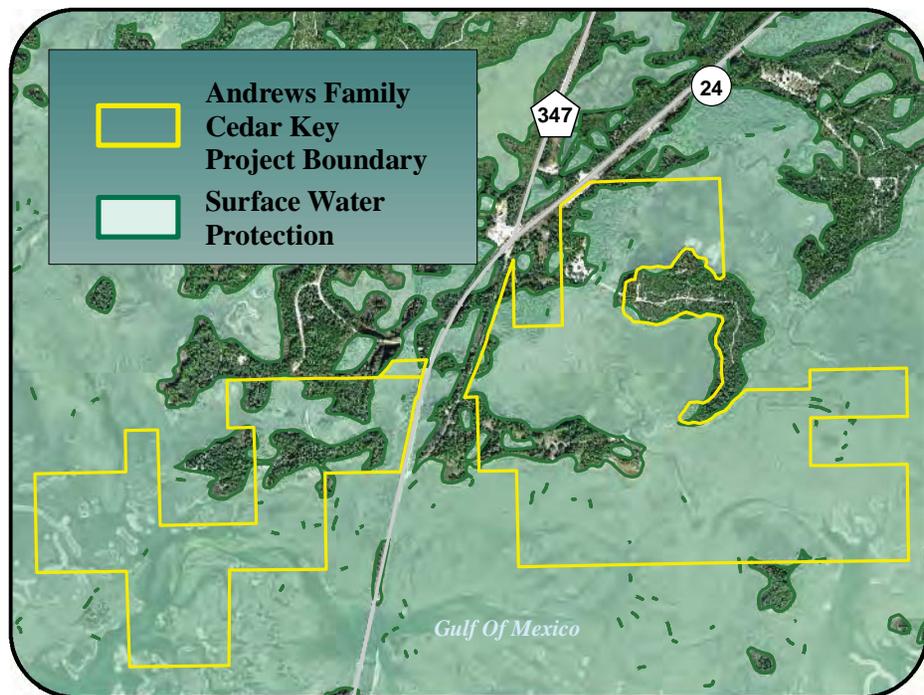
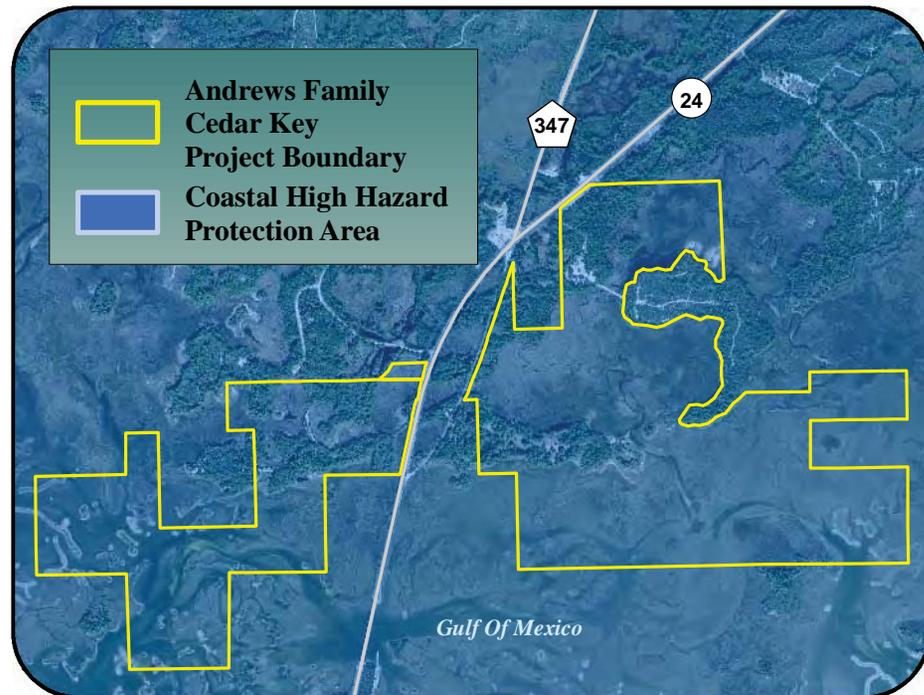
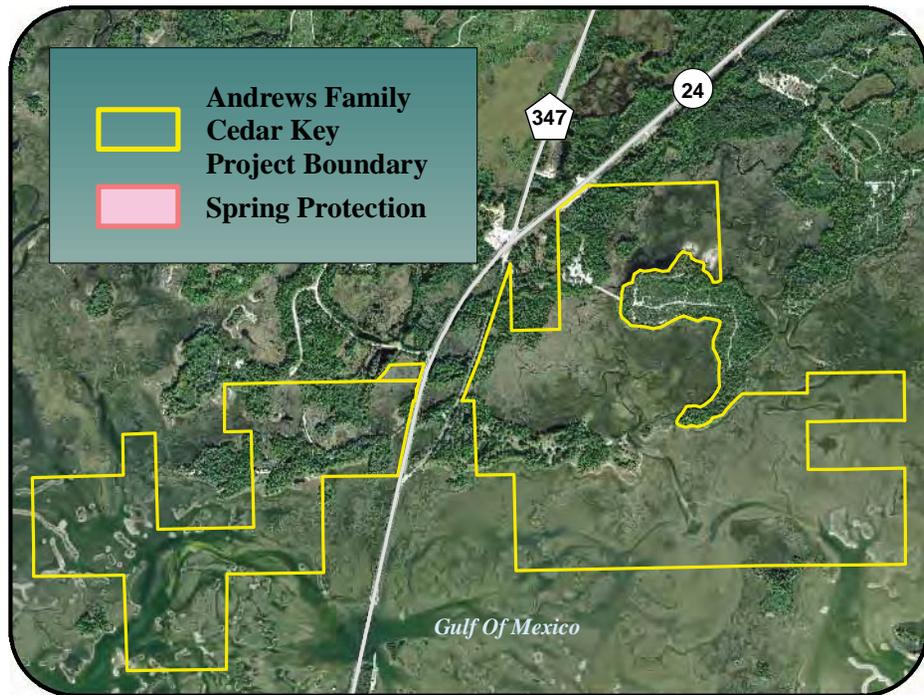
-  Project Boundary
-  Andy Andrews Boundary
-  Other Public Lands



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PM: TD
GIS: GH
GBD: 05/2011



SUWANNEE RIVER WATER MANAGEMENT DISTRICT

RESOLUTION NO. 2011-08

RESOLUTION APPROVING THE ACQUISITION OF PROPERTY OWNED BY DENNIS AND ROBERTA ANDREWS, AND DENNIS, KELBY AND MILES ANDREWS, THE EXERCISE OF AN OPTION TO PURCHASE SAID PROPERTY, AND AUTHORIZATION TO USE FLORIDA FOREVER FUNDS FOR ACQUISITION OF SAID PROPERTY

WHEREAS, the Suwannee River Water Management District has been offered property owned by the Andrews Family, consisting of 662 acres ± in Levy County, Florida, a legal description and map of said property being attached hereto; and

WHEREAS, the purchase price for said property shall be a lump sum of \$3,304,450; and

WHEREAS, the acquisition is consistent with the Florida Forever Five-year Work Plan of acquisition filed with the Legislature and the Florida Department of Environmental Protection and is consistent with Section 373.199, Florida Statutes (F. S.); and

WHEREAS, said property serves to protect the estuarine ecosystem of the Gulf of Mexico; and

WHEREAS, said property is being acquired in fee for water management purposes; and

WHEREAS, the funds hereinafter requested will be used only for the acquisition costs of said property, and the acquisition costs of said property shall include fees for survey, appraisal, title insurance, doc stamps and legal activities necessary for the proper transfer of title to said real property; and

WHEREAS, said property meets one or more goal of the Florida Forever Act as described in FS 259.105(4)(c)6 "The number of acres identified for acquisition to minimize damage from flooding and the percentage of those acres acquired;" FS 259.105(4)(c)7 "the number of acres acquired that protect fragile coastal resources;" FS 259.105(4)(c)8 "The number of acres of functional wetland systems protected;" and will provide for the protection of valuable natural resources; and

WHEREAS, said property will be made available for general recreational uses not inconsistent with the water management purposes for which they are being acquired; and

WHEREAS, said property shall be maintained in an environmentally acceptable manner and, to the extent possible, compatible with surfacewater protection; and

WHEREAS, should this District subsequently dispose of said property, all revenues derived therefrom will be used to acquire or manage other lands for water management, water supply, and the conservation and protection of water resources; and

WHEREAS, said property has been appraised by two independent real estate appraisers and was approved for acquisition after duly noticed public hearing thereon; and

WHEREAS, the purchase price of the property to be acquired is equal to the appraised value, based on the certified appraisal used to determine the value of the property to be purchased; and

WHEREAS, potential claims by the state to sovereignty submerged lands have been considered; and

WHEREAS, said lands are not being acquired as right-of-way for canals or pipelines; and

WHEREAS, an environmental audit shall be performed prior to closing, and before the purchase of any property found to be contaminated a remediation plan will be submitted to the Department; and

WHEREAS, the funds hereinafter requested will be used only for the purchase of said property and acquisition costs which includes fees for survey, appraisal, title insurance, doc stamps and legal activities necessary for the proper transfer of title of said real property; and

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

(1) Acquisition of the described property owned by Dennis and Roberta Andrews, and Dennis, Kelby and Miles Andrews, their successors or assigns, is approved and the Executive Director is authorized to exercise an option on behalf of the District.

(2) The above statements are hereby certified and declared to be true and correct, and the acquisition of said parcel is hereby further certified to be consistent with this District's plan of acquisition and Section 373.199, Florida Statutes.

(3) District hereby approves the use of Florida Forever funds in the sum of approximately \$3,304,450 for land and associated closing costs.

PASSED AND ADOPTED THIS 19th DAY OF May, 2011, A.D.

**SUWANNEE RIVER WATER MANAGEMENT DISTRICT
BY ITS GOVERNING BOARD**

MEMBERS OF THE BOARD:

**DON QUINCEY, CHAIRMAN
ALPHONAS ALEXANDER, VICE CHAIRMAN
RAY CURTIS, SECRETARY/TREASURER
C. LINDEN DAVIDSON
HEATH DAVIS
DAVID FLAGG
JAMES L. FRALEIGH
CARL E. MEECE
GUY N. WILLIAMS**

ATTEST:

MEMORANDUM

TO: Governing Board

FROM: Richard Rocco, Real Estate Coordinator

DATE: May 9, 2011

RE: Approval and Execution of Resolution 2011-10 Authorizing the Executive Director to Exercise an Option to Purchase the Richard M. Slezak Trust/Holton Creek Addition Property, Requesting Funds from the Florida Forever Trust Fund and Including this Property as a Priority Acquisition in the 2011 Florida Forever Work Plan

RECOMMENDATION

Subject to public comment that may be received, staff recommends approval and execution of Resolution 2011-10 authorizing the Executive Director to exercise an option to purchase the 30-acre ± Richard M. Slezak Trust/Holton Creek Addition in Hamilton County, requesting funds from the Florida Forever Trust Fund for acquisition of said property and including this property as an priority acquisition in the 2011 Florida Forever Work Plan.

BACKGROUND

In accordance with Florida Statutes a public hearing is scheduled for May 19, 2011 to take comments on the proposed acquisition of approximately 30 acres in Hamilton County for floodplain and surfacewater protection purposes. A summary of salient facts is attached.

/gal
Slezak Trust/Holton Creek Addition 11-02
Attachments

PUBLIC HEARING SUMMARY
RICHARD M. SLEZAK TRUST/HOLTON CREEK ADDITION
MAY 19, 2011

SELLER: Richard M. Slezak Trust

AREA: 30 acres ±

LOCATION: Hamilton County

WATER RESOURCES VALUES:

Recharge: 0% (0 acres)

Springs Protection: 100% (30 acres)

Surfacewater Protection: 67% (20 acres)

100-Year Floodplain: 100% (30 acres)

River Frontage: 1,470 feet (.28 miles)

PRICE: \$4,000.00 per acre for a total of approximately \$120,000. Total purchase price is less than the appraised value received from appraiser Richard Hale (\$150,000 or \$5,000/acre).

ACCESS: The tract is accessible through District property in the surrounding 2,531-acre Holton Creek Wildlife Management Area.

CLOSING COSTS: Seller will pay for documentary stamps and title insurance. District will pay recording, title search, environmental audit and survey costs.

INTEREST TO BE ACQUIRED: Fee Title.

SURPLUS LANDS ANALYSES: This project configuration has been reviewed from both a water resources perspective and management perspective. The review determined that the entire 30 acres is needed for conservation purposes. No portion of this tract is recommended for declaration as surplus.

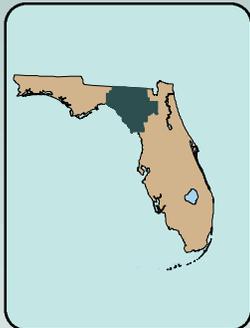
TITLE ISSUES: The District will accept an undivided 25% interest in the oil gas and other minerals reserved to the Grace H. Dansby Revocable Trust as a permitted title exception. The District will control the remaining undivided 75% interest at closing.

MANAGEMENT AND PUBLIC USE GOALS: This parcel is a critical in-holding of the SRWMD Holton Creek Tract. It will be managed as in cooperation with the Florida Fish and Wildlife Conservation Commission's Holton Creek Wildlife Management Area.

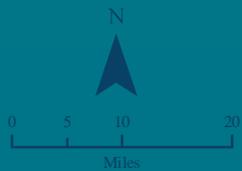
HYDROLOGIC RESOURCES: The spring run of first magnitude Holton Creek spring forms the entire west boundary of the property to its confluence with the Suwannee River and its southerly boundary. These surfacewater features are in a natural state and condition. The river bluff bottomland, hardwood natural community will not require additional management costs.

Slezak Trust Holton Creek Addition Hamilton County Florida

 SRWMD Boundary
 Project Location



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GIS: GH
GB: 5/2011

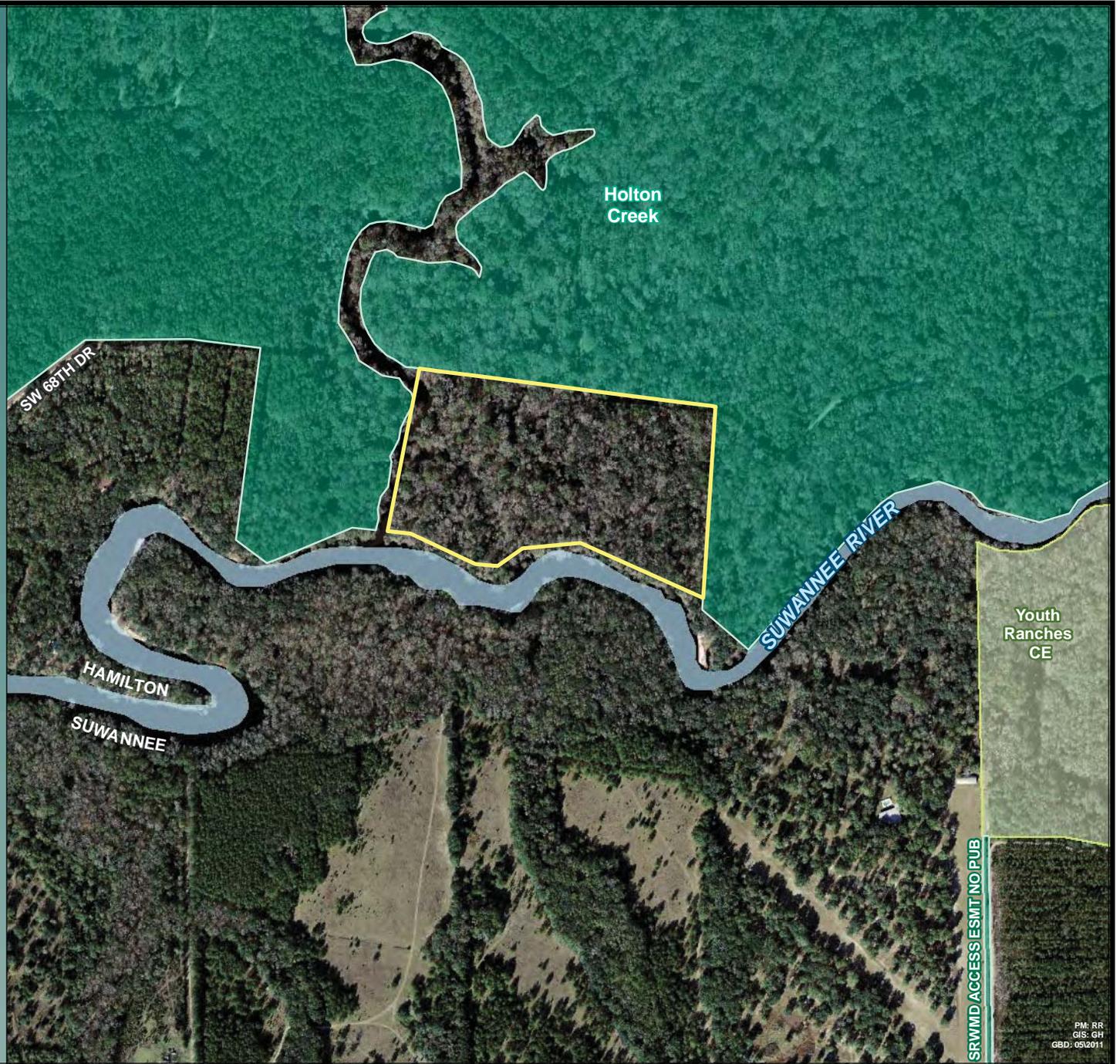
Slezak Trust Holton Creek Addition

Hamilton County
Florida

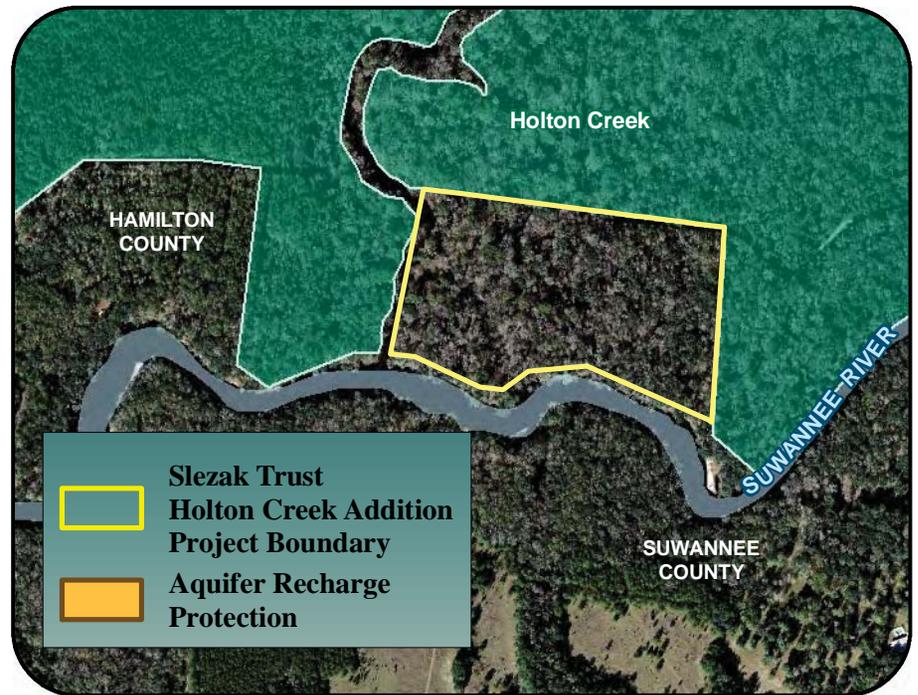
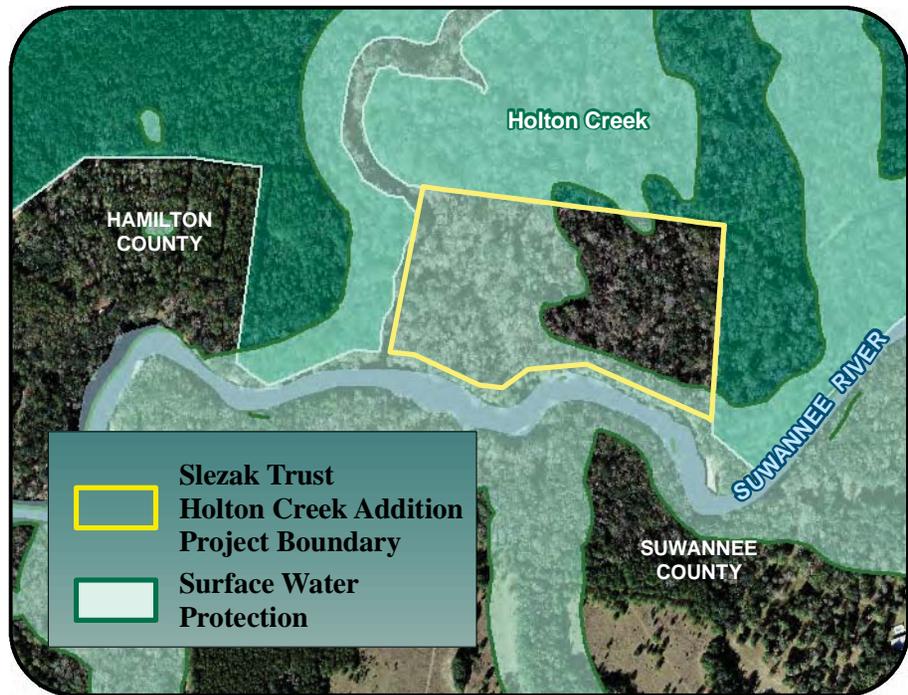
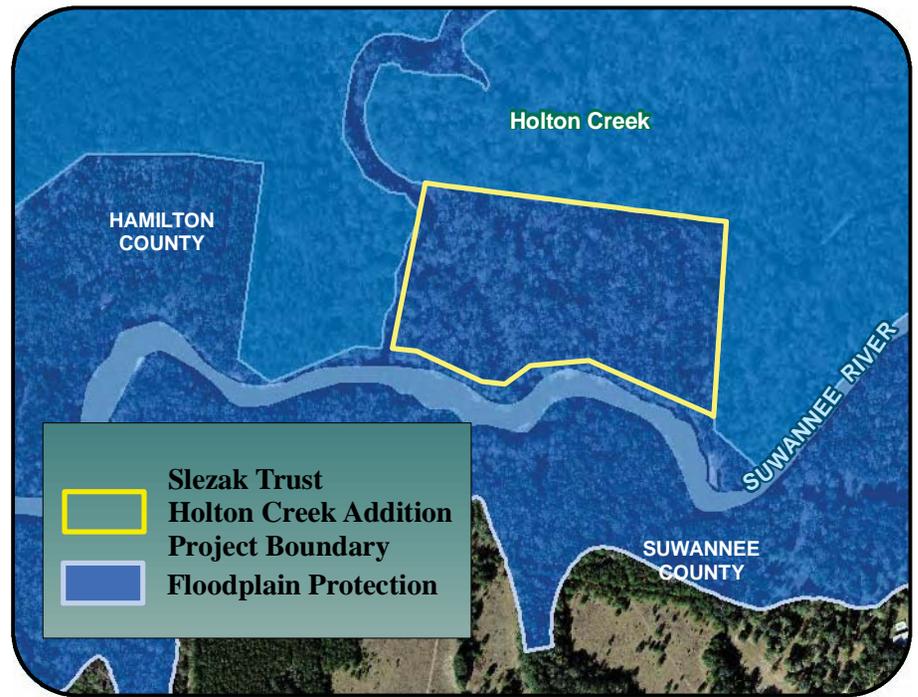
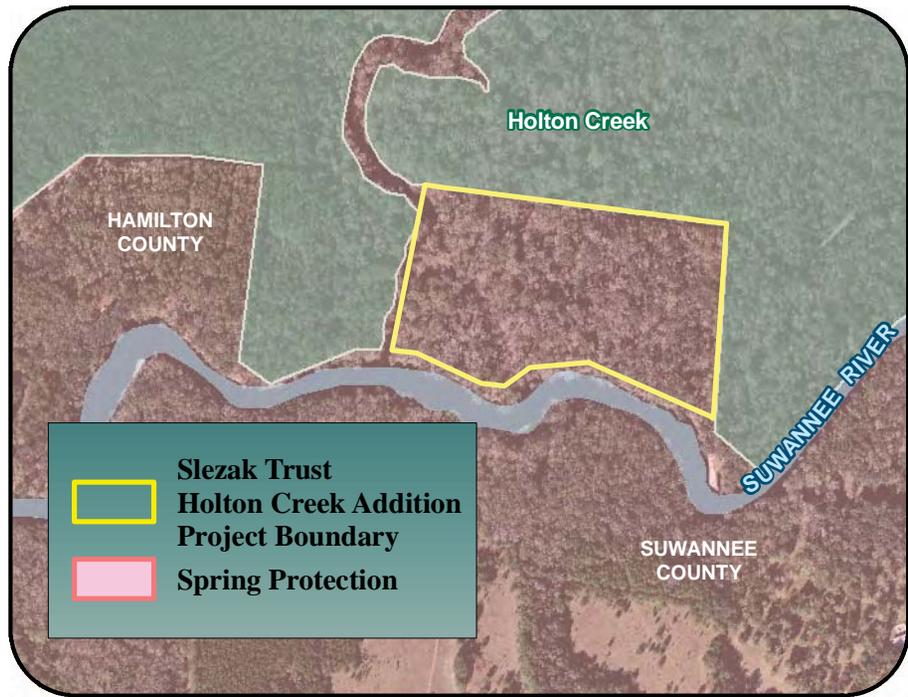
-  Property Offer
-  SRWMD Lands
- SRWMD**
-  Conservation Easement



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PM: RR
GIS: GH
GBD: 05/2011



SUWANNEE RIVER WATER MANAGEMENT DISTRICT

RESOLUTION NO. 2011-10

RESOLUTION APPROVING THE ACQUISITION OF LAND OWNED BY THE RICHARD M.SLEZAK TRUST, AUTHORIZING THE EXECUTIVE DIRECTOR TO EXERCISE AN OPTION TO PURCHASE SAID PROPERTY, REQUESTING FUNDS FROM THE FLORIDA FOREVER TRUST FUND FOR ACQUISITION OF SAID PROPERTY, AND INCLUDING THIS PROPERTY IN THE SUWANNEE RIVER WATER MANAGEMENT DISTRICT'S 2011 FLORIDA FOREVER WORK PLAN

WHEREAS, the Suwannee River Water Management District has been offered lands owned by the Richard M. Slezak Trust consisting of approximately 30 acres in Hamilton County, Florida, a legal description and map of said lands being attached hereto; and

WHEREAS, the purchase price for said easement shall be \$4,000.00 per acre for a total of \$120,000; and

WHEREAS, the acquisition is consistent with the Florida Forever Five-year Work Plan filed with the Legislature and the Florida Department of Environmental Protection and is consistent with Section 373.199, Florida Statutes (F. S.); and

WHEREAS, said lands are being acquired for water quality protection of Holton Creek and the Suwannee River; and

WHEREAS, the funds hereinafter requested will be used only for the acquisition costs of said lands, and the acquisition costs shall include fees for survey, appraisal, and legal activities necessary for the proper transfer of said real property; and

WHEREAS, said lands meet one or more goals of the Florida Forever Act as described in FS 259.105 and contribute specifically to the achievement of Florida Forever goals: (4)(a)1, (4)(c)4-6 and (4)(c)8; and

WHEREAS, said lands shall be maintained in an environmentally acceptable manner compatible with the resource values for which acquired; and

WHEREAS, the project contains surfacewater resources that will be perpetually protected and will add to protected resources of adjoining lands in the Holton Creek Wildlife Management Area; and

WHEREAS, should this District subsequently dispose of said lands, all revenues derived therefrom will be used to acquire or manage other lands for water management, water supply, and the conservation and protection of water resources; and

WHEREAS, said lands have been appraised by one independent real estate appraiser and were approved for acquisition after duly noticed public hearing thereon; and

WHEREAS, the purchase price of the lands to be acquired is less than the appraised value, based on the certified appraisal that was used to determine the value of the lands to be purchased; and

WHEREAS, the lands being acquired have been reviewed for the presence of sovereign submerged lands, and the District will take reasonable measures to avoid paying for sovereign lands; and

WHEREAS, said lands are not being acquired as right-of-way for canals or pipelines; and

WHEREAS, an environmental audit shall be performed prior to closing; and

WHEREAS, funds are available for payment of the acquisition costs and associated expenses and fees for said parcel through funds deposited in the Florida Forever Trust Fund to the credit of the Suwannee River Water Management District.

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

- (1) Acquisition of the described lands owned by the Richard M. Slezak Trust, its successors or assigns, is approved and the Executive Director is authorized to exercise an option on behalf of the District.
- (2) The above statements are hereby certified and declared to be true and correct, and the acquisition of said easement is hereby further certified to be consistent with this District's plan of acquisition and Section 373.199, Florida Statutes (F. S.).
- (3) The Florida Forever Work Plan is hereby amended to include said property.
- (4) District hereby requests the Secretary of the Department of Environmental Protection to approve the release of funds from the Florida Forever Trust Fund in the sum of approximately \$120,000 for land and associated closing costs

pending documentation of District's actual direct acquisition costs at a time then requested and documented by District to Department.

PASSED AND ADOPTED THIS 19th DAY OF MAY, 2011 A.D.

**SUWANNEE RIVER WATER MANAGEMENT DISTRICT
BY ITS GOVERNING BOARD**

MEMBERS OF THE BOARD:

**DON QUINCEY, CHAIRMAN
ALPHONAS ALEXANDER, VICE CHAIRMAN
RAY CURTIS, SECRETARY/TREASURER
C. LINDEN DAVIDSON
HEATH DAVIS
N. DAVID FLAGG
JAMES L. FRALEIGH
CARL E. MEECE
GUY N. WILLIAMS**

ATTEST:
