

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, Director, Water Supply & Resource Management

THRU: David Still, Executive Director

DATE: July 8, 2011

RE: Enforcement Status & Litigation Report / Compliance 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 June 2, 2011, no payments have been received.

It has been discovered that the property at issue in this matter is in foreclosure and will likely be sold via foreclosure sale in the very near future. It is anticipated that the mortgagee, Columbia Bank, will take title to the property after the sale. The bank is aware of the outstanding violations and will likely be willing to work with the District to remedy the violations once the bank receives a Certificate of Title.

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 an alternate legal party on behalf of Mr. Freeman. **No changes since last report.**

Richard Oldham (CE10-0024) – 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 had commenced corrective work but has stopped. On May 1, 2011, staff sent Mr. Oldham a Compliance Agreement for signature. He has not returned the signed agreement.

Staff proposes to seek authorization at the August 2011 Governing Board meeting to refer the file to Counsel for resolution.

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. At the May 2011 Governing Board meeting, the Board directed staff to hire counsel to develop a list of options for resolution and bring the options back to the Board for further consideration.

Staff contracted with Bruce Robinson of Robinson, Kennon & Kendron, P.A., to advise the Governing Board on resolution options. Mr. Robinson provided the options for resolution. These were discussed at the June Board meeting. Staff is expecting to contract with Mr. Robinson to pursue legal action against Mr. McNulty as authorized by the Governing Board.

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 Sheriff's Sale of Defendant's real property pursuant to two writs of execution occurred on May 3, 2011. The Executive Director and Counsel were present at the sale. After an opening bid by Jeffrey Hill of ten dollars, Mr. Still bid \$390,000, which was also the highest bid. Twenty-two minutes prior to the sale, Jeffrey Lance Hill, Sr., filed a chapter 12 case with the U.S. Bankruptcy Court in Jacksonville, Florida. Counsel has since consulted with Lance Cohen, a bankruptcy attorney in Jacksonville, whom the District retained in 2008 when El Rancho No Tengo, Inc., filed a bankruptcy case. Mr. Cohen is of the opinion that because Mr. Hill filed for bankruptcy prior to the Sheriff's Sale, the District's interest in quieting title would best be served in bankruptcy court. Therefore, Staff has directed Counsel to work with Mr. Cohen again to efficiently and expeditiously secure title to the land in the District.

Bankruptcy counsel filed a motion to dismiss the first week of June 2011. Staff attended the creditors' meeting on June 11, 2011, at which Jeffrey Hill was placed under oath and questioned by the court-appointed Trustee, District staff, and an IRS representative. Mr. Hill's responses failed to reveal much, but the meeting did serve to educate the Trustee regarding the District's interest in the bankruptcy proceeding. Bankruptcy counsel attended a preliminary hearing on July 6. The hearing on the motion to dismiss will be scheduled for mid to late August 2011.

Staff inspected the property on July 5 and found no apparent environmental problems. Staff will contract with a firm for a detailed phase one environmental audit prior to recording the Sheriff's deed.

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

The Respondent constructed a residence, dock, and walkway in the floodway of the Suwannee River within the 75-foot setback and below the 100-year flood level.

The Respondent filed a permit application in December 2006. The Governing Board denied the application in June 2007 for lack of information. The Respondent filed a second application and variance request in January 2008. The Governing Board denied the second application in May 2008 for lack of information. Staff referred this matter to counsel after many attempts to resolve the violation and Counsel initiated litigation in July 2009. Service of process took quite some time as Respondent was difficult to locate.

Counsel recently held informal settlement discussions with the Respondent's attorney. Counsel was informed that Respondent is willing to raise the structure above the 100-

year flood elevation but unwilling to move the residence outside of the 75-foot setback. Therefore, it appears litigation in this matter will need to continue so this case can be resolved by the Court. Counsel is coordinating with Respondent's attorney to schedule the trial.

Staff attended the Lafayette County Board of County Commissioners (BOCC) meeting on June 27, 2011, and requested that the County engage its code enforcement process. The BOCC indicated that they will provide support to the District in order to resolve the violation, but that the District should continue to take the lead.

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.

A status conference was held with the Court on May 24, 2011, at which Mr. Midyette did not deny our allegation that he breached the Consent Agreement, but simply reiterated his ongoing financial difficulties. The court encouraged Mr. Midyette to get with District Counsel to resolve the issues as it would be less expensive for everyone involved. The Court set another status conference for July 22, 2011. Since Mr. Midyette denies breaching the Consent Agreement in his Answer, District counsel will initiate discovery prior to the next status conference. **No action since last report.**

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.

On May 26, 2011, the Court entered a Final Judgment on Liability against Mr. Moody. Counsel will now move for the entry of an Injunction against Mr. Moody to prevent him from conducting any further well drilling without the required license and permit and for collection of a civil penalty, attorneys' fees and costs. **No action since last report.**

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 is drafting a proposed Settlement Agreement to resolve the outstanding violations. Once completed and agreed upon by the parties, the Settlement Agreement will be presented to the Board for approval or denial.

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 set for July 18, 2011, to confirm that the repairs to the pond have been made.

District staff has been regularly inspecting the site to determine whether the repairs are in progress and/or completed. Thus far, no work has been done to comply with the District's final order or the Court's directives.

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 set for July 18, 2011, to confirm that an application to modify the permit has been submitted.

Following the Case Management Conference on April 25, 2011, District staff provided information to Columbia County that was requested by the County at the conference, however, no response from the County has been received. To date, no application to modify the existing permit has been received by the District.

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. The District is waiting for Columbia County to respond to the mitigation offer before taking further action on the permit application. **Staff is preparing to recommend denial of this permit application at the August 2011 Governing Board meeting for failure to develop a wetland mitigation plan.**

PENDING COMPLIANCE MATTERS:

For a list of pending compliance matters, please see the current Compliance Report.

Compliance

updated 7/8/2011 12:09:04 PM

<i>CE #</i>	<i>County</i>	<i>Discovery Date</i>	<i>Date Action Required</i>	<i>Violation Summary</i>	<i>Respondent</i>	<i>Comments</i>	<i>Staff</i>
CE06-0058	LEVY	8/2/2006	8/10/2011	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. District called engineer on 5/31/11 requesting the status of application. 6/8/11; received RAI information. Reviewed applicants submittal and sent out another RAI with a response deadline of 8/10/11.	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.	Hastings, John

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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. 5/18/11; received admin cost of \$317.01 & partial penalty of \$382.99. 5/31/11; final payment not received. Respondent has defaulted on Compliance Agreement. June 2011 Board for initiation of legal action to reach resolution. Board directed legal to contact Mr. Oosterhoudt to try and reach resolution.	Marshall, Leroy
CE10-0046	LEVY	9/23/2010	6/14/2011	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
CE08-0022	SUWANNEE	3/3/2008	9/13/2010	Construction without a permit.	Donald Edwards	5/17/11; meeting with NFLG attorney and finance company. 5/26/11; site visit. Problem has been resolved. Staff to keep update due to concerns of a major flood event.	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 Sigers 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. Conditions of Consent Agreement have not been met.	Spencer, William
CE11-0031	TAYLOR	6/6/2011	6/27/2011	No as-builts.	Fred Shore - Gulf Breeze Partners, LLC.	20 days to contact District. Contact from Mr. Shore on 06/17/11. An on-site meeting is being scheduled during mid July to discuss alternatives with the parties concerned.	Bowden, Jerry

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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. 4/13/11; reminder letter sent to applicant. Spoke with project manager on 5/17/11. Permit application package is being finalized.	Hastings, John
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. WUP application due 3/2/11. Ms. Tompkins called on 2/18/11. 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. 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 left a message with District staff on 4/26/11. Staff spoke with Ms. Tompkins on 5/3/11 & 5/11/11. WUP application due by 5/31/11. June 2011 Board for enforcement proceedings. 6/7/11; certified letter returned unclaimed after 3 attempts by USPS. Board directed legal to contact Respondent to try and reach resolution.	Wright, Kevin
CE10-0042	UNION	10/10/2010	7/8/2011	Unpermitted construction.	John Rimes, III - New River Forest Villas	Received sketch from Scott Britt on 04/04/11. Letter sent 5/11/11; 30 days submit compliance deadline. Received a letter on 05/26/11, an engineer had been hired on behalf of the Town & will comply with the District. 6/29/11; staff met on-site to review the site - determine wetland impacts and locating culverts. Engineers are going to propose a phased approach to permit application in order for Mr. Rimes to be able to obtain funding from the City of Worthington Springs. The engineers sent a contract proposal on 7/1/11, and Mr. Rimes to meet with the City 7/6/11. Staff should have an idea if the engineering firm will be hired in the near future.	Mantini, Louis

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CE11-0005	BRADFORD	2/24/2011	8/1/2011	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. Flooding issues, due to up- and downstream stormwater management, continue to be addressed by staff and must be to fully resolve this enforcement file. A field visit with FPL was conducted downstream on 05/31/11; and upstream issues were addressed regarding DuPont properties and stormwater management. Meeting 6/24/11 to discuss watershed. Meeting 7/1/11 with County to determine ditch maintenance. Staff to follow up by 8/1/11.	Mantini, Louis
CE11-0006	GILCHRIST	1/12/2011	6/16/2011	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). An ERP application is due 6/16/11, according to the Consent Agreement. As of 7/6/11, application not received. Staff to contact Respondent.	Mantini, Louis
CE11-0007	GILCHRIST	2/9/2011	10/14/2011	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. CA received by Respondent but Respondent cannot return it at this time. Staff will make contact again in September.	Robinson, Vince

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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	Continuing to work on the problem with Mr. Kelley (Engineer) and should have an update by 06/21/11. Contacted Mr. Oody. Contracts have started clean out work on the drainage system, but recent rains forced construction to stop. Will begin again this week. Staff will visit project on or before 06/24/11 to observe progress. Site visit on 06/24/11; bank has contract to clean drains and replace sand in pond (cost is around \$10,000). The pond is currently at a high water stage due to recent rains and will be slow to recover. Mr. Oody said work on repairs will begin as soon as the conditions improve. Requested he keep us informed.	Bowden, Jerry
CE11-0009	UNION	3/4/2011	7/28/2011	Unpermitted well abandonment & not constructed according to permitted plans.	Brian Crawford	20 days to contact District. Contacted District 4/6/11. Working on resolution. 5/12/11; Compliance Agreement (CA) mailed. 5/23/11; revised CA mailed. 6/16/11; re-mailed CA with updated address. 6/22/11; received signed CA. 6/28/11; mailed executed CA. 10 days to pay penalty & 30 days to submit as-builts. 7/5/11; received \$1,000 penalty.	Link, James
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 requested a burn permit to burn vegetative piles. Has not been able to burn because of drought conditions.	Webster, Patrick

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CE10-0055	DIXIE	11/10/2010	8/1/2011	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. Staff inspected on 04/28/11. One check-dam was installed. John Hastings inspected the check-dam on 5/3/11, during a field visit and reported the check-dam was too narrow and too low. Staff informed Mr. Osteen of the check-dam inadequacies. Mr. Osteen will be advised to contact John Hastings for a more direct line of communication in this matter on 5/31/11. Staff to check status of compliance by 8/1/11.	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.	
CE11-0016	LAFAYETTE	3/23/2011	7/27/2011	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. Received WOD application & \$375 penalty 5/19/11. 6/1/11; RAI sent. 30 days to respond. 6/27/11; RAI material received. Staff reviewing submittal.	Robinson, Vince
CE11-0019	COLUMBIA	3/24/2011	7/22/2011	Erosion & sediment control issues.	Palmer Daughtry - Emerald Cove Subdivision	21 days to contact District. Developer contacted the District within the allotted time and has scheduled a meeting for 6/22/11. At the 6/22/11 meeting, the developer agreed to request Columbia County take over operation and maintenance since he is no longer financially capable of providing such services. Staff to inquire on status by 7/22/11.	Link, James
CE11-0023	GILCHRIST	5/27/2011	6/13/2011	Failure to submit completion report.	James P. Smith	15 days to submit completion report. 6/3/2011; completion report received. No penalty received. 7/6/11; staff to contact Respondent for update. 7/06/11; could not contact Respondent by phone.	Hancock, Gloria

<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>
CE11-0024	HAMILTON	5/25/2011	6/9/2011	Failure to submit completion reports.	George Michael Wiles	15 days to submit completion reports. Mail returned on 6/2/11. It was sent to and old address for Mr. Wiles. Mr. Wiles had worked for South Florida Drilling Company. He now works for Well Masters, J. D. Sullivan. The letter was resent to the correct company and correct address. Mr. Sullivan called and objected to the penalty and points against Mr. Wiles license. He was informed the rule states a completion report shall be submitted to the permitting authority 30 days from the date of completion of the well. Mr. Sullivan was told the permits were expired and a completion report must be submitted or a written statement giving reason why the wells were not completed and a new application has to be submitted and a new permit issued. The penalty and points would remain. Sent email on 7/6/11 asking for a response to conversation from the first of June. Copy of email sent 7/6/11 to Mr. J.D. Sullivan owner and office manager of Well Masters. The points have been applied to Mr. Wiles license. Awaiting response outlining the status of the wells not drilled and or the status of the incomplete wells.	Hancock, Gloria
CE11-0026	COLUMBIA	5/18/2011	9/10/2011	Unpermitted construction.	Clyde Higgs	21 days to contact District to schedule meeting. Meeting 6/10/11 to discuss violation. 6/13/11; letter sent request application by 9/10/11.	Marshall, Leroy
CE11-0032	LAFAYETTE	5/16/2011	6/29/2011	Unpermitted fill & obstruction in floodway.	Jacqueline S. Wrede C/o Karen Wrede	20 days to contact District. Jonh Barber called and left a message on 6/10/11. Since this time I have tried to contact Mr. Barber and Mrs. Wrede several times by phone. Meeting to be scheduled after 7/12/11.	Robinson, Vince
CE11-0033	GILCHRIST	5/16/2011	8/1/2011	Unpermitted fill in floodway.	William Walden, Sr.	20 days to contact District. Mr. Walden called on 6/14/11 and stated he should have the fill removed by 7/1/11. On-site meeting to be scheduled by 8/1/11.	Robinson, Vince
CE11-0034	LAFAYETTE	5/16/2011	7/27/2011	Unpermitted fill in floodway.	Howard & Patricia Thomas	20 days to contact District. 6/8/11; received penalty & WOD application. 6/27/11; RAI sent.	Robinson, Vince
CE11-0030	COLUMBIA	6/7/2011	7/11/2011	Failure to submit completion reports.	Chad Hall	15 days to submit completion reports. 7/7/11; received penalty of \$200. Should receive completion reports by 7/11/11.	Hancock, Gloria

MEMORANDUM

TO: Governing Board
FROM: Richard Rocco, Real Estate Coordinator
DATE: July 7, 2011
RE: Consideration of Right of First Refusal to Purchase the Fee Interest in the Virginia McDaniel Conservation Easement Property

RECOMMENDATION

Staff recommends the Governing Board decline the Right of First Refusal for purchase of 585 acres ± currently under a conservation easement with Virginia McDaniel.

BACKGROUND

On September 28, 2007, the District obtained a conservation easement on 1,232 acres ± owned by Dan and Martha Hale and Virginia McDaniel. Within the recorded easement document, the District retained the Right of First Refusal for the underlying fee interests in the property. At the time of purchase, the 1,232-acre easement was surveyed into each owners' respective acreage interest. Virginia McDaniel now has a contract to sell her 585-acre property encumbered by the conservation easement for \$636,000.

The conservation easement has one allowed improved homesite on 10 acres, which is assessed by the Columbia County Property Appraisers office for \$249,000. Pine plantation on 224 acres is under a timber lease to Packaging Corporation of America until 2022.

The conservation easement will continue to protect floodplain and riverfront wetland forest on 361 acres that is perpetually protected from harvest or alteration. If the Governing Board declines to exercise its Right of First Refusal, the conservation easement will continue to be in effect. The terms of the agreement state that the easement is perpetual, runs with the land, and cannot be extinguished except by the District.

Based on the fee contract price, homesite improvement and the timber lease and the fact that the conservation purposes of the District will continue to be achieved by virtue of the conservation easement, staff recommends the Governing Board decline the right of first refusal.

gal

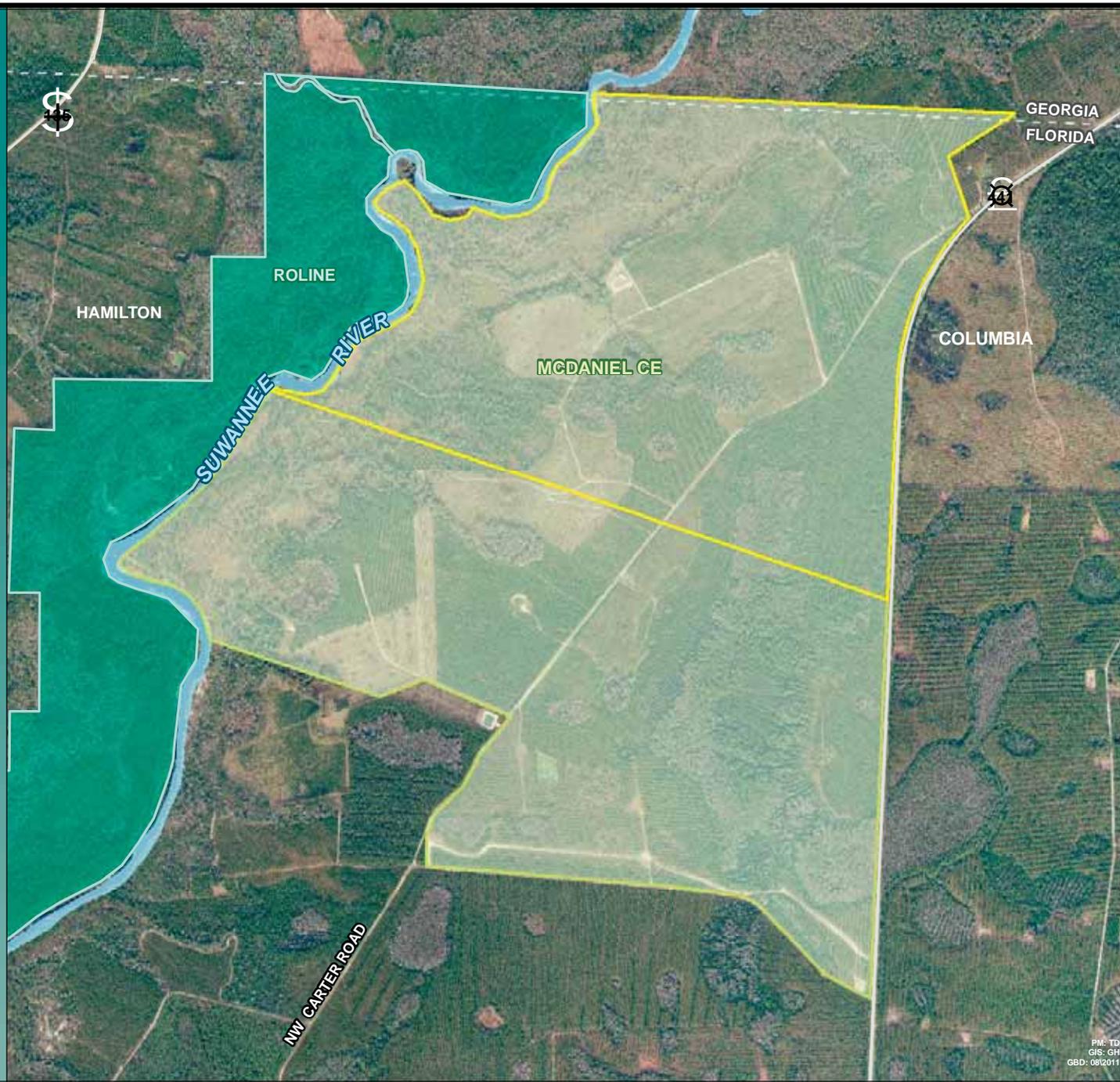
Hale & McDaniel Conservation Easement – 020-00033

**Virginia McDaniel
Conservation
Easement
Columbia County
Florida**

-  **Right of
First Refusal
Land**
-  **SRWMD
CE Lands**
-  **SRWMD
Fee Lands**



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PM: TD
GIS: GH
GBD: 08/2011