

Suwannee River Water Management District

Governing Board Materials

# Water Supply and Resource Management

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

Director of Water Supply and  
Resource Management

Assistant Executive Director

Executive Director

## MEMORANDUM

TO: Governing Board  
FROM: Tim Sagul, Senior Professional Engineer  
DATE: August 25, 2011  
RE: County and City Fee Waiver for Fiscal Year 2011-2012

### RECOMMENDATION

**Staff recommends the Governing Board waive permitting fees for qualifying counties and municipalities for fiscal year 2011-2012.**

### BACKGROUND

In accordance with Florida Statute 218.075, the governing body must certify that the cost of the permit processing fee is a fiscal hardship because of one of the following factors:

- Per capita taxable value is less than the statewide average for the current fiscal year;
- Percentage of assessed property value that is exempt from ad valorem taxation is higher than the statewide average for the current fiscal year;
- Any condition specified in section 218.503, Florida Statutes, that determines a state of financial emergency;
- Ad valorem operating millage rate for the current fiscal year is greater than 8 mills; or
- A financial condition is documented in annual financial statements at the end of the current fiscal year indicates an inability to pay the permit processing fee during that fiscal year.

This process includes the counties and municipalities submitting evidence from the Department of State that they meet the above mentioned criteria and will reduce the effort of approving resolutions for each entity.

TS/rl

## MEMORANDUM

TO: Governing Board

FROM: Carlos Herd, Senior Hydrogeologist

DATE: August 25, 2011

RE: Authorization to Ratify Contract with the Florida Department of Environmental Protection for Administration of Delineated Areas Program

### RECOMMENDATION

**Staff recommends the Governing Board ratify the executed agreement with the Florida Department of Environmental Protection (FDEP). The agreement provides \$40,000 annually to administer the delineated areas water well permitting program for the period beginning July 1, 2011, and ending June 30, 2012.**

### BACKGROUND

The District has administered the delineated areas water well permitting program for FDEP for several years. The program provides for a review of water well permit applications in areas delineated by FDEP as having groundwater contamination. District administration of the program involves incorporating the delineated areas information into the District's existing water well permitting process.

District staff received the agreement for signature on August 10, 2011, and returned it to FDEP on August 11, 2011. Staff executed the agreement prior to Governing Board authorization as FDEP requested.

CH/rl  
Attachment

AGREEMENT NO. S0541

STATE OF FLORIDA  
GRANT AGREEMENT  
PURSUANT TO LINE ITEM 1675G OF THE 2011-2012 GENERAL APPROPRIATIONS ACT

THIS AGREEMENT is entered into between the STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, whose address is 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000 (hereinafter referred to as the "Department") and the SUWANNEE RIVER WATER MANAGEMENT DISTRICT, whose address is 9225 County Road 49, Live Oak, Florida 32060 (hereinafter referred to as "Grantee" or "Recipient"), local governmental entity, to provide financial assistance for Potable Water Well Permitting in Delineated Areas.

In consideration of the mutual benefits to be derived herefrom, the Department and the Grantee do hereby agree as follows:

1. The Grantee does hereby agree to perform in accordance with the terms and conditions set forth in this Agreement, **Attachment A, Grant Work Plan**, and all attachments and exhibits named herein which are attached hereto and incorporated by reference. For purposes of this Agreement, the terms "Contract" and "Agreement" and the terms "Grantee", "Recipient" and "Contractor", are used interchangeably.
2. This Agreement shall begin upon execution by both parties and remain in effect for a period of twelve (12) months, inclusive. The Grantee shall be eligible for reimbursement for work performed on or after the date of execution and until the expiration of this Agreement. The Grantee shall be eligible for reimbursement for work performed on or after July 1, 2011 and through the expiration of this Agreement. This Agreement may be amended to provide for additional services if additional funding is made available by the Legislature.
3.
  - A. As consideration for the services rendered by the Grantee under the terms of this Agreement, the Department shall pay the Grantee on a cost reimbursement basis in an amount not to exceed \$39,997.68. The parties hereto understand and agree that this Agreement does not require a cost sharing or match on the part of the Grantee.
  - B. Prior written approval from the Department's Grant Manager shall be required for changes within approved task budget categories of up to 10% of the total task budget amount. The DEP Grant Manager will transmit a copy of the written approval and revised budget to the DEP Procurement Office and the DEP Contracts Disbursements Office for inclusion in the Agreement file. Changes greater than 10% of the total task budget will require a formal change order to the Agreement. Changes that transfer funds from one task to another or that increase or decrease the total funding amount will require a formal amendment to the Agreement.
  - C. The Grantee shall be reimbursed on a cost reimbursement basis for all eligible project costs, upon the completion, submittal and approval of deliverables identified in **Attachment A**, in accordance with the schedule therein. Reimbursement shall be requested utilizing **Attachment B, Payment Request Summary Form**. A final payment request must be submitted to the Department no later than thirty (30) days following the completion date of this Agreement, to assure the availability of funds for payment. In addition to the summary form, the Grantee must provide from its accounting system, a listing of expenditures charged against this Agreement. The listing shall include, at a minimum, a description of the goods or services purchased, date of the transaction, voucher number, amount paid, and vendor name. Travel expenses will not be reimbursed under the terms and conditions of this Agreement.

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- D. In addition to the invoicing requirements contained in paragraph 3.B. above, the Department will periodically request proof of a transaction (invoice, payroll register, etc.) to evaluate the appropriateness of costs to the Agreement pursuant to State and Federal guidelines (including cost allocation guidelines), as appropriate. This information, when requested, must be provided within thirty (30) calendar days of such request. The Grantee may also be required to submit a cost allocation plan to the Department in support of its multipliers (overhead, indirect, general administrative costs, and fringe benefits). All bills for amounts due under this Agreement shall be submitted in detail sufficient for a proper pre-audit and post-audit thereof. State guidelines for allowable costs can be found in the Department of Financial Services' Reference Guide for State Expenditures at <http://www.fldfs.com/aadir/reference%5Fguide>.
- E. 1. The accounting systems for all Grantees must ensure that these funds are not commingled with funds from other agencies. Funds from each agency must be accounted for separately. Grantees are prohibited from commingling funds on either a program-by-program or a project-by-project basis. Funds specifically budgeted and/or received for one project may not be used to support another project. Where a Grantee's, or subrecipient's, accounting system cannot comply with this requirement, the Grantee, or subrecipient, shall establish a system to provide adequate fund accountability for each project it has been awarded.
2. If the Department finds that these funds have been commingled, the Department shall have the right to demand a refund, either in whole or in part, of the funds provided to the Grantee under this Agreement for non-compliance with the material terms of this Agreement. The Grantee, upon such written notification from the Department shall refund, and shall forthwith pay to the Department, the amount of money demanded by the Department. Interest on any refund shall be calculated based on the prevailing rate used by the State Board of Administration. Interest shall be calculated from the date(s) the original payment(s) are received from the Department by the Grantee to the date repayment is made by the Grantee to the Department.
3. In the event that the Grantee recovers costs, incurred under this Agreement and reimbursed by the Department, from another source(s), the Grantee shall reimburse the Department for all recovered funds originally provided under this Agreement. Interest on any refund shall be calculated based on the prevailing rate used by the State Board of Administration. Interest shall be calculated from the date(s) the payment(s) are recovered by the Grantee to the date repayment is made to the Department by the Grantee.
4. The State of Florida's performance and obligation to pay under this Agreement is contingent upon an annual appropriation by the Legislature. The parties hereto understand that this Agreement is not a commitment of future appropriations.
5. The Grantee shall utilize **Attachment C, Progress Report Form**, to describe the work performed, problems encountered, problem resolution, schedule updates and proposed work for the next reporting period. Quarterly reports shall be submitted to the Department's Grant Manager no later than twenty (20) days following the completion of the quarterly reporting period. It is hereby understood and agreed by the parties that the term "quarterly" shall reflect the calendar quarters ending March 31, June 30, September 30 and December 31. The Department's Grant Manager shall have ten (10) calendar days to review the required reports and deliverables submitted by the Grantee.
6. Each party hereto agrees that it shall be solely responsible for the negligent or wrongful acts of its employees and agents. However, nothing contained herein shall constitute a waiver by either party of its sovereign immunity or the provisions of Section 768.28, Florida Statutes.
7. A. The Department may terminate this Agreement at any time in the event of the failure of the Grantee to fulfill any of its obligations under this Agreement. Prior to termination, the Department

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shall provide thirty (30) calendar days written notice of its intent to terminate and shall provide the Grantee an opportunity to consult with the Department regarding the reason(s) for termination.

- B. The Department may terminate this Agreement for convenience by providing the Grantee with thirty (30) calendar days written notice.
8. This Agreement may be unilaterally canceled by the Department for refusal by the Grantee to allow public access to all documents, papers, letters, or other material made or received by the Grantee in conjunction with this Agreement, unless the records are exempt from Section 24(a) of Article I of the State Constitution and Section 119.07(1)(a), Florida Statutes.
9. The Grantee shall maintain books, records and documents directly pertinent to performance under this Agreement in accordance with generally accepted accounting principles consistently applied. The Department, the State, or their authorized representatives shall have access to such records for audit purposes during the term of this Agreement and for five years following Agreement completion. In the event any work is subcontracted, the Grantee shall similarly require each subcontractor to maintain and allow access to such records for audit purposes.
10. A. In addition to the requirements of the preceding paragraph, the Grantee shall comply with the applicable provisions contained in **Attachment D, Special Audit Requirements**, attached hereto and incorporated herein by reference. **Exhibit 1 to Attachment D** summarizes the funding sources supporting the Agreement for purposes of assisting the Grantee in complying with the requirements of **Attachment D**. A revised copy of **Exhibit 1** must be provided to the Grantee for each amendment which authorizes a funding increase or decrease. If the Grantee fails to receive a revised copy of **Exhibit 1**, the Grantee shall notify the Department's Grants Development and Review Manager at 850/245-2361 to request a copy of the updated information.
- B. The Grantee is hereby advised that the Federal and/or Florida Single Audit Act Requirements may further apply to lower tier transactions that may be a result of this Agreement. The Grantee shall consider the type of financial assistance (federal and/or state) identified in **Attachment D, Exhibit 1** when making its determination. For federal financial assistance, the Grantee shall utilize the guidance provided under OMB Circular A-133, Subpart B, Section \_\_.210 for determining whether the relationship represents that of a subrecipient or vendor. For state financial assistance, the Grantee shall utilize the form entitled "Checklist for Nonstate Organizations Recipient/Subrecipient vs. Vendor Determination" (form number DFS-A2-NS) that can be found under the "Links/Forms" section appearing at the following website:
- <https://apps.fldfs.com/fsaa>
- The Grantee should confer with its chief financial officer, audit director or contact the Department for assistance with questions pertaining to the applicability of these requirements.
- C. In addition, the Grantee agrees to complete and submit the **Certification of Applicability to Single Audit Act Reporting, Attachment E**, attached hereto and made a part hereof, within four (4) months following the end of the Grantee's fiscal year. Attachment B should be submitted to the Department's Grants Development and Review Manager at 3900 Commonwealth Boulevard, Mail Station 93, Tallahassee, Florida 32399-3000. The Grants Development and Review Manager is available to answer any questions at (850) 245-2361.
11. A. The Grantee may not subcontract work under this Agreement without the prior written consent of the Department's Grant Manager. The payment terms of subcontracts (other than construction and the purchase of commodities) shall comply with the terms of this Agreement (for example, if payment under this Agreement is being made on a cost reimbursement basis, then the subcontract should also be cost reimbursement). The Grantee shall submit a copy of the executed subcontract to the Department within ten (10) days after execution. The Grantee agrees to be responsible for

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the fulfillment of all work elements included in any subcontract and agrees to be responsible for the payment of all monies due under any subcontract. It is understood and agreed by the Grantee that the Department shall not be liable to any subcontractor for any expenses or liabilities incurred under the subcontract and that the Grantee shall be solely liable to the subcontractor for all expenses and liabilities incurred under the subcontract.

B. The Department of Environmental Protection supports diversity in its procurement program and requests that all subcontracting opportunities afforded by this Agreement embrace diversity enthusiastically. The award of subcontracts should reflect the full diversity of the citizens of the State of Florida. A list of minority owned firms that could be offered subcontracting opportunities may be obtained by contacting the Office of Supplier Diversity at (850) 487-0915.

12. In accordance with Section 216.347, Florida Statutes, the Grantee is hereby prohibited from using funds provided by this Agreement for the purpose of lobbying the Legislature, the judicial branch or a state agency.
13. The Grantee shall comply with all applicable federal, state and local rules and regulations in providing services to the Department under this Agreement. The Grantee acknowledges that this requirement includes compliance with all applicable federal, state and local health and safety rules and regulations. The Grantee further agrees to include this provision in all subcontracts issued as a result of this Agreement.
14. Any notices between the parties shall be considered delivered when posted by Certified Mail, return receipt requested, or overnight courier service, or delivered in person to the Grant Managers at the addresses below.
15. The Department's Grant Manager for this Agreement is identified below.

David C. James	
Florida Department of Environmental Protection	
Water Facilities Regulation	
2600 Blair Stone Road, MS#3580	
Tallahassee, Florida 32399-2400	
Telephone No.:	(850) 245-8648
Fax No.:	(850) 245-8236
E-mail Address:	<a href="mailto:David.james@dep.state.fl.us">David.james@dep.state.fl.us</a>

16. The Grantee's Grant Manager for this Agreement is identified below.

Gloria Hancock	
Suwannee River Water Management District	
9225 CR 49	
Live Oak, Florida 32060-7056	
Telephone No.:	(386) 362-1001
Fax No.:	(386) 362-1781
E-mail Address:	<a href="mailto:Hancock_g@srwmd.fl.us">Hancock_g@srwmd.fl.us</a>

17. To the extent required by law, the Grantee will be self-insured against, or will secure and maintain during the life of this Agreement, Workers' Compensation Insurance for all of its employees connected with the work of this project and, in case any work is subcontracted, the Grantee shall require the subcontractor similarly to provide Workers' Compensation Insurance for all of the latter's employees unless such employees are covered by the protection afforded by the Grantee. Such self-insurance program or insurance coverage shall comply fully with the Florida Workers' Compensation law. In case any class of employees engaged in hazardous work under this Agreement is not protected under Workers' Compensation statutes,

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the Grantee shall provide, and cause each subcontractor to provide, adequate insurance satisfactory to the Department, for the protection of his employees not otherwise protected.

18. The Grantee, as an independent contractor and not an agent, representative, or employee of the Department, agrees to carry adequate liability and other appropriate forms of insurance. The Department shall have no liability except as specifically provided in this Agreement.
19. The Grantee covenants that it presently has no interest and shall not acquire any interest which would conflict in any manner or degree with the performance of services required.
20. Reimbursement for equipment purchases costing \$1,000 or more is not authorized under the terms and conditions of this Project Agreement.
21. The Department may at any time, by written order designated to be a change order, make any change in the Grant Manager information or task timelines within the current authorized Agreement period. All change orders are subject to the mutual agreement of both parties as evidenced in writing. Any change, which causes an increase or decrease in the Grantee's cost or time, shall require formal amendment to this Agreement.
23.
  - A. No person, on the grounds of race, creed, color, national origin, age, sex, or disability, shall be excluded from participation in; be denied the proceeds or benefits of; or be otherwise subjected to discrimination in performance of this Agreement.
  - B. An entity or affiliate who has been placed on the discriminatory vendor list may not submit a bid on a contract to provide goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not award or perform work as a contractor, supplier, subcontractor, or consultant under contract with any public entity, and may not transact business with any public entity. The Florida Department of Management Services is responsible for maintaining the discriminatory vendor list and intends to post the list on its website. Questions regarding the discriminatory vendor list may be directed to the Florida Department of Management Services, Office of Supplier Diversity, at 850/487-0915.
24. Land acquisition is not authorized under the terms of this Agreement.
25. If a court deems any provision of this Agreement void or unenforceable, that provision shall be enforced only to the extent that it is not in violation of law or is not otherwise unenforceable and all other provisions shall remain in full force and effect.
26. This Agreement represents the entire agreement of the parties. Any alterations, variations, changes, modifications or waivers of provisions of this Agreement shall only be valid when they have been reduced to writing, duly signed by each of the parties hereto, and attached to the original of this Agreement, unless otherwise provided herein.

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IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed, the day and year last written below.

SUWANNEE RIVER WATER  
MANAGEMENT DISTRICT

STATE OF FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION

By: David Skelton  
Title: \*

By: \_\_\_\_\_  
Secretary or designee

Date: August 10, 2011

Date: \_\_\_\_\_

Approved as to conformance to District  
budgetary and administrative procedures:

Jon Dinges  
Jon Dinges, Director  
Water Supply & Resource Management

\_\_\_\_\_  
David C. James, DEP Grant Manager  
D. Skelton  
DEP Contracts Administrator

Approved as to form and legality:

George T. Reeves  
George T. Reeves  
Legal Counsel

Approved as to form and legality:  
Manson B W  
DEP Attorney

FEID No.:59-1520101

\*For Agreements with governmental boards/commissions: If someone other than the Chairman signs this Agreement, a resolution, statement or other document authorizing that person to sign the Agreement on behalf of the Grantee must accompany the Agreement.

List of attachments/exhibits included as part of this Agreement:

Specify Type	Letter/ Number	Description (include number of pages)
<u>Attachment</u>	<u>A</u>	<u>Grant Work Plan (8 Pages)</u>
<u>Attachment</u>	<u>B</u>	<u>Payment Request Summary Form (2 Pages)</u>
<u>Attachment</u>	<u>C</u>	<u>Progress Report Form (2 Pages)</u>
<u>Attachment</u>	<u>D</u>	<u>Special Audit Requirements (5 Pages)</u>
<u>Attachment</u>	<u>E</u>	<u>Certification of Applicability to Single Audit Act Reporting (3 Pages)</u>

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**ATTACHMENT A**  
**GRANT WORK PLAN**  
**July 1, 2011 through June 30, 2012**

**Project Title:** New potable water well permitting in delineated areas pursuant to Chapter 62-524, F.A.C.

**Project Location:** Counties in the jurisdiction of the Suwannee River Water Management District

**Project Background:** In 1988, the Florida Legislature directed the Department (DEP) to implement the Delineated Areas Program for new potable water well construction and water testing standards within areas of known ground water contamination under Chapter 373, F.S., and Chapter 62-524, F.A.C. This action was taken to protect public health and ground water resources, and to promote cost-effective remediation of contaminated potable water supplies.

The DEP has delegated to the Water Management Districts (WMDs) authority to implement the Delineated Areas Program through interagency agreements. The districts are required to perform detailed reviews of permit applications for construction of new potable water wells in areas of known ground water contamination. Permitted wells must be constructed to more stringent well construction standards that are dependent on site specific hydro geologic conditions. All wells must be tested for contamination by the County Health Department (CHD) and cleared prior to potable water use. The WMDs coordinate this effort with the DEP and the Department of Health (DOH). Contaminated wells that are not cleared for use are typically remediated by installation of a granular activated carbon filtration system or by connection to a municipal water system.

Without funding assistance from the DEP the WMDs may not be able to implement the program.

**Project Objectives:**

- Objective 1: Protect public health and the ground water resource in areas of known ground water contamination pursuant to Chapter 62-524, F.A.C., New Potable Water Well Permitting in Delineated Areas.
- Objective 2: Permit the construction of all new potable water wells located in areas of known ground water contamination pursuant to Chapter 62-524, F.A.C.
- Objective 3: Provide a clean source of potable well water in areas of known ground water contamination through proper well construction pursuant to Chapter 62-524, F.A.C. or require connection to a public water system.
- Objective 4: Perform well site inspections to verify compliance with the permit conditions.

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- Objective 5: Coordinate the sampling and clearance of all new potable water wells constructed in areas of known ground water contamination with the DOH pursuant to Chapter 62-524, F.A.C, prior to use.
- Objective 6: Coordinate the remediation of all new potable water constructed in areas of known ground water contamination pursuant to Chapter 62-524, F.A.C, that are found to be contaminated or require hook up to a public water system.

**Project Description:**

**Task No. 1: Review and Issue Well Construction Permits**

- A. The Grantee shall administer a permitting process for the construction and abandonment of potable water wells in delineated areas pursuant to Section 373.309, Florida Statute F.S., and Chapter 62-524, F.A.C.. Permit application shall be made under the Grantee's existing well construction permitting requirements, in accordance with Chapter 40A-3, F.A.C., pursuant to Chapter 62-532, F.A.C., and using existing or new forms adopted by the Grantee for this purpose.
- B. The Grantee shall require the applicant to provide the Grantee with the correct location of the proposed new potable water well(s) for purposes of determining whether the new potable water well(s) is subject to the requirements of Chapter 62-524, F. A. C.
- C. As a minimum standard, the Grantee shall require the applicant to provide, on a map approved by the Grantee, the correct proposed location of the new potable water well(s) located within a section identified as containing any portion of a delineated area. The sections identified as containing delineated areas shall be provided by the DEP. Actual delineated areas shall be provided to the Grantee using the DEP's GIS on-line system and on maps at the 7.5 minute quadrangle map scale.
- D. The Grantee shall review the all permit applications for the construction of proposed new potable water well(s) and determine if the well(s) is located within a delineated area based on the information submitted by the applicant. If the well is located within a delineated area the well shall be permitted pursuant to Chapter 62-524, F.A.C. If it cannot be determined that the well is located within a delineated area, the use of Global Positioning System (GPS) equipment and field measurements shall be used to determine the actual location of any proposed new potable water well. The Grantee may amend the permit application from the requirements of Chapter 62-524, F.A.C., after construction of a new potable well, if the well is found to be located outside of a delineated area using GPS equipment and field measurements.
- E. The Grantee shall prohibit permitting and construction of new potable water wells in delineated areas where available potable water systems exist as provided for in Chapter 62-524, F.A.C., as defined in Chapter 62-550, F.A.C. Prior to issuing a permit the Grantee shall contact the CHD or local water supply officials to determine if the proposed well location is within 500 feet of a public water system as provided for in Section 62-

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524.700(2), F.A.C. If a public water system is within 500 feet of the proposed well the Grantee shall deny the permit application unless the applicant demonstrates that the conditions set forth in Section 62-524.700(2), F.A.C., are met which allow a permit to be issued.

F. The Grantee shall develop specific permit construction requirements for potable water wells in delineated areas. These requirements shall be based on the site specific geology and hydrogeology, the nature and extent of contamination, and other information available to the Grantee which is related to the delineated areas. The Grantee shall provide the DEP through periodic consultation, with the basis for well construction requirements applied to new potable water wells in delineated areas.

G. The Grantee shall determine whether additional permit requirements are necessary for any water well located within a delineated area pursuant to Paragraphs 62-532.500(2)(d).

**Completion Date:** The Grantee will be reimbursed on a quarterly basis upon submittal and approval of the following deliverables.

**Task Budget Amount:** \$21,765.60

**Deliverable:** Copies of permits issued during the quarter.

**Deliverable Budget:** \$5,441.40 per quarter. .

The quarterly budget for the deliverable(s) for this task is as follows:

**Salaries:** \$4,185.69

Gloria Hancock: \$4,185.69 = 241.25 hours @ \$17.35

**Fringe Benefits:** \$1,255.71

Fringe benefits are calculated at 30% of salary rate

**Flexibility is allowed from one quarter to another quarter as long as the change is submitted in writing with the Payment Request Summary Form submitted for the quarter that shows the budgets for all quarters and the change does not change the total budgeted amount for the approved budget category for the task.**

#### **Task No. 2: Perform Well Construction Inspections**

A. If the Grantee determines that construction requirements as set forth in Chapter 62-524, F.A.C., or the conditions or stipulations of a permit have not been met, the Grantee shall disapprove the well and require its abandonment pursuant to Chapter 40A-3, F.A.C.

B. The Grantee, when permitting a public water supply as defined in Chapter 62-550, F.A.C., that is located outside of a delineated area, must determine if ground water withdrawal from the well may draw ground water contamination in the proposed well and apply additional permit requirements as appropriate to protect public health and the ground water resource.

C. The Grantee shall conduct inspections of all-, as needed, for new permitted potable water wells constructed in a delineated area to ensure conformity with the well construction requirements of Chapter 62-524, F.A.C.

**Completion Date:** The Grantee will be reimbursed on a quarterly basis upon submittal and

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approval of the following deliverables.

**Task Budget Amount:** \$10,225.12

**Deliverable:** Quarterly Completion Reports for all work under this task.

**Deliverable Budget:** \$2,556.28 per quarter

The quarterly budget for the deliverable(s) for this task is as follows:

**Salaries:** \$1,966.37

David White: \$1,966.37 = 83.25 hours @ \$23.62

**Fringe Benefits:** \$589.91

Fringe benefits are calculated at 30% of salary rate

**Flexibility is allowed from one quarter to another quarter as long as the change is submitted in writing with the Payment Request Summary Form submitted for the quarter that shows the budgets for all quarters and the change does not change the total budgeted amount for the approved budget category for the task.**

### **Task No. 3: Coordinate Well Sampling and Clearance with the Department of Health**

- A. The Grantee shall notify the DEP and DOH of both the application for and issuance of exemptions from the requirements of Section 62-524.700, F.A.C., and provide each agency with all the information used as a basis for any exemptions. The DEP reserves the right to review and comment on any application for exemption from Section 62-524.700, F.A.C., during the review exemption period established by the Grantee.
- B. When the Grantee issues a permit for the construction of a new potable water well in a delineated area, the Grantee shall provide written notice to the property owner or to the property owner's agent that the proposed potable water well is in a delineated area and that the new potable water well is subject to the requirements of Chapter 62-524, F.A.C. The Grantee shall inform the property owner or the property owner's agent that sampling and analysis of the well water must be conducted according to the procedures specified in Chapter 62-524, F.A.C., as a prerequisite for the new potable water well use, and that costs related to the collection, shipping, and analysis of the sample are the responsibility of the property owner. Such written notification shall inform the property owner or the property owner's agent that a determination will be made by the DOH as to whether the testing and water quality analysis requirements of Chapter 62-524, F.A.C., have been met. In the event that the new potable water well is found to be unsuitable for potable use, the DOH shall provide written notification that the use of the well is prohibited pursuant to Subsection 62-524.650(2), F.A.C., until remedies are implemented by the DEP or the property owner that bring the well in compliance with Chapter 62-524, F.A.C.
- C. The Grantee shall make written notification to the property owner or the property owner's agent that the property owner is responsible for contacting the DOH within sixty (60) days of well completion.
- D. The Grantee shall also make written notification to the DOH when a new potable water well located in a delineated area has been properly constructed and include copies of the new potable water well application and well completion report forms. The DOH may extend the sixty (60) day sampling period and shall make written notification to the property owner or the property owner's agent and the Grantee of any extension.

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E. When the DOH determines that testing or water quality requirements (and remedial measures) as set forth in Chapter 62-524, F.A.C., have not been met or that the water well is not suitable for its intended use, the DOH shall notify the property owner or the property owner's agent and the Grantee in writing of such determination and the Grantee shall disapprove the well and require its abandonment pursuant to Chapter 40A-3, F.A.C.

**Completion Date:** The Grantee will be reimbursed on a quarterly basis upon submittal and approval of the following deliverables.

**Task Budget Amount:** \$1,082.64

**Deliverable(s):** Copies of correspondence showing efforts of coordination for the quarter.

**Deliverable Budget:** \$270.66

The quarterly budget for the deliverable(s) for this task is as follows:

**Salaries:** \$208.20

Gloria Hancock: \$208.20 = 12. hours @ \$17.35

**Fringe Benefits:** \$62.46

Fringe benefits are calculated at 30% of salary rate

**Flexibility is allowed from one quarter to another quarter as long as the change is submitted in writing with the Payment Request Summary Form submitted for the quarter that shows the budgets for all quarters and the change does not change the total budgeted amount for the approved budget category for the task.**

#### **Task No. 4: Review Well Construction Completion Reports**

The Grantee shall report the well construction details to the DEP on a quarterly basis for all permitted potable water wells located in delineated areas. Reporting shall be conducted on forms adopted by the DEP, or by other methods, which are agreed to, by the Grantee and the DEP.

**Completion Date:** The Grantee will be reimbursed on a quarterly basis upon submittal and approval of the following deliverables.

**Task Budget Amount:** \$2,548.64

**Deliverable(s):** Quarterly Completion Report that identifies the construction details for all permitted potable water wells in delineated areas.

**Deliverable Budget:** \$637.16

The quarterly budget for the deliverable(s) for this task is as follows:

**Salaries:** \$490.12

David White : \$490.12 = 20.75 hours @ \$23.62

**Fringe Benefits:** \$147.04

Fringe benefits are calculated at 30% of salary rate

**Flexibility is allowed from one quarter to another quarter as long as the change is submitted in writing with the Payment Request Summary Form submitted for the quarter that shows the budgets for all quarters and the change does not change the total budgeted amount for the approved budget category for the task.**

#### **Task No. 5: Delineated Area Quarterly Report**

A. The Grantee shall provide DEP, on a quarterly basis, with reports describing actions,

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expenses incurred and revenues received in the implementation of the requirements of Chapter 62-524, F.A.C. The following items shall be included in such reports:

- Total salary, including benefits, of the staff position funded under this Agreement.
- The number of public and private water well permit applications reviewed in sections, which contain any portion of a delineated area.
- The number of public and private wells, which were issued well construction, permits in delineated areas.
- The number and itemized listing of exemptions from Chapter 62-524, F.A.C., requested and granted.
- The number of enforcement actions taken for wells constructed in delineated areas for which all requirements of Chapter 62-524, F.A.C., were not met.

B. Delegation by the Grantee to DOH or other political subdivisions shall be allowed, provided the following are met:

- Personnel: The Grantee shall demonstrate to the DEP that the political subdivision has sufficient qualified personnel and resources to properly perform the delegated responsibilities.
- Rules: Each political subdivision shall adopt the appropriate provisions of the Grantee's rule(s) regarding permitting of new potable water wells in delineated areas.
- Fees: Statutory fee caps set forth in Sub-paragraph 373.309(1)(e)7, F.S., shall apply. The Grantee shall submit to the DEP justification for specific fees charged by each political subdivision as required in Paragraph 373.309(1)(e),F.S.
- Inspections: Each political subdivision shall perform the required inspections on each new potable water well.
- Enforcement: Each political subdivision shall enact penalty provisions equivalent to Section 62-524.740, F.A.C., or the Grantee shall retain responsibility for enforcement.
- Reporting: The Grantee shall report all permitting and enforcement activities associated with permitting of new potable water wells in delineated areas within its jurisdiction to the DEP quarterly.
- Oversight: The Grantee is responsible by statute for the permitting of new potable water wells in delineated areas within its jurisdiction. The Grantee shall monitor the implementation of delegation to a political subdivision, and upon determination that the delegated responsibilities are not being implemented in accordance with the requirements of Chapter 62-524, F.A.C., shall rescind or limit delegation.

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**Completion Date:** The Grantee will be reimbursed on a quarterly basis upon submittal and approval of the following deliverables.

**Task Budget Amount:** \$4,375.68

**Deliverable(s):** Quarterly Delineated Area Report.

**Deliverable Budget:** \$1,093.92

The quarterly budget for the deliverable(s) for this task is as follows:

**Salaries:** \$841.48

Gloria Hancock: \$841.48 = 48.5 @ \$17.35

**Fringe Benefits:** \$252.44

Flexibility is allowed from one quarter to another quarter as long as the change is submitted in writing with the Payment Request Summary Form submitted for the quarter that shows the budgets for all quarters and the change does not change the total budgeted amount for the approved budget category for the task.

**Project Budget:**

Budget Category	DEP Funding
Salaries:	\$30,767.44
Fringe Benefits:	9,230.24
Contractual Services:	
Equipment Purchases	
Supplies/Other Expenses	
Land	
Indirect:	
Total:	\$39,997.68

**Project Budget Narrative:**

**Salaries**

Gloria Hancock-1207 hours @ \$17.35 = \$20,941.45

David White-416 hours @ \$23.62=\$9,825.92

**Fringe Benefits:** Calculated at 30% of salaries

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AUG 10 2011

**Measures of Success:**

1. 100% permitting of new potable water wells permitted in know areas of known ground water contamination.
2. 100% inspection of new potable water well construction.
3. 100% sampling and analysis of new potable well water prior to use through coordination with the Department of Health and the County Health Departments.
4. 100% review of new potable water well completion reports.
5. On time submittals of Quarterly Delineated Area Reports.

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AUG 10 2011

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COPIES TO \_\_\_\_\_

## MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, Senior Professional Engineer

DATE: August 25, 2011

RE: Denial of General Environmental Resource Permit Application Number 07-0301M, Florida Gateway Resort Improvements, Hamilton County and Authorization to Initiate Enforcement, CE10-0060

### RECOMMENDATION

**Staff recommends the Governing Board authorize denial, without prejudice, of General Environmental Resource Permit application number 07-0301M, to Karamchand Doobay, for Florida Gateway Resort Improvements, Hamilton County, and authorize initiation of enforcement action.**

### BACKGROUND

The District received the application for modification on June 23, 2010. Staff sent a request for additional information (RAI) on July 1, 2010. The District received additional information on July 8, 2010. Staff sent a second RAI on August 6, 2010. The District received an extension request on November 3, 2010. Staff inspected the site on December 16, 2010 after the applicant failed to respond. Staff found that work was in progress so staff issued a Notice of Violation and Stop Work Order. The applicant called the District on December 21, 2010, indicating that no further work would be done until the District issued a permit.

The new project manager contacted staff on February 14, 2011. Staff put compliance efforts on hold pending submittal by the new engineer. Staff sent a reminder letter on April 13, 2011, and staff spoke with the new project manager on May 17, 2011. Staff inspected the site on June 28, 2011, and discovered that additional work had been done. The owner and new project manager stated that the new engineer had a response almost prepared. Staff spoke with the new

engineer on July 25, 2011. He had not been paid and therefore had no intention of submitting the requested information.

The information needed to complete the application consists of the as-built bond, topographic information and drawings of the buildings on the project area.

A Consent Agreement (CA) is the appropriate mechanism to resolve this enforcement action. It should include the option to restore the site to pre-existing conditions or obtain an environmental resource permit for the improvements. Additionally, the CA should include a penalty for unpermitted work of this magnitude as well as reimbursement of administrative costs and associated attorneys' fees.

TS/rl

August 25, 2011

Karamchand Doobay  
Florida Gateway Resort  
7816 SE 113<sup>th</sup> Blvd.  
Jasper, FL 32052

Subject: Denial of ERP07-0301M, Florida Gateway Resort  
Improvements, Hamilton County

Dear Mr. Doobay:

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

This proposed action is subject to final decision of the Governing Board at their regularly scheduled meeting on September 13, 2011, which is open to the public.

Persons considered to be affected by this proposed agency action may request an administrative hearing. The request must be written and must adhere to the requirements of Chapter 28-106, Florida Administrative Code. Please see the enclosed Notice of Rights. All requests for administrative hearings shall be sent to the District at 9225 County Road 49, Live Oak, Florida 32060. Please call permitting staff at 386.362.1001 if you have any questions.

Sincerely,

Tim Sagul, PE, CFM  
Senior Professional Engineer

TS/rl

Enclosure

cc: Hamilton County Board of Commissioners  
David Winsberg, P.E.

Certified Mail Receipt Number: 7008 1300 0001 7731 7845

## NOTICE OF RIGHTS

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

## NOTICE OF RIGHTS

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

## CERTIFICATE OF SERVICE

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

**Karamchand Doobay**  
**Florida Gateway Resort**  
**7816 SE 113<sup>th</sup> Blvd.**  
**Jasper, FL 32052**

At 4:00 p.m. this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

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

## STAFF REPORT

### ENVIRONMENTAL RESOURCE PERMIT APPLICATION

**DATE:** August 25, 2011

**PROJECT:** Florida Gateway Resort

**APPLICANT:**

Karamchand Doobay  
7516 SE 113<sup>th</sup> Blvd.  
Jasper, Florida 32052

**PERMIT APPLICATION NO.:** ERP07-0301M  
**DATE OF APPLICATION:** 06/23/10  
**APPLICATION COMPLETE:** N/A  
**DEFAULT DATE:** N/A

#### **Recommended Agency Action**

Staff recommends the denial of the general Environmental Resource permit application because of failure to supply information necessary to complete the application and initiation of enforcement action.

#### **Project Location**

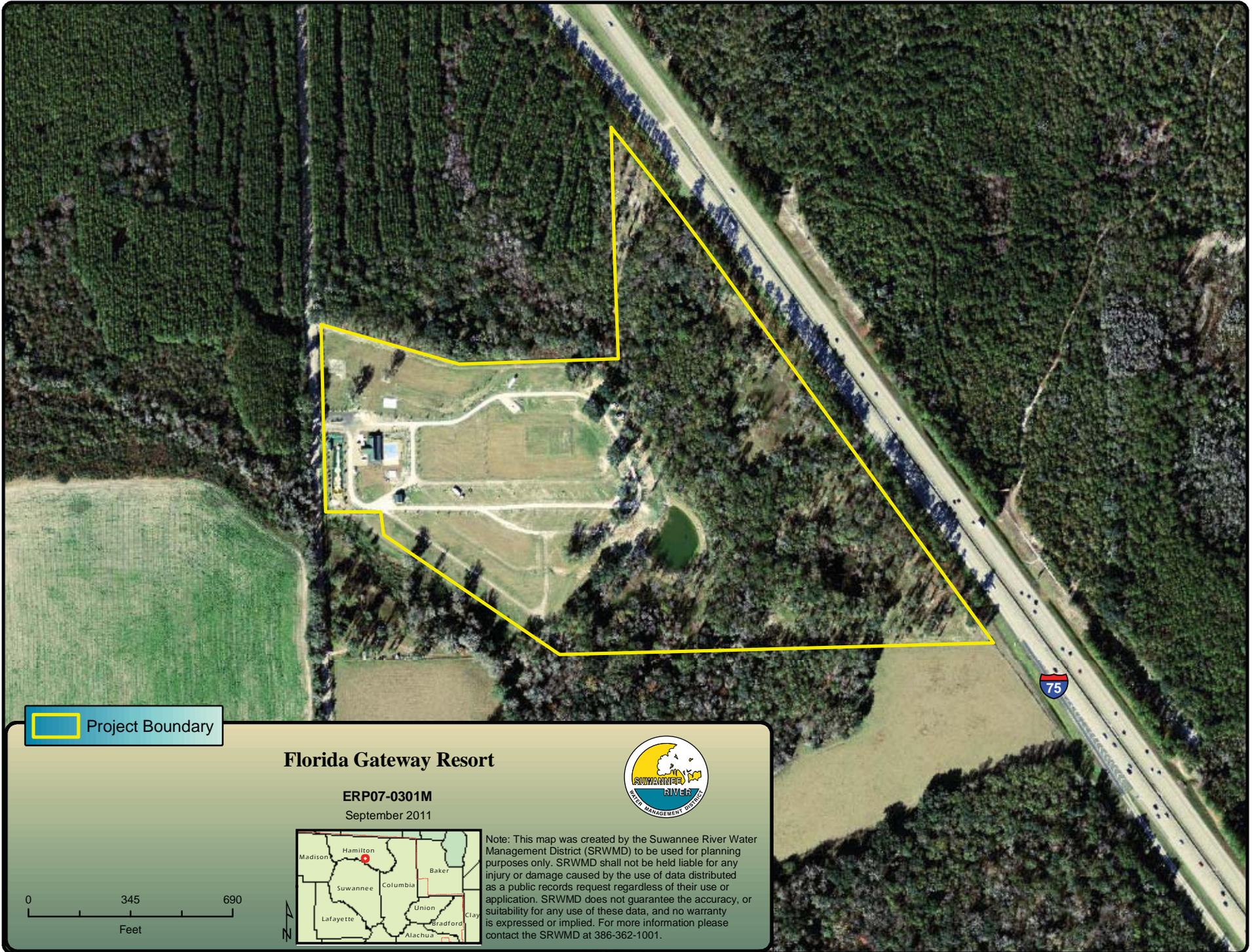
The project is located in Hamilton County, Township 1 South, Range 14 East, Sections 3 and 4.

#### **Project Description**

The proposed project consists of modifications to a 19.91-acre RV park to include paving existing roads, changing the RV parking area to allow for cottages and constructing a water slide with a total impervious area of 5.16 acres.

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

Staff inspected the project site on June 28, 2011. Construction of the project is complete.



 Project Boundary

### Florida Gateway Resort

ERP07-0301M  
September 2011



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



MEMORANDUM

TO: Governing Board

FROM: Carlos Herd, Senior Hydrogeologist

DATE: August 25, 2011

RE: Approval of Water Use Permit Application Number  
2-04-00092M3, Byrd Dairy, Lafayette County

RECOMMENDATION

**Staff recommends the Governing Board approve a modification to Water Use Permit number 2-04-00092M3, with seventeen standard conditions and six special limiting conditions to Byrd Dairy in Lafayette County.**

BACKGROUND

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

/tm

August 25, 2011

Byrd Dairy  
J.W. Byrd  
583 NE CR 410  
Mayo, FL 32066

Subject: Approval of Water Use Permit Application Number  
2-04-00092M3, Byrd Dairy, Lafayette County

Dear Mr. Byrd:

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

This proposed action is subject to final decision of the Governing Board at their regularly scheduled meeting on September 13, 2011, which is open to the public.

Persons considered to be affected by this proposed agency action may request an administrative hearing. The request must be written and must adhere to the requirements of Chapter 28-106, Florida Administrative Code. Please see the enclosed Notice of Rights. All requests for administrative hearings shall be sent to the District at 9225 County Road 49, Live Oak, Florida 32060. Please call permitting staff at 386.362.1001 if you have any questions.

Sincerely,

Jon Dinges, P. E.  
Director, Water Supply & Resource Management

JD/tm

Enclosure

Certified Mail Receipt Number: 7010 1060 0001 1350 1673

## NOTICE OF RIGHTS

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

## NOTICE OF RIGHTS

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

### CERTIFICATE OF SERVICE

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

Byrd Dairy  
J.W. Byrd  
583 NE CR 410  
Mayo, FL 32066

At 4:00 p.m. this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Jon Dinges  
Deputy Clerk  
Suwannee River Water Management District  
9225 C.R. 49  
Live Oak, Florida 32060  
386.362.1001 or 800.226.1066 (Florida only)

# STAFF REPORT

## WATER USE PERMIT APPLICATION

**DATE:** August 25, 2011

**PROJECT:** Byrd Dairy

**APPLICANT:**

Byrd Dairy  
583 NE CR-410  
Mayo, FL 32066

**PERMIT APPLICATION NO.:** 2-04-00092M3

**DATE OF APPLICATION:** July 11, 2011

**APPLICATION COMPLETE:** August 1, 2011

	Previous Quantities:		Proposed Quantities:	
<b>Average Daily Rate (ADR)</b>	<b>1.2142</b>	<b>mgd</b>	<b>1.6466</b>	<b>mgd</b>
<b>Maximum Daily Rate (MDR)</b>	<b>9.9216</b>	<b>mgd</b>	<b>9.6192</b>	<b>mgd</b>

### Recommended Agency Action

Staff recommends approval of a modification to an existing agricultural water use permit located within Lafayette County. The modification will include an expansion of irrigated acreage, increased number of livestock and two proposed wells. The permit will include seventeen standard conditions and six special limiting conditions. The permit will expire on December 13, 2024.

### Project Review Staff

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

### Project Location

The withdrawal facilities are located in Township 05 South, Range 11 East, Section 17, Township 05 South, Range 13 East, Sections 18, 19, and 31, Township 06 South, Range 13 East, Sections 3, 10, and 11 in Lafayette County. The project is located within the middle Suwannee River basin.

## **Project Description**

The project area consists of approximately 2,006 acres with approximately 610 acres being irrigated using groundwater and dairy wastewater. The operation includes approximately 600 milking cows and 100 dry cows.

The water use calculations are based upon the irrigated acreage, livestock type and crop types provided by Byrd Dairy. Crops include corn and sorghum with winter rye each year. The applicant will use five center pivots and four traveler systems for irrigation. Excess wastewater is applied by one center pivot. The Average Daily Rate (ADR) of withdrawal will be 1.6466 mgd.

The project area includes nine active wells and two proposed wells. Use of the wells will be for irrigation and livestock. The well inventory includes the following: three 4-inch wells, one 6-inch well, two 8-inch wells, four 10-inch wells, and one 12-inch well. The combined capacities for the wells are 9.6192 mgd. A list of wells can be found in the table on Attachment A.

## **Demonstration of Need**

The applicant has provided information that supports the requested allocation, based upon number of livestock, crop types, and irrigated acres.

## **Water Conservation**

The applicant has completed the Water Conservation worksheets for Center Pivot Irrigation and Livestock Watering & Cleaning Systems. The applicant is also using approximately 0.0064 mgd of wastewater on crops to reduce their need for groundwater.

## **Minimum Flows and Levels Compliance**

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

## **Standard Conditions**

1. Nothing in this permit should be construed to limit the authority of the Suwannee River Water Management District to declare a water shortage and issue orders pursuant to Section 373.175, Florida Statutes, (F.S.) or to formulate

a rule for implementation during times of water shortage pursuant to Section 373.246, Florida Statutes. In the event of water shortage as declared by the Board, the permittee shall adhere to any limitations on withdrawal or use ordered by the District.

2. This permit is classified as unconfined Floridan aquifer for overhead irrigation.

3. Permittee shall allow District personnel at reasonable times and at District expense or with District equipment to monitor withdrawal rates and volumes authorized by this permit.

4. Capping of Withdrawals Not In Use: Any wells not in use, and in which pumping equipment is not installed shall be capped or valved in a water tight manner in accordance with Chapter 62-532.500(4)(a)(4), F.A.C.

5. The permittee may apply for a permit modification at any time in accordance with Section 40B-2.331, F.A.C.

6. In the event of a District-declared water shortage, the permittee must immediately comply with any restrictions or requirements ordered in accordance with the District's Water Shortage Plan, Chapter 40B-21, F.A.C.

7. Permittee must mitigate interference with existing legal uses caused in whole or in part by the permittee's withdrawals, consistent with a District-approved mitigation plan. As necessary to offset such interference, mitigation may include, but is not limited to, reducing pumpage, replacing the existing legal user's withdrawal equipment, relocating wells, changing withdrawal source, supplying water to existing legal user, or other means needed to mitigate the impacts.

8. Permittee must mitigate harm to existing off-site land uses caused by the permittee's withdrawals. When harm occurs, or is imminent, the permittee must modify withdrawal rates or mitigate the harm.

9. Permittee must mitigate harm to the natural resources caused by the permittee's withdrawals. When harm occurs or is imminent, the permittee must modify withdrawal rates or mitigate the harm.

10. If any condition of the permit is violated, the permittee shall be subject to enforcement action pursuant to Chapter 373, F.S.

11. Authorized representatives of the District, upon reasonable notice to the permittee, shall be permitted to enter and inspect the permitted water use to determine compliance with the permit conditions.

12. This permit does not relieve the permittee from complying with any applicable local government, state, or federal law, rule, or ordinance.

13. This permit does not convey to the permittee any property rights or privileges other than those specified herein.

14. Permittee shall notify the District in writing within 90 days of any sale, conveyance, or other transfer of ownership or control of the real property on which the permitted water use activities are located. All water use permit transfers are subject to the requirements of section 40B-2.301, F.A.C.

15. Permittee must notify the District in writing prior to implementing any changes in the water use that may alter the permit allocations. Such changes include, but are not limited to, change in irrigated acreage, crop type, irrigation system, water treatment method, or entry into one or more large water use agreements. In the event a proposed change will alter the allocation, permittee must first obtain a permit modification.

16. When the District provides a permanent identification tag, the tag shall be prominently displayed at the withdrawal site by permanently affixing such tag to the pump, headgate, valve, or other withdrawal facility. If the permit covers several facilities such as a well field, a tag shall be affixed to each facility. Failure to display a tag as prescribed herein shall constitute a violation of the permit. The permittee shall be allowed ten (10) days after the notice of violation of this section to obtain a replacement tag.

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

### **Special Limiting Conditions**

18. All correspondence sent to the District regarding this permit must include the permit number 2-04-00092M3.

19. The Permittee shall implement and/or maintain the conservation practices selected on the Water Conservation Worksheet(s) which are associated with this permit. Any new practices selected shall be implemented in one year from the date of permit issuance. Practices that involve scheduling methods or maintenance shall be documented. Documentation for implementation and/or maintenance shall be maintained on all practices and available upon request.

20. The Permittee shall submit a plan for monitoring groundwater withdrawals, at the Permittee's expense, within one year of issuance. This plan shall be implemented within one year after District approval. Reporting shall take place every three months and provided to the District on or before the fifteenth day of the following month.

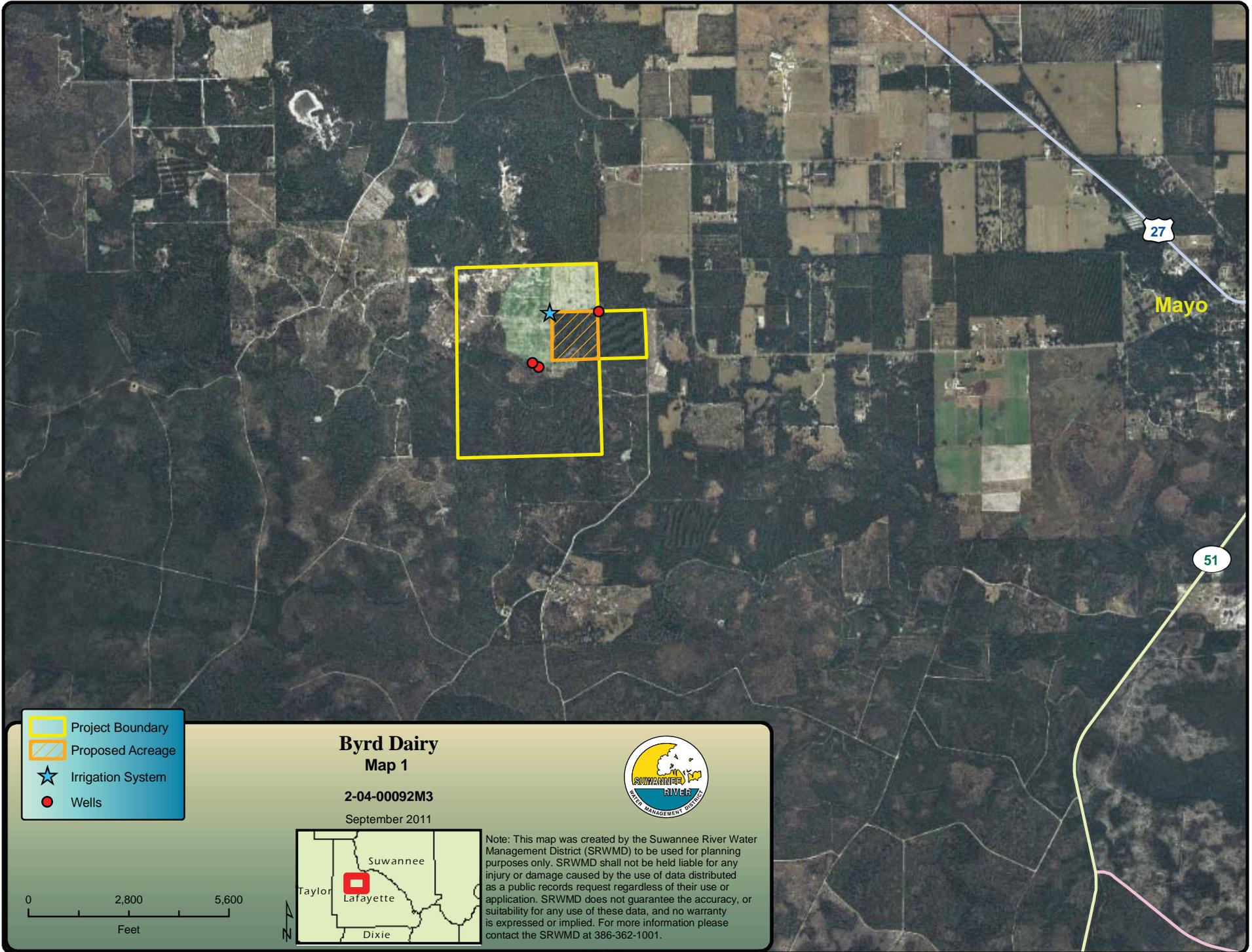
21. The permitted water withdrawal facilities consist of the table on Attachment A.

22. The Permittee shall ensure that the irrigation systems will water target areas only under field operations. Irrigation of non-target areas (roads, woods, structures, etc.) is prohibited.

23. This permit shall expire on December 13, 2024. The Permittee must submit the appropriate application form incorporated by reference in subsection 40B-2.041(2), F.A.C and the required fee to the District pursuant to section 40B-2.361, F.A.C., prior to this expiration date in order to continue the use of water.

Attachment A  
2-04-00092M3  
Byrd Dairy

Name	Status	Diameter	Capacity (gpm)	Water Use
Well No.1	Active	8	800	Livestock
Well No.2	Active	10	800	Irrigation
Well No.3	Proposed	12	800	Irrigation
Well No.4	Active	4	70	Livestock
Well No.5	Active	4	70	Livestock
Well No.6	Active	4	40	Livestock
Well No.7	Active	10	1000	Irrigation
Well No.14	Active	6	500	Irrigation
Well No.16	Active	10	800	Irrigation
Well No.18	Active	10	1000	Irrigation
Well No.20	Proposed	8	800	Irrigation



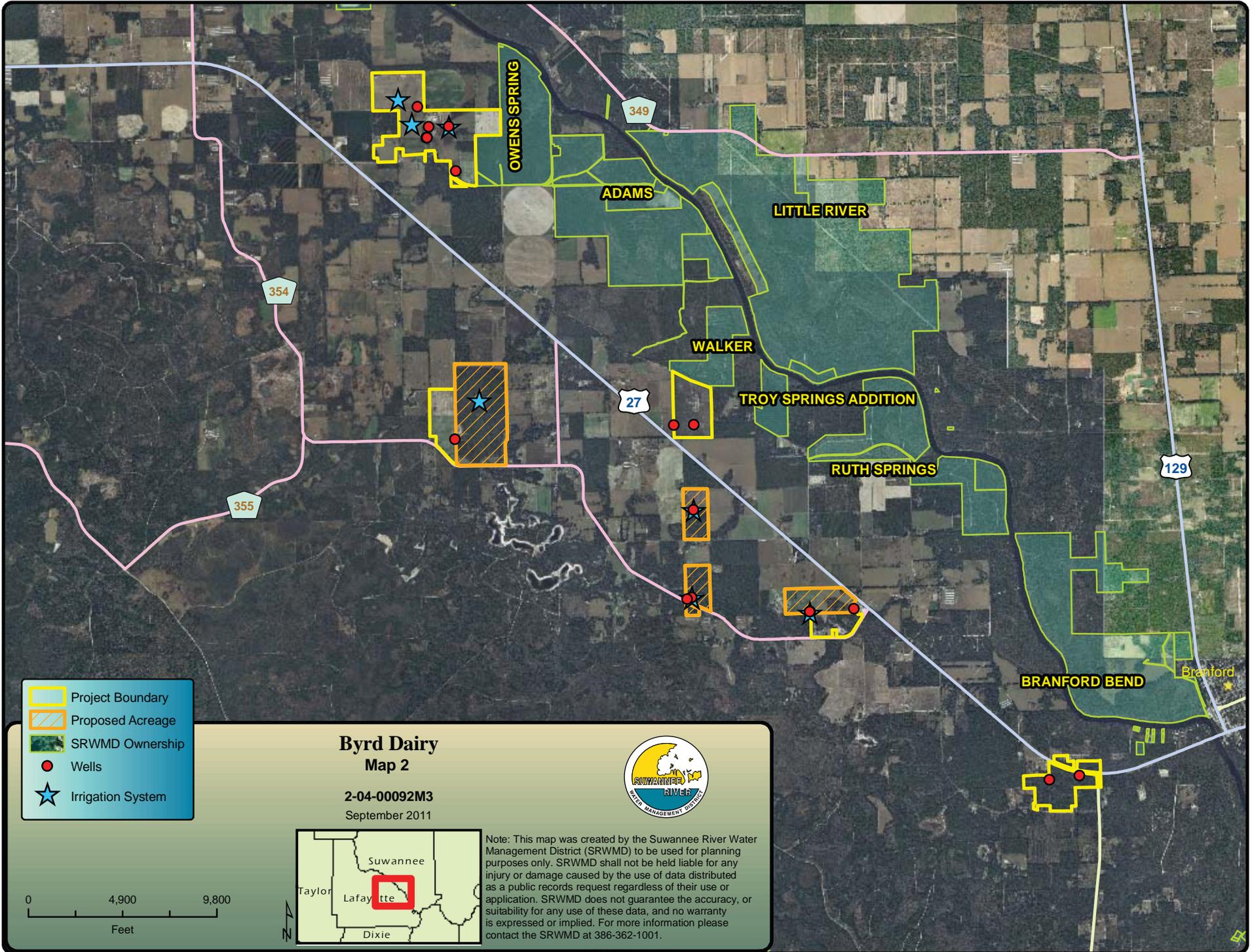
**Byrd Dairy  
Map 1**

2-04-00092M3

September 2011



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



-  Project Boundary
-  Proposed Acreage
-  SRWMD Ownership
-  Wells
-  Irrigation System

**Byrd Dairy  
Map 2**

2-04-00092M3  
September 2011



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MEMORANDUM

TO: Governing Board  
FROM: Carlos Herd, Senior Hydrogeologist  
DATE August 25, 2011  
RE: Approval of Water Use Permit Application Number  
2-84-01229R, Lafayette Dairy, LLC, Lafayette County

RECOMMENDATION

**Staff recommends the Governing Board approve a renewal to Water Use Permit number 2-84-01229R, with seventeen standard conditions and seven special limiting conditions to Lafayette Dairy, LLC, in Lafayette County.**

BACKGROUND

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

/tm

August 25, 2011

Lafayette Dairy, LLC  
c/o Louis E. Larson, Jr.  
10000 US Hwy 98 N  
Okeechobee, FL 34972

Subject: Approval of Water Use Permit Application Number  
2-84-01229R, Lafayette Dairy, LLC, Lafayette County

Dear Mr. Larson:

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

This proposed action is subject to final decision of the Governing Board at their regularly scheduled meeting on September 13, 2011, which is open to the public.

Persons considered to be affected by this proposed agency action may request an administrative hearing. The request must be written and must adhere to the requirements of Chapter 28-106, Florida Administrative Code. Please see the enclosed Notice of Rights. All requests for administrative hearings shall be sent to the District at 9225 County Road 49, Live Oak, Florida 32060. Please call permitting staff at 386.362.1001 if you have any questions.

Sincerely,

Jon Dinges, P. E.  
Director, Water Supply & Resource Management

JD/tm

Enclosure

Certified Mail Receipt Number: 7010 1060 0001 1350 1680

## NOTICE OF RIGHTS

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

## NOTICE OF RIGHTS

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

## CERTIFICATE OF SERVICE

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

Lafayette Dairy, LLC  
c/o Louis E. Larson, Jr.  
10000 US Hwy 98 N  
Okeechobee, FL 34972

At 4:00 p.m. this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Jon Dinges  
Deputy Clerk  
Suwannee River Water Management District  
9225 C.R. 49  
Live Oak, Florida 32060  
386.362.1001 or 800.226.1066 (Florida only)

# STAFF REPORT

## WATER USE PERMIT APPLICATION

**DATE:** August 25, 2011

**PROJECT:** Lafayette Dairy

**APPLICANT:** Lafayette Dairy, LLC  
10,000 US Highway 98 North  
Okeechobee, FL 34972

**PERMIT APPLICATION NO.:** 2-84-01229R  
**DATE OF APPLICATION:** May 10, 2005  
**APPLICATION COMPLETE:** July 13, 2011

	Previous Quantities:		Proposed Quantities:	
<b>Average Daily Rate (ADR)</b>	<b>0.7981</b>	<b>mgd</b>	<b>1.4397</b>	<b>mgd</b>
<b>Maximum Daily Rate (MDR)</b>	<b>4.2696</b>	<b>mgd</b>	<b>8.4168</b>	<b>mgd</b>

### **MANAGER/MEMBER DETAIL:**

Louis E. Larson, Jr. 10,000 US Highway 98 North Okeechobee, FL 34972	<b>MGR</b>
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### **Recommended Agency Action**

Staff recommends approval of a renewal to an existing agricultural water use permit located within Lafayette County. The renewal will include an expansion of irrigated acreage, increased number of livestock and four proposed wells. The permit will include seventeen standard conditions and seven special limiting conditions. The permit will expire on September 13, 2031.

### **Project Review Staff**

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

## **Project Location**

The withdrawal facilities are located in Township 05 South, Range 11 East, Sections 03, 04, 08, 09, and 10 in Lafayette County. The project is located within the middle Suwannee River basin.

## **Project Description**

The project area consists of approximately 1,103 acres with approximately 539 acres being irrigated using groundwater and dairy wastewater. The operation includes approximately 1,750 milking cows and 315 dry cows.

The water use calculations are based upon the irrigated acreage, livestock type and crop types provided by Lafayette Dairy. Crops include pasture with winter rye each year. The applicant will use four center pivots and two traveler systems for irrigation. Excess wastewater is applied by the two traveler systems. This permit consolidates 2-02-00040, which was a duplication. The Average Daily Rate (ADR) of withdrawal will be 1.4397 mgd.

The project area includes eleven active wells and four proposed wells. Use of the wells will be for irrigation and livestock. The well inventory includes the following: seven 4-inch wells, two 6-inch wells, one 8-inch well, three 10-inch wells, and two 12-inch wells. The combined capacities for the wells are 8.4168 mgd. A list of wells can be found in the table on Attachment A.

## **Demonstration of Need**

The applicant has provided information that supports the requested allocation, based upon number of livestock, crop types, and irrigated acres.

## **Water Conservation**

The applicant has completed the Water Conservation worksheets for Center Pivot Irrigation and Livestock Watering & Cleaning Systems. The applicant is also using approximately 0.0427 mgd of wastewater on crops to reduce the need for groundwater.

## **Minimum Flows and Levels Compliance**

Staff determined through the SRWMD North Florida Model, version 1.0, that the proposed water use would not violate minimum flows and levels (MFLs) at any downstream MFL points established along the Suwannee River or its tributaries. However, a special limiting condition has been included in the permit for the

District to seek a modification to the permit to assist in the recovery and/or prevention strategy associated with an adopted MFL.

### **Standard Conditions**

1. Nothing in this permit should be construed to limit the authority of the Suwannee River Water Management District to declare a water shortage and issue orders pursuant to Section 373.175, Florida Statutes, or to formulate a rule for implementation during times of water shortage pursuant to Section 373.246, Florida Statutes. In the event of water shortage as declared by the Board, the permittee shall adhere to any limitations on withdrawal or use ordered by the District.
2. This permit is classified as unconfined Floridan aquifer for overhead irrigation.
3. Permittee shall allow District personnel at reasonable times and at District expense or with District equipment to monitor withdrawal rates and volumes authorized by this permit.
4. Capping of Withdrawals Not In Use: Any wells not in use, and in which pumping equipment is not installed shall be capped or valved in a water tight manner in accordance with Chapter 62-532.500(4)(a)(4), F.A.C.
5. The permittee may apply for a permit modification at any time in accordance with section 40B-2.331, F.A.C.
6. In the event of a District-declared water shortage, the permittee must immediately comply with any restrictions or requirements ordered in accordance with the District's Water Shortage Plan, chapter 40B-21, F.A.C.
7. Permittee must mitigate interference with existing legal uses caused in whole or in part by the permittee's withdrawals, consistent with a District-approved mitigation plan. As necessary to offset such interference, mitigation may include, but is not limited to, reducing pumpage, replacing the existing legal user's withdrawal equipment, relocating wells, changing withdrawal source, supplying water to existing legal user, or other means needed to mitigate the impacts.
8. Permittee must mitigate harm to existing off-site land uses caused by the permittee's withdrawals. When harm occurs, or is imminent, the permittee must modify withdrawal rates or mitigate the harm.

9. Permittee must mitigate harm to the natural resources caused by the permittee's withdrawals. When harm occurs or is imminent, the permittee must modify withdrawal rates or mitigate the harm.
10. If any condition of the permit is violated, the permittee shall be subject to enforcement action pursuant to chapter 373, FS.
11. Authorized representatives of the District, upon reasonable notice to the permittee, shall be permitted to enter and inspect the permitted water use to determine compliance with the permit conditions.
12. This permit does not relieve the permittee from complying with any applicable local government, state, or federal law, rule, or ordinance.
13. This permit does not convey to the permittee any property rights or privileges other than those specified herein.
14. Permittee shall notify the District in writing within 90 days of any sale, conveyance, or other transfer of ownership or control of the real property on which the permitted water use activities are located. All water use permit transfers are subject to the requirements of section 40B-2.301, F.A.C.
15. Permittee must notify the District in writing prior to implementing any changes in the water use that may alter the permit allocations. Such changes include, but are not limited to, change in irrigated acreage, crop type, irrigation system, water treatment method, or entry into one or more large water use agreements. In the event a proposed change will alter the allocation, permittee must first obtain a permit modification.
16. When the District provides a permanent identification tag, the tag shall be prominently displayed at the withdrawal site by permanently affixing such tag to the pump, headgate, valve, or other withdrawal facility. If the permit covers several facilities such as a well field, a tag shall be affixed to each facility. Failure to display a tag as prescribed herein shall constitute a violation of the permit. The permittee shall be allowed ten (10) days after the notice of violation of this section to obtain a replacement tag.
17. The District reserves the right to open this permit, following notice to the permittee, to include a permit condition prohibiting withdrawals for resource protection.

## **Special Limiting Conditions**

18. All correspondence sent to the District regarding this permit must include the permit number 2-84-01229R.

19. The Permittee shall implement and/or maintain the conservation practices selected on the Water Conservation Worksheet(s) which are associated with this permit. Any new practices selected shall be implemented in one year from the date of permit issuance. Practices that involve scheduling methods or maintenance shall be documented. Documentation for implementation and/or maintenance shall be maintained on all practices and available upon request.

20. The Permittee shall submit a plan for monitoring groundwater withdrawals, at the Permittee's expense, within one year of issuance. This plan shall be implemented within one year after District approval. Reporting shall take place every three months and provided to the District on or before the fifteenth day of the following month.

21. The permitted water withdrawal facilities consist of the table on Attachment A.

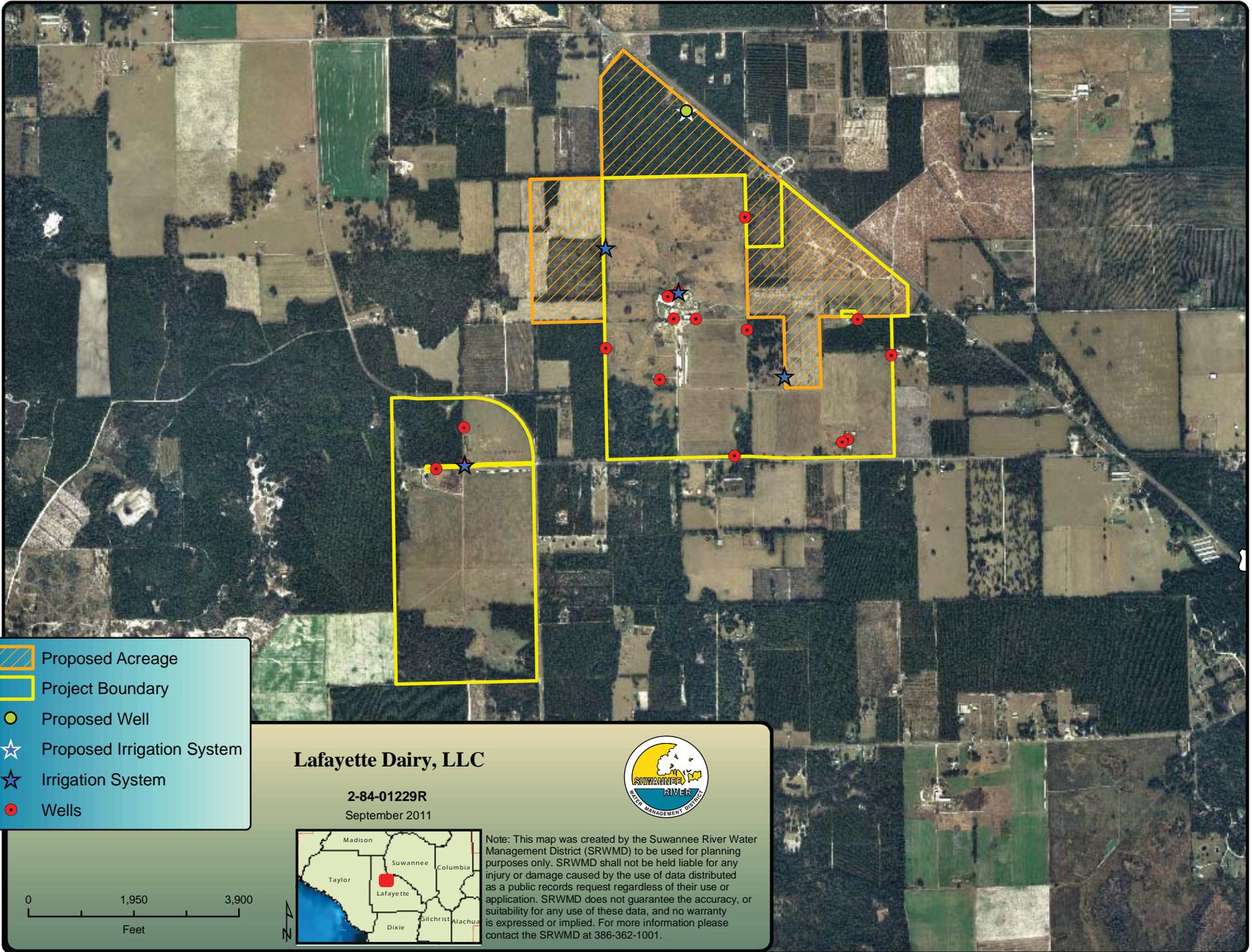
22. The Permittee shall ensure that the irrigation systems will water target areas only under field operations. Irrigation of non-target areas (roads, woods, structures, etc.) is prohibited.

23. This permit and the agricultural operation will be reviewed by District staff and the Permittee during the year 2021. During this review, the Permittee and/or District staff may make recommendations based upon this review to modify this permit. These recommendations may come from new Best Management Practices, improved irrigation techniques, different crop types, and/or any other significant factor.

24. This permit shall expire on September 13, 2031. The Permittee must submit the appropriate application form incorporated by reference in subsection 40B-2.041(2), (F.A.C) and the required fee to the District pursuant to section 40B-2.361, (F.A.C.), prior to this expiration date in order to continue the use of water.

Attachment A  
 2-84-01229R  
 Lafayette Dairy  
 Lafayette Dairy, LLC

Name	Status	Diameter	Capacity (gpm)	Water Use
Weeda Place	Active	4	25	Livestock
Milk Barn	Active	6	300	Livestock
Feed Wagon	Active	4	70	Livestock
Lagoon Irrigation	Active	10	600	Irrigation
Cooling Barns	Active	6	200	Livestock
Pasture 11 and 12	Active	4	20	Livestock
Calf Yard	Active	4	20	Livestock
Little Barn Irrigation	Active	8	600	Irrigation
Little Barn	Active	4	70	Livestock
Folsom Place	Active	4	20	Livestock
Jerrys Well	Active	4	20	Livestock
Pivot #1 well	Proposed	12	1250	Irrigation
Pivot #2 well	Proposed	12	1100	Irrigation
Pivot #3 well	Proposed	10	850	Irrigation
Pivot #4 well	Proposed	10	700	Irrigation



-  Proposed Acreage
-  Project Boundary
-  Proposed Well
-  Proposed Irrigation System
-  Irrigation System
-  Wells

### Lafayette Dairy, LLC

2-84-01229R  
September 2011



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



MEMORANDUM

TO: Governing Board

FROM: Carlos Herd, Senior Hydrogeologist

DATE: August 25, 2011

RE: Approval of Water Use Permit Application Number  
2-00-00040M5, Santa Fe Springs, Columbia County

RECOMMENDATION

**Staff recommends the Governing Board approve a modification to Water Use Permit Application Number 2-00-00040M5, with three standard conditions and thirty-three special limiting conditions to Santa Fe Springs, LLC, in Columbia County.**

BACKGROUND

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

/tm

August 25, 2011

Santa Fe Springs, LLC  
c/o Stephen C. Cheeseman  
701 S. Howard Ave.  
Tampa, FL 33606

Subject: Approval of Water Use Permit Application Number  
2-00-00040M5, Santa Fe Springs, LLC., Columbia County

Dear Mr. Cheeseman:

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

This proposed action is subject to final decision of the Governing Board at their regularly scheduled meeting on September 13, 2011, which is open to the public.

Persons considered to be affected by this proposed agency action may request an administrative hearing. The request must be written and must adhere to the requirements of Chapter 28-106, Florida Administrative Code. Please see the enclosed Notice of Rights. All requests for administrative hearings shall be sent to the District at 9225 County Road 49, Live Oak, Florida 32060. Please call permitting staff at 386.362.1001 if you have any questions.

Sincerely,

Jon Dinges, P. E.  
Director, Water Supply & Resource Management

JD/tm

Enclosure

Certified Mail Receipt Number: 7010 1060 0001 1350

## NOTICE OF RIGHTS

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

## NOTICE OF RIGHTS

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

## CERTIFICATE OF SERVICE

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

Santa Fe Springs, LLC  
c/o Stephen C. Cheeseman  
701 S. Howard Ave.  
Tampa, FL 33606

At 4:00 p.m. this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Jon Dinges  
Deputy Clerk  
Suwannee River Water Management District  
9225 C.R. 49  
Live Oak, Florida 32060  
386.362.1001 or 800.226.1066 (Florida only)

# STAFF REPORT

## WATER USE PERMIT APPLICATION

**DATE:** August 25, 2011

**PROJECT:** Santa Fe Springs, LLC

**APPLICANT:**  
Santa Fe Springs, LLC  
701 S. Howard Ave.  
Tampa, FL 33606

**PERMIT APPLICATION NO.:** 2-00-00040M5  
**DATE OF APPLICATION:** August 15, 2011  
**APPLICATION COMPLETE:** August 15, 2011

Stephen C. Cheeseman 701 S. Howard Ave. Tampa, FL 33606	Manager
---	---------

Previous Quantities:			Proposed Quantities:	
<b>Average Daily Rate (ADR)</b>	<b>0.1500</b>	<b>mgd</b>	<b>0.1500</b>	<b>mgd</b>
<b>Maximum Daily Rate (MDR)</b>	<b>0.1500</b>	<b>mgd</b>	<b>0.1500</b>	<b>mgd</b>

### Recommended Agency Action

Staff recommends approval of a modification to an existing commercial water use permit located within Columbia County to allow the Permittee an additional six months to obtain a letter of intent to construct a water bottling plant. The previous permit required the letter of intent to be received by September 24, 2011.

### SRWMD Project Review Staff

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

### Project Location

The project is located in Township 7 South, Range 16 East, Sections 22, 27, and 34, Columbia County. The project is located within the lower Santa Fe River basin. The proposed bottling location is in Fort White, Columbia County.

### Project Description

The District received a letter requesting to modify the water use permit from Mr. Cheeseman, Manager of Santa Fe Springs, LLC, on August 15, 2011. (See letter received on August 15, 2011). The applicant requests to modify special condition number 30. The applicant does not seek to change the current

permitted average daily rate of withdrawal (ADR) of 0.1500 million gallons per day, the maximum daily rate of withdrawal (MDR) of 0.1500 million gallons per day, or the total annual allocation not to exceed 54.750 million gallons per calendar year. The current permit expires on April 10, 2020.

### **Standard Conditions**

1. Nothing in this permit should be construed to limit the authority of the Suwannee River Water Management District to declare a water shortage and issue orders pursuant to Section 373.175, Florida Statutes, (F.S.) or to formulate a rule for implementation during times of water shortage pursuant to Section 373.246, Florida Statutes. In the event of water shortage as declared by the Board, the permittee shall adhere to any limitations on withdrawal or use ordered by the District.
2. This permit is classified as unconfined Floridan aquifer for privately owned bottled water plant.
3. Permittee shall allow District personnel at reasonable times and at District expense or with District equipment to monitor withdrawal rates and volumes authorized by this permit.

### **Special Limiting Conditions**

4. All permits issued pursuant to District rules are contingent upon continued ownership or legal control of all property on which pumps, wells, diversions or other water withdrawal facilities are located.
5. Annual average allocation (ADR) is 0.150 million gallons per day (mgd) and maximum daily allocation (MDR) is 0.150 mgd for bottled water production.
6. Any wells not in use, and in which pumping equipment is not installed shall be capped or valved in a water tight manner in accordance with Chapter 62-532.500(4)(a)4., F.A.C.
7. Application for a permit modification may be made at any time.
8. Authorized representatives of the District shall be permitted to enter, inspect, and observe the permitted system to determine compliance with special conditions.
9. If any condition of the permit is violated, the permit shall be subject to review and possible modification, enforcement action, or revocation.

10. If any of the statements in the application for permit or in the supporting data are found to be untrue and inaccurate, or if the Permittee fails to comply with all of the provisions of Chapter 373, Florida Statutes (F.S.), Chapter 40B, Florida Administrative Code (F.A.C.), or the conditions set forth herein, the Governing Board may revoke this permit in accordance with Rule 40B-2.341, F.A.C., following notice and hearing.

11. In accordance with 373.236, F.S., the permittee shall file a report with the District every five (5) years for the duration of this permit. The report shall include a current well inventory with pump capacities, details of any wells that have been inactive for two (2) or more years, changes in property ownership, and any other significant information that has changed since the permit was issued. The District reserves the rights to reopen this permit following a review of the report and make modifications to the permit conditions and/or the quantity of water allocated. The District also reserves the right to make an assessment of the permittee's water uses following review of the report.

12. In the event the Suwannee River Water Management District (District) declares that a water shortage exists pursuant to its rules, the District shall alter, modify, or declare inactive all or parts of this permit as necessary to address the water shortage.

13. Permittee shall mitigate, to the satisfaction of the District, any unforeseen adverse impact on existing legal uses, existing off-site land uses, and to the natural systems as a consequence of withdrawals permitted herein. If adverse impacts occur, or are imminent, the District reserves the right to curtail future withdrawal rates or otherwise modify the permit. Adverse impacts include, but are not limited to:

- a. Reduction in groundwater levels that impairs the ability of the well to produce water by a rate of ten percent (10%) or greater;
- b. Reduction in levels in any adjacent water body such as a lake, pond, river, spring, or retention/detention area that impairs the designated function of the water body or the ability for a permitted withdrawal facility to produce water by a rate of ten percent (10%) or greater;
- c. Saline water intrusion or induced movement of pollutants into the water supply of an adjacent water use, resulting in harm due to a reduction in water quality;
- d. Land collapse or subsidence caused by reduction in water levels;
- e. Damage to crops and other types of vegetation;
- f. Harm to a naturally occurring water body such as river, spring, lake, pond, or wetland by reducing water levels or hydroperiod; and
- g. Harm to the natural system including damage to habitat for endangered or threatened species, or species of special concern.

14. Prior to the operation of the production well(s) for bottled water use, they shall be equipped with totalizing flow meters or other measuring devices as approved in writing by the District. Such devices shall have and maintain accuracy within five percent (5%) of the actual flow as installed. Once the meters are installed, daily readings shall be taken and reported on a monthly basis to the District on or before the 15th day of the following month for all withdrawals during the preceding calendar month. If a metered withdrawal is not utilized during a given month, a report shall be submitted to the District indicating a zero (0) gallon usage.
15. Source classification is ground water from the Floridan aquifer system.
16. The District may collect water samples from any withdrawal point listed in the permit or may require the Permittee to submit water samples when the District determines there is a potential for adverse impacts on water quality.
17. The District reserves the right to open this permit, following notice to the Permittee, to include a permit condition prohibiting withdrawals if Santa Fe Spring has a significantly reduced flow.
18. The District, pursuant to Chapter 373, F.S., and its rule authority may modify, reduce or declare inactive all or a portion of this permit to address water shortage conditions.
19. The Governing Board may modify this permit based on a minimum flow or level adopted by the Governing Board pursuant to Section 373.042, F.S.
20. The Permittee is advised that this permit does not relieve any person from the requirement to obtain all necessary federal, state, local, and any other district permitting requirements.
21. The Permittee shall cease or reduce withdrawal as directed by the District if water levels in aquifers or streams fall below any minimum levels, if established by the Governing Board.
22. The Permittee shall have all flow meters checked for accuracy no less than once every three (3) years within 30 days of the anniversary date of the operation of wells for bottled water production. The meters must be recalibrated if the difference between the actual flow and the meter reading is greater than five percent (5%). The Permittee shall maintain records of said meter checks and calibrations.
23. The Permittee shall maintain all flow meters. In case of failure or breakdown of any meter, the District shall be notified in writing within five (5) days of

discovery. A defective meter shall be repaired or replaced within 15 days of discovery.

24. The Permittee shall not deviate from any of the terms or conditions of this permit without written approval by the District.

25. The Permittee shall notify the District 30 days prior to any sale or conveyance of permitted water withdrawal facilities or the land on which the facilities are located.

26. The Permittee shall provide access to District representatives to enter the property during normal business hours to inspect the facility and make environmental or hydrologic assessments. The Permittee shall either accompany the District staff onto the property or make provisions for access onto the property. Further, the Permittee shall provide the District representative access to records maintained regarding the use of groundwater by the facility. The Permittee shall allow District personnel at reasonable times and at District expense or with District equipment to monitor withdrawal rates and volumes as authorized by this permit.

27. The Permittee shall submit to the District a detailed environmental monitoring program (EMP) for District approval no later than 90 days prior to construction of production wells as a water bottling source. The Permittee shall not withdraw water until the District approves the EMP in writing. The EMP shall be ongoing for the duration of the permit and shall be implemented at the sole expense of the Permittee. The EMP shall include, but not be limited to, the following elements:

- a. Surfacewater levels within the pool of Santa Fe Spring.
- b. Flow rate within the spring run between Santa Fe Spring and the Santa Fe River.
- c. Groundwater levels and groundwater quality in the vicinity of the production wells. Groundwater levels must be monitored with at least two monitoring wells proximate to the production well(s) on the Permittee's property, one well up-gradient of the production well(s) and one well down-gradient of the production well(s).
- d. Aquifer properties of any production well constructed for withdrawals authorized by this permit. Aquifer properties must be obtained through an aquifer performance test conducted at or above the intended pumping rate of the production well(s).
- e. Quantitatively sample periphytic algae, submerged aquatic vegetation, benthic invertebrates and fishes in Santa Fe Spring pool, spring run, and in the Santa Fe River at one location upstream and one location downstream of the spring run confluence. These should be conducted at least semi-annually (twice

per year) and must be conducted concurrent with other sampling (spring flow, water chemistry, and groundwater sampling).

The Permittee shall include global positioning system (GPS) coordinates of all sampling locations.

28. The classification is commercial use, which in this case is for a bottled water plant on property adjacent to the withdrawal site. The water withdrawal shall not be transported other than to the bottled water plant on the adjacent property.

29. The permitted average daily allocation (ADR) is dependent on Santa Fe River flow rate during low flow events as stated below:

Santa Fe River flow at the gage near Fort White, in cubic feet per second (cfs)

- a. Greater than or equal to 753 cfs, 0.150 MDR for the duration of the permit;
- b. Less than 753 cfs (5-year recurrence), 0.113 MDR for 1 day or until flow exceeds 753 cfs;
- c. Less than 610 cfs (20-year recurrence), 0.075 MDR for 1 day or until flow exceeds 610 cfs;
- d. Less than 550 cfs (50-year recurrence), 0.038 MDR until flow exceeds 550 cfs;
- e. Less than 510 cfs (100-year recurrence), no withdrawal until flow exceeds 550 cfs.

The District may waive reductions in the MDR if the Permittee affirmatively demonstrates to the satisfaction of the District that withdrawals during the hydrologic conditions defined above will have no adverse impact upon the spring conduit system, the spring run, or the Santa Fe River.

30. The permittee shall have six months from the effective date of this permit modification to commence construction of a water bottling plant adjacent to the withdrawal location. In the event the permittee does not commence construction of the water bottling plant on permittee's property adjacent to the withdrawal location within six months, the District shall initiate proceedings to revoke the permit in whole pursuant to section 373.243, F.S. The permittee shall receive no further time extension of this condition.

31. This permit does not convey any property right to the Permittee, nor any rights and privileges other than those specified in the permit and in Chapter 40B-2, F.A.C.

32. This permit is issued based on information provided by the Permittee demonstrating that the use of water is reasonable and beneficial, consistent with the public interest, and will not interfere with any existing legal use of water. If, during the term of the permit, it is determined by the District that the use is not

reasonable and beneficial, in the public interest, or does impact an existing legal use of water, the Governing Board may modify this permit or revoke this permit following notice and hearing.

33. This permit shall expire on April 10, 2020.

34. This permit supersedes all previous versions of this permit.

35. Water withdrawals authorized by this permit shall be used only for bottling on the property located in Township 7 South, Range 16 East, Sections 22, 27, and/or 34.

36. Withdrawal facilities are as follows: Well number 1, proposed, 8-inch diameter casing, 315 gallons per minute capacity.

## SANTA FE SPRINGS, LLC

Stephen C. Cheeseman, Manager

SoHo Pointe, Suite 202  
701 S. Howard Ave.  
Tampa, Florida 33606  
(813) 223-4007  
FAX (813) 254-8045

August 15, 2011

RECEIVED  
SRWMD

AUG 15 2011

Suwannee River Water Management District  
9225 County Road 49  
Live Oak, Florida 32060

ORIGINAL TO FILE 2-00-00040m5  
COPIES TO \_\_\_\_\_

Attn: David Still, Executive Director  
John Dinges, P.E. Director, Resource Management

Re: Water Use Permit WUPOO-0040M3  
Santa Fe Springs, Ft. White, Columbia County, Florida  
Request for Modification of Paragraph 30 of Modified Permit

Dear Messrs. Still and Dinges:

Paragraph 30 of the Modified Permit above referenced, requires that the permittee shall provide a letter of intent for construction of a water bottling plant on the permitted premises within two years of the date of the permit, to-wit: September 24, 2011.

Due to the obvious economic situation in Columbia and adjacent counties (especially Gilchrist) the permittee does hereby respectfully request that the letter of intent/commencement of construction requirements be extended for two years.

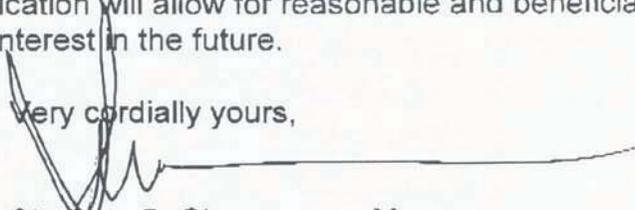
We, therefore, request that paragraph 30 of this modified permit be modified in August of 2011 to read as follows:

30. The permittee shall have two years from the effective date of this permit modification to obtain a new letter of intent indicating an agreement between the permittee and a third party to develop a water bottling plant on the permittee's property adjacent to the withdrawal location. Thereafter, the permittee has an additional two years within which to commence construction of a water bottling plant. In the event permittee does not either, (1) provide District said letter of intent within two years of the effective date of this permit modification or (2) does not commence construction of a water bottling plant on permittee's property adjacent to the withdrawal location, within two years after the date of delivery to the District of said letter of intent, the District may initiate proceedings to revoke the permit in whole, pursuant to section 373.243, F.S.

David Still, Executive Director  
John Dinges, P.E. Director, Resource Management  
August 15, 2011  
Page -2-

Granting of this request for modification will allow for reasonable and beneficial use of this water resource in the public interest in the future.

Very cordially yours,



Stephen C. Cheeseman, Manager  
Santa Fe Springs, LLC

SCC/lst

RECEIVED  
SRWMD

AUG 15 2011

ORIGINAL TO FILE 2-00-00040m5  
COPIES TO \_\_\_\_\_

## MEMORANDUM

TO: Governing Board  
FROM: Tim Sagul, Senior Professional Engineer  
DATE: August 25, 2011  
RE: Authorization to Initiate Enforcement Proceedings, Larry R. Sigers,  
Final Order 11-0001, CE08-0072, Columbia County

### RECOMMENDATION

**Staff recommends the Governing Board authorize initiation of proceedings against Larry R. Sigers, in Columbia County, to enforce Final Order 11-0001.**

### BACKGROUND

The District opened a compliance proceeding on December 16, 2008, when staff discovered unpermitted dredge and fill of approximately 13.5 acres within a forested wetland. After numerous meetings, Mr. Sigers applied for and was issued an Environmental Resource Permit (ERP09-0244). While the permit was being processed, Mr. Sigers signed a Consent Agreement that was executed by the Governing Board in March 2011. The Consent Agreement, upon final signature, became Final Order 11-0001 (copy attached).

As of August 15, 2011, Mr. Sigers has not fulfilled his obligations under the Final Order and the conditions of his environmental resource permit. This includes restoration, mitigation, land donation in lieu of penalty and payment of administrative costs and attorneys' fees currently totaling \$2,252.99.

TS/rl  
Attachment



SUWANNEE RIVER WATER  
MANAGEMENT DISTRICT,  
PETITIONER

VS.

Larry R. Sigers,  
RESPONDENT

---

FILE OF RECORD  
CONSENT AGREEMENT CE08-0072 AND ORDER

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

Petitioner finds the following:

FACTS

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

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

**REGULATIONS OR LAWS VIOLATED**

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

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

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

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

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

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

**REMEDIAL ACTION**

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

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

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

**CONSENT AGREEMENT – LARRY R. SIGERS  
FILE OF RECORD CE08-0072  
PAGE 5 OF 6**

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

12-17-2010  
DATE

**RESPONDENT**

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

**SUWANNEE RIVER WATER  
MANAGEMENT DISTRICT**

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

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

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

**ORDERED**

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

DONE AND ORDERED this 8 day of MARCH, 2011,  
in Live Oak, Florida.

**SUWANNEE RIVER WATER  
MANAGEMENT DISTRICT**



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



## MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, Senior Professional Engineer

DATE: August 25, 2011

RE: Authorization to Initiate Enforcement Proceedings, Richard Oldham, CE10-0024, Bradford County

### RECOMMENDATION

**Staff recommends the Governing Board authorize initiation of enforcement proceedings against Richard Oldham in Bradford County for unpermitted construction of a pond and deposition of spoil in a flood hazard area.**

### BACKGROUND

Staff sent a Notice of Violation 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, staff sent the file to legal counsel. Counsel (Brannon, Brown, Haley & Bullock, P.A.) notified Mr. Oldham twice (letters dated August 9, 2010, and November 4, 2010, the latter 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. Staff inspected the site on March 14, 2011, and noticed that Mr. Oldham had commenced corrective work but since that time, he has stopped.

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.

On May 1, 2011, staff sent Mr. Oldham a Compliance Agreement for signature. He has neither returned the agreement nor has he responded to Counsel or staff regarding his intention to comply. Staff inspected the site again on August 12, 2011, and noted that the site has not been restored.

TS/rl

## MEMORANDUM

TO: Governing Board  
FROM: Carlos D. Herd, Senior Hydrogeologist  
DATE: August 25, 2011  
RE: Authorization to Initiate Enforcement Proceedings, Rodney O. Tompkins Trustee, Rodney Tompkins, CE11-0001, Gilchrist County

### RECOMMENDATION

**Staff recommends the Governing Board order Rodney O. Tompkins Trustee, Rodney Tompkins, in Gilchrist County to cease all water use until Respondent obtains a water use permit from the District.**

### BACKGROUND

A complaint was filed with District staff on January 13, 2011, against a land owner's irrigation system overspraying onto a county road in Gilchrist County. District staff researched all water use permits and discovered that the land owner does not have a valid permit. Subsequently, staff sent a Notice of Violation (NOV) to Rodney Tompkins of Rodney O. Tompkins Trustee, formerly known as Misty Farms, on January 21, 2011, for water use without a valid permit.

The District's initial certified letters were returned unclaimed. Local law enforcement served a second NOV on February 11, 2011. The NOV stated that Rodney O. Tompkins Trustee must contact the District to resolve the matter by March 2, 2011. Ms. Tompkins contacted the District on February 18, 2011 and has spoken to District staff several times. Staff sent a certified letter on May 16, 2011 stating that an application must be submitted by May 31, 2011. There has been no response.

The Governing Board authorized enforcement proceedings at its June 2011 meeting. Staff has worked with Governing Board counsel to determine that specific action is needed to order the Respondent to cease water use until Respondent obtains a water use permit from the District.

CH/tm

## MEMORANDUM

TO: Governing Board

FROM: Megan Wetherington, Senior Professional Engineer

DATE: August 25, 2011

RE: Authorization to Amend Contract with Nestlé Waters North America, Contract Number 05/06-102

### RECOMMENDATION

**Staff recommends the Governing Board authorize the Executive Director to amend the current revenue contract with Nestlé Waters North America for an additional year of service from October 1, 2011, until September 30, 2012 with payment to the District of \$70,000.**

### BACKGROUND

The water use permit for Nestlé Waters North America (NWNA), 2-98-00025, requires flow monitoring for the Withlacoochee River and Madison Blue Spring. Staff finds that it is efficient and effective for the permittee to pay the District to include the gages in our cooperative network with the U.S. Geological Survey (USGS). The payment of \$70,000 will fund continuous stage and discharge at the Withlacoochee near Lee and Madison Blue Spring gages. In addition, \$6,000 will be applied toward collection of stage and discharge data at the Withlacoochee near Madison gage. Formerly, the arrangement funded only the spring and Madison gage. The revenue will be passed through to a separate contract with the USGS to conduct the monitoring.

MW/dd

## MEMORANDUM

TO: Governing Board

FROM: Megan Wetherington, Senior Professional Engineer

DATE: August 25, 2011

RE: Authorization to Enter into a Contract with the United States Geological Survey (USGS), Georgia District, for Streamgaging Services

### RECOMMENDATION

**Staff recommends the Governing Board authorize the Executive Director to enter into a contract with the USGS in the amount of \$27,200 for streamgaging services of which \$15,650 will be provided by the District.**

### BACKGROUND

The proposed fiscal year 2011/2012 contract with the USGS, Georgia District, is a joint funding agreement totaling \$27,200 and consists of USGS and District contributions of \$11,550 and \$15,650, respectively, for two gages on the Alapaha River and one on Little River, a major tributary of the Withlacoochee River.

The purpose of the contract is to continue the existing long-term streamgaging program in major streams in Georgia contributing to river flows in the Suwannee River Water Management District. More than fifty percent of the Suwannee River Basin lies in Georgia. The gages in this program were critical during the April 2009 flood when they reported historic high flows on the Alapaha and Little Rivers and provided advance notice of extreme flooding downstream. The program supports essential flood warnings and forecasting for the District through the National Weather Service, drought monitoring, and data to support the minimum flows and levels (MFL) program. Data obtained through this program are available in real-time to the public via the internet and upon request. Table 1 provides a list of the monitoring stations and a breakdown of the proposed cooperative budget for fiscal year 2011/2012. The Environmental

Protection Division of the Georgia Department of Natural Resources matches District funding for two of the gages.

Funds for this contract are budgeted in the proposed fiscal year 2011/2012 Water Resource Monitoring budget in fund 44.

MW/dd

Table 1: Cooperative Surfacewater Network

	Beginning Record	Total Budget	USGS Cost	SRWMD Cost
Alapaha River near Alapaha	1937	13,600	5,375	8,225
Alapaha River near Statenville*	1921	13,600	3,088	3,712 <sup>1</sup>
Little River near Adel	1940	13,600	3,087	3,713 <sup>1</sup>
TOTAL		\$40,800	\$11,500	\$15,650

\*Flood Forecast Point

<sup>1</sup>Matched by Georgia Environmental Protection Division in a separate agreement with the USGS

## MEMORANDUM

TO: Governing Board

FROM: Megan Wetherington, Senior Professional Engineer

DATE: August 25, 2011

RE: Authorization to Enter into a Contract with the United States Geological Survey (USGS), Tallahassee District, for Streamgaging Services

### RECOMMENDATION

**Staff recommends the Governing Board authorize the Executive Director to enter into a contract with the USGS in the amount of \$518,400 for streamgaging services of which \$318,000 will be provided by the District.**

### BACKGROUND

The proposed fiscal year 2011/2012 contract with the USGS is a joint funding agreement of \$518,400, with the District providing \$318,000 and the USGS contributing \$200,400. Two cooperating partners will contribute a total of \$78,300 toward the District's share: Nestle Waters North America will fund two gages (Madison Blue Spring and Withlacoochee near Lee) and part of a third (Withlacoochee near Madison) for a total of \$70,000, and the Florida Department of Environmental Protection will pay \$8,300 for the Ichetucknee River near Dampier's Landing. With these partners, the District's share of the agreement is \$239,700.

The agreement is \$1,100 less than the final agreement for 2010. Changes to this year's contract are the addition of discharge computation at Withlacoochee near Lee and Santa Fe near O'leno, and the addition of stage and discharge at Suwannee River at Suwannee Springs, a flood forecast point currently operated by the District as a stage-only gage.

The USGS provides maintenance of gages to USGS standards, quality assurance and archiving, availability of real-time and long-term data and statistics, and real-time satellite delivery of data to the National Weather Service River Forecast Center. This long-term program provides essential information for floodplain mapping, minimum flows and levels, flood warnings and forecasts through the National Weather Service, drought monitoring, and recreational support including implementation of no-wake levels. Data obtained through this program are available in real-time to the public via the internet, river level phone line, and upon request.

Table 1 provides a list of the monitoring stations and a breakdown of the proposed cooperative budget.

Funds for this contract are budgeted in the proposed fiscal year 2011/2012 Water Resource Monitoring budget in fund 44.

MW/dd

Table 1: Cooperative Surface Network Florida 2011/2012

STATION NAME / EARLIEST RECORD	Total	NSIP	USGS	SRWMD	COMMENT
		\$	\$	\$	
<b>RIVERS</b>					
AUCILLA RIVER AT LAMONT / 1950	16,600	16,000	300	300	FFP
AUCILLA RIVER NEAR NUTTAL RISE / 2001	7,200	0	1,000	6,200	
ALAPAHA RIVER NEAR JENNINGS / 1976	16,600	0	8,300	8,300	
ECONFINA RIVER NEAR PERRY / 1950	16,600	16,000	300	300	FFP
SUWANNEE RIVER NEAR BENTON / 1932				0	FDEP
SUWANNEE RIVER AT WHITE SPRINGS / 1906	16,600	16,000	300	300	FFP
SUWANNEE RIVER AT SUW. SPRINGS / 1960	16,600	0	8,300	8,300	FFP
SUWANNEE RIVER AT ELLAVILLE / 1927	16,600	16,000	300	300	FFP, NWG
SUWANNEE RIVER AT DOWLING PARK / 1980	16,600	16,000	300	300	FFP
SUWANNEE RIVER AT LURAVILLE / 1927	16,600	0	8,300	8,300	
SUWANNEE RIVER AT BRANFORD / 1930	16,600	16,000	300	300	FFP, NWG
SUWANNEE RIVER NEAR BELL / 1932	16,600	0	8,300	8,300	
SUWANNEE RIVER NEAR WILCOX / 1930	29,000	0	14,500	14,500	FFP, NWG, MFL
SUWANNEE RIVER AT MANATEE SPRING / 1992	7,200	0	1,000	6,200	FFP
SUWANNEE RIVER AT FOWLER'S BLUFF / 1988	7,200	0	1,000	6,200	FFP
SUWANNEE RIVER AB GOPHER RIVER NR SUWANNEE / 2003	29,000	0	14,500	14,500	
NEW RIVER NEAR LAKE BUTLER / 1950	16,600	0	8,300	8,300	
SANTA FE RIVER NEAR GRAHAM / 1957	16,600	0	8,300	8,300	MFL
SANTA FE RIVER AT WORTHINGTON SPRINGS / 1931	16,600	0	8,300	8,300	MFL
SANTA FE RIVER AT O'LENO STATE PARK / 1989	16,600	0	1,000	15,600	
SANTA FE RIVER NEAR FORT WHITE / 1927	16,600	0	8,300	8,300	FFP, MFL
SANTA FE RIVER AT THREE RIVERS / 1998	7,200	0	1,000	6,200	FFP, NWG
SANTA FE RIVER NEAR HILDRETH / 1947	29,000	0	14,500	14,500	FFP
STEINHATCHEE RIVER NEAR CROSS CITY / 1950	16,600	0	8,300	8,300	
WACCASASSA RIVER NEAR GULF HAMMOCK / 1963	29,000	0	14,500	14,500	MFL
WITHLACOOCHEE RIVER NEAR PINETTA / 1931	16,600	16,000	300	300	FFP, MFL
WITHLACOOCHEE RIVER NEAR MADISON / 1947	16,600	0	1,000	15,600	NWNA
WITHLACOOCHEE RIVER NEAR LEE / 2000	29,000	0	0	29,000	NWNA
<b>SPRINGS</b>					
BLUE SPRING NEAR MADISON / 2002	35,000	0	0	35,000	NWNA, MFL
FANNING SPRING NR WILCOX / 1997	35,000		17,500	17,500	MFL
ICHETUCKNEE RIVER NEAR HILDRETH / 1898	0	0	0	0	FDEP
ICHETUCKNEE RIVER DAMPIER'S LANDING / 1993	16,600	0	8,300	8,300	FDEP
MANATEE SPRING NR CHIEFLAND / 1982	35,000		17,500	17,500	MFL
WACISSA RIVER NEAR WACISSA / 1971	19,600	0	8,000	11,600	
BLUE HOLE SPRING NEAR HILDRETH / 1975	16,600	0	8,300	8,300	
<b>TOTAL</b>	<b>630,400</b>	<b>112,000</b>	<b>200,400</b>	<b>318,000</b>	

NSIP = NATIONAL STREAMFLOW INFORMATION PROGRAM UNDER SEPARATE AGREEMENT WITH THE USGS  
FFP = FLOOD FORECAST POINT  
NWG = NO-WAKE IMPLEMENTATION GAGE  
MFL = MINIMUM FLOW AND LEVEL IMPLEMENTATION GAGE  
FDEP = FUNDED BY FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION  
NWNA = FUNDED ALL OR IN PART BY NESTLE WATERS NORTH AMERICA

## MEMORANDUM

TO: Governing Board

FROM: Megan Wetherington, Senior Professional Engineer

DATE: August 25, 2011

RE: Authorization to Amend Contract with Vieux & Associates, Inc., to Purchase Gage Adjusted Radar-Rainfall Data, Contract Number 07/08-007

### RECOMMENDATION

**Staff recommends the Governing Board authorize the Executive Director to amend the contract with Vieux & Associates, Inc., to purchase radar-rainfall data for fiscal year 2012 for an amount not to exceed \$26,500.**

### BACKGROUND

The District has acquired gage-adjusted radar rainfall data since February 2001. The service will continue to provide radar-derived daily rainfall estimates on a 2-kilometer by 2-kilometer grid throughout the District. Precipitation data from this process is essential for the estimation of groundwater recharge, for use as inputs to hydrologic modeling efforts, for the support of agricultural, regulatory, and District land management activities, for the maintenance of District rainfall records, and for the development of accurate water budgets. This data has been requested by land managers, researchers, and agricultural agencies. The District also uses it to analyze rainfall extremes such as drought, floods, and hurricanes on a scale ranging from small watersheds to the entire District.

The District is proposing to continue to buy the services of the radar-rainfall data provider under the prices negotiated by the St. Johns River Water Management District (SJRWMD), pursuant to Chapter 287.057(5)(b), Florida Statutes, and the District Procedures Manual Section 6.4.6 – Governmental Contracts, which states the District is eligible to take advantage of offers for services extended by

providers to other governmental entities. “The District may, at its discretion, purchase from a provider extending State of Florida Contract, Federal GSA Contract, PRIDE, RESPECT, Water Management District, County, City or other Governmental Contract established prices in lieu of obtaining its own bids on any particular service.” Four water management districts cooperated to define the request for bid in order to have consistent coverage over most of the state.

Funds associated with this contract are budgeted in the proposed fiscal year 2011/2012 Water Resource Monitoring budget in fund 44.

MW/dd

## MEMORANDUM

TO: Governing Board

FROM: Megan Wetherington, Senior Professional Engineer

DATE August 25, 2011

RE: Authorization to Renew Contract with Water & Air Research, Inc., for Surfacewater Quality, Biological Sampling, and Laboratory Analysis, Contract Number 10/11-003

### RECOMMENDATION

**Staff recommends the Governing Board authorize the Executive Director to renew the contract with Water & Air Research, Inc., for an amount not to exceed \$283,000.**

### BACKGROUND

The District established its water monitoring network in 1989 to evaluate the status of water bodies and identify changing conditions in water quality. Monitoring includes water chemistry sampling, flow measurements, aquatic biology sampling and analysis, and data management at 72 surfacewater stations and the laboratory analysis of water chemistry from up to 90 wells. Typical parameters include nitrate, phosphorus, dissolved oxygen, and biological diversity. The existing contract is renewable through fiscal year 2013.

The renewed contract value with Water & Air Research, Inc., will be for last year's amount of \$275,000. Staff requests that the Governing Board authorize the additional amount of \$8,000 to be used in the event of unforeseen events requiring additional monitoring and laboratory analysis, such as extreme hydrological events, fish kills, pollution concerns, or the loss of stations currently monitored by other agencies. This contingency would reduce the deployment time caused by contract preparation and Governing Board approval to modify this contract.

Table 1 contains a list of surfacewater monitoring sites.

Funds for this contract are budgeted in the proposed fiscal year 2011/2012 Water Resource Monitoring budget in fund 36.

/dd

Table 1: Proposed Sampling Stations for FY 2011

Station Name	Station Name
Alapaha Rise	Santa Fe River at Fort White
Alapaha River near Jennings	Santa Fe River at O'leno
Alligator Lake South	Santa Fe River at US 441
Aucilla River at Lamont	Santa Fe River near Graham
Columbia Springs	Santa Fe River near Hildreth
Convict Spring	Santa Fe River near Worthington
Falling Creek	Santa Fe Spring
Falmouth Springs	Steinhatchee River above Falls
Fanning Springs	Steinhatchee River Sound
Fenholloway River at US 27	Suwannee Blue Spring
Fenholloway River below Spring Creek	Suwannee Estuary at #2 East Pass
Gilchrist Blue Spring	Suwannee Estuary at Alligator Pass Marker 21
Ginnie Springs	Suwannee Estuary at Wadley Pass Marker 7
Hart Springs	Suwannee River at Benton
Holton Creek	Suwannee River at Branford
Hornsby Spring	Suwannee River at Dowling Park
Ichetucknee River at US 27	Suwannee River at Ellaville
Lafayette Blue Spring	Suwannee River at Fowler Bluff
Lake Butler	Suwannee River at Luraville
Lake Rowell	Suwannee River at Rock Bluff
Levy Blue Spring	Suwannee River at Suwannee Springs
Little River Spring	Suwannee River at White Springs
Madison Blue Spring	Suwannee River at Wilcox
Manatee Springs	Suwannee River at Fowler Bluff
New River at SR-100	Suwannee Springs
Olustee Creek	Swift Creek near Facil
Otter Springs	Telford Spring
Poe Springs	Treehouse Spring
Price Creek	Troy Spring
Rock Bluff Spring	Unnamed Spring on the Suwannee River
Rocky Creek near Belmont	Waccasassa River at US 19
Royal Spring	Wacissa River
Rum Island Spring	Wekiva River
Ruth Spring	Withlacoochee River at State Line
Sampson Lake	Withlacoochee River near Lee
Santa Fe Lake	

## MEMORANDUM

TO: Governing Board

FROM: Hugh Thomas, Suwannee Partnership Coordinator

DATE: August 25, 2011,

SUBJECT: Authorization to Enter into an Agreement with United States Department of Agriculture Natural Resource Conservation Service (NRCS) for Conservation Technical Assistance

### RECOMMENDATION

**Staff recommends the Governing Board authorize the Executive Director to enter into an agreement with the NRCS to provide assistance to poultry producers to update their Comprehensive Nutrient Management Plans (CNMPs) in the Middle Suwannee area. The District, through the Suwannee River Partnership (SRP), will provide 25 percent of the cost through in-kind services not to exceed \$75,000, and NRCS will provide 75 percent of the cost of work estimated to be \$225,000.**

### BACKGROUND

Over the last twelve years, the Partnership has worked extensively with dairy, poultry, and crop farmers to help them implement conservation practices that help protect and conserve water. NRCS has played a major role in providing both technical and financial assistance through the Watershed Protection and Flood Prevention Act (PL-566), Environmental Quality Incentive Program, and other programs. The Florida Department of Agriculture, Suwannee River Water Management District, University of Florida, Florida Department of Environmental Protection, and other partners have also supported the Partnership's incentive-based approach.

NRCS developed conservation plans, and later CNMPs, for dairy and poultry farms as part of the PL-566 program and the Partnership's efforts. Many of these plans now need updating since some of these plans are now more than ten years old. The Partnership would like to use this Conservation Technical Services program to hire technical service providers or others approved by NRCS (possibly Partnership staff) to evaluate poultry plans in the Suwannee Basin and update them as needed based upon current operations and management strategies. It is anticipated that approximately 60 of the poultry operations in the Middle Suwannee will be updated as part of this program.

Poultry operations with updated conservation plans (plans less than 5 years old) will be eligible to participate in the Florida Department of Agriculture Best Management Practices program. Participating in this state program will give them a "Presumption of Compliance" with state water quality requirements, and will assist producers to meet the requirements of the upcoming Total Maximum Daily Load program administered by Florida Department of Environmental Protection.

Funds associated with this project are budgeted in the proposed fiscal year 2011/2012 Suwannee River Partnership budget in fund 29.

HT/dd

Agreement Number: \_\_\_\_\_

**Contribution Agreement  
between the  
Suwannee River Water Management District  
and the  
Natural Resources Conservation Service  
UNITED STATES DEPARTMENT OF AGRICULTURE**

**Subject:** This agreement will allow NRCS to utilize conservation planning assistance from the Suwannee River Water Management District, an NRCS conservation partner, to develop and/or update Comprehensive Nutrient Management Plans (CNMPs) for Poultry Farms within the Middle Suwannee River Area.

**THIS AGREEMENT** is effective October 1, 2011, by and between the Suwannee River Water Management District, hereinafter called the "District", and the Natural Resources Conservation Service of the United States Department of Agriculture, hereinafter called "NRCS". The District will provide 25 percent of the cost through in-kind contributions and is estimated to be \$75,000.00. NRCS will provide 75% of the cost of work for an amount not to exceed \$225,000.00. This agreement will go through December 31, 2012.

**Authority:** NRCS authority to enter into this agreement is the Food, Conservation, and Energy Act of 2008; Conservation Technical Assistance Program (CTA), 16 U.S.C. 590a-590f, 590q, 7 CFR Part 610 (CFDA 10.902).

**Purpose:** This agreement will allow NRCS to utilize conservation planning assistance from the District to develop and/or update Comprehensive Nutrient Management Plans (CNMPs) for Poultry Farms within the Middle Suwannee River Area. There are 130 poultry farms within the Middle Suwannee River Area. With updated CNMPs, these poultry farms are eligible to participate in the Florida Department of Agriculture BMP program, which will give them a "Presumption of Compliance" with state water quality requirements and will enable producers to meet requirements of the Total Maximum Daily Load program as administered by the Florida Department of Environmental Protection.

The agreement will provide accelerated delivery of conservation planning technical and administrative assistance to producers to help implement conservation practices that will enhance and improve water quality, as well as prevent water quality degradation, within the Middle Suwannee River Area. In addition, the conservation technical assistance provided by way of this agreement will also help producers meet state water requirements as set forth by the Florida Department of Environmental Protection Agency.

**Mutual Interest:** The District and NRCS have determined it mutually beneficial to develop a joint effort between the District and NRCS to take the leadership in coordinating conservation

technical assistance activities that are necessary to accelerate the comprehensive nutrient management planning within the Middle Suwannee River Area.

Therefore, the District and NRCS deem it mutually advantageous to cooperate in this undertaking, and hereby agree as follows:

I. The District will:

- A. Provide the services and deliverables in the Statement of Work, Attachment B.
- B. Provide **25 percent** of the cost of the technical services and budget through in-kind contribution of district employees' time currently spent in implementing Farm Bill activities. This **25 percent** of cost through in-kind contribution is estimated to be **\$75,000.00**.
- C. Ensure employees meet the qualifications to perform the technical services required by this agreement and:
  - Comply with all applicable Federal, State, and Tribal and local laws and requirements;
  - Meet applicable Department standards, specifications, and program requirements;
  - Be consistent with the conservation program goals and objectives in the agreement;
  - Incorporate, where appropriate, low-cost alternatives that would address the resource issues and meet the objectives of both the program and program participants for which assistance is provided.
- D. Designate the following individual as liaison between the District and NRCS.  
**To Be Determined**
- E. The District's DUNS No. is **\_\_\_\_\_**.
- F. Submit quarterly documentation to the NRCS liaison named in this agreement showing activities performed which support the implementation of the services and deliverables identified in the Statement of Work, Attachment B. Including in the documentation shall be the number of hours to complete each task with District employees' names and hourly rates. A final accounting of activities will be submitted within 90 days of project completion.
- G. Work with and recognize NRCS in any public or legislative outreach deemed appropriate for aiding citizens in understanding the use of public funds and natural resources conservation benefits derived as a result of this cooperative effort.

- H. Submit the SF-270 to request payment for work completed under this agreement. The SF-270 shall be submitted on a quarterly basis, and must be received no later than the following: December 15<sup>th</sup>, March 15<sup>th</sup>, June 15<sup>th</sup>, and September 15<sup>th</sup>. Reimbursement shall be executed upon the submission of a properly executed form SF-270 to be prepared by the District. The SF-270 shall cite the agreement number, vendor number, and billing period. A record of work performed in accordance with the Statement of Work, Attachment B, must accompany the SF-270. The SF-270 shall also report any in-kind or matching contributions. The SF-270 and accompanying documentation shall be sent to the NRCS Technical Liaison shown in II. B. (below).
  - I. Submit a Financial Status Report form SF-425 at the close of the project, with the final payment request (SF-270). In accordance with the Code of Federal Regulations (CFR) and OMB Circulars, final payment request (SF-270) must be submitted with a completed SF-425 and a final project report within 90 days of project completion.
  - J. Comply with the requirements, as applicable, as shown in the attached Special Provision, Attachment A.
  - K. Submit, as part of this agreement, **NRCS-ADS-400 form** - Contribution Agreement Application for Assistance.
  - L. Be legally responsible for their technical services provided under this agreement. Indemnify and hold NRCS and the program participant harmless from any costs, damages, claims, liabilities, and judgments arising from work provided under this agreement.
- II. NRCS will:
- A. Provide **75 percent** of the cost of the work described in this agreement and attached Statement of Work via direct deposit. To reimburse or advance funds, if approved, to the District upon receipt of a properly completed SF-270 in accordance with the terms of this agreement for an amount not to exceed **\$300,000.00** for the work performed under this agreement.
  - B. Designate the following person as liaison between the NRCS and the District.  
  
Frank Ellis  
Area Conservationist  
2080 S.W. Main Blvd  
Lake City, FL 32025  
[frank.ellis@fl.usda.gov](mailto:frank.ellis@fl.usda.gov)  
(386) 755-5100
  - C. The SF-270 must be certified by the appointed NRCS liaison with the following statement before the request is forwarded to the administrative staff for processing:

"I certify that, to the best of my knowledge, this bill has not been previously submitted and that program accomplishments will meet planned activities under this agreement. I have examined and certify that this request is correct for payment."

- D. Identify and prioritize work assignments, and provide technical guidance to District employees while working to accomplish the objectives of this agreement at the field office level. Provide coordination and guidance of NRCS technical specialists.
- E. Provide availability to NRCS technology and technical tools to the maximum extent possible; and provide quality assurance.
- F. Require employees of NRCS to participate in efforts under this agreement solely as representatives of the United States. To this end, they shall not participate as directors, officers, employees, or otherwise serve or hold themselves out as representatives of the recipient or any member of the recipient. They also shall not assist the recipient or any member of the recipient with efforts to lobby Congress, or to raise money through fundraising efforts. Further, NRCS employees shall report to their immediate supervisor any negotiations with the recipient or any member of the recipient, concerning future employment and shall refrain from participation in efforts regarding such party until approved by the Agency.

III. It is mutually agreed:

- A. The furnishing of financial and other assistance by NRCS is contingent upon the continuing availability of appropriations by Congress from which payment may be made and shall not obligate NRCS if Congress fails to so appropriate.
- B. The federal funds provided under this agreement are annual funds. This type of funds may only be utilized on activities that occur as a need in the year in which the funds were appropriated or in years prior. Any activities that extend beyond the end of the fiscal year, in which the funds were appropriated, must be non-severable activities. Recurring and continuous types of activities are generally considered severable.
- C. This agreement may be modified and/or extended upon mutual written consent of the parties.
- D. This agreement will remain in force until December 31, 2012.
- E. This agreement may be terminated by any party upon sixty days notice in writing to the other parties. The District will be entitled to reimbursement for expenses incurred prior to termination by NRCS.
- F. District personnel or others performing work under this agreement are not considered federal employees and are not entitled to any federal benefits such as retirement or leave accrual.

- G. This agreement meets the requirements of cooperative agreements as set forth in 31 U.S.C. 6305. It is a transfer of funds that accomplishes a public purpose and a substantial involvement is expected between the District and NRCS in carrying out the activities of this agreement.
- H. Activities performed under this agreement may involve access to confidential and potentially sensitive information about governmental and landowner issues. Confidential information means information or data of a personal nature, proprietary about an individual, or information or data submitted by or pertaining to an organization. This information shall not be disclosed without prior written consent of NRCS.
- I. District personnel will follow the rules and procedures of disclosure set forth in the Privacy Act of 1974, 5 U.S.C. 552a, and implementing regulations and policies, with respect to systems of records determined to be subject to the Privacy Act. District personnel shall also comply with privacy of personal information relating to natural resources conservation programs in accordance with Section 1619 of the Food, Conservation, and Energy Act of 2008.
- J. An employee, contractor, or consultant of NRCS having access to NRCS records that contain individually identifiable information that discloses, publicly releases, publishes, or causes to be published to any person may be fined up to \$10,000 or imprisoned for up to one year.
- K. No member of or delegate to Congress, or Resident Commissioner shall be admitted to any share or part of this agreement, or to any benefit arising from it. However, this does not apply to this agreement to the extent that this agreement if made with a corporation for the corporation's general benefit.
- L. Nothing shall be construed as obligating the parties to expend or as involving the United States in any contract or other obligation for the future payment of money in excess of appropriations authorized.
- M. By signing this agreement, the recipient assures the Department of Agriculture that the program or activities provided for under this agreement will be conducted in compliance with all applicable Federal civil rights laws, rules, regulations, and policies.

**SUWANNEE RIVER WATER MANAGEMENT DISTRICT**

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**NATURAL RESOURCES CONSERVATION SERVICE  
UNITED STATES DEPARTMENT OF AGRICULTURE**

By: \_\_\_\_\_  
**CARLOS SUAREZ**

Title: State Conservationist \_\_\_\_\_

Date: \_\_\_\_\_

## MEMORANDUM

TO: Governing Board

FROM: Jon Dinges, Department Director

DATE: August 30, 2011

RE: Exemption from the 2011 Enhanced Biennial Review and Compliance Economic Review of All Title 40B Rules

### RECOMMENDATION

**Staff recommends the Governing Board certify to the Joint Administrative Procedures Committee exemption from the 2011 enhanced biennial review and compliance economic review of all title 40B rules, pursuant to subsection 120.745(9), 2011 Florida Statutes.**

### BACKGROUND

Section 120.745, 2011 Florida Statutes, requires an enhanced biennial review and compliance economic review of all agency rules and publication of a report no later than December 1, 2011, and again in 2013. Both reviews are an extensive effort and a significant expense. Accordingly, the Legislature provided an exemption from the 2011 enhanced biennial review and compliance economic review in subsection 120.745(9), Florida Statutes, if the agency head (defined as the Chair of the collegial body) certifies to the Joint Administrative Procedures Committee that the agency has chosen such exemption and has cooperated with the Governor's Office of Fiscal Accountability and Regulatory Reform (OFARR) in undertaking a review of agency rules.

Staff completed a comprehensive review of all agency rules in cooperation with OFARR on April 4, 2011, therefore, the District can avoid the significant time and expense of conducting the enhanced biennial review and compliance economic review.

JD/rl

## MEMORANDUM

TO: Governing Board  
FROM: Carlos Herd, Senior Hydrogeologist  
DATE: August 25, 2011  
RE: Water Supply Program Activity Report

### **Water supply planning:**

- The District's water supply planning contractor is completing a draft of the Upper Santa Fe River Basin Water Resource Impact Assessment Report.
- The District's water supply planning contractor is incorporating staff's comments into the draft Upper Santa Fe River Basin Regional Water Supply Plan.
- St. Johns River Water Management District (SJRWMD) continues to maintain an indefinite postponement of their Water Supply Assessment and Water Supply Plan.
- Staff continues to meet regularly with SJRWMD via conference calls to coordinate activities in the water supply planning and permitting processes.
- Staff attended the SJRWMD Clay-Putnam Strategy Area Minimum Flows and Levels Prevention/Recovery Strategy Technical Work Group Meeting for Lakes Brooklyn, Cowpen, Geneva, and Grandin at the SJRWMD office in Palatka on August 11, 2011.

### **Interstate coordination:**

- The next Florida-Georgia coordination meeting is tentatively scheduled for October 6, 2011, at a location to be determined.

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

- Staff and field teams from Janicki Environmental have completed half the in-stream habitat data collection; a final 3-day trip is being planned. Surveying of floodplain transects and river habitat cross-sections for inclusion in a river model (see below) should be completed by the end of August.
- A work order was released July 1, 2011, to INTERA, Inc., to redevelop a model of the lower Santa Fe River. Such modeling is a significant lynchpin in the MFL process and additional surveying and data collection efforts are underway in support of model calibration. The final surveying data and

hydrologic data will be provided to the contractor through September. The contractor is beginning the processing of other model input data (eg., digital topographic data like LIDAR) at this time.

- The data collection phase of the fluvial geomorphic investigation of the Santa Fe and Ichetucknee rivers is complete. Fluvial geomorphology is the study of processes that shape rivers and streams, such as erosion or sedimentation, and, for MFL purposes, the flows and levels needed to maintain them in their natural state. Thirty-three temporary benchmarks were established and are scheduled for surveying to establish actual elevations by the end of August.
- Revisions to the North Florida Groundwater Model (NFM) continue. Staff continues to work on a new well file for 1995 to be supplied to the contractor, and is also working on an update to the District spring mapping in support of the model. Updated geological data under final production by the United States Geological Survey was reviewed for potential use in the model and is highly desirable for this effort. A request is being prepared for submission to the Board for approval of the additional funding to enable inclusion of this.
- MFL staff continues to meet with SJRWMD staff and representatives of the North Florida Utility Coordination Group to initiate a joint groundwater modeling project covering the SRWMD and the northern part of the SJRWMD.
- A Work Order is being developed for Engineering and Applied Sciences, Inc., to develop a dynamic HEC-RAS river model of the upper Suwannee near White Springs. Surveying and additional water level data collection is being planned.

#### **Monticello Reuse Project:**

- The Monticello Reuse project is complete and operational.

#### **Water use regulation:**

- District staff continued to coordinate with Florida Department of Environmental Protection and water management districts on reclaimed water policy.
- Staff spoke with consultants regarding the proposed Suwannee Catalyst project. Suwannee County is proposing to establish a potable water service area near I-10 and US-90 west of Live Oak.
- Staff met with Levy County to complete the submittal for University Oaks.
- Staff met with Florida Farm Bureau to discuss agricultural water use monitoring.
- The following table summarizes water use permitting activities during the month of July.

<b>July 2011</b>	<b>Received</b>		<b>Issued</b>
Water Use Permits	10		10
Water Well Permits	118		118
Water well permits issued and received according to well use:			
Abandoned/destroyed	3	Livestock	5
Agricultural Irrigation	7	Monitor	16
Aquaculture	0	Nursery	0
Climate Control	1	Other	1
Fire Protection	0	Public Supply	3
Garden (Non Commercial)	3	Self-supplied Residential	78
Landscape Irrigation	4	Drainage or injection	0

**Water conservation:**

- Staff is continuing to coordinate the District's Water Conservation Program with local governments. Currently staff is working to inventory fixtures in public buildings within our four planning regions.
- Staff is working with local hotels in the Lake City area to establish a partnership for water conservation.

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

CH/dd

## MEMORANDUM

TO: Governing Board

FROM: Megan Wetherington, Senior Professional Engineer

DATE: August 25, 2011

RE: Water Resource Monitoring Program Activity Report

Staff collected water chemistry samples at 16 groundwater sites; recorded levels and maintained stations at 181 wells, 21 lakes, and 19 stream stations; and reported rainfall from 38 sites to the National Weather Service.

Staff monitored 178 telemetered water use monitoring devices on 47 agricultural operations.

Staff met with representatives of Gainesville Regional Utilities and Nestle Waters North America concerning data acquisition.

Staff participated in the Florida Water Resource Monitoring Council, a statewide effort to improve data availability and reduce monitoring redundancy.

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

MW/dd

## MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, Senior Professional Engineer

DATE: August 25, 2011

RE: Environmental Resource Permitting Program Activity Report

### **Permitting activities:**

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

June 2011	Received			Issued		
Environmental Resource Permits	Noticed General	General	Individual	Noticed General	General	Individual
	11	9	1	17	4	0

### **Enforcement and compliance reports:**

Enforcement and compliance reports are included in the Informal Items section of this report. Staff will provide updated reports at the Governing Board meeting.

### **Rule development and adoption:**

The rulemaking schedule follows this report. Staff will be participating in a joint meeting with the Department of Environmental Protection (DEP) and the other Water Management District's (WMD) to address any rule changes required as a result of the recent legislative session and as outlined in the 2011-2012 Annual Regulatory Plan required by Executive Order 11-72 that was submitted to the Governor's Office of Fiscal Accountability and Regulatory Reform on June 29, 2011.

### **Inspections and as-built certification:**

In July 2011, staff inspected seven projects under construction and 26 projects for as-built compliance. The total number of projects constructed from January 2005 to July 2011 is 816. The number in compliance with certification requirements is 798, with 18 permits not in compliance.

The total number of Works of the District permits issued from January 2009 through July 2010 is 73 with 33 completed and 40 in the construction process.

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

District staff met with representatives from United States Army Corps of Engineers (USACOE) on June 8, 2011, and received positive feedback from them on the project. The District, along with the USACOE, is considering the potential to generate advance wetland mitigation credits for use by the Florida Department of Transportation (FDOT) for the future Starke U.S. Highway 301 By-Pass project. The District and the USACOE met with FDOT on August 11, 2011, to discuss the advanced mitigation concept and it appears they are interested in taking advantage of this opportunity. After several meetings with stakeholders, additional survey work is being conducted to verify some key areas along Alligator Creek prior to completing preliminary plans. The survey work has been completed. District staff is also trying to obtain background water quality data from Florida Department of Environmental Protection at the City of Starke's Wastewater Treatment Plant which is adjacent to Alligator Creek, in order to save water quality monitoring costs which are required by Florida Wildlife Conservation Commission as part of the project improvements.

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

Levy County: The appeals and protests that were submitted are being addressed by URS.

Bradford County: The Letter of Final Determination is expected to be issued on 10/17/11 to notify the county that the new Digital Flood Insurance Rate Map (DFIRM) will be effective in six months. As a participant in the National Flood Insurance Program (NFIP) a community must also adopt a compliant floodplain management ordinance by the effective date of the DFIRM to remain in good standing with the NFIP.

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

Fiscal Year 2010 projects: The Discovery Meetings for the Lower Suwannee River Basin are scheduled for September 7<sup>th</sup> and 8<sup>th</sup>. The first meeting will be held at Otter Springs and stakeholders from Dixie County, Gilchrist County, and Levy County will be invited. The second meeting will be held at the District office and stakeholders from Lafayette County, Madison County, and Suwannee County will be invited. The purpose of these meetings is to exchange information to fully define and agree upon a scope of work for the FEMA Risk MAP (Mapping, Assessment, and Planning) initiative in the Lower Suwannee Basin.

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

A public workshop is scheduled for September 6, 2011, at the Andrews Center in Starke to inform citizens of the preliminary concepts. A public notice of this meeting was sent to the local newspaper, to property owners along Sampson Lake and Sampson River as well as interested local officials.

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

The District contracted with Hydromentia and the University of Florida (IFAS) to install a mobile pilot unit algal turf scrubber on District property. The unit was installed in 2009 and was operational in 2010. On August 4, 2011, Hydromentia provided their final nutrient removal report. The IFAS report will be provided by the end of September 2011. Staff extended the contract until October 31, 2011, so that final meetings can be conducted once the IFAS report is completed.

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

TS/rl  
Attachments

## Rulemaking Activity Report Upcoming Rulemaking

### 40B-2

Upper Santa Fe River Basin Permit  
Duration

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

### 40B-2.301

Conditions of Issuance of Permits

Send to OFARR	6/29/11
Approved by OFARR	7/5/11
GB Rule Dev. Auth.	8/9/11
Notice of Rule Dev.	8/16/11
GB Proposed Rule Auth.	
Notice of Proposed Rule	
Send to OFARR	
Send to JAPC	
Mail to DOS (tentative)	
Effective Date (tentative)	

### 40B-4.1020

Clearing Definition

GB Rule Dev. Auth.	10/12/10
Notice of Rule Dev.	10/22/10
GB Proposed Rule Auth.	1/11/11
Send to OFARR	3/15/11
Notice of Proposed Rule	
Send to JAPC	
Mail to DOS (tentative)	
Effective Date (tentative)	

### 40B-4.3030

Diseased Vegetation Determination

GB Rule Dev. Auth	10/12/10
Notice of Rule Dev.	10/22/10
GB Proposed Rule Auth.	1/11/11
Send to OFARR	3/15/11
Notice of Proposed Rule	
Send to JAPC	
Mail to DOS (tentative)	
Effective Date (tentative)	

### 40B-400.091

ERP Handbook

GB Rule Dev. Auth.	12/9/08
Notice of Rule Dev.	2/4/11
GB Proposed Rule Auth.	1/11/11
Send to OFARR	3/15/11
Notice of Proposed Rule	
Send to JAPC	
Mail to DOS (tentative)	
Effective Date (tentative)	

### 40B-400.103

ERP Handbook

GB Rule Dev. Auth.	1/11/11
Notice of Rule Dev.	2/4/11
GB Proposed Rule Auth.	1/11/11
Send to OFARR	3/15/11
Notice of Proposed Rule	
Send to JAPC	
Mail to DOS (tentative)	
Effective Date (tentative)	

## MEMORANDUM

TO: Governing Board

FROM: Darrell Smith, Suwannee River Partnership Coordinator

DATE: August 25, 2011

RE: Suwannee River Partnership Program Activity Report

Staff has worked with the United States Department of Agriculture Natural Resource Conservation Service (USDA-NRCS) and Pilgrim's Pride to obtain a \$250,000 "Conservation Technical Assistance" grant to help cover the cost of updating poultry farm conservation plans.

Staff helped organize a Pilgrim's Pride meeting and tour for Commissioner Putnam, Don Quincey, David Still, and Rich Budell to discuss the poultry industry's support for the Partnership and to discuss water related priorities.

Staff gave a presentation at the "Water Choices Forum" in Jacksonville along with the Army Corp of Engineers, St. Johns River Water Management District, and others to discuss water challenges and solutions.

As part of the Partnership's effort to help farmers save water, staff worked with farms, District staff, University of Florida Institute of Food and Agricultural Sciences (UF-IFAS), and others to develop advanced irrigation scheduling as part of the Conservation Innovation Grant.

Staff has worked with Florida and Georgia USDA-NRCS to discuss the water supply issue and possible solutions.

Staff assisted UF-IFAS with program evaluation and strategic planning.

Staff has worked with District staff and agriculture industry associations to help develop a solution to water use monitoring.

Staff continues to meet with nurserymen to get input and discuss nutrient and irrigation management tools for nurseries.

As part of the Partnership Agriculture Water Conservation working group, staff continues to work with the UF Public Issues Education (PIE) Center for

Agriculture and Natural Resources to develop strategies and recommendations related to water supply issues.

Staff is working with the Florida Department of Environmental Protection to help draft the agriculture component of the TMDL - Basin Management Action Plan (BMAP) that includes using the Partnership approach.

Staff worked with UF-IFAS Extension staff to hold a regional water summit meeting with staff and others.

Staff continues to assist with resolving irrigation and other agriculture related complaints.

Staff continues to work with the Suwannee and Levy Soil and Water Conservation Districts to assist farmers with the BMP crop tool cost share program.

Staff visited farmers to assist with Best Management Practice (BMP) implementation assurance, BMP follow-up, sampling assistance, record keeping assistance, and other education.

Staff continues to work on the BMP implementation assurance program for dairy and poultry operations.

Staff assisted farmers with water use permit renewals.

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

DS/dd

## MEMORANDUM

TO: Governing Board

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

DATE: **August 22, 2011**

RE: Enforcement Status & Litigation Report / Compliance Report

### **ADMINISTRATIVE MATTERS WITHIN THE DISTRICT**

#### **Justin M. Fitzhugh/Movie Gallery (CE05-0046) – Columbia County (Approximate legal fees-\$2,111)**

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.

**Columbia Bank now owns property. Staff and counsel have contacted the Bank regarding requirements to resolve violation.**

#### **Derrick Freeman (CE08-0043) – Suwannee County (Approximate legal fees-\$667)**

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 (Approximate legal fees-\$1,203)**

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 September 2011 Governing Board meeting to refer the file to Counsel for resolution.**

**Scott McNulty (CE10-0045) - Levy County (Approximate legal fees-\$383)**

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 126<sup>th</sup> Terrace and SW 127<sup>th</sup> Court and may have occurred in jurisdictional wetlands within the SW 77<sup>th</sup> 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.

**Staff met with Levy County on August 18, 2011, to discuss historic plats and how to work together to prevent situations like this. In addition, staff discussed a**

**possible resolution to this matter that would involve the District and the County taking corrective action.**

### **CIRCUIT COURT MATTERS**

#### **Suwannee River Water Management District v. El Rancho No Tengo, Inc.** **(Legal fees-\$239,100)**

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, 2011.

Staff inspected the property on July 5, 2011, and found no apparent environmental problems. Staff is contracting with a firm for a detailed phase one environmental audit.

**The hearing on July 6, 2011, was merely a pretrial conference with the Bankruptcy Judge at which counsel for the District indicated that it was ready for trial and would need only 30 minutes; only the District's bankruptcy counsel attended this hearing and Jeffrey Hill. The Court stated that it would set the matter for trial and allow two hours. On July 22, 2011, Jeffrey Hill served a request to produce on the District asking for verbatim transcripts of two past Governing Board meetings – February 14, 2006 and May 19, 2011. District counsel is assisting bankruptcy counsel in responding to this request and in preparing for the final hearing scheduled for September 12, 2011.**

**Columbia County Sheriff Office served a Summons of Civil Action from Jeffrey and Linda Hill on the District on August 3, 2011.**

**Linda Fennell/Stephen Buckles (CE06-0107) – Lafayette County**  
**(Legal fees-\$12,836)**

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.

**Counsel has been in contact with Respondent's attorney to prepare a settlement proposal.**

**Charlie Hicks, Jr. (CE07-0087) — Madison County (Legal fees-\$15,237)**

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 (Legal fees-\$8,657)**

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.

**Received Works of the District application on July 13, 2011. Staff is reviewing the submittal.**

**Paul Moody (CE10-0009) - Bradford County (Legal fees-\$3,184)**

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 (Legal fees \$2,337)**

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. **No action since last report.**

**Jeff Hill / Haight-Ashbury Subdivision: (Legal fees \$9,675)**

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 15<sup>th</sup>, 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 21<sup>st</sup>, 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.

**District staff again inspected the site on July 14, 2011, in anticipation of the second case management conference with Judge Parker and observed that no work had been accomplished. Counsel attended a case management conference**

**with Judge Parker July 18, 2011. Respondent, Jeffery Hill failed to attend the hearing. The Court directed counsel for the District to draft and file a motion requesting that an order to show cause why Respondent should not be held in contempt because Mr. Hill did not show for Court and did not repair the pond as ordered.**

**District counsel is in the process of preparing to file the motion with a draft order. An evidentiary hearing will be necessary before the Court can enter such an order, however, the pending bankruptcy proceeding in the El Rancho No Tengo matter has resulted in a stay in this matter.**

**Jeff Hill / Smithfield Estates - Phase 1 (Legal fees \$9,675)**

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 17<sup>th</sup>, 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.

**District staff again inspected the site on July 14, 2011, in anticipation of the second case management conference with Judge Parker and observed that no work had been accomplished. Neither has the District received an application to**

**modify the existing permit. Counsel attended Case Management Conference with Judge Parker July 18, 2011. Respondent, Jeffery Hill failed to attend the hearing. The Court directed counsel for the District to draft and file a motion requesting that an order to show cause why Respondent should not be held in contempt because Mr. Hill did not show for Case Management Conference and did not repair the pond as ordered.**

**District counsel is in the process of preparing to file the motion with a draft order. An evidentiary hearing will be necessary before the Court can enter such an order, however, the pending bankruptcy proceeding in the El Rancho No Tengo matter has resulted in a stay in this matter.**

**Cannon Creek Airpark ERP Violation (Legal fees \$6,996)**

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.

**Columbia County responded to the request for additional information. Staff is reviewing the submittal in regards to the proposed wetland mitigation offer.**

**PENDING COMPLIANCE MATTERS:**

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

# Compliance

updated 8/22/2011 11:12:24 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>
CE06-0058	LEVY	8/2/2006	9/4/2011	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. Received RAI responses from applicant on 8/5/11.	Webster, Patrick
CE10-0016	JEFFERSON	2/9/2010	8/31/2011	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
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

<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>
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. Retention pond retrofitted to stop the increase of flood hazards offsite. 8/4/11; staff inspected pond. Vegetation is established on constructed overflow. 8/19/11; staff is waiting on foreclosure proceedings to conclude. Bank will contact District.	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. September 2011 Board for initiation of legal action to enforce terms of the Consent Agreement.	Spencer, William
CE11-0031	TAYLOR	6/6/2011	9/13/2011	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. 7/13/11; on-site meeting. Respondent proposes to modify the permit to correct the deficiencies. Staff to follow up by 9/13/11.	Bowden, Jerry
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. Spoke with applicant's engineer on 7/25/11. He has not been paid and will not be submitting until paid. September 2011 Board for permit application denial and initiation of legal action to reach resolution.	Hastings, John

<i>CE #</i>	<i>County</i>	<i>Discovery Date</i>	<i>Date Action Required</i>	<i>Violation Summary</i>	<i>Respondent</i>	<i>Comments</i>	<i>Staff</i>
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. September 2011 Board for initiation of action to stop water use.	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. 7/26/11; letter received stating that engineer had been hired and resolution should be reached soon.	Mantini, Louis

<i>CE #</i>	<i>County</i>	<i>Discovery Date</i>	<i>Date Action Required</i>	<i>Violation Summary</i>	<i>Respondent</i>	<i>Comments</i>	<i>Staff</i>
CE11-0005	BRADFORD	2/24/2011	8/26/2011	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. Site visit scheduled for 8/26/11.	Mantini, Louis
CE11-0006	GILCHRIST	1/12/2011	9/16/2011	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. 7/21/11; received ERP information. 8/16/11; RAI sent.	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 to schedule site visit by 9/15/11.	Robinson, Vince

<i>CE #</i>	<i>County</i>	<i>Discovery Date</i>	<i>Date Action Required</i>	<i>Violation Summary</i>	<i>Respondent</i>	<i>Comments</i>	<i>Staff</i>
CE11-0008	BRADFORD	6/23/2009	8/31/2011	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. Site visit on 06/24/11; bank has a contract to clean drains and replace sand in pond. 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. 07/26/11 contacted Mr. Oody for update. Retention area was still too wet to work in. Staff requested that if the pond is not dry enough to begin work by 8/15/11, he must contact the District to discuss alternative means that will allow maintenance to be accomplished. Telephone conversation with Mr. Oody, work will begin on 08/23/11 and (depending on weather conditions) be completed on or before 8/31/11.	Bowden, Jerry
CE11-0009	UNION	3/4/2011	8/15/2011	Unpermitted well abandonmnet & 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; remailed 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. Site visit conducted on 8/15/11 revealed that construction is complete. 8/19/11; as-built certification is being completed by the engineer.	Link, James
CE11-0010	GILCHRIST	3/17/2011	8/21/2011	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. 7/19/11; Respondent came in and reported that he will work on burning the vegetative debris. Site visit 8/18/11; staff to draft letter of non-compliance.	Webster, Patrick

<i>CE #</i>	<i>County</i>	<i>Discovery Date</i>	<i>Date Action Required</i>	<i>Violation Summary</i>	<i>Respondent</i>	<i>Comments</i>	<i>Staff</i>
CE10-0055	DIXIE	11/10/2010	9/23/2011	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. 8/8/11; letter sent. 45 days to address necessary modifications.	Mantini, Louis
CE10-0059	UNION	11/29/2010		Unpermitted construction.	Ms. Pat Harrell - City of Worthington Springs	This is related to CE10-0042, John Rimes, Jr., New River Villas.	
CE11-0016	LAFAYETTE	3/23/2011	9/18/2011	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. 7/13/11; second RAI sent. 8/19/11; requested information received. Staff reviewing submittal.	Robinson, Vince
CE11-0019	COLUMBIA	3/24/2011	9/23/2011	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. 8/23/11; letter sent. 30 days to transfer O&M to county or begin corrective actions.	Link, James
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 requesting application by 9/10/11.	Marshall, Leroy

<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>
CE11-0033	GILCHRIST	5/16/2011	9/26/2011	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. 7/28/11; Compliance agreement mailed for signatures. 30 days to return. 8/9/11; received signed compliance agreements & penalty. 8/11/11; returned executed compliance agreement. 45 days to resolve violation. I made a site inspection on 8/16/11. Mr. Walden removed the fill and seeded the bank. His survey should be finished by 8/30/11.	Robinson, Vince
CE11-0034	LAFAYETTE	5/16/2011	10/7/2011	Unpermitted fill in floodway.	Howard & Patricia Thomas	20 days to contact District. 6/8/11; received penalty & WOD application. 6/27/11; RAI sent.8/8/11; meeting at District with Mr. Thomas. Requested 60 days to resolve violation.	Robinson, Vince
CE11-0030	COLUMBIA	6/7/2011	8/23/2011	Failure to submit completion reports.	Chad Hall	15 days to submit completion reports. 7/7/11; received penalty of \$200. As of 8/5/11, completion reports have not been received. Staff to contact by 8/23/11.	Hancock, Gloria
CE11-0035	SUWANNEE	7/25/2011	9/17/2011	Unpermitted filling & grading.	Dennis Music / DDJ Development Inc.	10 days to contact District. 8/17/11; letter sent requesting BMPs implementation as soon as possible. 08/22/11 telephone conversation with Dennis Music. Area has been fully seeded and mulched. In addition the major discharge area from DDJ property to the north has sod. Engineer is currently working on permit application and expected submittal to the District is late august. Haybails are being placed in the major discharge course of the unpermitted property to slow and lessen flow. Staff will inspect project on 08/23/11.	Bowden, Jerry