

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: Megan Wetherington, Senior Professional Engineer

DATE: December 22, 2011

RE: Purchase of Telemetry for 200 Existing Agricultural Water Use Monitors

### RECOMMENDATION

**Staff recommends the Governing Board authorize the Executive Director purchase one year of satellite telemetry services for existing water use monitors for an amount not to exceed \$62,000.**

### BACKGROUND

In 2007, the District implemented a project to monitor groundwater withdrawals from up to 200 wells from a selection of agricultural operations with permits greater than 0.25 million gallons per day (MGD) average daily withdrawal. Data from the project is intended for use in minimum flows and levels development, in particular groundwater modeling. Prior to this intensive monitoring effort, little data existed to validate estimates of timing and volume of withdrawals used in modeling. A selection procedure was designed in which permits chosen for monitoring could be defensibly characterized as representative of the majority of agricultural withdrawals to allow for extrapolation of use by area and use type.

Currently 194 units are deployed at 48 operations with uses that include row crops, nurseries, and dairies. Participation in the project is voluntary. Data from the field units is uploaded via satellite radio to the contractor where it is post-processed and delivered to the District each morning as a daily volume. One staff member services the units and collects crop type on a quarterly basis.

The cost for telemetry is \$310 per unit per year (\$25.83 per month). The units were custom-built and the logging/telemetry hardware, software, logger-to-radio programming, and post-processing are proprietary. In order to continue to use

the units, this telemetry service is required. The units will be replaced through attrition with the District's regular logging and telemetry equipment which will standardize installations and allow for integration of hydrologic data collection with water use collection.

Staff is negotiating with the United States Geological Survey to develop a methodology to apply the data to the greater permitted population in order to have a defensible estimate of water use in the District.

Funds associated with this contract are budgeted in the FY 2012 Water Resource Monitoring budget.

MW/dd

## MEMORANDUM

TO: Governing Board

FROM: Carlos Herd, Senior Hydrogeologist

DATE: December 22, 2011

RE: Approval of Scope of Work and Authorization to Enter into an Agreement with the National Research Council's Water Science and Technology Board (NRC) for an Amount Not to Exceed \$187,500

### RECOMMENDATION

**Staff recommends the Governing Board authorize the Executive Director to enter into an agreement with the NRC for a cost not to exceed \$187,500 to implement paragraph B of the Interagency Agreement with the St. Johns River Water Management District (SJRWMD) and the Florida Department of Environmental Protection (Department).**

### BACKGROUND

Paragraph "B" of the Interagency Agreement between the Suwannee River Water Management District (SRWMD), SJRWMD and the Department states that the "SRWMD and SJRWMD will develop a scope of work to define changes and potential impacts in the Floridan aquifer system, including but not limited to, evaluating the effects and causes of migration of the groundwater divide and regional lowering of the potentiometric surface."

Staff from the SRWMD and SJRWMD are jointly developing the scope of work in order to comply with this provision of the Interagency Agreement. Staff will provide a draft copy of the scope of work to the Governing Board prior to the January 10, 2012, Governing Board meeting. Staff will submit the scope of work to the NRC for review and comment prior to execution of an agreement for the analysis.

Once the NRC has reviewed and commented on the scope of work, the districts will jointly produce a report for submittal to the NRC for review and recommendation. The total estimated cost to engage the NRC for both review and comment on the scope of work and review and recommendations on the final report is \$375,000. This authorization is for half of the total cost to engage the NRC, the other half will be paid by the SJRWMD.

Funds are available from the water supply program budget.

CH/dd

MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, Senior Professional Engineer

DATE: December 22, 2011

RE: Approval of Water Use Permit Application Number  
2-11-00044, Lee Cemetery, Dixie County

RECOMMENDATION

**Staff recommends the Governing Board approve Water Use Permit number 2-11-00044, with seventeen standard conditions and ten special limiting conditions to Brooks Ag Company, Inc., in Dixie County.**

BACKGROUND

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

/tm

December 22, 2011

Brooks Ag Company, Inc.  
c/o Fleming Brooks  
PO Box 305  
Samson, AL 36477

Subject: Approval of Water Use Permit Application Number  
2-11-00044, Lee Cemetery, Dixie County

Dear Mr. Brooks:

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 January 10, 2012, 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

Cc: Sanchez Farms, LLC

Certified Mail Receipt Number: 7010 1060 0001 1350 1826

## 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:

Brooks Ag Company, Inc.  
c/o Fleming Brooks  
PO Box 305  
Samson, AL 36477

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:** December 22, 2011

**PROJECT:** Lee Cemetery

**APPLICANT:** Brooks Ag Company, Inc.  
PO Box 305  
Samson, AL 36477

**PERMIT APPLICATION NO.:** 2-11-00044  
**DATE OF APPLICATION:** October 26, 2011  
**APPLICATION COMPLETE:** October 26, 2011

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

Fleming Brooks PO Box 305 Samson, AL 36477	<b>President</b>
--	------------------

	<b>Previous Quantities:</b>		<b>Proposed Quantities:</b>	
<b>Average Daily Rate (ADR)</b>	-	mgd	1.4692	mgd

#### **Recommended Agency Action**

Staff recommends approval of Water Use Permit 2-11-00044 for a new agricultural operation within Dixie County. The permit will include seventeen standard conditions and ten special limiting conditions. The permit will expire on January 10, 2032.

#### **Project Review Staff**

Kevin Wright, P.E., Ronald Spencer, and Tim Sagul, P.E., have reviewed the application.

#### **Project Location**

The withdrawal facilities are located in Township 10 South, Range 13 East, Sections 29, 30, 32 and 33 in Dixie County. The project is located within the lower Suwannee River basin.

## **Project Description**

The project area consists of approximately 950 acres with 776 acres being irrigated using groundwater.

The water use calculations are based upon the irrigated acreage, crop rotation and crop types provided by Brooks Ag Company, Inc. Crops include corn, beans, peanuts and oats. For irrigation, Brooks Ag Company, Inc., will use six new center pivot irrigation systems. All pivots will use the latest sprinkler packages. The Average Daily Rate (ADR) will be 1.4692 mgd which equates to 25.5 inches of supplemental irrigation annually.

The project proposes five wells. One of the wells will be shared between two pivots; the rest will be connected to individual pivots. A list of wells can be found in Attachment A.

## **Demonstration of Need**

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

## **Water Conservation**

Brooks Ag Company, Inc. has completed the water conservation worksheets for center pivot irrigation. The permit is conditioned requiring Brooks Ag Company, Inc. to meter their wells and report their water use.

## **Minimum Flows and Levels Compliance**

Staff determined through the SRWMD North Florida Model, version 1.0, that the proposed water use will 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 of the permit allows the District to seek a modification of 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 2-11-00044.

19. If the property transaction between Bascom Southern, LLC, seller, and the applicant and buyer, Brooks Ag Company, Inc., does not occur, then this permit will become null and void.

20. 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.

21. 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.

22. 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.

23. The Permittee will be allowed to traverse equipment through wetlands as allowed by Florida Department of Agriculture and Consumer Services' Best Management Practices; however, they may not cultivate the wetlands without further environmental permitting.

24. The Permittee shall not use water as authorized by this permit on any parcel of land until the Permittee owns or controls any such parcel. The Permittee shall submit a copy of all warranty deeds within 90 days after closing. If the closing date of December 15, 2012, is modified by more than 15 days, the Permittee shall notify the District in writing.

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

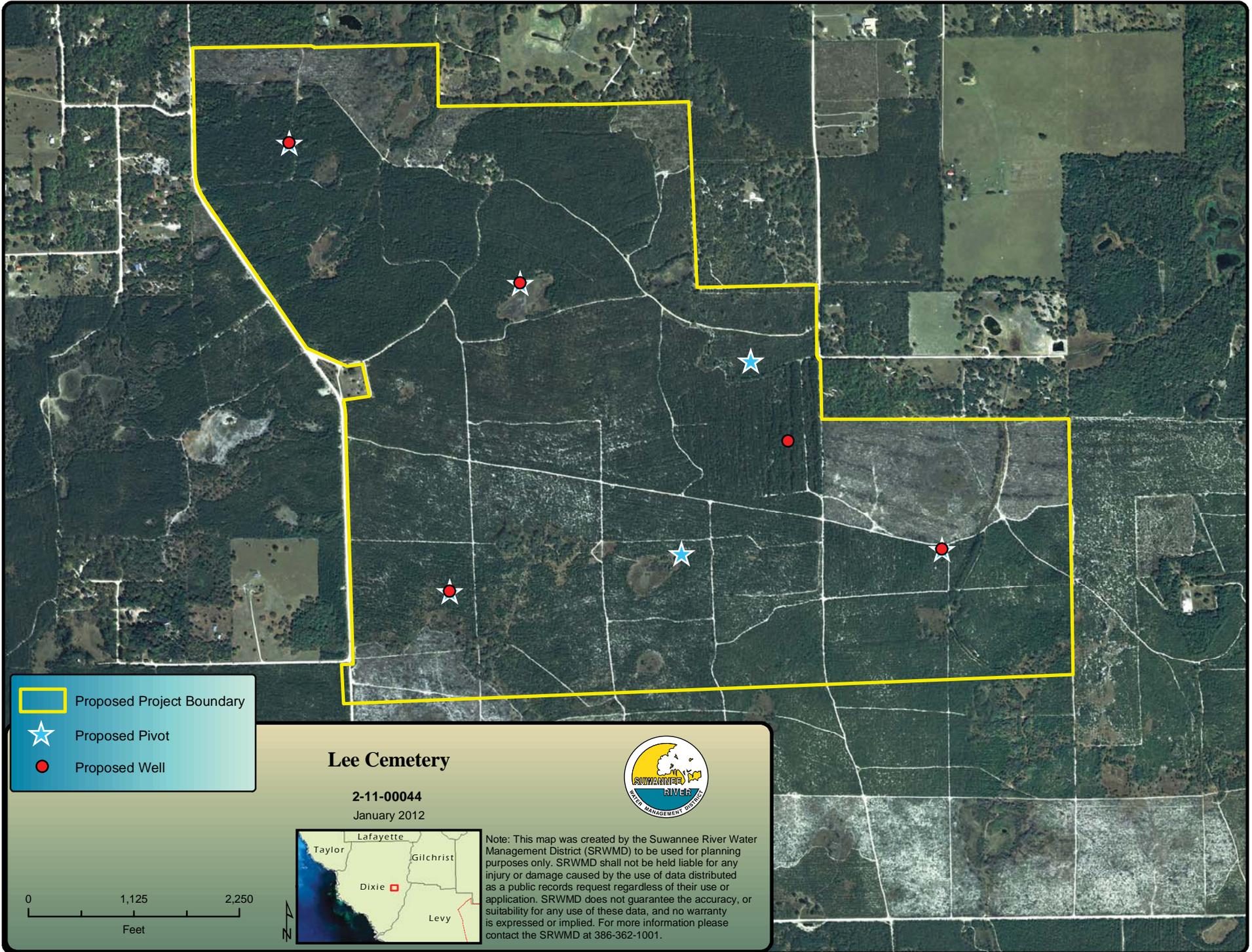
26. This permit and the agricultural operation will be reviewed by District staff and the Permittee during the year 2022. During this review, the Permittee and/or District staff may make recommendations based upon this review to modify this permit. These recommendations may come from new best management practices, improved irrigation techniques, different crop types, and/or any other significant factor.

27. This permit shall expire on January 10, 2032. 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  
2-11-00044  
Lee Cemetery

Name	Status	Diameter	Capacity (gpm)	Water Use
Well No.1	Proposed	10	1200	Irrigation
Well No.2	Proposed	10	1200	Irrigation
Well No.3	Proposed	10	1000	Irrigation
Well No.4	Proposed	12	2400	Irrigation
Well No.5	Proposed	8	800	Irrigation



-  Proposed Project Boundary
-  Proposed Pivot
-  Proposed Well

### Lee Cemetery

2-11-00044  
January 2012



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: Tim Sagul, Senior Professional Engineer

DATE: December 22, 2011

RE: Environmental Resource Permit Application Number  
07-0288M, Josephine Recreational Project, Columbia County, Regarding  
Lake City Management, LLC, CE10-0026

### RECOMMENDATION

**Staff recommends the Governing Board authorize revocation of General Environmental Resource Permit number 07-0288M issued to Lake City Development, LLC, for Josephine Recreational Project, Columbia County, referral to Counsel for restoration of the project area and to file charges with the State Attorney's office for stop payment of the surety bond check.**

### BACKGROUND

A Stop Work Order was hand delivered to Mr. Sam Oosterhoudt, Manager of Lake City Management, LLC, on April 20, 2010, for construction without a permit and a Notice of Violation letter was sent April 26, 2010.

An Environmental Resource Permit (ERP) application was received on July 26, 2010, and a Request for Additional Information (RAI) was sent on August 11, 2010. Staff met with Mr. Oosterhoudt on February 4, 2011, and a Compliance Agreement (CA) was signed by Mr. Oosterhoudt on March 4, 2011. The CA specified a monthly payment schedule for the assessed penalty and administrative costs as well as other remedial actions.

After numerous meetings and correspondence, Lake City Management, LLC, submitted payment as outlined in the CA and the necessary information required for permit issuance. The ERP was issued on August 17, 2011.

The \$5,000 surety bond check (number 3594, dated August 8, 2011) was returned to the District for Stop Payment. Staff sent Mr. Oosterhoudt a certified letter dated October 4, 2011 asking for the \$5,000 in cash or money order by October 18, 2011.

The project is partially built and does not have the necessary surety bond in place to assure as-built certification of the surfacewater management system.

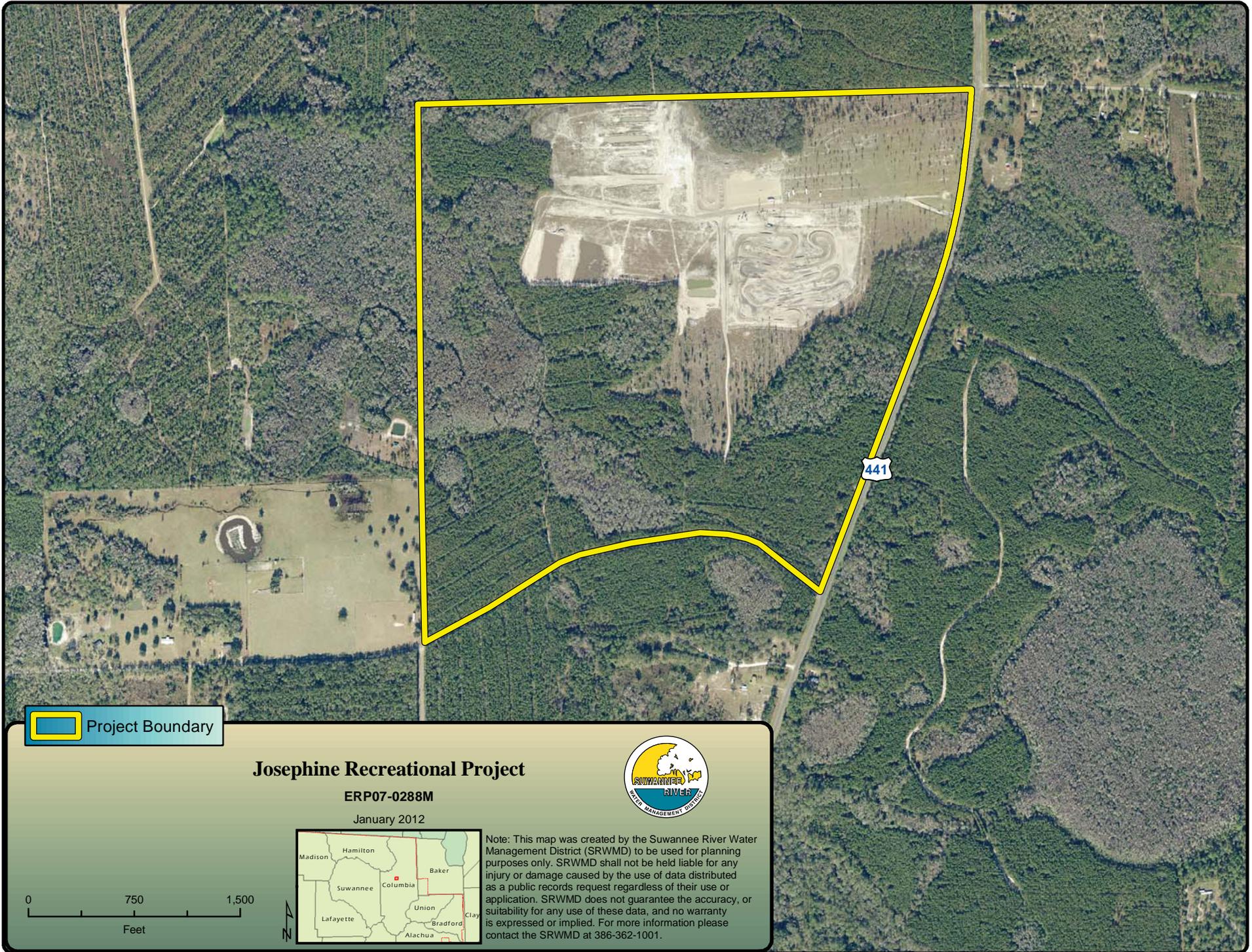
A letter of credit was hand delivered to District staff the morning of the November 2011 Board meeting. The Board deferred action on the staff recommendation until their December 13, 2011, meeting in order for counsel to review the letter of credit and obtain an opinion from the State Attorney's office.

After review, several problems were noted with the letter of credit. They included expiration dates and changes to the District furnished template. A letter was sent to Mr. Oosterhoudt with recommendations on how to properly prepare the letter of credit. It included a December 12, 2011, deadline to provide the revised letter of credit. To date, no response has been received.

In regards to the stop payment issue, District staff sent a letter of inquiry to the Suwannee County State Attorney's office for an opinion. The State Attorney's office replied with a form to formally file charges before they could render an opinion.

If the permit is revoked, the project area must be restored to pre-existing conditions since it is partially constructed.

TS/rl



 Project Boundary

### Josephine Recreational Project

ERP07-0288M

January 2012



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: Tim Sagul, Senior Professional Engineer

DATE: December 22, 2011

RE: Denial of Environmental Resource Permit Application ERP06-0509  
and Initiation of Enforcement Action

RECOMMENDATION

**Staff recommends the Governing Board authorize denial, without prejudice, of Environmental Resource Permit application number 06-0509 to Doug McKoy for Cedar Key Heights Blocks 18, 119-131, Levy County. In addition, staff recommends the Governing Board authorize the initiation of enforcement action because the project has been constructed without a permit.**

BACKGROUND

Staff has reviewed the after the fact permit application. The application is incomplete because the applicant did not supply information needed to complete the review. The subdivision roads have been built without a permit.

Staff has been reviewing this project since September 15, 2006. It has been placed on three Board agendas (the latest being May 2010) for denial due to lack of information.

PW/rl

December 22, 2011

Douglas K. McKoy  
PO Box 1300  
Bronson, FL 32621

Subject: Denial of Environmental Resource Permit Application 06-0509,  
Cedar Key Heights Blocks 18, 129-131, Levy County

Dear Mr. McKoy:

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 January 10, 2012, 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, P.E., CFM  
Senior Professional Engineer

TS/rl

Enclosure

cc: CE06-0058

Levy County Board of Commissioners

Certified Mail Receipt Number: 7010 1060 0001 1350 2472

## 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:

**Douglas K. McKoy**  
**PO Box 1300**  
**Bronson, FL 32621**

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

---

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

## STAFF REPORT

### ENVIRONMENTAL RESOURCE PERMIT APPLICATION

**DATE:** December 22, 2011

**PROJECT:** Cedar Key Heights Blocks 18, 129-131

**APPLICANT:**

Douglas K. McKoy  
PO Box 1300  
Bronson, FL 32621

**PERMIT APPLICATION NO.:** ERP06-0509

**DATE OF APPLICATION:** 9/15/2006

**APPLICATION COMPLETE:** N/A

**DEFAULT DATE:** N/A

#### **Recommended Agency Action**

Staff recommends denial, without prejudice, of the environmental resource permit application because of failure to supply the information necessary to complete the application.

#### **Project Review Staff**

Patrick Webster, Senior Professional Engineer, reviewed the project.

#### **Project Location**

The proposed project is located in Township 14 South, Range 13 East, Section 35, in Levy County.

#### **Project Description**

Staff has reviewed the after the fact permit application. The application is incomplete because the applicant did not supply information needed to complete the review. The subdivision roads have been built without a permit.

The permit application was for an after the fact permit to develop a subdivision. The first Request for Additional Information (RAI) letter was mailed to the applicant on October 4, 2006.

Staff sent a copy of the file to Tom Brown, General Counsel, on November 4, 2008, for review. Due to lack of information, the application was placed on the October 2009 Governing Board agenda for denial. It was removed from the Board agenda for further review.

The application was then placed on the December 2009 agenda due to a lack of response from the applicant. It was removed from the agenda after the applicant said he would move forward with engineering plans.

Since then, staff and the applicant have had numerous phone and email contacts and meetings with varying results. Additional submittals have been received and staff has, in turn, requested additional information. During this time staff placed the project on two other Board agendas requesting denial due to failure to respond. Both times, the applicant was given more time to work with staff to complete the application.

September 2, 2011, was the latest correspondence staff sent to Mr. McKoy. It required a response by October 17, 2011. Several emails have been received indicating that Mr. McKoy is preparing a response, but to date a response has not been received.

PW/rl



## MEMORANDUM

TO: Governing Board  
FROM: Tim Sagul, Senior Professional Engineer  
DATE: December 22, 2011  
RE: Authorization to Initiate Enforcement Proceedings, Jacob Hake,  
CE11-0005, Bradford County

### RECOMMENDATION

**Staff recommends the Governing Board authorize initiation of enforcement proceedings against Jacob Hake, in Bradford County, for unpermitted dredge and fill in a wetland and flood hazard area.**

### BACKGROUND

Staff sent a Notice of Violation to Mr. Hake on February 25, 2011, for unpermitted dredging and filling in a wetland and flood hazard area. The major issue arising from the unpermitted activity involved the destruction of a berm which resulted in flooding neighboring properties. Staff met initially with Mr. Hake on March 11, 2011. Several meetings were conducted between March and October, 2011, to address drainage issues both upstream and downstream of the property. During these meetings, staff came to an agreement with Mr. Hake regarding how he would resolve the violation on his property. This agreement included Mr. Hake signing a Compliance Agreement (CA) within 30 days of receipt by certified mail.

The CA was sent by certified mail on October 20, 2011. The certified mail was refused and returned to the District on October 24, 2011. The CA was re-sent on October 31, 2011, by first class mail and Mr. Hake confirmed receipt during a December 11, 2011, telephone conversation. To date, the District has not received the CA.

Staff inspected on November 25, 2011, and remedial actions have not been performed by Mr. Hake. The remedial action is the repair of the berm adjacent to the ditch that traverses the property and drains towards the west. The breach in the berm is causing flooding on properties adjacent properties not owned by Mr. Hake.

In order to resolve this enforcement action, Mr. Hake needs to sign and return the CA and repair the berm to pre-existing conditions.

TS/rl



 Project Boundary

### Hake Project

CE11-0005

January 2012



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: Tim Sagul, Senior Professional Engineer

DATE: December 22, 2011

RE: Authorization to Proceed with an Administrative Complaint Regarding Scott McNulty, CE10-0045, Levy County

### RECOMMENDATION

**Staff recommends the Governing Board authorize the Executive Director to obtain counsel to proceed with an administrative complaint regarding Scott McNulty, Levy County.**

### BACKGROUND

District staff discovered that unpermitted excavation and road construction had occurred in the Cedar Key Heights Subdivision and may have occurred in jurisdictional wetlands within Levy County right-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. The District received a letter on 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 2011 Board meeting.

Staff met with Board Counsel and Mr. Robinson on December 20, 2011, to discuss resolution options and recommend that the Governing Board authorize the Executive Director to proceed with an administrative complaint to resolve this enforcement matter.

TS/rl

## MEMORANDUM

TO: Governing Board

FROM: Brian Kauffman, Senior Professional Engineer

DATE: December 22, 2011

RE: Authorization for the Executive Director to Enter Into an Agreement with the Federal Emergency Management Agency (FEMA) to Administer Risk MAP (Mapping, Assessment and Planning) for Fiscal Year (FY) 2011

### RECOMMENDATION

**Staff recommends the Governing Board authorize the Executive Director to enter into an agreement with FEMA to receive \$1,845,000 to implement FEMA's Risk MAP Program in the Upper Suwannee River and Santa Fe River Basins for FY 2011.**

### BACKGROUND

The Suwannee River Water Management District is a Cooperating Technical Partner for implementing FEMA's Risk MAP program. A five-year business plan has been approved by FEMA that identifies the District's vision and level of participation for supporting Risk MAP for each basin.

To implement this plan, District staff developed a Mapping Activity Statement (MAS) for FEMA's FY 2011 (our FY 2012) that details a step-by-step process to enhance the Digital Flood Insurance Rate Map and provide Risk MAP products for the Upper Suwannee River and Santa Fe River basins, as designated by United States Geological Survey Hydrologic Unit Code 03110201 and 03110206, respectively, along with an education and outreach plan. The Mapping Activity Statement (MAS) for FY 2011 has been approved by FEMA. The District has been awarded \$1,845,000 from FEMA to implement the MAS including \$70,000 for District personnel time. FEMA will reimburse the District actual expenses on a monthly basis.

/jl

Budget Code: 48 0 464 0 0000 00 00 000

## MEMORANDUM

TO: Governing Board

FROM: Brian Kauffman, Senior Professional Engineer

DATE: December 22, 2011

RE: Contract Extensions with Selected Firms for Implementation of the Federal Emergency Management Agency (FEMA) Risk Mapping, Assessment, and Planning (MAP) Program within the Mapping Activity Statement (MAS) for FEMA Fiscal Year 2011

### RECOMMENDATION

**Staff recommends the Governing Board authorize the Executive Director to extend contracts with the firms previously selected for implementation of the FEMA Risk MAP program for activities within FEMA's Fiscal Year (FY) 2011 MAS, not to exceed \$1,845,000.**

### BACKGROUND

The District is a Cooperative Technical Partner (CTP) assisting in the implementation of FEMA's Risk MAP Program. A five-year business plan has been approved by FEMA that identifies the District's vision and level of participation for supporting Risk MAP for each basin, and subsequently, an MAS is developed for each year of participation. The Upper Suwannee River and Santa Fe River basins, as designated by United States Geological Survey Hydrologic Unit Code 03110201 and 03110206, respectively, are the project areas for FY 2011.

The Governing Board approved the Executive Director to enter into contracts with six qualified firms (list following) on October 13, 2009, to implement the Risk MAP five-year plan. These firms have begun work under the FY 2009 and FY 2010 MAS approved by FEMA. Using these firms again will expedite work under the FY 2011 MAS for which funding has already been awarded. The Risk MAP program will bring to communities map and database products packaged alongside the digital flood insurance rate maps to locate where they might have risk, understand what the risk is, and plan to reduce their losses during disasters.

The District will be reimbursed actual expenses by FEMA on a monthly basis for work performed. Total reimbursements shall not exceed \$1,845,000.

October 2009 Approved Risk MAP Firms

<b>Firm</b>	<b>Location</b>	<b>Expenditures to Date</b>
PBS&J Corporation (now Atkins)	Tampa, FL	\$289,822
AECOMUSA, Inc.	Jacksonville, FL	\$82,648
Jones Edmunds & Associates, Inc.	Tampa, FL	\$84,336
Cardno TBE	Brooksville, FL	\$12,000
AMEC Earth & Environmental, Inc.	Nashville, TN	\$96150
Taylor Engineering, Inc.	Jacksonville, FL	\$86,496

Budget Code: 48 2 586 3 1300 12 02

## MEMORANDUM

TO: Governing Board  
FROM: Brian Kauffman, Senior Professional Engineer  
DATE: December 22, 2011  
RE: Amendment of URS Contract (06/07-273) for Flood Insurance Rate Map Modernization, Levy County Additional Tasks

### RECOMMENDATION

**Staff recommends the Governing Board authorize the Executive Director to amend contract number 06/07-273 with URS Corporation for \$8,000 of additional post-preliminary flood map processing, for a total not to exceed cost of \$1,033,000.**

### BACKGROUND

The District is a Cooperative Technical Partner (CTP) assisting in Federal Emergency Management Agency's (FEMA) Map Modernization Program. Through a series of Mapping Activity Statements (MAS), all counties within the District will have FEMA flood maps modernized to digital format. FEMA has awarded the District \$1,025,000 to implement the MAS for Hamilton, Levy, and Madison Counties.

At the final stages of implementing the MAS for Levy County, the need for additional mapping work arose. During the appeal and protest period the Town of Bronson provided LiDAR data to re-map the floodplain boundary. However, this remapping was not included in the budget. URS estimated the additional cost to re-map the study area floodplain boundaries to be \$8,000.

This additional expense was approved by FEMA in the FY 2011 MAS and funding is available in the FY 2011 grant.

The District will be reimbursed actual expenses by FEMA on a monthly basis for work performed. Total reimbursements shall not exceed \$1,033,000.

/jl

Budget Code: 48 2 586 3 1300 12 02

## MEMORANDUM

TO: Governing Board  
FROM: Carlos Herd, Senior Hydrogeologist  
DATE: December 22, 2011  
RE: Water Supply Program Activity Report

### **SRWMD/SJRWMD/DEP Interagency Agreement:**

- On December 6, staff met with SJRWMD and DEP to discuss permitting issues related to the augmentation of Lake Brooklyn in the Keystone Heights area.
- On December 14, staff attended a North Florida/South Georgia Regional Groundwater Modeling steering committee teleconference.
- On December 16, staff participated in a teleconference with the SJRWMD to discuss comments on the Atkins scope of work for the Upper Floridan aquifer recharge concepts project.
- On December 20, staff attended the Clay/Putnam MFL Recovery/Prevention Technical Team meeting with SJRWMD and stakeholders.
- On January 4, staff will participate in an interagency agreement teleconference to discuss the National Research Council scope of work.
- On January 5, staff will participate in the North Florida Utility Coordination Group executive committee meeting at the SJRWMD office located in Palatka.
- On January 5, staff will participate in the first progress meeting for the Interagency Agreement at the SJRWMD office located in Palatka.

### **Water supply planning:**

- St. Johns River Water Management District 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.

### **Interstate coordination:**

- The next Florida/Georgia coordination meeting is being scheduled for March, 2012, at a location to be determined.

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

### Lower Santa Fe and Ichetucknee Rivers and Springs

- Revision and calibration of a HEC-RAS river model continues. Final cross-section elevations are being quality checked for incorporation into the model software.
- Draft report production for the fluvial geomorphic investigation of the Santa Fe and Ichetucknee rivers is underway. This report will include flow parameters for channel maintenance and stability. These will be reviewed for potential use as MFL limiting parameters.

### Upper Suwannee River and Springs

- The two primary contractors for this work (river modeling and biology) were issued reconnaissance work orders. They have assembled their observations into recommendations for study sites (biology) and hydraulic cross sections (modeling). Over 250 new cross sections were selected for further evaluation. Surveying and other field work will follow. District staff has finished installation of 9 new water level recorders on the river, including one in the spring house at White Sulphur Springs.

## **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 January 10, 2012, Governing Board meeting if you would like further information.

CH/dd

## MEMORANDUM

TO: Governing Board

FROM: Megan Wetherington, Senior Professional Engineer

DATE: December 22, 2011

RE: Water Resource Monitoring Program Activity Report

Staff collected water chemistry samples at 24 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 attended Florida Department of Environmental Protection's second statewide Salinity Network meeting. The Salinity Network is a subset of the Florida Water Resources Monitoring Council intended to develop a centralized reporting tool for groundwater impacts.

Monitoring and IT staff met with St. Johns River Water Management District in Palatka to observe their data management practices for water quality data. The information will be used to assess the effectiveness of the District's existing water quality database.

Agricultural water use was monitored at 194 wells on 48 agricultural operations.

Thank you for your attention to this summary of current activities. Please feel free to contact staff prior to the January 10, 2012, Governing Board meeting if you would like further information.

MW/dd

MEMORANDUM

TO: Governing Board  
FROM: Tim Sagul, Senior Professional Engineer  
DATE: December 22, 2011  
RE: Regulatory Program Activity Report

**Environmental Resource Permitting Activities**

The following table summarizes the environmental resource permitting activities during the month of November.

<b>November 2011</b>	<b>Received</b>				
Environmental Resource Permits	Noticed General	General	Individual	Exemption Requests	Extension Requests (SB 7207)
	14	8	1	6	4
	<b>Issued</b>				
	Noticed General	General	Individual	Exemptions Granted	Extensions Granted (SB 7207)
	12	15	0	13	4

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

File Number	Project Name	County	Issue Date
ERP00-0608M3	Cannon Creek Basin/Home Depot Site	Columbia	12/12/11

**Inspections and as-built certification**

- In November 2011, staff inspected thirteen projects under construction and 21 projects for as-built compliance. The total number of projects constructed from January 2005 to November 2011 is 869. The number in compliance with certification requirements is 843 while 26 permits are not in compliance.

- The total number of Works of the District permits issued from January 2009 through October 2010 is 91 with 39 completed and 52 in the construction process.

**Water Use Permitting and Water Well Construction**

The following table summarizes water use and water well construction permitting activities during the month of November.

<b>November 2011</b>	<b>Received</b>		<b>Issued</b>
Water Use Permits	14		17
Water Well Permits	98		98
Water well permits issued and received according to well use:			
Abandoned/destroyed	0	Livestock	0
Agricultural Irrigation	4	Monitor	9
Aquaculture	0	Nursery	0
Climate Control	0	Other	3
Fire Protection	0	Public Supply	6
Garden (Non Commercial)	1	Self-supplied Residential	70
Landscape Irrigation	5	Drainage or injection	0
Commercial or Industrial	0	Test	0

**Rule development and adoption**

The rulemaking schedule follows this report. Staff is participating in joint meetings and conference calls 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.

On November 16, 2011, staff answered supplemental questions for all 215 District rules as required by the Governor's Office of Fiscal Accountability and Regulatory Reform. The questions were targeted at rules that require collection of data and fees from permit applicants.

### **Staff Priorities**

- Staff is working on a charter to implement the E-permitting process in cooperation with St. Johns River Water Management District. The Water Well construction portion will be implemented first with ERP and Water Use to follow.
- Staff continued to coordinate with FDEP and water management districts on reclaimed water policy.
- Staff met and received a renewal application from Town of Lee.
- Staff met with representatives from PCS Phosphate concerning an upcoming permit consolidation.
- Staff met with Oak Grove Dairy regarding a modification, which may be presented at the February Governing Board meeting.
- Staff met with White Oak Dairy regarding a modification, which may be presented at the February Governing Board meeting.
- Staff continues to attend the Columbia County and Suwannee County Catalyst Working Groups to discuss regulatory issues.
- Staff continues to participate in discussions on water use permitting consistency with FDEP and the other water management districts.

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

**40B-1.706**

## Fee Schedule – 40B-2 Citations

GB Rule Dev. Auth.	9/14/10
Notice of Rule Dev.	11/4/11
GB Proposed Rule Auth.	9/14/10
Send to OFARR	3/15/11
Notice of Proposed Rule	10/26/11
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.	8/26/11
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	11/18/11
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	11/18/11
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)	

**0B-9.1381**

GB Rule Dev. Auth.	11/10/11
Notice of Rule Dev.	12/9/11
GB Proposed Rule Auth.	11/10/11
Send to OFARR	12/1/11
Send to Senate and House	12/1/11
Notice of Proposed Rule	
Send to JAPC	12/1/11
Mail to DOS (tentative)	
Effective Date (tentative)	

## MEMORANDUM

TO: Governing Board

FROM: Hugh Thomas, Suwannee River Partnership Coordinator

DATE: December 22, 2011

RE: Suwannee River Partnership (SRP) Program Activity Report

Staff began meeting with poultry producers to update poultry operation conservation plans under the Conservation Technical Assistance agreement with the United States Department of Agriculture - Natural Resources Conservation Service.

Partnership staff continues to work with Mace Bauer and University of Florida – Institute of Food and Agricultural Sciences (UF-IFAS) staff to help farmers save water as part of the advanced irrigation scheduling program under the Conservation Innovation Grant.

Partnership staff met with Dr. George Hochmuth (UF-IFAS) and Kenneth Hall (Suwannee Farms) for an update on the nitrogen and phosphorus nutrient management project being conducted at Suwannee Farms. This is the second year of the project which is evaluating nutrient uptake efficiencies of crops and nutrient leaching potential at current recommended fertilizer application rates. Dr. Hochmuth and Mr. Hall have been invited to address the Governing Board during the March 2012 workshop.

Staff continues to work with the Mobile Irrigation Lab to evaluate center pivot systems.

Staff continues to work with District staff in assisting with water use permit renewals, modifications, and new permits.

Partnership staff worked with the UF-IFAS Extension Service to coordinate and host the 2011 Suwannee Valley Watermelon Institute. As part of the workshop, staff administered the SRP survey developed by the University of Florida Public Issues Education Center for Agriculture and Natural Resources to determine producers' knowledge of water quality and water quantity issues.

Staff met with the Florida Department of Environmental Protection to discuss selection of a restoration focus area (RFA) as part of the Basin Management

Action Plan for the Santa Fe Basin. The Ginnie Springs springshed was selected as the first RFA for the Santa Fe Basin Management Action Plan.

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

Staff submitted a proposal for \$1.4 million in additional United States Department of Agriculture funding for Ag Water Enhancement Practices (AWEP) under the Environmental Quality Incentives Program. Under the AWEP program, irrigation systems can be upgraded to lower operating pressure and convert less efficient diesel motors to more efficient diesel or electric power systems.

Staff continues to visit farmers for enrollment in Best Management Practice (BMP) programs and to assist with BMP implementation assurance, BMP follow-up, sampling assistance, record keeping assistance, and other education. To date staff has enrolled approximately 327 farms with signed Florida Department of Agricultural and Consumer Science Notices of Intent to implement BMPs on 175,000 acres. Of the 327 farms, 252 have received cost share as part of the SRP BMP Tools Program.

Based on record checks and the SRP Progressive Farms Program, fertilizer savings are 50 to 80 lbs/acre. Using a 50 lbs savings, this equates to 8,750,000 lbs (4,375 tons) less fertilizer being applied in the basin because of BMP implementation and use of BMP tools. Currently there are 28 farms awaiting cost share for BMP tools representing approximately 8,500 acres.

Thank you for your attention to this summary of current activities. Please feel free to contact staff prior to the January 10, 2012, Governing Board meeting if you would like further information.

HT/dd

## MEMORANDUM

TO: Governing Board  
FROM: Bob Heeke, Senior Land Resources Manager  
DATE: December 22, 2011  
Subject: Land Management Activity Report

### NATURAL RESOURCE MANAGEMENT

Status of timber sales currently underway is shown below:

Contract #	Timber Sale	Forestry Consultant	Estimated Start Date	Estimated Pine Tons	Harvest Completion
10/11-117	Little River #3	NRPS	9/5/2011	2,500	50%
10/11-116	Jones Mill Creek #1	TFC	10/12/2011	29,690	40%
10/11-120	Ellaville #13	DOF/TRSF	1/01/2012	7,905	0%

Four requests for bids for timber sales are currently posted on the District website:

Bid #	Fiscal Year	Timber Sale Name	Bid Due Date
11/12-007	2012	Black Tract #3	1/5/2012
11/12-008	2012	Jerry Branch #1	1/5/2012
11/12-009	2012	Goose Pasture #1	1/5/2012
11/12-010	2012	Steinhatchee Springs #9	1/10/2012

Contractors have planted approximately 426 acres of bare-root longleaf pine and 121 acres of bare-root slash pine on the Steinhatchee Springs Tract. This is about 30% of the 1,798 acres scheduled for planting this season.

### FACILITY MANAGEMENT

District contractors have begun work on the 2011-12 boundary marking project. This work will be conducted mostly on properties in the Lower Suwannee and Santa Fe River Basins. Since it will become part of the Steinhatchee Springs Wildlife Management Area, the Steinhatchee Rise Tract will be reposted after the spring hunting season.

### PUBLIC RECREATION SERVICES

District Staff and contractors improved a river access/canoe-boat launch on the Aucilla River referred to by the locals as "Flat Rock" on the Cabbage Grove Tract. A river access point was improved on the Mt. Gilead Tract to alleviate an erosion problem and enhance public access. FDOT mitigation funds were used to complete these improvements.

District staff worked with Archaeological Consultants, Inc., to delineate a mound boundary on the Goose Pasture Tract prior to a planned timber harvest operation.

A total of 27 special use authorizations were distributed during the last month: 14 for recreation, 12 for temporary ingress and egress and 1 for other use.

gal  
008-00025

## MEMORANDUM

TO: Governing Board  
FROM: Brian Kauffman, Senior Professional Engineer  
DATE: December 22, 2011  
RE: Resource Projects Program Activity Report

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

Based on interest from FDOT, the District has received Governing Board approval to enter into agreements with FDOT and the City of Starke to begin the process of expanding this project in order to provide wetland mitigation for FDOT. Draft agreements with FDOT and with the City of Starke are being reviewed. Meeting with FDOT to discuss the agreement and project permitting is scheduled for December 23, 2011.

In addition, the District has received approval to begin the appraisal process in order to obtain the back 14 acres of the KOA property. This property will be an integral part of the overall project scope. Staff and appraiser met to look at the site on December 15, 2011.

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

Levy County: The appeals and protests resolutions have been submitted to FEMA for review and will then be delivered to the communities.

Bradford County: The Letter of Final Determination was issued on November 2, 2011, to notify the communities in Bradford County of the final flood hazard determination in compliance with Title 44, Chapter I, Part 67, Code of Federal Regulations. Prior to May 2, 2012, communities are required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3(c) of the NFIP regulations (44 CFR, etc.).

Fiscal Year 2009 projects: Detailed studies in Live Oak, Lafayette County, Dixie County, and Gilchrist County are ongoing. LiDAR data has been delivered for use in the Lafayette, Dixie, and Gilchrist study areas. Preliminary FIRM panels and Flood Insurance Study were issued on December 8, 2011, to the City of Live Oak and Suwannee County for areas affected by the Live Oak study.

Fiscal Year 2010 projects: The Discovery Meetings for the Lower Suwannee River Basin were held September 7 and 8, 2011. A draft scope of work has been developed, and Governing Board authorization to proceed will be requested.

**Lake Sampson Water Control Structure:**

A scope of work is being drafted for a contract with URS Corporation to run scenarios of a new fixed weir control structure in the existing computer model that is accepted in the Bradford County Flood Insurance Study. The proposed structure will be designed with a fixed control elevation with the ability to draw down the lake at Fish and Wildlife Conservation Commission's recommended times while potentially decreasing Lake Sampson's flooding hazard.

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

The final meeting and the results of the pilot study were presented to the District on October 13, 2011. IFAS is still working on their final report, so a contract extension was granted until December 15, 2011. Hydromentia submitted a Phase I proposal to the District on December 5, 2011, for an algal turf scrubber project on the Suwannee River which is currently under review by the District.

**Water Quality Compensatory Treatment:**

FDOT provided the District with \$46,640 for water quality compensatory treatment for the US 98 Bridge Replacement project over the Aucilla River as part of ERP10-0057. As of this date, District staff has identified and implemented water quality improvements at two of the District's river access locations on the Mt. Gilead Tract. Restoration included the regrading and stabilization at these locations to prevent further erosion into the river and to relocate parking away from the river bank. Additional water quality improvements have been started at locations at the Mt. Gilead and Cabbage Grove Tracts within the Aucilla River basin during the month of November 2011. These improvement projects will be complete by early January 2012.

**Water Conservation Program:**

District Staff met with the Florida Rural Water Association (FRWA) to discuss a partnership involving the water use assessments of public facilities. The information gained from these assessments will aid in defining specific areas in need of water conservation efforts and will serve as a foundation for the overall program. In addition, staff met with Jerry Scarborough, Superintendent of Suwannee County schools, to gain insight as to how schools might be included and benefit from the program.

**Lake City Stormwater:**

Staff toured stormwater problem areas with the Public Works Director of Lake City on December 6, 2011. This year the city wants to make improvement to several problem areas that were identified a few years ago during a previous city-wide study. However, with limited funds, the city needs help implementing the

remediation plan. Staff is drafting a new interlocal agreement with Lake City to provide cost share assistance for the stormwater improvements.

Please feel free to contact staff prior to the Governing Board meeting if you would like further information.

/rl

# Compliance

updated 12/21/2011 3:10:56 PM

<i>CE #</i>	<i>County</i>	<i>Discovery Date</i>	<i>Date Action Required</i>	<i>Violation Summary</i>	<i>Respondent</i>	<i>Comments</i>	<i>Staff</i>
CE06-0058	LEVY	8/2/2006	1/10/2012	Unpermitted construction.	Douglas McKoy	Permit denial was removed from May 2010 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. 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 applicant's submittal and sent out another RAI with a response deadline of 8/10/11. Received RAI responses from applicant on 8/5/11. 9/2/11; RAI sent. 45 days to respond. Meeting 9/22/11; working on revising mitigation plan. As of 11/16/11, no response received. Sent email out to find out status on 12/6/11. January 2012 Board for denial & enforcement proceedings.	Webster, Patrick
CE10-0016	JEFFERSON	2/9/2010	12/31/2011	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, which requires fees for a settlement penalty and staff costs to be paid no later than 12/19/10. RAI sent 1/14/11. 3/21/11; received fee & penalty check for \$2,305.65 and RAI material. 4/8/11; permit issued. Staff to monitor Compliance Agreement stipulations. 9/12/11; letter sent. 18 days to complete construction & 30 days to submit as-builts. 9/22/11; received extension request to complete construction until 12/31/11. Staff declined request. November 2011 Board for initiation of legal action to enforce the terms of the compliance agreement. 11/8/11; Board put this item on hold until 12/31/11 to see if Respondent could complete work & resolve violation.	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>
CE10-0026	COLUMBIA	4/20/2010	1/10/2012	Unpermitted construction.	Sam Oosterhoudt-Lake City Developers, LLC.	SWO had delivered 4/20/10. NOV sent 4/26/10. 14 days to contact District. File sent to legal 5/21/10. Call from Mr. Oosterhoudt on 5/26/10. Engineer has been hired and no other work to be done until permit is modified. Informed legal to hold enforcement. Email to legal, no contact from owner since 5/26/10. Received ERP application 7/26/10. Sent RAI 8/11/10. 18 day letter sent 11/15/10. Meeting scheduled with applicant. Extension letter sent 1/11/11. Staff met with applicant on 2/4/11. 2/25/11; Compliance Agreement sent to Mr. Oosterhoudt for signature. Executed Compliance Agreement sent to Mr. Oosterhoudt 3/14/11. Awaiting monthly payments beginning 3/31/11 and ending 5/31/11. 5/18/11; received admin cost of \$317.01 & partial penalty of \$382.99. 5/31/11; final payment not received. Respondent has defaulted on Compliance Agreement. June 2011 Board for initiation of legal action to reach resolution. Board directed legal to contact Mr. Oosterhoudt to try and reach resolution. 7/12/11; Board contacted Mr. Oosterhoudt. Staff to follow up by 7/29/11. As of 8/5/11; no information received. August 2011 Board for initiation of legal action to reach resolution. 8/8/11; paid balance of Compliance agreement, submitted application fee & sent in as-builts. 8/8/11; close file. 9/12/11; enforcement file reopened. 9/1/11; \$5,000 surety check returned for stop payment. 10/4/11; 14 days to pay for returned check.10/18/11; no payment received. November 2011 Board for revocation of permit and initiation of legal action. 11/8/11; Board deferred action until December 2011 meeting. Received Letter of Credit on 11/8/11 at meeting for legal review. 11/16/11; received call from Capital City Bank that Letter of Credit is valid. January 2012 Board for revocation of permit & enforcement proceedings.	Marshall, Leroy
CE10-0046	LEVY	9/23/2010		Unpermitted road construction.	Donny Crews / Levy County Road Department	Please refer to CE10-0045 (McNulty) for updates regarding this enforcement file.	Mantini, Louis
CE08-0022	SUWANNEE	3/3/2008		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 when proceedings are final.	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>
CE11-0031	TAYLOR	6/6/2011	12/27/2011	No as-builts.	Fred Shore - Gulf Breeze Partners, LLC.	20 days to contact District. Contact from Mr. Shore on 06/17/11. An on-site meeting was held 7/13/11 to discuss alternatives with the parties concerned. Respondent proposes to modify the permit to correct the deficiencies. 09/13/11; E-mail sent requesting update. 10/13/11; call from Engineer; as-built to be submitted by 10/31/11. 10/27/11 call from Phil Bishop (engineer) owners will not modify permit at present. Owners will submit corrected as-builts on or before 11/15/11. The delay is due to survey problems. 11/21/11 Telephone conversation with Phil Bishop to discuss as-built drawings. Initial as-built review indicates detention ponds are not adequate. Suggested that Phil submit sealed as-builts along with a plan to bring project into compliance. Jennifer is out of town on a medical family emergency and will not return until mid December. At engineer and owners request extended deadline until 12/27/11.	Bowden, Jerry
CE11-0044	MADISON	11/7/2011	1/21/2012	Unpermitted excavation in stream.	Penny & Samuel Morgan	14 days to contact District. The Morgans responded by 11/21/11, and an inspection was conducted on 11/22/11. Mr. Morgan returned a significant portion of the creek-bank to natural grade at this point. Since his progress has been notable, Louis verbally agreed to their request of a 01/01/12, deadline for completion of restoration to grade. An inspection will be conducted by 1/21/12.	Mantini, Louis
CE10-0060	HAMILTON	12/14/2010		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. September 2011 Board for permit application denial and initiation of legal action to reach resolution. 9/8/11; pulled from Board agenda per Respondent request. 30 days to submit information requested. 9/19/11; file sent to staff legal to prepare Consent Agreement.	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>
CE10-0042	UNION	10/10/2010	2/28/2012	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. 9/22/11; meeting with Worthington Springs Council President. 10/5/11; sent letter to Mr. Rimes. 30 days to submit ERP application & supporting documentation. 11/4/11; received ERP application. 11/30/11; RAI sent.	Mantini, Louis
CE11-0005	BRADFORD	2/24/2011	1/10/2012	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. Draft Compliance Agreement delivered 4/1/11. Meeting 4/8/11 to discuss agreement. Mr. Hake was advised not to follow-through agreement until he has formulated a site plan for activities he wishes to conduct on his property. Flooding issues, due to up- and downstream SWM, continue to be addressed by staff. 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 conducted on 9/14/11 identifying current source of flooding concerns as DuPont - Staff to follow-up with another discussion with DuPont and site visit by 10/12/11. 10/20/11; updated compliance agreement mailed. 30 days to sign. 10/24/11; received returned (refused) certified compliance agreements. Compliance Agreement re-sent on 10/31/11 by first class mail, and Mr. Hake confirmed receipt during a 12/01/11, telephone conversation, but said he had not yet opened the packet. Staff inspected on 11/25/11, and remedial actions have not been performed by Mr. Hake, which consist of restoring a berm adjacent to the ditch that traverses the property and drains towards the west. To be presented at January 2012 Board for initiate enforcement proceedings.	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>
CE11-0006	GILCHRIST	1/12/2011	2/1/2012	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. 11/29/11; received RAI information on 11/27/11. Extension granted until 02/01/12.	Mantini, Louis
CE11-0007	GILCHRIST	2/9/2011	1/30/2012	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. 9/20/11; sent letter requesting return of CA by 10/11/11. 10/7/11; received mail from Mr. Tenaglia stating sudden health issues. 10/28/11; sent email extending his execution of the compliance agreement to 11/30/11. Meeting to be scheduled by 1/30/12.	Robinson, Vince
CE11-0010	GILCHRIST	3/17/2011	1/19/2012	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 & 9/1/11. 9/7/11; letter sent. 45 days to remove vegetation debris. 10/7/11; Mr. Roberts informed District that due to health conditions, he has stopped debris removal, but would complete the removal by 1/19/12.	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>
CE11-0019	COLUMBIA	3/24/2011		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 stating 18 days to transfer to O&M to County or complete corrective action. 9/14/11; letter sent informing Mr. Daughtry staff is referring to Governing Board for initiation of legal proceedings. Staff to work with Columbia County to resolve maintenance issues.	Link, James
CE11-0026	COLUMBIA	5/18/2011	1/7/2012	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. 9/14/11; letter sent informing Mr. Higgs staff is referring to Governing Board for initiation of legal proceedings. 9/15/11; file sent to legal. 9/23/11; received ERP application, ERP fee and penalty for enforcement. 10/4/11; RAI sent.	Marshall, Leroy
CE11-0036	TAYLOR	8/24/2011		Unpermitted construction.	Oscar M. Howard, III/RT 207 Properties/Iron Horse Mud Ranch	Site visit 9/7/11. 9/13/11; NOV sent. 20 days to contact District. 9/16/11; received fax. Staff awaiting RAI response to proceed with Compliance Agreement.	Mantini, Louis