

**AGENDA**  
**SUWANNEE RIVER WATER MANAGEMENT DISTRICT**  
**GOVERNING BOARD MEETING AND PUBLIC HEARING**

**OPEN TO THE PUBLIC**

July 10, 2012  
9:00 a.m.

Florida Gateway College  
Wilson S. Rivers Library & Media Center  
149 SE College Place  
Lake City, Florida

1. Call to Order
2. Chairman Introductions
3. Roll Call
4. Additions, Deletions, or Changes to the Agenda

Mission Support

**Deletion:**

- Agenda Item 11, MS Page 5 - Agreement with Micrographics, Inc. for Records Management Services

Water Supply and Resource Management

**Addition:**

- SUP Page 1 - Approval of a Work Order Increase in the matter of Suwannee River Water Management District (District) v. Larry Sigers, CE08-0072
- SUP Page 2 - Authorization for Executive Director to Execute an Agreement with St. Johns River Water Management District (SJRWMD) Accepting Permitting Responsibilities Regarding Water Use Permit Number 2-92-00021, Keystone Golf and Country Club

Executive Office

**Addition:**

- SUP Page 6 - Authorization for Executive Director to Implement Emergency Compensation Practices Consistent with the State of Florida

Action Items

5. Approval of Agenda
6. Items Recommended on Consent
  - MS Page 1 – Approval of May Financial Report
  - WSRM Page 38 - Delegation of Authority Regarding Water Shortage Order 12-0005 Variance Petitions and Ratification of Approved Variances
7. Approval of Recommended Consent Items
8. Approval of Minutes – June 12, 2012 Governing Board Meeting and Workshop Minutes
9. Items of General Interest for Information/Cooperating Agencies and Organizations
  - A. Presentation of Hydrologic Conditions by Megan Wetherington, Senior Professional Engineer
  - B. Cooperating Agencies and Organizations
  - C. Public Comment

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**DEPARTMENT OF MISSION SUPPORT**  
**Melanie Roberts, Director**

Action Items

- MS Page 1 10. Approval of May Financial Report – **Recommended Consent**
- MS Page 5 11. ~~Agreement with Micrographics, Inc. for Records Management Services -~~ **DELETED**
- MS Page 7 12. FY 2013 Tentative Millage and Budget
- MS Page 11 13. Resolution No 2012-18 Requesting Classification of the Tentative Fiscal Year 2013 Reserves

Informational Item

- MS Page 16 14. Activity Report, Mission Support
- MS Page 17 15. Activity Report, Real Estate

**DEPARTMENT OF WATER SUPPLY AND RESOURCE  
MANAGEMENT**

**Jon Dinges, Director**

Action Items

- WSRM Page 1 16. Buck Bay #1 License to Cut Timber
- WSRM Page 3 17. Blue Sink #2 License to Cut Timber
- WSRM Page 5 18. Mud Swamp Hunting Lease
- WSRM Page 19 19. Approval of Water Use Permit Application Number  
2-12-00049, Bullard Farms, Inc., Suwannee County
- WSRM Page 32 20. Authorization to Initiate Enforcement Proceedings Regarding  
Jacob Hake, CE11-0005, Bradford County
- WSRM Page 38 21. Delegation of Authority Regarding Water Shortage Order  
12-0005 Variance Petitions and Ratification of Approved  
Variances – **Recommended Consent**
- WSRM Page 48 22. Authorization for Executive Director to Enter Into an  
Interlocal Water Shortage Delegation Agreement with St.  
Johns River Water Management District
- WSRM Page 49 23. Authorization for the Executive Director to Negotiate and  
Enter into a Contract for Surveying Services to Obtain  
Hydrographic Cross Sections of the Middle Suwannee River
- SUP Page 1 Approval of a Work Order Increase in the matter of  
Suwannee River Water Management District (District) v.  
Larry Sigers, CE08-0072**
- SUP Page 2 Authorization for Executive Director to Execute an  
Agreement with St. Johns River Water Management  
District (SJRWMD) Accepting Permitting  
Responsibilities Regarding Water Use Permit Number  
2-92-00021, Keystone Golf and Country Club**

Informational Items

- WSRM Page 50 24. Water Supply and Resource Management Activity Reports  
A. Water Supply
- WSRM Page 52 B. Water Resource Monitoring
- WSRM Page 54 C. Minimum Flows and Levels

- WSRM Page 58 D. Regulatory
- WSRM Page 64 E. Suwannee River Partnership
- WSRM Page 66 F. Land Management
- WSRM Page 70 G. Water Resource Projects Program
- WSRM Page 73 H. Compliance

**GOVERNING BOARD LEGAL COUNSEL**  
**Tom Reeves**

Informational Items

- LC Page 1 25. Governing Board Counsel Monthly Report (to be provided prior to Governing Board meeting)

**EXECUTIVE OFFICE**  
**Ann B. Shortelle, Ph.D., Executive Director**

Action Items

- EO Page 1 26. Authorization for Executive Director to Expend Funds to Address Emergency Conditions Associated with Tropical Storm Debby and Notification to Executive Office of the Governor and Legislative Budget Commission for Expenses Resulting from Tropical Storm Debby

**SUP Page 6 Authorization for Executive Director to Implement Emergency Compensation Practices Consistent with the State of Florida**

Informational Items

- 27. Executive Director's Report
- EO Page 5 28. Executive Office Activity Report
- 29. Announcements

Unless otherwise noted, all meetings are at District Headquarters in Live Oak, Florida

- July 10, 2012 9:00 a.m. Board Meeting  
Lake City
- August 14, 2012 9:00 a.m. Board Meeting  
Greenville
- September 11, 2012 3:00 p.m. Board Meeting  
5:00 p.m. 1<sup>st</sup> Public Budget Hearing
- September 25, 2012 3:00 p.m. Workshop  
5:00 p.m. Final Public Budget Hearing

**\*\*Board Workshops immediately follow Board Meetings unless otherwise noted.**

30. Adjournment

The entire meeting of the Governing Board is a public hearing and will be governed accordingly. The Governing Board may take action on any item listed on the agenda. The Governing Board may make changes to the printed agenda only for good cause shown as determined by the Chairman and stated for the record. If any person decides to appeal any decision with respect to any action considered at the above referenced meeting and hearing, such person may need to ensure a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is made. Public attendance and participation at the District Governing Board Meetings are encouraged.

**AGENDA**  
**SUWANNEE RIVER WATER MANAGEMENT DISTRICT**  
**GOVERNING BOARD WORKSHOP**

**OPEN TO THE PUBLIC**

July 10, 2012

Florida Gateway College  
Wilson S. Rivers Library & Media Center  
149 SE College Place, Building 200  
Lake City, Florida

1. Emergency Response Summary – Ann B. Shortelle, Ph.D.
2. Cedar Key – Carlos Herd
3. North Florida Regional Water Supply Partnership – Jon Dinges
4. FDEP Santa Fe Grant – Kevin Wright
5. Tour of Florida Gateway College Library Facilities

Note:

The above represents the agenda for the July 2012 Governing Board Workshop for the Suwannee River Water Management District. This agenda may be revised under the direction of the Board Chairman.

SUWANNEE RIVER WATER MANAGEMENT DISTRICT  
MINUTES OF  
GOVERNING BOARD MEETING AND PUBLIC HEARING

Note: A digital recording system has been used to record these proceedings and is on file in the permanent files of the District. A copy of the Governing Board materials and handouts are a part of the record as if set out in full herein, and are filed in the permanent files of the District.

9:00 a.m., Tuesday  
June 12, 2012

District Headquarters  
9225 CR 49  
Live Oak, Florida

Governing Board:

<b>Seat</b>	<b>Name</b>	<b>Office</b>	<b>Present</b>	<b>Not Present</b>
Aucilla Basin	George M. Cole, Ph.D.		X	
Coastal River Basin	Donald Ray Curtis, III	Secretary/ Treasurer		X
Lower Suwannee River Basin	Don Quincey, Jr.	Chairman	X	
Santa Fe & Waccasassa Basins	Kevin W. Brown		X	
Upper Suwannee River Basin	Alphonas Alexander	Vice Chairman	X	
At Large	Heath Davis		X	
At Large	Virginia H. Johns		X	
At Large	Carl Meece		X	
At Large	Guy N. Williams		X	

Governing Board General Counsel

<b>Name</b>	<b>Firm</b>	<b>Present</b>	<b>Not Present</b>
George T. Reeves	Davis, Schnitker, Reeves & Browning, P.A.	X	

Staff:

<b>Position</b>	<b>Name</b>	<b>Present</b>	<b>Not Present</b>
Acting Executive Director	Charlie Houder	X	
Governmental Affairs Director	Steve Minnis	X	
Department Director, Mission Support	Melanie Roberts	X	
Department Director, Water Supply & Resource Management	Jon Dinges	X	
Senior Professional Engineer	Megan Wetherington	X	
GB Coordinator – Paralegal	Linda Welch	X	

Guests:

Tim Sagul, SRWMD  
 Kevin Wright, SRWMD  
 Hugh Thomas, SRWMD  
 Vanessa Fultz, SRWMD  
 Carlos Herd, SRWMD  
 Bob Heeke, SRWMD  
 Glenn Horvath, SRWMD  
 Cindy Johnson, SRWMD  
 Edwin McCook, SRWMD  
 Terry Demott, SRWMD  
 Brian Kauffman, SRWMD  
 Ann B. Shortelle, Ph.D., Florida Department of Environmental Protection/SRWMD  
 Dan Buchanan, Florida Farm Bureau, Pinetta  
 Greg Harden, Florida Farm Bureau, Gainesville  
 Ray Hodge, Southeast Milk, Gainesville  
 Jeffrey Hill, El Rancho No Tengo, Lake City  
 Craig Varn, Manson Law Group, Tampa  
 Warren Zwanka, St. Johns River Water Management District, Palatka  
 Merrilee Malwitz-Jipson, Our Santa Fe River, Fort White  
 Annette Long, Save Our Suwannee, Chiefland  
 Jean Wonsler, Circle Pine Farm, Trenton  
 Donald Rich, Georgia Tech Foundation, Quitman, GA  
 James Cornett, Florida Leaders Organized for Water, Live Oak  
 Matt Pollock, FL Fish and Wildlife Conservation Commission (FWC), Live Oak, FL  
 Rolando Garcia, FWC, Lake City, FL  
 Bob White, PCS Phosphate, White Springs  
 Stan Posey, PCS Phosphate, White Springs

Jerry Scarborough, Suwannee County Schools, Live Oak  
Walter Boatright, Suwannee County Schools, Live Oak  
Stacey Young, Suwannee County Future Farmers of America, Live Oak  
Suwannee County Future Farmers of America Students, Live Oak  
Paul Still, Bradford Soil & Water Conservation District, Starke  
Barney and Renate Cannon, Chiefland  
Misty Ward, Suwannee Democrat, Live Oak  
Travis Richards, HSA Consulting Group, Tallahassee  
Jeremiah Slaymaker, Wantman Group, Inc., Monticello  
Chad Thurner, Garver LLC, Destin  
Laura Hampson, Lake City Reporter, Lake City  
Ronnie Poole, Poole Realty, Live Oak  
John Fuller, The Future of Hunting in Florida, Tallahassee  
Bill Marvin, The Future of Hunting in Florida, Tallahassee  
George Wilson, Florida Bowhunters Council, Lecanto  
Stephen Williamson, United Waterfowlers of Florida, Tallahassee  
Larry Simon, P.C.A., Jasper  
Jack Byrd, Lafayette County Board of County Commissioners, Branford  
Gary Hardacre, Alachua City Commission, Alachua  
Lane Stephens, Allied Sportsman's Associations of Florida, Tallahassee  
Jim Casselman, United Hunters of Florida, Belleview  
Steve Gladin, Trenton  
Philip Oxendine, Suwannee County Board of County Commissioners, Live Oak  
Lee Chauncey, Live Oak  
Randy Ware, River Road Realty, Live Oak  
Dennis Price, White Springs City Council, White Springs  
Guillermo Simon, Taylor Engineering, Jacksonville  
Linda Gestrin, High Springs City Commission, High Springs  
David Ward, Jefferson County  
Jim Parrish, Parrish & Associates, Tallahassee  
Michael Halley, Town of Greenville

The meeting was called to order at 9:00 a.m.

Agenda Item No. 4 – Additions, Deletions, or Changes to the Agenda.

**Change:**

- SUP Page 1 – Updated Agenda Item 9 – Approval of Appointment of Ann Shortelle, Ph.D., as Executive Director of Suwannee River Water Management District and Approval of Contract

Mission Support

**Addition:**

- SUP Page 9 – North Mill Creek 20-year Site Dedication to the Public for Boating Access in Madison County

Water Supply and Resource Management

**Addition:**

- SUP Page 16 – Authorization to Enter into an Interlocal Agreement with the Town of Greenville
- SUP Page 21 – Interagency Agreement Between the Suwannee River Water Management District and the St. Johns River Water Management District for Cooperative Funding for the Upper Floridan Aquifer Regional Recharge Concepts and Feasibility Study

Agenda Item No. 5 – Approval of Agenda.

MR. DAVIS MADE A MOTION TO ACCEPT THE AGENDA AS READ. THE MOTION WAS SECONDED BY DR. COLE. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, DAVIS, JOHNS, MEECE, QUINCEY, AND WILLIAMS.)

Agenda Item No. 6 – Consent Agenda.

- Agenda Item 11 – Approval of April Financial Report
- Agenda Item 28 – Extension of Temporary Water Use Permit Number 2-11-00063, Richard Douglas Farm, Gilchrist County

Agenda Item No. 7 – Approval of Recommended Consent Items.

Agenda Item No. 8 – Approval of Minutes – May 8, 2012 Governing Board Meeting and Workshop Minutes, May 18, 2012 Governing Board Executive Director Selection Meeting Minutes, and May 29, 2012 Intermediate Governing Board Meeting Minutes.

Agenda Items 7 and 8 were approved with one vote.

MR. DAVIS MADE A MOTION TO ACCEPT THE CONSENT AGENDA AND TO ACCEPT THE MAY 8, 2012 GOVERNING BOARD MEETING AND WORKSHOP MINUTES, MAY 18, 2012 GOVERNING BOARD EXECUTIVE DIRECTOR

SELECTION MEETING MINUTES, AND MAY 29, 2012 INTERMEDIATE GOVERNING BOARD MEETING MINUTES. THE MOTION WAS SECONDED BY MR. ALEXANDER. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, DAVIS, JOHNS, MEECE, QUINCEY, AND WILLIAMS.)

Agenda Item No. 9 – Approval of Appointment of Ann Shortelle, Ph.D., as Executive Director of Suwannee River Water Management District and Approval of Contract.

DR. COLE MADE A MOTION TO APPROVE APPOINTMENT OF ANN SHORTELE, PH.D., AS EXECUTIVE DIRECTOR OF SUWANNEE RIVER WATER MANAGEMENT DISTRICT AND TO APPROVE CONTRACT. THE MOTION WAS SECONDED BY MR. DAVIS. MR. MEECE MADE A MOTION TO AMEND PARAGRAPH 19 OF THE CONTRACT TO DESIGNATE THE CHAIR OR ANY OTHER MEMBER OF THE GOVERNING BOARD AS THE CONTRACT ADMINISTRATOR FOR THE DISTRICT. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED TO AMEND PARAGRAPH 19 OF THE CONTRACT TO DESIGNATE THE CHAIR OR ANY OTHER MEMBER OF THE GOVERNING BOARD AS THE CONTRACT ADMINISTRATOR FOR THE DISTRICT. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, DAVIS, JOHNS, MEECE, QUINCEY, AND WILLIAMS.) UPON VOTE OF THE GOVERNING BOARD, THE ORIGINAL MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, DAVIS, JOHNS, MEECE, QUINCEY, AND WILLIAMS.)

Agenda Item No. 10 – Items of General Interest for Information/Cooperating Agencies and Organizations.

- A. Presentation of Hydrologic Conditions by Megan Wetherington, Senior Professional Engineer
- B. Cooperating Agencies and Organizations.
- C. Public Comment.
  - 1. Stacy Young, Suwannee County Schools addressed the Governing Board regarding Agenda Item 12.
  - 2. Jack Byrd, Lafayette County Commission, addressed the Governing Board regarding Agenda Item 12, Agenda Item 26, and water use, and shortage.
  - 3. Larry Simon addressed the Governing Board regarding Agenda Item 26.
  - 4. Bill Marvin, The Future of Hunting in Florida, addressed the Governing Board regarding Agenda Item 26.

5. Lane Stephens, Allied Sportsman's Association of Florida, addressed the Governing Board regarding Agenda Item 26.
6. Stephen Williamson, United Waterfowlers of Florida, addressed the Governing Board regarding Agenda Item 26.
7. Bill Wilson, Florida Bowhunters Council, addressed the Governing Board regarding Agenda Item 26.
8. Dennis Price, White Springs City Council, addressed the Governing Board regarding Agenda Item 26.
9. Merrilee Malwitz-Jipson, Our Santa Fe River, addressed the Governing Board regarding water use and minimum flows and levels.
10. Lee Chauncey addressed the Governing Board regarding water shortage restrictions.
11. Jean Wosner addressed the Governing Board regarding water shortage restrictions.
12. Paul Still, Bradford Soil and Water Conservation District, addressed the Governing Board regarding the technical team for groundwater modeling processes and Lake Brooklyn augmentation project.
13. Annette Long, Save Our Suwannee, addressed the Governing Board regarding water shortage and use.
14. Jim Casselman, addressed the Governing Board regarding Agenda Item 26.

Agenda Item No. 11 – Approval of April Financial Report. Approved on consent.

Agenda Item No. 12 – Land Use Agreement with Suwannee County School Board. Terry Demott, Program Leader, presented the staff recommendation that the Governing Board approve and execute a Land Use Agreement with the Suwannee County School Board for school related activities on the Branford Bend Tract, as shown in the Board materials.

MR. DAVIS MADE A MOTION TO APPROVE AND EXECUTE A LAND USE AGREEMENT WITH THE SUWANNEE COUNTY SCHOOL BOARD FOR SCHOOL RELATED ACTIVITIES ON THE BRANFORD BEND TRACT, AS SHOWN IN THE BOARD MATERIALS, AS SHOWN IN THE BOARD MATERIALS. THE MOTION WAS SECONDED BY MR. ALEXANDER. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, DAVIS, JOHNS, MEECE, QUINCEY, AND WILLIAMS.)

Agenda Item No. 13 – Suspension of Jennings Bluff Tract from Surplus Land Program. Mr. Demott presented the staff recommendation that the Governing Board authorize staff to begin negotiations with Hamilton County officials for use of the entire 500-acre Jennings Bluff Tract, as shown in the Board materials.

MR. DAVIS MADE A MOTION TO AUTHORIZE STAFF TO BEGIN NEGOTIATIONS WITH HAMILTON COUNTY OFFICIALS FOR USE OF THE ENTIRE 500-ACRE JENNINGS BLUFF TRACT, AS SHOWN IN THE BOARD MATERIALS. THE MOTION WAS SECONDED BY MR. ALEXANDER. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, DAVIS, JOHNS, MEECE, QUINCEY, AND WILLIAMS.)

Agenda Item No. 14 – Resolution 2012-12, Authorizing Exchange of Properties with Cho Property Management LLC in Suwannee County. Mr. Demott presented the staff recommendation, subject to public comment, that the Governing Board approve and execute Resolution 2012-12 authorizing the exchange of properties in Suwannee County with Cho Property Management LLC, as shown in the Board materials.

MR. DAVIS MADE A MOTION TO APPROVE AND EXECUTE RESOLUTION 2012-12 AUTHORIZING THE EXCHANGE OF PROPERTIES IN SUWANNEE COUNTY WITH CHO PROPERTY MANAGEMENT LLC, AS SHOWN IN THE BOARD MATERIALS. THE MOTION WAS SECONDED BY DR. COLE. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, DAVIS, JOHNS, MEECE, QUINCEY, AND WILLIAMS.)

Agenda Item No. 15 – Resolution 2012-13 Authorizing Conveyance of the Taylor Coastal Well Field Parcel to Taylor Coastal Water and Sewer District. Mr. Demott presented the staff recommendation that the Governing Board approve and execute Resolution Number 2012-13, declaring a parcel of District property in Taylor County no longer needed for District purposes and allowing the conveyance of the property to Taylor Coastal Water and Sewer District at no charge, as shown in the Board materials.

MR. DAVIS MADE A MOTION TO APPROVE AND EXECUTE RESOLUTION NUMBER 2012-13, DECLARING A PARCEL OF DISTRICT PROPERTY IN TAYLOR COUNTY NO LONGER NEEDED FOR DISTRICT PURPOSES AND ALLOWING THE CONVEYANCE OF THE PROPERTY TO TAYLOR COASTAL

WATER AND SEWER DISTRICT AT NO CHARGE, AS SHOWN IN THE BOARD MATERIALS. THE MOTION WAS SECONDED BY MR. ALEXANDER. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, DAVIS, JOHNS, MEECE, QUINCEY, AND WILLIAMS.)

Agenda Item No. 16 – Resolution 2012-15, Authorizing the Sale of the 76-acre +/- Owens Spring Surplus Parcel in Lafayette County to T.W. Byrd’s Sons, Inc. Mr. Demott presented the staff recommendation that the Governing Board authorize the sale of the Owens Spring surplus parcel located in Lafayette County to T.W. Byrd’s Sons, Inc., as shown in the Board materials.

MR. MEECE MADE A MOTION TO AUTHORIZE THE SALE OF THE OWENS SPRING SURPLUS PARCEL LOCATED IN LAFAYETTE COUNTY TO T.W. BYRD’S SONS, INC., AS SHOWN IN THE BOARD MATERIALS. THE MOTION WAS SECONDED BY MR. ALEXANDER. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, DAVIS, JOHNS, MEECE, QUINCEY, AND WILLIAMS.)

Agenda Item No. 17 – Resolution 2012-16, Authorizing the Sale of 60 +/- Adams South Surplus Parcel to Michael H. and Freda L. Shaw. Mr. Demott presented the staff recommendation that the Governing Board approve and execute Resolution 2012-16 authorizing the sale of the Adams South surplus parcel in Lafayette County to Michael H. and Freda L. Shaw, as shown in the Board materials.

MR. DAVIS MADE A MOTION TO APPROVE AND EXECUTE RESOLUTION 2012-16 AUTHORIZING THE SALE OF THE ADAMS SOUTH SURPLUS PARCEL IN LAFAYETTE COUNTY TO MICHAEL H. AND FRED A. SHAW, AS SHOWN IN THE BOARD MATERIALS. THE MOTION WAS SECONDED BY DR. COLE. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, DAVIS, JOHNS, MEECE, QUINCEY, AND WILLIAMS.)

Agenda Item No. 18 – Detailed Assessment of Aucilla Partnership LLC Exchange Parcel. Mr. Demott presented the staff recommendation that the Governing Board authorize staff to commence detailed assessment and negotiations for an exchange of property interests with Aucilla Land Partners, LLC, as shown in the Board materials.

DR. COLE MADE A MOTION TO AUTHORIZE STAFF TO COMMENCE DETAILED ASSESSMENT AND NEGOTIATIONS FOR AN EXCHANGE OF PROPERTY INTERESTS WITH AUCILLA LAND PARTNERS, LLC, AS SHOWN IN THE BOARD MATERIALS. THE MOTION WAS SECONDED BY MR. MEECE. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, DAVIS, JOHNS, MEECE, QUINCEY, AND WILLIAMS.)

Supplemental Agenda Item Page 9 - North Mill Creek 20-year Site Dedication to the Public for Boating Access in Madison County. Mr. Demott presented the staff recommendation that the Governing Board approve and execute a Site Dedication form to assure that the boat ramp on the District's North Mill Creek property in Madison County is dedicated to the public for a minimum of 20 years, as shown in the Board materials.

MR. ALEXANDER MADE A MOTION TO APPROVE AND EXECUTE A SITE DEDICATION FORM TO ASSURE THAT THE BOAT RAMP ON THE DISTRICT'S NORTH MILL CREEK PROPERTY IN MADISON COUNTY IS DEDICATED TO THE PUBLIC FOR A MINIMUM OF 20 YEARS, AS SHOWN IN THE BOARD MATERIALS. THE MOTION WAS SECONDED BY MRS. JOHNS. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, DAVIS, JOHNS, MEECE, QUINCEY, AND WILLIAMS.)

Agenda Item No. 19 – Agreement with Florida Department of Environmental Protection (FDEP) for Land Use/Land Cover Data. Glenn Horvath, Program Leader, presented the staff recommendation that the Governing Board authorize the Executive Director to execute an agreement with FDEP for Land Use/Land Cover Data Cost Share for an amount not to exceed \$10,000, as shown in the Board materials.

MR. ALEXANDER MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE AN AGREEMENT WITH FDEP FOR LAND USE/LAND COVER DATA COST SHARE FOR AN AMOUNT NOT TO EXCEED \$10,000, AS SHOWN IN THE BOARD MATERIALS. THE MOTION WAS SECONDED BY MR. BROWN. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, DAVIS, JOHNS, MEECE, QUINCEY, AND WILLIAMS.)

Agenda Item No. 20 – Approval of Amendment in Reimbursement Payments to Close Out Prior Education Reimbursement Program. Melanie Roberts, Department Director, presented the staff recommendation that the Governing Board approve amendment to the amount of reimbursement payments from \$11,500 to \$17,500 to close out the prior Education Reimbursement program, as shown in the Board materials.

MR. DAVIS MADE A MOTION TO APPROVE AMENDMENT TO THE AMOUNT OF REIMBURSEMENT PAYMENTS FROM \$11,500 TO \$17,500 TO CLOSE OUT THE PRIOR EDUCATION REIMBURSEMENT PROGRAM, AS SHOWN IN THE BOARD MATERIALS. THE MOTION WAS SECONDED BY MR. ALEXANDER. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, DAVIS, JOHNS, MEECE, QUINCEY, AND WILLIAMS.)

Agenda Item No. 21 – Activity Report, Mission Support. The Activity Report for the Department of Mission Support was provided as an informational item in the Board materials.

Agenda Item No. 22 – Activity Report, Real Estate. The Activity Report for Real Estate was provided as an informational item in the Board materials.

Agenda Item No. 23 –Authorization to Apply for FEMA’s FY 2012 Risk MAP Program. Brian Kauffman, Program Leader, presented the staff recommendation that the Governing Board authorize the Executive Director to apply for and enter into an agreement with the Federal Emergency Management Agency (FEMA) to receive \$1,220,790 to administer the Risk MAP Program for FEMA’s Fiscal Year 2012, as shown in the Board materials.

MR. DAVIS MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO APPLY FOR AND ENTER INTO AN AGREEMENT WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) TO RECEIVE \$1,220,790 TO ADMINISTER THE RISK MAP PROGRAM FOR FEMA’S FISCAL YEAR 2012, AS SHOWN IN THE BOARD MATERIALS. THE MOTION WAS SECONDED BY DR. COLE. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, DAVIS, JOHNS, MEECE, QUINCEY, AND WILLIAMS.)

Agenda Item No. 24 – Contract with Superior Forestry Services, Inc., for FY 2013 Tree Planting Services. Bob Heeke, Program Leader, presented the staff

recommendation that the Governing Board authorize the Executive Director to execute a contract with Superior Forestry Services, Inc., for an amount not to exceed \$13,000 for tree planting services, as shown in the Board materials.

MR. ALEXANDER MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT WITH SUPERIOR FORESTRY SERVICES, INC., FOR AN AMOUNT NOT TO EXCEED \$13,000 FOR TREE PLANTING SERVICES, AS SHOWN IN THE BOARD MATERIALS. THE MOTION WAS SECONDED BY MR. MEECE. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, DAVIS, JOHNS, MEECE, QUINCEY, AND WILLIAMS.)

Agenda Item No. 25 – Agreement for Mallory Swamp Fireline Rehabilitation Services. Mr. Heeke presented the staff recommendation that that the Governing Board authorize the Executive Director to execute a contract with North Florida Reforestation Services Inc. for an amount not to exceed \$27,545.55 for fireline rehabilitation services on the Mallory Swamp Tract in Fiscal Year 2012, as shown in the Board materials.

Mr. Alexander stated a possible conflict of interest and abstained from voting on Agenda Item 25 – Agreement for Mallory Swamp Fireline Rehabilitation Services, and he signed a conflict of interest form. This form is hereby made a part of the permanent files of the District.

MR. DAVIS MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT WITH NORTH FLORIDA REFORESTATION SERVICES INC. FOR AN AMOUNT NOT TO EXCEED \$27,545.55 FOR FIRELINE REHABILITATION SERVICES ON THE MALLORY SWAMP TRACT IN FISCAL YEAR 2012, AS SHOWN IN THE BOARD MATERIALS. THE MOTION WAS SECONDED BY MR. BROWN. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: BROWN, COLE, DAVIS, JOHNS, MEECE, QUINCEY, AND WILLIAMS.)

Agenda Item No. 26 – Hunting Lease on Mud Swamp Tract. Bob Heeke, Program Leader, presented the staff recommendation that the Governing Board approve and execute Resolution 2012-17 and authorize the Executive Director to execute the Mud Swamp Hunting Lease with Bryan W. Ward for \$16,929, as shown in the Board materials.

This item was deferred.

Agenda Item No. 27 – Approval of Resolution No. 2012-07 for Fiscal Year 2012-2013, Legislative Appropriations. Tim Sagul, Program Leader, presented the staff recommendation that the Governing Board approve Resolution No. 2012-07, requesting the release of \$740,000 in Legislative Appropriations from the Secretary of the Department of Environmental Protection, as shown in the Board materials.

MR. MEECE MADE A MOTION TO APPROVE RESOLUTION NO. 2012-07, REQUESTING THE RELEASE OF \$740,000 IN LEGISLATIVE APPROPRIATIONS FROM THE SECRETARY OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, AS SHOWN IN THE BOARD MATERIALS. THE MOTION WAS SECONDED BY MR. DAVIS. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: BROWN, COLE, DAVIS, JOHNS, MEECE, QUINCEY, AND WILLIAMS.)

Agenda Item No. 28 – Extension of Temporary Water Use Permit Number 2-11-00063, Richard Douglas Farm, Gilchrist County. Approved on consent.

Agenda Item No. 29 – Approval of Water Use Permit Application Number 2-84-00703M, PCS Phosphate-White Springs, Hamilton County. Mr. Sagul presented the staff recommendation that the Governing Board approve Water Use Permit number 2-84-00703M, with seventeen standard conditions and six special limiting conditions to PCS Phosphate – White Springs, Hamilton County, as shown in the Board materials.

MR. DAVIS MADE A MOTION TO APPROVE WATER USE PERMIT NUMBER 2-84-00703M, WITH SEVENTEEN STANDARD CONDITIONS AND SIX SPECIAL LIMITING CONDITIONS TO PCS PHOSPHATE – WHITE SPRINGS, HAMILTON COUNTY, AS SHOWN IN THE BOARD MATERIALS. THE MOTION WAS SECONDED BY MRS. JOHNS. DR. COLE MADE A MOTION TO AMEND THE PERMIT TO ADD A CONDITION, IF STAFF DECIDES THAT THERE IS NO FINANCIAL HARDSHIP TO THE APPLICANT, TO REQUIRE MONTHLY MONITORING OF ALL WELLS THAT ARE EIGHT INCHES AND GREATER. THE MOTION WAS SECONDED BY MRS. JOHNS. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED TO AMEND THE PERMIT TO ADD A CONDITION, IF STAFF DECIDES THAT THERE IS NO FINANCIAL HARDSHIP TO THE APPLICANT, TO REQUIRE MONTHLY MONITORING OF ALL WELLS THAT ARE EIGHT INCHES AND GREATER. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, DAVIS, JOHNS, MEECE, QUINCEY, AND WILLIAMS.) UPON VOTE OF THE GOVERNING BOARD, THE ORIGINAL

MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, DAVIS, JOHNS, MEECE, QUINCEY, AND WILLIAMS.)

Agenda Item No. 30 – Authorization to Amend Contract Number 03/04-258 with the Florida Department of Agriculture and Consumer Services (FDACS) for Continuation of the Two Positions for the Suwannee River Partnership for the Period July 1, 2012 through June 30, 2013. Hugh Thomas, Program Leader, presented the staff recommendation that the Governing Board authorize the Executive Director to amend Contract Number 03/04-258 with FDACS to continue funding a third of the costs associated with providing two Suwannee River Partnership positions at a cost not to exceed \$45,000 for the period covering July 1, 2012 through June 30, 2013, as shown in the Board materials.

DR. COLE MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO AMEND CONTRACT NUMBER 03/04-258 WITH FDACS TO CONTINUE FUNDING A THIRD OF THE COSTS ASSOCIATED WITH PROVIDING TWO SUWANNEE RIVER PARTNERSHIP POSITIONS AT A COST NOT TO EXCEED \$45,000 FOR THE PERIOD COVERING JULY 1, 2012 THROUGH JUNE 30, 2013, AS SHOWN IN THE BOARD MATERIALS. THE MOTION WAS SECONDED BY MRS. JOHNS. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, DAVIS, JOHNS, MEECE, QUINCEY, AND WILLIAMS.)

Agenda Item No. 31 –Authorization to Continue Suwannee River Partnership Cooperative Conservation Technician Services. Mr. Thomas presented the staff recommendation that the Governing Board continue co-funding three Conservation Technician positions associated with the Suwannee River Partnership (SRP) program with the Florida Department of Agriculture and Consumer Services (FDACS) for a contract period of twelve months. The District's cost for these positions will not exceed \$90,000, as shown in the Board materials.

MR. DAVIS MADE A MOTION TO CONTINUE CO-FUNDING THREE CONSERVATION TECHNICIAN POSITIONS ASSOCIATED WITH THE SUWANNEE RIVER PARTNERSHIP (SRP) PROGRAM WITH THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (FDACS) FOR A CONTRACT PERIOD OF TWELVE MONTHS. THE DISTRICT'S COST FOR THESE POSITIONS WILL NOT EXCEED \$90,000, AS SHOWN IN THE BOARD MATERIALS. THE MOTION WAS SECONDED BY MR. ALEXANDER. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS

VOTING IN FAVOR: ALEXANDER, BROWN, COLE, DAVIS, JOHNS, MEECE, QUINCEY, AND WILLIAMS.)

Supplemental Agenda Item Page 16 – Authorization to Enter into an Interlocal Agreement with the Town of Greenville. Carlos Herd, Program Leader, presented the staff recommendation that the Governing Board authorize the Executive Director to enter into an Interlocal Agreement with the Town of Greenville for funding assistance for a new water supply well at a cost not to exceed \$23,000, as shown in the Board materials.

MR. MEECE MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE TOWN OF GREENVILLE FOR FUNDING ASSISTANCE FOR A NEW WATER SUPPLY WELL AT A COST NOT TO EXCEED \$23,000, AS SHOWN IN THE BOARD MATERIALS. THE MOTION WAS SECONDED BY MR. ALEXANDER. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, DAVIS, JOHNS, MEECE, QUINCEY, AND WILLIAMS.)

Supplemental Agenda Item Page 21 - Interagency Agreement Between the Suwannee River Water Management District and the St. Johns River Water Management District for Cooperative Funding for the Upper Floridan Aquifer Regional Recharge Concepts and Feasibility Study. Mr. Herd presented the staff recommendation that the Governing Board authorize the Executive Director to execute an Interagency Agreement for Cooperative Funding with the St. Johns River Water Management District to provide funding for the Upper Floridan Aquifer Regional Recharge Concepts and Feasibility Study With Atkins, Inc., as shown in the Board materials.

MR. MEECE MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE AN INTERAGENCY AGREEMENT FOR COOPERATIVE FUNDING WITH THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT TO PROVIDE FUNDING FOR THE UPPER FLORIDAN AQUIFER REGIONAL RECHARGE CONCEPTS AND FEASIBILITY STUDY WITH ATKINS, INC., AS SHOWN IN THE BOARD MATERIALS. THE MOTION WAS SECONDED BY DR. COLE. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, COLE, DAVIS, JOHNS, MEECE, QUINCEY, AND WILLIAMS. MEMBERS VOTING AGAINST: BROWN.)

Agenda Item No. 32 – 2012 Land Management Review Team Management Report. The 2012 Land Management Review Team Management Report was provided as an informational item in the Board materials.

Agenda Item No. 33 - Activity Reports. The Water Supply, Water Resource Monitoring, Minimum Flows and Levels, Regulatory, Suwannee River Partnership, Land Management, and Water Resource Projects Activity Reports and Compliance Report were provided as informational items in the Board materials.

Mr. Philip Oxendine, Commissioner for the Suwannee County Board of County Commissioners, addressed the Governing Board regarding water shortage issues.

#### **GOVERNING BOARD LEGAL COUNSEL**

Agenda Item No. 34 – Governing Board Counsel Monthly Report. The Governing Board Counsel Monthly Report was provided as an informational item in the Board materials.

#### **EXECUTIVE OFFICE**

Agenda Item No. 30 - Executive Director's Report.  
None.

Agenda Item No. 36 - Executive Office Activity Report. The Executive Office Activity Report was provided as an informational item in the Board materials.

The meeting adjourned at 12:35 p.m.

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Chairman

ATTEST:

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SUWANNEE RIVER WATER MANAGEMENT DISTRICT  
MINUTES OF  
GOVERNING BOARD WORKSHOP

Note: A digital recording system has been used to record these proceedings and is on file in the permanent files of the District. A copy of the Governing Board materials and handouts are a part of the record as if set out in full herein, and are filed in the permanent files of the District.

1:16 p.m., Tuesday  
June 12, 2012

District Headquarters  
9225 CR 49  
Live Oak, Florida

Governing Board:

<b>Seat</b>	<b>Name</b>	<b>Office</b>	<b>Present</b>	<b>Not Present</b>
Aucilla Basin	George M. Cole, Ph.D.		X	
Coastal River Basin	Donald Ray Curtis, III	Secretary/ Treasurer		X
Lower Suwannee River Basin	Don Quincey, Jr.	Chairman	X	
Santa Fe & Waccasassa Basins	Kevin W. Brown		X	
Upper Suwannee River Basin	Alphonas Alexander	Vice Chairman		X
At Large	Heath Davis		X	
At Large	Virginia H. Johns		X	
At Large	Carl Meece		X	
At Large	Guy N. Williams		X	

Governing Board General Counsel

<b>Name</b>	<b>Firm</b>	<b>Present</b>	<b>Not Present</b>
George T. Reeves	Davis, Schnitker, Reeves & Browning, P.A.	X	

Staff:

<b>Position</b>	<b>Name</b>	<b>Present</b>	<b>Not Present</b>
Acting Executive Director	Charlie Houder	X	
Governmental Affairs Director	Steve Minnis	X	
Department Director, Mission Support	Melanie Roberts	X	
Department Director, Water Supply & Resource Management	Jon Dinges	X	
GB Coordinator – Paralegal	Linda Welch	X	

Guests:

Ann B. Shortelle, Ph.D., Florida Department of Environmental Protection/SRWMD  
Vanessa Fultz, SRWMD  
Cindy Johnson, SRWMD  
Tim Sagul, SRWMD  
Terry Demott, SRWMD  
Bob Heeke, SRWMD  
Glenn Horvath, SRWMD  
Brian Kauffman, SRWMD  
Megan Wetherington, SRWMD  
Ginny Hunter, SRWMD  
Renate and Barney Cannon, Chiefland  
Craig Varn, Manson Law Group, Tampa  
Ray Hodge, Southeast Milk, Gainesville  
Merrilee Malwitz-Jipson, Our Santa Fe River, Fort White  
Annette Long, Save Our Suwannee, Chiefland  
Jeffrey Hill, El Rancho No Tengo, Lake City  
Misty Ward, Suwannee Democrat, Live Oak  
Bruce Ritchie, Lake City Reporter, Lake City  
Kent Koptiuch, Nestlé Waters North America, Madison  
Paul Still, Bradford Soil and Water Conservation District, Starke

Ann Shortelle, Ph.D., addressed the Governing Board and discussed the Board's issuance of a water shortage order in relation to St. Johns River Water Management District.

Steve Minnis gave a presentation regarding upcoming legislative priorities.

Mr. Williams gave the Governing Board a handout regarding El Rancho No Tengo. El Rancho No Tengo was on the agenda for discussion, but this item was deferred.

Melanie Roberts gave a presentation regarding the Fiscal Year 2013 budget.

Jon Dinges gave a presentation regarding the Governor's office consistency directives and Metrics.

Tim Sagul gave a presentation regarding the Statewide Environmental Resource Permitting consistency directives.

Terry Demott gave a presentation regarding real estate and lands presented to the District for acquisition.

Megan Wetherington gave a presentation regarding other possible agriculture conservation efforts.

The workshop adjourned at 3:55 p.m.

Suwannee River Water Management District

Governing Board Materials

## Mission Support

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

Director of Mission Support

Assistant Executive Director

Executive Director

MEMORANDUM

TO: Governing Board  
FROM: Melanie Roberts, Director of Mission Support  
DATE: June 22, 2012  
RE: Approval of May 2012 Financial Report

RECOMMENDATION

**Staff recommends the Governing Board approve the May 2012 Financial Report and confirm the expenditures of the District.**

BACKGROUND

Chapter 373.553(1), F.S., authorizes the delegation of authority by the Governing Board to the Executive Director to disburse District funds, providing certification is made to the Board at the next regular meeting that such disbursement is proper, in order, and within budgetary limits. In compliance with the statutory provisions in Chapter 373, the Governing Board of the Suwannee River Water Management District has directed staff to prepare a Financial Report in the manner presented.

<b>Non-Operating Budget</b>	
Acquisition	\$7,207,820
Future Contractual	\$7,304,408
R. O. Ranch Reserves	\$3,810,000
Land Management Reserves	\$5,000,000
Operating Reserves	\$2,760,000
<b>Total</b>	<b>\$26,082,228</b>
<b>Operating Budget</b>	<b>\$21,307,361</b>
<b>Total FY 2012 Budget</b>	<b>\$47,389,589</b>
<b>Total FY 2012 Expenditures</b>	<b>\$6,188,811</b>
<b>Percent of Operating Budget</b>	<b>29%</b>

If you have any questions about this recommendation or if you would like any further information regarding the District's financial transactions, please contact me.

Water Supply & Resource Management

Description	Expenditures to		% Expenditures	Balance
	Budgeted	Date	Used	
516 Salaries & Benefits	\$3,183,888	\$1,602,884	50%	\$1,581,004
540 Other Personal Services	148,000	43,983	30%	104,017
580 Legal Services	153,200	70,767	46%	82,433
585 Audit Services	0	1,000	n/a	-1,000
586 Contractual Services	17,750,747	1,818,734	10%	15,932,013
590 Pmt. in Lieu of Taxes	365,000	0	0%	365,000
605 Printing & Binding	13,400	933	7%	12,467
606 Publication of Notices	16,600	1,257	8%	15,343
621 Meetings	4,700	200	4%	4,500
622 Registrations & Training	35,850	5,579	16%	30,271
626 Travel Expenses	32,500	2,333	7%	30,167
627 Utilities	10,000	1,439	14%	8,561
628 Communications	0	733	n/a	-733
631 Equipment Maintenance	9,400	861	9%	8,539
690 Other Contractual Services	8,400	84	1%	8,316
701 Field Supplies	714,900	321,496	45%	393,404
703 Computer Supplies	5,350	1,954	37%	3,396
705 Maps & Aerials	1,500	0	0%	1,500
706 Books & Documents	3,200	47	1%	3,153
715 Photographic Supplies	1,850	0	0%	1,850
740 Office Support Equipment	5,100	184	4%	4,916
790 Other Commodities	2,400	0	0%	2,400
801 Computer Software	8,700	2,094	24%	6,606
802 Equipment Rental	5,750	2,428	42%	3,322
809 Fees & Permits	16,000	413	3%	15,587
850 Overhead Allocation	n/a	866,270	n/a	-733,375
903 Office Equipment	3,000	0	0%	3,000
905 Mobile Equipment	24,000	0	0%	24,000
906 Computer Equipment	8,000	0	0%	8,000
907 Lab & Field Equipment	31,000	0	0%	31,000
930 Interagency Expenditures	1,444,300	307,745	21%	1,136,555
960 Reserves	8,810,000	0	0%	8,810,000
<b>WSRM TOTAL</b>	<b>\$32,816,735</b>	<b>\$5,053,418</b>	<b>15%</b>	<b>\$27,763,317</b>

Mission Support

Description	Budgeted	Expenditures to		Balance
		Date	% Expenditures Used	
516 Salaries & Benefits	\$1,863,076	\$907,431	49%	\$955,645
564 Property Appraiser	210,000	113,703	54%	96,297
579 Tax Collector	125,000	68,139	55%	56,861
580 Legal Services	46,800	21,281	45%	25,519
585 Audit Services	35,000	28,604	82%	6,396
586 Contractual Services	605,500	114,232	19%	491,268
605 Printing & Binding	25,500	95	0%	25,405
606 Publication of Notices	15,000	1,020	7%	13,980
607 Postage	25,000	7,165	29%	17,835
621 Meetings	1,000	0	0%	1,000
622 Registrations & Training	38,000	9,877	26%	28,123
626 Travel Expenses	24,000	5,218	22%	18,782
627 Utilities	70,000	24,720	35%	45,280
628 Communications	150,000	69,907	47%	80,093
629 Facilities Maintenance	75,000	20,087	27%	54,913
630 Vehicle Maintenance	75,000	30,893	41%	44,107
631 Equipment Maintenance	27,000	3,788	14%	23,212
690 Other Contractual Services	2,500	22	1%	2,478
701 Field Supplies	10,000	944	9%	9,056
702 Office Supplies	41,000	16,269	40%	24,731
703 Computer Supplies	26,000	15,862	61%	10,138
704 Fuel & Lubricants	70,000	37,583	54%	32,417
705 Maps & Aerials	2,000	0	0%	2,000
706 Books & Documents	7,600	811	11%	6,789
740 Office Support Equipment	6,000	2,007	33%	3,993
790 Other Commodities	3,000	459	15%	2,541
801 Computer Software	86,800	12,960	15%	73,840
802 Equipment Rental	50,000	27,176	54%	22,824
804 Workers Comp. Insurance	25,000	11,116	44%	13,884
805 Property & Casualty Insurance	60,000	49,719	83%	10,281
809 Fees & Permits	500	202	40%	298
850 Overhead Allocation	0	482,505	n/a	-482,505
850 Overhead Allocation Credits	0	-1,441,096	n/a	-1,441,096
903 Office Equipment	17,000	0	0%	17,000
906 Computer Equipment	110,000	28,227	26%	81,773
907 Lab & Field Equipment	25,000	1,975	8%	23,025
920 Land Acquisition	7,207,820	0	0%	7,207,820
930 Interagency Expenditures	23,000	0	0%	23,000
<b>MISSION SUPPORT TOTAL</b>	<b>\$11,184,096</b>	<b>\$672,901</b>	<b>6%</b>	<b>\$10,511,195</b>

Executive Office

Description	Expenditures to		% Expenditures	Balance
	Budgeted	Date	Used	
516 Salaries & Benefits	\$489,133	\$305,112	62%	\$184,021
580 Legal Services	55,000	28,032	51%	26,968
586 Contractual Services	28,000	13,476	48%	14,524
605 Printing & Binding	1,000	0	0%	1,000
621 Meetings	500	0	0%	500
622 Registrations & Training	6,525	2,395	37%	4,130
626 Travel Expenses	27,750	13,512	49%	14,238
650 Promotions	13,500	4,481	33%	9,019
706 Books & Documents	2,000	793	40%	1,207
715 Photographic Supplies	350	120	34%	230
850 Overhead Allocation	0	92,321	n/a	-92,321
930 Interagency Expenditures	5,000	2,250	45%	2,750
960 Reserves	2,760,000	0	0%	2,760,000
<b>EXECUTIVE OFFICE TOTAL</b>	<b>\$3,388,758</b>	<b>\$462,492</b>	<b>14%</b>	<b>\$2,926,266</b>
<b>DISTRICT TOTAL</b>	<b>\$47,389,589</b>	<b>\$6,188,811</b>	<b>13%</b>	<b>\$41,200,778</b>

## MEMORANDUM

TO: Governing Board  
FROM: Glenn Horvath, Technical Program Manager  
DATE: June 22, 2012  
RE: Agreement with Micrographics, Inc. for Records Management Services

### RECOMMENDATION

**Staff recommends the Governing Board authorize the Executive Director to piggyback onto an existing agreement with the Suwannee County School Board to execute an agreement with Micrographics, Inc. for an amount not to exceed \$25,000 for Records Management Services through June 30, 2013.**

### BACKGROUND

The District has the responsibility of maintaining public records that we create. Chapter 119, Florida Statutes, defines public records as “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” These public records are open for personal inspection and copying by any person. Providing access to public records is part of the District’s responsibility to the public. Requests are received weekly from the public for District records. Most recently, these requests have primarily been associated with Water Use and Environmental Resource Permits.

Collecting, organizing and maintaining these records take a tremendous effort and a lot of space. Realizing that all records can and should not be maintained forever, the Florida Department of State has established retention schedules for different types of records. Some records are permanent, while others have various retention schedules. Per the Department of State, Governing Board and permitting records are considered permanent records.

Currently when a public record is created, staff forwards it to Records staff, a folder is created, and it is stored on the shelves in one of the designated records

storage areas. Since 1975, the District has issued almost 105,000 Water Well Permits, processed over 6,000 Water Use Permits and over 5,740 Environmental Resource Permits. In addition to permits, there is storage of correspondence, real estate records, complaints, enforcements, management plans, reports, subject files, contracts, etc., which are each stored for a defined length of time. Once records have met their retention schedule requirements, they are disposed of. Last fiscal year, we disposed of 106 cubic feet of records.

Permanent records and historically valuable records are kept long term. Instead of maintaining the paper files forever and creating more storage areas, the District microfilms and digitally images files that need to be kept. Through records management software, the images are made available to staff to view at their desks. Microfilm creates a long-term archival copy of the file and is the most stable way available to store files long term. The District has been creating both an image and microfilm of the files for over ten years.

Chapter 287, Florida Statutes, and the District's Procedures Manual allows the District to piggyback onto other governmental contracts. This allows the District to obtain services from a provider who will extend established prices with other governmental contracts to the District in lieu of the District obtaining its own bids on a particular service. The Suwannee County School Board has a contract with Micrographics, Inc. to provide imaging and microfilm services. This contract contains language that the prices can be extended to other governmental organizations. Piggybacking onto the Suwannee County School Board contract would provide a cost savings to the District in that (1) the District would not have to conduct a solicitation and (2) pick-up and delivery costs of documents to be processed is reduced since Micrographics would already be servicing the area. In addition, since Micrographics is located in Gainesville, the District's documents are always accessible even when they are being imaged, a benefit when a public records request is time sensitive.

In the last three years, the District spent approximately \$30,000 per year on records management services which includes archiving District records. This work was conducted through smaller contracts that included various scopes of work that evolved throughout the year. Staff recommends streamlining records management services efforts to promote efficiency and consistency. Due to a reduction in the number of permits being issued, automation of permits, and a reduction in real estate transactions taking place, staff anticipates a reduction in the need for imaging and microfilming services. This reduction is reflected in the request to the Governing Board.

As part of this effort, staff will explore what it would take for the imaging efforts to be done in-house by staff. Over the next few months, we will look at staffing, hardware and software requirements, and other needs associated with imaging District files.

MEMORANDUM

TO: Governing Board

FROM: Melanie Roberts,  
Director of Mission Support

DATE: June 29, 2012

RE: Approval of Tentative Fiscal Year 2013 Budget; Authorization to Notify Property Appraisers of Proposed Millage for Fiscal Year 2013 along with the Dates and Times of Public Hearings

RECOMMENDATION

**Staff recommends the Governing Board consider the Tentative Fiscal Year (FY) 2013 Budget of \$15,128,674 and authorize staff to notify the Property Appraisers of the District's 15 counties that: (1) the District proposes to levy a millage rate of 0.4143; (2) the District will hold one public hearing on September 11, 2012, at 5:30 p.m. to tentatively adopt the FY 2013 budget and establish the millage rate; and (3) will hold a second public hearing on September 25, 2012, at 5:30 p.m. to adopt the FY 2013 budget and establish the millage rate.**

BACKGROUND

Section 373.536(2), Florida Statutes, requires the District budget officer, on or before July 15 of each year, to submit for consideration by the Governing Board of the District a tentative budget for the District covering its proposed operation and requirements for the ensuing fiscal year. The tentative budget was prepared in consultation with the Leadership Team and the Governing Board.

The FY 2013 Tentative Budget is represented differently than in years past. This year's budget:

- Depicts an operational budget of \$12,919,074, fixed capital outlay budget of \$1,250,000 and non capital interagency agreements of \$959,600
- Separates funds carried forward and reserves
- Is consistent with the other water management districts' budget processes
- Will be reported to the Governor's office by August 1 using this new format
- Adheres to Senate Bill 1986 that went into effect July 1

Further refinements of fund allocations and areas of emphasis within the budget may be changed between now and September 11, 2012, as deemed appropriate by the Governing Board, Executive Office of the Governor, and the Florida Legislature. A summary of all District funds as well as a breakout of fund allocations by Programs and Activities per the Governor's office designations is included in Attachment A.

The major milestones in the budget adoption process for FY 2013 are as follows:

July 10	Tentative Budget and Millage adopted by Governing Board
July 15	Millage provided to Property Appraisers
August 1	Tentative Budget submitted to Governor's Office
September 11	First Public Hearing on FY 2013 Budget
September 25	Final Public Hearing on FY 2013 Budget

If you have any questions about this recommendation, or if you would like any additional information, please feel free to contact us.

**Attachment A**  
**SUWANNEE RIVER WATER MANAGEMENT DISTRICT**  
**REVENUES, EXPENDITURES, RESERVES AND PERSONNEL**  
**Tentative Budget for 2012-2013**

	Adopted Budget 2011-2012	Tentative Budget 2012-2013
<b>REVENUE</b>		
Carryover (September 30 of each year)	\$31,885,410	\$44,684,397
Ad Valorem Taxes	5,412,674	5,200,000
State	3,035,838	2,905,494
Federal	1,248,500	1,135,000
Other	5,807,167	994,183
<b>TOTAL REVENUES</b>	<b>\$47,389,589</b>	<b>\$54,919,074</b>
<b>EXPENDITURES</b>		
Salaries and Benefits	\$ 5,536,097	\$ 5,527,799
Other Personal Services/Contracted Services	19,157,247	5,659,300
Operating Expenses	2,228,125	1,503,975
Operating Capital Outlay	218,000	228,000
<b>Sub Total - Operating Budget</b>	<b>27,139,469</b>	<b>12,919,074</b>
Fixed Capital Outlay	7,207,820	1,250,000
Interagency Expenditures (Cooperative Funding)	1,472,300	959,600
Debt		
Contingency/Emergency		
<b>TOTAL EXPENDITURES</b>	<b>\$ 35,819,589</b>	<b>15,128,674</b>
<b>RESERVES</b>		
Nonspendable		
Restricted	3,810,000	8,000,000
Committed		29,660,400
Assigned	5,000,000	-
Unassigned	2,760,000	2,130,000
<b>TOTAL RESERVES</b>	<b>\$ 11,570,000</b>	<b>\$39,790,400</b>
<b>TOTAL EXPENDITURES AND RESERVES</b>	<b>\$47,389,589</b>	<b>\$54,919,074</b>
<b>PERSONNEL</b>		
Full-time Equivalents	63.00	66.00
Temporary/Student	-	2.00
Contract/Other	3.00	
<b>TOTAL PERSONNEL</b>	<b>66.00</b>	<b>68.00</b>

**Reserves:**

Nonspendable - amounts required to be maintained intact as principal or an endowment

Restricted - amounts that can be spent only for specific purposes like grants or through enabling legislation

Committed - amounts that can be used only for specific purposes determined and set by the District Governing Board

Assigned - amounts intended to be used for specific contracts or purchase orders

Unassigned - available balances that may be used for a yet to be determined purpose in the general fund only

**Attachment A - PROGRAM AND ACTIVITY ALLOCATION COMPARISON**  
 Fiscal Years 2011-2012 and 2012-2013  
 SUWANNEE RIVER WATER MANAGEMENT DISTRICT

PROGRAMS AND ACTIVITIES	Fiscal Year 2011 -2012 (As Adopted)	Fiscal Year 2012-2013 (Tentative)	Percent of change %
<b>1.0 Water Resources Planning and Monitoring</b>	<b>10,862,963</b>	<b>6,812,693</b>	<b>-37.3</b>
1.1 - District Water Management Planning	5,140,330	3,464,188	-32.6
1.1.1 Water Supply Planning	1,743,357	1,200,396	-31.1
1.1.2 Minimum Flows and Levels	3,396,973	2,263,792	-33.4
1.1.3 Other Water Resources Planning	-	-	0.0
1.2 - Research, Data Collection, Analysis and Monitoring	4,599,133	2,238,505	-51.3
1.3 - Technical Assistance	1,123,500	1,110,000	-1.2
1.4 - Other Water Resources Planning and Monitoring Activities	-	-	0.0
<b>2.0 Acquisition, Restoration and Public Works</b>	<b>10,265,154</b>	<b>2,294,562</b>	<b>-77.6</b>
2.1 - Land Acquisition	7,738,654	1,809,985	-76.6
2.2 - Water Source Development	-	205,777	100.0
2.2.1 Water Resource Development Projects	-	-	0.0
2.2.2 Water Supply Development Assistance	-	-	0.0
2.2.3 Other Water Source Development Activities	-	205,777	100.0
2.3 - Surface Water Projects	2,526,500	278,800	-89.0
2.4 - Other Cooperative Projects	-	-	0.0
2.5 - Facilities Construction and Major Renovations	-	-	0.0
2.6 - Other Acquisition and Restoration Activities	-	-	0.0
<b>3.0 Operation and Maintenance of Lands and Works</b>	<b>17,607,968</b>	<b>2,599,684</b>	<b>-85.2</b>
3.1 - Land Management	17,532,968	2,554,684	-85.4
3.2 - Works	-	-	0.0
3.3 - Facilities	75,000	45,000	-40.0
3.4 - Invasive Plant Control	-	-	0.0
3.5 - Other Operation and Maintenance Activities	-	-	0.0
<b>4.0 Regulation</b>	<b>1,884,804</b>	<b>1,489,370</b>	<b>-21.0</b>
4.1 - Consumptive Use Permitting	206,258	536,051	159.9
4.2 - Water Well Construction Permitting and Contractor Licensing	396,250	238,247	-39.9
4.3 - Environmental Resource and Surface Water Permitting	1,282,296	715,072	-44.2
4.4 - Other Regulatory and Enforcement Activities	-	-	0.0
<b>5.0 Outreach</b>	<b>141,500</b>	<b>25,000</b>	<b>-82.3</b>
5.1 - Water Resource Education	19,500	10,000	-48.7
5.2 - Public Information	72,000	15,000	-79.2
5.3 - Public Relations	-	-	0.0
5.4 - Lobbying / Legislative Affairs / Cabinet Affairs	50,000	-	-100.0
5.5 - Other Outreach Activities	-	-	0.0
<i>SUBTOTAL - Major Programs (excluding Management and Administration)</i>	<i>40,762,389</i>	<i>13,221,309</i>	<i>-67.6</i>
<b>6.0 District Management and Administration</b>	<b>6,627,200</b>	<b>1,907,365</b>	<b>-71.2</b>
6.1 - Administrative and Operations Support	2,118,113	1,277,556	-39.7
6.1.1 - Executive Direction	508,758	605,429	19.0
6.1.2 - General Counsel / Legal	60,000	60,000	0.0
6.1.3 - Inspector General	35,000	35,000	0.0
6.1.4 - Administrative Support	1,122,185	479,957	-57.2
6.1.5 - Fleet Services	145,000	-	-100.0
6.1.6 - Procurement / Contract Administration	71,258	71,258	0.0
6.1.7 - Human Resources	25,912	25,912	0.0
6.1.8 - Communications	150,000	-	-100.0
6.1.9 - Other	-	-	0.0
6.2 - Computers / Computer Support	1,414,087	629,809	-55.5
6.2.1 - Executive Direction	-	-	0.0
6.2.2 - Administrative Services	650,576	279,009	-57.1
6.2.3 - Application Development	201,800	153,800	-23.8
6.2.4 - Computer Operations	20,000	10,000	-50.0
6.2.5 - Network Support	135,000	135,000	0.0
6.2.6 - Desk Top Support	358,711	40,000	-88.8
6.2.7 - Asset Acquisition	48,000	12,000	-75.0
6.2.8 - Other	-	-	0.0
6.3 - Reserves	2,760,000	-	-100.0
6.4 - Other (Tax Collector / Property Appraiser Fees)	335,000	-	-100.0
<b>TOTAL</b>	<b>47,389,589</b>	<b>15,128,674</b>	<b>-68.1</b>

## MEMORANDUM

TO: Governing Board

FROM: Melanie Roberts,  
Director of Mission Support

DATE: June 25, 2012

RE: Consideration of Resolution No 2012-18 Requesting Classification of the  
Tentative Fiscal Year 2013 Reserves

### RECOMMENDATION

**Staff recommends approval and execution of Resolution No. 2012-18 requesting classification of the Tentative Fiscal Year 2013 Reserves per the GASB 54 classifications.**

### BACKGROUND

In February 2009, the Governmental Accounting Standards Board (GASB) issued GASB Statement No. 54, "Fund Balance Reporting and Governmental Fund Type Definitions". GASB issued this statement to address issues related to how fund balances were being reported by governmental agencies. GASB recognized that the traditional terminology for reporting was not self-explanatory, frequently led to misinterpretation, and was being applied inconsistently.

In effort to promote consistency, the water management districts are applying the GASB Statement No. 54 to our current fund balance reporting. Classifications used prior to GASB 54 included reserved and unreserved. Unreserved was then further divided into designated or undesignated. The classifications included under the GASB 54 guidelines include the following:

- Nonspendable – funds that are not in spendable form or funds that are legally or contractually required to be maintained.
- Restricted – funds externally restricted or constrained by law.
- Committed – funds that are restricted by the highest level of decision making authority in which the restriction is established by a formal action.
- Assigned – funds that are not designated in nonspendable, restricted, or committed categories but are intended for a specific purpose.
- Unassigned – funds that are not designated in nonspendable, restricted, or committed categories but are available for any purpose.

In February 2012, the Governing Board approved the classification of reserves for the preliminary FY 2013 budget. The attached resolution includes the classification of reserves per the tentative FY 2013 budget that will be submitted to the Governor's office and the Department of Environmental Protection. The approval of Resolution 2012-18 will supercede Resolution 2012-04 that was approved in February.

The FY 2013 reserves budget will be reported to the Governor's office by August 1 and will be in a manner consistent with the other water management districts. Resolution No. 2012-18 follows and will be forwarded to DEP upon your approval.

The following is a description of the project areas to which reserve funds have been allocated:

- Restricted Funds
  - Biological Nutrient Removal – These are legislatively appropriated funds to be used for projects to improve water quality. To date, these funds have been used for the pilot study conducted by Hydromentia, Inc. and the University of Florida on the Santa Fe River.
  - Land Acquisition – These are Preservation 2000 funds recaptured through the sale of lands in Sandlin Bay to the USDA Forest Service and proceeds from the sale of surplus lands. Although they are currently allocated to land acquisition, the restrictions on these funds may be eased once the Preservation 2000 Bonds have been repaid.
  
- Committed Funds
  - Water Resource and Supply Projects – These funds will be used for water supply planning, water resource development projects, including aquifer recharge and surfacewater storage, and projects to improve water quality.
  - Land Management – These funds will supplement appropriations through the Water Management Trust Fund and current timber sale revenues to ensure the responsible management of the District's land holdings.
  - Agricultural Cost Share – These funds will be used to encourage producers to install or implement qualifying water conservation or nutrient management improvements or practices.
  - Local Government Cost Share – These funds will allow the District to participate in local government projects for water supply, including alternative water supply, water quality improvement, or flood control.
  - Minimum Flows and Levels – This provides dedicate funding for the development of minimum flows and levels as per the adopted schedule.
  
- Unassigned
  - Economic Stabilization Fund – This constitutes the true District reserve fund and is set at 16.5% of the operational budget.

**SUWANNEE RIVER WATER MANAGEMENT DISTRICT**

**RESOLUTION NO. 2012-18**

**RESOLUTION APPROVING THE ASSIGNMENT OF TENTATIVE  
FISCAL YEAR 2013 RESERVES**

**WHEREAS**, the Suwannee River Water Management District (SRWMD) is required to submit a tentative budget to the Legislature; and

**WHEREAS**, in effort to promote consistency in budget reporting, the Florida Department of Environmental Protection (DEP) requested that all water management districts classify fund balances according to the Governmental Accounting Standards Board (GASB) Statement No. 54; and

**WHEREAS**, DEP requested that the classification of SRWMD funds be formalized in a resolution approved by the Governing Board.

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

- (1) Fiscal Year 2013 Tentative Reserves shall be classified as directed in Attachment A.
- (2) Fund balances are tentative and may be adjusted by the SRWMD Governing Board upon further development of the Fiscal Year 2013 budget.

**PASSED AND ADOPTED THIS 10<sup>th</sup> DAY OF JULY, 2012 A.D.**

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

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**MEMBERS OF THE BOARD:**

**DON QUINCEY, CHAIRMAN  
ALPHONAS ALEXANDER, VICE CHAIRMAN  
RAY CURTIS, SECRETARY/TREASURER  
KEVIN W. BROWN  
GEORGE M. COLE  
HEATH DAVIS  
VIRGINIA H. JOHNS  
CARL E. MEECE  
GUY N. WILLIAMS**

**ATTEST:**

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SRWMD Fund Balance 4 Year Utilization Schedule							
Designation and Core Mission	Project/Activity	Total Designated Amounts As of 9/30/2012	GASB 54 Authority for Revenue Classification and Constraint	2012-2013	2013-2014	2014-2015	2015-2016
<b>RESTRICTED</b>							
WQ	Biological Nutrient Removal	2,000,000	External Party Funding - Legislative Appropriation	1,000,000	500,000	500,000	
WS/WQ/FP/NS	Land Acquisition	7,250,000	External Party Funding - Trust Fund	1,250,000	2,000,000	2,000,000	2,000,000
<b>COMMITTED</b>							
WS/WQ	Water Resource & Supply Projects	7,520,000	Governing Board Resolution	1,880,000	1,880,000	1,880,000	1,880,000
WQ/NS	Land Management	4,800,000	Governing Board Resolution	1,200,000	1,200,000	1,200,000	1,200,000
WS/WQ	Agricultural Cost Share	6,000,000	Governing Board Resolution	1,500,000	1,500,000	1,500,000	1,500,000
WS/WQ	Local Government Cost Share	6,000,000	Governing Board Resolution	1,500,000	1,500,000	1,500,000	1,500,000
WS/WQ	Minimum Flows and Levels	6,300,000	Governing Board Resolution	1,500,000	1,200,000	2,100,000	1,500,000
<b>ASSIGNED</b>							
<b>UNASSIGNED</b>							
WS/WQ/FP/NS	Economic Stabilization Fund - 16.5%	2,130,000		2,130,000	2,130,000	2,130,000	2,130,000
<b>Total</b>		<b>42,000,000</b>	<b>0.00</b>	<b>11,960,000</b>	<b>9,780,000</b>	<b>10,680,000</b>	<b>9,580,000</b>
<b>Remaining Balances at Fiscal Year End</b>				<b>30,040,000</b>	<b>20,260,000</b>	<b>9,580,000</b>	<b>0</b>

**Core Missions Key**

- WS Water Supply
- WQ Water Quality
- FP Flood Protection
- NS Natural Systems

## MEMORANDUM

TO: Governing Board  
FROM: Melanie Roberts, Director of Mission Support  
DATE: June 14, 2012  
RE: Activity Report, Department of Mission Support

### DATA MANAGEMENT:

- Water Use Permitting (WUP) staff is using the new WUP database named Water Use Permitting and Reporting System (WUPAR). It is working well and Data Management (DM) staff is working with the WUP staff to make changes to improve and refine the database.
- DEP notified us that they were pleased with the quality of the Real Estate (RE) spatial and tabular data loaded into their Land Inventory Tracking System (LITS) by DM and RE staff. DM staff has been working with the RE staff to fix a few issues that were found in preparing the data for LITS. They will be uploaded later in June.
- Staff continues to provide support to staff, other agencies and the public through GIS requests, database needs and records requests.

### INFORMATION TECHNOLOGY AND COMMUNICATIONS:

- IT staff continues to provide support to staff, other agencies and the public through ongoing resolution of Help Desk tickets, scheduled system backups, and programming and database development and maintenance. New PC rollouts are nearing completion. Work is beginning on relocating our Internet service connection out from behind the State firewall.
- Communications staff continues to support the District's mission through timely website updates, press releases, water conservation outreach, and springs protection coordination. Brochures with information regarding the water shortage order were prepared and printed. A drought hotline number was also established.

### ADMINISTRATION:

- Staff continues to work with legal counsel on the development of contracts and other agreements.
- Staff has advertised a Request for Bids for two District services: Heating, Ventilation, and Air Conditioning Repair and Maintenance Services and Vehicle Maintenance Services.
- Staff will be meeting with James Moore & Company in mid July to begin work on the District's 2012 audit.
- Staff will also begin working with county Property Appraisers to determine Property values for the District in preparation for setting the 2013 millage.

gal

## MEMORANDUM

TO: Governing Board  
FROM: Terry Demott, Sr. Land Resource Coordinator  
DATE: June 29, 2012  
RE: Activity Report, Real Estate

The attached reports summarize the status of surplus activities and conservation easement reviews for the preceding month. Staff will be prepared to address any tracts of particular interest the Board may wish to discuss at the July 10, 2012 Governing Board meeting.

gal  
007-0003

Tract Name	Acres	County	Acquired Date	Funding Source	Appraisal Date	Listing Date	Listing Price	Comments
Bay Creek North	24	Columbia	02/1988	WMLTF	6/14/2010	7/12/2010	Fee entire tract \$60,720	
Owens Spring	77	Lafayette	03/1999	P2000	6/14/2010	7/12/2010	Fee entire tract \$277,200	Approved for sale to Shaw
Blue Sink	79	Suwannee	12/1988	WMLTF	6/14/2010	7/12/2010	Fee entire parcel \$281,600 40-acre parcels \$154,000	
Levings	69	Columbia	02/1998	WMLTF	6/14/2010	5/11/2011	Fee entire tract \$135,860	
Jennings Bluff	70	Hamilton	02/1989	WMLTF	7/30/2010	8/16/2010	Fee entire tract \$215,600	Pending negotiations with Hamilton County
Adams South	60	Lafayette	05/1990	WMLTF	7/30/2010	8/16/2010	Fee entire tract \$191,400	Approved for sale to Byrd
Hunter Creek	120	Hamilton	09/2002	P2000		11/18/2010	Fee (3 parcels) \$343,200 Conservation Easement (3 parcels) \$243,100	
Steinhatchee Rise	42	Dixie	02/1996	P2000	8/27/2010	11/18/2010	Fee entire tract \$126,940 conservation easement \$97,020	
Timber River	1	Madison	03/1998	WMLTF	8/27/2010	11/18/2010	Fee entire tract \$10,780	
Falmouth North (8 lots)	6	Suwannee	04/1998	WMLTF	8/27/2010	11/18/2010	Fee entire tract \$52,030	

Tract Name	Acres	County	Acquired Date	Funding Source	Appraisal Date	Listing Date	Listing Price	Comments
Wolf Creek	30	Jefferson	05/2009	FF	8/10/2011	11/10/2011	Fee or Conservation Easement (same price) \$64,350	Approved for sale to Balleu
Black	50	Madison	8/1991	P2000	5/1/2012		Fee entire tract \$92,500	Approved for sale to Coggins
Woods Ferry	29	Suwannee	12/1988	WMLTF	8/18/2011	11/10/2011	Fee entire tract \$71,830	
Cuba Bay	22	Jefferson	02/1996	P2000	8/10/2011	11/10/2011	Fee or Conservation Easement (same price) \$42,350	
Perry Spray Field	248	Taylor	9/2001	WMLTF	6/6/2012			To be listed
Chitty Bend East	20	Hamilton	12/1988	WMLTF	11/2/11	11/29/11	Fee two 10-acre tracts for \$26,400 each	
Chitty Bend West	121	Madison	12/1988	WMLTF	11/2/11	11/29/11	Fee entire tract \$279,510	
Gainesville Recreation Site/Buck Bay	60	Alachua	12/15/1999	P2000	3/1/2012			Approval for sale to Gainesville
Alligator Lake	43	Columbia	8/10/2001	P2000	Approved in July			Discussions continuing with Columbia Co.

WMLTF=Water Management Lands Trust Fund; P2000=Preservation 2000; FF= Florida Forever Trust Fund

Owner	Project Name	Funding	Acres	Closing Date	County	Land Use	Last Inspection Date	Comments
Bailey, Donald and Margaret	Bailey/Cuba Bay Exchange	Save Our Rivers	164	2/12/2002	Jefferson	Agriculture, Forestry	4/2012	No variation in land use. Remains in full compliance.
Geraldine Livingston Foundation	Dixie Plantation	P-2000 Bonds	8,902	2/18/1999	Jefferson	Forestry, Recreation	4/2012	Continues to be used for timber and hunting. Longleaf pine planted each year and prescribed fire used.
Zellwin Farms, Inc.	Jennings Bluff	Save Our Rivers	362	2/1/1989	Hamilton	Recreation	4/2012	Maintained as originally agreed.
Florida Sheriffs Youth Ranches, Inc.	Youth Ranches (I and II)	P-2000 Bonds	550	5/7/1997 and 1/2/1996	Suwannee	Recreation	3/2012	All areas are for recreation purposes only. Boys Ranch personnel repainted the entire perimeter this year. Horseback riding by Ranch residents remains a major use.
Harrell, Curtis and Matthew	Falmouth Addition	P-2000 Bonds	912	10/6/1999	Suwannee	Agriculture, Recreation	3/2012	Fields are in hay production on date of inspection. Preserved areas remain as is. No encroachment. Cabins in place.
Moore, Madeline	Moore	Florida Forever Bonds	115	12/23/2002	Jefferson	Forestry, Recreation	3/2012	CE remains in compliance, with wetlands preserved.
Sanders, Thomas and Sylvia	Mill Creek	P-2000 Bonds	339	12/6/2000	Hamilton	Recreation, Agriculture	3/2012	Members of the Sanders family are primarily hunters, but keep the property well maintained. No cattle this year.
Sheppard, Derwood and Susan	Manatee Springs Addition	Florida Forever Bonds	120	2/8/2008	Levy	Recreation	3/2012	No change. Owner says it was used very little in the last year.
Champion, Roger and Donna	Mount Gilead	Florida Forever Bonds	180	8/19/2009	Madison	Forestry, Recreation	2/2012	Continues to be maintained primarily for hunting.
Chinquapin Farm, L.L.C.	Chinquapin Farm	P-2000 Bonds	640	12/30/2009	Columbia	Recreation, Forestry	2/2012	Continues to be used primarily for quail hunting. Only a few selected trees are harvested.
Chinquapin Farm, L.L.C.	Chinquapin Farm	P-2000 Bonds	5,710	12/30/2009	Suwannee	Recreation, Forestry	2/2012	Preserved areas remain intact. No additional building has occurred this year. Some illegal dumping was found.

Loncala, Inc.	Monteocha Creek	Save Our Rivers	951	11/30/2001	Alachua	Forestry, Recreation	2/2012	Four ages of slash pine. Good management plan. No harvesting planned in next 12 months.
Loncala, Inc.	Loncala Gilchrist	P-2000 Bonds	913	8/31/1999	Gilchrist	Forestry, Recreation	2/2012	Property remains as agreed to in CE. Loncala intensely manages pine plantations with hunting leases.
Platt, Cody and Carol	Aucilla Addition	P-2000 Bonds	274	12/29/1999	Jefferson	Forestry, Recreation	2/2012	New owners are well aware of CE terms. Have completed residence. Plan to mark boundaries and fire lines.
Santa Fe River Hammock, L.L.C.	Santa Fe River Hammock	P2000 - Sandlin Bay VFI Resale	167	1/31/2011	Bradford	Forestry, Recreation	2/2012	This is a new CE this year with a management plan in place.
Feagle, Ronald and Dorothy	Bonnet Lake	Florida Forever Bonds	433	1/27/2010	Columbia	Recreation, Forestry	1/2012	Longleaf pine planted and preserved area remains as is with hunting only.
The Campbell Group	California Swamp	Save Our Rivers and P-2000 Bonds	32,134	10/1/2001	Dixie	Forestry, Recreation	1/2012	Remains managed for pine timber and hunting with updated management plan. Wetlands undisturbed.
Bailey Brothers, Inc.	Bailey Brothers	P-2000 Bonds	16,522	8/24/2000	Dixie	Forestry, Recreation	12/2011	Used for forestry, hunting and cattle. Remains as agreed. Feral hog population is declining.
Layman, Chris & Kristine	Walker Springs	Florida Forever	167	12/30/2011	Jefferson	Forestry, Recreation	12/2011	Most recent CE purchase. Current management and forestry plan in place.
Ragans, Hoyt & Betty Jo	Ragans Jefferson	Florida Forever Bonds	169	12/28/2007	Jefferson	Forestry, Recreation	12/2011	Preserved areas remain as agreed in CE. Slash pine plantations remain well managed.
Ragans, Hoyt & Betty Jo	Ragans Madison	Florida Forever Bonds	585	12/28/2007	Madison	Forestry, Recreation	12/2011	No variations to agreement were noted. The property is well secured.
Tisdale, Robert	Manatee Springs Addition	Florida Forever Bonds	83	11/16/2007	Levy	Recreation	12/2011	No change. Used for hunting only.
Hale, Martha and Carter, Russell	Russell Carter	Florida Forever Bonds	585	9/28/2007	Columbia	Forestry, Recreation	11/2011	362 acres of pre-merchantable slash pine still with PCA. Wetlands remain intact. No changes.

Hinson's Broward Properties, Inc.	Hinson	Florida Forever	647	9/28/2007	Columbia	Forestry, Recreation	11/2011	314 acres of slash pine remain with PCA until 2022. New owners remain in full compliance with CE.
Loncala, Inc.	Loncala Hamilton	P-2000 Bonds	1,141	8/31/1999	Hamilton	Forestry, Recreation	11/2011	Forestry BMP survey was 100% in compliance. Remains in slash pine rotation. Wetlands preserved.
McEnany, Michael and Leanne	McEnany	Florida Forever Bonds	1,104	11/16/2007	Levy	Recreation, Forestry	11/2011	Property remains as agreed. Some culverts and water management recommended.
Usher Family Trust	Manatee Springs Addit.	Florida Forever Bonds	2,022	8/17/2004	Levy	Forestry, Recreation	10/2011	Upland slash pine plantations are being clearcut for another rotation. Small area of cogon grass.
Drummond, Graham Luther	Manatee Springs Addition	FDOT Mitigation and Florida Forever	543	5/29/2003	Levy	Recreation, Forestry	8/2011	Longleaf pine and sawtooth oak growing well. Roads are well maintained for hunting.
Plum Creek Timberlands	Waccassa Gulf Hammock	P-2000 Bonds	21,300	12/15/2000	Levy	Forestry, Recreation	8/2011	Slash pine continues to be managed with wetlands untouched. Bill Schlitzkus is new manager.
Mann, Jack & Loy Ann	Manatee Springs Addition	FDOT Mitigation Escrow	590	5/29/2003	Levy	Recreation, Forestry	7/2011	Maintained primarily for hunting. Advised that slash pine plantations need thinning.
Meeks, David & Sarah	Manatee Springs Addition	FDOT Mitigation Escrow	370	5/29/2003	Levy	Recreation, Forestry	7/2011	Slash pine plantations have been thinned this year. In compliance with CE.
Strickland Field, L.P.	Strickland Field	P-2000 Bonds	3,822	7/7/2000	Dixie	Forestry	7/2011	Continues to be managed for forestry purposes. Wetlands intact as agreed.
Suwannee River Development, L.L.C.	Ace Ranch	Florida Forever Bonds	681	9/16/2010	Lafayette	Agriculture, Forestry	7/2011	Planted in peanuts with no irrigation used. Wetlands remain as is.
Davidson, Dr. C. Linden	Davidson	P-2000 Bonds	225	4/18/2002	Jefferson	Forestry, Recreation	6/2011	No changes this year. Food plots, fences and gates are well maintained.

Jackson, Kevin and Patrice	Jackson	Florida Forever Bonds	171	6/23/2010	Lafayette	Agriculture, Forestry	6/2011	Planted in peanuts this year. No irrigation used. Harvesting pine straw.
Plantations at Deep Creek, L.L.C.	Deep Creek Exchange	Save Our Rivers	1,038	5/12/2006	Columbia	Forestry, Recreation	6/2011	New owners are using the property as a wildlife refuge. Forests remain well maintained.
Plum Creek Timberlands	Manatee Springs Addit. Oak Hammock	Florida Forever Bonds	4,588	8/31/2002	Levy	Forestry, Recreation	6/2011	Continues to be managed for slash pine rotation. Preserved area remains as is.
Plum Creek Timberlands	Manatee Springs Addit. Suwannee Swamp	Florida Forever Bonds	12,797	3/28/2002	Levy	Forestry, Recreation	6/2011	Continues to be managed for slash pine. Preserved wetland areas remain.
Plum Creek Timberlands	Gainesville Wellfield	P-2000 Bonds	3,084	12/15/1999	Alachua	Forestry, Recreation	6/2011	This property is primarily used for forestry activities. GRU has wells and maintained roads. Wetlands intact.
Red Hills Land Company	Foster	Florida Forever Bonds	163	3/25/2002	Jefferson	Forestry, Recreation	6/2011	No changes in easement since purchase.
Newberry, City of	Newberry Wellfield	P-2000 Bonds	40	2/21/2001	Alachua	Recreation	5/2011	Remains in use for sports.

PCA = Packaging Corporation of America, CE = Conservation Easement

### ACQUISITION

OWNER	PROJECT NAME	ACRES	COUNTY	COMMENTS
Azure Properties	McAlpin Landing Addition	220	Hamilton	Timber valuation has begun AND land appraisal tour is being scheduled.
Nyman, George & Sharon	Suwannee River Oaks CE	312	Gilchrist	Easement document and title review are in progress.

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: Bob Heeke, Senior Land Resources Manager  
DATE: June 29, 2012  
RE: License to Cut Timber with Nature Coast Timber, LLC, for the Buck Bay #1 Timber Sale

RECOMMENDATION

**Staff recommends the Governing Board authorize the Executive Director to execute a license to cut timber with Nature Coast Timber, LLC, for the Buck Bay #1 Timber Sale.**

BACKGROUND

Lump sum bids for the Buck Bay #1 Timber Sale were received June 13, 2012. This 38-acre timber sale in Alachua County consists of slash pine planted in 1989 and natural loblolly pine. Dominant and co-dominant trees will remain after the harvest at 15 to 20 trees per acre. This property is being prepared to be sold to the City of Gainesville.

Five responses were received and revenues from the bids are shown below:

<b>Bidder</b>	<b>Revenue</b>
Nature Coast Timber, LLC	\$30,179.00
Loncala, Inc.	\$22,166.27
Suwannee Lumber Company	\$21,320.00
Canal Wood, LLC	\$21,133.20
Great South Timber and Lumber, Inc.	\$18,353.00

The total lump sum from the timber buyer will be paid at contract execution. The term of this contract is for six months.

Principals for Nature Coast Timber, LLC, are C. W. Bailey Jr. Corp and J. A. Bailey Corp. Their headquarters is located in Trenton, Florida.

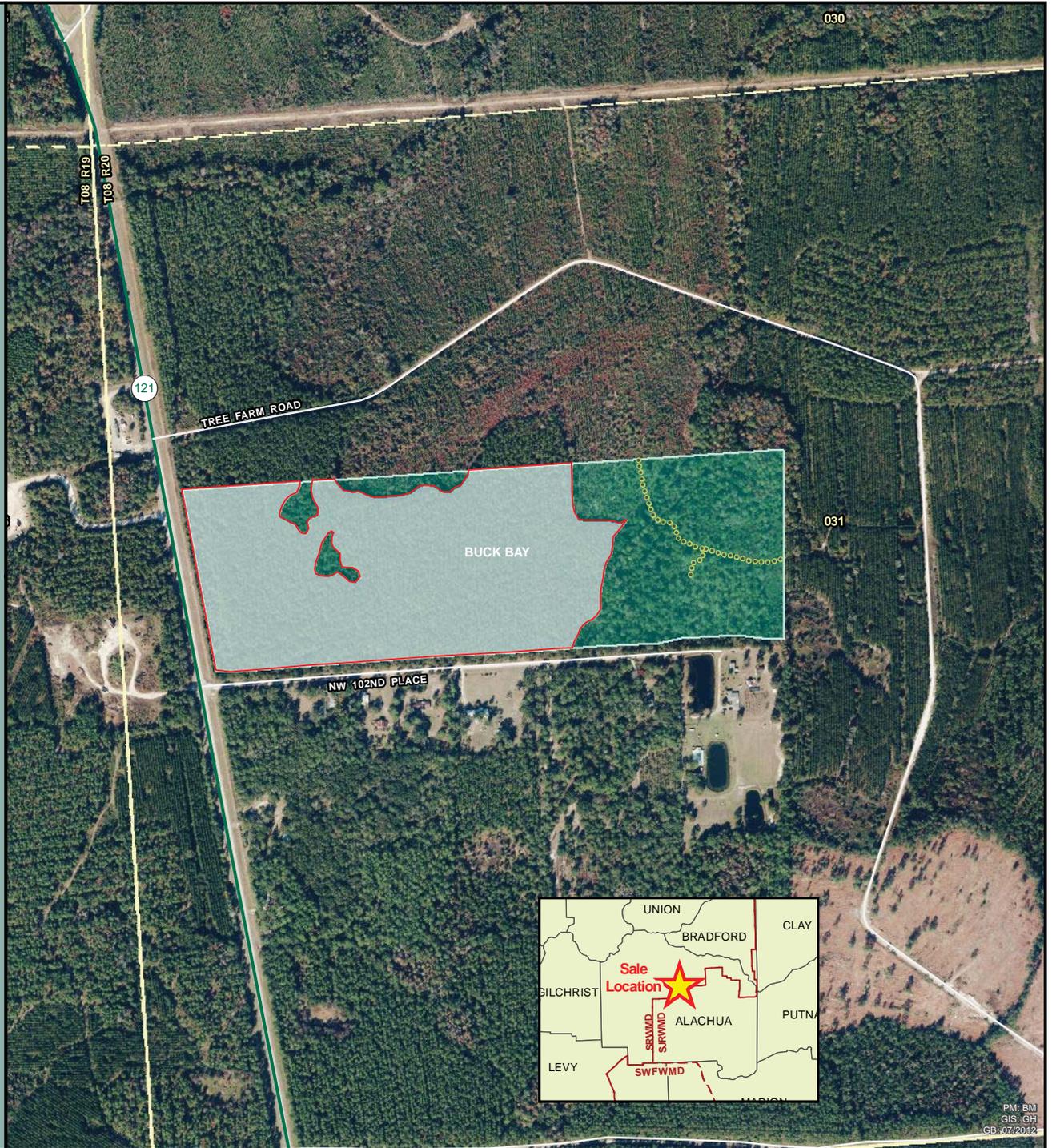
gal

# Buck Bay Tract Timber Sale #1 38 Acres Alachua County, FL

-  Timber Sale Area
-  SRWMD Lands
-  SRWMD Administrative Roads



NOTE: This map was created by the Suwannee River Water Management District (SRWMD), Real Estate Program (REP), of the Department of Mission Support (DMS), 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 the use or application. SRWMD does not guarantee the accuracy, or suitability for any use of this data, and no warranty is expressed or implied. In no event will the SRWMD, its staff, or the contributing agencies be liable for any direct, indirect, special, consequential or other damages, including loss of profit, arising from the use of this data, even if the District has been advised of the possibility of such damages. Users of this data should therefore do so at their own risk. For more information, please contact the SRWMD at 1-800-226-1066. 1FT NC 2011Imagery Alachua.



PM: BM  
GIS: GH  
GB: 07/2012

MEMORANDUM

TO: Governing Board  
FROM: Bob Heeke, Senior Land Resources Manager  
DATE: June 29, 2012  
RE: License to Cut Timber with Harley Forest Products, LLC, for the Blue Sink #2 Timber Sale

RECOMMENDATION

**Staff recommends the Governing Board authorize the Executive Director to execute a license to cut timber with Harley Forest Products, LLC, for the Blue Sink #2 Timber Sale.**

BACKGROUND

This timber sale is 64 acres of loblolly pine and slash pine, planted in 1987, in Suwannee County. The sale is split into two parts. Approximately 39 acres, which is to be surplused, will be selectively harvested to leave dominant and co-dominant trees at 70 to 100 trees per acre. The other 25 acres will be a 5<sup>th</sup> row thinning with selective harvest between take rows. The thinning will reduce stand basal area to approximately 40-60 square feet per acre.

Bids for the Blue Sink #2 Timber Sale were received June 13, 2012. Five responses were received, and calculated revenues from the bids are shown below:

<b>Bidder</b>	<b>Calculated Revenue</b>
Harley Forest Products, LLC	\$38,553.50
North Florida Timber Dealers, Inc.	\$37,099.20
Canal Wood, LLC	\$36,352.98
Nature Coast Timber, LLC	\$30,508.10
Greenville Timber Corporation	\$23,258.40

Harley Forest Products, LLC, bid \$13.50/ton for topwood, \$14.71/ton for pine pulpwood, \$17.71/ton for chip-n-saw, \$4.00/ton hardwood pulpwood on this per unit sale. Total revenue from this sale should be between \$34,758 and \$42,408 based on the statistics of the sale inventory. Using the mean volume estimates by timber product developed by the District's forestry consultant, the anticipated revenue is \$38,553.50.

The principal for Harley Forest Products, LLC, is Allen J. Harley. Their headquarters is located in Lake City, Florida.

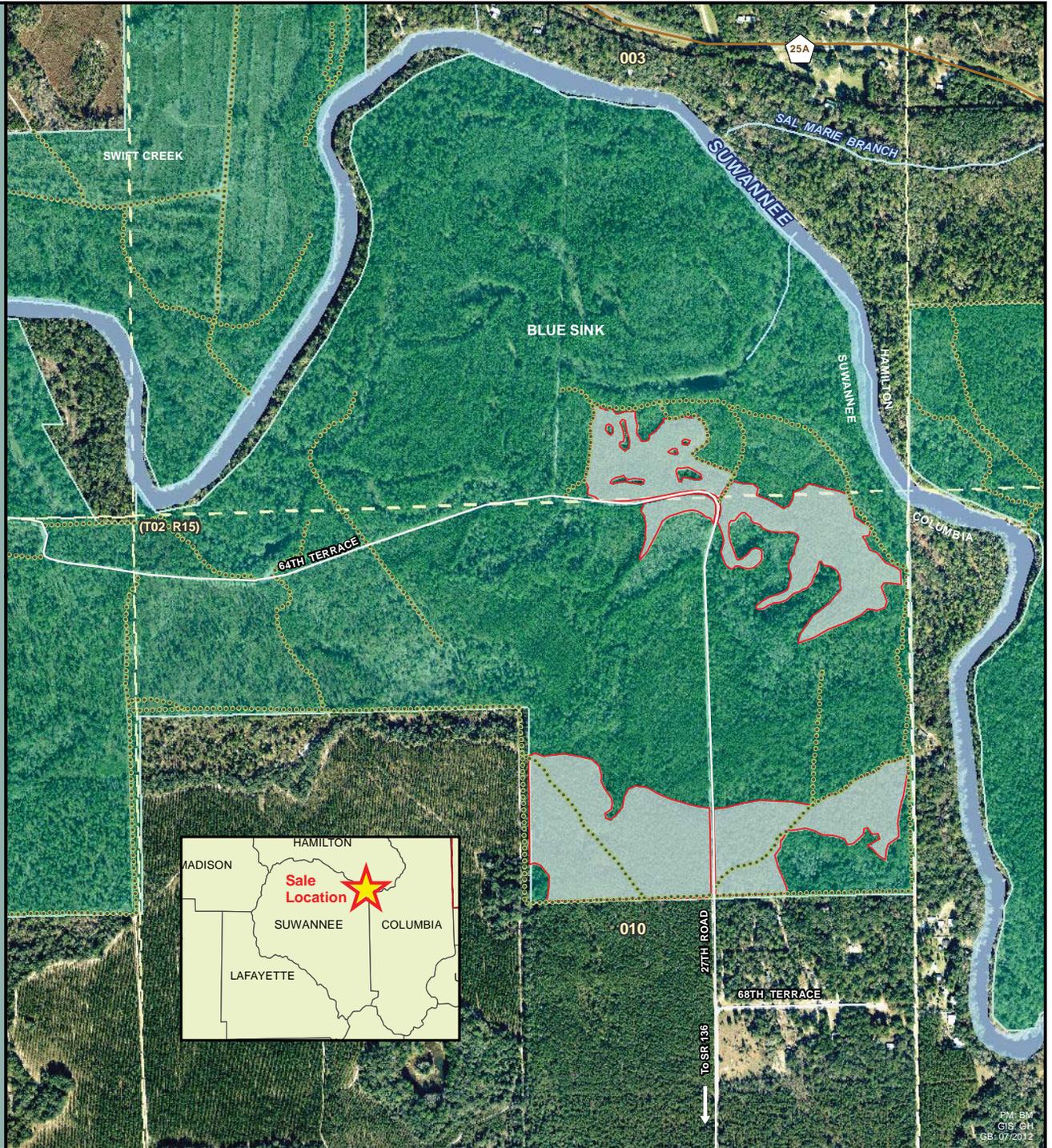
gal

# Blue Sink Tract Timber Sale #2 64 Acres Suwannee County, FL

-  Timber Sale Area
-  SRWMD Lands
-  SRWMD Administrative Roads
-  Rivers & Streams



NOTE: This map was created by the Suwannee River Water Management District (SRWMD), Real Estate Program (REP), of the Department of Mission Support (DMS), 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 the use or application. SRWMD does not guarantee the accuracy, or suitability for any use of this data, and no warranty is expressed or implied. In no event will the SRWMD, its staff, or the contributing agencies be liable for any direct, indirect, special, consequential or other damages, including loss of profit, arising from the use of this data, even if the District has been advised of the possibility of such damages. Users of this data should therefore do so at their own risk. For more information, please contact the SRWMD at 1-800-226-1066. 1FT NC 2010 Imagery Suwannee.



FWL BM  
GIS GH  
GB 07/2012

MEMORANDUM

TO: Governing Board  
FROM: Bob Heeke, Sr. Land Resource Manager  
DATE: June 29, 2012  
RE: Hunting Lease on Mud Swamp Tract

RECOMMENDATION

**Staff recommends approval and execution of Resolution 2012-17 and authorization for the Executive Director to execute the Mud Swamp Hunting Lease with Bryan W. Ward for \$16,929.**

BACKGROUND

On May 3, 2012, staff released Request for Bids (RFB) 11/12-030 LM for exclusive recreational rights, including hunting and fishing, on the 836-acre Mud Swamp Tract in Alachua and Bradford Counties.

The intent to lease was advertised three times each in the *Bradford Telegraph* and *Gainesville Sun* as required by law. A news release was sent to papers of local distribution, and the information has been available on the District website as well as *Woods 'n Water* website (a magazine and website devoted to hunting and fishing).

Responses were due to the District by 12:00 noon on May 29, 2012. Four responses were received as shown below:

Bidder	Bid	City
Bryan W. Ward	\$16,929.00	Brooker, FL
Alex Pemberton	\$10,032.00	St. Petersburg, FL
Chad E. Thomas	\$8,778.00	Bell, FL
Daniel Pinkston	\$6,300.00	Williston, FL

Copies of the resolution and hunt lease are attached.

gal  
RFB 11/12-030 LM

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

RESOLUTION NO. 2012-17

RESOLUTION OF THE SUWANNEE RIVER WATER  
MANAGEMENT DISTRICT APPROVING A LEASE OF  
PROPERTY TO A PRIVATE PARTY

WHEREAS, the SUWANNEE RIVER WATER MANAGEMENT DISTRICT, an agency of the State of Florida (hereinafter the "DISTRICT") was created pursuant to Section 373.069(1)(b), Florida Statutes and exercises its statutory powers pursuant to Ch. 373, Florida Statutes; and,

WHEREAS, the DISTRICT is governed by a governing board (hereinafter called the "GOVERNING BOARD") as provided in Section 373.073, Florida Statutes; and,

WHEREAS, the DISTRICT owns certain real property; and,

WHEREAS, the DISTRICT has determined that it is in the best interest of the DISTRICT to lease a certain tract of real property (the "PROPERTY"), which is shown on the lease (the "CONTRACT"), a copy of which is attached hereto as an Exhibit "A"; and,

WHEREAS, Section 373.093, Florida Statutes, authorizes the DISTRICT to lease real property provided certain requirements are met; and,

WHEREAS, such statutory requirements have been met and the GOVERNING BOARD wishes to enter into the CONTRACT and lease the PROPERTY as set out therein.

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

1. The above recitals are incorporated herein as a part hereof.
2. The CONTRACT is hereby approved.
3. The lease of the PROPERTY as set out in the CONTRACT meets the requirements of Section 373.093, Florida Statutes as follows:
  - A. The lease of the PROPERTY as provided in the CONTRACT is consistent with the purposes for which the PROPERTY or any interest in PROPERTY was acquired.
  - B. The lease of the PROPERTY as provided in the CONTRACT is for the best price and terms obtainable.

C. A notice of intention to lease was published in a newspaper published in the county in which the PROPERTY is situated once each week for 3 successive weeks, the first publication of which was not less than 30 nor more than 90 days prior to the date this resolution was approved. The notice of intention to lease set forth the time and place of leasing and a description of the PROPERTY.

4. The Chair and Secretary of the GOVERNING BOARD, the Executive Director of the DISTRICT, the GOVERNING BOARD attorney and all other officers and employees of the DISTRICT are hereby authorized and directed to do all things necessary to complete the transaction contemplated in the CONTRACT, including, without limitation, execute, on behalf of the DISTRICT, all documents reasonably required thereby.

PASSED AND ADOPTED ON MOTION, SECOND AND AN AFFIRMATIVE VOTE OF THE GOVERNING BOARD, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012.

SUWANNEE RIVER WATER MANAGEMENT DISTRICT  
BY ITS GOVERNING BOARD

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MEMBERS OF THE BOARD:

- DON QUINCEY, CHAIR
- ALPHONAS ALEXANDER, VICE CHAIR
- RAY CURTIS, SECRETARY/TREASURER
- KEVIN W. BROWN
- GEORGE M. COLE
- HEATH DAVIS
- VIRGINIA H. JOHNS
- CARL E. MEECE
- GUY N. WILLIAMS

ATTEST:

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**HUNTING LEASE**  
(DISTRICT Leasing to Private Entity)

**THIS HUNTING LEASE**, is made and entered into as of its EFFECTIVE DATE, by and between the DISTRICT and the LEASEHOLDER and for good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the parties do hereby agree as follows:

1. **DEFINITIONS:** The following terms shall have the following meaning herein unless the context clearly requires otherwise:

(The first definitions are listed out of alphabetical order as they will need to be changed from lease to lease.)

*LEASEHOLDER* shall mean: Name: BRYAN W. WARD  
Address: 15100 SW C.R. 231  
BROOKER, FL 32622  
Phone: (352) 665-5304 / (352) 485-1844  
*PAYMENT* shall mean: \$ 20.25 PER ACRE / TOTAL OF \$ 16,929.00

*ARCHERY SEASON* shall mean the yearly season for hunting called "Archery Season" set by the Florida Fish and Wildlife Conservation Commission and which is applicable to the PROPERTY.

*DISTRICT* shall mean the Suwannee River Water Management District, a Florida water management district created pursuant to Section 373.069, Florida Statutes.

*EFFECTIVE DATE* shall mean the date this LEASE is fully executed by all parties and approved by written resolution of the Governing Board of the DISTRICT.

*HUNTING AND FISHING* shall mean the recreational, non-commercial, taking of those species of wildlife, fowl and fish allowed by law, in the quantities allowed by law and by and through those methods allowed by law.

*LEASE* shall mean this "Hunting Lease".

*LEASEHOLDERS GUESTS* shall mean all natural persons present on the PROPERTY with and by the permission of the LEASEHOLDER.

*MAXIMUM NUMBER OF LEASEHOLDERS GUESTS* shall mean a total of 14 persons.

*PAYMENT DUE DATE* shall mean 15 days after the EFFECTIVE DATE.

*PROPERTY* shall mean that certain parcel of real property as shown on the drawing attached hereto as Exhibit "A".

*SPRING TURKEY SEASON* shall mean the yearly season for hunting called "Spring Turkey Season" set by the Florida Fish and Wildlife Conservation Commission and which is applicable to the *PROPERTY*.

*TERM* shall mean the period of time commencing at noon on the date 30 days prior to the first day of the *ARCHERY SEASON* next following the *EFFECTIVE DATE* and ending at noon on the date 30 days after the last day of the *SPRING TURKEY SEASON* next following the *EFFECTIVE DATE*, inclusive.

2. **LEASE OF PROPERTY**: During and throughout the *TERM*, the *DISTRICT* shall lease the *PROPERTY* to the *LEASEHOLDER* and the *LEASEHOLDER* shall lease the *PROPERTY* from the *DISTRICT*.
3. **LEGAL AUTHORITY FOR THIS LEASE**: This *LEASE* is authorized and entered into under the provisions of Section 373.093, Florida Statutes and Rule 40B-9.145, Florida Administrative Code. The parties understand that compliance with the above provisions of law is a condition precedent to the *DISTRICT*'s obligations hereunder.
4. **PAYMENT**: The *LEASEHOLDER* shall pay the *PAYMENT* to the *DISTRICT* as payment for the rights given it under this *LEASE*. The *PAYMENT* shall be paid in cash (by local certified check or wire transfer) no later than the *PAYMENT DUE DATE*.
5. **PERMITTED USES OF THE PROPERTY**: During the *TERM*, the *LEASEHOLDER* may use the *PROPERTY* for *HUNTING AND FISHING* and in doing so may also:
  - 5.1 Place temporary tree stands and other temporary structures on the *PROPERTY* at such places as approved, in advance and in writing, by the *DISTRICT*. Such structures shall not be permanently affixed to or damage the *PROPERTY* (including, without limitation, trees). A minimal amount of trimming of the branches of trees as necessary to facilitate the placement and usage of tree stands shall not be considered damages to the trees.
  - 5.2 Place and maintain game cameras on the *PROPERTY*, provided that such game cameras are not permanently affixed to and do not cause damage to the *PROPERTY* (including, without limitation, trees).
  - 5.3 Access, traverse and remain on the *PROPERTY* through motor vehicles or otherwise at all reasonable times for the above purposes.
  - 5.4 Remain overnight and camp on the *PROPERTY* provided that:
    - 5.4.1 All campsites shall be maintained in a clean and orderly manner.

5.4.2 All camping shall be done through the use of temporary structures, including but not limited to tents, recreational vehicles, and similar vehicles and structures.

5.4.3 Electrical, water, garbage and sewer/wastewater service shall not be provided. All electrical service and water used for camping shall be brought into the PROPERTY and all garbage and wastewater / brown water shall be removed from the PROPERTY and disposed of as allowed by law.

5.5 Permit the LEASEHOLDERS GUESTS to do any of the above.

6. **NON-PERMITTED USES OF THE PROPERTY:** During the TERM, the LEASEHOLDER shall not:

6.1 Do any act which may set fire to any part of the PROPERTY or unreasonably increase the risk of wildfire on the PROPERTY. (The LEASEHOLDER shall use its best efforts to suppress any fire that occurs on the PROPERTY during the term of this LEASE. Further, the LEASEHOLDER shall promptly notify the DISTRICT in the event of any fire on the PROPERTY.)

6.2 Allow dogs used for the chasing or taking of wildlife or fowl to leave the PROPERTY in the pursuit of wildlife or fowl.

6.3 Do any act which annoys or interferes with the property rights of any owner of real property adjacent to the PROPERTY.

6.4 Erect any permanent structure on the PROPERTY at any time.

6.5 Erect any temporary structure (including tree stands) without the prior written approval of the DISTRICT.

6.6 Drive nails, spikes, screws, bolts, or any other metal object into any tree on the PROPERTY.

6.7 Use any motor vehicle on any portion of the PROPERTY except the existing roads shown on Exhibit "A".

6.8 Damage, cut, injure, or destroy any trees, crops, roads, fences, buildings, or other improvements located on the PROPERTY. (LEASEHOLDER shall fully compensate the DISTRICT for any damage to the above, as determined by the DISTRICT.)

6.9 Fail to observe and follow all local, state, and federal laws or allow any person who fails to observe and follow such laws to remain on the PROPERTY. (Should LEASEHOLDER observe any illegal activity on the PROPERTY, it shall report such activity to the DISTRICT and the applicable law enforcement agency

immediately, and take immediate steps to cause such illegal activity to cease and desist.)

6.10 Engage in HUNTING AND FISHING on the PROPERTY without first obtaining all required licenses and permits from all applicable governmental authorities.

6.11 Take any wildlife, fowl or fish in excess of bag limits established by law.

6.12 Take any wildlife, fowl or fish outside of the season for taking the same, as established by law.

6.13 Engage in the taking of wildlife, fowl or fish for any non-recreational or commercial purpose.

6.14 Transport live wildlife, fowl or fish off of the PROPERTY.

6.15 Release any live wildlife, fowl or fish on the PROPERTY.

6.16 Release any live plants, animals, birds or fish on the PROPERTY.

6.17 Plant any seeds on the PROPERTY.

6.18 Use or store any fertilizer, herbicide or pesticide on the PROPERTY.

6.19 Alter, disturb or collect any plants, minerals, rocks, soil, fill or artifacts and transport the same off of the PROPERTY.

6.20 Use the PROPERTY in any manner which might interfere with the rights of the DISTRICT, its agents, assigns, contractors and/or employees to cut and remove any trees or stumps from the PROPERTY.

6.21 Interfere with any easements or right-of-ways for power, telephone, telegraph, and gas lines, mains, or cables; or with any easements or right-of-ways for highways, railroads, or drainage structures; or with any activities associated with oil, gas, or mineral leases; or with any conveyances shown in the public records of the county where the PROPERTY is located or evidenced by possession or use.

6.22 Possess or consume alcoholic beverages of any kind on the PROPERTY.

6.23 Harm any dam, impoundment, works, water control structure, road, or DISTRICT-owned facilities or equipment.

6.24 Leave or allow others to leave litter, garbage or other waste of any kind on the PROPERTY.

6.25 Allow any of the LEASEHOLDERS GUESTS to engage in any of the above activities prohibited to the LEASEHOLDER.

7. **MAXIMUM NUMBER OF LEASEHOLDERS GUESTS:** At no time shall the number of LEASEHOLDERS GUESTS exceed the MAXIMUM NUMBER OF LEASEHOLDERS GUESTS.
8. **DISTRICT SHALL CONTINUE TO MANAGE THE PROPERTY:** During the TERM, the DISTRICT shall continue to manage the PROPERTY, including without limitation, the right to cut and/or thin the timber located on the PROPERTY, use prescribed burning, plow and maintain firebreaks, maintain roads, fences and gates, and all similar or related activities. This LEASE shall not be construed to require the DISTRICT to consider HUNTING AND FISHING or the production of wildlife, fowl or fish in managing the PROPERTY. Further, the DISTRICT shall have no obligation to protect any wildlife, fowl or fish which may occur on the PROPERTY from injury or damage from natural causes, poaching or any other reason.
9. **DISTRICT MAY RESTRICT USE OF PROPERTY DUE TO WEATHER:** The DISTRICT reserves the right to restrict the LEASEHOLDER's and/or LEASEHOLDERS GUESTS' use of the PROPERTY, and the rights granted herein if, in the sole judgment of the DISTRICT, weather conditions create an unacceptable hazard to the PROPERTY or persons thereon. Examples of such hazards include, without limitation, wildfire, flooding, storm damage, tornado, hurricane and downdraft.
10. **LEASEHOLDER'S USE TO BE EXCLUSIVE:** During the TERM, except for the access given to the LEASEHOLDER under this LEASE, there shall be no free public access to the PROPERTY, other than the following:
  - 10.1 All lakes, rivers and streams large enough for canoe traffic, which may be on or adjacent to the PROPERTY shall be open to the public. The shoreline of any such lakes, rivers and streams and inland from such shoreline 100 feet, shall also be open to the public.
  - 10.2 All of the DISTRICT's officers, employees, agents and contractors, and all local, state, and federal law enforcement officers shall have free access of the PROPERTY.
11. **SURRENDER OF PREMISES:** At the end of the TERM, regardless of whether or not the LEASE was canceled, the LEASEHOLDER shall surrender the PROPERTY in as good condition as it was at the commencement of the TERM.
12. **CONDITION OF PROPERTY:** Except for the representations expressly set forth in this LEASE, the DISTRICT is leasing the PROPERTY "as is, where is", and the DISTRICT does not make and has not made any representations as to the condition or use of the PROPERTY. Further the DISTRICT does not and has not authorized anyone else to make any representations as to the condition or use of the PROPERTY. The LEASEHOLDER has made whatever inspection of the PROPERTY it deems appropriate

and has satisfied itself that the PROPERTY is suitable for its purposes. The LEASEHOLDER understands that there may be hidden hazards, including but not limited to, holes, fence wire, snakes, wells, swamps, ponds, harmful plants and animals, and unauthorized persons on the PROPERTY, or other risks that may cause injury or death. The LEASEHOLDER's use of the PROPERTY shall be at the LEASEHOLDER's sole risk. The LEASEHOLDER shall inform the LEASEHOLDERS GUESTS of the provisions of this paragraph prior to allowing them to come onto the PROPERTY and that the LEASEHOLDERS GUESTS' use of the PROPERTY shall be at the LEASEHOLDERS GUESTS' sole risk.

13. **LIABILITY AND INSURANCE:** The LEASEHOLDER shall be responsible for and pay for any and all damage, loss, injury and liability to the PROPERTY, to the property of others, or to any person, caused by LEASEHOLDER or LEASEHOLDERS GUESTS, or as a result (either directly or indirectly) of LEASEHOLDER's or LEASEHOLDERS GUESTS' use of the PROPERTY, or resulting from this LEASE, and the LEASEHOLDER shall indemnify the DISTRICT and shall hold the DISTRICT harmless for the same. LEASEHOLDER, at LEASEHOLDER's expense, shall maintain liability insurance with an insurance company, licensed to do business in the State of Florida, to cover LEASEHOLDER's activities on the PROPERTY and LEASEHOLDER's obligations under this LEASE, in an amount not less than one million (\$1,000,000.00) dollars for damage or injury to person and property. Prior to the beginning of the TERM, the LEASEHOLDER will file with the DISTRICT certificate(s) of insurance, acceptable to the DISTRICT, providing evidence that the LEASEHOLDER has in full force and effect the insurance required herein. These certificate(s) shall contain provision(s) that provide, without limitation, the following:

13.1 That the DISTRICT is a named or additional insured without waiving any defense of sovereign immunity or increasing the limits of DISTRICT's liability in excess of the statutory cap provided under Section 768.28, Florida Statutes.

13.2 That the coverage afforded under the policies will not be canceled or materially changed until at least 30 days prior written notice has been given to the DISTRICT.

14. **TAXES AND ASSESSMENTS:** LEASEHOLDER shall pay all taxes (including, without limitation, sales taxes, documentary stamp taxes, ad valorem taxes and assessments) due on the LEASE and the PAYMENT, if any.
15. **REMEDIES FOR DEFAULT:** Notwithstanding anything else herein to the contrary, the parties' sole and exclusive remedies for default of any of the provisions of the LEASE shall be as follows:

15.1 Should the DISTRICT default on any provision of this LEASE, then the LEASEHOLDER shall be entitled to cancel this LEASE and receive a full refund of the PAYMENT (as liquidated damages because actual damages would be difficult to estimate), in which event both parties shall be relieved of all further obligations to the other.

15.2 Should the LEASEHOLDER default on any provision of this LEASE, then the DISTRICT shall be entitled to cancel this LEASE and retain all of the PAYMENT (as liquidated damages because actual damages would be difficult to estimate), in which event both parties will be relieved of all further obligations to the other.

16. **CANCELLATION WITHOUT CAUSE:** This LEASE may be canceled by the DISTRICT at any time for any reason whatsoever upon giving ten (10) days written notice to the LEASEHOLDER. In the event this LEASE is canceled for any reason other than default of the LEASEHOLDER, the DISTRICT shall refund to the LEASEHOLDER a pro-ration of the PAYMENT based on the number of days remaining in the TERM.
17. **DISTRICT REPRESENTATIVE:** The DISTRICT agrees that Robert G. Heeke is to be the DISTRICT representative and is to have direct, primary, and continuing contact for this LEASE. Mr. Heeke may be contacted by telephone at 386.362.1001 or 800.226.1066 (FL Only) or 386.647.6588 (cell) or by email at [RGH@srwmd.org](mailto:RGH@srwmd.org).
18. **THIS LEASE SHALL CONSTITUTE A SPECIAL USE AUTHORIZATION:** This LEASE shall constitute a Special Use Authorization as contemplated by Rule 40B-9.1411, Florida Administrative Code, for the LEASEHOLDER and the LEASEHOLDERS GUESTS to use the PROPERTY for the uses set out in this LEASE. Such Special Use Authorization shall be automatically revoked upon the expiration or cancellation of this LEASE.
19. **ASSIGNABILITY:** The rights granted by this LEASE may not be assigned by operation of law or otherwise, without the prior written approval of the DISTRICT.
20. **PERSONAL PROPERTY:** This LEASE does not lease any of the DISTRICT's personal property to the LEASEHOLDER. The LEASEHOLDER shall remove all of the LEASEHOLDER's personal property from the PROPERTY prior to the end of the TERM. Any of the LEASEHOLDER's personal property remaining on the PROPERTY as of the end of the TERM, may be retained by the DISTRICT or disposed of in any manner as may be determined by the DISTRICT.
21. **GOVERNING LAW:** This LEASE shall be governed by and construed in accordance with the laws of the State of Florida, without regard to its conflict of laws rules.
22. **VENUE AND JURISDICTION OF LITIGATION:** The exclusive venue and jurisdiction for any litigation enforcing, construing or relating to this LEASE shall be the Circuit Court or the County Court in and for Suwannee County, Florida. If under applicable law exclusive jurisdiction over any such matters is vested in the federal courts, then exclusive jurisdiction and venue shall be in the United States District Court for the Middle District of Florida, Jacksonville Division.
23. **WAIVER OF JURY TRIAL:** The parties mutually and forever waive any and all right

to trial by jury in any legal proceeding arising out of or relating to this LEASE or this transaction. The parties agree to have any such actions decided by a judge alone, without a jury.

24. **NO WAIVER OF SOVEREIGN IMMUNITY:** Notwithstanding anything else herein to the contrary, nothing herein shall be construed to waive or to otherwise affect the DISTRICT's sovereign immunity and/or the protections given the DISTRICT under Section 768.28, Florida Statutes.
25. **NO THIRD PARTY BENEFICIARIES:** The provisions of this LEASE are for the sole and exclusive benefit of the DISTRICT and the LEASEHOLDER. No provision of this LEASE will be deemed for the benefit of any other person or entity, and no other person or entity shall acquire any rights under this LEASE.
26. **LEASE NOT TO CONVEY PROPERTY RIGHTS OR BE RECORDED:** This LEASE shall not be construed to convey to the LEASEHOLDER any property rights in the PROPERTY nor create any lien on nor security interest in the PROPERTY. Neither this LEASE nor any notice of this LEASE, shall be recorded in the public records of any County.
27. **ENTIRE AGREEMENT:** This LEASE supersedes all previous agreements, oral or written, between DISTRICT and LEASEHOLDER, and represents the whole and entire agreement between the parties. Neither party has entered into the LEASE in reliance upon any fact or representation not expressly provided in the LEASE.
28. **INCORPORATION OF RELEVANT PROVISIONS OF LAW:** The parties understand that, compliance with the relevant provisions of law governing the DISTRICT's authority to lease real property, including without limitation Section 373.093, Florida Statutes, is a condition precedent to the DISTRICT's obligations hereunder.
29. **NO EFFECT ON PERMITS OR REGULATIONS:** This LEASE shall not be deemed to grant any permit to the LEASEHOLDER or affect the requirements for any permit or regulatory approval which would otherwise be required by law.
30. **AMENDMENT, REVOCATION OR ABANDONMENT OF THIS LEASE:** This LEASE may not be amended, revoked, or abandoned except through a written agreement executed by the parties with the same formalities as this LEASE.
31. **LEASE NOT TO BE CONSTRUED AGAINST EITHER PARTY:** This LEASE is the product of negotiation between the parties, thus the terms of this LEASE shall not be construed against either party as the drafter.
32. **ATTORNEY REPRESENTATION:** The parties acknowledge that the law firm of Davis, Schnitker, Reeves & Browning P.A., a Florida professional corporation, with offices at 519 West Base Street, Madison, Florida 32340, (Mailing Address: Post Office Drawer 652, Madison, Florida 32341); Phone (850) 973-4186, is the attorney for the

DISTRICT and not the LEASEHOLDER regarding this transaction. The LEASEHOLDER acknowledges that it has received whatever legal advice it wishes from sources other than the above attorneys.

33. **MISCELLANEOUS:** This LEASE may be executed in any number of counterparts, each of which shall be an original, but all of which together shall constitute one and the same instrument. Correspondence regarding this LEASE may be executed and delivered by facsimile and/or email transmission, with the intention that such facsimile and/or email signature and delivery shall have the same effect as an original signature and actual delivery. In the event a day of performance falls on a Saturday, Sunday or legal holiday under the laws of the State of Florida, the day of performance shall be extended to the next day not a Saturday, Sunday or legal holiday.
  
34. **LEASE CONTINGENT ON GOVERNING BOARD APPROVAL:** Notwithstanding anything else herein to the contrary, this LEASE shall not be binding on any party and shall have no effect unless and until this LEASE is fully executed and approved by written resolution of the Governing Board of the DISTRICT.

(The remainder of this page was intentionally left blank.)

EXECUTED on this \_\_\_\_\_ day of \_\_\_\_\_, 2012 by DISTRICT,  
the Executive Director of the SUWANNEE RIVER WATER MANAGEMENT DISTRICT, a  
Florida water management district created pursuant to Section 373.069, Florida Statutes.

SUWANNEE RIVER WATER MANAGEMENT  
DISTRICT

By: \_\_\_\_\_  
Charles H. Houder, III  
As its Acting Executive Director

EXECUTED on this 25<sup>TH</sup> day of MAY, 2012 by  
LEASEHOLDER, BRYAN W. WARD

Bryan Ward

STATE OF Florida

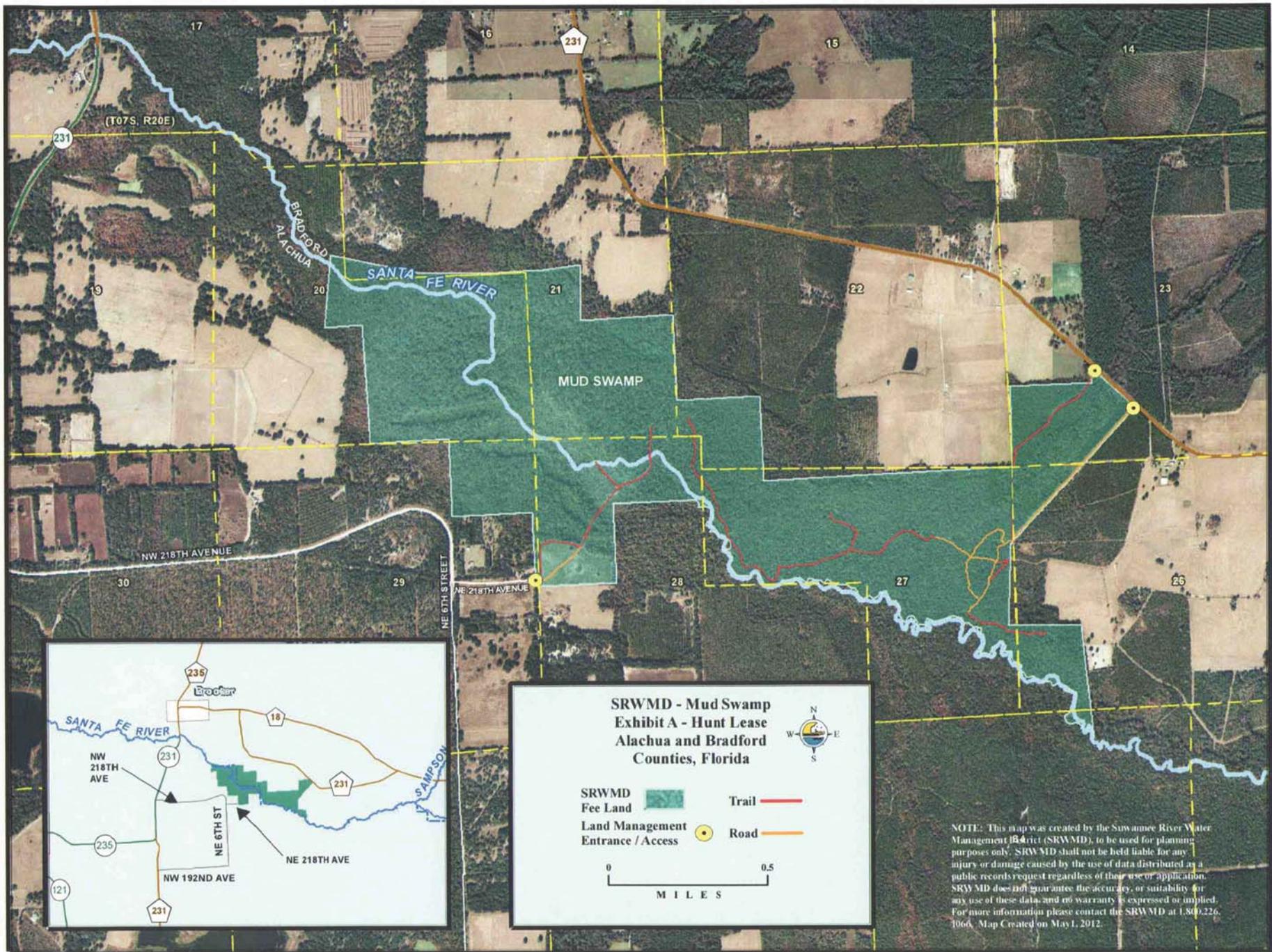
COUNTY OF Alachua

Acknowledged before me this 25 day of May, 2012, by  
Bryan W. Ward who is  
personally known to me or who produced Fla. Drivers License as identification.  
# W 630-079-83-4230



TERRY W. JONES  
MY COMMISSION # EE 121240  
EXPIRES: December 12, 2015  
Bonded Thru Budget Notary Services

Terry W. Jones  
Notary Public



MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, P.E., Senior Professional Engineer

DATE: June 21, 2012

RE: Approval of Water Use Permit Application Number  
2-12-00049, Bullard Farms Inc., Suwannee County

RECOMMENDATION

**Staff recommends the Governing Board approve Water Use Permit number 2-12-00049, with seventeen standard conditions and eight special limiting conditions to Bullard Farms Inc., in Suwannee County.**

BACKGROUND

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

/tm

June 21, 2012

Bullard Farms, Inc.  
c/o Chris Bullard  
PO Box 1432  
Lake City, FL 32056

Subject: Approval of Water Use Permit Application Number  
2-12-00049, Bullard Farms Inc., Suwannee County

Dear Mr. Bullard:

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 July 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.  
Senior Professional Engineer

TS/tm

Enclosure

Certified Mail Receipt Number: 7010 1060 0001 1350 3653

## 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:

Bullard Farms, Inc.  
c/o Chris Bullard  
PO Box 1432  
Lake City, FL 32056

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:** June 21, 2012

**PROJECT:** Bullard Farms Inc.

**APPLICANT:**

Bullard Farms Inc.

P. O. Box 1432

Lake City, FL 32056

**PERMIT APPLICATION NO.:** 2-12-00049

**DATE OF APPLICATION:** May 18, 2012

**APPLICATION COMPLETE:** May 25, 2012

**DEFAULT DATE:** August 23, 2012

**MANAGER/MEMBER DETAIL:**

Chris Bullard P. O. Box 1432 Lake City, FL 32056	<b>PD</b>
Audrey Bullard P. O. Box 1733 Lake City, FL 32056	<b>DVST</b>

	<b>Previous Quantities:</b>	<b>Proposed Quantities:</b>
<b>Average Daily Rate (ADR)</b>	- mgd	2.6793 mgd

**Recommended Agency Action**

Staff recommends approval of a Water Use Permit for a new agricultural use located within Suwannee County. The permit includes seventeen standard conditions and eight special limiting conditions. The permit will expire on July 10, 2032.

**Project Review Staff**

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

**Project Location**

The withdrawal facilities are located in Township 04 South, Range 13 East, Sections 16 and 17 in Suwannee County. The project is located within the lower Suwannee River basin according to the USGS National Hydrography Dataset, Hydrologic Unit Code-8 sub basins.

### **Project Description**

The project area consists of approximately 958 acres with approximately 916 acres being irrigated using groundwater.

The water use calculations are based upon the irrigated acreages and crop types provided by Bullard Farms, Inc. Crops include beans, carrots, corn, cotton, oats, peanuts, and potatoes. The applicant will use 6 center pivots for irrigation. The operation will also include approximately 300 head of beef cattle during the winter. The Average Daily Rate (ADR) of withdrawal is calculated as 2.6793 mgd, which equates to 39.3 inches of supplemental irrigation annually.

The project area includes seven proposed wells. Use of six the wells will be for irrigation, while the seventh will be for livestock. The District has not received an application for Water Well Construction permits. The well inventory can be found in the table on Attachment A.

### **Demonstration of Need**

The applicant has provided information that supports the requested allocation, based upon the crop types, irrigated acres and type of livestock. Bullard Farms Inc. plans to irrigate 916 acres with three crops each year. Crops include beans, carrots, corn, cotton, oats, peanuts, and potatoes. Bullard Farms Inc. plans to begin farming carrots in January 2013, after the land has been cleared.

### **Water Conservation**

The applicant has completed the Water Conservation Worksheets for Center Pivot Irrigation and Livestock Watering.

### **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.

## **Conditions of Issuance**

### **Is this a reasonable–beneficial use?**

[ref. 40B-2.301(1)(a)]

Yes, based on the evaluation of criteria listed in 40B-2.301(2)(a)-40B-2.301(2)(k).

### **Will this use interfere with any presently existing legal use of water?**

[ref. 40B-2.301(1)(b)]

No. Based on the SRWMD North Florida Model, version 1.0, the use will not interfere with any presently existing legal uses of water.

### **Will this use be consistent with the public interest?**

[ref. 40B-2.301(1)(c)]

Yes. Based on the provided information, the water will be used efficiently, will not be wasted, and is for an economically beneficial use. The use meets the criteria listed in 40B-2.301(2)(a)-40B-2.301(2)(k).

### **Will this use be in such a quantity and of such quality as is necessary for economic and efficient use?**

[ref. 40B-2.301(2)(a)]

Yes. Based on IFAS crop water needs table, the use is such a quantity and such quality as is necessary for economic and efficient use.

### **Is this use for a purpose that is both reasonable and consistent with the public interest?**

[ref. 40B-2.301(2)(b)]

Yes. Based on IFAS crop water needs this use is both reasonable and consistent with the public interest.

### **Will the source of the water be capable of producing the requested amounts and appropriate quality of water?**

[ref. 40B-2.301(2)(c)]

Yes. Based on the SRWMD North Florida Model, version 1.0, of the source will be capable of producing the requested amounts and appropriate quality of water.

### **Will the use degrade the source from which it is withdrawn?**

[ref. 40B-2.301(2)(d)]

No. Based on the SRWMD North Florida Model, version 1.0, the use will not degrade the source from which it is withdrawn.

### **Will the use cause or contribute to flooding?**

[ref. 40B-2.301(2)(e)]

No. Based on crop types and proposed farm practices, flooding is not a concern for this operation.

**Will the use harm offsite land uses?**

[ref. 40B-2.301(2)(f)]

No. Based on the existing land uses surrounding the operation, harm to offsite land uses is not a concern.

**Will the use cause harm to wetlands or other surface water? Harm to wetland or other surface waters must be mitigated after completion of reduction or elimination of harm in accordance with sections 3.1.8. through 3.1.10. of the Water Use Permitting Guide.**

[ref. 40B-2.301(2)(g)]

No. Based on the SRWMD North Florida Model, version 1.0, the use will not cause harm to wetlands or other surface waters.

**Will the use cause or contribute to a violation of either minimum flows or levels?**

[ref. 40B-2.301(2)(h)]

No. Based on the SRWMD North Florida Model, version 1.0, the use will not cause or contribute to a violation of either minimum flows or levels.

**Will the use cause or contribute to a violation of state water quality standard in waters of the state as set forth on Chapters 62-301, 62-302, 62-520, and 62-550, Florida Administrative Code (F.A.C.)?**

[ref. 40B-2.301(2)(i)]

No. Based on the SRWMD North Florida Model, version 1.0, the use will not cause or contribute to a violation of state water quality standards.

**Is this use otherwise a reasonable-beneficial use as defined in Section 373.019(2), Florida Statutes, (F.S.) with consideration given to the factors set forth on subsection 62-40.410(2), F.A.C.?**

[ref. 40B-2.301(2)(j)]

Yes, Staff has deemed the use a reasonable-beneficial use after considering the factors set forth in subsection 62-40.410(2), F.A.C.

**Has the permit applicant's proposed reasonable-beneficial use of an alternative water supply presumed to be in the public interest?**

[ref. 40B-2.301(2)(k)]

No, the applicant has not proposed to use an alternative water supply.

## **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 2-12-00049.

19. 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.

20. 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.

21. The Permittee shall implement automated monitoring of groundwater withdrawals, at Permittee's expense, upon commencement of withdrawals. The monitoring and reporting shall include reporting daily volume pumped by each well of inside diameter eight inches or greater at land surface and shall be delivered by 12:00 pm local time the following day via approved telemetry consistent with District data formats. The permittee may opt for a standardized SRWMD automated monitoring system to fulfill this requirement.

22. The permitted water withdrawal facilities are listed in Attachment A.

23. 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.

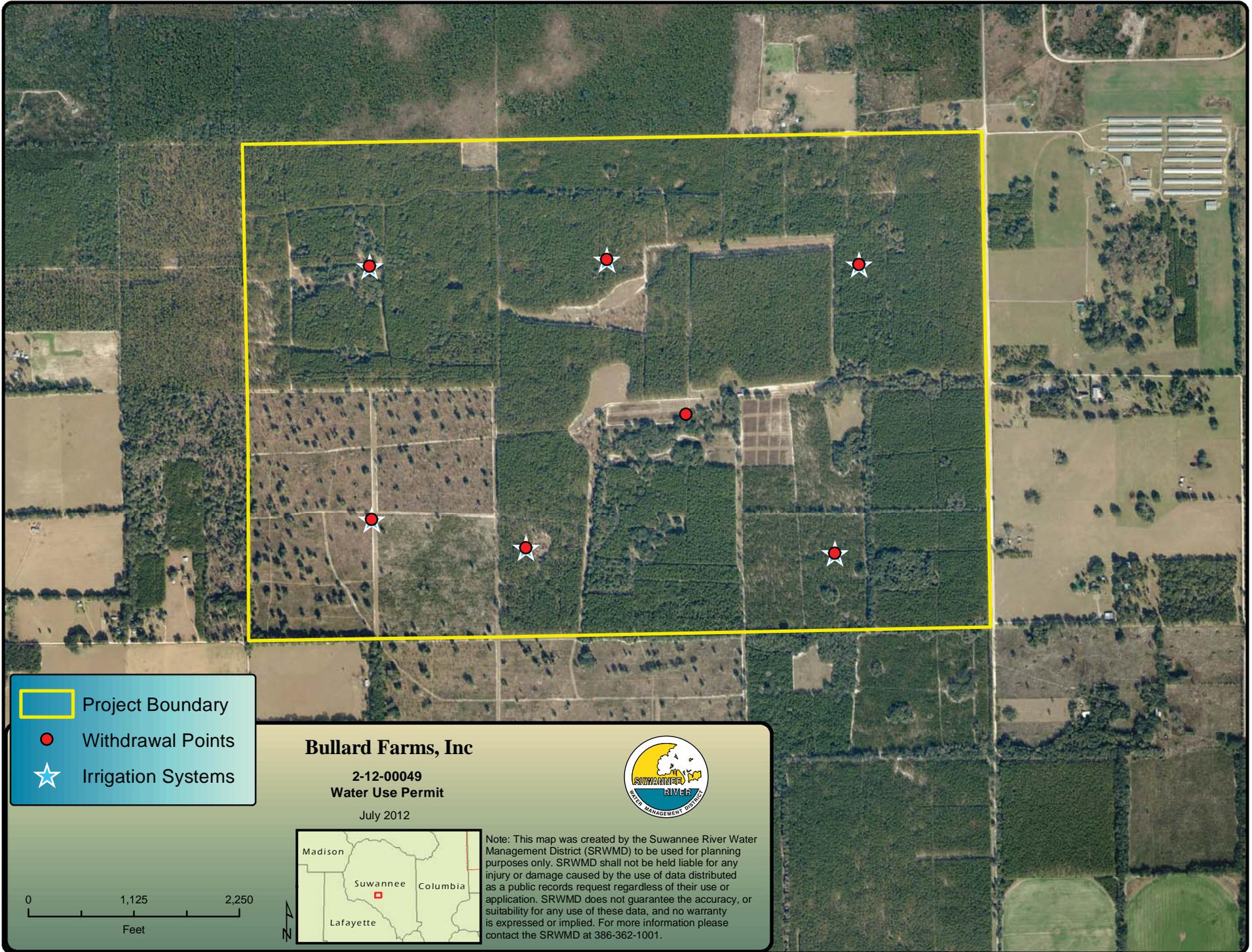
24. This permit shall expire on July 10, 2032. The permittee must submit the appropriate application form incorporated by reference in subsection 40B-2.041(2), FAC and the required fee to the District pursuant to section 40B-2.361, FAC, prior to this expiration date in order to continue the use of water.

25. Upon written notification from the District of alternative water supply availability, permittee must use the alternative water supply if practicable. The District reserves the right to reopen this permit to require the use of alternative water supply and place all or a portion of the groundwater allocation on standby status.

Attachment A

2-12-00049  
Bullard Farms Inc.

Name	Status	Diameter	Capacity (gpm)	Water Use
Well #1	Proposed	12	1200	Irrigation
Well #2	Proposed	12	1650	Irrigation
Well #5	Proposed	12	1650	Irrigation
Well #6	Proposed	12	1200	Irrigation
Well #7	Proposed	12	1200	Irrigation
Well #8	Proposed	12	1200	Irrigation
Livestock	Proposed	4	20	Livestock



-  Project Boundary
-  Withdrawal Points
-  Irrigation Systems

**Bullard Farms, Inc**  
 2-12-00049  
 Water Use Permit  
 July 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: June 21, 2012  
RE: Authorization to Initiate Enforcement Proceedings Regarding Jacob Hake, CE11-0005, Bradford County

### RECOMMENDATION

**Staff recommends the Governing Board authorize initiation of enforcement proceedings thru the Administrative Complaint process 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 an 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. Several meetings were conducted between March 2011 and June 2012, to address drainage issues both upstream and downstream of the property. During these meetings, staff came to an agreement with Mr. Hake on 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. The signed CA was received on January 18, 2012, obligating Mr. Hake to perform remedial actions, beginning within 15 days of rendition of the CA. The CA was executed on January 20, 2012. Remedial actions have not been performed by Mr. Hake, which includes restoring the aforementioned berm.

TS/rl

SUWANNEE RIVER WATER MANAGEMENT DISTRICT  
COMPLIANCE AGREEMENT

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IN RE: SUWANNEE RIVER WATER  
MANAGEMENT DISTRICT

VS.

JACOB HAKE  
5450 SE 125<sup>th</sup> STREET  
STARKE, FL 32091

CE NUMBER CE11-0005

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

1. The District is a special taxing district established by chapter 373, FS and charged with the duty to administer and enforce chapter 373, FS and the rules promulgated thereunder, including chapters' 40B-1, 40B-4, and 40B-400, FAC.
2. Respondent owns or controls real property (the "subject property") located in Township 7 South, Range 22 East, Section 22, Bradford County and referred to as Parcel ID 04618-0-00100.
3. As discovered on March 30, 2011, Respondent violated section 373.430(1)(b), FS and 40B-1.702(3) and 40B-4.1040(1), FAC by constructing a surfacewater management system without obtaining an ERP and by depositing fill in a special flood hazard area (Flood Zone A).
4. The District has jurisdiction over this matter, Respondent, and the subject property. See sections 373.069(2)(c), 373.413, and 373.416, FS.
5. The District is authorized under section 373.129, FS to seek injunctive relief and/or a civil penalty not to exceed ten thousand dollars (\$10,000.00), per offense per day, for violations of chapter 373, FS and the rules promulgated thereunder.
6. Respondent agrees to complete the following corrective actions:
  - No later than 15 days from rendition of this order, Respondent shall restore the berm of the ditch that bisects Bradford County parcel number 04618-0-0100 to its pre-disturbance contours. Respondent shall also remove any introduced fill material that has been deposited within the Flood Zone that was flagged by District staff on May 12, 2011, and restore the Flood Zone to its pre-disturbance elevation contours; and

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JAN 18 2012

ORIGINAL TO FILE CE11-0005  
COPIES TO \_\_\_\_\_

- Within seven days of berm restoration, establish temporary vegetative cover on disturbed areas by seeding with appropriate, rapidly growing annual plants, per Section 7.4 of the Florida Department of Environmental Protection's Florida Stormwater Erosion and Sedimentation Control Inspector's Manual; and
  - Within 15 days after the approved work is completed, provide notice to the District and arrange for an inspection to determine proper completion.
  - Additionally, within one year of berm restoration, establish a perennial vegetative cover, per Section 7.5 of the Florida Department of Environmental Protection's, Florida Stormwater Erosion and Sedimentation Control Inspector's Manual.
7. Respondent shall not undertake any further construction on the subject property except as authorized by District permit and this Compliance Agreement.
  8. Entry of this Compliance Agreement does not relieve Respondent of the need to comply with any applicable federal, state, or local laws, regulations, or ordinances.
  9. Respondent shall implement and maintain all erosion and sediment control measures (best management practices) required to retain sediment on-site and to prevent violations of state water quality standards, in accordance with the guidelines and specifications in the latest version of The Florida Stormwater, Erosion and Sedimentation Control Inspectors Manual.
  10. The complete and timely performance of the obligations set forth herein shall be dispositive of the violation(s).
  11. By execution of this Compliance Agreement, Respondent waives his rights to an administrative hearing pursuant to F.S. § 120.57, and his right of appeal pursuant to F.S. § 120.68 or F.S. Chapter 373, with regard to the terms of this Compliance Agreement.
  12. Nothing herein shall be construed to limit the authority of the District to undertake enforcement or legal actions against Respondent in response to conditions that may present an imminent hazard to the public health, welfare, or the environment.
  14. District hereby expressly reserves the right to initiate appropriate administrative or legal action to prevent or prohibit future violation of applicable statutes or any rules promulgated there under, or to protect the public health, safety, or general welfare.
  15. The terms and conditions set forth in this Compliance Agreement may be enforced in a court of competent jurisdiction, pursuant to F.S. § 120.69, and F.A.C. Chapter 28, or any other applicable rule or statute, and Respondent consents to entry of final judgment by a court of competent jurisdiction to enforce the terms of the agreement plus attorneys' fees and costs, pursuant to F.S. § 373.129, if Respondent fails to comply.

JAN 18 2012

FILED  
SRWMD

Failure to comply with the terms of this Compliance Agreement shall constitute a violation of F.A.C. Chapter 28, and the appropriate statutes.

16. Either party failing to comply with the terms hereof shall be liable to the other party for reasonable attorneys' fees and costs incurred by such other party by virtue of such failure.
17. This Compliance Agreement contains the entire agreement between the parties, and any agreement to amend or modify this Compliance Agreement will be ineffective unless it is in writing and signed by both parties.

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JAN 18 2012

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Suwannee River Water Management District Staff

10/20/11  
Date

Louis Mantini  
(Signature)

Louis Mantini TS  
(Printed Name)

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**Respondent**

Jacob Hake  
5450 SE 125<sup>th</sup> Street  
Starke, FL 32091

1-9-11  
Date

[Signature]  
(Signature)

Jacob L. Hake  
(Printed Name)

**Suwannee River Water Management District Clerk / Deputy Clerk**

1/19/12  
Date

[Signature]  
(Signature)

TIMOTHY J. SAGUL  
(Printed Name)

Executed this 20 day of Jan, 2012

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SRWMD

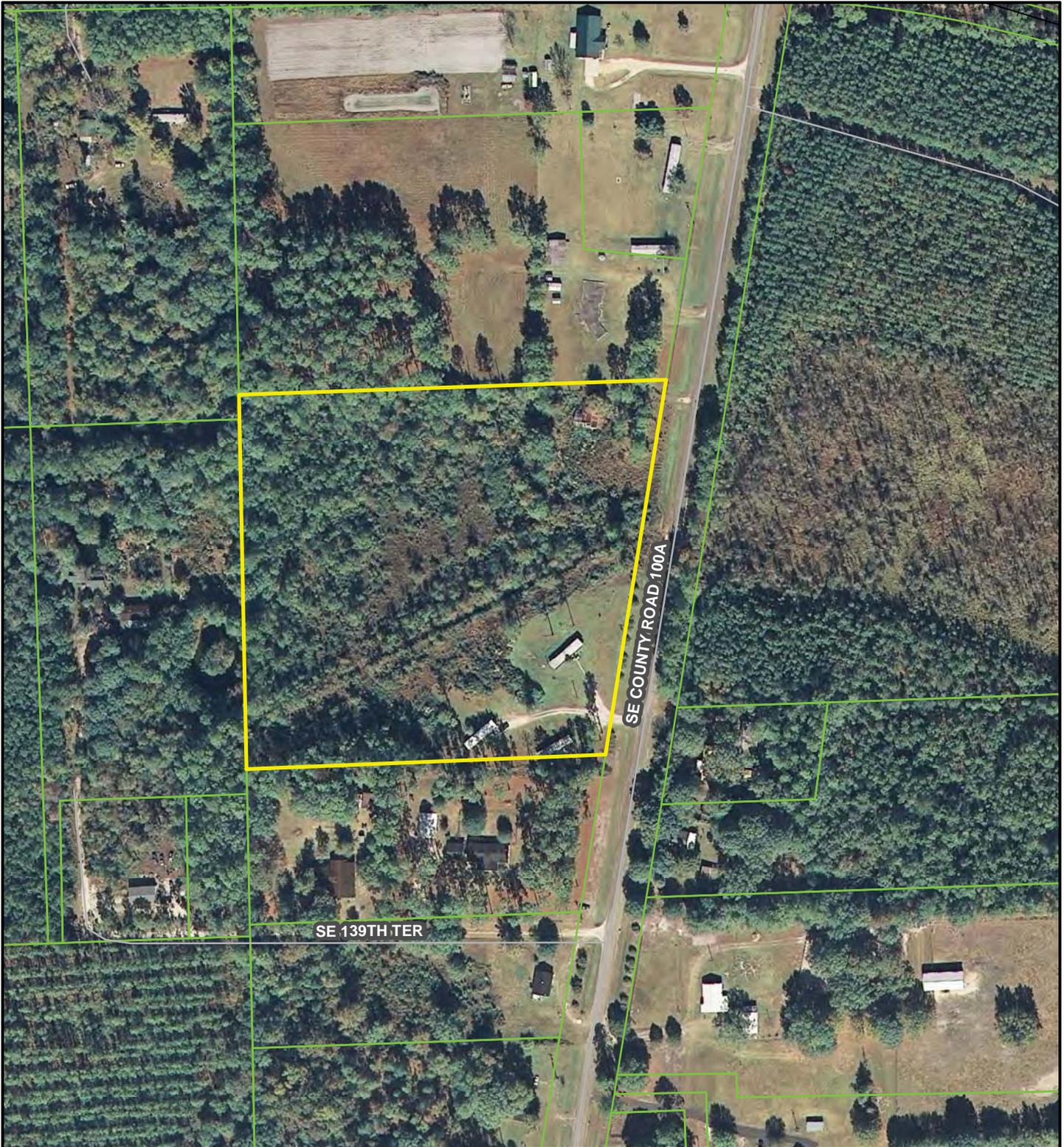
JAN 18 2012

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

[Signature]  
David Still  
Executive  
Director/Secretary

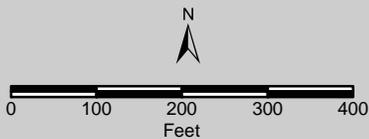
\*\*Notice of Rights is herewith attached to this document  
(To be executed when all signatures are obtained)

glt  
I am unable to restore the berm on my property do to the continued flood state of the property. I agree that as soon as the Flood waters retreat, I will restore the berm. otherwise equip ment needed to restore the berm will not be able to enter or exit the property without becoming stuck.



- Jacob Hake's property
- Bradford Co. Property Boundaries

**Jacob Hake**  
**CE11-0005**  
**July 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. Map Created on 10/1/2008

MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, Senior Professional Engineer

DATE: June 21, 2012

RE: Delegation of Authority Regarding Water Shortage Order 12-0005  
Variance Petitions and Ratification of Approved Variances

RECOMMENDATION

**Staff recommends that the Governing Board delegate authority to the Executive Director to execute Water Shortage Order Variances as provided by Chapter 373.079 (4)(a), Florida Statutes, and ratify variances approved by the Executive Director.**

BACKGROUND

District staff has developed a variance process to address specific hardships and health, safety, welfare issues that may be associated with the Water Shortage Order. Delegation of authority from the Governing Board to the Executive Director will ensure that variance petitions are addressed in a timely manner.

A copy of the District's Water Shortage Variance Petition form and the approved variances are attached for your information.

/ts

# SUWANNEE RIVER WATER MANAGEMENT DISTRICT

9225 County Road 49  
Live Oak, Florida 32060  
Voice: 386.362.0452  
or 1.800.226.1066 (FL only)  
TDD only: 1.800.955.8771 (FL only)  
Fax: 386.362.1056

[www.mysuwanneeriver.com/WaterShortage](http://www.mysuwanneeriver.com/WaterShortage)

## DISTRICT USE ONLY

Received: \_\_\_/\_\_\_/\_\_\_  
Petition #: \_\_\_ - \_\_\_  
Related Petition(s): \_\_\_\_\_  
County: \_\_\_\_\_  
City/Town (if any): \_\_\_\_\_

## PETITION FOR VARIANCE

*from Chapter 40B-21, F.A.C.;*  
*and/or an Order issued pursuant to Chapter 40B-21, F.A.C.*

### PART I – IMPORTANT MESSAGE

This form is to be used to request relief from one or more of these regulations from the Suwannee River Water Management District (if relief is requested from more than one of the regulations, the relief can be requested simultaneously by completing this form once and including the information required for each type of relief; Chapter 40B-21, F.A.C., Water Shortage Plan; or an Order issued pursuant to Chapter 40B-21, F.A.C.

This form is to be completed by the petitioner. The petitioner is the property owner, local government, property association or other affected entity requesting the relief. An attorney or other authorized agent of the petitioner may complete the form on behalf of the petitioner.

IF MORE SPACE IS NEEDED FOR ANY FIELD OR COMBINATION OF FIELDS, ATTACH ADDITIONAL MATERIAL THAT REFERS TO THE APPLICABLE PAGE, APPLICATION PART AND FIELD NAME(S). ALSO PROVIDE SAMPLES, REFERENCES AND OTHER DOCUMENTATION AS PROMPTED.

Print name: \_\_\_\_\_

Sign name: \_\_\_\_\_

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



*The District does not discriminate based on disability. Anyone requiring reasonable accommodation as provided for in the Americans with Disabilities Action should contact the District by calling (386)362-1001 or 1(800)226-1066 (Florida Only). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).*

**PART II – PETITIONER’S LOCATION INFORMATION**

Petitioner’s Name:							
Project Name <i>(if appropriate)</i> :							
Physical Address:							
Parcel Identification Number:							
City:		State:		Zip Code:			
Water Source <i>check applicable box(es)                  and supply details, as appropriate</i>		Ground water <i>(aquifer name, if known &gt;)</i> _____					
		Potable water <i>(water utility’s name &gt;)</i> _____					
		Surface water <i>(river or pond name &gt;)</i> _____					
		Other <i>(describe &gt;)</i> _____					
Water Use Permit # <i>(if applicable)</i> :				Number of acres being irrigated:			

**PART III – ADDITIONAL PETITIONER INFORMATION**

Mailing Address <i>(if different than physical address above)</i> :							
City:		State:		Zip Code:			
E-mail Address <i>(if any)</i> :							
Telephone Number:		Fax number <i>(if any)</i> :					

**PART IV – PETITIONER’S REPRESENTATIVE (IF ANY)**

Attorney or Other Qualified Representative:							
Mailing Address:							
City:		State:		(2)(3)		Zip Code:	
E-mail Address <i>(if any)</i> :							
Telephone Number:		Fax number <i>(if any)</i> :					

**PART V – APPLICABLE RULE OR PORTION OF RULE/ORDER**

Specific provision(s) of the Order from which you are requesting relief : \_\_\_\_\_  
 (example: if you are currently allowed to water once-per-week, have an address, and cannot water according to the standard schedule)

In lieu of citing the specific provision(s), I authorize the District to use the information provided in Part VI and elsewhere on this application to determine the citation on my behalf: \_\_\_\_\_ (< sign here)

**PART VI – INFORMATION TO DETERMINE APPLICABLE RULE OR PORTION OF RULE/ORDER**

Water Use Activity  <i>check the appropriate use classification(s)</i>	Athletic play area irrigation, including ballfields and golf courses	
	Lawn and landscape irrigation - commercial or institutional property	
	Lawn and landscape irrigation – condo or other multi-family residential	
	Lawn and landscape irrigation – single family residential property	
	Water utility or local government service area <i>(multiple water users involved)</i>	
	Other <i>(please describe)</i> : _____	
Reason for Relief  <i>check the reason(s) why there is a need to vary from the normal provisions of the Rule or Order</i>	Irrigation system limitation <i>(i.e., cannot be split into morning/evening zones)</i>	
	Large property <i>(More total time is needed to cover all irrigation zones)</i>	
	Mix of addresses <i>(cannot irrigate each address on its normally assigned day)</i>	
	Shared source <i>(well or other supply cannot serve all addresses at same time)</i>	
	Smart irrigation technology in use <i>(see p. 3 of application for details)</i>	
	Staffing not available <i>(property is manually irrigated, needs special schedule)</i>	
	Supply management <i>(water utility service area needs a special schedule)</i>	
	Water pressure <i>(specific property experiences low potable water pressure)</i>	
Other <i>(describe or attach details)</i> : _____		

**DISTRICT USE ONLY: Rule 40B-21, F.A.C. \_\_\_\_\_; Order \_\_\_\_\_, Paragraph \_\_\_\_\_**

**PART VII – DESCRIPTION OF RELIEF DESIRED (TYPE OF ACTION REQUESTED)**

Attach a description of the relief desired (type of action requested) in lieu of needing to follow the provisions described in Part V or Part VI of this application.

I can meet the underlying intent of the provision(s) by following this alternative restriction <i>(check box/boxes)</i>		Change the allowable irrigation times to: __ : __ to __ : __ a.m. or __ : __ to __ : __ p.m.
		In lieu of separate morning and evening zones, allow irrigation from __ : __ p.m. on each assigned day to __ : __ a.m. the following day
		Change the allowable irrigation day(s) to: _____
		Separate property into two or more pieces and allow each piece to be irrigated in accordance with a special watering schedule*
		Other <i>(summarize; additional details can be incorporated into Par X of the application):</i> _____

*\*must attach a map or sketch which indicates the boundary and watering schedule for each piece*

I instead agree to be bound to ... <i>(check box)</i>		... this alternative water reduction plan, if approved by the District <i>(summarize, attaching pertinent details):</i> _____
--	--	--

I will achieve similar/greater conservation by following... <i>(check box)</i>		Smart irrigation system variance – an alternative irrigation program run in accordance with Ch. 373.62(7), Florida Statutes
---	--	---

**PART VIII – DEMONSTRATION THAT THE REQUEST QUALIFIES FOR A WATER SHORTAGE VARIANCE**

There are three ways to qualify for a variance from provisions of a water shortage order issued pursuant to Rule 40B-21.

Applicable Criteria <i>(check one/more)</i>		Equivalent alternative restrictions are available and are described in Part VII above and will be binding and enforceable
		Variance from the provision(s) is essential to protect public health or safety
		Compliance would cause undue hardship, cannot be accomplished within the anticipated duration of the order, or would not ensure equitable distribution

Detailed statement of pertinent facts demonstrating as least one of these Criteria is applicable <i>(attach more)</i>		

**Excerpts from Chapter 28-104.002, F.A.C.  
("Petition for Variance or Waiver" portion of Florida's Uniform Rules of Procedure)**

- (2) The petition must include the following information:
- (a) The caption shall read: Petition for (Variance from) or (Waiver of) Rule (Citation)
  - (b) The name, address, telephone number, and any facsimile number of the petitioner;
  - (c) The name, address, telephone number, and any facsimile number of the attorney or qualified representative of the petitioner (if any);
  - (d) The applicable rule or portion of the rule;
  - (e) The citation to the statute the rule is implementing;
  - (f) The type of action requested;
  - (g) The specific facts that demonstrate a substantial hardship or a violation of principles of fairness that would justify a waiver or variance for the petitioner;
  - (h) The reason why the variance or the waiver requested would serve the purposes of the underlying statute; and
  - (i) A statement whether the variance or waiver is permanent or temporary. If the variance or waiver is temporary, the petition shall include the dates indicating the duration of the requested variance or waiver.

**PART IX – APPLICATION CERTIFICATION**

Application Certification <i>(sign and date)</i>	I hereby certify or affirm, to the best of my knowledge, that the information provided above or attached as a supplement is true and correct in every material matter, and that I am the owner or authorized agent of the owner of the property involved or authorized to represent and sign on behalf of the local government or other entity seeking relief.		
	Signature:		Date:

**PART X – HELPFUL TIPS**

**LIMITING CONDITIONS**

Based on the particular variance sought and the basis for the requested relief, the District is authorized by statute and rule to place an expiration date and other limiting conditions on a variance in order to assure that the relief being provided is the minimum necessary to alleviate the circumstances for which the variance was requested. For example, the petitioner shall be required to conduct an irrigation evaluation to identify needed repairs and adjustments or a maximum amount of water that can be applied.

**SEND YOUR PETITION TO**

**Email:** [RRL@srwmd.org](mailto:RRL@srwmd.org);  
**Fax:** 386.362.1056; or  
**Mail:** SRWMD 9225 County Road 49, Live Oak, Florida 32060

**ANY QUESTIONS?**

For personal assistance, please call the District at 1.800.226.1066 or 386.362.0452 during normal business hours. Contact the District at any time via e-mail at [www.mysuwanneeriver.com/WaterShortage](http://www.mysuwanneeriver.com/WaterShortage).



June 22, 2012

**Suwannee  
River  
Water  
Management  
District**

9225 CR 49  
Live Oak, FL 32060  
TELEPHONE: 386-362-1001  
TELEPHONE: 800-226-1066

Mr. Tim Ginn  
Madison County High School  
2649 W. US Hwy 90  
Madison FL 32340

Subject: Approved Water Shortage Variance # WSV-00001

Dear Mr. Ginn:

The Suwannee River Water Management District (District) has granted your variance request based on the information you provided.

You have been granted variance to water the school fields as per the attached site map received at the District on June 18, 2012.

Please display the certificate variance on the back of this letter in your window.

Thank you for conserving our most precious natural resource, water.

Sincerely,

A handwritten signature in blue ink, which appears to read "Ann B. Shortelle, Ph.D.", is written over the typed name.

Ann B. Shortelle, Ph.D.  
Executive Director

ABS/rl  
Enclosure (site map)

# Water Shortage Order 12-0005 Variance Approval

Variance# WSV-00001

**Tim Ginn**  
**Madison County High School**  
**2649 W. US Hwy 90**  
**Madison, FL 32340**

Received  
SRWMD

JUN 18 2012

Original to File WSV-00001  
Copies to \_\_\_\_\_

30 28 860 n. 083 27.227

Madison County  
High School

Received  
SRWMD

JUN 18 2012

Original to File \_\_\_\_\_  
Copies to \_\_\_\_\_

Football Field 3 Zones  
Fridays 10pm - 11pm Zone 1  
11pm - 12pm Zone 2  
12pm - 1am Zone 3

Baseball Field  
2 zones  
Fridays  
4AM - 5AM Zone 1  
5AM - 6AM Zone 2

Practice field  
2 zones  
Fridays  
1pm - 2AM Zone 1  
2AM - 3AM Zone 2

Softball Field  
1 zone  
Friday  
3AM - 4AM

© 2003 Tele Atlas



**Suwannee  
River  
Water  
Management  
District**

9225 CR 49  
Live Oak, FL 32060  
TELEPHONE: 386-362-1001  
TELEPHONE: 800-226-1066

June 22, 2012

Ms. Elizabeth Wooley  
1211 Darrow Ave.  
Live Oak FL 32064

Subject: Approved Water Shortage Variance # WSV-00002

Dear Ms. Wooley:

The Suwannee River Water Management District has granted your variance request based on the information you provided.

You have been granted variance to water your lawn on every Monday from **6:00 a.m. to 9:00 a.m. and 5 p.m. to 8 p.m.**

Please display the certificate variance on the back of this letter in your window.

Thank you for conserving our most precious natural resource, water.

Sincerely,

A handwritten signature in blue ink, which appears to read "Ann B. Shortelle, Ph.D.", is written over the typed name.

Ann B. Shortelle, Ph.D.  
Executive Director

ABS/rl

# Water Shortage Order 12-0005 Variance Approval

## Variance# WSV-00002

**Elizabeth Wooley  
1211 Darrow Ave., Live Oak FL**

**Water for Nature, Water for People**

## MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, Senior Professional Engineer

DATE: June 21, 2012

RE: Authorization for Executive Director to Enter Into an Interlocal Agreement for Water Shortage Delegation with St. Johns River Water Management District for Alachua County

### RECOMMENDATION

**Staff recommends that the Governing Board authorize the Executive Director to enter into an agreement with the St. Johns River Water Management District to accept water shortage delegation in the unincorporated areas of Alachua County.**

### BACKGROUND

Alachua County is seeking to implement the District's Water Shortage Order countywide. Alachua County has expressed an interest in adopting the District's year-round and water shortage model ordinance with minor refinements that reflect local needs. District staff has been coordinating with St. Johns River Water Management District (SJRWMD) and Alachua County to fast track delegation from SJRWMD to the District. On June 26, 2012, Alachua County will hold a public hearing to advertise adoption of the ordinance and then upon approval it will be scheduled for adoption on July 10<sup>th</sup>.

The water shortage delegation agreement will enable the District's water shortage order to be applied throughout the unincorporated areas of Alachua County. The County's adoption of a year-round and water shortage ordinance will allow the lawn and landscape to be enforced by the County. SRWMD will not be enforcing water use permits issued by SJRWMD.

/sm

## MEMORANDUM

TO: Governing Board

FROM: Brian Kauffman, Senior Professional Engineer

DATE: June 21, 2012

RE: Authorization for the Executive Director to Negotiate and Enter into a Contract for Surveying Services to Obtain Hydrographic Cross Sections of the Middle Suwannee River

### RECOMMENDATION

**Staff recommends the Governing Board authorize the Executive Director to negotiate and enter into a contract with the top-ranked firm for hydrographic cross sections of the Middle Suwannee River.**

### BACKGROUND

The District is in the process of gathering hydrographic information for use in the modeling effort to determine minimum flows and levels for the Suwannee River. This phase will include approximately 200 cross sections of the Middle Suwannee River located along 94 river miles beginning near Ellaville and ending near Fanning Springs.

Request for Qualifications (RFQ 11/12-035WR) for services was advertised on May 22, 2012, with responses due on June 22, 2012. Staff will provide a replacement memorandum with a recommended ranking of firms.

Funds associated with this contract are budgeted in the FY 2011/2012 Minimum Flows and Levels budget in Fund 36.

/dd

## MEMORANDUM

TO: Governing Board  
FROM: Carlos Herd, Senior Hydrogeologist  
DATE: June 21, 2012  
RE: Water Supply Program Activity Report

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

- Staff literature review continues for the Water Science and Technology Board peer-review.

### **Water supply planning:**

- Staff continues to attend Consumptive Use Permitting consistency meetings and teleconferences with the other four water management districts and the Department of Environmental Protection. These meetings are being held to promote permitting consistency between all five water management districts.
- Staff will continue to attend, by teleconference,
  - consumptive use permitting application meetings to participate in the development of consistent applications for water use permits.
  - consumptive use permitting allocation flexibility meetings to participate in the development of consistent water use permit allocation methodology.
  - consumptive use permitting demand projections meetings to participate in the development of consistent demand projection methodologies for water use permits.
  - consumptive use permitting conservation rule requirement meetings to participate in the development of consistent conservation rule requirements for water use permits.
  - consumptive use permitting criteria/conditions of issuance meetings to participate in the development of consistent permitting criteria for water use permits.
  - consumptive use permitting wetland harm meetings to participate in the development of consistent wetland harm criteria for water use permits.
- Staff continues to meet regularly with SJRWMD via conference calls to coordinate activities in the water supply planning and permitting processes.
- Staff attended the Clay-Putnam MFL Prevention/Recovery Recharge subcommittee meeting on June 13 at the SJRWMD headquarters.
- SRWMD/SJRWMD/DEP will host the first North Florida Regional Water Supply Partnership meeting at the SJRWMD headquarters on June 25.

**Aquifer Recharge Concepts:**

- The Interagency Cooperative Funding Agreement between SRWMD and SJRWMD has been executed for co-funding of the Atkins Upper Floridan Aquifer Regional Recharge Concepts and Feasibility Study.

**Interstate coordination:**

- The next Florida/Georgia coordination meeting is scheduled for September 12, 2012, from 9:00 am to 2:00 pm, at the Wiregrass Technical College located in Valdosta, Georgia.

**Cedar Key Water Supply:**

Staff worked with Cedar Key personnel to secure a delivery of bottled water for short-term relief, and on the investigation of causes and remedies to the chloride contamination in the drinking water reported on June 19. Staff investigated and transmitted information about temporary treatment options and other technical advice, and on June 20 requested assistance from SWFWMD to log the supply wells to look at the integrity of the well casings.

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

CH/dd

## MEMORANDUM

TO: Governing Board

FROM: Megan Wetherington, Senior Professional Engineer

DATE: June 21, 2012

RE: Water Resource Monitoring Program Activity Report

Staff collected water chemistry samples at four groundwater sites with an additional five collected by Alachua County; 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. Agricultural water use was monitored at 170 wells on 48 agricultural operations. Additional discharge measurements on some Santa Fe Springs were made by our water quality contractor and on Suwannee Springs by staff.

Staff composed weekly updates of river and groundwater conditions to track changes to the drought status due to widely varying rainfall across the district, ranging from 3" in parts of Madison and Levy counties to 22" in parts of Levy and Suwannee counties.

Staff responded to many calls and emails about conditions, including groundwater levels with regard to dry wells, algae in the Suwannee and Santa Fe rivers, river levels to assist other agencies with sampling efforts, low spring flows, river water intrusion in drinking water in northern Suwannee County, and recreational conditions.

Staff provided monitor well data to assist the USGS in revising the low flow rating at Manatee Springs.

Monitoring staff assisted the Water Supply team and the L-Team in providing information to the Cedar Key Water and Sewer District regarding chloride contamination in the Cedar Key wellfield.

Installation of telemetry on wells and surfacewater gages continued, with 90 new sites installed to date. The automation of the network has allowed data collection to proceed with two fewer staff positions than a year ago.

Staff participated in the quarterly meeting of the Florida Water Resource Monitoring Council and presented an overview of SRWMD monitoring to that group. The Council was initiated by FDEP to facilitate coordination of monitoring across agencies.

Staff participated in a teleconference with FDEP and Alachua County to coordinate efforts in support of a FDEP project to monitor nutrient transport in parts of the Santa Fe basin.

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

MW/dd

## MEMORANDUM

TO: Governing Board

FROM: John Good, Chief Professional Engineer

DATE: June 21, 2012

RE: Minimum Flows and Levels (MFLs) Activity Report

### Highlights

- During the last few weeks the MFL team (which includes our contractors) has been involved with field work on the Upper Suwannee and developing some of the critical MFL flow control points for the Lower Santa Fe and Ichetucknee Rivers & Springs.
- On-going work efforts include weekly conference calls with contractors and weekly internal project team and management meetings.
- We have begun planning specific methodologies for accomplishing peer review of MFL products.
- MFL staff is working with permitting staff to review current MFL compliance tracking methods.

The following sections summarize activity by water body, organized by anticipated completion order. Budgets shown are for amounts for work orders issued to date and do not include anticipated monies.

### Lower Santa Fe and Ichetucknee Rivers & Springs

- Modeling results for various flows are being used for biological analysis.
- The stage data for the Ichetucknee head spring was collated by the USGS and is currently being quality assessed by the District.
- A one-day working meeting was held in Tampa with Lower Santa Fe/Ichetucknee contractors to collaborate on MFL development.
- District staff held multiple teleconferences with Ichetucknee State Park staff to discuss use of recreational criteria in MFL development.
- Staff began review of the draft unimpaired flow document by Intera.

- Work Order Budget Status:

Status	Contractor / Vendor	Fiscal Year		Grand Total
		2011	2012	
<b>Completed</b>	Delta Surveying	\$44,749		\$44,749
	Janicki	\$7,000		\$7,000
	USGS	\$5,000		\$5,000
<b>In-progress</b>	BCI	\$1,154	\$25,574	\$26,728
	Intera	\$37,710	\$213,738	\$251,448
	Janicki	\$26,040	\$213,111	\$239,151
		<b>\$121,653</b>	<b>\$452,423</b>	<b>\$574,076</b>

### Upper Suwannee River & Springs

- The team spent June 15-17 along the Upper Suwannee River at multiple floodplain sites collecting soils and vegetation data.
- Staff held a teleconference with HSW regarding various approaches to development of an Upper Suwannee River Springs MFL.
- Staff continued data collection at water level gages on the Upper Suwannee.
- Team members quality reviewed submitted surveying products and requested corrections to the data.
- Work Order Budget Status:

Status	Contractor / Vendor	Fiscal Year		Grand Total
		2011	2012	
<b>Completed</b>	EAS	\$13,170	\$32,620	\$45,790
	J Sherman Frier	\$28,616	\$6,384	\$35,000
<b>In-progress</b>	AMEC Surveying		\$96,360	\$96,360
	EAS		\$135,640	\$135,640
	HSW		\$497,150	\$497,150
	USGS		\$7,800	\$7,800
		<b>\$41,786</b>	<b>\$775,954</b>	<b>\$817,740</b>

### Lake Butler

- The initial field recon with the contractor is complete.
- The scope of work has been received and is under review.
- Work was delayed temporarily to modify key contractor personnel as listed in the contract (this occasionally becomes necessary due to the duration of the contract as contractor personnel leave/enter employment with the firm).

- Work Order Budget Status:

Status	Contractor / Vendor	Fiscal Year	
		2012	Grand Total
In-progress	Stantec	\$5,500	\$5,500
	<b>TOTAL</b>	<b>\$5,500</b>	<b>\$5,500</b>

### Middle Suwannee River & Springs

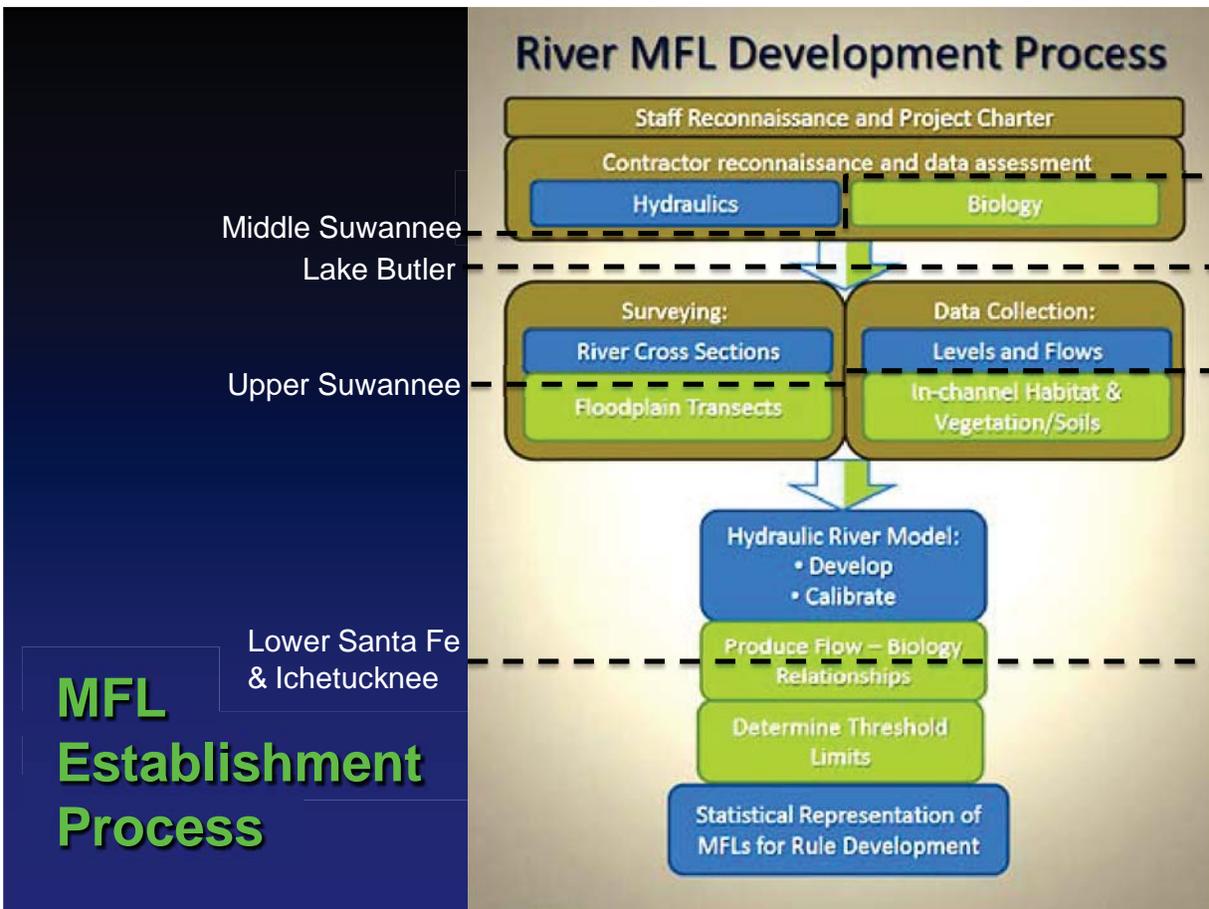
- A contractor (EAS) conducted a data review and field reconnaissance to select modeling locations for cross-section surveying.
- A Request for Qualifications (RFQ) was issued for surveying services to acquire the needed cross-section information, as defined above.
- Work Order Budget Status:

Status	Contractor / Vendor	Fiscal Year	
		2012	Grand Total
In-progress	EAS	\$24,590	\$24,590
		<b>\$24,590</b>	<b>\$24,590</b>

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

JG/dd

## Graphic showing status of water bodies in MFL process



MEMORANDUM

TO: Governing Board  
 FROM: Tim Sagul, Senior Professional Engineer  
 DATE: June 21, 2012  
 RE: Regulatory Services Activity Report

**Environmental Resource Permitting (ERP) Activities**

**Permit Review**

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

May 2012	Received				
Environmental Resource Permits	Noticed General	General	Individual	Exemption Requests	Extension Requests
	6	11	1	4	0
	Issued				
	Noticed General	General	Individual	Exemptions Granted	Extensions Granted
	14	10	3	5	0

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
ERP92-0102M	Gibson Park Improvements Modification	Hamilton	5/30/12

**Inspections and as-built certification**

The following chart shows staff activity on projects that have been permitted from January 1, 2009 to May 30, 2012.

Permit Type	Issued	Under	Operation &	Construction	As-Built
		Construction	Maintenance*	Inspections	Inspections
				April 2012	April 2012
Exempt	50	26	24	2	0
Noticed General	512	367	145	5	0
General	295	187	108	5	1
Works of the District	116	59	57	2	1
Individual	48	34	14	1	1
Conceptual	4	3	1	0	0
<b>TOTAL</b>	<b>1025</b>	<b>676</b>	<b>349</b>	<b>15</b>	<b>3</b>
<b>PERCENT</b>		66%	34%		

\*O& M includes permits that have expired and were not constructed.

## **Water Use Permitting and Water Well Construction**

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

<b>May 2012</b>	<b>Received</b>		<b>Issued</b>
Water Use Permits	23		29
Water Well Permits	168		168
<b>Water well permits issued and received according to well use:</b>			
Abandoned/destroyed	1	Livestock	1
Agricultural Irrigation	12	Monitor	11
Aquaculture	0	Nursery	1
Climate Control	0	Other	2
Fire Protection	0	Public Supply	2
Garden (Non Commercial)	1	Self-supplied Residential	133
Landscape Irrigation	4	Drainage or injection	1
Commercial or Industrial	0	Test	0

The following is a list of reported emergency wells that have been permitted from December 1, 2011 through June 11, 2012. Of the 36 wells, 32 are for residential uses, three are for irrigation and one is a public supply. Dry wells accounted for 26 of the emergency permits.

<b>Permit #</b>	<b>Issued</b>	<b>TRS</b>	<b>Casing Diameter</b>	<b>Well Use</b>	<b>Emergency Type</b>	<b>County</b>
101271	12/12/11	-040701	2	Residential	Dry Well	Taylor
101272	12/12/11	-040701	2	Residential	Dry Well	Taylor
101308	1/3/12	-062224	2	Residential	Dry Well	Bradford
101300	1/3/12	-081921	4	Residential	Dry Well	Alachua
101359	1/26/12	-040832	4	Residential	Dry Well	Taylor
101361	1/26/12	-091321	2	Residential	Dry Well	Dixie
101370	1/30/12	-101213	4	Residential	Other	Dixie
101382	2/7/12	-091327	2	Residential	Dry Well	Dixie
101394	2/9/12	-062216	4	Residential	Dry Well	Bradford
101421	2/23/12	-091820	4	Residential	Other	Alachua
101457	2/28/12	-051727	4	Residential	Dry Well	Columbia
101544	3/17/12	-081905	4	Residential	Dry Well	Alachua
101521	3/21/12	-131404	4	Residential	Other	Levy
101534	3/26/12	-052231	4	Residential	Dry Well	Bradford
101535	3/26/12	+010402	4	Residential	Dry Well	Jefferson
101540	3/27/12	-050822	2	Residential	Other	Taylor
101563	4/2/12	-051001	10	Irrigation	Other	Lafayette
101553	4/5/12	-091336	2	Residential	Dry Well	Dixie
101583	4/6/12	-062103	4	Residential	Dry Well	Bradford
101584	4/9/12	-051205	10	Irrigation	Other	Lafayette
101597	4/13/12	-010501	4	Residential	Other	Jefferson
101613	4/18/12	-101636	4	Residential	Dry Well	Gilchrist

Permit #	Issued	TRS	Casing Diameter	Well Use	Emergency Type	County
101619	4/23/12	-081921	8	Irrigation	Other	Alachua
101623	4/23/12	-072207	2	Residential	Other	Bradford
101642	5/3/12	-072016	4	Public	Other	Bradford
101645	5/3/12	-111802	4	Residential	Dry Well	Alachua
101654	5/10/12	-040828	2	Residential	Dry Well	Union
101663	5/10/12	-072207	4	Residential	Dry Well	Bradford
101664	5/14/2012	-081921	4	Residential	Dry Well	Alachua
101669	5/15/2012	-040832	2	Residential	Dry Well	Taylor
101674	5/16/2012	-091814	4	Residential	Dry Well	Alachua
101681	5/17/2012	-071608	4	Residential	Dry Well	Columbia
101694	5/23/2012	-091320	4	Residential	Dry Well	Dixie
101699	5/24/2012	-101416	2	Residential	Dry Well	Gilchrist
101718	5/13/2012	-040711	4	Residential	Dry Well	Taylor
101719	5/31/2012	-091917	4	Residential	Dry Well	Alachua
101755	6/11/2012	-081921	4	Residential	Other	Alachua

### **Rule development and adoption**

The rulemaking schedule follows this report. Staff is participating in weekly 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 they relate to water use (CUPcon) and environmental resource permitting consistency.

Staff has identified rules, as part of the agency rules review required by Executive Order of the Governor in 2011, which are no longer needed or are duplicative of statute. As a result of this identification, the Legislature passed a law that automatically repealed these rules. The repeal of these rules is set forth in Laws of Florida 2012-31, and is effective 60 days from March 28, 2012. To view Laws of Florida 2012-31, see <http://laws.flrules.org/2012/31>.

### **Staff Outreach**

- Staff is working 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. Testing for the water well construction portion began this month. Implementation will occur upon final acceptance of required documents from Bank of America.
- Staff hosted the May meeting of the North Central Florida Water Well Association (NCFWWA) and provided training on the new E-permitting portal.
- Staff continued to coordinate with FDEP and water management districts on reclaimed water policy.
- Staff continues to attend the Columbia County and Suwannee County Catalyst Working Groups to discuss regulatory issues.

- Staff continues the process of locating all impoundments on the Dam Inventory List within the boundaries of the Suwannee River Water Management District.

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-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.	4/10/12
Notice of Proposed Rule	
Send to OFARR	
Send to JAPC	
Mail to DOS (tentative)	
Effective Date (tentative)	

**40B-2.301**

## Water Use Monitoring

Send to OFARR	
GB Rule Dev. Auth.	2/14/12
Notice of Rule Dev.	3/2/12
GB Proposed Rule Auth.	
Notice of Proposed Rule	
Send to OFARR	
Send to JAPC	
Mail to DOS (tentative)	
Effective Date (tentative)	

**40B-400.091**

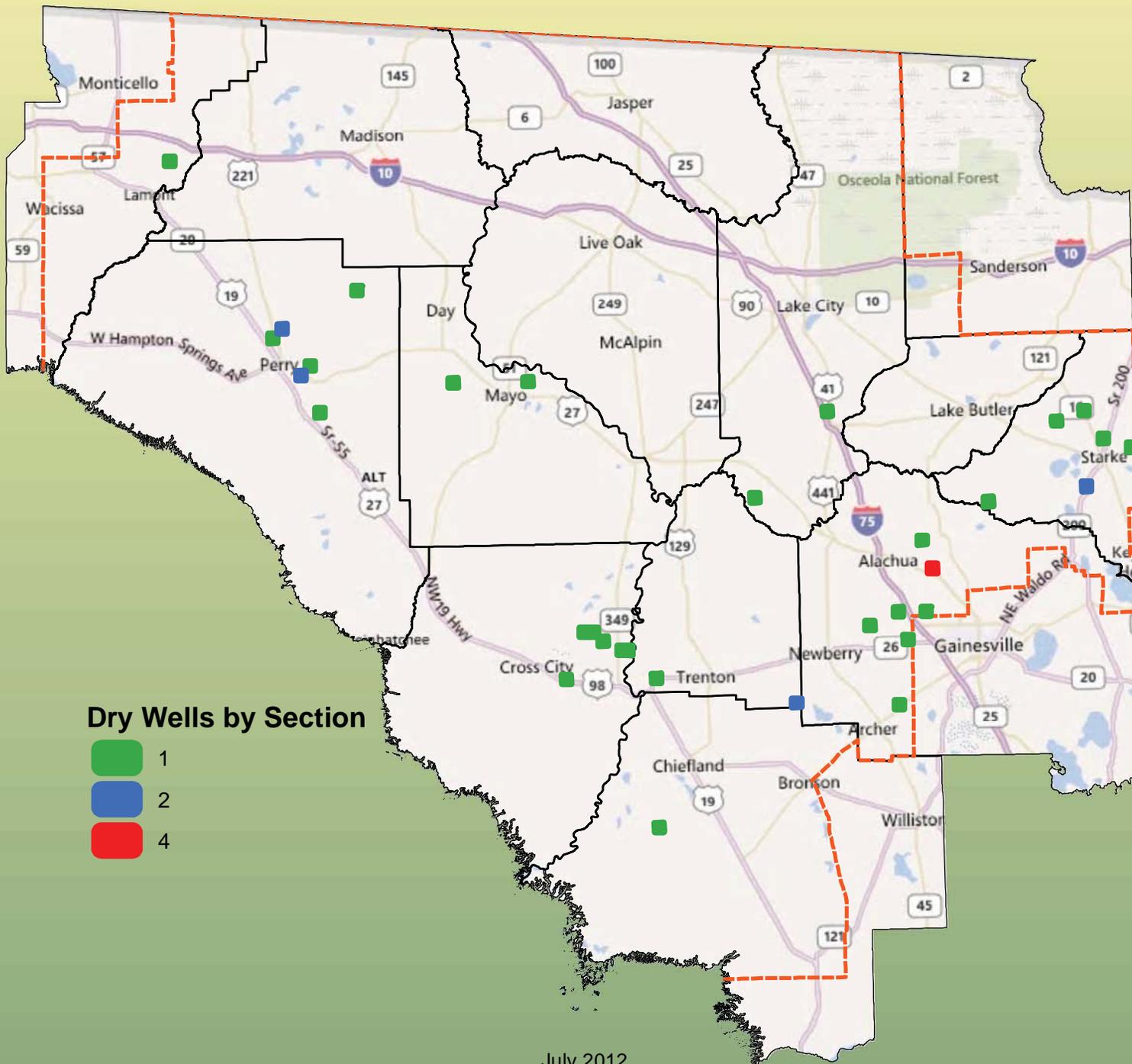
## ERP Handbook

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)	



**Dry Wells by Section**

- 1
- 2
- 4

July 2012

## MEMORANDUM

TO: Governing Board  
FROM: Hugh Thomas, Suwannee River Partnership Coordinator  
DATE: June 21, 2012  
RE: Suwannee River Partnership Program Activity Report

Staff continues to work with USDA-NRCS to provide "Conservation Technical Assistance" to update the poultry farm conservation plans in the Middle Suwannee area.

Staff conducted a tour for funding partners involved with the Suwannee Farms Nutrient Budget project with Dr. George Hochmuth and Kenneth Hall.

Staff continues to work with District staff to conduct outreach and education related to the Water Shortage Declaration.

SRP staff is finalizing efforts related to the Irrigation Retrofit program. Staff is also working with funding partners to develop a new retrofit program as part of the FDACS 2013 Fiscal Year.

Staff continues to work with Farm Bureau, NRCS, and District staff to organize the 2012 CARES event and to identify recipients to be recognized at the dinner.

SRP staff continues to interview farmers during site visits as part of the Partnership Survey developed by the UF Public Issues Education (PIE) Center for Agriculture and Natural Resources.

SRP staff conducted a tour for FWC related to wildlife Best Management Practices (BMPs) and FDACS BMPs. FWC staff is considering benefits for wildlife related to implementing these BMPs.

Staff assisted with a farm/springs tour for USDA-NRCS Chief White related to the NRCS Gulf of Mexico Initiative.

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

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

HT/dd

MEMORANDUM

TO: Governing Board  
 FROM: Bob Heeke, Senior Land Resources Manager  
 DATE: June 29, 2012  
 SUBJECT: Land Management Activity Report  
 NATURAL RESOURCE MANAGEMENT

Timber Sales

The table below shows the status of licenses to cut timber:

Contract #	Timber Sale Name	Consultant	Estimated Pine Tons	Harvest Completion
11/12-051	Black Tract #3	FFS/TRSF	6,924	0%
11/12-052	Goose Pasture #1	FF	6,837	0%
11/12-053	Jerry Branch #1	FF	2,726	25%
11/12-054	Steinhatchee Springs #9	NRPS	14,100	0%
11/12-094	Steinhatchee Springs #10	NRPS	4,828	0%
11/12-095	Black Tract #4	FFS/TRSF	5,746	0%

The 410-acre Jones Mill Creek #1 timber sale was completed May 4, 2012. This harvest was a fourth row thinning conducted by North Florida Timber Dealers under contract 10/11-116. Income from this timber was \$239,333.10 which is 113% of the \$212,691.02 anticipated. The table below details timber harvested and revenue received.

Product	Harvest (Tons)		Product Prices \$/Ton	Income (\$)	
	Original Cruise	Actual Harvest		Original Cruise	Actual Harvest
Pine					
Pulpwood	10,136.00	17,808.98	\$12.58	\$127,510.88	\$224,036.97
Pine Chip n					
Saw	4,354.80	953.03	\$16.05	\$69,894.54	\$15,296.13
Pine					
Topwood	1,320.00	693.99	\$11.58	\$15,285.60	\$8,036.40
Total	15,810.8	18,762.01		\$212,691.02	\$239,333.10
% Estimate		118.67%			112.53%

### Reforestation, Pine Seedling Release

Longleaf pine seedlings planted during the 2012 planting season were sprayed from May 15–21 by Progressive Solutions. Often referred to as band spraying, the chemical application of a 3-foot-wide strip of herbicide over recently planted longleaf pine seedlings benefits the establishment of those seedlings by reducing competition from surrounding vegetation and provides more favorable conditions for tree growth and survival. The contractor worked diligently and efficiently in covering 965 acres in eight days.

### Prescribed Fire

**Summary Table FY 2012**

	<b>2012 Target Acres</b>	<b>Acres Complete</b>
SRWMD	14,000	4,064
FFS TRSF	2,000	1,009
<b>TOTAL</b>	<b>16,000</b>	<b>5,073</b>

Contractors conducting prescribed burns on Suwannee River Water Management District (District) lands this year are Wildland Fire Services (WFS) and B&B Dugger Inc. (B&BD). Also included are the acres the Florida Forest Service burns on Twin Rivers State Forest (FFS TRSF). The Florida Forest Service (FFS COOP) will also provide a crew to burn additional acres on both District tracts and Twin Rivers State Forest.

**2012 Activity Table (5/12 - 6/8)**

<b>TRACT</b>	<b>COUNTY</b>					<b>Total Acres</b>	<b>Total Wildfire Acres</b>
		WFS	B&BD	FFS COOP	FFS TRSF		
Ellaville	Madison	127				127	
Falmouth Spring	Suwannee	186				186	
Mattair Springs	Suwannee	126				126	
Christian	Suwannee	102				102	
Westwood East	Hamilton				172	172	
<i>Sub-total for Period</i>		541	0	0	172	713	0
<i>Previous Acres Burned</i>		3,523	0	0	837	<b>4,360</b>	450
<b>Total Acres</b>		<b>4,064</b>	<b>0</b>	<b>0</b>	<b>1,009</b>	<b>5,073</b>	<b>450</b>

The rainfall received from isolated thunderstorms and tropical storm Beryl has started to relieve dry conditions throughout the District. Burn managers took advantage of these improved conditions by completing several burns over the last week of the report period.

Throughout the summer, burn managers will continue to look for burning opportunities following any significant rain events. No additional wildfires occurred on District land during the report period.

Meteorologists are forecasting La Niña conditions to end with a gradual return to more normal temperatures and rainfall patterns. The development of consistent rainfall patterns should benefit prescribed burning efforts throughout the summer. A complete Florida Forest Service Fire Weather Outlook can be found online at: [http://www.floridaforestservice.com/fire\\_weather/forecast/seasonal\\_forecast.html](http://www.floridaforestservice.com/fire_weather/forecast/seasonal_forecast.html)

Non-native, Invasive Weed Monitoring and Control

Of the 28 invasive weed infestations monitored, living weeds were observed and treated at 17 sites. The majority of the infestations are Japanese Climbing Fern.

# Infestations	Invasive Weed	Infested Tracts	Acres
4	Chinaberry	Holton Creek	0.04
		Withlacoochee Quail Farms	0.02
		Total Acreage	0.06
11	Japanese Climbing Fern	Holton Creek	21.77
		Osteen	2.49
		Purvis Landing	0.12
		Withlacoochee Quail Farms	0.75
		Total Acreage	25.13
2	Mimosa	Falling Creek Falls	0.02
		Withlacoochee Quail Farms	0.06
		Total Acreage	0.08

District contractor Edko began treating non-native, invasive weeds at the Tyree Tract on June 4 and completed the work on June 11. The most prominent weed on this tract is Japanese Climbing Fern. Approximately 6.5 acres of widely scattered infestations are documented on the tract; however staff knew that additional infestations were scattered throughout the area. The contractor covered the entire tract by foot, treated any invasive weed that was encountered, and collected GPS points of the treatment locations.

The contractor will begin treatment on 70 acres of non-native, invasive weeds at the Lake Rowell Tract on June 18. Work is expected to be completed by the end of June.

Rare Species Monitoring

District staff monitors rare species locations during the appropriate season to ensure the species persistence on District lands. Threats and/or stressors to the rare species are documented and addressed to prevent any further degradation.

During the weeks of May 14–June 8, 2012, District staff monitored the following rare species:

- One tract was monitored for presence of Chapman’s Sedge (*Carex chapmanii*; Threatened); at least three of the multiple specimens recorded on this tract were observed flowering.
- Ten wading bird rookeries were visited to determine nesting activity. Wading birds (herons, egrets, storks) nest communally in trees and shrubs that are surrounded by water (i.e. dome/floodplain swamps, ephemeral wetlands). This affords a certain amount of protection from ground-dwelling nest predators, such as raccoons, opossums, and snakes. During dry conditions, when there is little or no standing water in these wet areas, wading birds will oftentimes forego nesting in historically active rookeries.

Only one rookery was observed active during monitoring; it was located next to a small pond. No standing water was observed at any of the other historically active wading bird rookeries, and no wading birds were observed.

## PUBLIC RECREATION SERVICES

The District and Florida Wildlife Conservation Commission partnered to develop The Rivers of AWE, which is a map of the recreation opportunities on the Aucilla, Wacissa and Econfina Rivers. On May 30, 2012, the paddling trails on these rivers were designated as National Recreation Trails by the United States Department of Interior.

Suwannee Bicycle Association held their annual Suwannee Bicycle Festival in White Springs on May 4-6 with over 150 participants. Many participants rode the off-road bicycle trails on District lands.

Mowing of the road and parking area for the Lukens Tract canoe launch has been completed.

The table below shows special use authorizations issued this month.

Recreation	Temporary Ingress & Egress	Mallory Swamp ATV Trail	Total
22	6	12	40

gal  
008-00025

## MEMORANDUM

TO: Governing Board  
FROM: Brian Kauffman, Senior Professional Engineer  
DATE: June 21, 2012  
RE: Water Resource Projects Program Activity Report

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

District staff met with the City of Starke's representatives on April 27, 2012, to discuss the proposed interlocal agreement. The District's general counsel has modified the agreement based on discussions during that meeting. Staff met representatives from Bradford County on April 27, 2012, to review the project. Staff then met with the Bradford County Soil & Water Conservation District to review the project. On June 5, the City of Starke approved the amended interlocal agreement. Staff will be scheduling a meeting with FDOT in July to discuss the status of the Starke By-pass project.

In addition, the District has received an appraisal for the back 14 acres of the KOA property. An offer to purchase the property was sent to the owner on April 4, 2012. The District and the owner met on May 11, 2012, to discuss the offer.

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

Levy County: The Letter of Final Determination was issued on May 2, 2012, and based on this letter the new flood insurance study will become effective on November 2, 2012.

Fiscal Year 2009 projects: The appeal period for the Live Oak Detailed Study has been published in the Federal Register. Legal Notices will also be posted twice in the local newspaper. The studies in Dixie, Gilchrist and Lafayette County are all progressing towards preliminary map production.

Fiscal Year 2010 projects: AMEC is underway with Risk MAP projects in the Lower Suwannee watershed. AECOM is performing a detailed study on Pickett and Adams Lakes in Lafayette County to be integrated into the Lower Suwannee Risk MAP project. Atkins is providing ongoing support for program management.

Fiscal Year 2011 projects: District staff has amended contracts with Atkins to begin Discovery for the Upper Suwannee and Santa Fe rivers Risk Map Studies.

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

Staff attended a public meeting sponsored by the Bradford County Soil and Water Conservation District on May 22 to discuss the control structure. The

public was supportive of the District's proposal to use FEMA funds to study the affect of operating the lake's control structure. Staff then met with county officials on May 31 to discuss the District's proposal. The county requested staff attend an upcoming County Commission meeting to discuss the proposal with all of the commissioners.

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

Hydromentia has submitted a Phase I proposal to the District to install an algal turf scrubber system on the Suwannee River. Staff continues to consider further implementation of this project.

### **Bell Springs Restoration**

The Florida Fish & Wildlife Conservation Commission (FWC) has applied for grant money to restore the Bell Springs' spring run on District land in Columbia County. FWC has been approved for \$55,000 of restoration funding for this project starting July 1, 2012. FWC has requested project management assistance from the District. District staff plans to meet with FWC in early July to discuss the project's schedule.

### **Home Depot/Cannon Creek Wetland Mitigation**

District staff has prepared a draft interlocal agreement with Columbia County to outline the responsibilities of each entity as it relates to the mitigation of wetlands impacted by two stormwater projects proposed by Columbia County. The Army Corps of Engineers provided their evaluation of the wetland impacts to the District and the interlocal agreement was modified based on their evaluation. The agreement has been reviewed by the District's general counsel and will now be submitted to Columbia County for their review. Columbia County is working with the District to obtain an environmental resource permit for the Cannon Creek stormwater improvement project. The permit should be issued by the end of June. District staff is working with the county engineer to determine if these projects are eligible for the TMDL Water Quality Restoration Grant administered by FDEP.

### **Water Conservation Program**

The Florida Rural Water Association (FRWA) and District staff completed water conservation field audits for the following schools: Columbia County High, Trenton High, Suwannee County Primary, Hamilton County Elementary and Bronson Elementary. Reports for each school are being finalized. After reviewing the results, the FRWA, District and school staff will meet to discuss the report and determine which water conservation recommendations should be implemented. District and FRWA staff also met with Gilchrist County and the City of Bronson to discuss providing a conservation audit for the utilities.

### **Big Bend Water Authority**

In July 2011, the Governing Board agreed to provide \$250,000 toward the cost of connecting existing homes and businesses to the new centralized wastewater system being designed for the town of Steinhatchee. The new wastewater system will help ensure protection of the estuary's water quality. The Big Bend Water Authority board approved the interlocal agreement with the District at their meeting on March 22, 2012. Construction is scheduled to begin in July 2012.

### **Minimum Flows and Levels Survey Contract**

Staff is currently reviewing the upper Suwannee River deliverables submitted by the surveying contractor. After the data is reviewed for quality control, it will then be sent to the MFL engineering contractor. On May 25, the District issued a Request for Qualifications to survey the middle portion of the Suwannee River. Submissions are due June 22.

### **Hydrologic and Water Quality Improvement Projects on District-Owned Lands**

The Water Resources Projects team is working with Land Management on several projects on District-owned properties to improve hydrologic and water quality conditions. The projects include erosion control and sediment removal at Otter Springs, erosion control at 47 Bridge, and ditch block installation at Mallory Swamp and Steinhatchee Rise to improve groundwater and wetland hydrology.

Please feel free to contact staff prior to the July 10, 2012, Governing Board meeting if you would like further information.

/bk

# Compliance

updated 6/21/2012 9:00:07 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	7/21/2012	Unpermitted construction.	Douglas McKoy	Permit denial removed from May 2010 Board agenda. 8/2/10; information received. 11/1/10; engineer stated the response submittal was in the mail. 1/3/11; RAI response received. 1/25/11; RAI sent. 4/21/11; received an extension request. Extension granted until 6/2/11. 6/8/11; received RAI information. 8/5/11; received RAI response. 9/2/11; RAI sent. Meeting 9/22/11; working on revising mitigation plan. As of 11/16/11, no response received. 12/6/11; emailed respondent for update. January 2012 Board for denial & enforcement proceedings. 1/4/12; received additional information concerning mitigation plan. 1/9/12; received environmental audit. Governing Board granted Respondent 60 days to complete application. 3/29/12; received response. Staff reviewing submittal. 4/24/12; RAI sent. Received responses from applicant on 5/23/12. 6/15/12; meeting to discuss mitigation alternatives. 6/21/12; RAI sent. 30 days to respond.	Webster, Patrick
CE10-0026	COLUMBIA	4/20/2010		Unpermitted construction.	Sam Oosterhoudt-Lake City Developers, LLC.	4/20/10; SWO delivered. 4/26/10; NOV sent. 5/21/10; file to legal. 5/26/10; Engineer hired. Legal action on hold. 7/26/10; received ERP application. 8/11/10; sent RAI. 11/15/10; sent 18 day letter. 1/11/11; extension letter sent. 2/4/11; meeting with Respondent. 2/25/11; Compliance Agreement (CA). 3/14/11; signed & executed CA sent to Respondent. 5/18/11; received costs & partial penalty. 5/31/11; Respondent defaulted on CA. June 2011 Board for initiation of legal action. 7/12/11; Board contacted Respondent. As of 8/5/11; no information received. August 2011 Board for initiation of legal action. 8/8/11; penalties, application fee & as-builts received. 8/8/11; close file. 9/12/11; file reopened. 9/1/11; surety check returned for stop payment. 10/4/11; 14 days to pay for returned check. November 2011 Board. 11/8/11; Board deferred action until December 2011. 11/8/11; received Letter of Credit for review. January 2012 Board for revocation of permit & enforcement proceedings. 1/10/12; Respondent stated he would fix the issues. Enforcement placed on hold. 3/1/12; on site meeting Respondent given outline of actions needed to bring project into compliance.	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	6/30/2012	No as-builts.	Fred Shore - Gulf Breeze Partners, LLC.	20 days to contact District. 06/17/11; received call from Respondent. 7/13/11; on-site meeting. Respondent to modify the permit. 09/13/11; sent 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 engineer. Owners will not modify permit at present. Owners will submit corrected as-builts on or before 11/15/11. 11/21/11; call from engineer to discuss as-builts. Initial review indicates detention ponds are not adequate. 12/27/11: extended deadline. 1/05/12; call with engineer and owner. As builts complete and engineer is updating drawings to bring permit into compliance. DEP has requested optional plans since the site will be divided into dual ownership. New field data is being compiled and revised plans will be submitted jointly to District and DEP by 6/30/12.	Bowden, Jerry
CE12-0009	TAYLOR	2/23/2012	7/13/2012	Unpermitted excavation & wetland fill.	Enrique Villagomez	Site visit was conducted on 04/06/12, and it was determined that dredging impacts existing but fill was not as clearly-defined. Fill might have been used on-site for the homesite and back yard. On 4/23/12, the certified NOV returned-unclaimed. However, Respondent did respond to the NOV that was delivered by conventional mail. Staff encouraging Respondent to obtain permit or restore the site. Site visit scheduled by 7/13/12.	Mantini, Louis
CE12-0011	SUWANNEE	3/29/2012	7/13/2012	Unpermitted borrow pit.	Donna Whitfield	20 days to contact District. Respondent contacted District on 04/11/12. Site visit conducted on 4/17/12, with complainant's brother (John Cox. 386.935.4701), and impacts to neighbor's property were confirmed (erosion of property boundary). 5/21/12; Compliance Agreement sent to Respondent for signatures, and Respondent's family has requested the District consider modification of the CA in response. The modification of the CA has been completed and waiting approval from staff.	Mantini, Louis
CE12-0016	LEVY	5/11/2012	9/9/2012	Clearing within 75-foot setback.	Greg Griffis	20 days to submit WOD application. 6/4/12; received WOD application. RAI sent 6/20/12.	Hastings, John
CE12-0017	COLUMBIA	5/10/2012	6/27/2012	Clearing in setback of river.	Jack & Eva Harden	20 days to contact District.	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>
CE12-0004	ALACHUA	2/14/2012	7/19/2012	Unpermitted fill in wetlands.	Gary Yelvington/Yelvington on Distribution Center	20 days to contact District. District was contacted in the prescribed period and has been in contact with the Yelvington's environmental consultant, Ecosystem Research Corporation (ERC). ERC has been delineating wetland boundaries and assisting Eng Denman & associates with an alternative site plan that will involve fill removal from wetlands. A revised impact delineation was received on 04/25/12. A meeting was attended scheduled with Yelvington's engineering and environmental consultant's on 04/30/12, to discuss mitigation of impacted area. 6/19/12; mitigation plan received. Staff reviewing submittal.	Mantini, Louis
CE10-0042	UNION	10/10/2010	9/20/2012	Unpermitted construction.	John Rimes, III - New River Forest Villas	04/04/11; information received. 5/11/11; letter sent; 30 days submit compliance deadline. 05/26/11; 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. Engineers to propose a phased approach to permit application in order. 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. 10/5/11; sent letter to Respondent 30 days to submit ERP application & supporting documentation. 11/4/11; received ERP application. 11/30/11; RAI sent. An extension for RAI response was granted, per request, until 5/28/12. Response received by deadline, but staff must decide how to proceed with permitting/enforcement, because Respondent claims partial culpability on behalf of Town of Worthington Springs - Staff to meet on 6/13/12, and decided to proceed by requiring Respondent to modify his application to include properties clearly under the ownership of New River Forest Villas. 6/21/12; waiting approval to send RAI.	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	7/10/2012	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. 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. 10/24/11; received returned (refused) certified compliance agreements. Compliance Agreement re-sent on 10/31/11 by first class mail. Staff inspected on 11/25/11, and remedial actions have not been performed which consist of restoring a berm adjacent to the ditch that traverses the property and drains towards the west. Presented at January 2012 Board for approval of enforcement proceedings. Received signed CA agreement 1/19/12.4/13/12; site meeting. Contacted Mr. Hake on 6/4/12 and informed him that staff would recommend enforcement if remedial actions prescribed by CA were not completed by 6/30/12. Presenting at July 2012 Board for approval to sent to legal.	Mantini, Louis
CE11-0007	GILCHRIST	2/9/2011		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 Respondent 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; resent CA. 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 Respondent stating sudden health issues.10/28/11; sent email extending his execution of the compliance agreement to 11/30/11. Met with Respondent on 1/26/12. 3/13/12; staff reviewing preliminary variance request. 5/18/12; received Variance Request. 5/23/12; Variance request sent to legal for review. Legal review indicates that the variance form was acceptable. 6/21/12; Final Order & permit being reviewed by staff.	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>
CE11-0010	GILCHRIST	3/17/2011	7/25/2012	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. As of 1/17/12, Mr. Roberts has been given clearance to do some light work activity. He has been slowly working on removing the piles. Staff conducted an onsite inspection with the owner on 7/7/12. It was verified that progress has been made. Will continue to monitor.	Webster, Patrick
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
CE11-0036	TAYLOR	8/24/2011	6/30/2012	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. 1/27/12; sent 18 day letter. 2/10/12; requested 15 additional days to send RAI response. 3/8/12; received RAI information. Staff preparing Compliance Agreement. 4/4/12: sent RAI. 45 days to respond with a 05/19/12 deadline not satisfied; staff will consider an extension to 06/30/12, if requested, per discussion with Mr. Howard and subsequent 6/1/12, e-mail correspondence made part of the permit file. Mr. Howard indicated that all of the necessary items are ready.	Mantini, Louis

**MEMORANDUM**

TO: Governing Board  
FROM: George T. Reeves, Esq., Board Counsel  
DATE: July 5, 2012  
RE: Enforcement Status Report

**ADMINISTRATIVE MATTERS WITHIN THE DISTRICT**

<b>Respondent</b>	<b>Justin M. Fitzhugh</b>
<b>Enforcement Number / County</b>	<b>CE05-0046 / Columbia</b>
<b>Violation</b>	<b>Non-Functioning Stormwater Management System &amp; Failure to Submit As-Builts</b>
<b>Legal Counsel</b>	<b>Brannon, Brown, Haley &amp; Bullock</b>
<b>Date Sent to Legal</b>	<b>July 1, 2010</b>
<b>Target Date</b>	<b>Ongoing</b>
<b>Legal Fees to date</b>	<b>\$2,111 (approximate)</b>

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. 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. Columbia Bank now owns property. Staff and counsel have contacted the Bank regarding requirements to resolve violation. Staff was contacted by a general contractor working for the bank regarding resolution to this violation on October 6, 2011.

Counsel contacted Columbia Bank's attorney regarding the remedial work required. Columbia Bank's attorney will notify the bank that a contractor needs to be employed quickly, if not already done so, and the remedial work performed as soon as possible.

An adjoining landowner has contacted the District regarding a possible purchase of the subject property and modification of his permit to include and remedy the current non-functioning system located on the subject property.

The property at issue has been sold and the buyer has contacted the District regarding the remedial work needed. **No change since last report.**

<b>Respondent</b>	<b>Derrick Freeman</b>
<b>Enforcement Number / County</b>	<b>CE08-0043 / Suwannee</b>
<b>Violation</b>	<b>Unpermitted Structure in Floodway</b>
<b>Legal Counsel</b>	<b>Brannon, Brown, Haley &amp; Bullock</b>
<b>Date sent to Legal</b>	<b>August 9, 2010</b>
<b>Target Date</b>	<b>Ongoing</b>
<b>Legal Fees to date</b>	<b>\$667 (approximate)</b>

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. A complaint will be filed in the Circuit Court on or before November 30, 2011, along with a motion to place the case in abeyance until such time that Mr. Freeman is able to be served and defend the lawsuit or appoints a person to represent him.

Counsel spoke with the mortgage company's attorney and notified the company of existing violations on the property. Counsel is preparing and will send a formal letter to the mortgage company detailing the existing violations and remedies.

Mortgage Company put on notice of the outstanding violations existing on the property. Counsel was notified that Freeman has filed a Suggestion of Bankruptcy. As such, the finalization of the foreclosure matter is on hold until either the bankruptcy is resolved or the mortgage company is given authorization to proceed with the foreclosure. **No change since last report.**

<b>Respondent</b>	<b>Richard Oldham</b>
<b>Enforcement Number / County</b>	<b>CE10-0024 / Bradford</b>
<b>Violation</b>	<b>Unpermitted Pond &amp; Deposition of Spoil Material</b>
<b>Legal Counsel</b>	<b>Brannon, Brown, Haley &amp; Bullock, P.A.</b>
<b>Date sent to legal</b>	<b>October 13, 2011</b>
<b>Target Date</b>	<b>July 31, 2012</b>
<b>Legal Budget / Legal Fees to date</b>	<b>\$5,000 / \$2,473</b>

A Notice of Violation was sent to Mr. Oldham on April 13, 2010. After numerous attempts to correct this violation, the file was sent to counsel. Counsel notified Mr. Oldham twice regarding the action needed to remedy the situation.

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.

At the September 2011 Governing Board meeting, the Board authorized Counsel to seek resolution for failure to comply with District rules.

Administrative Complaint and Order ready to be signed by Executive Director and served on Oldham once approved by Board Counsel.

Counsel has received authorization from Board counsel to proceed with the Administrative Complaint. The Complaint will now be finalized and executed and served on Mr. Oldham.

**Administrative Complaint is being review by District staff for execution.**

<b>Respondent</b>	<b>Scott McNulty</b>
<b>Enforcement Number / County</b>	<b>CE10-0045 / Levy County</b>
<b>Violation</b>	<b>Unpermitted Excavation &amp; Road Construction</b>
<b>Legal Counsel</b>	<b>Robinson, Kennon &amp; Kendron, P.A.</b>
<b>Date sent to legal</b>	<b>March 7, 2011</b>
<b>Target Date</b>	<b>Ongoing</b>
<b>Legal Budget / Legal Fees to date</b>	<b>\$5,500 / \$2,031.50</b>

District discovered that unpermitted excavation and road construction had occurred in the Cedar Key Heights Subdivision and may have occurred in jurisdictional wetlands within 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. 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 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.

Staff met with Board Counsel and Legal Counsel on December 20, 2011, to discuss resolution options. It was the wishes of Board Counsel that we proceed with an Administrative Complaint.

Administrative Complaint filed on March 13, 2012. Defendant served March 29, 2012. Notice of Appearance and Answer, Affirmative Defense and Request for Hearing filed on April 18, 2012, by Defendant's attorney, Edith Richman. The Request for Hearing filed by Attorney Richman was deficient in that it did not have all the requirements in it required by Title 28 of the Florida Administrative Code.

Defendant filed an Amended Petition for Referral to DOAH, and the matter is to be referred by the Board to DOAH for an Administrative Hearing. **The Administrative Hearing has been set for August 17, 2012.**

<b>Respondent</b>	<b>Larry R. Sigers</b>
<b>Enforcement Number / County</b>	<b>CE08-0072 / Columbia</b>
<b>Violation</b>	<b>Unpermitted Dredge &amp; Fill</b>
<b>Legal Counsel</b>	<b>Robinson, Kennon &amp; Kendron, P.A.</b>
<b>Date sent to legal</b>	<b>October 5, 2011</b>
<b>Target Date</b>	<b>March 12, 2012</b>
<b>Legal Budget / Legal Fees to date</b>	<b>\$7,500 / \$8,184.99</b>

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 Board in March 2011. The Consent Agreement, upon final signature, became Final Order 11-0001.

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

At the September 2011 Governing Board meeting, the Board authorized Counsel to seek resolution. Enforcement file sent to staff legal counsel on October 5, 2011, to resolve violation for failure to comply with District rules.

Defendant has been successfully served. On December 6, 2011, Defendant filed a Motion to Dismiss and a Motion for More Definite Statement. On December 8, 2011, Defendant filed an Amended Motion to Dismiss. The two motions have been set for hearing on March 12, 2012.

A mediation was held on May 10, 2012, and a tentative settlement agreement was reached whereby the Defendant would pay the sums required in the Consent Order and, based on the decision of the Board, would either convey the 31 acres to the Board, or pay the penalty set forth in the Consent Agreement.

The Governing Board executed the Final Order regarding Mr. Sigers and the conveyance of the 31 acres set forth in the Consent Agreement at its May 29, 2012 meeting. Legal to prepare deed to property. **The reporting requirements in the Consent Agreement now must be monitored by staff to insure compliance. The payment by Mr. Sigers has already been made, and transmitted to the District on June 12, 2012.**

<b>Respondent</b>	<b>Rodney O. Tompkins</b>
<b>Enforcement Number / County</b>	<b>CE11-0001 / Gilchrist</b>
<b>Violation</b>	<b>Unpermitted Water Use</b>
<b>Legal Counsel</b>	<b>Springfield Law, P.A.</b>
<b>Date sent to legal</b>	<b>October 3, 2011</b>
<b>Target Date</b>	<b>August 16, 2012</b>
<b>Legal Budget / Legal Fees to date</b>	<b>\$4, 271</b>

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.

At September 2011 Governing Board meeting, the Board instructed staff to prepare a Final Order ordering Mr. Tompkins to cease water use until he obtains a water use permit from the District. Enforcement file sent to staff legal counsel on October 3, 2011, to serve Cease and Desist order.

The Cease and Desist Order was served on Tompkins on October 28, 2011. Mr. Tompkins requested an extension of time to respond which was approved by the District. Attorney Terrence Kann sent counsel a written response to the Cease and Desist Order on November 27, 2011. Staff requested Governing Board authorization on December 13, 2011, to file an administrative complaint in this matter.

On January 11, 2012, this matter was transferred from Staff Counsel Lindsey Lander to Staff Counsel, Jennifer Springfield. Staff Counsel is preparing an administrative complaint, which will be completed by February 10, 2012, and will initiate formal enforcement proceedings against Respondent. In the meantime, the District has received a second public records request (dated January 27, 2012) from Respondent's attorney and a second response letter (dated January 30, 2012) to the District's "Cease and Desist Notice." Respondent's attorney requested an in-person, on-site meeting.

The requested on-site meeting occurred on March 8, 2012; Jon Dinges and Staff Counsel attended for the District; Rodney and Rhonda Tompkins and attorney, Terry Kann, attended on behalf of the property/dairy owner. An action plan was orally agreed to by all persons present, which includes the owner submitting a water use application demonstrating that the current water use is as efficient as possible. Counsel has also been assisting staff in responding to public records requests from the property owner and from Mr. Steve Gladin. Counsel intends to draft a letter to the owner's attorney setting forth in writing the terms discussed on March 8, 2012, which will include a deadline to submit the application.

Staff counsel sent a certified letter to counsel for the property owner, Terry Kann, on March 9, 2012, which was received on March 12, 2012. The letter requested that a written response or permit application be provided to the District within ten days of its receipt. Counsel received a written response from Mr. Kann via electronic mail on March 14, 2012, regarding some of the details of the agreement. Staff counsel coordinated with staff to draft a written reply, which was finalized and sent to Mr. Kann on March 29, 2012. In its reply, District staff/counsel tried to explain some of the legal constraints applicable to all water uses/permit applicants in the District. Consequently, negotiations with the property owner are continuing, however, if the owner fails to submit an application within the next 30 days, Counsel intends to serve the administrative complaint.

Staff counsel completed drafting the Administrative Complaint on April 15, 2012 and provided it to staff for execution by the Executive Director. The next day, April 16, 2012, staff received a *copy* of an incomplete original application via facsimile transmission. Staff decided to treat the submittal as initiating the permit application process, even though basic information and technical data are

missing, including an original signature, application fee, and water conservation forms. While staff are attempting to informally obtain some of the required information, if it is not received on or before May 7, 2012, staff will prepare a formal request for additional information. Also, subsequent to submittal of the application, staff counsel received another letter from Terry Kann, attorney for the property owner, on April 18, 2012, expressing continuing concerns regarding the details of any water use permit proposed by the District.

The property owner failed to submit any additional information or application fee prior to the District’s deadline to request additional information. Therefore, on May 16, 2012, a RAI was sent to Mr. Tompkins as Trustee for the property owner, which provided an additional 90 days to submit the needed documentation and fee. **No change since last report.**

<b>Respondent</b>	<b>Cannon Creek Airpark</b>
<b>Enforcement Number / County</b>	<b>CE05-0031/ Columbia</b>
<b>Violation</b>	<b>Unpermitted Construction</b>
<b>Legal Counsel</b>	<b>Springfield Law, P.A.</b>
<b>Date sent to legal</b>	<b>February 2006</b>
<b>Target Date</b>	<b>In Permit Process</b>
<b>Legal Fees to date</b>	<b>\$7,048.50</b>

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.

District staff met with Columbia County on February 28, 2012, to discuss outstanding RAI items and expect to soon receive additional information from the County. Columbia County proposes to “bundle” the wetland mitigation required for this project with mitigation being provided for a Home Depot project. Staff plans to discuss this approach with the District’s Governing Board. **No change since last report.**

**CIRCUIT COURT MATTERS**

<b>Respondent</b>	<b>Charlie Hicks, Jr.</b>
<b>Enforcement Number / County</b>	<b>CE07-0087 / Madison County</b>
<b>Violation</b>	<b>Unpermitted Construction in Floodway</b>
<b>Legal Counsel</b>	<b>Brannon, Brown, Haley &amp; Bullock, P.A</b>
<b>Date sent to legal</b>	<b>October 30, 2008</b>
<b>Target Date</b>	<b>Ongoing</b>
<b>Legal Fees to date</b>	<b>\$21,536.50</b>

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.

Due to the Judge's unavailability on February 7, 2012, the trial has been rescheduled for March 12, 2012. The Judge had to reschedule again due to his unavailability on March 12, 2012.

The nonjury trial on damages was conducted on April 3, 2012. The Court entered its Final Judgment awarding the District a total amount of \$31,794.07, which consisted of a \$10,000 penalty, an award of attorneys' fees of \$19,454.50, and legal and investigative costs totaling \$2,339.57.

A conformed copy of the judgment has been recorded in the public records and counsel is prepared to execute on the Final Judgment. Counsel recommends the Board authorize counsel to proceed in executing on the Judgment, which will allow counsel to begin the sheriff's sale process. **No change since last report.**

<b>Respondent</b>	<b>Steven Midyette</b>
<b>Enforcement Number / County</b>	<b>CE07-0065 / Gilchrist County</b>
<b>Violation</b>	<b>Unpermitted Clearing &amp; Filling of Wetlands &amp; Unpermitted Construction</b>
<b>Legal Counsel</b>	<b>Brannon, Brown, Haley &amp; Bullock, P.A</b>
<b>Date sent to legal</b>	<b>September 9, 2008</b>
<b>Target Date</b>	<b>Ongoing</b>
<b>Legal Fees to date</b>	<b>\$9,190.00</b>

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.

Status conference conducted on December 30, 2011, where Midyette represented to the Court that remedial work was progressing. A follow-up status conference is scheduled in March 2012.

The majority of remedial work has been accomplished. The parties are currently negotiating the attorneys' fees and costs and penalty amount to be paid by Midyette. A status conference is set for April 20, 2012.

Status conference held May 25, 2012, new Judge (Judge McDonald) appointed to case. Judge requested a two week extension to try and reach resolution. If no resolution is reached, she will set trial date.

**The Court has scheduled a status conference to be conducted on August 28, 2012.**

<b>Respondent</b>	<b>Paul Moody</b>
<b>Enforcement Number / County</b>	<b>CE10-0009 / Bradford County</b>
<b>Violation</b>	<b>Unpermitted Construction of a Water Well by an Unlicensed Contractor</b>
<b>Legal Counsel</b>	<b>Brannon, Brown, Haley &amp; Bullock, P.A</b>
<b>Date sent to legal</b>	<b>February 18, 2010</b>
<b>Target Date</b>	<b>Ongoing</b>
<b>Legal Fees to date</b>	<b>\$3,205</b>

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.

Pursuant to the Final Judgment on Liability, Counsel will seek entry of an injunction against Mr. Moody and will assess the viability of seeking a money judgment against him. **No change since last report.**

<b>Respondent</b>	<b>Bill McCans / Sonic Drive-In</b>
<b>Enforcement Number / County</b>	<b>CE08-0037 / Bradford</b>
<b>Violation</b>	<b>Non-Function Pond with Off-Site Impacts</b>
<b>Legal Counsel</b>	<b>Brannon, Brown, Haley &amp; Bullock, P.A</b>
<b>Date sent to legal</b>	<b>July 1, 2010</b>
<b>Target Date</b>	<b>In permit process</b>
<b>Legal Fees to date</b>	<b>\$3,906</b>

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. McCans is reviewing the proposed settlement agreement.

Revisions made to proposed Settlement Agreement and sent to McCans attorney for review.

A status conference was held on March 15, 2012. This matter has been scheduled for trial on July 9, 2012. The parties are continuing to negotiate a settlement.

The parties have reached a settlement whereby Mr. McCans has agreed to perform the remedial work necessary to bring the system into proper functioning status and pay the District a penalty of \$4,000, administrative costs of \$2,170.90 and attorneys' fees of \$3,000. Mr. McCans has signed the Stipulated Settlement Agreement, which will be filed with the Court upon execution by the District.

The Settlement Agreement was filed with the Court.

**The Court entered its Order adopting the Settlement Agreement. Therefore, this matter will be removed from the Report next month.**

<b>Respondent</b>	<b>El Rancho No Tengo, Inc.</b>
<b>Enforcement Number / County</b>	<b>CE05-0017 / Columbia</b>
<b>Violation</b>	<b>Unpermitted Construction</b>
<b>Legal Counsel</b>	<b>Springfield Law, P.A.</b>
<b>Date sent to legal</b>	<b>January 2006</b>
<b>Target Date</b>	<b>April 30, 2012</b>
<b>Legal Fees to date</b>	<b>\$251,759</b>

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.

A chapter 12 confirmation hearing in federal bankruptcy court was held on September 12, 2011. This is an evidentiary hearing at which the District's motion to dismiss was heard, as well as Jeffrey Hill's Amended Motion for Sanctions against District counsel and co-counsel in the El Rancho No Tengo case. Mr. Still and Mr. Dinges, who were under subpoena, were briefly questioned by Mr. Hill. The District did not present any testimony, but offered a number of exhibits, which were admitted. The Court took the matter under advisement.

Because six months have passed without a ruling from the Bankruptcy Court on the District's motion to dismiss, Staff Counsel suggested and the Executive Director agreed to request the District's bankruptcy attorney, Lance Cohen, to file a motion to have the automatic stay modified to allow the District to take action to perfect its title in the real property. Mr. Cohen is preparing to file such a motion.

On March 22, 2012, the Bankruptcy Court granted the District's motion to dismiss the Chapter 12 bankruptcy case filed by Jeffrey Hill. On March 28, 2012, District staff recorded the Sheriff's deed with the Columbia County Clerk's Office. Staff is

considering further action to remove a possible cloud on the title, which may require Governing Board approval.

Staff counsel, in coordination with Governing Board counsel and staff, have been working on developing a recommendation regarding whether further legal action is necessary to vest good title to Defendant's property in the District as satisfaction of the District's two final judgments awarding civil penalties, costs, and attorney's fees to the District; and, if so, what action would be most efficient and certain. Governing Board counsel will be making a recommendation to the Board regarding this matter on May 8, 2012.

**Jeffrey Hill filed a Motion for Rehearing and Clarification with the Bankruptcy Court on April 2, 2012, which was denied on May 3, 2012. On May 16, 2012, Mr. Hill filed a Notice of Appeal of the Bankruptcy Court's May 3<sup>rd</sup> Order. The District's bankruptcy counsel, Lance Cohen, is responding to the appeal. Staff presented a recommendation to the Governing Board on May 29, 2012, regarding the real property title issue. The Governing Board requested that additional information be provided at its Workshop scheduled for June 12, 2012. At the June 12<sup>th</sup> workshop, the Governing Board deferred the discussion of this matter to a later date. Staff was directed to meet with the newer Board members individually to bring them up to date and after this was done to schedule a meeting with Mr. Hill, Mr. Williams and Mr. Reeves to discuss possible settlement.**

<b>Plaintiff</b>	<b>Jeffrey L. Hill, Sr. and Linda P. Hill</b>
<b>Enforcement Number / County</b>	<b>CE11-0045 / Columbia</b>
<b>Violation</b>	<b>NA</b>
<b>Legal Counsel</b>	<b>SRWMD Insurance Legal Counsel</b>
<b>Date sent to legal</b>	<b>August 2011</b>
<b>Target Date</b>	<b>Ongoing</b>
<b>Legal Fees to date</b>	<b>\$9,550</b>

This is not a District enforcement matter, but appears to have been prompted by one. This matter concerns a circuit court complaint recently filed against the District by Jeffrey and Linda Hill arising out of the District's enforcement litigation against El Rancho No Tengo, Inc. In summary, the Complaint alleges that the District has violated Plaintiffs' personal and property rights, acted with recklessness and malice, taken Plaintiffs' personal and property, forced Mr. Hill into bankruptcy, and caused Plaintiffs psychological and emotional harm. The request for relief includes returning all real and personal property taken, permanently enjoining the District from taking Plaintiffs' property, damages in the amount of \$1,000,000.00, renewal and reinstatement of a writ dated August 4, 1991, and costs and attorney's fees. District Counsel has responded by filing a motion to dismiss, strike and for more definite statement. Counsel is currently researching whether a judgment on the merits may also be available at this stage

of the proceeding. In any event, Counsel will soon request a hearing on the District's motion(s).

On October 20, 2011, Plaintiffs served an Amended Complaint to which Counsel responded by serving an Amended Motion to Dismiss and Strike. Counsel also provided a draft Motion to Award [§57.105, F.S.] Attorney's Fees to Plaintiffs on November 17, 2011. Counsel attended a hearing on the District's amended motion to dismiss and strike the amended complaint on December 9, 2011. The Court dismissed three counts of Hills' amended complaint and struck three more, but also gave the Hills 30 days from the date the order is signed to file a second amended complaint.

Counsel drafted and delivered an order to the Hills for review and comment on December 19, 2011. Comments on the draft order are due from the Hills to Counsel on December 22, 2011, at which time Counsel will send a proposed order to Judge Parker. Once a second amended complaint is filed by the Hills, Counsel will prepare an answer with affirmative defenses.

Rather than commenting to Staff Counsel on the District's draft proposed order, Plaintiff's filed their "Objection to Proposed Order," but not before Staff Counsel submitted the District's proposed order to Judge Parker on December 26, 2011. Thereafter, the District's proposed order was entered and Plaintiffs filed a timely motion for rehearing. On January 25, 2012, this case was transferred from Staff Counsel Jennifer Springfield to Staff Counsel Lindsey Lander. In February, this case was transferred to the District's Insurance Claim Services. **No change since last report.**

<b>Respondent</b>	<b>Linda Fennell</b>
<b>Enforcement Number / County</b>	<b>CE06-0107 / Lafayette</b>
<b>Violation</b>	<b>Unpermitted Construction in Floodway</b>
<b>Legal Counsel</b>	<b>Brannon, Brown, Haley &amp; Bullock, P.A</b>
<b>Date sent to legal</b>	<b>July 2009</b>
<b>Target Date</b>	<b>Ongoing</b>
<b>Legal Fees to date</b>	<b>\$13,610</b>

The Governing Board denied the permit 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 was informed by her attorney that Ms. Fennell is willing to raise the structure above the 100-year flood elevation; however, Ms. Fennell is unwilling to remove the structure to a location 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 Ms. Fennell's attorney to reschedule the trial.

Staff is sending a settlement proposal to Fennell's attorney to require removal of the dock, raising the home above the 100-year flood level, payment of the District's costs and attorneys' fees, and application of a deed restriction or similar instrument allowing the home to stay within the 75-foot setback for the duration of Fennell's ownership. The settlement proposal, if acceptable to Fennell, will be brought to the Governing Board for action. A hearing on Ms. Fennell's Motion to amend Answer and demand a jury trial was heard by the Court on December 1, 2011. The Court took the Motion under advisement and will issue a ruling within a few weeks.

Staff Counsel in discussion with Fennell's counsel, regarding settlement and mediation if necessary.

The Court entered an Order allowing Defendant's amendment to her Answer but denied Defendant's demand for a jury trial. Counsel has provided Defendant with a settlement offer but has yet to receive a response. **No change since last report.**

<b>Respondent</b>	<b>Jeffrey Hill / Haight Ashbury Subdivision</b>
<b>Enforcement Number / County</b>	<b>CE04-0003 / Columbia</b>
<b>Violation</b>	<b>Not Built in Accordance with Permitted Plans</b>
<b>Legal Counsel</b>	<b>Springfield Law, P.A.</b>
<b>Date sent to legal</b>	<b>May 2006</b>
<b>Target Date</b>	<b>June 30, 2012</b>
<b>Legal Fees to date</b>	<b>\$13,176</b>

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 filed a motion for an order to show cause why Jeffrey Hill should not be held in contempt on August 8, 2011, and a hearing was set for October 12, 2011. Counsel immediately withdrew this motion and cancelled the hearing upon receipt of Mr. Hill's Amended Motion for Sanctions on August 12, 2011, which alleged that counsel's actions were in violation of the automatic stay that resulted from Mr. Hill's bankruptcy filing. Counsel intends to re-file the motion and reset the hearing immediately following a decision by the bankruptcy court on September 12, 2011 (see above discussion under Suwannee River Water

Management District v. El Rancho No Tengo, Inc.). Counsel will not charge any fees to the District for actions necessitated by the filing of this motion, which may have violated the automatic stay.

Once the bankruptcy Court rules on the District's motion to dismiss and Mr. Hill's motion for sanctions, Counsel intends to ask the Court to schedule another case management conference, as well as a hearing to determine the civil penalty amount and amount of the of the District's costs and attorney's fees, all of which have already awarded. Counsel and staff have been preparing the District's presentation concerning these amounts.

Staff Counsel and Governing Board Counsel met with Columbia County Attorney, Marlin Feagle, to discuss the possibility of the county performing the necessary corrective action and assuming the long-term operation and maintenance responsibility under the District's permit. Property access issues were also discussed. Thereafter, Mr. Feagle discussed staff's proposal with the County Engineer, Public Works Director, and County Manager. Discussions are ongoing between District staff and County staff.

Staff Counsel is drafting an agreement between the District and the County setting forth the County's offer to obtain the necessary legal access and perform the correction action required on the stormwater management system.

Thereafter, the District will transfer the permit to the County as the perpetual operation and maintenance entity. In exchange for the County's assistance, and other actions agreed to by the County to help the District resolve two other long-standing ERP violations, the District contemplates donating an approximate 42-acre parcel of land on Alligator Lake that adjoins County-owned property.

Staff counsel prepared an initial draft of an Interlocal Agreement with the County needed to further the negotiations. Prior to providing the proposed agreement to the County Attorney, counsel sent it to District staff on March 7, 2012, for their review and comment. Since the Bankruptcy Court's automatic stay is no longer in effect due to the dismissal of Jeffrey Hill's Chapter 12 case, in the event this recent attempt to resolve the violation fails, counsel will reschedule the District's motion for an order to show cause why Jeffrey Hill should not be held in contempt and set a hearing on the amount of the civil penalty award and the amount of the costs and attorney's fees award. **No change since last report.**

<b>Respondent</b>	<b>Jeffrey Hill / Smithfield Estates-Phase 1</b>
<b>Enforcement Number / County</b>	<b>CE04-0025 / Columbia</b>
<b>Violation</b>	<b>Not Built in Accordance with Permitted Plans</b>
<b>Legal Counsel</b>	<b>Springfield Law, P.A.</b>
<b>Date sent to legal</b>	<b>May 2006</b>
<b>Target Date</b>	<b>June 30, 2012</b>
<b>Legal Fees to date</b>	<b>\$13,176</b>

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 filed a motion for an order to show cause why Jeffrey Hill should not be held in contempt on August 8, 2011, and a hearing was set for October 12, 2011. Counsel immediately withdrew this motion and cancelled the hearing upon receipt of Mr. Hill's Amended Motion for Sanctions on August 12, 2011, which alleged that counsel's actions were in violation of the automatic stay resulting from Mr. Hill's bankruptcy filing. Counsel intends to re-file the motion and reset the hearing immediately following a decision by the bankruptcy court on September 12, 2011 (see above discussion under Suwannee River Water Management District v. El Rancho No Tengo, Inc.). Counsel will not charge any fees to the District for actions necessitated by the filing of this motion, which may have violated the automatic stay.

Once the bankruptcy Court rules on the District's motion to dismiss and Mr. Hill's motion for sanctions, Counsel intends to ask the Court to schedule another case management conference, as well as a hearing to determine the civil penalty amount and the amount of the District's costs and attorney's fees, all of which have already been awarded. Counsel and staff have been preparing the District's presentation concerning these amounts.

Staff Counsel is drafting an agreement between the District and the County setting forth the County's offer to obtain the necessary legal access and perform the correction action required on the stormwater management system.

Thereafter, the District will transfer the permit to the County as the perpetual operation and maintenance entity. In exchange for the County's assistance, and other actions agreed to by the County to help the District resolve two other long-standing ERP violations, the District contemplates donating an approximate 42-acre parcel of land on Alligator Lake that adjoins County-owned property.

Staff counsel prepared an initial draft of an Interlocal Agreement with the County needed to further the negotiations. Prior to providing the proposed agreement to the County Attorney, counsel sent it to District staff on March 7, 2012, for their review and comment. Since the Bankruptcy Court's automatic stay is no longer in effect due to the dismissal of Jeffrey Hill's Chapter 12 case, in the event this recent attempt to resolve the violation fails, counsel will reschedule the District's motion for an order to show cause why Jeffrey Hill should not be held in contempt and set a hearing on the amount of the civil penalty award and the amount of the costs and attorney's fees award. **No change since last report.**

**PENDING COMPLIANCE MATTERS:**

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

Suwannee River Water Management District

Governing Board Materials

## Executive Office

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

Director of Governmental Affairs

Assistant Executive Director

Executive Director

## MEMORANDUM

TO: Governing Board

FROM: Steven Minnis, Director of Governmental Affairs

THRU: Ann Shortelle, Ph.D., Executive Director

DATE: July 2, 2012

RE: Authorization for Executive Director to Expend Funds to Address  
Emergency Conditions Associated with Tropical Storm Debby and  
Notification to Executive Office of the Governor and Legislative Budget  
Commission for Expenses Resulting from Tropical Storm Debby

### RECOMMENDATION

**Staff recommends that the Governing Board authorize the Executive Director to expend funds to address emergency conditions and to approve Resolution 2012-19 notifying the Executive Office of the Governor and the Legislative Budget Commission of unanticipated funds expended by the District in response to Tropical Storm Debby.**

### BACKGROUND

Rainfall from Tropical Storm Debby throughout the District ranged from 6" to 26", and in Hamilton and Columbia County exceeded the 0.2% annual chance of flood (500-year) event. The Suwannee River at White Springs had an unofficial stage of 85.23 feet on June 27, 2012, the third highest flood at White Springs since record keeping began in 1906. Tropical Storm Debby has caused significant flooding throughout the District. District staff is providing emergency relief to assist local governments in addressing various flood issues. The District's emergency response is consistent with state emergency procedures. Unanticipated expenses are being incurred and reimbursement for emergency activities associated with Tropical Storm Debby will be pursued.

Subsection 373.536(4)(d), Florida Statutes, requires the District to notify the Executive Office of the Governor and the Legislative Budget Commission if the Governing Board expends funds for a disaster or emergency.

/lgw

**SUWANNEE RIVER WATER MANAGEMENT DISTRICT**

**RESOLUTION NO. 2012-19**

**RESOLUTION NOTIFYING THE EXECUTIVE OFFICE OF THE GOVERNOR  
AND THE LEGISLATIVE BUDGET COMMISSION OF UNANTICIPATED  
EMERGENCY EXPENSES INCURRED RESULTING FROM TROPICAL  
STORM DEBBY**

**WHEREAS**, subsection 373.536(4)(d), Florida Statutes, requires a water management district governing board to notify the Executive Office of the Governor and the Legislative Budget Commission of funds expended for a disaster or emergency;

**WHEREAS**, rainfall from Tropical Storm Debby for the Suwannee River Water Management District ranged from 6" to 26";

**WHEREAS**, rainfall from Tropical Storm Debby in Hamilton and Columbia Counties exceeded the 0.2% annual chance of flood (500-year) event;

**WHEREAS**, the Suwannee River at White Springs crested on June 27, 2012, with an unofficial stage of 85.23 feet, the third highest flood at White Springs since 1906;

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

- (1) Notification is hereby provided to the Executive Office of the Governor that the Suwannee River Water Management District has and will expend funds for emergency purposes resulting from Tropical Storm Debby.
- (2) Notification is hereby provided to the Legislative Budget Commission that the Suwannee River Water Management District has and will expend funds for emergency purposes resulting from Tropical Storm Debby.

**PASSED AND ADOPTED THIS 10<sup>TH</sup> DAY OF JULY, 2012 A.D.**

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

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**MEMBERS OF THE BOARD:**

**DON QUINCEY, CHAIRMAN  
ALPHONAS ALEXANDER, VICE CHAIRMAN  
RAY CURTIS, SECRETARY/TREASURER  
KEVIN W. BROWN  
GEORGE M. COLE  
HEATH DAVIS  
VIRGINIA H. JOHNS  
CARL E. MEECE  
GUY N. WILLIAMS**

**ATTEST:**

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## MEMORANDUM

TO: Governing Board

FROM: Ann Shortelle, Ph.D., Executive Director  
Charlie Houder, Asst. Executive Director  
Steve Minnis, Governmental Affairs Director

DATE: June 21, 2012

RE: Activity Report, Executive Office

The following is a brief summary of activities by Ann Shortelle, Charlie Houder and Steve Minnis from May 25, 2012 through June 20, 2012.

Ann:

- Gave a presentation at the Florida Lake Management Society meeting in Gainesville.
- Attended the planning meeting for the CARES dinner.

Charlie:

- Attended the Santa Fe River Conditions meeting at Poe Springs Lodge.
- Gave a presentation to the Gilchrist County Commission regarding water shortage.
- Attended the Agricultural Water Policy Council meeting in Gainesville.
- Attended the Florida Leaders Organized for Water (FLOW) meeting in Lake City.

Steve:

- Participated in a proposed Stephens Springs project with regulatory staff and Taylor County Administrator Jack Brown and Commissioner Lonnie Houck.
- Met with Bobby Crosby, Gilchrist County Manager, Mike Cassidy, Dixie County Manager, and Taylor Brown, City of Trenton Manager.
- Contacted 51 local governments and 13 sheriff departments regarding the water shortage order.
- Provided water shortage order presentations to Levy County and the cities of Chiefland, Fanning Springs, High Springs.
- Assisted in internal water shortage order coordination.
- Participated in the monthly Rural Economic Development Initiative conference call.
- Participated in the bi-weekly WMD/DEP conference call.

Suwannee River Water Management District

Governing Board Materials

## Supplemental

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

Assistant Executive Director

Executive Director

## MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, Senior Engineer

DATE: July 2, 2012

RE: Approval of a Work Order Increase in the matter of Suwannee River Water Management District (District) v. Larry Sigers, CE08-0072

### RECOMMENDATION

**Staff recommends Governing Board approval of a work order increase for legal expenditures in the matter of the District v. Larry Sigers from \$7,500 to a new amount not to exceed of \$8,600.**

### BACKGROUND

In September 2011, the Governing Board authorized Counsel to seek resolution of this matter. Staff sent the enforcement file to staff legal counsel on October 5, 2011, for failure to comply with a Final Order of the Governing Board.

Staff initiated work in this matter by issuing work order number 10/11-144.001 to Robinson, Kennon & Kendron, P.A., for a fee not to exceed \$5,000. In preparation for mediation, the Governing Board approved a new legal budget of \$7,500 at its April 2012 meeting.

Staff participated in mediation on May 10, 2012. The Governing Board approved the mediation settlement on May 29, 2012.

Counsel informed staff on July 2, 2012, that completing resolution of this matter will require additional expenditure not to exceed \$8,600.

/rl

## MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, Senior Engineer

DATE: July 2, 2012

RE: Authorization for Executive Director to Execute an Agreement with St. Johns River Water Management District (SJRWMD) Accepting Permitting Responsibilities Regarding Water Use Permit Number 2-92-00021, Keystone Golf and Country Club

### RECOMMENDATION

**Staff recommends the Governing Board authorize the Executive Director to execute an agreement with St. Johns River Water Management District (SJRWMD) accepting permitting responsibilities regarding Water Use Permit Number 2-92-00021, Keystone Golf and Country Club.**

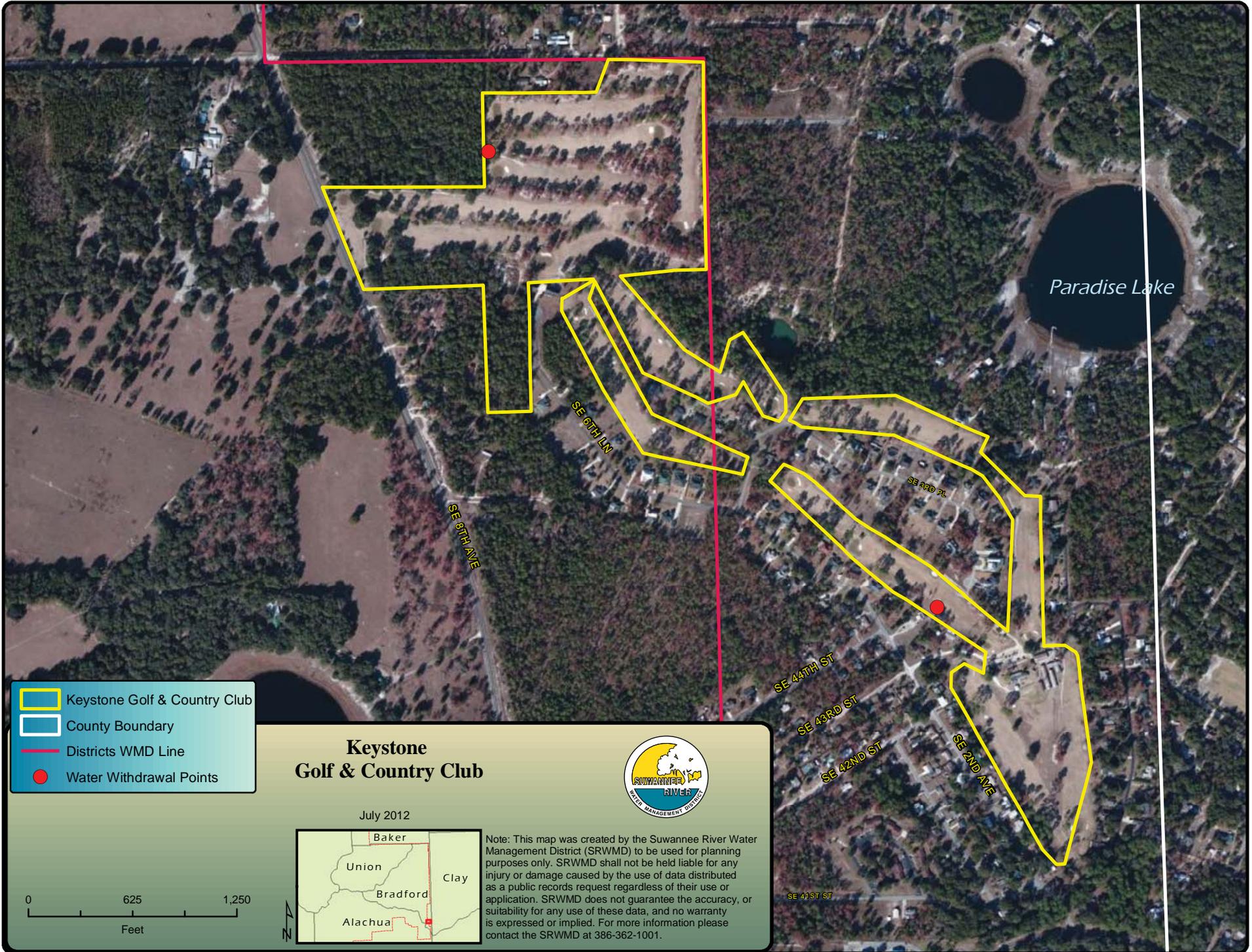
### BACKGROUND

The Keystone Golf and Country Club has been issued permit number 20-007-411-3 by SJRWMD pursuant to Part II, Chapter 373, F.S., for water withdrawal and use from that portion of its project located within the jurisdictional boundaries of the SJRWMD.

The majority of Keystone Golf and Country Club's proposed water use and area to be irrigated are within Suwannee River Water Management District (SRWMD).

The designation of SRWMD as the district responsible for this project allows for more efficient and less costly regulation.

/rl



-  Keystone Golf & Country Club
-  County Boundary
-  Districts WMD Line
-  Water Withdrawal Points

**Keystone  
Golf & Country Club**

July 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.





**INTERAGENCY AGREEMENT BETWEEN  
THE SUWANNEE RIVER WATER MANAGEMENT DISTRICT  
AND THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT  
FOR THE DESIGNATION OF REGULATORY  
RESPONSIBILITY FOR WATER USE PERMITTING OF THE  
KEYSTONE GOLF AND COUNTRY CLUB**

THIS INTERAGENCY AGREEMENT is made and entered into by and between the SUWANNEE RIVER WATER MANAGEMENT DISTRICT (hereinafter "SRWMD") and the ST. JOHNS RIVER WATER MANAGEMENT DISTRICT (hereinafter "SJRWMD").

WITNESSETH:

WHEREAS, the geographic area of the water use proposed by Keystone Golf and Country Club lies solely in Bradford County but crosses the jurisdictional boundaries of SRWMD and SJRWMD; and

WHEREAS, the Keystone Golf and Country Club is seeking renewal of Water Use Permit 2-92-00021 issued by SRWMD pursuant to Part II, Chapter 373, Florida Statutes (F.S.), for water withdrawal and use from that portion of its project located within the jurisdictional boundaries of the SRWMD; and

WHEREAS, the Keystone Golf and Country Club has been issued permit number 20-007-411-3 by SJRWMD pursuant to Part II, Chapter 373, F.S., for water withdrawal and use from that portion of its project located within the jurisdictional boundaries of the SJRWMD; and

WHEREAS, the majority of Keystone Golf and Country Club's proposed water use and area to be irrigated are in SRWMD; and

WHEREAS, Subsection 373.046(6), F.S., authorizes a water management district to designate, via an interagency agreement, regulatory responsibility to another water management district over a project that crosses the jurisdictional boundaries of both water management districts; and

WHEREAS, the designation of the SRWMD as the water management district with Part II, Chapter 373, F.S., regulatory responsibility for Keystone Golf and Country Club would allow for more efficient processing of permit applications under that part; and

WHEREAS, the SJRWMD and the SRWMD desire to designate the SRWMD as the water management district with Part II, Chapter 373, F.S., regulatory responsibility for Keystone Golf and Country Club's Water Use Permit pursuant to Part II, Chapter 373, F.S.;

NOW THEREFORE, the SJRWMD and the SRWMD, under the authority of Subsection 373.046(6), F.S., hereby agree as follows:

1. The SRWMD is designated as the water management district that will have all regulatory responsibilities under Part II of Chapter 373, F.S., for the withdrawal and use of water for Keystone Golf and Country Club's water supply facility located in SJRWMD. Such regulatory responsibilities shall include receiving, processing, and taking final agency action on all water use permit applications, or modifications or renewals thereof, and taking any compliance and enforcement action with regard to those permits.
2. This agreement will commence upon execution by all parties and will remain in effect until either party terminates such agreement for its convenience upon ninety (90) days' written notice to the other party.

IN WITNESS THEREOF, each party or lawful representative has executed this agreement on the date set forth next to their signature below.

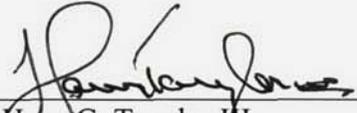
**SUWANNEE RIVER WATER MANAGEMENT DISTRICT**

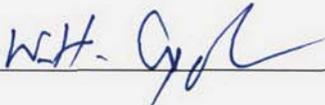
By: \_\_\_\_\_  
Ann B. Shortelle, Ph.D  
Executive Director

Attest: \_\_\_\_\_

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

**ST. JOHNS RIVER WATER MANAGEMENT DISTRICT**

By:  \_\_\_\_\_  
Hans G. Tanzler III  
Executive Director

Attest:  \_\_\_\_\_

Date: June 26, 2012

**[THE REST OF THIS PAGE INTENTIONALLY LEFT BLANK]**

## MEMORANDUM

TO: Governing Board  
FROM: Ann Shortelle, Ph.D., Executive Director  
DATE: July 5, 2012  
RE: Authorization for Executive Director to Implement Emergency Compensation Practices Consistent with the State of Florida

### RECOMMENDATION

**Staff recommends that the Governing Board authorize the Executive Director to implement emergency compensation practices consistent with the emergency compensation practices of the State of Florida.**

### BACKGROUND

District staff is responding to flooding emergencies caused by Tropical Storm Debby. The District's response has and may continue to result in staff working hours in excess of the standard 40-hour work week.

Current District personnel policies do not address compensation policies and practices for emergency responses by staff.

The Emergency Situation section of the Department of Environmental Protection attendance and leave policies authorizes staff compensation for those who have been assigned to work more than their standard 40-hour work week as follows:

1. Staff classified as non-exempt, or subject to the provisions of the Fair Labor Standards Act, may elect to receive cash payments for all overtime hours worked in response to an assignment, at the rate of 150% of their hourly rate, or may elect to receive time off at a rate of 150% of the time worked.
2. Staff classified as exempt, or not subject to the provisions of the Fair Labor Standards Act, may elect to receive time off for all overtime hours worked in response to an assignment at a rate of 100% of the time worked.