

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

**OPEN TO THE PUBLIC**

February 12, 2013  
9:00 a.m.

District Headquarters  
Live Oak, Florida

1. Call to Order
2. Roll Call
3. Additions, Deletions, or Changes to the Agenda
4. Approval of Agenda
5. Items Recommended on Consent
  - A. Agenda Item 7 - Approval of Minutes - January 8, 2013 and January 23, 2013 Governing Board Meeting Minutes
  - B. Agenda Item 10 - Approval of December 2012 Financial Report
  - C. Agenda Item 21 - Denial Without Prejudice of Works of the District Permit Application Number ERP12-0083M, Robert Adams District Floodway Dock, Suwannee County
6. Approval of Recommended Consent Items
7. Approval of Minutes – January 8, 2013 and January 23, 2013 Governing Board Meeting Minutes
8. Items of General Interest for Information/Cooperating Agencies and Organizations
  - A. Presentation of 30-Year Service Award to Leah Lamontagne
  - B. Presentation of Hydrologic Conditions by Megan Wetherington, Senior Professional Engineer
  - C. Cooperating Agencies and Organizations
  - D. Public Comment
9. Public Hearings
  - A. Agenda Item 25 - **Public Hearing** and Adoption of Resolution Number 2013-01 and Amendment to 2013 Florida Forever Work Plan

Page 5

**DIVISION OF ADMINISTRATIVE SERVICES**  
**Joe Flanagan, Director**

AS Page 1

10. Approval of December Financial Report

**DIVISION OF LAND RESOURCES**  
**Charles H. Houder, III, Director**

- LR Page 1            11. Authorization to Enter Into a Contract with Pardue Land Surveying for Boundary Painting Services
- LR Page 3            12. Approval of Resolution No. 2013-02 Fiscal Year 2012-2013 Legislative Appropriations from the Water Management Trust Fund
- LR Page 6            13. Land Resources Activity Summary

**DIVISION OF WATER SUPPLY**  
**Carlos Herd, P.G., Director**

No Items

**DIVISION OF WATER RESOURCES**  
**Erich Marzolf, Ph.D., Director**

No Items

**DIVISION OF RESOURCE MANAGEMENT**  
**Tim Sagul, P.E., Director**

- RM Page 1            14. Approval of Water Use Permit Application Number 2-83-00142.005, Suwannee Farms, Suwannee County
- RM Page 11           15. Approval of Water Use Permit Application Number 2-12-00065.001, Seldom Rest Diversified, Suwannee County
- RM Page 21           16. Approval of Water Use Permit Application Number 2-12-00064.001, Seldom Rest, Suwannee County
- RM Page 31           17. Approval of Water Use Permit Application Number 2-12-00073.001, Absaroka Holdings, LLC, Hamilton County
- RM Page 43           18. Approval to Enter Into Contracts for the 2<sup>nd</sup> Quarter Department of Environmental Protection Santa Fe River Basin Management Action Plan (BMAP) Agricultural Cost-Share Program
- RM Page 46           19. Approval to Enter Into Contracts for the 2<sup>nd</sup> Quarter District Agricultural Cost-Share Program
- RM Page 49           20. Approval of Florida Department of Transportation Mitigation Plan 2013-2017
- RM Page 61           21. Denial Without Prejudice of Works of the District Permit Application Number ERP12-0083M, Robert Adams District Floodway Dock, Suwannee County – **Consent**



AGENDA  
SUWANNEE RIVER WATER MANAGEMENT DISTRICT  
GOVERNING BOARD WORKSHOP

OPEN TO THE PUBLIC

February 12, 2013  
Following the Governing Board Meeting

District Headquarters  
Live Oak, Florida

1. MFLs
2. Water Use Monitoring
3. El Ranch No Tengo, Inc. Update
4. Five Year Capital Improvement Plan

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  
January 8, 2013

PCS Phosphate Conference Center  
White Springs, 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	Virginia H. Johns		X	
At Large	Carl Meece		X	
At Large	Guy N. Williams		X	
At Large	Gary Jones		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>
Executive Director	Ann Shortelle	X	
Assistant Executive Director	Jon Dinges	X	
Governmental Affairs and Communications Director	Steve Minnis	X	
Administrative Services Division Director	Joe Flanagan	X	
Land Resources Division Director	Charles H. Houder. III	X	
Water Supply Division Director	Carlos Herd	X	
Water Resources Division Director	Erich Marzolf	X	
Resource Management Division Director	Tim Sagul	X	
GB & HR Coordinator	Lisa Cheshire	X	

Guests:

Kevin Wright, SRWMD  
Sara Alford, SRWMD  
Bill McKinstry, SRWMD  
Megan Wetherington, SRWMD  
Hugh Thomas, DACS  
Rhonda Scott, SRWMD  
Matt Yates, Resource Conservative Partners-MIL, Steinhatchee  
D. Dale Bryant, Resource Conservative Partners-MIL, Steinhatchee  
Paul Still, Bradford Soil & Water, Starke  
Roland Garcia, Tallahassee  
Craig Varn, Manson Law Group, Tallahassee  
Annette Long, Save Our Suwannee, Inc., Chiefland  
Steven Gladin, Trenton  
Jeff Hill, Lake City  
James Cornett, Cornett's Spirit of the Suwannee, Live Oak  
Robin Young, Cornett's Spirit of the Suwannee, Live Oak  
Stan Posey, PCS Phosphate, White Springs  
Terry Baker, PCS Phosphate, White Springs

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

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

Addition:

Resource Management

- Authorization to Enter into a Memorandum of Understanding with the Florida Fish & Wildlife Commission (FWC) on the Bell Springs Restoration Project and Approval of Resolution 2012-74

Deletions:

- Land Resources - Authorization to Enter into a Lease with Florida Gateway College for Ecological Studies on the Lake City Wellfield Tract in Columbia County
- Resource Management -Agenda Item 15 - Denial Without Prejudice of Works of the District Permit Application Number12-0083M, Robert Adams District Floodway Project, Suwannee County

Changes:

- Resource Management -Agenda Item 16 – Page 12 and 13 updated.
- Executive – Agenda Item 22 – formatting changes

Agenda Item No. 5 – Approval of Agenda.

Agenda Item No. 6 – Consent Agenda.

- Agenda Item 7 – Approval of Minutes
- Agenda Item 9 - Approval of November Financial Report

- Agenda Item 10 – Declaration of Surplus Property and Disposition

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

MR. ALEXANDER MADE A MOTION TO ACCEPT THE AGENDA AND CONSENT 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, JOHNS, JONES, MEECE, WILLIAMS AND QUINCEY.)

Agenda Item No. 8– September 11, 2012 Governing Board Meeting, Workshop and 1<sup>st</sup> Public Hearing Minutes and September 25, 2012 Governing Board Meeting and Final Public Hearing Minutes. Approved on consent.

Agenda Item No. 9 - Items of General Interest for Information/Cooperating Agencies and Organizations.

- A presentation of the Hydrologic Conditions was given by Megan Wetherington, Senior Professional Engineer.

Chairman Quincey requested that the order of the presentation for Agenda Items 16, 21, 22 and supplemental be moved to the beginning of the agenda.

Agenda Item No 21 -- Public Hearing on Update of the 2013 Florida Forever Work Plan. Jon Dinges, Assistant Executive Director, gave an overview and presented the staff recommendation for acceptance of the 2013 Florida Forever Work Plan as required by Section 373.199 (7) F.S.

Chairman Quincey opened the public hearing for comments. There were no public comments. The public hearing was closed.

MR. ALEXANDER MADE A MOTION TO ACCEPT THE 2013 FLORIDA FOREVER WORK PLAN AS REQUIRED BY SECTION 373.199 (7) F.S. THE MOTION WAS SECONDED BY MRS. JOHNS. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, JOHNS, JONES, MEECE, WILLIAMS AND QUINCEY.)

Agenda Item No 22 -- Public Hearing on Fiscal Year 2014-2018 Strategic Plan. Steve Minnis, Governmental Affairs & Communications Director, gave an overview and presented the staff recommendation for acceptance of the draft five year Strategic Plan as required by Section 373.036 (2)(e)3, F.S.

Chairman Quincey opened the public hearing for comments.

Paul Still provided comments.

Annette Long provided comments.

The definition of non structural flood protection was discussed.

The public hearing was closed.

MRS. JOHNS MADE A MOTION TO ACCEPT THE DRAFT FIVE YEAR STRATEGIC PLAN AS REQUIRED BY SECTION 373.036 (2)(E)3, F.S. THE MOTION WAS SECONDED BY MR. MEECE. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, JOHNS, JONES, MEECE, WILLIAMS AND QUINCEY.)

Supplemental Agenda Item – Public Hearing and Authorization to Enter into a Memorandum of Understanding with the Florida Fish & Wildlife Commission (FWC) on the Bell Springs Restoration Project and Approval of Resolution 2012-74 Declaring the Bell Springs Restoration Project in Columbia County as an Environmental Restoration and Enhancement Project. Tim Sagul, Division Director, presented the staff recommendation to authorize the Executive Director to enter into a Memorandum of Understanding with the FWC in order to outline the commitments of each agency on the Bell Springs restoration project and recommendation for approval, during public hearing, Resolution 2012-74 declaring the Bell Springs restoration project as an environmental restoration and enhancement project, as shown in the Board materials.

Chairman Quincey opened the public hearing for comments. There were no public comments.

The public hearing was closed.

DR. COLE MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE FWC IN ORDER TO OUTLINE THE COMMITMENTS OF EACH AGENCY ON THE BELL SPRINGS RESTORATION PROJECT AND RECOMMENDATION FOR APPROVAL, DURING PUBLIC HEARING, RESOLUTION 2012-74 DECLARING THE BELL SPRINGS RESTORATION PROJECT AS AN ENVIRONMENTAL RESTORATION AND ENHANCEMENT PROJECT. THE MOTION WAS SECONDED BY MRS. JOHNS. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, JOHNS, JONES, MEECE, WILLIAMS AND QUINCEY.)

Agenda Item No 16 -- Public Hearing and Authorization to Publish Notice of Change and File Amendments to 40B-2.301 and 40B-2.331, F.A.C. Mr. Sagul presented the staff recommendation for authorization to publish notices of change for sections 40B-2.301 and 40B-2.331, F.A.C and file amendments to 40B-2.301 and 40B-2.331, F.A.C, as shown in the Board materials.

Chairman Quincey opened the public hearing for comments.

Annette Long provided comments.

Hugh Thomas, DACS, discussed educational efforts that have been produced by DACS and the District.

The public hearing was closed.

DR. COLE MADE A MOTION FOR APPROVAL TO PUBLISH NOTICES OF CHANGE FOR SECTIONS 40B-2.301 AND 40B-2.331, F.A.C AND AUTHORIZATION TO FILE AMENDMENTS TO 40B-2.301 AND 40B-2.331. THE MOTION WAS SECONDED BY MR. JONES. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, JOHNS, JONES, MEECE, WILLIAMS AND QUINCEY.)

Paul Still requested that he be able to address the Governing Board regarding Agenda Item 21- Update of the 2013 Florida Forever Work Plan since this agenda item had been moved to the beginning of the meeting and he was not in attendance at the time the item was discussed and voted upon. Mr. Still discussed concerns and presented three projects for inclusion to the Florida Forever Workplan.

#### **DIVISION OF ADMINISTRATIVE SERVICES**

Joe Flanagan, Division Director, introduced Sara Alford, Finance Officer, Suwannee River Water Management District.

Agenda Item No. 10 – Approval of August Financial Report. Approved on consent.

#### **DIVISION OF LAND RESOURCES**

Agenda Item No. 11 – Authorization to Enter into a Lease with Florida Gateway College for Ecological Studies on the Lake City Wellfield Tract in Columbia County. Deleted.

Agenda Item No. 12 – License to Cut Timber with Harley Forest Productions, LLC for the Steinhatchee Rise #1 Timber Sale. Charles Houder, Division Director, presented the staff recommendation to authorize the Executive Director to execute a license to cut timber with Harley Forest Products, LLC, for the Steinhatchee Rise #1 Timber Sale, as shown in the Board materials.

MR. WILLIAMS MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE A LICENSE TO CUT TIMBER WITH HARLEY FOREST PRODUCTS, LLC, FOR THE STEINHATCHEE RISE #1 TIMBER SALE. THE MOTION WAS SECONDED BY MRS. JOHNS. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, JOHNS, JONES, MEECE, WILLIAMS AND QUINCEY.)

Agenda Item No. 13– Land Resources Activity Summary - The Land Resources Activity Summary was provided as an informational item in the Board materials.

#### **DIVISION OF WATER SUPPLY**

No Items.

#### **DIVISION OF WATER RESOURCES**

No Items.

## **DIVISION OF RESOURCE MANAGEMENT**

Agenda Item No 14 -- Denial of Motion for Extension of Time to Request Chapter 120 Hearing and Notice of Intent to Pursue Resolution under Section 70.51, Florida Statutes in the Matter of SRWMD v. Rodney O. Tompkins, Trustee, and Rodney Tompkins, CE11-0001, Gilchrist County. Tim Sagul, Division Director, presented the staff recommendation for the denial of a motion for extension of time to request Chapter 120 Hearing and notice of intent to pursue resolution under Section 70.51, Florida Statutes in the Matter of *SRWMD v. Rodney O. Tompkins, Trustee, and Rodney Tompkins*, CE11-0001, Gilchrist County, as shown in the Board materials.

Mr. Reeves reviewed the history of the legal action already taken and discussed the recommendation.

Steven Braden requested clarification of the due dates and rules for the special masters proceeding.

MR. MEECE MADE A MOTION TO DENIAL OF A MOTION FOR EXTENSION OF TIME TO REQUEST CHAPTER 120 HEARING AND NOTICE OF INTENT TO PURSUE RESOLUTION UNDER SECTION 70.51, FLORIDA STATUTES IN THE MATTER OF *SRWMD V. RODNEY O. TOMPKINS, TRUSTEE, AND RODNEY TOMPKINS*, CE11-0001, GILCHRIST COUNTY. THE MOTION WAS SECONDED BY DR. COLE. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, JOHNS, JONES, MEECE, WILLIAMS AND QUINCEY.)

Agenda Item No 15 – Denial Without Prejudice of Works of the District Permit Application Number12-0083M, Robert Adams District Floodway Project, Suwannee County - Deleted

Agenda Item No 16 – Public Hearing and Authorization to Publish Notice of Change and File Amendments to 40B-2.301 and 40B-2.331, F.A.C. - Approved at the beginning of the meeting.

Agenda Item No 17-- Authorization to Contract for Mobile Irrigation Lab (MIL) Services. Kevin Wright, Agriculture Team Program Leader, presented the staff recommendation to authorize the Executive Director to enter into an agreement with the Florida Department of Agriculture and Consumer Services (FDACS) for Mobile Irrigation Lab Services for a cost not to exceed \$40,000, as shown in the Board materials.

MR. JONES MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO ENTER INTO AN AGREEMENT WITH THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (FDACS) FOR MOBILE IRRIGATION LAB SERVICES FOR A COST NOT TO EXCEED \$40,000. THE MOTION WAS SECONDED BY MR. ALEXANDER. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, JOHNS, JONES, MEECE, WILLIAMS AND QUINCEY.)

Agenda Item No. 18- Authorization to Amend Suwannee River Partnership Cooperative Conservation Technician Services. Mr. Wright presented the staff recommendation for approval to amend the contract for Conservation Technician positions associated with the Suwannee River

Partnership (SRP) program with the Florida Department of Agriculture and Consumer Services (FDACS) for an additional Conservation Technician for a cost that will not exceed \$32,500, as shown in the Board materials.

MR. MEECE MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO AMEND THE CONTRACT FOR CONSERVATION TECHNICIAN POSITIONS ASSOCIATED WITH THE SUWANNEE RIVER PARTNERSHIOP (SRP) PROGRAM WITH THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (FDACS) FOR AN ADDITIONAL CONSERVATION TECHNICIAN FOR A COST THAT WILL NOT EXCEED \$32,500. THE MOTION WAS SECONDED BY MR. ALEXANDER. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, JOHNS, JONES, MEECE, WILLIAMS AND QUINCEY.)

Supplemental Agenda Item – **Public Hearing** and Authorization to Enter into a Memorandum of Understanding with the Florida Fish & Wildlife Commission (FWC) on the Bell Springs Restoration Project and Approval of Resolution 2012-74 Declaring the Bell Springs Restoration Project in Columbia County as an Environmental Restoration and Enhancement Project. Approved at the beginning of the meeting.

Agenda Item No. 19 – Permitting Summary Report. The Permitting Summary Report was provided as an informational item in the Board materials.

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

Agenda Item No. 20 – Governing Board Counsel Monthly Report. The Governing Board Counsel Monthly Report was provided as an informational item in the Board materials. Mr. Reeves gave an update on projects and requested a meeting to discuss the reassignment of attorneys for resolution of past due cases.

#### **EXECUTIVE OFFICE**

Agenda Item No. 21 -- Public Hearing on Update of the 2013 Florida Forever Work Plan. Approved at the beginning of the meeting.

Agenda Item No. 22 -- Public Hearing on Fiscal Year 2014-2018 Strategic Plan. Approved at the beginning of the meeting.

Agenda Item No.23- District's Weekly Activity Reports. The District's Weekly Activity Reports were provided as an informational item in the Board materials. Dr. Shortelle reminded the Governing Board of the January 23, 2013 Teleconference meeting and Steve Minnis gave a brief legislative and budget process update.

The meeting adjourned at 11:38 a.m.

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Chairman

ATTEST:

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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.

1:00 p.m., Wednesday  
January 23, 2013

District Headquarters  
Live Oak, Florida

Governing Board:

Seat	Name	Office	Present	Not Present
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	Virginia H. Johns		**X	
At Large	Carl Meece		X	
At Large	Guy N. Williams			X
At Large	Gary Jones		X	

\*\* present by teleconference

Governing Board General Counsel

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

Staff:

Position	Name	Present	Not Present
Executive Director	Ann Shortelle	**X	
Assistant Executive Director	Jon Dinges	X	
Governmental Affairs and Communications Director	Steve Minnis		X
Administrative Services Division Director	Joe Flanagan		X
Land Resources Division Director	Charles H. Houder, III	X	
Water Supply Division Director	Carlos Herd		X
Water Resources Division Director	Erich Marzolf		X
Resource Management Division Director	Tim Sagul		X
GB & HR Coordinator	Lisa Cheshire	X	

Guests:

Eric Sutton, Florida Fish and Wildlife Conservation Commission, Tallahassee

The meeting was called to order at 1:00 p.m.

### **DIVISION OF LAND RESOURCES**

Agenda Item No. 3 – Recommendation for the Governing Board to approve the third amendment to contract with Rich Property and Investment Group, Inc., to move the closing date to no later than May 1, 2013.

Mr. Curtis made the statement for the record that the Governing Board had been briefed by staff as to the recommendation by all parties to accept a extension of the closing date.

Chairman Quincey called for a motion.

MR. CURTIS MADE A MOTION TO ACCEPT THE RECOMMENDATION FOR THE GOVERNING BOARD TO APPROVE THE THIRD AMENDMENT TO CONTRACT WITH RICH PROPERTY AND INVESTMENT GROUP, INC., TO MOVE THE CLOSING DATE TO NO LATER THAN MAY 1, 2013. THE MOTION WAS SECONDED BY DR. COLE. UPON VOTE OF THE GOVERNING BOARD, THE MOTION CARRIED. (MEMBERS VOTING IN FAVOR: ALEXANDER, BROWN, COLE, CURTIS, JOHNS, JONES, MEECE AND QUINCEY.)

The meeting adjourned at 1:06 p.m.

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Chairman

ATTEST:

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MEMORANDUM

TO: Governing Board

FROM: Joe Flanagan, Director, Division of Administrative Services

DATE: January 28, 2013

RE: Approval of December 2012 Financial Report

RECOMMENDATION

**Staff recommends the Governing Board approve the December 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 as attached.

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.

gal  
enclosure

## CASH ACCOUNT RECAP

DECEMBER 2012

<u>ACCOUNT TITLE</u>	<u>Monthly Interest</u>	<u>Interest Closing Rate %</u>	<u>Balance</u>
Bank of America Permit Fee	\$0.00	0.00%	\$20,457.97
First Federal Permit Fee	\$1.32	0.30%	\$5,458.19
First Federal Depository	\$238.00	0.38%	\$936,415.45
SPIA	\$73,021.80	2.06%	\$44,081,177.68
SBA Fund A	\$8.28	0.25%	\$42,379.17
SBA Fund B	\$0.00	0%	\$700,766.66
<u>Certificate of Deposit-RO Ranch</u>	<u>\$0.00</u>	<u>N/A</u>	<u>\$0.00</u>
TOTALS - ALL ACCOUNTS	\$73,269.40		\$45,786,655.12

**Suwannee River Water Management District  
Statement of Sources and Uses of Funds  
For the Month ending December 31, 2012  
(Unaudited)**

	<b>Current Budget</b>	<b>Actuals Through 12/31/2012</b>	<b>Variance (under)/Over Budget</b>	<b>Actuals As A % of Budget</b>
<b>Sources</b>				
Ad Valorem Property Taxes	\$ 5,200,000	\$ 3,133,682	\$ (2,066,318)	60%
Intergovernmental Revenues	5,853,594	116,418	(5,737,177)	2%
Interest on Invested Funds	158,000	73,273	(84,727)	46%
License and Permit Fees	100,000	18,888	(81,112)	19%
Other	714,583	154,232	(560,351)	22%
Fund Balance	4,075,895	-	(4,075,895)	0%
<b>Total Sources</b>	<b>\$ 16,102,072</b>	<b>\$ 3,496,493</b>	<b>\$ (12,605,579)</b>	<b>22%</b>

	<b>Current Budget</b>	<b>Expenditures</b>	<b>Encumbrances <sup>1</sup></b>	<b>Available Budget</b>	<b>% Expended</b>	<b>% Obligated <sup>2</sup></b>
<b>Uses</b>						
Water Resources Planning and Monitoring	\$ 7,755,083	\$ 339,011	\$ 99,774	\$ 7,316,299	4%	6%
Acquisition, Restoration and Public Works	2,272,848	48,684	-	\$ 2,224,164	2%	2%
Operation and Maintenance of Lands and Works	2,701,117	166,665	1,150	\$ 2,533,302	6%	6%
Regulation	1,472,269	146,375	-	\$ 1,325,894	10%	10%
Outreach	75,000	20,353	1,440	\$ 53,207	27%	29%
Management and Administration	1,825,755	39,071	7,086	\$ 1,779,598	2%	3%
<b>Total Uses</b>	<b>\$ 16,102,072</b>	<b>\$ 760,159</b>	<b>\$ 109,449</b>	<b>\$ 15,232,464</b>	<b>5%</b>	<b>5%</b>

<sup>1</sup> Encumbrances represent unexpended balances of open purchase orders and contracts.

<sup>2</sup> Represents the sum of expenditures and encumbrances as a percentage of the available budget.

This unaudited financial statement is prepared as of Dec 31, 2012, and covers the interim period since the most recent audited financial statements.

MEMORANDUM

TO: Governing Board  
FROM: Charles H. Houder III, Director, Land Resources Division  
DATE: January 28, 2013  
RE: Contract with Pardue Land Surveying for Boundary Painting Services for Fiscal Year 2013

RECOMMENDATION

**Staff recommends the Governing Board authorize the Executive Director to execute a contract with Pardue Land Surveying for boundary painting services, for an amount not to exceed \$18,500.**

BACKGROUND

On December 11, 2012, staff released Request for Proposals RFP 12/13-001 LM for boundary painting services throughout the Econfina, Aucilla, Wacissa, Santa Fe River Basins and other areas in the District as needed. Seven firms responded to the RFP. Proposals were opened on December 26, 2012.

The selection committee of Charles Houder III, Joe Flanagan and Tim Sagul met January 8, 2013, to review the proposals. The committee developed the rankings below:

Firm	City
1. Pardue Land Surveying	Chiefland, FL
2. William Andrews & Son Lawn Care	Cross City, FL
3. Perpetual Contracting, Inc.	Cross City, FL
4. K. V. McHargue, Inc.	Perry, FL
5. Facilities Supply and Service, Inc.	Keystone Heights, FL
6. Landmark Surveyors, Inc.	Jacksonville, FL
7. Southeastern Surveying, Inc.	Valdosta, GA

Proposals were compared on price, firm experience, and demonstrated ability to successfully complete projects of similar size. The selection criterion, as noted in the RFP, reviewed the proposals for the best value to the District amongst the proposals submitted. Ranking was made to select the most cost-effective and qualified firm in the opinion of the District Selection Committee.

The proposal price component of the RFP was determined using the cost for boundary line painting and posting per mile which encompasses 95% of the work. There are three other pricing components that are secondary; boundary posting, installing wood boundary line post and wood corner or monument post, which represents approximately 5% of the work.

Firm	Boundary Line Painting & Posting Cost Per Mile
Pardue Land Surveying	\$ 90.00
William Andrews & Son Lawn Care	\$145.00
Perpetual Contracting, Inc.	\$165.00
K. V. McHargue, Inc.	\$210.00
Facilities Supply and Service, Inc.	\$435.00
Landmark Surveyors, Inc.	\$2,650.00
Southeastern Surveying, Inc.	\$3,000.00

Principal for Pardue Land Surveying is Matt Munksgard. Pardue Land Surveying office is located in Chiefland, Florida. The District has contracted with Pardue Land Surveying for survey work in the past and has been satisfied with the quality of services they have provided.

For the FY 2013 contract, the cost for boundary painting service has been reduced from \$150.00 to \$90.00 per mile an average savings of 39%. Approximately \$30,000 was spent in 2012 for this project. The adopted budget for the FY 2013 was \$25,000 and the proposed contract is for \$18,500, 26% less than the budget amount and approximately 38% less than that spent in FY 2012.

RFP 12/13-001LM

MEMORANDUM

TO: Governing Board

FROM: Charles Houder, Director, Division of Land Resources

DATE: January 28, 2013

RE: Approval of Resolution No. 2013-02 for Fiscal Year 2012-2013,  
Legislative Appropriations

RECOMMENDATION

**Staff recommends the Governing Board approve Resolution No. 2013-02, requesting the release of \$2,439,572.75 in Legislative appropriations from the Secretary of the Department of Environmental Protection.**

BACKGROUND

Chapter 2012-118, Laws of Florida (House Bill 5001 – General Appropriations Act), appropriates \$15,863,535 for the five water management districts from the Water Management Lands Trust Fund for the current fiscal year.

Chapter 2012-119, Laws of Florida (House Bill 5003 implementing the appropriations), amends 373.59, Florida Statutes, to appropriate funds specifically to Suwannee River Water Management District.

The Legislature directed that these funds be administered by the Department of Environmental Protection and be made available for use by the District. Approval of the recommendation will encumber the appropriation and enable staff to receive request disbursements following the end of each quarter.

CH/pf

**SUWANNEE RIVER WATER MANAGEMENT DISTRICT**

**RESOLUTION NO. 2013-02**

**RESOLUTION REQUESTING ENCUMBERANCE AND RELEASE OF FUNDS  
FROM THE WATER MANAGEMENT LANDS TRUST FUND**

**WHEREAS**, the Suwannee River Water Management District has applied for funds for pre-acquisition costs and for management, maintenance, and capital improvements expenses; and

**WHEREAS**, Chapter 2012-118, Laws of Florida (House Bill 5001 – General Appropriations Act), appropriates \$15,863,535 for the five water management districts from the Water Management Lands Trust Fund for the current fiscal year; and

**WHEREAS**, Chapter 2012-119, Laws of Florida (House Bill 5003 implementing the appropriations), amends 373.59, Florida Statutes, to appropriate funds specifically to Suwannee River Water Management District; and

**WHEREAS**, there exists an unencumbered balance of \$2,439,572.75 available to the Suwannee River Water Management District in the Water Management Lands Trust Fund; and

**WHEREAS**, Section 373.501, Florida Statutes, includes a process for disbursing the funds to the water management districts upon receipt of a resolution adopted by the Governing Board.

**NOW THEREFORE**, be it resolved that the Governing Board of the Suwannee River Water Management District hereby requests the Secretary of the Department of Environmental Protection to encumber and release, in quarterly increments beginning July 1, 2012, those funds to reimburse eligible expenditures as designated by the Legislature for pre-acquisition costs and for management, maintenance, and capital improvements expenses;

**BE IT FURTHER RESOLVED**, that these funds shall be subject to the requirements of Section 215.97, F.S., the Florida Single Audit Act.

**BE IT FURTHER RESOLVED** that these funds shall be subject to the requirements of Section 216.347, F.S. (Grant and Aids Lobbying Restriction); and

**BE IT FURTHER RESOLVED** that this resolution be transmitted to the Secretary of the Department; and

**BE IT FURTHER RESOLVED** that the Chairman of the Governing Board is authorized to affix his signature to this resolution on behalf of the Board and attested by its Secretary.

**PASSED AND ADOPTED THIS 12th Day of February 2013.**

**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  
VIRGINIA H. JOHNS  
GARY F. JONES  
CARL E. MEECE  
GUY N. WILLIAMS**

**ATTEST:**

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## MEMORANDUM

TO: Governing Board  
FROM: Charles H. Houder III, Director, Land Resources Division  
DATE: January 28, 2013  
SUBJECT: Land Resources Monthly Activity Summary Report

The District's land management strategies are designed to ensure a balance between public access, general public recreational purposes, and restoration and protection of the natural state and condition. With this strategy in place it becomes necessary from time to time to maintain roads.

A total of 100 feet of administrative roads repairs was completed on the Santa Fe Ranch Tract, and the Santa Fe Swamp Tract received 400 feet of public road repairs. The R.O. Ranch had 470 feet of administrative road repairs completed. A damaged culvert was replaced and 1.7 miles of public roads was repaired in the Lamont Tract.

Timber continues to be harvested on the following tracts; Blue Sink #2, Goose Pasture #2, Steinhatchee Springs #10, and Buck Bay #1.

Prescribed burns were conducted on the following tracts; Cabbage Creek, Steinhatchee Springs, Mallory Swamp, R.O. Ranch and the Withlacoochee Quail Farm. A total of 900 acres was burned.

The attached report summarizes the status of current surplus land activities for the preceding month. Staff will be prepared to address any tracts of particular interest the Board may wish to discuss at the Governing Board meeting.

## REAL ESTATE

### Conservation Easement Review

Owner	Project Name	Acres	County	2012-2013 Monthly Inspection Date											
				O	N	D	J	F	M	A	M	J	J	A	S
Bailey, Donald and Margaret	Bailey/Cuba Bay Exchange	164	Jefferson												
Bailey Brothers	Bailey Brothers Steinhatchee	16,522	Dixie												
Champion, Roger and Donna	Mount Gilead	180	Madison												
Chinquapin Farm, L.L.C.	Chinquapin Farm	6,350	Columbia, Suwannee												
City of Newberry	Newberry Wellfield	40	Alachua												
Davidson, Dr. C. Linden	Davidson	225	Jefferson												
Deep Creek Plantations	Upper Suwannee	160	Columbia												
Drummond, Graham	Lower Suwannee	543	Levy												
Feagle, Ronald and Dorothy	Bonnet Lake	433	Columbia				X								
Florida Sheriffs Youth Ranches, Inc.	Youth Ranches (I and II)	550	Suwannee												
Geraldine Livingston Foundation	Dixie Plantation	8,902	Jefferson												
Hale and McDaniel	Carter	1,232	Columbia												
Harrell, Curtis and Matthew	Falmouth Addition	912	Suwannee				X								
Jackson, Kevin and Patrice	Jackson	171	Lafayette												
Layman Law Firm	Layman Aucilla	167	Jefferson				X								
Loncala Inc.	Loncala Alapaha	1,141	Hamilton												
Loncala, Inc.	Loncala Gilchrist	913	Gilchrist	X											
Loncala, Inc.	Monteocha Creek	951	Alachua			X									
Mann, Jack & Loy Ann	Manatee Springs Addition	590	Levy												
McEnany Michael and Leanne	Waccasassa 1,	104	Levy												
Meeks, David & Sarah	Manatee Springs Addition	370	Levy												
Moore, Madeline	Moore	115	Jefferson												

Conservation Easement Review (continued)

Owner	Property Name	Acres	County	2012-2013 Inspections												
				O	N	D	J	F	M	A	M	J	J	A	S	
Plantations at Deep Creek, L.L.C.	Deep Creek Exchange	1,038	Colum bia													
Platt, Cody and Carol	Aucilla Addition	274	Jefferson													
Plum Creek Timberlands	Gainesville Wellfield	3,084	Alachua													
Plum Creek Timberlands	Waccasassa Gulf Hammock	21,300	Levy													
Plum Creek Timberlands	Manatee Springs Addition. Oak Hammock	4,588	Levy													
Plum Creek Timberlands	Manatee Springs Addition. Suwannee Swamp	12,797	Levy													
Ragans Hoyt and Betty	Aucilla	755	Jefferson Madison													
Red Hills Land Company	Foster	163	Jefferson													
Sanders, Thomas and Sylvia	Mill Creek	339	Hamilton													
Santa Fe River Hammock, L.L.C.	Santa Fe River Hammock	167	Bradford													
Sheppard, Derwood and Susan	Manatee Springs Addition	120	Levy													
Strickland Field, L.P.	Strickland Field	3,822	Dixie													
Suwannee River Development LLC	Ace Ranch	260	Lafayette													
The Campbell Group	California Swamp	32,134	Dixie			X										
Tisdale Robert	Tisdale	83	Levy													
Usher family trust	Usher	2,023	Levy													
Zellwin Farms, Inc.	Jennings Bluff	362	Hamilton													

Shading denotes month inspection is scheduled to take place. An "X" denotes completed inspection.

Acquisition

<b>OWNER</b>	<b>PROJECT NAME</b>	<b>ACRES</b>	<b>COUNTY</b>	<b>COMMENTS</b>
J.T. Bridges Azure Properties	McAlpin Landing Addition	220	Hamilton	Discussion continue concerning timber lease
Nyman, George & Sharon	Suwannee River Oaks CE	312	Gilchrist	Title review completed by legal. Conservation Easement is being drafted.

Status of Exchange

<b>Tract Name</b>	<b>Acres</b>	<b>County</b>	<b>Acquired Date</b>	<b>Funding Source</b>	<b>Proposal</b>	<b>Status</b>
Ellaville Exchange for Damascus Peanut Company	670	Madison 5/	1998	WMLTF	Proposed as Exchange	Governing Board approved surplus and exchange on 10/9/2012. Contract extension until May 1, 2013
Lamont/Mt. Gilead for Aucilla Land Partners Conservation Easement	114	Madison and Jefferson	9/1998	WMLTF	Proposed as Conservation Easement Exchange	District has notified a web link for interested parties. Exchange request package has been formally sent to DEP for review.

Surplus Lands

<b>Tract Name</b>	<b>Acres</b>	<b>County</b>	<b>Acquired Date</b>	<b>Funding Source</b>	<b>Appraisal Date</b>	<b>Listing Date</b>	<b>Listing Price</b>	<b>Comments</b>
Alligator Lake	43	Columbia	8/10/2001	P2000	Approved in July			Discussion continuing with Columbia County
Bay Creek North	24	Columbia	02/1988	WMLTF	6/14/2010	7/12/2010	Fee entire tract \$60,720	Governing Board approved surplus sale to Craig and Teresa Hanger on December 11, 2012
Blue Sink	79	Suwannee	12/1988	WMLTF	6/14/2010	7/12/2010	Fee entire parcel \$281,600 40-acre parcels \$154,000	

Surplus Lands (continued)

Tract Name	Acres	County	Acquired Date	Funding Source	Appraisal Date	Listing Date	Listing Price	Comments
Buck Bay	60	Alachua	12/15/1999	P2000	3/1/2012	3/15/2012		Offer received GB approved surplus sale. Closing date schedule for February 2013 to City of Gainesville.
Cabbage Grove	30	Taylor	09/2001	WMLTF		10/5/2012	Fee entire tract \$57,750	
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	
Cuba Bay	22	Jefferson	02/1996	P2000	8/10/2011	11/10/2011	Fee or Conservation Easement (same price) \$42,350	
Falmouth North (8 lots)	6	Suwannee	04/1998	WMLTF	8/27/2010	11/18/2010	Fee entire tract \$52,030	
Hunter Creek	120	Hamilton	09/2002	P2000		11/18/2010	Fee \$343,200 CE \$243,100	
Jennings Bluff	70	Hamilton	02/1989	WMLTF	7/30/2010	8/16/2010	Fee entire tract \$215,600	Pending negotiations with Hamilton County
Levings 69		Columbia	02/1998	WMLTF	6/14/2010	5/11/2011	Fee entire tract \$135,860	
Perry Spray Field	248	Taylor	9/2001	WMLTF	6/6/2012	08/17/2012		
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	

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

## LAND MANAGEMENT

### Prescribed Fire

<b>Summary Table FY 2013</b>	<b>2013 Target Acres</b>	<b>Acres Complete</b>
Suwannee River Water Management District	10,000	2,657
Florida Forest Service burns on Twin Rivers State Forest	2,000	0
<b>TOTAL</b>	<b>12,000</b>	<b>2,657</b>

### Prescribe Burn Activity

<b>TRACT</b>	<b>COUNTY</b>	<b>WFS</b>	<b>FFS TRSF</b>	<b>TOTAL ACRES</b>
Withlacoochee Quail Farm	Jefferson	145		145
Cabbage Creek	Taylor	88		88
Mallory Swamp	Lafayette	379		379
Steinhatchee Springs	Lafayette	143		143
R.O. Ranch	Lafayette	145		145
<i>Sub-total for Period</i>		900	0	900
<i>Previous Acres Burned</i>		1,757	0	1,757
<b>Total Acres</b>		<b>2,657</b>	<b>0</b>	<b>2,657</b>

## Timber

### Timber Sales

Contract #	Fiscal Year	Timber Sale Name	Oversight	Contract Date	Estimated Start Date	Estimated Pine Tons	Harvest Completion
11/12-133	2012	Goose Pasture #2	SR	3/14/2012	12/1/2012	5,203	15%
11/12-054	2012	Steinhatchee Springs #9	SR	3/26/2012	10/26/2012	14,100	75%
11/12-094	2012	Steinhatchee Springs #10	SR	5/31/2012	6/12/2012	4,828	100%
11/12-051	2012	Black Tract #3	FFS/TRSF	3/14/2012	11/2/2012	6,924	75%
11/12-124	2012	Blue Sink #2	SR	8/23/2012	12/17/2012	2,644	90%
12/13-006	2013	Buck Bay #1	SR	11/8/2012	12/10/2012	1,575	0%

MEMORANDUM

TO: Governing Board  
FROM: Tim Sagul, P.E., Division Director, Resource Management  
DATE: January 28, 2012  
RE: Approval of Water Use Permit Application Number  
2- 83-00142.005, Suwannee Farms, Suwannee County

RECOMMENDATION

**Staff recommends the Governing Board approve Water Use Permit number 2-83-00142.005, with eighteen standard conditions and four special limiting conditions to Suwannee Farms, LLC, in Suwannee County.**

BACKGROUND

This is a letter modification to transfer a portion of the existing water allocation of this permit to the owners of Seldom Rest, Inc. This modification will reduce the allocation by 4.1805 million gallons per day. This modification does not authorize any additional wells or additional irrigated acres. The project is not located within a Water Resource Caution Area.

The permit contains special conditions regarding implementation of automatic monitoring of withdrawals, implementation and maintenance of conservation plans; compliance review; alternative water supply; and irrigation of target areas.

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

/tm

January 28, 2013

Kenneth Hall  
Suwannee Farms, LLC  
19620 North CR 349  
O'Brien, Fl 32071

Subject: Approval of Water Use Permit Application Number  
2-83-00142.005, Suwannee Farms, Suwannee County

Dear Mr. Hall:

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 February 12, 2013, 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.  
Division Director, Resource Management

TS/tm  
Enclosure  
Certified Mail Receipt Number: 7010 1060 0001 1350 3806

## NOTICE OF RIGHTS

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

**NOTICE OF RIGHTS**

- 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:

Kenneth Hall  
Suwannee Farms, LLC  
19620 North CR 349  
O'Brien, FL 32071

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

\_\_\_\_\_  
Tim Sagul  
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:** January 28, 2013

**PROJECT:** Suwannee Farms

**APPLICANT:**

Suwannee Farms, LLC  
19620 North CR 349  
O'Brien, FL 32071

**PERMIT APPLICATION NO.:** 2-83-00142.005

**DATE OF APPLICATION:** August 29, 2012

**APPLICATION COMPLETE:** January 9, 2013

**DEFAULT DATE:** April 9, 2013

**MANAGER/MEMBER DETAIL: Suwannee Farms, LLC**

Joseph S. Hall 2901 Hall Drive Donalsonville, GA 31794	<b>MGR</b>
Kenneth A. Hall 23478 US HWY 129 O'Brien, FL 32071	<b>MGR</b>

	<b>Previous Quantities:</b>		<b>Proposed Quantities:</b>	
<b>Average Daily Rate (ADR)</b>	<b>6.1945</b>	<b>mgd</b>	<b>2.0140</b>	<b>mgd</b>

**Recommended Agency Action**

Staff recommends approval to transfer a portion of the existing water allocation of this permit to the owners of Seldom Rest, Inc, located within Suwannee County. The permit includes eighteen standard conditions and four special limiting conditions. The permit will expire on March 9, 2024.

**Project Review Staff**

James Link, 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 30 and 31 and Township 05 South, Range 13 East, Sections 06, and 04 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. The project area is not located in a Water Resource Caution Area.

## **Project Description**

The project area consists of approximately 1,523 acres with approximately 1,244 acres being irrigated using groundwater.

The water use calculations from the existing permit are based upon the irrigated acreages, crop types, livestock and other farm uses provided by Suwannee Farms, LLC. The allocation is to transfer a portion of the existing water allocation of this permit to the owners of Seldom Rest, Inc based upon irrigated acres, livestock use and other associated uses. This application will reduce from the existing 32 center pivots down to 13 center pivots for irrigation. This permit also includes livestock use, anaerobic digester, ice machine, packing house, and chemical tank filling. The Average Daily Rate (ADR) of withdrawal is calculated as 2.0140 mgd, which equates to 21.8 inches of supplemental irrigation annually. This modification will also void permit 2-87-00040.002.

Fifteen active wells are associated within this project area. The well inventory is on Attachment A.

## **Demonstration of Need**

The applicant has provided information that supports the requested allocation, based upon the irrigated acreages, crop types, livestock and other farm uses. The allocation for Suwannee Farms, LLC will reduce by 4.1805 million gallons per day to be distributed to the permit 2-12-00064.001, and 2-12-00065.001.

## **Standard Conditions**

1. This permit shall expire on **3/9/2024**. The permittee must submit the appropriate application form incorporated by reference in subsection 40B-2.041(2), Florida Administrative Code (F.A.C.) and the required fee to the District pursuant to section 40B-2.361, F.A.C., prior to this expiration date in order to continue the use of water.
2. The permittee may apply for a permit modification at any time in accordance with section 40B-2.331, F.A.C.
3. Primary Water Use classification(s): **Irrigation, Livestock, Commercial, Industrial**
4. Source classification(s) : **Groundwater**
5. 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.
6. The permitted water withdrawal facilities consist of the items in the Withdrawal Point Information table on page 1.
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. All correspondence sent to the District regarding this permit must include the permit number **2-83-00142.005**.
17. 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.
18. 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**

19. 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.
20. The Permittee shall implement and/or maintain the conservation practices selected in the Water Conservation Plan submitted to the District. Any new practices selected shall be implemented within 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 ensure that the irrigation systems will water target areas only under field operations. Irrigation of non-target areas (roads, woods, structures, etc.) is prohibited.
22. The Permittee shall investigate the feasibility of using alternative water supplies as a water source for irrigation once it becomes available. If the use of alternative water supplies is feasible, the Permittee shall connect to the alternative water supply and the groundwater withdrawal point will be placed in standby status to be used when the alternative water supply cannot be used.

Attachment A

2-83-00142.005  
Suwannee Farms

Name	Status	Diameter	Capacity (gpm)	Water Use
Cattle Barns Main	Existing	4	90	Livestock
Digester	Existing	6	400	Industrial
Ice Well	Existing	4	90	Commercial
Packing House 1	Existing	4	90	Commercial
Shop Well	Existing	4	90	Commercial
Well #1	Existing	12	1100	Irrigation
Well #14	Existing	12	1100	Irrigation
Well #15	Existing	12	1100	Irrigation
Well #16	Existing	12	1100	Irrigation
Well #17	Existing	12	1100	Irrigation
Well #18	Existing	12	1100	Irrigation
Well #19	Existing	12	1100	Irrigation
Well #20	Existing	12	1100	Irrigation
Well #21	Existing	12	1100	Irrigation
Well #29	Existing	12	1100	Irrigation



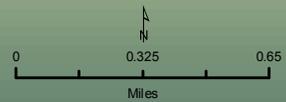
-  Property Boundary
-  Irrigation Systems
-  Withdrawal Points

### Suwannee Farms

2-83-00142.005 Water Use Permit  
February 2013



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, P.E., Division Director, Resource Management  
DATE: January 28, 2013  
RE: Approval of Water Use Permit Application Number  
2- 12-00065.001, Seldom Rest Diversified, Suwannee County

RECOMMENDATION

**Staff recommends the Governing Board approve Water Use Permit number 2-12-00065.001, with eighteen standard conditions and four special limiting conditions to Seldom Rest, Inc., in Suwannee County.**

BACKGROUND

This is a new application to transfer a portion of the existing water allocation of permit 2-83-00142.004 to the new owners. This new application will take 1.5438 million gallons per day (mgd) of the original 6.1945 mgd that was issued to Suwannee Farms, LLC. This new application does not authorize any additional wells or additional irrigated acres. The project is not located within a Water Resource Caution Area.

The permit contains special conditions regarding implementation of automatic monitoring of withdrawals, implementation and maintenance of conservation plans; compliance review; alternative water supply; and irrigation of target areas.

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

/tm

January 28, 2013

Steve Bailey  
Seldom Rest, Inc.  
5966 Hwy 91 South  
Donalsonville, GA 39845

Subject: Approval of Water Use Permit Application Number  
2-12-00065.001, Seldom Rest Diversified, Suwannee County

Dear Mr. Bailey:

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 February 12, 2013, 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.  
Division Director, Resource Management

TS/tm  
Enclosure  
Certified Mail Receipt Number: 7010 1060 0001 1350 3768

## NOTICE OF RIGHTS

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

## NOTICE OF RIGHTS

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:

Steve Bailey  
Seldom Rest, Inc.  
5966 Hwy 91 South  
Donalsonville, GA 39845

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

\_\_\_\_\_  
Tim Sagul  
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:** January 28, 2013

**PROJECT:** Seldom Rest Diversified

**APPLICANT:**

Seldom Rest, Inc.  
5966 Hwy 91 South  
Donalsonville, GA 39845

**PERMIT APPLICATION NO.:** 2-12-00065.001

**DATE OF APPLICATION:** August 29, 2012

**APPLICATION COMPLETE:** October 3, 2012

**DEFAULT DATE:** February 27, 2013

Applicant waived 90 day clock

**MANAGER/MEMBER DETAIL: Seldom Rest, Inc.**

SCHERKAMP, PETER 1170 PEACHTREE STREET NE STE 800 ATLANTA GA 30309	P
HARROLD, THOMAS J SR 1170 PEACHTREE STREET NE STE 800 ATLANTA GA 30309	S
KLAUS, FRANK 1170 PEACHTREE STREET NE STE 800 ATLANTA GA 30309	T
BEISSER, HANSPETER 1170 PEACHTREE STREET NE STE 800 ATLANTA GA 30309	D
TEXTOR, HARALD 1170 PEACHTREE STREET NE STE 800 ATLANTA GA 30309	D
BAILEY, STEVE 5964 PEACHTREE ST., N.E., STE 800 ATLANTA GA 30309	VP

	Previous Quantities:		Proposed Quantities:	
<b>Average Daily Rate (ADR)</b>	-	mgd	1.5438	mgd

**Recommended Agency Action**

Staff recommends approval of a Water Use Permit to transfer a portion of the existing water allocation of permit 2-83-00142.004 to the new owners, located within Suwannee County. The permit includes eighteen standard conditions and four special limiting conditions. The permit will expire on March 9, 2024.

**Project Review Staff**

James Link, Kevin Wright, P.E., and Tim Sagul, P.E., have reviewed the application.

## Project Location

The withdrawal facilities are located in Township 05 South, Range 13 East, Sections 01, 11 and 12 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. The project area is not located in a Water Resource Caution Area.

## Project Description

The project area consists of approximately 1,113 acres with approximately 980 acres being irrigated using groundwater.

The water use calculations from the existing permit are based upon the irrigated acreages, crop types, and livestock uses provided by Suwannee Farms, LLC. This is a new application to transfer a portion of the existing water allocation of permit 2-83-00142.004 to the new owners.. This application will include seven existing center pivots for irrigation and water for livestock use. The Average Daily Rate (ADR) of withdrawal is calculated as 1.5438 mgd, which equates to 47.9 inches of supplemental irrigation annually.

8 active wells are associated within this project area. The wells will be used for irrigation and livestock. The well inventory is on Attachment A.

## Demonstration of Need

The applicant has provided information that supports the requested allocation, based upon the irrigated acreages, crop types, and livestock uses. The allocation for Seldom Rest, Inc., represents the proportional distribution between permits 2-12-00064.001 and 2-83-00142.005.

## Standard Conditions

1. This permit shall expire on **3/9/2024**. The permittee must submit the appropriate application form incorporated by reference in subsection 40B-2.041(2), Florida Administrative Code (F.A.C.) and the required fee to the District pursuant to section 40B-2.361, F.A.C., prior to this expiration date in order to continue the use of water.
2. The permittee may apply for a permit modification at any time in accordance with section 40B-2.331, F.A.C.
3. Primary Water Use classification(s): **Irrigation, Livestock**
4. Source classification(s) : **Groundwater**
5. 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.
6. The permitted water withdrawal facilities consist of the items in the Withdrawal Point Information table on page 1.
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. All correspondence sent to the District regarding this permit must include the permit number **2-12-00065.001**.
17. 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.
18. 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**

19. 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.
20. The Permittee shall implement and/or maintain the conservation practices selected in the

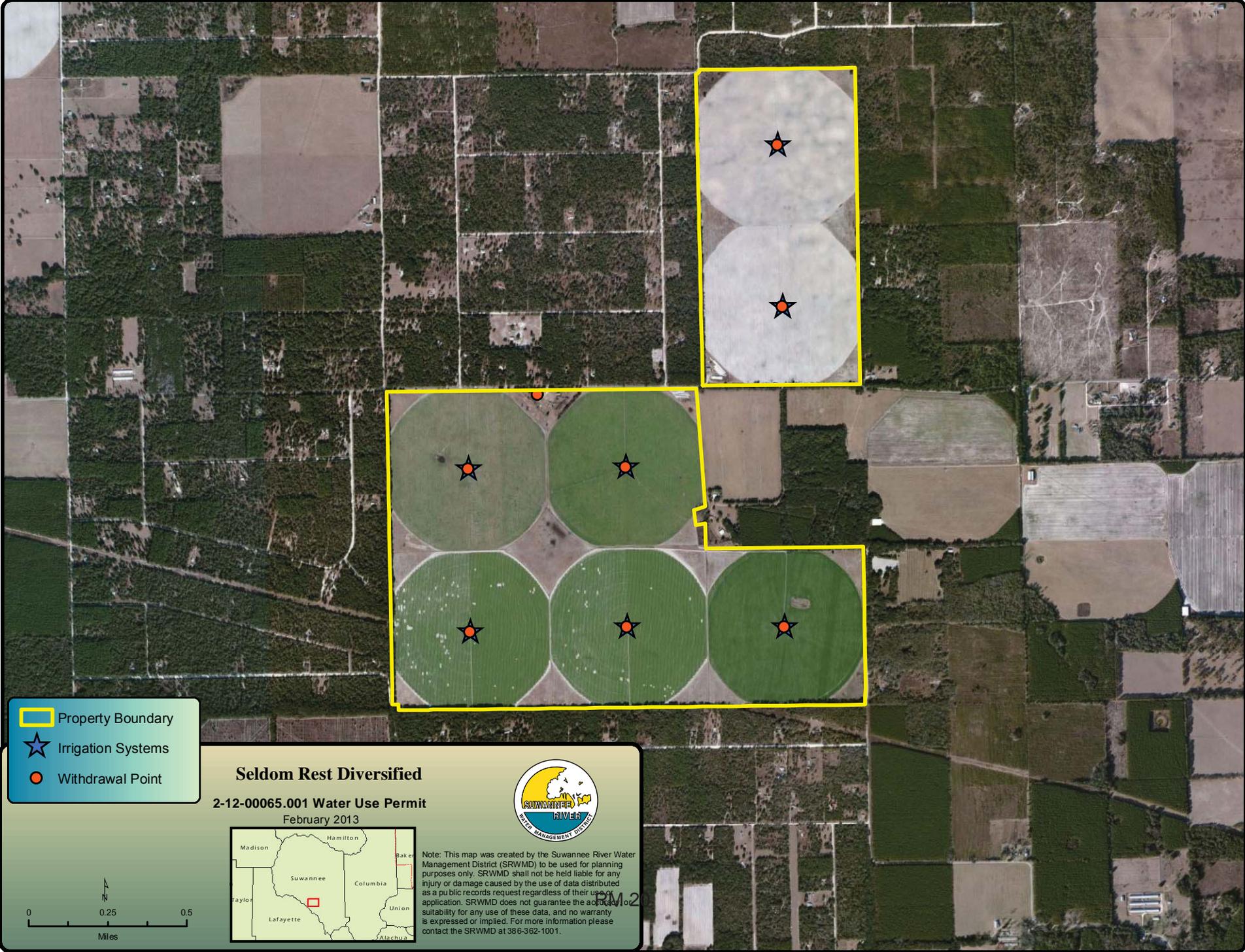
Water Conservation Plan submitted to the District. Any new practices selected shall be implemented within one year from the date of permit issuance. Practices that involve scheduling methods or maintenance shall be documented. Documentation for implementation and/or maintenance shall be maintained on all practices and available upon request.

21. The Permittee shall ensure that the irrigation systems will water target areas only under field operations. Irrigation of non-target areas (roads, woods, structures, etc.) is prohibited.
22. The Permittee shall investigate the feasibility of using alternative water supplies as a water source for irrigation once it becomes available. If the use of alternative water supplies is feasible, the Permittee shall connect to the alternative water supply and the groundwater withdrawal point will be placed in standby status to be used when the alternative water supply cannot be used.

Attachment A

2-12-00065.001  
Seldom Rest Diversified

Name	Status	Diameter	Capacity (gpm)	Water Use
Well #22	Existing	12	1100	Irrigation
Well #23	Existing	12	1100	Irrigation
Well #24	Existing	12	1100	Irrigation
Well #25	Existing	12	1100	Irrigation
Well #26	Existing	12	1100	Irrigation
Well #27	Existing	12	1100	Irrigation
Well #28	Existing	12	1100	Irrigation
House & Cattle	Existing	4	20	Livestock



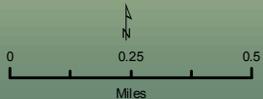
-  Property Boundary
-  Irrigation Systems
-  Withdrawal Point

**Seldom Rest Diversified**

2-12-00065.001 Water Use Permit  
February 2013



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CM 2

MEMORANDUM

TO: Governing Board  
FROM: Tim Sagul, P.E., Division Director, Resource Management  
DATE: January 28, 2013  
RE: Approval of Water Use Permit Application Number  
2- 12-00064.001, Seldom Rest, Suwannee County

RECOMMENDATION

**Staff recommends the Governing Board approve Water Use Permit number 2-12-00064.001, with eighteen standard conditions and four special limiting conditions to Seldom Rest, Inc., in Suwannee County.**

BACKGROUND

This is a new application to transfer a portion of the existing water allocation of permit 2-83-00142.004 to the new owners. This new application will take 2.6367 million gallons per day (mgd) of the original 6.1945 mgd that was issued to Suwannee Farms, LLC. This new application does not authorize any additional wells or additional irrigated acres. The project is not located within a Water Resource Caution Area.

The permit contains special conditions regarding implementation of automatic monitoring of withdrawals, implementation and maintenance of conservation plans; compliance review; alternative water supply; and irrigation of target areas.

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

/tm

January 28, 2013

Steve Bailey  
Seldom Rest, Inc.  
5966 Hwy 91 South  
Donalsonville, GA 39845

Subject: Approval of Water Use Permit Application Number  
2-12-00064.001, Seldom Rest, Suwannee County

Dear Mr. Bailey:

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 February 12, 2013, 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.  
Division Director, Resource Management

TS/tm  
Enclosure  
Certified Mail Receipt Number: 7010 1060 0001 1350 3721

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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.

## NOTICE OF RIGHTS

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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:

Steve Bailey  
Seldom Rest, Inc.  
5966 Hwy 91 South  
Donalsonville, GA 39845

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

---

Tim Sagul  
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:** January 28, 2013

**PROJECT:** Seldom Rest

**APPLICANT:**

Seldom Rest, Inc.  
5966 Hwy 91 South  
Donalsonville, GA 39845

**PERMIT APPLICATION NO.:** 2-12-00064.001

**DATE OF APPLICATION:** August 29, 2012

**APPLICATION COMPLETE:** October 3, 2012

**DEFAULT DATE:** February 27, 2013

Applicant waived 90 day clock

**MANAGER/MEMBER DETAIL: Seldom Rest, Inc.**

SCHERKAMP, PETER 1170 PEACHTREE STREET NE STE 800 ATLANTA GA 30309	<b>P</b>
HARROLD, THOMAS J SR 1170 PEACHTREE STREET NE STE 800 ATLANTA GA 30309	<b>S</b>
KLAUS, FRANK 1170 PEACHTREE STREET NE STE 800 ATLANTA GA 30309	<b>T</b>
BEISSER, HANSPETER 1170 PEACHTREE STREET NE STE 800 ATLANTA GA 30309	<b>D</b>
TEXTOR, HARALD 1170 PEACHTREE STREET NE STE 800 ATLANTA GA 30309	<b>D</b>
BAILEY, STEVE 5964 PEACHTREE ST., N.E., STE 800 ATLANTA GA 30309	<b>VP</b>

	<b>Previous Quantities:</b>		<b>Proposed Quantities:</b>	
<b>Average Daily Rate (ADR)</b>	-	mgd	2.6367	mgd

**Recommended Agency Action**

Staff recommends approval of a Water Use Permit for a transfer of a portion of the existing water allocation of permit 2-83-00142.004 to the new owners, located within Suwannee County. The permit includes eighteen standard conditions and five special limiting conditions. The permit will expire on March 9, 2024.

**Project Review Staff**

James Link, 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 29 and 32 and Township 05 South, Range 13 East, Section 05 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. The project area is not located in a Water Resource Caution Area.

## **Project Description**

The project area consists of approximately 1,922 acres with approximately 1,680 acres being irrigated using groundwater.

The water use calculations from the existing permit are based upon the irrigated acreages, crop types, and livestock uses provided by Suwannee Farms, LLC. The allocation is being transferred to the new owners based upon irrigated acres, livestock use and other associated uses. This application will include twelve existing center pivots for irrigation and water for livestock use. The Average Daily Rate (ADR) of withdrawal is calculated as 2.6367 mgd, which equates to 21.1 inches of supplemental irrigation annually.

Thirteen active wells are associated within this project area. The wells will be used for irrigation and livestock. The well inventory is on Attachment A.

## **Demonstration of Need**

The applicant has provided information that supports the requested allocation, based upon the irrigated acreages, crop types, and livestock uses. The allocation for Seldom Rest, Inc., represents the proportional distribution between permits 2-12-00065.001 and 2-83-00142.005.

## **Standard Conditions**

1. This permit shall expire on **3/9/2024**. The permittee must submit the appropriate application form incorporated by reference in subsection 40B-2.041(2), Florida Administrative Code (F.A.C.) and the required fee to the District pursuant to section 40B-2.361, F.A.C., prior to this expiration date in order to continue the use of water.
2. The permittee may apply for a permit modification at any time in accordance with section 40B-2.331, F.A.C.
3. Primary Water Use classification(s): **Irrigation, Livestock**
4. Source classification(s) : **Groundwater**
5. 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.
6. The permitted water withdrawal facilities consist of the items in the Withdrawal Point Information table on page 1.
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. All correspondence sent to the District regarding this permit must include the permit number **2-12-00064.001**.
17. 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.
18. 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**

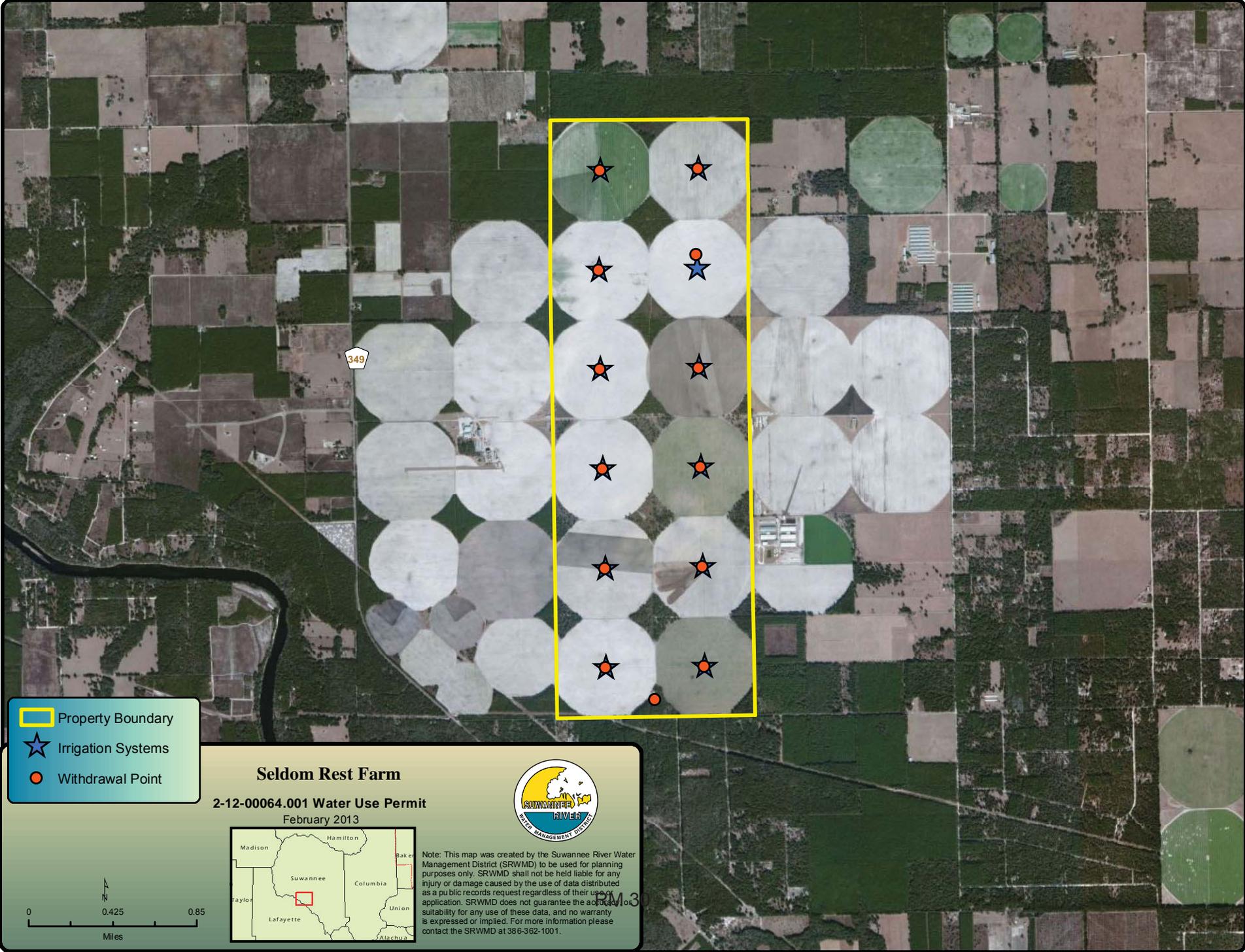
19. The Permittee shall implement automated monitoring of groundwater withdrawals, at Permittee's expense, upon commencement of withdrawals. The monitoring and reporting shall include reporting daily volume pumped by each well of inside diameter eight inches or greater at land surface and shall be delivered 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.

20. The Permittee shall implement and/or maintain the conservation practices selected in the Water Conservation Plan submitted to the District. Any new practices selected shall be implemented within 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 ensure that the irrigation systems will water target areas only under field operations. Irrigation of non-target areas (roads, woods, structures, etc.) is prohibited.
22. The Permittee shall investigate the feasibility of using alternative water supplies as a water source for irrigation once it becomes available. If the use of alternative water supplies is feasible, the Permittee shall connect to the alternative water supply and the groundwater withdrawal point will be placed in standby status to be used when the alternative water supply cannot be used.

Attachment A

2-12-00064.001  
Seldom Rest

Name	Status	Diameter	Capacity (gpm)	Water Use
Well #2	Existing	4	90	Irrigation
Well #3	Existing	6	400	Irrigation
Well #4	Existing	4	90	Irrigation
Well #5	Existing	4	90	Irrigation
Well #6	Existing	4	90	Irrigation
Well #7	Existing	12	1100	Irrigation
Well #8	Existing	12	1100	Irrigation
Well #9	Existing	12	1100	Irrigation
Well #10	Existing	12	1100	Irrigation
Well #11	Existing	12	1100	Irrigation
Well #12	Existing	12	1100	Irrigation
Well #13	Existing	12	1100	Irrigation
House & Cattle	Existing	4	20	Livestock



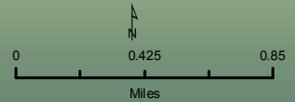
-  Property Boundary
-  Irrigation Systems
-  Withdrawal Point

### Seldom Rest Farm

2-12-00064.001 Water Use Permit  
February 2013



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, 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, P.E., Division Director, Resource Management  
DATE: January 28, 2013  
RE: Approval of Water Use Permit Application Number  
2-12-00073.001, Absaroka, Hamilton County

RECOMMENDATION

**Staff recommends the Governing Board approve Water Use Permit number 2-12-00073.001, with eighteen standard conditions and three special limiting conditions to Absaroka Holdings, LLC, in Hamilton County.**

BACKGROUND

This is a new application to irrigate 755 acres with a water allocation average daily rate (ADR) of 1.4079 million gallons daily (mgd). This will be accomplished with eight irrigation wells and eight center pivots. The project area is located within the Alapaha River Basin Water Resource Caution Area, thus, staff is recommending permit duration of five years.

The permit contains special conditions regarding implementation of automatic monitoring of withdrawals, implementation and maintenance of conservation plans, and irrigation of target areas.

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

/tm

January 28, 2013

Mr. Kevin Coggins  
Absaroka Holdings, LLC  
2086 J. Frank Culpepper Road  
Lake Park, GA 31636

Subject: Approval of Water Use Permit Application Number  
2-12-00073.001, Absaroka, Hamilton County

Dear Mr. Coggins:

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 February 12, 2013, 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.  
Division Director, Resource Management

TS/tm  
Enclosure  
Certified Mail Receipt Number: 7010 1060 0001 1350 3783

## NOTICE OF RIGHTS

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

**NOTICE OF RIGHTS**

- 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:

M        r. Kevin Coggins  
          Absaroka Holdings, LLC  
          2086 J. Frank Culpepper Road  
          Lake Park, GA 31636

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

\_\_\_\_\_  
Tim Sagul  
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:** January 28, 2013

**PROJECT:** Absaroka

**APPLICANT:**

Absaroka Holdings, LLC  
2086 J. Frank Culpepper Road  
Lake Park, GA 31636

**PERMIT APPLICATION NO.:** 2-12-00073.001

**DATE OF APPLICATION:** October 2, 2012

**APPLICATION COMPLETE:** December 4, 2012

**DEFAULT DATE:** March 4, 2013

**MANAGER/MEMBER DETAIL: Absaroka Holdings, LLC**

Griffin Moag PO Box 2607 Kirkland, WA 98083	<b>MGR</b>
Kevin Coggins 2086 J. Frank Culpepper Rd. Lake Park, GA 31636	<b>AGENT</b>

	<b>Previous Quantities:</b>		<b>Proposed Quantities:</b>	
<b>Average Daily Rate (ADR)</b>	-	mgd	1.4079	mgd

**Recommended Agency Action**

Staff recommends approval of a Water Use Permit for a new agricultural use located within Hamilton County. The permit includes eighteen standard conditions and three special limiting conditions. Staff recommends an expiration date of February 12, 2018.

**Project Review Staff**

James Link, Kevin Wright, P.E., and Tim Sagul, P.E. have reviewed the application.

**Project Location**

The withdrawal facilities are located in Township 02 North, Range 13 East, Sections 27, 34 and 35 in Hamilton County. The project is located within the Alapaha River basin according to the USGS National Hydrography Dataset, Hydrologic Unit Code-8 sub basins.

**Project Description**

The project area consists of 898 acres with approximately 755 acres being irrigated using groundwater.

The water use calculations are based upon the irrigated acreages and crop types provided by Kevin Coggins. Crops include carrots, corn, cotton, beans, and peanuts. The applicant will use eight center pivots for irrigation. The Average Daily Rate (ADR) of withdrawal is calculated as 1.4079 mgd, which equates to 25.1 inches of supplemental irrigation annually.

The project area includes eight proposed wells. Use of these eight wells will be for irrigation. Absaroka Holdings, LLC, has not applied for the Water Well Construction permits. The well inventory is on Attachment A.

### **Demonstration of Need**

The applicant has provided information that supports the requested allocation, based upon the crop types. Absaroka Holdings, LLC plans to irrigate 755 acres with two crops each year. Crops include carrots, corn, cotton, beans, and peanuts.

### **Water Conservation**

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

### **Minimum Flows and Levels Compliance**

Simulated streamflow reductions were assessed using the SRWMD's steady-state, three-dimensional model of groundwater flow in North Florida and South-Central Georgia (Schneider and others, 2008). In this assessment, cumulative simulated stream and springflows within the model domain declined by approximately 1.3 mgd (2.0 cubic feet per second). The maximum drawdown simulated was 0.03 feet.

### **Permit Duration**

Staff recommends a five year permit duration because of a lack of reasonable assurance that the water resources of the Upper Suwannee Water Resource Caution Area will be sufficient to meet the future water use demands.

### **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 Institute of Food and Agricultural Sciences (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, 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 waters? 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. This permit shall expire on **2/12/2018**. The permittee must submit the appropriate application form incorporated by reference in subsection 40B-2.041(2), Florida Administrative Code (F.A.C.) and the required fee to the District pursuant to section 40B-2.361, F.A.C., prior to this expiration date in order to continue the use of water.
2. The permittee may apply for a permit modification at any time in accordance with section 40B-2.331, F.A.C.
3. Primary Water Use classification(s): **Irrigation**
4. Source classification(s) : **Groundwater**
5. 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.
6. The permitted water withdrawal facilities consist of the items in the Withdrawal Point Information table on page 1.
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. All correspondence sent to the District regarding this permit must include the permit number **2-12-00073.001**.
17. 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.
18. 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**

19. 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. This condition applies to the proposed well only.
20. The Permittee shall implement and/or maintain the conservation practices selected in the Water Conservation Plan submitted to the District. Any new practices selected shall be implemented within 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 ensure that the irrigation systems will water target areas only under field operations. Irrigation of non-target areas (roads, woods, structures, etc.) is prohibited.

Attachment A  
2-12-00073.001  
Absaroka

Name	Status	Diameter	Capacity (gpm)	Water Use
#1	Proposed	16 225	0	Irrigation
#2	Proposed	8 500		Irrigation
#3	Proposed	8 400		Irrigation
#4	Proposed	12 100	0	Irrigation
#5	Proposed	8 350		Irrigation
#6	Proposed	12 800		Irrigation
#7	Proposed	8 400		Irrigation
#8	Proposed	8	350	Irrigation

-  Property Boundary
-  Irrigation Systems
-  Withdrawal Points

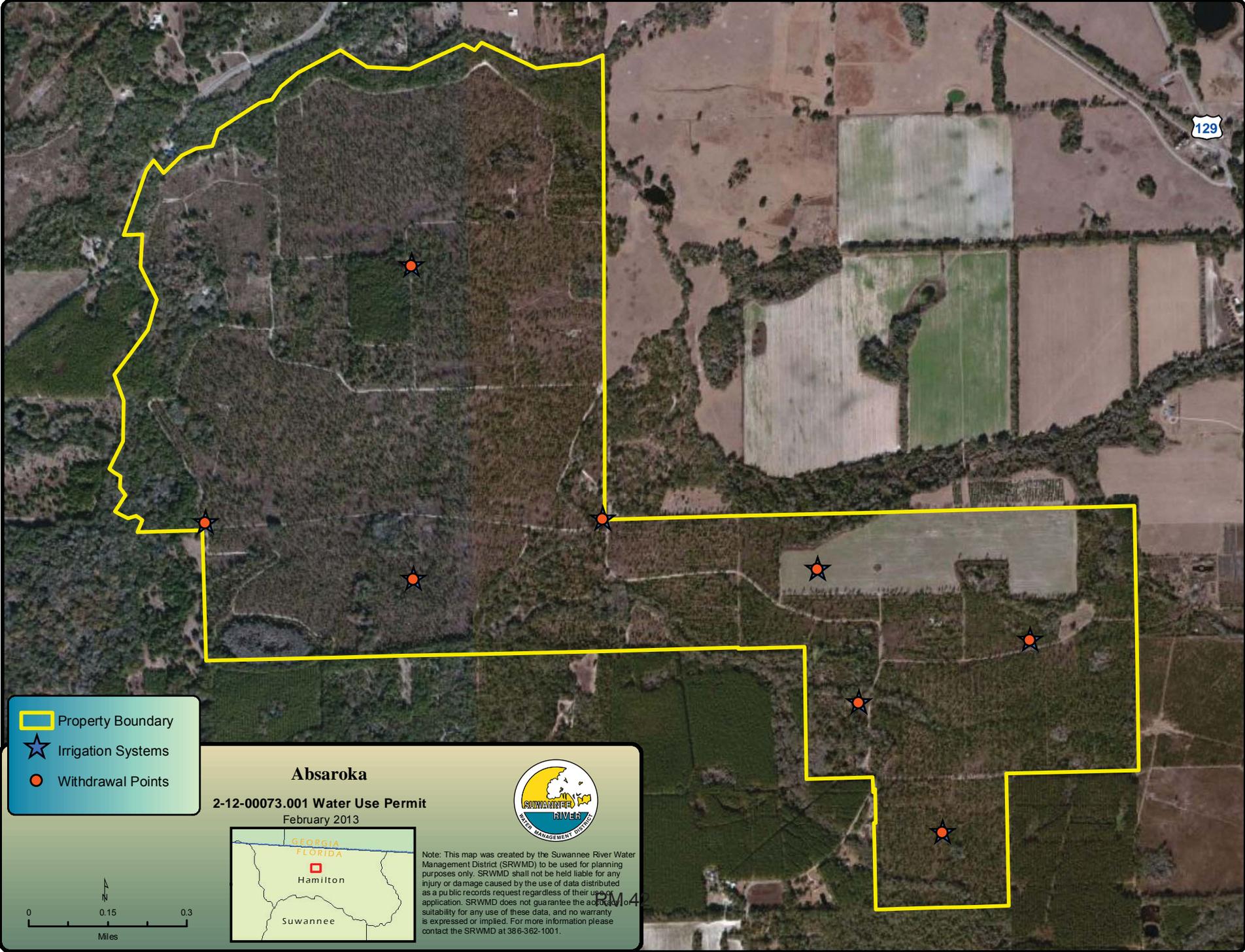
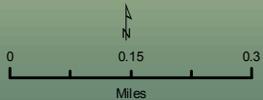
### Absaroka

2-12-00073.001 Water Use Permit

February 2013



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: Kevin Wright, P.E., Ag Team

DATE: January 28, 2013

RE: Approval to Enter Into Contracts for the 2nd Quarter Department of Environmental Protection Santa Fe River Basin Management Action Plan (BMAP) Agricultural Cost-Share Program

### RECOMMENDATION

**Staff recommends the Governing Board authorize the Executive Director to enter into contracts for the 2nd Quarter Department of Environmental Protection Santa Fe River BMAP Agricultural Cost-Share Program with six applicants.**

### BACKGROUND

At the October 9, 2012 Governing Board meeting, the Governing Board authorized the Executive Director to enter into an agreement with the Department of Environmental Protection (DEP) for agricultural cost-share activities, not to exceed \$900,000, in DEP cost share funds. The activities include irrigation retrofits and fertigation within the designated areas of the BMAP for the Suwannee River and Santa Fe Rivers. During the 1st quarter, the District obligated \$662,750 for 27 applicants.

The applications for the 2nd quarter were accepted between November 3, 2012 and January 4, 2013. Six applicants were approved for the 2nd quarter DEP cost-share program. This includes 14 center pivot retrofits. The groundwater savings by these retrofits will be approximately 224 million gallons annually or 0.6 million gallons per day.

This funding program also includes 13 fertigation systems. The fertigation portion includes 4 portable systems and 9 stationary systems. It is estimated that these projects will eliminate application of approximately 266,000 pounds of nitrogen per year.

The total estimated DEP cost share funds to be dispersed this quarter is \$193,750. The total grower portion for these items will be \$19,250 or 10% of the cost of equipment. The cumulative cost for both quarters for DEP cost share funds is \$856,500; the cumulative cost for the grower for both quarters is \$88,500.

Attachment A is a list of the proposed recipients, proposed funding amounts, and types of Best Management Practices (BMPs). All applicants recommended for approval are in the Santa Fe River basin

KW/tm  
Attachment

**DEP AG COST SHARE  
ATTACHMENT A**

Owner Name	Estimated DEP Cost-Share	Irrigation Retrofits	Estimated Water Savings Million gallons/year	Fertigation Systems	Estimated Nutrient Savings lb/year
Terry Malphurs	\$ 40,875	3	48	3	47,000
Buckley Shaw	\$ 27,250	2	32	2	31,000
Hines Farm, LLC	\$ 13,625	1	16	1	16,000
STS Farms	\$ 43,875	3	48	3	62,000
Quality Hay	\$ 13,625	1	16	1	16,000
R&H Farms	\$ 54,000	4	64	3	94,000
<b>Total Estimated</b>	<b>\$ 193,750</b>	<b>14</b>	<b>224</b>	<b>13</b>	<b>226,000</b>

## MEMORANDUM

TO: Governing Board

FROM: Kevin Wright, P.E., Ag Team

DATE: January 28, 2013

RE: Approval to Enter Into Contracts for the 2nd Quarter District Agricultural Cost-Share Program

### RECOMMENDATION

**Staff recommends the Governing Board authorize the Executive Director to enter into contracts for the 2nd Quarter District Agricultural Cost-Share Program with 20 applicants.**

### BACKGROUND

At the October 9, 2012, Governing Board meeting, the Governing Board authorized \$1,500,000 for agricultural water conservation cost-share activities District wide. The activities include irrigation retrofits, water conservation technologies, and water savings pilot projects.

The applications for the 2<sup>nd</sup> quarter were accepted between November 3, 2012 and January 4, 2013. Twenty applicants were recommended for the 2<sup>nd</sup> quarter District agricultural cost-share program. This includes 9 center pivot retrofits (4 applicants), which should reduce irrigated pumpage by 144 million gallons of water annually or just under 0.4 million gallons per day.

This funding program also includes:

- Fourteen soil moisture probes. Soil moisture probes provide producers with information to enhance their ability to determine when to use their irrigation system. By enabling producers to understand the water available to the crop, they can make more efficient decisions with their irrigation system.
- Five weather stations. Weather stations allow growers to monitor weather parameters such as wind speed, rainfall, temperature, and humidity. These stations can be incorporated into a computer system to allow producers to make irrigation decisions remotely.
- Twenty-nine upgrades to irrigation controller panels. New controller panels allow for fertigation/chemigation, greater control of irrigation rates, global positioning system (GPS) enabled control for end gun shut off, variable rate irrigation, and remote controlling of equipment. Many of the advanced irrigation management techniques are not compatible with older controller panels.

- Nine pump upgrades (reduce from high pressure to lower pressure). Many older irrigation pumps were designed to run high pressure traveling guns. This will assist in reducing the pump volume and pressure to enable greater irrigation efficiency.
- Twenty-four remote controllers/monitors for irrigation systems. Allows growers to remotely control/monitor their irrigation systems by personal computer or smart phone. With the inclusion of soil moisture sensors or weather stations, a grower can eliminate irrigation events remotely without the need to visit the field.

The total estimated District cost share funds to be dispersed this quarter is \$214,975. The total grower portion for these items will be \$164,125 or 43% of the equipment cost. The total estimated District cost share funds for the 1st quarter was \$512,575. The total grower portion for these items will be \$247,825 or 33% of the equipment cost. The cumulative cost of both quarters for the District funds is \$727,550, the cumulative cost for the grower for both quarters is \$411,950.

Attachment A is a list of the proposed recipients, proposed funding amounts, and best management practices.

Funds for this cost share program are included in a reserve fund in the adopted FY13 budget. Staff will request that the Governing Board amend the operational budget if necessary once the actual expenditures are known.

KW/tm  
Attachment

## Attachment A

Owner Name	Estimated District Cost-Share	Irrigation Retrofits	Soil Moisture Probe	Weather Stations	New Panel	Pump Upgrades	Remote Control
Terry Malphurs	\$ 8,250				3		
Buckley Shaw	\$ 9,500				2	1	
Hines Farm, LLC	\$ 4,000					1	
STS Farms	\$ 9,600		3		3		
Tillis Farms, LLC	\$ 15,250	2					
Quality Hay	\$ 20,750	2			2		
Arky Rogers	\$ 2,750			1			1
Ronald Lawson	\$ 8,250				3		
Hunter Ketcham Livestock, LLC	\$ 5,750			1			4
R&H Farms	\$ 36,300	1	4	2	4	4	4
Broughton Farms	\$ 450		1				
Land Dairy	\$ 3,450		1		4		
Alvin Henderson	\$ 34,500	4				1	
Cliff Townsend	\$ 15,000				4		4
Quincey Cattle Co	\$ 3,200		1	1			1
Windy Hill	\$ 4,000					1	
83 Farms	\$ 15,625	1				1	4
Dusty/Ethan Cone	\$ 16,800		4		4		4
David Corbett	\$ 1,000						1
Cone Farms	\$ 550						1
<b>Total Estimated</b>	<b>\$ 214,975</b>	<b>9</b>	<b>14</b>	<b>5</b>	<b>29</b>	<b>9</b>	<b>24</b>

## MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, Division Director, Resource Management

DATE: January 28, 2013

RE: Approval of Florida Department of Transportation Mitigation Plan  
2013- 2017

### RECOMMENDATION

## **Staff requests that the Governing Board approve the Florida Department of Transportation (FDOT) Mitigation Plan 2013-2017.**

### BACKGROUND

Florida Statute 373.4137 identifies an environmental mitigation process for transportation projects. The statute requires that mitigation for transportation projects be accomplished through regional, long-term planning instead of on a project-by-project basis. The statute also requires that FDOT fund the mitigation and the District carry out the plans.

Each year, FDOT submits a work plan to the District that identifies environmental impacts from planned transportation projects. District staff is required to develop a mitigation plan capable of securing all state and federal permits for the impacts. The mitigation plan must be updated each year for approval by the District's Governing Board.

This approved plan forms the basis of permit review by the District for state road projects during the year. Along with adequate mitigation, the District is also responsible for securing the Army Corps of Engineers permit, if applicable.

This year's plan lists has no new projects and provides monitoring updates on old projects and provides the status on ongoing projects that were listed in last year's plan. Location of impacts and additional mitigation information is in the attached report.

PW/tm

**Florida Department of Transportation  
Mitigation Plan**

**2013 - 2017**

**Suwannee River Water  
Management District**

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## **EXECUTIVE SUMMARY**

In accordance with 373.4137, Florida Statutes, the Suwannee River Water Management District (District) must develop and implement regional, long-range mitigation planning for wetland impacts associated with Florida Department of Transportation (FDOT) projects.

As of December 2012, FDOT did not provide the District with any new projects that were not on last year's list.

A total of 16 wetland mitigation projects have been initiated since 1996, 12 of which have been completed. This year FDOT has asked to delist 4 out of 5 projects which were added to the plan last year. The District has received \$3,080,856 cumulative total from FDOT for wetland mitigation activities.

## **BACKGROUND INFORMATION**

Chapter 373.4137, Florida Statutes, states that environmental mitigation for the impact of transportation projects proposed by the FDOT can be more effectively achieved by regional, long-range mitigation planning rather than on a project-by-project basis. The statute sets forth specific language designed to provide funding to the Florida Department of Environmental Protection (FDEP) and the water management districts (WMDs) to develop mitigation to offset wetland impacts from FDOT road projects. The FDOT must submit to the WMDs an environmental impact inventory containing a list of projects with proposed wetland impacts. The list is published at least three years prior to plan construction. Based on the yearly inventory, WMD staff develops a mitigation plan capable of securing all local, regional, state, and federal permits for the proposed impacts.

The statute requires each WMD in consultation with the FDEP, the United States Army Corps of Engineers, and other appropriate federal, state, and local governments, to develop a mitigation plan for presentation to the Governing Boards of the WMD's for approval before December 1 each year. Once the mitigation plan is approved, the WMDs issue permits for the work, apply for Army Corps of Engineers permits, and implement mitigation projects as outlined in the mitigation plan.

FDOT impacts in the District have or will occur in the river basins of the Santa Fe, Withlacoochee, Waccasassa, Steinhatchee, Fenholloway, Econfinia, and Suwannee Rivers (Figure 1). This mitigation plan is designed to provide in-kind mitigation for impacted wetlands within the same basin the impacts occur. The plan consists of one or more mitigation alternatives for each FDOT project (Figure 2). In some cases, alternatives include more than one mitigation project that, when taken together, yield an alternative that will offset the FDOT impacts and secure the appropriate permits.

Mitigation planning projects undertaken since February of 2004 have used the Uniform Mitigation Assessment Method, in accordance with chapter 62-345, F.A.C., to calculate the lift (or gain) for each mitigation proposal. For these projects, the Relative Functional Gain of the proposed mitigation is used in place of wetland mitigation ratios.

## **NEW MITIGATION PROJECTS**

There are no new projects at this time.

## **ONGOING PROJECTS**

- 1) FDOT Project: CR 241 Bridge Replacement over Olustee Creek  
Mitigation Project: In Planning.

Replacement of CR 241 bridge over Olustee Creek in Columbia County. Project was originally determined to impact approximately 2.0 acres of wetlands. As of December, 2012, FDOT has not determined the actual wetland impact on this project, but it appears that the impacts may be less than 0.5 acres which may qualify the project for a Noticed General Permit. If the project does not qualify for a Noticed General Permit, mitigation will take place on District lands within the Santa Fe Basin.

## **MITIGATION PROJECTS TO BE DELISTED**

- 1) FDOT Project: US 27 Bridge Replacements over Fenholloway River,  
Mitigation Project:

Replacement of US 27 bridge across Fenholloway River in Taylor County. Project originally placed on the inventory with an impact of approximately 2.0 acres of wetlands. Project has since been permitted under a Noticed General Permit. Project to be delisted.

- 2) FDOT Project: SR 51 Bridge Replacement over Kettle Creek  
Mitigation Project:

Replacement of SR 51 bridge over Kettle Creek in Lafayette County. Project will impact approximately 1.0 acres of wetlands. FDOT has requested that this project be delisted.

- 3) FDOT Project: CR 326 Bridge Replacement over Wacasassa River  
Mitigation Project:

Replacement of CR 326 bridge across Wacasassa River in Levy County. Project will impact approximately 0.07 acres of permanent wetlands. FDOT has requested that this project be delisted.

- 4) FDOT Project: US 221 Bridge Replacement over Econfinia River  
Mitigation Project:

Replacement of US 221 bridge over Econfina River in Taylor County. Project will impact approximately 1.5 acres of wetlands. FDOT has requested that this project be delisted.

## **COMPLETED MITIGATION PROJECTS**

### **AUCILLA RIVER BASIN**

- 1) FDOT Project: US 98 Aucilla Bridge Replacement  
Mitigation Project: San Pedro Bay Mitigation Bank

Replacement of US 98 bridge across Aucilla River impacted 5.7 acres of wetlands. Mitigation included purchase of mitigation credits from San Pedro Mitigation Bank, and water quality improvements for District owned Cabbage Grove and Mt. Gilead tracts. Mitigation credits (0.87 units) were purchased in November 2010. District received \$43,500 from FDOT.

### **UPPER SUWANNEE RIVER BASIN**

- 1) FDOT Project: CR 143 Road Widening  
Mitigation Project: Woods Ferry Hydrologic Enhancements

Widening of CR 143 in Hamilton County from CR 146 to I-75 impacted approximately 1.23 acres of wetlands. District contracted with consultants to identify, evaluate, and construct mitigation activities within District-owned Woods Ferry Tract in Suwannee County. Mitigation involved hydrologic enhancement of seven wetland sites by improving drainage features to restore natural water flow. Mitigation activities were completed in November 2006. District received \$110,970 from FDOT. Evaluation of mitigation success was conducted by Jones, Edmunds and Assoc. in 2010 and shown to have met mitigation requirements.

### **WACCASSASSA RIVER BASIN**

- 1) FDOT Project: SR 24 Widening from U.S. 19 to Rosewood  
Mitigation Project: Devil's Hammock Hydrological Enhancement and Preservation

Widening of SR 24 in Levy County impacted 9.95 acres of wetlands. The District contracted with consultants to identify, evaluate, and construct mitigation activities within District-owned Devils Hammock in Levy County. Mitigation provided hydrologic enhancement of multiple wetland sites by improving drainage features to restore natural water flow. Mitigation activities were completed in January 2007. District received

\$180,913 from FDOT. Evaluation of mitigation success was conducted by Jones, Edmunds and Assoc. in 2010 and shown to have met mitigation requirements.

- 2) FDOT Project: US 27/SR 500 Widening  
Mitigation: 1. Cedar Key Water Quality Restoration Project  
2. Cow Creek Road Restoration  
3. Wetland Preservation

Widening of US 27/SR 500 from Chiefland to Bronson impacted 23.0 acres of wetlands. Mitigation involved improvements to the Cedar Key storm water system to prevent discharge of sediments, nutrients, bacteria, and heavy metals into the Gulf of Mexico. In addition natural water flow into wetlands was restored within the Goethe State Park, and approximately 1,000 acres of wetlands in Levy County were preserved by conservation easements to the District. Mitigation activities were completed in May 2007. District received \$1,713,490 from FDOT. Mitigation success will be evaluated in 2013.

## **SANTA FE BASIN**

- 1) FDOT Project: US 441 Santa Fe River Bridge Replacement  
FDOT Project: SR 121 Santa Fe River Bridge Replacement  
Mitigation Project: Alligator Lake Surface Water Improvement and Management (SWIM) Program

Replacement of the bridges impacted 2.3 acres of wetlands. Mitigation restored natural water flow between wetlands adjacent to Alligator Lake and Price Creek (both in Columbia County). Mitigation activities were completed in March 2001. District received \$60,000 from FDOT. Mitigation success will be evaluated in 2013.

- 2) FDOT Project: CR 231 Road Widening  
Mitigation Project: Floodplain Restoration at San Felasco Hammock State Preserve

Widening of CR 231 in Union County between SR 100 and the Baker County line impacted 1.96 acres of wetlands. Mitigation restored natural water flow, and removal of exotic plant species within wetlands in San Felasco Hammock State Preserve (Alachua County). Construction activities were completed in August 2004, and exotic plant removal was completed in June, 2011. District received \$166,476 from FDOT from FDOT. District received final report from FDEP in January 2011. Final inspection will be completed in 2013.

- 3) FDOT Project: CR 229 New River Bridge Replacement  
Mitigation: Lake Rowell Tract Restoration/Enhancement

Replacement of CR 229 Bridge over the New River between Union and Bradford counties impacted 2.44 acres of wetlands. Mitigation restored natural water

connections between Alligator Creek and Lake Rowell (both in Bradford County). District received \$180,214 from FDOT. Mitigation activities were completed in 2006. Mitigation success was evaluated in 2012. Further maintenance and monitoring is anticipated in 2013.

### **STEINHATCHEE RIVER BASIN**

- 1) FDOT Project: SR 51 Road Widening Taylor County  
Mitigation Project: Steinhatchee River Basin Hydrological Improvements

Widening of SR 51 impacted 3.5 acres of wetlands. Mitigation restored natural water connections for wetlands in District owned Steinhatchee Springs Tract. District received \$279,174 from FDOT. Mitigation success will be evaluated in 2013.

- 2) FDOT Project: SR 51 Road Widening Taylor and Dixie Counties  
Mitigation Project: San Pedro Bay Mitigation Bank

Widening of SR 51 in Dixie and Taylor Counties from the town of Steinhatchee to the Dixie/Lafayette County line impacted 1.27 acres of wetlands. Mitigation was by purchase of mitigation credits from San Pedro Mitigation Bank. District received \$10,200 from FDOT for mitigation. District purchased 0.6 mitigation credits from San Pedro Mitigation Bank in 2006.

### **WITHLACOOCHEE RIVER BASIN**

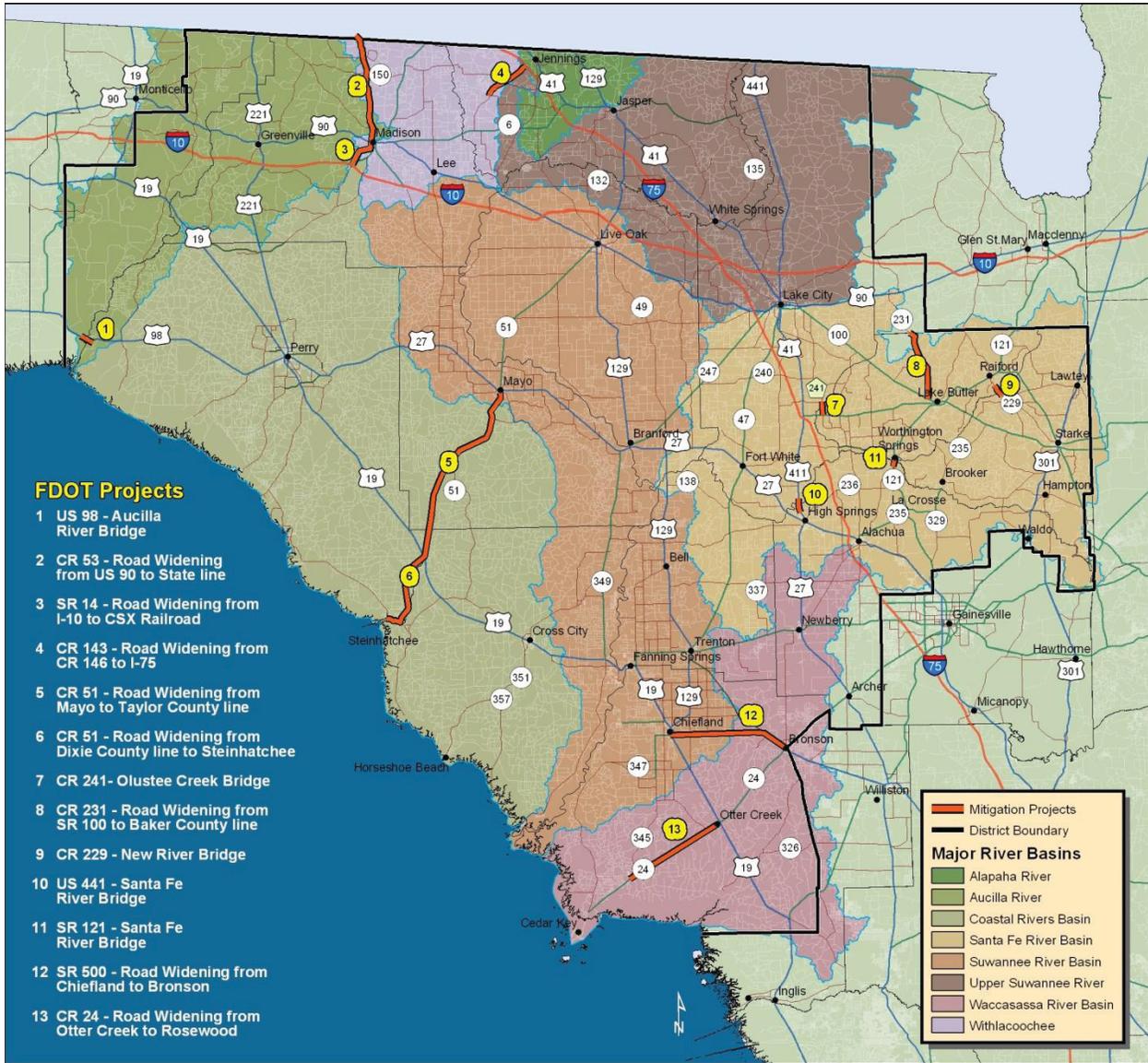
- 1) FDOT Project: CR 53 Road Widening  
Mitigation Project: West Farm Storm Water Pond Project

Widening of SR 53 impacted 1.6 acres of wetlands. Mitigation created wetland and lake habitat at the West Farm Storm water Facility in Madison County. Mitigation activities were completed in March 2001. District received \$260,325 from FDOT. Mitigation success will be evaluated in 2013.

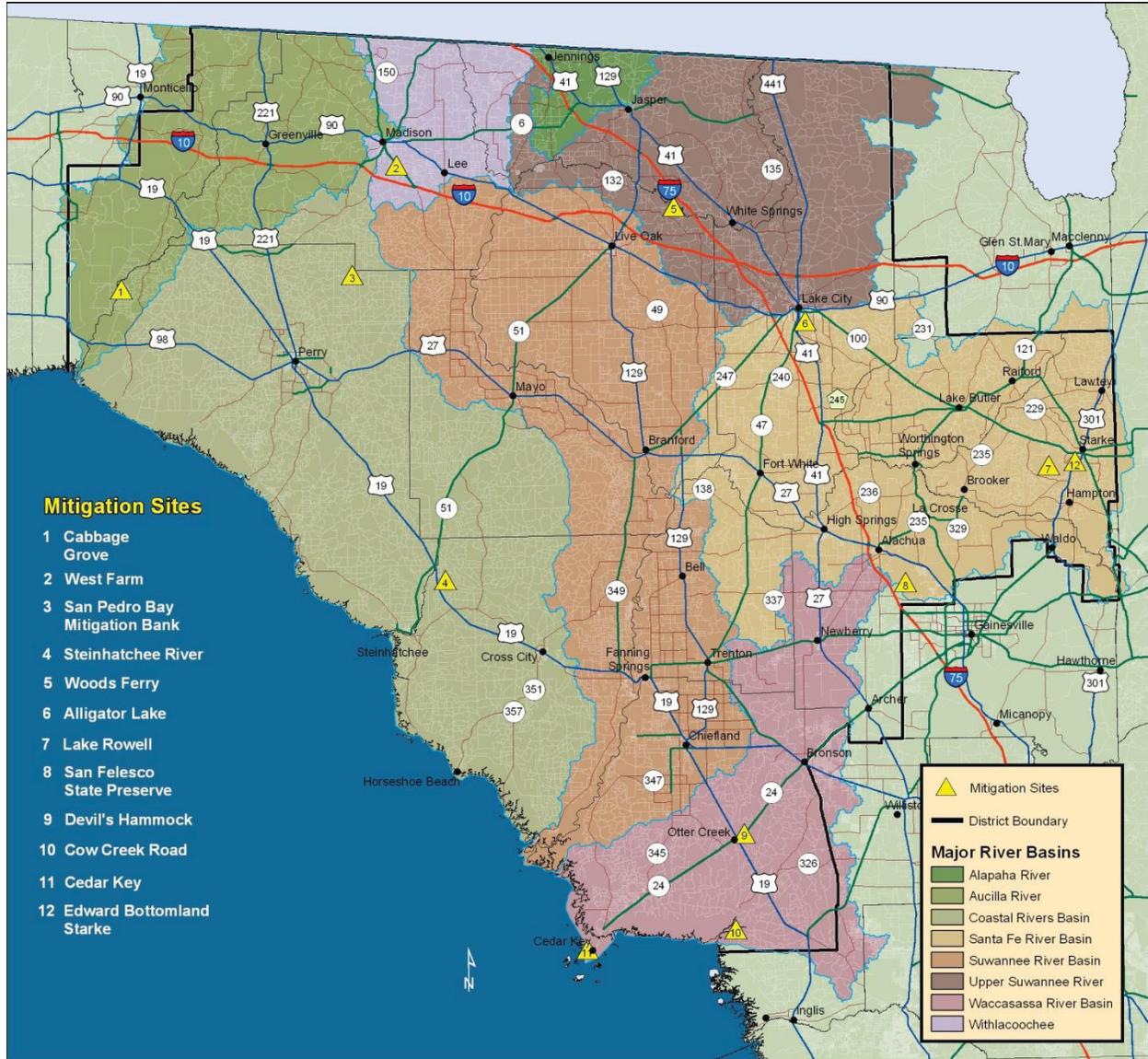
- 2) FDOT Project: SR 14 Widening  
Mitigation Project: Cabbage Grove Wetland Enhancement

Widening of SR 14 between Interstate 10 and the Madison city limits impacted 0.89 acres of wetlands. Mitigation restored natural water flow in wetlands within District owned Cabbage Grove Tract in Taylor County. District received \$75,594 from FDOT. Project was completed in 2006. District conducted operation and maintenance improvements at this site in December 2011. Mitigation success will be evaluated in 2013.

**Figure 1. General location of FDOT construction projects within SRWMD requiring wetland mitigation.**



**Figure 2. General location of wetland mitigation sites within SRWMD for FDOT construction projects.**



**Table 1. FDOT Construction Projects with Wetland Impacts and Associated Mitigation Projects.**

<i>Basin</i>	<i>FDOT Project Location</i>	<i>FDOT Work Number</i>	<i>ERP Number</i>	<i>Impact Acres</i>	<i>Wetland Type</i>	<i>Mitigation Project</i>	<i>Revenue from FDOT</i>	<i>Total Funds Expended</i>
<b>Aucilla</b>	US 98 Aucilla River Bridge	2108732	TBD	5.70	Forested	San Pedro Bay Mitigation Bank	\$43,500	\$43,500
<b>Santa Fe</b>	1. US 441/Santa Fe River Bridge and SR 121 Santa Fe River Bridge	2110486	00-0067	1.00	Forested	Alligator Lake Surface Water Improvement and Management Program (SWIM)	\$60,000	\$60,000
		2110344	99-0069	1.30	Forested			
	2. CR.231 Road Widening from S. R. 100 to the Baker County Line	2128801	02-0497	1.96	Forested	Cellon Creek Floodplain Restoration at San Felasco Hammock State Preserve	\$166,476	\$72,180
	3. CR. 229 New River Bridge	2128761	03-0089	2.44	Forested	Lake Rowell Tract Restoration/Enhancement	\$180,214	\$180,214
	4. CR 241 Over Olustee Creek Bridge Replacement	2116631	TBD	2.00	Forested	TBD	TBD	TBD
<b>Steinhatchee</b>	1. SR 51 Widening from Mayo to Taylor County Line	2100751 2100851	06-0600	3.50	Herbaceous	Restoration of areas impacted by silviculture activities on District property (Steinhatchee Falls)	\$279,174	\$279,174
	2. SR 51 Widening Steinhatchee to Dixie/Taylor County Line	2108502 2084662	05-0597	1.27	Herbaceous	San Pedro Bay Mitigation Bank credits	\$10,200	\$10,200
<b>Upper Suwannee</b>	CR 143 Widening from CR 146 to I-75	2122181	05-0081	1.23	Herbaceous and Forested	Woods Ferry Hydrologic Enhancements	\$110,970	\$53,848
<b>Waccasassa</b>	1. US 27 Widening from Chiefland to Bronson	2117089	96-0039	23.00	Forested	A. Upgrade of storm water management system to improve water quality in Cedar Key	\$1,713,490	\$1,713,490
						B. Cow Creek restoration in Goethe State Forest		
						C. Wetland preservation in Levy County		
	2. SR 24 Widening from Otter Creek to Rosewood	210384	04-0477	9.95	Forested	Devil's Hammock/47 Runs Enhancement/ Restoration	\$180,913	\$190,694
<b>Withlacoochee</b>	1. CR 53 Road Widening from US 90 to State Line	2117565	98-0041	1.60	Forested and Herbaceous	West Farm Storm water Project	\$260,325	\$260,325
	2. SR 14 Road Widening from I-10 to CSX Railroad	2105281	02-0528	0.90	Forested and Herbaceous	Cabbage Grove Wetland Enhancement	\$75,594	\$46,459

TBD = To be determined.

MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, P.E., Division Director, Resource Management

DATE: January 28, 2013

RE Denial Without Prejudice of Works of the District Permit Application Number ERP12-0083M, Robert Adams District Floodway Dock, Suwannee County

RECOMMENDATION

**Staff recommends the Governing Board authorize denial, without prejudice, to Robert Adams for Works of the District Permit Application Number ERP12-0083M, Robert Adams District Floodway Dock, Suwannee County.**

BACKGROUND

The application was received on July 10, 2012. District staff mailed a Request for Additional Information (RAI) on July 25, 2012. The time limit to respond to the RAI was September 25, 2012. There was no response to this RAI. District staff mailed a letter on October 31, 2012, requesting that the information be submitted in 18 days. There has been no response to this request.

LM/tm

January 28, 2013

Robert Adams  
15619 205<sup>th</sup> Road  
Live Oak, FL 32060

Subject: Denial of ERP12-0083, Robert Adams District Floodway Dock, Suwannee  
County

Dear Mr. Adams:

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

This proposed action is subject to final decision of the Governing Board at their regularly scheduled meeting on February 12, 2013, 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.  
Division Director, Resource Management

TS/rl  
Enclosure  
cc: Suwannee County Building Department  
Certified Mail Receipt Number: 7010 1060 0001 1350 3790

## 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.
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.

**NOTICE OF RIGHTS**

- 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:

**Robert Adams**  
**15619 205<sup>th</sup> Road**  
**Live Oak, FL 32060**

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

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

**STAFF REPORT  
WORKS OF THE DISTRICT PERMIT APPLICATION**

**DATE:** January 28, 2013

**PROJECT:** Robert Adams District Floodway Project

**APPLICANT:**  
Robert Adams  
15619 205<sup>th</sup> Road  
Live Oak, Florida 32060

**PERMIT APPLICATION NO.:**ERP12-0083M  
**DATE OF APPLICATION:** 7/10/12  
**APPLICATION COMPLETE:** N/A  
**DEFAULT DATE:** N/A

**Recommended Agency Action**

Staff recommends denial, without prejudice, of the Works of the District permit application because the applicant did not supply the information necessary to complete the application.

**Project Review Staff**

Leroy Marshall II, P.E., Senior Professional Engineer, reviewed the project.

**Project Location**

The proposed project is within Township 4 South, Range 11 East, Section 21, on the Suwannee County side of the Suwannee River. The site is directly across the Suwannee River from Lafayette Blue Springs State Park.

**Project Description**

The proposed project consisted of the construction of a floating dock and other structures within the 75-foot setback of the Suwannee River.

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

Staff inspected the project site on November 29, 2012. There has been no construction on this project.

ALLEN MILL POND

229TH DR

 SRWMD Ownership

 Project Boundary

### Robert Adams District Floodway Dock

ERP12-0083M

February 2013



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, P.E., Division Director, Resource Management

DATE: January 30, 2013

RE: Authorization to Amend Final Order 12-0007 Regarding Scott McNulty, CE10-0045, Levy County

### RECOMMENDATION

**Staff recommends the Governing Board amend Final Order 12-0007 to waive the penalty, administrative costs and attorney's fees regarding Scott McNulty, CE10-0045, Levy County.**

### BACKGROUND

This project is being brought back to the Board per the December Board discussion. As a reminder, District staff discovered that unpermitted excavation and road construction had occurred in the Cedar Key Heights Subdivision and a portion of this work occurred in jurisdictional wetlands within Levy County right-of-way. Staff and Mr. McNulty worked through the enforcement process, ultimately with Mr. McNulty signing a Consent Agreement.

One stipulation of the Consent Agreement was for Mr. McNulty to reimburse the District \$12,841.12 for administrative costs (\$1,364.97), attorneys' fees (at the time were \$8,476.15 legal fees incurred to date are **\$11,109.50.**) and an assessed penalty (\$3,000). The money was to be sent within 10 days of rendition of the consent agreement (September 21, 2012). When the money was not received, Staff Counsel spoke with Mr. McNulty's attorney who indicated that Mr. McNulty intended to pay but did not know when this would happen. Subsequent to this conversation, staff counsel sent Mr. McNulty a letter requesting payment by November 16, 2012. The payment was not received.

Mr. McNulty's environmental consultant approached the District regarding another possible land donation in lieu of payment. After review of the proposed property, the District and the Cedar Key Scrub Preserve were not interested in the land donation.

Mr. McNulty addressed the Board at their December meeting. Since that time, staff has issued the Environmental Resource Permit for the project and Mr. McNulty has completed all of the items required by the permit.

Staff recommends the Governing Board amend Final Order 12-0007 to waive the penalty, administrative costs and attorney's fees as specified in the current Consent Agreement.

TS/tm



**SUWANNEE  
RIVER  
WATER  
MANAGEMENT  
DISTRICT**

9225 CR 49  
Live Oak, FL 32060  
TELEPHONE: 386-362-1001  
TELEPHONE: 800-226-1066  
FAX: 386-362-1056

SUWANNEE RIVER WATER )  
MANAGEMENT DISTRICT, )

)  
Petitioner, )  
)

FILE NO. CE10-0045  
FINAL ORDER NO. 12-0007

SCOTT MCNULTY  
Respondent) \_\_\_\_\_

FIRST AMENDMENT TO FINAL ORDER 12-0007

This matter appeared before this Governing Board on February 12, 2013, to be heard on the Consent Agreement and Order signed by the Respondent and, having considered the record in this proceeding and the Consent Agreement and Order, this Board orders:

The Consent Agreement and Order received August 16, 2012, a copy of which is attached hereto and made a part hereof, is amended to delete paragraph 9 requiring payment of penalty, administrative costs and attorneys' fees. The amended Consent Agreement and Order is now adopted as the Final Order in this proceeding and constitutes final action of this agency in this proceeding.

This order entered by the Governing Board of the Suwannee River Water Management District this 12 day of February 2013.

By \_\_\_\_\_ :  
Its \_\_\_\_\_ Chair

At \_\_\_\_\_ test: \_\_\_\_\_  
Its \_\_\_\_\_ Secretary

Filed with the SRWMD District Clerk  
on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Jon Dinges  
Deputy Clerk

Copies furnished to:      Bruce Robinson  
Scott                              McNulty  
Edi                                 th Richman



**SUWANNEE RIVER WATER MANAGEMENT DISTRICT**

9225 CR 49  
Live Oak, FL 32060  
TELEPHONE: 386-362-1001  
TELEPHONE: 800-226-1066  
FAX: 386-362-1056

SUWANNEE RIVER WATER MANAGEMENT DISTRICT, )  
)

Petitioner, )  
)

FILE NO. CE10-0045  
FINAL ORDER NO. 12-0007

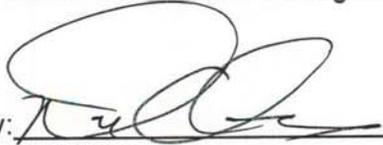
SCOTT MCNULTY  
\_\_\_\_\_  
Respondent)

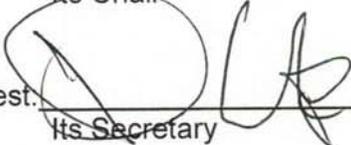
FINAL ORDER

This matter appeared before this Governing Board on September 11, 2012, to be heard on the Consent Agreement and Order signed by the Respondent and, having considered the record in this proceeding and the Consent Agreement and Order, this Board orders:

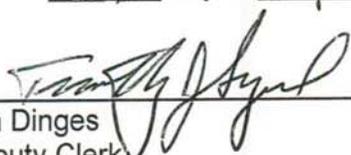
The Consent Agreement and Order received August 16, 2012, a copy of which is attached hereto and made a part hereof, is adopted as the Final Order in this proceeding and constitutes final action of this agency in this proceeding.

This order entered by the Governing Board of the Suwannee River Water Management District this 11th day of September 2012.

By:   
\_\_\_\_\_  
Its Chair

Attest:   
\_\_\_\_\_  
Its Secretary

Filed with the SRWMD District Clerk  
on this 11 day of Sept, 2012

*for*   
\_\_\_\_\_  
Jon Dinges  
Deputy Clerk

Copies furnished to: Bruce Robinson  
Scott McNulty  
Edith Richman

BEFORE THE GOVERNING BOARD OF THE  
SUWANNEE RIVER WATER MANAGEMENT DISTRICT

CASE NO.: 12-1968  
CE 10-0045

SUWANNEE RIVER WATER MANAGEMENT DISTRICT,

Petitioner,

vs.

SCOTT McNULTY,

Respondent.

---

FILE OF RECORD  
CONSENT AGREEMENT - CE 10-10045 – AND ORDER

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

Petitioner finds the following:

FACTS

1. Respondent is Scott McNulty, 7850 SW 126<sup>th</sup> Terrace, Cedar Key, Florida 32625.
2. Petitioner is a governmental agency of the State of Florida created and empowered by Chapter 373, F.S., and pursuant to the authority therein, most particularly Chapter 373, Part IV, F.S., has adopted regulations for construction and alteration of surface water management systems in Chapters 40B-1, 40B-4 and 40B-400.

Received  
SRWMD

1 of 6

AUG 16 2012

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

RM 70

3. Respondent performed unpermitted roadway construction and creation of a pond within a forested wetland on property owned by the Respondent on a parcel of land identified as Cedar Key Heights Block 83, and Levy County Right-of-Way (as attached in Exhibit "A"; which shows wetland impacts pursuant to correspondence from Rob Garren to Scott McNulty, dated July 11, 2012; and the *Specific Purpose Survey* for Scott McNulty, signed and sealed by Matthew G. Munsgard, on August 31, 2010), as recorded in the public records of Levy County, Florida.
4. Respondent performed unpermitted road and pond construction within portions of SW 126<sup>th</sup> Terrace and SW 127<sup>th</sup> Court, and in jurisdictional wetlands within the SW 77<sup>th</sup> Place right-of-way in Levy County, Florida.
5. On March 22, 2011, Respondent received a *Notice of Violation* prepared by Petitioner pursuant to Chapter 40B-4.1170, F.A.C.
6. The Respondent was informed that his activity required a permit pursuant to District rule 40B-1.702(3) and 40B-4.1040(1)(a), F.A.C., and 40B-4.2030(3), F.A.C.

#### REGULATIONS OR LAWS VIOLATED

7. Without an admission of liability, it appears conditions of Chapters 40B-1, 40B-4 and 40B-400, F.A.C., have been violated. Specifically, 40B-1.702(3) and 40B-4.1040(1)(a), F.A.C., and 40B-4.2030(3) and Section 12.1 – 12.3 of the Environmental Resource Applicant's Handbook adopted by referenced in 40B-400.091, have been violated for failure to obtain a permit for initiating a project that involved construction of roadway and a pond within wetlands.
8. The Parties, in an attempt to quickly resolve issues at dispute in this case, pursuant to Chapters 40B-1, 40B-4 and 40B-400, F.A.C., and Section 12.1 – 12.3 of the Handbook, have agreed that Respondent shall apply for a permit, failing which he shall restore the impacts to wetlands to their pre-construction condition.

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

9. Pursuant to §120.57, F.S., the District finds and it is agreed that Respondent shall pay the following within ten (10) days:

Received  
SRWMD

AUG 16 2012

2 of 6

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

RM 71

Assessed Penalty:	\$ 3,000.00
Administrative Costs:	\$ 1,364.97
Attorneys' Fees:	\$ 8,476.15
<b>TOTAL:</b>	<b><u>\$12,841.12</u></b>

In lieu of Assessed Penalty and Attorneys' Fees, Respondent proposes a land donation of fifteen (15) acres as shown in Exhibit "B."

Any sums unpaid within the time frame provided herein shall bear interest at the rate of 1.5 percent per month until paid or the District shall have the right to terminate this *Consent Agreement*. Should Respondent fail to successfully complete the actions outlined in Paragraph 10 within time frame specified within said paragraph, Respondent shall pay the Assessed Penalties and Attorneys' Fees as specified in this paragraph, and any additional Administrative Costs and Attorneys' Fees. Upon receipt of Exhibit "B", the District has thirty (30) day to evaluate and determine whether or not the donation of land is acceptable, and, if not, Respondent shall pay the assessed penalty, fees and costs.

#### REMEDIAL ACTION

10. The Parties, in an attempt to quickly resolve issues in dispute in this case, pursuant to Chapters 40B-1, 40B-4 and 40B-400, F.A.C., and Section 12.1 – 12.3 of the Handbook, have agreed that the Respondent shall, after execution of this *Consent Agreement*, complete the following activities:
  - A. No later than fifteen (15) days from the rendition of this *Order*, Respondent shall submit an Environmental Resource Permit (ERP) Application for the unpermitted pond excavation and road construction;
  - B. Timely and cooperatively provide all additional information requested by the District regarding the permit application throughout the permitting process;
  - C. Within fifteen (15) days after the approved work is completed, provide notice to the District and arrange for an inspection to determine proper completion.
  - D. Should the Respondent fail to obtain an ERP and fully comply with all of the required corrective actions, then Respondent agrees to restore impacted wetlands within Southwest 77<sup>th</sup> Place, and remove unauthorized lime rock roads back to their preconstruction condition.

Received  
SRWMD

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AUG 16 2012

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Copies to \_\_\_\_\_

RM 72

11. Respondent shall not undertake any further construction on the subject property, except as authorized by District permit and this *Consent Agreement*.
12. By execution of this *Consent Agreement*, Respondent waives his rights to an administrative hearing pursuant to Section 120.57, F.S., and right of appeal pursuant to Section 120.68 or Chapter 373, F.S., with regard to the terms of this *Consent Agreement*.
13. 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. Entry of this *Consent Agreement* does not relieve Respondent of the need to comply with any applicable federal, state or local laws, regulations or ordinances.
15. The terms and conditions set forth in this *Consent Agreement* may be enforced in a court of competent jurisdiction, pursuant to §120.69, F.S., and Chapter 28, F.A.C., or any other applicable rule or statute, and Respondent consents to entry of final judgment by a court of competent jurisdiction to enforce the terms of the agreement, plus attorneys' fees and costs, pursuant to §373.129, F.S., if Respondent fails to comply. Failure to comply with the terms of his *Consent Agreement* shall constitute a violation of Chapter 38, F.A.C., and the appropriate statutes.
16. Petitioner hereby expressly reserves the right to initiate appropriate administrative or legal action to prevent or prohibit future violation of applicable statutes or any rules promulgated thereunder, or to protect the public health, safety or general welfare.
17. This *Consent Agreement* is final agency action of the Suwannee River Water Management District, pursuant to §120.69, F.S., and Chapter 28, F.A.C., and it is final and effective on the date filed with the District Clerk of the Suwannee River Water Management District.
18. No modification of the terms of this *Consent Agreement* shall be effective until put in writing and executed by both Respondent and Petitioner.

Received  
SRWMD

AUG 16 2012

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Copies to \_\_\_\_\_

4 of 6

RM 73

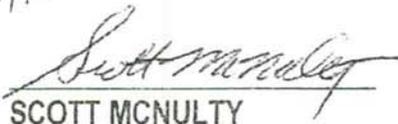
19. Respondent and the District hereby waive any and all rights and options which they have or might have to bring or maintain any such litigation or action in the federal court system of the United States, or in any United States Federal District Court. Respondent and the District hereby waive any and all rights and options which they have or might have to a trial by jury. Venue and exclusive jurisdiction for any such action shall lie and be only in the appropriate state courts of the State of Florida in and for Suwannee County, Florida. If any court action is necessary to enforce this *Consent Agreement and Order*, the prevailing party shall be entitled to their reasonable attorneys' and paralegals' fees, costs and expenses from the non-prevailing party, in addition to any other relief to which they may be entitled.

DATED this 11 day of Sept., 2012.

**RESPONDENT**

8/15/12

BY:

  
**SCOTT MCNULTY**  
7850 SW 126<sup>th</sup> Terrace  
Cedar Key, Florida 32625

**SUWANNEE RIVER WATER MANAGEMENT DISTRICT**

BY:

  
**ANN B. SHORTELE, PH.D.**  
Executive Director  
9225 CR 49  
Live Oak, FL 32060  
Toll Free: 800-226-1066  
Telephone: 386-362-1001

**EDITH RICHMAN, P.A.**

BY:

  
**EDITH RICHMAN, ESQUIRE**  
Florida Bar No.: 339903  
Post Office Box 10  
Archer, Florida 32618  
Telephone: 352-495-9123  
Facsimile: 352-495-1400  
Email: [erichman@cox.net](mailto:erichman@cox.net)  
Attorney for Respondent

**ROBINSON, KENNON & KENDRON, P.A.**

BY:

  
**BRUCE W. ROBINSON**  
Florida Bar No.: 143796  
582 W. Duval Street  
Lake City, FL 32056-1178  
Telephone: 386-755-1334  
Facsimile: 386-755-1336  
Email: [bw@kkaattorneys.com](mailto:bw@kkaattorneys.com)  
Attorneys for Petitioner, SRWMD

Received  
SRWMD

5 of 6

AUG 16 2012

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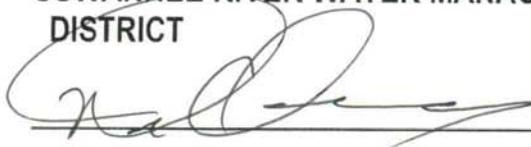
RM 74

**ORDERED**

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

**DONE AND ORDERED** this 11 day of Sept., 2012, in Live Oak, Suwannee County, Florida.

**SUWANNEE RIVER WATER MANAGEMENT  
DISTRICT**



**Governing Board Chairman**  
9225 CR 49  
Live Oak, FL 32060  
Telephone: 386-362-1001

**Copies Furnished To:**  
Bruce W. Robinson, Esquire  
Edith Richman, Esquire

Received  
SRWMD

AUG 16 2012

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

July 11, 2012

Mr. Scott McNulty



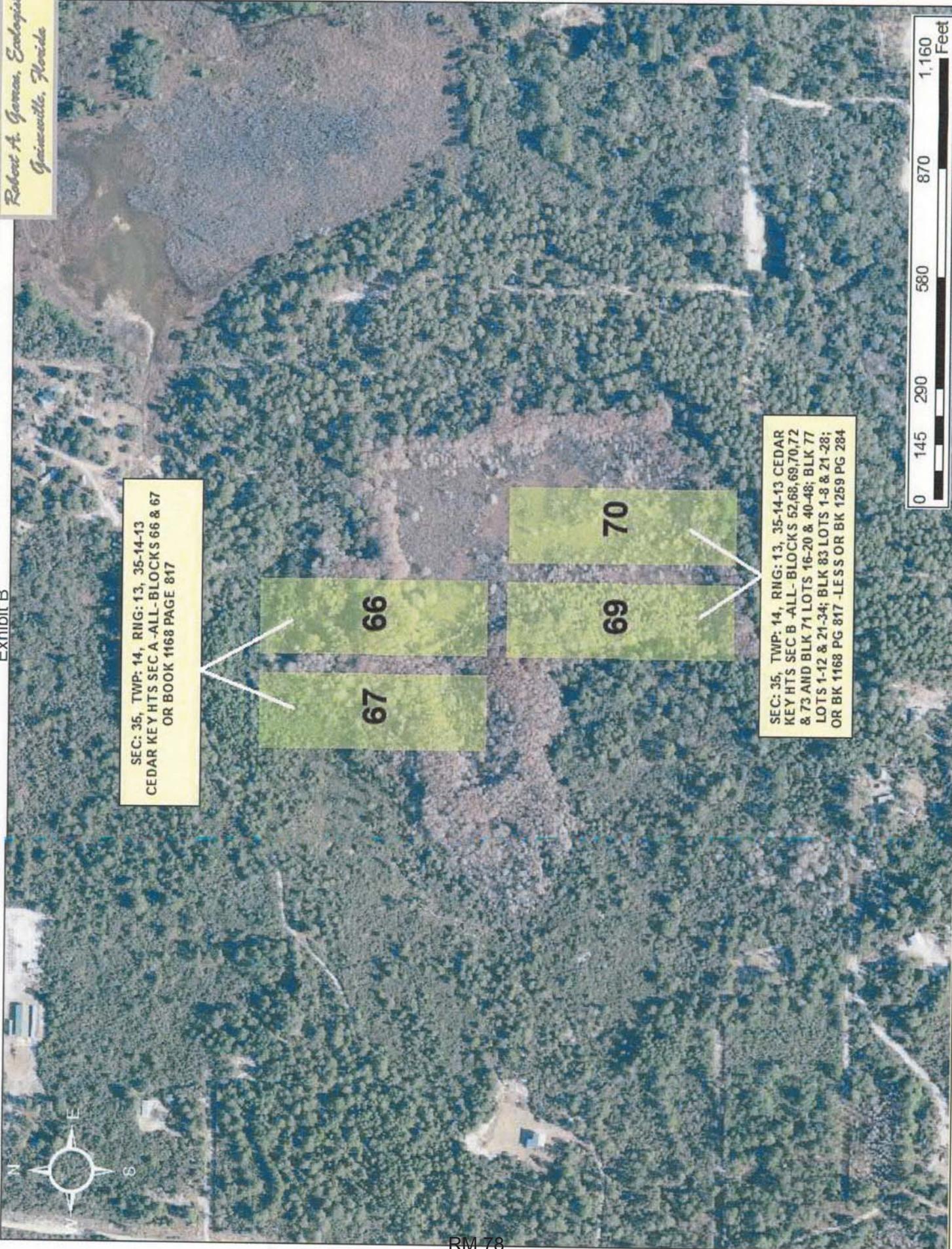
Figure 1. Extent of wetland impacts due to road fill and excavation on the McNulty Road Project site, Levy County, as determined during field inspection of July 9, 2012.

Robert A. Garren, Ecologist

Gainesville, Florida



*Robert A. Gomez, Ecologist  
Gainesville, Florida*



SEC: 35, TWP: 14, RNG: 13, 35-14-13  
CEDAR KEY HTS SEC A -ALL- BLOCKS 66 & 67  
OR BOOK 1168 PAGE 817

SEC: 35, TWP: 14, RNG: 13, 35-14-13 CEDAR  
KEY HTS SEC B -ALL- BLOCKS 52,68,69,70,72  
& 73 AND BLK 71 LOTS 16-20 & 40-48; BLK 77  
LOTS 1-12 & 21-34; BLK 83 LOTS 1-8 & 21-28;  
OR BK 1168 PG 817 -LESS OR BK 1259 PG 284



## MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, Division Director

DATE: January 28, 2013

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

### RECOMMENDATION

**Staff recommends the Governing Board authorize the Executive Director to enter into an agreement with the Florida Department of Environmental Protection (FDEP) regarding administration of the Delineated Areas Water Well Permitting Program.**

### BACKGROUND

The District has administered the delineated areas water well permitting program for FDEP for over 20 years. The program provides for a review of water well construction permit applications in areas delineated by FDEP as having groundwater contamination. District administration of the program involves incorporating the delineated areas information into the District's existing water well permitting process.

The agreement provides for a \$40,000 grant from FDEP to administer the delineated areas water well permitting program for the period beginning July 1, 2012, and ending June 30, 2013. The FY2012-2013 contract was received on January 11, 2013.

TS/tm

AGREEMENT NO. S0638

STATE OF FLORIDA  
GRANT AGREEMENT  
PURSUANT TO LINE ITEM 1641 OF THE 2012-2013 GENERAL APPROPRIATIONS ACT

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

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

1. The Grantee does hereby agree to perform in accordance with the terms and conditions set forth in this Agreement, **Attachment A, Grant Work Plan**, and all attachments and exhibits named herein which are attached hereto and incorporated by reference. For purposes of this Agreement, the terms "Contract" and "Agreement" and the terms "Grantee", "Recipient" and "Contractor", are used interchangeably.
2. This Agreement shall begin upon execution by both parties and remain in effect until June 30, 2013, inclusive. The Grantee shall be eligible for reimbursement for work performed on or after July 1, 2012 and until the expiration of this Agreement. This Agreement may be amended to provide for additional services if additional funding is made available by the Legislature.
3.
  - A. As consideration for the services rendered by the Grantee under the terms of this Agreement, the Department shall pay the Grantee on a cost reimbursement basis in an amount not to exceed \$39,999.76. The parties hereto understand and agree that this Agreement does not require a cost sharing or match on the part of the Grantee.
  - B. The Grantee shall be reimbursed on a cost reimbursement basis for all eligible project costs, upon the completion, submittal and approval of deliverables identified in **Attachment A**, in accordance with the schedule therein. Reimbursement shall be requested utilizing **Attachment B, Payment Request Summary Form**. A final payment request must be submitted to the Department no later than August 15, 2013, to assure the availability of funds for payment. In addition to the summary form, the Grantee must provide from its accounting system, a listing of expenditures per deliverable, charged against this Agreement. The listing shall include, at a minimum, a description of the goods or services purchased, date of the transaction, voucher number, amount paid, and vendor name. Travel expenses will not be reimbursed under the terms and conditions of this Agreement.
  - C. In addition to the invoicing requirements contained in paragraph 3.B. above, the Department will periodically request proof of a transaction (invoice, payroll register, etc.) to evaluate the appropriateness of costs to the Agreement pursuant to State and Federal guidelines (including cost allocation guidelines), as appropriate. This information, when requested, must be provided within thirty (30) calendar days of such request. The Grantee may also be required to submit a cost allocation plan to the Department in support of its multipliers (overhead, indirect, general administrative costs, and fringe benefits). All bills for amounts due under this Agreement shall be submitted in detail sufficient for a proper pre-audit and post-audit thereof. State guidelines for allowable costs can be found in the Department of Financial Services' Reference Guide for State Expenditures at <http://www.fldfs.com/aadir/reference%5Fguide>.

- D. Contractual (Subcontractors) - Reimbursement requests for payments to subcontractors must be substantiated by copies of invoices with backup documentation identical to that required from the Grantee. Subcontracts which involve payments for direct salaries shall clearly identify the personnel involved, salary rate per hour, and hours/time spent on the project. All multipliers used (i.e. fringe benefits, overhead, and/or general and administrative rates) shall be supported by audit. If the Department determines that multipliers charged by any subcontractor exceeded the rates supported by audit, the Grantee shall be required to reimburse such funds to the Department within thirty (30) days of written notification. Interest on the excessive charges shall be calculated based on the prevailing rate used by the State Board of Administration. For fixed price (vendor) subcontracts, the following provisions shall apply:
1. The Grantee may award, on a competitive basis, fixed price subcontracts to consultants/contractors in performing the work described in Attachment A. Invoices submitted to the Department for fixed price subcontracted activities shall be supported with a copy of the subcontractor's invoice and a copy of the tabulation form for the competitive procurement process (Invitation to Bid or Request for Proposals) resulting in the fixed price subcontract.
  2. The Grantee may request approval from the Department to award a fixed price subcontract resulting from procurement methods other than those identified in the paragraph above. In this instance, the Grantee shall request the advance written approval from the Department's Grant Manager of the fixed price negotiated by the Grantee. The letter of request shall be supported by a detailed budget and Scope of Services to be performed by the subcontractor. Upon receipt of the Department Grant Manager's approval of the fixed price amount, the Grantee may proceed in finalizing the fixed price subcontract.
  3. All subcontracts are subject to the provisions of paragraph 11 and any other appropriate provisions of this Agreement which affect subcontracting activities.
- E.
1. The accounting systems for all Grantees must ensure that these funds are not commingled with funds from other agencies. Funds from each agency must be accounted for separately. Grantees are prohibited from commingling funds on either a program-by-program or a project-by-project basis. Funds specifically budgeted and/or received for one project may not be used to support another project. Where a Grantee's, or subrecipient's, accounting system cannot comply with this requirement, the Grantee, or subrecipient, shall establish a system to provide adequate fund accountability for each project it has been awarded.
  2. If the Department finds that these funds have been commingled, the Department shall have the right to demand a refund, either in whole or in part, of the funds provided to the Grantee under this Agreement for non-compliance with the material terms of this Agreement. The Grantee, upon such written notification from the Department shall refund, and shall forthwith pay to the Department, the amount of money demanded by the Department. Interest on any refund shall be calculated based on the prevailing rate used by the State Board of Administration. Interest shall be calculated from the date(s) the original payment(s) are received from the Department by the Grantee to the date repayment is made by the Grantee to the Department.
  3. In the event that the Grantee recovers costs, incurred under this Agreement and reimbursed by the Department, from another source(s), the Grantee shall reimburse the Department for all recovered funds originally provided under this Agreement. Interest on any refund shall be calculated based on the prevailing rate used by the State Board of Administration. Interest shall be calculated from the date(s) the payment(s) are recovered by the Grantee to the date repayment is made to the Department by the Grantee.

4. The State of Florida's performance and obligation to pay under this Agreement is contingent upon an annual appropriation by the Legislature. The parties hereto understand that this Agreement is not a commitment of future appropriations.
5. The Grantee shall utilize **Attachment C, Progress Report Form**, to describe the work performed, problems encountered, problem resolution, schedule updates and proposed work for the next reporting period. Quarterly reports shall be submitted to the Department's Grant Manager no later than forty-five (45) days following the completion of the quarterly reporting period. It is hereby understood and agreed by the parties that the term "quarterly" shall reflect the calendar quarters ending March 31, June 30, September 30 and December 31. The Department's Grant Manager shall have ten (10) calendar days to review the required reports and deliverables submitted by the Grantee.
6. Each party hereto agrees that it shall be solely responsible for the negligent or wrongful acts of its employees and agents. However, nothing contained herein shall constitute a waiver by either party of its sovereign immunity or the provisions of Section 768.28, Florida Statutes.
7.
  - A. The Department may terminate this Agreement at any time in the event of the failure of the Grantee to fulfill any of its obligations under this Agreement. Prior to termination, the Department shall provide thirty (30) calendar days written notice of its intent to terminate and shall provide the Grantee an opportunity to consult with the Department regarding the reason(s) for termination.
  - B. The Department may terminate this Agreement for convenience by providing the Grantee with thirty (30) calendar days written notice.
8. This Agreement may be unilaterally canceled by the Department for refusal by the Grantee to allow public access to all documents, papers, letters, or other material made or received by the Grantee in conjunction with this Agreement, unless the records are exempt from Section 24(a) of Article I of the State Constitution and Section 119.07(1)(a), Florida Statutes.
9. The Grantee shall maintain books, records and documents directly pertinent to performance under this Agreement in accordance with generally accepted accounting principles consistently applied. The Department, the State, or their authorized representatives shall have access to such records for audit purposes during the term of this Agreement and for five (5) years following Agreement completion. In the event any work is subcontracted, the Grantee shall similarly require each subcontractor to maintain and allow access to such records for audit purposes.
10.
  - A. In addition to the requirements of the preceding paragraph, the Grantee shall comply with the applicable provisions contained in **Attachment D, Special Audit Requirements**, attached hereto and made a part hereof. **Exhibit I to Attachment D** summarizes the funding sources supporting the Agreement for purposes of assisting the Grantee in complying with the requirements of **Attachment D**. A revised copy of **Exhibit I** must be provided to the Grantee for each amendment which authorizes a funding increase or decrease. If the Grantee fails to receive a revised copy of **Exhibit I**, the Grantee shall notify the Department's Grants Development and Review Manager at 850 245-2361 to request a copy of the updated information.
  - B. The Grantee is hereby advised that the Federal and/or Florida Single Audit Act Requirements may further apply to lower tier transactions that may be a result of this Agreement. The Grantee shall consider the type of financial assistance (federal and/or state) identified in **Attachment D, Exhibit I** when making its determination. For federal financial assistance, the Grantee shall utilize the guidance provided under OMB Circular A-133, Subpart B, Section \_\_.210 for determining whether the relationship represents that of a subrecipient or vendor. For state financial assistance, the Grantee shall utilize the form entitled "Checklist for Nonstate Organizations Recipient/Subrecipient vs. Vendor Determination" (form number DFS-A2-NS) that can be found under the "Links/Forms" section appearing at the following website:

<https://apps.fldfs.com/fsaa>

The Grantee should confer with its chief financial officer, audit director or contact the Department for assistance with questions pertaining to the applicability of these requirements.

- C. In addition, the Grantee agrees to complete and submit the **Certification of Applicability to Single Audit Act Reporting, Attachment E**, attached hereto and made a part hereof, within four (4) months following the end of the Grantee's fiscal year. Attachment E should be submitted to the Department's Grants Development and Review Manager at 3900 Commonwealth Boulevard, Mail Station 93, Tallahassee, Florida 32399-3000. The Grants Development and Review Manager is available to answer any questions at (850) 245-2361.
11. A. The Grantee may not subcontract work under this Agreement without the prior written consent of the Department's Grant Manager. The Grantee shall submit a copy of the executed subcontract to the Department within ten (10) days after execution. The Grantee agrees to be responsible for the fulfillment of all work elements included in any subcontract and agrees to be responsible for the payment of all monies due under any subcontract. It is understood and agreed by the Grantee that the Department shall not be liable to any subcontractor for any expenses or liabilities incurred under the subcontract and that the Grantee shall be solely liable to the subcontractor for all expenses and liabilities incurred under the subcontract.
- B. The Department of Environmental Protection supports diversity in its procurement program and requests that all subcontracting opportunities afforded by this Agreement embrace diversity enthusiastically. The award of subcontracts should reflect the full diversity of the citizens of the State of Florida. A list of minority owned firms that could be offered subcontracting opportunities may be obtained by contacting the Office of Supplier Diversity at (850) 487-0915.
12. In accordance with Section 216.347, Florida Statutes, the Grantee is hereby prohibited from using funds provided by this Agreement for the purpose of lobbying the Legislature, the judicial branch or a state agency.
13. The Grantee shall comply with all applicable federal, state and local rules and regulations in providing services to the Department under this Agreement. The Grantee acknowledges that this requirement includes, but is not limited to, compliance with all applicable federal, state and local health and safety rules and regulations. The Grantee further agrees to include this provision in all subcontracts issued as a result of this Agreement.
14. Any notices between the parties shall be considered delivered when posted by Certified Mail, return receipt requested, or overnight courier service, or delivered in person to the Grant Managers at the addresses below.
15. The Department's Grant Manager for this Agreement is identified below.

David C. James	
Florida Department of Environmental Protection	
Division of Water Resource Management	
2600 Blair Stone Road, MS# 3580	
Tallahassee, Florida 32399-2400	
Telephone No.:	(850) 245-8648
Fax No.:	(850) 245-8669
E-mail Address:	David.james@dep.state.fl.us

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

Gloria Hancock	
Suwannee River Water Management District	
9225 County Road 49	
Live Oak, Florida 32060	
Telephone No.:	(386) 362-1001
Fax No.:	(386) 362-1781
E-mail Address:	hancock_g@srwind.state.fl.us

17. To the extent required by law, the Grantee will be self-insured against, or will secure and maintain during the life of this Agreement, Workers' Compensation Insurance for all of its employees connected with the work of this project and, in case any work is subcontracted, the Grantee shall require the subcontractor similarly to provide Workers' Compensation Insurance for all of the latter's employees unless such employees are covered by the protection afforded by the Grantee. Such self-insurance program or insurance coverage shall comply fully with the Florida Workers' Compensation law. In case any class of employees engaged in hazardous work under this Agreement is not protected under Workers' Compensation statutes, the Grantee shall provide, and cause each subcontractor to provide, adequate insurance satisfactory to the Department, for the protection of his employees not otherwise protected.
18. The Grantee, as an independent contractor and not an agent, representative, or employee of the Department, agrees to carry adequate liability and other appropriate forms of insurance. The Department shall have no liability except as specifically provided in this Agreement.
19. The Grantee covenants that it presently has no interest and shall not acquire any interest which would conflict in any manner or degree with the performance of services required.
20. Reimbursement for equipment purchases costing \$1,000 or more is not authorized under the terms and conditions of this Project Agreement.
21. The Department may at any time, by written order designated to be a change order, make any change in the Grant Manager information or task timelines within the current authorized Agreement period. All change orders are subject to the mutual agreement of both parties as evidenced in writing. Any change, which causes an increase or decrease in the Grantee's cost or time, shall require formal amendment to this Agreement.
22. A. No person, on the grounds of race, creed, color, national origin, age, sex, or disability, shall be excluded from participation in; be denied the proceeds or benefits of; or be otherwise subjected to discrimination in performance of this Agreement.
- B. An entity or affiliate who has been placed on the discriminatory vendor list may not submit a bid on a contract to provide goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not award or perform work as a contractor, supplier, subcontractor, or consultant under contract with any public entity, and may not transact business with any public entity. The Florida Department of Management Services is responsible for maintaining the discriminatory vendor list and intends to post the list on its website. Questions regarding the discriminatory vendor list may be directed to the Florida Department of Management Services, Office of Supplier Diversity, at 850/487-0915.
23. Land acquisition is not authorized under the terms of this Agreement.

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

Gloria Hancock	
Suwannee River Water Management District	
9225 County Road 49	
Live Oak, Florida 32060	
Telephone No.:	(386) 362-1001
Fax No.:	(386) 362-1781
E-mail Address:	hancock_g@srwmd.state.fl.us

17. To the extent required by law, the Grantee will be self-insured against, or will secure and maintain during the life of this Agreement, Workers' Compensation Insurance for all of its employees connected with the work of this project and, in case any work is subcontracted, the Grantee shall require the subcontractor similarly to provide Workers' Compensation Insurance for all of the latter's employees unless such employees are covered by the protection afforded by the Grantee. Such self-insurance program or insurance coverage shall comply fully with the Florida Workers' Compensation law. In case any class of employees engaged in hazardous work under this Agreement is not protected under Workers' Compensation statutes, the Grantee shall provide, and cause each subcontractor to provide, adequate insurance satisfactory to the Department, for the protection of his employees not otherwise protected.
18. The Grantee, as an independent contractor and not an agent, representative, or employee of the Department, agrees to carry adequate liability and other appropriate forms of insurance. The Department shall have no liability except as specifically provided in this Agreement.
19. The Grantee covenants that it presently has no interest and shall not acquire any interest which would conflict in any manner or degree with the performance of services required.
20. Reimbursement for equipment purchases costing \$1,000 or more is not authorized under the terms and conditions of this Project Agreement.
21. The Department may at any time, by written order designated to be a change order, make any change in the Grant Manager information or task timelines within the current authorized Agreement period. All change orders are subject to the mutual agreement of both parties as evidenced in writing. Any change, which causes an increase or decrease in the Grantee's cost or time, shall require formal amendment to this Agreement.
22. A. No person, on the grounds of race, creed, color, national origin, age, sex, or disability, shall be excluded from participation in; be denied the proceeds or benefits of; or be otherwise subjected to discrimination in performance of this Agreement.
- B. An entity or affiliate who has been placed on the discriminatory vendor list may not submit a bid on a contract to provide goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not award or perform work as a contractor, supplier, subcontractor, or consultant under contract with any public entity, and may not transact business with any public entity. The Florida Department of Management Services is responsible for maintaining the discriminatory vendor list and intends to post the list on its website. Questions regarding the discriminatory vendor list may be directed to the Florida Department of Management Services, Office of Supplier Diversity, at 850/487-0915.
23. Land acquisition is not authorized under the terms of this Agreement.

24. If a court deems any provision of this Agreement void or unenforceable, that provision shall be enforced only to the extent that it is not in violation of law or is not otherwise unenforceable and all other provisions shall remain in full force and effect.
25. This Agreement represents the entire agreement of the parties. Any alterations, variations, changes, modifications or waivers of provisions of this Agreement shall only be valid when they have been reduced to writing, duly signed by each of the parties hereto, and attached to the original of this Agreement, unless otherwise provided herein.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

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

SUWANNEE RIVER WATER  
MANAGEMENT DISTRICT

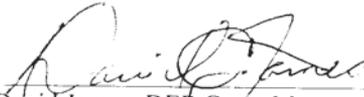
STATE OF FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION

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

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

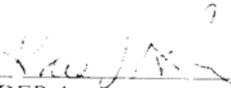
Date: \_\_\_\_\_

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

  
\_\_\_\_\_  
David James, DEP Grant Manager

  
\_\_\_\_\_  
DEP Contracts Administrator

Approved as to form and legality:

  
\_\_\_\_\_  
DEP Attorney

FEID No.:59-1520101

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

Specify Type	Letter/ Number	Description (include number of pages)
<u>Attachment</u>	<u>A</u>	<u>Grant Work Plan (13 Pages)</u>
<u>Attachment</u>	<u>B</u>	<u>Payment Request Summary Form (2 Pages)</u>
<u>Attachment</u>	<u>C</u>	<u>Progress Report Form (1 Page)</u>
<u>Attachment</u>	<u>D</u>	<u>Special Audit Requirements (5 Pages)</u>
<u>Attachment</u>	<u>E</u>	<u>Certification of Applicability to Single Audit Act Reporting (3 Pages)</u>

**ATTACHMENT A**  
**GRANT WORK PLAN**  
**July 1, 2012 through June 30, 2013**

**Project Title:** New potable water well permitting in delineated areas of known ground water contamination pursuant to Chapter 62-524, Florida Administrative Code (F.A.C.).

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

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

The DEP has delegated to the Water Management Districts (WMDs) authority to implement the Delineated Areas Program through interagency Agreements. The districts are required to perform detailed reviews of permit applications for construction of new potable water wells in delineated areas of known ground water contamination. Permitted wells must be constructed to more stringent well construction standards to mitigate the potential for withdrawal of contaminated water supplies. Each permit is dependent on site-specific hydrogeologic conditions. All wells must be tested for contamination by the County Health Department (CHD) and cleared prior to potable water use. The WMDs coordinate this effort with the DEP and the Department of Health (DOH) and the CHDs. Contaminated wells that are not cleared for use by the CHD are typically remediated by installation of a filtration system or by connection to a public water supply system.

**Project Objectives:**

- Objective 1: Protect public health and the ground water resource in delineated areas of known ground water contamination pursuant to Chapter 62-524, F.A.C., New Potable Water Well Permitting in Delineated Areas.
- Objective 2: Permit the construction of all new potable water wells located in delineated areas of known ground water contamination pursuant to Chapter 62-524, F.A.C.
- Objective 3: Provide a clean source of potable well water in delineated areas of known ground water contamination through proper well construction standards pursuant to Chapter 62-524, F.A.C., well remediation by installation of a filtration system, or connection to a public water system.
- Objective 4: Perform on-site well construction inspections to verify compliance with the permit conditions, Chapter 373, F.S., Part III, Regulation of Wells, Chapter 62-532, F.A.C., Chapter 62-524, F.A.C., and Chapter 40A-3, F.A.C.

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

**Project Description:**

**Task No. 1: Administer a Permitting Program for New Potable Water Well Construction in Delineated Areas of Known Ground Water Contamination Pursuant to Chapter 62-524, F.A.C., New Potable Water Well Permitting In Delineated Areas**

- A. The Grantee shall administer a permitting program for the construction of new potable water wells in delineated areas of known ground water contamination pursuant to Section 373.309, F.S. and Chapter 62-524, F.A.C. The Grantee shall incorporate the delineated areas application review and permitting program with the Grantee's existing water well construction program and shall use the Grantee's existing permit application and completion report forms, water well construction program database, and program management practices. Permit applications shall be processed in accordance with the following: Chapter 373, F. S., Chapter 62-532, F.A.C., Chapter 62-524, F.A.C., Chapter 40A-3, F.A.C., and the requirements of this Grant Work Plan, Attachment A.
- B. Delineated areas of known ground water contamination maps showing the location of delineated areas are available to the Grantee electronically from the Department's GIS system. The Grantee may upload the GIS SDE layer, "Ground Water Contamination", which is the delineated areas map coverage, to its GIS system. The map coverage of delineated areas of known ground water contamination is also available on-line via the Departments public GIS Map Direct Internet application.
- C. The Grantee shall review all permit applications to construct a water well and determine whether the proposed well location site is or is not located within a delineated area of known ground water contamination. All permit applications shall include a location map with sufficient detail for the Grantee to determine the proposed well location site.
- D. The Grantee shall permit the construction of all new potable water wells located within delineated areas of known area of ground water contamination to meet the requirements of Chapter 373, F.S., Chapter 62-532, F.A.C., Chapter 62-524, F.A.C., Chapter 40A-3, F.A.C., and the requirements of this Grant Work Plan, Attachment A.
- E. Global Positioning System (GPS) equipment and field measurements shall be used to determine the actual proposed well location if the well location cannot be accurately determined using the GIS system. The Grantee may exempt the permit applicant from the

requirements of Chapter 62-524, F.A.C., if the proposed new potable well is found to be located outside a delineated area of known ground water contamination.

- F. The Grantee shall deny issuance of a permit to construct a non-DEP potable well in a known area of ground water contamination if the well is located within 500 feet of a DEP public water supply distribution line unless the applicant demonstrates that the conditions set forth in Section 62-524.700(2), F.A.C., can be met.
- G. The Grantee shall determine if the permitting of any new DEP public water supply well as defined in Chapter 62-550, F.A.C., that is located outside of a delineated area of known ground water contamination will withdraw ground water from a delineated area of known ground water contamination and require additional permit requirements as appropriate to minimize this withdrawal to protect public health and the ground water resource.
- H. Chapter 62-524, F.A.C., allows the Grantee to impose more stringent well construction requirements than the minimum requirements established in Chapter 62-532, F.A.C., to ensure protection of public health and the ground water resource. The Grantee shall determine whether additional permit requirements are necessary based on the intended use of the well, the well location, the site specific geology and hydrogeology, the nature and extent of contamination, and other information available to the Grantee related to the delineated area of known ground water contamination. The Grantee and the Department shall consult on an as needed basis to discuss specific well construction requirements for any new potable water well constructed in a delineated area of known of ground water contamination.
- I. The Grantee shall maintain a database of all delineated area potable water wells permitted in delineated areas of known ground water contamination pursuant to Chapter 62-524, F.A.C. At a minimum, the database shall contain the fields in the attached spreadsheet identified as Exhibit I.

**Deliverable:** The Grantee will complete and submit the Task 1 section of the spreadsheet identified as Exhibit I. In addition to the spreadsheet the Grantee will provide the following information:

- A. The number of private and non-Department public potable water wells permitted in delineated areas of known ground water contamination pursuant to Chapter 62-524, F.A.C.
- B. The number of private and non-Department public potable water well permits denied in delineated areas of known ground water contamination and the reason for denial pursuant to Chapter 62-524, F.A.C..
- C. The number of private and non-Department public potable water wells tested in delineated areas of known ground water contamination that exceed the ground water MCL.

**Deliverable Due Date:** No later than thirty (30) days following completion of the quarterly reporting period. The quarterly Payment Request Summary Form shall be submitted with Attachment C and the deliverables for this task.

**Not to Exceed Annual Task Budget Amount: \$21,765.58**

**Salaries:** \$16,742.75 (annual total)

Resource Mgt Data Specialist II: \$17.35/hour @ 965 hours = \$16,742.75

**Fringe Benefits:** \$5,022.83 (annual total)

Fringe benefits are calculated at 30% of salary rate.

Fringe Benefits: Fringe benefits include FICA, retirement, workers compensation insurance, annual leave, sick leave, holiday leave, health insurance and dental insurance.

**Anticipated Quarterly Deliverable Budget: \$5,441.40**

The quarterly budget for this task is based on the following billing categories/rates:

**Salaries:** \$4,185.69 (quarterly total)

Resource Mgt Data Specialist II: \$17.35/hour @ 241.25 hours/quarter = \$4,185.69

**Fringe Benefits:** \$1,255.71 (quarterly total)

Fringe benefits are calculated at 30% of salary rate.

Fringe Benefits: Fringe benefits include FICA, retirement, workers compensation insurance, annual leave, sick leave, holiday leave, health insurance and dental insurance.

**The actual invoice amount may be more or less than the anticipated budget amount depending on the work completed. The invoice amount shall be deducted from the Annual Amount budgeted for this task. Total payment for this task shall not exceed the Annual Task Budget amount. Flexibility within an authorized budget category is allowed between quarters as long as the revised budget for all four (4) quarters is submitted in writing with the Payment Request Summary Form submitted for the quarter and the change does not change the total budgeted amount for the approved budget category for the task.**

**Performance Standards:** The Department's Grant Manager will review the spreadsheet to verify that the Grantee's permitting process for the construction of new potable water wells in delineated areas meets the requirements of Chapter 373, F.S., Part III, Regulation of Wells, Chapter 62-532, F.A.C., Chapter 62-524, F.A.C., Chapter 40A-3, F.A.C., and the requirements of this Grant Work Plan, Attachment A.

The Department's Grant Manager will review the spreadsheet and the payment request to determine whether the number of hours/personnel invoiced for this task is appropriate for the work performed during the quarter. In the event that the Department Grant Manager has questions regarding the number of hours utilized or the level of personnel utilized, he may request additional information from the Grantee. Requests for additional information will result in a delay in processing of reimbursement.

**Financial Consequences:** 1) In the event that the Department Grant Manager determines that, in his opinion, the number of hours listed for the work performed was not appropriate or the work was not performed by the appropriate level of personnel, the request for reimbursement will be denied. 2) Any work not satisfactorily performed shall be redone by the Grantee, at the Grantee's

expense, within thirty (30) days of notification. If work is still not satisfactorily completed, no reimbursement will be made to the Grantee and the Agreement may be terminated.

**Task No. 2: Perform Well Site Inspections Of All New Potable Water Wells Permitted in Delineated Areas of Know Ground Water Contamination**

- A. The Grantee shall conduct on-site inspections of all new permitted potable water wells constructed in delineated areas of known ground water contamination to ensure conformity with the permit requirements of Chapter 373, F.S., Chapter 62-532, F.A.C., Chapter 62-524, F.A.C., Chapter 40A-3, F.A.C., and the requirements of this Grant Work Plan, Attachment A.
- B. The Grantee shall use Inspection Forms developed by the Grantee.
- C. The Grantee shall disapprove any new potable water well construction that does not meet the requirements as set forth in Chapter 373, F.S., Chapter 62-524, F.A.C., Chapter 62-532, F.A.C., Chapter 40A-3, F.A.C., the requirements of this Grant Work Plan, and require the well to be plugged and abandoned.

**Deliverable:** The Grantee shall submit copies of inspection reports completed for the reporting quarter and the section for Task 2 of the completed spreadsheet indentified as Exhibit I. In addition to the spreadsheet the grantee will provide the following information:

- A. The number of private and non-Department public potable water wells inspected in delineated areas of known ground water contamination pursuant to Chapter 62-524, F.A.C.
- B. The number of private and non-Department public potable water wells disapproved and required to be plugged and abandoned in delineated areas of known ground water contamination pursuant to Chapter 62-524, F.A.C.

**Deliverable Due Date:** No later than thirty (30) days following completion of the QUARTERLY reporting period. The QUARTERLY Payment Request Summary Form shall be submitted with Attachment C and the deliverables for this task.

**Not to Exceed Annual Task Budget Amount: \$10,219.48**

**Salaries: \$7,861.14** (annual total)

Resource Mgt Engineer II: \$22.02/hour @ 357 hours= \$ 7,861.14

**Fringe Benefits: \$2,358.34** (annual total)

Fringe benefits are calculated at 30% of salary rate.

Fringe Benefits: Fringe benefits include FICA, retirement, workers compensation insurance, annual leave, sick leave, holiday leave, health insurance and dental insurance.

**Anticipated Quarterly Task Budget: \$2,554.88**

The quarterly budget for this task is based on the following billing categories/rates:

**Salaries:** \$1,965.29 (quarterly total)

Resource Mgt Engineer II: \$22.02/hour @ 89.25 hours/quarter = \$1,965.29

**Fringe Benefits:** \$589.59 (quarterly total)

Fringe benefits are calculated at 30 % of salary rate.

Fringe Benefits: Fringe benefits include FICA, retirement, workers compensation insurance, annual leave, sick leave, holiday leave, health insurance and dental insurance.

**The actual invoice amount may be more or less than the anticipated budget amount depending on the work completed. The invoice amount shall be deducted from the Annual Amount budgeted for this task. Total payment for this task shall not exceed the Annual Task Budget amount. Flexibility within an authorized budget category is allowed between quarters as long as the revised budget for all four (4) quarters is submitted in writing with the Payment Request Summary Form submitted for the quarter and the change does not change the total budgeted amount for the approved budget category for the task.**

**Performance Standards:** The Department's Grant Manager will review the spreadsheet and the inspection reports to verify that the Grantee's permitting process for the construction of new potable water wells in delineated areas meets the requirements of Chapter 373, F.S., Part III, Regulation of Wells, Chapter 62-532, F.A.C., Chapter 62-524, F.A.C., Chapter 40A-3, F.A.C., and the requirements of this Grant Work Plan, Attachment A.

The Department's Grant Manager will review the spreadsheet and the payment request to determine whether the number of hours/personnel invoiced for this task is appropriate for the work performed during the quarter. In the event that the Department Grant Manager has questions regarding the number of hours utilized or the level of personnel utilized, he may request additional information from the Grantee. Requests for additional information will result in a delay in processing of reimbursement.

**Financial Consequences:** 1) In the event that the Department Grant Manager determines that, in his opinion, the number of hours listed for the work performed was not appropriate or the work was not performed by the appropriate level of personnel, the request for reimbursement will be denied. 2) Any work not satisfactorily performed shall be redone by the Grantee, at the Grantee's expense, within thirty (30) days. If work is still not satisfactorily completed, no reimbursement will be made to the Grantee and the Agreement may be terminated.

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

- A. The Grantee shall provide written notice to the property owner or to the property owner's agent that the proposed potable water well is located in a delineated area of known ground water contamination and that any new potable water well is subject to the CHD water well sampling and testing requirements of Chapter 62-524, F.A.C.
- B. The written notification to the property owner or the property owner's agent that sampling and analysis of the well water must be conducted according to the procedures specified in Chapter 62-524, F.A.C., as a prerequisite for potable use of the well water, and that costs

related to the collection, shipping, and analysis of the sample are the responsibility of the property owner, unless otherwise agreed upon by the Grantee and the CHD. Such written notification shall inform the property owner or the property owner's agent that a determination will be made by the CHD as to whether the testing and water quality analysis requirements of Chapter 62-524, F.A.C., have been met. In the event that the new potable water well is found to be unsuitable for potable use, the CHD shall provide written notification to the Grantee and the property owner or the property owner's agent that the use of the well is prohibited pursuant to Subsection 62-524.650(2), F.A.C., until remedies are implemented by the Department or the property owner that bring the well into compliance with Chapter 62-524, F.A.C.

- C. The written notification to the property owner or the property owner's agent that the property owner is responsible for contacting the local County Health Department (CHD) within sixty (60) days of well completion to arrange sampling of the well by the CHD. The CHD may extend the sixty (60) day sampling period and shall make written notification to the property owner or the property owner's agent and the Grantee of any extension.
- D. [The Grantee shall contact the County Health Department (CHD) and inform the CHD that the new potable water well is properly constructed and is ready for the CHD to take water well samples for analysis to verify if the well can be cleared for potable use.
- E. The Grantee shall disapprove the well and require the well to be plugged and abandoned pursuant to Chapter 40A-3, F.A.C., if the CHD determines that water sampling and testing requirements, as set forth in Chapter 62-524, F.A.C., have not been met or that the water well is not suitable for its intended use.

**Deliverable:** The Grantee will complete and submit the Task 3 section of the spreadsheet identified as Exhibit I. In addition to the spreadsheet the Grantee will provide the following information:

- A. The number of written notices to property owners or to the property owner's agent that the proposed private or non-Department public potable water well is located in a delineated area of known ground water contamination pursuant to Chapter 62-524, F.A.C.
- B. The number of private and non-Department public potable water wells disapproved and required to be plugged and abandoned in delineated areas of known ground water contamination pursuant to Chapter 62-524, F.A.C., because the CHD determined that water sampling and testing requirements as set forth in Chapter 62-524, F.A.C., have not been met or that the water well is not suitable for its intended use.
- C. The number of private and non-Department public potable water wells reported to the County Health Department (CHD) that were properly constructed in delineated areas pursuant to Chapter 62-524, F.A.C., and ready for the CHD to take water well samples for analysis to verify if the well can be cleared for potable use.

**Deliverable Due Date:** No later than thirty (30) days following completion of the QUARTERLY

reporting period. The quarterly Payment Request Summary Form shall be submitted with Attachment C and the deliverables for this task.

**Not to Exceed Annual Task Budget Amount: \$ 4,383.34**

**Salaries:** \$3,371.80 (annual total)

Resource Mgt Data Specialist II: \$17.35/hour @ 194.34 hours= \$3,371.80

**Fringe Benefits:** \$1,011.54 (annual total)

Fringe benefits are calculated at 30% of salary rate.

Fringe Benefits: Fringe benefits include FICA, retirement, workers compensation insurance, annual leave, sick leave, holiday leave, health insurance and dental insurance.

**Anticipated Quarterly Task Budget: \$1,095.95**

The quarterly budget for this task is based on the following billing categories/rates:

**Salaries:** \$843.04 (quarterly total)

Resource Mgt Data Specialist II: \$17.35/hour @ 48.59 hours/quarter = \$843.04

**Fringe Benefits:** \$252.91 (quarterly total)

Fringe benefits are calculated at 30% of salary rate.

Fringe Benefits: Fringe benefits include FICA, retirement, workers compensation insurance, annual leave, sick leave, holiday leave, health insurance and dental insurance.

**The actual invoice amount may be more or less than the anticipated budget amount depending on the work completed. The invoice amount shall be deducted from the Annual Amount budgeted for this task. Total payment for this task shall not exceed the Annual Task Budget amount. Flexibility within an authorized budget category is allowed between quarters as long as the revised budget for all four (4) quarters is submitted in writing with the Payment Request Summary Form submitted for the quarter and the change does not change the total budgeted amount for the approved budget category for the task.**

**Performance Standards:** The Department's Grant Manager will review the spreadsheet to verify that the Grantee's permitting process for the construction of new potable water wells in delineated areas meets the requirements of Chapter 373, F.S., Part III, Regulation of Wells, Chapter 62-532, F.A.C., Chapter 62-524, F.A.C., Chapter 40A-3, F.A.C., and the requirements of this Grant Work Plan, Attachment A.

The Department's Grant Manager will review the spreadsheet and the payment request to determine whether the number of hours/personnel invoiced for this task is appropriate for the work performed during the quarter. In the event that the Department Grant Manager has questions regarding the number of hours utilized or the level of personnel utilized, he may request additional information from the Grantee. Requests for additional information will result in a delay in processing of reimbursement.

**Financial Consequences:** 1) In the event that the Department Grant Manager determines that, in

his opinion, the number of hours listed for the work performed was not appropriate or the work was not performed by the appropriate level of personnel, the request for reimbursement will be denied. 2) Any work not satisfactorily performed shall be redone by the Grantee, at the Grantee's expense, within thirty (30) days. If work is still not satisfactorily completed, no reimbursement will be made to the Grantee and the Agreement may be terminated.

**Task No. 4: Review Delineated Areas Well Construction Completion Reports**

- A. The Grantee shall review all private and non-Department public potable water well Water Well Completion Reports for all new potable water wells constructed in delineated areas of known ground water contamination pursuant to Chapter 62-524, F.A.C., and determine if the well is constructed and completed in accordance with the well construction permit requirements, Chapter 373, F.S., Chapter 62-532, F.A.C., Chapter 62-524, F.A.C., Chapter 40A-3, F.A.C., and the requirements of this Grant Work Plan, Attachment A.
- B. The Grantee shall disapprove any well and require it to be plugged and abandoned pursuant to Chapter 40A-3, F.A.C., if the well construction is not in accordance with the well construction permit and the requirements of Chapter 373, F.S., Chapter 62-532, F.A.C., Chapter 62-524, F.A.C., Chapter 40A-3, F.A.C., and the requirements of this Grant Work Plan, Attachment A.

**Deliverable:** The Grantee will complete and submit the Task 4 section of the spreadsheet identified as Exhibit I. In addition to the spreadsheet the grantee will provide the following information:

- A. The number of private and non-Department public potable water well Water Well Completion Reports reviewed for wells constructed in delineated areas of known ground water contamination pursuant to Chapter 62-524, F.A.C.
- B. The number of private and non-Department public potable water wells disapproved and required to be plugged and abandoned in delineated areas of known ground water contamination pursuant to Chapter 62-524, F.A.C., that are not constructed in accordance with the well construction permit requirements.

**Deliverable Due Date:** No later than thirty (30) days following completion of the quarterly reporting period. The quarterly Payment Request Summary Form shall be submitted with Attachment C and the deliverables for this task.

**Not to Exceed Annual Task Budget Amount: \$2,548.64**

**Salaries: \$1,960.55** (annual total)

Resource Mgt Data Specialist II: \$17.35/hour @ 113 hours = \$1,960.55

**Fringe Benefits: \$588.17** (annual total)

Fringe benefits are calculated at 30% of salary rate.

Fringe Benefits: Fringe benefits include FICA, retirement, workers compensation insurance, annual leave, sick leave, holiday leave, health insurance and dental insurance.

**Anticipated quarterly Task Budget: \$637.18**

The quarterly budget for this task is based on the following billing categories/rates:

**Salaries:** \$490.14 (quarterly total)

Resource Mgt Data Specialist II: \$17.35/hour @ 28.25 hours/quarter = \$ 490.14

**Fringe Benefits:** \$147.04 (quarterly total)

Fringe benefits are calculated at 30% of salary rate.

Fringe Benefits: Fringe benefits include FICA, retirement, workers compensation insurance, annual leave, sick leave, holiday leave, health insurance and dental insurance.

**The actual invoice amount may be more or less than the anticipated budget amount depending on the work completed. The invoice amount shall be deducted from the Annual Amount budgeted for this task. Total payment for this task shall not exceed the Annual Task Budget amount. Flexibility within an authorized budget category is allowed between quarters as long as the revised budget for all four (4) quarters is submitted in writing with the Payment Request Summary Form submitted for the quarter and the change does not change the total budgeted amount for the approved budget category for the task.**

**Performance Standards:** The Department's Grant Manager will review the spreadsheet to verify that the Grantee's permitting process for the construction of new potable water wells in delineated areas meets the requirements of Chapter 373, F.S., Part III, Regulation of Wells, Chapter 62-532, F.A.C., Chapter 62-524, F.A.C., Chapter 40A-3, F.A.C., and the requirements of this Grant Work Plan, Attachment A.

The Department's Grant Manager will review the spreadsheet and the payment request to determine whether the number of hours/personnel invoiced for this task is appropriate for the work performed during the quarter. In the event that the Department Grant Manager has questions regarding the number of hours utilized or the level of personnel utilized, he may request additional information from the Grantee. Requests for additional information will result in a delay in processing of reimbursement.

**Financial Consequences:** 1) In the event that the Department Grant Manager determines that, in his opinion, the number of hours listed for the work performed was not appropriate or the work was not performed by the appropriate level of personnel, the request for reimbursement will be denied. 2) Any work not satisfactorily performed shall be redone by the Grantee, at the Grantee's expense, within thirty (30) days. If work is still not satisfactorily completed, no reimbursement will be made to the Grantee and the Agreement may be terminated.

**Task No. 5: Delineated Areas Permitting Activity and Expense/Revenue Annual Report**

A. The Grantee shall prepare a Delineated Areas Permitting Activity and Expense/Revenue Annual Report summarizing the results from Task 1 – 4 above for the period of this

Agreement, problems encountered, an accounting of all expenses incurred and revenues received in the implementation the requirements of this Work Plan, Attachment A.

**Deliverable:** Provide the Delineated Areas Permitting Activity and Expense/Revenue Annual Report as required in this task. The following items shall also be included in this report:

- A. Total expenses including salaries, fringe benefits and indirect costs to perform the services necessary to meet the requirements of this Grant Work Plan, Attachment A.
- B. The total revenue received from permit processing fees.
- C. The number of private and non-Department public potable water well permits issued in delineated areas of known ground water contamination during the period of this Grant Work Plan, Attachment A.
- D. The number and itemized listing of exemptions from the requirements of Chapter 62-524, F.A.C., requested and granted.
- E. The number of enforcement actions taken for wells constructed in delineated areas of known ground water contamination for which the requirements of Chapter 62-524, F.A.C., and Chapter 40A-3, F.A.C., have not been met.

**Deliverable Due Date:** No later than thirty (30) days from the completion date of this Agreement. The final invoice for this Agreement shall be submitted with the Delineated Areas Permitting Activity and Expense/Revenue Annual Report.

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

The budget for this task is based on the following:

**Salaries:** \$832.80 (annual total)

Resource Mgt Data Specialist II: \$17.35/hour @ 48 hours = \$832.80

**Fringe Benefits:** \$249.84 (annual total)

Fringe benefits are calculated at 30% of salary rate.

Fringe Benefits: Fringe benefits include FICA, retirement, workers compensation insurance, annual leave, sick leave, holiday leave, health insurance and dental insurance.

**Payment for this task will be upon submittal and approval of the deliverable.**

**Performance Standards:** The Department's Grant Manager will review the Annual Report to verify that the Grantee followed the permitting process for the construction of new potable water wells in delineated areas and met the requirements of Chapter 373, F.S., Part III, Regulation of Wells, Chapter 62-532, F.A.C., Chapter 62-524, F.A.C., Chapter 40A-3, F.A.C., and the requirements of this Grant Work Plan, Attachment A.

**Financial Consequences:** 1) In the event that the Department Grant Manager determines that the Annual Report is not acceptable, the request for reimbursement will be denied. 2) Any work not satisfactorily performed shall be redone by the Grantee, at the Grantee's expense, within thirty (30) days. If work is still not satisfactorily completed, no reimbursement will be made to the Grantee and the Agreement may be terminated.

**Total Project Budget:**

Budget Category	DEP Funding
Salaries:	\$30,769.04
Fringe Benefits:	\$ 9,230.72
Contractual Services:	N/A
Equipment Purchases	N/A
Supplies/Other Expenses	N/A
Land	N/A
Indirect:	\$
Total:	\$39,999.76

**Measures of Success:**

1. 100% permitting of new potable water wells permitted in delineated areas of known ground water contamination.
2. 100% inspection of all new potable water well construction in delineated areas.
3. 100% sampling and analysis of new potable well water construction in delineated areas prior to use through coordination with the Department of Health and the County Health Departments.
4. 100% review of new potable water well completion reports in delineated areas.
5. On time submittals of all deliverables identified in this attachment.

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**ATTACHMENT B  
PAYMENT REQUEST SUMMARY FORM**

**Grantee:** \_\_\_\_\_

**Grantee's Grant Manager:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

**Payment Request No.:** \_\_\_\_\_

**DEP Agreement No.:** \_\_\_\_\_

**Date Of Request:** \_\_\_\_\_

**Performance  
Period:** \_\_\_\_\_

**Task/Deliverable Amount  
Requested:** \$ \_\_\_\_\_

**Task/Deliverable  
No.:** \_\_\_\_\_

GRANT EXPENDITURES SUMMARY SECTION

[Effective Date of Grant through End-of-Grant Period]

CATEGORY OF EXPENDITURE	AMOUNT OF THIS REQUEST	TOTAL CUMULATIVE PAYMENT REQUESTS	MATCHING FUNDS	TOTAL CUMULATIVE MATCHING FUNDS
Salaries	\$	\$	SN/A	SN/A
Fringe Benefits	\$	\$	SN/A	SN/A
Travel (if authorized)	SN/A	SN/A	SN/A	SN/A
Subcontracting:			SN/A	SN/A
Planning	SN/A	SN/A	SN/A	SN/A
Design	SN/A	SN/A	SN/A	SN/A
Construction	SN/A	SN/A	SN/A	SN/A
Equipment Purchases	SN/A	SN/A	SN/A	SN/A
Supplies/Other Expenses	SN/A	SN/A	SN/A	SN/A
Land	SN/A	SN/A	SN/A	SN/A
Indirect	\$	\$	SN/A	SN/A
<b>TOTAL AMOUNT</b>	\$	\$	SN/A	SN/A
<b>TOTAL TASK/DELIVERABLE BUDGET AMOUNT</b>	\$		SN/A	
<b>Less Total Cumulative Payment Requests of:</b>	\$		SN/A	
<b>TOTAL REMAINING IN TASK</b>	\$		SN/A	

**GRANTEE CERTIFICATION**

The undersigned certifies that the amount being requested for reimbursement above was for items that were charged to and utilized only for the above cited grant activities.

Grantee's Grant Manager's Signature	Grantee's Fiscal Agent
Print Name	Print Name
Telephone Number	Telephone Number

## INSTRUCTIONS FOR COMPLETING PAYMENT REQUEST SUMMARY FORM

**GRANTEE:** Enter the name of the grantee's agency.

**MAILING ADDRESS:** Enter the address that you want the state warrant sent.

**DEP AGREEMENT NO.:** This is the number on your grant agreement.

**DATE OF REQUEST:** This is the date you are submitting the request.

**TASK/DELIVERABLE AMOUNT REQUESTED:** This should match the amount on the "*TOTAL TASK/DELIVERABLE BUDGET AMOUNT*" line for the "*AMOUNT OF THIS REQUEST*" column.

**GRANTEE'S GRANT MANAGER:** This should be the person identified as grant manager in the grant Agreement.

**PAYMENT REQUEST NO.:** This is the number of your payment request, not the quarter number.

**PERFORMANCE PERIOD:** This is the beginning and ending date of the performance period for the task/deliverable that the request is for (this must be within the timeline shown for the task/deliverable in the Agreement).

**TASK/DELIVERABLE NO.:** This is the number of the task/deliverable that you are requesting payment for and/or claiming match for (must agree with the current Grant Work Plan).

### **GRANT EXPENDITURES SUMMARY SECTION:**

**"AMOUNT OF THIS REQUEST" COLUMN:** Enter the amount that was expended for this task during the period for which you are requesting reimbursement for this task. This must agree with the currently approved budget in the current Grant Work Plan of your grant Agreement. Do not claim expenses in a budget category that does not have an approved budget. Do not claim items that are not specifically identified in the current Grant Work Plan. Enter the column total on the "*TOTAL AMOUNT*" line. Enter the amount of the task on the "*TOTAL TASK BUDGET AMOUNT*" line. Enter the total cumulative amount of this request **and** all previous payments on the "*LESS TOTAL CUMULATIVE PAYMENT REQUESTS OF*" line. Deduct the "*LESS TOTAL CUMULATIVE PAYMENT REQUESTS OF*" from the "*TOTAL TASK BUDGET AMOUNT*" for the amount to enter on the "*TOTAL REMAINING IN TASK*" line.

**"TOTAL CUMULATIVE PAYMENT REQUESTS" COLUMN:** Enter the cumulative amounts that have been requested to date for reimbursement by budget category. The final request should show the total of all requests: first through the final request (this amount cannot exceed the approved budget amount for that budget category for the task you are reporting on). Enter the column total on the "*TOTALS*" line. **Do not enter anything in the shaded areas.**

**"MATCHING FUNDS" COLUMN:** Enter the amount to be claimed as match for the performance period for the task you are reporting on. This needs to be shown under specific budget categories according to the currently approved Grant Work Plan. Enter the total on the "*TOTAL AMOUNT*" line for this column. Enter the match budget amount on the "*TOTAL TASK BUDGET AMOUNT*" line for this column. Enter the total cumulative amount of this and any previous match claimed on the "*LESS TOTAL CUMULATIVE PAYMENTS OF*" line for this column. Deduct the "*LESS TOTAL CUMULATIVE PAYMENTS OF*" from the "*TOTAL TASK BUDGET AMOUNT*" for the amount to enter on the "*TOTAL REMAINING IN TASK*" line.

**"TOTAL CUMULATIVE MATCHING FUNDS" COLUMN:** Enter the cumulative amount you have claimed to date for match by budget category for the task. Put the total of all on the line titled "*TOTALS*." The final report should show the total of all claims, first claim through the final claim, etc. **Do not enter anything in the shaded areas.**

**GRANTEE CERTIFICATION:** Must be signed by both the Grantee's Grant Manager as identified in the grant agreement and the Grantee's Fiscal Agent.

### **NOTES:**

**If claiming reimbursement for travel, you must include copies of receipts and a copy of the travel reimbursement form approved by the Department of Financial Services, Chief Financial Officer.**

**Documentation for match claims must meet the same requirements as those expenditures for reimbursement.**

**ATTACHMENT C  
PROGRESS REPORT FORM**

<b>DEP Agreement No.:</b>	S0638		
<b>Grantee Name:</b>			
<b>Grantee Address:</b>			
<b>Grantee's Grant Manager:</b>		<b>Telephone No.:</b>	
<b>Quarterly Reporting Period:</b>			
<b>Project Number and Title:</b>			

Provide the following information for each task and deliverable identified in the Grant Work Plan: a summary of the task accomplishments to date; any problems encountered and how they were resolved, any anticipated delays, and identify by task and attach copies of any deliverables being submitted for each task for the reporting period (deliverables should be labeled by task and deliverable number as identified in the Grant Work Plan).

**NOTE:** The progress identified in this report should agree with the Payment Request Summary Form. Use as many pages as necessary to cover all tasks/deliverables in the Grant Work Plan.

**The following format should be followed:**

**Task 1:**

**Progress for this reporting period:**

**Identify any delays or problems encountered:**

**Deliverables being submitted:**

**Task 2:**

**Progress for this reporting period:**

**Identify any delays or problems encountered:**

**Deliverables being submitted:**

**Task 3:**

**Progress for this reporting period:**

**Identify any delays or problems encountered:**

**Deliverables being submitted:**

**Task 4:**

**Progress for this reporting period:**

**Identify any delays or problems encountered:**

**Deliverables being submitted:**

This report is submitted in accordance with the reporting requirements of DEP Agreement No. S0638 and accurately reflects the activities and costs associated with the subject project.

\_\_\_\_\_  
Signature of Grantee's Grant Manager

\_\_\_\_\_  
Date

## ATTACHMENT D

### SPECIAL AUDIT REQUIREMENTS

The administration of resources awarded by the Department of Environmental Protection (*which may be referred to as the "Department", "DEP", "FDEP" or "Grantor", or other name in the contract/agreement*) to the recipient (*which may be referred to as the "Contractor", Grantee" or other name in the contract/agreement*) may be subject to audits and/or monitoring by the Department of Environmental Protection, as described in this attachment.

#### MONITORING

In addition to reviews of audits conducted in accordance with OMB Circular A-133 and Section 215.97, F.S., as revised (see "AUDITS" below), monitoring procedures may include, but not be limited to, on-site visits by Department staff, limited scope audits as defined by OMB Circular A-133, as revised, and/or other procedures. By entering into this Agreement, the recipient agrees to comply and cooperate with any monitoring procedures/processes deemed appropriate by the Department of Environmental Protection. In the event the Department of Environmental Protection determines that a limited scope audit of the recipient is appropriate, the recipient agrees to comply with any additional instructions provided by the Department to the recipient regarding such audit. The recipient further agrees to comply and cooperate with any inspections, reviews, investigations, or audits deemed necessary by the Chief Financial Officer or Auditor General.

#### AUDITS

##### **PART I: FEDERALLY FUNDED**

This part is applicable if the recipient is a State or local government or a non-profit organization as defined in OMB Circular A-133, as revised.

1. In the event that the recipient expends \$500,000 or more in Federal awards in its fiscal year, the recipient must have a single or program-specific audit conducted in accordance with the provisions of OMB Circular A-133, as revised. EXHIBIT 1 to this Attachment indicates Federal funds awarded through the Department of Environmental Protection by this Agreement. In determining the Federal awards expended in its fiscal year, the recipient shall consider all sources of Federal awards, including Federal resources received from the Department of Environmental Protection. The determination of amounts of Federal awards expended should be in accordance with the guidelines established by OMB Circular A-133, as revised. An audit of the recipient conducted by the Auditor General in accordance with the provisions of OMB Circular A-133, as revised, will meet the requirements of this part.
2. In connection with the audit requirements addressed in Part I, paragraph 1, the recipient shall fulfill the requirements relative to auditee responsibilities as provided in Subpart C of OMB Circular A-133, as revised.
3. If the recipient expends less than \$500,000 in Federal awards in its fiscal year, an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, is not required. In the event that the recipient expends less than \$500,000 in Federal awards in its fiscal year and elects to have an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, the cost of the audit must be paid from non-Federal resources (i.e., the cost of such an audit must be paid from recipient resources obtained from other than Federal entities).
4. The recipient may access information regarding the Catalog of Federal Domestic Assistance (CFDA) via the internet at <http://12.46.245.173/cfda/cfda.html>.

## PART II: STATE FUNDED

This part is applicable if the recipient is a nonstate entity as defined by Section 215.97(2)(m), Florida Statutes.

1. In the event that the recipient expends a total amount of state financial assistance equal to or in excess of \$500,000 in any fiscal year of such recipient, the recipient must have a State single or project-specific audit for such fiscal year in accordance with Section 215.97, Florida Statutes; applicable rules of the Department of Financial Services; and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General. EXHIBIT 1 to this Attachment indicates state financial assistance awarded through the Department of Environmental Protection by this Agreement. In determining the state financial assistance expended in its fiscal year, the recipient shall consider all sources of state financial assistance, including state financial assistance received from the Department of Environmental Protection, other state agencies, and other nonstate entities. State financial assistance does not include Federal direct or pass-through awards and resources received by a nonstate entity for Federal program matching requirements.
2. In connection with the audit requirements addressed in Part II, paragraph 1; the recipient shall ensure that the audit complies with the requirements of Section 215.97(7), Florida Statutes. This includes submission of a financial reporting package as defined by Section 215.97(2), Florida Statutes, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General.
3. If the recipient expends less than \$500,000 in state financial assistance in its fiscal year, an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, is not required. In the event that the recipient expends less than \$500,000 in state financial assistance in its fiscal year, and elects to have an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, the cost of the audit must be paid from the non-state entity's resources (i.e., the cost of such an audit must be paid from the recipient's resources obtained from other than State entities).
4. For information regarding the Florida Catalog of State Financial Assistance (CSFA), a recipient should access the Florida Single Audit Act website located at <https://apps.fldfs.com/fsaa> for assistance. In addition to the above websites, the following websites may be accessed for information: Legislature's Website at <http://www.leg.state.fl.us/Welcome/index.cfm>, State of Florida's website at <http://www.myflorida.com/>, Department of Financial Services' Website at <http://www.fldfs.com/> and the Auditor General's Website at <http://www.state.fl.us/audgen>.

## PART III: OTHER AUDIT REQUIREMENTS

*(NOTE: This part would be used to specify any additional audit requirements imposed by the State awarding entity that are solely a matter of that State awarding entity's policy (i.e., the audit is not required by Federal or State laws and is not in conflict with other Federal or State audit requirements). Pursuant to Section 215.97(8), Florida Statutes, State agencies may conduct or arrange for audits of State financial assistance that are in addition to audits conducted in accordance with Section 215.97, Florida Statutes. In such an event, the State awarding agency must arrange for funding the full cost of such additional audits.)*

## PART IV: REPORT SUBMISSION

1. Copies of reporting packages for audits conducted in accordance with OMB Circular A-133, as revised, and required by PART I of this Attachment shall be submitted, when required by Section .320 (d), OMB Circular A-133, as revised, by or on behalf of the recipient directly to each of the following:

- A. The Department of Environmental Protection at the following address:

**Audit Director**

Florida Department of Environmental Protection  
Office of the Inspector General, MS 40  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

- B. The Federal Audit Clearinghouse designated in OMB Circular A-133, as revised (the number of copies required by Sections .320 (d)(1) and (2), OMB Circular A-133, as revised, should be submitted to the Federal Audit Clearinghouse), at the following address:

Federal Audit Clearinghouse  
Bureau of the Census  
1201 East 10th Street  
Jeffersonville, IN 47132

Submissions of the Single Audit reporting package for fiscal periods ending on or after January 1, 2008, must be submitted using the Federal Clearinghouse's Internet Data Entry System which can be found at <http://harvester.census.gov/fac/>

- C. Other Federal agencies and pass-through entities in accordance with Sections .320 (e) and (f), OMB Circular A-133, as revised.

2. Pursuant to Section .320(f), OMB Circular A-133, as revised, the recipient shall submit a copy of the reporting package described in Section .320(c), OMB Circular A-133, as revised, and any management letters issued by the auditor, to the Department of Environmental Protection at the following address:

**Audit Director**

Florida Department of Environmental Protection  
Office of the Inspector General, MS 40  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

3. Copies of financial reporting packages required by PART II of this Attachment shall be submitted by or on behalf of the recipient directly to each of the following:

- A. The Department of Environmental Protection at the following address:

**Audit Director**

Florida Department of Environmental Protection  
Office of the Inspector General, MS 40  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

- B. The Auditor General's Office at the following address:

State of Florida Auditor General  
Room 401, Claude Pepper Building  
111 West Madison Street  
Tallahassee, Florida 32399-1450

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4. Copies of reports or management letters required by PART III of this Attachment shall be submitted by or on behalf of the recipient directly to the Department of Environmental Protection at the following address:

**Audit Director**  
Florida Department of Environmental Protection  
Office of the Inspector General, MS 40  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

5. Any reports, management letters, or other information required to be submitted to the Department of Environmental Protection pursuant to this Agreement shall be submitted timely in accordance with OMB Circular A-133, Florida Statutes, or Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, as applicable.
6. Recipients, when submitting financial reporting packages to the Department of Environmental Protection for audits done in accordance with OMB Circular A-133, or Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, should indicate the date that the reporting package was delivered to the recipient in correspondence accompanying the reporting package.

#### **PART V: RECORD RETENTION**

The recipient shall retain sufficient records demonstrating its compliance with the terms of this Agreement for a period of **5** years from the date the audit report is issued, and shall allow the Department of Environmental Protection, or its designee, Chief Financial Officer, or Auditor General access to such records upon request. The recipient shall ensure that audit working papers are made available to the Department of Environmental Protection, or its designee, Chief Financial Officer, or Auditor General upon request for a period of **3** years from the date the audit report is issued, unless extended in writing by the Department of Environmental Protection.

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**EXHIBIT - 1**

FUNDS AWARDED TO THE RECIPIENT PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:

**Federal Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following:**

Federal Program Number	Federal Agency	CFDA Number	CFDA Title	Funding Amount	State Appropriation Category

**State Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following Matching Resources for Federal Programs:**

Federal Program Number	Federal Agency	CFDA	CFDA Title	Funding Amount	State Appropriation Category

**State Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following Resources Subject to Section 215.97, F.S.:**

State Program Number	Funding Source	State Fiscal Year	CSFA Number	CSFA Title or Funding Source Description	Funding Amount	State Appropriation Category
Original Agreement	Water Management Lands Trust Fund, Line Item 1641	2012-2013	37.030	Water Management District Permitting Assistance	\$39,999.76	

<b>Total Award</b>	<b>\$39,999.76</b>
--------------------	--------------------

For each program identified above, the recipient shall comply with the program requirements described in the Catalog of Federal Domestic Assistance (CFDA) [<http://12.46.245.173/cfda/cfda.html>] and/or the Florida Catalog of State Financial Assistance (CSFA) [<https://apps.fldfs.com/fsaa/searchCatalog.aspx>]. The services/purposes for which the funds are to be used are included in the Contract scope of services/work. Any match required by the recipient is clearly indicated in the Contract.

**ATTACHMENT E**

**CERTIFICATION OF APPLICABILITY TO SINGLE AUDIT ACT REPORTING**

Grantee's Name:

Grantee Fiscal Year Period: FROM: \_\_\_\_\_ TO: \_\_\_\_\_

Total State Financial Assistance Expended during Grantee's most recently completed Fiscal Year:

\$ \_\_\_\_\_

Total Federal Financial Assistance Expended during Grantee's most recently completed Fiscal Year:

\$ \_\_\_\_\_

**CERTIFICATION STATEMENT:**

I hereby certify that the above information is correct.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name and Position Title

**INSTRUCTIONS FOR COMPLETING THE ATTACHMENT**

Grantee Fiscal Year Period: FROM: Month/Year TO: Month/Year

**NOTE: THIS SHOULD BE THE GRANTEE'S FISCAL YEAR FROM (MONTH/YEAR) TO (MONTH/YEAR).**

Total State Financial Assistance Expended during Grantee's most recently completed Fiscal Year:

**NOTE: THIS AMOUNT SHOULD BE THE TOTAL STATE FINANCIAL ASSISTANCE EXPENDED FROM ALL STATE AGENCIES, NOT JUST DEP.**

\$ \_\_\_\_\_

Total Federal Financial Assistance Expended during Grantee's most recently completed Fiscal Year:

**NOTE: THIS AMOUNT SHOULD BE THE TOTAL FEDERAL FINANCIAL ASSISTANCE EXPENDED FROM ALL FEDERAL AGENCIES, NOT JUST THROUGH DEP.**

\$ \_\_\_\_\_

The Certification should be signed by your Chief Financial Officer.

Please print the name and include the title and date of the signature.

**CERTIFICATION OF APPLICABILITY TO SINGLE AUDIT ACT REPORTING**  
**FREQUENTLY ASKED QUESTIONS**

1. **Question:** Do I complete and return this form when I return my signed Agreement/Amendment?

**Answer:** No, this form is to be completed and signed by your Chief Financial Officer and returned 4 months after the end of your fiscal year.

2. **Question:** Can I fax the form to you?

**Answer:** Yes, you can fax the Certification form, the fax number is 850/245-2411.

3. **Question:** How can I submit the form if our audit is not completed by the due date of this letter?

**Answer:** You should be able to complete the form from the information in your accounting system. This is just to let our Office of the Inspector General know which entities they should be getting an audit from. If you are under the threshold you do not have to submit a copy of your audit, only the Certification form.

4. **Question:** Do you only want what we received from DEP?

**Answer:** No, the Single Audit is the TOTAL AMOUNT of funds that you expended towards all state or federal grants that you receive. You should list those that are specific to DEP on the form.

5. **Question:** Do I have to submit the completed form and a copy of my audit?

**Answer:** No, you do not have to submit your audit unless you are over the threshold of \$500,000. If you would prefer to submit your audit (CAFR) instead of the form, that is fine.

6. **Question:** Our CAFR will not be ready before your due date and we don't have the information necessary to complete the certification. Can we get an extension?

**Answer:** Yes, just send us an Email letting us know when you will have your CAFR completed and we will place the Email with your letter in our file so that you don't get a 2<sup>nd</sup> notice.

7. **Question:** Can I submit my Certification Form or CAFR electronically?

**Answer:** Yes, you can submit them by Email to [Debbie.skelton@dep.state.fl.us](mailto:Debbie.skelton@dep.state.fl.us)

MEMORANDUM

TO: Governing Board

FROM: Tim Sagul, P.E., Division Director, Resource Management

DATE: January 28, 2013

RE: Permitting Summary Report

**Environmental Resource Permitting (ERP) Activities**

**Permit Review**

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

<b>December 2012</b>	<b>Received</b>					
ERP	Noticed General	General	Individual	Conceptual	Exemption Requests	Extension Requests
	7	5	1	1	6	0
	<b>Issued</b>					
	Noticed General	General	Individual	Conceptual	Exemptions Granted	Extensions Granted
	5	7	1	0	1	1

**Inspections and as-built certification**

The following chart shows staff activity on projects that have been permitted from January 1, 2009 to December 31, 2012.

	<b>Issued</b>	<b>Under Construction</b>	<b>Operation &amp; Maintenance*</b>	<b>Construction Inspections</b>	<b>As-built Inspections</b>
Permit Type				<b>Dec. 2012</b>	<b>Dec. 2012</b>
Exempt	56	29	27	0	1
Noticed General	543	389	154	1	1
General & Works of the District	448	266	182	1	0
Individual	576	42	15	1	0
Conceptual	4	3	1	0	0
<b>TOTAL</b>	<b>1108</b>	<b>729</b>	<b>379</b>	<b>3</b>	<b>2</b>
<b>PERCENT</b>		<b>66%</b>	<b>34%</b>		

\*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 permitting activities during the month of December

<b>December 2012</b>	<b>Received</b>		<b>Issued</b>
Water Use Permits	18		15
<b>Water well permits issued and received according to well use:</b>			
Abandoned/destroyed	3	Livestock	0
Agricultural Irrigation	10	Monitor	6
Aquaculture	0	Nursery	0
Climate Control	0	Other	0
Fire Protection	0	Public Supply	1
Garden (Non Commercial)	0	Self-supplied Residential	70
Landscape Irrigation	4	Drainage or injection	0
Commercial or Industrial	0	Test	0

**Rulemaking Schedule  
February 2013**

**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	6/22/12
Notice of Technical Change	8/14/12
Send to JAPC	
Mail to DOS (tentative)	
Effective Date (tentative)	

**40B-2.301**

Water Use Monitoring

GB Rule Dev. Auth.	2/14/12
Notice of Rule Dev.	3/2/12
GB Proposed Rule Auth.	9/11/12
Notice of Proposed Rule	9/21/12
Public Workshop	10/11/12
Send to JAPC	11/12
Sent to OFARR	1/14/13
GB Notice of Change	1/8/13
Mail to DOS (tentative)	2/4/13
Effective Date (tentative)	2/4/13

**40B-2.331**

Water Use Monitoring Incentive

GB Rule Dev. Auth.	2/14/12
Notice of Rule Dev.	3/2/12
GB Proposed Rule Auth.	9/11/12
Notice of Proposed Rule	9/21/12
Public Workshop	10/11/12
Send to JAPC	11/12
Sent to OFARR	1/14/13
GB Notice of Change	1/8/13
Mail to DOS (tentative)	2/4/13
Effective Date (tentative)	2/4/13

**40B-1, 40B-4, 40B-400**

**Statewide Environmental Resource Permitting (SWERP)**

GB Rule Dev. Auth.	9/11/12
Notice of Rule Dev.	9/28/12
GB Proposed Rule Auth.	11/15/12
Notice of Proposed Rule	
Send to JAPC	
Mail to DOS (tentative)	
Effective Date (tentative)	

**40B-1, 40B-2, 40B-8, 40B-21  
CUPcon**

GB Rule Dev. Auth.	5/29/12
Notice of Rule Dev.	7/20/12
GB Proposed Rule Auth.	
Notice of Proposed Rule	
Send to JAPC	
Mail to DOS (tentative)	
Effective Date (tentative)	

## MEMORANDUM

TO: Governing Board  
FROM: George T. Reeves, Esq., Board Counsel  
DATE: January 28, 2013  
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>

This violation is for a non-functioning surface water management system and failure to submit as-built certification forms.

The property at issue has been purchased by a new owner, who has cleared the pond.

**Staffs to conduct a site inspection by February 28, 2013, to determine if remedial work remains to be done to bring the system into full compliance.**

<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>

This violation is for construction of a structure in the floodway.

Mortgage Company is aware of the outstanding violations existing on the property. Freeman has filed a Suggestion of Bankruptcy and 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.

Counsel is awaiting status report from mortgage company attorney. The bank is proceeding with an in rem foreclosure action. Counsel will work with the bank's attorneys in an effort to have the bank cure the outstanding violations on the property. **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>Ongoing</b>
<b>Legal Budget / Legal Fees to date</b>	<b>\$5,000 / \$2,473</b>

This violation is for construction of a pond without a permit and deposition of spoil material in a flood area.

Richard Oldham and Diana Nicklas were served with an Administrative Complaint and Order and the time for filing a petition for hearing lapsed.

Counsel has filed a Petition for Enforcement in the Circuit Court for Bradford County and will have Oldham and Nicklas personally served upon receipt of the summons from the Clerk. Awaiting service on Respondents. **No change since last report.**

<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 / \$11,109.50</b>

This matter, involving an unpermitted excavation and road construction in the Cedar Key Heights Subdivision, caused the Suwannee River Water Management District to file an Administrative Complaint. Prior to the Administrative Hearing, the Respondent, Scott McNulty, executed a Consent Agreement, which was adopted as Final Agency Action by the Suwannee River Water Management District.

**The Respondent has not complied with the Consent Agreement, and in the December Board Meeting, the Board directed staff to have a permit issued and construction completed pursuant to the permit, and report back at the February Board Meeting as to the status of the matter and whether or not the matter was resolved.**

<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 / \$7,517.00</b>

**A Consent Agreement was entered into with Mr. Sigers as a result of violations of District Rules. Staff is monitoring the Project in accordance with the Consent Agreement; however, Mr. Sigers is not yet in compliance.**

<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>September 11, 2012</b>
<b>Legal Budget / Legal Fees to date</b>	<b>\$4,800/\$4,627</b>

After approximately one year of attempting to secure the property owner's voluntary cooperation, 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. Deadline for RAI submittal was August 14, 2012.

The Governing Board authorized the Executive Director to file an Administrative Complaint at its September Board meeting. **Mr. Tompkins was served by the Gilchrist County Sheriff's Office. Further legal action has been requested by Mr. Tompkins attorney and Board counsel has responded.**

<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.

A permit for this project was issued on August 6, 2012. Staff is still working with Columbia County on the associated Interlocal Agreement. **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.

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. Counsel is proceeding in executing on the judgment. **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.

A Complaint was filed with the Circuit Court of Gilchrist County and it was served on Mr. Midyette on March 30, 2011. There have been several status conferences with the latest being October 30, 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 and the procedure for payment of the agreed upon amount. **No change since last report.**

<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>

This violation was unpermitted construction of a water well by an unlicensed contractor. A complaint was filed in the Circuit Court of Bradford County. A Final Judgment on Liability has been entered by the Court against Mr. Moody.

Counsel will assess the viability of seeking a money judgment against him. **No change since last report.**

<b>Respondent</b>	<b>EI 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>\$251,932</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 EI 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.

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.

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 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. The parties have met, but a settlement was not reached.

The District's bankruptcy counsel, Lance Cohen, filed an Answer Brief on September 10, 2012, in Jeffrey Hill's appeal of the Bankruptcy Court's dismissal of his Chapter 12 case. The case is now fully briefed and, therefore, either oral argument or a written decision should occur or be issued before the end of the year. **No change since last report.**

<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 EI 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.

A hearing was set for October 5, 2012, regarding the Plaintiffs Motion for Rehearing on the Court's order dismissing and striking the amended complaint and allowing Plaintiffs 30 days leave to file a second amended complaint. **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>

This violation is for construction of structures within the regulatory floodway without a works of the district permit. This matter is ongoing in the Lafayette County Circuit Court.

Staff Counsel is negotiating a settlement proposal with Fennell's attorney, which would require removal of the dock, 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 accepted by Fennell, will be brought to the Governing Board for approval. **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>Ongoing</b>
<b>Legal Fees to date</b>	<b>\$13,176</b>

This enforcement activity has been ongoing for several years. At the hearing on January 31, 2011, the Court granted the District's 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.

Since the Bankruptcy Court's automatic stay is no longer in effect due to the dismissal of Jeffrey Hill's Chapter 12 case (see above discussion under Suwannee River Water Management District v. El Rancho No Tengo, Inc.), 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.

During the pendency of the bankruptcy proceeding, Staff Counsel drafted 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 would 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.

Columbia County Attorney, Marlin Feagle, has reviewed the draft interlocal agreement and County Manager is still interested in pursuing this approach. **Staff to follow up with County.**

<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 hearing on January 31, 2011, the Court granted the District's 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.

Since the Bankruptcy Court's automatic stay is no longer in effect due to the dismissal of Jeffrey Hill's Chapter 12 case (see above discussion under Suwannee River Water Management District v. El Rancho No Tengo, Inc.), 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.

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Columbia County Attorney, Marlin Feagle, has reviewed the draft interlocal agreement and County Manager is still interested in pursuing this approach. **Staff to follow up with County.**

MEMORANDUM

TO: Governing Board

FROM: Ann B. Shortelle, Ph.D., Executive Director

DATE: January 28, 2013

RE: Public Hearing and Adoption of Resolution Number 2013-01 and Amendment to 2013 Florida Forever Work Plan

RECOMMENDATION

**Staff recommends the Governing Board adopt resolution number 2013-01, conduct a public hearing on the amendment to the 2013 Florida Forever Work Plan to include the Santa Fe River Basin Aquifer Recharge/Flood Mitigation project in Bradford County, and adopt the amended Work Plan.**

BACKGROUND

Staff has confirmed that \$2,083,454 in Florida Forever Funds remains available for non-acquisition capital projects. The purpose of resolution number 2013-01 is to encumber and request disbursement of the funds for water resource development projects identified in the Work Plan.

The Governing Board adopted the 2013 Florida Forever Work Plan at its January 2013 meeting. Staff has since identified the Santa Fe River Basin Aquifer Recharge/Flood Mitigation project as a water resource development project for inclusion in the Work Plan. The purpose of the project is to capture and store high flows in the Upper Santa Fe River Basin and subsequently use the water to recharge the aquifer and/or the surface water system to support the proposed Lower Santa Fe River Minimum Flow and Levels.

JD/rl

**SUWANNEE RIVER WATER MANAGEMENT DISTRICT  
RESOLUTION NO. 2013-01**

**REQUEST TO THE DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR  
ENCUMBRANCE AND DISBURSEMENT OF FUNDS FROM THE FLORIDA FOREVER  
TRUST FUND FOR WATER RESOURCE DEVELOPMENT PROJECTS**

**WHEREAS**, the Governing Board of the Suwannee River Water Management District (hereinafter "the District") has the duty and responsibility under Chapter 373, Florida Statutes, to promote the availability of sufficient water for all existing and future reasonable-beneficial uses and natural systems; and

**WHEREAS**, Section 373.705 (1)(c), F.S., states that water resource development and water supply development must receive priority attention, where needed, to increase the availability of sufficient water for all existing and future reasonable-beneficial uses and natural systems; and

**WHEREAS**, Section 373.705 (2)(b), F.S., requires water management districts to take the lead in identifying and implementing water resource development projects, and be responsible for securing necessary funding for regionally significant water resource development projects; and

**WHEREAS**, the District has identified projects in the Florida Forever Work Plan 2013 update that meet the criteria for water resource development; and

**WHEREAS**, the District certifies:

(1) Funds from the Florida Forever Trust Fund will be used for water resource development projects as defined in Section 259.03(6), F.S., as a project *"that increases the amount of water available to meet the needs of natural systems and the citizens of the state by enhancing or restoring aquifer recharge, facilitating the capture and storage of excess flows in surface waters, or promoting reuse"*; and

(2) The proposed use of anticipated funding for water resource development projects is consistent with Section 259.105, F.S., and a description of criteria that the projects meet is provided in the Florida Forever Work Plan 2013 Annual Update, attached hereto and by this reference made a part hereof.

**WHEREAS**, the proposed use of the funding anticipated to be expended and encumbered for the projects identified in the Florida Forever Work Plan 2013 Annual Update is consistent with the purposes of Section 373.199(3), Florida Statutes.

**NOW, THEREFORE, BE IT RESOLVED**, that the District does hereby request i) authorization for the encumbrance and use of \$2,083,454 from the Florida Forever Trust Fund of the State of Florida for construction of water resource development projects as identified in the Florida Forever Work Plan 2013 Annual Update, and ii) reimbursement from the Florida Forever Trust Fund for actual expenditures for the projects, and iii) that warrants be issued periodically by the Comptroller of the State of Florida to the Suwannee River Water Management District for that amount available or as may become available in the Fund.

**PASSED AND ADOPTED THIS 12th DAY OF February, 2013 A.D.**

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

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**MEMBERS OF THE BOARD:**

**DON QUINCEY, JR., CHAIRMAN  
ALPHONAS ALEXANDER, VICE-CHAIRMAN  
DONALD R. CURTIS, III, TREASURER  
KEVIN BROWN  
GEORGE COLE  
GARY F. JONES  
VIRGINIA JOHNS  
CARL MEECE  
GUY WILLIAMS, Jr.**

**ATTEST:**

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MEMORANDUM

TO: Governing Board

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

DATE: January 28, 2013

RE: General Delegation of Authority to Executive Director Regarding Disposition of Motions and Petitions to the State of Florida Division of Administrative Hearings, Governing Board Directive GBD13-0001

RECOMMENDATION

**Staff recommends the Governing Board approve directive GBD13-0001 to delegate authority to the Executive Director to dispose of certain motions and petitions to the State of Florida Division of Administrative Hearings (DOAH).**

BACKGROUND

Many motions and petitions regarding DOAH matters are time sensitive. Particularly, petitions requesting administrative hearings and motions requesting extension of time to file a petition for hearing must be disposed of in 15 days or less.

The Governing Board typically meets only one per month, thus, staff can provide timely service to the public by acting on certain motions and petitions. Section 373.083, Florida Statutes, authorizes the Governing Board to delegate authority.

Staff will report disposition of motions and petitions to the Governing Board each month.

A proposed Governing Board Directive 13-0001 follows this memorandum.

JD/rl

# SUWANNEE RIVER WATER MANAGEMENT DISTRICT

## GOVERNING BOARD DIRECTIVE



Policy Number: GBD13-0001

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

Subject: General Delegation of Authority to Executive Director  
Regarding Disposition of Motions and Petitions to the State of Florida  
Division of Administrative Hearings

Approval:

\_\_\_\_\_  
Don Quincey, Chairman

\_\_\_\_\_  
Ray Curtis, Secretary/Treasurer

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### 1.0 Reference to Prior Policy

No prior policy.

### 2.0 Purpose and Intent

The purpose of this Directive is to authorize the Executive Director to dispose of certain motions and petitions to the State of Florida Division of Administrative Hearings. The intent of this Directive is to provide timely service to petitioners.

### 3.0 Definitions

None

### 4.0 Elements of Policy

#### General Delegation

The Governing Board ordains that, except as may be otherwise provided in this Directive, any power, duty or function contained in this Directive shall be implemented by the Executive Director. The Executive Director, without being relieved of the responsibility, has the authority to execute the power, duty or function delegated in this Directive and develop procedures and other methods to implement the policies contained in this Directive through such employees or Divisions as the Executive Director shall designate.

#### Delegations

The Governing Board delegates to the Executive Director authority for the following matters relating to Chapter 120, Florida Statutes, Administrative Proceedings, including administrative hearings:

- (1) Ruling on motions to extend the deadline for filing a petition for administrative hearing.

- (2) Referral of petitions for administrative hearing for bid protests filed pursuant to Section 120.57(3), Florida Statutes, to the Division of Administrative Hearings (D.A.H.).
- (3) Referral of petitions for administrative hearing to the Division of Administrative Hearings filed subsequent to the Executive Director or the Governing Board acting upon the permit application or other agency action being challenged.
- (4) Entry of orders determining whether a petition for administrative hearing is timely filed or meets required pleading requirements.
- (5) Entry of final orders approving or rejecting administrative actions related to settlements, withdrawn petitions, voluntary case closures and other undisputed procedural matters associated with the initiation or closure of administrative proceedings.

#### Limitations of Authority

The Executive Director or any other authorized staff shall refrain from exercising the authority set forth in this Directive when a specific matter involves significant controversy or public policy issues, as determined by the Executive Director or a Governing Board member. Such matters shall be presented to the Governing Board for consideration.

#### Reports to the Governing Board

The Executive Director shall provide reports to the Governing Board summarizing specified actions taken pursuant to the delegations authorized herein.

## **5.0 Authority**

Section 373.083, Florida Statutes

MEMORANDUM

TO: Governing Board  
FROM: Ann B. Shortelle, Ph.D., Executive Director  
DATE: January 28, 2013  
RE: District's Weekly Reports

Attached are the weekly District activity reports for the month of January.

ABS/rl  
Attachments



## Weekly Activity Report to Governing Board January 4, 2013

### *Executive/Management*

- SRWMD partnered with DEP and local communities to fast track a request from the Governor's office to provide Otter Spring, Hart Spring, Pot Spring, Santa Fe River Basin, including Ichetucknee Springs, and Rose Spring restoration projects for consideration for inclusion in the Governor's FY14 budget.
- Ann Shortelle, Charlie Houser and Virginia Johns attended the R.O. Ranch Board of Directors Meeting. Ms. Johns assumed her new position as Chair of that Board.
- Steve Minnis participated on the EOG/DEP/WMDs legislative conference call.
- Ann Shortelle and Jon Dinges participated in the bi-weekly WMD/DEP Executive Directors' call.

### *Water Supply*

- Carlos Herd attended a work group meeting to discuss Clay-Putnam minimum flows and levels recovery and prevention strategy implementation for Keystone Lake.

### *Resource Management*

- Steve Minnis, Jon Dinges, Erich Marzolf, Patrick Webster and Carlos Herd participated on a conference call with Bradford County representatives to coordinate potential project initiatives prior to the Local Mitigation Strategy Meeting.

### *Ag Team/Suwannee River Partnership*

- Applications have been received for the second round of Ag-Cost Share Funds, the deadline is Friday, January 4<sup>th</sup>.

### *Water Resources*

- Ann Shortelle, Erich Marzolf, Charlie Houser, and Bob Heeke visited Suwannee Spring, Holton Spring, and Pot Spring to assess the management and condition of the District lands.

### *Land Resources*

- Bob Heeke inspected logging operations on the Blue Sink tract in Suwannee County.

- Bob Heeke and Bill McKinstry completed the initial screening of potential gopher tortoise recipient sites associated with the Ellaville exchange.

*Communications*

- Steve Minnis participated on the monthly DEP/WMDs communication conference call.

*Announcements for Week of January 14*

- January 8, Governing Board Meeting and Workshop at 9:00 am, PCS Phosphate Conference Center, White Springs.
- January 9, NFRWSP Quarterly Leadership meeting, including Governing Board Chairmen, District Headquarters.
- January 10, Surplus Lands Committee Meeting at 1:30 pm, District Headquarters.



## Weekly Activity Report to Governing Board January 11, 2013

### *Executive/Management*

- Don Quincey, Ann Shortelle, Jon Dinges, Carlos Herd participate in the NFRWSP Quarterly Leadership meeting with representatives from DEP and SJRWMD.
- Steve Minnis participated on a legislative conference call.
- Ann Shortelle, Steve Minnis, Joe Flanagan and Sara Alford submitted the Preliminary Budget Submission Report to the Florida Legislature, EOG and DEP.
- Ann Shortelle and Lisa Cheshire initiated a new program for staff evaluations.

### *Water Supply*

- Kev in Wright met with SJRWMD and Gainesville Regional Utilities (GRU).

### *Resource Management*

- Jon Dinges and Patrick Webster met with Bradford County in Starke to discuss Flood hazard mitigation projects in coordination with the RIVER program.
- Leroy Marshall conducted a Statewide Environmental resource permitting (SWERP) Workshop at the District's headquarters to present specific rules to the public to inform them of minor changes to the District's requirements.
- Hugh Thomas met with Del Botcher, Ag Engineer consultant for Alliance Grazing Group, to discuss details of Fanning Springs Waste Water Plant Ag Reuse project.
- Leroy Marshall attended the Economic Development Liaisons Meeting in Tallahassee.

### *Ag Team/Suwannee River Partnership*

- Patrick Webster, RIVER team leader, held a RIVER team meeting to discuss and prioritize the short list of proposed projects to be considered for funding by the District.
- Hugh Thomas, Kevin Wright and Joel Love met with the Mobile Lab team to discuss their evaluation services related to the SRWMD Ag Water Conservation Initiative.

### *Water Resources*

- Dale Jenkins and Mary Wetherington met with SJRWMD surveyors to provide access to one of the wells in the District's monitor well network.

### *Land Resources*

- Charlie Houser participated in a conference call with the public land management agencies working to provide information on recreational opportunities to Visit Florida, the State's tourism entity.
- Edwin McCook visited the Luken Tract in Cedar Key to inspect the progress of the construction of a canoe ramp.

### *Communications*

- Communications staff sent out press releases about the SRWMD's Five Year Strategic Plan and posted the SRWMD's webpage under news and announcements the Leadership Team New Year's resolutions.

### *Announcements for Week of January 14*

- January 14, DEP Suwannee River BMAP presentation at 11:00 a.m., Lafayette County BOCC Meeting, Mayo.
- January 15, DEP Suwannee River BMAP presentation at 4:30p.m., Suwannee County BOCC Meeting, Live Oak City Hall.
- January 17, DEP Suwannee River BMAP presentation at 6:00 p.m., Lafayette County BOCC Meeting, Cross City.
  - Note: District staff will attend the BMAP presentations to the BOCCs.



## Weekly Activity Report to Governing Board January 18, 2013

### *Executive/Management*

- Anne Shortelle, Erich Marzolf, Jon Dinges and Hugh Thomas attended the Lafayette and Dixie County Commission Meetings.
- Anne Shortelle participated in a meeting with Brian Olmert, the President of Loncala, in High Springs.
- Steve Minnis attended the Interim Legislative Committee Week in Tallahassee.

### *Water Supply*

- Dale Jenkins and Trey Grubbs met with the SJRWMD to discuss recharge, water use projections, and the conceptual model report for the NFSEG regional groundwater flow model.
- The SRWMD MFL team met with FWC to discuss the status of MFLs and how FWC could assist with MFLs.
- Dale Jenkins presented on "Water Supply Developments in the District" to SunCrest/OMNI Healthcare group.

### *Resource Management*

- Hugh Thomas met with owners of Cheshire Ranch and Farmlands, LLC to enroll their farm with FDACS Best Management Practices.
- Jerry Bowden and Louis Mantini attended the NC Florida RACEC Catalyst Site/North Florida INTERMODAL PARK meeting in Lake City to discuss permitting issues.

### *Ag Team/Suwannee River Partnership*

- Kevin Wright, Hugh Thomas and Joel Love met with the Resource Conservation Partners Mobile Irrigation Lab on Monday to discuss the SRWMD cost share program and the irrigation system evaluation process.

### *Water Resources*

- Erich presented a seminar at SJRWMD as part of their environmental sciences seminar series on the SRWMD's springs. His seminar focused on hydrology and water quality of SR springs and how they appear to behave differently from some springs in the SJRWMD.
- Erich Marzolf and Ann Shortelle attended Monday's FLOW meeting.
- Erich Marzolf and Jon Dinges attended the Suwannee County commission meeting.

### *Land Resources*

- Bill McKinstry conducted timber sale monitoring and inventory at Goose Pasture.
- Bob Heeke participated in an interagency meeting on the management of Big Shoals Public lands about potential hiking and interpretive trails at the Lake City well field.
- Bob Heeke completed the blue sink timber sale inspection.

### *Communications*

- Communications staff sent out press releases about the North Florida Regional Water Supply Partnership stakeholder committee.

### *Announcements for Week of January 21, 2013*

- District staff will be participating in Committee Week in Tallahassee.
- Gilchrist County Commission meeting on Jan 22.
- North Florida Regional Water Supply Partnership Stakeholder Advisory Committee meeting on Jan 23.
- Governing Board meeting on Ellaville/Damascus land exchange on Jan. 23.



## Weekly Activity Report to Governing Board January 21, 2013

### *Executive/Management*

- Ann Shortelle and Steve Minnis attended the Interim Legislative Committee Week in Tallahassee.
- Don Quincey, Ann Shortelle and Steve Minnis met with several Legislative Members to discuss strategic priorities.
- Jon Dinges, Steve Minnis and Sara Alford participated in a statewide conference call to provide FY 2013-2014 Preliminary Budget information on springs to legislative staff.

### *Water Supply*

- Carlos Herd, Jon Dinges and Hugh Thomas participated in the NFRWSP Stakeholder Meeting at Florida Gateway College to discuss the regional water supply plan boundary area.
- Carlos Herd and Dale Jenkins participated in a meeting with PCS to discuss potential aquifer recharge projects on the PCS Phosphate property.

### *Resource Management*

- Jon Dinges and Hugh Thomas participated in the Gilchrist County Commission Meeting to discuss the Suwannee River draft BMAP and proposed management changes to Otter Springs.
- Tim Sagul and representatives from the other Water Management Districts participated in a DEP Water Use Hearing Meeting in Tallahassee to discuss the proposed changes to DEP's consumptive use rule.

### *Ag Team/Suwannee River Partnership*

- Ag Team representatives met with the Gilchrist County Commission to assist Terry Hansen (FDEP) with information of the Suwannee River Basin Management Action Plan.

### *Water Resources*

- Erich Marzolf participated in a DEP on the WIN (Watershed Information Network) Project, which is a state-wide water quality database to replace STORET. The meeting was for data providers to provide feedback on the project's plan.
- Erich Marzolf, Trey Grubbs, Dale Jenkins, Carlos Herd and Megan Wetherington met with SJRWMD hydrogeologists and Florida Geologic Survey staff to discuss 4 new monitoring wells drilled on SRWMD property and to coordinate further drilling.

- Erich Marzolf was the guest of John Wheeler at the monthly luncheon/meeting of the Lake City Rotary club. The guest speaker discussed silvaculture management.

#### *Land Resources*

- Edwin McCook conducted an inspection of Owen Springs and Bradford Bend.
- Bill McKinstry inspected a Reforestation Compliance Plot in Mattair Springs and Holder Creek.
- Bob Heeke met with a UF Forestry class that will utilize the Santa Fe River Ranch Tract for their senior planning project.
- Steinhatchee Rise Tract – Florida Fish and Wildlife Conservation Commission Law Enforcement Officers arrested an individual Sunday night digging on the Steinhatchee Tract. The individual arrested was looking for a chest of gold that was supposing to be buried near the Steinhatchee River.
- Charlie Houser conducted an annual inspection of a 900 acre conservation easement property in Suwannee County with Matt Maynor, the representative that controls the property.

#### *Communications*

- Communications team sent out press releases about the SRWMD Water storage project that is underway in Dixie County.
- Site visit invitations to the Steinhatchee Rise Dispersed Water Storage Project were transmitted to the District's Legislative Delegation, appropriate Legislative Committee Chairs and media.
- Joe Flanagan gave an overview of the Dispersed Water Storage Project at the North Central Florida Regional Planning Council Meeting.

#### *Announcements for Week of January 28, 2013*

- Steinhatchee Rise Dispersed Water Storage Project Site Visit on Jan 29
- District staff is meeting with Nathan Crabbe, in charge of the Editor/Editorial pages in the Gainesville Sun Jan 28.
- Ann Shortelle and Steve Minnis along with Pierce Schuessler, DEP, will attend a site visit to the Keystone Lakes with Representative Van Zant on Jan 31.