

Suwannee River Water Management District

Governing Board Materials

Supplemental

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

Assistant Executive Director

Executive Director

MEMORANDUM

TO: Governing Board

FROM: David Still, Executive Director

DATE: April 11, 2011

RE: Governing Board Counsel

At the January 10, 2011 meeting, the Governing Board authorized staff to prepare and advertise a request for proposals (RFP) for Governing Board counsel. Staff advertised the RFP and proposals were received by the April 1, 2011, deadline.

Some proposers have indicated that they would prefer to represent the Governing Board, and some have indicated that they would prefer to represent staff. Please see below for the breakout list.

As advertised in the RFP, the Selection Committee Meeting shall be at 9:00 AM on April 12, 2011.

Board & Staff

Brannon Brown Haley & Bullock, P.A.
Prevatt Law Firm
Bryant Miller Olive
Lindsey B. Lander at Law
McGee & Mason, P.A.

Staff Only

Marcy I. LaHart, P.A.
Robinson, Kennon & Kendron, P.A.
Springfield Law, P.A.
Chase Law Firm

Board Only

Bricklemeyer Smolker & Bolves, P.A.
Scruggs & Carmichael, P.A.
Foreman, McInnis & Douglas, P.A.
Sniffen & Spellman, P.A.
Davis, Schnitker, Reeves & Browning, P.A.
Ingram & Van Rooy, P.L.
Gray Robinson, P.A.

MEMORANDUM

TO: Governing Board
FROM: Brian C. Kauffman, Facilities Director
DATE: April 7, 2011
RE: Purchase of Horse Stalls for R. O. Ranch Equestrian Park

RECOMMENDATION

Staff requests Governing Board authorization to purchase 68 horse stalls from Tom Curtin Quality Horsemanship Inc. for a total price not to exceed \$54,400.

BACKGROUND

In 2006 the Suwannee River Water Management District Governing Board approved construction of the R. O. Ranch Equestrian Park on District land in Lafayette County, Florida. The Governing Board agreed to invest accrued timber sale revenues to fund the park's capital improvements.

By keeping the horses confined to specific areas designed to manage erosion and manure according to best management practices, these stalls would help protect the natural resources of the park. The stalls will also provide for public safety by keeping horses away from other guests not familiar with horses. Two stalls are needed at each of the park's 32 campsites, for a total of 64 stalls. Four additional stalls are needed at the rental lodge, for a total number of stalls of 68.

The bids shown on the attached bid recap were in response to the District's Request for Bids 10/11-024 RO. Principals for Tom Curtin Quality Horsemanship Inc. are Thomas C. Curtin and Trina C. Curtin. Funding for this expenditure is available within the Fiscal Year 2011 budget. The R. O. Ranch Board of Directors approved this purchase at their April meeting.

gal

Bid Opening for 10/11-024 RO
Horse Stall Panels
April 5, 2011, 3:00 p.m.

Present: Linda R. Smith, Procurement Coordinator
Charlie Houder, Assistant Executive Director
Brian Kauffman, Facilities Director

Company: Tom Curtin Quality Horsemanship Inc.

Quantity	Product Description and Specification	
204	Panels, 72" high x 12' long, 1 ½ x 16 gauge	\$30,600.00
68	Panels, 72" high x 6' long, 1 ½ x 16 gauge,	6,596.00
68	Gates, 6' long bow gate, 1 ½ pipe x 16 gauge	17,204.00
	Delivery Charge to R.O. Ranch	No Charge
	TOTAL	\$54,400.00

Company: Metro Gate

Quantity	Product Description and Specification	
204	Panels, 72" high x 12' long, 1 ½ x 16 gauge	\$33,660.00
68	Panels, 72" high x 6' long, 1 ½ x 16 gauge,	6,596.00
68	Gates, 6' long bow gate, 1 ½ pipe x 16 gauge	11,900.00
	Delivery Charge to R.O. Ranch	2,380.00
	TOTAL	\$54,536.00

Company: Black Water Metal Works

Quantity	Product Description and Specification	
204	Panels, 72" high x 12' long, 1 ½ x 16 gauge	\$32,461.00
68	Panels, 72" high x 6' long, 1 ½ x 16 gauge,	7,7178.00
68	Gates, 6' long bow gate, 1 ½ pipe x 16 gauge	16,801.00
	Delivery Charge to R.O. Ranch	945.00
	TOTAL	\$57,385.00

Company: Smitty's Western Store

Quantity	Product Description and Specification	
204	Panels, 72" high x 12' long, 1 ½ x 16 gauge	\$41,820.00
68	Panels, 72" high x 6' long, 1 ½ x 16 gauge,	22,304.00
68	Gates, 6' long bow gate, 1 ½ pipe x 16 gauge	
	Delivery Charge to R.O. Ranch	2,000.00
	TOTAL	\$66,124.00

Company: Triton Barn Systems

Quantity	Product Description and Specification	
204	Panels, 72" high x 12' long, 1 ½ x 16 gauge	\$40,800.00
68	Panels, 72" high x 6' long, 1 ½ x 16 gauge,	10,200.00
68	Gates, 6' long bow gate, 1 ½ pipe x 16 gauge	13,532.00
	Delivery Charge to R.O. Ranch	2,400.00
	TOTAL	\$66,932.00

Company: Orlando Steel Enterprises, Inc. ****Disqualified, did not meet specifications**

Quantity	Product Description and Specification	
204	Panels, 72" high x 12' long, 1 ½ x 16 gauge	\$23,460.00
68	Panels, 72" high x 6' long, 1 ½ x 16 gauge,	4,692.00
68	Gates, 6' long bow gate, 1 ½ pipe x 16 gauge	7,616.00
	Delivery Charge to R.O. Ranch	No Charge
	TOTAL	\$35,768.00

Compliance

updated 4/8/2011 1:55:06 PM

<i>CE #</i>	<i>County</i>	<i>Discovery Date</i>	<i>Date Action Required</i>	<i>Violation Summary</i>	<i>Respondent</i>	<i>Comments</i>	<i>Staff</i>
CE09-0027	LEVY	3/1/2009	4/19/2011	Unpermitted development.	Marvin Franks - Cedars Airfield, Inc.	14 days to contact District. Spoke with Mr. Franks on 3/10/09. Site visit 3/19/09. Mills Engineering hired and will submit application and plans by 12/31/09. Received ERP application 12/18/09. As of 5/12/10, we have not received any additional information as requested. RAI letter sent 8/16/10. Received additional information on 9/22/10 and 10/11/10. RAI sent 11/22/10. Partial RAI response received 12/20/10. No response to comments concerning the Conservation Easement. RAI sent 1/19/11. Revised Conservation Easement received on 1/20/11 which is being reviewed by legal.	Webster, Patrick
CE06-0058	LEVY	8/2/2006	4/24/2011	Unpermitted construction.	Douglas McKoy	Tabled at April 2010 Board (Denial) for one month. Received emails from applicant. Permit denial was pulled from the Governing Board agenda. Spoke with engineer 8/2/10; has received information from Mr. McCoy. Plans and calculations should be submitted by 9/1/10. Sent email 9/13/10; requesting submittal date. Spoke with engineer. RAI materials to be sent to District by 10/18/10. 11/1/10; engineer stated that the response submittal was in the mail. RAI response received 1/3/11. RAI sent 1/25/11. Response due 4/24/11.	Webster, Patrick
CE10-0016	JEFFERSON	2/9/2010	3/21/2011	Unpermitted construction.	Judy Miller	Compliance Agreement mailed 11/29/10. Received signed agreement 12/6/10. Returned executed agreement to Ms. Miller 12/9/10. Compliance Agreement executed on 12/9/10, requires fees for a settlement penalty and staff costs to be paid no later than 12/19/10. Ms. Miller informed District staff during a 03/14/11 telephone discussion that she would re-purchase money order to pay penalties and staff costs, as the original purchased on 12.02/10 never cleared or received by the District. RAI sent 1/14/11. Staff to monitor Compliance Agreement stipulations. Consultant has requested an extension until 3/21/11. Extension request granted. 3/21/11; received fee & penalty check for \$2,305.65 and RAI material. Permit issued 4/8/11. Staff to monitor Compliance Agreement stipulations.	Mantini, Louis

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CE10-0026	COLUMBIA	4/20/2010	2/10/2011	Unpermitted construction.	Sam Oosterhoudt-Lake City Developers, LLC.	SWO had delivered 4/20/10. NOV sent 4/26/10. 14 days to contact District. File sent to legal 5/21/10. Call from Mr. Oosterhoudt on 5/26/10. Engineer has been hired and no other work to be done until permit is modified. Informed legal to hold enforcement. Email to legal, no contact from owner since 5/26/10 phone call. Received ERP application 7/26/10. Sent RAI 8/11/10. 18 day letter sent 11/15/10. Meeting scheduled with applicant. Extension letter sent 1/11/11. Staff met with applicant on 2/4/11. 2/25/11; Compliance Agreement sent to Mr. Oosterhoudt for signature. Executed Compliance Agreement sent to Mr. Oosterhoudt 3/14/11. Awaiting monthly payments beginning 3/31/11 and ending 5/31/11. As of 4/4/11, no payment received. May 2011 Board for initiation of legal action.	Marshall, Leroy
CE10-0036	COLUMBIA	7/29/2010	5/6/2011	Failure to maintain surfacewater management system.	Michelle O'Brien - Lake City Home Depot	14 days to contact District. District staff met on-site on 08/30/10. A follow-up correspondence was sent on 09/14/10 to address the repair of the berm and weir. District met on-site on 10/27/10 with contractors and engineering consultant. The original hydrologic study was sent to the engineering consultant on 10/28/10 with aerial imagery. E-mail sent to on 11/12/10, requesting the status of the Home Depot's actions and informing that the District would formulate a compliance agreement to resolve issue. Site review conducted on 2/21/11. No change in site. 18 day letter sent 2/7/11. Received compliance schedule 2/17/11, and remediation is proposed to be completed by 05/06/11. Meeting conducted on 3/9/11 and telephone conference on 3/14/11 with the Home Depot's engineering consultant. It was determined from current (as-built) survey of the site that remedial efforts will require more planning, staff will determine status of engineering design on 03/31/11 and determine best strategy for modification of the current compliance deadline of 5/6/11. 4/4/11; received grading plan and ICPR report. Staff reviewing reports submitted.	Mantini, Louis
CE10-0046	LEVY	9/23/2010	10/11/2010	Unpermitted road construction.	Donny Crews / Levy County Road Department	14 days to schedule meeting with District. Conducted a meeting with County, Mr. McNulty, and Lee Mills, P.E., on 10/12/10. Mr. Mills needed to determine how to proceed towards devising a plan for his client, Mr. McNulty. Please refer to CE10-0045 (McNulty) for updates regarding this enforcement file.	Mantini, Louis

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CE08-0022	SUWANNEE	3/3/2008	9/13/2010	Construction without a permit.	Donald Edwards	90 days to submit application package & pay penalties. Sent letter 6/6/08; 18 days to submit application package and pay \$8,000 penalty. Sent letter 7/2/08; 90 days to submit application & pay penalty. Extension request received and extended 10/1/08. Information to be submitted on or before 10/20/08. Received ERP application 10/20/08. RAI sent 11/6/08. Extension granted 2/18/09. Extension granted until 12/20/09. 3/15/10; applicant requests withdrawal of application. File to legal. Sent letter 7/13/10; fine of \$8,000 reinstated and permits conditions must be met by 9/13/10. As of 12/21/10, no fines or fees have been submitted. May 2011 Board for initiation of legal action.	Marshall, Leroy
CE08-0072	COLUMBIA	12/16/2008	1/6/2011	Dredging and filling of a pond.	Larry R. and Eva Joyce Sigers	Mailed Consent Agreements to Siger on 10/19/10. As of 11/22/10, no response. Sent letter 12/16/10; 30 days to sign Consent Agreements. March 2011 Board for execution of Consent Agreement and Final Order. Staff to monitor Consent Agreement conditions.	Spencer, William
CE10-0058	DIXIE	10/26/2010	4/17/2011	Unpermitted structure in floodway.	Paul Weber	14 days to contact District. Site visit 12/6/10; discussed application process. Letter sent 1/10/11; 30 days to submit WOD application. Received WOD application 1/12/11. Mailed RAI 1/18/11.	Robinson, Vince
CE10-0060	HAMILTON	12/14/2010	12/30/2010	Unpermitted construction.	Karamchand Doobay - Florida Gateway Resort	SWO & NOV sent 12/16/10. Owner contacted District 12/21/10. They will cease work and respond to RAI. Site visit 1/19/11; not additional work reported. Staff was contacted 2/14/11 by new project owner/management. Site visit 2/16/11. Short term compliance issues as well as how to approach the permitting for the expanded scope of work were discussed. Compliance efforts are temporarily on hold until new engineer works out all details. Staff to contact respondent 4/13/11 for update.	Hastings, John

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CE11-0001	GILCHRIST	1/13/2011	4/25/2011	Unpermitted water use.	Rodney O. Tompkins Trustee - Misty Farms	20 days to submit water use application. NOV returned unclaimed. Second NOV sent 2/11/11 to be served by Alachua & Gilchrist County Sheriff Offices. WU application due 3/2/11. Ms. Tompkins called on 2/18/11. The application process was explained. Ms. Tompkins explained they would be out of town for a week, however when they arrived back they would contact the District to set up a site visit. Received receipt from Alachua County Sherriff's Office; date served was 2/24/11. Received receipt from Gilchrist County Sherriff's Office 3/3/2011, papers were served on 2/16/2011. Ms. Tompkins called on 3/15/2011 with further questions about 40B-2 FAC. Ms. Tompkins also requested a copy of the District's Enforcement policy. Staff faxed the Enforcement policy on 3/15/2011. Ms. Tompkins called on 4/5/2011 with additional questions about the application and our enforcement policy. Ms. Tompkins stated she was working on the application.	Wright, Kevin
CE10-0042	UNION	10/10/2010	5/11/2011	Unpermitted construction.	John Rimes, III - New River Forest Villas	Initial NOV sent on September 20, 2010. Jeff Rimes responded on 10/04/10 and it stated the property in question (New River Forest Villas) is under the control of the City of Worthington Springs; but the Union County Property Appraiser's website indicated New River Forest Villas was under control of John Rimes, Jr. Resent NOV 10/12/10 with correct Respondent. John Rimes, Jr., called on 10/18/10. District received information from Jeff Rimes on 11/02/10, indicating that Worthington Springs Town resolutions 2008-1 and 2006-01 accepted the dedication of the street around Worthington Springs Municipal Airport, and established the municipal airport, respectively. Meeting 2/4/11 at District. Mr. Rimes requested letter stating what is required by property owner and promised to hire an engineering consultant to satisfy District requirements. Letter sent 2/7/11, with information requested. John Rimes III is sending updated property records to the District on 2/25/11 that will illustrate all construction has occurred on City property, so this CE-file can be consolidated into CE10-0043, and compliance issues with the Rimes family will be resolved. Additional ownership information received 3/2/11. Respondent to provide requested surveys by 4/1/11 in order to clarify ownership information. Received a sketch from Scott Britt on 04/04/11. Letter sent 4/11/11; 30 days submit compliance deadline.	Mantini, Louis

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CE11-0005	BRADFORD	2/24/2011	3/17/2011	Unpermitted dredge & fill in wetlands.	Jacob Hake	20 days to contact District. Mr. Hake contacted the District on 2/26/11 and a site visit conducted on 3/11/11 with staff. A Compliance Agreement will be drafted to insure removal of vegetative and earthen debris from (AE) flood zone following an approximate delineation of this zone by staff using best available (GIS) data on 03/17/11. Compliance Agreement hand-delivered to Mr. Hake 4/1/11. Meeting 4/8/11 with staff to discuss Compliance Agreement.	Mantini, Louis
CE11-0006	GILCHRIST	1/12/2011	3/17/2011	Unpermitted dredge & fill in wetlands.	Donald Barselou	20 days to contact District. Mr. Barselou contacted the District within the 20-day deadline, and a site visit was conducted with staff on 3/21/11. Compliance Agreement mailed 3/29/11 for signatures.	Mantini, Louis
CE10-0043	ALACHUA	2/4/2010	4/15/2011	No as-builts.	Edwin Dix - 441 Mini Warehouses	File to legal 10/20/10. EDA engineers contacted District and submitted as-builts on 10/22/10. District notified legal to hold enforcement until they hear from District. Inspected project on 10/26/10 and found it incomplete and not constructed as shown in as-builts. 10/26/10; contacted EDA regarding discrepancy. EDA to contact the owner and respond within 2 days. 10/28/10; EDA responded that the owner was getting prices and would install items by 11/30/10. Contacted Mr. Dix, he had delays in obtaining pricing information. Project will be in compliance by 12/15/10. Site visit on 12/17/10, project has not been completed. Called EDA on 12/20/10; spoke to Claudia. EDA does not know if the project has been completed but will call to update status. Email sent 12/23/10 for update. As of 1/21/11, no response received. Sent e-mail to Mr. Dix asking he provide an update by 2/17/11 or the file will be sent to legal. 2/28/11; NOV to be served by Alachua County Sheriff Office. 20 days to respond. Received e-mail from Mr. Dix on 02/28/11. Mr. Dix said he has hired Halter Metals to install the gutters. Contacted Mr. Halter 352.378.0220. Gutters will be installed on or before 3/14/11. Will hold service of NOV until 3/14/11. 03/14/11; no response to date. 3/15/11 Called Mr. Halter for progress report. Left message. 3/22/11; NOV delivered to Alachua County Sheriff's Office. Sheriff's office will serve within 48 hours. As of 4/4/11; no information received from Alachua County Sheriff Office. 4/6/11; received phone call from Mr. Dix. He received sheriff's service and will have gutters installed by 04/15/11.	Bowden, Jerry

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CE11-0003	DIXIE	10/26/2010	5/11/2011	Unpermitted structure in floodway.	David Midgett	20 days to contact District. Danny Roberts contacted me on 2/24/11 . 3/3/11; meeting to discuss application process. Met with Mr. Deyoung to discuss application process on 3/31/11. I spoke with Mr. Deyoung on the phone on 4/5/11 to find out where he is in the application process. Letter sent 4/11/11; 30 days to submit ERP application or refer to legal.	Robinson, Vince
CE11-0007	GILCHRIST	2/9/2011	4/15/2011	Unpermitted structure in floodway.	Richard & Rebecca Tenaglia	20 days to contact District. Received WOD application 3/2/11. 3/30/11: sent RAI. District staff met with Mr. Tenaglia on 4/8/11 to discuss draft compliance agreement (CA). Staff will prepare and send out a finalized compliance agreement and an updated request for additional information (RAI) by 4/15/11.	Robinson, Vince
CE11-0008	BRADFORD	6/23/2009	4/15/2011	No as-builts and no maintenance and repair of SW system.	Jeff Oody - Capital City Bank	20 days to contact District. 03/16/11; received phone call from Mr. Oody said he would contact the engineer to discuss as-built drawings and the problems with the retention pond. Informed him that the 20 day clock still applied. He needs to submit the a proposal and the adjusted as-builts. On-site meeting 3/23/11. Meeting with Jeff Oody, Jerome Kelley, Pat Webster and Jerry Bowden. Mr. Oody presented documentation stating that the flooding complaint against the bank has been dropped. Mr. Kelley provided updated documents resolving the as built concerns. In addition, the bank will have Mr. Kelley evaluate the surfacewater management pond problems and recommend corrective action. Proposal to be submitted to the District by 4/15/11.	Bowden, Jerry
CE11-0009	UNION	3/4/2011	4/7/2011	Unpermitted well abandonmnet & not constructed according to permitted plans.	Brian Crawford - Dollar General Raiford	20 days to contact District. Contacted District 4/6/11. Working on resolution. Compliance Agreement to be mailed by 4/18/11.	Link, James
CE11-0010	GILCHRIST	3/17/2011	6/21/2011	Unpermitted development.	Richard Roberts	20 days to contact District. 3/22/11: Compliance Agreement being prepared & RAI sent. Mr. Roberts contacted the District on 3/22/11. Compliance Agreement received by Mr. Roberts on 3/21/11. 4/5/11; meeting at District. Executed the compliance agreement and paid fine. Site visit 4/15/11 to see if agreed upon remediation has been completed.	Webster, Patrick

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CE11-0011	LEVY	3/15/2011	4/15/2011	Unpermitted construction.	Kenneth & Anita Roesch-Treasure Camp	20 days to contact District. Contacted the District on 3/23/11. District staff conducted field review on 3/25/11 with owner. District sent email to owner requesting a meeting to discuss preliminary compliance agreement on 3/31/11. District staff met with Roesch's on 4/8/11. District staff will set up a meeting to discuss their proposal with David Still and Jon Dinges.	Webster, Patrick
CE10-0055	DIXIE	11/10/2010	4/3/2011	Unpermitted ditch construction.	Glenn O'Steen - Bascom Gulf, LLC	14 days to contact District. Received a response on 11/29/10. Meeting 12/7/10 to discuss resolution. Staff and Mr. Osteen agreed upon a plan to install ditch blocks to resolve the excessive ditching. Concerned party updated of the resolution plan. Staff has scheduled to meet on 2/22/11 to discuss check-dam installation. During the 2/22/11 meeting, a suitable location for check-dam installation was identified in the field. The check-dam construction contractor requested that the site drain adequately, so equipment may be mobilized at this location. District staff will monitor the water levels with the consultant. A follow-up monitoring visit will be conducted on 4/13/11.	Mantini, Louis
CE10-0059	UNION	11/29/2010		Unpermitted construction.	Ms. Pat Harrell - City of Worthington Springs	Staff scheduling meeting with City in January 2011. This is related to CE10-0042, John Rimes, Jr., New River Villas.	
CE11-0012	MADISON	3/24/2011	4/24/2011	No as-builts.	Bill McCans - Sonic Foods Madison	30 days to submit as-builts.	Bowden, Jerry
CE11-0013	ALACHUA	3/24/2011	4/24/2011	No as-builts.	Richard Zambelli - Weston Oaks Subdivision	30 days to submit as-builts.	Bowden, Jerry
CE11-0014	LEVY	3/24/2011	4/27/2011	No as-builts.	Phillip Cothran - Nature Coast Middle School	30 days to submit as-builts.	Bowden, Jerry

MEMORANDUM

TO: Governing Board

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

THRU: David Still, Executive Director

DATE: April 11, 2011

RE: Enforcement Status & Litigation Report

ADMINISTRATIVE MATTERS WITHIN THE DISTRICT

Justin M. Fitzhugh/Movie Gallery (CE05-0046) – Columbia County

Counsel mailed a Notice of Violation to Justin Fitzhugh on July 22, 2010, regarding a non-functioning surface water management system and failure to submit as-built certification forms. The Notice of Violation required a response from Mr. Fitzhugh on or before August 22, 2010.

After numerous contacts with Mr. Fitzhugh, a Compliance Agreement was executed by Mr. Fitzhugh and the District.

Staff performed a site inspection on March 15, 2011, and discovered that no work has been done to bring the pond into compliance with permit conditions. The Compliance Agreement specified a monthly payment schedule for the assessed penalty, administrative costs and attorney's fees. As of April 8, no payments have been received. Therefore, in May 2011, staff will recommend that the Governing Board authorize initiation of litigation against Mr. Fitzhugh in Circuit Court to enforce the terms of the Compliance Agreement.

Derrick Freeman (CE08-0043) – Suwannee County

This file was sent to counsel on August 9, 2010. Counsel has attempted to notify Mr. Freeman repeatedly of the violation. Counsel has discovered that Mr. Freeman has been unavoidably detained in South Florida due to health issues.

Counsel has not received a response from Mr. Freeman, but has been informed by Express Legal Support Services that Mr. Freeman is still located in South Florida due to health concerns. Staff working with counsel to determine alternate legal party on behalf of Mr. Freeman.

Richard Oldham (CE01-0024) – Bradford County

A Notice of Violation was sent to Mr. Oldham on April 13, 2010, for an unpermitted pond and deposition of spoil material in a flood hazard area. After numerous attempts to correct this violation, the file was sent to counsel. Counsel notified Mr. Oldham twice (letters dated August 9, 2010, and November 4, 2010 – this letter being hand delivered) regarding the action needed to remedy the situation.

Staff met with Mr. Oldham on-site on December 6, 2010, to again explain the steps necessary to resolve the violation. As of March 16, 2011, Mr. Oldham has not responded to Counsel or staff regarding his intention to comply.

In order to resolve this enforcement action, either the site needs to be restored to pre-existing conditions or the pond must be permitted and the spoil material removed from the flood-hazard area.

Mr. Oldham has recently commenced corrective work. Staff is negotiating possible settlement terms with Mr. Oldham.

Johnny Dudley/Windsor Court (CE10-0039) – Columbia County

This file was sent to counsel on October 20, 2010, after numerous attempts to contact Mr. Dudley were unsuccessful. The violation consists of failure to maintain a surface water management system in accordance with permitted plans (large erosion scar on the inflow swale that discharges into the stormwater pond as well as large volumes of sediment in the basin).

A Compliance Agreement was executed on March 29, 2011, by Johnny Dudley, which requires Mr. Dudley to perform all work necessary to bring the surface water management system into proper functioning condition and into compliance with ERP98-0036 within forty-five (45) days from rendition of the Compliance Agreement and requires payment of a penalty, attorneys fees and staff costs within ten (10) days from rendition of the Compliance Agreement. Payment of penalty, attorneys fees, and staff costs received by the District on April 1, 2011. Staff will monitor the compliance agreement.

Scott McNulty (CE10-0045) - Levy County

This file was sent to counsel on March 7, 2011. On July 14, 2010, the District discovered that unpermitted excavation and road construction had occurred in the Cedar Key Heights Subdivision, within portions of SW 126th Terrace and SW 127th Court and may have occurred in jurisdictional wetlands within the SW 77th Place rights-of-way. A violation letter was sent to Mr. McNulty via certified mail, which requires a response from him on or before April 10, 2011. Received letter April 8, 2011, from Respondent's counsel indicating that Mr. McNulty is not in violation of the District permitting process and does not intend to pay any fees or fines.

CIRCUIT COURT MATTERS

Suwannee River Water Management District v. El Rancho No Tengo, Inc.

This enforcement matter has been ongoing since 2006. After multiple court hearings, and in accordance with Court rulings, a Notice of Sheriff's Sale was sent to the parties by certified mail. The sale date is May 3, 2011. Counsel is coordinating with staff regarding the District's presence at the sale.

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

This enforcement action has been ongoing since 2007. After many attempts to resolve the violation (construction of a building, dock and walkway within the 75' setback and floodway of the Suwannee River without a permit), staff referred this matter to counsel.

At this time, the parties have been unable to agree upon a date for the mediation, but are currently planning a mediation to be conducted in early to mid-April. It is currently believed by the parties that a settlement of this case is possible; therefore, in an effort to save legal fees and costs, the trial in this matter has been continued until May 16-17, 2011, to give the parties an opportunity to mediate the issues.

Charlie Hicks, Jr. (CE07-0087) — Madison County

This enforcement case has been ongoing since 2008. The violation consists of construction of a structure in the floodway, without obtaining a Works of the District permit. The case has been before this court several times.

On March 1, 2011, the Court granted the District's Motion for Appointment of the Madison County Sheriff or Other Neutral Party to Perform the Acts Required by the Court's June 8, 2010, Order. The Sheriff of Madison County is unable to accept appointment to perform the acts required the Court's June 8, 2010, Order due to a lack of finances, resources, equipment and personnel. Therefore, a neutral third party will be appointed by the Court to carry out the terms of the Court's Order.

Steven Midyette (CE07-0065) – Gilchrist County

There is an ongoing enforcement case which involved clearing of wetland vegetation within a riverine wetland slough without a permit, filling in wetlands and constructing a boat ramp within a riverine wetland slough without a permit. Mr. Midyette eventually signed a Consent Agreement and Order on March 29, 2010. The Governing Board adopted Final Order 10-0010 on July 13, 2010, adopting the Consent Agreement.

Mr. Midyette failed to timely obtain a permit for his floating dock and submit a restoration plan as required by the Final Order.

A Complaint was filed with the Circuit Court of Gilchrist County and it was served on Mr. Midyette on March 30, 2011. We are awaiting his Answer to the Complaint, which is due on April 19, 2011.

Paul Moody (CE10-0009) - Bradford County

Staff referred this matter to Counsel on February 18, 2010. Counsel was unsuccessful in negotiations with Mr. Moody in an attempt to resolve this matter. This violation was unpermitted construction of a water well by an unlicensed contractor. A complaint has been filed with the Clerk of Circuit Court of Bradford County.

A Process Server located and served Mr. Moody with the Complaint on March 2, 2011. As of March 29, 2011, Mr. Moody has not filed an answer to the Complaint. Counsel will file a Motion for Default in this matter on or before April 6, 2011.

Bill McCans/Starke Sonic Drive-In (CE08-0037) – Bradford County

Staff referred this matter to Counsel on July 1, 2010. The violation consists of failure to fix a non-functioning surface water management system that poses off-site impacts to the water resources and it is a public safety concern. Also, Mr. McCans has failed to submit as-built certification forms. After numerous attempts to resolve this matter, a complaint was filed in the Circuit Court of Bradford County. Sonic Restaurants, Inc. was served on February 24, 2011, and Mr. McCans was served on February 22, 2011. An Answer to the Complaint was served by Mr. McCans on March 25, 2011. Sonic Restaurants, Inc. was served on February 24, 2011, and a Motion to Dismiss was served by Sonic on March 25, 2011. However, Mr. McCans has employed the services of an engineering firm to either bring the pond into proper functioning condition under the terms of the original permit, or submit plans for a permit modification if necessary to bring the pond into proper functioning condition. By April 17, 2011, District counsel to contact Mr. McCans Counsel to discuss settlement agreement.

Jeff Hill/Smithfield Estates, Phase I and Haight-Ashbury Subdivision
Haight-Ashbury Subdivision:

This enforcement activity has been ongoing for several years. At the most recent hearing (January 31, 2011), the Court granted the motion for summary judgment in this case. The judge's order requires Mr. Hill to comply with the corrective actions specified in the District's final order, imposes a civil penalty, and awards the District its costs and attorney's fees. The order, which was reduced to writing on February 15th, also sets a date for a case management conference with Judge Parker on April 25, 2011, for the purpose of determining compliance.

District staff discussed the corrective actions needed to bring the stormwater management system into compliance with the permit with a contractor, Sam Oosterhoudt, on March 15, 2011, and Mr. Oosterhoudt is going to complete the work prior to the case management conference on April 25, 2011.

In the Smithfield Matter: This enforcement activity has been ongoing for several years. At the last hearing (January 31, 2011), the Court granted the motion for summary judgment in this case. The judge's order requires Mr. Hill to comply with the corrective actions specified in the District's final order, imposes a civil penalty, and awards the District its costs and attorney's fees. The order, which was reduced to

writing on February 17th, also sets a date for a case management conference with Judge Parker on April 25, 2011, for the purpose of determining compliance.

District staff met with a contractor, Sam Oosterhoudt, at the site on March 15, 2011, to review the corrective actions needed to bring the stormwater management system into compliance with the permit. Staff agreed with Mr. Oosterhoudt that there are physical obstacles. Therefore, staff also agreed to allow Mr. Oosterhoudt two weeks to explore with the Columbia County Engineer the possibility of modifying the permit.

Cannon Creek Airpark ERP Violation

This enforcement action has been on-going for a number of years. This involves work that was done within the subdivision to alleviate flooding. The work was done without a permit. Columbia County officials are working on a stormwater project that may alleviate the practical need to obtain compliance with the existing District permit, but instead would require that the permit be modified to reflect the system as constructed.

District staff is currently reviewing an ERP application to implement one phase of the County's master stormwater plan that includes the Cannon Creek area, which should address the remaining drainage problems for this project.

PENDING COMPLIANCE MATTERS:

For a list of pending compliance matters, see the current Resource Management Regulatory Activity Report under the Resource Management section.