

## M E M O R A N D U M

**TO:** Governing Board Members

**FROM:** Sheryl G. Wood, General Counsel

**DATE:** October 27, 2008

**SUBJECT: Action Required**

Authorization to file suit—

Jeffrey Hendren and Caren Hendren and all other appropriate parties – Enforcement Action for property located at Section 21, Township 34 South, Range 40 East, Parcel ID Numbers 1421-604-0010-000-3 and 1421-604-0002-000-4 and 1421-601-0013-000-5, St. Lucie County, Florida.

### **Background**

This is a request to file suit to resolve violations involving filling of approximately 5.6 acres of forested and herbaceous wetlands and surface waters without an environmental resource permit (ERP). Numerous attempts have been made by District staff to resolve the violation following the issuance of the Notice of Violation, including numerous meetings with the Respondents and their consultants/attorneys in 2004, 2005, 2006, 2007 and 2008. Settlement letters and proposed consent agreements were also sent to the Respondents. The most recent settlement meeting took place on September 18, 2008. Respondents were to submit a proposed restoration plan by October 9, 2008, but failed to do so.

### **How this helps meet the District's 10-year Strategic Plan:**

This effort directly supports the District's land resources mission and will help protect water supply for public health and safety by requiring compliance with Chapter 373, Florida Statutes.

### **Funding Source:**

This litigation will be handled by the District's Office of Counsel. Any costs associated with this litigation will be paid from budgeted ad valorem funds.

### **This Board item impacts what areas of the District, both resource areas and geography:**

This item impacts environmental resources through the unpermitted works and alterations of wetlands and surface waters without a permit, which affects the District conservation and management of wetlands.

**What concerns could this Board item raise?**

If this matter is not resolved, the adverse impacts of the unauthorized fill in wetlands and surface waters will continue. Additionally, a neighbor has complained that the unauthorized works has caused flooding on his property.

**Why should the Governing Board approve this item?**

The Governing Board should approve this item to resolve recent violations of unauthorized consumptive use of water and unauthorized alteration of wetlands without the required permits, and to take appropriate action against all responsible parties.

If you have any questions, please do not hesitate to call me at extension 6976.

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