

MEMORANDUM

TO: Governing Board Members

FROM: Kirk L. Burns, Acting General Counsel

DATE: July 21, 2011

SUBJECT: Action Required

Authorization to file suit against Pulitzer Groves, Inc., and all other appropriate parties – Enforcement Action for a property located in Okeechobee County, Section 19, 23 & 24, Township 35 South, Range 33 East, Okeechobee, Florida.

Background

This is a request to file suit to resolve violations of Environmental Resource Permit #47-00145-S (the “Permit”), issued to Pulitzer Groves for a sod and citrus farm, commonly known as Okeechobee Sod & Citrus. The Permit required mitigation for wetland impacts on the property, which has not been undertaken. In addition, there are several “works” on the property, such as culverts, which were never permitted. These actions are in violation of Florida Statutes §§ 373.413 and 373.414.

Suit is also sought to resolve Pulitzer Groves’ use of a ground water well on the property, without a necessary District consumptive use permit. The use of the groundwater well without a consumptive use permit is a violation of Florida Statutes § 373.219 and Rule 40E-2.041, Fla. Admin. Code.

For several years and continuing to date, District staff has observed the violations and have continuously attempted to work to amicably resolve outstanding issues, to no avail.

How this helps meet the District’s 10 year Strategic Plan

This effort directly supports the District’s land resources mission.

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?

The subject property is located in Okeechobee County.

What concerns could this Board item raise?

If this matter is not resolved, the impact to wetlands would go unrecovered, and violations to the permit conditions will continue. In addition unpermitted consumptive water use will continue.

Why should the Governing Board approve this item?

The Governing Board should approve this item to resolve the violations of the Permit, the unpermitted “works,” and the unauthorized consumptive water use, by taking appropriate action against all responsible parties.

If you have any questions, please do not hesitate to call me at extension 6546.