

MEMORANDUM

TO: Governing Board Members

FROM: Sheryl G. Wood, General Counsel

DATE: May 29, 2008

SUBJECT: Cabbage Woods Ranches

Action Required

Authorization of Consent Agreement—Cabbage Woods Ranches and M. Fip Moltillal, President – Enforcement Action for a Portion of Property Located at Sections 7, 8, 17, 18, Township 38 SOUTH, Range 34 East, Glades County Florida

Background

This memo concerns a request to authorize a proposed consent agreement that resolves violations of SFWMD Permit #22-00353-P. Notices of Overdue Monitoring Reports were sent on June 19, 2006 and September 13, 2007. Notices of Non-Compliance for failure to comply with permit conditions were sent on December 27, 2007 and March 10, 2008. Wetlands impacts have occurred, mitigation has not been completed, and no conservation easements have been recorded. District staff met with the respondents on May 5 and 28, 2008, and the parties have come to an agreement regarding penalties and actions to be taken by the respondent to resolve the matter. The respondent has begun the implementation of the mitigation plan and has demonstrated a good faith effort to resolve this issue.

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

This effort directly supports the District's water resources mission.

Funding Source

The implementation and monitoring of this consent agreement will be handled by the District's Office of Counsel and enforcement staff. Any costs associated with this implementation 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 Glades County and impacts wetlands through the unpermitted works, dewatering, and alterations of wetlands without permit affecting the District conservation and management of wetlands.

What concerns could this Board item raise?

If this matter is not resolved, the unauthorized and unpermitted alteration of wetlands, and the adverse impacts and/or construction could continue.

Why should the Governing Board approve this item?

The Governing Board should approve this item to remedy the non-compliance with the conditions of SFWMD Permit #22-00353-P. The District will collect penalties of \$8, 200 from the respondent. The respondent has agreed to create the mitigation area immediately, and to begin planting at the direction of District staff, to be completed within 45 days.