

MEMORANDUM

TO: Governing Board Members

FROM: Sheryl G. Wood, General Counsel

DATE: January 9, 2008

SUBJECT: Action Required
Authorization to file suit—
Homestar at Sunset Cove, Inc., and all other appropriate parties -
Enforcement action of property located in Miami-Dade County.

Background

This matter involves unauthorized works in wetlands prior to receiving authorization from the District on land owned by Homestar at Sunset Cove, Inc., located in Miami-Dade County ("Property").

On March 26, 2007, an inspection by District staff verified construction of works on the Property and alteration of wetlands. All were done without an Environmental Resource Permit or Works of the District Permit. The violations continue despite demands to stop by District staff.

On April 12, 2007, a Cease and Desist letter was issued to Jose Fernandez c/o Homestar at Sunset Cove, Inc. During June, 2007, a letter in Aid of Settlement was issued for this enforcement action.

In September, 2007, a Cease and Desist and Pre-litigation Demand letter was sent.

As of the date of this memorandum, the District's attempts to resolve this matter have been unsuccessful, with no meaningful response from Mr. Fernandez.

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

This action will enforce the provisions of the District's statutes and rules. This effort directly supports the Regulatory Program in Water Resources.

Funding Source

This litigation will be handled by the District's Office of Counsel. Budgeted ad valorem funds will be used.

This Board item impacts what areas of the District, both resource areas and geography?

The subject property is located in Miami-Dade County and impacts wetlands through the unpermitted alterations of those wetlands without a permit affecting the District's conservation and management of wetlands.

What concerns could this Board item raise?

If this matter is not resolved, the unauthorized and unpermitted clearing of wetlands and its adverse impacts and construction will continue.

Why should the Governing Board approve this item?

The Governing Board should approve this item to enforce the District's statutes and rules, and to take appropriate action against all responsible parties.