



County Attorney's Office

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\*Board Certification in City, County and Local Government Law

June 5, 2020

Jimmy Crawford  
*Crawford, Modica & Holt*  
702 W. Montrose Street  
Clermont, FL 34711  
jcrawford@cmhlawyers.com

*Via Email Only*

**RE: Blackwater Creek Wetlands Mitigation, LLC, Haul Permit  
Response to May 28, 2020 letters**

Dear Jimmy,

Our office has received a copy of two letters dated May 28, 2020, from you to Fred Schneider as Public Works Director, regarding the haul permit application by Blackwater Creek Wetlands Mitigation, LLC ("BCWM"). One letter alleges that the County required SJRWMD submit an Owner's Affidavit and further, that the County refused to accept BCWM's haul permit application, until SJRWMD provide an Owner's Affidavit. As I discussed with you by phone this afternoon, the statements in this May 28, 2020 letter are not accurate.

On February 27, 2020, I was contacted by counsel for SJRWMD who stated that the District was unaware of the haul permit application by BCWM and the District was 'surprised to see' that Mr. Miller signed an affidavit as the property owner. I then provided the District's counsel with copies of the 2019 and 2020 applications submitted by BCWM. Lake County did not request, nor require, SJRWMD to provide an Owner's Affidavit. On March 2, 2020, the County Manager received the enclosed letter from SJRWMD Executive Director Ann B. Shortelle. At that time, the County placed the haul permit application on hold. The County has now received confirmation from the SJRWMD that they do not object to the application proceeding.

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The BCWM haul permit application is moving forward to be considered by the Lake County Board of County Commissioners. Additionally, as our office discussed with you by phone, Lake County staff does not support the use of Lake Norris Road as a hauling route. If your client desires to utilize Lake Norris Road, it will be the burden of you or your client to present this haul route for consideration by the Lake County Board of County Commissioners. Thank you for your time.

Sincerely,



Diana Johnson

Encl.

Cc: Fred Schneider, Director of Lake County Public Works Department (*by email*)



# St. Johns River Water Management District

Ann B. Shortelle, Ph.D., Executive Director

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4049 Reid Street • P.O. Box 1429 • Palatka, FL 32178-1429 • 386-329-4500  
On the internet at [www.sjrwmd.com](http://www.sjrwmd.com).

March 2, 2020

Jeff Cole, County Manager  
Lake County Board of County Commissioners  
315 West Main Street  
P.O. Box 7800  
Tavares, FL 32778  
Via email: [jcole@lakecountyfl.gov](mailto:jcole@lakecountyfl.gov)

**RE: Blackwater Creek Wetlands Mitigation, LLC Haul Permit Application**

Dear Jeff,

I am sending this letter to follow up on our conversation last week. I understand the County believes that the St. Johns River Water Management District (District) has applied for a haul permit related to removal of stockpiled sand at the Lake Norris Conservation Area.

The District has obtained a copy and reviewed the haul permit application dated February 14, 2020. This application was submitted by Blackwater Creek Mitigation, LLC (Blackwater Creek) without the District's knowledge or opportunity to review. Although Blackwater Creek Mitigation has the right to remove sand from the property under an agreement with the District, the District has not applied for a haul permit, authorized Blackwater Creek to act on the District's behalf as the owner of the property, or consented to being a party to an application.

The District has asked Blackwater Creek to withdraw the pending application.

Sincerely,

A handwritten signature in black ink that reads "Ann B. Shortelle, Ph.D." The signature is written in a cursive style.

Ann B. Shortelle, Ph.D.  
Executive Director

CC: Melanie Marsh

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