

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT,
IN AND FOR LAKE COUNTY, FLORIDA

GOVERNING BOARD OF THE
ST. JOHNS RIVER WATER
MANAGEMENT DISTRICT,

CASE NO:
DIVISION:

Plaintiff,

v.

LAKE COUNTY FISH FARMS, LLC,
a Florida Limited Liability Company,

Defendant.

_____ /

COMPLAINT

COMES NOW, the Plaintiff, GOVERNING BOARD OF THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT (hereinafter “District” or “Plaintiff”), by and through its undersigned counsel, and hereby sues the Defendant, LAKE COUNTY FISH FARMS, LLC, a Florida Limited Liability Company (hereinafter “Company” or “Defendant”), and states:

1. This is an action seeking to enforce the Company’s compliance with a final administrative order of the District issued on March 16, 2020, as amended on May 15, 2020 (collectively referred to as the “Consent Order,” attached hereto and incorporated herein as Exhibit A); seeking civil penalties in an amount in excess of \$30,000.01 (exclusive of interest, court costs, investigative costs, and attorney’s fees); seeking a temporary injunction to order compliance with the Consent Order; and seeking court costs, investigative costs, and attorney’s fees.

2. The District is a special taxing District created by Chapter 373, Florida Statutes (“F.S.”), and charged with the duty to administer and enforce Chapter 373, F.S., and rules and order adopted thereunder.

3. Defendant, LAKE COUNTY FISH FARMS, LLC (hereinafter “Company”), is a Florida limited liability company and owns or controls approximately 69.18 acres of real property in Lake County, Florida, identified as parcel ID numbers 10192700040000 (Alternate Key 114632), 101927000400001400 (Alternate Key 1069319), and 101927000400003000 (Alternate Key 3884112), collectively the “North Parcel.” The Company also owns or controls approximately 40.23 acres of real property in Lake County, Florida, identified as parcel ID number 151927000100000100 (Alternate Key 1048150) (the “South Parcel”). The North Parcel and South Parcel are collectively referred to herein as the “Property.”

4. The Property is not residential homestead property.

5. At all times material to this Complaint, the acts complained below occurred in Lake County, Florida.

6. The Company is performing and has performed construction work and related activities on the Property.

7. The Property is located within the geographic boundaries of the District. The District, therefore, has jurisdiction over Defendant and the Property under Chapter 373, F.S., and District rules regarding regulated activities.

8. Venue of this action in this Court is proper because the Property is in Lake County, Florida.

9. On March 16, 2020, the District rendered the Consent Order, which was negotiated with, agreed to, and signed by the Company, outlining corrective actions the

Company agreed to take to resolve violations of Chapter 373, F.S., resulting from the Company's violation of its consumptive use permit and for its construction activities, including clearing, excavating, and hauling soil off-site of the North Parcel and clearing related to the expansion of its borrow pit operations onto the South Parcel of the Property without obtaining the required Environmental Resource Permit (ERP) from the District. By mutual agreement, the Consent Order was amended on May 15, 2020, to extend the deadline to June 1, 2020, for the Company to submit to the District a complete application to obtain an after-the-fact ERP to address the Company's unauthorized work on the Property.

10. The Consent Order refers to the Company as "Respondent." Paragraph 28 of the Consent Order states:

28. Respondent shall not undertake any further construction or alteration on the Property, unless authorized by District permit or this Consent Order. (Exhibit A, ¶28 at page 6 of 54).

11. In paragraphs 30 through 31 of the Consent Order, the Company agreed to perform the following corrective actions:

30. On or before June 1, 2020, Respondent shall submit to the district a complete permit application, including the applicable permit fee, to address the excavation of the North Parcel and South Parcel. For any unpermitted activity for which Respondent seeks an after-the-fact permit, the complete permit application must provide reasonable assurance of meeting the standards and criteria in rules 62-330.301 and 62-330.302, F.A.C. Upon issuance of the after-the-fact permit, Respondent shall comply with all conditions of the permit. (Exhibit A, ¶30 at page 27 of 54).

31. Within 7 days of rendition of this Consent Order, Respondent shall implement appropriate erosion and sediment controls. Control measures include practices such as the proper installation of silt fencing, hay bales, erosion control mats, and temporary weirs. All control measures shall be installed and maintained in accordance with the guidelines and specifications in the Erosion and Sediment Control Designer and Review Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007) and the *Florida Stormwater, Erosion and Sedimentation Control Inspector 's Manual (Florida*

Department of Environmental Protection, Nonpoint Source Management Section, July 2008), copies of which have been provided by the District to Respondent. Copies of these manuals are available on the District's website at www.floridaswater.com. (Exhibit A, ¶31 at pages 7-8 of 54).

12. The Company was required to take the above-stated corrective actions according to the terms, conditions and timeframes stated in the Consent Order.

13. After rendition of the Consent Order, the Company performed the corrective actions associated with the consumptive use permit and payment of the penalty settlement and staff costs, but to date, the Company has not begun the corrective actions outlined in paragraph 11 above, and refuses to cease construction and alteration of the Property as required and described in paragraph 10 above. In other words, the Company has not submitted a complete after-the-fact ERP application and continues to construct or alter the Property by clearing, excavating, and hauling soil off the property in furtherance of its borrow pit activities, without the required ERP permit.

COUNT I
(Failure to Comply with Final Order – Civil Penalties)

14. Plaintiff realleges paragraphs 1 through 13 and incorporates them by reference.

15. The Consent Order is a “final administrative order of the District” and can be enforced in a court of competent jurisdiction pursuant to sections 120.69, 373.129, and 373.136, F.S. (Exhibit A, ¶44 at page 38 of 54).

16. Pursuant to Section 373.430(1)(b), F.S., “It shall be a violation of this part [Part IV of Chapter 373, F.S.], and it shall be prohibited for any person . . . to violate or fail to comply with any rule, regulation, order, or permit adopted or issued by a water management district . . . pursuant to their lawful authority under this part.”

17. Pursuant to Section 373.430(2), F.S., “Whoever commits a violation specified in subsection (1) [373.430(1), F.S.] is liable for any damage caused and for civil penalties as provided in s. 373.129.”

18. Pursuant to section 373.129(5), F.S., the District is authorized to recover a civil penalty of up to \$15,000.00 for each offense per day.

19. Pursuant to Section 373.129(6), F.S., the District may recover investigative costs, court costs, and reasonable attorney’s fees expended to enforce orders of the District, such as the Consent Order. The District seeks recovery of court costs, investigative costs, and attorney’s fees.

20. The Company’s failure to comply with the Consent Order constitutes a violation of Section 373.430(1)(b), F.S., which makes it a violation of Chapter 373, F.S.

WHEREFORE, the District demands judgement for a civil penalty in accordance with Sections 373.129(5) and 373.129(6), F.S., against the Company for violations of Section 373.430(1)(b), F.S., and for court costs, investigative costs and attorney’s fees, and any other relief the Court may deem appropriate.

WHEREFORE, the Plaintiff, GOVERNING BOARD OF THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT, respectfully requests this Honorable Court enter a judgment against Defendant, LAKE COUNTY FISH FARMS, LLC, by:

- a) Entering a judgment for a civil penalty in accordance with Section 373.129(5) and 373.129(6), F.S., against Defendant for violations of Section 373.430(1)(b), F.S.; and
- b) Awarding reasonable costs and attorney’s fees to Plaintiff pursuant to Section 373.129(6), F.S.; and
- c) Providing any other relief that this Court finds just and proper.

COUNT II
(Petition to Enforce a Final Order – Injunctive Relief)

21. Plaintiff realleges paragraphs numbered 1 through 13 and incorporates them by reference.

22. Pursuant to Sections 373.044, 373.129(1)-(2), and 373.136(1), F.S., the District is empowered to seek injunctive relief to prevent violations of its laws and orders and to enforce its laws and orders.

23. The Consent Order required the Company to perform the actions outlined in paragraph 30 of the Consent Order attached as Exhibit “A” to this Complaint (at page 7 of 54, as amended by page 27 of 54) by June 1, 2020. The Consent Order also required the Company to “not undertake any further construction or alteration on the Property, unless authorized by District permit or this Consent Order.” (Exhibit A, ¶28 at page 6 of 54).

24. The Company has failed or refused to comply with the Consent Order by failing or refusing to perform the actions required by the Consent Order and by continuing construction or alteration on the Property without a permit.

25. As stated on page 10 of 54 in paragraph 44 of the Consent Order attached as Exhibit “A” to this Complaint, the Consent Order constitutes a “final administrative order of the District, and its terms and conditions may be enforced in a court of competent jurisdiction pursuant to Sections 373.129 and 120.69, F.S.”

26. Pursuant to Sections 120.69, 373.129, and 373.136, F.S., this Court is authorized to impose injunctive relief and other appropriate action for enforcement of the Consent Order.

27. Since the Legislature has specifically empowered the District to seek an injunction to enforce its rules and orders adopted pursuant to Chapter 373, F.S., irreparable harm is presumed. Harvey v. Wittenberg, 384 So.2d 940 (Fla. 3d DCA 1980).

28. The District is seeking this injunction to enforce its police powers to protect the health, safety, and welfare of the public, and therefore, the necessity for exhaustion of any possible alternate remedy is irrelevant. Metropolitan Dade County v. O'Brien, 660 So.2d 364 (Fla. 3d DCA 1995).

29. Pursuant to Section 373.129(6), F.S., the District may recover investigative costs, court costs, and reasonable attorney's fees.

WHEREFORE, the Plaintiff, GOVERNING BOARD OF THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT, respectfully requests this Honorable Court enter a judgment against Defendant, LAKE COUNTY FISH FARMS, LLC, by:

- a) Granting temporary injunctive relief by: enjoining, restraining, or otherwise preventing Defendant from continued violation of the Consent Order; Ordering Defendant to immediately stop all construction and alteration activities on the Property, including the clearing, excavation and removal of dirt from the Property, until the proper permits are obtained from the District; and
- b) Ordering that temporary injunction remain in effect until terminated by the Court; and
- c) Reserving jurisdiction to enforce the injunction entered in this action; and
- d) Awarding reasonable costs and attorney's fees to Plaintiff pursuant to Section 373.129(6), F.S.
- e) Providing any other relief that this Court finds just and proper.

Respectfully submitted this 28th day of August, 2020.

/s/ Karen C. Ferguson

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Fla. Bar No. 11799

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Secondary: mperschnick@sjrwmd.com

Attorneys for Plaintiff

St. Johns River Water Management District

ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

Lake County Fish Farms, LLC,
A Florida Limited Liability Company,
Lake County, Florida
Item No. 1380810

File of Record No. 2020-08
SR 2020-04

GENERAL CONSENT ORDER

This General Consent Order (“Consent Order”) is entered into between the St. Johns River Water Management District (“District”), whose address is 4049 Reid Street, Palatka, Florida, 32177, and Lake County Fish Farms, LLC, (LCFF, or Respondent), whose address is 1060 Belle Avenue, Winter Springs, Florida, 32708, to settle certain matters at issue between them under Chapter 373, Florida Statutes (F.S.) and Chapter 62-330, Florida Administrative Code (F.A.C.).

FINDINGS OF FACT

1. The District is a special taxing district created by Chapter 373, F.S., charged with the duty to prevent harm to the water resources of the District and to administer and enforce Parts II and IV of Chapter 373, and the rules promulgated thereunder.
2. More specifically, the District is authorized to administer and enforce the permitting programs established under Sections 373.219, 373.413, 373.4131, 373.414, and 373.416, F.S. The District has implemented these statutes, in part, through Chapters 40C-2 and 62-330, F.A.C.
3. The Respondent is a limited liability company organized under the Laws of the State of Florida.

4. In 2018, Respondent became the owner of real property in Lake County, Florida, identified as parcel ID numbers 101927000400001100 (Alternate Key 114632), 101927000400001400 (Alternate Key 1069319), and 101927000400003000 (Alternate Key 3884112) (collectively, the “North Parcel”). The North Parcel totals approximately 69.18 acres and is located within the geographical boundaries of the St. Johns River Water Management District. *See* §373.069(2)€, F.S. (2019). *See* Exhibit 1.

5. In June 2019, the District issued a consumptive use permit (CUP), 157995-1, for the use of 30.64 million gallons of water per year (mgy) for three proposed aquaculture ponds.

6. Condition number 13 of the CUP states:

“All consumptive uses authorized by this permit shall be implemented as conditioned by this permit, including any documents incorporated by reference in a permit condition. The District may revoke this permit, in whole or in part, or take enforcement action, pursuant to Section 373.136 or 373.243, F.S., unless a permit modification has been obtained to address the noncompliance. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.”

7. Condition number 19 of the CUP states:

“The permittee must implement the Water Conservation Plan submitted to the District on June 7, 2019, in accordance with the schedule contained therein.”

8. Condition number 21 of the CUP states:

“The Permittee shall maintain monthly records of water use, by source, for the permitted project and shall provide the records to the District upon request. The records must be maintained for the life of the permit.”

9. Condition number 22 of the CUP states:

“By January 31, each year, the permittee shall submit a completed Annual Statement of Continuing Use form to the District.”

10. Condition number 23 of the CUP states:

“Prior to use, all proposed wells must be equipped with totalizing flow meter. All flow meters must measure within +/- 5% of actual flow, be verifiable and be installed according to the manufacturer’s specifications.”

11. On October 8, 2019, the District was contacted by Lake County regarding alleged borrow pit operations on the Property.

12. On November 7, 2019, District staff conducted an inspection of the North Parcel to photograph the area of excavation and determine whether the permittee was in compliance with its CUP.

13. With regard to the CUP, District staff observed the following:

- a. 25 aquaculture ponds had been fully constructed, with six of the ponds already filled with water. The Water Conservation Plan and the Water Budget that were submitted as part of the permit application indicated that there would be a total of three ponds constructed to a depth of 5-feet. *See* Exhibits 2A and 2B. Based on calculations submitted with the original CUP application, District staff has estimated that the six ponds are using 61.28 mgy, which is double what was allocated in the CUP.
- b. Well No. 2 did not have the requisite flow meter.

14. During the inspection, District staff also requested that LCFF produce its water use records as required by the CUP. To date, no water use records have been provided to District staff.

15. To date, no Annual Statement of Continuing use has been provided to District staff.

16. With regard to the alleged borrow pit operations, District staff observed that the elevation of the North Parcel was cut down before the aquaculture ponds were constructed. Staff

also observed excavators and dump trucks entering and leaving the North Parcel. From the site inspection, it was apparent that the soil on the North Parcel was being removed for the purpose of building up land at another location. There appeared to be no further on-site processing of the soil.

17. The District sent letters to LCFF regarding the unauthorized activities described above on November 8, 2019, and again on February 25, 2020. Copies of those letters are attached as Exhibits 3 and 4. To date, LCFF has declined to address the violations.

18. District staff conducted another site inspection on February 28, 2020. During this inspection, District staff observed trucks hauling soil off-site from the North Parcel. Also, District staff observed clearing activities on additional property owned by Respondent identified as parcel ID number 151927000100000100 (Alternate Key 1048150) (the “South Parcel”). *See* Exhibit 5. The South Parcel totals approximately 40.23 acres and is located within the geographical boundaries of the St. Johns River Water Management District. *See* §373.069(2)€, F.S. (2019).

19. District staff spoke with the manager of LCFF, Vlado Ivetic, on March 3, 2020 and was told that LCFF commenced the clearing activity on the South Parcel in preparation for the expansion of its borrow pit operations onto that parcel.

CONCLUSIONS OF LAW

20. The District has jurisdiction over Respondent, the North and South Parcels, and the activities thereon. Sections 373.069(2)€, 373.219, 373.413 and 373.416, F.S.

21. Respondent has not implemented the Water Conservation Plan as required by conditions 13 and 19 of the permit. Failure to comply with a permit condition is a violation of

Chapter 373, F.S., and Chapter 40C-2, F.A.C. Section 373. 219, F.S., and Rule 40C-2.381(1), F.A.C.

22. Respondent has not maintained monthly records of water use and has failed to provide such records to the District in violation of condition 21 of the permit. Failure to comply with a permit condition is a violation of Chapter 373, F.S., and Chapter 40C-2, F.A.C. Section 373. 219, F.S., and Rule 40C-2.381(1), F.A.C.

23. Respondent did not submit an Annual Statement of Continuing Water Use to the District in violation of condition 22 of the permit. Failure to comply with a permit condition is a violation of Chapter 373, F.S., and Chapter 40C-2, F.A.C. Section 373. 219, F.S., and Rule 40C-2.381(1), F.A.C.

24. Respondent did not timely equip the proposed well with a flow meter in violation of condition 23 of the permit. Failure to comply with a permit condition is a violation of Chapter 373, F.S., and Chapter 40C-2, F.A.C. Section 373. 219, F.S., and Rule 40C-2.381(1), F.A.C.

25. Respondent's activities described in paragraphs 16 and 18 constitute a regulated activity under 61-330.020, F.A.C. Under this chapter, "a permit is required prior to the construction, alteration, operation, maintenance, removal, or abandonment of any project that" results in a total area of more than five acres. A permit is also required for the construction of a project that has the capability of impounding more than 40-acre feet of water. Further, rule 2.0(a)18 of the Environmental Resource Permit Applicant's Handbook Volume I, provides that "construction" includes land clearing. Respondent's commencement of the activities described in paragraphs 16 and 18 without first obtaining the required District permit violates Chapter 373,

F.S., and Chapter 62-330, F.A.C. Rule 62-330.020(2)(d), and 6, F.A.C., and Section 373.430(1), F.S.

26. Section 373.129(5), F.S., authorizes the District to commence a cause of action in court and seek a penalty not to exceed Ten Thousand (\$10,000) per offense per day for violations of Chapter 373, F.S.

27. Section 373.129(6), F.S., authorizes the District to commence a cause of action in court and seek the recovery of investigative costs and reasonable attorney's fees expended in the enforcement of its programs and delegated to it.

CORRECTIVE ACTIONS

28. Respondent shall not undertake any further construction or alteration on the Property, unless authorized by District permit or this Consent Order.

Corrective Action: CUP

29. For the violations associated with the CUP, Respondent agrees to correct the violations within the timeframes and in the manner described below:

- a. In accordance with condition number 21 of the CUP, once the totalizing flow meters are installed, Respondent shall submit weekly water use reports for a period of 6 months.
- b. In accordance with condition number 22 of the CUP, within 7 days of rendition of this Consent Order, Respondent shall submit an Annual Statement of Continuing Water Use.
- c. In accordance with condition number 23 of the CUP, within 30 days of rendition of this Consent Order, Respondent shall install totalizing flow meters on all wells. Respondent shall notify the District at

Rburklew@sjrwmd.com when the flow meters have been installed so that a site inspection may be arranged to verify the installation. Respondent shall correct any installation deficiency within 10 days of written notification from the District.

- d. Within 7 days of rendition of this Consent Order, Respondent shall cease augmenting any aquaculture ponds beyond the three previously authorized and described in the Water Conservation Plan. Further augmentation of aquaculture ponds, beyond the three previously authorized, is strictly prohibited unless authorized by the District through a modification of the consumptive use permit.

Corrective Action: ERP

30. Within 30 days of rendition of this Consent Order, Respondents shall submit to the District a complete permit application, including the applicable permit fee, to address the excavation of the North Parcel and South Parcel. For any unpermitted activity for which Respondent seeks an after-the-fact permit, the complete permit application must provide reasonable assurance of meeting the standards and criteria in rules 62-330.301 and 62-330.302, F.A.C. Upon issuance of the after-the-fact permit, Respondent shall comply with all conditions of the permit.

31. Within 7 days of rendition of this Consent Order, Respondent shall implement appropriate erosion and sediment controls. Control measures include practices such as the proper installation of silt fencing, hay bales, erosion control mats, and temporary weirs. All control measures shall be installed and maintained in accordance with the guidelines and specifications in the Erosion and Sediment Control Designer and Review Manual (Florida

Department of Environmental Protection and Florida Department of Transportation June 2007) and the *Florida Stormwater, Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, July 2008)*, copies of which have been provided by the District to Respondent. Copies of these manuals are available on the District's website at www.floridaswater.com.

32. Respondent shall not be considered in default in the performance of its obligations to the District hereunder to the extent that performance of such obligations is delayed, hindered, or prevented by any cause which is deemed by the District, in its sole discretion, beyond the reasonable control of the Respondent. In case of delay or nonperformance due to a cause beyond the Respondent's reasonable control, Respondent shall promptly notify the District of the nature, cause, date of commencement, and the anticipated extent of delay, and will indicate the extent, if any, to which Respondent anticipates completion dates will be affected.

Corrective Action: Payment of Penalty Amount

33. In addition to the permitting set forth in paragraph 31 above, within 10 days of rendition of this Consent Order, Respondent agrees to pay a penalty amount of Thirty-One Thousand Five Hundred Ninety-Nine Dollars (\$31,599.000) and staff costs of \$800 for a total settlement cost of \$32,399.00. Respondent shall deliver to the District a cashier's check or money order made payable to the St. Johns River Water Management District, 4049 Reid Street, Palatka, FL 32177-2529, in the total amount of \$32,399.00. Any sums unpaid within the time frame provided herein shall bear interest at the rate of 1.5 percent per month until paid.

34. Additionally, Respondent agrees to pay the District stipulated penalties in the amount of \$100.00 per day for each and every day Respondent fails to timely perform any of the corrective actions contained in paragraphs 29 and 32 of this Consent Order. Within 30 days of

written demand from the District, Respondent shall make payment of the appropriate stipulated penalties to the District. Payment shall be by a cashier's check or money order made payable to the St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529. Any sums unpaid within the time frame provided herein shall bear interest at the rate of 1.5 percent per month, until paid. The District may make demands for payment at any time after Respondent fails to timely perform a corrective action. If the District is required to file a lawsuit to recover stipulated penalties under this paragraph, the District will not be foreclosed from seeking civil penalties for violations of this Consent Order in an amount greater than the stipulated penalties due under this paragraph.

35. Contingent upon Respondent's complete and timely performance of the obligations set forth in this Consent Order, the District agrees that the violations described in paragraphs 22-25 above are resolved, and the District waives its right to seek judicial imposition of damages or civil or criminal penalties for these violations.

36. This Consent Order or a notice of this Consent Order shall be recorded in the public records of Lake County.

37. Performance of the terms of the Consent Order does not relieve Respondent of any need to comply with applicable federal, state, or local laws, rules or ordinances. In addition, the rights of substantially affected persons as defined in Chapter 120, F.S., who are not parties to this Consent Order, are not abrogated by matters agreed to herein.

38. With advance notice, Respondent shall allow all authorized District representatives access to the North and South Parcels at reasonable times for the purpose of determining compliance with the terms of this Consent Order or any permit stemming from this

Consent Order. Respondent shall either accompany the District representatives onto the North and South Parcels or make provision for access onto the North and South Parcels.

39. By executing this Consent Order, Respondent waives its right to judicial review or an administrative hearing on the terms of this Consent Order and waives its rights, including any defenses, under Section 120.69, F.S.

40. The District expressly reserves the right to initiate appropriate legal action to prohibit any future violations of Chapter 373, F.S., or the rules of the District.

41. Electronic signatures, including signatures sent by facsimile (fax) or electronic mail (email), shall be considered as originals for all purposes, including in any trial, hearing, or other proceeding, to enforce the terms of this Consent Order.

42. Respondent signing on behalf of a limited partnership or other incorporated entity warrants that he is authorized to sign on the entity's behalf and bind the entity to the terms of the Consent Order.

43. Modification of the terms of this Consent Order may only be made by a written document executed by both the Respondent and the District.

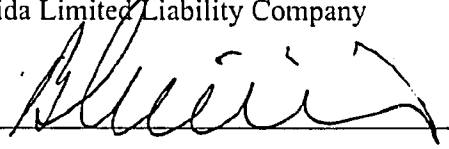
44. This Consent Order is not effective until execution by Respondent and the Executive Director on behalf of the District and rendition by the District Clerk. Once rendered, this Consent Order is a final administrative order of the District, and its terms and conditions may be enforced in a court of competent jurisdiction pursuant to Sections 373.129 and 120.69, F.S.

(Signatures on next page)

RESPONDENT

LAKE COUNTY FISH FARMS, LLC,
A Florida Limited Liability Company

3-13-20

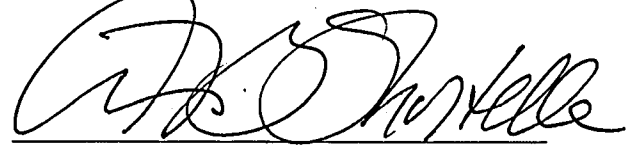
BY 

DATE

Vlado Ivetic, ITS Manager

DATED on this 16 day of March, 2020.

ST. JOHNS RIVER WATER
MANAGEMENT DISTRICT



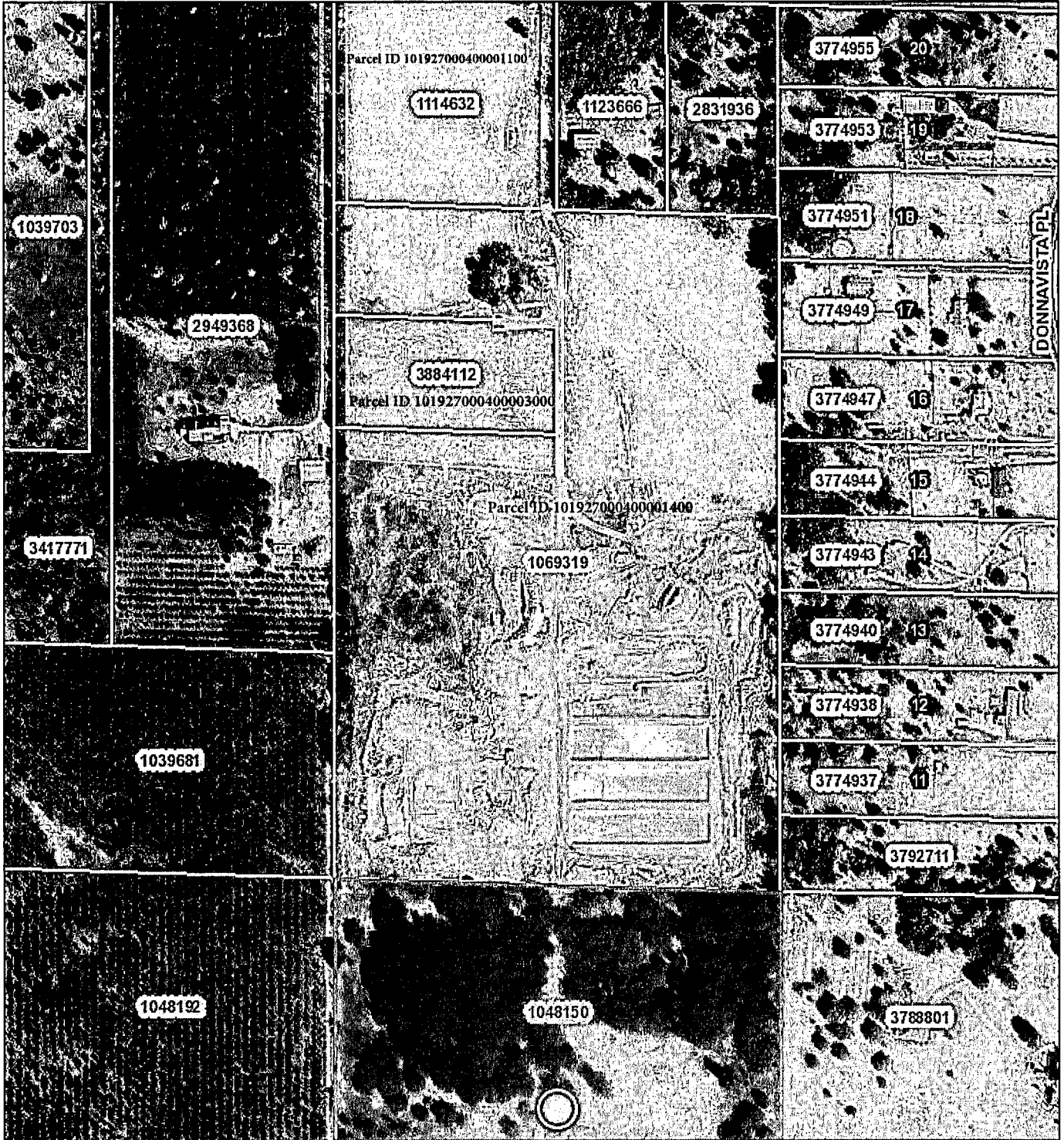
Ann B. Shortelle, Ph.D.
EXECUTIVE DIRECTOR

RENDERED this 16th day of March, 2020.

Sandra Bertram

Sandra Bertram
District Clerk

Lake County Fish Farm North Parcels



March 9, 2020

1:5,000

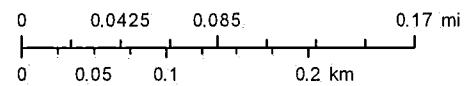
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Override 1
 County Boundary
 Street Names

— Local Streets
 Subdivision Lot Numbers
 Property Name
 Tax Parcels Alternate Key
 Tax Parcels
 Surrounding Counties



Lake BCC

EXHIBIT A
Page 12 of 54

Water Conservation Plan Form Agriculture

GENERAL INFORMATION

Applicant Name: Lake County Fish Farms, LLC

Project Name: Lake County Fish Farms

CUP Number: _____

Date: June 6, 2019

Agent's Name: John D. Froscher, P.E.

If more than one non-contiguous property is associated with this application provide:

Site Name: None -- not applicable

2.2.5.5.1, Applicant's Handbook

All permit applicants for agricultural use types must submit a water conservation plan for their operation to the District at the time of permit application. The plan must contain specific activities designed to conserve water. The water conservation plan must include provision for the following:

- (a) A program for increasing the water use efficiency of the applicant's operation. As part of this program, each grower must conduct an analysis of the operation's current water use practices and the water saving potential of proposed practices. Based on the results of that analysis, the applicant must implement water saving practices. Appendix F provides an outline of water saving practices which the applicant may undertake to meet this requirement. Individual provisions in Appendix F are not requirements per se, and do not exclude alternative conservation practices the applicant may wish to propose to the District.
- (b) Procedures and time frames for implementation, and for periodic assessment and revision of the water conservation plan.

Applicants may be able to fulfill the water conservation plan element (a) by demonstrating present water conserving activities which meet the intent of the element. In evaluating whether existing water conserving activities are sufficient to meet the applicable criteria in Rule 40C-2.301, F.A.C., the District will take into consideration the use type and efficiency of the specific use relative to other similar uses.

SECTION I – WATER USE EFFICIENCY

1. Have you performed a water audit of your operation? A water audit accounts for all water coming into and going out of a distribution system, such as an irrigation system, with the intent of determining the operational efficiency of the system as well as identifying sources of water loss and revenue loss.

YES NO

If yes, who performed the audit?

- Mobile Irrigation Lab
- Other _____

When was the audit performed? _____

Explain all corrections and repairs that were made as a result of the audit and any additional improvements proposed to be implemented.

If you have not had a water audit of your operation, would you be interested in having a free water audit performed (subject to availability)?

YES NO

2. What direct and indirect water saving practices do you use or are proposing to use to control irrigation? Mark all that apply.

Water Saving Practice		Current	Proposed
<input checked="" type="checkbox"/>	Rain gauges	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	On-site weather station	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	Smart irrigation controller system	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Observation well(s) (typically used in seepage irrigation to determine water table level)	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Rain sensor device(s)	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Soil moisture monitoring device(s)	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Weir Level	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Culvert Risers (typically used in seepage irrigation)	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Flow control nozzles	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Float control device (typically used in livestock operations)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	Suggestions from a professional irrigation consultant	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Information obtained from attending an irrigation management educational session	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Judgment Explain: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Other Explain: <u>Managing exfiltration from ponds</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3. Is on-site recycled water or tailwater currently used or proposed to be used for irrigation?

YES NO

If yes, describe how on-site recycled water or tailwater is used or proposed to be used for irrigation.

If no, provide an explanation of the economic, environmental, and technical feasibility of using on-site recycled water or tailwater for irrigation.

No source of recycled water or tailwater available. Also, raising freshwater fish wherein water quality must be maintained.

4. Are measures being implemented or proposed to be implemented to improve irrigation system efficiency?

YES NO

If yes, indicate the type of improved irrigation system efficiency.

Type of Improved Irrigation System Efficiency		Current	Proposed
<input type="checkbox"/>	Installation of an irrigation system with higher rated irrigation efficiency	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Irrigation heads with higher efficiency	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Land leveling	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Water control structures	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Other Explain: <u>Exfiltration management</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

5. Do you apply fertilizer? YES NO

If yes, do you apply fertilizer during a regularly scheduled irrigation application?

YES NO

If you do not apply fertilizer during a regularly scheduled irrigation application, please propose in Section III (below) an implementation schedule to coordinate fertilization with the irrigation cycle or use this space to provide an explanation as to why it cannot be undertaken.

6. Are you currently participating in a research project investigating water use efficiency?

YES NO

If yes, provide a brief explanation of the type of project.

If no, would you be interested in participating in a research project investigating water use efficiency?

YES NO

7. Do you have a water use efficiency research concept you would like to submit to the District that may result in an experimental study to improve water use efficiency?

YES NO

If yes, provide a brief explanation of the type of project.

SECTION II – MAINTENANCE AND REPAIR

Maintenance and repair of irrigation equipment is a key factor in water conservation. Summarize your maintenance and repair schedule by using the appropriate letter to indicate when each of the following tasks are performed.

- (A) weekly (C) every time you irrigate (E) not feasible
 (B) monthly (D) as needed (F) not applicable

Maintenance and Repair	A	B	C	D	E	F
Using a pressure gauge to check system pressures and flow rates for leak and clog detection	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Using gauges to check line pressure to verify consistent PSI between wellhead and most distant nozzles	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Checking rainfall shut-off sensors regularly to ensure they are working in accordance with the manufacturer's design specifications	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Checking to ensure nozzles are not irrigating non-crop areas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Repairing leaks and clogs, and repairing worn or malfunctioning nozzles	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other maintenance Explain: <u>Visual inspection of ponds and fill valves.</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SECTION III – PLAN IMPLEMENTATION SCHEDULE SUMMARY

For each proposed water conservation practice listed in Section I, please indicate an expected date of implementation. Please note that water conservation activities must continue for the duration of the permit.

Proposed Water Conservation Practice	Expected Date of Implementation
All completed with initial system construction.	12/31/19
On-going leakage monitoring and adjustment with bentonite.	12/31/21

Note: Please keep a copy of this plan for your records, because the permit, if issued, will reference this plan as part of the permit conditions.

Water Budget Calculations – 3 Ponds

Lake County Fish Farms

Nominal Pond Dimensions and Volumes

June 6, 2019

Pond Surface Area = 1 ac = 43,560 ft²

Pond Nominal Water Depth = 5.0 ft

Nominal Pond Volume = (43,560 ft²) (5.0 ft) (7.48 gal/ft³) (MG/1000000 gal) = 1.63 MG/pond

Water Consumption per Pond per Year

Pond Turn-Over Volumes for Harvesting & Cleaning): (2 turns/yr) (1.63 MG/pond) = 3.26 MG/pond/yr

Evaporation Volume¹ = (48 in/yr) (ft/12 in) (43,560 ft²) (7.48 gal/ft³) (MG/1x10⁶ gal) = 1.30 MG/pond/yr

Leakage Volume² = (1 in/day) (365 day/yr) (ft/12 in) (43,560 ft²) (7.48 gal/ft³) (MG/1x10⁶ gal) = 9.91 MG/pond/yr

Cold Protection Volume³ = (125 gal/min/pond) (60 min/hr) (300 hr/yr) (MG/1x10⁶ gal) = 2.25 MG/pond/yr

Less Rainfall Volume⁴ = (51.6 in/yr/pond) (ft/12 in) (43,560 ft³) (7.48 gal/ft³) (MG/1x10⁶ gal) = -1.40 MG/pond/yr

Total Water Consumption per Pond per Year = Sum of Above = **15.32 MG/pond/yr = 41,973 gal/pond/day**

Maximum Day Pumping

Cold Protection Pumping Rate = (125 gal/min/pond) (Number of ponds operating⁵) =

(3 ponds) (0.67) (125 gal/min/pond) = 250 gal/min

Cold Protection Volume on Max Day = (250 gal/min) (1440 min/day) = 360,000 gal/day

Total Water Consumption for Proposed Project per Year

Total Water Consumption per Year = Number of Ponds Operating⁵ x Water Consumption per Pond per Year =

(3 ponds) (0.67) (15.32 MG/pond/yr) = 30.64 MG/yr = 83,945 gal/day Average Daily Demand

¹Average annual evaporation depth for Lake County from NOAA Technical Publication TR33, *Evaporation from Shallow Lakes and Ponds*.

²Current leakage rate estimated at approximately +/- 3 inches per day based on water consumed per pond to maintain constant water surface elevation. Leakage rate will be reduced by empirically applying sodium bentonite to reduce leakage rate to approximately 1-inch per day.

³Cold protection pumping rate is nominal rate as temperature and duration of cold dramatically affect pond water temperature. Fish are at risk when water temperature falls below 50 degrees F.

⁴Average annual rainfall depth for Lake County from NOAA website.

⁵Two-thirds of ponds operating while one-third turning-over for dusting and cleaning.



Exhibit 3
Page 1 of 2

St. Johns River Water Management District

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

4049 Reid Street • P.O. Box 1429 • Palatka, FL 32178-1429 • 386-329-4500
On the internet at www.sjrwmd.com.

November 8, 2019

Vlado Ivetic
P.O. Box 196071
Winter Springs, FL 32719

Re: **Warning Letter** - Lake County Fish Farm
CUP Number 157995-1; Item Number: 1380810
(Please reference the permit number/item number on all correspondence.)

Dear Mr. Ivetic:

The St. Johns River Water Management District staff have discovered that work may have occurred and is ongoing on the above referenced property that requires a District permit. More specifically, it appears the work is inconsistent with your current CUP permit and exceeds the aquaculture operation described in the CUP application documents. In addition, the work may require an Environmental Resource Permit.

District staff have identified the following potential non-compliance items:

- The work on-site exceeds the activities authorized by the consumptive use permit. Six ponds were being actively augmented on November 7, 2019. The permit was based on three ponds. A total of twenty-five ponds were observed to be under construction. (Permit157995-1, Condition #13) [40C-2.381(2)(a), F.A.C.]
- Prior to use, all proposed wells must be equipped with totalizing flow meters. There does not appear to be a flow meter on Well No 2 (ID 485492). (Permit157995-1, Condition #23) [4.1.1 Applicant's Handbook]
- It appears soil is being excavated, stockpiled, and transported off site in dump trucks. An Environmental Resource Permit (ERP) is required for the construction of a borrow pit(s) that have the capability of impounding more than 40 acre-feet of water. Rule 62-330.020(2)(d) and (e), F.A.C.

Violations of Florida Statutes or administrative rules may result in liability for damages and restoration, and the judicial imposition of civil penalties, pursuant to Section 373.129, F.S., which authorizes the District to enforce its rules and permits through

GOVERNING BOARD

Douglas Burnett, CHAIRMAN
ST. AUGUSTINE

Ron Howse, TREASURER
COCOA

Douglas C. Boumique
VERO BEACH

Daniel Davis
JACKSONVILLE

EXHIBIT A
Page 21 of 54

Susan Dolan
SANFORD

legal action as necessary, and to seek substantial civil penalties per offense per day for violations of its rules or permits.

Please contact Allen Baggett at (386) 329-4565 or Abaggett@sjrwmd.com within **10 days** of receipt of this Warning Letter to arrange a meeting to discuss timely resolution of this matter. The District is interested in receiving any additional facts that you may have which assist in determining whether any violations have occurred.

Please be advised that this **Warning Letter** is part of a District investigation, preliminary to agency action in accordance with Section 120.57(5), Florida Statutes. We look forward to your cooperation in completing our investigation and resolving this as soon as possible.

Sincerely,

A handwritten signature in black ink that reads "Brad Purcell". The signature is written in a cursive, slightly slanted style.

Brad Purcell
Environmental Resource Program Manager
Division of Regulatory Services

CC: Regulatory File

John Froscher
P.O. Box 951337
Lake Mary, FL 32795-1337



St. Johns River Water Management District

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

4049 Reid Street • P.O. Box 1429 • Palatka, FL 32178-1429 • 386-329-4500
On the internet at www.sjrwmd.com.

February 25, 2020

Vlado Ivetic
P.O. Box 196071
Winter Springs, FL 32719

Re: **Final Notice Prior to Formal Legal Action**
Lake County Fish Farm
CUP Number 157995-1; Item Number: 1380810
(Please reference the permit number/item number on all correspondence.)

Dear Mr. Ivetic:

To date, The District has not received a written response as requested in the Warning letter confirmed receipt by you on November 12, 2020. The purpose of this letter is to provide you a final opportunity to resolve the non-compliance matter related to the above referenced permit.

Be advised, if the District does not receive a written response by **March 3, 2020** confirming your intent to comply and a timeline to correct all outstanding matters by March 31, 2020, the District will move forward with formal legal action to bring about resolution of the outstanding violations at this site.

Violations of Florida Statutes or administrative rules may result in liability for damages and restoration, and the judicial imposition of civil penalties, pursuant to Section 373.129, F.S., which authorizes the District to enforce its rules and permits through legal action as necessary, and to seek substantial civil penalties per offense per day for violations of its rules or permits.

If you have any questions, please contact Allen Baggett at (386) 329-4565 or Abaggett@sjrwmd.com.

Sincerely,

A handwritten signature in black ink that reads "Brad Purcell".

Brad Purcell, Environmental Resource Program Manager
Division of Regulatory Services

CC: Regulatory File
John Froscher
P.O. Box 951337
Lake Mary, FL 32795-1337

GOVERNING BOARD

Douglas Burnett, CHAIRMAN
ST. AUGUSTINE

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Daniel Davis
JACKSONVILLE

EXHIBIT A
Page 23 of 54

Susan Dolan
SANFORD



Exhibit 4
Page 2 of 3

St. Johns River Water Management District

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

4049 Reid Street • P.O. Box 1429 • Palatka, FL 32178-1429 • 386-329-4500
On the internet at www.sjrwmd.com.

November 8, 2019

Vlado Ivetic
P.O. Box 196071
Winter Springs, FL 32719

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CUP Number 157995-1; Item Number: 1380810
(Please reference the permit number/item number on all correspondence.)

Dear Mr. Ivetic:

The St. Johns River Water Management District staff have discovered that work may have occurred and is ongoing on the above referenced property that requires a District permit. More specifically, it appears the work is inconsistent with your current CUP permit and exceeds the aquaculture operation described in the CUP application documents. In addition, the work may require an Environmental Resource Permit.

District staff have identified the following potential non-compliance items:

- The work on-site exceeds the activities authorized by the consumptive use permit. Six ponds were being actively augmented on November 7, 2019. The permit was based on three ponds. A total of twenty-five ponds were observed to be under construction. (Permit157995-1, Condition #13) [40C-2.381(2)(a), F.A.C.]
- Prior to use, all proposed wells must be equipped with totalizing flow meters. There does not appear to be a flow meter on Well No 2 (ID 485492). (Permit157995-1, Condition #23) [4.1.1 Applicant's Handbook]
- It appears soil is being excavated, stockpiled, and transported off site in dump trucks. An Environmental Resource Permit (ERP) is required for the construction of a borrow pit(s) that have the capability of impounding more than 40 acre-feet of water. Rule 62-330.020(2)(d) and (e), F.A.C.

Violations of Florida Statutes or administrative rules may result in liability for damages and restoration, and the judicial imposition of civil penalties, pursuant to Section 373.129, F.S., which authorizes the District to enforce its rules and permits through

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EXHIBIT A
Page 24 of 54

Susan Dolan
SANFORD

legal action as necessary, and to seek substantial civil penalties per offense per day for violations of its rules or permits.

Please contact Allen Baggett at (386) 329-4565 or Abaggett@sjrwmd.com within **10 days** of receipt of this Warning Letter to arrange a meeting to discuss timely resolution of this matter. The District is interested in receiving any additional facts that you may have which assist in determining whether any violations have occurred.

Please be advised that this **Warning Letter** is part of a District investigation, preliminary to agency action in accordance with Section 120.57(5), Florida Statutes. We look forward to your cooperation in completing our investigation and resolving this as soon as possible.

Sincerely,

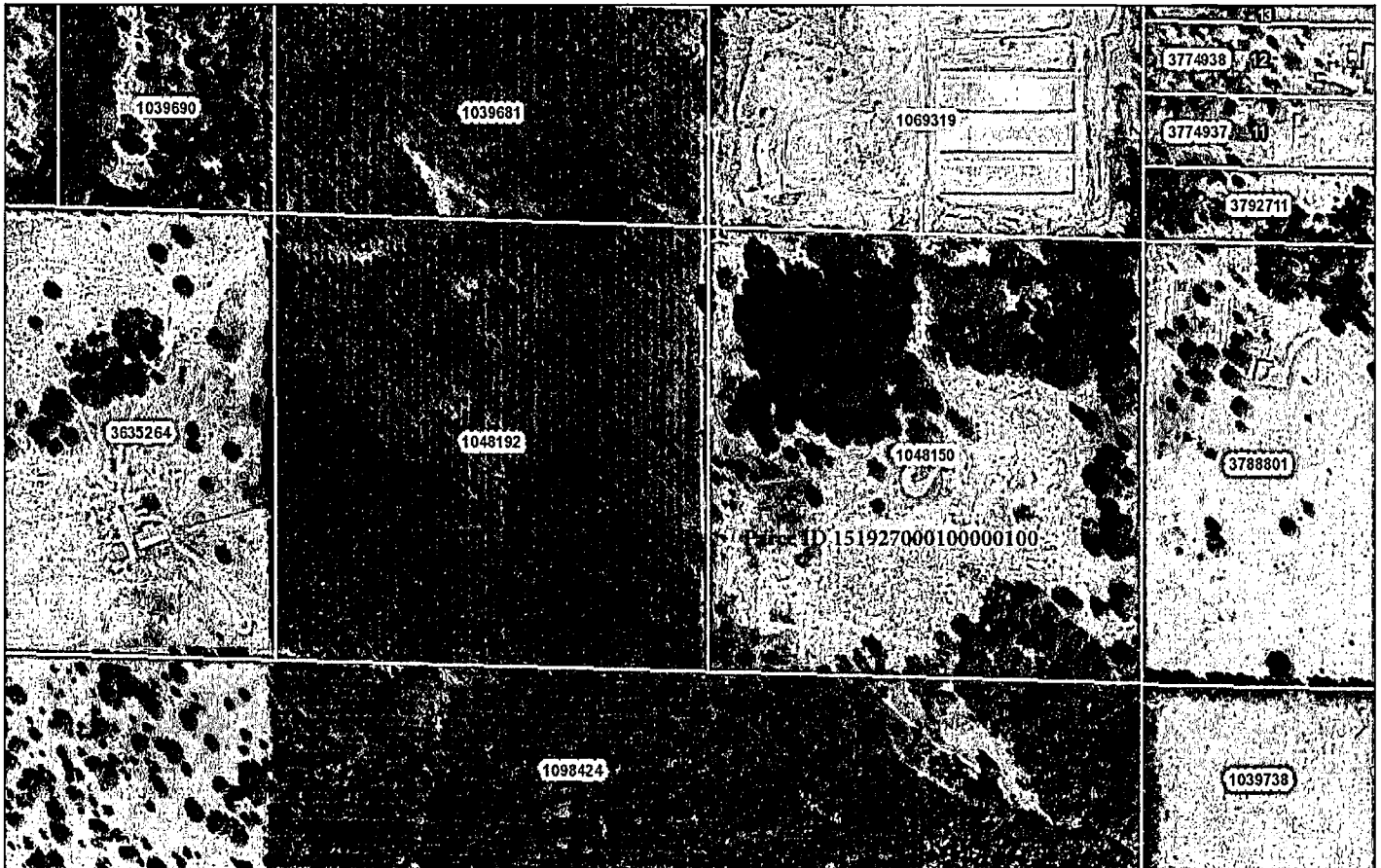


Brad Purcell
Environmental Resource Program Manager
Division of Regulatory Services

CC: Regulatory File

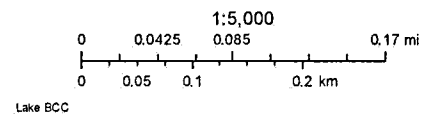
John Froscher
P.O. Box 951337
Lake Mary, FL 32795-1337

Exhibit 5
 Lake County Fish Farm South Parcel



March 9, 2020

- County Boundary
- Subdivision Lot Numbers
- Tax Parcels
- Street Names
- Property Name
- Surrounding Counties
- Local Streets
- Tax Parcels Alternate Key



Lake County Board of County Commissioners

ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

IN RE:
Lake County Fish Farms, LLC
A Florida Limited Liability Company,
Lake County, Florida
Item No. 1380810

F.O.R. No. 2020-08

SJR 2020-13

AMENDMENT TO GENERAL CONSENT ORDER

This Amendment to General Consent Order is entered between the St. Johns River Water Management District (the "District") and Lake County Fish Farms, LLC (the "Respondent") to amend the Consent Order rendered on March 16, 2020, which settled certain matters at issue between them under Chapter 373, Florida Statutes, and Chapter 62-330, Florida Administrative Code.

The District and Respondent agree to the following:

Paragraph 30 of the **Corrective Actions** is deleted in its entirety and replaced with:

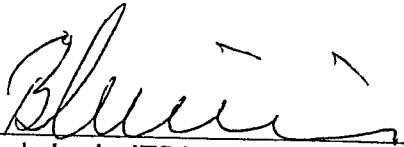
30. On or before June 1, 2020, Respondent shall submit to the district a complete permit application, including the applicable permit fee, to address the excavation of the North Parcel and South Parcel. For any unpermitted activity for which Respondent seeks an after-the-fact permit, the complete permit application must provide reasonable assurance of meeting the standards and criteria in rules 62-330.301 and 62-330.302, F.A.C. Upon issuance of the after-the-fact permit, Respondent shall comply with all conditions of the permit.

All other provisions of the above-referenced Consent Order (attached as Exhibit "1") shall remain in full force and effect.


(Signatures on next page)

RESPONDENT
LAKE COUNTY FISH FARMS, LLC.
A Florida Limited Liability Company

5-14-20
DATE

BY 
Vlado Ivetic, ITS Manager

ST. JOHNS RIVER WATER
MANAGEMENT DISTRICT


Jeff Bratton
Division Director
Division of Regulatory Services

RENDERED this 15th day of May 2020.

Sandra Bertram
DISTRICT CLERK

Copy to: Brad Purcell

Exhibit "1"

ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

Lake County Fish Farms, LLC,
A Florida Limited Liability Company,
Lake County, Florida
Item No. 1380810

File of Record No. 2020-08
SR 2020-04

GENERAL CONSENT ORDER

This General Consent Order ("Consent Order") is entered into between the St. Johns River Water Management District ("District"), whose address is 4049 Reid Street, Palatka, Florida, 32177, and Lake County Fish Farms, LLC, (LCFF, or Respondent), whose address is 1060 Belle Avenue, Winter Springs, Florida, 32708, to settle certain matters at issue between them under Chapter 373, Florida Statutes (F.S.) and Chapter 62-330, Florida Administrative Code (F.A.C.).

FINDINGS OF FACT

1. The District is a special taxing district created by Chapter 373, F.S., charged with the duty to prevent harm to the water resources of the District and to administer and enforce Parts II and IV of Chapter 373, and the rules promulgated thereunder.
2. More specifically, the District is authorized to administer and enforce the permitting programs established under Sections 373.219, 373.413, 373.4131, 373.414, and 373.416, F.S. The District has implemented these statutes, in part, through Chapters 40C-2 and 62-330, F.A.C.
3. The Respondent is a limited liability company organized under the Laws of the State of Florida.

4. In 2018, Respondent became the owner of real property in Lake County, Florida, identified as parcel ID numbers 101927000400001100 (Alternate Key 114632), 101927000400001400 (Alternate Key 1069319), and 101927000400003000 (Alternate Key 3884112) (collectively, the “North Parcel”). The North Parcel totals approximately 69.18 acres and is located within the geographical boundaries of the St. Johns River Water Management District. *See* §373.069(2)€, F.S. (2019). *See* Exhibit 1.

5. In June 2019, the District issued a consumptive use permit (CUP), 157995-1, for the use of 30.64 million gallons of water per year (mgy) for three proposed aquaculture ponds.

6. Condition number 13 of the CUP states:

“All consumptive uses authorized by this permit shall be implemented as conditioned by this permit, including any documents incorporated by reference in a permit condition. The District may revoke this permit, in whole or in part, or take enforcement action, pursuant to Section 373.136 or 373.243, F.S., unless a permit modification has been obtained to address the noncompliance. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.”

7. Condition number 19 of the CUP states:

“The permittee must implement the Water Conservation Plan submitted to the District on June 7, 2019, in accordance with the schedule contained therein.”

8. Condition number 21 of the CUP states:

“The Permittee shall maintain monthly records of water use, by source, for the permitted project and shall provide the records to the District upon request. The records must be maintained for the life of the permit.”

9. Condition number 22 of the CUP states:

“By January 31, each year, the permittee shall submit a completed Annual Statement of Continuing Use form to the District.”

10. Condition number 23 of the CUP states:

“Prior to use, all proposed wells must be equipped with totalizing flow meter. All flow meters must measure within +/- 5% of actual flow, be verifiable and be installed according to the manufacturer’s specifications.”

11. On October 8, 2019, the District was contacted by Lake County regarding alleged borrow pit operations on the Property.
12. On November 7, 2019, District staff conducted an inspection of the North Parcel to photograph the area of excavation and determine whether the permittee was in compliance with its CUP.
13. With regard to the CUP, District staff observed the following:
 - a. 25 aquaculture ponds had been fully constructed, with six of the ponds already filled with water. The Water Conservation Plan and the Water Budget that were submitted as part of the permit application indicated that there would be a total of three ponds constructed to a depth of 5-feet. *See Exhibits 2A and 2B.* Based on calculations submitted with the original CUP application, District staff has estimated that the six ponds are using 61.28 mgy, which is double what was allocated in the CUP.
 - b. Well No. 2 did not have the requisite flow meter.
14. During the inspection, District staff also requested that LCFF produce its water use records as required by the CUP. To date, no water use records have been provided to District staff.
15. To date, no Annual Statement of Continuing use has been provided to District staff.
16. With regard to the alleged borrow pit operations, District staff observed that the elevation of the North Parcel was cut down before the aquaculture ponds were constructed. Staff

also observed excavators and dump trucks entering and leaving the North Parcel. From the site inspection, it was apparent that the soil on the North Parcel was being removed for the purpose of building up land at another location. There appeared to be no further on-site processing of the soil.

17. The District sent letters to LCFF regarding the unauthorized activities described above on November 8, 2019, and again on February 25, 2020. Copies of those letters are attached as Exhibits 3 and 4. To date, LCFF has declined to address the violations.

18. District staff conducted another site inspection on February 28, 2020. During this inspection, District staff observed trucks hauling soil off-site from the North Parcel. Also, District staff observed clearing activities on additional property owned by Respondent identified as parcel ID number 151927000100000100 (Alternate Key 1048150) (the "South Parcel"). See Exhibit 5. The South Parcel totals approximately 40.23 acres and is located within the geographical boundaries of the St. Johns River Water Management District. See §373.069(2)€, F.S. (2019).

19. District staff spoke with the manager of LCFF, Vlado Ivetic, on March 3, 2020 and was told that LCFF commenced the clearing activity on the South Parcel in preparation for the expansion of its borrow pit operations onto that parcel.

CONCLUSIONS OF LAW

20. The District has jurisdiction over Respondent, the North and South Parcels, and the activities thereon. Sections 373.069(2)€, 373.219, 373.413 and 373.416, F.S.

21. Respondent has not implemented the Water Conservation Plan as required by conditions 13 and 19 of the permit. Failure to comply with a permit condition is a violation of

Chapter 373, F.S., and Chapter 40C-2, F.A.C. Section 373. 219, F.S., and Rule 40C-2.381(1), F.A.C.

22. Respondent has not maintained monthly records of water use and has failed to provide such records to the District in violation of condition 21 of the permit. Failure to comply with a permit condition is a violation of Chapter 373, F.S., and Chapter 40C-2, F.A.C. Section 373. 219, F.S., and Rule 40C-2.381(1), F.A.C.

23. Respondent did not submit an Annual Statement of Continuing Water Use to the District in violation of condition 22 of the permit. Failure to comply with a permit condition is a violation of Chapter 373, F.S., and Chapter 40C-2, F.A.C. Section 373. 219, F.S., and Rule 40C-2.381(1), F.A.C.

24. Respondent did not timely equip the proposed well with a flow meter in violation of condition 23 of the permit. Failure to comply with a permit condition is a violation of Chapter 373, F.S., and Chapter 40C-2, F.A.C. Section 373. 219, F.S., and Rule 40C-2.381(1), F.A.C.

25. Respondent's activities described in paragraphs 16 and 18 constitute a regulated activity under 61-330.020, F.A.C. Under this chapter, "a permit is required prior to the construction, alteration, operation, maintenance, removal, or abandonment of any project that" results in a total area of more than five acres. A permit is also required for the construction of a project that has the capability of impounding more than 40-acre feet of water. Further, rule 2.0(a)18 of the Environmental Resource Permit Applicant's Handbook Volume I, provides that "construction" includes land clearing. Respondent's commencement of the activities described in paragraphs 16 and 18 without first obtaining the required District permit violates Chapter 373,

F.S., and Chapter 62-330, F.A.C. Rule 62-330.020(2)(d), and E, F.A.C., and Section 373.430(1), F.S.

26. Section 373.129(5), F.S., authorizes the District to commence a cause of action in court and seek a penalty not to exceed Ten Thousand (\$10,000) per offense per day for violations of Chapter 373, F.S.

27. Section 373.129(6), F.S., authorizes the District to commence a cause of action in court and seek the recovery of investigative costs and reasonable attorney's fees expended in the enforcement of its programs and delegated to it.

CORRECTIVE ACTIONS

28. Respondent shall not undertake any further construction or alteration on the Property, unless authorized by District permit or this Consent Order.

Corrective Action: CUP

29. For the violations associated with the CUP, Respondent agrees to correct the violations within the timeframes and in the manner described below:

- a. In accordance with condition number 21 of the CUP, once the totalizing flow meters are installed, Respondent shall submit weekly water use reports for a period of 6 months.
- b. In accordance with condition number 22 of the CUP, within 7 days of rendition of this Consent Order, Respondent shall submit an Annual Statement of Continuing Water Use.
- c. In accordance with condition number 23 of the CUP, within 30 days of rendition of this Consent Order, Respondent shall install totalizing flow meters on all wells. Respondent shall notify the District at

Rburklew@sjrwmd.com when the flow meters have been installed so that a site inspection may be arranged to verify the installation. Respondent shall correct any installation deficiency within 10 days of written notification from the District.

- d. Within 7 days of rendition of this Consent Order, Respondent shall cease augmenting any aquaculture ponds beyond the three previously authorized and described in the Water Conservation Plan. Further augmentation of aquaculture ponds, beyond the three previously authorized, is strictly prohibited unless authorized by the District through a modification of the consumptive use permit.

Corrective Action: ERP

30. Within 30 days of rendition of this Consent Order, Respondents shall submit to the District a complete permit application, including the applicable permit fee, to address the excavation of the North Parcel and South Parcel. For any unpermitted activity for which Respondent seeks an after-the-fact permit, the complete permit application must provide reasonable assurance of meeting the standards and criteria in rules 62-330.301 and 62-330.302, F.A.C. Upon issuance of the after-the-fact permit, Respondent shall comply with all conditions of the permit.

31. Within 7 days of rendition of this Consent Order, Respondent shall implement appropriate erosion and sediment controls. Control measures include practices such as the proper installation of silt fencing, hay bales, erosion control mats, and temporary weirs. All control measures shall be installed and maintained in accordance with the guidelines and specifications in the Erosion and Sediment Control Designer and Review Manual (Florida

Department of Environmental Protection and Florida Department of Transportation June 2007) and the *Florida Stormwater, Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, July 2008)*, copies of which have been provided by the District to Respondent. Copies of these manuals are available on the District's website at www.floridaswater.com.

32. Respondent shall not be considered in default in the performance of its obligations to the District hereunder to the extent that performance of such obligations is delayed, hindered, or prevented by any cause which is deemed by the District, in its sole discretion, beyond the reasonable control of the Respondent. In case of delay or nonperformance due to a cause beyond the Respondent's reasonable control, Respondent shall promptly notify the District of the nature, cause, date of commencement, and the anticipated extent of delay, and will indicate the extent, if any, to which Respondent anticipates completion dates will be affected.

Corrective Action: Payment of Penalty Amount

33. In addition to the permitting set forth in paragraph 31 above, within 10 days of rendition of this Consent Order, Respondent agrees to pay a penalty amount of Thirty-One Thousand Five Hundred Ninety-Nine Dollars (\$31,599.00) and staff costs of \$800 for a total settlement cost of \$32,399.00. Respondent shall deliver to the District a cashier's check or money order made payable to the St. Johns River Water Management District, 4049 Reid Street, Palatka, FL 32177-2529, in the total amount of \$32,399.00. Any sums unpaid within the time frame provided herein shall bear interest at the rate of 1.5 percent per month until paid.

34. Additionally, Respondent agrees to pay the District stipulated penalties in the amount of \$100.00 per day for each and every day Respondent fails to timely perform any of the corrective actions contained in paragraphs 29 and 32 of this Consent Order. Within 30 days of

written demand from the District, Respondent shall make payment of the appropriate stipulated penalties to the District. Payment shall be by a cashier's check or money order made payable to the St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529. Any sums unpaid within the time frame provided herein shall bear interest at the rate of 1.5 percent per month, until paid. The District may make demands for payment at any time after Respondent fails to timely perform a corrective action. If the District is required to file a lawsuit to recover stipulated penalties under this paragraph, the District will not be foreclosed from seeking civil penalties for violations of this Consent Order in an amount greater than the stipulated penalties due under this paragraph.

35. Contingent upon Respondent's complete and timely performance of the obligations set forth in this Consent Order, the District agrees that the violations described in paragraphs 22-25 above are resolved, and the District waives its right to seek judicial imposition of damages or civil or criminal penalties for these violations.

36. This Consent Order or a notice of this Consent Order shall be recorded in the public records of Lake County.

37. Performance of the terms of the Consent Order does not relieve Respondent of any need to comply with applicable federal, state, or local laws, rules or ordinances. In addition, the rights of substantially affected persons as defined in Chapter 120, F.S., who are not parties to this Consent Order, are not abrogated by matters agreed to herein.

38. With advance notice, Respondent shall allow all authorized District representatives access to the North and South Parcels at reasonable times for the purpose of determining compliance with the terms of this Consent Order or any permit stemming from this

Consent Order. Respondent shall either accompany the District representatives onto the North and South Parcels or make provision for access onto the North and South Parcels.

39. By executing this Consent Order, Respondent waives its right to judicial review or an administrative hearing on the terms of this Consent Order and waives its rights, including any defenses, under Section 120.69, F.S.

40. The District expressly reserves the right to initiate appropriate legal action to prohibit any future violations of Chapter 373, F.S., or the rules of the District.

41. Electronic signatures, including signatures sent by facsimile (fax) or electronic mail (email), shall be considered as originals for all purposes, including in any trial, hearing, or other proceeding, to enforce the terms of this Consent Order.

42. Respondent signing on behalf of a limited partnership or other incorporated entity warrants that he is authorized to sign on the entity's behalf and bind the entity to the terms of the Consent Order.

43. Modification of the terms of this Consent Order may only be made by a written document executed by both the Respondent and the District.

44. This Consent Order is not effective until execution by Respondent and the Executive Director on behalf of the District and rendition by the District Clerk. Once rendered, this Consent Order is a final administrative order of the District, and its terms and conditions may be enforced in a court of competent jurisdiction pursuant to Sections 373.129 and 120.69, F.S.

(Signatures on next page)

RESPONDENT

LAKE COUNTY FISH FARMS, LLC,
A Florida Limited Liability Company

3-13-20

BY 

DATE

Vlado Ivetic, ITS Manager

DATED on this 16 day of March 2020.

ST. JOHNS RIVER WATER
MANAGEMENT DISTRICT



Ann B. Shortelle, Ph.D.
EXECUTIVE DIRECTOR

RENDERED this 16th day of March, 2020.

Sandra Bertram

Sandra Bertram
District Clerk

Lake County Fish Farm North Parcels



March 9, 2020

1:5,000

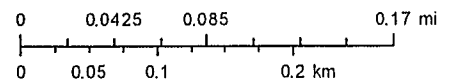
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polygonLayer

■ Override 1
 □ County Boundary
 Street Names

— Local Streets
 Subdivision Lot Numbers
 Property Name
 Tax Parcels Alternate Key
 Tax Parcels
 □ Surrounding Counties



Lake BCC

Water Conservation Plan Form Agriculture

GENERAL INFORMATION

Applicant Name: Lake County Fish Farms, LLC

Project Name: Lake County Fish Farms

CUP Number: _____

Date: June 6, 2019

Agent's Name: John D. Froscher, P.E.

If more than one non-contiguous property is associated with this application provide:

Site Name: None -- not applicable

2.2.5.5.1, Applicant's Handbook

All permit applicants for agricultural use types must submit a water conservation plan for their operation to the District at the time of permit application. The plan must contain specific activities designed to conserve water. The water conservation plan must include provision for the following:

- (a) A program for increasing the water use efficiency of the applicant's operation. As part of this program, each grower must conduct an analysis of the operation's current water use practices and the water saving potential of proposed practices. Based on the results of that analysis, the applicant must implement water saving practices. Appendix F provides an outline of water saving practices which the applicant may undertake to meet this requirement. Individual provisions in Appendix F are not requirements per se, and do not exclude alternative conservation practices the applicant may wish to propose to the District.
- (b) Procedures and time frames for implementation, and for periodic assessment and revision of the water conservation plan.

Applicants may be able to fulfill the water conservation plan element (a) by demonstrating present water conserving activities which meet the intent of the element. In evaluating whether existing water conserving activities are sufficient to meet the applicable criteria in Rule 40C-2.301, F.A.C., the District will take into consideration the use type and efficiency of the specific use relative to other similar uses.

SECTION I – WATER USE EFFICIENCY

1. Have you performed a water audit of your operation? A water audit accounts for all water coming into and going out of a distribution system, such as an irrigation system, with the intent of determining the operational efficiency of the system as well as identifying sources of water loss and revenue loss.

YES NO

If yes, who performed the audit?

- Mobile Irrigation Lab
- Other _____

When was the audit performed? _____

Explain all corrections and repairs that were made as a result of the audit and any additional improvements proposed to be implemented.

If you have not had a water audit of your operation, would you be interested in having a free water audit performed (subject to availability)?

YES NO

2. What direct and indirect water saving practices do you use or are proposing to use to control irrigation? Mark all that apply.

Water Saving Practice		Current	Proposed
<input checked="" type="checkbox"/>	Rain gauges	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	On-site weather station	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	Smart irrigation controller system	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Observation well(s) (typically used in seepage irrigation to determine water table level)	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Rain sensor device(s)	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Soil moisture monitoring device(s)	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Weir Level	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Culvert Risers (typically used in seepage irrigation)	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Flow control nozzles	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Float control device (typically used in livestock operations)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	Suggestions from a professional irrigation consultant	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Information obtained from attending an irrigation management educational session	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Judgment Explain: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Other Explain: <u>Managing exfiltration from ponds</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3. Is on-site recycled water or tailwater currently used or proposed to be used for irrigation?

YES NO

If yes, describe how on-site recycled water or tailwater is used or proposed to be used for irrigation.

If no, provide an explanation of the economic, environmental, and technical feasibility of using on-site recycled water or tailwater for irrigation.

No source of recycled water or tailwater available. Also, raising freshwater fish wherein water quality must be maintained.

4. Are measures being implemented or proposed to be implemented to improve irrigation system efficiency? YES NO

If yes, indicate the type of improved irrigation system efficiency.

Type of Improved Irrigation System Efficiency		Current	Proposed
<input type="checkbox"/>	Installation of an irrigation system with higher rated irrigation efficiency	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Irrigation heads with higher efficiency	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Land leveling	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Water control structures	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Other Explain: <u>Exfiltration management</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

5. Do you apply fertilizer? YES NO

If yes, do you apply fertilizer during a regularly scheduled irrigation application?

YES NO

If you do not apply fertilizer during a regularly scheduled irrigation application, please propose in Section III (below) an implementation schedule to coordinate fertilization with the irrigation cycle or use this space to provide an explanation as to why it cannot be undertaken.

6. Are you currently participating in a research project investigating water use efficiency?

YES NO

If yes, provide a brief explanation of the type of project.

If no, would you be interested in participating in a research project investigating water use efficiency?

YES NO

7. Do you have a water use efficiency research concept you would like to submit to the District that may result in an experimental study to improve water use efficiency?

YES NO

If yes, provide a brief explanation of the type of project.

SECTION II – MAINTENANCE AND REPAIR

Maintenance and repair of irrigation equipment is a key factor in water conservation. Summarize your maintenance and repair schedule by using the appropriate letter to indicate when each of the following tasks are performed.

- (A) weekly (C) every time you irrigate (E) not feasible
(B) monthly (D) as needed (F) not applicable

Maintenance and Repair	A	B	C	D	E	F
Using a pressure gauge to check system pressures and flow rates for leak and clog detection	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Using gauges to check line pressure to verify consistent PSI between wellhead and most distant nozzles	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Checking rainfall shut-off sensors regularly to ensure they are working in accordance with the manufacturer's design specifications	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Checking to ensure nozzles are not irrigating non-crop areas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Repairing leaks and clogs, and repairing worn or malfunctioning nozzles	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other maintenance Explain: <u>Visual inspection of ponds and fill valves.</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SECTION III – PLAN IMPLEMENTATION SCHEDULE SUMMARY

For each proposed water conservation practice listed in Section I, please indicate an expected date of implementation. Please note that water conservation activities must continue for the duration of the permit.

Proposed Water Conservation Practice	Expected Date of Implementation
All completed with initial system construction.	12/31/19
On-going leakage monitoring and adjustment with bentonite.	12/31/21

Note: Please keep a copy of this plan for your records, because the permit, if issued, will reference this plan as part of the permit conditions.

Water Budget Calculations – 3 Ponds**Lake County Fish Farms****Nominal Pond Dimensions and Volumes****June 6, 2019**Pond Surface Area = 1 ac = 43,560 ft²

Pond Nominal Water Depth = 5.0 ft

Nominal Pond Volume = (43,560 ft²) (5.0 ft) (7.48 gal/ft³) (MG/1000000 gal) = 1.63 MG/pond**Water Consumption per Pond per Year**

Pond Turn-Over Volumes for Harvesting & Cleaning: (2 turns/yr) (1.63 MG/pond) = 3.26 MG/pond/yr

Evaporation Volume¹ = (48 in/yr) (ft/12 in) (43,560 ft²) (7.48 gal/ft³) (MG/1x10⁶ gal) = 1.30 MG/pond/yrLeakage Volume² = (1 in/day) (365 day/yr) (ft/12 in) (43,560 ft²) (7.48 gal/ft³) (MG/1x10⁶ gal) = 9.91 MG/pond/yrCold Protection Volume³ = (125 gal/min/pond) (60 min/hr) (300 hr/yr) (MG/1x10⁶ gal) = 2.25 MG/pond/yr**Less** Rainfall Volume⁴ = (51.6 in/yr/pond) (ft/12 in) (43,560 ft²) (7.48 gal/ft³) (MG/1x10⁶ gal) = -1.40 MG/pond/yrTotal Water Consumption per Pond per Year = Sum of Above = **15.32 MG/pond/yr = 41,973 gal/pond/day****Maximum Day Pumping**Cold Protection Pumping Rate = (125 gal/min/pond) (Number of ponds operating⁵) =

(3 ponds) (0.67) (125 gal/min/pond) = 250 gal/min

Cold Protection Volume on Max Day = (250 gal/min) (1440 min/day) = 360,000 gal/day**Total Water Consumption for Proposed Project per Year**Total Water Consumption per Year = Number of Ponds Operating⁵ x Water Consumption per Pond per Year =**(3 ponds) (0.67) (15.32 MG/pond/yr) = 30.64 MG/yr = 83,945 gal/day Average Daily Demand**¹Average annual evaporation depth for Lake County from NOAA Technical Publication TR33, *Evaporation from Shallow Lakes and Ponds*.²Current leakage rate estimated at approximately +/- 3 inches per day based on water consumed per pond to maintain constant water surface elevation. Leakage rate will be reduced by empirically applying sodium bentonite to reduce leakage rate to approximately 1-inch per day.³Cold protection pumping rate is nominal rate as temperature and duration of cold dramatically affect pond water temperature. Fish are at risk when water temperature falls below 50 degrees F.⁴Average annual rainfall depth for Lake County from NOAA website.⁵Two-thirds of ponds operating while one-third turning-over for harvesting and cleaning.



Exhibit 3
Page 1 of 2

St. Johns River Water Management District

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

4049 Reid Street • P.O. Box 1429 • Palatka, FL 32178-1429 • 386-329-4500
On the internet at www.sjrwmd.com.

November 8, 2019

Vlado Ivetic
P.O. Box 196071
Winter Springs, FL 32719

Re: **Warning Letter** - Lake County Fish Farm
CUP Number 157995-1; Item Number: 1380810
(Please reference the permit number/item number on all correspondence.)

Dear Mr. Ivetic:

The St. Johns River Water Management District staff have discovered that work may have occurred and is ongoing on the above referenced property that requires a District permit. More specifically, it appears the work is inconsistent with your current CUP permit and exceeds the aquaculture operation described in the CUP application documents. In addition, the work may require an Environmental Resource Permit.

District staff have identified the following potential non-compliance items:

- The work on-site exceeds the activities authorized by the consumptive use permit. Six ponds were being actively augmented on November 7, 2019. The permit was based on three ponds. A total of twenty-five ponds were observed to be under construction. (Permit157995-1, Condition #13) [40C-2.381(2)(a), F.A.C.]
- Prior to use, all proposed wells must be equipped with totalizing flow meters. There does not appear to be a flow meter on Well No 2 (ID 485492). (Permit157995-1, Condition #23) [4.1.1 Applicant's Handbook]
- It appears soil is being excavated, stockpiled, and transported off site in dump trucks. An Environmental Resource Permit (ERP) is required for the construction of a borrow pit(s) that have the capability of impounding more than 40 acre-feet of water. Rule 62-330.020(2)(d) and (e), F.A.C.

Violations of Florida Statutes or administrative rules may result in liability for damages and restoration, and the judicial imposition of civil penalties, pursuant to Section 373.129, F.S., which authorizes the District to enforce its rules and permits through

GOVERNING BOARD

Douglas Burnett, CHAIRMAN
ST. AUGUSTINE

Ron Howse, TREASURER
COCOA

Douglas C. Bourmiquie
VERO BEACH

Daniel Davis
JACKSONVILLE

Susan Dolan
SANFORD

EXHIBIT A
Page 49 of 54

legal action as necessary, and to seek substantial civil penalties per offense per day for violations of its rules or permits.

Please contact Allen Baggett at (386) 329-4565 or Abaggett@sjrwmd.com within **10 days** of receipt of this Warning Letter to arrange a meeting to discuss timely resolution of this matter. The District is interested in receiving any additional facts that you may have which assist in determining whether any violations have occurred.

Please be advised that this **Warning Letter** is part of a District investigation, preliminary to agency action in accordance with Section 120.57(5), Florida Statutes. We look forward to your cooperation in completing our investigation and resolving this as soon as possible.

Sincerely,

A handwritten signature in black ink that reads "Brad Purcell". The signature is written in a cursive, flowing style.

Brad Purcell
Environmental Resource Program Manager
Division of Regulatory Services

CC: Regulatory File

John Froscher
P.O. Box 951337
Lake Mary, FL 32795-1337



St. Johns River Water Management District

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

4049 Reid Street • P.O. Box 1429 • Palatka, FL 32178-1429 • 386-329-4500
On the internet at www.sjrwmd.com.

February 25, 2020

Vlado Ivetic
P.O. Box 196071
Winter Springs, FL 32719

Re: **Final Notice Prior to Formal Legal Action**
Lake County Fish Farm
CUP Number 157995-1; Item Number: 1380810
(Please reference the permit number/item number on all correspondence.)

Dear Mr. Ivetic:

To date, The District has not received a written response as requested in the Warning letter confirmed receipt by you on November 12, 2020. The purpose of this letter is to provide you a final opportunity to resolve the non-compliance matter related to the above referenced permit.

Be advised, if the District does not receive a written response by **March 3, 2020** confirming your intent to comply and a timeline to correct all outstanding matters by March 31, 2020, the District will move forward with formal legal action to bring about resolution of the outstanding violations at this site.

Violations of Florida Statutes or administrative rules may result in liability for damages and restoration, and the judicial imposition of civil penalties, pursuant to Section 373.129, F.S., which authorizes the District to enforce its rules and permits through legal action as necessary, and to seek substantial civil penalties per offense per day for violations of its rules or permits.

If you have any questions, please contact Allen Baggett at (386) 329-4565 or Abaggett@sjrwmd.com.

Sincerely,

A handwritten signature in black ink that reads 'Brad Purcell'.

Brad Purcell, Environmental Resource Program Manager
Division of Regulatory Services

CC: Regulatory File
John Froscher
P.O. Box 951337
Lake Mary, FL 32795-1337

GOVERNING BOARD

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EXHIBIT A
Page 51 of 54



Exhibit 4
Page 2 of 3

St. Johns River Water Management District

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

4049 Reid Street • P.O. Box 1429 • Palatka, FL 32178-1429 • 386-329-4500
On the internet at www.sjrwmd.com.

November 8, 2019

Vlado Ivetic
P.O. Box 196071
Winter Springs, FL 32719

Re: **Warning Letter** - Lake County Fish Farm
CUP Number 157995-1; Item Number: 1380810
(Please reference the permit number/item number on all correspondence.)

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Violations of Florida Statutes or administrative rules may result in liability for damages and restoration, and the judicial imposition of civil penalties, pursuant to Section 373.129, F.S., which authorizes the District to enforce its rules and permits through

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EXHIBIT A
Page 52 of 54

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Please contact Allen Baggett at (386) 329-4565 or Abaggett@sjrwmd.com within **10 days** of receipt of this Warning Letter to arrange a meeting to discuss timely resolution of this matter. The District is interested in receiving any additional facts that you may have which assist in determining whether any violations have occurred.

Please be advised that this **Warning Letter** is part of a District investigation, preliminary to agency action in accordance with Section 120.57(5), Florida Statutes. We look forward to your cooperation in completing our investigation and resolving this as soon as possible.

Sincerely,



Brad Purcell
Environmental Resource Program Manager
Division of Regulatory Services









CC: Regulatory File

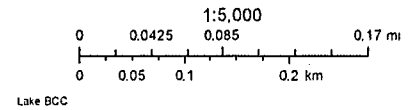
John Froscher
P.O. Box 951337
Lake Mary, FL 32795-1337

Exhibit 5
 Lake County Fish Farm South Parcel



March 9, 2020

- | | | |
|---|---|--|
|  County Boundary |  Subdivision Lot Numbers |  Tax Parcels |
|  Street Names |  Property Name |  Surrounding Counties |
|  Local Streets |  Tax Parcels Alternate Key | |



Lake County Board of County Commissioners