

July 1998

Statement of compliance - 1998-07-08

Audubon Lake Okeechobee Watershed Campaign Office

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JUL-09
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03:35A J. A. JURGENS, P. A.
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P. 04

BEFORE THE GOVERNING BOARD OF THE
SOUTH FLORIDA WATER MANAGEMENT DISTRICT

IN THE MATTER OF:

Petition for Formal Administrative Hearing
filed by National Audubon Society regarding
Environmental Resource Permit No. 47-00227-S
concerning the 101 Ranch, Inc., project in
Okeechobee County, Florida.

**STATEMENT OF COMPLIANCE WITH RULE 40E-1.521
FLORIDA ADMINISTRATIVE CODE**

Rule 40E-1.511, Fla. Admin. Code, requires that substantially affected persons requesting Sections 120.569 and 120.57(1), Florida Statutes (F.S.), hearing file a petition which complies with Rule 40E-1.521, Fla. Admin. Code. On June 25, 1998, Petitioner, National Audubon Society, filed a petition (Petition) objecting to Environmental Resource Standard General Permit No. 47-00227-S (Permit) for a surface water management system serving 1197.50 acres of improved pasture known as the 101 Ranch, Inc., located in Okeechobee County, Florida. Copies of the Petition and the Permit are attached hereto and incorporated herein by reference as Exhibits A and B, respectively.

Without relinquishing the right to file responsive pleadings as may be permitted, including but not limited to issues of standing, and without admitting the validity of the Petitioners' allegations, the South Florida Water Management District (SFWMD) staff finds, for the reasons set forth below, that the Petition does substantially comply with the requirements of Rule 40E-1.521, Fla. Admin. Code., a copy of which is attached hereto as Exhibit C.

RECOMMENDATION

Based on the Statement of Compliance set forth above, SFWMD staff recommends that the Governing Board accept the Petition for formal administrative hearing and transmit the Petition to

JUL-09
07-08

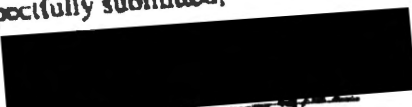
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P.05

the Division of Administrative Hearings for the appointment of an Administrative Law Judge.
SFWMD staff requests the Governing Board to act upon the Petition and this recommendation at
the Regulatory Board meeting on July 9, 1998, at 2pm, to be held at the SFWMD headquarters in
West Palm Beach, Florida.

Respectfully submitted,

BY: 

LUNA ERGAS
Attorney
Regulatory and Planning Section
Office of Counsel


CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of the foregoing have been furnished
via U.S. Mail and FAX to J.A. Jurgens, Esq., 505 Wekiva Springs Rd., Suite 800, Longwood, FL
32779 (Fax: 407-772-2278); John Cassels Jr., Esq., P. O. Box 968, Okeechobee, FL 34972 (Fax:
941-763-1031); and Ted Brown, Esq., P. O. Box 231, Orlando, FL 32802 (Fax: 407-843-6610) on
this 8 day of July 1998.

FILED WITH THE CLERK
OF THE SOUTH FLORIDA WATER
MANAGEMENT DISTRICT

BY: 

LUNA ERGAS
Attorney
Regulatory and Planning Section
Office of Counsel

BY: 

ON 7/8/98