



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Cost Code: 10887

December 8, 2011

Mr. Jay Gewin, Utilities Manager
City of Key West
525 Angela Street
Key West, FL 33040

Dear Mr. Gewin:

NOTICE OF VIOLATION/CONSENT ORDER

**Subject: Final Agency Action
Notice of Violation/Consent Order
10th Street and Fogarty Avenue – Key West
Monroe County, Sec. 33/Twp. 67 /Rge. 25
Order No. _____**

A field inspection by District staff indicates that recent violations of Sections 403.9321-9334 and Chapter 373, of the Florida Statutes (FS), which regulate the trimming and alteration of mangroves statewide and the permitting requirements for impacts to mangroves, have occurred on the referenced property, including the unauthorized removal of mangroves. The purpose of this letter is to notify you of the violation and to provide settlement terms to resolve the violation. The violation may be settled by your agreement to do the following:

- Plant the affected area with eight (8), three (3) gallon size, red mangroves evenly spaced on five (5) foot centers. The planted mangroves must be maintained at a no less than 80% survivorship rate for a period of two (2) years.

Your execution of this Consent Order constitutes your acknowledgement of the terms of the Order. This Order will then be presented to the District's Governing Board with a staff recommendation for approval. If executed by you and the District, the terms and conditions of this Order may be enforced in a court of competent jurisdiction, pursuant to Sections 120.69, 373.129, and 373.136 of the Florida Statutes.

By signing this document, without admitting liability, you are providing the District with assurances of good faith compliance with this Order in consideration for the District not taking action to seek judicial imposition of damages or civil penalties for the violation described above. If you do not sign and return this letter to the South Florida Water Management District, at the address given above, within seven (7) days of receipt it will be assumed that you are not interested in settling this matter according to the terms described herein. Subsequently, this matter would then be referred to the District's Office of Counsel with a recommendation that formal enforcement action be taken against you.

Key West Mangrove Removal

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In the event it is necessary for the District to initiate legal action regarding this Consent Order, the District may initiate such action in the Fifteenth Judicial Circuit in and for Palm Beach County, Florida.

If you have any questions, please contact the undersigned or Luis R. Colón, Senior Environmental Analyst at (561) 682-6501. Your attention and cooperation in this matter is appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "John Meyer", written over a horizontal line.

John Meyer, Enforcement Supervisor
Environmental Resource Compliance Bureau
South Florida Water Management District

CERTIFIED MAIL NO. 7005 3110 0003 7433 2937

c: Doug Maclaughlin - Office of Counsel
Gus Rios - Florida Department of Environmental Protection

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DONE AND SO ORDERED at West Palm Beach, Palm Beach County, Florida, this _____ day of _____, 2012.

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
BY ITS GOVERNING BOARD**

BY: _____
Sharon M. Trost, P.G., AICP, Director, Regulation Division

ATTEST:

BY: _____
Type Name

RESPONDENT

BY: _____
Authorized Representative Type Name and Title

ATTEST:

BY: _____
Type Name and Title