



FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
COMMISSIONER ADAM H. PUTNAM

January 12, 2018

Ms. Melissa Corbett, P.E.
The MilCor Group, Inc
10975 SE Federal Highway
Hobe Sound, Florida 33455

SUBJECT: Section 373.407 Florida Statutes, Binding Determination – Larsen

Dear Ms. Corbett:

Per your request, enclosed please find our written report on the subject referral. In short, it is the Department's opinion that Zachary Larsen is not eligible to receive a binding determination under Section 373.406(2), F.S., since he is an adjacent property owner and the St. Johns River Water Management District does not have a permitting dispute with him.

If you have any questions as you review the document, please feel free to contact me or Bill Bartnick at 850-617-1700.

Sincerely,

Steve Dwinell, Director
Office of Agricultural Water Policy

Enclosure

cc: Steve Hall
Lauren Brothers

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
Office of Agricultural Water Policy
Mayo Building
407 South Calhoun Street
Tallahassee, Florida 32399

Binding Determination
Florida Statute 373.406(2); 373.407
Zachary Larsen, Indian River County, Florida

FDACS Clerk No. B07990

Introduction:

Pursuant to Section 373.407, F.S., a water management district or landowner may request that the Florida Department of Agriculture and Consumer Services (FDACS) make a binding determination as to whether an existing or proposed agricultural activity qualifies for a permitting exemption under Section 373.406(2), F.S. However, in order for FDACS to conduct a binding determination, all of the following conditions must exist:

- a. There must be a dispute between the landowner and the water management district as to the applicability of the exemption.
- b. The activities in question must be on lands classified as agricultural by the county property appraiser pursuant to Section 193.461, F.S.
- c. The activities in question have not been previously authorized by an environmental resource permit (ERP) or a management and storage of surface water (MSSW) permit issued pursuant to Part IV, Chapter 373, F.S., or by a dredge and fill permit issued pursuant to Chapter 403, F.S.

On behalf of Zachary Larsen, the MilCor Group, Inc. has requested that FDACS conduct a binding determination; however, the conditions described above have not been met.

Background:

On November 20, 2017, a request was received (via email) from Melissa Corbett, P.E., with the MilCor Group, Inc., asking FDACS to perform a binding determination on the Rollins Blue Cypress Ranch property, which is adjacent to a 40-acre ranch in Indian River County owned by Doris Lisle. Zachary Larsen is Ms. Lisle's grandson and operates as the ranch manager.

In a letter sent to MilCor Group, Inc., dated December 7, 2017, FDACS opined it did not appear that Mr. Larsen was eligible for a binding determination since the activities in question were not conducted on the aforementioned 40-acre ranch. Furthermore, MilCor Group, Inc. was afforded the opportunity to submit additional information to support their client's eligibility to FDACS by December 29, 2017, but FDACS has received no further documentation to date.

Conclusion:

Based on the information we received from your initial request, and the fact that no additional information was submitted, FDACS finds that Zachary Larsen is not eligible to receive a binding determination under Section 373.406(2), F.S. Accordingly, the request for a binding determination is denied.

Notice of Rights:

If you wish to contest this action, you have the right to request an administrative hearing to be conducted in accordance with Sections 120.569 and 120.57, Florida Statutes, and to be represented by counsel or other qualified representative. Mediation is not available. Your request for hearing must contain:

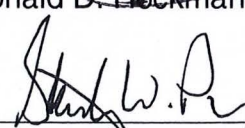
1. Your name, address, and telephone number, and facsimile number (if any).
2. The name, address, and telephone number, and facsimile number of your attorney or qualified representative (if any) upon whom service of pleadings and other papers shall be made.
3. A statement that you are requesting an administrative hearing and dispute the material facts alleged by FDACS, in which case you must identify the material facts that are in dispute (formal hearing); or that you request an administrative hearing and that you do not dispute the facts alleged by FDACS (informal hearing).
4. A statement of when (date) you received this Notice and the file number of this Notice.

Your request for a hearing must be received at: The Office of Agricultural Water Policy, Mayo Building, 407 South Calhoun St. MS-E1, Tallahassee, Florida 32399, within twenty-one (21) days of receipt of this Notice. If you fail to request an administrative hearing within the twenty-one (21) day deadline you waive your right to a hearing and the binding determination will become final agency action upon filing with the agency clerk.

Filed with the Agency Clerk and rendered this 9th day of January, 2018.



Donald D. Heckman, Jr., Agency Clerk



Stanley Posey, Deputy Director
Office of Agricultural Water Policy