



Sunil Menon

Investigation Report Re: ERP Permit for Sierra Ranch

Sunil Menon

Sun, Oct 13, 2024 at 12:17 PM

To: jcreech@sfwmd.gov

Cc: mfincher@sfwmd.gov, DBartlett@sfwmd.gov, jsmith@sfwmd.gov, jmarkle@sfwmd.gov

Dear Jill:

Please see key comments below (and also marked on the OIG's report) as well as some supporting documentation that attempts to seek further clarity on the conclusions drawn by the SFWMD OIG and information that may have been missed, as well as new discoveries that have been made in the recent few months.

Please feel free to ask me for any clarifications if this is not clear.

I am copying my attorney Brian Kopelowitz from KO Lawyers who had unearthed the document tampering of the developer furnished as-built version presented to the CBWCD as he testified to block the bonds per the attached testimony, which the OIG has seen. Brian also had a conversation with Emily Johnson from SFWMD Legal department in November 2023.

As noted in the email below, the Sierra Ranches HOA has retained a different legal firm, Siegfried and Rivera to pursue appropriate remediations to the construction defects per Florida statues 558 in the Sierra Ranches Stormwater Flowage, Drainage and Retention lake/basin (primary function) doubling as a wetland environmental resource (secondary function).

Thank you in advance for your enforcement actions, further investigative referrals and securing justice for Sierra Ranches homeowners without burdening them with excessive legal fees and other costs.

Best regards,
Sunil Menon

----- Forwarded message -----

From: **Sunil Menon**

Date: Sun, Oct 13, 2024 at 11:55 AM

Subject: Re: Investigation Report Re: ERP Permit for Sierra Ranch

To: Beirnes, J Timothy <tbeirnes@sfwmd.gov>

Thank you again Tim for your investigation and report based on my original complaints raised in January 2024.

As a taxpaying citizen, your investigation restores a smidgen of faith in government. It will also go a long way to dispel a lot of myths among the Sierra Ranches homeowners, who are understandably confused while the HOA is legally pursuing a construction defect claim under Florida state statue 558 with key counterparties (Lennar, Craven Thompson and Associates, RJ Behar, Countywide Surveying and others as the process unfolds) that the HOA initiated at the end of June 2024.

I appreciate that your investigation found that none of my allegations were Unfounded or Exonerated.

My personal attorney (Brian Kopelowitz of KO Lawyers) and I who alleged date and signature tampering of the as-built survey presented at the CBWCD to block the release of the drainage and earthwork bonds (\$8.2 million total) jointly controlled by CBWCD and the Town of Davie are vindicated that your finding also supports the fact that the contents of that survey are identical to the one previously presented to the SFWMD in Oct 2022 but that the dates on the document do not reflect that the work was rechecked, and, as my attorney testified violates published regulations of the CBWCD. This vindication coming from an independent OIG of a key regional water management agency means a lot.

I had a chance to review your report this morning with a keener eye than my cursory glance the day you transmitted the report to me. **I have marked my comments in the report** (please let me know if you are unable to see the comments). Some of these comments may require you to reevaluate your findings. Some key ones are mentioned

below:

1/ See diagram from the engineering planning documents submitted to the SFWMD showing the elevations in NGVD. The control water elevation is clearly marked as 4.0 NGVD (or 2.4 NAVD 88 when converted). Therefore, when there is an elevation showing 4.0 NGVD in the cross-section on page 8 of your report, it is clearly the control water elevation by logical deduction. No ambiguity that the elevation refers to the control water elevation despite not being labeled as such.

Reference document attached: Executed Conservation agreement that was also part of the SFWMD ERP Planning documents (see Page 9 of 25 for Section B-B: Typical Preserve Bank Section; and Page 7 of 25 to see that Section B-B is marked apropos next to my lot!!!)

2/ When the SFWMD delivers an Engineering Construction Completion Certification (CCC) Deficiency letter such as the attached, it is understood that all Engineering elements are covered, including those that are governed by other agency CBWCD permits and regulations, if the lake/ flow channels form part of the conservation area, isn't it so? It is impossible to parse the SFWMD ERP vs. the flow channel elements that are controlled by CBWCD regulations and permits because the two are inextricably linked in this particular environmental resource.

Reference document attached: Sierra Ranch; First Notice of Construction Completion Certification (CCC) Deficiency; Environmental Resource Permit (ERP) No. 06-07569-P; Broward County by Gyna Jamaica, Engineering Specialist 2, of SFWMD on October 11, 2023.

3/ The report does not establish clearly for the audience that Pillar Consultant's conclusions about the width of the channels being under 20 feet vs. 34 feet purported in the developer furnished as-built drawings actually comes from the Broward County Property Appraiser's aeriels, another key government data source, that is easily accessible at this URL (BCPA Web Map). Just go to the 2022 aeriels to view and measure salient dimensions and also view the proof that a section of a channel 40 foot wide and 10 foot deep is contradicted by the information in the aeriels based on more recent analysis by me supported by observations from drone footage and on the ground videos of purported channel.

Reference documents attached: Schuman-Livengood deep water channel never excavated, Drone footage showing actual conditions of the three deepwater channels that cut across the preserve, Blatant falsification of the width of the open water channel from Pillar Consultants report presented in Appendix T of the Sierra Ranches Stormwater Flowage, Drainage and Retention body + Wetland Environmental Resource HOA memo dated May 24, 2024.

4/ The CBWCD Key Depth mandated directive regulation that pertains to the open water lake/channels around residential lots will force redesign of the open water channel around residential lots and the open water width will expand to 46 feet at a minimum due to CBWCD grading rules, or 100+ feet optimally based on published standards with diagrams in the adjacent drainage district (SBDD) that covers part of Davie. This will have a direct impact on the wetland mitigation area and force a modification of the ERP. Who initiates the modification to an ERP when a key depth regulation of another governing agency is violated?

Reference document attached: Key language Excerpts from the "Stormwater Management: Regulations, Standards, Procedures and Design Criteria, Adopted August 12, 2020" with visuals showing the excavation of lake/water channels around residential lots.

5/ The procedure for nullification of the as-builts at SFWMD is still not clear to me in light of the blatant falsification of the data in the as-built surveys, which is the foundation for subsequent approvals and compliance reports. Will Jill Creech's regulatory department initiate that regulatory action? What is the procedure for holding licensed professionals who signed those original developer furnished as-builts accountable? Who will initiate that process with licensing agencies?

Reference document not attached: As-builts for the preserve/ conservation area accepted by SFWMD with signatures of Chad Edwards (EOR of Craven Thompson and Associates) and Joseph Martin (Surveyor of Countywide Surveying).

6/ I haven't seen any response to the question of the appropriateness and legality of the bonding company being a 100% subsidiary of the principal per the letter dated August 4th, 2024.

Reference document attached: Letter to the SFWMD OIG dated August 4th, 2024.

Thank you again for your investigation report and for potentially incorporating the feedback I have furnished into an amendment of the final memorandum to SFWMD leadership. Please let me know if you have any questions about the points I have raised.

Best regards,
Sunil Menon
Taxpayer and impacted owner

On Tue, Oct 8, 2024 at 4:50 PM Sunil Menon wrote:

Thank you Tim!

Few questions:

1/ it appears that SFWMD is stating that the overall basin is under a CBWCD permit for stormwater management (primary function) and there is an overlapping ERP SFWMD for the wetlands and hydric islands etc(secondary function) but the ERP itself does not cover the stormwater management or the drainage function?

So essentially SFWMD seems to be asserting that all channel configurations, depths, widths etc. would be under the auspices of the regulations of the CBWCD and not the SFWMD correct? So for example the 35 feet open channel shown on the ERP would have to be corrected to 46 feet minimum due to the mandated CBWCD 10 foot minimum depth of excavations in lakes, ponds and wetlands. Who would initiate the correction to the ERP if the ERP is fundamentally flawed due to a conflicting regulation from the drainage district whose easement extends over the entire conservation area?

Am I understanding correctly that the engineering acceptance by SFWMD has no significance? I am confused because Gyna Jamaica has obviously provided Engineering compliance reports under SFWMD letterheads?

CBWCD's acceptance of as-builts on Aug 9th, which you have validated as being identical to the contents of the survey contents presented to SFWMD on Oct 2022 except the dates on the cover page, would be problematic if it does not follow their published regulations and procedures?

What is the recourse when there are two overlapping permits- I presume the CBWCD permit would govern since that deals with drainage?

2/ Now that we see a non-existent channel from the Broward County Property Appraiser aials, and that channel 40 feet wide and 10 feet deep is shown in the survey presented to the SFWMD, what process does the SFWMD have for nullifying a survey that clearly does not represent field conditions? Who accepted the original Engineering survey at SFWMD? Did somebody validate in the field that the channels were cut correctly? Who would prosecute the party that transmitted the falsified survey to government agencies for "mail fraud"? Is that a state agency or federal agency?

3/ If a survey is nullified by SFWMD as the original survey was falsified based on validation from independent government data from the Broward County Property Appraiser, what is the implication?

I am sure I will have more questions but appreciate your inputs since the report does not clearly address these issues.

Best regards,
Sunil

On Tue, Oct 8, 2024 at 3:40 PM Beirnes, J Timothy <tbeirnes@sfwmd.gov> wrote:

Mr. Menon

Attached is a copy of our report issued to management regarding the SFWMD's ERP Permit for Sierra Ranch issued to Lennar Homes.

Regards,










J. Timothy Beirnes

Inspector General

South Florida Water Management District

561-682-6398

9 attachments

-  **Comments_by_SGM_FINAL - Complaint Re Lennar ERP Permit (1).pdf**
3227K
-  **06-07569-P__ENG_DeficiencyLtr__20231011.pdf**
183K
-  **Sierra executed conservation plan.pdf**
11756K
-  **Key_Depth_Regulation_2020_Abbreviated_for_Appe.pdf**
653K
-  **Blatant_falsification_proof_Sierra_Ranches_Memo.pdf**
459K
-  **SchumanLivengood_Channel_was_never_Constructed.pdf**
233K
-  **Financial_Considerations_Sierra_Ranches_Davie (1).pdf**
55K
-  **Drone_footage_DeepChannels_Cutting_Across_Preserve (1).pdf**
418K
-  **Brian_s_PRESENTATION (01481487) (3)_atOct25Meeting.docx**
22K