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STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

MICHAEL W. WOODWARD,

Petitioner,

vs.

DOAH Case No. 90-003234

SJRWMD Case No. 90-016C

ST. JOHNS RIVER WATER
MANAGEMENT DISTRICT AND
THE UNIVERSITY OF NORTH
FLORIDA,

Respondents.

RESPONDENT, UNIVERSITY OF NORTH FLORIDA
FIRST INTERROGATORIES TO PETITIONER

The University of North Florida, through the undersigned attorneys, and pursuant to 22I-6.019, Florida Administrative Code, and 1.340, Florida Rules of Civil Procedure, requests Michael W. Woodward to answer under oath and in writing, within the applicable time limits, the following interrogatories:

I. DEFINITIONS

The following definitions apply to these interrogatories:

(a) The words "you" or "your" means Michael W. Woodward, and all officers, directors, agents, employees or other persons or entities related to Michael W. Woodward or acting on the behalf of Michael W. Woodward during the relevant period.

(b) The words "document" or "documents" includes, without limiting the generality of the foregoing, correspondence, agreements, memoranda, calendar and diary entries, memoranda of conversations and of meetings, telephone notes, studies, reports, offers, inquiries, bulletines, brochures, summaries, newsletters, compilations, maps, charts, graphs, photographs, film, slides, microfilm, articles, announcements, books, books of account, ledgers, vouchers, cancelled checks, invoices, bills, opinions, certificates, and all other tangible things upon which any handwriting, typing, printing, drawings, representation, magnetic or electrical impulses, or other form of communication is recorded including audio and video recordings and computer stored information.

(c) The words "person" or "persons" means all natural persons ("individual" or "individuals") and entities, including

without limitation: corporations, companies, partnerships, limited partnerships, joint ventures, trusts, estates, associations, public agencies, departments, bureaus and boards.

(d) "Communication" means every manner or means of disclosure, transfer or exchange, and every disclosure, transfer or exchange of information whether orally or face-to-face, or by telephone, mail, personal delivery, document, or otherwise.

(e) "Or" shall be construed either conjunctively or disjunctively to bring within the scope of these requests any information which might otherwise be construed to be outside their scope.

(f) "Identify", when used in reference to an individual PERSON, means to state his full name, present address or last known address, telephone number, if known, and his present employment position and business affiliation. "Identify", when used in reference to a DOCUMENT means to state the date of its execution, or if undated, the date it was prepared, the author, the addressee, the type of document, or any other means of identifying it with sufficient particularity to meet the requirements for inclusion in a request for production of documents, pursuant to Rule 1.350, Florida Rules of Civil Procedure. If any such document was, but is no longer, in your possession or subject to your control, state what disposition was made of it and the reason for its disposition. In lieu of identifying any document, a true and correct copy thereof may be annexed to and incorporated in the answers to these interrogatories.

(g) "Proposed activity" means the road construction on the campus of the University of North Florida as described in materials submitted in application for Management and Storage of Surface Waters ("MSSW") permit no. 4-031-0359AG.

INTERROGATORIES

1. Identify each person which the Petitioner expects to call as an expert witness of the hearing in this matter and as to each expert witness:

(a) State the expert's expertise and qualifications.

See attached sheet for answers to all interrogatories which is incorporated by this reference.

JK

(b) State the subject matter(s) on which the expert is expected to testify.

(c) State the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each such opinion.

(d) Identify all documents prepared by, revised by, submitted to or by, or relied upon by the expert in formulating his or her opinion.

2. Identify each person who has personal knowledge of the facts supporting the allegations in the Amended Petition.

3. State every fact and identify every document which supports or tends to support the Petitioner's allegation in the Amended Petition that the proposed activity fails to meet the requirements and criteria for granting of a permit as set forth in Rule 40C-4.301(1)(a), Florida Administrative Code.

4. State every fact and identify every document which supports or tends to support the Petitioner's allegation in the Amended Petition that the proposed activity fails to meet the requirements and criteria for granting of a permit as set forth in Chapter 17-40.070, Department of Environmental Regulation State Water Policy.

5. State every fact and identify every document which supports or tends to support the Petitioner's allegation in the Amended Petition that the proposed activity would be inconsistent with the overall objectives of the District in violation of the Water Management District MSSW Criteria 8.3.

6. State every fact and identify every document which supports or tends to support the Petitioner's allegation in the Amended Petition that the proposed activity would be harmful to the water resources of the District in violation of the Water Management District MSSW Criteria 8.3.

7. State every fact and identify every document which supports or tends to support the Petitioner's allegation in the Amended Petition that the proposed activity violates the Water Management District MSSW Criteria 8.4. Specifically include in the answer:

(a) Describe in detail any adverse effect on current and future recreational use of public lands.

(b) Describe in detail any increased potential for damages to off-site waters or property or the public, caused by retardance, acceleration, displacement, or diversion of surface water.

8. State every fact and identify every document which supports or tends to support the Petitioner's allegation in the Amended Petition that the proposed activity violates the Water Management District MSSW Criteria 9.1.

9. State every fact and identify every document which supports or tends to support the Petitioner's allegation in the Amended Petition that the proposed activity violates the Water Management District MSSW Criteria 10.1. Specifically describe in detail any adverse impact the proposed activity will have to the quality of receiving waters.

10. State every fact and identify every document which supports or tends to support the Petitioner's allegation in the Amended Petition that the proposed activity violates the Water Management District MSSW Criteria 10.2.

11. State every fact and identify every document which supports or tends to support the Petitioner's allegation in the Amended Petition that the proposed activity violates the Water Management District MSSW Criteria 10.3.1. Specifically describe in detail how the proposed activity will cause post-development peak rate of discharge to exceed the pre-development peak rate of discharge.

12. State every fact and identify every document which supports or tends to support the Petitioner's allegation in the Amended Petition that the proposed activity violates the Water Management District MSSW Criteria 10.7.4. Specifically include in the answer:

(a) Describe in detail any adverse effect the proposed activity will have on the natural resources, fish and wildlife.

(b) Describe in detail and specifically identify any specific threatened/endangered species whose habitat and food sources will directly or indirectly be impacted by the proposed activity.

13. State every fact and identify every document which supports or tends to support the Petitioner's allegation in the Amended Petition that the proposed activity otherwise fails to meet the standards or criteria set forth in Rule 40C-4, Florida Administrative Code.

ROGERS, TOWERS, BAILEY, JONES & GAY

By: Marcia P Parker

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ATTORNEYS FOR RESPONDENT,
UNIVERSITY OF NORTH FLORIDA

STATE OF FLORIDA §
COUNTY OF Putnam §

BEFORE ME, the undersigned authority, personally appeared Timothy Keiser, to me well known, who being first duly sworn by me deposes and says that he is the attorney for plaintiff in the above-styled cause, and that he has read the foregoing Interrogatories and knows the contents thereof, and that the answers thereto are true and correct.

Shirley Taylor
Notary Public

SWORN TO AND SUBSCRIBED before me in the State and County of the aforesaid this 15th day of June, 1990.

August

Sue Ricco
NOTARY PUBLIC
STATE OF FLORIDA AT LARGE

My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXPIRES 12-26-1992.
BONDED THROUGH THE FLORIDA UNDERWRITERS.

Certificate of Service of Answers
to Interrogatories

I hereby certify that the original of the foregoing Answers to The University of North Florida First Interrogatories has been served upon MARCIA P. PARKER, ESQUIRE, Rogers, Towers, Bailey, Jones & Gay, 1300 Gulf Life Drive, Suite 800, Jacksonville, FL 32207, by U.S. Mail on this the 15th day of August, 1990.

Shirley Taylor
Attorney

Certificate of Service of
University of North Florida's First Interrogatories

I hereby certify that the original and one copy of the foregoing has been furnished to Timothy Keyser, Attorney for Michael W. Woodward, P. O. Box 92, Interlachen, FL 32148, by U. S. Mail, this 19th day of June, 1990.



Attorney

1. (a) through (d) Petitioners anticipated expert witnesses are undetermined at this time. Petitioners are awaiting UNF's compliance with public record and discovery requests.

2. All petitioners and others undetermined at this time.

3. Paragraphs (1), (2), (3), and (4) of the amended petition, state very specific and some ultimate facts in support of this allegation. More may become known after discovery. In summary, petitioners allege at this time that:

(1) This project will adversely affect the use and enjoyment of the campus trail system and wildlife watching.

(2) These public lands are dedicated for educational purposes. The road is intended to promote economic development.

(3) Tubidity barriers are ineffective.

(4) The UNF administration's scofflaw attitude and history requires more than self-monitoring and demonstrate they may not be capable of effectively operating the system in the long term.

(5) More wildlife mortality will occur.

(6) Less habitat for listed and other plants and animals will result. Documents are still being sought and analyzed.

(7) This project will cause or contribute to damaging the functions and use of the campus as an environmental laboratory for the campus and as a park for the community.

Documents supporting these allegations to date include all applications, reports, drawings and files of respondents; resolutions of campus organizations; and An Analysis of the Functional Capabilities and Performance of Silt Curtains by the JBF Scientific Corporation for the U.S. Army Chief of Engineers dated July 1, 1978. Other documents are being sought and analyzed.

4. 17.40.070 was transferred to 17-40.404.

TK

This project will harm the water resources by unreasonably increasing stormwater runoff.

It is inconsistent with objectives of the District in the ways alleged in the answers to question number 3.

5. Same answers were as numbers 3 and 4.

6. Same answers were as numbers 3 and 4.

7. a. Same answers were as numbers 3 and 4.

b. None determined at this time.

8. Same answer as numbers 3 and 4.

9. Same answer as numbers 3 and 4.

10. Same answer as numbers 3 and 4.

11. Undetermined at this time.

12. Same answer as 3 and 4. Listed species are still being determined.

13. Same answers as 3 and 4.