February 22, 2010
9:00 a.m.
Joint Workshop of the SWFWMD Governing Board and Tampa Bay Water Board of Directors

12:30 p.m.
Governing Board Meeting

Agenda and Meeting Information

Brooker Creek Preserve
Environmental Education Center
3940 Keystone Road • Tarpon Springs, Florida
(727) 453-6959
AGENDA

MONDAY, FEBRUARY 22, 2010

9:00 A.M. -- JOINT WORKSHOP OF THE GOVERNING BOARD AND TAMPA BAY WATER BOARD OF DIRECTORS

12:30 P.M. -- GOVERNING BOARD MEETING

BROOKER CREEK PRESERVE
ENVIRONMENTAL EDUCATION CENTER
3940 KEYSTONE ROAD, TARPON SPRINGS, FLORIDA 34688
727-453-6959
(MAP INCLUDED)

几乎所有会议都对公众开放。

- 观看董事会会议将通过该地区网页（www.watermatters.org）提供，按照指示使用互联网流媒体。
- 公众输入将在会议地点进行。
- 公众输入对于不在公布议程上列出的问题将在会议开始后不久被听到。

除非特别说明，计划中的项目不会在特定时间进行。

在董事会的自由裁量权下，项目可能会根据董事会和公众的需要进行。

午餐将为董事会、坦帕湾水管理区董事局及工作人员提供。

目前的董事会议程和以前会议的会议记录可在该地区的网页上查看：www.WaterMatters.org

9:00 A.M.  JOINT WORKSHOP

11:45 A.M. LUNCH

12:30 P.M. MEETING AND PUBLIC HEARING

Bartow Service Office
170 Century Boulevard
Bartow, FL 33830-7700
863-534-1448 or 1-800-492-7862

Sarasota Service Office
6750 Fruitville Road
Sarasota, FL 34240-9711
941-377-3722 or 1-800-320-3503

Tampa Service Office
7601 US Highway 301 North
Tampa, FL 33637-6759
813-985-7481 or 1-800-836-0797
12:30 P.M. CONVENE PUBLIC HEARING AND MEETING (TAB A)

1. Call to Order
2. Pledge of Allegiance and Invocation
3. Additions/Deletions to Agenda
4. Public Input for Issues Not Listed on the Published Agenda

CONSENT AGENDA (TAB B)
All matters listed under the Consent Agenda are considered routine and action will be taken by one motion, second of the motion and approval by the Board. If discussion is requested by a Board member, that item(s) will be deleted from the Consent Agenda and moved to the appropriate Committee or Report for consideration.

Regulation Committee
5. Initiate and Approve Rulemaking to Establish an Exemption from Environmental Resource Permitting Rules for Minor Activities

Resource Management Committee
6. Appraisal, Purchase/Sale Agreement and Memorandum of Agreement with Pasco County – Cypress Creek Project, SWF Parcel No. 13-500-389
7. Accept Land Donation – Flying Eagle Preserve, SWF Parcel No. 19-334-143
8. First Amendment to the Agreement with Florida Fish and Wildlife Conservation Commission for the Potts Preserve Wildlife Management Area, SWF Parcel No. 19-484-119X
   a. C & D Fruit and Vegetable Company, Inc. – Manatee County
   b. GoodMach Growers – Hillsborough County
   c. Sun-Fire Nurseries, LLC – Sarasota County
11. Authorize Submission of Preliminary Flood Insurance Rate Maps for the East Pasco Watersheds in Pasco County to the Federal Emergency Management Agency
12. Revise Board Policy 610-1, Land Acquisition, to Revise Appraisal Requirements

Outreach & Planning Committee
13. Approve 2010 Consolidated Annual Report

Finance & Administration Committee
14. Board Travel
15. Budget Transfer Report

General Counsel’s Report
16. Approve Joint Amended Deed of Conservation Easement and Agreement for the Upper Coastal Mitigation Bank

Executive Director’s Report
17. Approve January 26, 2010 Governing Board Minutes

EXECUTIVE DIRECTOR’S REPORT (TAB C)
18. January 2010 Freeze Event Update
19. Status of Final Payments to Tampa Bay Water for Final Testing of the Tampa Bay Desalination Facility

REGULATION COMMITTEE (TAB D)

Discussion Items
20. Consent Item(s) Moved for Discussion
21. Hydrologic Conditions Status Report
22. Consider Modified Phase II Water Shortage Order
23. Approve Changes to Proposed 20-Year Permit Rules in Response to Comments from the Joint Administrative Procedures Committee
24. Approve Changes to Proposed Enhanced Water Conservation Rules in Response to Comments from the Joint Administrative Procedures Committee
25. Improvements to the Handling of Potential Over Pumpage
26. Denials Referred to the Governing Board
Submit & File Report
27. Individual Permits Issued by District Staff

Routine Reports
28. Southern Water Use Caution Area Quantities
29. Overpumpage Report
30. Resource Regulation Significant Initiatives

RESOURCE MANAGEMENT COMMITTEE (TAB E)

Discussion Items
31. Consent Item(s) Moved for Discussion
32. Establish Numeric Water Quality Standards for Nutrients
33. Algal-Based Biological Water Treatments Pilot Study
34. Model Agreement for Cooperative Funding Program Projects

Submit & File Reports – None

Routine Reports
35. Florida Forever Funding
36. Minimum Flows and Levels
37. Structure Operations

OUTREACH & PLANNING COMMITTEE (TAB F)

Discussion Items
40. Consent Item(s) Moved for Discussion
41. Legislative Preview

Submit & File Report – None

Routine Reports
42. Comprehensive Plan Amendment and Related Reviews
43. Development of Regional Impact Activity Report
44. Speakers Bureau
45. Significant Activities

FINANCE & ADMINISTRATION COMMITTEE (TAB G)

Discussion Items
46. Consent Item(s) Moved for Discussion

Submit & File Reports – None

Routine Reports
47. Treasurer's Report, Payment Register, and Contingency Reserves
48. Management Services Significant Activities

GENERAL COUNSEL’S REPORT (TAB H)

Discussion Items
49. Consent Item(s) Moved for Discussion

Submit & File Reports – None

Routine Reports
50. Litigation Report
51. Rulemaking Update

CHAIR’S REPORT (TAB I)

52. Chair’s Report

★★★ RECESS PUBLIC HEARING ★★★
ANNOUNCEMENTS

- Governing Board Meeting and Workshop Schedule:
  - Agricultural Tour – Plant City .......................................................... March 29, 2010
  - Meeting – Plant City ......................................................................... March 30, 2010
  - Meeting – Brooksville ......................................................................... April 27, 2010
  - Meeting – Brooksville ......................................................................... May 25, 2010
  - January 2010 Freeze Event Workshop – Plant City ......................... February 17, 2010

- “Get Outside!” Events
  - Green Swamp Wilderness Preserve – Hampton Tract – Polk County .... February 27, 2010
  - Deep Creek Preserve – DeSoto County ........................................ April 10, 2010

- Basin Board Education Committee – Tampa ..................................... March 3, 2010

- Basin Board Land Resources Committee and Land Use Stakeholders Group Joint Meeting – Sarasota ........ March 16, 2010

- Volunteer Appreciation Day
  - JB Starkey Wilderness Park – Pasco County ................................... March 27, 2010

- Basin Board Meeting and Workshop Schedule:
  - Pinellas-Anclote River – Clearwater .............................................. April 7, 2010
  - Alafia River – Tampa .................................................................. April 8, 2010
  - Hillsborough River – Tampa ...................................................... April 9, 2010
  - Peace River – Bartow .................................................................. April 9, 2010
  - Manasota – Sarasota .................................................................. April 14, 2010
  - Coastal Rivers – Brooksville ...................................................... April 15, 2010
  - Withlacoochee River – Brooksville .............................................. April 15, 2010

- Advisory Committee Meeting Schedule:
  - Green Industry – Tampa .............................................................. February 25, 2010
  - Agricultural – Tampa ................................................................ February 25, 2010
  - Environmental – Tampa ............................................................. March 8, 2009
  - Industrial – Tampa .................................................................. April 20, 2010
  - Public Supply – Tampa .............................................................. April 20, 2010
  - Well Drillers – Tampa ................................................................. April 21, 2010

ADJOURNMENT

The Governing Board may take action on any matter on the printed agenda including such items listed as reports, discussions, or program presentations. The Governing Board may make changes to the printed agenda only for good cause as determined by the Chair, and stated in the record.

If a party decides to appeal any decision made by the Board with respect to any matter considered at a hearing or these meetings, that party will need a record of the proceedings, and for such purpose that party may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

If you wish to address the Board concerning any item listed on the agenda or an issue that does not appear on the agenda, please fill out a speaker’s card at the reception desk in the lobby and give it to the recording secretary. Your card will be provided to the Chair who will call on you at the appropriate time during the meeting. When addressing the Board, please step to the podium, adjust the microphone for your comfort, and state your name for the record. Comments will be limited to three minutes per speaker. In appropriate circumstances, the Chair may grant exceptions to the three-minute limit.

The Board will accept and consider written comments from any person if those comments are submitted to the District at Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604-6899.

The comments should identify the number of the item on the agenda and the date of the meeting. Any written comments received after the Board meeting will be retained in the file as a public record.
Brooker Creek Preserve Environmental Education Center: (727) 453-6800

From south Tampa - Follow the Courtney Campbell Causeway (SR60) west and turn north (right) onto McMullen Booth Road (CR611). The name of this road changes to East Lake Road north of Tampa Road (CR752). Continue north to Keystone Road (CR682) and turn east (right). Travel approximately 2.5 miles to the Brooker Creek Preserve Environmental Education Center entrance. Follow the one-mile drive to the Center.

From north Tampa - From N Dale Mabry Hwy (SR597), turn west onto Van Dyke Road (CR685A) and travel to Gunn Hwy (CR587). Turn north (right) and continue 1.4 miles to Tarpon Springs Road (CR582). Turn west (left) and travel approximately 5.1 miles to the Brooker Creek Preserve Environmental Education Center entrance. Follow the one-mile drive to the Center.

From Pinellas County - Go north on US19 to Tarpon Avenue E. (CR582) and turn east (right). Pass through the traffic signal at East Lake Road (CR611) and continue for approximately 2.5 miles to the Brooker Creek Preserve Environmental Education Center entrance. Follow the one-mile drive to the Center.
## Governing Board Officers, Committees and Liaisons

Effective August 25, 2009

### Officers

<table>
<thead>
<tr>
<th>Role</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chair</td>
<td>Todd Pressman</td>
</tr>
<tr>
<td>Vice Chair</td>
<td>Ronald E. Oakley</td>
</tr>
<tr>
<td>Secretary</td>
<td>Hugh M. Gramling</td>
</tr>
<tr>
<td>Treasurer</td>
<td>Sallie Parks</td>
</tr>
</tbody>
</table>

The full Board serves as the members for each committee.

### Regulation Committee

- **Chair**: H. Paul Senft, Jr.
- **Vice Chair**: Maritza Rovira-Forino
- **Second Vice Chair**: Ronald E. Oakley

### Resource Management Committee

- **Chair**: Albert G. Joerger
- **Vice Chair**: Carlos Beruff
- **Second Vice Chair**: Hugh M. Gramling

### Finance and Administration Committee

- **Chair**: Sallie Parks
- **Vice Chair**: Bryan K. Beswick
- **Second Vice Chair**: Neil Combee

### Outreach and Planning Committee

- **Chair**: Douglas B. Tharp
- **Vice Chair**: Jennifer E. Closshey
- **Second Vice Chair**: Judith C. Whitehead

### Standing Committee Liaisons

- **Agricultural Advisory Committee**: Bryan K. Beswick/Hugh M. Gramling
- **Environmental Advisory Committee**: Maritza Rovira-Forino
- **Green Industry Advisory Committee**: Douglas B. Tharp
- **Industrial Supply Advisory Committee**: Jennifer E. Closshey
- **Public Supply Advisory Committee**: H. Paul Senft, Jr.
- **Well Drillers Advisory Committee**: Ronald E. Oakley

### Other Liaisons

- **Basin Board Education Committee**: Maritza Rovira-Forino
- **Basin Board Land Resources Committee**: Albert G. Joerger
- **Governing Board Diversity Coordinator**: Maritza Rovira-Forino
- **Environmental Stewardship**: Jennifer E. Closshey
- **Strategic Planning Initiative**: Jennifer E. Closshey/Judith C. Whitehead
- **Charlotte Harbor National Estuaries Program Policy Board**: Bryan K. Beswick
- **Sarasota Bay Estuary Program Policy Board**: Sallie Parks
- **Tampa Bay Estuary Program Policy Board**: Todd Pressman, Primary
  Maritza Rovira-Forino, Alternate
- **Tampa Bay Regional Planning Council**: Todd Pressman, Primary
  Maritza Rovira-Forino, Alternate
Governing Board Meeting
February 22, 2010

12:30 p.m.

★★★ CONVENE MEETING OF THE GOVERNING BOARD ★★★
AND PUBLIC HEARING

PUBLIC HEARING AND MEETING (TAB A)

1. Call to Order ........................................................................................................... 2
2. Pledge of Allegiance and Invocation ......................................................................... 2
3. Additions/Deletions to Agenda .................................................................................. 2
4. Public Input for Issues Not Listed on the Published Agenda .................................... 2
1. **Call to Order**

   The Board Chair calls the meeting to order. The Board Secretary confirms that a quorum is present. The Board Chair then opens the public hearing.

   Anyone wishing to address the Governing Board concerning any item listed on the agenda or any item that does not appear on the agenda should fill out and submit a speaker's card. Comments will be limited to three minutes per speaker, and, when appropriate, exceptions to the three-minute limit may be granted by the Chair. Several individuals wishing to speak on the same issue/topic should designate a spokesperson.

2. **Pledge of Allegiance and Invocation**

   The Board Chair leads the Pledge of Allegiance to the Flag of the United States of America. Mr. Bilenky offers the invocation.

3. **Additions/Deletions to Agenda**

   According to Section 120.525(2), Florida Statutes, additions to the published agenda will only be made for "good cause" as determined by the "person designated to preside." The items that have been added to the agenda were received by the District after publication of the regular agenda. The Board was provided with the information filed and the District staff's analyses of these matters. Staff has determined that action must be taken on these items prior to the next Board meeting.

   Therefore, it is the District staff's recommendation that good cause has been demonstrated and should be considered during the Governing Board's meeting.

   **Staff Recommendation:**

   Approve the recommended additions and deletions to the published agenda.

   **Presenter:** David L. Moore, Executive Director

4. **Public Input for Issues Not Listed on the Published Agenda**

   At this time, the Board will hear public input for issues not listed on the published agenda.
CONSENT AGENDA

All matters listed under the Consent Agenda are considered routine and action will be taken by one motion, second of the motion and approval by the Board. If discussion is requested by a Board member, that item(s) will be deleted from the Consent Agenda and moved to the appropriate Committee or Report for consideration.

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Executive Director’s Report
17. Approve January 26, 2010 Governing Board Minutes ......................................... 80
Consent Agenda
February 22, 2010

Regulation Committee

Initiate and Approve Rulemaking to Establish an Exemption from Environmental Resource Permitting Rules for Minor Activities

Florida Statutes and District rules contain exemptions for certain activities that would otherwise require an Environmental Resource Permit (ERP). Unless expressly exempt by rule or statute, Rule 40D-4.041, Florida Administrative Code (F.A.C.), requires that an ERP be obtained from the District prior to the construction and operation of any new surface water management system, or the alteration, abandonment, or removal of any surface water management system. ERP rules do not contain a size threshold below which a permit is not required to conduct a regulated activity.

Proposed minor activities that are not expressly exempted by rule or statute may be exempted from ERP rules under Subsection 373.406(6), Florida Statutes (F.S.), if the District determines the activities will have only minimal or insignificant individual or cumulative adverse impacts on the water resources of the District. The District is authorized to determine, on a case-by-case basis, whether a specific activity falls within the scope of this exemption. Requests to qualify for this exemption must be submitted in writing to the District, and such activities cannot be commenced without a written determination from the District confirming that the activity qualifies for the exemption. A $100.00 fee is required for the District’s written confirmation of the exemption request.

Alternatively, many non-exempt minor activities qualify for a Noticed General Permit for Minor Activities under Rule 40D-400.475, F.A.C. Specifically included in this Noticed General Permit are activities that involve less than 4,000 square feet of impervious surface subject to vehicular traffic in uplands and activities that involve less than 9,000 square feet of total impervious surface in uplands. In order to conduct activities under this Noticed General Permit, one must complete an application form, submit a $250.00 fee and wait up to 30 days for the District to acknowledge that the activities qualify.

Revisions are proposed to current ERP rules that will create an exemption for activities that involve less than 4000 square feet of impervious surface subject to vehicular traffic in uplands and activities that involve less than 9000 square feet of total impervious surface in uplands. If this proposed exemption is adopted, the regulated public will be able to conduct minor activities without providing a written request for exemption pursuant to Subsection 373.406(6), F.S., and without applying for a Noticed General Permit under Rule 40D-400.475, F.A.C., including payment of a fee. Additionally, the proposed exemption would eliminate the bureaucratic process required to authorize minor activities that have minimal individual or cumulative impacts to water resources.

Three specific rule revisions are proposed to accomplish the desired outcome: First, a new exemption for minor activities is proposed as Rule 40D-4.051(15), F.A.C. Second, a definition of semi-impervious is added as Rule 40D-4.021(15), F.A.C., to clarify the types of surfaces contributing to the threshold area. Third, revisions are proposed to the existing Noticed General Permit for Minor Activities, Rule 40D-400.475, F.A.C., to delete the 4,000 and 9,000 square foot threshold requirements from those permit criteria.
If the initiation of rulemaking is approved, the attached draft rule language will be made available to the members of the Environmental Resource Permitting Advisory Groups and the District's Advisory Committees. If no substantive comments are received, District staff will proceed with the proposed rule changes without further Governing Board action.

Staff Recommendation: See Exhibit

Approve the initiation of rulemaking to amend Rules 40D-4.021, 40D-4.051 and 40D-400.475, F.A.C., regarding an exemption from ERP rules for minor activities.

Presenter: H. Clark Hull, Jr., ERP Program Director, Resource Regulation
EXHIBIT

40D-4.051  Exemptions.
The District will exempt from regulation under Section 373, Part IV, F.S., those activities that the District
determines will have only minimal or insignificant individual or cumulative adverse impacts on the water resources
of the District.

The following activities are exempt from permitting under this chapter:

(1) through (14)  No Change

(15) Construction, alteration, operation or abandonment of a stormwater management system meeting the
following criteria:
(a) The proposed activities are not conducted within twenty-five feet of wetlands or other surface waters;
(b) The proposed activities include no more than 4,000 square feet of impervious or semi-impervious
surface area subject to vehicular traffic, such as roads, parking lots, driveways, and loading zones;
(c) The proposed activities include no more than 9,000 square feet of total impervious or semi-impervious
area;
(d) The proposed activities, including placement of fill, encompass no more than one-half acre of total
project area;
(e) The proposed activities do not include filling in floodways, 100-year floodplains or water conveyance
features such as ditches or swales and do not adversely affect offsite properties by altering overland sheetflow;
(f) The system does not directly discharge into an Outstanding Florida Water, as listed in Rule 62-302-700,
F.A.C.;
(g) The proposed activities are not conducted as part of a larger common plan of development or sale
regulated under Part IV of Chapter 373, F.S.;
(h) The proposed activities are not conducted within the geographic limits of an existing permit issued
pursuant to Part IV of Chapter 373, F.S.; and
(i) The proposed activities, considered separately or in combination with other activities conducted
pursuant to this exemption, do not cumulatively exceed any of the thresholds indicated above.

(15) Renumbered (16)

Specific Authority 373.044, 373.113, 373.149, 373.171, 373.414(9), F.S. Law Implemented 373.406, 373.413,
373.414(9), 373.416, F.S. History – Readopted 10-5-74, Formerly 16J-4.05, Amended 10-1-84, 10-1-86, 3-1-88, 1-
24-90, 10-3-95, 4-18-01, 5-17-01, 4-9-02, 2-19-04, 6-30-05, 11-26-07, 9-29-08.

40D-4.021  Definitions.
When used in this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

(1) through (14)  No Change.

(15) “Semi-impervious” means land surfaces which partially restrict the penetration of water; included as
examples are porous pavements, limerock, and other compacted materials.

(15) through (21) Renumbered (16) through (22) respectively.

Rulemaking Authority 373.044, 373.113, 373.118, 373.149, 373.171, F.S. Law Implemented 373.079(4)(a),
373.083(5), 373.403, 373.413, F.S. History – Readopted 10-5-74, Formerly 16J-4.02, Amended 10-1-84, 3-1-88, 9-
11-88, 10-3-95, 7-23-96, 2-27-02, 9-26-02, 2-19-04, 2-6-07, 1-8-08, 9-29-08, 11-2-09.
EXHIBIT

40D-400.475 General Permit for Minor Activities.

(1) A general permit is hereby granted for the construction, alteration, maintenance, operation, abandonment and removal of the following minor systems:

(a) Piling supported structures of less than 1,000 square feet over wetlands or other surface waters which are not designated Outstanding Florida Waters;
(b) Piling supported structures of less than 500 square feet over wetlands or other surface waters in an Outstanding Florida Water;
(c) Dredging or filling of less than 100 square feet of wetlands or other surface waters; or
(d) Less than 4,000 square feet of impervious surface in uplands, that is subject to vehicular traffic such as roads, parking lots and driveways and less than 9,000 square feet total of impervious surface in uplands;
(e) Maintenance dredging of 50 cubic yards or less of material from surface waters other than wetlands; provided the dredged material is placed in uplands and turbidity control measures are employed to prevent return water from causing a violation of water quality standards; or
(f) A single family residence that is not part of a larger plan of common development proposed by the applicant, including the associated residential improvements such as a driveway, garage and an on-site sewage disposal system, provided:

1. This paragraph shall not apply to property which was part of a tract of land that was divided into two or more parcels after July 1, 1994;
2. This paragraph shall not apply to construction or alteration in surface waters other than isolated wetlands or any wetlands in an Area of Critical State Concern;
3. Dredging and filling of isolated wetlands shall be limited to only those areas required for siting the portions of the residence and associated residential improvements which cannot be sited in uplands because there is an insufficient unrestricted area of uplands within the contiguous ownership of the applicant on which the residence and associated residential improvements can be located. On-site sewage disposal systems shall be constructed in uplands unless there is an insufficient unrestricted area of uplands within the contiguous ownership of the applicant on which such disposal system can be located. For the purposes of this paragraph, "unrestricted area of uplands" means an area of uplands which is not restricted by easement, deed restriction, local government regulation, or similar restriction which would prevent the activities authorized under this paragraph and which is configured such that all or part of the residence and associated residential improvements can be constructed in the uplands. An area of uplands will only be considered restricted if all available variance or waiver procedures have been exhausted; and
4. The total area of dredging or filling in isolated wetlands for the residence and associated residential improvements shall not exceed 4000 square feet; and the total area of clearing in wetlands (including the dredging and filling for the residence and associated residential improvements) shall not exceed 6000 square feet on the contiguous property owned by the applicant.

(2) through (7) No Change.

Specific Authority 373.044, 373.113, 373.118, F.S., Law Implemented 373.413, 373.414, 373.416, 373.419, F.S.
History – New: 10-3-95, 2-19-04
Consent Agenda  
February 22, 2010

Resource Management Committee

Appraisal, Purchase/Sale Agreement and Memorandum of Agreement with Pasco County – Cypress Creek Project, SWF Parcel No. 13-500-389

Purpose
The purpose of this item is to request the Governing Board approve the purchase of approximately 51.83 acres that has been negotiated for a total cost of $90,000 owned by Management Investment Services, Inc. and a memorandum of agreement (MOA) with Pasco County as part of the District's Cypress Creek Project. A general location map depicting the subject parcel is included in the board packet.

Background/History
The proposed MOA involves Pasco County accepting title to the property lying west of the Cypress Creek canal, which consists of canals and the narrow ponds. The District will accept title to the property lying east of the canal, which will enhance the ability of the District to further protect and manage its existing ownership in the Cypress Creek Project. Acquisition of this parcel is consistent with the District's Florida Forever Work Plan, which specifically identifies the Cypress Creek project for acquisition. The Cypress Creek project was adopted by the Governing Board in July of 1986 to preserve the natural flood detention capabilities of the area as well as the land and water-related resources. To date, approximately 8,182 acres have been acquired within the project.

Purpose
Acquisition of these lands will meet the following Florida Forever program goals:

- Enhance the coordination and completion of land acquisition projects
- Increase the protection of Florida's biodiversity at the species, natural community, and landscape levels
- Protect, restore, and maintain the quality and natural functions of land, water, and wetland systems of the state

These Florida Forever goals are consistent with the District's goals for water resource management.

Property Description
Location and Access – The property is located east of Collier Parkway and approximately two miles north of State Road 54 and adjacent to the District's western boundary of the Cypress Creek project. Access is via a license agreement across a platted lot which has a perpetual easement on behalf of the District. The license agreement permits access to the eastern portion of the subject property across a land bridge.

Utilities and/or Improvements – Public water, sewer and electric services are available to the property lying west of the canal. There are no utilities available to the portion of the subject property lying east of the canal/small lakes.

Zoning – The subject has a zoning classification of Agricultural District (AC).

Purchase Agreement
- The seller agreed to deliver marketable title free of all encumbrances objectionable to the District
- An environmental site assessment will be completed prior to closing
- A boundary survey will be completed prior to closing
Summary of Appraisals and Value Comparisons
In accordance with District policy, one appraisal was obtained for the parcel from Nick Mancuso, with Mancuso Appraisal Services, Inc. The appraisal was reviewed by Woodman Herr, with Herr Valuation Advisors, Inc. The appraisal report which was prepared on November 2, 2007 with an appraisal effective date of September 18, 2007, meets the necessary legal or District requirements and contains the appraisers’ factual data leading to the value conclusion. The appraisal review for this property was prepared on February 12, 2008. The purchase offer to the property owner did not occur until September 15, 2008 when additional negotiations with Pasco County, relative to their role in the transaction, were completed. District staff did not obtain an updated appraisal because the proposed purchase price was substantially below the appraised value.

Highest and Best Use – The highest and best use as determined by the appraiser, based on the physically possible, legally permissible and financially feasible uses for this property, would be as recreational use for the eastern portion (32 acres). For the portion of the subject property lying west (2.83 acres) of the canal/narrow ponds, the highest and best use is considered to be fractional lots which could be sold off to the adjoining approximately 28 platted lot owners in order to create "true" water front lots which would legally extend to the freshwater canal and narrow ponds.

The appraiser applied the Sales Comparison Approach (Market Approach) to determine the value of this property. The appraiser relied on recent sales of comparable property in Marion, Citrus, and Polk County. The sales were adjusted for differences that included, date of sale, location/access and physical characteristics including size and topography.

The following is a comparison of the total negotiated purchase price to the appraised value:

<table>
<thead>
<tr>
<th></th>
<th>Negotiated Amount</th>
<th>Appraised Value Mancuso</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Cost</td>
<td>$90,000</td>
<td>$370,000</td>
</tr>
<tr>
<td>Per Acre Cost</td>
<td>$760</td>
<td>$3,000</td>
</tr>
<tr>
<td>Per Fractional Lot</td>
<td>$2,119</td>
<td>$9,500</td>
</tr>
</tbody>
</table>

The negotiated price is approximately 24 percent of the appraised value.

Benefits/Costs
Management Costs-in Fiscal Year 2009 the District paid an average annual cost of $22.21 per acre for recurring management costs. Recurring management costs include, but are not limited to, fencing, prescribed burning, exotic species control, resource monitoring, road maintenance, recreational development, resource protection, restoration and contract administration. Based on the District's average annual management costs, it would cost approximately $710.00 annually to manage the parcel. No fixed capital outlay has been identified at this time.

Impact If Not Funded/Funding
Land Acquisition Partnership
The acquisition is contingent upon Pasco County accepting title to the canal/narrow ponds (17 acres) and the portion lying west (2.83 acres) of the canal/narrow ponds. The District will take title to the portion of the property generally lying east and south of the eastern and southern canal bank (32 acres) and would comprise those areas that adjoin District ownership. Funds are available from surplus lands in the Hillsborough River Basin received from the Florida Department of Transportation for the surplus of Tampa Bypass Canal parcels in February 2009.

This item was presented to the Hillsborough River Basin Board at its February meeting.
Item 6

Staff Recommendation: See Exhibits

(1) Accept appraisal;
(2) Approve Purchase/Sale Agreement;
(3) Approve the Memorandum of Agreement; and
(4) Designate SWF Parcel No. 13-500-389 as having been acquired for conservation purposes.

Presenter: Eric Sutton, Director, Land Resources Department
Subject Property
50 Acres m.o.l.
Resource Management Committee

Accept Land Donation – Flying Eagle Preserve, SWF Parcel No. 19-334-143

Purpose
The purpose of this item is to request the Governing Board accept a donation of 1.01-acre inholding within the Flying Eagle Preserve, located in Citrus County, from the owners, Janet Crisfield, Ruth Lyman, Diane K. Hardos, Lois J. Kroupa, Andrew Atwood, and Kathryn E. Atwood. General location maps of the parcel are included in the board packet as exhibits to this item.

Background/History
To date, approximately 16,436 acres have been acquired within the Flying Eagle Preserve. Accepting the donation of this inholding will help to consolidate gaps and improve the District’s ability to manage its entire ownership within the Preserve.

Accepting the donation of this parcel is consistent with the District’s Florida Forever Work Plan, and meets the following Florida Forever program goals:
• Enhance the coordination and completion of land acquisition projects
• Increase the protection of Florida’s biodiversity at the species, natural community, and landscape levels
• Protect, restore and maintain the quality and natural functions of land, water, and wetland systems of the state

These Florida Forever goals are consistent with the District’s goals for water recourse management.

Property Description
Location and Access -- This 1.01-acre parcel is an inholding within the Flying Eagle Preserve and is part of the unrecorded Steam Boat Springs subdivision. The donation of this property would eliminate an inholding and form a link between other District lands in the Preserve. The site has little topographical relief and habitat components include mixed oak, pine and cypress trees.

Zoning – The property is zoned CLR/residential, which allows for site-built and modular homes.

Utilities and/or Improvements – Public services or utilities are not available to this property.

Summary of Appraisals and Value Comparisons
Because this parcel is being offered as a donation, an appraisal was not obtained for this parcel. The Citrus County Property Appraiser lists the market value for the 2009 tax year at $8,181.

Donation Agreement
• The owner agreed to deliver marketable title free and clear of all encumbrances objectionable to the District.
• An environmental site assessment will be completed by the District prior to closing.
• The District will pay documentary stamp tax and recording fees.

Benefits/Cost
Management Costs - In Fiscal Year 2009 the District paid an average of $22.21 per acre for recurring management cost. Recurring management cost include but are not limited to fencing,
prescribed burning, exotic species control, resource monitoring, road maintenance, recreational development, recourse protection, restoration and contract administration. Management costs will not increase since this lot is an inholding within the Flying Eagle Preserve.

This item was presented to the Withlacoochee River Basin Board at its February meeting.

Staff Recommendation: See Exhibits

(1) Accept the donation; and
(2) Designate parcel as having been acquired for conservation purposes.

Presenter: Eric Sutton, Director, Land Resources Department
SWF Parcel No. 19-334-143

SWFWMD Fee Acquisition
Resource Management Committee

First Amendment to the Agreement with Florida Fish and Wildlife Conservation Commission for the Potts Preserve Wildlife Management Area, SWF Parcel No. 19-484-119X

Purpose
The purpose of this item is to request the Governing Board amend the Agreement between the District and the Florida Fish and Wildlife Conservation Commission (FWC) to modify the boundaries of the Potts Preserve Wildlife Management Area (WMA) at the request of FWC.

Background/History
The Potts Preserve consists of 8,507 total acres; 5,419 acres of District lands and 3,088 acres of sovereign lands in Citrus County. The Potts Preserve WMA encompasses a combined 7,715 acres and is one of ten WMAs established by the District and FWC to provide quality hunting opportunities on over 130,000 acres of District lands. The District and FWC entered into an agreement, with a term of ten years, for the continuation of the Potts Preserve WMA in July 2009.

The Potts Preserve contains a mosaic of uplands and isolated wetlands, extensively intertwined with state sovereign lands. This mix of sovereign (state lands) and non-sovereign lands (District lands) has led to management challenges. For example, hunting rules for a WMA on District lands are different than those that would apply to sovereign lands. Due to the mosaic of sovereign state lands and District lands within the Potts Preserve WMA, enforcement of WMA and District land use rules have been challenging given the general public is often unaware of the demarcation between such lands.

This proposed amendment will remove both sovereign lands and some District lands from the WMA, reducing the total acreage to a combined 4,155 acres (see exhibit). The District Potts land area to be removed from the Potts Preserve WMA will remain open for public uses, including hunting. Hunts will be conducted in accordance with current District Land Use Rules for non-WMA lands.

Benefits/Costs
The partnership between the District and FWC will continue to provide quality recreational opportunities on District lands. The District will incur no costs related to this amendment.

This item was presented to the Withlacoochee River Basin Board at its February meeting.

Staff Recommendation: See Exhibit

Approve the amendment to the agreement with the Florida Fish and Wildlife Conservation Commission for the Potts Preserve Wildlife Management Area, SWF Parcel No. 19-484-119X.

Presenter: Will Miller, Land Use and Protection Manager, Land Resources Department
Potts Preserve Wildlife Management Area

Wildlife Management Area
Area Removed from the Wildlife Management Area
SWFWMD Easement
SWFWMD Fee Acquisition
Other Conservation Lands

SUMTER CO.
CITRUS CO.
MARION CO.

Miles
Resource Management Committee

Exchange Agreement – Potts Preserve, SWF Parcel Nos. 19-484-126S and 19-484-123

Purpose
The purpose of this item is to recommend the Governing Board approve a no-cost exchange of 6.6 acres (SWF Parcel No. 19-484-126S) owned by the District, for a 2.9-acre ingress and egress easement (SWF Parcel No. 19-484-123) owned by John Thomas Goodgame, Sr. and John Thomas Goodgame, Jr. as a part of the Potts Preserve. General location maps of the parcels are included in the board packet as exhibits to this item.

Background/History
The proposed transaction involves 6.6 acres within the 9,379-acre Potts Preserve and adjacent to land owned by the Goodgames. The Goodgames’ property is a 48.32-acre vacant tract that the District is seeking to obtain a 2.9-acre ingress and egress easement over the northeast corner.

The District has legal but no physical access to 228 acres of the Potts Preserve north of the Tsala-Apopka Outfall Canal. Although the 228 acres is adjacent to District land, it is inaccessible from other District land because it is isolated from the north by a large marsh and to the southeast by the Tsala-Apopka Outfall Canal. Accordingly, District staff conducted a search of adjoining land for possible access points to the isolated tract and determined that the only practical point of access was through the Goodgames’ property. As part of the negotiations, District staff proposed that 6.6 acres of District land be exchanged for an ingress and egress easement over 2.9 acres owned by the Goodgames.

Pursuant to Section 373.089 (4), Florida Statutes (F.S.), and Article X, Section 18 of the Florida Constitution, the Governing Board may dispose of District-owned lands designated for natural resources conservation for other lands within the State upon a determination that the land to be exchanged is no longer needed for conservation purposes. Section 373.089, F.S., allows the Governing Board to exchange lands for which title is vested in the District for other lands within the state.

Although the proposed exchange would reduce the isolated tract from 228 acres to 221.4 acres, there are numerous environmental benefits associated with this transaction. The 228 acres north of the Tsala-Apopka Outfall Canal that the District currently does not have access to is primarily in natural landcover consisting of basin marsh, scrub, mesic hammock, xeric hammock, mesic flatwoods, depression marsh, disturbed land and dome swamp. Management of the tract has been impeded by insufficient access needed for prescribed burning, restoration, wildfire risk reduction, security, and other maintenance activities. By obtaining management access, the overall ecological value of the remaining 221.4 acres will exceed the ecological value of the property without access.

Property Description
Location and Access – The District exchange parcel was acquired together with other property within the Potts Preserve and has no physical access. The Goodgames’ property has access via three different roads: Tamarind Avenue dead ends into the northeast side of the property; North Cherry Tree Terrace dead ends at the north-central portion of the property; and from this location Ringneck Drive travels eastward along the property’s north boundary. Tamarind and Cherry Tree are paved roads and Ringneck is a limerock road.
Item 9

Utilities and/or Improvements – Public electric, water, sewer and telephone service are currently available to the property owned by the Goodgames. The District property has no utilities. Both the District and the Goodgame properties are unimproved.

Zoning - The District's exchange property is zoned conservation. The Goodgames’ property is zoned low density residential.

Summary of Appraisals and Value Comparisons
In accordance with District policy, one appraisal was obtained for each property. The appraisal reports were obtained from Tod Marr, MAI, of Tod Marr and Associates. The appraisal reports were completed and have an effective date of July 2009, meet the necessary legal or District requirements and contain the appraiser's factual data leading to the value conclusion.

Highest and Best Use – The highest and best use for both properties, as determined by the appraiser, based on the physically possible, legally permissible, financially feasible and maximally productive uses would be for rural residential, agriculture and/or recreation.

The appraiser applied the Sales Comparison Approach (Market Approach) to determine the value of each property. The appraiser relied on recent sales of comparable properties in West Central Florida. These sales were adjusted for differences that included, date of sale, location/access and physical characteristics including size and topography.

The following is a comparison of the appraised values:

<table>
<thead>
<tr>
<th>Parcel</th>
<th>Appraised Value*</th>
</tr>
</thead>
<tbody>
<tr>
<td>District Property Offered for Exchange (19-484-126S) 6.6 acres</td>
<td>$20,000</td>
</tr>
<tr>
<td>Easement to be Received by the District (19-484-123) 2.9 acres</td>
<td>$25,000</td>
</tr>
</tbody>
</table>

*Per acre land values were rounded by the appraiser to obtain his estimate of the total land values.

Exchange Agreement
- The sellers agreed to deliver marketable title free of all encumbrances objectionable to the District.
- Boundary surveys will be completed prior to closing.

Benefits/Costs
Management Costs – No additional management costs are anticipated.

This item was presented to the Withlacoochee River Basin Board at its February meeting.

Staff Recommendation: See Exhibits
(1) Accept the appraisals;
(2) Approve the exchange agreement;
(3) Declare SWF Parcel Nos. 19-484-126S as surplus and no longer needed for conservation purposes (two-thirds majority required) and convey the property to John Thomas Goodgame, Sr. and John Thomas Goodgame, Jr.; and
(4) Designate SWF Parcel No. 19-484-123 as having been acquired for conservation purposes.

Presenter: Eric Sutton, Director, Land Resources Department
Potts Preserve

SWF Parcel No. 19-484-123
Goodgame Parcel

SWF Parcel No. 19-484-126S
SWFWMD Exchange Parcel
Potts Preserve

SWF Parcel No. 19-484-126S
SWFWMD Exchange Parcel

SWF Parcel No. 19-484-123
Goodgame Parcel

Inaccessible Marsh
Tsala Apopka Outfall Canal

0 500 1,000 Feet
Consent Agenda  
February 22, 2010

Resource Management Committee

Facilitating Agricultural Resource Management Systems – C & D Fruit and Vegetable Company, Inc. – Manatee County (Adopted by the Manasota Basin Board)

Purpose
To request approval for a Facilitating Agricultural Resource Management Systems (FARMS) project with C & D Fruit and Vegetable Company, Inc. and approval to reimburse FARMS eligible costs up to a not-to-exceed limit of $225,000 (50 percent of total project costs). Of this amount, the 2005 State Appropriations will be used for $112,500 of the reimbursement, the Manasota Basin is requested to fund $56,250, and the Governing Board is requested to fund $56,250. Total project costs are estimated at $450,000.

Background/History
The District's FARMS Program, developed by the District and Florida Department of Agriculture and Consumer Services, is a public/private agricultural Best Management Practice (BMP) cost-share reimbursement program. FARMS is intended to expedite the implementation of production-scale agricultural BMPs that provide water resource benefits. Resource benefits of the FARMS Program include reduced Upper Floridan aquifer withdrawals, water quality improvements (both from groundwater and surface water sources) and/or conservation, restoration, and augmentation of the area's water resources and ecology. The District's emphasis through the FARMS Program is on reductions in Upper Floridan aquifer withdrawals that will improve groundwater conditions as documented in the Southern Water Use Caution Area (SWUCA) recovery strategy. In addition, the District also provides funding for projects that improve water quality affected by the use of mineralized groundwater as documented in the Shell and Prairie Creek Watershed Management Plan – Reasonable Assurance Documentation. Per FARMS Rule 40D-26, Florida Administrative Code, reimbursement cost-share rates are capped at 50 percent for water quantity withdrawal reductions from the Upper Floridan aquifer; or from any combination of ground, surface, or reclaimed water sources; or water quality improvements realized from decreasing the use of mineralized groundwater; or natural system improvements in the Upper Myakka River Watershed (UMRW). Reimbursement cost-share rates are capped at 75 percent for both water quantity and water quality or natural systems improvements.

As of January 31, 2010, there are currently 83 Board approved FARMS projects located in the following areas: 75 in the SWUCA, 3 in the Northern Tampa Bay Water Use Caution Area, and 5 not in a Water Use Caution Area. The projected offset of groundwater pumping for the 83 projects is 13.77 million gallons per day (mgd), with 48 operational projects totaling 7.1 mgd of actual offset over the past 12 months. Project funding through FY2009 totals $18.74 million, of which 58 percent represents FARMS Program funding and 42 percent represents grower contributions.

FARMS Program staff received a project proposal from C & D Fruit and Vegetable Company, for a project on land they are leasing from Hecht Manatee Properties, Limited. C & D Fruit and Vegetable Company will be leasing approximately 1,000 acres of the 3,945-acre property to grow tomatoes or strawberries. The leased property is located two miles south of the Little Manatee River, in northern Manatee County within the SWUCA. The property drains into the Little Manatee River. The Water Use Permit authorizes an annual average groundwater withdrawal of 3,048,000 gallons per day (gpd) for the entire property. This project is designed to...
supply irrigation for 120 acres of fruit or vegetables requiring approximately 263,000 gpd. Since October 2008, an average of 70 percent of the irrigation quantities was used to irrigate strawberries and other vegetables on the subject portion of the property. The primary goal of the project is to reduce the withdrawal of groundwater through the construction and operation of a 1.87-acre surface water irrigation reservoir that will collect and reuse water from the property and surrounding watershed. The system will also include two smaller sumps to direct additional runoff from the site drainage ditch system to the primary surface water reservoir. The reduction in groundwater use will benefit the Upper Floridan aquifer system by replacing Upper Floridan withdrawals with recovered tailwater and surface water. FARMS project components consist of two surface water sump pumps, one surface water irrigation pump station(s), filtration, and the piping necessary to connect the sumps to the surface water reservoir, and the surface water irrigation reservoir to the existing irrigation system.

**Benefits/Costs**

The proposed project involves water quantity BMPs which qualifies for a 50 percent cost-share reimbursement rate under the FARMS Program. Using an estimated 30 percent savings of permitted quantities, or approximately 82,000 gpd yields a daily cost of $2.60 per thousand gallons of groundwater reduced over the proposed seven-year contract term, and $1.27 per thousand gallons of groundwater reduced over a thirty-year term. Both values are within the guidelines for the generally accepted average cost savings per thousand gallons for the implementation of alternative supplies and improved irrigation techniques for vegetable and row crop operations. Total project costs are estimated at $450,000. State Appropriations will be used for one-half of the reimbursement, with the remainder divided evenly between the Manasota Basin Board and the Governing Board. Upon approval, the Manasota Basin Board and Governing Board will have $1,043,962 and $1,018,822, respectively, remaining in their FARMS Program budgets.

**Staff Recommendation:**

(1) Approve the C & D Fruit and Vegetable Company, Inc. project for a not-to-exceed project reimbursement of $ 225,000 with $56,250 provided by the Manasota Basin Board, $56,250 provided by the Governing Board, and $112,500 provided from State Appropriations;

(2) Authorize the transfer of $56,250 from fund 021 H017 Manasota Basin Board FARMS funds, $56,250 from fund 010 H017 Governing Board FARMS funds, and $112,500 from the State Appropriations allocated to fund 021 H017 FARMS funds, to 010 H599, C & D Fruit and Vegetable Company, Inc. project fund; and

(3) Authorize the Executive Director to execute the agreement.

**Presenter:** Eric C. DeHaven, P.G., Director, Resource Data and Restoration Department
Location Map

C & D Fruit and Vegetable Company, Inc.
FARMS Project H599 - WUP No. 20013354.000

Portion of Hecht-Manatee Property Leased by C&D Fruit and Vegetable

Project Area Proposed by C & D Fruit and Vegetable Co., Inc.
Purpose
To request approval for a Facilitating Agricultural Resource Management Systems (FARMS) project with GoodMach Growers, Inc. and approval to reimburse FARMS eligible costs not-to-exceed $142,751 (75 percent of total project costs). Of this amount, the remaining balance of the 2005 State Appropriations ($1,970) and $69,405 from the 2008 State Appropriations will be used for one-half of the reimbursement, the Alafia River Basin Board is requested to fund $35,688, and the Governing Board is requested to fund $35,688. Total project costs are estimated at $190,334.

Background/History
The District's FARMS Program, developed by the District and Florida Department of Agriculture and Consumer Services, is a public/private agricultural Best Management Practice (BMP) cost-share reimbursement program. FARMS is intended to expedite the implementation of production-scale agricultural BMPs that provide water resource benefits. Resource benefits of the FARMS Program include reduced Upper Floridan aquifer withdrawals, water quality improvements (both from groundwater and surface water sources) and/or conservation, and restoration and augmentation of the area's water resources and ecology. A primary emphasis of the FARMS Program is on the reduction of Upper Floridan aquifer withdrawals through conservation and the use of alternative supplies (surface water) that will improve ground water conditions. In addition, the FARMS Program provides funding for projects that improve water quality affected by the use of mineralized groundwater. In Fiscal Year 2008 the FARMS Program was authorized to fund projects in the northern area of the District in order to take a proactive approach to water conservation, water quality improvement and natural systems protection. Per FARMS Rule 40D-26, Florida Administrative Code, reimbursement cost-share rates are capped at 50 percent for water quantity withdrawal reductions from the Upper Floridan aquifer; or from any combination of ground, surface, or reclaimed water sources; or water quality improvements realized from decreasing the use of mineralized groundwater; or natural system improvements in the Upper Myakka River Watershed (UMRW). Reimbursement cost-share rates are capped at 75 percent for both water quantity and water quality or natural systems improvements. The FARMS Rule also allows for a 75 percent reimbursement if Upper Floridan aquifer withdrawals will be reduced by 50 percent or more.

As of January 31, 2010, there are currently 83 Board approved FARMS projects located in the following areas: 75 in the SWUCA, 3 in the Northern Tampa Bay Water Use Caution Area, and 5 not in a Water Use Caution Area. The projected offset of groundwater pumping for the 83 projects is 13.77 million gallons per day (mgd), with 48 operational projects totaling 7.1 mgd of actual offset over the past 12 months. Project funding through fiscal year (FY) 2009 totals $18.74 million, of which 58 percent represents FARMS Program funding and 42 percent represents grower contributions.

FARMS Program staff received a project proposal from GoodMach Growers for 39.65 acres of strawberry irrigation at their farm property located within the English Creek watershed, a sub-basin within the Alafia River watershed, in eastern Hillsborough County, and lying in the
Northern Tampa Bay Water Use Caution Area. The purpose of the project is to reduce Upper Floridan aquifer groundwater withdrawals through the use of a 3.43 acre existing surface water reservoir. Proposed project components include a surface water pump station, filters, and mainline pipe and controls connected to the irrigation system. The GoodMach Growers, Inc. property is comprised of 39.65 acres dedicated to strawberry production, with a Water Use Permit (WUP) authorizing groundwater use totaling an annual average of 188,800 gallons per day (gpd). It has been estimated that the use of surface water for the proposed project will yield a groundwater offset of approximately 94,400 gpd, or 50 percent of the estimated irrigation requirements for strawberry operations in the project area. The GoodMach Growers, Inc. historical pumping average has been approximately 132,000 gpd, based on the five-year period, 2005-2009.

Benefits/Costs
The proposed project involves water quantity BMPs estimated to amount to an offset of more than 50 percent savings in groundwater withdrawals, which qualifies for up to a 75 percent cost-share reimbursement rate under the FARMS Program. Using an estimated 50 percent savings of total permitted quantities, or 94,400 gpd, yields a daily cost of $1.27 per thousand gallons of groundwater reduced over a proposed five-year contract term, and $0.38 per thousand gallons of groundwater reduced over a thirty-year term. Both projected values for groundwater savings costs are within the guidelines for the generally accepted average cost savings per thousand gallons for the implementation of alternative supplies for strawberry operations. FY2005 and FY2008 State Appropriations will be used for one-half of the reimbursement, with the remainder divided evenly between the Alafia River Basin Board and the Governing Board. Upon approval, the Alafia River Basin Board and the Governing Board will have $127,182 and $1,081,572, respectively, remaining in their FARMS Program budgets.

Staff Recommendation:
(1) Approve the GoodMach Growers, Inc. project for a not-to-exceed reimbursement of $142,751 with $35,688 provided by the Alafia River Basin Board, $35,688 provided by the Governing Board, and $71,375 provided from State Appropriations to the Governing Board;
(2) Authorize the transfer of $35,688 from fund 011 H017 Alafia River Basin FARMS funds, $35,688 from fund 010 H017 Governing Board FARMS funds, $71,375 from the State Appropriations allocated to fund 010 H017 FARMS funds, to the H596 GoodMach Growers, Inc. project fund; and
(3) Authorize the Executive Director to execute the agreement.

Presenter: Eric C. DeHaven, P.G., Director, Resource Data and Restoration Department
Location Map
GoodMach Growers FARMS Project H596
WUP No. 20009611.002

HILLSBOURGH COUNTY

Plant City

Hillsborough County

Cason Rd
Laxon Rd

Rines Rd
Wiggins Acres Ln

Wiggins Oak Ln

Red Ruby Ln
Topaz Ln

County Hwy 574A
Laurel Ln

Cornsilk Ln
Fed Rd

Cassow Rd
Howard Rd
Fed Rd

Putnam Rd

Wiggins Rd

Ralisdon Rd

Plant City

0
0.25 Miles

0
1,000 Feet

Tailwater Pond

DID 1
DID 2

WUP 9611
GoodMach Growers Strawberry Farm

Southwest Florida
Water Management District
Consent Agenda
February 22, 2010

Resource Management Committee

Facilitating Agricultural Resource Management Systems – Sun-Fire Nurseries, LLC – Sarasota County (Adopted by the Manasota Basin Board)

Purpose
To request approval for a Facilitating Agricultural Resource Management Systems (FARMS) project with Sun-Fire Nurseries, LLC and approval to reimburse FARMS eligible costs up to a not-to-exceed limit of $26,000 (15 percent of total project costs). Of this amount, the 2005 State Appropriations will be used for $13,000 of the reimbursement, the Manasota Basin is requested to fund $6,500, and the Governing Board is requested to fund $6,500. Total project costs are estimated at $176,000.

Background/History
The District’s FARMS Program, developed by the District and Florida Department of Agriculture and Consumer Services, is a public/private agricultural Best Management Practice (BMP) cost-share reimbursement program. FARMS is intended to expedite the implementation of production-scale agricultural BMPs that provide water resource benefits. Resource benefits of the FARMS Program include reduced Upper Floridan aquifer withdrawals, water quality improvements (both from groundwater and surface water sources) and/or conservation, restoration, and augmentation of the area’s water resources and ecology. The District’s emphasis through the FARMS Program is on reductions in Upper Floridan aquifer withdrawals that will improve groundwater conditions as documented in the Southern Water Use Caution Area (SWUCA) recovery strategy. In addition, the District also provides funding for projects that improve water quality affected by the use of mineralized groundwater as documented in the Shell and Prairie Creek Watershed Management Plan – Reasonable Assurance Documentation. Per FARMS Rule 40D-26, Florida Administrative Code, reimbursement cost-share rates are capped at 50 percent for water quantity withdrawal reductions from the Upper Floridan aquifer; or from any combination of ground, surface, or reclaimed water sources; or water quality improvements realized from decreasing the use of mineralized groundwater; or natural system improvements in the Upper Myakka River Watershed (UMRW). Reimbursement cost-share rates are capped at 75 percent for both water quantity and water quality or natural systems improvements.

As of January 31, 2010, there are currently 83 Board approved FARMS projects located in the following areas: 75 in the SWUCA, 3 in the Northern Tampa Bay Water Use Caution Area, and 5 not in a Water Use Caution Area. The projected offset of groundwater pumping for the 83 projects is 13.77 million gallons per day (mgd), with 48 operational projects totaling 7.1 mgd of actual offset over the past 12 months. Project funding through FY2009 totals $18.74 million, of which 58 percent represents FARMS Program funding and 42 percent represents grower contributions.

FARMS Program staff received a project proposal from Sun-Fire Nurseries, LLC, for their 24-acre containerized nursery located along the western boundary of the Myakka River State Park and one-half mile north of State Road 72, in Sarasota County. The nursery grows small landscape vegetation cuttings, known as “liners”, and irrigates them with groundwater from a four-inch diameter well open to the Intermediate aquifer. The facility does not have a Water Use Permit but the current annual average pumpage is estimated to be about 30,000 gallons per day.
Item 10.c.

The primary goal of the project is to reduce the withdrawal of mineralized groundwater by at least 80 percent of current usage through the construction and operation of a +/- two-acre storm water and surface water irrigation reservoir. FARMS project components consist of two surface water irrigation pump stations, filtration, disinfection, and the piping necessary to connect the surface water reservoir to the existing greenhouse irrigation system. If this project is approved, the nursery will provide the FARMS Program with meter readings from the surface water pumps.

Benefits/Costs
The proposed project involves water quantity BMPs which qualifies for a 50 percent cost-share reimbursement rate under the FARMS Program. Using an estimated 80 percent savings of current Intermediate aquifer groundwater quantities, or approximately 24,000 gpd yields a daily cost of $4.62 per thousand gallons of groundwater reduced over the proposed five-year contract term, and $1.39 per thousand gallons of groundwater reduced over a thirty-year term. Both values are within the guidelines for the generally accepted average cost savings per thousand gallons for the implementation of alternative supplies and improved irrigation techniques for containerized nursery operations. Total project costs are estimated at $176,000. State Appropriations will be used for one-half of the reimbursement, with the remainder divided evenly between the Manasota Basin Board and the Governing Board. Upon approval, the Manasota Basin Board and Governing Board will have $1,212,712 and $1,075,072 respectively, remaining in their FARMS Program budgets.

Staff Recommendation:

(1) Approve the Sun-Fire Nurseries, LLC project for a not-to-exceed project reimbursement of $26,000 with $6,500 provided by the Manasota Basin Board, $6,500 provided by the Governing Board, and $13,000 provided from State Appropriations;
(2) Authorize the transfer of $6,500 from fund 021 H017 Manasota Basin Board FARMS funds, $6,500 from fund 010 H017 Governing Board FARMS funds, and $13,000 from State Appropriations allocated to fund 021 H017 FARMS funds, to 010 H597, Sun-Fire Nurseries, LLC, project fund; and
(3) Authorize the Executive Director to execute the agreement.

Presenter: Eric C. DeHaven, P.G., Director, Resource Data and Restoration Department
Location Map
Sun-Fire Nurseries, LLC
FARMS Project H597 - No Water Use Permit

Sun-Fire Nurseries, LLC

Myakka River State Park Boundary

Property Boundary

Proposed Pump Stations

Proposed Pond Location
Authorize Submission of Preliminary Flood Insurance Rate Maps for the East Pasco Watersheds in Pasco County to the Federal Emergency Management Agency

Purpose
To request the Board authorize staff to submit the preliminary Flood Insurance Rate Map (FIRM) panels for the East Pasco watersheds in Pasco County to the Federal Emergency Management Agency (FEMA). The 100-year, 1-day and 5-day rainfall events were used in the East Pasco watersheds; infiltration was accounted for; and the 2004 topographic information was utilized in the watersheds. The watershed models and floodplain information have gone through the District’s process, including internal review and external peer review by experienced licensed professional engineers. Preliminary floodplain information was presented for review and comment during public workshops held in Zephyrhills. The preliminary floodplain information is ready to be formatted to meet FEMA’s mapping specifications and submitted to FEMA. Following submittal of the preliminary FIRM panels, FEMA will conduct their own technical review, take public input, and allow for a 90-day appeals period during the adoption process. Depending on public input, the FEMA process can take one to two years.

Background/History
The District initiated a partnership with FEMA to modernize FIRMs as part of its Watershed Management Program (WMP). Flood protection and floodplain information has been a priority at the District since the inception of the organization and that priority was renewed following the El Niño weather event in 1997-1998. In addition to studies conducted by the District (primarily through the Basin Boards) and others, information on floodplains (elevations) is available through the FEMA FIRMs. However, many of the existing maps do not accurately represent the flood-prone areas, because either the initial studies were technically limited or the maps are outdated due to significant land use changes since completion. To improve the floodplain information, develop regional scale flood routing models for alternative analysis, and improve local government's understanding of their flood protection level of service, the District reached out to local governments and initiated the WMP in the late ’90s.

The District recognized a potential funding partner in FEMA as they had mutual goals to improve the existing FIRMs to better identify risks of flooding within the District. The District and FEMA executed a Cooperating Technical Partners (CTP) Memorandum of Agreement on September 14, 2001, to formalize the relationship. As a CTP, the District is eligible for federal funds to act as FEMA's partner in modernization of the FIRMs. Federal funds have allowed the District and local governments to accomplish significantly more than would have otherwise been possible. To date, the District has received approximately $11.2 million in federal funds from FEMA for countywide map modernization projects in Pasco, Sarasota, Hernando, Marion, Polk, Hardee, Desoto, Citrus, Sumter, Levy, and Highlands counties. FEMA also includes federal funding for the Map Modernization Management Support (MMMS) program to ensure MMMS partners can support the map modernization effort through activities that do not directly result in production of new or revised flood hazard maps. The District received $851,860 in fiscal years (FY) 2004 through FY2009 for the MMMS program.

District staff has been involved with interested parties regarding the WMP and FEMA Map Modernization since January 2007 as a result of preliminary floodplain maps developed for
Hernando, Pasco, and Sarasota counties. Several issues were identified focusing on technical methodologies, quality control, and public input. In October 2007, staff provided a report to the Governing Board outlining staff’s technical and procedural approach for development and professional oversight of watershed models. The primary issues were grouped into the following categories:

- Rainfall Duration
- Quality Control/Peer Review
- Outreach
- Schedule

Starting in March 2008 through December 2009, staff provided the Board an update on the status of the District’s WMP and FEMA Map Modernization, including an update on the progress and activities associated with these issues. This is the first watershed in Pasco County to be presented to the Board. Since the November 2008 meeting, the Governing Board has authorized staff to submit preliminary FIRM panels to FEMA for twelve watersheds using the 100-year, one-day rainfall event and five watersheds using the 100-year, one-day and five-day rainfall events for a total of 17 of 20 watersheds in Hernando County.

The floodplain information for the watersheds were prepared by the District’s consultants (Engineering Firm of Record) and reviewed by District and County staff, and then reviewed by the District’s independent peer review consultant (see table below). The District’s Environmental Resource Permitting (ERP) Advisory Group members (consultant and development community) were invited to attend the presentations of the floodplain information to the peer review consultant, and provided opportunities to review and comment on the watershed model and floodplain information. An additional technical workshop was held on February 17, 2009, to present justification for using a multi-day rainfall event to project the 100-year floodplain. Public workshops were held for the East Pasco watersheds on December 18, 2008 and January 15, 2009, for the public to review and comment on the floodplain information. The floodplain information was also made available through the District’s website. Approximately 3,600 affected property owners were notified of the workshop by mail, 250 attended, and 60 property owner’s contacted District staff by phone or email.

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<thead>
<tr>
<th>Watershed</th>
<th>Engineering Firm of Record</th>
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<tbody>
<tr>
<td>East Pasco</td>
<td>URS Southern, Inc.</td>
<td>Halcrow, Inc.</td>
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</table>

**Staff Recommendation:**

Authorize staff to submit the preliminary FIRM panels for the East Pasco watersheds in Pasco County to FEMA.

**Presenter:** Mark A. Hammond, P.E., Director, Resource Projects Department
Resource Management Committee

Revise Board Policy 610-1, Land Acquisition, to Revise Appraisal Requirements

Purpose
The purpose of this item is to request Governing Board approval to revise Governing Board Policy 610-1, Section D, related to the appraisal requirements for land acquisition. The revisions will improve efficiency with the land acquisition process in instances where outsourced appraisals represent an inordinate cost in time and price relative to the estimated market value of certain parcels.

Background/History
The current policy requires the District to hire independent appraisers for all proposed acquisitions, exchanges and surplus properties regardless of estimated market value. The appraisals must be prepared in conformance with the Uniform Standards of Professional Appraisal Practice (USPAP) and the District’s Minimum Appraisal Requirements. The proposed changes would allow for appraisals to be completed internally by District staff that are licensed as a certified appraiser involving transactions with specific value thresholds and where Florida Forever or federal funding is not the source of acquisition funds. Additionally the appraisal requirements will be adjusted for these internal appraisals. Except for the types of transactional situations that are specifically described, the District’s existing appraisal requirements will remain unchanged. If approved, the appraisal portion of the Land Acquisition Policy would implement the following provisions (A strike-through and underline format version of the proposed policy is included as an exhibit to this item.):

1. The District may utilize appraisals prepared internally by staff that are licensed as a state-certified appraiser for purchases, sales or exchange of property or interests in land valued up to $100,000.

2. Appraisal reports prepared internally by staff that are licensed as a state-certified appraiser may be prepared in a memo or an abbreviated format based upon reasonably prudent procedures.

Benefits/Costs
The proposed revision will increase efficiency and reduce costs related to the acquisition of monitor well sites, easements, small inholdings and for small surplus and exchange transactions where Florida Forever or federal funding are not the source of acquisition funds.

Staff Recommendation: See Exhibit

Approve revision to Board Policy 610-1, Land Acquisition.

Presenter: Eric Sutton, Director, Land Resources Department
STATEMENT OF POLICY:

PURPOSE: This policy governs the acquisition of lands or interest in lands for all District or Basin projects. Pursuant to subsection 373.139(2), Florida Statutes (F.S.), the Governing Board of the District is empowered and authorized to acquire in fee or less than fee title to real property, easements and other interests or rights therein, by purchase, gift, devise, lease, eminent domain, or otherwise for flood control, water storage, water management, conservation and protection of water resources, aquifer recharge, water resource and water supply development, and preservation of wetlands, streams, and lakes.


INTRODUCTION: This policy establishes general guidelines for land acquisition implementing Sections 373.139, and Acquisition of Real Property; 259.105, F.S., Florida Forever Act. The procurement of all goods and services necessary to implement this policy will be conducted in accordance with the District’s Procurement Policy, 150-1.

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A. BOARD ACTION

1. In accordance with subsection 373.139(3), F.S., the Governing Board must approve all proposed projects prior to initiation of the acquisition process. The Governing Board may add or delete project lands as deemed necessary. All executed purchase/sale agreements for individual parcels comprising a project will be submitted for approval to the Governing Board, after receiving a recommendation from the appropriate Basin Board(s).

2. Pursuant to subsection 373.139(3)(c), F.S., the Secretary of Environmental Protection may withhold moneys for any purchase that is not consistent with the District’s five-year plan or the intent of Section 373.139, F.S., or that is in excess of the appraised value. The Governing Board may appeal any denial to the Land and Water Adjudicatory Commission.

3. Section 112.313, F.S., prohibits any public officer acting in his or her official capacity from directly or indirectly purchasing, renting or leasing any realty, goods or services from any business entity in which the officer, the officer’s spouse or child is an officer, partner, director or proprietor or in which such officer, the officer’s spouse or child has a material interest. Pursuant to Section 112.3143, F.S., “Voting Conflicts,” an appointed
public officer may not participate in any matter inuring to the officer’s special private gain or loss, and must disclose the nature of the conflict in a written memorandum filed with the person responsible for recording the minutes of the meeting, prior to the meeting in which consideration of the matter will take place.

4. Any proposed acquisition by the District of an interest in real property belonging to a Basin or Governing Board member, or an employee of the District will be reviewed for potential conflicts under Chapter 112, F.S. by the Office of General Counsel before any negotiations occur, and the relationship of the Basin or Governing Board member to the District will be disclosed to the Governing Board when staff are recommending approval of the transaction to the Board.

5. Any proposed acquisition by the District of an interest in real property belonging to a vendor that has been or is under contract to the District will be reviewed by the Office of General Counsel before any negotiations occur, and the relationship of the vendor to the District will be disclosed to the Governing Board when staff are recommending approval of the transaction to the Board.

B. GENERAL

1. All conveyances of fee simple title to the District will be by statutory warranty deed, except as otherwise required or permitted by law.

2. The District’s acquisition process does not begin until the acquisition limits of the project have been approved by the Governing Board, after receiving a recommendation from the appropriate Basin Board(s).

3. As each parcel is acquired by the Land Resources Department, it will be added to the District’s current inventory of District-owned lands.

4. The District may offer to purchase an entire landholding, the boundaries of which extend beyond the acquisition limits of the project, when necessary in order to accomplish the acquisition. Such lands will be evaluated for sale pursuant to the surplus criteria listed in Section 373.089, F.S.

5. The Land Resources Director will implement this policy under the direct supervision of the Executive Director or his or her designee based on District Procedure 61-1, Land Acquisition.

C. TITLE INFORMATION

1. Title insurance companies selected to provide services to the District must be licensed to engage in such business in the State of Florida. A title commitment will be obtained for each parcel to be acquired and will be reviewed by the Office of General Counsel to determine ownership and identify any encumbrances that may adversely affect the District’s title to the property. A title insurance policy may be obtained in conjunction with acquisition of lands by the District, and the title insurance policy will be reviewed and approved by the Office of General Counsel. The Land Resources Director, with the concurrence of the Office of General Counsel, may choose not to purchase title insurance when the expenses associated with acquisition of title insurance will be prohibitive in relation to the value of the parcel.
2. Less-than-fee interests acquired by the District may not be subordinate to any other outstanding interests in the property that could adversely affect the purposes for which the District acquired the interest.

3. The Governing Board may approve the acquisition of lands, title to which may be encumbered by certain reservations, exceptions or restrictions when recommended for approval by the Land Resources Director with the concurrence of the Office of General Counsel.

4. When an action to Quiet Title is required as a condition for the issuance of title insurance, the Office of General Counsel may employ outside counsel to pursue such an action.

D. APPRAISALS

1. The Land Resources Department will obtain appraisals in the area of specialization consistent with the type of land and interest to be appraised and prepared by a state-certified appraiser. Pursuant to subsection 373.139(3), F.S., appraisals are confidential; however at its discretion, the District may disclose appraisals to landowners during negotiations for less-than-fee acquisitions if the District determines that disclosure of such appraisals will bring the proposed acquisition to closure.

2. The District will require all appraisals be prepared in accordance with the Uniform Standards of Professional Appraisal Practice (USPAP) and the District's "Minimum Appraisal Requirements," pursuant to Procedure 61-1, Land Acquisition. Appraisals prepared internally by District staff licensed as a state-certified appraiser may be in a memo or abbreviated format.

The number of appraisals required in connection with proposed acquisitions will be as follows:

a. When the estimated market value is less than $100,000 and the Land Resources Director determines that the cost of an outside appraisal is not justified, an appraisal may be prepared by District staff licensed as a state-certified appraiser.

b. When the estimated market value is greater than $100,000 but less than $500,000, one appraisal will be obtained and will be reviewed by an independent appraiser.

c. When the estimated value is greater than $500,000 two appraisals will be obtained both of which will be reviewed by an independent appraiser.

d. Additional appraisals may be obtained when deemed appropriate by the Land Resources Director.

3. Appraisals prepared by District staff that are licensed as a state-certified appraiser can be in a limited or abbreviated format, based on reasonably prudent procedures.

4. Each owner or representative will be afforded the opportunity to accompany any appraiser utilized by the District during an inspection of the owner’s property.

E. NEGOTIATIONS

1. The Land Resources Department will attempt to acquire each parcel through good faith negotiations.
2. The Land Resources Department will request disclosure of all terms and conditions of any existing purchase agreement, option contract, listing agreement or any other agency arrangement or agreement entered into by the seller relating to the subject property before any negotiations occur.

3. All offers and counter-offers must be in writing. Pursuant to subsection 373.139(3), F.S., all offers and counter-offers are confidential. The Land Resources Department will inform the landowner in writing that all purchase/sale agreements are subject to approval by the Governing Board, after receiving a recommendation from the appropriate Basin Board(s). The Land Resources Department will also inform the landowner in writing that agreements for the purchase of parcels acquired with Trust Fund monies are subject to approval by the Florida Department of Environmental Protection.

4. The negotiated purchase price will be stated in a written purchase/sale agreement executed by the landowner and the Land Resources Director.

5. The District is authorized to pay those closing costs related to an acquisition negotiated as part of the terms of the purchase/sale agreement.

6. Subsequent to Governing Board approval of the purchase/sale agreement, the Land Resources Director is authorized to make amendments to the purchase/sale agreement that will not result in an increased cost to the District.

F. SURVEYS

A signed and sealed boundary survey of the parcel will be prepared by a Florida Professional Surveyor and Mapper. A signed and sealed sketch in lieu of a certified survey may be accepted by the District.

G. ENVIRONMENTAL SITE ASSESSMENTS

1. It is the policy of the District to have an Environmental Site Assessment (ESA) conducted on properties prior to closing for which the District is receiving title. ESAs are to be based on American Society of Testing and Materials “ASTM” standard practice.

2. The Land Resources Director, with the concurrence of the Office of General Counsel, may choose not to require an ESA when the risk of liability is low based on the nature and prior documented use of the parcel.

H. LESS-THAN-FEE ACQUISITIONS

1. Less-than-fee interests acquired by the District will be in perpetuity.

2. Land Resources staff will attempt to provide public access to lands in which the District holds a less-than-fee interest when such access is not incompatible with the purposes for which the interest was acquired and is agreed to by the landowners.

I. TAX DEEDS

1. The Land Resources Director is authorized to purchase tax deeds on property within an approved acquisition project in accordance with Chapter 197, F.S.
2. An appraisal for each property will be obtained prior to a purchase. A Restricted Appraisal Report, prepared in accordance with the Uniform Standards of Professional Appraisal Practice (USPAP) may be obtained to estimate the property’s market value.

3. The District may purchase a tax deed up to the amount of the appraised value of the property.

4. The Land Resources Director is authorized to use district funds to purchase a tax deed in accordance with Chapter 197, F.S.

5. Any property successfully acquired through the purchase of a tax deed will be presented to the Governing Board for the approval of a resolution requesting reimbursement of District funds from the appropriate Trust Fund(s). Information regarding the acquisition will also be presented to the appropriate Basin Board(s).

6. The Land Resources Director, with the concurrence of the Office of General Counsel, may initiate an action to quiet title to land acquired through the purchase of a tax deed when deemed necessary to protect the District’s interests.

J. EMINENT DOMAIN PROCEEDINGS

1. Eminent domain proceedings may not be commenced until the Governing Board has adopted a resolution that authorizes the commencement of such proceedings. When required for a Basin project, the appropriate Basin Board(s) will request the Governing Board to commence proceedings for the project.

2. The Office of General Counsel may retain outside counsel to represent the District in eminent domain proceedings.

K. RELOCATION ASSISTANCE

When federal funding is utilized the provisions of the Federal Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970 (Public Law 91-646) will apply.
Outreach and Planning Committee

Approve 2010 Consolidated Annual Report

Purpose
To seek Board approval for the District's 2010 Consolidated Annual Report. The finished report is provided with the Board packet for this meeting. Submission of the report to a variety of audiences is required by March 1, 2010.

Background/History
During the 2005 legislative session section 373.036, Florida Statutes (F.S.), was amended to require the water management districts to prepare a "Consolidated Water Management District Annual Report." The report must include the following:

(1) The district water management plan annual report or the annual work plan report associated with an annual Strategic Plan;
(2) The minimum flows and levels annual priority list and schedule as approved by the Department of Environmental Protection (DEP);
(3) The annual five-year capital improvements plan;
(4) The alternative water supplies annual report;
(5) The final annual five-year water resource development work program;
(6) The Florida Forever Water Management District Work Plan annual report; and
(7) The mitigation donation annual report.

The legislation requires the report be submitted by March first of each year to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the DEP. In addition, "copies must be provided to the chairs of all legislative committees having substantive or fiscal jurisdiction over the districts and the governing board of each county in the district having jurisdiction or deriving any funds for operations of the district. Copies of the consolidated annual report must be made available to the public, either in printed or electronic format."

Staff Recommendation: See Report

Approve the 2010 Consolidated Annual Report

Presenter: Mikel Renner, Northern District Planning Manager, Planning Department
**Finance and Administration Committee**  
**February 22, 2010**

*Discussion Item*

**Board Travel**

District policy states that in accordance with Chapters 112 and 373, Florida Statutes, travel expenses may be incurred for official District business or for a public purpose beneficial to the District. Travel to any conference or convention requires prior approval.

Within the geographic boundaries of the District, Governing Board members may incur travel expenses to attend Governing and Basin Board meetings or for other purposes beneficial to the District, excluding conferences and conventions. Scheduled travel for Governing Board members outside the District or to attend conferences or conventions requires prior approval through the consent agenda of a regular monthly Governing Board meeting. Non-scheduled travel outside the District or to attend any conference or convention requires prior approval of the Governing Board Chair, or in his absence, the Vice Chair.

As of February 10, 2009, no travel is planned for outside the geographic boundaries of the District.

**Staff Recommendation:**

No action is required.

**Presenter:** Lou Kavouras, Deputy Executive Director, Outreach, Planning & Board Services
Consent Agenda  
February 22, 2010

Finance and Administration Committee

Budget Transfer Report

Purpose
Request approval of the Budget Transfer Report covering all budget transfers made during the month of January 2010.

Background
In accordance with Board Policy No. 130-8, all transfers approved by the Basins, Executive Director and Finance Director under delegated authority are regularly presented to the Finance and Administration Committee for approval on the Consent Agenda at the next scheduled meeting. The exhibit for this item reflects all such transfers executed since the date of the last report for the Committee's approval.

Staff Recommendation: See Exhibit

Approve the Budget Transfer Report covering all budget transfers for January 2010.

Presenter: Linda R. Pilcher, Assistant Director, Finance Department
### Executive Director Approved

#### General Fund:

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**Total Executive Director Approved** $9,500

**Total Finance Director Approved** $26,342

Total Transfers for Governing Board Approval $35,842

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This report identifies transfers made during the month that did not require advance Governing Board approval. These transfers have been approved by either the Basin Boards, Executive Director, or Finance Director consistent with Board Policy 130-8, and are presented for Governing Board approval on the consent agenda. All Basin transfers are made based on Basin Board authority and are presented to the Governing Board via this report for ratification or approval. Executive Director approved transfers are for a purpose other than the original budget intent, but are limited to individual transfer amounts of $50,000 or less. Finance Director approved transfers are accounting type transfers with no change to the original budget intent.
General Counsel's Report

Approve Joint Amended Deed of Conservation Easement and Agreement for the Upper Coastal Mitigation Bank

The District previously authorized the establishment of the Upper Coastal Mitigation Bank through Environmental Resource Permit No. 43031543.001 issued to Upper Coastal Basin Partners, LLC (LLC). In order to provide mitigation credits for use in the District's Environmental Resource Permitting Program and the federal Dredge and Fill Permitting Program, the mitigation bank must be approved by both the District and the United States Army Corps of Engineers (USACOE). As required by the District's mitigation banking rules, the LLC conveyed a perpetual conservation easement to the District, which was recorded in Citrus County on July 27, 2007. At the time, the LLC recorded the easement to the District, the mitigation bank was still under review by USACOE. The USACOE has now completed its review and authorized establishment of the mitigation bank through the issuance of a USACOE permit and mitigation banking instrument. Part of the approval requires that the USACOE be afforded certain rights pursuant to the terms of the conservation easement, principally third party enforcement rights and the right to comment on any proposed modification of the easement. To provide the USACOE these rights requires that the conservation easement previously conveyed to the District be amended. District staff has reviewed the documentation provided and the amended conservation easement and recommends its approval and acceptance.

Staff Recommendation: See Exhibit

Approve and accept the Joint Amended Deed of Conservation Easement and Agreement for the Peace River Upper Coastal Mitigation Bank.

Presenter: Karen E. West, Deputy General Counsel
JOINT AMENDED DEED OF CONSERVATION EASEMENT AND AGREEMENT

THIS AMENDED DEED OF CONSERVATION EASEMENT ("Amendment") is made this ______ day of ________________ 2010, by and between UPPER COASTAL BASIN PARTNERS, LLC, a Florida limited liability company having an address of 2579 North Toledo Blade Boulevard, North Port, Florida 34289 ("Grantor") and THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT having an address of 2379 Broad Street, Brooksville, Florida 34604-6899 ("Grantee"), their successors and assigns, with third party enforcement rights in favor of the U. S. Army Corps of Engineers ("Corps").

WITNESSETH

WHEREAS, Grantor is the fee simple owner of certain real property in Citrus County, Florida, more specifically described in Paragraph 2 of this easement (the "Property"); and,

WHEREAS, pursuant to Environmental Resource Permit No. 43031543.001 issued by the Grantee to Upper Coastal Basin Partners, LLC, a Florida limited liability company, (herein “District Permit”), the Grantor established the Upper Coastal Mitigation Bank on the Property whereby Grantor is to undertake and perform certain wetland systems restoration, protection, or enhancement related improvements on the Property for the purpose of providing permanent compensation for wetland losses, preventing degradation or adverse impacts to wetlands as the result of development, prohibiting certain further development activity on the Property, as well as the right to assignment of any mitigation credits issued by the Grantee with all consequential rights and uses of such state mitigation credits all as described in the District Permit ("Mitigation Bank"); and

WHEREAS, pursuant to Permit No. SAJ-2006-7511-MLH issued by the Corps to the Grantor (herein “Corps Permit”), together with its attached Mitigation Bank Instrument (“MBI”), and pursuant to the terms of this Amendment together with its attached Upper Coastal Mitigation Bank Long-term Management and Monitoring Plan (“Plan”), the Grantor established the Mitigation Bank with all consequential rights and uses of such federal mitigation credits all as authorized by the Corps Permit; and

WHEREAS, Grantor agreed to implement upon the Plan that has been accepted and approved by District and by the Corps;
WHEREAS, in consideration of the issuance of the District Permit, Upper Coastal Basin Partners, LLC, a Florida limited liability company, granted to Grantee and Grantee accepted a perpetual Conservation Easement, as defined in Section 704.06, Florida Statutes, as amended, over the Property which Conservation Easement was dated the 25th day of July, 2007 and was filed on the 27th day of July, 2007 at Official Records Book 2147, Page 959 of the Public Records of Citrus County, Florida (herein “Conservation Easement”); and

WHEREAS, in consideration of the issuance of the Corps Permit, Grantor and Grantee agreed to enter into this Amendment of the Conservation Easement.

NOW, THEREFORE, in further consideration of the issuance of the District Permit and in consideration of the issuance of the Corps Permit (District Permit and Corps Permit sometimes hereinafter collectively referred to as “Permits”) to construct and operate the Mitigation Bank, Grantor and Grantee hereby amend the Conservation Easement by deleting in toto Paragraphs numbered 1 through 15 and replacing said language with the language set forth hereinbelow.

1. **RECITALS.** The recitals set forth in the Conservation Easement and hereinabove set forth in this Amendment to the Conservation Easement are hereby incorporated into and made a part of this Amendment of the Conservation Easement.

2. **PROPERTY.** The property that is the subject of this Easement is described in Exhibit “A” attached hereto and incorporated by this reference. Grantor covenants that Grantor is lawfully seized of said Property in fee simple; that the Property is free and clear of all encumbrances that are inconsistent with the terms of this Conservation Easement, as amended, and that no mortgages or other liens exist that have not been subordinated to this Conservation Easement, as amended; that Grantor has good right and lawful authority to convey this Conservation Easement, as amended, and that it hereby fully warrants and defends the title to the Conservation Easement, as amended, against the lawful claims of all persons whomsoever.

3. **PURPOSE.** The purpose of this easement is to assure that the Property will be retained forever in its existing natural condition as preserved or restored through the activities authorized in the Permits, through the conservation of the value, character, ecological integrity and hydrological integrity of the Property, the conservation and protection of the animal and plant populations on the Property, and the prevention of any use of the Property that impairs or interferes with the environmental value of the Property.

4. **PROHIBITED USES.** Except for (i) rights reserved in Paragraph 5 and (ii) activities in accordance with the Plan and the Permits, any activity on or use of the Property inconsistent with the purpose of the Conservation Easement, as amended, is prohibited. A copy of the Plan is attached hereto as Exhibit “B” and incorporated herein by this reference. Without limiting the generality of the foregoing, the following activities and uses are expressly prohibited (the “Prohibited Uses”):
(a) Construction or placing of buildings, roads, billboards, signs or other advertising, utilities or other structures on or above the ground, except that Grantor shall have the right and the obligation to perform construction obligations in accordance with the Permits or the Plan;

(b) Dumping or placing of soil, trash, solid or liquid waste (including sludge), or unsightly, offensive, or hazardous materials, wastes or substances, toxic wastes or substances, pollutants or contaminants, including but not limited to those as defined by the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901-6992, as may be amended from time to time, or the Comprehensive Environmental Response Compensation and Liability Act, 42 U.S.C. Section 6901-6992, as may be amended from time to time, and as amended by the Superfund Amendments and Reauthorization Act of 1986, as may be amended from time to time, or any Florida Statute now existing or hereafter enacted defining hazardous materials, wastes or substances, toxic wastes or substances, pollutants or contaminants;

(c) Removal or destruction of trees, shrubs or other vegetation except (i) as may be authorized by the District Permit and the Plan, and (ii) without limitation the eradication of non-native plants in accordance with the terms of the Plan;

(d) Planting of nuisance, exotic, or non-native plants as listed by the Exotic Pest Plant Council or specifically identified in the Plan. Any occurrence of nuisance, exotic or non-native plants shall be managed and controlled in accordance with the conditions of the Permits and the Plan;

(e) Application of pesticides or herbicides except in accordance with the Plan or the District Permit;

(f) Application of fertilizers except in accordance with the Plan or the District Permit;

(g) Livestock uses such as grazing, feeding and penning;

(h) Exploration for or extraction of oil or gas, mining, excavation, dredging, or removal of sand, loam, peat, gravel, rock, soil or other materials, except in accordance with the Plan or the District Permit;

(i) Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation or fish and wildlife habitat preservation except in accordance with the Plan or the Permits;

(j) Activities with adverse impacts to threatened or endangered species except in accordance with the Plan or the Permits;

(k) Surface use, except (i) for purposes that allow the land or water area to remain predominantly in its natural condition or (ii) in accordance with the Plan or Permits;
(l) Acts or uses detrimental to the preservation of the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or cultural significance except in accordance with the Plan or the Permits.

(m) Commercial recreational activities including but not limited to commercial hunting, fishing, and camping.

5. RESERVED RIGHTS.

(a) The Grantor reserves for itself and its successors and assigns, all rights accruing from its ownership of the Property, including the right to engage in or allow or invite others to engage in all uses of the Property that are not expressly prohibited herein or are not inconsistent with the purpose of the Conservation Easement, as amended. Without limiting the generality of the foregoing, the Grantor expressly reserves for itself and its successors and assigns, and its invitees the exclusive right to hunt, fish, hike, camp, and similar recreational activities on the Property as authorized in the Plan. Hunter density will be limited to one (1) hunter per forty (40) acres per day.

(b) The Grantor and its successors and assigns shall have the right to sell or mortgage the Property, provided that the Property is not divided. Grantor shall insert the terms and restrictions of this Conservation Easement, as amended, in any subsequent deed or other legal instrument by which Grantor divests itself of any interest in the Property; provide a photocopy of the recorded Conservation Easement, as amended, to the new owner; and provide the Grantee and the Corps with a recorded copy of the transfer instrument, together with the requisite notice of permit transfer. Any such interest granted subsequent to the Conservation Easement, as amended, shall be subordinated to same.

6. TAXES. Grantor shall pay, before delinquency, all taxes, assessments, fees and charges, of whatever description, levied upon or assessed against the Property by competent authority, including any taxes imposed upon, or incurred as a result of this Easement, and shall furnish Grantee with satisfactory evidence of payment by June 1st of the succeeding year after the taxes are due.

7. PUBLIC ACCESS. The Grantee shall not have the right to allow the general public or any other party (except as provided in paragraph 8 of this document) on the Property at any time; subject to paragraphs 3 and 4 above, such right is retained by Grantor.

8. RIGHTS OF GRANTEE AND THE CORPS. To accomplish the purposes stated herein, Grantor conveys the following rights to Grantee and the Corps:

a. The right to take action to preserve and protect the environmental value of the Property subject to and in accordance with their respective Permits and the Plan.

b. To enter upon and inspect the Property in a reasonable manner and at reasonable times to determine if Grantor or its successors, assigns, or agents are complying
with the covenants and prohibitions contained in the Conservation Easement, as amended.

c. To proceed at law or in equity to enforce the provisions of the Conservation Easement, as amended, and the covenants set forth herein, to prevent the occurrence of any of the prohibited activities set forth herein, and to require the restoration of areas or features of the Property that may be damaged by Prohibited Uses.

9. **ENFORCEMENT.** The Corps shall have third party enforcement rights of the terms, provisions, and restrictions of this Easement, as amended. Either the Corps or the Grantee may enforce the terms of this Easement at their discretion, but if the Grantor breaches any term of this Easement, either the Corp’s or the Grantee’s forbearance shall not be construed to be a waiver of either of such term, or of any subsequent breach of the same, or any other term of this Easement, as amended. No delay or omission by either the Corps or the Grantee in the exercise of any right or remedy upon any breach by Grantor shall impair such right or remedy or be construed as a waiver. Neither the Corps nor the Grantee shall be obligated to Grantor, or to any other person or entity, to enforce the provisions of this Easement, as amended.

10. **ENFORCEMENT PROCEDURE.** In the event of violation of the terms and conditions hereof, the Grantor, Grantee or the Corps shall give written notice to the others, and the alleged violator shall have the right to cease or to cure the violation without penalty. If the party in violation does not cease or cure the violation within sixty (60) days after receipt of written notice, the terms and conditions hereof may be enforced by the Grantor or by the Grantee or the Corps by suit for injunctive relief or for other appropriate remedy in equity or at law. Venue for such suit shall be in Citrus County, Florida, unless agreed otherwise by the parties. However, in the event the Corps takes enforcement action, venue shall be in a state or federal court of competent jurisdiction. In the event of such suit, the prevailing party shall be entitled to recover its reasonable attorney’s fees and costs of suit, including on appeal, except that such costs shall not be recoverable against the Corps. These remedies are in addition to any other remedy, fine, or penalty that may be applicable under Chapters 373 and 403, Florida Statutes, or federal law. This provision does not constitute a waiver of the Grantee’s or Corps’ sovereign immunity or extend the Grantee’s liability beyond the limits established in Section 768.28, F.S.

11. **ACTS BEYOND THE CONTROL OF GRANTOR.** Nothing in this Easement shall be construed to entitle Grantee or the Corps to bring an action against Grantor for any injury to or change in the Property resulting from natural causes beyond the control of Grantor, including, without limitation, fire, flood, storm and earth movement, or from any action taken by Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Property resulting from such causes, or from any action required by the Permits or the Plan.

12. **TRANSFER OF GRANTEE’S INTEREST.** Grantee’s interest in the Conservation Easement, as amended, is transferable, but Grantee may transfer its interests, rights and obligations under the Conservation Easement, as amended, only to an organization that is a
qualified organization at the time of transfer under Section 170(h) of the Internal Revenue Code of 1954, as amended (or any successor provision then applicable), and the applicable regulations promulgated thereunder, and authorized to acquire and hold environmental easements under the statutes of the State of Florida (or any successor provision then applicable) including Section 704.05, Florida Statutes. As a condition of such transfer, Grantee shall require that the environmental purposes that this Easement is intended to advance continue to be carried out. The assignment instrument must be recorded and indexed in the same manner as any other instrument affecting title to real property, and a copy of the recorded assignment instrument must be furnished to the Corps.

13. **SUCCESSORS.** The covenants, terms, conditions, and restrictions of this Conservation Easement, as amended, shall be binding upon and inure to the benefit of the parties hereto and their respective personal representatives, heirs, successors, and assigns and shall continue as a servitude running in perpetuity with the Property.

14. **LIABILITY.** Grantor shall be responsible for any costs or liabilities related to the operation, upkeep, and/or maintenance of the Property consistent with the purpose of this Conservation Easement, as amended. Grantor agrees to indemnify and hold harmless the Grantee and the Corps from all claims, loss, damage and expense from any injury or damage to the person or property of third parties that may occur on the Property arising from Grantor’s ownership of the Property. Neither Grantor, nor any person or entity claiming by or through Grantor, shall hold Grantee or the Corps liable for any damage or injury to the persons or personal property which may occur on the Property. Notwithstanding the forgoing provisions of this Paragraph 13, Grantee agrees to indemnify and hold harmless the Grantor, to the extent allowed under Section 768.28, F.S., from all claims, loss, damage and expense arising from the negligent acts or omissions of the Grantee’s officers, employees, contractors and agents related to Grantee’s activities on the Property pursuant to this Conservation Easement, as amended. This provision does not constitute a waiver of the Grantee’s sovereign immunity under Section 768.28, F.S. or extend the Grantee’s liability beyond the limits established in Section 768.28, F.S.

15. **MODIFICATION.** The terms and conditions hereof may be modified or amended only by mutual agreement in writing by the Grantor and the Grantee which shall be filed in the public records of Citrus County, Florida. The terms and conditions of the Plan may be modified or amended by mutual agreement in writing by the Grantor, Grantee and the Corps without the necessity of amending the Conservation Easement. Notwithstanding anything herein stated, the Corps shall have the right to make comments to any proposed modification, alteration, release, or revocation (“Modification”) of the easement in the manner hereinafter set forth:

a. the Corps shall be notified by the Grantee or Grantor at least sixty (60) calendar days prior to any Modification of the Easement with such notification to include a description of the Modification contemplated and the reasons for such Modification;

b. the Corps shall have sixty (60) calendar days from such notification to object or comment in writing to the Grantee or Grantor regarding the contemplated Modification,
including but not limited to whether or not the proposed Modification, if implemented, will be in violation of the conditions of the Corps' permit;

c. the Grantee and the Grantor shall consider such written comments in their entirety in determining the final terms and conditions of the Modification; and

d. The Corps shall be notified of the final terms and conditions of the Modification within five (5) business days following the Modification.

16. RECORDATION. Grantor shall record this Amendment of the Conservation Easement in timely fashion in the Official Records of Citrus County, Florida, and shall rerecord it at any time Grantee may require to preserve its rights. Grantor shall pay all recording costs and taxes necessary to record this Amendment to the Conservation Easement in the public records. Grantor will hold Grantee and the Corps harmless from any recording costs or taxes necessary to record this Amendment to the Conservation Easement in the public records.

17. NOTICES: All notices, consents approvals, or other communications hereunder shall be in writing and shall be deemed properly given if sent by United States certified mail, return receipt requested, addressed to the appropriate party or successor-in-interest.

18. SEVERABILITY: If any provision of this Conservation Easement, as amended, or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of this Conservation Easement, as amended, shall not be affected thereby, as long as the purpose of the Conservation Easement is preserved.

19. CONTROLLING LAW: The interpretation and performance of this Conservation Easement, as amended shall be governed by the laws of the State of Florida.

TO HAVE AND TO HOLD unto Grantee forever. The covenants, terms, conditions, restrictions and purpose imposed with this Conservation Easement, as amended, shall be binding upon Grantor, and shall continue as a servitude running in perpetuity with the Property.

IN WITNESS WHEREOF, the Grantor and Grantee have executed this Joint Amended Deed of Conservation Easement and Agreement as of the day and year first above written.
Witnesses: KAREN F. BURNEST
First Witness

KAREN F. BURNEST
Printed/typed name

Second Witness

Wade Walkimyee
Printed/typed name

STATE OF FLORIDA
COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me this 8th day of
January, 2010 by Donald H. Ross as Chairman of EarthBalance Corporation,
a Florida Corporation, in behalf of said corporation as the Manager of UPPER COASTAL
BASIN PARTNERS, LLC, a Florida limited liability company, on behalf of said limited
liability company. He is personally known to me or has produced

signature

Name typed, printed or stamped

Commission Expiration
SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT

_____________________________
Todd Pressman, Chair

_____________________________
Hugh M. Gramling, Secretary

(SEAL)

DATE:______________________________

STATE OF FLORIDA
COUNTY OF ________________________

On this _________ day of February, 2010, before me, the undersigned notary public, personally appeared Todd Pressman and Hugh M. Gramling, personally known to me to be the persons who subscribed to the foregoing instrument, as the Chair and Secretary, respectively, of the Governing Board of the Southwest Florida Water Management District, a water management district created pursuant to Florida Statute 373.069, and acknowledged that they executed the same on behalf of said Governing Board and that they were duly authorized to do so.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

NOTARY PUBLIC, STATE OF FLORIDA

____________________________________________
Print Name:

My Commission Expires:
EXHIBIT A
LEGAL DESCRIPTION
EXHIBIT A

All that part of Lots or Blocks 33, 34, 35, 36 of Homosassa Company's Subdivision of Section 28, Township 19 South, Range 17 East, according to the map or plat thereof recorded in Plat Book 1, Page 4, Public Records of Citrus County, Florida, that lies south of the right-of-way of an existing graded county road; and,

All of Lots or Blocks 45, 46, 47, 48, 49, 50, 51, 52, 61, 62 and 63 of said subdivision of Section 28, Township 19 South, Range 17 East; and,

All that part of Lot or Block 64 of said subdivision of Section 28, Township 19 South, Range 17 East, that lies north of the right-of-way of State Road No. S-490; and,

All that part of Lots or Blocks 1, 2, 3, 4 and 13 of Homosassa Company's Subdivision of Section 33, Township 19 South, Range 17 East, according to the map or plat thereof as recorded in Plat Book 1, Page 4, Public Records of Citrus County, Florida, that lies north of the right-of-way of State Road No. S-490.

LESS AND EXCEPT THE FOLLOWING:

Begin at the intersection of the southerly right-of-way of a 50-foot wide county road and the west line of the Southeast 1/4 of Section 28, Township 19 South, Range 17 East, thence South 0°06'58" West along said west line of the Southeast 1/4 a distance of 513.38 feet, thence South 89°53'02" East 1228.00 feet, thence North 0°06'58" East 531.34 feet to a point on the southerly right-of-way line of said county road, thence along said right-of-way line of said county road, thence along said right-of-way line the following courses and distances: North 73°47'30" West 131.48 feet, thence South 82°03'10" West 391.87 feet, thence North 80°55'20" West 259.82 feet, thence South 79°08'30" West 251.56 feet, thence North 87°42'30" West 210.21 feet to the point of beginning; and,

LESS that portion of Lot or Block 4 and 13, Homosassa Company's Subdivision of Section 33, Township 19 South, Range 17 East, according to the map or plat thereof as recorded in Plat Book 1, Page 4, of the Public Records of Citrus County, Florida, lying north of State Road No. 490. Except the North 67.95 feet of Lot or Block 4.
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UPPER COASTAL MITIGATION BANK
LONG-TERM MANAGEMENT AND MONITORING PLAN

1.0 INTRODUCTION

The Upper Coastal Mitigation Bank (UCMB) is a 148.76-acre parcel located in Homosassa Springs in Sections 28 and 33, Township 19S, Range 17E, in Citrus County, Florida. A street location map is provided as Figure 1, a U.S.G.S. quadrangle map is provided as Figure 2. The site is situated at the headwaters of the Homosassa River approximately 600 feet south of the Homosassa Springs Wildlife State Park and approximately 1,700 feet north of the Withlacoochee State Forest. With the exception of excessive vine coverage and scattered occurrences of exotic and horticultural species, the vegetative communities on site are in mature, stable condition. Upon completion of initial enhancement activities including undesirable species removal, upland brush reduction, and installation of strategic perimeter fencing and signage, this long-term management plan will be implemented.

This Long-Term Management and Monitoring Plan is intended to comply with the Specific Conditions of the Southwest Florida Water Management District (SWFWMD) permit and U.S. Army Corps of Engineers (COE) Mitigation Banking Instrument for the UCMB. The management plan addresses exotic and nuisance plant and animal species control, brush management, control of access, and long-term monitoring.

2.0 GENERAL SITE CONDITIONS

2.1 REGIONAL WATERSHED - MITIGATION SERVICE AREA

The project is located within the Upper Coastal drainage basin. A mitigation service area map showing the mitigation bank in relation to the regional watershed is provided as Figure 3.

2.2 VICINITY MAP

Figure 4 shows surrounding future land uses relevant to the management of the UCMB. The site is bounded primarily by hardwood swamp and low-density residential development.

2.3 AERIAL PHOTOGRAPHY

A recent true-color aerial photograph of the site showing the project boundaries is provided as Figure 5.

2.4 HIGHWAY MAP

Figure 1 shows the location of the mitigation bank and adjacent roads that provide access to the UCMB for site inspection.
2.5 LEGAL DESCRIPTION

The UCMB legal description is provided on the boundary survey prepared by Nature Coast Land Surveying, Inc., on July 28, 2006 under Job No. 61457. The boundary survey was included as Appendix B of the ERP application and was recorded as Exhibit A of the Conservation Easement.

2.6 CURRENT SITE CONDITIONS - SOILS

Figure 6 (Appendix A) depicts the on-site soils, based on the Soil Survey of Citrus County, Florida.

2.7 TOPOGRAPHY AND HYDROLOGIC FEATURES

The topography and the hydrologic features of the mitigation bank and adjacent hydrologic contributing and receiving areas are shown on a USGS quadrangle map attached as Figure 2 (Appendix A).

2.8 VEGETATION

Figure 7 provides a map of the vegetative cover types within the UCMB.

The UCMB site consists of 148.76 acres in Citrus County. A vegetative survey of the parcel was conducted to identify upland and wetland limits and vegetative cover types, using the Department of Transportation Florida Land Use, Cover, and Forms Classification System (FLUCCS), Level III (DOT 1985). The 148.76-acre site consists of 60.78 acres of uplands and 87.98 acres of wetlands. The boundaries of each habitat are shown on Figure 7. A general description of each upland and wetland FLUCCS habitat is provided below.

**Mixed Hardwood Swamp (FLUCCS 617)**

This habitat is best described as forested hardwood swamp with varied topography that creates a variety of microhabitats including shallow floodplain habitat and numerous deeper pools. The canopy is very diverse and includes species such as American elm (*Ulmus americana*), pignut hickory (*Carya glabra*), red mulberry (*Morus rubra*), sweet bay (*Magnolia virginiana*), red maple (*Acer rubrum*), popash (*Fraxinus caroliniana*), sweet gum (*Liquidambar styraciflua*), black gum (*Nyssa sylvatica*), water oak (*Quercus nigra*), laurel oak (*Quercus laurifolia*), and cabbage palm (*Sabal palmetto*). Occasional live oak (*Quercus virginiana*) and slash pine (*Pinus elliottii*) occur along the edge of the swamp. The subcanopy contains numerous seedlings of the species listed above as well as wax myrtle (*Myrica cerifera*) and scattered saw palmetto (*Serenoa repens*). Groundcover is generally sparse and contains cinnamon fern (*Osmunda cinnamomea*), royal fern (*Osmunda regalis*), chain fern (*Woodwardia spp.*), and crinum lily (*Crinum americanum*). There is excessive vine coverage (*Vitis, Smilax*) particularly along the edge of the habitat and where trees have blown down. Exotic house plants and air potato (*Dioscorea bulbifera*) have invaded the...
edge of the habitat as well. Soils in this habitat range from slightly organic sandy soils to deep muck.

Non-Forest Wetland (FLUCCS 640)
A small portion of the uplands in the southeast corner of the site has been excavated, resulting in the creation of an herbaceous/shrubby marsh dominated by duck potato (Sagittaria latifolia) and sawgrass (Cladium jamaicense). There are several immature red maple (Acer rubrum) and Carolina willow (Salix caroliniana), but not enough to meet forested canopy requirements. Inappropriate species such as cattails (Typha sp.), torpedo grass (Panicum repens), primrose willow (Ludwigia peruviana), and vines are present at moderate levels. Soils have developed a very organic surface in this habitat.

Spring Run (FLUCCS 510)
The spring run system is comprised of two open water pools connected by a 600-foot long shallow spring run that is dominated by eel grass (Vallisneria americana). Ferns such as swamp fern (Blechnum serrulatum) and leather fern (Acrostichum danaeifolium) are common along the edges, while sawgrass and crinum lily are common in clumps throughout the shallow run. Soils in the spring system range from rock, to white sands to deep silts.

Mixed Hardwood Upland (FLUCCS 438)
This habitat is comprised of a mix of upland and transitional hardwood species including red cedar (Juniperus virginiana), magnolia (Magnolia grandiflora), cabbage palm, sweet gum, various oak species, and occasional slash pine. The understory is comprised of a mix of immature cabbage palm, wax myrtle, viburnum (Viburnum sp.), beautyberry (Callicarpa americana), coontie (Zamia pumila), Virginia chain fern (Woodwardia virginica), and occasional saw palmetto. Limestone is present at and above the surface where rocks that vary from 6 inches to up to 3 feet in diameter are common. Soil, where present, is very light gray sand, indicating that water percolates rapidly through this habitat.

Hardwood-Conifer Mixed (FLUCCS 434)
This upland habitat is dominated by a mix of slash pine and live oak, with occasional occurrences of the transitional species listed above such as cabbage palm, cedar, and magnolia. A grove of approximately 10 very large slash pines (30-inch dbh) is present in the central portion of the site. In many areas, a xeric subcanopy of coastal plain staggerbush (Lyonia fruticosa), myrtle oak (Quercus myrtifolia), and sand live oak (Quercus geminata) is present. The understory is dominated by dense saw palmetto, while subdominant coverage is provided by fetterbush (Lyonia lucida), wax myrtle, and tailed bracken fern (Pteridium aquilinum var. pseudocaudatum). Though this habitat was not historically subject to frequent natural fire, it has become overgrown with monocultures of saw palmetto and shrubs. Soils in this habitat are generally well drained sands that were observed to be used by gopher tortoises.
3.0 PROPOSED BANK CONDITIONS

3.1 LONG-TERM MANAGEMENT PLAN

Operation and maintenance of the mitigation bank will be the responsibility of Citrus Investments, LLC. Initial projected annualized long-term costs associated with management of the UCMB site are provided below in Table 1. Cost estimate updates will be provided for District review every two years.

<table>
<thead>
<tr>
<th>Assessment Area</th>
<th>Assessment Area (Acres)</th>
<th>Activity</th>
<th>Performance/Replacement Cost</th>
<th>Annualized Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 - Mixed Hardwood Swamp</td>
<td>74.21</td>
<td>Herbicide invasive exotic/nuisance vegetation</td>
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<td>$2,523</td>
</tr>
<tr>
<td>2 - Non-Forest Wetland</td>
<td>2.68</td>
<td>Herbicide invasive exotic/nuisance vegetation</td>
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<td>$91</td>
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<td>3 - Spring Run</td>
<td>1.71</td>
<td>Herbicide invasive exotic/nuisance vegetation</td>
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<td>$58</td>
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<td>4 - Mixed Hardwood Upland</td>
<td>36.52</td>
<td>Herbicide invasive exotic/nuisance vegetation</td>
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<td>$1,242</td>
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<td>5 - Hardwood-Conifer Mixed</td>
<td>24.26</td>
<td>Herbicide invasive exotic/nuisance vegetation</td>
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<td>Brush Management (1/2 area every 10 Years)</td>
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<td>$400</td>
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<td>6 - Hardwood Swamp Edge</td>
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<td>$319</td>
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<td>All</td>
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<td>Repair Fencing</td>
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<tr>
<td>All</td>
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<td>Repair Signage</td>
<td>$640 @ 10 Years</td>
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<tr>
<td>All</td>
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<td>Annual monitoring &amp; reporting</td>
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<td>$1,360</td>
</tr>
</tbody>
</table>

Total Annualized Long Term Management Cost $7,195

Herbicide Treatment estimated at 2 events per year @ $2,520/event = $5,040/148.76 Acres = $34/ac/yr
Upland Hydro-axing (1/2 of AA5 every 10 years) = 24.26 acres X .5 = 12.13 ac. 2 days @ $2,000/day = $4,000/10 years = $400/yr
Fence repair estimate assumes replacement of 25% of fence replaced every 5 years = 1,250' x $1.25 industry standard = $1,563/5 yr = $313/yr
Sign repair estimate assumes replacement of signs every 10 years. 16 signs x $40 = 640/10 yr = $64/yr
Monitoring estimate assumes biologist @ $85/hr x 24 hours annually = $2,040/yr
Management Trust Fund Required = $7,195/6% = $119,917
3.2 EXOTIC AND NUISANCE SPECIES CONTROL

3.2.1 Plants
Exotic and nuisance plant species can degrade the functional value of wetland and upland ecosystems. The following long-term management program will be implemented to ensure the control of nuisance and exotic plant species within the project area after the bank has met its success criteria and all credits have been released.

The bulk of the site is not fire-dependant, therefore occasional herbicide treatment is expected to be the primary management tool to limit invasion by inappropriate species, particularly along the boundary of the site. Nuisance and exotic species observed to date include: primrose willow, cattail, cagon grass, Caesar's weed, and torpedo grass. Horticultural species have been identified on the northern edge of the bank and will be removed as well. Nuisance and exotic species targeted for removal will follow the 2005 Florida Exotic Pest Plant Council list (FLEPPC. 2005. List of Florida's Invasive Species. Florida Exotic Pest Plant Council. Internet: http://www.fleppc.org/05list.htm).

- Maintenance inspections will occur semi annually at a minimum. A maintenance event will follow each inspection event (if needed).

- Nuisance species will be removed to less than 5% cover (of which exotic invasive species shall constitute less than 1% cover) during each maintenance event.

Chemical treatment within wetlands will be limited to the use of a systemic herbicide such as Rodeo®, which is labeled for aquatic application, has a very low mobility (Koc range of 3,800 to 60,000 ml/g), and has an extremely low potential for occurrence in surface waters. Application methods will be limited to wicking and spot spraying. A similar glyphosate herbicide will be used in uplands on site as necessary.

3.2.2 Animals
The primary focus of exotic and nuisance animal control will be to limit the presence of feral pigs within the project area. While it does not appear that feral pigs are currently using the site, this wide-ranging pest will be removed on a regular basis by hunting or trapping if it is observed in significant numbers.

3.3 FIRE MANAGEMENT

As the site is dominated by native hardwood habitat, only the Hardwood-Conifer Mixed habitat, which is dominated by a saw palmetto understory and other xeric species, appears to be fire-dependant. However, it is anticipated that the use of prescribed fire will not be feasible due to nearby development. Also, based on the configuration of the upland habitats, it would be easier to achieve desirable “patchy” conditions with mechanical techniques than with fire, which would require multiple disruptive fire breaks. Periodic shrub reduction by mechanical means such as hydro-axing will be conducted from fall to late winter to avoid
disrupting ground or near-ground nesting birds and small mammals. This habitat is fairly isolated within a broad hardwood swamp system, and likely was only burned by natural fires sporadically. Therefore, to mimic sporadic fires and to maximize saw palmetto fruit production (preferred Florida black bear food source), bear denning opportunities, and healthy habitat for other wetland dependant species, shrub reduction will be conducted on a 10-year cycle.

Figure 8 (Appendix A) illustrates the management plan for the UCMB, and shows the saw palmetto dominated habitats that are targeted for periodic brush thinning. To ensure habitat heterogeneity, targeted areas will be selectively treated, meaning approximately half of the saw palmetto habitat will be hydro-axed every 10 years.

Forested wetlands and hardwood uplands are not fire dependant and will not be subjected to shrub reduction.

3.4 CONTROL OF ACCESS

With the exception of the owner and his guests, access to the project area will be restricted to necessary management, maintenance, monitoring, and operation personnel. The site will be fenced along roadways as shown on Figure 8 to prevent vehicular access and to discourage trespass. Signage will also be posted along the fenced boundaries at intervals of 400 feet to clearly identify the boundaries of the UCMB.

Controlling access to the project site will be the responsibility of the land owner. Access by the owner, his employees, his agents, and his guests for the purposes of conducting permitted land management activities or recreational uses of the site outlined below will not be restricted. However, such use shall not result in an adverse effect on the ecological value of the UCMB.

3.4.1 Hunting and Fishing
Hunting and fishing on the site will be restricted to non-commercial use by the owner and his guests. All hunting and fishing activity will be in accordance with Title 39 (Florida Wildlife Code), Florida Administrative Code.

Permanent wildlife attractors (feeding apparatus) will not be utilized on the site. The shooting or trapping of feral hogs on the site will be encouraged and conducted as needed to prevent significant degradation of the function and value of the mitigation bank.

3.4.2 Camping
Camping and hiking on the site will be restricted to non-commercial use by the owner and his guests. Permanent campsites will not be established, and there will be no permanent structures. Camping will be limited to upland portions of the site that are suitable for such purposes, and such use will not result in an adverse effect on the ecological value of the mitigation bank.
4.0 LONG-TERM MONITORING PROGRAM

Once the UCMB is established and initial restoration activities (nuisance/exotic plant removal and initial shrub reduction), the long-term management and monitoring plan will be implemented to ensure the long-term ecological health of the bank.

Site inspections will occur semiannually, and summary reports compiled annually. The mitigation bank will be traversed by pedestrian transects to determine if undesirable species are present. Pedestrian transects will meander through all habitat types present. If undesirable species are observed within any particular vegetative community, the extent of the exotic infestation will be determined and corrective actions will be immediately implemented.

The boundary fencing and signs will be inspected during each monitoring event, and any deficiencies will be corrected.

The SWFWMD and COE will be provided with a copy of the annual monitoring report detailing the results of the semi-annual site visits. The report will include:

- The results of the pedestrian transect observations.
- An analysis of the shrub management program to include the current condition of representative vegetative communities, and a description of management activities that were conducted during the previous year.
- A description of wildlife utilization observed during the monitoring event
- An analysis of any problems encountered and solutions undertaken.
- Presence and percent coverage of nuisance exotic species determined by a qualified environmental scientist.

After each annual report has been submitted to the agencies, the agencies may request a meeting with the landowner, land manager, and monitoring agent to discuss the report.
FIGURE 1
PROJECT LOCATION MAP
FIGURE 2
USGS QUAD MAP
This bank is not appropriate for use as compensatory mitigation for the following:

- impacts to estuarine or saltwater habitats
- impacts outside of the service area with the possible exception of linear project impacts when a portion of those impacts are within the service area.

Although an impact may occur within the service area, this bank may not be appropriate for use as compensatory mitigation for the following:

- impacts to critical habitat of Federally listed species where that habitat is not found on the bank site
- impacts to habitats entirely unlike those that exist on the bank site
- impacts that the Corps project manager determines the bank would not be capable of offsetting due to particular aquatic functions eliminated by an impact
- impacts to Essential Fish Habitat under the Magnuson-Stevens Fishery Conservation and Management Act

The bank is most appropriate for use as compensatory mitigation to offset those unavoidable and minimized impacts to freshwater forested and non-forested systems with habitats similar to those present on the bank site. Aquatic freshwater habitats present onsite include the following systems:

- Mixed Wetland Hardwoods
- Non-forested Wetland

**Legend**

- Upper Coastal Mitigation Bank
- UCMB Federal Service Area
- 12 Digit HUC Basins (NRCS)
- 8 Digit HUC Basin (NRCS)
FIGURE 4
SURROUNDING FUTURE LAND USE MAP
FIGURE 5
2004 TRUE-COLOR AERIAL PHOTOGRAPHY
FIGURE 6
SOILS MAP
FIGURE 7
HABITAT (FLUCCS) MAP
FIGURE 8
UCMB MANAGEMENT PLAN MAP
## Attachment A - UCMB Annualized Long Term Management Costs

<table>
<thead>
<tr>
<th>Assessment Area</th>
<th>Assessment Area (Acres)</th>
<th>Activity</th>
<th>Performance/Replacement Cost</th>
<th>Annualized Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 - Mixed Hardwood Swamp</td>
<td>74.21</td>
<td>Herbicide invasive exotic/nuisance vegetation</td>
<td>$2,523</td>
<td>$2,523</td>
</tr>
<tr>
<td>2 - Non-Forested Wetland</td>
<td>2.68</td>
<td>Herbicide invasive exotic/nuisance vegetation</td>
<td>$91</td>
<td>$91</td>
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<tr>
<td>3 - Spring Run</td>
<td>1.71</td>
<td>Herbicide invasive exotic/nuisance vegetation</td>
<td>$58</td>
<td>$58</td>
</tr>
<tr>
<td>4 - Mixed Hardwood Upland</td>
<td>36.52</td>
<td>Herbicide invasive exotic/nuisance vegetation</td>
<td>$1,242</td>
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<tr>
<td>5 - Hardwood-Center Mixed</td>
<td>24.26</td>
<td>Herbicide invasive exotic/nuisance vegetation</td>
<td>$825</td>
<td>$825</td>
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<tr>
<td></td>
<td></td>
<td>Brush Management (1/2 area every 10 Years)</td>
<td>$4,000</td>
<td>$400</td>
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<tr>
<td>6 - Hardwood Swamp Edge</td>
<td>9.38</td>
<td>Herbicide invasive exotic/nuisance vegetation</td>
<td>$319</td>
<td>$319</td>
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<tr>
<td>All</td>
<td></td>
<td>Repair Fencing</td>
<td>$1,563 @ 5 Years</td>
<td>$313</td>
</tr>
<tr>
<td>All</td>
<td></td>
<td>Repair Signage</td>
<td>$640 @ 10 Years</td>
<td>$64</td>
</tr>
<tr>
<td>All</td>
<td></td>
<td>Annual monitoring &amp; reporting</td>
<td>$1,360</td>
<td>$1,360</td>
</tr>
</tbody>
</table>

### Total Annualized Long Term Maintenance Cost

$7,195

Herbicide Treatment estimated at 2 events per year @ $2,520/event = $5,040/148.76 Acres = $34/ac/yr
Upland Hydro-axing (1/2 of AAS every 10 years) = 24.26 acres x .5 = 12.13 ac. 2 days @ $2,000/day = 4,000/10 years = $400/yr
Fence repair estimate assumes replacement of 25% of fence replaced every 5 years = 1.250' x $1.25 industry standard = $1,563/5 yr = $313/yr
Sign repair estimate assumes replacement of signs every 10 years. 16 signs x $40 = 640/10 yr = $64/yr
Monitoring estimate assumes biologist @$85/hr x 24 hours annually = $2,040/yr
Management Trust Fund Required = $7,195/6% = $119,917
Executive Director’s Report

**Approve January 26, 2010 Governing Board Minutes**

**Staff Recommendation:**

Approve the minutes as presented.

**Presenter:** David L. Moore, Executive Director
The Governing Board of the Southwest Florida Water Management District (SWFWMD) met for its regular meeting at 9:01 a.m. on January 26, 2010, at the District’s headquarters in Brooksville. The following persons were present:

Board Members Present
Todd Pressman, Chair
Ronald E. Oakley, Vice Chair
Hugh Gramling, Secretary
Sallie Parks, Treasurer
Bryan Beswick, Member
Jennifer E. Closshey, Member
Neil Combee, Member
Albert G. Joerger, Member
Maritza Rovira-Forino, Member
Douglas B. Tharp, Member
Judith C. Whitehead, Member

Board Member(s) Absent
Carlos Beruff, Member
H. Paul Senft, Member

A list of others present who signed the attendance roster is filed in the permanent files of the District. This meeting was available for viewing through internet streaming. Approved minutes from previous meetings can be found on the District’s Web site (www.WaterMatters.org).

Public Hearing

1. Call to Order
Chair Pressman called the meeting to order and opened the public hearing. Mr. Gramling noted a quorum was present.

2. Pledge of Allegiance and Invocation
Chair Pressman led the Pledge of Allegiance to the Flag of the United States of America. Mr. Bilenky offered the invocation.

Public Hearing
Chair Pressman introduced each member of the Governing Board. He noted that the Board’s meeting was recorded for broadcast on government access channels, and public input was only taken during the meeting onsite.

Chair Pressman stated that anyone wishing to address the Governing Board concerning any item listed on the agenda or any item that does not appear on the agenda should fill out and submit a speaker’s card. To assure that all participants have an opportunity to speak, a member of the public may submit a speaker’s card to comment on one agenda item only during today’s meeting. If additional time is needed or if the speaker wishes to address the Board on an issue not on today’s agenda, a speaker’s card may be submitted for comment at the end of
the meeting during "Public Input." Chair Pressman stated that comments would be limited to three minutes per speaker, and, when appropriate, exceptions to the three-minute limit may be granted by the Chair. He also requested that several individuals wishing to speak on the same issue/topic designate a spokesperson. (CD 1/Track 1 – 00:00/04:45)

3. **Additions/Deletions to Agenda**

   Mr. Moore said there were no additions or deletions. He noted that the following two items will be considered as noted below:

   **Public Hearing and Meeting**
   
   The following item was to be presented at a time certain of 1:00 p.m.:
   4. Employee Recognition

   **Executive Director's Report**
   
   The following item was moved from the Regulation Committee Discussion Items to the Executive Director's Report for discussion immediately following the Consent Agenda:
   35. Frost/Freeze Protection Status Report

   Chair Pressman said that, hearing no objection, he accepted the changes to the meeting agenda.

   Chair Pressman congratulated Ms. Parks for being recognized on January 7, 2010, as the week’s Governor’s Point of Light. He noted Governor Crist commended her generous efforts to make Pinellas County a better place to live, work and play, as well as her philanthropy and involvement in the community.

4. **Employee Recognition**

   This item was postponed to a time certain of 1:00 p.m.

5. **Public Input for Issues Not Listed on the Published Agenda**

   Mr. Ronald Hubbs, representing the Beacon Woods Civic Association as a member of the Board of Directors, said he is addressing the District's proposed public supply water conservation requirements (Rule 40D-002.091) under the Office of General Counsel (OGC 2007-047, Enhanced Water Conservation Requirements). He said some of the Board’s concerns were provided in a letter on November 13, 2009 during the comment period following issuance of the proposed rule. He said the Board’s concerns are related to its ability as a homeowners’ association to maintain registered deed restrictions and to ensure that the Board has means to enforce landscape maintenance requirements. Mr. Hubbs said the Board is in full support of the Florida-friendly landscape principles and their positive direct impact on water conservation issues. He said his Board finds that the proposed rule substantially hinders the Board’s enforcement ability and could have a negative effect on property values in Beacon Woods. Specifically, his Board has issues with Section 5F, Water Conservation and Irrigation Practices, and Mr. Hubbs provided comments on three of the four areas of concern and submitted a written summary for the record. (CD 1/Track 1 – 04:45/10:40)
Consent Agenda

Regulation Committee

6. Governing Board Concurrence with Executive Director's Issuance of Fourth Modification to Executive Director Order No. SWF 08-024 Regarding Use by Tampa Bay Water of the Alafia River Project
   Staff recommended to concur with issuance of the Fourth Modification to Executive Director Order SWF 08-024 for diversion from the Alafia River to be used in Tampa Bay Water's regional surface water treatment plant.

7. Approve Withdrawing Proposed Lower Alafia Recovery Strategy Rules
   Staff recommended to approve withdrawing proposed rule 40D-80.075, Recovery Strategy for the Lower Alafia River System, from rulemaking; completing rule adoption for 40D-8.041, Minimum Flows for the Lower Alafia River System; and including the Lower Alafia Recovery Strategy in the next update to the regional water supply plan.

8. Draft Florida Department of Transportation (FDOT) Mitigation Plan
   Staff recommended to approve the FDOT Mitigation Plan.

Resource Management Committee

   Staff recommended to approve amendment to 40D-9.170, F.A.C., and authorize staff to complete rulemaking.

10. Lake Hancock Conservation and Recreation Management Plan
    Staff recommended to approve the Lake Hancock Conservation and Recreation Management Plan.

11. Appraisals, Purchase/Sale Agreements and Resolution Requesting Funds – Annuteliga Hammock Project, SWF Parcel Nos. 15-228-1331 and 1332
    Staff recommended to (1) accept appraisals; (2) approve purchase/sale agreements; (3) approve resolution requesting funds in the amount of $60,520; and (4) designate SWF Parcel Nos. 15-228-1331 and 1332 as having been acquired for conservation purposes.

12. Appraisal and Purchase/Sale Agreement – Lake Hancock Project, SWF Parcel No. 20-503-205P
    Staff recommended to (1) accept the appraisal; and (2) approve the Purchase/Sale Agreement.

13. Approve Resolution No. 09-25 Requesting the Encumbrance of Fiscal Year 2010 Budgeted Funds from the Water Management Lands Trust Fund (WMLTF) for Preacquisition; Management, Maintenance and Capital Improvements; and Payments in Lieu of Taxes
    Staff recommended to approve Resolution No. 09-25 requesting the encumbrance of the District’s FY2010 budget for preacquisition; land management, maintenance and capital improvements; and payments in lieu of taxes within the WMLTF, and authorize staff to request quarterly reimbursements for FY2010 costs not to exceed $24,256,614.

14. Approve Resolution No. 10-01 Requesting Encumbrance of Fiscal Year 2010 Budgeted Funds from the Water Management Lands Trust Fund (WMLTF) for Surface Water Improvement and Management (SWIM) Activities
    Staff recommended to approve Resolution No. 10-01 requesting the Florida Department of Environmental Protection to encumber the District’s FY2010 budget requirements for SWIM Activities within the WMLTF, and authorize staff to request reimbursements for FY2010 costs not to exceed $14,496,067.

15. Authorize Submission of Preliminary Flood Insurance Rate Maps (FIRM) for the Bystre Lake and Weeki Wachee Prairie Watersheds in Hernando County to the Federal Emergency Management Agency (FEMA)
    Staff recommended to authorize staff to submit the preliminary FIRM panels for the Bystre Lake and Weeki Wachee Prairie watersheds in Hernando County to FEMA.
16. **Mapping and Geographic Information Systems (GIS) Section Fiscal Year 2010 Budget Transfer – Contractor Support for Resource Regulation GIS Permit Data Entry**

   Staff recommended to authorize transfer of $90,317 from the CF Industries Aquifer Recharge and Recovery Project (H062) to the Mapping and GIS Section for one contract employee.

**Finance & Administration Committee**

17. **Board Travel**

   Staff recommended to approve Governing Board travel for Ms. Closshey and Mr. Gramling to attend the University of Florida Water Institute 2010 Symposium “Sustainable Water Resources: Complex Challenges, Integrated Solutions” on February 24-25, 2010, at the Hilton University of Florida Conference Center in Gainesville.

18. **Budget Transfer Report**

   Staff recommended to approve the Budget Transfer Report covering all budget transfers for December 2009.

19. **Information Resources Department (IRD) Fiscal Year 2010 Sinking Fund Transfer – Planned Storage Growth and Business Continuity**

   Staff recommended to authorize transfer of $390,000 from the Computer Sinking Fund to the IRD for the planned purchase of data storage replication hardware and associated software.

**General Counsel’s Report**

20. **Consent Order – WUP No. 20000590.006 - Mad Hatter Utility, Inc. (South Central Pasco Service Area) – Pasco County**

   Staff recommended to approve the proposed Consent Order and authorize the initiation of litigation against Mad Hatter Utility, Inc., to obtain compliance with the Consent Order.

21. **Settlement Agreement – Surface Water Activity - David and Sherry Swartz and Brownsburg Golf Course, Inc. – Sarasota County**

   Staff recommended to approve the proposed settlement agreement regarding the Owners’ bankruptcy proceeding.

22. **Final Order of Dismissal With Prejudice – Petition for Administrative Hearing - Mariner Properties Development, Inc. and Little Pine Island Wetlands Mitigation Bank, Ltd. v. SWFWMD**

   Staff recommended entry of a Final Order of Dismissal with Prejudice dismissing the Petition for administrative hearing filed by Mariner Properties Development, Inc. and Little Pine Island Wetlands Mitigation Bank, Ltd.

**Executive Director’s Report**

23. **Approve Governing Board Minutes**

   a. December 15, 2009 Joint Governing and Basin Boards Workshop

   b. December 15, 2009 Regular Monthly Meeting

   Staff recommended to approve the minutes.

Following consideration, **Ms. Parks moved, seconded by Ms. Rovira-Forino, to approve the Consent Agenda as presented.** Motion carried unanimously. (CD 1/Track 1 – 10:40/11:00)

Chair Pressman recognized the following local elected officials and thanked them for attending today’s meeting: State Representative Rich Glorioso, Hillsborough County Commissioner Al Higginbotham, Tampa Councilwoman Linda Saul-Sena, and Mr. Chuck Aller, representing the Florida Department of Agriculture and Consumer Services.

Chair Pressman said he wanted the Board and public to know that the District’s staff has worked in an extraordinary fashion over the last month in regards to the public emergency over dry wells. When it became apparent that the issue was escalating, Chair Pressman said he requested that one public information officer handle the issue to which Mr. Moore replied that he
would assume that role. He noted that he and Mr. Moore have been in constant contact over the past week and a half. Chair Pressman commended Mr. Moore and his entire staff for working long hours to address the needs of the community. Chair Pressman said the staff was reorganized and assigned to phone canvas every complaint to track the issue and its status. Staff revamped communication so that public calls went directly to a citizen response center and added heightened communication on the District’s website. Also, a special assistance desk in the lobby is available to directly assist citizens. Chair Pressman said today the Board will consider additional funding to assist citizens with issues that have been emerging. Along with requests from Messrs. Glorioso and Higginbotham, staff is ready to move forward with public meetings and workshops to address more in-depth, long-term technical issues at the heart of what has emerged in eastern Hillsborough County. Chair Pressman stated that the Board has full confidence in staff to address this matter.

Executive Director’s Report

35. **Frost/Freeze Protection Status Report**

Mr. Moore said everyone appreciates the fact that this area of Florida just experienced an unprecedented climatological event. He said staff will provide a summary of events, water levels and well complaints. He said staff will recommend Board concurrence to hold a series of public workshops to evaluate current strategies in light of the unprecedented event to understand what revisions are needed and what recommendations to have in place by next winter. Mr. Moore said the District’s goal is to reach out to the community for involvement from citizens, the agricultural community, state agency experts and others.

Mr. Owen provided a presentation explaining the event which occurred. The Dover area of Hillsborough County, located west of Plant City, is a predominantly agricultural area of the county that has been experiencing suburban sprawl which has resulted in residential areas being in close proximity to agricultural operations. Farmers in the Dover area have historically protected their crops during frost/freeze events through the use of overhead irrigation systems. The January 2010 cold event was unprecedented in nature and duration, encompassing eleven days with temperatures below 34 degrees. During this event the cumulative impact of hundreds of large wells operating at full capacity for freeze protection resulted in an extended short-term drawdown centered on the Dover and Plant City area. This drawdown resulted in a substantially larger number of dry well complaints than had historically occurred. Although the function of many of the affected wells has returned due to water levels rebounding as well as remediation activities, approximately 60 well users remain without a functioning well.

Mr. Owen said the District’s Well Complaint Response Process includes staff collecting pertinent information from well owner, explaining response process, encouraging well owner to get potable water if they do not have and keep receipts, sharing fire station location information for free potable water provided by Hillsborough County, determining which permit holder is responsible, and sending a letter to permit holder within 24 hours. The permit holder must contact well owner within 48 hours of receiving District letter, provide potable water to well owner within 72 hours of receiving District letter, and must address well owner complaint within 15 days of receiving District letter. Mr. Owen noted that the responsible permit holder is determined by who is the most recently issued or renewed permit.

Mr. Owen noted that approximately 60 individuals still remain with non-functioning wells due to this unprecedented cold event. In the event the Executive Director declares an emergency to provide immediate relief for water users affected by the recent frost/freeze pumpage in the Dover area in Hillsborough County, the District will make funds available
to aid in the restoration of water supply for individuals with non-functioning wells. Mr. Bilenky said the District’s process is to seek restitution from an identifiable permittee through the consent order process like any other permit condition violation in the event that a responsible permittee can be identified. The District issues a consent order which the permittee can either concur or challenge the order through an administrative hearing. Mr. Bilenky said the District has general statutory authority to declare an emergency when public health, safety and welfare are involved. He said there is also a state Attorney General’s opinion that public funds may be used for private purposes in cases of public health, safety and welfare. He noted that the District may be able to recoup funds through Federal Emergency Management Agency order.

Staff recommended to (1) authorize a transfer from General Fund FY2010 Contingency Reserves to the Division of Resource Regulation, Well Construction Section, in the amount of $250,000; (2) concur, in the event the Executive Director finds it necessary to declare an emergency requiring immediate action to protect the public health, safety or welfare, authorizing private well remediation necessitated by agricultural freeze-related pumping that will not or cannot otherwise be expeditiously remediated by a responsible permittee; and (3) direct that the District seek restitution or reimbursement from responsible permitees, where applicable, and pursue such other emergency funds as may be available from local, state, federal or other sources.

Following consideration, Mr. Gramling moved, seconded by Mr. Oakley, to approve the staff recommendation as presented. (CD 1/Track 2 – 00:00/52:18)

Discussion ensued regarding recovery of funds, District liability for well repairs, area’s economic stability, not wanting to cause permittee(s) to declare bankruptcy, and encourage compliance of older wells to prevent future events causing problems. The Board consensus was to provide assistance to the approximately 60 individuals as soon as possible.

Chair Pressman requested the Board hear from the elected officials in attendance today. (CD 1/Track 2 – 52:18/01:10:10)

The Honorable Rich Glorioso, Florida House of Representatives, said he agrees with Mr. Gramling about creating a pool through the strawberry growers so no one loses their business. He expressed his concern for those individuals outside of the mitigation area. Regarding sinkholes in Plant City, five homes have been condemned and the City is facing $2 million in damages to roads and a water tower. Mr. Glorioso said this is an emergency for the City because it does not have the funds for these repairs. He said this is a natural disaster that turned into a manmade natural disaster because of water pumpage. He noted that his office received complaints that strawberry growers are sprinkling their fields at 11:00 a.m. when it is 40 degrees. Mr. Glorioso requested that the team for the workshops include experts in water management but also citizens who lost a well, lost a home due to a sinkhole, etc., to ensure all the interests are there to reach agreement on preventing these problems in the future. He said his office is available at anytime to provide assistance. (CD 1/Track 2 – 01:10:10/01:16:55)

The Honorable Al Higginbotham, Board of County Commissioners for Hillsborough County, said we all know the value of water which is why this Board spends money to find the best science and best practices. He said there are several things that government can do and one is declaring an emergency as Hillsborough County did. Mr. Higginbotham said this is a historic weather event so the question of overreacting is not important when citizens are without water. He said farmers he spoke with are concerned about being
good neighbors. He said we need to work to find solutions, especially the reverse 911 call and where the triggering mechanism is to initiate the calls. Mr. Higginbotham said Hillsborough County land development code addresses the process of wells and depth of the pump. He said agencies need to ensure that proper inspections occur so that wells meet code. He said another issue is development and the stress created on resources.

(CD 1/Track 3 – 00:00/:04:00)

Chair Pressman said that the workshop dates and agenda will be posted to the District’s website calendar. He said the District will be asking each of the local officials’ offices to appoint a citizen to the team.

The Honorable Linda Saul-Sena, City of Tampa Council, said she thanks Mr. Moore and staff for immediately putting efforts into action to meet the citizens’ demands. She noted that she serves on the Tampa Bay Estuary Program and Hillsborough River Board. She requested the District investigate the (1) long-term potential for subsurface geological changes resulting from aquifer drawdown that could impact surface structures; (2) short-term and long-term impacts of dramatic drawdown on surface water resources such as wetlands; and (3) will drawdowns cause or allow surface contaminants to more easily enter the Floridan Aquifer. (CD 1/Track 3 – 00:00/:06:50)

Mr. Chuck Aller, Florida Department of Agriculture and Consumer Services in Tallahassee, acknowledged two staff members in the audience—Mr. Rick Budell from Tallahassee and Ms. Jessica Stempien located in the District’s Tampa office. He said Commissioner Bronson has received daily information on events. He said this is a difficult and unprecedented circumstance that citizens and farmers have faced. He said one of the things that stands out is the organized and commendable way this District has met this issue head on. He said the Governing Board is moving in a way that will continue that process and the Department is supportive of these efforts. He said the Department has a long-term relationship with all the water management districts through FAWN and FARMS, as well as other agriculture programs. Mr. Aller said Mr. Budell is assigned as a technical resource, as well as Ms. Stempien. He said the Department will bring other resources to bear as needed and are fully committed as partners to reach a long-term satisfactory outcome. (CD 1/Track 3 – 06:50/10:07)

Mr. Carl Wood, representing Florida Ground Water Association, said the presentation was very informative. He said the Association was created in 1935 and membership is composed of water well contractors; manufacturers of pumps, motors and controls for the water industry; scientists, etc. He said the Association is offering its expertise and assistance. (CD 1/Track 3 – 10:07/12:40)

Mr. David Brown, resident of Sun City Center, requested a copy of the presentation and provided a handout for the Board. He said his area did not have dry wells but 15 tons of dead fish in local lakes. He said he sees three solutions: (1) let the aquifer continue to be overpumped until it becomes salty, (2) construct a massive water conveyance canal down the center of Florida, or (3) do everything possible to ensure conservation. Mr. Brown noted that 50 percent of Floridan aquifer water is used for irrigation. He said the Florida Department of Environmental Protection is drafting the model ordinance that would require homeowners to have rain sensors to shut down irrigation when it rains, but the state plumbing code requires the homeowner to get a permit for that rain sensor. He said in Hillsborough County the permit will cost $77 for a $20 device. Mr. Brown said this is a simple step to encourage conservation. (CD 1/Track 3 – 12:40/16:46)
Chair Pressman said the staff recommendation has been moved and seconded. He asked if there was further discussion.

Mr. Combee said he appreciates how hard staff have worked. He said he has never seen this in his lifetime and hopes we do not see it again. He expressed his concern for the economic impact to the industry by this unprecedented event and the effect on the region and state. Ms. Closshey said she especially thanks Ms. Alba Más and her Tampa office staff for being able to handle hundreds of phone calls. She said she received comments from people about the friendliness and the fact they felt they were heard. Mr. Gramling said the strawberry industry farm value is about $350 million in eastern Hillsborough County. Ms. Parks said Board members all sit on District committees that are implicated and involved in establishing responsibilities and solutions. Chair Pressman said the Board has to be careful to find a balance, but he is convinced this is a once in a lifetime event of unintended consequences. He stated this is the time for the District to step in and do more than is called for us to do.

Chairman Pressman called the question and reiterated the motion: (1) authorize a transfer from General Fund FY2010 Contingency Reserves to the Division of Resource Regulation, Well Construction Section, in the amount of $250,000; (2) concur, in the event the Executive Director finds it necessary to declare an emergency requiring immediate action to protect the public health, safety or welfare, authorizing private well remediation necessitated by agricultural freeze-related pumping that will not or cannot otherwise be expeditiously remediated by a responsible permittee; and (3) direct that the District seek restitution or reimbursement from responsible permitees, where applicable, and pursue such other emergency funds as may be available from local, state, federal or other sources. Motion carried unanimously. (CD 1/Track 3 – 16:46/25:33)

Mr. Owen said the proposed public workshops will be scheduled to receive community input from all interested parties, and will review what happened and consider what changes are needed. He said staff envisions a minimum of three workshops in or near the Dover/Plant City area, with the first meeting held as soon as possible with adherence to public noticing requirements—most likely during the week of February 15 or 22. Mr. Owen noted the goal is to have any necessary revisions in place before next winter. He reviewed a list of interested parties and potential topics for discussion. Mr. Gramling said he has received confirmation that the City of Plant City will sponsor the first workshop and provide the Trinkle Center at no cost. (CD 1/Track 3 – 25:33/34:47)

At this time, the meeting recessed to provide a five-minute break and then reconvened.

Chair Pressman relinquished the gavel to Resource Management Committee Chair Joerger.

Resource Management Committee

Discussion Items
24. Consent Item(s) Moved for Discussion – None

25. Hydrologic Conditions Status Report
Mr. Granville Kinsman, Manager, Hydrologic Data Section, said December historically marks the third month of the eight-month dry season and provisional rainfall totals for the month were at high-normal to above-normal amounts for all regions of the District. Rainfall during December was regionally variable and associated with the passage of several cold front systems moving across the Florida peninsula. The provisional 12-month District-wide rainfall deficit improved during December, ending the month approximately 3.0 inches below the long-term average. The 24-month and 36-month cumulative rainfall deficits
improved and are approximately 7.4 and 19.1 inches, respectively. All hydrologic indicators throughout the District improved during December. The dry season runs from October through May, and further declines are expected through the remainder of this period if only normal amounts of rainfall are received. Staff will continue to closely monitor conditions in accordance with the District’s updated Water Shortage Plan, including any necessary supplemental analysis of pertinent data. (CD 1/Track 4 – 00:00/08:06)

This item was presented for the Committee’s information, and no action was required.

26. **District Overview of Hydrogeology and Aquifer Recharge**
Mr. Ron Basso, Senior Professional Geologist, Hydrologic Evaluation Section, Resource Projects Department, noted at the September 2009 Governing Board workshop, during discussion of the geology of the Southern Water Use Caution Area, a request was made to discuss the concept of recharge and how it varies across the District. Mr. Basso provided an overview of the hydrogeology of the District with emphasis on recharge and discussed how differences in geologic settings affect the response of the aquifer to hydrologic stress. (CD 1/Track 5 – 00:00/27:10)

This item was presented for the Committee's information, and no action was required.

27. **Recreation Strategy for District Lands**
Messrs. Eric Sutton, Director, and Will Miller, Land Use Manager, Land Resources Department, provided an overview of the District’s recreation strategy, including goals, objectives and implementation. In cooperation with the Office of the Inspector General, the Land Resources Department conducted an assessment to assist in identifying risks relative to the District’s land use and management program. This exercise revealed that the land management activities (e.g., prescribed fire, road and bridge maintenance, etc.) were well-managed with good risk controls. The assessment identified that a more strategic approach to recreation was needed to manage the risks largely attributed to the interface District lands have with the public. A multi-departmental team identified an overarching goal of promoting watershed stewardship and sustainability through recreation on conservation lands. In order to achieve the goal, the team identified several challenges: perceptions that District lands are not open, diversity does not reflect demographics, more use could compromise ecosystems, lack of consistency of infrastructure/being user-friendly, and increasing public awareness and use. A number of opportunities were identified for each challenge that include specific activities, new programs, adjustments to existing programs, media campaigns, etc. This recreation strategy is not a static document, rather it is a continuous process that aligns actions to challenges and goals, and is adaptable as new information is obtained, further input is received and new initiatives are identified. This design has allowed for continued improvement and refinement through presentations to the Basin Board Land Resources and Education Committees, and the recently formed Land Use Stakeholders Group. The strategy will continue to be refined as new issues are identified and evaluated.

Mr. Moore noted that over 2,000 Recreation Guides where distributed at a travel expo held at The Villages. Mr. Tharp said that the event was well received and publicized with standing room only the majority of the day. (CD 1/Track 6 – 00:00/20:12)

This item was presented for the Committee’s information, and no action was required.

**Submit & File Report** – None

**Routine Reports**
The following items were provided for the Committee’s information, and no action was required.
28. **Florida Forever Funding**
29. **Minimum Flows and Levels**
30. **Structure Operations**

32. **Significant Water Supply and Resource Development Projects**
   - Mr. Wirth provided an update on the Sawgrass Lake restoration project, noting the site preparation will begin in the next two months.
   - Mr. Wirth said the Medard Reservoir drawdown is significant and several groups are harvesting the fish to donate to local food banks. The Florida Fish and Wildlife Commission is coordinating this effort, and the cost to process the tilapia is being paid by the Safari Club and the Hunters & Farmers Feeding the Hungry. The processed fish was turned over to the Second Harvest members of the National Feeding American Food Bank and served ten counties in west-central Florida. On January 6, 2,100 pounds of fish were harvested and 800 pounds of fillets delivered to Second Harvest. On January 13, 1,200 pounds were harvested and 300 pounds of fillets delivered. More harvests will occur once there is more drawdown. Other species of fish have been relocated to water bodies east of the reservoir. (CD 1/Track 6 – 20:12/25:02)

At this time, the meeting recessed to provide a lunch break and reconvened at 1:00 p.m.

4. **Employee Recognition**
   - Mr. Moore presented to the Board employees who have achieved milestones of 20 years or greater. He specially acknowledged and commended the contributions of the following individuals who chose to be recognized before the Board: (CD 1/Track 7 – 00:00/14:14)

<table>
<thead>
<tr>
<th>Milestone</th>
<th>Employee</th>
<th>Title</th>
<th>Department</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>30 Years</td>
<td>Tim Ward</td>
<td>Stores Coordinator</td>
<td>Finance</td>
<td>Brooksville</td>
</tr>
<tr>
<td>25 Years</td>
<td>Sid Flannery</td>
<td>Senior Environmental Scientist</td>
<td>Resource Projects</td>
<td>Brooksville</td>
</tr>
<tr>
<td></td>
<td>George Smith</td>
<td>Senior Heavy Equipment Operator</td>
<td>Operations</td>
<td>Brooksville</td>
</tr>
<tr>
<td></td>
<td>Bill Wood</td>
<td>Senior Field Technician</td>
<td>Bartow Regulation</td>
<td>Bartow</td>
</tr>
<tr>
<td>20 Years</td>
<td>Tracey Bartlett</td>
<td>Customer Liaison</td>
<td>Information Resources</td>
<td>Brooksville</td>
</tr>
<tr>
<td></td>
<td>Dom Comisco</td>
<td>Staff Business Analyst</td>
<td>Information Resources</td>
<td>Tampa</td>
</tr>
<tr>
<td></td>
<td>Randy Emberg</td>
<td>Video Prod Specialist Supervisor</td>
<td>Information Resources</td>
<td>Brooksville</td>
</tr>
<tr>
<td></td>
<td>Keith Kolasa</td>
<td>Senior Environmental Scientist</td>
<td>Resource Projects</td>
<td>Brooksville</td>
</tr>
<tr>
<td></td>
<td>Pam Lowe</td>
<td>Senior Human Res Generalist</td>
<td>Human Res &amp; Risk Mgt</td>
<td>Brooksville</td>
</tr>
<tr>
<td></td>
<td>George Prine</td>
<td>Senior Field Technician</td>
<td>Operations</td>
<td>Sarasota</td>
</tr>
</tbody>
</table>

Resource Management Committee Chair Joerger relinquished the gavel to Regulation Committee Vice Chair Rovira-Forino.

**Regulation Committee**

**Discussion Items**

33. **Consent Item(s) Moved for Discussion** – None

34. **Approve Changes to 20-Year Water Use Permit Rule Amendments**
   - Mr. Bilenky noted that, in July 2009, the Governing Board approved for adoption rule amendments to restructure the District’s permit duration rule to be more consistent with the 20-year permit compliance reporting used by the St. Johns River and South Florida Water Management Districts (WMDs), and to provide incentives for applicants who undertake extraordinary water conservation and reclaimed water reuse efforts. On November 25, 2009, the City of Tampa filed a petition with the Division of Administrative Hearings (DOAH) challenging the reporting requirement in proposed rule 40D-2.322(2).

   In light of recent discussions with staff from the Florida Department of Environmental Protection, South Florida and St. Johns River WMDs, and this District’s desire to achieve interdistrict consistency on issues such as this, District staff requests the Board approve removing from rulemaking the proposed rule provision set forth above. Removing the provision from rulemaking will not preclude other reporting requirements from being
included in permits. Removing the provision from rulemaking will also result in rendering moot the petition filed by the City of Tampa with DOAH.

All sections of the 20-year permit rules as approved by the Board were included in the meeting information exhibit. Rule 40D-2.332 with the change to remove subsection 40D-2.322(2) is shown beginning on the third page of the exhibit. If the change is approved, a notice of the change will be published in the Florida Administrative Weekly. If there are no requests for hearings or substantive comments or changes proposed, staff expects the Administrative Law Judge in the DOAH case will enter an order dismissing the case. Pursuant to the Joint Administrative Procedures Committee’s (JAPC’s) rule, its review of the proposed rules is on hold pending final resolution of the DOAH case. Staff anticipates returning to the Board in February to address JAPC comments on the remaining rules.

Staff recommended to approve the change to proposed rule 40D-2.322 as shown in the exhibit provided in the Committee’s meeting information. Following consideration, Ms. Closshey moved, seconded by Mr. Joerger, to approve the staff recommendation as presented. Motion carried unanimously. (CD 1/Track 8 – 00:00/04:36)

35. Frost/Freeze Protection Status Report
This item was heard earlier in the meeting.

36. Denials Referred to the Governing Board
There were no requests for applications or petitions to be referred to the Governing Board for final action.

Submit & File Report
The following item was submitted for the Committee’s information, and no action was required.

37. Individual Permits Issued by District Staff

Routine Reports
The following items were provided for the Committee’s information, and no action was required.
38. Southern Water Use Caution Area Quantities
39. Overpumpage Report
40. Resource Regulation Significant Initiatives

- Mr. Owen said the Environmental Protection Agency rule regarding numeric nutrient standards has been published and the public comment ends approximately March 14, 2010. District staff will be commenting on the rule and coordinating with the other water management districts and the Florida Department of Environmental Protection. He noted that there are implications to the District and State of Florida. Ms. Closshey requested that the public meeting dates be provided to the advisory committees. (CD 1/Track 8 – 04:36/06:46)

Resource Management Committee Vice Chair Rovira-Forino relinquished the gavel to Outreach and Planning Committee Chair Tharp.

Outreach and Planning Committee

Discussion Items
41. Service Mark for Water CHAMP and Water PRO
Ms. Kavouras said the Water Conservation Hotel and Motel Program (Water CHAMP) was created by the District in 2002 as a water conservation education outreach effort to hotels and motels. The District provides printed materials to all participating properties and assists owners/managers in determining ways to save water through their properties' operational processes including, but not limited to, a towel and linen reuse program. There
are currently more than 450 hotels and motels participating in the program. In a recent five-year audit of the program, participants saved an average of 17 gallons of water per occupied room per day. To build on the success of Water CHAMP, the District created the Water Program for Restaurant Outreach (Water PRO) to promote water conservation in restaurants. This program provides table tents, activity placemats, low-flow spray nozzles and educational materials for staff and management. More than 250 restaurants are currently participating throughout the District.

Ms. Kavouras said these two programs are gaining in popularity, not only in this District but in other portions of the state. In recent years, District cooperators have used the Water CHAMP and Water PRO logos and information in their own communication efforts. In addition, District staff shared the programs and their successes with other water management districts. Northwest Florida Water Management District implements a limited program and recently the South Florida Water Management District has begun piloting the Water CHAMP program in the Keys. As the programs gain in popularity, acquiring service marks from the State of Florida will ensure the integrity and quality of the logos and names.

Ms. Kavouras stated a preliminary search has indicated that there are no other service marks currently pending for either program name. The cost to service mark both programs is approximately $350. According to Florida Statutes, the five water management districts are granted the authority to hold patents, copyrights and trademarks. St. Johns River Water Management District currently owns multiple trademarks. Most recently, they have service marked the Florida Water Star™ program, a water conservation certification program for new homes. The service mark protects the integrity of the program as well as the quality of the logo and name.

Staff recommended to delegate authority to the executive director to seek and approve service mark status for both Water CHAMP and Water PRO. Following consideration, Mr. Gramling moved, seconded by Ms. Closshey, to approve the staff recommendation as presented. Motion carried unanimously. (CD 1/Track 9 – 00:00/02:54)

42. Legislative Update
Mr. David Rathke, Director, Community and Legislative Affairs Department, provided an update on state legislative issues. He briefly reviewed the following issues: Basin Board cleanup, water conservation, urban development, electronic notification, online permitting and Peace Creek. He noted three groups are pursuing legislation that may impact the District: American Water Resources Association Florida Section, Small Business Regulatory Advisory Committee and the Senate Selection Committee on Inland Waters. He discussed issues associated with the current state budget including projections for the coming year and legislation that could have potential impacts to the District. (CD 1/Track 9 – 02:54/11:35)

This item was provided for the Committee’s information, and no action was required.

Submit & File Report
The following item was submitted for the Committee’s information, and no action was required.

43. Consolidated Annual Report
Ms. Kavouras said this is a significant report for the District. This is the fifth year to compile this report as required by statute for submission to the Florida Department of Environmental Protection, Governor, President of the Senate, Speaker of the House and any committee which has jurisdiction over water management district operations. Ms. Kavouras recognized Ms. Miki Renner who is the project manager and Ms. Paula McCleery who provides administrative support to compile the report. Ms. Kavouras requested the Board members to review the report for approval at the February meeting. (CD 1/Track 9 – 11:35/12:50)
Routine Reports
The following items were provided for the Committee’s information, and no action was required.
44. Comprehensive Plan Amendment and Related Reviews
45. Development of Regional Impact Reviews
46. Speakers Bureau
47. Significant Activities
   • Ms. Kavouras said the 2010 update for the Regional Water Supply Plan first draft has been received for review and by April the draft plan should be ready for review by the District’s interested parties.
   • Ms. Kavouras said 12,000 Recreation Guides have been distributed since the District began increased outreach. She noted the next “Get Outside!” event is February 27.
   • Ms. Kavouras said that the District’s Facebook has now exceeded 1,200 fans. Committee Chair Tharp encouraged Board members to visit the District’s Facebook page. (CD 1/Track 9 – 12:50/16:02)

Outreach and Planning Committee Chair Tharp relinquished the gavel to Finance and Administration Committee Chair Parks.

Finance and Administration Committee

Discussion Items
48. Consent Item(s) Moved for Discussion – None

Submit & File Report
The following item was submitted for the Committee’s information, and no action was required.
49. Fiscal Year 2010 First Quarter Financial Report
   • Mr. Schiller provided an update on the District’s tax collection revenue which is at 78 percent—higher than the prior two years for the same time period. He said that, at the moment, there are no budget issues for Fiscal Year 2010.
   • Mr. Schiller said the State Board of Administration has continued paying down Fund B. He noted the last monthly payment to the District was $723,000 and $9.6 million remains in Fund B.

Routine Reports
The following items were provided for the Committee’s information, and no action was required.
50. Treasurer’s Report, Payment Register, and Contingency Reserves
   • Mr. Schiller said future reports will include ad valorem tax collection information.
51. Management Services Significant Activities
   • Mr. Schiller said staff continues to move forward with moving systems off the IBM mainframe by the end of February. He noted that a brief update will be provided at the March meeting.
   • Mr. Schiller said permitting for hook up to the Hernando County sewer system has been completed and work will begin shortly.
   • Mr. Schiller said the District’s employee turnover continues to be favorable at a projected amount of 6.4 percent for this year.
   • Mr. Schiller said staff is working closely with cooperators to expedite projects. He noted that funds will not be reserved for projects that are delayed or not being constructed as planned. (CD 1/Track 10 – 00:00/07:36)

Finance and Administration Committee Chair Parks relinquished the gavel to Chair Pressman.

General Counsel's Report

Discussion Items
52. Consent Item(s) Moved for Discussion – None
Mr. Bilenky noted that the Sawgrass Lake restoration project is a complicated and a significant $21 million project. He commended Mr. Eric DeHaven, Ms. Jeannette Seachrist, Mr. Manny Lopez and other staff who have worked on this project after it had been in litigation for four years. He said District staff is creating a wetland treatment area, moving an existing canal, relocating a water main for the City of St. Petersburg, and working with an active gun club to build a shot screen to stop further contamination. He said this process has taken eight years and been done in an efficient manner without any complaints coming before the Governing Board. Mr. Bilenky said he has personally been incredibly impressed with the job staff has done. The Board thanked all those involved. Ms. Parks noted that the Pinellas-Anclote River Basin Board members received regular updates and it is an amazing project.

Submit & File Reports – None

Routine Reports
The following items were provided for the Committee’s information, and no action was required.
53. Litigation Report
54. Rulemaking Update
   (CD 1/Track 11 – 00:00/03:18)

Committee/Liaison Reports

56. Joint Industrial and Public Supply Advisory Committees Meeting
Ms. Closshey and Mr. Sent attended the meeting held on January 12, 2010. Ms. Closshey said the meeting included presentations on hydrologic conditions/drought update and water shortage restrictions, water shortage plan update, rulemaking update including the rulemaking process overview, regional reclaimed water partnership update, TECO power plan update, FEMA map modernization, legislative preview, and water quality component. She said discussion ensued about water shortage conservation being more flexible, a way for suppliers to avoid water restrictions if supplies are available over a number of years, messaging to be enforced in a positive way and not punitive, and messaging consistent across the entire District.

57. Well Drillers Advisory Committee Meeting
Mr. Oakley attended the meeting held on January 13, 2010, and there was not a quorum due to well drillers being in the field during the frost/freeze event. Mr. Oakley said Mr. Moore attended the meeting to provide an update on the number of calls received regarding wells which showed the District was being proactive. He said Mr. Moore’s leadership and the District’s proactive efforts are reflected today since the number of public expected did not come because issues are being addressed. Mr. Oakley said the Committee meeting included presentations on the hydrologic conditions/drought update and water shortage restrictions, WMIS update for well construction permitting process, FEMA map modernization, and Inland Protection Trust Fund status report. The next meeting is scheduled for April 21, 2010 in the District’s Tampa Service Office.
   (CD 1/Track 11 – 03:18/08:00)

Chair's Report

58. Chair's Report
   • Chair Pressman said he and Mr. Moore met with Mr. Mark Sharpe, Tampa Bay Water Board of Directors Chair, and Mr. Steve Daignault, City of Tampa Administrator of Public Works and Utility Services. He said they discussed the best way to use Howard F. Curren Water Treatment Plant water, and options such as aquifer recharge to act as a saltwater barrier. The discussion was positive for future consideration due to the expense during this time of no growth.
   • Ms. Closshey requested an update on the arsenic issue at the Board’s next meeting.
Chair Pressman noted that he, Ms. Parks, Mr. Gramling and Mr. Oakley attended the Sawgrass Lake Tour. He said the park is beautiful with a magnificent boardwalk. (CD 1/Track 11 – 08:00/16:40)

a. **Board Travel – Reimbursement of Incidental Travel Expenses**

Ms. Parks said she and Mr. Senft were tasked with reviewing the Board’s travel policy. She noted that Ms. Kavouras met with each of them individually. She said Ms. Kavouras provided information on the travel policies of the other water management districts. Ms. Parks said the District’s policy is driven by Florida Statutes. She said the Board is cognizant that the District does not have lavish money to spend on anything. At a recent meeting between the Department of Environmental Protection (DEP) and WMD chairs and executive directors, Secretary Sole requested each district to curtail travel when possible, especially out-of-state which is restricted to the deputy level and above at DEP. She said she would like to move the Board Travel approval item from the Consent Agenda to the Finance and Administration Discussion Items so Board members are more aware of travel requiring approval.

Since Mr. Senft was unable to attend today, Ms. Kavouras said Mr. Senft does not feel that the current policy and procedure are flawed or needed changing. She said Mr. Senft also suggested moving the approval process for individual requests for non-routine travel. Mr. Senft suggested that any travel must be directly related to water management responsibilities and all agendas for conferences are water related. He also suggested that the Board not consider too restrictive a policy to restrict Board members from attending a meeting or conference of extreme importance.

Ms. Parks said she and Ms. Kavouras discussed a number of different options. At Ms. Parks’ request, Ms. Kavouras explained that routine travel covers regular Governing Board and Basin Board meeting attendance, and travel within the District dealing with water management priorities. She said non-routine travel includes conferences, conventions and other events. Ms. Whitehead said she is assuming then that the Board as a whole will make those decisions as to what is considered water related and whether it is appropriate. Ms. Parks agreed with Ms. Whitehead. Ms. Kavouras said the District’s current practice is to obtain Governing Board approval, via the monthly meeting consent agenda, for scheduled travel outside the District or to attend conferences or conventions. She said if there is not time to place on the consent agenda then non-scheduled travel outside the District, or to attend any conference or convention, requires prior approval of the Governing Board Chair or, in his absence, the Vice Chair.

Following discussion, **Mr. Gramling moved, seconded by Mr. Tharp, to maintain the status quo regarding Board travel.**

Mr. Gramling said he agrees that approval needs to be in the public view and the chair has the prerogative to exercise that. He said he does not think it is necessary to bind future boards with a policy change by the Governing Board at this time. He said it is important for Board members to review travel prior to approval. In response to Chair Pressman’s request for clarification, Mr. Gramling said board travel authorization should be a regular agenda item and no longer a consent item, but that it remain the prerogative of the chair for placement on the agenda.

**Motion carried with Chair Pressman voting against.** (CD 1/Track 11 – 16:40/30:42)

Ms. Parks said all need to be aware that this is public money and should be used properly and justifiably.

b. **Other** – None
Mr. Moore noted the frost/freeze event public workshop is scheduled for February 17, 2010, at the Hillsborough Community College Trinkle Center in Plant City at 6 p.m.

There being no further business to come before the Board, Chair Pressman adjourned the meeting. (CD 1/Track 11 – 30:42/31:43)

The meeting was adjourned at 2:17 p.m.
EXECUTIVE DIRECTOR’S REPORT

18. January 2010 Freeze Event Update ................................................... (20 minutes) ........ 2
   (Strategic Plan: Water Supply – Regulation)

19. Status of Final Payments to Tampa Bay Water for Final
    Testing of the Tampa Bay Desalination Facility .......................... (30 minutes) ........ 10
   (Strategic Plan: Water Supply – Alternative Water Supplies)
Executive Director’s Report
February 22, 2010

Discussion Item

January 2010 Freeze Event Update

This item is an update to the discussion that occurred during the January 26, 2010 Governing Board meeting.

a. Governing Board Concurrence with Executive Director’s Issuance of Executive Director Order No. SWF 2010-004, Related to the Impact of the January 2010 Frost/Freeze Event on Wells

The Governing Board was advised during its meeting on January 26, 2010 that approximately 700 wells, primarily in the Dover / Plant City area of Hillsborough County, were known to have been affected by groundwater drawdown resulting from the unprecedented January 3, 2010 – January 13, 2010 frost/freeze event. Board members expressed concern that at least 60 well owners still did not have a functional well, and that at least eight (8) of these wells were not in a water use permittee’s mitigation area, which means that there are currently no immediate regulatory means by which the owners could have remediation or replacement costs covered. These costs can range from a nominal charge to reprime a pump to fees totaling over $12,000 to construct a new well, install a replacement pump and properly abandon the old well. Staff also advised the Board that these data are provisional, as dry well complaints are still being registered and the status of each complaint was still in the process of being investigated, so the number of well owners without a functional well was likely to grow. In response, the Board authorized the transfer of $250,000 from the District’s Contingency Reserves for the express purpose of dry well remediation and replacement activities.

In order to effectuate use of the transferred funds, the Executive Director issued an emergency order on January 27, 2010. Executive Director Order No. SWF 2010-004 authorizes staff to undertake necessary actions to expeditiously remediate or replace any well that is still not functioning that will not or cannot be mitigated by a responsible water use permittee. In addition to wells which are not in water use permittee’s mitigation area, the funds can be used to remediate or replace any well within a water use permittee’s mitigation area if the responsible permittee has not appropriately mitigated the well within 15 days of being notified by the District. Staff is also required to pursue reimbursement for the funds expended to remediate or replace wells from each responsible permittee.

b. Status of Dry Well Complaints and Other Freeze Response Activities

Staff continues to receive new freeze-related dry well complaints, stay in contact with well owners and coordinate with responsible water use permittees in order to closely track the status and assure the prompt resolution of each registered complaint. As of January 28, 2010, staff had visited each property without a functional well and, upon receiving permission from the well owner, was contacting a qualified well contractor to initiate appropriate remediation or replacement in accordance with Executive Director Order No. SWF 0210-004. Contractor work on some wells was scheduled to begin on January 29, 2010. The District’s Well Construction Regulation Manager or his designee is reviewing each proposal for major repair or replacement to assure that only appropriate work will be done, and field staff will be supervising each contractor job.
Staff has also been preparing for the first of a minimum of three public workshops to receive public input regarding the January 2010 freeze event, including potential changes to the District's current standard freeze response strategies. The first workshop will be held from 6:00 p.m. to 9:00 p.m. on Wednesday, February 17, 2010 at the Trinkle Center on the Plant City campus of Hillsborough Community College.

Staff will provide current dry well complaint status and resolution statistics. Staff will also provide any additional information regarding the public workshop and other response activities, including website enhancements and other public outreach.

**Staff Recommendation:**

Concur with issuance of Executive Director Order No. SWF 2010-004 regarding the impact of the January 2010 freeze event on wells.

**Presenters:** Richard S. Owen, AICP, Deputy Executive Director, Resource Regulation
Alba E. Mås, Director, Tampa Regulation Department

See Exhibit
FINDINGS OF FACT

The Climatic Event

1. Portions of the District, including the Dover / Plant City area of Hillsborough County, have experienced an unprecedented frost/freeze event. Specific to the Dover / Plant City area:
   a. At the weather monitoring station in Dover, the minimum temperature was at or below 34 degrees Fahrenheit for eleven (11) consecutive days from January 3, 2010 through January 13, 2010.
   b. Although one-day and two-day frost-freeze events are not uncommon (the Dover station has experienced 237 occurrences and 135 occurrences, respectively), this is the first eleven-day event on record.
   c. Temperature records for the station in Dover date back to 1931, and the previous longest-duration freeze was a six-day event, which has occurred only three times (December 16, 1934; December 29, 1935 and January 22, 1977).

2. The use of water to provide crop protection during a frost/freeze event is an accepted best management practice for several agricultural commodities.
Farmers in the Dover / Plant City area have historically used overhead irrigation systems for this purpose.

3. In a 144 square mile area encompassing the Dover / Plant City area, there are 444 agricultural water use permits that have a provision for frost/freeze crop protection. This provision allows these permittees to use a total maximum day quantity of 942.66 million gallons per day (MGD), if needed, for frost/freeze crop protection. Under normal conditions, these same 444 permits allow permittees to use a total annual average daily quantity of 34.91 MGD.

4. Agricultural water use permits that authorize use of water for frost/freeze crop protection include a condition that requires the permittee to mitigate impacts to other legal existing users within a specified area for adverse impacts caused by the permittee’s withdrawal for frost/freeze crop protection.

5. The Florida Automated Weather Network (FAWN) and the University of Florida’s Institute of Food and Agricultural Science (IFAS) actively provide data, decision-making tools and educational information to help farmers conserve water by minimizing the need to use water for frost/freeze crop protection.

6. When water is used for frost/freeze crop protection, temporary groundwater drawdowns can occur. During the January 2010 frost/freeze event, the cumulative impact of hundreds of large wells operating at full capacity for frost/freeze crop protection resulted in an unprecedented short-term potentiometric surface drawdown centered on the Dover area and extending for miles around. This resulted in lowered groundwater levels. As measured at the Dover station, a drop of about 60 feet in the potentiometric surface of the Floridian aquifer occurred. Within four days after temperatures returned to normal, groundwater levels had rebounded to within 10 feet of the pre-event levels; additional improvement has subsequently continued.

The Impact to Other Wells

7. The Dover / Plant City area has experienced substantial population growth in recent years, including increasing numbers of residential properties located in close proximity to agricultural operations. Many of these properties rely on wells as the only water supply source.

8. The unprecedented groundwater drawdown contributed to recent and ongoing well problems in the Dover / Plant City area. As of January 24, 2010, the District’s Tampa Regulation Department had received 696 dry well complaints during and subsequent to the frost/freeze event. Although the function of many affected wells returned when water levels rebounded, remediation or replacement activities have been necessary in some cases.
9. As of January 24, 2010, District staff had attempted to contact all 696 well owners who had registered a dry well complaint. Of the 454 that were successfully reached, 60 (13%) remained without a functioning well.

10. The status of the wells of the remaining well owners who could not be contacted remained unknown as of January 24, 2010; however, staff is in the process of making additional attempts to contact all of these well owners. Staff estimates that approximately 30 of these well owners may be without functioning wells.

11. As of January 24, 2010, there likely remain 60 to 90 or more individuals or families in the Dover / Plant City area who are or may be without access to a reliable water supply for drinking and other basic human needs as a result of the unprecedented groundwater drawdown.

12. The costs to remediate or replace a well can range from a nominal charge to reprime a pump to fees totaling over $12,000 to construct a new well, install a replacement pump and properly abandon the old well.

**District Complaint Procedures**

13. When the District receives a dry well complaint, staff investigates in order to determine if the withdrawals of a specific water use permittee may be responsible for mitigation. If a water use permittee is identified as responsible, the District notifies the applicable water use permittee. The water use permittee is required to provide water on a temporary basis within 72 hours of being notified and then mitigate the well within 15 days of being notified.

14. Of the 60 known well owners that remain without a functioning well, District staff has been able to identify the water use permittee responsible for mitigation for 52 of the dry wells. The District continues to investigate possible responsible permittees for the remaining eight individuals or families without a functioning well. However, it may not be possible to determine a water use permittee responsible for mitigation of these wells. In addition, given that several permittees may be responsible for the mitigation of multiple dry well complaints, due to the cost of remediation or replacement and the time involved in providing remediation or replacement, many of the 60-90 affected individuals or families may continue to be without a reliable water supply for drinking and other basic human needs for the foreseeable future unless emergency action is taken.

**Governing Board Response**

15. During the District’s Governing Board meeting on January 26, 2010, testimony was received by the Governing Board from Commissioner Bronson’s office, State Representative Glorioso, Hillsborough County Commissioner Higginbotham, and City of Tampa Council Member Saul-Sena that emergency conditions exist in the area requiring immediate assistance.
16. In response to these requests, the Governing Board authorized the transfer of $250,000 from General Fund Fiscal year 2010 Contingency Reserves for the express purpose of dry well remediation and replacement necessitated by frost/freeze-related groundwater drawdown that will not or cannot be expeditiously provided by a water use permittee.

ULTIMATE FINDINGS OF FACT

17. Groundwater withdrawals for frost/freeze crop protection have caused a water supply emergency requiring immediate action to protect the public health, safety, or welfare.

18. Immediate action is necessary by the District to expedite needed remediation or replacement for the 60 and possibly 30 additional affected wells in the Dover / Plant City area and any other wells throughout the District experiencing similar freeze-related problems.

CONCLUSIONS OF LAW

19. The Executive Director of the DISTRICT is duly authorized by subsection 373.119(2), F.S., to find that an emergency exists requiring immediate action to protect the public health, safety or welfare and to issue emergency orders reciting the existence of an emergency and requiring that action be taken as deemed necessary to meet the emergency.

20. Under Florida law, authority exists to expend District funds to undertake activities needed to meet a declared emergency.

ORDERED

21. District staff is to take all reasonably necessary steps to investigate the dry well complaints for which the District has not been able to subsequently contact the well owner as well as complaints regarding any other wells throughout the District experiencing similar freeze-related problems. Staff is authorized to continue tracking how many wells, including the 60 verified as still not functioning identified as of January 24, 2010 and the additional complaints investigated subsequent to that date, are still not functioning and thus may require District remediation or replacement. This tracking shall specifically include wells for which a responsible permittee has been identified so that the District can determine which wells will not or cannot be mitigated by the responsible permittee within 15 days of the responsible permittee being notified.

22. After identifying those wells which the District will remediate or replace, staff is authorized to undertake necessary actions to expeditiously remediate or
replace any such well that is still not functioning and will not or cannot be mitigated by a responsible water use permittee.

23. District staff is authorized to expend an amount not to exceed Two Hundred Fifty Thousand Dollars ($250,000) for supplies and contracted services needed to accomplish the remediation or replacement of the wells. This remediation or replacement work may include any associated pumps.

24. District staff shall pursue reimbursement of funds expended pursuant to paragraphs 22 and 23 from water use permittees determined to be responsible for well mitigation.

25. This ORDER shall expire on September 30, 2010, unless rescinded or extended by Governing Board or Executive Director Action on or before that date.

DONE AND ORDERED in Hernando County, Florida, as of January 21st, 2010.

Southwest Florida Water Management District

By: ________________________________ 1-27-2010

David L. Moore
Executive Director

(SEAL)

Filed this 21st day of January 2010.

Agency Clerk

Approved as to Legal Form and Content

[Signature]
NOTICE OF RIGHTS

Persons to whom this Executive Director Order is directed, or whose substantial interests are affected, may request pursuant to subsection 373.119(3), Florida Statutes (F.S.), to petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S., and Chapter 28-106, Florida Administrative Code (F.A.C.). A request for a hearing must: 1) explain how the petitioner’s or other person’s substantial interests will be affected by the District’s action; 2) state all material facts disputed by the petitioner or other person, or state that there are no disputed facts; and 3) otherwise comply with Chapter 28-106, F.A.C.

A request for hearing must be filed with and received by the Agency Clerk of the District at District Headquarters, 2379 Broad Street, Brooksville, Florida 34604-6899 within twenty-one (21) days of receipt of this notice. Receipt is deemed to be the fifth day after the date on which this notice is deposited in the United States mail. Failure to file a request for hearing within this time period shall constitute a waiver of any right you or any other person may have to request a hearing under Sections 120.569 and 120.57, F.S.

Mediation pursuant to Section 120.573, F.S., and Rule 28-106.111, F.A.C., to settle an administrative dispute regarding the District’s action in this matter is not available prior to the filing of a request for hearing.

In accordance with subsection 120.569(1), F.S., the following additional administrative or judicial review may be available.

A party who is adversely affected by final agency action may seek review of the action in the appropriate District Court of Appeal pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, within thirty (30) days after the rendering of the final action by the District.

PURSUANT TO SUBSECTION 373.119(3), F.S., AND NOTWITHSTANDING ANY OTHER PROVISION UNDER CHAPTER 120, F.S., PERSONS TO WHOM THE ORDER IS DIRECTED SHALL COMPLY THEREWITH IMMEDIATELY, AND THE TIMELY FILING OF A PETITION SHALL NOT STAY SUCH PERSON’S OBLIGATION TO MAINTAIN SUCH COMPLIANCE DURING THE PENDENCY OF ANY ADMINISTRATIVE PROCEEDING.
Executive Director’s Report  
February 22, 2010

Discussion Item

Status of Final Payments to Tampa Bay Water for Final Testing of the Tampa Bay Desalination Facility

Staff will provide an update as to the status of the final payments to Tampa Bay Water concerning the Tampa Bay Desalination Plant. There are two payments involved. The first is the $21.25 million Tampa Bay Water would receive once it produces at least 25 mgd for four consecutive months prior to the end of 2010. The second is the payment Tampa Bay Water would receive of the interest accrued since the execution of the 2005 Settlement Agreement. This payment is due to Tampa Bay Water once it operates the facility to produce at least 20 mgd on an average annual basis.

Staff Recommendation:

This item is presented for the Board’s information, and no action is required.

Presenter:  David L. Moore, Executive Director
REGULATION COMMITTEE

Discussion Items

20. Consent Item(s) Moved for Discussion

21. Hydrologic Conditions Status Report................................................................. (15 minutes) ........ 2

22. Consider Modified Phase II Water Shortage Order........................................... (15 minutes) ........ 4
   (Strategic Plan: Water Supply – Conservation)

23. Approve Changes to Proposed 20-Year Permit Rules in Response to Comments from the Joint Administrative Procedures Committee ......................................................... (5 minutes) ........ 5
   (Strategic Plan: Water Supply – Alternative Water Supplies)

24. Approve Changes to Proposed Enhanced Water Conservation Rules in Response to Comments from the Joint Administrative Procedures Committee ........................................ (5 minutes) ........ 12
   (Strategic Plan: Water Supply – Conservation)

25. Improvements to the Handling of Potential Over Pumpage ................ (10 minutes) ........ 25
   (Strategic Plan: Water Supply – Regulation)

26. Denials Referred to the Governing Board .................................................. (0 minutes) ........ 26

Submit & File Reports

27. Individual Permits Issued by District Staff ................................................................. 27

Routine Reports

28. Southern Water Use Caution Area Quantities ......................................................... 29

29. Overpumpage Report ........................................................................................... 31

30. Resource Regulation Significant Initiatives Report ............................................. 38
Discussion Item

Hydrologic Conditions Status Report

This routine report provides information on the general state of the District's hydrologic conditions, by comparing rainfall, surface water, and groundwater levels for the current month to comparable data from the historical record. The data shown are typically considered final, fully verified monthly values, but occasionally, due to timing of publication, some data are identified as "provisional," meaning that the values shown are best estimates based on incomplete data. The information presented below is a summary of data presented in much greater detail in the Hydrologic Conditions Report published the week before the Governing Board meeting, which also includes an updated provisional summary of hydrologic conditions as of the date of publication. It is available at http://www.swfwmd.state.fl.us/waterres/hydro/hydro.htm.

Rainfall

Provisional rainfall totals for the month, as of January 31st, were above-normal in the northern region of the District, at the upper-end of the normal range in the central region and within the normal range in the southern region. The normal range is defined as rainfall totals that fall on or between the 25th to 75th percentiles derived from the historical data for each month.

- The northern region received an average of 4.10 inches of rainfall, equivalent to the 78th percentile.
- The central region received 3.53 inches of rainfall, equivalent to the 75th percentile.
- The southern region recorded an average of 2.24 inches of rain, equivalent to the 57th percentile.
- District-wide, average rainfall was 3.23 inches, equivalent to the 69th percentile.

Streamflow

January streamflow data indicates regional streamflow decreased in all three regions of the District, compared to the previous month. Streamflow was below-normal in the northern region and within the normal range in the central and southern regions, based on flow conditions in regional index rivers. Normal streamflow is defined as falling between the 25th and 75th percentiles.

- The monthly average streamflow in the Withlacoochee River near Holder in the northern region was in the 13th percentile.
- The monthly average streamflow measured in the Hillsborough River near Zephyrhills in the central region was in the 52nd percentile.
- The monthly average streamflow measured in the Peace River at Arcadia in the southern region was in the 57th percentile.

Groundwater Levels

Groundwater data for January indicate levels in the Floridan/Intermediate aquifer increased in the northern region of the District, while it decreased in the central and southern regions. All regions ended the month within the normal range of historical values. Normal groundwater levels are defined as those falling between the 25th and 75th percentiles.

- The average groundwater level in the northern counties was in the 31st percentile.
- The average groundwater level in the central counties was in the 48th percentile.
- The average groundwater level in the southern counties was in the 34th percentile.
Lake Levels
Provisional water-level data as of January 20th indicates average lake levels decreased in the Northern and Lake Wales Ridge regions of the District, while they increased in the Tampa Bay and Polk Uplands regions. All regions ended the month below the base of the annual normal range. Normal lake levels are generally considered to be levels that fall between the minimum low management level and the minimum flood level.

- Average levels in the Northern region decreased 0.01 foot and were 4.06 feet below the base of the annual normal range.
- Average lake levels in the Tampa Bay region increased 0.09 foot and were 0.20 foot below the base of the annual normal range.
- Average lake levels in the Polk Uplands region increased 0.03 foot and were 2.11 feet below the base of the annual normal range.
- Average lake levels in the Lake Wales Ridge region decreased 0.20 foot and were 4.71 feet below the base of the annual normal range.

Issues of Significance
January historically marks the fourth month of the 8-month dry season and provisional rainfall totals for the month were normal or above-normal in all regions of the District. Analysis of dry-season rainfall shows October through January totals to be above the historic mean in all regions of the District.

Rainfall was regionally variable during the month and associated with the passage of several cold front systems moving across the Florida peninsula. An unprecedented cold weather event occurred from January 2-13, bringing prolonged freezing temperatures to many areas of the District that caused agricultural interests to pump groundwater for crop protection. Groundwater pumping during the cold weather event caused severe (but temporary) aquifer level declines in parts of Hillsborough and Polk counties that resulted in numerous dry wells complaints and extensive sinkhole development. The provisional twelve-month District-wide rainfall deficit improved during January, ending the month approximately 0.8 inch below the long-term average. The 24- and 36-month cumulative rainfall deficits improved and are approximately 7.1 and 17.4 inches, respectively.

Hydrologic indicators saw mixed response throughout the District, showing only slight changes during January. Groundwater levels ended the month within the normal range of historic values, while streamflow in regional index rivers remain at below-normal levels in the northern region and within the normal range in the central and southern regions. Regional lake levels remain below normal levels throughout the District.

Current NOAA climate forecasts continue to predict above-normal rainfall conditions for the District through May 2010, due to El Niño conditions in the Pacific Ocean. Continued above normal rainfall during the dry season would improve overall hydrologic conditions, lessen or eliminate resource-related impacts, and will be needed to fully recover from the multi-year drought.

Updated weather forecasts will be available in mid-February. Staff will continue to closely monitor conditions in accordance with the District's updated Water Shortage Plan, including any necessary supplemental analysis of pertinent data.

Staff Recommendation:
This item is presented for the Committee's information, and no action is required.

Presenter: Granville Kinsman, Manager, Hydrologic Data Section
Consider Modified Phase II Water Shortage Order

Modified Phase II water shortage restrictions are currently in effect for all water uses throughout most of the District, pursuant to Water Shortage Order No. SWF 07-02, except in communities where more stringent restrictions are in effect. Water Shortage Order No. SWF 07-02 was issued in January 2007 and is currently scheduled to expire on February 28, 2010 unless the Governing Board takes action. As of January 28, 2010, based on improved hydrologic conditions and other pertinent factors considered in accordance with the District’s Water Shortage Plan (Rule 40D-21, Florida Administrative Code (F.A.C.)), the Governing Board may be able to allow the current Modified Phase II Order expire. If the current Order is allowed to expire, users would be allowed to follow more flexible Year-Round Water Conservation Measures (Rule 40D-22, F.A.C.) unless subject to more stringent local water restriction ordinances. The Year-Round Measures, which were recently updated for the sake of greater statewide consistency, allow for a maximum of twice-per-week lawn watering instead of the current once-per-week schedule.

Staff will continue to monitor pertinent information to develop a final recommendation for Board action regarding Water Shortage Order No. SWF 07-02. Options include: allowing the current Order to expire without further action, extending the Order’s expiration date with or without additional modifications, or replacing the Order with a different water shortage declaration.

Staff will provide a summary of current conditions and a recommendation regarding the disposition of Water Shortage Order No. SWF 07-02 for the Board’s consideration.

Staff Recommendation:

Recommendation will be presented at the Governing Board meeting.

Presenter(s): Richard S. Owen, AICP, Deputy Executive Director, Resource Regulation
Alba E. Mas, Director, Tampa Regulation Department
Lois Ann Sorensen, Demand Management Program Manager
In July 2009, the Governing Board approved for adoption rule amendments to restructure the District’s permit duration rule to be more consistent with the durations given by the St. Johns River Water Management District and the South Florida Water Management District, and to provide incentives for applicants who undertake extraordinary water conservation and reclaimed water reuse efforts.

The proposed rules are now at the stage of responding to Joint Administrative Procedures Committee (JAPC) comments as indicated by the shaded box below:

Last month the Board approved withdrawing proposed section 40D-2.322(2) relating to compliance reports to allow for coordination of consistent language among the water management districts. In response to that, the City of Tampa filed a motion with the Division of Administrative Hearings to dismiss its challenge to that rule. The Administrative Law Judge acted on the motion and has closed the file. The District can proceed to adopt the rules, pending approval this month of changes in response to comments received from the JAPC.

The JAPC comments and the proposed changes to address the comments are included in the Board’s meeting information. If the Board approves the proposed changes, a notice of the changes will be published in the Florida Administrative Weekly and the JAPC comment will be satisfied. If there are no requests for hearings before the Board or petitions filed with the
Division of Administrative Hearings, and no comments are received that necessitate further changes by the Board, staff will complete the rule adoption process.

**Staff Recommendations:**

See Exhibit

Approve the changes shown in the exhibit and authorize staff to complete the rule adoption process.

**Presenters:** Karen Lloyd, Assistant General Counsel, Office of General Counsel
Ken Weber, Water Use Program Director, Strategic Program Office
Exhibit

Each JAPC comment on the proposed rule is restated below followed by the District staff’s response set forth in italics. Staff recommended changes to the proposed rule language as it was originally published in the FAW that are in response to a comment are shown in papyrus font with new language shown underlined and text to be deleted shown as stricken or stricken and underlined.

JAPC Comments

40D-2.321(1) The punctuation in this paragraph renders the rule nearly incomprehensible to the public.

40D-2.321(4) This rule states that permits with a duration of greater than 10 but less than 20 years as provided in subsection (2) of the rule shall be granted based upon facts presented by an applicant. Failure to specify criteria upon which the facts presented are to be evaluated appears to vest unbridled discretion in the board. Is the reference to subsection (2) in this rule correct? That subsection appears to only authorize permits with a duration of 10 years.

District Response:
Please see the restructuring of subsection (1) and (2), the renumbering of references as appropriate in the rule, and the rewording of subsection (4) below:

40D-2.321 Duration of Permits.

(1) When requested by an applicant, a water use permit shall have a duration of 20 years if:

(a) the applicant provides reasonable assurance that the proposed withdrawals and use meets the conditions for issuance in section 40D-2.301, F.A.C., and the criteria in Part B, Basis of Review, of the Water Use Permit Information Manual, incorporated by reference in section 40D-2.091, F.A.C., and

(b) there is a demonstrated demand of at least 20 years, and

(c) that one or more of the conditions criteria in (2)(a) – (f) will be met, and

(d) where mitigation measures are proposed by the applicant, (2)(g) is met.

(2) Conditions for a water use permit with a duration of 20 years:

(a) The permit is for the development of an Alternative Water Supply. A longer duration shall be granted where the permittee demonstrates a longer duration is required by the bonding authority for the retirement of bonds issued for the construction of the project and the applicant provides reasonable assurance that the proposed use meets the conditions for issuance in section 40D-2.301, F.A.C., and the criteria in Part B, Basis of Review, of the Water Use Permit Information Manual, and that there is a demonstrated demand for the requested duration.

(b) The applicant demonstrates that at least 75 percent of their total annual average water needs will be met using an Alternative Water Supply or Supplies by the tenth year of the permit.
(c) The applicant demonstrates that it has achieved and will maintain a compliance per capita rate of less than 110 gallons per day per person, or will achieve such per capita by the tenth year of the permit. For regional water supply authorities, the per capita rate requirements shall refer to the weighted average compliance per capita rate of the member governments.

(d) The applicant demonstrates for its system-wide use of reclaimed water including imports and exports that it will beneficially reuse at least 75 percent of its treated domestic waste water, and at least 75% of that quantity will offset existing and planned water supplies by the tenth year of the permit. The term offset means the amount of traditional, potable quality water supplies that will be replaced by reclaimed water, expressed as an annual average in MGD.

(e) The applicant demonstrates that the project meets the Conditions of Eligibility of the Facilitating Agricultural Resource Management System (FARMS) program as specified in Rule 40D-26.101, F.A.C. and has an approved Facilitating Agricultural Resource Management System (FARMS) application and, by the tenth year of the permit, demonstrates that it will develop an Alternative Water Supply or Supplies that offset a minimum of 50 percent of the applicant’s current fresh or brackish water supply.

(f) The permit to be issued is a Small General.

(g) Any pre-existing adverse impacts resulting from the permittee’s existing permit that are being addressed through a mitigation plan that includes a minimum flow and level recovery strategy must be eliminated by the tenth year of the permit.

(3)(2) Permits that do not qualify for a 20 year permit duration pursuant to 40D-2.321(1) above, shall have a duration of 10 years provided the applicant provides reasonable assurance that the proposed use meets the conditions for issuance in section 40D-2.301, F.A.C., and the criteria in Part B, Basis of Review, of the Water Use Permit Information Manual, and that there is a demonstrated demand of at least 10 years.

(4)(3) When an applicant fails to provide reasonable assurance that the proposed use meets the conditions for issuance in section 40D-2.301, F.A.C., and the criteria in Part B, Basis of Review, of the Water Use Permit Information Manual, for a 10 year permit duration, a permit may be issued for a shorter duration that reflects the period for which such reasonable assurances can be provided.

(5)(4) Permits with a duration greater than 10 but less than 20 years as provided in subsection (1)(2) above shall be granted based upon the period of time for which the applicant demonstrates a demand and provides reasonable assurance that the proposed use meets the conditions for issuance in section 40D-2.301, F.A.C., and the criteria in Part B, Basis of Review, of the Water Use Permit Information Manual facts presented by an applicant.

(6)(5) The District is authorized to issue permits for a period up to 50 years in accordance with Section 373.236(3), F.S.

(7)(6) Permits based upon non-renewable leases less than 10 years shall be granted for 10 years. If the permitted water use activity ceases for more than 2 years the permit shall be subject to revocation unless documentation is provided indicating that use will recommence within the next year. Permits based upon non-renewable leases greater than 10 years or with renewable leases will be issued under the provisions of this section 40D-2.321, F.A.C., with a
permit condition requiring submittal of a new or a renewed lease in order for the permit to remain in force.

Permits that are modified prior to renewal will maintain the original expiration date unless the applicant requests the modification be deemed by the District to be substantial as described in the Basis of Review Section 1.12, and treated as a renewal with modification. If the District determines that the criteria of Basis of Review Section 1.12 are met, the application shall be processed as a renewal application with modification.

Subject to the limitations on groundwater allocations explained in the provisions under the heading "REQUIREMENTS FOR APPLICANTS FOR GROUNDWATER WITHDRAWALS WITHIN THE CENTRAL FLORIDA COORDINATION AREA" set forth in Section 3.6 of the Basis of Review ("the Provisions"), within the portion of the Central Florida Coordination Area that does not lie within the Southern Water Use Caution Area, the maximum permit duration for a Public Supply Utility or Similar Applicant proposing to withdraw groundwater shall be limited to December 31, 2013, unless the applicant will satisfy the requirements of B.2.a. or b., of the Provisions. If the applicant satisfies the requirements of B.2.a., or b., the permit duration shall be up to 20 years.


JAPC Comments regarding 40D-2.322(2) were rendered moot by the Board’s January action to remove this subsection.

District Response:

In light of the removal of subsection 40D-2.322(2) the title to the section should be changed to reflect the remaining content of the rule and numbering and references should be corrected as follows:

40D-2.322 Population and Impact Analysis and Verification of 10-year Requirements

(1) This rule 40D-2.322, F.A.C., shall apply to new and renewal permits issued after [effective date of rule] and permits that are substantially modified after [effective date of rule].

(2) For 20 year General and Individual Public Supply Permits, at years 10 and 15 of the permit the permittee shall submit an analysis and summary of the long-term trends over the reporting period and through the term of the permit that addresses population growth based on the District’s BEBR medium based GIS model or equivalent methodology, non-population based factors such as large industrial or other uses, other water demand, and per capita use. If the reporting period demands are less than 90% of the projected demands as reflected in the permit for that period or for the remainder of the term of the permit, the permittee shall demonstrate a legal, technical or other type of hardship as to why the permitted demand should not be reduced to an allocation based on actual demands experienced through the reporting period and demands projected through the remaining term of the permit. Within 90 days of a District notification to
the permittee that the demonstration was not made, the permittee shall submit a request to modify the permit allocation consistent with actual and projected demands.

(3)(4) Where data indicate adverse impacts to environmental or other water resources, offsite land use or a legal existing use, non-compliance with a minimum flow or level or associated recovery or prevention strategy, or interference with a reservation, or where data indicate the impacts predicted at the time of permit issuance were underestimated to the degree that the previous analysis is inadequate, an updated ground-water modeling analysis and data analysis shall be required to address compliance with conditions for issuance.

(4)(5) Permits that are issued for 20 year duration based on meeting the conditions set forth in 40D-2.321(2)(1)(b), (c), (d) or (e) within 10 years shall include a timeline of activities proposed to result in achieving these requirements, and progress reports. If these requirements are not achieved within 10 years, the permit duration shall revert to the applicable duration provided in section 40D-2.321, unless this reversion would result in the permit having expired or less than a year of remaining duration. In such cases, the permit will expire one year following the final determination of non-achievement and will be limited to a permitted quantity that equals an additional two years future demand beyond current demand, as determined pursuant to section 3.0 of Part B, Basis of Review, of the Water Use Permit Information Manual incorporated by reference in section 40D-2.091, F.A.C., from the point of final determination of non-achievement.

Rulemaking Authority 373.044, 373.113, 373.171, F.S. Law Implemented 373.103, 373.171, 373.219, 373.223, 373.227, 373.236, 373.250, F.S. History - New __________.

WATER USE PERMIT INFORMATION MANUAL
PART B, BASIS OF REVIEW
Incorporated by Reference in rule 40D-2.091, F.A.C.

2.0 ADMINISTRATIVE CONSIDERATIONS

JAPC Comment:
2.1 Control of Property and Activities, paragraph 6.
This rule requires agricultural permittees to submit written documentation confirming property ownership. Please provide and explain the specific law implemented authorizing the district to require ownership of property as a condition of receiving a water use permit. Please clarify what is acceptable documentation and identify the time frame that will be required in the permit for the submittal of written documentation.

District Response:

This provision is not a condition of receiving a water use permit. This provision applies post-permit issuance and simply requires that the permittee advise the District of the current ownership of the property where the water use is occurring. However, the following language
better articulates the confirmation the District seeks from water use permittees and when such confirmation will be required:

2.1 CONTROL OF PROPERTY AND ACTIVITIES

Paragraphs 1-5 No Change.

6. As specified in the permit, agricultural permittees shall periodically submit written documentation confirming property ownership and that the permitted water use activities are consistent with the approved permit. Permittees shall periodically confirm that the water use activities conducted by the permittee continue to be consistent with the permit and that the information included in the permit continues to be accurate. The dates for this confirmation will be specified in water use permits based upon the use type authorized by the permit and the likelihood that the water use activities and information in the permit will change over the duration of the permit.
Discussion Item

Approval of Changes to Enhanced Water Conservation Rules in Response to Comments From the Joint Administrative Procedures Committee

In September, 2009, the Governing Board approved for adoption rule amendments to enhance the District’s water conservation requirements in the water use permitting program.

The proposed rules are now at the stage of responding to Joint Administrative Procedures Committee (JAPC) comments as indicated by the shaded box below:

The JAPC comments received January 21, 2010, and the proposed changes to address the comments are included in the Board’s meeting information. If the Board approves the proposed changes, a notice of the changes will be published in the Florida Administrative Weekly and the JAPC comment will be satisfied. If there are no requests for hearings before the Board or petitions filed with the Division of Administrative Hearings, and no comments are received that necessitate further changes by the Board, staff will complete the rule adoption process.

Staff Recommendations: See Exhibit

Approve the changes shown in the exhibit and authorize staff to complete the rule adoption process.

Presenters: Karen Lloyd, Assistant General Counsel, Office of General Counsel
Ken Weber, Water Use Program Director, Strategic Program Office
Each JAPC comment on the proposed rule is restated below followed by the District staff’s response set forth in italics. Staff recommended changes to the proposed rule language as it was originally published in the FAW that are in response to a comment are shown in papyrus font with new language shown underlined and text to be deleted shown as stricken or stricken and underlined.

**JAPC Comment:**
**40D-2.091 Law Implemented**
The citations to law implemented for this rule should probably include ss. 373.217 and .236, F.S.

**District response:**
District staff agrees that sections 373.217 and 373.236, F.S., should be added, as well as sections 373.0363, 1175, 373.185, 373.227, 373.228, and 373.250, F.S.

**JAPC Comment:**
**Water Use Permit Information Manual, Part B, Basis of Review**

3.6 Public Supply; Applicant Considerations Demand

1. This rule states, “Information typically required to demonstrate reasonable demand for each component may include the number, type and size of service connections; . . .” If information is required to demonstrate reasonable demand, that information should be specifically listed.

2. Furthermore, use of the word “may” necessarily implies that the district either may or may not choose to require the listed information based upon whim or caprice. This constitutes an arrogation of unbridled discretion to the district. See, Barrow v. Holland, 125 So. 2d 749 (Fla. 1960). Section 120.52(8)(d), F.S., defines invalid exercise of delegated legislative authority as the vesting of unbridled discretion in an agency by rule.

**District Response:**
To address comments numbered 1. and 2. above, District staff suggests revisions to this provision as follows:

**DEMAND**

In order to accurately calculate demand, public supply Applicants must identify the demand for each of the uses listed in this section. Examples of the information typically required to demonstrate reasonable demand for each component may include the number, type, and size of service connections; past monthly pumpage records by use type; projected permanent and temporal population data for the service area; data on the specific uses; development projections; and data specific to the forecasting models used. All required demand information is described in this section. Demand quantities shall be based on quantities required by end-use customers, not
withdrawal quantities. The quantities must be expressed in average annual gallons per day for each component of demand. Revised 1-20-09

JAPC Comment:
Common Areas Developed by Non-Governmental Entities

3. This rule states that to demonstrate consistency with s. 373.185, F.S., the applicant may establish:
[T]hat the applicable local government has adopted the Florida Department of Environmental Protection’s Landscape Guidance: Models for Ordinances, Covenants, and Restrictions, 1/09, developed pursuant to Section 373.185, F.S., as may be updated from time to time, and [SWFWMD’s] supplements thereto.

Because compliance with the rule may depend upon the DEP’s landscape guidance models, that document should be incorporated by reference as provided in the Department of State’s rule 1B-30.005, F.A.C. A copy of the incorporated material must also be provided to this Committee for review.

In addition, because s. 120.54(1)(i)1., F.S., limits the incorporation of materials only as the materials exist on the day they are adopted, the incorporated landscaping guidance models cannot be incorporated “as [they] may be updated from time to time” and as they are supplemented by the District. Any amendments or supplements must likewise be incorporated in the rule.

Finally, because the incorporation of the DEP’s landscaping guidance models are incorporated within the Basis of Review which itself is incorporated, the incorporation language for the Basis of Review in rule 40D-2.091 should reference the incorporation of the landscaping guidance models. See, Goodman v. Kendall Gate-Investco, 395 So. 2d 240 (Fla. 3d DCA 1981).

4. This rule incorporates the Landscape Irrigation and Florida Friendly Design Standards, (December 2006). As stated above, because this document is incorporated within the Basis of Review which itself is incorporated, the incorporation language for the Basis of Review in rule 40D-2.091 should reference the incorporation of these landscape irrigation and design standards. A copy of the incorporated material must also be provided to this Committee for review.

District Response:
To address the comments included in numbers 3. and 4. above, District staff suggests revisions to those provisions as follows:

COMMON AREAS DEVELOPED BY NON-GOVERNMENTAL ENTITIES

Non-governmental applicants for a General or Individual Water Use Permit for water supply for a residential development shall identify existing and proposed acreage of Common Areas on the application and demonstrate the following:
1. Alternative water supplies shall be used to the maximum extent that is technically, environmentally and economically feasible to irrigate Common Areas.

2. Irrigation of Common Areas is, or will be, minimized through minimization of the acreage to be irrigated and the use of vegetation that requires minimal supplemental irrigation, where practical.

3. The local government responsible for the issuance of building permits for the project has adopted an ordinance incorporating the principles of Florida-friendly landscaping; or, the applicant will implement landscaping consistent with section 373.185, F.S. The applicant may demonstrate consistency with section 373.185, F.S., by establishing that the applicant has implemented, or commits to implement, or that the applicable local government has adopted the Florida Department of Environmental Protection’s Landscape Guidance: Models for Ordinances, Covenants, and Restrictions, 1/09, developed pursuant to Section 373.185, F.S. which is incorporated herein by reference, as may be updated from time to time, and this District’s supplements thereto.

4. Irrigation systems are limited to high efficiency systems with properly installed, maintained and operational rain or soil moisture sensor shutoff devices, or evapotranspiration controller with a rainfall shutoff device and an active data subscription as applicable. Irrigation systems shall be properly maintained and incorporate the standards set forth in the Landscape Irrigation and Florida Friendly Design Standards, dated December 2006, developed pursuant to Section 373.228(4), F.S., and incorporated herein by reference. The Standards are available upon request from the District and at www.dep.state.fl.us.

For non-governmental Public Water Supply Utility applications that include quantities for residential developments after (effective date), demand for Common Area irrigation shall be met within the allowable per capita allocation.

New

40D-2.091 Publications Incorporated by Reference.

(1) The following publications are hereby incorporated by reference, and are available from the District’s website at www.Watermatters.org or from the District upon request:

(a) Water Use Permit Information Manual Part B, "Basis of Review (____) (11-2-09); and
(b) Part D, "Requirements for the Estimation of Permanent and Temporal Service Area Populations in the Southern Water Use Caution Area (1-20-09).

(2) (a) – (g) No change.

(h) #49 Public Supply Annual Report Form For General and Individual Permits, Form No. LEG-R.023.00 (07/09);
(i) SWFWMD Annual Reclaimed Water Supplier Report, Form No. LEG-R.26.00(07/09);
(j) Public Supply Water Use Annual Report For General Water Use Permits Less Than 100,000 gpd, Form No. LEG-R.047.00 (09/09);
(k) Florida Department of Environmental Protection’s Landscape Guidance: Models for Ordinances, Covenants, and Restrictions, 1/09.
December 2006; and

University of Florida’s Institute of Food and Agricultural Science’s Department of Fisheries and Aquatic Sciences publication “Regulations Pertaining to Non-native Fish in Florida Aquaculture (FA121).” [This paragraph (m) is to be added pursuant to your comment on Section 6.4 below regarding incorporation of this document.]

Rulemaking Authority 373.044, 373.113, 373.118, 373.171, F.S. Law Implemented 373.036, 373.056(2), 373.036(1), 373.042, 373.042(1), 373.0831, 373.116, 373.117, 575.1175, 373.118, 373.149, 373.171, 373.1963, 373.185, 373.216, 575.217, 373.219, 575.227, 373.228, 373.229, 373.236, 373.239, 373.243, 373.250, F.S. History – New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-22-99, 12-2-99, 8-3-00, 9-3-00, 4-18-01, 4-14-02, 9-26-02, 1-1-03, 2-1-05, 10-19-05, 1-1-07, 8-23-07, 10-1-07, 10-22-07, 11-25-07, 12-24-07, 2-13-08, 2-18-08, 4-7-08, 5-12-08, 7-20-08, 9-10-08, 12-30-08, 1-20-09, 3-26-09, 7-1-09, 8-30-09 11-2-09,

JAPC Comment:
Conservation Plan Requirements, Permits for 100,000 Gpd or Greater

4. The reference to the “Conserve Florida Water Conservation Guide” contained in this rule should include a reference to the location of the guide.

5. Water conserving irrigation practices:
(c) This rule again references the “Florida Department of Environmental Protection’s Landscape Guidance: Models for Ordinances, Covenants, and Restrictions, 1/09.” See my comments above regarding the incorporation of materials only as they exist on the date of adoption. The incorporation of this document in paragraph 3. of the Common Areas Developed by Non-Governmental Entities section of the Basis of Review should be referenced here.

District Response:
To address the comments included in numbers 4. and 5. above, District staff suggests revisions to those provisions as follows:

CONSERVATION PLAN REQUIREMENTS

Permits For 100,000 Gpd Or Greater

All applicants for a new, renewal of, or modification of (except applicants for a Letter Modification) permits for 100,000 gpd or greater for public supply shall submit a conservation plan as part of the application that demonstrates that it will provide for and increase efficiency of use by implementing environmentally, technically and economically feasible water conservation practices. At a minimum, the plan shall include a description of how each water conservation practice listed below
under the heading Minimum Water Conservation Practices for Public Supply Use is or will be addressed and its actual or expected implementation date.

Progress reports shall be due with the Annual Report.

Minimum Water Conservation Practices for Public Supply Use

1. A water-conserving water rate structure. A copy of the rate ordinance or tariff sheets for both potable and irrigation rates shall be included in the conservation plan.

2. Customer billing, and meter reading practices and customer rate structure and usage information that conforms with the provisions in this section 3.6 titled “Customer Billing, Meter Reading, Rate Structure And Usage Information.” A copy of bills meeting those requirements shall be included in the conservation plan.

3. An ongoing audit program of the internal and external water distribution systems to address reductions in water losses.

4. Proposed and ongoing water conservation measures and programs, the scheduled implementation dates, and an estimate of the cost and anticipated water savings for each proposed and additional measure and program. A description or a copy of these measures and programs shall be included in the conservation plan and an identification of which, if any, were derived from the “Conserve Florida Water Conservation Guide” published by the Conserve Florida Water Clearinghouse at www.conservefloridawater.org.

5. Water conserving irrigation practices including:
   
   (a) Minimization of lawn and landscape irrigation with supplies other than reclaimed water;

   (b) Use of microirrigation on planting beds and other non-turf areas where irrigation is required, and minimize the acreage of irrigated lawn area;

   (c) Implement Florida Friendly landscape principles and components consistent with 373.185, F.S. Consistency with 373.185, F.S. may be demonstrated by adoption by ordinances or covenants, as applicable, of the Florida Department of Environmental Protection’s Landscape Guidance: Models for Ordinances, Covenants, and Restrictions, 1/09, developed pursuant to Section 373.185, F.S., which is incorporated by reference in paragraph 3. of the Common Areas Developed by Non-Governmental Entities section above of this Basis of Review, as may be updated from time to time, and this District’s supplements thereto.; [FYI, though not included as a comment, this same language will be added to section 3.7 of the Basis of Review where the same document is referenced.]

   (d) Properly installed, and maintained and operational rain or soil moisture sensor shutoff devices or an evapotranspiration controller plus rain sensors and an active data subscription. Irrigation systems shall be properly maintained and incorporate the standards set forth in the Landscape Irrigation and Florida Friendly Design Standards, dated December 2006, developed pursuant to Section 373.228(4), F.S., and incorporated herein by reference. The Standards are available upon request from the District and at www.dep.state.fl.us.

   (e) For irrigation quantities that are supplied via a conveyance system that is separate from the indoor potable supply, individual use metering and a water conserving rate structure for irrigation quantities.
(f) Deed restrictions or covenants shall not:

1. require a certain percentage of residential lots to be turfgrass
2. require specific types of turfgrasses to be utilized
3. require lawns to be maintained at a specific color, and shall not prohibit browning during periods of dormancy or drought,
4. require resodding of lawns during drought periods

(g) Use of Alternative Water Supplies for irrigation.

The applicant may submit a goal based water conservation plan as described in 373.227(4), F.S. Additional information about these plans can be found in the Conserve Florida Water Conservation Guide at www.conservefloridawater.org.

JAPC Comment:
Water Use Annual Report for Permits Less than 100,000 gpd

5. This rule requires use of the “Requirements for the Estimation of Permanent and Temporal Service Area Populations,” January 1, 2007, set forth in Part D of the Water Use Permit Information Manual. That document or material should be incorporated here, and the incorporation should be referenced in the incorporation language for the Basis of Review in rule 40D-2.091. A copy of the incorporated material must also be provided to this Committee for review.

District Response:
This document is currently incorporated by reference in 40D-2.091(1)(b), though this reference in this proposed Basis of Review provision needs to be update to the current date of 1-20-09. District staff suggests adding language to 5. below to state that the document is incorporated by reference as follows:

Water Use Annual Report For Permits Less than 100,000 gpd

All public supply permittees with a permit for less than 100,000 gpd shall submit the following information, as previously defined in the section entitled "PER CAPITA DAILY WATER USE", using the form Public Supply Water Use Annual Report For General Water Use Permits Less Than 100,000 gpd, Form No. LEG -R.047.00 (07/09) incorporated by reference in rule 40D-2.091(2), F.A.C., covering the preceding calendar year. Two identical copies of the Report and two identical copies of all required supporting documentation shall be included if submitted in hard copy. This report is due no later than April 1. “Identical copy” in this instance means, for example, that when the original is in color, then all copies shall also be printed in color.

1. Ground water, surface water and stormwater withdrawals (WD),
2. Water imported/purchased from other supplier(s) (IM),
3. Water exported/sold to other supplier(s) (EX),
4. Treatment loss (typically R/O or sand filtration) (TL),
5. Functional population (FP). Functional Population is the served permanent population as adjusted by the seasonal resident, tourist, group quarters and net commuter population within a utility's service area as determined in accordance with "Requirements for the Estimation of Permanent and Temporal Service Area Populations," dated January 20, 2009, as set forth
in Part D of the Water Use Permit Information Manual, incorporated herein by reference. See the paragraph titled “SERVICE AREA FUNCTIONAL POPULATION ESTIMATES” for further information.

6. Per capita use rate calculated as set forth in the section of this Chapter entitled, “PER CAPITA DAILY WATER USE” and in accordance with the directives included in the section of this Chapter entitled, “DOCUMENTATION OF PER CAPITA DAILY WATER USE CALCULATION FOR THE WATER USE ANNUAL REPORT” above.

7. Any changes to the service area since the previous reporting period, using the map that is maintained in the District’s Mapping and GIS system.

New.

JAPC Comment:

3.7 Recreation or Aesthetic
Golf Course Conservation – Additional Requirements

This rule references, without numbering, rules which eliminate allocation of water for the irrigation of roughs on golf courses in certain water use caution areas. The references to those rules should include their numbers.

The fourth sentence in this rule states, “However, in all areas, if the permittee may irrigate roughs using quantities permitted for the tees, greens, and fairways.” This sentence should be reworded, as it is incomprehensible to the general public.

District Response:
To address the comments above, District staff suggests the revisions as follows:

GOLF COURSE CONSERVATION - ADDITIONAL REQUIREMENTS WITHIN THE SWUCA

Irrigation Of Roughs — Roughs are areas outside of the designated play area (fairway, tees, greens). Since January 1, 2006, by rule effective November 15, 1990, for the Highlands Ridge and the Eastern Tampa Bay Water Use Caution Areas (WUCA), by rule effective March 1, 1991, for the Northern Tampa Bay WUCA, and by July 1, 2008, for the expanded Northern Tampa Bay WUCA, and by January 1, 2006 in the area of the SWUCA that was not previously in a WUCA, quantities have not been allocated for irrigation of roughs for all golf courses with withdrawal points in those WUCAs. Quantities will not be allocated for irrigation of roughs for irrigation of roughs shall be eliminated for all golf courses with withdrawal points within SWUCA but not previously in the Eastern Tampa Bay Water Use Caution Area or the Highlands Ridge Water Use Caution Area by January 1, 2006. All other golf courses by January 1, 2012. However, in all areas, if a permittee demonstrates that drought tolerant landscaping has been utilized in the roughs, the permittee may irrigate the roughs using quantities permitted for the tees, greens, and fairways. The amount of permitted ground or surface water plus alternative water supply applied to the entire golf course shall not exceed reasonable-beneficial quantities for tees, greens and fairways alone. Separate quantities for rough
irrigation will not be allocated. However, an applicant may request prior approval from the District to use roughs as wet weather reclaimed water disposal sites. 1-1-03, Revised Amended 1-1-07, __________.

JAPC Comment:
5.0 Monitoring Requirements
5.1 Withdrawal Quantity
The word “monitoring” in this rule should probably be changed to “metering.”

District Response:
Your comment caused District staff to re-evaluate the proposed changes. Staff believes that the existing word “monitor” should not be changed to “meter” in any of the places previously proposed. Additionally, that section of the Basis was somewhat revised effective December 30, 2008 and reads as set forth below. Since this rulemaking pre-dates the December 30, 2008, revision, the older version was used at the start of the rulemaking and was not changed. Staff suggests that the amendments to those provisions should now be as follows:

5.1 WITHDRAWAL QUANTITY

5.1. WITHDRAWAL QUANTITY.
Individual and General Water Use permittees will be required to monitor the quantity of water withdrawn from any source in accordance with the guidelines described in this section. Monitoring of actual pumpage provides a means to develop historical records in order to accurately project future reasonable demand, assess impacts to the resource and existing water and land uses, and ensure that quantities withdrawn do not exceed permitted pumpage. Monitoring methods must maintain plus or minus 5% accuracy, and must be approved by the District. Permittees shall use direct flow measuring devices unless the District determines direct methods are inappropriate for the particular water use system.

Permittees shall monitor withdrawal quantities from each withdrawal point and provide meter readings to the District at a frequency to be prescribed by permit conditions when:

1. Issued an Individual Water Use Permit;
2. Issued a General Water Use Permit for public supply use;
3. Issued a General Water Use Permit and one or more of the withdrawal points is located within the SWUCA or NTBWUCA; or
4. The District determines that there is a potential for harm to the resource or potential for adverse impacts to existing users.

The District will provide and install flow meters on agricultural withdrawal points where the Permittee's total permitted quantity is greater than or equal to 500,000 gpd annual average withdrawal. This provision shall apply only to those agricultural withdrawal points in existence prior to October 1, 1989, which are not equipped with totalizing flow meters that provide plus or minus 5% accuracy. The District may provide other flow measuring devices if appropriate. Agricultural permit applicants who submit an application on or after October 1, 1989, and any existing agricultural Permittees who have not installed permitted withdrawal points prior to
October 1, 1989, shall provide and install flow meters at their expense. The cost of operation and maintenance of all meters and reporting of data shall be the responsibility of the Permittee.

Monitored Permittees shall, upon request of the District, provide the District an opportunity to perform measurements of flow during system operation. The District will ensure that the measurements are made in a manner that does not interfere with the Permittee's water use activities.

Ordinarily, withdrawal quantities shall be totaled on a monthly basis and reported to the District by the tenth day of the following month. However, for intense uses such as frost/freeze protection, or for stream withdrawals, a Permittee may be required to totalize pumpage on a daily basis from each withdrawal point and report the daily withdrawal quantities to the District on a monthly basis.

Revised 12-30-08, ________.

JAPC Comment:
6.4 Agricultural Permit Conditions
5. This rule requires use of conservation practices identified by the University of Florida’s Institute of Food and Agricultural Science’s Department of Fisheries and Aquatic Sciences publication “Regulations Pertaining to Non-native Fish in Florida Aquaculture (FA121).” This document should be incorporated by reference here, as provided in rule 1B-30.005, F.A.C. The incorporation of this document should be referenced in SWFWMD’s rule 40D-2.091, F.A.C. A copy of the incorporated material must also be provided to this Committee for review.

District Response:
The substantive requirement to follow the IFAS “Regulations Pertaining to Non-native Fish in Florida Aquaculture” is contained in the Aquaculture provisions of Section 3.3 Agriculture of the Basis of Review as set forth below. As shown below, District staff suggests adding the incorporation by reference to paragraph 6. of Section 3.3. Section 6.4 sets forth verbatim the permit condition that staff will include in each aquaculture permit to implement the substantive requirement of Section 3.3. Otherwise, permits will be issued with a condition that states that the IFAS document is incorporated by reference into the permit. Under Chapter 120, F.S., such documents only have to be incorporated into rules, not permits. The IFAS document has been added to 40D-2.091 as shown in response to comments 3. and 4., regarding Common Areas, above.

Water Conservation Practices for Aquaculture Uses

1. Reduce offsite discharge by converting flow through systems to recirculation systems; designing new facilities with recirculation systems and design new ponds without discharge outlets; retaining and treating production water on site; utilizing reclaimed water and other alternate water sources; and incorporating water reuse practices in standard operation and management practices to reduce the quantity of water pumped or discharged.
2. Reduce water loss from ponds due to excess seepage by maintaining proper free board levels and using perimeter ditches, and reduce water loss from outdoor containments by the use of shade facilities where practicable.

3. Avoid daytime aeration or other activities which involve spraying water into the air to the greatest extent practicable to minimize water losses from evaporation and the wind. This does not apply to daytime use of water for control of heat stress or cold protection.

4. Conduct routine and ongoing maintenance and repair programs on levees, dikes and banks surrounding ponds, check for leaks from tanks, vats or raceways, and check for proper performance of perimeter ditches, filter strips, detention ponds or other facilities designed for treatment of product water treatment.

5. Conduct a system-wide survey at least once per season that includes monitoring flow rates and system pressures to detect leaks and clogs; routine cleaning system components (valves, filters, meters, etc.); checking controllers or timers for accurate operation; and monitoring flow meters for unusually high or low readings.

6. Utilize other conservation practices as identified by the University of Florida’s Institute of Food and Agricultural Science’s Department of Fisheries and Aquatic Sciences publication “Regulations Pertaining to Non-native Fish in Florida Aquaculture (FA121),” incorporated herein by reference.

New ______

JAPC Comment:
6.5 SWUCA Permit Conditions
Notice of Recovery Strategy
This rule states that the Governing Board “may” amend the recovery strategy, including amending applicable water use permitting rules based on an annual assessment of resource criteria, cumulative water withdrawal impacts, and on a recurring five-year evaluation of the status of the recovery strategy. Use of the word “may” necessarily implies that the board either may or may not choose to make the referenced amendments based upon whim or caprice. This constitutes an arrogation of unbridled discretion to the board. See, Barrow v. Holland, 125 So. 2d 749 (Fla. 1960). Section 120.52(8)(d), F.S., defines invalid exercise of delegated legislative authority as the vesting of unbridled discretion in an agency by rule.

District Response:
Notice of Recovery Strategy
There is no way to know whether the recovery strategy will be amended. However, the criteria upon which that decision will be based is set forth in rule 40D-80, F.A.C. Considering that, staff suggests that this provision can be clarified as follows:

Condition: This Permit is located within the Southern Water Use Caution Area (SWUCA). Pursuant to Section 373.0421, Florida Statutes, the SWUCA is subject to a minimum flows and levels recovery strategy, which became effective on January 1, 2007. As set forth in
The Governing Board’s amendment to the recovery strategy, including amending applicable water use permitting rules, is subject to change based on, among other criteria, an annual assessment of water resource criteria, cumulative water withdrawal impacts, and on a recurring five-year evaluation of the status of the recovery strategy up to the year 2025 as described in Chapter 40D-80, Florida Administrative Code. This Permit is subject to modification to comply with new rules.

Discussion: The above condition is required to be applied to all permits located in the SWUCA.

JAPC Comment:
6.6 Alternative Water Supplies
1. Metering Alternative Water Supplies

This rule requires the permittee to submit meter readings online or to use District-supplied scanning forms. Subparagraph 120.55(1)(a)4., F.S., requires forms used by agencies to be submitted to this Committee for review. If the forms meet the definition of a rule, those forms must be incorporated by reference. Please submit the forms referenced in this rule for review. Also, please be prepared to incorporate those forms if they meet the definition of a rule.

District Response:

A copy of the scan form has been provided to the JAPC and does not meet the definition of a rule.

JAPC Comment:

2. Modification to Incorporate Alternative Water Supplies

The discussion accompanying this rule states, “Put on all permits – required when any or all withdrawals have been discontinued from the ground water or natural surface water body due to use of an alternative source.” This statement is unclear, as the rule does not specify what is to be put on the permits.

District Response:
District staff suggests the following clarification:

Discussion: Put on all SWUCA permits that include alternative water supplies – required when any or all withdrawals have been discontinued from the ground water or natural surface water body (primary source) due to use of an alternative source.

JAPC Comment:

40D-2.101 Law Implemented
The citations to law implemented for this rule should probably include s. 373.0363, F.S.
District Response:
District staff agrees that that section should be added as well as 373.116, 373.117, 373.1175 and 373.236, F.S..

JAPC Comment:
40D-2.321 Law Implemented
The citations to law implemented for this rule should probably include ss. 373.217 and .219, F.S.

District Response:
District staff agrees that those sections should be added.
**Discussion Item**

**Improvements to the Handling of Potential Over Pumpage**

The Governing Board has, in the past, received a report from staff regarding the process for determining over pumpage by Water Use Permittees. This over pumpage procedure is applied on a consistent approach to over pumpage situations. The Board receives a report on over pumpage cases in the monthly Board meeting packet. Staff has identified opportunities to enhance how over pumpage is handled and the purpose of this item is to inform the Board of these changes prior to implementation and to seek any direction from the Board.

Permittees submit monthly pumpage reports and are evaluated for compliance with their permitted annual average quantity based on a 12-month running average, where each month’s value is averaged with the previous 11 month’s values to yield the average annual value. Over pumpage situations where the over pumpage is sustained, or causes adverse impacts are followed up with enforcement activity. However, in cases where upon notice of the violation the permittee diligently undertakes actions to reduce the quantity withdrawn and brings their quantity into compliance on a monthly basis but still exceeds the annual average quantity, staff recommends that enforcement should not be pursued. This is because due to the nature of a running average, a short term exceedance is carried forward in the calculation even though subsequent pumpage has reduced. Although the monthly quantity is reduced to what would be appropriate, a lag-effect of the short-term exceedance continues to result in an annual average value larger than the permitted quantity.

For example, consider a hypothetical permit for an annual average quantity of 100,000 gallons per day (gpd). This permit withdraws quantities on a monthly basis both above and below the value of 100,000 gpd and is deemed in compliance as long as the 12-month running average of 100,000 gpd is not exceeded. However, if the permittee is averaging at or near the 12-month average value and the situation occurs where excessive quantities are used for just one month (e.g., 120,000 gpd), even if the pumpage is reduced below 100,000 gallons per day the following month, the effect of the previous month’s pumpage will likely cause another month’s violation as it may take several month’s pumpage below 100,000 gpd to reduce the running average to the permitted quantity of 100,000.

Where a permittee undertakes a good-faith effort to reduce pumpage below the annual average permitted quantity and achieves that on a monthly basis but continues to be above the 12-month running average, staff recommends that enforcement should not be pursued except where the over pumpage is repeated, or causes adverse impacts. If a permittee were to come back into compliance on a monthly basis for only one month, and then continue to exceed both the monthly and permitted average annual quantity, enforcement would be pursued.

Additionally, if the over pumpage is within five percent of the permitted quantity, or 50,000 gallons per day, whichever is less, staff proposes that this be considered nominal and enforcement by the Office of General Counsel not be pursued unless it occurs over a sustained period or reoccurs. Regulation staff would continue to work with these permittees to bring them into compliance.

**Staff recommendation:**

Any direction from the Board will be incorporated into the over pumpage procedure; however, no action is required.

**Presenter:** Ken Weber, Water Use Program Director, Strategic Program Office
Discussion Item

Denials Referred to the Governing Board

Chapter 2009-243, Laws of Florida (Senate Bill 2080), which amends Chapter 373, Florida Statutes, to require, among other things, delegation of all water use and environmental resource permitting to the District Executive Director, is now effective. In anticipation of the need to implement the delegation provisions of the new law, the Governing Board approved at its June 23, 2009 meeting Southwest Florida Water Management District Order No. SWF 09-022. Pursuant to the Order, if the Executive Director or designated staff proposes to deny a permit application or a petition for variance or waiver of permitting requirements, the applicant or petitioner will be advised of the opportunity to request referral to the Governing Board for final action.

In addition, pending amendments to District Rule 40D-1.6051, Florida Administrative Code, provide that if District staff intends to deny a permit application for incompleteness, the applicant will be advised of the opportunity to request referral to the Governing Board for final action. It is anticipated that this amendment will become effective in August 2009.

Under these circumstances, if an application or petition requests their application or petition be referred to the Governing Board for final action, that application or petition will appear under this agenda item for consideration. As these items will be presented at the request of an outside party, specific information may not be available until just prior to the Board meeting date.

Staff Recommendation:

To be presented at the Board meeting.

Presenter: Richard S. Owen, AICP, Deputy Executive Director, Resource Regulation
Wetland Mitigation Acres may be zero or less than Wetland Acres Impacted for a variety of reasons. Some of those reasons are: impacted wetlands require no mitigation by rule (e.g., upland cut manmade ditches, etc.); quality of the impacted wetlands is less than the quality of proposed mitigation; or mitigation is provided through a different permit or a mitigation bank.
## Individual Permits Issued: WUPs

<table>
<thead>
<tr>
<th>Permit Number</th>
<th>Permittee Name / Project Name</th>
<th>County</th>
<th>Description</th>
<th>Use Type</th>
<th>Previous Permitted Quantity</th>
<th>New Permitted Quantity</th>
<th>Duration (Years)</th>
</tr>
</thead>
<tbody>
<tr>
<td>20001759.010</td>
<td>Diner Citrus &amp; Cattle</td>
<td>Charlotte</td>
<td>Renewal of agricultural permit within the Southern water Use Caution area, with a change in permitted quantities for irrigation of 500 acres of spring vegetables, 500 acres of fall vegetables, 200 acres of sod, 200 acres of improved pasture and cattle watering.</td>
<td>Agriculture</td>
<td>393,400</td>
<td>2,295,600</td>
<td>10</td>
</tr>
<tr>
<td>20004866.009</td>
<td>Englewood Water District</td>
<td>Sarasota</td>
<td>Renewal within the Southern Water Use Caution Area, with no change in quantities.</td>
<td>Public Supply</td>
<td>5,360,000</td>
<td>5,360,000</td>
<td>10</td>
</tr>
</tbody>
</table>
The SWUCA Recovery Strategy anticipates that up to an additional 35 MGD will be obtained from the surficial and intermediate aquifers.
# Overpumpage Activity Report

## December 2009

### Table 1. Overpumpage Report Summary

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<thead>
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<th>Active Files in Legal (Table 5)</th>
<th>Consent Order Monitoring (Table 6)</th>
<th>Total Files</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Previous Month</td>
<td>Current Month</td>
<td>Previous Month</td>
<td>Current Month</td>
<td>Previous Month</td>
<td>Current Month</td>
</tr>
<tr>
<td>Bartow</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>Brooksville</td>
<td>7</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>Sarasota</td>
<td>1</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Tampa</td>
<td>3</td>
<td>4</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td>13</td>
<td>9</td>
<td>2</td>
<td>0</td>
<td>5</td>
<td>6</td>
</tr>
</tbody>
</table>

SPO = Strategic Program Office
## Table 2. Projects Under Review

<table>
<thead>
<tr>
<th>Permit No.</th>
<th>Permit Holder</th>
<th>Use Type</th>
<th>Permitted Annual Average</th>
<th>Months on Report</th>
<th>Service Office</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Continuing From Previous Report</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12652.003</td>
<td>KITSON &amp; PARTNERS ORLANDO GOLF L</td>
<td>R</td>
<td>163,400</td>
<td>5</td>
<td>Bartow</td>
</tr>
<tr>
<td>13279.000</td>
<td>WORLD WOODS CORP</td>
<td>R</td>
<td>782,000</td>
<td>2</td>
<td>Brooksville</td>
</tr>
<tr>
<td>180.004</td>
<td>SAM ASTIN III &amp; BUFFY S ASTIN</td>
<td>A</td>
<td>138,000</td>
<td>2</td>
<td>Tampa</td>
</tr>
<tr>
<td>8176.004</td>
<td>ALBRITTON &amp; SONS LTD</td>
<td>A</td>
<td>158,200</td>
<td>2</td>
<td>Tampa</td>
</tr>
<tr>
<td>9611.001</td>
<td>JOSEPH R GOODSON &amp; STEPHEN</td>
<td>A</td>
<td>139,700</td>
<td>3</td>
<td>Tampa</td>
</tr>
<tr>
<td><strong>New Since Previous Report</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8987.004</td>
<td>C &amp; D FRUIT &amp; VEGETABLE CO INC</td>
<td>A</td>
<td>128,200</td>
<td>1</td>
<td>Sarasota</td>
</tr>
<tr>
<td>12543.000</td>
<td>CHARLOTTE CO BOCC</td>
<td>R</td>
<td>88,200</td>
<td>1</td>
<td>Sarasota</td>
</tr>
<tr>
<td>13096.000</td>
<td>T J AND MARY CHASTAIN</td>
<td>A</td>
<td>475,800</td>
<td>1</td>
<td>Sarasota</td>
</tr>
<tr>
<td>12868.000</td>
<td>EISENHOWER PROPERTY GROUP LLC</td>
<td>A</td>
<td>366,900</td>
<td>1</td>
<td>Tampa</td>
</tr>
</tbody>
</table>

(1) These projects are under review by the Service Office and have not been determined to be in non-compliance at this time.

(2) Use Types:  P = Public Supply;  R = Recreational;  A = Agricultural;  MD = Mining/Dewatering;  IC = Industrial/Commercial
Table 3. Preparing for Strategic Program Office / Legal

<table>
<thead>
<tr>
<th>Permit No.</th>
<th>Permit Holder</th>
<th>Use Type (2)</th>
<th>Permitted Annual Average</th>
<th>Original Report Date Annual Avg. Use Percent Over</th>
<th>Current Report Date Annual Avg. Use Percent Over</th>
<th>Service Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>None For This Report</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(1) Preliminary determination that permit is in non-compliance; file is being prepared for or is under review by Strategic Program Office.
(2) Use Types: P = Public Supply; R = Recreational; A = Agricultural; MD = Mining/Dewatering; IC = Industrial/Commercial
## Overpumpage Report
December 2009

### Table 4. Justified / Closed Since Previous Report

<table>
<thead>
<tr>
<th>Permit No.</th>
<th>Permit Holder</th>
<th>Use Type (2)</th>
<th>Permitted Annual Average</th>
<th>Months on Report</th>
<th>Service Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>2286.005</td>
<td>CEMEX INC</td>
<td>I</td>
<td>216,400</td>
<td>1</td>
<td>Brooksville</td>
</tr>
<tr>
<td>5245.008</td>
<td>PASCO CO UTILITIES</td>
<td>P</td>
<td>1,436,600</td>
<td>1</td>
<td>Brooksville</td>
</tr>
<tr>
<td>7021.003</td>
<td>BRIGHTMAN LOGAN REVOCABLE TRUST</td>
<td>A</td>
<td>150,000</td>
<td>1</td>
<td>Brooksville</td>
</tr>
<tr>
<td>8785.007</td>
<td>BLACK DIAMOND PROPERTIES &amp; BLACK</td>
<td>R</td>
<td>458,080</td>
<td>1</td>
<td>Brooksville</td>
</tr>
<tr>
<td>13171.002</td>
<td>STONY POINTE LP</td>
<td>A</td>
<td>127,300</td>
<td>1</td>
<td>Brooksville</td>
</tr>
<tr>
<td>10318.001</td>
<td>HOMEOWNERS OF PALM HILL MHP ASSO</td>
<td>R</td>
<td>74,400</td>
<td>4</td>
<td>Tampa</td>
</tr>
</tbody>
</table>

(1) Determination that Permit is in compliance - no further action
(2) Use Types:  P = Public Supply;  R = Recreational;  A = Agricultural;  MD = Mining/Dewatering;  IC = Industrial/Commercial
### Table 5. Active Files in Legal  
**Overpumpage Report**  
**December 2009**

#### New Since Previous Report

<table>
<thead>
<tr>
<th>Permit No.</th>
<th>Permit Holder</th>
<th>Use Type</th>
<th>Permitted Annual Average</th>
<th>Original Report Date Annual Avg. Use Percent Over</th>
<th>Current Report Date Annual Avg. Use Percent Over</th>
<th>Service Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>9791.007</td>
<td>CITRUS COUNTY *</td>
<td>P</td>
<td>2,064,000 gpd</td>
<td>06/28/2006 2,552,635 gpd 26.9 %</td>
<td>06/28/2006 2,296,704 gpd 11.0 %</td>
<td>Brooksville</td>
</tr>
<tr>
<td>10923.000</td>
<td>SPRUCE CREEK GOLF LLC</td>
<td>R</td>
<td>445,800 gpd</td>
<td>06/28/2006 462,416 gpd 3.7 %</td>
<td>06/28/2006 446,370 gpd 0.0 %</td>
<td>Brooksville</td>
</tr>
<tr>
<td>12966.000</td>
<td>STONE CREEK COMMUNITY ASSOC INC</td>
<td>R</td>
<td>205,300 gpd</td>
<td>07/29/2009 216,925 gpd 5.6 %</td>
<td>07/29/2009 231,451 gpd 13.0 %</td>
<td>Brooksville</td>
</tr>
</tbody>
</table>

#### Continuing From Previous Report

<table>
<thead>
<tr>
<th>Permit No.</th>
<th>Permit Holder</th>
<th>Use Type</th>
<th>Permitted Annual Average</th>
<th>Original Report Date Annual Avg. Use Percent Over</th>
<th>Current Report Date Annual Avg. Use Percent Over</th>
<th>Service Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>10392.005</td>
<td>MILMACK INC</td>
<td>R</td>
<td>259,900 gpd</td>
<td>11/26/2008 338,393 gpd 30.2 %</td>
<td>11/26/2008 340,275 gpd 31.0 %</td>
<td>Bartow</td>
</tr>
<tr>
<td>3182.005</td>
<td>FLORIDA GOVERNMENTAL UTILITY AUT</td>
<td>P</td>
<td>2,040,000 gpd</td>
<td>03/27/2009 3,744,904 gpd 83.5 %</td>
<td>03/27/2009 3,362,728 gpd 65.0 %</td>
<td>Brooksville</td>
</tr>
<tr>
<td>8833.004</td>
<td>SEVILLE LLC</td>
<td>R</td>
<td>337,600 gpd</td>
<td>01/28/2009 569,618 gpd 68.7 %</td>
<td>01/28/2009 398,949 gpd 18.0 %</td>
<td>Brooksville</td>
</tr>
</tbody>
</table>

---

(1) Strategic Program Office concurs with non-compliance and file is in Legal for enforcement.
(2) Use Types: P = Public Supply; R = Recreational; A = Agricultural; MD = Mining/Dewatering; IC = Industrial/Commercial

* WUP 9791 - Citrus County had a Permitted Annual Average of 2,010,000 gpd until February 24, 2009 (new revision issued)
Table 5. Active Files in Legal (1)

<table>
<thead>
<tr>
<th>Permit No.</th>
<th>Permit Holder</th>
<th>Use Type (2)</th>
<th>Permitted Annual Average</th>
<th>Original Report Date Annual Avg. Use Percent Over</th>
<th>Current Report Date Annual Avg. Use Percent Over</th>
<th>Service Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>12843.002</td>
<td>VIKINGS LLC</td>
<td>R</td>
<td>310,520 gpd</td>
<td>06/27/2007 500,427 gpd 90.3 %</td>
<td>12/28/2009 219,959 gpd -29.2 %</td>
<td>Brooksville</td>
</tr>
<tr>
<td>4870.006</td>
<td>RICHARD &amp; GWENDOLYN LANDRIGAN</td>
<td>A</td>
<td>144,500 gpd</td>
<td>05/27/2009 312,397 gpd 116.1 %</td>
<td>12/28/2009 247,212 gpd 71.0 %</td>
<td>Tampa</td>
</tr>
</tbody>
</table>

(1) Strategic Program Office concurs with non-compliance and file is in Legal for enforcement.
(2) Use Types: P = Public Supply; R = Recreational; A = Agricultural; MD = Mining/Dewatering; IC = Industrial/Commercial

* WUP 9791 - Citrus County had a Permitted Annual Average of 2,010,000 gpd until February 24, 2009 (new revision issued)
### Table 6. Consent Order Monitoring

<table>
<thead>
<tr>
<th>Permit No.</th>
<th>Permit Holder</th>
<th>Use Type (2)</th>
<th>Permitted Annual Average</th>
<th>Original Report Date Annual Avg. Use Percent Over</th>
<th>Current Report Date Annual Avg. Use Percent Over</th>
<th>Service Office</th>
<th>GB Approved CO Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**None For This Report**

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(1) Legal pursued enforcement action and a Consent Order has been signed; corrective actions are now being monitored for compliance.

(2) Use Types: P = Public Supply; R = Recreational; A = Agricultural; MD = Mining/Dewatering; IC = Industrial/Commercial
### Resource Regulation Significant Initiatives Report

This report provides information regarding significant activities within the Resource Regulation Division. Recent activity within each of the District's major permitting programs is provided, followed by information regarding other significant activities.

<table>
<thead>
<tr>
<th>TYPE OF PERMIT</th>
<th>DEPARTMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ENV RES PERMITS (ERP) Issued – Dec 09</strong></td>
<td><strong>BARTOW</strong></td>
</tr>
<tr>
<td>General Minor Systems</td>
<td>7</td>
</tr>
<tr>
<td>Noticed Generals</td>
<td>3</td>
</tr>
<tr>
<td>Generals</td>
<td>10</td>
</tr>
<tr>
<td>Individuals</td>
<td>1</td>
</tr>
<tr>
<td>Formal Wetland Determinations</td>
<td>0</td>
</tr>
<tr>
<td>ERP Conceptuals</td>
<td>0</td>
</tr>
<tr>
<td>ERP Site Condition</td>
<td>0</td>
</tr>
<tr>
<td>Letter Modifications</td>
<td>1</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td>22</td>
</tr>
</tbody>
</table>

| **ENV RES ACRES PERMITTED – Dec 09** | **BARTOW** | **BROOKSVILLE** | **SARASOTA** | **TAMPA** | **TOTAL** |
| General Minor Systems | 6.41 | 5.22 | 18.18 | 8.85 | 38.66 |
| Noticed Generals | 714.72 | 82.59 | 1.64 | 1.55 | 800.50 |
| Generals | 46.70 | 345.58 | 258.06 | 138.77 | 789.11 |
| Individual | 4.70 | 523.84 | 131.38 | 0 | 659.92 |
| Formal Wetland Determinations | 0 | 6.66 | 458.26 | 149.63 | 614.55 |
| ERP Conceptuals | 0 | 0 | 0 | 1,604.08 | 1,604.08 |
| ERP Site Condition | 0 | 0 | 0 | 0 | 0 |
| **TOTALS** | 772.53 | 963.89 | 867.52 | 1,902.88 | 4,506.82 |

| **WATER USE PERMITS ISSUED – Dec 09** | **BARTOW** | **BROOKSVILLE** | **SARASOTA** | **TAMPA** | **TOTAL** |
| Small Generals | 38 | 2 | 10 | 6 | 56 |
| Generals | 7 | 5 | 5 | 8 | 25 |
| Individuals | 2 | 0 | 2 | 0 | 4 |
| Letter Modifications | 3 | 9 | 1 | 2 | 15 |
| **TOTALS** | 50 | 16 | 18 | 16 | 100 |

| **WELL CNST PMTS ISSUED – Dec 09** | **BARTOW** | **BROOKSVILLE** | **SARASOTA** | **TAMPA** | **TOTAL** |
| Well Construction | 66 | 120 | 25 | 155 | 366 |

| **COMPLIANCE ACTIVITIES – Dec 09** | **BARTOW** | **BROOKSVILLE** | **SARASOTA** | **TAMPA** | **TOTAL** |
| Water Use Inspections | 3 | 0 | 3 | 2 | 8 |
| ERP/WUP Permit Cond Violatns | 3 | 2 | 2 | 9 | 16 |
| ERP/WUP Expired/Expiring | 20 | 1 | 11 | 5 | 37 |
| ERP/WUP Prmt Ownshp Trnsfrs | 9 | 2 | 7 | 8 | 26 |
| ERPs Recertifications Received | 60 | 62 | 92 | 92 | 306 |
| ERP/WUP Complnts Invstgted | 6 | 9 | 14 | 8 | 37 |
| ERP Construction Inspections | 222 | 104 | 202 | 282 | 810 |
| ERP As-Builts Received | 33 | 22 | 36 | 111 | 202 |
| ERP Transfer to Operation | 23 | 60 | 32 | 76 | 191 |
| Well Inspections (Includes) Abandomnts/Grountings/Random | 25 | 23 | 9 | 38 | 95 |
| **TOTALS** | 404 | 285 | 408 | 631 | 1,728 |

| **AGRICULTURAL GROUND & SURFACE WATER MGT PROJECT DESIGNS (AGSWM) – Dec 09** | **BARTOW** | **BROOKSVILLE** | **SARASOTA** | **TAMPA** | **TOTAL** |
| Ordinary Farming | 2 | | | | 2 |
| Temporary Farming | 1 | | | | 1 |
| Permanent Farming | 1 | | | | 1 |
| **DISTRICT TOTALS** | | | | | 4 |
• **Statewide Stormwater Rule** – Unmanaged urban stormwater creates a wide variety of effects on Florida’s surface and ground waters. Urbanization leads to the compaction of soil; the addition of impervious surfaces such as roads and parking lots; alteration of natural landscape features such as natural depressional areas which hold water, floodplains and wetlands; construction of highly efficient drainage systems; and the addition of pollutants from everyday human activities. These alterations, within a watershed, decrease the amount of rainwater that can seep into the soil to recharge our aquifers, maintain water levels in lakes and wetlands and maintain spring and stream flows. Consequently, the volume, speed and pollutant loading in stormwater that runs off developed areas increases leading to flooding, water quality problems and loss of habitat. In 1990, in response to legislation, the Florida Department of Environmental Protection (DEP) developed and implemented the State Water Resource Implementation Rule (originally known as the State Water Policy rule). This rule sets forth the broad guidelines for the implementation of Florida’s stormwater program and describes the roles of the DEP; the water management districts (WMDs) and local governments. The rule provides that one of the primary goals of the program is to maintain, to the degree possible, during and after construction and development, the predevelopment stormwater characteristics of a site. The rule also provides a specific minimum performance standard for stormwater treatment systems: to remove at least 80% of the post-development stormwater pollutant loading of pollutants “that cause or contribute to violations of water quality standards.” However, for a variety of reasons, the BMP design criteria in the stormwater or environmental resource permitting rules of the DEP or the WMDs were never updated to achieve this level of treatment. In January 2008, the DEP initiated rule making to implement these criteria statewide. A Technical Advisory Committee was established and staff representatives were identified from the DEP and WMDs to assist in the rulemaking effort. The DEP has requested each water management district contribute to fund the Statement of Estimated Regulatory Cost (SERC) in support of the proposed rule. This District has agreed to pay $25,000 under a Memorandum of Understanding that is currently being developed. New activities since last meeting: DEP and WMD staff is currently revising the draft Applicant’s Handbook which will be posted on the DEP’s web site by mid-February 2010. Public workshops will be held no earlier than 30 days after posting on the web site, with meeting notices published in the Florida Administrative Weekly. Scheduled locations for these public workshops are Pensacola, Tallahassee, Live Oak, Jacksonville, Orlando, Tampa, Fort Myers and West Palm Beach. Pending Legislative authorization, the tentative Rule adoption date is during the summer of 2010 and the tentative effective date is October 1, 2010 or January 1, 2011.

• **Establishment of Numeric Water Quality Standards for Nutrients** – Under the Clean Water Act (CWA) Section 303, states are required to establish water quality standards, which define the amounts of pollutants (in either numeric or narrative form) that waters can contain without impairment of their designated beneficial uses. Florida currently uses a narrative nutrient standard to guide the management and protection of its waters. The Florida Department of Environmental Protection (DEP) has relied on this narrative for many years because nutrients are unlike any other pollutant regulated by the federal Clean Water Act (CWA). Nutrients are not only present naturally in aquatic systems, they are necessary for the proper functioning of biological communities. In July 2008, the Florida Wildlife Federation and other environmental groups sued the Environmental Protection Agency (EPA) in an attempt to compel the adoption of numeric nutrient criteria in Florida. The lawsuit claims that numeric nutrient criteria are necessary and that EPA was obligated by the CWA Section 303 (c)(4), to promptly propose such criteria. EPA has signed a consent decree which obligates them to propose numeric nutrient standards for Florida’s fresh water lakes and streams by January 2010, and estuaries and coastal systems by January 2011. On November 16, 2009, a fairness hearing was held in federal court to review the appropriateness of the consent decree. The federal judge approved the Consent Decree and schedule for setting nutrient criteria beginning this January (initial criteria) with the goal of adopting the first set of criteria in October 2010. On November 17, 2009, the DEP held a public meeting with the Technical Advisory Committee on the Development of Numeric Nutrient Criteria for Streams and Lakes. The DEP will continue to study and collect scientific information regarding nutrients in Florida’s estuarine and coastal waters and will work with EPA in developing those standards. This
District will continue to coordinate with DEP and the other water management districts to provide any appropriate input to EPA on this initiative. **New activities since last meeting:** EPA published draft numeric nutrient criteria in the Federal Register on January 25, 2010. Public comments are requested during the 60 day comment period following publication. EPA has also scheduled three public hearings in Florida during the comment period. The meetings will be held on February 16, 2010 in Tallahassee, February 17, 2010 in Orlando and February 18, 2010 in West Palm Beach. District staff is reviewing the draft criteria and preparing written comments to submit to EPA.

- **Reclaimed Water Policy Workgroup** – During the 2008 legislative session, a number of reuse issues prompted proposed legislation. The proposals raised several areas of concern regarding the respective roles of local governments, utilities and the water management districts related to reclaimed water. In lieu of legislation, the Florida Department of Environmental Protection (DEP) agreed to review emerging reclaimed water issues, particularly those related to the regulation of reuse under the consumptive use permitting program. DEP held three public meetings with interested stakeholders to discuss impediments, incentives, policy clarifications and concerns regarding reclaimed water issues as they relate to consumptive use permitting. All parties agreed the goal of the workshops was to develop specific ideas on how to enhance and promote the use of reclaimed water in relation to consumptive use permitting policies. Meeting attendees included representatives from DEP, the five water management districts, local government, utilities, and other parties with interest in reuse. There was consensus on some, but not all, topics. For those topics on which stakeholders continued to have different views, there was at least improved understanding of other viewpoints. Continued dialog among utilities, regulators and water users on these topics is important to further reuse throughout Florida. The DEP stakeholder meetings concluded in November 2009. At the invitation of interested utilities, the water management districts, DEP and utilities convened another workgroup to continue the dialog on the unresolved topics. This workgroup began meeting in April 2009 and meets approximately every month to develop consensus on policy proposals to enhance water management district and utility coordination in reuse feasibility analyses in the water use permitting processes and to enhance focus on reclaimed water during the Regional Water Supply Planning process. **New activities since last meeting:** The workgroup most recently met on January 29, 2010. The utility representatives on the workgroup have directed the discussions of the workgroup to a new topic. The utilities want to create a mechanism that will allow them to obtain water withdrawal credits in the water use permitting program in exchange for providing reclaimed water to existing permittees. As requested, the three water management districts in attendance presented their current rules on offsets and credits. The South Florida Water Management District and this District have specific rules on credits or offsets for areas where new withdrawals cannot otherwise be authorized due to impacts to the water resources. The rules for this District are the Net Benefit - Ground Water Withdrawal Replacement Credit rules. They were well received by the utilities. The utilities on the Workgroup seek to have similar rules drafted for adoption by all the districts that would apply everywhere even where there are no resource constraints. The districts began a discussion of the legal issues involved with that approach. That discussion will continue at the next meeting on March 26, 2010. The districts will also coordinate with DEP to explore how to develop credit or offsets concepts that would be consistent with Florida water law for discussion with the Workgroup at the next meeting.

- **Proposed Revisions to Surface Water Classification System** – Florida’s surface water quality standards include a classification system which describes how a waterbody is best used. The current system, established over 30 years ago, consists of these classes:
  - **Class I:** Potable Water Supplies
  - **Class II:** Shellfish Propagation or Harvesting
  - **Class III:** Recreation, Propagation and Maintenance of a Healthy, Well-Balanced Population of Fish and Wildlife
  - **Class IV:** Agricultural Water Supplies
  - **Class V:** Navigation, Utility and Industrial Use
For each of these classes, water quality standards necessary to protect that designated beneficial use are established. In July 2009, the Florida Stormwater Association petitioned the Florida Department of Environmental Protection (DEP) to adopt a new classification system. The petition states that the existing system is outdated and requires revision to effectively implement the Total Maximum Daily Load Program and related environmental management and restoration efforts. The petition seeks adoption of a classification system similar to that developed in 2007 by an advisory committee to the DEP, which creates Human Use (HU) and Aquatic Life (AL) Use Categories:

HU – 1: Potable use  
HU – 2: Shellfish harvesting  
HU – 3: Swimmable (prolonged and direct contact)  
HU – 4: Incidental or accidental contact*  
HU – 5: Unsafe or not possible for contact*  
HU – 6: Agricultural use  
HU – 7: Industrial use  
AL – 1: Exceptional structure and function; reference systems  
AL – 2: Balanced and healthy systems  
AL – 3: Altered systems  
AL – 4: Substantial changes in systems  
* Proposed to represent different exposure associated with recreational contact

The DEP conducted public workshops on August 18, 2009 and November 18, 2009 on the rule revisions necessary to adopt the new classification system. **New activities since last meeting:** The DEP conducted an additional public workshop on January 7, 2010 in response to numerous comments received on the December 2009 rule draft. Another public workshop has been tentatively scheduled for February 22, 2010. The DEP is no longer proposing to break out uses into Human Use and Aquatic Life categories. The current draft rule (dated January 6, 2010) proposes to refine the existing classification system by adding a subclassification to Class III. The Class III-Limited subcategory will apply to wholly artificial or altered waterbodies and will be protective of fish consumption, limited recreation and propagation and maintenance of a limited population of fish and wildlife. Class III-Limited waters may have Site Specific Alternative Criteria for nutrients, bacteria, dissolved oxygen, alkalinity, specific conductance, transparency, turbidity or pH that are established by petition under Rule 62-302.800, F.A.C. Additionally, the DEP is proposing to incorporate into this rule, a document that specifies the process for any person with a substantial interest in the waterbody to petition the DEP to reclassify a waterbody. These rule revisions require approval by the Environmental Regulatory Commission (ERC) and the Environmental Protection Agency. The DEP plans to present the proposed rule revisions to the ERC in April or May 2010 for approval. The District continues to monitor this DEP initiative and provide any appropriate input.

**Central Florida Coordination Area Rules Development and Implementation** – District staff continues to coordinate with St. John's River Water Management and South Florida Water Management staff on the assessment of groundwater sustainability and development of regulations for the Central Florida Coordination Area (CFCA). The first phase of regulations was approved by all three Governing Boards at their December 2007 meetings. Major components of the Phase I rules include establishing 2013 demands as the limit on new groundwater withdrawals in the CFCA. The rules also provide an incentive for permittees to develop alternative water supplies. Those permittees that agree to meet demands beyond 2013, with alternative supplies, can obtain a 20-year permit for their groundwater supplies. The rules also contain a sunset provision, requiring the Districts to re-evaluate this determination of groundwater availability by 2012 and to either reaffirm this determination or adopt new rules which could either lower or increase the available groundwater in the region. Within the SWFWMD, these rules only apply in the portion of Polk County outside the SWUCA, and in Lake County. Representatives of the three Districts have been meeting to develop a plan to evaluate the sustainability issues of the CFCA and chart a course for the next phase of regulations that will focus on longer-term solutions to the areas water resource
issues. Meetings have been occurring on a frequent basis and are expected to continue throughout the year. Environmental staff of the three Districts has conducted environmental assessments within the area. Additionally, meetings continue between the staff of the three districts undertaking the ground water flow modeling and hydrologic evaluation of the water resources in the area. Regular meetings have been conducted during the past year and will continue throughout 2010. District staff and contractors are continuing hydrologic data analysis, groundwater flow modeling, and wetland assessments within the area. A public meeting was held on September 25, 2009 in Orlando at which the Districts provided an update of ongoing activities to stakeholders. Presentations on the wetland assessments, modeling and data analyses were provided, as well as a draft schedule of activities intended to result in Phase II rules to be implemented by the time the current rules sunset in December 2012. The meeting was very well attended by approximately 100 people, including utility representatives, consultants and other interested persons. Additional public workshops will be scheduled to continually inform and involve stakeholders in the ongoing activities of the CFCA effort. Staff from the three water management districts has reviewed and confirmed the CFCA project schedule and is finalizing a Work Plan for Phase II of the project. The staff has also been preparing presentations for a second stakeholder’s workshop for the purpose of providing an overview and status of the districts’ hydrologic modeling and environmental work efforts. It is anticipated that the workshop will be held in February 2010. New activities since last meeting: In recent coordination meetings, staff from the respective water management districts discussed the draft Phase II Work Plan, identified ten potential rulemaking issues to be further addressed and agreed upon a schedule for three public workshops intended to present the specifics on the groundwater modeling tools, process and final outcomes.

**Conserve Florida - Statewide Public Supply Water Conservation Initiative** – Tampa Regulation and Strategic Program Office staffs remain engaged in Conserve Florida, a statewide initiative to develop a water conservation options program for public supply users, because there are many potential regulatory implications. Staff continues to participate in a statewide workgroup and its various committees, plus internal coordination with Conservation Projects staff and other non-regulatory departments. The main product of this initiative to date is two versions of a tool for utilities to use when developing or updating their water conservation plans; one version is a web-based computer application called “The Guide” and the other is a spreadsheet referred to as “EZ Guide” (both versions identify recommended and optional elements to include in a water conservation plan based on the utility’s size, mix of customers, existing efforts, etc). The workgroup also helps the Florida Department of Environmental Protection (DEP) staff provide oversight of the Conserve Florida Clearinghouse (an entity, currently contracted to the University of Florida, which provides technical support for both versions of the water conservation planning guide, an on-line water conservation library, and additional resources that are under development). The District’s financial contribution to the Clearinghouse in Fiscal Year 2010 is $75,000. Conserve Florida's workgroup also provides a forum for all participants to receive information and solicit input on their conservation-related activities. New activities since last meeting: A workgroup teleconference meeting was held January 14, 2010 for the sole purpose of discussing a draft proposal to form an advisory group for the Clearinghouse. Participants indicated that, in lieu of a single advisory group, the Clearinghouse needed a steering committee or other policy-level group to make key decisions and several peer input groups that could be used to review and approve synthesis papers (reports which are published in professional journals, posted on the Clearinghouse and used as the basis for updates to “The Guide” and “EZ Guide”) and other specific technical Clearinghouse products.

**Water Shortage Plan – Rulemaking Update** – The Southwest Florida Water Management District's Water Shortage Plan (Rule 40D-21, F.A.C.) was adopted in 1984 and updated in 2006 to reflect experience with the 1999-2001 drought. Similarly, the Governing Board approved initiation of rulemaking during its meeting on September 29, 2009 in order to refine the plan to reflect additional experience exercising various provisions of the plan. A focus group, which first met on November 5, 2009, is being utilized to help staff identify needed refinements and explore potential amendment language. The focus group consists of representatives from each of the District’s advisory committees, several interested utilities and
other subject matter experts (such as the air conditioning industry and UF-IFAS). Staff also held a public workshop on November 20, 2009 and posted three concept documents to the District’s website as a means of soliciting additional input. These concept documents were discussed during the focus group’s first meeting and were revised to reflect had group feedback prior to posting. **New activities since last meeting:** District staff finished drafting proposed rule amendments based on the concept documents, incorporating “plain language” wording as appropriate. The focus group met on January 14, 2010 to review the draft amendments. As of January 28, 2010, staff is still in the process of incorporating the group’s feedback and an internal staff team will be used to review the revised draft prior to it being posted on the District’s website in mid February.

**Executive Director Orders** – Two (2) emergency authorizations remain in effect. Executive Director Order No. SWF 07-045, as modified, allows the Peace River/Manasota Regional Water Supply Authority (Authority) to use a temporary diversion schedule for water withdrawals from the Peace River. The higher withdrawal rate has been used, when sufficient river flow exists, to help meet regional demand and also replenish the Authority’s two reservoirs and two ASR wellfields. Executive Director Order No. SWF 08-024, as modified, allows Tampa Bay Water to use a temporary diversion schedule for water withdrawals from the Alafia River. The higher withdrawal rate has been used, when sufficient river flows exist, to help meet regional demand and replenish the C.W. Bill Young Regional Reservoir. **New activities since last meeting:** The current status of reservoir and ASR storage will be provided as part of the Hydrologic Conditions report during the discussion portion of the Regulation Committee agenda.

**Water Shortage Orders** – One non-emergency order implementing water shortage restrictions remains in effect. Water Shortage Order No. SWF 07-02 was first issued in January 2007 and is currently scheduled to expire on February 28, 2010. It imposes a maximum of once-per-week lawn watering and other Modified Phase II water shortage conservation measures for all water uses in most of the District’s 16-county area. The only exception involves portions of Marion County that are allowed to follow restrictions imposed by the St. Johns River Water Management District. **New activities since last meeting:** Staff has been monitoring hydrologic conditions and other pertinent factors to determine a recommendation for the Governing Board’s consideration. Please refer to the discussion portion of the Regulation Committee for additional details.

**Water Restriction Hotline** – Tampa Regulation staff continues to maintain a toll-free telephone number (1-800-848-0499) and e-mail address (water.restrictions@watermatters.org) that citizens and local officials can use to ask questions, report possible violations, and request information about water shortage and year-round water conservation measures. **New activities since last meeting:** The hotline has also been serving as an integral part of the District’s call center for freeze-related dry well complaints. In the four-week period ending January 22, 2010, the hotline answered 1,094 calls and 16 e-mails. Approximately 909 of these calls were related to dry wells complaints (people registering complaints or calling with additional information). One variance (a request for a special watering schedule that abides by the basic intent of current water shortage restrictions or applicable year-round water conservation measures) was approved.

**Staff Recommendation:**

This item is provided for the Committee’s information, and no action is required.

**Presenter:** Richard S. Owen, AICP, Deputy Executive Director, Resource Regulation
Governing Board Meeting
February 22, 2010

RESOURCE MANAGEMENT COMMITTEE

Discussion Items

31. Consent Item(s) Moved for Discussion

32. Establish Numeric Water Quality Standards for Nutrients .................. (15 minutes) ...... 2
   (Strategic Plan: Water Quality – Maintenance & Improvement)

33. Algal-Based Biological Water Treatments Pilot Study ....................... (20 minutes) ...... 3
   (Strategic Plan: Natural Systems – Ecologic System Identification & Monitoring)

34. Model Agreement for Cooperative Funding Program Projects .......... (10 minutes) ...... 5
   (Strategic Plan: Mission Support)

Submit & File Reports – None

Routine Reports

35. Florida Forever Funding .................................................................................. 20

36. Minimum Flows and Levels ............................................................................ 24

37. Structure Operations ....................................................................................... 28

38. Watershed Management Program and Federal Emergency
   Management Agency Map Modernization ......................................................... 42

Discussion Item

Establish Numeric Water Quality Standards for Nutrients

Purpose
This is an information item. District staff will give an overview of the U.S. Environmental Protection Agency’s (EPA) recently released proposal on numeric nutrient criteria for Florida.

Background/History
Under the Clean Water Act (CWA) Section 303, states are required to establish water quality standards, which define the amounts of pollutants (in either numeric or narrative form) that waters can contain without impairment of their designated beneficial uses. Florida currently uses a narrative nutrient standard to guide the management and protection of its waters. The FDEP has relied on this narrative for many years because nutrients are unlike any other pollutant regulated by the federal Clean Water Act (CWA). Nutrients are not only present naturally in aquatic systems, they are necessary for the proper functioning of biological communities. In July 2008, the Florida Wildlife Federation and other environmental groups sued EPA in an attempt to compel the adoption of numeric nutrient criteria in Florida. The lawsuit claims that numeric nutrient criteria are necessary and that EPA was obligated by the CWA Section 303 (c)(4), to promptly propose such criteria. In January 2009, EPA determined that numeric nutrient standards are necessary in Florida under the CWA. EPA, in August 2009, entered into a consent decree which obligates them to propose numeric nutrient standards for Florida’s fresh water lakes and streams by January 2010, and estuaries and coastal systems by January 2011.

On January 15, 2010, EPA proposed water quality standards in the State of Florida that would set a series of numeric limits on the amount of phosphorus and nitrogen allowed in Florida’s lakes, rivers, streams, springs and canals. The proposed standards comply with the terms of the August 2009 consent decree between EPA and the Florida Wildlife Federation. EPA has scheduled three public hearings in Florida during the 60-day comment period following criteria publication. The meetings will be held on February 16, 2010 in Tallahassee, February 17, 2010 in Orlando and February 18, 2010 in West Palm Beach.

Staff Recommendation:

This item is presented for the Committee’s information, and no action is required.

Presenter: Veronica Craw, Environmental Section Manager, Resource Projects Department
Resource Management Committee  
February 22, 2010

Discussion Item

Algal-Based Biological Water Treatment Systems Pilot Study

Purpose
The purpose of this item is to provide the Governing Board with an update on the Algal-based Biological Water Treatment Systems Pilot Study and to request approval to change the evaluation site for this project from the Taylor Creek facility to the Egret Marsh facility.

Background/History
As part of the Lake Hancock Outfall Treatment Project, a number of treatment technologies, including algal-based biological water treatment systems (BWTS), were evaluated for their potential to meet nitrogen reduction goals of the project. The evaluation was conducted by the outside firm of Parsons Water & Infrastructure, Inc. (Parsons), who were selected based on their staff expertise in the area of water treatment technologies. In February 2006, based on the recommendations of Parsons and District staff, the Governing Board selected a treatment wetland system approach as the most appropriate technology to meet project goals. While a BWTS was not selected for Lake Hancock based on documented performance and cost factors, the Governing Board expressed interest in assessing these technologies for meeting other District water quality goals and requested that staff initiate a project for pilot testing algal-based biological water treatment systems. In May 2006, the Governing Board authorized staff to proceed with procurement of pilot testing (research) of BWTS by contracting with a consultant to help prepare a request for proposals for the pilot testing, and evaluate the proposals and recommend technologies to be pilot tested. In September 2006, the Governing Board authorized $200,000 to pay for consultant services. CH2M Hill was selected as project consultant in December 2006.

CH2M Hill, in collaboration with District staff, produced a number of work products in preparation for pilot-testing, including a detailed literature review of periphyton-based biological water treatment systems, an evaluation of potential pilot test sites, project work plan, and project delivery method document. The consultant also assisted in developing a Scope of Work for the Request for Proposals (RFP). The RFP included two alternatives: (1) study an existing system and (2) construct a small pilot system. The District felt these options provided the most cost efficient means of meeting project objectives, while also providing vendors some flexibility in the ways they could demonstrate the effectiveness of their systems. The RFP closed on December 18, 2007. Proposals were received from two vendors (Genesis Group, LLC, and Hydromentia, Inc.) and were evaluated by CH2M Hill. Based on the CH2M Hill evaluation, staff recommended funding the highest-ranked proposal/alternative, which was a study of an existing, full-scale BWTS that was constructed and operated by Hydromentia for the South Florida Water Management District on Taylor Creek near Lake Okeechobee. It was the opinion of staff that the study of a full-scale facility instead of a pilot system offered distinct advantages because it would provide realistic estimates of the capital and operation and maintenance costs while also allowing examination of scale-up issues associated with the transition of the technology from pilot to full-scale. At its February 2008 meeting, the Governing Board authorized staff to negotiate an agreement with Hydromentia for an enhanced study of the Taylor Creek facility for an amount not to exceed $400,000 and to negotiate an amendment to the agreement with CH2M Hill to provide an independent evaluation of Hydromentia's Taylor Creek facility for an amount not to exceed $300,000. A Notice of Award was issued to Hydromentia on March 17, 2008.

Shortly after the Notice of Award was issued, the Hydromentia facility at Taylor Creek began experiencing algae die-offs and system performance fell well below projections. District staff and Hydromentia agreed to postpone entering into an agreement and to temporarily delay the
evaluation of the Taylor Creek facility until the algal growth issues were resolved. Hydromentia believed that a contaminant in the source water for the facility was inhibiting algal growth and worked to identify the contaminant and develop pretreatment methods to mitigate its effects on system performance. While the contaminant has not been identified, Hydromentia has made progress in developing pretreatment strategies to mitigate the problems with algal growth rates. However, the Taylor Creek facility has fallen short of stated nutrient removal goals throughout its operational history. The status of the project has been provided monthly in the Resource Management Committee Routine Report.

At its January 13 – 14, 2010 meeting, the South Florida Water Management District Governing Board decided not to fund an additional year of operation of the Taylor Creek facility and on February 1, 2010, the facility was closed. Given the closure of the Taylor Creek facility, the project option chosen by the Governing Board at the end of the RFP process is no longer possible. However, Hydromentia has another full-scale facility (Egret Marsh) in Indian River County that is scheduled to commence operation by the end of February 2010. The Egret Marsh facility could provide a similar opportunity to evaluate Hydromentia’s technology and meet the original intent of the Governing Board for this project. Before proceeding with an evaluation of the Indian River County Egret Marsh Facility, staff would first need to further investigate the suitability of the facility for testing, obtain permission from Indian River County to conduct an enhanced study of their facility, and update the organizational profile and qualifications of Hydromentia, Inc. that were provided as part of the original RFP response.

In the time since the original RFP in 2007, a number of vendors with emerging, non-algal-based treatment technologies have expressed interest in working with the District to demonstrate the capabilities of their treatment systems. Investment in the evaluation of emerging treatment technologies carries financial risk, but may also provide valuable information regarding innovative water treatment options that can be used by government and the private sector to address water quality treatment. Staff continues to monitor developments in treatment technologies to identify additional means for meeting water quality goals.

**Staff Recommendation:**

Authorize staff to enter into an agreement with Hydromentia to conduct an enhanced study of the Indian River County Egret Marsh facility.

**Presenter:** Gary Williams, Senior Scientist, Resource Projects Department
Discussion Item

Model Agreement for Cooperative Funding Program Projects

Purpose
This is an information item only; no action required. The purpose of this item is to present to the Governing Board the model agreement used for projects funded under the District’s Cooperative Funding Program and to highlight key provisions. An overview of the contract development process will also be presented.

Background/History
The District’s Cooperative Funding Program is governed by Board Policy No. 130-4 and Procedure No. 13-4. The policy authorizes the District to “jointly participate and cooperate with county governments, municipalities, water supply authorities, and other interested entities in water management programs and projects of mutual benefit, provided such programs and projects are consistent with the District’s statutory authority and will ensure proper development, utilization, and conservation of the water resources and ecology within the jurisdictional boundaries of the District.”

A model agreement is used by District staff when developing cooperative funding agreements. The purpose of using a model agreement is to ensure that all required provisions are included, to provide consistent language to the District’s cooperators, and to reduce staff time in processing agreements. The model cooperative funding agreement routinely undergoes changes and adaptations to comply with changes in applicable laws, District policies and procedures, priorities of the District and to avoid potential risk. The representative department project managers initiate and draft the cooperative funding agreements using the appropriate model and the District’s Contract Administration and Legal staffs provide oversight and final review for consistency with District objectives and legal requirements. The responsibility to ensure the District’s interests are preserved and protected lies with staff. The model cooperative funding agreement for projects involving both construction and design work is attached as an exhibit.

Provisions to ensure compliance with Florida law are those limiting travel expenses, limiting liability, funding contingency, Public Records Law, lobbying prohibition, and public entity crimes and discrimination. When state or federal funds are used, additional provisions may be required to restrict the funds for specific project purposes or to require specific matching dollars. In accordance with the guidelines set forth in Board Policy No. 130-4, the model agreement requires the cooperator to encourage diversity in contracting and requires that state or federal appropriations or grant monies received for the project be applied to equally reduce each party’s funding obligation. District Procedure No. 13-4 requires the inclusion of specific commitments and obligations of the parties; financial and other considerations to be exchanged; indemnification and damages to be paid upon injury, default or termination; the term of the project; performance measures; and diversity reporting.

In order to provide assurance that District funds are used for viable projects that will result in the resource benefits contemplated by the agreement, provisions are included which suspend the District’s payment obligations until the cooperator obtains all permits and property rights necessary to undertake the project, and for projects that involve both design and construction work, until construction has commenced.
During the presentation, staff will present several of the more recent contractual language changes as examples. One such change is the requirement for the cooperator to refund all District monies paid under the agreement if the cooperator fails to complete the project, fails to maintain scheduled progress which endangers the timely performance of the agreement, or fails to appropriate sufficient funds to complete the project. Additionally, for projects that require long-term operation and maintenance to achieve the contemplated resource benefits, which is usually 20 years, the cooperator is required to pay the District a fee for early termination of the project. The new provisions described above are located at paragraphs 5 and 6 of the model agreement.

The District's Contract Manual provides guidance to staff in the development of contracts and outlines staff responsibilities. A flowchart showing the Contract Process Responsibilities is attached as an exhibit.

**Staff Recommendation:** See Exhibits

This item is presented for the Committee’s information, and no action is required.

**Presenter:** Mary Beth McNeil, Senior Attorney
COOPERATIVE FUNDING AGREEMENT
BETWEEN THE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
AND
[FULL NAME OF SECOND PARTY]
FOR
[PROJECT TITLE (P000)]

THIS COOPERATIVE FUNDING AGREEMENT is made and entered into by and between the SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT, a public corporation of the State of Florida, whose address is 2379 Broad Street, Brooksville, Florida 34604-6899, for itself and on behalf of the _____ Basin Board, hereinafter collectively referred to as the "DISTRICT," and [FULL NAME OF SECOND PARTY] a ___ of the State of Florida, whose address is ______ , hereinafter referred to as the “_____."

WITNESSETH:

WHEREAS, the 2D PARTY proposed a project to the DISTRICT for funding consideration under the DISTRICT’S cooperative funding program; and

WHEREAS, the project consists of [short description of project], hereinafter referred to as the "PROJECT"; and

WHEREAS, the DISTRICT considers the PROJECT worthwhile and desires to assist the 2D PARTY in funding the PROJECT.

NOW THEREFORE, the DISTRICT and the 2D PARTY, in consideration of the mutual terms, covenants and conditions set forth herein, agree as follows:

1. PROJECT MANAGER AND NOTICES. Each party hereby designates the employee set forth below as its respective Project Manager. Project Managers will assist with PROJECT coordination and will be each party's prime contact person. Notices and reports will be sent to the attention of each party’s Project Manager by U.S. mail, postage paid, by nationally recognized overnight courier, or personally to the parties' addresses as set forth in the introductory paragraph of this Agreement. Notice is effective upon receipt.

Project Manager for the DISTRICT: __________
Project Manager for the 2D PARTY: __________

Any changes to the above representatives or addresses must be provided to the other party in writing.

1.1 The DISTRICT’S Project Manager is hereby authorized to approve requests to extend a PROJECT task deadline set forth in this Agreement. Such approval must be in writing, explain the reason for the extension and be signed by the Project
Manager and his or her Department Director, or Deputy Executive Director if the Department Director is the Project Manager. The DISTRICT'S Project Manager is not authorized to approve any time extension which will result in an increased cost to the DISTRICT or which will exceed the expiration date set forth in Paragraph 7, Contract Period.

1.2 The DISTRICT'S Project Manager is authorized to adjust a line item amount of the Project Budget contained in the Project Plan set forth in Exhibit "B" or, if applicable, the refined budget as set forth in Paragraph 3.2 below. The adjustment must be in writing, explain the reason for the adjustment, and be signed by the Project Manager, his or her Department Director and Deputy Executive Director. The DISTRICT'S Project Manager is not authorized to make changes to the Scope of Work and is not authorized to approve any increase in the amounts set forth in the funding section of this Agreement.

2. SCOPE OF WORK. Upon receipt of written notice to proceed from the DISTRICT, the 2D PARTY will perform the services necessary to complete the PROJECT in accordance with the Special Project Terms and Conditions set forth in Exhibit "A" and the 2D PARTY'S Project Plan set forth in Exhibit "B." Any changes to this Scope of Work and associated costs, except as provided herein, must be mutually agreed to in a formal written amendment approved by the DISTRICT and the 2D PARTY prior to being performed by the 2D PARTY, subject to the provisions of Paragraph 3, Funding. The 2D PARTY will be solely responsible for managing the PROJECT, including the hiring and supervising of any consultants or contractors it engages in order to complete the PROJECT.

The parties agree that time is of the essence in the performance of each obligation under this Agreement.

3. FUNDING. The parties anticipate that the total cost of the PROJECT will be _____ Dollars ($__). The DISTRICT agrees to fund PROJECT costs up to _____ Dollars ($__) and will have no obligation to pay any costs beyond this maximum amount. The 2D PARTY agrees to provide all remaining funds necessary for the satisfactory completion of the PROJECT. The 2D PARTY will be the lead party to this Agreement and pay PROJECT costs prior to requesting reimbursement from the DISTRICT.

3.1 Any federal, state, local or grant monies received by the 2D PARTY for this PROJECT will be applied to equally reduce each party's share of PROJECT costs. The 2D PARTY will provide the DISTRICT with written documentation detailing its allocation of any such funds appropriated for this PROJECT. In the event the DISTRICT provides funding for the PROJECT in excess of the DISTRICT'S share after all federal, state, local and grant monies have been applied as set forth herein, 2D PARTY will promptly refund such overpaid amounts to the DISTRICT.

3.2 The DISTRICT will reimburse the 2D PARTY for the DISTRICT'S share of the PROJECT costs in accordance with the Project Budget contained in the Project Plan set forth in Exhibit "B." The 2D PARTY may contract with consultant(s), contractor(s) or both in accordance with the Special Project Terms and Conditions set forth in Exhibit "A." Upon written DISTRICT approval, the budget amounts for
the work set forth in such contract(s) will refine the amounts set forth in the Project Budget and be incorporated herein by reference. The DISTRICT will reimburse the 2D PARTY for 50 percent of all allowable costs in each DISTRICT approved invoice received from the 2D PARTY, but at no point in time will the DISTRICT'S expenditure amount under this Agreement exceed expenditures made by the 2D PARTY. Payment will be made to the 2D PARTY within forty-five (45) days of receipt of an invoice with adequate supporting documentation to satisfy auditing purposes. Invoices will be submitted to the DISTRICT every two (2) months electronically at invoices@WaterMatters.org, or at the following address:

Accounts Payable Section  
Southwest Florida Water Management District  
Post Office Box 1166  
Brooksville, Florida 34605-1166

In addition to sending an original invoice to the DISTRICT'S Accounts Payable Section as required above, copies of invoices may also be submitted to the DISTRICT'S Project Manager in order to expedite the review process. Failure of the 2D PARTY to submit invoices to the DISTRICT in the manner provided herein will relieve the DISTRICT of its obligation to pay within the aforementioned timeframe.

3.3 Any travel expenses which may be authorized under this Agreement will be paid in accordance with Section 112.061, F.S., as may be amended from time to time.

3.4 The DISTRICT will not reimburse the 2D PARTY for any purpose not specifically identified in Paragraph 2, Scope of Work.

3.5 The DISTRICT will have no obligation and will not reimburse the 2D PARTY for any costs under this Agreement until construction of the PROJECT has commenced.

3.6 Each 2D PARTY invoice must include the following certification, and the 2D PARTY hereby delegates authority by virtue of this Agreement to its Project Manager to affirm said certification:

"I hereby certify that the costs requested for reimbursement and the 2D PARTY'S matching funds, as represented in this invoice, are directly related to the performance under the [Insert Project Title] agreement between the Southwest Florida Water Management District and [Insert Cooperator's Name] (Agreement No. ___________), are allowable, allocable, properly documented, and are in accordance with the approved project budget. The 2D PARTY has been allocated a total of $__ in federal, state, local or grant monies for this PROJECT. $__ has been allocated to this invoice, reducing the DISTRICT'S and 2D PARTY'S share to $__ respectively.

3.7 The DISTRICT'S performance and payment pursuant to this Agreement are contingent upon the DISTRICT'S Governing Board appropriating funds for the PROJECT.
4. **COMPLETION DATES.** The 2D PARTY will commence the PROJECT by _____, 201_, will complete the PROJECT by ____, 201_ and will otherwise meet the milestones established in this Agreement, as may be extended by the DISTRICT in accordance with Paragraph 1 of this Agreement. In the event of hurricanes, tornados, floods, acts of God, acts of war, or other such catastrophes, or other man-made emergencies such as labor strikes or riots, which are beyond the control of the 2D PARTY, the 2D PARTY’S obligations to meet the time frames provided in this Agreement will be suspended for the period of time the condition continues to exist. During such suspension, this Agreement will remain in effect. The suspension of the 2D PARTY’S obligations provided for in this provision will be the 2D PARTY’S sole remedy for the delays set forth herein.

5. **FAILURE TO COMPLETE PROJECT.** The 2D PARTY will repay the DISTRICT all funds the DISTRICT paid to the 2D PARTY under this Agreement, if: a) the 2D PARTY fails to complete the PROJECT in accordance with Paragraph 4 of this Agreement; b) the DISTRICT determines, in its sole discretion and judgment, that the 2D PARTY has failed to maintain scheduled progress of the PROJECT thereby endangering the timely performance of this Agreement; or c) the 2D PARTY fails to appropriate sufficient funds to complete the PROJECT. The 2D PARTY will be obligated to pay attorneys’ fees and costs incurred by the DISTRICT, including appeals, as a result of 2D PARTY’S failure to repay the DISTRICT in accordance this Paragraph.

6. **OPERATION AND MAINTENANCE.** After construction is completed, the 2D PARTY will continuously operate and maintain the PROJECT for a minimum of twenty (20) years, such that the resource benefits as described in the Project Plan are achieved. In the event the PROJECT is not operated and maintained in accordance with these requirements, the 2D PARTY will pay to the DISTRICT an early termination fee. The fee will be five (5) percent of total DISTRICT monies contributed to the PROJECT for each year or a fraction thereof for early termination of the PROJECT. The 2D PARTY will be obligated to pay attorneys’ fees and costs incurred by the DISTRICT, including appeals, as a result of 2D PARTY’S failure to repay the DISTRICT in accordance this Paragraph.

7. **CONTRACT PERIOD.** This Agreement will be effective upon execution by the parties and will remain in effect through _____, 201_, or upon satisfactory completion of the PROJECT and subsequent reimbursement to the 2D PARTY, whichever occurs first, unless amended in writing by the parties. The 2D PARTY will not be eligible for reimbursement for any work that is commenced, or costs that are incurred, prior to the effective date of this Agreement.

8. **PROJECT RECORDS AND DOCUMENTS.** Each party, upon request, will permit the other party to examine or audit all PROJECT related records and documents during or following completion of the PROJECT. Payments made to 2D PARTY under this Agreement will be reduced for amounts found to be not allowable under this Agreement by an audit. The 2D PARTY will refund to the DISTRICT all such disallowed payments. If an audit is undertaken by either party, all required records will be maintained until the audit has been completed and all questions arising from it are resolved. Each party will maintain all such records and documents for at least three (3) years following completion of the PROJECT. Each party will allow public access to PROJECT documents and materials made or received by either party in accordance with the Public Records Act, Chapter 119, F.S. Should either party assert any exemption to the
requirements of Chapter 119, F.S., the burden of establishing such exemption, by way of injunctive or other relief as provided by law, will be upon the asserting party.

9. OWNERSHIP OF DOCUMENTS AND OTHER MATERIALS. All documents, including reports, drawings, estimates, programs, manuals, specifications, and all goods or products, including intellectual property and rights thereto, purchased under this Agreement with DISTRICT funds or developed in connection with this Agreement will be and will remain the property of the DISTRICT and the 2D PARTY, jointly.

10. REPORTS. The 2D PARTY will provide the DISTRICT with copies of any and all reports, models, studies, maps or other documents resulting from the PROJECT. Additionally, two (2) sets, electronic and hardcopy, of any final reports must be submitted to the DISTRICT as Record and Library copies.

11. LIABILITY. Each party hereto agrees to indemnify and hold the other harmless, to the extent allowed under Section 768.28, F.S., from all claims, loss, damage and expense, including attorneys’ fees and costs and attorneys’ fees and costs on appeal, arising from the negligent acts or omissions of the indemnifying party’s officers, employees, contractors and agents related to its performance under this Agreement. The indemnified party will have the right to approve counsel selected by the indemnifying party. This provision does not constitute a waiver of either party’s sovereign immunity under Section 768.28, F.S. or extend either party’s liability beyond the limits established in Section 768.28, F.S. Additionally, this provision will not be construed to impose contractual liability on either party for underlying tort claims as described above beyond the limits specified in Section 768.28, F.S.

12. DEFAULT. Either party may terminate this Agreement upon the other party's failure to comply with any term or condition of this Agreement, including the failure to meet specific milestones established in this Agreement, as long as the terminating party is not in default of any term or condition of this Agreement at the time of termination. In addition to the above, the DISTRICT may terminate this Agreement if, in its sole discretion and judgment, it determines that the 2D PARTY has failed to maintain scheduled progress of the PROJECT thereby endangering the timely performance of the PROJECT. To effect termination, the terminating party will provide the defaulting party with a written "Notice of Termination" stating its intent to terminate and describing all terms and conditions with which the defaulting party has failed to comply. If the defaulting party has not remedied its default within thirty (30) days after receiving the Notice of Termination, this Agreement will automatically terminate. If a default cannot reasonably be cured in thirty (30) days, then the thirty (30) days may be extended at the non-defaulting party’s discretion, if the defaulting party is pursuing a cure of the default with reasonable diligence. The rights and remedies in this provision are in addition to any other rights and remedies provided by law or this Agreement.

13. RELEASE OF INFORMATION. The parties agree not to initiate any oral or written media interviews or issue press releases on or about the PROJECT without providing advance notices or copies to the other party. This provision will not be construed as preventing the parties from complying with the public records disclosure laws set forth in Chapter 119, F.S.
14. **DISTRICT RECOGNITION.** The 2D PARTY will recognize DISTRICT funding and, if applicable, Basin Board funding in any reports, models, studies, maps or other documents resulting from this Agreement, and the form of said recognition will be subject to DISTRICT approval. If construction is involved, the 2D PARTY will provide signage at the PROJECT site that recognizes funding for this PROJECT provided by the DISTRICT and, if applicable, the Basin Board(s). All signage must meet with DISTRICT written approval as to form, content and location, and must be in accordance with local sign ordinances.

15. **PERMITS AND REAL PROPERTY RIGHTS.** The 2D PARTY must obtain all permits, local government approvals and all real property rights necessary to complete the PROJECT prior to commencing any construction involved in the PROJECT. The DISTRICT will have no obligation to reimburse the 2D PARTY for any costs under this Agreement until the 2D PARTY has obtained such permits and property rights necessary to undertake the PROJECT.

16. **LAW COMPLIANCE.** Each party will comply with all applicable federal, state and local laws, rules, regulations and guidelines, including those of the DISTRICT, related to performance under this Agreement. If the PROJECT involves design services, the 2D PARTY’S professional designers and the DISTRICT’S regulation and projects staff will meet regularly during the PROJECT design to discuss ways of ensuring that the final design for the proposed PROJECT technically complies with all applicable DISTRICT rules and regulations, however, the DISTRICT undertakes no duty to ensure compliance with such rules and regulations.

17. **DIVERSITY IN CONTRACTING AND SUBCONTRACTING.** The DISTRICT is committed to supplier diversity in the performance of all contracts associated with DISTRICT cooperative funding projects. The DISTRICT requires the 2D PARTY to make good faith efforts to encourage the participation of minority owned and woman owned and small business enterprises, both as prime contractors and subcontractors, in the performance of this Agreement, in accordance with applicable laws.

17.1 If requested, the DISTRICT will assist the 2D PARTY by sharing information to help the cooperator in ensuring that minority owned and woman owned and small businesses are afforded an opportunity to participate in the performance of this Agreement.

17.2 The 2D PARTY agrees to provide the DISTRICT with a report indicating all contractors and subcontractors who performed work in association with the PROJECT, the amount spent with each contractor or subcontractor, and to the extent such information is known, whether each contractor or subcontractor was a minority owned or woman owned or small business enterprise. If no minority owned or woman owned or small business enterprises were used in the performance of this Agreement, then the report shall so indicate. The Minority/Women Owned and Small Business Utilization Report form is attached as Exhibit "C." The report is required upon final completion of the PROJECT prior to final payment, or within thirty (30) days of the execution of any amendment that increases PROJECT funding, for information up to the date of the amendment and prior to the disbursement of any additional funds by the
18. ASSIGNMENT. Except as otherwise provided in this Agreement, no party may assign any of its rights or delegate any of its obligations under this Agreement, including any operation or maintenance duties related to the PROJECT, without the prior written consent of the other party. Any attempted assignment in violation of this provision is void.

19. SUBCONTRACTORS. Nothing in this Agreement will be construed to create, or be implied to create, any relationship between the DISTRICT and any subcontractor of the 2D PARTY.

20. THIRD PARTY BENEFICIARIES. Nothing in this Agreement will be construed to benefit any person or entity not a party to this Agreement.

21. LOBBYING PROHIBITION. Pursuant to Section 216.347, F.S., the 2D PARTY is hereby prohibited from using funds provided by this Agreement for the purpose of lobbying the Legislature, the judicial branch or a state agency.

22. PUBLIC ENTITY CRIMES. Pursuant to Subsections 287.133(2) and (3), F.S., a person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S., for Category Two, for a period of 36 months following the date of being placed on the convicted vendor list. The 2D PARTY agrees to include this provision in all subcontracts issued as a result of this Agreement.

23. DISCRIMINATION. Pursuant to Subsection 287.134(2)(a), F.S., an entity or affiliate who has been placed on the discriminatory vendor list may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity. The 2D PARTY agrees to include this provision in all subcontracts issued as a result of this Agreement.

24. GOVERNING LAW. All aspects of this Agreement are governed by Florida law and venue will be in Hernando County, Florida.

25. SURVIVAL. The provisions of this Agreement that require performance after the expiration or termination of this Agreement will remain in force notwithstanding the expiration or termination of this Agreement including Subparagraphs 3.1 and 3.7 and Paragraphs 5, 6, and 11.
26. **ENTIRE AGREEMENT.** This Agreement and the attached exhibits listed below constitute the entire agreement between the parties and, unless otherwise provided herein, may be amended only in writing, signed by all parties to this Agreement.

27. **DOCUMENTS.** The following documents are attached and made a part of this Agreement. In the event of a conflict of contract terminology, priority will first be given to the language in the body of this Agreement, then to Exhibit "A," then to Exhibit "B," and then to Exhibit "C."

   - Exhibit "A"  Special Project Terms and Conditions
   - Exhibit "B"  SECOND PARTY’S Project Plan
   - Exhibit "C"  Minority/Women Owned and Small Business Utilization Report Form

The remainder of this page intentionally left blank.
IN WITNESS WHEREOF, the parties hereto, or their lawful representatives, have executed this Agreement on the day and year set forth next to their signatures below.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

By: ________________________________
    David L. Moore, Executive Director       Date

[FULL NAME OF 2D PARTY]

By: ________________________________
    Name, Title                        Date

COOPERATIVE FUNDING AGREEMENT
BETWEEN THE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
AND
[FULL NAME OF 2D PARTY]
FOR
[DESCRIPTION OF PROJECT (P000)]

<table>
<thead>
<tr>
<th>DISTRICT APPROVAL</th>
<th>INITIALS</th>
<th>DATE</th>
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<tbody>
<tr>
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<tr>
<td>RISK MGMT</td>
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<tr>
<td>CONTRACTS</td>
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<tr>
<td>DEPT DIRECTOR</td>
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<tr>
<td>DEPUTY EXEC DIR</td>
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<tr>
<td>GOVERNING BOARD</td>
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</tr>
</tbody>
</table>
EXHIBIT "A"
SPECIAL PROJECT TERMS AND CONDITIONS

1. CONTRACTING WITH CONSULTANT AND CONTRACTOR. The 2D PARTY may engage the services of a consultant(s), hereinafter referred to as the "CONSULTANT," and a contractor(s), hereinafter referred to as the "CONTRACTOR," to perform the services in accordance with the 2D PARTY’S Project Plan previously submitted to the DISTRICT and attached as Exhibit "B." The 2D PARTY will be responsible for administering the contracts with the CONSULTANT and CONTRACTOR.

2. APPROVAL OF CONSTRUCTION BID DOCUMENTS. The 2D PARTY must obtain the DISTRICT’S written approval of all construction bid documents prior to being advertised or otherwise solicited. The DISTRICT will not unreasonably withhold its approval. The DISTRICT’S approval of the construction bid documents does not constitute a representation or warranty that the DISTRICT has verified the architectural, engineering, mechanical, electrical, or other components of the construction documents, or that such documents are in compliance with DISTRICT rules and regulations or any other applicable rules, regulations, or laws. The DISTRICT’S approval will not constitute a waiver of the 2D PARTY’S obligation to assure that the design professional performs according to the standards of his or her profession. The 2D PARTY will require the design professional to warrant that the construction documents are adequate for bidding and construction of the PROJECT.

3. DISTRICT PARTICIPATION IN SELECTING CONSULTANT AND REVIEW OF 2D PARTY’S SELECTION OF CONTRACTOR. As applicable, upon notifying the 2D PARTY’S Project Manager, the DISTRICT will have the option of participating as an evaluator in the 2D PARTY’S process for selecting the CONSULTANT. The 2D PARTY will provide the DISTRICT with a tabulation of CONTRACTOR bids and a recommendation to award. The 2D PARTY must obtain the DISTRICT’S approval of the selected CONTRACTOR prior to proceeding with construction of the PROJECT and the DISTRICT will not unreasonably withhold its approval.

4. APPROVAL OF CONTRACTS. The 2D PARTY must obtain the DISTRICT’S prior written approval of any contracts entered into with its CONSULTANTS and CONTRACTORS. The DISTRICT will not unreasonably withhold its approval.
Projects receiving $100,000 or more in cooperative funding from the Southwest Florida Water Management District require the submission of the following information within 30 days of any amendment increasing project funding and with the final invoice. Questions regarding use of this form should be directed to Contracts Administration, Phone (352) 796-7211 ext. 4132.

<table>
<thead>
<tr>
<th>Cooperator:</th>
<th>Agreement No.:</th>
</tr>
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<tbody>
<tr>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>Project Name:</th>
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<tbody>
<tr>
<td></td>
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<table>
<thead>
<tr>
<th>Total Project Cost:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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**INDICATE THE ONE CATEGORY THAT BEST DESCRIBES EACH ORGANIZATION LISTED***

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<th>NON-CERTIFIED MBE</th>
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<td>BUSINESS</td>
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<td>CLASSIFICATION</td>
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<td>HISPANIC AMERICAN</td>
<td>ASIAN/HAWAIAN AMERICAN</td>
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<td>SMALL BUSINESS</td>
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<tr>
<td>Section 288.703(1) F.S.</td>
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**NAMES OF CONTRACTORS AND SUBCONTRACTORS UTILIZED**

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<thead>
<tr>
<th>TOTAL AMOUNT PAID</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

* □ Our organization does not collect minority status data.

__________________________________  ______________________________________
Signature   Date   Print Name and Title
**CONTRACT PROCESS RESPONSIBILITIES** (page 2 of 2)

**STEP 3**

**EXECUTION OF AGREEMENT:** Securing signatures of other party(ies) and final execution by the Executive Director

- **Project Manager**
  - sends originals to other party(ies)
  - requests required insurance and bond documentation as defined in agreement
  - when returned, ensures that signed originals are complete and have not been changed
  - forwards contract file with insurance and/or bond certificates to Risk Manager

- **Other Party(ies)**
  - reviews and signs originals
  - returns both originals to Project Manager with required documentation

- **Project Manager**
  - retains copies of agreement and necessary documents for project file
  - forwards executed original with cover letter from Executive Director and Notice to Proceed to other party(ies)
  - forwards completed contract file to Contracts Administration

- **Risk Manager**
  - approves compliance with insurance and bond requirements
  - forwards to Executive Director through Deputy Executive Director

- **Deputy Executive Director**
  - reviews file and forwards to Executive Director for signature

- **Executive Director (or, in absence, Designee)**
  - executes original contract copies
  - signs cover letter to send original to other party(ies)
  - returns file to Project Manager to process

- **Contracts Administration**
  - reviews documentation and verifies contents of contract file
  - logs and processes contract file to Central Records

**STEP 4**

**PROJECT MANAGEMENT:** Oversight of project activities and progress to assure compliance with contract terms and conditions.

- **Project Manager**
  - coordinates project activities with the other party(ies), management, Finance and other departments and agencies, as applicable
  - assures compliance with the contract terms, conditions, scope of work, performance schedule, and budget
  - approves plans, subcontracts, work performed, invoices
  - monitors deliverables
  - resolves issues
  - initiates amendment process
  - updates record files

- **Contracts Administration**
  - assists with compliance and invoice issues
  - coordinates amendment process
  - provides reports for monitoring termination dates

- **Office of General Counsel**
  - provides legal interpretation and direction as required
  - clarifies terms and conditions of Agreement

- **Risk Management**
  - monitors insurance and bond requirements

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4-5
Rev. 10/1/00

19
Resource Management Committee  
February 22, 2010

**Routine Report**

**Florida Forever Funding**

*Purpose*
No Board action is required. This item is submitted for information purposes only.

*Background/History*
Attached for the Board’s use and information is the monthly funding status report for the Florida Forever program. The projects have been categorized as acquisitions or projects for: restoration; capital improvements for restoration; water resource development; and preservation. In addition to Florida Forever funding, staff continues to explore all funding opportunities.

*Staff Recommendation: See Exhibit*

This item is provided for the Committee’s information, and no action is required.

*Presenter:* Eric Sutton, Director, Land Resources Department
<table>
<thead>
<tr>
<th>Parcel/Project</th>
<th>Funds Available</th>
<th>Fla Forever Category</th>
<th>Estimated Cost</th>
<th>Fee Acres</th>
<th>LTF Acres</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Florida Forever Funds Available – Inception to Date</td>
<td>$ 254,163,581</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Includes $13,170,753 from the Water Management Lands Trust Fund, $3,182,719 from the P2000 Trust Fund and $5,310,109 from FDOT mitigation</td>
</tr>
<tr>
<td>Completed Acquisitions</td>
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<td>Panasoffkee/Outlet Tract - Gibbons (19-441-105)</td>
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<td>RV Griffin Reserve - Longino (21-699-102C)</td>
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<td>Restoration - land acq</td>
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<td>Prairie/Shell Creek - Burchers (20-649-105)</td>
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<td>Estimated Cost</td>
<td>Fee Acres</td>
<td>LTF Acres</td>
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<td>Lake Hancock - Coscia and Nguyn (20-503-102)</td>
<td>Water resource dev - land acq</td>
<td>5,225,000</td>
<td>590</td>
<td>Closed 08/04/2005</td>
<td></td>
<td></td>
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<tr>
<td>Green Swamp East - Crowell (10-200-1237)</td>
<td>Preservation</td>
<td>2,500</td>
<td>4</td>
<td>Closed 2/16/2006</td>
<td></td>
<td></td>
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<tr>
<td>Green Swamp East - Overstreet (10-200-1145)</td>
<td>Preservation</td>
<td>24,101,645</td>
<td>5,067</td>
<td>Closed 5/31/2006 - used WMLTF &amp; Florida Forever funds</td>
<td></td>
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<tr>
<td>Green Swamp - Raulerson (10-200-1258)</td>
<td>Preservation</td>
<td>400,000</td>
<td>20</td>
<td>Closed 04/13/2007</td>
<td></td>
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<tr>
<td>Annuetteliga Hammock - O'Brien (15-228-1288)</td>
<td>Preservation</td>
<td>87,000</td>
<td>3</td>
<td>Closed 07/13/2007</td>
<td></td>
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<tr>
<td>Annuetteliga Hammock - Tyte (15-228-1287)</td>
<td>Preservation</td>
<td>570,000</td>
<td>30</td>
<td>Closed 07/13/2007</td>
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<tr>
<td>Lake Hancock - Powell (20-503-152)</td>
<td>Water resource dev - land acq</td>
<td>30,000</td>
<td>2</td>
<td>Closed 07/26/2007</td>
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<tr>
<td>Lower Hillsborough FDA - Guerard (13-300-110)</td>
<td>Preservation</td>
<td>1,750,000</td>
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<tr>
<td>Green Swamp West - Barnes (19-410-123C)</td>
<td>Preservation</td>
<td>1,125,000</td>
<td>300</td>
<td>Closed 10/30/2007</td>
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<tr>
<td>Myakkahatchee Creek - Carlton (21-694-102 and 103C)</td>
<td>Preservation</td>
<td>19,746,592</td>
<td>4,744</td>
<td>7,626</td>
<td>Closed 12/20/2007 - used Florida Forever &amp; FDOT mitigation funds</td>
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<tr>
<td>Lake Hancock - Hampton (20-503-103)</td>
<td>Water resource dev - land acq</td>
<td>37,175,000</td>
<td>2,036</td>
<td>Closed 4/30/2008</td>
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<tr>
<td>Annuetteliga Hammock - Hadley (15-228-1290)</td>
<td>Preservation</td>
<td>90,211</td>
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<tr>
<td>Green Swamp - Vegso (10-200-1005)</td>
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<td>2,500</td>
<td>3</td>
<td>Closed 9/30/2008</td>
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<tr>
<td>Weekiwachee Preserve - Aripeka Heights (15-773-143)</td>
<td>Preservation</td>
<td>2,175,000</td>
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<tr>
<td>Annuetteliga Hammock - Koblis (15-228-1294)</td>
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<td>95,000</td>
<td>5</td>
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<tr>
<td>Annuetteliga Hammock - Reid (15-228-1296)</td>
<td>Preservation</td>
<td>119,723</td>
<td>6</td>
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<td>Annuetteliga Hammock DeGolden (15-228-258)</td>
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<td>444,999</td>
<td>40</td>
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<tr>
<td>Annuetteliga Hammock - Both (15-228-1293)</td>
<td>Preservation</td>
<td>11,057</td>
<td>3</td>
<td>Closed 12/23/2008</td>
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Southwest Florida Water Management District
Florida Forever Status

<table>
<thead>
<tr>
<th>Parcel/Project</th>
<th>Funds Available</th>
<th>Fla Forever Category</th>
<th>Estimated Cost</th>
<th>Fee Acres</th>
<th>LTF Acres</th>
<th>Comments</th>
<th>Governing Bd Date</th>
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<tbody>
<tr>
<td>Crooked Lake - Britt (20-697-102)</td>
<td>Restoration - land acq</td>
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<td>Closed 6/2/2009</td>
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<tr>
<td>Upper Hillsborough - Schaper (10-400-167)</td>
<td>Preservation</td>
<td>570,000</td>
<td>33</td>
<td></td>
<td></td>
<td>Closed 7/10/2009</td>
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</table>

Subtotal Completed Parcels/Projects $ 202,114,157 38,974 20,856

Subtotal Funds Available $ 52,049,424

Parcels/Projects Approved By Board (Funds Encumbered within DEP Trust Fund)

<table>
<thead>
<tr>
<th>Governing Bd Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oct-09</td>
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</tbody>
</table>

South Saddle Creek Restoration and Water Quality Treatment Project

Subtotal Ongoing Acquisitions/Projects $ 52,965,000 5,515 9,904

Subtotal Funds Available $ 38,185,228

Ongoing Acquisitions/Projects

<table>
<thead>
<tr>
<th>Governing Bd Date</th>
</tr>
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<tbody>
<tr>
<td>TBD</td>
</tr>
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</table>

Note that projected monies to be spent exceed current funding. This is due to the fact that not all acquisitions will be consummated since the District’s acquisition program is opportunity-driven and primarily voluntary.
Resource Management Committee
February 22, 2010

Routine Report

Minimum Flows and Levels

District staff continues to work on various phases of Minimum Flows and Levels (MFLs) development for water bodies on the District's MFLs priority list. Attached for the Board's use and information is the current Minimum Flows and Levels Priority List and Schedule – Water body Timelines report that identifies the status of each water body in regard to our five phase process of MFL establishment.

Staff Recommendation: See Exhibit

This item is provided for the Committee's information, and no action is required.

Presenter: Martin H. Kelly, Ph.D., Minimum Flows and Levels Program Director
Resource Projects Department
## RIVERS, SPRINGS and ESTUARIES

<table>
<thead>
<tr>
<th>Phase 1</th>
<th>Phase 2</th>
<th>Phase 3</th>
<th>Phase 4</th>
<th>Phase 5</th>
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</thead>
<tbody>
<tr>
<td>Data Collection</td>
<td>Data Analysis</td>
<td>Rpt to Board / Peer Revie</td>
<td>Recovery Strategy</td>
<td>Rule Adoption</td>
</tr>
<tr>
<td>&amp; Internal Draft MFL Report</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 2009

- **Anclote River System**: completed, completed
- **Lower Peace River Estuary**: completed, completed, completed

#### 2010

- **Chassahowitzka River System and Springs**: completed, Nov 2009, Dec 2009 / Apr 2010, TBD, Jun 2010
- **Lower Myakka River System**: completed, Nov 2009, Jan 2010 / May 2010, TBD, July 2010
- **Manatee River System**: completed, Feb 2010, Jun 2010 / Sep 2010, TBD, Dec 2010
- **Middle and Upper Withlacoochee River System (Green Swamp)**: completed, May 2010, Jul 2010 / Oct 2010, TBD, Nov 2010
- **Shell Creek Estuary**: completed, completed, completed

### 2011


### 2012


### 2013

- **Prairie Creek (Peace River drainage)**: Jan 2013, May 2013, Jul 2013 / Oct 2013, TBD, Nov 2013
- **Shell Creek (Peace River drainage)**: Jan 2013, May 2013, Jul 2013 / Oct 2013, TBD, Nov 2013

### 2014


*At the Board's direction, staff have added projected dates on which: we expect to have internal draft reports complete, presentation of draft to Board, report of peer review to Board, and return for rule establishment.*

*Waterbodies completed through Phase 5 will be removed from this list and added to the Minimum Flows and Levels Established to Date list when the priority list is updated each year.*

Updated February 2, 2010
### LAKES

<table>
<thead>
<tr>
<th>Phase 1</th>
<th>Phase 2</th>
<th>Phase 3</th>
<th>Phase 4</th>
<th>Phase 5</th>
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</thead>
<tbody>
<tr>
<td>Data Collection</td>
<td>Data Analysis</td>
<td>Peer Review</td>
<td>Recovery</td>
<td>Rule Adoption</td>
</tr>
<tr>
<td>&amp; Draft MFL Report</td>
<td></td>
<td></td>
<td>Strategy</td>
<td></td>
</tr>
</tbody>
</table>

#### 2009

<table>
<thead>
<tr>
<th>Polk County Lakes</th>
<th>Hancock</th>
<th>completed</th>
<th>Nov 2009</th>
<th>NA</th>
<th>completed</th>
<th>Dec 2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hillsborough County Lakes</td>
<td>Raleigh</td>
<td>completed</td>
<td>Aug 2010</td>
<td>completed</td>
<td>completed</td>
<td>Dec 2010</td>
</tr>
<tr>
<td></td>
<td>Rogers</td>
<td>completed</td>
<td>Aug 2010</td>
<td>completed</td>
<td>completed</td>
<td>Dec 2010</td>
</tr>
<tr>
<td></td>
<td>Starvation</td>
<td>completed</td>
<td>Aug 2010</td>
<td>completed</td>
<td>completed</td>
<td>Dec 2010</td>
</tr>
<tr>
<td>Polk County Lakes</td>
<td>Wimauma</td>
<td>June 2010</td>
<td>Aug 2010</td>
<td>NA</td>
<td>TBD</td>
<td>Dec 2010</td>
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</tbody>
</table>

#### 2010

<table>
<thead>
<tr>
<th>Polk County Lakes</th>
<th>Crystal (near Lake Wales)</th>
<th>June 2010</th>
<th>Aug 2010</th>
<th>NA</th>
<th>TBD</th>
<th>Dec 2010</th>
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</thead>
<tbody>
<tr>
<td>North Lake Wales</td>
<td>June 2010</td>
<td>Aug 2010</td>
<td>NA</td>
<td>TBD</td>
<td>Dec 2010</td>
<td></td>
</tr>
<tr>
<td>Hillsborough County Lakes</td>
<td>Carroll</td>
<td>June 2011</td>
<td>Aug 2011</td>
<td>NA</td>
<td>TBD</td>
<td>Dec 2011</td>
</tr>
<tr>
<td>Hooker</td>
<td>June 2011</td>
<td>Aug 2011</td>
<td>NA</td>
<td>TBD</td>
<td>Dec 2011</td>
<td></td>
</tr>
<tr>
<td>Marion County Lakes</td>
<td>Bonable</td>
<td>June 2011</td>
<td>Aug 2011</td>
<td>NA</td>
<td>TBD</td>
<td>Dec 2011</td>
</tr>
<tr>
<td>Polk County Lake</td>
<td>Lowery</td>
<td>June 2011</td>
<td>Aug 2011</td>
<td>NA</td>
<td>TBD</td>
<td>Dec 2011</td>
</tr>
</tbody>
</table>

#### 2011

| Hillsborough County Lakes | Hanna | June 2012 | Aug 2012 | NA | TBD | Dec 2012 |
| Keene | June 2012 | Aug 2012 | NA | TBD | Dec 2012 |
| Kell | June 2012 | Aug 2012 | NA | TBD | Dec 2012 |

#### 2012

| Hillsborough County Lakes | Amoret | June 2012 | Aug 2012 | NA | TBD | Dec 2012 |
| Aurora | June 2012 | Aug 2012 | NA | TBD | Dec 2012 |
| Bonnet | June 2012 | Aug 2012 | NA | TBD | Dec 2012 |
| Easy | June 2012 | Aug 2012 | NA | TBD | Dec 2012 |
| Effie | June 2012 | Aug 2012 | NA | TBD | Dec 2012 |
| Little Aurora | June 2012 | Aug 2012 | NA | TBD | Dec 2012 |
| Josephine | June 2012 | Aug 2012 | NA | TBD | Dec 2012 |

#### 2013

| Hernando County Lakes | Tooke | June 2013 | Aug 2013 | NA | TBD | Dec 2013 |
| Whitehurst | June 2013 | Aug 2013 | NA | TBD | Dec 2013 |

* Waterbodies completed through Phase 5 will be removed from this list and added to the Minimum Flows and Levels Established to Date list when the priority list is updated each year.

Updated February 2, 2010
Minimum Flows and Levels Established to Date

- Alafia River (upper freshwater segment)
- Alafia River Estuary (includes Lithia and Buckhorn Springs)
- Braden River (freshwater segment)
- Citrus County Lakes - Ft. Cooper, Tsala Apopka – Floral City, Inverness and Hernando Pools
- Dona Bay (Cow Pen Slough/Canal)
- Hernando County Lakes - Hunters, Lindsey, Mountain, Neff, Spring and Weeki Wachee Prairie
- Highland County Lakes – Angelo, Anoka, Denton, Jackson, Little Lake Jackson, June-in-Winter, Letta, Lotela, Placid, Tulane, and Verona
- Hillsborough County Lakes – Alice, Allen, Barbara, Bird, Brant, Calm, Charles, Church, Crenshaw, Crescent, Crystal, Cypress, Dan, Deer, Dosson, Echo, Ellen, Fairy [Maurine], Garden, Halfmoon, Harvey, Helen, Hobbs, Horse, Jackson, Juanita, Little Moon, Merrywater, Mound, Platt, Pretty, Rainbow, Reinheimer, Round, Saddleback, Sapphire, Stemper, Strawberry, Sunset, Sunshine, Taylor and Virginia.
- Hillsborough River (lower segment)
- Hillsborough River – upper segment (including Crystal Spring)
- Levy County Lake - Marion
- Northern Tampa Bay - 41 Wetland sites
- Northern Tampa Bay – 7 Wells – Floridan Aquifer/Saltwater Intrusion
- Pasco County Lakes – Bell, Big Fish, Bird, Buddy, Camp, Clear, Green, Hancock, Iola, Jessamine, King, King [East], Linda, Middle, Moon, Padgett, Parker aka Ann, Pasadena, Pasco, Pierce, unnamed #22 aka Loyce
- Peace River (middle segment)
- Peace River (upper segment – ”low” minimum flows)
- Polk County Lakes – Annie, Bonnie, Clinch, Crooked, Dinner, Eagle, Lee, Mabel, McLeod, Parker, Starr, Venus, and Wales
- Myakka River (upper freshwater segment)
- Sulphur Springs (Hillsborough County)
- Sumter County Lakes – Big Gant, Black, Deaton, Miona, Okahumpka and Panasoffkee
- SWUCA – Floridan Aquifer
- Tampa Bypass Canal
- Weeki Wachee River System and Springs
  (includes Weeki Wachee, Jenkins Creek, Salt, Little Weeki Wachee and Mud River springs)
Resource Management Committee  
February 22, 2010

Routine Report

Structure Operations

January historically marks the fourth month of the 8-month dry season and provisional rainfall totals for the month were normal or above-normal in all regions of the District. Analysis of dry-season rainfall shows October through January totals to be above the historic mean in all regions of the District.

Rainfall was regionally variable during the month and associated with the passage of several cold front systems moving across the Florida peninsula. An unprecedented cold weather event occurred from January 2-13, bringing prolonged freezing temperatures to many areas of the District that caused agricultural interests to pump groundwater for crop protection. Groundwater pumping during the cold weather event caused severe (but temporary) aquifer level declines in parts of Hillsborough and Polk counties that resulted in numerous dry wells complaints and extensive sinkhole development. The provisional twelve-month District-wide rainfall deficit improved during January, ending the month approximately 0.8 inch below the long-term average. The 24- and 36-month cumulative rainfall deficits improved and are approximately 7.1 and 17.4 inches, respectively.

Hydrologic indicators saw mixed response throughout the District, showing only slight changes during January. Groundwater levels ended the month within the normal range of historic values, while streamflow in regional index rivers remain at below-normal levels in the northern region and within the normal range in the central and southern regions. Regional lake levels remain below normal levels throughout the District.

Current NOAA climate forecasts continue to predict above-normal rainfall conditions for the District through May 2010, due to El Niño conditions in the Pacific Ocean. Continued above normal rainfall during the dry season would improve overall hydrologic conditions, lessen or eliminate resource-related impacts, and will be needed to fully recover from the multi-year drought.

Updated weather forecasts will be available in mid-February. Staff will continue to closely monitor conditions in accordance with the District's updated Water Shortage Plan, including any necessary supplemental analysis of pertinent data.

Rainfall

Provisional rainfall totals for the month, as of January 31st, were above-normal in the northern region of the District, at the upper-end of the normal range in the central region and within the normal range in the southern region. The normal range is defined as rainfall totals that fall on or between the 25th to 75th percentiles derived from the historical data for each month.

- The northern region received an average of 4.10 inches of rainfall, equivalent to the 78th percentile.
- The central region received 3.53 inches of rainfall, equivalent to the 75th percentile.
- The southern region recorded an average of 2.24 inches of rain, equivalent to the 57th percentile.
- District-wide, average rainfall was 3.23 inches, equivalent to the 69th percentile.
A summary of the operations made in January is as follows:

- **Inglis Water Control Structures**: The Inglis Bypass Spillway was operated during the month of January in order to maintain water levels in Lake Rousseau and provide flow to the lower Withlacoochee River. The average monthly water level for Lake Rousseau was 27.62’ NGVD. The recommended maintenance level for the reservoir is 27.50’ NGVD.

- **Withlacoochee River Basin**: All water conservation structures are closed on the Tsala Apopka Chain of Lakes with the exception of Moccasin Slough Structure, which remains open allowing for the natural flow of the slough between the Inverness and Floral City Pools. The Wysong-Coogler Water Conservation Structure main gate is in the fully raised position (39.00’ NGVD). The low flow gate crest is set to 35.76’ NGVD in order to provide flow to the Withlacoochee River downstream of the structure. The average monthly water level for Lake Panasoffkee was 38.83’ NGVD.

- **Alafia River Basin**: The Medard Reservoir Structure was operated during the month of January, continuing the drawdown process as part of the Medard Reservoir Embankment Rehabilitation Project. The current water level of the Medard Reservoir is 46.08’ NGVD.

- **Hillsborough River Basin**: Structures A and G, Pretty, Armstead, Ellen-Lipsey, Island Ford, Crescent and Keystone were operated during the month of January to assist in maintaining recommended maintenance levels. The average monthly water level for Lake Thonotosassa was 36.35’ NGVD compared to the recommended maintenance level of 36.50’ NGVD.

- **Pinellas-Anclote River Basin**: The Lake Tarpon Structure was operated during the month of January to assist in maintaining recommended maintenance levels. The average monthly water level for Lake Tarpon was 3.31’ NGVD compared to the recommended maintenance level of 3.20’ NGVD.

- **Peace River Basin**: There were no structures operated during the month of January. The average monthly water level for Lake June-in-Winter was 73.72’ NGVD compared to the recommended maintenance level of 75.00’ NGVD.

**Staff Recommendation**: See Exhibit

This item is provided for the Committee’s information, and no action is required.

**Presenter**: David Crane, Manager, Structure Operations Section
Lake Gibson

Lake Surface Area = 480 Acres
Low Slab = 144.81'
Structure Gauge Datum = 100.00'
Lake Gauge Datum = 135.00 MSL
SCADA Device Number 2427

Lake Tarpon, S-551

Lake Surface Area = 2,534
SCADA Device # 6491

Lake Thonotosassa

Lake Surface Area = 824 Acres
Low Slab = 39.0'
Flint Creek Gauge Datum = 32.16
SCADA Device #6807

Lake Anne Parker

Lake Surface Area = 93 Acres
Low Slab = 40.09'
SCADA Device Number: 8491
Lake White Trout

Lake Surface Area = 75 Acres
Low Slab = 39.41’
Structure Gauge Datum = 33.38’
Lake Gauge Datum = 19.98’ MSL

Lake Lowery

Lake Surface Area = 903 Acres
Low Slab = 131.61
SCADA Device Number 6181

Lake Rousseau

Lake Surface Area = 3657 Acres
Structure Gauge Datum = 10.00
SCADA Device Number 6137

Lake Arietta (P-3)

Lake Surface Area = 758 Acres
Lake Gauge Datum = 100.00’
SCADA Device Number 7431
Hernando Pool

Lake Level

Max. Desirable

High Level

10 yr. Flood

Lake Surface Area = 6200 Acres

Low Slab = 40.47'

Structure Gauge Datum = Direct Read

Lake Gauge Datum = Direct Read

Inverness Pool

Lake Level

Max. Desirable

High Level

10 Yr. Flood

Lake Surface Area = 8000 Acres

Low Slab = 42.54'

Structure Gauge Datum = Direct Read

Lake Gauge Datum = Direct Read

Leslie Heifner

Upstream Level

Downstream Level

Low Level

Max. Desirable

High Level

10 Yr. Flood

Lake Surface Area = 37 Acres

Low Slab = 47.80'

SCADA Device #6767 & #6766

Floral City Pool

Level

Low Level

Max. Desirable

High Level

10 Yr. Flood

Lake Surface Area = 9100 Acres

Low Slab = 44.10'

Structure Gauge Datum = Direct Read

Lake Gauge Datum = Direct Read

SCADA #2007
Sawgrass Lake

Lake Armistead

Lake Haines

Medard

Water Surface Elevation

Daily Average Values

Lake Surface Area = 21 Acres
Low Slab = N/A
Lake Gauge Datum = Direct Read
SCADA Device Number 7611

Lake Surface Area = 35 Acres
Low Slab = 45.72'
Lake Gauge Datum = Direct Read
SCADA Device Number 7671

Lake Surface Area = 716 Acres
Low Slab = 131.41'
Lake Gauge Datum = 100.00'
SCADA Device Number 7571
Lake Consuella

Lake Surface Area = 37 Acres
Low Slab = 47.80'
Structure Gauge Datum = Direct Read

Weekly Average Values

Water Surface Elevation

Lake Bradley

Lake Surface Area = 590 Acres
Low Slab = 44.38'

Weekly Average Values

Water Surface Elevation
Resource Management Committee  
February 22, 2010

Routine Report

Watershed Management Program and Federal Emergency Management Agency Map Modernization

District staff continues to work on various steps of the District’s Watershed Management Program and Federal Emergency Management Agency Map Modernization. Attached for the Board’s information is the current schedule that identifies the status of each watershed for the topographic information, watershed evaluation, watershed management plan, and Flood Insurance Rate Maps (FIRMs). The list also indicates whether the updated FIRMs will be a redelineation of the existing FIRMs or based on a detailed study.

Staff Recommendation: See Exhibit

This item is provided for the Committee’s information, and no action is required.

Presenter:  Mark A. Hammond, P.E., Director, Resource Projects Department
<table>
<thead>
<tr>
<th>Year</th>
<th>County</th>
<th>Watershed</th>
<th>Topographic Information</th>
<th>Watershed Model</th>
<th>Public Meetings</th>
<th>Present to Board</th>
<th>Submit Preliminary DFIRMs to FEMA</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009</td>
<td>Hernando</td>
<td>Blue Sink</td>
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<td>complete</td>
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<td>complete</td>
<td>Mar 2010</td>
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<tr>
<td></td>
<td></td>
<td>Bystre Lake</td>
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<td>complete</td>
<td>complete</td>
<td>complete</td>
<td>Mar 2010</td>
</tr>
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<td></td>
<td></td>
<td>Centralia</td>
<td>complete</td>
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<td>complete</td>
<td>complete</td>
<td>Mar 2010</td>
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<td>Chassahowitzka River</td>
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<td></td>
<td></td>
<td>Croom</td>
<td>complete</td>
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<td>complete</td>
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<td>Mar 2010</td>
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<tr>
<td></td>
<td></td>
<td>Little Withlacoochee</td>
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<td>complete</td>
<td>Mar 2010</td>
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<td>Lizzie Hart Sink</td>
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<td>complete</td>
<td>complete</td>
<td>complete</td>
<td>Mar 2010</td>
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<tr>
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<td>Oman Quarry/Indian Creek</td>
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FEMA will start their formal appeals period for adoption after the District submits the preliminary DFIRMS to FEMA.
## Exhibit – Watershed Management Program and FEMA Map Modernization Schedule

**February 2010**

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<th>Year</th>
<th>County</th>
<th>Watershed</th>
<th>Topographic Information</th>
<th>Watershed Model</th>
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Note: FEMA will start their formal appeals period for adoption after the District submits the preliminary DFIRMS to FEMA.
Resource Management Committee
February 22, 2010

Routine Reports

Significant Water Supply and Resource Development Projects
This report provides information on significant Resource Management projects and programs in which the Governing Board is participating in funding. The report provides a short status of significant activities associated with the project that have recently occurred or are about to happen. For greater detail, refer to the Project Information Management System (PIMS) write-ups or request information directly from the project managers.

Lake Hancock Lake Level Modification Project
This project is being implemented as part of the adopted Southern Water Use Caution Area (SWUCA) Recovery Plan for restoring minimum flows in the Upper Peace River. The project began with preliminary feasibility and development of a scope of work to raise the water level in the lake in 2002. The District received the Conceptual Environmental Resource Permit (CERP) from the Florida Department of Environmental Protection (FDEP) in June 2007 for the project with an operating level of up to 100 feet (currently the District operates the P11 structure at an elevation of 98.7 feet). In response, the Governing Board in September 2007 authorized the project to go forward with final design, permitting, and construction; adopted the Resolution Authorizing Proceedings in Eminent Domain, including a Declaration of Taking; amended the 2007 Update to the Florida Forever Work Plan to include all lands identified as necessary for the project, designating $41 million in Florida Forever Trust Funds; and designated and encumbered $79 million in General Fund Water Supply and Resource Development Reserves for the project. Seventy-three parcels were identified as necessary to acquire in fee (40 parcels) or a lesser interest (33 easement parcels). At the September 2007 Governing Board meeting, the Board instructed staff to exhaust all negotiations prior to filing eminent domain proceedings. All property owners have been contacted and offers made. On June 12, 2009, FDEP approved the District’s request to extend the commence construction deadline in the CERP to June 14, 2011. New Activities Since Last Meeting: The District’s consultant, DMK Associates, Inc., completed the 90 percent design plans and specifications for the replacement of the Lake Hancock outfall structure. The ERP application has been submitted to FDEP for the construction of the new outfall. District staff and the District’s consultant, BCI Engineers and Scientists, Inc., continue to work with the Florida Department of Transportation (FDOT) on evaluating the proposed flood stages and identifying any required mitigation activities. BCI has completed the preliminary analysis of impacts to the 540/Jacque Lee Lane area, which is being reviewed by District staff prior to scheduling a meeting with FDOT. BCI has also submitted the wetland monitoring report/plan to the District for review. District staff continues to work with the Riverlake Homeowners Association to evaluate pre- and post-effects to the subdivision’s stormwater management facility. Acquisition Status: Of the 73 parcels necessary for the project, 56 parcels (8,193 acres including 30 homes) have been acquired without initiation of formal litigation proceedings. The remaining acquisitions include a total of 17 parcels (267 acres) comprised of 4 fee acquisition parcels (5 homes) and 13 partial easement acquisitions. District staff has made offers on all acquisitions necessary for the project. All acquisitions, including those with single-family residences, are being handled by the District’s special counsel who has proceeded with offers that were made in accordance with Florida Statutes. The District’s special counsel has initiated litigation on several parcels. Reporting of acquisition activities from the date of report forward will be limited until settlements are reached or conclusion of litigation. The first suits have been filed on the 4 remaining fee acquisitions. The order of taking hearing for the remaining fee parcels will begin on January 26, 2010; legal action related to the easement parcels will follow. Project Managers: Scott Letasi/Michael Peck/Steve Blaschka

Lake Hancock Outfall Treatment Project
At the February 2006 Governing Board meeting, the Board approved the staff recommendation to adopt a 27 percent nitrogen load reduction goal and to utilize wetlands as the primary treatment component. The selection of wetlands as the treatment option was based on a
consultant investigation into alternative treatment technologies. The District's consultant (Parsons) has completed the 60 percent design and is moving forward on completion of final design as authorized by the Governing Board at the December 2009 meeting. **New Activities Since Last Meeting:** At the December Governing Board meeting, the Board approved the allocation of $798,950 for final design with the understanding staff would move forward with final design and make a recommendation for construction management services for Board approval at a future meeting. *Project Manager: Janie Hagberg*

**Pilot Testing Of Biological Treatment Systems**
At the February 2006 Governing Board meeting, following the vote on the Lake Hancock Outfall Treatment Project, the Board directed staff to initiate a project for pilot testing of biological water treatment systems. This type of treatment alternative was one of several investigated by Parsons as part of the project. One of the primary reasons this type of treatment was not recommended was the lack of defensible data in the areas of treatment efficiencies and related costs for the project size associated with Hancock. The Board authorized staff at its May 2006 meeting to proceed with the procurement for a pilot testing of biological water treatment systems and to hire a consultant to assist the District in the pilot testing, as staff had limited expertise in this area. CH2M Hill, Inc., was hired and completed a detailed literature review of periphyton-based biological water treatment systems, an evaluation of potential pilot test sites, project work plan, and project delivery method document. The consultant also assisted in developing a Scope of Work for the request for proposal (RFP). The RFP included two alternatives on which vendors bid: (1) study an existing system, and (2) construct a small pilot system. The District felt this approach provided the most cost efficient means of meeting project objectives while also providing vendors some flexibility in ways they can demonstrate the effectiveness of their systems. Proposals were received from two vendors (Genesis Group, LLC, and Hydromentia, Inc.) and were evaluated by the consultant. At its February 2008 meeting, the Governing Board: (1) authorized staff to negotiate an agreement with Hydromentia, Inc., for an enhanced study of their full-scale Taylor Creek facility in the South Florida Water Management District (SFWMD) for an amount not to exceed $400,000; and (2) authorized District staff to negotiate an amendment to the agreement with CH2M Hill, Inc., for an amount not to exceed $300,000 to provide an independent evaluation of Hydromentia's Taylor Creek facility and authorized the Executive Director to execute the amendment. A contract with Hydromentia does not exist this time. The reason is that Hydromentia is experiencing performance-related treatment issues at the Taylor Creek facility, and it was mutually agreed that the contract be placed on hold until an accurate assessment of the technology can be made and these issues addressed. Hydromentia is working with SFWMD, University of Florida, Florida Department of Agriculture Pesticide Laboratory, and scientists from Petro Algae, LLC, and AquaScience Labs to determine the causes of lower-than-expected algal production and nutrient removal. Their investigation is focusing on identifying potential inhibitory compounds that retard algal growth and developing pretreatment strategies that mitigate the effects of these compounds. District staff has been tracking Hydromentia's progress on a monthly basis. On March 2, 2009, District staff met with Hydromentia to discuss options for moving forward with the project. Hydromentia discussed two possibilities: (1) proceed with the current Governing Board-authorized option of evaluating the full-scale Taylor Creek facility, doing so after algal growth issues have been resolved; or (2) constructing a pilot-scale facility on District-owned property, a change that would require authorization by the Governing Board. District staff indicated that the study of a full-scale facility such as Taylor Creek offers the District distinct advantages over a pilot facility because it allows detailed examination of the cost of nutrient removal on a scale similar to the size of projects we expect to be involved in. **New Activities Since Last Meeting:** District staff and Hydromentia have agreed to temporarily postpone the evaluation of the Taylor Creek facility until the algal growth issues are resolved. *Project Manager: Gary Williams*

**Watershed Management Program/Federal Emergency Management Agency Map Modernization**
The District initiated a partnership with the Federal Emergency Management Agency (FEMA) to modernize Flood Insurance Rate Maps (FIRMs) as part of its Watershed Management Program (WMP). Flood protection and floodplain information has been a priority at the District since the inception of the organization, and that priority was renewed following the El Niño weather event in 1997-1998. In addition to studies conducted by the District (primarily through the Basin
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Boards) and others, information on floodplains (elevations) is available through the FEMA FIRMs. However, many of the existing maps do not accurately represent the flood-prone areas, either because the initial studies were technically limited or the maps are outdated due to significant land use changes since completion. Accurate floodplain information is vital to local government planning and zoning and to the District’s regulatory program. The benefit ultimately is to the land owners. To improve the floodplain information, develop regional scale flood routing models for alternative analysis, and improve local government's understanding of their flood protection level of service, the District reached out to local governments and initiated the WMP in the late '90s. Additionally, the District and FEMA executed a Cooperating Technical Partners (CTP) Memorandum of Agreement on September 14, 2001, to formalize the relationship and to improve the existing FIRMs to better identify risks of flooding within the District. As a CTP, the District is eligible for federal funds to act as FEMA's partner in modernization of the FIRMs. Federal funds have allowed the District and local governments to accomplish significantly more than would have otherwise been possible. To date, the District has received approximately $11.2 million in federal funds from FEMA for countywide map modernization projects for Pasco, Sarasota, Hernando, Marion, Polk, Hardee, Desoto, Citrus, Sumter, Levy, and Highlands counties. The Map Modernization Program also includes federal funding for management support. For fiscal year (FY) 2004 through FY2009, the District received $851,860 and could receive an additional $207,000 through FY2012. FEMA began FIRM updates for Hillsborough and Marion counties before the District became a CTP. FEMA issued its letter of determination finalizing the FIRMs for Hillsborough and Marion counties, and the FIRMs became effective on August 28, 2008.

**New Activities since Last Meeting:**

**Hernando County:** Two watersheds (Bystre Lake and Weeki Wachee Prairie) were submitted for Governing Board approval in January. Comments are currently being addressed and the peer review reports are being finalized. The peer review meeting for Squirrel Prairie and the Pithlachascottee watersheds were held in December. **Pasco County:** Public comments are being addressed for four watersheds (Anclote, Cypress Creek, Trout Creek, and East Pasco). One of the four, the East Pasco Watershed, is being finalized and is anticipated to go to the February Governing Board for approval. The consultant is addressing District comments for the Pithlachascottee River/Bear Creek watersheds. **Sarasota County:** Open houses for Roberts Bay, Island of Venice, and Alligator Creek watersheds were held in January. District staff is scheduled to provide an update to the Venice City Council on February 9, 2010. In addition, various presentations are being scheduled for area Homeowner Associations to familiarize them with the preliminary floodplains.

**Polk County:** An open house for the Christina Watershed was held on January 12, 2010, at Scott Lake Elementary School in Lakeland. **Hardee County:** The Alligator Branch, Buzzard’s Roost, Thompson Branch, and City of Wauchula watersheds are currently being peer reviewed. The Horse Creek Watershed peer review meeting was held January 21 in the Bartow Service Office. **Desoto County:** The peer review for Deep Creek Watershed will begin in February and Thornton Branch will start in March. **Sumter County:** The Mapping Activity Statement with FEMA is in the contract negotiation and approval process. **Citrus County:** The watershed models are being developed by consultants; several are being reviewed by District staff. **Levy County:** The flood hazard zones from the effective FIRMs will be utilized in modernized FIRMs that are being developed by a consultant. The preliminary FIRMs were reviewed by the water management districts and county. **Marion County:** FIRMs were adopted in August 2008 prior to updating the watershed models to account for infiltration in deep sandy soils. The models have been updated and Marion County submitted map revisions for 44 FIRM panels to FEMA. **Manatee County:** The watershed models are being reviewed by District staff and peer reviewers have been assigned. FEMA will manage the production of the FIRMs and the map adoption process.

*Project Manager: Gordon McClung*

**Myakka River Watershed Initiative**

The Myakka River Watershed Initiative is a comprehensive project that will illustrate the effects of land use conversions and alterations, and evaluate best management practices (BMPs) for environmental restoration alternatives. A primary focus of the initiative is the Flatford Swamp area. The overall objective of this initiative is to restore water quality, natural system, and floodplain impacts in the watershed in ways that can also provide a benefit to water supplies in the SWUCA. In February 2006, the Governing Board allocated $500,000 to hire a consultant team to perform elements of the Watershed Management Program and for the collection of topographic information in eastern Manatee County using Light Detection and Ranging (LiDAR)
mapping technologies. Several outreach meetings were held to solicit stakeholder input and gather data. A water budget model comparing existing and historic conditions within Flatford Swamp was developed to determine the amount of excess water that could be captured for a beneficial use. This information was provided to the Peace River Manasota Regional Water Supply Authority (Authority) for use in their latest water supply master plan. Several preliminary scenarios for removal of excess water from the swamp have been evaluated and the consultant is currently refining the costs/benefits of each option. **New Activities Since Last Meeting:** The project team met with Manatee County and the City of Bradenton on January 13, 2010, to discuss the potential use of excess flows from Flatford Swamp. The Digital Terrain model of the watershed’s surface was completed by adding Sarasota County’s 2007 LiDAR data. Currently the team is scheduling an internal meeting to discuss the development of an alternative analysis matrix that will compare the cost/benefit of all the excess water withdrawal options and potential uses. **Project Manager:** Lisann Morris

**Tampa Bay Water**

- **System Configuration II Project:** The Governing Board approved the agreement with Tampa Bay Water (TBW) for the System Configuration II Project at its February 2007 meeting and the cooperative agreement was executed May 1, 2007. The project, when completed in 2011, is expected to provide up to 25 million gallons per day (mgd) of alternative water to the regional system. The estimated total project cost is $254,971,221, with the District committing to half of eligible costs of $232 million, which is $116 million. The project seeks to increase TBW's overall system capacity by drawing more water from the Hillsborough River during high flows via the Tampa Bypass Canal (TBC), in combination with increasing the allowable percentage of withdrawals from the TBC. The project components are primarily associated with improvements to the regional systems treatment, transmission, and storage infrastructure. Specifically, this project includes six surface water pumping projects and four system interconnects that will allow TBW to deliver the new alternative water supply to their member governments. The Surface Water Treatment Plant (SWTP) Expansion, TBC Pump Station Expansion, TBW Regional High Service Pump Station Expansion, SWTP Repump Station Expansion, South Central Hillsborough Intertie (SCHIP) Booster Pumping Station, and Off-stream Reservoir Pump Station are all project components that contribute to the downstream enhancements. The South Central Hillsborough Infrastructure Project (SCHIP) Phases I and II, Northwest Hillsborough Pipeline, Morris Bridge Booster Station Expansion, and Cypress Creek Pump Station Expansion are part of the system interconnects. **New Activities Since Last Meeting:** The project currently is on schedule with completion expected by end of 2011. **Project Manager:** Audrie Goodwin

- **Tampa Bay Seawater Desalination Plant:** As outlined in the agreement between the District and TBW for the Tampa Bay Seawater Desalination Plant (Plant), the District committed a total of $85 million towards the successful completion and operation of the facility. To date, the District has made payments of $63.75 million as specific performance milestones have been met. What remains of the $85 million is $21.25 million which is being held by the District and is payable upon TBW successfully operating the Plant at an average capacity of 25 mgd for four consecutive months before the end of 2010. In addition, if TBW operates the Plant at an average capacity of 20 mgd for 12 consecutive months, they are entitled to accrued interest earned on District funds held since 2007. **New Activities Since Last Meeting:** TBW met the 25 mgd goal in December 2009 and January 2010. Please refer to the Water Production Summary Routine Report under the Regulation Committee tab for additional historic pumpage information at the Plant. **Project Manager:** Ken Herd

**Peace River Manasota Regional Water Supply Authority**

- **Reservoir:** The District is cooperatively funding the construction of the 6-billion-gallon reservoir. Construction reached a point in November 2009 where it was capable of taking water; and, to date, approximately 4.5 billion gallons have been stored in the new reservoir (about 75 percent of capacity). **New Activities Since Last Meeting:** District staff is coordinating with the Authority to complete final invoicing activities. **Project Manager:** Audrie Goodwin

- **Facilities:** The above Reservoir project is for the design and construction of a 6-billion-gallon reservoir; this project is for the design and construction associated with expanding the surface water treatment plant capacity from 24 to 48 mgd. Additionally, this project will construct five
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miles of a 20-inch pipeline from the Authority’s facilities to extended areas of DeSoto County to supply up to 5.5 mgd to the county. Construction activities consist of a maintenance building, dewatering facility, filters, storage tanks, thickener, and chemical feed and disinfection stations. **New Activities Since Last Meeting:** Construction continues on the facility and is considered 99 percent complete. The project appears to be on schedule for completion of the March 2010 Final Completion of Construction deadline. Construction of the three new finished water storage tanks (2 million gallons of storage capacity each) is anticipated to be complete the first week of February 2010. Current activities include final SCADA computer programming and addressing punch list items. **Project Manager:** Audrie Goodwin

- **Regional Integrated Loop System Project:** The Integrated Loop System Feasibility and Routing Study was completed by the Authority in June 2006. This study recommended four main phases to interconnect the water supply and distribution systems of the Authority members and non-member customers. Phases 1 and 1A connect the Peace River Water Treatment Plant (WTP) to the City of Punta Gorda’s Shell Creek WTP. Phase 1 is a 6-mile-long, 24-inch diameter pipeline that will extend the Authority’s existing transmission line along US-17 southward. Design was completed in 2007, but the project is currently suspended in favor of constructing Phase 1A. Phase 1A will provide additional service to developed portions of Charlotte County near I-75, and includes approximately 12 miles of pipeline with a capacity of 6 mgd and a subaqueous crossing of the Peace River. A cooperative funding agreement between the District and Authority for Phase 1A was executed in September 2008. Design is complete, the Authority will bid in February 2010, and construction is expected to begin by late summer 2010. Total cost is estimated at $19,015,000 with the District providing up to $12,007,500, which includes $5 million in West-Central Florida Water Restoration Action Plan (WRAP) funding. The eventual completion of both pipelines will establish rotational capacity between the two WTPs. Phase 2 interconnect will run from the Peace River WTP to the City of North Port’s WTP, then branch westward to the Englewood Water District and northward to establish a rotational link with the Carlton WTP. Design of the initial Phase 2 segment began in August 2007, but was suspended in May 2008 as an alternate connection to North Port’s local system was investigated. The alternate connection lacked the desired capacity, so the Authority submitted a FY2010 cooperative funding request for the first 5.5-mile segment. This portion of the route will deliver North Port’s allocated share of the Authority’s supply from the Peace River WTP. North Port and the Authority executed an Inter-local Agreement for the development of Phase 2 on June 3, 2009. Construction is expected to commence by April 2011. Phases 3 and 4 will eventually interconnect the Carlton WTP to water supply systems in Manatee County. Preliminary engineering for Phase 3 was completed in March 2008. The first portion of this pipeline, Phase 3A, will extend the Authority’s existing regional transmission line that currently terminates at the Carlton WTP. Phase 3A will provide an additional water delivery point to Sarasota County and create a potential inter-tie to the City of Venice. A cooperative funding agreement between the District and Authority was executed for Phase 3A on November 10, 2008. This project includes 8.4 miles of 48-inch diameter pipeline with a design capacity of 37 mgd and includes a sub-aqueous crossing of the Myakka River. The total project cost is estimated at $42,570,000. The District’s share is 50 percent of the total cost. The future expansion of Phase 3B northward will join long-term components of Phase 4 in Manatee County, and will connect to the surface water treatment facility on Lake Manatee and a WTP on University Parkway. **New Activities Since Last Meeting:** On December 14, 2009, the District informed the Authority that it intended to reallocate $5 million in WRAP funding from Phase 1A to other projects unless a decision was made to move forward with the project by February 1, 2010. The Authority met with Charlotte County three times to mediate the postponement; the parties reached a tentative agreement on December 15, 2009, to allow the project to continue. The resolution required the adoption of an amendment to the parties' water supply contract, which was adopted by both parties before the February 1 deadline. The Authority also met with the City of Punta Gorda in December 2009 to discuss the Phase 1 project. The City is interested in pursuing the project in order to use water from the Peace River Facility as an additional blending source for water at the Shell Creek Facility. The Authority submitted a funding request for the Phase 1 project for FY2011. The final design work for Phase 2 is ongoing and District staff is preparing the cooperative funding agreement. On December 17, 2009, the Authority awarded a construction contract for Phase 3A to the low
bidder for $18,385,256, an amount near half the anticipated cost. Construction of the Phase 3A project is expected to commence in February 2010. Project Manager: John Ferguson

Aquifer Storage and Recovery – Arsenic Research
The District continues to take a lead role in investigating methods for controlling the mobilization of arsenic occurring during Aquifer Storage and Recovery (ASR) activities. Beginning in 2008, the District initiated a pilot project with the City of Bradenton for the design, permitting, and construction of a degasification system to remove dissolved oxygen (DO) from water prior to injection and storage in the aquifer. The project is co-funded by the District, South Florida Water Management District (SFWMD), St. Johns River Water Management District (SJRWMD), the Peace River Manasota Regional Water Supply Authority, and the City of Bradenton. The pilot project is being performed at the City of Bradenton’s ASR site and capable of processing water at 700 gallons per minute (gpm) with 99.96 percent removal of DO. A final report documenting the effectiveness of DO removal will be prepared at the end of the project, which is expected in 2010. Construction of the degasification system was completed in June 2008 and the City’s staff was trained on operation of the equipment. The first full cycle test with deoxygenated water began on December 2, 2008. On December 17, 2008, the system was shut down due to three pipe leaks and a membrane fouling problem, which required backflushing of the system. Repairs to the degasification system were made in January 2009 and the membrane fouling problem was corrected. New Activities Since Last Meeting: As of January 16, 2010, 95 million gallons (mg) of treated water have been injected in the ASR well since the full volume cycle test began in July 2009. This is approximately 67 percent of the targeted amount of 140 mg. Equipment malfunction at the end of December 2009 resulted in the system being shut down for a three week period while repairs were made. This coincided with the need to shut the system down because of increased turbidity in the reservoir occurring during the recent freeze. The degas system is sensitive to fouling when turbidity levels are high and, even without the equipment failure, it would have been necessary to shut the system down. The City plans on restarting the injection in the last week of January 2010, and will continue to run the system at the design specification until water in the Evers Reservoir runs out or 160 mg has been injected. It is estimated that if water is available through February 2010, approximately 110 million to 120 million gallons will have been injected. This will be followed by two months in storage and end with five months of recovery (ending summer 2010). With respect to the Underground Injection Control (UIC) regulatory front, the District along with the FDEP and FGS (Florida Geological Survey) are still assessing the state’s options for future efforts on this issue. The District is currently reviewing case law regarding UIC program to determine if a pre-existing ruling exists that would support Florida’s ASR regulatory stance. The District is also working on a webinar with the American Groundwater Trust (AGWT) that will highlight national ASR issues. Project Manager: Don Ellison

Lower Hillsborough River MFL Recovery Strategy – Implementation
At its August 2007 meeting, the Governing Board established the minimum flow for the Lower Hillsborough River (LHR). As required by statute, if the actual flow of a water course is below the proposed minimum flow or is projected to fall below the proposed minimum flow over the next 20 years, a “recovery strategy” is developed as part of the minimum flow development process. In the case of the LHR, a recovery strategy was needed. The proposed recovery strategy was approved by the Governing Board at its August 2007 meeting. The recovery strategy includes a number of projects to divert water from various sources to help meet the minimum flow. Projects that are planned under the recovery strategy include diversions of water from Sulphur Springs, Blue Sink, the Tampa Bypass Canal (TBC), and Morris Bridge Sink. Per the recovery strategy, 75 percent of the 11 cfs (8.2 cfs or 5.3 mgd) transferred to the reservoir from the TBC is being pumped to the base of the dam. This amount of freshwater, in combination with 10 cfs supplied from Sulphur Springs to the base of the dam by the City of Tampa (COT), indicates an actual minimum flow of 18.2 cfs (11.8 mgd) or 70 to 80 percent of the adopted minimum flow is now being supplied to the LHR depending on season. New Activities Since Last Meeting: District staff is evaluating permitting issues and groundwater flow modeling in anticipation of implementing the Morris Bridge Sink pump station project. Diversions of water from Sulphur Springs to the base of the COT’s dam were discontinued from January 4-19 due to an extended cold period to ensure that a thermal refuge for Manatee was maintained below Sulphur Springs. Due to recent rainfall and improved hydrologic conditions,
diversions of water from the TBC to the base of the dam were halted on January 22. District staff and COT staff will meet on February 1 to discuss funding agreements submitted by the COT to further implement various recovery plan elements in FY2010. Project Managers: Marty Kelly/Mike Holtkamp

Regional Reclaimed Water Partnership Initiative – TECO/Lakeland/Polk/Mulberry
- **Reuse Project**: This project, consisting of transmission pipelines and storage, will provide reclaimed water from several domestic wastewater treatment facilities to TECO’s power facility in southeast Polk County. Phase I of the project will use approximately 5.2 mgd of reclaimed water from the City of Lakeland for the first TECO expansion. Additional quantities are also available from Polk County and the City of Mulberry. Preliminary design for Phase 1 has begun and the system is expected to be operational in 2013. Though TECO’s power generation expansion has been delayed as a result of the economic downturn and reduced demands, TECO intends to replace to the greatest extent possible existing groundwater uses with reclaimed water before the expansion is completed. To do this, additional treatment of the reclaimed water is necessary. Treatment is expected to consist of filtering and possible reverse osmosis to reduce dissolved solids to an acceptable level. The reverse osmosis reject water (concentrate by-product) will be mixed with other facility discharge water and pumped to one of two proposed deep injection wells for final disposal. While the wells are being drilled as part of this project, only one will be eligible for cooperative funding. As required by the cooperative funding agreement, TECO will use reclaimed water from the City of Lakeland to offset current groundwater use associated with existing facilities prior to the power generation expansion. Phase I is estimated to cost $65,686,800. Plans for Phase II, originally estimated to be underway by 2012, have also been delayed. Initial estimates indicate that 6 mgd of reclaimed water will be needed for TECO's second phase of expansion, though the source has not been identified. **New Activities Since Last Meeting**: Selections for construction of the exploratory injection well, oversight of the exploratory well construction, and project engineering have been made. Project Manager: Alison Ramoy

- **Recharge Project**: As part of the Regional Reclaimed Water Partnership Initiative (RRWPI), the District undertook an investigation to determine the Feasibility of Using Reclaimed Water for Direct and Indirect Aquifer Recharge in the Tampa Bay Area. The project was developed to maximize the beneficial use of reclaimed water flows and assess possible improvements to southern Hillsborough and western Polk counties. Based on the findings, TBW has submitted and was granted a cooperative funding request for the current fiscal year to further explore aquifer recharge. **New Activities Since Last Meeting**: District staff is working with TBW and the City of Clearwater to prepare scopes of work and contract documents for two direct and one indirect aquifer recharge feasibility studies that received FY2010 cooperative funding. District staff is also reviewing aquifer recharge projects included in FY2011 cooperative funding applications. Project Manager: Sandie Will

Land Resources
In January 2010, the Land Resources Department participated in or hosted the following events:
- Pasco Audubon held a birding day at Conner Preserve. Staff escorted 17 birders on a birding tour to look for songbirds and wading birds in the marshes.
- Forty-two volunteers assisted on a sparrow drive at Weekiwachee Preserve. Fourteen birds were captured and banded with USGS aluminum bands.
- Staff held a volunteer workday at the Serenova Tract within the Starkey Wilderness Preserve. Volunteers marked trails and cleaned up the campgrounds and day use areas.
- Staff and American Disability Adventures hosted a disabled hunt at the Alston Tract within the Upper Hillsborough Preserve. Nineteen hunters and volunteers participated.
- Staff and American Disability Adventures hosted a disabled hunt at the Hampton Tract within the Green Swamp Wilderness Preserve. The “Misfits” equestrian group provided lunch for 59 people, and Bass Pro provided door prizes for all hunters.
- Resource management hog hunts were conducted at the Lower Hillsborough Wilderness Preserve and the Alston Tract within the Upper Hillsborough Preserve. A total of 47 hogs were removed from the properties.
Fire Activity
Recurring wet cold fronts through the end of 2009 have maintained adequate ground and fuel moisture, diminished wildfire probability, and good conditions for safe prescribed burning. Recent hard freezes in the central and north regions have begun to kill light ground fuels making them more flammable, elevating flammability and potential rate of fire spread. However, combined with frontal rains these conditions are ideal for dormant season prescribed burning. To date this fiscal year approximately, 6,700 acres have been burned under prescription on District lands. Staff anticipates highly productive prescribed burning during the first quarter of calendar year 2010.

Staff Recommendation:
This item is provided for the Committee’s information, and no action is required.

Presenter: Bruce C. Wirth, P.E., Deputy Executive Director, Resource Management
Governing Board Meeting  
February 22, 2010

OUTREACH & PLANNING COMMITTEE

Discussion Items

40. Consent Item(s) Moved for Discussion

41. Legislative Preview ........................................................................................................ (15 minutes) .......... 2
    (Strategic Plan: Mission Support)

Submit & File Report – None

Routine Reports

42. Comprehensive Plan Amendment and Related Reviews Report ................................. 3

43. Development of Regional Impact Activity Report .......................................................... 7

44. Speakers Bureau .............................................................................................................. 12

45. Significant Activities ...................................................................................................... 15
Discussion Item

Legislative Preview

Federal Legislative Issues Update
CLA staff will provide an update on the District’s efforts to support economic development for water supply and related infrastructure at the federal level. These efforts include Private Activity Bonds and Clean Renewable Water Supply Tax Credit Bonds.

State Legislative Issues Update
CLA staff continues to work with Executive on the District’s 2010 legislative priorities. CLA staff will provide an update on the Governor’s FY2010-2011 budget recommendations along with an economic outlook overview. CLA will discuss the progress of legislation related to water and natural resources.

Staff Recommendation:

This item is presented for the Committee’s information, and no action is required.

Presenter: David Rathke, Director, Community and Legislative Affairs Department
Routine Reports

Comprehensive Plan Amendment and Related Reviews Report

Purpose
This report is provided for the Committee’s information and shows District activity in the review of Local Government Comprehensive Plans and Amendments. Staff updates the report monthly, showing new or changed information in **bold**.

Background/History
The District provides technical and policy information on water resources and water resource management to local governments as they prepare amendments to their local government comprehensive plans. This information encompasses all aspects of water resource management, including water supply, flood protection, water quality and natural systems, and is intended to support sound land use decisions. A number of statutory provisions direct the District in the provision of this assistance, particularly Section 373.0391, Florida Statutes (F.S.), Technical Assistance to Local Governments. As a part of the District’s efforts to ensure that appropriate water resource information and policy direction is reflected in local government comprehensive plans, the District conducts reviews of local government proposed plan amendments. The state land planning agency, the Department of Community Affairs (DCA), administers this review process. Comments submitted by the District typically become a part of DCA’s “objections, recommendations, and comments” report to the local government. In addition, the District will often perform informal reviews of draft plan updates working directly with local governments.

Benefits/Costs
The benefits of the District's local government technical assistance program are to ensure local government elected officials have sound water resource technical and policy information as they amend their local government comprehensive plans. This helps to ensure local plans are compatible with the District's plans, programs and statutory direction. Costs for this program primarily include staff time and are budgeted in Fund 10 (Governing Board).

Staff Recommendation:  
See Exhibit

This item is provided for the Committee's information, and no action is required.

Presenter:  Roy A. Mazur, Director, Planning Department
## Local Government Comprehensive Plan Amendment and Related Reviews Report

<table>
<thead>
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<th>Amend. Type**</th>
<th>Received from Gov't</th>
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<th>Comments Sent</th>
<th>DCA ORC Report Received</th>
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As of February 3, 2010
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Local Government Comprehensive Plan Amendment and Related Reviews Report

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### Local Government Comprehensive Plan Amendment and Related Reviews Report

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**Amendment Types may include: Regular; DRI; EAR Based; Water Supply Plan; ASRPP**

Evaluation and Appraisal Reports (EARs) are not plan amendments but are required every 7 years. EAR-Based amendments are required 18 months after the report is determined to be sufficient by the State.

**Key to Abbreviations:**

- **DCA** = FL Dept. of Community Affairs
- **ORC Report** = Objections, Recommendations & Comments
- **NOI** = Notice of Intent = Determination by DCA whether amendment is in compliance with statutes and rules
- **EAR** = Evaluation and Appraisal Report
- **DRI** = Development of Regional Impact
- **PRD** = Preliminary Review Determination
- **ASRPP** = DCA pilot program for Pinellas and Broward Counties, and the cities of Tampa and Hialeah
Outreach and Planning Committee  
February 22, 2010

Routine Reports

Development of Regional Impact Activity Report

Purpose
This report is provided for the Committee's information and shows District activity in the review of Developments of Regional Impact (DRIs). Staff updates the report monthly, showing new or changed information in **bold**.

Background/History
The District participates in the review of Developments of Regional Impact (DRIs) pursuant to Section 380.06, Florida Statutes. DRI's are large-scale development projects that exceed statutorily specified thresholds such that the project is assumed to have potential impacts that transcend multiple local government jurisdictions. The District is one of several agencies that are required to participate in the review process, which is administered by the regional planning councils. The District has also entered into memoranda of agreement with the Central Florida, Southwest Florida, Tampa Bay and Withlacoochee regional planning councils to more specifically outline the District's DRI review responsibilities. The District provides water resource management technical and policy information to the regional planning councils and local governments to assist them in making well-informed growth management decisions.

Benefits/Costs
The benefits of the District's DRI review program are to ensure regional planning councils and local government elected officials have sound water resource technical and policy information as they consider large scale development proposals. This helps to ensure these developments are compatible with the District's plans, programs and statutory directives. Costs for this program primarily include staff time and are budgeted in Fund 10 (Governing Board).

Staff Recommendation:  
This item is provided for the Committee's information, and no action is required.

Presenter: Roy A. Mazur, Director, Planning Department
## DRI Activity Report

### CFRPC

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Gov’ts</th>
<th>Project Type</th>
<th>Acreage</th>
<th>Appl. Type</th>
<th>Pre-App Mtg. Date</th>
<th>Receipt Date</th>
<th>Sufficiency</th>
<th>Final Comments Sent</th>
<th>Comments</th>
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<tbody>
<tr>
<td>Westby Ranch</td>
<td>Highlands</td>
<td>Mixed Use</td>
<td>12,000</td>
<td>ADA</td>
<td>1/23/2008</td>
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<tr>
<td>Lake Placid Groves</td>
<td>Highlands</td>
<td>Mixed Use</td>
<td>2,144</td>
<td>ADA</td>
<td>2/8/08</td>
<td></td>
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<tr>
<td>CF Industries South Pasture Mine Extension</td>
<td>Hardee</td>
<td>Phosphate Mine</td>
<td>6,750</td>
<td>SD</td>
<td>6/1/05</td>
<td>3/3/05</td>
<td>8/10/06</td>
<td>No increase in water use anticipated</td>
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<tr>
<td>FL International Airport</td>
<td>Hardee &amp; Polk</td>
<td>Airport/ Mixed Use</td>
<td>22,400</td>
<td>ADA</td>
<td>3/23/05</td>
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<td>Significant transportation improvements may accompany this major project</td>
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<tr>
<td>Four Corners Town Center</td>
<td>Polk</td>
<td>Commercial</td>
<td>130</td>
<td>ADA</td>
<td>3/1/05</td>
<td>7/7/05</td>
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<tr>
<td>Mosaic Regional Process Water Treatment Pond</td>
<td>Polk</td>
<td>Industrial</td>
<td>173</td>
<td>SD</td>
<td>6/23/05</td>
<td>8/8/05</td>
<td></td>
<td>Project to address water storage and water quality at Mosaic chemical plants</td>
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<tr>
<td>Williams</td>
<td>Lakeland</td>
<td>Mixed Use</td>
<td>255</td>
<td>NOPC</td>
<td>5/5/05</td>
<td>6/7/05</td>
<td></td>
<td>Omission of parcels to become USF Lakeland Campus - approx. 530 acres</td>
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<tr>
<td>Lakeland Central Park</td>
<td>Lakeland</td>
<td>Mixed Use</td>
<td>718</td>
<td>ADA</td>
<td>7/15/05</td>
<td>11/17/05</td>
<td>1/3/06</td>
<td>Mixed Use development on the west side of Lakeland near the Rooms to Go HQ; some wetland issues</td>
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<tr>
<td>Champion’s Gate</td>
<td>Polk &amp; Osceola</td>
<td>Mixed Use</td>
<td>100+/-</td>
<td>ADA</td>
<td>12/7/05</td>
<td>1/31/06</td>
<td>2/10/06</td>
<td>Transfer approved entitlements from Osceola to Polk Co concerning development of Champion’s Gate</td>
<td></td>
</tr>
<tr>
<td>Village of Valencia Lake</td>
<td>DeSoto</td>
<td>Mixed Use</td>
<td>4,000</td>
<td>ADA</td>
<td>10/30/07</td>
<td></td>
<td></td>
<td>Major new project proposed in eastern DeSoto County; 17,000 homes proposed</td>
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<tr>
<td>Carlton Ranch</td>
<td>DeSoto</td>
<td>Mixed Use</td>
<td>5,860</td>
<td>ADA</td>
<td>8/8/05</td>
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### SWFRPC

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Gov’ts</th>
<th>Project Type</th>
<th>Acreage</th>
<th>Appl. Type</th>
<th>Pre-App Mtg. Date</th>
<th>Receipt Date</th>
<th>Sufficiency</th>
<th>Final Comments Sent</th>
<th>Comments</th>
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<tbody>
<tr>
<td>Lakewood Ranch Corp Park</td>
<td>Sarasota</td>
<td>Mixed Use</td>
<td>NOPC</td>
<td>1/11/08</td>
<td>None</td>
<td>None</td>
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<td>Sandhill</td>
<td>Charlotte Co.</td>
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<td>NOPC</td>
<td>5/28/08</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>SFWMD - coord review re: WS &amp; GW impacts Incr 1,298 ac</td>
<td>None</td>
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<tr>
<td>Victoria Estates</td>
<td>Charlotte</td>
<td>Mixed Use</td>
<td>NOPC</td>
<td>4/14/09</td>
<td>None</td>
<td>None</td>
<td></td>
<td>None</td>
<td>None</td>
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<tr>
<td>Murdock Center</td>
<td>Charlotte</td>
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<td>NOPC</td>
<td>9/9/08</td>
<td>10/21/08</td>
<td>None</td>
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<tr>
<td>Babcock Ranch Community</td>
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<td>13,630</td>
<td>ADA</td>
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<td>SFWMD - coord review re: WS &amp; GW impacts Incr 1,298 ac</td>
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<tr>
<td>Harborview</td>
<td>Charlotte</td>
<td>Mixed Use</td>
<td>SD</td>
<td>9/23/09</td>
<td>10/20/09</td>
<td>None</td>
<td></td>
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### TBRPC

As of February 3, 2010
## DRI Activity Report

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Gov't's</th>
<th>Project Type</th>
<th>Acreage</th>
<th>Appl. Type</th>
<th>Pre-App Mtg. Date</th>
<th>Receipt Date</th>
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<th>Final Comments</th>
<th>Comments</th>
</tr>
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<tbody>
<tr>
<td>Apollo Beach</td>
<td>Hillsborough</td>
<td>Mixed Use</td>
<td>Not Provided</td>
<td>NOPC</td>
<td>9/8/05</td>
<td>09/22/05</td>
<td></td>
<td></td>
<td>Review on 9/22/05 dealt with time extension for build out</td>
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<tr>
<td>Wolf Creek Branch</td>
<td>Hillsborough</td>
<td>Mixed Use</td>
<td>1,618</td>
<td>SD</td>
<td>9/7/05</td>
<td>10/18/05</td>
<td></td>
<td></td>
<td>Project proposes 4,505 residential units, 457,380 s.f. of commercial/office, 2 schools and 121 acres of recreation</td>
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<tr>
<td>Rocky Point Harbor</td>
<td>Hillsborough</td>
<td>Residential</td>
<td>70</td>
<td>NOPC</td>
<td>4/24/07</td>
<td>05/24/07</td>
<td></td>
<td></td>
<td>Proposes the addition of 70 acres to existing DRI</td>
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<tr>
<td>Fishhawk Ranch</td>
<td>Hillsborough</td>
<td>Residential</td>
<td>70</td>
<td>NOPC</td>
<td>10/18/05</td>
<td>08/06/07</td>
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<tr>
<td>Mosaic Riverview Phosphogypsum Stack Expansion</td>
<td>Hillsborough</td>
<td>Mining</td>
<td>N/A</td>
<td>NOPC</td>
<td>10/14/09</td>
<td>10/29/09</td>
<td></td>
<td></td>
<td>Proposes construction of a process-water loading station and transport of process water to Polk County facility</td>
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<tr>
<td>Mosaic Fertilizer, Hillsborough County Mines DRI</td>
<td>Hillsborough</td>
<td>Mining</td>
<td>77</td>
<td>NOPC</td>
<td>9/25/09</td>
<td>10/20/09</td>
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<td>Proposes addition of 77 acres to existing DRI</td>
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<tr>
<td>Big Bend Transfer Co. Sulfur Handling Facility</td>
<td>Hillsborough</td>
<td>Industrial</td>
<td></td>
<td>NOPC</td>
<td>5/11/09</td>
<td>6/9/09</td>
<td></td>
<td></td>
<td>Proposes combining several DRIs, extend construction date and revise concept development plan</td>
</tr>
<tr>
<td>Tampa Bay Center</td>
<td>Hillsborough</td>
<td>Commercial</td>
<td></td>
<td>NOPC</td>
<td></td>
<td></td>
<td></td>
<td>1/5/10</td>
<td></td>
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<tr>
<td>Heritage Harbor</td>
<td>Manatee</td>
<td>Mixed Use</td>
<td>288</td>
<td>NOPC</td>
<td>7/2/04</td>
<td>7/28/04</td>
<td>1/19/05</td>
<td>05/30/06</td>
<td>09/05/06</td>
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<tr>
<td>Landing at Heritage Harbour</td>
<td>Manatee</td>
<td>Mixed Use</td>
<td>NA</td>
<td>NOPC</td>
<td>10/18/09</td>
<td>11/13/09</td>
<td></td>
<td></td>
<td>Proposes a number of changes to the development scenario</td>
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<tr>
<td>Gulf Coast Factory Shops</td>
<td>Manatee</td>
<td>Commercial</td>
<td>25</td>
<td>NOPC</td>
<td>11/22/05</td>
<td>12/19/05</td>
<td>04/17/06</td>
<td>09/19/06</td>
<td>02/22/07</td>
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<tr>
<td>University Lakes</td>
<td>Manatee</td>
<td>Mixed Use</td>
<td>4,033</td>
<td>NOPC</td>
<td>3/1/06</td>
<td>03/01/06</td>
<td>08/15/06</td>
<td>12/18/06</td>
<td>07/27/07</td>
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<tr>
<td>Project Name</td>
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<td>Project Type</td>
<td>Acreage</td>
<td>Appl. Type</td>
<td>Pre-App Mtg. Date</td>
<td>Receipt Date</td>
<td>Sufficiency Comments Sent</td>
<td>Final Comments Sent</td>
<td>Comments</td>
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<tr>
<td>Four Corners Mine</td>
<td>Manatee</td>
<td>Phosphate</td>
<td>299</td>
<td>NOPC</td>
<td>2/19/07</td>
<td>3/22/07</td>
<td>Proposal to add 299 acres</td>
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<td>Proposal to add 299 acres to Four Corners's boundary</td>
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<td>Four Corners Mine</td>
<td>Manatee</td>
<td>Phosphate</td>
<td>272</td>
<td>Pre-App</td>
<td>4/9/09</td>
<td>4/24/09</td>
<td>Proposal to add 272 acres</td>
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<td>Proposal to add 272 acres to Four Corners's boundary</td>
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<tr>
<td>University Commons</td>
<td>Manatee</td>
<td>Commercial</td>
<td>30</td>
<td>NOPC</td>
<td>3/16/07</td>
<td>04/10/07</td>
<td>Proposal to add 60,578 sf</td>
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<td>Proposes to add 60,578 sf of commercial development</td>
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<tr>
<td>Mosaic SE Tract (Manson-Jenkins)</td>
<td>Manatee</td>
<td>Phosphate</td>
<td>103</td>
<td>NOPC</td>
<td>7/20/07</td>
<td>8/15/07</td>
<td>Proposes addition of 103</td>
<td></td>
<td>Proposes addition of 103 acres &amp; other changes to connect property with Wingate Creek</td>
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<tr>
<td>Mosaic Wingate Creek Mine</td>
<td>Manatee</td>
<td>Phosphate</td>
<td>N/A</td>
<td>NOPC</td>
<td>7/20/07</td>
<td>08/15/07</td>
<td>Proposes changes to mine</td>
<td></td>
<td>Proposes changes to mine plan, setback area, waste disposal plan and trucking route</td>
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<tr>
<td>Cypress Banks</td>
<td>Manatee</td>
<td>Mixed Use</td>
<td>3,879</td>
<td>NOPC</td>
<td>11/23/07</td>
<td>12/18/07</td>
<td>Modifications to</td>
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<td>Modifications to internal roadway system and school site</td>
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<td>Gateway North</td>
<td>Manatee</td>
<td>Mixed Use</td>
<td>1,065</td>
<td>NOPC</td>
<td></td>
<td>06/13/08</td>
<td>Eliminate Phases/theatre,</td>
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<td>Development of Village 5</td>
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<tr>
<td>Mitchell Ranch Plaza</td>
<td>Pasco</td>
<td>Mixed Use</td>
<td>126</td>
<td>NOPC</td>
<td>8/16/05</td>
<td>08/08/08</td>
<td>Add 62.32 acres; Add Hotel</td>
<td></td>
<td>Add 62.32 acres; Add Hotel to Land Use Trade Off Mechanism; Reduce movie seats</td>
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<tr>
<td>Connerton</td>
<td>Pasco</td>
<td>Mixed Use</td>
<td>166</td>
<td>NOPC</td>
<td>8/3/05</td>
<td>8/23/05</td>
<td>Changes to the Employment</td>
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<td>Changes to the Employment Center</td>
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<td>Connerton</td>
<td>Pasco</td>
<td>Mixed Use</td>
<td>1,115</td>
<td>NOPC</td>
<td>12/27/05</td>
<td></td>
<td>Add a .44 acre parcel to</td>
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<td>Add a .44 acre parcel to the project site</td>
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<tr>
<td>Bexley Ranch</td>
<td>Pasco</td>
<td>Mixed Use</td>
<td></td>
<td>NOPC</td>
<td>7/25/07</td>
<td>7/31/07</td>
<td>Increase Office entitlements by 65K sq ft, chg name of developer</td>
<td></td>
<td>Increase Office entitlements by 65K sq ft, chg name of developer</td>
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<tr>
<td>Suncoast Crossings</td>
<td>Pasco</td>
<td>Mixed Use</td>
<td>66</td>
<td>NOPC</td>
<td>7/20/07</td>
<td>04/29/08</td>
<td>Combine office entitlements into 1 parcel, unused shift office entitlements, add Research and Development uses</td>
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<td>Combine office entitlements into 1 parcel, unused shift office entitlements, add Research and Development uses</td>
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<tr>
<td>The Grove @ Wesley Chapel</td>
<td>Pasco</td>
<td>Mixed Use</td>
<td>120</td>
<td>NOPC</td>
<td>6/23/08</td>
<td>7/7/08</td>
<td>Add 62.32 acres; Add Hotel</td>
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<td>Add 62.32 acres; Add Hotel to Land Use Trade Off Mechanism; Reduce movie seats</td>
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<tr>
<td>Carillon</td>
<td>St. Petersburg</td>
<td>Office</td>
<td>180</td>
<td>NOPC</td>
<td>4/6/05</td>
<td>4/18/05</td>
<td>TBRPC is asking for more</td>
<td></td>
<td>TBRPC is asking for more comments in order to consider the changes proposed not a Substantial Deviation</td>
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<tr>
<td>Shoppes at Park Place</td>
<td>Pinellas Park</td>
<td>Mixed Use</td>
<td>67</td>
<td>NOPC</td>
<td>4/11/05</td>
<td>4/22/05</td>
<td>Increase Office entitlements by 65K sq ft, chg name of developer</td>
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<td>Increase Office entitlements by 65K sq ft, chg name of developer</td>
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<tr>
<td>Bay Area Outlet Mall</td>
<td>Largo</td>
<td>Mixed Use</td>
<td>34</td>
<td>NOPC</td>
<td>4/24/06</td>
<td>N/A</td>
<td>Extent build out date, add 136K medical office space, 115 residential units, reduce commercial/retail use</td>
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<td>Extent build out date, add 136K medical office space, 115 residential units, reduce commercial/retail use</td>
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<tr>
<td>Largo Town Center (AKA) Bay Area Outlet Mall</td>
<td>Largo</td>
<td>Mixed Use</td>
<td>34</td>
<td>NOPC</td>
<td>10/3/06</td>
<td>01/22/07</td>
<td>Developer answered questions proposed for traffic generation &amp; specific development order changes. Declared sufficient</td>
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<td>Developer answered questions proposed for traffic generation &amp; specific development order changes. Declared sufficient</td>
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<td>Trinity Communities</td>
<td>Pasco &amp; Pinellas</td>
<td>Mixed Use</td>
<td>4</td>
<td>NOPC</td>
<td>4/5/07</td>
<td>10/05/07</td>
<td>Extend build out date, add 136K medical office space, 115 residential units, reduce commercial/retail use</td>
<td></td>
<td>Extend build out date, add 136K medical office space, 115 residential units, reduce commercial/retail use</td>
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<tr>
<td>Gateway Centre</td>
<td>Pinellas Park</td>
<td>Mixed Use</td>
<td>558</td>
<td>NOPC</td>
<td>5/2/07</td>
<td>11/14/08</td>
<td>Response to questions posed on Transportation issues</td>
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<td>Response to questions posed on Transportation issues</td>
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</tbody>
</table>
## DRI Activity Report

**As of February 3, 2010**

<table>
<thead>
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<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td>Add 3.96 acres, establish land use equivalency matrix, exchange for 500 residential units</td>
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### WRPC

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Gov't's</th>
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<tbody>
<tr>
<td>Hernando Oaks</td>
<td>Hernando</td>
<td>Residential</td>
<td>1,149</td>
<td>ADA</td>
<td>2/22/06</td>
<td>2/3/06</td>
<td>8/18/06</td>
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<td>1,525 residential units</td>
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<td>Secret Promise</td>
<td>Lake</td>
<td>Mixed Use</td>
<td>3,747</td>
<td>ADA</td>
<td>12/29/05</td>
<td>8/21/06</td>
<td>9/11/06</td>
<td>8/06/07 03/21/08</td>
<td>7,000 residential units</td>
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<tr>
<td>Renaissance Trails</td>
<td>Sumter</td>
<td>Mixed Use</td>
<td>1,311</td>
<td>ADA</td>
<td>12/16/05</td>
<td>7/10/06</td>
<td>08/11/06</td>
<td>02/09/07</td>
<td>2,262 residential units</td>
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<td>Southern Oaks</td>
<td>Sumter</td>
<td>Mixed Use</td>
<td>2,332</td>
<td>ADA</td>
<td>2/21/08</td>
<td>4/30/09</td>
<td>5/27/09</td>
<td>11/18/09</td>
<td>3,144 residential units</td>
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<tr>
<td>Wildwood Springs</td>
<td>Sumter</td>
<td>Mixed Use</td>
<td>1,047</td>
<td>ADA</td>
<td>9/25/2006</td>
<td>5/31/06</td>
<td>11/14/07</td>
<td>02/27/08 06/30/08</td>
<td>3,000 residential units</td>
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<td>Landstone Communities</td>
<td>Sumter</td>
<td>Mixed Use</td>
<td>4,159</td>
<td>ADA</td>
<td>5/14/2007</td>
<td>11/16/07</td>
<td>02/23/08</td>
<td>05/06/08</td>
<td>8,025 residential units</td>
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<tr>
<td>Quarry Preserve</td>
<td>Hernando</td>
<td>Mixed Use</td>
<td>4,250</td>
<td>ADA</td>
<td>6/7/2007</td>
<td>5/29/2007</td>
<td>3/20/208</td>
<td>11/28/08</td>
<td>1,900 residential units; 2nd Sufficiency received</td>
</tr>
</tbody>
</table>

### Abbreviations:
- CFRPC: Central Florida Regional Planning Council
- SWFRPC: Southwest Florida Regional Planning Council
- TBRPC: Tampa Bay Regional Planning Council
- WRPC: Withlacoochee Regional Planning Council
- ADA: Application for Development Approval
- NOPC: Notice of Proposed Change
- SD: Substantial Deviation
- DRI: Development of Regional Impact

### Notes:
- For NOPCs and SDs, acreage shown represents the proposed change in project area.
- **Bold** text indicates a change from previous report.
Outreach and Planning Committee  
February 22, 2010  

Routine Report  

Speakers Bureau  

Purpose  
This report is provided for the Committee's information and shows District staff participation in the outreach performed by the Speakers' Bureau program.  

Background  
The District has had a Speaker's Bureau Program since the early 1970s. For the past 20 years, the Program has been administered by the Community and Legislative Affairs Department (CLA) or the Communications Department. Currently, the program is managed by Susan Kessel of the CLA Department. The Speakers Bureau coordinates staff experts and generalists to speak or make presentations to interested community or business groups, or to address professional, governmental or technical groups on a variety of issues. The types of groups and organizations requesting a speaker is varied: civic organizations (Rotary, Kiwanis, Sertoma, etc.), chambers of commerce, colleges and high schools, and associations (homeowners, engineering, realtors, developers, etc.). Every request in the past two years has been honored. Over the past several years, staff has developed a library of PowerPoint presentations to go along with our popular Water 101 video. State-of-the-art audio-visual equipment is available in all of the service offices to accommodate presentations in those areas.  

The following table summarizes the Speakers' Bureau activities for the past three months.  

<table>
<thead>
<tr>
<th>Organization</th>
<th>Topic</th>
<th>Aud</th>
<th>Speaker</th>
<th>Dept</th>
</tr>
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<tbody>
<tr>
<td>Timber Pines &quot;D&quot; Club</td>
<td>Water 101, Get Outside!</td>
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<td>Ed Hobin</td>
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<td>Douglas Tharp</td>
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<td>Overview of District Projects in Polk County</td>
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<td>Lois Sorensen</td>
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GREAT AMERICAN TEACH-IN  

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<tr>
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<tr>
<td>Tyrone Middle School</td>
<td>Matthew Miller</td>
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<td>Watergrass Elementary School</td>
<td>Brian Armstrong</td>
<td>PRJ</td>
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<td>Oakstead Elementary School</td>
<td>Ken Herd</td>
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<td>San Antonio Elementary School</td>
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<td>Brooker Elementary School</td>
<td>Will Van Gelder</td>
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<td>Tampa Palms Elementary School</td>
<td>Martin Russell</td>
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<td>Seminole Heights Elementary School</td>
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<td>Seminole Heights Elementary School</td>
<td>Shelly Thornton</td>
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<td>Jesse Keen Elementary School</td>
<td>Ramzi Chehaib</td>
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<td>Quest Academy</td>
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<td>Sessums Elementary School</td>
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<td>Countryside Elementary School</td>
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<td>USGS Open House/Earth Science Day for Fourth Grade Students</td>
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<td>USGS Open House for General Public and Educators</td>
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<td>Polk County Teacher to Teacher Idea Expo</td>
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<td>Pierce Middle School</td>
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<td>Muller Elementary School</td>
<td>Wtr Cycle, Reservoirs, Watersheds</td>
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<td>Challenger Middle School</td>
<td>Mgt of Lakes, Rivers, Estuaries</td>
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<td>Citrus County Commission</td>
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<td>Port Charlotte AARP</td>
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<td>Fox 13 “Your Turn”</td>
<td>Dry Wells/Sinkholes</td>
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<td>Plant City Downtown Luncheon Club</td>
<td>Frost Freeze/Dry Wells/Sinkholes</td>
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</table>

**Key to Organization Abbreviations**

- Assn - Association
- AWRA - American Water Resources Association
- AWWA - American Water Works Association
- C of C - Chamber of Commerce
- Comm - Commission
- Comte - Committee
- DAR - Daughters of the American Revolution
- FFG - Florida Fruit Growers
- IFAS - Institute of Food & Agricultural Sciences
- HOA - Homeowners Association
- PHCC - Pasco-Hernando Community College
- UF - University of Florida
- USF - University of South Florida
- RWSA - Regional Water Supply Authority
- W/S - Workshop

**Key to Department Abbreviations**

- CLA - Community & Legislative Affairs
- COM - Communications
- EXE - Executive
- OPS - Operations
- PLN - Planning
- PRJ - Resource Projects
- RDR - Resource Data & Restoration
- REG - Regulation
- RPM - Regulation Performance Management
- GOV - Governing Board

**Benefits/Costs**

The benefit of the Speakers' Bureau program is the ongoing education of the public and community leaders regarding water resource management. The program provides an opportunity for interaction among the public and District staff knowledgeable in all areas of the District's statutory responsibilities and it provides a mechanism for communication of District priorities and concerns. Additionally, the program is utilized as a tool to influence behavior change in the areas of water conservation and to ensure support for the District's legislative initiatives.
Staff Recommendation:
This item is provided for the Committee's information, and no action is required.
Presenter: David Rathke, Director, Community and Legislative Affairs Department
Outreach and Planning Committee
February 22, 2010

Routine Report

Significant Activities

Conservation Messaging
Since January 2007, the District’s conservation messaging has been dominated by drought messaging. Such messaging includes public service advertising, new information and tools on the District’s web site, as well as an ongoing grass-roots communications effort using the Speakers Bureau, drought signage, news media outreach to reporters and editorial writers, public affairs programming, and outreach to homeowners associations (HOAs), community groups, landscape irrigation professionals, churches and others. The District’s FY2010 media messaging campaign has been developed using insights gained from the FY2009 media messaging spring campaign research. This year’s ads promote the “Skip a Week” of watering message. To maximize campaign results, the District will extend the campaign from late-November through the end of February by integrating the message through a variety of other outreach efforts including special events, the District’s web site, media relations and social media efforts such as Facebook and Twitter. The FY2010 “Skip a Week” media buy runs Nov. 16, 2009, through Feb. 14, 2010. This integrated campaign includes ads in television, radio, newspaper, electronic billboards and online media. Two 30-second commercials began running on 17 television stations Nov. 30 and will continue throughout the campaign time frame, with a two-week hiatus during the Christmas/New Year’s holiday season. Almost 15,000 radio spots will run during the length of the campaign on a total of 25 broadcast stations and 12 streaming online stations. There will be biweekly advertisements in 12 newspapers located within the District with a combined circulation of more than 900,000 readers. In addition, “Skip a Week” ads will be shown on 12 electronic billboards during January and featured on six radio station web sites. The messages conveyed in these ads include (1) overwatering can cause pests and disease and (2) turn off irrigation systems to skip a week of watering during the winter. The District is also working with existing partners to promote the “Skip a Week” message to a broader audience. New Activities Since Last Meeting: “Skip a Week” utility bill stuffers were distributed in January to residents of Pasco County and the cities of Lakeland, St. Petersburg and Tampa. A “Skip a Week” calendar/mouse pad was developed and distributed at various events by Florida Yards & Neighborhoods (FYN) coordinators, Hillsborough neighborhood associations, and to community and youth education grant recipients, Senate Bill 2080 workshop attendees and other interested parties. In addition, staff coordinated with Lowe’s on a series of events in January and February to distribute the mouse pads. These events featured an irrigation specialist and the actors who portray the TV ad characters. Since the beginning of FY2010, staff has distributed four drought-related news releases and conducted 22 speaking engagements.

"Get Outside!" Campaign
Since FY2007, the Communications and Land Resources departments have been working together to find the best way to let people know that District lands are available for recreation and to encourage more people to visit District lands. This September the District launched the “Get Outside!” campaign to promote the recreational opportunities available to the public on District-owned lands. The campaign was developed based on social research. The key findings showed that people want to get outside more often. Most want to walk or hike and prefer to do these activities with their friends and family. In addition, the research also showed that people’s highest priorities when enjoying the outdoors are location and access, and the largest barrier to getting outside more often is lack of time. Most respondents said they enjoyed just being outside and wanted to be able to enjoy the outdoors easily on the spur of the moment with very little planning. In preparation for the "Get Outside!" campaign, Land Resources staff has made District lands more inviting with standardized property entrance signs as well as new or improved picnic areas, restrooms, kiosks and informational signs. As part of the campaign, the
District is also hosting three community events to showcase District lands with the hope that those attending come back with family and friends to enjoy these properties on their own. The first event was held at Starkey Wilderness Preserve’s Serenova Tract in Pasco County on Nov. 7; subsequent events will be held at the Green Swamp Wilderness Preserve’s Hampton Tract in Polk County on Feb. 27, 2010, and Deep Creek in DeSoto County on April 10, 2010. In keeping with research, the events are being promoted to neighboring schools, churches and HOAs. **New Activities Since Last Meeting:** District staff is continuing to plan the second “Get Outside” community event, which will take place at the Green Swamp Wilderness Preserve’s Hampton Tract on Feb. 27, 2010. The event will feature various activities such as nature hikes, an I Spy scavenger hunt, equestrian displays, a turkey call contest and other displays and activities that promote the District’s protection of land and water resources. The District has created a web site (swfwmd.state.fl.us/recreation/serenova.php) to feature an article and display photos about the Serenova event and to promote upcoming “Get Outside” community events. Bay News 9 and Central Florida News 13 ran the *Florida on a Tankful* segment on the Chassahowitzka River Campground and Recreation Area in Citrus County. The segment ran multiple times and was seen by an estimated 168,083 viewers. Staff also conducted a shoot for WWSB-TV ABC 7’s *Living Green* segment on Deer Prairie Creek Preserve in Sarasota County. A news release urging residents to “Make a New Year’s Resolution to ‘Get Outside!’” was distributed, which resulted in articles in CitrusDaily.com, Tampa Bay Newspapers, the News Sun, the St. Petersburg Times and the Penny Saver.

**Water Conservation Hotel and Motel Program (Water CHAMP) and Water Program for Restaurant Outreach (Water PRO)**

Water CHAMP promotes water conservation in hotels and motels by encouraging guests to use their towels and linens more than once during their stay. Participating hotels and motels receive program materials free of charge. The recent Districtwide five-year follow-up water audit confirmed Water CHAMP participants saved an average of 17 gallons of water per occupied room per day. Based on these audit findings, the cost benefit for the program, using the total cost amortized over five years, is $0.47 per thousand gallons of water saved. The Water Program for Restaurant Outreach (Water PRO) educates both restaurateurs and guests through free materials such as table tents, children’s coloring sheets, coasters and self-audit checklists. “We serve water only upon request” buttons are also available for wait staff. **New Activities Since Last Meeting:** Water CHAMP currently has 455 participants, or 49 percent of all hotels and motels in the District. Of the 474 hotels/motels within the District with 50 or more rooms, 337, or 71 percent, are CHAMP properties. Government cable channels in the cities of Lakeland, St. Petersburg, Oldsmar and New Port Richey and the counties of Polk, Pinellas and Manatee are running commercials promoting Water CHAMP and Water PRO. A web domain name has been purchased for the program. WaterCHAMP.org will be linked to the current CHAMP web page. Water PRO is being promoted through one-on-one visits with restaurant managers, partnerships with utility companies, networking at industry meetings and direct mail. As of Jan. 12, 2010, there were 256 restaurants in the District participating in Water PRO. A water conservation guide for restaurants is being developed and will be distributed to restaurant managers and staff in the coming months. In addition, a water conservation poster is being created in English and Spanish for food preparation areas in restaurants. These posters will also be distributed to participants in the coming months. A web domain name has been purchased for the program. WaterPRO.org will be linked to the current PRO web page.

**Florida Water StarSM Gold (FWSG) Certification Program**

FWSG is a voluntary certification program for builders that encourages water efficiency in household appliances, plumbing fixtures, irrigation systems and landscapes, as well as water quality benefits from best management practices in landscapes. FWSG involves a certification process that includes inspection by independent certifiers and project monitoring and oversight by water management districts. Based on estimates, in an average home, the program could save up to 20,000 gallons of water indoors and reduce outdoor water use by as much as 40 percent every year. Statewide expansion of the program will include certifications for existing homes, commercial properties and communities. This is the program’s second year in the District, and the first house was certified Mar. 25, 2009. **New Activities Since Last Meeting — Agreements:** Builders who intend to incorporate FWSG criteria in current or future projects sign
participation agreements with the District. While these agreements are not binding, they represent intent and potential. Thirteen agreements have been signed to date, representing approximately 278 homes. Certifications: As of Feb. 12, there have been 22 homes certified as FWSG properties. Pasco County: The District partnered with Florida Home Partnership, Inc., in a kickoff event on Feb. 5 for 40 homes to be built to FWSG criteria at the Sunset Hills community in Dade City, Pasco County. The model home received certification, and groundbreaking took place for the community’s first five homes. Hernando County: An education/celebration event was held for the first FWSG house in Hernando County on Feb. 12. The event included presentations and a roundtable discussion about the benefits of building green. Builder Recognition: FWSG builders were recognized at the February Alafia River, Pinellas-Anclote River, Manasota and Withlacoochee River basin board meetings. Education: Staff met with the Tampa Bay Builders Association to plan educational programs for their members.

Research Findings
The Communications Department has been using research to enhance program design, plan communications strategies and evaluate programs. New Activities Since Last Meeting: A database of the District’s social research is now available at WaterMatters.org/SocialResearch/. The FY2010 public service advertising pretest survey was conducted via telephone Nov. 11–24 to gauge opinions of residents prior to the District’s “Skip a Week” campaign. Significant responses included the following: (1) six out of ten households surveyed report having irrigation systems, (2) 86 percent of households with irrigation systems report having someone in the household who knows how to turn off the system, and (3) nearly half of those surveyed felt they needed to water their lawns every week year-round to keep them healthy. The posttest will focus on the last point to see if there is any change in respondents’ attitudes regarding irrigation needs during the winter.

Florida Yards & Neighborhoods (FYH)
Recognizing the potential of water conservation and water quality protection through promotion of Florida-Friendly Landscaping™ (FFL) practices, the District began partnering with the University of Florida in FY2001 to support FFL education. Education on landscaping best management practices is provided to homeowners; students; builders, landscape and irrigation professionals; and community/HOA members and boards in 11 counties. New Activities Since Last Meeting — Staff will attend the UF/FFL FYH in-service training on March 3–4. Topics will include irrigation, soils and social marketing. UF circulated three documents related to participation in the FFL program: trademark registration of the phrase Florida-Friendly Landscaping™ and its usage, use of the “TM” symbol and a permission-to-print form for materials reproduction. UF/FYN staff report that their new publication, Florida-Friendly Landscaping Design Guide, is close to completion. The guide will include color photographs and information on 300+ plants.

Watershed Education
The District’s watershed education efforts focus on water quality, stormwater runoff, water conservation and natural systems. Through these efforts, the District encourages specific behaviors, such as reducing fertilizer and pesticide use, maintaining septic systems, conserving water, disposing of trash appropriately and picking up and disposing of pet waste. New Activities Since Last Meeting — As part of the Crystal River/Kings Bay and Rainbow River Watershed Education Program, the District is promoting the second annual Springs Awareness Week. At their February meetings, the Coastal Rivers and Withlacoochee River basin boards were asked to sign a proclamation declaring March 14–20 as Springs Awareness Week. Staff anticipates that Citrus and Marion counties, as well as the cities of Crystal River and Dunnellon, will also participate in the proclamation. During the week, various events will be held to celebrate Crystal River/Kings Bay and Rainbow River while informing area residents about the impact fertilizer has on the springs. In addition, the District, along with the Citrus and Marion counties Extension offices, is offering free soil tests through Feb. 23 for up to 200 Citrus and Marion county residents. Participants will be encouraged to attend an FYN workshop to get a detailed explanation of their soil test results, which indicate if soil amendments are needed.
Community Education Grant Program
The Community Education Grant (CEG) program is in its thirteenth year and is funded through Basin Initiatives for Public Education (P268). The CEG program provides funding assistance up to $5,000 per project for individuals, service groups, community associations and other organizations to implement a water resources education project. **New Activities Since Last Meeting:** At the February meetings, Basin Board members were informed of the 2010 CEG awardees. Grant recipients attended implementation meetings in February to review program procedures and receive purchase orders. Projects are implemented between March and July 2010. Final reports are due from grant recipients on Aug. 31, 2010.

Youth Education
The District provides water resources education programs to county school districts, private schools, homeschool groups and nonformal educators through Splash! school grants, field trip programs, educational resources for students and educators, and teacher training workshops. Staff coordinates and facilitates Project WET (Water Education for Teachers), Great Water Odyssey and Healthy Water, Healthy People workshops throughout the District's 16 counties. Kindergarten through twelfth-grade educators attending workshops receive curricula as well as District materials. **New Activities Since Last Meeting:** Outreach: (1) On Jan. 12, Youth Education staff judged science projects at the Oneco Elementary School Science Fair in Manatee County. (2) Staff presented information about watersheds, groundwater and conservation to students and families on Jan. 20 at Rushe Middle School’s Science Night in Pasco County. (3) Staff provided water cycle and conservation presentations on Jan. 21 to approximately 85 students at Jesse Keen Elementary in Polk County. (4) Also on Jan. 21, members of the Youth Education Section participated in the Kinnan Elementary Science Fair in Manatee County. Staff provided educational materials and demonstrated a watershed model to parents and students. Teacher Training: (1) A Great Water Odyssey teacher training took place at Lakewood Ranch High School on Jan. 4, reaching 20 Manatee County elementary teachers. The Great Water Odyssey is a multidisciplinary technology-based computer program designed to increase third, fourth and fifth-grade students’ understanding of the importance of protecting and conserving Florida’s water. (2) On Jan. 22, the SJRWMD and SWFWMD co-sponsored a Great Water Odyssey workshop at the Silver River Museum in Marion County for 40 elementary teachers. (3) Lakeland Christian School hosted a Great Water Odyssey workshop on Jan. 23 for 12 Polk County elementary teachers. Publications: 16,120 youth education publications have been distributed in this calendar year. More than 153,180 youth publications have been distributed in fiscal year 2010.

2010 Regional Water Supply Plan Update
In accordance with Chapter 373, Florida Statutes, each water management district is required to initiate a District-wide water supply assessment that describes water demands and identifies sources of water available over a 20-year planning horizon. If the assessment indicates available water supplies cannot meet projected demands and sustain the water resources and related natural systems, a regional water supply plan shall be developed for that area. The District completed the first assessment in 1998. The re-evaluation of the need for a regional water supply plan must be made by each district at least every five years. The 1998 Water Supply Assessment indicated that sufficient water supplies were available to meet projected 20-year demands only in the Northern Planning Region of the District (Hernando County and all counties to the north). The Governing Board approved staff’s recommendation that a regional water supply plan was necessary in the southern ten counties (South-Central Planning Region) of the District, and staff subsequently produced the Regional Water Supply Plan in 2001. In 2003, the Governing Board concurred with the determination that a regional water supply plan was again needed for the southern ten counties of the District and that a regional water supply plan was not necessary for the Northern Planning Region. The Board approved the Regional Water Supply Plan in December 2006 (first update). In an effort to be more consistent with other water management districts, future regional water supply plan updates will be completed every five years beginning in 2010. In June 2008, the Governing Board approved staff recommendation to move forward with 2010 update, to include the northern five counties. Staff will keep the Governing Board apprised of progress as the regional water supply planning proceeds through this Significant Activity Report or as a Committee Discussion Item. **New**
Activities Since Last Meeting: Staff completed the review of the initial draft plan. The production draft is scheduled to be completed in early March. Staff is finalizing the specifics of its public outreach plan, and are currently scheduling dates and times for presentations introducing the plan.

Comprehensive Planning – Evaluation and Appraisal Reports
Pursuant to Section 163.3191, Florida Statutes, local governments are required to adopt an evaluation and appraisal report (EAR) once every seven years assessing the progress in implementing the local government's comprehensive plan. Based on this evaluation, the report suggests how the plan should be revised to better address community objectives, changing conditions and trends affecting the community, and changes in state requirements. The Department of Community Affairs has established a phased schedule for the adoption of EARs based on the requirements. Municipalities are scheduled to adopt their EARs approximately one year to 18 months after the county in which they are located adopts its EAR. This phasing allows municipalities to benefit from updated information that may be collected and analyzed by the county, particularly regarding major community-wide planning issues. Planning Department staff is currently collaborating with several local governments on the water supply elements within their EAR submittals.

Polk County Short Term Rentals
In January the District completed the Polk County Short Term Rental study. The study, conducted in the Polk County Northeast Regional Utility Service Area (NERUSA), addresses the issue of estimating population for areas with high percentages of dwelling units that are short term rentals. While there has been some research on the rental party size and duration, there is little information on party size and duration when the owner of the unit is a residence. The results of this study have immediate application to the District’s annual population and public water supply estimates.

Regional Planning Council Update
- Tampa Bay Regional Planning Council - The Council did not meet in January. The next meeting is scheduled for February 8.
- Central Florida Regional Planning Council - The Council did not meet in January. The next meeting is scheduled for February 10.
- Southwest Florida Regional Planning Council (January 28, 2010) - Through the Consent Agenda, the Council approved staff recommendations to forward Sarasota County’s Comprehensive Plan Amendment (10-1) comments to DCA and to grant an extension for the North Port Gardens DRI. State Representative Aubuchon presented a legislative overview for proposed Sun Rail (high speed and/or commuter rail) system. He also briefly discussed Amendment 4 and offshore drilling. The council also received presentations on offshore drilling and energy alternatives from Dr. Frank Alcock (New College) and Mr. Buck Martinez (FPL).
- Withlacoochee Regional Planning Council (January 21, 2010) - The Council received a presentation on the annual financial audit from Duggan, Joiner & Company along with a presentation on the Florida Redevelopment Association, by David Connolly. There was also discussion on Amendment 4 (Hometown Democracy).

Local Government Outreach
As part of the District’s community and legislative affairs program, the Community and Legislative Affairs (CLA) Department is responsible for (1) developing effective relationships with local elected and public officials and their staff, (2) serving as the District's day-to-day liaison with local officials, (3) facilitating coordination of District programs to assist local government entities, (4) promoting the mission of the District and (5) helping to develop and foster sound public policy on water resource related issues. To meet these responsibilities, CLA has developed long-standing programs and tactics, including but not limited to, project tours, the e-Resource newsletter, e-mail alerts and one-on-one meetings. New Activities Since Last Meeting:
CLA staff has been in constant communication with elected officials, community leaders and effected residents throughout the January 2010 Frost/Freeze event. Staff has been providing regular status updates and assisting with constituent case work.

CLA staff met with Citrus County Commissioner Winn Webb and Citrus County Aquatics Director Mark Edwards. Staff discussed the revised Tsala-Apopka Operational Guidelines and Mr. Edwards commented that he was pleased with the changes. Commissioner Webb presented several ideas to provide the Tsala-Apopka Chain of Lakes with additional water. Staff is following up on addressing his concerns.

CLA staff continues to work with Citrus County’s Water Resources Department on the county’s developing Cooperative Conservation Program. Staff met with County Administrator Brad Thorpe on the progress of Citrus County addressing measurable conservation projects. District staff provided the county with conservation project cost/benefit information at the December 22, 2009 Citrus County Utility Outreach meeting.

CLA staff assisted with the District’s two public FEMA mapping meetings for watersheds in Venice during the month of January. Approximately 400 residents attended the FEMA preliminary floodplain meetings. Residents appreciated the information and said the presentation was very detailed and well organized. The City of Venice has asked District staff to make a presentation to the Venice City Council on February 9th to update the Council on the progress of the FEMA project.

CLA staff has been working with the City of Bradenton and Manatee County regarding the potential of reuse water being used in Lakewood Ranch for irrigation purposes. Manatee County currently prohibits the use of reuse water in the Braden River watershed. The City is requesting that the County remove this restriction from their Comprehensive Plan. Dave Moore spoke before the City Council and encouraged them to pursue this request. The District has participated in studies about reclaimed water and is confident that it does not pose any health hazards and it should be used for irrigation, especially if the use offsets groundwater pumping in the most impacted areas of the Southern Water Use Caution Area.

CLA staff held a quarterly meeting with their South Florida Water Management District Counterpart. This meeting included a tour of Tampa Bay Water’s Desalination Plant and Reservoir. Included in the tour was the Director of the Okeechobee Service Center and Director of the Bartow Service Office.

CLA staff was appointed to Polk County Extensions Natural Resources Advisory Committee. This committee is responsible for Polk County’s Water School.

CLA staff continues to provide leadership and guidance for the Utility Outreach Program in Polk County by coordinating two public supplier outreach meetings.

CLA acts as the District’s day-to-day representatives before the Florida Legislature and U.S. Congress. This includes educating officials and staff regarding the mission of the District, providing information on issues and legislation, and coordinating our legislative program with other state and federal agencies. The department recommends, develops and executes the District’s legislative program based on Governing Board and executive staff direction. Staff works with executive, legal and other departments to develop and manage internal District legislative procedures and policies.

CLA staff attended committee meetings during the January committee week in Tallahassee. Staff will continue to attend committee meetings as the 2010 state legislative session approaches and monitor legislation relevant to the District.

CLA staff attended Legislative Delegation Meetings in Pasco and Sarasota Counties.

CLA staff is working with the Senate Inland Waters Committee to organize a tour of the Peace River/Manasota Regional Water Supply Authority Facility and a public hearing in Punta Gorda.

CLA staff continues to monitor the numeric nutrient criteria issue in Tallahassee. A number of legislative committees have heard extensive testimony on this issue.

In addition to acting as the District’s liaison to local government, CLA is responsible for the primary “grassroots and grastops” outreach to local community organizations and groups. These include the agricultural community, environmental groups, business associations and others. These relationships provide a pivotal component of the District’s legislative program and
allow for opportunities to communicate the District’s mission, policies and the goals.

**New Activities Since Last Meeting:**

- CLA participated at the Villages Travel Expo with a Get Outside! booth. The Travel Expo focused on travel opportunities within Florida. Staff distributed approximately 2,000 Recreation Guides and received many favorable comments on the Recreation Guides as well as a positive response to the public conservation lands. Staff had the opportunity to speak with attendees about the District's public lands and the Get Outside! Program.
- CLA staff was appointed to the Workforce Education's District Career Academy Advisory Council. This council is for Polk County Schools and provides guidance to the career academies in Polk County.
- CLA staff visited with churches and businesses within a 15-mile radius of the Hampton Track for the upcoming “Get Outside” event. The purpose of these visits was to personally invite the congregation of these churches.
- CLA staff attended the Greater Bartow Chamber of Commerce Annual Meeting.

**Staff Recommendation:**

This item is provided for the Committee's information, and no action is required.

**Presenter:** Lou Kavouras, Deputy Executive Director, Outreach, Planning and Board Services
Special Events – March 2010

**Event Title:** Basin Board Education Committee Meeting  
**Date:** March 3  
**Time:** 9:30–11:30 a.m.  
**Location:** District’s Tampa Service Office  
**Sponsoring Organization:** District  
**Attendees:** District Governing Board and Basin Board members and staff; general public  
**District Contact Information**  
Toi Basso, (352) 796-7211, ext. 4756; Toi.Basso@WaterMatters.org

**Event Title:** Journey Through the Estuary Tour  
**Dates:** March 4, 11, 18 and 25  
**Time:** 9:30–11:30 a.m.  
**Location:** Tour leaves from Cape Haze Marina, 6950 Placida Road, Cape Haze  
**Sponsoring Organizations:** Charlotte Harbor Environmental Center, District  
**Attendees:** General public, interested parties  
**Event Description:** Participants will tour natural communities that comprise the Charlotte Harbor estuary while learning about the importance of estuaries, watersheds and Lemon Bay.  
**District Contact Information**  
Virginia Sternberger, (352) 796-7211, ext. 4753; Virginia.Sternberger@WaterMatters.org

**Event Title:** Florida-Friendly Family Festival  
**Date:** March 6  
**Time:** 9 a.m.–3 p.m.  
**Location:** Manatee County Fairgrounds, 1303 17th Street West, Palmetto  
**Sponsoring Organization:** Manatee County Extension, District  
**Attendees:** District Governing Board and Basin Board members and staff; general public  
**Event Description:** This event will spotlight water conservation as well as promote wildlife habitat education, recycling, reduction of stormwater runoff, waterfront protection and composting.  
**District Contact Information**  
Sylvia Durell, (352) 796-7211, ext. 4755; Sylvia.Durell@WaterMatters.org

**Event Title:** Landscape Challenge  
**Date:** March 12  
**Time:** 8 a.m.–noon  
**Location:** Pay It Forward Farm, 16625 Laura Lee Drive, Spring Hill  
**Sponsoring Organizations:** FNGLA, District  
**Attendees:** District Governing Board and Basin Board members and staff; landscape professionals; general public  
**Event Description:** Teams of landscape maintenance professionals will compete against each other for the title of “Ruling Water Champions” by demonstrating landscape management practices that protect our water resources. The four areas of competition cover pest management, right plant/right place, fertilization and irrigation.  
**District Contact Information**  
Sylvia Durell, (352) 796-7211, ext. 4755; Sylvia.Durell@WaterMatters.org

**Event Title:** Lake, Pond, & Stream Night  
**Date:** March 12  
**Time:** 6:00–9:00pm  
**Location:** Museum of Science and Industry, Tampa  
**Sponsoring Organization(s):** Hillsborough County Adopt-A-Pond  
**Attendees:** General public and Adopt-A-Pond participants
Event Description: seminar and celebration to thank our pond, lake, and stream program participants and to educate them about programs, products, and services available for pond, lake, and stream management.

District Contact Information
Virginia Sternberger, (352) 796-7211, ext. 4753; Virginia.Sternberger@WaterMatters.org

Event Title: March for Parks
Date: March 13
Time: Noon–4 p.m.
Location: Jay B. Starkey Wilderness Park, New Port Richey
Sponsoring Organization: Pasco County Parks and Recreation
Attendees: General public
Event Description: This celebration of Pasco County parks will include a native plant sale and photo contest as well as information on deaf and hard-of-hearing services, conservation, habitat planning, pet adoption and birding on the new Bluebird Trail. Attendees may also learn about recycling, rain barrels, hiking, biking and kayaking.

District Contact Information
Melissa Roe, (352) 796-7211, ext. 4776; Melissa.Roe@WaterMatters.org

Event Title: FishHawk Ranch Goes Green Symposium
Date: March 13
Time: 8 a.m.–noon
Location: Palmetto Club at FishHawk Ranch, 17004 Dorman Rd., Lithia
Sponsoring Organizations: FishHawk Ranch Homeowners Association, District
Attendees: General public
Event Description: This workshop will educate participants about water-efficient landscaping and how reducing their water use benefits the environment. Workshop attendees will receive free water-saving devices, while supplies last. This event is sponsored by the District’s Community Education Grant program.

District Contact Information
Robin Grantham, (352) 796-7211, ext. 4779; Robin.Grantham@WaterMatters.org

Event Title: Marion County Master Gardeners Spring Festival
Dates: March 13–14
Time: 10 a.m.–5 p.m.
Location: Marion County Extension Office, Ocala
Sponsoring Organizations: Marion County Extension, District
Event Description: Displays, workshops and hands-on activities will feature Florida-Friendly Landscaping principles.

District Contact Information
Melissa Roe, (352) 796-7211, ext. 4776; Melissa.Roe@WaterMatters.org

Event Title: Springs Awareness Week
Date: March 14–20
Time: Various
Location: Citrus and Marion counties
Sponsoring Organizations: District, various other organizations
Attendees: General public, other interested parties
Event Description: Various events will be held educating the general public about the impact over-fertilization has on the local springs.

District Contact Information
Virginia Sternberger, (352) 796-7211, ext. 4753; Virginia.Sternberger@WaterMatters.org

Event Title: “Using Every Drop” Water Conservation Day
Date: March 20
Time: 10 a.m.–noon
Location: Volunteer Fire Auxiliary, 2nd St. N., Bradenton Beach
Sponsoring Organizations: City of Bradenton Beach Scenic Waves Partnership Committee, Manatee County IFAS, District
Attendees: Bradenton Beach residents
Event Description: This workshop will educate residents about catchment systems, rain barrels, drip hoses and Florida-Friendly Landscaping principles. This event is sponsored by the District’s Community Education Grant program.
District Contact Information
Robin Grantham, (352) 796-7211, ext. 4779; Robin.Grantham@WaterMatters.org

Event Title: Water Conservation: Installing Rain Barrel
Date: March 25
Time: 5:30 p.m.
Location: Lecanto Primary School, Cafeteria, 3790 W. Educational Path, Lecanto
Sponsoring Organizations: UF/IFAS, District
Attendees: General public
Event Description: This event will teach residents how to install and use a rain barrel. Workshop attendees will be entered into a drawing for a free rain barrel.
District Contact Information
Robin Grantham, 352-796-7211, ext. 4779; Robin.Grantham@WaterMatters.org

Event Title: 7th Annual Hillsborough County Neighborhoods Conference
Date: March 27
Time: 8:30 a.m.–2:30 p.m.
Location: Hillsborough Community College, Dale Mabry Campus, 4001 Tampa Bay Blvd., Tampa
Sponsoring Organization: Hillsborough County Office of Community Relations
Attendees: District Governing Board and Basin Board members and staff; homeowners/community association board members interested in Senate Bill 2080; general public
Event Description: One of the presentations will be on Senate Bill 2080, with District Communications Director Michael Molligan and University of Florida and FYN staff presenting.
District Contact Information
Sylvia Durell, (352) 796-7211, ext. 4755; Sylvia.Durell@WaterMatters.org

Event Title: GreenFest
Date(s): March 27–28
Time: 9 a.m.–4 p.m.
Location: University of Tampa, Plant Park
Sponsoring Organization: Friends of Plant Park
Attendees: General public
Event Description: This educational nature festival is designed to give the Tampa Bay community an opportunity to learn more about the care and cultivation of indigenous plants and flowers. The vendors and exhibits highlight the natural environment and how to protect it.
District Contact Information
Melissa Roe, (352) 796-7211, ext. 4776; Melissa.Roe@WaterMatters.org

Event Title: “Get Outside” on District lands event
Date: April 10
Time: 10 a.m.–2 p.m.
Location: Deep Creek
Sponsoring Organization: District
Attendees: District Governing Board and Basin Board members and staff; general public
Event Description: Invite your friends and family to have a fun and easy day outside. Guests will have the opportunity to participate in a guided nature hike, scavenger hunt and other nature-based activities or simply enjoy a low-cost way to relax with family and friends.
District Contact Information
Melissa Roe, (352) 796-7211, ext. 4776; Melissa.Roe@WaterMatters.org
Governing Board Meeting
February 22, 2010

FINANCE & ADMINISTRATION COMMITTEE

Discussion Items

46. Consent Item(s) Moved for Discussion

Submit & File Reports – None

Routine Reports

47. Treasurer's Report, Payment Register, and Contingency Reserves Report ..................... 2

48. Management Services Significant Activities ................................................................. 8
Routine Report

Treasurer's Report, Payment Register, and Contingency Reserves

Purpose
Presentation of the Treasurer's Report, Payment Register, and Contingency Reserves.

Background
In accordance with Board Policy 130-3, District Investment Policy, a monthly report on investments shall be provided to the Governing Board. Attached is a copy of the Treasurer's Report as of January 31, 2010, which reflects total cash and investments at a market value of $756,285,446.

As reflected on the January 31, 2010, Treasurer's Report, the investment portfolio had $108.5 million or 14.3 percent invested with the State Board of Administration (SBA) of which $98.8 million is invested in the Florida PRIME (formerly the Local Government Investment Pool) and $9.6 million in the Fund B Surplus Funds Trust Fund (Fund B). The District has received $84,200 of Pool A interest earnings during the first four months of fiscal year (FY) 2010. Fund B is not distributing interest earnings. The District is managing its short-term and daily liquidity needs through the use of the Florida PRIME and two money market funds (Dreyfus Government Cash Management and Federated Government Obligations #5). Consistent with Board Policy 130-3, the maximum percent of the portfolio that will be invested in any one money market fund is 25 percent.

Fund B consists of assets that had defaulted on a payment, paid more slowly than expected, or had any significant credit and liquidity risk. Fund B cash holdings are being distributed to participants as they become available monthly from maturities, sales and received income. The investment objective for Fund B is to maximize the present value of distributions. At January 31, 2010, the District's investment in Fund B was $9.6 million, down from the initial investment of $40.7 million. The market value of the Fund B investments is estimated at $6.2 million or approximately 64.9 percent of cost, reflecting $3.4 million at risk. District staff is not aware of any plans by the SBA to liquidate Fund B investments below cost.

On February 5, 2010, the SBA released another $178,000 from Fund B. Therefore, subsequent to January 31, 2010, the balance of $9.6 million has been reduced by $0.2 million, leaving the District's balance in Fund B at $9.4 million, which would further reduce the $3.4 million at risk.

Staff will continue to monitor the SBA activities to determine how this will impact the District's current investment in the SBA Florida PRIME, and affect the District's investment strategy going forward.

During the four months ended January 31, 2010, the District collected $150.1 million in ad valorem taxes, which is 79.9 percent of the annual budget. This compares favorably with 77.9 percent in FY2009 and 78.0 percent in FY2008, for collections during this same period.

In accordance with Board Policy 130-1, Disbursement of Funds, all general checks written during a period shall be reported to the Governing Board at its next regular meeting. The Payment Register listing disbursements since last month's report is available upon request. The Payment Register includes checks and electronic funds transfers (EFTs).
The FY2010 Contingency Reserves Report (District only) follows:

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<td>BALANCE:</td>
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Staff Recommendation: See Exhibit

These items are presented for the Committee's information, and no action is required.

Presenter: Daryl F. Pokrana, Director, Finance Department
| CUSIP | INTEREST RATE | CALLABLE/ BULLET | PURCHASE DATE | MATURITY DATE | DURATION (YRS) OF SECURITY | DAYS TO MATURITY | PURCHASE VALUE | MARKET VALUE | ACCRUED INTEREST | % OF PORTFOLIO |
|-------|---------------|------------------|--------------|--------------|----------------------------|----------------|----------------|--------------|----------------|----------------|----------------|
| 31331gmu0 | 1.85 | Callable | 02/17/2009 | 02/17/2011 | 2.00 | 382 | $10,000,000 | $10,006,300 | $84,278 |
| 31331yg45 | 3.88 | Bullet | 06/13/2008 | 05/19/2011 | 2.93 | 473 | 9,800,000 | 10,321,900 | 63,000 |
| 31331y3n8 | 3.91 | Bullet | 07/30/2008 | 07/15/2011 | 2.96 | 530 | 9,920,000 | 10,415,600 | 16,111 |
| 31331gw6 | 2.47 | Callable | 02/17/2009 | 02/17/2012 | 3.00 | 747 | 10,000,000 | 10,006,300 | 112,522 |
| 31331gvq9 | 1.98 | Callable | 05/18/2009 | 05/18/2012 | 3.00 | 838 | 10,000,000 | 10,043,800 | 40,150 |
| 31331gwq8 | 1.80 | Callable | 05/21/2009 | 05/21/2012 | 3.00 | 841 | 10,000,000 | 10,040,600 | 35,000 |
| 31331jak9 | 1.95 | Callable | 01/07/2010 | 01/07/2013 | 3.00 | 1072 | 20,000,000 | 20,031,200 | 26,000 |
| 31331jbh5 | 2.07 | Callable | 01/22/2010 | 01/22/2013 | 3.00 | 1087 | 20,000,000 | 20,050,000 | 10,350 |
| 31331jcb7 | 1.80 | Callable | 01/25/2010 | 01/25/2013 | 3.00 | 1090 | 14,000,000 | 14,043,820 | 4,200 |
|TOTAL FEDERAL FARM CREDIT | | | | | | | $113,720,000 | $114,959,520 | $391,611 | 15.02 |

**FEDERAL HOME LOAN BANK**

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<td>Callable</td>
<td>10/15/2009</td>
<td>10/15/2012</td>
<td>3.00</td>
<td>988</td>
<td>20,000,000</td>
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<td>01/28/2013</td>
<td>3.00</td>
<td>1093</td>
<td>20,000,000</td>
<td>20,064,800</td>
<td>3,542</td>
<td>13.21</td>
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</table>

**TOTAL FEDERAL HOME LOAN MORTGAGE CORPORATION**

<table>
<thead>
<tr>
<th>CUSIP NUMBER</th>
<th>INTEREST RATE</th>
<th>CALLABLE/ BULLET</th>
<th>PURCHASE DATE</th>
<th>MATURITY DATE</th>
<th>DURATION (YRS)</th>
<th>DAYS TO MATURITY</th>
<th>PURCHASE COST</th>
<th>MARKET VALUE</th>
<th>ACCRUED INTEREST</th>
<th>% OF PORTFOLIO</th>
</tr>
</thead>
<tbody>
<tr>
<td>3136fhj5</td>
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<td>04/20/2009</td>
<td>04/20/2011</td>
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<td>Bullet</td>
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<td>04/21/2011</td>
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<td>04/29/2011</td>
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<td>453</td>
<td>10,000,000</td>
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<td>04/29/2009</td>
<td>04/29/2011</td>
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<td>09/23/2011</td>
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<tr>
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<tr>
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**TOTAL FEDERAL NATIONAL MORTGAGE ASSOCIATION**

$219,980,000 $220,634,400 $757,893 29.06

**TOTAL AGENCY SECURITIES**

$593,902,500 $597,162,249 $2,158,423 78.46
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
TREASURER’S REPORT TO THE GOVERNING BOARD
January 31, 2010

STATE BOARD OF ADMINISTRATION (SBA) & OTHER INVESTMENT ACCOUNTS

<table>
<thead>
<tr>
<th>ACCOUNT NUMBER</th>
<th>ACCOUNT DESCRIPTION</th>
<th>EFFECTIVE INTEREST RATE</th>
<th>PURCHASE COST</th>
<th>MARKET VALUE</th>
<th>ACCRUED INTEREST</th>
<th>% OF PORTFOLIO</th>
</tr>
</thead>
<tbody>
<tr>
<td>271413</td>
<td>SBA General Investments</td>
<td>0.17</td>
<td>$47,987,362</td>
<td>$47,987,362</td>
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<td>271411</td>
<td>SBA Workers’ Compensation</td>
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<td>271412</td>
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<tr>
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<tr>
<td></td>
<td><strong>Total</strong></td>
<td></td>
<td><strong>$98,845,862</strong></td>
<td><strong>$98,845,862</strong></td>
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**Florida PRIME (Formerly Local Government Investment Pool)**

<table>
<thead>
<tr>
<th>ACCOUNT NUMBER</th>
<th>ACCOUNT DESCRIPTION</th>
<th>EFFECTIVE INTEREST RATE</th>
<th>PURCHASE COST</th>
<th>MARKET VALUE</th>
<th>ACCRUED INTEREST</th>
<th>% OF PORTFOLIO</th>
</tr>
</thead>
<tbody>
<tr>
<td>271413</td>
<td>SBA General Investments</td>
<td>0.00</td>
<td>$8,764,791</td>
<td>$5,686,596</td>
<td></td>
<td></td>
</tr>
<tr>
<td>271415</td>
<td>SBA Advanced State Funding (Eco System Trust)</td>
<td>0.00</td>
<td>867,604</td>
<td>562,902</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td></td>
<td><strong>$9,632,395</strong></td>
<td><strong>$6,249,498</strong></td>
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**Fund B Surplus Funds Trust Fund (1)**

<table>
<thead>
<tr>
<th>ACCOUNT NUMBER</th>
<th>ACCOUNT DESCRIPTION</th>
<th>EFFECTIVE INTEREST RATE</th>
<th>PURCHASE COST</th>
<th>MARKET VALUE</th>
<th>ACCRUED INTEREST</th>
<th>% OF PORTFOLIO</th>
</tr>
</thead>
<tbody>
<tr>
<td>271413</td>
<td>SBA General Investments</td>
<td>0.00</td>
<td>$8,764,791</td>
<td>$5,686,596</td>
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</tr>
<tr>
<td>271415</td>
<td>SBA Advanced State Funding (Eco System Trust)</td>
<td>0.00</td>
<td>867,604</td>
<td>562,902</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td></td>
<td><strong>$9,632,395</strong></td>
<td><strong>$6,249,498</strong></td>
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</table>

**TOTAL STATE BOARD OF ADMINISTRATION (SBA) ACCOUNTS**

<table>
<thead>
<tr>
<th></th>
<th>PURCHASE COST</th>
<th>MARKET VALUE</th>
<th>ACCRUED INTEREST</th>
<th>% OF PORTFOLIO</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>$108,478,257</strong></td>
<td><strong>$105,095,360</strong></td>
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<td>14.34</td>
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**DREYFUS GOVERNMENT CASH MANAGEMENT ACCOUNT**

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<tr>
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<th>PURCHASE COST</th>
<th>MARKET VALUE</th>
<th>ACCRUED INTEREST</th>
<th>% OF PORTFOLIO</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1,001</td>
<td>1,001</td>
<td></td>
<td>0.00</td>
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**FEDERATED GOVERNMENT OBLIGATIONS #5 ACCOUNT**

<table>
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<th>PURCHASE COST</th>
<th>MARKET VALUE</th>
<th>ACCRUED INTEREST</th>
<th>% OF PORTFOLIO</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL INVESTMENTS</td>
<td><strong>$756,916,980</strong></td>
<td><strong>$756,793,832</strong></td>
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<td>100.00</td>
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<tr>
<td>CASH, SUNTRUST DEMAND ACCOUNT (2)</td>
<td>(508,386)</td>
<td>(508,386)</td>
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<tr>
<td>TOTAL CASH AND INVESTMENTS</td>
<td><strong>$756,408,594</strong></td>
<td><strong>$756,285,446</strong></td>
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</tbody>
</table>

**Weighted average yield on portfolio at January 31, 2010 is 1.41%**

(1) Fund B commingles investments from participants in a portfolio of securities with the objective to maximize the present value of distributions to participants, to the extent reasonable and prudent, net of fees. This objective emphasizes both the timeliness and extent of the recovery of participants’ original principal. This is according to Investment Policy Guidelines, Local Government Investment Fund B, Part III. Investment Objective (effective 12/21/07). The District is not receiving interest earnings distributions from the SBA-Fund B accounts.

(2) Excess funds from the District's SunTrust Bank Demand Account are transferred to the District's money market accounts daily. This may result in a negative book balance. However, a positive bank balance is maintained at all times.
## EQUITY - CASH AND INVESTMENTS

### DISTRICT AND BASINS

<table>
<thead>
<tr>
<th>Fund/Program</th>
<th>Balance</th>
<th>Percentage</th>
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</thead>
<tbody>
<tr>
<td>District General Fund</td>
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<tr>
<td>Alafia River Basin</td>
<td>22,108,871</td>
<td>2.92%</td>
</tr>
<tr>
<td>Hillsborough River Basin</td>
<td>90,013,715</td>
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<tr>
<td>Coastal Rivers Basin</td>
<td>16,761,462</td>
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<td>Pinellas-Anclote River Basin</td>
<td>148,131,052</td>
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</tr>
<tr>
<td>Withlacoochee River Basin</td>
<td>13,381,565</td>
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<tr>
<td>Peace River Basin</td>
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<tr>
<td>Manasota Basin</td>
<td>58,755,530</td>
<td>7.77%</td>
</tr>
<tr>
<td>SWIM Program</td>
<td>2,796,867</td>
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</tr>
<tr>
<td>FDOT Mitigation Program</td>
<td>2,614,807</td>
<td>0.35%</td>
</tr>
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</table>

**TOTAL EQUITY IN CASH AND INVESTMENTS**

$756,408,594 100.00%
Routine Report

Management Services Significant Activities

Water Management Information System (WMIS)

The vision for the WMIS, as defined in the Governing Board approved 2005 Vision Statement and reflected in the IRD Five-Year Technology Plan, is that it will support the District's activities related to Water Use Permitting, Environmental Resource Permitting, and Well Construction Permitting. In addition, the system will have the ability to store and retrieve Scientific and Regulatory data, as well as the ability to capture and track compliance activities. Specifically, it will:

- Facilitate and allow for comprehensive demonstration of the District’s accomplishment of its mission and accountability for its performance in meeting its areas of responsibility.
- Provide for the entry, maintenance, analysis, and presentation of the District’s scientific and regulatory data.
- Be easy to use, robust, nimble, and enable appropriate decision-making through the consistent application of the District’s scientific, regulatory, and business processes.
- Be a component of the District’s Strategic Information Systems architecture.

This project is scheduled for completion in FY 2010 with planned interim releases designed to continuously improve well-defined District regulatory and scientific functions. **Current Status:** The Permit Information Center (PIC) was deployed December 1, 2009. This provides permittees or their designees the ability to report pumpage and metering based on their WUP permits conditions via an on-line application. **Next Major Milestones:** The next additions to the PIC will include the ability to add water level and water quality data by March 5, 2010. Additionally, the removal of ERP functionality from the Mainframe also has a scheduled completion date of March 5, 2010 as part of release 1.9. This release was originally scheduled for February 26, 2010, but was extended to allow more training for regulatory staff. This extension has no impact on the overall project completion date or investment requirements. Additional integration with WMIS-based ERP functions is planned for April 2010. The early conversion of Mainframe-based ERP functionality coincides with all processing being removed from the Mainframe seven months earlier than planned at a projected cost savings of $1.26M over two fiscal years ($670K in FY2010 and $590K in FY2011). The IBM removal project is on time and within budget. A second ERP effort to improve business processes started in October 2008 and is scheduled for completion in September 2010 as planned. The maintenance team continues to maintain and modify existing systems based on user requested changes. The complete WMIS project remains on time and within budget.

Enterprise Content Management (ECM)

ECM provides for the centralized management of all content and allows quick access to the information in a structured manner. It is critical to the District's business continuity that this information is safe, secured and easily retrievable on demand. The Information Resources Department (IRD) and Records Management share in this task of managing the District's critical information in this environment. Due to requirements listed in Florida Administrative Code (FAC) 1B-26.003, storage for electronic records is also a major concern addressed with an ECM infrastructure. The District has already implemented some components of content management such as imaging and workflow processing in the Water Management Information System (WMIS). South Florida and St. Johns Water Management Districts are in like stages of their ECM implementations. A Master Service Agreement was signed with Iknow, LLC for ECM services on December 31, 2008 and task orders are being created from this agreement to implement this project. **Current Status:** Iknow uses subcontractors to complete various task orders. The subcontractors working on the current Task Orders (TO) stopped working for Iknow in October 2009. As a result, Iknow recruited new subcontractors and they completed TO #3 (Vault Replacement) on January 21, 2010. They continue to work on TO #7 (Microsoft
Exchange Integration) with a scheduled completion date of February 15, 2010. **Next Major Milestones:** The next major milestone, TO #4 (Record Management Pilot), is scheduled for completion by late February 2010. The ECM sponsors are currently reviewing plans for FY2010 and FY2011. The ECM project remains on time and within budget.

**Land Resources Information System (LaRIS)**
In 1981, the Save Our Rivers program was established by the Florida Legislature for the acquisition of lands necessary for water management, water supply, protection and conservation of water resources. This program was broadened in 1990 with the Preservation 2000 Act and revised in 1999 with the Florida Forever Act. Utilizing these programs, the Southwest Florida Water Management District (District) has acquired fee simple interest in over 330,000 acres and less than fee interest in over 67,000 acres for various water management requirements. The lands that are acquired by the District require management and maintenance to provide public access, recreational use and protection of the natural systems. Managing these resources requires that District staff have access to comprehensive information for each of the District’s properties. The LaRIS was envisioned to meet land acquisition and management requirements and significantly improve the business processes. The 2005 LaRIS vision statement states that the system will:

- Provide a common, centralized storage location for detailed Land Resources data.
- Have user-friendly applications for the input and maintenance of Land Resources data.
- Validate information is in proper format.
- Generate required documentation output such as detailed reports and map documents.
- Allow District staff to easily and efficiently access and utilize the necessary information pertaining to District-owned lands to perform the duties of their jobs.

Funding for this project is reimbursable through the currently budgeted Water Management Lands Trust Fund. **Current Status:** The major components of LaRIS are in production. Enhancements and improvements are being made to installed components as part of the standard software maintenance and modification process. With development slowing, two contractors have left the project. **Next Major Milestones:** The next major modification, based on customer requirements, is planned for completion by late March 2010. Additionally, Land Resources has requested additional spatial data analysis features. These system upgrades are also planned for completion in March 2010. Additional features and additional functionality will be added to LaRIS following the completion of the modification in March 2010. These features include Special Use Areas and additional reporting. This additional capacity is being funded from within the existing LaRIS software development budget at $81K and resulted from scope changes within the original LaRIS project. The original project remains on schedule for a March 2010 completion and is within budget.

**Project Information Management System/Cooperative Funding Initiative (PIMS/CFI)**
The PIMS project was started in FY 2006 as a replacement for a limited function project management system written in Domino/Lotus Notes. The earlier project management solution was a critical resource used by the Governing Board and Basin Boards to evaluate the progress of existing projects. The proposed PIMS solution provides an easier to use process for project definition, automates the integration with the financial systems and provides integration with other district applications including the WMIS, the Surface Water Improvement Management (SWIM) program and document management. It is designed to reduce the administrative effort to maintain the information, improve the accuracy of the information and provide more flexibility in how the information is reported. It also includes Cooperative Funding Initiative (CFI) online access. **Current Status:** The current system, including on-line Cooperative Funding Initiative and Project Management, is in production. System refinements continue based on user requirements. Version 2.3 will be released on February 3, 2010. This release modifies the project management portion of the system allowing tracking of multiple cooperators and all contact information. All CFI applications have been imported into PIMS for evaluation and processing. **Next Major Milestones:** The next major release is scheduled for May 2010. It will include new reports and the ability to track details of all data collection projects. Future plans include the integration with the new Financial Performance Budgeting system due to start implementation in January 2010. The project remains on time and within budget.
**Human Resources Information System (HRIS)**

As originally identified in the Information Resources Department Five-Year Technology Plan, FY2008 – FY2012, the District purchased the NuView HR and Payroll System in August 2007 via a Request for Proposal (RFP) to replace the existing application, Hewitt CYBORG Human Resource and Payroll. The older CYBORG system is not fully integrated or as robust as required for current District demands. The NuView system will provide improved integration; reduce the staff impact for data input and analysis; help ensure the District's technical architecture standards are met; and provide for the orderly removal of legacy systems from the IBM Mainframe by February 2010. **Current Status:** The HRIS is in production with version 4.12 of the software. The CYBORG system and related data were successfully removed from the Mainframe on January 28, 2010 as planned. **Next Major Milestones:** As previously reported, NuView rescheduled the release of its latest version, 4.14, from October 2009 to December 2009. This new date should still allow SWFWMD to begin implementing version 4.14 by March 2010. This new version will provide additional functionality vital to HR processes. We have received a quote from the vendor for an upgrade to the base system with all of the District-specific modifications that are currently in place. The quote is currently being analyzed. A more detailed schedule will be developed for the upgrade after negotiations with the vendor on any customizations that may be required. The total project remains on time and within budget.

**Unified Communication Process Improvement**

As first identified in the IRD Five-Year Technology Plan, FY2009 – FY2013, the District has identified the need for Unified Communications to improve staff communication during significant storm events; field operations and daily work. Unified Communication includes, but is not limited to, voice, video, data and two-way radio frequency (RF) communications. According to the IRD Technology Plan, the major milestones are communications support consolidation in October 2008 (Completed), Networking Infrastructure and telecommunications upgrades in 2009 (Started) Voice over IP in 2010, Unified Messaging in 2011 and Unified Communications in 2013. The goals of this project are to:

- Create a common understanding of communications interoperability at the District to all business units throughout the organization.
- Integrate existing and future communications systems
- Establish a process for the acquisition, implementation, on-going support, and maintenance of this communications infrastructure.
- Facilitate training to enhance the efforts of a unified communications strategy.
- Ensure close coordination between Finance, Information Resources, Land Resources, Operations and General Services during all phases of the Unified Communications project.

**Current Status:** All of the District’s 290 radios have been upgraded from analog to digital and now have a primary and a secondary channel. The new digital gateways and control stations have been installed and are working correctly. The dispatchers are using the new platform. Brooksville and Sarasota secondary control sites are complete. Tampa and Bartow secondary control sites will be complete in late February 2010. The Request for Proposal (RFP) for the addition of a radio tower at Sarasota was won by WPC of Sarasota and the contractor is obtaining permits. **Next Major Milestones:** Estimated completion of the Sarasota tower project is the end of March 2010. Backup generator installation for the remaining 4 radio towers is being done by Cross Construction and is scheduled for completion by May 2010. A Voice over IP (VoIP) prototype is planned for March 2010. The total project remains on time and within budget.

**Data Management and IT Governance**

- **Executive Steering Committee** – The Executive Steering Committee provides strategy direction and alignment of Data Management and Information Technology (IT) strategies and operations with District business goals and operations. It ensures the District is in the best position to capitalize on its data and technology investments.

- **Architecture Review Board and the Technical Review Board** – The Architecture Review Board (ARB) reviews the major programs and projects for compliance with the District's Enterprise Architecture standards, assists the Information Resources Department with prioritization, ensures the strategic direction of the Steering Committee is being accomplished and provides
guidance that is more detailed to the Technical Review Board after a thorough review of the proposed technology project. The Technical Review Board (TRB) translates the guidance from the ARB into detailed project plans, monitors the development of all systems and makes project recommendations to the ARB. Current Status: From November 2009 to January 2010, the ARB focused on reviewing District technology directions in cooperation with the Information Resources Department’s (IRD) development of the Five Year Technology Plan. The Technical Review Board was actively involved in reviewing new security and software development guidelines, new security software to include a password reset tool and a replacement for Web development software used by Department Web masters for WaterNet, the District’s internal Web page.

- Business Continuity and Security Authority – The Business Continuity and Security Authority (BCA) is responsible for the oversight, initiation, planning, approval, and testing of the policies and procedures needed to implement a District Enterprise-wide Business Continuity Program that includes the security of staff, information, facilities and business property. Current Status: The relocation and installation of an EMC Clarion CX3-40 Storage Area Network (SAN) device was completed in January 2010. This SAN is allocated for storage of mission critical systems identified in the Business Impact Analysis (BIA) to improve speed and performance and reduce energy demand during a business continuity related event. District Business Units have completed their Continuity of Operations Plans in conjunction with SunGard. During the week of February 23, 2010, SunGard will conduct two Tabletop Exercises, one each at the Brooksville Service Office and Tampa Service Office. A tabletop exercise simulates an emergency in an informal, stress-free environment. Department Directors and first line managers will gather around a table to discuss general problems and procedures in the context of an emergency scenario. The focus is on training and familiarization with roles, procedures, or responsibilities.

- Scientific and Regulatory Data Authority – The Scientific and Regulatory Data Authority’s (SRDA) purpose is to facilitate data collection, management, analysis and publication activities by setting data standards, minimizing redundant efforts, educating users and coordinating data management solutions. The focus is on regulatory, water management, land resources, geo-spatial and scientific modeling data. Current Status: The SRDA continued reviewing District data requirements with a focus on WMIS, metadata and data classification in support of continuous security improvement. Current focus in WMIS is on providing the ability to load and query geohydrologic data for wells, improve the ability to search and download permit condition data and begin identifying requirements for storing biological data. Testing of the Metadata Repository System is complete and the current focus is on populating the metadata for the Resource Data component of WMIS. The SRDA is assisting project managers in developing budgets for data collection projects. The SRDA is also working closely with the Information Resources Department on the continued implementation of a data reporting solution, the first phase of which was completed during October 2009.

- Service Support Data Authority – The Service Support Data Authority’s (SSDA) purpose is to facilitate data management, analysis, and publication activities by setting data standards, minimizing redundant efforts, educating users and coordinating data management solutions. The focus is on financial, human resources, project, imaging and workflow and e-records data. Current Status: The SSDA continued to monitor and support the Enterprise Content Management (ECM) project, the Human Resourced Information System HRIS) and the Financial Portfolio. Members are active participants in the ARB as SSDA related systems are discussed and plans established.

Employee Turnover

Employee turnover is widely viewed as a key indicator of an employer’s ability to attract and retain the critical talent required to carry out the mission and strategic priorities of the enterprise. As a public sector employer, the District has historically achieved turnover relatively low compared to the private sector and, generally, to other public sector organizations in its geographic area. This continues to be the situation with the economic downturn of the past several months producing a further dampening effect on our turnover experience.
Current Status:
- For the four months in FY2010, employee turnover (regular, board-authorized positions) was 2.2% compared to 2.1% for the same time period in FY2009.
- Retirements account for 43.8% of the separations so far in FY2010. At least four more retirements are expected for the remainder of the fiscal year.
- The number of vacant positions as of January 31, 2010 was 28. The average number of vacancies for the previous 12 months was 21.

Human Resources staff will continue to track and report to management on turnover trends to ensure that we are prepared to respond to any unusual trends that may occur in the future.

Risk Management and Safety
The District is committed to providing a safe and healthy environment for employees. This activity includes both internal and extracurricular wellness and safety programs which can benefit both employees and their dependents. Funds to support this initiative are budgeted annually by the Human Resources/Risk Management Department. Wellness and safety programs have been shown to increase workplace productivity, reduce incidents of accident and illness, and improve the overall mental, physical and emotional health and well being of employees and their families and reduce health care and lost time costs to the District. Current Status: In January, 25 staff members from Operations, Land Resources, General Services and Regulations participated in chainsaw safety training. The program included separate classes for initial training and refresher training. This training is used by some Land Resource and Operations employees as part of their regularly assigned duties. FEMA requires the training in order to reimburse the District for any employee who volunteers for recovery/cleanup efforts in the event of a natural disaster. Participants learn proper chainsaw handling safety and have hands on experience in felling a tree. The training is conducted by an outside vendor (Forest Applications Training, Inc.) on District owned lands; this year’s training was conducted at the Edward W. Chance Preserve – Coker Prairie Tract in Manatee County.

Financial Systems
The Financial Information Technology team is responsible for supporting the District’s software applications critical to the District’s financial operations. These software applications currently include the ADVANTAGE Financial software, the BRASS budget software, the Business
Objects reporting solution as well as other internally developed applications. The Payroll Section coordinates with Human Resources and Information Resources staff to ensure continuous support to meet mission critical payroll data processing requirements. The primary software applications used to meet these requirements are the NuView Payroll System and the Kronos Workforce Central System. **Current Status:** 1099 annual system processing activity is scheduled to be completed by the end of February. It is also expected that Payroll staff will continue to participate in the Human Resources Information System (HRIS) project during the FY2010 planned upgrade of the HRIS to a new release. Payroll staff continue to work with the software vendor on improvements to the Florida Retirement System reporting mechanism and the Labor Distribution interface as well as other ongoing issues that require resolution. Financial Systems staff has begun to work with onsite software vendor consultants to implement the new Performance Budgeting software as a replacement of the BRASS budget software. The initial hardware configuration activities for this new system have been completed, the software has been installed and preliminary system utilization review has begun. Staff is also currently pursuing an upgrade to the Business Objects reporting solution and is expected to have this project completed in March. **Next Major Milestones:** The Performance Budgeting software implementation project will be a major focus of the Financial Systems Section through December with the system expected to be operating in a Production environment by January 2011. Payroll staff are planning to begin testing the next release of the Kronos Workforce Central System with the implementation of the new release completed by the end of May. All projects are on time and within budget.

**Parking Lot Reconstruction/Rehabilitation**
The District currently owns and maintains over 880,000 square feet of parking lot and driveway pavement at our headquarters and the three service offices. This pavement along with the associated stormwater management system represents a significant capital investment. The District conducted an inventory and inspection of these areas and found that reconstruction of the heavy equipment area in Brooksville and other preventative maintenance treatment efforts needed to be performed to extend the life of the paved surfaces. This work will include repairs of depressions and pot holes, double micro surfacing and crack sealing, and cold in-depth recycling w/S-3 overlay where needed. **New Activities Since Last Meeting:** Florida Highway Products worked on the remaining micro paving work January 23, 2010. Staff anticipates that Florida Highway Products will complete their work by mid-March. In order to expedite the Phase 2 project, staff discovered an existing contract with Hillsborough County that allows the District to piggyback and realize a substantial saving and eliminate the time-consuming bid process. A meeting was scheduled with Ajax Paving Industries, Inc. to discuss the Phase 2 paving project. Ajax is in the process of submitting a proposal for this work and staff anticipates a saving between $100,000 and $150,000 below the budgeted amount of $466,327.

**Connection to Hernando County Sewer System**
The existing onsite sewer treatment plant was installed in 1976 and is 34 years old. The system cost $30,000 per year to operate and is in need of new air pumps, which will cost around $4,000 and other components will need major repairs in the near future. To keep the system operating, staff is spending two hours per day on preventative maintenance. A more cost effective, long-term reliable sewer system for the District requires connecting to the Hernando County sewer line at a budgeted cost of $300,000. Projected annual operating cost will be $6,000 per year. **New Activities Since Last Meeting:** The Hernando County construction permit was received and Marolf Environmental, Inc., the contractor, has mobilized and construction has begun. The project substantial completion date is May 5, 2010.

**Document Services - Production Imaging Group for Regulatory Permits**
In addition to enhancing the accessibility of electronic information through the Enterprise Content Management application, scanning of the active permit files is a mission-essential function to support the Water Management Information System (WMIS). WMIS will not realize its intended benefits without electronic images. To address this need, scanning equipment was purchased for each service office to handle the incoming permit workload; while active permit files were sent to an outsourced vendor to be scanned. Using this approach, and given the current scanning rate of active permit files (files that are in all four service office vaults,
estimation of 4,550 boxes or 62,251 permit files), this project would take approximately eight years to complete. A new approach was developed that would reallocate existing budgeted funds for the outsourced scanning activities from Resource Regulation Division to the Document Services Section. Reallocation of these funds and performing the work in-house will shorten the length of the project to five years using the new approach and reduce the total cost of the project by over $500,000. Using the transferred funds, Document Services will acquire a staff of six contingent workers to work on this project. Service office vault staff will continue to scan all incoming application and permit-related information, while Document Services will scan the backlog of active permits. **Recent Activities:** The reconfiguration of the new scanning room in Building 8 has been completed, and the furniture has been selected and ordered. The contingent staff force has been selected and is scheduled to begin work on this process in mid-February.

**Staff Recommendation:**

This item is provided for the Committee’s information, and no action is required.

**Presenter:** Gene Schiller, Deputy Executive Director, Management Services
Governing Board Meeting
February 22, 2010

GENERAL COUNSEL’S REPORT

Discussion Items

49. Consent Item(s) Moved for Discussion

Submit & File Reports – None

Routine Reports

50. Litigation Report ................................................................................................................. 2
51. Rulemaking Update ........................................................................................................... 15
# SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT LITIGATION REPORT
## February 2010
(Changes in status since last month are in boldface type)

## ADMINISTRATIVE PROCEEDINGS

<table>
<thead>
<tr>
<th>STYLE/CASE NO.</th>
<th>COURT/JUDGE</th>
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<th>STATUS (current as of 02/02/10)</th>
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</thead>
<tbody>
<tr>
<td>Mariner Properties Development, Inc. and Little Pine Island Wetlands Mitigation Bank, Ltd. v. SWFWMD/Case No. 09-6973RU</td>
<td>Division of Administrative Hearings/D.M. Maloney</td>
<td>Duffey, A/Felice, C.</td>
<td>Petition to Determine Invalidity of Unadopted Rules</td>
<td>12/28/09 – Petition to Determine Invalidity of Unadopted Rules served. 12/24/09 – Notice of Hearing (set for 1/14/10) served. 1/6/10 – Respondent’s Motion for Continuance served. 1/7/10 – Petitioner’s Response to Motion for Continuance served. 1/8/10 – Order Granting Continuance and Re-Scheduling Hearing entered. 1/15/10 – Respondent’s Motion to Dismiss Petition served. 1/19/10 – Notice of Voluntary Dismissal served. 1/20/10 – Order Closing File entered.</td>
</tr>
<tr>
<td>Tampa, City of v. SWFWMD/Case No. 09-6525RP</td>
<td>Division of Administrative Hearings/D. M. Maloney</td>
<td>Ward, J/Lloyd, K.</td>
<td>Petition to Determine Invalidity of Proposed Rules (Amendment to 40D-2.322(2), F.A.C., 20-year permit)</td>
<td>11/25/09 - Petition to Determine Invalidity of Proposed Rules served. 11/30/09 - Order of Assignment entered. 12/9/09 - Order (waiving 30-day requirement for setting hearing; final hearing will not be set until the District files any motions to dismiss, provided they are filed by 12/18/09) entered. 12/15/09 - Motion to Dismiss served. 12/18/09 - Motion for Summary Final Order served. 1/7/10 - Motion for Abeyance of Proceedings served. 1/8/10 - Order Placing Case in Abeyance (status report due NLT 2/1/10) entered. 2/1/10 - Motion for Dismissal served; Order Closing File entered.</td>
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## DELEGATED ADMINISTRATIVE HEARING MATTERS

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<tr>
<th>STYEL/CASE NO.</th>
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<tbody>
<tr>
<td>Mason, Diane v. Christ Church of Longboat Key, Inc. and SWFWMD</td>
<td>Kenney, C.</td>
<td>Request for Administrative Hearing re ERP 44007606.001</td>
<td>1/8/10 - Received letter requesting an administrative hearing. 1/22/10 - Order of Dismissal Without Prejudice entered.</td>
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</tr>
<tr>
<td>Meltzer, Margery and Stark, Cheryl v. Christ Church of Longboat Key, Inc. and SWFWMD</td>
<td>Kenney, C.</td>
<td>Request for Administrative Hearing re ERP 44007606.001</td>
<td>1/11/10 - Received letter requesting an administrative hearing. 1/22/10 - Order of Dismissal Without Prejudice entered.</td>
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</tr>
<tr>
<td>Paradise Lakes Utility, LLC v. SWFWMD</td>
<td>C. Felice</td>
<td>Request for Extension of Time to File Petition for Extension of Hearing</td>
<td>8/15/08 - Motion for Extension of Time to File a Petition for Administrative Hearing served. 8/21/08 - Order Granting Request for Extension of Time entered. 9/25/08 - Motion for</td>
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<tr>
<td>Shelley, David and Barbara v. SWFWMD</td>
<td>C. Felice</td>
<td>Request for Extension of Time to File Petition for an Administrative Hearing</td>
<td>11/25/10 - Request for an Enlargement of Time to File a Petition served. 12/9/09 - Order Granting Request for Extension of Time (Petition shall be filed with (received by) the District on or before 5:00 p.m. on January 15, 2010) entered. 1/15/10 - Petition for Formal Administrative Hearing served.</td>
<td></td>
</tr>
<tr>
<td>Sleepy Lagoon Homeowners Association, Inc. v. Christ Church of Longboat Key, Inc. and SWFWMD</td>
<td>Kenney, C.</td>
<td>Request for Administrative Hearing re ERP 44007606.001</td>
<td>1/8/10 - Received request for an administrative hearing. 1/22/10 - Order of Dismissal Without Prejudice entered.</td>
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### ENFORCEMENT CASES
(Including Administrative Complaints)

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<tr>
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<tbody>
<tr>
<td>SWFWMD v. Aristizabal, Jose Fernando and Liliana Urea/Case No. 09-214 GCS</td>
<td>10th Judicial Circuit, Highlands County/SHINHOLSER, OLIN W.</td>
<td>Complaint and Petition for Enforcement of Final Order No. 08-038</td>
<td>6/29/09 - Order (granting Plaintiff's Motion to Appear Telephonically) entered. 7/21/09 - Order (entering default against Defendants) entered. 8/25/09 - Plaintiff's Motion for Final Judgment After Default served. 10/2/09 - Notice of Hearing (on Motion for Final Judgment After Default) served; Plaintiff's Motion to Appear Telephonically served. 10/15/09 - Order (granting District witnesses to appear by phone @ 12/9/09 hearing. 12/9/09 - Final Judgment entered.</td>
<td></td>
</tr>
<tr>
<td>SWFWMD v. Atwood, Sean</td>
<td>A. Vining</td>
<td>Administrative Complaint and Order</td>
<td>10/12/09 – Respondent served. 1/7/10 – Order No. SWF 2010-001 entered.</td>
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<tr>
<td>SWFWMD v. Barfield, Robert</td>
<td>5th Judicial Circuit, Hernando County/</td>
<td>A. Vining</td>
<td>Administrative Complaint and Order</td>
<td>7/7/09 - Respondent served. 8/17/09 - Order No. SWF 09-027 entered.</td>
</tr>
<tr>
<td>SWFWMD v. R.J. Bunbury Homes, Inc./Case No. 08-011833C121</td>
<td>13th Judicial Circuit, Hillsborough County/Levens</td>
<td>A. Vining</td>
<td>Complaint and Petition for Enforcement of ACO No. SWF 07-055</td>
<td>8/12/08 – Complaint and Petition for Enforcement filed. 8/19/08 – Complaint and Petition for Enforcement served. 9/2/08 - Answer to Complaint and Petition for Enforcement served. 11/25/09 – Consent Final Judgment entered.</td>
</tr>
<tr>
<td>SWFWMD v. John Belcher/Case No. 06-4467CI-8</td>
<td>6th Judicial Circuit, Pinellas County/F. Quesada</td>
<td>A. Vining</td>
<td>Complaint and Petition for Enforcement of Administrative Complaint and Order</td>
<td>7/6/06 - Summons and Complaint served on Defendant. 10/27/06 – Motion for Default by the Court, and Notice of Hearing served. 11/13/06 – Order Denying Motion for Default by the Court entered. 1/17/07 – Order granting Plaintiff's Motion to Strike Defendant's Affirmative Defenses entered. 2/25/08 – Plaintiff's Motion for Summary Judgment served. 5/27/08 – Plaintiff's Memorandum of Law in Support of Motion for Summary Judgment served. 8/15/08 – Order granting Plaintiff's Motion for Summary Judgment entered. 9/17/08 – Notice of Hearing on Attorney Fees and Costs served. 12/7/09 – Final Summary Judgment entered.</td>
</tr>
<tr>
<td>SWFWMD v. HCH Holdings, LLC</td>
<td></td>
<td>A. Duffey</td>
<td>Administrative Complaint and Order</td>
<td>7/11/08 - Respondent served. 8/21/08 - Order No. SWF 08-030 entered.</td>
</tr>
<tr>
<td>SWFWMD v. The Kell Group, Ltd./Case No. 09CA007932 Div. K</td>
<td>10th Judicial Circuit, Highlands County/O. Shinholser</td>
<td>J. Ward</td>
<td>Complaint and Petition for Enforcement to enforce ACO No. SWF 06-54</td>
<td>3/27/09 – Complaint and Petition for Enforcement filed. 4/2/09 – Defendants served. 8/19/09 – Answer to Complaint and Third-Party Complaint served. 1/13/10 – Notice of Appearance served. 1/13/10 – Motion for Extension of Time to Respond to Third Party Complaint served. 1/22/10 – Third Party Defendants’ Motion to Dismiss Third Party Complaint served. 1/26/10 – Notice of Change of Counsel served.</td>
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<tr>
<td>SWFWMD v. Lake Sebring Estates Development, Corp./Case No. 08-892GCS</td>
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<td>7/15/08 - Complaint filed. 7/23/08 – Registered Agent served. 8/11/08 - Notice of Appearance filed on behalf of Defendant served. 9/2/08 - Answer and Affirmative Defenses served. 1/19/10 - Plaintiff's First Request for Production to Defendant and Notice of Service of Plaintiff's First Set of Interrogatories to Defendant served.</td>
</tr>
<tr>
<td>SWFWMD v. McClendon, J.C., Jr./Case</td>
<td>6th Judicial Circuit, Pinellas County/M.</td>
<td>A. Vining</td>
<td>Complaint and Petition for Enforcement of ACO SWF07-</td>
<td>8/12/08 – Complaint and Petition for Enforcement filed. 8/18/08 – Complaint and Petition for Enforcement served. 8/29/08 – Response served. 9/16/08 – Motion for Default by the Court</td>
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<tr>
<td>No.0811837CI13</td>
<td>Shames</td>
<td>056</td>
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<td>served. 9/19/08 – Notice of Hearing on Motion for Default by the Court served. 11/21/08 – Proposed Order Denying Plaintiff's Motion for Default by the Court served. 11/26/08 – Order Denying Plaintiff's Motion for Default by the Court entered. 12/23/09 – Plaintiff's Motion for Summary Judgment served. 12/30/09 – Notice of Hearing served.</td>
</tr>
<tr>
<td>SWFWMD v. Maldonado, Santos, Sr./Case No. 252008CA000661</td>
<td>10th Judicial Circuit/Hardee County/</td>
<td>A. Duffey</td>
<td>Complaint and Petition for Enforcement of ACO SWF 08-031</td>
<td>11/12/08 - Complaint filed. 11/14/08 - Defendant served via substitute service (wife). 6/30/09 – Default entered. 7/15/09 – Plaintiff’s Motion for Final Judgment After Default and Notice of Telephonic Hearing served. 7/30/09 – Amended Notice of Telephonic Hearing served. 9/3/09 – Final Judgment After Default entered.</td>
</tr>
<tr>
<td>SWFWMD v. Sean M. Murphy and Shelly A. Murphy</td>
<td>10th Judicial Circuit, Polk County/D. Prince</td>
<td>C. Kenney</td>
<td>Administrative Complaint and Order</td>
<td>2/9/08 – Administrative Complaint and Order served on Sean M. Murphy. 2/28/08 – Order No. SWF 08-005 entered.</td>
</tr>
<tr>
<td>SWFWMD v. Zerep Enterprises, Inc.</td>
<td></td>
<td>A. Vining</td>
<td>Administrative Complaint and Order</td>
<td>6/8/09 – Administrative Complaint and Order served. 6/30/09 – Order No SWF09-023 entered.</td>
</tr>
<tr>
<td>Bank of America, et al. v. Richardson, David A. and Lisa A., et al./Case No. 52-2009-CA-09017751-CI-020</td>
<td>Sixth Judicial Circuit/Pinellas County</td>
<td>J. Ward</td>
<td>Foreclosure complaint against David and Lisa Richardson, against whom the District has a judgment with regard to an enforcement action</td>
<td>10/16/09 - Summons, Complaint and Notice of Lis Pendens served. 11/4/09 - Answer of Defendant SWFWMD served. 11/18/09 - Motion for Summary Judgment served. 12/22/09 - Certification of Compliance with Foreclosure Procedures served.</td>
</tr>
<tr>
<td>Davis, Alfred J. and Cindy v. SWFWMD, et al./Case No. 8:09-cv-1070-T17</td>
<td>United States District Court of the Middle District of Florida, Tampa Division</td>
<td>J. Ward</td>
<td>Complaint for Declaratory and Injunctive Relief</td>
<td>6/19/09 - Summons and Complaint for Declaratory and Injunctive Relief served. 06/19/09 - Plaintiffs' Notice of Pendency of Other Actions served. 9/11/09 - Defendant SWFWMD's Motion to Dismiss Counts IV, V, VI and VII of Plaintiffs' Complaint, Motion for More Definite Statement and Incorporated Memorandum of Law served. 9/14/09 - Defendant City of St. Petersburg's Motion</td>
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<tr>
<td>STYLECASE NO.</td>
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<tr>
<td>Hames, Cedar and Nora H. Scholin v. State of FL Department of Environmental Protection and SWFWMD/Case No. 2007-CA-001649</td>
<td>12th Judicial Circuit, Manatee County/P. Dubensky</td>
<td>D. Graziano/ J. Ward</td>
<td>Suit for damages alleging inverse condemnation</td>
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**STATUS (current as of 02/02/10)**

- 9/14/09 - EPA's Answer to Complaint served.
- 9/22/09 - Order entered (directing parties to engage in limited discovery).
- 9/29/09 - Plaintiffs' Response in Opposition to Defendant, City of St. Petersburg's Motion to Dismiss served.
- 9/30/09 - Plaintiffs' Response in Opposition to Defendant, SWFWMD's Motion to Dismiss served.
- 11/2/09 - City of St. Petersburg's Response to Plaintiff's Request for Admissions served.
- 11/5/09 - Defendant SWFWMD's Response to Plaintiff's Requests for Admissions served.
- 11/10/09 - EPA's Responses to Plaintiffs' Requests for Admissions served.
- 11/18/09 - Order on Defendants' Motions to Dismiss (granting City's & SWFWMD's motions to dismiss counts IV-VII of the complaint, and dismissing them from the action) entered.
- 11/30/09 - Plaintiffs' Rule 59(E) Motion to Alter or Amend the Judgment on Defendants' Motions to Dismiss served.
- 12/29/09 - Order (to show cause on or before 1/8/10 why Motion to Alter or Amend the Judgment on Defendants' Motions to Dismiss should not be granted for failure to respond thereto) entered.
- 1/8/10 - Defendant City of St. Petersburg's Response to Order to Show Cause with Incorporated Memorandum of Law served; Defendant SWFWMD's Response to Order to Show Cause served.
- 4/4/07 – Amended Complaint and Summons served.
- 4/23/07 - State of Florida Department of Environmental Protection's Motion to Dismiss served.
- 5/16/07 - Order from Middle District of Florida remanding case back to circuit court entered.
- 5/18/07 - SWFWMD's Motion to Dismiss served.
- 8/7/07 – SWFWMD's Answer served.
- 8/9/07 - Plaintiffs' Reply to Affirmative Defenses and Motion to Strike served.
- 8/15/07 - Defendant SWFWMD's Motion for Summary Judgment and Memorandum of Law in Support of Defendant's Motion served.
- 10/12/07 - Defendant SWFWMD's Amended Motion for Summary Judgment and Memorandum of Law in Support of Defendant's Motion served.
- 11/6/07 – Memorandum of Law in Opposition to Plaintiffs' Motion for Summary Judgment served.
- 12/7/07 - Order Denying Defendant's Amended Motion for Summary Judgment; Order Granting Plaintiff's Motion for Partial Summary Judgment as to SWFWMD's Liability for Taking entered.
- 1/14/08 - Order Denying Defendant Southwest Florida Water Management District's Motion for Rehearing entered.
- 2/4/08 - Agreed Order Regarding Date of Taking entered.
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<td>Notice of Invoking Automatic Stay Pending Review Pursuant to Rule 9.310(b)(2), Fla.R.App.P. served. 2/22/08 - Motion for Relief from Stay; Notice of Hearing (scheduled for 3/4/08) served. 5/9/08 - Defendant's Notice of Serving Proposal for Settlement to Plaintiffs served. 9/05/08 - Motion in Limine on Taking Issue served. 9/8/08 - Order Scheduling Case for Jury Trial, Pretrial Conference &amp; Referral to Mediation entered. (Trial set for 1/26/09; Pretrial set for 1/16/09). 9/25/08 - Defendant's Response to Plaintiffs' Motion in Limine on the Taking Issue served. 9/29/08 - Motion to Continue Mediation Date served; Motion to Set Aside/Vacate Court's Order Granting Partial Summary Judgment for Misrepresentation on the Court served. 10/2/08 - Amended Motion to Set Aside/Vacate Court's Order Granting Partial Summary Judgment for Misrepresentation on the Court served and Notice of Rescheduled Hearing (set for the 10/6/08) served. 10/6/08 - Plaintiffs' Motion to Strike or for More Definite Statement and for Sanctions and, in the Alternative, Response in Opposition to Defendant's Motion to Set Aside/Vacate Judgment for Misrepresentation on the served. 10/10/08 - Defendant's Reply to Plaintiffs' Response in Opposition to Motion to Set Aside/Vacate Judgment for Misrepresentation on the served. 10/13/08 - Order (vacating Order Granting Plaintiff's Motion for Partial Summary Judgment (entered 12/7/07)) entered. 10/23/08 - Plaintiffs' Motion for Rehearing and Reconsideration served. 10/31/08 - Memorandum in Opposition to Plaintiffs' Motion for Reconsideration of the Court's Order Vacating the Order Granting Partial Summary Judgment served. 11/12/08 - Order on Plaintiffs' Motion for Rehearing and Reconsideration (denied) entered. 12/23/08 - Order (granting Motion to Continue the Trial) entered. 3/12/09 - Motion for Partial Summary Judgment as to Issue of Whether Lots 3-7 Carry With Them the Statutory Right to Bulkhead and Fill Pursuant to Section 253.15, F.S. (1955) served. 6/3/09 - Defendant's Response and Memorandum in Opposition to Plaintiff's Motion for Partial Summary Judgment served. 6/4/09 - Notice of Withdrawal of Allegations that Lots 8-10 Carry With Them the Statutory Right to Bulkhead and Fill Pursuant to Section 253.15, F.S. (1955), and Voluntary Dismissal of Counts XVI, XIX and XXII of the Amended Complaint served; Motion to Treat Plaintiffs' Pending Motion for Partial Summary Judgment as to Issue of Whether Lots 3-7 Carry With Them the Statutory Right to Bulkhead and Fill Pursuant to Section 253.15, F.S. (1955), as a Motion in Limine in the Alternative served. 6/10/09 - Order on Motion for Partial Summary Judgment (denied) entered. 6/25/09 - Plaintiffs' Motion for Rehearing and Reconsideration served. 7/13/09 - Plaintiffs' Notice of Supplemental Authority on Its Motion for</td>
</tr>
</tbody>
</table>
Rehearing and Reconsideration served.

7/17/09 - Order on Motion for Rehearing and Reconsideration (denied) entered.

1/5/10 - Order Setting Case Management Conference (set for March 12, 2010 @ 10:30 a.m. at Manatee County Judicial Center, Bradenton) entered.

11/3/08 - Summons and Second Amended Complaint for Inverse Condemnation and Continuing Trespass served.

12/4/08 - Defendant, SWFWMD’s Motion to Dismiss and/or Motion to Abate and/or Motion for a More Definite Statement served. 12/11/08 - Amended Answer and Affirmative Defenses of Defendant, City of Lake Wales to Plaintiffs’ Second Amended Complaint served. 12/23/08 - Reply to Affirmative Defenses Asserted by Defendant City of Lake Wales served.

10/26/09 - Polk County's Motion to Dismiss served. 12/4/09 - Amended Notice of Hearing (on DEP's Amended Motion to Dismiss & SWFWMD's Motion to Dismiss and/or Abate and/or Motion for More Definite Statement p set for 12/16/09) served.

2/1/10 - Third Amended Complaint for Inverse Condemnation served.

1/12/09 - Summons, Complaint, Affidavit of Service, Certificate of Service received from Attorney General's office. 1/16/09 - Defendant's (Lowry Park Zoological Society) Motion for Extension of Time to Respond to Plaintiff's Complaint served.

1/20/09 - Defendant SWFWMD's Motion to Dismiss for Insufficiency of Service of Process served. 1/22/09 - Motion for Leave of Court to File Amended Complaint and Amend Style of Case served. 1/26/09 - Defendant's (Lowry Park Zoological Society of Tampa, Inc.) Second Motion for Extension of Time to Respond to Plaintiff's Complaint served. 2/6/09 - Defendant's (Lowry Park Zoological Society, Inc.'s) Answer and Defenses and Counterclaim served. 2/17/09 - (Reynold's) Motion to Dismiss Counter Claim served.

2/4/09 - Summons, Complaint, Request for Admissions, Request to Produce, Interrogatories served. 2/26/09 - Defendant's Answer and Affirmative Defenses served; (SWFWMD's) Motion to Strike served. 6/17/09 - Motion to Enlarge Time Period Barring Service of Proposals for Settlement Pursuant to Rule 1.442 served.

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<tr>
<th>STYLE/CASE NO.</th>
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<th>STATUS (current as of 02/02/10)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proceeding No 09-ap-00506-MGW</td>
<td>10th Judicial Circuit, Polk County/K. Wright</td>
<td>R. Neill/J. Pepper</td>
<td>Agreement</td>
<td>1/26/10 - Settlement Agreement approved by Governing Board.</td>
</tr>
</tbody>
</table>

9/11/09 - Application for Docketing and Assignment of Case filed. 9/22/09 - Order of Taking Hearing Order entered. 10/5/09 - Petition in Eminent Domain filed; Declaration of Taking and Estimate of Value; Notice of Lis Pendet; Motion to Limit Service of Pleadings and Notice of Hearing; Summons to Show Cause and Notice of Hearing Date served. 10/28/09 - (Cox's) Answer and Request for Hearing served; (Benton's) Answer and Request for Hearing served. 11/2/09 - Defendants' (Ancaya) Motion to Continue Order of Taking served; Notice of Hearing (on Defendants' (Ancaya) Motion to Continue Order of Taking - 11/23/09) served. 11/3/09 - Answer of Defendants Perez to the Petition in Eminent Domain served; Request for Hearing on Behalf of Defendants Perez served; Motion to Continue Hearing on the Order of Taking of Defendants Perez served. 11/10/09 - Petitioner's Motion to Enforce Settlement Agreement (Ancaya) served. 11/12/09 - Petitioner's Motion to Amend Declaration of Taking and Estimate of Value in Connection with Parcel Nos. 20-503-229-P, 20-503-215-P, 20-503-217-P and 20-503-163-P served. 11/12/09 - Answer to Petition in Eminent Domain of Defendants Ancaya served. 11/17/09 - Notice of Hearing on Motion to Amend Declaration of Taking and Estimate of Value served. 11/23/09 - Order Limiting Service of Pleadings (as to all Parcels) entered; Petitioner's Reply and Motion to Strike Referenced Affirmative Defenses and Any Associated Denial of Defendant Cox, Benton served; Petitioner's Motion to Dismiss Counterclaim of Defendant, Cox, Benton served; Order Setting Additional Pre-Order of Taking Case Management Conference and Order of Taking Hearing (Perez, Cox, Benton, Ancaya) entered; Order Directing Mediation (Perez, Cox, Benton) entered; Order on Motion to Amend Declaration of Taking and Estimate of Value in Connection with Parcel Nos. 20-503-229-P, 20-503-215-P, 20-503-217-P and 20-503-163-P entered. 11/24/09 - Petitioner's Amended Reply and Motion to Strike Referenced Affirmative Defenses and any Associated Denial of Defendants Benton, Cox served; Amended Declaration of Taking and Estimate of Value in Connection with Parcel No. 20-503-163-P (Perez), Parcel No. 20-503-217-P (Cox), 20-503-215-P (Benton), Parcel No. 20-503-229-P (Ancaya) served. 11/25/09 - Petitioner's Motion to Dismiss Counterclaim of Defendants, Perez served; Petitioner's Reply and Motion to
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</table>
10/30/09 - Order Setting Additional Pre-Order of Taking Case Management Conference (1/12/10) and Order of Taking Hearing (2/22/10) (Crabtree) entered. 11/4/09 - Order Setting Additional Pre-Order of Taking Case Management Conference (1/12/10) and Order of Taking Hearing (1/26/10) (Shea) entered. 1/15/10 - Notice of Rescheduling Deposition Duces Tecum (of S. Blaschka to 1/20/10) (as to Crabtree and Weflen) served. 1/19/10 - Defendants', Crabtree and Weflen, Supplement to Witness List Pursuant to Order Setting Additional Pre-Order of Taking Case Management Conference and Order of Taking Hearing served. 1/28/10 - Notice of Taking Depositions Duces Tecum (of K. Herd and N. Mancuso on 2/3/10 as to Crabtree and Weflen) served. 1/25/10 - Amended Defendant's Motion in Limine and Incorporated Memorandum of Law Prohibiting Evidence of the Shea's Unwilling Purchase of Property Prior to the District's Taking of Their Horse Farm served; Amended Defendant's Motion in Limine and Incorporated Memorandum of Law Prohibiting Admission of Evidence Related to Flooding of the Properties Too Remote in Time to the Taking (Shea) served. 1/26/10 - Order on Case Management Conference (re Shea, Crabtree and Weflen) entered.

9/10/09 - Application for Docketing and Assignment of Case served. 9/22/09 - Order of Taking Hearing Order entered. 10/5/09 - Notice of Lis Pendens filed; Petition in Eminent Domain filed; Declaration of Taking and Estimate of Value; Summons to Show Cause; Notice of Hearing served. 10/23/09 - Petitioner's Witness and Exhibit List served. 11/10/09 - Petitioner's Motion to Amend Petition in Eminent Domain served. 11/12/09 - Petitioner's Motion to Amend Declaration of Taking and Estimate of Value in Connection with Parcel No. 20-503-219-P served. 11/17/09 - Notice of Hearing (on Motions to Amend Declaration of Taking and Estimate of Value and Petition in Eminent Domain - set for 11/23/09) served. 12/3/09 - Second Request for Production served. 12/14/09 - Notice of Appearance (Gufford on behalf of Bank of America re Dyer Parcel) served. 1/8/10 - Notice of Taking Deposition Duces Tecum (Crabtree & Weflen to depose Harry Downing 1/14/10) served. 1/12/10 - Order Granting Petitioner's Motion to Amend Petition in Eminent Domain entered. 1/14/10 - (Bank of America's) Answer to Petition in Eminent Domain served.
SWFWMD v. Pitz, Sharon E., et al./Case No. 2009-CA-010078
10th Judicial Circuit, Polk County/K. Wright
R. Neill/J. Pepper
Petition in Eminent Domain (Parcel 20-503-198-P)
9/10/09- Application for Docketing and Assignment of Case filed.  
10/2/09 - Petition in Eminent Domain filed; Declaration of Taking and Estimate of Value; Notice of Lis Pendens; Summons to Show Cause; Notice of Hearing served. 10/23/09 - Defendants' Pitz and Connolly, Answer and Affirmative Defenses to Petition in Eminent Domain served. 11/6/09 - Petitioner's Reply to Affirmative Defenses of Defendants Pitz and Connolly served.  
1/12/10 - Stipulated Order of Taking as to Parcel 198-P entered.

SWFWMD v. Sutton, Lawrence, et al./Case No. 53-2009-CA-008298
10th Judicial Circuit, Polk County
R. Neill/J. Pepper
Petition in Eminent Domain (Parcel 20-503-220)
7/28//09 - Application for Docketing and Assignment of Case. 
8/17/09 - Amended Eminent Domain Order of Taking Hearing Order entered. 9/2/09 - Notice of Lis Pendens served; Petition in Eminent Domain filed; Declaration of Taking and Estimate of Value in Connection with Parcel No. 20-503-220 served. 9/4/09 - Summons to Show Cause and Notice of Hearing Date issued to all Defendants. 9/16/09 - Polk County's Answer to Petition in Eminent Domain and Motion to Be Dropped as a Party Due to Misjoinder served. 9/28/09 - Defendants' Motion to Continue Order of Taking served; Answer to Petition in Eminent Domain of Defendants Sutton served. 10/30/09 - Order Setting Additional Pre-Order of Taking Case Management Conference (1/12/10) and Order of Taking Hearing (1/26/10) entered. 11/19/09 - Notice of Appearance (of Gufford on behalf of Countrywide Bank and Mortgage Electronic Registration Systems) served; Answer (as to Countrywide Bank and Mortgage Electronic Registration Systems) to Petition in Eminent Domain (as to Sutton parcel) served. 11/24/09 - Defendants' Sutton Notice of Service of Signed Answers to Petitioner's First Interrogatories served. 12/11/09 - Defendants' Sutton Order of Taking Hearing Updated Witness List served. 12/22/09 - Supplement to Petitioner's (Sutton) Witness List and Exhibit List served; Supplement to Petitioner's Witness and Exhibit List served. 1/19/10 - Defendants', Sutton, Supplement to Witness List Pursuant to Order Setting Additional Pre-Order of Taking Case Management Conference and Order of Taking Hearing served. 1/26/10 - Order on Case Management Conference entered.
Trinkaus, Regina v. SWFWMD/Case No. H27CA2007-175 5th Judicial Circuit, Hernando County/D. Merritt, Sr.

T. Gonzalez/L. Tetreault  

Complaint for breach of contract

2/26/07 – Complaint served. 3/16/07 – Defendant’s Motion to Dismiss Plaintiff’s Complaint for Failure to State a Cause of Action, or, Alternatively, Motion for More Definite Statement, and Memorandum of Law served. 6/21/07 - Defendant’s Reply Memorandum served. 10/2/07 - Order (granting SWFWMD’s Motion to Dismiss without prejudice) entered. 10/02/07 - Amended Complaint served. 10/19/07 - Defendant’s Motion to Dismiss Plaintiff’s Amended Complaint for Failure to State a Cause of Action and Memorandum of Law served. 11/26/07 - Plaintiff’s Memorandum in Opposition to Defendant’s Motion to Dismiss the Amended Complaint served. 12/18/07 - Plaintiff’s Counter Motion for Section 57.105 Sanctions and Incorporated Memorandum of Law served. 3/4/08 - Notice of Filing - Motion for Attorney’s Fees and Costs Pursuant to Section 57.105, Florida Status, and Incorporated Memorandum of Law served. 4/15/08 - Notice of Hearing (on our Motion to Dismiss Amended Complaint set for 6/2/08) served. 6/2/08 - Emergency Motion to Continue or in the Alternative Other Relief served. 6/3/08 - Order (granting our Motion to Dismiss Amended Complaint w/o prejudice and granting Plaintiff 15 days from 6/2/08, in which to file Second Amended Complaint) entered. 6/18/08 - Second Amended Complaint served. 7/1/08 - Defendant’s Motion to Dismiss Plaintiff’s Second Amended Complaint for Failure to State a Cause of Action and Incorporated Memorandum of Law served. 9/25/08 - Order to Show Cause entered (giving Trinkaus 10 days to respond to our Motion to Dismiss Second Amended Complaint). 10/27/08 - Defendant’s Reply to Plaintiff’s Memorandum in Opposition to Defendant’s Motion to Dismiss Plaintiff’s Second Amended Complaint served. 11/17/08 - Response to Supplement to Motion to Dismiss served. 12/30/08 - Defendant’s Unopposed Motion for Extension of Time to Respond to Plaintiff’s Second Amended Complaint served. 1/5/09 - Order Granting Defendant’s Unopposed Motion for Extension of Time to Respond to Plaintiff’s Second Amended Complaint entered. 1/7/09 - Defendant’s Answer and Defenses to Plaintiff’s Second Amended Complaint served. 3/4/09 - Order of Referral to General Magistrate entered; Order Scheduling Case Management Conference (set for 4/8/09) entered. 4/3/09 - Defendant’s Case Management Statement served. 4/6/09 - Plaintiff’s Notice of Compliance with Order Scheduling Case Management Conference served. 4/8/09 - Report and Recommendation of General Magistrate served. 4/28/09 - Order Adopting Report of General Magistrate and Granting
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<tbody>
<tr>
<td>13</td>
<td></td>
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<td></td>
<td>Order for Extension of Time entered; Order of Referral to Mediation entered. 5/14/09 - Notice of Scheduled Mediation (set for August 20, 2009 @ 1:30 p.m.) served. 6/3/09 - Motion for Leave to Amend (attaching Third Amended Complaint) served. 6/17/09 - Defendant's Response to Plaintiff's Motion for Leave to Amend served. 7/9/09 - Regina Trinkaus' Reply to Affirmative Defenses served. 9/30/09 - Report and Recommendation of General Magistrate (recommended that Motion for Summary Judgment by filed w/n 30 days and scheduled for hearing; that court enter order confirming the recommendation immediately, if no exceptions filed w/n 10 day period provided by court rules) served. 10/5/09 - Notice of Exceptions to Findings of General Magistrate served. 10/13/09 - Defendant's Response to Plaintiff's Notice of Exceptions to Report and Recommendation of General Magistrate served. 10/29/09 - Defendant's Motion for Summary Judgment served; Defendant's Notice of Filing Materials in Support of its Motion for Summary Judgment served; Notice of Filing Affidavit of Elaine M. Kuligofski served. 11/18/09 - Notice of Hearing on Defendant's Motion for Summary Judgment (set for 1/13/10) served. 1/6/10 - Defendant's Memorandum of Law in Support of Its Motion for Summary Judgment served. 1/11/10 - Notice of Filing (of HRD Employee Relations Guidelines promulgated on 12/1/02) served. 1/13/10 - Order on Plaintiffs' Exceptions to Findings of General Magistrate Geraldine E. Bishop entered. 1/22/10 - Order Granting Defendant's Motion for Summary Judgment and Entering Final Judgment entered.</td>
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</table>
## Rulemaking Update
### February 2010
#### Proposed Rules & Amendments

<table>
<thead>
<tr>
<th>Rule</th>
<th>Initiation Date</th>
<th>Next Scheduled Action</th>
<th>Board Projected/Approved Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>4. 40D-2, 40D-8 and 40D-80 – Amendments to Phase II of Northern Tampa Bay MFL recovery strategy</td>
<td>May 2009</td>
<td>Effective approx Mar 2010</td>
<td>Dec 2009</td>
</tr>
<tr>
<td>7. 40D-4.091– Amend ERP BOR rules regarding mitigation for impacts to wetlands and other surface waters</td>
<td>Jun 2008</td>
<td>TBD</td>
<td>TBD</td>
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<tr>
<td>11. 40D-8.041 – Add minimum flows for estuarine segment (lower) of Shell Creek</td>
<td>NA</td>
<td>TBD</td>
<td>TBD</td>
</tr>
<tr>
<td>12. 40D-8.041 – Establish minimum flows for Manatee River System</td>
<td>NA</td>
<td>TBD</td>
<td>2010</td>
</tr>
<tr>
<td>13. 40D-8.041 – Establish minimum flows for Chassahowitzka</td>
<td>NA</td>
<td>TBD</td>
<td>2010</td>
</tr>
<tr>
<td>15. 40D-8.624 – Add minimum levels for Crews Lake in Pasco County</td>
<td>Nov 2006</td>
<td>TBD</td>
<td>TBD</td>
</tr>
<tr>
<td>17. 40D-21 – Refine water shortage plan based on recent shortages</td>
<td>Sep 2009</td>
<td>TBD</td>
<td>Mar 2010</td>
</tr>
</tbody>
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NA = not applicable  
TBD = to be determined
CHAIR’S REPORT

52. Chair’s Report