Governing Board Meeting

Agenda and Meeting Information

June 29, 2010

9:00 a.m.

District Headquarters
2379 Broad Street • Brooksville, Florida
(352) 796-7211 • 1-800-423-1476
AGENDA

GOVERNING BOARD MEETING

JUNE 29, 2010

9:00 a.m.

避け All meetings are open to the public. 避け

- Viewing of the Board meeting will be available at each of the District offices and through the District’s web site (www.watermatters.org) -- follow directions to use internet streaming.
- Public input will be taken only at the meeting location.
- Public input for issues not listed on the published agenda will be heard shortly after the meeting begins.

Unless specifically stated, scheduled items will not be heard at a time certain.

At the discretion of the Board, items may be taken out of order to accommodate the needs of the Board and the public.

The meeting will recess for lunch at a time to be announced.

The current Governing Board agenda and minutes of previous meetings are on the District’s web site: www.WaterMatters.org

9:00 A.M. CONVENE PUBLIC HEARING AND MEETING (TAB A)

1. Call to Order
2. Pledge of Allegiance and Invocation
3. Additions/Deletions to Agenda
4. District Recognition – Tampa Area Safety Council Fleet and Occupational Safety Contest
5. 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.

**Finance & Administration Committee**
6. Budget Transfer Report
7. Adopt Resolutions to Identify New Slate of Officers for Financial Documents
8. Budget Transfer for Automated Meter Reading Project in the Dover/Plant City Area

**Regulation Committee**
9. Initiate and Approve Rulemaking to Adopt Revised Well Construction Permit Application and Well Completion Report Forms
10. Initiate and Approve Rulemaking to Amend Environmental Resource Permitting Rules to Clarify that Semi-Impervious Surfaces are Included in Requirements Relating to Impervious Surfaces

**Resource Management Committee**
11. Amendment to the Agreement to Transfer Property to Sumter County – Lake Panasoffkee Project, SWF Parcel No. 19-528-146S
12. Reconveyance of Property Interest, Peace River Integrated Model, SWF Parcel No. 20-020-099
16. Authorize Submission of Preliminary Flood Insurance Rate Maps for the Trout Creek Watershed in Pasco County to the Federal Emergency Management Agency
17. Pasco County Reclaimed Water Natural Systems Treatment and Restoration Feasibility Study
18. Peace River Manasota Regional Water Supply Authority Regional Integrated Loop System Phase 3A Interconnect Project – First Amendment
19. Sawgrass Lake Restoration Project
20. South Pinellas County Reclaimed Water Aquifer Storage & Recovery Testing Program – Phase II
21. Hillsborough County and City of Tampa Duck Pond Best Management Practices Implementation Project – Amendment of the Cooperative Funding Agreement
22. Tampa Reclaimed Water-Tampa International Airport Project – Third Amendment
   a. FLM, Inc. Prairie River Ranch - Phase 2 Reservoir - Pump 2 – DeSoto County
   b. Orange-Co, LP - Reservoirs - Phase 1 – DeSoto County
   c. Splendid Blue Farms, LLC, Phase 2 – Sumter County
   d. WFA Land Company, Inc. - Reservoir Project – Manatee County
24. Budget Transfer from the Polk County Southwest Regional Utilities Service Area Reclaimed Water Connection to Tampa Electric Company to the Regional Reclaimed Water Partnership Initiative Phase I

**General Counsel's Report**
25. Consent Order – Surface Water Activity - Wayne Moss and Joseph Gude, Trustee – Hillsborough County
26. Consent Order – Water Use Activity - WUP No. 20008833.004 - Seville, LLC – Hernando County
27. Initiation of Litigation – WUP No. 20010392.005 - Milmack, Inc. (Oakwood Golf Club) – Polk County
28. Initiation of Litigation – Well Construction - License No. 2146 - Luther A. Tullis, Jr. – Hillsborough County
29. Occupancy Agreements – Lake Hancock Lake Level Modification Project
30. Interagency Agreement – South Florida Water Management District and Southwest Florida Water Management District for Designation of Regulatory Responsibility - Santa Rosa Ranch Wetlands Restoration Project – Highlands County
31. Interagency Agreement – South Florida Water Management District and Southwest Florida Water Management District for Designation of Regulatory Responsibility - Rafter T Ranch – Highlands County

**Executive Director's Report**
32. Approve Governing Board May 25, 2010 Meeting Minutes
## FINANCE & ADMINISTRATION COMMITTEE (TAB C)

### Discussion Items
- 33. Consent Item(s) Moved for Discussion
- 34. Fiscal Year 2011 Recommended Annual Service Budget
- 35. Board Travel

### Submit & File Reports
- None

### Routine Reports
- 37. Treasurer's Report, Payment Register, and Contingency Reserves
- 38. Management Services Significant Activities

## REGULATION COMMITTEE (TAB D)

### Discussion Items
- 39. Consent Item(s) Moved for Discussion
- 40. January 2010 Freeze Event Update
- 41. Hydrologic Conditions Status Report
- 42. Consider Water Shortage Order No. SWF 07-02, Modified Phase II Restrictions
- 43. Adopt Order Delegating Authority to Staff for Certain Individual Water Use Permits and all Environmental Resource Permits and Permit Denials; and Initiate and Approve Rulemaking to Amend Rule 40D-1.6051, Florida Administrative Code (F.A.C.), to Make Denial Process for Incomplete Permit Applications Consistent with Proposed Order
- 44. Denials Referred to the Governing Board

### Submit & File Report
- 45. Individual Permits Issued by District Staff
- 46. Lifespan of Water Well Systems

### Routine Reports
- 47. Southern Water Use Caution Area Quantities
- 48. Overpumpage Report
- 49. Resource Regulation Significant Initiatives

## RESOURCE MANAGEMENT COMMITTEE (TAB E)

### Discussion Items
- 50. Consent Item(s) Moved for Discussion
- 51. Construction Management Options for the Lake Hancock Outfall Treatment Project
- 52. Memorandum of Understanding with the City of Crystal River; Option Agreement for Sale and Purchase between the Florida Communities Trust, the District, the City of Crystal River and the Property Owners; Appraisals and Resolution Requesting Funds – Three Sisters Springs, SWF Parcel No. 15-347-123

### Submit & File Reports
- None

### Routine Reports
- 53. Florida Forever Funding
- 54. Minimum Flows and Levels
- 55. Structure Operations
- 57. Significant Water Supply and Resource Development Projects

## OUTREACH & PLANNING COMMITTEE (TAB F)

### Discussion Items
- 58. Consent Item(s) Moved for Discussion
- 59. Withlacoochee Regional Water Supply Authority Regional Framework Overview

### Submit & File Report
- None

### Routine Reports
- 60. Comprehensive Plan Amendment and Related Reviews
- 61. Development of Regional Impact Activity Report
62. Speakers Bureau
63. Significant Activities

**GENERAL COUNSEL’S REPORT (TAB G)**

**Discussion Items**
64. Consent Item(s) Moved for Discussion

**Submit & File Reports** – None

**Routine Reports**
65. Litigation Report
66. Rulemaking Update

**COMMITTEE/LIAISON REPORTS (TAB H)**

67. Agricultural Advisory Committee Meeting
68. Environmental Advisory Committee Meeting
69. Green Industry Advisory Committee Meeting

**EXECUTIVE DIRECTOR’S REPORT (TAB H)**

70. Executive Director’s Report

**CHAIR’S REPORT (TAB H)**

71. Chair’s Report

*** RECESS PUBLIC HEARING ***

**ANNOUNCEMENTS**

- Governing Board Meeting and Hearing Schedule:
  - Meeting – Brooksville ................................................................. July 27, 2010
  - Meeting – Wauchula ................................................................ August 24, 2010
  - Tentative Budget Hearing – Tampa ........................................... September 14, 2010
  - Meeting – Brooksville .............................................................. September 28, 2010
  - Final Budget Hearing – Brooksville ........................................... September 28, 2010

- Peace River Manasota Regional Water Supply Authority
  - Water Conservation Summit – Sarasota ..................................... June 24, 2010

- Basin Board Education Committee Meeting – Tampa ................... July 14, 2010

- Basin Board Land Resources Committee Meeting – Lecanto ............ July 14, 2010

- Basin Board Meeting Schedule:
  - Pinellas-Anclote River – St. Petersburg ..................................... August 4, 2010
  - Alafia River – Tampa ................................................................. August 5, 2010
  - Hillsborough River – Tampa ..................................................... August 5, 2010
  - Peace River – Bartow ................................................................. August 6, 2010
  - Manasota – Sarasota ............................................................... August 11, 2010
  - Coastal Rivers – Brooksville ..................................................... August 12, 2010
  - Withlacoochee River – Brooksville .......................................... August 12, 2010

- Advisory Committee Meeting Schedule:
  - Industrial – Tampa ................................................................. July 20, 2010
  - Public Supply – Tampa ............................................................ July 20, 2010
  - Well Drillers – Tampa .............................................................. July 21, 2010
  - Green Industry – Tampa ......................................................... August 26, 2010
  - Agricultural – Tampa ............................................................. August 26, 2010
  - Environmental – Tampa ......................................................... September 13, 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.
## GOVERNING BOARD OFFICERS, COMMITTEES
### AND LIAISONS

**Effective June 2010**

### OFFICERS

<table>
<thead>
<tr>
<th>Role</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chair</td>
<td>Ronald E. Oakley</td>
</tr>
<tr>
<td>Vice Chair</td>
<td>Hugh M. Gramling</td>
</tr>
<tr>
<td>Secretary</td>
<td>H. Paul Senft</td>
</tr>
<tr>
<td>Treasurer</td>
<td>Douglas B. Tharp</td>
</tr>
</tbody>
</table>

*The full Board serves as the members for each committee.*

### REGULATION COMMITTEE

- Carlos Beruff, Chair
- Todd Pressman, Vice Chair
- Neil Combee, Second Vice Chair

### RESOURCE MANAGEMENT COMMITTEE

- Albert G. Joerger, Chair
- Maritza Rovira-Forino, Vice Chair
- Hugh M. Gramling, Second Vice Chair

### FINANCE AND ADMINISTRATION COMMITTEE

- Douglas B. Tharp, Chair*
- H. Paul Senft, Vice Chair
- Judith C. Whitehead, Second Vice Chair

*Board policy requires the Governing Board treasurer to chair the Finance and Administration Committee.

### OUTREACH AND PLANNING COMMITTEE

- Bryan K. Beswick, Chair
- Jennifer E. Closshey, Vice Chair
- Jeffrey M. Adams, Second Vice Chair

### STANDING COMMITTEE LIAISONS

<table>
<thead>
<tr>
<th>Committee</th>
<th>Liaison</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural Advisory Committee</td>
<td>Bryan K. Beswick</td>
</tr>
<tr>
<td>Environmental Advisory Committee</td>
<td>Jeffrey M. Adams</td>
</tr>
<tr>
<td>Green Industry Advisory Committee</td>
<td>Douglas B. Tharp</td>
</tr>
<tr>
<td>Industrial Supply Advisory Committee</td>
<td>Jennifer E. Closshey</td>
</tr>
<tr>
<td>Public Supply Advisory Committee</td>
<td>H. Paul Senft</td>
</tr>
<tr>
<td>Well Drillers Advisory Committee</td>
<td>Ronald E. Oakley</td>
</tr>
</tbody>
</table>

### OTHER LIAISONS

<table>
<thead>
<tr>
<th>Committee</th>
<th>Liaison</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basin Board Education Committee</td>
<td>Maritza Rovira-Forino</td>
</tr>
<tr>
<td>Basin Board Land Resources Committee</td>
<td>Albert G. Joerger</td>
</tr>
<tr>
<td>Governing Board Diversity Coordinator</td>
<td>Maritza Rovira-Forino</td>
</tr>
<tr>
<td>Environmental Stewardship</td>
<td>Judith C. Whitehead</td>
</tr>
<tr>
<td>Strategic Planning Initiative</td>
<td>Jennifer E. Closshey</td>
</tr>
<tr>
<td>Charlotte Harbor National Estuary Program Policy Board</td>
<td>Bryan K. Beswick</td>
</tr>
<tr>
<td>Sarasota Bay Estuary Program Policy Board</td>
<td>Albert G. Joerger</td>
</tr>
<tr>
<td>Tampa Bay Estuary Program Policy Board</td>
<td>Hugh M. Gramling</td>
</tr>
<tr>
<td>Tampa Bay Regional Planning Council</td>
<td>Todd Pressman, Primary</td>
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<td></td>
<td>Jeffrey M. Adams, Alternate</td>
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6/08/2010
**CONVENE MEETING OF THE GOVERNING BOARD**

**AND PUBLIC HEARING**

### PUBLIC HEARING AND MEETING *(TAB A)*

<p>| | |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>1</td>
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<tr>
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<td>Pledge of Allegiance and Invocation</td>
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<td>Additions/Deletions to Agenda</td>
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<td>District Recognition – Tampa Area Safety Council Fleet and Occupational Safety Contest</td>
</tr>
<tr>
<td>5</td>
<td>Public Input for Issues Not Listed on the Published Agenda</td>
</tr>
</tbody>
</table>
Governing Board Meeting  
June 29, 2010

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
Tampa Area Safety Council Fleet and Occupational Safety Contest

As a member of the Tampa Area Safety Council, the District participates in the Council’s annual safety contests for Fleet Safety and Occupational Safety. Participation allows the District to compare its fleet and work related injury status to other public and private entities in the Tampa Area. These contests are held annually and have an average of 15 participating entities. The entities are assigned a code for reporting on a quarterly basis.

For calendar year 2009, Bartow Service Office won a first place award in Fleet Safety and a third place award in Occupational Safety. Brooksville Headquarters won a third place award in Fleet Safety. Safety Representatives from Bartow and Brooksville were recognized at a Safety Council lunch in May and received a plaque for each contest category.

Fleet Safety is defined as the frequency rate of motor vehicle fleet accidents (any occurrence involving a fleet motor vehicle that results in death, injury or property damage). The Fleet Safety incidence rate is determined by multiplying the number of accidents by 1,000,000 (a number established by the American National Standards Institute) and dividing that product by the total number of miles driven during the reporting period.

Occupational Safety is defined as the incidence rate of total recordable work related injuries (any work-related injury that requires more than first aid and any occupational illness). The Occupational Safety incidence rate is determined by multiplying the number of recordable incidents by 200,000 (a number set by The National Safety Council to represent hours worked per 100 full-time workers a year) and dividing that product by the total number of employee hours worked during the reporting period.

The District has participated in these contests for over 10 years. Bartow Service Office has been recognized as a winner in previous years and for the second consecutive year was recognized as winning in each category.

Staff Recommendation:

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

Presenters: Elaine Kuligofski, Director, Human Resources & Risk Management Department
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

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12. Reconveyance of Property Interest, Peace River Integrated Model, SWF Parcel No. 20-020-099 ................................................................. 52
13. Management Agreement with Polk County for the Marshall Hampton Reserve – SWF Parcel No. 20-503-240X ................................................................. 54
15. Consent and Joinder to Florida Fish and Wildlife Conservation Commission Gopher Tortoise Conservation Easement – Myakka Conservation Area, SWF Parcel No. 21-599-102C ................................................................. 60
16. Authorize Submission of Preliminary Flood Insurance Rate Maps for the Trout Creek Watershed in Pasco County to the Federal Emergency Management Agency .................. 63
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31. Interagency Agreement – South Florida Water Management District and Southwest Florida Water Management District for Designation of Regulatory Responsibility - Rafter T Ranch – Highlands County ...................................................... 102

Executive Director's Report
32. Approve Governing Board May 25, 2010 Meeting Minutes ........................................ 103
Finance and Administration Committee

Budget Transfer Report

Purpose
Request approval of the Budget Transfer Report covering all budget transfers made during the month of May 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

Request approval of the Budget Transfer Report covering all budget transfers for May 2010.

Presenter: Linda R. Pilcher, Assistant Director, Finance Department
## SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

### Budget Transfer Report

May 2010

### Basin Board Approved

#### Alafia River Basin:

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Department / Expenditure Category</th>
<th>Department / Expenditure Category</th>
<th>Reason For Transfer</th>
<th>Transfer Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Resource Data &amp; Restoration Grant - Agriculture</td>
<td>Resource Data &amp; Restoration Grant - Agriculture</td>
<td>Transfer of budgeted funds to the appropriate project code for the Facilitating Agricultural Resource Management Systems (FARMS) Francis White Strawberries project.</td>
<td>$ 45,000</td>
</tr>
</tbody>
</table>

#### Hillsborough River Basin:

<table>
<thead>
<tr>
<th>Item No.</th>
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</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Resource Projects Reserves for WSRD</td>
<td>Resource Projects Grant - Water Conservation</td>
<td>Transfer of funds originally budgeted as Water Supply &amp; Resource Development Reserves. The funds were needed for the Pasco County Reclaimed Water Natural Systems Treatment and Restoration Feasibility Study.</td>
<td>$ 98,382</td>
</tr>
<tr>
<td>3</td>
<td>Resource Data &amp; Restoration Grant - Agriculture</td>
<td>Resource Data &amp; Restoration Grant - Agriculture</td>
<td>Transfer of budgeted funds to the appropriate project code for the FARMS Carl Little project.</td>
<td>$ 2,750</td>
</tr>
</tbody>
</table>

#### Peace River Basin:

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Department / Expenditure Category</th>
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<th>Reason For Transfer</th>
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<tbody>
<tr>
<td>4</td>
<td>Resource Data &amp; Restoration Grant - Agriculture</td>
<td>Resource Data &amp; Restoration Grant - Agriculture</td>
<td>Transfer of budgeted funds to the appropriate project code for the FARMS Orange Co., LP Bermont Grove project.</td>
<td>$ 22,436</td>
</tr>
<tr>
<td>5</td>
<td>Resource Data &amp; Restoration Grant - Agriculture</td>
<td>Resource Data &amp; Restoration Grant - Agriculture</td>
<td>Transfer of budgeted funds to the appropriate project code for the FARMS Ben Hill Griffin, Inc. - Weather Station project.</td>
<td>$ 1,092</td>
</tr>
</tbody>
</table>

### Executive Director Approved

#### General Fund:

<table>
<thead>
<tr>
<th>Item No.</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Information Resources Regular Salaries and Wages</td>
<td>Information Resources Other Contractual Services</td>
<td>Transfer of salary funds available due to vacancies. The funds were needed to extend contract for an Oracle Database Administrator for continued support of database administration activities.</td>
<td>$ 49,725</td>
</tr>
<tr>
<td>2</td>
<td>Strategic Program Office Consultant Services</td>
<td>Strategic Program Office Consultant Services</td>
<td>Transfer of funds originally budgeted for WUP support. Expenditures were less than anticipated. The funds were needed to upgrade and maintain the Districtwide Regulation Model.</td>
<td>$ 20,250</td>
</tr>
<tr>
<td>3</td>
<td>Sarasota Regulation Travel - Training</td>
<td>Sarasota Regulation Travel - Staff Duties</td>
<td>Transfer of funds originally budgeted for travel associated with training. Expenditures were less than anticipated. The funds were needed for travel associated with staff duties for the Regional AG Team.</td>
<td>$ 2,100</td>
</tr>
<tr>
<td>4</td>
<td>Strategic Program Office Consultant Services</td>
<td>Strategic Program Office Consultant Services</td>
<td>Transfer of funds originally budgeted for WUP support. Expenditures were less than anticipated. The funds were needed to upgrade and maintain the Districtwide Regulation Model.</td>
<td>$ 14,500</td>
</tr>
<tr>
<td>5</td>
<td>General Services Maint/Repair Bldgs Structures</td>
<td>General Services Equipment - Outside</td>
<td>Transfer of funds originally budgeted for outside assistance in preparation of analyses for assessment of water level recovery in the Northern Tampa Bay (NTB) area. The funds were needed for consultant to perform wetland assessment procedures on 33 selected wetlands in the NTB area.</td>
<td>$ 10,000</td>
</tr>
</tbody>
</table>

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Total Basin Board Approved: $ 169,660
## SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

### Budget Transfer Report

#### May 2010

<table>
<thead>
<tr>
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<tbody>
<tr>
<td></td>
<td>--- TRANSFERRED FROM ---</td>
<td>--- TRANSFERRED TO ---</td>
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<tr>
<td></td>
<td>Hillsborough River Basin:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Resource Projects Grant - Financial Assistance</td>
<td>Resource Projects Consultant Services</td>
<td>Transfer of funds originally budgeted for implementation of water quality BMPs for the Spanishtown Creek project. The project was cancelled by the City of Tampa. The funds were needed for outside assistance to meet Florida Department of Environmental Protection requirements for assessing water quality at the Tampa Bypass Canal / Palm River Landfill Site.</td>
<td>50,000</td>
</tr>
<tr>
<td>1</td>
<td>Strategic Program Office Contracted Construction</td>
<td>Strategic Program Office Contracted Construction</td>
<td>Transfer of budgeted funds to the appropriate project code for the Mobbly Bayou Wilderness Preserve Florida Department of Transportation Mitigation project.</td>
<td>100,000</td>
</tr>
<tr>
<td>2</td>
<td>Human Resources &amp; Risk Mgmt Insurance and Bonds Operations Regular Salaries and Wages Parts and Supplies</td>
<td>Operations Regular Salaries and Wages Parts and Supplies</td>
<td>Transfer of budgeted funds to the appropriate department and expenditure categories for the repair of damaged concrete curbing.</td>
<td>963</td>
</tr>
<tr>
<td>3</td>
<td>Resource Projects Well Construction</td>
<td>Resource Data &amp; Restoration Well Construction</td>
<td>Transfer of budgeted funds to the appropriate department for the construction of monitor wells as part of a three-year effort to expand the District's wetlands monitoring network.</td>
<td>152,356</td>
</tr>
<tr>
<td>4</td>
<td>Resource Projects Land Purchases &amp; Awards</td>
<td>Land Resources</td>
<td>Transfer of budgeted funds to the appropriate department and expenditure categories for site acquisition for the construction of monitor wells as part of a three-year effort to expand the District's wetlands monitoring network.</td>
<td>270,000</td>
</tr>
<tr>
<td></td>
<td>Resource Data &amp; Restoration Consultant Services</td>
<td>Land Resources</td>
<td>Transfer of budgeted funds to the appropriate department for site acquisition for new Regional Observation and Monitoring Program sites and to preserve existing sites necessary to conduct a Districtwide network of groundwater monitoring wells.</td>
<td>39,089</td>
</tr>
<tr>
<td>6</td>
<td>Resource Projects Consultant Services</td>
<td>General Services Other Contractual Services</td>
<td>Transfer of budgeted funds to the appropriate department and expenditure category for imaging of Environmental Resource Permit data for the Maintenance of Watershed Parameters and Models project.</td>
<td>11,000</td>
</tr>
</tbody>
</table>

### Total Executive Director Approved $156,575

### Total Finance Director Approved $573,408

### Total Transfers for Governing Board Approval $899,643

---

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 made 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.
Finance and Administration Committee

**Adopt Resolutions to Identify New Slate of Officers for Financial Documents**

**Purpose**
Request that the Governing Board adopt Resolution 10-10 and the SunTrust Deposit Account Resolutions to authorize the new slate of officers and identify signing requirements for all checks issued for the payment of funds drawn in the name of the District.

**Background**
The Governing Board holds its annual election of officers at their May meeting. Following the election, a resolution must be adopted to give the new slate of officers the authority to sign and countersign all District warrants or checks. The District’s financial institution, SunTrust, also requires adoption of their *Deposit Account Resolution and Authorization for Business Entities* documents with signature cards for the District’s established accounts.

**Staff Recommendation:**

1. Adopt Resolution No. 10-10 authorizing the signatures of the newly elected officers of the Governing Board of the District and the use of facsimile or manual signatures on all warrants or checks of the District.
2. Adopt the *SunTrust Deposit Account Resolution and Authorization for Business Entities* documents to identify the new slate of officers and authorized signers on existing accounts.

**Presenter:** Daryl F. Pokrana, Director, Finance Department
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

RESOLUTION NO. 10-10

AUTHORIZING THE SIGNATURES OF OFFICERS OF THE GOVERNING BOARD
OF THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
AND THE USE OF FACSIMILE OR MANUAL SIGNATURES
ON ALL WARRANTS OR CHECKS OF THE DISTRICT

WHEREAS, the Southwest Florida Water Management District is a public corporation organized and existing under the laws of the State of Florida; and

WHEREAS, Section 373.553, Florida Statutes, requires District funds to be disbursed by check or warrant signed by the Treasurer or Assistant Treasurer and countersigned by the Chair or Vice Chair of the Governing Board to effect payment of money in the name of the Southwest Florida Water Management District.

NOW THEREFORE, BE IT RESOLVED, by the Governing Board of the Southwest Florida Water Management District that, effective June 29, 2010, the following officers of the Governing Board shall have the authority, pursuant to Section 373.553, F.S., to sign all warrants or checks of the District:

________________________________________, Treasurer and Assistant Secretary SIGNS
Douglas B. Tharp

________________________________________, Secretary and Assistant Treasurer SIGNS
H. Paul Senft, Jr.

________________________________________, Chair COUNTERSIGNS
Ronald E. Oakley

________________________________________, Vice Chair COUNTERSIGNS
Hugh M. Gramling

BE IT FURTHER RESOLVED that the Governing Board of the Southwest Florida Water Management District hereby authorizes the use of either facsimile or manual signatures of the officers designated above for all warrants or checks of the District; and

BE IT FURTHER RESOLVED that the Secretary of the Governing Board of the Southwest Florida Water Management District is hereby authorized and directed to deliver to the designated depositories of the District, specimens of the facsimile and manual signatures as described above.

APPROVED AND ADOPTED this 29th day of June, 2010, by the Governing Board of the Southwest Florida Water Management District.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

SEAL

By: ________________________________
Ronald E. Oakley, Chair

Attest:

H. Paul Senft, Jr., Secretary
### I. Business Entity Account Information

<table>
<thead>
<tr>
<th>Name</th>
<th>Taxpayer Identification Number</th>
<th>Date Resolution and Authorization Adopted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Southwest Florida Water Management District</td>
<td>59-0965067</td>
<td>6/29/10</td>
</tr>
<tr>
<td><strong>Account Number(s)</strong></td>
<td><strong>(3 District Accounts)</strong></td>
<td></td>
</tr>
</tbody>
</table>

The undersigned in Section IX or X hereby certify to SunTrust Bank (“Bank”) that the above named Business Entity is organized and existing under the laws of the **State of Florida** and has been registered in the manner prescribed by law and is currently in full compliance with all requirements relating to its organization and continued existence under applicable law.

These resolutions and authorizations apply to the above referenced deposit account(s) (hereinafter “Account”) currently open with the Bank and any additional Accounts opened in the future in the name of the Business Entity. For purposes of this resolution and authorization, Accounts will include any certificates of deposit in the name of the Business Entity. These resolutions and authorizations shall remain in full force and effect until written notice in a form acceptable to the Bank of their rescission or modification certified by the appropriate authorized individual(s) applicable to the Business Entity has been received by Bank and the Bank has had a reasonable time to act on said change. Receipt of such notice shall not affect any action taken by Bank prior thereto and Bank shall be held harmless from any claims, demands, expenses, loss, or damage resulting from, or growing out of, honoring the acts or instructions of any individual so certified or authorized in these resolutions to sign by delegation of authority in accordance herewith or refusing to honor any signature not so certified or authorized.

### II. Authority to sign, act, give instructions, access information, use Bank’s services, perform transactions, enter into agreements and delegate authority on behalf of Business Entity

Resolved, that Bank be and is hereby designated a depository for the Business Entity; that any one of the individuals or entities named in Section III below is an “Authorized Signer” and is authorized to act, give instructions, access information, use Bank’s services, and perform transactions on behalf of Business Entity with respect to any Accounts of Business Entity with Bank or services provided to Business Entity by the Bank, to enter into on behalf of the Business Entity any of Bank’s agreements including checking, savings, certificates of deposit, wire or electronic funds transfer, night deposit, cash management, or other treasury management services agreements and to delegate to any other individual or entity his or her authority to act, give instructions, access information, use Bank’s services, perform transactions, and enter into agreements on behalf of the Business Entity, including agreements that delegate his or her authority to other individuals or entities with respect to the Business Entity’s Accounts or Bank’s services; that the Business Entity shall be bound by the terms and conditions of all such agreements and Bank’s Rules and Regulations for Deposit Accounts related thereto, all as now existing or as amended from time to time; and that any Authorized Signer named in Section III, is authorized on behalf of this Business Entity to sign and to endorse for deposit, negotiation or collection, any and all checks, drafts, certificates of deposit, savings certificates, items or other instruments or written orders for the payment of money payable by or to the order of this Business Entity. Signatures and endorsements, if any, may be in writing, by stamp, or otherwise affixed, with or without designation or signature of the person so endorsing, it being understood that all prior endorsements on such items are guaranteed by this Business Entity, regardless of the lack of an express guarantee in the endorsement of this Business Entity.

Further Resolved, Bank is hereby directed to honor, pay and charge to the Accounts of this Business Entity, without inquiry as to the circumstances of the issuance or application of the proceeds of, any checks, drafts, items or other written orders on any of this Business Entity’s Accounts with Bank, whether payable to, endorsed or negotiated by or for the credit of any person signing the same or any other of the Authorized Signers named in Section III when signed by any of the Authorized Signers named in Section III.

### III. Officers/Owner/General Partners/Members/Managers/Governors authorized to act, give instructions, access information, use Bank’s services, perform transactions, enter into agreements, and delegate authority on behalf of the Business Entity

The full name, title, and signature of each person authorized to act, give instructions, access information, use Bank’s services, perform transactions, enter into agreements, and delegate his or her authority on behalf of the Business Entity as described in the resolutions set forth in this document is immediately below. [Instruction: If the General Partner, Member or Manager is also an entity (e.g., a corporation, LLC, or partnership), the name of the entity is entered in the column headed “Name”, applicable title of General Partner, Member or Manager is entered in the column headed “Title”, and the name of the individual signing on behalf of that entity and individual’s title or position are entered in the column headed “Signature” and the individual signs directly underneath his/her name and title. The individual must provide a resolution on that entity reflecting the individual’s authority.]

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
<th>Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ronald E. Oakley</td>
<td>Chair</td>
<td></td>
</tr>
<tr>
<td>Hugh M. Gramling</td>
<td>Vice Chair</td>
<td></td>
</tr>
<tr>
<td>H. Paul Senft, Jr.</td>
<td>Secretary</td>
<td></td>
</tr>
<tr>
<td>Douglas B. Tharp</td>
<td>Treasurer</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>User ID</td>
<td>Account Number</td>
<td>(3 District Accounts)</td>
</tr>
</tbody>
</table>

316617 (2/07) SunTrust Corporate Forms
IV. Facsimile Signatures  (Complete this section only if machine or facsimile stamped signatures are to be used on items.)
Further Resolved, that Bank is hereby requested, authorized and directed to honor any check, draft, item or other written order on any of this Business Entity’s Accounts with Bank when bearing or purporting to bear the following authorized machine or facsimile signature of any of the above named individuals whose signatures are reproduced below, regardless of by whom or by what means the actual or purported machine or facsimile signatures may have been affixed. The Business Entity shall indemnify and hold the Bank harmless from any and all claims, expenses, losses, damages and costs, including attorneys’ fees, resulting from, or growing out of the Bank’s honoring the facsimile signature of any of the following individuals, its refusal to honor any facsimile signature of an individual not named below, or resulting from the unauthorized use of the instrument used to provide the facsimile signatures by persons other than authorized individuals.

<table>
<thead>
<tr>
<th>Name of Authorized Signer Listed in Section III</th>
<th>Machine or Facsimile Stamped Signature of Authorized Signer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Douglas B. Tharp</td>
<td></td>
</tr>
<tr>
<td>Ronald E. Oakley</td>
<td></td>
</tr>
</tbody>
</table>

V. Additional Signatories on Business Entity’s Accounts
Further resolved, the following individual(s) are authorized as additional signatories only to sign and to endorse for deposit or collection any checks, drafts, or other instruments or written orders for the payment of money payable to the order of the Business Entity and to sign checks, drafts, items or other written orders, and initiate wire or funds transfers and execute Bank’s Funds Transfer Authorization wire request and disclosure form on any of the Business Entity’s Accounts with Bank. [Instruction: If an additional signatory is not authorized to sign on all Accounts, specify the Account Number applicable to the signatory as indicated below.] Refer to the Signature Card(s) on the Account(s) for signatures of the Additional Signatories.

<table>
<thead>
<tr>
<th>Additional Signatory’s Name</th>
<th>Position with Entity</th>
<th>Specific Deposit Account Number(s) Applicable to Signatory</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>(Complete only if signatory is not authorized on all accounts)</td>
</tr>
</tbody>
</table>

VI. Qualification Certification for Public Fund, Organization, Political Organization, Homeowners and Condominium Owners Association or Corporation Not Operated for Profit to earn interest on a checking account (NOW Account)
Mark this section with an “X” only if Business Entity is eligible to earn interest on a checking account.

I/We further certify that the above named Business Entity is eligible to earn interest on a checking account (referred to as a Negotiable Order of Withdrawal or NOW Account) in compliance with Regulation D of the Federal Reserve Act (12CFR 204) as a Public Fund or a Non-Profit Organization that is operated primarily for Religious, Philanthropic, Charitable, Educational, Political or other similar purposes under one of the following sections: Organization – Section 501 (C) (3) through (13), and (19) of the Internal Revenue Code (26 USC (IRC 1954) 501 (C) (3) – (13) and (19). Political Organization – Section 527 of the Internal Revenue Code (26 USC (IRC 1954) 527). Homeowners and Condominium Owners Associations – Section 528 of the Internal Revenue Code (26 USC (IRC 1954) 528).

VII. Power to Act
The undersigned certifies that there are no limits to the undersigned’s powers to adopt this Authorization and to attest that the resolutions stated herein are accurate and that this Deposit Account Resolution and Authorization is in conformity with the provisions of the organizational instruments, which include the Business Entity’s charter, bylaws, operating agreement, partnership agreement, shareholders’ agreement or similar agreements by which the Business Entity or the undersigned party may be bound and does not violate the provisions thereof.

VIII. Prior Acts
All previous acts of or on behalf of the Business Entity as provided for above are hereby approved and ratified.

IX. Certification – Corporation or Professional Corporation
I, the undersigned, hereby certify to Bank that the above is a true copy of resolutions and authorizations of said Business Entity and that such resolutions and authorizations are in full force and effect and have not been amended or rescinded.

In witness whereof, I have hereunto subscribed my name and affixed the seal of the Corporation this ______ day of ______.

(Affix Seal here, if available)

Authorized Signature

This section not applicable

Name and Title of President, Secretary, Assistant Secretary or Other Officer as designated in the Corporation’s Bylaws

User ID  U  Account Number  (3 District Accounts)
X. Certification - Limited Liability Company, Partnership, Public Fund, Sole Proprietorship, Unincorporated Organization or Association, or Other Entity

I/We, the undersigned, hereby certify to Bank that the above is a true copy of resolutions and authorizations of said Business Entity and that such resolutions are in full force and effect and have not been amended or rescinded. [Instruction: If the General Partner, Member or Manager is also an entity (e.g., a corporation, LLC, or partnership), the name of the entity and the word “By” are entered in the column headed “Signature”; the individual signing on behalf of that entity signs directly below the name of the entity; and the name of the individual and individual’s title or position are entered in the column headed “Title”. The individual must provide a resolution on that entity reflecting the individual’s authority.]

<table>
<thead>
<tr>
<th>Signature</th>
<th>Name and Title</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Ronald E. Oakley, Chair</td>
<td>6/29/10</td>
</tr>
<tr>
<td></td>
<td>Hugh M. Gramling, Vice Chair</td>
<td>6/29/10</td>
</tr>
<tr>
<td></td>
<td>H. Paul Senft, Jr., Secretary</td>
<td>6/29/10</td>
</tr>
<tr>
<td></td>
<td>Douglas B. Tharp, Treasurer</td>
<td>6/29/10</td>
</tr>
</tbody>
</table>

Signature Requirement instructions:

The following signatures are required to complete and certify the Deposit Account Resolution and Authorization to be correct:

- Corporations: Corporate Officers authorized to act on behalf of the corporation named in Section III should include the President and Secretary and any other applicable corporate officers, such as Vice President or Treasurer. The President, Secretary, Assistant Secretary, or other corporate officer as designated in the bylaws of the corporation is required to certify the Deposit Account Resolution and Authorization under Section IX.

- Limited Liability Companies: Section III and X require the signatures of all members/managers/board members, unless the Operating Agreement authorizes one or more members/managers/board members to conduct banking business, in which case the signatures of all such authorized members/managers/board members are sufficient.

- Public Fund Entities: Section III requires the signatures of individuals authorized to sign on behalf of the Public Fund Entity as designated by the governing unit, e.g., Board of County Commissioners, Mayor, Secretary of State, etc. The individual(s) authorized to represent the governing unit is required to certify the Deposit Account Resolution and Authorization under Section X.

- Partnerships: Section III and X require the signatures of all General Partners, unless the Partnership Agreement designates one or more partners to conduct banking business and perform banking transactions. In such cases, the designated general partner(s) are named in Section III as the General Partners authorized to act on behalf of the entity and these same General Partners will certify the Deposit Account Resolution and Authorization under Section X.

- Sole Proprietorships: Section III and X require the signature of the proprietor (owner) or in the case of a spousal proprietorship, the signatures of the husband and wife who own the Business Entity.

- Unincorporated Organizations or Associations: Section III requires the signatures of the Officers or Positions designated in the Organization or Association’s bylaws or charter as authorized to act on behalf of the organization or association. The President or Secretary of the organization or association (or other individual designated to do so) is required to certify the Deposit Account Resolution and Authorization under Section X.

Bank Use Only

<table>
<thead>
<tr>
<th>Prepared By</th>
<th>Karyn Graham</th>
</tr>
</thead>
<tbody>
<tr>
<td>Center Name</td>
<td>I&amp;G</td>
</tr>
<tr>
<td>Account Number(s)</td>
<td>(3 District Accounts)</td>
</tr>
</tbody>
</table>

| Phone Number | 813-224-2183 |
| Center Number | 6560250 |
| Verification Method | Board resolution |

User ID U Account Number (3 District Accounts)
The undersigned in Section IX or X hereby certify to SunTrust Bank (“Bank”) that the above named Business Entity is organized and existing under the laws of the State of Florida and has been registered in the manner prescribed by law and is currently in full compliance with all requirements relating to its organization and continued existence under applicable law.

These resolutions and authorizations apply to the above referenced deposit account(s) (hereinafter “Account”) currently open with the Bank and any additional Accounts opened in the future in the name of the Business Entity. For purposes of this resolution and authorization, Accounts will include any certificates of deposit in the name of the Business Entity. These resolutions and authorizations shall remain in full force and effect until written notice in a form acceptable to the Bank of their rescission or modification certified by the appropriate authorized individual(s) applicable to the Business Entity has been received by Bank and the Bank has had a reasonable time to act on said change. Receipt of such notice shall not affect any action taken by Bank prior thereto and Bank shall be held harmless from any claims, demands, expenses, loss, or damage resulting from, or growing out of, honoring the acts or instructions of any individual so certified or authorized in these resolutions to sign by delegation of authority in accordance herewith or refusing to honor any signature not so certified or authorized.

II. Authority to sign, act, give instructions, access information, use Bank’s services, perform transactions, enter into agreements and delegate authority on behalf of Business Entity

Resolved, that Bank be and is hereby designated a depository for the Business Entity; that any one of the individuals or entities named in Section III below is an “Authorized Signer” and is authorized to act, give instructions, access information, use Bank’s services, and perform transactions on behalf of Business Entity with respect to any Accounts of Business Entity with Bank or services provided to Business Entity by the Bank, to enter into on behalf of the Business Entity any of Bank’s agreements including checking, savings, certificates of deposit, wire or electronic funds transfer, night deposit, cash management, or other treasury management services agreements and to delegate to any other individual or entity his or her authority to act, give instructions, access information, use Bank’s services, perform transactions, and enter into agreements on behalf of the Business Entity, including agreements that delegate his or her authority to other individuals or entities with respect to the Business Entity’s Accounts or Bank’s services; that the Business Entity shall be bound by the terms and conditions of all such agreements and Bank’s Rules and Regulations for Deposit Accounts related thereto, all as now existing or as amended from time to time; and that any Authorized Signer named in Section III, is authorized on behalf of this Business Entity to sign and to endorse for deposit, negotiation or collection, any and all checks, drafts, certificates of deposit, savings certificates, items or other instruments or written orders for the payment of money payable by or to the order of this Business Entity. Signatures and endorsements, if any, may be in writing, by stamp, or otherwise affixed, with or without designation or signature of the person so endorsing, it being understood that all prior endorsements on such items are guaranteed by this Business Entity, regardless of the lack of an express guarantee in the endorsement of this Business Entity.

Further Resolved, Bank is hereby directed to honor, pay and charge to the Accounts of this Business Entity, without inquiry as to the circumstances of the issuance or application of the proceeds of, any checks, drafts, items or other written orders on any of this Business Entity’s Accounts with Bank, whether payable to, endorsed or negotiated by or for the credit of any person signing the same or any other of the Authorized Signers named in Section III when signed by any of the Authorized Signers named in Section III.

III. Officers/Owner/General Partners/Members/Managers/Governors authorized to act, give instructions, access information, use Bank’s services, perform transactions, enter into agreements, and delegate authority on behalf of the Business Entity

The full name, title, and signature of each person authorized to act, give instructions, access information, use Bank’s services, perform transactions, enter into agreements, and delegate his or her authority on behalf of the Business Entity as described in the resolutions set forth in this document is immediately below. [Instruction: If the General Partner, Member or Manager is also an entity (e.g., a corporation, LLC, or partnership), the name of the entity is entered in the column headed “Name”, applicable title of General Partner, Member or Manager is entered in the column headed “Title”, and the name of the individual signing on behalf of that entity and individual’s title or position are entered in the column headed “Signature” and the individual signs directly underneath his/her name and title. The individual must provide a resolution on that entity reflecting the individual’s authority.]

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
<th>Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ronald E. Oakley</td>
<td>Chair</td>
<td></td>
</tr>
<tr>
<td>Hugh M. Gramling</td>
<td>Vice Chair</td>
<td></td>
</tr>
<tr>
<td>H. Paul Senft, Jr.</td>
<td>Secretary</td>
<td></td>
</tr>
<tr>
<td>Douglas B. Tharp</td>
<td>Treasurer</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>User ID</th>
<th>Account Number</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>U</td>
<td>(Flexible Benefit Account)</td>
<td></td>
</tr>
</tbody>
</table>
IV. Facsimile Signatures  
(Complete this section only if machine or facsimile stamped signatures are to be used on items.)

Further Resolved, that Bank is hereby requested, authorized and directed to honor any check, draft, item or other written order on any of this Business Entity’s Accounts with Bank when bearing or purporting to bear the following authorized machine or facsimile signature of any of the above named individuals whose signatures are reproduced below, regardless of by whom or by what means the actual or purported machine or facsimile signatures may have been affixed. The Business Entity shall indemnify and hold the Bank harmless from any and all claims, expenses, losses, damages and costs, including attorneys’ fees, resulting from, or growing out of the Bank’s honoring the facsimile signature of any of the following individuals, its refusal to honor any facsimile signature of an individual not named below, or resulting from the unauthorized use of the instrument used to provide the facsimile signatures by persons other than authorized individuals.

Name of Authorized Signer Listed in Section III  

<table>
<thead>
<tr>
<th>Name of Authorized Signer Listed in Section III</th>
<th>Machine or Facsimile Stamped Signature of Authorized Signer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Steven Syrkin</td>
<td></td>
</tr>
</tbody>
</table>

V. Additional Signatories on Business Entity’s Accounts

Further resolved, the following individual(s) are authorized as additional signatories only to sign and to endorse for deposit or collection any checks, drafts, or other instruments or written orders for the payment of money payable to the order of the Business Entity and to sign checks, drafts, items or other written orders, and initiate wire or funds transfers and execute Bank’s Funds Transfer Authorization wire request and disclosure form on any of the Business Entity’s Accounts with Bank. [Instruction: If an additional signatory is not authorized to sign on all Accounts, specify the Account Number applicable to the signatory as indicated below.] Refer to the Signature Card(s) on the Account(s) for signatures of the Additional Signatories.

<table>
<thead>
<tr>
<th>Additional Signatory’s Name</th>
<th>Position with Entity</th>
<th>Specific Deposit Account Number(s) Applicable to Signatory</th>
</tr>
</thead>
<tbody>
<tr>
<td>Steven Syrkin</td>
<td>3rd Party Administrator- Flexible Benefit Account</td>
<td>(Flexible Benefit Account) ONLY</td>
</tr>
</tbody>
</table>

VI. Qualification Certification for Public Fund, Organization, Political Organization, Homeowners and Condominium Owners Association or Corporation Not Operated for Profit to earn interest on a checking account (NOW Account)

Mark this section with an “X” only if Business Entity is eligible to earn interest on a checking account.

☐ I/We further certify that the above named Business Entity is eligible to earn interest on a checking account (referred to as a Negotiable Order of Withdrawal or NOW Account) in compliance with Regulation D of the Federal Reserve Act (12CFR 204) as a Public Fund or a Non-Profit Organization that is operated primarily for Religious, Philanthropic, Charitable, Educational, Political or other similar purposes under one of the following sections: Organization – Section 501 (C) (3) through (13), and (19) of the Internal Revenue Code (26 USC (IRC 1954) 501 (C) (3) – (13) and (19). Political Organization – Section 527 of the Internal Revenue Code (26 USC (IRC 1954) 527). Homeowners and Condominium Owners Associations – Section 528 of the Internal Revenue Code (26 USC (IRC 1954) 528).

VII. Power to Act

The undersigned certifies that there are no limits to the undersigned’s powers to adopt this Authorization and to attest that the resolutions stated herein are accurate and that this Deposit Account Resolution and Authorization is in conformity with the provisions of the organizational instruments, which include the Business Entity’s charter, bylaws, operating agreement, partnership agreement, shareholders’ agreement or similar agreements by which the Business Entity or the undersigned party may be bound and does not violate the provisions thereof.

VIII. Prior Acts

All previous acts of or on behalf of the Business Entity as provided for above are hereby approved and ratified.

IX. Certification – Corporation or Professional Corporation

I, the undersigned, hereby certify to Bank that the above is a true copy of resolutions and authorizations of said Business Entity and that such resolutions and authorizations are in full force and effect and have not been amended or rescinded.

In witness whereof, I have hereunto subscribed my name and affixed the seal of the Corporation this ____ day of _____. _____.

(Affix Seal here, if available)

Authorized Signature

This section not applicable

Name and Title of President, Secretary, Assistant Secretary or Other Officer as designated in the Corporation’s Bylaws

User ID  

Account Number  

(Flexible Benefit Account)
X. Certification - Limited Liability Company, Partnership, Public Fund, Sole Proprietorship, Unincorporated Organization or Association, or Other Entity

I/We, the undersigned, hereby certify to Bank that the above is a true copy of resolutions and authorizations of said Business Entity and that such resolutions are in full force and effect and have not been amended or rescinded. [Instruction: If the General Partner, Member or Manager is also an entity (e.g., a corporation, LLC, or partnership), the name of the entity and the word “By” are entered in the column headed “Signature”; the individual signing on behalf of that entity signs directly below the name of the entity; and the name of the individual and individual’s title or position are entered in the column headed “Title”. The individual must provide a resolution on that entity reflecting the individual’s authority.]

<table>
<thead>
<tr>
<th>Signature</th>
<th>Name and Title</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Ronald E. Oakley, Chair</td>
<td>6/29/10</td>
</tr>
<tr>
<td></td>
<td>Hugh M. Gramling, Vice Chair</td>
<td>6/29/10</td>
</tr>
<tr>
<td></td>
<td>H. Paul Senft, Jr., Secretary</td>
<td>6/29/10</td>
</tr>
<tr>
<td></td>
<td>Douglas B. Tharp, Treasurer</td>
<td>6/29/10</td>
</tr>
</tbody>
</table>

Signature Requirement instructions:

The following signatures are required to complete and certify the Deposit Account Resolution and Authorization to be correct:

- Corporations: Corporate Officers authorized to act on behalf of the corporation named in Section III should include the President and Secretary and any other applicable corporate officers, such as Vice President or Treasurer. The President, Secretary, Assistant Secretary, or other corporate officer as designated in the bylaws of the corporation is required to certify the Deposit Account Resolution and Authorization under Section IX.

- Limited Liability Companies: Section III and X require the signatures of all members/managers/board members, unless the Operating Agreement authorizes one or more members/managers/board members to conduct banking business, in which case the signatures of all such authorized members/managers/board members are sufficient.

- Public Fund Entities: Section III requires the signatures of individuals authorized to sign on behalf of the Public Fund Entity as designated by the governing unit, e.g., Board of County Commissioners, Mayor, Secretary of State, etc. The individual(s) authorized to represent the governing unit is required to certify the Deposit Account Resolution and Authorization under Section X.

- Partnerships: Section III and X require the signatures of all General Partners, unless the Partnership Agreement designates one or more partners to conduct banking business and perform banking transactions. In such cases, the designated general partner(s) are named in Section III as the General Partners authorized to act on behalf of the entity and these same General Partners will certify the Deposit Account Resolution and Authorization under Section X.

- Sole Proprietorships: Section III and X require the signature of the proprietor (owner) or in the case of a spousal proprietorship, the signatures of the husband and wife who own the Business Entity.

- Unincorporated Organizations or Associations: Section III requires the signatures of the Officers or Positions designated in the Organization or Association’s bylaws or charter as authorized to act on behalf of the organization or association. The President or Secretary of the organization or association (or other individual designated to do so) is required to certify the Deposit Account Resolution and Authorization under Section X.
Consent Agenda
June 29, 2010

Finance and Administration Committee

Budget Transfer for Automatic Meter Reading Project in the Dover/Plant City Area

Purpose
To request a budget transfer of $166,000 from the District General Fund fiscal year (FY) 2010 Reserves for Contingencies to improve the monitoring of groundwater levels and permit-related pumpage in the Dover/Plant City area.

- $116,000 is requested to acquire property on which to construct three well sites to enhance the monitor well coverage in the Dover/Plant City area. The additional well sites will allow the District to more accurately track the cone of depression associated with withdrawals during crop establishment and frost-freeze events.
- $50,000 is requested to support the expansion of the Automatic Meter Reading (AMR) Pilot Project into the Dover/Plant City area. AMRs collect real-time daily water use information that can be used by the District to evaluate water use and water resource impacts. The transfer of the funds at this time will provide an opportunity to instrument many of the metered withdrawals in the region in time to collect cold protection data from this upcoming winter season.

Funding requests to further enhance monitoring in the Dover/Plant City area through construction of additional monitoring wells and expansion of the AMR project to include all groundwater permits in this area have been included as separate items in the proposed FY2011 budget. Full implementation of these goals will require multi-year funding.

Background
The Dover/Plant City area has experienced numerous drawdown events related to withdrawal of groundwater for frost-freeze protection of agricultural commodities, at least as far back as 1977, and perhaps even earlier. In the winter of 2010, this area experienced a record number of well failures and sinkholes believed to be caused by groundwater drawdown associated with irrigation used for crop cold-protection water use. The magnitude of the 2010 frost-freeze event brought into focus the need to further enhance data collection in the Dover/Plant City area. Specifically, this event demonstrated the need for additional hydrogeologic data to refine groundwater models and advance understanding of the area’s hydrogeology and how it relates to frost-freeze protection withdrawals and drawdown. Equally important is the need to improve the methods of measuring and acquiring frost-freeze irrigation pumpage data in this area. As part of the District’s response to this event, staff evaluated how these goals can best be met.

The existing monitor well network was evaluated to determine how it could be enhanced to provide better resolution of the drawdown cone and to update groundwater models with more detailed hydrogeologic data. From this examination, three areas were identified in the Dover area where new well sites would improve monitoring control. Well construction at each of these three sites will include permanent monitor wells finished into the surficial aquifer and the Suwannee Limestone and Avon Park Formation of the Upper Floridan aquifer. Aquifer performance testing will be performed at one of the well sites to improve the characterization of hydrogeologic parameters, thereby allowing further refinement of groundwater flow models.

Improvements to the quality, quantity and timeliness of frost-freeze and monthly pumping data were also identified as a requirement. Historically, this information provided by permittees has not met District expectations. Typically, permittees have up to 30 days to provide an estimate of the amount of water used for frost-freeze protection. This information is used by staff to model the state of the resources and to determine permit compliance.
For the past three years the District has embarked on a pilot study to determine if AMR equipment could collect daily meter readings and temperature information. About 70 units have been installed throughout the District on various permitted use types. These units have successfully collected and reported meter readings and freeze temperatures. Additionally, some of these units had been programmed to report system pressures, pump operation times and send temperature alerts. Expansion of this project to agricultural sites in the Dover/Plant City area would provide enhanced monitoring of groundwater pumping for frost-freeze irrigation. In addition, it will provide crop establishment and supplemental irrigation water use data. The AMR saves staff the time of having to track down information and reduces some of the permittees’ data reporting requirements.

There are 719 existing permitted withdrawals within this area that have cold protection allocations. About 100 of those withdrawals have flow meters on which AMR units can be installed. The remaining sites will need to be retrofitted with flow meters before AMRs can be installed and funding for retrofitting these sites will be included in the District’s FY2011 budget. The requested budget transfer of $50,000 will provide an opportunity to install the AMR equipment on the 100 sites with existing flow meters in time to collect data for the upcoming winter season.

**Benefits/Cost**
The transfer of $116,000 will allow staff to perform due diligence (e.g., consultant services, survey services, title work) and purchase necessary property rights for the acquisition of property for construction of the three well sites. This is the first step towards meeting the goals of expanded data acquisition, but it requires considerable time for completion. By beginning this process in FY2010, the expansion of the monitoring network will be greatly accelerated.

The transfer of $50,000 to initiate the installation of AMR equipment on existing withdrawals in the Dover/Plant City area will allow for the project to start now and have equipment in place to collect data for the upcoming winter season.

**Impact if Not Funded:**
Property acquisition can be a very slow process. Well construction cannot begin until land acquisition has been completed. Until wells have been installed and instrumented, no additional information will be available for evaluation of freeze-related pumping drawdowns in the Dover/Plant City area. Therefore, FY2010 contingency reserve funds are requested to begin the site acquisition process as soon as possible in order to have the monitoring wells operational by the next winter season.

If the AMR pilot expansion is not funded, the District will have to wait until next winter to start collecting daily water use data.

**Staff Recommendation:**
Approve a budget transfer of $166,000 from the General Fund FY2010 Reserves for Contingencies for the Dover/Plant City Data Collection Project ($116,000) and the expansion of the Automatic Meter Reading pilot project to include the Dover/Plant City area ($50,000).

**Presenter:** Granville Kinsman, Hydrologic Data Manager, Operations Department
Consent Agenda
June 29, 2010

Regulation Committee

Initiate and Approve Rulemaking to Adopt Revised Well Construction Permit Application and Well Completion Report Forms

The District has adopted standardized forms for well construction permit applications and well completion reports which are submitted to document the well construction work. The District-adopted forms are the same as forms used by all water management districts and delegated agencies for the administration of well construction permitting and were initially designed by the Florida Department of Environmental Protection (DEP) as statewide forms adoptable by each district.

DEP has prepared new forms for use by the water management districts in administering the well construction permitting program. DEP anticipates adopting these forms for statewide use. Therefore, District staff seeks authorization to initiate rulemaking to adopt the new State of Florida Permit Application to Construct, Repair, Modify, or Abandon a Well, to be numbered as District Form No. LEG-R.040.01 (6/10) and the new State of Florida Well Completion Report, to be numbered as District Form No. LEG-R.005.02 (6/10). A copy of the proposed new forms is included in the Governing Board packet as Exhibit A for this item. Rules 40D-3.101, 40D-3.411 and 40D-1.657, Florida Administrative Code (F.A.C.), will be amended to reference the new forms. A copy of the proposed rule amendments is included in the Board’s meeting information as Exhibit B. If the initiation of rulemaking to adopt these forms is approved, staff will proceed with rulemaking without further Governing Board action unless substantive comments are received or changes are proposed, in which case this matter will be brought back to the Board for further action.

Recommendation: 
See Exhibits

Approve the new State of Florida Permit Application to Construct, Repair, Modify, or Abandon a Well, to be numbered as District Form No. LEG-R.040.01 (6/10) and the new State of Florida Well Completion Report, to be numbered as District Form No. LEG-R.005.03 (6/10) and authorize rulemaking to incorporate the forms by reference in Rules 40D-3.101 and 40D-3.411, F.A.C., and to list the forms in Rule 40D-1.659, F.A.C.

Presenter: Tony Gilboy, Well Construction Regulation Manager
**STATE OF FLORIDA PERMIT APPLICATION TO CONSTRUCT, REPAIR, MODIFY, OR ABANDON A WELL**

- **Southwest**
- **Northwest**
- **St. Johns River**
- **South Florida**
- **Suwannee River**
- **DEP**
- **Delegated Authority (If Applicable):**

**CHECK BOX FOR APPROPRIATE DISTRICT ADDRESS ON BACK OF PERMIT FORM**

1. *Owner, Legal Name if Corporation*  
   *Address*  
   *City*  
   *State*  
   *ZIP*  
   *Telephone Number*

2. *Well Location - Address, Road Name or Number, City*

3. *Parcel ID No. (PIN) or Alternate Key (Circle One)*  
   Lot  
   Block  
   Unit

4. *Section or Land Grant*  
   *Township*  
   *Range*  
   *County*  
   Subdivision  
   Check If 62-524: ___ Yes ___ No

5. *Water Well Contractor*  
   *License Number*  
   *Telephone Number*  
   *E-mail Address*

6. *Water Well Contractor’s Address*  
   *City*  
   *State*  
   *ZIP*

7. *Type of Work:*  
   Construction  
   Repair  
   Modification  
   Abandonment  
   *Reason for Repair, Modification, or Abandonment*

8. *Number of Proposed Wells:*

9. *Specify Intended Use(s) of Well(s):*
   - Domestic
   - Landscape Irrigation
   - Agricultural Irrigation
   - Site Investigation
   - Livestock Monitoring
   - Nursery Irrigation
   - Test
   - Public Water Supply (Limited Use/DOH)
   - Commercial/Industrial
   - Earth-Coupled Geothermal
   - Golf Course Irrigation
   - HVAC Supply
   - HVAC Return
   - Class V Injection:  
     - Recharge  
     - Commercial/Industrial Disposal  
     - Aquifer Storage and Recovery  
     - Drainage
   Remediation:  
   - Recovery  
   - Air Sparge  
   Other (Describe)

10. *Distance from Septic System if ≤ 200 ft.*

11. *Facility Description*

12. *Estimated Start Date*

13. *Estimated Well Depth:*  
   *Estimated Casing Depth:*  
   *Primary Casing Diameter:*  
   *Open Hole:*  
   from ___ to ___ ft.

14. *Estimated Screen Interval:*  
   from ___ to ___ ft.

15. *Primary Casing Material:*  
   Black Steel  
   Galvanized  
   PVC  
   Stainless Steel  
   Other

16. *Secondary Casing:*  
   Telescope Casing  
   Liner  
   Surface Casing  
   Diameter ___ in.

17. *Secondary Casing Material:*  
   Black Steel  
   Galvanized  
   PVC  
   Stainless Steel  
   Other

18. *Method of Construction, Repair, or Abandonment:*  
   Auger  
   Cable Tool  
   Jetted  
   Rotary  
   Sonic  
   Combination (Two or More Methods)  
   Hand Driven (Well Point, Sand Point)  
   Hydraulic Point (Direct Push)  
   Horizontal Drilling  
   Plugged by Approved Method  
   Other (Describe)

19. *Proposed Grouting Interval for the Primary, Secondary, and Additional Casing:*  
   From ___ to Seal Material  
   Bentonite  
   Neat Cement  
   Other
   From ___ to Seal Material  
   Bentonite  
   Neat Cement  
   Other
   From ___ to Seal Material  
   Bentonite  
   Neat Cement  
   Other

20. *Indicate total number of existing wells on site*  
   List number of existing unused wells on site

21. *Is this well or any existing well or withdrawal on the owner’s contiguous property covered by a Consumptive/Water Use Permit (CUP/WUP) or CUP/WUP Application?*  
   Yes ___ No ___  
   If yes, complete the following: CUP/WUP No.: ___  
   District Well ID No.: ___

22. *Latitude*  
   Longitude

23. *Data Obtained From:*  
   GPS  
   Map  
   Survey

   Datum:  
   NAD 27  
   NAD 83  
   WGS 84

---

**Signature of Contractor**  
**License No.**  
**Signature of Owner or Agent**  
**Date**

**DO NOT WRITE BELOW THIS LINE - FOR OFFICIAL USE ONLY**

**Approval Granted By:**  
**Issue Date:**  
**Expiration Date:**  
**Hydrologist Approval:**

**Fee Received:**  
**Receipt No.:**

**THIS PERMIT NOT VALID UNTIL PROPERLY SIGNED BY AN AUTHORIZED OFFICER OR REPRESENTATIVE OF THE WMD OR DELEGATED AUTHORITY. IT SHALL BE AVAILABLE AT THE WELL SITE DURING ALL DRILLING OPERATIONS.**

---

FORM LEG-R.040.01 (6/10)  
Rule 40D-3.101(1), F.A.C.
General Site Map of Proposed Well Location

Identify known roads and landmarks. Give distances from all reference points or structures, septic systems, sanitary hazards, and contamination sources, if applicable.
STATE OF FLORIDA WELL COMPLETION REPORT

1. Permit Number ___________________________  *CUP/WUP Number ___________________________  *DID Number ___________________________  62-524 Delineation No. ___________________________

2. Number of permitted wells constructed, repaired, or abandoned ___________________________  *Number of permitted wells not constructed, repaired, or abandoned ___________________________

3. Owner's Name ___________________________  4. *Completion Date ___________________________  5. Florida Unique ID ___________________________

6. *Well Location - Address, Road Name or Number, City, ZIP ___________________________

7. *County ___________________________  *Section ___________________________  *Land Grant ___________________________  *Township ___________________________  *Range ___________________________

8. Latitude ___________________________  Longitude ___________________________

9. Date Obtained From: GPS Map Survey Datum: NAD 27 ___________________________ NAD 83 ___________________________ WGS 84 ___________________________

10. *Type of Work: ____________ Construction ____________ Repair ____________ Modification ____________ Abandonment ____________

11. *Specify Intended Use(s) of Well(s): ____________ Domestic ____________ Landscape Irrigation ____________ Agricultural Irrigation ____________ Site Investigation ____________

__________________________ ____________ Bottled Water Supply ____________ Recreation Area Irrigation ____________ Livestock ____________ Monitoring ____________

__________________________ ____________ Public Water Supply (Limited Use/DOH) ____________ Nursery Irrigation ____________ Test ____________

__________________________ ____________ Public Water Supply (Community or Non-Community/DEP) ____________ Commercial/Industrial ____________ Earth-Coupled Geothermal ____________

__________________________ ____________ Golf Course Irrigation ____________ HVAC Supply ____________

__________________________ ____________ Class I Injection ____________ HVAC Return ____________

__________________________ ____________ Class V Injection: ____________ Recharge ____________ Commercial/Industrial Disposal ____________ Aquifer Storage and Recovery ____________ Drainage ____________

__________________________ ____________ Remediation ____________ Recovery ____________ Air Sparge ____________

__________________________ ____________ Other (Describe) ___________________________  Other (Describe) ___________________________

12. Drill Method: Auger ____________ Cable Tool ____________ Rotary ____________ Combination (Two or More Methods) ____________ Jetted ____________ Sonic ____________

__________________________ ____________ Horizontal Drilling ____________ Hydraulic Point (Direct Push) ____________ Other ____________


15. *Casing Material: Black Steel ____________ Galvanized ____________ PVC ____________ Stainless Steel ____________ Not Cased ____________ Other ____________


17. *Abandonment: ____________ Other (Explain) ___________________________

From ____________ ft. To ____________ ft.  No. of Bags ____________  Seal Material (Check One): ____________ Neat Cement ____________ Bentonite ____________ Other ____________

From ____________ ft. To ____________ ft.  No. of Bags ____________  Seal Material (Check One): ____________ Neat Cement ____________ Bentonite ____________ Other ____________

From ____________ ft. To ____________ ft.  No. of Bags ____________  Seal Material (Check One): ____________ Neat Cement ____________ Bentonite ____________ Other ____________

From ____________ ft. To ____________ ft.  No. of Bags ____________  Seal Material (Check One): ____________ Neat Cement ____________ Bentonite ____________ Other ____________

18. Surface Casing Diameter and Depth: 

Dia ____________ in.  From ____________ ft. To ____________ ft.  No. of Bags ____________  Seal Material (Check One): ____________ Neat Cement ____________ Bentonite ____________ Other ____________

Dia ____________ in.  From ____________ ft. To ____________ ft.  No. of Bags ____________  Seal Material (Check One): ____________ Neat Cement ____________ Bentonite ____________ Other ____________

Dia ____________ in.  From ____________ ft. To ____________ ft.  No. of Bags ____________  Seal Material (Check One): ____________ Neat Cement ____________ Bentonite ____________ Other ____________

Dia ____________ in.  From ____________ ft. To ____________ ft.  No. of Bags ____________  Seal Material (Check One): ____________ Neat Cement ____________ Bentonite ____________ Other ____________

19. *Primary Casing Diameter and Depth: 

Dia ____________ in.  From ____________ ft. To ____________ ft.  No. of Bags ____________  Seal Material (Check One): ____________ Neat Cement ____________ Bentonite ____________ Other ____________

Dia ____________ in.  From ____________ ft. To ____________ ft.  No. of Bags ____________  Seal Material (Check One): ____________ Neat Cement ____________ Bentonite ____________ Other ____________

Dia ____________ in.  From ____________ ft. To ____________ ft.  No. of Bags ____________  Seal Material (Check One): ____________ Neat Cement ____________ Bentonite ____________ Other ____________

Dia ____________ in.  From ____________ ft. To ____________ ft.  No. of Bags ____________  Seal Material (Check One): ____________ Neat Cement ____________ Bentonite ____________ Other ____________

20. *Liner Casing Diameter and Depth: 

Dia ____________ in.  From ____________ ft. To ____________ ft.  No. of Bags ____________  Seal Material (Check One): ____________ Neat Cement ____________ Bentonite ____________ Other ____________

Dia ____________ in.  From ____________ ft. To ____________ ft.  No. of Bags ____________  Seal Material (Check One): ____________ Neat Cement ____________ Bentonite ____________ Other ____________

Dia ____________ in.  From ____________ ft. To ____________ ft.  No. of Bags ____________  Seal Material (Check One): ____________ Neat Cement ____________ Bentonite ____________ Other ____________

Dia ____________ in.  From ____________ ft. To ____________ ft.  No. of Bags ____________  Seal Material (Check One): ____________ Neat Cement ____________ Bentonite ____________ Other ____________

21. *Telescope Casing Diameter and Depth: 

Dia ____________ in.  From ____________ ft. To ____________ ft.  No. of Bags ____________  Seal Material (Check One): ____________ Neat Cement ____________ Bentonite ____________ Other ____________

Dia ____________ in.  From ____________ ft. To ____________ ft.  No. of Bags ____________  Seal Material (Check One): ____________ Neat Cement ____________ Bentonite ____________ Other ____________

Dia ____________ in.  From ____________ ft. To ____________ ft.  No. of Bags ____________  Seal Material (Check One): ____________ Neat Cement ____________ Bentonite ____________ Other ____________

Dia ____________ in.  From ____________ ft. To ____________ ft.  No. of Bags ____________  Seal Material (Check One): ____________ Neat Cement ____________ Bentonite ____________ Other ____________

22. *Pump Type (if Known): ____________ Centrifugal ____________ Jet ____________ Submersible ____________ Turbine ____________

Horsepower ____________  Pump Capacity (GPM) ____________

Pump Depth ____________ ft.  Intake Depth ____________ ft.  ____________ Laboratory Test ____________ Field Test Kit ____________

23. Chemical Analysis (When Required): ____________

Centrifugal ____________ Jet ____________ Submersible ____________ Turbine ____________

24. Water Well Contractor: 

*Contractor Name ___________________________  *license Number ___________________________  E-mail Address ___________________________

*Contractor's Signature ___________________________  *Driller's Name (Print or Type) ___________________________

(If certify that the information provided in this report is accurate and true.)

FORM LEG-R.005.02 (6/10)  Rule 40D-3.411(1)(a), F.A.C.
**DRILL CUTTINGS LOG** (Examine cuttings every 20 ft. or at formation changes. Note cavities and depth to producing zone. Grain Size: F=Fine, M=Medium, and C=Coarse)

<table>
<thead>
<tr>
<th>From ft.</th>
<th>To ft.</th>
<th>Color</th>
<th>Grain Size (F, M, C)</th>
<th>Material</th>
</tr>
</thead>
<tbody>
<tr>
<td>From ft.</td>
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<td>Color</td>
<td>Grain Size (F, M, C)</td>
<td>Material</td>
</tr>
</tbody>
</table>

Comments:

~

**Detailed Site Map of Well Location**

Give distances from all reference points or structures, septic systems, sanitary hazards, and contamination sources within 500 ft. of well.

FORM LEG-R.005.02 (6/10) Rule 40D-3.411(1)(a), F.A.C.
Exhibit B
Rulemaking to Adopt New Well Construction Permitting Application and Well Completion Report Forms

40D-1.659 Forms and Instructions.

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this chapter or into a specific District rule as indicated. Copies of these forms may be obtained from the District offices or the District’s website at www.watermatters.org.

(1) Ground Water
   (a) – (c) No change.
   (d) State of Florida Permit Application to Construct, Repair, Modify or Abandon a Well, Form No. LEG-R.040.01 (6/10) LEG-R.040.00 (4/09), incorporated by reference in subsection 40D-3.101(1), F.A.C.
   (e) Well Completion Report, Form No. LEG-R.005.02 (6/10) LEG-R.005.01 (4/09), incorporated by reference in paragraph 40D-3.411(1)(a), F.A.C.
   (f) – (kk) No change.
(2) - (3) No change.

Rulemaking Authority 373.044, 373.113, 373.149, 373.171, 373.337, FS. Law Implemented 373.0831(3), 373.116, 373.196(1), 373.196(3), 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.413, 373.414, 373.416, 373.419, 373.421, 668.50, FS. History New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, 40D-1.1901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-96, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00, 9-3-00, 10-26-00, 6-26-01, 11-4-01, 6-12-02, 8-25-02, 2-26-03, 9-14-03, 9-30-04, 2-1-05, 6-5-05, 10-19-05(1) and (2), 10-19-05(5), 10-19-05(20), 2-6-07, 9-27-07, 11-11-07, 11-25-07, 1-8-08, 4-7-08, 5-12-08, 5-20-08, 8-19-08, 12-30-08, 3-26-09, 7-1-09, 8-30-09, 9-1-09, 10-26-09, 1-27-10, 4-27-2010.

40D-3.101 Content of Application.
(1) Applications for permits required by this chapter shall be submitted to the District. All permit applicants shall submit the form entitled “State of Florida Permit Application to Construct, Repair, Modify or Abandon a Well,” Form No. LEG-R.040.01 (6/10) LEG-R.040.00 (4/09), incorporated herein by reference. Except for replacement and domestic use wells, all applications to construct a well within the Most Impacted Area of the Southern Water Use Caution Area, as set forth in subparagraph 40D-2.801(3)(b)2. and Figure 2.1, F.A.C., shall include the form entitled “Well Verification For All Non-Domestic Use Wells Located in the Most Impacted Area of the Southern Water Use Caution Area,” Form No. LEG-R.016.01 (4/09), incorporated herein by reference. Copies of all forms incorporated in this rule can be obtained from the District’s website at www.watermatters.org or from the District offices.
(2) – (3) No change.

40D-3.411 Well Completion Report.
(1) Well completion reports are required for the construction, repair, modification or abandonment of all wells.
The District’s receipt of a well completion report raises the rebuttable presumption that all work under the permit has been completed or has ceased.
(a) The water well contractor or any individual permittee shall submit to the District the form entitled “Well Completion Report,” Form No. LEG-R.005.02 (6/10) LEG-R.005.01 (4/09), incorporated herein by reference, within 30 days of the expiration of the permit. Copies of the Well Completion Report form can be obtained from the District’s website at www.watermatters.org or from District offices.
(b) –(d) No change.
(2) No change.

Consent Agenda
June 29, 2010

Regulation Committee

Authorize Initiation of Rulemaking and Approve Amendments to Environmental Resource Permitting Rules to Clarify that Semi-Impervious Materials are Included in Requirements Relating to Impervious Materials

In recent rulemaking, the District created an exemption from environmental resource permitting for minor activities that involved the addition of 9,000 square feet or less of impervious or semi-impervious surfaces, of which only 4,000 square feet or less could be subject to vehicular traffic. Such activities previously required application for a noticed general permit. In creating this exemption, the District established a separate definition of “semi-impervious” to clarify that semi-impervious material is subject to the same permitting requirements as impervious material with respect to water quality impacts or treatment.

To carry forward this concept, additional rule amendments are necessary to avoid any misperception as to whether semi-impervious material is to be included in permitting thresholds or design requirements relating to impervious material. Accordingly, staff proposes amendments to 40D-4.051(3), Florida Administrative Code (F.A.C.), to clarify that agricultural or silvicultural activities are exempt from permitting if the total land area does not exceed 10 acres and the amount of impervious and semi-impervious surface does not exceed 2 acres. Amendments are proposed to 40D-40.301(1), F.A.C., which establishes a minor permit for low density residential subdivisions, to clarify that the amount of added impervious or semi-impervious allowable under this permit cannot exceed five percent over the pre-developed conditions for the site. Related amendments are also made to the basis of review for environmental resource permits (ERPs) to clarify that the water quality treatment requirements applicable to directly connected impervious areas also apply to semi-impervious material. Minor changes are needed to the ERP application forms to ensure applicants include semi-impervious surfaces in their project plans and permitting requirements. Note that additional language underlined in the application forms, not pertaining to semi-impervious surfaces, is pre-existing language underlined for emphasis and does not indicate new language. Minor changes are also needed in Rules 40D-1.607, F.A.C., which establishes permitting fees for public highway projects based upon the amount of new impervious and semi-impervious surface area, and Rules 40D-4.101 and 40D-1.659, F.A.C., which list the ERP application forms.

A copy of the proposed rule amendments for this item is included in the Board’s meeting information. If the initiation of rulemaking and the proposed amendments are approved, staff intends to proceed with the rulemaking process without further Board action unless substantive comments are received or changes are proposed, in which case this matter will be brought back to the Governing Board for further consideration.

Recommendation: See Exhibit

Authorize the initiation of rulemaking and approve the amendments proposed to Rules 40D-1.607(1), 1.659(2)(a), 4.051(3)(b), 4.091(1), 4.101(1)(b) and 40.301(1)(b), F.A.C., to the ERP BOR and to the ERP application form, to clarify that semi-impervious materials are to be included in requirements relating to impervious materials.

Presenter: H. Clark Hull, Jr., ERP Program Director, Resource Regulation
Proposed Amendments to Rules 40D-1, 40D-4, and 40D-40, Florida Administrative Code:

**40D-1.607 Permit Processing Fee.**
(1) Environmental Resource or Management and Storage of Surface Waters Permit Applications

12. Application for general permit for a public highway project which has less than 10 acres of project area and has less than two acres of new impervious and semi-impervious surface area
$316.00

13. Application for permit modification for a public highway project which has less than 10 acres of project area and has less than two acres of new impervious and semi-impervious surface area
$158.00

**40D-4.051 Exemptions.**
(1) – (2) No change.
(3) The construction, alteration, or operation of a surface water management system for agricultural or silvicultural activities which satisfies the following requirements:
(a) The total land area does not equal or exceed ten acres;
(b) The area of impervious and semi-impervious surfaces will not equal or exceed two acres;
(c) The activities will not be conducted in wetlands;
(d) The activities will not be conducted in existing lakes, streams, or other watercourses;
(e) The surface water management system will not utilize drainage pumps or operable discharge structures;
(f) The activities will not utilize storm drainage facilities larger than one 24-inch diameter pipe, or its hydraulic equivalent;
(g) Discharges from the site will meet applicable state water quality standards, as set forth in Chapter 62-302 and Rule 62-4.242, F.A.C.;
(h) The activities are part of a conservation plan prepared or approved by a local Soil and Water Conservation District Board organized pursuant to Chapter 582, F.S., (S.C.S.). If the S.C.S. conservation plan is not implemented according to its terms, the exemption created in this subsection does not apply;
(i) The activities can otherwise reasonably be expected not to have significant adverse water resource impacts; and
(j) The surface water management system can be effectively maintained.

**40D-40.301 Conditions for Issuance of General Permits for Minor Surface Water Management Systems.**
(1) To obtain this general permit, an applicant must provide reasonable assurance that the following conditions are met and certify that:
(a) Except for minor residential subdivisions meeting the criteria in subsection (2), the total land area does not equal or exceed 10 acres.
(b) Except for minor residential subdivisions meeting the criteria in subsection (2), the area of impervious and semi-impervious surfaces shall not exceed two acres.
(c) The proposed activities will occur in, on or over less than 100 square feet of wetlands or other surface waters. Road or driveway crossings of ditches constructed in uplands will not be counted against the 100 square foot limit.
(d) The activities will not utilize pumps for storm water management.
(e) The activities will not utilize storm drainage facilities larger than one 24-inch diameter pipe, or its equivalent.
(f) Discharges from the site will meet state water quality standards.
(g) The proposed building floors will be above the 100 year flood elevation.
(h) The proposed activities do not cause significant adverse impacts to occur individually or cumulatively.
(i) The surface water management system can be effectively operated and maintained.
(j) The surface water management system will meet the applicable water quality design criteria in the Basis of Review incorporated by reference in subsection 40D-4.091(1), F.A.C. Alternatively, individual lots in minor residential subdivisions may meet the applicable criteria in subsection (2).
(2) Additional criteria for minor residential subdivisions:
(a) Roadways within the subdivision shall consist of paved or unpaved stabilized roads with an unyielding subgrade.
(b) The drainage system shall not act in a manner that would divert and channelize large areas of overland sheet flow, thereby creating point source discharges that will adversely effect wetlands, or areas beyond the applicant’s perpetual control.
(c) Point discharges shall not exceed the capacity of receiving waters.
(d) All terminal discharge structures shall be designed to withstand the 25-year, 24-hour post-development discharge without functional failure.
(e) The proposed post-development impervious and semi-impervious surfaces will not exceed a five percent (5%) increase over pre-developed conditions.
(f) Proposed or projected construction shall maintain a minimum 75 foot vegetated buffer, which includes a 25 foot perpetually undisturbed buffer upland of all wetlands and other surface waters. Only the 25 foot perpetually undisturbed buffer shall be required adjacent to an isolated wetland entirely located within an individual residential lot.
(g) Proposed or projected construction shall maintain a minimum 75 foot buffer adjacent to all project boundaries.
(h) The applicant’s demonstration of compliance with this subsection shall include provision of a typical lot layout showing proposed driveways, buildings, and other impervious and semi-impervious areas and the anticipated percentage of impervious and semi-impervious surfaces resulting from projected construction on individual residential lots.
(i) The boundaries of the surface water management system, wetlands, surface waters and buffers shall be recorded in plats or easements and included in any declaration of covenants, conditions, easements and restrictions and shall be identified in all sales contracts by the developer. These recorded documents shall be perpetual and applicable to all future sales of property within the development. Language shall also be contained in the recorded documents notifying all individual lot owners that permits are required if any of the following items are proposed:
1. Alteration to the surface water management system.
2. Encroachment into the wetlands, wetland buffers, or adjacent off-site property line buffers.
(3) Applicants required to obtain a permit by subsection 40D-4.041(4), F.A.C., may obtain this general permit if the applicant provides reasonable assurance and certifies that the conditions in paragraphs 40D-40.301(1)(f), (i), (j) and subsection 40D-4.301(4), F.A.C., are met.

Proposed Amendments to the Environmental Resource Permitting Basis of Review:

1.7.7 "Directly Connected Impervious Areas"
Unless otherwise specifically stated in the Basis, directly connected impervious areas as considered in the calculation of volumes for treatment systems are those impervious and semi-impervious areas hydraulically connected to the treatment system directly or by pipes or ditches.

1.7.20 "Impervious"
Land surfaces which do not allow, or minimally allow, the penetration of water; examples are buildings, nonporous concrete and asphalt pavements, and some fine-grained soils such as clays.
2.4 Water Management Areas.
Such areas shall be shown on construction plans and, when appropriate, legally reserved for that purpose by dedication on the plat, deed restrictions, easements, etc., so that subsequent owners or others may not remove such areas from their intended use. Management areas, including maintenance easements, shall be connected to a public road or other location from which operation and maintenance access is legally and physically available. Impervious Areas designed for purposes such as roads, parking lots, sidewalks, or public access shall not be used as water management areas if the level or duration of standing or flowing water on these areas is a potential risk to vehicular traffic or pedestrian use.

5.2 Retention, Detention Criteria.
   a. No change.
   b. Detention with Effluent Filtration System (Manmade Underdrains).
      1. A detention with effluent filtration system shall treat the runoff from the first one inch of rainfall; or as an option for projects or project subunits with drainage areas less than 100 acres, the first one-half inch of runoff. In determining the runoff from one inch of rainfall, the applicant must provide calculations determining runoff from the directly connected impervious and semi-impervious areas separately from any other contributing area.
   c. On-line treatment system
      1. An on-line treatment system shall treat the runoff from the first one-inch of rainfall; or as an option for projects or project sub-units with drainage areas less than 100 acres, the first one-half inch of run-off. In determining the runoff from one-inch of rainfall, the applicant must provide calculations determining runoff from the directly connected impervious and semi-impervious areas separately from any other contributing area.
   d. Off-line treatment system
      1. Off-line treatment system shall treat the runoff from the first one-inch of rainfall; or as an option for projects or project sub-units with drainage areas less than 100 acres, the first one-half inch of runoff. In determining the runoff from one-inch of rainfall, the applicant must provide calculations determining runoff from the directly connected impervious and semi-impervious areas separately from any other contributing area.
   f. Off-site treatment volumes shall be the total runoff from one-inch of rainfall over the contributing off-site area. The runoff from the directly connected impervious and semi-impervious contributing areas shall be determined separately from the runoff from the other contributing areas.

5.8 Alterations to Existing Public Roadway Projects.
Alterations to existing public roadway projects will be required to treat a volume equal to those specified in Section 5.2 and the contributing area according to the following options.
   a. The contributing area(s) to be used in calculating the required treatment volume will be:
      1. For off-line treatment systems and on-line treatment systems, including wet-detention, which provide storage of the treatment volume off-line from the primary conveyance path of flood discharges, use the area of new pavement.
      2. For all other on-line treatment systems, including wet-detention, use the entire directly connected impervious and semi-impervious areas contributing to the system, both on and off-site; directly connected impervious areas are those new and existing pavement areas connected to the treatment systems by pavement or pipe that contribute untreated runoff.

6.1 Discharge Structures.
a. – d. No change
   e. Discharge structures for water quality systems shall include a "baffle" system to encourage discharge from the center of the water column rather than the top or bottom. Discharge structures from areas with greater than 50 percent impervious and semi-impervious area or from systems with inlets in paved areas
shall include a baffle, skimmer, or other mechanism suitable for preventing oil and grease from discharging from detention and on-line treatment systems.

6.6 Impervious Areas.
Runoff shall be discharged from impervious and semi-impervious surfaces into retention areas, or through detention devices, filtering and cleansing devices, or subjected to some type of Best Management Practice (BMP) prior to discharge from the project site. For projects, which include substantial paved areas, such as shopping centers, large highway intersections with frequent stopped traffic, and high density developments, provisions shall be made for the removal of oil, grease and sediment from storm water discharges.
ENVIRONMENTAL RESOURCE
PERMIT APPLICATION
SOUTHWEST FLORA-water
MANAGEMENT DISTRICT
2379 BROAD STREET • BROOKSVILLE, FL 34604-6899
(352) 795-7211 OR FLORIDA WATS 1 (800) 423-1476

FOR AGENCY USE ONLY
ACOE Application # ___________________________ DEP/WMD Application # ___________________________
Date Received ______ Date Received ______
Proposed Project Latitude ______ ______ Fee Received $ ______
Proposed Project Longitude ______ ______ Fee Receipt # ______

SECTION A

PART 1:
Are any of the activities described in this application proposed to occur in, on, or over wetlands or other surface waters?
☐ yes ☐ no
Is this application being filed by or on behalf of an entity eligible for a fee reduction? ☐ yes ☐ no

PART 2:

A. Type of Environmental Resource Permit Requested (check at least one)
☐ Notice General - include information requested in Section B.
☐ Standard General (single family dwelling) - include information requested in Sections C and D.
☐ Standard General (all other projects) - include information requested in Sections C and E.
☐ Standard General (minor systems) - include information requested in Sections C and H.
☐ Standard General (borrow pits) - include information requested in Sections C and I.
☐ Individual (single family dwelling) - include information requested in Sections C and D.
☐ Individual (all other projects) - include information requested in Sections C and E.
☐ Individual (borrow pits) - include information requested in Sections C and I.
☐ Conceptual - Include information requested in Sections C and E.
☐ Mitigation Bank (construction) - include information requested in Section C and F.
(If the proposed mitigation bank involves the construction of a surface water management system requiring another permit
listed above, check the appropriate box and submit the information requested by the applicable section.)
☐ Mitigation Bank (conceptual) - include information requested in Section C and F.

B. Type of activity for which you are applying (check at least one)
☐ Construction or operation of a new system, including dredging or filling in, on or over wetlands and other surface waters.
(If reapplying for an expired, denied or withdrawn permit/ application, please provide previous permit
# ______)
☐ Alteration or operation of an existing system which was not previously permitted by SWFWMD or DEP.
☐ Modification of a system previously permitted by SWFWMD or DEP. Provide previous permit # ______
and check applicable modification type.
☐ Alteration of a system ☐ Extension of permit duration ☐ Abandonment of a system
☐ Construction of additional phases of a system ☐ Removal of a system

C. Are you requesting authorization to use State Owned Submerged Lands? ☐ yes ☐ no
If yes, include the information requested in Section G.

D. For activities in, on or over wetlands or other surface waters, check type of federal dredge and fill permit requested:
☐ Individual ☐ Programmatic General ☐ General ☐ Nationwide ☐ Not Applicable

E. Are you claiming to qualify for an exemption? ☐ yes ☐ no
If yes, provide rule number if known ________.
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<thead>
<tr>
<th>PART 3: A. OWNER(S) OF LAND</th>
<th>B. APPLICANT (IF OTHER THAN OWNER)</th>
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<td>NAME</td>
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<th>C. AGENT AUTHORIZED TO SECURE PERMIT (IF AN AGENT IS USED)</th>
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<td>NAME</td>
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<th>D. CONSULTANT (IF DIFFERENT FROM AGENT)</th>
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**PART 4: PROJECT INFORMATION**

A. Name of project, including phase if applicable:

B. Is this application for part of a multi-phase project?  □ yes  □ no

C. Total applicant-owned area contiguous to the project: ________ acres

D. Total project area for which a permit is sought: ________ acres

E. Total impervious and semi-impervious area for which a permit is sought: ________ acres

F. Total area (metric equivalent for federally funded projects) of work in, on, or over wetlands or other surface waters: _____ acres or ______ square feet (____ hectares or ______ square meters)

G. Total number of new boat slips proposed: ________
### PART 5: PROJECT LOCATION
(Use additional sheets, if needed)

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<th>County(ies)</th>
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<th>Section(s)</th>
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<th>Land Grant name, if applicable</th>
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<th>Street address, road, or other location</th>
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### PART 6: IDENTITY OF APPLICANTS
Is the permit applicant one of the following (please check if applicable):

- [ ] Florida corporation
- [ ] Florida limited liability company
- [ ] Florida limited partnership
- [ ] Florida general partnership
- [ ] Foreign corporation/partnership
- [ ] Trust

If so, please include with application documentation of status of applicant to legally operate in the State of Florida (e.g., copy of last corporate annual report submitted to the Florida Department of State).

### PART 7: DESCRIBE IN GENERAL TERMS THE PROPOSED PROJECT, SYSTEM OR ACTIVITY.
PART 8:
A. If there have been any pre-application meetings for the proposed project, with regulatory staff, please list the date(s), location(s), and names of key staff and project representatives.

<table>
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<tr>
<th>Date(s)</th>
<th>Location(s)</th>
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B. If this project has been previously reviewed through the FDOT Efficient Transportation Decision Making (ETDM) process, provide the ETDM project review number(s) assigned by FDOT:

C. Please identify by number any MSSW/WRM (dredge & fill)/ERP/ACOE permits or applications pending, issued or denied and any related enforcement actions at the proposed project site.

<table>
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<tr>
<th>Agency</th>
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<th>Number/ Type</th>
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D. Note: The following information is required for projects proposed to occur in, on or over wetlands that need a federal dredge and fill permit and/or authorization to use state owned submerged lands. Please provide the names, addresses and zip codes of property owners whose property directly adjoins the project (excluding applicant) and/or is located within a 500 foot radius of the project boundary (for proprietary authorizations, if any). Please provide a drawing identifying each owner and adjoining property lines. (Use additional sheets, if needed).

1. 
2. 

3. 
4. 

5. 
6. 

FORM 547.27/ERP (6/10)  Section A - Page 4 of 5  RULE 40D-4.101(1)(b), F.A.C.
PART 9:

A. By signing this application form, I am applying, or I am applying on behalf of the owner or applicant, for the permit and/or proprietary authorizations identified above, according to the supporting data and other incidental information filed with this application. I am familiar with the information contained in this application, and represent that such information is true, complete and accurate. I understand that knowingly making any false statement or representation in the application is a violation of Section 373.430, F.S. and 18 U.S.C. Section 1001. I understand this is an application and not a permit and work prior to approval is a violation. I understand that this application and any permit or proprietary authorization issued pursuant thereto, does not relieve me of any obligation for obtaining any other required federal, state, water management district or local permit prior to commencement of construction. I agree, or I agree on behalf of the owner or applicant, to operate and maintain the permitted system unless the permitting agency authorizes transfer of the permit to a responsible operation entity.

Typed/Printed Name of Owner, Applicant or Agent

Corporate Title, if applicable

Signature of Owner, Applicant or Agent

Date

B. AN AGENT MAY SIGN ABOVE ONLY IF THE FOLLOWING IS COMPLETED:

I hereby designate and authorize the agent listed above to act on my behalf, or on behalf of my corporation, as the agent in the processing of this application for the permit and/or proprietary authorization indicated above; and to furnish, on request, supplemental information in support of the application. In addition, I authorize the above-listed agent to bind me, or my corporation, to perform any requirement which may be necessary to procure the permit or authorization indicated above.

Typed/Printed Name of Owner, Applicant or Agent

Corporate Title, if applicable

Signature of Owner or Applicant

Date

C. PERSON AUTHORIZING ACCESS TO THE PROPERTY MUST COMPLETE THE FOLLOWING:

I either own the property described in this application or I have legal authority to allow access to the property, and consent, after receiving prior notification, to any site visit on the property by agents or personnel from the Department of Environmental Protection, the Southwest Florida Water Management District and the U.S. Army Corps of Engineers necessary for the review and inspection of the proposed project specified in this application. I authorize these agents or personnel to enter the property as many times as may be necessary to make such review and inspection. Further, I agree to provide entry to the project site for such agents or personnel to monitor authorized work if a permit is granted.

Typed/Printed Name

Corporate Title, if applicable

Signature

Date

D. I certify that the engineering features of this surface water management system have been designed by me or under my responsible charge and in my professional opinion conform with sound engineering principles and all applicable rules and specifications. I further agree that I or my engineering firm will furnish the applicant/permittee with a set of guidelines and schedules for maintenance and operation of the surface water management system.

By: ____________________________

Signature of Engineer of Record

AFFIX SEAL

Name (please type) ____________________________

FL P.E. No. ____________________________

Company Name ____________________________

Company Address ____________________________

City, State, Zip ____________________________

Date: ____________________________

Phone: (______) ____________________________

FORM 547.27/ERP (6/10)

Section A - Page 5 of 5

RULE 40D-4.101(1)(b), F.A.C.
SECTION B

INFORMATION FOR NOTICED GENERAL ENVIRONMENTAL RESOURCE PERMITS

To qualify for a Noticed General Permit (NGP) for specific activities, the project must strictly comply with all of the terms, conditions, requirements, limitations and restrictions applicable to the NGP applied for. You should carefully review the District or Department of Environmental Protection rule sections pertaining to the NGP for which you are applying to ensure that your project meets the requirements of that NGP and provide the information requested below.

A. Are you applying for an NGP under DEP rule Chapter 62-341.448, F.A.C., "General Permit to Counties and Municipalities to Pave Existing County or Municipally Owned and Maintained Roads, Including the Repair and Replacement of Bridges that are Part of the Roadway"?

B. If No, provide the District rule section number of the NGP for which you are applying:

C. Indicate the project boundaries on a USGS quadrangle map, reduced or enlarged as necessary to legibly show the entire project. If not shown on the quadrangle map, provide a location map, that shows a north arrow, a graphic scale, Section(s), Township(s), and Range(s), and detail sufficient to allow a person unfamiliar with the project site to find it.

D. A legible site plan showing the following features, as applicable:
   1) property boundaries and dimensions
   2) name and location of any adjoining public streets or roads
   3) location, dimensions (and use if not apparent) of all existing structures
   4) locations and dimensions of all proposed works
   5) label all impervious, semi-impervious and pervious areas and indicate their surface area
   6) indicate the direction of drainage relative to the proposed improvements
   7) permanent and temporary erosion, sedimentation and turbidity controls
   8) boundaries of wetlands and other surface waters identifying open water areas
   9) boundaries, area and volumes of all temporary and permanent earthwork including pre and post-construction grades

E. Wetland or aquatic habitat descriptions.

F. Construction methods and schedule.

G. Additional information that would show that you qualify for the NGP, addressing all the parameters, thresholds and conditions listed. Errors and omissions will be identified within 30 days by the processing agency.

H. Any calculations and drawings that require certification pursuant to Chapter 471, Florida Statutes, must be signed and sealed by an appropriate professional.

FORM 547.27/ERP (6/10)
SECTION E

INFORMATION FOR STANDARD GENERAL OR INDIVIDUAL (INCLUDING CONCEPTUAL) ENVIRONMENTAL RESOURCE PERMITS FOR PROJECTS NOT RELATED TO A SINGLE FAMILY DWELLING UNIT

The information requested below is for projects requiring either a standard general or individual environmental resource permit (ERP) not related to an individual, single family dwelling unit, duplex or quadruplex. Certain categories of information requested may not be applicable to all applications. In addition the level of detail required will vary depending on the nature and location of the site and the activity proposed. Conceptual approvals generally do not require the same level of detail as a construction permit. However, providing more detail will reduce the need for additional information being requested at a later date. Please submit all information on paper no larger than 24" x 36".

A. Site Information
   1. Provide a map(s) of the project area and vicinity delineating USDA/NRCS (aka, SCS) soil types.
   2. Provide recent aerials, legible for photo interpretation with a scale of 1" = 400 ft, or more detailed, with project boundaries delineated on the aerial.
   3. Identify the seasonal high water or mean high tide elevation and normal pool or mean low tide elevation for each on-site wetland or surface water, including receiving waters into which runoff will be discharged. Include date, datum, and method used to determine these elevations.
   4. Identify the wet season high water table at appropriate locations on the project site. Include date, datum, and method used to determine these elevations.

B. Environmental Considerations
   1. Provide results of any wildlife surveys that have been conducted on the site and any comments pertaining to the project from the Florida Fish and Wildlife Conservation Commission or the U.S. Fish and Wildlife Service (USF&W).
   2. Provide a description of how water quantity, quality, hydroperiod, and habitat will be maintained in on-site wetlands and other surface waters that will be preserved or remain undisturbed.
   3. Provide a narrative of any proposed mitigation plans, including purpose, maintenance, monitoring, and construction sequence and techniques, and estimated costs.
   4. Describe how boundaries of wetlands or other surface waters were determined. If there has been a jurisdictional declaratory statement, a formal wetland determination, a formal determination, a validated informal determination, or a revalidated jurisdictional determination, provide the identifying number.
5. Summarize impacts to wetlands and other surface waters:
   a. For all projects with wetlands or other surface waters on site, complete Table 1, 2 and 3, as applicable;
   b. For docking facilities or other structures constructed over wetlands or other surface waters, complete Table 4;
   c. For shoreline stabilization projects, complete Table 5.

C. Plans
Provide clear, detailed plans for the proposed system which include specifications, plan, cross-section and profile views of the proposed project. The plans must be signed and sealed by an appropriate registered professional as required by law. These plans should show or include the following, as applicable:

1. Project and total land area boundaries, including distances and orientation from roads or other land marks.

2. Existing land use, land cover, and on-site natural communities, including wetlands, other surface waters, aquatic communities, and uplands (acreage and percentages). Use the USF&W Service's Classification of Wetlands and Deepwater Habitats of the United States for wetlands or other surface waters on the project site. Assign each wetland or other surface water a unique identification number which is consistent in all exhibits.

3. Existing topography extending at least 100 feet off site and includes adjacent wetlands and other surface waters. All topography shall include the location and a description of known benchmarks, referenced to NGVD. For systems waterward of mean high water (MHW) or seasonal high water, show water depths at mean low water (MLW) in tidal areas or normal pool in non-tidal areas. For docking facilities show the location, depths and access to the nearest navigational channel.

4. Floodplain boundary and approximate flooding elevations if the project is in the known floodplain of a stream or other water course. Identify the 100-year flood elevation and floodplain boundary of any lake, stream or other watercourse located on or adjacent to the site.

5. Boundaries of wetlands and other surface waters within the project area. Distinguish those wetlands and other surface waters that have been delineated by any binding wetland determination.

6. Proposed land use, land cover and natural communities, including wetlands, other surface waters, undisturbed uplands, aquatic communities, impervious and semi-impervious surfaces, and water management areas (acreage and percentages). Use the same classification system and identification number used in C.2. above.

7. Proposed impacts to wetlands and other surface waters.

8. Locations of buffer zones abutting wetlands.

9. Pre and post-development drainage patterns and basin boundaries. Show the direction of flow, including any off-site runoff being routed through or around the system and connections between wetlands and other surface waters.

10. Location of all water management areas with details of size, side slopes and design water depths.

11. Location and details of all water control structures, control elevations, any seasonal water level regulation schedules and the location and description of benchmarks (minimum of one benchmark per structure).
12. Location, dimensions and elevations of all proposed structures, including docks, seawalls, utility lines, roads and buildings.

13. Location, size and design capacity of the internal water management facilities.

14. Existing and proposed rights-of-way and easements for the system, including all on-site and off-site areas to be reserved for water management purposes.

15. Receiving waters or surface water management systems into which runoff from the developed site will be discharged.

16. Location and details of the erosion, sediment and turbidity control measures to be implemented during each phase of construction and all permanent control measures to be implemented in post-development conditions.

17. Location, grading, design water levels, and planting details of all mitigation areas.

18. Site grading details, including perimeter grades.

19. Temporary and permanent disposal sites for any excavated material.

20. Details of the dewatering plan including: delineation of areas to be dewatered, location(s) of dewatering facilities and discharge.

21. For marina facilities, location of any sewage pumpout facilities, fueling facilities, boat repair/maintenance facilities, and fish cleaning stations.

22. Location and description of any existing off-site features, such as structures, buildings, wetlands, other surface waters, stormwater ponds, which might be affected by or affect the proposed construction or development.

23. Master development plan, for phased projects.

D. Construction Schedule and Techniques
Provide a construction schedule and a description of construction techniques, sequencing and equipment. This information should specifically include the following:

1. Method for installing any pilings, seawall slabs or riprap.

2. Schedule of implementation of a temporary or permanent erosion and turbidity control measures.

3. Method and type of material to be excavated for work in wetlands or other surface waters.

4. Source and type of fill material to be used for work in wetlands and other surface waters.

5. Dewatering plan including: duration of dewatering; the methods for containing the discharge, methods of isolating dewatering areas, and time dewatering structures will be in place. A Water Use permit may be required for dewatering.

6. Methods for transporting equipment and materials to and from the work site. If barges are required for access, provide the low water depths and draft of the fully loaded barge.

7. Demolition plan for any existing structures to be removed.

8. Provide the name and address of the person who will construct the proposed project.

9. Identify the schedule and party responsible for completing construction monitoring, record drawings, and as-built certifications for the project.
E. Drainage Information

1. Provide pre-development and post-development drainage calculations, signed and sealed by an appropriate registered professional, as follows:
   a. Runoff characteristics, including area, runoff curve number or runoff coefficient, and time of concentration for each drainage basin;
   b. Seasonal high water table elevations including aerial extent and magnitude of any proposed water table drawdown;
   c. Normal, wet season, and design storm elevations of receiving waters;
   d. Design storms used including rainfall depth, duration, frequency, and distribution;
   e. Runoff hydrograph(s) for each drainage basin, for all required design storm event(s);
   f. Stage-storage computations for any area such as a reservoir, closed basin, detention area, or channel, used in storage routing;
   g. Stage-discharge computations for any storage areas at a selected control point, such as control structure or natural restriction;
   h. Flood routings through on-site conveyance and storage areas;
   i. Water surface profiles in the primary drainage system for each required design storm event(s);
   j. Runoff peak rates and volumes discharged from the system for each required design storm event(s);
   k. Tailwater history and justification (time and elevation);
   l. Pump specifications and operating curves for range of possible operating conditions (if used in system).

2. Provide the results of any percolation tests, where appropriate, and soil borings that are representative of the actual site conditions.

3. Provide the acreage and percentage of the total project, of the following:
   a. Impervious and semi-impervious surfaces, excluding wetlands;
   b. Pervious surfaces (green areas not including wetlands);
   c. Lakes, canals, retention areas, other open water areas;
   d. Wetlands.

4. Provide an engineering analysis of floodplain storage and conveyance (if applicable), including:
   a. Hydraulic calculations for all proposed traversing works;
   b. Backwater water surface profiles showing upstream impact of traversing works;
   c. Location and volume of encroachment within regulated floodplain(s);
   d. Plan for compensating floodplain storage, if necessary, and calculations required for determining minimum building and road flood elevations.

5. Provide an analysis of the water quality treatment system including:
   a. A description of the proposed stormwater treatment methodology that addresses the type of treatment, pollution abatement volumes, and recovery analysis;
   b. Construction plans and calculations that address stage-storage and design elevations, which demonstrate compliance with the appropriate water quality treatment criteria.

6. Provide a description of the engineering methodology, assumptions and references for the parameters listed above, and a copy of all such computations, engineering plans, and specifications used to analyze the system. If a computer program is used for the analysis, provide the name of the program, a description of the program, input and output data, two diskette copies, if available, and justification for model selection.
F. Operation and Maintenance and Legal Documentation

1. Describe the overall maintenance and operation schedule for the proposed system.

2. Identify the entity that will be responsible for operating and maintaining the system in perpetuity, if different than the permittee. Provide a draft document enumerating the enforceable affirmative obligations of the entity to properly operate and maintain the system for its expected life and document the entity's financial responsibility for long term maintenance. If the proposed operation and maintenance entity is not a property owner's association, provide proof of the existence of an entity, or the future acceptance of the system by an entity which will operate and maintain the system. If a property owner's association is the proposed operation and maintenance entity, provide copies of the articles of incorporation for the association and copies of the declaration, restrictive covenants, deed restrictions, or other operational documents that assign responsibility for the operation and maintenance of the system. Provide information ensuring the continued adequate access to the system for maintenance purposes. Before transfer of the system to the operating entity will be approved, the permittee must document that the transferee will be bound by all terms and conditions of the permit.

3. Provide copies of all proposed conservation easements, storm water management system easements, property owner's association documents, and plats for the property containing the proposed system.

4. Indicate how water and waste water service will be supplied. Letters of commitment from off-site suppliers must be included.

5. Provide a copy of the boundary survey and/or legal description and acreage of the total land area of contiguous property owned/controlled by the applicant, including the project site.

6. Provide a copy of the deed or other evidence of ownership, or in the case of an applicant, evidence of an easement or other documents evidencing authorization to perform the proposed work.

G. Water Use

1. Will the surface water system be used for water supply, including landscape irrigation, recreation, etc.?

2. If a Water Use Permit has been issued for the project, state the permit number.

3. If a Water Use Permit has not been issued for the project, indicate if a permit will be required and when the application will be submitted.

4. Indicate how any existing wells located within the project site will be utilized or abandoned.
SECTION H

INFORMATION FOR GENERAL ENVIRONMENTAL RESOURCE PERMITS FOR MINOR SURFACE WATER SYSTEMS

To obtain a General Permit for a Minor Surface Water Management System, the project must meet all of the requirements of Section A, Part 1 OR one of the requirements of Section A, Part 2 and both of the requirements of Section A, Part 3. Indicate which thresholds apply to your project and submit the information requested in Section B.

A. Project Thresholds
   Part 1.
   ___ The total land area does not equal or exceed 10 acres;
   ___ The area of impervious and semi-impervious surface will not equal or exceed two acres;
   ___ Any activities to be conducted in, on or over wetlands or other surface waters will consist of less than 100 square feet of dredging or filling;
   ___ The activities will not utilize pumps for stormwater management;
   ___ The activities will not utilize storm drainage facilities larger than one 24 inch diameter pipe or its hydraulic equivalent;
   ___ Discharges from the site will meet State water quality standards, and the surface water management system will meet the applicable technical criteria for stormwater management in the Basis of Review;
   ___ The proposed building floors will be above the 100-year flood elevations;
   ___ The surface water management system can be effectively operated and maintained, and;
   ___ The proposed activities will not cause significant adverse impacts to occur individually or cumulatively.

   Part 2.
   ___ 40D-4.051(3) - NORMAL AND NECESSARY FARMING AND FORESTRY
   ___ 40D-40.301(2) - MINOR RESIDENTIAL SUBDIVISION

   Part 3.
   ___ Discharges from the site will meet State water quality standards, and the surface water management system will meet the applicable technical criteria for stormwater management in the Basis of Review described in Rule 40D-4.091(1), and
   ___ The Surface Water Management System can be effectively operated and maintained.
B. Technical and Legal Information

1. Provide a copy of the boundary survey and/or a legal description and acreage of the total land area of contiguous property owned or controlled by the applicant, including the project site.

2. Provide recent aerials, legible for photo interpretation with a scale of 1" = 400' or more detailed, with total land, project area and any on-site wetlands delineated.

3. Provide a detailed topographic map (with contours) of the site and adjacent hydrologically related area. The location and description of bench marks (minimum of one per major water control structure) should be included.

4. Describe the location, size (in acres) and type of any on-site wetlands or other surface waters.

5. Provide the project site development plan and acreage of the total area of impervious and semi-impervious surface.

6. Provide the Surface Water Management System design plans, calculations and reports signed and sealed by a Florida Registered Professional Engineer, as required by law.

7. Provide construction drawings signed and sealed by the design engineer showing the location and details of the Surface Water Management System including but not limited to any preserved wetlands, lakes, culverts, pipes, under drains, exfiltration trenches, discharge structures, pumps and related facilities such as paving, grading and erosion or sediment control measures to be employed.

8. Indicate type of water quality treatment system used:

   ___ Man-made wet detention
   ___ On-line effluent filtration (side bank or under drain filters)
   ___ On-line retention (Dry pond)
   ___ Off-line retention (Dry pond)
   ___ Off-line underground exfiltration system
   ___ Wet detention utilizing natural wetlands
   ___ Other (explain)

9. If a Water Use Permit has been issued for the project, state the permit number.

10. Indicate how any existing wells located within the project site will be utilized or abandoned.

11. Provide a letter or other current evidence of potential acceptance by the operation and maintenance entity, if the entity is to be a public body such as a city or drainage district. If the entity is a homeowners or other association, final draft documents verifying either the present or imminent existence of such an organization and its ability to accept operation and maintenance responsibility are required.
SECTION I

INFORMATION FOR STANDARD GENERAL OR INDIVIDUAL ENVIRONMENTAL RESOURCE PERMITS FOR MINING MATERIALS OTHER THAN PHOSPHATE (BORROW PITS)

The information requested below is for a mine requiring an Environmental Resource Permit. The information listed represents the level of information that is usually required to evaluate an application. Information required for a specific project will vary depending on the nature and location of the site and the activity proposed.

A. Site Information

1. Provide a recent aerial photograph, with a scale of 1" equal to 400' or more detailed, depicting the mine area with mine boundaries delineated. Photocopies are not acceptable.

2. Provide a topographic map of the site and hydrologically related areas. Include the location and description of benchmarks. Provide a minimum of one benchmark per major water control structure or, if the project has no water control structures, a minimum of one benchmark.

3. Provide a hydrologic features map identifying contributing watershed boundaries, down gradient lands (if the proposed surface water system will alter off-site discharge), existing runoff patterns and land use for off-site contributing areas.

4. Provide elevations of the seasonal high water table and wetland water levels in areas potentially affected by the proposed mining or related activities. Information should include existing water levels, design water levels during mining, and expected water levels after mining is completed.

5. Identify the 100-year floodplain of any stream or other watercourse. Identify the 100-year floodplain of any lake or wetland not entirely on the property owned or leased by the mining operation. Include 100-year floodplain limits and elevations and identify the placement of overburden or product within the 100-year floodplain. Provide details of the statistical and mathematical models used to determine flood elevations.

6. Describe vegetative cover in all areas where mining or related activities are proposed. In upland areas this description need only be of sufficient detail to determine runoff characteristics.

7. Identify all wetland areas potentially affected by proposed mining or related activities. Each wetland should be characterized by size, predominant vegetation and use by threatened or endangered species.

8. Provide percolation tests, if percolation or exfiltration systems are proposed. Percolation tests shall be representative of design conditions. Permeability tests will be required where necessary to accurately model design conditions for retention systems.
B. Plans
1. Provide location of waterbodies used for water quality, water quantity and environmental functions. Include details of size, side slopes, elevations and depths, including plan details for floodplain encroachment compensation. Include details on any tailings or other impoundments, including the operating ranges. Identify proposed wetland impact areas, areas proposed as compensation for wetland impacts and any remaining wetlands that will remain undisturbed.

2. Provide locations and details of all major water control structures, or points of discharge, including dams on impoundments. Control elevations must be included along with any seasonal water level regulation schedules.

3. Provide the locations of roads along with their proposed elevations.

4. Identify drainage basin boundaries on aerial maps and plans for both the period of mining activities and the post-mining condition. Indicate whether mining activities or post-mining topography will alter the drainage area contributing to hydrologically related waterbodies or will otherwise affect drainage to these bodies.

5. Provide rights-of-way and easement locations for the drainage system including all areas to be reserved for water management purposes. (This item is generally only needed for portions of the system that rely on off-site lands for the surface water management system.)

6. Provide the location and description of any nearby existing off-site features, such as structures, buildings, wetlands, other surface waters, stormwater ponds, which might be affected by the proposed mining activities. The names and addresses of the owners of such facilities should also be submitted.

7. Provide construction drawings signed and sealed by the design engineer showing the paving, grading, and drainage details of the project. Perimeter site grading should be included.

8. Provide a complete description of measures to be implemented during the period of mining activities for the purpose of mitigating adverse water quality and quantity impacts off-site. The description shall include construction best management practices (BMPs) that will be used to control erosion and sediment transport during and after the period of mining activities. BMPs that prevent the transport of sediments from uplands to wetlands, lakes and streams include earthen berms, hay bales and temporary swales. BMPs that prevent sediment transport in channels or other watercourses or waterbodies include siltation fences and floating siltation booms.

C. Drainage Information
1. Provide details of design storms used, including depth, duration and distribution. Refer to the Basis of Review for design storm criteria.

2. Provide stage-storage computations for the project and stage-discharge computations for each outfall structure.

3. Provide information and calculations concerning the effect of off-site inflows on the water management system.

4. Provide the acreage and percentage of the total project, of the following:
   a. impervious and semi-impervious surfaces (excluding waterbodies);
   b. pervious surfaces (green areas);
   c. lakes, canals, retention areas, etc.;
   d. wetlands;
   e. impoundments.

5. Provide runoff calculations signed and sealed by the design engineer showing pre and post-development discharges, elevations and volumes retained and/or detained during applicable storm events. Include the hydrologic parameters and modeling input and output data. Mathematical computations may be required to demonstrate that the proposed development will not significantly alter net storage from the project area for events up to the required design storm nor cause adverse effects due to the floodplain encroachment up to the 100-year event.
D. Operation and Maintenance and Legal Documentation
   1. Provide a copy of the boundary survey and/or a legal description and acreage of the total land
      area of contiguous property owned/controlled by the applicant, including the project site. Also
      provide a legal description and acreage of the project area required to construct, operate and
      maintain the proposed system, if different from the total land area. Provide a boundary survey or
      legal description of all areas planned for future mining.
   2. Indicate how water and wastewater service will be supplied. Letters of intended commitment from
      off-site suppliers must be included.
   3. Provide documentation of legal and physical availability of the receiving water system to receive
      project discharge, if such is not evident.
   4. Identify the entity to be responsible for operation and maintenance of the Surface Water
      Management System upon completion of construction.
   5. Provide a letter or other evidence of potential acceptance by the operation and maintenance
      entity, if the entity is to be a public body such as a city or drainage district. If the entity is a
      homeowners or other association, documents verifying either the present or imminent existence
      of such an organization and its ability to accept operation and maintenance responsibility are
      required before construction.

E. Water Use
   1. Indicate how any existing wells located within the project site will be utilized or abandoned.
   2. If there are existing Water Use Permits within the mine area, provide the permit number(s).
   3. If Water Use Permits have not been issued for the project, indicate if a permit will be required and
      when the application will be submitted.
Statement of Estimated Regulatory Costs (SERC)

Proposed Amendments to Environmental Resource Permit Rules and Forms

To Address Consistency of Use of “Semi-Impervious”

Southwest Florida
Water Management District

June 17, 2010
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3.0 A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues ................................................................................................................................................. 5

4.0 A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the rule ................................................................................................................................................. 5

5.0 An analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52., F.S. ................................................................................................................................................. 6
1.0 Introduction

In February 2010, the Governing Board approved amendments to add a separate definition of “semi-impervious” to Rule 40D-4.021(15), F.A.C. to eliminate any confusion as to whether semi-pervious surfaces should be included in area calculations for permitting threshold determinations and runoff calculations. A definition for “impervious” already existed. The intent was to confirm inclusion of both impervious and semi-impervious areas in the calculations. The new definition added for semi-impervious was:

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

However, references to such area calculations appear in many places in Environmental Resource Permitting Information Manual and rules and the revisions initiated in February 2010 did not address all of the various provisions of the District’s rules and Part B- Basis of Review of the Environmental Resource Permitting Information Manual that concerned stormwater treatment requirements, application information and project plan requirements relating to impervious material. The proposed revisions simply adds “and semi-impervious” to all appropriate areas in the Environmental Resource Permitting Information Manual, rules and application forms to correct the previous rule development oversight, and so that the clarification is consistent throughout.

The proposed rule language is a non-substantive change. The existing definition of “impervious surface” in section 1.7.20 of the Environmental Resource Permitting Information Manual is:

“Land surfaces which do not allow, or minimally allow, the penetration of water; examples are buildings, non-porous concrete and asphalt pavements, and some fine grained soils such as clays.”

The existing language in italics contemplates fine grained/compacted materials in the definition of impervious surface. Semi-impervious materials such as limerock and crushed shell have therefore always been included in impervious area for threshold determinations and runoff calculations. The addition of “semi-impervious” to “impervious” where addressed in various rule provisions as proposed in the rulemaking will not decrease the number of projects that are exempt from permitting nor will it change the type of permit that would be required under the existing rule. The revisions also delete “and some fine grained soils such as clays” from the definition of impervious as it is no longer necessary.

For modeling of runoff, different materials will continue to be assigned appropriate runoff curve numbers. Therefore, there will be no changes in treatment volume requirements as a result of the proposed revisions.

Changes are also proposed to discussions of “directly connected impervious areas” in Section 1.7.7 of the Part B-Basis of Review of the Environmental Resource Permitting Information Manual to ensure consistency in the use of impervious and semi-impervious areas in relation to directly connected impervious areas. The changes are consistent with the longstanding interpretation that both impervious and semi-pervious areas are included in the calculations for thresholds and treatment volumes. The separate provision relating to directly connected impervious areas relating to roadways that appears in the Part B-Basis of Review of the Environmental Resource Permitting Information Manual section 5.8 is not being changed.
Overall, the proposed revisions have no incremental cost impacts.

### 2.0  A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule

Nearly all Environmental Resource Permit (ERP) rules address the issue of impervious and semi-impervious areas in one form or another. As indicated in Table 2.1, the average annual number of unique ERP permits issued is 1,982. Those unique ERPs are more reflective of the number of entities or individuals potentially required to comply with the proposed rules than are ERP revisions. ERPs typically undergo multiple revisions even though it is the same individual or entity requesting the revision. However, relative to existing rule, there will be no change in the number of individuals and entities likely to be required to comply with the rule.

#### Table 2.1
Environmental Resource Permits Issued from 2004 to 2009
All 16 Counties in Southwest Florida Water Management District

<table>
<thead>
<tr>
<th>Item</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
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<tr>
<td>ERP Project Description</td>
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<tr>
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<td>197</td>
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<tr>
<td><strong>Total No. of ERP Revisions</strong></td>
<td>3,021</td>
<td>3,462</td>
<td>3,500</td>
<td>3,538</td>
<td>2,856</td>
<td>2,149</td>
<td>18,526</td>
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<tr>
<td><strong>Unique ERPs by Year</strong></td>
<td>2,395</td>
<td>2,783</td>
<td>2,836</td>
<td>2,900</td>
<td>2,368</td>
<td>1,804</td>
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</tr>
</tbody>
</table>
| **Estimated number of applicants 2004-2009** | 11,894
| **Average Annual Unique ERPs 2004-2009** | 1,982 |

(a) An ERP is often revised as additional contiguous acreage is developed by the permittee. Instead of issuing a new ERP number, the District adds a revision number to the end of the permittee’s ERP number. For a new ERP, the revision number is 0. Typically, each revision is a separate project owned by the permittee on contiguous land.

(b) The number of ERPs each year is the number of unique ERP numbers in that year where only one of the revision numbers is counted that year.

(c) The number of ERPs during the 6 year period is the number of unique ERP numbers issued during the 6 year period where only one of the revision numbers is counted. This number should be lower than the “number of unique ERPs each year” because a permit may be modified in multiple years and multiple times per the same year.

(d) 11,894 divided by 6 years equals 1,982.

Source: From ERP File of Record data from March 21, 2010.
3.0 A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues

The proposed revisions will not pose any significant additional implementation, monitoring or enforcement costs to the District or any other state or local governments. The most likely costs would be those of revising and reprinting rules and application forms. Labor costs are minimal for such activities and printing costs have declined significantly over the years as most rules and forms are accessed from the internet. There are no anticipated negative impacts on state or local revenues.

4.0 A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the rule

No individuals or entities will incur additional transactional costs as a result of the proposed changes. The proposed rule language is a non-substantive change. The existing definition of “impervious surface” in section 1.7.20 of the Environmental Resource Permitting (ERP) Information Manual is:

“Land surfaces which do not allow, or minimally allow, the penetration of water; examples are buildings, non-porous concrete and asphalt pavements, and some fine grained soils such as clays.”

The existing language in italics contemplates fine grained/compacted materials in the definition of impervious surface. Semi-impervious materials such as limerock and crushed shell have therefore always been included in impervious area for threshold determinations and runoff calculations. The proposed addition of “semi-impervious” to various rule provisions that address impervious materials as proposed in the rulemaking will not decrease the number of projects that are exempt from permitting nor will it change the type of permit that would be required under existing rules. The revisions also delete “and some fine grained soils such as clays” from the definition of impervious as it is no longer necessary.

For modeling of runoff, different materials will continue to be assigned appropriate runoff curve numbers. Therefore, there will be no changes in treatment volume requirements as a result of the proposed revisions.

Changes are also proposed to discussions of “directly connected impervious areas” in Section 1.7.7 of the Part B-Basis of Review of the Environmental Resource Permitting Information Manual to ensure consistency in the use of impervious and semi-impervious areas in relation to directly connected impervious areas. The changes are consistent with the longstanding interpretation that both impervious and semi-pervious areas are included in the calculations for thresholds and treatment volumes. The separate provision relating to directly connected impervious areas relating to roadways that appears in the Part B-Basis of Review of the Environmental Resource Permitting Information Manual section 5.8 is not being changed.

Overall, the proposed revisions have no incremental cost impacts.
5.0 An analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52., F.S.

As the proposed revisions are non-substantive in nature as discussed in Sections 1.0 and 4.0, small businesses, counties and cities will not be impacted by these proposed changes in rule language.
Consent Agenda
June 29, 2010

Resource Management Committee

Amendment to the Agreement to Transfer Property to Sumter County – Lake Panasoffkee Project, SWF Parcel No. 19-528-146S

Purpose
The purpose of this item is to recommend the Governing Board approve the First Amendment to the Agreement to Transfer Property to Sumter County, SWF Parcel No. 19-528-146S.

Background/History
On May 20, 2009, the Governing Board approved the Agreement to Transfer Property to Sumter County. The Transfer Agreement identified several terms and conditions under which the transfer of property would occur. Circumstances have developed placing an increased burden on the County with respect to meeting one of the requirements. The County has requested an amendment to the Agreement.

The property to be transferred to the County is approximately 587 acres and was acquired by the District for storage of spoil material dredged from Lake Panasoffkee as part of the Lake Panasoffkee Restoration Project completed in October 2008. A general location map is included in the Board packet as an exhibit to this item. While the project was ongoing, the dredging contractor, Fletcher Marine, Inc. (FMI), incurred unexpected expenses as a result of fuel price increases. On September 30, 2008, the District entered into a Settlement Agreement with FMI granting FMI access to the property to sell dredge material in an effort to recoup these costs. The FMI Agreement expires on September 30, 2013 and is assignable upon the approval of both parties.

Upon completion of the dredging project, the District no longer needed the property for the purpose for which it was acquired. Subsequently, the County came forward with a proposal to establish a combination of uses, all of which would serve a public benefit. The County informed the District that its residents had expressed a desire for the County to establish certain recreational amenities and other land uses within the county and it had been seeking cost-effective approaches to accomplishing these objectives. Accordingly, the County proposed to take title to the property at no cost for the purpose of creating a public shooting facility, a public trap and skeet range, a police training facility and a receiving wetland for the discharge of reclaimed water.

While negotiating the terms of the Transfer Agreement with the County, the County requested that the District assign its rights and responsibilities, as a party to the FMI Agreement, to the County. The County’s intent was to create incentives for FMI to remove material in a way that would coincide with the County’s plans to develop the property. The benefit to the District was eliminating administrative oversight of the FMI Agreement. Accordingly, the assignment of the FMI Agreement became a condition in the Transfer Agreement. Discussions between the County and FMI were unsuccessful as FMI has not approved the assignment. The County has requested an amendment to the Transfer Agreement to eliminate the assignment of the FMI Agreement as a required condition. All other conditions of the original Transfer Agreement remain unchanged.
**Benefits/Costs**

The Amendment will allow the County to take title to the Property and begin development of planned public recreational amenities with no increased liability or monetary cost to the District. The District will continue to be responsible for administrative oversight of the FMI Agreement.

This item will be presented to the Withlacoochee River Basin Board at its June meeting.

**Staff Recommendation:**

See Exhibit

(1) Approve the First Amendment to the Transfer Agreement with Sumter County; and
(2) Convey SWF Parcel No. 19-528-146S to Sumter County.

**Presenter:** Chuck Lane, Senior Land Use Specialist, Land Resources Department
Resource Management Committee

Reconveyance of Property Interest – Peace River Integrated Model, SWF Parcel No. 20 020-099

Purpose
The purpose of this item is to request the Governing Board approve the re-conveyance of the interests acquired by the District to the property owner/donor of SWF Parcel No. 20-020-099. A location map of the parcel is included in the board packet as an exhibit to this item.

Background/History
In the fall of 2009, the property owner, Carter’s Baptist Church, Inc., donated a 10’ x 10’ easement for the location of a Peace River Integrated Model (PRIM) well site together with a 10-foot wide access easement from the nearest public right-of-way. The site was to be used for a single surficial aquifer well to monitor the level of this aquifer.

The PRIM was created by the District to characterize the depth to water from the land surface in the surficial aquifer system, describe the range of annual water-level fluctuations that might be expected to occur in the surficial aquifer system, and describe the surficial aquifer system response to rainfall. This project consists of surficial aquifer system monitor wells for water-level data collection in the Peace River Basin. The data from these wells and the existing network wells will be used to develop the PRIM for future resource management within the Peace River Basin.

Due to the nature of aquifer systems, it is not possible to predict with complete accuracy the location of the surficial aquifer. Only actual drilling can determine with certainty whether the aquifer exists at a specific location. Drilling this well determined that the aquifer is non-existent at this location; therefore, District staff has determined that this site is not usable for any other District purpose and the property owner/donor has requested that the easement be deeded back.

Section 373.096, Florida Statutes, provides the Governing Board of the District may release any easement, reservation, or right-of-way interests, conveyed to it for which it has no present or apparent future use under terms and conditions determined by the Board.

Property Description

Location and Access
• The District’s parcel (SWF Parcel No. 20-020-099) consists of 100 square feet plus a ten foot wide access from the public right-of-way, County Road 542.

Benefits/Costs
The transfer of this parcel will not have any impact on the District’s PRIM or other aquifer modeling.

Staff Recommendation: See Exhibit

(1) Declare SWF Parcel 20-020-099S as being no longer needed for the purposes acquired; and
(2) Execute the attached deed and re-convey SWF Parcel No. 20-020-099 to Carter’s Baptist Church, Inc.

Presenter: Eric Sutton, Director, Land Resources Department
Resource Management Committee

Management Agreement with Polk County for the Marshall Hampton Reserve – SWF Parcel No. 20-503-240X

Purpose
The purpose of this item is to recommend the Governing Board authorize the Land Resources Director to execute a Management Agreement with Polk County for management of the Marshall Hampton Reserve.

Background/History
The District acquired the Marshall Hampton Reserve (Property) in April, 2008, as part of the Lake Hancock Lake Level Modification Project (LLM Project). To date, the District has acquired fee title to 7,173 acres and less than fee interests in 1,019 acres in proximity to Lake Hancock. A general location map is included in the board packet as an exhibit to this item.

The District and Polk County have negotiated the terms and conditions of a Management Agreement (Agreement) for the Property. Under the proposed Agreement, the County will be responsible for all natural resource management, as well as the development and management of public recreational opportunities. The County currently manages Circle B Bar Reserve, an adjacent 1,267-acre tract co-owned by the District and County. By managing both tracts, the County will not only benefit from economies of scale, they will be able to develop compatible recreational opportunities on the Property in such a way as to complement the recreation on the Circle B tract.

The significant aspects to the proposed Agreement are summarized below:

- The term of the Agreement will coincide with the Management Agreement for Circle B Bar Reserve, effective until August 8, 2036 unless extended for an additional 30 years by mutual agreement of both parties.
- The District will reimburse the County for 100 percent of management expenses incurred on the Property up to $25,000 annually. District reimbursement of such funds will be subject to Board allocation of these funds in each year’s budget. The reimbursement amount may be altered in accordance with the following two items.
- Staff is proposing to lease 270 acres of the Property to a private entity for cattle grazing activities. As proposed, a lease agreement will be established by the District and assigned to the County. Revenue gained from the lease will be used by the County toward management expenses and will be deducted from the $25,000 in expenses to be reimbursed by the District.
- The District will contribute up to $20,500 in the first year of the Agreement and up to $16,000 in the second year toward capital improvements to the residential structures on the Property. Maximum reimbursable management costs will be reduced to $15,000 and $20,000 in respective years to partially offset capital improvement costs. The County will occupy the buildings and will be responsible for all operation and maintenance costs for the entire term of the Agreement. Proposed reimbursable management costs are consistent with those incurred by the District on similar District-managed lands.
- The County will manage the Property in accordance with the Lake Hancock Land Use and Management Plan for the Property approved by the Governing Board on January 26, 2010. The County will be responsible for drafting all subsequent management plans: Such plans are subject to District approval.
Item 13

- The County will establish and manage recreational infrastructure in support of a regional network of natural resource-based recreational opportunities identified in the Management Plan.

**Benefits/Costs**
This partnership between the District and the County will provide for natural resource management of District lands. The County will develop and manage recreational opportunities for the benefit of the public.

This item will be presented to the Peace River Basin Board at its June meeting.

**Staff Recommendation:**

Authorize the Land Resources Director to execute the Management Agreement with Polk County for the management of the Marshal Hampton Reserve, SWF Parcel No. 20-503-240X.

**Presenter:** Chuck Lane, Senior Land Use Specialist, Land Resources Department
Management Agreement with Polk County
Marshall Hampton Reserve - SWF Parcel No. 20-503-240X

Marshall Hampton Reserve
SWF Parcel No. 20-503-240X

Marshall Hampton Reserve
SWFWMD Ownership
SWFWMD Conservation Easement
Other Conservation Lands
SWFWMD Proposed Acquisition
SWFWMD Proposed Conservation Easement

Providence
Mulderry
Highland City
Bartow
Alturas
Mulberry
Homeland
Auburndale
Lake Alfred
Winter Haven
Bradley Junction

0 1 2 Miles

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Consent Agenda  
June 29, 2010

Resource Management Committee

Award of Grazing/Haying Lease, Marshall Hampton Reserve – SWF Parcel No. 20-503-241X

Purpose
The purpose of this item is to recommend the Governing Board approve the selected lessee and terms of the Marshall Hampton Reserve Grazing/Haying Lease agreement.

Background and History
The District acquired the Marshall Hampton Reserve (Property) in April, 2008, as part of the Lake Hancock Lake level Modification Project (LLM Project). To date, the District has acquired fee title to 7,173 acres and less than fee interest in 1,019 acres in proximity to Lake Hancock. Location maps are included in the board packet as exhibits to this item.

Consistent with the management objectives contained in the Board-approved Lake Hancock Land Use and Management Plan, staff advertised for proposals for a cattle grazing/haying lease at the Marshall Hampton Reserve. The lease will encompass 270 acres and is located south of County Road 540 and west of Thornhill Road. 218 individuals were notified by the District concerning the availability of this lease opportunity. Consistent with District policy and Florida Statutes, this opportunity was also advertised in the Lakeland Ledger on three occasions. A mandatory pre-proposal meeting and site visit were held on March 21, 2010 with 22 prospective respondents attending. A minimum bid price was set at $2,700 based on historic cattle lease prices.

The term of the lease is for five years with an option to renew for two additional five-year terms. The lease fee may be adjusted at the time of renewal based on the change in calf prices as reported by the Florida Department of Agriculture over the previous five-year period.

The proposal process was closed on April 12, 2010. Six respondents submitted proposals. Each proposal was reviewed by four independent reviewers, three from the District and one from Polk County. The proposals were evaluated on the following criteria: Knowledge of land management principles, personnel and equipment, previous cattle grazing and haying experience, cattle grazing experience on public lands, and annual rental amount.

Based upon the ranking by the individual reviewers, the selected respondent is Ned Waters, with an annual lease rate of $5,000, $18.50 per acre. Mr. Waters was a unanimous selection, with extensive grazing experience on public lands.

Benefits and Cost
Upon approval of a proposed management agreement with Polk County for the Property, this lease, and subsequent income, will be assigned to Polk County. Awarding a cattle grazing lease on the 270 acres will reduce management costs and generate additional revenue for the County. This additional income will reduce the amount the District will reimburse Polk County for land management activities on the Property.

This item will be presented to the Peace River Basin Board at its June meeting.

Staff Recommendation: See Exhibits

Approve the grazing/haying lease with Mr. Waters for the Marshall Hampton Reserve and authorize the Land Resources Director to execute the grazing/haying lease assignment for the Marshall Hampton Reserve to Polk County.

Presenter: Will Miller, Land Use and Protection Manager, Land Resources Department
Consent Agenda
June 29, 2010

Resource Management Committee

Consent and Joinder to Florida Fish and Wildlife Conservation Commission for Gopher Tortoise Conservation Easement – Myakka Conservation Area, SWF Parcel No. 21-599-102C

Purpose
The purpose of this item is to request the Governing Board consent and join in the execution of the Perpetual Conservation Easement for the establishment of a gopher tortoise recipient site over a portion of the Longino Ranch in Sarasota County. A general location map is included in the board packet as Exhibit 1 to this item.

Background/History
The Longino Ranch 2002 Conservation Easement (2002 CE) was a joint acquisition between Sarasota County and the District. The parcel, which is part of the District’s Myakka Conservation Area project, is located in Sarasota County, south of State Road 72. In June 2009, the Longino Ranch contacted the District and Florida Fish and Wildlife Conservation Commission (FWC) to propose a gopher tortoise recipient site within the 2002 CE. The proposed Perpetual Conservation Easement (PCE) would encumber a portion of the 2002 CE (see Exhibit 2). The 2002 CE and proposed PCE that would establish the gopher tortoise recipient site both recognize the increase in protection of habitats and associated wildlife resources. The PCE will not adversely affect overall site management and is consistent with the original intent of the existing 2002 CE. The FWC will issue a permit for the gopher tortoise recipient site and will be responsible for monitoring compliance with the gopher tortoise recipient site conservation easement, which will be managed by the Longino Ranch per the terms of its management plan.

The FWC has requested that Sarasota County and the District execute Consent and Joinder statements to acknowledge their acceptance of the tortoise recipient area placement within the 2002 CE. The original 2002 CE will remain superior in all respects to the proposed PCE. The Sarasota County Board of County Commissioners approved and executed the Consent and Joinder at their meeting on March 16, 2010.

Benefits/Costs
The District will incur no costs related to this conservation easement.

Staff Recommendation: See Exhibit

Approve and execute the Consent and Joinder to the Perpetual Conservation Easement between Longino Ranch and Florida Fish and Wildlife Conservation Commission.

Presenter: Eric Sutton, Director, Land Resources Department
Proposed FWC Gopher Tortoise Conservation Easement

Proposed FWC Gopher Tortoise Conservation Easement

Issued: 06/03/10, dlg
Resource Management Committee

Authorize Submission of Preliminary Flood Insurance Rate Maps for the Trout Creek Watershed in Pasco County to the Federal Emergency Management Agency

Purpose
To request the Board authorize staff to submit the preliminary Flood Insurance Rate Maps (FIRMs) for the Trout Creek watershed in Pasco County to the Federal Emergency Management Agency (FEMA). The 1-day and 3-day rainfall events were used for the Trout Creek Watershed, infiltration was accounted for, and the 2004 topographic information was utilized in the watershed. 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 a public workshop held in Wesley Chapel for Trout Creek Watershed. The preliminary floodplain information is ready to be formatted to meet FEMA’s mapping specifications and submitted to FEMA. Following submittal of the preliminary FIRMs, 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 1990s.

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 2004 through 2009 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:

<table>
<thead>
<tr>
<th>Rainfall Duration</th>
<th>Quality Control/Peer Review</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outreach</td>
<td>Schedule</td>
</tr>
</tbody>
</table>

Starting in March 2008 through May 2010, 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. Trout Creek is the third watershed in Pasco County to be presented to the Board. Since the November 2008 meeting, the Governing Board has authorized staff to submit preliminary FIRMs to FEMA for twelve Hernando County watersheds using the 100-year, 1-day rainfall event; five watersheds in Hernando County; one in Pasco County using the 1-day and 5-day rainfall events; and one in Pasco County using the 1-day and 3-day rainfall events. The Board also authorized staff to submit the countywide preliminary FIRMs for 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. A public workshop was held March 25, 2009, for the Trout Creek Watershed for the public to review and comment on the floodplain information. The floodplain information was also made available through the District’s website. For Trout Creek approximately 3,400 affected property owners were notified of the workshop by mail, 150 attended, and 100 property owners contacted District staff by phone or email.

<table>
<thead>
<tr>
<th>Watershed</th>
<th>Engineering Firm of Record</th>
<th>Peer Review</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trout Creek</td>
<td>Ayres Associates, Inc.</td>
<td>Environmental Consulting &amp; Technology, Inc.</td>
</tr>
</tbody>
</table>

Staff Recommendation:

Authorize staff to submit the preliminary FIRMs for the Trout Creek watershed in Pasco County to FEMA.

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

Pasco County Reclaimed Water Natural Systems Treatment and Restoration Feasibility Study
(Presented to the Hillsborough River Basin Board in April)

Purpose
To request the Board’s approval of an agreement with Pasco County for an investigation to assess the feasibility of using reclaimed water to restore impacted natural systems in Central Pasco County. The project is an expansion of the project scope of work that is currently being conducted by Pasco County without funding from the District. The Hillsborough River Basin Board at their April 8, 2010 meeting, approved this agreement and funding for this project.

Background/History
Pasco County has been seeking a way to dispose of excess reclaimed water, but would like to do so in a manner that is beneficial to the water resources of the area. For this reason, they have begun an investigation of using excess reclaimed water to improve water levels in Crews Lake, located in northwest Pasco County. The concepts being investigated include applying reclaimed water to infiltration basins and/or constructed wetlands in and near Crews Lake. The quality of the reclaimed water would be improved through these systems and then enter Crews Lake directly or indirectly (via groundwater discharge).

The proposed feasibility study is based on work previously performed by the District which indicated that applying the concepts being investigated as part of the Pasco County project in the Upper Hillsborough River Watershed may provide significant benefits to the water resources of the area. Based on this, District staff requested that Pasco County expand the area of focus for their investigation to include central Pasco County where excess reclaimed water could be used to provide regional rehydration benefits to areas impacted by groundwater withdrawals. Variations of this rehydration approach have been employed before in natural and constructed wetlands throughout Florida, leading to improved wildlife usage, restored water levels, and natural treatment of effluent.

Because the County has already begun their study, District staff proposed funding an expansion of their project if the County agreed to expand their existing scope of work to include central Pasco County. Results of this feasibility study will be used by the District and Pasco County to determine the direction of further assessments and/or implementation of such a system. District staff proposed FY2011 funds to be used for further work if this study provides evidence that such recharge systems are feasible.

Benefits/Costs
If this project is found to be feasible and is constructed, the facility would provide additional water for impacted water resources in the Upper Hillsborough River Watershed, including the aquifers, wetlands, and flow systems. The facility may also provide additional wetland habitat, recreational facilities, and reclaimed water disposal opportunities for Pasco County. The estimated total cost of the project expansion is $98,382 and is proposed to be funded by the Hillsborough River Basin Board.
Staff Recommendation:

Approve an agreement with Pasco County for the Reclaimed Water Natural Systems Treatment and Restoration Feasibility Study for $98,382; and authorize the Executive Director to sign the agreement.

Presenter: Michael C. Hancock., Senior Professional Engineer, Hydrologic Evaluation Section, Resource Projects Department
Consent Agenda  
June 29, 2010

Resource Management Committee

**Peace River Manasota Regional Water Supply Authority Regional Integrated Loop System Phase 3A Interconnect Project – First Amendment**  
*(Presented to the Peace River and Manasota Basin Boards in June)*

**Purpose**
To request the Governing Board approve the first amendment to the cooperative funding agreement with the Peace River Manasota Regional Water Supply Authority (Authority) for the Regional Integrated Loop System Phase 3A Interconnect to revise the project budget reducing total project costs, extend the task schedules and contract period, and update contractual language.

**Background/History**
The Phase 3A Interconnect is a component of the Regional Integrated Loop System that consists of a pump station, storage, and a 48-inch diameter pipeline extending from Sarasota County’s Carlton water treatment facility westward across the Myakka River, northward along Cow Pen Slough, and connecting to an existing county utility line. Eventually the interconnect will extend northward to Manatee County’s surface water treatment facility on Lake Manatee and a treatment plant on University Parkway, and will allow regional water delivery service to communities in Sarasota and Manatee counties.

The cooperative funding agreement was executed in November 2008. At that time, the estimate of total project cost was $42,570,000. The actual cost realized during the bidding process is $27,484,240. The amendment reduces the District share of total project costs from $21,285,000 to $13,742,120. The amendment allows encumbered funding in excess of the original budget to be reallocated during this challenging economic climate.

The amendment also extends the scheduled task dates and contract period by up to sixteen months. The extensions allow for additional time to complete scheduled tasks as the design, permitting, and property acquisition services had taken longer than anticipated.

Lastly, the amendment adds recently adopted language to strengthen the District’s ability to recoup expended funds if necessary. The language addresses the repayment of funds expended for design services if a project’s construction is not completed.

Project construction is ongoing and is expected to meet the updated schedule.

**Benefits/Costs**
The amendment reduces the District’s budgeted share of project costs for the Governing Board and Peace River and Manasota Basin Boards shown in Table 1 below.

<table>
<thead>
<tr>
<th>Table 1. District Funding Source</th>
<th>Original District Share</th>
<th>Amended District Share</th>
</tr>
</thead>
<tbody>
<tr>
<td>General (010)</td>
<td>$10,642,500</td>
<td>$6,871,060</td>
</tr>
<tr>
<td>Peace River Basin (020)</td>
<td>$2,873,475</td>
<td>$1,855,186</td>
</tr>
<tr>
<td>Manasota Basin (021)</td>
<td>$7,769,025</td>
<td>$5,015,874</td>
</tr>
<tr>
<td>Totals</td>
<td>$21,285,000</td>
<td>$13,742,120</td>
</tr>
</tbody>
</table>
The District has encumbered funds for this project from FY2007 through FY2010. The Manasota Basin and Governing Board currently have funds budgeted in excess of the revised shares. The Peace River Basin has a remaining share of $145,436 scheduled for the FY2011 Budget. The currently obligated funds and excess amounts are shown in Table 2.

<table>
<thead>
<tr>
<th>Table 2. District Funding Source</th>
<th>Amended Share</th>
<th>Funding Budgeted Through FY2010</th>
<th>Excess Funding Returned</th>
</tr>
</thead>
<tbody>
<tr>
<td>General (010)</td>
<td>$6,871,060</td>
<td>$10,642,500</td>
<td>$3,771,440</td>
</tr>
<tr>
<td>Peace River Basin (020)</td>
<td>$1,855,186</td>
<td>$1,709,750</td>
<td>($145,436)</td>
</tr>
<tr>
<td>Manasota Basin (021)</td>
<td>$5,015,874</td>
<td>$6,583,654</td>
<td>$1,567,780</td>
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<tr>
<td>Totals</td>
<td>$13,742,120</td>
<td>$18,935,904</td>
<td>$5,193,784</td>
</tr>
</tbody>
</table>

Staff Recommendation: See Exhibit

Approve the first amendment to the agreement with the Authority for the Regional Integrated Loop System Phase 3A Interconnect and authorize the Executive Director to sign the amendment.

FIRST AMENDMENT
TO AGREEMENT BETWEEN THE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
AND
PEACE RIVER MANASOTA WATER SUPPLY AUTHORITY
FOR
PRMRWSA REGIONAL INTEGRATED LOOP SYSTEM
PHASE 3A INTERCONNECT PROJECT (H052)

This FIRST AMENDMENT entered into and effective this 10th day of July, 2010 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 Manasota and Peace River Basin Boards, hereinafter collectively referred to as the "DISTRICT," and the PEACE RIVER MANASOTA REGIONAL WATER SUPPLY AUTHORITY, a regional governmental agency of the State of Florida, whose address is 6311 Atrium Drive, Suite 100, Bradenton, Florida 34202, hereinafter referred to as the "AUTHORITY."

WITNESSETH:

WHEREAS, the DISTRICT and the AUTHORITY entered into an Agreement effective July 25, 2007, for design and construction for the Phase 3A Interconnect of the Regional Integrated Loop System; and

WHEREAS, the parties here to wish to amend the Original Agreement to reduce overall PROJECT funding; revise the Task Deadlines and Completion Schedule due to the PROJECT’S temporary postponement, and to add new terms and conditions applicable to DISTRICT cooperatively funded projects.

NOW THEREFORE, in consideration of the mutual terms, covenants and conditions contained herein, the parties hereby mutually agree to amend the Original Agreement effective July 25, 2007, as follows:

1. Paragraph 3, Funding, is hereby amended to decrease PROJECT funding $15,085,760 by replacing the first three sentences in their entirety as follows:

   3. FUNDING. The parties anticipate that the total Eligible Project Costs as defined in Subparagraph 3.1 will not exceed Twenty Seven Million Four Hundred Eighty Four Thousand Two Hundred Forty Dollars ($27,484,240). The DISTRICT agree to fund Eligible Project Costs up to Thirteen Million Seven Hundred Forty Two Thousand One Hundred Twenty Dollars ($13,742,120) and will have no obligation to pay any costs beyond this maximum amount. The AUTHORITY agrees to provide all remaining funds necessary for the satisfactory completion of the PROJECT.

3. Paragraph 5, Project Records and Documents, is hereby replaced in its entirety with the following paragraph:

5. 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 AUTHORITY under this Agreement will be reduced for amounts found to be not allowable under this Agreement by an audit. AUTHORITY 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.

4. Paragraph 7, Liability, is hereby replaced in its entirety with the following paragraph:

7. 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.

5. Paragraph 8, Default, is hereby replaced in its entirety with the following paragraph:

8. 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 the 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 AUTHORITY 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 30 days, then the 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.

6. New Paragraph 24, Failure to Complete Contract, is hereby added as follows:

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

7. New Paragraph 25, Operation and Maintenance, is hereby added as follows:

25. OPERATION AND MAINTENANCE. After construction is completed, the AUTHORITY will operate and maintain the PROJECT for a minimum of 20 years, in such a manner 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 AUTHORITY will pay to the DISTRICT an early termination fee. The fee will be five percent (5%) of total DISTRICT monies contributed to the PROJECT for each year or a fraction thereof for early termination of the PROJECT. The AUTHORITY will be obligated to pay attorneys’ fees and costs incurred by the DISTRICT, including appeals, as a result of AUTHORITY’S failure to repay the DISTRICT in accordance with this Paragraph. The rights and remedies in this provision are in addition to any other rights and remedies provided by law or this Agreement.

8. New Paragraph 26, Governing Law, is hereby added as follows:

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

9. New Paragraph 27, Survival, is hereby added as follows:

27. 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 Subparagraph 3.3, 3.6 and 3.10 and Paragraphs 7, 24, and 25.

10. The Schedule section of Exhibit "B" is hereby replaced in its entirety with the following table:
11. The Budget section of Exhibit "B" is hereby replaced in its entirety with the following table:

H052 - PRMRWSA Regional Integrated Loop System Phase 3A Interconnect Summary of Probable Eligible Project Costs

<table>
<thead>
<tr>
<th>Task Description</th>
<th>Authority</th>
<th>District</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Task 1 - Project Coordination Meetings</td>
<td>$35,000</td>
<td>$35,000</td>
<td>$70,000</td>
</tr>
<tr>
<td>Task 2 - Engineering</td>
<td>$2,514,492</td>
<td>$2,514,492</td>
<td>$5,028,984</td>
</tr>
<tr>
<td>Task 3 - Construction</td>
<td>$9,192,628</td>
<td>$9,192,628</td>
<td>$18,385,256</td>
</tr>
<tr>
<td>Task 4 - Purchase of Storage Tank</td>
<td>$2,000,000</td>
<td>$2,000,000</td>
<td>$4,000,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$13,742,120</strong></td>
<td><strong>$13,742,120</strong></td>
<td><strong>$27,484,240</strong></td>
</tr>
</tbody>
</table>

12. The terms, covenants and conditions set forth in the Original Agreement that have not been specifically amended herein, will continue in existence, are hereby ratified, approved and confirmed, and will remain binding upon the parties hereto.

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

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

By: ________________________________
    David L. Moore, Executive Director    Date

PEACE RIVER MANASOTA WATER SUPPLY AUTHORITY

By: ________________________________
    Patrick J. Lehman, Executive Director    Date
Resource Management Committee

Sawgrass Lake Restoration Project

Purpose
Request approval to amend the agreement between the City of St. Petersburg (City) and the District to add an additional $296,095 for the relocation of an existing 36-inch potable water transmission line as part of the Sawgrass Lake Restoration Project. The District is funding 100 percent of the pipe relocation. The existing agreement is for $800,000, of which $500,000 was estimated for construction. This was developed prior to the City going out for bids. The satisfactory low bid came in at $796,095 necessitating an increase in the requested construction amount. Monies are available from the existing project reserve, which currently is at $21,415,030. At their June 9, 2010 meeting, the Pinellas-Anclote River Basin Board approved amending the agreement to add the additional funds.

Background/History
On December 11, 2007, the FDEP approved the District’s Remedial Action Plan (RAP), which summarizes the contamination assessment, feasibility study findings, risk-based site cleanup goals, and outlines a cleanup strategy for the site. The District is required to clean up contaminated areas within the Sawgrass Lake Park WMA in accordance with state regulations and guidelines. The District has completed the design and permitting phase of the project. Preparatory construction began in February 2010 and the remediation construction is anticipated to begin in fall 2010.

On March 25, 2008 as part of preliminary design work, District staff met with representatives of the City’s Water Resources Department to discuss the relocation of an existing 36-inch water transmission line that is currently located in the area to be excavated for lead contamination remediation per the approved RAP. Based on discussions with the City, the water transmission line will be relocated around the cleanup and restoration area to avoid damage and potential interruptions in service. The City requested to be the lead entity responsible for the design, permitting, and construction of the water main relocation with the District providing the funding as the City had no plans to replace this section of the water transmission line. The City had developed a total cost estimate of $800,000 for the water main relocation including design and permitting and also included $500,000 for the construction. Design and permitting was completed and the project was solicited for bids in April 2010. Five bids were received in early June 2010 and the low bid for construction totaled $796,094.71, exceeding the project construction budget by $296,095. Total costs for the relocation of the transmission line are now $1,096,095.

Benefits/Costs
The principal elements of this project will result in the cleanup and restoration of water resources and wetland areas within the Sawgrass Lake Park WMA. Site cleanup and reclamation of spent shot from the drop zone area will remove lead and associated contaminants from the system. Water quality best management practices (BMPs) will reduce potential nutrient loadings to Tampa Bay. With design and permitting completed, along with a small preliminary portion of construction, there is currently $21,415,030 available for construction. This amount does not include the $800,000, which was paid in advance to the City of St. Petersburg for the water main relocation.
Staff Recommendation:

Approve the amendment to the agreement with the City of St. Petersburg to add $296,095 for the relocation of the City’s water transmission line and authorize the Executive Director to execute the amendment. Funds will come from the existing project reserve (in B085).

Presenter: Jennette Seachrist, P.E., Manager, SWIM Program, Resource Data and Restoration Department
Consent Agenda
June 29, 2010

Resource Management Committee

South Pinellas County Reclaimed Water Aquifer Storage & Recovery Testing Program –
Phase II *(Presented to the Pinellas-Anclote River Basin Board in April)*

**Purpose**
To request the Board’s approval of the First Amendment to the Agreement with Pinellas County
(County) for the Reclaimed Water Aquifer Storage & Recovery (ASR) Testing Program. The
First Amendment modifies the project budget to cover increased costs associated with the first
ASR well.

**Background/History**
The purpose of the project was to convert three existing Class I injection wells to ASR wells to
provide seasonal storage of up to three million gallons per day (mgd) of reclaimed water from
Pinellas County’s South Cross Bayou Water Reclamation Facility. Whereas these wells were
previously used to dispose of treated waste water, conversion of the wells to ASR wells will
provide the County with additional reclaimed water storage. This will enable the County to
increase the availability of this source during peak demand periods, reduce discharges to
coastal surface waters, and increase reuse efficiency and potable offset quantities. The project
was initiated in 2004 and included three phases: (1) backplugging of the three existing injection
wells to ASR wells and performing necessary pumping tests; (2) permitting, preparation of a
preliminary ASR infrastructure planning report and cycle testing of the three ASR wells; and (3)
operational permitting of the ASR wells. The total cost of the project was estimated to be
$613,000 with the Pinellas-Anclote River Basin Board providing 50 percent of the funding, or

Phase 1 of the project was completed under budget in December 2005. Phase 2 has been
partially completed and included submission of a permit application to the Florida Department of
Environmental Protection (FDEP) in April 2007 to get the three wells permitted as ASR wells,
and the completion of a Preliminary ASR Infrastructure Planning report in November 2008.
During calendar years 2008 and 2009, the County responded to four FDEP Requests for
Additional Information and a draft permit was issued in October 2009.

Based on findings of the Infrastructure Planning report, the infrastructure and equipment (pipes,
pumps, valves, etc.) associated with the injection wells have deteriorated beyond repair and
need to be replaced or resized. These items were not anticipated at the beginning of the project
and will result in higher costs. Therefore, the current remaining budget will need to be
reallocated to cover costs associated with infrastructure and equipment replacement for the first
ASR well.

**Benefits/Costs**
When completed, the project will provide the County with additional short-term storage of up to
three mgd of reclaimed water, enabling them to increase the beneficial use of this source during
peak demand periods. Although costs have increased, the original contract included the use of
existing infrastructure which cannot be utilized at this time. To cover the costs for the
infrastructure replacement at the first well location, the remaining budget in Phases 1 and 3, as
well as Contingency, will need to be moved to Phase 2. A summary of current and proposed
changes to the project budget are presented in Table 1. The Basin Board approved this amendment on April 7, 2010. The County is requesting additional cooperative funding from the Basin Board beginning in FY2011. If the Basin Board approves the County’s request, as part of the Board’s proposed FY2011 budget, the additional funds will be used for the increased costs associated with replacement of infrastructure and equipment, and testing of the three ASR wells.

Table 1. Revised Project Costs in Amendment 1

<table>
<thead>
<tr>
<th>Description</th>
<th>Original Project Budget</th>
<th>Revised Project Budget</th>
<th>Revised District Costs (50%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phase 1: Backplugging &amp; Testing</td>
<td>$175,000</td>
<td>$151,830</td>
<td>$75,915</td>
</tr>
<tr>
<td>Phase 2: Cycle Testing*</td>
<td>$238,000</td>
<td>$461,170</td>
<td>$230,585</td>
</tr>
<tr>
<td>Phase 3: Operational Permitting</td>
<td>$100,000</td>
<td>TBD</td>
<td>TBD</td>
</tr>
<tr>
<td>Contingency</td>
<td>$100,000</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Totals</td>
<td>$613,000</td>
<td>$613,000</td>
<td>$306,500</td>
</tr>
</tbody>
</table>

*Well construction permitting and infrastructure improvements for one well only. Funding to perform cycle testing for the first well has been requested in FY2011. Funding for infrastructure improvements and cycle testing for the other two wells will be requested in future funding requests.

Staff Recommendation:

Approve the First Amendment to the Agreement with the County to modify the project budget as presented and authorize the Executive Director to sign the amendment.

Presenter: Sandie Will, P.G., Professional Geologist, Hydrologic Evaluation Section, Resource Projects Department
Consent Agenda
June 29, 2010

Resource Management Committee

Hillsborough County and City of Tampa Duck Pond Best Management Practices Implementation Project – Amendment of the Cooperative Funding Agreement
(Presented to the Hillsborough River Basin Board in June)

Purpose
To request the Board’s authorization to amend the cooperative funding agreement with Hillsborough County (County) and the City of Tampa (City) to increase the project budget to $18,000,000 with the District’s funding share not to exceed $7,100,000.

Background/History
This is a multi-year cooperatively funded project with the City for implementation of BMPs within the Duck Pond Watershed. The project includes design, development of construction documents, construction permitting, land acquisition, bidding and contractor selection, construction of BMPs, and construction engineering and inspection. The Duck Pond Watershed encompasses 2,243 acres within the County and 617 acres within the City. This area was impacted by flooding during Hurricane Frances. Inside the city limits, six houses, twelve apartments, and one business were damaged. In previous years, widespread street flooding and flood damage also occurred within the Duck Pond Watershed. To address these Level of Service (LOS) issues, the BMP construction includes stormwater pumping facilities, a stormwater management storage area, erosion/sedimentation controls, and conveyance improvements. The projected completion date is June 30, 2012. The request for increased funding, initiated by the County and City, stems from an updated construction cost estimate which indicates the need for a project budget increase from $14,000,000 to $18,000,000; and a proposal to increase the District’s funding match from 34 percent to 49 percent of the reimbursable project budget. Use of the Stormwater Implementation reserves avoids postponement of the projected February 2, 2011 construction start date.

Benefits/Costs
The total estimated cost for project design and implementation is $18,000,000. Board approved District funding totals $3,600,000 budgeted over fiscal years 2006-2008. The requested $3,500,000 budget transfer from the Basin’s Stormwater Implementation reserves, consisting of $1,845,515 from project Z970 and $1,654,485 from project Z969, increases the District’s funding share to $7,100,000; slightly less than the combined County/City share of $7,400,000. The remainder of the project budget is supplied by a $3,500,000 grant from the Florida Department of Environmental Protection. Benefits include improvement of LOS deficiencies based on a 25-year design storm and protection of Fowler Avenue from flooding.

Staff Recommendation:

Approve the amendment with Hillsborough County and the City of Tampa for the Duck Pond BMP Implementation Project to increase the total project budget to $18,000,000 with the Basin Board’s share not to exceed $7,100,000.

Presenter: Mark A. Hammond, P.E., Director, Resource Projects Department
Consent Agenda
June 29, 2010

Resource Management Committee

**Tampa Reclaimed Water-Tampa International Airport Project – Third Amendment**
*(Presented at the June 2010 Hillsborough River Basin Board)*

**Purpose**
To request the Governing Board approve a Third Amendment to the cooperative funding agreement with the City of Tampa for the Tampa Reclaimed Water-Tampa International Airport Project (TIA Project), formerly known as the South Tampa Area Reclaimed Project Phase II (STAR II). The Third Amendment revises the scope of work to substantially reduce the scale of the project, and reduce the project’s total budget of $22,000,000 to $1,300,000. The Basin’s contribution is also proportionately reduced to $650,000.

**Background/History**
The City of Tampa has approximately 57 million gallons per day (mgd) annual average of reclaimed water available and utilizes an average of 13 mgd, leaving more than 44 mgd available for other projects. In fiscal year (FY) 2002, the District entered into a cooperative funding agreement with the City for a project known as STAR II to design and construct reclaimed water transmission and distribution mains to provide approximately 2 mgd of reclaimed water to primarily serve residential irrigation customers in South Tampa and a few industrial customers (including TIA). The project agreement (amended in 2003 and 2005) includes a total cost of $22,000,000 with the District’s share $11,000,000. The District allocated $1,086,800 in Water Protection & Sustainability Trust Funds (WPSTF) for this project.

During the initial design of STAR II, the City determined that the project’s focus on the airport and residential customers would not meet economic and offset expectations. As a consequence, the City placed the project on hold and hired (no District funding) a consultant (CDM) to conduct the STAR Expansion Evaluation Study (2007). The study concluded that the project would be more effective and efficient if the City focused on an industrial and commercial customer base, rather than a residential base. As a result of the study, in mid-2009 the City requested the scope of work be revised to pursue a $22,000,000 project to primarily serve industrial and commercial customers.

In December 2009, the City notified the District that it did not have the City funds necessary to pursue the $22,000,000 reclaimed water project and requested to construct only the TIA transmission portion of the original project. The TIA Project will provide reclaimed water for cooling towers (0.32 mgd supply/0.32 mgd offset) and irrigation (0.20 mgd supply/0 mgd offsets as replacing non-potable quality well source) at TIA. The changes result in: service to only one customer; decrease in project utilization from 2.00 mgd to 0.52 mgd; decrease in the estimated offset from 1.30 mgd to 0.32 mgd; decrease in the offset efficiency from 65 percent to 62 percent; and improvement in project cost/benefit from $4.08 to $0.98/1,000 gallons offset.

The cost of the TIA Project is $1,300,000 with the District’s share $650,000, substantially less than the $22 million STAR II Project. This change requires the Cooperative Funding Agreement be amended to reflect the revised scope of work and reduced costs. The reduced project cost will result in $9,886,600 in Basin funding no longer necessary, and these funds will be returned to the Hillsborough Basin Board’s budget. The $1,086,800 in WPSTF budgeted for the STAR II
The project will be re-allocated to other projects. The amendment also modifies the project commence construction date from March 1, 2008, to March 1, 2009. The project completion date of June 30, 2010, and termination date of December 31, 2010, remain unchanged.

It is anticipated that the City will request funding from the District for other elements of the City’s Reclaimed Water Master Plan at some point in the future when it is financially and otherwise prepared to proceed with implementation.

**Benefits/Costs**
The Third Amendment will revise the scope to include only the Tampa International Airport segment and greatly reduces the overall project cost and the District’s funding commitment.

The Third Amendment changes to the components, customers, utilization and offsets are tabulated below. The Amendment will decrease reclaimed water utilization and offsets, improve cost effectiveness, and will slightly decrease the project’s efficiency.

**Project-Costs**

<table>
<thead>
<tr>
<th>Description</th>
<th>Total Cost</th>
<th>WPSTF</th>
<th>District Portion</th>
<th>City Portion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Scope</td>
<td>$22,000,000</td>
<td>$1,086,800</td>
<td>$10,456,600</td>
<td>$10,456,600</td>
</tr>
<tr>
<td>3rd Amend. Scope</td>
<td>$1,300,000</td>
<td>$0</td>
<td>$650,000</td>
<td>$650,000</td>
</tr>
</tbody>
</table>

**Project Changes-Benefits**

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost/ Benefit (Kgal.)</th>
<th>Storage &amp; Pumping (mg)</th>
<th>Large I/C Customers</th>
<th>Residential Customers</th>
<th>Use (mgd)</th>
<th>Offset (mgd)</th>
<th>Offset Efficiency (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Scope</td>
<td>$4.08</td>
<td>2.00</td>
<td>3</td>
<td>4000</td>
<td>2.00</td>
<td>1.30</td>
<td>65%</td>
</tr>
<tr>
<td>3rd Amend. Scope</td>
<td>$0.98</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0.52</td>
<td>0.32</td>
<td>62%</td>
</tr>
</tbody>
</table>

**Staff Recommendation:**

Recommend the Board approve the Third Amendment to the Agreement with the City of Tampa for the TIA Project to modify the scope of work and reduce the total cost of $22,000,000 to $1,300,000 with the Hillsborough River Basin's share not to exceed $650,000; and authorize the Executive Director to execute the amendment.

**Presenters:** Anthony J. Andrade, Senior Water Conservation Analyst, Resource Projects Dept.
Consent Agenda  
June 29, 2010

Resource Management Committee

Facilitating Agricultural Resource Management Systems – FLM, Inc. Prairie River Ranch - Phase 2 Reservoir - Pump 2 – DeSoto County (Adopted by the Peace River Basin Board)

Purpose
To request approval for a Facilitating Agricultural Resource Management Systems (FARMS) project with FLM, Inc. and approval to reimburse FARMS eligible costs up to a not-to-exceed limit of $112,500 (75 percent of total project costs). Of this amount, the 2009 State Appropriations will be used for $56,250 of the reimbursement, the Peace River Basin is requested to fund $28,125, and the Governing Board is requested to fund $28,125. Total project costs are estimated at $150,000.

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, and 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 April 27, 2010, there are currently 83 Board approved FARMS projects located in the following areas: 74 in the SWUCA, 4 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 14.27 million gallons per day (mgd), with 56 operational projects totaling 7.5 mgd of actual offset over the past 12 months. Project funding since the FARMS Program inception in FY2003 totals $20.9 million, of which 57 percent represents FARMS Program funding and 43 percent represents grower contributions.

FARMS Program staff received a project proposal from FLM, Inc., for their 1,888-acre Prairie River Ranch Citrus Grove north of County Road 763 along the west side of State Highway 31, within DeSoto County. The property drains into and is bisected by Hog Bay Slough, a tributary of Joshua Creek. There is an existing FARMS project on the portion of the property north of Hog Bay Slough. There is also an existing FARMS project reservoir that collects and reuses water from the south side of Hog Bay Slough. The proposed project adds a second pump to the southern reservoir.
The Water Use Permit authorizes an annual average groundwater withdrawal of 1,709,400 gallons per day (gpd) to irrigate 1,615 acres of citrus with under tree spray. Through December 2009, an average of 110 percent of the permitted quantities were used to irrigate the grove, while this is above the permitted quantity of 1,709,400 it is below the permitted drought quantity of 2,312,200 gpd. The site has 15 Upper Floridan wells, eight of which have been back-plugged with District assistance. Water quality has improved, but due to the extreme levels of salinity prior to back-plugging, staff believes the site is highly susceptible to future groundwater degradation. The primary goal of the project is to reduce the withdrawal of groundwater through the addition of a second pump to the existing southern tailwater reservoir. The reduction in groundwater use will benefit the Joshua Creek Watershed by reducing the quantity of marginal quality groundwater entering the creek. FARMS project components consist of one surface water irrigation pump station, filtration, and the piping necessary to connect the additional pump system to the existing irrigation system.

The Phase 1 FARMS project at this site has one year left of the contracted term. This project has been successful in capturing and reusing surface water and tailwater for citrus irrigation in the northern portion of the property. Over the period of record, this project has offset 106 million gallons of poor quality groundwater by using surface water, which averages nearly 80,000 gpd. The second phase of this project has enhanced the previous FARMS project goal by further reducing highly mineralized groundwater withdrawals. The second phase was operational in September 2009. Since it became operational, the second phase reservoir has offset nearly 58 million gallons of groundwater, which averages to approximately 190,173 gpd. Additional work at the site has included adding culverts to further direct tailwater to the Phase 2 reservoir. Combined, all phases of projects at Prairie River Ranch are projected to offset 313,600 gpd, which is 18 percent of permitted quantities. The Phase 2 reservoir was used extensively during the January 2010 cold event with less than five feet of drawdown. Therefore, it is believed that the reservoir can offset additional groundwater if provided with sufficient pump capacity.

Benefits/Costs
The proposed project involves water quantity and water quality BMPs which qualifies for a 75 percent cost-share reimbursement rate under the FARMS Program. Using an estimated five percent savings of permitted quantities that are not already being offset with previous phases of work at Prairie River Ranch, or approximately 70,000 gpd, yields a daily cost of $1.35 per thousand gallons of groundwater reduced over the proposed 5-year contract term, and $0.41 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 flatwood citrus operations. Total project costs are estimated at $150,000. State Appropriations will be used for one-half of the reimbursement, with the remainder divided evenly between the Peace River Basin Board and the Governing Board. Upon approval, the Peace River Basin Board and Governing Board will have $340,797 and $1,110,305, respectively, remaining in their FARMS Program budgets.

Staff Recommendation: See Exhibit

1. Approve the FLM, Inc. project for a not-to-exceed project reimbursement of $112,500 with $28,125 provided by the Peace River Basin Board, $28,125 provided by the Governing Board, $56,250 provided from State Appropriations;
2. Authorize the transfer of $28,125 from fund 020 H017 Peace River Basin Board FARMS funds, $28,125 from fund 010 H017 Governing Board FARMS funds, $56,250 from the State Appropriations allocated to fund 010 H017 FARMS funds, to the H604, FLM, 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
FLM, Inc. - Prairie River Ranch
Phase 2 Reservoir - Pump 2
FARMS Project H604- WUP No. 20006669.016
Consent Agenda
June 29, 2010

Resource Management Committee

Facilitating Agricultural Resource Management Systems – Orange-Co, LP - Reservoirs - Phase 1 – DeSoto County
(Adopted by the Peace River Basin Board)

Purpose
To request approval for a Facilitating Agricultural Resource Management Systems (FARMS) project with Orange-Co, LP and approval to reimburse FARMS eligible costs up to a not-to-exceed limit of $262,500 (75 percent of total project costs). Of this amount, the 2009 State Appropriations will be used to fund $131,250, the Governing Board is requested to fund $65,625 and the Peace River Basin Board is requested to fund $65,625. Total project costs are estimated at $350,000.

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 Practices (BMPs) 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 Floridan aquifer withdrawals, water quality improvements (both from ground water and surface water sources) and/or conservation, and 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 ground water 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 ground water as documented in the Shell and Prairie Creek Watershed Management Plan – Reasonable Assurance Documentation. Reimbursement cost-share rates are capped at 50 percent for water quantity withdrawal reductions from the Upper Floridan aquifer or water quality improvements realized from decreasing the use of mineralized ground water, and at 75 percent for both water quantity and water quality improvements. FARMS policy also allows for a 75 percent reimbursement if Upper Floridan aquifer withdrawals will be reduced by 50 percent or more.

As of April 27, 2010, there are currently 83 Board approved FARMS projects located in the following areas: 74 in the SWUCA, 4 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 14.27 million gallons per day (mgd), with 56 operational projects totaling 7.5 mgd of actual offset over the past 12 months. Project funding since the FARMS Program inception in fiscal year 2003 totals $20.9 million, of which 57 percent represents FARMS Program funding and 43 percent represents grower contributions.

FARMS Program staff received a proposal from Orange-Co, LP for a project involving their citrus groves located within the Joshua Water Control District (JWCD) in northeast DeSoto County. The Water Use Permit for the JWCD authorizes a total annual average groundwater withdrawal of 14,353,000 gallons per day (gpd) to irrigate 20,300 acres of citrus with predominately under tree spray and some semi-enclosed seepage. Since December 2007, an average of 71 percent of the permitted quantities has been used to irrigate the groves. Water
quality data dating back to 2001 indicates that some of the wells used for irrigation occasionally have marginally high values for Total Dissolved Solids (TDS) and chloride.

The primary goal of this first phase of a three phase project is to reduce groundwater withdrawals from the Upper Floridan aquifer through the construction and operation of three linear surface water irrigation reservoirs, each with a surface water irrigation pump station and the filtration and the piping necessary to connect the pump stations to the respective existing irrigation systems. The linear reservoirs will be formed by placing adjustable risers within existing drainage culverts and withdrawing water that will be stored within linear, large grove ditches behind the risers.

This project will ultimately involve the construction of ten linear surface water irrigation reservoirs with associated pump stations over a three year period that will serve a total of 2,585 acres of grove. Orange-Co anticipates they will construct three reservoirs and pump stations in 2010 (Phase 1), four reservoirs and pump stations in 2011 (Phase 2), and three reservoirs and pump stations in 2012 (Phase 3). The Basin and Governing Boards are requested to approve funding for Phase 1 of the project. Additional requests for funding for the second and third phases of the project will be presented to the Boards as Orange-Co completes the previous phase. Orange-Co completed a pilot FARMS project using a linear surface water reservoir system. This pilot project has been in operation since March 2009 and groundwater offsets have ranged as high as 150,000 gpd.

Benefits/Costs
The proposed project (Phase 1) will reduce groundwater withdrawals from the Upper Floridian aquifer over the project area by at least 50 percent of permitted quantities, or 432,000 gpd. The FARMS Program allows for a 75 percent reimbursement if Upper Floridian aquifer withdrawals are reduced by 50 percent or more. Using a conservative estimate of 50 percent savings of permitted quantities yields a daily cost of $0.64 per thousand gallons of groundwater reduced over the proposed five-year contract term, and $0.19 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 flatwood citrus operations. State Appropriations will be used to fund one-half of the project reimbursement, with the remainder divided evenly between the Peace River Basin Board and the Governing Board. Upon approval, the Peace River Basin Board and Governing Board will have $275,172 and $885,305, respectively, remaining in their FARMS Program budgets.

Staff Recommendation:
(1) Approve the Orange-Co, LP project for a not-to-exceed project reimbursement of $262,500 with $65,625 provided by the Peace River Basin, $65,625 provided by the Governing Board, and $131,250 provided from State Appropriations;
(2) Authorize the transfer of $65,625 from fund 020 H017 Peace River Basin Board FARMS funds, $65,625 from fund 010 H017 Governing Board FARMS funds, and $131,250 from State Appropriations allocated to fund 010 H017 FARMS funds to H606 Orange-Co, LP 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
Orange-Co, LP.
FARMS Project H606, WUP NO. 20002386.009

Construction Schedule
Year 2010 - Nos. 7a, 8, 9
Year 2011 - Nos. 4, 5, 6, 7b
Year 2012 - Nos. 2a, 2b, 3

Locations of proposed pump stations (typ)
Consent Agenda  
June 29, 2010

Resource Management Committee

Facilitating Agricultural Resource Management Systems – Splendid Blue Farms, LLC, Phase 2 – Sumter County (Adopted by the Withlacoochee River Basin Board)

Purpose
To request approval for a Facilitating Agricultural Resource Management Systems (FARMS) project with Splendid Blue Farms, LLC, and approval to reimburse FARMS eligible costs up to a not-to-exceed amount of $22,448 (43 percent of total project costs). Of this amount, the 2008 State Appropriations will be used for $11,224 of the reimbursement, the Withlacoochee River Basin Board is requested to fund $5,612, and the Governing Board is requested to fund $5,612. Total project costs are estimated at $51,888.

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. 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 groundwater conditions. In addition, the FARMS Program provides funding for projects that improve water quality affected by the use of mineralized groundwater. In Fiscal Year (FY) 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.

As of April 27, 2010, there are currently 83 Board approved FARMS projects located in the following areas: 74 in the SWUCA, 4 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 14.27 million gallons per day (mgd), with 56 operational projects totaling 7.5 mgd of actual offset over the past 12 months. Project funding since the FARMS Program inception in FY2003 totals $20.9 million, of which 57 percent represents FARMS Program funding and 43 percent represents grower contributions.

FARMS Program staff received a project proposal from Splendid Blue Farms for a ten-acre crop expansion on their 20-acre blueberry farm located approximately one mile north of Center Hill in Sumter County. This is the second FARMS project with Splendid Blue Farms. The original project implemented the use of drip tape for irrigation over ten acres in the northern portion of the farm and is now operational. The Water Use Permit authorizes an annual average
groundwater withdrawal of 42,300 gallons per day (gpd) to irrigate blueberries from one well completed in the Upper Floridan aquifer. There is no reported pumpage because the permitted quantity is less than 100,000 gpd. As a part of the FARMS projects, pumpage will be metered and reported to the District to document project performance.

The primary goal of this project is to implement BMPs that will reduce groundwater withdrawals by installing drip tape on the remaining ten acres of the farm and installing a weather station and two soil moisture probes that will serve the entire farm. The cooperator will also install overhead sprinklers, at his expense, for the purpose of frost/freeze protection. When used for daily irrigation needs, overhead sprinklers have more evaporation, wind drift losses, and over throw losses, which greatly reduce their efficiency when compared to drip irrigation. This project is expected to improve irrigation efficiency on the ten-acre portion of the farm by at least 17 percent. Information provided by the weather station and probes will allow the grower to optimize his irrigation events, which will result in reductions of water use, fertilizer leaching, and fuel consumption. The weather station and probes are expected to improve irrigation efficiency by an additional two percent when compared to conventional irrigation methods. Overall, groundwater offset is expected to be 19 percent for this phase of the farm. Under the FARMS Rule (40D-26, F.A.C.), agricultural operations less than three years old are eligible if the project will result in a reduction in the use of groundwater.

**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 19 percent savings of permitted quantities, or 8,040 gpd, yields a daily cost of $2.65 per thousand gallons of groundwater reduced over the proposed five-year contract term, and $1.06 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 improved irrigation techniques for blueberry operations. Total project costs are estimated at $51,888. State Appropriations will be used for one-half of the reimbursement, with the remainder divided evenly between the Withlacoochee River Basin Board and the Governing Board. Upon approval, the Withlacoochee River Basin Board and Governing Board will have $94,531 and $1,194,680 respectively, remaining in their FARMS Program budgets.

**Staff Recommendation:**

1. Approve the Splendid Blue Farms, LLC, Phase 2 project for a not-to-exceed project reimbursement of $22,448, with $5,612 provided by the Withlacoochee River Basin Board, $5,612 provided by the Governing Board, and $11,224 provided from State Appropriations;
2. Authorize the transfer of $5,612 from fund 019 H017 Withlacoochee River Basin Board FARMS funds, $5,612 from fund 010 H017 Governing Board FARMS funds, and $11,224 from State Appropriations allocated to fund 010 H017 FARMS funds, to H603 Splendid Blue Farms, LLC, Phase 2 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
Splendid Blue Farms - Phase 2
FARMS Project H603 - WUP No. 20012651.000

Splendid Blue Farms

Existing blueberry field planted Fall 2009

Weather station to be located next to well. Soil probes placed in blueberry each field.

Proposed future blueberry field

Property Boundary

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FARMS
Southwest Florida Water Management District
Resource Management Committee

**Facilitating Agricultural Resource Management Systems – WFA Land Company, Inc.**

Reservoir Project – Manatee County *(Adopted by the Manasota Basin Board)*

**Purpose**
To request approval for a Facilitating Agricultural Resource Management Systems (FARMS) project with WFA Land Company, Inc. and approval to reimburse FARMS eligible costs up to a not-to-exceed limit of $37,500 (50 percent of total project costs). Of this amount, the 2009 State Appropriations will be used for $18,750 of the reimbursement, the Manasota Basin is requested to fund $9,375, and the Governing Board is requested to fund $9,375. Total project costs are estimated at $75,000.

**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, and 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 April 27, 2010, there are currently 83 Board approved FARMS projects located in the following areas: 74 in the SWUCA, 4 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 14.27 million gallons per day (mgd), with 56 operational projects totaling 7.5 mgd of actual offset over the past 12 months. Project funding since the FARMS Program inception in fiscal year 2003 totals $20.9 million, of which 57 percent represents FARMS Program funding and 43 percent represents grower contributions.

FARMS Program staff received a project proposal from WFA Land Company, Inc., for their 2,140-acre citrus and row crop farm located on the north fork of the Manatee River, in eastern Manatee County. The property is within the SWUCA and lies along the eastern boundary of the Most Impacted Area (MIA). This project will collect and reuse water from the property and surrounding watershed. The Water Use Permit authorizes an annual average groundwater withdrawal of 2,271,000 gallons per day (gpd) to irrigate 2,140 acres of the citrus with under tree
spray and tomatoes with drip irrigation. Since May 1992, groundwater use has averaged 2,352,759 gpd, and while this is more than annual average permitted quantities, it is less than permitted drought quantities. This property has an existing FARMS project that was approved in June 2008, which is operational. The goal of the existing FARMS project is to reduce Upper Floridan aquifer withdrawals by approximately 180,000 gpd through the installation and use of automated pump control and weather sensors. Average groundwater use over the operational period of that project has been higher than that of the ten years prior to the FARMS project. However, since the project became operational, the crop type has changed from sod to tomatoes, with an increase in permitted quantity of more than 600,000 gpd. In addition, drought conditions have resulted in greater water use that has been mitigated by the existing FARMS project.

The primary goal of the proposed FARMS project is to reduce the withdrawal of groundwater through the construction of a surface water pump station to utilize surface water in an existing 13.5-acre tailwater reservoir. The reduction in groundwater use will benefit Upper Floridan aquifer system by replacing groundwater withdrawals with recovered tailwater and surface water. FARMS project components consist of a surface water irrigation pump station, filtration, and the piping necessary to connect the surface water 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 five percent savings of permitted quantities that are not already being offset with previous phases of work at the WFA Land Company site, or approximately 105,000 gpd yields a daily cost of $0.45 per thousand gallons of groundwater reduced over the proposed five-year contract term, and $0.14 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 flatwood citrus or row crop operations. Total project costs are estimated at $75,000. 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 $762,363 and $1,082,180, respectively, remaining in their FARMS Program budgets.

Staff Recommendation:

(1) Approve the WFA Land Company, Inc. Reservoir Project for a not-to-exceed project reimbursement of $37,500 with $9,375 provided by the Manasota Basin Board, $9,375 provided by the Governing Board, and $18,750 provided from State Appropriations;
(2) Authorize the transfer of $9,375 from fund 021 H017 Manasota Basin Board FARMS funds, $9,375 from fund 010 H017 Governing Board FARMS funds, and $18,750 from the State Appropriations allocated to fund 010 H017 FARMS funds, to the H605 WFA Land Company, Inc. Reservoir 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
WFA Land Company, Inc.
FARMS Project H605 - WUP No. 20009391.010
Resource Management Committee

Budget Transfer from the Polk County Southwest Regional Utilities Service Area Reclaimed Water Connection to Tampa Electric Company to the Regional Reclaimed Water Partnership Initiative – Phase I
(Presented to the Alafia River and Peace River Basin Boards in June)

Purpose
To request the transfer of all budgeted funds from the Polk County Southwest Regional Utilities Service Area (SWRUSA) Reclaimed Water Connection to Tampa Electric Company (TECO) project to the ongoing Regional Reclaimed Water Partnership Initiative – Phase I project, and authorize staff to amend the existing cooperative funding agreement with TECO. This budget transfer will combine the two separate projects into one project with no change.

Background/History
The Regional Reclaimed Water Partnership Initiative – Phase I is an ongoing alternative water supply project that will maximize the beneficial use of reclaimed water flows from several domestic wastewater treatment facilities. The District entered into an agreement with the Tampa Electric Company (TECO) in fiscal year (FY) 2009 for the design and construction of approximately 15 miles of reclaimed water transmission main from the City of Lakeland's wastewater effluent wetland treatment system to TECO’s Polk Power Station for power generation expansion. Phase I also includes the additional treatment necessary, including one deep disposal well, for TECO to treat the water to an acceptable level for cooling and other potential uses.

Polk County applied for and received funding for the Polk County SWRUSA Reclaimed Water Connection to TECO project in FY2010. This project is for the design and construction of a reclaimed water transmission main from the Southwest Regional Wastewater Treatment Facility in Polk County to the transmission main associated with the Regional Reclaimed Water Partnership Initiative – Phase I project. When District and county staff entered into discussions about developing the cooperative funding agreement, it became clear that the best course of action for all parties would be to combine the Polk County project with the overall Regional Reclaimed Water Partnership Initiative. TECO also agreed to this approach. In order to combine the projects it will be necessary to transfer the funding, which is described in the following paragraph, from the Polk County SWRUSA Reclaimed Water Connection to TECO project to the Regional Reclaimed Water Partnership Initiative – Phase I project. District staff will then prepare an amendment to the existing agreement with TECO to incorporate the elements from the Polk County project.

Benefits/Costs
The total cost of the Polk County SWRUSA Reclaimed Water Connection to TECO project is estimated to be $2,500,000. The requested District share is 50 percent, or $1,250,000, to be divided between the Governing Board (50 percent), the Alafia River (25 percent) and the Peace River (25 percent) Basin Boards. A total of $833,332 in Water Restoration Action Plan (WRAP) funds has been budgeted, effectively reducing the District's ad valorem and cooperator's share to $833,334 each. To date, the Governing Board has budgeted $276,512 in ad valorem funding and $416,666 from the WRAP. An additional $140,156 requested from the Governing Board for FY2011 completes the Governing Board’s contribution, and will be incorporated under the Regional Reclaimed Water Partnership Initiative – Phase I project.
Staff Recommendation:

Approve the transfer of $693,178 previously budgeted for the Polk County SWRUSA Reclaimed Water Connection to TECO project to the ongoing Regional Reclaimed Water Partnership Initiative – Phase I project, and authorize staff to amend the existing cooperative funding agreement with TECO.

Presenter: Brian Armstrong, Water Supply & Resource Development Manager, Resource Projects Department
General Counsel’s Report

**Consent Order – Surface Water Activity – Wayne Moss and Joseph Gude, Trustee – Hillsborough County**

On January 20, 2009, District staff conducted a site visit and discovered unauthorized construction activities on property owned by Wayne Moss and Joseph Gude, Trustee (San-Way Farms). District staff observed impacts to 1.69 acres of herbaceous wetland caused by the filling of the wetland associated with the construction of a strawberry field and raised planting beds. On February 10, 2009, District staff met with consultants for San-Way Farms to discuss resolution of the wetland impacts. A Notice of Unauthorized Activities was issued to San-Way Farms on February 18, 2009.

On June 18, 2009, District staff issued a Notice of Violation and proposed Consent Order to San-Way Farms to address the unauthorized construction activities. The proposed Consent Order required the property owners to submit an application for an Environmental Resource Permit (ERP) within thirty (30) days of approval of the Consent Order by the District’s Governing Board and to obtain an ERP as expeditiously as possible. In addition, the proposed Consent Order assessed penalties and costs totaling $23,020 as follows:

- $1,000 – for potential water quality impacts within the penalty matrix range of $250 - $2,499;
- $2,000 – for potential water quantity impacts within the penalty matrix range of $250 - $2,499;
- $18,020 – for the filling of 1.69 acres of herbaceous wetland; and,
- $2,000 – the standard cost assessment for unauthorized construction.

On June 30, 2009, representatives of San-Way Farms requested a copy of the penalty matrix and additional time to provide a full response to the proposed Consent Order. On October 23, 2009, an additional response to the proposed Consent Order was submitted that indicated that it was San-Way Farms’ position that the area of the wetland impact is 0.49 acres, rather than the 1.69 acres determined by District staff, and that mitigation is not required. In addition, they maintained that the activities are exempt from regulation because they are engaged in agriculture on the site. They proposed payment of a penalty of $250 each for potential water quantity and quality impacts, and District costs of $2,000 for a total payment of $2,500.

On January 15, 2010, after further investigation, District staff advised San-Way Farms that District staff’s position is that the area of the impacted wetland is 0.92 acres, not the 0.49 acres suggested by San-Way Farms. In addition, District staff informed San-Way Farms that mitigation will be required as will an ERP because the activities are not exempt. District staff reduced the proposed penalty for potential water quality impacts to $500 and potential water quantity impacts to $1,000, as well as the proposed penalty for wetland impacts to $9,760 based upon a revised area of 0.92 acres for the impacted wetland. San-Way Farms did not object to the $2,000 in District costs. Accordingly, District staff issued a revised proposed Consent Order with its response that provided for a proposed penalty of $11,260 and District costs of $2,000 for a total payment of $13,260 to settle the matter.

San-Way Farms responded to the revised proposed Consent Order on February 1, 2010, requesting an aerial showing the revised proposed impacted wetland acreage and the analysis of the impacts to the wetlands, which was provided by District staff on February 4, 2010. District
staff met with the consultants for the property owners on March 31, 2010, for a pre-application meeting and to discuss potential wetland mitigation strategies. After the meeting, the consultants for the property owners indicated to District staff that the property owners intend to execute the revised proposed Consent Order. District staff anticipates receipt of an executed Consent Order by the date of the Governing Board meeting.

**Staff Recommendation:**

Approve the proposed Consent Order and authorize the initiation of litigation in the event that Wayne Moss and Joseph Gude, Trustee, fail to comply with the Consent Order.

**Presenter:** Adrienne E. Vining, Staff Attorney
Consent Agenda
June 29, 2010

General Counsel’s Report

Consent Order – Water Use Activity - WUP No. 20008833.004 – Seville, LLC – Hernando County

On November 7, 2005, the District transferred Water Use Permit No. 20008833.004 (Permit) to Seville, LLC (Permittee) authorizing withdrawals of 337,600 gallons per day (gpd) on an annual average basis and 780,700 gpd on a peak monthly basis for recreational use at the Permittee’s golf course, known as the Seville Golf Community, located in Hernando County.

On February 24, 2009, District staff issued Permittee a Notice of Non-Compliance advising that the annual average quantity withdrawn for the 12-month period ending January 2009 was 510,975 gpd, approximately 51% in excess of the permitted quantity.

After the issuance of the Notice of Non-Compliance to date, the withdrawals by the Permittee continued to exceed the permitted quantity. Accordingly, in an attempt to resolve this matter, on August 29, 2009, the District mailed a proposed Consent Order to Permittee calling for the payment of $6,382.00 in penalties and costs, which includes the following:

- $6,132.00 for the overpumpage of permitted quantities pursuant to the overpumpage formula;
- $250.00 in District enforcement costs.

The Permittees have tendered payment for the full amount and the District has received the signed Consent Order.

Staff Recommendation:

Approve the proposed Consent Order and authorize the initiation of litigation against Seville, LLC to obtain compliance with the Consent Order.

Presenter: Carrie N. Felice, Staff Attorney
General Counsel’s Report

Initiation of Litigation – WUP No. 20010392.005 – Milmack, Inc. (Oakwood Golf Club) – Polk County

On January 1, 2003, the District issued Water Use Permit (“WUP”) No. 20010392.005 (the “Permit”) to Milmack, Inc. (“Permittee”) authorizing withdrawals of 259,900 gallons per day (“gpd”) on an annual average basis and 282,700 gpd on a drought annual average basis from one well for golf course irrigation in a community known as Oakwood, located in Polk County.

On February 18, 2009, District staff issued Permittee a Notice of Non-Compliance advising that the annual average quantity withdrawn for the 12-month period ending December 31, 2008 was 387,575 gpd, or approximately 30% in excess of the permitted quantity. Permittee responded to the Notice of Non-Compliance, claiming that it had initiated litigation with the developer and engineer of the community concerning damage to the golf course and its irrigation system allegedly caused by the surface water management system serving the development. Permittee’s withdrawals continued to exceed its permitted quantity.

Accordingly, in an attempt to resolve this matter, on September 14, 2009, the District mailed a proposed Consent Order to Permittee calling for the payment of $8,687.00 in penalties and costs for exceeding its permitted drought annual average quantities from April through July, 2009, which included the following:

- $8,187.00 for the overpumpage of permitted quantities pursuant to the overpumpage formula;
- $500.00 in District enforcement costs.

Permittee responded to the proposed Consent Order on October 14, 2009, reiterating its involvement in litigation concerning the surface water management system. Permittee requested that the District impose no penalty for prior overpumpage, which request was rejected. While the District recognized that issues may exist concerning the project’s design and construction, Permittee was notified that such issues did not excuse it from complying with the terms and conditions of its WUP, as issued. District staff met with Permittee and its representatives on October 26, 2009 to discuss possibilities for resolving the overpumpage, and agreed to a 90-day extension of time to calibrate the well’s meters, to employ additional compliance measures, and to respond to the District’s proposed Consent Order. According to the most recent pumpage data submitted by Permittee to the District, Permittee has steadily decreased its withdrawals but continues to exceed its permitted quantities.

Staff Recommendation:

Authorize the initiation of litigation against Milmack, Inc. and any other appropriate parties to obtain compliance, a monetary penalty, and recovery of District enforcement costs, court costs, and attorney’s fees.

Presenter: Amy C. Wells, Staff Attorney
Consent Agenda
June 29, 2010

General Counsel’s Report

Initiation of Litigation – Well Construction - License No. 2146 - Luther A. Tullis, Jr. – Hillsborough County

On August 24, 2005, the District issued Well Construction Permit No. 724907.01 (the Permit) to Luther A. Tullis, Jr., for the construction of one domestic supply well located at 1204 Alafia Bend Lane in Plant City, Hillsborough County (the Property). Because the well authorized by the Permit is located in the Dover area, which is prone to seasonal water level fluctuations, the Permit contained Stipulation No. 46, which requires a minimum casing depth of 147 feet for property that is located south of I-4.

On October 26, 2009, a complaint was received by the District that the well at the Property was pumping gray water and sand. In the course of investigating the complaint, District staff discovered that the completion report for the well indicated that the casing depth was 91 feet. District staff's investigation indicates that Mr. Tullis failed to comply with Stipulation No. 46 of the Permit since he reported that the casing depth of the well is only 91 feet and he was required to have at least 147 feet of casing in that location.

The District issued a Notice of Violation to Mr. Tullis on December 30, 2009, for the above described violation. On February 4, 2010, a proposed Consent Order was issued. The Consent Order assessed penalties in accordance with the Water Well Contractor Disciplinary Guidelines and Procedures Manual, October 2002 and the Florida Unified Citations Dictionary for Water Well Construction, October 2002 as follows:

- $500 for failing to comply with a permit condition; and,
- Five (5) points against Mr. Tullis's Well Contractor License.

Mr. Tullis telephoned District staff on February 22, 2010, to indicate that he wasn’t inclined to sign the proposed Consent Order, but wanted more time to think about the matter. As of the date of the preparation of this recap no further response to the proposed Consent Order has been received; consequently, authorization to initiate litigation is being requested. If approved, an Administrative Complaint and Order will be issued to address all of the violations.

Staff Recommendation:

Authorize the initiation of litigation against Mr. Tullis to take disciplinary action against his license, recover an administrative fine/civil penalty, and recover District enforcement costs, court costs and attorney’s fees.

Presenter: Adrienne E. Vining, Staff Attorney
Consent Agenda
June 29, 2010

General Counsel's Report

Occupyance Agreements – Lake Hancock Lake Level Modification Project

On May 10th the Court entered an Order of Taking vesting title to four parcels in the District upon deposit of funds into the Registry of the Court. All four parcels are the residences of the former owners who remain in possession (living on) the properties. In the order, the Court ruled that surrender of possession shall take place at the time and in the manner agreed to by the parties or, if the parties cannot agree, as the Court orders after a hearing. If called upon, the Court would consider the circumstances of the former property owners and what is a reasonable time period for them to find and acquire replacement accommodations and move. The Court would also consider when the District needs possession of the properties in order to implement the project.

District staff has negotiated satisfactory terms of an Occupancy Agreement with one of the former owners and the agreement has been signed by owners and the Executive Director. The agreement allows the owners sufficient time to make improvements to a replacement property and to relocate their livestock and other belongings. The agreement also provides assurance to the District that possession will be surrendered in a timely fashion so that the project’s implementation will not be delayed. District staff anticipates negotiating similar agreements with the other former property owners prior to the Governing Board meeting.

Negotiating mutually acceptable terms saves the time and expense of having to argue the matters at hearing before the Court. If staff is unable to negotiate and execute satisfactory agreements, the Court will likely order surrender of possession consistent with the agreement already executed.

Staff is seeking the Board’s concurrence with the Executive Director’s acceptance and execution of Occupancy Agreements that provide for the surrender of possession in a reasonable and timely manner, to assure project implementation is not delayed.

Staff Recommendation:

Concurrence with the Executive Director’s execution of Occupancy Agreements to allow extended possession of homes condemned in connection with the Lake Hancock Lake Level Modification Project.

Presenter: Jack Pepper, Assistant General Counsel
Consent Agenda  
June 29, 2010

General Counsel’s Report

**Interagency Agreement between the SFWMD and the SWFWMD - Designation of Regulatory Responsibility - Santa Rosa Ranch Wetlands Restoration Project – Highlands County**

In conjunction with the United States Department of Agriculture (the “USDA”), Santa Rosa Ranch, Inc. is preparing design plans for a wetlands restoration project as part of the Wetlands Reserve Program administered by the USDA in Highlands County (the “Project”). Although the Project is partially located within the jurisdictional boundaries of the South Florida Water Management District (“SFWMD”) and the Southwest Florida Water Management District, the entire property discharges to Arbuckle Creek within the Lake Okeechobee watershed, within the jurisdictional boundaries of SFWMD. Additionally, the Project is within the boundaries of the Northern Everglades and Estuaries Protection Program. Finally, SFWMD has permitted the existing surface water management system for the property under Permit No. 28-00135-S.

Section 373.046(6), Florida Statutes, authorizes a water management district to designate, through an interagency agreement, regulatory responsibility to another water management district over a project located within the jurisdictional boundaries of both districts. Because the entire property discharges to the SFWMD and because the Project is within SFWMD’s Northern Everglades and Estuaries Protection Program, the applicant has requested that responsibility be assumed by the South Florida Water Management District for review and issuance of an ERP for the entirety of the Project. An interagency agreement approved by both district governing boards is necessary to authorize SFWMD to issue an ERP to the applicant for the entire Project.

The SFWMD Governing Board approved this interagency agreement at their June 9 and 10, 2010 meeting.

**Staff Recommendation:**

Approve the Interagency Agreement Between the South Florida Water Management District and the Southwest Florida Water Management District for Designation of Regulatory Responsibility for Santa Rosa Ranch Wetlands Restoration Project in Highlands County.

**Presenter:** Amy C. Wells, Staff Attorney
General Counsel’s Report

Interagency Agreement between the SFWMD and the SWFWMD - Designation of Regulatory Responsibility - Rafter T Ranch – Highlands County

In conjunction with the Florida Department of Agriculture and Consumer Services, Rafter T Realty, Inc. is preparing design plans for environmental restoration activities on the Rafter T Ranch in Highlands County (the “Project”). Although the Project is partially located within the jurisdictional boundaries of the South Florida Water Management District (“SFWMD”) and the Southwest Florida Water Management District, the entire property discharges to Arbuckle Creek within the Lake Okeechobee watershed, within the jurisdictional boundaries of SFWMD. Additionally, the Project is within the boundaries of the Northern Everglades and Estuaries Protection Program, and proposes to implement best management practices on the remainder of the ranch in accordance with the Program. Finally, SFWMD has permitted the existing surface water management system for the property under Permit No. 28-00543-P.

Section 373.046(6), Florida Statutes, authorizes a water management district to designate, through an interagency agreement, regulatory responsibility to another water management district over a project located within the jurisdictional boundaries of both districts. Because the entire property discharges to the SFWMD and because the Project is within SFWMD’s Northern Everglades and Estuaries Protection Program, the applicant has requested that responsibility be assumed by the South Florida Water Management District for review and issuance of an ERP for the entirety of the Project. An interagency agreement approved by both district governing boards is necessary to authorize SFWMD to issue an ERP to the applicant for the entire Project.

The SFWMD Governing Board approved this interagency agreement at their June 9 and 10, 2010 meeting.

Staff Recommendation:

Approve the Interagency Agreement Between the South Florida Water Management District and the Southwest Florida Water Management District for Designation of Regulatory Responsibility for Rafter T Ranch in Highlands County.

Presenter: Amy C. Wells, Staff Attorney
Executive Director’s Report

Approve Governing Board May 25, 2010 Meeting Minutes

Staff Recommendation: See Exhibit

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 9:00 a.m. on May 25, 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
Jeffrey M. Adams, Member
Carlos Beruff, Member
Bryan K. Beswick, Member
Jennifer E. Closshey, Member
Neil Combee, Member
Albert G. Joerger, Member
H. Paul Senft, Member
Douglas B. Tharp, Member
Judith C. Whitehead, Member

Staff Members
David L. Moore, Executive Director
William S. Bilenky, General Counsel
Lou Kavouras, Deputy Executive Director
Richard S. Owen, Deputy Executive Director
Eugene A. Schiller, Deputy Executive Director
Bruce C. Wirth, Deputy Executive Director

Board’s Administrative Support
LuAnne Stout, Administrative Coordinator
Tahla Paige, Senior Administrative Assistant

Board Member(s) Absent
Maritza Rovira-Forino, Member (via phone for Item 4, Election of Governing Board Officers)

A list of others present who signed the attendance roster is filed in the permanent records 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 agenda items only during today’s meeting. 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 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.

3. **Additions/Deletions to Agenda**
   Mr. Moore noted there was one deletion to the agenda.

   **Consent Agenda**
   The following item is deleted from consideration:
   14. Initiation of Litigation – WUP No. 20010392.005 – Milmack, Inc. (Oakwood Golf Club) – Polk County

   Chair Pressman said that, hearing no objection, he accepted this change to the meeting agenda. (Track 1 – 00:00/04:15)

**Ceremony to Honor Former Board Member Sallie Parks**
Chair Pressman said Ms. Parks was appointed to the Governing Board in March 2006 and served through March 2010, and also served as the Governing Board's treasurer. Chair Pressman presented Ms. Parks with a plaque and a resolution honoring her service. Mr. Moore presented Ms. Parks with a photo montage of events occurring during her term. Ms. Parks expressed her gratitude and thanks to Board members and staff for this honor. (Track 1 – 04:15/09:49)

The order of consideration was altered slightly.

5. **Employee Recognition**
   Mr. Moore recognized staff members who have achieved milestones of 20 years or greater.

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<thead>
<tr>
<th>MILESTONE</th>
<th>EMPLOYEE NAME</th>
<th>TITLE</th>
<th>DEPARTMENT</th>
<th>OFFICE LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>30 Years</td>
<td>Tony Gilboy</td>
<td>Well Construction Reg. Manager</td>
<td>Brooksville Regulation</td>
<td>Brooksville</td>
</tr>
<tr>
<td>25 Years</td>
<td>Clark Hull</td>
<td>Environmental Reg. Program Dir.</td>
<td>Strategic Program</td>
<td>Brooksville</td>
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<td></td>
<td>Paula McCleery</td>
<td>Administrative Supervisor</td>
<td>Planning</td>
<td>Brooksville</td>
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<tr>
<td></td>
<td>Addys Cortes Tehan</td>
<td>Laboratory Technician</td>
<td>Res.Data&amp;Restoration</td>
<td>Brooksville</td>
</tr>
<tr>
<td>20 Years</td>
<td>Jan Burke</td>
<td>Bartow Surface Water Reg. Mgr.</td>
<td>Bartow Regulation</td>
<td>Bartow</td>
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<td></td>
<td>John Emery</td>
<td>Tampa Environmental Manager</td>
<td>Tampa Regulation</td>
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<td></td>
<td>Charlie Holmlund</td>
<td>Help Desk Analyst</td>
<td>Info. Resources</td>
<td>Brooksville</td>
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<td></td>
<td>Carl Wright</td>
<td>Sr. Water Conservation Analyst</td>
<td>Resource Projects</td>
<td>Brooksville</td>
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In recognition of Mr. Gilboy's 30 years of service, Messrs. Stuart Anderson and Bill Toomer, members of the Well Drillers Advisory Committee, and Mr. Ben Huss, representing the Florida Ground Water Association, expressed their appreciation of the outstanding work Mr. Gilboy has performed. Chair Pressman noted it is rare for a regulator to receive the testaments heard here today which reiterates the quintessential efforts done every day at the District. (Track 2 – 00:00/17:28)

4. **Election of Governing Board Officers**
   In accordance with Board Policy 110-7, Board members participate in an election of officers. During this process, a Chair, Vice Chair, Secretary and Treasurer are elected. The newly elected officers assume their duties at the end of meeting. Chair Pressman reviewed the procedure for nominations and voting. Ms. Rovira-Forino participated via phone with Ms. Kavouras.

Chair Pressman opened the floor for Chair nominations. Mr. Combee nominated Mr. Oakley. **Mr. Joerger moved to close nominations, and Mr. Senft seconded the motion. The Board voted unanimously to close nominations and cast their ballots.**
Mr. Moore collected the ballots and tallied the results. Chair Pressman announced a unanimous vote for Mr. Oakley’s election as Chair.

Chair Pressman opened the floor for Vice Chair nominations. Mr. Combee nominated Mr. Gramling. Mr. Joerger moved to close nominations, and Mr. Oakley seconded the motion. The Board voted unanimously to close nominations and cast their ballots. Mr. Moore collected the ballots and tallied the results. Chair Pressman announced a unanimous vote for Mr. Gramling’s election as Vice Chair.

Chair Pressman opened the floor for Secretary nominations. Mr. Joerger nominated Mr. Beruff. Mr. Oakley nominated Mr. Senft. Mr. Tharp moved to close nominations, and Mr. Gramling seconded the motion. The Board voted unanimously to close nominations and cast their ballots. Mr. Moore collected the ballots and tallied the results. Chair Pressman announced a majority vote for Mr. Senft and requested the Board affirmatively approve the election. The Board unanimously voted in favor of Mr. Senft’s election as Secretary.

Chair Pressman opened the floor for Treasurer nominations. Mr. Combee nominated Mr. Beruff. Mr. Gramling nominated Mr. Tharp. Mr. Beruff nominated Mr. Joerger. Ms. Closshey moved to close nominations, and Mr. Senft seconded the motion. The Board voted unanimously to close nominations and cast their ballots. Mr. Moore collected the ballots and tallied the results. Chair Pressman announced a majority vote for Mr. Tharp and requested the Board affirmatively approve the election. The Board unanimously voted in favor of Mr. Tharp’s election as Treasurer.

Chair Pressman said he has been honored to serve as chairman this past year, and holds the Board members and staff in highest regard. He said Mr. Oakley will do an outstanding job as will the other Board members. He noted staff will poll Board members during the coming month to determine committee and liaison assignments. (Track 3 – 00:00/11:12)

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

Chair Pressman noted that members of the public submitted requests to speak.

Mr. Al Grubman, resident of Inverness in Citrus County and president of TOO FAR, addressed the Board. He noted the May 23, 2010 *Citrus Chronicle* edition included an article on efforts at the Potts Preserve. He thanked the Board and Withlacoochee River Basin Board for their support.

Mr. David Gore, resident of Davenport in Polk County, provided copies of a letter and emails. He spoke about water resources and hydrology. (Track 4 – 00:00/06:14)

**Consent Agenda**

Item 14 was deleted from consideration.

**Resource Management Committee**

7. **Initiate Rulemaking, Approve Amendment to Rule 40D-8.041, Florida Administrative Code (F.A.C.), and Accept Report to Establish Minimum Flows for the Anclote River System**

   Staff recommended to accept the Minimum Flows and Levels report entitled, "Anclote River System Recommended Minimum Flows and Levels" dated February 2010; and initiate rulemaking and approve adoption of amendments to Rule 40D-8.041, F.A.C., to establish minimum flows for the Anclote River System.


   Staff recommended to accept the report entitled, "Proposed Minimum Flows and Levels for the Lower Peace River and Shell Creek" dated April 2010; and approve adoption of
amendments to Rule 40D-8.041, F.A.C., to establish minimum flows for the lower Peace River.

9. **Lake Hancock Outfall Treatment Project Construction Management Options**
   Staff recommended to request additional time to complete the review of construction management options associated with the Lake Hancock Outfall Treatment Project.

10. **Lower Hillsborough River Minimum Flows Recovery Plan – Approve Cooperative Funding Agreement and Amendment with the City of Tampa**
    Staff recommended to approve the following cooperative agreement and amendment to a cooperative agreement with the City of Tampa for the Recovery of the lower Hillsborough River, based on a 50/50 cost share between the Hillsborough River Basin Board and the Governing Board. Approval will also be required from the Hillsborough River Basin Board at its June 2010 meeting.
    (a) Staff recommended to approve a cooperative funding agreement with the City of Tampa for the Blue Sink Project for a total of $10,785,500 with the Governing Board’s and the Basin Board’s share not to exceed $2,673,500 each and authorize the Executive Director to execute the agreement; and
    (b) Staff recommended to approve an amendment to a cooperative funding agreement with the City of Tampa for the Sulphur Springs Upper Weir & Gates and Sulphur Springs Pumping Station Project for a total agreement cost of $5,276,579 with the Governing Board’s and the Basin Board’s share not to exceed $1,313,864.50 each and authorize the Executive Director to execute the agreement.

11. **Florida Department of Transportation (FDOT) Agreement for Robles Park Water Quality and Natural Systems Enhancement Project**
    Staff recommended to approve the agreement with the FDOT for the Robles Park Water Quality Improvement Project, contingent upon approval by the Hillsborough River Basin Board at its June 10, 2010 meeting; and authorize the Executive Director to execute the agreement.

12. **Budget Transfer Report**
    Staff recommended to approve the Budget Transfer Report covering all budget transfers for April 2010.

    Staff recommended to approve the Settlement Agreement in the total amount of $210,000.

14. **Initiation of Litigation – WUP No. 20010392.005 – Milmack, Inc. (Oakwood Golf Club) – Polk County**
    **This item was deleted from consideration.**

15. **Consent to Pipeline Easements – PRMRWSA v. Nokomis Groves, Inc., et al, Case No. 2010-CA-3282, 12th Judicial Circuit – Sarasota County**
    Staff recommended to consent to the easements for the Pipeline Project across lands encumbered by a Conservation Easement held by the District.

16. **Approve Governing Board April 27, 2010 Meeting Minutes**
    Staff recommended to approve the minutes.

Following consideration, **Mr. Tharp moved, seconded by Mr. Senft, to approve the Consent Agenda as amended. Motion carried unanimously.** (Track 5 – 00:00/00:30)

Chair Pressman relinquished the gavel to Regulation Committee Chair Senft.

**Regulation Committee**

*Discussion Items*

17. **Consent Item(s) Moved for Discussion** – None
18. **January 2010 Freeze Event Update**

Mr. Owen provided an overview of staff’s actions during the past months in response to the January frost-freeze event in eastern Hillsborough County. The third of three work sessions to obtain input was held on May 18, 2010. The next work session is scheduled for June 9, 2010 in the District’s Tampa Service Office. In July and August, staff will be preparing for initiation of rulemaking. Another work session will be planned for September in Plant City. (Track 6 – 00:00/01:50)

Ms. Alba Más, Director, Tampa Regulation Department, said the May 18 work session concentrated on three topics: (1) how to enhance communication during a freeze event, (2) expansion of the data collection network, and (3) local government coordination and land use planning. Communication recommendations included direct mail to water use permit holders prior to next winter, news release prior to freeze event, automated call when aquifer level predicted to reach 25-feet National Geodetic Vertical Datum (NGVD), and continue refining process used this year. Enhancements to data collection included expand groundwater monitoring to better define areas impacted by drawdown cone; update groundwater models with more detailed hydrogeologic data; and increase the quality, quantity and timeliness of pumpage data. The estimated cost of constructing additional wells at existing sites is $305,000. Mr. Owen noted some of this enhanced data collection could be expedited for sites already owned by the District and these costs may or may not all be incurred in one fiscal year. (Track 6 – 01:50/07:15)

Ms. Más said another recommended enhancement is to construct 12 wells at four new well sites to improve groundwater models and is estimated to cost $616,000. Staff is proposing to provide automatic meter reading for all crop protection withdrawal points in the 256-square-mile Dover area. This will better manage resources by reducing permittee’s data collection burden, providing daily meter readings and temperatures, and reporting irrigation run times and sending the user cold protection on/off alerts. Currently, there are 113 withdrawals with flow meters and about 606 without flow meters; the cost per withdrawal is $3,800 to $5,000. Expanding the automated meter reading program at 719 withdrawals is estimated to cost $4,250,000. In response to Mr. Gramling’s question, Ms. Más said the majority are small general permits which do not require any kind of metering and rulemaking is needed for this enhancement. In response to Ms. Closshey’s question, Ms. Más said some upgrades are needed to automate current withdrawal points and staff is proposing the upgrades be done over a three-year period. (Track 6 – 07:15/11:45)

Ms. Más said proposals included local government coordination and land use planning to require wells be brought up to current standards if property is being improved, and transfer of development rights to incentivize farmers to develop tailwater ponds. Staff has met with Hillsborough County and the City of Plant City to discuss extension of water use lines in the Plant City area, but the municipalities do not want to extend lines at this time. Another topic of discussion at the work session was disclosure of well’s age when selling the home. Discussion ensued regarding well/pumpage and homeowner’s knowledge of well depth and type of pump, and burden placed on buyers/sellers. Staff also discussed with the County and City requiring wells be brought up to standard if there is a certain percentage of assessed value in improvement of a home. County staff said precedence already exists which requires landscaping and signage be brought up to standard if there is an assessed value increase of the proposed improvements of 25 percent. Regarding transfer of development rights, there did not seem to be an incentive to pursue this since a developer can transfer densities for wetlands and ponds to the rest of the site being developed. (Track 6 – 11:45/18:35)

Ms. Más said, during the May 18 work session, Mr. Moore introduced a new allocation system that staff had been discussing internally. Staff has been pursuing a long-term strategy for this area based on the hydrograph showing declining water levels. Historically, since the freeze event, staff has been displaying the aquifer levels and the
Dover 1 monitor well. The Tampa 15 monitor well hydrograph from 1958 to present shows a reduction of 10 feet in the aquifer level.

Mr. Moore said staff will come to the Board at its June meeting to present the magnitude of the issues and the proposed management approaches. The aquifer levels are showing more water use both for average annual use in that limited area as well as for freeze protection. In addition to the proposed allocation model, staff will be recommending to stabilize this decline at a minimum and attempt to reverse it.

Ms. Más continued presentation by reviewing the mitigation area, pumpage density and permits. Staff is developing strategies for reducing the amount of water pumped in the area and in improving the condition of the wells over time with the well construction rule revisions. Staff also sees a need to improve the methodology for assigning well investigation responsibility in the area. The investigation responsibility will be based on the drawdown cost at a particular site by the permittee, taking into consideration the legal existing use date of the permit holder in comparison to the complainant and limiting the number of well complaints assigned to a permittee on a ratio basis of the crop protection quantity. (Track 6 – 11:45/24:30)

With the aid of charts, Ms. Más explained the proposed allocation of well complaints. (Track 6 – 24:30/33:45)

Ms. Closshey said staff has done a very responsive job of gathering data and listening to all the various input. The whole concept has evolved and taken shape into a process that appears to be very fair and workable. The real test will be to take the actual experience of the frost-freeze 2010 event and use that data as the test for running through all 700 plus well complaints and therefore validating whether the 500 plus wells are covered without exception. This takes the worse possible event that good data exists for and using that as the illustrative base of this test as opposed to waiting for another incident. The idea of allowing the invited panel and technical experts to listen, contribute, comment, suggest and work in subgroups has been well received. She commended staff and the community for rallying resources and concern for a very positive, growing, evolving situation. She said she would like to see the modeling in process. (Track 6 – 33:45/36:03)

In response to Mr. Gramling’s inquiry, Ms. Más said the original 140-square-mile delineated area was based on previous events and was expanded to 256 square miles so all permittees are included in the model. She said the testing will show if the area needs to be expanded further. Mr. Gramling said the agriculture community has expressed little resistance to this approach. He said there will be people who are not happy because they will be assuming some responsibility now but it is the fairer way. Mr. Gramling said he is supportive of this model and efforts, and looks forward to continued refinements. Ms. Más noted that one of the work group’s comments was a way to limit cost and discussed an industry fund. Mr. Gramling said he was not hopeful for an industry fund to occur and perhaps a more viable way would be some kind of an insurance policy. (Track 6 – 36:03/39:40)

Chair Pressman commented that the challenge to him was the acceptance of the industry. He said he heard nothing but positive, forward movement. He said this plan appears to work very well, and the industry also appears to accept it and will participate. Staff has followed the science to find goals, direction, procedures and is developing policy which is outstanding.

Ms. Más summarized current efforts and noted that at the June 9 work session the topics will include allocation and reduction of roll-back quantities in the area. Staff will be working on rulemaking in July and August, and scheduling another workshop in Plant City during September 2010. In response to Committee Chair Senft’s question, Ms. Más said staff will provide information to the Board at its June meeting and return later in the summer for the
Board to authorize rulemaking. Mr. Moore said staff will present the management approach for conceptual approval by the Board at its June meeting and, following Board direction, staff will develop the rule language. He said Ms. Closshey has scheduled several critical meetings with agricultural interests. Committee Chair Senft said procedures need to be place before the next freeze event. (Track 6 – 39:40/43:40)

Committee Chair Senft noted that a speaker card had been submitted.

Mr. David Gore, resident of Davenport in Polk County, said this process does not include impacts to drainage over time. He spoke about surficial versus regional water resources.

Committee Chair Senft thanked Mr. Gore for speaking and said the Board shares his concerns. (Track 6 – 43:40/46:01)

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

19. **Initiate and Approve Rulemaking to Amend 40D-3.600, F.A.C., to Expand North and South Dover Areas Subject to Special Well Construction Standards**

Mr. Tony Gilboy, Manager, Well Construction Regulation, provided an overview covering whether or not the existing well construction standards are adequate, the geographical extent of the well construction standards, and current procedures for well and pump inspections by the District and Hillsborough County. In 2002, the District adopted Rule 40D-3.600, Florida Administrative Code (F.A.C.), to establish new requirements for well casing depths for wells constructed within the Dover area. As required by Rule 40D-3.400, F.A.C., potable wells constructed in an area designated as the North Dover area must be cased to a minimum depth of 105 feet below land surface. Potable water wells constructed within an area designated as the South Dover area are required to be cased to a minimum depth of 147 feet below land surface. District authority does not include regulation of pumps or pumping equipment.

Mr. Gilboy said, as to the well complaints, investigation by the District revealed that those wells which experienced failure had not been constructed to the casing depths required by Rule 40D-3.600, F.A.C. These were older wells located within the existing areas designated as North Dover and South Dover which pre-existed the minimum casing requirements established by the District and wells located near but outside the designated North and South Dover areas. Wells located within the District-designated North and South Dover areas and constructed to the required minimum casing depths did not fail. Further investigation also revealed that the areas affected by large-scale cold protection irrigation in and around the Dover farming community actually extend beyond the areas presently designated by the District as the North and South Dover areas.

Mr. Gilboy said the District is presently considering alternatives to groundwater pumping, adjustments in the assignment of well mitigation responsibilities among water use permittees for impacts associated with cold protection pumping and other initiatives to address the problems resulting from extensive frost/freeze pumpage. Some of these issues require extended study and consideration. However, based upon the location of well complaints received and the fact that the well casing requirements for the Dover area proved effective in preventing private potable wells from failing during this recent period of intense water use, District staff proposes to expand the North and South Dover areas to include additional surrounding areas that were affected by the cold protection pumping.

Staff recommends the Governing Board approve initiation of rulemaking to amend Rule 40D-3.600, F.A.C., to expand the definitions of the North and South Dover areas and require that wells constructed, repaired or modified within these areas comply with the minimum casing depths established for each area. The current casing depth requirements for each area will remain the same.
Following consideration, Ms. Closshey moved, seconded by Mr. Gramling, to approve the staff recommendation as presented. Ms. Closshey said it would be to the Board’s advantage to know any input received since the advisory committees are involved. Motion carried unanimously. (Track 7 – 00:00/16:17)

20. Denials Referred to the Governing Board
There were no requests for applications or petitions 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.

21. Individual Permits Issued by District Staff

Routine Reports
The following items were provided for the Committee’s information, and no action was required.

22. Southern Water Use Caution Area Quantities
23. Overpumpage Report
   • Mr. Owen said the overpumpage report information has not been appropriately updated and accurate information will be provided in the next report. In response to Ms. Closshey’s question, Mr. Owen said the advantage of the flow meters is that farmers will not have to report frost-freeze quantities, or monthly quantities, at a time when they are focused on protecting their crops.

24. Resource Regulation Significant Initiatives
   (Track 8 – 00:00/02:15)

Regulation Committee Chair Senft relinquished the gavel to Resource Management Committee Chair Joerger.

Resource Management Committee

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

26. Hydrologic Conditions Status Report
Mr. Granville Kinsman, Manager, Hydrologic Data Section, said April historically marks the seventh month of the eight-month dry season and provisional rainfall totals for the month show accumulations in the normal range in the northern and southern regions, while they were above-normal in the central region. Analysis of dry-season rainfall shows October through April totals to be above the historic mean in all regions of the District. Rainfall during the month was regionally variable and associated with seasonally transitional weather systems (a blend of several cool front and convective rainstorm systems). The passage of a cool front system on April 26 delivered approximately two-thirds of the rainfall received during the month, with the central region receiving the greatest accumulations. The 12-month rainfall accumulation shows a surplus of approximately 9.1 inches above the long-term average. The 24- and 36-month cumulative rainfall deficits continue to linger, but showed improvement during April, ending the month approximately 3.9 and 9.6 inches, respectively, below the historic average. In response to normal to above-normal rainfall totals in April, regional groundwater levels and streamflow conditions in regional index rivers ended the month within the normal or above-normal range of historic values. Regional lake levels showed little change during April, ending the month within the annual normal range in the Tampa Bay region and remaining at below-normal levels in the Northern, Polk Uplands and Lake Wales Ridge regions. 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. (Track 9 – 00:00/07:32)

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

Mr. Michael L. Holtkamp, Director, Operations Department, provided an overview of District emergency preparedness for the 2010 hurricane. Emergency management, preparedness and response are primary concerns for the District and the Operations Department. The District, per Chapter 252, Florida Statutes (State Emergency Management Act), has developed a Comprehensive Emergency Management Plan (CEMP). The CEMP provides guidance to District staff on procedures, organization, and responsibilities for an "all hazards" approach to emergency planning and response. The District is a member of the State’s Emergency Response Team (SERT) that is comprised of State agencies representing 18 Emergency Support Functions (ESFs). In the event a hurricane could potentially impact the District’s 16-county area, the Emergency Operations Center (EOC) would be activated to monitor and respond to the event. The EOC is the facility through which the District provides direction and control prior to, during, and in the aftermath of a hurricane. All emergency response efforts and resource deployment is coordinated through the EOC. District emergency management activities revolve around a four-phased cycle of preparedness, response, recovery and mitigation.

The District is signatory to two mutual aid agreements: the “Statewide Mutual Aid Agreement” and the “Florida Water Management Districts Mutual Aid Agreement for Catastrophic Emergency Response/Recovery.” These agreements provide reciprocal emergency aid and assistance during an emergency or disaster. The District has also signed two Memorandums of Understanding, one with Hernando County and one with Tampa Bay Water, for catastrophic emergency operations that allow District EOC personnel to relocate to the county's EOC, or Tampa Bay Water's EOC, should it be determined the District's EOC is unsafe. (Track 10 – 00:00/16:08)

In response to Mr. Senft's inquiries, Mr. Wirth said that once there is a local or state emergency declared, then Federal Emergency Management Agency (FEMA) assesses whether requirements for reimbursement are met. He said the District has to be compliant with recognized procedures and recording of expenses. Mr. Senft said his concern is that an emergency be declared in a timely fashion to avoid complications. Mr. Combee voiced his agreement with Mr. Senft. Ms. Whitehead said staff did a wonderful job during the last event to ensure costs were reimbursed. She noted that local communities looked to the District to provide assistance and staff response was greatly appreciated. Mr. Wirth said that the Board six years ago provided $3.5 million for immediate cleanup and the District enacted all its resources (trucks, chainsaws, personnel, etc.). He noted that the most critical part of this coordination is staff that are placed in harm’s way and much of that has been automated. Ms. Closshey said the Basins were also involved and there was considerable public attendance at Basin Board meetings. Mr. Oakley said it is obvious that Mr. Holtkamp and his staff are prepared. (Track 10 – 16:08/22:40)

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

28. **Myakka River Watershed Initiative**

Ms. Lisann C. Morris, P.E., Senior Professional Engineer, Resource Projects Department, updated the Board on the progress of the Myakka River Watershed Initiative (MRWI) with emphasis on hydrologic restoration alternatives developed for the District’s Flatford Swamp property which is located in the upper reaches of the watershed. The Myakka River Watershed encompasses about 600 square miles and includes lands in Manatee, Sarasota, and Charlotte counties with small portions in Hardee and Desoto counties. The objective of this initiative is to restore water quality, natural systems, and floodplain impacts in the watershed in ways that provide a benefit to water supplies in the Southern Water Use Caution Area (SWUCA). The total project budget for this element of the MRWI is $4,826,000 of which $2.35 million has been provided in state appropriations. The remaining funding was divided between the Governing Board (50 percent), and Manasota (45 percent) and Peace River (five percent) Basin Boards. (Track 11 – 00:00/13:38)
This item was presented 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.
29. Natural Systems Restoration on District Lands Annual Report

Routine Reports
The following items were provided for the Committee’s information, and no action was required.
30. Florida Forever Funding
31. Minimum Flows and Levels
32. Structure Operations
34. Significant Water Supply and Resource Development Projects
(Track 11 – 13:38/13:51)

Resource Management Committee Chair Joerger relinquished the gavel to Outreach and Planning Committee Chair Tharp.

Outreach and Planning Committee

Discussion Items
35. Consent Item(s) Moved for Discussion – None
36. Legislative Debriefing
Ms. Colleen Thayer, Manager, Community and Legislative Affairs Department, provided an update on the 2010 Legislative Session that ended on April 30. She discussed legislation that passed related to water and natural resources, along with other legislation that impacts the District. She reviewed the three significant bills affecting the District that were passed.

House Bill 431 dissolves the Peace Creek Drainage District and transfers any assets and/or liabilities to the District. Mr. Senft said this is a milestone that shows the respect the District has earned from the property owners of the drainage district. Ms. Thayer noted there were no negative comments and it passed unanimously through all committees.

House Bill 435 is the Marketable Record Title Act (MRTA) which creates an exception to applicability for MRTA for any right, title or interest held by any water management district, the board of trustees of the internal improvement trust fund or the federal government. The exception protects the governments’ investment in conservation lands from wild deeds or other false claims of ownership being inadvertently lost due to MRTA.

Senate Bill 550 is the water environmental legislation of the year. The following aspects relate to this District by rewriting Chapter 373, Part VII, and adding conservation projects for eligibility to the list of projects that may receive state and water management district funding, and directs the districts to give added weight to local governments that have the high water recharge tax program if and when the alternative water supply funding trust fund is refunded and becomes available. Relative to funding, the legislation expands the scope of the water pollution control finance program to include drinking water projects and is tied to the State Board of Administration (SBA) which starts the discussion for another potential program for utilities to use for alternative water supply funding and authorizes the SBA to invest in these types of water projects. Relative to reclaimed water, the legislation adds wastewater and water reuse utilities as participants in regional water supply planning in an effort to incorporate reclaimed water in the planning process. The legislation reverses the permit delegation passed last year but only as it relates to water use permits; therefore, governing boards may still choose to delegate in part or full water use permits
but is no longer required. Environmental resource permits remain delegated. It continues to prohibit board members from individually intervening in a permit application but the Legislature added a sunset provision to this for one year. Relative to consumptive use permits, compliance reporting for 20-year permit holders is moved from a five-year review to a 10-year review. The state continues to deal with how to implement the numeric nutrient criteria from the U.S. Environmental Protection Agency (EPA) and potential consequences. The Legislature affirmed in this bill that EPA’s establishment of the numeric nutrient criteria fails to take into account site specific factors that will result in criteria that lacks scientific support and will cause unintended environmental impacts and economic consequences. The bill provides legislative findings regarding surface water quality in the state and the efforts to address numeric nutrient criteria through the current Total Maximum Daily Loads (TMDLs) program. (Track 12 – 00:00/07:30)

Ms. Thayer briefly reviewed other bills that passed and did not pass for this legislative session. She provided an overview of the 2010-2011 State Budget noting that the Water Management Land Trust Fund Statewide received $18,300,000, Florida Forever Statewide received $15,000,000 (District share is $1,125,000), Everglades Restoration received $50,000,000 ($10,000,000 cash and $40,000,000 contingent on the Florida Medicaid Assistance Program reimbursement). (Track 12 – 07:30/16:55)

Mr. Gramling said one of next year’s priorities should be to address the language in Chapter 373 to make sure the District has authority to set pump well depths. Ms. Closshey said this is significant for the entire District’s data collection and should be expanded to include pump depth as well as pump equipment. (Track 12 – 16:55/18:41)

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

37. **FY2010 Public Advertising Campaign Results**
Mr. Michael Molligan, Director, Communications Department, reported the results of the FY2010 public advertising campaign, which sought to encourage the public to “skip a week” of watering or irrigation in the winter months. Public service advertising is one initiative the District uses to promote water resources awareness and conservation practices. The FY2010 campaign, which ran mid-November 2009 to mid-February 2010, included primarily television and radio. All advertising directed residents to the District’s web site for additional water conservation tips. (Track 13 – 00:00/08:40)

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.

38. **Comprehensive Plan Amendment and Related Reviews**
39. **Development of Regional Impact Reviews**
40. **Speakers Bureau**
41. **Significant Activities**
(Track 13 – 08:40/08:55)

Outreach & Planning Committee Chair Tharp relinquished the gavel to Secretary/Assistant Treasurer Gramling.

**Finance and Administration Committee**

**Discussion Items**
42. **Consent Item(s) Moved for Discussion** – None
Submit & File Report
The following items were submitted for the Committee’s information, and no action was required.

43. **April 2010 Interim Report on Workforce and Vendor Diversity**
   - Mr. Schiller said the District has increased to 34 percent in the first six months for competitive procurements with minority and small business which is an increase of over seven percent from the prior year.

44. **Fiscal Year 2011 Budget Update**
   - Mr. Schiller noted that more accurate data is being collected from the counties as to what is happening in terms of the decline in property values. The estimated decrease is now 11 percent which will be reflected in the budgets and the reduction is closer to $20.8 million. The official estimates will be available in June and the reported values will be used for the Boards to set millage rates. The only pending state funds are the $1,125,000 for Florida Forever funding. Staff will submit the proposed budget for fiscal year 2011 in June.
   - Mr. Schiller said the existing year’s revenue collection is now at approximately 94 percent. The State Board of Administration continues to pay down on Fund B and the District received another $149,000. The District continues to meet its rate of return on investments and is in a solid position.

Routine Reports
The following items were provided for the Committee’s information, and no action was required.

45. **Treasurer’s Report, Payment Register, and Contingency Reserves**

46. **Management Services Significant Activities**
   - Mr. Schiller noted the connection to the Hernando County sewer system for the Brooksville facilities should be completed by the end of June.
   (Track 14 – 00:00/07:16)

Secretary/Assistant Treasurer Gramling relinquished the gavel to Chair Pressman.

General Counsel's Report

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

Submit & File Reports – None

Routine Reports
The following items were provided for the Committee’s information, and no action was required.

48. **Litigation Report**

49. **Rulemaking Update**
   (Track 15 – 00:00/00:10)

Executive Director’s Report

50. **Executive Director’s Report**
   - Mr. Moore announced that Ms. Kavouras is now also the District’s Ombudsman. He noted that Ms. Kavouras already coordinates the correspondence response system and, in the event someone is not satisfied with the resolution of an issue, she will then become involved.
   - Mr. Moore congratulated Mr. Oakley on his election as the Board’s Chair. He expressed his appreciation to Chair Pressman for his leadership and efforts during the past year.
   (Track 15 – 00:10/02:04)
Chair’s Report

51. Chair’s Report

- Chair Pressmen noted that he and Mr. Oakley attended the annual Mayor’s Latino luncheon held at the Museum of Science and Industry. He noted that Ms. Rovira-Forino hosted the event and did a tremendous job.
- Chair Pressman thanked Ms. Closshey and Messrs. Tharp, Oakley and Gramling for joining him and participating in the frost-freeze event work sessions.
- Chair Pressman noted the tour last week of the Tampa structures which was attended by Governing and Basin Board members. Mr. Tharp said the tour was well done and very informative, and expressed his appreciation to staff.
- Chair Pressman said the Tampa Bay Regional Planning Council met on May 10. He thanked Mr. Roy Mazur, the District’s Planning Director, for presenting the draft Regional Water Supply Plan (2010) which was well received.
- Chair Pressman thanked Mr. Owen and Ms. Más in assisting him as issues have arisen, particularly during last month.

There being no further business to come before the Board, Mr. Gramling moved, seconded by Mr. Tharp, to adjourn the meeting. Motion carried unanimously. (Track 15 – 02:04/06:03)

The meeting was adjourned at 12:16 p.m.
Governing Board Meeting
June 29, 2010

FINANCE & ADMINISTRATION COMMITTEE

Discussion Items

33. Consent Item(s) Moved for Discussion

34. Fiscal Year 2011 Recommended Annual Service Budget ...................... (60 minutes) ...... 2
   (Strategic Plan: Mission Support)

35. Board Travel ........................................................................................... (5 minutes) ...... 7

36. Office of Inspector General – IT Procurement Audit Part I ....................... (15 minutes) ...... 8
   (Strategic Plan: Mission Support)

Submit & File Reports – None

Routine Reports

37. Treasurer's Report, Payment Register, and Contingency Reserves Report ............... 9

38. Management Services Significant Activities .................................................. 15
Finance and Administration Committee
June 29, 2010

Discussion Item

Fiscal Year 2011 Recommended Annual Service Budget

Purpose
Provide the Governing Board, as required by statute, the Fiscal Year (FY) 2011 Recommended Annual Service Budget. Staff will provide an overview of the budget, including presentation of the draft Information Resources Department’s Five-Year Technology Plan and Computer Sinking Fund Strategy FY2011-FY2015, draft Five-Year Capital Improvements Plan FY2011-FY2015 and major water supply and resource development projects budgeted for FY2011, consistent with the District’s Long-Range Water Supply and Water Resource Development Funding Plan through 2030. Updates will be provided monthly for the Governing Board’s consideration through adoption in September.

Background
The FY2011 budget development process began in December 2009 with the Governing Board’s acceptance of the budget development process memorandum, including the budget calendar, strategic initiatives and general budget preparation assumptions. Staff has been preparing the FY2011 budget since January 2010 with monthly updates reflecting decreasing projections in ad valorem revenue. The budget has been prepared with ad valorem revenue projections based on the rates proposed for FY2010, and the initial June 1 estimates of taxable value from the 16-county property appraisers. Actual ad valorem revenue will be determined following receipt of the Certifications of Taxable Value due July 1, 2010, and millage rates adopted in July.

The preliminary Basin Board budgets were presented for the first time to the Basin Boards in April. At their June meetings, the Basin Boards are reviewing their budgets and adopting proposed FY2011 millage rates for recommendation to the Governing Board. The Hillsborough River Basin Board has adopted a proposed millage rate of 0.2300 mill, reduced from 0.2421 mill for FY2010. The Pinellas-Anclote River Basin Board has adopted a proposed millage rate of 0.2900 mill, reduced from 0.3200 mill for FY2010.

At the July 27 Governing Board meeting, staff will present the Certifications of Taxable Value due July 1 and the proposed FY2011 Districtwide General Fund and Watershed Basin millage rates, in compliance with Section 200.065, Florida Statutes. The Governing Board will adopt proposed FY2011 millage rates for the Districtwide General Fund and the seven Watershed Basins for certification to the county property appraisers by August 4. The proposed millage rates are the rates that will be used for the Truth in Millage (TRIM) Notices of Proposed Property Taxes. After the proposed millage rates have been adopted, the millage rates can be lowered but not raised without a special first class mailing to all taxpayers within the relevant taxing area (i.e., District or Watershed Basin).

The Standard Format Tentative Budget Submission to the Executive Office of the Governor (due August 1, 2010) will reflect the budget as of July 15, 2010, updated to reflect ad valorem revenue based on the July 1 Certifications of Taxable Value.

The District’s FY2011 budget will be adopted in September following two public Truth in Millage budget hearings. The first hearing is scheduled for 5:01 p.m. at the Tampa Service Office on September 14, 2010. The Executive Office of the Governor will review and approve the budgets of all five water management districts before the second and final public hearing. The second and final hearing is scheduled for 5:01 p.m. at District headquarters on September 28, 2010.
The FY2011 Recommended Annual Service Budget materials, including the draft Information Resources Department’s Five-Year Technology Plan and Computer Sinking Fund Strategy FY2011-FY2015, will be sent to the Governing Board under separate cover prior to the meeting.

Staff Recommendation: See Exhibits

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

Presenters: Eugene A. Schiller, Deputy Executive Director, Management Services
            Linda R. Pilcher, Assistant Director, Finance Department
            Terry L. Redman, Director, Information Resources Department
            Brian Armstrong, Water Supply & Resource Development Manager,
            Resource Projects Department
<table>
<thead>
<tr>
<th>DATES</th>
<th>ACTIVITY</th>
<th>RESPONSIBILITY</th>
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<tbody>
<tr>
<td>October 2009</td>
<td>Annual Basin Board Planning Workshops</td>
<td>Basin Boards</td>
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<tr>
<td>October</td>
<td>Cooperative Funding Meetings</td>
<td>Staff/Prospective Cooperators/Public</td>
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<tr>
<td>December 1-31</td>
<td>Develop FY2011 Budget Preparation Guidelines</td>
<td>Executive/Budget</td>
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<tr>
<td>December 4</td>
<td>FY2011 Cooperative Funding Applications Due</td>
<td>Prospective Cooperators</td>
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<tr>
<td>December 15</td>
<td>Governing Board Review FY2011 Budget Development Process</td>
<td>Executive/Budget/Governing Board</td>
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<tr>
<td>December 15</td>
<td>Governing/Basin Boards Joint Workshop &amp; Governing Board Mtg.</td>
<td>Basin Boards/Governing Board</td>
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<tr>
<td>January 1-31, 2010</td>
<td>Review FY2011 Cooperative Funding Applications</td>
<td>Staff</td>
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<tr>
<td>January 4</td>
<td>FY2010 First Quarter Financial Report &amp; Planning Forecast</td>
<td>Directors/Budget</td>
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<tr>
<td>Beginning</td>
<td>Budget Preparation and BRASS Software Training</td>
<td>Budget/Financial Systems/Staff</td>
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<tr>
<td>January 21</td>
<td>Distribute FY2011 Budget Preparation Guidelines</td>
<td>Budget</td>
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<tr>
<td>February</td>
<td>Basin Boards Review Cooperative Funding Applications</td>
<td>Basin Boards</td>
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<tr>
<td>February</td>
<td>Identify New or Continuing FY2011 Major Alternative Water Supply &amp; Water</td>
<td>Staff</td>
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<td></td>
<td>Resource Development (WS&amp;WRD) Projects from Cooperative Funding Submittals</td>
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<tr>
<td>February</td>
<td>Rank FY2011 Cooperative Funding Applications</td>
<td>Staff</td>
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<tr>
<td>February 19</td>
<td>Recurring Budget Requests and Staff Resource Allocations Due</td>
<td>Directors</td>
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<tr>
<td>February 26</td>
<td>New and Non-Recurring Budget Requests Due</td>
<td>Directors</td>
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<tr>
<td>March 5</td>
<td>Capital Improvements Plan Requirements Due</td>
<td>Directors</td>
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<tr>
<td>March 5</td>
<td>General Services and Information Resources Departments New and Non-Recurring Budget Requests Due</td>
<td>Directors</td>
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<tr>
<td>March 8</td>
<td>Preliminary Budget Summary</td>
<td>Executive/Budget</td>
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<tr>
<td>March 10-26</td>
<td>Executive Review of Budget Submissions</td>
<td>Executive/Budget/Directors</td>
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<tr>
<td>March 29-April 2</td>
<td>Departmental Follow-up Review (Executive Adjustments)</td>
<td>Executive/Budget/Directors</td>
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<tr>
<td>March 30</td>
<td>Present FY2011 WS&amp;WRD Projects; Update Existing Project Costs and Schedule/Budget Update</td>
<td>Governing Board</td>
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<tr>
<td>March 30</td>
<td>FY2011 Budget Update – Update Ad Valorem Revenue Estimates following State's Revenue Estimating Conference</td>
<td>Executive/Budget/Governing Board</td>
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<tr>
<td>April</td>
<td>Basin Boards Review Preliminary Budgets</td>
<td>Basin Boards</td>
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<tr>
<td>April</td>
<td>Present FY2011 Basin WS&amp;WRD Projects; Update Existing Project Costs and Schedule/Budget Update</td>
<td>Basin Boards</td>
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<tr>
<td>April 1</td>
<td>FY2010 Second Quarter Financial Report &amp; Planning Forecast</td>
<td>Directors/Budget</td>
</tr>
<tr>
<td>April 5</td>
<td>Executive Budget Summary (All Funds)</td>
<td>Executive/Budget</td>
</tr>
<tr>
<td>April 27</td>
<td>FY2011 Budget Update</td>
<td>Executive/Budget/Governing Board</td>
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<tr>
<td>May 25</td>
<td>FY2011 Budget Update – Update Revenue Estimates following 2010 Legislative Session</td>
<td>Executive/Budget/Governing Board</td>
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<tr>
<td>June</td>
<td>Basin Boards Review Proposed Budgets &amp; Adopt Proposed Millage Rates</td>
<td>Basin Boards</td>
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<tr>
<td>June</td>
<td>Review Elements of WS&amp;WRD Funding Plan Relative to Costs &amp; Schedule of Proposed or Modified Projects and Planned Funding</td>
<td>Basin Boards</td>
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<tr>
<td>June 2</td>
<td>Final Executive Review of FY2011 Recommended Annual Service Budget</td>
<td>Executive/Budget</td>
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<tr>
<td>June 10</td>
<td>Picture-In-Time for FY2011 Recommended Annual Service Budget</td>
<td>Budget</td>
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<tr>
<td>June 29</td>
<td>Presentation of FY2011 Recommended Annual Service Budget Including Draft Information Resources Five-Year Technology Plan and Draft Five-Year Capital Improvements Plan</td>
<td>Executive/Budget/Governing Board Executive/IRD/Budget/ Governing Board</td>
</tr>
<tr>
<td>June 29</td>
<td>Update WS&amp;WRD Funding Plan Revenue Assumptions with FY2011 Ad Valorem Revenue Estimates &amp; Make Necessary Adjustments to Budget</td>
<td>Executive/Resource Projects/Governing Board</td>
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</tbody>
</table>
### SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

**Fiscal Year 2011 Budget Calendar (continued)**

<table>
<thead>
<tr>
<th>DATES</th>
<th>ACTIVITY</th>
<th>RESPONSIBILITY</th>
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<tbody>
<tr>
<td>July</td>
<td>Special Basin Board Meetings, if needed, to adopt proposed FY2011 Millage Rates</td>
<td>Budget/Basin Boards</td>
</tr>
<tr>
<td>July 1-15</td>
<td>Certifications of Taxable Value</td>
<td>Property Appraisers/Budget</td>
</tr>
<tr>
<td>July 1</td>
<td>FY2010 Third Quarter Financial Report &amp; Planning Forecast</td>
<td>Directors/Budget</td>
</tr>
<tr>
<td>July 27</td>
<td>FY2011 Budget Update &amp; Adopt Proposed Millage Rates for District and Watershed Basins</td>
<td>Executive/Budget/Governing Board</td>
</tr>
<tr>
<td>August</td>
<td>Basin Boards Review Final Budgets &amp; Adopt Final Millage Rates and Budgets</td>
<td>Basin Boards</td>
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<tr>
<td>August</td>
<td>Update WS&amp;WRD Funding Plan Revenue Assumptions with Final FY2011 Ad Valorem Revenue Estimates &amp; Make Necessary Adjustments to Budget</td>
<td>Basin Boards</td>
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<tr>
<td>August 1</td>
<td>Submit Standard Format Tentative Budget to Governor, President of the Senate, Speaker of the House, Legislative Committee Chairs, Secretary of the Department of Environmental Protection, and each County Commission</td>
<td>Budget</td>
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<tr>
<td>August</td>
<td>Executive Office of the Governor (EOG) Budget Review</td>
<td>EOG/Executive/Budget</td>
</tr>
<tr>
<td>August 4</td>
<td>Submit Proposed Millage Rates &amp; Preliminary Disclosure of Maximum Millage Levies to Property Appraisers</td>
<td>Budget</td>
</tr>
<tr>
<td>August 24</td>
<td>FY2011 Budget Update</td>
<td>Executive/Budget/Governing Board</td>
</tr>
<tr>
<td>September 5</td>
<td>House and Senate Appropriations and Appropriate Substantive Committee Chairs Comments Due</td>
<td>Legislature</td>
</tr>
<tr>
<td>September 14</td>
<td>Public Hearing (Tentative Budget) – Tampa Service Office</td>
<td>Governing Board</td>
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<tr>
<td>September 21</td>
<td>EOG Budget Review Comments Due</td>
<td>EOG</td>
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<tr>
<td>September 23-26</td>
<td>Advertise Millage Rates and Budget</td>
<td>Budget</td>
</tr>
<tr>
<td>September 28</td>
<td>Public Hearing (Final Budget) – District Headquarters, Brooksville</td>
<td>Governing Board</td>
</tr>
<tr>
<td>October 1</td>
<td>Forward Resolution to Property Appraisers, Tax Collectors &amp; Department of Revenue</td>
<td>Budget</td>
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<tr>
<td>October 8</td>
<td>Issue FY2011 Budget in Brief Report</td>
<td>Budget</td>
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<tr>
<td>October 28</td>
<td>Certify Compliance to Department of Revenue</td>
<td>Budget</td>
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<td>Including the DR-487, DR-420s, DR-422s, DR-420 MMs &amp; DR-487V</td>
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<tr>
<td>December 15</td>
<td>EOG Report on Review of Water Management District Budgets for FY2011</td>
<td>EOG</td>
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<tr>
<td>December 31</td>
<td>Certify Compliance to Department of Financial Services</td>
<td>Budget</td>
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<tr>
<td>March 1, 2011</td>
<td>Submit Consolidated Water Management District Annual Report (including the Five-Year Capital Improvements Plan) to Governor, President of the Senate, Speaker of the House, Legislative Committee Chairs, Secretary of the Department of Environmental Protection, and each County Commission</td>
<td>Planning/Budget</td>
</tr>
</tbody>
</table>
GOVERNING BOARD
FINANCE AND ADMINISTRATION COMMITTEE

Agenda

Fiscal Year 2011 Recommended Annual Service Budget

June 29, 2010

1. Opening Comments
   a. Meeting Objectives
   b. Overview of Agenda

2. Overview of Budget Development
   a. Budget Materials
   b. District Funding and Budget Cycle
   c. Preparation Assumptions, Highlights and Trends
   d. Environmental Stewardship Summary

3. Overview of Recommended Budget – All Funds
   a. Millage Rates
   b. Revenues (Updated based on the June 1 Estimates of Taxable Values)
   c. Expenditures – by Area of Responsibility, Program and Fund
   d. Draft Five-Year Capital Improvements Plan – FY2011 through FY2015


5. Funding Requests for Regional Water Supply and Water Resource Development
   Brian Armstrong

6. Open Discussion
   Doug Tharp

7. Adjournment
   Doug Tharp
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 June 16, 2010, the following travel outside the geographic boundaries of the District is scheduled:

<table>
<thead>
<tr>
<th>Name(s)</th>
<th>Purpose</th>
<th>Estimated Cost</th>
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<tbody>
<tr>
<td>Jennifer Closshey</td>
<td>Environmental Permitting</td>
<td>Registration $ 545</td>
</tr>
<tr>
<td>Hugh Gramling</td>
<td>Summer School</td>
<td>Hotel ($134 x 3) 402</td>
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<tr>
<td>Paul Senft</td>
<td>MARCO ISLAND</td>
<td>Per Diem 96</td>
</tr>
<tr>
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<td>July 20-23, 2010</td>
<td>Parking ($12 x 3) 36</td>
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<td>Total per person $1,079</td>
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<td>Maritza Rovira-Forino</td>
<td>Florida Minority Supplier</td>
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<td>Development Council</td>
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<td>2010 Trade Fair</td>
<td>Per Diem 49</td>
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<tr>
<td></td>
<td>Orlando</td>
<td>Parking (self) no cost</td>
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<tr>
<td></td>
<td>August 4-6, 2010</td>
<td>Total $574 $399</td>
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Staff Recommendation:

Approve Governing Board travel as designated above.

Presenter: Lou Kavouras, Deputy Executive Director, Outreach, Planning, Board Services and Ombudsman
Finance and Administration Committee
June 29, 2010

Discussion Item

Office of Inspector General – IT Procurement Audit Part I

Background
The District Governing Board approved the Information Technology (IT) Procurement Audit as part of the FY2010 Audit Plan. During the planning phase of the engagement, District Executive Management requested the Inspector General to complete an IT benchmark study. Staff has completed the study and briefed Executive Management who requested that staff share the highlights of the study with the District Governing Board.

The study includes analysis of the District’s FY2010 and 2011 IT financial and staffing budgets as well as a projected FY2013 IT budget and staffing plan. Based on the information obtained through the study, the Inspector General has adjusted the individual audit work plan to include specific analysis of the following in Part II of the audit:

- Application licensing agreements
- Build/buy software decisions and adherence to the District’s IT architecture plans
- Carrier expenses
- Outsourcing opportunities
- PC (desktop and laptop) requirements

Staff will complete Part II by September of this year. Noting that the District intended and budgeted substantial IT capital investments in FY2010 and 2011, this office also recommended that the District continue to benchmark IT performance through 2013. At that time, staff will have completed major IT infrastructure development and resumed more routine maintenance and enhancement activities.

Staff Recommendation:

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

Presenter: Kurt P. Fritsch, Inspector General
Finance and Administration Committee  
June 29, 2010

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 May 31, 2010, which reflects total cash and investments at a market value of $716,563,835.

As reflected on the May 31, 2010, Treasurer's Report, the investment portfolio had $108.6 million or 15.0 percent invested with the State Board of Administration (SBA) of which $99.5 million is invested in the Florida PRIME (formerly the Local Government Investment Pool) and $9.1 million in the Fund B Surplus Funds Trust Fund (Fund B). The District has received $157 thousand of Pool A interest earnings during the first eight 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 May 31, 2010, the District's investment in Fund B was $9.1 million, down from the initial investment of $40.7 million. The market value of the Fund B investments is estimated at $6.3 million or approximately 69.8 percent of cost, reflecting $2.8 million at risk. District staff is not aware of any plans by the SBA to liquidate Fund B investments below cost.

On June 4, 2010, the SBA released another $285 thousand from Fund B. Therefore, subsequent to May 31, 2010, the balance of $9.1 million has been reduced by $.3 million, leaving the District's balance in Fund B at $8.8 million, which further reduces the $2.8 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 eight months ended May 31, 2010, the District collected $177.1 million in ad valorem taxes, which is 94.2 percent of the annual budget. This compares favorably with 93.1 percent in FY2009 and 93.9 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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<th>Original Budget Amount</th>
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<td>January 26, 2010</td>
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**Original Budget Amount:** $6,000,000

Less Approved Transfers

**Balance:** $5,750,000

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
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<th>MATURITY DATE</th>
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### AGENCY SECURITIES (CONTINUED)

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#### FEDERAL HOME LOAN MORTGAGE CORPORATION

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**TOTAL FEDERAL HOME LOAN MORTGAGE CORPORATION**

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#### FEDERAL NATIONAL MORTGAGE ASSOCIATION

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**TOTAL FEDERAL NATIONAL MORTGAGE ASSOCIATION**

|                      |                  |               |                  |               |               |                |                 | $110,000,000   | $110,343,800  | $438,820      | 15.20          |

**TOTAL AGENCY SECURITIES**

|                      |                  |               |                  |               |               |                |                 | $383,792,500   | $385,943,300  | $1,497,951    | 53.03          |

#### CASH EQUIVALENTS

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#### UNITED STATES TREASURY BILL

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**TOTAL UNITED STATES TREASURY BILL**

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT**  
**TREASURER’S REPORT TO THE GOVERNING BOARD**  
**May 31, 2010**

**STATE BOARD OF ADMINISTRATION (SBA) & OTHER INVESTMENT ACCOUNTS**

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Weighted average yield on portfolio at May 31, 2010 is 0.94%.

(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.
### DISTRICT AND BASINS

<table>
<thead>
<tr>
<th>District/Region</th>
<th>Equity Amount</th>
<th>Percentage</th>
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<tr>
<td>District General Fund</td>
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<tr>
<td>Alafia River Basin</td>
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<td>FDOT Mitigation Program</td>
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Management Services Significant Activities

**Water Management Information System (WMIS)**
The vision for WMIS, as defined in the Governing Board approved 2005 Vision Statement and included in the IRD 2006-2010 Five-Year Technology Plan, is that it will enable the District's major resource management and planning activities by storing and retrieving all Scientific and Regulatory data as well as providing critical operational support to the District's Water Use Permitting (WUP), Environmental Resource Permitting (ERP), Well Construction Permitting (WCP), and all regulatory compliance programs. Specifically, it will (1) provide for the entry, maintenance, analysis, and presentation of the District's scientific and regulatory data; (2) be easy to use, robust, nimble, and enable appropriate decision-making through the consistent application of the District's scientific, regulatory, and business processes; (3) reach the Executive performance goal of at least 80% online utilization for each permit type within three years of release; (4) be a component of the District's Strategic Information Systems architecture and (5) 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.

**History:** Because WMIS was planned to be developed over an extended period using the Rational Unified Process, components of the system have been developed and released in sequence. The following are the key release dates for the system:

- January 2007, WCP was fully on-line and reached 80% utilization in June 2008.
- October 2007, small general agricultural renewal applications, staff evaluations, and permit issuances on-line
- March 2008, all hydrologic and geographic information system data on-line for District and public use
- July 2008, all small general permit applications, staff evaluations, and permit issuances online
- April 2009, general and individual permit applications, staff evaluations, and permit issuances on line (excluding public supply)
- August 2009, public supply general and individual permit applications on line
- October 2009, the Permit Information Center (PIC) available for public registration
- December 2009, the PIC opened for public use to submit and review water use permit compliance data
- March 8, 2010, ERP functionality transferred from the IBM mainframe to WMIS Server. The transfer of the ERP system completed the shutdown of all regulatory processing on the IBM Mainframe system. Reporting is now being handled by a data warehouse database.

**Current Status:** The base project is scheduled for completion by September 30, 2010 with planned interim releases designed to continuously improve well-defined District regulatory and scientific functions. The ERP on-line registration and entry for Noticed General Applications and requests for Exemptions was opened to the Public on May 3. Introductory webinars were hosted to assist with registration. Following are the performance status indicators of the completed releases. These indicators are based on the last 30 day period:

- WCP – Public on-line use for applications and completion report submission: 80%
- WCP – District staff use for evaluation and permit issue: 99%
- WUP – Public on-line use for applications: 25%
- WUP – District staff use for evaluation and permit issue: 99%
- PIC – Eligible permit holders who chose to register in PIC: 40%
- PIC – Eligible permit holders who successfully submit meter data through PIC: 29%
- ERP – Public on-line use for Noticed General and Exemption applications: 1% (new report since release of Noticed General Applications and Exemptions in May 2010)
**Next Major Milestones:** The release of improved ERP internal review functionality and online application capability for all permit application types is planned for September 2010 with further refinements planned for FY-2011. The following improvements are being made to WUP functionality to increase the online usage rate, further streamline the WUP internal regulation review process and make the system more user-friendly for permittees. The target dates help ensure that all WUP updates will be included in the comprehensive WMIS 2.0 release in September 2010.

- Reduce number of mandatory fields and attachments in the WUP forms in order to increase the initial application acceptance rate (released May 26, 2010).
- Correct remaining data entry errors (e.g. monthly meter readings resulting from the transfer of legacy WUP data from IBM mainframe to WMIS server) to improve use of PIC by the public (current target date July 31, 2010).
- Develop the capability for parallel processing for internal review by District hydrologists and environmental scientists – programming complete, undergoing integration testing with current target release date of August 31, 2010.
- Create a Permit Conditions Wizard to simplify the process of assigning conditions and permits during permit review – programming complete, undergoing integration testing with current target release date of August 31, 2010.
- Improve the Permit Information Center (PIC) features and functionality to make the data submission process easier for permit holders (current target date August 31, 2010).
- New state wide WCP Completion form is in testing (current target date September 30, 2010).

**IBM Decommissioning**

One of the original goals of the Water Management Information System (WMIS) initiative was to integrate regulatory and scientific information processing on a standardized architecture. A critical element of that goal was the elimination of all processing on the IBM Mainframe by October 2010. The IBM Decommissioning Project started in November 2008 with a stated objective to stop all District functional use of the IBM Mainframe Computer by March 8, 2010; seven months ahead of the modified plan date of October 2010. Eight subprojects had to be completed on time for the primary objective to be met. **Current Status:** Through a project portfolio management approach, all functional processing on the IBM Mainframe was ended on March 8, 2010 with WMIS release 1.9; seven months earlier than budgeted at a projected savings of $80,000 per month. The physical removal of the IBM Mainframe occurred on May 25, 2010 as planned. **Next Major Milestones:** The planned Tampa Data Center cleaning is scheduled to occur by June 30, 2010. The 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:** Taxonomy Integration Analysis (TO#9) was completed on April 19, 2010 and the Scanning Strategy (TO#10) was completed on April 26, 2010 as planned. The Finance Business Process improvement (TO#11) and Contracts Task Order (TO#12) started on April 5, 2010 and completed on May 28, 2010 as planned. Task Order #13
for Builder Foundation Training was completed May 13, 2010 as planned. **Next Major Milestones:** Once the four analysis task orders referenced in Current Status are complete, implementation task orders for these projects will be initiated. Planning sessions for the implementation phase will be held in June with an estimated start date in July for the scanning implementation and late July/early August timeframe for taxonomy, Finance Process Improvement and Contracts Management. Additionally, work is continuing for email integration (TO#7) and ECM Governance training. Planned implementation for these items is late August 2010. 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 the operational system as part of the standard software maintenance and modification process. **Next Major Milestones:** Land Resources requested enhancements to the operational system include location maps, land use agreement components and administrative reports. Additionally, Land Resources has requested additional spatial data analysis features be included in the next release. The fulfillment of this requirement is now planned for an August 2010 release. The requirement for additional data types to meet the user requirements for added functionality necessitated that the completion date for special use areas be moved to August 2010 from the originally planned July 2010. Funding for these modifications is included in the original Water Management Lands Trust Fund account.

**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. Enhancements and improvements are being made to
the operational system as part of the standard software maintenance and modification process. The data collection links and lapsed funds reporting were updated on April 5, 2010. **Next Major Milestones:** Future plans include the integration with the new Financial Performance Budgeting in November 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 4.1 of the software. **Next Major Milestones:** As previously reported, NuView rescheduled the release of its latest version, 4.14, from October 2009 to December 2009. The original plan was to start conversion to 4.14 in March 2010 to ensure system stability before adding additional modules such as Recruitment, Training and Compensation. This maintenance update was rescheduled to June 2010 based on NuView programming errors in the 834 Dental and Medical Insurance reports that have been corrected. At this time, NuView's recommendation, based on a joint analysis, is that the District postpone installing version 4.14 until January 2011 and focus instead on installing the latest Cort Payroll Service Pack and the latest Integration Utility that integrates NuView HR and CORT Payroll systems.

**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 (Completed) Voice over IP (Telephony) in 2010 (Started), Unified Messaging (Email and Voice Mail) in 2011, Radio Integration (Radio and Voice) in FY2012, and Unified Communications (Voice/Video/Data/FAX/Web) 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, ongoing 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:** The prototype Voice over IP (VoIP) equipment is on site. The Project kickoff meeting was held on April 26, 2010 and detailed requirements analysis has started. The addition of generators at four radio towers was permitted by the counties, however the proposed generators are no longer available from the vendor and the counties must complete a review of these new generators. This process has started. The new Sarasota tower installation is complete and fully operational. A small radio transmitter for Arcadia support on the new Sarasota tower is on order and is planned for installation in late June 2010. **Next Major Milestones:** The backup generator installation for the remaining four radio towers is being done by Cross Construction and is expected to be complete by early summer 2010. The total Unified Communications project remains on time and within budget.
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 eight months in FY2010, employee turnover (regular, board-authorized positions) was 5.1% compared to 4.1% for the same time period in FY2009.
- Retirements account for 39% of the separations so far in FY2010. At least three more retirements are expected for the remainder of the fiscal year.
- The number of vacant positions as of May 31, 2010 was 31. The average number of vacancies for the previous 12 months was 25.

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.

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: Payroll staff will continue to participate in the Human Resources Information System (HRIS) project during the fiscal year 2010 planned upgrade of the HRIS to a new release. The Kronos Workforce Central system upgrade continues to be pursued. Financial Systems staff continues to work with software vendor consultants to implement the new Performance Budgeting software as a replacement of the
BRASS budget software. In addition to upgrading the budget software functionality, staff is also currently analyzing the opportunity to utilize new functionality available within the software to organize data in a manner that would provide meaningful input to the development of the annual Strategic Plan document. The software has been installed and progress is being made on system configuration and system testing activities. Staff is also currently pursuing an upgrade to the Business Objects reporting solution. Next Major Milestones: The Performance Budgeting software implementation project will be a major focus of the Financial Systems staff through December 2010 with the system expected to be operating in a Production environment by January 2011. Payroll staff is working toward upgrading the Kronos Workforce Central system to the most recent software release by the end of June 2010. The Business Objects reporting solution upgrade is expected to be completed by the end of June 2010. Finally, planning for the upgrade to the next release of the NuView Payroll system is expected to begin in June 2010, with the upgrade to be completed by the end of August 2010. All projects are on time and within budget.

Connection to Hernando County Sewer System
The existing onsite sewer treatment plant was installed in 1976 and is 34 years old. The system costs $30,000 per year to operate and is in need of new pumps, which will cost approximately $4,000. Additional components will need major repairs in the near future. To keep the system operating, staff is spending an average of 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: Testing of the new lift station was completed May 5, 2010. Documentation was sent to FDEP and approval to place the wastewater system into service was granted on May 26, 2010. The new system was put into operation the weekend of June 5, 2010. Now that the new lift station is fully operational, demolition of the existing waste water treatment plant and infill of the rapid infiltration beds will be started. This work should be completed by June 30, 2010 and will result in a net gain of approximately 1.4 acres of usable space for future needs.

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

Presenter: Gene Schiller, Deputy Executive Director, Management Services
REGULATION COMMITTEE

Discussion Items

39. Consent Item(s) Moved for Discussion

40. January 2010 Freeze Event Update .......................................................... (45 minutes) ........ 2
   (Strategic Plan: Water Supply – Regulation)

41. Hydrologic Conditions Status Report ..................................................... (15 minutes) ........ 3

42. Consider Water Shortage Order No. SWF 07-02, Modified
   Phase II Restrictions ........................................................................... (20 minutes) ........ 5
   (Strategic Plan: Water Supply – Conservation)

43. Adopt Order Delegating Authority to Staff for Certain Individual
   Water Use Permits and all Environmental Resource Permits
   and Permit Denials; and Initiate and Approve Rulemaking
   to Amend Rule 40D-1.6051, Florida Administrative Code
   (F.A.C.), to Make Denial Process for Incomplete Permit
   Applications Consistent with Proposed Order .................................. (10 minutes) ........ 6
   (Strategic Plan: Water Supply – Regulation)

44. Denials Referred to the Governing Board ............................................. (0 minutes) ........ 20

Submit & File Report

45. Individual Permits Issued by District Staff ................................................ 21

46. Lifespan of Water Well Systems ................................................................. 23

Routine Reports

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

48. Overpumpage Report ................................................................................ 31

49. Resource Regulation Significant Initiatives Report ................................. 41


**Discussion Item**

**January 2010 Freeze Event Update**

Staff continues to pursue resolution of dry well complaints associated with the January 3, 2010 to January 13, 2010 freeze event. For those Water Use Permit holders that have not resolved their assigned well complaints, staff has forwarded the files to the Office of General Counsel to pursue resolution. District contracted well drillers have completed repairs or replacement of wells that were either not located in a permittee’s mitigation area or could not be promptly addressed by the permittee. Staff is pursuing voluntary reimbursement from the five industries that use crop protection quantities for complainants that were outside a permittee’s delineated mitigation area.

A fourth work session to obtain input from the sixteen Invitees and eight Technical Experts was held on June 9. The work session focused on two topics: (1) determining the need for a cap on groundwater use for freeze protection in the Dover/Plant City area and (2) a comprehensive overview of the management strategy for the area.

Staff will describe outcomes from the fourth work session, provide a comprehensive overview of the Management Strategy for Freeze Protection in the Dover/Plant City area, and will seek Board concurrence with this Strategy. With this concurrence, staff will continue development of the necessary rule revisions and funding components and will return at the July meeting for initiation of rule making.

**Staff Recommendation:**

Governing Board concurrence with the Comprehensive Management Strategy for Freeze Protection in the Dover/Plant City area.

**Presenters:**
Alba E. Más, Director, Tampa Regulation Department
Richard S. Owen, Deputy Executive Director, Resource Regulation
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
Rainfall totals for the month were within the normal range for all three regions of the District. 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 3.84 inches of rainfall, equivalent to the 61st percentile.
- The central region received 2.93 inches of rainfall, equivalent to the 54th percentile.
- The southern region recorded an average of 2.75 inches of rain, equivalent to the 39th percentile.
- District-wide, average rainfall was 3.11 inches, equivalent to the 47th percentile.

Streamflow
May streamflow data indicates regional streamflow decreased in all three regions of the District, compared to the previous month. Streamflow conditions in the northern and southern regions of the District ended the month within the normal range, while the central region ended the month above-normal, 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 68th percentile.
- The monthly average streamflow measured in the Hillsborough River near Zephyrhills in the central region was in the 95th percentile.
- The monthly average streamflow measured in the Peace River at Arcadia in the southern region was in the 52nd percentile.

Groundwater Levels
Groundwater data for May indicate levels in the Floridan/Intermediate aquifer decreased in all three regions of the District. 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 51st percentile.
- The average groundwater level in the central counties was in the 72nd percentile.
- The average groundwater level in the southern counties was in the 60th percentile.

Lake Levels
Water-level data for May indicates average lake levels decreased in all regions of the District. The Northern, Polk Uplands and Lake Wales Ridge regions ended the month below the base of the annual normal range, while the Tampa Bay region ended the month within the annual

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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 0.48 foot and were 3.43 feet below the base of the annual normal range.
- Average lake levels in the Tampa Bay region decreased 0.51 foot and were 0.38 foot above the base of the annual normal range.
- Average lake levels in the Polk Uplands region decreased 0.17 foot and were 1.41 feet below the base of the annual normal range.
- Average lake levels in the Lake Wales Ridge region decreased 0.35 foot and were 4.73 feet below the base of the annual normal range.

**Issues of Significance**

May historically marks the last month of the 8-month dry season and provisional rainfall totals for the month show accumulations in the normal range in all regions of the District. Analysis of the District-wide dry-season rainfall for October through May shows totals of 26.42 inches, equivalent to the 70th percentile and 4.86 inches above the historic “dry season” median rainfall of 21.56 inches.

The majority of the month of May was very dry and dominated by high pressure, but was punctuated by regionally variable rainfall events associated with seasonal weather patterns (a mix of cool front, sea breeze and convective systems). The District-wide 12-month rainfall accumulation shows a surplus of approximately 2.6 inches above the long-term average. The 24- and 36-month cumulative rainfall deficits continue to linger, but showed some improvement during May, ending the month approximately 1.7 and 7.6 inches, respectively, below the historic average.

In response to the extended periods of dry weather, regional groundwater levels and streamflow conditions in regional index rivers posted minor declines, although ending the month within the normal or above-normal range of historic values. Regional lake levels also declined during May, ending the month within the annual normal range in the Tampa Bay region and remaining at below-normal levels in the Northern, Polk Uplands and Lake Wales Ridge regions.

NOAA climate forecasts are for above-normal rainfall during the wet season (June through September) based on a predicted above-average Hurricane Season. Current NOAA models suggest that the Pacific Ocean will transition from existing neutral conditions into La Niña conditions sometime in June through August 2010, which could create drier-than-normal conditions in the winter and spring. Normal rainfall during the wet season will be needed to maintain hydrologic conditions and above-normal rainfall will be needed to improve regional lake level conditions.

Updated weather forecasts will be available in mid-July. 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
Regulation Committee  
June 29, 2010

Discussion Item

Consider Water Shortage Order No. SWF 07-02, Modified Phase II Restrictions

Once-per-week lawn watering and other Modified Phase II water shortage restrictions are currently in effect throughout the District, pursuant to Water Shortage Order No. SWF 07-02, except in communities where more stringent local restrictions are in effect. In addition, portions of unincorporated Marion County and all of the City of Ocala are allowed to follow restrictions declared by the St. Johns River Water Management District in accordance with an Interagency Agreement.

During its February 22, 2010 meeting, the Governing Board extended the expiration date through June 30, 2010. The Phase II restrictions will expire on June 30, 2010 without further action by the Governing Board.

During their meetings on May 27, 2010, the District’s Green Industry and the Agricultural Advisory Committees each unanimously voted to recommend that the Governing Board allow the Water Shortage Order to expire on June 30, 2010. These recommendations were based on a number of factors, including current hydrologic conditions. Another factor was an assertion from irrigation professionals that the District’s horticulture-based education efforts, combined with last year’s changes to Florida’s rain sensor law, would result in greater water savings during the anticipated rainy season if people could take advantage of the flexibility provided in the District’s Year-Round Water Conservation Measures (Rule 40D-22, Florida Administrative Code). Specifically, people would be more willing to “watch the weather, wait to water” (the theme of the District’s current education campaign) or adjust their rain sensor or soil moisture sensor to a more sensitive setting if they only needed to wait three or four days to make the next irrigation decision instead of risking their lawn going without any water for a full week in hot, dry conditions.

If the Governing Board allows the current Order to expire, a twice-per-week lawn watering schedule and other provisions of the District’s Year-Round Measures would go back into effect, subject to any more stringent local measures approved by the District.

Staff continues to monitor pertinent information to develop a final recommendation for Board action regarding Water Shortage Order No. SWF 07-02. Staff will provide a summary of current conditions and then will provide a recommendation regarding the disposition of Water Shortage Order No. SWF 07-02 for the Board’s consideration.

Staff 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
Discussion Item

Adopt Order Delegating Authority to Staff for Certain Individual Water Use Permits and all Environmental Resource Permits and Permit Denials; and Initiate and Approve Rulemaking to Amend Rule 40D-1.6051, Florida Administrative Code (F.A.C.), to Make Denial Process for Incomplete Permit Applications Consistent with Proposed Order

In June 2009, legislation was enacted that mandated delegation to staff for agency actions on all individual WUPs and ERPs and on all petitions for waivers or variances of permitting requirements. In response to this legislation, the Governing Board issued Order No. SWF 09-022, delegating to the Executive Director and designated staff the authority to make all individual ERP and WUP permitting decisions and act on all petitions for variances or waivers of permitting requirements. The Order also specified a process whereby permit applicants and petitioners whose application or petition was being processed for staff denial could request referral to the Governing Board for final action. Accordingly, a standing Governing Board agenda item is now maintained for any staff-proposed denials of permits or petitions that are referred to the Governing Board for final action. Monthly public meetings are also held at the District’s Tampa Service Office to provide the public an opportunity to comment on pending individual permit applications.

The Legislature has recently amended Chapter 373, F.S., to revise last year’s mandatory permit delegation requirements. Pursuant to the new law, L. 2010 Ch.205, (formerly Senate Bill 550), the delegation of all individual WUPs to staff is now discretionary. Delegation to staff of all individual ERPs and all petitions for variances or waivers of permitting requirements continues to be mandatory. Such delegations are not subject to rulemaking requirements. In light of the new legislation, staff is recommending continued delegation of individual WUPs, provided the Executive Director retains the right to refer a WUP application to the Governing Board for final action if, in the Executive Director’s opinion, such permit should be reviewed by the Governing Board. Delegation to staff of individual ERPs and petitions for variances or waivers of permitting requirements will continue unchanged. Accordingly, staff proposes that the Governing Board issue a new delegation Order that continues the delegation to staff of authority to act upon all Individual ERPs, petitions for variances and waivers, and permit denials unless referred to the Board for agency action, and which delegates authority to act upon all individual WUPs unless the Executive Director requests referral to the Board for final agency action. If approved, the new Order will rescind Governing Board Order No. SWF 09-022. A copy of the proposed delegation Order is included in the Board’s meeting information as Exhibit A for this item.

In addition to the delegation Order, staff is also proposing some minor changes to Rule 40D-1.6051, F.A.C., to make the process for staff denials of incomplete permit applications that is described in the rule consistent with the process for permit denials as described in the proposed Order. If amended, staff will no longer issue a notice of proposed agency action. Instead, applicants will be advised earlier in the process of staff’s intended permit denial and that the applicant may request referral to the Governing Board for final action. A copy of the proposed rule amendments is included as Exhibit B for this item. If the proposed amendments are approved, staff will proceed with rulemaking without further Governing Board action unless substantive comments are received or changes are proposed, in which case amendments to Rule 40D-1.6051, F.A.C., will be brought back to the Board for further consideration.
Staff Recommendation: See Exhibits

(1) Approve proposed District Order authorizing a revised delegation process for certain individual WUPs and continuing delegation to staff of all individual ERPs, petitions for variance or waiver of permitting requirements and all permit denials not referred to the Governing Board for final action; and

(2) Authorize the initiation of rulemaking and approve proposed amendments to Rule 40D-1.6051, F.A.C., to make the denial process for incomplete permit applications consistent with the denial process as described in the proposed District Order.

Presenters: Richard S. Owen, Deputy Executive Director, Resource Regulation
            Martha A. Moore, Senior Attorney, Office of General Counsel
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
ORDER NO. SWF 10-___

IN RE:

DELEGATION TO EXECUTIVE DIRECTOR OF AUTHORIZATION TO TAKE FINAL ACTION ON PERMIT APPLICATIONS UNDER PART II AND PART IV OF CHAPTER 373, FLORIDA STATUTES, (F.S.) AND ON PETITIONS FOR VARIANCE OR WAIVER OF PERMITTING REQUIREMENTS UNDER PART II AND PART IV OF CHAPTER 373, F.S.

In light of recent amendments to Chapter 373, Florida Statutes (F.S.), concerning the delegation by the Governing Board of the Southwest Florida Water Management District (District) of permitting authority to the Executive Director and designated staff, the District Governing Board hereby delegates to the Executive Director and designated staff the authority to take agency action on permit applications and petitions for variances and waivers of requirements for permit applications issued pursuant to Part II and Part IV of Chapter 373, F.S., as set forth below. This delegation is in addition to existing delegations for general and noticed general permits issued pursuant to Part II and Part IV of Chapter 373, F.S., and all other agency actions previously delegated to District staff. Governing Board Order No. SWF 09-022 is hereby rescinded.

1. Permitting Actions Under Part II of Chapter 373, F.S. The Executive Director and District staff as designated by the Executive Director are delegated authority to take agency action on:

   a. Applications for all new individual water use permits;

   b. Applications for renewal or modification of individual water use permits;

   c. Petitions for variance or waiver of any permitting requirements adopted pursuant to Part II of Chapter 373, F.S.; and

   d. Agency reports required by the Florida Electrical Power Plant Siting Act, the Florida Electric Transmission Line Siting Act, and the Natural Gas Transmission Pipeline Siting Act, regarding the District’s nonprocedural requirements under Parts II, III and IV of Chapter 373, F.S.

Prior to the Executive Director or designated staff taking final action on an application for a new individual water use permit or an application for renewal or modification of an individual water use permit other than an application for short form modification as provided in Rule 40D-2.331(2)(b), F.A.C., if the Executive Director
determines that an application should be reviewed by the Governing Board, the Executive Director may refer an application to the Governing Board for final action, and such application will be referred, provided agency action can occur within the required time limits of Chapter 120, F.S., or other applicable law.

2. **Permitting Actions Under Part IV of Chapter 373, F.S.** The Executive Director and District staff as designated by the Executive Director are delegated authority to take agency action on:

   a. Applications for all Individual environmental resource permits and wetland resource permits issued pursuant to Chapter 40D-4, F.A.C.;

   b. Applications for modifications of all Individual environmental resource permits and wetland resource permits issued pursuant to Chapter 40D-4, F.A.C.;

   c. Petitions for variance or waiver of any permitting requirements adopted pursuant to Part IV of Chapter 373, F.S.; and

   d. Requests for authorization to use sovereign submerged lands for activities that also require a District permit under Part IV of Chapter 373.

3. **Proposed Denial Actions Under Part II and Part IV of Chapter 373, F.S.** If the Executive Director or designated staff proposes to denies a permit application or a petition for which authorization has been delegated, either pursuant to this Order or a prior delegation, the Executive Director or designated staff shall first advise the applicant or petitioner that the applicant or petitioner may request referral of the application or petition to the Governing Board for final action. Upon such request and provided agency action can occur within the required time limits of Chapter 120, F.S., the application or petition will be referred to the Governing Board for final action.

4. **Limitations on Governing Board Members.** Pursuant to subparagraph 373.079(4)(a)2., F.S., Governing Board members are expressly prohibited from individually intervening in any manner during the review of an application before such application is referred to the Governing Board for final action. This paragraph does not prohibit the Governing Board as a collegial body from acting on any permit application or supervising, overseeing, or directing the activities of the District staff. This provision expires June 1, 2011, unless reenacted by the Legislature.
DONE AND ORDERED by the Governing Board of the Southwest Florida Water Management District this 29th day of June 2010.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

By:  ____________________________
     Ronald E. Oakley, Chair

By:  ____________________________
     H. Paul Senft, Jr., Secretary
     (Seal)

Approved as to Legal Form & Content

______________________________
Attorney

Filed this ____ day of
_________ 2010.

_______________________
Deputy Agency Clerk
NOTICE OF RIGHTS

Persons to whom this Order is directed, or whose substantial interests are affected, may 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.
Proposed Amendments to Staff-Initiated Permit Denial Process

40D-1.6051 Timeframe for Providing Requested Information for Permit Applications and Denial of Incomplete Applications.

(1) No change.

(2) If requested information is not submitted to the District within the time limits set forth in subsection (1) above, or if an application remains incomplete for more than 365 days and no further extension will be granted, District staff shall issue to the applicant a notice advising of staff’s intent to deny the application and that the applicant may request referral of the application to the Governing Board for final action.

Upon such request and provided the request is made in sufficient time for proposed agency action to occur within the time limits required by Chapter 120, F.S., or other applicable law, the application will be referred to the Governing Board for final action. Applications not referred to the Governing Board will be denied by staff issuance of a notice of final action to deny the permit application for lack of completeness. The proposed application denial shall become final 21 days after receipt of written notice, as defined in paragraph 40D-1.1010(2)(b), F.A.C., or 14 days after receipt of written notice for a consolidated application concurrently reviewed pursuant to Section 373.427, F.S., unless prior to that date: the application is amended as provided in subsection 40D-1.603(7), F.A.C.; the application is withdrawn; a petition for administrative hearing is filed; or a written request to refer the application to the Governing Board for agency action is submitted by the applicant.

Statement of Estimated Regulatory Costs (SERC)

Proposed Amendments to Rule 40D-1.6051

Proposed Amendments to Staff-Initiated Denial Process

Southwest Florida Water Management District

June 17, 2010
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2.0 A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule ........................................................................................................... 3

3.0 A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues .............................................................................................................. 7

4.0 A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the rule .............................................................................................................................. 7

5.0 An analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S. ........................................................................................................................................ 7
1.0 Introduction

Currently, the District sends out a notice Proposed Agency Action (PAA) to deny an incomplete permit application in cases where the applicant has failed to submit requested information or where the application remains incomplete and inactive for more than 365 days and no more extensions will be granted. The PAA advises the applicant of the District’s intention to deny the incomplete permit application and the option to have the incomplete permit application referred to the Governing Board for final action. The applicant has 21 days to respond in writing.

The proposed changes to Rule 40D-1.6051, F.A.C., seek to make the current process for staff-issued denials of incomplete permit applications, where no more extensions will be granted, consistent with the process described in a proposed delegation order for substantive denials of permit applications. The amendments will replace notices of proposed agency action on incomplete applications with notices of final agency action which also allow applicants to request referral to the Governing Board for agency action. The Governing Board has a standing agenda item for proposed denials.

Under the proposed changes, the applicant will receive only a notice of Final Agency Action (FAA). This is essentially the same as a PAA. It informs the applicant of the District’s intention to deny an incomplete permit application in cases where the applicant has failed to submit requested information or where the application remains incomplete for more than 365 days, and no more extensions will be granted. The FAA advises the applicant of the District’s intention to deny the incomplete permit application and the option to have the incomplete permit application referred to the Governing Board for final action. The applicant has 21 days to respond in writing.

2.0 A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule

The District actively assists permit applicants throughout the permit process. Rather than simply deny a permit application for lack of completeness or other reason, District staff will generally work with permit applicants to identify data that may be required or actions that could be taken to make a project permittable. Incomplete permit applications that remain inactive for a year or more are a fairly rare occurrence. For example, during the period from January 1, 2005 through October 27, 2009 only 7 water use and 37 environmental resource permit application denials related to prolonged incomplete status could be found in the District’s Water Management Information System database. Those applicants with unpermittable projects typically withdraw the application and they do not get to the denial stage. Those with permittable projects continue to work with District staff and may request time extensions. The proposed rule revision potentially applies to all permit application types and the various types of entities that apply for them. However, from the applicants’ standpoint, the denial process is substantially the same as before and there will be no significant change in the number of applications denied or change in the types of applications or entities denied. The applicant simply would receive a FAA rather than a PAA. The applicant would still have 365 days of allowable inactivity and would still have the same amount of time in which to refer the application denial to the Governing Board for final action. The Governing Board will continue to have a standing agenda item for permit denials.
2.1 Estimated Number of Incomplete Environmental Resource Permit Applications Affected

Table 2.1.1 lists the number of incomplete ERP applications received between January 2004 and June 2009 (incomplete applications in house for approximately one year or more). There are 99 total incomplete ERP applications associated with 96 unique permits. Incomplete applications for Individual and Standard General ERPs comprise nearly 80% of the cases. These permits were typically tied to commercial developments, residential subdivisions, or local governments. As shown in Table 2.1.2, 87 of these 99 incomplete ERP applications have been languishing for greater than 365 days. The remaining 12 will be a year old in a month or so. It is not clear from the database whether there has been any recent activity in these permits. It is likely that the real estate downturn may have led to the indefinite postponement of some these projects. Since we cannot be aware of all activity continuing on these 99 applications, we assume that they are the maximum number of incomplete ERP applications that may be affected by the proposed changes.

Table 2.1.1 Incomplete Environmental Resource Permit Applications Received January 2004 through June 2009 by Permit Type (Continued on next page.)

<table>
<thead>
<tr>
<th>ERP Activity</th>
<th>ERP Conceptual</th>
<th>ERP Individual</th>
<th>ERP Standard General</th>
<th>ERP Standard General Minor System</th>
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<td>Drainage systems</td>
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Source: ERP File of Record data from March 21, 2010.
Table 2.1.1 Incomplete Environmental Resource Permit Applications Received January 2004 through June 2009 by Permit Type (Cont.)

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<th>MSSW General Permit</th>
<th>MSSW Individual Permit</th>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>Residential Subdivision</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>12</td>
</tr>
<tr>
<td>Rock</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Single Family residential</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>Undefined</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td><strong>Total No. of ERP Revisions</strong></td>
<td><strong>4</strong></td>
<td><strong>1</strong></td>
<td><strong>1</strong></td>
<td><strong>1</strong></td>
<td><strong>1</strong></td>
<td><strong>99</strong></td>
</tr>
</tbody>
</table>

Source: ERP File of Record data from March 21, 2010.

Table 2.1.2. Incomplete Environmental Resource Permit Applications Received January 2004 through June 2009 by Days since Receipt Date

<table>
<thead>
<tr>
<th>Days since Receipt of Incomplete Application</th>
<th>Number of Incomplete ERP Applications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than or equal to 365 days</td>
<td>12</td>
</tr>
<tr>
<td>Greater than 365 and less than or equal to 730 days</td>
<td>80</td>
</tr>
<tr>
<td>Greater than 730 days</td>
<td>7</td>
</tr>
<tr>
<td><strong>Total Incomplete ERP Applications</strong></td>
<td><strong>99</strong></td>
</tr>
</tbody>
</table>

Source: ERP File of Record data from March 21, 2010.
2.2 Estimated Number of Incomplete Well Construction Permit Applications Affected

The proposed changes do not affect well construction permit (WCP) applicants. They typically complete their well construction application online and permits are issued upon receipt of permit fee. Well construction permitting staff only reviews completed applications. Well construction permits are fairly simple and incomplete well construction permits are typically not accepted.

2.3 Estimated Number of Incomplete Water Use Permit Applications Affected

Incomplete WUP applications are classified in Tables 2.3.1 and 2.3.2, below. Table 2.3.1 details 29 incomplete WUP applications that were received between January 2004 and June 2009. There are incomplete WUP applications for all types of water use categories. Agriculture being the leading water use category followed by Public Supply and Recreation/Aesthetic. These incomplete WUP applications are dominated by individual WUPs. This is not surprising due to the complexity and large water volumes typically associated with individual WUPs. Table 2.3.2 reveals that only 1 incomplete WUP application is about to become a year old. Another 12 incomplete WUP applications have been in-house for over 2 years. The remaining 16 are already a year old. As in the case of the incomplete ERP applications, it is not clear from the database whether there has been any recent activity in these permits or if they may be granted an extension. Consequently, we would assume these 29 are the maximum number of incomplete WUP applications that may be affected by the proposed changes if not granted an extension.

### Table 2.3.1 Incomplete Water Use Permit Applications Received January 2004 through June 2009 by Permit Type

<table>
<thead>
<tr>
<th>Water Use Category</th>
<th>WUP Type</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Individual</td>
<td>General</td>
</tr>
<tr>
<td>Agricultural</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>Industrial and Commercial</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>Mining and Dewatering</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Public Supply</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>Recreation/Aesthetic</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>17</strong></td>
<td><strong>8</strong></td>
</tr>
</tbody>
</table>

Source: WUP File of Record data from March 21, 2010.

### Table 2.3.2. Incomplete Water Use Permit Applications Received January 2004 through June 2009 by Days since Receipt Date

<table>
<thead>
<tr>
<th>Days since Receipt of Incomplete Application</th>
<th>Number of Incomplete WUP Applications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than or equal to 365</td>
<td>1</td>
</tr>
<tr>
<td>Greater than 365 and less than or equal to 730</td>
<td>16</td>
</tr>
<tr>
<td>Greater than 730</td>
<td>12</td>
</tr>
<tr>
<td><strong>Total Incomplete WUP Applications</strong></td>
<td><strong>29</strong></td>
</tr>
</tbody>
</table>

Source: WUP File of Record data from March 21, 2010.
3.0 A good faith estimate of the cost to the agency, and to any other state and local
government entities, of implementing and enforcing the proposed rule, and any
anticipated effect on state or local revenues

The proposed revisions are not expected to pose any additional implementation, monitoring or
enforcement costs to the District or any other state or local governments. There are no
anticipated negative impacts on state or local revenues.

4.0 A good faith estimate of the transactional costs likely to be incurred by individuals
and entities, including local government entities, required to comply with the
requirements of the rule

Permittees whose incomplete permit applications are slated for denial will not incur additional
transactional costs as a result of the proposed changes. They will simply receive a FAA rather
than a PAA. They will have the same amount of time for their application to remain incomplete.
They will be advised of their rights to petition the Governing Board and have the same amount
of time in which to decide to refer the denial to the Governing Board.

5.0 An analysis of the impact on small businesses as defined by Section 288.703, F.S.,
and an analysis of the impact on small counties and small cities as defined by Section
120.52., F.S.

Small businesses, counties and cities will not be adversely impacted by these proposed
changes in rule language.
Regulation Committee  
June 29, 2010

Discussion Item

Denials Referred to the Governing Board

District Rule 40D-1.6051, Florida Administrative Code, provides 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.

Under these circumstances, if an applicant or petitioner 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 Governing Board meeting.

Staff Recommendation:

If any denials are requested to be referred to the Governing Board, these will be presented at the meeting.

Presenter: Richard S. Owen, AICP, Deputy Executive Director, Resource Regulation
### Individual Permits Issued: ERPS

<table>
<thead>
<tr>
<th>Permit Number</th>
<th>Project Name</th>
<th>County</th>
<th>Description</th>
<th>Total Project Acres</th>
<th>Wetland Acres</th>
<th>Wetland Acres Impacted</th>
<th>Wetland Mitigation Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>43005750.006</td>
<td>Hidden Lake Preserve</td>
<td>Citrus</td>
<td>Apartments, Townhomes, &amp; Commercial Development</td>
<td>106.18</td>
<td>2.10</td>
<td>2.10</td>
<td>25.71</td>
</tr>
<tr>
<td>43014123.065</td>
<td>MacDill AFB – Mangrove Restoration Project</td>
<td>Hillsborough</td>
<td>Wetland (mangrove) restoration project</td>
<td>3.54</td>
<td>2.88</td>
<td>2.18</td>
<td>2.18</td>
</tr>
<tr>
<td>49021744.002</td>
<td>Clear Springs Research Corporate Park</td>
<td>Polk</td>
<td>Proposed conceptual commercial project with no impacts conceptually proposed</td>
<td>1,900</td>
<td>638.57</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>49021744.003</td>
<td>Clear Springs Corporate Park Phase I</td>
<td>Polk</td>
<td>Construction of a surface water management system serving phase of commercial project for mass grading and construction of roadways and utilities &amp; no impacts proposed</td>
<td>131.92</td>
<td>14.08</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>43034641.000</td>
<td>Green Swamp Mitigation Bank</td>
<td>Polk</td>
<td>Establishment of a mitigation bank</td>
<td>635.27</td>
<td>553.60</td>
<td>0.00</td>
<td>552.60</td>
</tr>
<tr>
<td>43034993.001</td>
<td>Achievement Academy Inc.</td>
<td>Polk</td>
<td>Construction of a new surface water management system to serve a private school project</td>
<td>15.73</td>
<td>1.91</td>
<td>1.91</td>
<td>1.91</td>
</tr>
<tr>
<td>43035437.000</td>
<td>Polk Co Woodland Area Drainage Improvements</td>
<td>Polk</td>
<td>Surface Water Management System to serve drainage improvements</td>
<td>23.00</td>
<td>5.24</td>
<td>2.63</td>
<td>5.02</td>
</tr>
<tr>
<td>49028524.014</td>
<td>Islandwalk at the West Villages</td>
<td>Sarasota</td>
<td>Conceptual modification for overall layout to residential development including revised configuration of roads, residential units and wet detention ponds.</td>
<td>1,071.00</td>
<td>829.30</td>
<td>1.75</td>
<td>2.72</td>
</tr>
</tbody>
</table>

*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>20005013.008</td>
<td>Alico, Inc.</td>
<td>Polk</td>
<td>Irrigation of 468 acres of citrus</td>
<td>Agricultural</td>
<td>536,800</td>
<td>565,100</td>
<td>10</td>
</tr>
<tr>
<td>20007025.007</td>
<td>Ridge Resources Inc.</td>
<td>Hardee &amp; Manatee</td>
<td>Irrigation of 436 acres of spring and fall tomatoes</td>
<td>Agricultural</td>
<td>1,252,300</td>
<td>1,301,200</td>
<td>10</td>
</tr>
</tbody>
</table>
Submit & File Report

Lifespan of Water Well Systems

During a previous Governing Board meeting, as a part of the January 2010 Freeze Event Update, Ms. Closshey requested the District staff provide the Board with information regarding the lifespan of water wells and the various equipment associated with water wells. Included as an exhibit to this item is a paper entitled *Lifespans of Water Well Systems*.

**Staff Recommendation:**

This item is submitted for the Committee’s information, and no action is required. Staff will be available to address any questions from the Board.

**Presenters:** Richard S. Owen, AICP, Deputy Executive Director, Resource Regulation
Tony Gilboy, Manager, Well Construction Regulation
Issue Paper

Lifespans of Water Well Systems

PROBLEM STATEMENT: Record consecutive freezes during January 4 - 13, 2010 within the Southwest Florida Water Management District (District) resulted in appreciable groundwater withdrawals associated with agricultural crop protection and subsequent impacts to water resources and personal property primarily in the Dover / Plant City area. Significant water level declines in aquifer levels were recorded in portions of this area and over 750 well complaints were reported.

Within a week after the freeze event, aquifer levels returned to pre-frost/freeze pumping conditions. Most of the wells were usable within this period and were not permanently damaged. However, many of these wells had their low water devices reset by a water well contractor or pump technician. Some wells within this area were damaged. These damages included pump failure and collapsed wells.

As a condition of the Water Use Permit (WUP), permittees are responsible for mitigating pre-existing wells damaged or impaired as a result of groundwater withdrawals within their respective mitigation areas. Mitigation costs for these permittees from the January 2010 freeze event were reported to range from less than $100 for having a low pressure water device reset, to over $10,000 for a complete well replacement. Considering the financial burden placed on permittees for mitigating damaged or impaired wells, the District has been discussing various approaches to equitably reduce the economic impact to assigned permittees. One of these approaches, as requested by a District Governing Board member, is to examine the actual depreciation of water well systems (well casing, pump, and bladder/pressure tank) based on component lifespan. The following documents District findings based on data obtained from nearly 40 years of well construction permits, discussions with long-term experienced water well contracting companies and other representatives in the field, and available published documents. This paper only addresses water well lifespan issues. It does not address if and how the District could potentially incorporate lifespan factors into its well mitigation rule and permit requirements.

Well Casing Lifespan

Data obtained from the aforementioned sources indicate that water well casings commonly last 40 years or more. There are a few accounts of operational water wells having 100 year old steel casing. The lifespan for well casing materials, such as galvanized steel or polyvinyl chloride (PVC), that are more inert than steel, have not been documented. This material may have a lifespan of more than 100 years.
It has been found that the lifespan of water well casing and boreholes can be reduced by faulty construction/design. Examples of this faulty construction/design include improper well seals, cracked casing, and not seating the casing deep enough in order to seal off sediment and/or naturally occurring water quality degradation. Also, natural conditions, such as the aggressive nature of acidic groundwater and iron forming bacteria, can reduce the life of the well casing, especially around the casing threads (thinnest portion of the well casing). The steel casing tempering, metallurgical blend of other metals/metalloids can also appreciably increase or reduce the lifespan of the water well.

Differences in natural geologic material that surround water well casings and those along open hole or screened well portions can greatly affect the lifespan of a water well. Geologic materials can vary at adjacent properties. These variations in geologic material can affect the well lifespan. These variations could be as minor as sand/silt entering one well and not the other to cave-ins which can damage well casing, screens, or infill the open hole portion of the well. Considering the numerous factors described above that affect the integrity of water well casings, it is difficult to pre-determine the well lifespan without investigating each specific water well. The District estimates that there are more than 20,000 domestic wells in the Dover-Plant City area.

Well Pump Lifespan

Findings from the aforementioned sources suggest that most submersible water well pumps have a lifespan from 10 to 15 years and most jet water well pumps have a lifespan from 7 to 9 years. These sources, however, revealed that lifespans of some submersible and jet water well pumps are from less than 2 years to more than 25 years.

The most common factor that reduces the lifespan of all types of water well pumps is an incorrectly-sized system pressure tank. For those cases, either the price or lack of installer experience were the primary causes of incorrectly-sized pressure tank. Usually, smaller, more affordable pressure tanks were installed that caused the water well pumps to cycle (start and stop) more often and, therefore, appreciably reduce the pump lifespan.

Water well pumps also are appreciably affected by silt/sand intrusion, acidic water [(tannic acid from surficial waters and organic material, sulfuric acid (hydrogen sulfide from bacteria)], and fouling of pump and/or intake from bacteria and/or mineral deposits (iron, calcite) from geologic materials.

The amount of time a water well pump operates and cycles due to household consumption is an additional factor that will influence the pump lifespan. Theoretically, a pump will operate and cycle more frequently to provide water for a household of six versus a household of two. Similarly, a pump
operating and cycling more frequently to supply water for household and irrigation purposes as compared to a pump supplying water for a household only will likely have a reduced lifespan. Additionally, an undersized water well pump will operate at a higher load to supply the same amount of water as a properly sized water well pump. The additional load on the undersized water well pump will reduce its lifespan.

**Issues specific to submersible pumps**

Improper installation of a submersible water well pump can result in decreased lifespans. Some examples of improper installation are, but not limited to, the pump intake not being installed deep enough below the water table or potentiometric level, not enough water flowing past the pump motor for proper cooling, improper system pressure, incorrect-sized pump for the water well, inadequate power supply, inadequate wiring/fusing, faulty capacitor, relay or pressure switch, not using a pump torque arrestor when one is required by the manufacturer, and/or the cover has been removed off of the pump control box. Also, a low pressure cut-off switch may not have been installed on the water well system. This switch can reduce pump failure at low water levels/pressures.

The lifespan of a submersible water pump can be appreciably reduced where the pump intake has been lowered below (outside) a well casing in order to remain below the water table / potentiometric level during increased aquifer withdrawals in areas commonly associated with frost/freeze events. Sand/silt (if present) from the geological formation located below the bottom of the well casing can easily enter the submersible pump and wear out rotating parts because there is no casing to shield the water column of sand/silt. Lowering the intake of the submersible pump too low in a water well increases the potential for the pump to extract material that has fallen to the well bottom.
Issues Specific to Jet Pumps

Improper installation of a jet water well pump can result in decreased lifespans. Some examples of improper installation are, but not limited to, improper system pressure, incorrect-sized pump for the water well, inadequate power supply, inadequate wiring/fusing, faulty capacitor, relay or pressure switch, and/or the cover has been removed off of the pump control box. A faulty foot valve on a jet pump can reduce the lifespan of the pump. A faulty foot valve will allow the jet pump to lose its prime, run dry and eventually fail. Given that the jet pump motor and centrifugal pump is located aboveground, it is important to keep these components away from excessive exterior moisture. Excessive moisture (e.g., rain, standing water) can directly damage the pump motor electrical components and/or cause the exterior of metal components on the motor and centrifugal pump to rust, therefore, decreasing its lifespan.

Scheduled water well maintenance is suggested by water well contractors, pump, and related appurtenance manufacturers, but seldom followed. In theory, water wells that are regularly maintained (cleaning/servicing well and pump components) usually have a longer lifespan than wells that are not regularly maintained. As in well casing lifespans, numerous factors need to be considered for determining water well pump lifespans and must be considered on an individual basis.

Water Pressure/Bladder Tanks

The average lifespan for a pressure/bladder tank is reported to be from 5 to 7 years, but can be less than 2 years. Factors affecting the lifespan for the pressure/bladder tanks are improper water system design, improper tank location, and improper maintenance. A pressure tank that is too small for the water well system may result in a premature bladder rupture from the continued cycling of the pump. The bladder can prematurely rupture as it repeatedly oscillates from changes in system pressure.
Improper air pressure can also lead to reducing the lifespan of the water pressure/bladder tank. Too low air pressure within the tank can cause the water well pump to cycle more often than normal and can cause the bladder to rupture. Too low air pressure with the tank can cause the bladder to extend beyond its design and rupture. Too high a pressure within the tank can reduce the amount of water entering it, causing the water well pump to cycle more often than normal. Besides poor maintenance, too high a pressure within the tank can result from excessive exposure to heat sources such as sunlight. Research suggested that 90 percent of the households were not aware whether the tank had a correct pressure reading where the pressure/bladder tanks prematurely failed. A pressure/bladder tank exposed to the weather or located directly on the ground surface can shorten its lifespan. Moisture (rain, standing water) can make the tank rust, eventually leading to leaks. Additionally, water system chlorinators located near the pressure/bladder tanks can release corrosive vapors that can cause the tank to rust.

Areas with increased natural concentrations of hydrogen sulfide above background concentrations in groundwater will have a reduced lifespan on the pressure/bladder tank. Hydrogen sulfide tends to erode the bladder material and reduces its lifespan. Chlorine from an in-line chlorinator entering the pressure tank can also damage the bladder, causing it to become brittle and fail. Dissolved iron and manganese within the groundwater can coat the surface of the bladder, causing it to harden and become less flexible leading to failure. As with well casing and pumps, the factors leading to a reduced tank lifespan required individual examination.

Summary

Data obtained by District staff indicate that there are numerous factors that appreciably affect the lifespan of water wells systems. Some of these factors include the well casing material, the quality of the well installation, the geological material where the well is constructed, the quality of the groundwater at the location of the water well, and the type of scheduled maintenance (if any) that is performed. The lifespans of various water well system components can range from less than 2 years (e.g., improperly designed water pressure/bladder tanks) to over 100 years (e.g., steel casing in non-corrosive water conditions). Considering the numerous factors discussed, water well system lifespans cannot be accurately determined without assessing each well individually.
SOUTHERN WATER USE CAUTION AREA

FLORIDAN AQUIFER
PERMITTED QUANTITIES
May 27, 2010

June 2010
Governing Board
The SWUCA Recovery Strategy anticipates that up to an additional 35 MGD will be obtained from the surficial and intermediate aquifers.
## Overpumpage Activity Report
April 2010

### Table 1. Overpumpage Report Summary

<table>
<thead>
<tr>
<th>Service Office</th>
<th>Projects Under Review (Table 2)</th>
<th>Preparing for SPO / Legal (Table 3)</th>
<th>Justified/Closed Since Previous Report (Table 4)</th>
<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>0</td>
<td>9</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Brooksville</td>
<td>0</td>
<td>1</td>
<td>0</td>
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<td>0</td>
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<tr>
<td>Sarasota</td>
<td>20</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>4</td>
<td>19</td>
</tr>
<tr>
<td>Tampa</td>
<td>24</td>
<td>16</td>
<td>0</td>
<td>0</td>
<td>10</td>
<td>10</td>
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<tr>
<td>Totals</td>
<td>44</td>
<td>28</td>
<td>0</td>
<td>0</td>
<td>14</td>
<td>29</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>5310.005</td>
<td>PORT MANATEE LAND LLC</td>
<td>A</td>
<td>196,000</td>
<td>2</td>
<td>Sarasota</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>263.005</td>
<td>C DENNIS CARLTON</td>
<td>A</td>
<td>164,300</td>
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<td>Tampa</td>
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<td>274.004</td>
<td>JOHN D LAWRENCE TRUSTEE</td>
<td>A</td>
<td>133,900</td>
<td>3</td>
<td>Tampa</td>
</tr>
<tr>
<td>381.004</td>
<td>CHARLES G-BETTY J-AND DEBORAH GRIMES</td>
<td>A</td>
<td>107,200</td>
<td>3</td>
<td>Tampa</td>
</tr>
<tr>
<td>1869.006</td>
<td>CIRCLE S FARMS INC</td>
<td>A</td>
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<tr>
<td>2128.005</td>
<td>BVG GROVES INC</td>
<td>A</td>
<td>100,800</td>
<td>3</td>
<td>Tampa</td>
</tr>
<tr>
<td>3002.007</td>
<td>JACK P &amp; MERIBETH J SIZEMORE</td>
<td>A</td>
<td>132,100</td>
<td>2</td>
<td>Tampa</td>
</tr>
<tr>
<td>3123.007</td>
<td>CHARLES G JR &amp; DEBORAH GRIMES</td>
<td>A</td>
<td>223,400</td>
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<td>Tampa</td>
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<tr>
<td>7059.003</td>
<td>CHARLES G GRIMES REVOCABLE TST</td>
<td>A</td>
<td>124,400</td>
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<td>7607.007</td>
<td>JAYMAR FARMS INC</td>
<td>A</td>
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<td>Tampa</td>
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<td>8048.004</td>
<td>ROY DAVIS</td>
<td>A</td>
<td>282,100</td>
<td>3</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
# Overpumpage Report
## April 2010

## 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>
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<tr>
<td>8410.004</td>
<td>RUSSELL WEISS</td>
<td>A</td>
<td>155,500</td>
<td>3</td>
<td>Tampa</td>
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<tr>
<td>9224.005</td>
<td>CHARLES G &amp; BETTY GRIMES &amp;</td>
<td>A</td>
<td>446,800</td>
<td>3</td>
<td>Tampa</td>
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<tr>
<td><strong>New Since Previous Report</strong></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>56.004</td>
<td>MADDOX GROVES LIMITED</td>
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<td>105,100</td>
<td>1</td>
<td>Bartow</td>
</tr>
<tr>
<td>2870.004</td>
<td>COBRENE GROVES INC &amp; HOLLY HILL FRUIT PRODUCTS CO INC</td>
<td>A</td>
<td>122,700</td>
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<tr>
<td>2880.004</td>
<td>HOLLY HILL FRUIT PRODUCTS CO INC</td>
<td>A</td>
<td>113,600</td>
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<td>Bartow</td>
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<tr>
<td>4345.010</td>
<td>MIXON FAMILY FARM INC</td>
<td>A</td>
<td>567,700</td>
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</tr>
<tr>
<td>5086.006</td>
<td>VONANN GROVES INC</td>
<td>A</td>
<td>202,800</td>
<td>1</td>
<td>Bartow</td>
</tr>
<tr>
<td>7743.004</td>
<td>B &amp; J REALTY CORP</td>
<td>A</td>
<td>119,600</td>
<td>1</td>
<td>Bartow</td>
</tr>
<tr>
<td>9192.003</td>
<td>BOWEN BROS INC C/O MATTHEW E GREEN</td>
<td>A</td>
<td>161,600</td>
<td>1</td>
<td>Bartow</td>
</tr>
<tr>
<td>9691.004</td>
<td>CREWSVILLE SWEETWATER LIMITED I</td>
<td>A</td>
<td>128,200</td>
<td>1</td>
<td>Bartow</td>
</tr>
<tr>
<td>9806.001</td>
<td>CURTIS DANE WILLIAM TOM &amp; JOHN STEVE ROGERS</td>
<td>A</td>
<td>106,400</td>
<td>1</td>
<td>Bartow</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 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>13171.001</td>
<td>STONY POINTE LP</td>
<td>A</td>
<td>127,300</td>
<td>1</td>
<td>Brooksville</td>
</tr>
<tr>
<td>7434.005</td>
<td>DESOTO LAND HOLDINGS LLLP</td>
<td>A</td>
<td>223,300</td>
<td>1</td>
<td>Sarasota</td>
</tr>
<tr>
<td>201.003</td>
<td>SMITH RYALS ROAD HOLDINGS LLC</td>
<td>A</td>
<td>103,900</td>
<td>1</td>
<td>Tampa</td>
</tr>
<tr>
<td>6313.006</td>
<td>BBS FARMS INC</td>
<td>A</td>
<td>207,200</td>
<td>1</td>
<td>Tampa</td>
</tr>
<tr>
<td>11986.000</td>
<td>ST JOSEPHS HOSPITAL INC</td>
<td>I</td>
<td>192,300</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
## April 2010

### 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>572.005</td>
<td>SORRELLS GROVES INC</td>
<td>A</td>
<td>233,200</td>
<td>2</td>
<td>Sarasota</td>
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<tr>
<td>1020.007</td>
<td>RYALS CITRUS &amp; CATTLE CO</td>
<td>A</td>
<td>330,400</td>
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<td>Sarasota</td>
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<tr>
<td>1774.004</td>
<td>SUNNY SOUTH PACKING CO</td>
<td>A</td>
<td>62,700</td>
<td>2</td>
<td>Sarasota</td>
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<tr>
<td>3160.005</td>
<td>C &amp; H GROVES INC</td>
<td>A</td>
<td>135,900</td>
<td>2</td>
<td>Sarasota</td>
</tr>
<tr>
<td>4641.010</td>
<td>ROPER GROWERS COOP LEA CAMP GRV</td>
<td>A</td>
<td>1,167,000</td>
<td>1</td>
<td>Sarasota</td>
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<tr>
<td>PART L F &amp; MARY</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>5875.006</td>
<td>JAMES &amp; MARGARET BICKETT</td>
<td>A</td>
<td>613,900</td>
<td>2</td>
<td>Sarasota</td>
</tr>
<tr>
<td>7891.008</td>
<td>HARRELL GROVES INC</td>
<td>A</td>
<td>401,600</td>
<td>1</td>
<td>Sarasota</td>
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<tr>
<td>8420.007</td>
<td>JAMES R GRAINGER II</td>
<td>A</td>
<td>1,047,900</td>
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<td>Sarasota</td>
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<tr>
<td>8987.004</td>
<td>C &amp; D FRUIT &amp; VEGETABLE CO INC</td>
<td>A</td>
<td>128,200</td>
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<td>Sarasota</td>
</tr>
<tr>
<td>9073.004</td>
<td>JOSEPH JR</td>
<td>A</td>
<td>206,100</td>
<td>2</td>
<td>Sarasota</td>
</tr>
<tr>
<td>9223.006</td>
<td>NB/85 ASSOCIATES</td>
<td>A</td>
<td>145,200</td>
<td>2</td>
<td>Sarasota</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 4. Justified / Closed Since Previous Report \(^{(1)}\)

<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>9279.003</td>
<td>SORRELLS GROVES INC</td>
<td>A</td>
<td>75,600</td>
<td>2</td>
<td>Sarasota</td>
</tr>
<tr>
<td>9391.009</td>
<td>WFA LAND CO INC</td>
<td>A</td>
<td>1,807,000</td>
<td>2</td>
<td>Sarasota</td>
</tr>
<tr>
<td>9471.003</td>
<td>ORANGE CO LP</td>
<td>A</td>
<td>269,100</td>
<td>3</td>
<td>Sarasota</td>
</tr>
<tr>
<td>9716.005</td>
<td>ISLAND GROVE LLC</td>
<td>A</td>
<td>89,000</td>
<td>1</td>
<td>Sarasota</td>
</tr>
<tr>
<td>10541.003</td>
<td>JONES POTATO FARM C/O JOHN STEPHENS-N M</td>
<td>A</td>
<td>688,400</td>
<td>2</td>
<td>Sarasota</td>
</tr>
<tr>
<td>11549.005</td>
<td>PREMIERE AGRICULTURAL PROPERTIES</td>
<td>A</td>
<td>873,200</td>
<td>2</td>
<td>Sarasota</td>
</tr>
<tr>
<td>12453.000</td>
<td>DESOTO LAND HOLDINGS LLLLP</td>
<td>A</td>
<td>126,900</td>
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<td>Sarasota</td>
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<tr>
<td>13096.000</td>
<td>T J AND MARY CHASTAIN</td>
<td>A</td>
<td>475,800</td>
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<tr>
<td>526.004</td>
<td>RUSSELL G MOLL &amp; FAMILY INC</td>
<td>A</td>
<td>195,100</td>
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<td>Tampa</td>
</tr>
<tr>
<td>1444.004</td>
<td>CHARLES G JR/SR &amp; BETTY GRIMES &amp; DEBORA</td>
<td>A</td>
<td>237,000</td>
<td>2</td>
<td>Tampa</td>
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<tr>
<td>3060.007</td>
<td>LEE TE KIM</td>
<td>A</td>
<td>146,100</td>
<td>1</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
# Overpumpage Report
## April 2010

## Table 4. Justified / Closed Since Previous Report

<table>
<thead>
<tr>
<th>Permit No.</th>
<th>Permit Holder</th>
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<th>Service Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>5258.005</td>
<td>SAMUEL D &amp; ANNE M WILLIAMSON</td>
<td>A</td>
<td>133,500</td>
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<tr>
<td>6020.006</td>
<td>BIG TREE NURSERY</td>
<td>A</td>
<td>243,400</td>
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<td>Tampa</td>
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<tr>
<td>6535.002</td>
<td>MOSAIC FERTILIZER LLC C/O A DUDA &amp; SONS INC</td>
<td>A</td>
<td>260,700</td>
<td>1</td>
<td>Tampa</td>
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<tr>
<td>6622.004</td>
<td>MARCUS G &amp; SARAH F WILLIAMSON</td>
<td>A</td>
<td>157,840</td>
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<td>Tampa</td>
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<tr>
<td>7105.007</td>
<td>RIVERVIEW GROVE LTD</td>
<td>A</td>
<td>184,100</td>
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<td>Tampa</td>
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<tr>
<td>7586.001</td>
<td>HWY 92 REAL ESTATE INVESTMENTS LLC</td>
<td>A</td>
<td>150,000</td>
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<td>Tampa</td>
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<tr>
<td>12350.000</td>
<td>JOHN G AND JAMES AUSTIN MARING</td>
<td>A</td>
<td>147,200</td>
<td>2</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>
<thead>
<tr>
<th>Permit No.</th>
<th>Permit Holder</th>
<th>Use Type (2)</th>
<th>Permitted Annual Average</th>
<th>Original Report Date</th>
<th>Original Annual Avg. Use Percent Over</th>
<th>Current Report Date</th>
<th>Current 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</td>
<td>338,393 gpd 30.2 %</td>
<td>04/28/2010</td>
<td>300,340 gpd 15.60 %</td>
<td>Bartow</td>
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<tr>
<td>8833.004</td>
<td>SEVILLE LLC</td>
<td>R</td>
<td>337,600 gpd</td>
<td>01/28/2009</td>
<td>569,618 gpd 68.7 %</td>
<td>03/29/2010</td>
<td>314,589 gpd -6.80 %</td>
<td>Brookville</td>
</tr>
<tr>
<td>9791.007</td>
<td>CITRUS COUNTY *</td>
<td>P</td>
<td>2,064,000 gpd</td>
<td>06/28/2006</td>
<td>2,552,635 gpd 26.9 %</td>
<td>04/28/2010</td>
<td>2,041,595 gpd -1.10 %</td>
<td>Brookville</td>
</tr>
<tr>
<td>12843.002</td>
<td>VIKINGS LLC **</td>
<td>R</td>
<td>310,520 gpd</td>
<td>06/27/2007</td>
<td>500,427 gpd 90.3 %</td>
<td>03/29/2010</td>
<td>214,212 gpd -31.00 %</td>
<td>Brookville</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)
** WUP 12843 - Vikings LLC had a Permitted Annual Average of 263,000 gpd until March 4, 2009 (new revision issued)
# Table 6. Consent Order Monitoring (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>
<th>GB Approved CO Date</th>
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</thead>
<tbody>
<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>04/28/2010 2,835,456 gpd 39.0 %</td>
<td>Brooksville</td>
<td>Apr-10</td>
</tr>
</tbody>
</table>

(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
Regulation Committee
June 29, 2010

Routine Report

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>ENV RES PERMITS (ERP) ISSUED – APR 10</td>
<td>BARTOW</td>
</tr>
<tr>
<td>General Minor Systems</td>
<td>5</td>
</tr>
<tr>
<td>Noticed Generals</td>
<td>6</td>
</tr>
<tr>
<td>Generals</td>
<td>15</td>
</tr>
<tr>
<td>Individuals</td>
<td>3</td>
</tr>
<tr>
<td>Formal Wetland Determinations</td>
<td>0</td>
</tr>
<tr>
<td>ERP Conceptuals</td>
<td>1</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><strong>31</strong></td>
</tr>
</tbody>
</table>

| ENV RES ACRES PERMITTED – APR 10 | BARTOW | BROOKSVILLE | SARASOTA | TAMPA | TOTAL |
| General Minor Systems | 6.02 | 1.29 | 2.37 | 5.05 | 14.73 |
| Noticed Generals | .85 | 3.76 | 2.34 | 11.95 | 18.90 |
| Generals | 60.82 | 310.36 | 176.18 | 104.58 | 651.94 |
| Individual | 1,099.45 | 0.00 | 69.53 | .74 | 1,169.72 |
| Formal Wetland Determinations | 0 | 0.00 | 0.00 | 4.74 | 4.74 |
| ERP Conceptuals | 959.95 | 0.00 | 0.00 | 0.00 | 959.95 |
| ERP Site Condition | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| **TOTALS** | **2,127.09** | **315.41** | **250.42** | **127.06** | **2,819.98** |

| WATER USE PERMITS ISSUED – APR 10 | BARTOW | BROOKSVILLE | SARASOTA | TAMPA | TOTAL |
| Small Generals | 33 | 7 | 8 | 12 | 60 |
| Generals | 9 | 1 | 7 | 3 | 20 |
| Individuals | 1 | 0 | 2 | 0 | 3 |
| Letter Modifications | 4 | 0 | 2 | 1 | 7 |
| **TOTALS** | **47** | **8** | **19** | **16** | **90** |

| WELL CST PMTS ISSUED – APR 10 | BARTOW | BROOKSVILLE | SARASOTA | TAMPA | TOTAL |
| Well Construction | 137 | 156 | 29 | 234 | 556 |

| COMPLIANCE ACTIVITIES – APR 10 | BARTOW | BROOKSVILLE | SARASOTA | TAMPA | TOTAL |
| Water Use Inspections | 10 | 0 | 9 | 0 | 19 |
| ERP/WUP Permit Cond Violatns | 3 | 8 | 4 | 3 | 18 |
| ERP/WUP Expired/Expiring | 4 | 22 | 15 | 6 | 47 |
| ERP/WUP Pmt Ownshp Trnsfrs | 9 | 9 | 9 | 6 | 33 |
| ERPs Recertifications Received | 92 | 78 | 108 | 153 | 431 |
| ERP/WUP Complnts Invstgtd | 24 | 27 | 20 | 33 | 104 |
| ERP Construction Inspections | 156 | 214 | 235 | 297 | 902 |
| ERP As-Builts Received | 20 | 141 | 43 | 141 | 345 |
| ERP Transfer to Operation | 21 | 21 | 32 | 51 | 125 |
| Well Abandonments/Groutings | 26 | 21 | 3 | 37 | 87 |
| Well Construction Inspections | 10 | 31 | 12 | 43 | 96 |
| **TOTALS** | **375** | **572** | **490** | **770** | **2,207** |

| AGRICULTURAL GROUND & SURFACE WATER MGT PROJECT DESIGNS (AGSWM) – APR 10 | TOTAL |
| Ordinary Farming | 2 |
| Temporary Farming | 0 |
| Permanent Farming | 1 |
| **DISTRICT TOTALS** | **3** |
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 area’s 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 reviewed and confirmed the CFCA project schedule and is finalizing a Work Plan for Phase II of the project. 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 April 2010. Alterations to the Work Plan will be a schedule adjustment of the Groundwater Availability to December 2010 and final changes to the task “Accountability Matrix”. Given the adjustment in schedule, the public workshop on modeling tools has been postponed to summer 2010. The SWFWMD will lead a sub-group to discuss the management of the data generated by the CFCA task work. The Rule Making subgroup will be meeting the first week in May 2010. New activities since last meeting: As the CFCA effort has generated considerable data to be analyzed and shared, a new subgroup intended to investigate the methods for storing, maintaining and distributing these data has been formed. The Work Plan was completed in May. The combined staff is identifying the proposed schedule of stakeholder workshops covering the tools and wetland assessment team efforts. The proposed agenda for the first workshop targeted for late July features groundwater availability approach, model construction and data input, impact criteria, proposed initial modeling scenarios, statistical studies and wetland data collection methods. The rule workgroup is continuing to meet to determine which elements are critical to the rule aspect of the CFCA, given that the existing rules expire December 31, 2012. The next meeting of rulemaking staff is scheduled for June 11.

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 DEP, the water management districts, 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 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 that 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 completed the latest revision of the draft Applicant’s Handbook, which was posted on the DEP’s web site on March 17, 2010. The first round of public workshops were held during May, 2010 in the following cities: Tallahassee (05/11/10), Jacksonville (05/18/10), Orlando (05/19/10) and West Palm Beach (05/26/10). Meeting notices were published in the Florida Administrative Weekly. Additional revisions to the Applicant’s Handbook are scheduled to occur later in 2010 and early in 2011, followed by additional public workshops for each revision. Tentative Rule adoption and effective date may occur sometime later in 2011 or beyond.

- 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 (TAC) on the Development of Numeric Nutrient Criteria for Streams and Lakes. EPA published draft fresh water numeric nutrient criteria in the Federal Register on January 26, 2010. Public comments were originally requested during a 60 day comment period following publication. EPA, in response to numerous requests from stakeholders, including the Florida Legislature, announced an extension of the comment period an additional 30 days to close on April 28, 2010. EPA held six public hearings in Florida during the comment period. The meetings were held on February 16 in Tallahassee, February 17 in Orlando, February 18th in West Palm Beach, April 13 in Fort Myers, April 14 in Tampa and April 15 in Jacksonville. On April 7, 2010, the DEP held an additional TAC meeting to discuss the draft rule as published. District staff submitted formal written comments to EPA on April
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26, 2010. District comments have also been posted on the District’s website. 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 prior to January 2011. 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: On June 7, 2010, EPA and the Plaintiffs filed a Joint Notice to the Court of Extension of Consent Decree Deadlines. In doing so, the EPA and the Plaintiffs recognized that peer review should be conducted prior to proposing or soliciting additional comment on the criteria for estuarine and coastal waters. Therefore, the following timeline changes were agreed upon by the EPA and Plaintiffs:

- Publication of proposed regulations for coastal and estuarine waters was changed from January 14, 2011 to November 14, 2011.
- Final rulemaking for coastal and estuarine waters was changed from October 15, 2011 to August 15, 2012.
- The deadline of October 15, 2010 for publication of final rulemaking for lakes and all other flowing waters (except those in the South Florida region, which were extended to August 15, 2012) remains in effect.

Proposed Revisions to Surface Water Classification System – Florida’s surface water quality standards include a classification system which describes how a water body 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. The DEP conducted an additional public workshop on January 7, 2010 in response to numerous comments received on the December 2009 rule draft. The DEP is no longer proposing to break out uses into Human Use and Aquatic Life categories. The draft rule now proposes to refine the existing classification system by adding a sub classification to Class III. The Class III-Limited subcategory will apply to wholly artificial or altered water bodies 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 water body to petition the DEP to reclassify a water body. The DEP conducted another public workshop on February 22, 2010 to present refinements that have been made to the proposed rule in response to public comment. Biological integrity was added to the parameters that are eligible for a Site Specific Alternative Criteria. 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 at their May 20, 2010 meeting for approval. The District continues to monitor this DEP initiative and provide any appropriate input. **New activities since last meeting:** The DEP conducted another public workshop on February 22, 2010 to present refinements that have been made to the proposed rule in response to public comment. Biological integrity was added to the parameters that are eligible for a Site Specific Alternative Criteria. These rule revisions require approval by the Environmental Regulatory Commission (ERC) and the Environmental Protection Agency. The ERC approved the proposed rule revisions on May 20, 2010. The final action by the ERP must be approved the Environmental Protection Agency. The District continues to monitor this DEP initiative and provide any appropriate input.

**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. In March, the workgroup was advised that Representative Trudi Williams requested draft legislation from the workgroup to codify the progress of the workgroup to date. At the March 26 meeting, the workgroup finalized draft amendments to section 373.250, F.S. Section 373.250 was enacted in 1994 and addresses the legislative intent that reclaimed water be used as a source when it is available to a site and the use is environmentally, technically and economically feasible. The amendments prepared by the workgroup set forth the manner in which the District will process water use permit applications that are for uses within a local government’s reclaimed water service areas or mandatory reuse zones. The process is intended to enhance coordination between local governments and the water management districts to ensure that available reclaimed water is utilized when it is feasible and in the best interests of the water resources to do so. A portion of the workgroup’s amendments were included in Senate Bill 550 which passed both houses. The portion that was included requires water use permit applicants to obtain a letter from the applicable reuse utility addressing the availability of reclaimed water for use by the applicant. Senate Bill 550 did not include the workgroup provisions addressing evaluation of water use
permit applications and the presumption of economic feasibility of reuse when the proposed water use is located within a mandatory reuse zone established by a local government. **New activities since last meeting:** Senate Bill 550, containing significant provisions to improve coordination between local government utilities and the water management districts regarding reclaimed water, was signed by the Governor. The next meeting of the workgroup is scheduled for July 16, 2010.

- **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 Resource 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 Florida Department of Environmental Protection (DEP) staff provide oversight of the Conserve Florida Clearinghouse (currently hosted by the University of Florida, under contract from DEP, to provide technical support for both versions of the water conservation planning guide, an on-line water conservation library, and other core services). The District's financial contribution to the Clearinghouse in Fiscal Year 2010 is $75,000 and the proposed contribution for Fiscal Year 2011 is also $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:** Executive, Tampa Regulation, Strategic Program Office and General Counsel Staffs continued high-level discussions with DEP and the other water management districts regarding needed enhancement for the EZ Guide and future plans for the Clearinghouse, including a steering committee and technical advisory group to will provide greater governance.

- **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 met on November 5, 2009 and January 14, 2010, has helped staff identify needed refinements and explore potential amendment language. The focus group consisted 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. Based on focus group and additional input, a “staff alternative” set of proposed amendments was drafted for discussion at a second public workshop on April 29, 2010. **New activities since last meeting:** Staff is addressing workshop and written input by revising the draft amendments and evaluating associated regulatory costs. Revised draft amendments should be ready for the Governing Board’s consideration in August.

- **Executive Director Orders** – Various emergency authorizations have been used since 2007 to address public water supply concerns. Only one, Executive Director Order No. SWF 08-024 remains in effect. As modified, it 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 have existed, to help meet regional demand and replenish the C.W. Bill Young Regional Reservoir. **New activities since last meeting:** The current status of reservoir storage will be provided as part of the Hydrologic Conditions.

- **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 June 30, 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:** The disposition of this non-emergency order will be addressed as a discussion item during the Regulation Committee’s agenda.

- **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 restrictions and year-round water conservation measures. **New activities since last meeting:** The hotline answered 630 calls and 117 e-mails during the five-week period ending May 28, 2010. This activity resulted in 21 first-time violation letters being issued and four multiple-violation cases being referred to a local enforcement agency for additional action. Thirty-two variances (requests for a special watering schedule that abides by the basic intent of current water shortage restrictions) were also approved or otherwise resolved.

**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
June 29, 2010

RESOURCE MANAGEMENT COMMITTEE

Discussion Items

50. Consent Item(s) Moved for Discussion

51. Construction Management Options for the Lake Hancock Outfall Treatment Project ......................................................... (10 minutes) ..... 2
    (Strategic Plan: Water Quality – Maintenance & Improvement)

52. Memorandum of Understanding with the City of Crystal River; Option Agreement for Sale and Purchase between the Florida Communities Trust, the District, the City of Crystal River and the Property Owners; Appraisals and Resolution Requesting Funds – Three Sisters Springs, SWF Parcel No. 15-347-123 .................................................................................. (20 minutes) ..... 10
    (Strategic Plan: Water Quality – Maintenance & Improvement)

Submit & File Reports – None

Routine Reports

53. Florida Forever Funding ................................................................................................................................................. 16

54. Minimum Flows and Levels ........................................................................................................................................... 20

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57. Significant Water Supply and Resource Development Projects ................................................................. 41
Discussion Item

Construction Management Options for the Lake Hancock Outfall Treatment Project

Purpose
This is an information item only, no board action is required. At the April 27, 2010 Governing Board meeting, the Board directed staff to provide additional information on alternative construction management options for the Lake Hancock Outfall Treatment Project (Project). Staff completed a review of available options and will provide the Board with information on these options, as well as the applicability of the Consultants’ Competitive Negotiation Act (CCNA).

Background/History
The objective of the Project is to construct a water quality treatment wetland to reduce annual nitrogen loads up to 27 percent from flow discharging from Lake Hancock. The Project will be constructed on approximately 1,000 acres of the former Old Florida Plantation Property located on the south shoreline of the lake. The Project is currently in the final design phase. The next and final step is to procure a contractor for construction of the Project. In association with construction, the District will secure construction inspection services.

At the April 2010 Governing Board meeting, staff recommended amending the existing agreement with Parson’s Inc. (the design consultant) to add funds for construction management services that included performing on-site construction engineering and inspection (CEI) oversight. The task of CEI services was included in the original procurement of services with Parson’s. The CEI element was conditioned on the District successfully negotiating a cost for providing those services. This arrangement for having Parson’s provide upfront design and permitting and construction inspection services is consistent with a typical Design-Bid-Build (DBB) project delivery approach. At the April meeting, an alternative approach to construction management services was discussed by the Board and the Board postponed action directing staff to investigate options and return to the Board with a final recommendation.

Project management, Procurement, and Legal staff have looked into the options available to the District and have reached a recommendation on how to proceed. In evaluating the various options, staff consulted with several local and state governmental legal and procurement specialists. Additionally, staff met with or contacted several large consulting firms to gain an understanding of the procurement options associated with these types of construction projects. There are several procurement options available for acquiring consultant and construction services related to this type of project. In addition to the DBB option, two commonly used alternatives for construction projects of this type are included in the descriptions below:

Design-Bid-Build (DBB) – The owner retains an engineering design consultant following the CCNA to design, obtain permits, and assist in bidding the project (bid packet development and review). A bid solicitation is completed to secure a qualified contractor under the lowest bid (not CCNA). CEI services can be performed by the design engineer (most common) or a third party engineer. In both cases, the engineering services for CEI are secured under CCNA.

Design-Build (DB) – The owner selects a design criteria professional based on qualifications under the CCNA selection process to prepare a design criteria package (a general scope of the
desired project). The design criteria package defines the project objectives, requirements and constraints, and is used to solicit proposals from design/build teams. The design/build teams develop design proposals based upon the design criteria package that optimize their construction abilities. Selection of the design/build team may be based on qualifications alone or can include both qualifications and price. In either case, selection is in accordance with procedures applicable to design-build firms set forth in the CCNA. The DB team performs all the design, permitting and construction services. A guaranteed maximum price (GMP) for design and construction is negotiated with the design/build team up front. The design criteria professional evaluates project construction to ensure compliance with the design criteria package. Additional CEI services can either be performed by the owner’s design criteria professional, an independent professional hired by the owner, or by the design/build team as part of the original negotiated price. In each case the inspection services are procured under CCNA guidelines. In most all projects we have investigated, the owner has secured their own CEI team to ensure compliance with design, particularly where the facility is turned back over to the owner to operate and maintain. Of note under DB is that the owner has no involvement in the selection and related prices of the sub-contractors, as the project “price” was negotiated up front.

Construction Management at Risk (CMAR) – The owner retains the design engineer firm under CCNA to provide design, permitting, and CEI services. The CMAR is typically brought in at about the 30 percent design stage in order to assist in the final design. The value they bring to the project by coming in at this stage is to provide suggestions to the design, from the viewpoint of the construction contractor that will save time and money. If professional services are required of the CMAR, these services are also subject to the CCNA. Team building through partnering early in the project stages is the key to success of this method. A GMP is usually supplied at the 50 to 90 percent design stage. The CMAR firm solicits bids from subcontractors for construction and the owner has the ability to be involved in the selection and approval of these subcontracts (under DB the owner did not have this option). Like the DB option, the owner has the option of having the CEI performed by the original design professional, an independent professional hired by the owner, or by the CMAR as part of the original negotiated services. Again, as with DB, the inspection services are procured under CCNA guidelines and it is typical that the CEI services are performed by the design engineer but third party services are sometimes utilized.

The Project was developed in 2004 as a DBB project delivery method. Since the April meeting, the two alternative project delivery methods, DB and CMAR, were evaluated in regard to costs savings for CEI. It was agreed by all involved that because the District was at the final design stage, these alternative delivery methods would not provide a cost savings.

As a part of the alternative project delivery method review, Legal staff advised of the applicability of the CCNA to these project delivery options and provided a written explanation of their findings (Exhibit 1). In summary it states that under any of the various procurement methods, construction management services that require licensed professionals, either by law or contract, must be procured following the CCNA.

In regard to this Project, the District has secured a Federal EPA grant totaling $1.7 million. The application for that grant has a requirement that the District agree to provide “engineering supervision” during construction. If the District does not agree to provide engineering supervision at the Project site, the District will be ineligible for the $1.7 million federal grant. The provision of engineering supervision would necessarily require that those services be obtained through the CCNA process.
As a result of this review and coordination with Governing Board members, staff will move forward with the traditional DBB approach and focus on completing the final project design and subsequent bid documents. It is anticipated that bid documents will be ready for release in September 2010. Once bid prices have been received, staff will resume negotiations with Parsons for CEI services. If negotiations with Parsons are unsuccessful, staff will solicit a third-party consultant under the CCNA process to perform CEI services.

Benefits/Costs
The Project will provide significant water quality benefits to the Peace River and Charlotte Harbor. The Project represents a significant capital investment and maintenance responsibility for the District. CEI services are necessary to verify construction is in accordance with project design plans and specifications.

Staff Recommendation: See Exhibit

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

Presenter: Bruce C. Wirth, P.E., Deputy Executive Director
DATE: May 20, 2010

MEMORANDUM

TO: David L. Moore, Executive Director

THROUGH: Bill Bilenky, General Counsel

FROM: Mary Beth McNeil, Senior Attorney

SUBJECT: Procurement - Consultants’ Competitive Negotiation Act

ISSUES:

The following issues have been raised concerning the District’s procurement of services in connection with a District construction project:

1. Whether the District can require a contractor procured in a manner inconsistent with Section 287.055, Florida Statutes, the Consultants’ Competitive Negotiation Act ("CCNA"), to provide construction engineering and inspection services for a District project.

2. Whether the District must agree to provide engineering supervision for the Lake Hancock Outfall Treatment Project in order to receive grant funds from the U.S. Environmental Protection Agency.

3. Whether the District can competitively award construction and non-professional construction management activities without complying with the CCNA.

4. When bidding a construction project, whether the District can require a bidder to select subcontractors from among the subcontractors offered in the other bidders’ responses.

ANSWERS:

1. The District cannot require a contractor procured in a manner inconsistent with the CCNA to provide construction engineering and inspection services if the monetary thresholds of the act are met.

The CCNA requires state and local governmental agencies to utilize a competitive selection and negotiation process when procuring professional services for a public project. Professional services is defined in the statute as “services within the scope of the practice of architecture, professional engineering, landscape architecture, or..."
registered surveying and mapping, as defined by the laws of the state, or those performed by any architect, professional engineer, landscape architect, or registered surveyor and mapper in connection with his or her professional employment or practice.” The CCNA exempts projects that fall below certain monetary thresholds. If the project is a construction project, the CCNA is applicable if the construction cost is estimated by the agency to exceed $250,000. If the project is a study or planning activity, the CCNA is applicable if the professional services fees exceed $25,000.

The practice of “engineering” is defined in Section 471.005(7), Florida Statutes, which provides, in pertinent part:

…any service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning, and design of engineering works and systems, planning the use of land and water, teaching of the principles and methods of engineering design, engineering surveys, and the inspection of construction for the purpose of determining in general if the work is proceeding in compliance with drawings and specifications, any of which embraces such services or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, and industrial or consumer products or equipment of a mechanical, electrical, hydraulic, pneumatic, or thermal nature, insofar as they involve safeguarding life, health, or property; and includes such other professional services as may be necessary to the planning, progress, and completion of any engineering services. (emphasis added)

The CCNA requires a two-step procurement process. In the first step, the agency evaluates the qualifications of firms and selects, in order of preference, no fewer than three firms deemed to be the most highly qualified to perform the required services. In the second step, the agency negotiates a contract with the most qualified firm at compensation which the agency determines is fair, competitive and reasonable. If an agency is unable to negotiate a satisfactory contract with the highest ranked firm, the agency must terminate negotiations with the firm and undertake negotiations with the next highest ranking firm. If negotiations again fail, the agency continues to negotiate with the next highest ranking firm until an agreement is reached. Agencies may only request, accept, and consider proposals for the compensation to be paid a firm during the competitive negotiations undertaken in the second step.

Accordingly, when professional services are required for a District project, including engineering inspection services, the statute mandates that the services be selected utilizing the competitive selection and negotiation process described above. The District may not avoid these requirements by bidding a project based on price and requiring the contractor to provide the necessary professional services. The practice of grouping
professional services falling under CCNA with non-professional services contracted for through bidding was specifically rejected by the court in City of Lynn Haven v. Bay County Council of Registered Architects, Inc., 528 So.2d 1244 (Fla. 2d DCA 1988) and Attorney General Opinions (AGO) 96-73 and 2009-49.

In the City of Lynn Haven case, the City invited bids for construction of a building that required the successful bidder to provide architectural drawings for the project. The bid was challenged by the Bay County Council of Registered Architects, Inc. on the basis that the City was attempting to circumvent the CCNA by allowing the contractor with the low bid to select and hire the architect. The City argued that the CCNA did not apply to the procurement because the City was not contracting directly for professional services. The Court rejected the City’s argument and stated, “...the City’s procedures contravene legislative intent and undermines the effectiveness of the CCNA. The City’s bidding procedure will not effectuate an equitable distribution of contracts amongst the most qualified firms pursuant to Section 287.055(4), Florida Statutes. Neither does it assure that the architectural fees which the City pays indirectly are fair, competitive, or reasonable pursuant to Section 287.055(5), Florida Statutes.” Id. at 1246.

In 1996, Florida’s Attorney General was asked to provide an opinion as to whether transactions of the Housing Finance Authority of Monroe County were subject to the CCNA and Section 255.20, Florida Statutes which requires local governments to competitively award public construction projects. Specifically, the Authority was considering contracting with a master developer for property to be sold to the Authority at a below-market land cost in exchange for the master developer’s right to develop the property. The master developer would earn a developer’s fee based on certain performance benchmarks and would not agree to sell the land for the below-market cost unless it had the ability to control the development process including the selection of the contractor, architect, and engineer, so that it could control the development expenses. The Attorney General opined that the Authority was subject to the CCNA and must follow the requirements of the act when it develops real property. The opinion also concluded that the Authority was subject to Section 255.20, Florida Statutes. In supporting its opinion, the Attorney General noted the following considerations:

a) the CCNA applies to any agency subject to the act with the power or duty to contract for professional services as set forth in the CCNA;

b) the CCNA was designed to provide procedures for state and local governmental agencies to follow in the employment of professional service consultants to make the contracting for professional services more competitive and to require the employment of the most qualified and competent individuals and firms at fair, competitive, and reasonable compensation; and

c) the CCNA was enacted for the public benefit and should be interpreted most
favorable to the public.

More recently, in AGO 2009-49, the Attorney General opined that professional services could not be included in a bid for equipment by a special district. Here, the North Broward Hospital District inquired whether it could contract with an equipment vendor whereby the vendor would contract with a licensed general contractor to provide design/build construction services to erect a storage facility for the equipment purchased through the vendor. In opining that this procedure did not comply with the CCNA, the Attorney General stated, “Clearly, the Legislature has provided a structure for the procurement of professional services covered by section 287.055, Florida Statutes. You have not directed my attention to any part of the act that contemplates the use of a single source vendor to supply equipment and the attendant professional services to construct a facility in which to house the equipment, without compliance with the act’s terms for those services covered by it. Where the Legislature has directed how something is to be done, it acts as a prohibition against its (sic) being done in any other manner.”

2. The District must agree to provide engineering supervision for the Lake Hancock Outfall Treatment Project in order to receive grant funds from the U.S. Environmental Protection Agency.

The District is in the process of applying for an approximate $1.7 million grant with the U.S. Environmental Protection Agency to assist with costs associated with the construction of the Lake Hancock Outfall Treatment Project. As part of that application, the District must certify that it “will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by the assistance awarding agency or State.”

3. The District can competitively award construction and non-professional construction management activities without complying with the CCNA. The CCNA only applies when a project, or a component thereof, requires professional services as defined by the act. If there is no legal requirement to have licensed professionals perform work and the District does not require professional services in its solicitation for the project, the services are not subject to the CCNA.

4. The District cannot require a bidder to use subcontractors offered in other bidders’ responses.

Section 255.20(1)(a), Florida Statutes, requires political subdivisions to competitively award public construction projects costing more than $300,000. The term “competitively award” is defined by the statute to mean “award contracts based on the submission of sealed bids, proposals submitted in response to a request for proposal,
proposals submitted in response to a request for qualifications, or proposals submitted for competitive negotiation.” Section 255.20(1)(d), Florida Statutes, further requires that “if the project is to be awarded on price, the contract must be awarded to the lowest qualified and responsive bidder in accordance with the applicable county or municipal ordinance or district resolution and in accordance with the applicable contract documents.” Accordingly, if the District bids the project based on price, it must award the work to the lowest qualified and responsive bidder and cannot require a bidder to alter its bid response by selecting subcontractors offered by other bidders.
Discussion Item

Memorandum of Understanding with the City of Crystal River; Option Agreement for Sale and Purchase between the Florida Communities Trust, the District, the City of Crystal River and the Property Owners; Appraisals and Resolution Requesting Funds – Three Sisters Springs, SWF Parcel No. 15-347-123

Purpose
The purpose of this item is to recommend the Governing Board:
• Authorize the Land Resources Director to execute a Memorandum of Understanding with the City of Crystal River to define the parameters of an acquisition partnership for SWF Parcel No. 15-347-123;
• Approve an Option Agreement in the amount of $6,884,000, of which the District’s portion is $1,278,000, for Sale and Purchase between the District, Florida Communities Trust (FCT), the City of Crystal River and the property owners for interest in Three Sisters Springs for the purpose of water resource protection, including the construction of a stormwater treatment system;
• Accept the appraisals;
• Approve the resolution requesting funds; and
• Authorize any other instruments determined by the Office of General Counsel to be necessary for acquisition of SWF Parcel No. 15-347-123.

Background
The Three Sisters Springs acquisition represents a 57-acre parcel that contains a number of unique environmental features. These features include three second-order magnitude springs, an important manatee refuge and an opportunity to develop a stormwater treatment system for Kings Bay. Because of these qualities, a number of agencies have attempted to acquire the site over the years. The proposed acquisition represents the latest attempt and includes numerous partnerships such as Florida Communities Trust, the United States Fish and Wildlife Service (USFWS), the City of Crystal River, the District and other public and private contributors.

The Three Sisters Springs parcel (Property) contains a mixture of disturbed uplands, altered estuarine shoreline, a large open water feature (borrow pit) and springheads that provide freshwater flow into Kings Bay. A general location map is included in the Board packet as exhibit 1 to this item. The Property’s unique environmental characteristics have garnered significant interest from both public and private entities to put the Property under public ownership for conservation purposes. In addition to the three second-order magnitude springs for which the Property is named, a first-magnitude spring is located along the western perimeter of the Property and another second-order spring is located along the southeastern boundary of the Property. The Property and additional springs are located within the Crystal River National Wildlife Refuge, designated in 1941, which encompasses 31,000 acres of saltwater bays, estuaries and brackish marshes. The Property’s proximity to Kings Bay presents opportunity for restoration to ultimately improve the water quality in the Bay as well as within the Crystal River Springs system. While serving a clear benefit to the spring system and related estuary, the acquisition will provide recreation and environmental education benefits for the public. Proposed amenities include a potential environmental education center, hiking trails and an observation platform with recreational opportunities such as canoeing/kayaking, fishing and hiking. The City of Crystal River and the USFWS would be responsible for the development and management of such amenities.
Acquisition
The total purchase price for the land is $6,884,000. The District would acquire a 30 percent interest for the purposes of protecting water resources and to construct a stormwater treatment system. The remaining 70 percent interest is being acquired through FCT on behalf of the City of Crystal River. The agency contributions are as follows:

- $2,982,000 of FCT funds through their standard competitive grant award process;
- $2,000,000 through a Special Grant Appropriation by the Florida Legislature;
- $624,000 from the City of Crystal River made up of various public and private funding sources and contributions; and
- $1,278,000 by the District utilizing Florida Forever funds.

The Option for Sale and Purchase involving the District, FCT and the City is contingent upon the USFWS closing a separate transaction with the property owners. The USFWS is offering $3,100,000 to the owners based upon the valuation of a water business, which includes the owners granting an easement to the USFWS for access to the borrow pit. The purchase of land by the District, FCT and the City would be subject to this easement. Separate and aside from the land purchase, the Felburn Foundation has pledged to contribute $1,900,000 to facilitate the acquisition of the Property.

The total compensation to the owners would be approximately $11,884,000.

Following acquisition of the Property, the District will construct a stormwater treatment system for the purpose of treating stormwater runoff from adjacent development ultimately improving water quality within Kings Bay and the Crystal River spring system. A depiction of the conceptual design is included in the Board packet as exhibit 2 to this item. The development and construction of the stormwater treatment system will be administered by the District’s Surface Water Improvement and Management Program at a total estimated cost of $500,000.

This acquisition is consistent with the District’s Florida Forever Work Plan, which specifically identifies the Property for acquisition, and meets the following Florida Forever program goals:

- 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; and
- Increase natural resource-based public recreational and educational opportunities.

Property Description
Location and Access – The Three Sisters Springs parcel is located immediately south of downtown Crystal River on the southwest corner of Southeast Kings Bay Drive and Southeast Cutler Spur Boulevard.

The Three Sisters Springs parcel is a 57-acre site that contains 45 acres of uplands and 12 acres of wetlands including three second-order magnitude springs. The site is well known as a winter refuge for manatees. The site lies within the Crystal River National Wildlife Refuge and previously served as a wetland system benefitting Kings Bay. In the 1970s, the site was cleared and spoil from the borrow pit was used to fill wetlands with the intent of creating a site suitable for commercial development.

Utilities and/or Improvements – Electricity, telephone, water and sewer services are available on the Property.

Zoning – The Property has a current zoning designation of R-2, Multi-Family Residential with a future Land Use Classification of Medium Density Residential (MDR). Under the MDR classification, the number of allowable single-family and multi-family units ranges from 3.1 to 8 units per acre. Under this land use classification, the maximum allowable number of units on the 57-acre parcel is 456. The available density mix is 206 single-family units and 250 multi-family
units. The most recent development plans call for the construction of more than 300 residential units.

Summary of Appraisals and Value Comparisons – As the lead agency in acquiring the Property, FCT obtained two appraisals for the parcel from Joseph S. String, MAI, of String Appraisals Services, Inc. and Phillip M. Holden, MAI, and Stephen D. Lambert of S.F. Holden, Inc. The appraisals were reviewed by James I. Miller, MAI, a state-certified general appraiser. The appraisal reports, which each have an effective date of February, 24, 2009, meet the necessary legal or District requirements and contain the appraisers' factual data leading to the value conclusion.

*Highest and Best Use* – The highest and best use, as determined by the appraisers, based on the physically possible, legally permissible and financially feasible uses for the Property is for residential and recreational uses.

The appraisers applied the Sales Comparison Approach (Market Approach) to determine the value of the Property. The appraisers relied on recent sales of comparable property in Citrus, Marion, Brevard and Lake Counties. 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 negotiated purchase price to the appraised values for the Three Sister Springs parcel:

<table>
<thead>
<tr>
<th>57.11-Acre Parcel</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Appraised Value</strong></td>
<td><strong>Negotiated Amount Under FCT Option Agreement</strong></td>
</tr>
<tr>
<td>String</td>
<td>Holden/Lambert</td>
</tr>
<tr>
<td>$3,550,000</td>
<td>$4,325,000</td>
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</table>

**District’s Proposed Purchase of 30% Undivided Interest**

<table>
<thead>
<tr>
<th>30% of Appraised Value – String</th>
<th>30% of Appraised Value – Holden/Lambert</th>
<th>District’s Contribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1,065,000</td>
<td>$1,297,500</td>
<td>$1,278,000</td>
</tr>
</tbody>
</table>

The 30 percent interest proposed for acquisition by the District represents a value that is 20 percent more than the String appraisal and 1.5 percent below the Holden appraisal.

**Memorandum of Understanding with the City of Crystal River**
- The District will contribute $1,278,000 toward the purchase of the Property.
- The City of Crystal River and the District will share undivided fee title interest in the Property with the City holding a 70 percent interest and the District holding 30 percent interest.
- The City and the District will engage the USFWS to manage the Property.
- The District will construct a stormwater treatment system for the purpose of improving the water quality within Kings Bay and the Crystal River Spring system.

**Benefits/Costs**

The acquisition of Three Sister Springs provides an opportunity to protect the three second-order magnitude springs on the Property. Further opportunity exists to construct a stormwater system to treat stormwater discharged into Kings Bay thereby improving water quality within the Bay and Crystal River spring system. The Property will be available to the public for recreation and educational opportunities in the form on nature trails, observation areas, and potentially an environmental education center to be operated by the USFWS. The costs associated with the design, permitting and construction of the stormwater treatment system are estimated at
$500,000; $225,000 has been included in the FY2010 and FY2011 budgets. The District will not incur any management costs as a result of the acquisition.

This item will be presented to the Coastal River Basin Board at its June meeting.

Staff Recommendation: See Exhibits

(1) Authorize the Land Resources Director to execute a Memorandum of Understanding with the City of Crystal River to define the parameters of an acquisition partnership for SWF Parcel No. 15-347-123;

(2) Approve an Option Agreement in the amount of $6,884,000, of which the District’s portion is $1,278,000, for Sale and Purchase between the District, Florida Communities Trust, the City of Crystal River and the property owners for interest in Three Sisters Springs for the purpose of water resource protection, including the construction of a stormwater treatment system;

(3) Accept the appraisals;

(4) Approve the resolution requesting funds; and

(5) Authorize any other instruments determined by the Office of General Counsel to be necessary for acquisition of SWF Parcel No. 15-347-123.

Presenter: Eric Sutton, Director, Land Resources Department
total project area ~ 8.5 ac
wetland area ~ 4.8 ac
trail length ~ 0.4 mi
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 provide for the Committee’s information, and no action is required.

Presenter: Eric Sutton, Director, Land Resources Department
## Southwest Florida Water Management District

### Florida Forever Status

**Parcel/Project** | **Funds Available** | **Fla Forever Category** | **Estimated Cost** | **Fee Acres** | **LTF Acres** | **Comments** | **Governing Bd Date**
--- | --- | --- | --- | --- | --- | --- | ---

### Florida Forever Funds Available – Inception to Date

$ 254,163,581

- 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

### Completed Acquisitions

<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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<tr>
<td>Panasoffkee/Outlet Tract - Gibbons (19-441-105)</td>
<td>Preservation</td>
<td>$ 74,758</td>
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<tr>
<td>Annutelliga Hammock (mega parcels)</td>
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<td>Closed between 08/09/2001 and 02/09/2005 - 23 parcels</td>
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<td>Weekiwachee Preserve - Jones (15-773-121)</td>
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<td>RV Griffin Reserve - Longino (21-699-102C)</td>
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<td>Annutelliga Hammock - Strait (15-228-1204)</td>
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<td>Green Swamp - Distefano (10-200-1242)</td>
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<td>1,125</td>
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<tr>
<td>Tampa Bay - Furtick (21-728-121)</td>
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<td>830,000</td>
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<td>Prairie/Shell Creek - Burchers (20-649-105)</td>
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<td>254,016</td>
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<td>Prairie/Shell Creek - Leonard (20-649-104)</td>
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<td>Alafia River Corridor - Fish Hawk (11-709-131)</td>
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<td>4,800,000</td>
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<td>Lake Pretty - Robinson (14-009-108)</td>
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<td>Weekiwachee Preserve - GMB Investments (15-773-183)</td>
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<td>Tampa Bay - Kushner (11-728-108)</td>
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<td>Annutelliga Hammock - 1029 Land Trust (15-228-1207)</td>
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<td>Pasco 1 - Connerton (15-704-102)</td>
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<td>Annutelliga Hammock - Kalathakis (15-228-1268)</td>
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<td>Flying Eagle - Boy Scouts (19-334-133)</td>
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<td>13,500,000</td>
<td>5,484</td>
<td>Closed 12/14/2004</td>
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## Florida Forever Status

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<tr>
<th>Parcel/Project</th>
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<th>Fee Acres</th>
<th>LTF Acres</th>
<th>Comments</th>
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<tr>
<td>Lake Hancock - Griffin (20-503-105)</td>
<td>12/30/2004</td>
<td>Water resource dev - land acq</td>
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<td>WeekiWachee Preserve - Suncoast Seabird Sanctuary (15-773-128)</td>
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<td>Myakka River - LOR, Inc. (21-708-125)</td>
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<td>7,999,807</td>
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<td>Green Swamp - Glass (10-200-1254)</td>
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<td>Lake Hancock - Coscia and Nguyen (20-503-102)</td>
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<td>Green Swamp East - Crowell (10-200-1237)</td>
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<td>Green Swamp East - Overstreet (10-200-1145)</td>
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<td>5,067</td>
<td>24,101,645</td>
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<td>Flying Eagle - Keough (19-334-137)</td>
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<td>20</td>
<td>25,535</td>
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<td>Lake Hancock - Kent (20-503-122)</td>
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<td>Green Swamp - Raulerson (10-200-1258)</td>
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<td>Annutteliga Hammock - O'Brien (15-228-1288)</td>
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<td>Annutteliga Hammock - Tyte (15-228-1287)</td>
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<td>Lake Hancock - Powell (20-503-152)</td>
<td>07/26/2007</td>
<td>Water resource dev - land acq</td>
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<td>30,000</td>
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<td>Lower Hillsborough FDA - Guerard (13-300-110)</td>
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<tr>
<td>Green Swamp West - Barnes (19-410-123C)</td>
<td>10/30/2007</td>
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<td>300</td>
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## Southwest Florida Water Management District
### Florida Forever Status

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<tr>
<th>Parcel/Project</th>
<th>Funds Available</th>
<th>Fla Forever Category</th>
<th>Estimated Cost</th>
<th>Fee Acres</th>
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<th>Comments</th>
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<td>Myakka Prairie - Carithers (21-199-106C)</td>
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**Subtotal Completed Parcels/Projects**

$202,540,492

38,979

21,274

**Subtotal Funds Available**

$51,623,089

| Parcels/Projects Approved By Board (Funds Encumbered within DEP Trust Fund) |
|-------------------------|-----------------|-----------------|-----------|----------|----------|------------------|
| Myakka Conservation Area - Walton (21-599-105C) | Preservation | 13,103,100 | 3,890 | Anticipate July closing | Apr-10 |
| Myakka Conservation Area - Longino (21-599-106C) | Preservation | 12,784,320 | 3,808 | Anticipate July closing | Apr-10 |
| South Saddle Creek Restoration and Water Quality Treatment Project | capital improvement | $13,435,446 | N/A | Funds encumbered | |

**Subtotal Parcels/Projects Approved By Board**

$39,322,866

- 7,698

**Subtotal Funds Available**

$12,300,223

| Ongoing Acquisitions/Projects |
|-----------------------------|-----------------|-----------------|-----------|----------|----------|------------------|
| Annutteliga Hammock (multiple parcels) | Preservation | 20 | Negotiating with owners | TBD |
| Brooker Creek - O'Rourke (14-074-158) | Preservation | 1,725 | On hold | TBD |
| Flying Eagle - Windam (19-334-145) | Preservation | 400 | On hold | TBD |
| Halpata Tastanaki Preserve - Cannon (19-733-117) | Preservation | 40 | On hold | TBD |
| Myakka Prairie - Horton (21-199-108C) | Preservation | 1,235 | Partnership with NRCS; scheduled subject to availability of federal funds | TBD |
| Starkey Wilderness Preserve - Starkey (16-010-038) | Preservation | 2,345 | Appraisals underway | TBD |
| Three Sisters Springs (15-347-123) | Restoration - land acq | 56 | Partnership between City of Crystal River, US Fish & Wildlife Service, Florida Communities Trust (FCT); scheduled for June Boards | Jun-10 |
| Upper Myakka - Hollingsworth (21-598-111) | Restoration - land acq | 1,200 | Negotiating with owner | TBD |
| Weekiwachee Preserve - Boat Springs (15-773-144) | Preservation | 64 | On hold | TBD |

**Subtotal Ongoing Acquisitions/Projects**

$26,858,588

5,850

1,235

**Grand Total**

$14,558,365

$268,721,946

44,829

30,207

---

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
June 29, 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></th>
<th>Phase 1</th>
<th>Phase 2</th>
<th>Phase 3</th>
<th>Phase 4</th>
<th>Phase 5</th>
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<tr>
<td></td>
<td>Data Collection</td>
<td>Data Analysis</td>
<td>Rpt to Board / Peer Revie &amp; Internal Draft MFL Report</td>
<td>Recovery Strategy</td>
<td>Rule Adoption</td>
</tr>
</tbody>
</table>

### 2009

- **Anclote River System**: completed
- **Lower Peace River Estuary**: completed

### 2010

- **Chassahowitzka River System and Springs**: completed, completed, ongoing, 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
- **Northern Tampa Bay - Phase II**: NA, NA, NA, Recovery, completed
- **Middle and Upper Withlacoochee River System (Green Swamp)**: completed, May 2010, Jul 2010 / Oct 2010, TBD, Nov 2010
- **Shell Creek Estuary**: completed, completed, completed, Recovery, Dec 2010

### 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 May 28, 2010*
## LAKE SCHEDULE AND TIMELINE

### Phase 1 - Data Collection

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<th>Date</th>
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<td></td>
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<td>Dec 2010</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Starvation</td>
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<td>Aug 2010</td>
<td>completed</td>
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<td>Dec 2010</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Wimauma</td>
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### Phase 3 - Peer Review & Draft MFL Report

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### Phase 4 - Recovery Strategy

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<td>Starvation</td>
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<td>Dec 2010</td>
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<tr>
<td></td>
<td></td>
<td>Wimauma</td>
<td>Aug 2010</td>
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<td>TBD</td>
<td>Dec 2010</td>
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### Phase 5 - Rule Adoption

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<td>Wimauma</td>
<td>Dec 2010</td>
<td></td>
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</tbody>
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* 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 May 28, 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 WeekiWachee 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, Sunrise, 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
- WeekiWachee River System and Springs
  (includes Weeki Wachee, Jenkins Creek, Salt, Little Weeki Wachee and Mud River springs)
Resource Management Committee  
June 29, 2010

Routine Report

Structure Operations

May historically marks the last month of the 8-month dry season and provisional rainfall totals for the month show accumulations in the normal range in all regions of the District. Analysis of the District-wide dry-season rainfall for October through May shows totals of 26.42 inches, equivalent to the 70th percentile and 4.86 inches above the historic “dry season” median rainfall of 21.56 inches.

The majority of the month of May was very dry and dominated by high pressure, but was punctuated by regionally variable rainfall events associated with seasonal weather patterns (a mix of cool front, sea breeze and convective systems). The District-wide 12-month rainfall accumulation shows a surplus of approximately 2.6 inches above the long-term average. The 24- and 36-month cumulative rainfall deficits continue to linger, but showed some improvement during May, ending the month approximately 1.7 and 7.6 inches, respectively, below the historic average.

In response to the extended periods of dry weather, regional groundwater levels and streamflow conditions in regional index rivers posted minor declines, although ending the month within the normal or above-normal range of historic values. Regional lake levels also declined during May, ending the month within the annual normal range in the Tampa Bay region and remaining at below-normal levels in the Northern, Polk Uplands and Lake Wales Ridge regions.

NOAA climate forecasts are for above-normal rainfall during the wet season (June through September) based on a predicted above-average Hurricane Season. Current NOAA models suggest that the Pacific Ocean will transition from existing neutral conditions into La Niña conditions sometime in June through August 2010, which could create drier-than-normal conditions in the winter and spring. Normal rainfall during the wet season will be needed to maintain hydrologic conditions and above-normal rainfall will be needed to improve regional lake level conditions.

Updated weather forecasts will be available in mid-July. 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

Rainfall totals for the month were within the normal range for all three regions of the District. 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 3.84 inches of rainfall, equivalent to the 61st percentile.
- The central region received 2.93 inches of rainfall, equivalent to the 54th percentile.
- The southern region recorded an average of 2.75 inches of rain, equivalent to the 39th percentile.
- District-wide, average rainfall was 3.11 inches, equivalent to the 47th percentile.
A summary of the operations made in May is as follows:

- **Inglis Water Control Structures:** The Inglis Bypass Spillway was operated during the month of May 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 27.63’ 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. During May, the Wysong-Coogler Water Conservation Structure gates were fully deflated to 34.00’ NGVD providing minimum flow to the Withlacoochee River downstream of the structure and aiding in the regulation of Lake Panasoffkee water elevation. Staff continues to report improved submerged aquatic vegetation growth and improved water clarity which may be attributed in part to the lower lake level. The average monthly water level for Lake Panasoffkee was 38.46’ NGVD.

- **Alafia River Basin:** The Medard Reservoir remained lowered for the month of May as work is completed for the Medard Reservoir Embankment Rehabilitation Project. The current water level of the Medard Reservoir is 47.35’ NGVD. Structure improvements at Medard will be complete mid June. All water control gates are closed as the refilling process begins. Refilling of the reservoir will be a gradual process dependent on this year’s summer rainfall.

- **Hillsborough River Basin:** Structures A and G, Flint Creek, Pretty, Armistead, Island Ford, Crescent, Keystone, Keene 2, Sherry’s Brook, Hanna, and Stemper structures were operated during the month of May to assist in maintaining recommended maintenance levels. The average monthly water level for Lake Thonotosassa was 36.37’ NGVD compared to the recommended maintenance level of 36.50’ NGVD.

- **Pinellas-Anclote River Basin:** The Lake Tarpon and the Sawgrass Structures were operated during the month of May to assist in maintaining recommended maintenance levels. The average monthly water level for Lake Tarpon was 3.18’ NGVD compared to the recommended maintenance level of 3.20’ NGVD.

- **Peace River Basin:** No structures were operated during the month of May. The average monthly water level for Lake June-in-Winter was 74.19’ NGVD compared to the recommended maintenance level of 75.00’ NGVD.

- **Green Swamp:** The Lake Gibson Structure was operated during the month of May in order to maintain recommended maintenance levels. The average monthly water level for Lake Gibson was 142.66’ NGVD. The recommended maintenance level for the lake is 143.0’ 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
## STRUCTURE OPERATIONS SECTION HYDROLOGIC REPORT

### June 8, 2010

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<th>ELEVATION DIFFERENCE</th>
<th>CURRENT LEVEL</th>
<th>POSITION OF STRUCTURE</th>
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### STRUCTURE OPERATIONS SECTION HYDROLOGIC REPORT

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<th>STRUCTURE</th>
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<th>ELEVATION DIFFERENCE</th>
<th>CURRENT LEVEL</th>
<th>POSITION OF STRUCTURE</th>
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<td>Tropical Storm Hurr Con</td>
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### Flood Stage Operations

- **WORTHINGTON GARDENS**: Flood Stage, Maximum Desirable 38.36, Low Level 37.00.
- **FLORIDA POOL**: High Level 41.80, Min Level 41.20.
- **INVERNESS POOL**: High Level 40.30, Low Level 37.80.
- **HERNANDO POOL**: High Level 39.00, Min Level 38.70.
- **LESLEE INFEET**: Upriver, Downstream Level 40.04, Low Flow Level 40.03.
- **LYONS COODLER**: Upriver, Downstream Level 39.50.
- **INGRIS**: High Level 28.00, Low Level 26.50.
- **LAKE BRADLEY**: High Level 42.50.
- **LAKE CONSUELA**: Maximum Desirable 41.50.
- **MEDARD RESERVOIR**: Maximum Desirable 60.00.
- **HANKOCO**: Maximum Desirable 98.40.
- **HENRY**: Maximum Desirable 126.50.
- **SMART**: Maximum Desirable 126.50.
- **FANNIE**: Maximum Desirable 125.75.
- **HAMILTON**: Maximum Desirable 125.00.
- **LENA**: Maximum Desirable 137.00.
- **JUNE-IN-WINTER**: Maximum Desirable 136.75.
- **ARIAETTA**: Maximum Desirable 144.00.
- **GIBSON**: High Level 143.50.
- **PARKER**: High Level 131.00.
- **PEACE RIVER**: Flood Stage 8.00.
- **ALAFIA RIVER**: Flood Stage 13.00.
- **MYAKKA RIVER**: Flood Stage 7.90.
- **MANATEE RIVER**: Flood Stage 11.00.
Lake Gibson

Lake Tarpon, S-551

Lake Thonotosassa

Lake Anne Parker
Lake Keystone

Lakes Ellen and Lipsey

Lake Magdalene

Lake Pretty
Hernando Pool

Lake Surface Area = 6200 Acres
Low Slab = 40.47'
Structure Gauge Datum = Direct Read
Lake Gauge Datum = Direct Read

Inverness Pool

Lake Surface Area = 8000 Acres
Low Slab = 42.54'
Structure Gauge Datum = Direct Read
Lake Gauge Datum = Direct Read

Leslie Heifner

Lake Surface Area = 37 Acres
Low Slab = 47.80'
SCADA Device #6767 & #6766

Floral City Pool

Lake Surface Area = 9100 Acres
Low Slab = 44.10'
Structure Gauge Datum = Direct Read
Lake Gauge Datum = Direct Read
SCADA #2007
Lake Fannie (P-7)

Lake Hamilton (P-8)

Lake Hancock (P-11)

Lake Henry (P-5)
Sawgrass Lake

Lake Surface Area = 21 Acres
Low Level = N/A
Lake Gauge Datum = Direct Read
SCADA Device Number 7611

Lake Armistead

Lake Surface Area = 35 Acres
Low Level = 45.72'
Lake Gauge Datum = Direct Read
SCADA Device Number 7671

Lake Haines

Lake Surface Area = 716 Acres
Low Level = 131.41'
Lake Gauge Datum = 100.00'
SCADA Device Number 7571

Medard

Lake Surface Area = 716 Acres
Low Level = 131.41'
Lake Gauge Datum = 100.00'
SCADA Device Number 7571
Lake Consuella

Weekly Average Values

Lake Surface Area = 37 Acres
Low Slab = 47.80'
Structure Gauge Datum = Direct Read

Lake Bradley

Weekly Average Values

Lake Surface Area = 590 Acres
Low Slab = 44.38'
Routine Report


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
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<th>Watershed Model</th>
<th>Public Meetings</th>
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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
#### June 2010

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<td>Manatee</td>
<td>Buffalo Canal/Frog Creek</td>
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<td>Jul 2010</td>
<td>Aug 2010</td>
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TBD - To be determined.

Note: FEMA will start their formal appeals period for adoption after the District submits the preliminary DFIRMS to FEMA.
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 brief description and 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 manager identified with the project.

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 in 2002 with preliminary feasibility and development of a scope of work to raise the water level in the lake. The District received the Conceptual Environmental Resource Permit (CERP) for the project from the Florida Department of Environmental Protection (FDEP) in June 2007 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 CERP commence construction deadline to June 14, 2011.

New Activities Since Last Meeting: The District's consultant, DMK Associates, Inc., has completed the design plans and specifications for the replacement of the Lake Hancock outfall structure. The District's consultant, BCI Engineers and Scientists, Inc., is preparing permit application packages for the Florida Department of Transportation (FDOT) and the District's Bartow regulatory staff for work associated with the 570/Polk Parkway area. BCI is preparing a Master Plan for future expansion and working on design for the selected alternative for the City of Lakeland’s Oak Hill Cemetery project. District staff continues to work with the Riverlake Homeowner’s Association and BCI to evaluate any potential impacts to the subdivision’s stormwater management facility. Acquisition Status: Of the 73 parcels necessary for the project, 61 parcels (8,274 acres including 35 homes) have been acquired. The remaining acquisitions include a total of 12 parcels (185 acres) comprised of partial easement acquisitions. District staff has made offers on all acquisitions necessary for the project. Currently all remaining acquisitions are being handled through the District's special counsel who has proceeded with offers made in accordance with Florida Statutes. The District’s special counsel has initiated litigation on seven parcels (four fee and three easements). The District’s order of taking for the remaining fee parcels has been granted by the court. The trials related to the valuation of the four fee parcels have not been set. Legal action related to the remaining easement parcels will follow after a case management hearing to set court dates. The District’s special counsel and staff continue to evaluate opportunities for settlement that avoid litigation. In order to prepare for those portions of the Old Florida Plantation Development of Regional Impact (DRI) not needed for its projects, the District is proceeding with filing of a Notice of
Proposed Change and Comprehensive Plan Amendment through the Central Florida Regional Planning Council and the City of Bartow. The changes to the DRI will allow the proposed development to accommodate the District’s Lake Hancock minimum flows and levels (MFL) and land use projects. **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 comprehensive 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 and permitting as authorized by the Governing Board at the December 2009 meeting. The Board did not authorize entering into an agreement for construction management oversight, but instead requested staff to return at a later time to provide a breakdown of costs and procurement options. **New Activities Since Last Meeting:** At the April Governing Board meeting, staff presented the budget for construction management services by the consultant and requested approval of an amendment to fund these services. The Board postponed action and directed staff to investigate alternate methods of accomplishing construction inspection to reduce costs. **Project Manager: Janie Hagberg**

**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 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 and the land owners. To improve the floodplain information, develop regional scale flood routing models for alternative analysis, and improve local governments’ 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: The District is addressing FEMA’s comments on the preliminary countywide Flood Insurance Rate Maps (FIRMs) submitted to FEMA on April 10, 2010. Pasco County: The Cypress Creek Watershed was presented to the Governing Board in April for approval. The Anclote and the Trout Creek watersheds were presented to the Governing Board in June. The consultant is continuing to address District comments for the Pithlachascottee River/Bear Creek watersheds. Sarasota County: Intensive analysis continues in the Island of Venice, Roberts Bay, and Alligator Creek
watersheds. Assistance is being provided to Sarasota County staff in the review of additional watersheds in the area. Polk County: Work continues in the County; Peace Creek, Polk City, and Itchepeackesassa Creek watersheds are currently being reviewed and refined. Hardee County: The Alligator Branch, Buzzard’s Roost, Thompson Branch, City of Wauchula, and Horse Creek watersheds have been peer reviewed and are scheduled for a public meeting on July 7 at the Hardee County Civic Center. DeSoto County: Deep Creek Watershed was peer reviewed, and Thornton Branch review is ongoing. Sumter County: The Mapping Activity Statement was transmitted to FEMA for signature on March 19, 2010. Citrus County: Watershed models are being developed by consultants; several are being reviewed by District staff. Levy County: Post Preliminary Processing continues. Marion County: FIRMs were adopted in August 2008 prior to updating the watershed models to account for infiltration in deep sandy soils. Models continue to be updated. Manatee County: A public meeting for Buffalo Canal/Frog Creek Watershed was held on June 15 at Buffalo Creek Middle School. Two additional 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. Highlands County: Limited detailed studies are being performed on ten lakes that the previous effective FIRMs depicted as “Areas not Included.” The District is reviewing the remainder of the county where the historical delineated and re-delineation has been completed by the District’s consultant. 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 historic water quantity regimes, improve water quality, natural system, and reduce 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 its 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: Staff presented a status report to the Governing Board in May and Manasota Basin Board earlier this month, focusing on the Flatford Swamp restoration. Staff discussions continue with Manatee County and Mosaic on scoping a joint study to determine the feasibility and costs of using the excess water from Flatford Swamp in their respective operations. The District’s SWIM section is developing a scope of work to refine the natural systems restoration evaluation of the swamp proposing to identify priority areas and perform soil/sediment analysis. 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 $247,694,339; 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 (SCHI) 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 IB 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 is currently on schedule, with completion expected by the end of 2011. The SCHIP Phase IB is complete, and the remaining nine components are under construction. *Project Manager: Alison Ramoy*

- **Surface Water Planning Project:** This is a three-year feasibility study to determine the availability of surface water withdrawals from Alafia River and Bullfrog Creek. **New Activities Since Last Meeting:** District and TBW staffs are currently negotiating the project agreement. *Project Manager: Sandie Will*

**Peace River Manasota Regional Water Supply Authority**

- **Facilities:** This project is for the design and construction associated with expanding the surface water treatment plant capacity from 24 to 48 mgd. Additionally, five miles of 20-inch pipeline have been constructed from the Authority facilities to extended areas of DeSoto County, with the potential to supply up to 5.5 mgd. Construction activities consist of pumping and treatment units, a maintenance building, dewatering facility, filters, storage tanks, thickener, storage facilities, and chemical feed and disinfection stations. **New Activities Since Last Meeting:** Construction of the facility and punch list items have been completed. Ongoing activities include review of final Record Drawing submittals and preparation of final payment to the contractor. Work also continues on programming the SCADA equipment. *Project Manager: Alison Ramoy*

- **Regional Integrated Loop System Project:** The Integrated Loop System Feasibility and Routing Study recommended four main phases to interconnect the water supply and distribution systems of 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** would extend the Authority’s existing transmission line along US 17 southward. Design was completed in 2007, but the project has been indefinitely postponed 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 advertised for construction services in March 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. 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 Interlocal Agreement for the development of Phase 2 on June 3, 2009. The District received the final basis of design report for Phase 2 on April 23, 2010. 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 intertie to the City of Venice. A cooperative funding agreement between the District and Authority was executed for Phase 3A on November 10, 2008. Phase 3A construction commenced on February 19, 2010. This project includes 8.4 miles of 48-inch diameter pipeline with a design capacity of 37 mgd and includes a subaqueous crossing of the Myakka River. The total project cost was initially estimated at $42,570,000; however, a more recent cost summary has estimated the total cost at $31,879,240. The District’s share is 50 percent of the eligible 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:** The Phase 1A construction bids were tabulated on April 20, 2010. The Authority awarded the low bidder, at a cost of $15,973,240, during the June 2, 2010, Board meeting. The Authority also approved a change order to Phase 1A removing the eastern segment connecting to the Shell Creek WTP, pending approval by Charlotte County. The pipeline will still interconnect with Punta Gorda’s distribution system. The change order reduced the project cost by $1,894,320. The cooperative funding agreement for Phase 2 was executed on May 11, 2010. District staff drafted an amendment to the Phase 3A cooperative funding agreement to revise the budget reducing overall project costs, extend the contract deadline and task schedules, and update recent changes to contractual language. The Authority Board approved the amendment on May 5, 2010. The amendment was presented to the Manasota and Peace River Basin Boards and the Governing Board in June for approval. **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 back-flushing 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 May 24, 2010, 150 million gallons (mg) of treated water have been injected into the ASR well since the full volume cycle test began in July 2009. This exceeds the minimum goal of 140 mg. The City will continue injection until they reach their optimum operational goal of 160 mg. The current plan is to stop injection by June 1, 2010; and begin recovery of the stored volume by August 1, 2010. Preliminary results are expected to be available by February 2011. Contactor fouling is still an issue and must be addressed prior to the next cycle test. The District will continue to work with the City to determine how to implement solutions to the fouling problem before the next cycle test begins. With respect to the Underground Injection Control (UIC) regulatory front, the FDEP and FGS (Florida Geological Survey) met with the water management districts on May 26, 2010, to discuss and review the progress of ASR projects in Florida. **Project Manager: Don Ellison**
Lower Hillsborough River MFL Recovery Strategy – Implementation
At the 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” must be 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 the 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: The District’s design consultant, Storm Water Resources of Florida (SWRF), is developing costs of design alternatives for the Morris Bridge Sink pump station project. 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 complete. To do this, additional treatment of the reclaimed water is necessary, consisting 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 six mgd of reclaimed water will be needed for TECO’s second phase of expansion, although the source has not been identified. New Activities Since Last Meeting: Drilling of the injection well began on May 3. Land subsidence occurred around the surface casing when the driller reached a depth of 239 feet on May 9. Drilling was discontinued and there have been no further subsidence issues. A new location, approximately 200 feet from the first well, has been selected. District staff attended a tour of the facility on May 26. Drilling at the new site began on May 30. TECO is continuing to work with Polk County on the terms of a Reclaimed Water Supply Agreement and has begun negotiations with the City of Mulberry. Project Manager: Alison Ramoy

Aquifer Recharge Projects
In 2009, the District funded a study (H076) as part of the Regional Reclaimed Water Partnership Initiative to assess the feasibility of using highly treated reclaimed water to recharge the Upper Floridan aquifer (UFA) in the southern Hillsborough and Polk County areas. Findings from the study indicate that it is possible to develop direct and indirect aquifer recharge projects to improve UFA water levels and provide opportunities for additional groundwater withdrawals.
The costs associated with developing these projects were found to be comparable to costs of other planned alternative water supply projects. Further studies to address more site specific conditions, including aquifer metals mobilization studies, would need to be evaluated beyond this feasibility study. Since completing the study, several local governments have expressed interest in assessing the applicability of aquifer recharge to meet their needs. District staff is working with these entities to develop and implement project plans to assess the site specific feasibilities of implementing aquifer recharge projects to address their individual needs.

- **Currently-Funded Aquifer Recharge Projects – FY2010 Cooperative Funding**
  - **City of Clearwater – Groundwater Replenishment Project**
    This is a one-year study to assess the feasibility of using three mgd of highly treated reclaimed water for direct aquifer recharge at the City’s Northeast Advanced Pollution Control Facility. If feasible, the City will move forward with well installations, pilot testing and facility construction. **New Activities Since Last Meeting:** The agreement was approved by the City Council in May 2010 and forwarded to the District. **Project Manager: Sandie Will**
  - **Pasco County - Pasco County Reclaimed Water Natural Systems Treatment and Restoration Project**
    This is an eight-month feasibility study to assess using 10 mgd of highly treated reclaimed water to indirectly recharge the UFA via constructed wetlands and/or rapid infiltration basins in the Crews Lake and central Pasco areas. **New Activities Since Last Meeting:** The agreement is being routed to the District and is anticipated to be signed in early July 2010. In May, District and Pasco County staff met with FDEP to discuss permitting requirements. **Project Manager: Mike Hancock**

- **Proposed Aquifer Recharge Projects – FY2011 Cooperative Funding**
  - **City of Winter Haven – Reclaimed Water for Recharge Feasibility Study**
    This is a one-year desktop feasibility study on using four mgd of highly treated excess reclaimed water for indirect aquifer recharge to benefit water levels in the area. **New Activities Since Last Meeting:** District staff continues to coordinate project tasks and goals with the City in order to avoid duplicative efforts with other cooperators. **Project Manager: Sandie Will**
  - **South Hillsborough County Aquifer Recharge Program (SHARP)**
    This is a two-year direct aquifer recharge project to install a recharge test well within the non-potable zone of the Upper Floridan Aquifer (UFA) and monitoring wells near Apollo Beach in southern Hillsborough County, and to recharge the aquifer with up to two mgd of highly treated reclaimed water. Monitoring will include changes in aquifer water levels and water quality, including arsenic mobilization. **New Activities Since Last Meeting:** District staff met with Hillsborough County to discuss and develop the proposed project plan. District staff continues to coordinate project tasks and goals with the County in order to avoid duplicative efforts with other cooperators. **Project Manager: Sandie Will**
  - **Polk County Groundwater Recharge Investigation**
    This is a two-year indirect aquifer recharge pilot study to evaluate UFA improvements from applying approximately 220,000 gallons per day of treated excess reclaimed water into an existing RIB system at the Northeast Regional Wastewater Treatment Facility in the County's Northeast Regional Utilities Service Area. **New Activities Since Last Meeting:** District staff continues to coordinate project tasks and goals with the County in order to avoid duplicative efforts with other cooperators. **Project Manager: Sandie Will**

**Land Resources**
In May 2010, the Land Resources Department participated in or hosted the following events:

- The Inter-District Recreation Working Group met at the McGregor Smith Boy Scout Camp at the Flying Eagle Preserve. Representatives from all five water management districts attended. Issues discussed included leasing protocols, hunting on District lands, the image of District lands, Natural Areas Training Academy, revenue generation on water management district lands, and on-line tools for managing public use.
A volunteer work day was held at Conner Preserve to establish a back country campground, remove trash, and trim and repost trails. Volunteers included Boy Scout Troop 3 from Land O’ Lakes, Bay City Flyers, and others.

South Creek Foxhounds held a volunteer work day to clean trails at the Hampton Tract within the Green Swamp Wilderness Preserve.

Twelve volunteers assisted with installation of three grills and a footbridge and with cleaning the campground at the Hampton Tract within the Green Swamp Wilderness Preserve.

American Disability Adventures assisted staff with finalizing construction of the 24 x 36 picnic shelter at the Green Swamp West Ashley campground.

**Fire Activity**

Recurring wet, cold fronts through the end of 2009 have maintained adequate ground and fuel moisture, diminished wildfire probability, and brought conditions for safe prescribed burning. Growing season burns have begun, and high surface water levels, though impeding accessibility somewhat, are making for safe and highly productive burning conditions that are expected to continue through spring and summer months. To date this fiscal year, approximately 28,000 acres have been burned under prescription on District lands. Staff's prescribed burning goal for FY2010 is 40,000 acres and, if conditions continue as expected, staff should attain a record burning year. Since January, six wildfires have occurred on District lands totaling 159 acres. Three of those occurred in April, due most likely to thunderstorm cells in recent cold fronts and sea-breeze convection. While lightning activity is expected to increase with the onset of the summer rainy season, surface moisture conditions from winter-spring rains are expected to minimize the likelihood of large damaging wildfires this season.

**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
F. Outreach & Planning
OUTREACH & PLANNING COMMITTEE

Discussion Items

58. Consent Item(s) Moved for Discussion

59. Withlacoochee Regional Water Supply Authority Regional Framework Overview ................................................................. (20 minutes) .......... 2
   (Strategic Plan: Water Supply – Regional Water Planning)

Submit & File Report – None

Routine Reports

60. Comprehensive Plan Amendment and Related Reviews Report ......................................................... 4

61. Development of Regional Impact Activity Report ......................................................................................... 8

62. Speakers Bureau .............................................................................................................................................. 12

63. Significant Activities ..................................................................................................................................... 15
Discussion Item

Withlacoochee Regional Water Supply Authority Regional Framework Overview

Purpose
To update the Governing Board on the status of the Withlacoochee Regional Water Supply Authority's (WRWSA) Master Water Supply Planning and Implementation Program (MWSP&IP). This is a comprehensive process to plan for the region's water supply future.

Background/History
In 2006 the WRWSA established the MWSP&IP, a multi-year, multi-phase program. It contains phases for water supply planning, identification and prioritization of water supply projects, the design of selected projects and implementation of the projects and initiatives.

Phase II of the MWSP&IP was initiated in 2007 to update regional population and water demands and determine potential water supply projects to supply these needs. As the study progressed, Marion County decided to rejoin the WRWSA. The inclusion of Marion County into the WRWSA added challenges and opportunities with respect to regionally sustainable water supply development. Geographically, the WRWSA increased by approximately 86% from 1,892 square miles to 3,516 square miles. The existing population of the WRWSA increased by approximately 68% from 494,931 to 732,681 (2005 estimate).

It was decided to suspend work on the MWSP&IP Phase II work program until the Marion County Compendium (Compendium) was completed. The inclusion of Marion County into the WRWSA required that the MWSP&IP be amended to consider existing and projected water demands in Marion County. The Compendium was completed in December of 2009. The Phase II study was then completed in March 2010 and included complete information for Marion County in the final document.

The WRWSA Board of Directors met on March 17, 2010 and decided to consider the recommendations of the Phase II report in a workshop prior to its April 21, 2010 Board meeting. The goal of the workshop was to review and discuss the future role of the WRWSA. In general the recommendations in the Phase II report suggest a more active role for the Authority in water supply planning and development, and playing a bigger role with respect to these initiatives for its members. These recommendations were condensed into eight broader categories. These categories are supported by the 30 recommendations that are included in the Phase II report. The eight categories include the following:

1. Population and Water Demand: The Authority should take an active role in assuring that the water supply planning and development efforts remain current based on potential changes in population, water demand, competition from other large water users and impacts from domestic self supply.

2. Data Collection and Resource Monitoring: To ensure that adequate data is collected and analyzed with respect to the region’s water resources, the Authority needs to take a lead advocacy role to ensure coordination of both Authority and member’s needs to the Southwest Florida and St. Johns River WMDs.

3. Regional Groundwater Assessment: Comprehensive and consistent groundwater predictive analyses are essential for cost-effect water supply planning and development. Currently the SWFWMD and SJRWMD modeling, data collection and analyses do not
lead to consistent conclusions on groundwater availability. The Authority should stay engaged and encourage the Districts to develop better data and predictive analyses in the Authority’s service area.

4. **Water Conservation**: Water conservation is a key water management and water supply strategy for the region. The Authority should play a larger role in the conservation initiatives for the area and advocate on behalf of its members.

5. **Reclaimed Water**: Reclaimed water projects are another demand management tool that can positively impact per capita water usage and forestall the need for more costly potable water supply projects. Historically, the Authority has not taken an active role in the development of reclaimed water projects on behalf of its members. A refined role for the Authority would include: WRWSA regional reclaimed water supply planning; a WRWSA reclaimed water implementation plan; participation in the statewide reclaimed water workgroup; and assistance in promoting cooperative funding from WMDs for member government projects.

6. **Water Supply Options**: Phase II identified water supply options for short-, mid- and long-term planning horizons. The related recommendations emphasized the WRWSA role in pursuing water supply options on behalf of its Members. Short-term, the pursuit of groundwater projects was recommended as they are the least costly and can satisfy most short and mid-term water demand requirements. The Authority should also begin looking at land needed for projects and pipeline corridors before future development precludes opportunities.

7. **Water Supply Partnerships**: Phase II also recommended that the Authority play a bigger role in developing partnerships amongst members for regional water supply development.

8. **WRWSA Regional Framework**: The WRWSA Regional Framework provides a vision for future water supply infrastructure within the Authority. The plan will require a significant amount of involvement by the Authority over the coming years to ensure that it is effectively implemented. Buy-in to the Regional Framework by Authority Members is an important initial step of the process.

The WRWSA Board tentatively accepted all of the recommendations. However, before implementing any of the recommendations, the Board directed staff and consultants to “flesh out” the recommendations and determine the budgetary, staffing, and timing considerations in greater detail and bring them back to subsequent Board meetings for discussion and consideration. These actions are currently underway.

**Staff Recommendation:**

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

**Presenter**: Jackson Sullivan, AICP, Executive Director, Withlacoochee Regional Water Supply Authority
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
As of June 9, 2010

Local Government
Comprehensive Plan Amendment and Related Reviews Report
Local Government

DCA Project #

DCA Comment
Request Letter
Received

Amend.
Type**

Received
from Gov't
07/16/09
04/28/08
09/02/08
09/01/09
01/04/10
04/21/08
12/14/09
12/07/08
12/07/08
08/27/09
01/22/10
01/27/10
04/15/08
06/05/08

08/15/09
04/23/08
09/11/08
09/02/09
01/06/10
04/21/08

DCA ORC Report
Received
9/14/09

12/10/08
12/10/08
09/02/09
01/26/10
02/03/10
04/15/08
06/11/08

08/14/09
05/27/08
10/10/08
10/13/09
02/16/10
04/25/08
None
01/15/09
01/14/09
09/28/09
02/03/10
02/23/10
05/06/08
06/23/08

6/10/2008
8/8/2008
11/19/2008
6/20/2008
5/8/2009
10/20/2008
11/09/07

05/07/08

06/20/08

01/29/08
11/10/08

12/29/08

02/09/09

5

CITRUS
Crystal River
Crystal River
CHARLOTTE
Charlotte
Punta Gorda
Punta Gorda
Wauchula
Zolfo Springs
HERNANDO
Hernando
Hernando
HIGHLANDS
Highlands

09-02
08-1ER
08-02
09-2
10-1
08-PEFE1
WSFWP
WSFWP
09-01
10-1
10D1
08-1
WSFWP

Regular
EAR Based
Regular
EAR Based
Regular
Schools
CIE
WSFWP
WSFWP
CIE
Regular
DRI
Regular
WSP

Highlands
Avon Park
Avon Park
Lake Placid
HILLSBOROUGH

08-2
08-1
09-1
WSFWP
08PEFE1

Regular
EAR, WSP
Regular
WSP
School

09/16/08
04/07/08
03/12/09
08/18/08
09/11/07

09/18/08
04/17/08
03/16/09
08/21/08
09/11/07

10/31/08
05/14/08
04/24/09
10/08/08
10/10/07

Tampa
Temple Terrace
LAKE
Lake
Lake
Inglis
Williston

10-1AR
08-1
08-PEFE1
WSFWP
10-1ER
10-1ER
09-1ER

AR
Regular
PSFE
WSP
EAR-Based
EAR-Based
EAR-Based

04/05/10
12/04/07
09/05/08
10/09/08
02/03/10
12/18/09
10/13/09

04/05/10
11/30/07
09/09/08
10/10/08
02/26/10
12/23/09
10/15/09

05/04/10
12/27/07
10/08/08
11/07/08
03/02/10
01/06/10
11/09/09

07-1
08D1
08-1
08-2

Regular
DRI
Regular
Regular

06/04/07
04/09/08
04/15/08
08/11/08

06/01/07
04/10/08
04/17/08
08/10/08

09-2
09PTF1

Regular
Port Fac Pln

08/13/09
10/22/09

10-1
08-1

Regular
Regular

08-2ER/09-1ER/10R1
10-1
09-1ER
10-1

MANATEE
Manatee
Manatee
Manatee
Manatee
Manatee

Manatee
Bradenton
Bradenton
Bradenton
Bradenton Beach
Bradenton Beach
Holmes Beach
Palmetto
MARION
Marion
Ocala
PASCO
Pasco
Pasco

Adopted
Amend
Received

Comments
Sent

11/18/08
10/20/09
03/09/10
6/20/2008
02/11/09
02/11/09
10/30/09

DCA NOI
Received

In
Compliance?

01/15/10

Yes

Comments/Issues/Objections
Port District Land Use
EAR amendments
Transfer of Development Rights

12/30/2009
Complete rewrite of plan
not rcvd

not rcvd

05/11/09
02/03/10

Yes

02/27/09

No

10/16/08

04/07/10
02/22/10

06/09/10

07/03/07
05/12/08
06/16/08
09/09/08

08/01/07
06/09/08
06/20/08
10/20/08

09/28/07

08/13/09
10/22/09

09/28/09
11/17/09

10/15/09
12/22/09

03/22/10
01/14/08

03/23/10
02/04/08

04/21/10
02/27/08

04/04/08

EAR
Regular
EAR
Regular

08/29/08
02/23/10
12/16/08
04/11/10

09/16/08
02/25/10
12/17/08

10/14/08
03/22/10
01/09/09

11/14/08
04/23/10
02/18/09

NA
10-1/10PEFE1

EAR
School

04/25/07
11/10/09

04/30/07
11/17/09

05/30/07
12/09/09

N/A
01/12/10

09-1&2
NA
09-CIE1
07D1
07D2

Regular
EAR
CIE
DRI
DRI

08/11/09
09/08/09
01/08/10
12/12/06
12/12/06

08/12/09
09/10/09
N/A
12/14/06
12/14/06

09/11/09
10/02/09
N/A
01/09/07
01/12/07

10/09/09
N/A
02/09/07
02/09/07

09D1

DRI

07/09/09

07/15/09

09/12/09

09/15/08

No

08/05/08
12/16/08
02/01/10

Yes

03/22/10

Yes

04/02/10

10/16/09

12/17/09

N/A

N/A

FY2009-2014 Capital Improvements Plan
FLU Chg Rural to Mining, near Withlacoochee St Forest
Quarry Preserve DRI

Blue Head Ranch, Lake Placid Groves, Westby Ranch; 100
page ORC
Water Supply Plan

Public education amendments - No substantive comments
Material included 6 plan amendments. No substantive
comments
No substantive comments
Schools
Water Supply Plan
EAR-Based
Local sources first, flooding, stormwater management
Text Amendments
Commented on water quality concerns for proposed
construction debris & demolition landfill
Identified wetland concerns
Several water resource concerns identified
Identified natural resources and water supply and sewer
concurrency issues
Port Master Plan amendment
Several resource concerns identified. Packet included
amendment allowing for use of reclaimed water in Evers
Reservoir watershed
No substantive comments
Identified floodplain and wetland management concerns
Made several comments re: water supply work plan
Amendment package incomplete (DCA determined)
EAR Review-comments addressed water supply, coastal mgmt
& stormwater mgmt
Mentioned water supply work plan requirement

1/14/2010
2/9/10

Yes

02/04/10
Not Received
Not Received

04/20/10

Yes

04/13/10

05/24/10

WSP/ Secondary Springs Protection Zone
EAR Review-comments included RWSP
Trinity Proposed Phase Transmittal
Pasco Town Centre

Yes

SunWest Harbourtowne DRI- 21 days for 3rd party to
challenge, then exchange is finalized.


## Local Government Comprehensive Plan Amendment and Related Reviews Report

<table>
<thead>
<tr>
<th>Local Government</th>
<th>DCA Project #</th>
<th>Amend. Type**</th>
<th>Received from Gov’t</th>
<th>DCA Comment Request Letter Received</th>
<th>Comments Sent</th>
<th>DCA ORC Report Received</th>
<th>Adopted Amend Received</th>
<th>DCA NOI Received</th>
<th>In Compliance?</th>
<th>Comments/Issues/Objections</th>
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<td>09-1</td>
<td>Regular</td>
<td>09/01/09</td>
<td>09/03/09</td>
<td>09/28/09</td>
<td>11/16/09</td>
<td>01/12/10</td>
<td>02/23/10</td>
<td>Yes</td>
<td>4 FLU changes including sites abutting Anclote River &amp; Green Swamp, various text amendments including Critical Linkages, map series changes</td>
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<td>10CIE-1</td>
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<td>Update Pasadena Hills Area Plan; TOD/TBART/Auto bay policies; Market Areas; Mitchell FLU; Wetlands policy</td>
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<td>Multiple FLU Changes; SunWest Tract C Subarea Policy that clusters 100 units outside of Velocity Zone; Critical Locations- Multiple Uses-Clean Up</td>
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<td>2 FLUM Changes: IL to IN and MU to IN</td>
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<td>08/11/09</td>
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<td>SUMTER</td>
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<td>02/25/09</td>
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### Local Government Comprehensive Plan Amendment and Related Reviews Report

As of June 9, 2010

<table>
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<tr>
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<th>DCA ORC Report Received</th>
<th>Adopted Amend Received</th>
<th>DCA NOI Received</th>
<th>In Compliance?</th>
<th>Comments/Issues/Objections</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sumter</td>
<td>09-R1</td>
<td>Remedial</td>
<td>12/07/09</td>
<td>N/A</td>
<td>N/A</td>
<td>12/07/09</td>
<td>01/08/10</td>
<td>Yes</td>
<td>Remedial amendment for SSA on 09-1</td>
<td></td>
</tr>
<tr>
<td>Sumter</td>
<td>09-2</td>
<td>Regular</td>
<td>08/27/09</td>
<td>09/02/09</td>
<td>09/25/09</td>
<td>12/23/09</td>
<td>FLU Update, Industrial &amp; Agriculture, CIE update</td>
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<tr>
<td>Bushnell</td>
<td>10-1</td>
<td>Regular</td>
<td>01/22/10</td>
<td>02/03/10</td>
<td>02/03/10</td>
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<td>Yes</td>
<td>FLU Update, Industrial &amp; Agriculture, CIE update</td>
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<tr>
<td>City of Center Hill</td>
<td>10-1</td>
<td>Regular</td>
<td>04/26/10</td>
<td>05/04/10</td>
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<td>Yes</td>
<td>FLU Update, Industrial &amp; Agriculture, CIE update</td>
</tr>
<tr>
<td>City of Coleman</td>
<td>09CIE1</td>
<td>CIE</td>
<td>12/02/08</td>
<td>01/09/09</td>
<td>02/07/09</td>
<td>03/09/09</td>
<td>03/16/10</td>
<td>07/01/09</td>
<td>No</td>
<td>Comprehensive Plan Update (2009-2035)</td>
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<tr>
<td>Wildwood</td>
<td>09-1</td>
<td>Regular</td>
<td>12/02/08</td>
<td>01/09/09</td>
<td>02/07/09</td>
<td>03/09/09</td>
<td>03/16/10</td>
<td>04/15/10</td>
<td>Yes</td>
<td>Remedial amendment for SSA on 09-1</td>
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<td>Wildwood</td>
<td>10-R1</td>
<td>Remedial</td>
<td>12/03/09</td>
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<td>N/A</td>
<td>12/03/09</td>
<td>04/15/10</td>
<td></td>
<td>Yes</td>
<td>Remedial amendment for SSA on 09-1</td>
</tr>
</tbody>
</table>

** Amendment Types may include: Regular; DRI; EAR Based; Water Supply Plan; ASRPP.

NOTES

- 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.
  - SSA = Stipulated Settlement Agreement
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. DRIs 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:  See Exhibit

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

Presenter:  Roy A. Mazur, Director, Planning Department
<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>
<th>Sufficiency Comments Sent</th>
<th>Final Comments Sent</th>
<th>Comments</th>
</tr>
</thead>
<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>
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<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>
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<tr>
<td>Sandhill</td>
<td>Charlotte Co.</td>
<td>Mixed Use</td>
<td>NOPC</td>
<td>NOPC</td>
<td>5/28/08</td>
<td>4/14/09</td>
<td>None</td>
<td>None</td>
<td>None</td>
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<tr>
<td>Babcock Ranch Community</td>
<td>Charlotte</td>
<td>Mixed Use</td>
<td>NOPC</td>
<td>NOPC</td>
<td>5/28/08</td>
<td>4/14/09</td>
<td>None</td>
<td>None</td>
<td>SFWMD - coord review re: WS &amp; GW impacts Incr 1 2,980 ac</td>
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<tr>
<td>Harborview</td>
<td>Charlotte</td>
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<td>NOPC</td>
<td>NOPC</td>
<td>5/28/08</td>
<td>4/14/09</td>
<td>None</td>
<td>None</td>
<td>RPC Rec DO Conds - no marina</td>
</tr>
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<td>Heron Creek</td>
<td>Sarasota</td>
<td>Mixed Use</td>
<td>NOPC</td>
<td>NOPC</td>
<td>5/28/08</td>
<td>4/14/09</td>
<td>None</td>
<td>None</td>
<td>Formerly Marsh Creek - North Port</td>
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<tr>
<td>Apollo Beach</td>
<td>Hillsborough</td>
<td>Mixed Use</td>
<td>NOPC</td>
<td>NOPC</td>
<td>9/8/05</td>
<td></td>
<td>09/22/05</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>
</tr>
<tr>
<td>Wolf Creek Branch</td>
<td>Hillsborough</td>
<td>Mixed Use</td>
<td>NOT PROVIDED</td>
<td>NOPC</td>
<td>9/7/05</td>
<td></td>
<td>09/22/05</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>Fishhawk Ranch</td>
<td>Hillsborough</td>
<td>Residential</td>
<td>70</td>
<td>NOPC</td>
<td>4/24/07</td>
<td></td>
<td>05/24/07</td>
<td></td>
<td>Proposes the addition of 70 acres to existing DRI</td>
</tr>
<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></td>
<td>10/29/09</td>
<td></td>
<td>Proposes construction of a process-water loading station and transport of process water to Polk County facility</td>
</tr>
<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></td>
<td>10/20/09</td>
<td></td>
<td>Proposes addition of 77 acres to existing DRI</td>
</tr>
<tr>
<td>Big Bend Transfer Co. Sulfur Handling Facility</td>
<td>Hillsborough</td>
<td>Industrial</td>
<td>NOPC</td>
<td>NOPC</td>
<td>5/11/09</td>
<td></td>
<td>6/9/09</td>
<td></td>
<td>Proposes combining several DRIs, extend construction date and revise concept development plan</td>
</tr>
</tbody>
</table>

As of June 9, 2010
## DRI Activity Report

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Govt's</th>
<th>Project Type</th>
<th>Acreage</th>
<th>Appl. Type</th>
<th>Pre-App Mtg. Date</th>
<th>Receipt Date</th>
<th>Sufficiency Comments Sent</th>
<th>Final Comments Sent</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tampa Bay Center</td>
<td>Hillsborough</td>
<td>Commercial</td>
<td>N/A</td>
<td>NOPC</td>
<td></td>
<td></td>
<td>1/5/10</td>
<td></td>
<td>Proposal includes decreasing residential development by 593 units and increasing retail uses by 25,000sf and office by 135,000sf.</td>
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<tr>
<td>Lake Hutto</td>
<td>Hillsborough</td>
<td>Mixed Use</td>
<td>N/A</td>
<td>NOPC</td>
<td></td>
<td></td>
<td>3/24/10</td>
<td></td>
<td></td>
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<tr>
<td>Landing at Heritage Harbour</td>
<td>Manatee</td>
<td>Mixed Use</td>
<td>N/A</td>
<td>NOPC</td>
<td></td>
<td>10/18/09</td>
<td>11/13/09</td>
<td></td>
<td>Proposes a number of changes to the development scenario</td>
</tr>
<tr>
<td>Gulf Coast Factory Shops</td>
<td>Manatee</td>
<td>Commercial</td>
<td>25</td>
<td>NOPC</td>
<td></td>
<td>11/22/05</td>
<td></td>
<td></td>
<td>Proposal to extend build out, add 24 acres, add 7,500 s.f. restaurant, relocate drainage and establish additional project entrance</td>
</tr>
<tr>
<td>University Lakes</td>
<td>Manatee</td>
<td>Mixed Use</td>
<td>4,033</td>
<td>NOPC</td>
<td></td>
<td>3/1/06</td>
<td></td>
<td></td>
<td>Proposal to add 812 residential units, 120,000 sf of office and 405 hotel rooms</td>
</tr>
<tr>
<td>Four Corners Mine</td>
<td>Manatee</td>
<td>Phosphate Mining</td>
<td>299</td>
<td>NOPC</td>
<td></td>
<td>2/19/07</td>
<td>3/22/07</td>
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<td>Proposal to add 299 acres to Four Corners's boundary</td>
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<tr>
<td>Four Corners Mine</td>
<td>Manatee</td>
<td>Phosphate Mining</td>
<td>272</td>
<td>Pre-App</td>
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<td>4/9/09</td>
<td>4/24/09</td>
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<td>Proposal to add 272 acres to Four Corners's boundary</td>
</tr>
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<td>University Commons</td>
<td>Manatee</td>
<td>Commercial</td>
<td>30</td>
<td>NOPC</td>
<td></td>
<td>3/16/07</td>
<td></td>
<td></td>
<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 Mining</td>
<td>103</td>
<td>NOPC</td>
<td></td>
<td>7/20/07</td>
<td>8/15/07</td>
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<td>Proposes addition of 103 acres &amp; other changes to connect property with the Wingate Creek</td>
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<tr>
<td>Mosaic Wingate Creek Mine</td>
<td>Manatee</td>
<td>Phosphate Mining</td>
<td>N/A</td>
<td>NOPC</td>
<td></td>
<td>7/20/07</td>
<td>8/15/07</td>
<td></td>
<td>Proposes changes to mine plan, setback area, waste disposal plan and trucking route</td>
</tr>
<tr>
<td>Cypress Banks</td>
<td>Manatee</td>
<td>Mixed Use</td>
<td>3,879</td>
<td>NOPC</td>
<td></td>
<td>11/23/07</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<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></td>
<td></td>
<td>Modifications to internal roadway system and school site</td>
</tr>
<tr>
<td>Parrish Lakes</td>
<td>Manatee</td>
<td>Mixed Use</td>
<td>1,155</td>
<td>ADA</td>
<td></td>
<td>07/14/08</td>
<td></td>
<td></td>
<td>Proposes 3300 residential units, 400,000 sf of retail and office and a mixed-use town center.</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></td>
<td>8/16/05/03/18/08</td>
<td>04/08/08</td>
<td>11/17/09</td>
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<tr>
<td>Bexley Ranch</td>
<td>Pasco</td>
<td>Mixed Use</td>
<td></td>
<td>NOPC</td>
<td></td>
<td>7/25/07/01/05/09/7/21/09</td>
<td>7/31/07</td>
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<tr>
<td>Suncoast Crossings</td>
<td>Pasco</td>
<td>Mixed Use</td>
<td>66</td>
<td>NOPC</td>
<td></td>
<td>7/20/07</td>
<td></td>
<td></td>
<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>
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<td>6/23/08/9/10/08</td>
<td>7/7/08 9/22/08</td>
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</tbody>
</table>
## DRI Activity Report

**As of June 9, 2010**

<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>
<th>Sufficiency Comments Sent</th>
<th>Final Comments Sent</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<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>04/05/07</td>
<td>10/19/07</td>
<td>Developer answered questions proposed for traffic generation &amp; specific development order changes. Declared sufficient</td>
</tr>
<tr>
<td>Trinity Communities Pasco &amp; Pinellas Mixed Use</td>
<td>Pasco &amp; Pinellas</td>
<td>Mixed Use</td>
<td>4</td>
<td>NOPC</td>
<td>4/5/07</td>
<td>10/01/07</td>
<td>10/05/07</td>
<td>04/08/08</td>
<td>Extend build out date, add 136K medical office space, 115 residential units, reduce commercial/retail use</td>
</tr>
<tr>
<td>Gateway Centre Pinellas Park Mixed Use</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>N/A</td>
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<td>Response to questions posed on Transportation issues</td>
</tr>
<tr>
<td>Bayonet Point Shopping Mall</td>
<td>Pasco</td>
<td>Mixed Use</td>
<td>4</td>
<td>NOPC</td>
<td>5/1/2009</td>
<td>7/6/09</td>
<td>5/29/09</td>
<td>11/2/09</td>
<td>Add 3.96 acres, establish land use equivalency matrix, exchange for 500 residential units</td>
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</table>

### WRPC

<table>
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<tr>
<th>Secret Promise</th>
<th>Lake</th>
<th>Mixed Use</th>
<th>3,747</th>
<th>ADA</th>
<th>12/29/05</th>
<th>8/21/06</th>
<th>9/11/06</th>
<th>11/14/07</th>
<th>3,747 residential units</th>
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<tbody>
<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>8/11/06</td>
<td>11/18/09</td>
<td>1,311 residential units</td>
</tr>
<tr>
<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>11/22/10</td>
<td>3,144</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>3,000</td>
<td>3,000 residential units</td>
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<tr>
<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>8,025</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>5/29/07</td>
<td>3/20/08</td>
<td>1,900</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
- **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  
June 29, 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>
</thead>
<tbody>
<tr>
<td>March 2010</td>
<td></td>
<td></td>
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<tr>
<td>Plant City Master Gardeners</td>
<td>Water 101/ Get Outside!</td>
<td>19</td>
<td>Ed Hobin</td>
<td>CLA</td>
</tr>
<tr>
<td>Focus on Change Lake Alfred</td>
<td>WMD and Drought Update</td>
<td>240</td>
<td>Ed Hobin</td>
<td>CLA</td>
</tr>
<tr>
<td>Focus on Change Leesburg</td>
<td>WMD and Drought Update</td>
<td>290</td>
<td>Ed Hobin</td>
<td>CLA</td>
</tr>
<tr>
<td>Manatee Sertoma Club</td>
<td>Water 101</td>
<td>50</td>
<td>Ed Hobin</td>
<td>CLA</td>
</tr>
<tr>
<td>United Methodist Temple Men's Group</td>
<td>Water 101</td>
<td>50</td>
<td>Danny Kushner</td>
<td>CLA</td>
</tr>
<tr>
<td>SWIM 2010 Lemon Bay Workshop</td>
<td>Water Use/ Conservation</td>
<td>15</td>
<td>Terri Behling</td>
<td>CLA</td>
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<tr>
<td>Community Associations Institute</td>
<td>Senate Bill 2080</td>
<td>32</td>
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**EVENTS**

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**April 2010**

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**EVENTS**

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**May 2010**

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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
June 29, 2010

Routine Report

Significant Activities

Conservation Messaging
The District promotes water conservation year-round using a variety of methods — public service advertising, news media outreach, the District’s web site, special events, utility bill stuffers, outreach to existing partners and social media efforts such as the online WaterMatters.org Newsletter, Facebook and Twitter. New Activities Since Last Meeting — “Watch the Weather, Wait to Water!” Campaign: June 1, staff launched the “Watch the Weather, Wait to Water!” campaign, which will run June–September. Staff is employing grass-roots communications efforts, including launching a new web page at WaterMatters.org/watchtheweather, distributing a news release to the media and promoting the campaign through Facebook and Twitter. “Watch the Weather, Wait to Water!” will also be promoted from June through September on up to 30 buses in Hillsborough County as part of the District’s partnership with Lamar Advertising. An article and artwork are also being distributed to environmental organizations and chambers of commerce for their newsletters. Special Events: The busy spring special event season is winding down. More than 80 District staff members, representing several departments and all service offices, have joined two special event outreach teams coordinated by the Communications Department. In FY2010 the public outreach team has staffed booths and made presentations at 28 events, and the youth outreach team has handled 25 events. All told this fiscal year, the team members have educated more than 17,150 people about the District and regional water issues at these events. On April 24 Governing Board Member and Basin Board Education Committee Chair Maritza Rovira-Forino attended the Earth Day event for Academy Prep Center of Tampa at the HCC campus in Ybor City. Ms. Rovira-Forino answered water conservation questions at the District’s booth. The event also featured a student-created environmental sculpture that was slated to be displayed in the school after the event.

“Get Outside!” Campaign
In September 2009 the District launched the “Get Outside!” campaign to promote the recreational opportunities available to the public on District-owned lands and to encourage more people to visit them. The campaign was developed based on social research. 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, 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 has hosted 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. New Activities Since Last Meeting — A fourth event is planned for Oct. 23, 2010, at Potts Preserve in Citrus County. Planned activities include boat tours on the Withlacoochee River, hiking tours, live animal presentations and other displays and activities that promote the District’s protection of land and water resources. The “Get Outside!” campaign was advertised from mid-March through the end of May on 30 buses in Hillsborough County as part of the District’s partnership with Lamar Advertising. The advertisements are scheduled to begin again in October. Communications staff worked with Land Resources staff to revise the Recreation web page and reservation system to make them more user-friendly. The new site also makes it easier to obtain information on specific recreational uses such as camping or hunting. Staff distributed a news
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release encouraging residents to celebrate National Trails Day (June 5) on the more than 850 miles of District trails.

**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 Districtwide five-year 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. 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. The program is being promoted through one-on-one visits with restaurant managers, partnerships with utility companies, networking at industry meetings and direct mail.

**New Activities Since Last Meeting** — Water CHAMP currently has 465 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. Water CHAMP and Water PRO participants will be added to the **Sarasota County Green Map®**. This online interactive map provides a list of available green activities and organizations in the county in an effort to raise awareness of sustainable living. Water PRO has 259 restaurants in the District participating as of May 28, 2010. A bilingual poster (English and Spanish) has been created for Water PRO participants to post in their kitchens reminding staff of water-saving procedures.

**Florida Water Star**<sup>SM</sup> (FWS) Certification Program

FWS is a voluntary certification program for builders that encourages water efficiency in appliances, plumbing fixtures, irrigation systems and landscapes, as well as water quality benefits from best management practices (BMPs) in landscapes. FWS 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; the first house was certified March 25, 2009. **New Activities Since Last Meeting** — Agreements: Builders who intend to incorporate FWS criteria in current or future projects sign nonbinding participation agreements with the District. To date, 15 agreements have been signed, representing approximately 279 homes and one commercial property. Certifications: As of June 3, 2010, there have been 49 homes and one commercial building certified as FWS properties. **Program Updates:** (1) The Silver level of the Florida Water Star<sup>TM</sup> program will now be promoted in this District. The decision is based on criteria changes in both the Silver and Gold levels as the program has evolved. As Silver criteria were upgraded over time, the Silver level’s water conservation potential increased, making Silver closer to Gold’s original criteria. At the same time, the slowdown in the economy has resulted in smaller houses with fewer bathrooms being built. Fewer bathrooms mean fewer points are available to builders, making Gold more difficult to achieve and reserving it for higher-end homes. By adding the Silver level as an option, the District can continue to include affordable homes as well as remodeled homes. (2) Staff provided an information booth at the Florida Green Building Coalition’s (FGBC) Green Trends conference June 3–4 in St. Petersburg and presented “Applying FGBC Criteria to Meet Florida Water Star™ Certification” to FGBC raters. (3) The Florida Home Partnership, Inc. (FHP) was announced as a winner in the Small Business category by the Sustainable Florida — Collins Center at its 2010 Best Practice Awards program on June 4, 2010. Through its awards program, Sustainable Florida recognizes companies and individuals whose projects incorporate the highest performance standards in the integration of environmental, social and economic factors for the long-term sustainability of Florida. In the past 17 years, FHP has built more than 450 affordable, sustainable homes. FHP began partnering with the District last year by incorporating water conservation into its homes. Potentially 100 homes in Wimauma and 40 homes in Dade City will be certified FWSG. **Education:** Staff presented a continuing education class to the Sarasota County Plumbing, Heating and Cooling Contractors on May 27.
Research Findings
The Communications Department has been using research to enhance program design, plan communications strategies and evaluate programs. A database of the District’s social research is available at WaterMatters.org/SocialResearch/. New Activities Since Last Meeting — District staff has begun planning the Florida-friendly fertilizing campaign for spring 2011. Based on research, staff identified several key behaviors and benefits associated with appropriate fertilizer use to include in scripts. Potential behaviors include following package directions, using slow-release fertilizer, fertilizing less often and not fertilizing before a heavy rain. Benefits include protecting water quality, mowing less and protecting lawns from problems associated with over-fertilization. Once scripts are finalized, staff will create rough video versions to test with a series of focus groups planned for July/August. Focus group input will be reflected in final versions of the ads.

Florida Yards & Neighborhoods (FYN)
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 BMPs is provided to homeowners; students; builders, landscape and irrigation professionals; and community/homeowners association (HOA) members and boards in 11 counties. New Activities Since Last Meeting — A District/FYN Sharing Day was planned for June 22. The agenda included review of scopes of work, social media and the District’s upcoming campaign on appropriate fertilization. Pasco County: Chris Dewey met with UF and FDEP representatives in Tallahassee on the current and future outreach to builders and developers. The Villages/Sumter: Jim Davis presented on drought-tolerant plants at the Florida Nursery, Growers and Landscape Association Coastal Springs Chapter meeting. Approximately 25 members attended. Polk County: Cooperators from the Polk IS Florida-Friendly project created and distributed a brochure that spotlights the locations of 15 FFL demonstration gardens throughout Polk County and a list of plants that thrive in Polk County. The map of sites was also included in the recent Parade of Homes supplement, which was distributed countywide through the local newspaper.

Watershed/Water Quality 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 — (1) The Science and Environment Council (SEC) of Sarasota completed a 20-minute video that focuses on what SEC member organizations are doing to protect watersheds. The video is made up of individual segments focusing on different watershed subjects. These segments will be used for posting on the Internet and social networking sites. SEC also held its annual Low Impact Development and Water Conservation workshops. Approximately 40 people attended to discuss challenges and solutions to local water issues. The goal of the workshops was to create a common understanding of local water issues that supports effective public discussion and decision making. (2) The Polk County Extension’s “Water School 2010: Challenges and Opportunities for a New Decade” was held on consecutive Thursdays, April 22–June 3, with 31 graduating on June 16. An average of 40 per session were also reached through the webinar broadcast. Participants learned about the state of Polk County’s water resources through workshops and educational tours. (3) The Manatee County Extension held its 2010 Water School May 6–7. Approximately 30 decision-makers learned about current and future water supply issues, water quality and educational challenges.

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. Projects are implemented March–July. New Activities Since Last Meeting — (1) On May 8 the City of Winter Haven held
its “Florida-Friendly Trails” kickoff event with 100 attendees. Participants toured three different trails featuring Florida-Friendly Landscaping™ and associated signage. (2) The Riviera Bay Civic Association’s 70 volunteers removed 2.3 tons of debris and 551 pounds of recyclable material at the Riviera Bay Cleanup on May 22. (3) Haines City’s “Spring Fest,” held May 1, educated more than 1,500 residents about water conservation practices.

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: The following youth education outreach was accomplished through May: May 3 — 160 students in grades 1–2 on water conservation and the water cycle at Bethune Academy in Polk County; May 8 — 100 students in grades 6–12 on wetlands, watersheds and conservation at The Vanguard School in Polk County; May 19 — 45 fifth-grade students on the Floridan aquifer system and the water cycle at Cypress Ridge Elementary in Lake County; May 21, 24 and 25 — 400 seventh-grade students on groundwater and the Floridan aquifer system in Sumter County; May 25 — 250 students in grades 2–5 on watersheds, the water cycle and conservation at Denham Oaks Elementary in Pasco County; May 28 — 130 eighth-grade students about groundwater and the Floridan aquifer system at Pasco Middle School.

- Splash! School Grants: This grant program provides teachers with funding to enhance student knowledge of freshwater resources issues. “Sharing Days” allow teachers to describe and evaluate their 2009–2010 Splash! school grant projects. In late-April and May, 14 Sharing Days were held in the following counties: Citrus, Hernando, Highlands, Hillsborough, Manatee, Marion, Pasco, Pinellas, Polk, Sarasota and Sumter. Teacher Training: (1) A four-week Great Water OdysseySM online training course was offered to third-, fourth- and fifth-grade teachers Districtwide. This course started May 10 with 37 registered teachers from Hardee, Hernando, Manatee, Marion, Pinellas, Polk and Sarasota counties. Teachers completing the course earn up to 20 in-service credits, gain water resources knowledge and obtain technology-based curricula and software for their students. (2) A three-day Summer Water Institute is planned June 15–17 in conjunction with the St. Johns River Water Management District at both Silver Springs and Rainbow Springs State Park for 30 Marion County middle school teachers. The focus is on springs hydrology and geology, aquifers and watersheds. Web-based Teaching Tools: The web-based water conservation challenge for schools guides teachers and students to pledge to conserve water and develop a plan for a conservation activity. Through the end of May, a total of 630 classroom teachers from 14 counties participated in the Classroom Challenge (a 62 percent increase from 2009), directly involving 16,645 students. Each participating classroom received a free conservation challenge kit, with class sets of conservation posters, stickers, water use surveys, leak detection tablets, bookmarks and pencils. More information can be found at WaterMatters.org/classchallenge/. Publications: Approximately 382,275 pieces of youth education publications and materials have been distributed this calendar year. More than 518,931 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 the 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** - A draft has been released for public review with comment due July 16th. Staff has conducted four public meetings and has facilitated presentations to all Advisory Committees along with 8 additional presentations including the Regional Planning Councils and other stakeholder groups.

**Evaluation and Appraisal Reports (EAR)**

Every seven years all counties and cities must provide the Department of Community Affairs (DCA) an Evaluation and Appraisal Report (EAR) evaluating how successful they have been in addressing major community planning issues through implementation of their comprehensive plan. Based on the result of this evaluation, each local government must revise and update its comprehensive plan within 18 months of DCA’s approval of the EAR. The DCA is hosting a series of workshops throughout the state to inform local governments of the EAR process and state requirements. The inclusion of water resource planning has been a growing focus of these state requirements for local government comprehensive plans. Planning staff are working with DCA to include water resource planning, District technical information and assistance as a portion of their upcoming workshops. District staff will be facilitating presentations at the Lecanto (Citrus, Hernando, Levy) and St. Petersburg (Hillsborough, Manatee, Pasco, Pinellas) workshops.

**Land Use / Land Cover**

Land Use/Cover data are photo-interpreted, GIS-based information that describes the status and existing use of a specific area. These land use/cover categories have been created using the Florida Department of Transportation’s Florida Land Use and Cover Classification System (FLUCCS) handbook. Important uses of these layers include showing how policies affect land use changes, how precipitation affects wetlands and water body health and to reveal those changes over time. The current Strategic Planning Scorecards is tracking land use trends. Until now, this was only done on an ad-hoc basis using District derived Land Use/Cover GIS layers. In order to meet the success indicators outlined in the Strategic Plan, an extensive GIS-based analysis has been completed for the entire District for various geographic jurisdictions (i.e. City, County, and Basin Board). The analysis calculated the total acreage for each of these jurisdictions at a generalized Land Use/Cover level for the years 1995, 1999, and 2004-2008. These tables will be available for download and will create a one-stop shop for all Land Use/Cover figures.

**Regional Planning Council Update**

- **Tampa Bay Regional Planning Council (May 10, 2010)** - Mr. Fred Abousleman, National Association of Regional Councils (NARC) Executive Director, discussed NARC and federal government activities. The main message of the discussion on the federal government was that Washington D.C. has considerable funding for energy-related initiatives, and local governments should assemble proposals for funding consideration. SWFWMD staff discussed the District’s draft 2010 Regional Water Supply Plan. Council members were advised of the plan’s availability for review and comment. Both presentations can be viewed at www.tbrpc.org/council_members/council_presentations. In addition, there was considerable discussion on the Gulf Oil Spill. Council members were told that there are limited preventive measures available for protecting Florida’s shoreline. They were also advised of efforts, including beach trash removal, mapping of sensitive areas, etc., to prepare the region for dealing with the oil spill.
Central Florida Regional Planning Council (May 14, 2010) - In addition to typical Council business, SWFWMD staff facilitated presentations on the Lake Hancock Lake Level Project, Lake Hancock Wetland Project, Lake Hancock Recreational Plan and the draft 2010 Regional Water Supply Plan. FDEP staff facilitated a presentation on mining permitting and reclamation.

Southwest Florida Regional Planning Council (May 20, 2010) - Several significant items were approved by consent including: City of Fort Myers Comprehensive Plan Amendments (DCA 10-1); City of Cape Coral Comprehensive Plan Amendments (DCA 10-1); Alico Interchange DRI – Development Order Review; Miromar Lakes DRI – NOPC; North Port Gardens DRI – Sufficiency Response Extension; The Fountains DRI – Sufficiency Response Extension and the Big Cypress DRI – Sufficiency Response Extension. Council staff presented the Harborview DRI Substantial Deviation. After considerable discussion focused on the creation of a private marina, the Council voted against approval of the item. The Council then approved a vote to recommend Conditional Approval of the Harborview Substantial Deviation DRI as recommended by staff, to be further conditioned on a finding of Consistency with the Local Government Comprehensive Plan by the Charlotte County Board of County Commissioners. The motion carried 14 to 7.

Withlacoochee Regional Planning Council (May 12, 2010) - In addition to routine Council business, SWFWMD staff facilitated a presentation on the draft 2010 Regional Water Supply Plan.

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 attended a meeting hosted by Manatee County to discuss the preparations for responding to the oil spill in the event that oil washes ashore in their area. The county has established a local oil spill hotline (live on June 15), identified sensitive areas for boom placement, created a Unified Command for the county’s response and has briefed Commissioners on all oil spill activities. County staff participates in daily and weekly conference calls with state agencies and they have identified their Natural Resources Department as the lead in response if the oil impacts the County. Staff also attended similar meetings in Sarasota and Charlotte Counties.
• CLA staff continues to follow the meetings of the Peace River/Manasota Regional Water Supply Authority. Issues staff is following are: (1) an amendment to the 2005 proposed storage agreement between Sarasota and Charlotte Counties and the Authority, (2) a relocation of a 20-inch water main along U.S. Hwy 17 due to road widening, and (3) the Lower Peace MFL.
• CLA Staff attended the tour of the Authority’s new reservoir and expanded water treatment plant.
• Note: The Authority is hosting a water conservation summit on Thursday, June 24 at the Hyatt Sarasota from 8:00 a.m. until 1:00 p.m. The summit agenda will include remarks from Steve Siebert, senior vice president for strategic visioning at the Collins Center for Public Policy.
• CLA staff attended a public workshop hosted by the Sarasota County Planning Department to provide an overview of the draft comprehensive plan amendments for the Fruitville Initiative which included development changes for a 20-30 year planning horizon. This area includes the land adjacent to the SWFWMD Sarasota office. County staff contacted District staff to seek our review and comments on the report that will be submitted to the Sarasota County Commission. They are seeking our input as interested property owners and as a regulatory agency.
• CLA staff continues to monitor the Manatee County Comprehensive Plan Amendments which include allowing the use of reclaimed water in the Braden River Watershed.
• CLA staff continues to monitor developments in the SJRWMD water supply plan by attending quarterly update meetings at Orlando Utilities. During these meetings, SJRWMD, SFWMD and SWFWMD provide updates on planning in the Central Florida Coordination Area.
• CLA staff coordinated and attended a tour by water of the Calm Bayou Habitat Restoration project for Gulfport City Councilwoman Jennifer Salmon. Councilwoman Salmon has made many inquires to District staff about Clam Bayou and the restoration project. The tour gave her an opportunity to see the site first hand and have many of her questions answered.
• CLA staff met with staff from Rep. Will Weatherford’s office to review multiple constituent cases the Representative recently received. Brooksville Regulation has been working with all individuals and the Representative was appreciative of their efforts.
• CLA staff met with the new Inglis Commissioner Sherry Ely. She has been meeting with Levy County Commissioners and other local government entities to gain a better understanding of current local activities. Staff updated her on District projects and activities and invited her to the Regional Water Supply Plan public meetings. Staff provided Commissioner Ely with a copy of the Northern Region Water Supply Plan, Strategic Plan, a Recreational Guide and information on District grant programs.

Legislation and Policy
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.

New Activities Since Last Meeting:
• CLA staff continues to monitor the Governor’s actions on legislation passed in the 2010 Session.
• CLA staff communicates and coordinates with FDEP and the other water management districts to discuss issues and legislation and develop strategies for working with legislators and staff during the interim. This includes meetings with various legislators throughout the summer/fall and coordination of tours for legislators and staff.
• CLA staff continues to monitor the numeric nutrient criteria issue.
• CLA staff is developing a strategy for next legislative session.
• CLA staff is tracking state House and Senate elections along with seats that are open on a statewide level.

Community Outreach
In addition to acting as the District’s liaison to local government, CLA is responsible for the primary “grassroots and grasstops” outreach to local community organization 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 staff worked with EXE, staff from the District’s Agricultural Regulation Program, and Polk State Corporate College staff to facilitate continuing education classes within the agriculture community. Currently, three classes are scheduled to take place at the Bartow Service Office which will include education about permitting, AGSWM and F.A.R.M.S.
• CLA staff has been appointed to the Workforce Education Leadership Council for Polk County School’s Career Academies and subsequently appointed as Chair of the Advocacy Committee. Polk County has over 17 career academies educating students in everything from mechanics and avionics to natural resources.
• CLA staff coordinated with PLN, PRJ, and LND to provide speakers for the Central Florida Regional Planning Council Annual Retreat held at Circle B Bar Preserve. Presentations were given on Lake Hancock, Get Outside!, and the Regional Water Supply Plan.
• CLA staff participated with COM in an annual meeting with the Lakeland Ledger Editorial Board. Issues discussed included the District’s Regional Water Supply Plan, Utility Outreach Program, Lake Hancock, and Peace Creek, the 2010 Frost/Freeze event, drought, watering restrictions, and conservation programs.

• CLA participated in a meeting at the Saint Leo University campus to evaluate the location for a reclaimed water pond on the campus. The reclaimed water will be supplied by Pasco County for irrigation uses on the campus. In question was compliance with the Town of St. Leo tree ordinance, possible infringement into existing wetlands and the need to stay outside the 100’ buffer zone for the neighboring community of Lake Jovita.

• CLA staff participated in the planning of, and attended, a District Boards tour of the Lower Hillsborough River Recovery Strategy water sources. The tour included stops at the Hillsborough River Dam, Sulphur Springs, Blue Sink, Morris Bridge Sink and the Harney Canal.

• CLA staff facilitated a meeting with the Tampa Bay History Center to review the final steps needed for the Center to complete their CFI project. Following the meeting, the Center has implemented the recommended changes and is moving toward completion of the project.

• CLA staff participated in the Crystal River Watershed Open House. Approximately 100 people attended including Commissioner Dennis Damato and Citrus Chamber Immediate Past Chairman Dixie Hollins. Staff spoke with Commissioner Damato on the importance of the public outreach efforts as part of the FEMA mapping process. Commissioner Damato was very impressed with the process and will communicate the success of the open house to the other county commissioners.

• CLA staff spoke at the Inverness Water Reclamation Facility ribbon cutting. Staff had the chance to speak about the Regional Water Supply Plan and the importance of conservation to approximately 100 people, including the Inverness Mayor Bob Plaisted and City Commission members, Crystal River’s City Manager Andy Houston, Citrus County Commissioners Damato and Thrumston, and Senator Charlie Dean.

Staff Recommendation:

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

Presenter: Lou Kavouras, Deputy Executive Director, Outreach, Planning, Board Services and Ombudsman
Special Events – July 1 through October 31, 2010

Event Title: Basin Board Education Committee Meeting
Date: July 14
Time: 9:30–11:30 a.m.
Location: Glazer Children's Museum
Sponsoring Organization: District
Attendees: Basin Board members, District staff, general public

District Contact Information:
Name: Toi Basso, (352) 796-7211, ext. 4756; Toi.Basso@WaterMatters.org

Event Title: “Get Outside!” Day at Potts Preserve
Date: October 23
Time: 10 a.m.–2 p.m.
Location: Potts Preserve, 2988 North Hooty Point, Inverness
Sponsoring Organization: District
Attendees: Governing and Basin Board members, District staff, general public
Event Description: A family-friendly event featuring recreational activities available on this District property. In addition, attendees will participate in outdoor activities such as nature hikes, I-spy scavenger hunts and much more.

District Contact Information:
Name: Melissa Altman, (352) 796-7211, ext. 4782; Melissa.Altman@WaterMatters.org
# General Counsel’s Report

## Discussion Items

64. Consent Item(s) Moved for Discussion

## Submit & File Reports

- None

## Routine Reports

<table>
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<th>Item</th>
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<tr>
<td>65.</td>
<td>Litigation Report</td>
<td>2</td>
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<tr>
<td>66.</td>
<td>Rulemaking Update</td>
<td>19</td>
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</tbody>
</table>
**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT LITIGATION REPORT**  
June 2010  
(Changes in status since last month are in boldface type)

## DELEGATED ADMINISTRATIVE HEARING MATTERS

<table>
<thead>
<tr>
<th>STYLE/CASE NO.</th>
<th>COURT/JUDGE</th>
<th>ATTORNEY</th>
<th>DESCRIPTION</th>
<th>STATUS (current as of 06/09/10)</th>
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</thead>
<tbody>
<tr>
<td>Shelley, David and Barbara v. SWFWMD</td>
<td>5th Judicial Circuit, Hernando County/No. CA 08-3878</td>
<td>C. Felice</td>
<td>Request for Extension of Time to File Petition for an Administrative Hearing</td>
<td>11/25/09 - 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 1/15/10) entered. 1/15/10 - Petition for Formal Administrative Hearing served.</td>
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## ENFORCEMENT CASES  
(Including Administrative Complaints)

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<tr>
<th>STYLE/CASE NO.</th>
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<th>STATUS (current as of 06/09/10)</th>
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</thead>
<tbody>
<tr>
<td>SWFWMD v. Atwood, Sean</td>
<td></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>
</tr>
<tr>
<td>SWFWMD v. Barfield, Robert</td>
<td></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. Bickel, Gary J. and Deborah T./Case No. CA 08-3878</td>
<td></td>
<td>C. Felice</td>
<td>Complaint and Petition for Enforcement of Consent Order No. 06-29</td>
<td>11/24/08 – Complaint and Petition for Enforcement filed. 1/7/09 – Defendant Gary J. Bickel's Motion for Extension of Time to File and Answer served. 1/26/09 - Answer to Complaint and Petition for Enforcement with Affirmative Defenses served. 1/28/10 - Plaintiff's Motion to Strike Defendants' Affirmative Defenses served. 3/22/10 - Notice of Hearing (on Motion to Strike set for</td>
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<tr>
<td>SWFWMD v. R.J. Bunbury Homes, Inc./Case No. 08-011833CI21</td>
<td>6th Judicial Circuit, Pinellas County/J. Schaefer</td>
<td>A. Vining</td>
<td>Complaint and Petition for Enforcement of ACO No. SWF 07-055</td>
<td>4/21/10 served. 4/5/10 - (Angeliadis') Motion to Withdraw as Counsel served. 4/20/10 - Notice of Cancellation of Hearing served. 4/22/10 - Settlement Agreement and Joint Motion for Stipulated Final Judgment filed. 4/26/10 - Stipulated 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 ACO No. SWF 06-20</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. HCH Holdings, LLC</td>
<td></td>
<td>A. Wells</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></td>
<td>A. Vining</td>
<td>Complaint and Petition for Enforcement</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. 2/1/10 – Notice of Hearing on Third Party Defendants’ Motion to Dismiss Third Party Complaint and Third Party Defendant Sazam, Inc.’s Motion to Vacate and Set Aside Clerk’s Default and Incorporated Memorandum of Law served. 2/5/10 – Amended Notice of Hearing served. 3/29/10 – Order Granting Third Party Defendant’s Sazam, Inc.’s Motion to Vacate and Set Aside Clerk’s Default entered. 4/1/10 – Order Granting in Part Third Party Defendants’ Motion to Dismiss Third Party Complaint entered. 4/5/10 – Order Sending Parties to Mediation entered. 5/7/10 – Notice of Voluntary Dismissal Without Prejudice of Third Party Complaint.</td>
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<tr>
<td>SWFWMD v. Lake Sebring Estates Development, Corp./Case No. 08-892GCS</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>7/15/08 - Complaint filed. 7/23/08 – Registered Agent served. 9/2/08 - Answer and Affirmative Defenses served. 3/17/10 - Notice of Taking Deposition (3 - set for 6/17/10) served.</td>
</tr>
<tr>
<td>SWFWMD v. McClendon, J.C., Jr./Case No.0811837CI13</td>
<td>6th Judicial Circuit, Pinellas County/M. Shames</td>
<td>A. Vining</td>
<td>Complaint and Petition for Enforcement of ACO SWF07-056</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 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>
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<tr>
<td>SWFWMD v. Maldonado, Santos, Sr./Case No. 252008CA000661</td>
<td>10th Judicial Circuit/Hardee County/</td>
<td>A. Wells</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></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. Shant Hotels, LLC/Case No. 53-2008-CA-0010708-0000-00</td>
<td>10th Judicial Circuit, Polk County/D. Prince</td>
<td>A. Wells</td>
<td>Complaint and Petition for Enforcement of ACO No. SWF 08-029</td>
<td>11/5/08 - Complaint filed. 11/17/08 - Defendant served. 1/5/09 - Motion for Default filed. 2/2/09 - Motion for Default by the Court served; Notice of Hearing (on Motion for Default - set for 3/3/09) served. 3/6/09 - Default by the Court entered.</td>
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<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>
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<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. 6/19/09 - 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 to Dismiss and Incorporated Memorandum of Law served. 9/14/09 - EPA's Answer to Complaint served. 9/21/09 - Case Management Report 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. 1/10/09 - EPA's Responses to Plaintiffs' Requests for Admissions served. 11/18/09 - Order on Defendants' Motions to Dismiss (granting City's &amp; 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. 2/16/10 - Order on Plaintiff's Rule 59(E) Motion to Alter or Amend the Judgment on Defendant's Motion to Dismiss entered. 2/25/10 - First Amended Complaint for Prospective Remedial Injunctive Relief served. 3/8/10 - Defendant David L. Moore's Motion to Dismiss Counts IX, X and XI of Plaintiffs' First</td>
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<td>STYLE/CASE NO.</td>
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<td>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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Amended Complaint, Motion for More Definite Statement, and Incorporated Memorandum of Law served. 3/18/10 - Plaintiff's Response to City of St. Petersburg's Motion to Dismiss the First Amended Complaint Counts Against the City served. 3/22/10 - Plaintiff's Response in Opposition to David L. Moore's Motion to Dismiss the First Amended Complaint Against Him served. 3/29/10 - (EPA's) Motion to Dismiss Counts I, II, III, IV, V, VI and VIII of Plaintiffs' Amended Complaint or, in the Alternative, Motion for More Definite Statement and Incorporated Memorandum of Law served. 4/12/10 - Plaintiffs' Response in Opposition to EPA's Motion to Dismiss Counts I-VI and VIII of First Amended Complaint served. 5/2/10 - Order staying the need for parties to file a case management report until after ruling on pending motions entered. 5/4/10 - Case Management Report 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. 8/23/07 - (Plaintiff’s) Motion to Bifurcate served. 10/12/07 - Defendant SWFWMD’s Amended Motion for Summary Judgment and Memorandum of Law in Support of Defendant’s Motion served. 10/17/07 - (Plaintiffs’) Motion for Partial Summary Judgment as to SWFWMD’s Liability for Taking Under Counts I, II, IV, V, VII, VIII, X, XI, XIII, XIV, XVII, XX and XXIII of Plaintiff’s Amended Complaint served. 11/6/07 – Memorandum of Law in Opposition to Plaintiff’s 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. 2/20/08 - 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 & Referral to Mediation entered. (Trial set for 1/26/09; Pretrial set for 1/16/09). 9/25/08 - Defendant’s
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<tr>
<th>DESCRIPTION</th>
<th>STATUS (current as of 06/09/10)</th>
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<tr>
<td>Response to Plaintiffs' Motion in Limine on the Taking Issue served.</td>
<td>9/29/08 - Motion to Set Aside/Vacate Court's Order Granting Partial Summary Judgment for Misrepresentation on the Court served.</td>
</tr>
<tr>
<td>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.</td>
<td>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.</td>
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<tr>
<td>10/10/08 - Defendant's Reply to Plaintiffs' Response in Opposition to Motion to Set Aside/Vacate served.</td>
<td>10/13/08 - Order (vacating Order Granting Plaintiff's Motion for Partial Summary Judgment (entered 12/7/07)) entered.</td>
</tr>
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<td>10/23/08 - Plaintiffs' Motion for Rehearing and Reconsideration served.</td>
<td>10/31/08 - Memorandum in Opposition to Plaintiffs' Motion for Reconsideration of the Court's Order Vacating the Order Granting Partial Summary Judgment served.</td>
</tr>
<tr>
<td>11/12/08 - Order on Plaintiffs' Motion for Rehearing and Reconsideration (denied) entered.</td>
<td>12/23/08 - Order (granting Motion to Continue the Trial) entered.</td>
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<td>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.</td>
<td>6/10/09 - Order on Motion for Partial Summary Judgment (denied) entered.</td>
</tr>
<tr>
<td>6/25/09 - Plaintiffs' Motion for Rehearing and Reconsideration served.</td>
<td>7/13/09 - Plaintiffs' Notice of Supplemental Authority on Its Motion for Rehearing and Reconsideration served.</td>
</tr>
<tr>
<td>7/17/09 - Order on Motion for Rehearing and Reconsideration (denied) entered.</td>
<td>3/9/10 - Pretrial Stipulation (stipulating to non-jury trial period of 12/6/10 and pre-trial being held on 11/24/10) filed.</td>
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<td>3/23/10 - Order Scheduling Case for Non-Jury Trial and Referral to Mediation (trial set for 12/6/10) entered.</td>
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<tr>
<td>Mudd, Marcia, et al. v. SWFWMD, et al./Case No. 2006CA-001537-0000</td>
<td>10th Judicial Circuit, Polk County/D. Prince</td>
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<td>STYLE/CASE NO.</td>
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<tr>
<td>Peace River/Manasota Regional Water Supply Authority v. SWFWMD, et al./Case No. 2010-CA-3282</td>
<td>12th Judicial Circuit/R. DeFuria</td>
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<td>STYLE/CASE NO.</td>
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<tr>
<td>08-CA-26944</td>
<td>13th Judicial Circuit/M. Nacke</td>
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<td>Rockwell, Karen v. SWFWMD/Case No. 09-00534</td>
<td>13th Judicial Circuit/J. M. Barton, Jr./J. Ward</td>
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<tr>
<td>SWFWMD v. Ancaya, Francisco L., et al/Case No. 2009-CA-010077</td>
<td>10th Judicial Circuit, Polk County/K. Wright</td>
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<td>STYLE/CASE NO.</td>
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</table>
| SWFWMD v. Crabtree, Don Gary, et al./Case No. 53-2009-CA0008352 | 10th Judicial Circuit, Polk County/K. Wright | R. Neill/J. Pepper | Petition in Eminent Domain (Parcel 20-503-196 - Crabtree; Parcel 20-503-129 - Shea; Parcel 20-503-207 - Weflen) | 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 Strike Referenced Affirmative Defenses and any Associated Denial of Defendants Perez served. 12/3/09 - Petitioner's Reply and Motion to Strike Referenced Affirmative Defenses and any Associated Denial of Defendants Ancaya served. 12/17/09 - Notice of Payment (fees for Cox and Benton parcels) served. 1/13/10 - Notice of Deposit (of sum due per Stipulated Order re Benton) served. 2/2/10 - Order Denying Petitioner's Motion to Enforce Settlement Agreement entered. 3/29/10 – Pre-Order of Taking Mediated Settlement Agreement (as to Perez) entered. 4/9/10 - Order on Case Management Conference entered; Motion to Continue/Cancel Order of Taking Hearing served and Notice of Hearing on same served (set for 4/27/10) all with regard to Ancaya. 4/27/10 - Order on Motion to Continue/Cancel Order of Taking Hearing (as to Ancaya) entered. 5/12/10 - Stipulated Order of Taking and Final Judgment as to Parcel 163-P entered. 5/20/10 - Notice of Payment (as to Perez) served. 6/4/10 - Notice of Deposit (as to Perez) served. 7/29/09 - Application for Docketing and Assignment of Case. 8/11/09 - Amended Eminent Domain Order of Taking Hearing Order entered. 8/21/09 - Lis Pendens; Summons to Show Cause and Notice of Hearing; Petition in Eminent Domain; Declaration of Taking and Estimate of Value served. 8/28/09 - Waiver of Service and Acceptance of Process of Defendants Crabtree, Shea and Weflen; Waiver of Service and Acceptance of Process of Defendants Shea; Waiver of Service and Acceptance of Process of Defendants Crabtree served. 9/1/09 - Notice of Filing Waivers of Service and Acceptance of Process, Together with Original Summonses served. 9/17/09 - Amended Declaration of Taking and Estimate of Value in Connection with Parcel Nos. 20-503-196, 20-503-129 and 20-503-207 served. 9/24/09 - Answer and Affirmative Defenses of Shea to Petition in Eminent Domain served; Request for
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<tr>
<th>STYLE/CASE NO.</th>
<th>COURT/JUDGE</th>
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<th>STATUS (current as of 06/09/10)</th>
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<td>Hearing on Behalf of Defendants Shea served; Answer to Petition in Eminent Domain of Defendants Crabtree served; Defendants' (Crabtree) Motion to Continue Order of Taking served; Answer to Petition in Eminent Domain of Defendants Weffen served; Defendants' (Wefflen) Motion to Continue Order of Taking served. 10/1/09 - (Midflorida Federal's) Answer to Petition in Eminent Domain (re: Shea) served. 10/6/09 - Motion to Continue Hearing on the Order of Taking of Defendants Shea and Notice of Hearing on the Motion (set for 10/20/09) served. 10/7/09 - Petitioner's Motion to Amend Amended Declaration of Taking and Estimate of Value in Connection with Parcel Nos. 20-503-196, 20-503-129 and 20-503-207 served. 10/15/09 - Petitioner's Reply and Motion to Strike Referenced Affirmative Defenses and Any Associated Denial of Defendants Shea served. 10/21/09 - Petitioner's Reply to Answer and Defenses of Defendant Midflorida Federal Credit Union (as to the Shea parcel) served. 10/23/09 - Second Amended Declaration of Taking and Estimate of Value in Connection with Parcel Nos. 20-503-196, 20-503-129 and 20-503-207 served. 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. 1/19/10 - Defendants', Crabtree and Wefflen, Supplement to Witness List Pursuant to Order Setting Additional Pre-Order of Taking Case Management Conference and Order of Taking Hearing served. 1/25/10 - Amended Defendant's Motion in Limine and Incorporated Memorandum of Law Prohibiting Evidence (Shea) 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 Wefflen) entered. 2/15/10 - Defendants' (Shea) Motion to Strike Petitioner's Updated Appraisal or in the alternative Motion in Limine and Incorporated Memorandum of Law served. 2/19/10 - Request to Take Judicial Notice (with regard to Crabtree Shea &amp; Wefflen) served. 2/26/10 - Order Denying Motion to Dismiss of Defendants, Shea entered; Order on Defendants Sheas' Motion in Limine entered. 4/19/10 - Motion Regarding Trial Scheduling and Priorities and Notice of Hearing (as to Crabtree and Wefflen) served; Notice of Jury Trial (Shea) served; Defendants' Wefflen Motion and Notice to</td>
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**STATUS (current as of 06/09/10)**

Set Parcel 20-503-207 for Jury Trial and Notice of Hearing served. 5/6/10 - Order of Taking as to Parcel 20-503-129 (Shea) entered. 5/10/10 - Order of Taking as to Parcel 20-503-207 (Weflen) entered; Order of Taking as to Parcel 20-503-196 (Crabtree) entered. 5/11/10 – Orders Setting Pretrial Conference, Jury Trial and Discovery Deadline (Eminent Domain Cases) (Pretrial Conferences regarding Shea 8/18/10, Weflen 9/15/10; Jury Trials regarding Shea 8/30/10 (5 days), Weflen 10/4/10 (4 days)). 5/12/10 – Defendants’ (Crabtree, Weflen and Sutton) Motions to Withdraw Funds from the Court Registry as to Parcels 20-503-196, 20-503-207 and 20-503-220 served. 5/14/10 – Petitioner’s (Shea) Notice Concerning Mediation served. 5/17/10 – Notices of Hearing regarding (Crabtree’s, Sutton’s and Weflen’s) Motions to Withdraw Funds from the Court Registry served. Hearing set for 5/26/10. 5/18/10 - Amended Order Setting Pretrial Conference, Jury Trial and Discovery Deadline (Eminent Domain Cases) regarding Weflen (Pretrial Conference set for 8/18/10) entered; Amended Order Setting Pretrial Conference, Jury Trial and Discovery Deadline (Eminent Domain Cases) regarding Shea (Pretrial Conference set for 9/15/10) entered. 5/26/10 – Orders to Allow Withdrawal of Funds As To Parcels 20-503-196 (Crabtree), 20-503-207 (Weflen), and 20-503-220 (Sutton), And Dismissal of Property Appraiser and Tax Collector entered. 5/28/10 – Petitioner’s Notice Concerning Mediation (regarding Weflen) served. 5/24/10 - Motion(s) for Default (against GreenPoint Mortgage Funding, Inc. and CitiBank, N.A. regarding Weflen) served. 5/27/10 - Default(s) (against GreenPoint & CitiBank regarding Weflen) entered. 6/1/10 - Notice of Deposit (regarding Weflen) served; Notice of Deposit (regarding Crabtree) served.

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
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<tr>
<td>SWFWMD v. Smith, Matthew, et al./Case No. 53-2010-CA-004082</td>
<td>10th Judicial Circuit, Polk County/K. Wright</td>
<td>R. Neill/J. Pepper</td>
<td>Petition in Eminent Domain (Parcel 20-503-110-P)</td>
<td>4/30/10 - Application for Docketing and Assignment of Case filed. 5/19/10 - Petition in Eminent Domain; Notice of Lis Pendens; Declaration of Taking and Estimate of Value in Connection with Parcel No. 20-503-110-P; Petitioner's First Request for Production to Defendant Smith; and Notice of Serving First Interrogatories to Defendant Smith served. 5/24/10 - Eminent Domain Order of Taking Hearing Order entered.</td>
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<td>STYLE/CASE NO.</td>
<td>COURT/JUDGE</td>
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<tr>
<td>209P-00</td>
<td>10th Judicial Circuit, Polk County</td>
<td>R. Neill/J. Pepper</td>
<td>Petition in Eminent Domain (Parcel 20-503-220)</td>
<td>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 - Answer (as to Countrywide Bank and Mortgage Electronic Registration Systems) to Petition in Eminent Domain 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. 2/19/10 - Request to Take Judicial Notice served. 4/19/10 - Motion Regarding Trial Scheduling and Priorities and Notice of Hearing served. 5/10/10 - Order of Taking entered. 6/1/10 - Notice of Deposit served.</td>
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<td>209P-00</td>
<td>5&quot;th Judicial Circuit, Hernando County/D. Merritt, Sr.</td>
<td>T. Gonzalez/L. Tetreault</td>
<td>Complaint for breach of contract</td>
<td>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. 10/2/07 - 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.</td>
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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 Order for Extension of Time entered; Order of Referral to Mediation entered. 5/14/09 - Notice of Scheduled Mediation (set for 8/20/09 at 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 within 30 days and scheduled for hearing; that court enter order confirming the recommendation immediately, if no exceptions filed within 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.
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<tr>
<th>Style/Case No.</th>
<th>Court/Judge</th>
<th>Attorney</th>
<th>Description</th>
<th>Status (Current as of 06/09/10)</th>
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<td>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. 2/1/10 - Regina Trinkaus' Motion for Rehearing served. 2/2/10 - Cover Sheet and Regina Trinkaus' Corrected Motion for Rehearing served. 2/22/10 - Defendant's Response to Plaintiff's Corrected Motion for Rehearing; Defendant's Motion for Attorneys' Fees and Costs Pursuant to its Proposal for Settlement and Memorandum of Law; Defendant's Motion to Tax Costs and Memorandum of Law; Defendant's Renewal of Motion for Sanctions; Notice of Filing Defendant's Proposal for Settlement to Plaintiff served. 3/3/10 - Notice of Hearing (on above pending motions - set for 6/2/10) served. 6/1/10 - Plaintiff's Response to Defendant's Motion for Attorney Fees and Costs Pursuant to its Proposal for Settlement and Memorandum of Law served.</td>
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## Proposed Rules & Amendments

### Rulemaking Update

**June 29, 2010**

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<thead>
<tr>
<th>Rule</th>
<th>Initiation Date</th>
<th>Next Scheduled Action</th>
<th>Board Projected/Approved Date</th>
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<tbody>
<tr>
<td>2. 40D-1.002 - Sarasota County &amp; Manatee County well construction permitting delegation agreements</td>
<td>Apr 2010</td>
<td>Effective approx Jun 2010</td>
<td>Apr 2010</td>
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<tr>
<td>3. 40D-1 and 2 – To make denial process for incomplete permit applications consistent with proposed order</td>
<td>NA</td>
<td>Initiate &amp; Approve</td>
<td>Jun 2010</td>
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<tr>
<td>4. 40D-1, 40D-2, and 40D-4 – Processing short form modification applications</td>
<td>NA</td>
<td>Initiate &amp; Approve</td>
<td>Jul 2010</td>
</tr>
<tr>
<td>5. 40D-2 - Central Florida Coordination Area</td>
<td>NA</td>
<td>Rule Develop May 2011</td>
<td>TBD</td>
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<tr>
<td>6. 40D-2 - Address issuance of temporary WUPs</td>
<td>NA</td>
<td>TBD</td>
<td>Sep 2010</td>
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<tr>
<td>7. 40D-2 &amp; 80 - Dover cap, MFL and Recovery Strategy</td>
<td>NA</td>
<td>Initiate &amp; Approve</td>
<td>Jul 2010</td>
</tr>
<tr>
<td>8. 40D-2, 40D-4, 40D-8, 40D-40 &amp; 40D-80 – Make clarifying revisions to water use permitting forms</td>
<td>NA</td>
<td>Initiate &amp; Approve</td>
<td>Jul 2010</td>
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<tr>
<td>9. 40D-2 Require WUP compliance reporting on District form</td>
<td>NA</td>
<td>TBD</td>
<td>Oct 2010</td>
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<tr>
<td>10. 40D-2.101(2) - Phosphate mining WUP application form</td>
<td>NA</td>
<td>TBD</td>
<td>FY2011</td>
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<tr>
<td>11. 40D-2.302 - Upper Peace River/Lake Hancock reservation</td>
<td>NA</td>
<td>Initiate</td>
<td>Aug 2010</td>
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<tr>
<td>12. 40D-2.321 - Permit duration runs from previous expiration date</td>
<td>NA</td>
<td>TBD</td>
<td>Nov 2010</td>
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<tr>
<td>13. 40D-2.331 - Require permit modification if permittee exceeds 90% of permitted quantity</td>
<td>NA</td>
<td>TBD</td>
<td>Nov 2010</td>
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<tr>
<td>14. 40D-2.361(1) - Adopt requirements for when renewal applications for individual WUPs must be submitted</td>
<td>NA</td>
<td>TBD</td>
<td>Nov 2010</td>
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<tr>
<td>15. 40D-2.041 - Prohibit irrigation wells below WUP thresholds in resource-stressed areas</td>
<td>NA</td>
<td>TBD</td>
<td>TBD</td>
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<tr>
<td>16. 40D-2.091, BOR 4.2, 4.3 - Explain how mitigation using historic impacts is done under existing rules</td>
<td>NA</td>
<td>TBD</td>
<td>TBD</td>
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<tr>
<td>17. 40D-2.381 - Amend standard water use permit conditions</td>
<td>NA</td>
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<tbody>
<tr>
<td>18. 40D-3 - Expand north and south Dover areas subject to special well construction standards</td>
<td>May 2010</td>
<td>Jul 2010 Update</td>
<td>May 2010</td>
</tr>
<tr>
<td>19. 40D-3.037 - Incorporate modified Appendix adding Arkla Terra superfund site to Memorandum of Agreement with the EPA</td>
<td>NA</td>
<td>TBD</td>
<td>Sep 2010</td>
</tr>
<tr>
<td>20. 40D-3.037 &amp; .101 – Adopt revised well construction permit application and well completion report forms</td>
<td>NA</td>
<td>Initiate &amp; Approve</td>
<td>Jun 2010</td>
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<tr>
<td>21. 40D-3 – Adopt revised well contractor licensing forms</td>
<td>NA</td>
<td>TBD</td>
<td>TBD</td>
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<tr>
<td>22. 40D-4.021, 4.051 and 40D-400.475 - Establish an exemption from ERP rules for minor activities</td>
<td>Feb 2010</td>
<td>Effective approx Jul 2010</td>
<td>Feb 2010</td>
</tr>
<tr>
<td>23. 40D-4.051 - Repeal certain ERP exemptions encompassing activities covered by noticed general permits</td>
<td>NA</td>
<td>TBD</td>
<td>Dec 2010</td>
</tr>
<tr>
<td>24. 40D-4.091 - Section 3 of BOR re: mitigation ownership &amp; control</td>
<td>Jun 2008</td>
<td>TBD</td>
<td>Sep 2010</td>
</tr>
<tr>
<td>25. 40D-4.091 - Section 3 of BOR to harmonize ERP criteria with UMAM and federal criteria</td>
<td>Jun 2008</td>
<td>TBD</td>
<td>Sep 2010</td>
</tr>
<tr>
<td>26. 40D-4.091 - Section 3.2.2.3 of BOR to clarify mitigation requirements for wholly owned ponds less than one acre &amp; constructed in uplands</td>
<td>Jun 2008</td>
<td>TBD</td>
<td>Sep 2010</td>
</tr>
<tr>
<td>27. 40D-4.091 - Section 3 of BOR re: mitigation maintenance and success criteria</td>
<td>Jun 2008</td>
<td>TBD</td>
<td>Sep 2010</td>
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<tr>
<td>28. 40D-4.091 - Section 3 of BOR re: financial responsibility requirements for mitigation</td>
<td>Jun 2008</td>
<td>TBD</td>
<td>Dec 2010</td>
</tr>
<tr>
<td>29. 40D-4.091 - Section 3 and Appendix IV of BOR to include necessary revisions re: conservation easements</td>
<td>Jun 2008</td>
<td>TBD</td>
<td>Dec 2010</td>
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<tr>
<td>30. 40D-4.091 - Section 3 of BOR re: long term mitigation compliance</td>
<td>Jun 2008</td>
<td>TBD</td>
<td>Dec 2010</td>
</tr>
<tr>
<td>31. 40D-4.042(2)(a) &amp; 40D-1.659(2)(c) – Petition for renewal certification for formal determination of wetlands</td>
<td>NA</td>
<td>Initiate &amp; Approve</td>
<td>Jul 2010</td>
</tr>
<tr>
<td>32. 40D-4.381 - Amend standard ERP conditions</td>
<td>NA</td>
<td>TBD</td>
<td>Sep 2010</td>
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<tr>
<td>33. 40D-4 – Amend ERP rules to clarify that semi-impervious surfaces are Included in requirements relating to impervious surfaces</td>
<td>NA</td>
<td>Initiate &amp; Approve</td>
<td>Jun 2010</td>
</tr>
<tr>
<td>34. 40D-8.041 - Add minimum flows for Anclote River</td>
<td>May 2010</td>
<td>Effective approx Jul 2010</td>
<td>May 2010</td>
</tr>
<tr>
<td>35. 40D-8.041 - Add minimum flows for Chassahowitzka</td>
<td>NA</td>
<td>Peer Review or TBD</td>
<td>Oct 2010</td>
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<tr>
<td>36. 40D-8.041 - Add minimum flows for Little Manatee River system</td>
<td>NA</td>
<td>TBD</td>
<td>Aug 2010</td>
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<tr>
<td>37. 40D-8.041 - Add minimum flows for Lower Myakka River system</td>
<td>NA</td>
<td>Initiate &amp; Approve</td>
<td>Oct 2010</td>
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<tr>
<td>38. 40D-8.041 - Add minimum flows for Manatee River system</td>
<td>NA</td>
<td>TBD</td>
<td>Dec 2010</td>
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<tr>
<td>40. 40D-8.041 - Add minimum flows for estuarine segment (lower) of Shell Creek</td>
<td>NA</td>
<td>TBD</td>
<td>TBD</td>
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<tr>
<td>41. 40D-8.041(11) - Correction to flow formula for Weeki Wachee minimum flow</td>
<td>Apr 2010</td>
<td>Effective approx Jul 2010</td>
<td>Apr 2010</td>
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<tr>
<td>42. 40D-9.170 - Revise hunting provisions</td>
<td>Jan 2010</td>
<td>Effective approx Jul 2010</td>
<td>Jan 2010</td>
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<tr>
<td>43. 40D-21 - Refine water shortage plan based on recent shortages</td>
<td>Sep 2009</td>
<td>Approve</td>
<td>Aug 2010</td>
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<tr>
<td>44. 40D-22 - Variances and waivers 40D-1 - Revise application form used to petition for variance from 40D-22 or 40D-21 order</td>
<td>NA</td>
<td>TBD</td>
<td>TBD</td>
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<tr>
<td>45. 40D-22 – Companion amendments to Water Shortage Plan update</td>
<td>NA</td>
<td>Initiate &amp; Approve</td>
<td>Aug 2010</td>
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<tr>
<td>46. 40D-26-FARMs rule repeal</td>
<td>NA</td>
<td>Initiate &amp; Approve</td>
<td>Jul 2010</td>
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<tr>
<td>47. 40D-400 - Establish noticed general permit for agricultural related activities</td>
<td>NA</td>
<td>Initiate &amp; Approve</td>
<td>Dec 2010</td>
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<tr>
<td>48. Establish purchasing rules</td>
<td>NA</td>
<td>TBD</td>
<td>Sep 2010</td>
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COMMITTEE/LIAISON REPORTS

67. Agricultural Advisory Committee Meeting
    The Committee met on May 27, 2010, and Mr. Beswick is the Board’s liaison. Mr. Gramling
    attended the meeting.

68. Environmental Advisory Committee Meeting
    The Committee met on June 16, 2010; and Mr. Adams is the Board’s liaison.

69. Green Industry Advisory Committees Meeting
    The Committee met on May 27, 2010; and Mr. Tharp is the Board’s liaison. Mr. Gramling
    attended the meeting.

EXECUTIVE DIRECTOR’S REPORT

70. Executive Director’s Report

CHAIR’S REPORT

71. Chair’s Report