Governing Board Meeting

Agenda and Meeting Information

December 15, 2009

9:00 a.m. Joint Workshop of the Governing Board and Basin Boards

12:30 p.m. Meeting

TECO Center at Nature’s Classroom
13100 Verges Road • Thonotosassa, Florida
(813) 987-6969
AGENDA

GOVERNING BOARD MEETING

DECEMBER 15, 2009

9:00 A.M. -- JOINT WORKSHOP OF THE
GOVERNING BOARD
AND BASIN BOARDS

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

TECO CENTER AT NATURE’S CLASSROOM

13100 VERGES ROAD
THONOTOSASSA, FLORIDA 33592
813-987-6969
(MAP INCLUDED)

ışı All meetings are open to the public. ışı

- Viewing of the Board meeting will be available 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.  JOINT WORKSHOP OF THE GOVERNING BOARD AND BASIN BOARDS

1. Call to Order and Introductions  
2. Pledge of Allegiance  
3. Dialogue on Current and Emerging Issues  
4. Adjournment

11:30 A.M.  LUNCH

12:30 P.M.  CONVENE PUBLIC HEARING AND MEETING (TAB A)

1. Call to Order  
2. Pledge of Allegiance and Invocation  
3. Additions/Deletions to Agenda  
4. Employee Recognition  
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.

Regulation Committee

Resource Management Committee
7. Exclusive License Agreement to Progress Energy for Cellular Telephone Equipment Subleasing – Brooker Creek Preserve, SWF Parcel No. 16-074-157X  
8. Resolution Requesting Encumbrance of Fiscal Year 2010 Budgeted Funds from the Water Management Lands Trust Fund for Preacquisition; Management, Maintenance and Capital Improvements; and Payments in Lieu of Taxes  
9. Authorize Submission of Preliminary Flood Insurance Rate Maps for the Centralia and Willow Sink Watersheds in Hernando County to the Federal Emergency Management Agency  
10. Lake Gibson Southwest Sub-Basin Stormwater Management System Retrofit – Second Amendment  
   a. CFI USA, Inc. Venus Grove Phase 1A – Manatee County  
   b. One Heart Farms, Inc. – Hillsborough County

Finance & Administration Committee
12. Board Travel  
13. Budget Transfer Report

General Counsel’s Report
14. Consent Order – WUP No. 20000590.006 - Mad Hatter Utility, Inc. (South Central Pasco Service Area) – Pasco County  

Executive Director’s Report
17. Approve November 17, 2009 Governing Board Minutes

REGULATION COMMITTEE (TAB C)

Discussion Items
18. Consent Item(s) Moved for Discussion  
19. Hydrologic Conditions Status Report  
20. Consider Modified Phase III Water Shortage Order No. SWF 08-044 for Hillsborough, Pasco and Pinellas Counties
21. Approve Rule Amendments to Implement the Second Phase of the Northern Tampa Bay Recovery Strategy
22. Approve Changes to Previously Approved 20-Year Water Use Permit Rule Amendments
23. Denials Referred to the Governing Board

**Submit & File Report**

24. Individual Permits Issued by District Staff

**Routine Reports**

25. Southern Water Use Caution Area Quantities
26. Overpumpage Report
27. Resource Regulation Significant Initiatives

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### RESOURCE MANAGEMENT COMMITTEE (TAB D)

**Discussion Items**

28. Consent Item(s) Moved for Discussion
29. Lake Hancock Outfall Treatment Project

**Submit & File Report**

30. Report from the Scientific Peer Review for Anclote River

**Routine Reports**

31. Florida Forever Funding
32. Minimum Flows and Levels
33. Structure Operations
34. Watershed Management Program and Federal Emergency Management Agency Map Modernization
35. Significant Water Supply and Resource Development Projects

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### OUTREACH & PLANNING COMMITTEE (TAB E)

**Discussion Item**

36. 2011 – 2015 Strategic Plan Approval

**Submit & File Report** – None

**Routine Reports**

37. Comprehensive Plan Amendment and Related Reviews
38. Development of Regional Impact Reviews
39. Speakers Bureau
40. Significant Activities

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### FINANCE & ADMINISTRATION COMMITTEE (TAB F)

**Discussion Items**

41. Consent Item(s) Moved for Discussion
42. SWFWMD’s FY2009 Efforts to Accelerate Florida’s Economy
43. District’s Long-Range Water Supply and Resource Development Funding Plan
44. Fiscal Year 2011 Budget Development Process

**Submit & File Reports** – None

**Routine Reports**

45. Treasurer's Report, Payment Register, and Contingency Reserves
46. Management Services Significant Activities

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### GENERAL COUNSEL’S REPORT (TAB G)

**Discussion Items**

47. Consent Item(s) Moved for Discussion

**Submit & File Reports** – None

**Routine Reports**

48. Litigation Report
49. Rulemaking Update
EXECUTIVE DIRECTOR’S REPORT (TAB H)

50. Executive Director’s Report

COMMITTEE/LIAISON REPORTS (TAB H)

51. Basin Board Land Resources Committee Meeting
52. Environmental Advisory Committee Meeting

CHAIR’S REPORT (TAB H)

53. Chair’s Report
   a. Performance Evaluations of the Executive Director and Inspector General
   b. Other

★★★ Recess Public Hearing ★★★

ANNOUNCEMENTS

- Governing Board Meeting and Workshop Schedule:
  Meeting – Brooksville .......................................................... January 26, 2010
  Joint Workshop with Tampa Bay Water – Tarpon Springs ……… (Monday) February 22, 2010
  Meeting – Tarpon Springs .................................................. February 22, 2010
  Agricultural Tour – Plant City .............................................. March 29, 2010
  Meeting – Plant City .......................................................... March 30, 2010

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

- Basin Board Land Resources Committee – Osprey ................................ March 16, 2010

- Basin Board Meeting and Workshop Schedule:
  Pinellas-Anclote River – New Port Richey ................................ February 3, 2010
  Alafia River – Tampa ............................................................. February 4, 2010
  Hillsborough River – Tampa .................................................. February 4, 2010
  Peace River – Bartow ............................................................. February 5, 2010
  Manasota – Sarasota .............................................................. February 10, 2010
  Coastal Rivers – Brooksville ................................................... February 11, 2010
  Withlacoochee River – Brooksville .......................................... February 11, 2010

- Advisory Committee Meeting Schedule:
  Joint Industrial/Public Supply – Tampa .................................... January 12, 2010
  Well Drillers – Tampa ............................................................ January 13, 2010
  Green Industry – Tampa ........................................................ February 25, 2010
  Agricultural – Tampa ............................................................. February 25, 2010
  Environmental – Tampa ......................................................... March 8, 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.
Nature’s Classroom

13100 Verges Rd. (Morris Bridge)
Tampa, Florida
(813) 987-6969
# Governing Board Officers, Committees and Liaisons

Effective August 25, 2009

## Officers

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

The full Board serves as the members for each committee.

## Regulation Committee

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

## Resource Management Committee

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

## Finance and Administration Committee

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

## Outreach and Planning Committee

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

## Standing Committee Liaisons

<table>
<thead>
<tr>
<th>Committee</th>
<th>Liaison</th>
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</thead>
<tbody>
<tr>
<td>Agricultural Advisory Committee</td>
<td>Bryan K. Beswick/Hugh M. Gramling</td>
</tr>
<tr>
<td>Environmental Advisory Committee</td>
<td>Maritza Rovira-Forino</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, Jr.</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>Jennifer E. Closshey</td>
</tr>
<tr>
<td>Strategic Planning Initiative</td>
<td>Jennifer E. Closshey/Judith C. Whitehead</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></td>
</tr>
<tr>
<td>Tampa Bay Estuary Program Policy Board</td>
<td>Sallie Parks</td>
</tr>
<tr>
<td>Tampa Bay Regional Planning Council</td>
<td>Todd Pressman, Primary/Maritza Rovira-Forino, Alternate</td>
</tr>
</tbody>
</table>
## PUBLIC HEARING AND MEETING (TAB A)

1. Call to Order ............................................................................................................. 2
2. Pledge of Allegiance and Invocation ........................................................................... 2
3. Additions/Deletions to Agenda .................................................................................... 2
4. Employee Recognition ................................................................................................. 3
5. Public Input for Issues Not Listed on the Published Agenda ...................................... 4
Governing Board Meeting
December 15, 2009

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
Employee Recognition

The District’s employees are its most valuable resource. We are pleased and proud that the average tenure of all employees at the District is 12 years and that we are able to retain such remarkable talent. Each year, many District employees reach significant longevity milestones in their service to the District and many reach momentous milestones, which make them eligible for retirement. The District as a whole, as well as each employee’s department, acknowledges and celebrates these milestones/retirements and the tremendous individual contributions they represent to the achievement of the District’s mission.

At the Governing Board meeting, Executive Director David Moore will make presentations to the Board for employees from the Tampa and Sarasota service offices who have achieved milestones of 20 years or greater, to specially acknowledge and commend the contributions of these individuals.

This item provides the Board with the opportunity to personally recognize and thank our dedicated employees who have reached five-year increments in service to the District and those employees who have completed at least 30 years of employment in the Florida Retirement System and are retiring from the District.

Employee Recognition – Service/Retirement

<table>
<thead>
<tr>
<th>Milestone</th>
<th>Employee Name</th>
<th>Title</th>
<th>Department</th>
<th>Office Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retirement</td>
<td>Timothy Major</td>
<td>Facilities Supervisor</td>
<td>General Services</td>
<td>Tampa</td>
</tr>
<tr>
<td>35 Years</td>
<td>None for this meeting.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>30 Years</td>
<td>Ron Samek</td>
<td>Professional Surveyor &amp; Mapper</td>
<td>Land Resources</td>
<td>Tampa</td>
</tr>
<tr>
<td>25 Years</td>
<td>None for this meeting.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20 Years</td>
<td>Dom Commiso</td>
<td>Staff Business Analyst</td>
<td>Information Resources</td>
<td>Tampa</td>
</tr>
<tr>
<td>Lou Kavouras</td>
<td>Deputy Executive Director, Outreach, Planning &amp; Board Svc.</td>
<td>Executive</td>
<td>Brooksville</td>
<td></td>
</tr>
<tr>
<td>George Prine</td>
<td>Senior Field Technician</td>
<td>Operations</td>
<td>Sarasota</td>
<td></td>
</tr>
<tr>
<td>Lois Sorensen</td>
<td>Demand Management Program Mgr.</td>
<td>Tampa Regulation</td>
<td>Tampa</td>
<td></td>
</tr>
<tr>
<td>15 Years</td>
<td>None for this meeting.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10 Years</td>
<td>Matt Jablonski</td>
<td>Senior Chemist</td>
<td>Res. Data &amp; Restoration</td>
<td>Brooksville</td>
</tr>
<tr>
<td>Tahla Paige</td>
<td>Senior Administrative Assistant</td>
<td>Executive</td>
<td>Brooksville</td>
<td></td>
</tr>
<tr>
<td>5 Years</td>
<td>McCoy Dalton</td>
<td>Survey Technician 1</td>
<td>Land Resources</td>
<td>Brooksville</td>
</tr>
<tr>
<td>Tanya Merkle</td>
<td>Staff Field Technician</td>
<td>Sarasota Regulation</td>
<td>Sarasota</td>
<td></td>
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<tr>
<td>Justin Torre</td>
<td>Sr. Business Application Developer</td>
<td>Information Resources</td>
<td>Tampa</td>
<td></td>
</tr>
</tbody>
</table>

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

Presenter: David L. Moore, Executive Director
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.
B. Consent

Agenda
CONSENT AGENDA

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

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Executive Director’s Report
17. Approve November 17, 2009 Governing Board Minutes .................................................. 34
Consent Agenda  
December 15, 2009  

Regulation Committee  

Report on Potential Changes to Proposed Lower Alafia River Recovery Strategy Rules

In August 2009, the Governing Board approved proposed rules 40D-8.041 and 40D-80.075 to establish the minimum flows and recovery strategy for the Lower Alafia River System which includes the estuarine portion of the Alafia River, Lithia Springs, Buckhorn Spring, and their associated spring runs. A copy of the approved rules is included in the Exhibit.

The proposed rules are now at the stage indicated by the shaded box below:

Mosaic Fertilizer is currently permitted to make surface water withdrawals from either the Alafia River or Lithia and Buckhorn Springs for its Riverview facility and is the one permittee affected by the minimum flow rules that needed to be addressed through a recovery strategy. The Board approved the recovery strategy developed by District staff and Mosaic that will allow Mosaic to continue the operation of the Riverview facility during low flow periods and meet the minimum flows by January 1, 2017.

In November, 2009, the Joint Administrative Procedures Committee sent its comments on the proposed 40D-80.075 recovery strategy rules. The comment was that because the recovery strategy is specific to Mosaic and does not address any other water users the Committee would not approve it in its current form. Rules are to have general applicability, and as written, JAPC does not believe the recovery strategy is of general applicability. This would not affect the
Item 6

proposed rule 40D-8.041 that will establish the minimum flows for the Lower Alafia River System.

One option to address the JAPC comments is to withdraw the proposed 40D-80.075 recovery strategy rules. The recovery actions contemplated by the proposed recovery strategy rules are included in Mosaic’s water use permit for the Riverview facility. At the time that the recovery strategy rules were approved by the Board, the Board also approved a permit modification for the Riverview facility to authorize the ground water withdrawals needed to make water available to augment the Lower Alafia River to allow Mosaic to continue its operations and met the new minimum flows. The permit modification included a time table to phase in compliance with the Lower Alafia River minimum flows by January 1, 2017, the manner in which the SWUCA Net Benefit requirement would be met in order to allow for the additional withdrawals to be used to augment the Lower Alafia River and other conditions necessary to ensure compliance with District rules. Even if the recovery strategy rules are withdrawn, Mosaic is still obligated to undertake actions to ensure compliance with the minimum flows approved for the Lower Alafia River.

Mosaic has requested that the District maintain the proposed recovery strategy rules. Mosaic views the recovery strategy rules as an integral part of implementation of the minimum flows and levels and recovery strategy statutes set forth in sections 373.042 and 373.0421, F.S. and as notice to all other existing and potential water use permittees of Mosaic’s obligations and rights regarding the Lower Alafia River.

District staff has agreed to allow Mosaic to prepare revisions to the draft recovery strategy rules to discuss with the District and JAPC to try to satisfy JAPC’s objection so that the District can complete adoption of the recovery strategy rules for the Lower Alafia River.

Staff Recommendations: See Exhibit

Authorize staff to return to the Board in January 2010 with staff’s recommendation about whether to withdraw the proposed recovery strategy rules or to approve changes and to continue with the rule adoption process for the Lower Alafia minimum flows and recovery strategy rules.

Presenter: Karen A. Lloyd, Assistant General Counsel

(1) – (9) No change.


(a) – (c) No change.

(11) Minimum Flow for Lower Alafia River System

(a) For purposes of this rule, the Lower Alafia River System includes the watercourse downstream of the USGS Gage No. 02301500 Alafia River at Lithia, FL (the "Alafia River at Lithia Gage") including Lithia Springs, Buckhorn Spring, and their associated spring runs.

(b) The Minimum Flow is to ensure that the minimum hydrologic requirements of the water resources or ecology of the natural systems associated with the Lower Alafia River System are met. Daily flows to the Lower Alafia River System are calculated by multiplying mean daily flow values at the Alafia River at Lithia Gage by a factor of 1.117, then adding the mean daily flows from Lithia Spring Major and Buckhorn Spring. Flows are calculated in the absence of withdrawals and are based on mean flows at the Alafia River at Lithia Gage from the previous day and the most recently recorded periodic values from Lithia Spring Major and Buckhorn Spring. The Minimum Flow for the Lower Alafia River System is intended to preserve 81% of the natural flow to the Lower Alafia River System when flows exceed a low-flow threshold of 120 cfs.

(c) The Minimum Flow is 81% of the daily flow to the Lower Alafia River System that is above 120 cfs.

(d) Minimum five-year and ten-year moving average values are set forth in Table 8-19 as a tool to assess whether flows to the Lower Alafia River remain above flow rates that are expected to occur with implementation of the Minimum Flow. These values represent minimum values of the averages of yearly mean and median flows to the Lower Alafia River System calculated over moving five-year and ten-year periods. These values were calculated by applying the potential maximum withdrawals that do not violate the Minimum Flow to historic flow records. It is, therefore, expected that flows to the Lower Alafia River System will not go below these values if compliance with the Minimum Flow is maintained. However, future climatic conditions or structural alterations in the watershed of the Lower Alafia River System could potentially affect surface water or ground contributions to the Lower Alafia River System’s flow regime. The District will, therefore, periodically evaluate whether these minimum moving average values expected with application of the Minimum Flow, or other factors, have possibly caused flows in the Lower Alafia River System to decline.

| Table 8-19 Minimum Values of Five-year and Ten-year Moving Averages of Yearly Mean and Median Flows to the Lower Alafia River System |
|---|---|
| **Value** | **Flow (cfs)** |
| Minimum 10-Year Moving Average (Based On Yearly Mean Flows) | 247 |
| Minimum 10-Year Moving Average Median (Based On Yearly Median Flows) | 150 |
| Minimum 5-Yearly Mean Flows (Based on Yearly Mean Flows) | 217 |
| Minimum 5 Year Moving Average (Based On Yearly Median Flows) | 120 |

Flows to the Lower Alafia River System were estimated for the period of record at the Alafia River at Lithia Gage. The period from 1987 to 2003 was used to create a relationship between daily flows at the Gage and total flows to the Lower Alafia River System. Five-year and ten-year moving average statistics
were then calculated for estimated long-term flows to the Lower Alafia River System that were derived from the Alafia River at Lithia Gage.

(11) is renumbered (12)

Rulemaking Authority 373.044, 373.113, 373.171, F.S. Law Implemented 373.036, 373.0361, 373.042, 373.0421, F.S. History - Readopted 10-5-74, Amended 12-31-74, Formerly 16J-0.15, 40D-1.601, Amended 10-1-84, 8-7-00, 2-6-06, 4-6-06, 1-1-07, 11-25-07, 2-18-08, 3-2-08, 5-12-08, 5-10-09,______.  

Draft 8-5-09 8:30pm – Approved 8-25-09

40D-80.011 Policy and Purpose.
40D-80.073 Regulatory Portion of Recovery Strategy for Pasco, Northern Hillsborough and Pinellas Counties.
40D-80.075 Recovery Strategy for the Lower Alafia River

40D-80.075 Recovery Strategy for the Lower Alafia River System

(1) Background.

Pursuant to Section 373.042, F.S., the District has established Minimum Flows for the Lower Alafia River System and are set forth in paragraph 40D-8.041(11), F.A.C. In establishing the Minimum Flows, the District determined that under certain conditions the existing flow rates are below the Minimum Flows due to withdrawals from Lithia and Buckhorn Springs by Mosaic Fertilizer, LLC (“Mosaic”) for the operation of its Riverview plant pursuant to Water Use Permit no. 2001532. In such circumstances, Section 373.0421, F.S., requires the District to implement a recovery strategy so that a violation of Minimum Flows is not caused by withdrawals. The District has developed a phased recovery strategy under which Mosaic will augment the South Prong of the Alafia River using ground water so that by January 1, 2017, withdrawals by Mosaic do not cause the Minimum Flows to be violated.

(2) Recovery Strategy – beginning 90 days after the effective date of this rule and after obtaining all necessary permits for the discharge of well water to the Alafia River, compliance by Mosaic with paragraphs (a) and (b) below shall be deemed compliance by Mosaic with the Minimum Flows for the Lower Alafia River System.

(a) Through December 31, 2016, Mosaic shall augment the South Prong of the Alafia River with up to 1,300,000 gallons per day of ground water when stream flow at United States Geologic Survey (“USGS”) Gage No. 02301500 Alafia River at Lithia (“Alafia River at Lithia Gage”) for the previous day falls below a flow rate of 67 cfs based on real-time readings posted on the USGS web site. Provided, however, the augmentation shall not exceed the quantity of water withdrawn by Mosaic from the Lower Alafia River System on the previous day.

(b) Beginning January 1, 2017, Mosaic shall, augment the South Prong of the Alafia River with up to 4,500,000 gallons per day of ground water when stream flow at United States Geologic Survey (“USGS”) Gage No. 02301500 Alafia River at Lithia (“Alafia River at Lithia Gage”) for the previous day falls below a flow rate of 67 cfs based on real-time readings posted on the USGS web site. Provided, however, the augmentation shall be equal to but shall not exceed the quantity of water withdrawn by Mosaic from the Lower Alafia River System on the previous day.

Specific Authority 120.54, 373.0421, 373.044, 373.113, 373.171 F.S. Law Implemented 373.016, 373.023, 373.036, 373.0395, 373.042, 373.0421, 373.171 FS. History - New _____.

5
Consent Agenda  
December 15, 2009

Resource Management Committee

**Exclusive License Agreement to Progress Energy for Cellular Telephone Equipment Subleasing – Brooker Creek Preserve, SWF Parcel Number 16-074-157X**

**Purpose**
The purpose of this item is to request the Governing Board approve granting an exclusive license agreement to Progress Energy to sublease space to cellular communications companies on transmission towers in an existing utility easement within the Brooker Creek Preserve. A general location map depicting the existing easement corridor and tower locations is included in the board packet as an exhibit to this item.

**Background/History**
PT Access Networks, a subsidiary of Progress Energy, has requested the District grant Progress Energy (PE) the right to sublease tower space to cellular telephone companies within an existing utility easement in the Brooker Creek Preserve. The Brooker Creek Preserve is approximately 9,800 acres in northeast Pinellas County that is jointly owned by the County and the District. The District owns approximately 1,634 acres of the Preserve property. Progress Energy has a 100-foot utility easement corridor that traverses the District’s portion of the Preserve from north to south. The easement for the corridor was conveyed to PE in 1953, decades prior to the District’s acquisition of the property. The easement rights did not include the right to sublease transmission tower space for communication purposes.

The cellular service business has grown significantly over the last two decades. As a result, changes in cities’ and municipalities’ local ordinances/codes have restricted the placement of singular cellular communications tower sites and more companies are seeking collocation opportunities. Recognizing collocation opportunities, PE created its subsidiary to manage leasing of cellular communications antennas on existing transmission tower infrastructure. Progress Energy has determined that five transmission towers located on the District’s lands are appropriate for subleases. Progress Energy advised the District that they will be seeking to lease all five towers with a minimum of two leases per tower with the potential to increase it to three leases if monopole structures are used and technology permits.

District staff has evaluated PE’s proposal and determined that the request will not significantly change the original intent of the easement. Additional equipment will be located at the base of the tower and antennas will be attached to the tower structure. The collocation proposal presents a new source of long-term revenue for the District. Specifically, there are a number of existing utility easements that traverse District lands where the District may be able to negotiate revenue to be paid to the District in exchange for the right to sublease. To that end, District staff supports PE’s proposal and its compatibility with District land management objectives.

**Summary of Appraisals and Value Comparisons**
Consistent with District policy, the District may receive compensation for the additional rights being granted to PE and District staff agreed to obtain an appraisal for the supplemental easement as a one-time lump sum payment. The District compared the lump-sum payment to an annual payment through a five-year license agreement.
An appraisal dated April 23, 2009 was prepared by Paul M. Roper, MAI, SRA, with Clayton, Roper & Marshall, Inc. and submitted to the District. The appraiser estimated that the District should receive $9,000 per tower or a lump sum of $45,000 as compensation for all five towers.

Rather than accepting a one-time sum payment, the District negotiated $7,200 annually per lease, with an escalation of two percent for each year. This annual rent will be for a five-year period after which the District may renegotiate. Assuming PE negotiates three leases per tower and there are five towers for lease, this approval would result in the potential to earn $21,600 per tower or $108,000 in total revenue annually.

District staff has prepared an exclusive license agreement that includes, but is not limited to the following conditions:
- Five-year term with the right to renew for four additional five-year terms;
- Annual rent will increase by two percent each year;
- The District may renegotiate the annual rent each subsequent five-year term;
- A final design and construction plan for the facilities will be submitted to the District for approval;
- Progress Energy will ensure that all federal, state and local permits are obtained;
- Progress Energy will indemnify the District and carry property insurance; and
- The license agreement can be terminated with proper notice.

Due to PE’s negotiations and deadlines, PE requested this item be presented to the Governing Board for consideration at the Board’s December meeting. This item will be presented to the Pinellas-Anclote River Basin Board at its February meeting as an information item.

**Benefits/Costs:**
- The partnership between the District and PE will create collocation opportunities for cellular communication companies;
- This may reduce requests for individual cell tower infrastructure on other District lands;
- This will create a new recurring revenue source for the District;
- This is at no-cost to the District as PE and its lessee will be responsible for all construction, operation and maintenance of the towers and the communication equipment placed on the towers.
- Revenue will be placed in the District’s interest-bearing land management account and used to offset land management costs.

**Staff Recommendation:**
- See Exhibit

(1) Accept the value proposed by PE for the exclusive license agreement;
(2) Approve the exclusive license agreement for SWF Parcel No. 16-074-157X;
(3) Authorize staff to negotiate with PE for each additional tower lease;
(4) Authorize staff to amend the exclusive license agreement to incorporate each new tower lease and fees to be paid to the District; and
(5) Authorize the Land Resources Director to execute the license agreement and each amendment thereto.

**Presenter:** Colleen E. Kruk, Sr. Land Use Specialist, Land Resources Department
Resolution Requesting Encumbrance of Fiscal Year 2010 Budgeted Funds from the Water Management Lands Trust Fund for Preacquisition; Management, Maintenance and Capital Improvements; and Payments in Lieu of Taxes

Purpose
This purpose of this item is to request Governing Board approval of a resolution requesting the Florida Department of Environmental Protection to encumber the District’s FY2010 budget requirements for preacquisition; land management, maintenance and capital improvements; and payments in lieu of taxes to eligible counties, within the Water Management Lands Trust Fund (WMLTF), and authorize staff to request quarterly reimbursements for FY2010 costs not to exceed $20,146,172.

Background/History
The District is eligible to receive reimbursement of costs for preacquisition; land management, maintenance and capital improvements; and payments in lieu of taxes to eligible counties for lands acquired, or to be acquired, with funds from the WMLTF (commonly known as Save Our Rivers), Preservation 2000 Trust Fund and Florida Forever Trust Fund.

Costs
As the Board is aware, the State Legislature did not appropriate any funds to this district within the WMLTF for FY2010; however, unused prior year appropriations remain in the District’s account which can be utilized to offset a portion of the FY2010 budget requirements.

Other funds to be used to offset FY2010 budget requirements include revenue from consent orders; and revenue derived through the use of District-owned lands such as timber sales, leases, hog hunt permit fees, etc. Additionally, capitalized direct preacquisition costs such as appraisals, title insurance, recording and documentary stamp taxes, etc., will be reimbursed from the Florida Forever Trust Fund beginning in FY2010.

The following table indicates amounts required by category.

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<thead>
<tr>
<th>Category</th>
<th>FY2010 Budget Requirement</th>
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<td>Preacquisition</td>
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<td>Payments in Lieu of Taxes</td>
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<tr>
<td>Total</td>
<td>$20,146,172</td>
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Staff Recommendation:
Approve a resolution requesting the Florida Department of Environmental Protection to encumber the District’s FY2010 budget requirements for preacquisition; land management, maintenance and capital improvements; and payments in lieu of taxes to eligible counties, within the Water Management Lands Trust Fund, and authorize staff to request quarterly reimbursements for FY2010 costs not to exceed $20,146,172.

Presenter: Eric Sutton, Director, Land Resources Department
Item 9

Consent Agenda
December 15, 2009

Resource Management Committee

Authorize Submission of Preliminary Flood Insurance Rate Maps for the Centralia and Willow Sink Watersheds in Hernando County to the Federal Emergency Management Agency

Purpose
To request the Board authorize staff to submit the preliminary Flood Insurance Rate Map (FIRM) panels for the Centralia and Willow Sink watersheds in Hernando County to the Federal Emergency Management Agency (FEMA). The 100-year, 1-day and 5-day rainfall events were used in the Centralia watershed; the 100-year, 1-day rainfall event was used in the Willow Sink watershed; infiltration was accounted for; and the 2007 topographic information was utilized in the watersheds. The watershed models and floodplain information have gone through the District's process including internal review and external peer review by experienced licensed professional engineers. Preliminary floodplain information was presented at a public workshop held in the District’s Brooksville Headquarters for review and comment. The preliminary floodplain information is ready to be formatted to meet FEMA’s mapping specifications and submitted to FEMA. Following submittal of the preliminary FIRM panels, FEMA will conduct their own technical review, take public input, and allow for a 90-day appeals period during the adoption process. Depending on public input, the FEMA process can take one to two years.

Background/History
The District initiated a partnership with FEMA to modernize FIRMs as part of its Watershed Management Program (WMP). Flood protection and floodplain information has been a priority at the District since the inception of the organization and that priority was renewed following the El Niño weather event in 1997-1998. In addition to studies conducted by the District (primarily through the Basin Boards) and others, information on floodplains (elevations) is available through the FEMA FIRMs. However, many of the existing maps do not accurately represent the flood-prone areas, because either the initial studies were technically limited or the maps are outdated due to significant land use changes since completion. To improve the floodplain information, develop regional scale flood routing models for alternative analysis, and improve local government's understanding of their flood protection level of service, the District reached out to local governments and initiated the WMP in the late 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 otherwise been possible. To date, the District has received approximately $11.2 million in federal funds from FEMA for countywide map modernization projects in Pasco, Sarasota, Hernando, Marion, Polk, Hardee, Desoto, Citrus, Sumter, Levy, and Highlands counties. FEMA also includes federal funding for the Map Modernization Management Support (MMMS) program to ensure MMMS partners can support the map modernization effort through activities that do not directly result in production of new or revised flood hazard maps. The District received $851,860 in fiscal years (FY) 2004 through FY2009 for the MMMS program.
District staff has been involved with interested parties regarding the WMP and FEMA Map Modernization since January 2007 as a result of preliminary floodplain maps developed for Hernando, Pasco, and Sarasota counties. Several issues were identified focusing on technical methodologies, quality control, and public input. In October 2007, staff provided a report to the Governing Board outlining staff’s technical and procedural approach for development and professional oversight of watershed models. The primary issues were grouped into the following categories:

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

Starting in March 2008 through November 2009, staff provided the Board an update on the status of the District’s WMP and FEMA Map Modernization, including an update on the progress and activities associated with these issues. Since the November 2008 meeting, the Governing Board has authorized staff to submit preliminary FIRM panels to FEMA for ten watersheds using the 100-year, 1-day rainfall event and three watersheds using the 100-year, 1-day and 5-day rainfall events for a total of 13 of 20 watersheds in Hernando County.

The floodplain information for the Centralia watershed was prepared by District staff and reviewed by county staff. The floodplain information for the Willow Sink watershed was prepared by the District’s consultants (Engineering Firm of Record) and reviewed by District and County staff. The floodplain information for both watersheds were reviewed by the District’s independent peer review consultant (see table below). The District’s Environmental Resource Permitting (ERP) Advisory Group members (consultant and development community) were invited to attend the presentations of the floodplain information to the peer review consultant, and provided opportunities to review and comment on the watershed model and floodplain information. An additional technical workshop was held on February 17, 2009 to present the justification for using a multi-day rainfall event to project the 100-year floodplain. A public workshop was held for the Centralia and Willow Sink watersheds on July 30, 2009 for the public to review and comment on the floodplain information. The floodplain information was also made available through the District’s website. Approximately 2,183 affected property owners were notified of the workshop by mail; 25 attended and 46 property owners contacted District staff by phone or email.

<table>
<thead>
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<th>WATERSHED</th>
<th>ENGINEERING FIRM OF RECORD</th>
<th>PEER REVIEW</th>
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<tr>
<td>Centralia</td>
<td>SWFWMD</td>
<td>ADA Engineering, Inc.</td>
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<tr>
<td>Willow Sink</td>
<td>Environmental Consulting &amp; Technology, Inc.</td>
<td>SWRF, LLC</td>
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</table>

**Staff Recommendation:**

Authorize staff to submit the preliminary FIRM panels for the Centralia and Willow Sink watersheds in Hernando County to FEMA.

**Presenter:** Mark A. Hammond, P.E., Director, Resource Projects Department
Consent Agenda  
December 15, 2009

Resource Management Committee

Lake Gibson Southwest Sub-Basin Stormwater Management System Retrofit – Second Amendment  
(Presented at the October 21, 2009 Peace River Basin Board Meeting)

Purpose
To approve the Second Amendment to the Cooperative Funding Agreement with the City of Lakeland (City) for the Lake Gibson Southwest Sub-Basin Stormwater Management System Retrofit Project. This Second Amendment adds fiscal year 2010 funds and changes the scope of work to clarify the use of land acquisition costs as part of the cooperator’s match.

Background/History
This project involves the design, permitting, and construction of a stormwater treatment system within the southwest sub-basin of Lake Gibson, a highly urbanized basin draining to Lake Gibson. Earlier studies completed for Lake Gibson indicated that this basin discharges high pollutant loads into the lake. This project will involve the construction of three wet detention ponds designed to capture and treat stormwater runoff prior to discharging into Lake Gibson.

Benefits/Costs
The total project budget is $4,500,000 with the District contributing $950,132 and the City contributing $3,549,868. The City has acquired the lands necessary to complete the project. A total of 17.14 acres has been purchased from four separate landowners at a cost of $3,304,981. These parcels of land will be used solely for this project. The City is requesting to use land acquisition costs as part of their match toward the total project cost. The District will contribute $950,132 (budgeted over fiscal years 2008, 2009, and 2010) toward construction of the stormwater treatment system and no funds will be expended until construction begins. The City will contribute $244,887 toward construction costs. The District’s contribution to this project will not exceed the City’s. The long-term benefits of the project include a reduction in the loading of sediments, trash, and nutrients to Lake Gibson. The project budget is shown in the table below.

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<th>CITY</th>
<th>DISTRICT</th>
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<td>Land Acquisition</td>
<td>$3,304,981</td>
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<td>$3,304,981</td>
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<tr>
<td>Construction</td>
<td>$244,887</td>
<td>$950,132</td>
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<td><strong>Total</strong></td>
<td><strong>$3,549,868</strong></td>
<td><strong>$950,132</strong></td>
<td><strong>$4,500,000</strong></td>
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A copy of the Amendment is available upon request.

Staff Recommendation:

Approve the Second Amendment to the Agreement with the City of Lakeland for $4,500,000 with the Basin’s share not to exceed $950,132; and authorize the Executive Director to execute the agreement.

Presenter: Mark A. Hammond, P.E., Director, Resource Projects Department
Item 11.a.

Consent Agenda
December 15, 2009

Resource Management Committee

Facilitating Agricultural Resource Management Systems – CFI USA, Inc. Venus II Grove Phase 1A – Manatee County

Purpose
To request approval for a Facilitating Agricultural Resource Management Systems (FARMS) project with CFI USA, Inc. at their Venus II Grove and approval to reimburse FARMS eligible costs up to a not-to-exceed limit of $35,000 (50 percent of total project costs). Of this amount, the 2005 State Appropriations will be used for $17,500 of the reimbursement, the Manasota Basin is requested to fund $8,750, and the Governing Board is requested to fund $8,750. Total project costs are estimated at $70,000.

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

As of November 30, 2009, there are currently 82 Board approved FARMS projects located in the following areas: 74 in the SWUCA, 3 in the Northern Tampa Bay Water Use Caution Area, and 5 not in a Water Use Caution Area. The projected offset of groundwater pumping for the 82 projects is 13.77 million gallons per day (mgd), with 48 operational projects totaling 7.1 mgd of actual offset over the past 12 months. Project funding to date totals $18.74 million of which 58 percent represents FARMS Program funding and 42 percent represents grower contributions.

FARMS Program staff received a proposal for a project from CFI USA, Inc. for their Venus II Grove located on the south side of County Road 62, east of Duette Road, within Manatee County. The property drains into the east fork of the Manatee River. The Phase 1 FARMS project consisted of the addition of a pump station to a reservoir to be enlarged near the southwest portion of the property. Phase 1 is under construction at this time. As a result of changes by the Natural Resource Conservation Service to the design of the berm surrounding...
the reservoir, the existing discharge pipe that directs water from the lift pump into the enlarged reservoir is insufficient. This addendum to the Phase 1 project will add a more effective pump to lift water from the grove’s drainage structures into the reservoir associated with Phase 1 during normal irrigation operations and provide discharge pipe to accommodate the new berm design. The existing lift pump will remain for use during extreme run off events. The addition of an improved pump station to lift water without the reservoir will provide additional surface water for grove irrigation. The Water Use Permit for this grove authorizes groundwater withdrawals up to 214,400 gallons per day (gpd) for the irrigation of 245 acres of citrus from two Upper Floridan aquifer wells. The moving annual average indicates current usage of 216,668 gpd or 101 percent of its permitted quantities, but below the permitted drought quantity of 264,600 gpd. Phase 1 of this project has a total estimated cost of $360,000 with a FARMS reimbursement estimated to be $145,000. The primary goal of the project is to reduce the withdrawal of groundwater through the installation of a lift pump to direct grove tailwater into the Phase 1 reservoir, allowing the Phase 1 pump to access more surface water. The reduction in groundwater use will benefit the Upper Floridan aquifer system by replacing groundwater withdrawals with recovered tailwater and surface water.

Benefits/Costs
The proposed project involves water quantity BMPs which qualifies for a 50 percent cost-share reimbursement rate under the FARMS Program. The Phase 1A project is projected to increase the savings of permitted quantities from 70,000 gpd to approximately 85,000 gpd and yields a total project daily cost of $3.19 per thousand gallons of groundwater reduced over the proposed five-year contract term, and $0.96 per thousand gallons of groundwater reduced over a 30-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 $70,000. Fiscal year 2005 State Appropriations will be used for one-half of the reimbursement with the remainder divided evenly between the Manasota River Basin Board and the Governing Board. Upon approval, the Manasota Basin Board and Governing Board will have $1,219,293 and $1,72,981 respectively, remaining in their FARMS Program budgets.

Staff Recommendation: See Exhibit

(1) Approve the CFI USA, Inc. Venus II Grove Phase 1A project for a not-to-exceed project reimbursement of $35,000 with $8,750 provided by the Manasota Basin, $8,750 provided by the Governing Board, and $17,500 provided from 2005 State Appropriations to the Manasota Basin Board;
(2) Authorize the transfer of $8,750 from fund 021 H017 Manasota Basin FARMS funds, $8,750 from fund 010 H017 Governing Board FARMS funds, and $17,500 from the 2005 State Appropriations allocated to fund 021 H017 FARMS funds, to 010 H532 and 021 H532 CFI USA, Inc. Venus II Grove Phase 1A Project fund; and
(3) Authorize the Executive Director to execute the agreement.

Presenter: Eric C. DeHaven, P.G., Director, Resource Data and Restoration Department
Consent Agenda
December 15, 2009

Resource Management Committee

Facilitating Agricultural Resource Management Systems – One Heart Farms, Inc. – Hillsborough County

Purpose
To request approval for a Facilitating Agricultural Resource Management Systems (FARMS) project with One Heart Farms, Inc. and approval to reimburse FARMS eligible costs up to a not-to-exceed limit of $65,500 (43 percent of total project costs). Of this amount, the 2008 State Appropriations will be used for $32,750 of the reimbursement, the Alafia River Basin is requested to fund $16,375, and the Governing Board is requested to fund $16,375. Total project costs are estimated at $151,000.

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

As of November 30, 2009, there are currently 82 Board approved FARMS projects located in the following areas: 74 in the SWUCA, 3 in the Northern Tampa Bay Water Use Caution Area, and 5 not in a Water Use Caution Area. The projected offset of groundwater pumping for the 82 projects is 13.77 million gallons per day (mgd), with 48 operational projects totaling 7.1 mgd of actual offset over the past 12 months. Project funding to date totals $18.74 million of which 58 percent represents FARMS Program funding and 42 percent represents grower contributions.

FARMS Program staff received a project proposal from One Heart Farms, Inc. for their 60-acre strawberry farm located 3 miles south of State Road 60 and 3 miles west of County Road 39, in eastern Hillsborough County. The property drains into the Alafia River. The Water Use Permit currently authorizes 43,700 gallons per day (gpd) for the irrigation of citrus. However, the permit is in the process of being modified to accommodate 56.2 acres of strawberry with drip irrigation and overhead irrigation for freeze protection. It is anticipated that the revised permitted quantity will be 110,000 gpd. There is no reported pumpage, as the permitted quantity for citrus irrigation...
was less than 100,000 gpd, which is the threshold for reporting pumpage in the SWUCA. The primary goal of the project is to reduce the withdrawal of groundwater through the construction and operation of a 1.2-acre surface water irrigation reservoir. Surface water will then be used for all crop establishment and frost/freeze protection, and for in-season irrigation when sufficient quantities are available. The reduction in groundwater use will benefit the Upper Floridan aquifer system by replacing Upper Floridan withdrawals with recovered tailwater and surface water. FARMS project components consist of one surface water irrigation pump station, including pump, power unit, and filtration.

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 40 percent savings of permitted quantities, or approximately 44,000 gpd yields a daily cost of $1.27 per thousand gallons of groundwater reduced over the proposed 8-year contract term, and $0.56 per thousand gallons of groundwater reduced over a 30-year term. Both values are within the guidelines for the generally accepted average cost savings per thousand gallons for the implementation of alternative water supplies for strawberry operations. Total project costs are estimated at $151,000. Fiscal year 2008 State Appropriations will be used for one-half of the reimbursement, with the remainder divided evenly between the Alafia River Basin Board and the Governing Board. Upon approval, the Alafia River Basin Board and Governing Board will have $162,874 and $1,181,731 respectively, remaining in their FARMS Program budgets.

Staff Recommendation:

(1) Approve the One Heart Farms, Inc. project for a not-to-exceed project reimbursement of $65,500 with $16,375 provided by the Alafia River Basin Board, $16,375 provided by the Governing Board, and $32,750 provided from 2008 State Appropriations to the Governing Board;
(2) Authorize the transfer of $16,375 from fund 011 H017 Alafia River Basin Board FARMS funds, $16,375 from fund 010 H017 Governing Board FARMS funds, $32,750 from the 2008 State Appropriations allocated to fund 010 H017 FARMS funds; and
(3) Authorize the Executive Director to execute the agreement.

Presenter: Eric C. DeHaven, P.G., Director, Resource Data and Restoration Department
Consent Agenda
December 15, 2009

Finance and Administration Committee

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 December 3, 2009, no travel is planned for outside the geographic boundaries of the District.

Staff Recommendation:

No action is required.

Presenter: Lou Kavouras, Deputy Executive Director, Outreach, Planning & Board Services
Consent Agenda
December 15, 2009

Finance and Administration Committee

Budget Transfer Report

Purpose
Request approval of the Budget Transfer Report covering all budget transfers made during the month of November 2009.

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 November 2009.

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

**Budget Transfer Report**

**November 2009**

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<td>1 Resource Data &amp; Restoration</td>
<td>Resource Data &amp; Restoration</td>
<td>Transfer of budgeted funds to the appropriate project code for the Facilitating Agricultural Resource Management Systems (FARMS) Splendid Blue Farms, LLC project.</td>
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</tr>
<tr>
<td>Grant - Agriculture</td>
<td>Grant - Agriculture</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total Basin Board Approved</strong></td>
<td></td>
<td></td>
<td><strong>$ 174,058</strong></td>
</tr>
</tbody>
</table>

| **Executive Director Approved**   |                                   |                     |                 |
| **Withlacoochee River Basin:**    |                                   |                     |                 |
| 1 Land Resources                  | Land Resources                    | Transfer of funds originally budgeted for outside contractor to maintain the water system at the Green Swamp Meeting Facility. District staff have been trained to perform this function. The funds were needed for outside contractor to remove trees at Flying Eagle. | $ 2,500         |
| Other Contractual Services        | Land Clearing and Demolition      |                     |                 |
| 2 Land Resources                  | Land Resources                    | Transfer of funds originally budgeted for security services at Panasoffkee Outlet Tract. Expenditures have been less than anticipated. The funds were needed for security services at Potts Preserve. | 10,000          |
| Security Services                 | Security Services                 |                     |                 |
| **Total Executive Director Approved** |                               |                     | **$ 12,500**    |

| **Finance Director Approved**     |                                   |                     |                 |
| 1 Land Resources                  | Land Resources                    | Transfer of budgeted funds to the appropriate project code for tree removal in Lower Hillsborough. | $ 1,600         |
| Land Clearing and Demolition      | Land Clearing and Demolition      |                     |                 |
| 2 Various Departments             | Strategic Program Office          | Transfer of budgeted funds to the appropriate department for the Professional Engineers Laws and Rules course. | 3,024           |
| Travel - Training                 | Travel - Training                 |                     |                 |
| 3 Resource Projects               | Operations                        | Transfer of budgeted funds to the appropriate department for the digitizing of Water Use Permit boundaries. | 120,000         |
| Consultant Services               | Consultant Services               |                     |                 |
| 4 Resource Projects               | Planning                          | Transfer of budgeted funds to the appropriate department for outside assistance to facilitate activities of the water management districts to assess availability of groundwater in the Central Florida Coordination Area. | 10,000          |
| Consultant Services               | Consultant Services               |                     |                 |
| 5 Operations                      | Information Resources             | Transfer of budgeted funds to the appropriate department and expenditure category for enhancements to the Water Management Information System Resource Data. | 220,000         |
| Other Contractual Services        | WMIS Other Contractual Services   |                     |                 |
| 6 Operations                      | Information Resources             | Transfer of budgeted funds to the appropriate department for application development of the Geographic Information Systems. | 220,000         |
| Other Contractual Services        | Other Contractual Services        |                     |                 |
## SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
### Budget Transfer Report
November 2009

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Department / Expenditure Category</th>
<th>--- TRANSFERRED FROM ---</th>
<th>--- TRANSFERRED TO ---</th>
<th>Reason For Transfer</th>
<th>Transfer Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>General Services Other Contractual Services</td>
<td>General Services</td>
<td>Information Resources Enterprise Content Contr Svcs</td>
<td>Transfer of budgeted funds to the appropriate department and expenditure category for implementation of the Enterprise Content Management system.</td>
<td>775,000</td>
</tr>
<tr>
<td>8</td>
<td>Resource Projects Consultant Services</td>
<td>Resource Projects</td>
<td>Land Resources Consultant Services</td>
<td>Transfer of budgeted funds to the appropriate department to perform surveying to support design and permitting of mitigation projects associated with the Lake Hancock Lake Level Modification project.</td>
<td>23,500</td>
</tr>
<tr>
<td>9</td>
<td>Resource Data &amp; Restoration Software</td>
<td>Resource Data &amp; Restoration</td>
<td>Resource Data &amp; Restoration Other Contractual Services</td>
<td>Transfer of budgeted funds to the appropriate expenditure category for outside consultant to rewrite the ADaPT/EDMS program in another language.</td>
<td>20,000</td>
</tr>
<tr>
<td>10</td>
<td>Resource Projects Advertising and Public Notices</td>
<td>Resource Projects</td>
<td>Rental of Buildings Security Services</td>
<td>Transfer of budgeted funds to the appropriate expenditure categories for public meetings associated with the FEMA Map Modernization project.</td>
<td>9,310</td>
</tr>
<tr>
<td>11</td>
<td>Resource Data &amp; Restoration Grant - Agriculture</td>
<td>Resource Data &amp; Restoration</td>
<td>Grant - Agriculture</td>
<td>Transfer of budgeted funds to the appropriate project code for the general FARMS budget appropriation to be allocated toward future projects.</td>
<td>26,731</td>
</tr>
</tbody>
</table>

**Total Finance Director Approved** $1,429,165

**Total Transfers for Governing Board Approval** $1,615,723

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 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.
Consent Agenda
December 15, 2009

General Counsel's Report

Consent Order – WUP No. 20000590.008 - Mad Hatter Utility, Inc. (South Central Pasco Service Area) – Pasco County

On February 28, 2006, the District issued Water Use Permit No. 20000590.008 (the Permit) to Mad Hatter Utility, Inc. (the Permittee) authorizing water withdrawals for public supply of 1,000,000 gallons per day (gpd) on an annual average basis, and 1,300,000 gpd on a peak month basis for the South Central Pasco County Service Area. Additionally, the Permit authorized quantities of 100,000 gpd on an annual average basis and 130,000 gpd on a peak month basis to be withdrawn from a standby well identified as District Identification Number (DID) 12.

On September 22, 2008, District staff issued a Notice of Non-Compliance to the Permittee advising that pumpage from standby well DID 12 had been continuous and in excess of the quantities authorized by the Permit for DID 12. Withdrawals from DID 12 continued to exceed the quantities authorized by the permit through the 12-month period ending March 2009. However, the Permittee’s overall withdrawals never exceed the overall quantities authorized by the Permit.

On October 22, 2009, the District mailed a proposed Consent Order to Permittee calling for the payment of $4,437.00 in penalties and costs for the violation of the conditions of the Permit regarding the pumpage of DID 12, which includes the following:

• $3,937.00 for the overuse of standby well DID 12 pursuant to the overpumpage formula; and,
• $500.00 in District enforcement costs.

The Permittee has indicated its willingness to resolve this matter through a Consent Order. District staff anticipates receiving a signed Consent Order prior to the Governing Board meeting.

Staff Recommendation:

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

Presenter: Carrie N. Felice, Staff Attorney
Consent Agenda
December 15, 2009

General Counsel’s Report


Purpose
The purpose of this item is to request Governing Board approval of a Mediated Settlement Agreement for a total sum of $168,368 in full settlement of all claims for compensation as well as attorney’s fees, expert’s fees and costs. The lawsuit is a Petition in Eminent Domain to acquire interests in certain parcels for the District’s Lake Hancock Lake Level Modification Project (the Project). The subject of this Mediated Settlement Agreement is an easement over a 0.06-acre portion of a .63-acre parcel owned by Eugene L. and Jenny L. Benton. A general location map of the parcel in relation to the Project and a detailed map of the parcel are included in the Board packet as exhibits to this item.

Background/History
On September 25, 2007, the Governing Board authorized the implementation of the Project including acquisition of lands (placing priority emphasis on voluntary acquisitions) necessary for the Project. The Board also approved the use of eminent domain, if necessary, to complete the acquisition process. The Project is a result of the District being required by state law (Section 373.042, Florida Statutes (F.S.) to develop minimum flows and levels (MFL) on priority water bodies and aquifers. The purpose of the MFL is to ensure that adequate flows or levels are maintained to protect the state’s water resources. The District has set minimum flows for the upper Peace River including 17 cubic feet per second (cfs) at Bartow, 27 cfs at Fort Meade, and 45 cfs at Zolfo Springs. Flows in the upper Peace River were below the minimum flows at Fort Meade approximately 28 percent of the time during the last 30 years. The District’s Southern Water Use Caution Area (SWUCA) Recovery Strategy includes a specific recovery strategy, as required by state law (Section 373.0421, F.S.), for the upper Peace River because the minimum flows are not currently being met.

Groundwater withdrawals in the SWUCA have resulted in declines in aquifer levels throughout the SWUCA and contribute to reduced flows in the upper Peace River. The District determined that it is not feasible to reduce groundwater withdrawals to achieve the minimum flows for the upper Peace River. The Project is critical in the District’s strategies for meeting the minimum flows in the upper Peace River. The goal of the Project is to store water by raising the control elevation of the existing outflow structure on Lake Hancock from 98.7 to 100.0 feet and to slowly release water during the dry season to help meet the flow requirements in the upper Peace River. Historically, prior to man-made alterations, the lake level was approximately one to two feet higher than the current operating level. The Project is anticipated to recover up to approximately 50 percent of the minimum flows for the upper Peace River.

Project/Parcel Benefits – In addition to the Project providing up to 50 percent of the minimum flows for the upper Peace River, the Project will also improve the function of approximately 1,000 acres of wetlands around the lake and preserve approximately 4,800 acres of floodplain. As of October 26, 2009, the District has acquired 7,173 acres in fee simple interest and 1,015 acres via perpetual conservation/inundation easements within the Project. Currently the parcels acquired or placed under contract total 97 percent of the land needed for the Project; and was accomplished through acquiring the land and rights through 51 transactions, with the remaining acreage divided between 22 parcels.
Property Description

Location and Access – The proposed easement will encumber a 0.06-acre portion of a .63-acre parcel, (10 percent of the property), improved with a single family residence built in 1993 located on the west side of Waterwood Run in Bartow. The property is located toward the end of the cul-de-sac and has approximately 171 feet of frontage along Waterwood Run. The easement area is located in the northeast corner portion of the property in front of the residence.

Utilities and/or Improvements – The property has electric, telephone and water service and is on a private septic system. The lot is improved with a single family residence with 2,203 square feet of living area; plus a two car garage. The Project will not to impact the residence; however, other improvements may be affected, including the septic system and site mitigation involving fill and landscaping.

Zoning – The property is zoned RS (Residential Suburban) within the U.S. 98 SAP pursuant to Polk County Comprehensive Plan. The purpose of the RS district is to provide areas for suburban-density residential development to promote the proper transition land from rural to urban uses. The RS district permits single-family dwelling units, family care homes, agricultural support uses, and community facilities.

Summary of Appraisal and Value Comparisons - In accordance with District policy, one appraisal was obtained for the parcel from Nicolas J. Mancuso, MAI of Mancuso Appraisal Services, Inc. The appraisal report has an effective valuation date of July 24, 2008. The report meets the necessary legal or District requirements and contains the appraiser’s factual data leading to the value conclusion of $9,938. The property owners obtained an appraisal with a value conclusion of $379,000. An updated appraisal was obtained by the District’s special eminent domain counsel to aid in negotiations. This appraisal report was completed by Nicolas J. Mancuso, MAI with an effective date of October 28, 2009. The updated appraisal report considered engineering studies as well as the impact of the easement on the marketability of the subject property. Based on this additional information, the appraiser determined there was $22,000 of curable damages and $39,772 of incurable damages.

Highest and Best Use – The highest and best use, as determined by the appraiser, based on the physically possible, legally permissible, and financially feasible uses for this property, would be for single-family residential use.

The appraiser applied the Sales Comparison Approach (Market Approach) and Cost Approach to determine the value of this property. The appraiser relied on recent sales of comparable property in Polk County. Adjustments for differences between the sales and the subject were considered that included topography, site size, view, age, gross living area, garage/carport, and out buildings.

<table>
<thead>
<tr>
<th>Appraised Value Whole Property</th>
<th>Easement Value</th>
<th>Incurable Damages</th>
<th>Curable Damages</th>
<th>Total Compensation Recommended by Appraiser Mancuso</th>
</tr>
</thead>
<tbody>
<tr>
<td>$315,000</td>
<td>$5,228</td>
<td>$39,772</td>
<td>$22,000</td>
<td>$67,000</td>
</tr>
</tbody>
</table>

The settlement cost for this property is $120,000 payable to the sellers plus $48,368 for costs and attorney fees.

A negotiated settlement avoids the significant expense and investment that is required for eminent domain litigation. The eminent domain process exposes the District to substantial costs in the form of property owner attorney's fees and expert witness fees in addition to the District’s own costs for attorneys and experts.
Partial acquisitions can involve a wide range of opinions as to values and impacts because of the potential for limiting the utility of the unacquired portion of the parcel. The effect of a limitation or loss of utility is referred to as damages. The easement was appraised at $5,228. Incurable damages (related to the marketability due to the encumbrance) to the property were estimated to be $39,772 and curable damages (septic tank and site mitigation) were estimated to be $22,000. The total compensation based on the Mancuso appraisal is $67,000. The settlement amount to the property owner is approximately 79% greater than the District’s appraised value and the damages to the property. Property owner attorney fees and costs amount to 29% of the total settlement.

The District’s special counsel for the Lake Hancock Project, strongly recommends approval of the Mediated Settlement Agreement and has projected the litigation expense would exceed the difference between the appraised value and the settlement amount given the uncertainty of the impact of the easement on the valuation of the entire parcel and the remainder, as well as the extent of severance damages.

Mediated Settlement Agreement
- Total amount of $168,368 in full settlement of all claims for compensation as well as attorney’s fees, expert’s fees and costs.
- Entry of a Stipulated Order of Taking and Final Judgment, vesting title to the easement in the District.

Impact If Not Funded/Funding
Funds are available from the Governing Board’s General Fund Water Supply and Resource Development Reserve for the acquisition/purchase of this parcel. If not funded, the Lake Hancock Lake Level Modification Project cannot be implemented.

Staff Recommendation: See Exhibits
Approve the Mediated Settlement Agreement in the total amount of $168,368.

Presenter: Jack Pepper, Deputy General Counsel
Lake Hancock

SWF Parcel No. 20-503-215P

Proposed SWFWMD Easement Acquisition
Proposed SWFWMD Fee Acquisition
SWFWMD Easement
SWFWMD Fee Acquisition
Other Conservation Lands
Other Publicly Owned Lands

Miles

0 1 2

Highland City
Lake Hancock
Banana Creek
Phyllis Branch
Saddle Creek
Peace Creek
Banana Lake
SWF Parcel No. 20-503-215P
Item 16

Consent Agenda
December 15, 2009

General Counsel’s Report


Purpose
The purpose of this item is to request Governing Board approval of a Mediated Settlement Agreement for a total sum of $175,381 in full settlement of all claims for compensation as well as attorney’s fees, expert’s fees and costs. The lawsuit is a Petition in Eminent Domain to acquire interests in certain parcels for the District’s Lake Hancock Lake Level Modification Project (the Project). The subject of this Mediated Settlement Agreement is an easement over a 0.06-acre portion of a 0.63-acre parcel owned by John Robert Cox. A general location map of the parcel in relation to the Project and a detailed map of the parcel are included in the Board packet as exhibits to this item.

Background/History
On September 25, 2007, the Governing Board authorized the implementation of the Project including acquisition of lands (placing priority emphasis on voluntary acquisitions) necessary for the Project. The Board also approved the use of eminent domain, if necessary, to complete the acquisition process. The Project is a result of the District being required by state law (Section 373.042, Florida Statutes (F.S.) to develop minimum flows and levels (MFL) on priority water bodies and aquifers. The purpose of the MFL is to ensure that adequate flows or levels are maintained to protect the state’s water resources. The District has set minimum flows for the upper Peace River including 17 cubic feet per second (cfs) at Bartow, 27 cfs at Fort Meade, and 45 cfs at Zolfo Springs. Flows in the upper Peace River were below the minimum flows at Fort Meade approximately 28 percent of the time during the last 30 years. The District's Southern Water Use Caution Area (SWUCA) Recovery Strategy includes a specific recovery strategy, as required by state law (Section 373.0421, F.S.), for the upper Peace River because the minimum flows are not currently being met.

Groundwater withdrawals in the SWUCA have resulted in declines in aquifer levels throughout the SWUCA and contribute to reduced flows in the upper Peace River. The District determined that it is not feasible to reduce groundwater withdrawals to achieve the minimum flows for the upper Peace River. The Project is critical in the District’s strategies for meeting the minimum flows in the upper Peace River. The goal of the Project is to store water by raising the control elevation of the existing outflow structure on Lake Hancock from 98.7 to 100.0 feet and to slowly release water during the dry season to help meet the flow requirements in the upper Peace River. Historically, prior to man-made alterations, the lake level was approximately one to two feet higher than the current operating level. The Project is anticipated to recover up to approximately 50 percent of the minimum flows for the upper Peace River.

Project/Parcel Benefits – In addition to the Project providing up to 50 percent of the minimum flows for the upper Peace River, the Project will also improve the function of approximately 1,000 acres of wetlands around the lake and preserve approximately 4,800 acres of floodplain. As of October 26, 2009, the District has acquired 7,173 acres in fee simple interest and 1,015 acres via perpetual conservation/inundation easements within the Project. Currently the parcels acquired or placed under contract total 97 percent of the land needed for the Project; and was accomplished through acquiring the land and rights through 51 transactions, with the remaining acreage divided between 22 parcels.
Property Description

Location and Access – The proposed easement will encumber a 0.06-acre portion of a .63-acre parcel, (10 percent of the property), improved with a single family residence built in 2006 located on the northeast corner of the intersection Waterwood Run and Waterwood Drive in Bartow. The property has approximately 184 feet of frontage on Waterwood Drive and 165 feet of frontage on Waterwood Run. The easement area is located behind the house in the northeast corner portion of the property.

Utilities and/or Improvements – The property has electric, telephone and water service and is on a private septic system. The lot is improved with a single family residence with 2,629 square feet of living area; plus a two car garage. The Project will not impact the residence; however, other improvements may be affected, including the septic system and site mitigation involving fill and landscaping. There is a wooden deck located within the easement boundary.

Zoning – The property is zoned RS (Residential Suburban) within the U.S. 98 SAP pursuant to Polk County Comprehensive Plan. The purpose of the RS district is to provide areas for suburban-density residential development to promote the proper transition land from rural to urban uses. The RS district permits single-family dwelling units, family care homes, agricultural support uses, and community facilities.

Summary of Appraisal and Value Comparisons - In accordance with District policy, one appraisal was obtained for the parcel from Nicolas J. Mancuso, MAI of Mancuso Appraisal Services, Inc. The appraisal report has an effective valuation date of July 24, 2008. The report meets the necessary legal or District requirements and contains the appraiser’s factual data leading to the value conclusion of $9,938. The property owner obtained an appraisal with a value conclusion of $384,000. An updated appraisal was obtained by the District’s special eminent domain counsel to aid in negotiations. This appraisal report was completed by Nicholas J. Mancuso, MAI with an effective date of October 15, 2009. The updated appraisal report considered engineering studies as well as the impact of the easement on the marketability of the subject property. Based on this additional information, the appraiser determined there was $46,000 of curable damages and $41,772 of incurable damages.

Highest and Best Use – The highest and best use, as determined by the appraiser, based on the physically possible, legally permissible, and financially feasible uses for this property, would be for single-family residential use.

The appraiser applied the Sales Comparison Approach (Market Approach) and Cost Approach to determine the value of this property. The appraiser relied on recent sales of comparable property in Polk County. Adjustments for differences between the sales and the subject were considered that included topography, site size, view, age, gross living area, garage/carport, and out buildings.

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</thead>
<tbody>
<tr>
<td>$337,000</td>
<td>$5,228</td>
<td>$41,772</td>
<td>$46,000</td>
<td>$93,000</td>
</tr>
</tbody>
</table>

The settlement cost for this property is $125,000 payable to the sellers plus $50,381 for costs and attorney fees.

A negotiated settlement avoids the significant expense and investment that is required for eminent domain litigation. The eminent domain process exposes the District to substantial costs in the form of property owner attorney’s fees and expert witness fees in addition to the District’s own costs for attorneys and experts.
Partial acquisitions can involve a wide range of opinions as to values and impacts because of the potential for limiting the utility of the unacquired portion of the parcel. The effect of a limitation or loss of utility is referred to as damages. The easement was appraised at $5,228. Incurable damages (related to the marketability due to the encumbrance) to the property were estimated to be $41,772 and curable damages (septic tank and site mitigation) were estimated to be $46,000. The total compensation based on the Mancuso appraisal is $93,000. The settlement amount to the property owner is approximately 35% greater than the District’s appraised value and the damages to the property. Property owner attorney fees and costs amount to 29% of the total settlement.

The District’s special counsel for the Lake Hancock Project, strongly recommends approval of the Mediated Settlement Agreement and has projected the litigation expense would exceed the difference between the appraised value and the settlement amount given the uncertainty of the impact of the easement on the valuation of the entire parcel and the remainder, as well as the extent of severance damages.

**Mediated Settlement Agreement**
- Total amount of $175,381 in full settlement of all claims for compensation as well as attorney’s fees, expert’s fees and costs.
- Entry of a Stipulated Order of Taking and Final Judgment, vesting title to the easement in the District.

**Impact If Not Funded/Funding**
Funds are available from the Governing Board's General Fund Water Supply and Resource Development Reserve for the acquisition/purchase of this parcel. If not funded, the Lake Hancock Lake Level Modification Project cannot be implemented.

**Staff Recommendation:** See Exhibits

Approve the Mediated Settlement Agreement in the total amount of $175,381.

**Presenter:** Jack Pepper, Deputy General Counsel
Proposed SWFWMD Acquisitions

SWF Parcel No. 20-503-217P

SWFWMD Fee Acquisition
Executive Director’s Report

Approve November 17, 2009 Governing Board 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 9:06 a.m. on November 17, 2009, at the District’s headquarters in Brooksville. The following persons were present:

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

Board Member(s) Absent
Todd Pressman, Chair
Carlos Beruff, Member

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

Public Hearing

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

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

(Ms. Rovira-Forino entered the meeting.)

Public Hearing

Vice Chair Oakley introduced each member of the Governing Board and said that Chair Pressman is not able to attend the meeting due to public hearing scheduling conflicts. He noted that the Board’s meeting was recorded for broadcast on government access channels. Public input was only taken during the meeting onsite.

Vice Chair Oakley stated that anyone wishing to address the Governing Board concerning any item listed on the agenda or any item that does not appear on the agenda should fill out and submit a speaker's card. To assure that all participants have an opportunity to speak, a
member of the public may submit a speaker's card to comment on one agenda item only during today's meeting. If additional time is needed or if the speaker wishes to address the Board on an issue not on today's agenda, a speaker's card may be submitted for comment at the end of the meeting during "Public Input." Vice Chair Oakley stated that comments would be limited to three minutes per speaker, and, when appropriate, exceptions to the three-minute limit may be granted by the Chair. He also requested that several individuals wishing to speak on the same issue/topic designate a spokesperson. (CD 1/Track 1 – 00:00/04:55)

3. **Additions/Deletions to Agenda**
   According to Section 120.525(2), Florida Statutes, additions or deletions to the published agenda will only be made for "good cause" as determined by the "person designated to preside." Mr. Moore noted the following item that was deleted from the agenda after publication of the regular agenda.

   **Consent Agenda – General Counsel’s Report**
   *The following item is deleted from consideration:*

   Vice Chair Oakley said that, hearing no objection to the deleted item, he accepted the change to the meeting agenda.

4. **District Recognition – RESPECT of Florida Award for Customer of the Year for Services**
   Mr. Schiller said the District received the Customer of the Year for Services Award during the RESPECT of Florida annual meeting held on September 16, 2009. RESPECT of Florida facilitates the placement of individuals with disabilities in competitive employment. The Award is based on customer support in assisting Florida citizens with disabilities, the interaction with the service crew, and the handling of issues that reflect a partnership. Mr. Schiller introduced Mr. John Massler who is a project manager for RESPECT of Florida and is located in Tallahassee. Mr. Massler thanked the Board for allowing him the opportunity to present the award. He provided a brief overview of RESPECT of Florida and said working with the District has been a tremendous partnership. This item was presented for the Board’s information, and no action was required. (CD 1/Track 1 – 04:55/08:15)

5. **Employee Recognition**
   Mr. Moore presented to the Board employees who have achieved milestones of 20 years or greater. He specially acknowledged and commended the contributions of the following individuals who chose to be recognized before the Board:

<table>
<thead>
<tr>
<th>MILESTONE</th>
<th>EMPLOYEE</th>
<th>TITLE</th>
<th>DEPARTMENT</th>
<th>OFFICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>40 Years</td>
<td>Grady Vance</td>
<td>Aquatic Plant Mgt. Supervisor</td>
<td>Operations</td>
<td>Brooksville</td>
</tr>
<tr>
<td>25 Years</td>
<td>Mark Rials</td>
<td>Chemistry Laboratory Manager</td>
<td>Res. Data &amp; Restoration</td>
<td>Brooksville</td>
</tr>
<tr>
<td></td>
<td>George Smith</td>
<td>Sr. Heavy Equipment Operator</td>
<td>Operations</td>
<td>Brooksville</td>
</tr>
<tr>
<td>20 Years</td>
<td>Jim Catarouch</td>
<td>Tradesworker</td>
<td>Operations</td>
<td>Brooksville</td>
</tr>
<tr>
<td></td>
<td>Lela Clark</td>
<td>GIS Technician</td>
<td>Operations</td>
<td>Brooksville</td>
</tr>
</tbody>
</table>

   Mr. Moore noted that Mr. Vance is the District’s second employee to reach 40 years.
6. **Public Input for Issues Not Listed on the Published Agenda** – None
   (CD 1/Track 1 – 08:15/19:07)

**Consent Agenda**

Item 14 was deleted from consideration.

**Resource Management Committee**

7. **Appraisals and Purchase/Sale Agreement – Lake Hancock Project, SWF Parcel No. 20-503-208P**
   Staff recommended to accept the appraisal and approve the Purchase/Sale Agreement.

**Finance & Administration Committee**

8. **Board Travel**
   No action was required at this time.

9. **Budget Transfer Report**
   Staff recommended to request approval of the Budget Transfer Report covering all budget transfers for October 2009.

**General Counsel’s Report**

10. **Consent Order – Surface Water Activity - Batista and Evelyn Madonia – Polk County**
    Staff recommended to approve the proposed Consent Order and authorize the initiation of litigation against Batista and Evelyn Madonia if it becomes necessary to obtain compliance with the Consent Order.

11. **Consent Order – WUP No. 20010923.000 - Spruce Creek Golf, LLC – Sumter County**
    Staff recommended to approve the proposed Consent Order and authorize the initiation of litigation against Spruce Creek Golf, LLC, to obtain compliance with the Consent Order.

12. **Initiation of Litigation – Well Construction - License No. 2215 - Tony Holt – Hillsborough County**
    Staff recommended to authorize the initiation of litigation against Mr. Holt to take disciplinary action against his license, recover an administrative fine/civil penalty, and recover District enforcement costs, court costs and attorney’s fees.

13. **Initiation of Litigation – Well Construction - License No. 9297 - Jason Green – Hillsborough County**
    Staff recommended to authorize the initiation of litigation against Mr. Green to take disciplinary action against his license, recover an administrative fine/civil penalty, and recover District enforcement costs, court costs and attorney’s fees.

14. **Initiation of Litigation – Well Construction - License No. 9354 - David Howard – Hillsborough County**
    This item was deleted from consideration.

**Executive Director’s Report**

15. **Approve Governing Board Minutes**
    a. **October 29, 2009 Joint Workshop with the Peace River Manasota Regional Water Supply Authority**
    b. **October 29, 2009 Regular Monthly Meeting**
    Staff recommended to approve the minutes as presented.

Following consideration, Ms. Parks moved, seconded by Ms. Rovira-Forino, to approve the Consent Agenda as amended. Motion carried unanimously. (CD 1/Track 1 – 19:07/Track 2 – 00:24)

Vice Chair Oakley relinquished the gavel to Regulation Committee Chair Senft.

**Regulation Committee**

Committee Chair Senft noted that two speaker cards were submitted for Item 18.

**Discussion Items**

16. **Consent Item(s) Moved for Discussion** – None
17. Status of Rulemaking to Implement the Second Phase of the Northern Tampa Bay Recovery Strategy

Mr. Owen provided introductory remarks regarding the District’s position today. He said the Partnership Agreement with the West Coast Regional Water Supply Authority (aka Tampa Bay Water (TBW)) and its member governments was one of the most significant milestones for this organization. It has been looked at subsequently as a model for other communities to follow where a water management district brought to bear all of the tools available to address resource concerns. The Partnership Agreement was entered into in 1998 and expires at the end of 2010. The current Partnership Agreement is in place due to the efforts of the Governing Board members who existed at that point in time who said let’s break out of this continual mode of litigation and look at bringing solutions to the table. It was the first application of the New Water Sources Initiative (NWSI) funds that had just a few years prior been approved with the Governing Board contributing up to $10 million a year in alternative water supply development, and matched by the Basin Boards and local cooperators. The Partnership Agreement took that funding opportunity to use it for water supply problems in the Tampa Bay area.

Mr. Owen briefly reviewed the names of former Governing Board members and local officials who were key players in bringing to fruition the Partnership Agreement. He noted that Ms. Parks was on the Pinellas County Commission and subsequently on the TBW Board in 1998.

Mr. Owen said what the Partnership Agreement did was unprecedented in the District, state and most likely the nation in terms of looking at a public water supply infrastructure, recognizing that it was exceeding the regulatory limits and agreeing to develop alternative resources so that the reductions in wellfield withdrawals could occur. It has been successful and TBW has brought production from the consolidated wellfield down to or below 90 million gallons per day (mgd). Currently, TBW has a temporary exceedance that is projected to come back down under the 90 mgd by December 2009 which is tremendous news but only recently achieved. The whole concept has been to have a sustained period of time at or below 90 mgd to understand what level of recovery in the water levels will be attained and how that will result in changes to the ecology.

Mr. Owen said the rules being presented today enable another 10-year period to look at what will be achieved with what has been accomplished to date, as well as additional measures to be implemented over the coming 10 years. The District needs to look at production during dry periods and during wet and average periods of rainfall to better understand what the 90 mgd will achieve. Augmentation of certain lakes and wetlands needs to continue, ditch blocks or other ways to rectify past drainage that was contributing to impacts needs to be investigated, and other potential tools may be required. The rules will take the essential components of the regulatory part of the Partnership Agreement and move them forward through 2020.

Mr. Owen noted this District has contributed or set aside funds up to $183 million for alternative water supply development to develop a minimum of 85 mgd so that wellfield production would be reduced. Although not an original component of the Partnership Agreement, the District contributed $26 million to acquire the land for the C.W. “Bill” Young Reservoir. In total, TBW, using District funds and its own resources, has spent in excess of $750 million in development of these new sources and interconnecting new sources and wellfields to optimize recovery operations. Also under the Partnership Agreement, the District has continued to contribute up to $9 million a year for conservation and reclaimed water development to all local governments in the three-county area. The Partnership Agreement had identified a goal of achieving 17 mgd in conservation and reclaimed water offset. TBW estimates it has achieved 26 mgd which is a tremendous success story and that continues on as well. The last major component of the District’s monetary contributions under the Partnership Agreement is the desalination plant, all of which has not yet been transferred to TBW. TBW has until the end of 2010 to meet the performance
test of producing 25 mgd for four months, and there is also another test to meet before receiving the interest earnings being held potentially for TBW’s use.

Mr. Owen said the rule focuses primarily on TBW and the 11 interconnected, consolidated wellfields. The current recovery strategy is to achieve 90 mgd on a 12-month running average, and to have a plan which distributes those withdrawals within each wellfield and among the 11 wellfields to optimize recovery of water levels and the ecology in the area. A data collection program will monitor achievements in water levels and in the ecology. The recovery strategy includes a continuation of these and other tools—be it ditch blocks, augmentation or other mechanisms—and conservation initiatives.

Mr. Owen said it is tremendous that TBW and its member governments continue to work in that vein of seeing the opportunity as the District does to further conservation and have that contribute to the solutions. The District does address other users in the area and for existing permittees each is considered on a case-by-case basis to determine how they individually can contribute to the recovery. For new use requests, the constraints in this area are significantly limiting. The District essentially is not allowing for new impacts on those same water bodies. An additional component of the rule addresses the known fact that TBW must do renovation activities to the reservoir which is a two-year time period. Recognizing it will be drained for renovation activities during which if there are below normal rainfall conditions, TBW may not have sufficient surface water to use during that time period and will therefore exceed the 90 mgd. A provision is included, called the exception period, which is a maximum of three years during which, if necessary and subject to District approval, staff would authorize TBW’s exception period where the 90 mgd is not applicable.

Ms. Whitehead said the real major issue is just a series of circumstances with the ongoing drought and issues with the reservoir and desalination plant. Mr. Owen said there have not been sufficient years of production at 90 mgd to measure what that achieves under different hydrologic conditions. He said staff will review the substance of the rules being recommended to govern the second phase of recovery. Mr. Owen said today is the opportunity for staff to seek Board input and answer questions, and ask any third parties to present any outstanding concerns. (CD 1/Track 2 – 00:24/14:39)

Mr. Ken Weber, Water Use Permitting Program Director, Strategic Program Office, elaborated on the seven key points of the proposed rules mentioned by Mr. Owen in his portion of the discussion. The first key point is reissuance of the Consolidated Permit at a quantity of 90 mgd for 10 years. The location of the 11 Central System wellfields that are included in the Consolidated Permit and their relationship to the other sources in Tampa Bay Water’s regional system was noted. The general area of surface impacts caused by Central System wellfields withdrawals as of 1998 was shown, noting that the expectation is that the area will be considerably smaller at a sustained pumpage at or below 90 mgd. The reduction of total pumpage from the 11 wellfields was a major achievement brought about by the Partnership Agreement and the Phase 1 Recovery rules.

The second key point discussed was continued use of the Operations Plan to manage the 11 wellfields in a way that minimizes environmental impacts. The relationship of pumpage to lowered aquifer levels, and thus to impacts on wetlands and lakes, was presented. The Operations Plan uses control points located among the wellfields to rotate pumpage to where water levels are highest, so that the pumpage impacts can be minimized.

The third key point is continued data collection and analysis. Mr. Weber said that this point is essential for assessing the recovery of environmental systems at a sustained pumpage rate of 90 mgd. This will be uniquely valuable in the Cypress Bridge Wellfield area, as this is the only portion of the area where pumpage has increased over the last 12 years. He said it was imperative that environmental impacts not be allowed to occur in this area.
The next key point discussed was the need to continue to evaluate and implement mitigation methods to address impacts that will not be alleviated solely through the reduction of pumpage. It is expected that there will be areas with environmental impacts remaining even at the 90 mgd level, and mitigation will be needed. Mr. Weber noted that several methods were being used and studied, including augmentation with reclaimed water and groundwater, and restoration of historical drainage characteristics.

The fifth key point iterated was the continuation of the expansive water conservation activities that have been very successful in reducing water demands in the northern Tampa Bay area. Mr. Weber demonstrated the large demand reduction for the City of St. Petersburg, the increase in reclaimed water used to offset potable water demand, and the substantial decrease in per capita use rates among Pasco, Pinellas and Hillsborough counties over the last decade. He pointed out that the Partnership Plan goal of a reduction of 17 mgd in potable water demand through water conservation by 2010 and an estimated 26 mgd has been achieved.

The next key point of the proposed rules is to continue the limitation of further impacts within the area. Mr. Weber pointed to language in the proposed rules that limit new withdrawals of groundwater to uses that further the recovery strategy objectives.

(Mr. Combee entered the meeting.)

Mr. Weber stated the final key point is to address the potential need, should it become necessary, to allow the Consolidated Permit pumpage to exceed 90 mgd when the reservoir is being repaired, if that should become necessary. He explained that the proposed rules state that such an allowance would be conditionally permitted during a "reservoir renovation period" as defined in the rule. The reservoir renovation period begins when all of the following occur: District determines hydrologic factors exist that contribute to a water supply deficit, the reservoir cannot produce and is under repair, other sources cannot make up loss of supply, and TBW and its members have complied with all water shortage or emergency orders. During the exception period, TBW and its members must maximize alternative supplies and comply with all District Orders. The reservoir renovation period ends when maximum of 36 months have passed or reservoir storage at or above 11 billion gallons (whichever time period is shorter). The District notifies TBW of the beginning and ending points, TBW must minimize the exception period, and compliance with 90 mgd on a 12-month running average is required within 12 months of renovation period end. The reservoir renovation exception period addresses the potential for temporary exceedance of 90 mgd while reservoir repairs underway only if there is significant drought and other sources cannot make up reservoir loss. Mr. Weber noted that Tampa Bay Water was able to operate at or below 90 mgd in 2003 and 2004 prior to the reservoir coming online; therefore, the exception should not be needed unless hydrologic conditions are at or slightly worse than during that period. (CD 1/Track 3 – 00:00/19:55)

Discussion ensued regarding the exception period, reservoir renovation, pumpage, expectations set with orders, and workshop feedback. Mr. Senft noted that the 36-month period is consecutive and not to be broken up into nonsequential periods. Mr. Gramling asked whether an upper limit should be imposed during the exception period. Mr. Weber responded that, based on the experience with the recent drought, it did not seem to be necessary to state an upper limit in the rule. Ms. Whitehead inquired as to how the District will know TBW is doing everything possible to avoid needing the exception. Mr. Moore stated staff will compare the efforts to what was done during this recent drought. If TBW is not doing everything that can be done, it may be in violation. He stated concern that, if a maximum value was set, it may lead to an expectation that this number could be pumped. Ms. Closshey stated her concern about a maximum limitation and said she understood Mr. Moore’s point. She also noted that reuse of reclaimed water as a source should be
maximized, and that the Board may want to evaluate changes to the water shortage rules. Mr. Owen responded that staff is undertaking a re-evaluation but noted that the water conservation achieved during the recent event was substantial and very successful. Ms. Rovira-Forino asked whether TBW needed to request the exception and whether that would extend the permit length. Mr. Owen stated that the purpose of placing this information in rule was for Board action on these issues because the permit will be issued by staff. He said TBW would have to request the exception, and an extension would not extend the permit term. Ms. Rovira-Forino asked what kind of feedback was received from the member governments at the workshops. Mr. Weber stated that the members did not engage as much as TBW but, based on the meetings, District staff anticipate their agreement. Mr. Owen stated that TBW took the lead at the meetings and staff does not know for certain whether the member governments have any outstanding issues, but if they did staff expected them to be raised today. (CD 1/Track 3 – 19:55/47:00)

Ms. Jan McLean, representing the City of Tampa, said the City appreciates the extensive interaction with District and TBW staffs regarding these rules, and its representatives attended the workshops. She noted that the City raised a concern on the exception period. The City received a report from its consultant yesterday which is being reviewed by City staff and may or may not raise issues for the City. (CD 1/Track 3 – 47:00/48:26)

Discussion ensued. Mr. Gramling stated that he agreed with the staff position to not set a maximum value is the most conservative and appropriate, and that he appreciated staff’s efforts. Ms. Parks stated that she was pleased with the progress that has been made during the recovery period, and that the staffs and elected officials involved have accomplished a remarkable achievement. Committee Chair Senft said this item will be brought before the Board for action at the December 15, 2009 meeting. (CD 1/Track 3 – 48:26/52:49)

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

18. Public Hearing – Requested by City of Tampa Regarding Its Objections to Proposed 20-Year Water Use Permit Rule Amendments
Mr. Owen said that the City of Tampa and Peace River Manasota Regional Water Supply Authority have expressed concerns. He noted the City of Tampa requested this public hearing. Following meetings and based on negotiations with the Authority, a revised staff recommendation will be presented which meets the District’s objectives and addresses the Authority’s concerns. Mr. Owen said staff is requesting concurrence to come back next month and review the specific rule language with the Board. He said there are no changes recommended at this time, unless the Board directs otherwise, regarding the City of Tampa’s concern which were separate and distinct from the Authority’s concerns.

Ms. Karen Lloyd, Assistant General Counsel, noted that in July 2009, the Governing Board approved for adoption rule amendments to restructure the District’s permit duration rule to be more consistent with the durations given by the St. Johns River and South Florida Water Management Districts (WMDs), and to provide incentives for applicants who undertake extraordinary water conservation and reclaimed water reuse efforts. A copy of the proposed rules as approved by the Governing Board was provided in the Board’s meeting information.

Chapter 373.236, Florida Statutes (F.S.), states 20-year permits may be issued, if requested, and there is reasonable assurance that conditions for permit issuance will continue to be met. Most basic of conditions for issuance are reasonable-beneficial use, will not interfere with existing uses, and consistent with the public interest. Specifically, 20-year permits would be issued when requested by the applicant and all conditions for issuance have been met including at least one of the following new 20-year permit conditions:
(a) Source is alternative water supplies (AWS) (existing rule).
(b) At least 75 percent of total water needs met by AWS within 10 years.
(c) Compliance per capita rate less than 110 gallons per day (gpd) within 10 years.
(d) At least 75 percent of reclaimed water reused at a minimum of 75 percent efficiency within 10 years.
(e) Agricultural project with approved Facilitating Agricultural Resource Management Systems (FARMS) application that offsets 50 percent of supply and improves flow/water quality where needed.
(f) Permit is a Small General.
(g) Pre-existing adverse impacts will be addressed within 10 years.

Compliance reports are required at year 10 and 15 to confirm permits continue to meet existing District rules. In addition, when requested by an applicant, it is proposed to issue 20-year permits for Small General Permits (those for less than 100,000 gpd annual average), because these permits have a minimal adverse impact on the water resources. Permits that do not qualify for 20-year duration are proposed to be issued for 10 years; however, the rule continues to allow for different permit durations based on individual circumstances.

Ms. Lloyd said, in August 2009, notice of intent to adopt the rules was published. In September 2009, staff received comments from the Authority, and the City of Tampa requested a public hearing before Board and submitted language as lower cost regulatory alternative. Pursuant to section 120.54(3)(c), F.S., the City of Tampa is being given the opportunity at this Governing Board meeting to present evidence and argument on this issue. District staff met with the City in October 2009 but was not able to resolve its issues. District staff met with the Authority in November 2009 and was able to resolve the issue. The Authority will address the Board at this public hearing about its comments and to request that regional water supply authorities be exempted from the following provision in the proposed rules:

40D-2.322 20 Year Permit Requirements
(3) For 20 year General and Individual Public Supply Permits, if the actual population growth in the tenth year of the permit is less than 90 percent of what was predicted for the preceding 10 year period, the permitted quantities shall be reduced consistent with the actual growth rate experienced unless the projected population for the final year of the permit has not changed by more than 10% based on the District's BEBR medium based GIS model or equivalent methodology or non-population based factors such as large industrial or other uses are demonstrated to require the allocated quantity.

The City of Tampa objects to the provision that requires the 10-year and 15-year compliance reports to demonstrate continuing compliance with existing District rules as being inconsistent with the statutory provisions regarding compliance reports. As described above, this provision is important to ensure that permits issued for 20 years will not fall behind in utilizing current water conservation practices or other best management practices that are adopted by rule.

The City of Tampa’s lower cost regulatory alternative consists of a request that the District delete the extraordinary conservation conditions approved by the Board (listed above) and that the District delete “existing District rules” and substitute “the rules in effect at the time of permit issuance” from the compliance report provision. The effect of this would be to limit 20-year permits to the conservation (and other) criteria in rule at the time of permit issuance, with the result that improvements in water conservation over the ensuing 20 years could not be required. The City’s proposed alternatives did not include a statement as required by section 120.541, F.S., explaining how these alternatives substantially accomplish the objectives of the law being implemented. The City stated only that the
The statute doesn’t require these conditions and the rule should be changed to restate the statutory provisions.

The District is authorized to implement, interpret and prescribe laws or policies set forth in Chapter 373, F.S., through adoption of rules. The District is not limited to adoption of restatements of statutes in adopting its rules. The District’s charge includes ensuring that permits be based upon reasonable-beneficial use and water availability. Allowing permits that do not recognize advances in conservation over a 20-year permit term does not fulfill this charge.

Ms. Lloyd noted Florida rulemaking statutes state that an affected person may request a public hearing to present evidence and argument on the issues under consideration. The Board’s options after the hearing are to modify the proposed rule as requested at the public hearing, modify the proposed rule in another manner, or make no changes to the proposed rule. The affected person’s options after Board action are do nothing (rulemaking proceeds to completion) or file a petition for an administrative hearing before Department of Administrative Hearings. Florida rulemaking statutes state the substantially affected person may submit a good faith written proposal for a lower cost regulatory alternative to a proposed rule which substantially accomplishes the objectives of the law being implemented. If a proposal is submitted, the District must determine whether proposal meets requirements; if it does not, the District may reject the proposal; if it does, the District must prepare a statement of estimated regulatory costs; and either adopt the alternative or give a statement of reasons for rejecting the alternative. (CD 1/Track 4 – 00:00/10:44)

Committee Chair Senft said the Board will hear first from Ms. Jan McLean, representing the City of Tampa, and she will be allowed 15 minutes to present the issue. Then Mr. Doug Manson, representing the Authority, will speak to the Board. Committee Chair Senft said staff will provide comment and restate the recommendation; the public hearing will be closed and then the Board will consider the issues.

Ms. Jan McLean, assistant city attorney for the City of Tampa, said the City appreciates the time the Board is providing. The City requested a public hearing regarding the proposed rules regarding Chapter 40D-2.322, Florida Administrative Code (F.A.C.), about the 20-year permit duration. The City submitted a lower cost regulatory alternative for two specific rules that had been addressed. The first is additional conditions for a permit to be able to eligible for a 20-year permit. The City’s suggestion is to delete the conditions and comply with the language of the statute. Regarding 20-year compliance, there currently exist five-year compliance reports while the District’s proposed rule recommends a 10-year and 15-year compliance report. The District’s proposed rule said the permittee would submit a compliance report at the 10-year and 15-year mark and it would be reviewed in conjunction with the existing District rules—that is the rules that were in existence at the time the compliance report is submitted. The City suggested that the District revise its rules to be compliant with the statute which says more specifically that the compliance reports would be reviewed in conjunction with the conditions for issuance at the time the permit was issued. The City received an email that the District had rejected the lower cost regulatory alternative based on the position that the City had not complied with the statutory provisions of Chapter 120, F.S., by including a statement of how the lower cost regulatory alternative would meet the underlying statutory provisions for both the conditions to be eligible for the 20-year permit and for the compliance report. The City finds itself in disagreement with the District in that decision with regard to rejecting the City’s request for lower cost regulatory alternative.

Ms. McLean said she will concentrate on the section of the proposed rule on compliance reports. She emphasized that compliance is that the permittee submits the report to demonstrate that the permit is compliant with the permit conditions under which the permit was issued. If the District intends to go forward and say that a permittee has to submit a
report at 10 years and 15 years instead of the minimum of five years, the permittee would have to be compliant with rules that would have been adopted after their permit was issued. The example used here is for every evolving technology for water conservation. One must continue to move forward in water conservation; however, the proposed rule is not limited to that particular issue of a permit. Chapter 373.171, F.S., says that "no rule or order shall require modification of an existing use or disposition of water in a district unless it is shown that the use or disposition proposed to be modified is detrimental to other water users or water resources of the state." If the District is going forward in its proposed rule, it would be modifying the use of the permittee without demonstrating that the permittee is no longer using that water in a reasonable-beneficial manner, does not interfere with existing users and is in the public interest. In other words, the District would have adopted rules in the interim and would then modify the permit and not demonstrated that the water use is no longer meeting the three-part test. Chapter 373.236(4), F.S., was amended in 1997 and the legislative staff analysis says "that it is anticipated that the permittee would be complying with the permit conditions given to the permit at the time of issuance." The City contends the District’s proposed rule is in contravention of that statute where it is saying that the permittee has to meet existing District rules at the time of the compliance report. In comparison, the St. Johns River WMD applicant’s handbook has specific language saying “the report shall contain sufficient information, maintain reasonable assurance that the permittee’s use of water will continue for the remaining duration of the permit...to meet the conditions for permit issues set forth in the district rules that existed at the time the permit was issued for 20 years by the district.” The South Florida WMD Basis of Review is not as direct as St. Johns River WMD but also mimics the language of the statute with regard to the conditions for issuance that the compliance report will continue to meet the conditions for issuance of the permit. For comparison, regulated entities listen to all three major WMDs and recent rulemaking introductions say that the purpose is to be consistent with the other WMDs.

Ms. McLean noted the City participated in all the public workshops, and submitted written comments and offered verbal comments. The City met with staff who are always congenial, and willing to listen and work with the City. The City found itself in the position of having to request this public hearing because the City feels strongly it has to have the ability to rely on the permit conditions that it was provided in order for the City to plan and finance evolving conservation techniques or whatever conditions that have been put on the permit. If this is the District’s position, then the City has to be ready in any moment in time over those five years to react to newly adopted rules—it does not place the City in the position to be able to rely on the permit issued. The City’s permit is a 20-year permit and it requires five-year reports. The proposed rule offers a 10-year and 15-year compliance report but the proposed rule would also apply to newer or renewal permits. The City wants to be able to assure itself on the next renewal permit that it would be able to rely on the statutory provisions that are provided to it. (CD 1/Track 4 – 10:44/23:52)

Discussion ensued with Board members asking about compliance report forms and conditions, WMDs program implementation, and rule interpretation. (CD 1/Track 4 – 23:52/33:31)

Mr. Doug Manson, attorney for the Authority, thanked the District’s staff for working with the Authority to make the changes and consider the Authority’s unique circumstances and issues with water supply entities that bond far into the future. (CD 1/Track 4 – 33:31/33:57)

Mr. Owen said he appreciated the Authority’s participation in the District’s rulemaking. He reminded the Board that this District has adopted rules, and in certain rules it is explicitly stated that certain provisions affect not only new applications but existing permits. Permits are modified by rule through an extensive process to ensure the stakeholders, including all the permittees who would be impacted by the rule changes, are knowledgeable of what is being proposed and given the opportunity to participate. Most recently that would include
the rules affecting the Southern Water Use Caution Area (WUCA), Northern Tampa Bay WUCA, per capita that were revised Districtwide and extended in the northern part of the District, and enhanced water conservation. All of those had certain provisions that said not only are new applications affected but existing water use permits are affected. For instance, in the northern part of the District before amending per capita rules, there was no rule requirement limit of a maximum of 150 gallons per person per day. A number of the affected permittees spoke to this Board—The Villages, On Top of the World, and several others that engaged extensively in negotiations. One of the outcomes was that some of those communities are currently so high in their per capita rates it will take a substantial amount of time to come into compliance. Those communities were given a 10-year timeframe and have to report annually to the District in an annual water use report on their actual per capita rates, population served, etc.

Mr. Owen said, in his opinion, it would make no sense to have a 20-year permit in that area and say, even though the permit was amended through this rulemaking effort, only report on compliance with the rules that existed at the time the permit was issued. The District relies on all the statutory provisions that give the District authority, not just the specific components Ms. McLean has recommended. The District has required compliance reports for years long before the recent statutory provisions for 20-year permits were added in the compliance reports. In the past year to two, private agricultural landowners saw opportunities to contribute to water resource development, and the Legislature added another provision where up to 50-year permits could be issued for those circumstances. The specific language was the compliance report would be against the rules that exist at the time the compliance report must be submitted. In terms of legislative intent, this is changing over time and it only makes good public policy sense that if new information is available, it would be incorporated into the rules and permits amended. Based on that, reports would show how they comply with all the rules that apply to the permit, not just the rules that existed at the time the permit was issued. (CD 1/Track 4 – 33:57/38:22)

Mr. Moore noted that there has not been any case law that speaks to this to date. Mr. Bilenky said this particular issue has not gone before the courts yet.

Ms. McLean said the District has adopted rules that have been applied across the board to all permits. Permittees acquiesced but that does not mean it is correct or accurate that it is within the statutory provisions. Recently, under Chapter 373.236, F.S., it addressed alternative water supplies and, for those people who have a significant contribution of land in order to use that as a basis for water supply, they could get a longer term permit and comply with the conditions of issuance at the time of the existing rules because there was no confines under which that water use could be identified. The Legislature found that this particular use should be identified to be reviewed under the existing District rules as opposed to the ones in the previous subsection regarding a 20-year permit that had been issued conditions of issuance and coming into compliance with those conditions of issuance. Ms. McLean requested the Governing Board to take a position on the staff’s recommendation rejecting the lower cost regulatory alternative on the two particular rules that the City had submitted its request for a Statement of Economic Regulatory Costs. (CD 1/Track 4 – 38:22/41:10)

Mr. Owen said the issues brought before the Board by Ms. McLean are the same issues that have been discussed without resolution. The City’s two concerns are all the incentive-based components of the rule, and 10-year and 15-year compliance reports against the rules that exist at the time the reports are submitted. Staff feels the District has the statutory authority.

For the Authority, Mr. Owen said staff recommends returning back next month with changes in respect to its concern. Ms. Lloyd said the staff recommendation is to authorize staff to revise language to address the Authority’s issue in respect to unrealized population
growth. The current rule provides that, if population growth does not match at 10 years what was projected initially when permitted, allow language to be altered so the applicant may demonstrate why the District should not reduce the permit because the growth has not occurred.

Discussion ensued regarding rulemaking changes to permit criteria and modifications.

Committee Chair Senft said staff recommends rejecting the City of Tampa’s submittal of a lower cost regulatory alternative on the grounds that it fails to meet statutory requirements of setting forth how its alternative substantially accomplishes the objectives of the law being implemented. Also, the Board approve the rules as recommended by staff subject to discussions with the Authority at the Board’s December meeting.

Mr. Joerger expressed his support of staff’s recommendation. He noted that the regulatory processes entail tremendous public interactions; having a 20-year permit enables long-term planning, but new ideas occur and it seems reasonable to apply new rules to permits. In response to Mr. Gramling’s question, Mr. Owen said if a permit cannot comply at year 10 or 15, then the permittee may request a rule variance to acknowledge meeting the intent but not the strict requirements of that rule. Mr. Gramling said his concern is that a permittee is not able to anticipate future costs and they in good faith took out a 20-year permit. He said the District may be creating a scenario that automatically puts a permittee out of compliance. Ms. Lloyd said this is not applicable to existing permits. She said there is a provision that says that these rules apply to new applications, renewals and if there is a substantial modification of a permit that is essentially a new permit.

In response to Ms. Closshey’s inquiry, Ms. McLean said she submitted one document addressing two rules and two suggested revisions for the lower cost regulatory alternative. She said the District is addressing it as one submission and therefore rejecting both. She said she addressed the first suggested revision by deleting language and the second one did suggest alternative language to comply with the statute. Ms. McLean said, on September 18, 2009, the City submitted a request for hearing and lower cost regulatory alternative for two rules: proposed rules 40D-2.321(1)a-f regarding 20-year permit conditions and 40D-3.222(2) suggested deleting “existing district rules” and substitute “the rules in effect at the time of permit issuance.” (CD 1/Track 4 – 41:10/55:50)

Committee Chair Senft closed the public hearing for the Board to begin its discussion.

For the purpose of discussion, Mr. Gramling moved, seconded by Mr. Joerger, to approve the staff recommendation to (1) authorize staff to revise language to address unrealized population growth, and (2) reject the City of Tampa’s lower cost regulatory alternative because it does not accomplish the objectives of the law being implemented and is not shown to be lower cost.

Ms. Closshey requested Mr. Bilenky to provide a recommendation to the Board. Mr. Bilenky said the first issue he needs to address is the issue that granting a permit is not a contract. He said the District does not exchange consideration and will often impose conditions upon a permit that are not acceptable to the permittee. The District can deny a permit but, philosophically, the District likes to work with permittees to reach agreement to minimize the challenges that may follow a permit denial. It is permission granted by the District to use the waters of the state for beneficial purposes under certain restrictions and conditions imposed by the District.

Mr. Bilenky said Ms. McLean references Chapter 373.171, F.S., which is a statute not in the consumptive use Part of the statutes which are in Part II. Chapter 373.171, F.S., is in Part I regarding general rules that govern rulemaking. The Governing Board has the ability to adopt rules or issue orders affecting the use of water as conditions warrant, and
would seem to permit the District to change its rules as conditions and environment warrant.

Mr. Bilenky said the 20-year statutory provision is a later act of the Legislature being adopted later than Chapter 373.171 in 1998; the latest changes reflect that the Legislature had that chapter in mind when it adopted the 20-year statutory provisions. The statute basically says that, when necessary to maintain reasonable assurances, conditions for issuance of a 20-year permit can continue to be met by the Governing Board or Department in addition to any conditions required pursuant to another statute in Part 2 of the Chapter 373.219 which has language saying an agency can condition these permits into the future as long as they are not harmful to the water resources of the area. Contemplating a 20-year permit as a living document that can be changed over time is cognizant within the statutes. The rule was tailored so as not to take away permit conditions that were originally granted to the City of Tampa, in this case in that the Rule operates prospectively. District staff specially represented that to the City in numerous meetings. This rule does not affect the City’s permit but it will when the City returns for renewal since it may be faced with additional conditions.

Mr. Bilenky noted, when reviewing the language of the three major WMDS, they are not in exact compliance with how the City believes the statute works. St. Johns River WMD is restricted to the conditions at the time of issuance; however, in its compliance report, permittees are required to file a report as if they were coming in for a new permit at that time. South Florida WMD’s language states that reports include conditions of issuance plus all subsequent changes, such as conservation efforts are to be included in the report. The weight of the authority seems to support staff’s recommendation today and, if put to the test, the District should prevail in its interpretation of the statute. (CD 1/Track 4 – 00:55:50/01:03:20)

In response to Mr. Tharp’s question, Ms. Lloyd said there is a standard permit condition that states when the District updates its rules, the permit will be subject. The City of Tampa’s permit includes two conditions: (1) when the District adopts new per capita rules, the permit is subject to them; and (2) when the District adopts new water conservation rules, the permit is subject. In response to Mr. Beswick’s question, Ms. Lloyd said as part of the rulemaking process, water use permittees who are affected by the rule are noticed of changes.

Mr. Moore said the City of Tampa has submitted its concerns to the Joint Administrative Procedures Committee (JAPC) who will review the District’s action and provide an opinion to the City’s submittal. Once that opinion is rendered, it will be brought back to the Board for further discussion. Ms. Lloyd noted the City will have a window of 21 days from this action to request an administrative hearing which may happen before the JAPC opinion is received.

Committee Chair Senft called the question. Motion carried unanimously. (CD 1/Track 4 – 01:03:20/01:06:22)

19. Initiation and Approval of Rulemaking to Revise District Rule for Providing Emergency Authorizations for Activities Regulated Under Part IV of Chapter 373, Florida Statutes, and to Adopt Emergency Field Authorization Form

Mr. Owen said staff requests initiation of rulemaking and approval of amendments to Rules 40D-1.1021, and 40D-1.659, Florida Administrative Code (F.A.C.), to revise the requirements for obtaining emergency authorizations to conduct activities regulated under Part IV, Chapter 373, Florida Statutes (F.S.), and to adopt an emergency field authorization form. These amendments are proposed to provide a more effective and efficient process for obtaining emergency authorizations.
Mr. Owen said District staff has been working with Pasco County for several years on flooding problems, particularly in the west part of the County. In certain rainfall events, the County has found it necessary to mitigate flooding activities to homes or businesses. These activities might include pumping water from one area to another, opening culverts and other actions. Under the District’s current rules, if those activities require a permit, the County needs to have a permit application in-house. County staff has brought to the District’s attention how impractical that is in certain circumstances. At the County’s request, this emergency field authorization form would allow for an opportunity for certain activities that do not lend themselves to an environmental resource permit (ERP) to be authorized literally in the field if necessary by a staff person. Then subsequently there would be a requirement that the County needs to apply for an ERP if it is going to leave those in place. If an ERP is not needed, the County can simply return it to the conditions that existed prior to the mitigation actions in a certain time frame.

If authorization to initiate rulemaking is approved, staff will proceed with the rulemaking process for adoption of the applicable amendments without further Governing Board action unless there are substantive public comments or proposed changes, in which case the rule amendments will be brought back to the Board for further action.

Staff recommended to authorize initiation and approval of rulemaking to revise District Rules 40D-1.1021 and 40D-1.659, F.A.C., to revise the requirements for obtaining Emergency Authorizations to conduct activities regulated under Part IV of Chapter 373, F.S., and to adopt an Emergency Field Authorization Form. Following consideration, Mr. Tharp moved, seconded by Mr. Oakley, to approve the staff recommendation as presented.

Mr. Combee said that, as a former county commissioner, he applauds staff for their effort in assisting municipalities during emergency events. Vice Chair Oakley was in agreement and noted this will assist Pasco County in taking action right away.

Committee Chair Senft called the question. Motion carried unanimously.

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

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

21. Individual Permits Issued by District Staff
Mr. Owen noted that, on page 52 of the Board’s Regulation Committee information, the permittee name is Doe Hill Citrus and the correct permit number is 20013370.000.

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 referred to page 56 of the Board’s Regulation Committee information, regarding the Citrus County Water Use Resources Department permit. He said Citrus County purchased utilities from the Florida Government Utility Authority several years ago. The utilities were in overpumpage at that time and the District entered into a consent order with the County that required certain actions. The County went forward with the actions and the District thought the utilities were in compliance. There was a discrepancy in the reporting of meter data that meant the utilities did not come into compliance with the permitted quantities. The County brought this to the District’s attention and staff is working with the County to address the overpumpage. Over the next two to three months, the District’s legal department will have a proposed consent order for the Board’s
consideration. Mr. Moore said one of the remedies the County is considering, is to implement a conservation program and includes increased enforcement and conservation-oriented rate structures. When this matter went to the County Commission, local citizens voiced their concerns that the 150 gallons per day (gpd) per person is not fair and they should not be treated like the Tampa Bay area communities since they are single-family homes and not condominiums. Messrs. Tharp, Moore and Owen met with the some of the utility directors and the county administrator; and this matter will be brought before the Commission on December 1. Staff made the point that, if the per capita rule was based on condominiums, the rate would not be 150 but maybe 70 or 80. The reason 150 is used is because the District recognizes that the utilities serve primarily just single-family homes. Local citizens are also concerned about the level of enforcement. The District sent a staff team out on a Saturday and Sunday, and in a two-day period staff found nearly 200 people violating water restrictions. This information was passed onto the county administrator and utility director. The District believes it is a reasonable goal to give the northern part of the District 10 years to come in compliance with 150 gpd per capita.

24. **Resource Regulation Significant Initiatives**

- Mr. Owen noted, that on page 61 of the Board’s Regulation Committee information, a number of new categories have been added under Compliance Activities.
- Mr. Owen said that Tampa Bay Water has petitioned the Florida Department of Environmental Protection (FDEP) to reclassify the Alafia River and Tampa Bypass Canal (TBC) to Class I Waterbodies. He said the District has been concerned with reclassification of the Tampa Bypass Canal which was originally constructed as a flood protection facility and whether reclassification would interfere with the use and maintenance of the TBC as a flood protection facility. Several FDEP staff members from Tallahassee met with District staff, and the conclusion is there should not be any impact on the continued use and maintenance of the TBC. Staff put into writing the District’s understanding to the FDEP and requested a confirmation in writing. Therefore, the District will not have a position on the reclassification.
- Mr. Pepper said, in regard to the consent order with Tampa Bay Water, the District received a formal project proposal in lieu of payment of penalties. Staff has concerns in that the proposal calls for TBW to do an analysis from its existing database of Florida-friendly landscaping versus traditional landscaping in terms of irrigated quantities, use, etc. The major concern is that it may be duplicative of a study the District is undertaking. TBW staff has expressed a willingness to participate in the District’s existing study. Staff will formally respond to the project proposal to provide a scope of how TBW can participate.

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, provided 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. October historically marks the first month of the eight-month dry season, and provisional rainfall totals as of October 27 have been below-normal in the northern and southern regions. Rainfall during the month has been scattered, regionally variable and mainly associated with several cold fronts moving over the Florida peninsula. The provisional 12-month Districtwide rainfall deficit increased during October, ending the month approximately 7.0 inches below the long-term average. The 24-month and 36-month cumulative rainfall deficits are approximately 11.4 and 20.3 inches, respectively.
Most hydrologic indicators throughout the District declined during October. Lake levels in the Northern, Polk Uplands and Lake Wales Ridge regions of the District remained at below-normal levels, while lake levels in the Tampa Bay region, which had moved into the normal range in September, dropped back into below-normal conditions. Streamflow on the District's major rivers dropped into below-normal conditions, while groundwater conditions were at below-normal to low-normal conditions. The dry season runs from October through May, and further declines are expected through this period.

Current NOAA climate forecasts continue to predict above-normal rainfall conditions for the District during November 2009 through May 2010, due to El Niño conditions in the Pacific Ocean. Above normal rainfall during the dry season would improve overall hydrologic conditions, lessen or eliminate resource-related impacts during the coming dry season, and will be needed to fully recover from the multi-year drought. (CD 1/Track 6 – 00:00/08:00)

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

27. **Facilitating Agricultural Resource Management Systems (FARMS) – Memorandum of Agreement with Charlotte County for the Implementation of FARMS Projects**

Mr. Eric C. DeHaven, P.G., Director, Resource Data and Restoration Department, said staff is requesting approval to enter into a Memorandum of Agreement with Charlotte County to remove County Environmental Impact Statement (EIS) requirements pertaining to surface and ground water resources, and promote communication on FARMS Program projects which involve tailwater recovery pond excavations. The District's FARMS Program, developed by the District and the Florida Department of Agriculture and Consumer Services in 2003, is a public/private agricultural Best Management Practice (BMP) cost-share reimbursement program. 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 2006 and 2007, Charlotte County revised its excavation and earthmoving code to better regulate an increasing number of earthmoving permit requests. The revisions to the County ordinance included a new category of excavations, classified as Group IV, defined in the ordinance as "the excavation and off-site transport of material for agricultural purposes in accordance with a Qualified Agricultural Assistance Program." This classification was created to streamline the County permitting process for District FARMS Program projects, recognizing that these projects provide significant benefit to the water resources of Charlotte County. The County ordinance still requires an environmental impact statement (EIS) to be completed on Group IV excavation projects; however, several of the EIS components overlap activities performed by District staff in authorizing construction of FARMS projects.

Following several meetings with District staff, County staff determined that District authorizations, including permits and exemptions, will suffice for the Charlotte County EIS requirements pertaining to surface and ground water resources for tailwater recovery pond excavations associated with District FARMS Projects. In order to ensure that FARMS projects involving excavations are properly installed, operated and maintained by participating growers, District and County staff have agreed to communicate on the application, permitting, construction and operation of these projects that will include, at a minimum, bi-annual meetings, appropriate permit review, and periodic site visits.

Since Charlotte County does not plan to revise its excavation and earthmoving code in the near future, District and County staff have proposed to memorialize this agreement through a Memorandum of Agreement between the two entities. The proposed agreement will not require additional funding. It is anticipated that this agreement will further
streamline the permitting process resulting in reduced costs to FARMS applicants and an increase in the number of FARMS projects completed. This, in turn, will improve water resource conditions, especially as applied to water quality improvement as documented in the Shell and Prairie Creek Watershed Management Plan, and reduction in groundwater pumping as documented in the SWUCA Recovery Strategy. There are currently 19 FARMS Projects in Charlotte County and 12 use surface/tail water reservoirs (nine operational). The projected offset of groundwater pumping is 3.55 million gallons per day.

Staff recommended to approve the Memorandum of Agreement between the Southwest Florida Water Management District and Charlotte County to remove County Environmental Impact Statement requirements pertaining to surface and ground water resources and promote communication on FARMS Program projects involving tailwater recovery pond excavations, and authorize the Executive Director to execute the agreement. Following consideration, Mr. Combee moved, seconded by Ms. Rovira-Forino, to approve the staff recommendation as presented. Motion carried unanimously. (CD 1/Track 6 – 08:00/20:51)

The meeting was recessed at 12:15 p.m. to provide a lunch break. The meeting reconvened at 12:50 p.m. without Ms. Closshey and Mr. Senft who left during the break.

28. **Regional Observation and Monitor-Well Program (ROMP) Status Update**

Mr. Eric DeHaven, P.G., Director, Resource Data and Restoration Department, provided an overview of the Regional Observation and Monitor-Well Program (ROMP) and presented the ROMP Work Plan 2009-2013. The ROMP was established in 1974 to construct the District's hydrologic conditions regional well network and provide baseline data on aquifer level, hydraulics, and water quality. These wells are the backbone of the District's groundwater hydrologic conditions reporting and are designed for long-term monitoring of groundwater levels, general water quality monitoring and movement of the saltwater/freshwater interface. The ROMP constructs monitor and test wells in each aquifer encountered at a site, delineates flow zones, conducts hydraulic and water quality profiles with depth, and performs deep exploratory drilling. Aquifer tests data collected by the ROMP are an essential part of all groundwater models and resource evaluations conducted by the Resource Regulation and Resource Projects Departments. Approximately 220 ROMP sites and additional groundwater investigation projects have been completed since the program's inception. In recent years, the program has an increased emphasis on aquifer testing and well construction in the northern regions of the District, the aquifer characteristics of the Lower Floridan aquifers, and additional special project work such as arsenic investigations for Aquifer Storage and Recovery, and Minimum Flows and Levels support. Ongoing support of issues within the District's designated Water Use Caution Areas is also provided.

The ROMP Work Plan 2009-2013 identifies the well sites and data collection requirements of the District. These well construction and data collection requirements represent the priority well and hydrogeologic data needs of both the Resource Regulation and the Resource Management Divisions as follows:

- Hydrologic Conditions Reporting
- District Groundwater Flow and Saltwater Intrusion Modeling
  - District-Wide Regulatory Model
  - Northern District Model
  - Integrated Model of the Peace River Basin
- Regulatory
  - Minimum Flows and Levels Establishment
  - Recovery Monitoring
  - Saltwater Intrusion Monitoring
  - Alternative Source Investigations (Lower Floridan aquifers)
• Water Resource Management Studies
  ▪ Northern District Water Resource Assessment Project
  ▪ Northern Tampa Bay Phase II
  ▪ Upper Floridan aquifer/Withlacoochee River Interaction
  ▪ Arsenic issue related to Aquifer Storage & Recovery
  ▪ Interaction Between the Upper Floridan Aquifer and Lake Panasoffkee
  ▪ Marion County Water Resource Assessment

The work plan provides detailed information on the coring, well construction, and aquifer testing requirements by fiscal year over the five-year planning period. The work plan also summarizes supporting projects being conducted by the ROMP staff as well as existing sites (mainly older sites) that require additional well construction or data collection work.

In response to Mr. Combee’s question, Mr. DeHaven said the work is performed by District staff since it is more cost effective to ensure specifications are met. Mr. Moore said the District has had requests to completely privatize this operation and extensive analyses have been performed. He said the District’s core operation is recognized as the premiere operation in Florida and the Southeast. The Well Drillers Advisory Committee recommended the District continue to perform this work to ensure a level of expertise to oversee operations. Mr. Moore said about two-thirds of the program are done by contractors and one-third by District staff. In response to Mr. Combee’s question, Mr. DeHaven said work may be rescheduled when special project works occur, such as land purchases with wells needing to be abandoned and plugged. Mr. DeHaven said the work plan identifies the staff, financial and equipment resource requirements necessary to execute the work plan. (CD 1/Track 7 – 00:00/25:00)

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

**Submit & File Reports** – None

**Routine Reports**
The following items were provided for the Committee’s information, and no action was required.
29. Florida Forever Funding
30. Minimum Flows and Levels
31. Structure Operations
33. Significant Water Supply and Resource Development Projects
   (CD 1/Track 7 – 25:00/25:27)

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

**Outreach and Planning Committee**

**Discussion Items**
34. “Get Outside!” November 7 Serenova Tract Event Highlights
   Mr. Michael Molligan, Director, Communications Department, provided an overview of highlights of “Get Outside!” Day held on November 7, 2009, at Starkey Wilderness Preserve’s Serenova Tract in Pasco County. In preparation for the first event at the Serenova Tract, more than 10,000 invitations were mailed to nearby homeowners associations, churches and schools. The event was also promoted by District staff from Community and Legislative Affairs, Executive and Planning departments, Pasco County Parks and Recreation, and Pasco County and Pinellas County offices of tourism. More than 200 vehicles were counted at the event, not including those belonging to working
staff and vendors, with an estimated attendance of greater than 400 people. The November 7 event consisted of family-friendly activities which included a guided nature hike, scavenger hunt, native plant raffle, pet a pony, fishing education, “What Doesn’t Belong?” game, leaf rubbings, water quality testing, aquatic plants and bugs identification, and a “Get Outside!” pledge. More than 240 attendees signed the pledge. Educational displays included land management equipment, a campground setup, fossils and artifacts. Event expenses total $4,205 and include security, portable toilet and washing station rental, traffic control, promotional items, and hike guides. A review of the event survey results was provided.

Future events are scheduled for the Green Swamp Wilderness Preserve’s Hampton Tract in Polk County on February 27, 2010, and Deep Creek in DeSoto County on April 10, 2010. (CD 1/Track 8 – 00:00/10:44)

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

35. **“Skip a Week” Campaign**

Mr. Michael Molligan, Director, Communications Department, provided an overview of how social research was used to guide the development of the District’s November–February “Skip a Week” ads. In FY2009, the District implemented a comprehensive research plan to enhance evaluation and to provide information staff can use to design future public service advertising campaigns. As part of that plan, pre-surveys and post-surveys were used to evaluate the FY2009 campaign. In planning the FY2010 campaign, staff incorporated several insights from the survey results:

- Using a consistent tag line to tie all messages together. “Florida’s Water: It’s Worth Saving” has been selected for the FY2010 campaign.
- Integrating messages throughout existing District programs, events, materials and mediums to extend exposure.
- Promoting skipping a week of irrigation in the winter as “normal,” easy and quick.

The final component of the media research plan was qualitative research designed to help staff develop the ads for the upcoming “Skip a Week” campaign. Based on previous research, staff developed four ad concepts. After scripts were finalized for each, draft ads were filmed using District staff as actors. These drafts were tested with four focus groups during August in the District headquarters and service offices. The four draft ads all promoted watering only every other week in the cooler months of December through February. Focus groups consistently selected the ad featuring a man reassuring his neighbor that skipping a week of irrigation in the winter was not only easier, but also healthier for the lawn. This ad, featuring neighbors Tom and Stan, was seen as the most effective in promoting skipping a week of irrigation in the winter. Participants said they related to the neighbors sharing information about lawn maintenance. Many recalled having similar conversations with their own neighbors. Protecting their lawns from pests and disease also resonated strongly with focus group participants. The ad gave them permission to relax and take a break from laboring over their lawns. In addition to promoting water conservation, this spot gave the audience direct benefits and immediate gratification.

Using the results from the focus groups, staff built final ads around the Tom and Stan characters. The first Tom and Stan ad was very closely related to the draft ad favored by the focus group participants. The ad emphasized that skipping a week of watering in the winter can protect lawns from pests and disease. District research has consistently shown that people tend to “set and forget” their timers and that many do not understand how to set their timers to skip a week. The second ad focuses on Tom showing Stan how easy it is to turn off his irrigation timer during the weeks he wants to skip and turn back on when he wants to irrigate. This ad illustrated that skipping a week of irrigation is as easy as turning off your timer. Two staff members also appeared in the commercial. A short
animated segment was added to emphasize the pests-and-disease message. A sample of the ads was shown to the Board members.

The FY2010 “Skip a Week” media buy will run November 16, 2009 through February 14, 2010. This integrated campaign includes ads in television, radio, newspaper, electronic billboards and online media. Two 30-second commercials will run on 17 television stations beginning November 30 and continuing throughout the campaign time frame, with a two-week hiatus during the Christmas/New Year’s holiday season. Almost 15,000 radio spots will run during the length of the campaign on a total of 25 broadcast stations and 12 streaming online stations. There will be biweekly advertisements in 12 newspapers located within the District with a combined circulation of more than 900,000 readers. In addition, “Skip a Week” ads will be shown on 12 electronic billboards during the month of January and featured on six radio station web sites. The integrated messages for all these ads include informing residents that overwatering can cause pests and disease and encouraging them to turn off their irrigation systems to skip a week of watering during the winter.

To maximize campaign results, the District will extend the campaign from late November through the end of February by integrating the message through a variety of other outreach efforts including special events, the District’s web site, media relations and social media efforts such as Facebook and Twitter. The District will also work with existing partners to promote the “Skip a Week” message to a broader audience. The costs for the “Skip a Week” campaign include approximately $40,000 in ad development and $716,000 in purchased ad space, leaving approximately $146,000 for additional advertising contingencies.

In response to questions by Ms. Parks and Ms. Closshey, Mr. Molligan estimated that the District web site has 35,000 to 40,000 hits per month and there is a link to sites in the Spanish language. The number of unique visitors to the District’s web site was later updated to the Board to be greater 50,000 per month. In response to Mr. Tharp’s question regarding how the campaign is evaluated, Mr. Molligan said staff analyzes the frequency a site is visited in relation to the current media campaigns, the reach and frequency of the campaign, and results from pre- and post-campaign surveys regarding recall and awareness. For the Board’s information, he said the first printing of 10,000 Recreation Guides has been sent or given out, and a second printing is being ordered. (CD 1/Track 8 – 10:44/28:07)

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

36. **Legislative Update**

Mr. David Rathke, Director, Community and Legislative Affairs (CLA) Department, provided an update on federal and state legislative issues. He noted the guiding principles staff are following in federal issues (support data collection and analysis, monitor regulatory reforms, and advocate for funding) and state issues (pursue gains in efficiency, support regulatory incentives, and advocate for funding).

On the federal side, Mr. Rathke said the District supports lifting the funding cap on private activity bonds, the use of tax credit bonds to help fund alternative water supply development, and funding for the West Central Florida Water Restoration Action Plan. Staff is also evaluating other projects for potential funding which include Private Activity Bonds, Clean Renewable Water Supply Tax Credit Bonds, and Water Resources Development Act. He noted the budget priorities are Federal Emergency Management Agency, National Estuaries, U. S. Geological Survey and Water Resources Assessment Projects.

Mr. Rathke reviewed issues associated with the current state budget including projections for the coming year, legislation that could have potential impacts to the District, interim project recommendations, and new committee structures. Proposed legislative initiatives
the District supports are cleaning up some language from legislation passed last year regarding Basin Boards; electronic notification of District rulemaking rather than newspaper advertising; online permitting; accepting routine maintenance responsibility for the Peace Creek Drainage Canal; consistency of conservation efforts of counties split between Districts during water shortage declarations, funding for the West-Central Florida Water Restoration Action Plan; and restoration of state funding for land acquisition, management, restoration and alternative water supply development.

Messrs. Moore and Wirth provided a brief update on activities with the Peace Creek Drainage Canal.

Mr. Rathke noted that budgeting for state-funded programs is based on the scenario of being dependant on documentary stamp revenues, no funding in FY2009-FY2010, and tax reform. State budget priorities include funding of the Water Management Lands Trust Fund, Florida Forever funding, Water Protection and Sustainability Trust Fund, and Water Resources Assessment Projects. Other state issues include delegation of permits, local sources, statements of economic regulatory costs, springs, statewide water board, and stormwater.

Ms. Whitehead and Mr. Joerger noted that former Governor Bob Martinez has a website for citizens to pledge their support for Florida Forever—www.supportfloridaforever.org. (CD 1/Track 9 – 00:00/10:44)

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.
37. Comprehensive Plan Amendment and Related Reviews
38. Development of Regional Impact Reviews
39. Speakers Bureau
40. Significant Activities

In response to an earlier question from the Board, Ms. Kavouras noted that the number of website hits is 54,059 for September and 53,935 for October. In March and April, the number rose to almost 100,000 each month due to drought messaging. Since the Board’s last meeting, the Communications, Community & Legislative Affairs (CLA) and Planning Departments have been busy. CLA staff held a workshop on the Phase III Water Shortage implementation for utilities in the southern part of the District, CLA staff held cooperative funding workshops, Communication staff facilitated five Florida-friendly landscaping workshops for homeowner associations, and staff held a Florida Water Star® Gold event to certify seven homes in the Wimauma area which Ms. Rovira-Forino attended. In response to Ms. Parks’ question, Mr. Molligan provided a brief overview of the workshops with the homeowner associations. (CD 1/Track 9 – 10:44/19:00)

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

Finance and Administration Committee

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

42. **October 2009 Interim Report on Workforce and Vendor Diversity**
Committee Chair Parks said the program is doing well. Ms. Rovira-Forino said the District’s program is aggressive and positive, as well as the procurement initiatives being outstanding. She commended Finance Department staff for making a mark in the economy for all the District areas served. She noted that, every year, the District incrementally increases the amount of procurement dollars going to diverse vendors. Mr. Schiller said almost 30 percent of the District’s disposal contractual expenditures is for minority and small business. (CD 1/Track 10 – 00:00/02:18)

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

43. **Treasurer’s Report, Payment Register, and Contingency Reserves**
44. **Management Services Significant Activities**
Mr. Schiller said that Fiscal Year 2009 is now officially over. He said audits are occurring now and the Board will probably receive the financial audit in March 2010. Mr. Schiller noted that the State Board of Administration has paid out another $140,000 to the District, leaving approximately $10.5 million in the fund. He said that the December Board meeting is important since the Fiscal Year 2010 budget assumptions will be presented with an update of the long-range funding plan through 2030. Mr. Combee said he was late to the meeting due to assisting a friend with a matter before the Polk County Commission. He said he urged the Commission to look at ways to help with the local economy. He said this Board has talked about expediting expenditures that were planned, but he did not remember receiving an update on how successful that has been. Committee Chair Parks said that information would be appropriate for inclusion in the report next month with the long-range funding plan. Mr. Schiller said the District has been expediting all its internal projects and is tracking expenditures with cooperators. He noted approximately $300 million is going into the economy for 2010 and the majority is outsourced locally. Mr. Combee voiced his concern that the District should be using its funds to assist the contractors and vendors of the District, and not holding money which could help the economy. (CD 1/Track 10 – 02:18/07:41)

Finance and Administration Committee Chair Parks relinquished the gavel to Vice Chair Oakley.

General Counsel’s Report

Discussion Items

45. **Consent Item(s) Moved for Discussion** – None
46. **Rulemaking Process Overview**
Mr. Bilenky noted that Sections 373.044, 373.113, and 373.171, Florida Statutes (F.S.), authorize the District to adopt rules pursuant to Sections 120.536(1) and 120.54, F.S., to implement the provisions of Chapter 373, F.S. Chapter 120, F.S., sets forth the administrative requirements for the rulemaking process. The length of time to complete the process may vary depending on the complexity of the rule.

Using a graphic flowchart, Mr. Bilenky presented the steps of the rulemaking. He discussed the length of time it takes to complete the process by showing the least complex rulemaking process and a representation of a more complex rulemaking. The graphic will be used at subsequent Board meetings when a proposed rule discussion is on the agenda to show where the rule is in the process.
In response to Mr. Tharp’s questions, Mr. Bilenky said an applicant has the opportunity to comment when initiating rulemaking. He said any interested party can request to speak before the Board, but most times applicants meet with staff to work out language concerns. Mr. Bilenky said the advantage of requesting a public hearing is to create a record for perhaps challenging the adoption of the rule. In response to Ms. Rovira-Forino’s question, Mr. Bilenky said typically the Joint Administrative Procedures Committee (JAPC) will write the District a letter saying the information filed has been reviewed and District has or does not have jurisdiction to do something. If JAPC says the District does not have jurisdiction, staff would respond to the letter pointing out the legal arguments. The next step would probably be the Division of Administrative Hearings. (CD 1/Track 11 – 00:00/04:44 – Track 12 – 00:00/12:20)

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

Regarding the numeric criteria case, Mr. Bilenky said he sent the Board members an email outlining the outcome from the federal judge. He said the judge’s order says there has not been a substantive decision made at this point by the Environmental Protection Agency (EPA) which would be reviewable by the federal court. The legal argument is that the EPA has not exhausted its legal remedies at this point and should not be in court. When the EPA promulgates numeric criteria, then interested parties may have an interest to be reviewed and there are administrative processes available at that time.

Submit & File Reports – None

Routine Reports
The following items were provided for the Committee’s information, and no action was required.
47. Litigation Report
48. Rulemaking Update
(CD 1/Track 12 – 12:20/13:46)
Executive Director’s Report

49. **Executive Director’s Report**
   - Mr. Moore provided additional information from last month’s meeting. He said, in regards to the $19 million pipeline, mediation is occurring between the Peace River Manasota Regional Water Supply Authority and Charlotte County.
   - Mr. Moore said the construction management contract for the Lake Hancock Outfall Treatment Project is moving forward with the consulting firm of URS which is independently reviewing the costs. The report is expected on November 20 and staff will be meeting with URS on November 24 to review the report. Staff will provide a report at the December Board meeting.
   - Mr. Moore said, in regard to the climate change issue discussed at the November Board meeting, the District has been involved at a statewide level with the Florida Department of Environmental Protection (FDEP) and the other water management districts which produced the “Framework for Action.” That report called for a senior level task force representative and Mr. Schiller is the District’s representative to provide support to the Task Force. Staff is reviewing information from international and national experts. Staff has been aggressive with the District’s carbon and energy plan, and reviewing what can be done to address saltwater intrusion, FEMA mapping, etc. Mr. Schiller will provide information to the FDEP which will be the District’s contribution to the statewide effort.
   - Mr. Moore said there has been a meeting of the St. Johns River and Suwannee River Water Management Districts (WMDs) and this District regarding the Heart of Florida Alliance which is Alachua and Marion counties, and the cities of Ocala and Gainesville. District staffs have met with all the commissions and local mayors regarding water resource issues in the northern part of the District and adjoining districts. Staff is also involved in the MyRegion.org discussions in the Orlando area. One issue that has emerged is conservation and suggesting all permits moving forward should only have potable water for indoor use and no water issued to a municipality for any potable outdoor irrigation. Another issue is development of rules for competing applications. The District tries to ensure that there will be adequate supply for all competing uses and the environment. For Alachua and Marion counties, local sources is a responsibility criteria to do all that can be done locally before borrowing another county’s water.
   - Mr. Moore said the Board members have heard comments about a statewide water board or water czar. The Board already knows the value of the quarterly meetings of the FDEP Secretary and the WMD Governing Board Chairs and Executive Directors. He said he does not see a need for a state water czar when issues are dealt with best on a regional level.
   - Mr. Moore said minimum flows and levels have been set for the Alafia River and the preliminary draft report has been received. Once the report is finalized, the Peace River Manasota Regional Water Supply Authority may request most of the water in the lower Peace River. Tampa Bay Water has indicated it may submit a permit for the water.
   - Mr. Moore noted another issue is local governments not having the money for their share of cooperative funding projects. A request has been sent to the City of Tampa regarding its intention toward projects which may need to be delayed.
   - Mr. Moore said FEMA mapping is an issue due to the negative impact it may have on citizens in these depressed economic times and some people have suggested delaying implementation. The District’s intent is to move forward and not slow down the process since accurate information is needed.
   - Mr. Moore said the largest solar energy facility was completed in DeSoto County which requires no water use. (CD 1/Track 13 – 00:00/11:18)

Committee/Liaison Reports

50. **Basin Board Education Committee Meeting**
    Ms. Rovira-Forino provided an overview of the Basin Board Education Committee meeting held on November 4, 2009. The meeting included presentations on the Fiscal Year 2010
Community Education Grants, “Get Outside!” campaign update, youth events focusing on District lands, outreach meetings to homeowners associations regarding Senate Bill 2080, and use of research to develop the District’s November–February “Skip a Week” campaign. The next meeting is scheduled for March 3, 2010, at the Tampa Service Office.

51. **Joint Green Industry and Agricultural Advisory Committee Meeting**

Messrs. Beswick and Tharp attended the joint meeting held on November 5, 2009. The meeting included presentations on the hydrologic conditions/drought update and water shortage restrictions, mitigation of water withdrawal impacts through permanent retirement of used permitted quantities (land use transition), rulemaking update, demonstration of WMIS for online crop reporting and online meter reading, IFAS research projects, FEMA map modernization, legislative preview, and “Get Outside!” campaign. The next individual meetings are scheduled for February 25, 2010 in the District’s Tampa Service Office. (CD 1/Track 14 – 00:00/04:47)

Vice Chair Oakley suggested scheduling a time for the advisory committee members to come before the Governing Board for recognition. Ms. Kavouras noted that there are six advisory committees comprised of over 123 members and two Basin Board committees. She said, in the past, the chairs and vice chairs have been invited to meet with the Governing Board members. Vice Chair Oakley requested staff to discuss this matter with Chair Pressman.

**Chair's Report**

52. **Chair's Report**

The Board’s next meeting is December 15 in the TECO Center at Nature’s Classroom in Thonotosassa. There will a joint workshop of the Governing Board with the Basin Boards at 9 a.m. followed by the monthly meeting at 12:30 p.m.

There being no further business to come before the Board, Vice Chair Oakley adjourned the meeting. (CD 1/Track 14 – 04:47/07:30)

The meeting was adjourned at 2:45 p.m.
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Item 19

Regulation Committee
December 15, 2009

Discussion Item

Hydrologic Conditions Status Report

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

Rainfall
 Provisional rainfall totals, as of November 29th were within the normal range in 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 2.41 inches of rainfall, equivalent to the 71st percentile.
 • The central region received 1.70 inches of rainfall, equivalent to the 57th percentile.
 • The southern region recorded an average of 1.60 inches of rain, equivalent to the 55th percentile.
 • District-wide, average rainfall was 1.86 inches, equivalent to the 64th percentile.

Streamflow
 Provisional streamflow data, as of November 23, indicates regional streamflow decreased and was below-normal in all three regions of the District, compared to the previous month, based on 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 10th percentile.
 • The monthly average streamflow measured in the Hillsborough River near Zephyrhills in the central region was in the 15th percentile.
 • The monthly average streamflow measured in the Peace River at Arcadia in the southern region was in the 16th percentile.

Groundwater Levels
 Provisional groundwater data, as of November 23, indicate levels in the Floridan/Intermediate aquifer decreased in all three regions of the District in November. Regional groundwater levels were below the normal range of historical values in the northern and southern regions of the District, while they were within the normal range in the central region. 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 22nd percentile.
 • The average groundwater level in the central counties was in the 28th percentile.
 • The average groundwater level in the southern counties was in the 16th percentile.
Lake Levels
Provisional water-level data, as of November 10, indicates average lake levels decreased in all regions of the District; and all regions ended the month below the base of the annual normal range. Normal lake levels are generally considered to be levels that fall between the minimum low management level and the minimum flood level.

- Average levels in the Northern region decreased 0.25 foot and were 4.13 feet below the base of the annual normal range.
- Average lake levels in the Tampa Bay region decreased 0.15 foot and were 0.38 foot below the base of the annual normal range.
- Average lake levels in the Polk Uplands region decreased 0.18 foot and were 2.28 feet below the base of the annual normal range.
- Average lake levels in the Lake Wales Ridge region decreased 0.22 foot and were 4.58 feet below the base of the annual normal range.

Issues of Significance
November historically marks the second month of the 8-month dry season and provisional rainfall totals through November 29th have been in the normal range in all three regions of the District. Rainfall during the month was regionally variable and associated with the passage of two cold front systems, on November 10-11 and 23-26. The provisional twelve-month District-wide rainfall deficit showed some improvement during November, ending the month approximately 5.2 inches below the long-term average. The 24- and 36-month cumulative rainfall deficits are approximately 10.9 and 21.5 inches, respectively.

Most hydrologic indicators throughout the District declined during November. Regional lake levels and streamflow in regional index rivers remain at below-normal levels, while groundwater levels are at low-normal to below-normal conditions. The dry season runs from October through May, and further declines are expected through this period if normal amounts of rainfall are received.

Current NOAA climate forecasts continue to predict above-normal rainfall conditions for the District during December 2009 through May 2010, due to El Niño conditions in the Pacific Ocean. Above normal rainfall during the dry season would improve overall hydrologic conditions, lessen or eliminate resource-related impacts during the coming dry season, and will be needed to fully recover from the multi-year drought.

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

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

Presenter: Granville Kinsman, Manager, Hydrologic Data Section
Consider Modified Phase III Water Shortage Order No. SWF 08-044 for Hillsborough, Pasco and Pinellas Counties

Pursuant to Water Shortage Order No. SWF 08-044, Modified Phase III water shortage restrictions are currently in effect for lawn irrigation and other select water uses in Hillsborough, Pasco and Pinellas counties. This Order was issued on October 28, 2008 and is currently scheduled to expire on December 31, 2009, unless the Governing Board takes further action.

Staff is monitoring hydrologic conditions and other pertinent factors in accordance with the District’s Water Shortage Plan (Rule 40D-21, F.A.C.) to develop a recommendation for Board action. At such time that any water use currently subject to provisions of Water Shortage Order No. SWF 08-044 is released from it, this water use would become subject to applicable provisions of the Modified Phase II water shortage restrictions imposed by Water Shortage Order No. SWF 07-02. The Modified Phase II order is scheduled to expire on February 28, 2010.

Staff will provide a summary of current conditions and factors, including system status information reported by key water utilities. Based on those conditions and factors, staff will then provide the Board with its recommendation regarding the expiration, extension or other modification to Water Shortage Order No. SWF 08-044.

Staff Recommendation:

To be presented at the Governing Board meeting.

Presenter: Lois A. Sorensen, Demand Management Program Manager, Tampa Regulation
Approve Rule Amendments to Implement the Second Phase of the Northern Tampa Bay Recovery Strategy

Initiation of rulemaking to implement the second phase of the Northern Tampa Bay Recovery Strategy was approved at the April 2009 Governing Board meeting. As noted at that meeting, the first phase began in 1998 through the Partnership Agreement, the Consolidated Permit, and several rule amendments. This phase culminated in the reduction of pumpage by the wellfields from 158 MGD in 1998 to 90 MGD by 2009. Analysis in 1998 indicated that a reduction to 90 MGD would significantly reduce the environmental impacts of wellfield withdrawals, but that some impacts would remain. It was anticipated that a second phase of Recovery would be undertaken to follow the initial efforts. All elements of the first phase of the Recovery Strategy will sunset on December 31, 2010.

Significant hydrologic recovery has resulted from the wellfield pumpage reductions. However, since the reduction of the wellfields to 90 MGD has only recently been accomplished there are insufficient data to evaluate the ultimate impact reduction at that level of pumpage, and to determine whether additional measures will be needed to achieve the goals of full recovery and mitigation of adverse environmental impacts. Continuation of the Recovery Strategy rule mechanisms is necessary to allow further progress toward meeting Minimum Flows and Levels and compliance with the other environmental rule criteria.

Last month, the Board was provided with a historical review of events leading to the development of the proposed rules included in the Exhibit that will implement the second phase of the Northern Tampa Bay Recovery Strategy. Staff also provided a comprehensive review of the proposed rules. This month staff will request approval of the rules. The significant provisions of the rules include:

1. The Consolidated Permit held by Tampa Bay Water is to be renewed for 90 MGD for 10 years.
2. Tampa Bay Water will continue to conduct withdrawals pursuant to the Operations Plan.
3. Tampa Bay Water will continue expansive environmental data collection and analysis.
4. Tampa Bay Water will continue to evaluate and implement environmental mitigation.
5. Tampa Bay Water member governments will continue water conservation activities.
6. Continuation of the limitation of further impacts by other water use permittees.
7. A “Reservoir Renovation Exception Period” that addresses the potential for temporary exceedance of 90 MGD while the Bill Young Reservoir repairs are underway but only if there is significant drought and other sources cannot make up reservoir loss.

Interested persons were asked to provide any comments on the proposed rules last month. The City of Tampa indicated that it had questions concerning the affect of the Reservoir Renovation Exception Period. Staff will meet with the City and Tampa Bay Water on December 2, 2009, to discuss the City’s questions. Staff will report on those discussions at the December Board meeting.
A Statement of Estimated Regulatory Cost is being prepared for the proposed rules and is included in the Exhibit to this item.

If the proposed rules are approved, District staff will complete the rulemaking process without further Governing Board action, unless a hearing is requested, substantive public comment is received or material substantive changes are proposed. If there are no requests for a hearing or substantive comments or changes, the rules would become effective in approximately March 2010 and will govern Tampa Bay Water’s Consolidated Permit renewal application which is expected to be submitted to the District in about June 2010.

Staff recommendation: See Exhibit

Approve for adoption the proposed rules included in the exhibit.

Presenters: Ken Weber, Water Use Program Director
Karen A. Lloyd, Assistant General Counsel
40D-80.073 Regulatory Portion of Recovery

Comprehensive Environmental Resources


Subsections (1) and (2) are substantially revised and are proposed to read as follows:

(1) Overview

This rule sets forth the Minimum Flows and Levels Recovery Strategy and Environmental Resources Recovery Plan for the Northern Tampa Bay Water Use Caution Area (the “Comprehensive Plan”). The Comprehensive Plan addresses water use permittees whose withdrawals are located within the Northern Tampa Bay Water Use Caution Area (“NTBWUCA”). Within the NTBWUCA, certain wetlands, lakes, streams, springs and aquifer levels have been impacted by lower groundwater levels resulting from groundwater withdrawals. Within the area of surficial aquifer impacts as generally depicted in Figure 80-1, the Central System Facilities, as described below, account for the majority of groundwater withdrawals. For this reason, the Central System Facilities are the primary focus of the Comprehensive Plan as other users’ water withdrawals result in relatively minimal water resource impacts within the area generally depicted on Figure 80-1. The objective of this Comprehensive Plan is to achieve recovery of MFL waterbodies and avoidance and mitigation of unacceptable adverse impacts to wetlands, lakes, streams, springs and aquifer levels. The provisions of the Comprehensive Plan specifically applicable to Tampa Bay Water’s Central System Facilities are contained in sections 40D-80.073(2) and (3), F.A.C., below. All other water use permittees are addressed in section 40D-80.073(4) and (8), F.A.C., below. Other provisions applicable to permittees are included in sections 40D-80.073(5), (6), and (7), F.A.C. The Comprehensive Plan is effective through December 31, 2020.

(2) Tampa Bay Water’s Central System Facilities

(a) From the 1930’s through the 1990’s eleven wellfields were developed within the Northern Tampa Bay Water Use Caution Area. Those wellfields are Cosme-Odessa, Eldridge-Wilde, Section 21, South Pasco, Cypress Creek, Cross Bar Ranch, Starkey, Morris Bridge, Northwest Hillsborough Regional, Cypress Bridge and North Pasco, and are collectively hereinafter referred to as the Central System Facilities. The Central System Facilities are operating under Water Use Permit No. 2011771 (the “Consolidated Permit”). Groundwater withdrawals from the Central System Facilities have caused lowered aquifer levels in and near the Central System Facilities. In 1974, pursuant to Chapter 373, F.S., the District established a permitting system to assure that such use is consistent with the overall objectives of the District and is not harmful to the water resources of the area.

(b) Pursuant to Chapter 96-339, Laws of Florida, the District established Minimum Flows and Levels for priority waters within Pasco, Hillsborough and Pinellas Counties which became effective in 2000. Those Minimum Flows and Levels are contained within Chapter 40D-8, F.A.C. The District determined that groundwater withdrawals have contributed to existing water levels and flows in many of these priority waters being below the established Minimum Flows or Levels. To address unacceptable adverse impacts caused by the Central System Facilities, the District implemented a recovery strategy and mitigation plan (“Recovery and Mitigation Plan”), the first phase of which occurred...
between 1998 and 2010 and resulted in the phased reduction of the permitted withdrawal rate of the
Central System Facilities from 158 Million Gallons per Day (MGD) in 1998 to 121 MGD in 2003, and to
90 MGD on a 12-month moving average basis in 2008. The recovery strategy included the District and
Tampa Bay Water and its Member Governments entering into the Northern Tampa Bay New Water
has constituted that portion of the first phase of the District’s recovery strategy that is specifically
applicable to the Central System Facilities. The Agreement has governed the development of new water
supplies, reduction of groundwater withdrawals, litigation and administrative hearings between the
District, Tampa Bay Water and its Member Governments. The Agreement also governed the District’s
financial assistance to Tampa Bay Water to develop the new water supplies and achieve the reduction of
groundwater withdrawals from the Central System Facilities. The Agreement expires on December 31,
2010. Consistent with the Agreement, Tampa Bay Water has constructed an enhanced surface water
system, which includes a surface water treatment facility (which treats surface water flows from the
Alafia River, the Tampa Bypass Canal and the Hillsborough River), an offstream reservoir, the Brandon
Urban Dispersed Wellfield, a seawater desalination facility, and an integrated regional delivery system.
Further, Tampa Bay Water has reported that the Member Governments have exceeded the 17 MGD
reduction in water demand through conservation contemplated under the Agreement. Water supplied by
these facilities and conservation allowed Tampa Bay Water to meet the required phased reductions in
groundwater withdrawals.

(c) Although the Recovery and Mitigation Plan has had the effect of increasing water
levels and flows and improving the condition of many wetlands, lakes, streams, springs and aquifer levels
due to the reduction of groundwater withdrawals from the Central System Facilities, compliance with the
criteria of Rule 40D-2.301, F.A.C., has not been demonstrated.

(d) Since the Central System Facilities supply potable water to Pinellas, Pasco, and
Hillsborough counties and evaluation of the effect of the reduced withdrawal rate has not been completed,
the District has determined it is in the public interest and consistent with the objectives of the District to
develop a second phase of the Recovery and Mitigation Plan. This section sets forth the regulatory
portion of the second phase of the Recovery and Mitigation Plan.

(e) This Recovery and Mitigation Plan is a comprehensive approach to address
unacceptable adverse impacts and Minimum Flows and Levels impacts to wetlands, lakes, streams,
springs and aquifer levels caused by groundwater withdrawals from the Central System Facilities. This
Plan sets forth the criteria to address recovery to Minimum Flows and Levels as well as avoidance and
mitigation of unacceptable adverse environmental impacts as described in Sections 4.2, 4.3, and 4.5 in
Part B, Basis of Review, of the Water Use Permit Information Manual, incorporated by reference in 40D-
2.091, F.A.C. This Recovery and Mitigation Plan allows renewal of the Consolidated Permit based, in
part, on continued environmental assessment and mitigation, and further development of a plan to avoid
or mitigate unacceptable adverse impacts to wetlands, lakes, streams, springs and aquifer levels
attributable to groundwater withdrawals from the Central System Facilities.

(f) Central System Facilities Withdrawals and Duration - The Central System
Facilities shall be limited in the renewal of the Consolidated Permit as follows:

1. Total annual average daily withdrawal shall not exceed a rate of 90 MGD
on a 12-month moving average basis, except as provided in 2., below. Tampa Bay Water shall undertake
its efforts to maintain the total withdrawal rate at or below 90 MGD so that the impacts of sustained
withdrawals at that rate can be assessed during the second phase of the Recovery and Mitigation Plan.
The duration of the Consolidated Permit shall be for a period of 10 years. Withdrawals from the Central
System Facilities shall be optimized to minimize environmental stresses in or near the wellfields as
provided in the Operations Plan described in (g), below.

2. During the course of this Recovery and Mitigation Plan, Tampa Bay
Water will be performing a renovation project on the C.W. Bill Young Regional Reservoir (the
“Reservoir”). During the period of the renovation project, Tampa Bay Water’s withdrawals from the
Central System Facilities are limited to a total annual average daily withdrawal rate of 90 MGD on a 12-month moving average basis, except as provided below:

a. The period during which withdrawals may be greater than 90 MGD on a 12-month moving average basis (“Exception Period”) begins when:
   (i) Tampa Bay Water demonstrates the date that the Reservoir cannot produce water supply and the renovation project has begun, and
   (ii) The District has determined that hydrologic factors exist that are contributing to a water supply deficit. These factors include the designated water resource indicators in the District’s water shortage plan and stream flow and rainfall conditions in the Alafia and/or the Hillsborough River watersheds, and
   (iii) Tampa Bay Water demonstrates there are not sufficient surface water, desalination and other interconnected sources available that would allow the Consolidated Permit withdrawals to remain at or below 90 MGD on a 12-month moving average basis, and
   (iv) Tampa Bay Water and its member governments demonstrate that they have complied with any Board or Executive water shortage or emergency order relating to water supply.

b. The Exception Period shall end on the date on which the earlier of the following occurs:
   (i) 36 months after the period begins, or,
   (ii) When water stored in the C.W. Bill Young Regional Reservoir equals 11.0 billion gallons.

c. During the Exception Period, Tampa Bay Water shall maximize its authorized use of alternative water supply sources, including the Alafia River and Hillsborough River/Tampa Bypass Canal system, the desalination plant and other available interconnected sources in order to minimize groundwater withdrawals from the Central System Facilities. A monthly report demonstrating the maximized use of these sources shall be submitted to the District.

d. During the Exception Period, Tampa Bay Water and its Member Governments shall comply with any Board or Executive water shortage or emergency order relating to Tampa Bay Water’s or a Member Government’s water supply.

e. The District shall notify Tampa Bay Water of the beginning and ending dates of the Exception Period.

f. Compliance with the 90 MGD on a 12-month moving annual average basis is tolled during the Exception Period and compliance shall recommence beginning 365 days from the date the Exception Period ends.

g. Tampa Bay Water shall use its best efforts to minimize the period of the renovation project and reduce the duration of the Exception Period.

(g) Operations Plan

1. Optimization of Tampa Bay Water’s Central System Facilities is critical to the success of the second phase of the Recovery and Mitigation Plan. To this end, Tampa Bay Water shall continue to implement and refine the Operations Plan which was submitted to the District as part of the first phase of the Recovery and Mitigation Plan. Tampa Bay Water shall submit to the District an updated Operations Plan with the renewal application of the Consolidated Permit that describes how Tampa Bay Water will operate its water supply system with the intent to increase groundwater levels and minimize environmental stresses caused by the Central System Facilities. To fully evaluate optimization, it is essential for Tampa Bay Water to operate the Central System Facilities at or below 90 MGD on a 12 month moving average basis for a sustained period of time that encompasses a wide spectrum of climatic conditions, therefore the focus of the Operations Plan during the second phase of the Recovery and Mitigation Plan is the operation of the Central System Facilities. Included in the Operations Plan is the optimized Regional Operations Plan (“OROP”) which is an optimization model, input data sets, constraint data sets, and other models used to establish boundary conditions. The OROP shall continue to be used to define and control how wellfield withdrawal points from the Central System Facilities will be operated to
avoid or minimize environmental stress. Throughout the term of the renewed Consolidated Permit, any
proposed change to the optimization formulation or operations protocol or OROP models included in the
Consolidated Permit renewal application will require prior District approval. Tampa Bay Water shall
submit to the District an Operations Plan report by July 10 of years 2012, 2014, 2016, 2018 and in
conjunction with the application to renew the Consolidated Permit. The report shall document updates to
the Operations Plan submitted with the Consolidated Permit renewal application, provide a work plan that
encompasses the upcoming two years, include activities approved in Tampa Bay Water’s budget for the
upcoming year that starts October 1 and provide summary information and data on Operations Plan
activities during the preceding reporting period.

2. The Operations Plan shall:

a. Define how Tampa Bay Water will operate the Central System
Facilities;

b. Provide the protocol under which Tampa Bay Water will select
among the Central System Facilities to meet demand;

c. Provide the protocol under which Tampa Bay Water will rotate
among the Central System Facilities to avoid or minimize environmental stresses;

d. Rely upon ground water elevation target levels in the aquifer
systems as a surrogate for water levels in wetlands and lakes, and flows in streams and springs at a
specified set of existing and proposed monitor wells, to gauge environmental stresses in and around the
well fields wherein increased ground water elevations will denote reduced environmental stresses;

e. Include procedures for analyzing relationships between the
distribution and rate of withdrawal at the well fields, flow rates in rivers and streams; and the associated
Florida, and surficial aquifer system levels, using available models;

f. Include procedures for selecting optimal scenarios for the
distribution and rate of ground water withdrawals from the well fields, using available mathematically-
based optimization software, based on projected demand and operating system constraints, such that
ground water levels in the surficial aquifer system are maximized according to a specified
weighting/ranking system as a surrogate for water levels in wetlands and lakes and flow in rivers and
streams.

g. Include in the optimization analysis a weighting/ranking system
to enable priority factors to be applied to reduce environmental stress preferentially at selected locations,
with such factors to be associated with the specified surficial aquifer monitor wells;

h. Propose a set of surficial aquifer monitor wells as well as a
priority weighting system for those wells; and

i. Provide data and software for all models used in the OROP.

(h) Environmental Management Plan, Phase 1 Mitigation Plan, and Consolidated
Permit Recovery Assessment Plan – An essential component of the second phase of the Recovery and
Mitigation Plan is Tampa Bay Water’s continued assessment of unacceptable adverse environmental
impacts related to groundwater withdrawals from the Central System Facilities. During the first phase of
the Recovery and Mitigation Plan, Tampa Bay Water developed an Environmental Management Plan
(EMP) and a Phase 1 Mitigation Plan. Under this second phase of the Recovery and Mitigation Plan,
Tampa Bay Water shall continue to implement the EMP and the Phase 1 Mitigation Plan, and develop a
Consolidated Permit Recovery Assessment Plan, all as described below.

1. The Environmental Management Plan (“EMP”) that was developed for
the Central System Facilities under the first phase of the Recovery and Mitigation Plan addresses the
monitoring of water resources and environmental systems in the vicinity of the Central System Facilities,
assesses water resources and environmental systems for impact by groundwater withdrawals from the
Central System Facilities, and coordinates with Tampa Bay Water’s Operations Plan to facilitate wellfield
operational changes to address persistent water level impacts attributed to Central System Facility
withdrawals. A revised EMP shall be submitted with the renewal application for the Consolidated Permit

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and shall be implemented throughout the duration of the renewed Consolidated Permit. The revised EMP shall:

   a. Identify and propose a revised list of monitoring sites within the areas potentially affected by the Central System Facilities and unaffected control/reference sites;

   b. Define and describe the monitoring and data collection methods and reports utilized for documenting the hydrologic and biologic conditions of surface water bodies in and near the Central System Facilities; and

   c. Describe the process used to determine impacts to water bodies in and near the Central System Facilities and the procedures used to attempt corrective action through Operations Plan changes.

2. The Phase 1 Mitigation Plan that was developed for the Central System Facilities under the first phase of the Recovery and Mitigation Plan assessed and prioritized, as candidate sites for mitigation, those lakes and wetlands that were predicted to not fully recover following the reduction in groundwater withdrawals from the Central System Facilities to a long-term average of 90 MGD. Conceptual mitigation projects were developed for the highest priority water bodies and Tampa Bay Water has been evaluating and implementing these projects, where feasible. Evaluation and implementation of these conceptual Phase 1 Mitigation Plan projects, where feasible, shall be continued throughout the duration of the renewed Consolidated Permit. In addition, Tampa Bay Water shall revise the list of candidate water bodies to include any sites monitored through the EMP that are impacted by Central System Facilities withdrawals and are predicted to not fully recover at a long-term average withdrawal rate of 90 MGD from the Central System Facilities.

3. The Consolidated Permit Recovery Assessment Plan will evaluate the recovery of water resource and environmental systems attributable to reduction of the groundwater withdrawals from the Central System Facilities to a long-term average of 90 MGD, identify any remaining unacceptable adverse impacts caused by the Central System Facilities withdrawals at a long-term average rate of 90 MGD, and will identify and evaluate potential options to address any remaining unacceptable adverse impacts at the time of the Consolidated Permit renewal in 2020. The remaining unacceptable adverse impacts will be determined through an update of the assessment of impact previously performed as part of the Phase 1 Mitigation effort. As part of this effort, Tampa Bay Water shall:

   a. Work cooperatively with the District throughout this second phase of the Recovery and Mitigation Plan to discuss the ongoing development of the Consolidated Permit Recovery Assessment Plan.

   b. Submit status reports to the District on a frequency to be defined in the renewed Consolidated Permit demonstrating ongoing progress of the development of the Consolidated Permit Recovery Assessment Plan throughout the duration of this second phase of the Recovery and Mitigation Plan.

   c. Submit the final results of the Consolidated Permit Recovery Assessment Plan with the application for the second renewal of the Consolidated Permit in 2020.

4. Nothing contained in this rule shall be construed to require Tampa Bay Water to be responsible for more than its proportionate share of impacts to a Minimum Flow and Levels waterbody that fails to meet, due to impacts from ground water withdrawals, the established minimum flow or level.

   (i) Water Conservation - Water conservation as a means to reduce demand for withdrawals is a key element of the Recovery and Mitigation Plan. The issuance of Wholesale Water Use Permits for Member Governments whose withdrawals and use are not covered by other water use permits is essential to this element. Until Wholesale Water Use Permits are obtained by the Member Governments as required by Rule 40D-2, F.A.C., Tampa Bay Water shall report on the Authority’s, as applicable, and the Member Governments’ per capita rates, water losses, reclaimed water use, residential water use, and the following measures to reduce water demand. During the term of the renewed permit, Tampa Bay Water shall only be responsible for reporting data for any Member Government that does not have a water
use permit or a wholesale water use permit that requires such reporting. In the year following the year in which a Member Government is required by permit to report this data, Tampa Bay Water shall no longer be required to submit the data on behalf of the Member Government. This Report shall detail the evaluation of the below-listed measures, the findings and conclusions, and the schedule for implementing selected measures.

1. Toilet rebate/replacement
2. Fixture retrofit
3. Clothes washer rebate/replacement
4. Dishwasher rebate/replacement
5. Irrigation and landscape evaluation
6. Irrigation/landscape rebate
7. Cisterns/rain water harvesting rebate
8. Industrial/commercial/institutional audits and repair
9. Florida-Friendly landscape principles
10. Water Conservation Education
11. Water-conserving rate structures and drought rates
12. Multi-family residential metering

In addition to the above, Tampa Bay Water shall report the quantity of water distributed from each source and the recipients and non-Member Government information required by the Public Supply Annual Report.

(3) Recovery Strategy Elements for Tampa Bay Water and Member Governments.
   
   (a) The District and Tampa Bay Water ("TBW") and Member Governments have entered into the Northern Tampa Bay New Water Supply and Ground Water Withdrawal Reduction Agreement (the "Agreement"). The Agreement constitutes that portion of the District's recovery strategy that is specifically applicable to the Central System Facilities as provided for in Sections 373.036, 373.0361, 373.0421(2), 373.0831 and 373.1963, Florida Statutes. The Agreement governs the development of new water supplies, reduction of pumpage, litigation and administrative hearings between the District, TBW and its Member Governments and the District's financial assistance to the TBW to achieve new water supplies and reduction of pumpage at the Central System Facilities all of which contribute to the attainment of the objective of this portion of the recovery strategy. The Agreement makes available to TBW from the District $183,000,000.00 to be used for new water supply development projects excluding ground water sources and including alternative sources of potable water and regionally significant transmission pipelines. Independently, the Tampa Bay Water Master Water Plan provides for the development of at least 85 million gallons per day (mgd) annual average daily quantity of additional water supply sources and partially offsets additional water supply needs for growth by increased conservation and demand management.

   (3)(b) Recovery Management - The pumping reductions in groundwater withdrawals required for the Central System Facilities were the principal means of achieving the objective of the first phase of the Recovery and Mitigation Plan. The use of sound decision protocols to determine groundwater withdrawal distribution and assessment of the remaining impacts at or below 90 MGD on a 12-month moving average basis are necessary components of this second phase of the Recovery and Mitigation Plan under the Agreement shall be implemented by the TBW and Member Governments as specified below as the principal means of achieving the objective of this Rule 40D-80.073, F.A.C. Additionally, the Floridan Aquifer Recovery Management Levels set forth in Table 80-1 below shall be used as long-term guidelines for allocating groundwater withdrawals within the Operations Plan, submitted to the District by TBW pursuant to the Agreement and shall be reevaluated in 2010. The Floridan Aquifer Recovery Management Levels are based on the hydrogeologic properties and environmental conditions in the Northern Tampa Bay Area, and are set to advise and guide in determining planned groundwater withdrawal rates in 2007, but not as the sole basis by which the District will approve or disapprove the Operations Plan and any amendments or updates.

80-6
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(c) Periodic Review of Recovery Strategy.

1. The District shall review the recovery strategy periodically to assess the progress of strategy elements. The District will evaluate the water resource recovery attained in light of the
reductions in quantities withdrawn achieved based on an evaluation of whether wetland and lake stage-frequency data indicate that wetland and lake water levels are improving.

2. These reviews shall consider reports generated by the TBW and the Member Governments describing the status of all additional sources either developed or in development to offset water withdrawals from Central System Facilities as well as any other water supply and water resource information available to the District.

3. The information considered by the District pursuant to subparagraphs (c)1. and 2. above is intended to be also considered during preparation of the update pursuant to Section 373.036, F.S., which is due in 2003, of the District's Water Management Plan as it relates to the water supply assessment for the West Central Planning Region.

(4) Renumber as (8) Hillsborough River Strategy.

No change.


In conjunction with the development of a recovery strategy developed pursuant to Section 373.0421(2), F.S., and in addition to applicable permitting requirements contained in 40D-2.301, F.A.C., existing permittees whose water withdrawals impact Minimum Flows or Levels will be evaluated upon permit renewal to determine the permittee's practical ability to implement measures to reduce its impacts on the Flow or Level or unacceptably adversely impacted environmental feature during the period of recovery. For purposes of this Chapter, in areas where the existing flow or level is below the Minimum Flow or Level, any measurable drawdown or flow reduction at a location where a Minimum Flow or Level is established or to an or unacceptably adversely impacted environmental feature is deemed to be a water withdrawal impact. The items that shall be considered in determining the permittee's responsibility to implement measures to reduce impacts are:

(a) The proportionate amount of impact that the permittee's water withdrawals have on the Minimum Flow or Level or other unacceptably adverse impact;
(b) The cost to the permittee to implement the measures;
(c) The time that it will take the permittee to fully implement the measures;
(d) Any unavoidable public health, safety or welfare emergency that would be caused by implementation of the measures;
(e) Whether the water resources benefits gained from implementation of the permittee's measures to attain the Minimum Flow or Level or mitigate the unacceptably adversely impacted environmental feature outweigh water resources impacts that may result from the measures; and
(f) Alternative actions or programs in lieu of or in combination with reductions in withdrawals that will contribute to the attainment of the Minimum Flow or Level or mitigate the unacceptably adversely impacted environmental feature and will optimize the net positive effect on the impacted water resources.

(5)(6) Supplemental Hydration of Wetlands and Lakes.

In addition to the reduction of groundwater withdrawals pumpage, the development of new water supplies and wellfield operational changes addressed by the recovery Comprehensive Plan strategy, provisions of this Rule 40D-80.073, supplemental hydration of wetlands and lakes that are unacceptably adversely impacted or are below their established Minimum Levels through the use of ground water in appropriate circumstances will contribute to the attainment of the objective of the recovery Comprehensive Plan strategy. The circumstances under which supplemental hydration using ground water will be considered an appropriate recovery mechanism are set forth in Section 4.3 A.1.a.ii.(4) and 4.3 A.1.b. of the Basis of Review For Water Use Permit Applications which is incorporated by reference in Rule 40D-2.091, F.A.C., and is available upon request to the District.

(6)(7) Applications for New Quantities.

Requests for withdrawals of new quantities of water that are projected to impact a water body which is unacceptably adversely impacted or below its Minimum Flow or Level shall not be approved unless they
contribute to the attainment of the objective set forth in the recovery Comprehensive Plan strategy in Rule 40D-80.073(1), F.A.C.

The District shall review the information available during 2020 to determine whether it is sufficient to fully assess remaining impacts from Tampa Bay Water's Central System Facilities at a withdrawal rate of 90 MGD on a 12-month moving average basis. This information will be considered when developing a strategy for the second renewal of the Consolidate Permit and a third phase of the Comprehensive Plan.

Additionally, the District will determine whether the third phase of the Comprehensive Plan is necessary to address other permittees. This recovery strategy is in keeping with the District's legislative mandate pursuant to Sections 373.036, 373.0361, 373.0421, 373.0831, 373.1962 and 373.1963, F.S., to resolve the water supply and water resource impact concerns of the Northern Tampa Bay Area in a cooperative manner with the water suppliers and interested parties. The portion of the District's recovery strategy embodied within this Rule 40D-80.073, F.A.C., is the first regulatory phase of a long-term approach toward eventual attainment of the minimum flows and levels established in Chapter 40D-8, F.A.C., for priority waters in the Northern Tampa Bay Area. Except as to 40D-80.073(4), F.A.C., this phase of the recovery strategy is through the year 2010 based on the current knowledge of the state of the water resources of the Area, the technology for water supply development including alternative sources and conservation and existing and future reasonable beneficial uses. In addition, it is possible that this phase will achieve recovery to the minimum flows and levels but it is impossible to determine whether this will occur given that it is unknown which recovery management mechanisms will be utilized by water use permittees. Except as to the Lower Hillsborough River, Sulphur Springs and the Tampa Bypass Canal, the District will evaluate the state of knowledge of these matters in 2010, including analysis of all information and reports submitted pursuant to Rule 40D-80.073(3)(c), F.A.C., data collected and analyzed and relationships determined pursuant to Rule 40D-8.011(5), F.A.C., regarding the minimum flows and levels for the priority waters in the Area (The "MFLs") and the Central System Facilities. Based on that analysis and evaluation, on or before December 31, 2010, except as to the Lower Hillsborough River, Sulphur Springs and the Tampa Bypass Canal, the District shall initiate rulemaking to 1) revise the MFLs (the "New MFLs"), as necessary; 2) adopt rules to implement the existing or the New MFLs (the "Implementation Rules"); and 3) revise this Rule 40D-80.073, F.A.C., to incorporate a second phase to this Recovery Strategy ("Recovery Strategy Rules"), as necessary, consistent with Subsection 373.0421(2), F.S. In the event that the District determines that it is not necessary to initiate rulemaking to adopt New MFLs, and a substantially affected person is granted an administrative hearing to challenge the Implementation Rules or the Recovery Strategy Rules, and the MFL Rules, the District will not object to a motion to consolidate the hearings.

Specific Authority 373.044, 373.113, 373.171 F.S. Law Implemented 373.036, 373.0361, 373.171, 373.0421, 373.0831, 373.1963, F.S. History – New 8-3-00, Amended 11-25-07
Figure 80-1. Generalized area of surficial aquifer impacts as of 1998 (shaded).
RULES OF THE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
CHAPTER 40D-2
WATER USE PERMITS

Northern Tampa Bay Phase II
Recovery Plan
Draft 11-5-09

40D-2.091 Publications Incorporated by Reference.

The following publications are hereby incorporated by reference into this Chapter, and are
available from the District upon request:

(1) Water Use Permit Information Manual Part B, "Basis of Review" (03-26-09);
(2) Water Use Permit Information Manual Part D, "Requirements for the Estimation of Permanent
and Temporal Service Area Populations" (01-20-09); and
(3) Meter Accuracy Verification Form, Form No. LEG-R.021.00 (07/08)

Specific Authority 373.044, 373.113, 373.118, 373.171, F.S. Law Implemented 373.036, 373.0361,
373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219,

40D-2.301 Conditions for Issuance of Permits.

(1) In order to obtain a Water Use Permit, an Applicant must demonstrate that the water use
is reasonable and beneficial, is in the public interest, and will not interfere with any existing legal use of
water, by providing reasonable assurances, on both an individual and a cumulative basis, that the water
use:

(a) Is necessary to fulfill a certain reasonable demand;
(b) Will not cause quantity or quality changes that adversely impact the water
resources, including both surface and ground waters;
(c) Will comply with the provisions of 4.2 of the Basis of Review described in Rule
40D-2.091, F.A.C. regarding not cause adverse environmental impacts to wetlands, lakes, streams,
estuaries, fish and wildlife or other natural resources;
(d) Will not interfere with a reservation of water as set forth in Rule 40D-2.302,
F.A.C.
(e) Will comply with the provisions of 4.3 of the Basis of Review described in Rule
40D-2.091, F.A.C., regarding minimum flows and levels;
(f) Will utilize the lowest water quality the Applicant has the ability to use, provided
that its use does not interfere with the recovery of a water body to its established MFL and it is not a
source that is either currently or projected to be adversely impacted;
(g) Will comply with the provisions of 4.5 of the Basis of Review described in Rule
40D-2.091, F.A.C. regarding not significantly induce saline water intrusion;
(h) Will not cause pollution of the aquifer;
(i) Will not adversely impact offsite land uses existing at the time of the application;
(j) Will not adversely impact an existing legal withdrawal:
(k) Will incorporate water conservation measures;
(l) Will incorporate use of Alternative Water Supplies to the greatest extent practicable;
(m) Will not cause water to go to waste; and
(n) Will not otherwise be harmful to the water resources within the District.

(2) – (3) No change.

Specific Authority 373.044, 373.113, 373.171, F.S. Law Implemented 373.219, 373.223, 373.229, F.S.
History – Readopted 10-5-74, Amended 12-31-74, 2-6-78, 7-5-78, Formerly 16J-2.11, 16J-2.111,
Amended 1-25-81, 10-1-89, 2-10-93, 8-3-00, 4-14-02, 1-1-07, ________.

40D-2.801 Water Use Caution Areas.

(1) When the Governing Board determines that regional action is necessary to address cumulative water withdrawals which are causing or may cause adverse impacts to the water and related natural land resources or the public interest, it shall declare, delineate, or modify Water Use Caution Areas. The Governing Board shall declare a Water Use Caution Area by adopting a rule or issuing an order imposing special requirements for existing water users and permit applicants to prevent or remedy impacts to water and related natural land resources or the public interest site specific problems.

(2) No change.

(3) The regions described in this Rule have been declared Water Use Caution Areas by the District Governing Board. This Rule reaffirms the declaration of Water Use Caution Areas and creates conditions to be applied to water users in those areas.

(a) Northern Tampa Bay Water Use Caution Area. To address groundwater withdrawals that have resulted in lowering of lake levels, destruction or deterioration of wetlands, reduction in streamflow, and salt water intrusion, the Governing Board declared portions of northern Hillsborough County, southwestern Pasco County, and all of Pinellas County a Water Use Caution Area on June 28, 1989, pursuant to Resolution Number 934. The Governing Board approved expansion of the boundaries of the Water Use Caution Area in June 2007.

1. No change.

2. Regulations specifically applicable to this Water Use Caution Area are set forth contained in “Sections 4.2, 4.3, 4.5 and 7.3, Part B, Basis of Review, of the Water Use Permit Information Manual and are in addition to all other regulations set forth in Chapter 40D-2, F.A.C., and Part B and Part D of the Water Use Permit Information Manual, incorporated by reference in 40D-2.091, F.A.C.”

3. and 4. No change.

(b) 1. -4. No change.

5. Any permit with a withdrawal point located within the boundaries of the SWUCA is deemed to be within the SWUCA. Permits with permitted withdrawals in more than one Water Use Caution Area (WUCA) shall be subject to the conservation and reporting requirements of the WUCA within which the majority of permitted quantities are withdrawn, or projected to be withdrawn, in addition to all other rule criteria, including Minimum Flows and Levels requirements, as set forth in Chapter 40D-2, F.A.C., and the Basis of Review Water Use Permit Information Manual incorporated by reference in rule 40D-2.091, F.A.C. Nothing in the rules and Basis of Review for Water Use Permitting specific to the SWUCA shall be interpreted or applied in any manner that would interfere with the Comprehensive Recovery Plan Strategy for the Northern Tampa Bay Area as outlined in Rule 40D-

6. – 7. No change.

(c) No change.
CHAPTER 4 CONDITIONS FOR ISSUANCE – TECHNICAL CRITERIA

4.2 ENVIRONMENTAL IMPACTS

The withdrawal of water must not cause unacceptable adverse impacts to environmental features. Where appropriate, District staff will review the Applicant's submittal and identify the environmental features that are directly related to the water resources of the District and evaluate the impact of the Applicant's withdrawal, combined with other withdrawals, on those environmental features.

District Staff may inspect the site to delineate environmental features and evaluate the effects of withdrawals. For certain permits, the applicant may be required to supply additional information regarding the existing status and condition of associated environmental features. This information may consist of aerial photographs, topographic maps, hydrologic data, environmental assessments or other relevant information. Baseline hydrologic and/or environmental data collected prior to permit application shall be provided if available and requested by the District. The need for additional information may be established through pre-application meetings with the District.

Environmental features that will be evaluated by District staff when determining withdrawal impacts include:

1. Surface water bodies such as lakes, ponds, impoundments, sinks, springs, streams, canals, estuaries, or other watercourses;
2. Wetland habitats;
3. On-site environmental features and their relationship to local and regional landscape patterns;
4. Habitat for threatened or endangered species; and
5. Other environmental features which are dependent upon the water resources of the District.

Potential environmental impacts will be evaluated by comparing the existing natural system to the predicted post-withdrawal conditions. Previous physical alterations to environmental features, such as drainage systems or water control structures will be considered. The District's objective is to achieve a reasonable degree of protection for environmental features consistent with the overall protection of the water resources of the District.

Listed below are the performance standards District staff will use to ensure that unacceptable adverse impacts to environmental features do not occur. Additionally, presumptions are described that the District will use as guidelines to predict whether withdrawals will cause unacceptable impacts. Impacts to canals, springs, and estuaries are considered under the streams criteria. Impacts to ponds, sinks, and impoundments are considered under the lakes criteria.
Compliance with the performance standards for permittees encompassed within the Comprehensive Plan set forth in Rule 40D-80.073, F.A.C., shall be addressed as specified in Rule 40D-80.073, F.A.C.

A. Wetlands – No change.
B. Lakes – No change.
C. Streams – No change.

4.3 MINIMUM FLOWS AND LEVELS

The District has adopted Minimum Flows and Levels for certain waters within the District. Those Minimum Flows and Levels are set forth in Chapter 40D-8, F.A.C. Through implementation in Rule 40D-2.301(1)(d), F.A.C., and this Section 4.3, those Minimum Flows and Levels are one criterion used by the District in evaluating applications for water use permits under Chapter 40D-2, F.A.C. Rule 40D-2.301(1)(d), F.A.C., this Section 4.3 and Chapter 40D-80, F.A.C., govern the manner in which this one criterion is utilized in evaluating a water use permit application. Accordingly, applicants shall demonstrate compliance with established Minimum Flows, Minimum Wetland Levels, Minimum Lake Levels and Salt Water Intrusion Minimum Aquifer Levels (hereinafter sometimes collectively called Minimum Flows and Levels) set forth in Chapter 40D-8, F.A.C., as follows:

A. Withdrawals That Affect Water Bodies for Which Minimum Flows and Levels Have Been Adopted Within the Northern Tampa Bay Water Use Caution Area Within Those Portions of Hillsborough County north of State Road 60, and Pasco and Pinellas Counties (hereinafter the “Area”). In establishing Minimum Flows and Levels, the District has determined that the actual water levels in many of the water bodies for which Minimum Flows and Levels have been established are below the Minimum Flow and Level. The District is implementing a recovery strategy to address water bodies that are below their Minimum Flows and Levels. The recovery strategy, and associated mitigation plan, referred to as the Comprehensive Plan, is described in 40D-80.073, F.A.C. The District is expeditiously implementing a recovery strategy for the Area in keeping with the District’s legislative mandate pursuant to Sections 373.036, 373.0361, 373.0421, 373.0831, 373.1962 and 373.1963, F.S., to resolve the water supply and water resource impact concerns of the Northern Tampa Bay Area in a cooperative manner with the water suppliers and interested parties. This Section 4.3 A. and Chapter 40D-80, F.A.C., set forth the regulatory portion of the first phase (through December 31, 2010) of the recovery strategy for the Area. The following requirements of this Section 4.3 A. effectuate that part of the recovery Comprehensive Plan strategy and shall be effective only through December 31, 2010. The District will evaluate the state of knowledge of these matters in 2010. Based on that evaluation, the District may revise this Section 4.3 A. as appropriate. Compliance with Section 4.3 A. does not, by itself, satisfy the requirements other conditions for issuance of Chapter 40D-2, F.A.C., including 40D-2.301, F.A.C., for new withdrawals proposed after August 3, 2000.

1. For New Withdrawals Proposed After August 3, 2000, Except For Withdrawals Subject to 4.3 A.2. Below.

a. Where above Minimum Flow or Level - For water bodies that are predicted to be impacted by the proposed withdrawal and where the actual flow or level is at or above a Minimum Flow or Level, withdrawals shall be limited to that quantity, as may be further limited by other provisions of 40D-2.301, F.A.C., and this Basis of Review, that does not cause the actual flow to fall below the Minimum Flow, nor cause the actual level to fall below the Minimum Level on a long-term average basis (the “Baseline Quantity”). For purposes of this Section 4.3 A., “long-term” means a period which spans the range of hydrologic conditions which can be expected to occur based upon historical records, ranging from high water levels to low water levels. In the context of a predictive model simulation, a long-term
simulation will be insensitive to temporal fluctuations in withdrawal rates and hydrologic conditions, so as to simulate steady-state average conditions. In the context of an average water level, the average will reflect the expected range and frequency of levels based upon historic conditions. This period will vary because reasonable scientific judgment is necessary to establish the factors to be used in the assessment of each application depending on the geology and climate of the area of withdrawal, the depth of and number of wells and the quantity to be withdrawn.

i. If the withdrawal of the requested quantity of water does not meet the condition in 4.3 A.1.a. above, the applicant shall identify the Baseline Quantity, and the District shall consider, as may be further limited by other provisions of 40D-2.301, F.A.C., and this Basis of Review, the authorization of the additional quantity of water to be withdrawn where the applicant:

   (1) Demonstrates that there are no reasonable means to modify the proposed withdrawal to meet the conditions in 4.3 A.1.a., including the use of alternative supplies, to reduce or replace the amount of the requested quantity exceeding the Baseline Quantity. Cost shall not be the sole basis for determining whether the means are reasonable; and

   (2) Provides reasonable assurance that significant harm will be prevented to the wetlands and surface water bodies that could be affected by the proposed withdrawal if the requested quantity is withdrawn; and

   (3) Demonstrates that any measures used to provide the reasonable assurance specified in 4.3 A.1.a.i(2) above will not cause a violation of any of the criteria listed in 40D-2.301(1)(a)-(n), 40D-4.301, or 40D-4.302, F.A.C., as applicable.

ii. To support whether the applicant has provided reasonable assurance pursuant to 4.3 A.1.a.i(2) above, the applicant must submit an environmental management plan (“EMP”) for approval by the District describing the measures to be used to prevent significant harm from withdrawal of the requested quantity. The EMP must include a monitoring program for early detection of impacts to wetlands and surface water bodies that could be affected by the proposed withdrawal and an implementation scheme for corrective actions to prevent unacceptable adverse impacts. The EMP shall include provisions to evaluate changes in water quality, water levels, vegetation, and fish and wildlife. The EMP shall also include clear thresholds as to when the implementation scheme will be initiated. The implementation scheme shall include details as to how the proposed measures will be effected, the methods to be followed in order to functionally replicate the natural hydrologic regime of affected water bodies, and efforts to be undertaken to minimize the effects of changes in water chemistry. The implementation scheme shall also require reduction of pumping to the Baseline Quantity as a corrective action if no other measures, including supplemental hydration, are successful in preventing unacceptable adverse impacts to wetlands and surface water bodies due to withdrawals. An approved EMP shall be incorporated as a special condition to any permit issued.

   (1) The measures proposed may include hydration of affected water bodies or modification of existing drainage structures to prevent significant harm to affected water bodies, provided that the measures within the EMP minimize the need for supplemental hydration to the greatest extent practical.

   (2) If supplemental hydration is proposed, the applicant will be required to identify in the application and monitor a representative number of wetlands in the vicinity of the withdrawal. The monitored wetlands shall include a representative number of MFL or MFL surrogate wetlands not receiving supplemental hydration. An MFL surrogate wetland is the nearest wetland site of the same type and condition to the proposed withdrawal that is not anticipated to require supplemental hydration. The monitored wetlands shall also include, where available, non-MFL wetlands not receiving hydration as well as MFL and non-MFL wetlands proposed for supplemental hydration.
(3) A representative number of wetlands is a number of a particular type or types of wetlands, in the vicinity of the withdrawal, sufficient to adequately determine the hydrologic response of the wetlands and surface water bodies that could be affected by the proposed withdrawal to rainfall and water withdrawals.

(4) If supplemental hydration is proposed to rehydrate lakes or wetlands, in order for a water use permit authorizing the Requested Quantity to be issued, the applicant shall demonstrate that Governing Board must determine whether:

   (A) The measures within the proposed EMP minimize the quantity of water required for supplemental hydration by raising water levels by filling or blocking ditches, removing culverts or outflows, or other alterations, where practical and feasible, and whether such alterations will achieve the applicable minimum level (where the measures proposed by the application identify the need for specific Environmental Resource Permits, such permits must be obtained prior to withdrawal of the requested quantities);

   (B) The applicant has proposed use of the lowest quality of water for rehydration which is scientifically, technically and environmentally feasible to prevent unacceptable adverse impacts;

   (C) Measures within the proposed EMP minimize the need for ground water hydration to the greatest extent practical based on the quantity, frequency and duration of the anticipated use;

   (D) The measures within the proposed EMP minimize or avoid the potential for unacceptable adverse impacts to water quality or fish and wildlife in the wetland or surface water body receiving supplemental hydration and, if such a potential exists, the EMP contains adequate measures to detect impacts at an early stage and to prevent unacceptable adverse impacts in an expeditious manner;

   (E) The measures within the proposed EMP minimize or avoid the potential for the establishment or spread of undesirable aquatic vegetation in the wetland or surface water body receiving supplemental hydration and, if such a potential exists, the EMP contains adequate measures to detect vegetative changes at an early stage and to prevent undesirable vegetative changes in an expeditious manner;

   (F) The quantity of water needed for supplemental hydration is outweighed by the quantity of water made available for other uses;

   (G) The quantity of water needed for supplemental hydration is reasonable compared to the unacceptable adverse impacts to be prevented;

   (H) The unacceptable adverse impact to be prevented by supplemental hydration results in benefits that outweigh the potential for impacts caused by the additional withdrawal; and,

   (I) The quantity of the water used for supplemental hydration is reasonable considering the proportion expected to percolate into the aquifer.

iii. Wetlands or other surface water bodies receiving supplemental hydration must have flow meters to measure the quantity of supplemental hydration water used at each site. This information shall be reported to the District as required by permit condition.

iv. Pursuant to Chapter 373, F.S., and Chapter 40D-2, F.A.C., permits may be conditioned to include aquifer regulatory levels intended to achieve compliance with one or more of
the Chapter 40D-2, F.A.C., conditions for issuance, including 40D-2.301(1)(d), F.A.C., Minimum Flows and Levels criteria. The aquifer regulatory level that will be appropriate for any particular permit, considering all conditions for issuance, is the level that results from the more stringent condition.

v. If supplemental hydration with ground water is proposed pursuant to paragraph 4.3 A.1.a.i. and 4.3 A.1.a.ii, the applicant will be required to propose a Floridan aquifer regulatory level for each of the MFL wetlands (defined in 4.3 A.1.a.vi.(2)(A) below) or MFL surrogate wetlands not receiving supplemental hydration in the vicinity of the proposed water use permit. The aquifer regulatory level for each MFL wetland or MFL surrogate wetland not receiving supplemental hydration with ground water shall be the Floridan aquifer level that does not cause the Minimum Level to be exceeded on a long-term basis, based solely on withdrawal management. The aquifer regulatory level for MFL wetlands receiving supplemental hydration with ground water shall be the Floridan aquifer level taking into account the benefits of the hydration.

vi. The procedures described below are those applicable to the determination of an aquifer regulatory level relating to 40D-2.301(1)(e)(4), F.A.C., where the District Governing Board authorizes a quantity of Upper Floridan aquifer ground water pursuant to 4.3 A.1.a.i. where an applicant proposes prevention measures, and shall be determined for, and specified in, any permit issued as follows:

(1) The aquifer regulatory level is the long-term average potentiometric level that will not result in significant harm to a water body for which a Minimum Flow or Level has been established in 40D-8, F.A.C., taking into account the effects of prevention measures such as hydration on the impacted Minimum Flow or Level. The aquifer regulatory level for the Upper Floridan aquifer shall be proposed by the water use permit applicant with the permit application for review, modification as needed, and approval by the District as part of any permit issued. The aquifer regulatory level will be used to determine the annual average daily quantity for the permit that does not result in significant harm to water resources taking into account prevention measures such as hydration. The aquifer regulatory level is one of several long-term compliance tools that are evaluated by the District, but is not a mechanism to control withdrawals on a short term basis. The aquifer regulatory level and the quantities granted based on this level shall be adjusted if data indicate that significant harm is occurring because of the withdrawals or if data indicates that additional withdrawals can be permitted without causing significant harm.

(2) The aquifer regulatory level for the Upper Floridan aquifer shall be calculated based on the relationship between the potentiometric level of the Upper Floridan aquifer and water levels in the surficial aquifer system and associated wetlands and lakes, taking into account the measures proposed by the applicant to prevent the significantly harmful impacts of withdrawals. The Floridan aquifer regulatory levels associated with MFL wetlands or MFL surrogate wetlands not receiving supplemental hydration, shall be equal to the Floridan aquifer level that does not cause the Minimum Level to be exceeded on a long-term basis, based solely on withdrawal management. The Floridan aquifer regulatory level associated with MFL wetlands that receive supplemental hydration shall be determined according to the following guidelines:

(A) Determine the historic average Upper Floridan aquifer potentiometric level in the vicinity of the wetland or lake for which a minimum wetland level or minimum lake level has been established in Chapter 40D-8, F.A.C. (Referred to hereafter as “MFL wetland” or “MFL lake,” as applicable). The historic average potentiometric level is estimated for each site as follows:

(i) If an Upper Floridan aquifer monitor well is located in the vicinity, and if the available pre-withdrawal potentiometric level data are sufficient to capture the expected long-term
range of pre-withdrawal potentiometric levels, then the historic average potentiometric level is calculated by taking the average of the pre-withdrawal potentiometric level data.

(ii) If an Upper Floridan aquifer monitor well is located in the vicinity, and if the available pre-withdrawal potentiometric level data are not sufficient to capture the expected long-term range of pre-withdrawal potentiometric levels, then the historic average potentiometric level shall be estimated using best available data and methods. Methods may include correlation of the available pre-withdrawal potentiometric level data to historic potentiometric data in other areas of the region and estimating the historic average potentiometric level at the site in question using statistical analysis.

(iii) If no pre-withdrawal potentiometric level data for an existing Upper Floridan aquifer monitor well in the vicinity are available, then the historic average potentiometric level is determined by adding the absolute value of the estimated current average cumulative drawdown at the well to the current average potentiometric level of the well.

(iv) If no Upper Floridan aquifer monitor well exists in the vicinity of each MFL lake or MFL wetland, the historic average potentiometric level can be determined based on an evaluation of regional aquifer potentiometric level data, including potentiometric surface maps.

(B) Estimate the resulting cumulative Upper Floridan aquifer potentiometric level drawdown at the location of the MFL wetland or MFL lake utilizing acceptable ground water flow models or analytical techniques, resulting from the proposed and existing withdrawals, taking into account the effect of the prevention measures proposed by the permit applicant such that the drawdown together with the prevention measures will not cause significant harm to the MFL wetland or MFL lake (hereinafter referred to as the “Resulting Drawdown”).

(C) Subtract the Resulting Drawdown from the historic average potentiometric level to calculate the aquifer regulatory level.

(D) The Resulting Drawdown shall be determined using industry-standard ground water flow models or analytical techniques, based on best available aquifer-characteristic information, simulating long-term average water use and hydrologic conditions.

vii. If the District Board determines that reasonable assurances have been provided pursuant to 4.3 A.1.a., the District Board shall authorize the additional quantity of water to be withdrawn.

b. For new quantities that affect a water body that is below Minimum Flow or Level - requests for withdrawals of new quantities of water that are projected to impact a water body which is below its minimum flow or level shall not be approved unless the new quantities are used solely for furthering the attainment of the objective set forth in the Comprehensive Recovery Plan recovery strategy in Rule 40D-80.073, F.A.C.

2.e. Quantities Authorized to Be Withdrawn as of August 3, 2000.

a. Where above Minimum Flow or Level - For water bodies that are affected by the withdrawals, and where the actual flow or level is at or above a Minimum Flow or Level, withdrawals, including those from the Tampa Bay Water Central System Facilities, shall be evaluated pursuant to 4.3 A.1.a. above.
b.ii. Where below Minimum Flow or Level - For water bodies that are affected by the withdrawal and where the actual flow or level is below a Minimum Flow or Level:

i.(A) Tampa Bay Water Central System Facilities Wellfields.

Compliance with established Minimum Flows and Levels for waterbodies that are adversely impacted by withdrawals from the Tampa Bay Water Central System Facilities shall be addressed as specified in Sections 4.3 A. and 7.3 8., Part B, Basis of Review, of the Water Use Permit Information Manual and Rule 40D-80.073, F.A.C.

The Central System Wellfields (i.e., Cosme-Odessa, Eldridge-Wilde, Section 21, South Pasco, Cypress Creek, Cross Bar Ranch, Starkey, Morris Bridge, Northwest Hillsborough Regional, Cypress Bridge, and North Pasco) are encompassed within a recovery strategy referenced in Rule 40D 80.073, F.A.C., and are controlled by the New Water Supply and Ground Water Reduction Agreement (Agreement) through the term of the Agreement. Recovery to Wetland and Lake Minimum Levels for wetlands and lakes described in and established in 40D 80.623(3) and 40D 80.624(12), F.A.C., is the objective of the recovery strategy under Rule 40D-80.073, F.A.C., and reductions in ground water withdrawals from the Central System Wellfields to reduce the impacts of withdrawals on wetlands and lakes is an objective of the Agreement. Therefore, withdrawals from these Wellfields shall not be required to comply with the Minimum Flows and Levels established within the area described in Section 4.3 A. during the term of the Agreement, nor shall Aquifer Regulatory Levels as set forth in Section 4.3 A.1.a.v. be applied to these Wellfields during the term of the Agreement.

ii.(B) Other Existing Permittees as of August 3, 2000.

Compliance with the performance standards for permittees encompassed within the Comprehensive Plan set forth in Rule 40D-80.073, F.A.C., shall be addressed as specified in Rule 40D-80.073, F.A.C.

Permittees not subject to 4.3 A.2.b.i. above within this Area who apply for renewal shall reduce the impacts, if any, of their withdrawals, as set forth in Rule 40D-80.073(5), F.A.C., and therefore are not required to comply with the Minimum Flows and Levels established within this Area through the period of the first phase of the recovery strategy, ending December 31, 2010.

4.5 SALINE WATER INTRUSION

1. Performance Standards

A permit application shall be denied if the application requests withdrawals that would cause significant saline water intrusion. Significant saline water intrusion occurs if the applicant's withdrawals are projected to cause movement of the salt water interface which adversely affects, or is predicted to adversely affect, other existing legal uses of water; the Applicant; or the public health, safety, and general welfare.

Compliance with the performance standards for permittees encompassed within the Comprehensive Plan set forth in Rule 40D-80.073, F.A.C., shall be addressed as specified in Rule 40D-80.073, F.A.C.

Revised 1-1-07,______.
7.0 WATER USE CAUTION AREAS

7.3 NORTHERN TAMPA BAY WATER USE CAUTION AREA

1. – 7. No change.

8. Tampa Bay Water Central System Facilities Permitting

From the 1930’s through the 1990’s eleven wellfields were developed within the Northern Tampa Bay Water Use Caution Area (the “Area”). Those wellfields are Cosme-Odessa, Eldridge-Wilde, Section 21, South Pasco, Cypress Creek, Cross Bar Ranch, Starkey, Morris Bridge, Northwest Hillsborough Regional, Cypress Bridge, and North Pasco, and are collectively hereinafter referred to as the Central System Facilities. The Central System Facilities are operating under Water Use Permit No. 2011771 (the “Consolidated Permit”). The Consolidated Permit will expire on December 31, 2010. The predominant cause of the lowered aquifer levels in the vicinity of the Central System Facilities is groundwater withdrawals from the Central System Facilities. As a result, wetlands, lakes, streams, springs and aquifer levels in the vicinity of the Central System Facilities have been impacted by reduced water flows and levels. In addition to the impacts occurring to wetlands, lakes, streams, springs and aquifer levels, the existing water levels and flows in certain wetlands, lakes, streams, springs and aquifer levels are below the Minimum Flows or Levels established by the District. The recovery strategy developed by the District and ending December 31, 2010, has had the effect of increasing water levels and flows and improving the condition of many wetlands, lakes, streams, springs and aquifer levels in the Area due to the reduction of groundwater withdrawal from the Central System Facilities. However, compliance with permitting criteria of Rule 40D-2.301, F.A.C. has not been demonstrated since the current permitted withdrawal limit of 90 MGD on a 12-month moving average basis will have only been in effect for two years when the permit expires. As part of the establishment of minimum flows and levels pursuant to Sections 373.042 and 373.0421, F.S., the District is implementing a recovery strategy. The Northern Tampa Bay New Water Supply and Ground Water Withdrawal Reduction Agreement (“Partnership Agreement”) is part of that recovery strategy. An integral part of the recovery strategy is issuance of water use permits and the procedures applicable to the issuance of those permits. Criteria for issuance of those permits will be governed by this Section 7.3.8. The procedure and rule criteria applicable to the issuance of water use permits for the Cross Bar Ranch, Cypress Creek, Cypress Bridge, Starkey, North Pasco, South Pasco, Eldridge-Wilde, Cosme-Odessa, Section 21, Morris Bridge and Northwest Hillsborough Regional Wellfields (“Central System”) are those procedures and criteria set forth in the Partnership Agreement, which is incorporated herein by reference and available from the District upon request. This rule shall apply only to consolidated and non-consolidated permits as defined under the Partnership Agreement. The procedures and criteria set forth in the Partnership Agreement shall supersede and replaced all conflicting District rules, if any. Upon termination of the water use permits issued pursuant to this Section, or through December 31, 2010, whichever is first, this District’s then existing rules would thereafter apply to the issuance of water use permits for the Central System. Since these facilities supply potable water to Pinellas, Pasco, and Hillsborough counties and evaluation of the effect of the reduced withdrawal rate has not been completed, the District has determined that it is in the public interest and consistent with the objectives of the District to develop a second phase titled Recovery and Mitigation Plan. This Plan includes renewal of the Consolidated Permit based on this Section 7.3.8 and Rule 40D-80.073, F.A.C. in lieu of the standard permitting criteria for wetlands, lakes, streams, springs and aquifer levels set forth in Sections 4.2, 4.3.A and 4.5 of Part B, Basis of Review, Water Use Permit Information Manual incorporated in Rule 40D-2.091, F.A.C. In all other respects, the renewal of the Consolidated Permit shall be governed by the criteria set forth in Rule 40D-2.301, F.A.C.
Statement of Estimated Regulatory Costs (SERC)

Proposed Amendments to Chapter 40D-2, F.A.C., Chapter 40D-80 F.A.C., and Part B of the Basis for Review for Water Use Permit Applications

Minimum Flows and Levels Recovery Strategy and Environmental Resources Recovery Plan for the Northern Tampa Bay Water Use Caution Area (the “Comprehensive Plan”)

December 1, 2009
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1.0 Introduction

1.1 Background

From the 1930’s through the 1990’s, eleven wellfields were developed within the Northern Tampa Bay Water Use Caution Area (the “NTBWUCA”). These wellfields, collectively referred to as the Central System Facilities, are operated by Tampa Bay Water under Water Use Permit No. 200011771 (the “Consolidated Permit”). The NTBWUCA has experienced a lowered surficial water table in and near the Central System Facilities resulting from over-allocation and use of groundwater from the Central System Facilities. Consequently, wetlands, lakes, streams, springs and aquifer levels in and near the Central System Facilities have been and continue to be impacted by reduced levels and flows.

In 1998, the District, Tampa Bay Water and its Member Governments entered into the Northern Tampa Bay New Water Supply and Ground Water Reduction Agreement (the “Partnership Agreement”) to address impacts and implement a recovery strategy and mitigation plan. The recovery strategy resulted in the phased reduction of the permitted withdrawal rate of the Central System Facilities from 158 MGD in 1998 to 90 MGD in 2008. Although the recovery strategy has had the effect of increasing water levels and flows and improving the condition of many wetlands, lakes, streams and springs in the NTBWUCA, compliance with the criteria of Rule 40D-2.301, F.A.C., has not been fully achieved. To this end, rule revisions to Chapter 40D-80, F.A.C., Chapter 40D-2, F.A.C., and portions of Part B of the Basis for Review of Water Use Permit Applications are being proposed. The revisions set forth the Minimum Flows and Levels Recovery Strategy and Environmental Resources Recovery Plan for the NTBWUCA to address unacceptable adverse environmental impacts and Minimum Flows and Level impacts. The revisions are necessary because the existing Recovery rules and the Partnership Plan sunset December 31, 2010.

1.2 Summary of proposed rule revisions

This section summarizes the proposed changes to the following rules regarding the Minimum Flows and Levels Recovery Strategy and Environmental Resources Recovery Plan for the Northern Tampa Bay Water Use Caution Area:

a) Portions of Part B of the Basis for Review of Water Use Permit Applications; and,


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1 The proposed revisions to Chapter 40D-2, F.A.C., primarily incorporate by reference the proposed updates to portions of the Water Use Permit Information Manual Part B, “Basis of Review” which will be addressed in this document. The proposed revisions to 40D-2 supersede Phase I Recovery and Mitigation Plan conditions for issuance of Tampa Bay Water’s Consolidated Permit and provide alternative permit criteria for the renewal of the Consolidated Permit. The proposed alternative permit issuance criteria regarding the NTBWUCA recovery strategy and associated mitigation plan are addressed in Chapter 40D-80.073, F.A.C.
This section will identify the rule revisions as they affect Tampa Bay Water Central System Facilities and other applicants or permittees for new or existing quantities in the NTBWUCA. The potential costs to individuals or entities related to the proposed rule revisions were measured relative to a baseline condition. The Partnership Agreement (May 1998), incorporated by reference in existing rule, and other existing rules are the baseline conditions used to evaluate the impacts of the proposed rule to Tampa Bay Water Central System Facilities. For other applicants or permittees the baseline condition is the existing rule. The proposed revisions that affect Tampa Bay Water and other water use permittees and applicants are summarized below.

1.2.1 Tampa Bay Water

The proposed rule revisions to Chapters 40D-2, 40D-80, F.A.C. and portions of Part B of the Basis for Review of Water Use Permit Applications establish Minimum Flow and Level recovery and prevention strategy elements and other necessary rule elements to allow renewal of the Consolidated Permit for the Central System Facilities as the Partnership Agreement and related rules expire on December 31, 2010. The Partnership Agreement governed the development and funding of new water supplies, reduction in pumpage, financial assistance and cessation of litigation and administrative hearings between the District, Tampa Bay Water and its Member Governments. The proposed rule revisions include a requirement for the submission of an Operations Plan, limitation of withdrawals from the Central System Facilities to not greater than 90 million gallons per day (MGD) on a 12 month moving average, an Exception Period during which withdrawals may be greater than 90 MGD, an Environmental Management Plan, Phase 1 Mitigation Plan, Consolidated Permit Recovery Assessment Plan and water conservation reporting requirements.

1.2.1.1 Operations Plan

The proposed rule revisions replace or eliminate a number of the requirements of the Partnership Agreement, including submission of an updated Operations Plan at renewal of the Consolidated Permit. Under the proposed rules, Tampa Bay Water will continue to implement and refine the Operations Plan which was submitted to the District as part of the first phase of the Recovery and Mitigation Plan. The plan describes how Tampa Bay Water will operate its Central System Facilities in order to minimize environmental stresses within the NTBWUCA. Specified in Rule 40D-80.073, F.A.C., and listed below are the requirements for the Operations Plan:

a) Define how Tampa Bay Water will operate the Central System Facilities;
b) Provide the protocol under which Tampa Bay Water will select among the Central System Facilities to meet demand;
c) Provide the protocol under which Tampa Bay Water will rotate among the Central System Facilities to avoid or minimize environmental stresses;
d) Rely upon ground water elevation target levels in the aquifer systems as a surrogate for water levels in wetlands and lakes, and flows in streams and springs at a specified set of existing and proposed monitor wells, to gauge environmental
stresses in and around the well fields where increased ground water elevations will denote reduced environmental stresses;

e) Include procedures for analyzing relationships between the distribution and rate of withdrawal at the well fields; flow rates in rivers and streams; and the associated Floridan; and Surficial aquifer system levels, using available models;

f) Include procedures for selecting optimal scenarios for the distribution and rate of ground water withdrawals from the well fields, using available mathematically-based optimization software, based on projected demand and operating system constraints, such that ground water levels in the surficial aquifer system are maximized according to a specified weighting/ranking system as a surrogate for water levels in wetlands and lakes and flow in rivers and streams.

g) Include in the optimization analysis a weighting/ranking system to enable priority factors to be applied to reduce environmental stress preferentially at selected locations, with such factors to be associated with the specified surficial aquifer monitor wells; and

h) Propose a set of surficial aquifer monitor wells as well as a priority weighting system for those wells; and

i) Provide data and software for all models used in the OROP.

The Operations Plan requirements outlined above are consistent with the current requirements of the Partnership Agreement, with the exception of additions requiring the operations plan to address impacts to stream and spring flows. This may require additional monitoring sites, input and analysis of monitoring data, and perhaps revisions to the OROP.

In order to define and control how wellfield withdrawal points from the Central System Facilities will be operated to avoid or minimize environmental stress; Tampa Bay Water is required to continue to use the Optimized Regional Operations Plan (OROP). Any proposed change to the optimization formula or operations protocol or OROP models included in the Consolidated Permit renewal application will require District approval prior to implementation.

Tampa Bay Water is required to submit regular updates and analysis of the Operations Plan to the District. The Operations Plan report is to be submitted by July 10 of years 2012, 2014, 2016, 2018, and in conjunction with the application for the second renewal of the Consolidated Permit. The Operations Plan report shall document updates to the Operations Plan submitted with the renewal application for the Consolidated Permit, provide a work plan for the upcoming two years, and include activities approved in Tampa Bay Water’s budget for the year that begins October 1 and summarize information and data on Operations Plan activities during the previous reporting period.

1.2.1.2 Environmental Management Plan (EMP)

Continued from the first phase of the Recovery and Mitigation Plan, the Environmental Management Plan (EMP) is an essential component of the second Phase of the Recovery and Mitigation Plan. The EMP includes specific information on the monitoring of water resources and environmental systems in the area surrounding the Central System Facilities, data analysis to gauge potential impact of groundwater withdrawals to environmental features and creates
synergies with the Operations Plan to address water level impacts accredited to withdrawals from the Central System Facilities. The EMP will be revised and submitted with the renewal application for the Consolidated Permit in 2010 and executed during the duration of the permit. The revised EMP submitted to the District must:

a) Identify and propose a revised list of monitoring sites within the areas potentially affected by the Central System Facilities and unaffected control/reference sites;
b) Define and describe the monitoring and data collection methods and reports utilized for documenting the hydrologic and biologic conditions of surface water bodies in and near the Central System Facilities; and

c) Describe the process used to determine impacts to water bodies in and near the Central System Facilities and the procedures used to attempt corrective action through Operations Plan changes.

1.2.1.3 Phase 1 Mitigation Plan

A component of the requirements that comprise the Partnership Agreement, the Phase 1 Mitigation Plan identified environmental features with existing unacceptable adverse impacts and prioritized candidate mitigation sites based on their ecological importance and the feasibility of mitigation. Conceptual mitigation projects were developed for those high priority candidate sites selected for restoration and Tampa Bay Water has been evaluating and implementing these projects based on criteria set forth in the Phase 1 Mitigation Plan.

The evaluation and implementation of the mitigation projects will continue as part of the second phase of the Recovery and Mitigation Plan. Additionally, the list of candidate water bodies will be revised to include any EMP identified sites that are impacted by and will not be fully recovered at a long-term average withdrawal rate of 90 MGD from the Central System Facilities.

1.2.1.4 Consolidated Permit Recovery Assessment Plan

The Consolidated Permit Recovery Assessment Plan is a provision that, in spite of the new name, is essentially a continuation of the assessment provisions of the Phase I Mitigation Requirements of the Partnership Agreement. The purpose of the Recovery Assessment Plan is to evaluate the recovery of environmental features attributable to the reduction in groundwater withdrawals from the Central System Facilities to a long-term average of 90 MGD, identify any remaining unacceptable adverse impacts caused by the Central System Facilities withdrawals, and identify and evaluate potential options to address the remaining unacceptable adverse impacts at the time of the Consolidated Permit renewal. Status reports will be submitted by Tampa Bay Water demonstrating the progress made in the development of the Consolidated Permit Recovery Assessment Plan. The frequency of status report submissions will be defined in the permit conditions upon renewal of the Consolidated Permit in 2010. The final results of the Consolidated Permit Recovery Assessment Plan will be submitted with the application for the second renewal of the Consolidated Permit in 2020.

1.2.1.5 Total Withdrawal Rate
Withdrawals from the Central System Facilities shall be limited to a total annual average daily withdrawal rate of 90 MGD on a 12 month moving average basis. Maintaining a withdrawal rate at or below 90 MGD is essential to the assessment of impacts from sustained withdrawals for the duration of the second phase of the Recovery and Mitigation Plan. Therefore, Tampa Bay Water is required to undertake its best efforts to maintain withdrawals at or below this rate from the Central System wellfields.

The proposed rule revision to Chapter 40D-80 establishes the limitation of withdrawals from the Central System Facilities to 90 MGD on a 12 month moving average. The limitation of withdrawals at 90 MGD was established in the Partnership Agreement as the final phase of withdrawal reductions on December 31, 2007. For that reason, the proposed revision establishes a continuation of existing withdrawal limitations and requires no additional pumpage reductions.

The proposed rule revisions provide for an “Exception Period” during which Tampa Bay Water may exceed the 90 MGD withdrawal rate in order to supplement the possible supply disruptions resulting from the renovation of the C.W. Bill Young Reservoir. The period during which withdrawals may be greater than 90 MGD on a 12 month moving annual average basis begins when all of the following occur:

a) Tampa Bay Water demonstrates the date that the Reservoir cannot produce water supply and the renovation project has begun, and
b) The District has determined that hydrologic factors exist that are contributing to a water supply deficit. These factors include the designated water resource indicators in the District’s water shortage plan and stream flow and rainfall conditions in the Alafia and/or the Hillsborough River watersheds, and
c) Tampa Bay Water demonstrates there are not sufficient surface water, desalination, and other interconnected sources available that would allow the Consolidated Permit withdrawals to remain at or below 90 MGD on a 12 month moving annual average basis, and
d) Tampa Bay Water and its member governments have demonstrated that they have complied with any Board or Executive water emergency order relating to water supply.

The Exception Period will end 36 months after the period begins or when the volume of water stored in the C.W. Bill Young Reservoir is equal to 11.0 billion gallons, whichever occurs first. However, Tampa Bay Water is required to use its best efforts to minimize the duration of the Exception Period. To minimize ground water withdrawals from the Central System Facilities during the Exception Period, Tampa Bay Water is required to maximize its authorized use of alternative water supply sources and other interconnected sources. Validation of alternative water supply source and interconnected source maximization during the Exception Period will be provided by a monthly report submitted to the District.

1.2.1.6 Water Conservation Measures
Continued from the Partnership Agreement, Tampa Bay Water must report on the Member Government’s evaluation, findings, conclusions and schedule for implementing the selected measures from the following conservation measures:

a) Toilet rebate/replacement  
b) Fixture retrofit  
c) Clothes washer rebate/replacement  
d) Dishwasher rebate/replacement  
e) Irrigation and landscape evaluation  
f) Irrigation/landscape rebate  
g) Cisterns/rain water harvesting rebate  
h) Industrial/commercial/institutional audits and repair  
i) Florida-Friendly landscape principles  
j) Water Conservation Education  
k) Water-conserving rate structures and drought rates  
l) Multi-family residential metering

With the exception of drought rates and Florida-Friendly landscape principles as conservation measures, the above-listed measures are consistent with those established in the Partnership Agreement and do not constitute an increase in costs to Tampa Bay Water and the Member Governments.

Drought rates, a demand management conservation tool, generally take the form of a temporary surcharge added to the volumetric charge for water during drought conditions. The goal of drought pricing is to reduce water consumption, recover revenues lost to demand reductions, and to maintain customer relations after the temporary situation by reducing the need for rate increases after the drought. Tampa Bay Water will have to report on the Member Government’s evaluation, findings and conclusions regarding drought rates as a possible conservation measure to implement.

Addressing Florida-Friendly landscape principles, the proposed changes to the conservation measures simply replace the concept of Xeriscape. Subsection 373.185(2), F.S. defines Florida-friendly landscaping as “quality landscapes that conserve water, protect the environment, are adaptable to local conditions, and are drought tolerant”. The efforts by Tampa Bay Water and its Member Governments to report on Florida-Friendly Landscape Principles are expected to be consistent with the existing requirement to report on Xeriscape as a conservation measure.

Tampa Bay Water is also required to continue the reporting of the Authority’s and the Member Government’s per capita water use rate, water losses, reclaimed water use, residential water use.

Until Wholesale Water Use Permits are obtained by the Member Governments, Tampa Bay Water must continue to report on the abovementioned data for the Authority, as applicable, and any Member Government that does not have a water use permit requiring such reporting. Tampa Bay Water will no longer be required to submit the data on behalf of the Member
Government in the year following the year in which a Member Government is required by permit to report this data.

1.2.2 Applicants and permittees for new or existing quantities other than Tampa Bay Water

The proposed rule revisions impose no additional requirements to applicants or existing Water Use permittees. The proposed revisions to Rule 40D-80.073(4), F.A.C. and 40D-80.073(6) incorporate the requirement from Rule 40D-2.301 that in addition to addressing Minimum Flows or Levels, the water use will not cause unacceptable adverse impacts to environmental features. All existing rule requirements remain effective, including but not limited to items that shall be considered at permit renewal in determining the permittee’s responsibility to implement measures to reduce impacts on the Flow or Level or unacceptably adversely impacted feature. These items may include:

a) The proportionate amount of impact that the permittee’s water withdrawals have on the Minimum Flow or Level or other unacceptably adversely impacted feature,
b) Cost to permittee,
c) Time period to fully implement measure,
d) Unavoidable public health, safety, or welfare emergency that would be caused by implementation of the measures,
e) Whether the water resource benefits gained from implementation of the permittee’s measures to attain the Minimum Flow or Level or mitigate the unacceptably adversely impacted environmental feature outweigh the water resource impacts that may result from the measures, and
f) Alternative actions or programs in lieu or in combination with reductions in withdrawals that will contribute to the attainment of the Minimum Flow or Level or mitigate the unacceptably adversely impacted feature and will optimize the net positive effect on the impacted water resources.

As with the existing rule, applications for withdrawals of new quantities of water that are projected to impact a water body which is below its Minimum Flow or Level shall not be approved. Additionally, applications for withdrawals of new quantities of water that are projected to impact a water body which is unacceptably adversely impacted will not be granted. Unacceptability is determined by the failure to meet the Performance Standards outlined in Section 4.3, B.O.R.

As previously stated, the proposed rule revisions require no additional requirements of applicants or permittees other than Tampa Bay Water. The abovementioned existing requirements are addressed to provide examples of what will continue to be required of other applicants and permittees for new or existing quantities.

1.2.3 District

1.2.3.1 2020 Evaluation of Comprehensive Plan
In 2020, the District will perform a review of available information to consider whether it is sufficient to fully assess the withdrawal impacts remaining at the withdrawal rate of 90 MGD on a 12 month moving annual average annual basis. The information gained from the review will be used to develop a strategy for the second renewal of the Consolidated Permit and to determine if a third phase of the Comprehensive Plan is needed to address any possible remaining impacts to environmental features. The District will also use the information obtained from the 2020 evaluation to determine whether a third phase of the Comprehensive Plan is necessary to address permittees other than Tampa Bay Water.

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

2.1 Tampa Bay Water

As specified in 1.2.1, Tampa Bay Water will be required to comply with the proposed revisions to Chapters 40D-2 and 40D-80, F.A.C. and Part B, Basis of Review, of the Water Use Permit Information Manual. Tampa Bay Water is a regional water supply authority that supplies wholesale water to its member governments. They are the cities of St. Petersburg, New Port Richey and Tampa and the counties of Hillsborough, Pasco, and Pinellas. Tampa Bay Water operates the 11 wellfields which comprise the Central System Facilities, those wellfields are Cosme-Odessa, Eldridge-Wilde, Section 21, South Pasco, Cypress Creek, Cross Bar Ranch, Starkey, Morris Bridge, Northwest Hillsborough Regional, Cypress Bridge, and North Pasco. The Central System Facilities are operating under Water Use Permit No. 200011771.

2.2 Applicants and permittees for new or existing quantities other than Tampa Bay Water

Water use permit applicants and permittees within the NTBWUCA will be unaffected by the proposed rule revisions. These individuals and entities will continue to comply with the Comprehensive Plan elements in Rule 40D-80.073 in addition to the standard conditions for issuance contained in 40D-2.301.

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

3.1 Estimated impacts to the District

The proposed rule revisions require no additional requirements of applicants or permittees other than Tampa Bay Water. Therefore it is not anticipated that the District will realize significant additional costs related to evaluating, processing or monitoring of the withdrawals from water use permittees or applicants other than Tampa Bay Water.

A number of the proposed rule revisions are a continuation of conditions required under the Partnership Agreement with Tampa Bay Water and its Member Governments. The Operations
Plan, Environmental Management Plan, and reporting of conservation measures are requirements of the proposed rule revisions that currently exist in the Partnership Agreement or as permit conditions. These requirements are not anticipated to impose additional costs to the District. The costs incurred from District review of Tampa Bay Water submittals such as: the Optimized Regional Operations Plan and Reports, Environmental Management Plan, and Mitigation Plan, Public Supply Annual Report and the reports on conservation measures are expected to be consistent with the current costs of evaluating, processing, and monitoring of similar documents required under the Partnership Agreement or existing permit conditions.

The 2020 evaluation of the Comprehensive Plan requirement of the proposed rule revision may possibly create a one-time additional cost to the District. The potential cost would be produced by the evaluation, processing, and monitoring of the available information in 2020 to determine if it is sufficient to assess the impacts remaining at the total withdrawal rate for the Central System wellfields. The review will allow the District to consider all available information when developing a strategy for the second renewal of the Consolidated Permit and a third phase of the Comprehensive Plan if necessary.

3.2 Estimated costs to other state and local government entities of implementing and enforcing the proposed rule

The proposed rule revisions are not anticipated to require the State of Florida and local governmental entities to incur costs regarding the implementation and enforcement of the proposed rule.

3.3 Estimated impact on state or local revenues

Local and State tax revenues are not anticipated to change as a result of the proposed rule revisions.

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

4.1 Tampa Bay Water

A number of the proposed revisions are existing requirements of the Partnership Agreement or permit conditions. These require Tampa Bay Water to maintain a total annual average daily withdrawal rate at or below 90 MGD on a 12 month moving average basis, provide and operate under an Operations Plan, provide and implement an Environmental Management Plan, and report on conservation measures. These conditions will continue with adoption of the proposed rule revisions.

The additional stream and spring flow impact assessments may present some additional costs. It is likely that additional costs will be minimized by correlating water levels to flows to minimize additional equipment and monitoring costs. However, if additional surficial monitoring wells are
required, they are estimated to cost approximately $2,000\textsuperscript{2} per well plus potential access easement costs. Data will need to be collected, input, analyzed and perhaps changes made to the OROP. Data collection and input could be conducted by TBW operational staff. Data analysis will likely be conducted by TBW scientific staff or a scientific consultant. Changes made to the OROP may also require reprogramming. In addition, TBW may also spend more scientific staff time in Phase II trying to better define and narrow possible mitigation activities and implementing mitigation. The nature and extent of any mitigation projects is unknown at this time. Hourly operational, scientific and computer systems staff costs are estimated to be $69, $104 and $125, respectively, including benefits and overhead\textsuperscript{3}. Total costs are inestimable at this time.

Additional reporting will be required in the event that an Exception Period is necessary. The Exception Period reporting requirements are addressed in section 1.2.1.5 and are not expected to impose significant costs. Other written reports submitted to the District are not expected to impose significant additional cost because similar reporting requirements were required under the Partnership Agreement and as conditions of the permit.

When compared to the existing Conditions for Issuance in Part B of the Water Use Permit Information Manual, Basis for Review, the proposed rule revisions provide a possibly lower cost alternative. This is due to the extended recovery period allowing for assessment and mitigation as opposed to possibly more costly measures to comply with Conditions for Issuance when the permit expires on December 31, 2010. The Exception Period, allowed by the proposed rule revisions, also provides for an alternative to costly compliance measures during the course of the C.W. Bill Young Reservoir renovation.

4.2 Applicants and permittees for new or existing quantities other than Tampa Bay Water

The proposed rule is not anticipated to incur additional transactional costs to applicants and permittees.

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.

It is estimated that as much as 99 percent of the business in the Districts 16-county area are “small businesses”, as defined by Section 288.703(1)\textsuperscript{4}. Small businesses, including those that may be applicants or existing permittees, are not expected to incur costs resulting from the proposed rule.

\textsuperscript{2} Telephone conference with senior SWFWMD hydrologic evaluation staff December 1, 2009.
There are 54 small cities and 4 small counties in the Districts 16 counties\(^5\). There are a total of 18 small cities within the NTBWUCA. There are no small counties in the NTBWUCA. Small cities and small counties are not expected to incur costs as a result of the proposed rule.

\(^5\) Ibid., p. 5-4
In July 2009, the Governing Board approved for adoption rule amendments to restructure the District’s permit duration rule to be more consistent with the durations given by the St. Johns Water Management District and the South Florida Water Management District, and to provide incentives for applicants who undertake extraordinary water conservation and reclaimed water reuse efforts.

The proposed rules are now at the stage indicated by the shaded box below:

In September 2009, after publication of the notice of intent to adopt the proposed rules, the Peace River Manasota Regional Water Supply Authority (the “Authority”) submitted comments about one particular provision in the proposed rules. That provision reads as follows:

40D-2.322 20 Year Permit Requirements

(3) For 20 year General and Individual Public Supply Permits, if the actual population growth in the tenth year of the permit is less than 90 percent of what was predicted for the preceding 10 year period, the permitted quantities shall be reduced consistent with the actual growth rate experienced unless the projected population for the final year of the permit has not changed by more than 10% based on the District's BEBR medium based GIS model or equivalent methodology or non-population based factors such as large industrial or other uses are demonstrated to require the allocated quantity.
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The Authority met two times with District, the last meeting being the day before the November Governing Board meeting. The Authority representatives advised that due to contractual provisions between the Authority and its members, the above provision would reduce revenues that the Authority would receive from its members if the permit quantities are reduced due to unrealized population projections. The reduction in revenues may affect the ability of the Authority to repay bonds.

At the November Governing Board, the Board authorized staff to return with alternative language to address the problem. Staff has prepared the following alternative language and the Authority is in agreement with it.

**40D-2.322 20 Year Permit Requirements**

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

The rules as they would be adopted with the above changes are included in the exhibit to this item. Miscellaneous scrivenor's errors in the proposed rules are also corrected in the exhibit. A notice of the changes will be published in the Florida Administrative Weekly. If there are no requests for hearings or substantive comments or changes proposed, staff will complete the rule adoption process.

**Staff Recommendations:**

See Exhibit

Approve the changes to the proposed rules as described above and shown in the exhibit.

**Presenters:** Karen Lloyd, Assistant General Counsel, Office of General Counsel
Ken Weber, Water Use Program Director, Strategic Performance Office
Exhibit
20-Year Permit Rules

40D-2.091 Publications Incorporated by Reference.

The following publications are hereby incorporated by reference into this Chapter, and are available from the District upon request:
(1) Water Use Permit Information Manual Part B, "Basis of Review (____ 07-01-09);
(2) through (3) No Change.

Rulemaking Specific Authority 373.044, 373.113, 373.118, 373.171, F.S. Law Implemented 373.036, 373.0361, 373.042, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243, F.S. History – New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99, 8-3-00, 9-3-00, 4-18-01, 4-14-02, 9-26-02, 1-1-03, 2-1-05, 10-1-07, 10-22-07, 11-25-07, 12-24-07, 2-13-08, 2-18-08, 4-7-08, 5-12-08, 7-20-08, 9-10-08, 12-30-08, 1-20-09, 3-26-09, 7-1-09, ______________.

40D-2.301 Conditions for Issuance of Permits.

(1) In order to obtain a Water Use Permit, an Applicant must demonstrate that the water use is reasonable and beneficial, is consistent with in the public interest, and will not interfere with any existing legal use of water, by providing reasonable assurances, on both an individual and a cumulative basis, that the water use:
(a) through (n) No Change.
(2) For projects that require both an Environmental Resource Permit (ERP) and a Water Use Permit (WUP), an application for an ERP must be deemed complete prior to issuance of the WUP when the design of the surface water management system can affect the quantities developed from the project site and the quantities needed to supply project water demands. The applicant may submit an application for a Conceptual ERP to satisfy this requirement, provided that the application contains information from which supplemental irrigation demands, potable water demands, other water use demands, and water supply quantities derived from the surface water management system can be calculated. Otherwise, the applicant shall submit an application for an Individual or General ERP. Phosphate mining projects are not required to have complete ERPs prior to WUP issuance. If the District determines that a permit application involves an area where there are the Water Use Permit may not be granted because of water resource problems and due to the quantity, type or location of the proposed withdrawal it is unlikely that a water use permit will be issued, the requirement for a complete ERP permit application can be waived by the District. Where such waivers are granted, and if a WUP is issued, it shall specify that a well construction permit will not be issued and that withdrawals cannot commence until the appropriate District ERP surface water permit is issued.
(3) No Change.

Rulemaking Specific Authority 373.044, 373.113, 373.171, F.S. Law Implemented 373.219, 373.223, 373.227, 373.229, F.S. History – Readopted 10-5-74, Amended 12-31-74, 2-6-78, 7-5-78, Formerly 16J-2.11, 16J-2.111, Amended 1-25-81, 10-1-89, 2-10-93, 8-3-00, 4-14-02, 1-1-07, ______________.
40D-2.321 is substantially rewritten and is proposed to read as follows. Existing language will be repealed and is not shown except for paragraph (6) which is now proposed to be numbered (8).

**40D-2.321 Duration of Permits.**

(1) When requested by an applicant, a water use permit shall have a duration of 20 years if the applicant provides reasonable assurance that the proposed withdrawals and use meets the conditions for issuance in section 40D-2.301, F.A.C., and the criteria in Part B, Basis of Review, of the Water Use Permit Information Manual, incorporated by reference in section 40D-2.091, F.A.C., there is a demonstrated demand of at least 20 years, that one or more of the criteria in (a) – (f) will be met and where mitigation measures are proposed by the applicant (g) is met:

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

(b) The applicant demonstrates that at least 75 percent of their total annual average water needs will be met using an Alternative Water Supply or Supplies by the tenth year of the permit.

(c) The applicant demonstrates that it has achieved and will maintain a compliance per capita rate of less than 110 gallons per day per person, or will achieve such per capita by the tenth year of the permit. For regional water supply authorities, the per capita rate requirements shall refer to the weighted average compliance per capita rate of the member governments.

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

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

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

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

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

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

(4) Permits with a duration greater than 10 but less than 20 years as provided in subsection (2) above shall be granted based upon facts presented by an applicant.

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

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

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

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

**Rulemaking Specific Authority** 373.044, 373.103, 373.113, 373.171, F.S. Law Implemented 373.103, 373.171, 373.219, 373.227, 373.223, 373.236 F.S. History - Readopted 10-5-74, Amended 12-31-74, 10-24-76, 1-6-82, 3-11-82, Formerly 16J-2.13, Amended 10-1-89, 7-28-98, 1-1-03, 1-1-07, 2-13-08, 12-30-08, ______________.

**40D-2.322 20 Year Permit Requirements**

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

(2) Except for permits issued pursuant to section 373.236(6), F.S., where necessary to maintain reasonable assurance that the conditions for issuance of a 20 year permit or greater continue to be met during the term of a General or Individual permit, the District will require the permittee to submit a compliance report at year 10 and 15. Compliance reports shall be submitted every 5 years for permits issued pursuant to section 373.236(6), F.S. The report shall
contain sufficient information to provide reasonable assurance that the permittee's use of water will continue, for the remaining duration of the permit, to meet the conditions for permit issuance set forth in the existing District rules. In providing such reasonable assurance, the compliance report must, at a minimum, include all information specifically required by the compliance report condition(s) on the permit. The District shall take action on compliance reports only in cases where the District finds that the report indicates that the conditions for issuance are not continuing to be met. In those cases, the District shall modify the permit as necessary to ensure that the use of water authorized by the permit will continue to meet the conditions for permit issuance set forth in District rules. Only in those cases shall the District provide notice of intent to modify the permit as required by sections 120.569 and 120.60, F.S., and section 40D-1.1010, F.A.C., which allows the permittee or substantially affected persons to petition for a hearing on the proposed action.

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

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

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

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

1.1 through 1.8 No Change.

1.9 PERMIT DURATION

Revised 8-23-07, 2-13-08, 12-30-08. Repealed ________________.

1.9.9 through 1.14 No Change.

2.0 ADMINISTRATIVE CONSIDERATIONS

This section describes administrative requirements which may apply to certain water users. All water users must demonstrate legal control over the property and activities for which they are requesting a permit. Certain water users may be required to comply with other requirements described in this section.

2.1 CONTROL OF PROPERTY AND ACTIVITIES

Paragraphs 1-5 No Change.

6. As specified in the permit, agricultural permittees shall periodically submit written documentation confirming property ownership and that the permitted water use activities are consistent with the approved permit.

2.2 WATER USE INTEGRATED WITH A SURFACE WATER MANAGEMENT SYSTEM

1. For projects that require both an Environmental Resource Permit (ERP) and a Water Use Permit, an application for an ERP must be deemed complete prior to issuance of the Water Use Permit when the design of the surface water management system can affect the quantities developed from the project site and the quantities needed to supply project water demands from other sources. The applicant may submit an application for a Conceptual ERP to satisfy this requirement, provided that the application contains information from which supplemental irrigation demands, potable water demands, other water use demands, and water supply quantities derived from the surface water management system can be calculated. Otherwise, the applicant must submit an application for an Individual or General ERP. Phosphate mining projects are not required to have complete ERPs prior to WUP issuance. For projects which require both a water use permit and a surface water management permit, the Water Use Permit Application will not be deemed complete until the Surface Water Management Permit Application required by District rules is deemed complete. This requirement is based on
the fact that design changes may occur during the Surface Water Permit evaluation process which may impact the water use aspects of the project. The impact of withdrawals on the Applicant’s existing or conceptually permitted surface water management system must be evaluated and submitted with the Water Use Permit Application. This evaluation shall include an assessment of the impacts of withdrawals and discharges on the surface water management system design in terms of percolation rates, storage volumes, and design discharge, etc.

2. If the District determines that a permit application involves an area where there are water resource problems, and due to quantity, type or location of the proposed withdrawal it is unlikely that a water use permit will be issued, the requirement for a complete ERP surface water permit application shall may be waived by the District. Where such waivers are granted, and if the Water Use Permit is issued, it shall specify that a well construction permit will not be issued and withdrawals cannot commence until the appropriate District ERP surface water management permit is issued.

3. Where a project requires a complete ERP pursuant to Rule 40D-2.302(2), and Basis of Review Section 2.2.1, the permittee shall be required to re-evaluate water demands and sources at the submittal of any General or Individual ERP applications pertaining to the project. If the re-evaluation indicates sources or demands have changed from those presented in the original application, or that required water conservation elements have not been achieved, the water use permit shall be modified, to take into account the updated information, provided, however, that the water use shall continue to meet all conditions for issuance of a water use permit.
40D-1.607 Permit Processing Fee.

A permit application processing fee is required and shall be paid to the District when certain applications are filed pursuant to District rules. These fees are assessed in order to defray the cost of evaluating, processing, advertising, compliance monitoring and inspection, required in connection with consideration of such applications. Fees are non-refundable in whole or part unless the activity for which an application is filed is determined by the District to qualify for a permit with a lower fee or not require a permit. Failure to pay the application fees established herein is grounds for the denial of an application or revocation of a permit. The District’s permit application processing fees are as follows:

1. Through (6) No Change.
2. (7) Water use permit application fees shall be as follows:
   a. Chapter 40D-2, F.A.C., new individual permit no greater than 10 years
   b. Chapter 40D-2, F.A.C., new individual permit no greater than 20 years
   c. Chapter 40D-2, F.A.C., renewal individual permit no greater than 10 years
   d. Chapter 40D-2, F.A.C., renewal individual permit no greater than 20 years
   e. Chapter 40D-2, F.A.C., individual permit modification
   f. Chapter 40D-2, F.A.C., individual permit temporary
   g. Chapter 40D-2, F.A.C., new general permit no greater than 10 years
   h. Chapter 40D-2, F.A.C., new general permit no greater than 20 years
   i. Chapter 40D-2, F.A.C., renewal general permit no greater than 10 years
   j. Chapter 40D-2, F.A.C., renewal general permit no greater than 20 years
   k. Chapter 40D-2, F.A.C., general permit modification
   l. Chapter 40D-2, F.A.C., general permit temporary
   m. Chapter 40D-2, F.A.C., new Small General Permit no greater than 10 years
   n. Chapter 40D-2, F.A.C., new Small General Permit no greater than 20 years
   o. Chapter 40D-2, F.A.C., renewal Small General Permit no greater than 10 years
   p. Chapter 40D-2, F.A.C., renewal Small General Permit no greater than 20 years
   q. Chapter 40D-2, F.A.C., Small General Permit modification
   r. Chapter 40D-2, F.A.C., permit fees for those new and renewal permits and modifications to permits that are issued for a duration greater than 20 years shall be equal to the ratio of the number of years granted to 20 years multiplied by the corresponding 20 year permit fee specified above.

3. (s) For those public supply utilities which are solely wholesale customers of water supplied by another entity and are required to obtain a permit for such activities pursuant to Chapter 40D-2, F.A.C., permit fees shall be one-half of the applicable fee provided in paragraphs (a) through (r) above.

4. (8) – (11) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.149, 373.171, F.S. Law Implemented 373.109, 373.421(2), F.S. History – Readopted 10-5-74, Amended 12-31-74, 10-24-76, 7-21-77, Formerly 16J-0.111, Amended 10-1-88, 1-22-90, 12-27-90, 11-16-92, 11-11-93, 3-23-94, Formerly 40D-0.201, Amended 12-22-94, 10-19-95, 3-31-96, 7-23-96, 10-16-96, 10-26-00 3-15-01, 9-26-02, 8-7-03, 6-5-05, 2-6-07, 5-12-08, 12-30-08, ______________.
Regulation Committee  
December 15, 2009  

Discussion Item  

Denials Referred to the Governing Board  

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

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

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

Staff Recommendation:

To be presented at the Board meeting.

Presenter: Richard S. Owen, AICP, Deputy Executive Director, Resource Regulation
**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>43033144.002</td>
<td>Peace River Island</td>
<td>Charlotte</td>
<td>Single Family Residential – 13.65 acre development with three new docking facilities which will provide 34 boat slips</td>
<td>13.65</td>
<td>11.89</td>
<td>2.37</td>
<td>2.37</td>
</tr>
<tr>
<td>49013881.053</td>
<td>Hernando County Airport – New Cargo Apron</td>
<td>Hernando</td>
<td>Airport cargo apron and taxiway expansion</td>
<td>113.06</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>43033510.003</td>
<td>Hillsborough County – County Road 581 – Bruce B. Downs Blvd, Segment D</td>
<td>Hillsborough</td>
<td>Roadway widening from four to eight lanes of approximately 1.4 miles</td>
<td>34.91</td>
<td>2.28</td>
<td>2.28</td>
<td>0.85</td>
</tr>
<tr>
<td>43000741.035</td>
<td>North Tampa Mitigation Bank</td>
<td>Hillsborough</td>
<td>Establish mitigation bank in the Hillsborough River Basin</td>
<td>161.44</td>
<td>147.79</td>
<td>0.00</td>
<td>159.13</td>
</tr>
<tr>
<td>43029149.004</td>
<td>Hopewell Strawberry Farm</td>
<td>Hillsborough</td>
<td>Surface water management system for a 50-acre strawberry farm including mitigation to offset existing wetland Impacts</td>
<td>82.15</td>
<td>10.85</td>
<td>1.14</td>
<td>1.86</td>
</tr>
<tr>
<td>43023534.027</td>
<td>Connerton Commerce Park – Phases 1 &amp; 2</td>
<td>Pasco</td>
<td>Commercial Subdivision</td>
<td>65.52</td>
<td>12.32</td>
<td>2.44</td>
<td>8.52</td>
</tr>
<tr>
<td>43001557.045</td>
<td>St. Petersburg – Clearwater International Airport Seawall Replacement</td>
<td>Pinellas</td>
<td>Replacement of existing seawall</td>
<td>7.70</td>
<td>2.62</td>
<td>1.71</td>
<td>0.00</td>
</tr>
<tr>
<td>43005237.008</td>
<td>Country Club Village Phase 4</td>
<td>Polk</td>
<td>Single Family Residential – 94 Units</td>
<td>85.22</td>
<td>4.65</td>
<td>4.65</td>
<td>38.01</td>
</tr>
<tr>
<td>43009114.006</td>
<td>Gateway Commons</td>
<td>Polk</td>
<td>Commercial Subdivision – 10 Outparcels</td>
<td>51.48</td>
<td>11.02</td>
<td>11.02</td>
<td>9.96</td>
</tr>
<tr>
<td>49032036.012</td>
<td>Mayfair Development – Conceptual</td>
<td>Polk</td>
<td>Residential Multi &amp; Single Family and Commercial – 1,024 Total Units</td>
<td>365.14</td>
<td>60.06</td>
<td>0.83</td>
<td>0.25</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>20010791.005</td>
<td>Orange County LP/Project 28</td>
<td>DeSoto</td>
<td>Renewal of agricultural WUP with a change in permitted quantities for the irrigation of 432 acres of citrus and 85 acres of sod</td>
<td>Agricultural</td>
<td>856,000</td>
<td>611,900</td>
<td>10</td>
</tr>
<tr>
<td>20006506.006</td>
<td>Polk County Utilities</td>
<td>Polk</td>
<td>Modification to increase quantities for the Southwest Regional Utility Services Area (SWRUSA)</td>
<td>Public Supply</td>
<td>4,948,300</td>
<td>7,000,000</td>
<td>20</td>
</tr>
</tbody>
</table>
The SWUCA Recovery Strategy anticipates that up to an additional 35 MGD will be obtained from the surficial and intermediate aquifers.
# Overpumpage Activity Report
## October 2009

## 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>5</td>
<td>6</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Brooksville</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Sarasota</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>Tampa</td>
<td>2</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Totals</td>
<td>10</td>
<td>9</td>
<td>1</td>
<td>1</td>
<td>6</td>
<td>4</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></td>
<td><strong>Continuing From Previous Report</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>425.004</td>
<td>JEFFERSON GROVE LTD</td>
<td>A</td>
<td>131,400</td>
<td>3</td>
<td>Bartow</td>
</tr>
<tr>
<td>11693.002</td>
<td>CITY OF LAKELAND</td>
<td>R</td>
<td>176,300</td>
<td>4</td>
<td>Bartow</td>
</tr>
<tr>
<td>12652.003</td>
<td>KITSON &amp; PARTNERS ORLANDO GOLF</td>
<td>R</td>
<td>163,400</td>
<td>3</td>
<td>Bartow</td>
</tr>
<tr>
<td>12689.001</td>
<td>SOUTHERN DUNES GOLF &amp; COUNTRY</td>
<td>R</td>
<td>241,800</td>
<td>3</td>
<td>Bartow</td>
</tr>
<tr>
<td>10318.001</td>
<td>HOMEOWNERS OF PALM HILL MHP ASO</td>
<td>R</td>
<td>74,400</td>
<td>3</td>
<td>Tampa</td>
</tr>
<tr>
<td></td>
<td><strong>New Since Previous Report</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1161.005</td>
<td>LAKE BUFFUM GROVE LTD</td>
<td>A</td>
<td>120,100</td>
<td>1</td>
<td>Bartow</td>
</tr>
<tr>
<td>13145.001</td>
<td>BLUE FIELDS USA LLC</td>
<td>A</td>
<td>111,800</td>
<td>1</td>
<td>Bartow</td>
</tr>
<tr>
<td>11687.002</td>
<td>ROTONDA GOLF PARTNERS II LLC</td>
<td>R</td>
<td>77,600</td>
<td>1</td>
<td>Sarasota</td>
</tr>
<tr>
<td>9611.001</td>
<td>JOSEPH R GOODSON &amp; STEPHEN</td>
<td>A</td>
<td>139,700</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 (1)

<table>
<thead>
<tr>
<th>Permit No.</th>
<th>Permit Holder</th>
<th>Use Type (2)</th>
<th>Permitted Annual Average</th>
<th>Original Report Date Annual Avg. Use Percent Over</th>
<th>Current Report Date Annual Avg. Use Percent Over</th>
<th>Service Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>12966.000</td>
<td>STONE CREEK COMMUNITY ASSOC INC</td>
<td>R</td>
<td>205,300 gpd</td>
<td>07/29/2009 216,925 gpd 5.6 %</td>
<td>10/28/2009 258,527 gpd 25.9 %</td>
<td>Brooksville</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
Table 4. Justified / Closed Since Previous Report

<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>285.004</td>
<td>ALBRITTON &amp; SONS LTD</td>
<td>A</td>
<td>99,600</td>
<td>2</td>
<td>Bartow</td>
</tr>
<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>8176.004</td>
<td>ALBRITTON &amp; SONS LTD</td>
<td>A</td>
<td>158,200</td>
<td>0</td>
<td>Tampa</td>
</tr>
<tr>
<td>11810.003</td>
<td>EVERETT F &amp; SHARON PREVATT TTEE</td>
<td>A</td>
<td>219,400</td>
<td>3</td>
<td>Tampa</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Permit No.</th>
<th>Permit Holder</th>
<th>Use Type (2)</th>
<th>Permitted Annual Average</th>
<th>Original Report Date Annual Avg. Use Percent Over</th>
<th>Current Report Date Annual Avg. Use Percent Over</th>
<th>Service Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>10392.005</td>
<td>MILMACK INC</td>
<td>R</td>
<td>259,900 gpd</td>
<td>11/26/2008 338,393 gpd 30.2 %</td>
<td>10/28/2009 353,839 gpd 36.1 %</td>
<td>Bartow</td>
</tr>
<tr>
<td>3182.005</td>
<td>FLORIDA GOVERNMENTAL UTILITY AUT</td>
<td>P</td>
<td>2,040,000 gpd</td>
<td>03/27/2009 3,744,904 gpd 83.5 %</td>
<td>10/28/2009 3,484,004 gpd 70.7 %</td>
<td>Brooksville</td>
</tr>
<tr>
<td>8833.004</td>
<td>SEVILLE LLC</td>
<td>R</td>
<td>337,600 gpd</td>
<td>01/28/2009 569,618 gpd 68.7 %</td>
<td>10/28/2009 466,928 gpd 38.3 %</td>
<td>Brookville</td>
</tr>
<tr>
<td>10923.000</td>
<td>SPRUCE CREEK GOLF LLC</td>
<td>R</td>
<td>445,800 gpd</td>
<td>06/28/2006 462,416 gpd 3.7 %</td>
<td>10/28/2009 466,600 gpd 4.6 %</td>
<td>Brookville</td>
</tr>
<tr>
<td>11863.002</td>
<td>PASCO CO UTILITIES</td>
<td>P</td>
<td>327,000 gpd</td>
<td>05/26/2006 331,981 gpd 1.5 %</td>
<td>10/28/2009 347,014 gpd 6.1 %</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 500,427 gpd 90.3 %</td>
<td>10/28/2009 197,646 gpd -36.4 %</td>
<td>Brookville</td>
</tr>
<tr>
<td>4870.006</td>
<td>RICHARD &amp; GWENDOLYN LANDRIGAN</td>
<td>A</td>
<td>144,500 gpd</td>
<td>05/27/2009 312,397 gpd 116.1 %</td>
<td>10/28/2009 303,315 gpd 109.9 %</td>
<td>Tampa</td>
</tr>
</tbody>
</table>

(1) Strategic Program Office concurs with non-compliance and file is in Legal for enforcement.
(2) Use Types: P = Public Supply; R = Recreational; A = Agricultural; MD = Mining/Dewatering; IC = Industrial/Commercial
### Table 6. Consent Order Monitoring

<table>
<thead>
<tr>
<th>Permit No.</th>
<th>Permit Holder</th>
<th>Use Type (2)</th>
<th>Permitted Annual Average</th>
<th>Original Report Date Annual Avg. Use Percent Over</th>
<th>Current Report Date Annual Avg. Use Percent Over</th>
<th>Service Office</th>
<th>GB Approved CO Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9791.007</td>
<td>CITRUS COUNTY *</td>
<td>P</td>
<td>2,064,000 gpd</td>
<td>06/28/2006 2,552,635 gpd 26.9 %</td>
<td>10/28/2009 2,281,921 gpd 10.5 %</td>
<td>Brooksville</td>
<td>May-08</td>
</tr>
<tr>
<td>11771.000</td>
<td>TAMPA BAY WATER</td>
<td>P</td>
<td>90,000,000 gpd</td>
<td>05/27/2009 101,456,082 gpd 12.7 %</td>
<td>10/28/2009 95,065,397 gpd 5.6 %</td>
<td>Tampa</td>
<td>Oct-09</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

* WUP 9791 - Citrus County had a Permitted Annual Average of 2,010,000 gpd until February 24, 2009 (new revision issued)
### 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 – OCT 09</td>
<td>BARTOW</td>
</tr>
<tr>
<td>General Minor Systems</td>
<td>11</td>
</tr>
<tr>
<td>Noticed Generals</td>
<td>7</td>
</tr>
<tr>
<td>Generals</td>
<td>15</td>
</tr>
<tr>
<td>Individuals</td>
<td>2</td>
</tr>
<tr>
<td>Formal Wetland Determinations</td>
<td>2</td>
</tr>
<tr>
<td>ERP Conceptuals</td>
<td>0</td>
</tr>
<tr>
<td>ERP Site Condition</td>
<td>0</td>
</tr>
<tr>
<td>Letter Modifications</td>
<td>3</td>
</tr>
<tr>
<td>TOTALS</td>
<td>40</td>
</tr>
</tbody>
</table>

| ENV RES ACRES PERMITTED – OCT 09                    | BARTOW | BROOKSVILLE | SARASOTA | TAMPA | TOTAL |
| General Minor Systems                              | 20.66  | 13.07       | 6.33     | 13.32 | 53.38 |
| Noticed Generals                                   | 1.91   | .01         | 1.78     | 3.86  | 7.56  |
| Generals                                           | 347.11 | 147.02      | 141.13   | 168.82| 804.08|
| Individual                                         | 136.7  | 0.00        | 148.92   | 633.61| 919.23|
| Formal Wetland Determinations                      | 16.00  | 65.00       | 30.00    | 22.02 | 133.02|
| ERP Conceptuals                                    | 0.00   | 0.00        | 0.00     | 1,942.00| 1,942.00|
| ERP Site Condition                                 | 0.00   | 0.00        | 0.00     | 0.00  | 0.00  |
| TOTALS                                            | 522.38 | 225.10      | 328.16   | 2,783.63| 3,859.27|

| WATER USE PERMITS ISSUED – OCT 09                   | BARTOW | BROOKSVILLE | SARASOTA | TAMPA | TOTAL |
| Small Generals                                     | 26     | 8           | 7        | 5     | 46    |
| Generals                                           | 4      | 5           | 3        | 8     | 20    |
| Individuals                                        | 0      | 0           | 1        | 0     | 1     |
| Letter Modifications                               | 6      | 2           | 5        | 2     | 15    |
| TOTALS                                            | 36     | 15          | 16       | 15    | 82    |

| WELL CNST PMTS ISSUED – OCT 09                      | BARTOW | BROOKSVILLE | SARASOTA | TAMPA | TOTAL |
| Well Construction                                  | 139    | 142         | 43       | 227   | 551   |

| COMPLIANCE ACTIVITIES – OCT 09                     | BARTOW | BROOKSVILLE | SARASOTA | TAMPA | TOTAL |
| Water Use Inspections                              | 3      | 0           | 28       | 2     | 33    |
| ERP/WUP Permit Cond Violatns                       | 20     | 6           | 1        | 15    | 42    |
| ERP/WUP Expired/Expiring                           | 18     | 2           | 7        | 157   | 184   |
| ERP/WUP Prmt Ownshp Tnsfsrs                        | 27     | 8           | 6        | 26    | 67    |
| ERPs Recertifications Received                     | 62     | 63          | 85       | 158   | 368   |
| ERP/WUP Complnts Invstgtd                          | 11     | 13          | 4        | 26    | 54    |
| ERP Construction Inspections                       | 188    | 156         | 204      | 312   | 860   |
| ERP As-Builts Received                             | 48     | 36          | 38       | 113   | 235   |
| ERP Transfer to Operation                          | 32     | 24          | 43       | 63    | 162   |
| Well Abandonments/Groutings                        | 23     | 89          | 11       | 47    | 170   |
| Well Construction Inspections                      | 14     | 77          | 11       | 37    | 139   |
| TOTALS                                            | 446    | 474         | 438      | 956   | 2,314 |

<table>
<thead>
<tr>
<th>AGRICULTURAL GROUND &amp; SURFACE WATER MGT PROJECT DESIGNS (AGSWM) – OCT 09</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ordinary Farming</td>
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<tr>
<td>Temporary Farming</td>
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<tr>
<td>Permanent Farming</td>
</tr>
<tr>
<td><strong>DISTRICT TOTALS</strong></td>
</tr>
</tbody>
</table>
Renewal of Formal Determinations of Wetlands and Other Surface Waters – Pursuant to subsection 373.421(2), F.S., a real property owner, an entity that has the power of eminent domain or any other person who has a legal or equitable interest in real property may petition the District for a formal determination that will identify the landward extent (boundaries) of wetlands and other surface waters for that property. Formal determinations are often the first step in the process of obtaining an Environmental Resource Permit (ERP), particularly for larger development projects. A formal determination is binding for five years and does not authorize wetland impacts or any other activity. In response to current economic conditions, recent legislation (SB360) passed which extended by two years the duration of ERPs that would otherwise expire between September 1, 2008 and January 1, 2012. This legislation did not extend formal determinations of wetlands and other surface waters. Given the fact that a formal determination is generally a precursor to applying for an ERP, staff believed it would be consistent with efforts to facilitate economic recovery to extend formal determinations in a manner similar to how SB360 extended ERPs. The Governing Board approved rulemaking in September to revise rule 40D-4.042, F.A.C., creating a process to extend by two years without cost those formal determinations that would otherwise expire between September 1, 2008 and January 1, 2012 provided timely notice is provided and physical conditions on the property have not changed so as to alter the boundaries of the wetlands and other surface waters. In November, the District mailed approximately 367 letters to holders of formal determinations expiring within the September 1, 2008 to January 1, 2012 timeframe to advise them of this opportunity.

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 (FDEP) 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 FDEP, 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 FDEP or the WMDs were never updated to achieve this level of treatment. In January 2008, the FDEP initiated rule making to implement these criteria statewide. A Technical Advisory Committee was established and staff representatives were identified from the DEP and water management districts to assist in the rulemaking effort. The FDEP 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: The last of the Technical Advisory Committee (TAC) meetings took place on September 22-23 in Orlando. FDEP and WMD staff is currently revising the draft Applicant’s Handbook which will be posted on the FDEP’s web site by December 23, 2009. Public workshops for the proposed Rule will take place during February and March, 2010. Scheduled locations for these public workshops are Pensacola, Tallahassee, Live Oak, Jacksonville, Orlando, Tampa, Fort Myers and West Palm Beach. Pending Legislative authorization, the tentative Rule adoption date is July, 2010 and the tentative effective date is October 01, 2010 or January 01, 2011.
• **Establishment of Numeric Water Quality Standards for Nutrients** – Under the Clean Water Act (CWA) Section 303, states are required to establish water quality standards, which define the amounts of pollutants (in either numeric or narrative form) that waters can contain without impairment of their designated beneficial uses. Florida currently uses a narrative nutrient standard to guide the management and protection of its waters. The Florida Department of Environmental Protection (DEP) has relied on this narrative for many years because nutrients are unlike any other pollutant regulated by the federal Clean Water Act (CWA). Nutrients are not only present naturally in aquatic systems, they are necessary for the proper functioning of biological communities. In July 2008, the Florida Wildlife Federation and other environmental groups sued the Environmental Protection Agency (EPA) in an attempt to compel the adoption of numeric nutrient criteria in Florida. The lawsuit claims that numeric nutrient criteria are necessary and that EPA was obligated by the CWA Section 303 (c)(4), to promptly propose such criteria. EPA has signed a consent decree which obligates them to propose numeric nutrient standards for Florida’s fresh water lakes and streams by January 2010, and estuaries and coastal systems by January 2011. On November 16, 2009, a fairness hearing was held in federal court to review the appropriateness of the consent decree. The federal judge approved the Consent Decree and schedule for setting nutrient criteria beginning this January (initial criteria) with the goal of adopting the first set of criteria in October 2010. On November 17, 2009, the FDEP held a public meeting with the Technical Advisory Committee on the Development of Numeric Nutrient Criteria for Streams and Lakes. The FDEP will continue to study and collect scientific information regarding nutrients in Florida waters and will work with EPA in developing standards. EPA is expected to hold a public meeting in Florida during the 60-day comment period following criteria publication on or before January 14, 2010. The District will continue to coordinate with DEP and the other water management districts to provide any appropriate input to EPA on this initiative.

• **Proposed Revisions to Surface Water Classification System** – Florida’s surface water quality standards include a classification system which describes how a waterbody is best used. The current system, established over 30 years ago, consists of these classes:

- **Class I**: Potable Water Supplies
- **Class II**: Shellfish Propagation or Harvesting
- **Class III**: Recreation, Propagation and Maintenance of a Healthy, Well-Balanced Population of Fish and Wildlife
- **Class IV**: Agricultural Water Supplies
- **Class V**: Navigation, Utility and Industrial Use

For each of these classes, water quality standards necessary to protect that designated beneficial use are established. In July 2009, the Florida Stormwater Association petitioned the Florida Department of Environmental Protection (FDEP) 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 FDEP, which creates Human Use and Aquatic Life 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 FDEP has conducted public workshops on August 18, 2009 and November 18, 2009 on the rule revisions necessary to adopt the new classification system. The proposed rule revisions will adopt the new classification structure without changing the existing level of protection. The existing classes will be reassigned to the new classes shown below:

<table>
<thead>
<tr>
<th>Existing</th>
<th>Proposed</th>
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<tbody>
<tr>
<td>Class I</td>
<td>HU – 1</td>
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<tr>
<td>Class II</td>
<td>HU – 2</td>
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<td>Class III</td>
<td>HU – 3</td>
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<tr>
<td>Class IV</td>
<td>HU – 6</td>
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<tr>
<td>Class V</td>
<td>HU – 7</td>
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</table>

Additionally, the FDEP is proposing to incorporate into this rule, a document that specifies the process for local governments to petition the FDEP to reclassify a waterbody. These rule revisions require approval by the Environmental Regulatory Commission (ERC) and the Environmental Protection Agency. The FDEP’s plans to present the proposed rule revisions to the ERC in February 2010 for approval are expected to be delayed to allow additional time for the FDEP to account for comments that have been received. The District continues to monitor this DEP initiative and provide any appropriate input.

• **Central Florida Coordination Area Rules Development and Implementation** – District staff continues to coordinate with St. John’s River and South Florida district 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 1 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 staffs of the three Districts are conducting environmental assessments within the area. Additionally, meetings have occurred among the staffs undertaking the groundwater 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 2009. 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 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 2 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. **New activities since last meeting:** Staff from the three water management districts has reviewed and confirmed the CFCA project schedule and is finalizing a Work Plan for Phase II of the project.

• **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 (FDEP) agreed to review emerging reclaimed water issues, particularly those related to the regulation of reuse under the consumptive use permitting program. FDEP 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 FDEP, 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 FDEP stakeholder meetings concluded in November 2009. At the invitation of interested utilities, the water management districts, FDEP and utilities convened another workgroup to continue the dialog on the unresolved topics. This workgroup began meeting in April 2009 and meets approximately every month to develop consensus on policy proposals to enhance water management district and utility coordination in reuse feasibility analyses in the water use permitting processes and to enhance focus on reclaimed water during the Regional Water Supply Planning process. **New activities since last meeting:** The workgroup most recently met on November 2, 2009. A draft of a paper describing a proposal for enhancing district, FDEP and utility coordination, in reuse planning and permitting, was completed to the point that the workgroup felt comfortable allowing certain members to meet with Representative Williams during the week of November 2, 2009, to report on the progress made to date. The meeting was purely a status report, no legislation was sought to be sponsored by Representative Williams at this point. The workgroup will meet again on December 11, 2009. While completion of a final draft of the paper describing the proposals is still an ongoing, the meeting on December 11 will focus on exploring credits in the water use permitting program for providing reclaimed water to existing permittees.

- **Conserve Florida - Statewide Public Supply Water Conservation Initiative –** Tampa Regulation and Strategic Program Office staffs remain engaged in Conserve Florida, a statewide initiative to develop a water conservation options program for public supply users, because there are many potential regulatory implications. Staff continues to participate in a statewide workgroup and its various committees, plus internal coordination with Conservation Projects staff and other non-regulatory departments. The main product of this initiative to date is two versions of a tool for utilities to use when developing or updating their water conservation plans; one version is a web-based computer application called “The Guide” and the other is a spreadsheet referred to as “EZ Guide” (both versions identify recommended and optional elements to include in a water conservation plan based on the utility’s size, mix of customers, existing efforts, etc). The workgroup also helps Florida Department of Environmental Protection (FDEP) staff provide oversight of the Conserve Florida Clearinghouse (an entity, currently contracted to the University of Florida, which provides technical support for both versions of the water conservation planning guide, an on-line water conservation library, and additional resources that are under development). The District’s financial contribution to the Clearinghouse in Fiscal Year 2010 is $75,000. Conserve Florida's workgroup also sometimes serves in an advisory capacity to FDEP on other water conservation projects, and its meetings provide an excellent forum for all participants to receive information and solicit input on their conservation-related activities. **New activities since last meeting:** The most recent teleconference meeting was held on November 18, 2009. It included a discussion regarding the need for expert review panels or some other formal approval process for synthesis papers (reports which are published in professional journals, posted on the Clearinghouse and used as the basis for updates to “The Guide” and “EZ Guide”) and other key Clearinghouse products; FDEP and UF representatives will prepare a proposal for the workgroup’s consideration at its January 14, 2010 meeting.
Item 27

• **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 is being utilized to expedite the rulemaking process, especially to help staff identify needed refinements and explore potential amendment language. The focus group consists of representatives from each of the District's advisory committees, several interested utilities and other subject matter experts (such as the air conditioning industry and UF-IFAS). **New activities since last meeting:** The focus group met on November 5, 2009 and reviewed three concept documents listing possible rulemaking topics for discussion at a public workshop on November 20, 2009. A notice regarding the public workshop was published in Florida Administrative Weekly; however, no regulated parties or other interested persons attended, except for the brief appearance of a reporter and camera operator from one television station. Since no additional input was garnered from the public workshop, the second focus group meeting is being postponed until draft rule amendment language is available for review in January 2010.

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

• **Water Shortage Orders** – Two (2) non-emergency orders implementing water shortage restrictions remain in effect. Water Shortage Order No. SWF 08-044 was first issued on October 28, 2008, and encompasses Hillsborough, Pasco and Pinellas counties. As modified, it continues to implement Modified Phase III water shortage conservation measures for select water uses through December 31, 2009, including a requirement for restaurants to serve water only on request and several requirements for water utilities, including system status reporting and pursuit of drought rates and other means of addressing discretionary single-family residential water use. All other water uses in those three counties and, with the exception of portions of Marion County, all water users in the rest of the District's 16-county area are still subject to Water Shortage Order No. SWF 07-02 (a maximum of once-per-week lawn watering and other Modified Phase II water shortage conservation measures). The Modified Phase II order was first issued in January 2007 and is currently scheduled to expire February 28, 2010. **New activities since last meeting:** Please refer to the discussion portion of the Regulation Committee agenda for an item regarding disposition of the Modified Phase III order.

• **Water Restriction Hotline** – Tampa Regulation staff continues to maintain a toll-free telephone number (1-800-848-0499) and e-mail address (water.restrictions@watermatters.org) that citizens and local officials can use to ask questions, report possible violations, and request information about water shortage and year-round water conservation measures. **New activities since last meeting:** In the three-week period ending November 20, the hotline answered 303 calls and 55 e-mails. Follow-up activity resulting from
these calls and e-mails included: sending 22 first-time violation letters, referring 4 multiple-time violation cases to local enforcement agencies and resolving 7 petitions for variance (requests for permission to follow special watering schedules that abide by the basic intent of current water shortage measures). Hotline staff has also reviewed the complaint worksheets for 160 possible violations recorded by Brooksville Regulation staff during an enforcement verification sweep in Citrus County; as a result, 148 first-time violation letters are being prepared and will be mailed the week of November 23, 2009.

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
<table>
<thead>
<tr>
<th>Discussion Items</th>
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<tbody>
<tr>
<td>28. Consent Item(s) Moved for Discussion</td>
<td></td>
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<tr>
<td>29. Lake Hancock Outfall Treatment Project (Strategic Plan: Water Quality – Maintenance &amp; Improvement)</td>
<td>2</td>
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<td>45 minutes</td>
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<td>Submit &amp; File Report</td>
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<td>30. Report from the Scientific Peer Review for Anclote River</td>
<td>5</td>
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<tr>
<td>Routine Reports</td>
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<tr>
<td>31. Florida Forever Funding</td>
<td>7</td>
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<tr>
<td>32. Minimum Flows and Levels</td>
<td>11</td>
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<tr>
<td>33. Structure Operations</td>
<td>15</td>
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<tr>
<td>34. Watershed Management Program and Federal Emergency Management Agency Map Modernization</td>
<td>29</td>
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<tr>
<td>35. Significant Water Supply and Resource Development Projects</td>
<td>32</td>
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**Resource Management Committee**  
**December 15, 2009**

**Discussion Item**

**Lake Hancock Outfall Treatment Project**

**Purpose**
Recommend Governing Board approval to amend the consultant agreement to add $798,950 for final design services for the Lake Hancock Outfall Treatment Project. Requested funds for this item are available from Florida Forever funding in the existing project budget.

**Background/History**
The Lake Hancock projects are critical in the District's strategies for meeting minimum flows in the Upper Peace River, improving water quality in the Peace River, and protecting Charlotte Harbor, an estuary of national significance. The goal of the Lake Hancock Outfall Treatment Project is to improve water quality discharging from Lake Hancock through Saddle Creek to the Peace River. Water quality treatment of discharges from Lake Hancock has been identified as the most cost effective means of reducing nitrogen loads into the Peace River and Charlotte Harbor.

The specific objective of the Lake Hancock Outfall Treatment System is to utilize large-scale constructed wetlands to reduce annual nitrogen loads up to 27 percent from flow discharging from Lake Hancock. The wetlands are planned to be constructed within three adjoining former waste phosphatic clay disposal areas located immediately south of the lake on the District’s Old Florida Plantation property. Water will be pumped from Lake Hancock through three wetland cells. The treated water will ultimately discharge into Saddle Creek, which runs along the west and south sides of the proposed treatment cells. The proposed wetland cells occupy a total of 1,008 acres. Grading within the cells will total approximately 1.8 million cubic yards of earthwork. In addition, modifications to the 7.5-miles of existing berms will be required to achieve design grades. The total earthwork quantity for embankment, which includes grading existing berms and importing acceptable borrow material, totals approximately 300,000 cubic yards. Other major project components include construction of a pump station, control building, inlet canal to the pump station and eight water control structures.

The project was first budgeted in fiscal year (FY) 2003 and the District procured an engineering consultant, Parsons Water and Infrastructure, Inc., in FY2004. The project consultant was procured through the District's competitive request for proposal (RFP) process and the Florida Consultants Competitive Negotiation Act (Section 287.055 Florida Statutes.). The Parsons project team includes Ardaman and Associates, Inc. (geotechnical), Wetland Solutions, Inc. (environmental science), Environmental Research and Design, Inc. (water quality), Pickett and Associates, Inc. (survey) and other supporting subconsultants. The scope of services in the Request for Proposal included all project phases from feasibility to construction engineering services. However, the initial budget was intended to fund the preliminary tasks aimed at selecting a treatment technology. The individual tasks in the scope of services included the following tasks: (1) Research, Monitoring and Data Acquisition, (2) Feasibility Study, (3) Design and Permitting, (4) Construction Engineering and Inspection Services, and (5) System Start-up and Operation. The agreement with Parsons is work order based, where individual phases or tasks and associated compensation are negotiated and authorized through a work order document. This type of consultant services contract was appropriate because the treatment method and project location were unknown when the project commenced. Funds have been added to the consultant agreement as the scope for individual tasks has been defined. The attached exhibit (Table 1 – Engineering Services Cost Summary) provides a more detailed breakdown of costs associated with the engineering tasks.
At the August 2009 Governing Board meeting, staff presented an overview of the Lake Hancock Outfall Treatment Project and requested approval to add funds to the consultant agreement for final design, construction management services, and start-up assistance. The Board requested that staff return to a future Governing Board meeting and provide additional detail on project costs, specifically focusing on estimated construction management fees. Staff is in the process of performing evaluations of estimated construction management fees.

One of the important elements of the project that effects estimated construction costs and estimated construction management fees is the proposed construction of a bentonite slurry wall for seepage control in the perimeter berms. Currently, the project design includes a slurry wall constructed along the full length of the outer berm area (7.5 miles) at an estimated construction cost of $2.3 million as well as approximately $125,000 in construction management costs. As a part of the next design phase, the project consulting team will perform a more detailed analysis of seepage control, including optimization of the slurry wall design to reduce/eliminate costs. Estimated construction costs will be refined based on the resulting seepage control measures and final design. An amendment to the consultant agreement is needed to add funds for the next phase of design. Once design is complete, including review of the slurry wall, staff will present the refined construction estimate and construction management budget at a future Governing Board Meeting and will request to amend the consultant agreement to add funds for construction management.

Benefits/Costs
The benefits of the project are improved water quality within the Peace River and protection of water quality within Charlotte Harbor. The Lake Hancock Outfall Treatment Project estimated capital, operation, and maintenance costs over a 50-year project life are approximately $6 per pound of nitrogen removed. The average relative cost for eight of the largest stormwater retrofit projects for Tampa Bay, based on present worth over that same time period, is approximately $18 per pound of nitrogen removed. The project will also result in the restoration of over 1,000 acres of wetlands that were impacted by historical land uses.

Funds necessary to complete the design phase are estimated to be $798,950 and are available from Florida Forever funding budgeted for the project.

Staff Recommendation:
See Exhibit

Approve amending the consultant agreement to add $798,950 for final design services for the Lake Hancock Outfall Treatment Project. Requested funds for this item are available from Florida Forever funding in the existing project budget.

Presenter: Janie Hagberg, Senior Professional Engineer, Surface Water Improvement and Management Program
### TABLE 1: ENGINEERING COST SUMMARY

<table>
<thead>
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<th>DESCRIPTION</th>
<th>SUB-TASK TOTAL</th>
<th>TASK TOTAL</th>
<th>CUMULATIVE TOTAL</th>
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<tbody>
<tr>
<td></td>
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<td>EXISTING AGREEMENT</td>
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<td>b) Existing Data Acquisition</td>
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<td>c) Existing Treatment Facility Evaluation Report</td>
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<tr>
<td>d) Project Management, Modeling, Preliminary Evaluation</td>
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<td><strong>Task 2: FEASIBILITY STUDY (COMPLETED)</strong></td>
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<td>b) Geotechnical Testing</td>
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<td>c) Constructability Testing/Plant Establishment Study</td>
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<td>d) Basis of Design Report</td>
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<td><strong>$1,279,990.00</strong></td>
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<td><strong>Task 3: DESIGN AND PERMITTING</strong></td>
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<td>Current Authorized Tasks (Total $1,370,010)</td>
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<tr>
<td>a) Permitting</td>
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<td>b) Site Characterization (Geotechnical Testing and Survey)</td>
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<td>c) Design (includes Project Management and Modeling)</td>
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<td>d) Upper Peace River (P-11) Coordination/ Habitat Enhancement Plan</td>
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<td><strong>Future Work Order Tasks (Estimated Total $742,800)</strong></td>
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<td>e) Site Characterization (Survey)</td>
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<td>f) 90 Percent Design (includes Project Management and Modeling)</td>
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<td>g) Final Design</td>
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<td><strong>Task 4: CONSTRUCTION ENGINEERING SERVICES (Future Work Order Tasks)</strong></td>
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<td></td>
</tr>
<tr>
<td>a) Bidding Assistance</td>
<td>TBD</td>
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<tr>
<td>b) Construction Administration</td>
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<td><strong>Task 5: START-UP AND OPERATION SERVICES (Future Work Order Tasks)</strong></td>
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<td>e) Start-up Services - 1 Year</td>
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**ENGINEERING SERVICES GRAND TOTAL THROUGH TASK 3** $3,448,950.00
Report from the Scientific Peer Review for Anclote River

Purpose
To present the report documenting the findings of the voluntary independent scientific peer review of the Anclote River System Proposed Minimum Flows and Levels – April 2009 Draft. Also included is the staff response to panel findings. Staff will be returning at a future date with proposed rule language and a request to initiate rulemaking.

Background/History
Staff completed a draft report recommending minimum flows for the Anclote River that was submitted to the Governing Board at its July 28, 2009. The report was then submitted to an independent scientific peer review panel (Panel) for voluntary review. The Panel was composed of three scientists who have extensive experience in hydrology, ecology and freshwater inflow relationships. On August 4 staff accompanied the Panel on a field trip covering the lower 16 miles of the river. The Panel’s charge was to review the validity of the technical approach used by the District to determine the proposed minimum flows are supported by data, procedures and analyses completed.

The Anclote River is located on the west coast of Florida north of Tampa Bay and drains approximately 112 square miles of coastal Pasco and northern Pinellas counties through 24 river miles. Discharge presently (2004-2008) averages 47 cubic feet per second (cfs). The headwaters of the Anclote River are located east of Land O’ Lakes in Pasco County in the general area of the District’s Starkey Wilderness Preserve and the J.B. Starkey Wilderness Park. Groundwater pumpage in the northern Tampa Bay area has resulted in an estimated 29 percent (18 cfs) reduction in river flow as measured by the United States Geological Survey at Little Road (Anclote near Elfers, river mile 16).

The river is tidally affected for the lower 14 miles. The stretch of river downstream of US Alt 19 (3.4 river miles) is dominated by downtown City of Tarpon Springs where the shoreline is both hardened and industrialized. Above Alt 19, shoreline is generally natural and urban encroachment is minimal.

Purpose/Approach
The District received the report of the review panel (exhibit attached) on November 2, 2009. The report was supportive of the District’s conclusions and offered several suggestions for improving the District’s techniques. In summary, the Panel concluded that “From a practical perspective, the Panel finds that the District’s flow recommendations are ecologically sound primarily because they are based on a small alteration to the naturalized flow regime. . . . The District approached this analysis in an appropriately holistic manner; that is, with attention paid to both the ecological requirements of the river system and to the various segments of the landscape already modified by humans.” The report goes on to state, “The Panel finds that the District’s goals, data, methods and conclusions, as developed and explained in the MFL report, are reasonable and appropriate. The District’s multi-species approach is to be applauded because it does not ignore species with variable life history requirements.”

The Panel did recommend, however, that the District obtain additional flow and water depth data to insure that the hydraulic model used to establish the low flow threshold is sufficient under low flow conditions. The Panel, also, suggested that the District consider alternatives to the modeling approach used to establish the freshwater MFLs; and as previous review panels have suggested “the Panel strongly recommends that the District continue to monitor the system for the purpose of verifying that the MFL is having its intended effect of maintaining the ecological health and production of this waterway.”
District Response to Peer Review Recommendations

1. The Panel wrote “The District notes that a recovery plan is already in place for the Northern Tampa Bay Area; therefore, no further recovery strategy is recommended by the District until the existing strategy can be fully evaluated in the future with regard to its success at increasing flows in the Anclote River. The Panel believes that this matter should be evaluated year-to-year, with major reviews every five (5) years or so.”

The present Northern Tampa Bay Recovery Strategy (40D-2 and 40D-80) was adopted by rule in 2000 and remains in effect until 2010. Rule making is currently in progress to update the recovery plan and extend it through 2020. Based on District analyses using the Integrated Northern Tampa Bay Model (cooperatively developed with Tampa Bay Water), it is believed that the current approach to recovery will be sufficient to achieve the proposed MFLs for the Anclote River. The current rule (40D-80) requires that the “District shall review the recovery strategy periodically to assess the progress of strategy elements,” and as a result the Governing Board is provided an annual update on MFL compliance. The rule further states that the information considered by the District shall also be considered during updates to the District’s Water Management Plan which occurs every five years.

2. With regard to the limitations of the hydraulic model, the Panel wrote: This is because the hydraulic model has an error of at least +/- 0.5 feet in water surface elevation, yet the District’s flow recommendation is based, in part, on there being 0.6 feet of water or more at some point across all of the river’s cross-sections. If having sufficient water for fish passage is so important, and the Panel agrees, then the District needs to go out with a surveying rod when the flow is at or near 12 cfs for the purposes of verifying that the depth of water is at least 0.6 feet for the entire reach (or all cross-sections). . . . . Instream flow studies usually involve the deployment of depth-sounders at intervals along the study reach. These depth-sounders monitor variations in water surface elevation . . .”

Staff agrees with this recommendation and will complete the recommended measurements. As a result of requests for additional information, the District purchased and deployed continuous depth monitors in several systems undergoing data collection for future MFL determinations.

3. The Panel wrote “The report states that the identification of shoal locations is the study reach was important for PHABSIM analyses (page 95), yet it is unclear if HEC-RAS cross-sections have been set up at these locations. . . . Interestingly, one of the PHABSIM survey sites was called “Waterfall” (page 124, SWFWMD 2009). If indeed a waterfall is present on the main stem of the Anclote River that would seem to be a greater impediment to fish migration than the deepest point of a channel cross-section being shallower than 0.6 feet.”

The ‘waterfall’ site was included as a Hydrologic Engineering Center – River Analysis System (HEC-RAS) cross-section for the reasons noted by the Panel. As part of the Physical Habitat Simulation Model (PHABSIM) site selection methodology, the entire river study reach was reconnoitered for areas that show obvious hydraulic control points such as shoals and for the Anclote River, three sites were eventually chosen one of which was termed “waterfall” because of a visible drop in water level. All transect cross-sections, whether intended for vegetation or soils analyses along the floodplain or PHABSIM analyses were all utilized for HEC-RAS analyses.

With regard to the Panel’s general recommendation that the District investigate alternatives to HEC-RAS/PHABSIM, PHABSIM remains the most widely used model despite its known limitations. Even though several staff members have attended formal training in River-2D and continue to monitor the literature for widely accepted alternatives, for the present time staff recommendation is to continue using PHABSIM.

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

Presenter: Mike Heyl, Chief Environmental Scientist, Resource Projects Department
Routine Reports

Florida Forever Funding

Purpose
No Board action is required. This item is submitted for information purposes only.

Background/History
Attached for the Board’s use and information is the monthly funding status report for the Florida Forever program. The projects have been categorized as acquisitions or projects for: restoration; capital improvements for restoration; water resource development; and preservation. In addition to Florida Forever funding, staff continues to explore all funding opportunities.

Staff Recommendation:  See Exhibit

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

Presenter:    Eric Sutton, Director, Land Resources Department
## Southwest Florida Water Management District

### Florida Forever Status

<table>
<thead>
<tr>
<th>Parcel/Project</th>
<th>Funds Available</th>
<th>Fla Forever Category</th>
<th>Estimated Cost</th>
<th>Fee Acres</th>
<th>LTF Acres</th>
<th>Comments</th>
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## Southwest Florida Water Management District
### Florida Forever Status

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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>
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<th>LTF Acres</th>
<th>Comments</th>
<th>Governing Bd Date</th>
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**Subtotal Completed Parcels/Projects**

$202,114,157 38,974 20,856

**Subtotal Funds Available** $52,049,424

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<td>Partnership with NRCS; scheduled subject to availability of federal funds</td>
<td>TBD</td>
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<tr>
<td>Myakka Ranchlands - Walton &amp; Longino</td>
<td>Preservation</td>
<td>7,969</td>
<td>Sarasota County taking acquisition lead</td>
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<tr>
<td>Potts Preserve - Goodgame (19-484-123)</td>
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<td>Property exchange; scheduled for February boards</td>
<td>Feb-10</td>
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<tr>
<td>Three Sisters Springs (15-347-123)</td>
<td>Restoration - land acq</td>
<td>56</td>
<td>Partnership between City of Crystal River, US Fish &amp; Wildlife Service, Florida Communities Trust (FCT), FCT presented offer</td>
<td>TBD</td>
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<tr>
<td>Weekiwachee Preserve - Boat Springs (15-773-144)</td>
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<td>64</td>
<td>Pursuing potential partnership between the District, Hernando and Pasco Counties for joint acquisition</td>
<td>TBD</td>
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**Subtotal Ongoing Acquisitions/Projects**

$52,240,000 3,936 9,904

**Grand Total** $268,218,353 42,910 31,184

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  
December 15, 2009

*Routine Reports*

**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>
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<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 Review</td>
<td>Recovery Strategy</td>
<td>Rule Adoption</td>
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<tr>
<td><strong>2009</strong></td>
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<tr>
<td>Anclope River System</td>
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<td>completed</td>
<td>completed</td>
<td>Recovery</td>
<td>Dec 2009</td>
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<td><strong>2010</strong></td>
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<tr>
<td>Chassahowitzka River System and Springs</td>
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<td>Nov 2009</td>
<td>Dec 2009 / Apr 2010</td>
<td>TBD</td>
<td>Jun 2010</td>
</tr>
<tr>
<td>Lower Myakka River System</td>
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<td>Nov 2009</td>
<td>Jan 2010 / May 2010</td>
<td>TBD</td>
<td>July 2010</td>
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<tr>
<td>Manatee River System</td>
<td>completed</td>
<td>Feb 2010</td>
<td>Jun 2010 / Sep 2010</td>
<td>TBD</td>
<td>Dec 2010</td>
</tr>
<tr>
<td>Middle and Upper Withlacoochee River System (Green Swamp)</td>
<td>completed</td>
<td>May 2010</td>
<td>Jul 2010 / Oct 2010</td>
<td>TBD</td>
<td>Nov 2010</td>
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<tr>
<td>Rainbow Springs</td>
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<td>May 2010 / Aug 2010</td>
<td>TBD</td>
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<td>Shell Creek Estuary</td>
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<td>Recovery</td>
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<td><strong>2013</strong></td>
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<td><strong>2014</strong></td>
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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.
### LAKES

<table>
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<tr>
<th>Phase 1: Data Collection</th>
<th>Phase 2: Data Analysis &amp; Draft MFL Report</th>
<th>Phase 3: Peer Review</th>
<th>Phase 4: Recovery Strategy</th>
<th>Phase 5: Rule Adoption</th>
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#### 2009

**Polk County Lakes**
- Hancock: completed, Nov 2009, NA, completed, Dec 2009

**Hillsborough County Lakes**
- Raleigh: completed, Aug 2010, completed, completed, Dec 2010
- Rogers: completed, Aug 2010, completed, completed, Dec 2010
- Starvation: completed, Aug 2010, completed, completed, Dec 2010

#### 2010

**Hillsborough County Lakes**
- North Lake Wales: June 2010, Aug 2010, NA, TBD, Dec 2010

**Polk County Lakes**

#### 2011

**Hillsborough County Lakes**
- Carroll: June 2011, Aug 2011, NA, TBD, Dec 2011

**Marion County Lakes**
- Bonable: June 2011, Aug 2011, NA, TBD, Dec 2011

**Polk County Lake**
- Lowery: June 2011, Aug 2011, NA, TBD, Dec 2011

#### 2012

**Hillsborough County Lakes**
- Keene: June 2012, Aug 2012, NA, TBD, Dec 2012

**Polk County Lakes**

#### 2013

**Hernando County Lakes**
- Tooke: June 2013, Aug 2013, NA, TBD, Dec 2013
- Whitehurst: June 2013, Aug 2013, NA, TBD, Dec 2013

* Waterbodies completed through Phase 5 will be removed from this list and added to the **Minimum Flows and Levels Established to Date** list when the priority list is updated each year.
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, Sunset, Sunshine, Taylor and Virginia.
- Hillsborough River (lower segment)
- Hillsborough River – upper segment (including Crystal Spring)
- Levy County Lake - Marion
- Northern Tampa Bay - 41 Wetland sites
- Northern Tampa Bay – 7 Wells – Floridan Aquifer/Saltwater Intrusion
- Pasco County Lakes – Bell, Big Fish, Bird, Buddy, Camp, Clear, Green, Hancock, Iola, Jessamine, King, King [East], Linda, Middle, Moon, Padgett, Parker aka Ann, Pasadena, Pasco, Pierce, unnamed #22 aka Loyce
- Peace River (middle segment)
- Peace River (upper segment – "low" minimum flows)
- Polk County Lakes – Annie, Bonnie, Clinch, Crooked, Dinner, Eagle, Lee, Mabel, McLeod, Parker, Starr, Venus, and Wales
- Myakka River (upper freshwater segment)
- Sulphur Springs (Hillsborough County)
- Sumter County Lakes – Big Gant, Black, Deaton, Miona, Okahumpka and Panasoffkee
- SWUCA – Floridan Aquifer
- Tampa Bypass Canal
- WeekiWachee River System and Springs
  (includes Weeki Wachee, Jenkins Creek, Salt, Little Weeki Wachee and Mud River springs)
Resource Management Committee
December 15, 2009

Routine Reports

Structure Operations

November historically marks the second month of the 8-month dry season and provisional rainfall totals through November 29th have been in the normal range in all three regions of the District. Rainfall during the month was regionally variable and associated with the passage of two cold front systems, on November 10-11 and 23-26. The provisional twelve-month District-wide rainfall deficit showed some improvement during November, ending the month approximately 5.2 inches below the long-term average. The 24- and 36-month cumulative rainfall deficits are approximately 10.9 and 21.5 inches, respectively.

Most hydrologic indicators throughout the District declined during November. Regional lake levels and streamflow in regional index rivers remain at below-normal levels, while groundwater levels are at low-normal to below-normal conditions. The dry season runs from October through May, and further declines are expected through this period if normal amounts of rainfall are received.

Current NOAA climate forecasts continue to predict above-normal rainfall conditions for the District during December 2009 through May 2010, due to El Niño conditions in the Pacific Ocean. Above normal rainfall during the dry season would improve overall hydrologic conditions, lessen or eliminate resource-related impacts during the coming dry season, and will be needed to fully recover from the multi-year drought.

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

Rainfall
Provisional rainfall totals, as of November 29th, were within the normal range in 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 2.41 inches of rainfall, equivalent to the 71st percentile.
- The central region received 1.70 inches of rainfall, equivalent to the 57th percentile.
- The southern region recorded an average of 1.60 inches of rain, equivalent to the 55th percentile.
- District-wide, average rainfall was 1.86 inches, equivalent to the 64th percentile.

A summary of the operations made in November is as follows:

- Inglis Water Control Structures: The Inglis Bypass Spillway was operated during the month of November 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 Structure, which remains open allowing for the natural flow of the slough between the Inverness and Floral City Pools. The Wysong-Coogler Water Conservation Structure main gate is in the fully raised position (39.00' NGVD). The low flow gate crest is set to 37.10' NGVD in order to provide flow to the Withlacoochee River downstream of the structure. The average monthly water level for Lake Panasoffkee was 38.94' NGVD.

• Alafia River Basin: The Medard Reservoir Structure was operated during the month of November, continuing the drawdown process as part of the Medard Reservoir Embankment Rehabilitation Project. The current water level of the Medard Reservoir is 54.44' NGVD.

• Hillsborough River Basin: Structures A and G were operated during the month of November to assist in maintaining recommended maintenance levels. The average monthly water level for Lake Thonotosassa was 36.19' NGVD compared to the recommended maintenance level of 36.50' NGVD.

• Pinellas-Anclote River Basin: There were no structures operated during the month of November. The average monthly water level for Lake Tarpon was 3.25' NGVD compared to the recommended maintenance level of 3.20' NGVD.

• Peace River Basin: There were no structures operated during the month of November. The average monthly water level for Lake June-in-Winter was 74.19' NGVD compared to the recommended maintenance level of 73.78' 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
<table>
<thead>
<tr>
<th>Structure</th>
<th>Elevation Levels</th>
<th>Elevation Difference</th>
<th>Current Level</th>
<th>Position of Structure</th>
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**Florid City Pool**

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<th>Elevation Difference</th>
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Lake Gibson

Water Surface Elevation

Daily Average Values

Lake Surface Area = 480 Acres
Low Slab = 144.81'
Structure Gauge Datum = 100.00'
Lake Gauge Datum = 135.00 MSL
SCADA Device Number 2427

Lake Tarpon, S-551

Water Surface Elevation

Daily Average Values

Lake Surface Area = 2,534
SCADA Device # 6491

Lake Thonotosassa

Water Surface Elevation

Daily Average Values

Lake Surface Area = 824 Acres
Low Slab = 39.0'
Flint Creek Gauge Datum = 32.16
SCADA Device #6807

Lake Anne Parker

Water Surface Elevation

Daily Average Values

Lake Surface Area = 93 Acres
Low Slab = 40.09'
SCADA Device Number: 8491
Lake Consuella

Lake Bradley

Water Surface Elevation
Weekly Average Values
Lake Surface Area = 37 Acres
Low Slab = 47.80'
Structure Gauge Datum = Direct Read

Lake Surface Area = 590 Acres
Low Slab = 44.38'
Routine Reports

Watershed Management Program and Federal Emergency Management Agency Map Modernization

District staff continues to work on various steps of the District’s Watershed Management Program and Federal Emergency Management Agency Map Modernization. Attached for the Board’s information is the current schedule that identifies the status of each watershed for the topographic information, watershed evaluation, watershed management plan, and Flood Insurance Rate Maps (FIRMs). The list also indicates whether the updated FIRMs will be a redelineation of the existing FIRMs or based on a detailed study.

Staff Recommendation: See Exhibit

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

Presenter: Mark A. Hammond, P.E., Director, Resource Projects Department
### Exhibit – Watershed Management Program and FEMA Map Modernization Schedule

*December 2009*

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<th>Watershed</th>
<th>Topographic Information</th>
<th>Watershed Model</th>
<th>Public Meetings</th>
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<th>Submit Preliminary DFIRMS to FEMA</th>
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*Note: The LiDAR topographic information for Sarasota County is being corrected.
FEMA will start their formal appeals period for adoption after the District submits the preliminary DFIRMS to FEMA.
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Note: FEMA will start their formal appeals period for adoption after the District submits the preliminary DFIRMS to FEMA.
Resource Management Committee  
December 15, 2009

Routine Reports

Significant Water Supply and Resource Development Projects
This report provides information on significant Resource Management projects and programs in which the Governing Board is participating in funding. The report provides a short status of significant activities associated with the project that have recently occurred or are about to happen. For greater detail, refer to the Project Notes write-ups or request information directly from the project managers.

Lake Hancock Lake Level Modification Project
This project is being implemented as part of the adopted SWUCA Recovery Plan for restoring minimum flows in the Upper Peace River. The project began with preliminary feasibility and development of a scope of work to raise the water level in the lake in 2002. A consultant to assist the staff in modeling impacts and permitting was secured in 2003. The District received the Conceptual Environmental Resource Permit (CERP) from the Florida Department of Environmental Protection (FDEP) in June 2007 for the Project with an operating level of up to 100 feet (currently the District operates the P11 structure at an elevation of 98.7 feet). In September 2007, the Governing Board authorized staff to implement the Project (final design, permitting, and construction) for a lake operating level of 100.0 feet National Geodetic Vertical Datum; 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 and designated $41 million in Florida Forever Trust Funds for the Project; 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) in order for the project to go forward. At the September 2007 Governing Board meeting, the Board instructed staff to exhaust all negotiations prior to filing eminent domain proceedings. The legal description accompanying the resolution authorizing proceedings in eminent domain was based on geographic boundaries delineated by a model and, therefore, would require detailed survey work and ground-truthing for negotiations. The survey work and appraisals required for a public works project, such as the Lake Level Modification Project, are some of the most important components of the due diligence process; and depending on the complexity of the parcels/project, can be some of the most time consuming components. In the case of the Lake Level Modification Project, which will inundate all or portions of parcels permanently or temporarily, a simple boundary survey of a parcel is inadequate. Whether acquiring a parcel in fee or acquiring an easement over a portion or all of a parcel, it is necessary for the District, the owner, the owner’s representative, and the appraisers to understand the pre- and post-effects the project will have on the parcel, including the improvements (house, pool, outbuildings, septic systems, wells, landscaping, etc.). Thus the surveys and the appraisals for the Project have been more complex and time consuming than that which are required in the District’s traditional voluntary conservation acquisition program. All property owners have been contacted and offers made. On June 12, 2009, FDEP approved the District’s request to extend the commence construction deadline in the CERP to June 14, 2011. New Activities Since Last Meeting: The District's consultant, DMK Associates, Inc., completed the 90 percent design plans and specifications for the replacement of the Lake Hancock outfall structure. An ERP application has been submitted to FDEP for the construction of the new outfall. District staff and the District's consultant, BCI Engineers and Scientists, Inc., are working with the Florida Department of Transportation (FDOT) on evaluating the proposed flood stages and identifying any required mitigation activities. The District is continuing to work with the Riverlake Homeowners’ Association regarding data collection and presentation to evaluate pre- and post-effects to the subdivision’s stormwater management facility. BCI has initiated survey data collection activities and modeling efforts for the Jacque Lee Lane/540 portion of the project. Acquisition Status: Of the 73 parcels necessary for the project, 53 parcels (8,192 acres including 30 homes) have
been acquired without initiation of formal litigation proceedings. The remaining acquisitions include a total of 20 parcels (268 acres) comprised of 4 fee acquisition parcels (5 homes) and 16 partial easement acquisitions. District staff has made offers on all acquisitions necessary for the project. Staff brought and amended the eminent domain resolution to the Governing Board in October 2008. All acquisitions, including those with single-family residences, are being handled by the District’s special counsel who has proceeded with offers that were made in accordance with Florida Statutes. The District’s special counsel has initiated litigation on several parcels. Reporting of acquisition activities from the date of report forward will be limited until settlements are reached or conclusion of litigation. The first suits have been filed on the 4 remaining fee acquisitions. Hearing dates are scheduled in January and February 2010; legal action related to the easement parcels will follow. Project Managers: Scott Letasi/Michael Peck/Steve Blaschka

Lake Hancock Outfall Treatment Project
At the February 2006 Governing Board meeting, the Board approved the staff recommendation to adopt a 27 percent nitrogen load reduction goal and to utilize wetlands as the primary treatment component. The individual tasks in the project scope of services included the following: (1) Research, Monitoring, and Data Acquisition; (2) Feasibility Study; (3) Design and Permitting; (4) Construction Engineering Services; and (5) System Start-up and Operation. The District’s consultant (Parsons) has completed all of the current agreement requirements which included Tasks 1 and 2, and part of Task 3 (60 percent design). Tasks 1 and 2 focused on the constructability and geotechnical testing at the proposed location of the treatment wetlands and a Basis of Design Report (BODR). The BODR establishes the objectives, data, and assumptions that form the foundation of design (configuration of wetland cells and infrastructure). The District, as part of Task 2, conducted a plant establishment study to evaluate wetland construction methods, different types of wetland plants, exotic plant control techniques, and water quality trends. Other project tasks include habitat enhancement on adjacent District-owned parcels. The objective of habitat enhancement is to maintain a vegetated corridor along South Saddle Creek for migratory birds. New Activities Since Last Meeting: District staff presented an overview of the 60 percent design and estimated costs to the August Governing Board. Staff recommended the Governing Board approve the allocation of an additional $2,250,000 to amend the Parsons contract to complete the final design, obtain permits, provide construction engineering and inspection services, and post-construction support. The Board delayed action on the item with several members requesting District staff provide additional information prior to bringing the action item back to the Board. Three board members requested to meet with staff to go over the project and estimated costs. Staff met with each Board member individually in September. Staff continues to review the proposed construction management budget and will bring additional information to the Board at a future meeting. Project Manager: Janie Hagberg

Pilot Testing Of Biological Treatment Systems
At the February 2006 Governing Board meeting, following the vote on the Lake Hancock Outfall Treatment Project, the Board directed staff to initiate a project for pilot testing of biological water treatment systems. This type of treatment alternative was one of several investigated by Parsons as part of the Lake Hancock Treatment Project. One of the primary reasons it was not recommended as a treatment process was its unproven track record for the water quality targets associated with Lake Hancock. At the May 2006 Governing Board meeting, the Board authorized staff to proceed with the pilot testing of biological water treatment systems and to hire a consultant to assist the District in the pilot testing project. CH2M Hill, Inc., was hired as project consultant and has completed a detailed literature review of periphyton-based biological water treatment systems, an evaluation of potential pilot test sites, project work plan, and project delivery method document. The consultant also assisted in developing a Scope of Work for the Request for Proposal (RFP). The RFP included two alternatives on which vendors bid: (1) study an existing system, and (2) construct a small pilot system. The District felt this approach provided the most cost efficient means of meeting project objectives while also providing vendors some flexibility in ways they can demonstrate the effectiveness of their systems. Proposals were received from two vendors (Genesis Group, LLC, and Hydromentia, Inc.) and were evaluated by the consultant. At its February 2008 meeting, the Governing Board:
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(1) authorized staff to negotiate an agreement with Hydromentia, Inc., for an enhanced study of their full-scale Taylor Creek facility in the South Florida Water Management District (SFWMD) for an amount not to exceed $400,000 and authorized the Executive Director to sign the agreement; and (2) authorized District staff to negotiate an amendment to the agreement with CH2M Hill, Inc., for an amount not to exceed $300,000 to provide an independent evaluation of Hydromentia's Taylor Creek facility and authorized the Executive Director to execute the amendment. A Notice of Award was posted on March 17, 2008, indicating the District's intention to award the contract to Hydromentia, Inc. During preliminary contract negotiations, Hydromentia informed the District that the Taylor Creek facility was experiencing performance-related treatment issues and recommended the District, in order to get an accurate assessment of the technology, not proceed with the current proposed study until these issues are addressed. Hydromentia is working with SFWMD, University of Florida, Florida Department of Agriculture Pesticide Laboratory, and scientists from Petro Algae, LLC, and AquaScience Labs to determine the causes of lower-than-expected algal production and nutrient removal. Their investigation is focusing on potential inhibitory compounds that retard algal growth. District staff has been tracking Hydromentia's progress on a monthly basis. On March 2, 2009, District staff met with Hydromentia to discuss options for moving forward with the project. Hydromentia discussed two possibilities: (1) proceed with the current Governing Board-authorized option of evaluating the full-scale Taylor Creek facility, doing so after algal growth issues have been resolved; or (2) constructing a pilot-scale facility on District-owned property, a change that would require authorization by the Governing Board. District staff indicated that the study of a full-scale facility such as Taylor Creek offers the District distinct advantages over a pilot facility because it allows detailed examination of both the cost of nutrient removal and scale-up issues associated with the transition of the technology from pilot to full-scale. Hydromentia reported that progress has been made in the identification of growth inhibitors in source water for the Taylor Creek facility, but that the timeline for resolving the problem was still unknown. **New Activities Since Last Meeting:** District staff and Hydromentia have agreed to temporarily postpone the evaluation of the Taylor Creek facility until the algal growth issues are resolved. **Project Manager: Gary Williams**

**Peace Creek Watershed**

In 2005, the Governing Board and Peace River Basin Board agreed to take on the responsibility to maintain and, where possible, improve the water conveyance/storage capabilities of the Peace Creek Canal. One of the primary tasks includes identification of property ownership in order for the District to obtain the necessary easements over the system. The work directly related to the Peace Creek Canal is part of the larger District effort which started years earlier with watershed modeling, expanded in 2005; and will develop a watershed management plan that evaluates approximately 13,000 acres of lakes and 13,000 acres of wetland areas for potential surface water storage systems within the Peace Creek Watershed. Two temporary employees were hired for the District Operations Department to assist with the maintenance activities in the canal. Construction on 13 sediment removal sites has been completed to date as well as two culvert replacements. At their June 2009 regularly scheduled meetings, the Peace River Basin Board and Governing Board approved a planned approach to secure permanent access rights for maintenance activities by obtaining voluntary conveyance of easement rights from individual property owners and through local government development orders as land transition occurs. At their August 2009 meetings, the Peace River Basin Board and Governing Board approved a resolution in support of the abolition of the Peace Creek Drainage District and the transfer of their responsibilities to the District with respect to the ongoing operation and maintenance of the canal system. **New Activities Since Last Meeting:** District staff continued aquatic weed control activities within the canal. Construction has been completed on two sediment removal sites, and the remaining site is anticipated to be completed at the end of 2009. Staff continues to coordinate with local governments on the review of land use changes and the development of agreements to accept access rights through land transitions. The District's consultant submitted the model required to update the Digital Flood Insurance Rate Maps and complete the Watershed Management Plan; the model is currently under review by staff. **Project Manager: Shelley Thornton**
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. To improve the floodplain information, develop regional scale flood routing models for alternative analysis, and improve local government's understanding of their flood protection level of service, the District reached out to local governments and initiated the WMP in the late '90s. Additionally, the District and FEMA executed a Cooperating Technical Partners (CTP) Memorandum of Agreement on September 14, 2001, to formalize the relationship and to improve the existing FIRMs to better identify risks of flooding within the District. As a CTP, the District is eligible for federal funds to act as FEMA's partner in modernization of the FIRMs. Federal funds have allowed the District and local governments to accomplish significantly more than would have otherwise been possible. To date, the District has received approximately $11.2 million in federal funds from FEMA for countywide map modernization projects for Pasco, Sarasota, Hernando, Marion, Polk, Hardee, Desoto, Citrus, Sumter, Levy, and Highlands counties. The Map Modernization Program also includes federal funding for management support. For fiscal year (FY) 2004 through FY2009, the District received $851,860 and could receive an additional $207,000 through FY2012. FEMA began FIRM updates for Hillsborough and Marion counties before the District became a CTP. FEMA issued its letter of determination finalizing the FIRMs for Hillsborough and Marion counties, and the FIRMs became effective on August 28, 2008.

New Activities Since Last Meeting: District, local government staff, and the District's consultants continue to coordinate on project issues, responses to peer review, and schedules for public workshops and Governing Board approval. To date, 13 public workshops have been held for 21 watersheds within Hernando and Pasco counties; 38,303 notices were sent and approximately 1,310 people attended the workshops. Hernando County: Two watersheds (Centralia and Willow Sink) are being prepared for Governing Board approval in December. Comments are currently being addressed and the peer review reports are being finalized. The peer review meeting for Squirrel Prairie and the Pithlachascottee Watersheds will be scheduled in December or January. Pasco County: Public comments are being addressed for three watersheds. The consultant is addressing District comments for the Pithlachascottee River Watershed. The East Pasco Watershed is being finalized and is anticipated to go to the January Governing Board for approval. Sarasota County: An open house is scheduled for Hudson and Whitaker Bayou for December 9 from 4:00 p.m. to 6:30 p.m. at the USF Sarasota/Manatee Campus. Open houses are being planned for Alligator Creek, Roberts Bay, and Island of Venice Watersheds for early January. District staff (Community Affairs Program Manager) met with Sarasota County Commissioners on November 30, 2009, to provide an update. Polk County: A peer review meeting for Peace Creek Watershed is scheduled for December 17 in the Bartow Service Office. Planning is ongoing for an open house for the Christina Watershed in early January. Hardee County: Peer review meetings are scheduled for Alligator, Buzzard's Roost, Thompson Branch, and City of Wauchula Watersheds for December 15 in the Bartow Service Office. Desoto County: The watersheds models are being reviewed by District staff, peer reviewers have been assigned, and the review began in November. Sumter County: The Mapping Activity Statement with FEMA is in the contract negotiation and approval process. Citrus County: The watershed models are being developed by consultants; several are being reviewed by District staff. Levy County: The flood hazard zones from the effective FIRMs will be utilized in modernized FIRMs that are being developed by a consultant. The preliminary FIRMs are due for review by the water management districts and county in December. Marion County: FIRMs were adopted in August 2008 prior to updating the watershed models to account for filtration. The models have been updated, and Marion County submitted map revisions for 44 FIRM panels to FEMA. The watershed models are being reviewed by FEMA. 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. The objective of this initiative is to restore water quality, natural system, and floodplain impacts in the watershed in ways that can also provide a benefit to water supplies in the Southern Water Use Caution Area. 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. An agreement with the Singhofen & Associates consultant team was executed in December 2006. The consultant team and staff have held several outreach meetings to discuss the project in detail and solicit stakeholder input on issues and available sources of 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 for use in their water supply planning. 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. In addition to the work being done in the swamp, the technical memorandum was completed evaluating the potential restoration of the Tatum Sawgrass area. A field visit to a potential restoration area within Tatum Sawgrass was held on September 22, 2009, to further assess the results of the technical memorandum. **New Activities Since Last Meeting:** The Coker Prairie area, north of the Flatford Swamp and within the Upper Myakka River Watershed, is also an area of concern due to prolonged inundation of water and tree mortality. Recently the consultant began an evaluation of the hydrologic conditions within Coker Prairie to determine if potential restoration options exist. Lastly, the overall hydrologic modeling effort for the Upper Myakka River Watershed has been delayed slightly while the consultant performs a quality assurance check on the LiDAR information used to develop the digital land surface model. **Project Manager:** Lisann Morris

Tampa Bay Water

- **System Configuration II Project:** The Governing Board approved the agreement with Tampa Bay Water (TBW) for the System Configuration II Project at its February 2007 meeting, and the cooperative agreement was executed May 1, 2007. The project, when completed in 2011, is expected to provide up to 25 million gallons per day (mgd) of alternative water to the regional system. The estimated total project cost is $254,971,221, with the District committing to half of eligible costs of $232 million, which is $116 million. The project seeks to increase TBW's overall system capacity by drawing more water from the Hillsborough River during high flows via the Tampa Bypass Canal (TBC), in combination with increasing the allowable percentage of withdrawals from the TBC. The project components are primarily associated with the construction of 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 water supply to their member governments. The Surface Water Treatment Plant (SWTP) 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. The following projects are complete.

- **Phase IB and II of the SCHIP:** The purpose of Phase IB is to provide potable water from the regional surface water treatment plant to TBW's Brandon/South Central Hillsborough service area and add yard piping improvements at the Lithia Water Treatment Plant. Phase IB was completed on January 31, 2008. Phase II of the SCHIP added disinfection facilities at Well Sites 5 and 7, raw water collection pipelines at the Brandon wells, and converted the Brandon and Brandon South-Central Connection pipelines to potable water supply. Well Sites 5 and 7 and the pipeline portion of the project were substantially completed as of January 2009. Construction on Phase II of the SCHIP was completed in March 2009 and the District received
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the last status report in June 2009. **New Activities Since Last Meeting:** Overall, the System Configuration II project is 71 percent complete and running on schedule for its 2011 completion date. Design is complete for all project components. Furthermore, one project component is complete. The remaining nine project components are in construction or the pre-construction phase, as described below.

- **SWTP Expansion:** The SWTP currently treats surface water from the Alafia and Hillsborough Rivers, and the TBC. Once the expansion is complete, the plant’s capacity will be increased from 66 mgd to a minimum of 99 mgd. Ongoing construction activities include the setting of Liquid Oxygen (LOX) storage tanks and vaporizers, generators, and the diesel fuel storage tank. The installation of 72-inch finished water piping and masonry work on the Ozone Building is also progressing.

- **TBC Pump Station Expansion:** The TBC Pump Station pumps water from the lower and middle pools to the SWTP. The expansion of this pump station will increase the capacity of the station from 138 mgd to 200 mgd. Ongoing construction activities include the installation of the 84-inch suction piping and butterfly valves.

- **TBW Regional High Service Pump Station Expansion:** The purpose of the Regional High Service Pump Station is to pump treated water into the Regional Transmission System; the expansion will increase the pump station capacity from 120 mgd to 135 mgd. Current construction activities at the site include the installation of the Control Panels and electrical conductors for both new generators, and installation of Mix Station Piping (not chloraminated) from the SWTP and desalination facility.

- **SWTP Repump Station Expansion:** The function of the SWTP Repump Station is to pump raw water from the Regional Facilities site to the SCHI Booster Pumping Station/C.W. Bill Young Regional Reservoir. The design of the SCHI Booster Pumping Station expansion was completed and TBW advertised Requests for Proposals on August 7, 2009. The bid opening was September 17, 2009. At the October TBW Board meeting, Wharton-Smith was awarded the $11,372,000 construction project; the construction Notice to Proceed was issued on November 9, 2009. Current activities include ongoing coordination with other utilities located on the site.

- **Off-stream Reservoir Pump Station:** The Off-stream Reservoir Pump Station pumps water from the reservoir to the SWTP. Design for this project component is complete, and TBW advertised Requests for Proposals on August 7, 2009. The bid opening was September 10, 2009. At the October TBW Board meeting, PCL Civil Constructors was awarded the $9,732,729 construction project; the construction Notice to Proceed was issued on November 9, 2009. Current activities include design of the security system/gate access.

- **Northwest Hillsborough Pipeline:** The Northwest Hillsborough Pipeline adds infrastructure improvements to the Regional Facilities site to the Northwest Hillsborough Regional Wellfield. The design phase of the Northwest Hillsborough Pipeline was completed in July 2009. The bid opening occurred on November 17, 2009.

- **Morris Bridge Booster Station Expansion:** The design phase of the Morris Bridge Booster Station Expansion, which will add pumping capacity improvements, has been completed; Construction Notice to Proceed was issued on May 20, 2009. Current activities include equipment and materials procurement and electrical subcontractor work.

- **Cypress Creek Pump Station Expansion:** The Cypress Creek Pump Station Expansion, which will add pumping capacity improvements, has been completed; the Construction Notice to Proceed was issued in May 2009. Current activities include excavation/locating of below-ground utility piping and preparing for foundation grouting at the Ground Storage Tank. **Project Manager:** Audrie Goodwin

- **Tampa Bay Seawater Desalination Plant:** As outlined in the agreement between the District and TBW for the Tampa Bay Seawater Desalination Plant (Plant), 25 percent ($21.25 million) of the $85 million being held by the District is payable upon acceptance of the Plant by TBW. Of the remaining 75 percent, 25 percent will be provided to TBW when the Plant is operated at a rate of 25 mgd for four consecutive months and the remaining 50 percent ($42.5 million) when the Plant operates at an annual average of 12.5 mgd for 12 consecutive months. In addition, TBW will receive the interest accrued on the $85 million, since January 2006, when
the Plant operates at 20 mgd for 12 consecutive months beginning after the first year of operation and completed no later than December 31, 2010. Following American Water Pridesa's (AWP) completion of the required run-in period and acceptance test, AWP submitted an acceptance test report to TBW on November 27, 2007. After certification of the test results, TBW accepted the Plant on December 26, 2007, which is considered the in-service date. The District processed the first 25 percent payment in the amount of $21.25 million on January 24, 2008. On December 26, 2008, TBW achieved 12 consecutive months of production following Plant acceptance at an average rate of over 12.5 mgd. This production milestone enabled payment of an additional $42.5 million that was transmitted to TBW on December 29, 2008. Total project payment made to TBW to date is now $63.75 million of the $85 million allocated. In accordance with the amended funding agreement, any and all funds not qualifying for transfer to TBW as of December 31, 2010, shall revert to the sole control and benefit of the District.

New Activities Since Last Meeting: TBW's Plant produced an average of 17.4 mgd over the past year. The Plant produced an average of 27.7 mgd in November 2009. In mid-October, TBW's contractor initiated operational efforts to consistently achieve 25 mgd production. Subsequently, the plant produced over 25 mgd until November 8 when the plant experienced a TECO power outage that resulted in several pipe leaks and a plant shutdown for pipe repair. On November 14, the plant regained production at over 25 mgd. Please refer to the Water Production Supply Summary Routine Report under the Regulation Committee tab for additional historic pumppage information at the Plant. Project Manager: Ken Herd

Peace River Manasota Regional Water Supply Authority

- Reservoir: Final design for the Regional Reservoir Expansion has been completed. In June 2007, the Authority received three bids for the reservoir expansion. The low bid of $64,910,500 was 21 percent higher than the engineer's estimate. The Authority asked the District to provide additional funding for the increased costs. As a result, the Peace River and Manasota Basin Boards and the Governing Board approved an additional $3,703,704 in FY2008, $7,812,582 in FY2009, and $644,694 in FY2010. The Authority Board approved the reservoir construction contract and issued a notice to proceed. In addition, the FDEP and the U.S. Army Corps of Engineers issued the necessary permits to begin construction on the reservoir in May and September 2007, respectively. The project reached the substantial completion milestone on June 25, 2009, which was five days ahead of the updated schedule. In total, approximately 3.6 million yards of fill have been moved to build the reservoir's embankment.

New Activities Since Last Meeting: The project is six months ahead of schedule and reached substantial completion by September 2009. Final Completion of Construction was granted in November 2009. By mid-November 2009, the Authority stored over 4.5 billion gallons of water, approximately 75 percent of the capacity of the new six billion gallon reservoir. All field work and punch list items are complete, and all claim item issues have been resolved. The final reconciliatory change order, which resolves any quantity overages/underages, was approved by the Peace River Manasota Regional Water Supply Authority Board in November 2009. Facility: Construction of the Facility Expansion Project will occur through three separate contracts. The first contract, completed in May 2007, focused on site preparation. The second contract is for construction of a maintenance building, dewatering facility, filters, storage tanks, thickeners, and chemical feed and disinfection stations. The third contract is for construction of an operations center. In February 2007, the Authority received one bid on Contract 2 for major components of the Facility Expansion. The bid was approximately $17 million over the original engineer's estimate of probable cost. Since receiving the bid, Authority staff and the contractor negotiated a revised project cost $14 million below the original bid price. The Authority's Board approved the revised cost and authorized staff to enter into an agreement with the contractor in April 2007. Even with the newly negotiated bid price, the overall revised project cost remained $19 million over the original project cost. The Authority requested additional funding as a result of the increased costs and an additional $3,756,693 in 2008 Water Protection and Sustainability Trust Funds and $8,205,398 in District funding were allocated to the project in FY2009 and $2,165,568 in FY2010. A portion of the expanded facilities has been online since November 2008. New Activities Since Last Meeting: Construction continues on the facility and is considered 98 percent complete. The project appears to be on schedule for completion well ahead of the March 2010 Final Completion of Construction deadline. Construction of the last of the three
new finished water storage tanks (2 million gallons of storage capacity each) is underway. Construction of the tanks is anticipated to be complete in December 2009. Current activities include upgrading the high service pumps in the pump building and addressing punch list items. Project Manager: Audrie Goodwin

**Regional Integrated Loop System Project:** The Integrated Loop System Feasibility and Routing Study was authorized by the Authority in May 2005 and completed in June 2006. This study recommended four main phases to interconnect the water supply and distribution systems of the Authority members. The Phase 1 interconnect was designed to connect the Authority’s water supply from the Peace River Water Treatment Plant (WTP) to the City of Punta Gorda’s Shell Creek WTP along a route following US-17. Design of the original Phase 1 route was completed in 2007, but the project was suspended in favor of an alternate route, Phase 1A. The Authority may develop the original Phase 1 project in the future. Phase 1A will provide additional service to developed portions of Charlotte County near I-75. The Phase 1A pipeline is approximately 12 miles long, has a design capacity of 6 mgd, and includes a sub-aqueous crossing of the Peace River. A cooperative funding agreement between the District and Authority for Phase 1A was executed in September 2008. The design of Phase 1A commenced in 2007 and construction is expected to begin in fall 2009. Total cost for Phase 1A is estimated at $19,015,000. The District anticipates providing $12,007,500 toward the project, which includes $5,000,000 in West-Central Florida Water Restoration Action Plan (WRAP) funding. The Regional Integrated Loop System Phase 2 interconnect, as recommended by the 2006 Routing Study, will run from the Peace River WTP through a connection with City of North Port’s WTP then branch westward to the Englewood Water District and northward to establish a rotational link with the Carlton WTP. Design of the initial Phase 2 segment began in August 2007, but was suspended in May 2008 as an alternate connection to North Port’s local system was investigated. The alternate connection lacked the desired capacity, so the Authority submitted a FY2010 cooperative funding request for the first 5.5 mile segment of the Phase 2 route. This portion of the route will deliver North Port’s allocated share of the Authority’s supply from the Peace River WTP. North Port and the Authority executed an Inter-local Agreement for the development of the Phase 2 on June 3, 2009. The Regional Loop System Phases 3 and 4 will eventually interconnect the Carlton WTP to water supply systems in Manatee County. Preliminary engineering for Phase 3 commenced in July 2007 and was completed in March 2008. The first portion of this pipeline, Phase 3A, will extend the Authority’s existing regional transmission line that currently terminates at the Carlton WTP. Phase 3A will provide an additional water delivery point to Sarasota County and create a potential inter-tie to the City of Venice. A cooperative funding agreement between the District and Authority was executed for Phase 3A on November 10, 2008. This project includes 8.4 miles of 48-inch diameter pipeline with a design capacity of 37 mgd and includes a sub-aqueous crossing of the Myakka River. The total project cost is estimated at $42,570,000. The District’s share is 50 percent of the total cost. The future expansion of Phase 3B northward will join long-term components of Phase 4 in Manatee County, and will connect to the surface water treatment facility on Lake Manatee and a WTP on University Parkway. New Activities Since Last Meeting: On October 13, 2009, the Charlotte County Board of County Commissioners (BOCC) voted not to allow construction of the Phase 1A pipeline within their jurisdictional boundaries. This decision was made by the BOCC after previously entering into an Interlocal Agreement in July 2007 with the Authority and City of Punta Gorda to construct the pipeline. The project’s design is complete, and construction contractors were pre-qualified. The District currently has reimbursed the Authority $972,671 for design phase services. The Authority and County are following the mediation process outlined in their Governance structure. District staff will seek reimbursement if issues cannot be resolved and the project does not move forward. The Authority has received construction bids from 13 prequalified contractors for the Phase 3A Interconnect project; many bids came in much lower than anticipated. The construction contract for Phase 3A is anticipated to be awarded in December 2009. The cooperative funding agreement between the District and Authority for the Phase 2 Interconnect project is under review by District staff. Final design of the Phase 2 pipeline is ongoing. Project Manager: John Ferguson
Aquifer Storage and Recovery – Arsenic Research
The District continues to take an active 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 two years. In addition to the degasification project, the District is working with Polk County, SJRWMD, SFWMD, and FDEP to address permitting issues associated with arsenic mobilization. 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, 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 November 18, 2009, 78 million gallons (mg) of treated water have been injected in the ASR well since the full volume cycle test began in July 2009. This is a little more than 50 percent of the targeted amount of 140 mg. While the degas system is functioning at the intended performance specifications with respect to flow rate and dissolved oxygen and chlorine removal, the effort in terms of operation and maintenance has been much greater than anticipated. The primary issue has been fouling of the degas contactors. As a result of the fouling, flow rates have been reduced, which could affect the City’s ability to achieve the goal of injecting 140 mg. The City and the manufacturer installed an additional train of contactors (four more on loan) to help boost the flow capacity up to 1.5 mgd from the current average rate of 0.72 mgd to help the City reach the 140 mg goal without compromising the percentage of dissolved oxygen removed from the water. The new contactors are already showing signs of fouling. The City is evaluating options for cleaning the system to restore the flow rate. The City is also working with the vendor to solve the fouling problem by running small scale pilot tests with side streams and mini degasification contactors. It is anticipated that injection will continue for possibly two more months if water is available, followed by two months in storage, and end with five months of recovery (ending Summer 2010). With respect to the Underground Injection Control (UIC) Regulatory front, the District along with the FDEP and FGS (Florida Geological Survey) are continuing the State’s efforts to address ASR issues with the EPA. In early November, District staff attended a meeting with EPA staff in Washington, D.C.; UIC staff from other EPA regional offices participated via teleconference. The goal of the meeting was to present Florida’s experience with ASR, the geochemistry of metals mobilization, and the FDEP’s regulatory process. The District is also working on a webinar with the American Groundwater Trust (AGWT) that will highlight national ASR issues. The EPA has already expressed a strong interest in seeing the video when it is completed later this year. Project Manager: Don Ellison

Lower Hillsborough River MFL Recovery Strategy – Implementation
At its August 2007 meeting, the Governing Board established the minimum flow for the Lower Hillsborough River (LHR) by adoption of amendments to Rule 40D-8.041(1), Florida Administrative Code (F.A.C.). As required by statute, if the actual flow of a water course is below the proposed minimum flow or is projected to fall below the proposed minimum flow over the next 20 years, a "recovery strategy" is developed as part of the minimum flow development process. In the case of the LHR, a recovery strategy was needed. The proposed recovery strategy was approved by the Governing Board at its August 2007 meeting and incorporated into Rule 40D-80.073(4), F.A.C. 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. At its September 2007 meeting, the Board approved the transfer of $1.0 million from reserves for installation of temporary pumping facilities on the TBC and at the dam on the LHR. Funds will go toward: (1) temporary pumping facilities, (2) consultant to provide more permanent pumping facilities, and (3) consultant to look at the costs and design for moving water from the Morris Bridge Sink to the TBC. Temporary pumps to transfer water from the TBC to the LHR were in place by December 15, 2007, and the District began pumping 11 cubic feet per second (cfs) (7.1 mgd) to the reservoir from the TBC on December 31, 2007. Per the recovery strategy, 75 percent of the 11 cfs (8.2 cfs or 5.3 mgd) transferred to the reservoir 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 proposed minimum flow is now being supplied to the LHR depending on season. New Activities Since Last Meeting: Due to declining flows over the COT’s dam, the COT began diverting 10 cfs of Sulphur Springs flow to the base of the dam on October 9, 2009; the District began delivering 8.2 cfs from the TBC to the base of the dam on October 14, 2009. However, due to a malfunctioning variable speed drive for one of the pumps at Structure S-162, the pumping rate from the TBC to the base of the dam was reduced to 6.2 cfs on November 11, 2009. Once the variable speed drive is repaired, the full 8.2 cfs will be delivered to the base of the dam from the TBC. The draft of the Morris Bridge Pump test analysis will be distributed for external review around mid-December. The District Operations Department will be retaining an engineering consultant to proceed with the design and permitting of the permanent pump station at Morris Bridge Sink during the first quarter of FY2010. The COT continues to prepare its response to a United States Army Corps of Engineers Request for Additional Information for a permit to perform work on the Sulphur Springs weir project. District staff participated in a meeting between the COT and the Hillsborough County Environmental Protection Commission on December 10, 2009, relative to the Sulphur Springs weir project. Project Managers: Marty Kelly/Mike Holtkamp

Polk County Comprehensive Water Supply Plan/Polk County Outreach Effort
The Polk County Comprehensive Water Supply Plan (PCCWSP) was completed in July 2009 and identified viable potable water supply sources and conservation alternatives to meet the future potable and non-potable water demands of various public utility systems within Polk County. The process included investigation of multiple water resources including conservation, reclaimed water, stormwater, surface water, and ground water. The PCCWSP addressed the technical, economic, and environmental factors associated with development of these potential new sources. Additionally, the PCCWSP also outlined a set of water supply projects, which are regional in nature, and will begin the transition of water supplies from traditional groundwater to alternative sources. Polk County Utilities identified a prioritized list of various projects that were included in the PCCWSP and were needed to address 2030 demand deficits. Three projects were selected from this list to receive state funding (West Central Florida Water Restoration Action Plan): (1) N024 Polk County NWRUSA Reclaimed Water Storage & Pumping Station, (2) H090 NERUSA Holly Hill Reclaimed Water Storage and Pumping and Lower Floridan Aquifer Well, and (3) H091 Polk County SWRUSA Reclaimed Water Connection to TECO. Meanwhile, District staff is coordinating the Polk County Outreach Effort, an initiative to meet with Polk County’s municipalities and promote awareness of their water supply options. This outreach effort was created to maintain the cooperation between the District, Polk County, and Polk County's municipalities that was established during the development of the PCCWSP. In late October 2009, District staff met with the City of Winter Haven to discuss water supply options and offer information related to District regulations, water supply, demand projections, planning, and community and legislative affairs. New Activities Since Last Meeting: District staff is currently processing the final invoices and waiting for the required Diversity Report to complete the PCCWSP closeout process. District staff continues to meet with municipalities to discuss water supply options and offer information related to District regulations, water supply, demand projections, planning, and community and legislative affairs. To date, District staff held follow-up meetings with Polk County Utilities (all service areas), City of Lake Wales, City of Frostproof, and City of Lake Alfred. Additional meetings are scheduled through January 2010. Project Manager: Audrie Goodwin
Regional Reclaimed Water Partnership Initiative

- **Reuse Project:** This project is a traditional reclaimed water supply project consisting of transmission pipelines and storage to provide reclaimed water to industrial users from one or more domestic wastewater treatment facilities. The primary customer is the Tampa Electric Company (TECO). Phase I of the project will use 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 bring the treatment system online before the expansion is completed. The additional treatment is necessary for TECO to use the reclaimed water for industrial cooling and is expected to consist of filtering and possible reverse osmosis to reduce dissolved solids to an acceptable level. The reverse osmosis reject water (concentrate byproduct) will be mixed with other facility discharge water and pumped to a deep injection well for final disposal. While two disposal wells will ultimately be constructed, only one will be eligible for cooperative funding. As required by the cooperative funding agreement, TECO will use reclaimed water from the City of Lakeland to offset current groundwater use associated with existing facilities prior to the power generation expansion. Phase I is estimated to cost $65,686,800. Plans for Phase II, originally estimated to be underway by 2012, have also been delayed. Initial estimates indicate that 6 mgd of reclaimed water will be needed for TECO’s second phase of expansion, though the source has not been identified. **New Activities Since Last Meeting:** TECO selected AECOM to perform the preliminary engineering and MWH Americas, Inc., (MWH) to oversee well construction. Layne Christensen Company has been selected to construct the Class I Exploratory Injection Well. Polk County is currently drafting a Water Supply Agreement that will allow TECO to utilize reclaimed water from the Polk County Southwest Regional Utilities Service Area (SWRUSA). TECO anticipates using the reclaimed water directly from Polk County, instead of first being routed to the City of Lakeland. The Polk County SWRUSA Reclaimed Water Connection to TECO Project H091 was approved as part of the District’s FY2010 budget. TECO also developed a project web site (www.tampaelectric.com/reclaimedwaterproject) to aid in the bidding, construction, and ongoing communications with interested parties. **Project Manager:** Alison Ramoy

- **Recharge Project:** As part of the Regional Reclaimed Water Partnership Initiative (RRWPI), the District has undertaken an investigation to determine the Feasibility of Using Reclaimed Water for Direct and Indirect Aquifer Recharge in the Tampa Bay Area. The project was developed to maximize the beneficial use of reclaimed water flows and assess possible improvements to southern Hillsborough and western Polk counties. On October 1, 2008, MWH was contracted to perform the feasibility study and the work was initiated. The scope of work included assessing regulatory requirements for reclaimed water treatment in order to obtain operational permits (Task 1); quantifying water level improvements following aquifer recharge and subsequent amounts of groundwater withdrawals using groundwater modeling of conceptual scenarios at various coastal and inland locations and recharge rates (Task 2); and performing a cost analyses of various recharge options (Task 3). A Steering Committee comprised of local utilities was regularly informed on the project progress. The feasibility study was completed on March 31, 2009. **New Activities Since Last Meeting:** District staff is working with cooperators to prepare scopes of work and contract documents for two direct and one indirect aquifer recharge projects that received FY2010 cooperative funding. These feasibility studies will expand upon the work done for the RRWPI project and assess site specific hydrogeologic conditions and costs. In November, District staff met with Hillsborough County regarding a proposed project to convert the South County (Big Bend) ASR well into a recharge well within the non-potable zone of the Upper Floridan aquifer. The County is currently funding a feasibility study and anticipates submitting a FY2011 cooperative funding application for a pilot study. **Project Manager:** Sandie Will
Land Resources
In November 2009, the Land Resources Department participated in or hosted the following events:

- Staff and volunteers cleaned all the picnic tables at the Ashley and Cumpressco Campgrounds at Green Swamp West and cleaned the shelter, cool-sealed the roof, and replaced a torn screen at the Hampton Campground at Green Swamp East, Hampton Tract.
- Staff attended a Firewise community meeting in Northport and made a brief presentation on the District’s role in fire management in Sarasota County. Representatives of the Division of Forestry, Sarasota County, and North Port fire departments also participated.

Fire Activity
As steward of over 300,000 acres of public conservation lands, the District is heavily involved in fire management, both prescribed fire and wildfire. The primary focus of the District’s fire management personnel and material resources is prescribed burning, resulting in an annual average of 25,000 acres burned. However, these resources are also responsible for the efficient response to wildfires that occur on District lands. The District is a wildland fire cooperator with the Florida Division of Forestry (FDOF), the agency statutorily empowered to manage fire in the state. As such, the District’s fire management personnel and material resources provide support to the FDOF in the suppression of all wildfires that occur on District lands, and on larger fire incidents that occur on non-District lands within its 16-county jurisdiction. This relationship has been in place for many years and is highly successful. Fall through Spring 2006/2007 was among the driest on record, resulting in a very active wildfire season in Florida and on District lands. In FY2007, 48 wildfires, totaling 2,141 acres, burned on District lands. In FY2008, 25 wildfires, totaling 1,460 acres, burned on District lands. Wildfire activity was quiet during Fall/Winter 2007/2008. Periodic frontal rains throughout the winter helped to moderate ground and fuel drying and suppressed wildfire potential through March 2008. Spring dry weather patterns commenced in early-to-mid April and dry, windy conditions prevailed, causing rapid decreases in vegetative fuel moisture and a gradual increase in wildfire activity state-wide. On May 11, 2008, Governor Crist signed Executive Order 08-83, declaring a Wildfire State of Emergency in Florida and declaring several large fires in Okeechobee, Brevard, and Volusia counties as disaster areas. The order triggered, in part, protocols to provide federal aid for the declared incidents, designated the State Office of Emergency Management as the Coordinating Officer for all related emergency actions, activated various emergency response agreements and compacts, and activated emergency procurement protocols for all agencies involved in incident response and recovery. New Activities Since Last Meeting: Twenty-one wildfires, totaling 1,750 acres (see table), occurred on District lands since January 1, 2009. Fire management resources are now focused on prescribed burning. To date this fiscal year approximately 3,432 acres were burned under prescription on District lands.

<table>
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<th>FIRE</th>
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<th>ACRES</th>
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<tr>
<td>Starkey 1</td>
<td>01-04-09</td>
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<tr>
<td>Green Swamp 1</td>
<td>01-19-09</td>
<td>3</td>
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<td>Pineview Fire – Cypress Creek</td>
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<td>Weekiwachee 1</td>
<td>02-09-09</td>
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<td>Cow Fire – Green Swamp East</td>
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<td>Weekiwachee 2</td>
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<td>Parkway Fire – Cypress Creek</td>
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<td>2-Mile Fire – Green Swamp East</td>
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<td>Wellfield Road Fire – Cypress Creek</td>
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<td>Closed 9 Fire – Green Swamp East</td>
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### Item 35

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<td>Levee Fire – Green Swamp East</td>
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<td>2 Pines Fire – Starkey</td>
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<td>Broken Antenna Fire – Starkey</td>
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<td>Forbes Fire – Deer Prairie Creek</td>
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<td>Church Fire – Hálpata Tastanaki Preserve</td>
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<td>53 Pine Levee Fire – Green Swamp East</td>
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<td>Bayport Fire – Weekiwachee Preserve</td>
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**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
# OUTREACH & PLANNING COMMITTEE

## Discussion Items

36. 2011 – 2015 Strategic Plan Approval .............................................. (15 minutes) .......... 2
    *(Strategic Plan: Mission Support)*

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## Submit & File Reports – None

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## Routine Reports

37. Comprehensive Plan Amendment and Related Reviews Report ................................. 3
38. Development of Regional Impact Activity Report ......................................................... 7
39. Speakers Bureau ........................................................................................................... 12
40. Significant Activities ................................................................................................... 15
Outreach and Planning Committee
December 15, 2009

Discussion Item

2011 – 2015 Strategic Plan Approval

Purpose
The purpose of this agenda item is to request approval of the 2011 – 2015 Strategic Plan for adoption and distribution. In addition, the 2011 – 2015 Strategic Planning Scorecard will be demonstrated.

Background
The mission of the Strategic Plan update is to provide the overarching strategic direction, from which all of our District strategies evolve: Superior Stewardship of Florida’s Precious Water Resources. With that responsibility, the deliverables of FY 2011 update are to:

- Reconfigure the Strategic Plan to meet the statutory requirements allowing the Strategic Plan to replace the District Water Management Plan.
- Produce an updated Strategic Planning document
- Implement the reporting of the Primary Success Indicators.

To produce the established deliverables the update process employed a three-tiered approach of staff involvement. A grouping of District technical subject matter experts (SME) will review the current plan for technical accuracy, and identify how their projects and programs are aligned with the Plan’s success indicators. Secondly, a Strategic Team comprised of 15 directors and managers met to discuss the input of the SME, finalize the implementation of a Primary Success Indicator “Scorecard,” and delegate the compilation of the data required to replace the District Water Management Plan. Lastly, conclusive direction of the project will be overseen by a Steering Committee comprised of the Deputy Executive Directors, Deputy General Counsel, and the Inspector General.

By replacing the annual District Water Management Plan (DWMP) update with the Strategic Plan, staff will annually save in excess of 200 staff hours, and anticipated the staff time savings by replacing the five-year DWMP is in the thousands. One of the statutory requirements of replacing the DWMP is the compilation of an Annual Work Plan Report. This Annual Report will detail the progress of District programmatic efforts intended to achieve the Strategic Plan’s goals and measures, as well as enlightening the connection between the Strategic Plan and the Budget process.

The presentation will demonstrate the Strategic Planning Scorecard, and show the methodology involved in reporting the progress of the Primary Success Indicators.

Staff Recommendation:

Staff recommends the Governing Board approve and adopt the 2011 – 2015 Strategic Plan for distribution.

Presenter: Roy A. Mazur, P.E., Director, Planning Department
Outreach and Planning Committee  
December 15, 2009  

**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
CITRUS
09-01 Regular 05/06/09 05/07/09 05/15/09 7/2/2009 10/13/09 Yes Residential Densities/Progress Energy

Citrus
09-02 Regular 07/16/09 08/15/09 08/14/09 9/14/09 Port District Land Use

Crystal River
08-02 Regular 09/20/08 09/11/08 10/10/08 11/8/08 Transfer of Development Rights

Crystal River 08-1ER EAR Based 04/28/08 05/27/08 ERI amendments

CHARLOTTE
09-1 Regular 09/26/08 09/30/08 10/29/08 12/10/08 2/22/2009 3/31/2009 Yes

CHARLOTTE 09-2 EAR Based 09/01/09 09/02/09 10/13/09 10/20/09

Punta Gorda 08-PEFE1 Schools 04/21/08 04/24/08 05/25/08 6/20/2008 not rcvd not rcvd

Punta Gorda 08-2ER EAR Based 07/14/08 07/15/08 08/10/08 9/20/08 11/8/08 01/14/09 Yes EAR Based with RWSP

Punta Gorda 09-1 Regular 02/24/09 03/05/09 04/09/09 6/20/2009 06/23/09 Yes 2 FLUM revisions due to annexations

HARDEE 08-2 WSFP/ Regular 07/09/08 07/28/08 09/10/08 09/28/08 02/13/09 Yes

Wauchula WSFP WSFP 12/07/08 12/10/08 01/15/09 02/11/09 05/11/09

Zollo Springs WSFP WSFP 12/07/08 12/10/08 01/14/09 02/11/09

HERNANDO 09-01 CIE 08/27/09 09/02/09 09/28/09 10/30/09 Yes FY2009-2014 Capital Improvements Plan

Hernando 08-02 Regular 08/06/08 08/08/08 09/04/08 10/30/08 01/05/09 02/06/09 Yes CIP Update

HIGHLANDS 08-1 Regular 04/15/08 04/15/08 05/06/08 6/10/2008

Highlands WSFP WSFP 06/05/08 06/17/08 06/23/08 8/9/2008

Highlands 08-2 Regular 09/18/08 09/18/08 10/31/08 11/19/2008 02/27/09 No CRC

Avon Park 08-1 EAR, WSFP 04/07/08 04/17/08 05/14/08 6/20/2008 10/16/08 Water Supply Plan

Avon Park 08-1 Regular 03/12/09 03/16/09 04/24/09 5/8/2009

Lake Placid WSFP WSFP 08/16/08 08/21/08 10/8/08 10/20/2008

HILLSBOROUGH 08-PEFE1 School 09/11/07 09/11/07 10/01/07 11/09/07 05/07/08 06/20/08 No substantive comments

Hillsborough 08-2 Regular 08/01/08 08/01/08 08/25/08 09/30/08 Not Rcvd 01/13/09 Yes Material included two plan amendments. No substantive comments made

Plant City 09-1ER Ear-based 10/24/08 12/25/08 12/24/08 10/01/09 07/09/09 Yes

Tampa 08-PEFE1 School 09/11/07 09/11/07 10/10/07 11/09/07 08/12/08 Yes Public education amendments - No substantive comments made

Tampa 08-1AR AR 04/14/08 04/16/08 05/01/08 05/16/08 Identified flood protection concerns.

Tampa 08-2AR AR 08/13/08 09/12/08 09/30/08 10/20/08 02/19/09 ERI-based amendments and water supply work plan

Temple Terrace 08-1 Regular 12/04/07 11/30/07 12/27/07 01/29/08 No substantive comments

Temple Terrace 09-1ER Ear-based 12/24/08 01/13/09 02/13/09 03/17/09 Not Rcvd 09/02/09 Yes Made several water supply comments

LAKE 07WSA1 Regular 04/07/07 04/10/07 04/27/07 06/08/07 06/29/09 06/25/09 Yes Map amendments/Wekiva Study Area

Lake 08-PEFE1 PSFE 09/05/08 09/09/08 10/08/08 11/10/08 12/28/08 02/20/09 No Schools

Lake WSFP WSFP 10/09/08 10/10/08 11/7/08 Water Supply Plan

LEVY 08-2ER EAR-Based 05/01/08 05/06/08 06/03/08 07/08/08 12/23/08 02/11/09 Yes Text Amendments

Levy 08-PEFE1 PSFE 03/24/08 03/25/08 03/31/08 05/24/08 12/18/08 02/11/09 Yes Schools

Inglis 08-1 EAR 12/26/07 01/20/08 01/24/08 Not Rcvd Not Rcvd Not Rcvd N/A

Inglis 09-01 Regular 03/30/09 04/02/09 04/30/09 05/29/09 09/10/09 Yes Land Use Districts

Bronson 08-PEFE1 PSFE 04/21/08 04/08/08 06/05/08 Not Rcvd Not Rcvd Not Rcvd N/A Schools

Yankeetown 08-01 EAR-Based 11/19/07 11/15/07 12/14/07 01/16/08 Not Rcvd 04/23/09 Yes Text Amendments

Williston 08-PEFE1 PSFE 04/30/08 04/29/08 05/27/08 06/27/08 Not Rcvd Not Rcvd N/A Schools

Williston 09-1ER EAR-Based 10/13/09 10/15/09 11/09/09 Text Amendments

MANATEE 07-1 Regular 06/04/07 06/01/07 07/03/07 08/01/07 09/28/07

Manatee 08-PEFE1 School 10/26/07 11/09/07 11/28/07 01/18/08 04/09/08

Manatee 08D1 DRI 04/09/08 05/12/08 06/09/08

Manatee 08-1 Regular 04/15/08 04/17/08 06/16/08 06/20/08 08/05/08 Identified wetland concerns

Manatee 08-2 Regular 08/11/08 08/10/08 09/09/08 10/20/08 12/16/08

Manatee 09-1 Regular 02/28/09 06/10/09 07/06/09 08/18/09 09/30/09 Yes Identified water quality concerns for proposed Class III landfill issues

Manatee 09-2 Regular 08/13/09 08/13/09 09/28/09 10/15/09

Manatee 09RPTF Port Fac Pln 10/22/09 10/22/09 11/17/09 Port Master Plan amendment

Bradenton 08-1 Regular 01/14/08 02/07/08 04/07/08

Bradenton 08-PEFE1 School 08/11/08 06/13/08 07/07/08 08/08/08 10/10/08 School Facilities Element

Bradenton 08-2ER EAR 08/29/08 09/16/08 10/14/08

Bradenton Beach 09-1ER EAR 12/16/08 12/17/08 01/09/09 02/18/09 10/16/09 Made several comments re: water supply work plan
As of November 30, 2009

Local Government
Comprehensive Plan Amendment and Related Reviews Report

Local Government
Holmes Beach
Holmes Beach
Long Boat Key
MARION
Marion
Marion
Dunnellon
Ocala
Ocala
Ocala
PASCO
Pasco

DCA Project #

Amend.
Type**

Received
from Gov't

DCA Comment
Request Letter
Received

Comments
Sent

DCA ORC Report
Received

Adopted
Amend
Received

DCA NOI
Received

5

NA
08-1ER/09-1ER
09-1
09-1&2
NA
08-1
08-02
08-01
08PEFE1
07-02
07D1
07D2

EAR
EAR
Regular
Regular
EAR
Regular
Regular
Regular
PSFE
Regular
DRI
DRI

04/25/07
08/29/08
11/25/08
08/11/09
09/08/09
03/24/08
06/04/08
08/25/08
04/16/08
10/01/07
12/12/06
12/12/06

04/30/07
09/02/08
11/25/08
08/12/09
09/10/09
03/21/08
06/06/08
08/27/08
Not Rcvd
10/04/07
12/14/06
12/14/06

05/30/07
10/13/08
12/11/08
09/11/09
10/02/09
04/21/08
07/03/08
09/05/08
05/13/08
10/30/07
01/09/07
01/12/07

N/A
10/28/08
01/23/09
10/09/09

N/A
03/09/09

05/20/08
08/04/08
08/18/08
06/13/08
12/05/07
02/09/07
02/09/07

08/12/08
02/17/09
11/21/08
10/27/08
03/20/08
Not Received
Not Received

05/01/09
04/09/09
01/07/09
Not Rcvd
02/27/08

Pasco
Pasco
Pasco
Pasco

08-2
08-RWSP1
08D1
09D1

Regular
10 Yr WSFWP
DRI
DRI

03/18/08
07/31/08
08/18/08
07/09/09

03/18/08
08/04/08
08/20/08
07/15/09

04/16/08
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09/12/09

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12/11/09
12/24/08

05/28/09
03/20/09
02/13/09

Pasco
Zephyrhills
Zephyrhills
San Antonio
Dade City
Dade City
Dade City
Port Richey
St. Leo
Clearwater
Clearwater
Clearwater
Dunedin
Dunedin
Dunedin
Gulfport
Gulfport
Largo
Largo
Largo
Madeira Beach
N. Redington Beach
Pinellas County
Pinellas County
Pinellas County
Pinellas Park
Pinellas Park
Pinellas Park
Redington Beach
Redington Shores
Safety Harbor
St. Petersburg
St. Petersburg
St. Petersburg
St. Pete Beach
Seminole

09-1
09-1
09-2ER
08-1ER
EAR
08-1PEFE
10-1ER
08-1ER
09-1ER
08-2AR
09-1AR
09-2AR
08-1AR
08-1ER
09-1AR
08-1ARA
09PEFE1
08-2ARA
08-2ARB
09-2AR
09-1AR
09-1
08-2AR
09-1AR
09-2AR
07PEFE-1
08PEFE-1
09-1ER
08-1ER
08-1AR
09-1AR
08-01ARB
08-02ARB
09-1AR
09-1ER
08-PEFE1

Regular
Regular
EAR-Based
EAR-Based
EAR
PEFE
EAR-Based
EAR-Based
EAR-Based
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PEFE
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PEFE

09/01/09
11/03/08
03/13/09
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12/03/07
10/19/09
7/7/2008
12/22/2009
09/16/08
04/21/09
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11/16/09
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08/21/08

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12/05/07
11/17/09
8/6/2008
2/6/2009
10/15/08
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01/09/09
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06/15/09
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10/14/08
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05/07/09

01/06/09
05/12/08
N/A

04/10/08

9/8/08
3/9/09
11/18/08

12/18/2008
6/29/2009
01/05/09

12/11/07
9/5/08
9/15/08

01/03/08
02/18/09
11/10/08
11/18/08
10/23/08
11/14/08

02/23/09

Yes
Yes

05/26/09

Yes

EAR
Alternative Review
EAR Review

01/28/09

Yes

Alternative Review
EAR Review
2 FLUM Changes

03/30/09
11/21/08

12/30/08

03/31/09
08/03/09
02/13/09

Yes
Yes
Yes

10/28/08

07/14/09

Yes

09/26/08

09/10/09
01/14/09

Yes
Yes

03/03/09

Comments/Issues/Objections
EAR Review - comments addressed water supply, coastal
management and stormwater management.
EAR and water supply work plan amendments

WSP/ Secondary Springs Protection Zone
EAR Review-comments included RWSP
10 FLUM amendments
Yes
Regional park/conservation (32 acres)
Yes
45 acres public facilities development
Yes
Schools
N/A
1.41 million commercial sq. ft.
No
Trinity Proposed Phase Transmittal
Pasco Town Centre
12 FLU Changes, CHHA, CIE/CIP, US 41 Corridor Study,
Yes-Settlement Employment Center adjacent to District-owned land
10 Year Water Supply Facilities Work Plan
Yes
Long Lake Ranch DRI
Yes
SunWest Harbourtowne DRI
4 FLU changes including sites abutting the Anclote River & Green
Swamp, various text amendments including Critical Linkages, map
series changes
2 FLUM Changes: IL to IN and MU to IN
Includes 10 Year Water Supply Facilities Work Plan
May include 10-Yr Water Supply Work Plan
EAR Review
Public School Facilities Element
10YWSFWP
Text Amendments, Public School Facility Element
Yes
EAR-based amendments
Alternative Review
Yes
Alternative Review
Alternative Review

05/05/09
02/12/09

09/26/08
09/26/08
01/14/09
01/28/09
09/05/08
12/10/08

3/18/2009

In
Compliance?

Alternative Review
Alternative Review
Alternative Review
Public School Facilities Element
Public School Facilities Element
10-Year Water Supply Plan
EAR Review
EAR Review
Alternative Review
FLUM
Alternative Review
Alternative Review
EAR Review
PEFE


### Local Government

#### Comprehensive Plan Amendment and Related Reviews Report

As of November 30, 2009

<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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<tbody>
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<td>Seminole</td>
<td>09RWSP-1</td>
<td>WSFWP</td>
<td>08/18/09</td>
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<td>10 Yr WSFWP</td>
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<td>07/06/07</td>
<td>07/24/07</td>
<td>08/27/07</td>
<td>Not Rcvd</td>
<td>01/22/08</td>
<td>No</td>
<td>1,632 acre annexation</td>
<td></td>
</tr>
</tbody>
</table>

**Notes**

- **Amendment Types** may include: Regular; DRI; EAR Based; Water Supply Plan; ASRPP
- Evaluation and Appraisal Reports (EARs) are not plan amendments but are required every 7 years. EAR-Based amendments are required 18 months after the report is determined to be sufficient by the State.

**Key to Abbreviations:**
- DCA = FL Dept. of Community Affairs
- ORC Report = Objections, Recommendations & Comments
- NOI = Notice of Intent = Determination by DCA whether amendment is in compliance with statutes and rules
- EAR = Evaluation and Appraisal Report
- DRI = Development of Regional Impact
- PRD = Preliminary Review Determination
- ASRPP=DCA pilot program for Pinellas and Broward Counties, and the cities of Tampa and Hialeah

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*NOTES*

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Outreach and Planning Committee  
December 15, 2009

**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>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>
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<tbody>
<tr>
<td>Westby Ranch</td>
<td>Highlands</td>
<td>Mixed Use</td>
<td>12,000</td>
<td>ADA</td>
<td>1/23/2008</td>
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<tr>
<td>Lake Placid Groves</td>
<td>Highlands</td>
<td>Mixed Use</td>
<td>2,144</td>
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<tr>
<td>CF Industries South Pasture Mine Extension</td>
<td>Hardee</td>
<td>Phosphate Mine</td>
<td>6,750</td>
<td>SD</td>
<td>6/1/05</td>
<td>3/3/05</td>
<td>8/10/06</td>
<td>No increase in water use anticipated</td>
<td></td>
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<tr>
<td>FL International Airport</td>
<td>Hardee &amp; Polk</td>
<td>Airport/ Mixed Use</td>
<td>22,400</td>
<td>ADA</td>
<td>3/23/05</td>
<td></td>
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<td>Significant transportation improvements may accompany this major project</td>
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<tr>
<td>Four Corners Town Center</td>
<td>Polk</td>
<td>Commercial</td>
<td>130</td>
<td>ADA</td>
<td>3/1/05</td>
<td>7/7/05</td>
<td></td>
<td></td>
<td>Commercial center (open air mall) at SR 54 and HWY 27 in NE Polk County</td>
</tr>
<tr>
<td>Mosaic Regional Process Water Treatment Pond</td>
<td>Polk</td>
<td>Industrial</td>
<td>173</td>
<td>SD</td>
<td>6/23/05</td>
<td>8/8/05</td>
<td></td>
<td></td>
<td>Project to address water storage and water quality at Mosaic chemical plants</td>
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<tr>
<td>Williams</td>
<td>Lakeland</td>
<td>Mixed Use</td>
<td>255</td>
<td>NOPC</td>
<td>5/5/05</td>
<td>6/7/05</td>
<td></td>
<td></td>
<td>Omission of parcels to become USF Lakeland Campus - approx. 530 acres</td>
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<tr>
<td>Lakeland Central Park</td>
<td>Lakeland</td>
<td>Mixed Use</td>
<td>718</td>
<td>ADA</td>
<td>7/15/05</td>
<td>11/17/05</td>
<td>1/3/06</td>
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<td>Mixed Use development on the west side of Lakeland near the Rooms to Go HQ; some wetland issues</td>
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<tr>
<td>Champion's Gate</td>
<td>Polk &amp; Osceola</td>
<td>Mixed Use</td>
<td>100+/-</td>
<td>ADA</td>
<td>12/7/05</td>
<td>1/31/06</td>
<td>2/10/06</td>
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<td>Transferapproved entitlements from Osceola to Polk County concerning the development of Champion's Gate</td>
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<tr>
<td>Village of Valencia Lake</td>
<td>DeSoto County</td>
<td>Mixed Use</td>
<td>4,000</td>
<td>ADA</td>
<td>10/30/07</td>
<td></td>
<td></td>
<td></td>
<td>Major new project proposed in eastern DeSoto County; 17,000 homes proposed</td>
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<td>Carlton Ranch</td>
<td>DeSoto</td>
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<td>5,860</td>
<td>ADA</td>
<td>8/8/05</td>
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<tr>
<td>SWFRPC</td>
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<tr>
<td>Lakewood Ranch Corp Park</td>
<td>Sarasota Co.</td>
<td>Mixed Use</td>
<td>NOPC</td>
<td></td>
<td>1/11/2008</td>
<td>None</td>
<td>None</td>
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<tr>
<td>Sandhill</td>
<td>Charlotte Co.</td>
<td>Mixed Use</td>
<td>NOPC</td>
<td></td>
<td>5/28/2008</td>
<td>None</td>
<td>None</td>
<td>None</td>
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<tr>
<td>Victoria Estates</td>
<td>Charlotte Co.</td>
<td>NOPC</td>
<td></td>
<td></td>
<td>4/14/2009</td>
<td>None</td>
<td>None</td>
<td>None</td>
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<tr>
<td>Murdock Center</td>
<td>Charlotte Co.</td>
<td>NOPC</td>
<td></td>
<td></td>
<td>9/9/2008</td>
<td>10/21/2008</td>
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<tr>
<td>Babcock Ranch Community</td>
<td>Charlotte Co.</td>
<td>Mixed Use</td>
<td>13,630</td>
<td>ADA</td>
<td>1/16/2009</td>
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<td></td>
<td></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 Co.</td>
<td>Mixed Use</td>
<td>SD</td>
<td></td>
<td>9/23/09</td>
<td>10/20/09</td>
<td></td>
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</tbody>
</table>

**Comments**
## DRI Activity Report

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Gov't's</th>
<th>Project Type</th>
<th>Acreage</th>
<th>Appl. Type</th>
<th>Pre-App Mtg. Date</th>
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<th>Sufficiency Comments Sent</th>
<th>Final Comments Sent</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apollo Beach</td>
<td>Hillsborough</td>
<td>Mixed Use</td>
<td></td>
<td>Not Provided</td>
<td>NOPC</td>
<td>9/8/05</td>
<td>09/22/05</td>
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<td>10/13/05</td>
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<tr>
<td>Wolf Creek Branch</td>
<td>Hillsborough</td>
<td>Mixed Use</td>
<td>1,618</td>
<td>SD</td>
<td>NOPC</td>
<td>9/7/05</td>
<td>10/18/05</td>
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<td>02/10/06</td>
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<td>Rocky Point Harbor</td>
<td>Hillsborough</td>
<td>Residential</td>
<td></td>
<td>NOPC</td>
<td></td>
<td></td>
<td>05/11/06</td>
<td></td>
<td>07/18/06</td>
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<tr>
<td>Fishhawk Ranch</td>
<td>Hillsborough</td>
<td>Residential</td>
<td>70</td>
<td>NOPC</td>
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<td>4/24/07</td>
<td>05/24/2007</td>
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<td>08/06/07</td>
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<tr>
<td>Mosaic Riverview Phosphogypsum Stack Expansion</td>
<td>Hillsborough</td>
<td>Mining</td>
<td>N/A</td>
<td>NOPC</td>
<td>10/14/09</td>
<td>10/29/09</td>
<td>Proposes construction of a process-water loading station and transport of process water to Polk County facility.</td>
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<tr>
<td>Mosaic Fertilizer, Hillsborough County Mines DRI</td>
<td>Hillsborough</td>
<td>Mining</td>
<td>77</td>
<td>NOPC</td>
<td>9/25/09</td>
<td>10/20/09</td>
<td>Proposes the addition of 77 acres to existing DRI.</td>
<td></td>
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<tr>
<td>Big Bend Transfer Co. Sulfur Handling Facility</td>
<td>Hillsborough</td>
<td>Industrial</td>
<td></td>
<td>NOPC</td>
<td>5/11/09</td>
<td>6/9/09</td>
<td>Proposes combining several DRIs, extend construction date and revise concept development plan.</td>
<td></td>
<td></td>
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<tr>
<td>Heritage Harbor</td>
<td>Manatee</td>
<td>Mixed Use</td>
<td>288</td>
<td>NOPC</td>
<td>7/2/04</td>
<td></td>
<td>7/28/04</td>
<td></td>
<td>12/18/08</td>
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<tr>
<td>Landing at Heritage Harbour</td>
<td>Manatee</td>
<td>Mixed Use</td>
<td></td>
<td>NA</td>
<td>NOPC</td>
<td>10/18/09</td>
<td>11/13/09</td>
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<tr>
<td>Gulf Coast Factory Shops</td>
<td>Manatee</td>
<td>Commercial</td>
<td>25</td>
<td>NOPC</td>
<td>11/22/05</td>
<td></td>
<td>12/19/05</td>
<td></td>
<td>04/17/06</td>
</tr>
<tr>
<td>University Lakes</td>
<td>Manatee</td>
<td>Mixed Use</td>
<td>4,033</td>
<td>NOPC</td>
<td>3/1/06</td>
<td></td>
<td>03/01/06</td>
<td></td>
<td>08/15/06</td>
</tr>
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</table>

As of November 30, 2009
## DRI Activity Report

**As of November 30, 2009**

<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>Four Corners Mine</td>
<td>Manatee</td>
<td>Phosphate Mining</td>
<td>299</td>
<td>NOPC</td>
<td>2/19/07</td>
<td>3/22/07</td>
<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>
<td>4/9/09</td>
<td>4/24/09</td>
<td>Proposal to add 272 acres to Four Corners's boundary</td>
<td></td>
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<tr>
<td>University Commons</td>
<td>Manatee</td>
<td>Commercial</td>
<td>30</td>
<td>NOPC</td>
<td>3/16/07</td>
<td>04/10/2007</td>
<td>Proposes to add 60,578 sf of commercial development</td>
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<tr>
<td>Mosaic SE Tract (Manson-Jenkings)</td>
<td>Manatee</td>
<td>Phosphate Mining</td>
<td>103</td>
<td>NOPC</td>
<td>7/20/07</td>
<td>8/15/07</td>
<td>Proposes the addition of 103 acres and other changes to connect property with the Wingate Creek</td>
<td></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>7/20/07</td>
<td>08/15/2007</td>
<td>Proposes changes to mine plan, setback area, waste disposal plan and trucking route</td>
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<tr>
<td>Cypress Banks</td>
<td>Manatee</td>
<td>Mixed Use</td>
<td>3,879</td>
<td>NOPC</td>
<td>11/23/07</td>
<td>12/18/2007</td>
<td>Modifies to internal roadway system and school site</td>
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<tr>
<td>Gateway North</td>
<td>Manatee</td>
<td>Mixed Use</td>
<td>1,065</td>
<td>NOPC</td>
<td></td>
<td>06/13/2008</td>
<td>Development of Village 5</td>
<td></td>
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<tr>
<td>SunWest Harbourtowne</td>
<td>Pasco</td>
<td>Mixed Use</td>
<td>2,640</td>
<td>ADA</td>
<td>3/26/07</td>
<td>11/01/07</td>
<td>On the Gulf of Mexico, near Aripeka. District is co-applicant. 2,500 res; 540,000 sf office/retail; hotel; marina; golf course</td>
<td></td>
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<tr>
<td>Mitchell Ranch Plaza</td>
<td>Pasco</td>
<td>Mixed Use</td>
<td>126</td>
<td>NOPC</td>
<td>8/16/2005</td>
<td>04/08/08</td>
<td>Eliminate phases/theatre, add hospital/med ofc/hotel, reduce retail, accelerate buildout</td>
<td></td>
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<tr>
<td>Connerton</td>
<td>Pasco</td>
<td>Mixed Use</td>
<td>166</td>
<td>NOPC</td>
<td>8/3/05</td>
<td>8/23/05</td>
<td>Changes to the Employment Center</td>
<td></td>
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<td>Connerton</td>
<td>Pasco</td>
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<td>1,115</td>
<td>NOPC</td>
<td>12/27/05</td>
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<td>Development of Village 5</td>
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<tr>
<td>Bexley Ranch</td>
<td>Pasco</td>
<td>Mixed Use</td>
<td></td>
<td>NOPC</td>
<td>7/25/2007</td>
<td>7/31/07</td>
<td>Extension request, Transportation analysis changes</td>
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<tr>
<td>Suncoast Crossings</td>
<td>Pasco</td>
<td>Mixed Use</td>
<td>66</td>
<td>NOPC</td>
<td>7/20/07</td>
<td>07/31/2007</td>
<td>Combine office entitlements into 1 parcel, unused shift office entitlements, add Research and Development uses</td>
<td></td>
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</tr>
<tr>
<td>The Grove @ Wesley Chapel</td>
<td>Pasco</td>
<td>Mixed Use</td>
<td>120</td>
<td>NOPC</td>
<td>6/23/2008</td>
<td>07/22/08</td>
<td>Add 62.32 acres; Add Hotel to Land Use Trade Off Mechanism; Reduce movie seats</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carillon</td>
<td>St. Petersburg</td>
<td>Office</td>
<td>180</td>
<td>NOPC</td>
<td>4/6/05</td>
<td>4/18/05</td>
<td>Increase Office entitlements by 65K sq ft, change name of developer</td>
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<tr>
<td>Shoppes at Park Place</td>
<td>Pinellas Park</td>
<td>Mixed Use</td>
<td>67</td>
<td>NOPC</td>
<td>4/11/05</td>
<td>4/22/05</td>
<td>Add a .44 acre parcel to the project site</td>
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<td>Bay Area Outlet Mall</td>
<td>Largo</td>
<td>Mixed Use</td>
<td>34</td>
<td>NOPC</td>
<td>4/24/06</td>
<td>N/A</td>
<td>TBRPC is asking for more comments in order to consider the changes proposed not a Substantial Deviation</td>
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<td>Largo</td>
<td>Mixed Use</td>
<td>34</td>
<td>NOPC</td>
<td>10/3/2006</td>
<td>01/22/07</td>
<td>Developer answered questions proposed for traffic generation &amp; specific development order changes. Declared sufficient</td>
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<td>Mixed Use</td>
<td>34</td>
<td>NOPC</td>
<td>01/18/07</td>
<td>04/05/07</td>
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<td>Largo Town Center (AKA) Bay Area Outlet Mall</td>
<td>Largo</td>
<td>Mixed Use</td>
<td>34</td>
<td>NOPC</td>
<td>09/21/07</td>
<td>10/19/07</td>
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<td>NOPC</td>
<td>10/3/2006</td>
<td>01/22/07</td>
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<td>34</td>
<td>NOPC</td>
<td>01/18/07</td>
<td>04/05/07</td>
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<td>Largo Town Center (AKA) Bay Area Outlet Mall</td>
<td>Largo</td>
<td>Mixed Use</td>
<td>34</td>
<td>NOPC</td>
<td>09/21/07</td>
<td>10/19/07</td>
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</table>
## DRI Activity Report

As of November 30, 2009

### WRPC

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<tr>
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<tbody>
<tr>
<td>Trinity Communities</td>
<td>Pasco &amp; Pinellas</td>
<td>Mixed Use</td>
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<td>NOPC</td>
<td>4/5/2007</td>
<td>4/23/2007</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>
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<tr>
<td>Gateway Centre</td>
<td>Pinellas Park</td>
<td>Mixed Use</td>
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<td>NOPC</td>
<td>5/2/2007</td>
<td>11/14/2008</td>
<td>N/A</td>
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<td>Response to questions posed on Transportation issues</td>
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<td>Bayonet Point Shopping Mall</td>
<td>Pasco</td>
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<td>4</td>
<td>NOPC</td>
<td>3/19/09</td>
<td>5/1/2009</td>
<td>7/6/09</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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### Landstone Communities

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<td>04/20/09</td>
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### 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
December 15, 2009

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>
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**EVENTS**

**November 2009**

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**GREAT AMERICAN TEACH-IN**

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<td>Countryside Elementary School</td>
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**Events**

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<td>USGS Open House/Earth Science Day for Fourth Grade Students</td>
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<td>USGS Open House for General Public and Educators</td>
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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
December 15, 2009

Routine Report

Significant Activities

Conservation Messaging
Since January 2007, the District’s conservation messaging has been dominated by drought messaging. Such messaging includes public service advertising, new information and tools on the District’s web site, as well as an ongoing grass-roots communications effort using the Speakers Bureau, drought signage, news media outreach to reporters and editorial writers, public affairs programming, and outreach to homeowners associations (HOAs), community groups, landscape irrigation professionals, churches and others. New Activities Since Last Meeting — The District’s FY2010 media messaging campaign has been developed using insights gained from the FY2009 media messaging spring campaign research. This year’s ads promote the “Skip a Week” of watering message. To maximize campaign results, the District will extend the campaign from late-November through the end of February by integrating the message through a variety of other outreach efforts including special events, the District’s web site, media relations and social media efforts such as Facebook and Twitter. The FY2010 “Skip a Week” media buy runs Nov. 16, 2009, through Feb. 14, 2010. This integrated campaign includes ads in television, radio, newspaper, electronic billboards and online media. Two 30-second commercials began running on 17 television stations Nov. 30 and will continue throughout the campaign time frame, with a two-week hiatus during the Christmas/New Year’s holiday season. Almost 15,000 radio spots will run during the length of the campaign on a total of 25 broadcast stations and 12 streaming online stations. There will be biweekly advertisements in 12 newspapers located within the District with a combined circulation of more than 900,000 readers. In addition, “Skip a Week” ads will be shown on 12 electronic billboards during the month of January and featured on 6 radio station web sites. The integrated messages for all these ads include informing residents that overwatering can cause pests and disease and encouraging them to turn off their irrigation systems to skip a week of watering during the winter. The District is also working with existing partners to promote the “Skip a Week” message to a broader audience.

"Get Outside!" Campaign
Since FY2007, the Communications and Land Resources departments have been working together to find the best way to let people know that District lands are available for recreation and to encourage more people to visit District lands. This September the District launched the “Get Outside!” campaign to promote the recreational opportunities available to the public on District-owned lands. The campaign was developed based on social research. The key findings showed that people want to get outside more often. Most want to walk or hike and prefer to do these activities with their friends and family. In addition, the research also showed that people’s highest priorities when enjoying the outdoors are location and access, and the largest barrier to getting outside more often is lack of time. Most respondents said they enjoyed just being outside and wanted to be able to enjoy the outdoors easily on the spur of the moment with very little planning. In preparation for the "Get Outside!" campaign, Land Resources staff has made District lands more inviting with standardized property entrance signs as well as new or improved picnic areas, restrooms, kiosks and informational signs. As part of the campaign, the District is also hosting three community events to showcase District lands with the hope that those attending come back with family and friends to enjoy these properties on their own. The first event was held at Starkey Wilderness Preserve’s Serenova Tract in Pasco County on Nov. 7; the remaining events will be held at the Green Swamp Wilderness Preserve’s Hampton Tract in Polk County on Feb. 27, 2010, and Deep Creek in DeSoto County on April 10, 2010. In keeping with research, the events are being promoted to neighboring schools, churches and HOAs. New Activities Since Last Meeting — The Starkey Wilderness Preserve’s Serenova Tract event, which was held on Nov. 7, had an estimated 400–600 people in attendance. More
than 140 guests participated in guided nature hikes. Other event day activities included scavenger hunts, pet-a-pony, native plant raffles, water quality and bug displays, artifacts and fossils, and more. Guests received a free pedometer for completing a brief survey prior to leaving the event. Survey results showed that 100 percent of those that took the survey plan to return to Serenova. In addition, the survey findings were consistent with the previous social research showing that visitors want to get outside, to hike and to enjoy the outdoors with their family and friends. An event goal was to encourage new users, and 74 percent of those who completed the survey indicated they were first-time visitors who plan to return. The campaign also continued to garner significant media coverage. Feature articles and editorials ran in The Ledger, The Tampa Tribune, Lutz Community News, Winter Haven News Chief, Suncoast News and Charlotte Sun-Herald newspapers. Public affairs interviews ran on all five Clear Channel Communications radio stations and all eight CBS radio stations in the Tampa Bay area. Three separate stories ran on WFLA-TV Ch 8 over a two-week period. The three stories aired a total of seven times and were seen by an estimated 460,000 viewers.

**Water Conservation Hotel and Motel Program (Water CHAMP) and Water Program for Restaurant Outreach (Water PRO)**

Water CHAMP promotes water conservation in hotels and motels by encouraging guests to use their towels and linens more than once during their stay. Participating hotels and motels receive program materials free of charge. The recent Districtwide five-year follow-up water audit confirmed Water CHAMP participants saved an average of 17 gallons of water per occupied room per day. Based on these audit findings, the cost benefit for the program, using the total cost amortized over five years, is $0.47 per thousand gallons of water saved. The Water Program for Restaurant Outreach (Water PRO) educates both restaurateurs and guests through free materials such as table tents, children's coloring sheets, coasters and self-audit checklists. "We serve water only upon request" buttons are also available for wait staff. **New Activities Since Last Meeting** — Water CHAMP currently has 451 participants, or 49 percent of all hotels and motels in the District. Of the 475 hotels/motels within the District with 50 or more rooms, 331, or 68 percent, are CHAMP properties. The seventh issue of the Water CHAMP newsletter has been distributed to CHAMP members and supporters and is available on the Water CHAMP web site. Government cable channels in the cities of Lakeland, St. Petersburg, Oldsmar and New Port Richey and the counties of Polk, Pinellas and Manatee are running commercials promoting Water CHAMP and Water PRO. As a result of a staff presentation to Wyndham Worldwide hotel managers in Orlando on Oct. 29, 2009, all local Wyndham properties will be enrolled in the Water CHAMP program in the future. An email newsletter has been developed to enhance communications and will be sent to all CHAMP member properties. Water PRO is being promoted through one-on-one visits with restaurant managers, partnerships with utility companies, networking at industry meetings and direct mail. As of Nov. 17, 2009, there were 258 restaurants in the District participating in Water PRO. A water conservation guide for restaurants is complete and will be distributed to restaurant managers and staff in the coming months.

**Florida Water StarSM Gold (FWSG) Certification Program**

FWSG is a voluntary certification program for builders that encourages water efficiency in household appliances, plumbing fixtures, irrigation systems and landscapes, as well as water quality benefits from best management practices in landscapes. FWSG involves a three-tier certification process, which includes inspection by independent certifiers, project monitoring by quality assurance providers and oversight by water management districts. Based on estimates, in an average home, the program could save up to 20,000 gallons of water indoors and reduce outdoor water use by as much as 40 percent every year. Statewide expansion of the program will include certifications for existing homes, commercial properties and communities. This is the program’s second year in the District, and the first house was certified Mar. 25, 2009. **New Activities Since Last Meeting** — Agreements: Builders who intend to incorporate FWSG criteria in current or future projects sign participation agreements with the District. While these agreements are not binding, they represent intent and potential. Thirteen agreements have been signed to date, representing approximately 278 homes. Certifications: Nine houses were certified in the Hidden Creek community in Wimauma, which brings the total of certified homes built by Florida Home Partnership (FHP) to 16. FHP, a nonprofit homebuilder, offers affordable
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homeownership opportunities to low- and moderate-income first-time homebuyers through the USDA Mutual Self-Help Housing Program. As of Nov. 19, there were 19 FWSG-certified properties. Program Promotion: Information about FWSG was provided upon request to a Sarasota County commissioner and distributed to the public at the Green Home Tour in Sarasota County.

Irrigation Pilot Program
A community-based social marketing pilot program is nearing completion in neighborhoods in The Villages, the City of Lakeland and Charlotte County. Residents were asked to “Skip a Week” of irrigation during the months of December, January and February, and they were asked to “Watch the Weather, Wait to Water” during the months of July, August and September when rainfall can allow residents to turn off their systems for extended periods of time. Qualitative (focus groups) and quantitative (survey) research was conducted to determine the best way to educate the residents to achieve the desired behaviors. Residents in the three pilot neighborhoods were divided into control and education groups, and their water use has been tracked by the project’s collaborative partner utilities. New Activities Since Last Meeting — Preliminary evaluation results comparing the water use of the control and education groups during the "Skip a Week" program months of December, January and February indicate that a combination of media messaging with the other education interventions made the biggest impact on water use. The draft water use report from the evaluation consultant revealed that there was not a significant difference in water use between the control and education groups in The Villages and in Punta Gorda. In Lakeland, however, where the education groups received the interventions plus exposure to “Skip a Week” radio ads, water use decreased. Since the control group in Lakeland was also exposed to the messaging but did not significantly reduce their water use in comparison to the education group, it indicates that the combined approach is necessary for behavior change to occur. District staff recently sent opinion poll results collected from mailed surveys and an online survey to the consultant for review and inclusion in the overall evaluation. Campaign components for the summer portion of the "Watch the Weather, Wait to Water" program were implemented starting July 1. A posttest opinion survey will be sent to the pilot neighborhoods to see if attitudes about summer irrigation changed after exposure to the "Watch the Weather, Wait to Water" program.

Research Findings
The Communications Department has been using research to enhance program design, plan communications strategies and evaluate programs. New Activities Since Last Meeting — A database of the District’s social research is now available at WaterMatters.org/SocialResearch/. The FY2010 public service advertising pretest survey was in the field the last few weeks of November. The survey will gauge opinions of residents prior to the District’s “Skip a Week” campaign. A report of the findings is expected the first week of January 2010.

Florida Yards & Neighborhoods (FYN)
Recognizing the potential of water conservation and water quality protection through promotion of Florida-Friendly Landscaping™ practices, the District began partnering with the University of Florida in FY2001 to support Florida-friendly landscaping education. Education on landscaping best management practices is provided to homeowners; builders, landscape and irrigation professionals; and community/HOA members and boards in 10 counties. New Activities Since Last Meeting — "Skip a Week": FYN coordinators will help promote the District’s "Skip a Week" campaign by incorporating an ad into their publications and by displaying signs and banners. Hernando County: The Hernando County Extension office has relocated to 1653 Blaise Drive in Brooksville. Sarasota County: Angela Antonucci has been added to the Sarasota County FYN program staff. Antonucci’s outreach will focus on homeowner education.

Watershed Education
The District’s watershed education efforts focus on water quality, stormwater runoff, water conservation and natural systems. Through these efforts, the District encourages specific behaviors, such as reducing fertilizer and pesticide use, maintaining septic systems, conserving water, disposing of trash appropriately and picking up and disposing of pet waste. New Activities Since Last Meeting — (1) The District sponsored the 22nd annual Mayor’s
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Beautification Program’s Hillsborough River Waterways Cleanup on November 21. The event took place at Lowry Park and drew approximately 1,200 volunteers to clean up the Hillsborough River, mark storm drains and remove invasive species. Participants learned ways to help protect the Hillsborough River watershed and approximately 200 Recreation Guides were distributed. This event was part of the Hillsborough River Watershed Awareness Month. (2) The District has partnered with the Tampa Bay Estuary Program to launch the “Pooches for the Planet” program in Pinellas County. The goal is to reduce water quality impacts by increasing the number of pet owners who pick up dog waste and dispose of it properly. As part of the program, from November through January, anyone who adopts a dog from the Pinellas County Animal Services shelter or the Humane Society of Pinellas shelter will get a free “Pooches for the Planet” adoption kit filled with valuable information on proper dog waste disposal, as well as pet treats donated by local businesses. A more long-term part of the program is to identify up to five neighborhoods to participate in a yearlong pilot project to reduce pet waste in their communities. Participating neighborhoods must sign an informal letter of commitment to educate the community and monitor proper disposal. Dog waste will be monitored every other month to see if residents are more likely to pick up after their dog after education has occurred.

Community Education Grant Program

The Community Education Grant (CEG) program is in its thirteenth year and is funded through Basin Initiatives for Public Education (P268). The CEG program provides funding assistance up to $5,000 per project for individuals, service groups, community associations and other organizations to implement a water resources education project. New Activities Since Last Meeting — FY2010 grant proposals along with staff recommendations were reviewed by the Basin Board Education Committee (BBEC) chair in October. At the Nov. 4 BBEC meeting, committee members received the proposals to review for their respective basins. February Basin Board packets will include a final list of awardees.

Youth Education

The District provides water resources education programs to county school districts, private schools, homeschool groups and nonformal educators through mini-grants, field trip programs, educational resources for students and educators, and teacher training workshops. Staff coordinates and facilitates Project WET (Water Education for Teachers), Great Water Odyssey and Healthy Water, Healthy People workshops throughout the District’s 16 counties. Kindergarten through twelfth-grade educators attending workshops receive curricula as well as District materials. New Activities Since Last Meeting — Outreach: (1) Staff participated in the 2009 Teacher to Teacher Idea Expo sponsored by the Polk Education Foundation on Nov. 17. This event brings together teachers and local organizations to provide teaching ideas for the current school year. (2) Youth Education staff took part in The Great American Teach-In on Nov. 18, providing educational presentations to students about the District and water resources. (3) Staff participated in the Sarasota Environmental Foundation Fall Family Festival on Nov. 21, facilitating hands-on activities about the water cycle and conservation. Mini-Grants: Splash! mini-grants have been awarded for the 2009–2010 school year. This year the District awarded Splash! mini-grants to 186 educators totaling $514,697.01. Grant implementation meetings were held in 12 counties to provide teachers with information to help them implement their mini-grant projects. The grant implementation meetings were conducted as follows: Hernando (Oct. 26), Highlands (Oct. 26), Citrus (Oct. 27), Hillsborough (Oct. 28), Polk (Oct. 28), Sarasota (Nov. 2), Pinellas (Nov. 4), Marion (Nov. 5), Pasco (Nov. 9), Manatee (Nov. 9), Charlotte (Nov. 12) and DeSoto (Nov. 19). Grant projects will be implemented through May 2009. School Board Contact: School board agreements have been finalized with Citrus, Charlotte, Hardee, Hernando, Highlands, Hillsborough, Levy, Marion, Pasco, Pinellas, Polk, Sarasota and Sumter counties. Staff scheduled the Youth Education Consortium meeting at the Polk Nature Discovery Center for Jan. 26, 2010. The Consortium includes the District’s 18 school board contacts. Teacher Training: The second day of a two-day District-sponsored combination training, including Project WET, Discover A Watershed and Healthy Water, Healthy People, was held Dec. 5 at Clearwater High School. There were 22 secondary science teachers in attendance. Publications: Approximately 78,829 youth education publications have been distributed in fiscal year 2010. More than 696,000 youth publications have been distributed this calendar year.
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 - Staff has submitted all narratives and supporting data to the consultant for integration into the initial draft; the initial draft intended for internal review is on schedule to be delivered in December. While awaiting the draft, staff met with representatives from Tampa Bay Water and the Withlacoochee Water Supply Authority to discuss the proposed source projects and potential outreach targets. Staff is continuing the compilation of the Community Planning Addendum; this data is targeted to assist smaller communities to more easily create the 10 year water supply work plan.

Strategic Planning
The mission of the Strategic Plan update is to provide the overarching strategic direction, from which all of our District strategies evolve: Superior Stewardship of Florida’s Precious Water Resources. With that responsibility, the deliverables of FY 2011 Update are to:
• Implement the reporting of the Primary Success Indicators.
• Reconfigure the Strategic Plan to meet the statutory requirements allowing the Strategic Plan to replace the District Water Management Plan.
• Produce and updated Strategic Plan document.

To achieve the established goals the update process will again employ a three tiered approach of staff involvement. A grouping of District technical subject matter experts (SME) will review the current plan for technical accuracy, and identify how their projects and programs are aligned with the Plan's success indicators. Secondly, a Strategic Team comprised of 15 Directors and Managers will meet to select the SME, discuss the input of the SME, finalize the implementation of the Primary Success Indicator “Scorecard,” and delegate the compilation of the data required to replace the District Water Management Plan. Lastly, conclusive direction of the project will be overseen by a Steering Committee comprised of the Deputy Executive Directors, Deputy General Counsel, and the Inspector General. By replacing the 5 Year District Water Management Plan (DWMP) and its annual update with the Strategic Plan, staff will realize a considerable time savings. One of the statutory requirements of replacing the DWMP is the compilation of an Annual Work Plan Report. This Annual Report will detail the progress of District programmatic efforts intended to achieve the Strategic Plan’s goals and measures, as well as illuminating the connection between the Strategic Plan and the Budget process.  

New Activities Since Last Meeting — The production draft of the Strategic Planning document is complete and on the December Governing Board agenda for approval. The success indicator Scorecard has been completed and will also be presented at the December Governing Board meeting.
Department of Environmental Protection – Annual Status Report on Water Supply Planning

The Planning Department compiled data and described the District’s annual achievements in water supply for the Department of Environmental Protection – Annual Status Report on Water Supply Planning. The report details the District’s accomplishments during the past year for implementing the regional water supply plan. The report also compiles the alternative water supply projects that were funded through the Water Protection and Sustainability Trust Fund and total construction costs for each project.

Local Government 10-Year Water Supply Facilities Work Plans
Planning Department staff continues to review and comment on 10-year Water Supply Facilities Work Plans. The adoption deadline for these plans was May 30, 2008 for most local governments in the 10-county area covered by the District's Regional Water Supply Plan. New Activities Since Last Meeting — There were no water supply plans adopted or submitted for review in November. The numbers remain 53 percent of the communities within the District are in compliance, with 16 percent in the submittal process and 31 percent out of compliance. The non-compliance matter remains an issue throughout the State. The trend remains the communities with submittals in the system are gradually coming into compliance, while the communities choosing not to make a submittal are holding to that posture.

Regional Planning Council Update
• Tampa Bay Regional Planning Council (November 9, 2009) – Council members heard presentations from Dr. Margaret Wheatley, author, professor and consultant, on community organization and leadership, and Mike Waters, Progress Energy, on electric transportation. Dr. Wheatley’s aim was to arouse the Council’s curiosity in the area of organizational structure. The two main points of her presentation were: a mobilized community can be a powerful force; and the purpose of a community gathering should dictate the meeting form (e.g., venue, seating arrangement). Mr. Waters’ presentation included strategies for achieving a plug-in ready city, and information on the “Project Get Ready,” (www.projectgetready.com) a resource to help communities prepare for electric vehicles. Several members were excited about the economic development (job creation) that would result from the new car technology. In addition, new officers were elected: Commissioner Jack Mariano, Pasco County, replaced Commissioner Bill Dodson, Plant City, as Chair. Ms. Jill Collins, Gubernatorial appointee, is Vice Chair, and Commissioner Larry Bustle, Manatee County, is Secretary/Treasurer.
• Central Florida Regional Planning Council – The Council did not meet in November; the next meeting will be December 9 at the Polk County Agricultural Center, John Brenneman Auditorium.
• Southwest Florida Regional Planning Council (November 19, 2009) – The Council transmitting staff comments to the Department of Community Affairs (DCA) for the City of Venice 09-1ER, University Town Center (formerly Sarasota Interstate Park of Commerce) DRI NOPC, and a North Port Gardens DRI Sufficiency Extension. There was considerable discussion followed by an approval of the Babcock Ranch Master Development Order and Phase I of Increment. The City of Venice and other coastal communities in Sarasota County have drafted a resolution to make prohibition of offshore oil and gas drilling in Waters of the State a legislative priority. The Council voted to support this opposition.
• Withlacoochee Regional Planning Council – The November 19 meeting was cancelled due to lack of necessary business. The next WRPC Board of Directors annual meeting will be held on Thursday, December 10th, and will include an Open House.

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 scheduled and attended a presentation on the Lake Hancock Land Use Study before the City of Bartow Commission.
- CLA attended the Ridge League of Cities monthly meeting in Frostproof, during this meeting CLA was given the opportunity to make a brief presentation on the District’s “Get Outside” campaign.
- CLA coordinated a meeting with the City Attorney for the City of Bartow and the Director of the District’s Land Department to help better acquaint the city with regards to the Lake Hancock Project.
- CLA participated in the quarterly inter-agency meeting with staff from FARMS, FDACS, DEP, IFAS and NRCS.
- CLA in Bartow began outreach meetings for the District’s Utilities Outreach Program. These meetings begun with the City of Winter Haven and will continue through early spring for all public utilities in Polk County.
- CLA is working with LND and COM in a coordinated fashion to develop the District’s “Windshield Experience” to entice drivers along 471 in the Green Swamp to recognize the value of this resource.
- Staff is helping the Communication Department promote the Get Outside! Campaign. Staff is distributing information about the campaign to local chambers of commerce and giving elected officials copies of the new District recreation guide.
- CLA participated in a District/Pinellas County Watershed Management Coordination Meeting. Staff presented an overview of the Cooperative Funding Initiative to the participants.
- Staff attended the Dade City, St. Leo, San Antonio and Zephyrhills City Council meetings to address East Pasco Water Coalition Memorandum of Agreement. Staff answered questions and each city approved the agreement.
- Staff participated in the Plant City Utility Outreach work group meeting. This month’s meeting focused on groundwater and regulatory issues. Tampa Regulation provided the City with an overview of their water use and information they will need for their permit renewal in 2013.
- Staff participated in the Hillsborough River Roundtable meeting and Hillsborough River Technical Advisory Committee meeting. I participated in the Hillsborough River Roundtable’s monthly meeting. During the reclaimed water portion of the meeting, staff provided the Roundtable members a copy of the District’s "Reclaimed Water - A reliable, safe alternative water supply” publication.
- CLA staff has discussed the Phase IA pipeline with Charlotte County Commissioners numerous times during the past month. The Charlotte County Commission recently denied final approved of the pipeline project, a project receiving $11 million of District funding. The County had an agreement with the Peace River/Manasota Regional Water Supply Authority, City of Punta Gorda and the District for this project. County and Authority staff are now in mediation to try and resolve the issue.
- CLA staff assisted FARMS and Regulation staff in getting a positive vote from the Charlotte County Commission for a memorandum of understanding regarding the coordination of permitting activities for excavation projects in Charlotte County.
- CLA staff organized and hosted a utility workshop with utilities from DeSoto, Manatee, Sarasota and Charlotte Counties to discuss how the District and different utilities handled the Phase III Water Shortage Order. Utilities staff provided District staff feedback on the reporting requirements, enforcement efforts and challenges and other drought related issues.
- CLA staff conducted the annual Cooperative Funding Initiative workshops in all four service offices. Attendance was up from previous years in the Tampa area, down in Sarasota and similar to previous years in Brooksville and Bartow.
- Staff arranged and attended meetings between Governing Board Member Doug Tharp and Citrus County Commissioners Winn Webb and Joe Meek. The meetings pertained to current Citrus County water use issues and also work they would like to see accomplished in Lake Tsala Apopka. Staff discussed the District's Get Outside Campaign and the Serenova event.
- Staff attended the Inglis City Commission meeting and spoke in regards to the Inglis' Cooperative Funding Agreement with the District. The town and the District are working together to find a resolution to a Cooperative Funding Agreement that expires on January 1, 2010.
Staff attended the public forum sponsored by The Smart Growth Coalition of North Central Florida and The Rainbow River Conservation, Inc. Approximately 150 people were in attendance including Citrus County Commissioner Dennis Damato, Marion County Commissioner Barbara Fitos, staff for Sen. Charlie Dean and staff for Speaker Larry Cretul. Citrus County Task Force Member Sandra Clodwick was also present. Speakers included Charles Pattison (1000 Friends of Florida), Charles Lee (Florida Audubon), and Tracy Staub (Marion County). The discussion focused on the future of water withdrawals from the Withlacoochee River and Rainbow River, SB 2080 and Marion County's springs protection.

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 staff and other department to develop and manage internal District legislative procedures and policies.

New Activities Since Last Meeting
- CLA attended the committee week of committee meetings in Tallahassee. Staff will continue to attend committee meetings as the 2010 state legislative session approaches and monitor legislation relevant to the District.
- CLA continues to conduct “off-season” visits with members of the Legislature. Prior to the upcoming legislative session, staff typically visits with delegation members.
- CLA and Land Resources conducted a tour of the Green Swamp West with Representative Glorioso and Governing Board member Hugh Gramling.
- Staff met with key Governor’s office staff on the District’s top legislative priority, WRAP. Staff is working with the Governor's office to ensure WRAP is included in the Governor’s 2010 recommended budget.
- Staff attended the Sumter County Legislative Delegation meeting. At the meeting Sumter County, Sumter County Chamber of Commerce and other local stakeholders voiced their 2010 legislative priorities to delegation members.
- Staff attended the Department of Community Affairs legislative stakeholders meeting in Tallahassee.
- Staff has been working with the Manatee and Sarasota Chambers to include water issues in their 2010 legislative priority platforms. Staff has been attending meetings and sending the Chambers information about the District's legislative priorities.

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 organizations and groups. These include the agricultural community, environmental groups, business associations and others. These relationships provide a pivotal component of the District’s legislative program and allow for opportunities to communicate the District’s mission, policies and the goals.

New Activities Since Last Meeting
- CLA coordinated a presentation on the Lake Hancock Lake Level Modification to the employee’s of Farm Credit of Central Florida at their annual employee meeting held at Circle B Bar Preserve.
- CLA helped in this year’s Lakes Education Action Drive (LE/AD) annual workshop by coordinating District staff for presentations.
- CLA participated in the First Annual Boktoberfest held at Bok Tower Gardens in Lake Wales. This event showcased the green industry and the District handed out over 200 Recreation Guides and numerous water saving brochures.
- CLA staff member has been appointed to the Leadership Council for the George Harris Jr. Shelter for Youth and Family Alternatives.

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

Presenter: Lou Kavouras, Deputy Executive Director, Outreach, Planning and Board Services
Special Events – January 2010

Event Title: Green Solutions Expo  
**Date:** January 9  
**Time:** 9 a.m.–1 p.m.  
**Location:** Veterans Memorial Park  
**Sponsoring Organizations:** UF/IFAS Extension and Pasco County  
**Attendees:** General public  
**Event Description:** This event will include vendors featuring green products and services, educational exhibits and demonstrations.  
**District Contact Information**  
**Name:** Susan Douglas, (352) 796-7211, ext. 4752; Susan.Douglas@WaterMatters.org

Event Title: Tampa Bay Black Heritage Celebration, 10th Annual Street Festival  
**Dates:** January 16–17  
**Time:** 12 noon–6 p.m.  
**Location:** Al Lopez Park, Tampa  
**Sponsoring Organization:** Tampa Bay Black Heritage  
**Attendees:** General public, other interested parties  
**Event Description:** This festival celebrates the culture and heritage of the African-American community in Tampa. Exhibits, food vendors and the best in R&B and jazz music make up the weekend’s festivities. The District's Water Conservation Restroom Station will be at the event again this year, encouraging participants to skip a week of irrigation in the winter to conserve water. For more information, contact Tampa Bay Black Heritage at (813) 223-1111, ext. 143.  
**District Contact Information**  
**Name:** Melissa Roe, (352) 796-7211, ext. 4776; Melissa.Roe@WaterMatters.org

Special Events – February 2010

Event Title: Florida State Fair  
**Dates:** February 4–15  
**Time:** 9 a.m.–5 p.m.  
**Location:** Florida State Fairgrounds, Tampa  
**Sponsoring Organization:** Florida State Fair  
**Attendees:** General public, other interested parties  
**Event Description:** The Florida State Fair is once again hosting the District's Water Conservation Restroom Station at its annual event. The District will promote the “Skip a Week” and “Get Outside!” campaigns to residents who visit the exhibit during the fair.  
**District Contact Information**  
**Name:** Melissa Roe, (352) 796-7211, ext. 4776; Melissa.Roe@WaterMatters.org

Event Title: “Get Outside!” on District lands event  
**Date:** February 27  
**Time:** 9:30 a.m.–2 p.m.  
**Location:** Green Swamp Wilderness Preserve — Hampton Tract, Polk County  
**Sponsoring Organization:** District  
**Attendees:** District Governing Board and Basin Board members and staff; general public  
**Event Description:** The District is sponsoring a family-friendly event designed to introduce people to this beautiful natural area. Guests will have the opportunity to participate in activities, including a guided nature hike and scavenger hunt, or simply enjoy a relaxing day with family and friends.  
**District Contact Information**  
**Name:** Melissa Roe, (352) 796-7211, ext. 4776; Melissa.Roe@WaterMatters.org
Event Title: Florida African-American Heritage Celebration
Date: February 27
Time: 11 a.m.–5:30 p.m.
Location: Heritage Village, Largo
Sponsoring Organizations: Various, District
Attendees: General public, other interested parties
Event Description: This event celebrates the history and accomplishments of the African-American community in Pinellas County and nationwide. Music, art, performers, crafts and food vendors will provide enrichment and entertainment for the day. The District's Water Conservation Restroom Station will promote the “Skip A Week” campaign at the event.
District Contact Information
Name: Melissa Roe, (352) 796-7211, ext. 4776; Melissa.Roe@WaterMatters.org
Governing Board Meeting
December 15, 2009

FINANCE & ADMINISTRATION COMMITTEE

Discussion Items

41. Consent Item(s) Moved for Discussion

42. SWFWMD’s FY2009 Efforts to Accelerate Florida’s Economy ............ (10 minutes) ...... 2
   (Strategic Plan: Mission Support)

43. District’s Long-Range Water Supply and Resource Development Funding Plan ................................................................. (20 minutes) ...... 3
   (Strategic Plan: Water Supply – Regional Water Supply Planning)

44. Fiscal Year 2011 Budget Development Process ........................................ (10 minutes) ...... 4
   (Strategic Plan: Mission Support)

Submit & File Reports – None

Routine Reports

45. Treasurer’s Report, Payment Register, and Contingency Reserves Report ................. 15

46. Management Services Significant Activities ................................................................. 21
Finance and Administration Committee  
December 15, 2009

**Discussion Item**

**SWFWMD’s FY2009 Efforts to Accelerate Florida’s Economy**

**Purpose**  
Provide a status report on the SWFWMD’s fiscal year (FY) 2009 efforts to accelerate Florida’s economy.

**Background/History**  
In September 2008, the District was requested by Governor Crist to ensure that SWFWMD moves forward in a timely and beneficial manner to expedite District funds provided for capital projects as a means to help stimulate the economy of this State and the region. District staff has taken steps to expedite capital and other projects.

At the December 2009 Governing Board meeting, staff will provide the framework for the SWFWMD’s project acceleration, the specific measures taken to accelerate projects, and a summary of the projects accelerated during FY2009, including total dollars expended during FY2009 positively impacting the Florida economy.

**District Administered Projects** – Specific measures were taken by staff to accelerate the projects overseen by District staff. In addition, the contracting process is accelerated. Increased use of purchasing cards (PCards) was promoted rather than issuing purchase orders which shortens the procurement and payment process. Vendors are being paid expeditiously, within 30 days or less, which is quicker turnaround than the 45 days approved in State law.

**Cooperator Administered Projects** – For projects where the cooperator serves as the lead party and administers the contract and the project, and where the District is dependent on the cooperators (generally local governments and water supply authorities) to accelerate projects, letters were sent requesting them to expedite projects. Follow up discussions are also held with the Cooperator’s project manager. The SWFWMD also expedited the execution of cooperative funding agreements where possible, reimburses cooperators in a timely manner with a goal of quick turnaround of 30 days, and instructed District project managers to indicate in the Project Information Management System (PIMS) the status of the project acceleration on an ongoing basis.

The SWFWMD will continue efforts to accelerate capital and other projects while expediting the procurements process and payments as a means to positively impact the economic recovery of the State of Florida.

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

**Presenter:** Daryl F. Pokrana, Director, Finance Director
Finance and Administration Committee
December 15, 2009

Discussion Item

District’s Long-Range Water Supply and Water Resource Development Funding Plan

Purpose
This is an information item presented to the Board as an update of the Long-Range Water Supply and Water Resource Development Funding Plan through 2030.

Background/History
The Long-Range Water Supply and Water Resource Development Funding Plan (Funding Plan) is a companion to the District’s Regional Water Supply Plan, first developed in 2000 with a 20-year horizon and updated annually. The Funding Plan was developed to “stay-the-course” to meet priorities while living within our means. This includes: (1) allocating available resources for water supply and resource development; (2) not incurring debt – continuing to fund projects on a pay-as-you-go basis; (3) continuing to hold-the-line and maintain a steady millage investment as long as needed; and (4) continuing to look for public and private partners.

This stay-the-course approach, as approved by Governor Charlie Crist and previously by Governor Jeb Bush, has allowed the District to successfully operate during all economic times in a financially responsible way to address District core priorities.

On December 15, staff will provide the annual update of the Funding Plan through 2030 to the Governing Board. This will include:

- Discussion of financial capabilities for meeting long-range funding requirements;
- Discussion of major regional water supply and resource development projects that are currently underway or planned;
- Review of updated Demand Projections; and
- Detailed Review of Individual Major Projects.

Staff Recommendation:

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

Presenters: Eugene A. Schiller, Deputy Executive Director, Management Services Division
Bruce C. Wirth, Deputy Executive Director, Resource Management Division
Finance and Administration Committee  
December 15, 2009

Discussion Item

Fiscal Year 2011 Budget Development Process

Purpose
Review and acceptance of the fiscal year (FY) 2011 Budget Development Process establishing major budget strategic priorities and general preparation assumptions.

Background
District staff will begin the FY2011 budget development process in January. A memorandum with attachments has been prepared for Governing Board review that provides an overview of the planned budget development process.

Benefits
The Budget Development Process memorandum with attachments provides staff with guidance from the Governing Board for the development of the next fiscal year budget.

Staff Recommendation:  See Exhibit
Accept the planned FY2011 Budget Development Process as described in the memorandum and attachments.

Presenters:  Eugene A. Schiller, Deputy Executive Director, Management Services Division  
            Linda R. Pilcher, Assistant Director, Finance Department
MEMORANDUM

TO: Governing Board Members

THROUGH: David L. Moore, Executive Director

FROM: Eugene A. Schiller, Deputy Executive Director
       Daryl F. Pokrana, Finance Director
       Linda R. Pilcher, Assistant Finance Director

SUBJECT: Fiscal Year 2011 Budget Development Process

This memorandum and attachments provide an overview of the District’s planned fiscal year (FY) 2011 budget development process. The following are provided for your review and acceptance to enable staff to proceed with development of the draft budget:

Budget Calendar: The calendar illustrates the District’s budget development process for FY2011, including the statutory notice and hearing requirements of the Truth-In-Millage (TRIM) laws and the Executive Office of the Governor’s (EOG) standard reporting process for water management districts. The process starts in January 2010 with the distribution of the approved budget preparation guidelines to the departments.

Major Budget Strategic Initiatives: The strategic initiatives for FY2011 have been excerpted from the District’s Strategic Plan submitted for the Governing Board’s approval on December 15, 2009. The strategic initiatives provide focus for departments to identify the budgetary requirements necessary to carry out District programs. These initiatives are consistent with the Governor’s budget approval letter dated September 14, 2009, which is attached for reference.

General Budget Preparation Assumptions: The general budget preparation assumptions needed to start the development of the FY2011 budget are outlined. Given the current fiscal environment and projected state budget deficits, staff will continue to monitor activities in Tallahassee and nationally. As updated information becomes available that may impact these assumptions, staff will report back to the Governing Board.

Program and Activity Allocations Report: The Program and Activity Allocations report, which is a standard format required by the EOG as part of the August 1 tentative budget submission by the water management districts, is provided for reference. This report displays the District’s FY2010 budget according to the six statutorily defined program areas and the underlying program activities. The program budgets are then allocated into the District’s four statutorily established areas of responsibility: Water Supply, Water Quality, Flood Protection, and Natural Systems.

LRP:jlm
Attachments (5)
cc: Sallie Parks, Treasurer
   Senior Staff
   Budget Staff
   Department Budget Contacts
<table>
<thead>
<tr>
<th>DATES</th>
<th>ACTIVITY</th>
<th>RESPONSIBILITY</th>
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<td>October 2009</td>
<td>Annual Basin Board Planning Workshops</td>
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<td>October</td>
<td>Cooperative Funding Meetings</td>
<td>Staff/Prospective Cooperators/Public</td>
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<td>December 4</td>
<td>Develop FY2011 Budget Preparation Guidelines</td>
<td>Executive/Budget</td>
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<td>December 4</td>
<td>FY2011 Cooperative Funding Applications Due</td>
<td>Prospective Cooperators</td>
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<td>Governing Board Review FY2011 Budget Development Process</td>
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<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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<td>January 1-31, 2010</td>
<td>Review FY2011 Cooperative Funding Applications</td>
<td>Staff</td>
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<td>January 4</td>
<td>FY2010 First Quarter Financial Report &amp; Planning Forecast</td>
<td>Directors/Budget</td>
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<td>Beginning</td>
<td>Budget Preparation and BRASS Software Training</td>
<td>Budget/Financial Systems/Staff</td>
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<td>January 21</td>
<td>Distribute FY2011 Budget Preparation Guidelines</td>
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<td>February</td>
<td>Basin Boards Review Cooperative Funding Applications</td>
<td>Basin Boards</td>
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<td>February</td>
<td>Identify New or Continuing FY2011 Major Alternative Water Supply &amp;</td>
<td>Staff</td>
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<td>Water Resource Development (WS&amp;WRD) Projects from Cooperative Funding</td>
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<td>Submitals</td>
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<td>February</td>
<td>Rank FY2011 Cooperative Funding Applications</td>
<td>Staff</td>
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<td>February 19</td>
<td>Receiving Budget Requests and Staff Resource Allocations Due</td>
<td>Directors</td>
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<td>February 26</td>
<td>New and Non-Recurring Budget Requests Due</td>
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<td>March 5</td>
<td>Capital Improvements Plan (CIP) Requirements Due</td>
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<td>General Services and Information Resources Departments</td>
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<td>Preliminary Budget Summary</td>
<td>Executive/Budget</td>
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<td>March 10-26</td>
<td>Executive Review of Budget Submissions</td>
<td>Executive/Budget/Directors</td>
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<td>March 29-April 2</td>
<td>Departmental Follow-up Review (Executive Adjustments)</td>
<td>Executive/Budget/Directors</td>
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<td>March 30</td>
<td>Present FY2011 WS&amp;WRD Projects; Update Existing Project</td>
<td>Governing Board</td>
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<td>Costs and Schedule/Budget Update</td>
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<td>March 30</td>
<td>FY2011 Budget Update – Update Ad Valorem Revenue Estimates</td>
<td>Executive/Budget/Governing Board</td>
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<td>following State’s Revenue Estimating Conference</td>
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<td>April</td>
<td>Basin Boards Review Preliminary Budgets</td>
<td>Basin Boards</td>
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<td>April</td>
<td>Present FY2011 Basin WS&amp;WRD Projects; Update Existing Project</td>
<td>Basin Boards</td>
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<td>Costs and Schedule/Budget Update</td>
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<td>April 1</td>
<td>FY2010 Second Quarter Financial Report &amp; Planning Forecast</td>
<td>Directors/Budget</td>
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<td>April 5</td>
<td>Executive Budget Summary (All Funds)</td>
<td>Executive/Budget</td>
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<td>April 27</td>
<td>Review Draft Information Resources Five-Year Technology Plan and CIP</td>
<td>Executive/IRD/Budget/Governing Board</td>
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<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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<td>May 28</td>
<td>Final Executive Review of FY2011 Recommended Annual Service Budget</td>
<td>Executive/Budget</td>
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<td>June</td>
<td>Basin Boards Review Proposed Budgets &amp; Adopt Proposed Millage Rates</td>
<td>Basin Boards</td>
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<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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<td>June 1</td>
<td>Estimates of Taxable Value</td>
<td>Budget</td>
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<td>June 3</td>
<td>Picture-In-Time for FY2011 Annual Presentation of Recommended Annual Service Budget</td>
<td>Budget</td>
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<td>June 30</td>
<td>FY2011 Annual Presentation of Recommended Annual Service Budget</td>
<td>Executive/Budget/Governing Board</td>
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<tr>
<td>June 30</td>
<td>Update WS&amp;WRD Funding Plan Revenue Assumptions with FY2011 Ad Valorem Revenue Estimates &amp; Make Necessary Adjustments to Budget</td>
<td>Governing Board</td>
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<tr>
<td>DATES</td>
<td>ACTIVITY</td>
<td>RESPONSIBILITY</td>
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<td>July</td>
<td>Special Basin Board Meetings, if needed, to adopt proposed FY2011 Millage Rates</td>
<td>Budget/Basin Boards</td>
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<td>July 1-15</td>
<td>Certifications of Taxable Value</td>
<td>Property Appraisers/Budget</td>
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<td>July 1</td>
<td>FY2010 Third Quarter Financial Report &amp; Planning Forecast</td>
<td>Directors/Budget</td>
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<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>
</tr>
<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>
</tr>
<tr>
<td>August</td>
<td>Executive Office of the Governor (EOG) Budget Review</td>
<td>EOG/Executive/Budget</td>
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<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>
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<td>September 5</td>
<td>House and Senate Appropriations and Appropriate Substantive Committee Chairs Comments Due</td>
<td>Legislature</td>
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<td>September 14</td>
<td>Public Hearing (Tentative Budget) – Tampa Service Office</td>
<td>Governing Board</td>
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<td>September 21</td>
<td>EOG Budget Review Comments Due</td>
<td>EOG</td>
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<td>September 23-26</td>
<td>Advertise Millage Rates and Budget</td>
<td>Budget</td>
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<td>September 28</td>
<td>Public Hearing (Final Budget) – District Headquarters, Brooksville</td>
<td>Governing Board</td>
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<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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<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</td>
<td>Planning/Budget</td>
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</table>
Florida Statutes, especially Chapter 373, authorize the District to direct a wide range of initiatives, programs, and actions. These responsibilities can be grouped under four general areas: water supply, water quality, natural systems, and flood protection. In developing the Strategic Plan, the District has established a goal statement for each of these areas, along with strategic initiatives designed to meet those goals. The strategic initiatives provide focus for departments to identify budgetary requirements necessary to carry out District programs, and serve as the foundation for developing the annual service budget. The following FY2011 strategic initiatives, by Area of Responsibility (AOR), are included in the District’s Strategic Plan submitted for the Governing Board’s approval on December 15, 2009.

**Water Supply**

*Regional Water Supply Planning:* Identify, communicate and promote consensus on the strategies and resources necessary to meet future reasonable and beneficial water supply needs.

*Alternative Water Supplies:* Increase development of alternative sources of water to ensure groundwater and surface water sustainability.

*Reclaimed Water:* Maximize beneficial use of reclaimed water to offset potable-quality water supplies.

*Conservation:* Enhance efficiencies in all water use sectors to reduce demands on all water supplies.

**Water Quality**

*Water Quality Monitoring:* Collect and analyze water quality data to assist in determining regional water quality status and trends.

*Water Quality Maintenance and Improvement:* Develop and implement programs, projects and regulations to maintain and improve water quality.

**Natural Systems**

*Minimum Flows and Levels (MFLs) Data Collection and Establishment:* Collect and analyze data essential to establish MFLs to ensure maintenance of the hydrology necessary to prevent significant harm to natural systems.

*Minimum Flows and Levels Recovery:* Develop and implement recovery plans for MFLs where needed.

*Natural Systems Identification and Monitoring:* Identify and monitor critical environmental lands to promote awareness and facilitate policy-making decisions about the region’s natural systems.

*Natural Systems Conservation and Restoration:* Develop plans for acquisition, conservation and restoration of selected ecosystems and manage the completion of the plans to ensure protection, recovery and function of these ecosystems.

**Flood Protection**

*Floodplain Management:* Develop better floodplain information and apply in the implementation of floodplain management programs to maintain storage and conveyance and to minimize flood damage.

*Emergency Flood Response:* Operate District flood control and water conservation structures, providing effective and efficient assistance to state and local governments and the public to minimize flood damage during and after major storm events.
All the various functions of the District have been evaluated and categorized into seven core business processes. To successfully achieve the strategic initiatives, the District must excel in each of the following processes. Consistent with this, budgets will be established for these processes in support of the strategic initiatives.

**Water Resources Planning and Knowledge Management** oversees watershed and basin management planning for inter- and intra-District water and related resources (including the development of minimum flows and levels) and other comprehensive water resource planning in partnership with local, state, regional, federal and other stakeholders. This process also includes identifying, collecting, analyzing and timely disseminating relevant and accurate data to interested parties.

**Innovative Projects: Public Works, Restoration and Land Acquisition** initiates and supports creative, collaborative projects to produce measurable benefits to the environment, water resources, critical knowledge and the regional community. The process includes capital projects for water resource development and water supply development assistance, water control and conservation, land acquisition, restoration of lands and water resources, administrative facilities construction and internal projects.

**Outreach/Education** provides citizens, visitors, media, elected officials, educators and other stakeholders with essential water resource information and ombudsman support to foster behaviors, secure funding and assist in developing laws that conserve, protect and sustain Florida’s precious water and related natural resources.

**Regulation** involves multiple permit activities that promote a fair allocation of the water resources, protect wetlands, enforce well construction standards and ensure that new development does not increase the risk of flooding or degrade water quality. The permitting process also monitors subsequent operational performance of permitted systems to protect the region’s citizens and water resources.

**Land and Structure Operations** operates and maintains District lands and water control and conservation structures to restore and sustain natural systems, minimize flood damage and provide opportunities for education and recreation.

**Long-Range Financial Plan** provides financial incentives on a pay-as-you-go basis to encourage and align partnership efforts for the purpose of conserving water and developing alternative water supplies, enhancing natural systems and water quality, and promoting flood management activities.

**Mission Support** includes vital functions in support of other core business processes. These functions include human resource development, online information technology, facility and fleet support, records management, risk management and financial, legal counsel and audit services.
Revenues

- Ad valorem revenue by Fund anticipated with the following percentage reductions below fiscal year (FY) 2010 levels: General Fund -9 percent, Coastal Rivers Basin -6.5 percent, Withlacoochee River Basin -8 percent, Peace River Basin -8 percent, Hillsborough River Basin -8.5 percent, Pinellas-Anclote River Basin -8.5 percent, Alafia River Basin -9 percent, and Manasota Basin -13.5 percent. Final millage rates will be determined after funding requirements and ad valorem revenue needs are determined following receipt of the Certifications of Taxable Value from the county property appraisers, due July 1, 2010.

- Water Supply and Resource Development (WSRD) program to continue consistent with the Long-Range Water Supply and Water Resource Development Funding Plan of the Regional Water Supply Plan through 2030. The WSRD is targeted at not less than $60 million per year (General Fund $30 million and Basins $30 million).

- State’s Florida Forever Trust Fund – Anticipate no new funding for FY2011 (to be determined following 2010 Legislative Session).

- State’s Water Management Lands Trust Fund (WMLTF) – Anticipate no new funding for FY2011 (to be determined following 2010 Legislative Session).

- State’s Water Protection and Sustainability Trust Fund – Anticipate no new funding for FY2011 (to be determined following 2010 Legislative Session).

- Permit fees projected at $1.7 million.

- Interest earnings based on 1.5 percent rate of return.

- Balance forward of $15 million for the General Fund designated for future funding. (Unaudited – year-end adjustments in process. Final number will be determined based on audited financial results.)

- Review all encumbrances and board designations as of September 30, 2009, to ensure that all funds continue to be needed at this time for the authorized purposes. Any funds not needed as authorized will be recognized as additional Balances from Prior Years.

Expenditures

- All recurring and non-recurring expenditures (excluding salaries and benefits) will be targeted for planning purposes, subject to reduction or reallocation, at 5 percent below FY2010 levels, including contracts, computer hardware and software, and other capital outlay. This 5 percent target applies to the General Fund, as well as the Basins. Further reductions may be necessary to balance the budget while staying the course and focusing dollars available on highest priorities including water supply and resource development.
The following non-recurring accounts will be zero-based and each budget item must be separately justified:
-- Contract Labor (including part-time and temporary positions)
-- Computer Hardware and Software
-- Consultant Services
-- Contracted Construction
-- Capital Outlay

On an interim basis, until State funding of the WMLTF resumes, the General Fund and the Basins will need to jointly fund land operations and management activities.

No increases are currently anticipated in Governing Board authorized positions or Executive Director authorized positions. All Executive Director authorized positions to be zero-based.

Salary pool budget to be determined.

Reserves for Contingencies will be budgeted at 5 percent of ad valorem revenue. The Government Finance Officers Association recommends between 5 percent – 15 percent of General Fund revenues. If additional funds are required, they will be taken from WSRD reserves.

All budget requests will be linked to the District’s Strategic Plan through the District's program budget.

All budget requests will be consistent with Governor Charlie Crist’s Energy and Climate Change initiative and the District's Efficiency & Environmental Stewardship initiative to increase energy efficiency and reduce carbon footprint. Highest priority to projects that can be expedited as part of Governor Crist’s Accelerate Florida initiative as a means to stimulate Florida’s economy.

Facilities improvements and associated revenue contribution will be consistent with the Governing Board draft Five-Year Capital Improvements Plan, FY2011 through FY2015.

Internal service charges for Central Garage will be used for Basins and grant-funded projects to budget the General Fund reimbursement for vehicle and equipment use.

Special budget instructions for equipment and vehicle requests:

- New and replacement personal computers, peripherals, and software requests will be entered by the requesting department into a separate section established in the Information Resources Department budget. The computers and software will be evaluated by the Information Resources Department for inclusion in its final budget request, consistent with the draft Information Resources Five-Year Technology Plan for FY2011 through FY2015.
- New and replacement vehicles will generally be budgeted by the General Services Department based on fleet management requirements and departmental requests.
- New and replacement outside equipment will be budgeted by the requesting department after evaluation by the General Services Department.
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<thead>
<tr>
<th>PROGRAMS AND ACTIVITIES</th>
<th>FISCAL YEAR 2009-2010</th>
<th>Water Supply</th>
<th>Water Quality</th>
<th>Flood Protection</th>
<th>Natural Systems</th>
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<td>1.1.2 Minimum Flows and Levels</td>
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<td>1.1.3 Other Water Resources Planning</td>
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<td>1.2 - Research, Data Collection, Analysis and Monitoring</td>
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<td>2.2.1 Water Resource Development Projects</td>
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<td>2.2.3 Other Water Source Development Activities</td>
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<td>2.5 - Facilities Construction and Major Renovations</td>
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September 14, 2009

Mr. Todd Pressman
Chair, Governing Board
Southwest Florida Water Management District
2379 Broad Street
Brooksville, Florida 34604-6899

Dear Mr. Pressman:

In accordance with Section 373.536, Florida Statutes, I have reviewed and hereby approve the Southwest Florida Water Management District's annual budget for Fiscal Year 2009-2010.

During this past year, the Legislature, State agencies, and each of the five water management districts have worked diligently to reduce spending where possible and to use taxpayer’s dollars most efficiently. I applaud efforts by your Governing Board to hold property taxes constant for two years in a row even though the result is a decrease to the district budget. For Floridians, this means property taxes levied by the Southwest Florida Water Management District have been level for three consecutive years.

Your District has experienced a considerable reduction in total revenue, primarily due to declining revenues from property tax sources and state appropriations. In response, your Governing Board has aligned its priority program expenditures with the District’s core mission, and utilized fund balances in the current year to plan for contingencies and capital projects in Fiscal Year 2009-2010, and beyond.

I commend you and the Governing Board for implementing the difficult and substantial cost cutting measures necessary to balance the Fiscal Year 2009-2010 budget. At the same time, your Governing Board remains committed to provide cost-share assistance to regional and local water supply utilities for reuse, conservation, and other options to relieve stressed ground water supply sources. In addition, I recognize the great efforts by your staff to restore minimum flows and levels of impacted wetlands, lakes, rivers and streams, and aquifers resulting from historic ground-water withdrawals.
Mr. Todd Pressman  
September 14, 2009  
Page Two  

in the Northern Tampa Bay area and the Southern Water Use Caution Area. Recovery of these resources is critical to meet growing demands for water supply in this multi-county, rapidly growing region.

Furthermore, in the midst of challenging and unpredictable economic times, your Governing Board has budgeted and negotiated approximately $129 million for water supply resource development projects, leveraged with a match of $120 million by partners for a total investment of $249 million.

I appreciate your staff’s success in managing the state’s most critical water and natural resource issues, and with an approach which reflects a strong spirit of cooperation with stakeholder groups as well as state, federal, and local partners. I look forward to working with you in the coming year to preserve our state’s reputation as an excellent place to do business, visit, and live.

Sincerely,

[Signature]

Charlie Crist
Finance and Administration Committee
December 15, 2009

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 November 25, 2009, which reflects total cash and investments at a market value of $658,652,719.

As reflected on the November 25, 2009, Treasurer’s Report, the investment portfolio had $106.8 million or 16.7 percent invested in the State Board of Administration (SBA) Local Government Surplus Funds Trust Fund (LGSFTF) with $96.3 million in the Local Government Investment Pool (LGIP) (formerly referred to as Pool A) and $10.5 million in Fund B (formerly referred to as Pool B). The District has received $41 thousand of Pool A interest earnings during the first two 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 LGIP 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 November 25, 2009, the District's investment in Fund B was $10.5 million, down from the initial investment of $40.7 million. The market value of the Fund B investments is estimated at $6.4 million or approximately 60.7 percent of cost, reflecting $4.1 million at risk. District staff is not aware of any plans by the SBA to liquidate Fund B investments below cost.

It is anticipated that the District will receive another distribution from Fund B on December 8, 2009. The amount is unknown at this time.

Staff will continue to monitor the SBA activities to determine how this will impact the District's current investment in the SBA LGSFTF, and affect the District's investment strategy going forward.

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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**Staff Recommendation:**

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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**TOTAL FEDERAL HOME LOAN MORTGAGE CORPORATION**

$130,000,000 $130,371,400 $570,831 20.32

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**TOTAL FEDERAL NATIONAL MORTGAGE ASSOCIATION**

$159,980,000 $160,887,600 $315,543 25.00

**TOTAL AGENCY SECURITIES**

$529,920,000 $533,966,409 $1,853,562 82.82
**LOCAL GOVERNMENT SURPLUS FUNDS TRUST FUND**

**Local Government Investment Pool (LGIP)**

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<tr>
<th>LOCAL GOVERNMENT INVESTMENT POOL (LGIP)</th>
<th>ACCOUNT NUMBER</th>
<th>DESCRIPTION</th>
<th>EFFECTIVE RATE</th>
<th>PURCHASE COST</th>
<th>MARKET VALUE</th>
<th>ACCRUED INTEREST</th>
<th>% OF PORTFOLIO</th>
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- **Fund B (1)**
  - 271413 SBA General Investments 0.00 $9,540,792 $5,794,123
  - 271415 SBA Advanced State Funding (Eco System Trust Fund) 0.00 944,419 573,545

**TOTAL STATE BOARD OF ADMINISTRATION (SBA) ACCOUNTS**

| TOTAL STATE BOARD OF ADMINISTRATION (SBA) ACCOUNTS | $106,754,790 | $102,637,247 | 16.68 |
| DREYFUS GOVERNMENT CASH MANAGEMENT ACCOUNT | 0.03 | 1,000 | 1,000 | 0.00 |
| FEDERATED GOVERNMENT OBLIGATIONS #5 ACCOUNT | 0.06 | 3,186,889 | 3,186,889 | 0.50 |

**TOTAL INVESTMENTS**

| TOTAL INVESTMENTS | $639,862,679 | $639,791,545 | 100.00 |
| CASH, SUNTRUST DEMAND ACCOUNT | 18,861,174 | 18,861,174 | 100.00 |
| TOTAL CASH AND INVESTMENTS | $658,723,853 | $658,652,719 |

**Weighted average yield on portfolio at November 25, 2009 is 1.50%.**

(1) Fund B comingles 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.
### District and Basins

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<thead>
<tr>
<th>Area</th>
<th>Equity</th>
<th>Percentage</th>
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<td>FDOT Mitigation Program</td>
<td>2,616,264</td>
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</table>

**Total Equity in Cash and Investments**

|                | $658,723,853 | 100.00% |

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SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
TREASURER'S REPORT TO THE GOVERNING BOARD  
November 25, 2009
Management Services Significant Activities

Water Management Information System (WMIS)
The vision for the WMIS, as defined in the Governing Board approved 2005 Vision Statement and reflected in the IRD Five-Year Technology Plan, is that it will support the District's activities related to Water Use Permitting, Environmental Resource Permitting, and Well Construction Permitting. In addition, the system will have the ability to store and retrieve Scientific and Regulatory data, as well as the ability to capture and track compliance activities. Specifically, it will:

- Facilitate and allow for comprehensive demonstration of the District's accomplishment of its mission and accountability for its performance in meeting its areas of responsibility.
- Provide for the entry, maintenance, analysis, and presentation of the District's scientific and regulatory data.
- Be easy to use, robust, nimble, and enable appropriate decision-making through the consistent application of the District's scientific, regulatory, and business processes.
- Be a component of the District's Strategic Information Systems architecture.

This project is scheduled for completion in FY 2010 with planned interim releases designed to continuously improve well-defined District regulatory and scientific functions. **Current Status:** Environmental Resource Permit (ERP) search, the interface to the new Cash Receipts System, the remainder of on-line Water Use Permit (WUP) functionality, which includes public supply permits, and other planned permitting components were placed in production on October 3, 2009. Well Construction Permitting (WCP) applications, including reports and water well contractor information, are fully operational within WMIS and are removed from the IBM mainframe. Compliance Tracking (CT) information was removed on September 8, 2009. The final migration of historical WCP records was completed on October 15, 2009. This action removed all WCP functions from the IBM. Planned updates to the October 3, 2009 WMIS implementation are continuing to meet District requirements. **Next Major Milestones:** Provide on-line entry of all WUP condition data via the Permit Information Center (PIC) on December 11, 2009. The remaining conversion of ERP functionality from the Mainframe continues with a projected early completion date of February 2010. This effort is integrated with WMIS release 1.9, also due in February 2010. The early conversion of Mainframe-based ERP functionality coincides with all processing being removed from the Mainframe seven months earlier than planned at a projected cost savings of $1.26M over two fiscal years ($670K in FY2010 and $590K in FY2011). The IBM removal project is on time and within budget. A second ERP effort to improve business processes started in October 2008 and is scheduled for completion in September 2010 as planned. The maintenance team continues to maintain and modify existing systems based on user requested changes. The complete WMIS project remains on time and within budget.

Enterprise Content Management (ECM)
ECM provides for the centralized management of all content and allows quick access to the information in a structured manner. It is critical to the District's business continuity that this information is safe, secured and easily retrievable on demand. The Information Resources Department (IRD) and Records Management share in this task of managing the District's critical information in this environment. Due to requirements listed in Florida Administrative Code (FAC) 1B-26.003, storage for electronic records is also a major concern addressed with an ECM infrastructure. The District has already implemented some components of content management such as imaging and workflow processing in the Water Management Information System (WMIS). South Florida and St. Johns Water Management Districts are in like stages of their ECM implementations. A Master Service Agreement was signed with Iknow, LLC for ECM services on December 31, 2008 and task orders are being created from this agreement to
implement this project. **Current Status:** Iknow uses subcontractors to complete various task orders. The subcontractors working on the current Task Orders (TO) stopped working for Iknow in October 2009. As a result, Iknow recruited new subcontractors and they completed TO #3 (Vault Replacement) on November 30, 2009 and TO #7 (Microsoft Exchange Integration) on December 1, 2009. **Next Major Milestones:** The next major milestone, TO #4 (Record Management Pilot) is scheduled for completion in January 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 Land Management burn components (Burn Planning, Burn Prescriptions, Burn Evaluations and Burn Coordination) have been in production since August 2008. Land Acquisition components have been in place since September 2008. Land Use components have been in use since January 2009. Wildfire components have been in place since June 2009. Conservation Easement Monitoring moved to Production on October 30, 2009. Enhancements and improvements are being made to all components as the project progresses toward completion. **Next Major Milestones:** The completion of all Land Resource Land Management, Land Acquisition and Land Use components remains on schedule for January 2010. After that date, the system is considered fully operational according to the original specifications. Land Resources has requested additional spatial data analysis features that are planned for completion in March 2010. The additional capacity is being funded from within the existing LaRIS software development budget at $81K and resulted from scope changes within the original LaRIS project. IRD will continue to release user required functionality on a scheduled basis. This release schedule will continue until the project is complete. The original project remains on schedule for a January 2010 completion and is within budget.

**Project Information Management System/Cooperative Funding Initiative** (PIMS/CFI)

The PIMS project was started in FY 2006 as a replacement for a limited function project management system written in Domino/Lotus Notes. The earlier project management solution was a critical resource used by the Governing Board and Basin Boards to evaluate the progress of existing projects. The proposed PIMS solution provides an easier to use process for project definition, automates the integration with the financial systems and provides integration with other district applications including the WMIS, the Surface Water Improvement Management (SWIM) program and document management. It is designed to reduce the administrative effort to maintain the information, improve the accuracy of the information and provide more flexibility in how the information is reported. It also includes Cooperative Funding Initiative (CFI) online access. **Current Status:** The current system, including on-line Cooperative Funding Initiative and Project Management, is in production. System refinements continue based on user requirements. Testing has been completed on combining the Northwest Hillsborough and
Hillsborough Basin Board records and was promoted to production on September 30, 2009. Other significant improvements including automated updates of government legislative information and the ability to track a CFI application to a District Strategic Project were also released in September 2009. The window for new CFI application submittal is now open until December 4, 2009. **Next Major Milestones:** The next major release is scheduled for December 4, 2009. It will modify the project management portion of the system to include the changes made to CFI (automated updates of government legislative updates and tracking of District strategic initiatives). Additional enhancements will be added based on validated customer requirements. Future plans include the integration with the new Financial Performance Budgeting system due to start in January 2010. The project remains on time and within budget.

**Human Resources Information System (HRIS)**
As originally identified in the *Information Resources Department Five-Year Technology Plan, FY2008 – FY2012*, the District purchased the NuView HR and Payroll System in August 2007 via a Request for Proposal (RFP) to replace the existing application, Hewitt CYBORG Human Resource and Payroll. The older CYBORG system is not fully integrated or as robust as required for current District demands. The NuView system will provide improved integration; reduce the staff impact for data input and analysis; help ensure the District's technical architecture standards are met; and provide for the orderly removal of legacy systems from the IBM Mainframe by February 2010. **Current Status:** Employee Self Service (ESS) and Management Self Service were available on July 1, 2009. Payroll went live on July 8, 2009. District employees received their first pay information, integrated into ESS, on July 10, 2009. The former CYBORG Human Resources and Payroll system was removed from active use on September 4, 2009. At this point there are no open Payroll issues. HR is currently conducting the Open Enrollment process. Split Payroll and Sick Leave Incentive are now 100% complete and require no changes. **Next Major Milestones:** The Recruiting, Training, Compensation & Performance modules will be implemented after a brief stabilization period, which was originally planned for October 2009 to January 2010. However, NuView rescheduled the release of version 4.14 from October 2009 to December 2009. This new date should still allow SWFWMD to implement version 4.14 by March 2010. This new version will provide additional functionality vital to HR processes. Recruiting will be the first module implemented in March 2010 after the service pack upgrade. The total project remains on time and within budget.

**Unified Communication Process Improvement**
As first identified in the *IRD Five-Year Technology Plan, FY2009 – FY2013*, the District has identified the need for Unified Communications to improve staff communication during significant storm events; field operations and daily work. Unified Communication includes, but is not limited to, voice, video, data and two-way radio frequency (RF) communications. According to the IRD Technology Plan, the major milestones are communications support consolidation in October 2008 (Completed), Networking Infrastructure and telecommunications upgrades in 2009 (Started) Voice over IP in 2010, Unified Messaging in 2011 and Unified Communications in 2013. This project includes implementing this staff and operational process improvement effort by focusing on the interoperability of various communications technologies and their phased implementation over the next four years. The goals of this project are to:
- Create a common understanding of communications interoperability at the District
- Integrate existing and future communications systems
- Establish a process for the acquisition, implementation, on-going support, and maintenance of this communications infrastructure.
- Facilitate training to enhance the efforts of a unified communications strategy.
- Ensure close coordination between Finance, Information Resources, Land Resources, Operations and General Services during all phases of the Unified Communications project. **Current Status:** The Network Infrastructure upgrades for the VoIP project were completed as of August 29, 2009. All the mobile and handheld radios have been configured and installed. Digital consoles for all locations have been received and testing started on November 2, 2009. The conversion from analog to digital radios will be finalized by December 31, 2009 and is progressing smoothly. The equipment supporting the video streaming project was installed and successfully used at the October and November 2009 Governing Board meetings. **Next Major Milestones:** A Voice over IP (VoIP) prototype is planned for the beginning of CY2010.
Network assessment and performance testing began in October 2009 as the initial phases for the VoIP prototype project. The build out of this capability is included in the current FY2010 IRD budget as a lease. This 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. Staff expects this trend to continue with 2010 turnover projected below 2009 actual results (see chart below).

![Turnover Percent per Fiscal Year](chart)

**Current Status:**

- For the two months in FY2010, employee turnover (regular, board-authorized positions) was 0.8% compared to 0.6% for the same time period in FY2009.
- Retirements account for 33% of the separations so far in FY2010.
- The number of vacant positions as of November 30, 2009 was 24. The average number of vacancies for the previous 12 months was 20.1.

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:** A significant annual process that rolls encumbered funds from the prior year to the current year was completed as scheduled. Completion of remaining annual system processing activities will continue to receive significant
attention over the next few months. It is expected that continued Payroll staff participation in the Human Resources Information System (HRIS) project will be required through December 2009. As part of the HRIS project, staff completed extensive testing of the process used to load District labor related expenditures to the ADVANTAGE Financial system. Payroll staff will continue to work with the software vendor on improvements to the Florida Retirement System reporting mechanism. Payroll staff will also be working closely with Human Resources staff to ensure that open enrollment benefit elections process correctly to the payroll system.

Next Major Milestones: The agreements with the software vendor to upgrade the BRASS budgeting software to the newly available Performance Budgeting system are expected to be executed in December 2009. Staff will begin working with onsite software vendor consultants in January 2010. Staff is also moving forward with the initial hardware configuration activities for the implementation of the Performance Budgeting system currently scheduled to begin in January 2010. All projects are on time and within budget.

Parking Lot Reconstruction/Rehabilitation
The District currently owns and maintains over 880,000 square feet of parking lot and driveway pavement at the four service offices. This pavement, along with the associated stormwater management system, represents a significant capital investment. The District conducted an inventory and inspection of these areas. The inspection found that reconstruction of the heavy equipment area in Brooksville and other preventative maintenance treatment efforts need to be performed to extend the life of the paved surfaces. This work will include repairs of depressions and pot holes, double micro surfacing and crack sealing, and cold in-depth recycling w/S-3 overlay where needed. New Activities Since Last Meeting: Florida Highway Products has scheduled to complete the remaining micro paving work during the Christmas break.

Connection to Hernando County Sewer System
The existing onsite sewer treatment plant was installed in 1976 and is 33 years old. The system cost $30,000 per year to operate and is in need of new air pumps, which will cost around $4,000 and other components will need major repairs in the near future. To keep the system operating, staff is spending two hours per day on preventative maintenance. A more cost effective, long-term reliable sewer system for the District requires connecting to the Hernando County sewer line at a budgeted cost of $300,000. Projected annual operating cost will be $6,000 per year. New Activities Since Last Meeting: The contract has been fully executed with Marolf Environmental, Inc. They have been given the notice to proceed, applied for the permit from Hernando County and will commence upon permit issuance. The project is anticipated to be complete by February 28, 2010.

LEED Improvements
The Facilities and Construction Section, is currently working on a request for bid for integrated pest management, which will be implemented at all four District office locations. The intent of integrated pest management is to reduce the exposure of building occupants to potentially hazardous chemicals, biological and particulate contaminants that adversely affect air quality, human health, building finishes, building systems and the environment. New Activities Since Last Meeting: Several members of the Facilities and Construction Section recently attended a day-long Florida Friendly Best Management Practices educational series, which was presented through the UF-IFAS Florida-Friendly Landscaping program. The goals of the best management practices are to reduce nonpoint source pollution and promote the efficient use of water.

Staff Recommendation:

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

Presenter: Gene Schiller, Deputy Executive Director, Management Services
Governing Board Meeting
December 15, 2009

GENERAL COUNSEL’S REPORT

Discussion Items

47. Consent Item(s) Moved for Discussion

Submit & File Reports – None

Routine Reports

48. Litigation Report ........................................................................................................... 2

49. Rulemaking Update ................................................................................................... 15
### ADMINISTRATIVE PROCEEDINGS

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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 12/1/09)</th>
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<tr>
<td>SWFWMD v. Madonia, Batista and Evelyn/Case No. 09-1171</td>
<td>Division of Administrative Hearings/D.M. Maloney</td>
<td>Ward, J./A. Duffey</td>
<td>Formal Administrative Proceedings on Administrative Complaint and Order</td>
<td>2/10/09 - Administrative Complaint served. 2/23/09 - Motion to Stay and Motion to Dismiss, Answer and Affirmative Defenses, and Petition for a Hearing to Resolve Disputed issues of Material Fact and Reservation of Rights with Respect to Pending Circuit Court Proceeding for Declaratory Judgment served. 3/3/09 - Referral to DOAH. 3/25/09 - Respondents' Motion to Stay or Abate Pending Resolution of Circuit Court Action served. 3/30/09 - Petitioner's Response in Opposition to Respondents' Motion to Stay or Abate Pending Resolution of Circuit Court Proceeding; Order Denying Motion to Stay or Abate entered. 11/2/09 - Received signed Consent Order - going to November Board. 11/17/09 - Consent Order No. SWF 09-041 approved by Governing Board. 11/20/09 - Joint Status Report and Stipulation for Relinquishment of Jurisdiction served.</td>
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<td>SWFWMD v. Aristizabal, Jose Fernando and Liliana Urea / Case No. 09-214 GCS</td>
<td>10th Judicial Circuit, Highlands County/ SHINHOLSER, OLIN W.</td>
<td>J. Ward</td>
<td>Complaint and Petition for Enforcement of Final Order No. 08-038</td>
<td>6/29/09 - Order (granting Plaintiff's Motion to Appear Telephonically) entered. 7/21/09 - Order (entering default against Defendants) entered. 8/25/09 - Plaintiff's Motion for Final Judgment After Default served. 10/2/09 - Notice of Hearing (on Motion for Final Judgment After Default) served; Plaintiff's Motion to Appear Telephonically served. 10/15/09 - Order (granting District witnesses to appear by phone @ 12/9/09 hearing.</td>
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<tr>
<td>SWFWMD v. Atwood, Sean</td>
<td>5th Judicial Circuit, Hernando County/</td>
<td>A. Vining</td>
<td>Administrative Complaint and Order</td>
<td>10/12/09 – Respondent served.</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>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>
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<tr>
<td>SWFWMD v. Central Suburban, Inc./Case No. 08-006254-0000-00</td>
<td>10th Judicial Circuit/Polk County</td>
<td>A. Duffey</td>
<td>Complaint and Petition for Enforcement of ACO No. SWF 08-015</td>
<td>7/8/08 - Complaint filed. 7/22/08 - Complaint served. 9/10/08 - Motion for Default served. 9/15/08 - Default entered.</td>
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<tr>
<td>SWFWMD v. John Belcher/Case No. 06-4467CI-8</td>
<td>6th Judicial Circuit, Pinellas County/F. Quesada</td>
<td>A. Vining</td>
<td>Complaint and Petition for Enforcement of Administrative Complaint and Order</td>
<td>7/6/06 - Summons and Complaint served on Defendant. 10/27/06 – Motion for Default by the Court, and Notice of Hearing served. 11/13/06 – Order Denying Motion for Default by the Court entered. 1/17/07 – Order granting Plaintiff's Motion to Strike Defendant's Affirmative Defenses entered. 2/25/08 – Plaintiff's Motion for Summary Judgment served. 5/27/08 – Plaintiff's Memorandum of Law in Support of Motion for Summary Judgment served. 8/15/08 – Order granting Plaintiff's Motion for Summary Judgment entered. 9/17/08 – Notice of Hearing on Attorney Fees and Costs served.</td>
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<td>STYLE/CASE NO.</td>
<td>COURT/JUDGE</td>
<td>ATTORNEY</td>
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<td>SWFWMD v. HCH Holdings, LLC</td>
<td>A. Duffey</td>
<td>Administrative Complaint and Order</td>
<td>7/11/08 - Respondent served. 8/21/08 - Order No. SWF 08-030 entered.</td>
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<td>SWFWMD v. The Kell Group, Ltd. Case No. 09CA007932</td>
<td>13th Judicial Circuit, Hillsborough County/Levens</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.</td>
</tr>
<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. 8/11/09 - Notice of Appearance filed on behalf of Defendant served. 9/2/08 - Answer and Affirmative Defenses served.</td>
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<td>SWFWMD v. McClendon, J.C., Jr./Case No.0811837Cl13</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.</td>
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<td>SWFWMD v. Maldonado, Santos, Sr./Case No. 252008CA000661</td>
<td>10th Judicial Circuit/Hardee County/</td>
<td>A. Duffey</td>
<td>Complaint and Petition for Enforcement of ACO SWF 08-031</td>
<td>11/12/08 - Complaint filed. 11/14/08 - Defendant served via substitute service (wife). 6/30/09 – Default entered. 7/15/09 – Plaintiff’s Motion for Final Judgment After Default and Notice of Telephonic Hearing served. 7/30/09 – Amended Notice of Telephonic Hearing served. 9/3/09 – Final Judgment After Default entered.</td>
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<tr>
<td>SWFWMD v. Sean M. Murphy and Shelly A. Murphy</td>
<td>10th Judicial Circuit, Polk County/D. Prince</td>
<td>C. Kenney</td>
<td>Administrative Complaint and Order</td>
<td>2/9/08 – Administrative Complaint and Order served on Sean M. Murphy. 2/28/08 – Order No. SWF 08-005 entered.</td>
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<td>SWFWMD v. Shant Hotels, LLC/Case No. 53-2008-CA-0010708-0000-00</td>
<td>A. Duffey</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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<td>SWFWMD v. Zerep Enterprises, Inc.</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>COURT/JUDGE</td>
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<td>Bank of America, et al. v. Richardson, David A. and Lisa A., et al./ Case No. 52-2009-CA-09017751-CI-020</td>
<td>Sixth Judicial Circuit/Pinellas County</td>
<td>J. Ward</td>
<td>Foreclosure complaint against David and Lisa Richardson, against whom the District has a judgment with regard to an enforcement action</td>
<td>10/16/09 - Summons, Complaint and Notice of Lis Pendens served. 11/4/09 - Answer of Defendant SWFWMD served. 11/18/09 - Motion for Summary Judgment served.</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. 06/19/09 - Plaintiffs' Notice of Pendency of Other Actions served. 9/11/09 - Defendant SWFWMD's Motion to Dismiss Counts IV, V, VI and VII of Plaintiffs' Complaint, Motion for More Definite Statement and Incorporated Memorandum of Law served. 9/14/09 - Defendant City of St. Petersburg's Motion 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. 11/10/09 - 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.</td>
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<td>Hames, Cedar and Nora H. Scholin v. State of FL Department of Environmental Protection and SWFWMD/Case No. 2007-CA-001649</td>
<td>12th Judicial Circuit, Manatee County/P. Dubensky</td>
<td>D. Graziano/ J. Ward</td>
<td>Suit for damages alleging inverse condemnation</td>
<td>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 - (Plaintiffs') 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,</td>
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<td>X, XI, XIII, XIV, XVII, XX and XXIII of Plaintiff's Amended Complaint served. 11/6/07 – Memorandum of Law in Opposition to Plaintiffs' Motion for Summary Judgment served. 12/7/07 - Order Denying Defendant's Amended Motion for Summary Judgment; Order Granting Plaintiff's Motion for Partial Summary Judgment as to SWFWMD's Liability for Taking entered. 1/14/08 - Order Denying Defendant Southwest Florida Water Management District's Motion for Rehearing entered. 2/4/08 - Agreed Order Regarding Date of Taking entered. 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 &amp; Referral to Mediation entered. (Trial set for 1/26/09; Pretrial set for 1/16/09). 9/25/08 - Defendant’s Response to Plaintiffs’ Motion in Limine on the Taking Issue served. 9/29/08 - Motion to Continue Mediation Date served; Motion to Set Aside/Vacate Court’s Order Granting Partial Summary Judgment for Misrepresentation on the Court served. 10/2/08 - Amended Motion to Set Aside/Vacate Court’s Order Granting Partial Summary Judgment for Misrepresentation on the Court served and Notice of Rescheduled Hearing (set for the 10/6/08) served. 10/6/08 - Plaintiffs’ Motion to Strike or for More Definite Statement and for Sanctions and, in the Alternative, Motion to Set Aside/Vacate Judgment for Misrepresentation on the Court and Notice of Hearing (set for 10/6/08) served. 10/10/08 - Defendant’s Reply to Plaintiffs’ Response in Opposition to Defendant’s Motion to Set Aside/Vacate Judgment for Misrepresentation on the Court and Notice of Hearing (set for 10/6/08) served. 10/13/08 - Order (vacating Order Granting Plaintiff’s Motion for Partial Summary Judgment (entered 12/7/07)) entered. 10/23/08 - Plaintiffs’ Motion for Rehearing and Reconsideration served. 10/31/08 - Memorandum in Opposition to Plaintiffs’ Motion for Reconsideration of the Court’s Order Vacating the Order Granting Partial Summary Judgment served. 11/12/08 - Order on Plaintiffs’ Motion for Rehearing and Reconsideration (denied) entered. 12/23/08 - Order (granting Motion to Continue the Trial) entered. 3/12/09 - Motion for Partial Summary Judgment as to Issue of Whether Lots 3-7 Carry With Them the Statutory Right to Bulkhead and Fill Pursuant to Section 253.15, F.S. (1955) served. 6/3/09 - Defendant's Response and Memorandum in Opposition to Plaintiff's Motion for Partial Summary Judgment served. 6/4/09 - Notice of Withdrawal of Allegations that Lots 8-10 Carry With Them the Statutory Right to Bulkhead and Fill</td>
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<td>Madonia, Batista and</td>
<td>10th Judicial Circuit</td>
<td>A. Duffey/J. Ward</td>
<td>Complaint for Declaratory Judgment</td>
<td>Pursuant to Section 253.15, F.S. (1955), and Voluntary Dismissal of Counts XVI, XIX and XXII of the Amended Complaint served; Motion to Treat Plaintiffs' Pending Motion for Partial Summary Judgment as to Issue of Whether Lots 3-7 Carry With Them the Statutory Right to Bulkhead and Fill Pursuant to Section 253.15, F.S. (1955), as a Motion in Limine in the Alternative served. 6/10/09 - Order on Motion for Partial Summary Judgment (denied) entered. 6/25/09 - Plaintiffs' Motion for Rehearing and Reconsideration served. 7/13/09 - Plaintiffs' Notice of Supplemental Authority on Its Motion for Rehearing and Reconsideration served. 7/17/09 - Order on Motion for Rehearing and Reconsideration (denied) entered.</td>
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<td>Evelyn v. SWFWMD/Case</td>
<td>Polk County/D. Prince</td>
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<td>2/23/09 - Complaint for Declaratory Judgment filed. 3/12/09 - District's Acceptance of Service of Complaint (accepting service as of March 11, 2009) served. 3/30/09 - Defendant's Motion to Dismiss or Stay Until Administrative Remedies Have Been Exhausted served. 11/30/09 - Joint Stipulation for Dismissal of Complaint with Prejudice with Court Retaining Jurisdiction to Enforce Terms of Consent Order served.</td>
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<td>No. 09 CA 2095</td>
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<td>Mudd, Marcia, et al. v.</td>
<td>10th Judicial Circuit</td>
<td>E. H. Kohlmyer,</td>
<td>Complaint for Inverse Condemnation and Continuing Trespass</td>
<td>11/3/08 - Summons and Second Amended Complaint for Inverse Condemnation and Continuing Trespass served. 12/4/08 - Defendant, SWFWMD's Motion to Dismiss and/or Motion to Abate and/or Motion for a More Definite Statement served. 12/11/08 - Amended Answer and Affirmative Defenses of Defendant, City of Lake Wales to Plaintiffs' Second Amended Complaint served. 12/23/08 - Reply to Affirmative Defenses Asserted by Defendant City of Lake Wales served. 10/26/09 - Polk County's Motion to Dismiss served.</td>
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<td>SWFWMD, et al./Case No.</td>
<td>Polk County/D. Prince</td>
<td>III/J. Ward</td>
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<td>2006CA-001537-0000</td>
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<td>Reynolds, Mark D. v.</td>
<td>13th Judicial Circuit</td>
<td>L. Tetreault/ J.</td>
<td>Claim of unjust enrichment</td>
<td>1/12/09 - Summons, Complaint, Affidavit of Service, Certificate of Service received from Attorney General's office. 1/16/09 - Defendant's (Lowry Park Zoological Society) Motion for Extension of Time to Respond to Plaintiff's Complaint served. 1/20/09 - Defendant SWFWMD's Motion to Dismiss for Insufficiency of Service of Process served. 1/22/09 - Motion for Leave of Court to File Amended Complaint and Amend Style of Case served. 1/26/09 - Defendant's (Lowry Park Zoological Society of Tampa, Inc.) Second Motion for Extension of Time to Respond to Plaintiff's Complaint served. 1/29/09 - Notice of Hearing; Amended Notice of Hearing and Second Amended Notice of Hearing served (set for 3/4/09). 2/6/09 - Defendant's (Lowry Park Zoological Society, Inc.'s) Answer and Defenses and Counterclaim served. 2/17/09 - (Reynolds') Motion to</td>
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<td>SWFWMD &amp; Lowry Park</td>
<td>M. Nacke</td>
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<td>Zoological Society of</td>
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<td>Tampa, Inc./Case No. 08</td>
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<td>CA-28944</td>
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<td>Rockwell, Karen v. SWFWMD/Case No. 09-00534</td>
<td>13th Judicial Circuit/J. M. Barton T.R. Unice, Jr.</td>
<td>Claim for injuries incurred by auto accident with District vehicle driven by District employee</td>
<td>Dismiss Counter Complaint served. 3/6/09 - Motion for Permission to Withdraw as Attorney of Record for Plaintiff, Mark D. Reynolds served. 6/10/09 - Order on Motion for Permission to Withdraw as Attorney of Record for Plaintiff, Mark D. Reynolds entered.</td>
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<tr>
<td>SWFWMD v. Swartz, David W. and Sherry Y./Adversary Proceeding No 09-ap-00506-MGW</td>
<td>US Bankruptcy Court - Middle District of Florida - Tampa Division J.M. Wester/J. Ward</td>
<td>Complaint objecting to discharge of debt of defendants with regard to penalties owed due to breach of Mediated Settlement Agreement</td>
<td>2/4/09 - Summons, Complaint, Request for Admissions, Request to Produce, Interrogatories served. 2/26/09 - Defendant's Answer and Affirmative Defenses served; (SWFWMD's) Motion to Strike served. 6/17/09 - Motion to Enlarge Time Period Barrning Service of Proposals for Settlement Pursuant to Rule 1.442 served.</td>
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<td>9/11/09 - Application for Docketing and Assignment of Case filed. 9/22/09 - Order of Taking Hearing Order entered. 10/5/09 - Petition in Eminent Domain filed; Declaration of Taking and Estimate of Value; Notice of Lis Pendens; Motion to Limit Service of Pleadings and Notice of Hearing; Summons to Show Cause and Notice of Hearing Date served. 10/28/09 - (Cox's) Answer and Request for Hearing served; (Benton's) Answer and Request for Hearing served. 11/2/09 - Defendants' (Ancaya) Motion to Continue Order of Taking served; Notice of Hearing (on Defendants' (Ancaya) Motion to Continue Order of Taking - 11/23/09) served. 11/3/09 - Answer of Defendants Perez to the Petition in Eminent Domain served; Request for Hearing on Behalf of Defendants Perez served; Motion to Continue Hearing on the Order of Taking of Defendants Perez served; First Request for Production of Defendants Perez served; Order of Taking Witness List of Perez served. 11/6/09 - Order of Taking Exhibit List of Perez served. 11/10/09 - Petitioner's Motion to Enforecement Settlement Agreement (Ancaya) served. 11/12/09 - Petitioner's Motion to Amend Declaration of Taking and Estimate of Value in Connection with Parcel Nos. 20-503-229-P, 20-503-215-P, 20-503-217-P and 20-503-163-P served. 11/12/09 - Answer to Petition in Eminent Domain of Defendants Ancaya served. 11/17/09 - Notice of Taking Depositions Duces Tecum (Ancaya to depose Mancuso 11/23/09) served; Notice of Dropping</td>
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<td>SWFWMD v. Crabtree, Don Gary, et al./Case No. 53-2009-CA0008352</td>
<td>10th Judicial Circuit, Polk County/K. Wright</td>
<td>R. Neill/J. Pepper</td>
<td>Petition in Eminent Domain (Parcel 20-503-196 - Crabtree; Parcel 20-503-129 - Shea; Parcel 20-503-207 - Weflen)</td>
<td>Party (Polk County as to all 4 parcels) served; Notice of Hearing on Motion to Amend Declaration of Taking and Estimate of Value served; Notice of Dropping Party (Angela Cox) served. 11/23/09 - Order Limiting Service of Pleadings (as to all Parcels) entered; Petitioner's Reply and Motion to Strike Referenced Affirmative Defenses and Any Associated Denial of Defendant Cox, Benton served; Petitioner's Motion to Dismiss Counterclaim of Defendant, Cox, Benton served; Order Setting Additional Pre-Order of Taking Case Management Conference and Order of Taking Hearing (Perez, Cox, Benton, Ancaya) entered; Order Directing Mediation (Perez, Cox, Benton) entered; Order on Motion to Amend Declaration of Taking and Estimate of Value in Connection with Parcel Nos. 20-503-229-P, 20-503-215-P, 20-503-217-P and 20-503-163-P entered. 11/24/09 - Petitioner's Amended Reply and Motion to Strike Referenced Affirmative Defenses and Any Associated Denial of Defendants Benton, Cox served; Amended Declaration of Taking and Estimate of Value in Connection with Parcel No. 20-503-163-P (Perez), Parcel No. 20-503-217-P (Cox), 20-503-215-P (Benton), Parcel No. 20-503-229-P (Ancaya) served. 11/25/09 - Petitioner's Motion to Dismiss Counterclaim of Defendants, Perez served; Petitioner's Reply and Motion to Strike Referenced Affirmative Defenses and Any Associated Denial of Defendants 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 Summons 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 Hearing on Behalf of Defendants Shea served; Answer to Petition in Eminent Domain of Defendants Crabtree served;</td>
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<td>STYLE/CASE NO.</td>
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<td>SWFWMD v. Dyer, Paul L., et al./Case No. 2009-CA-010062</td>
<td>10th Judicial Circuit, Polk County/K. Wright</td>
<td>R. Neill/J. Pepper</td>
<td>Petition in Eminent Domain (Parcel 20-503-219-P)</td>
<td>Defendants' (Crabtree) Motion to Continue Order of Taking served; Answer to Petition in Eminent Domain of Defendants Weflen served; Defendants' (Weflen) 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. 10/26/09 - Subpoena Duces Tecum to Higgenbotham Auctioneers re Shea issued. 10/30/09 - Defendants' Weflen Notice of Service of Answers to Petitioner's First Set of Interrogatories served; Defendants' Response to Petitioner's First Request for Production (Crabtree and Weflen) served; Order Setting Additional Pre-Order of Taking Case Management Conference (1/12/10) and Order of Taking Hearing (2/22/10) (Crabtree) entered; Order on Stipulation for Substitution of Counsel (as to counsel for Defendant Midflorida Federal Credit Union in re Shea parcel) 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. 11/6/09 - Notice of Filing Answers to Petitioner's First Interrogatories to Defendants Shea served. 11/13/09 - Petitioner's Response to First Request to Produce From Shea, Together with Objection/Motion for Protective Order and/or Motion for Enlargement of Time served. 11/10/09 - Notice of Taking Deposition Duces Tecum (12/14 &amp; 12/17/09) served. 11/20/09 - Notice of Serving Second Interrogatories to Defendants Shea 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</td>
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<td>SWFWMD v. Pitz, Sharon E., et al./Case No. 2009-CA-010078</td>
<td>10th Judicial Circuit, Polk County/K. Wright</td>
<td>R. Neill/J. Pepper</td>
<td>Petition in Eminent Domain (Parcel 20-503-198-P)</td>
<td>- Petitioner's Witness and Exhibit List served. 11/10/09 - Petitioner's Motion to Amend Petition in Eminent Domain served. 11/12/09 - Petitioner's Motion to Amend Declaration of Taking and Estimate of Value in Connection with Parcel No. 20-503-219-P served. 11/17/09 - Notice of Hearing (on Motions to Amend Declaration of Taking and Estimate of Value and Petition in Eminent Domain - set for 11/23/09) served. 9/10/09 - Application for Docketing and Assignment of Case filed. 10/2/09 - Petition in Eminent Domain filed; Declaration of Taking and Estimate of Value; Notice of Lis Pendens; Summons to Show Cause; Notice of Hearing served. 10/23/09 - Defendants' Pitz and Connolly, Answer and Affirmative Defenses to Petition in Eminent Domain served; Defendants', Pitz and Connolly, Witness List Pursuant to Eminent Domain Order of Taking Hearing Order Dated September 21, 2009 served. 11/6/09 - Petitioner's Reply to Affirmative Defenses of Defendants Pitz and Connolly served. 11/18/09 - Petitioner's Motion to Amend Declaration of Taking and Estimate of Value in Connection with Parcel No. 20-503-198-P served; Petitioner's Notice of Serving Answers to First Interrogatories from Defendants Pitz and Connolly served. 11/23/09 - Order on (granting) Motion to Amend Declaration of Taking and Estimate of Value in Connection with Parcel No. 20-503-198-P entered. 11/24/09 - Amended Declaration of Taking and Estimate of Value in Connection with Parcel 20-503-198-P served. 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 - Defendants' Sutton Notice of Service of Answers to Petitioner's First Set of Interrogatories served; Defendants' Sutton Response to Petitioner's First Request for Production served; Order Setting Additional Pre-Order of Taking Case Management Conference (1/12/10) and Order</td>
</tr>
<tr>
<td>STYLE/CASE NO.</td>
<td>COURT/JUDGE</td>
<td>ATTORNEY</td>
<td>DESCRIPTION</td>
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</table>

**STATUS (current as of 12/1/09)**

of Taking Hearing (1/26/10) entered.

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. 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. 1/29/09 - Notice of Taking Deposition (of Trinkaus on 5/21/09) served. 2/3/09 - Defendant's First Request for Production to Plaintiff, and; Notice of Serving Defendant's First Set of Interrogatories to Plaintiff served. 3/4/09 - Order of Referral to General Magistrate entered; Order Scheduling Case Management
<table>
<thead>
<tr>
<th>STYLE/CASE NO.</th>
<th>COURT/JUDGE</th>
<th>ATTORNEY</th>
<th>DESCRIPTION</th>
<th>STATUS (current as of 12/1/09)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>J. Ward</td>
<td>Complaint for compliance with requirements of Clean Water Act</td>
<td>10/30/09 - Brief of Amici Curiae NFWWM, SWFWM and SRWMD filed.</td>
</tr>
<tr>
<td>Florida Wildlife Federation, Inc., et al. v. Jackson, Lisa &amp; US EPA, and SFWMD, et al., Intervenors</td>
<td>United States District Court, Northern District of Florida (Tallahassee)</td>
<td></td>
<td>Conference (set for 4/8/09) entered. 3/5/09 - (Trinkaus') Motion for Extension of Time to Answer Discovery served. 3/20/09 - Amended Notice of Taking Deposition (Trinkaus - set for June 3, 2009) served. 4/2/09 - Supplement to Plaintiff's Response to Defendants 1st Set of Interrogatories and Request for Production served; Notice of Compliance served. 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 August 20, 2009 @ 1:30 p.m.) served. 6/3/09 - Motion for Leave to Amend (attaching Third Amended Complaint) served. 6/17/09 - Defendant's Response to Plaintiff's Motion for Leave to Amend served. 7/9/09 - Regina Trinkaus' Reply to Affirmative Defenses served. 9/30/09 - Report and Recommendation of General Magistrate (recommended that Motion for Summary Judgment by filed w/n 30 days and scheduled for hearing; that court enter order confirming the recommendation immediately, if no exceptions filed w/n 10 day period provided by court rules) served. 10/5/09 - Notice of Exceptions to Findings of General Magistrate served. 10/13/09 - Defendant's Response to Plaintiff's Notice of Exceptions to Report and Recommendation of General Magistrate served. 10/29/09 - Defendant's Motion for Summary Judgment served; Defendant's Notice of Filing Materials in Support of its Motion for Summary Judgment served; Notice of Filing Affidavit of Elaine M. Kuligofski served. 11/18/09 - Notice of Hearing on Defendant's Motion for Summary Judgment (set for 1/13/10) served.</td>
<td></td>
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<tr>
<td>VIOLATOR</td>
<td>BOARD POLICY</td>
<td>ATTORNEY</td>
<td>VIOLATIONS</td>
<td>STATUS</td>
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<tr>
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<tr>
<td>Howard, David</td>
<td>160-6</td>
<td>A. Vining</td>
<td>Well Construction Violation</td>
<td>11-10-09 – Consent Order signed by violator.</td>
</tr>
<tr>
<td></td>
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<td>11-16-09 – Consent Order signed by Ex. Dir.</td>
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</tbody>
</table>
## Rulemaking Update

### December 2009

**Proposed Rules & Amendments**

<table>
<thead>
<tr>
<th>Rule</th>
<th>Initiative Date</th>
<th>Next Scheduled Action</th>
<th>Board Projected/Approved Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. 40D-1.002 – Incorporate Marion County Health Department Well Construction Permitting Agreement</td>
<td>Sep 2009</td>
<td>Effective 12/07/09</td>
<td>Sep 2009</td>
</tr>
<tr>
<td>2. 40D-1.1021 – Emergency Authorization for Activities Under 373 Part IV</td>
<td>Nov 2009</td>
<td>Effective approx 02/07/10</td>
<td>Nov 2009</td>
</tr>
<tr>
<td>3. 40D-1.607 – Revise permit processing fee for legislative fee increase</td>
<td>July 2008</td>
<td>Effective 12/07/09</td>
<td>July 2009</td>
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<tr>
<td>5. Public supply forms</td>
<td></td>
<td>Effective approx Feb 2010</td>
<td>Sep 2009</td>
</tr>
<tr>
<td>7. 40D-2.302 – Upper Peace River/Lake Hancock Reservation</td>
<td>May 2009</td>
<td>Approval</td>
<td>Jan 2010</td>
</tr>
<tr>
<td>11. 40D-4.042, 4.091 &amp; ERP BOR 3.4.4 – Extend duration of formal determinations of wetlands and other surface waters</td>
<td>Sep 2009</td>
<td>Effective 12/21/09</td>
<td>Sep 2009</td>
</tr>
<tr>
<td>12. 40D-4.091 – Amend ERP BOR rules regarding mitigation for impacts to wetlands and other surface waters</td>
<td>Jun 2008</td>
<td>TBD</td>
<td>TBD</td>
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<tr>
<td>13. 40D-4.091 – Amend Chapters 4 and 7 of the ERP BOR regarding water quantity criteria</td>
<td>Sep 2008</td>
<td>Effective 12/09/09</td>
<td>Jul 2009</td>
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<tr>
<td>RULE</td>
<td>INITIATION DATE</td>
<td>NEXT SCHEDULED ACTION</td>
<td>BOARD PROJECTED/ APPROVED DATE</td>
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<tr>
<td>17. 40D-8.041 – Add minimum flows for estuarine segment (lower) of Shell Creek</td>
<td>NA</td>
<td>TBD</td>
<td>TBD</td>
</tr>
<tr>
<td>18. 40D-8.041 – Establish minimum flows for Manatee River System</td>
<td>NA</td>
<td>TBD</td>
<td>2010</td>
</tr>
<tr>
<td>19. 40D-8.041 – Establish minimum flows for Chassahowitzka</td>
<td>NA</td>
<td>TBD</td>
<td>2010</td>
</tr>
<tr>
<td>20. 40D-8.041 – Establish minimum flows for Anclote River</td>
<td>NA</td>
<td>TBD</td>
<td>Jan 2010</td>
</tr>
<tr>
<td>21. 40D-8.624 – Add minimum levels for Crews Lake in Pasco County</td>
<td>Nov 2006</td>
<td>TBD</td>
<td>TBD</td>
</tr>
<tr>
<td>22. 40D-21 – Refine water shortage plan based on recent shortages</td>
<td>Sep 2009</td>
<td>TBD</td>
<td>Mar 2010</td>
</tr>
</tbody>
</table>
Executive Director’s Report

50. Executive Director’s Report

Committee/Liaison Reports

51. Basin Board Land Resources Committee Meeting
   The Committee met on December 1, 2009, and Mr. Joerger is the Board’s liaison.

52. Environmental Advisory Committee Meeting
   The Committee met on December 7, 2009; and Ms. Rovira-Forino is the Board’s liaison.

Chair’s Report

53. Chair’s Report
   a. Performance Evaluations of the Executive Director and Inspector General .......... 2
   b. Other
Chair's Report

Performance Evaluations of the Executive Director and Inspector General

Purpose
Governing Board Members received their performance appraisal packets at the October 2009 Board Meeting and have submitted their performance comments and recommendations for improvement and professional development. These have been incorporated into draft 2009 performance appraisals for the Executive Director and Inspector General. Board members also received and reviewed the proposed 2010 Goals and Objectives for the Executive Director and Inspector General. This agenda item is to allow Governing Board members to:

(1) Review and discuss these draft appraisals, make edits agreed to by the majority of the Board and approve the final 2009 appraisals; and
(2) Discuss the proposed 2010 Goals & Objectives, make edits agreed to by the majority of the Board and approve these Goals & Objectives.

Background
Board Policy No. 710-2 governs the performance evaluation process for the Executive Director and Inspector General. At its September 2009 meeting, the Board approved the proposed performance appraisal schedule and selected the District's Human Resources Director to assist Governing Board members with this process.

In accordance with the Board's policy and approved schedule, the performance appraisal process begins when the Executive Director and Inspector General each submit statements of accomplishments for the past year and proposed performance objectives for the upcoming year to the Governing Board. A packet including these accomplishments, as well as other forms, documents and instructions needed by the Board to complete the performance appraisals, were provided to each Board member at their October 2009 meeting for their review and use.

Upon receiving the performance review packets, Governing Board members independently completed separate Performance Evaluation Forms for the Executive Director and Inspector General reflecting that Board member's assessment of the employee's performance for the year. The forms also reflected any recommendations for improvement and professional development ("recommendations") suggested by Board members.

The Human Resources Director assembled the recommendations submitted by each Board member into a master document that was returned to the Governing Board. Each Board member then independently selected the recommendations s/he would like to have included in the final appraisal.

The Human Resources Director also combined the individual Performance Evaluation Forms submitted by Board members into a single, draft performance appraisal for each employee, following the procedures described in Board Policy No. 710-2. Only those recommendations for improvement and professional development receiving endorsement from a majority of the Governing Board members were included in the draft performance appraisals. The remaining recommendations will be provided to the employees under separate cover.
The draft performance appraisals will be presented to the full Board for review, discussion, editing and final approval at the December 15, 2009 Board meeting. At this same meeting, the Board will:

- Review, recommend, vote upon and approve any changes to the draft Board performance evaluations reflecting the 2009 performance achievements of the Executive Director and Inspector General;
- Review, recommend, vote upon and approve any changes to the draft recommendations for improvement and professional development for these employees;
- Review recommend, vote upon and approve any changes to the 2010 performance goals and objectives for these employees;
- Authorize the draft appraisals, recommendations for improvement and professional development and performance goals and objectives to be finalized, incorporating any changes voted for and approved by the Governing Board; and
- Authorize the Governing Board Chairman to sign the final, approved appraisals and deliver them to the employees on behalf of the Governing Board.

**Benefit/Costs**
This agenda item provides an opportunity for the Governing Board to ask any questions they may have about the performance evaluation packets or process.

**Impact If Not Adopted**
The employees will not receive formally adopted feedback or performance objectives from the full Governing Board.

**Staff Recommendation:**

1. Approve the 2009 performance appraisals of the Executive Director and Inspector General and authorize them to be finalized;
2. Authorize the Governing Board Chairman to sign the final, approved appraisals and deliver them to the employees on behalf of the Governing Board; and
3. Approve the 2010 Goals & Objectives for the Executive Director and Inspector General.

**Presenter:** Elaine M. Kuligofski, Director, Human Resources & Risk Management