AGENDA

GOVERNING BOARD MEETING

DECEMBER 18, 2012 • 9:00 a.m.

TAMPA SERVICE OFFICE
7601 US HIGHWAY 301 NORTH
813-985-7481 OR 1-800-836-0797

All meetings are open to the public.

Viewing of the Board meeting will be available at each of the District offices and through the District’s web site (www.watermatters.org) -- follow directions to use internet streaming.

Public input will be taken only at the meeting location.

Public input for issues not listed on the published agenda will be heard shortly after the meeting begins.

Pursuant to Section 373.079(7), Florida Statutes, all or part of this meeting may be conducted by means of communications media technology in order to permit maximum participation of Governing Board members.

The Governing Board may take official action at this meeting on any item appearing on this agenda and on any item that is added to this agenda as a result of a change to the agenda approved by the presiding officer of the meeting pursuant to Section 120.525, Florida Statutes.

The order of items appearing on the agenda is subject to change during the meeting and is at the discretion of the presiding officer.

Public Comment will be taken after each presentation and before any Governing Board action(s) except for Governing Board hearings that involve the issuance of final orders based on recommended Orders received from the Florida Division of Administrative Hearings.

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

The current Governing Board agenda and minutes of previous meetings are on the District's web site: www.WaterMatters.org
9:00 A.M. **CONVENE PUBLIC HEARING AND MEETING (TAB A)**

1. Call to Order
2. Pledge of Allegiance and Invocation
3. Oath of Office for Newly Appointed or Reappointed Board Members
4. Additions/Deletions to Agenda
5. Reading of Memorandum of Voting Conflict for County, Municipal and other Local Public Officers (Form 8B) as required by Section 112.3143, Florida Statutes
6. Ceremony to Honor Hugh M. Gramling for His Service on the Governing Board
7. Employee Recognition
8. 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**

9. Individual Water Use Permits (WUPs) Referred to the Governing Board
   a. WUP No. 20004600.007 – Sweetwater Preserve, LLC / Sweetwater Preserve, LLC (Hardee County)
   b. WUP No. 20008054.007 – Polk County BOCC Utility Division / East Regional Utility Service Area (Polk County)
   c. WUP No. 20020244.001 – Barbara Lasley, et al / Bethel Farms (Sumter County)

**Finance/Outreach & Planning Committee**

10. Budget Transfer Report
11. Preliminary Fiscal Year 2013-14 Budget

**General Counsel’s Report**

12. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval
   a. Interagency Agreement between the SWFWMD and the SJRWMD - Designation of Regulatory Responsibility – Marion County Utilities - Pilot Truck Stop – Marion County
   b. Initiation of Litigation – Failure to Submit Statement of Inspection – S & I Properties - ERP No. 46030011.000 – Polk County

13. Rulemaking
   a. Initiation and Approval of Rulemaking to Adopt New Rule 40D-3.492, Florida Administrative Code (F.A.C.), and to Amend Rule 40D-3.411, F.A.C., to Provide a List of Actions that are Considered Violations of Chapter 40D-3, F.A.C., and to Change the Timeframe for Submittal of Well Completion Reports
   b. Approve Revisions to the District’s Environmental Resource Permit Applicant’s Handbook Volume II as Part of Statewide Environmental Resource Permitting Rulemaking

**Executive Director’s Report**


**REGULATION COMMITTEE (TAB C)**

**Discussion Items**

15. Consent Item(s) Moved for Discussion
16. Consider Any Recommended Water Shortage Orders
17. Denials Referred to the Governing Board

**Submit & File Reports** – None

**Routine Reports**

18. Southern Water Use Caution Area Quantities
19. Overpumpage Report
20. E-Permitting Metrics: Online vs. Paper Applications
21. Individual Permits Issued by District Staff
22. Resource Regulation Significant Initiatives
OPERATIONS & LAND MANAGEMENT COMMITTEE (TAB D)

Discussion Items
23. Hydrologic Conditions Status Report
24. Northwest Hillsborough County Lake Level Management

Submit & File Reports
25. Surplus Lands Assessment
26. Flying Eagle Nature Center

Routine Reports
27. Structure Operations
28. Significant Activities

RESOURCE MANAGEMENT COMMITTEE (TAB E)

Discussion Item
29. Cooperative Funding Initiative Board Policy

Submit & File Report
30. Status of the Southern Water Use Caution Area Recovery Strategy

Routine Reports
31. Minimum Flows and Levels
33. Significant Water Supply and Resource Development Projects

FINANCE/OUTREACH & PLANNING COMMITTEE (TAB F)

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

Submit & File Report
35. Legislative Update

Routine Reports
36. Treasurer’s Report and Payment Register
37. Monthly Financial Statement
38. Monthly Cash Balances by Fiscal Year
39. Comprehensive Plan Amendment and Related Reviews Report
40. Development of Regional Impact Activity Report
41. Significant Activities

GENERAL COUNSEL’S REPORT (TAB G)

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

Submit & File Reports – None

Routine Reports
43. Litigation Report
44. Rulemaking Update

COMMITTEE/LIAISON REPORTS (TAB H)

45. Joint Agricultural and Green Industry Advisory Committees Meeting and FARMS Workgroup
46. Tampa Bay Regional Planning Council Meeting
47. Other Liaison Reports

EXECUTIVE DIRECTOR’S REPORT (TAB I)

48. Executive Director’s Report
49. Chair’s Report
   a. Executive Director Performance Evaluation
   b. Other

★★★★ Recess Public Hearing ★★★★

ANNOUNCEMENTS

- Governing Board Meetings Schedule:
  Meeting – Tampa .............................................................. January 29, 2013
  Meeting – Sarasota .......................................................... February 26, 2013
  Meeting – Brooksville ..................................................... March 26, 2013
  Meeting – Tampa ........................................................... April 30, 2013

- Regional Cooperative Funding Public Meetings Schedule:
  Northern – Brooksville ................................................. February 5, 2013
  Southern – Sarasota ........................................................ February 6, 2013
  Tampa Bay – Tampa ..................................................... February 12, 2013
  Heartland – Bartow ...................................................... February 13, 2013

- Advisory Committee Meeting Schedule:
  Well Drillers – Tampa ................................................... January 9, 2013
  Environmental – Tampa ................................................ January 14, 2013
  FARMS Workgroup/Agricultural/Green Industry – Tampa ..... January 31, 2013
  Industrial/Public Supply – Tampa ...................................... February 12, 2013
  Agricultural/Green Industry – Tampa ............................. March 14, 2013

ADJOURNMENT

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

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

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

The Board will accept and consider written comments from any person if those comments are submitted to the District at Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604-6899. The comments should identify the number of the item on the agenda and the date of the meeting. Any written comments received after the Board meeting will be retained in the file as a public record.
GOVERNING BOARD OFFICERS, COMMITTEES AND LIAISONS
Effective December 2012 – May 2013

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<td>Chair</td>
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<td>Jennifer Closshey, Vice Chair</td>
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<td>Michael Babb</td>
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* Board policy requires the Governing Board Treasurer to chair the Finance Committee.

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Executive Summary

GOVERNING BOARD MEETING

DECEMBER 18, 2012
9:00 a.m.

If viewing this document electronically, links are now available from the Executive Summary to the item’s information page. To return to the Executive Summary, click on the item number in the upper right-hand corner of the page.

CONVENE PUBLIC HEARING AND MEETING (TAB A)

1. Call to Order
2. Pledge of Allegiance and Invocation
3. Oath of Office for Newly Appointed or Reappointed Board Members
4. Additions/Deletions to Agenda
5. Reading of Memorandum of Voting Conflict for County, Municipal and other Local Public Officers (Form 8B) as required by Section 112.3143, Florida Statutes
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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

9. Individual Water Use Permits (WUPs) Referred to the Governing Board

   a. **WUP No. 20004600.007 – Sweetwater Preserve, LLC / Sweetwater Preserve, LLC (Hardee County)**

      This is a modification of an existing water use permit for agricultural use. The combined annual average quantity has increased from 452,500 gallons per day (gpd) to 897,100 gpd, the drought annual average quantity has increased from 562,400 gpd to 937,200 gpd, the peak month quantity has decreased from 2,231,000 gpd to 2,159,300 gpd, and the crop protection quantity has increased from 8,725,200 gpd to 16,704,000 gpd. The change to the permitted irrigation quantities and crop protection quantities is the result of combining five existing water use permits and changes to the crop plan.

      Staff recommends the Board approve the proposed permit as included in the Board’s meeting materials.
b. **WUP No. 20008054.007 – Polk County BOCC Utility Division / East Regional Utility Service Area (Polk County)**

This is a renewal with modification of an existing water use permit for public supply use with a duration of 20 years. The annual average quantity increased from 1,065,000 gallons per day (gpd) to 1,373,000 gpd, and the peak month quantity increased from 1,608,200 gpd to 1,647,600 gpd. The increase in quantities is due to updated future population growth rate projections and a more accurate accounting of the per capita rate. Quantities are based on a compliance per capita rate of 91 gpcd and a projected population of 15,084 by year 2032. The Permittee has indicated that a portion of the Upper Floridan Aquifer that was used will be replaced with Alternative Water Supplies (AWS) when the Southeast Wellfield Lower Floridan Aquifer project has been completed.

Staff recommends the Board approve the proposed permit as included in the Board’s meeting materials.

c. **WUP No. 20020244.001 – Barbara Lasley, et al / Bethel Farms (Sumter County)**

This is a modification of an existing water use permit for agricultural use. The annual average daily quantity increased from 324,500 gallons per day (gpd) to 663,600 gpd and the peak month quantity increased from 830,100 gpd to 2,025,000 gpd. There are no crop protection quantities associated with a sod crop. There is no change in use type from the previous revision. The increase in annual average daily and peak month quantities is due to an increase in irrigated acres, from 130 to 350 acres. Total demand quantities are based on the District’s irrigation allotment calculation program, AGMOD.Net.

Staff recommends the Board approve the proposed permit as included in the Board’s meeting materials.

**Finance/Outreach & Planning Committee**

10. **Budget Transfer Report**

Staff recommends the Board approve the Budget Transfer Report covering all budget transfers for November 2012.

11. **Preliminary Fiscal Year 2013-14 Budget**

The preliminary budget has been prepared using the same budget assumptions and the same budget amounts presented to the Governing Board on November 27, 2012, for a total budget of $169.6 million. The preliminary budget has been presented to the Florida Department of Environmental Protection (FDEP) for review and comment. If any significant comments are received from the FDEP that warrant discussion with the Governing Board or if the comments may result in changes to the budget, staff will recommend at the meeting that this item be moved from the Consent Agenda to a Discussion Item for this Committee.

The development of the District’s final budget will begin in February 2013. All budget requests will be subject to Governing Board review and approval during the development of the final budget for FY2013-14, including the tentative budget submission to the Governor and Florida Legislature by August 1, 2013.

Staff recommends the Board approve the District’s preliminary budget for FY2013-14 for submission to the Florida Legislature by January 15, 2013.

**General Counsel’s Report**

12. **Administrative, Enforcement and Litigation Activities that Require Governing Board Approval**

a. **Interagency Agreement between the SWFWMD and the SJRWMD - Designation of Regulatory Responsibility – Marion County Utilities - Pilot Truck Stop – Marion County**

In an effort to streamline its permitting responsibilities and as part of a plan to complete an interconnection of commercial operations and truck stops on either side of I-75, Marion County Utilities has requested SWFWMD to consolidate five of its water use permits issued by
SWFWMD and one consumptive use permit issued by SJRWMD. Specifically, Marion County Utilities has requested that SJRWMD’s Consumptive Use Permit No. 50996 for the Pilot Truck Stop be included in a consolidated water use permit granted by SWFWMD.

Staff recommends the Board approve the Interagency Agreement between the SWFWMD and the SJRWMD for designation of regulatory responsibility for the issuance of a water use permit to Marion County Utilities to include the Pilot Truck Stop.

b. **Initiation of Litigation – Failure to Submit Statement of Inspection – S & I Properties - ERP No. 46030011.000 – Polk County**

On June 20, 2012, a Notice of Violation was issued to the Permittee which advised of the failure to submit the required Statements of Inspection for Proper Operation and Maintenance. No response was received from the Permittee. A proposed consent order was sent to the Permittee on August 31, 2012. The proposed consent order requires that Permittee submit to the District a Statement of Inspection for Proper Operation and Maintenance that certifies that the system is performing in substantial compliance with the Permit. Penalties and costs totaling $1,200 were proposed in the consent order.

To date, no response has been received from the Permittee, which is an unregistered partnership having a post office box address. Additional copies of the proposed consent order have been sent to known partners individually at addresses obtained from public records relating to other owned properties.

Staff recommends the Board authorize the initiation of litigation against S & I Properties and any other appropriate parties to obtain compliance, to recover an administrative fine/civil penalty for the violations, and to recover District enforcement costs, court costs and attorney’s fees.

13. **Rulemaking**

a. **Initiation and Approval of Rulemaking to Adopt New Rule 40D-3.492, Florida Administrative Code (F.A.C.), and to Amend Rule 40D-3.411, F.A.C., to Provide a List of Actions that are Considered Violations of Chapter 40D-3, F.A.C., and to Change the Timeframe for Submittal of Well Completion Reports**

The proposed new rule, Rule 40D-3.492, Florida Administrative Code (F.A.C.), will provide a discrete list of actions, omissions, and conduct that are considered violations of Chapter 40D-3, F.A.C., and establishes a new deadline for submittal of Well Completion Reports. The list is necessary to clearly specify those actions the District will pursue as violations of the requirements of Chapter 40D-3, F.A.C.

Staff recommends the Board initiate and approve rulemaking to adopt new Rule 40D-3.492, F.A.C., and to amend Rule 40D 3.411, F.A.C., to provide a list of actions that are considered violations of Chapter 40D-3, F.A.C., and to change the timeframe for submittal of Well Completion Reports and authorize staff to make any necessary clarifying or technical changes that may result from the rulemaking process.

b. **Approve Revisions to the District’s Environmental Resource Permit Applicant’s Handbook Volume II as Part of Statewide Environmental Resource Permitting (SWERP) Rulemaking**

In September 2012, the Governing Board authorized the initiation of rulemaking to amend Rule 40D-4.091, F.A.C., to incorporate by reference the District’s proposed Environmental Resource Permit Applicant’s Handbook Volume II. Since that time, FDEP and the water management districts have continued to have weekly webinar work sessions to develop the proposed SWERP rule and handbooks. As part of this process, some provisions originally proposed to be included within the new rule have been determined to be better placed within the applicant’s handbooks. Other revisions have also been proposed, which necessitate some changes in the District’s proposed Applicant’s Handbook Volume II which was approved.
Staff recommends the Board approve the District’s proposed changes to Environmental Resource Permitting Applicant’s Handbook Volume II, to be adopted as part of the statewide Environmental Resource Permitting rulemaking.

Executive Director’s Report

14. **Approve Governing Board Monthly Meeting Minutes – November 27, 2012**
Staff recommends approving the minutes as presented.

**REGULATION COMMITTEE (TAB C)**

Discussion Items

15. Consent Item(s) Moved for Discussion

16. **Consider Any Recommended Water Shortage Orders**
Water Shortage Order No. SWF 2010-22 is scheduled to expire on December 31, 2012 unless the Governing Board takes additional action. The Order was first approved by the Governing Board during its November 16, 2010 meeting and has been extended four times. In accordance with Phase I of the District’s Water Shortage Plan (Chapter 40D-21, F.A.C.), this Order maintained a twice-per-week maximum lawn watering schedule and other provisions in the District’s Year-Round Water Conservation Measures (Chapter 40D-22, F.A.C.).

Staff continues to monitor conditions in accordance with the District’s Water Shortage Plan to determine if any further Order extension or other actions would be prudent. As of November 20, 2012, the main area of interest encompasses six southern counties. Staff is consulting with water utilities in these counties to determine if there are any current or projected public supply concerns that would be aggravated by recent below-normal rainfall.

Staff will present a recommendation at the meeting based on then-current conditions and predictions.

17. **Denials Referred to the Governing Board**
If any denials are requested to be referred to the Governing Board, these will be presented at the meeting.

Submit & File Reports – None

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

18. Southern Water Use Caution Area Quantities
19. Overpumpage Report
20. E-Permitting Metrics: Online vs. Paper Applications
21. Individual Permits Issued by District Staff
22. Resource Regulation Significant Initiatives

**OPERATIONS & LAND MANAGEMENT COMMITTEE (TAB D)**

Discussion Items

23. **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.

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

24. **Northwest Hillsborough County Lake Level Management**
At the July 31, 2012 Governing Board meeting, staff was requested to facilitate a presentation on the factors influencing the water surface elevations in the northwest Hillsborough County lake systems over the past several years. Staff’s presentation will discuss the affects of rainfall events,
reduced pumping and water control structure operation upon the water surface elevation of the lakes.

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

Submit & File Reports
The following items are submitted for the Committee’s information, and no action is required.
25. Surplus Lands Assessment Update
26. Flying Eagle Nature Center

Routine Reports
The following items are provided for the Committee’s information, and no action is required.
27. Structure Operations
28. Significant Activities

RESOURCE MANAGEMENT COMMITTEE (TAB E)

Discussion Items
29. Cooperative Funding Initiative Board Policy
In review of the District’s processes associated with the Cooperative Funding Initiative over the last year, staff has identified options for revisions to the policy for the Board to consider. The policy provides guidance on process, priorities, the types of projects considered, and specific direction for consideration of alternative water supply projects.

Staff will provide an overview of the Cooperative Funding Initiative Policy and options to enhance the prioritization and ranking of the projects to allow for Board discussion and input. Staff will bring the policy back to the Board at its January 2013 meeting to finalize any changes to the policy in time for the February and April 2013 Cooperative Funding regional sub-committee meetings.

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

Submit & File Report
The following item is submitted for the Committee’s information, and no action is required.
30. Status of the Southern Water Use Caution Area Recovery Strategy

Routine Reports
The following items are provided for the Committee’s information, and no action is required.
31. Minimum Flows and Levels
33. Significant Water Supply and Resource Development Projects

FINANCE/OUTREACH & PLANNING COMMITTEE (TAB F)

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

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

Routine Reports
The following items are provided for the Committee’s information, and no action is required.
36. Treasurer’s Report, Payment Register and Contingency Funds Report
37. Monthly Financial Statement
38. Monthly Cash Balances by Fiscal Year
39. Comprehensive Plan Amendment and Related Reviews
40. Development of Regional Impact Activity Report
41. Significant Activities
GENERAL COUNSEL’S REPORT (TAB G)

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

Submit & File Reports – None

Routine Reports
The following items are provided for the Board’s information, and no action is required.
43. Litigation Report
44. Rulemaking Update

COMMITTEE/LIAISON REPORTS (TAB H)

The following items will be provided for the Board’s information at the meeting.
45. Joint Agricultural and Green Industry Advisory Committees Meeting and FARMS Workgroup
46. Tampa Bay Regional Planning Council Meeting
47. Other Liaison Reports

EXECUTIVE DIRECTOR’S REPORT (TAB I)

48. Executive Director’s Report

CHAIR’S REPORT (TAB J)

49. Chair's Report

a. Executive Director Performance Evaluation
The Governing Board will review, discuss and approve the draft Board performance evaluation reflecting the 2012 performance of the Executive Director, including any changes the Board may wish to make to the draft; review, discuss and approve 2013 performance goals and objectives for the Executive Director, including any changes the Board may wish to make to them; and authorize the Governing Board Chairman to sign the final, approved performance evaluation and deliver it to the Executive Director on behalf of the Governing Board.

Staff recommends the Board adopt and approve the 2012 Performance Evaluation and the 2013 Goals and Objectives for the District's Executive Director, Blake Guillory.

b. Other

★★★★ RECESS PUBLIC HEARING ★★★★

ANNOUNCEMENTS http://www.swfwmd.state.fl.us/calendar

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  Heartland – Bartow ........................................................... February 13, 2013
Advisory Committee Meeting Schedule:

Well Drillers – Tampa .................................................................................................. January 9, 2013
Environmental – Tampa ............................................................................................. January 14, 2013
FARMS Workgroup/Agricultural/Green Industry – Tampa ......................................... January 31, 2013
Industrial/Public Supply – Tampa ............................................................................... February 12, 2013
Agricultural/Green Industry – Tampa ........................................................................ March 14, 2013

ADJOURNMENT
A. Public Hearing & Meeting
Governing Board Meeting
December 18, 2012

9:00 a.m.

*** CONVENE MEETING OF THE GOVERNING BOARD *** ***

AND PUBLIC HEARING

PUBLIC HEARING AND MEETING

1. Call to Order .................................................................................................................. 2
2. Pledge of Allegiance and Invocation .................................................................................. 2
3. Oath of Office for Newly Appointed or Reappointed Board Members ......................... 2
4. Additions/Deletions to Agenda ....................................................................................... 2
5. Reading of Memorandum of Voting Conflict for County, Municipal and 
other Local Public Officers (Form 8B) as required by Section 112.3143, 
Florida Statutes .................................................................................................................. 2
6. Ceremony to Honor Hugh M. Gramling for His Service on the Governing Board ........... 3
7. Employee Recognition ................................................................................................... 4
8. Public Input for Issues Not Listed on the Published Agenda ........................................ 5
Governning Board Meeting
December 18, 2012

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. An invocation is offered.

3. **Oath of Office for Newly Appointed or Reappointed Board Members**

   The Oath of Office will be administered to Board members who have been newly appointed or reappointed by Governor Scott.

   **Presenter:** Lou Kavouras, Board and Executive Services Bureau Chief

4. **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 if necessary.

   **Presenter:** Blake C. Guillory, Executive Director

5. **Reading of Memorandum of Voting Conflict for County, Municipal and other Local Public Officers (Form 8B) as required by Section 112.3143, Florida Statutes**

   Section 112.3143, Florida Statutes, requires that the filed memorandum be provided to the members of the Governing Board. The General Counsel is required to read the memorandum into the record at the next meeting after the form is filed.

   **Presenter:** Laura J. Donaldson, General Counsel
6. **Ceremony to Honor Hugh M. Gramling for His Service on the Governing Board**

The Board will present Mr. Gramling with a plaque and framed resolution to honor his service from April 2008 to August 2012.

**Presenter:** Paul Senft, Chair
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, presentations will be made to the Board for all Sarasota and Tampa Service office employees 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. We have seven Sarasota and Tampa employees that have achieved longevity milestones for the period of October 1, 2012 to December 31, 2012.

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>None for this meeting.</td>
<td></td>
<td></td>
<td></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>None for this meeting.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>25 Years</td>
<td>Ramzi Chehaib</td>
<td>Senior Professional Engineer</td>
<td>Environmental Res Permit</td>
<td>Tampa</td>
</tr>
<tr>
<td></td>
<td>David Sauskojus</td>
<td>Senior Environmental Scientist</td>
<td>Environmental Res Permit</td>
<td>Tampa</td>
</tr>
<tr>
<td>20 Years</td>
<td>None for this meeting.</td>
<td></td>
<td></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>Stephanie Powers</td>
<td>Staff Environmental Scientist</td>
<td>Natural Systems &amp; Restor</td>
<td>Tampa</td>
</tr>
<tr>
<td>5 Years</td>
<td>Dale Hutchens</td>
<td>Reg Processing Specialist</td>
<td>Regulatory Support</td>
<td>Sarasota</td>
</tr>
<tr>
<td></td>
<td>Bonnie Irving</td>
<td>Staff Environmental Scientist</td>
<td>Environmental Res Permit</td>
<td>Tampa</td>
</tr>
<tr>
<td></td>
<td>Chris Kuzlo</td>
<td>Staff Engineer</td>
<td>Environmental Res Permit</td>
<td>Tampa</td>
</tr>
<tr>
<td></td>
<td>Scott VanOrsdale</td>
<td>Staff Engineer</td>
<td>Environmental Res Permit</td>
<td>Tampa</td>
</tr>
</tbody>
</table>

Staff Recommendation:

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

Presenters: Chief of Staff, Division Directors
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.
Governing Board Meeting
December 18, 2012

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.

Regulation Committee

9. Individual Water Use Permits (WUPs) Referred to the Governing Board
   a. WUP No. 20004600.007 – Sweetwater Preserve, LLC / Sweetwater Preserve, LLC (Hardee County) ................................................................. 2
   b. WUP No. 20008054.007 – Polk County BOCC Utility Division / East Regional Utility Service Area (Polk County) ......................................................... 14
   c. WUP No. 20020244.001 – Barbara Lasley, et al / Bethel Farms (Sumter County) ................................................................................................................. 29

Finance/Outreach & Planning Committee

10. Budget Transfer Report ............................................................................................................... 40
11. Preliminary Fiscal Year 2013-14 Budget .................................................................................... 42

General Counsel’s Report

12. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval
   a. Interagency Agreement between the SWFWMD and the SJRWMD - Designation of Regulatory Responsibility – Marion County Utilities – Pilot Truck Stop – Marion County ...................................................................................... 44
   b. Initiation of Litigation – Failure to Submit Statement of Inspection – S & I Properties - ERP No. 46030011.000 – Polk County ........................................................... 45

13. Rulemaking
   a. Initiation and Approval of Rulemaking to Adopt New Rule 40D-3.492, Florida Administrative Code (F.A.C.), and to Amend Rule 40D-3.411, F.A.C., to Provide a List of Actions that are Considered Violations of Chapter 40D-3, F.A.C., and to Change the Timeframe for Submittal of Well Completion Reports ........................................................................................................... 46
   b. Approve Revisions to the District’s Environmental Resource Permit Applicant’s Handbook Volume II as Part of Statewide Environmental Resource Permitting Rulemaking ........................................................................................................... 49

Executive Director’s Report

Individual Water Use Permit (WUP) Referred to the Governing Board

WUP No. 20004600.007 – Sweetwater Preserve, LLC / Sweetwater Preserve, LLC (Hardee County)

This is a modification of an existing water use permit for agricultural use. The authorized quantities shown above are an increase from the previous revision of this permit. The combined annual average quantity has increased from 452,500 gallons per day (gpd) to 897,100 gpd, the drought annual average quantity has increased from 562,400 gpd to 937,200 gpd, the peak month quantity has decreased from 2,231,000 gpd to 2,159,300 gpd, and the crop protection quantity has increased from 8,725,200 gpd to 16,704,000 gpd. The change to the permitted irrigation quantities and crop protection quantities is the result of combining five existing water use permits and changes to the crop plan. The water use on this site is for the irrigation of melons, squash, and hay and for the irrigation and crop protection of strawberries. The permitted quantities are based on information provided by the applicant and site specific data incorporated into the District's irrigation allocation calculation program, AGMOD. The Permittee is currently not utilizing Alternative Water Supply (AWS) sources for Phase I but will implement AWS in cooperation with the District's Facilitating Agricultural Resource Management Systems (FARMS) program for Phase II of this project.

Special Conditions include those that require the Permittee to record and report monthly meter readings and pumpage; submit annual crop reports; submit seasonal crop reports, cap any wells that are not in use; and comply with the Southern Water Use Caution Area (SWUCA) recovery strategy.

The permit application meets all Rule 40D-2 Conditions for Issuance.

Staff Recommendation: See Exhibit

Approve the proposed permit included as an exhibit in the Board’s meeting materials.

Presenter: Darrin Herbst, P.G., Water Use Permit Bureau Chief
The Permittee is responsible for submitting an application to renew this permit no sooner than one year prior to the expiration date, and no later than the end of the last business day before the expiration date, whether or not the Permittee receives prior notification by mail. Failure to submit a renewal application prior to the expiration date and continuing to withdraw water after the expiration date is a violation of Chapter 373, Florida Statutes, and Chapter 40D-2, Florida Administrative Code, and may result in a monetary penalty and/or loss of the right to use the water. Issuance of a renewal of this permit is contingent upon District approval.

**TYPE OF APPLICATION:** Modification

**GRANTED TO:** Sweetwater Preserve, LLC / Attn: Andrew Pace
Post Office Box 1416
Wauchula, FL 33873

**PROJECT NAME:** Sweetwater Preserve, LLC

**WATER USE CAUTION AREA(S):** SOUTHERN WATER USE CAUTION AREA

**COUNTY:** Hardee

### TOTAL QUANTITIES AUTHORIZED UNDER THIS PERMIT (in gallons per day)

<table>
<thead>
<tr>
<th>Description</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual Average</td>
<td>897,100 gpd</td>
</tr>
<tr>
<td>Peak Month</td>
<td>2,159,300 gpd</td>
</tr>
<tr>
<td>Drought Annual Average</td>
<td>937,200 gpd</td>
</tr>
<tr>
<td>Crop Protection/Maximum</td>
<td>16,704,000 gpd</td>
</tr>
</tbody>
</table>

1. Peak Month: Average daily use during the highest water use month.
2. Drought Annual Average: Annual average limit when less than historical average rainfall if sufficient Water Conservation credits exist in the Permittee’s account.
3. Crop Protection/Maximum: Maximum use allowed any 24-hour period/Frost and Freeze protection of crops.

**ABSTRACT:**

This is a modification of an existing water use permit for agricultural use. The authorized quantities shown above are an increase from the previous revision of this permit. The combined annual average quantity has increased from 452,500 gallons per day (gpd) to 897,100 gpd, the drought annual average quantity has increased from 562,400 gpd to 937,200 gpd, the peak month quantity has decreased from 2,231,000 gpd to 2,159,300 gpd, and the crop protection quantity has increased from 8,725,200 gpd to 16,704,000 gpd. The change to the permitted irrigation quantities and crop protection quantities is the result of combining five existing water use permits and changes to the crop plan. The water use on this site is for the irrigation of melons, squash, and hay and for the irrigation and crop protection of strawberries. The permitted quantities are based on information provided by the applicant and site specific data incorporated into the District's irrigation allocation calculation program, AGMOD. The Permittee is currently not utilizing Alternative Water Supply (AWS) sources for Phase I but will implement AWS in cooperation with the District's Facilitating Agricultural Resource Management Systems (FARMS) program for Phase II of this project.

Special Conditions include those that require the Permittee to record and report monthly meter readings and pumpage; submit annual crop reports; submit seasonal crop reports, cap any wells that are not in use; and comply with the Southern Water Use Caution Area (SWUCA) recovery strategy.
### WATER USE TABLE (in gpd)

<table>
<thead>
<tr>
<th>USE</th>
<th>ANNUAL AVERAGE</th>
<th>PEAK MONTH</th>
<th>DROUGHT ANNUAL AVERAGE</th>
<th>CROP PROTECTION MAXIMUM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural</td>
<td>897,100</td>
<td>2,159,300</td>
<td>937,200</td>
<td>16,704,000</td>
</tr>
</tbody>
</table>

### IRRIGATION ALLOCATION RATE TABLE

<table>
<thead>
<tr>
<th>CROP/USE TYPE</th>
<th>IRRIGATED ACRES</th>
<th>IRRIGATION METHOD</th>
<th>STANDARD IRRIGATION RATE</th>
<th>DROUGHT IRRIGATION RATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hay, Commercial</td>
<td>60.00</td>
<td>Center Pivot</td>
<td>29.29&quot;/yr.</td>
<td>33.47&quot;/yr.</td>
</tr>
<tr>
<td>Hay, Commercial</td>
<td>60.00</td>
<td>Center Pivot</td>
<td>24.72&quot;/yr.</td>
<td>29.51&quot;/yr.</td>
</tr>
<tr>
<td>Melons</td>
<td>17.70</td>
<td>Drip With Plastic</td>
<td>29.77&quot;/yr.</td>
<td>29.77&quot;/yr.</td>
</tr>
<tr>
<td>Melons</td>
<td>83.80</td>
<td>Drip With Plastic</td>
<td>31.52&quot;/yr.</td>
<td>31.52&quot;/yr.</td>
</tr>
<tr>
<td>Melons</td>
<td>20.20</td>
<td>Drip With Plastic</td>
<td>29.74&quot;/yr.</td>
<td>29.75&quot;/yr.</td>
</tr>
<tr>
<td>Squash, Zucchini - (Non Cover)</td>
<td>60.00</td>
<td>Drip With Plastic</td>
<td>23.87&quot;/yr.</td>
<td>23.86&quot;/yr.</td>
</tr>
<tr>
<td>Strawberries</td>
<td>139.00</td>
<td>Drip With Plastic</td>
<td>26.04&quot;/yr.</td>
<td>26.03&quot;/yr.</td>
</tr>
</tbody>
</table>

### WITHDRAWAL POINT QUANTITY TABLE

Water use from these withdrawal points are restricted to the quantities given below:

<table>
<thead>
<tr>
<th>I.D. NO. PERMITTEE/ DISTRICT</th>
<th>DEPTH TTL./CSD.FT.</th>
<th>USE DESCRIPTION</th>
<th>AVERAGE (gpd)</th>
<th>PEAK MONTH (gpd)</th>
<th>CROP PROTECTION (gpd)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 / 2</td>
<td>12 1,300 / 103</td>
<td>Irrigation</td>
<td>318,500</td>
<td>728,400</td>
<td>4,176,000</td>
</tr>
<tr>
<td>1 / 3</td>
<td>12 933 / 326</td>
<td>Irrigation</td>
<td>386,900</td>
<td>1,079,000</td>
<td>N/A</td>
</tr>
<tr>
<td>6 / 4</td>
<td>8 241 / 101</td>
<td>Irrigation</td>
<td>29,100</td>
<td>165,600</td>
<td>1,440,000</td>
</tr>
<tr>
<td>5 / 5</td>
<td>12 1,240 / 336</td>
<td>Irrigation</td>
<td>52,300</td>
<td>298,000</td>
<td>4,176,000</td>
</tr>
<tr>
<td>4 / 6</td>
<td>10 785 / 175</td>
<td>Irrigation</td>
<td>54,200</td>
<td>309,000</td>
<td>2,736,000</td>
</tr>
<tr>
<td>3 / 7</td>
<td>10 1,300 / UNK</td>
<td>Irrigation</td>
<td>38,700</td>
<td>220,700</td>
<td>2,736,000</td>
</tr>
<tr>
<td>7 / 8</td>
<td>8 917 / 120</td>
<td>Irrigation</td>
<td>17,400</td>
<td>99,300</td>
<td>1,440,000</td>
</tr>
</tbody>
</table>

### WITHDRAWAL POINT LOCATION TABLE

<table>
<thead>
<tr>
<th>DISTRICT I.D. NO.</th>
<th>LATITUDE/LONGITUDE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>27° 25’ 08.21&quot; /81° 46’ 35.65&quot;</td>
</tr>
<tr>
<td>3</td>
<td>27° 25’ 11.11&quot; /81° 47’ 18.16&quot;</td>
</tr>
<tr>
<td>4</td>
<td>27° 24’ 38.23&quot; /81° 46’ 41.82&quot;</td>
</tr>
<tr>
<td>5</td>
<td>27° 24’ 43.75&quot; /81° 47’ 07.62&quot;</td>
</tr>
<tr>
<td>6</td>
<td>27° 24’ 52.40&quot; /81° 46’ 46.77&quot;</td>
</tr>
<tr>
<td>7</td>
<td>27° 24’ 53.26&quot; /81° 47’ 10.31&quot;</td>
</tr>
<tr>
<td>8</td>
<td>27° 24’ 40.37&quot; /81° 47’ 25.48&quot;</td>
</tr>
</tbody>
</table>
STANDARD CONDITIONS:
The Permittee shall comply with the Standard Conditions attached hereto, incorporated herein by reference as Exhibit A and made a part hereof.

SPECIAL CONDITIONS:

1. The Permittee shall evaluate the feasibility of improving the efficiency of the current irrigation system or converting to a more efficient system. This condition includes implementation of the improvement(s) or conversion when determined to be operationally and economically feasible.(296)

2. The Permittee shall implement a leak detection and repair program as an element of an ongoing system maintenance program. This program shall include a system-wide inspection at least once per year.(309)

3. The Permittee shall incorporate best water management practices, specifically including but not limited to irrigation practices, as recommended for the permitted activities in reports and publications by the IFAS.(312)

4. The Permittee shall limit daytime irrigation to the greatest extent practicable to reduce losses from evaporation. Daytime irrigation for purposes of system maintenance, control of heat stress, crop protection, plant establishment, or for other reasons which require daytime irrigation are permissible; but should be limited to the minimum amount necessary as indicated by best management practices. (331)

5. Permittee shall not exceed the quantity determined by multiplying the total irrigated acres by the total allocated acre-inches per irrigated acre per season for each crop type. For all crops except Citrus, an irrigated acre, hereafter referred to as "acre," is defined as the gross acreage under cultivation, including areas used for water conveyance such as ditches, but excluding uncultivated areas such as wetlands, retention ponds, and perimeter drainage ditches. For Citrus, an irrigated acre is based on 74% shaded area, equivalent to 89.4% of the gross acreage minus uncultivated areas such as wetlands, retention ponds, and perimeter drainage ditches.

An applicant or permittee within the Southern Water Use Caution Area may obtain the total allocated acre-inches per acre per season for their crops, plants, soil types, planting dates, and length of growing season by completing the "Irrigation Water Allotment Form" and submitting it to the District. The District will complete and return the form with the calculated total allocated acre-inches and water conserving credit per acre per season per crop, if applicable, based on the information provided. The "Irrigation Water Allotment Form" is available upon request. (427)

6. All reports and data required by condition(s) of the permit shall be submitted to the District according to the due date(s) contained in the specific condition. If the condition specifies that a District-supplied form is to be used, the Permittee should use that form in order for their submission to be acknowledged in a timely manner. The only alternative to this requirement is to use the District Permit Information Center (www.swfwmd.state.fl.us/permits/epermitting/) to submit data, plans or reports online. There are instructions at the District website on how to register to set up an account to do so. If the report or data is received on or before the tenth day of the month following data collection, it shall be deemed as a timely submittal.

All mailed reports and data are to be sent to:

Southwest Florida Water Management District
Tampa Service Office, Water Use Permit Bureau
7601 U.S. Hwy. 301 North
Tampa, Florida 33637-6759

Submission of plans and reports: Unless submitted online or otherwise indicated in the special condition, the original and two copies of each plan and report, such as conservation plans, environmental analyses, aquifer test results, per capita annual reports, etc. are required.

Submission of data: Unless otherwise indicated in the special condition, an original (no copies) is
required for data submittals such as crop report forms, meter readings and/or pumpage, rainfall, water level evapotranspiration, or water quality data.

(499)

7. The Permittee shall document and report on District forms, the beginning and ending hours and dates of operation of each withdrawal point used for the protection of crops from frost, freeze or heat damage. The report shall include the gallons per day pumped from each withdrawal point based on irrigation system capacity, or if available, totaling flow meter readings. This report shall be submitted by the 10th day of the month following irrigation for crop protection. The crop protection daily quantities specified in this permit are solely for the purpose of crop protection, and do not apply to routine irrigation practices. Irrigation for crop protection shall not exceed the crop protection daily quantity listed on the permit and shall not cause water to go to waste.

(1)

8. Within 90 days of the replacement of any or all withdrawal quantities from ground water or surface water bodies with an Alternative Water Supply, the Permittee shall apply to modify this permit to place equal quantities of permitted withdrawals from the ground and/or surface water resource on standby. The standby quantities can be used in the event that some or all of the alternative source is not available.(363)

9. The Permittee shall record the following information on the Irrigation Water Use Form that is supplied by the District for annual crops for each permitted irrigation withdrawal point, District ID. No. 2, Permittee ID No. 2:
1. Crop type,
2. Irrigated acres,
3. Irrigation method (NTBWUCA only),
4. Dominant soil type per crop or the number of acres per crop on that dominant soil type, and
5. If used, quantities used for crop protection,
This information shall be submitted by March 1 of each year documenting irrigation for the previous calendar year.

(474)

10. The Permittee shall record the following information on the Irrigation Water Use Form that is supplied by the District for seasonal crops for each permitted irrigation withdrawal point, District ID. Nos. 2, 3, 4, 5, 6, 7, and 8, Permittee ID Nos. 2, 1, 6, 5, 4, 3, and 7:
1. Crop type
2. Irrigated acres per crop for the appropriate season,
3. Dominant soil type or acres by dominant soil type,
4. Irrigation method (NTBWUCA only),
5. Use or non-use of plastic mulch,
6. Planting dates, and
7. Season length.
This information shall be submitted by February 1 of each year documenting irrigation for the previous summer/fall seasonal crops, and by September 1 of each year documenting irrigation for the previous winter/spring crops. Strawberry irrigation information shall be submitted as a winter/spring crop.(476)

11. Any wells not in use, and in which pumping equipment is not installed shall be capped or valved in a water tight manner in accordance with Chapter 62-532.500(3)(a)(4), F.A.C.(668)

12. The Permittee shall comply with allocated irrigation quantities, which are determined by multiplying the total irrigated acres by the total allocated inches per acre per season per actual crop grown. If the allocated quantities are exceeded, upon request by the District, the Permittee shall submit a report that includes reasons why the allocated quantities were exceeded, measures taken to attempt to meet the allocated quantities, and a plan to bring the permit into compliance. The District will evaluate information submitted by Permittees who exceed their allocated quantities to determine whether the lack of achievement is justifiable and a variance is warranted. The report is subject to approval by the District; however, justification for exceeding the allowed withdrawal quantity does not constitute a waiver of the District's authority to enforce the terms and conditions of the permit.(651)

13. This Permit is located within the Southern Water Use Caution Area (SWUCA). Pursuant to Section 373.0421, Florida Statutes, the SWUCA is subject to a minimum flows and levels recovery strategy, which became effective on January 1, 2007. The Governing Board may amend the recovery strategy, including amending applicable water use permitting rules based on an annual assessment of water
resource criteria, cumulative water withdrawal impacts, and on a recurring five-year evaluation of the status of the recovery strategy up to the year 2025 as described in Chapter 40D-80, Florida Administrative Code. This Permit is subject to modification to comply with new rules. (652)

14. The following existing, but previously un-metered withdrawal facilities shall be metered by January 1, 2013: District ID Nos. 3, 6, and 7, Permittee ID Nos. 1, 4, and 3. Meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit. (720)

15. The following withdrawal facilities shall continue to be maintained and operated with existing, non-resettable, totalizing flow meter(s) or other measuring device(s) as approved by the Water Use Permit Bureau Chief: District ID Nos. 2, 4, 5, and 8, Permittee ID Nos. 2, 6, 5, and 7. Meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit. (719)
40D-2
Exhibit A
WATER USE PERMIT STANDARD CONDITIONS

1. The Permittee shall provide access to an authorized District representative to enter the property at any reasonable time to inspect the facility and make environmental or hydrologic assessments. The Permittee shall either accompany District staff onto the property or make provision for access onto the property.

2. When necessary to analyze impacts to the water resource or existing users, the District shall require the Permittee to install flow metering or other measuring devices to record withdrawal quantities and submit the data to the District.

3. The District shall collect water samples from any withdrawal point listed in the permit or shall require the permittee to submit water samples when the District determines there is a potential for adverse impacts to water quality.

4. A District identification tag shall be prominently displayed at each withdrawal point that is required by the District to be metered or for which withdrawal quantities are required to be reported to the District, by permanently affixing the tag to the withdrawal facility.

5. The Permittee shall mitigate to the satisfaction of the District any adverse impact to environmental features or off-site land uses as a result of withdrawals. When adverse impacts occur or are imminent, the District shall require the Permittee to mitigate the impacts. Adverse impacts include the following:

   A. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams or other watercourses; or
   B. Damage to crops and other vegetation causing financial harm to the owner; and
   C. Damage to the habitat of endangered or threatened species.

6. The Permittee shall mitigate, to the satisfaction of the District, any adverse impact to existing legal uses caused by withdrawals. When adverse impacts occur or are imminent, the District shall require the Permittee to mitigate the impacts. Adverse impacts include the following:

   A. A reduction in water levels which impairs the ability of a well to produce water;
   B. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams or other watercourses; or
   C. Significant inducement of natural or manmade contaminants into a water supply or into a usable portion of an aquifer or water body.

7. Notwithstanding the provisions of Rule 40D-1.6105, F.A.C., persons who wish to continue the water use permitted herein and who have acquired ownership or legal control of permitted water withdrawal facilities or the land on which the facilities are located must apply to transfer the permit to themselves within 45 days of acquiring ownership or legal control of the water withdrawal facilities or the land.

8. If any of the statements in the application and in the supporting data are found to be untrue and inaccurate, or if the Permittee fails to comply with all of the provisions of Chapter 373, Florida Statutes (F.S.), Chapter 40D, Florida Administrative Code (F.A.C.), or the conditions set forth herein, the Governing Board shall revoke this permit in accordance with Rule 40D-2.341, F.A.C., following notice and hearing.

9. Issuance of this permit does not exempt the Permittee from any other District permitting requirements.

10. The Permittee shall cease or reduce surface water withdrawal as directed by the District if water levels in lakes fall below the applicable minimum water level established in Chapter 40D-8, F.A.C., or rates of flow in streams fall below the minimum levels established in Chapter 40D-8, F.A.C.

11. The Permittee shall cease or reduce withdrawal as directed by the District if water levels in aquifers fall below the minimum levels established by the Governing Board.

12. The Permittee shall not deviate from any of the terms or conditions of this permit without written approval by the District.
13. The Permittee shall practice water conservation to increase the efficiency of transport, application, and use, as well as to decrease waste and to minimize runoff from the property. At such time as the Governing Board adopts specific conservation requirements for the Permittee’s water use classification, this permit shall be subject to those requirements upon notice and after a reasonable period for compliance.

14. The District may establish special regulations for Water-Use Caution Areas. At such time as the Governing Board adopts such provisions, this permit shall be subject to them upon notice and after a reasonable period for compliance.

15. In the event the District declares that a Water Shortage exists pursuant to Chapter 40D-21, F.A.C., the District shall alter, modify, or declare inactive all or parts of this permit as necessary to address the water shortage.

16. This permit is issued based on information provided by the Permittee demonstrating that the use of water is reasonable and beneficial, consistent with the public interest, and will not interfere with any existing legal use of water. If, during the term of the permit, it is determined by the District that the use is not reasonable and beneficial, in the public interest, or does impact an existing legal use of water, the Governing Board shall modify this permit or shall revoke this permit following notice and hearing.

17. Within the SWUCA, if the District determines that significant water quantity or quality changes, impacts to existing legal uses, or adverse environmental impacts are occurring, the permittee shall be provided with a statement of facts upon which the District based its determination and an opportunity to address the change or impact prior to a reconsideration by the Board of the quantities permitted or other conditions of the permit.

18. All permits issued pursuant to these Rules are contingent upon continued ownership or legal control of all property on which pumps, wells, diversions or other water withdrawal facilities are located.
Exhibit B
Instructions

METERING INSTRUCTIONS

The Permittee shall meter withdrawals from surface waters and/or the ground water resources, and meter readings from each withdrawal facility shall be recorded on a monthly basis within the last week of the month. The meter reading(s) shall be reported to the Water Use Permit Bureau on or before the tenth day of the following month. The Permittee shall submit meter readings online using the Permit Information Center at www.swfwmd.state.fl.us/permits/permitting/ or on District supplied scanning forms unless another arrangement for submission of this data has been approved by the District. Submission of such data by any other unauthorized form or mechanism may result in loss of data and subsequent delinquency notifications. Call the Water Use Permit Bureau in Tampa at (813) 985-7481 if difficulty is encountered.

The meters shall adhere to the following descriptions and shall be installed or maintained as follows:

1. The meter(s) shall be non-resettable, totaling flow meter(s) that have a totalizer of sufficient magnitude to retain total gallon data for a minimum of the three highest consecutive months permitted quantities. If other measuring device(s) are proposed, prior to installation, approval shall be obtained in writing from the Water Use Permit Bureau Chief.

2. The Permittee shall report non-use on all metered standby withdrawal facilities on the scanning form or approved alternative reporting method.

3. If a metered withdrawal facility is not used during any given month, the meter report shall be submitted to the District indicating the same meter reading as was submitted the previous month.

4. The flow meter(s) or other approved device(s) shall have and maintain an accuracy within five percent of the actual flow as installed.

5. Meter accuracy testing requirements:
   A. For newly metered withdrawal points, the flow meter installation shall be designed for inline field access for meter accuracy testing.
   B. The meter shall be tested for accuracy on-site, as installed according to the Flow Meter Accuracy Test Instructions in this Exhibit B, every five years in the assigned month for the county, beginning from the date of its installation for new meters or from the date of initial issuance of this permit containing the metering condition with an accuracy test requirement for existing meters.
   C. The testing frequency will be decreased if the Permittee demonstrates to the satisfaction of the District that a longer period of time for testing is warranted.
   D. The test will be accepted by the District only if performed by a person knowledgeable in the testing equipment used.
   E. If the actual flow is found to be greater than 5% different from the measured flow, within 30 days, the Permittee shall have the meter re-calibrated, repaired, or replaced, whichever is necessary. Documentation of the test and a certificate of re-calibration, if applicable, shall be submitted within 30 days of each test or re-calibration.

6. The meter shall be installed according to the manufacturer’s instructions for achieving accurate flow to the specifications above, or it shall be installed in a straight length of pipe where there is at least an upstream length equal to ten (10) times the outside pipe diameter and a downstream length equal to two (2) times the outside pipe diameter. Where there is not at least a length of ten diameters upstream available, flow straightening vanes shall be used in the upstream line.

7. Broken or malfunctioning meter:

   A. If the meter or other flow measuring device malfunctions or breaks, the Permittee shall notify the District within 15 days of discovering the malfunction or breakage.
   B. The meter must be replaced with a repaired or new meter, subject to the same specifications given above, within 30 days of the discovery.
   C. If the meter is removed from the withdrawal point for any other reason, it shall be replaced with another meter having the same specifications given above, or the meter shall be reinstalled within 30 days of its removal from the withdrawal. In either event, a fully functioning meter shall not be off the withdrawal point for more than 60 consecutive days.
8. While the meter is not functioning correctly, the Permittee shall keep track of the total amount of time the withdrawal point was used for each month and multiply those minutes times the pump capacity (in gallons per minute) for total gallons. The estimate of the number of gallons used each month during that period shall be submitted on District scanning forms and noted as estimated per instructions on the form. If the data is submitted by another approved method, the fact that it is estimated must be indicated. The reason for the necessity to estimate pumpage shall be reported with the estimate.

9. In the event a new meter is installed to replace a broken meter, it and its installation shall meet the specifications of this condition. The permittee shall notify the District of the replacement with the first submittal of meter readings from the new meter.

FLOW METER ACCURACY TEST INSTRUCTIONS

1. **Accuracy Test Due Date** - The Permittee is to schedule their accuracy test according to the following schedule:

   A. For existing metered withdrawal points, add five years to the previous test year, and make the test in the month assigned to your county.
   B. For withdrawal points for which metering is added for the first time, the test is to be scheduled five years from the issue year in the month assigned to your county.
   C. For proposed withdrawal points, the test date is five years from the completion date of the withdrawal point in the month assigned to your county.
   D. For the Permittee's convenience, if there are multiple due-years for meter accuracy testing because of the timing of the installation and/or previous accuracy tests of meters, the Permittee can submit a request in writing to the Water Use Permit Bureau Chief for one specific year to be assigned as the due date year for meter testing. Permittees with many meters to test may also request the tests to be grouped into one year or spread out evenly over two to three years.
   E. The months for accuracy testing of meters are assigned by county. The Permittee is requested but not required to have their testing done in the month assigned to their county. This is to have sufficient District staff available for assistance.

   January   Hillsborough
   February  Manatee, Pasco
   March     Polk (for odd numbered permits)*
   April     Polk (for even numbered permits)*
   May       Highlands
   June      Hardee, Charlotte
   July      None or Special Request
   August    None or Special Request
   September Desoto, Sarasota
   October   Citrus, Levy, Lake
   November  Hernando, Sumter, Marion
   December  Pinellas

   * The permittee may request their multiple permits be tested in the same month.

2. **Accuracy Test Requirements**: The Permittee shall test the accuracy of flow meters on permitted withdrawal points as follows:

   A. The equipment water temperature shall be set to 72 degrees Fahrenheit for ground water, and to the measured water temperature for other water sources.
   B. A minimum of two separate timed tests shall be performed for each meter. Each timed test shall consist of measuring flow using the test meter and the installed meter for a minimum of four minutes duration. If the two tests do not yield consistent results, additional tests shall be performed for a minimum of eight minutes or longer per test until consistent results are obtained.
   C. If the installed meter has a rate of flow, or large multiplier that does not allow for consistent results to be obtained with four- or eight-minute tests, the duration of the test shall be increased as necessary to obtain accurate and consistent results with respect to the type of flow meter installed.
   D. The results of two consistent tests shall be averaged, and the result will be considered the test result for the meter being tested. This result shall be expressed as a plus or minus percent (rounded to the nearest one-tenth percent) accuracy of the installed meter relative to the test meter. The percent accuracy indicates the deviation (if any), of the meter being tested from the test meter.
3. **Accuracy Test Report:** The Permittees shall demonstrate that the results of the meter test(s) are accurate by submitting the following information within 30 days of the test:

A. A completed Flow Meter Accuracy Verification Form, Form LEG-R.014.00 (07/08) for each flow meter tested. This form can be obtained from the District’s website (www.watermatters.org) under “ePermitting and Rules” for Water Use Permits.

B. A printout of data that was input into the test equipment, if the test equipment is capable of creating such a printout;

C. A statement attesting that the manufacturer of the test equipment, or an entity approved or authorized by the manufacturer, has trained the operator to use the specific model test equipment used for testing;

D. The date of the test equipment’s most recent calibration that demonstrates that it was calibrated within the previous twelve months, and the test lab’s National Institute of Standards and Testing (N.I.S.T.) traceability reference number.

E. A diagram showing the precise location on the pipe where the testing equipment was mounted shall be supplied with the form. This diagram shall also show the pump, installed meter, the configuration (with all valves, tees, elbows, and any other possible flow disturbing devices) that exists between the pump and the test location clearly noted with measurements. If flow straightening vanes are utilized, their location(s) shall also be included in the diagram.

F. A picture of the test location, including the pump, installed flow meter, and the measuring device, or for sites where the picture does not include all of the items listed above, a picture of the test site with a notation of distances to these items. with a notation of distances to these items.

__________________________________________
Authorized Signature
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

This permit, issued under the provision of Chapter 373, Florida Statues and Florida Administrative Code 40D-2, authorizes the Permittee to withdraw the quantities outlined above, and may require various activities to be performed by the Permittee as described in the permit, including the Special Conditions. The permit does not convey to the Permittee any property rights or privileges other than those specified herein, nor relieve the Permittee from complying with any applicable local government, state, or federal law, rule, or ordinance.
Item 9.b.

Consent Agenda
December 18, 2012

Regulation Committee

Individual Water Use Permit (WUP) Referred to the Governing Board

**Water Use Permit No. 20008054.007 – Polk County BOCC Utility Division / East Regional Utility (Polk County)**

This is a renewal with modification of an existing water use permit for public supply use with a duration of 20 years. The authorized annual average and peak month quantities represent an increase from the previously permitted quantities. The annual average quantity increased from 1,065,000 gallons per day (gpd) to 1,373,000 gpd, and the peak month quantity increased from 1,608,200 gpd to 1,647,600 gpd. The increase in quantities is due to updated future population growth rate projections and a more accurate accounting of the per capita rate. Quantities are based on a compliance per capita rate of 91 gpcd and a projected population of 15,084 by year 2032. The Permittee has indicated that a portion of the Upper Floridan Aquifer that was used will be replaced with Alternative Water Supplies (AWS) when the Southeast Wellfield Lower Floridan Aquifer project has been completed.

Special Conditions associated with this renewal include those that require the Permittee to: record and report monthly meter readings from all withdrawal points, cap wells not in use, submit a public supply annual report, adhere to per-capita requirements, maintain a water-conservation oriented rate structure, and adhere to the District approved water conservation plan.

The permit application meets all Rule 40D-2 Conditions for Issuance.

**Staff Recommendation:** See Exhibit

Approve the proposed permit included as an exhibit in the Board’s meeting materials.

**Presenter:** Darrin Herbst, Water Use Permit Bureau Chief
The Permittee is responsible for submitting an application to renew this permit no sooner than one year prior to the expiration date, and no later than the end of the last business day before the expiration date, whether or not the Permittee receives prior notification by mail. Failure to submit a renewal application prior to the expiration date and continuing to withdraw water after the expiration date is a violation of Chapter 373, Florida Statutes, and Chapter 40D-2, Florida Administrative Code, and may result in a monetary penalty and/or loss of the right to use the water. Issuance of a renewal of this permit is contingent upon District approval.

**TYPE OF APPLICATION:** Renewal

**GRANTED TO:** Polk County BOCC Utility Division / Attn: Krystal Azzarella
1011 Jim Keen Blvd
Winter Haven, FL 33880

**PROJECT NAME:** East Regional Utility Service Area

**WATER USE CAUTION AREA(S):** SOUTHERN WATER USE CAUTION AREA

**COUNTY:** Polk

<table>
<thead>
<tr>
<th>TOTAL QUANTITIES AUTHORIZED UNDER THIS PERMIT (in gallons per day)</th>
</tr>
</thead>
<tbody>
<tr>
<td>ANNUAL AVERAGE</td>
</tr>
<tr>
<td>PEAK MONTH 1</td>
</tr>
</tbody>
</table>

1. Peak Month: Average daily use during the highest water use month.

**ABSTRACT:**

This is a renewal with modification of an existing water use permit for public supply use with a duration of 20 years. The authorized annual average and peak month quantities represent an increase from the previously permitted quantities. The annual average quantity increased from 1,065,000 gallons per day (gpd) to 1,373,000 gpd, and the peak month quantity increased from 1,608,200 gpd to 1,647,600 gpd. The increase in quantities is due to updated future population growth rate projections and a more accurate accounting of the per capita rate. Quantities are based on a compliance per capita rate of 91 gpcd and a projected population of 15,084 by year 2032. The Permittee has indicated that a portion of the Upper Floridan Aquifer that was used will be replaced with Alternative Water Supplies (AWS) when the Southeast Wellfield Lower Floridan Aquifer project has been completed.

Special Conditions associated with this renewal include those that require the Permittee to: record and report monthly meter readings from all withdrawal points, cap wells not in use, submit a public supply annual report, adhere to per-capita requirements, maintain a water-conservation oriented rate structure, and adhere to the District approved water conservation plan.

**WATER USE TABLE (in gpd)**

<table>
<thead>
<tr>
<th>USE</th>
<th>ANNUAL AVERAGE</th>
<th>PEAK MONTH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Supply</td>
<td>1,373,000</td>
<td>1,647,600</td>
</tr>
</tbody>
</table>
USE TYPE

Line Flushing

Residential Mobile Home

Residential Multi-Family

Residential Single Family

Treatment Losses (Backflushing)

PUBLIC SUPPLY:

Population Served: 15,084
Per Capita Rate: 91 gpd/person

WITHDRAWAL POINT QUANTITY TABLE

Water use from these withdrawal points are restricted to the quantities given below:

<table>
<thead>
<tr>
<th>I.D. NO.</th>
<th>PERMITTEE/</th>
<th>DEPTH</th>
<th>USE DESCRIPTION</th>
<th>AVERAGE</th>
<th>PEAK</th>
</tr>
</thead>
<tbody>
<tr>
<td>DISTRICT</td>
<td>DIAM (in.)</td>
<td>TTL./CSD.FT. (feet lbs)</td>
<td></td>
<td>(gpd)</td>
<td>(gpd)</td>
</tr>
<tr>
<td>OA1 / 1</td>
<td>6</td>
<td>415 / 119</td>
<td>Public Supply</td>
<td>25,000</td>
<td>30,000</td>
</tr>
<tr>
<td>LW-1 / 6</td>
<td>12</td>
<td>700 / 168</td>
<td>Public Supply</td>
<td>245,000</td>
<td>294,000</td>
</tr>
<tr>
<td>SA-1 / 7</td>
<td>12</td>
<td>1,255 / UNK</td>
<td>Public Supply</td>
<td>391,000</td>
<td>469,200</td>
</tr>
<tr>
<td>PA1 / 8</td>
<td>6</td>
<td>600 / UNK</td>
<td>Public Supply</td>
<td>185,000</td>
<td>222,000</td>
</tr>
<tr>
<td>TLI / 9</td>
<td>6</td>
<td>692 / UNK</td>
<td>Public Supply</td>
<td>283,000</td>
<td>339,600</td>
</tr>
<tr>
<td>Waverly / 10</td>
<td>12</td>
<td>700 / 160</td>
<td>Public Supply</td>
<td>244,000</td>
<td>292,800</td>
</tr>
</tbody>
</table>

WITHDRAWAL POINT LOCATION TABLE

<table>
<thead>
<tr>
<th>DISTRICT I.D. NO.</th>
<th>LATITUDE/LONGITUDE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>27° 59' 39.66&quot;/81° 33' 22.27&quot;</td>
</tr>
<tr>
<td>6</td>
<td>27° 57' 28.00&quot;/81° 37' 29.10&quot;</td>
</tr>
<tr>
<td>7</td>
<td>28° 01' 14.82&quot;/81° 31' 59.53&quot;</td>
</tr>
<tr>
<td>8</td>
<td>27° 59' 43.94&quot;/81° 31' 32.79&quot;</td>
</tr>
<tr>
<td>9</td>
<td>27° 58' 19.71&quot;/81° 32' 31.86&quot;</td>
</tr>
<tr>
<td>10</td>
<td>27° 58' 54.98&quot;/81° 37' 15.46&quot;</td>
</tr>
</tbody>
</table>
STANDARD CONDITIONS:
The Permittee shall comply with the Standard Conditions attached hereto, incorporated herein by reference as Exhibit A and made a part hereof.

SPECIAL CONDITIONS:
1. All reports and data required by condition(s) of the permit shall be submitted to the District according to the due date(s) contained in the specific condition. If the condition specifies that a District-supplied form is to be used, the Permittee should use that form in order for their submission to be acknowledged in a timely manner. The only alternative to this requirement is to use the District Permit Information Center (www.swfwmd.state.fl.us/permits/permitting/) to submit data, plans or reports online. There are instructions at the District website on how to register to set up an account to do so. If the report or data is received on or before the tenth day of the month following data collection, it shall be deemed as a timely submittal.

All mailed reports and data are to be sent to:

Southwest Florida Water Management District
Tampa Regulation Department, Water Use Permit Bureau
7601 U.S. Hwy. 301 North
Tampa, Florida 33637-6759

Submission of plans and reports: Unless submitted online or otherwise indicated in the special condition, the original and two copies of each plan and report, such as conservation plans, environmental analyses, aquifer test results, per capita annual reports, etc. are required.

Submission of data: Unless otherwise indicated in the special condition, an original (no copies) is required for data submittals such as crop report forms, meter readings and/or pumpage, rainfall, water level evapotranspiration, or water quality data.

(499)

2. The annual average daily and peak month quantities for District ID Nos.1, 6, 7, 8, 9, and 10, Permittee ID Nos. OA1, LW-1, SA-1, PA1, TLI, and Waverly, shown in the withdrawal point quantity table, are estimates based on historic and/or projected distribution of pumpage, and are for water use inventory and impact analysis purposes only. The quantities listed for these individual sources are not intended to dictate the distribution of pumpage from permitted sources. The Permittee may make adjustments in pumpage distribution as necessary up to 30,000 gpd (DID 1), 255,000 gpd (DID 6), 510,000 gpd (DID 7), 272,000 gpd (DID 8), 391,000 gpd (DID 9), and 300,000 (DID 10), on an annual average basis, and up to 1,647,600 gpd on a peak month basis, so long as adverse environmental impacts do not result and the Permittee complies with all other conditions of this Permit. In all cases, the total annual average withdrawal and the total peak month withdrawal are limited to the quantities set forth above.

(221)

3. Within 90 days of the replacement of any or all withdrawal quantities from ground water or surface water bodies with an Alternative Water Supply, the Permittee shall apply to modify this permit to place equal quantities of permitted withdrawals from the ground and/or surface water resource on standby. The standby quantities can be used in the event that some or all of the alternative source is not available.(363)

4. Any wells not in use, and in which pumping equipment is not installed shall be capped or valved in a water tight manner in accordance with Chapter 62-532.500(3)(a)(4), F.A.C.(568)

5. Beginning January 1, 2012, the Permittee shall comply with the following requirements:
   A. Customer billing period usage shall be placed on each utility-metered, customer's bill.
   B. Meters shall be read and customers shall be billed no less frequently than bi-monthly.
   C. The following information, as applicable to the customer, shall be provided at least once each calendar year and a summary of the provisions shall be provided to the District annually as described in Section D, below. The information shall be provided by postal mailings, bill inserts, online notices, on the bill or by other means. If billing units are not in gallons, a means to convert the units to gallons must be provided.
1. To each utility-metered customer in each customer class - Information describing the rate structure and shall include any applicable:
   a. Fixed and variable charges,
   b. Minimum charges and the quantity of water covered by such charges,
   c. Price block quantity thresholds and prices,
   d. Seasonal rate information and the months to which they apply, and
   e. Usage surcharges
2. To each utility-metered single-family residential customer - Information that the customer can use to compare its water use relative to other single-family customers or to estimate an efficient use and that shall include one or more of the following:
   a. The average or median single-family residential customer billing period water use calculated over the most recent three year period, or the most recent two year period if a three year period is not available to the utility. Data by billing period is preferred but not required.
   b. A means to calculate an efficient billing period use based on the customer's characteristics, or
   c. A means to calculate an efficient billing period use based on the service area’s characteristics.
   D. Annual Report: The following information shall be submitted to the District annually by October 1 of each year of the permit term to demonstrate compliance with the requirements above. The information shall be current as of the October 1 submittal date.
   1. Description of the current water rate structure (rate ordinance or tariff sheet) for potable and non-potable water.
   2. Description of the current customer billing and meter reading practices and any proposed changes to these practices (including a copy of a bill per A above).
   3. Description of the means the permittee uses to make their metered customers aware of rate structures, and how the permittee provides information their metered single-family residential customers can use to compare their water use relative to other single-family customers or estimate an efficient use (see C 1 & 2 above).
   (592)
   6. Compliance with the allocated standard annual average quantity is based on a rolling 12-month calculation where the current pumpage is added to the pumpage for the previous 11 months, and the total is then divided by the number of days in those 12 months for gallons per day. If the Permittee exceeds the allocated annual average quantity during any month, within 30 days the Permittee must submit a report to the District that includes reasons why the allocated quantities were exceeded, efforts already taken to attempt meeting the allocated quantities, and a plan to bring the permit into compliance. Reports for Permittees not achieving the allocated quantities are subject to District approval. Justification for exceeding the allocated quantities does not constitute a waiver of the District’s authority to enforce the terms and conditions of the permit.
   (651)
   7. This Permit is located within the Southern Water Use Caution Area (SWUCA). Pursuant to Section 373.0421, Florida Statutes, the SWUCA is subject to a minimum flows and levels recovery strategy, which became effective on January 1, 2007. The Governing Board may amend the recovery strategy, including amending applicable water use permitting rules based on an annual assessment of water resource criteria, cumulative water withdrawal impacts, and on a recurring five-year evaluation of the status of the recovery strategy up to the year 2025 as described in Chapter 40D-80, Florida Administrative Code. This Permit is subject to modification to comply with new rules.
   (652)
   8. The Permittee shall maintain a water conserving rate structure for the duration of the permit term. Any changes to the water conserving rate structure described in the application shall be described in detail as a component of the next Annual Report on Water Rate, Billing and Meter Reading Practices of the year following the change.
   (659)
   9. The Permittee shall submit a "Water Use Annual Report" to the District by April 1 of each year on their water use during the preceding calendar year using the form, "Public Supply Water Use Annual Report Form" (Form No. LEG-R.047.00 (09/09)), referred to in this condition as "the Form," and all required attachments and documentation. The Permittee shall adhere to the "Instructions for Completion of the Water Use Annual Report" attached to and made part of this condition in Exhibit B. The Form addresses the following components in separate sections.
A per capita rate for the previous calendar year will be calculated as provided in Part A of the Form using Part C of the Form to determine Significant Use deduction that may apply. Permittees that cannot achieve a per capita rate of 150 gpd according to the time frames included in the "Instructions for Completion of the Water Use Annual Report," shall include a report on why this rate was not achieved, measures taken to comply with this requirement, and a plan to bring the permit into compliance.

Residential Use
Residential use shall be reported in the categories specified in Part B of the Form, and the methodology used to determine the number of dwelling units by type and their quantities used shall be documented in an attachment.

Non-Residential Use
Non-residential use quantities provided for use in a community but that are not directly associated with places of residence, as well as the total water losses that occur between the point of output of the treatment plant and accountable end users, shall be reported in Part B of the Form.

Water Conservation
In an attachment to the Form, the Permittee shall describe the following:
1. Description of any ongoing audit program of the water treatment plant and distribution systems to address reductions in water losses.
2. An update of the water conservation plan that describes and quantifies the effectiveness of measures currently in practice, any additional measures proposed to be implemented, the scheduled implementation dates, and an estimate of anticipated water savings for each additional measure.
3. A description of the Permittees implementation of water-efficient landscape and irrigation codes or ordinances, public information and education programs, water conservation incentive programs, identification of which measures and programs, if any, were derived from the Conserve Florida Water Conservation Guide, and provide the projected costs of the measures and programs and the projected water savings.

Water Audit
If the current water loss rate is greater than 10% of the total distribution quantities, a water audit as described in the "Instructions for Completion of the Water Use Annual Report" shall be conducted and completed by the following July 1, with the results submitted by the following October 1. Indicate on Part A of the Form whether the water audit was done, will be done, or is not applicable.

Alternative Water Supplied Other Than Reclaimed Water
If the Permittee provides Alternative Water Supplies other than reclaimed water (e.g., stormwater not treated for potable use) to customers, the information required on Part D of the Form shall be submitted along with an attached map depicting the areas of current Alternative Water Use service and areas that are projected to be added within the next year.

Suppliers of Reclaimed Water
1. Permittees having a wastewater treatment facility with an annual average design capacity equal to or greater than 100,000 gpd:
   The Permittee shall submit the "SWFWMD Annual Reclaimed Water Supplier Report" on quantities of reclaimed water that was provided to customers during the previous fiscal year (October 1 to September 30). The report shall be submitted in Excel format on the Compact Disk, Form No. LEG-R.026.00 (05/09), that will be provided annually to them by the District. A map depicting the area of reclaimed water service that includes any areas projected to be added within the next year, shall be submitted with this report.
2. Permittees that have a wastewater treatment facility with an annual average design capacity less than 100,000 gpd:
   a. The Permittee has the option to submit the "SWFWMD Annual Reclaimed Water Supplier Report," Form No. LEG-R.026.00, as described in sub-part (1) above, or
   b. Provide information on reclaimed water supplied to customers on Part E of the Form as described in the "Instructions for Completion of the Water Use Annual Report".

Updated Service Area Map
If there have been changes to the service area since the previous reporting period, the Permittee shall update the service area using the map that is maintained in the District's Mapping and GIS system.

(660)

10. The compliance per capita daily water use rate shall be no greater than 150 gallons per day (gpd). The Permittee shall calculate the compliance per capita rate as described in the Annual Report Condition on this permit and shall submit the calculations with the Annual Report by April 1 of each year.

If the compliance per capita rate is greater than 150 gpd, the Permittee shall submit a report that documents why this rate was exceeded, measures previously or currently taken to reduce their compliance per capita rate, and a plan that describes additional measures and implementation dates for those measures to bring their compliance per capita rate to or below 150 gpd. This report shall be submitted with the Annual Report by April 1 for each year the compliance per capita rate exceeds 150 gpd. This report is subject to District approval. Justification for exceeding the adjusted gross per capita rate does not constitute a waiver of the District's authority to enforce the terms and conditions of the permit.

(767)

11. This permit shall be modified if an additional source of water is provided for public supply use from a separate entity. This includes additional Alternative Water Supply quantities and irrigation water for lawn/landscape and common areas. The Permittee shall notify the District of the additional water source and submit an application to modify the permit to acknowledge receipt.

(68)

12. The following withdrawal facilities shall continue to be maintained and operated with existing, non-resettable, totalizing flow meter(s) or other measuring device(s) as approved by the Water Use Permit Bureau Chief: District ID Nos. 1, 6, 7, 8, 9, and 10, Permittee ID Nos. OA1, LW-1, SA-1, PA1, TLI, and Waverly. Meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit.
40D-2
Exhibit A

WATER USE PERMIT STANDARD CONDITIONS

1. The Permittee shall provide access to an authorized District representative to enter the property at any reasonable time to inspect the facility and make environmental or hydrologic assessments. The Permittee shall either accompany District staff onto the property or make provision for access onto the property.

2. When necessary to analyze impacts to the water resource or existing users, the District shall require the Permittee to install flow metering or other measuring devices to record withdrawal quantities and submit the data to the District.

3. The District shall collect water samples from any withdrawal point listed in the permit or shall require the permittee to submit water samples when the District determines there is a potential for adverse impacts to water quality.

4. A District identification tag shall be prominently displayed at each withdrawal point that is required by the District to be metered or for which withdrawal quantities are required to be reported to the District, by permanently affixing the tag to the withdrawal facility.

5. The Permittee shall mitigate to the satisfaction of the District any adverse impact to environmental features or off-site land uses as a result of withdrawals. When adverse impacts occur or are imminent, the District shall require the Permittee to mitigate the impacts. Adverse impacts include the following:

   A. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams or other watercourses; or
   B. Damage to crops and other vegetation causing financial harm to the owner; and
   C. Damage to the habitat of endangered or threatened species.

6. The Permittee shall mitigate, to the satisfaction of the District, any adverse impact to existing legal uses caused by withdrawals. When adverse impacts occur or are imminent, the District shall require the Permittee to mitigate the impacts. Adverse impacts include the following:

   A. A reduction in water levels which impairs the ability of a well to produce water;
   B. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams or other watercourses; or
   C. Significant inducement of natural or manmade contaminants into a water supply or into a usable portion of an aquifer or water body.

7. Notwithstanding the provisions of Rule 40D-1.6105, F.A.C., persons who wish to continue the water use permitted herein and who have acquired ownership or legal control of permitted water withdrawal facilities or the land on which the facilities are located must apply to transfer the permit to themselves within 45 days of acquiring ownership or legal control of the water withdrawal facilities or the land.

8. If any of the statements in the application and in the supporting data are found to be untrue and inaccurate, or if the Permittee fails to comply with all of the provisions of Chapter 373, Florida Statutes (F.S.), Chapter 40D, Florida Administrative Code (F.A.C.), or the conditions set forth herein, the Governing Board shall revoke this permit in accordance with Rule 40D-2.341, F.A.C., following notice and hearing.

9. Issuance of this permit does not exempt the Permittee from any other District permitting requirements.

10. The Permittee shall cease or reduce surface water withdrawal as directed by the District if water levels in lakes fall below the applicable minimum water level established in Chapter 40D-8, F.A.C., or rates of flow in streams fall below the minimum levels established in Chapter 40D-8, F.A.C.

11. The Permittee shall cease or reduce withdrawal as directed by the District if water levels in aquifers fall below the minimum levels established by the Governing Board.

12. The Permittee shall not deviate from any of the terms or conditions of this permit without written approval by the District.
13. The Permittee shall practice water conservation to increase the efficiency of transport, application, and use, as well as to decrease waste and to minimize runoff from the property. At such time as the Governing Board adopts specific conservation requirements for the Permittee’s water use classification, this permit shall be subject to those requirements upon notice and after a reasonable period for compliance.

14. The District may establish special regulations for Water-Use Caution Areas. At such time as the Governing Board adopts such provisions, this permit shall be subject to them upon notice and after a reasonable period for compliance.

15. In the event the District declares that a Water Shortage exists pursuant to Chapter 40D-21, F.A.C., the District shall alter, modify, or declare inactive all or parts of this permit as necessary to address the water shortage.

16. This permit is issued based on information provided by the Permittee demonstrating that the use of water is reasonable and beneficial, consistent with the public interest, and will not interfere with any existing legal use of water. If, during the term of the permit, it is determined by the District that the use is not reasonable and beneficial, in the public interest, or does impact an existing legal use of water, the Governing Board shall modify this permit or shall revoke this permit following notice and hearing.

17. Within the SWUCA, if the District determines that significant water quantity or quality changes, impacts to existing legal uses, or adverse environmental impacts are occurring, the permittee shall be provided with a statement of facts upon which the District based its determination and an opportunity to address the change or impact prior to a reconsideration by the Board of the quantities permitted or other conditions of the permit.

18. All permits issued pursuant to these Rules are contingent upon continued ownership or legal control of all property on which pumps, wells, diversions or other water withdrawal facilities are located.
METERING INSTRUCTIONS

The Permittee shall meter withdrawals from surface waters and/or the ground water resources, and meter readings from each withdrawal facility shall be recorded on a monthly basis within the last week of the month. The meter reading(s) shall be reported to the Water Use Permit Bureau on or before the tenth day of the following month. The Permittee shall submit meter readings online using the Permit Information Center at www.swfwmd.state.fl.us/permits/permitting/ or on District supplied scanning forms unless another arrangement for submission of this data has been approved by the District. Submission of such data by any other unauthorized form or mechanism may result in loss of data and subsequent delinquency notifications. Call the Water Use Permit Bureau in Tampa at (813) 985-7481 if difficulty is encountered.

The meters shall adhere to the following descriptions and shall be installed or maintained as follows:

1. The meter(s) shall be non-resettable, totalizing flow meter(s) that have a totalizer of sufficient magnitude to retain total gallon data for a minimum of the three highest consecutive months permitted quantities. If other measuring device(s) are proposed, prior to installation, approval shall be obtained in writing from the Water Use Permit Bureau Chief.

2. The Permittee shall report non-use on all metered standby withdrawal facilities on the scanning form or approved alternative reporting method.

3. If a metered withdrawal facility is not used during any given month, the meter report shall be submitted to the District indicating the same meter reading as was submitted the previous month.

4. The flow meter(s) or other approved device(s) shall have and maintain an accuracy within five percent of the actual flow as installed.

5. Meter accuracy testing requirements:
   A. For newly metered withdrawal points, the flow meter installation shall be designed for inline field access for meter accuracy testing.
   B. The meter shall be tested for accuracy on-site, as installed according to the Flow Meter Accuracy Test Instructions in this Exhibit B, every five years in the assigned month for the county, beginning from the date of its installation for new meters or from the date of initial issuance of this permit containing the metering condition with an accuracy test requirement for existing meters.
   C. The testing frequency will be decreased if the Permittee demonstrates to the satisfaction of the District that a longer period of time for testing is warranted.
   D. The test will be accepted by the District only if performed by a person knowledgeable in the testing equipment used.
   E. If the actual flow is found to be greater than 5% different from the measured flow, within 30 days, the Permittee shall have the meter re-calibrated, repaired, or replaced, whichever is necessary. Documentation of the test and a certificate of re-calibration, if applicable, shall be submitted within 30 days of each test or re-calibration.

6. The meter shall be installed according to the manufacturer’s instructions for achieving accurate flow to the specifications above, or it shall be installed in a straight length of pipe where there is at least an upstream length equal to ten (10) times the outside pipe diameter and a downstream length equal to two (2) times the outside pipe diameter. Where there is not at least a length of ten diameters upstream available, flow straightening vanes shall be used in the upstream line.

7. Broken or malfunctioning meter:
   A. If the meter or other flow measuring device malfunctions or breaks, the Permittee shall notify the District within 15 days of discovering the malfunction or breakage.
   B. The meter must be replaced with a repaired or new meter, subject to the same specifications given above, within 30 days of the discovery.
   C. If the meter is removed from the withdrawal point for any other reason, it shall be replaced with another meter having the same specifications given above, or the meter shall be reinstalled within 30 days of its removal from the withdrawal. In either event, a fully functioning meter shall not be off the withdrawal point for more than 60 consecutive days.
8. While the meter is not functioning correctly, the Permittee shall keep track of the total amount of time the withdrawal point was used for each month and multiply those minutes times the pump capacity (in gallons per minute) for total gallons. The estimate of the number of gallons used each month during that period shall be submitted on District scanning forms and noted as estimated per instructions on the form. If the data is submitted by another approved method, the fact that it is estimated must be indicated. The reason for the necessity to estimate pumpage shall be reported with the estimate.

9. In the event a new meter is installed to replace a broken meter, it and its installation shall meet the specifications of this condition. The permittee shall notify the District of the replacement with the first submittal of meter readings from the new meter.

FLOW METER ACCURACY TEST INSTRUCTIONS

1. **Accuracy Test Due Date** - The Permittee is to schedule their accuracy test according to the following schedule:

   A. For existing metered withdrawal points, add five years to the previous test year, and make the test in the month assigned to your county.
   B. For withdrawal points for which metering is added for the first time, the test is to be scheduled five years from the issue year in the month assigned to your county.
   C. For proposed withdrawal points, the test date is five years from the completion date of the withdrawal point in the month assigned to your county.
   D. For the Permittee's convenience, if there are multiple due-years for meter accuracy testing because of the timing of the installation and/or previous accuracy tests of meters, the Permittee can submit a request in writing to the Water Use Permit Bureau Chief for one specific year to be assigned as the due date year for meter testing. Permittees with many meters to test may also request the tests to be grouped into one year or spread out evenly over two to three years.
   E. The months for accuracy testing of meters are assigned by county. The Permittee is requested but not required to have their testing done in the month assigned to their county. This is to have sufficient District staff available for assistance.

   | January       | Hillsborough          |
   | February      | Manatee, Pasco        |
   | March         | Polk (for odd numbered permits)* |
   | April         | Polk (for even numbered permits)* |
   | May           | Highlands             |
   | June          | Hardee, Charlotte     |
   | July          | None or Special Request |
   | August        | None or Special Request |
   | September     | Desoto, Sarasota      |
   | October       | Citrus, Levy, Lake    |
   | November      | Hernando, Sumter, Marion |
   | December      | Pinellas              |

   * The permittee may request their multiple permits be tested in the same month.

2. **Accuracy Test Requirements**: The Permittee shall test the accuracy of flow meters on permitted withdrawal points as follows:

   A. The equipment water temperature shall be set to 72 degrees Fahrenheit for ground water, and to the measured water temperature for other water sources.
   B. A minimum of two separate timed tests shall be performed for each meter. Each timed test shall consist of measuring flow using the test meter and the installed meter for a minimum of four minutes duration. If the two tests do not yield consistent results, additional tests shall be performed for a minimum of eight minutes or longer per test until consistent results are obtained.
   C. If the installed meter has a rate of flow, or large multiplier that does not allow for consistent results to be obtained with four- or eight-minute tests, the duration of the test shall be increased as necessary to obtain accurate and consistent results with respect to the type of flow meter installed.
   D. The results of two consistent tests shall be averaged, and the result will be considered the test result for the meter being tested. This result shall be expressed as a plus or minus percent (rounded to the nearest one-tenth percent) accuracy of the installed meter relative to the test meter. The percent accuracy indicates the deviation (if any), of the meter being tested from the test meter.
3. **Accuracy Test Report:** The Permittees shall demonstrate that the results of the meter test(s) are accurate by submitting the following information within 30 days of the test:

   A. A completed Flow Meter Accuracy Verification Form, Form LEG-R.014.00 (07/08) for each flow meter tested. This form can be obtained from the District’s website (www.watermatters.org) under “ePermitting and Rules” for Water Use Permits.
   
   B. A printout of data that was input into the test equipment, if the test equipment is capable of creating such a printout;
   
   C. A statement attesting that the manufacturer of the test equipment, or an entity approved or authorized by the manufacturer, has trained the operator to use the specific model test equipment used for testing;
   
   D. The date of the test equipment’s most recent calibration that demonstrates that it was calibrated within the previous twelve months, and the test lab’s National Institute of Standards and Testing (N.I.S.T.) traceability reference number.
   
   E. A diagram showing the precise location on the pipe where the testing equipment was mounted shall be supplied with the form. This diagram shall also show the pump, installed meter, the configuration (with all valves, tee's, elbows, and any other possible flow disturbing devices) that exists between the pump and the test location clearly noted with measurements. If flow straightening vanes are utilized, their location(s) shall also be included in the diagram.
   
   F. A picture of the test location, including the pump, installed flow meter, and the measuring device, or for sites where the picture does not include all of the items listed above, a picture of the test site with a notation of distances to these items. with a notation of distances to these items.

**ANNUAL REPORT SUBMITTAL INSTRUCTIONS**

The “Public Supply Water Use Annual Report Form” (Form No. LEG-R.023.00 (01/09)), is designed to assist the Permittee with the annual report requirements, but the final authority for what must be included in the Water Use Annual Report is in this condition and in these instructions. Two identical copies of the “Public Supply Water Use Annual Report Form” and two identical copies of all required supporting documentation shall be included if submitted in hard copy. “Identical copy” in this instance means that if the original is in color, then all copies shall also be printed in color. If submitted electronically, only one submittal is required; however, any part of the document that is in color shall be scanned in color.

1. **Per Capita Use Rate** - A per capita rate for the previous calendar year will be progressively calculated until a rate of 150 gpd per person or less is determined whether it is the unadjusted per capita, adjusted per capita, or compliance per capita. The calculations shall be performed as shown in Part A of the Form. The Permittee shall refer to and use the definitions and instructions for all components as provided on the Form and in Part B, Chapter 3, Section 3.6 of the “Water Use Permit Information Manual.” Permittees that have interconnected service areas and receive an annual average quantity of 100,000 gpd or more from another permittee are to include these quantities as imported quantities. Permittees in the Southern Water Use Caution Area (SWUCA) or the Northern Tampa Bay Water Use Caution Area (NTBWUCA), as it existed prior to October 1, 2007, shall achieve a per capita of 150 gpd or less, and those in these areas that cannot achieve a compliance per capita rate of 150 gpd or less shall include a report on why this rate was not achieved, measures taken to comply with this requirement, and a plan to bring the permit into compliance. Permittees not in a Water Use Caution Area that cannot achieve a compliance per capita rate of 150 gpd or less by December 31, 2019 shall submit this same report in the Annual Report due April 1, 2020.

2. **Residential Use** - Residential water use consists of the indoor and outdoor water uses associated with each category of residential customer (single family units, multi-family units, and mobile homes), including irrigation uses, whether separately metered or not. The Permittee shall document the methodology used to determine the number of dwelling units by type and the quantities used. Estimates of water use based upon meter size will not be accepted. If mobile homes are included in the Permittees multi-family unit category, the information for them does not have to be separated. The information for each category shall include:

   A. Number of dwelling units per category,
   
   B. Number of domestic metered connections per category,
   
   C. Number of metered irrigation connections,
   
   D. Annual average quantities in gallons per day provided to each category, and
   
   E. Percentage of the total residential water use provided apportioned to each category.

3. **Non-Residential Use** - Non-residential use consists of all quantities provided for use in a community not directly associated with places of residence. For each category below, the Permittee shall include annual average gpd provided and percent of total non-residential use quantities provided. For each category 1 through 6 below, the number of metered connections shall be provided. These non-residential use categories are:
A. Industrial/commercial uses, including associated lawn and landscape irrigation use,
B. Agricultural uses (e.g., irrigation of a nursery),
C. Recreation/Aesthetic, for example irrigation (excluding golf courses) of Common Areas, stadiums and school yards,
D. Golf course irrigation,
E. Fire fighting, system testing and other accounted uses, -
F. K-through-12 schools that do not serve any of the service area population, and
G. Water Loss as defined as the difference between the output from the treatment plant and accounted residential water use (B above) and the listed non-residential uses in this section.

4. **Water Audit** - The water audit report that is done because water losses are greater than 10% of the total distribution quantities shall include the following items:

   A. Evaluation of:
      1) leakage associated with transmission and distribution mains,
      2) overflow and leakage from storage tanks,
      3) leakage near service connections,
      4) illegal connections,
      5) description and explanations for excessive distribution line flushing (greater than 1% of the treated water volume delivered to the distribution system) for potability,
      6) fire suppression,
      7) un-metered system testing,
      8) under-registration of meters, and
      9) other discrepancies between the metered amount of finished water output from the treatment plant less the metered amounts used for residential and non-residential uses specified in Parts B and C above, and

   B. A schedule for a remedial action-plan to reduce the water losses to below 10%.

5. **Alternative Water Supplied other than Reclaimed Water** - Permittees that provide Alternative Water Supplies other than reclaimed water (e.g., stormwater not treated for potable use) shall include the following on Part D of the Form:

   A. Description of the type of Alternative Water Supply provided,
   B. County where service is provided,
   C. Customer name and contact information,
   D. Customer’s Water Use Permit number (if any),
   E. Customer’s meter location latitude and longitude,
   F. Meter ownership information,
   G. General customer use category,
   H. Proposed and actual flows in annual average gallons per day (gpd) per customer,
   I. Customer cost per 1,000 gallons or flat rate information,
   J. Delivery mode (e.g., pressurized or non-pressurized),
   K. Interruptible Service Agreement (Y/N),
   L. Month/year service began, and
   M. Totals of monthly quantities supplied.

6. **Suppliers of Reclaimed Water** - Depending upon the treatment capacity of the Permittees wastewater treatment plant, the Permittee shall submit information on reclaimed water supplied as follows:

   A. Permittees having a wastewater treatment facility with an annual average design capacity equal to or greater than 100,000 gpd shall utilize the “SWFWMD Annual Reclaimed Water Supplier Report” in Excel format on the Compact Disk, Form No. LEG-R.026.00 (05/09). The “SWFWMD Annual Reclaimed Water Supplier Report” is described in Section 3.1 of Chapter 3, under the subheading “Reclaimed Water Supplier Report” and is described in detail in Appendix A to Part B, Basis of Review of the “Water Use Permit Information Manual.”

   B. Permittees that have a wastewater treatment facility with an annual average design capacity less than 100,000 gpd can either utilize the “SWFWMD Annual Reclaimed Water Supplier Report,” Form No. LEG-R.026.00, as described in sub-part (1) above or provide the following information on Part E of the Form:
1) Bulk customer information:
   a) Name, address, telephone number,
   b) WUP number (if any),
   c) General use category (residential, commercial, recreational, agricultural irrigation, mining),
   d) Month/year first served,
   e) Line size,
   f) Meter information, including the ownership and latitude and longitude location,
   g) Delivery mode (pressurized, non-pressurized).

2) Monthly flow in gallons per bulk customer.

3) Total gallons per day (gpd) provided for metered residential irrigation.

4) Disposal information:
   a) Site name and location (latitude and longitude or as a reference to the service area map),
   b) Contact name and telephone,
   c) Disposal method, and
   d) Annual average gpd disposed.

Authorized Signature
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

This permit, issued under the provision of Chapter 373, Florida Statues and Florida Administrative Code 40D-2, authorizes the Permittee to withdraw the quantities outlined above, and may require various activities to be performed by the Permittee as described in the permit, including the Special Conditions. The permit does not convey to the Permittee any property rights or privileges other than those specified herein, nor relieve the Permittee from complying with any applicable local government, state, or federal law, rule, or ordinance.
Consent Agenda
December 18, 2012

Regulation Committee

Individual Water Use Permit (WUP) Referred to the Governing Board

WUP No. 20244.001 – Barbara Lasley, et al / Bethel Farms (Sumter County)

This is a modification of an existing water use permit for agricultural use. The authorized quantities shown above are an increase from those previously permitted. The annual average daily quantity increased from 324,500 gallons per day (gpd) to 663,600 gpd and the peak month quantity increased from 830,100 gpd to 2,025,000 gpd. There are no crop protection quantities associated with a sod crop. There is no change in use type from the previous revision. The increase in annual average daily and peak month quantities is due to an increase in irrigated acres, from 130 to 350 acres. Total demand quantities are based on the District’s irrigation allotment calculation program, AGMOD.Net. The Permittee will receive 210,000 gpd of reclaimed water from the City of Bushnell and is also working with the District's FARMS Program to offset 70,000 gpd of groundwater quantities with the use of surface water. A total of 280,000 gpd of groundwater is placed on stand-by should the surface water and/or reclaimed water sources become unavailable. The project site is located outside of a Water Use Caution Area.

Special conditions include those that require the Permittee to maintain existing meters and meter proposed withdrawals, record and report meter readings monthly, cap withdrawals not in use, adhere to specific well construction specifications, caliper or video log DID No. 1 when the pump is removed, utilize reclaimed and surface water to the fullest extent, notify the District of loss of alternative source, continue to implement irrigation conservation measures, comply with allocated irrigation quantities, comply with irrigation allotments, eliminate off-site discharge through Best Management Practices, document and submit a report if the standard annual average or drought annual average daily quantities have been exceeded, and implement the conservation plan dated November 1, 2011.

The permit application meets all Rule 40D-2 Conditions for Issuance.

Staff Recommendation: See Exhibit

Approve the proposed permit included as an exhibit in the Board’s meeting materials.

Presenter: Darrin Herbst, P.G., Water Use Permit Bureau Chief
The Permittee is responsible for submitting an application to renew this permit no sooner than one year prior to the expiration date, and no later than the end of the last business day before the expiration date, whether or not the Permittee receives prior notification by mail. Failure to submit a renewal application prior to the expiration date and continuing to withdraw water after the expiration date is a violation of Chapter 373, Florida Statutes, and Chapter 40D-2, Florida Administrative Code, and may result in a monetary penalty and/or loss of the right to use the water. Issuance of a renewal of this permit is contingent upon District approval.

**TYPE OF APPLICATION:** Modification

**GRANTED TO:**
Barbara Lasley, et.al
15 County Line Road 527 N
Lake Panasoffkee, FL 33538

Jonalyn Berry
Post Office Box 117
Sumterville, FL 33585

**PROJECT NAME:** Bethel Farms

**WATER USE CAUTION AREA(S):** Not in a WUCA

**COUNTY:** Sumter

**TOTAL QUANTITIES AUTHORIZED UNDER THIS PERMIT (in gallons per day)**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>ANNUAL AVERAGE</td>
<td>663,600 gpd</td>
</tr>
<tr>
<td>PEAK MONTH</td>
<td>2,025,000 gpd</td>
</tr>
</tbody>
</table>

1 Peak Month: Average daily use during the highest water use month.

**ABSTRACT:**

This is a modification of an existing water use permit for agricultural use. The authorized quantities shown above are an increase from those previously permitted. The annual average daily quantity increased from 324,500 gallons per day (gpd) to 663,600 gpd and the peak month quantity increased from 830,100 gpd to 2,025,000 gpd. There are no crop protection quantities associated with a sod crop. There is no change in use type from the previous revision. The increase in annual average daily and peak month quantities is due to an increase in irrigated acres, from 130 to 350 acres. Total demand quantities are based on the District’s irrigation allotment calculation program, AGMOD.Net. The Permittee will receive 210,000 gpd of reclaimed water from the City of Bushnell and is also working with the District’s FARMS Program to offset 70,000 gpd of groundwater quantities with the use of surface water. A total of 280,000 gpd of groundwater is placed on stand-by should the surface water and/or reclaimed water sources become unavailable.

Special conditions include those that require the Permittee to maintain existing meters and meter proposed withdrawals, record and report meter readings monthly, cap withdrawals not in use, adhere to specific well construction specifications, caliper or video log DID No. 1 when the pump is removed, utilize reclaimed and surface water to the fullest extent, notify the District of loss of alternative source, continue to implement irrigation conservation measures, comply with allocated irrigation quantities, comply with irrigation allotments, eliminate off-site discharge through Best Management Practices, document and submit a report if the standard annual average or drought annual average daily quantities have been exceeded, and implement the conservation plan dated November 1, 2011.
WATER USE TABLE (in gpd)

<table>
<thead>
<tr>
<th>USE</th>
<th>ANNUAL AVERAGE</th>
<th>PEAK MONTH</th>
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<tr>
<td>Agricultural</td>
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<td>2,025,000</td>
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IRRIGATION ALLOCATION RATE TABLE

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<tr>
<th>CROP/USE TYPE</th>
<th>IRRIGATED ACRES</th>
<th>IRRIGATION METHOD</th>
<th>STANDARD IRRIIGATION RATE</th>
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<tbody>
<tr>
<td>Sod</td>
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<td>Center Pivot</td>
<td>33.60&quot;/yr.</td>
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WITHDRAWAL POINT QUANTITY TABLE

Water use from these withdrawal points are restricted to the quantities given below:

<table>
<thead>
<tr>
<th>I.D. NO. PERMITTEE/DISTRICT</th>
<th>DEPTH TTL./CSD.FT.</th>
<th>USE DESCRIPTION</th>
<th>AVERAGE (gpd)</th>
<th>PEAK MONTH (gpd)</th>
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</thead>
<tbody>
<tr>
<td>1 / 1</td>
<td>6</td>
<td>100 / UNK</td>
<td>Augmentation</td>
<td>10,000</td>
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<tr>
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<td>10</td>
<td>N/A / N/A</td>
<td>Re-Pump</td>
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<td>350 / 100</td>
<td>Irrigation</td>
<td>583,600</td>
</tr>
<tr>
<td>4 / 4</td>
<td>8</td>
<td>N/A / N/A</td>
<td>FARMS Withdrawal Point</td>
<td>210,000</td>
</tr>
<tr>
<td>5 / 5</td>
<td>8</td>
<td>N/A / N/A</td>
<td>Re-Use</td>
<td>210,000</td>
</tr>
</tbody>
</table>

WITHDRAWAL POINT LOCATION TABLE

<table>
<thead>
<tr>
<th>DISTRICT I.D. NO.</th>
<th>LATITUDE/LONGITUDE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>28° 45' 17.50&quot;/82° 05' 31.30&quot;</td>
</tr>
<tr>
<td>2</td>
<td>28° 45' 12.40&quot;/82° 05' 22.00&quot;</td>
</tr>
<tr>
<td>3</td>
<td>28° 44' 58.34&quot;/82° 04' 31.09&quot;</td>
</tr>
<tr>
<td>4</td>
<td>28° 45' 02.92&quot;/82° 05' 24.75&quot;</td>
</tr>
<tr>
<td>5</td>
<td>28° 44' 57.25&quot;/82° 05' 24.60&quot;</td>
</tr>
</tbody>
</table>
STANDARD CONDITIONS:

The Permittee shall comply with the Standard Conditions attached hereto, incorporated herein by reference as Exhibit A and made a part hereof.

SPECIAL CONDITIONS:

1. The Permittee shall evaluate the feasibility of improving the efficiency of the current irrigation system or converting to a more efficient system. This condition includes implementation of the improvement(s) or conversion when determined to be operationally and economically feasible. (296)

2. The Permittee shall implement a leak detection and repair program as an element of an ongoing system maintenance program. This program shall include a system-wide inspection at least once per year. (309)

3. The Permittee shall incorporate best water management practices, specifically including but not limited to irrigation practices, as recommended for the permitted activities in reports and publications by the IFAS. (312)

4. The Permittee shall limit daytime irrigation to the greatest extent practicable to reduce losses from evaporation. Daytime irrigation for purposes of system maintenance, control of heat stress, crop protection, plant establishment, or for other reasons which require daytime irrigation are permissible; but should be limited to the minimum amount necessary as indicated by best management practices. (331)

5. All reports and data required by conditions of the permit shall be submitted to the District according to the due dates contained in the specific condition. If the condition specifies that a District-supplied form is to be used, the Permittee should use that form in order for their submission to be acknowledged in a timely manner. The only alternative to this requirement is to use the District Permit Information Center (www.swfwmd.state.fl.us/permits/permitting/) to submit data, plans or reports online. There are instructions at the District website on how to register to set up an account to do so. If the report or data is received on or before the tenth day of the month following data collection, it shall be deemed as a timely submittal.

All mailed reports and data are to be sent to:

Southwest Florida Water Management District
Tampa Service Office, Water Use Permit Bureau
7601 U.S. Hwy. 301 North
Tampa, Florida 33637-6759

Submission of plans and reports: Unless submitted online or otherwise indicated in the special condition, the original and two copies of each plan and report, such as conservation plans, environmental analyses, aquifer test results, per capita annual reports, etc. are required.

Submission of data: Unless otherwise indicated in the special condition, an original (no copies) is required for data submittals such as crop report forms, meter readings and/or pumpage, rainfall, water level evapotranspiration, or water quality data. (499)

6. The Permittee shall construct the proposed well according to the surface diameter and casing depth specifications below. The casing shall be continuous from land surface to the minimum depth stated and is specified to prevent the unauthorized interchange of water between different water bearing zones. If a total depth is listed below, this is an estimate, based on best available information, of the depth at which high producing zones are encountered. However, it is the Permittee’s responsibility to have the water in the well sampled during well construction, before reaching the estimated total depth. Such sampling is necessary to ensure that the well does not encounter water quality that cannot be utilized by the Permittee, and to ensure that withdrawals from the well will not cause salt-water intrusion. All depths given are in feet below land surface. For Well Construction requirements see Exhibit B, Well Construction Instructions, attached to and made part to this permit.

District ID No. 3, Permittee ID No. 3, having a surface diameter of 12 inches, with a minimum casing
depth of 100 feet, drilled to an estimated total depth of 350 feet.

(240)

7. The Permittee shall geophysically (caliper) or video log District ID No. 1, Permittee ID No. 1, if the pump assembly is removed for maintenance or replacement within the term of this permit. If the Permittee does not have to remove the pump assembly during the term of this permit, he or she shall notify the District in writing upon submittal of their application to renew their water use permit (WUP). Such notification will not prejudice the Permittee's application. The District does not require the Permittee to remove the well assembly for the single purpose of logging the well.

The geophysical or video log must clearly show the diameter and total depth of each well, and the casing depth and casing continuity in each well. If a video log is made of the well, it shall clearly show the WUP number, Permittee name, and well identification number on the tape itself. One copy of the log shall be submitted to the District within 30 days of the logging event. Upon sufficient notice (approximately two to three weeks), the District can caliper log the well(s) at no cost to the Permittee; however, the Permittee shall remove the pump assembly at their own cost and prior to the arrival of the District logging vehicle on location.

Until such time as the logging is performed, the District shall continue to assess withdrawal impacts, and credit existing use per aquifer based on the assumption that multiple aquifers are open in the well bore. If an analysis of the log with respect to geology or hydrogeology is made, the report must be signed and sealed by a Professional Geologist who is registered and in good standing with the Florida Department of Business and Professional Regulation.

(408)

8. The Permittee shall immediately implement the District-approved water conservation plan dated November 1, 2011, that was submitted in support of the application for this permit. Conservation measures that the Permittee has already implemented shall continue, and proposed conservation measures shall be implemented as proposed in the plan. Progress reports on the implementation of water conservation practices indicated as proposed in the plan as well as achievements in water savings that have been realized from each water conservation practice shall be submitted by November 1, 2016. (449)

9. The Permittee shall use Alternative Water Supplies in lieu of non-Alternative Water Supplies to the greatest extent practical, based on economic, environmental and technical feasibility. (551)

10. The Permittee shall submit a copy of the well completion reports to the District’s Water Use Permit Bureau, within 30 days of each well completion. (583)

11. The Permittee shall maximize the use of surface waters before utilizing ground water for augmentation of the lake. Augmentation for aesthetic purposes only is strictly prohibited. (648)

12. The following existing, but previously un-metered withdrawal facilities shall be metered upon permit issuance: District ID Nos. 1 and 2, Permittee ID Nos. 1 and 2. Meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit. (720)

13. The following proposed withdrawal facility shall be metered within 90 days of completion of construction of the facility: District ID No. 3, Permittee ID No. 3. Meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit. (718)

14. The following proposed reclaimed water re-pump facility shall be metered within 90 days of completion of construction: District ID No. 4, Permittee ID No. 4. Meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit. (703)

15. The following proposed reclaimed water inflow line shall be metered within 90 days of completion of construction of the reclaimed water delivery system: District ID No. 5, Permittee ID No. 5. Meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit. (700)
WATER USE PERMIT STANDARD CONDITIONS

1. The Permittee shall provide access to an authorized District representative to enter the property at any reasonable time to inspect the facility and make environmental or hydrologic assessments. The Permittee shall either accompany District staff onto the property or make provision for access onto the property.

2. When necessary to analyze impacts to the water resource or existing users, the District shall require the Permittee to install flow metering or other measuring devices to record withdrawal quantities and submit the data to the District.

3. The District shall collect water samples from any withdrawal point listed in the permit or shall require the permittee to submit water samples when the District determines there is a potential for adverse impacts to water quality.

4. A District identification tag shall be prominently displayed at each withdrawal point that is required by the District to be metered or for which withdrawal quantities are required to be reported to the District, by permanently affixing the tag to the withdrawal facility.

5. The Permittee shall mitigate to the satisfaction of the District any adverse impact to environmental features or off-site land uses as a result of withdrawals. When adverse impacts occur or are imminent, the District shall require the Permittee to mitigate the impacts. Adverse impacts include the following:

   A. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams or other watercourses; or
   B. Damage to crops and other vegetation causing financial harm to the owner; and
   C. Damage to the habitat of endangered or threatened species.

6. The Permittee shall mitigate, to the satisfaction of the District, any adverse impact to existing legal uses caused by withdrawals. When adverse impacts occur or are imminent, the District shall require the Permittee to mitigate the impacts. Adverse impacts include the following:

   A. A reduction in water levels which impairs the ability of a well to produce water;
   B. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams or other watercourses; or
   C. Significant inducement of natural or manmade contaminants into a water supply or into a usable portion of an aquifer or water body.

7. Notwithstanding the provisions of Rule 40D-1.6105, F.A.C., persons who wish to continue the water use permitted herein and who have acquired ownership or legal control of permitted water withdrawal facilities or the land on which the facilities are located must apply to transfer the permit to themselves within 45 days of acquiring ownership or legal control of the water withdrawal facilities or the land.

8. If any of the statements in the application and in the supporting data are found to be untrue and inaccurate, or if the Permittee fails to comply with all of the provisions of Chapter 373, Florida Statutes (F.S.), Chapter 40D, Florida Administrative Code (F.A.C.), or the conditions set forth herein, the Governing Board shall revoke this permit in accordance with Rule 40D-2.341, F.A.C., following notice and hearing.

9. Issuance of this permit does not exempt the Permittee from any other District permitting requirements.

10. The Permittee shall cease or reduce surface water withdrawal as directed by the District if water levels in lakes fall below the applicable minimum water level established in Chapter 40D-8, F.A.C., or rates of flow in streams fall below the minimum levels established in Chapter 40D-8, F.A.C.

11. The Permittee shall cease or reduce withdrawal as directed by the District if water levels in aquifers fall below the minimum levels established by the Governing Board.

12. The Permittee shall not deviate from any of the terms or conditions of this permit without written approval by the District.
13. The Permittee shall practice water conservation to increase the efficiency of transport, application, and use, as well as to decrease waste and to minimize runoff from the property. At such time as the Governing Board adopts specific conservation requirements for the Permittee's water use classification, this permit shall be subject to those requirements upon notice and after a reasonable period for compliance.

14. The District may establish special regulations for Water-Use Caution Areas. At such time as the Governing Board adopts such provisions, this permit shall be subject to them upon notice and after a reasonable period for compliance.

15. In the event the District declares that a Water Shortage exists pursuant to Chapter 40D-21, F.A.C., the District shall alter, modify, or declare inactive all or parts of this permit as necessary to address the water shortage.

16. This permit is issued based on information provided by the Permittee demonstrating that the use of water is reasonable and beneficial, consistent with the public interest, and will not interfere with any existing legal use of water. If, during the term of the permit, it is determined by the District that the use is not reasonable and beneficial, in the public interest, or does impact an existing legal use of water, the Governing Board shall modify this permit or shall revoke this permit following notice and hearing.

17. All permits issued pursuant to these Rules are contingent upon continued ownership or legal control of all property on which pumps, wells, diversions or other water withdrawal facilities are located.
METERING INSTRUCTIONS

The Permittee shall meter withdrawals from surface waters and/or the ground water resources, and meter readings from each withdrawal facility shall be recorded on a monthly basis within the last week of the month. The meter reading(s) shall be reported to the Water Use Permit Bureau on or before the tenth day of the following month. The Permittee shall submit meter readings online using the Permit Information Center at www.sfwmd.state.fl.us/permits/permitting/ or on District supplied scanning forms unless another arrangement for submission of this data has been approved by the District. Submission of such data by any other unauthorized form or mechanism may result in loss of data and subsequent delinquency notifications. Call the Water Use Permit Bureau in Tampa at (813) 985-7481 if difficulty is encountered.

The meters shall adhere to the following descriptions and shall be installed or maintained as follows:
1. The meter(s) shall be non-resettable, totalizing flow meter(s) that have a totalizer of sufficient magnitude to retain total gallon data for a minimum of the three highest consecutive months permitted quantities. If other measuring device(s) are proposed, prior to installation, approval shall be obtained in writing from the Water Use Permit Bureau Chief.
2. The Permittee shall report non-use on all metered standby withdrawal facilities on the scanning form or approved alternative reporting method.
3. If a metered withdrawal facility is not used during any given month, the meter report shall be submitted to the District indicating the same meter reading as was submitted the previous month.
4. The flow meter(s) or other approved device(s) shall have and maintain an accuracy within five percent of the actual flow as installed.
5. Meter accuracy testing requirements:
   A. For newly metered withdrawal points, the flow meter installation shall be designed for inline field access for meter accuracy testing.
   B. The meter shall be tested for accuracy on-site, as installed according to the Flow Meter Accuracy Test Instructions in this Exhibit B, every five years in the assigned month for the county, beginning from the date of its installation for new meters or from the date of initial issuance of this permit containing the metering condition with an accuracy test requirement for existing meters.
   C. The testing frequency will be decreased if the Permittee demonstrates to the satisfaction of the District that a longer period of time for testing is warranted.
   D. The test will be accepted by the District only if performed by a person knowledgeable in the testing equipment used.
   E. If the actual flow is found to be greater than 5% different from the measured flow, within 30 days, the Permittee shall have the meter re-calibrated, repaired, or replaced, whichever is necessary. Documentation of the test and a certificate of re-calibration, if applicable, shall be submitted within 30 days of each test or re-calibration.
6. The meter shall be installed according to the manufacturer’s instructions for achieving accurate flow to the specifications above, or it shall be installed in a straight length of pipe where there is at least an upstream length equal to ten (10) times the outside pipe diameter and a downstream length equal to two (2) times the outside pipe diameter. Where there is not at least a length of ten diameters upstream available, flow straightening vanes shall be used in the upstream line.
7. Broken or malfunctioning meter:
   A. If the meter or other flow measuring device malfunctions or breaks, the Permittee shall notify the District within 15 days of discovering the malfunction or breakage.
   B. The meter must be replaced with a repaired or new meter, subject to the same specifications given above, within 30 days of the discovery.
   C. If the meter is removed from the withdrawal point for any other reason, it shall be replaced with another meter having the same specifications given above, or the meter shall be reinstalled within 30 days of its removal from the withdrawal. In either event, a fully functioning meter shall not be off the withdrawal point for more than 60 consecutive days.
8. While the meter is not functioning correctly, the Permittee shall keep track of the total amount of time the withdrawal point was used for each month and multiply those minutes times the pump capacity (in gallons per minute) for total gallons. The estimate of the number of gallons used each month during that period shall be submitted on District scanning forms and noted as estimated per instructions on the form. If the data is submitted by another approved method, the fact that it is estimated must be indicated. The reason for the necessity to estimate pumpage shall be reported with the estimate.

9. In the event a new meter is installed to replace a broken meter, it and its installation shall meet the specifications of this condition. The Permittee shall notify the District of the replacement with the first submittal of meter readings from the new meter.

FLOW METER ACCURACY TEST INSTRUCTIONS

1. **Accuracy Test Due Date** - The Permittee is to schedule their accuracy test according to the following schedule:

   A. For existing metered withdrawal points, add five years to the previous test year, and make the test in the month assigned to your county.
   B. For withdrawal points for which metering is added for the first time, the test is to be scheduled five years from the issue year in the month assigned to your county.
   C. For proposed withdrawal points, the test date is five years from the completion date of the withdrawal point in the month assigned to your county.
   D. For the Permittee’s convenience, if there are multiple due-years for meter accuracy testing because of the timing of the installation and/or previous accuracy tests of meters, the Permittee can submit a request in writing to the Water Use Permit Bureau Chief for one specific year to be assigned as the due date year for meter testing. Permittees with many meters to test may also request the tests to be grouped into one year or spread out evenly over two to three years.
   E. The months for accuracy testing of meters are assigned by county. The Permittee is requested but not required to have their testing done in the month assigned to their county. This is to have sufficient District staff available for assistance.

   | January | Hillsborough |
   | February | Manatee, Pasco |
   | March | Polk (for odd numbered permits)* |
   | April | Polk (for even numbered permits)* |
   | May | Highlands |
   | June | Hardee, Charlotte |
   | July | None or Special Request |
   | August | None or Special Request |
   | September | Desoto, Sarasota |
   | October | Citrus, Levy, Lake |
   | November | Hernando, Sumter, Marion |
   | December | Pinellas |

   * The permittee may request their multiple permits be tested in the same month.

2. **Accuracy Test Requirements**: The Permittee shall test the accuracy of flow meters on permitted withdrawal points as follows:

   A. The equipment water temperature shall be set to 72 degrees Fahrenheit for ground water, and to the measured water temperature for other water sources.
   B. A minimum of two separate timed tests shall be performed for each meter. Each timed test shall consist of measuring flow using the test meter and the installed meter for a minimum of four minutes duration. If the two tests do not yield consistent results, additional tests shall be performed for a minimum of eight minutes or longer per test until consistent results are obtained.
   C. If the installed meter has a rate of flow, or large multiplier that does not allow for consistent results to be obtained with four- or eight-minute tests, the duration of the test shall be increased as necessary to obtain accurate and consistent results with respect to the type of flow meter installed.
   D. The results of two consistent tests shall be averaged, and the result will be considered the test result for the meter being tested. This result shall be expressed as a plus or minus percent (rounded to the nearest one-tenth percent) accuracy of the installed meter relative to the test meter. The percent accuracy indicates the deviation (if any), of the meter being tested from the test meter.
3. **Accuracy Test Report:** The Permittees shall demonstrate that the results of the meter test(s) are accurate by submitting the following information within 30 days of the test:

A. A completed Flow Meter Accuracy Verification Form, Form LEG-R.014.00 (07/08) for each flow meter tested. This form can be obtained from the District’s website (www.watermatters.org) under “ePermitting and Rules” for Water Use Permits.

B. A printout of data that was input into the test equipment, if the test equipment is capable of creating such a printout;

C. A statement attesting that the manufacturer of the test equipment, or an entity approved or authorized by the manufacturer, has trained the operator to use the specific model test equipment used for testing;

D. The date of the test equipment’s most recent calibration that demonstrates that it was calibrated within the previous twelve months, and the test lab’s National Institute of Standards and Testing (N.I.S.T.) traceability reference number.

E. A diagram showing the precise location on the pipe where the testing equipment was mounted shall be supplied with the form. This diagram shall also show the pump, installed meter, the configuration (with all valves, tees, elbows, and any other possible flow disturbing devices) that exists between the pump and the test location clearly noted with measurements. If flow straightening vanes are utilized, their location(s) shall also be included in the diagram.

F. A picture of the test location, including the pump, installed flow meter, and the measuring device, or for sites where the picture does not include all of the items listed above, a picture of the test site with a notation of distances to these items. with a notation of distances to these items.

**WELL CONSTRUCTION INSTRUCTIONS**

All wells proposed to be constructed shall be drilled and constructed as specified below:

1. All well casing (including liners and/or pipe) must be sealed to the depth specified in the permit condition.

2. The proposed well(s) shall be constructed of materials that are resistant to degradation of the casing/grout due to interaction with the water of lesser quality. A minimum grout thickness of two (2) inches is required on wells four (4) inches or more in diameter.

3. A minimum of twenty (20) feet overlap and two (2) centralizers is required for Public Supply wells and all wells six (6) inches or more in diameter.

4. Any variation from estimated, maximum or minimum total depths; maximum or minimum casing depths; well location or casing diameter specified in the condition requires advanced approval by the Water Use Permit Bureau Chief, or the Well Construction Section Manager.

5. The Permittee is notified that a proposal to significantly change any of these well construction specifications may require permit modification if the District determines that such a change would result in significantly greater withdrawal impacts than those considered for this Permit.

6. The finished well casing depth shall not vary from these specifications by greater than ten (10) percent unless advance approval is granted by the Water Use Permit Bureau Chief, or the Well Construction Section Manager.

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**Authorized Signature**

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT**

This permit, issued under the provision of Chapter 373, Florida Statues and Florida Administrative Code 40D-2, authorizes the Permittee to withdraw the quantities outlined above, and may require various activities to be performed by the Permittee as described in the permit, including the Special Conditions. The permit does not convey to the Permittee any property rights or privileges other than those specified herein, nor relieve the Permittee from complying with any applicable local government, state, or federal law, rule, or ordinance.
Consent Agenda
December 18, 2012

Finance/Outreach & Planning Committee

Budget Transfer Report

Purpose
Request approval of the Budget Transfer Report covering all budget transfers made during the month of November 2012.

Background
In accordance with Board Policy No. 130-8, Budget Authority Transfer of Funds, all transfers approved by the Executive Director and Finance Bureau Chief under delegated authority are regularly presented to the Finance/Outreach & Planning 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 2012.

Presenter: Linda R. Pilcher, Bureau Chief, Finance
This report identifies transfers made during the month that did not require advance Governing Board approval. These transfers have been approved by either the Executive Director or Finance Bureau Chief consistent with Board Policy 130-8, and are presented for Governing Board approval on the consent agenda. 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 Bureau Chief approved transfers are accounting type transfers with no change to the original budget intent.
Consent Item

Preliminary Fiscal Year 2013-14 Budget

Purpose
Approve the District’s preliminary budget for fiscal year (FY) 2013-14 for submission to the Florida Legislature by January 15, 2013. The preliminary budget was sent to the Department of Environmental Protection (DEP) for review and comment on December 10, 2012. If any significant comments are received from DEP that warrant discussion with the Governing Board or may result in changes to the budget, staff will recommend the item be moved from the Consent Agenda to a Discussion Item for the Finance/Outreach and Planning Committee meeting.

Background
New legislation was enacted during 2012 (Section 373.535, Florida Statutes) that requires water management districts (WMDs) to submit by January 15, a preliminary budget for the next fiscal year to the Florida Legislature for review. The statutory language specifies the information to be included in the preliminary budget submission. The President of the Senate and the Speaker of the House of Representatives may submit comments regarding the preliminary budgets to the WMDs on or before March 1 of each year. Each WMD must respond to those comments in writing on or before March 15 of each year.

In addition, the following specific provisions were added to s. 373.536(5), F.S., regarding the legislative review of the tentative budgets of the WMDs due August 1:

The Legislative Budget Commission may reject any of the following district budget proposals:
1. A single purchase of land in excess of $10 million, except for land exchanges.
2. Any cumulative purchase of land during a single fiscal year in excess of $50 million.
3. Any issuance of debt on or after July 1, 2012.
4. Any program expenditures as described in sub-subparagraphs (e)4.e. and f. (i.e., Outreach and Management and Administration programs) in excess of 15 percent of a district’s total annual budget.
5. Any individual variances in a district’s tentative budget in excess of 25 percent from a district’s preliminary budget.

On November 27, 2012, staff provided the Governing Board an overview of factors affecting budget development and recommended acceptance of the general budget assumptions needed to prepare the District’s preliminary budget for FY2013-14. The Governing Board accepted the assumptions as presented at the meeting. The assumptions provide an opportunity to increase cooperative funding levels over FY2012-13 to cover existing commitments and allow for new projects. The FY2013-14 preliminary budget will be submitted to the Department of Environmental Protection on December 10, 2012, for initial review and comment.

On December 18, 2012, staff will request approval of the preliminary budget for FY2013-14 for submission to the Florida Legislature by January 15, 2013. The preliminary budget has been prepared using the same budget assumptions and the same budget amounts presented to the Governing Board on November 27, 2012, for a total budget of $169.6 million. The preliminary budget has been presented to the DEP for review and comment. If any significant comments are received from the DEP that warrant discussion with the Governing Board or if the comments may result in changes to the budget, staff will recommend at the meeting that this item be moved from the Consent Agenda to a Discussion Item for this Committee.
The development of the District’s final budget will begin in February 2013. All budget requests will be subject to Governing Board review and approval during the development of the final budget for FY2013-14, including the tentative budget submission to the Governor and Florida Legislature by August 1, 2013.

Staff Recommendation: See Exhibit (to be provided)

Approve the District’s preliminary budget for FY2013-14 for submission to the Florida Legislature by January 15, 2013.

Presenter: Linda R. Pilcher, Bureau Chief, Finance
Interagency Agreement between the SWFWMD and the SJRWMD - Designation of 
Regulatory Responsibility – Marion County Utilities - Pilot Truck Stop – Marion County

The geographic area of Marion County Utilities’ water supply system and service area span the 
jurisdictional boundaries of both the Southwest Florida Water Management District (SWFWMD) 
and the St. Johns River Water Management District (SJRWMD). In an effort to streamline its 
permitting responsibilities and as part of a plan to complete an interconnection of commercial 
operations and truck stops on either side of I-75, Marion County Utilities has requested 
SWFWMD to consolidate five of its water use permits issued by SWFWMD and one 
consumptive use permit issued by SJRWMD. Specifically, Marion County Utilities has 
requested that SJRWMD’s Consumptive Use Permit No. 50996 for the Pilot Truck Stop be 
included in a consolidated water use permit granted by SWFWMD.

Section 373.046(6), Florida Statutes, authorizes a water management district to designate, 
through an interagency agreement, regulatory responsibility to another water management 
district when the geographic area of a project or local government crosses water management 
district boundaries. Because the portion of the service area located within SWFWMD that is 
covered by SJRWMD’s Consumptive Use Permit No. 50996 is the dominant use and 
infrastructure area, both Districts agree that responsibility should be assumed by SWFWMD for 
review and issuance of a water use permit for this service area. An interagency agreement 
approved by both district governing boards is necessary to authorize SWFWMD to issue a water 
use permit to Marion County Utilities for the Pilot Truck Stop.

SJRWMD signed the Interagency Agreement on November 30, 2012.

Staff Recommendation: See Exhibit

Approve the Interagency Agreement between the Southwest Florida Water Management District 
and the St. Johns River Water Management District for designation of regulatory responsibility 
for the issuance of a water use permit to Marion County Utilities to include the Pilot Truck Stop.

Presenter: Amy Wells Brennan, Senior Attorney
Consent Agenda  
December 18, 2012  

General Counsel’s Report  

Administrative, Enforcement, and Litigation Activities that Require Governing Board Approval  

Initiation of Litigation – Failure to Submit Statement of Inspection for Proper Operation and Maintenance – S & I Properties - ERP No. 46030011.000 – Polk County  

On December 7, 2000, the District issued Environmental Resource Permit No. 46030011.000 (Permit) to S & I Properties (Permittee) to construct a surface water management system serving part of a commercial development known as Waring Industrial Park Phase II located on a 1.8-acre parcel having an address of 4104 Holden Road, Lakeland, Polk County. Following completion of construction of the project, on July 23, 2007, the District converted the Permit to the operation phase. The Permit requires that the Permittee inspect the surface water management system and submit to the District a Statement of Inspection for Proper Operation and Maintenance every two years following conversion of the Permit to the operation phase. Accordingly, Statements of Inspection for Proper Operation and Maintenance were due to the District in July 2009 and July 2011. District staff sent letters requesting the reports. The required Statements of Inspection were not submitted.  

On June 20, 2012, a Notice of Violation was issued to the Permittee which advised of the failure to submit the required Statements of Inspection for Proper Operation and Maintenance. No response was received from the Permittee. A proposed consent order was sent to the Permittee on August 31, 2012. The proposed consent order requires that Permittee submit to the District a Statement of Inspection for Proper Operation and Maintenance that certifies that the system is performing in substantial compliance with the Permit. Penalties and costs totaling $1,200 were proposed in the consent order as follows:  

• $500 – the standard penalty for the failure to submit a Statement of Inspection for a wet detention system; and  
• $700 – the standard cost assessment for the failure to submit required documents.  

To date, no response has been received from the Permittee, which is an unregistered partnership having a post office box address. Additional copies of the proposed consent order have been sent to known partners individually at addresses obtained from public records relating to other owned properties.  

Staff Recommendation:  

Authorize the initiation of litigation against S & I Properties and any other appropriate parties to obtain compliance, to recover an administrative fine/civil penalty for the violations, and to recover District enforcement costs, court costs and attorney’s fees.  

Presenter: Marti Moore, Assistant General Counsel
Consent Agenda
December 18, 2012

General Counsel’s Report

Rulemaking

Initiation and Approval of Rulemaking to Adopt New Rule 40D-3.492, F.A.C., and to Amend Rule 40D-3.411, F.A.C., to Provide a List of Actions That Are Considered Violations of Chapter 40D-3, F.A.C., and to Change the Timeframe for Submittal of Well Completion Reports

The proposed new rule, Rule 40D-3.492, Florida Administrative Code (F.A.C.), will provide a discrete list of actions, omissions, and conduct that are considered violations of Chapter 40D-3, F.A.C., and establishes a new deadline for submittal of Well Completion Reports. The list is necessary to clearly specify those actions the District will pursue as violations of the requirements of Chapter 40D-3, F.A.C. In addition, the new deadline for submittal of Well Completion Reports is necessary because existing District Rule 40D-3.411, F.A.C., currently allows submittal of a Well Completion Report within 30 days of the expiration of a permit. Because a permit’s duration can be extended for up to a year and the attendant Well Completion Report may not be filed for many months after the well has been constructed, District staff has encountered problems with the timely inspection of wells and determination of compliance with well construction regulations. As a result, the proposed rulemaking includes the amendment of Rule 40D-3.411, F.A.C., to require the submittal of a Well Completion Report within 30 days of the completion of the construction, repair or abandonment of any well. This provision is consistent with the language proposed in new Rule 40D-3.492, F.A.C. The proposed new rule and rule amendment are included as Exhibit A.

Upon Governing Board approval of the new and revised language, staff will notify the Governor’s Office of Fiscal Accountability and Regulatory Reform (OFARR) and proceed with rulemaking without further Governing Board action. If substantive comments are received from the public or reviewing entities such as OFARR or the Joint Administrative Procedures Committee, this matter will be brought back to the Governing Board for consideration.

Staff Recommendation:

Initiate and approve rulemaking to adopt new Rule 40D-3.492, F.A.C., and to amend Rule 40D-3.411, F.A.C., to provide a list of actions that are considered violations of Chapter 40D-3, F.A.C., and to change the timeframe for submittal of Well Completion Reports and authorize staff to make any necessary clarifying or technical changes that may result from the rulemaking process.

Presenter: Adrienne E. Vining, Senior Attorney
Rulemaking Process

Seek Board Approval to Initiate Rulemaking (and Approve Rule Language, if available)

Notify OFARR & Publish Notice of Rule Development

Public Workshops Held, If Necessary

Board Approval of Rule Language

Notify OFARR & Publish Notice of Proposed Rulemaking

Hearing, If Requested

Board Discussion & Approval of Any Changes From Hearing, OFARR or JAPC; Publish Notice of Change

File Rule With Department of State

Rule Is Final 20 Days After Filing With Department of State
Exhibit A – Proposed Rule Language

40D-3.411 Well Completion Report.

(1) Well completion reports are required for the construction, repair, modification or abandonment of all wells. The District’s receipt of a well completion report raises the rebuttable presumption that all work under the permit has been completed or has ceased.

(a) The water well contractor or any individual permittee shall submit to the District the form entitled “State of Florida Well Completion Report,” Form No. LEG-R.005.02 (6/10), incorporated herein by reference, within 30 days of the completion of construction, repair or abandonment of any well expiration of the permit. Copies of the Well Completion Report form can be obtained from the District’s website at www.watermatters.org or from District offices.

(b-d) No change.

(2) No change.


40D-3.492 Violations of Permits.

(1) Actions, omissions, or conduct that shall be considered a violation of this part, are:

(a) Failure to submit a complete well completion report within 30 days of the completion of construction, repair or abandonment of any well.

(b) Intentional misrepresentation or falsification of records.

(c) Failure to obtain a permit when required under Rule 40D-3.041, F.A.C.

(d) Failure to keep a field log at the drilling site with accurate information of all construction activities.

(e) Failure to provide a field log upon request to a District representative at the drilling site unless a field log is not available at the site.

(f) Failure to report to the District within 30 days of expiration of the permit when no work is performed or the well is not completed.

(g) Failure to comply with any or all permit conditions.

(h) Failure to notify the District 24 hours prior to the commencement of drilling operations of any public supply well.

(i) Failure to notify the District 24 hours prior to the placement of grout in the annular space of any public supply well.

(j) Failure to notify the District 48 hours prior to the completion of a well that is subject to the requirements of Rule 40D-3.600, F.A.C.

(2) Violations may be reported by any person, including District staff.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.308, 373.309, 373.342 FS. History–New.
Item 13.b.

Consent Agenda
December 18, 2012

General Counsel’s Report

Rulemaking

Approve Revisions to the District’s Environmental Resource Permit Applicant’s Handbook Volume II as Part of Statewide Environmental Resource Permitting Rulemaking

At its August 2012 meeting, the Governing Board authorized staff to initiate rulemaking to amend District Rule Chapters 40D-1, 4, 40 and 400, Florida Administrative Code (F.A.C.), as needed to coordinate with the Department of Environmental Protection’s (DEP’s) schedule for developing and adopting the new statewide ERP (SWERP) rules as mandated by section 373.4131, Florida Statutes (F.S.). In September 2012, the Governing Board authorized the initiation of rulemaking to amend Rule 40D-4.091, F.A.C., to incorporate by reference the District’s proposed Environmental Resource Permit Applicant’s Handbook Volume II. Since that time, DEP and the water management districts have continued to have weekly webinar work sessions to develop the proposed SWERP rule and handbooks. As part of this process, some provisions originally proposed to be included within the new rule have been determined to be better placed within the applicant’s handbooks. Other revisions have also been proposed, which necessitate some changes in the District’s proposed Applicant’s Handbook Volume II which was approved by the Governing Board in September 2012.

DEP has also revised its proposed rulemaking schedule to allow for more time for rule development and to allow additional public workshops on the proposed rule and applicant’s handbooks. This extended timeframe allows for corresponding changes to be made in the text of the District’s proposed Volume II prior to publishing notices of the proposed amendments to Rule 40D-4.091, F.A.C., and making the District’s proposed Applicant’s Handbook Volume II available for more widespread public review. DEP anticipates publishing its proposed SWERP rule in January 2013, and the water management districts intend to publish complementary rulemaking notices also at the same time, so that the SWERP rules and applicant’s handbooks will all become effective on the same date.

Accordingly, District staff now seeks approval of a revised Applicant’s Handbook Volume II. For ease of reference, the changes are noted in the text, either by strikethrough and underlined changes or by notations. The revisions are mostly nonsubstantive and concern reorganization of sections to be consistent with a standard outline for the applicant’s handbook as developed jointly by DEP and the water management districts. No further amendments are proposed to the District’s ERP rules at this time.

A copy of the proposed revised AH II is included in the Governing Board packet as an exhibit for this item. The proposed Applicant’s Handbook Volume II will be incorporated into the new SWERP rules when adopted, which is currently targeted for May 2013. This is subject to change as necessary to keep pace with DEP’s adoption date for the SWERP rules.

Upon Board approval of the revised Applicant’s Handbook Volume II, District staff will notify the Governor’s Office of Fiscal Accountability and Regulatory Reform (OFARR) and proceed with rulemaking without further Governing Board action. If substantive comments are received from
the public or reviewing entities such as OFARR or the Joint Administrative Procedures Committee, or if changes are needed to coordinate with any rule changes proposed by DEP, this matter will be brought back to the Governing Board for further consideration. The following chart depicts the current stage of the rulemaking process for this item.

Staff Recommendation: See Exhibit

Approve the District’s proposed changes to Environmental Resource Permitting Applicant’s Handbook Volume II, to be adopted as part of the statewide Environmental Resource Permitting rulemaking.

Presenter: Marti Moore, Assistant General Counsel
Volume II is incorporated by reference in 40D-4.091, F.A.C.

11/30/12 REVISED DRAFT for approval by SWFWMD Governing Board on 12/18/12
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[renumber appendix pages separately]

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[is this still planned? Delete if not]
PART I – INTRODUCTION, ORGANIZATION, APPLICABILITY

1.0 Introduction

To assist applicants seeking Environmental Resource Permits (ERPs), an Applicant's Handbook has been prepared as part of the overall effort to promote greater statewide consistency in the administration of Chapter 62-330, Florida Administrative Code (F.A.C.). The ERP Applicant’s Handbook is presented in two volumes. Applicant's Handbook Volume I (General and Environmental), is applicable statewide and contains the following:

- Background information on the ERP program, including points of contact;
- A summary of the statutes and rules that are used to authorize and implement the ERP program;
- A summary of the types of permits, permit thresholds, and exemptions;
- A discussion of the environmental criteria used for ERP evaluations; and
- A discussion of the erosion and sediment control requirements for ERP projects,

Each Water Management District has adopted an Applicant's Handbook Volume II which contains the District-specific design and performance criteria for stormwater quantity, flood control, stormwater quality and any special basin criteria or other requirements that are applicable within the geographic area of the specific water management district. This ERP Applicant’s Handbook Volume II (Design Requirements for Stormwater Treatment and Management Systems – Water Quality and Water Quantity) is intended for use only within the jurisdictional boundaries of the Southwest Florida Water Management District.

Together, Applicant’s Handbook Volumes I and II (AH I and II) set forth the usual procedures and information used by District staff in the review of permit applications. The overall objective of the review is to ensure that the activities authorized by an ERP are not harmful to the water resources of the District and not inconsistent with the public interest or the overall objectives of the District.

This AH II is intended to be applicable to those types of projects that involve stormwater management systems that consist of more than just incidental dredging or filling and which require an individual permit or authorization pursuant to Section 403.814(12), F.S. (“10-2 Permits.”) other than a noticed general permit. Many minor “stand-alone” activities or works generally will not give rise to water quantity, flood control or water quality concerns that must be addressed in accordance with the performance standards and design criteria set forth in this AH II. However, if a project requires consideration of water quantity, water quality or flood impacts and specific measures or design features in order to demonstrate reasonable
assurance that all required conditions for permit issuance have been met, this **AH II** will be applicable.

In general, the following types of activities typically will not require compliance with the design and performance criteria set forth in this **AH II**, because they generate only an incidental amount of stormwater runoff:

- Dredging and filling to construct such things as most “stand-alone” seawalls and docks and “in water” types of activities, such as channel dredging. This would not include dredging and filling in wetlands or other surface waters to construct such things as bridges or culverted road crossings, parking areas, building sites, or land fill which may or may not contain structures;
- Semi-pervious piers (i.e., slatted decking) that do not convey vehicular traffic. This would not include such things as wharfs at a port facility;
- Construction of an individual, single family residence, duplex, triplex, or quadruplex that is not part of a larger plan of development;
- “Stand-alone” dredging, including maintenance dredging;
- Activities that do not add new impervious or semi-impervious surfaces, such as the installation of overland and buried electric and communication transmission and distribution lines.

**AH I** would still apply to most of these activities because, unless specifically exempt, the above activities are considered as types of surface water management activities, and are subject to regulation under Chapter 62-330, F.A.C. [suggest delete as repetitive to **AH I**.]

This **AH II** provides specific, detailed information to help applicants meet the water quality, water quantity, flood control, construction and design requirements applicable within this District. It is incorporated by reference in Rule 40D-4.091, F.A.C., as well as in Chapter 62-330, F.A.C., and, as such, **AH II** constitutes rules of the DEP and the District. The term “Agency” or “District,” when used in the **AH I or II** or in Chapter 62-330, F.A.C., shall refer to the DEP, a District or a delegated local government, as applicable, in accordance with the division of responsibilities specified in the Operating Agreements incorporated by reference in subsection 62-330.010(5), F.A.C., except where a specific agency is otherwise identified. **AH I and II** are written to provide more detail and clarity for the public in understanding the statutory and rule provisions that implement the ERP program, and are intended to be written in an understandable, “user-friendly” format.

Pursuant to Subsection 373.4131(1)(c), F.S., the statewide ERP rules set forth in Chapter 62-330, F.A.C., are to rely primarily on the rules of the DEP and water management districts in effect immediately prior to the effective date of the new statewide rules. Accordingly, where applicable, a history note is provided for the various sections and paragraphs of this **AH II**. The history note identifies the source of the particular provision as being the District’s Environmental Resource Permitting Information Manual Part B, Basis of Review (BOR) (effective date 12/29/2011) or the Northwest Florida Water Management District Applicant’s Handbook Volume I or Volume II (effective date 11/20/2010) or other source as applicable. Most of the provisions
of this AH II contain material transferred directly from Chapters 1, 3 through 6 of the District's ERP BOR, with no substantive changes or with minimal changes to address standardized formatting or to reference related provisions in Chapter 62-330, F.A.C. or in AH I. To promote a more consistent statewide approach, the Northwest Florida Water Management District Applicant’s Handbook, adopted by DEP for use within that District, served as the model for the development of AH I and II. Where appropriate, provisions contained in NWFWMD’s Applicant’s Handbook that described the same practice or approach used by this District for addressing water quality, water quantity or flood control requirements were included in this AH II. Additional provisions were also added pursuant to guidance from DEP, to promote statewide consistency.

History Note: Adapted from NWFWMD Applicant’s Handbook Volume II, Part I.

1.1 Objectives.

Pursuant to Part IV of Chapter 373, F.S., and Chapter 62-330, F.A.C., the District is responsible for permitting the construction, alteration, operation, maintenance, repair, abandonment or removal of surface water management systems within its jurisdictional boundaries, in accordance with its Operating Agreement with DEP incorporated by reference in Section 62-330.010(5), F.A.C. The objective of the Applicant’s Handbook, Volumes I and II is to identify the usual procedures and information used by the District in permit application review. The objective of the review is to ensure that the permit will authorize activities or situations which are not harmful to the water resources of the District nor inconsistent with the public interest or the overall objectives of the District.


1.2 Thresholds.

[Reserved]

1.3 Exemptions.

In addition to the exemptions set forth in Section 62-330.051, F.A.C., the specific activities described below are exempt from the requirement to obtain an ERP in this District:

(1) The operation and maintenance of a surface water management system which:

   (a) Was constructed before October 1, 1984; or
   (b) Was constructed or was being constructed on or before December 9, 1999, and was not required to obtain a District permit under exemptions existing at the time.

(2) The following mining activities:

   (a) Any system for a mining or mining related activity which has a valid permit issued by the District or the Department pursuant to Rule 40D-45.041, F.A.C. This exemption shall be for the plans, terms and conditions approved in the permit issued pursuant to Chapter 40D-45,
F.A.C. If an operator of a system previously permitted under Chapter 40D-45, F.A.C., proposes to alter such system, the alteration shall be reviewed under the provisions of this chapter.

(b) Phosphate mining, phosphate mining related surface water management systems, and reclamation and restoration conducted in accordance with Chapter 62C-16, F.A.C., within the District, provided that all the following conditions are met.

1. Activities associated with mining operations as defined by and subject to Sections 378.201 through .212, F.S., and included in a conceptual reclamation plan or modification application submitted prior to July 1, 1996, shall continue to be exempt under this subsection.

2. The location of any existing point of discharge authorized in a previous permit issued by the Department, the Department of Environmental Regulation, or the District shall not be changed, and the volume and frequency of such discharge shall not be exceeded.

3. Natural drainage from off-site up gradient areas shall not be interrupted so as to cause damage to off-site property or the public, and natural drainage patterns on undisturbed lands shall be maintained to the maximum extent achievable without adversely altering the time, stage, volume and point or manner of discharge or dispersion.

(3) Proposed normal and necessary farming operations as are customary for the area that can be conducted in an environmentally sustainable manner, provided such operations and facilities:

   (a) Do not cause adverse water quantity or offsite flooding impacts;
   (b) Do not involve activities in wetlands or other surface waters for which mitigation would be required; and
   (c) Do not adversely impact water quality in offsite receiving waters.

Persons desiring to qualify for this voluntary exemption should submit site drainage and conservation plans for the proposed normal and necessary farming operations which incorporate Natural Resource Conservation Service, Florida Department of Agriculture and Consumer Services, or equivalent conservation standards or best management practices in accordance with Section 1.3.2 below. Following a meeting with District agricultural regulatory staff and verification that the operations, facilities, and plans comply with paragraphs (a) through (c), above, the District shall provide written notice of the exemption, if qualified.

History note: (1) is transferred from 40D-4.051(2); (2) is transferred from 40D-4.(5) and 40D-4.053; and (3) is transferred from 40D-4.051(4); F.A.C.

1.3.1 Agricultural Exemption Determination Assistance Available Through the District's Agricultural Surface and Ground Water Management System Program. [moved here and revised to reflect changes in SWERP rule that now cites to District-specific exemptions to be set forth in each District’s AH II]

Historically, the construction, alteration, operation, maintenance (excluding routine custodial maintenance), abandonment or removal of agricultural surface water management systems has required an Environmental Resource Permit (ERP) unless expressly exempt by statute or rule. Many agricultural operations are exempt pursuant to the statutory exemption set forth in subsection 373.406(2), F.S. Additionally, since 1990, the District has implemented a rule-specific agricultural exemption formerly expressed in subsection 40D-4.051(4), F.A.C., an updated version of which is now set forth in AH II Section 1.3(3) above. This exemption
provision has been updated to align with amendments to the statutory agricultural exemption that became effective July 1, 2011. The District has also provided services and resources to assist farmers and other agriculturalists in meeting environmental and engineering design requirements through incentive-based and ecosystem-based resource management practices. These services and exemption determinations are provided through the District’s Agricultural Surface and Ground Water Management System (AGSWM) program, which promotes voluntary implementation of best management practices (BMPs) and other environmentally beneficial farming principles as a passive alternative to environmental resource permitting.

The District’s AGSWM program relies upon technical assistance available from the United States Department of Agriculture Natural Resources Conservation Service (NRCS) that encourages agriculturalists to use resource management system (RMS) conservation planning and to practice good water management. The NRCS specializes in RMS conservation planning, which may provide farmers with a viable alternative to the usual permitting procedures. The District’s Ag Team, which consists of professional engineering and environmental staff who specialize in agricultural operations, is available to offer assistance to farmers seeking either verification of exemption from ERP requirements or other on-site review and guidance regarding sustainable agricultural practices. Conservation planning techniques of the NRCS further complement District Ag Team efforts to help facilitate surface water and water use regulation (permitting or exemption) for qualifying agricultural projects.

1.3.1.2 Process for Obtaining Agricultural Exemptions. [revised to better fit where it is in the document]

The District will continue to provide confirmation of qualification of exemption from permitting through the District’s voluntary AGSWM program for farmers desiring to avail themselves of the District’s specific agricultural-related exemption, as well as confirmation of exemption pursuant to the statutory exemption set forth in section 373.406(2), F.S., and any other applicable statutory or rule exemption for agricultural activities. Written requests for verification of exemption must comply with the requirements of section 62-330.050, F.A.C., and must include the fee specified in section 40D-1.607, F.A.C.

Farmers seeking an agricultural exemption determination are encouraged to contact the District’s Ag Team as a first step. The District’s Ag Team is based in the Tampa Permitting Office and is available for meetings in any of the District’s offices. Persons desiring to qualify for the exemption set forth in AH II section 1.3(3) will be expected to submit appropriate site-specific drainage and conservation plans for the proposed operations and demonstrate adherence to applicable nutrient, pest, drainage, irrigation or other conservation standards and BMPs that are adopted or recognized by NRCS, the Florida Department of Agriculture and Consumer Services (FDACS), or other equivalent source. The grower may contact the NRCS to obtain a federally prescribed RMS plan of site specific BMPs that may be used as part of the District’s agricultural exemption confirmation process. The local NRCS office for specific regions may be found at http://www.fl.nrcs.usda.gov/contact/index.html. FDACS’ Office of Agricultural Water Policy also has adopted by rule certain statewide BMP manuals for major commodity crops such as citrus, container nurseries, cow/calf operations, sod, vegetable and agronomic crops, and specialty fruit and nut crops. Implementation of the FDACS-prescribed BMPs provides a presumption of compliance with statewide water quality discharge standards. A listing of FDACS-adopted BMPs and links to the FDACS website for reviewing the available BMPs and manuals is contained in Appendix E attached to this AH II.
Following an on-site meeting with District agricultural regulatory staff, review of submitted material and confirmation that the proposed operations, facilities, and plans will comply with the provisions of AH II section 1.3(3) above, the District will provide written notice of verification of the exemption.

Exemption from permitting for agricultural activities is also established pursuant to subsection 373.406(2), F.S., (known as the statutory agricultural exemption). This provision allows persons engaged in the occupation of agriculture, silviculture, floriculture or horticulture to alter the topography of any tract of land, including but not limited to activities that may impede or divert the flow of surface waters or adversely impact wetlands, for purposes consistent with the normal and customary practice of such occupation in the area; provided that such alteration is not for the sole or predominant purpose of impeding or diverting the flow of surface waters or adversely impacting wetlands. This exemption applies to lands classified as agricultural pursuant to section 193.461, F.S., and to activities requiring an ERP pursuant to Part IV of Chapter 373, F.S. This exemption does not apply to any activities previously authorized by an ERP or a management and storage of surface waters permit pursuant to Part IV of Chapter 373, F.S., or a dredge and fill permit issued pursuant to Chapter 403, F.S. While a District determination of exemption from permitting on the basis of this statutory exemption is not required in order for such activities to be exempt, the AGSWM program can be used to obtain District verification of this exemption.

1.4 Criteria and Flexibility.

The criteria contained in this AH II were established with the primary goal of meeting District water resource objectives as set forth in Chapter 373, F.S. Performance criteria are used where possible. However, the criteria set forth in this AH II are designed to be flexible. Other methods of meeting the overall objectives and the conditions for issuance set forth in Rules 62-330.301 and 62-330.302, F.A.C., will be considered depending on the magnitude of specific or cumulative impacts.

Compliance with the criteria herein constitutes a presumption that the proposed activity is in conformance with the conditions for issuance set forth in Rules 62-330.301 and 62-330.302, F.A.C. Pursuant to Section 373.4131, F.S., if a stormwater management system is designed in accordance with the criteria in this Handbook or if a system is constructed, operated, and maintained for stormwater treatment in accordance with a valid Environmental Resource Permit or exemption under Part IV of Chapter 373, the discharges from the system are presumed not to violate applicable state water quality standards.


1.5 Simultaneous Reviews.

Aside from purely technical aspects, legal and institutional factors also must be considered. Because of legal time constraints for processing permits, it is advisable for the applicant to contact other interested agencies, organizations, and affected citizens prior to submitting a
formal application to the District. Summaries of meetings and copies of responses from appropriate parties should be included in the application.

It may be in the applicant’s best interest to seek simultaneous reviews from all agencies with jurisdiction. This provision is not intended to preclude the submission of an application to this District prior to receiving other necessary approvals. However, coordinating the review of this application with all appropriate agencies of local government will help ensure that the final design approved by the District meets the requirements of all agencies. Applicants should note the possibility that additional requirements from agencies of local government not contained within the final approved design may necessitate a permit modification.

Issuance of an Environmental Resource Permit by the District does not relieve the applicant of the responsibility to obtain all necessary federal, state, local or special district permits or authorizations.

*History Note: Transferred from SWFWMD ERP Information Manual Part B, Basis of Review, Section 1.4, with amendments.*

**1.6 Compliance with Laws.**

Activities discussed herein must be conducted in accordance with all other applicable laws. Of specific note are those activities covered by laws including but not limited to:

- a. Section 404, Federal Water Pollution Control Act,
- b. Chapters 471, 472, 481, 492, F.S. – practice acts for registered professionals, including requirements for signing and sealing professional work
- c. Chapter 161, F.S. – Coastal construction
- d. Chapter 253, F.S. – State lands

*History Note: Transferred from SWFWMD ERP Information Manual Part B, Basis of Review, Section 1.5, with amendments.*

*[former section 1.5 – Explanation of Terms is renumbered as section 2.1]*
PART II — GENERAL CRITERIA

2.0 General Design and Performance Criteria for all Stormwater Management Systems.

This AH Volume II applies to the design of stormwater management systems that require a permit under Chapter 62-330, F.A.C., other than systems that qualify for a noticed general permit.

History Note: Adapted from NWFWMN AH II, section 2.0.

2.1 Definition and Terms.

The following terms are addressed in this AH II and apply within the Southwest Florida Water Management District. These terms are in addition to the definitions and terms that apply statewide and which are provided in AH I or in Chapter 62-330, F.A.C. or applicable statutes:

2.1.1 “Aquitard”

A tightly compacted soil structure that retards but does not prevent flow of water to or from an adjacent aquifer. It does not allow water to pass through it fast enough to be used as a water supply, but if breached, could allow mixing of water sources between adjacent aquifers.

2.1.2 “Alteration”

Any activity resulting in substantial expansion or change of a surface water management system that will increase or decrease the discharge of the system, increase pollutant loading, change the point or points of discharge, or intrude into or otherwise adversely impact wetlands by rim ditching, draining, filling or excavation. Routine custodial maintenance and repairs shall not constitute alterations.

2.1.3 "Closed Drainage Basin"

A drainage basin in which the runoff does not have a surface outfall up to and including the 100-year flood level.

2.1.4 "Control Device"

The element of a discharge structure which allows the gradual release of water under controlled conditions. This is sometimes referred to as the bleed-down mechanism or "bleeder." Examples include orifices, notches, weirs, and effluent filtration systems.

2.1.5 "Control Elevation"

The lowest elevation at which water can be released through the control device. This is sometimes referred to as the invert elevation.
2.1.6 "Detention"

The delay of storm runoff prior to discharge into receiving waters.

2.1.7 "Detention Volume"

The volume of open surface storage behind the discharge structure measured between the overflow elevation and control elevation.

2.1.8 "Directly Connected Impervious Areas"

Unless otherwise specifically stated in this AH II, directly connected impervious areas as considered in the calculation of volumes for treatment systems are those impervious and semi-impervious areas hydraulically connected to the treatment system directly or by pipes or ditches.

2.1.9 "Discharge Structure"

A structural device, usually of concrete, metal, etc., through which water is discharged from a project to the receiving water.

2.1.10 "Drainage Basin"

A subdivision of a watershed. District drainage basins are provided in section ----.

2.1.11 “Elevation"

The height in feet above mean sea level according to the appropriate established vertical data, such as North American Vertical Datum (NAVD) or National Geodetic Vertical Datum (NGVD).

2.1.12 "Historic Basin Storage"

The depression storage available on the site in the pre-development condition. The volume of storage is that which exists up to the required design storm.

2.1.13 "Historic Discharge"

The peak rate and/or amount of runoff which leaves a parcel of land by gravity from an undisturbed/existing site, or the legally allowable discharge at the time of permit application.

2.1.14 "Hydroperiod"

The duration of inundation in a wetland.

2.1.15 "Normal Water Level"

The design starting water elevation used when determining stage/storage design computations in a retention or detention area. A retention or detention system may have two (2) designated
"normal water levels" associated with it if the system is designed for both water quality and water quantity.

2.1.16 "Off-line Treatment System"

A system only for water quality treatment that collects project runoff and has no direct discharge capability other than percolation and evaporation. Off-line treatment systems provide storage of the treatment volume off-line from the primary conveyance path of flood discharges. A system utilizing detention with effluent filtration is not an off-line treatment system.

2.1.17 "On-line Treatment System"

A dual purpose system that collects project runoff for both water quality and water quantity requirements. Water quality volumes can be recovered through percolation, evaporation, filtration or detention.

2.1.18 "Open Drainage Basin"

Open drainage basins are all basins not meeting the definition of a closed drainage basin.

2.1.19 "Overflow Elevation"

The design elevation of a discharge structure at or below which water is contained behind the structure, except for that which leaks or bleeds out, through a control device down to the control elevation.

2.1.20 "Regulated Activity"

The construction, alteration, operation, maintenance, abandonment or removal of a system regulated pursuant to Part IV, Chapter 373, F.S., or Part V, Chapter 403, F.S.

2.1.21 “Surface Water or Stormwater Management System Facilities”

All components of a permitted surface water or stormwater management system including but not limited to all inlets, ditches, culverts, water control structures, retention and detention areas, ponds, lakes, floodplain compensation areas, wetlands and other surface waters and any associated buffer areas, and wetland mitigation areas.

2.1.22 "Water Management Areas"

Areas to be utilized for the conveyance or storage of surface water, mitigation, or perpetual operation and maintenance purposes.

History Note:  SWFWMD ERP Information Manual Part B, Basis of Review, section 1.7 [duplicative definitions deleted]; 2.1.21 derives from BOR section 2.6.2.2.5.

[BOR 2.6.2.2.5 requires HOA docs to contain a definition of surface water management system facilities and provides the above as a definition. Need to keep?]
2.2 Stormwater Management Systems — General Criteria.

All stormwater management systems must be designed, constructed, operated, and maintained in accordance with the stormwater quality criteria set forth in this AH II. In addition, all systems, whether a stand-alone system or a system that is part of a larger common plan of development or ownership, must also be designed, constructed or altered, and operated and maintained to comply with the stormwater quantity/flood control criteria set forth in this Volume.

History Note: Adapted from NWFWMD AH II, section 2.1.

2.3 Criteria for Evaluation – Reasonable Assurance.

A permit applicant must provide reasonable assurance that a surface water management system will meet the criteria in Rules 62-330.301 and .302, F.A.C. The conditions for issuance for a permit set forth in Rule 62-330.301, F.A.C., are as follows:

(a) Will not cause adverse water quantity impacts to receiving waters and adjacent lands;

(b) Will not cause adverse flooding to on-site or off-site property;

(c) Will not cause adverse impacts to existing surface water storage and conveyance capabilities;

(d) Will not adversely impact the value of functions provided to fish and wildlife and listed species by wetlands and other surface waters;

(e) Will not adversely affect the quality of receiving waters such that the water quality standards set forth in Chapters 62-4, 62-302, 62-520, and 62-550, F.A.C., including the antidegradation provisions of paragraphs 62-4.242(1)(a) and (b), F.A.C., subsections 62-4.242(2) and (3), F.A.C., and Rule 62-302.300, F.A.C., and any special standards for Outstanding Florida Waters (OFWs) and Outstanding National Resource Waters (ONRWs) set forth in subsections 62-4.242(2) and (3), F.A.C., will be violated;

(f) Will not cause adverse secondary impacts to the water resources. In addition to the criteria in this subsection and in subsection 62-330.301(2), F.A.C., in accordance with Section 373.4132, F.S., an applicant proposing the construction, alteration, operation, maintenance, abandonment, or removal of a dry storage facility for 10 or more vessels that is functionally associated with a boat launching area must also provide reasonable assurance that the facility, taking into consideration any secondary impacts, will meet the provisions of paragraph 62-330.302(1)(a), F.A.C., including the potential adverse impacts to manatees;
(g) Will not adversely impact the maintenance of surface or ground water levels or surface water flows established pursuant to Section 373.042, F.S., as set forth in Chapter 40D-8, F.A.C.;

(h) Will not cause adverse impacts to a work of the District established pursuant to Section 373.086. F.S.;

(i) Will be capable, based on generally accepted engineering and scientific principles, of being performed and of functioning as proposed;

(j) Will be conducted by an entity with the financial, legal, and administrative capability of ensuring that the activity will be undertaken in accordance with the terms and conditions of the permit, if issued; and

(h) Will comply with any applicable special basin or geographic area criteria rules incorporated by reference in Chapter 62-330, F.A.C.

History Note: Section 62-330.301, F.A.C. (Effective date); also transferred from 40D-4.301(1), F.A.C.

2.4 Professional Certification.

All construction plans, reports, specifications and supporting calculations submitted to the District for surface water management systems that require the services of a registered professional must be signed, sealed, and dated by such registered professional. A “registered professional” means a professional registered or licensed by and in the State of Florida and practicing under Chapter 471 (professional engineer), Chapter 472 (professional surveyor and mapper), Part II of Chapter 481 (landscape architect), or 492 (professional geologist), F.S.

History Note: Adapted from NWFWMD AH II section 2.3.

2.5 Tailwater Considerations.

“Tailwater” refers to the receiving water elevation (or pressure) at the final discharge point of the stormwater management system. Tailwater is an important component of the design and operation of nearly all stormwater management systems and can affect any of the following management objectives of the system:

(a) Peak discharge from the stormwater management system;

(b) Peak stage in the stormwater management system;

(c) Level of flood protection in the project;

(d) Recovery of peak attenuation and stormwater treatment volumes; and
(e) Control elevations, normal water elevation regulation schedules, and ground water
management.

History Note: Adapted from NWFWMD AH II section 2.7.

2.5.1 Tailwater For Water Quality Design.

Stormwater management systems designed in accordance with the water quality design
provisions in Part III of this AH II must provide a gravity or pumped discharge that effectively
operates (i.e., meets applicable rule criteria) under tailwater conditions. Acceptable criteria for
demonstrating effective tailwater conditions include such criteria as mean annual high tide for tidal
areas and mean annual wet-season high water elevation.

History Note: Adapted from NWFWMD AH II section 2.7.1.

2.5.2 Tailwater for Water Quantity Design.

Stormwater management systems designed in accordance with the water quantity provisions of
Part IV of this AH II must consider tailwater conditions. Receiving water stage can affect the
amount of flow that will discharge from the project to the receiving water. Applicants are advised
to use an appropriate time-stage relationship for a storm equal to the project design storm.

History Note: adapted from NWFWMD AH II section 2.7.1

2.5.3 Regulated Systems.

Design and maintained stage elevations should be available either from the local jurisdiction or
the District. Stages for frequencies other than the design will be estimated by the District upon
request from the applicant.


2.6 Retrofits of Existing Stormwater Water Management Systems.

A water quality retrofit is a project that adds treatment to an existing stormwater management
system or systems and results in reduced stormwater pollutant loadings from the existing
system or systems. For the purposes of this section, water quality retrofit projects shall not
serve new development or redevelopment. The applicant for a water quality retrofit project
must provide reasonable assurance that the project itself will not result in new adverse water
quality and quantity impacts to receiving waters.

If the applicant has conducted, and the District has approved, an analysis that provides
reasonable assurance that the proposed water quality retrofit will provide the intended pollutant
load reduction from the existing system or systems, the project will be presumed to comply with
the conditions for issuance.
A retrofit of an existing stormwater management system may be undertaken to relieve localized flooding. Retrofit projects that are designed to reduce existing flooding problems must be designed in a way that does not reduce stormwater treatment capacity or increase discharges of untreated stormwater. A water quantity retrofit project that discharges to an impaired water body must also include a design that provides for net improvement for those constituents that are causing or contributing to impairment in the receiving waters.

Applicants are advised that a general permit is available in section 62-330.451, F.A.C., for certain retrofit projects undertaken by local government stormwater utilities.

*History Note:* Derived from NWFWMD Applicant’s Handbook Volume II, section 2.10

2.6 Flexibility for State Transportation Projects and Facilities

Due to the unique limitations of state linear transportation projects and facilities, flexibility is needed in the permitting of stormwater management systems associated with such projects. To meet this need, subsection 373.413(6), F.S. (2012), requires that Reviewing Agencies take into consideration and balance the expenditure of public funds for stormwater treatment for state transportation projects with the benefits to the public in providing the most cost-efficient and effective method of achieving the treatment objectives of stormwater management systems, which include meeting state water quality standards or at a minimum demonstrating net improvement for discharges to impaired waters. To do so, alternatives to onsite treatment for water quality will be considered, which may include regional stormwater treatment systems.

2.6.1 Criteria for Implementing Stormwater Management and Treatment Alternatives for State Transportation Projects and Facilities

To enable Reviewing Agencies to take into consideration and balance costs and benefits associated with appropriate methods for stormwater treatment for a state transportation project proposed by the Florida Department of Transportation (FDOT), an analysis of available treatment alternatives must be undertaken and submitted to the Reviewing Agency for consideration in determining the most cost-efficient and effective approach to water quality treatment for the project. For each alternative considered, the applicant shall submit appropriate economic estimates for that alternative. In doing so the applicant shall demonstrate that the proposed activities reflect the most cost efficient and effective method of achieving stormwater objectives. Factors for the economic analysis shall include, but not be limited to, costs associated with land acquisition, earthwork, design, system installation, and system maintenance.

When onsite treatment is not considered to be the most cost-efficient and effective method of providing water quality treatment, alternatives to be considered may include offsite equivalent treatment, compensatory treatment or the use of regional stormwater treatment systems. In order of priority, treatment alternatives should be considered first within the same drainage basin or discharging to the same TMDL WBID, next within the TMDL Planning Unit and lastly within the TMDL Group, in advance of other alternatives. The TMDL WBID, Planning Units and...
Groups are established via Section 303(d) of the Federal Clean Water Act. Projects must still meet water quantity requirements for flows entering the system.

2.6.2 Department of Transportation Projects Involving Acquisition of Right-of-Way from Adjacent Properties

For FDOT projects that involve right-of-way acquisition, the proposed stormwater system must at a minimum address stormwater treatment and attenuation requirements for the acquired right-of-way area. If the proposed system is designed to accept all or a portion of offsite flows into the system, FDOT will not be required to abate pollutants and flows entering the system from offsite but may elect to receive and manage such offsite flows in the proposed system when cost-effective and prudent. Offsite flows may be accepted into the stormwater management system without providing additional water quality treatment for such flows. Offsite flow volumes accepted into the system will be accounted for in the water quantity design components of the system.

Where state transportation projects involve acquisition of right-of-way from adjacent properties that have permitted systems, FDOT will not be responsible for modifying any permit for such adjacent lands affected by the right-of-way acquisition for which it is not the permittee. As part of the demonstration of reasonable assurance that the proposed project meets the conditions for issuance set forth in Rules 62-330.301 and .302, F.A.C., FDOT will include as part of its permit application plans or sketches of alterations necessary to retain the functions of existing surface water storage and conveyance facilities located on adjacent parcels.

History Note: New; implements subsection 373.413(6), F.S. (2012)

2.5 District Drainage Basins and Watersheds.

Pursuant to paragraph 62-330.302(1)(b), F.A.C., cumulative impacts upon wetlands and other surface waters are analyzed by evaluating impacts to water quality and functions provided by wetlands and other surface waters within the same drainage basin. A regulated activity shall not cause unacceptable cumulative impacts upon wetlands and other surface waters within the same drainage basin as the regulated activity for which a permit is sought. Further information on cumulative impact assessment appears in sections 10.1 and 10.2 of AH I. The District’s adopted drainage basins for cumulative impact analysis and watersheds for mitigation bank purposes are the same and are set forth in Figure 2.5 which follows.
PART III -- STORMWATER QUANTITY/FLOOD CONTROL

3.0 General Stormwater Quantity and Flood Control Requirements.

Pursuant to the Conditions for Issuance in Section 62-330.301, F.A.C., an applicant must provide reasonable assurance that the proposed construction, alteration, operation, maintenance, removal or abandonment of the works or other activities regulated under ERP rules:

   a. Will not cause adverse water quantity impacts to receiving waters and adjacent lands;

   b. Will not cause adverse flooding to on-site or off-site property;

   c. Will not cause adverse impacts to existing surface water storage and conveyance capabilities; and

   d. Will not adversely impact the maintenance of surface or ground water levels or surface water flows established pursuant to Section 373.042, F.S., or Chapter 40D-8, F.A.C.

Utilization of the design criteria in this Part III will provide reasonable assurance of compliance with these conditions for issuance unless credible historical evidence of past flooding or the physical capacity of the downstream conveyance or receiving waters indicates that the conditions for issuance will not be met without consideration of storm events of different frequency or duration. In those instances, applicants shall be required to provide additional analyses using storm events of different duration or frequency than those referenced below, or to adjust the volume, rate or timing of discharges, to provide reasonable assurance of compliance with the conditions for issuance. Pre-application meetings are encouraged for projects in flood-prone areas to determine whether additional analysis is necessary to demonstrate reasonable assurance of compliance with the conditions for issuance.

History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 4.1

3.1 Discharge.

Off-site discharge is limited to amounts which will not cause adverse off-site impacts.

   a. For a project or portion of a project located within an open drainage basin, the allowable discharge is:

      1. historic discharge, which is the peak rate at which runoff leaves a parcel of land by gravity under existing site conditions, or the legally allowable discharge at the time of permit application; or

      2. amounts determined in previous District permit actions.
b. Except in situations as described in Section 3.0 above, off-site discharges and peak stages for the existing and developed conditions shall be computed using the Southwest Florida Water Management District's 24-hour, 25-year rainfall maps and the Natural Resources Conservation Service type II Florida Modified 24-hour rainfall distribution with an antecedent moisture condition II. See Appendix A for these items.

c. For a project or portion of a project discharging to a tidal water body, the peak discharge requirements of this section are not required, provided that the rate of discharge does not cause adverse impacts. Examples of tidal water bodies are the Gulf of Mexico and the Gulf Intracoastal Waterway, including manmade portions of the Gulf Intracoastal Waterway.

d. For a project or portion of a project located within a closed drainage basin, the required retention volume shall be the post-development runoff volume less the pre-development runoff volume computed using the Southwest Florida Water Management District's 24-hour/100-year rainfall map and the Natural Resources Conservation Service type II Florida Modified 24-hour rainfall distribution with an antecedent moisture condition II. The total post development volume leaving the site shall be no more than the total pre-development volume leaving the site for the design 100-year storm. The rate of runoff leaving the site shall not cause adverse off-site impacts. Maintenance of pre-development off-site low flow may be required in hydrologically sensitive areas.

e. When not in conflict with the objectives of recharge, dewatering, or maintaining ground water levels, projects serviced by a permitted or approved regional surface water management system may discharge stormwater runoff at the rate and volume established by the agency operating the regional stormwater system. The permittee must provide written verification from the operating agency stating the acceptable rate and volume of stormwater runoff from the project.

f. In no case shall the proposed surface water management system be required to account for storm events less frequent than the 25 year event in an open basin or the 100-year event in a closed basin.


3.2 Flood Protection.

Flood protection for structures should be provided as follows:

Residential buildings should have the lowest floor elevated above the 100-year flood elevation for that site.

Industrial, commercial or other non-residential buildings susceptible to flood damage should have the lowest floor elevated above the 100-year flood elevation or be designed and constructed so that below the 100-year flood elevation the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The design should take into account flood velocities, duration, rate of rise, hydrostatic and hydrodynamic
forces, the effect of buoyancy and impacts from debris. Flood proofing measures should be operable without human intervention and without an outside source of electricity.

Accessory buildings may be constructed below the 100-year flood elevation provided there is minimal potential for significant damage by flooding.

*History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 4.3.*

### 3.3 Flood Plain Encroachment.

No net encroachment into the flood plain, up to that encompassed by the 100-year event, which will adversely affect either conveyance, storage, water quality or adjacent lands will be allowed. Any required compensating storage shall be equivalently provided between the seasonal high water level and the 100-year flood level to allow storage function during all lesser flood events.

*History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 4.4.*

### 3.4 100-Year Flood Level Determination.

a. Flood elevations shall be determined using the most accurate information available, which can include:

1. Actual data, including water level, stream flow and rainfall records, or
2. Hydrologic/hydraulic modeling, or
3. Federal Flood Insurance Rate Maps and supporting flood study data.
4. Floodplain analysis studies approved by the District Governing Board.

b. Flood elevations shall be evaluated for accuracy considering the extent to which flood elevations are validated by site-specific data.

c. The 24 hour, 100-year storm shall be used to determine the 100-year flood elevation except in those circumstances where credible historical evidence exists that higher flood stages have occurred, and can be expected to re-occur, following more frequent storm events. In those cases, the 100-year flood elevation shall be determined using a 100-year storm of sufficient duration to exceed the flood stages observed following more frequent events.

*History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 4.4.1.*

### 3.5 Minimum Drainage.

Commercial and industrial projects to be subdivided for sale are required to install a minimum drainage system as described in (a) and (b) below. Projects permitted in such a manner shall require deed restrictions which notify lot or tract purchasers of the amount of additional on-site
storm water management system necessary to provide flood attenuation and any additional retention/detention required for water quality purposes.

a. The required water quality system must have treatment capacity for one inch of runoff if wet detention is used, or one-half inch of runoff if retention, effluent filtration or exfiltration is used, from the total developed site and contributing offsite area.

b. A stormwater collection and conveyance system must be provided to interconnect the retention/detention system with the project outfall, including access points to the system available to each individual lot or tract. The system shall be sized to limit discharge under full build-out design conditions to the allowable discharge.

_History Note:_ SWFWMD ERP Information Manual Part B, Basis of Review, Section 4.5.

### 3.6 Water Conservation, Low Flow and Base Flow Maintenance.

Where practicable, systems shall be designed to:

a. maintain water tables, base flows and low flows at the highest practicable level. The depth to which the water table can be lowered will be determined based on the potential adverse impact on recharge, the effect on water resources (quality and quantity), and the necessity for fill and its impact on existing natural upland vegetation; and

b. preserve site environmental values; and

c. not waste freshwater through overdrainage; and

d. not lower water tables which would adversely affect existing legal uses; and

e. preserve site groundwater recharge characteristics; and

f. retain water on-site for use and re-use for irrigation and other reasonable beneficial uses.


#### 3.6.1 Minimum Flows and Levels.

In addition to the design considerations in Section 3.6 above, the system shall not reduce or suppress the flow of a watercourse or the level of water in a wetland or other surface water or the level of ground water below a minimum flow or level that has been established pursuant to Section 373.042, F.S.

3.6.2 Water Withdrawals. The effects of water withdrawals shall not be considered as the ambient condition in the design of stormwater management systems permitted under Chapter 62-330, F.A.C., except to the extent that the long term success of mitigation would be adversely affected by such water withdrawals.

*History Note: SWFWMD ERP Information Manual Part B, Basis of Review Section 4.6.2.*

3.7 Historic Basin Storage.

Provision must be made to replace or otherwise mitigate the loss of historic basin storage provided by the project site.

*History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 4.7.*

3.8 Offsite Lands.

The application shall include provisions to allow drainage from off-site upgradient areas to downgradient areas without adversely altering the time, stage, volume, point or manner of discharge or dispersion and without degrading water quality.

*History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 4.8.*

3.9 Isolated Wetlands.

Isolated wetlands wholly owned or controlled by the applicant may be used for flood attenuation purposes when not in conflict with environmental or public use considerations.

*History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 4.9.*

3.10 Rural or Minor Subdivisions.

Rural or minor residential subdivisions constructed and operated in accordance with the design and construction criteria specified in AH II Section 5.10 will be presumed to provide reasonable assurance of compliance with the water quantity-related conditions for issuance described in Section 3.0.

*History Note: Adapted from 40D-40.301, F.A.C. (9/5/2010).*
PART IV -- STORMWATER QUALITY

4.0 Purpose.

Projects shall be designed so that discharges will meet applicable state water quality standards. Projects designed using the criteria found in this section shall be presumed to provide reasonable assurance of compliance with the state water quality standards referenced in Section 62-330.301(1)(e), F.A.C. The applicant may also provide reasonable assurance of compliance with state water quality standards by the use of alternative methods that will provide treatment equivalent to systems designed using the criteria specified in this section. If the applicant chooses to use alternative methods the District will determine whether the applicant has provided reasonable assurance based on information specific to the proposed design and submitted by the applicant.


4.1 Retention and Detention Criteria.

The volume of runoff to be treated from a site shall be determined by the type of treatment system, i.e., wet detention, detention with effluent filtration, on-line treatment system, or off-line treatment system. If off-site run-off is not prevented from combining with on-site runoff prior to treatment, then treatment must be provided for the combined off-site/project runoff.

a. Wet Detention Systems.

1. A wet detention treatment system shall treat one inch of runoff from the contributing area.

2. A manmade wet detention system shall include a minimum of 35 percent littoral zone, concentrated at the outfall, for biological assimilation of pollutants. The percentage of littoral zone is based on the ratio of vegetated littoral zone to the surface area of the pond at the control elevation. The littoral zone shall be no deeper than 3.5 feet below the design overflow elevation. The treatment volume should not cause the pond level to rise more that 18 inches above the control elevation. Mulching and/or planting is desirable but not required, unless the soils in the proposed littoral zone are not capable of supporting wetland vegetation. In this case mulching will be required. Native vegetation that becomes established in the littoral zone must be maintained as part of the operation permit.

3. Isolated natural wetlands can be used as a wet detention system when not in conflict with environmental or public use considerations.

   (a) If the required treatment volume cannot be detained within the limits of the isolated wetland boundaries and range of natural water levels, expansion of the wetland will be allowed when it can be shown that the excavation will not adversely impact the wetland.
(b) The treatment volume cannot adversely impact the wetland so that it fluctuates beyond the range of natural water levels. The available volume is determined based on site-specific conditions and an analysis of the isolated wetland to be used.

(c) Provisions must be made to remove sediment, oils and greases from runoff entering the wetland. This can be accomplished through incorporation of sediment sumps, baffles and dry grassed swales or a combination thereof. Normally, a dry grassed swale system designed for detention of the first one-fourth inch of runoff with an overall depth of no more than 4 inches will satisfy the requirement for prior removal of sediment, oils and greases.

4. The wet detention system's treatment volume shall be discharged in no less than 120 hours (5 days) with no more than one-half the total volume being discharged within the first 60 hours (2.5 days).

5. Due to the detention time required for wet detention systems, only that volume which drains below the overflow elevation within 36 hours may be counted as part of the volume required for water quantity storage under AH II Chapter 3.

6. Concepts and methods for determining design pool requirements and alternatives for wet detention system designs can be found in Appendix B – Wet Detention System Concepts and Alternatives.

History Note: SWFWMD ERP Information Manual Part B, section 5.2.a.1-5.

b. Detention with Effluent Filtration System (Manmade Underdrains).

1. A detention with effluent filtration system shall treat the runoff from the first one inch of rainfall; or as an option for projects or project subunits with drainage areas less than 100 acres, the first one-half inch of runoff. In determining the runoff from one inch of rainfall, the applicant must provide calculations determining runoff from the directly connected impervious and semi-impervious areas separately from any other contributing area.

2. Filtration systems shall have a minimum of 0.5 feet of vertical head between the center line of the perforated pipe and the normal water elevation or the pond bottom of the system. The seasonal high water level must be at least one foot below the center line of the perforated pipe (measured from the lowest point of the perforated pipe), or separated by structural means from the hydraulic contribution of the surrounding water table. The stormwater must pass through a minimum of two feet of the filter material before entering the perforated pipe.

3. Filtration systems shall have pore spaces large enough to provide sufficient flow capacity so that the permeability of the filter is equal to or greater than the surrounding soil. The design shall ensure that the filter medium particles do not move. The filter material shall be of a quality sufficient to satisfy the requirements listed below, but these requirements are not intended to preclude the use of multilayered filters nor the use of materials to increase ion exchange, precipitation or pollutant absorption capacity of the filter. The requirements are:
(a) Washed material meeting FDOT road and bridge specifications for silica sand and quart gravels, or mixtures thereof (less than 1 percent silt, clay and organic matter), unless filter cloth is used which is suitable to retain the silt, clay and organic matter within the filter; calcium carbonate aggregate is not an acceptable substitute;

(b) Uniformity coefficient 1.5 or greater; and

(c) Effective grain size of 0.20 to 0.55 millimeters in diameter.

4. The total detention volume shall again be available within 36 hours.

5. The treatment volume can be counted as part of the storage required for water quantity storage under AH II Chapter 3.

6. Maintenance of filter includes proper disposal of spent filter material.

7. The design of the system must be such that the water velocities and associated flow path through the storage pond do not cause the accumulated pollutants to be flushed out of the treatment pond up to the 25-year, 24-hour design storm.

History Note: SWFWMD ERP Information Manual Part B, section 5.2.b

c. On-line Treatment System.

1. An on-line treatment system shall treat the runoff from the first one-inch of rainfall; or as an option for projects or project sub-units with drainage areas less than 100 acres, the first one-half inch of run-off. In determining the runoff from one-inch of rainfall, the applicant must provide calculations determining runoff from the directly connected impervious and semi-impervious areas separately from any other contributing area.

2. Total treatment volume shall again be available within 72 hours, however, only that volume which can again be available within 36 hours may be counted as part of the volume required for water quantity storage under AH II Chapter 3.

3. The design of the system must be such that the water velocities and associated flow path through the storage pond do not cause the accumulated pollutants to be flushed out of the treatment pond up to the 25-year, 24-hour design storm.

History Note: SWFWMD ERP Information Manual Part B, section 5.2.c.

d. Off-line Treatment System.

1. Off-line treatment systems shall treat the runoff from the first one-inch of rainfall; or as an option for projects or project sub-units with drainage areas less than 100 acres, the first one-half inch of runoff. In determining the runoff from one-inch of rainfall, the applicant
must provide calculations determining run-off from the directly connected impervious and semi-
impervious areas separately from any other contributing area.

2. Total treatment volume shall again be available within 72 hours, however, only that volume which can again be available within 36 hours may be counted as part of the volume required for water quantity storage under AH II Chapter 3.

History Note: SWFWMD ERP Information Manual Part B, section 5.2.d

e. Underground Exfiltration Systems.

1. Systems shall be designed for the volumes specified in Section 4.1(d) for off-line treatment systems.

2. Systems must have the capacity to retain the required retention volume without considering discharges.

3. The seasonal high water level must be at least one foot below the bottom of the exfiltration pipe.

4. Systems should not be proposed for projects to be operated by entities other than single owners or entities with full time maintenance staffs.

5. A safety factor of 2.0 or more shall be applied to the exfiltration design to allow for geological uncertainties by dividing the exfiltration rate by the safety factor.

6. Total system required volume shall again be available within 72 hours.

7. Due to the maintenance requirements and life expectancy of exfiltrations systems, the treatment volume required in Section 4.1(d) cannot be counted as part of the storage volumes required under AH II Water Quantity Section 3.3.

8. Exfiltration systems shall comply with the following construction requirements:

   a. Pipe diameter must be a minimum of 12 inches;

   b. Trench width must be a minimum of 3 feet;

   c. Rock material in trenches must be enclosed in filter material; and

   d. Maintenance sumps must be provided in inlets.

History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Sections 5.7 and 6.5.

f. Discharges to Outstanding Florida Waters.
Projects discharging directly into Outstanding Florida Waters (OFW) shall be required to provide treatment for a volume 50 percent more than required for the selected treatment system (wet detention, detention with effluent filtration, on-line retention or off-line retention).

History Note: SWFWMD ERP Information Manual Part B, section 5.2.e.

g. Where Ambient Water Quality Does Not Meet Standards.

In instances where an applicant is unable to meet water quality standards because existing ambient water quality does not meet standards and the system will contribute to this existing condition, mitigation for water quality impacts can consist of water quality enhancement. In these cases, the applicant must implement mitigation measures that are proposed by or acceptable to the applicant that will cause net improvement of the water quality in the receiving waters for those contributed parameters that do not meet standards.

History Note: SWFWMD ERP Information Manual Part B, section 3.2.4.5.

h. Off-site Treatment Volumes.

Off-site treatment volumes shall be the total runoff from one-inch of rainfall over the contributing off-site area. The runoff from the directly connected impervious and semi-impervious contributing areas shall be determined separately from the runoff from the other contributing areas.

History Note: SWFWMD ERP Information Manual Part B, section 5.2.f.

4.2 Public Supply Wells.

Surface water treatment systems shall not be located closer than 100 feet from public water supply wells.

History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 5.3

4.3 Sewage Treatment Percolation Ponds.

Above ground pond dikes shall not be located within 200 feet of water bodies or 100 feet of dry retention areas. The applicant may propose specific alternative measures that are equivalent to these criteria in their effectiveness to protect the water resources and adjacent property. The applicant shall provide the District with reasonable assurance based on the plans, calculations and other information specific to the design proposed.

History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 5.4.
4.4 Solid Waste Facilities.

Surface water management systems for Class I and II solid waste facilities, as defined in Chapter 62-7, F.A.C., shall be designed and constructed to maintain the integrity of the landfill at all times including construction, operation, closure and post closure. Applicants should consult with District staff prior to submittal of an application to determine the specific requirements which will apply for a particular project.

History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 5.5.

4.5 Alterations to Existing Public Roadway Projects.

Alterations to existing public roadway projects will be required to treat a volume equal to those specified in Section 4.1 and the contributing area according to the following options:

a. The contributing area(s) to be used in calculating the required treatment volume will be:

1. For off-line treatment systems and on-line treatment systems, including wet detention, which provide storage of the treatment volume off-line from the primary conveyance path of flood discharges, use the area of new pavement.

2. For all other on-line treatment systems, including wet detention, use the entire on-site directly connected impervious areas contributing to the system; directly connected impervious areas are those new and existing pavement areas connected to the treatment systems by pavement or pipe that contribute untreated runoff.

b. When alterations involve extreme hardship, in order to provide direct treatment of new project area, the District will consider proposals to satisfy the overall public interest that shall include equivalent treatment of alternate existing pavement areas to achieve the required pollution abatement. For example, existing untreated contributing areas not otherwise required to be included for treatment may be included for treatment by the system in lieu of direct treatment of new project area when the pollution abatement is equivalent and benefits the same receiving waters.

c. Existing treatment capacity being displaced by any roadway project will require additional compensating treatment volume. Additional volume is also required for projects that discharge directly to OFW's. (See Section 4.1.f.)

Subsection 373.413(6), F.S. (2012), requires that Agencies exercise flexibility in the permitting of stormwater management systems associated with the construction or alteration of systems serving state transportation projects and facilities. See Section 2.6 of this AH II for provisions relating to state transportation projects and facilities.

4.6 Water Quality Monitoring.

All non-exempt surface water management systems will be evaluated based on the ability of the system to prevent degradation of receiving waters and its ability to conform to state water quality standards.

*History Note: SWFWMD ERP Information Manual Part B Basis of Review, Section 5.9.*

4.7 General and Special Conditions Related To Water Quality Monitoring By Permittees.

a. If the applicant utilizes design criteria found in this chapter, monitoring will not be required.

b. Monitoring shall be required when the applicant proposes design criteria not found in this chapter, and does not have specific test data or other data to support that state water quality standards will be met.

c. Monitoring may be required in cases where there may be a real and immediate concern regarding degradation of quality in the receiving waters, regardless of the pollutant removal efficiency of the drainage system.

d. The reason for the monitoring requirement will be stated in each permit for which water quality monitoring is required, along with the monitoring schedule and the parameters of interest. Samples will be collected at discharge locations unless other locations are identified in the monitoring schedule. Monitoring schedules will require the periodic collection of samples. Permittees will also be required to collect samples during storm events, provide the rate of discharge and total discharge quantities at the time of sample collection, if necessary to ensure that state water quality standards will be met.

e. Permits for projects not requiring water quality monitoring at the time of permit issuance will include a statement that water quality monitoring will be required in the future if necessary to ensure that state water quality standards are being met. This should not be construed as an indication that the District is contemplating the implementation of a program of intensive water quality monitoring by all permittees.


4.8 Compensating Stormwater Treatment.

Occasionally, applicants find that it is impractical to construct a stormwater management system to capture the runoff from a portion of the project site due to on-site conditions such as extreme physical limitations, availability of right-of-way, or maintenance access. Two methods have been developed to compensate for the lack of treatment for a portion of a project. The first method is to treat the runoff that is captured to a greater extent than required by rule (i.e., "overtreatment"). The second method is to provide treatment for an off-site area which currently
is not being treated (i.e., "off-site compensation"). Each method is designed to furnish the same level of treatment as if the runoff from the entire project site was captured and treated in accordance with the provisions of this Volume.

Either of these methods will only be allowed as a last resort and the applicant is strongly encouraged to schedule a pre-application conference with District staff to discuss the project if these alternatives are being considered. Other rule criteria, such as peak discharge attenuation, will still have to be met if the applicant utilizes these methods. Each alternative is described in more detail in the following sections.

*History Note: NWFWMD AH II section 2.11.*

### 4.8.1 Overtreatment.

Overtreatment means to treat the runoff from the project area that does flow to a treatment system to a higher level than the rule requires, to make up for the lack of treatment for a portion of the project. The average treatment efficiency of the areas treated and the areas not treated must meet the pollutant removal goals of Chapter 62-40, F.A.C., (i.e., 80% removal for discharges to Class III waters and 95% removal for systems which discharge to OFWs). To meet these goals, the area not being treated generally must be small (less than 10%) in relation to the area which is captured and treated. Staff can aid in determining the proper level of overtreatment for a particular situation.

*History Note: NWFWMD AH II Section 2.11.1.*

### 4.8.2 Off-site Compensation.

Off-site compensation means to provide treatment to compensate for the lack of treatment for portions of the proposed project. The following conditions must be met when utilizing off-site compensation:

- (a) The off-site area must be in the same watershed and benefit the same receiving water body as the proposed project, and should be in the closest vicinity practicable to the location of those untreated stormwater discharge(s) requiring compensating treatment; and

- (b) The applicant shall use modeling or other data analysis techniques that provide reasonable assurance that the compensating treatment system removes at least the same amount of stormwater pollution loading as was estimated from the untreated project area.

*History Note: NWFWMD AH II Section 2.11.2.*
PART V –CONSTRUCTION DESIGN REQUIREMENTS

5.0 Design Criteria.

The design criteria and construction requirements applicable within this District for stormwater management system discharge or control structures, retention and detention areas and other system features are set forth in this chapter. To assist the applicant, additional reference materials and figures useful in designing stormwater management systems appear in the Appendices and should be consulted.

*History Note: New*

5.1 Discharge Structures.

a. The construction design for all surface water systems shall be adequate to meet all design criteria and performance standards referred to in this rule. Provision shall be made for the controlled release of water volumes in excess of that caused by the design storm event to ensure adequate performance of the system and its continued safe operation. Construction designs shall include adequate provisions to allow operation and maintenance activities and to prevent unauthorized operation of operable structures.

b. All design discharges shall be made through structural discharge facilities. Discharge structures shall be fixed so that discharge cannot be made below the control elevation, except that emergency operation devices may be designed and installed with secure locking mechanisms.

c. Non-operable discharge structures shall not be constructed so that they are operable.

d. Discharge structures shall include gratings for safety and maintenance purposes. The use of trash collection screens is desirable.

e. Discharge structures for water quality systems shall include a "baffle" system to encourage discharge from the center of the water column rather than the top or bottom. Discharge structures from areas with greater than 50 percent impervious and semi-impervious area or from systems with inlets in paved areas shall include a baffle, skimmer, or other mechanism suitable for preventing oil and grease from discharging from detention and on-line treatment systems.

f. Direct discharges, such as through culverts, stormdrains, weir structures, etc., will be allowed to receiving waters which by virtue of their large capacity, configuration, etc. are easily able to absorb concentrated discharges. Examples of such receiving waters include existing storm sewer systems and man-made ditches, canals and lakes.

g. Indirect discharges, such as overflow and spreader swales, are required where the receiving water or its adjacent supporting ecosystem might be degraded by a direct discharge. The discharge structure must discharge into the overflow, spreader swale, etc.
which in turn releases the water to the actual receiving water. Affected receiving waters include
natural streams, lakes, marshes, isolated wetlands and land naturally receiving overland sheet
flow.

h. Pumped systems will only be allowed for single owner or governmental agency
operation entities, unless perpetual operation ability can be guaranteed.


5.2 Control Devices/Bleed-Down Mechanisms for Detention Systems.

a. When not in conflict with meeting the District's pre-/post-peak discharge
requirement or a more restrictive local government discharge requirement, gravity control
devices normally shall be designed to discharge one-half of the detention volume required by
Chapter 4, within 24 hours. Devices incorporating dimensions smaller than six square inches of
cross sectional area or two inches minimum dimension or less than 20 degrees for "V" notches
shall include a device to eliminate clogging. Such devices include baffles, grates, pipe elbows,
etc.

b. Gravity control devices for wet detention water treatment systems as specified in
Chapter 5 are required to be designed to meet the bleed-down times specified therein. Devices
incorporating dimensions smaller than those indicated in a. above, must include a device to
eliminate clogging. Such devices include baffles, grates, pipe elbows, etc.

c. Wet detention systems designed for both water treatment (quality) and
attenuation of the design storm (quantity) must incorporate the requirements of a. and b. above.


5.3 Maintenance Considerations. The design of retention areas shall incorporate
consideration of sediment removal, regular maintenance and vegetation harvesting procedures.

History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 6.3.

5.4 Retention and Detention Areas.

5.4.1 Dimensional Criteria (as measured at or from the control elevation).

a. Width - Wet detention water quality treatment systems shall be designed with a
100 foot minimum width for linear areas in excess of 200 feet in length. Area and width
requirements will be waived for projects to be operated by single owner entities, or entities with
full time maintenance staffs with a particular interest in maintaining the area, e.g., golf courses.
Treatment areas not meeting the above width to length ratio will be approved if the permittee
can demonstrate that the design of the system will maximize circulation by location of inflow and outflow points.

b. Depth - The detention or retention area shall not be excavated to a depth that breaches an aquitard such that it would allow for lesser quality water to pass, either way, between the two systems. In those geographical areas of the District where there is not an aquitard present, the depth of the pond shall not be excavated to within two (2) feet of the underlying limestone which is part of a drinking water aquifer.

c. Side slopes – for purposes of public safety, water quality treatment and maintenance, all retention or detention areas should have stabilized side slopes no steeper than 4:1 (horizontal:vertical) out to a depth of two feet below the control elevation. Except as provided for in paragraph 6.4.1(d), constructed side slopes steeper than 3.5:1 (horizontal:vertical) shall be considered a substantial deviation from the permitted design.

d. For purposes of public safety, side slopes designed or permitted steeper than 4:1 will require a six foot chain link fence or other protection sufficient to prevent accidental incursion into the retention or detention area. In determining the sufficiency of other protection measures, consideration shall be given to the depth and morphometry of the detention or retention area, surrounding land uses, degree of public access, and likelihood of accidental incursion.

e. For wet detention systems, the bottom elevation of the pond must be at least one foot below the control elevation.

History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 6.4.1 for (a) – (d); Section 1.7.4 for (e).

5.4.2 Maintenance Access.

Perimeter maintenance and operation easements, with a minimum width of 20 feet and slopes no steeper than 4:1 (horizontal:vertical), should be provided landward of the control elevation water line. Widths less than 20 feet are allowed when it can be demonstrated that equipment can enter and perform the necessary maintenance for the system.

History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 6.4.2.

5.5 Exfiltration Systems Dimensional Criteria.

Exfiltration systems shall comply with the following construction requirements:

a. Pipe diameter must be a minimum of 12 inches;

b. Trench width must be a minimum of 3 feet;

c. Rock material in trenches must be enclosed in filter material; and

d. Maintenance sumps must be provided in inlets.
5.6 Management of Runoff from Impervious and Semi-Impervious Areas.

Runoff shall be discharged from impervious and semi-impervious surfaces into retention areas, or through detention devices, filtering and cleansing devices, or subjected to some type of Best Management Practice (BMP) prior to discharge from the project site. For projects, which include substantial paved areas, such as shopping centers, large highway intersections with frequent stopped traffic, and high density developments, provisions shall be made for the removal of oil, grease and sediment from storm water discharges.


5.7 Stagnant Water Conditions.

Configurations which create stagnant water conditions, such as dead end canals, are prohibited, regardless of the type of development.


5.8 Sediment Sumps.

Sediment sumps shall comply with the following:

   a. Sumps shall remove a particle size of .1 mm in diameter (approximately a No. 100 sieve size) unless it can be shown another grain size is more appropriate for the site.

   b. Sumps shall be designed for an inflow rate equal to the design peak flow rate of the project's internal storm water system.

   c. A maintenance schedule for sediment and vegetation removal must be included.


5.9 Dam Safety.

All dams must be designed, constructed, operated and maintained consistent with generally accepted engineering practices as applied to local conditions, considering such factors as type of materials, type of soils and degree of compaction, hydrologic capacity, construction techniques and hazard rating. A document that provides useful information for this purpose is Design of Small Dams, U.S. Department of the Interior, Bureau of Reclamation, Third Edition, 2006.

History Note: Adapted from NWFWMD AH I Section 8.4.7.
5.10 Rural or Minor Residential Subdivisions.

a. Rural or minor residential subdivisions typically are designed to have large multi-acre lots and minimal roadways that, together, result in a relatively small amount of additional impervious or semi-impervious surfaces compared to pre-developed conditions. Rural or minor residential subdivisions that are designed in accordance with the following parameters will be considered to not cause significant adverse impacts to occur individually or cumulatively and will meet the applicable water quality and water quantity design criteria for permit issuance:

(1) The proposed activities will occur in, on or over less than 100 square feet of wetlands or other surface waters. Road or driveway crossings of ditches constructed in uplands will not be counted against the 100 square foot limit.

(2) The activities will not utilize pumps for storm water management.

(3) The activities will not utilize storm drainage facilities larger than one 24-inch diameter pipe, or its equivalent.

(4) Discharges from the site will meet state water quality standards.

(5) The proposed building floors will be above the 100 year flood elevation.

(6) The surface water management system can be effectively operated and maintained.

(7) Roadways within the subdivision will consist of paved or unpaved stabilized roads with an unyielding subgrade.

(8) The drainage system will not act in a manner that would divert and channelize large areas of overland sheet flow, thereby creating point source discharges that will adversely affect wetlands, or areas beyond the applicant’s perpetual control.

(9) Point discharges will not exceed the capacity of receiving waters.

(10) All terminal discharge structures are designed to withstand the 25-year, 24-hour post-development discharge without functional failure.

(11) The proposed post-development impervious and semi-impervious surfaces will not exceed a five percent (5%) increase over pre-developed conditions.

(12) Proposed or projected construction will maintain a minimum 75 foot vegetated buffer, which includes a 25 foot perpetually undisturbed buffer upland of all wetlands and other surface waters. Only the 25 foot perpetually undisturbed buffer will be required adjacent to an isolated wetland entirely located within an individual residential lot.

(13) Proposed or projected construction will maintain a minimum 75 foot buffer adjacent to all project boundaries.
b. The applicant’s demonstration of compliance with this subsection shall include provision of a typical lot layout showing proposed driveways, buildings, and other impervious and semi-impervious areas and the anticipated percentage of impervious and semi-impervious surfaces resulting from projected construction on individual residential lots.

c. The boundaries of the surface water management system, wetlands, surface waters and buffers shall be recorded in plats or easements and included in any declaration of covenants, conditions, easements and restrictions and shall be identified in all sales contracts by the developer. These recorded documents shall be perpetual and applicable to all future sales of property within the development. Language shall also be contained in the recorded documents notifying all individual lot owners that permits are required if any of the following items are proposed:

1. Alteration to the surface water management system; or
2. Encroachment into the wetlands, wetland buffers, or adjacent off-site property line buffers.

History note: Transferred from 40D-40.301(1) and (2), F.A.C.

5.11 Sensitive Karst Areas.

“Karst” is a geologic term used to describe areas where landscapes have been affected by the dissolution of limestone or dolostone, including areas where the formation of sinkholes is relatively common. In parts of the District, limestone (or dolostone) that makes up or comprises the Floridan Aquifer System occurs at or near the land surface. Sediments overlying the limestone can be highly permeable. Due to its chemical composition, limestone is susceptible to dissolution when it interacts with slightly acidic water. “Sensitive karst areas” reflect areas with hydrogeologic and geologic characteristics relatively more conducive to potential contamination of the Floridan Aquifer System from surface pollutant sources. The formation of karst-related features, such as sinkholes, is also more likely to occur in these areas.

Especially in sensitive karst areas, stormwater management systems must be designed and constructed to prevent direct discharge of untreated stormwater into the Floridan Aquifer System. Systems also must be designed and constructed in a manner that avoids breaching an aquitard and such that construction excavation will not allow direct mixing of untreated water between surface waters and the Floridan Aquifer System. The system shall also be designed to prevent the formation of solution pipes or other types of karst features in any known sensitive karst area. Test borings located within the footprint of a proposed stormwater management pond must be plugged in a manner to prevent mixing of surface and ground waters.

As provided in AH II Section 5.4.1.b, in areas where karst conditions are present, the detention or retention area shall not be excavated to a depth that breaches an aquitard such that it would allow for lesser quality water to pass, either way, between the two systems.

Figures depicting conditions that may occur when retention or detention ponds are constructed in sensitive karst areas appear in Appendix C.
History Note: Adapted from NWFWMMD AH II sections 17.1 and 17.3; SWFWMD ERP Information Manual Part B, Basis of Review, Section 6.4.1.b.
PART VI – DESIGN INFORMATION

6.0 Design Criteria.

The design criteria set forth in this section are applicable within this District.

History Note: New

6.1 Antecedent Conditions.

Within this District, the antecedent condition will be the normal average wet season (AMC II).


6.2 Rainfall Volume.

The rainfall isohyetal maps in AH II APPENDIX A will be used to determine rainfall amounts.

History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 7.2; Part D Project Design Aids.

6.3 Rainfall Distribution.

The Natural Resource Conservation Service Type II Florida Modified rainfall distribution will be used unless the applicant demonstrates that a different distribution better characterizes the actual rainfall distribution based on rainfall record.

History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 7.3.

6.4 Open Surface Storage.

If open surface storage is to be considered in the review, the applicant must submit stage-storage computations. If open surface storage plus discharge is to be considered, the stage discharge computations will also be submitted. Actual rather than allowable discharges shall be used in routing. Discharges will be based on the tail water resulting from the normal seasonal high water elevation of the receiving waters. For extreme events, such as the 100-year frequency, discharge will be based on the tail water resulting from a 100-year flood on the receiving waters.

History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 7.4.1.

6.5 Ground Surface Infiltration.
Ground surface infiltration will be reviewed on the basis of commonly accepted procedures such as those of Soil Conservation Service (see U.S. Department of Agriculture, Soil Conservation Service Technical Paper No. 149, "A Method for Estimating Volume and rate of Runoff in Small Watersheds" (1973), and U.S. Department of Agriculture, Soil Conservation Service Technical Release No. 55, "Urban Hydrology for Small Watersheds" (1975); or Rational Method (see State of Florida Department of Transportation, "Drainage Manual" (1987); or standard civil engineering textbooks), unless test data are submitted to justify other procedures.

Additional, more current references and design aids are listed in Appendix D.


### 6.6 Subsurface Exfiltration.

Subsurface exfiltration will be reviewed only on the basis of representative or actual test data submitted by the applicant. Tests shall be consistent as to elevation, location, soils, etc. with the system design to which the test data will be applied.


### 6.7 Runoff.

The usual methods of computation of runoff are as follows:

a. Rainfall minus losses and storage.

b. Soil Conservation Service (see U.S. Department of Agriculture, Soil Conservation Service, "National Engineering Handbook, Section 4, Hydrology." Additional, more current reference sources and design aids can be found in Appendix D.)

c. Rational method, for systems serving projects of less than 10 acres total contributing area (see State of Florida Department of Transportation, "Drainage Manual" Volume 2A 1987; or standard civil engineering texts. Additional, more current references and design aids are listed in Appendix D).

d. Other alternative methods and criteria proposed by the applicant that are functionally equivalent to the criteria in District rules. The applicant shall provide the District with reasonable assurance of such equivalency based on the submitted plans, calculations and other information.


### 6.8 Allowable Discharges.
Peak discharge, for purposes of meeting maximum allowable discharges, is computed as the maximum average discharge over a time period equal to the time of concentration of the contributory area.

*History Note: SWFWMD ERP Information Manual Part B, Basis of Review, Section 7.8.1*
APPENDICES

APPENDIX A – Part D of SWFWMD ERP Information Manual – Rainfall Maps

APPENDIX B – Concepts and Methods for Determining Design Pool Requirements and Alternatives for Wet Detention Systems


APPENDIX D – References and Design Aids for Designing Effective Stormwater Treatment Systems

APPENDIX E – References and Website Links for Agricultural Best Management Practices and Materials

APPENDIX F – Drainage Basins Within the SWFWMD — [moved to Section 2.5]

Note: AH I states: Appendix F of Applicant’s Handbook Volume II for each District contains guidance on the extent to which alteration of a system previously permitted under Rule 17-4.248, F.A.C. (in effect between March 1, 1979 and February 1, 1982), or Chapter 62-25, F.A.C. (Chapter 17-25, F.A.C., between February 1, 1982, and July 1994) will not be considered to continue to qualify for those “grandfathering” provisions.

AH I also states: Additional information on addresses of satellite and branch offices are contained in AH II Appendix XX

APPENDIX G - Addresses and contacts for District offices

Airport Best Management Practices Manual (proposed) STILL??
Item 14

Consent Agenda
December 18, 2012

Executive Director’s Report

Approve Governing Board Monthly Minutes – November 27, 2012

Staff Recommendation: See Exhibit

Approve the minutes as presented.

Presenter: Blake C. Guillory, Executive Director
MINUTES OF THE MEETING
GOVERNING BOARD
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
HAINES CITY, FLORIDA NOVEMBER 27, 2012

The Governing Board of the Southwest Florida Water Management District (SWFWMD) met for its regular meeting at 9:05 a.m. on November 27, 2012, at the Lake Eva Banquet Hall in Haines City. The following persons were present:

Board Members Present
H. Paul Senft, Chair
Douglas B. Tharp, Vice Chair
Albert G. Joerger, Secretary
Jeffrey M. Adams, Treasurer
Michael A. Babb, Member
Carlos M. Beruff, Member
Jennifer E. Closshey, Member
Wendy Griffin, Member
Randall S. Maggard, Member
George W. Mann, Member

Staff Members
Blake C. Guillory, Executive Director
Laura J. Donaldson, General Counsel
Robert R. Beltran, Assistant Executive Director
David T. Rathke, Chief of Staff
Mark A. Hammond, Division Director
Michael L. Holtkamp, Division Director
Alba E. Más, Division Director
Board’s Administrative Support
LuAnne Stout, Administrative Coordinator

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

PUBLIC HEARING (Track 1 – 00:00/2:31, Video – 00:00)

1. Call to Order
Chair Senft called the meeting to order and opened the public hearing. Mr. Adams noted a quorum was present. (Track 2 – 00:00/00:24)

2. Pledge of Allegiance and Invocation
Ms. Closshey offered the invocation. Chair Senft led the Pledge of Allegiance to the Flag of the United States of America.

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

Chair Senft stated that anyone wishing to address the Governing Board concerning any item listed on the agenda or any item that does not appear on the agenda should fill out and submit a speaker’s card. To assure that all participants have an opportunity to speak, a member of the public may submit a speaker’s card to comment on agenda items only during today's meeting. If the speaker wishes to address the Board on an issue not on today's agenda, a speaker's card may be submitted for comment during "Public Input." Chair Senft 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. (Track 2 – 00:24/05:18)
3. **Oath of Office for Newly Appointed or Reappointed Board Members**
   Ms. Lou Kavouras, Bureau Chief, Board and Executive Services, administered the Oath of Office to Mr. George W. Mann who was appointed by Governor Scott on November 7, 2012 to represent Polk County on the District’s Governing Board and serve until March 1, 2013. (Track 2 – 05:30/06:15, Video – 06:01)

4. **Welcoming Remarks by Haines City Mayor Wilkinson**
   Mayor Joanna Wilkinson welcomed the Board members and staff to Haines City. She noted that the Lake Eva Banquet Hall was opened about four and a half years ago and is well used by the community. Mayor Wilkinson said a new city hall has just opened and a new library will be available soon. She encouraged Board members to visit the downtown area. (Track 2 – 06:15/10:00)

   Chair Senft noted that Polk City Mayor Joe LaCascia was present.

5. **Additions/Deletions to Agenda** (Video – 11:16)
   The Governing Board may take official action at this meeting on any item appearing on this agenda and on any item that is added to this agenda as a result of a change to the agenda approved by the presiding officer of the meeting pursuant to Section 120.525, Florida Statutes. Mr. Guillory noted there are two items moved and one deletion as follows:

   **CONSENT AGENDA**
   **Regulation Committee**
   The following item was moved for discussion:
   7.c. WUP No. 20004817.010, Twenty-Twenty Groves, Inc. / Charlie Creek Grove (Hardee County)

   **Resource Management Committee**
   The following item was moved for discussion:
   10.b. FARMS Program – Twenty-Twenty Groves, Inc. (H692), Hardee County

   Mr. Maggard moved, seconded by Ms. Closshey, to approve the amended agenda. Motion carried unanimously.

   The following public hearing was deleted:
   11:00 A.M. -- **PUBLIC HEARING FOR A TIME CERTAIN**
   44. Hearing on Proposed Rule 40D-2.321, F.A.C. (if requested within 21 days of publication of the Notice of Proposed Rule in the Florida Administrative Register)

   Mr. Maggard amended the motion to include deletion of Item 44. Ms. Closshey seconded the amended motion and it carried unanimously. (Track 2 – 10:00/012:00)

6. **Public Input for Issues Not Listed on the Published Agenda** (Video – 20:36)
   Chair Senft noted that were no Request to Speak cards submitted for issues not listed on the published agenda.

   **CONSENT AGENDA** (Video – 13:26)
   Item 7.c. was moved to the Regulation Committee for discussion. Item 10.b. was moved to the Resource Management Committee for discussion.

   **Regulation Committee**
   7. **Individual Water Use Permits (WUPs) Referred to the Governing Board**
   a. **WUP No. 20020319.000, Live Oak Enterprises, LLC / Live Oak Enterprise, LLC (Marion County)**
      Staff recommended the Board approve the proposed permit as included in the Board’s meeting materials.
b. **WUP No. 20005122.005, Whitehurst Cattle Company / Whitehurst Cattle Company (Marion and Levy County)**
   Staff recommended the Board approve the proposed permit as included in the Board’s meeting materials.

c. **WUP No. 20004817.010, Twenty-Twenty Groves, Inc. / Charlie Creek Grove (Hardee County)**
   – This item was moved to the Regulation Committee.

d. **WUP No. 20011794.002, Tampa Bay Water / Alafia River Withdrawal Facility (Hillsborough County)**
   Staff recommended the Board approve the proposed permit as included in the Board’s meeting materials.

e. **WUP No. 20004345.012, Sunnyridge Farm / Mixon Family Farms (Polk County)**
   Staff recommended the Board approve the proposed permit as included in the Board’s meeting materials.

**Resource Management Committee**

8. **Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code (F.A.C.), to Adopt Minimum and Guidance Levels for Tooke Lake and Whitehurst Pond in Hernando County**
   Staff recommended the Board:
   (1) Accept the reports entitled, “Proposed Minimum and Guidance Levels for Tooke Lake in Hernando County” and “Proposed Minimum and Guidance Levels for Whitehurst Pond in Hernando County,” both dated October 9, 2012;
   (2) Authorize staff to make any necessary clarifying or minor technical changes that may result from the rulemaking process and to complete report finalization; and
   (3) Initiate and approve rulemaking to amend Rule 40D-8.624, F.A.C., and add guidance and minimum levels for Tooke Lake and Whitehurst Pond in Hernando County.

9. **Conservation Easements for Habitat Restoration Projects**
   Staff recommended the Board accept the conservation easements for the Cotanchobee Shoreline Restoration Project; the Ribbon of Green/USF Park Restoration Project; the Newman Branch Habitat Restoration Project, including the amendment to incorporate Phase 2; the Stewart Middle School Shoreline Restoration Project; and the Runaway Bay Shoreline Restoration Project.

    a. **Bentley Farms, LLC (H688), Hardee County**
       Staff recommended the Board:
       (1) Approve the Bentley Farms, LLC project for a not-to-exceed reimbursement of $677,500; with $677,500 provided from State Appropriations allocated to the Governing Board;
       (2) Authorize the transfer of $677,500 of State Appropriations from fund 010 H017 Governing Board FARMS Funds to the H688 Bentley Farms, LLC project fund; and
       (3) Authorize the Resource Management Division Director to execute the agreement.

    b. **Twenty-Twenty Groves, Inc. (H692), Hardee County**
       – This item was moved to the Resource Management Committee.

    c. **Sizemore Farms, Inc. - Holloman Road (H690), Hillsborough County**
       Staff recommended the Board:
       (1) Approve the Sizemore Farms Inc. – Holloman Road project for a not-to-exceed project reimbursement of $207,750 with $207,750 provided from State Appropriations allocated to the Governing Board;
       (2) Authorize the transfer of $207,750 of State Appropriations located in fund 010 H017 Governing Board FARMS Funds to the 010 H690 Sizemore Farms, Inc. – Holloman Road project fund; and
       (3) Authorize the Resource Management Division Director to execute the agreement.

    d. **Orange & Blue Groves, Inc. (H691), Polk County**
       Staff recommended the Board:
       (1) Approve the Orange & Blue Groves, Inc. project for a not-to-exceed project reimbursement of $12,500 provided from State Appropriations allocated to the Governing Board;
(2) Authorize the transfer of $12,500 of State Appropriations from fund 010 H017 Governing Board FARMS Funds to the H691 Orange & Blue Groves, Inc. project fund; and
(3) Authorize the Resource Management Division Director to execute the agreement.

Finance & Administration Committee

11. Budget Transfer Report
   Staff recommended the Board approve the Budget Transfer Report covering all budget transfers for October 2012.

12. Statewide Environmental Resource Permitting (SWERP) Rule Implementation in the Water Management Information System (WMIS)
   Staff recommended the Board:
   (1) Authorize staff to reallocate contractor resources originally allocated to the WMIS Complete effort to support SWERP Implementation; and
   (2) Authorize staff to include funds in the tentative FY2013-14 budget to replace the funds reallocated to SWERP Implementation and to extend the schedule for WMIS Complete until March 2014.

General Counsel’s Report

13. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval
   a. Amendments to Conservation Easements – Ennis Property – Hillsborough and Polk Counties
      Staff recommended the Board approve and accept the Amendment to Perpetual Conservation Easement for the Hillsborough County Ennis Property, and approve and accept the Amendment to Conservation Easement for the Polk County Ennis Property.
   b. Consent Order – WUP No. 20008605.002 - Fatemah Corporation – Hillsborough County
      Staff recommended the Board approve the Consent Order, and authorize the initiation of litigation as necessary in order to obtain compliance with the Consent Order.

14. Rulemaking – None

Executive Director’s Report

   Staff recommended approving the minutes as presented.

Mr. Beruff moved, seconded by Mr. Maggard, to approve the Consent Agenda as amended. Motion carried unanimously. (Track 2 – 12:00/13:34)

Chair Senft relinquished the gavel to Regulation Committee Chair Beruff who called the Committee meeting to order.

REGULATION COMMITTEE (Video – 14:06)

16. Consent Item(s) Moved for Discussion – Item 7.c.

   7. Individual Water Use Permits (WUPs) Referred to the Governing Board
      c. WUP No. 20004817.010, Twenty-Twenty Groves, Inc. / Charlie Creek Grove (Hardee County)
         Ms. Más said this is a renewal with modification of an existing agricultural water use permit. Staff recommended the Board approve the proposed permit as included in the Board’s meeting materials.

Ms. Closshey moved, seconded by Mr. Babb, to approve the Consent Agenda Item 7.c. as presented. The motion carried. Ms. Griffin filed a Conflict of Interest form and abstained from voting on this item. This Conflict of Interest form is made a part of these minutes as if set forth in full but, for convenience, is filed in the permanent records of the District. (Track 3 – 00:00/01:45)
17. **Denials Referred to the Governing Board** – None

**Submit & File Reports** – None

**Routine Reports**
The following items were provided for the Committee’s information, and no action was required.
18. **Southern Water Use Caution Area Quantities**
19. **Overpumpage Report**
20. **E-Permitting Metrics: Online vs. Paper Applications**
21. **Individual Permits Issued by District Staff**
22. **Resource Regulation Significant Initiatives**

Committee Chair Beruff adjourned the meeting and relinquished the gavel to Operations & Land Management Committee Chair Tharp who called the Committee meeting to order. (Track 3 – 01:45/02:02)

**OPERATIONS & LAND MANAGEMENT COMMITTEE** (Video – 16:16)

**Discussion Items**

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

24. **Hydrologic Conditions Status Report**
Mr. Granville Kinsman, Manager, Hydrologic Data Section, noted that October historically marks the first month of the eight-month dry season and provisional rainfall totals for the month were normal in all regions. Rainfall amounts during the month were regionally variable and associated with the interaction of several cold front systems and moisture from the Atlantic Ocean or Gulf of Mexico. The provisional 12-month District-wide rainfall deficit increased during October, ending the month approximately 3.3 inches below the long-term average. The 24-month and 36-month cumulative rainfall deficits were approximately 4.2 and 5.0 inches, respectively. Most hydrologic indicators throughout the District saw declines during October, although streamflow and groundwater levels remained well within normal limits. Lake levels in the Northern, Polk Uplands and Lake Wales Ridge regions of the District remained at below-normal levels; while levels in the Tampa Bay region remained in the normal range. (Track 4 – 00:00/08:20)

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

(Mr. Joerger entered the meeting.)

25. **Declaration of Surplus – Frog Creek, SWF Parcel No. 21-728-127S** (Video – 24:36)
Mr. Roy Mazur, Operations and Land Management Bureau Chief, noted that, in 2002 the District acquired the 127-acre Frog Creek tract with funding from the Florida Forever Trust Fund as part of the Terra Ceia Preserve State Park, which is owned jointly with the State. The six acres staff is recommending for surplus are located on the south side of Rock Payne Road, just east of its intersection with U.S. Highway 41. The Florida Department of Environmental Protection (FDEP) has reviewed this request, notified other agencies that this property is available for acquisition and approved the District moving forward with the surplus of this parcel.

Mr. Mazur said the existing land use designation is “Conservation” and staff proposes to pursue a land use change to shift the land use to “Mixed Use.” Changing the land use will greatly increase the value of the property. The District will incur approximately $10,000 in
review and advertising fees from Manatee County to pursue the land use change. The District has discussed this adjustment with both FDEP and Manatee County; neither conveyed any critical concerns with the idea.

Staff recommended the Board declare SWF Parcel No. 21-728-127S surplus.

Following discussion, Committee Chair Tharp noted that one Request to Speak card has been submitted.

Mr. Charles Lee, Florida Audubon, said that the District carefully considers parcels for surplus. He addressed the marketing opportunities available for this parcel to obtain the best maximum value due to the proximity of the I-75 interchange.

Ms. Closshey moved to declare SWF Parcel No. 21-728-127S surplus up to 10 acres and redesignate to “Mixed Use.” Mr. Maggard seconded the motion. (Track 4 – 08:20/30:45)

Following direction from Ms. Donaldson, Ms. Closshey amended her motion to declare SWF Parcel No. 21-728-127S surplus up to 10 acres since the parcel is no longer needed for District purposes or conservation purposes, and redesignate to “Mixed Use.” Mr. Maggard seconded the amended motion and it carried unanimously. (Track 4 – 30:45/34:45)

Mr. Holtkamp said that, initially, it was envisioned that staff would be evaluating and ranking the proposals, and presenting its ranking to the Governing Board at the November meeting for approval. However, since the Board has been actively involved in discussions relating to the future of the Nature Center, and has shown considerable interest in getting a private or public partner to renovate and keep the Nature Center operational for the citizens of west-central Florida, it may be appropriate for Board members to participate in the evaluation and ranking.

Mr. Holtkamp said staff recommends the Board establish a subcommittee to serve as the selection committee to interview, evaluate, and rank proposals; and establish an order preference for lease negotiation.

Ms. Donaldson provided clarification of the evaluation, oral presentation and ranking processes.

Mr. Maggard moved, seconded by Mr. Joerger, to approve the staff recommendation as presented and the Chair appoint a subcommittee of five Board members. Motion carried unanimously. (Track 4 – 34:45/50:25)

Chair Senft appointed Mr. Tharp to chair the subcommittee and requested volunteers.

Committee Chair Tharp noted that one Request to Speak card has been submitted.

Mr. Charles Lee, Florida Audubon, complimented staff on the surplus land process. He noted that staff and this Committee have been responsive to public comments. (Track 4 – 50:25/53:00)

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

27. Surplus Lands Assessment Update
**Routine Reports**
The following items were provided for the Committee’s information, and no action was required.
28. **Structure Operations**
29. **Significant Activities**

Committee Chair Tharp adjourned the meeting and relinquished the gavel to Outreach & Planning Committee Chair Adams who called the Committee meeting to order. (Track 4 – 53:00/53:22)

**OUTREACH & PLANNING COMMITTEE**  (Video – 69:54)

**Discussion Item**

30. **Fiscal Year 2013-14 Cooperative Funding Process**

Ms. Lou Kavouras, Board and Executive Services Bureau Chief, provided an overview of the cooperative funding applications received by region, reviewed the schedule for project evaluation and ranking, and described elements of the planned outreach efforts.

Ms. Kavouras said staff recommends the Board approve the suggested subcommittee structure, evaluation and ranking process, and approve holding February and April public meetings for the Fiscal Year 2013-14 Cooperative Funding program.

Discussion ensued regarding the evaluation of information provided for each submitted cooperative funding application.

Mr. Beruff moved, seconded by Mr. Tharp, to approve the staff recommendation as presented. Motion carried unanimously. (Track 5 – 00:00/13:55)

**Submit & File Reports** – None

**Routine Reports**
The following items were provided for the Committee’s information, and no action was required.
31. **Comprehensive Plan Amendment and Related Reviews**
32. **Development of Regional Impact Activity Report**
33. **Significant Activities**

Committee Chair Adams adjourned the Outreach and Planning Committee meeting and relinquished the gavel to Resource Management Committee Chair Babb who called the Committee meeting to order. (Track 5 – 13:55/14:26)

**RESOURCE MANAGEMENT COMMITTEE**  (Video – 84:06)

**Discussion Items**

34. **Consent Item(s) Moved for Discussion** – Item 10.b.

   b. **Twenty-Twenty Groves, Inc. (H692), Hardee County**

   Mr. Hammond said staff recommends the Board:
   (1) Approve the Twenty-Twenty Groves, Inc. project for a not-to-exceed project reimbursement of $199,800 with $141,234 provided by the Governing Board, and $58,566 provided from State Appropriations allocated to the Governing Board;
(2) Authorize the transfer of $141,234 from fund 010 H017 Governing Board FARMS Fund and $58,566 of State Appropriations located in fund 010 H017 Governing Board FARMS Funds to the H692 Twenty-Twenty Groves, Inc. project fund; and

(3) Authorize the Director, Resource Management Division to execute the agreement.

Ms. Closshey moved, seconded by Mr. Maggard, to approve the Consent Agenda Item 10.b. as presented. The motion carried. Ms. Griffin filed a Conflict of Interest form and abstained from voting on this item. This Conflict of Interest form is made a part of these minutes as if set forth in full but, for convenience, is filed in the permanent records of the District. (Track 6 – 00:00/01:00)

35. **Cooperative Funding Contracts**

Mr. Hammond reviewed the varying levels of District involvement in the cooperative funding projects. During the application evaluation process, District staff works with the cooperators to identify opportunities to enhance the project water resource benefits and help to maximize the use of public funds. For projects approved by the Governing Board, the District enters into a cooperative funding contract with the cooperator that includes a scope of work for the project. During the project, staff reviews the cooperator’s progress toward implementing the project to ensure the contract requirements are met. For certain projects, staff may be involved in the design phase of the project.

Mr. Hammond said staff has identified necessary revisions to the cooperative funding contracts that will improve the overall program, help to identify and manage risks, and help provide a higher level transparency and insight to the Board and the public. The revisions include identifying four different types of contracts based on the level of involvement from District staff. These are as follows:

- **Type 1** contracts are for projects that require the least amount of involvement of District staff time to track the progress, ensure the project is consistent with the contract scope of work and sign off on reimbursements to the cooperator. Water conservation projects typically would fall in this category.
- **Type 2** contracts are for projects requiring more staff involvement to review the cooperator’s contracts with consultants and contractors to ensure the scope and budgets are consistent with the District’s cooperative funding contract. Construction projects, like reclaimed water and alternative water supplies, typically would fall in this category.
- **Type 3** contracts are for projects where District staff may be involved in the review process during the design phase of the project and provide meaningful guidance based on the District’s experience, expertise and regional understanding that would lead to opportunities to enhance the water resource benefits and efficient use of limited funding. Stormwater retrofits and habitat restoration projects are examples that would fall in this category.
- **Type 4** contracts are for projects the District is in the lead in managing the project activities. For example, the District is typically the lead, and oversees the development of watershed models for the District’s watershed management program.

Mr. Hammond said the revisions to the new cooperative funding contracts will facilitate the management of the projects, ensure greater consistency and better protect the District. Staff will provide an overview of the revisions to the cooperative funding contracts. (Track 6 – 01:00/14:40)

Discussion ensued regarding funding, the evaluation process, consider outsourcing, risk assessment, project management, and development of criteria structures. (Track 6 – 14:40/30:11)
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.

36. **Minimum Flows and Levels**
37. **Watershed Management Program and Federal Emergency Management Agency Map Modernization**
38. **Significant Water Supply and Resource Development Projects**

Committee Chair Babb adjourned the Committee meeting and relinquished the gavel to Finance & Administration Committee Chair Adams who called the Committee meeting to order. (Track 6 – 30:11/30:24)

**FINANCE & ADMINISTRATION COMMITTEE** (Video – 114:34)

**Discussion Items**

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

40. **Development of Preliminary Fiscal Year 2013-14 Budget**
Ms. Linda Pilcher, Finance Bureau Chief, said the purpose of this presentation is to initiate the development of the District’s preliminary budget for FY2013-14. This year, the Legislature passed Senate Bill 1986 requiring the water management districts to formally submit a preliminary annual budget by January 15 of each year. The required budget format is similar to the August 1 Tentative Budget Submission, and requires substantial details. The Florida Department of Environmental Protection is requesting a draft of the budget during the week of December 3 for review and comment. Staff will present the draft preliminary budget to the Governing Board on December 18, 2012, with any comments received and request approval to submit. The preliminary budget will be submitted to the Legislature on or before January 15.

Ms. Pilcher said staff recommends acceptance of the proposed budget assumptions for development of the preliminary budget. The assumptions have been drafted to show due diligence in preparing the preliminary budget, and to provide flexibility to the Governing Board when it begins its full budget decision-making process over the April to July timeframe.

Mr. Beruff moved, seconded by Mr. Maggard, to accept the general budget assumptions as outlined in the budget presentation for development of the District’s preliminary FY2013-14 budget. Motion carried unanimously. (Track 7 – 00:00/16:08)

**Submit & File Reports** – None

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

41. **Treasurer's Report, Payment Register and Contingency Funds Report**
42. **Monthly Financial Statement**
43. **Monthly Cash Balances by Fiscal Year**

Committee Chair Adams requested Mr. Fritsch, the District’s recently appointed Inspector General, to provide an update on his new role/position. Mr. Fritsch briefly noted the following
items: transition of staff reporting now to the Chief of Staff completed, presentation of the Office of Inspector General Annual Report will occur in February 2013, and development of the District’s quality assessment review and annual audit plan.

Committee Chair Adams requested Mr. Fritsch, the District’s recently appointed Inspector General, to provide an update on his new role/position. Mr. Fritsch briefly noted the following items: (1) transition of staff formerly reporting to the Management Services Division Director now report to the Chief of Staff has been completed; (2) development of an annual risk assessment and annual audit plan is ongoing and discussions with Executive staff should occur in December; (3) presentation of an enterprise-wide risk assessment and the proposed audit plan is on schedule for the January Board meeting; (4) activities continue to prepare the office for an external quality assessment review (also known as a peer review); and (5) the Inspector General is maintaining correspondence to prepare for the upcoming compliance audit of the District that will be conducted by the Florida Auditor General Office.

Finance and Administration Committee Chair Adams adjourned the Committee meeting and relinquished the gavel to Chair Senft. (Track 7 – 16:08/24:45)

PUBLIC HEARING FOR A TIME CERTAIN (11:00 A.M.)
The following public hearing was deleted from consideration:
44. Hearing on Proposed Rule 40D-2.321, F.A.C.

GENERAL COUNSEL’S REPORT (Video – 139:23)

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

Submit & File Reports – None

Routine Reports
The following items were provided for the Committee’s information, and no action was required.
46. Litigation Report
47. Rulemaking Update (Track 8 – 00:00/00:59)

COMMITTEE/LIAISON REPORTS (Video – 114:14)
The following reports were provided to the Board members.
48. Joint Industrial and Public Supply Advisory Committees Meeting
49. Tampa Bay Regional Planning Council Meeting
50. Other Liaison Reports – None (Track 9 – 00:00/01:01)

EXECUTIVE DIRECTOR’S REPORT (Video – 141:14)

51. Executive Director’s Report
Mr. Guillory noted that this month begins the Executive Director’s annual review. As part of the review, he briefly outlined his goals for the coming year. He said he will be sending these goals to the Board and asked for feedback. He reviewed the internal goals for the coming year developed by the executive team as follows:
(1) Make a real concerted effort as a management team to improve morale at the District.
(2) Improve contract management and project management, and follow through to implement enhanced processes.
(3) Implement new staff performance evaluation procedures.
(4) Update the Strategic Plan.
(5) Hire key technical level staff, both senior and entry level.
(6) Review, analyze and evaluate District Policies & Procedures to bring documents up to date with current goals. (Track 10 – 00:00/06:26)

**CHAIR’S REPORT** (Video – 147:34)
The order of consideration was altered slightly.

52. **Chair’s Report**

b. **Other**

(1) Chair Senft presented his draft mission statement for the Recreation Ad Hoc Committee as follows: “evaluate how we’re using public lands for recreation and make recommendations back to the Board regarding same, after holding public hearings, and reporting back within six to nine months.” Ms. Closshey moved, seconded by Mr. Babb, to approve the mission statement. Motion carried unanimously.
Chair Senft thanked Mr. Maggard for agreeing to chair this committee. (Track 11 – 00:00/03:20)

(2) Chair Senft requested volunteers for the Financial Investment Ad Hoc Committee. He appointed Mr. Adams to chair the committee. Mr. Beruff volunteered to serve on the committee. Mr. Adams said the committee will do its due diligence to look at yield, return on investments, control risks, and appropriateness of investments.

(3) Chair Senft requested Board members contact Ms. Kovouras to volunteer to serve on the Financial Investments Ad Hoc Committee and Flying Eagle evaluation team. (Track 11 – 03:20/08:00)

a. **Executive Director Performance Evaluation**

Ms. Elaine Kuligofski, Human Resources and Risk Management Bureau Chief, provided Board members with documents and forms to be used in the evaluation process. She will be available to assist the Governing Board members with development of their 2012 performance appraisals for the Executive Director. (Track 11 – 08:00/10:10)

Chair Senft noted that the next monthly meeting is December 18 at the District’s Tampa office.

There being no further business to come before the Board, Chair Senft recessed the public hearing and adjourned the meeting at 11:44 a.m. (Track 11 – 10:10/11:00, Video – 158:55)

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The Southwest Florida Water Management District (District) does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the District’s functions, including access to and participation in the District’s programs and activities. Anyone requiring reasonable accommodation as provided for in the Americans with Disabilities Act should contact the District’s Human Resources Bureau Chief, 2379 Broad Street, Brooksville, Florida 34604-6899; telephone (352) 796-7211, ext. 4702, or 1-800-423-1476 (FL only), ext. 4702; TDD (FL only) 1-800-231-6103; or email to ADACoordinator@swfwmd.state.fl.us.
Governing Board Meeting
December 18, 2012

REGULATION COMMITTEE

Discussion Items

15. Consent Item(s) Moved for Discussion

16. Consider Any Recommended Water Shortage Orders .................. (10 minutes) ............ 2

17. Denial(s) Referred to the Governing Board .......................................................... 3

Submit & File Reports – None

Routine Reports

18. Southern Water Use Caution Area Quantities .......................................................... 4

19. Overpumpage Report ............................................................................................. 5

20. E-Permitting Metrics: Online vs. Paper Applications ............................................. 10

21. Individual Permits Issued by District Staff ............................................................. 11

22. Resource Regulation Significant Initiatives .......................................................... 13
Consider Any Recommended Water Shortage Orders

Water Shortage Order No. SWF 2010-22 (Order) is scheduled to expire on December 31, 2012 unless the Governing Board takes additional action. The Order was first approved by the Governing Board during its November 16, 2010 meeting and has been extended four times.

In accordance with Phase I of the District’s Water Shortage Plan (Chapter 40D-21, Florida Administrative Code (F.A.C.)), this Order maintained a twice-per-week maximum lawn watering schedule and other provisions in the District’s Year-Round Water Conservation Measures (Chapter 40D-22, F.A.C.). It also acknowledged and affirmed more stringent local restrictions, asked all property owners to test and repair their irrigation systems to reduce waste, and required water utilities and other local enforcement agencies to report restriction enforcement efforts to the District every month.

Staff continues to monitor conditions in accordance with the District’s Water Shortage Plan to determine if any further Order extension or other actions would be prudent. As of November 20, 2012, the main area of interest encompasses six southern counties. Staff is consulting with water utilities in these counties to determine if there are any current or projected public supply concerns that would be aggravated by recent below-normal rainfall.

Staff Recommendation:

To be presented on December 18, 2012 based on then-current conditions and predictions.

Presenter: Lois Ann Sorensen, M.B.A., Demand Management Program Manager
Regulation Committee  
December 18, 2012

Discussion Item

Denials Referred to the Governing Board

District Rule 40D-1.6051, Florida Administrative Code, provides that if District staff intends to deny a permit application, the applicant will be advised of the opportunity to request referral to the Governing Board for final action.

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

Staff Recommendation:

If any denials are requested to be referred to the Governing Board, these will be presented at the meeting.

Presenter: Alba E. Más, Division Director, Resource Regulation
<table>
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<tr>
<th>Permit No.</th>
<th>Permit Holder</th>
<th>Use Type</th>
<th>Permitted Quantity</th>
<th>Original Report Date</th>
<th>Annual Avg. Use</th>
<th>Percent Over</th>
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<td>HBT of Eagle Pointe LLC c/o Young &amp; Madigan SC¹</td>
<td>Agriculture</td>
<td>279,000 gpd</td>
<td>8/1/2012</td>
<td>298,325 gpd</td>
<td>6.93%</td>
<td>11/01/2012</td>
<td>319,618 gpd</td>
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<td>Sarasota</td>
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¹ Preliminary determination is that permits are in non-compliance; file is being prepared for OGC or is under review by Regulation staff.
# Overpumpage Report

**October 2012**

## Under Review (1)

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<thead>
<tr>
<th>Permit No.</th>
<th>Permit Holder</th>
<th>Use Type</th>
<th>Permitted Quantity</th>
<th>Original Report Date Annual Avg. Use Percent Over</th>
<th>Current Report Date Annual Avg. Use Percent Over</th>
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<td>11481.002</td>
<td>Cameron Dakin Dairy¹</td>
<td>Agricultural</td>
<td>317,500 gpd</td>
<td>7/01/2012 335,575 gpd 5.69%</td>
<td>11/01/2012 335,526 gpd 5.68%</td>
<td>Sarasota</td>
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<td>20173.000</td>
<td>Sidney Colen and Associates¹</td>
<td>Recreational / Aesthetic – Golf Course</td>
<td>489,100 gpd</td>
<td>7/01/2012 689,350 gpd 40.94%</td>
<td>11/01/2012 748,281 gpd 52.99%</td>
<td>Brooksville</td>
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<td>11639.005</td>
<td>Buckhorn Nursery LTD¹</td>
<td>Agricultural</td>
<td>298,800 gpd</td>
<td>6/01/2012 331,914 gpd 11.08%</td>
<td>11/01/2012 293,705 gpd -1.71%</td>
<td>Bartow</td>
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<td>20097.001</td>
<td>Robert Barben &amp; Santa Rosa Ranch¹</td>
<td>Agricultural</td>
<td>106,000 gpd</td>
<td>6/01/12 125,325 gpd 18.23%</td>
<td>11/1/2012 126,749 gpd 19.57%</td>
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<td>9915.006</td>
<td>S &amp; J Farms, Inc. Attn: Pete Beaty¹</td>
<td>Agricultural</td>
<td>371,400 gpd</td>
<td>7/01/2012 581,016 gpd 56.44%</td>
<td>11/01/2012 555,896 gpd 49.68%</td>
<td>Tampa</td>
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<td>13201.000</td>
<td>Bowen Brothers, Inc.¹</td>
<td>Agricultural</td>
<td>107,400 gpd</td>
<td>5/01/2012 308,907 gpd 187.62%</td>
<td>11/01/2012 75,466 gpd -29.73%</td>
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<td>263.006</td>
<td>C. Dennis Carlton¹</td>
<td>Agricultural</td>
<td>164,300 gpd</td>
<td>6/01/2012 177,383 gpd 7.96%</td>
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<td>Agricultural</td>
<td>688,400 gpd</td>
<td>3/01/2012 760,041 gpd 10.41%</td>
<td>11/01/2012 787,614 gpd 14.41%</td>
<td>Bartow</td>
</tr>
<tr>
<td>2128.005</td>
<td>BVG Groves¹</td>
<td>Agricultural</td>
<td>143,400 gpd</td>
<td>4/01/2012 153,416 gpd 6.98%</td>
<td>11/01/2012 170,751 gpd 19.07%</td>
<td>Tampa</td>
</tr>
<tr>
<td>7105.008</td>
<td>Riverview Grove Ltd.¹</td>
<td>Agricultural</td>
<td>261,900 gpd</td>
<td>3/01/2012 297,751 gpd 13.69%</td>
<td>10/01/2012 274,512 gpd 4.82%</td>
<td>Tampa</td>
</tr>
</tbody>
</table>

---

* WUP 4345.012 – Mixon Family Farm, Inc. had a Permitted Annual Average of 688,400 gpd until November 27, 2012 (new revision issued). The new allocation is 1,125,200 gpd thus putting this permit back into compliance. (-30.00% below Drought Quantity)

(1) Preliminary determination is that permits are in non-compliance; file is being prepared for OGC or is under review by Regulation staff.
# Overpumpage Report
## October 2012

### Under Review (1)

<table>
<thead>
<tr>
<th>Permit No.</th>
<th>Permit Holder</th>
<th>Use Type</th>
<th>Permitted Quantity</th>
<th>Original Report Date</th>
<th>Annual Avg. Use</th>
<th>Percent Over</th>
<th>Current Report Date</th>
<th>Annual Avg. Use</th>
<th>Percent Over</th>
<th>Service Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>222.006</td>
<td>Lake Hancock Partners LLP¹</td>
<td>Agricultural</td>
<td>107,600 gpd</td>
<td>3/01/2012</td>
<td>145,355 gpd</td>
<td>35.09%</td>
<td>11/01/2012</td>
<td>127,225 gpd</td>
<td>18.24%</td>
<td>Bartow</td>
</tr>
<tr>
<td>7291.004</td>
<td>V.C. Hollingsworth Sr. Estate¹</td>
<td>Agricultural</td>
<td>167,400 gpd</td>
<td>3/01/2012</td>
<td>202,107 gpd</td>
<td>20.73%</td>
<td>11/01/2012</td>
<td>257,408 gpd</td>
<td>53.77%</td>
<td>Sarasota</td>
</tr>
<tr>
<td>2132.004</td>
<td>Flying V, Inc.¹</td>
<td>Agricultural</td>
<td>104,100 gpd</td>
<td>4/01/2012</td>
<td>135,650 gpd</td>
<td>30.31%</td>
<td>11/01/2012</td>
<td>123,276 gpd</td>
<td>18.42%</td>
<td>Bartow</td>
</tr>
<tr>
<td>11031.003</td>
<td>Growers Investment Group LLC¹</td>
<td>Agricultural</td>
<td>171,000 gpd</td>
<td>2/01/2012</td>
<td>282,492 gpd</td>
<td>65.20%</td>
<td>11/01/2012</td>
<td>277,596 gpd</td>
<td>62.34%</td>
<td>Bartow</td>
</tr>
<tr>
<td>8757.004</td>
<td>Premier Citrus LLC¹</td>
<td>Agricultural</td>
<td>639,000 gpd</td>
<td>4/1/2012</td>
<td>767,672 gpd</td>
<td>20.14%</td>
<td>11/01/2012</td>
<td>455,554 gpd</td>
<td>-28.71%</td>
<td>Sarasota</td>
</tr>
<tr>
<td>6274.010</td>
<td>Premier Citrus LLC¹</td>
<td>Agricultural</td>
<td>752,400 gpd</td>
<td>6/28/2011</td>
<td>1,125,129 gpd</td>
<td>49.54%</td>
<td>11/1/2012</td>
<td>462,181 gpd</td>
<td>-38.57%</td>
<td>Sarasota</td>
</tr>
<tr>
<td>5472.009</td>
<td>Hunt Bros, Inc. / Attn. William Hunt¹</td>
<td>Agriculture</td>
<td>158,400 gpd</td>
<td>6/01/2012</td>
<td>241,738 gpd</td>
<td>52.61%</td>
<td>11/01/2012</td>
<td>243,076 gpd</td>
<td>53.46%</td>
<td>Bartow</td>
</tr>
<tr>
<td>12061.003</td>
<td>Hunt Bros, Inc. / Attn. William Hunt¹</td>
<td>Agricultural</td>
<td>111,200 gpd</td>
<td>12/28/2011</td>
<td>123,893 gpd</td>
<td>11.41%</td>
<td>11/01/2012</td>
<td>137,061 gpd</td>
<td>23.26%</td>
<td>Bartow</td>
</tr>
<tr>
<td>2136.000</td>
<td>C Dennis Carlton, Sr. and Lee F.¹</td>
<td>Agricultural</td>
<td>276,900 gpd</td>
<td>4/01/2012</td>
<td>345,159 gpd</td>
<td>24.65%</td>
<td>11/01/2012</td>
<td>318,814 gpd</td>
<td>15.14%</td>
<td>Tampa</td>
</tr>
<tr>
<td>9192.003</td>
<td>Bowen Bros. Inc. C/O Matthew E Green¹</td>
<td>Agricultural</td>
<td>218,700 gpd</td>
<td>3/01/2012</td>
<td>458,485 gpd</td>
<td>109.64%</td>
<td>11/01/2012</td>
<td>362,159 gpd</td>
<td>65.60%</td>
<td>Bartow</td>
</tr>
</tbody>
</table>

(1) Preliminary determination is that permits are in non-compliance; file is being prepared for OGC or is under review by Regulation staff.
## Overpumpage Report
### October 2012

(2) Permit is still under review but is being prepared for Legal.

(3) Legal Action Request is in the process of being completed which will be sent to Legal for potential enforcement action.

### Preparing for Legal Action Review in Progress

<table>
<thead>
<tr>
<th>Permit No.</th>
<th>Permit Holder</th>
<th>Use Type</th>
<th>Permitted Quantity</th>
<th>Original Report Date</th>
<th>Annual Average Use</th>
<th>Percent Over</th>
<th>Current Report Date</th>
<th>Annual Avg. Use</th>
<th>Percent Over</th>
<th>Service Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>10318.003</td>
<td>Homeowners of Palm Hill / Palm Hill Mobile Home Park²</td>
<td>Recreational / Aesthetic – Golf Course</td>
<td>148,600 gpd</td>
<td>6/01/12</td>
<td>198,626 gpd</td>
<td>33.66%</td>
<td>11/01/2012</td>
<td>188,533 gpd</td>
<td>26.87%</td>
<td>Tampa</td>
</tr>
<tr>
<td>7082.003</td>
<td>Robert L. and Barbara A Carter, Trustees²</td>
<td>Agricultural</td>
<td>139,300 gpd</td>
<td>4/01/2012</td>
<td>348,293 gpd</td>
<td>150.03%</td>
<td>11/01/2012</td>
<td>277,760 gpd</td>
<td>99.40%</td>
<td>Tampa</td>
</tr>
<tr>
<td>6128.007</td>
<td>Ben Hill Griffin, Inc.³</td>
<td>Recreational / Aesthetic – Golf Course</td>
<td>337,900 gpd</td>
<td>12/28/11</td>
<td>379,474 gpd</td>
<td>12.30%</td>
<td>11/01/2012</td>
<td>428,402 gpd</td>
<td>26.78%</td>
<td>Bartow</td>
</tr>
<tr>
<td>504.005</td>
<td>Ray Bob Groves, Inc.³</td>
<td>Agricultural</td>
<td>194,700 gpd</td>
<td>2/01/2012</td>
<td>223,603 gpd</td>
<td>14.84%</td>
<td>11/01/2012</td>
<td>165,404 gpd</td>
<td>-15.05%</td>
<td>Bartow</td>
</tr>
<tr>
<td>8327.007</td>
<td>Laman Land Development LLC, Attn: Jason Laman³</td>
<td>Recreational / Aesthetic – Golf Course</td>
<td>242,900 gpd</td>
<td>12/28/2011</td>
<td>267,729 gpd</td>
<td>10.22%</td>
<td>11/1/2013</td>
<td>284,421 gpd</td>
<td>17.09%</td>
<td>Bartow</td>
</tr>
<tr>
<td>12652.004</td>
<td>Highland Reserve Golf Club³</td>
<td>Recreation / Aesthetic -Golf Course</td>
<td>241,000 gpd</td>
<td>3/01/2012</td>
<td>269,468 gpd</td>
<td>11.81%</td>
<td>11/01/2012</td>
<td>293,778 gpd</td>
<td>21.90%</td>
<td>Bartow</td>
</tr>
</tbody>
</table>
### Overpumpage Report
#### October 2012

**Active Files in Legal & Consent Order Monitoring**

<table>
<thead>
<tr>
<th>Permit No.</th>
<th>Permit Holder</th>
<th>Use Type</th>
<th>Permitted Quantity</th>
<th>Original Report Date</th>
<th>Current Report Date</th>
<th>Service Office</th>
<th>GB Approved CO Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>11059.006</td>
<td>Glen Lakes Partnership, Inc.</td>
<td>Recreational / Aesthetic – Golf Course</td>
<td>402,200 gpd</td>
<td>1/01/2012 431,609 gpd 7.31%</td>
<td>11/01/2012 394,159 gpd -2.00%</td>
<td>Brooksville</td>
<td></td>
</tr>
<tr>
<td>3389.008</td>
<td>MJS Golf Group LLC</td>
<td>Recreational / Aesthetic - Golf Course</td>
<td>76,607 gpd</td>
<td>11/28/2011 1,162,744 gpd 1,417.80%</td>
<td>11/1/2012 163,047 gpd 112.84%</td>
<td>Brooksville</td>
<td></td>
</tr>
<tr>
<td>20120.000</td>
<td>Kasmark, Inc.</td>
<td>Recreational / Aesthetic – Golf Course</td>
<td>192,440 gpd</td>
<td>2/01/2012 268,169 gpd 39.35%</td>
<td>11/01/2012 184,519 gpd -4.12%</td>
<td>Brooksville</td>
<td></td>
</tr>
<tr>
<td>8785.009</td>
<td>Escalante – Black Diamond Golf Club, LLC</td>
<td>Recreational / Aesthetic - Golf Course</td>
<td>757,080 gpd</td>
<td>8/29/2011 986,650 gpd 30.32%</td>
<td>11/1/2012 924,457 gpd 22.11%</td>
<td>Brooksville</td>
<td></td>
</tr>
<tr>
<td>7704.006**</td>
<td>Country Club Utilities</td>
<td>Public Supply</td>
<td>183,000 gpd</td>
<td>6/28/2011 259,063 gpd 41.56%</td>
<td>11/1/2012 284,645 gpd 55.54%</td>
<td>Bartow</td>
<td>SEPT 12</td>
</tr>
<tr>
<td>10392.005</td>
<td>MILMACK INC.</td>
<td>Recreation / Aesthetic - Golf Course</td>
<td>282,700 gpd</td>
<td>11/28/2008 388,678 gpd 37.49%</td>
<td>11/1/2012 402,156 gpd 42.26%</td>
<td>Bartow</td>
<td>FEB 12</td>
</tr>
<tr>
<td>9791.008***</td>
<td>Citrus County – Sugarmill Woods</td>
<td>Public Supply</td>
<td>2,211,000 gpd</td>
<td>6/28/2006 2,783,803 gpd 25.91%</td>
<td>11/1/2012 2,175,746 gpd -1.59%</td>
<td>Brooksville</td>
<td>AUG 11</td>
</tr>
</tbody>
</table>

(4) Regulation staff concurs with non-compliance and file is in Legal for enforcement.
(5) Legal pursued enforcement action and a Consent Order has been signed; corrective actions are now being monitored for compliance.
**WUP 7704 – A new revision was issued after the Request for Legal Action file was sent to OGC. The file originated under revision .005.
***WUP 9791 – Citrus County had a Permitted Annual Average of 2,010,000 gpd until February 24, 2009 (new revision issued)
# E-Permitting Performance Metrics

**November 2012**

<table>
<thead>
<tr>
<th>Permit</th>
<th>October 2012</th>
<th>November 2012</th>
<th>Six Month Average</th>
<th>One Year Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>Well Construction Permits&lt;br&gt;Public on-line use for applications and completion report submission</td>
<td>92% 557</td>
<td>93% 523</td>
<td>92% 3,306</td>
<td>92% 7,530</td>
</tr>
<tr>
<td>Water Use Permits&lt;br&gt;Public on-line use for applications</td>
<td>65% 55</td>
<td>51% 43</td>
<td>49% 290</td>
<td>42% 513</td>
</tr>
<tr>
<td>Environmental Resource Permits&lt;br&gt;Public on-line use for applications</td>
<td>45% 104</td>
<td>49% 97</td>
<td>40% 492</td>
<td>34% 865</td>
</tr>
</tbody>
</table>

**GOAL**: Reach online utilization of 80% for each category by October 1, 2013.
<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 IMPACTED</th>
<th>WETLAND MITIGATION ACRES</th>
</tr>
</thead>
<tbody>
<tr>
<td>43013044.009</td>
<td>FDOT – SR 35 (US 17) from South of SW Collins Street to CR 760A</td>
<td>DeSoto</td>
<td>Widening of 5.68 miles of SR 35 (US 17) from an existing 2-lane roadway to a proposed 4-lane divided roadway</td>
<td>149.40</td>
<td>10.49</td>
<td>10.46</td>
</tr>
<tr>
<td>43014123.089</td>
<td>MacDill AFB Mangrove Restoration Project Sites 8 and 15</td>
<td>Hillsborough</td>
<td>Mangrove restoration project to remove existing spoil piles and fill portions of adjacent mosquito ditches to restore historic hydrology and vegetative communities</td>
<td>11.05</td>
<td>9.93</td>
<td>0.00</td>
</tr>
<tr>
<td>43040801.000</td>
<td>Hillsborough County Upper Tampa Bay Trail Phase IV Segment C</td>
<td>Hillsborough</td>
<td>Construction of approximately 4.25 mile long multi-use trail spanning from Van Dyke Road to Lutz Lake Fern Road through a portion of Brooker Creek Preserve and District property, including construction of trailhead facility, shelter, water stations, etc.</td>
<td>26.38</td>
<td>18.38</td>
<td>2.04</td>
</tr>
<tr>
<td>43035689.004</td>
<td>Canoe Creek, Phase 4</td>
<td>Manatee</td>
<td>Build master stormwater facilities and grade site</td>
<td>97.15</td>
<td>5.11</td>
<td>3.6</td>
</tr>
<tr>
<td>43023491.229</td>
<td>Villages – Brownwood Commercial Area Master Grading Modification</td>
<td>Sumter</td>
<td>Construction of surface water management system to serve a future residential subdivision</td>
<td>228.43</td>
<td>1.58</td>
<td>0.00</td>
</tr>
<tr>
<td>43001220.013</td>
<td>Lake Meade-Lake June Water Quality Improvements</td>
<td>Hillsborough</td>
<td>Construction of additional stormwater storage and conveyance facilities</td>
<td>8.44</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>43025469.019</td>
<td>University Town Center Phase 2A</td>
<td>Sarasota</td>
<td>Reconfiguration of a 102.5 acre mall that was previously approved under 43025469.008</td>
<td>102.50</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>43028539.002</td>
<td>Cordoba Ranch</td>
<td>Hillsborough</td>
<td>Revisions to an 802.8 acre residential subdivision that was previously permitted under 43028539.000 and 44028539.001</td>
<td>802.80</td>
<td>0.00</td>
<td>0.00</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.*
<table>
<thead>
<tr>
<th>PERMIT NUMBER</th>
<th>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>20003707.008</td>
<td>Bayou Club and Bardmoor Golf Club</td>
<td>Pinellas</td>
<td>Renewal, no changes in quantities or crops</td>
<td>Recreation / Aesthetic</td>
<td>512,000</td>
<td>512,000</td>
<td>10</td>
</tr>
<tr>
<td>20004345.012</td>
<td>Mixon Family Farms</td>
<td>Polk</td>
<td>Irrigation of 281.7 acres of blueberries; allowing for AGMOD adjustments to reflect a greater irrigation rate</td>
<td>Agricultural</td>
<td>567,700</td>
<td>1,065,900</td>
<td></td>
</tr>
<tr>
<td>20004817.010</td>
<td>Charlie Creek Grove</td>
<td>Hardee</td>
<td>Renewal, modification to add citrus acres</td>
<td>Agricultural</td>
<td>589,800</td>
<td>2,587,900</td>
<td>10</td>
</tr>
<tr>
<td>20005122.005</td>
<td>Whitehurst Cattle Company</td>
<td>Levy, Marion</td>
<td>Irrigation of 560 acres sod, 245 acres peanuts, 240 acres melons, 360 acres grains, water for 4,000 head of cattle and sanitary use; includes MOU with SJRWMD for property in Alachua County</td>
<td>Agricultural</td>
<td>1,030,000</td>
<td>2,597,000</td>
<td>10</td>
</tr>
<tr>
<td>20010541.005</td>
<td>Jones Potato Farm</td>
<td>Manatee</td>
<td>Irrigation of 200 acres of green beans and 400 acres of potatoes. The FARMS program is providing cooperative funding to implement water conservation measures</td>
<td>Agricultural</td>
<td>688,400</td>
<td>688,400</td>
<td>10</td>
</tr>
<tr>
<td>20011794.002</td>
<td>Alafia River Withdrawal Facility</td>
<td>Hillsborough</td>
<td>Renewal, quantities are not fixed and instead based on available river flows within constraints of Alafia River MFL</td>
<td>Public Supply</td>
<td>NA</td>
<td>1,870,000</td>
<td>20</td>
</tr>
<tr>
<td>20020319.000</td>
<td>Live Oak Enterprises, LLC</td>
<td>Marion</td>
<td>New permit for the irrigation of 405 acres of sod and 1,000 head of cattle.</td>
<td>Agricultural</td>
<td>0</td>
<td>887,800</td>
<td>10</td>
</tr>
</tbody>
</table>
Regulation Committee  
December 18, 2012

Routine Report

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

- **Central Florida Water Initiative (CFWI)** – The District continues to coordinate with the St. Johns River and South Florida Water Management Districts, the Florida Departments of Environmental Protection (DEP) and Agriculture and Consumer Services (DACS), and public water supply utilities on the assessment of groundwater sustainability and development of water supply and environmental solutions for a five-county area of Central Florida including Polk County in the SWFWMD. A decision-making process has been established featuring an Executive Steering Committee comprised of one Governing Board member from each district, senior level staff representatives from DEP and DACS, and a public water supply utilities representative. A Management Oversight Committee and a Technical Oversight Committee form the next level of governance. These committees supervise the technical teams that perform hydrologic modeling, environmental assessments, planning and analysis and development of resource management options for consideration by the Steering Committee. Further information on the CFWI can be found at the website www.cfwiwater.com. **New activities since last meeting:** The CFWI Steering Committee met on November 9, 2012. Updates to the CFWI Guidance Document were approved. The Committee reviewed the overall CFWI schedule which is on track after changes made in August. Four of the five technical teams provided updates on their progress. The next Steering Committee meeting was scheduled for February 1, 2013. The Management Oversight Committee will lay out an extended schedule for Steering Committee meetings in 2013 based on the timing of needed decisions and approvals.

- **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. In July 2008, the Florida Wildlife Federation and other environmental groups sued the Environmental Protection Agency (EPA) in an attempt to compel the prompt adoption of numeric nutrient criteria in Florida. EPA signed a consent decree (subsequently revised) which obligates them to adopt final numeric nutrient standards for Florida’s fresh water lakes and streams by November 2010 and estuaries and coastal systems by September 2013. The final rule for lakes and flowing waters was published in the Federal Register on December 6, 2010. In April 2011, the FDEP filed a petition requesting the EPA withdraw its January 2009 determination that numeric criteria are necessary in Florida, and restore to the state its responsibility for the control of excess nutrients. In a June 2011 response, EPA noted they will repeal the existing federally promulgated freshwater numeric criteria if FDEP adopts and EPA approves of protective criteria. EPA also noted they will not propose or promulgate criteria for any as yet unaddressed waters (estuarine, coastal, south Florida canals) if FDEP adopts legally effective criteria under Florida law. As a result, FDEP pursued rule development of criteria for fresh water lakes, springs and streams. On December 8, 2011, the State’s Environmental Regulation Commission (ERC) approved FDEP’s proposed rules with
additional amendments. In December 2011, the Florida Wildlife Federation (FWF) and other environmental groups filed suit against FDEP to invalidate the existing and proposed rules relating to nutrient criterion. The petitioners claimed the rules are not designed to protect state waters from nutrient over-enrichment. Legislation ratifying FDEP’s rules was signed into law on February 16, 2012. FDEP formally transmitted the rules to EPA for approval the following week. The US District Court, Judge Hinkle, issued an order upholding EPA’s determination that numeric criteria are necessary, upholding the lake and springs criteria, but rejecting the streams criteria. On June 7, 2012, Florida Administrative Law Judge Canter ruled on the December 2011 FWF challenge by upholding FDEP’s rules noting they are reasonably designed to prevent pollution and show a rational basis. This decision allows EPA to formally act on the proposed state rules. On June 28, 2012, Judge Hinkle approved an extension of the EPA lake and flowing water rule’s effective date to January 6, 2013. The extension allows EPA additional time to review and approve or disapprove Florida’s rule and, if necessary, withdraw the corresponding Federal criteria. **New activities since last meeting:** On November 30, 2012, EPA approved FDEPs numeric nutrient criteria for lakes, springs, flowing waters, Tampa Bay/Sarasota Bay/Charlotte Harbor/Clearwater Harbor-St. Joseph Sound estuaries, and South Florida marine waters. EPA is still committed to propose numeric criteria covering the remaining estuarine and coastal waters not covered by the State’s rule. Additionally, EPA is proposing another extension to the effective date of the Federal rule from January 2013 to November 2013. District staff is preparing a full update to the Governing Board.

- **Conserve Florida Statewide Public Supply Water Conservation Initiative** – Conserve Florida is the name of the collaborative effort to fulfill the requirements of Chapter 373.227, Florida Statutes to develop a comprehensive statewide water conservation program for public suppliers that provides them with utility-specific options. Regulation and Office of the General Counsel staff have been involved in this initiative since its inception, with additional involvement from Executive, Communications and Water Resources staff, as appropriate. The main product of this initiative is a tool for utilities to use when developing or updating their water conservation plans; the current version is a web-based computer application known as “EZ Guide 2.0.” To use this tool, the utility needs a GIS shapefile of its service area and a list of the potable water system identification numbers that it uses to report data to the Florida Department of Environmental Protection (DEP). The tool combines that information with parcel-specific data from the Florida Department of Revenue, county tax collector and other public databases to develop a water use profile unique to the utility. After the utility has a chance to verify the profile and also add its conservation goals and optional information, the tool recommends appropriate water conservation best management practices (BMPs) and identify the optimal number of units of implementation for each BMP, such as how many toilet rebates to offer. A Clearinghouse, currently hosted by the University of Florida (UF) under contract from DEP, provides technical support for the EZ Guide and related services. The District's financial contribution to DEP’s current $325,000 two-year contract with UF is $75,000, all of which is from Fiscal Year 2011, for a scope of work that focuses on keeping basic Clearinghouse services available while also making targeted fixes and adding priority functions to the EZ Guide so that more public suppliers will use it for permitting, compliance and planning processes. The District budgeted an additional $75,000 for Fiscal Year 2012; however, use of these funds is on-hold, pending outcomes of the current contact and conservation-related aspects of the Central Florida Water Initiative and statewide Consumptive Use Permitting consistency efforts. **New activities since last meeting:** No significant developments to report this month.

- **Water Shortage Order Implementation** – Each time water shortage restrictions are declared, extended, modified or rescinded, certain implementation activities occur. An advertisement must be published in applicable newspapers. Notices must be mailed to affected Water Use
Permit holders. Local government officials must also be apprised and efforts by the Communications Bureau to inform the general public must be supported by Demand Management staff. In addition to maintaining the hotline (see below), staff must also track and take compliance action related to temporary, order-specific permittee reporting requirements.

**New activities since last meeting:** Staff will be evaluating the need to extend the one remaining Order, a modified Phase I declaration that reinforces normal year-round water conservation measures prior to the December Board meeting.

- **Water Restriction Hotline** – Demand Management staff continues to maintain a toll-free telephone number (1-800-848-0499) and e-mail address (water.restrictions@watermatters.org) that citizens and local officials can use to ask questions, report possible violations, and request information about water shortage restrictions, year-round water conservation measures and associated local government ordinances. **New activities since last meeting:** The hotline answered 214 calls during the four-week period that ended November 30, 2012. During that same period, the hotline also answered 108 e-mails. Hotline activity resulted in 27 first-time violation letters being sent to a property owner or manager, and two repeat-violation situations needed to be referred to a local enforcement agency for investigation. In addition, one variance (request for a special watering schedule that abides by the basic intent of current restrictions) was approved.

**Staff Recommendation:**

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

**Presenter:** Alba E. Más, P.E., Regulation Division Director
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Governing Board Meeting
December 18, 2012

OPERATIONS & LAND MANAGEMENT COMMITTEE

Discussion Items

23. Hydrologic Conditions Status Report ............................................ (10 minutes) .......................... 2

24. Northwest Hillsborough County Lake Level Management ....................................................... (10 minutes) .......................... 4

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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 30th were significantly below-normal 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.
- Northern region rainfall averaged 0.14 inches, equivalent to the 3rd percentile.
- Central region rainfall averaged 0.21 inches, equivalent to the 7th percentile.
- Southern region rainfall averaged 0.25 inches, equivalent to the 6th percentile.
- District-wide, average rainfall was 0.20 inches, equivalent to the 4th percentile.

Streamflow
Streamflow data for November indicate that flow in regional index rivers decreased in all three regions of the District, compared to the previous month. Regional streamflow conditions ended the month within the normal range in all regions. Normal streamflow is defined as flow that falls on or between the 25th and 75th percentiles.
- The monthly average streamflow in the Withlacoochee River near Holder in the northern region was in the 69th percentile.
- The monthly average streamflow measured in the Hillsborough River near Zephyrhills in the central region was in the 59th percentile.
- The monthly average streamflow measured in the Peace River at Arcadia in the southern region was in the 48th percentile.

Groundwater Levels
Groundwater data for November indicate levels in the Floridan/Intermediate aquifer decreased in all three regions of the District, compared to last month. Groundwater conditions ended the month within the normal range in all three regions. Normal groundwater levels are defined as those falling on or between the 25th and 75th percentiles.
- The average groundwater level in the northern region was in the 60th percentile.
- The average groundwater level in the central region was in the 59th percentile.
- The average groundwater level in the southern region was in the 38th percentile.

Lake Levels
Water-level data for November indicate average lake levels decreased in all regions of the District, compared to the previous month. Regional lake levels ended the month below the base of the annual normal range in the Northern, Polk Uplands and Lake Wales Ridge regions, while the Tampa Bay region ended the month within the 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 0.33 foot and were 1.62 feet below the base of the annual normal range.
• Average lake levels in the Tampa Bay region decreased 0.28 foot and were 0.95 feet above the base of the annual normal range.
• Average lake levels in the Polk Uplands region decreased 0.24 foot and were 0.58 foot below the base of the annual normal range.
• Average lake levels in the Lake Wales Ridge region decreased 0.22 foot and were 1.40 feet below the base of the annual normal range.

Issues of Significance
The District is now two months into the 8-month dry season (October through May). Provisional rainfall from November 1-30 was significantly below normal in all regions of the District and most hydrologic indicators declined during the month. The provisional twelve-month District-wide rainfall deficit increased during November, ending the month approximately 3.8 inches below the long-term average. The 24- and 36-month cumulative rainfall deficits were approximately 6.2 and 6.6 inches below their respective long-term averages.

Most hydrologic indicators throughout the District saw declines during November, although streamflow and groundwater levels continued to remain within normal limits. Lake levels in the Northern, Polk Uplands and Lake Wales Ridge regions of the District remained at below-normal levels; while levels in the Tampa Bay region remained in the normal range.

NOAA’s three-month rainfall forecast for the period of December through February is inconclusive and predicts equal chances for below-normal, normal or above-normal rainfall conditions for the District. Additionally, NOAA forecasts for El Niño/Southern Oscillation (ENSO) indicate that neutral conditions currently exist in the Pacific Ocean and will likely continue through the coming winter and spring months. Below-normal rainfall during the remaining dry season could worsen overall hydrologic conditions and increase chances for resource-related impacts.

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
Operations and Land Management Committee  
December 18, 2012  

Discussion Item

Northwest Hillsborough County Lake Level Management

Purpose  
The purpose of this item is to discuss the environmental conditions and water control structure operations which influence the water surface elevations in northwest Hillsborough County lakes and specifically the Lake Pretty chain.

Background  
At the July 31, 2012 Governing Board meeting, staff was requested to facilitate a presentation on the factors influencing the water surface elevations in the northwest Hillsborough County lake systems over the past several years. Staff's presentation will discuss the affects of rainfall events, reduced pumping and water control structure operation upon the water surface elevation of the lakes.

Staff Recommendation:

This item is presented for the Committee’s information, and no action is required. Staff welcomes any input or direction on this item.

Presenter: Roy Mazur, P.E., AICP, Chief, Operations and Land Management Bureau
Submit & File Report

Surplus Lands Assessment

At its November meeting, the Governing Board approved the Frog Creek parcel (recommended from Evaluation Area I) for surplus. Staff will be pursuing a land use change on the parcel to enhance the surplus value of the approximate 8 acres. Staff has submitted the Department of Environmental Protection (DEP) surplus evaluation forms for the Tampa Bypass Canal (12 parcels, 38 acres total), Lake Tarpon Outfall Parcel (2 acres) and the Elsworth Tract (106 acres) from Evaluation Area II seeking their approval. Staff is also producing the DEP evaluation forms for the Chito Branch parcels (126 acres total) identified in Evaluation Area II, the 111-acre Upper Hillsborough parcel identified in Evaluation Area 3, along with the 6.8 acres identified in Evaluation Area IV. Pending a favorable review from DEP, staff anticipates bringing the Tampa Bypass Canal parcels to the Governing Board for their surplus consideration at the February or March meeting.

As the review of the land holdings which the District owns and maintains is complete, Staff is focused on moving approved parcels through the surplus process and collaborating with local government, and other agency partners, to manage the District’s remaining land holdings in a more efficient and cost effective manner. Staff will now be submitting updates to the Board on a quarterly basis.

Staff Recommendation:

This item is submitted for the Committee's information, and no action is required. Staff welcomes any input or direction on this item.

Presenter: Roy Mazur P.E., AICP, Chief, Operations and Land Management Bureau
Flying Eagle Nature Center

The Flying Eagle Nature Center is located within the Flying Eagle Preserve in Citrus County. Upon dissolution of the lease with the Gulf Ridge Council of the Boy Scouts of America in May 2012, the Governing Board directed staff to seek other joint ventures that would afford continued recreational use of the center, while also providing for maintenance and security of the Flying Eagle property. District staff formed a multi-disciplinary project team that developed a marketing plan and website, researched organizations to target, conducted site visits with interested parties, prepared the facilities for marketing, and developed a RFP. The RFP was released August 17, 2012 with a closing date of October 11, 2012. The process garnered four proposals.

At the Board’s November meeting the Board approved staff’s recommendation to appoint a subcommittee of five Board members to serve as the RFP selection committee to interview, evaluate and rank proposals, and establish an order preference for the lease negotiation. Doug Tharp was appointed by Chair Senft to chair the Flying Eagle Evaluation Ad Hoc Committee. Other ad hoc committee members appointed by Chair Senft are Wendy Griffin, Albert Joerger, Randy Maggard and George Mann.

The RFP, proposals, references, evaluator instructions and score sheets have been provided to the ad hoc committee. Oral presentations will be held to provide the respondents an opportunity to clarify their proposals, and allow the evaluators to ask questions and meet the respondents. It is anticipated that this meeting will be held on January 16, 2013 at 10:00 a.m. at the Tampa Service Office.

Staff Recommendation:

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

Presenter: Cheryl Hill, Land Program Coordinator, Operations and Land Management Bureau
Routine Report

Structure Operations

The District is now two months into the 8-month dry season (October through May). Provisional rainfall from November was significantly below normal in all regions of the District and most hydrologic indicators declined during the month. The provisional twelve-month District-wide rainfall deficit increased during November, ending the month approximately 3.8 inches below the long-term average. The 24- and 36-month cumulative rainfall deficits were approximately 6.2 and 6.6 inches below their respective long-term averages.

Most hydrologic indicators throughout the District saw declines during November, although streamflow and groundwater levels continued to remain within normal limits. Lake levels in the Northern, Polk Uplands and Lake Wales Ridge regions of the District remained at below-normal levels; while levels in the Tampa Bay region remained in the normal range.

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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.

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- Southern region rainfall averaged 0.25 inches, equivalent to the 6th percentile.
- District-wide, average rainfall was 0.20 inches, equivalent to the 4th percentile.

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

- Inglis Water Control Structures: The Inglis Main Dam and Bypass Spillway were 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 27.54’ NGVD compared to the recommended maintenance level for the reservoir of 27.50’ NGVD.

- Withlacoochee River Watershed: During the month of November all water control structures in the Tsala Apopka Chain of Lakes were closed to conserve water within the lakes. The Wysong-Coogler Water Conservation Structure main gate and low flow gate were deflated to 38.10’ NGVD and 34.10’ NGVD, respectively, to aid in the regulation of the Lake Panasoffkee water level and provide flow to the Withlacoochee River downstream of the structure. The average monthly water level for Lake Panasoffkee was 38.60’ NGVD.
• Alafia River Watershed: The Medard Reservoir structure was operated to lower the reservoir to 59.00’ NGVD to monitor conditions on the berm. There were no other structures operated during the month of November. The average monthly water level for the Medard Reservoir was 58.99’ NGVD compared to the recommended maintenance level of 60.00’ NGVD.

• Hillsborough River Watershed: There were no structures operated during the month of November. The average monthly water level for Lake Thonotosassa was 36.24’ NGVD compared to the recommended maintenance level of 36.50’ NGVD.

• Tampa Bay/Anclote Watershed: The Crescent and Island Ford structures were operated during the month of November. The average monthly water level for Lake Tarpon was 3.08’ NGVD compared to the recommended maintenance level of 3.20’ NGVD.

• Peace River Watershed: There were no structures operated during the month of November. The average monthly water level for Lake Gibson was 142.71’ NGVD. The recommended maintenance level for the Lake Gibson is 143.00’ NGVD. The average monthly water level for Lake Hancock was 98.22’ NGVD compared to the recommended maintenance level of 98.70’ NGVD. Work on the P-11 replacement structure is progressing. The scheduled completion date is November 2013.

• Lake Wales Ridge Watershed. Structure G-90 was not operated during the month of November. The average monthly water level for Lake June-in-Winter was 74.73’ NGVD compared to the recommended maintenance level of 74.50’ NGVD.

Staff Recommendation: See Exhibit

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

Presenter: David P. Crane, P.E., Manager, Structure Operations Section
Lake Hanna

Lake Keene

Lake Kell

Lake Stemper

Daily Average Values
Lake Surface Area = 29 Acres
Low Slab = 63.68'
SCADA Device #7531

Daily Average Values
Lake Surface Area = 31 Acres
Low Slab = 68.09'
Structure Gauge Datum = 62.95'
Lake Gauge Datum = 54.45' MSL

Daily Average Values
Lake Surface Area = 31 Acres
SCADA Device #7631

Daily Average Values
Lake Surface Area = 58.32 Acres
Low Slab = 63.70
Lake Gauge Datum = 30.3 MSL
SCADA Device #2067
Lake Fannie (P-7)
Lake Level
Low Level
Max. Desirable
High Level
Lake Surface Area = 833 Acres
Lake Gauge Datum = 120.36 MSL
SCADA Device #2187

Lake Hamilton (P-8)
Lake Level
Low Level
Max. Desirable
High Level
Lake Surface Area = 2,640 Acres
Lake Gauge Datum = 115.00 MSL
SCADA Device Number = 1747

Lake Hancock (P-11)
Lake Level
Low Level
Max. Desirable
High Level
Lake Surface Area = 4,541 Acres
Lake Gauge Datum = 92.78 MSL
Structure Gauge Datum = 84.08 MSL
SCADA Device Number = 1807

Lake Henry (P-5)
Lake Level
Low Level
Max. Desirable
High Level
Lake Surface Area = 861 Acres
Lake Gauge Datum = 100.00 MSL
S.R. Gauge Datum = 120.00 MSL
SCADA Device Number = 4087
**Sawgrass Lake**

Lake Surface Area = 21 Acres
Low Slab = N/A
Lake Gauge Datum = Direct Read
SCADA Device Number 7611

**Lake Armistead**

Lake Surface Area = 35 Acres
Low Slab = 45.72'
Lake Gauge Datum = Direct Read
SCADA Device Number 7671

**Lake Haines**

Lake Surface Area = 716 Acres
Low Slab = 131.81'
Lake Gauge Datum = 100.00'
SCADA Device Number 7571

**Medard**

Lake Surface Area = 5 Acres
Low Slab = 53.5
Lake Gauge Datum = Direct Read
SCADA Device Number 7871
Lake Consuela

Lake Surface Area = 37 Acres
Low Slab = 47.80'
Structure Gauge Datum = Direct Read
Lake Gauge Datum = Direct Read

Lake Bradley

Lake Surface Area = 590 Acres
Low Slab = 44.38'
Structure Gauge Datum = Direct Read
Lake Gauge Datum = Direct Read
Significant Activities

This report provides information on significant Operations and Land Management projects and programs in which the Governing Board is participating in funding. The report provides a brief description and status of significant activities associated with the projects that have recently occurred or are about to happen.

Land Management

- The Florida Trail association, in coordination with Land Management staff, hosted a volunteer work day at Potts Preserve. Forty-three volunteers cleared and blazed more than ten miles of trails, picked up trash and debris in the campgrounds and along the trails, and removed several fallen trees from the trails. The effort garnered more than 300 volunteer hours.

- Land management conducted four hog-dog feral hog population control hunts in November. Fifty-five hogs were removed during the hunts by the 41 registered hunters. The hunts occurred on the Conner Preserve, Deep Creek Preserve, Little Manatee River Southfork Tract and the McGregor-Smith Tract within the Flying Eagle Preserve. A total of 246 registrations were issued Districtwide for the 13 scheduled hog-dog feral hog population control hunts during FY2013.

Fire Activity

Operations and Land Management staff burned 2,017 acres under prescription in the month of November. Though Florida is experiencing the drying weather patterns characteristic to this time of year, most wetlands still contain surface water. Land Management staff is beginning to take necessary precautions with the burn program so as not to conduct burns with extended smoke management duties. Many of the areas currently being burned are conducted to secure larger burns or to secure burns with heavier fuel loads.

Staff Recommendation:

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

Presenter: Michael L. Holtkamp, P.E., Director, Operations, Maintenance & Construction Division
RESOURCE MANAGEMENT COMMITTEE

Discussion Items

29. Cooperative Funding Initiative Board Policy ................................................ (10 minutes) .... 2

Submit & File Report


Routine Reports

31. Minimum Flows and Levels ......................................................................................... 11

32. Watershed Management Program and Federal Emergency
    Management Agency Map Modernization ....................................................................... 15

33. Significant Water Supply and Resource Development Projects ............................... 18
Resource Management Committee  
December 18, 2012

Discussion Item

Cooperative Funding Initiative Board Policy

Purpose
This item is to provide the Governing Board with an overview of Board Policy 130-4, Cooperative Funding Initiative, and options for revisions to the policy for the Board to consider.

Background/History
The Board policies address significant operational matters and management issues of the District and provide overall guidance to accomplish the District functions. Board Policy 130-4, Cooperative Funding Initiative, provides guidance on implementing the District’s Cooperative Funding Initiative. The District’s Cooperative Funding Initiative is a key program to help develop sustainable water resources, enhance conservation efforts, restore natural systems, improve water quality and provide flood protection. The Board last updated the policy in December 2011, making changes to the policy that were editorial in nature.

In review of the District’s processes associated with the Cooperative Funding Initiative over the last year, staff has identified options for revisions to the policy for the Board to consider. The policy provides guidance on process, priorities, the types of projects considered, and specific direction for consideration of alternative water supply projects. Staff has identified options for the Board to consider making changes to the policy to enhance the prioritization and ranking of the cooperative funding projects. Staff will introduce the options to the Board at the December Board meeting to allow for Board discussion and input. Staff will bring the policy back to the Board at its January 2013 meeting to finalize any changes to the policy in time for the February and April 2013 Cooperative Funding regional sub-committee meetings.

Staff will provide an overview of the Cooperative Funding Initiative Policy and options to enhance the prioritization and ranking of the projects.

Staff Recommendation: See Exhibit

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

Presenter: Mark A. Hammond, Director, Resource Management Division
STATEMENT OF POLICY:

In accordance with Chapter 373, Florida Statutes, the Governing Board (Board) may participate and cooperate with county governments, municipalities, water supply authorities, and other interested entities in water management programs and projects of mutual benefit, provided such programs and projects are consistent with the District’s statutory authority and will ensure proper development, utilization, and conservation of the water resources and ecology within the jurisdictional boundaries of the District. In addition, the Governing Board will implement the state’s Water Protection and Sustainability Program through its Cooperative Funding Initiative if state funds are appropriated for this program.

POLICY GUIDELINES:

The following guidelines apply to all projects:

1. The Board will give priority consideration to those projects designed to further the implementation of the District Strategic Plan, Water Management Plan, Comprehensive Watershed Management Plans, Surface Water Improvement and Management Plans, and Regional Water Supply Plan.

2. The District is committed to supplier diversity in the performance of all contracts associated with District Cooperative Funding projects. The District requires the second party to make good faith efforts to encourage the participation of minority and women-owned business enterprises, both as prime contractors and sub-contractors, in accordance with applicable laws. Applicants will be required to document all contractors and sub-contractors who perform work in association with the project, including the amount spent and, to the extent such information is known, whether each contractor or sub-contractor was a minority owned or small business enterprise. The applicant will be required to provide the District a report of this information upon completion of the project prior to final payment, or within 30 days of the execution of any amendment of an agreement that increases project funding and prior to disbursement of any additional funds by the District.

3. The Board will consider the applicant’s efforts in developing, implementing, and enforcing best water management practices, including but not limited to, conservation oriented water rate structures and irrigation, landscape and flood protection ordinances.

4. Funding may be provided to assist with the cost of data collection, research, feasibility studies, conservation and environmental education initiatives; ecosystem restoration, water resource investigation and plan development; and design, permitting and construction of capital projects. Funding is not available for operation and maintenance, payment of debtor submittal, and responses to required District permits.

5. Funding assistance will be contingent upon concurrent project action and commitment by the county, municipality, water supply authority, or other interested entity to ensure the project goals will be implemented.

6. The Board will consider funding based on the applicant’s ability to demonstrate that such funding is necessary to make the project economically feasible.

7. The cooperating entity must demonstrate any matching funds have been appropriated, are contained within a Capital Improvement Plan, or otherwise committed to the project.
8. Any state or federal appropriations or grant monies received by a county government, a municipality, or a water supply authority for a specific project shall be first applied toward the total cost of the cooperator’s proposed project. The District will typically fund up to 50 percent of the remaining project costs with a similar match from the cooperator.

9. Pursuant to the provisions of Section 288.06561, Florida Statutes, the Board may reduce or waive requirements for matching funds when requested by rural counties or municipalities, as defined by Subsection 288.0656(1)(b).

10. All applications submitted for funding consideration by the Board must be signed by a single Senior Administrator acting as a coordinator for the Cooperative Funding Initiative for the county, municipality, water supply authority, or interested entity. If an entity submits multiple applications, is an overall ranking of the projects is required. Final decisions regarding the funding of project proposals are the exclusive responsibility of the Board.

11. Refer to District Procedure Number 13-4 for additional guidance.

The following additional guidelines apply to potable alternative water supply projects:

12. It is the express intent of the Board to utilize its incentive-based funding to encourage the development of fully integrated robust multijurisdictional water supply systems comprised of diverse sources (i.e., groundwater, surface water, offstream reservoirs, desal, etc.), managed in a manner that takes full advantage of Florida’s intense climatic cycles to ensure reliable, sustainable and drought resistant systems, which maximize the use of alternative supplies to the greatest extent practicable. Multijurisdictional means two or more water utilities or local governments that have been organized into a larger entity or have entered into an interlocal agreement or contract for the purpose of more efficiently pursuing water supply development or alternative water supply development projects pursuant to a regional water supply plan. The water supply systems of the multijurisdictional entity must be interconnected and must have a formalized operational management agreement that ensures the interconnected supplies are managed as described in the Board’s intent as described herein. All operational agreements between multijurisdictional entities will be evaluated by the District and must be deemed consistent with the Board’s intent as described herein.

13. Consistent with Section 373.707, Florida Statutes, the District shall prioritize funding for alternative water supply projects as follows:
   - Highest priority – Alternative water supply projects owned, operated and controlled, or perpetually controlled by a Regional Water Supply Authority (RWSA).
   - Medium priority – Alternative water supply projects that are not owned, operated and controlled, or perpetually controlled by a RWSA, but meet the definition of multijurisdictional.
   - Lowest priority - Projects that do not meet the multijurisdictional criteria. Funding for these projects would be limited to consideration by the appropriate Basin Board(s). (Note: modification to this policy will be discussed by the Board as circumstances arise)

14. If a member government of a RWSA proposes a potable water supply project, it must be submitted by the RWSA to be considered for District funding.
15. Projects submitted by non-member governments within the service area of a RWSA will be considered for funding only if the non-member government has reviewed its plan with the RSWA to ensure the project is not inconsistent with the RWSA plan. An affirmative written statement from the RWSA indicating that the project is not inconsistent is required.

16. In determining whether, and how much funding will be provided by the District, the District will consider the project’s total cost per 1,000 gallons and the cost per gallon of water supply produced. These costs shall exclude distribution system components and will be compared to, among other things:

   a. The cost of other available potable water supply that could be purchased by the applicant from a supplier who is capable of meeting the demand.
   b. The cost to develop other viable alternative water supplies.
   c. The unitary rate or wholesale water cost of the RWSA in the area where the applicant is located. For applicants outside the area of a RWSA or within the service area of a RWSA that does not own, operate and control an alternative water supply project, cost information from other RWSAs with alternative water supplies can be used for comparison purposes.
   d. The applicant’s current cost of water supply and projected cost of water supply after the project is in operation.

All cost information must be certified and adjusted to reflect present values for the current fiscal year.

17. The District will consider the applicant’s conservation oriented water rate structure(s) and per capita water use as factors in its incentive based funding. Where an applicant has not achieved the District per capita water use requirements as described in Chapter 40D-2, Florida Administrative Code, or where they have not adopted an effective conservation rate structure, District funding may be limited to consideration of water conservation projects only.

REFERENCES: Chapter 373, Florida Statutes
           Chapter 40D-2, Florida Administrative Code

SUPERSEDES: 12/18/07, 10/24/06, 9/27/05, 9/28/04, 3/25/03, 11/01/01
Resource Management Committee  
December 18, 2012

Discussion Item

Status of the Southern Water Use Caution Area Recovery Strategy

Purpose
This is the annual update and status of the District’s efforts to monitor the recovery of water levels and flows in the Southern Water Use Caution Area (SWUCA). The update addresses the status of water levels and flows through the end of 2011. This is for the Board’s information only.

Background/History
In March 2006, the Governing Board adopted minimum "low" flows for the upper Peace River and minimum levels for eight lakes along the Lake Wales Ridge in Polk and Highlands counties and the Upper Floridan aquifer in the "Most Impacted Area" of the SWUCA to slow the rate of saltwater intrusion. Since most, if not all, of these minimum flows and levels were not meeting their adopted levels and flows, the Board adopted a SWUCA Recovery Strategy (Strategy) and changes to its water use permitting rules to implement the strategy. The principle goals of the Strategy are to:

1. Restore minimum levels to priority lakes in the Ridge area by 2025;
2. Restore minimum flows to the upper Peace River by 2025;
3. Reduce the rate of saltwater intrusion in coastal Hillsborough, Manatee and Sarasota counties (referred to as the Most Impacted Area or MIA) by achieving the proposed minimum aquifer level for saltwater intrusion by 2025; once achieved, future efforts should seek further reductions in the rate of saltwater intrusion and the ultimate stabilization of the saltwater-freshwater interface; and
4. Ensure that there are sufficient water supplies for all existing and projected reasonable/beneficial uses

The Strategy provides a plan for ensuring these minimum flows and levels (MFLs) can be achieved by 2025, that there are sufficient water supplies for all reasonable/beneficial uses, and that investments of existing water use permittees are protected.

There are six basic elements to the Strategy: conservation, alternative water supply development, resource recovery projects, land use transitions, permitting, and monitoring and reporting. Promoting conservation and alternative supply development are a continuation of longstanding District programs that, along with the District’s permitting program, have contributed to a stabilization of groundwater withdrawals in the region over the past 30 years. Resource recovery projects, like the project to raise the levels of Lake Hancock for release to the upper Peace River during the dry season, are actively being pursued. Whereas coastal areas will generally meet their future demands through development of alternative supplies, some new uses in inland areas will be met with groundwater from displaced non-residential uses (i.e., land use transitions).

As major elements of the Strategy are implemented, the District monitors trends in resource conditions and permitted and actual water use. Elements of this monitoring program include aquifer levels, lake levels and streamflows, permitted and actual water use quantities, changes in use types and relocations, and surface and groundwater quality. Results of this monitoring are provided to the Board each year; and, every five years, this information is evaluated as part of the Regional Water Supply Planning process. The monitoring provides the District with information necessary to determine whether progress is being made and enables the District to adaptively manage water resources in the SWUCA to ensure the goals and objectives can be achieved.
Annual Update and Status of Resource Monitoring Efforts

The effort to monitor water resources in the SWUCA is focused on long-term groundwater level monitoring sites and water bodies with established MFLs. Figure 1 (see exhibit) illustrates long-term groundwater level fluctuations at six monitoring wells located throughout the SWUCA. ROMP 50 and 60, and the Coley Deep wells generally reflect water level fluctuations in the northern portion of the SWUCA and the Marshall Deep, Edgeville Deep and Sarasota 9 wells reflect water level fluctuations in the southern area. Since the early 1990s, groundwater levels have been stable or increasing in the northern portion of the SWUCA and stable or decreasing in the southern portion of the SWUCA. This was anticipated to occur as it was understood that changes in the locations and amounts of water users in the northern area were occurring and that some additional water use would likely occur in the southern portion of the area. Over the next several years, it will be necessary to continue monitoring the southern area to ensure resource concerns are manageable.

MFLs have been adopted on 41 water bodies in the SWUCA: 27 lakes, 11 rivers, 2 springs and 1 aquifer. In January 2007, when regulatory portions of the Strategy became effective, MFLs were adopted on 17 water bodies with 5 (29 percent) water bodies meeting and 12 (71 percent) water bodies not meeting their adopted MFLs. Currently, 22 (54 percent) water bodies are meeting and 19 (46 percent) water bodies are not meeting their adopted MFLs. Figure 2 (see exhibit) shows the locations of water bodies with adopted MFLs and the corresponding determination of met versus not met status. The minimum aquifer level (MAL) over the MIA is an important indicator of overall progress on the Strategy. This is because of the regional nature of the aquifer system and implications for requests for new groundwater withdrawals. The MAL was calculated as the average groundwater level in the MIA over the 10-year period from 1990 to 1999; and, Figure 3 (see exhibit) presents the current status of the aquifer level compared to the adopted MAL. The status is determined by comparing the 10-year moving average actual water level to the adopted MAL. In 2011, the 10-year average aquifer level was 12.4 feet, which is an increase over previous years, though it is 0.7 feet below the MAL.

The two primary factors influencing water levels in the region are rainfall and groundwater withdrawals. Rainfall is the principle source of water to the hydrologic system in the area and, as expected, has highly varied over the last several years with two major droughts and a period of very high rainfall. Since the tropical storms experienced in 2004 and 2005, the area has received less than the long-term average annual rainfall, Figure 4 (see exhibit). During these low rainfall periods, less water is available to replenish water bodies, resulting in lower levels and flows. Additionally, activities that require water, such as irrigation uses, have to supplement their water needs by withdrawing more water. The increased groundwater withdrawals during these periods can cause surface water levels to decline further than what would be expected given rainfall alone. Recent trends in actual and permitted groundwater withdrawals in the SWUCA are shown in Figure 5 (see exhibit). Since the change in permitted quantities associated with implementation of the “SWUCA 1” rules in 2003, there has been a slight decrease in overall permitted quantities. Actual “estimated” groundwater withdrawals have been fairly stable since the drought of the early 2000s. In recent years, groundwater withdrawals were estimated to be close to 600 million gallons per day.

In summary, water resource trends continue to be stable and are generally fluctuating consistent with rainfall that has been received, though several sites remain below the adopted MFLs. Rainfall over the recent few years has been below the long-term annual average and groundwater withdrawals have been stable. Though new quantities of groundwater have been authorized, the overall trend in permitted quantities has been declining.

As noted in the Strategy, District staff is preparing a comprehensive review of the major elements of the strategy, including hydrologic conditions and options for achieving recovery by 2025. Results of this review will be provided in early 2013.

Staff Recommendation: See Exhibit

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

Presenter: Mark D. Barcelo, Senior Professional Engineer, Water Resources Bureau
Figure 1. Long-term groundwater monitoring sites in the SWUCA
Figure 2. Status of MFL water bodies in the SWUCA

Figure 3. Status of the Upper Floridan aquifer level in the Most Impacted Area of the SWUCA
Figure 4. Long-term rainfall at the Bartow station

Figure 5. Permitted and estimated groundwater withdrawals in the SWUCA
Resource Management Committee  
December 18, 2012  

Routine Report  

Minimum Flows and Levels  

District staff continues to work on various phases of Minimum Flows and Levels (MFLs) development for water bodies on the District's MFLs Priority List and Schedule. 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 with regard to the District's five-phase process for MFLs establishment.

Phase 1 of the process, which consists of data collection, was recently completed for lakes Raleigh, Rogers and Starvation, and also for development of “intermediate” and “high” minimum flows for three upper segments of the Peace River.

Rule amendments associated with proposed MFLs for Tooke Lake and Whitehurst Pond were approved by the Board on November 27, 2012. Adoption of the rule amendments will complete Phase 5 of the MFLs development process for the two lakes, and is expected to be completed by January 2013. Adoption of other recently approved rule amendments, including those associated with MFLs for the Chassahowitzka River System and Springs, Homosassa River System and Springs, and lakes Bonable, Tiger and Little Bonable is also expected to occur by January 2013.

Staff Recommendation: See Exhibit

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

Presenter: Doug Leeper, Chief Environmental Scientist, Water Resources Bureau
**Exhibit: Minimum Flows and Level Priority List and Schedule – Water Body Timelines Report**

**RIVERS, SPRINGS & ESTUARIES**

<table>
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<tr>
<th>Scheduled for Adoption</th>
<th>Priority Water Body Name</th>
<th>Phase 1 Data Collection Completed</th>
<th>Phase 2 Data Analysis &amp; Internal Draft MFL Report Completed</th>
<th>Phase 3 Draft MFL Report to Board / Peer Review Report to Board</th>
<th>Phase 4* Recovery Strategy Developed</th>
<th>Phase 5** Rule Amendments to Board / Rule Adoption</th>
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* **NN** = recovery strategy not needed; **TBD** = to be determined; **Recovery** = recovery strategy needed
** ** Water bodies completed through Phase 5 will be removed from this list and added to the Minimum Flows and Levels Already Adopted list when the Priority List and Schedule is updated each year

December 2012
### Exhibit: Minimum Flows and Level Priority List and Schedule – Water Body Timelines Report (continued)

#### LAKES & WETLANDS

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<tr>
<th>Scheduled for Adoption</th>
<th>Priority Water Body Name</th>
<th>Phase 1 Data Collection Completed</th>
<th>Phase 2 Data Analysis &amp; Internal Draft MFL Report Completed</th>
<th>Phase 3* Draft MFL Report to Board / Peer Review</th>
<th>Phase 4** Recovery Strategy Developed</th>
<th>Phase 5*** Rule Amendments to Board / Rule Adoption</th>
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**NA** = not applicable; **minimum levels set with peer reviewed methods**

**NN** = recovery strategy not needed; **TBD** = to be determined; **Recovery** = recovery strategy needed

**Water bodies completed through Phase 5 will be removed from this list and added to the Minimum Flows and Levels Already Adopted list when the Priority List and Schedule is updated each year**

December 2012
Priority Water Bodies with Adopted Minimum Flows and Levels

- Alafia River (upper segment)
- Alafia River (lower segment)
- Anclote River (lower segment)
- Anclote River (upper segment)
- Braden River (upper segment)
- Buckhorn Springs
- Citrus County Lakes – Ft. Cooper, Tsala Apopka – Floral City, Inverness and Hernando Pools
- Crystal Springs
- Dona Bay/Shakett Creek System
- Dover/Plant City Water Use Caution Area Minimum Aquifer Level
- 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, Verona
- Hillsborough County Lakes – Alice, Allen, Barbara, Bird, Brant, Calm, Carroll, 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, Virginia, Wimauma
- Hillsborough River (lower segment)
- Hillsborough River (upper segment)
- Levy County Lake – Marion
- Lithia Springs
- Myakka River (lower segment)
- Myakka River (upper segment)
- Peace River (lower segment)
- Peace River (middle segment)
- Peace River (three upper segments – "low" minimum flows)
- Northern Tampa Bay – 41 Wetland sites
- Northern Tampa Bay – 7 Wells – Upper 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
- Polk County Lakes – Annie, Bonnie, Clinch, Crooked, Crystal, Dinner, Eagle, Lee, Mabel, McLeod, North Lake Wales, Parker, Starr, Venus, Wales
- Sulphur Springs
- Sumter County Lakes – Big Gant, Black, Deaton, Miona, Okahumpka, Panasoffkee
- Southern Water Use Caution Area – Upper 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 18, 2012

Routine Report

Watershed Management Program and Federal Emergency Management Agency Map Modernization

District staff continues to work on various steps of the District’s Watershed Management Program and Federal Emergency Management Agency Map Modernization. Attached for the Board’s information is the current schedule that identifies the status of each watershed for the topographic information, watershed evaluation, watershed management plan, and Flood Insurance Rate Maps (FIRMs).

Staff Recommendation: See Exhibit

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

Presenter: JP Marchand, P.E., Manager, Engineering and Watershed Management
## Exhibit – Watershed Management Program and FEMA Map Modernization Schedule
### December 2012

<table>
<thead>
<tr>
<th>Year</th>
<th>County</th>
<th>Watershed</th>
<th>Topographic Information</th>
<th>Watershed Model</th>
<th>Public Meetings</th>
<th>Present to Board</th>
<th>Submit Preliminary DFIRMs to FEMA</th>
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Note: FEMA will start their formal appeals period for adoption after the District submits the preliminary DFIRMS to FEMA.
## Exhibit – Watershed Management Program and FEMA Map Modernization Schedule
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Resource Management Committee  
December 18, 2012  

Routine Report  

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

Lake Hancock Lake Level Modification Project  
This project is being implemented as part of the adopted Southern Water Use Caution Area (SWUCA) Recovery Plan for restoring minimum flows in the upper Peace River. The project began in 2002 with preliminary feasibility and development of a scope of work to raise the water level in the lake. The District received the conceptual environmental resource permit (CERP) for the project from the Florida Department of Environmental Protection (DEP) in June 2007 with an operating level of up to 100 feet (currently the District operates the P-11 structure at an elevation of 98.7 feet). In response, the Governing Board in September 2007 authorized the project to go forward with final design, permitting, and construction; adopted the Resolution Authorizing Proceedings in Eminent Domain, including a Declaration of Taking; amended the 2007 Update to the Florida Forever Work Plan to include all lands identified as necessary for the project, designating $41 million in Florida Forever Trust Funds; and encumbered $79 million in General Fund Water Supply and Resource Development Reserves for the project. Seventy-four parcels were identified as necessary to acquire in fee (40 parcels) or a lesser interest (34 easement parcels). The Governing Board instructed staff to exhaust all negotiations prior to filing eminent domain proceedings. All property owners have been contacted and offers made. On June 12, 2009, DEP approved the District’s request to extend the CERP commence construction deadline to June 14, 2011. In September 2010, the District received eight bids for construction of the new P-11 structure. The District rejected all bids based upon ambiguities in the bid documents and issued a new request for bid on April 15, 2011. The District awarded the bid on October 18, 2011, and provided the notice to proceed for the construction of the P-11 water control structure to CenState Contractors, Inc. The ERP for the SR540/Jacque Lee Lane mitigation project was approved and issued by the District’s Bartow Service Office on December 22, 2011. The City of Lakeland awarded the contract for the Oak Hill Burial Park mitigation project to QGS Development, Inc., and construction commenced on March 13, 2012. The U.S. Army Corp of Engineers issued the permit for the mitigation project on Coscia and Old Florida Plantation (OFP) properties on March 6, 2012. New Activities Since Last Meeting: The District’s construction contractor, CenState, has completed all concrete work and structural backfilling. Installation of the water control gates and equipment building are the next anticipated construction activities. The City of Lakeland’s contractor is working on the final punch list items to officially complete the Oak Hill Burial Park mitigation project. Acquisition Status: The titles of all 74 parcels (8,340 acres) necessary to operate the project have been acquired. The remaining activities related to the parcels will be litigation and settlement of acquisition costs and fees. The District has maintained the OFP Development of Regional Impact (DRI) and made changes to the Development Order, as necessary, through the City of Bartow, Central Florida Regional Planning Council, and the Department of Community Affairs. The changes to the DRI allow the proposed development to accommodate the District’s Lake Hancock minimum flows and levels (MFLs) and other proposed land use projects. Those portions of the DRI and other parcels determined to be not needed for District projects will be considered for surplus. Before proceeding with the disposition of property, the District will prepare a DEP application for their approval. The surplus activities to date have involved the OFP property with the conveyance of approximately 12 acres necessary for right-of-way to construct the Bartow
Northern Connector Road and the submittal of the Griffin property to DEP for consideration.  

Project Managers: Scott Letasi/Michael Peck/Steve Blaschka

**Lake Hancock Outfall Treatment Project**

The intent of the Lake Hancock Outfall Treatment project is to improve water quality discharging from Lake Hancock to the Peace River and Charlotte Harbor. At their February 2006 meeting, the Governing Board approved the staff recommendation to adopt a 27 percent nitrogen load reduction goal and to utilize wetlands as the primary treatment component. The selection of wetlands as the treatment option was based on a comprehensive consultant investigation into alternative treatment technologies. Project construction commenced on September 26, 2011.

**New Activities Since Last Meeting:** Construction activities continue. All import of borrow material for dike construction was completed in November 2012. Drier conditions have allowed grading in the wetland cells to continue. The control building masonry work was completed in November. The trash rakes and submersible pumps were delivered to the site and are expected to be installed in December. Work continues on the pump station structure, discharge structure, aeration structure and discharge channel.  

*Project Manager: Janie Hagberg*

**Watershed Management Program/Federal Emergency Management Agency Map Modernization**

The District initiated a partnership with the Federal Emergency Management Agency (FEMA) to modernize flood insurance rate maps (FIRMs) as part of its Watershed Management Program (WMP). Flood protection and floodplain information has been a priority at the District since the inception of the organization, and that priority was renewed following the El Niño weather event in 1997-1998. In addition to studies conducted by the District 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. Accurate floodplain information is vital to local government planning and zoning, and to the District’s regulatory program and the land owners. To improve the floodplain information, develop regional scale flood routing models for alternative analysis, and improve local governments’ understanding of their flood protection level of service, the District reached out to local governments and initiated the WMP in the late 1990s. 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 $12.1 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. 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. Typically, the map modernization process includes the following steps: The community and District assess the mapping needs, the project is scoped, topographic data is acquired and watershed modeling is completed. The District and an independent peer reviewer analyze the data, which is then provided to the public for their verification. Updates are made incorporating the input from the public and peer reviewer, and the information is presented to the Governing Board for approval. After the approval, data is forwarded to FEMA, mapping is initiated, and the digital flood insurance rate maps (DFIRM) are produced.  

**New Activities Since Last Meeting:** Hernando County: The FEMA FIRMs became effective on February 2, 2012. Pasco County: The countywide preliminary maps and Flood Insurance Study reports have been submitted to FEMA for post-preliminary processing. Sarasota County: Draft FIRM geodatabase is currently under review. Polk County: Work continues in the county; Peace Creek and Upper Peace River–Homeland watersheds are currently being reviewed and refined. Hardee County: The preliminary DFIRM 90-day appeal period ended on October 17, 2012, with no appeals. DeSoto County: The preliminary DFIRM 90-day appeal period began on September 27, 2012, and will end on December 26, 2012. Sumter County: The preliminary FIRM date was January 21, 2012. FEMA is now lead party in the project. Preliminary DFIRM and community
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coordination, and public open house meetings were held March 21, 2012. The preliminary FIRM notice was published in the Federal Register on May 18, 2012. The 90-day appeal period began on June 29, 2012, and ended on September 27, 2012. One valid appeal was received. Citrus County: Watershed models are being developed for East Citrus/Withlacoochee River and Homosassa River by consultants. Cardinal Lane watershed was approved by the Governing Board in September 2012 and provided to the FIRM mapping consultant in October 2012. Levy County: Maps became effective November 2, 2012. A watershed model is being developed for the Town of Bronson watershed. Marion County: Modernized FIRM is being adopted in August 2008. Watershed models are being developed by consultants for the Lake Stafford East, Priest Prairie Drain, West Ocala, and West Marion watersheds. Manatee County: Buffalo Canal/Frog Creek has been approved by the Governing Board and provided to the FIRM mapping consultant. Gamble Creek watershed was approved by the Governing Board in June 2012. Braden River watershed model revisions are ongoing. FEMA will manage the production of the FIRM and the map adoption process. Highlands County: Modernized FIRM 90-day appeal period will begin by the end of 2012. Project Manager: J.P. Marchand

Myakka River Watershed Initiative and Flatford Swamp Hydrologic Restoration
The Myakka River Watershed Initiative (MRWI) is a comprehensive project that will illustrate the effects of land use conversions and alterations and evaluate best management practices for environmental restoration alternatives. A primary focus of the MRWI is the Flatford Swamp area. The overall objective is to restore historic water quantity regimes, improve water quality, natural system, and reduce floodplain impacts in the watershed in ways that can also provide a benefit to water supplies in the SWUCA. In February 2006, the Governing Board allocated $500,000 to hire a consultant team to perform elements of the WMP and for the collection of topographic information in eastern Manatee County using light detection and ranging (LiDAR) mapping technologies. Several outreach meetings were held to solicit stakeholder input and gather data. A water budget model comparing existing and historic conditions within Flatford Swamp was developed to determine the amount of excess water that could be captured for a beneficial use. This information was provided to the Peace River Manasota Regional Water Supply Authority (Authority) for use in its latest water supply master plan. Several preliminary scenarios for removal of excess water from the swamp have been evaluated and, as a result, a Memorandum of Understanding that outlines the development of a scope of work for a feasibility study to determine Mosaic’s potential uses for excess water from Flatford Swamp received Governing Board approval in November 2010. A subsequent revenue agreement with Mosaic has been executed. The District will act as the lead party in the feasibility study, and a consultant services contract with Ardaman & Associates for the study was executed on September 20, 2011. Mosaic is working to better characterize the receiving water at Wingate mine for specific constituents. The information will assist with decisions on water treatment. Though the Flatford Swamp Feasibility Study is slightly behind schedule, the Ardaman/Tetra-Tech team presented an aggressive plan to the District and Mosaic and committed to finishing the project by the end of December 2012 under the existing schedule. New Activities Since Last Meeting: A meeting was held with DEP on November 29, 2012, to discuss additional permitting issues associated with refinements developed during the feasibility phase of the proposed project. Planning continues on pilot burn and herbicide treatment on a small portion of Flatford to gage effectiveness for restoration. Ardaman is working on the final feasibility study report for review by the team. Project Managers: Lisann Morris/Mary Szafraniec

Tampa Bay Water
- **Surface Water Expansion Project**: This is a four-year feasibility study to determine the availability of surface water withdrawals from surface water supply sources (including the Alafia River and Bullfrog Creek), evaluate expanding Tampa Bay Water’s (TBW) reservoir, and perform cost analyses. Ongoing activities include surface water modeling, analyses and cost estimating. Due to TBW’s decision to expand their reservoir, the modeling runs and assessments have been reduced to include Bullfrog Creek and alternative treatment locations only. This will allow TBW to evaluate the possibility of withdrawing additional surface water from Bullfrog Creek as part of their long-term planning efforts. The consultant is currently performing hydraulic modeling and system analyses. The analyses will include evaluating potential effects that the new supply project configurations would have on the operations,
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hydraulics and water quality of TBW’s existing system. The analysis has been delayed due to TBW’s decision to not expand the C.W. Bill Young Reservoir. The analysis will be performed using a baseline scenario of the existing water distribution system, with comparisons to combinations of: (1) water supply from Bullfrog Creek, (2) construction of a new treatment facility, (3) construction of a new 6 billion gallon reservoir, and (4) treatment at the D.L. Tippin water treatment facility. District staff met with TBW on February 13, 2012, to finalize the project modeling configurations; and met with the TBW project manager on June 21, 2012, to discuss recent activities and time schedules. A second meeting was held on August 10, 2012, with TBW’s project manager and the project consultant to discuss the status of the project. New Activities Since Last Meeting: The model scenarios have been completed and draft memorandums have been written. A meeting will be held in December 2012 to discuss the results and the memorandums. The project is ahead of schedule and is anticipated to be completed by the end of January 2013. Project Manager: Mike Hancock

Peace River Manasota Regional Water Supply Authority

• Regional Integrated Loop System Project: The Regional Loop System interconnects the water supply and distribution systems of Authority members and non-member customers. The project is being developed in multiple phased segments. Phase 1A connects the Peace River Water Treatment Plant (WTP) to the City of Punta Gorda’s Shell Creek WTP and provides additional service to developed portions of Charlotte County near I-75. The project includes approximately 12 miles of pipeline with a 6 mgd bilateral transmission capacity and a subaqueous crossing of the Peace River. A cooperative funding agreement between the District and Authority for Phase 1A was executed in September 2008. Design was completed in October 2009. A construction contract was awarded in August 2010, and construction commenced in March 2011. Total cost is estimated at $19,015,000 and the District is providing up to $12,029,270, which includes $5,000,000 in West-Central Florida Water Restoration Action Plan funding and $43,541 in Water Protection and Sustainability Trust Funds (WPSTF). The funding agreement expires on September 30, 2013. Phase 2 is a 7-mile, 42-inch diameter interconnect that will deliver regional supply allocations to the City of North Port and improve operational flexibility for Charlotte County. The pipeline runs from the Peace River WTP to a meter station in the City of North Port near Serris Boulevard. The funding agreement for Phase 2 was executed in May 2010. Construction commenced in June 2011. The total project cost provided in the funding agreement is $15,400,000. The District’s share of eligible costs is $7,783,015 and includes $166,031 in WPSTF. The funding agreement expires on June 30, 2013. Phase 3A extends the Authority’s regional transmission line from the Carlton wellfield to a meter station for northern Sarasota County and creates a potential intertie to the City of Venice. Future Loop System phases may extend this line into Manatee County. This project includes 8.5 miles of 48-inch diameter pipeline with a design capacity of 37 mgd and includes a subaqueous crossing of the Myakka River. The funding agreement for Phase 3A was executed in November 2008. Construction commenced in February 2010 and was substantially completed in November 2011. The total project cost is estimated to be $31,879,240. The District’s share of eligible costs is $13,825,135 and includes $166,031 in WPSTF. The Phase 3A funding agreement expired on September 30, 2012. New Activities Since Last Meeting: The Authority submitted the final pay request for Phase 3A, and staff are waiting for additional documents to complete the payment and close the project. The Authority has requested FY2014 cooperative funding to construct a tie-in to Phase 3A to provide back-up service to the City of Venice. Phase 1A is substantially complete. The Phase 2 pipeline became operational on September 25, 2012, and is currently servicing North Port and Port Charlotte. Ongoing activities include sod replacement along the corridor and work at the Serris Boulevard meter station. Project Manager: John Ferguson

• Aquifer Storage and Recovery – Arsenic Research
This project is 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 for potable supply prior to injection and storage in the aquifer. The project is co-funded by the Southwest Florida, South Florida, and St. Johns River water management districts, and the Peace River Manasota Regional Water Supply Authority and City of Bradenton. The pilot project is being performed
at the City of Bradenton’s ASR site and is capable of processing water at 700 gallons per minute with 99.96 percent removal of DO. Construction of the degasification system was completed in June 2008 at a cost of $700,000. Preliminary operation cost is estimated at approximately 10 cents per thousand gallons. The first attempt at running a full-cycle test with deoxygenated water began on December 2, 2008. The system, however, was shut down on December 17, 2008, due to equipment failure. Repairs to the degasification system were made in January 2009 and the test was restarted in August 2009. The recharge portion of the test was completed in May 2010 with an optimal storage volume of 160 million gallons (mg) of treated water having been injected, exceeding the minimum goal of 140 mg. Recovery of the stored water started on September 7, 2010. The 160 mg cycle test with pre-treated water was successfully completed on February 23, 2011, and all the recovered water was well within the arsenic drinking water standard of 10 ug/l. The results showed that the pre-treatment process of removing dissolved oxygen does control arsenic mobilization. The system is now being operated by City staff as climatic conditions dictated and is no longer constrained to strict cycle testing schedules required under the DEP underground injection control (UIC) permit. In July 2012, the City completed the second season of successfully supplying arsenic-free water from their ASR system. The City initiated recharge on July 14, 2012, for the third year of ASR operation with low DO water. New Activities Since Last Meeting: The City has injected approximately 110 mg this year, bringing the total volume in storage to 200 mg. The City set a goal to achieve a total volume in storage of 230 mg for this current cycle. The City is preparing a final report documenting the pre-treatment system performance during the last and current cycle tests. Under the current cycle testing plan, the next cycle test will be completed between August and October 2013. DEP contacted the City in September 2012 requesting a meeting to discuss the project and the pending operation permit application. It was anticipated that the DEP would issue an operation permit earlier than originally indicated; however, DEP hasn’t provided any indication that it will issue the permit earlier than the original anticipated date for issuance of January 2014. The District and the City have also developed a scope of work to research and implement methods to improve the performance of the de-oxygenation system and the contract will be finalized by January 2013. Modification to the system to increase its performance will be completed during the storage and recovery period of this current cycle and finished prior to the initiation of the next cycle. Project Manager: Don Ellison

Lower Hillsborough River MFL Recovery Strategy – Implementation
At the August 2007 meeting, the Governing Board established the minimum flow for the lower Hillsborough River (LHR). As required by statute, if the actual flow of a water course is below the proposed minimum flow or is projected to fall below the proposed minimum flow over the next 20 years, a "recovery strategy" must be developed as part of the minimum flow development process. In the case of the LHR, a recovery strategy was needed. The proposed recovery strategy was approved by the Governing Board at the August 2007 meeting. The recovery strategy includes a number of projects to divert water from various sources to help meet the minimum flow. Projects that are planned under the recovery strategy include diversions of water from Sulphur Springs, Blue Sink, the TBC, and Morris Bridge Sink. Pursuant to the recovery strategy, 75 percent of the 11 cubic feet per second (cfs) (8.2 cfs or 5.3 mgd) transferred to the reservoir from the TBC is being pumped to the base of the dam. This amount of fresh water, 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 percent to 80 percent of the adopted minimum flow is now being supplied to the LHR, depending on season. A COT request for a variance to deadlines for completion of recovery strategy projects was approved at the June 2011 Governing Board meeting. The deadlines for project completion were extended as follows: Lower Weir – December 1, 2011; Upper Weir and Pump House – October 1, 2012; Blue Sink Project – December 31, 2013. The District received notification from the COT on November 7, 2011, that the Sulphur Springs Run Lower Weir project is complete. The COT and the District diverted water from Sulphur Springs and the TBC to the base of the dam to meet minimum flows between December 2011 and mid-June 2012; high river flows have occurred at the dam since June 22, 2012. The pumping facilities at the Upper Weir at Sulphur Springs were completed in January 2012 and are now operational. New Activities Since Last Meeting: Staff is evaluating scenarios based on the outcome of the Water Use Permit technical analysis on the Morris Bridge Sink permanent pumping facility. The
District is participating in a cooperative funding agreement with the COT in fiscal year 2013 to cost-share pumps on the Harney Canal and the Hillsborough River reservoir to provide water from the TBC to the lower river to meet minimum flows. **Project Managers: Sid Flannery/ David Crane**

**TECO's Polk Power Station Reclaimed Water Interconnects to Lakeland/Polk County/ Mulberry**

- **Reuse Project:** This regional project (Phase I), consisting of transmission pipelines, pump station(s), advanced treatment and a deep injection well, will provide up to 7 mgd of reclaimed water from several domestic wastewater treatment facilities to Tampa Electric Company’s (TECO) power facility in southwest Polk County (Polk Power Station). The reclaimed water is necessary as TECO will be expanding the Polk Power Station generation capacity (addition of Unit 6). The existing District cooperatively funded reclaimed water project (H076-Phase I) was originally anticipated to provide up to 6 mgd of reclaimed water from the City of Lakeland; however, the supply and offsets were expanded to include 0.75 mgd reuse from the Southwest Polk County Water Reclamation Facility (approved by TECO and Polk County on October 25, 2011). TECO is also in the final stages of entering into a reclaimed water supply agreement with the City of Mulberry to include another 0.30 mgd of reclaimed water in the project. Based upon updated treatment requirement specifications and construction bids received by TECO in late 2012, the project cost estimate has increased from $72,686,800 to $79,529,977. The original final FY2014 funding amount was anticipated to be $2,249,762; however, due to the increased project cost, TECO has requested an increase of $3,421,588 in District share. The total revised TECO request from the District in FY2014 will be $5,671,350 to complete the project. Upon finalization of the reuse supply agreement between TECO and Mulberry, District staff will prepare an amendment to the cooperative funding agreement to incorporate the Mulberry and Polk County portions into the regional project, along with the updated costs and schedule (anticipated in early 2013). With the additional quantities that will be provided by Polk County and the City of Mulberry, approximately 7 mgd of reclaimed water will now be available to TECO. Phase I of the project was originally anticipated to utilize all the reclaimed water by 2013; however, due to the economic downturn and reduced power demands, TECO has delayed the expansion of power generation capacity (Unit 6) until 2017. The delay will require a one-year extension of the District funding agreement to complete the project in 2015. TECO intends to replace, to the greatest extent possible (up to 3 mgd), existing groundwater uses in 2015 with reclaimed water before the full power expansion is complete in 2017. **Additional Information:** In order to utilize the Phase I reclaimed water, the project includes advanced treatment (filtration and membranes) which is necessary to reduce dissolved solids to an acceptable level. The membrane reject water (concentrate by-product) will be mixed with other Polk Power Station discharge water and pumped to one of two new deep injection wells for final disposal. While two disposal wells are being drilled by TECO, only one is eligible for District cooperative funding. The IW-1 and IW-2 Class 1 test well permit applications have been combined and were issued for public notice on September 7, 2012, followed by the public meeting on October 9, 2012. **New Activities Since Last Meeting:** TECO selected the pipeline contractor (Westra) and construction is expected to begin in January 2013. There has been an issue obtaining access to a property along the planned pipeline route. TECO is moving forward with property condemnation and anticipates the issue will be resolved in early 2013. While not included in the scope of work for the District cooperative funding agreement, construction of the second deep injection well (IW-2) continues. **Project Manager: Anthony Andrade**

- **Aquifer Recharge Projects:** In 2009, the District funded a recharge study (H076) as part of the Regional Reclaimed Water Partnership Initiative to assess the feasibility of using highly treated reclaimed water to recharge the Upper Floridan aquifer (UFA) in the southern Hillsborough and Polk County areas. Findings from the study indicate that it is possible to develop direct and indirect aquifer recharge projects to improve UFA water levels and provide opportunities for additional groundwater withdrawals. The costs associated with developing these projects were found to be comparable to costs of other planned alternative water supply projects. Since completing the study, several local governments have expressed interest in assessing the applicability of aquifer recharge in their areas. District staff is working with these entities to develop and implement project plans to assess the site specific feasibilities of
implementing aquifer recharge projects to address their individual needs. Prior to initiating work, District staff also reviews project tasks to avoid as much duplicative efforts as possible between cooperators. The District project managers are visiting active recharge projects to identify positive results or issues requiring further investigation.

- **Currently-Funded Aquifer Recharge Projects – FY2010/2011/2012 Cooperative Funding**
  - **City of Clearwater - Groundwater Replenishment Project**
    This is an indirect potable reuse desktop feasibility study and pilot testing project to evaluate the viability of using 3 mgd of highly treated reclaimed water to increase water levels within the northeast portion of the City and provide possible future water supplies at their existing wellfield. The feasibility study was completed in May 2011 at a cost of $450,000 ($225,000 from the City; $225,000 from the District). The results showed that water level improvements from direct recharge into the brackish zone of the UFA can potentially provide additional water supplies to the City and that water treatment requirements could be met with current available technologies. The study also showed that preliminary cost estimates for the full-scale facility would be $4.07 per thousand gallons. Therefore, the City is moving forward with pilot testing to confirm the findings. The pilot testing program includes permitting, installing a recharge well and associated monitor wells, evaluating aquifer characteristics, testing water treatment and recharge, and conducting public outreach. The project began on November 14, 2011, and will be completed by February 28, 2014, at a total cost of approximately $3.07 million ($1,536,250 each). **New Activities Since Last Meeting:** Construction on the permitted injection well and associated monitor wells is under way. The pilot treatment plant is also under construction. The next status meeting is scheduled for January 4, 2013. **Project Manager: Robert Peterson**
  - **City of Winter Haven - Reclaimed Water for Recharge Feasibility Study**
    This is a desktop feasibility study to evaluate using 4 mgd of highly treated excess reclaimed water for indirect aquifer recharge to benefit water levels in the area. The consultant submitted the first technical memorandum that summarized the results of the background screening of potential recharge locations on January 9, 2012. The City selected properties for further evaluation on February 1, 2012, and initiated development of a sub-regional groundwater flow model to perform the analysis using the Districtwide Regulation Model. **New Activities Since Last Meeting:** The final report and model was delivered to the District on time. The project is complete and the final invoice is being generated. **Project Manager: Robert Peterson**
  - **Pasco County - Reclaimed Water Natural Systems Treatment and Restoration Project**
    A desktop feasibility study to assess using 10 mgd of highly treated reclaimed water to indirectly recharge the UFA via constructed wetlands and/or rapid infiltration basins (RIB) in the Crews Lake and central Pasco areas was completed in January 2011. The study showed that indirect aquifer recharge is a viable option for Pasco County. A Phase II feasibility study and report was completed in February 2012 and includes a screening analysis for potential RIB locations, as well as cost analyses refinements for potential future phases. Phase III will include field testing and modeling once a potential property has been identified. The Phase III scope of work is now complete and the agreement is being routed. A follow-up meeting was held March 19, 2012, to develop a plan to contact land owners identified in the Phase II report to determine which lands are available for field testing and potential purchase for a RIB. A meeting was held with one property owner on May 17, 2012. A meeting with a second property owner was held on July 19, 2012. An initial meeting was held on September 14, 2012, with a third property owner, with a follow-up meeting on October 19, 2012. **New Activities Since Last Meeting:** The cooperative funding agreement remains in the District’s review process, awaiting revised clauses being developed by District staff. Meetings were held with Pasco County Utilities on October 25 and November 8, 2012, to discuss the status of the project, as well as other related projects. It was decided to set up a meeting with at least one more property owner before any decisions are made. A status update meeting with Tampa Bay Water will also be scheduled. To date, no property has been chosen. It is anticipated that work will begin on Phase III in the spring of 2013. **Project Manager: Mike Hancock**
  - **Polk County - Groundwater Recharge Investigation**
    This is an indirect aquifer recharge feasibility study and pilot testing project to evaluate improvements to UFA water levels from applying varying quantities of reclaimed water flows
Item 33

into existing RIB systems in the County’s Northeast Regional Utilities Service Area. Sites evaluated include the Northeast Regional Wastewater Treatment Facility and Polo Davenport. Tasks include performing a site characterization, installing monitoring wells, performing aquifer and RIB characterization activities, and conducting recharge testing for one year. The County’s consultant completed the preliminary site assessment report and detailed testing plan on December 15, 2011. It was determined that the Northeast Regional Wastewater Treatment Facility would be the primary focus for the study; and the plan includes specifics on the well installations, soil borings, aquifer testing and RIB loading. Water level monitoring and soil characterization will also be performed at Polo Davenport.

**New Activities Since Last Meeting:** District staff attended a status meeting on November 29, 2012. The consultants have completed installation of monitoring wells, collection of soil borings, evaluation of surface geophysics, performance of soil infiltration tests, aquifer testing, and the 30-day load test of the RIB system. A final report summarizing the testing activities was submitted to the District on August 10, 2012. The consultant has completed calibration of a regional groundwater flow model of the Polo Park and Northeast facilities and finished all of the model scenario runs. A draft report summarizing the model calibration and scenario results is expected in January 2013. **Project Manager: Ron Basso**

**South Hillsborough County Aquifer Recharge Program (SHARP)**

This is a direct aquifer recharge pilot project to evaluate directly recharging the non-potable zone of the UFA with up to 2 mgd of highly treated reclaimed water at the County's Big Bend facility near Apollo Beach in southern Hillsborough County. The goal of the project is to improve water levels within the Most Impacted Area of the SWUCA and possible slow the rate of inland movement of saltwater intrusion in the area. The pilot testing program includes permitting, installing a recharge well and associated monitor wells, assessing aquifer characteristics, performing recharge testing, evaluating water level improvements, migration of the recharge water and metals mobilization, and conducting public outreach. The County’s consultant submitted the well construction permit application for authorization to install the test recharge well and monitoring wells on December 20, 2011. Design and preparation of bid documents were completed in early July 2012; a request for bids was released the week of July 16, 2012, with responses due by the end of August 2012. **New Activities Since Last Meeting:** Project staff met to further discuss quantifying benefits to the aquifer from recharge resulting from the project in order to better facilitate discussion of the Net Benefit provision. Award of the bid for construction of the well and onsite facilities has been put on hold until the Board of County Commissioners updates their consultant hiring policy. **Project Manager: Mark Barcelo**

**Dover/Plant City Water Use Caution Area Flow Meter and Automatic Meter Reading Equipment Implementation Program**

At the June 2011 meeting, the Governing Board reviewed the Dover/Plant City Water Use Caution Area (DPCWUCA) Flow Meter and Automatic Meter Reading (AMR) Equipment Implementation Program (program) and authorized staff to encumber $1,394,980 from FY2011 into FY2012 to implement the program. The program administration will be guided by a District procedure that is divided into two distinctive steps: (1) installation of flow meters, and (2) installation of AMR equipment. The program is being implemented as a result of several groundwater drawdown events related to frost/freeze protection of agricultural commodities in the Dover/Plant City area. In January 2010, this area experienced a record number of well failures (760) related to groundwater drawdown associated with irrigation used for crop frost/freeze protection. The magnitude of the 2010 frost/freeze event brought into focus the need to further enhance the collection of hydrogeological data, including water use information, to better understand and manage the relationship between pumping and groundwater drawdown. As part of the District’s response to these events, a series of Stakeholder and Technical Work Group meetings were held to develop management strategies. Potential management strategies were also discussed by the Governing Board at several Board meetings in spring 2010. At their June 2010 meeting, the Governing Board directed staff to proceed with the establishment of the DPCWUCA and a recovery strategy that included the expansion of data collection activities through the installation of flow meters and AMR equipment. The Governing Board also authorized the use of $50,000 in contingency funds to begin AMR implementation. At their December 2010 meeting, the Governing Board adopted a minimum
aquifer level in the DPCWUCA (Rule 40D-8.626, Florida Administrative Code (F.A.C.)), as well as a recovery strategy (Rule 40D-80.075, F.A.C.) that incorporated flow meters and AMR installations to reduce resource impacts from future frost/freeze pumping events. The rules went into effect on June 16, 2011. Meter information in the Dover/Plant City area will be used by the District to: (1) improve the allocation of well mitigation responsibilities among permit holders, (2) allow District staff to better identify permit compliance issues resulting from pumping during frost/freeze events, (3) improve the modeling of impacts resulting from pumping during frost/freeze events, (4) allow the monitoring of performance and track the progress of management actions implemented, and (5) provide for the overall assessment of the recovery strategy goal of reducing frost/freeze protection quantities by 20 percent in ten years. It is estimated that 626 flow meters and 961 AMR devices will need to be installed within the 256-square mile DPCWUCA. Total costs of the program are estimated to be $5.5 million for flow meter and AMR equipment installation with approximately $300,000 required annually to support the program. The implementation schedule is to complete all flow meter installations within three years (September 2014) and AMR installations within five years (September 2016).

A Request for Proposal was advertised on December 30, 2011, to obtain a qualified consultant to install AMR equipment. On March 8, 2012, the District elected to reject all proposals from a group of seven respondents. The solicitation of the Request for Proposal is expected to be reissued in October 2012, and installations are anticipated to begin by early 2013. **New Activities Since Last Meeting:** As of November 26, 2012, a total of 86 flow meters have been installed. Staff is continuing to work with 150 permittees identified to date that are eligible to participate in the flow meter reimbursement program. As permit renewals or modifications are issued that qualify for the reimbursement program, permittees are contacted with instructions on how to participate. In addition, it is anticipated that a minimum of 35 additional permittees will be contacted each quarter to participate in the program over the next three to five years. **Project Manager:** Kevin Coughlin

**Staff Recommendation:**

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

**Presenter:** Mark A. Hammond, Division Director, Resource Management
Governing Board Meeting
December 18, 2012

**FINANCE/OUTREACH & PLANNING COMMITTEE**

*Discussion Items*

34. Consent Item(s) Moved for Discussion

*Submit & File Report*

35. Legislative Update ................................................................. 2

*Routine Reports*

36. Treasurer's Report and Payment Register ........................................ 3
37. Monthly Financial Statement .......................................................... 5
38. Monthly Cash Balances by Fiscal Year ............................................. 10
40. Development of Regional Impact Activity Report ............................ 20
41. Significant Activities .................................................................. 23
Submit & File Report

Legislative Update

Following the elections, newly elected state senators and representatives were sworn in during the Organizational Session in November. There are a number of new legislators in the District and staff will be meeting with them in the coming weeks and months, prior to the start of the 2013 Legislative Session.

Staff, along with other water management district staff, is coordinating with the Governors’ Office of Policy and Budget (OPB) and DEP legislative affairs on policy and budget issues in preparation for the upcoming session. Legislation is starting to be filed, and staff will be reviewing bills for potential impacts, both substantive and fiscal, as the process moves forward.

Committees have now been appointed. A number of legislators representing portions of the District are serving in key committee leadership positions. These include:

- Senator Jack Latvala, Chair, Ethics & Elections
- Senator Alan Hays, Chair, Appropriations Subcommittee on General Government
- Senator Charlie Dean, Chair, Environmental Preservation & Conservation
- Representative Seth McKeel, Chair, Appropriations
- Representative Ben Albritton, Chair, Agriculture & Natural Resources Appropriations Subcommittee

Committee meetings are underway, with the first week being primarily focused on new member orientation and committee welcome and overviews. The House Agriculture and Natural Resources Subcommittee heard presentations from the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services. The House Agriculture and Natural Resources Appropriations Subcommittee were provided a base budget overview by staff and general overview of the budget process cycle.

Senate Appropriations had a presentation on Florida’s economic outlook from the Office of Economic and Demographic Research. Budget Chairman Senator Joe Negron also met with Subcommittee Chairs for a Budget Intensive Review and discussed with the chairs ways he would like to look at the base budget this coming year. Chair Negron does not support “across the board” cuts as a way to meet budget objectives, but rather would like a thorough review, and in addition to looking at state contracting practices, the subcommittees should also review recurring local funding initiatives. Committees will resume in January.

Legislative delegation meetings are also ongoing. Delegation meetings provide an opportunity for the local community and other interested parties to present information to their local legislators for consideration. Any potential local bills are also discussed and voted on at delegation meetings. Staff from the Public Affairs Bureau monitors the delegation meetings for any issues related to the District or those that may be discussed having statewide implications related to water and natural resources.

Staff Recommendation:

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

Presenter: Colleen Thayer, Bureau Chief, Public Affairs
Finance/Outreach and Planning Committee  
December 18, 2012  

Routine Report  

Treasurer's Report and Payment Register  

Purpose  
Presentation of the Treasurer's Report and Payment Register.  

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 30, 2012, which reflects total cash and investments at a market value of $565,788,207.  

As reflected on the November 30, 2012, Treasurer's Report, the investment portfolio had $141.8 million or 24.9 percent invested with the State Board of Administration (SBA) of which $136.5 million is invested in the Florida PRIME (formerly the Local Government Investment Pool) and $5.2 million in the Fund B Surplus Funds Trust Fund (Fund B). The District has received $59,895 of Pool A interest earnings for the two months of fiscal year 2012-13. Fund B is not distributing interest earnings. The District is managing its short-term and daily liquidity needs through the use of the Florida PRIME, the Federated Government Obligations Fund/Institutional money market fund and U.S. Treasury bills. 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 30, 2012, the District's investment in Fund B was $5.2 million, down from the initial investment of $40.7 million. The market value of the Fund B investments is estimated at $5 million or approximately 96 percent of cost, reflecting $207,613 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 7, 2012. 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 Florida PRIME, 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 fund transfers (EFTs).  

Staff Recommendation: 
See Exhibit  

These items are provided for the Committee's information, and no action is required.  

Presenter: Linda R. Pilcher, Bureau Chief, Finance
### AGENCY SECURITIES

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**TOTAL FEDERAL FARM CREDIT**

|                          | $93,550,249 | $93,745,714 | $86,520 | 16.40 |

| 313373h54    | 1.50      | Bullet      | 04/15/2011   | 05/15/2014 | 3.08              | 531             | $20,000,000   | $20,354,400  | $13,333        |                |
| 313374rp7    | 1.00      | Bullet      | 07/18/2011   | 07/18/2014 | 3.00              | 595             | $20,000,000   | $20,229,000  | 73,889         |                |
| 313378r60    | 0.71      | Callable    | 04/09/2012   | 04/09/2015 | 3.00              | 860             | 19,994,000    | 20,111,800   | 20,222         |                |
| 3133796c8    | 0.60      | Callable    | 05/14/2012   | 05/14/2015 | 3.00              | 895             | 19,994,000    | 20,000,400   | 5,572          |                |
| 3133804a2    | 0.53      | Callable    | 07/30/2012   | 07/30/2015 | 3.00              | 972             | 20,000,000    | 20,029,800   | 35,628         |                |

**TOTAL FEDERAL HOME LOAN BANK**

|                          | $99,988,000 | $100,725,400 | $148,644 | 17.53 |

| 3134g3n9      | 0.55      | Callable    | 04/20/2012   | 02/27/2015 | 2.86              | 819             | $20,000,000   | $20,017,400  | $28,722        |                |
| 3134g3pd6     | 0.56      | Callable    | 04/20/2012   | 02/27/2015 | 2.86              | 819             | 9,288,748     | 9,229,348    | 14,361         |                |
| 3134g3pd6     | 0.52      | Callable    | 04/20/2012   | 02/27/2015 | 2.86              | 819             | 10,713,019    | 10,834,452   | 14,361         |                |
| 3134g3uu2     | 0.60      | Callable    | 05/22/2012   | 05/22/2015 | 3.00              | 903             | 20,000,000    | 20,029,600   | 3,000          |                |
| 3134g3j50     | 0.50      | Callable    | 09/10/2012   | 09/10/2015 | 3.00              | 1014            | 20,000,000    | 20,014,200   | 22,275         |                |

**TOTAL FEDERAL HOME LOAN MORTGAGE CORPORATION**

|                          | $80,001,767 | $80,125,000 | $82,719 | 14.03 |

| 31398a4s8     | 1.05      | Callable    | 12/08/2010   | 10/22/2013 | 2.87              | 326             | $20,000,000   | $20,136,200  | $22,750        |                |

**TOTAL FEDERAL NATIONAL MORTGAGE ASSOCIATION**

|                          | $20,000,000 | $20,136,200 | $22,750 | 3.51  |

**TOTAL AGENCY SECURITIES**

|                          | $293,540,016 | $294,732,314 | $340,633 | 51.47 |
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
TREASURER'S REPORT TO THE GOVERNING BOARD
November 30, 2012

CASH EQUIVALENTS

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<th>DAYS TO MATURITY</th>
<th>PURCHASE COST</th>
<th>MARKET VALUE</th>
<th>ACCRUED INTEREST</th>
<th>% OF PORTFOLIO</th>
</tr>
</thead>
<tbody>
<tr>
<td>9127957f2</td>
<td>0.13</td>
<td>08/23/2012</td>
<td>02/14/2013</td>
<td>0.48</td>
<td>76</td>
<td>$19,987,847</td>
<td>$19,987,847</td>
<td>$6,944</td>
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</tr>
<tr>
<td>9127956r7</td>
<td>0.15</td>
<td>08/22/2012</td>
<td>05/30/2013</td>
<td>0.77</td>
<td>181</td>
<td>19,977,364</td>
<td>19,977,364</td>
<td>8,136</td>
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<tr>
<td>9127957e5</td>
<td>0.14</td>
<td>11/28/2012</td>
<td>08/22/2013</td>
<td>0.73</td>
<td>265</td>
<td>19,979,233</td>
<td>19,979,233</td>
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<td></td>
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<td></td>
<td></td>
<td>$59,944,444</td>
<td>$59,944,444</td>
<td>$15,313</td>
<td>10.51</td>
</tr>
</tbody>
</table>

UNITED STATES TREASURY BILLS

<table>
<thead>
<tr>
<th>CUSIP NUMBER</th>
<th>INTEREST RATE (%)</th>
<th>PURCHASE DATE</th>
<th>MATURITY DATE</th>
<th>DURATION (YRS) OF SECURITY</th>
<th>DAYS TO MATURITY</th>
<th>PURCHASE COST</th>
<th>MARKET VALUE</th>
<th>ACCRUED INTEREST</th>
<th>% OF PORTFOLIO</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$59,944,444</td>
<td>$59,944,444</td>
<td>$15,313</td>
<td>10.51</td>
</tr>
</tbody>
</table>

STATE BOARD OF ADMINISTRATION (SBA) & OTHER INVESTMENT ACCOUNTS

<table>
<thead>
<tr>
<th>ACCOUNT NUMBER</th>
<th>ACCOUNT DESCRIPTION</th>
<th>INTEREST RATE (%)</th>
<th>PURCHASE COST</th>
<th>MARKET VALUE</th>
<th>ACCRUED INTEREST</th>
<th>% OF PORTFOLIO</th>
</tr>
</thead>
<tbody>
<tr>
<td>271413</td>
<td>SBA General Investments</td>
<td>0.28</td>
<td>$106,294,686</td>
<td>$106,294,686</td>
<td></td>
<td></td>
</tr>
<tr>
<td>271411</td>
<td>SBA Workers' Compensation</td>
<td>0.28</td>
<td>1,472,021</td>
<td>$1,472,021</td>
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<td></td>
</tr>
<tr>
<td>271414</td>
<td>SBA Land Resources</td>
<td>0.28</td>
<td>7,252,968</td>
<td>$7,252,968</td>
<td></td>
<td></td>
</tr>
<tr>
<td>271415</td>
<td>SBA Advanced State Funding (Eco System Trust Fund)</td>
<td>0.28</td>
<td>4,581,199</td>
<td>$4,581,199</td>
<td></td>
<td></td>
</tr>
<tr>
<td>271416</td>
<td>SBA Advanced State Funding (FDOT)</td>
<td>0.28</td>
<td>11,071,965</td>
<td>$11,071,965</td>
<td></td>
<td></td>
</tr>
<tr>
<td>271417</td>
<td>SBA Advanced State Funding (WRAP)</td>
<td>0.28</td>
<td>3,378,793</td>
<td>$3,378,793</td>
<td></td>
<td></td>
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<tr>
<td>271418</td>
<td>SBA Advanced State Funding (WPSTF AWS)</td>
<td>0.28</td>
<td>2,488,633</td>
<td>$2,488,633</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Florida PRIME (Formerly Local Government Investment Pool)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Fund B Surplus Funds Trust Fund (1)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>271413</td>
<td>SBA General Investments</td>
<td>0.00</td>
<td>$4,758,505</td>
<td>$4,569,592</td>
<td></td>
<td></td>
</tr>
<tr>
<td>271415</td>
<td>SBA Advanced State Funding (Eco System Trust Fund)</td>
<td>0.00</td>
<td>471,032</td>
<td>452,332</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Fund B Surplus Funds Trust Fund (1)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>271413</td>
<td>SBA General Investments</td>
<td>0.00</td>
<td>$4,758,505</td>
<td>$4,569,592</td>
<td></td>
<td></td>
</tr>
<tr>
<td>271415</td>
<td>SBA Advanced State Funding (Eco System Trust Fund)</td>
<td>0.00</td>
<td>471,032</td>
<td>452,332</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>TOTAL STATE BOARD OF ADMINISTRATION (SBA) ACCOUNTS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

|                | $141,769,802 | $141,562,189 | 24.87 |

(1) Fund B commingles investments from participants in a portfolio of securities with the objective to maximize the present value of distributions to participants, to the extent reasonable and prudent, net of fees. This objective emphasizes both the timeliness and extent of the recovery of participants' original principal. This is according to Investment Policy Guidelines, Local Government Investment Fund B, Part III. Investment Objective (effective 12/21/07). The District is not receiving interest earnings distributions from the SBA-Fund B accounts.
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
TREASURER’S REPORT TO THE GOVERNING BOARD
November 30, 2012

EFFECTIVE
ACCOUNT NUMBER ACCOUNT DESCRIPTION INTEREST RATE (%) PURCHASE COST MARKET VALUE ACCRUED INTEREST % OF PORTFOLIO

FEDERATED GOVERNMENT OBLIGATIONS FUND / INSTITUTIONAL
0.02 75,002,199 75,002,199 13.15

TOTAL INVESTMENTS $570,256,461 $571,241,146 100.00
CASH, SUNTRUST DEMAND ACCOUNT (2) (5,452,939) (5,452,939)
TOTAL CASH AND INVESTMENTS $564,803,522 $565,788,207

Weighted average yield on portfolio at November 30, 2012 is 0.45%.

(2) Excess funds from the District's SunTrust Bank Demand Account are transferred to the District's money market accounts daily. This may result in a negative book balance. However, a positive bank balance is maintained at all times.

EQUITY - CASH AND INVESTMENTS

DISTRICT AND BASINS
District General Fund 302,421,149.00 53.54%
Alafia River Basin 15,022,113 2.66%
Hillsborough River Basin 73,803,175 13.07%
Coastal Rivers Basin 9,960,703 1.76%
Pinellas-Anclote River Basin 95,689,673 16.94%
Withlacoochee River Basin 10,251,185 1.82%
Peace River Basin 15,181,079 2.69%
Manasota Basin 31,496,228 5.58%
FDOT Mitigation Program 10,978,217 1.94%
TOTAL EQUITY IN CASH AND INVESTMENTS $564,803,522 100.00%
Finance/Outreach and Planning Committee  
December 18, 2012

Routine Report

Monthly Financial Statement

Purpose
Presentation of the November 30, 2012, monthly financial statement.

Background
In accordance with Sections 373.536(4)(d) and 215.985(12), Florida Statutes, relating to state financial information with certain financial transparency requirements, the District is submitting a “Statement of Sources and Uses of Funds for the Two Months Ended November 30, 2012.”

Staff Recommendation: See Exhibit

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

Presenter: Linda R. Pilcher, Bureau Chief, Finance
Statement of Sources and Uses of Funds
For the Two Months Ended November 30, 2012

The attached “Statement of Sources and Uses of Funds” statement is provided for your review. The financial statement provides summary-level revenues and balances (i.e., sources) and expenditures/encumbrances by program (i.e., uses).

The financial statement reports the financial activities for the first two months of fiscal year 2012-13, ended November 30, 2012, and compares actual results against the annual budget, with 16.7 percent of the fiscal year completed.

Revenues (Sources) Status:

• Overall, as of November 30, 2012, 66 percent of the District’s budgeted revenues/balances have been recognized.

• As of November 30, 2012, the District has received $9.4 million of ad valorem tax revenue representing 9 percent of the budget. The budget represents 96 percent of the tax levy based on the historical collection rate.

• Intergovernmental Revenues are recognized at the time related expenditures are incurred. For FY2012-13, $1.5 million in revenues has been recognized, representing 4 percent of the budget. From year to year, the budgeted amount of intergovernmental revenue compared to the recognized amount can fluctuate for various reasons; projects can be in the planning stages and have not incurred a significant amount of expenditures, or anticipated projects may be canceled (e.g., cooperative funding projects).

• The FY2012-13 interest earnings budget was based on a 0.5 percent expected rate of return. For the two months ended November 30, 2012, the District earned 0.49 percent return on its investments. Interest earnings based on higher than anticipated invested funds and a slightly lower rate of return totaled $464,031, representing 23 percent of the budget.

• License and Permit Fees consist of revenue from water use permits, environmental resource permits, water well construction permits, and water well construction licenses. Revenue recognized represents 16 percent of the budget as of November 30, 2012, consistent with the budget.

• As of November 30, 2012, other revenue earned is 35 percent of budget. Each year, items that fall within the “Other” revenue category are budgeted conservatively due to the uncertainty of the amounts to be collected. For example, revenues from timber sales, the prorated share of revenue from Blue Cross Blue Shield, rebates, and insurance proceeds can vary significantly from year to year.

• Fund Balance consists of balance from prior years (budgeted for current year) plus fund balance associated with the ad valorem funded encumbrances that rolled into the current year.
Expenditures (Uses) Status:

Overall, as of November 30, 2012, the District had obligated 65 percent of its total budget.

Summary of Expenditures by Program

This financial statement illustrates the effort to date for each of the District’s six statutory program areas (Section 373.536(5)(d)4, Florida Statutes). A discussion of the expenditures by program follows.

- The **Water Resources Planning and Monitoring Program** includes all water management planning, including water supply planning, development of minimum flows and levels, and other water resources planning; research, data collection, analysis, and monitoring; and technical assistance (including local and regional plan and program review). Of the $48.4 million budgeted for this program, the District has obligated 56 percent of the budget (5 percent expended and 51 percent encumbered).

- The **Acquisition, Restoration and Public Works Program** includes the development and construction of all capital projects (except for those contained in the Operation and Maintenance of Lands and Works Program), including water resource development projects/water supply development assistance, water control projects, and support and administrative facilities construction, land acquisition (i.e., Florida Forever program), and the restoration of lands and water bodies. Of the $281.5 million budgeted for this program, the District has obligated 75 percent of the budget (1 percent expended and 74 percent encumbered). Because the majority of these program expenditures are incurred by cooperators and invoiced to the District for reimbursement, there is a delay in project expenditures until year-end when remaining amounts due are accrued for the fiscal year.

- The **Operation and Maintenance of Lands and Works Program** includes all operation and maintenance of facilities, flood control and water conservation structures, lands, and other works authorized by Chapter 373, Florida Statutes. Of the $21 million budgeted for this program, the District has obligated 29 percent of the budget (12 percent expended and 17 percent encumbered).

- The **Regulation Program** includes water use permitting, water well construction permitting, water well contractor licensing, environmental resource and surface water management permitting, permit administration, compliance and enforcement, and any delegated regulatory program. Of the $23.1 million budgeted for this program, the District has obligated 29 percent of the budget (11 percent expended and 18 percent encumbered).

- The **Outreach Program** includes all environmental education activities, such as water conservation campaigns and water resources education; public information activities; all lobbying activities relating to local, regional, state, and federal governmental affairs; and all public relations activities, including public service announcements and advertising in any media. Of the $4.6 million budgeted for this program, the District has obligated 38 percent of the budget (7 percent expended and 31 percent encumbered).
• **The Management and Administration Program** includes executive management, executive support, governing board support, ombudsman, general counsel, inspector general, administrative support (general), procurement, finance, human resources, risk management, and communications. Of the $16.7 million budgeted for this program, the District has obligated 30 percent of the budget (13 percent expended and 17 percent encumbered).

Based on the financial activities for the two months ended November 30, 2012, the financial condition of the District is positive and budget variances are generally favorable. There are no reported or identified major trends, conditions or variances that warrant additional management attention.
Southwest Florida Water Management District
Statement of Sources and Uses of Funds
For the Two Months Ended November 30, 2012
(Unaudited)

<table>
<thead>
<tr>
<th>Sources</th>
<th>Current Budget</th>
<th>Actuals Through 11/30/2012</th>
<th>Variance (under)/Over Budget</th>
<th>Actuals As A % of Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ad Valorem Property Taxes</td>
<td>$100,477,587</td>
<td>$9,383,625</td>
<td>$(91,093,962)</td>
<td>9%</td>
</tr>
<tr>
<td>Intergovernmental Revenues</td>
<td>41,003,794</td>
<td>1,483,615</td>
<td>(39,520,179)</td>
<td>4%</td>
</tr>
<tr>
<td>Interest on Invested Funds</td>
<td>2,000,000</td>
<td>464,031</td>
<td>(1,535,969)</td>
<td>23%</td>
</tr>
<tr>
<td>License and Permit Fees</td>
<td>1,900,000</td>
<td>295,490</td>
<td>(1,604,510)</td>
<td>16%</td>
</tr>
<tr>
<td>Other</td>
<td>343,200</td>
<td>118,417</td>
<td>(224,783)</td>
<td>35%</td>
</tr>
<tr>
<td>Fund Balance</td>
<td>249,560,784</td>
<td>249,560,784</td>
<td>-</td>
<td>100%</td>
</tr>
<tr>
<td><strong>Total Sources</strong></td>
<td><strong>$395,285,365</strong></td>
<td><strong>$261,305,962</strong></td>
<td><strong>$(133,979,403)</strong></td>
<td><strong>66%</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Uses</th>
<th>Current Budget</th>
<th>Expenditures</th>
<th>Encumbrances¹</th>
<th>Available Budget</th>
<th>%Expended</th>
<th>%Obligated²</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Resources Planning and Monitoring</td>
<td>$48,439,050</td>
<td>$2,345,931</td>
<td>$24,656,458</td>
<td>$21,436,661</td>
<td>5%</td>
<td>56%</td>
</tr>
<tr>
<td>Acquisition, Restoration and Public Works</td>
<td>281,522,387</td>
<td>2,564,946</td>
<td>209,261,166</td>
<td>69,696,275</td>
<td>1%</td>
<td>75%</td>
</tr>
<tr>
<td>Operation and Maintenance of Lands and Works</td>
<td>20,962,354</td>
<td>2,547,395</td>
<td>3,624,495</td>
<td>14,790,464</td>
<td>12%</td>
<td>29%</td>
</tr>
<tr>
<td>Regulation</td>
<td>23,095,300</td>
<td>2,616,141</td>
<td>3,967,380</td>
<td>16,511,779</td>
<td>11%</td>
<td>29%</td>
</tr>
<tr>
<td>Outreach</td>
<td>4,597,287</td>
<td>302,746</td>
<td>1,437,209</td>
<td>2,857,332</td>
<td>7%</td>
<td>38%</td>
</tr>
<tr>
<td>Management and Administration</td>
<td>16,668,987</td>
<td>2,152,791</td>
<td>2,873,697</td>
<td>11,642,499</td>
<td>13%</td>
<td>30%</td>
</tr>
<tr>
<td><strong>Total Uses</strong></td>
<td><strong>$395,285,365</strong></td>
<td><strong>$12,529,950</strong></td>
<td><strong>$245,820,405</strong></td>
<td><strong>$136,935,010</strong></td>
<td><strong>3%</strong></td>
<td><strong>65%</strong></td>
</tr>
</tbody>
</table>

¹ Encumbrances represent unexpended balances of open purchase orders and contracts.
² Represents the sum of expenditures and encumbrances as a percentage of the current budget.

This unaudited financial statement is prepared as of November 30, 2012, and covers the interim period since the most recent audited financial statements.
Monthly Cash Balances by Fiscal Year

Purpose
To provide a schedule of monthly cash balances by fiscal year, updated to reflect the cash balance as of November 30, 2012.

Background
This routine report has been developed to allow the Governing Board to easily monitor the District’s cash balances at each month-end and in comparison with monthly cash balances for the last five fiscal years. This trend information will become more important as the District’s budget declines and reserves are utilized for projects.

Staff Recommendation: See Exhibit

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

Presenter: Linda R. Pilcher, Bureau Chief, Finance
Southwest Florida Water Management District
Monthly Cash Balances by Fiscal Year
(FY2007-08 - FY2011-12 and FY2012-13 To-Date)
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.

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: Colleen Thayer, Public Affairs Bureau Chief
<table>
<thead>
<tr>
<th>Project</th>
<th>Amendment Type</th>
<th>Assigned</th>
<th>Completed</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arcadia 12-1ER</td>
<td>EAR-based</td>
<td>1/27/2012</td>
<td>2/13/2012</td>
<td>Text and FLU map amendments.</td>
</tr>
<tr>
<td>Auburndale 12-1ESR</td>
<td>ESR</td>
<td>12/15/2011</td>
<td>1/11/2012</td>
<td>FLU Map changes near the Polk Parkway and US 92 for &quot;eco-tourism&quot; site.</td>
</tr>
<tr>
<td>Auburndale 12-2ESR</td>
<td>ESR</td>
<td>7/10/2012</td>
<td>7/18/2012</td>
<td>FLUM amendment on 14.88 recently annexed acres from Linear Commercial Corridor to Commercial Corridor.</td>
</tr>
<tr>
<td>Auburndale 12-4ESR</td>
<td>ESR</td>
<td>10/18/2012</td>
<td>11/8/2012</td>
<td>FLUM amendment from County RES-Low to City RES-Medium on 10.66 acres between lakes Ariana and Mariana. Recently annexed into the City. No wetlands on site. No comments.</td>
</tr>
<tr>
<td>Avon Park 12-1ESR</td>
<td>ESR</td>
<td>3/19/2012</td>
<td>4/9/2012</td>
<td>FLU change County MDR &amp; HDR to City MDR. 65 acres near Lakes Anoka and Lelia.</td>
</tr>
<tr>
<td>Center Hill</td>
<td>ESR</td>
<td>7/25/2012</td>
<td>8/30/2012</td>
<td>Provided feedback on ten-year water supply facilities work plan.</td>
</tr>
<tr>
<td>Center Hill 12-1ESR</td>
<td>ESR</td>
<td>5/15/2012</td>
<td>6/14/2012</td>
<td>Proposed land use change for 30 acres annexed into the City. Encouraged coordination with District Regulation for renewal of water use permit currently under review. This permit would provide water quantities for proposed development.</td>
</tr>
<tr>
<td>Citrus</td>
<td>ESR</td>
<td>11/26/2012</td>
<td></td>
<td>Ten-Year Water Supply Facilities Work Plan</td>
</tr>
<tr>
<td>Citrus 12-1ESR, 12-2ESR, 12-3ESR</td>
<td>ESR</td>
<td>1/24/2012</td>
<td>2/21/2012</td>
<td>Text and map amendments. Comments included support for the implementation of lead BMPs for a proposed shooting range and coordination on activities for port siting and planning.</td>
</tr>
<tr>
<td>Citrus 12-6</td>
<td>ESR</td>
<td>4/6/2012</td>
<td>5/2/2012</td>
<td>Map amendment for 27.5 acres. No substantive comments provided.</td>
</tr>
<tr>
<td>Clearwater 12-2ESR</td>
<td>ESR</td>
<td>8/20/2012</td>
<td>9/18/2012</td>
<td>The amendment proposes changes to school concurrency and misc. maps.</td>
</tr>
<tr>
<td>Dundee 12-1ESR</td>
<td>ESR</td>
<td>3/20/2012</td>
<td>4/9/2012</td>
<td>FLU LDR to MDR. 77 acres near Lake Marie.</td>
</tr>
<tr>
<td>Project</td>
<td>Amendment Type</td>
<td>Assigned</td>
<td>Completed</td>
<td>Description</td>
</tr>
<tr>
<td>-------------------------</td>
<td>----------------</td>
<td>------------</td>
<td>------------</td>
<td>-------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Dunedin 12-1ESR</td>
<td>ESR</td>
<td>12/19/2011</td>
<td></td>
<td>This amendment proposes to revise Policy G-5 of the FLUE to include reference to the most recently adopted Countywide Plan and the City's land development regulation.</td>
</tr>
<tr>
<td>Dunnellon 12-1ESR</td>
<td>ESR</td>
<td>10/2/2012</td>
<td>11/1/2012</td>
<td>Text amendments for annexed areas. No substantive issues identified.</td>
</tr>
<tr>
<td>Fort Meade 12-2ESR</td>
<td>ESR</td>
<td>5/15/2012</td>
<td>6/8/2012</td>
<td>FLUM amendment on 1,163 acres (recently annexed) from unassigned to Industrial. Proposed uses include power generation and biomass fuel production. Requested data to substantiate water use projections, infrastructure expenditures and source options.</td>
</tr>
<tr>
<td>Hardee 12-1ESR</td>
<td>ESR</td>
<td>10/19/2012</td>
<td>11/16/2012</td>
<td>Amendment to update the Generalized Mining Overlay and the policy regarding the mandatory provision of central water and wastewater systems to non-residential users. Comment regarding fecal coliform impairments.</td>
</tr>
<tr>
<td>Hernando 12-1</td>
<td>ESR</td>
<td>7/18/2012</td>
<td>8/6/2012</td>
<td>Land use map amendment for 130 acres. No substantive comments provided.</td>
</tr>
<tr>
<td>Hernando County 12-2</td>
<td>ESR</td>
<td>10/15/2012</td>
<td></td>
<td>Water Supply Work Plan and several text amendments.</td>
</tr>
<tr>
<td>Highland Park 12-1ESR</td>
<td>ESR</td>
<td>12/15/2011</td>
<td>1/12/2012</td>
<td>Text amendment clarifying that the Estate Residential FLU category pertains only to single-family residences.</td>
</tr>
<tr>
<td>Hillsborough County 12-1ESR</td>
<td>ESR</td>
<td>2/27/2012</td>
<td>3/21/2012</td>
<td>Hillsborough County is proposing amendments to the &quot;Future of Hillsborough&quot; Comprehensive Plan.</td>
</tr>
<tr>
<td>Hillsborough County 12-2ESR</td>
<td>ESR</td>
<td>6/19/2012</td>
<td>7/18/2012</td>
<td>FLU/text amendment changes</td>
</tr>
<tr>
<td>Hillsborough County 12-3ESR</td>
<td>ESR</td>
<td>9/26/2012</td>
<td>10/26/2012</td>
<td>Proposed text amendment to the Community Design Component section of the Future Land Use Element.</td>
</tr>
<tr>
<td>Indian Rocks Beach 13-1ESR</td>
<td>ESR</td>
<td>11/19/2012</td>
<td>11/28/2012</td>
<td>Text amendments deleting redundant GOPs, references to repealed legislation and updates to CIE and demographic information. No comments.</td>
</tr>
<tr>
<td>Inglis 12-1ESR</td>
<td>ESR</td>
<td>2/21/2012</td>
<td>3/6/2012</td>
<td>Two text amendments. No substantive comments provided.</td>
</tr>
<tr>
<td>Project</td>
<td>Amendment Type</td>
<td>Assigned</td>
<td>Completed</td>
<td>Description</td>
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</tr>
<tr>
<td>Inglis 12-2</td>
<td>ESR</td>
<td>3/22/2012</td>
<td>4/10/2012</td>
<td>Proposed land use change. No substantive issues identified.</td>
</tr>
<tr>
<td>Inverness 12-1ESR</td>
<td>ESR</td>
<td>9/26/2012</td>
<td>10/19/2012</td>
<td>Ten-Year Water Supply Work Plan. No substantive issues identified due to early coordination with WRPC.</td>
</tr>
<tr>
<td>Lake County 12-ACSC</td>
<td>ESR</td>
<td>6/18/2012</td>
<td>7/6/2012</td>
<td>One text amendment regarding minimum setbacks for structures on canal lots. The amendment was to address recognize the need for variances in hardship situations. No substantive comments provided.</td>
</tr>
<tr>
<td>Lake Placid 12-1ER</td>
<td>EAR-based</td>
<td>8/9/2012</td>
<td>9/7/2012</td>
<td>Various text amendments relating primarily to the Greater Lake Placid Plan Vision Overlay (GLPPVO).</td>
</tr>
<tr>
<td>Lakeland 12-1ESR</td>
<td>ESR</td>
<td>4/27/2012</td>
<td>5/21/2012</td>
<td>FLUM amendment on 24.33 acres from Residential Low-4 to Industrial. Improved pasture with no wetlands. Change allows for the construction of an organic fertilizer processing plant that will reduce waste spreading and associated water quality impacts.</td>
</tr>
<tr>
<td>Lakeland 12-2ESR</td>
<td>ESR</td>
<td>10/19/2012</td>
<td>11/8/2012</td>
<td>56.77 acres adjacent to Lake Parker recently annexed. FLU amendment from Linear Commercial Corridor and RES-Low to Mixed Commercial Corridor, RES-Medium and Conservation. Wetlands and floodplain surrounding Lake Parker are preserved. No comments.</td>
</tr>
<tr>
<td>Lakeland 12-2SCR</td>
<td>Regular</td>
<td>10/19/2012</td>
<td>11/8/2012</td>
<td>Text amendments pertaining to development in the Green Swamp.</td>
</tr>
<tr>
<td>Largo 12-4ESR</td>
<td>ESR</td>
<td>11/13/2012</td>
<td>11/19/2012</td>
<td>Text amendment to remove provisions relating to school concurrency. No comments.</td>
</tr>
<tr>
<td>Largo 12-5ESR</td>
<td>ESR</td>
<td>11/13/2012</td>
<td>11/19/2012</td>
<td>Text amendment to protect St. Petersburg/Clearwater Airport from incompatible uses. No comments.</td>
</tr>
<tr>
<td>Largo 13-1ESR</td>
<td>ESR</td>
<td>11/13/2012</td>
<td>11/20/2012</td>
<td>FLUM amendment on 13.8 acres near Largo Mall Commercial Activity Center from RES-L/M, RES-Estate, Resort Facilities to RES-H. No comments.</td>
</tr>
<tr>
<td>Longboat Key 12-3ESR</td>
<td>ESR</td>
<td>11/16/2012</td>
<td>11/28/2012</td>
<td>Water Supply Facilities Work Plan. Comments regarding the required consideration of projects identified in the RWSP.</td>
</tr>
<tr>
<td>Madeira Beach 12-1ESR</td>
<td>ESR</td>
<td>5/24/2012</td>
<td>6/22/2012</td>
<td>FLU text amendments</td>
</tr>
<tr>
<td>Manatee 12-1ESR</td>
<td>ESR</td>
<td>12/9/2011</td>
<td>1/6/2012</td>
<td>Encouraged limited, if any, encroachment in Myakka River's wetland/floodplains and the implementation of LID practices when possible.</td>
</tr>
<tr>
<td>Project</td>
<td>Amendment Type</td>
<td>Assigned</td>
<td>Completed</td>
<td>Description</td>
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</tr>
<tr>
<td>Manatee 12-2ESR</td>
<td>ESR</td>
<td>2/13/2012</td>
<td>2/21/2012</td>
<td>Text amendment to add dormitories as an allowable use in RES-9 &amp; RES-12</td>
</tr>
<tr>
<td>Manatee 12-3ESR</td>
<td>ESR</td>
<td>8/15/2012</td>
<td>9/7/2012</td>
<td>Text amendments to Water Supply Sub-Element and Future Land Use Element.</td>
</tr>
<tr>
<td>Marion 12-1ESR</td>
<td>ESR</td>
<td>5/11/2012</td>
<td>5/29/2012</td>
<td>Coordinated w/ SJRWMD on 150-acre plan amendment proposed close to District's boundaries. Also reviewed future land use text amendments creating new land use category and a 25-acre commercial plan amendment. No issues were identified for 2 amendments.</td>
</tr>
<tr>
<td>Marion 12-2</td>
<td>ESR</td>
<td>10/31/2012</td>
<td>11/27/2012</td>
<td>Two map amendment involving 102 acres, and a traffic related text amendment. Map amendments were outside the District's boundary. No substantive comments were identified for the traffic amendment.</td>
</tr>
<tr>
<td>Marion County 12-1ESR</td>
<td>ESR</td>
<td>5/9/2012</td>
<td>6/6/2012</td>
<td>Land use change. No substantive comments.</td>
</tr>
<tr>
<td>Mascotte</td>
<td>ESR</td>
<td>4/2/2012</td>
<td>5/15/2012</td>
<td>Land use map change. Amendment is not within District boundaries.</td>
</tr>
<tr>
<td>Mulberry 12-2ESR</td>
<td>ESR</td>
<td>6/20/2012</td>
<td>7/18/2012</td>
<td>FLUM amendment on 19.96 acres along SR 60 from Industrial to Commercial Highway. Several wetland sites (2,8,10). Drains to North Prong - Alafia River.</td>
</tr>
<tr>
<td>Ocala 12-2ESR</td>
<td>ESR</td>
<td>7/27/2012</td>
<td>8/1/2012</td>
<td>Future land use map amendment. Not located within District.</td>
</tr>
<tr>
<td>Ocala 12-3ESR</td>
<td>ESR</td>
<td>9/3/2012</td>
<td>10/4/2012</td>
<td>Incorporate visioning workshops into plan. No substantive comments.</td>
</tr>
<tr>
<td>Pasco 12-2ESR</td>
<td>ESR</td>
<td>12/22/2011</td>
<td></td>
<td>No substantive comments made.</td>
</tr>
<tr>
<td>Pasco 12-2ESR</td>
<td>ESR</td>
<td>12/22/2011</td>
<td>1/17/2012</td>
<td>Proposed amendment to add ~ 5460 acres to the South Market Area.</td>
</tr>
<tr>
<td>Pasco County 12-3ESR</td>
<td>ESR</td>
<td>3/7/2012</td>
<td>4/6/2012</td>
<td>Proposed amendment to add ~ 5460 acres to the South Market Area.</td>
</tr>
<tr>
<td>Pasco County 12-4ESR</td>
<td>ESR</td>
<td>4/30/2012</td>
<td>5/29/2012</td>
<td>The Comp Plan amendment proposes to change land use for the Starkey Ranch to pre DRI conditions.</td>
</tr>
<tr>
<td>Pasco County 12-5ESR</td>
<td>ESR</td>
<td>6/11/2012</td>
<td>7/9/2012</td>
<td>This proposed amendment is a FLU change from Res to PUD.</td>
</tr>
<tr>
<td>Project</td>
<td>Amendment Type</td>
<td>Assigned</td>
<td>Completed</td>
<td>Description</td>
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<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Pinellas County 12-1ESR</td>
<td>ESR</td>
<td>12/30/2011</td>
<td></td>
<td>Through this amendment, the County proposes to revise several Objectives and Policies of the Transportation Element related to the St. Petersburg Clearwater International Airport.</td>
</tr>
<tr>
<td>Pinellas Park 12-3ESR</td>
<td>ESR</td>
<td>3/6/2012</td>
<td>4/5/2012</td>
<td>10 Yr Water Supply Facilities Work Plan</td>
</tr>
<tr>
<td>Pinellas Park 12-3ESR</td>
<td>ESR</td>
<td>8/20/2012</td>
<td>9/18/2012</td>
<td>The proposed amendment removes the school concurrency provision from the Public School Facility Element.</td>
</tr>
<tr>
<td>Plant City 12-1ESR</td>
<td>ESR</td>
<td>12/29/2011</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plant City 12-1ESR</td>
<td>ESR</td>
<td>12/29/2011</td>
<td>1/24/2012</td>
<td>Commented on historical flooding and encouraged the incorporation of LIDs in development proposals.</td>
</tr>
<tr>
<td>Plant City 12-1ESR (proposed)</td>
<td>ESR</td>
<td>12/29/2011</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plant City 12-2ESR</td>
<td>ESR</td>
<td>5/24/2012</td>
<td>6/22/2012</td>
<td>Text amendment changes</td>
</tr>
<tr>
<td>Polk 12-1ESR</td>
<td>ESR</td>
<td>3/2/2012</td>
<td>3/27/2012</td>
<td>Text amendments to the FLUE revising A/RR, defining PD and deleting RCC-R.</td>
</tr>
<tr>
<td>Polk 12-3ESR</td>
<td>ESR</td>
<td>8/31/2012</td>
<td>9/28/2012</td>
<td>FLUM change from PM to A/RR, text amendment and the Southeast Polk Selected Area Plan. The SAP may allow for 1.65 MGD additional water demand. Comments made promoting regional, alternative supplies and seeking protection for Crooked Lake and Clinch Lake.</td>
</tr>
<tr>
<td>Polk 12-4ESR</td>
<td>ESR</td>
<td>10/24/2012</td>
<td>11/16/2012</td>
<td>FLU change from Residential Low to Leisure/Recreation on 23.6 acres near Lake Pierce. Comment regarding shoreline protection.</td>
</tr>
<tr>
<td>Polk City 12-1ER</td>
<td>EAR-based</td>
<td>6/20/2012</td>
<td>7/17/2012</td>
<td>Text amendments. Never adopted a 10YWSFWP.</td>
</tr>
<tr>
<td>Sarasota County 12-1ESR</td>
<td>ESR</td>
<td>6/1/2012</td>
<td>6/20/2012</td>
<td>Text amendment adding allowable uses to Major Employment Centers.</td>
</tr>
<tr>
<td>Sarasota County 12-2ESR</td>
<td>ESR</td>
<td>9/20/2012</td>
<td>10/12/2012</td>
<td>Amends the transportation plan associated with Palmer Ranch DRI Increment XX to classify Palmer Ranch Parkway as a local road.</td>
</tr>
<tr>
<td>Sarasota County 12-3ESR</td>
<td>ESR</td>
<td>9/20/2012</td>
<td>10/12/2012</td>
<td>FLUM amendment on 18 acres north of Fruitville and west of I-75 from Major Employment Center to Moderate Density Residential.</td>
</tr>
<tr>
<td>Sarasota County 12-4ESR</td>
<td>ESR</td>
<td>10/3/2012</td>
<td>10/31/2012</td>
<td>Update to the County's 10YWSFWP. Comments regarding consideration of projects identified in the RWSP.</td>
</tr>
<tr>
<td>Project</td>
<td>Amendment Type</td>
<td>Assigned</td>
<td>Completed</td>
<td>Description</td>
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</tr>
<tr>
<td>Sarasota County 12-5ESR</td>
<td>ESR</td>
<td>10/15/2012</td>
<td>11/1/2012</td>
<td>Proposes to delete Central Sarasota Parkway Honore to I-75 and Interchange. Also proposes to change Commercial Highway Interchange land use to Moderate Density Residential.</td>
</tr>
<tr>
<td>Sarasota County 12-6ESR</td>
<td>ESR</td>
<td>10/15/2012</td>
<td>11/1/2012</td>
<td>Proposes to make SR 681 a full interchange with I-75.</td>
</tr>
<tr>
<td>Sebring 12-1ESR</td>
<td>ESR</td>
<td>5/31/2012</td>
<td>6/11/2012</td>
<td>Text amendments for compatibility with Avon Park Air Force Range JLUS.</td>
</tr>
<tr>
<td>South Pasadena 12-1ESR</td>
<td>ESR</td>
<td>10/24/2012</td>
<td>11/5/2012</td>
<td>The City of South Pasadena proposes to amend the text of the goals, objective and policies of the City’s Comprehensive Plan.</td>
</tr>
<tr>
<td>St. Pete Beach 12-1ESR</td>
<td>ESR</td>
<td>5/24/2012</td>
<td>6/22/2012</td>
<td>Proposed amendment changes .38 acre parcel from Res High to Res Low Med on the FLU.</td>
</tr>
<tr>
<td>Sumter 12-2ESR</td>
<td>ESR</td>
<td>8/20/2012</td>
<td>9/19/2012</td>
<td>Villages plan amendment. Comments offered encouraged low impact development practices.</td>
</tr>
<tr>
<td>Tampa 12-1ESR</td>
<td>ESR</td>
<td>4/25/2012</td>
<td></td>
<td>Text amendments to the City of Tampa's Comp Plan, FLUE to facilitate the implementation of the Seminole Heights Flex Provision.</td>
</tr>
<tr>
<td>Temple Terrace 12-1ESR</td>
<td>ESR</td>
<td>6/20/2012</td>
<td>7/20/2012</td>
<td>Proposed FLU changes.</td>
</tr>
<tr>
<td>Treasure Island 12-1ESR</td>
<td>ESR</td>
<td>2/29/2012</td>
<td></td>
<td>The City is proposing changes to the FLUE text and the FLUM to provide for a Planned Redevelopment Mixed Use category.</td>
</tr>
<tr>
<td>Treasure Island 12-1ESR</td>
<td>ESR</td>
<td>2/29/2012</td>
<td>3/29/2012</td>
<td>FLUM change to provide for a Planned Redevelopment-Mixed Use category.</td>
</tr>
<tr>
<td>Wauchula 12-1ESR</td>
<td>ESR</td>
<td>1/5/2012</td>
<td>2/1/2012</td>
<td>Capital Improvement Element update.</td>
</tr>
<tr>
<td>Wauchula 12-2ESR</td>
<td>ESR</td>
<td>10/30/2012</td>
<td>11/16/2012</td>
<td>Comments regarding Xeriscape vs. Florida-Friendly Landscaping.</td>
</tr>
<tr>
<td>Project</td>
<td>Amendment Type</td>
<td>Assigned</td>
<td>Completed</td>
<td>Description</td>
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</tr>
<tr>
<td>Wildwood 12-1ESR</td>
<td>ESR</td>
<td>4/2/2012</td>
<td>5/2/2012</td>
<td>Proposed text amendments. Provided water supply planning information.</td>
</tr>
<tr>
<td>Williston 12-1ESR</td>
<td>ESR</td>
<td>1/24/2012</td>
<td>2/21/2012</td>
<td>No substantive comments to be provided.</td>
</tr>
<tr>
<td>Yankeetown 12-1ESR</td>
<td>ESR</td>
<td>5/29/2012</td>
<td>6/18/2012</td>
<td>Land use change. No substantive comments made.</td>
</tr>
</tbody>
</table>

**Abbreviations:**
- **AR** = Alternative
- **ACSC** = Area of Critical State Concern
- **CIE** = Capital Improvement Element
- **DRI** = Development of Regional Impact
- **EAR** = Evaluation and Appraisal Report
- **ESR** = Expedited State Review
- **PSFE** = Public School Facilities Element
- **Remedial** = NOI-Not In Compliance
- **WSFWP** = Water Supply Facilities Work Plan
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.

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: Colleen Thayer, Public Affairs Bureau Chief
<table>
<thead>
<tr>
<th>Project</th>
<th>DRI Location</th>
<th>DRI App Type</th>
<th>Date Assigned</th>
<th>Date Completed</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>CF Industries South Pasture Mine Extension</td>
<td>Hardee</td>
<td>SD - 1st Sufficiency</td>
<td>5/20/2011</td>
<td></td>
<td>7,513 acre addition to existing phosphate mine.</td>
</tr>
<tr>
<td>CF South Pasture Mine Extension</td>
<td>Hardee</td>
<td>SD - 2nd Sufficiency</td>
<td>1/18/2012</td>
<td>2/13/2012</td>
<td>Additional land to be added to CF Industries' existing South Pasture Phosphate Mine in Hardee County. 7,513 acres.</td>
</tr>
<tr>
<td>Cooper Creek</td>
<td>Manatee County</td>
<td>NOPC</td>
<td>8/30/2011</td>
<td>9/27/2011</td>
<td>Application proposes several changes to the existing development scenario. No substantive issues were identified made due to close coordination with developer during the development review process.</td>
</tr>
<tr>
<td>Lake Hutto</td>
<td>Hillsborough County</td>
<td>NOPC - 4th Sufficiency</td>
<td>10/4/2011</td>
<td></td>
<td>No substantive comments. Application dealt with a number of transportation issues.</td>
</tr>
<tr>
<td>Mosaic Fertilizer, Wingate (DRI 273)</td>
<td>Manatee County</td>
<td>ADA</td>
<td>2/9/2011</td>
<td>3/10/2011</td>
<td>Initial review of material, processing for submittal to review team. Application proposes to re-classify 705 acres within the existing mine to &quot;approved for mining.&quot;</td>
</tr>
<tr>
<td>Oakbridge</td>
<td>Lakeland</td>
<td>SD - 1st Sufficiency</td>
<td>6/5/2012</td>
<td>6/20/2012</td>
<td>Additional 550,000 sq. ft. Regional Mall. Additional 98 dwelling units. Changes affect southeast quadrant (south of Polk Parkway) only.</td>
</tr>
<tr>
<td>Project</td>
<td>DRI Location</td>
<td>DRI App Type</td>
<td>Date Assigned</td>
<td>Date Completed</td>
<td>Description</td>
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</tr>
<tr>
<td>Oakbridge</td>
<td>Lakeland</td>
<td>SD</td>
<td>2/27/2012</td>
<td>3/26/2012</td>
<td>Additional 550,000 sq. ft. Regional Mall. Additional 98 dwelling units. Changes affect southeast quadrant (south of Polk Parkway) only.</td>
</tr>
<tr>
<td>Palmer Ranch</td>
<td>Sarasota County</td>
<td>ADA</td>
<td>4/2/2012</td>
<td>4/30/2012</td>
<td>Increment XX - Application for Increment Development Approval. 267 single family residential units on 217 acres.</td>
</tr>
<tr>
<td>Palmer Ranch Increment XXI</td>
<td>Sarasota County</td>
<td>ADA - 2nd Sufficiency</td>
<td>8/16/2012</td>
<td>9/10/2012</td>
<td>290 single-family units on 140 acres.</td>
</tr>
<tr>
<td>Palmer Ranch Isles of Sarasota Phase 3</td>
<td>Sarasota County</td>
<td>NOPC</td>
<td>7/11/2011</td>
<td></td>
<td>Increment XVII NOPC to add 38.4 acres with no increase in density.</td>
</tr>
<tr>
<td>Robinson Gateway</td>
<td>Manatee County</td>
<td>ADA - 1st Sufficiency</td>
<td>7/11/2011</td>
<td></td>
<td>Packet incomplete; waiting for additional materials. This was the first review of materials on file to date.</td>
</tr>
<tr>
<td>Villages of Wildwood - 3rd NOPC</td>
<td>Sumter County</td>
<td>NOPC</td>
<td>5/3/2011</td>
<td></td>
<td>Several proposed changes to Map H and Map H-1 regarding land use types and intensities.</td>
</tr>
<tr>
<td>Villages Wildwood</td>
<td>Sumter County</td>
<td>NOPC</td>
<td>6/28/2012</td>
<td>7/26/2012</td>
<td>353-acre mixed use development in Sumter County, close to City of Wildwood. Submitted comments encouraging implementation of low impact development practices, identification of groundwater wells and noted Lake Deaton has adopted minimum levels.</td>
</tr>
</tbody>
</table>
Finance/Outreach and Planning Committee
December 18, 2012

Routine Report

Significant Activities Report

Water Conservation Activities
The District promotes water conservation and protection year-round using a variety of methods including news media outreach, the District’s website, special events, utility bill inserts, outreach to existing partners and social media efforts such as the online WaterMatters.org Newsletter, Facebook and Twitter. New Activities Since Last Meeting — A news release was issued Nov. 20 offering holiday gift ideas and decorating tips that could save and protect water resources. The information was based on a workshop held at the Manatee County Extension office. The release ran in several newspapers, blogs, newsletters and on one city’s website. The information was also repurposed into a column that ran in the holiday section of all 23 local Patch.com websites. In addition, it is being featured as an ongoing holiday series on the District’s Facebook page.

Water Conservation Hotel and Motel Program (Water CHAMPSM)
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. In 2008, the Districtwide five-year water audit confirmed Water CHAMP participants saved an average of 17 gallons of water per occupied room per day. Based on these audit findings, the cost benefit for the program, using the total cost amortized over five years, is $0.47 per thousand gallons of water saved. New Activities Since Last Meeting — Water CHAMP has 349 participants.

Florida Water StarSM (FWS) Certification Program
FWS is a voluntary certification program for builders, which encourages water efficiency in appliances, plumbing fixtures, irrigation systems and landscapes, as well as water quality benefits from best management practices in landscapes. The program includes certifications for new homes, existing homes, commercial properties and communities. This is the program’s fourth year in the District. New Activities Since Last Meeting — Agreements: Builders who intend to incorporate FWS criteria in current or future projects sign nonbinding participation agreements with the District. To date, 26 agreements have been signed, representing approximately 545 properties. Certifications: As of Nov. 27, this District has certified 309 properties. Program Updates: (1) Media events were held on November 15 and November 20 at Greencastle of Bayonet Point apartment complex to highlight the property becoming the first in Pasco County and the second in the District to be certified under the FWS community standards. Stories ran in the New Port Richey Patch and the Tampa Bay Times, as well as airing on WFLA-TV Ch 8.

Florida-Friendly Landscaping™
Recognizing the potential of water conservation and water quality protection through promotion of Florida-Friendly Landscaping™ (FFL) practices, the District began partnering with the University of Florida in FY2001 to support FFL education. Education on landscaping best management practices in 11 counties is provided to audiences that include homeowners, students, builders, landscape and irrigation professionals, property managers, and members and boards of community associations. New Activities Since Last Meeting — (1) Hillsborough: The FFL program reports presenting the FFL principles and landscape recommendations to 13 members of the Kimberlea Homeowners Association. In response to inquiries from the members, the FFL coordinator provided The Community Landscape, An Environmental Approach: Environmental Management Landscape Guidelines for Community Associations to assist them in writing maintenance contracts that incorporate FFL principles. (2) Sumter: The FFL program reports that 40 rain barrels were distributed during the last quarter,
saving 2,200 gallons of water if each rain barrel was filled only once. In addition, the program coordinator promoted the FFL principles through a “Topiary Tower” display and educational materials at the entrance to the Landscape Show in Orlando. Other entrance displays included those from Sea World, Busch Gardens and Universal Studios. (3) Marion: The FFL program reports conducting 18 yard evaluations in which 90 percent of the sites visited showed positive behavior changes in reduction of water consumption, implementation of the “Right Plant, Right Place” principle and proper irrigation controller adjustments. (4) At the direction of the Governing Board, Communications staff has held several meetings with UF staff, Extension directors, and county government staff, as well as staff from several District bureaus, including Public Affairs, Water Resources, Executive and Natural Systems & Restoration. As a result of the meetings, staff identified resident behaviors that can potentially result in quantifiable water savings and water quality benefits resulting from implementation of FFL principles. Transitions incorporated into the FY2013 scopes of work include working with local utilities to determine high water use thresholds and targeting specific behaviors in which quantifiable data can either be extrapolated or determined through water use data.

Watershed/Water Quality Education
The District’s watershed education efforts focus on water quality, stormwater runoff, water conservation and natural systems. Through these efforts, the District encourages specific behaviors such as reducing fertilizer and pesticide use, maintaining septic systems, conserving water, disposing of trash appropriately and picking up and properly disposing of pet waste. New Activities Since Last Meeting — (1) The FY2012 Crystal River/Kings Bay and Rainbow River Watershed Education project has been completed. The program’s education coordinator gave 11 presentations, resulting in a 25 percent increase in knowledge as determined by attendee pre- and posttests. She also attended 41 events, collecting 1,189 Clean Springs pledges. In addition, she participated in 11 planning meetings. Overall 4,200 people were reached directly and 8,776 pieces of District publications were distributed. (2) On Saturday, November 17, two District staff hosted a booth at the Sarasota Bay Water Festival. District staff shared water quality, water conservation, flooding and natural systems information with 240 people at the District booth. The event’s focus was on restoring, protecting and studying Sarasota Bay. (3) On Saturday, November 17, two District staff hosted a booth at the Charlotte Harbor Nature Festival. District staff shared water quality, water conservation, flooding and natural systems information with 300 people at the District booth. The event’s focus was on protecting the greater Charlotte Harbor estuarine system.

Youth Education
More than half the students and teachers in the District are reached through the Youth Water Resources Education program in a typical year. For FY2013, the Youth Water Resources Education Program has been streamlined to eliminate potential duplication and to enhance efficiency. The program consists of school board support for field trip programs and grants for classroom projects, teacher training workshops, curriculum tools and publications for students and educators. About half of the youth publication titles are being phased out. New Activities Since Last Meeting — Splash! School Grants: This competitive grant program provides funding up to $3,000 per school to enhance student knowledge of freshwater resources issues. Ninety-four grants were awarded this school year. School District Coordination: The District provides funding through school board agreements to implement water resources education programs for K–12 students and educators. Teacher Training: Planning is underway for the December 13 Project WET workshop at Crystal Springs Preserve in Hillsborough County for homeschool educators. Educational Tools: More than 37,583 copies of youth education publications and other materials have been distributed thus far during FY2013. Events: Thirteen District staff participated in the Great American Teach-in on November 15. Approximately 1,400 students learned about topics such as the water cycle, water conservation, watersheds and the role of the District.

Strategic Communications Planning
Communications staff members work with staff from various bureaus to plan outreach efforts related to projects and programs that directly impact residents. This is done by analyzing any communications challenges that may exist and creating plans to address those challenges. Staff
assist with the planning, execution and evaluation of these efforts. **New Activities Since Last Meeting** — (1) Staff is working with the Water Resources Bureau to identify and address public outreach needs associated with five cooperatively funded reclaimed water aquifer recharge projects in Hillsborough, Pasco and Polk counties and the cities of Clearwater and Winter Haven. Staff is also attending regular project meetings with the cooperators to discuss the communications plan, implementation and public meetings. (2) Staff is working with the Central Florida Water Initiative (CFWI) internal team to assist with communications activities related to the CFWI Regional Water Supply Plan. (3) Staff is developing a strategic communications plan for the new Project Management Office. (4) To assist the Regulation Division with achieving its objective of increasing online permit applications, staff is updating the E-permitting Communications Plan, which includes marketing strategies and tactics. (5) Staff is providing communications assistance to External Affairs and Structure Operations as they work through the process of formalizing Structure Operational Guidelines for several lake systems in Hillsborough and Polk counties. (6) Staff from the Public Affairs, Natural Systems & Restoration, and Water Resources bureaus met to discuss lessons learned from the Springs Coast minimum flows and levels (MFL) outreach efforts and to develop strategies moving forward.

**Internal Communications**

Staff continues to improve communication to District staff and provide them with timely and accurate information through the internal communications program. As part of the program, *Currents*, the weekly employee newsletter, is sent via email on Mondays and includes special dates and important employee-related information. In addition, Communications staff continues to coordinate all-user emails to ensure all messages are clear and consistent. **New Activities Since Last Meeting** — (1) Staff is developing an employee survey to measure satisfaction level with internal communications and employee morale and engagement. The survey will be based on findings from a series of employee focus groups that will be conducted. (2) The intranet is being redesigned to enhance its use as an informational tool and to make resources more easily accessible to District staff.

**Social Media**

Social media allows the District to send information directly to the public in a timely, cost-efficient way. The District’s social media platforms are used to communicate the District’s mission and culture. **New Activities Since Last Meeting** — (1) Twitter is used on a regular basis to post news releases and other important information to 834 followers to date. (2) Facebook promotes special events, news and public interest stories to 1,836 friends to date. This past month, numerous events like the Archbold Biological Station expansion and staff participation in the Great American Teach-in were promoted on the District’s Facebook page. (3) The District continues a social media campaign that will run until Dec. 21 on Instagram promoting District properties. The campaign invites the public to submit Instagram photos from District properties, and the District already has started receiving submissions. The goal of this campaign is to promote the new information and trail maps featured at property kiosks. (4) Pinterest will soon be used to highlight water conservation and protection actions with the goal of driving people to the District’s website. (5) Various videos are in the planning stage on the following topics: Florida-Friendly Landscaping™ success stories, water pollution prevention, Florida Water Star™ and how water is managed for you. (6) Staff is researching the implementation of a new statewide public lands mobile app that will highlight District properties and recreation opportunities.

**Visual Communications Print**

The print team provides prepress layout, illustration and design of publications and displays for the Public Affairs Bureau and Districtwide support. **New Activities Since Last Meeting** — Public Affairs Bureau: November *WaterMatters Magazine* for print and online; Career cards for classroom event; “How To Read Your Water Meter” brochure; two “Florida-Friendly Landscaping™ Principles” display panels; Peace Creek Watershed map; promotional items artwork — “Save water, it doesn’t grow on trees!” Water Resources Bureau: FEMA Open House map; “Follow the Flock” poster alterations to support Science and Environment Council’s watershed outreach. Executive Bureau: November dashboard. Operations & Land Management
Visual Communications — Web
The web team designs and develops website content and code. New Activities Since Last Meeting — Recent activities have focused on development and migration to an improved content management environment. Monthly web trends: Overall site traffic was 72,627 visits with 195,829 page views. Visits were up 5% from last month but down 4% from same period last year. Most popular webpages: Recreation (48,088 page views; up 18% from last month, down 1% from same period last year); Education (23,504 page views; up 10% from last month, up 10% from same period last year); ePermitting (14,201 page views; up 6% since last month, up 10% from same period last year). Most increased traffic: (excluding “most popular webpages”): Employment (5,829 page views; up 21% from last month, up 82% from same period last year); Water Restrictions (3,419 page views; up 45% from last month, up 6% from same period last year).

PUBLIC AFFAIRS BUREAU
The Public Affairs Bureau supports the District’s mission through a broad range of activities. Staff serves as liaisons with local, state and federal government officials and represents the District with a number of community organizations. Staff also advocates the District’s legislative priorities and develops and implements strategies to acquire state and federal appropriations. Further, staff provides government and agency assistance, economic and demographic analysis, Board and Advisory Committee support, and outreach and strategic planning for the District.

Legislation and Policy
The Public Affairs Bureau 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. Public Affairs staff works with executive, legal and other departments to develop and manage internal District legislative procedures and policies. New Activities since Last Meeting: Legislators were sworn in during Organizational Session in November. Leadership in the House and Senate has made committee appointments and the Interim committee meetings have begun. Staff will focus efforts on newly elected members in the District along with members who are serving on committees with jurisdiction over issues related to water and natural resources. Bills for the 2013 Session are just beginning to be filed, and staff will be reviewing legislation for potential impacts to the District.

Local Government Efforts
As part of the District’s community and legislative affairs program, the External Affairs Section of the Public Affairs Bureau 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, the section has developed long-standing programs and tactics, including but not limited to, project tours, e-mail alerts and one-on-one meetings. New Activities Since Last Meeting:
• Pasco County, Highlands County, Pinellas County Economic Development Councils—Staff from External Affairs and Regulation have been meeting with staff from various economic development councils and discussing the District’s permitting processes. Staff also explained the District’s reorganization and our permitting timelines.
• City of Bushnell City Council – The City of Bushnell inadvertently did not include funding for a cooperative funding project in their budget. Staff addressed the Council and explained how the Cooperative Funding Initiative works. The Council discussed several options that included amending their budget and proceeding with the CFI agreement with the District as well as withdrawing or cancelling the project and request funding in future fiscal years. The Council
discussed concerns about budget constraints currently facing the City and approved a motion to table the decision until next month.

- **Citrus County Commission Meeting** – Commissioner Joe Meek requested that the County’s budget be amended by $225,000 for the “One Rake at a Time” project to remove lyngbya from Kings Bay and Crystal River. This project has been ongoing since September 2011 through the efforts of the Kings Bay Rotary Club and citizen volunteers. To date almost 300 tons of lyngbya have been removed by hand and mechanical harvesting. The Kings Bay Rotary Club and Save Crystal River, Inc. requested funding from the BOCC to purchase a second mechanical harvester and transporter to increase their efforts to remove lyngbya. The Board approved budgeting the $225,000 as well as directing staff to develop a Memorandum of Understanding with the City of Crystal River supporting the “One Rake at a Time” project. The Board also directed staff to submit an out-of-cycle funding request to the District for matching funds.

- **Withlacoochee Regional Water Supply Authority** – The WRWSA Board received an update on Water Supply Planning that is ongoing in the SJRWMD. St. John’s staff indicated that their new Water Supply Plan will look very similar to the District’s plan moving forward. The Board also received an update on the Northern District Model that is currently being upgraded to include all of Marion County. The WRWSA will be contributing funding toward this effort being managed by the SJRWMD. The District and Marion County are also involved with this project. The SJRWMD is currently in the process of selecting a consultant to upgrade and expand the model coverage.

**Planning**

- **City of Sarasota Utility Services Program Meeting (10/29/12)** – District staff met with Gerald Boyce, Peter Bonk and Michael Crumpton (City of Sarasota) to discuss the Utility Services Program. Water quality is a primary concern for the utility. Mr. Boyce and Mr. Bonk talked about water quality issues (minerals, sulfides) at the Downtown, Bobby Jones and Verna wellfields and expressed an interest in a potential reclaimed water injection project designed to address these water quality issues. Additionally, staff discussed the Verna wellfield permit, which expires in June 2013. The City assured District staff that a permit renewal would be submitted in a timely manner. Mr. Boyce indicated he would like to pursue a consolidated permit and will discuss this issue with the new utility director, as soon as one is hired. District staff encouraged Mr. Boyce to schedule a pre-application meeting with Resource Regulation staff to discuss the permit renewal process.

- **Central Florida Regional Planning Council Meeting (11/14/12)** – In addition to approving a variety of administrative items, including the honoring of outgoing Council members Barbara Stewart (former Highlands County Commissioner), Minor Bryant (former Hardee County Commissioner) and Keith Keene (former Arcadia City Council Member), the Council heard presentations on two important items. First, the Council held a public hearing regarding the Substantial Deviation Application for Development Approval for the Oakbridge DRI. This development proposal calls for a mix of uses (retail, office, hotel and residential) south of the Polk Parkway and east of Harden Blvd. No comments were offered by the public and the Council approved staff’s recommendations unanimously. The Council also heard a presentation from Hugh Pasco on the major regional transportation initiatives in west-central Florida. Several Council members made observations about the viability of proposed rail projects along the I-4 corridor.

- **Tampa Bay Regional Planning Council Meeting (11/12/12)** – The West Central Florida MPO/TPO Staff Directors, in cooperation with the Regional Priorities Working Group, have developed a draft list of ranked, high-priority transportation initiatives covering all of West Central Florida. The Council heard a presentation and was presented with a map of these projects. The Council heard a presentation on the project underway to inform local governments of new nutrient regulations and options to revise policies and land development codes to comply while allowing for continued development and redevelopment. The Florida 2012 Comprehensive Economic Development Strategy (CEDS) was presented and approved. This document will be transmitted to the U.S. Economic Development Administration (EDA).
Community Services
In addition to acting as the District’s liaison to local government, the Public Affairs Bureau is responsible for the primary “grassroots and grasstops” efforts with local community organization and groups. These include the agricultural community, environmental groups, business associations and others. These relationships provide a pivotal component of the District’s legislative program and allow for opportunities to communicate the District’s mission, policies and the goals. **New Activities Since Last Meeting:**

- **Manatee-Sarasota Fish and game Association Annual Environmental Summit** – Staff from the District, Manatee County, City of Bradenton and FWC gave a panel discussion/presentation on water supply and the science and rationale behind the District’s MFL program. Local government staff explained the County and City’s water supply systems and plans for future water supply. FWC staff discussed the various studies they conduct studying the various fisheries in rivers, streams and estuaries. District staff briefly explained our MFL process and the proposed schedule for setting an MFL on both the Manatee and Braden River systems.

- **The Villages Government Day** – Staff represented the District at The Villages annual Government Day. This was the 16th year of the event in which residents are invited to come out and meet their local governments. Participants included more than 70 agencies representing the State of Florida as well as Lake, Sumter and Marion Counties. Staff distributed water conservation materials including, low-flow shower heads, aerators, Fix It For Less brochures and several hundred Recreation Guides.

- **Citrus County Ag Alliance** – Staff provided an update on surplus lands and MFLs to the Ag Alliance at their monthly meeting. The group asked several questions about the process for establishing a Water Use Caution Area in Citrus and Hernando Counties. The Ag Alliance has requested regular updates on the status of the WUCA development and suggested that if a stakeholder group is formed that representatives from the Ag Alliance be participants.

- **Archbold Biological Research Station** – A grand opening was held for the new District-funded educational exhibits at the Frances Archbold Hufty Learning Center on the grounds of the biological research station. Several District staff members attended along with a presentation by Governing Board Member Wendy Griffin to approximately 50 local leaders and press.

- **Thousand Oaks/Trinity Oaks Task Force** – Assistant County Administrator Michelle Baker clarified to the group that the ordinance placing a portion of Duck Slough into a drainage basin of special concern includes a provision that if a solution to the flooding is implemented, then the drainage basin of special concern ordinance will be lifted. Atkins is currently wrapping up their environmental review and identifying three levels of activities: 1) no permit needed; 2) minimal permitting/District only; and 3) long-term permitting/ACOE and District. The group discussed the Duck Slough drainage improvement recommendations from Adam Smith Enterprises, Inc. Included in the recommendations is the cleaning out of wetlands behind the CVS store on the corner of Mitchell and Seven Springs Boulevard. Pasco County stated that they feel it is imperative to get that project done to get flow moving but will need a District and ACOE permit. They are currently moving forward with that recommendation. Another Adam Smith Enterprises' recommendations are to redirect flow going into Brooker Creek. District staff was asked to investigate this option and work with Pinellas County to make sure the flow going into Brooker Creek was not blocked and the area was maintained.

- **Thousand Oaks/Trinity Oaks Problem Solving Task Force** – Pasco County noted that they are hearing concerns from residents over designating the area a drainage basin of special concern. Residents are worried about property values and disclosure at the sale of their homes. Chief Assistant County Administrator Michelle Baker stated that the County can incorporate more stringent permitting criteria under existing rules and regulations for new development. Residents at the meeting said they were not aware of this concern and want to discuss with their HOA boards before the County cancels moving forward with the designation. There was a discussion regarding a recent meeting with the Army Corps of Engineers (ACOE) on permitting requirements for the whole system versus permitting portions of the system individually. Rep. Fasano and Congressman Bilirakis’ staff indicated that they would like to be included in future conversations with the ACOE.
• **Kings Bay One Rake At A Time** – Senator Charlie Dean arranged for a tour of Kings Bay to see the One Rake At A Time project being conducted by the Kings Bay Rotary Club. The project involves the use of volunteers to manually remove Lyngbya from Kings Bay. The Rotary Club has also acquired a small harvester that is used to remove Lyngbya. The tour included FDEP Secretary Herschel Vinyard Jr., Citrus County Commissioner Joe Meek, Crystal River Mayor Jim Farley and several representatives from Citrus County and the City of Crystal River.

• **State Emergency Response Team Region 4 Meeting** – Staff attended the SERT Region 4 meeting at the Pasco County EOC. District staff in attendance included, Lesley Touchton, Bobby Lue and Lloyd Roberts. EOC staff throughout the region provided a brief summary of the Tropical Storm Debby response and lessons learned from the event. The Turnpike Authority representative provided an update on the flooding of the Suncoast Parkway that occurred in Hernando County. The Authority has set in place a plan to prevent future flooding which includes the expansion of an existing stormwater pond and pumping flood waters to another stormwater pond within their system. The Authority plans to permanently correct the problems when Suncoast 2 is constructed in the future by raising the road in that location by 8 feet.

**Staff Recommendation:**

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

**Presenter:** David T. Rathke, Chief of Staff
G. General Counsel's Report
GENERAL COUNSEL’S REPORT

Discussion Items

42. Consent Item(s) Moved for Discussion

Submit & File Reports – None

Routine Reports

43. Litigation Report ................................................................................................................. 2

44. Rulemaking Update ........................................................................................................... 23
DELEGATED ADMINISTRATIVE HEARING MATTERS
None for December 2012

OPEN ENFORCEMENT CASES
80 Cases as of December 5, 2012

ENFORCEMENT CASES IN ACTIVE LITIGATION
7 Cases as of December 5, 2012
(Including Administrative Complaints)

SWFWMD v. Copper Ridge Master Association, Inc.
M. Moore

Administrative Complaint and Order

On December 10, 2009, the District received a flooding complaint from property owners adjacent to the Property. On January 6, 2010 and May 15, 2012, District staff conducted a site inspection and determined that the surface water management system has not been properly maintained. Specifically, a swale along the rear of Lots 14 to 25 (designed to convey stormwater runoff to Pond 5) was compromised in several locations due to a failure to maintain it, allowing water to bypass Pond 5 and discharge offsite. By letters dated February 3, 2010, April 20, 2010 and July 22, 2010, the District advised Copper Ridge of the need to correct the deviations. On May 6, 2010, the District issued a Notice of Violation advising Copper Ridge that failure to timely correct the deviations could result in the imposition of monetary penalties and enforcement costs. No ERP has been issued by the District authorizing alteration of the system. On June 13, 2012, an Administrative Complaint was issued and Copper Ridge was served on June 22, 2012.

SWFWMD v. Copper Ridge Master Division of Administrative Hearings M. Moore Request for Administrative Hearing

On July 6, 2012, the District received a Request for Administrative Hearing on the matter, which was referred to the Division of Administrative Hearings (DOAH) on July 23, 2012. On August 1,
On November 2, 2012, the District filed a Motion to Continue Final Hearing, in light of reassignment of case, which was granted. The final hearing is now scheduled for March 12-13, 2013.

On March 15, 2008, District staff received information concerning possible unauthorized construction activities occurring on 976 contiguous acres of property owned by Peter A. Geraci (Owner) in Manatee County, (the Property). The information concerned possible dredging and filling impacts to wetlands on the Property and to a portion of Owen Creek that flows through the Property. Along with the complaint, District staff received aerial photographs of the activities. Based upon a review of the photographs provided and GIS data, District staff determined that dredging and filling activities had in fact occurred around Owen Creek and in three other wetland areas, resulting in wetland and floodplain impacts. On April 9, 2008, the District issued Owner a Notice of Unauthorized Construction. The notice also explained that continued construction without an environmental resource permit could result in increased penalties. Following a subsequent site inspection, staff determined that additional dredging and filling activities had occurred after the photographs were taken. On December 17, 2008, the District issued a Notice of Violation and proposed Consent Order to Owner that assessed $237,499 in penalties and costs. Owner responded by submitting a $20,412 counteroffer and a proposed restoration plan. District staff rejected Owner’s counteroffer as it was not in good faith, and rejected the proposed restoration plan because staff determined it was not technically or scientifically appropriate. After working with Owner’s consultants and obtaining actual survey data, District staff issued a revised Consent Order to Owner on October 22, 2009, proposing $178,499 in penalties and costs. On December 10, 2009, Owner responded to the revised Consent Order by submitting a report from a consultant opining that Owner is engaged in the practice of silviculture on his Property and was therefore exempt from permitting requirements. No direct response was made with respect to the Consent Order. On May 26, 2010, staff referred this matter to the Florida Department of Agriculture and Consumer Services (FDACS) for a nonbinding opinion as to
whether the work done on the Property qualifies for the permitting exemption provided in Section 373.406(2), Florida Statutes. On July 27, 2010, the District received FDACS’ opinion, which stated that the activities on the Property did not qualify for the exemption. In a last effort to resolve this matter, on August 10, 2010, District staff reissued to Owner the revised Consent Order which proposed penalties and costs in the amount of $178,499. Owner did not agree to the Consent Order.

On March 2, 2011, the District issued an Administrative Complaint and Order which has been served on all necessary parties. Sheila Geraci was served with the Administrative Complaint and Order on March 17, 2011, and Peter Geraci was served on April 13, 2011. On April 25, 2011, counsel on behalf of Sheila Geraci and Peter Geraci filed a request for extension of time to file a Petition. While the request for extension of time was timely with respect to Peter Geraci, the request for extension of time was 25 days late with respect to Sheila Geraci. The request for extension of time was granted for Peter Geraci and denied for Sheila Geraci. The District entered a Final Order of Dismissal as to Sheila Geraci on May 25, 2011. On May 19, 2011, Peter Geraci filed a timely Amended Answer to the ACO and a request for formal administrative hearing. The matter was referred to the Division of Administrative Hearings. Pursuant to Sections 373.406 and 373.407, Florida Statutes, on January 18, 2012 the District requested a Binding Determination from FDACS in regards to whether the activities on the Property were exempt from permitting requirements. A final hearing on this matter was rescheduled to May 22-24, 2012, to allow time to receive FDACS’ binding determination.

On March 22, 2012, FDACS rendered a binding determination that the activities on the Property were not exempt from District permitting requirements. On April 2, 2012, Geraci moved to stay this matter while he considers challenging the FDACS determination. The District objected to Geraci’s motion as premature. At a telephonic motion hearing held on April 9, 2012, the ALJ gave Geraci a deadline by which to inform the ALJ as to Geraci’s response to the FDACS determination. On April 12, 2012, Geraci filed a Petition For Formal Administrative Hearing with FDACS and notified the ALJ accordingly. On April 16, 2012, the ALJ issued an order to stay the District’s case until a final order is rendered by FDACS regarding Geraci’s challenge to FDACS’ binding determination of nonexemption. The parties are to file with the ALJ a status report on the FDACS proceeding by July 31, 2012.

The District has been granted leave to intervene in the DOAH
proceedings concerning the FDACS determination – see Case No. 12-1493, under Miscellaneous Cases, below. A hearing on the District’s ACO is on hold pending the outcome of the FDACS proceeding. District counsel and Geraci have agreed upon a proposed consent order which was signed by Geraci and returned to the District on July 13, 2012. Approval of the consent order is scheduled for the August Board meeting. On July 25, 2012, a Joint Status Report was filed and on July 26, 2012, an Order Continuing Case in Abeyance was issued.

On August 2, 2012, an Order Granting Continuance was entered by Judge Parrish continuing Final Hearing on August 28, 2012, and August 29, 2012. On August 28, 2012, the Governing Board approved the Consent Order in resolution of the District’s enforcement matter with Mr. Geraci. The parties will file a joint status report pending District approval of Mr. Geraci’s corrective actions.

As of September 13, 2012, this case is in abeyance pending completion of Consent Order corrective actions. Required initial penalty payment of $31,750 was timely received. Application for ERP/Restoration Plan was timely received and is pending.


On November 1, 2006, District staff conducted a site visit in response to a complaint and determined that four sand point irrigation wells had been constructed in Pinellas County by Mr. J.C. McClendon, Jr., who did not have a valid water well contractor’s license and who did not obtain the required Well Construction Permit. The District issued a Notice of Violation, Proposed Consent Order, and Notice to Cease and Desist to Mr. McClendon on March 2, 2007, for the above-described violations. The Consent Order assessed penalties of $1,500. Mr. McClendon did not respond to the proposed Consent Order. An Administrative Complaint and Order was served on Mr. McClendon on September 25, 2007, which became final Order SWF 07-056 on October 29, 2007, when Mr. McClendon did not respond. The District initiated a civil enforcement action in Circuit Court on August 18, 2008. The Court issued an Order Granting Summary Judgment on January 28, 2011.

On January 1, 2003, the District issued Water Use Permit (“WUP”) No. 20010392.005 (the “Permit”) to Milmack, Inc., (“Permittee”) authorizing withdrawals of 259,900 gallons per day (“gpd”) on an
annual average basis and 282,700 gpd on a drought annual average basis from one well for golf course irrigation in a community known as Oakwood, located in Polk County. On February 18, 2009, District staff issued Permittee a Notice of Non-Compliance advising that the annual average quantity withdrawn for the 12-month period ending December 31, 2008 was 387,575 gpd, or approximately 30% in excess of the permitted quantity. Permittee responded to the Notice of Non-Compliance, claiming that it had initiated litigation with the developer and engineer of the community concerning damage to the golf course and its irrigation system allegedly caused by the surface water management system serving the development. Permittee’s withdrawals continued to exceed its permitted quantity. On September 14, 2009, the District mailed a proposed Consent Order to Permittee assessing $8,687 in penalties and costs for exceeding its permitted drought annual average quantities from April through July, 2009. Permittee responded to the proposed Consent Order on October 14, 2009, reiterating its involvement in litigation concerning the surface water management system. Permittee requested that the District impose no penalty for prior overpumpage, which request was rejected. District staff met with Permittee and its representatives on October 26, 2009, to discuss possibilities for resolving the overpumpage, and agreed to a 90-day extension of time to calibrate the well’s meters, to employ additional compliance measures, and to respond to the District’s proposed Consent Order. District staff and Permittee were unable to reach a resolution of this matter.

This matter was then presented to the District’s Governing Board at its June 2010 meeting. The Governing Board requested that District staff work with Permittee for 30 days in an attempt to make progress in resolving the compliance matter, and report back to the Governing Board at its July meeting. The matter was again presented to the Governing Board at its July 2010 meeting. Because substantial progress had not been made in resolving this matter, the Governing Board authorized initiation of litigation against Permittee. On August 19, 2010, the District issued an Administrative Complaint and Order (ACO), which became final Order No. SWF 10-018 on September 21, 2010, when permittee did not respond. On March 11, 2011, the District filed a civil enforcement action in Circuit Court to enforce the terms of the ACO. During the pendency of litigation, District staff and Permittee continued to explore settlement negotiations. On November 17, 2011, Permittee requested that the District consider offsetting the payment of monetary penalties in exchange for the completion of mandated irrigation system upgrades which would enhance water conservation and system efficiency at Oakwood. On November 30,
2011, the District proposed a Settlement Agreement to Permittee, which provides for payment of $2,000 in enforcement costs; and $4,000 in penalties to the District. As an alternative to paying $4,000 in penalties, Permittee may elect to implement consumption reduction-related irrigation system upgrades costing at least $4,000 to assist in reducing total consumption. The cost of the irrigation system upgrades are required to provide a dollar-for-dollar offset of the penalties. Should the cost of the irrigation system upgrades not provide a dollar-for-dollar offset of the penalties, Permittee must pay to the District $4,000 in penalties, minus any amounts expended in irrigation system upgrades. Additionally, the proposed settlement agreement required Permittee to submit a WUP renewal application to the District by March 1, 2012 that includes a water use plan demonstrating how Permittee will come into and remain in compliance with state statutes, District rules, and the terms of its Permit. On December 2, 2011, the District received a signed Settlement Agreement from Permittee which was approved by the Governing Board on January 31, 2012. Pursuant to the Settlement Agreement, on February 22, 2012 the parties filed a Joint Motion for Consent Final Judgment and a draft Consent Final Judgment for consideration and entry by the Circuit Court. On February 24, 2012, the judge signed the Consent Final Judgment. Permittee has paid $4,000 in penalties and costs to the District, and on March 1, 2012, Permittee submitted its Permit renewal application as required in accordance with the Settlement Agreement. On May 1, 2012, Permittee submitted receipts for irrigation system upgrades totaling $4,481.41. On July 3, 2012, the District approved an extension of time for Permittee to come into compliance with the terms of its Permit until October 12, 2012 as Permittee has demonstrated that it is working with the District in good faith to complete the renewal of its Permit. On August 14, 2012, the District issued a Clarification of Received Information letter to Permittee. Permittee is required to respond to the letter by November 12, 2012. On September 12, 2012, District staff met with Permittee and agreed to an additional 90-day extension of time for Permittee to come into compliance with the terms of the Permit in order to allow for the renewal of the Permit to be completed.

On March 2, 2005, District staff received a complaint concerning possible unauthorized construction activities occurring on property owned by Wendy Mozdzer (Owner), located in Polk County (Property). District staff investigation revealed the excavation of two pits, each approximately 1.5 acres in area and approximately 10 feet deep, and the transport of the excavated material from the Property by commercial haulers. No Environmental Resource Permit (ERP) had been issued to authorize the construction
activities. On March 23, 2005, staff issued a Notice of Unauthorized Construction to the Owner. By letter dated March 30, 2005, Owner advised District staff that the construction activities were for the purpose of constructing an agricultural pond and should be considered exempt from ERP requirements pursuant to Rule 40D-4.051(2), Florida Administrative Code. District staff determined that the ponds did not qualify for an exemption. Owner continued the excavation activities on the Property after District staff informed her that an ERP was required. On May 27, 2005, the District issued a Notice of Violation and proposed Consent Order. The Consent Order required Owner to obtain an ERP and assessed $13,720 in penalties and costs. Despite numerous attempts, District staff and Owner were unable to negotiate a Consent Order to resolve the matter.

On August 5, 2008, the District served Owner with an Administrative Complaint and Order. On August 13, 2008, after receipt of the Administrative Complaint and Order, Owner provided a counteroffer to the proposed Consent Order wherein she offered to pay $7,000 to settle the matter. Her counteroffer was not acceptable to District staff. However, because Owner could have reasonably believed based on past written communications with the District that the activities on the Property were exempt from District permitting requirements the District agreed to revised penalties and costs totaling $7,680. On September 30, 2008, the District and Mozdzer entered into a Consent Order to resolve the matter.

On March 14, 2011, the District filed a civil enforcement action in Circuit Court seeking to enforce the terms and conditions of the Consent Order. Mozdzer filed an answer to the complaint on April 25, 2011. On May 12, 2011, the District served a Motion to Strike Affirmative Defenses and a hearing was scheduled on the motion for July 6, 2011. The hearing was subsequently rescheduled for October 14, 2011. Prior to the hearing Mozdzer retained counsel and on October 24, 2011, served the District with an Amended Answer to Plaintiff's Complaint and Affirmative Defenses. On November 16, 2011, the District served a Second Motion to Strike and an Order granting that motion was entered on January 3, 2012. On January 27, 2012, Mozdzer served a Second Amended Answer to the District's complaint. In July 2012, attempted to contact Mozdzer's attorney regarding settlement negotiations. On August 16, 2012, received communication from Mozdzers' attorney requesting additional 15 days to discuss potential resolution of litigation with his clients. Mozdzers were not receptive to
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<tr>
<td>SWFWMD v. Vikings, LLC</td>
<td></td>
<td>R. Moore</td>
<td>Administrative Complaint and Order</td>
<td>settlement, so case is proceeding. Mozdzers’ depositions scheduled for December 14, 2012 have been cancelled and will be rescheduled. On May 11, 2006, the District issued Water Use Permit No. 20012843.001 to Vikings, LLC, authorizing withdrawals of 263,000 gallons per day (gpd) on an annual average basis, and 641,000 gpd on a peak month basis from 8 wells used for public supply, augmentation of ponds, and golf course irrigation. On July 6, 2007, District staff issued a Notice of Non-Compliance to the Permittee advising that the annual average quantity withdrawn for the 12-month period ending May 2007 was 385,672 gpd, approximately 46% in excess of the permitted quantity. On September 6, 2007, District staff issued Permittee a 2nd Notice of Non-Compliance advising that the annual average quantity continued to exceed the permitted quantity. In August 2008, Permittee submitted an application to modify its permit to increase quantities. In October 2008, the District sent a Consent Order to the Permittee that assessed $42,986 in penalties and costs for overpumpage from August 2007 through March 2008. On March 4, 2009, the District issued Water Use Permit number 20012843.002 (the .002 Permit) that authorized an increase in the permitted quantities based on calculations from the Agricultural Water Use Model Version 2.0 (AGMOD). The .002 Permit authorized withdrawal quantities of 310,520 gpd on an annual average basis and 786,550 gpd on a peak month basis. Permittee’s withdrawals continued to exceed the permitted quantity authorized in the .002 permit. On April 30, 2009, the District sent another proposed Consent Order to Permittee that assessed $40,036 in penalties and costs for overpumpage of permitted quantities for the 12-month periods ending October 2007 through April 2008. The Permittee initially expressed a willingness to sign a consent order, with a penalty based on the AGMOD calculations, however, to date, the District has not received a signed consent order from Permittee. In November 2010, the District served Permittee with an Administrative Complaint and Order. Permittee filed a timely petition for hearing and the matter was forwarded to the Division of Administrative Hearings. Prior to a hearing on the matter, the District and Permittee agreed to the entry of an Amended Administrative Complaint and Order and the matter was relinquished to the District. The District entered the Amended Administrative Complaint and Order as final Order SWF 2011-015 on July 12, 2011 (Final Order). On September 9, 2011, Permittee filed a Petition for Administrative Hearing with regard to Administrative Complaint and Order.</td>
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suggested a proposed penalty of $2,000.00 for overpumpage to date. While Permittee has integrated several technologies to curb its water use, Permittee is still overpumping. The District informed Permittee in November 2011, that the proposed penalty was not sufficient. The District has not received a counteroffer from Permittee. The District is drafting a settlement agreement with proposed penalty amounts acceptable to the District, to provide Permittee in an attempt to conclude this case.

On September 4, 2012, the District sent Permittee a settlement offer of $60,118 in penalties and $500 in District costs totaling $60,618 in payment for the overpumpage per the Final Order. The settlement offer included Permittee’s ability to reduce the amount of penalties paid with water conservation measures Permittee would put in place. The Permittee indicates that it is working on a counteroffer to submit to the District. As of November 14, 2012, the Permittee indicated it needed through the end of November to address the penalties assessed for its past overpumpage. The District has not heard from Permittee and will file a complaint and petition to enforce by December 14, 2012.

On August 29, 2001, the District issued Environmental Resource Permit No. 46012777.003 (Permit), authorizing the construction of a surface water management system (System) serving a medical office building project, located on 0.45 acres of land in Hillsborough County (Property). On or about July 12, 2005, Zerep Enterprises, Inc. (Owner), acquired ownership of the Property. Upon acquisition of the Property, the Owner did not seek to transfer the Permit or to otherwise obtain a permit from the District for the operation of the System on the Property. By letters dated November 16, 2006, December 14, 2006, and January 12, 2007, District staff advised Owner of the requirement to obtain a permit authorizing the operation of the surface water management system, by either applying for a new permit or requesting transfer of the existing Permit. On December 20, 2007, District staff issued a Notice of Violation to Owner. The Owner did not respond to the Notice of Violation. On December 16, 2008, District staff issued a proposed Consent Order to Owner that assessed $1,700 in penalties and costs. The Owner did not respond to the proposed Consent Order.

The District served the Owner with an Administrative Complaint and Order on June 8, 2009, which became final Order No. SWF 09-023 on June 30, 2009 when the Owner did not respond.

The District initiated a civil enforcement action in Circuit Court on May 27, 2010. The Owner never responded to the civil complaint and the District obtained an Order Granting Motion for Default on September 22, 2010. Owner then filed for bankruptcy placing the
PERMIT/AGENCY ACTION CHALLENGES
4 Cases as of December 5, 2012

Ginsberg-Klemmt, Erika and Achim-SRQUS, LLC v. SWFWMD and City of Sarasota / Case No. 12-002161

Division of Administrative Hearings M. Moore Petition for Administrative Hearing Challenging ERP 44040881.000

On May 21, 2012, the District received a Request for Administrative Hearing. On June 6, 2012, the District entered an Order of Dismissal Without Prejudice, granting the Petitioner SRQUS, LLC (SRQUS) 14 days from the date of the Order to file an amended, sufficient petition. On June 13, 2012, the District received an Amended Petition which was determined to be sufficient and referred to DOAH for a hearing. Sarasota County has intervened in the case and discovery is ongoing.

SRQUS’ discovery responses were received on August 8, 2012. SRQUS’ members and expert witness were deposed on August 23 and 24, 2012. Numerous motions and pleadings have been filed by SRQUS, including a Motion to Terminate the challenged permit, all of which have been denied by the ALJ. Respondents filed a joint motion to strike/dismiss one of petitioner’s issues as beyond the jurisdiction of DOAH, which was denied.

Petitioner filed a Motion to Compel discovery responses from Sarasota County which was granted. The District was served with Petitioner’s discovery requests and has responded. Notice of Service was filed August 20, 2012.

For August and September 2012, discovery has been proceeding. The Final hearing has been rescheduled to February 19-20, 2013.

Tampa Electric Company, Polk Power Station, Polk 2-5 Combined Cycle Conversion Project/ DOAH Case No. 12-3369 (DEP Case No. 12-1566)

Division of Administrative Hearings M. Moore

This is a power plant/transmission line site certification proceeding filed by TECO regarding its Polk Power Station in Polk County. TECO proposes to convert 4 combustion turbine generators (Polk Units 2 – 5) to a combined cycle unit, to increase site capacity from 1,150 to 1,420 MW. Groundwater use is currently authorized at 5.24 MGD AA and 7.4 PM and up to 6.4 MGD AA and 9.22 MGD PM to support 1,150 MW ultimate site capacity. TECO will be using reclaimed water from the City of Lakeland as AWS, to supply 3.7 MGD of makeup water needs for the cooling pond. As this project also includes new transmission lines, staff is reviewing for possible impacts to District lands. The District’s completeness response and request for additional information was filed November 1, 2012.
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<tr>
<td>Highway 60 and 301 Center, Inc. v. Big Bend Center, LLC, Enterprise Holdings, Inc. and SWFWMD/Case No. 12-002021</td>
<td>Division of Administrative Hearing</td>
<td>R. Moore</td>
<td>Petition for Administrative Hearing Challenging ERP 44003983.008</td>
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second completeness determination will be due December 10, 2012.

DOAH Orders establishing the certification proceeding schedule and pre-hearing instructions were issued on October 23, 2012. The hearing is currently scheduled for June 24-June 28, 2013 to be held in Polk County.

On November 13, 2012, DEP determined that the application was incomplete. On November 26, 2012, TECO responded and agreed to submit requested additional information. As of November 26, 2012, Hillsborough County has requested to hold a supplementary public hearing.

On November 29, 2012, DOAH filed Notice of Public Hearing to be held at request of Hillsborough County on June 25, 2013, at 7:00 p.m. at a location to be determined.


On January 11, 2012, the District issued an ERP (.007 permit) to Big Bend Center, LLC (Big Bend) for construction of a project known as the Enterprise Project. On May 4, 2012, the District received a petition challenging the .007 permit from Highway 60 and 301 Center Inc. (Highway). On May 9, 2012, the District issued an Order of Dismissal Without Prejudice, granting Highway 14 days to submit a sufficient amended petition.

On May 18, 2012, Highway filed an Amended Petition for Formal Administrative Hearing, or Alternatively Petition to Revoke Permit with the District. On May 25, 2012, the District received Big Bend’s permit application modifying the .007 permit.

On June 11, 2012, the challenge to the .007 permit was referred to the Division of Administrative Hearings (DOAH) and was assigned Case No. 12-002021. On June 12, 2012, the District issued an ERP that replaced the .007 permit (.008 permit). On June 19, 2012, the District filed a Motion to Relinquish Jurisdiction concerning the challenge to the .007 permit, since the challenge was now moot. On June 28, 2012, Highway filed its response to the District’s Motion to Relinquish Jurisdiction, along with its Second Petition for Formal Administrative Hearing, or Alternatively Petition to Revoke Permit challenging the .008 permit. A case management conference was held on July 6, 2012, and the District’s Motion to Relinquish was
denied. The matter is going forward on Highway’s challenge to the .008 permit and has been set for hearing on October 30th.

On August 17th, the District propounded interrogatories and a request for production of documents on Highway for it to answer.

On September 19, 2012, Joshua A. Harrow, Esq., as counsel on behalf of Highway, filed a Notice of Appearance. On September 21, 2012, Highway filed a motion for continuance of the hearing, which the District did not oppose, but was opposed by Big Bend. On October 4, 2012, Big Bend filed a request to continue the hearing. On October 5, 2012, DOAH issued its Order Granting Continuance and Re-scheduling Hearing for February 12, 2013.

On October 25, 2012, Big Bend submitted an application to the District to modify the permit that is the subject of this challenge. The modification would increase impervious surface area on the property.

On October 22, 2012, Enterprise Holdings, LLC (Enterprise) filed a motion to dismiss Highway’s petition for lack of standing. On October 30, 2012, DOAH issued an order granting Enterprise’s motion to dismiss and ordering Highway to file an amended petition on or before November 9, 2012, alleging appropriate standing or the matter would be relinquished to the District for the .008 permit to become final agency action. **Highway timely filed its Third Petition for Formal Administrative Hearing or Alternatively Petition to Revoke Permit on November 8, 2012.** On November 27, 2012, the District issued to Big Bend ERP No. 44003983.009, increasing the amount of impervious surface at the property.

Highway was given written notice of the ERP’s issuance and will have through December 26, 2012 to file a petition. On December 4, 2012, Enterprise Holding filed a Motion to Dismiss Highway’s Third Petition for Formal Administrative Hearing or Alternatively Petition to Revoke Permit for lack of standing.

On October 4, 2012, the District issued Conceptual ERP No. 49032206.000 to Izaak Walton Investors, LLC for the conceptual approval of a new surface water management system serving a 37.99-acre resort, residential housing, and commercial retail development with marina facilities on the Withlacoochee River in the Town of Yankeetown, Levy County. On October 25, 2012, the District received a Petition for Formal Administrative Hearing from the Town of Yankeetown. **On November 21, 2012, the District forwarded the Petition to the Division of Administrative Hearings.** On November 30, 2012, the Initial Order was issued.
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<tr>
<td>5th Judicial Circuit, Citrus County</td>
<td>C. Felice</td>
<td>Complaint for Declaratory Relief</td>
<td>On October 19, 2011, the District was served with a Complaint for Declaratory Relief. Plaintiffs’ complaint seeks declaratory relief against the District on grounds the District owns certain real property identified as the Potts Preserve and Flying Eagle ranches. The specific relief sought consists of a declaration that portions of the properties are sovereignty lands, rather than being subject to District ownership, and an order requiring the District to remove all fences, signs, and barriers on sovereignty lands in Potts Preserve and Flying Eagle. On December 14, 2011 the District filed a motion to dismiss the complaint. On April 20, 2012, a hearing was held on the District’s motion to dismiss. The court granted the District’s motion to dismiss. Plaintiffs filed an Amended Complaint on June 4, 2012, adding DEP as a defendant in the case. The District filed a motion to dismiss the amended complaint on June 27, 2012, and DEP filed a motion to dismiss shortly thereafter. The District and DEP’s motions to dismiss are currently pending.</td>
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<td>5th Judicial Circuit, Sumter County</td>
<td>C. Felice</td>
<td>Foreclosure complaint against Joseph M. Krueger, Joanne Suggs Krueger, et al., against whom the District has a judgment with regard to an enforcement action</td>
<td>This is a foreclosure proceeding relating to the Suggs ERP enforcement matter (see detailed description in “Appeals” section below). Joseph Krueger was a former owner of one of the properties on the Suggs master parcel. On October 8, 2010, this foreclosure proceeding was filed by the lender holding the note on that particular property. The District is named as a defendant only because it recorded a final judgment placing a lien against the subject property. The District’s interest in the property is subordinate to the foreclosing lender’s interest. The District filed an answer to the complaint on October 26, 2010. On December 3, 2011, the court issued an order to show cause as to why the case should not be dismissed for lack of prosecution. By order dated January 27, 2012, the plaintiff is required to appear before the court on April 4, 2012, to show cause as to why the case should not be dismissed. The plaintiff canceled the hearing on its motion for summary judgment, and has initiated discussions with the District regarding settlement. The plaintiff is currently contemplating settlement options. <strong>The Court has set a hearing on the plaintiff’s motion for summary judgment for January 10, 2013.</strong></td>
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<tr>
<td>10th Judicial Circuit, Highlands County</td>
<td>M. Moore</td>
<td>Suit seeking declaratory judgment re tax certificates</td>
<td>On November 3, 2010, the plaintiffs filed their amended complaint suing several governmental defendants, including the District, seeking a declaratory judgment and damages for payments made plus interest in connection with their purchase of tax certificates with respect to properties located in Highlands County. The District filed it answer to the complaint on November 22, 2010, and joined in the co-defendants’ motion to dismiss for lack of</td>
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Oak Hammock Ranch, LLC and James P. Gills, III, as Custodian v. Hillsborough County, Florida, SWFWMD and Michael S. Merrill, County Administrator for Hillsborough County, Florida, as Records Custodian/Case No. 12-CA-014263 13th Judicial Circuit, Hillsborough County C. Felice Complaint for Declaratory Judgment and Injunctive Relief and for Writ of Mandamus Under the Florida Public Records Act

Standing. The District is not the primary defendant in the case, and has only been included because it received some revenue from the sale of the tax certificates. After the amended complaint was dismissed, the plaintiffs filed a second amended complaint, and the defendants again moved to dismiss. On November 9, 2011, the plaintiffs’ second amended complaint was dismissed. The plaintiffs appealed and that appeal is currently pending (see “Appeals”).

On September 11, 2012, the District was served with a Summons, Complaint for Declaratory Judgment and Injunctive Relief and for Writ of Mandamus Under the Florida Public Records Act (in its capacity as owner of the subject property), Alternative Writ of Mandamus and Motion for Temporary Injunction. The District served its Answer to the Complaint on October 1, 2012. On October 5, 2012, Hillsborough County and Michael S. Merrill served their Answer, Affirmative Defenses and Motion to Dismiss and, on October 12, 2012, they served their Amended First Affirmative Defense. The Plaintiffs served a Memorandum of Law in Support of Plaintiff’s Motion for Temporary Injunction on October 30, 2012. A hearing on the Motion for Temporary Injunction was held on October 31, 2012, and on November 5, 2012, an Order Denying Plaintiffs’ Motion for Temporary Injunction was entered.

On August 24, 2012, in connection with its Lake Hancock Lake Level Modification Project, the District filed its Petition in Eminent Domain and Declaration of Taking with regard to an 18.5 acre easement on a 75.44 acre property. During the litigation, it became apparent that the language of the easement, as described in the Governing Board’s Resolution authorizing eminent domain proceedings, needed to be amended to make clear that the inundation easement would be intermittent, rather than perpetual. After amending the language of the easement through an Amended Resolution, the District moved to amend the Petition on June 15, 2011. The court granted the motion on July 18, 2011, and the...

SWFWMD v. Al Bellotto, Inc., et al./Case No. 2012-CA-05545 10th Judicial Circuit, Polk County R. Neill, Jr./C. Felice Petition in Eminent Domain (Parcel No. 20-503-183-P)

A Contingent Settlement Stipulation was entered November 9, 2012, and resolution was achieved prior to the scheduled Order of Taking Hearing.

On March 28, 2011, in connection with its Lake Hancock Lake Level Modification Project, the District filed its Petition in Eminent Domain and Declaration of Taking with regard to an 18.5 acre easement on a 75.44 acre property. During the litigation, it became apparent that the language of the easement, as described in the Governing Board’s Resolution authorizing eminent domain proceedings, needed to be amended to make clear that the inundation easement would be intermittent, rather than perpetual. After amending the language of the easement through an Amended Resolution, the District moved to amend the Petition on June 15, 2011. The court granted the motion on July 18, 2011, and the...
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<td>SWFWMD v. King, M. Lewis, Hancock Lake Ranch, LLC, et al/Case No. 53-2012-CA-001123</td>
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<td>10th Judicial Circuit, Polk County</td>
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<td>R. Neill, Jr./C. Felice</td>
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<td>Petition in Eminent Domain (Parcel No. 20-503-111-P)</td>
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District filed an amended petition. The property owners moved to dismiss the amended petition on grounds the eminent domain proceeding was commenced prior to approval of the amended Resolution. The court granted the motion to dismiss, and on October 28, 2011, the District filed its Second Amended Petition. The owners again moved to dismiss, and the court granted the motion. On January 23, 2012, the District filed notice of declining to further amend, asserting that the existing Petition is legally sufficient, but opting to commence new proceedings with respect to this property (see below).

On March 1, 2012, in connection with its Lake Hancock Lake Level Modification Project, the District filed its Petition in Eminent Domain and Declaration of Taking, and served written discovery requests to the property owners. On May 21, 2012, the court entered a stipulated Order of Taking. The parties are preparing for the compensation trial. Parties settled issue of just compensation and costs at August 30, 2012 mediation, subject to Board approval at October meeting. Property owner executed Stipulated Final Judgment on September 21. The Governing Board approved settlement on October 30, 2012. The Stipulated Final Judgment as to Parcel 111-P was entered on November 13, 2012.

On July 6, 2010, in connection with its Lake Hancock Lake Level Modification Project, the District filed its Petition in Eminent Domain and Declaration of Taking with respect to a 4.77 acre easement on a 6.04 acre property. The parties subsequently agreed to an order of taking, and on November 2, 2010, the court entered a Stipulated Order of Taking. The issue of just compensation for the property taken remains pending. The District is procuring an appraisal of the property for purposes of assessing the value of the easement being taken. In late July 2012, the District's land planning expert completed a report regarding the development restrictions on the property. The District's appraiser is moving forward with a re-inspection of the subject property to assess proper valuation. Parties are scheduling mediation and setting matter for trial if mediation fails to produce settlement. The parties are continuing to try to schedule mediation. The District has requested a trial date for June 2013 in the event the parties are unsuccessful at scheduling mediation or if mediation fails to produce resolution.

On August 30, 2012, SWFWMD was served with Summons and Verified Third Party Complaint and Amended Counterclaim by Rachel S. Wray for Injunctive Relief, Declaratory Relief, and Damages. An Emergency Motion by Rachel S. Wray for Preliminary
In October 2010, the District Governing Board authorized the Office of General Counsel to initiate litigation against Peter A. Geraci (Owner) and any other appropriate parties to obtain compliance, a monetary penalty, and recovery of District enforcement costs, court costs, and attorney’s fees concerning unauthorized activities conducted in 2008 on Owner’s property in Manatee County (the Property). The unauthorized construction activities involved dredging and filling impacts to wetlands on the Property and to a portion of Owen Creek that flows through the Property without the required environmental resource permit. An Administrative Complaint and Order (ACO) was served on Owner on March 2, 2011, and on May 19, 2011 Owner submitted a timely Answer to the ACO and requested a formal administrative hearing. The matter was referred to and is currently pending before the Division of Administrative Hearings. See, SWFWMD v. Geraci, Case No. 11-4509, Enforcement Cases in Active Litigation, above.

As part of the ongoing administrative proceedings, on January 18, 2012, the District requested from the Florida Department of Agriculture and Consumer Services (FDACS) a binding determination as to whether the activities on the Property were exempt from environmental resource permitting requirements pursuant to the agricultural exemption provided in Section 373.406(2), F.S. On March 22, 2012, FDACS issued its binding determination, finding that the activities conducted on the Property were not exempt from permitting requirements. Owner indicated that he intended to challenge FDACS’ binding determination. Because the District requested the binding determination from FDACS and because the outcome of any such proceedings have the potential to impact the District’s underlying lawsuit against Owner, intervention in any challenge to the binding determination would be necessary to preserve the District’s interests. On April 24, 2012, the District Governing Board authorized intervention in any proceeding initiated by Owner or any other appropriate parties against FDACS with respect to the March 22, 2012 binding

Injunctive Relief Against the Sabal Palm Point Homeowners Association was also filed. The complaint asserts 14 counts; 4 of which are against the District and other co-defendants, and contains 486 numbered paragraphs. Attached exhibits exceed 800 pages. The District’s Answer and Affirmative Defenses were filed on September 19, 2012. Several motions were filed by other defendants. The District filed a Motion for Judgment on the Pleadings on October 30, 2012. A consolidated motion hearing was held on October 31, 2012 for other pending motions. A bench trial on the initial complaint (not involving the District) was begun on November 5, and has been continued.

Peter Geraci v. Florida Department of Agriculture and Consumer Services, Case No. 12-1493

Division of Administrative Hearings

A. Brennan/ M. Moore

Challenge to Binding Determination regarding Agricultural Exemption provided in Section 373.406(2), F.S.
determination.


On May 21, 2012, an Order Granting Petition to Intervene was entered. On June 5, 2012, the District served its first request for production of documents and interrogatories on Geraci. Geraci has yet to file his responses to the District’s first request for production of documents and interrogatories. The final hearing is currently scheduled for August 28 and 29, 2012. The District and Geraci have continued to pursue settlement of the District matter (see above). On July 13, 2012, Geraci signed a proposed consent order for resolution of the District matter. Accordingly, on August 1, 2012, a Joint Motion for Continuance pending approval of the consent order was filed in the FDACS matter. On August 2, the ALJ cancelled the DOAH hearing. A proposed consent order in resolution of the District matter was approved by the Governing Board on August 28, 2012. On August 31, 2012, the District filed a joint status report as to this matter and the related FDACS matter.

On September 5, 2012, the District filed a Joint Motion to Abate. On September 13, 2012, this matter was abated. A status report is due to the ALJ on December 14, 2012.

In December 2010, the District Governing Board authorized the Office of General Counsel to initiate litigation against Ramaela of Clermont, LP (Owner) and any other appropriate parties to obtain compliance, a monetary penalty, and recovery of District enforcement costs, court costs, and attorney’s fees concerning unauthorized activities conducted in 2007 on Owner’s property in Sumter County (the Property). The unauthorized construction activities involved dredging and filling impacts to wetlands on the Property without the required environmental resource permit (ERP).

On January 4, 2011, the Owner submitted an ERP, application number 643440, to the District concerning the unauthorized activities. The District issued a request for additional information to Owner on February 1, 2011. The ERP application is currently on an extension of time to provide the requested information.

On November 14, 2011, the District requested from the Florida Department of Agriculture and Consumer Services (FDACS) a binding determination as to whether the activities on the Property were exempt from ERP requirements pursuant to the agricultural

Joseph E. Zagame, Jr. v. Florida Department of Agriculture and Consumer Services and SWFWMD, Case No. 12-1356

Division of Administrative Hearings

R. Moore/M. Moore

Challenge to Binding Determination regarding Agricultural Exemption provided in Section 373.406(2), F.S.
exemption provided in Section 373.406(2), F.S. On April 13, 2012, FDACS issued its binding determination, finding that the activities conducted on the Property were not exempt from permitting requirements. On March 5, 2012, Owner filed a Petition for Formal Administrative Hearing (petition) with FDACS, challenging the binding determination. FDACS, on March 8, 2012, issued an order dismissing Owner’s petition with leave to file an amended petition. On April 6, 2012, Owner filed an amended petition with FDACS.

On April 16, 2012, FDACS referred the matter to the Division of Administrative Hearings (DOAH) to conduct a formal hearing. Because the District requested the binding determination from FDACS and because the outcome of any such proceedings have the potential to impact the District’s ability to administer and enforce its ERP requirements and the active compliance and enforcement action against Owner, intervention in any challenge to the binding determination would be necessary to preserve the District’s interests. On April 24, 2012, the District Governing Board authorized intervention in any proceeding initiated by Owner or any other appropriate parties against FDACS with respect to the April 13, 2012 binding determination.

On May 9, 2012, the District filed its Petition for Leave to Intervene in the DOAH proceeding. DOAH granted the District’s request to intervene on May 10, 2012. The hearing is set for July 10, 2012, in Leesburg, Lake County, Florida.

On May 16, 2012, the District filed its Motion to Dismiss. On May 23, 2012, FDACS filed its Response in Opposition to the District’s Motion to Dismiss. On May 24, 2012, DOAH issued its Order denying the District’s Motion to Dismiss. On May 24, 2012, the Owner filed a motion titled “Petition Objecting to SWFWMD Petition for Leave to Intervene,” DOAH denied Owner’s motion on June 13, 2012.

On June 29, 2012, Petitioner requesting a continuance of the hearing. On July 2, 2012, DOAH granted Petitioner’s request and the hearing is scheduled for August 8, 2012. Depositions in this matter were held on July 11, 2012.

The District and Mr. Zagame are working on a proposed settlement to restore the impacted wetlands, and for the payment of penalties and costs. On August 1, 2012, Joe Zagame’s Witness List was filed. On August 6, 2012, Joint Motion for Continuance was filed. On August 7, 2012, Order Denying Continuance of Final Hearing was filed.

A final hearing in this matter occurred on August 8th. The parties ran out of time to complete presentation of the case and a second
day of hearing is scheduled for Oct. 15th. In the meantime, Mr. Zagame and the District continue to negotiate a settlement of this matter.

The deposition of Mr. Zagame’s expert, James Modica, was taken on September 28, 2012. The parties filed their pre-hearing stipulation with DOAH on October 9, 2012, in preparation for the continuation of the hearing on October 15, 2012.

The final hearing in this matter was concluded on October 15, 2012. The proposed recommended orders are due to the hearing officer on or before November 29, 2012, and the hearing officer indicated that the recommended order would be issued before the end of 2012.

Zagame, FDACS and the District timely filed separate proposed recommended orders on November 29, 2012.

In 2007, after the District denied their ERP application to construct eight single-family residences on eight platted lots consisting largely of submerged bay bottom, the plaintiffs filed an inverse condemnation suit contending that they have a statutory right to bulkehead and fill the lots, and therefore the permit denial constituted a taking of their property. The plaintiffs claimed damages exceeding $5,000,000.

The District defended the claim by arguing that (1) the plaintiffs did not have a statutory right to bulkehead and fill because they obtained title after the pertinent statute was repealed, and (2) the plaintiffs’ claim was not ripe for judicial review because they did not submit a meaningful application that would enable the District to determine the extent of permissible development since the plaintiffs failed to propose any mitigation or practicable design alternatives for their proposed project.

Following trial in December 2010, the trial court entered final judgment in favor of the District; the plaintiffs appealed on April 5, 2011. The District filed an answer brief and a cross-appeal on an issue that it unsuccessfully raised early in the case by summary judgment motion: that plaintiffs’ claim is time-barred by statute, because they did not file their claim within 30 days of permit denial. The appeal was fully briefed as of March 5, 2012. Oral argument occurred on May 16. On June 15, 2012, the appellate court ruled in favor of the District, fully affirming the trial court’s final judgment.
<table>
<thead>
<tr>
<th>STYLE/CASE NO.</th>
<th>COURT</th>
<th>ATTORNEY</th>
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<tr>
<td>Maguire, III, Raymer F. and Charlotte E. Maguire, M.D. as Trustees of the Raymer F. Maguire Trust v. SWFWMD, et al./Case No. 2D11-6317</td>
<td>Second District Court of Appeal</td>
<td>M. Moore</td>
<td>Notice of Appeal of Order Granting Defendant’s, Sun ‘N’ Lake of Sebring Improvement District, Motion to Dismiss Plaintiffs’ Second Amended Complaint; and Denying All Other Motions As Moot rendered November 9, 2011</td>
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<tr>
<td>Suggs, Danny Joseph v. SWFWMD/Case No. 5D10-3786</td>
<td>Fifth District Court of Appeal</td>
<td>C. Felice</td>
<td>Appeal of Sumter County Court’s Order on Plaintiff’s Post-Judgment Motion for Determination of Homestead Property Claimed by D. J. Suggs</td>
</tr>
<tr>
<td>Suggs, Gary Dale v. SWFWMD/Case N. 5D11-253</td>
<td></td>
<td></td>
<td>Appeal of Sumter County Court’s Order on Plaintiff’s Post-Judgment Motion for Determination of Homestead Property Claimed by G. D. Suggs</td>
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**DESCRIPTION/STATUS**

On July 2, 2012, the plaintiffs filed a motion for rehearing. The District filed its response to the motion on July 17. Court denied Hames’ motion for rehearing and mandate issued by court on September 19. District is pursuing motion for fees and costs based on proposal for settlement rejected by plaintiffs. A hearing is set for January 10, 2013, on the District’s Motion for Attorneys’ Fees and Costs.

In November 2010, the plaintiffs sued several governmental defendants, including the District, seeking a declaratory judgment and damages for payments made plus interest in connection with their purchase of tax certificates with respect to properties located in Highlands County. The complaint and amended complaint were both dismissed for lack of standing. On December 7, 2011, the plaintiffs appealed and their initial brief is due to be served by March 16, 2012. By order dated April 13, 2012, the plaintiffs’ were granted an extension to April 30 to serve their initial brief. The various defendants filed answer briefs in June, and on June 29, 2012, the District filed a notice of joinder in co-defendant Sun ‘N’ Lake Improvement District’s answer brief. The plaintiffs filed their reply brief on August 24, 2012. Oral argument occurred on November 27, 2012.

This appeal and the related Gary Suggs appeal arise from a long-standing enforcement matter concerning approximately 180 acres of property in Sumter County owned by the Suggs family. After discovering unauthorized construction activities on the property in 2001, including dredging and filling wetlands without a permit, the District served an administrative complaint and order in December 2002, and subsequently brought an enforcement proceeding against the Suggs family in circuit court in 2003. The defendants pursued a number of appeals over the next few years, after which the trial proceedings resumed in earnest.

During the trial proceedings, the Suggs asserted an agricultural exemption defense, which resulted in a formal administrative hearing in January 2009. Following the administrative proceeding, the Administrative Law Judge ruled in favor of the District, finding that the Suggs could not claim the agricultural exemption.

The District thereafter continued the enforcement process in circuit court. Following a bench trial in May 2009, final judgment was entered in favor of the District in July 2009, which included the assessment of substantial penalties against the Suggs defendants.

During proceedings supplementary to satisfy the final judgment, the District levied on a number of vehicles owned by the Suggs defendants, and subsequently had the vehicles sold via sheriff's
Gary Suggs and Danny Suggs both raised homestead exemptions to the District’s efforts to force the sale of multiple homes located on the property at issue. Following a hearing on the homestead issue, in December 2010, the trial court ruled in favor of the District on all but one of the homes, declining to rule on the matter until other matters are resolved on appeal. Gary and Danny Suggs both appealed the rulings on their homestead claims, and the District filed its answer briefs in July 2011.

Gary Suggs’s appeal was dismissed by the appellate court due to his failure to comply with court orders. On June 26, 2012, the appellate court ruled wholly in favor of the District in Danny Suggs’s appeal, affirming the trial court’s order below. Settlement negotiations with the defendants have been fruitful. While a settlement agreement was being finalized for Board approval, the District learned that Suggs may be receiving significant monies pursuant to a settlement in another case. District is investigating and will pursue such funds if true. While settlement negotiations were ongoing, the District learned that Danny Suggs filed for Chapter 7 Bankruptcy protection on October 25, 2012. The District is monitoring the bankruptcy proceedings.
<table>
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<tr>
<th>RULE</th>
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<th>BOARD PROJECTED/ APPROVED DATE</th>
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<tr>
<td>1. Initiation and Approval of Rulemaking to Amend Rule 40D-1.603, F.A.C., to Specify that Requests for Notices of Agency Action Must be Made in Writing or by Electronic Mail</td>
<td>May 2012</td>
<td>Effective approx. February 2013</td>
<td>May 2012</td>
</tr>
<tr>
<td>3. Initiation and Approval of Rulemaking to Amend Rule 40D-1.608, F.A.C., to Clarify the Requirements for Certain Counties and Municipalities to Request a Permit Fee Reduction</td>
<td>October 2012</td>
<td>Effective approx. March 2013</td>
<td>October 2012</td>
</tr>
<tr>
<td>4. Initiation and Approval of Rulemaking to Amend Rules 40D-1.659 and 40D-2.091, F.A.C., and Section 7.4 of the Water Use Permitting Basis of Review to Extend the Timeframe for the Submittal of Mitigation Reports and to Incorporate and Require the Submittal of Flow Meter Installation Forms for Permittees in the Dover/Plant City WUCA</td>
<td>September 2012</td>
<td>Effective approx. February 2013</td>
<td>September 2012</td>
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<tr>
<td>6. Rules 40D-2.091(1)(b), 2.101 and WUP Manual Part D – Amend Provisions relating to use of the most recent census and demographic data for public supply permit applications, to be updated this year</td>
<td>TBD</td>
<td>TBD</td>
<td>TBD</td>
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<td>7. Approve Amendments to Rule 40D-2.321, F.A.C., to Comply with Section 373.236, F.S., Regarding Duration of Permits and to be More Consistent with the Other Water Management Districts</td>
<td>April 2012</td>
<td>Effective approx. February 2013</td>
<td>September 2012</td>
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<td>8. Approval of Amendments to Rule 40D-2.322, F.A.C., to Incorporate Changes Necessitated by the Florida Department of Environmental Protection’s Guidance for Consumptive Use Permit Compliance Reporting Requirements and Review Memorandum</td>
<td>April 2012</td>
<td>Effective approx. March 2013</td>
<td>October 2012</td>
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<tr>
<td>11. Initiation and Approval of Rulemaking to Amend Rule 40D-3.341, F.A.C., to Clarify that a Property Owner or Party in Legal Control of Property can Request the District to Administratively Cancel a Well Construction Permit</td>
<td>August 2012</td>
<td>Effective approx. February 2013</td>
<td>August 2012</td>
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<tr>
<td>16. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, F.A.C., to Adopt Minimum Levels for Lake Hooker, Hillsborough County</td>
<td>August 2012</td>
<td>Effective Date November 22, 2012</td>
<td>August 2012</td>
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<tr>
<td>19. Initiation of Rule Development to Amend the District’s Water Use Permitting Rules in Accordance with the Florida Department of Environmental Protection’s Statewide Effort to Improve Consistency between the Water Management Districts’ Consumptive/Water Use Permitting Programs</td>
<td>April 2012</td>
<td>TBD</td>
<td>Ongoing</td>
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<td>20. Initiation of Rulemaking to Amend Chapters 40D-1, 4, 40 and 400, F.A.C., and Approval of Applicant’s Handbook Volume II, Incorporated by Reference in 40D-4.091, F.A.C., as Part of the Statewide Environmental Resource Permitting Program</td>
<td>August 2012</td>
<td>TBD</td>
<td>Ongoing</td>
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## COMMITTEE/LIAISON REPORTS

45. **Joint Agricultural and Green Industry Advisory Committees Meeting and FARMS Workgroup**
   
   The meeting was held on December 6, 2012

46. **Tampa Bay Regional Planning Council Meeting**
   
   The meeting was held on December 10, 2012

47. **Other Liaison Reports**
I. Executive Director's Report
EXECUTIVE DIRECTOR’S REPORT

Presenter:    Blake C. Guillory, Executive Director
CHAIR’S REPORT

a. Executive Director Performance Evaluation ............................................................... 2

b. Other

Presenter: Paul Senft, Chair
Chair’s Report  
December 18, 2012

Executive Director Performance Evaluation

Purpose
Staff will present a final draft 2012 performance evaluation for the Executive Director to the Governing Board for consideration. The Executive Director will also present his 2013 goals and objectives to the Governing Board for consideration.

Background
Board Policy No. 710-2 governs the performance evaluation process for the Executive Director and Inspector General. Each Board member independently provided input on the Executive Director’s performance between the November and December Board meetings, in anticipation of Governing Board approval of a final performance evaluation at its December meeting. The Human Resources Bureau Chief consolidated this input into a single performance evaluation draft for Board review. The Executive Director also provided the Governing Board with an initial list of proposed 2013 goals and objectives.

At the December meeting, the Governing Board will:

- Review, discuss and approve the draft Board performance evaluation reflecting the 2012 performance of the Executive Director, including any changes the Board may wish to make to the draft;
- Review, discuss and approve 2013 performance goals and objectives for the Executive Director, including any changes the Board may wish to make to them;
- Authorize the draft evaluation 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 performance evaluation and deliver it to the Executive Director on behalf of the Governing Board.

Benefit/Costs
This process provides an opportunity for the Governing Board formally to evaluate the performance of the Executive Director, give him performance feedback and set goals and objectives for the upcoming year. The evaluation and associated ratings in turn determine any salary increase the Executive Director may be eligible to receive as a result of his performance.

Impact If Not Adopted
The Executive Director will not receive formally adopted 2012 feedback or 2013 performance goals and objectives from the full Governing Board.

Staff Recommendation:

Adopt and approve the 2012 Performance Evaluation and the 2013 Goals and Objectives for the District’s Executive Director, Blake Guillory.

Presenters: Blake C. Guillory, Executive Director  
Elaine M. Kuligofski, Bureau Chief, Human Resources & Risk Mgt. Bureau